

**PLANNING ADVISORY COMMITTEE MEETING
AGENDA**

**Thursday, January 24, 2019
6:30 P.M.**

Page

1. CALL TO ORDER
2. ELECTION OF CHAIR AND VICE CHAIR
 - 2.1 Nomination of Chair
 - 2.2 Election of Chair
 - 2.3 Nomination of Vice Chair
 - 2.4 Election of Vice Chair
3. REVIEW OF PROCEDURE FOR PUBLIC TO ADDRESS THE COMMITTEE – CHAIRPERSON (below)
4. APPROVAL OF AGENDA (any other items to be added)
5. APPROVAL OF MINUTES OF JUNE 28, 2018 MEETING AS CIRCULATED
6. BUSINESS ARISING FROM MINUTES
7. PLANNING ADVISORY COMMITTEE MATTERS:
 - 7.1 Development Agreement Application - Snowcreek BDS/MBW Courier Services, Blockhouse.....1-25
 - 7.2 Draft Oakland Secondary Planning Strategy & Land Use By-law.....26-144
8. HERITAGE ADVISORY COMMITTEE MATTERS
9. ADDED ITEMS
10. IN CAMERA
11. NEXT MEETING DATE: Thursday, February 28, 2019
12. ADJOURNMENT

PROCEDURE FOR ADDRESSING THE COMMITTEE

An opportunity will be provided to all citizens to address the Committee on each agenda item shown on this Agenda or added to the Agenda by the Committee. Individuals who wish to address the Committee are asked to note the following:

- *On each matter on the Committee's Agenda, the Chair will seek public comment upon the completion of staff's presentation.*
- *Each person shall state their name.*
- *All statements and questions shall be directed to the Chairperson.*
- *Presentations shall be limited to 10 minutes. Persons wishing to address the Committee a second time will be given opportunity to do so once all others in attendance have had the opportunity to address the Committee. Persons addressing the Committee for a second time shall limit their presentations to 5 minutes.*

Anyone wishing to address the Committee on a matter note included on this Agenda can have the matter added to the next meeting's Agenda by contacting Jeff Merrill, Director of Planning, at 902-541-1340 or by email at planning@modl.ca



MUNICIPALITY OF THE DISTRICT OF LUNENBURG

REPORT TO: Planning Area Advisory Committee.
SUBMITTED BY: Douglas Reid and Jeff Merrill
DATE: January 24th, 2019.
RE: Development Agreement Application
Snowcreek BDS / MBW Courier Services - #204 Cornwall Road, Blockhouse

RECOMMENDATION

The Blockhouse Area Advisory Committee on January 9, 2019 made a recommendation to the Planning Advisory Committee by passing the following motion:

That Council enter into a Development Agreement with Municipal Enterprises Ltd, to allow for the proposed change of use, at civic address #204 Cornwall Road, Blockhouse, to permit for the development of a courier services facility, subject to identified conditions being included in any proposed Development Agreement, as presented in the Policy Criteria Chart and Staff Report to the Blockhouse Area Advisory Committee.

ATTACHMENTS:

- A Policy Criteria Chart
- B Applicant Site Plan & related Schematics (*as submitted*)

REPORT ORIGIN.

A Development Agreement application from Snowcreek Building Design Solutions, on behalf of the identified property owner (**Municipal Enterprises Ltd.**), pertaining to a proposed Courier Services facility, to be located at civic address #204 Cornwall Road in Blockhouse, was received by Planning & Development Services on October 25th.

#204 Cornwall Road (PID #60218625) is a developed lot. The property is zoned Rural in the Blockhouse Plan Area and is subject to the Blockhouse Land Use By-law. The property is currently listed on By-law Schedule "B", with the existing use listed as: site preparation contractors. The "developed" area of the lot serves as a holding yard for equipment and related materials used for off-site construction -related activities. Where the proposed development is resulting in a change of use, and not an expansion of the existing use, it does not proceed by way of a Site Plan Approval application. Instead, where there are size threshold requirements in the By-law for new commercial uses, per s.5.2.1 & s.5.2.3, and it is identified where this development proposes to exceed the maximum total area on a lot (1,858 square metres) identified in regulation, such a development is permitted in Blockhouse by way of a Development Agreement.

The proposed use is associated with **MBW Courier Services**, a company owned by Municipal Enterprises Ltd. The applicant proposes to construct a new 298 square metre (3,200 square foot) building to operate as a warehousing depot for local courier trucks to pick up and deliver packages to customers in the region. The property would also act as a site for the local public to directly drop off and pick up packages. It is not the type of use being proposed that requires the Development Agreement process with Council, but the fact that the change of use would occupy a total area (existing cleared area on lot being 11,000 square metres) larger than the By-law's identified size threshold. (1,858 square metres) This distinction is considered relevant, in consideration of the potential impacts of the applicant's proposal, in addressing relevant policy statements found in the Blockhouse Planning Strategy.

On November 13th, Council referred the application to the Blockhouse Area Advisory Committee. On December 4th, a Public Information Meeting was held in the community. Further information on the information meeting is found under the "Public Participation" section of this Report. The Blockhouse Area Advisory Committee met on January 9, 2019 and accepted staff's recommendation passing the above noted recommendation to the Planning Advisory Committee.

Staff has prepared a draft Development Agreement (attached) based on the Blockhouse Area Advisory Committee recommendation.

BACKGROUND.

Authority

The Municipal Government Act allows municipalities to regulate maximum areas of a proposed use as part of its land use by-law [s.220(4)]; to consider developments by way of development agreement, on matters identified in the relevant planning strategy [s.225]; and to determine the specified terms of development agreements [s.227].

Property Details

#204 Cornwall Road was in active industrial use prior to Council's adoption of a Land Use By-law in Blockhouse. Municipal Enterprises purchased the parcel in 1994. At that time, the previous owner had been using the parcel for gravel extraction and the production of asphalt. The existing commercial use of the property is listed in By-law Schedule "B", where the property is presently associated with supporting Municipal Enterprises ongoing off-site construction-related activities. The "developed" area of the property serves as a holding yard for equipment or in storing related construction materials. There is also an office trailer in use. The commercial driveway entrance off Cornwall Road is asphalted and gated. This driveway is located approximately 70 metres north from the Highway 103 Exit 11 interchange (westbound off-ramp) and is across from a driveway entrance to a gas station and restaurant.

The property is approximately 10.5 acres in size, being somewhat triangular / trapezoid in shape, having longer property lines along the south and eastern boundaries than found to the west or north. Approximately 2.5-3 acres of the lot can be considered "developed." This cleared area is rectangular-shaped, and is approximately 340 feet across at its widest, and 420 feet long (*again, at its widest - the rectangle narrows at the driveway's point of entry*) to equal an approximate total area of over 120,000 square feet, or more than 11,000 square metres. The cleared area is set back approximately 140 metres from the entrance, with existing vegetation serving to screen the "developed" area from both the adjacent residential property, and from the road. The lot has several properties adjacent, or in proximity to it:

- to the north, a large undeveloped resource property which has been clear-cut;
- to the east, two undeveloped properties - one being the parcel associated with an unsuccessful Development Agreement application (Halifax C&D Recycling), the other parcel being a triangle-shaped heavily wooded lot immediately adjacent to Highway #103;
- to the south, Highway #103;
- to the northwest, adjacent to the property, a residential property (**216 Cornwall**)
- across Cornwall Road, to the west, a commercial gas station & restaurant (**199 Cornwall**);
- further north along Cornwall Rd, there are several residences and two active commercial operations (an Auto Body shop / a Forestry -related operations & warehouse)

The applicant is proposing to construct a new building structure in the middle of the cleared area, dimensions being: 80 feet by 40 feet. (3,200 square feet, or 298 square metres) There would also be identified alterations immediately adjacent to this proposed building, to serve as new loading bays to be located on three sides of the building, and an improved parking area developed on the remaining fourth (front) side of the building. The front portion of the building (20' by 40') would serve as office space, washrooms, and an area for the public to pick-up / drop-off packages. The

back portion (40' x 60') will serve for warehousing / sorting area, with truck bays for both local courier trucks and regional delivery trucks. The building's appearance and design follows its primary function as a distribution facility.

No outbuildings or accessory structures have been identified on site plans submitted to the Municipality. Since the information meeting, a set of revised plans identified the location of security fencing to ring the existing cleared area of the lot, and the location of lighting poles on the perimeter, to face the building. The applicant has also provided the Municipality with storm water management -related information, including the proposed development of a swale to be located on the south and eastern edge of the cleared area, designed to catch additional run-off resulting from the proposed construction. The applicant has also determined that the cleared area does not have to be asphalted.

The cleared portion of the lot (to include the portion of land where the proposed building footprint will be) is considered relatively flat. Land elevation is lower towards the southeast corner of the property, in the undeveloped area adjacent to Highway 103. There are no watercourses or wetlands identified on the By-law's Development Constraints Map (Schedule C) on the property. There is existing vegetation between the cleared portion of the lot and all four adjacent property lines. This vegetative cover is less extensive to the north property line than is found to either the west or to the east. See **Appendix B** for mapping & information pertaining to the property, including site plans provided by the applicant, in terms of the layout of the proposed development.

DISCUSSION.

Intent of Policy

As stated with past Development Agreement applications in Blockhouse:

Existing land use regulations allow for a variety of commercial, industrial, resource or residential uses to develop on all property, throughout the community. There is no formalized separation of one form of use (i.e. residential) from a different form of development. (i.e. commercial) All property owners in Blockhouse would understand that use of their property, and that of adjacent or neighbouring properties, may be developed for a wide variety of possible uses, subject to a list of restricted developments, and the list of prohibited uses.

The intent of establishing a size threshold requirement in the By-law - but to allow for new commercial development to exceed such a threshold by way of a Development Agreement - provides the opportunity for Council to assess "...how larger scale developments fit into the planning area." (p.10 of the **Blockhouse Planning Strategy**) It allows Council to consider how that particular use may develop on that parcel.

Accounting for size of use matters, in that a new development can potentially generate greater impacts based on its scale. The Development Agreement process provides the Municipality with opportunity to determine if there are consequential impacts with a specific proposal, as presented to them, based on aspects as may be associated with scale, or the specified location of the proposed development activity. Where it is possible, Council can also look to potentially mitigate aspects, by the identification of certain conditions, to be placed in the Agreement.

In this case - as was the case with the change of use of the former Mahone Auto Sales & Service property in 2015 - the applicant's proposal is to re-purpose what is an existing commercial space to another use. The proposed change of use from construction -related activities to a courier services facility would include a new structure, but it is not the size of the proposed building which triggered the Development Agreement process, but is, rather, that the existing cleared area on the lot, as used presently for construction activities, is more than the By-law threshold.

Conformance with Policy

All Development Agreement applications require a review of relevant policy identified in Part 8 of the Blockhouse Planning Strategy. A Criteria Chart, referencing specific Policies considered with respect to this application, is found in table format as **Appendix A**. Staff's review would make note of the following matters:

Site alterations re: storm water management. -Policy 8.1.3(b)(v)-

Where there is an expectation that a new structure, and accompanying loading and parking areas, will be at a scale to require site alterations, staff is proposing a condition in the Agreement with respect to storm water management. The applicant has provided information with respect to potential additional stormwater run-off resulting from construction. Revised site plans now include the placement of a swale along the east & south edges of the existing cleared area, to address any potential additional storm water resulting from the construction / site alterations.

Suitability of on-site servicing. -Policy 8.1.3(b)(iii) & Policy 8.1.4(h)-

Where there are no central services, an applicant is required to develop sufficient on-site services, per NS Environment regulations. At present: the site has an on-site system that was approved by NS Environment for development in 2010. The applicant is proposing to continue to use this existing system. An attestation of the present system's suitability will be required prior to receiving a Building Permit from the Municipality for the proposed new structure.

Maintenance of existing vegetation / trees for screening. -Policy 8.1.4(c) & 8.1.4(d)-

While the size of the existing cleared area on the lot to be used is relatively large, there is also existing screening located along all four property lines. Staff is proposing that as a condition of the Development Agreement, that this existing vegetative screening is to remain in place, so that the proposed development does not alter or reduce the natural barrier acting as a potential buffer for sound, light, and dust.

Coordination for effective emergency access. -Policy 8.1.3b-vi-

As a condition to be included in Agreement, the applicant is to coordinate with the Blockhouse Fire Department, following the site's development, to ensure there is a plan for safe access and knowledge of site particulars by the local fire protection services. (*pre-plan assessment*)

Proposed Agreement Conditions. -Policy 8.1.5, 8.1.4(b), & 8.1.4(i)-

Development Agreements can include conditions defined as substantive and non-substantive. Substantive conditions are those which the applicant or Municipality cannot change, without requiring a subsequent Public Hearing process. Staff is proposing that the following substantive conditions be included in any Agreement:

- Permitted uses of the property (*constraint on any future change of use*);
- Maximum area of the permitted use (*constraint on future expansion*);
- Specified location of any / all proposed structures. (*identified on Site Plan*)

Staff is recommending that non-substantive conditions, associated with the following matters, be included in any Agreement:

- General site maintenance, to include conditions of parking and commercial driveway access; (*standard condition identified in past Agreements*)
- Identification and description of fencing, signage and lighting elements; (*identified on Site Plan*);
- Management of stormwater initiated by site alterations, per identified measures; (*above*);
- Maintenance of existing vegetation for screening purposes on the property; (*above*)
- Coordination with local Fire Department on emergency access & response plan (*above*).

As noted above: staff sought input from external agencies, including the Blockhouse Fire Department, in reviewing policy considerations. Comment from both NS Environment and NS Transportation was sought, with respect to the potential impacts associated with the change of use. No concerns were cited by either department with the proposal.

Process - Public Participation

Property owners within 305 metres of #204 Cornwall Road were sent notice by mail on November 14th, 2018 of a Public Information Meeting that took place on **December 4th**. This initial Notice and the December meeting allowed staff to provide information directly to interested citizens regarding the proposal. Notices were also provided to citizens via the Blockhouse e-notice list serve, and the Municipality's website's calendar.

Approximately 10 citizens attended the December 4th meeting, including members of the Blockhouse AAC, and a reporter from the local newspaper. Comments and questions by the public in attendance included the following:

- allowance for possible future expansion of the identified use, so that the Municipality's Development Agreement process would not need to be repeated should business proceed successfully;
- concerns identified with truck noises in overnight or early morning hours (safety beeps associated with reversing vehicles, trucks idling);
- concerns identified with site lighting - location of lighting, direction, shielding;
- applicant's motivations in moving from the existing Bridgewater site;
- questions concerning time / process for consideration of a Development Agreement application;
- estimated length for any future construction activity on-site; and
- public access to the site for direct parcel drop-off.

Following the information meeting: the applicant made identified revisions to the site plan, to note both the type and location of any new lighting associated with the proposed development. (See site plan, **Appendix B**) It is also noted where the existing use on the property has lighting installed near to the existing office trailer.

In consideration of comments respecting proposed operational activities during overnight hours (truck noise):

The applicant has stated where the number of regional delivery trucks that would be arriving on the property during early morning hours (i.e. before 6.00am in the morning) was **two**. "Regional delivery trucks" are identified as those trucks which deliver packages to the site to be processed for local delivery from service centres in Halifax or from other locations.

The remainder of proposed business operations would not start on the property prior to 6.00am-6.30am, at which time staff would arrive on site to begin the process of unloading the regional trucks, sorting packages in the warehouse, and loading the local trucks for delivery. Local delivery trucks would not leave the site until 7.00am, and any public access to the site would also not begin before 7.00am. The Applicant, since the public information meeting, has switched the buildings layout so the regional loading bays are now on the opposite side of the building than the adjacent residential use. The Applicant has also confirmed that the backup alarms on the trucks are set to the 82 dBA range and not the 120 dBA setting.

It is noted where the arrival of regional delivery trucks would occur for a Courier Services use irrespective of the scale of the proposed development. Planning staff also considers that the Municipality would not look to have any proposed Agreement interfere with requirements associated with provincial occupational safety regulations.

At the Blockhouse Area Advisory Committee meeting the Applicant was asked to clarify if hazardous materials would be stored on-site. The Applicant has advised that the facility would not have large quantities of hazardous materials on the site. The facility is not a warehouse but a transfer site where goods are received and shipped out to clients

either the same day or the next day. In the case of holding hazardous materials for next day shipping the materials would be stored in a lockable cabinet with all necessary signage.

CONCLUSION.

The intent in requiring larger-scaled proposals to be considered by way of Development Agreement, - in this case, a change of use of an existing commercial property already in use - allows Council to determine whether the proposed use generates an unacceptable level of conflict by its scale or location, or where there can be conditions identified in an Agreement to mitigate possible concerns, and allow for the proposed use to proceed on a specified property.

Staff considers the proposed development can be successfully integrated in the Blockhouse community. Council's policy recognizes that the Blockhouse Plan Area is a rural community which can accommodate a wide mix of potential residential, commercial and industrial uses. Courier services are not identified as a Restricted Development - meaning such a use could be developed on any property in the Plan Area, subject to the By-law size thresholds.

In this case: the proposal is to see a change of use occur to a pre-existing cleared area of land that is larger than 20,000 square feet (1,858 square metres). This existing cleared space is located in the middle of a 10.5 acre sized property that is immediately adjacent to Highway 103. An approved commercial entrance to the property exists off Cornwall Road, and provides access to the cleared area, which is set back from the road by approximately 140 metres. There is an identified area of vegetative screening on all four sides of the cleared area. Not many properties in the Plan Area would provide this pre-existing development scenario.

It is staff's opinion that allowing for a change of use of this particular parcel is consistent with Council policy on controlling new large-scaled commercial developments, with any potential impacts as may be associated with a Courier Services use, or with the property in particular, being mitigated through the conditions in a Development Agreement, described in this Report / Appendix A.

ALTERNATIVES / OPTIONS.

The Planning Advisory Committee has a number of options in making any recommendation:

[1] They can recommend that a proposed Development Agreement with Council be approved, subject to specified conditions and provisos, as identified in this Report.

[2] They can recommend that a proposed Development Agreement with Council be approved, and that it be subject to additional conditions beyond those cited in this Staff Report, or subject to revised conditions. Advisory Committee members may consider what changes are to be identified, that would be in addition to, and/or preferred alternatives, to what staff has presented.

[3] They can recommend that an agreement not be approved by Council, and that it is the Planning Advisory Committee's recommendation that the Development Agreement application be denied.

[4] They can refer the matter back to the AAC for further review; or

[5] They can defer a recommendation until such time as the Advisory Committee considers further information, to be presented to them by the applicant / staff / external agencies. Committee members would outline what information is considered necessary that requires a possible deferral.

	Policy	Staff Comment
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Rationale

4.1.4	New commercial developments that <u>exceed the thresholds established</u> in the Blockhouse Land Use By-law pursuant to Policy 4.1.3, may be permitted by <u>Development Agreement</u> , provided the development proposal satisfies the applicable requirements of Policies 8.1.3 and 8.1.4.	<p>Applicant is proposing a development at #204 Cornwall Road, identified as a <u>change of use</u> from the existing land use. The new development would be a <u>courier services depot</u>, to include a warehousing & distribution facility, and related front office space. The proposed development is a <u>permitted use</u> in the Blockhouse Plan Area.</p> <p>The applicant is proposing to construct a new structure on the existing cleared area of the lot. Where the existing cleared area <u>exceeds</u> the By-law's total area threshold for a new commercial use (1,858 square metres), a Development Agreement is required.</p>
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Administration

8.1.5 Proposed conditions identified by staff.	A <u>Development Agreement</u> , approved by Council pursuant to this Planning Strategy, may contain terms with respect to any or all matters specified in the <i>Municipal Government Act</i> for the matters that may be addressed by Development Agreement.	<p>Proposed conditions to be identified in (draft) Agreement:</p> <ul style="list-style-type: none"> -Permitted uses of the property. -Maximum area (<i>inside area, total area</i>) identified with permitted uses. -Site Plan documenting: location of all proposed structures, parking, loading, fencing. -Controls re: signage & lighting aspects -Controls re: storm water management. -Controls re: site maintenance / maintenance of natural vegetation for screening.
By-law s. 2.17	When Council has given notice of its intention to enter into a Development Agreement, Council shall serve Notice upon property owners within 305m (1000 ft) of the subject property.	Notice of Public Information Meeting: November 13th letter Hearing Notice - <i>would follow Council 1st Reading (tbd)</i>

General Environmental Policy

5.1.1	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, an environmental impact assessment shall be undertaken by the developer for the purpose of determining the nature and extent of any impact. No Development Agreement shall be approved until Council is satisfied that the proposed development will not cause or result in environmental damage.	No objections cited in NS Environment's response with the proposed change of use of the specified property to a courier services use.
5.1.2 - 5.1.5	<p>Environmental protection policies specific to:</p> <ul style="list-style-type: none"> • watercourse protection; (5.1.2) • erosion control standards - steep slopes; (5.1.3 & 5.1.4) • provincial wetlands protection. (5.1.5) 	There are no areas of steep slope, provincial wetland, or significant watercourses identified on Blockhouse By-law Schedule "C" on the identified property.

8.1.3	When considering <u>Development Agreements</u> , in addition to all other criteria as set out in the various policies of this Secondary Planning Strategy, <i>Council shall be satisfied that the development is not premature or inappropriate due to</i>	
B -i	financial ability of the Municipality to absorb costs related to the development;	No associated financial issues identified for the Municipality.
B -ii	adequacy of Municipal services;	Proposal does not involve municipal roads or municipal wastewater systems.
B -iii	adequacy of physical site conditions for on-site services;	The lot (approx. 10.5 acres in size) has an approved on-site system serving the existing commercial office. Applicant is proposing continued use of existing system.
B -iv Condition.	creation or worsening of a pollution problem including soil erosion & siltation;	No concerns identified in NS Environment correspondence. No site-specific pollution problem associated with proposed construction of a 3200 square foot structure, or with a courier services -related use occupying the existing cleared portion of the lot. <u>Identified condition</u> associated with applicant following provincial regulations for erosion and sediment control standards in re-purposing the existing cleared area of the lot for improved parking & internal traffic movement purposes.
B -v Condition.	adequacy of storm drainage and effects of alteration to drainage pattern, including potential for creation of a flooding problem;	<u>Identified condition</u> associated with stormwater management. Any changes made to cleared area of lot, associated with new structure, parking area / internal traffic area improvements, or with loading bay area -related construction, to manage storm water run-off in a manner consistent with the existing terrain. Applicant has proposed constructing a grass swale along west and south edges of existing cleared area of lot as a means to address additional storm water from structure.
B -vi Condition	adequacy and proximity of school, recreation, emergency services, and other community facilities;	Response from Blockhouse Fire Dept cites no concerns with identified use. <u>Identified condition</u> associated with ensuring BFD has emergency access to property and that applicant conducts a pre-plan assessment with BFD upon new building's completion.
B -vii	adequacy of street networks and site access regarding congestion, traffic hazards and emergency access;	Response from NS Transportation identified existing driveway access as acceptable for proposed commercial use.
(c)	the site is suitable regarding grades, soils, geological conditions, location of watercourses, flooding, marshes, bogs, swamps, and susceptibility to natural or man-made hazards, as determined by a qualified person.	Response from NS Environment cited no site-specific concerns - consistent with the information identified on Blockhouse By-law Schedule "C".
(d)	all other matters of planning concern have been addressed.	Perimeter Fencing / Gate and identified R-O-W access. (between civil parties)

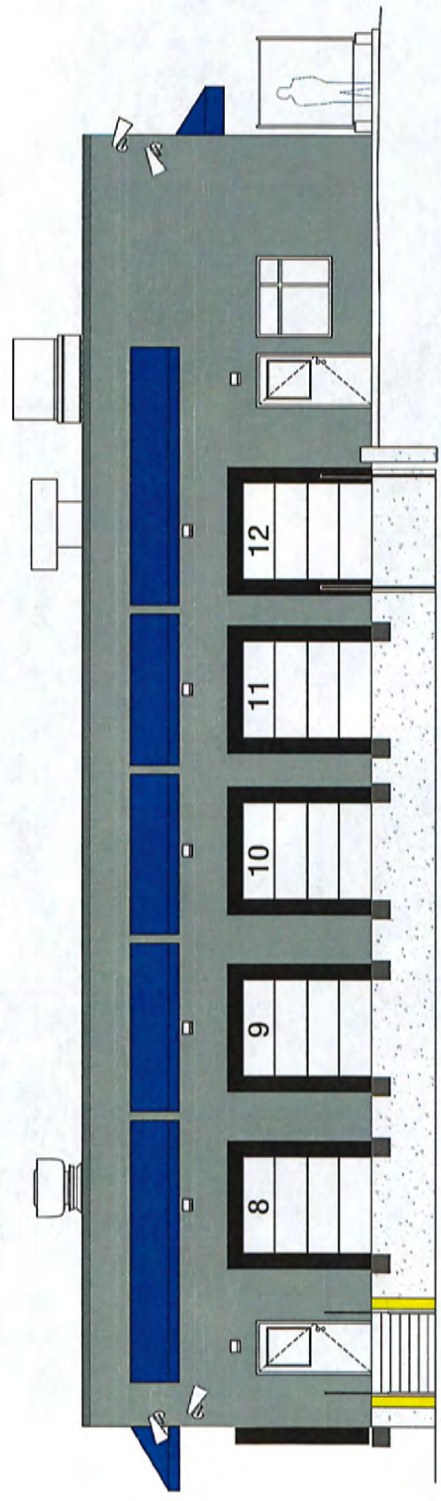
8.1.4	New commercial uses that exceed the thresholds established in the By-law may be permitted by <u>Development Agreement</u> , <i>provided Council is satisfied that:</i>	
(a)	the development shall not create undue traffic hazards, traffic congestion, or pedestrian hazards;	No concerns identified in NS Transportation correspondence with access point or with anticipated traffic volumes resulting from development.
(b) Conditions	the development shall not generate emissions such as <u>sound</u> , <u>dust</u> , radiation, <u>odours</u> , liquids or <u>light to the air</u> , water, or ground so as to create a nuisance or health hazard or so as to compromise the development potential or value of properties in the vicinity;	Sound - Operational aspects (occupational safety -related truck beeping) considered irrespective to scale / size threshold of development. Backup alarms set in the 82 dBA range. Regional loading bays located on the opposite side of the building than the adjacent residential use. Dust / Debris / Waste Management - <u>Identified condition</u> associated with continued site maintenance. Lighting - <u>Identified condition</u> associated with location / shielding of lights. Hazardous Material: Not stored on-site. Any hazardous materials are shipped out either same day or next day.
(c) Condition	subject to the physical characteristics of the site, the development shall achieve optimum separation from adjacent properties which are not in Commercial or Industrial use.	Cleared portion of lot already used for commercial activities. (construction yard) Proposed new building footprint to be located approximately 160 feet from north property line. <u>Identified condition</u> associated with maintenance of vegetative screening.
(d) Condition	screening in the form of fences, vegetation, or berms as appropriate shall be constructed or installed wherever possible in order to minimize impact on abutting uses and ensure public safety;	<u>Identified condition</u> re: maintenance of existing vegetation on lot, so as to screen proposed development from all adjacent properties.
(e)	all structures shall be built, repaired & maintained with durable, weather-resistant building material such that the appearance complements natural surroundings and existing built environment;	Applicant proposes standard commercial building materials. Building to be screened from the adjacent residential lot by existing vegetation.
(f)	no Development Agreement shall be approved until all necessary permits required by Federal, Provincial, and Municipal government agencies have been issued, or Council is satisfied that the required permits will be issued;	Building permit for proposed structure is subsequent to development agreement. Septic approval (attestation) required prior to building permit.
(g)	no development shall increase traffic volume so as to have an undue negative effect on properties that are served by a residential street;	Cornwall Rd is a provincial road. Site is adjacent to 100-series Highway.
(h)	applicant has clearly shown that the development can be serviced with central or on-site sewer and water, & that the disposal of sewage or other effluent as well as demand on the water source will not have a negative impact on the environment or on the quality & quantity of water resources;	Proposed use of the existing on-site system & existing well, which are presently serving the existing construction office.
(i) Condition	driveways, parking areas, and any areas used for the open storage of equipment or stock shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties.	<u>Identified condition</u> associated with establishing and maintaining suitable parking conditions for public use.
(j)	where a development includes facilities such as dance halls that have amplified or loud music or sound, the building shall be located & designed such that activities	

	within the building or otherwise associated with the use, will not unduly disturb any abutting residential uses.	
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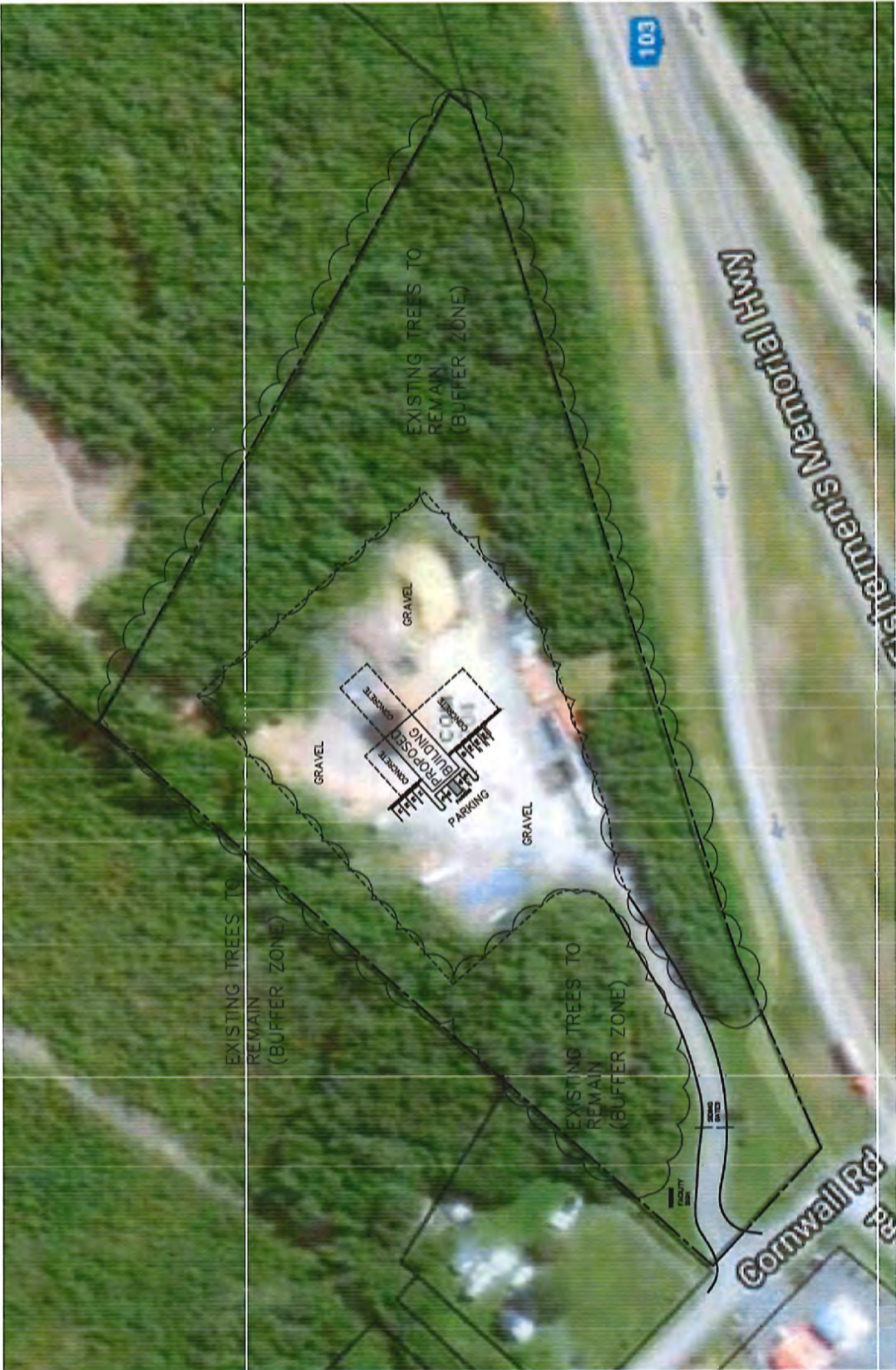
PRIME CONSULTANT
SNOWCREEK
 Building Design Solutions Inc.
 58 Coleridge Court
 Suite 1000, St. John's, NL
 A1B 2X3
 Phone: 506-753-7237
 email: snowcreek@csd.ca

DRAWING LIST
 COVER SHEET
 SITE PLAN: SP-1
 SITE PLAN: SP-2
 STORM SITE PLAN: STM-1
 ARCHITECTURAL FLOOR PLAN: A-1
 BUILDING ELEVATIONS: A-2
 BUILDING COLOUR ELEVATIONS: A-3
 ISOMETRIC RENDERING

PLANS FOR TOWN
 APPROVAL
 14 JAN 2019



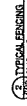
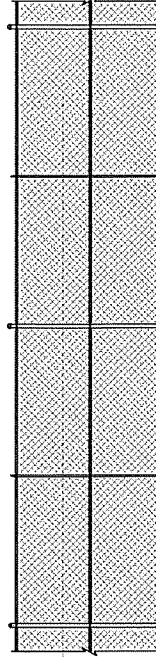
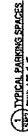
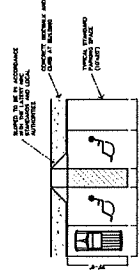
MBW COURIER
 BLOCKHOUSE
 NOVA SCOTIA



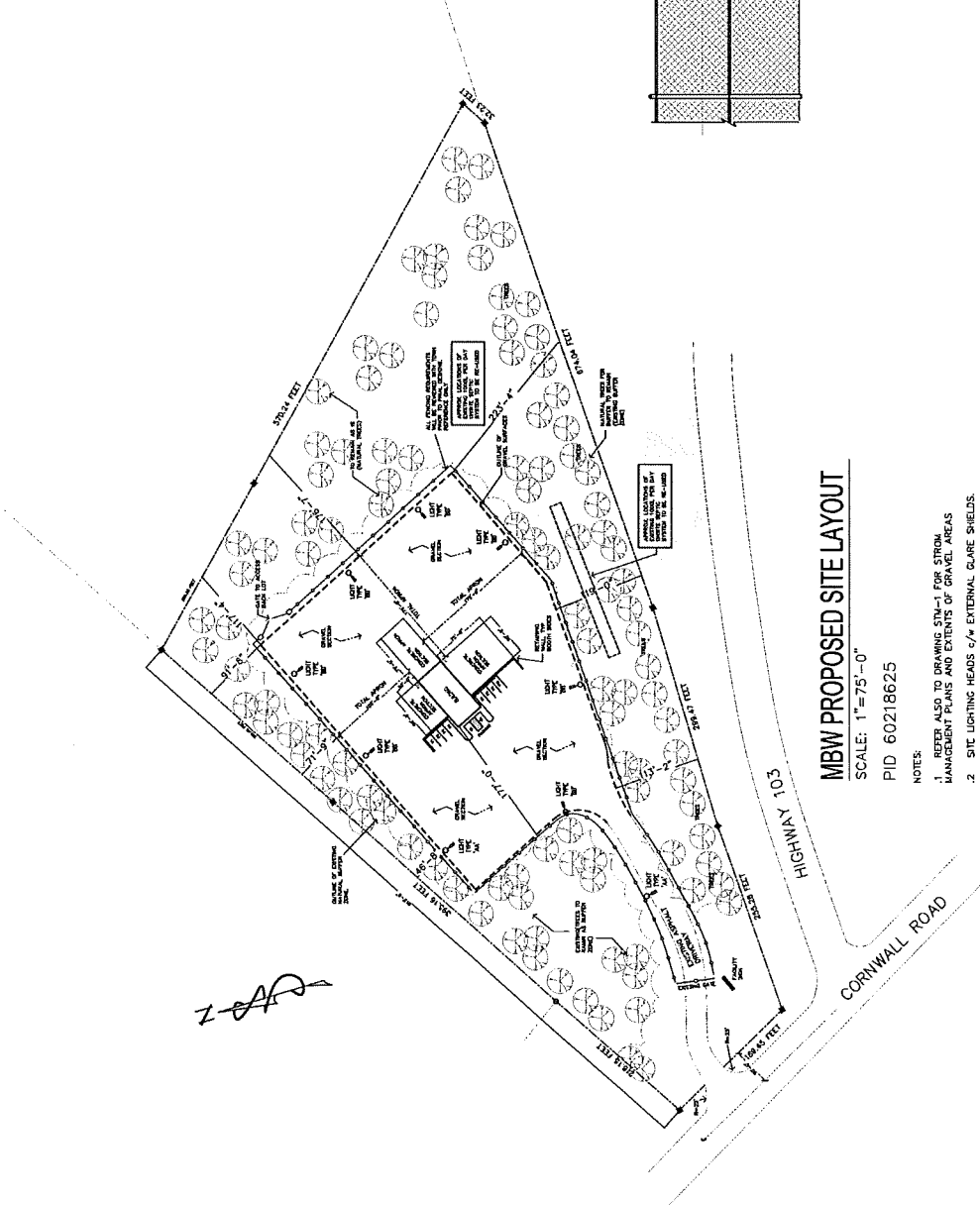
 MUNICIPAL GROUP OF COMPANIES	MBW COURIER BLOCKHOUSE, NS	SNOWCREEK <small>Engineering Solutions Inc.</small> 52 Spring Road P.O. Box 2337 Fredericton, NB Canada	<small>CIVIL CONSULTANT</small> EDM <small>PLANNING SERVICES LIMITED</small> 211 West Street, Suite 300 Fredericton, NB Canada	NEW BUILDING SITE PLAN	Date: DEC. 4, 2018	Scale: -
					Designed By: -	Reviewed By: -

SITE LIGHTING NOTES

1. TYPE 'AA' POLE LIGHTING - SINGLE HEAD, LITRONIA MODEL RES-72, SIZE 2 1/2", 4000K CDT, 222.5 WATTS, LED, 1" ANCHOR BOLTS, 6/8" CONCRETE BASE 2' A.F.C., TYPE AMPD DISTRIBUTION WITH BY SHIELD (347 VOLTS)
 2. TYPE 'BB' POLE LIGHTING - SINGLE HEAD, LITRONIA MODEL RES-72, SIZE 2 1/2", 4000K CDT, 222.5 WATTS, LED, 1" ANCHOR BOLTS, 6/8" CONCRETE BASE 2' A.F.C., TYPE AMPD DISTRIBUTION WITH BY SHIELD (347 VOLTS)
- LIGHTING HEADS SHALL BE COMPLETE WITH EXTERNAL GLASS SHIELD.



1. FINISH TO BE LOCATED ALONG EDGE OF DRIVEWAY



MBW PROPOSED SITE LAYOUT

SCALE: 1"=75'-0"
PID 60218625

NOTES:

1. REFER ALSO TO DRAWING STM-1 FOR STORM MANAGEMENT PLANS AND EXTENTS OF GRAVEL AREAS
2. SITE LIGHTING HEADS c/4 EXTERNAL GLASS SHIELDS
3. EXISTING 1000 L PER DAY ON-SITE SEWER SYSTEM SHALL BE RE-USED
4. EXISTING ON-SITE WELL SYSTEM TO BE RE-USED AS IS
5. EXISTING ASPHALT DRIVEWAY ENTRANCE TO REMAIN AS IS
6. EXISTING CLEARING SHALL BE AREA OF NEW BUILDING. MAINTAIN EXISTING TREES WHEREVER POSSIBLE

NEW BUILDING SITE PLAN

CIVIL CONSULTANT
EDM
PLANNING SERVICES LIMITED
4111 Highway 8, Suite 300
Winnipeg, MB R2H 2S6
952-252-7500

PRINCIPAL CONSULTANT
SNOWCREEK
ENGINEERING SOLUTIONS INC.
32 Jerome Road
Winnipeg, MB R2H 2S6
952-252-7500

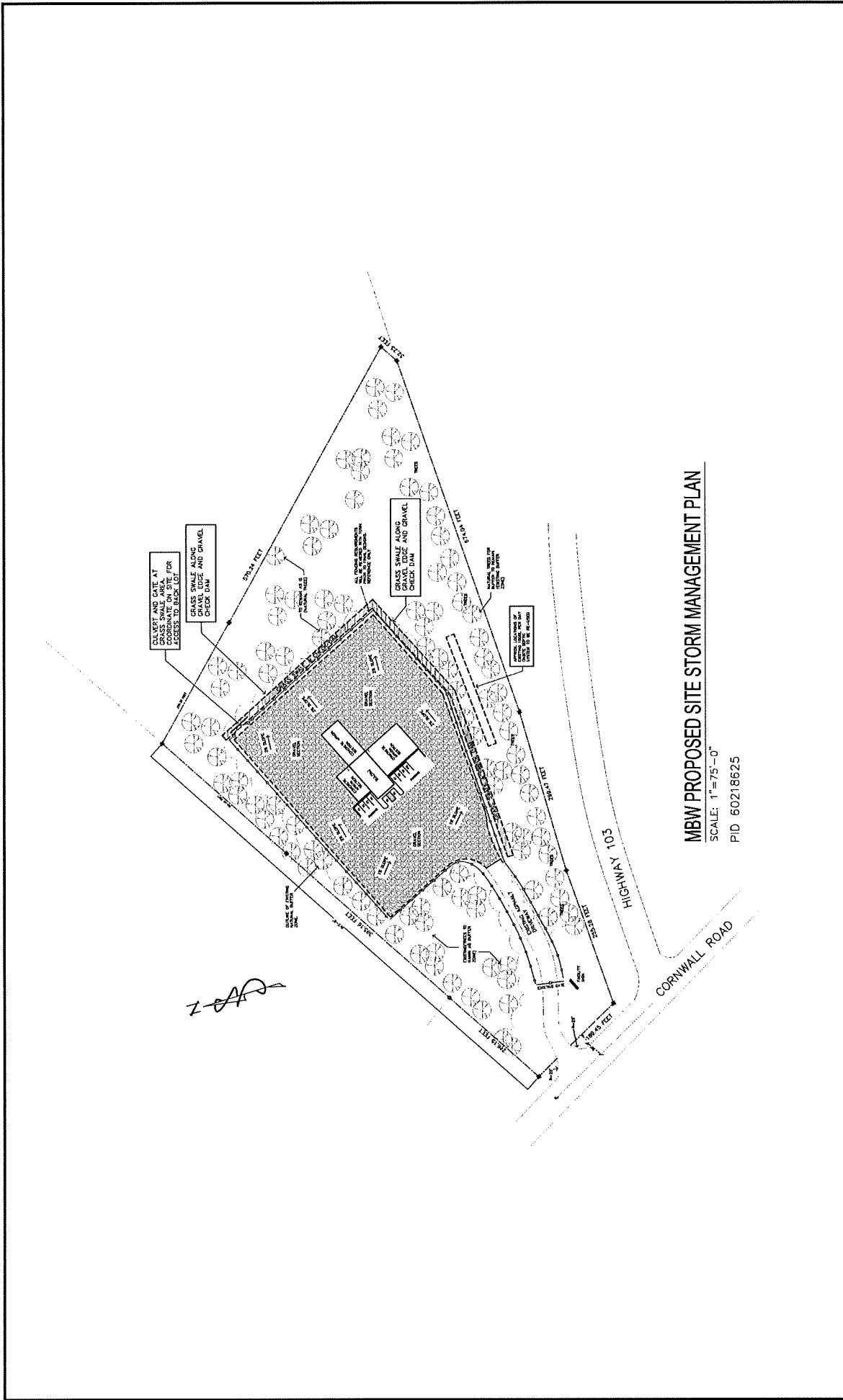
MBW COURIER BLOCKHOUSE, NS

MUNICIPAL GROUP OF COMPANIES

Date:	DEC. 4, 2019
Scale:	-
Designed By:	-
Reviewed By:	-





SP-2

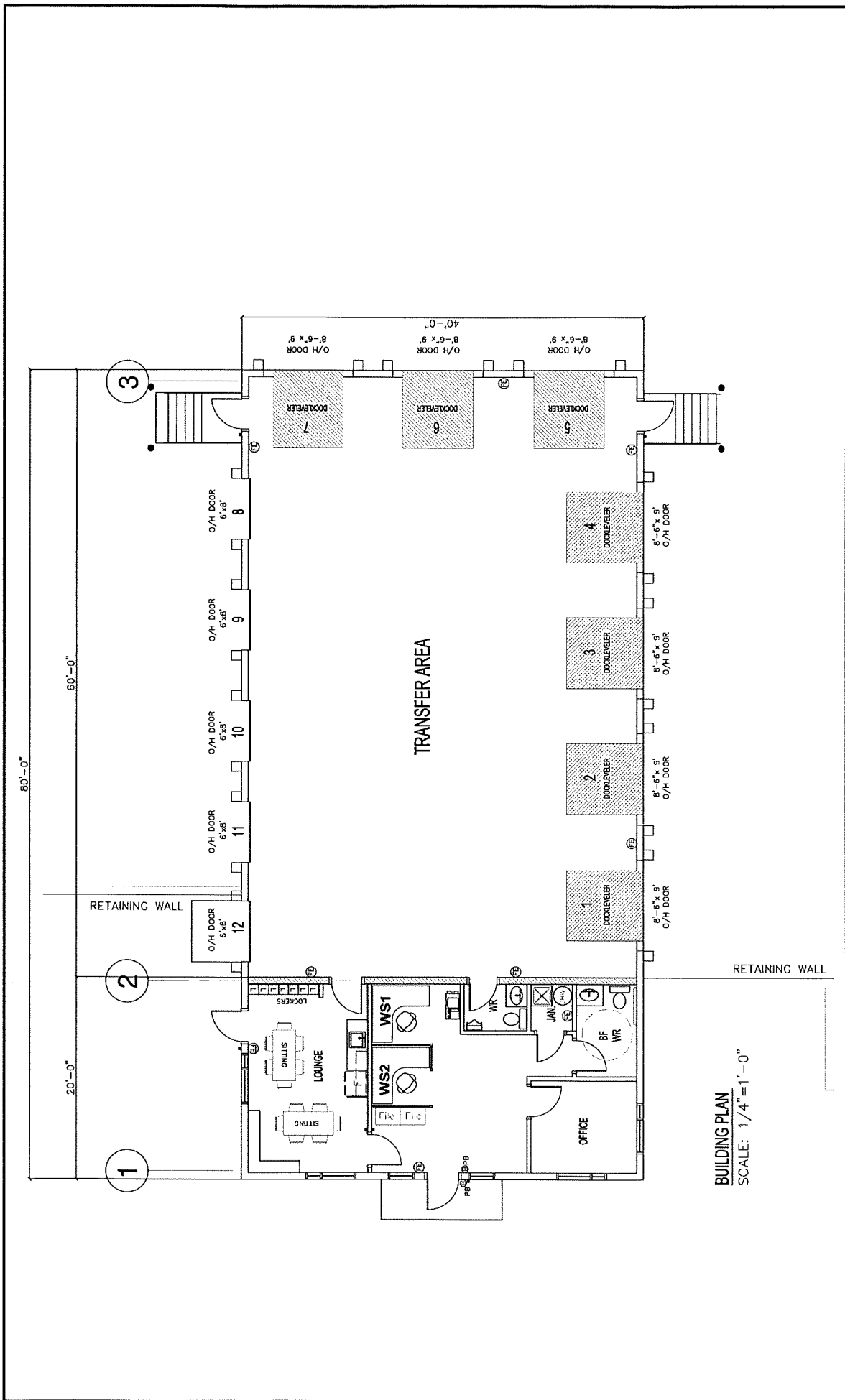


MBW PROPOSED SITE STORM MANAGEMENT PLAN


SCALE: 1"=75'-0"

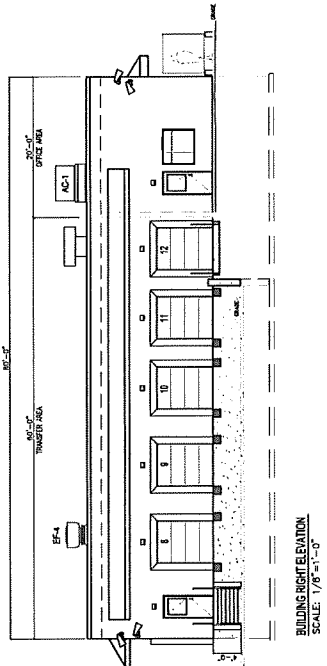
PID 60218625

 MUNICIPAL GROUP OF COMPANIES	MBW COURIER BLOCKHOUSE, NS	SNOWCREEK <small>Planning & Design Solutions Inc.</small> <small>2211 Main Street, Suite 300</small> <small>Edmonton, Alberta, Canada T6C 2E8</small> <small>www.snowcreek.ca</small>	<small>CIVIL CONSULTANT</small>  EDM <small>PLANNING SERVICES LIMITED</small> <small>2111 Main Street, Suite 300</small> <small>Edmonton, Alberta, Canada T6C 2E8</small> <small>903-425-7752</small>	SITE STORM MANAGEMENT PLAN		Date: DEC. 4, 2019	STM-1
				Scale:	Designed By:	Reviewed By:	

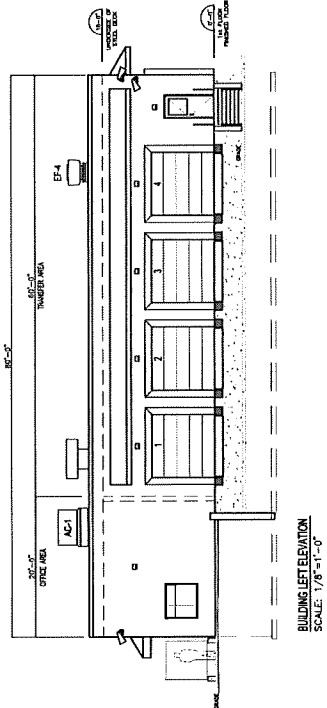


BUILDING PLAN
SCALE: 1/4"=1'-0"

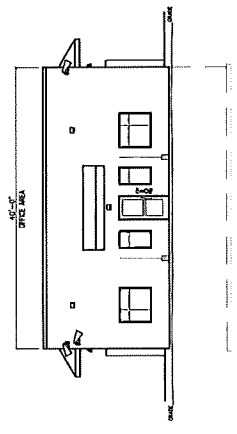
 MUNICIPAL GROUP OF COMPANIES	MBW COURIER BLOCKHOUSE, NS	CIVIL CONSULTANT SNOWCREEK PLANNING SOLUTIONS INC. 52 Hornby Road St. John's, NL A1B 2X9 Tel: 1-549-233-7373 email: snowcreek@snocreek.com	CIVIL CONSULTANT EDM PLANNING SERVICES LIMITED 2111 Margaret Street, Suite 300 St. John's, NL A1B 2X9 Tel: 549-232-7000	NEW BUILDING PLAN	Date: DEC. 4, 2018
					Scale: -
					Designed By: -
					Reviewed By: -
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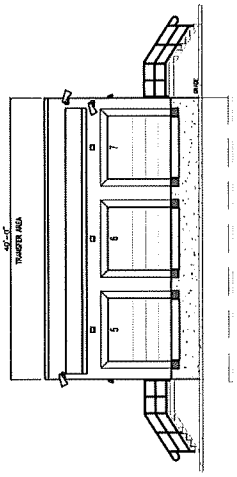
BUILDING RIGHT ELEVATION
SCALE: 1/8" = 1'-0"




BUILDING LEFT ELEVATION
SCALE: 1/8" = 1'-0"

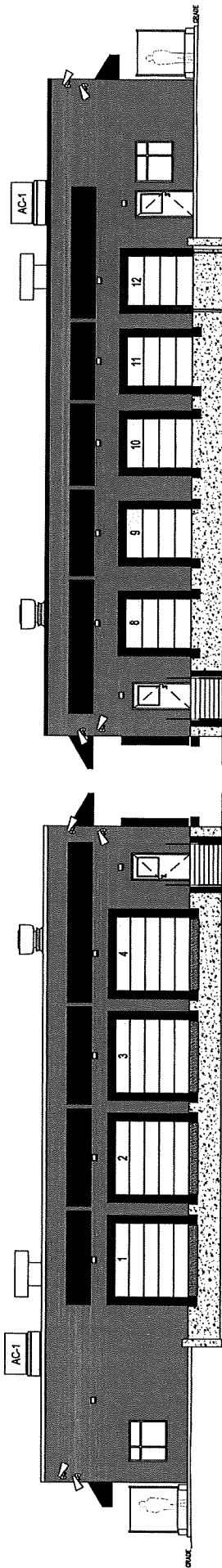


BUILDING FRONT ELEVATION
SCALE: 1/8" = 1'-0"



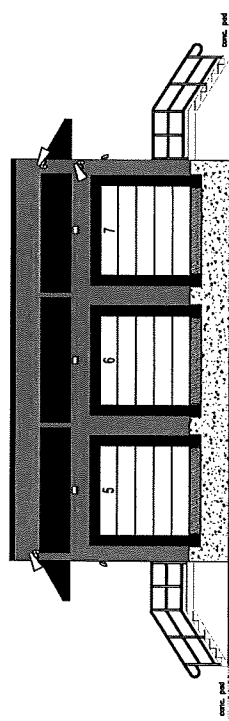
BUILDING BACK ELEVATION
SCALE: 1/8" = 1'-0"

 MUNICIPAL GROUP OF COMPANIES	MBW COURIER BLOCKHOUSE, NS	PRIME CONSULTANT SNOWCREEK SOLUTIONS INC. 52 Horton Road PO Box 233333 Oakville, Ontario L4L 2K3 905-876-2333 snow@snocreek.com	CIVIL CONSULTANT EDM PLANNING SERVICES LIMITED 2111 Mainville Street, Suite 300 Oakville, Ontario L6M 4G8 905-325-7742 edm@edmpsa.com	BUILDING ELEVATIONS	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000	Date: DEC. 4, 2018 Scale: -- Designed By: -- Reviewed By: --
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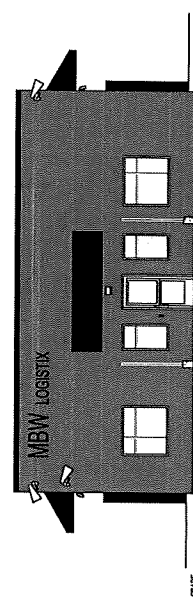


BUILDING LEFT ELEVATION



BUILDING RIGHT ELEVATION

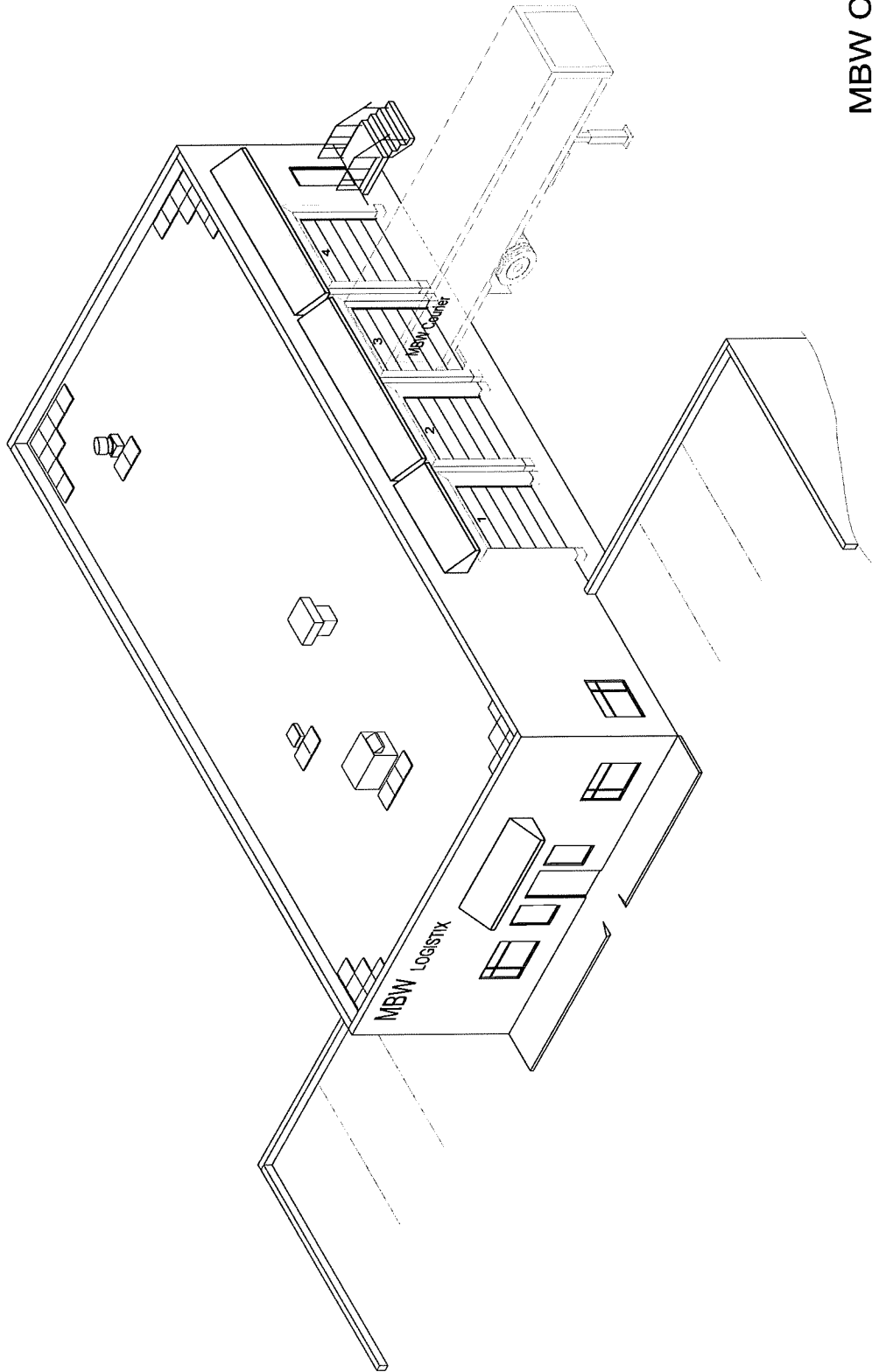


BUILDING BACK ELEVATION



BUILDING FRONT ELEVATION

 MUNICIPAL GROUP OF COMPANIES	MBW COURIER BLOCKHOUSE, NS	PRIME CONSULTANT SNOWCREEK Building Design Solutions Inc. 25, Heron Road, N.S. P.O. Box 225, 227 Shelburne, NS B1B 2Z6 phone: 902-525-7800 email: info@snowcreek.ca	CIVIL CONSULTANT  EDM PLANNING SERVICES LIMITED 2000 Highway 101, Suite 300 Halifax, NS B3B 2Z6 902-425-7800	NEW BUILDING COLOUR RENDERINGS		1. INT. WALLS, CEILING, FLOOR 2. EXTERIOR WALLS 3. ROOFING, GUTTER, DOWNSPOUT 4. SIGNAGE, LIGHT FIXTURES 5. LANDSCAPE, SITEWORK 6. FURNITURE, EQUIPMENT 7. OTHER	DEC. 4, 2018 Scale: - Designed By: - Reviewed By: -	A-3
				MUNICIPAL GROUP OF COMPANIES	MBW COURIER BLOCKHOUSE, NS	SNOWCREEK Building Design Solutions Inc.	EDM PLANNING SERVICES LIMITED	NEW BUILDING COLOUR RENDERINGS



MBW Courier
BLOCKHOUSE RENDERING

THIS DEVELOPMENT AGREEMENT made this _____ day of _____, A.D., 2019.

BETWEEN

MUNICIPAL ENTERPRISES LIMITED, a body corporate, with registered offices in _____, in the County of _____, in the Province of Nova Scotia.

(Hereinafter called the "DEVELOPER")

OF THE FIRST PART

and

MUNICIPALITY OF THE DISTRICT OF LUNENBURG, a municipal body corporate, with offices in the Town of Bridgewater, in the County of Lunenburg, in the Province of Nova Scotia.

(Hereinafter called the "MUNICIPALITY")

OF THE SECOND PART

WHEREAS the Developer has good title to property identified as PID #60218625, which is also more commonly known as the property located at civic address 204 Cornwall Road, in the community of Blockhouse, Lunenburg County, Nova Scotia, and which is more fully bounded and described in **Schedule "A" attached hereto**;

AND WHEREAS the Developer requested to the Municipality their intention to develop the property located at 204 Cornwall Road, for the uses as identified in this Agreement;

AND WHEREAS the property described in **Schedule "A"** is subject to the Blockhouse Secondary Planning Strategy and Blockhouse Land Use By-law for the Municipality;

AND WHEREAS the lot described in **Schedule "A"** is located in the Rural Zone;

AND WHEREAS Policy 4.1.4 of the Blockhouse Secondary Planning Strategy, and subsection 5.2.3b(i) of the Blockhouse Land Use By-law, provide that new commercial developments that exceed the size thresholds established in the Land Use By-law in the Rural Zone may be permitted by Development Agreement;

AND WHEREAS the Municipality, by Resolution of Council passed at a meeting on _____, 2019, approved the identified new commercial development, subject to the execution of this Development Agreement by the parties hereto; and conditions therein, and

NOW THIS AGREEMENT WITNESSETH that in consideration of \$1, now paid, by the Developer to the Municipality and the foregoing recitals and for other good and valuable consideration the receipt and sufficiency of which is hereby confirmed, the parties hereto agree as follows:

1. DEFINITIONS

- a. **Property** unless where otherwise described, means the identified PID #60218625, located at civic address 204 Cornwall Road, Blockhouse, as described in **Schedule "A"**.

- b. **Courier Distribution Facility** means a building, or part of a property or building, where parcels and documents for delivery by couriers or messengers are received, sorted, processed and loaded for shipment.

2. USE

- a. That the development and use of the property shall be restricted to a courier distribution facility, above the size thresholds permitted in the Blockhouse Plan Area Rural Zone, in accordance with: definitions identified in this Agreement, the Blockhouse Land Use By-law, the Developer's application to the Municipality and any related addendums, and with the Site Plans identified in Schedule "B" of this Agreement, attached hereto.
- b. That development and use of the property shall be limited to those buildings, accessory structures, and cleared areas of the lot, as have been identified on Site Plans found in **Schedule "B"**. Any proposed additions to structures, any additional buildings or structures, or proposed clearing of the property, beyond that which has been outlined to be permitted by way of this Agreement, in relation to the identified Uses, shall require an amendment to this Agreement.

3. SITE PLAN DETAILS - SCHEDULE B

- a. That the Site Plans, identified in **Schedule "B"** of this Agreement, shows in relation to the use the location of all future buildings, structures, signage, driveway access points, laneways, exterior lighting, identified parking spaces, loading areas, fencing, and dimensions of all such.
- b. That the Developer will inform the Municipality of any proposed changes or alteration to the Site Plans, identified in **Schedule "B"**.
- c. Where the Municipality and Developer have agreed that changes to lighting and identified signage, are considered incidental in the use of the property, these aspects may be altered by the Developer, provided that the Municipality is notified of proposed changes, and where the Municipality has determined such changes do not significantly alter from the intended effects of any conditions as identified in this Agreement.

4. SITE ACCESS & PARKING

- a. That the driveway entrance, and those areas identified for parking and for internal traffic movement on the property to be used by the general public, shall be in accordance with Site Plans identified in "Schedule B" and are to be suitably constructed and maintained, to prevent dust, and to provide for safe access to the property from the public highway.
- b. That in keeping with parking standards identified in subsection 7.2.3 of the Blockhouse Land Use By-law, there shall be a minimum of five (5) parking spaces provided and maintained by the Developer, designed to size requirements identified in subsection 7.2.2.

5. SITE ALTERATIONS

- a. That any alterations undertaken by the Developer affecting access points from a public road onto the property will comply with design requirements of the Transportation and Infrastructure Renewal.
- b. That any alterations to land, as associated with the proposed development, to include the construction of buildings, placement of structures, and/or the development of identified parking and loading areas, is to provide for drainage of storm water in accordance with the Storm water Management Plans submitted by the Developer, identified in **Schedule "C"**, as dated December 4, 2018.
- c. During the development of the site the Developer shall follow all relevant guidelines identified in the Nova Scotia Environment Erosion and Sedimentation Centre Handbook.

6. SCREENING ADJACENT TO EXISTING RESIDENTIAL

That screening and landscaping shall be provided as follows:

- a) the existing vegetative buffer located on the Property, along the northern property lines as shown on Schedule "B", shall remain in place, subject to the removal of vegetation that is decaying or has decayed, or the removal is necessary to prevent other vegetation from decaying or to ensure public safety;
- b) in the event that the existing vegetative buffer, or portion thereof, located along the adjacent residential properties, along the northern property line as shown on Schedule "B" become decayed, diseased, damaged (wind, pest, fire, etc.) or removed the Developer shall replace the screening with vegetation in the form of trees and/or hedges, berms or opaque fencing or a combination thereof. The replacement screening shall provide adequate screening from the adjacent residential uses. The replacement of this screening shall occur in a timely manner, but not to exceed 365 days from the date the existing screening or portion thereof was removed;

7. SITE MAINTENANCE

- a. That the property shall be kept free from litter and debris, and be suitably maintained through regular site monitoring, waste collection, and maintenance by the Developer.

8. FIRE PROTECTION

- a. That the Developer agrees to conduct a pre-plan assessment with the Blockhouse Fire Department upon completion of the building.

9. LIGHTING

- a. That lighting associated with development be limited to illumination for safety reasons;
- b. All lighting shall be installed, directed or shielded so that neighbouring properties are not illuminated to the extent that a hazard or a nuisance will result.

10. SITE VISIT AND INSPECTIONS

- a. That the Developer agrees to the Municipality performing an evaluation of conditions identified in this Agreement, by undertaking site inspections of the property, as and when necessary, and by reviewing related written materials with the Developer.

11. CHANGES AND ALTERATIONS

- a. That all matters in this Agreement which are not specified in clauses 11(b) or 10(c) below, are non-substantive matters, and may be changed or altered by amendment to this Agreement in accordance with clause 230(7) of the Municipal Government Act, provided that the Municipality determines that the changes do not significantly alter the intended effects of this Agreement;
- b. That Use of the property, as defined in Section 2 of this Agreement; is identified as a substantive matter, and can only be altered by amendment to this Agreement.
- c. That Expansion of the identified Use of the property, beyond the existing cleared area, as shown on Schedule "B" is identified as a substantive matter, and can only be altered by amendment to this Agreement.

12. REGISTRATION, EFFECT OF CONVEYANCE AND DISCHARGE OR TERMINATION

- a. That the Municipality may cause this Agreement to be registered, at the expense of the Municipality, in the Office of the Registrar of Deeds in Bridgewater, Lunenburg County;
- b. That pursuant to the Municipal Government Act, where the lands described in Schedule "A" or any part thereof which are subject to this Agreement is conveyed to a person not a party to this Development Agreement, this Agreement shall continue to apply to the lands described in Schedule "A" until discharged by the Municipality;
- c. That this Agreement shall be in effect until discharged by resolution of Council of the Municipality, pursuant to the Municipal Government Act, whereupon the Land Use By-law shall apply to the lands described in Schedule "A";
- d. That the Municipality may discharge this Agreement if the use and conditions described herein has not yet commenced within twelve (12) months of the date of the Agreement;
- e. That the Municipality retains the option of discharging this Development Agreement should any fact provided by the Developer to the Municipality constitute a material misrepresentation of the facts;
- f. That the provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision; and
- g. That this Agreement shall enure to the benefit of, and be binding upon the Municipality and the Developer, and their successors and assigns.

13. COMPLIANCE WITH OTHER BY-LAWS AND REGULATIONS

- a. That nothing in this Agreement shall exempt the Developer from complying with other By-laws or Regulations in force within the Municipality, or any provincial or federal statutes and regulations, and the Developer agrees to observe and comply with all such existing laws and future by-laws, statutes and regulations in connection with the development and use of the Property; and
- b. That where the provisions of this Agreement conflict with those of any by-law of the Municipality or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

14. OWNERSHIP

- a. The Developer hereby certifies that **Municipal Enterprises Limited** is the sole owner of the property described in attached Schedule "A".
- b. The Developer also certifies that **Municipal Enterprises Limited** has not disposed of any interests in the property and there are no judgements, mortgages, or other liens or encumbrances (unless noted herein), affecting the property.

15. IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed by affixing their seals and corporate seals on the day and year first above written.

In the presence of:

MUNICIPAL ENTERPRISES LIMITED

Per _____

WITNESS

PRESIDENT / RECOGNIZED AGENT

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

Per _____

WITNESS

SHERRY CONRAD, CLERK

WITNESS

CAROLYN BOLIVAR-GETSON, MAYOR

PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG

I CERTIFY that on the _____ day of _____, 2019,
MUNICIPAL ENTERPRISES LIMITED, caused the same to be executed in its name and on its behalf
and its corporate seal to be thereunto affixed by its proper officers and I have signed as a witness to
such execution.

A BARRISTER OF THE SUPREME COURT OF NOVA SCOTIA

PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG

I CERTIFY that on the _____ day of _____, 2019,
MUNICIPALITY OF THE DISTRICT OF LUNENBURG, caused the same to be executed in its name
and on its behalf and its corporate seal to be thereunto affixed by its proper officers and I have signed as
a witness to such execution.

A BARRISTER OF THE SUPREME COURT OF NOVA SCOTIA



Municipality of the District of Lunenburg

MEMO

REPORT TO: Planning Advisory Committee.
SUBMITTED BY: Douglas Reid.
DATE: January 7th, 2019.
RE: **Oakland Plan Review**
Draft version 3.1, Oakland Secondary Planning Strategy & Land Use By-law
ORIGIN: Council Direction to Staff.
Policy 8.0.13 of the 2003 Oakland SPS

ATTACHMENTS.

- DRAFT version 3.1 Oakland Secondary Planning Strategy
- DRAFT version 3.1 Oakland Land Use By-law
- June 2017 Brochure
- November 2017 Brochure
- August 2018 Public Open House Information Handout

BACKGROUND.

At the Oakland Area Advisory Committee [AAC] meeting held Tuesday December 5th, 2018, the Advisory Committee made the following unanimous motion:

*The Oakland Area Advisory Committee respectfully recommends DRAFT Version 3 of the Oakland Secondary Planning Strategy and Land Use By-law, as dated November 28th, 2018, to the **Municipality's** Planning Advisory Committee, for their review.*

Attached to this memo is a copy of **DRAFT VERSION 3.1** (dated: December 12th) of the proposed 2019 **Oakland Secondary Planning Strategy and Land Use By-law**. These documents are consistent with the recommendation made by the Advisory Committee on December 5th. The only change identified between "version 3.0" and "version 3.1." of the draft documents is the elimination of strikethrough and red mark-up text, which was used in the AAC's ongoing review of previous Draft changes.

The Advisory Committee started the Plan Review process in April 2017, in keeping with Council's direction / referral, and following an official Public Notice being advertised. The last Oakland Plan Review occurred in the early 2000s and led to Council's adoption of the current Planning Strategy and By-law in 2003.

From April 2017 to December 2018, the Advisory Committee held 25 meetings in the community specifically focused on the Review. A Public Open House on a set of Draft planning documents took place in August 2018 at the Mahone Bay Centre. Following the Open House, the Advisory Committee held 5 subsequent meetings, to review public input, before making a recommendation. Attached to this memo are three information handouts developed by staff over the course of the Plan Review with the Advisory Committee, as dated June 2017, November 2017, and August 2018.

Staff compiled a **brief list** of some of the noted **changes**, **deletions**, and key sections that were left **unchanged**, as found in DRAFT version 3.1, in comparison with the existing 2003 Oakland Plan & By-law.

IDENTIFIED ITEMS - **DRAFT v.3.1** Oakland Planning Strategy & By-law

Rural Zone

Section	Topic	Staff Note
Policy 2.1.6 By-law s.5.3.1a	Development of Residential Uses.	No change to policy or regulation. Two dwelling units per lot permitted as-of-right. Proposed development of higher residential density on a lot is considered by way of Development Agreement.
Policy 2.1.7 & Policy 2.1.8 By-law s.5.3.1b	Development of Commercial & Industrial Uses.	New policy & regulation identifies a “Listed Uses” approach. Commercial / industrial uses identified in the By-law are permitted, subject to a size threshold. Uses not identified / not included in s.5.4.1 are considered by way of Development Agreement.
By-law s.5.4.1	List of Permitted Commercial & Industrial Uses.	New regulation outlines the 13 categories of permitted commercial, industrial or institutional uses.
Policy 2.1.8 By-law s.5.4.2	Size Threshold for Commercial & Industrial Uses.	No change to existing regulations. Size threshold requirement is consistent with 2003 By-law.
Policy 2.5.3 By-law s.5.5.1	Fixed Roof Accommodation Uses - Requirements.	Revised regulation reduces unit threshold allowance to 3 units per lot (as-of-right). Size threshold for the use is consistent with other new commercial developments.
Policy 2.5.2 By-law s.5.5.2	Keeping of Livestock / Areas for Manure Storage	Revised regulation incorporates the use of provincial best management practices as an alternative option to the implementation of a setback.
Policy 2.5.1 By-law s.5.5.4	Wind Turbines	Revised regulations to include both a setback requirement and a production capacity threshold.
Policy 2.1.3 By-law s.5.3.1h	Resource processing	Deletion of 2003 By-law’s identification of a “capacity” threshold - revised regulation identifies an on-site / off-site harvesting distinction.
By-law s.5.2.4	Accessory Structures to Permitted Uses.	Revised regulation clarifies where a permit is required for accessory structures.
- deletion -	Lot Development Limitation.	2003 Policy & By-law had identified a “lot development limitation” based on property boundaries as existed in 1992 (time of adoption of first By-law). Deleted . Potential development of commercial uses no longer tied with 1992 property boundaries.
- deletion -	Allowance for Subdivision of Small Lots.	2003 Policy deleted in reference to potential subdivision of lots that do not meet By-law’s minimum lot requirements.

Other Zone -related Requirements

Section	Topic	Staff Note
Policy 2.1.9 By-law s.5.6	Institutional Zone (Floating Zone)	No changes. Zone Designation exists to allow for possible future institutional uses undertaken by Municipality.
Policy 2.2.2	Residential Zone references.	Revised Policy permits for future consideration in establishing a Residential <u>Designation</u> - Draft By-law is silent - no Residential Zone -related regulations.
Policy 2.3.3 By-law s.6.3.1	Permitted Uses in Protected Water Area Zone.	Revised regulations permit for limited development. (water supply -related uses & trails)
Policy 2.3.5 By-law 6.4.1	Commons Zone.	New Zone Designation. Specific to Oakland Commons parcel. Policy & regulation identified via Trustees Vision.
Policy 2.4.4 By-law 7.3.3	Commercial recreational water uses in Ocean Shoreline Zone.	Revised regulations permit use by way of Development Agreement, regardless of proposed size of operation.

General Provisions / Environmental Protection

Section	Topic	Staff Note
By-law s.2.16	Service of Notice - Public Hearing.	Revised regulation establishes a 305 metre notification radius for a Public Hearing Notice.
Policy 2.0.1 By-law s.4.8	Prohibited Uses.	New regulation introduces a list of uses that are prohibited from developing in Oakland.
By-law s.4.10	Habitation of Shipping Containers.	New regulation clarifies where containers cannot be used for human habitation except where converted in compliance with Building Code requirements.
Policy 3.1.1 By-law s.4.16	Watercourse Setback - Horizontal	Revised regulation in By-law establishes a 20 metre horizontal setback from identified watercourses
Policy 3.1.3 By-law s.4.17	Coastal Setback - Vertical.	New regulation introduces a vertical setback from coast. (see Schedule B: Development Constraints Map)
- deletion - Policy 3.2.1 By-law s.4.18	Wetlands Protection.	2003 Policy & regulations Deleted - it identified wetlands with a Zone-based Designation. New Policy & regulations identifies wetlands as a development constraint. Municipal permits will not be issued without provincial confirmation / an identified consistency with wetlands policy.
By-law s.9.6-s.9.8	Signage	Revised regulation clarifies size requirements for ground signs, projecting wall signs, and flat fixed wall signs.
- deletion -	Outdoor Lighting.	Draft By-law is silent on outdoor lighting. Lighting is considered only in reference to a Development Agreement

Citizen participation during the Area Advisory Committee's review process

During each Plan Review process, planning staff would outline the degree in which there was public participation during the Advisory Committee's conduct of the Review, and provide a summarization to the Planning Advisory Committee of where there was any evident public support, public concerns, or public opposition to the direction of proposed changes to the planning documents.

The Advisory Committee held 25 meetings prior to making a recommendation. Staff would recognize that the community is not entirely unified in how much restrictions should be placed on new developments. This outcome is not entirely unexpected.

During the initial part of the Review, ("discussions" stage) in the spring & summer of 2017, prior to any focus put to the drafting of any specific policy or regulation, the Advisory Committee held two meetings (June 2017 & August 2017) inviting the public to provide their comments and initial perspective. The staff presentation at the June meeting purposefully provided, as one possible alternative, a policy framework where the Plan Area could identify two Zone Designations, given the potential difference in development opportunities, based on conditions of local geography. Where there was no indication for support of this alternative, it led to the Committee's consideration / the continuation of a policy framework which identified the majority of land in Oakland as a single Zone. For the August 2017 meeting: an invite was mailed to all property owners in the Oakland Plan Area.

Public input gathered during the "discussions" stage varied considerably: some parties expressed a desire for seeing greater restrictiveness, arguing Oakland was a residential community with little existing commercial activity; other parties questioned the need or desire for any changes to regulation, where Oakland did not face significant commercial development pressures. The amount of verbal or written public feedback provided to the Committee during the "discussions" stage cannot be considered as sizeable. The largest public attendance at any Advisory Committee meeting held in 2017 was between 20-30 citizens, in October of 2017, where the principal Agenda items included a discussion on the (proposed) Commons Zone designation, and the use of shipping containers.

As the drafting of a new Plan & By-law proceeded, the Committee received a letter in early January 2018, with an accompanying petition, that expressed concerns with the proposed direction of policy changes. This letter outlined opposition to making changes that would restrict new business activity. (i.e. the "Listed Uses" approach) These concerns were expressly repeated in a second letter and petition, received by the Advisory Committee after the August 2018 Public Open House, when a Draft Planning Strategy and By-law had been presented.

The Advisory Committee then received another letter and petition in the fall of 2018: this letter expressed support with the direction of changes identified in the draft documents. Staff would note that the number of citizens involved with both of these Fall 2018 petitions suggest that many residents and land owners in the Oakland Plan Area were - at the very least - aware of the Plan Review being undertaken. Staff would also make note to PAC where the number of citizens who attended the five AAC meetings that followed the August 2018 Public Open House generally remained at approximately ten-twenty, a number that was far less than the number of signatories.

As undertaken during all Plan Reviews, staff and the Advisory Committee held a public information meeting, once the Review process had reached a point where it was considered that a set of Draft documents could be presented to the public. For the Oakland Plan Review: the format of this information meeting was changed from previous Reviews, so that it became an "Open House" -styled function, where interested citizens could arrive at any time over a three hour window, and discuss particular matters, in groups or as individuals, with staff or with Advisory Committee members. Approximately 25 residents attended the August 2018 Open House (22 signed in).

Staff would propose the continued use of the "Open House" style format for such information meetings, rather than revert to the use the "town hall" format, which is the standard process used for Advisory Committee meetings.

In staff's opinion: the key concern where there is divergence of public opinion is on the degree of controls to regulate future commercial development. The Advisory Committee heard directly from citizens in their meetings, and/or received correspondence, expressing concerns with the proposed policy direction. Staff would note where concerns varied across the "restrictiveness-permissiveness" spectrum. Some parties, as best identified with the January 2018 letter to the Committee, considered any increase in By-law restrictions as unnecessary and would discourage future entrepreneurship. Other citizens spoke at meetings and reiterated their own perspective that Oakland is primarily a residential community and increasing restrictions over new commercial development was merited.

The Advisory Committee recommended a policy framework that did not keep to the "status quo" of the 2003 Plan, nor did it take an approach which would have resulted in establishing a restrictive residential designation for the community. Staff would identify that the Plan Area remains predominantly a **Rural Zone** (It is not a Residential Zone), and the rationale in accommodating for a "mixed use" approach is found in the draft Planning Strategy. (see p. 5)

Finally: staff would make note of a corollary issue as raised by members of the public, that was identified during two Advisory Committee meetings in late 2017, that was then brought to the attention of Council, but was not acted upon as a "part" of the Oakland Plan Review. That is: public expectations of what a Land Use By-law can do, with respect to circumstances surrounding noise from an ongoing use of a property, and where such noise circumstances have negative consequences for neighbouring property owners. Planning staff outlined where a land use by-law was not the right means, or the effective mechanism, to control for "noise" resulting from uses that were permitted on property - be it noise resulting from a residence or from a commercial use. If an identified land use was permitted in an identified zone, the Land Use By-law was only concerned at the point of development of the use, not on an ongoing basis. Nuisance by-laws are concerned with restricting how a resident or business enterprise conduct themselves once in place on a property.

RECOMMENDATION/ALTERNATIVES/NEXT STEPS

The role of the local Area Advisory Committee, and Planning Advisory Committee, is to provide a recommendation regarding the attached draft documents. It is Municipal Council that has the authority to either approve or refuse the adoption of new planning documents. Planning Advisory Committee may choose to refer the documents back to the Oakland Area Advisory Committee for further review. Staff does not recommend that alternative. Planning Advisory Committee may also choose to not make any motion or decision at this time. PAC can instead ask staff to provide the PAC with additional information on identified matter(s), so that PAC can then make their recommendation to Council.

If the Planning Advisory Committee makes a recommendation to Council in favor of adopting Draft version 3.1 Oakland Secondary Planning Strategy and Land Use By-law, the following motion is in order. The Motion below would serve - if the PAC concurs prior to the Motion - to any minor non-substantive changes identified in the existing Draft version 3.1 (i.e. grammatical corrections). It may also be understood by PAC that the specific date of the Hearing will be identified in a Council motion, which is determined when the matter is put up for discussion.

The Planning Advisory Committee respectfully recommends

That Municipal Council give notice of their intention to adopt Draft version 3.1 of the Oakland Secondary Planning Strategy and Land Use By-law, thereby repealing the current local planning documents, and that Council hold a Public Hearing. (date TBD by Council motion)

That Council direct staff to hold a public information meeting in the community, prior to the date of the Public Hearing.

MUNICIPALITY OF THE DISTRICT OF LUNENBURG



Oakland Secondary Planning Strategy

DRAFT Version 3.1 - December 12th, 2018

First Reading by Council: DATE
Second Reading by Council: DATE (Council Motion)

EFFECTIVE DATE: DATE YEAR (Public Notice)
LAST AMENDMENT: -

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previous Drafts -

v.3 *November 28th, 2018* *Draft Strategy recommended by Oakland Area Advisory Committee, December 5th 2018*

v.2.1 *July 27th, 2018* *Draft Strategy presented at August 21 Public Open House*

v.2 *January 2nd, 2018*

v.1 *November 21st, 2017*

Notes regarding DRAFT 3.1 (December 12th) vs. previous Draft 3.0 version (November 28th):

- Removal of identified strikethroughs / red mark-up found in main text of Draft Strategy, as used during the Oakland AAC's review of previous draft versions.

- There were **no changes made** following the Oakland AAC December 5th meeting. This document is consistent with that recommended by the Oakland Area Advisory Committee.

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1 AUTHORITY AND SCOPE.

This Secondary Planning Strategy and the accompanying Land Use By-law were adopted by Municipal Council on **DATE YEAR (Motion)** and became effective **DATE YEAR (Notice)**.

The **Nova Scotia Municipal Government Act** (1998, c.18) 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 identified planning area (“Plan Area”) to which this Secondary Planning Strategy applies is found in the eastern portion of the Municipality of the District of Lunenburg. The Plan Area generally corresponds with the community of Oakland. The boundaries of the Plan Area take in the Oakland Common Voting District, as established by statute (S.N.S. 1905, Chapter 106, as amended), the Oakland Common, Strum Island, and Andrews Island. Local area residents had initially requested to Council that development controls be adopted for their community in the early 1990s.

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 Oakland Plan Area. The policies are intended to guide, encourage, and control future development and changes in land use. No provision in the Land Use By-law may be made that is contrary to policies included in this Planning Strategy.

Maps and schedules appended to this Secondary Planning Strategy form part of the Secondary Planning Strategy. **Map 1: Future Land Use Map** is identified as a generalized representation of the intended pattern of future land use in the Oakland Plan Area.

The Land Use By-law, which has been prepared and adopted in conjunction with this Planning Strategy, is the primary regulatory mechanism through which this Planning Strategy is implemented.

The Land Use By-law contains standards, requirements and zoning designations that control the type and characteristics of developments. The Municipality's Subdivision By-law also impacts local development, by identifying regulations affecting the creation, consolidation, and shape of land parcels.

By-law amendments that involve re-zoning of land for a new or a different use from that permitted by the Land Use By-law are provided for in Planning Strategy policies. Policies also govern the circumstances under which a Development Agreement or re-zoning may be considered and approved.

1.1. OBJECTIVES.

The development of land use by-laws in the community of Oakland followed a request to Municipal Council from the Oakland Indian Point Residents Association. The Association's request was initiated, in part, in response to a proposed tourist resort that was identified for Andrews Point that was never developed. The first Oakland Secondary Planning Strategy was adopted by Council in June 1992. A second Planning Strategy was subsequently adopted in September 2003.

Since land use planning was introduced, residential development has remained the predominant type of land use in the community. Very few commercial or industrial activities have developed in the Oakland Plan Area to provide citizens with local employment opportunities. Nor have recent residential developments been associated with an increase in resource-related activities. As with many small communities found along the shoreline of Lunenburg County, the shift away from a traditional, self-sufficient, resource-based economy over the last seventy years has changed the dynamics of rural community development. Oakland provides residents with proximity to the ocean; an attractive, low-density rural residential environment; and easy access to local employment, goods and services established in the neighboring towns that the Municipality surrounds.

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 activity 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 developments to occur. By the adoption of this Planning Strategy, Council continues to provide a mechanism for residents to have input on major developments that substantively impact their community.

Council also recognizes where there are identified concerns that some types of development could have a negative impact on the existing community. Council has therefore adopted policy statements specific to maintaining the Oakland Plan Area's existing rural aesthetic, and protecting the natural environment.

- 1.1.1 The Oakland Secondary Planning Strategy shall provide the framework and process for the accommodation of changes in land use and development in the Oakland Plan Area.
- 1.1.2 Council shall allow for the development of a range of residential, commercial and industrial land uses that are consistent with the existing rural coastal aesthetics of the Oakland Plan Area, and encourage local economic development.
- 1.1.3 Council's intention is to control land use and development in a manner that will minimize conflicts, to provide for an attractive rural residential environment. The policy framework will provide opportunities for Council to hear public input on large-scaled developments, and developments identified as having a substantial impact on the Oakland Plan Area.
- 1.1.4 Council's intention is to control proposed developments in a manner that will protect or enhance the natural environment.

1.2 SERVICES.

This Secondary Planning Strategy references infrastructure services that Council considers have a direct effect on the development of property in the Oakland Plan Area.

This Strategy does not include policy statements concerned with the provision of other services such as policing, fire protection, health, education, or waste management services, or statements identifying government programs or priorities concerned with economic development, social assistance or recreation.

It is evident such matters have profound consequences on a community's ongoing development. However, the formation of public policy on such issues is removed from the context of most local land use planning documents. 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 statements identified or espoused in local land use plans.

Water Supply and Wastewater Treatment

Development in the Oakland Plan Area is serviced by on-site water supply and wastewater treatment.

There are no recent municipal studies that propose to change current practices, or see to the provision of municipal water or wastewater services. Further, the policy framework that Council has adopted in this Planning Strategy repeatedly references the rural nature of the local community.

The Municipality communicates regularly with the Town of Mahone Bay, which is immediately adjacent to the Plan Area, and where central services are available. The Town has no identified plans to expand its water or wastewater treatment services to properties outside the Town's jurisdiction.

On-site sewage treatment is carried out through septic systems and drainage fields. Water is accessed by individual property owners through the installation of drilled or dug wells. The placement and use of these private services can affect the surrounding natural environment. Standards are necessary to reduce or to mitigate any impacts considered consequential to neighbouring property owners. In Nova Scotia, the provincial Department of Environment provides the legislative oversight regarding the installation and ongoing functionality of on-site services.

Several factors can influence the suitability of a site for on-site sewage disposal, such as the soil and slope of the land. It is noted that any lot area requirements that are identified in the accompanying Land Use By-law also recognizes that any proposed development remains subject to the Province's on-site sewage disposal regulations.

1.2.1 Council's intention is to support the efforts of the Province, in its regulating of on-site systems that impact the natural environment.

Transportation

Oakland is served by long-established provincial roads, or by more recently developed private roads. The existing private roads are each individually connected in to the provincial road network. As of July 2018: there are no municipal roads in the Oakland Plan Area. The Municipality has no established transportation reserves specific to future municipal road construction in Oakland.

Highway #3 serves as the main conduit into and out of the Plan Area. Highway #3 leads in to the Town of Mahone Bay, located to the west. To the east, Highway #3 provides access to communities located in the District of Chester, and to the Highway #103 Exit 10 interchange. Oakland Road acts as a secondary road for area residents.

The current infrastructure is oriented towards allowing vehicles to travel along Highway #3 and Oakland Road at speed. Identified shoulders along any roads in the Plan Area for potential use by pedestrians is limited to non-existent.

All other roads in the Plan Area may be identified as “local roads”, whether the road is provincially-owned or identified as a private road. Local road conditions, to include width, surfacing, and ditches, and the degree of residential settlement or commercial development that these roads can potentially serve, varies widely. Local roads may be best considered as “subdivision” roads. That is: none of these existing roads provide for connectivity between the main provincial corridors, or act as connections between themselves.

The NS Department of Transportation, per the Public Highways Act, administers regulations concerned with any alterations that impact on the provincial road network. The Department is responsible for issuing access permits to property owners located adjacent to a provincial road.

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

2 LAND USE CONTROLS.

Since land use controls were first adopted in the Municipality, Council has sought to create a policy framework flexible to a variety of potential development opportunities. In the decades since regulations were introduced, Council acknowledges that the development activity that has occurred in local Plan Areas has, in turn, shaped the perspectives and expectations of local citizens.

Individual perspectives change over the decades, as much as the local landscape itself changes with new developments. Over time, the policy framework associated with guiding and controlling future development should be updated, to remain consistent with any changes in Council's intentions; in consideration of the perspectives of present-day residents and property owners; and in recognition of larger societal shifts in demography, economics, technology, and culture.

Residents of the community of Oakland remain concerned that rapid development, in the absence of land use planning, could have profound consequences for the local living environment. There is very little commercial or industrial land use in the Plan Area. The community has indicated a desire to continue accommodating for growth and change through land use controls.

Land Use Designations

In establishing development controls, **Land Use Designations** have been given to the entire land mass found in the Oakland Plan Area. The following sub-sections outline the policies that govern the types of land use permitted within each designation. Land Use Designations are also found on **Map 1, Future Land Use Map**, attached to this Secondary Planning Strategy. The accompanying Land Use By-law includes a Zoning Map, identifying the Zones related to each of the Land Use Designations.

Council recognizes where most communities in the Municipality may be considered rural communities. Council will establish a Rural Land Use Designation, which allows for a variety of uses consistent with a pattern of low density, mixed use development. Most of the land in the Oakland Plan Area will be identified with a **Rural** designation. There are several reasons to support this description:

- Development remains generally **unconcentrated**. There is an established mix of different land uses that, in many cases, pre-dates the adoption of zoning regulation.
- Development has **occurred slowly** and **continuously**. An existing use or structure on a property is not necessarily tied to the same era as a development found on adjacent property.
- There are no **central services** shared between private properties. Each property owner is responsible for managing their own water and wastewater requirements.
- The pattern of residential / commercial development **follows provincial roads** that have been in place for generations. In some locations, new residential subdivisions have developed, based on the emergence of **unconnected private roads** serving a limited number of properties.
- Some properties are focused on **natural resource-related activities**, be it forestry or farming. While the number of parcels actively devoted to such activities is relatively small, such properties continue to be valued, in that they are tied to the local community's heritage.

Other Designations identified in this Planning Strategy serve specified purposes. An **Environmental** designation protects areas considered significant environmental assets. Council will continue to implement an **Ocean Shoreline** designation, to restrict development adjacent to identified parts of the coastline.

Boundaries

In creating Land Use Designations, Council would note boundary lines identified in local Plan Areas follow municipal jurisdiction. The Province considers submerged land located along the coast to be land owned by the Province, unless it has been sold by way of provincial or federal grant, or is considered a federal harbour. Under the Crown Lands Act, NS Natural Resources is responsible for administering Crown land, to include these submerged lands.

The boundary of the Oakland Plan Area therefore follows the ordinary high-water mark. If the ordinary high-water mark is moved seaward by any infilling along the coastline, or where a development connects with land above the high-water mark, the Municipal Government Act provides that the planning jurisdiction of the Municipality moves accordingly. The Land Use Designation, and accompanying zone boundaries in the Land Use By-law, will accommodate possible changes in the shape of the shoreline.

Additional Requirements for Identified Uses

Council acknowledges that certain types of development require special consideration in the Land Use By-law, due to their relatively unique impacts on the land, or on surrounding properties, or due to the nature of jurisdictional authority over such activities also resting in part with senior levels of government. Policy statements identifying additional requirements regarding certain types of permitted developments, have been listed in **Section 2.5** of this Secondary Planning Strategy.

Prohibited Uses

Council considers that certain intensive land uses would not integrate successfully with existing developments in the Oakland Plan Area. Until such time that a comprehensive municipal planning strategy is adopted, affecting the entirety of the Municipality, there is a need for specific policy in this 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 opportunity in unplanned communities in the Municipality. Where there are no land use regulations to control development in most of the Municipality, Council considers there to be many potential locations for such types of uses to develop.

- 2.0.1 Council shall prohibit specific developments entirely from the Oakland Plan Area, in consideration of the potential negative impacts that such uses would have on existing developments, and on residents living in the community. Prohibited Uses will be identified in the Land Use By-law.

2.1 RURAL LAND USE DESIGNATION.

In Council's consideration, most of the land in the Oakland Plan Areas can continue to be designated as Rural and can continue to provide for a mix of compatible uses that reflect the existing landscape.

Council recognizes where properties in rural areas have been used historically for agricultural or forestry - related purposes. It is Council's intent that these traditional rural-based resource activities continue to be supported through the Municipality's land use policy. Future development proponents can be made aware of Council's perspective in supporting traditional rural resource-related activities, by these identified statements in this Planning Strategy. Certain resource-related developments will be subject to specified requirements in the By-law.

Some types of development provide potential benefits to the general community and may be considered as suitable as-of-right developments in any areas identified with a Rural Designation. Such uses include emergency service facilities and non-commercial recreational land uses.

- 2.1.1 Council shall establish a Rural (RUR) Designation within the Oakland Plan Area, as shown on attached **Map 1, Future Land Use Map**.
- 2.1.2 Council shall permit agricultural and forestry activities on properties identified with a Rural designation, subject to identified requirements in the Land Use By-law. Permitted activities include the growing of agricultural and forestry products, and the sale of those products grown on the property by their producers. In all Zones identified with a Rural designation, standards will include requirements for the keeping of farm animals and livestock, and requirements for any areas used for manure storage or bedding.
- 2.1.3 Council shall permit for the primary processing of agricultural and forestry products at the farm site or harvest site, on properties identified with a Rural designation, subject to identified requirements in the Land Use By-law. Proposed developments that involve the processing of off-site harvested wood products will be considered by Council by Development Agreement. Uses associated with aggregate and mineral resource extraction operations will be considered by Council by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.
- 2.1.4 Council shall permit non-commercial recreational uses, emergency service facilities, and cemeteries on properties identified with a Rural designation, subject to identified requirements in the Land Use By-law.

Rural Zone

The number of existing land uses identified in the Oakland Plan Area which are not single-unit residential uses is minimal. There are few properties associated with another type of development. Further, the pace of local development activity, or change of use, is relatively slow. Since 2003, the time of the last Planning Strategy's adoption, Oakland is not considered one of the communities in the Municipality that experienced substantial growth, in terms of a significant increase in housing stock, or in new commercial development.

In the past twenty-five years - since local land use regulations were first introduced - the pattern of development in Oakland has come to resemble much of what has occurred elsewhere on rural Nova Scotia's sea coast. That is: new residential development generally unconnected with the use of adjacent lands for resource purposes, and largely unassociated with any sizeable new commercial or industrial development activities found in the immediate vicinity or surrounding neighborhood. While there are consequences associated with the lack of identifiable local employment growth, such aspects are occurring on a provincial-wide scale and are linked with rural demographic change and migration patterns.

Council recognizes where the preponderance of new residential development in the community has largely created a rural residential environment. Not all types of commercial or industrial land uses may be as well-suited to be integrated with the residential development activities that have occurred in the last three decades.

Council's intent, therefore, is to encourage the Plan Area's potential, and its continued development, by establishing a Rural (RU) Zone that permits for identified types of commercial and industrial uses that are specifically listed in the Land Use By-law. Development proposals which are not associated with a commercial or industrial land use listed in the By-law will be considered by Development Agreement.

The type of residential development that has occurred in the last three decades has also shaped local expectations regarding future residential growth. Most developments are concentrated near the coast, in proximity to the existing road network. The scale of existing residential use is clearly low-density. There are few instances where new housing developments have been carried out in a purposefully-compact, dense development pattern. Past public consultation undertaken by the Municipality surveyed and affirmed the community's expectations around residential density. For these reasons, the number of dwelling units per lot in the Rural Zone that are permitted as-of-right is specified in Policy 2.1.6.

- 2.1.5 Council shall establish a Rural (RU) Zone within the Rural Designation. It is Council's policy to permit identified land uses within the Rural 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 and setbacks, to minimize potential conflicts between the different permitted land uses.
- 2.1.6 Council shall permit residential uses, to a maximum of two dwelling units per lot, in the Rural Zone, subject to identified requirements in the Land Use By-law. Proposed residential developments which involve more than two dwelling units per lot will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.
- 2.1.7 Council shall permit a limited range of commercial, industrial and institutional uses, in the Rural Zone, subject to identified requirements in the Land Use By-law. Any identified uses of this nature which are permitted in the Rural 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 relevant criteria of **Section 5.4**.
- 2.1.8 Except where uses have been identified as Prohibited Uses, pursuant to Policy 2.0.1, commercial and industrial uses not listed in the Land Use By-law shall be permitted in the Rural Zone only by way of Development Agreement, regardless of the size or scale of the proposal. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.

Institutional Zone

There are no large-scaled institutional uses found in the Oakland Plan Area. In this Planning Strategy, Policy 2.1.7 allows for institutional uses to be developed in the Rural Zone, subject to a size threshold. A proposed institutional use larger than the identified thresholds shall only be considered by way of Development Agreement.

Many municipal developments are institutional in nature. As a Municipality cannot enter into a Development Agreement with itself, Policy 2.1.9 enables for the re-zoning of land within the Rural Designation to the Institutional (I) Zone, where the Municipality is itself proposing a new institutional development.

This zone may be considered a floating zone, as no land was identified as Institutional on **Schedule A, Zoning Map** of the Land Use By-law at the time that this Planning Strategy was initially adopted.

2.1.9 Council shall establish an Institutional (I) Zone within the Rural Designation, to provide for a range of potential institutional uses undertaken by the Municipality of the District of Lunenburg. Council may re-zone identified lands within the Rural Designation to Institutional, provided Council is satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.

2.2 RESIDENTIAL LAND USE DESIGNATION.

Residential development is the most prominent land use in the Oakland Plan Area. Past Planning Strategies identified the potential allowance of introducing a more restrictive residential designation that would inhibit the proposed development of other types of uses.

The Plan Review process undertaken in the development of this Planning Strategy reviewed the policy alternatives of establishing different zone designations for distinct parts of the Plan Area. It was determined that a mix of compatible uses under a Rural Zone identification remained the appropriate policy framework.

Council will continue to allow for future consideration of residential designation in policy, where it is identified that a part of the community may, at some point in the future, warrant the development of more restrictive regulation. **At the time of Council's adoption of this Planning Strategy, no land in the Oakland Plan Area was identified with a Residential Designation on attached Map 1, Future Land Use Map.**

Council's consideration of where land in the Oakland Plan Area may be re-designated to a Residential Designation would require an amendment to policy, as well as require the introduction of several new regulations in the Land Use By-law. A policy amendment would also include making necessary changes to **Map 1, Future Land Use Map.**

Specific regulations, as may be identified with any new Residential Zone, would be consistent with restrictions that already exist in Land Use By-laws adopted in other communities in the Municipality. Such zoning controls would restrict new development to a maximum of two dwelling units per lot, and to small-scaled, non-residential uses considered compatible with a low-density residential neighbourhood.

The intent in Council's consideration and the potential application of any Residential (RES) Designation is to outline clearly to all development proponents where identified parts of the Oakland Plan Area are restricted to residential uses.

2.2.1 Council may consider the establishment of a Residential (RES) Designation within the Oakland Plan Area.

2.2.2 Council's intention is to consider the re-designation of land in the Oakland Plan Area to a Residential Designation, provided Council is satisfied that:

- a) the proposal satisfies the relevant criteria of **Section 5.4.**
- b) where an area is proposed to be provided with a Residential Designation, the identified area is to include developed lands which are predominantly used for residential purposes.

2.3 ENVIRONMENTAL LAND USE DESIGNATION.

Council wishes to protect certain lands within the Oakland Plan Area considering its sensitivity, its unique circumstances, and/or protected standing by the Provincial government.

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

- 2.3.1 Council shall establish an Environmental Protection (ENV) Designation within the Oakland Plan Area, as shown on attached **Map 1, Future Land-use Map**.

Protected Water Area Zone

Oakland Lake serves as the water supply source for the Town of Mahone Bay. The Nova Scotia Water Authority first designated the waters of Oakland Lake and surrounding watershed lands as a Protected Water Area in 1963. Part of the Provincially designated area lies within the Oakland Plan Area.

Council will establish land use controls to support existing provincial Protected Water Area regulations. Council will limit permitted uses to those uses that will have minimal impact on the water quality of Oakland Lake, and incorporate standards into the By-law to minimize the impact of development on Oakland Lake.

- 2.3.2 Council shall establish a Protected Water Area (PWA) Zone, within the Environmental Protection Designation. The Protected Water Area Zone includes that portion of watershed lands surrounding Oakland Lake prescribed as a Protected Water Area by Nova Scotia Environment that is also located within the Oakland Plan Area. Land uses that affect the quality and quantity of water shall be regulated.
- 2.3.3 Within the Protected Water Area Zone, Council shall permit structures essential to the operation of a water supply. Council shall also permit multi-use recreation trails, forestry, and the keeping of farm animals, provided these uses do not involve the placement, erection or alteration of structures, other than raised boardwalks for recreation trails. Regulations include development standards for the keeping of farm animals, to ensure minimal impact from development on the Oakland Lake Watershed. Council shall also establish minimum lot area requirements within this zone to reduce the density of development and its impacts on the water quality of Oakland Lake.
- 2.3.4 Council's intention is to cooperate with the Town of Mahone Bay on matters related to their public water supply and the portion of the Protected Water Area that lies within the Oakland Plan Area. Officials responsible for Protected Water Area regulations will be notified of development proposals located within the Protected Water Area Zone identified in the Land Use By-law.

Commons Zone

The community of Oakland includes a significant asset that is a unique aspect of its historical development. The Oakland Commons is a large property whose title was passed by the Crown to residents of the community of Oakland in the eighteenth century.

During the Plan Review process, the Trustees of the Oakland Commons were invited to present the future vision for activities and future use of the Commons property. It was identified that the Oakland Commons is presently considered as passive, recreational parkland, and provides residents with access to natural open space, in a community where the majority of parcels are privately-owned.

In establishing a specific Zone for the Oakland Commons under the Environmental Designation, it is Council's intent to respectfully identify that future use and enjoyment of the Oakland Commons property is to be determined by local residents, via the Trustees. Any municipal land use policy, or identified regulations in the Land Use By-law, seeks to remain consistent with the Trustee's vision

- 2.3.5 Council shall establish a Commons (CO) Zone, within the Environmental Protection Designation. **The Commons Zone will be specific to the Oakland Commons. It is Council's policy to permit the development of uses consistent with the objectives identified by the Trustees of the Oakland Commons, at the time this Planning Strategy became effective.**
- 2.3.6 The principal use of the Oakland Commons is identified as passive, recreational parkland. Permitted uses also include traditional resource -related activities, carried out by residents of Oakland, as recognized by the Board of Trustees. Storage buildings in support of these identified uses will also be permitted.

2.4 OCEAN SHORELINE LAND USE DESIGNATION.

Public roads follow much of the ocean shoreline in Oakland. These roads have some historical significance: having been developed as part of the initial overland connection between Halifax and communities on the South Shore prior to construction of Highway #3 or Highway #103. In many instances, the road right-of-way is immediate to the water. In other places, there is a narrow strip of private land. Where these conditions exist, the ocean has an immediate and visible presence that is enjoyed by the public, and by residents whose homes are established on the inland side of the road.

The ocean shoreline plays a role in defining the community. Development and land use in this shoreline area, either on existing lands, or on land created by infilling of the ocean, is identified as a planning concern. Uncontrolled development could substantially alter or interfere with public views of the ocean, and limit opportunities for future public access. Restrictive controls in the form of development standards and Development Agreements can help preserve those features considered community assets. Council will create an Ocean Shoreline Designation, to include continuous stretches of identified waterfront land that have a depth of less than 45.7 metres.

- 2.4.1 In recognition of the significance of the coastline in shaping the community of Oakland, Council shall establish an Ocean Shoreline (OS) Designation, as shown on **Map 1, Future Land Use Map**. Those areas of land that lie between identified public highways and the ordinary high-water mark of the ocean shoreline, excepting those identified areas of land with a continuous depth greater than 45.7 metres, shall be included in the Ocean Shoreline Designation.

Ocean Shoreline Zone

Traditionally, the narrow strips of land between the public road and shoreline have been used for a variety of non-residential uses that required access and proximity to the water. Common waterfront structures would include: boat building establishments, storage buildings identified with marine activities, wharves, and boat-launching facilities. Such structures have been built on land, on areas of infill, or on pilings. Given their functionality, these traditional and customary uses are considered by Council to be appropriate waterfront developments, and will be permitted to develop in the Ocean Shoreline (OS) Zone, within the Ocean Shoreline Designation.

The previous Oakland Secondary Planning Strategy made note of three existing residential uses found in the Ocean Shoreline Zone and identified them as non-conforming uses. Council does not permit new residential development in the Ocean Shoreline Zone. Council will also adopt policy that will prevent non-conforming structures and non-conforming uses from being enlarged, altered, or extended.

However, Council will enable structures containing existing non-conforming uses to be reconstructed in the event of destruction, provided that the reconstructed structure has the same footprint, floor area and volume as the original structure. The three existing residential uses identified in the Ocean Shoreline Zone will also be subject to specified restrictions and related requirements in the By-law, where it pertains to the proposed development of any home-based occupation, as well as any allowance for a conversion to, or the incorporation of, fixed roof accommodations.

- 2.4.2 Council shall establish an Ocean Shoreline (OS) Zone in the Ocean Shoreline Designation. Council's intent is to limit future development to preserve views, access to the water, and character of the shoreline. Specified zone standards will be established in the Land Use By-law, including size thresholds, setbacks, height restrictions, and lot related requirements.
- 2.4.3 Within the Ocean Shoreline Zone, Council shall permit customary and traditional waterfront uses such as personal boat storage, building and repair; and uses involving the fishery and recreation, subject to identified zone requirements.
- 2.4.4 Commercial and industrial marine uses, as specified in the Land Use By-law, shall be considered by Council in the Ocean Shoreline Zone only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.
- 2.4.5 Existing residential dwellings found in the Ocean Shoreline Zone will be listed in the Land Use By-law, and identified as non-conforming uses, and will be subject to additional restrictions, as identified in the By-law.
- 2.4.6 Non-conforming uses in the Ocean Shoreline Zone shall be subject to the non-conforming use provisions of the Municipal Government Act. Council shall permit structures containing non-conforming uses to be reconstructed in the event of destruction, provided that:
- a) the reconstructed structure shall have the same or smaller foot print, floor area and volume as the original structure; and
 - b) the reconstruction of the structure is commenced within 12 months of the date of its destruction.

2.5 SPECIAL PROVISIONS - IDENTIFIED USES.

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

Wind Turbines

Council recognizes where there are ongoing changes in technology, societal demand, and public policy affecting renewable energy generation installations. Such changes are likely to continue. Rural communities in particular will be impacted by proposed developments. Council considers that wind turbines may be permitted in the Rural Zone, provided the proposed use complies with additional requirements set out in the Land Use By-law. Council recognizes that additional provisions can mitigate potential conflicts that can occur in a community where such developments are introduced.

Council considers that as-of-right wind turbine developments are to be restricted to small-scaled applications, of a specific generation capacity.

- 2.5.1 Council shall permit the development of small-scaled wind turbines in the Rural Zone of the Oakland Plan Area, subject to an annual energy generation capacity established in the Land Use By-law, provided such proposed developments also comply with identified setback and safety requirements. Given the potential conflict with adjacent land uses, Council shall consider the development of any proposed wind turbines that are of a larger generation capacity only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.

Keeping of Livestock / Manure Storage Area Requirements

Council recognizes that conflicts between livestock operations and residential uses can occur. Common conflicts between residential uses and livestock operations are the nuisance of odor from manure storage facilities and livestock barns, and the concern of a potential risk to watercourses and the ground water supply from manure storage and application practices.

Programs associated with the provincial Department of Agriculture are available to help farm operators identify environmental risks on their property, prevent nuisances and help them implement best practices. Council can help protect local water sources by requiring livestock operators meet best management practices when developing a new building, or expanding an existing structure, used for the keeping of livestock, or in identifying manure storage areas.

Where it is possible not all livestock operations will want to develop an Environmental Farm Plan, or an approved Nutrient Management Plan, Council will permit for smaller-scaled operations to be subject to an identified yard setback requirement for any structures used for the keeping of livestock. These setback requirements will also apply to any associated manure storage sites or facilities.

- 2.5.2 Pursuant to Policy 2.1.2, Council shall establish yard requirements within the Land Use By-law associated with best management practices for the keeping of farm animals, and any associated manure storage sites or facilities, in the Rural Zone of the Oakland Plan Area.

Fixed Roof Accommodations

- 2.5.3 Council shall permit for fixed roof accommodation uses in the Rural Zone of the Oakland Plan Area, subject to a size threshold and unit threshold requirement established in the Land Use By-law. 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 relevant criteria of **Section 5.4**.

Outdoor Wood Furnaces

- 2.5.4 Council shall regulate the placement, location or alteration of outdoor wood furnaces on a lot in the Rural Zone of the Oakland Plan Area, to minimize nuisances and conflicts with surrounding land uses.

Private Storage

- 2.5.5 The development of private storage structures, on properties where there are no other buildings located on the lot, are permitted in the Rural Zone and the Ocean Shoreline Zone of the Oakland Plan Area, subject to the requirements of the Zone they are located in.

3 ENVIRONMENTAL PROTECTION.

Section 214 and Section 220 of the Municipal Government Act permit municipalities to develop policies and accompanying regulations concerned with prescribing methods for controlling development, and activities associated with a proposed development, that impact on the natural environment.

3.1 WATERCOURSE SETBACKS

Council recognizes that development near or adjacent to watercourses has the potential to impact water quality through surface runoff, and to destroy or alter the soils and vegetation found immediately adjacent.

By restricting where a proposed development may be located with respect to a significant watercourse or waterbody, Council improves the chances of such lands remaining in a natural state. Retaining a portion of natural vegetation along identified watercourses achieves several functions, in addition to controlling the potential impacts of erosion and sedimentation. Vegetated buffers are aesthetically pleasing, can help moderate air and water temperatures, filter noise and air pollution, reduce runoff, and provide wildlife habitat corridors near to water resources.

For these reasons, the Land Use By-law will contain provisions to ensure that proposed developments be set back horizontally from significant watercourses in the Plan Area.

The potential impacts of coastal flooding and erosion events can result in significant costs for property owners, as well as impact on potential costs associated with public safety and emergency response.

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, including: **Scenarios and Guidance for Adaptation to Climate Change and Sea Level Rise for NS Municipalities** (2011). In addition, a **Municipal Climate Change Action Plan** (2013) was developed for the Municipality that specifically identified the issue of potential climate-related hazards affecting coastal development.

Council recognizes that it can mitigate - although not eliminate completely - potential concerns regarding future coastal hazards, by adopting policy that identifies a vertical setback requirement, to couple with existing horizontal setback requirements in local Plan Areas. In review of the possible scenarios associated with future coastal flooding resulting from climate hazard events, Council is prepared to restrict new developments from those 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 from flooding, erosion, or storm surge events, to developments which may be situated at higher vertical elevations. Council will be prepared to consider amending existing requirements as information becomes known, or to conform with provincial guidelines, as they may be developed.

- 3.1.1 Council shall protect identified water resources within the Oakland Plan Area, by restricting identified 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 horizontally set back from the ordinary high-water mark to minimize the impacts of development on fish, wildlife, aquatic ecosystems, and to preserve the natural aesthetic characteristics of waterbodies and the immediate shoreline.
- 3.1.2 To reduce soil erosion, minimize sedimentation of watercourses, and provide a corridor of wildlife habitat along watercourses, the infilling, excavation, or removal of natural vegetation, where undertaken in relation to a development, shall be controlled in areas of proximity to the ordinary high-water mark of a significant watercourse, as shown on **Schedule B, Development Constraints Map** of the Land-Use By-law.
- 3.1.3 Council's intention is 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 vertically set back at a distance identified in the By-law.
- 3.1.4 Where certain land uses are dependent upon having access to a watercourse, or developing in proximity to a watercourse or waterbody, such uses shall not be subject to the setback requirements identified in Policy 3.1.1 and Policy 3.1.3.

3.2 WETLAND PROTECTION

Wetlands act as nature's water purifiers by effectively absorbing and breaking down contaminants and helping to prevent contaminants from entering surface water and groundwater supply. Wetlands can also help stabilize surface water levels and reduce soil erosion and sedimentation.

Council acknowledges there are applicable provincial departments mandated with the primary responsibility to manage and protect wetlands. Municipalities can support the Province in this objective at point of development.

To assist in the protection and preservation of wetlands, Council recognizes that the Municipality's development permit application process may be linked with relevant provincial departments, where and when any proposed development in the Plan Area may be located in a provincially-identified wetland.

The identified information source regarding wetland location and boundaries on properties within the Municipality is the NS "**Wetlands Vegetation and Classification Inventory**". This Inventory is maintained and updated by NS Department of Natural Resources. Council also recognizes that NS Environment officials are identified as the principal agents in determining the specific location of local wetlands, in that it is NS Environment's regional offices which oversee any proposed wetlands alterations approval process.

- 3.2.1 It is Council's intention to assist in the protection of any provincially-identified wetlands located in the Oakland Plan Area, by corresponding with both NS Environment and NS Department of Natural Resources, prior to processing any permit application for new developments located in an identified wetland.
- a) Provincially-identified wetlands are those wetlands identified on the NS Department of Natural Resources "**Wetlands Vegetation and Classification Inventory**" and, at the time of Council's adoption of this Planning Strategy, as shown on **Schedule B, Development Constraints Map** of the Land-Use By-law.
 - b) 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 is consistent with any related provincial policy, and, where necessary, that the proposed development has satisfied any related wetlands-related approvals process.

3.3 EROSION CONTROL

A sizable portion of the Oakland Plan Area, located south of the Dynamite Trail corridor and along the Atlantic coastline, is associated with a soil type classified as Wolfville Loam. Wolfville soils are considered one of the more fertile soil types in the Municipality. Wolfville soils are also susceptible to erosion, especially when found in areas of steep slopes.

Council will require development control standards to minimize erosion and sedimentation in identified areas of steep slope.

- 3.3.1 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 to minimize erosion and sedimentation shall include the retention or replanting of natural vegetation, and other measures to stabilize disturbed soils.
- 3.3.2 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, to minimize the impact on the natural environment.

3.4 ENVIRONMENTAL OVERSIGHT - AMENDMENTS & DEVELOPMENT AGREEMENTS

Where a proposed development may be considered by way of Development Agreement, or where amendments to the Land Use By-law or to this Secondary Planning Strategy are proposed by way of specific application, the determination of environmental protection -related measures will be a consideration of the amendment or Development Agreement.

- 3.4.1 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 re-zoning, an environmental impact assessment shall be undertaken by the developer for the purposes 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 significant environmental damage.

4 IMPLEMENTATION

This Planning Strategy provides a broad policy framework for land use and development in the Oakland Plan Area. The accompanying Land-Use By-law provides detailed regulations and requirements, as intended to express and carry out the intent of this Planning Strategy.

This section outlines general policies, where municipalities are provided with authority under the Municipal Government Act, to control matters with respect to development. Such matters include, but are not limited to: lot frontage, lot area, yard requirements, signage, parking, outdoor storage, lighting, restrictions regarding non-conforming uses and structures, and subdivision related requirements.

Council considers these policies are intended to reflect the concerns of the general community, in terms of how proposed developments can impact on matters pertaining to public safety, aesthetics, and existing community design.

This section also outlines Council's policies regarding the general administration of the Planning Strategy and Land-Use By-law, and includes policies associated with temporary uses, where Council's intent is to be flexible in allowing for specified activities that are limited in duration to not require a development permit.

4.1 ADMINISTRATION

- 4.1.1 This Secondary Planning Strategy shall be implemented by means of powers conferred upon Council by the Municipal Government Act and such other provincial statutes as may be applicable.
- 4.1.2 The Land Use By-law shall be the principal means for implementing the Secondary Planning Strategy, pursuant to the Municipal Government Act.
- 4.1.3 The Development Officer for the Plan 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.
- 4.1.4 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 the period of time identified on the Permit.
- 4.1.5 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.
- 4.1.6 Council shall carry out a review of this Planning Strategy and any subsequent amendments, pursuant to the Municipal Government Act, when deemed necessary by the Minister of Municipal Affairs, or when so determined by Council.

4.2 LOT FRONTAGE, LOT AREA & YARD REQUIREMENTS

- 4.2.1 Minimum lot area, minimum lot frontage, and minimum yard requirements shall be established in the Land Use By-law, where Council considers such requirements, as identified, provides for the adequate separation of uses, to minimize potential 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. Minimum requirements also help mitigate potential on-site water supply or on-site sewage disposal system problems affecting adjacent properties.
- 4.2.2 Notwithstanding Policy 4.2.1, 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 By-law for lot area and lot frontage, provided the lot was either:
- a) created prior to the effective date of the Land Use By-law;
 - b) created by an instrument to which the Municipal Government Act does not apply; or
 - c) created in accordance with a Subdivision Plan approved in accordance with the Municipal Government Act.
- 4.2.3 Notwithstanding Policy 4.2.1, 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.

4.3 SIGNAGE

- 4.3.1 Council shall control the impact of signs on the landscape, streetscape and skyline of the Oakland 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:
- a) sign area;
 - b) height of sign;
 - c) illumination and animation
 - d) location of sign on lot.

4.4 PARKING

- 4.4.1 Council shall regulate use-specific and 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.

4.5 LANDSCAPING, FENCING, OUTDOOR STORAGE & LIGHTING

4.5.1 For any proposed development that is subject to a Development Agreement:

- a) Council shall require landscaping to be carried out, where landscaping is considered reasonably necessary in providing additional screening or buffers, in reducing erosion and dust, or to minimize incompatibility with surrounding land uses.
- b) Council shall regulate the type, height, and location of fencing, for the purposes of screening storage areas that contain unsightly materials, or to minimize incompatibility with surrounding land uses.
- c) Council shall regulate or prohibit outdoor storage and display, to include the amount, type and location of outdoor storage and display on a lot.
- d) Council shall control the impact of outdoor lighting, to minimize any adverse off-site impacts to properties in the surrounding area.

4.6 SUBDIVISION REQUIREMENTS

4.6.1 It shall be the policy of Council that all sections of the Subdivision By-law shall apply and are operative in the Oakland 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 identified in the Land-Use By-law.

4.6.2 Notwithstanding Policy 4.6.1, 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, any minimum lot frontage requirement that would otherwise apply shall apply to the lot frontage on the surrounding waterbody, as specified in the Land Use By-law or Subdivision By-law.

4.7 TEMPORARY USES

4.7.1 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. No Development Permit shall be required for these temporary uses.

4.8 NON-CONFORMING USES & STRUCTURES

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 non-conforming structures, non-conforming uses of land, and non-conforming uses in a structure. The following policies identify Council's intentions where provisions in the By-law will impact such structures and uses:

- 4.8.1 Council shall incorporate provisions within the Land Use By-law enabling the extension, expansion, alteration or reconstruction of non-conforming structures, subject to satisfying requirements of the Zone in which they are located.
- 4.8.2 In recognition of the need to not impose unreasonable restrictions on non-conforming uses, it shall be the policy of Council to consider only by way of Development Agreement within the Rural Zone:
- a) the extension of a non-conforming use of land;
 - b) 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
 - c) 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 relevant criteria in **Section 5.4**.

- 4.8.3 It shall be the policy of Council to permit a non-conforming use of land or a non-conforming use in a structure within the Rural Zone to recommence, 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.

5 AMENDMENTS AND PROCEDURES.

This section describes Council's policies regarding proposed amendments, re-zonings, development agreements, variances, and related procedural considerations pertaining to the implementation of this Planning Strategy and accompanying Land Use By-law.

Council may make amendments to the Land-Use By-law, provided the amendments conform with policy statements identified in this Secondary Planning Strategy. Any amendments to this Planning Strategy are subject to review by the Provincial Director of Planning at the Department of Municipal Affairs, and must be reasonably consistent with Statements of Provincial Interest. Under certain circumstances, planning strategy amendments are subject to the approval of the provincial Minister.

5.1 PROCEDURES.

- 5.1.1 Amendments to this Secondary Planning Strategy will be required where:
- a) Any policy statement is to be changed, or
 - b) Any amendment to the Land-Use By-law would contravene with **Map 1, Future Land-Use Map**, attached to this Planning Strategy.
 - c) Any amendment to the Land Use By-law is inconsistent with the text of this Planning Strategy.
- 5.1.2 A Public Participation Program (MDL-66) shall be held prior to any proposed amendment to this Secondary Planning Strategy, or to the accompanying Land Use By-law, as well as in conjunction with the future review of this Planning Strategy.
- 5.1.3 A Public Hearing shall be held by Council prior to approving any amendment to the Land-Use By-law, or prior to entering into any Development Agreement. No Development Permit shall be granted until the appeal period and any appeals pursuant to the Municipal Government Act have been completed.
- 5.1.4 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.
- 5.1.5 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.
- 5.1.6 No Development Agreement shall be executed until all identified permits required by a Federal, Provincial or Municipal Government agency have been issued, or where Council is satisfied that the required permits will be issued.

5.2 VARIANCES.

5.2.1 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) height of a structure;
- c) floor area occupied by a home-based business / home occupation;
- d) height or area of a sign;
- e) lot frontage;
- f) size or other requirements related to yards

provided that a variance is not granted where the:

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

5.3 RE-ZONING ALLOWANCES.

5.3.1. Council shall provide for the re-zoning of lands in the Oakland Plan Area where:

- a) lands designated as Rural (RU) Zone may be re-zoned to an Institutional (I) Zone designation, provided conditions identified in **Policy 2.1.9** have been satisfied.
- b) lands in the Oakland Plan Area may be re-designated to a Residential (RES) designation, provided conditions identified in **Policy 2.2.2** have been satisfied.

5.3.2 Re-zoning proposals shall meet the identified requirements of the Land Use By-law for the Zone that is being sought.

5.3.3 In assessing any amendment application for a re-zoning, Council shall consider the planning implications of the proposed use, as well as other uses that are permitted in the requested Zone.

5.4 CONSIDERATION of AMENDMENTS & DEVELOPMENT AGREEMENTS

When considering amendments to the Land Use By-law, re-zonings, and in considering Development Agreements, in addition to all other criteria as set out in the various policies of this Planning Strategy, Council shall be satisfied that:

- 5.4.1 the development conforms to the intent of the Municipal Planning Strategy and of this Secondary Planning Strategy;
- 5.4.2 where in considering a Development Agreement, the development conforms with any specific requirements identified in applicable sections previously found in this Planning Strategy:
 - a) **Policy 2.1.3** (proposed off-site wood processing -related activities in the Rural Zone and proposed uses associated with aggregate and mineral resource extraction operations)
 - b) **Policy 2.1.6** (proposed residential uses exceeding the identified dwelling unit per lot density threshold in the Rural Zone)
 - c) **Policy 2.1.7** (proposed commercial, industrial, and institutional uses exceeding identified threshold levels listed in the Land Use By-law as permitted uses in the Rural Zone)
 - d) **Policy 2.1.8** (proposed commercial or industrial uses not listed in the Land Use By-law as permitted uses in the Rural Zone, where also not identified as a prohibited use)
 - e) **Policy 2.4.4** (proposed commercial uses, as listed in the Land Use By-law, in the Ocean Shoreline Zone)
 - f) **Policy 2.5.1** (proposed wind turbine uses exceeding the identified generation capacity threshold in the Rural Zone)
 - g) **Policy 2.5.3** (proposed fixed roof accommodation uses exceeding the identified threshold levels in the Rural Zone)
 - h) **Policy 4.8** (proposed developments that would result in the extension, enlargement, alteration, expansion or reconstruction of non-conforming uses, or structures containing non-conforming uses, in the Rural Zone)
- 5.4.3 the development conforms with specific policies concerned with environmental protection identified in **Part 3** of this Planning Strategy;
- 5.4.4 the development conforms with specific policies identified in **Part 4** of this Planning Strategy, so that Council has been satisfied that any impacts pertaining to the following components have been sufficiently addressed, and comply with regulations in the Land Use By-law, or, where Council considers it necessary, with specified conditions identified in the Development Agreement:
 - a) yard requirements;
 - b) signage;
 - c) parking;
 - d) landscaping & fencing, to include screening measures;
 - e) outdoor display and storage;
 - f) lighting measures;

- 5.4.5 in Council's consideration, the proposed development is not premature or inappropriate due to:
- a) the financial ability of the Municipality to absorb costs related to the development;
 - b) the adequacy of Municipal services;
 - c) the creation or worsening of a pollution problem, including soil erosion and siltation;
 - d) the adequacy of storm drainage and effects of alteration to drainage patterns, including the potential for creation of a flooding problem;
 - e) the adequacy of local emergency services;
 - f) the adequacy of street networks and site access regarding traffic volume and congestion, traffic hazards and emergency access.
- 5.4.6 in Council's consideration, the development shall not 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.
- 5.4.7 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.
- 5.4.8 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.
- 5.4.9 all structures associated with the proposed development shall be built, repaired, and maintained with durable, weather-resistant materials, such that the appearance of structures complements the natural surroundings or is consistent with the existing built environment found in the Plan Area;
- 5.4.10 parking areas, loading areas and driveways shall be hard surfaced or otherwise surfaced with stable materials, to prevent dust from blowing into adjacent properties, and allow for adequate drainage and snow removal;
- 5.4.11 where any development includes 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;
- 5.4.12 in Council's consideration, the proposed development shall not have a negative impact on surrounding properties due to hours of operation;
- 5.4.13 where in relation to a multi-unit residential development proposal, that the development does not exceed a maximum of ten (10) dwelling units per lot;
- 5.4.14 all other matters of planning concern have been addressed.

6 LIST OF ATTACHMENTS

Map 1 Future Land Use Map: Oakland Plan Area

CERTIFICATION & REPEAL

The Secondary Planning Strategy for the Oakland Plan Area, adopted by Municipal Council on September 9, 2003 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 identified Oakland Plan Area which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on **MONTH DATE, YEAR.**

DATED at Bridgewater Nova Scotia, _____

Sherry Conrad, Municipal Clerk

OAKLAND

MAP 1 Future Land Use

Presented at PAC,
January 24, 2019


DESIGNATIONS:

 Ocean Shoreline (OS)

 Environmental (ENV)

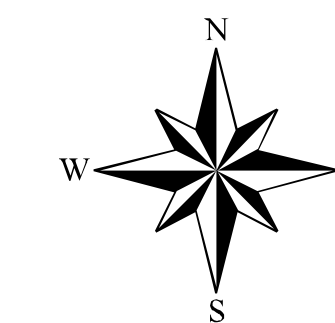
 Rural (RUR)

FEATURES:

 Watercourse (1:10000 Topographic, 2016)

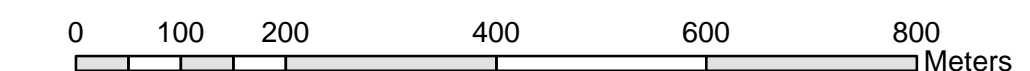
 Properties (January 2019)

DRAFT



Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS

Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.



Projected Coordinate System: NAD 1983 CSRS UTM Zone 20N

PLANNING AREA BOUNDARY

Oakland L

Common L

Mahone Bay

TOWN OF MAHONE BAY

MUNICIPALITY OF THE DISTRICT OF LUNENBURG



Oakland Land Use By-law

DRAFT VERSION 3.1 - December 12th, 2018

First Reading by Council: **DATE**
Second Reading by Council: **DATE (Council Motion)**

EFFECTIVE DATE: **DATE (Public Notice)**
LAST AMENDMENT: -

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previous Drafts -

<i>v.3</i>	<i>November 28th, 2018</i>	<i>Draft By-law recommended by Oakland Area Advisory Committee, December 5th 2018</i>
<i>v.2.1</i>	<i>July 27th, 2018</i>	<i>Draft By-law presented at August 21 Public Open House</i>
<i>v.2</i>	<i>July 16th</i>	
<i>v.1</i>	<i>Segments as presented April 17th, May 15th, May 23rd, June 19th.</i>	

Notes regarding DRAFT v.3.1 (December 12th) vs. previous Draft 3.0 version (November 28th):

- Removal of identified strikethroughs / red mark-up found in main text of Draft By-law, as used during the Oakland AAC's review of previous draft versions.

- There were **no changes made** following the Oakland AAC December 5th meeting. This document is consistent with that recommended by the Oakland Area Advisory Committee.

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1 PURPOSE & COMPLIANCE.

1.1. TITLE

This By-law shall be known and may be cited as the “Oakland 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 intent of the Oakland Secondary Planning Strategy in accordance with the provisions of the **Nova Scotia Municipal Government Act** (*Chapter 18, Statutes of Nova Scotia 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 Oakland Plan Area.

1.3. APPLICATION

This By-law shall apply to the area of land shown specifically on **Schedule A, Zoning Map**, and any related schedules, consisting of the Oakland Plan Area, as described in the Oakland Secondary Planning Strategy.

1.4. SCOPE

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

1.5. COMPLIANCE WITH OTHER BY-LAWS AND REGULATIONS

This By-law does not exempt any person from complying with the requirements of other 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.

1.6. 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 Oakland Secondary Planning Strategy and its implementing Land-Use By-law are in effect.

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, under the authority of the Municipality Government Act. 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. 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, and the permit is in force.

2.4. NO PERMIT REQUIRED

Notwithstanding **Section 2.3**, no Development Permit is required in relation to a particular development when such an exception is clearly stated elsewhere in this By-law.

2.5. REQUIREMENT FOR APPLICATION: DEVELOPMENT PERMIT

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

2.5.1 The application for a Development Permit shall be signed by the owner of the lot, or by their authorized agent.

2.5.2 The application for a Development Permit 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 the proposed development conforms to the requirements of this By-law.

2.6. CONTENTS OF APPLICATION: DEVELOPMENT PERMIT

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

- 2.6.1 the true shape and dimension of the lot to be used or upon which the development is proposed, and;
- 2.6.2 the proposed location, height and dimensions of any building or structure or area for which the permit is applied and the locational information shall include measurements of the lot frontage and front, side and rear yards; and
- 2.6.3 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
- 2.6.4 the proposed location and dimensions of parking areas, parking spaces, loading spaces, driveway accesses and curbs; and
- 2.6.5 the location of existing and proposed landscaping, fencing and outdoor storage; and
- 2.6.6 the location of any watercourse, waterbody, or wetlands, and location of any existing or proposed building or structure or land uses in relation to these features; and
- 2.6.7 all other such information as may be necessary to determine whether the proposed development conforms with the requirements of this By-law.

2.7. 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 2.6** be based upon an actual survey by a Nova Scotia Land Surveyor.

2.8. 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 the Planning Strategy, shall include payment of fees prescribed by Council from time to time, by policy.

2.9. ISSUANCE OF DEVELOPMENT PERMIT

The Development Officer shall not issue a Development Permit unless:

- 2.9.1 the proposed development is in conformance with this Land Use By-law; or
- 2.9.2 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
- 2.9.3 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.

2.10. DEVIATIONS

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

2.11. RIGHT OF ENTRY

Pursuant to the Municipal Government Act, any of the duly authorized officers of Council of the Municipality 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.

2.12. 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.

2.13. DECISION IN WRITING

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

2.14. REVOCATION OF DEVELOPMENT PERMIT

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

2.15. VIOLATIONS

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

2.16. SERVICE OF NOTICE OF AMENDMENTS / DEVELOPMENT AGREEMENT

Where Council has given notice of its intention to adopt an amendment to this By-law, including any amendment to **Schedule A, Zoning Map**, 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 metres of the property which is the subject of the proposed amendment, Development Agreement or amendment thereto. Such notice shall:

- 2.16.1 set forth a synopsis of the proposed amendment, Development Agreement or amendment thereto;
- 2.16.2 state the date, time, and place set for the public hearing on the amendment, Development Agreement or amendment thereto; and
- 2.16.3 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.

2.17. COST OF ADVERTISING & NOTICE FOR AMENDMENTS / DEVELOPMENT AGREEMENT

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 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.

2.18. SERVICE OF NOTICE / COST OF NOTICE OF VARIANCE

Where a variance from the requirements of this By-law has been granted or refused, the Development Officer shall give notice to the persons required by, and in the manner prescribed by, the Municipal Government Act. Notice is to be served by ordinary mail. The Municipality may recover from the applicant the cost of giving such notice.

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

3.1. ZONES

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

RU	Rural
OS	Ocean Shoreline
PWA	Protected Water Area
CO	Commons

3.2. INTERPRETATION OF ZONE BOUNDARIES

For greater certainty, the boundaries of zones shall be as shown on **Schedule A, Zoning Map**, 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 identified 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 identified 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 forms part of this By-law. Schedule A 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 10 - 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.

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. RESTORATION TO A SAFE CONDITION

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

4.3. 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.

4.4. 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 use 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.

4.5. STRUCTURE TO BE MOVED

No structure 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.

4.6. HEIGHT REGULATIONS

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

4.7. MISCELLANEOUS MINOR ACCESSORY STRUCTURES

In the Rural Zone or Ocean Shoreline Zone, no Development Permit shall be required for miscellaneous minor accessory structures such as but not limited to: fences less than 2 metres in height; retaining walls; children's play structures; cold frames; garden trellises; pet houses; monuments, clothesline poles; interpretive displays and accessory buildings of less than 20 square metres in floor area.

4.8. PROHIBITED USES IN ALL ZONES

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

- 4.8.1 Animal by-product rendering plants and commercial slaughtering of animals;
- 4.8.2 Asphalt concrete production for off-site sales and use;
- 4.8.3 Biosolid spreading and storage, to include sludge processing;
- 4.8.4 Bulk storage of petroleum;
- 4.8.5 Commercial or recreational racing of animals or motorized vehicles;
- 4.8.6 Correctional centres;
- 4.8.7 Incineration for the reclamation of metals or other materials;
- 4.8.8 Manufacturing of biochemistry products, chemicals or paint;
- 4.8.9 Metal pipe fabrication and corrosion treatment;
- 4.8.10 Petrochemical plants;
- 4.8.11 Pulp and paper mills;
- 4.8.12 Ready-mix concrete plants;
- 4.8.13 Refining of hydrocarbons;
- 4.8.14 Shooting ranges;
- 4.8.15 Smelting and ore refining;
- 4.8.16 Solid waste management facilities and salvage operations;
- 4.8.17 Tanning operations;
- 4.8.18 Tire recycling facilities; and
- 4.8.19 Warehousing, manufacturing, and/or wholesaling of explosives, pesticides, herbicides, fungicides, biocides, and other poisonous or hazardous substances.

4.9. HABITATION OF VEHICLES

No automobile, truck, bus, coach, streetcar, recreational vehicle, camper, boat, 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, notwithstanding legally registered recreational vehicles or campers may be used for temporary residential accommodation 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.

4.10. HABITATION OF SHIPPING CONTAINERS

No shipping container, or any part thereof, shall be used for human habitation within the area regulated by this By-law. Modified shipping containers, converted in compliance with Nova Scotia Building Code regulations, may be used in construction of permanent structures, where such uses are permitted.

4.11. 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. 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.

4.12. 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 tool & equipment shed, or scaffold, or a mobile site office incidental to construction. 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 uses shall be terminated no more than 60 days after the completion of the construction of the main structure.

4.13. NON-CONFORMING USES

A use of land or a use in a structure, or both, that legally existed prior to the effective date of this By-law, and which 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. Non-conforming uses are subject to the identified requirements of the Zone in which they are located:

4.13.1 in the Rural Zone, **s.5.2.7.**

4.13.2 in the Protected Water Area Zone or the Commons Zone, **s.6.2.2.**

4.13.3 in the Ocean Shoreline Zone, **s.7.2.6.**

4.14. NON-CONFORMING STRUCTURES

A structure that legally existed prior to the effective date of this By-law, which is located on a lot such that the minimum lot area or the minimum yard requirements required by this By-law are not satisfied, is deemed to be a non-conforming structure. Pursuant to Secondary Planning Strategy **Policy 4.8.1**, within any Zone, non-conforming structures may be extended, expanded, altered, or reconstructed, provided that the structure shall not extend or increase any existing encroachment into the minimum yard requirements in that Zone, and all other requirements of the Land Use By-law are satisfied, except by the operation of **s.4.22.**

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

4.15.1 Creation of a Lot

Notwithstanding any minimum lot frontage and lot area requirements established elsewhere in this By-law, and pursuant to Secondary Planning Strategy **Policy 4.2** and **Policy 4.6**, 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 requirement, are satisfied.

4.15.2 Islands

Notwithstanding **subsection 4.15.1**, and pursuant to Secondary Planning Strategy **Policy 4.6.2**, 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 the surrounding waterbody, 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.

4.15.3 Lots created as Designed Road / Public Highway

Notwithstanding the minimum requirements established elsewhere in this By-law, and pursuant to Secondary Planning Strategy **Policy 4.2.3**, a proposed lot created for a private 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, but is required to meet specific design standards outlined in the Subdivision By-law.

4.16. DEVELOPMENT NEAR A SIGNIFICANT WATERCOURSE / WATERBODY

4.16.1 Identified Horizontal Setback

In accordance with Secondary Planning Strategy **Policy 3.1.1**, subject to identified exemptions listed in **s.5.2.5, s.6.2.1, or in s.7.2.5**: development near a significant watercourse or waterbody shown on **Schedule B, Development Constraints Map**, shall be horizontally setback a minimum of 20 metres from the ordinary high water mark of the watercourse or waterbody.

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

In accordance with Secondary Planning Strategy **Policy 3.1.2**, 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 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 or waterbody are to occur and the approval of the Nova Scotia 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 or synthetic fibres, within 24 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;
- c) permanent soil cover shall be placed upon temporarily covered disturbed soil areas within 18 weeks from the date the fill was placed or soil disturbed; and
- d) other than as required by an approval referred to in **clause 4.16.2(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.

4.17. DEVELOPMENT NEAR TO THE COAST

In accordance with Secondary Planning Strategy **Policy 3.1.3**, subject to identified exemptions listed in **s.5.2.5, s.6.2.1 or s.7.2.5**: 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)

4.18. PROTECTION OF PROVINCIALLY IDENTIFIED WETLANDS

In accordance with Secondary Planning Strategy **Policy 3.2.1**, and in relation to a proposed development affecting a provincially-identified wetland, as shown on **Schedule B, Development Constraints Map**:

- 4.18.1 No development permit will be issued by the Municipality until such time that it has been confirmed by the Province that the proposed development is consistent with any related provincial wetlands policy, and
- 4.18.2 Where found to be necessary, that the proposed development has satisfied any related wetlands-related approvals process with the respective provincial departments.

4.19. DEVELOPMENT CONSTRAINTS - STEEP SLOPES

In accordance with Secondary Planning Strategy **Policy 3.3**, in all zones, and in relation to a development: any proposal that is identified within an area in excess of 20 percent slopes, as identified on **Schedule B, Development Constraints Map**, shall be subject to site preparation and landscaping requirements, to prevent or minimize erosion, as follows:

- 4.19.1 Driveways shall be covered with gravel or hard-surfaced within 14 days of the start of the construction or excavation of the driveway.
- 4.19.2 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.
- 4.19.3 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 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.
- 4.19.4 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, 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.

4.20. PARKING AND LOADING

Unless where otherwise provided as a Zone requirement, parking and loading areas shall be provided in accordance with the applicable requirements of **Part 8** of this By-law.

4.21. SIGNS

Unless where otherwise provided as a Zone requirement, all signs shall be subject to the applicable requirements of **Part 9** of this By-law.

4.22. VARIANCE FROM REQUIREMENTS

Pursuant to Secondary Planning Strategy **Policy 5.2**, 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:

- 4.22.1 number of parking spaces and loading spaces required;
- 4.22.2 height of a structure;
- 4.22.3 floor area occupied by a home-based business / home occupation;
- 4.22.4 height or area of a sign;
- 4.22.5 lot frontage;
- 4.22.6 size or other requirements related to yards

provided that a variance is not granted where the:

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

5 RURAL ZONES.

5.1 APPLICATION

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

5.2 GENERAL REQUIREMENTS FOR RURAL ZONES.

5.2.1 Parking and Loading

Parking and loading area requirements for proposed developments in the Rural Zone shall be subject to applicable requirements identified in **Part 8** of this By-law.

5.2.2 Signs

Signs in the Rural Zone shall be subject to applicable requirements identified in **Part 9** of this By-law.

5.2.3 Fences and Walls

Fences and walls 2 metres or greater in height shall be regulated as structures and shall be subject to the applicable setback and yard requirements of the Rural Zone. The use of electrified wire or sharp edged materials such as barbed wire, designed to prevent access to a parcel of land, is permitted only at the top of fences or walls that are over 2 metres high, except for fences or walls associated with active agricultural or horticultural uses.

5.2.4 Accessory Structures to Permitted Uses

The proposed development of an accessory structure shall be subject to applicable setback and yard requirements of the Rural Zone.

5.2.5 Developments exempt from Watercourse Setback / Coastal Setback

In accordance with Secondary Planning Strategy **Policy 3.1.4**, in the Rural Zone, the following developments are exempt from the watercourse setback and coastal setback requirements identified in **s.4.16.1** and **s.4.17**. These developments may be built to the front, side or rear property line where that property line abuts the waters edge. These developments remain subject to the erosion control standards identified in **s.4.16.2**, and all other applicable provisions of the By-law:

- a) Wharves and Slipways
- b) Private Boathouses
- c) Boat Building and Boat Repair Shops
- d) Storage sheds identified for fishing gear or aquaculture
- e) Multi-use trails
- f) Hydroelectricity generation and related structures

5.2.6 Private Storage Buildings

In accordance with Secondary Planning Strategy **Policy 2.5.5**, 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 Rural Zone, provided that the applicable zone requirements are satisfied, as if the private storage building were regarded as the main building on the lot.

5.2.7 Non-conforming Use of Land or in a Structure

a) In accordance with Secondary Planning Strategy **Policy 4.8.2** and By-law **s.4.13**: the following developments are permitted only by Development Agreement within the Rural Zone:

- i) the extension of a non-conforming use of land;
- ii) the extension, enlargement, alteration or reconstruction of a structure containing a non-conforming use;

b) In accordance with Secondary Planning Strategy **Policy 4.8.3** and subject to **s.5.2.7(a)**: 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.

5.3 DEVELOPMENTS IN THE RURAL (RU) ZONE

5.3.1 Permitted Developments

The following developments are permitted in the Rural Zone, subject to the Zone Requirements identified in **s.5.3.2**:

- a) Residential uses to a maximum of two (2) dwelling units per lot;
- b) Commercial, industrial and institutional uses specifically listed in **s.5.4.1**, subject to the size threshold requirements identified in **s.5.4.2**;
- c) Tourist accommodation uses, subject to **s.5.5.1**;
- d) Agricultural and forestry uses, subject to **s.5.5.2**;
- e) Outdoor wood furnaces, subject to **s.5.5.3**;
- f) Wind turbines, subject to **s.5.5.4**;
- g) Water access and related uses specifically identified in **s.5.2.5**;
- h) Sawmills, planer mills and roundwood processing of on-site harvested wood;
- i) Emergency service facilities;
- j) Non-commercial recreational uses;
- k) Cemeteries;
- 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 Zone Requirements

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

a) Minimum Front Yard	5 metres
b) Minimum Flankage Yard	5 metres
c) Minimum Side Yard	1.5 metres - Adjoining buildings that are structurally attached to each other may be built to the common side lot line.
d) Minimum Rear Yard	1.5 metres
e) Minimum Lot Frontage	- subject to Municipality's Subdivision By-law.
f) Minimum Lot Area	- 2,787 square metres - subject to provincial on-site sewage disposal regulations
g) Minimum Setback from a Watercourse or Waterbody	- refer to s.4.16, s.4.17 & s.5.2.5
h) Maximum Height of Structures	14 metres

5.3.3 Developments Permitted by Development Agreement

In accordance with the identified Secondary Planning Strategy Policies, the following developments are permitted only by Development Agreement in the Rural Zone:

- a) Residential developments which involve more than two dwelling units per lot (Policy 2.1.6);
- b) Commercial, industrial and institutional developments specifically listed in s.5.4.1 which exceed the maximum size threshold requirements identified in s.5.4.2 (Policy 2.1.7);
- c) Any commercial or industrial development not listed in s.5.4.1, where such a development is not identified as a Prohibited Use in s.4.8 (Policy 2.1.8);
- d) Tourist accommodation uses that do not fulfill requirements identified in s.5.5.1 (Policy 2.5.3);
- e) Wind turbine developments that do not fulfill requirements identified in s.5.5.4 (Policy 2.5.1);
- f) Sawmills, planer mills and roundwood processing of off-site harvested wood (Policy 2.1.3);
- g) The extension of a non-conforming use of land or the extension, enlargement, alteration or reconstruction of structures containing non-conforming uses (Policy 4.8)
- h) Uses associated with aggregate and mineral resource extraction operations (Policy 2.1.3)

5.4 COMMERCIAL, INDUSTRIAL & INSTITUTIONAL DEVELOPMENTS

5.4.1 Permitted Commercial, Industrial and Institutional Uses

In accordance with s.5.3.1(b): the following developments are permitted in the Rural Zone subject to the size threshold requirement identified in s.5.4.2, and where the proposed use is not identified as a Prohibited Use in s.4.8:

- a) Craft Workshops, including Fine Arts & Crafts Studios;
- b) Educational facilities;
- c) Food production facilities; not including fish processing plants or slaughterhouses;
- d) Institutional uses;
- e) Offices;
- f) Manufacturing uses;
- g) Medical clinics & related health services, to include veterinary services;
- h) Personal services shops, not including pet care services, or the breeding or boarding of animals (animal kennels) other than farm animals;
- i) Residential daycare centres;
- j) Repair shops, not including autobody repair shops;
- k) Restaurants, not including drive-thru restaurants, beverage rooms, cabarets, clubs, lounges or taverns;
- l) Retail Sales shops;
- m) Warehouses, not including salvage operations or the bulk storage of petroleum

5.4.2 Size Threshold Requirement for Listed Commercial, Industrial & Institutional Uses

In accordance with s.5.3.1(b): permitted uses listed in s.5.4.1 are permitted in the Rural Zone, subject to the following size threshold requirement:

a) Maximum total indoor floor area on each lot.	375 square metres
b) Maximum total area on each lot. (includes indoor and outdoor areas)	1,858 square metres

5.5 SPECIAL REQUIREMENTS FOR PERMITTED DEVELOPMENTS

5.5.1 Fixed Roof Accommodation Uses

In accordance with Secondary Planning Strategy Policy 2.5.3 and s.5.3.1(c): fixed roof accommodation uses are permitted in the Rural Zone, subject to the following conditions:

- a) A fixed roof accommodation use shall not exceed three (3) rental units.
- b) A fixed roof accommodation shall meet the identified size threshold requirement of a permitted commercial use as identified in s.5.4.2, to include any associated dining facilities.

5.5.2 Shelter for Farm Animals and Areas Used for Manure Storage

In accordance with Secondary Planning Strategy **Policy 2.5.2** and **s.5.3.1(d)**: a lot within the Rural Zone containing a building or structure used for the keeping of livestock or an identified area used for the storage of manure shall meet one of the following requirements:

- a) have an approved Nutrient Management Plan completed by a qualified person; or
- b) have an Environmental Farm Plan, as delivered by the NS Federation of Agriculture; or
- c) the following yard setback requirements shall apply to new buildings, and to any existing building being brought into use within the Rural Zone used for shelter or confinement of farm animals, and to identified areas used for storage of manure or bedding:

Land Use	Minimum front, side and rear yard requirement
Buildings sheltering ten (10) or fewer farm animal units or associated manure or bedding storage areas.	15 metres

5.5.3 Outdoor Wood Furnaces

In accordance with Secondary Planning Strategy **Policy 2.5.4** and **s.5.3.1(e)**: outdoor wood furnaces and the storage buildings in which they are housed, shall not be considered as accessory buildings or structures within the definition of accessory buildings and structures in this Land Use By-law, and their use will require a Development Permit. Outdoor wood furnaces shall only be permitted in the Rural Zone and shall be required to be located a minimum distance of 38 metres from adjacent lot lines.

5.5.4 Wind Turbines

In accordance with Secondary Planning Strategy **Policy 2.5.1** and **s.5.3.1(f)**: wind turbines are permitted in the Rural Zone subject to the following conditions:

- a) The minimum setback from adjacent property lines for any wind turbines, measured from the point of intersection of the guy wires with the ground, shall be whichever of the following measurements are greater:
 - i) a measurement equal to seven 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) completely enclosed by fencing with a minimum height of 1.8 metres; or
 - ii) enwrapped with sufficient guarding around the bottom of the tower to prevent climbing;
- c) The proposed turbine is manufactured to produce less than 30,000 kW.h (kilowatt hours) per year.

5.6 INSTITUTIONAL ZONE.

5.6.1 APPLICATION

The provisions of section 5.6 shall apply to the Institutional Zone, and to other zones as specified in this By-law.

5.6.2 GENERAL REQUIREMENTS FOR THE INSTITUTIONAL ZONE.

Developments in the Institutional Zone shall comply with general requirements for Rural Zones, as identified in s.5.2.

5.6.3 PERMITTED DEVELOPMENTS IN THE INSTITUTIONAL ZONE.

In accordance with Secondary Planning Strategy **Policy 2.1.9**, the following developments are permitted in the Institutional Zone, subject to the Zone Requirements identified in s.5.6.4:

- a) buildings and uses identified with government services

5.6.4 INSTITUTIONAL ZONE REQUIREMENTS.

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

a) Minimum Front Yard	5 metres
b) Minimum Flankage Yard	5 metres
c) Minimum Side Yard	5 metres
d) Minimum Rear Yard	5 metres

e) Minimum Lot Frontage	- subject to Municipality's Subdivision By-law.
f) Minimum Lot Area	- 2,787 square metres - subject to provincial on-site sewage disposal regulations
g) Minimum Setback from a Watercourse or Waterbody	- refer to s.4.16 & s.4.17
h) Maximum Height of Structures	14 metres

6 ENVIRONMENTAL ZONES

6.1 APPLICATION

The provisions of this part shall apply to the Protected Water Area Zone, the Commons Zone, and to other zones as specified in this By-law.

6.2 GENERAL REQUIREMENTS FOR ENVIRONMENTAL ZONES.

6.2.1 Developments exempt from Watercourse Setback

In accordance with Secondary Planning Strategy **Policy 3.1.4**, in the Protected Water Area Zone or the Commons Zone, the following developments are exempt from the watercourse setback requirements identified in **s.4.16.1**. These developments may be built to the front, side or rear property line where that property line abuts the waters edge. These developments remain subject to the erosion control standards identified in **s.4.16.2**, and all other applicable provisions of the By-law:

- a) Uses and structures essential to the operation and maintenance of a municipal public water supply system;
- b) Parks and multi-use trails

6.2.2 Non-conforming Use of Land or in a Structure

In accordance with **s.4.13**, non-conforming uses within the Protected Water Area Zone or the Commons Zone shall be subject to the non-conforming use requirements of the Municipal Government Act.

6.2.3 Fences and Walls

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

6.3 DEVELOPMENTS IN THE PROTECTED WATER AREA (PWA) ZONE

6.3.1 Permitted Developments

The following developments are permitted in the Protected Water Area Zone, subject to the Zone Requirements identified in **s.6.5.1**:

- a) Uses and structures essential to the operation and maintenance of a municipal public water supply system;
- b) Multi-use trails which do not involve structures other than raised board walks;
- c) Forestry uses which do not involve structures.
- d) The pasturage and grazing of farm animals which does not involve structures; subject to **s.6.3.2**

6.3.2 Special Requirement: Keeping of Farm Animals in the Protected Water Area Zone

The pasturage and grazing of farm animals shall be permitted on a lot within the Protected Water Area Zone, provided that:

- a) the keeping of farm animals does not occur within a minimum distance of 100 metres from a watercourse; and
- b) that fencing is erected at a minimum distance of 100 metres from a watercourse sufficient to prohibit entry of farm animals into this same setback area.

6.4 DEVELOPMENTS IN THE COMMONS (CO) ZONE

6.4.1 Permitted Developments

The following developments are permitted in the Commons Zone, subject to the Zone Requirements identified in s.6.5.1:

- a) Passive recreational uses, including but not limited to parks and multi-use trails;
- b) Forestry uses as approved by the Trustees of the Oakland Commons;
- c) Storage structures associated with developments listed in clauses (a) and (b) above.

6.5 ENVIRONMENTAL ZONE REQUIREMENTS

6.5.1 Zone Requirements

Unless otherwise specified in this By-law, in the Protected Water Area Zone or in the Commons Zone, no development permit shall be issued except in conformity with the following minimum requirements:

a) Minimum Front Yard	5 metres
b) Minimum Flankage Yard	5 metres
c) Minimum Side Yard	1.5 metres
d) Minimum Rear Yard	1.5 metres
e) Minimum Lot Frontage	- subject to Municipality's Subdivision By-law.
f) Minimum Lot Area	- 2,787 square metres - subject to provincial on-site sewage disposal regulations
g) Minimum Setback from a Watercourse or Waterbody	- refer to s.4.16, s.4.17 & s.6.2.1
h) Maximum Height of Structures	14 metres

7 OCEAN SHORELINE ZONES

7.1 APPLICATION

The provisions of this part shall apply to the Ocean Shoreline Zone and to other zones as specified in this By-law.

7.2 GENERAL REQUIREMENTS FOR OCEAN SHORELINE ZONES.

7.2.1 Parking and Loading

Parking and loading area requirements for proposed developments in the Ocean Shoreline Zone shall be subject to applicable requirements identified in **Part 8** of this By-law.

7.2.2 Signs

Signs in the Ocean Shoreline Zone shall be subject to applicable requirements identified in **Part 9** of this By-law.

7.2.3 Fences and Walls

Fences and walls 2 metres or greater in height shall be regulated as structures and shall be subject to the applicable setback and yard requirements of the Ocean Shoreline Zone. The use of electrified wire or sharp edged materials such as barbed wire, designed to prevent access to a parcel of land, is permitted only at the top of fences or walls that are over 2 metres high.

7.2.4 Private Storage Buildings

In accordance with Secondary Planning Strategy **Policy 2.5.5**, 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 Ocean Shoreline Zone, provided that the applicable zone requirements are satisfied, as if the private storage building were regarded as the main building on the lot.

7.2.5 Developments exempt from Watercourse Setback / Coastal Setback

In accordance with Secondary Planning Strategy **Policy 3.1.4**, in the Ocean Shoreline Zone, the following developments are exempt from the watercourse setback and coastal setback requirements identified in **s.4.16.1** and **s.4.17**. These developments may be built to the front, side or rear property line where that property line abuts the waters edge. These developments remain subject to the erosion control standards identified in **s.4.16.2**, and all other applicable provisions of the By-law:

- a) Wharves and Slipways
- b) Private Boathouses
- c) Boat Building and Boat Repair Shops
- d) Storage sheds identified for fishing gear or aquaculture
- e) Multi-use trails
- f) Hydroelectricity generation and related structures

7.2.6 Non-conforming Use of Land or in a Structure

In accordance with Secondary Planning Strategy **Policy 2.4.6** and **s.4.13**: non-conforming uses shall be subject to the non-conforming use requirements of the Municipal Government Act. A structure containing an existing non-conforming use may be reconstructed upon destruction, provided that:

- a) the reconstructed structure has the same or smaller foot print, floor area and volume as the original structure, and
- b) the reconstruction of the structure is commenced within 12 months of the date of its destruction.

7.3 DEVELOPMENTS IN THE OCEAN SHORELINE (OS) ZONE

7.3.1 Permitted Developments

The following developments are permitted in the Ocean Shoreline Zone, subject to the Zone Requirements identified in **s.7.3.2**:

- a) Non-commercial water access uses, to include wharves and slipways;
- b) Private storage buildings, to include but not limited to the storage of boats, marine equipment, fishing gear, automobiles;
- c) Non-commercial boat building;
- d) Conversion of space within an existing residential dwelling, as listed on **Schedule C**, to a fixed roof accommodation, to a maximum of one (1) rental unit;
- e) Conversion of space within an existing residential dwelling, as listed on **Schedule C**, to a home occupation use, subject to **s.7.4.1**
- f) Non-commercial recreational uses
- g) Hydroelectricity generation and related structures

7.3.2 Ocean Shoreline (OS) Zone Requirements

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

a) Minimum Front Yard	5 metres
b) Minimum Flankage Yard	1.5 metres
c) Minimum Side Yard	5 metres
d) Minimum Rear Yard	1.5 metres

e) Minimum Lot Frontage	- subject to Municipality's Subdivision By-law.
f) Minimum Lot Area	- subject to provincial on-site sewage disposal regulations
g) Minimum Setback from a Watercourse or Waterbody	- refer to s.4.16 , s.4.17 & s.7.2.5
h) Maximum Height of Structures	6 metres NOTE: In the Ocean Shoreline Zone, the term "established grade" used in the By-law's definition for "HEIGHT" (s.10.47) shall mean the centre line of the abutting Public Highway.
i) Maximum Width of Structures	The maximum total width of all structures on a lot shall not exceed fifty percent (50%) of the lot frontage.

7.3.3 Developments Permitted by Development Agreement

In accordance with Secondary Planning Strategy **Policy 2.4.4**, the following developments are permitted only by Development Agreement in the Ocean Shoreline Zone:

- a) Commercial recreational water access uses, including but not limited to boat rentals, boat tours, and marinas;
- b) Commercial boat building, boat storage, and boat maintenance and repair.

7.4 SPECIAL REQUIREMENTS FOR PERMITTED DEVELOPMENTS

7.4.1 Identified Requirements: Home Occupations

In accordance with **s.7.3.1(e)**, existing residential dwellings in the Ocean Shoreline Zone, listed on **Schedule C**, may be used for a home occupation purpose, provided that all of the following requirements are satisfied:

- a) the home occupation shall be located in a dwelling unit on the same lot;
- b) the home occupation shall fall within one (1) 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 10 - Definitions**);
 - vi) Residential Daycare Centres;
 - vii) Taxicab operations; or
 - viii) Catalogue sales
- c) excepting for catalogue sales, retail sales associated with permitted uses identified in **s.7.4.1(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;
- d) the home occupation shall occupy no more than 30 square metres or 25% percent of the floor area of the dwelling, 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 home occupation shall be kept upon or operated from the lot on which the business is located;
- g) no more than 1 sign on the property related to the home occupation, with the sign being non-illuminated and not exceeding 0.5 square metres in area;
- h) the home occupation shall not emit noise, odour, dust, light, or radiation that would be a nuisance or is uncustomary in a residential neighbourhood;
- i) there shall be no outdoor display or open storage of materials or products related to the home occupation; and
- j) the use shall not include an animal shelter, animal kennel, or animal hospital.

8 REQUIREMENTS FOR PARKING AND LOADING AREAS

8.1 APPLICATION

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

8.2 STANDARDS FOR PARKING AREAS

8.2.1 Parking Exemption

The requirements of s.8.2 shall not apply to any existing land use but shall apply to the expansion of any existing land use.

8.2.2 Parking Space Size Requirements

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

8.2.3 Number of Parking Spaces Required

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

Type of Use	Required Parking
a) Residential containing not more than 3 dwelling units	1 parking space for each dwelling unit.
b) Residential with 4 or more dwelling units	1.25 spaces for each dwelling unit
c) All accommodations for travelling public, including hotels	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 of floor area
f) Hospitals / Nursing Homes / Residential Care Facilities	1 space for every 37 square metres of floor area
g) Industries	1 space for every 93 square metres of floor area
h) Warehouses	1 space for every 278 square metres of floor area
i) All other commercial uses	1 space for every 19 square metres of commercial floor area
j) Marinas / Wharves	1 space for every berth or anchorage

8.2.4 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 the raising of dust;
- b) any illumination shall be directed away from streets, adjacent lots, and buildings on adjacent lots;
- c) the parking area shall be within 90 metres of the building which it serves, except in the case of parking on the mainland required for development on an island;
- d) each parking space and the direction of travel in each aisle shall be clearly marked and maintained where a permanent hard surface is provided;
- e) 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 and delineate the parking area and highway access from the street;
- f) no street access shall be within 15 metres of the limits of the right-of-way of the nearest street intersection;
- g) the width of any access to a parking area and of any aisle in an identified parking area, shall be a minimum width of 4.3 metres if for one-way traffic, and a minimum width of 6 metres if for two-way traffic.

8.3. STANDARDS FOR LOADING AREAS

8.3.1 Loading Space Exemptions

- a) The requirements of s.8.3 shall not apply to any existing land use but shall apply to the expansion of any existing land use.
- b) The requirements of s.8.3 shall not apply to any development with less than 140 square metres of floor area.

8.3.2 Number and Layout of Loading Spaces

No person shall erect or use any building or structure for manufacturing; warehousing; storage; retail sales or wholesaling; 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, 1 off-street space for standing, loading, and unloading for every 2,700 square metres or fraction thereof of floor area used for any such purpose;
- b) each loading space measures at least 4 metres in width by 12 metres in length, with a minimum height clearance of 4.3 metres;
- c) each loading space is located in the rear or side yard of the lot;
- 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 to a loading space shall be a minimum of 5 metres for one-way traffic or 7.5 metres for two-way traffic.

9.1. APPLICATION

The requirements of this part shall apply to all signs in all Zones unless otherwise specified.

9.2 DEVELOPMENT PERMIT REQUIRED

No person shall erect any sign without first obtaining a Development Permit except for signs specified in s.9.3 below.

9.3 SIGNS FOR WHICH NO DEVELOPMENT PERMIT IS REQUIRED

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

- 9.3.1 Signs of not more than 0.5 square metres in sign area which:
 - a) identify the name and address of a resident;
 - b) identify "no trespassing", or other such signs regulating the use of a property;
 - c) non-illuminated real estate signs advertising the sale, rental or lease of the premises; or
 - d) serve in regulating on-premises traffic, parking, or other signs denoting the direction or function of various parts of a building or the premises.
- 9.3.2 Signs erected by a government body, or under the direction or authority of such a body, and bearing no commercial advertising, such as traffic signs, railroad-crossing signs, safety signs, directional signs, signs identifying public schools, public elections and signs and banners for special events which bear an incidental commercial component advertising sponsorship;
- 9.3.3 Memorials, tablets or signs denoting the historical significance and date of erection of a structure;
- 9.3.4 The flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization; or
- 9.3.5 A sign having an area of not more than 6 square metres incidental to construction and located on the same site as the building under construction. Such signs shall not remain in place for more than 60 days following completion of construction.

9.4 SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted in any Zone:

- 9.4.1 Signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in color, except for signs which display only time or temperature;
- 9.4.2 Signs which have any visible moving part or visible mechanical movement of any description;
- 9.4.3 Signs affixed to, applied to, or supported by the roof of any structure;
- 9.4.4 Signs which constitute a hazard to public safety or health;
- 9.4.5 Signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers or obstruct the effectiveness of any traffic sign or traffic control device;
- 9.4.6 Signs which obstruct the use of a fire escape door, windows, or other required exit;
- 9.4.7 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;
- 9.4.8 Signs which advertise a product, service or business which is discontinued; or
- 9.4.9 Signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object.

9.5 ADVERTISING SIGNS

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

- 9.5.1 on the same lot as the establishment which it advertises;
- 9.5.2 on the same lot as the dealer for the product which it advertises; or
- 9.5.3 within the boundaries of a provincial road.

9.6 GROUND SIGNS

- 9.6.1 No ground sign shall:
 - a) exceed a height of 8 metres from grade to the highest part of the sign.
 - b) extend beyond a property line or extend over a public street, a driveway or parking space.
- 9.6.2 No ground sign, or combination of ground signs located on any one lot, shall exceed 3 square metres in sign area on each side.

9.7 PROJECTING WALL SIGNS

- 9.7.1 No projecting wall sign shall:
 - a) be erected below a height of 3 metres above grade.
 - b) project over a property line or project over a public street.
 - c) project above the eaves, parapet or roof line of a building.
 - d) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device.
- 9.7.2 No projecting wall sign, or combination of projecting wall signs located on any one lot, shall exceed 2 square metres in sign area on each side;

9.8 FLAT FIXED WALL SIGNS

- 9.8.1 No flat fixed wall sign shall:
 - a) extend above the top of the wall upon which it is placed.
 - b) extend beyond the extremities of the wall upon which it is attached.
- 9.8.2 No flat fixed wall sign, or combination of flat fixed wall signs located on any one lot, shall:
 - a) cover more than 0.09 square metres for each 0.3 metres of the total front wall area, and
 - b) exceed, when all flat fixed wall sign areas are totaled, a maximum area of 9 square metres.

10 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

10.1 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

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

10.3 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

10.4 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.

10.5 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.

10.6 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.

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

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

10.9 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.

10.10 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.

10.11 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.

10.12 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 gasoline 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.

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

- 10.14 BEVERAGE ROOM means premises licensed as a beverage room by the Province of Nova Scotia.
- 10.15 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.
- 10.16 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.
- 10.17 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.
- 10.18 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.
- 10.19 BULK STORAGE OF PETROLEUM PRODUCTS means a facility consisting of one or more petroleum tanks and associated piping, where petroleum products are stored for off-site distribution.
- 10.20 CABARET means a premise licensed as a cabaret by the Province of Nova Scotia.
- 10.21 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.
- 10.22 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
- 10.23 CHURCH means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, and day nursery operated by the Church.
- 10.24 CLUB means a premise licensed as a club by the Province of Nova Scotia.
- 10.25 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.
- COMMERCIAL USE - SEE USE
- 10.26 COMMUNITY CENTRE means any tract of land, or building or buildings, or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the municipality, a local board or an agent thereof.
- CORNER LOT - SEE LOT
- 10.27 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.

- 10.28 COUNCIL means the Council of the Municipality of the District of Lunenburg.
- 10.29 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, sail makers, and similar skilled crafts persons.
- 10.30 CRAFT WORKSHOP means a building or part of a building where craft products are made by hand or small production processes.
- 10.31 DEVELOPER means any person, incorporated body, partnership or other legal entity that undertakes a development.
- 10.32 DEVELOPMENT includes any erection, construction, alteration, placement, location, replacement or relocation of or addition to any structure and any change or alteration in the use made of land or structures.
- 10.33 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.
- 10.34 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.
- 10.35 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 three 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.
- 10.36 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.
- 10.37 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.
- 10.38 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, or, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 10.39 EXISTING means legally existing on the effective date of this by-law

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

10.41 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*
Mink	1
Foxes	1
Swine	1
Cattle	1
Horses and other equines	1
Sheep	1
Goats, Deer and other ungulates	1
Fowl	20
Rabbits	20
Fowl & rabbit combination	20

*Excludes young to weaning.

*Farm animals not identified on the above list will be subject to the Development Officer's discretion, following communications with NS Department of Agriculture officials.

10.42 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.

10.43 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

10.44 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

10.45 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

10.46 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.

- 10.47 HEIGHT means the vertical distance on a building between the established grade and
- a) the highest point of the roof surface or parapet, whichever is greater, of a flat roof;
 - b) the deck line of a mansard roof; or
 - c) the mean level between the eaves and ridges of a gabled, hip, gambrel or other type of pitched roof
- but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.
- 10.48 HOTEL means a building or establishment which provides accommodation for the travelling public for financial remuneration and may include other facilities including meeting rooms, restaurants, and entertainment facilities and which is open to the general public.
- ILLUMINATED SIGN - SEE SIGN
- 10.49 INCINERATION 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
- 10.50 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
- 10.51 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.
- 10.52 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.
- 10.53 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 two 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 purposes of this By-law.
- 10.54 LOT AREA means the total plane horizontal area within the lot lines of a lot.

- 10.55 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.
- 10.56 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.
- 10.57 LOUNGE means premises licensed as a lounge by the Province of Nova Scotia.
- 10.58 MAIN BUILDING means the building in which is carried on the principal purpose for which the building lot is used.
- 10.59 MAIN WALL means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof.
- 10.60 MANUFACTURED HOME means a single unit dwelling or two unit dwelling built in an enclosed factory environment in one or more sections, to be occupied in a place other than that of its manufacturer. For the purposes of this By-law, manufactured homes shall include mobile or mini homes as well as modular homes that are either completely self-contained dwelling units or are incomplete dwelling units which are connected together and completed on site.
- 10.61 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.
- 10.62 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.
- 10.63 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.
- 10.64 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

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

MULTI UNIT DWELLING - SEE DWELLING

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

- 10.67 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

- 10.68 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.
- 10.69 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.
- 10.70 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, recreation vehicles, manufactured homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains.
- 10.71 OUTDOOR WOOD FURNACE 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.
- 10.72 PARK means an open area devoted to passive recreational uses or conservation uses and which may include ornamental gardens, lawns, outdoor furniture and accessory structures and may include a children's playground.
- 10.73 PARKING LOT means an open area containing parking spaces, other than a street, for two 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.
- 10.74 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.
- 10.75 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.
- 10.76 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.

- 10.77 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.
- 10.78 PETROCHEMICAL PLANT means a manufacturing plant in which organic chemical substances produced from natural organic or petroleum-based materials are produced, processed or handled.
- 10.79 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
- 10.80 PUBLIC BUILDING means a building of the Public Authority of the Government of Canada, Province of Nova Scotia, the Town of Mahone Bay or Municipality of the District of Lunenburg, including any agency or commission or corporation of the Municipality.
- 10.81 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.
- 10.82 PUBLIC SEWER means a sewage collection system owned and operated by the Town of Mahone Bay or the Municipality of the District of Lunenburg.
- 10.83 READY MIX CONCRETE PRODUCTION means a plant that manufactures ready-mix concrete.
- REAR LOT LINE - SEE LOT LINE
- REAR YARD - SEE YARD
- 10.84 RECONSTRUCT when used with reference to a building or structure means to build a wholly or substantially new structure in the same location as an existing structure, where the original existing structure has been wholly or partially removed and the resulting structure is of substantially the same dimensions and volume as the original structure as demonstrated by photographs or measured drawings of the original structure.
- 10.85 RECREATION VEHICLE means a vehicle which provides sleeping or other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, campers, motorized campers, motorized homes or similar vehicles.
- 10.86 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.
- 10.87 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.
- 10.88 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.
- 10.89 REPLACE when used with reference to a building or structure, means to build a wholly or substantially new structure on a lot where the original structure has been partially or completely demolished.

- 10.90 RESIDENTIAL CONVERSION means any building which is converted to contain more than one (1) dwelling unit.
- 10.91 RESIDENTIAL DAY CARE CENTRE means a part of a dwelling where the owner or occupier of the dwelling provides accommodation and care, for financial remuneration, to six (6) or fewer children, without providing overnight accommodation.
- 10.92 RESTAURANT means a building or part thereof where food and drink is prepared and served or sold to the public for consumption within the building or on the premises outside of the building, or off the premises.
- 10.93 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.
- 10.94 SECONDARY PLANNING STRATEGY means the Secondary Planning Strategy (SPS) of the Municipality of the District of Lunenburg for the Oakland Plan Area.
- SEMI-DETACHED DWELLING - SEE DWELLING
- 10.95 SHOP means any building or part thereof used for sales or repair of articles.
- SIDE LOT LINE -SEE LOT LINE
- SIDE YARD - SEE YARD
- 10.96 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.
- The word sign shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.
- 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 focussed 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.
- 10.97 SIGN AREA means the area of the smallest triangle, rectangle or circle or semi-circle that can wholly enclose the surface area of the sign. For canopies and awnings, sign area is considered to be the area of the smallest triangle, rectangle, circle or semi-circle which can wholly enclose the surface area of the elements which convey information.
- SINGLE UNIT DWELLING - SEE DWELLING

- 10.98 **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.
- 10.99 **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.
- 10.100 **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 the backyard composting of residential waste in which the annual volume of organic waste processed does not exceed 10 cubic metres.
- 10.101 **STUDIO** means a building or part thereof used as a workroom for the study, execution or instruction of any fine or commercial art, or craft, including photography, music, visual arts and commercial design.
- 10.102 **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.
- 10.103 **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 also fences exceeding 2 metres in height, but for the purposes of determining yard requirements "structures" shall not include signs.
- 10.104 **TANNING** means a facility in which animal hides or skins are received and processed into leather or related products.
- 10.105 **TAVERN** means a premise licensed as a Tavern by the Province of Nova Scotia.
- THROUGH LOT - SEE LOT**
- TWO-UNIT DWELLING - SEE DWELLING**
- 10.106 **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 and located on the same lot. Outdoor wood furnaces shall not be considered accessory uses.
- 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 or similar livestock, and may include shipping. "Agricultural use" shall include the accessory production, processing, treatment, storage and sale of the products produced on-site, but shall not include industrial uses such as slaughterhouses, meatpacking or canneries.
- 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 and includes, in the case of a Livestock Operation, a change from one type of livestock to another.
- 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) FORESTRY USE means the use of land, buildings, or structures to manage and harvest trees, and may include shipping, but does not include processing.
- g) 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.
- h) 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.
- i) NON-COMMERCIAL RECREATIONAL USE means the use of land, buildings or structures, owned and operated by a public or non-profit organization, for parks, playgrounds, trails, tennis courts, lawn bowling greens, indoor and outdoor skating, 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.
- j) NONCONFORMING USE means a use as described in the Municipal Government Act.
- 10.107 WAREHOUSE means a building where ware or goods are stored but shall not include a retail store.
- 10.109 WAREHOUSING, MANUFACTURING AND/OR WHOLESALING OF EXPLOSIVES, PESTICIDES, HERBICIDES, FUNGICIDES, BIOCIDES, AND/OR OTHER POISONOUS OR HAZARDOUS SUBSTANCES means any of the following:
- a) A plant in which a substance or mixture of substances is manufactured or processed to create the materials cited.
 - b) The operation of a warehouse facility devoted to the storage of any of the above products.
 - c) The operation of a facility intended solely for the purposes of wholesale distribution.
 - d) A facility for the production or handling of dangerous goods, or waste dangerous goods, as defined in the NS Dangerous Goods Management Regulations.
 - e) A facility for the handling of soils containing a chemical or petroleum product located in a place other than where the soil originated or became contaminated.
- 10.109 WHOLESALE ESTABLISHMENT means a building in which commodities in quantity are offered for sale, mainly to industrial, institutional and commercial users, or to retailers or other merchants usually for resale or business use.
- 10.110 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) ABUTTING YARD means a yard of an abutting lot that adjoins an adjacent lot or zone boundary.
 - b) 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.
 - c) 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.
 - d) 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.
 - e) 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.
 - f) 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.

g) 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.

h) 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.

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

CERTIFICATION & REPEAL

The Land Use By-law for the Oakland Plan Area, adopted by Municipal Council on September 9, 2003 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 Oakland Plan Area which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on **MONTH DATE, YEAR.**

DATED at Bridgewater Nova Scotia, _____





Sherry Conrad, Municipal Clerk

OAKLAND



SCHEDULE A Zoning

Presented at PAC,
January 24, 2019

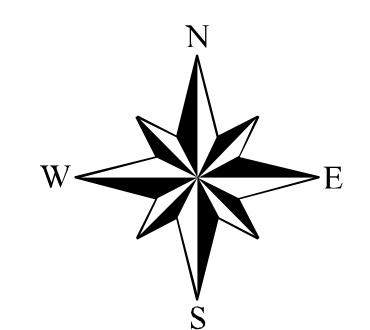
ZONES:

-  Ocean Shoreline (OS)
-  Commons (CO)
-  Protected Water Area (PWA)
-  Rural (RU)

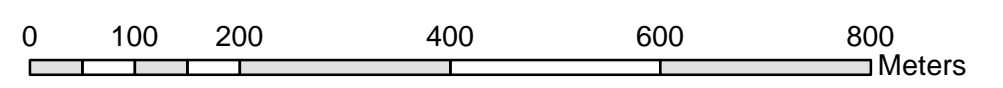
FEATURES:

-  Watercourse (1:10000 Topographic, 2016)
-  Properties (January 2019)

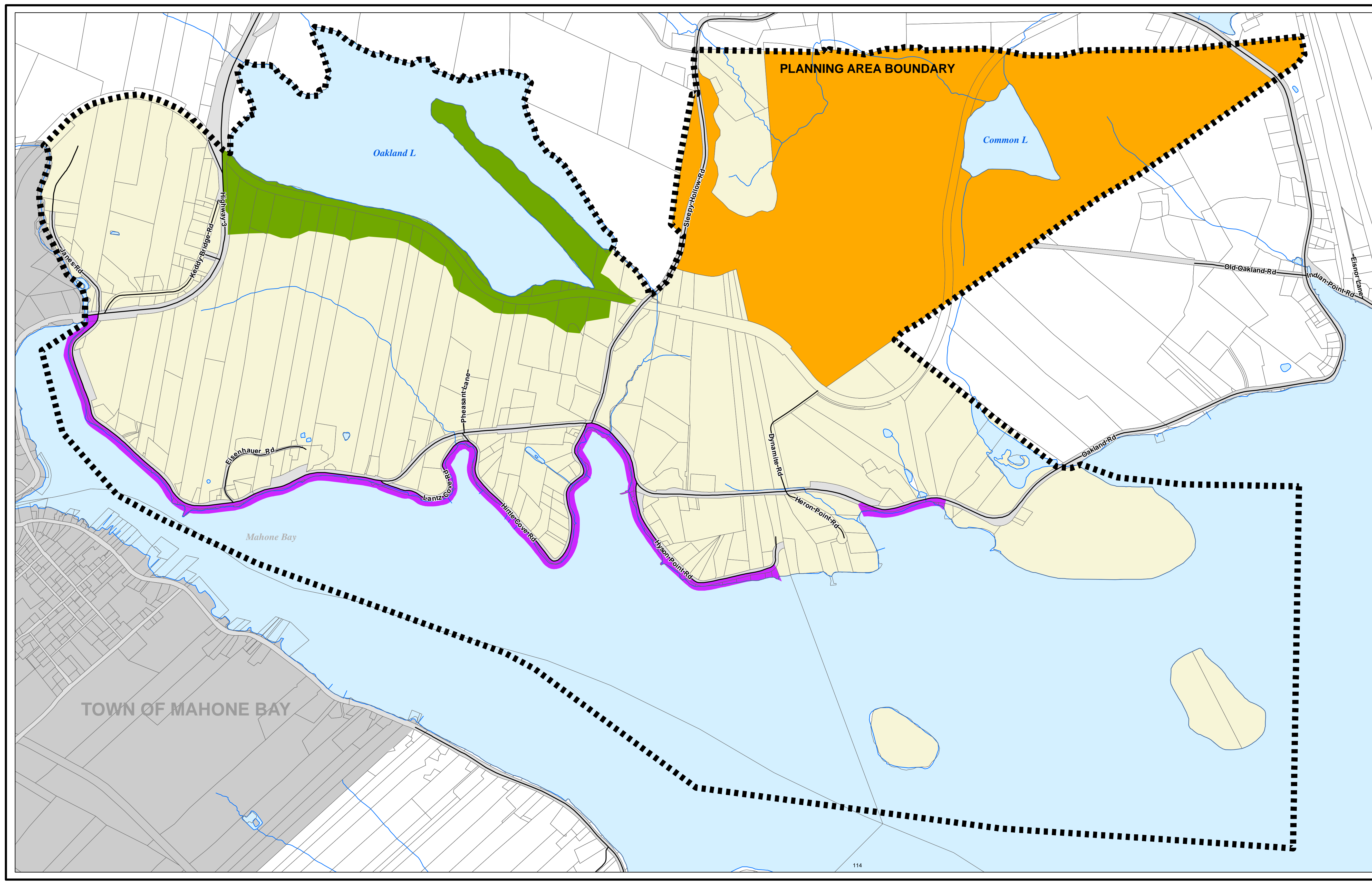
DRAFT



Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS
Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.



Projected Coordinate System: NAD 1983 CSRS UTM Zone 20N



OAKLAND

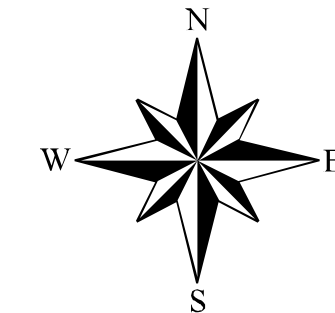
SCHEDULE B Development Constraints

Presented at PAC,
January 24, 2019

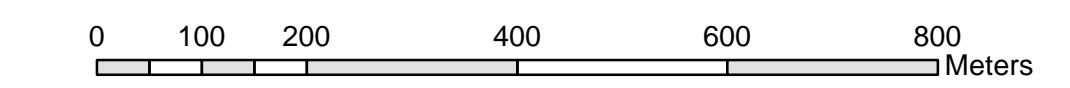
FEATURES:

- Watercourse (1:10000 Topographic, 2016)
- Slope - 20% or greater
- Provincially Identified Wetlands (2019)
- Coastal Vertical Setback (AGRG, 2011 LIDAR)
- Properties (January 2019)

DRAFT



Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS
Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.



Projected Coordinate System: NAD 1983 CSRS UTM Zone 20N

Date: January 2019

Prepared By: Planning & Development Services
Municipality of the District of Lunenburg

PLANNING AREA BOUNDARY

Oakland L

Common L

Mahone Bay

TOWN OF MAHONE BAY

2017 Plan Review

Oakland Planning Strategy & Land Use By-law



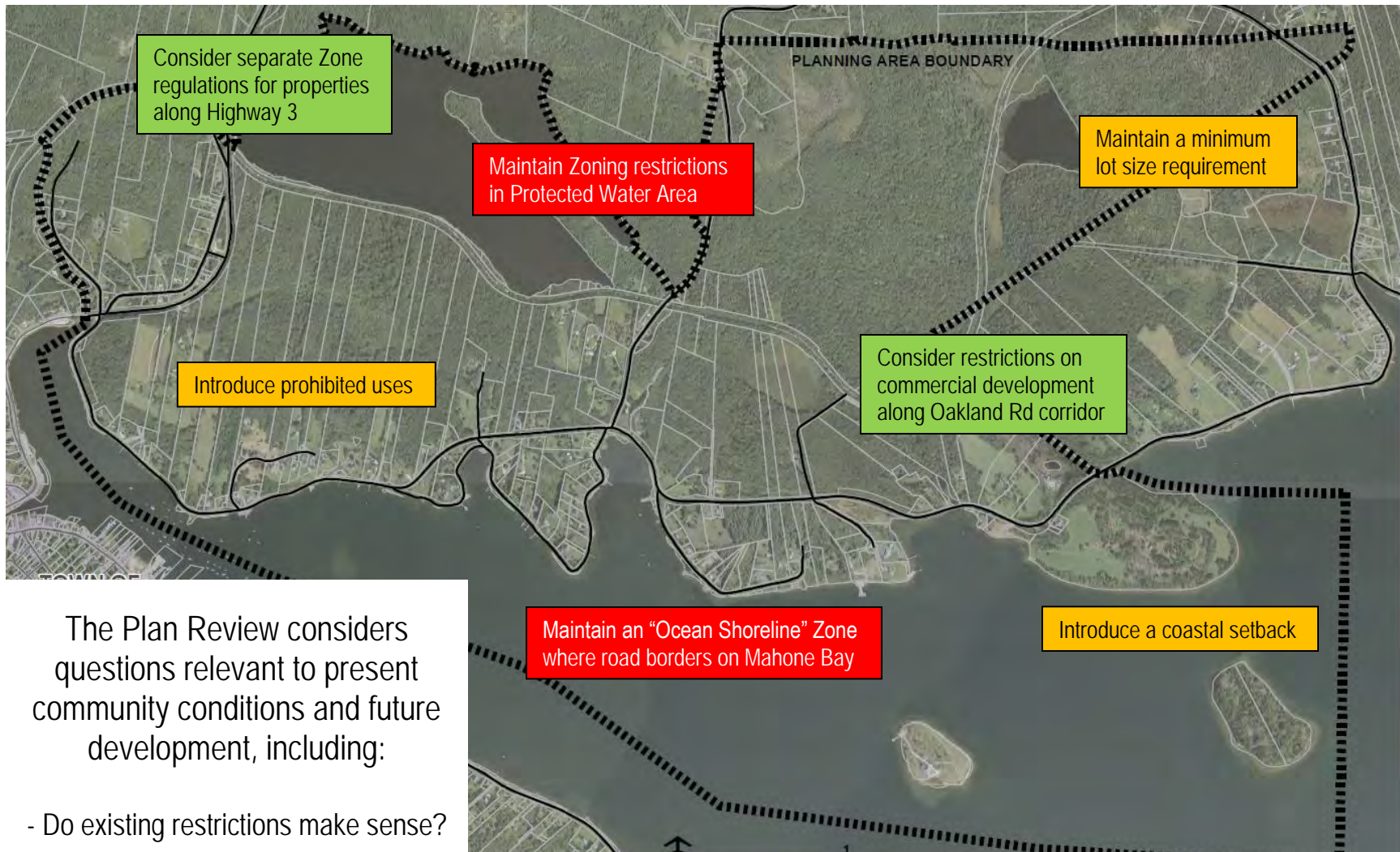
For more information, please contact:
Douglas Reid, 902-530-3480

Email: planning@modl.ca

Website: www.modl.ca/oakland-review

Stay informed via Electronic Notices: www.modl.ca/subscribe





The Plan Review considers questions relevant to present community conditions and future development, including:

- Do existing restrictions make sense?
- Would a new policy better reflect the opportunities for development?

What ideas or questions would you add?

WHAT IS PLANNING

In Nova Scotia, provincial legislation allows a municipal government to adopt a Planning Strategy and Land Use By-law to manage the development of land uses in local communities.

For many citizens, Planning is often referred to as "Zoning." It is the set of rules by which a local government permits certain uses to develop on a property, and does not allow for other types of development.

Planning regulations may also enforce how a land use gets developed; its size; its location on a particular lot; any accessory structures or features; etc.

"Development" is the term used to describe the construction of, or alteration or addition to structures, and any changes in use made of land or structures.

Building a new house would be considered a "development." Five years later, building an addition on that house would also be a "development." In both cases, the development would be identified with a residential use.

BACKGROUND - OAKLAND PLAN REVIEW

Land use regulations have been in place in Oakland since 1992. The current Oakland Planning Strategy & Land Use By-law were adopted by Council in 2003, and affects approximately 320 properties.

The Municipality carries out a Plan Review process by first engaging with a local Area Advisory Committee. Once a draft Plan has been completed, Council will consider the document at a Public Hearing.

The purpose of the Review is to consider where existing policies may be updated, or where revisions are to be made, to reflect changes over time in a community.

WHAT IS “PLANNING”

In Nova Scotia, provincial legislation allows a municipal government to adopt a Planning Strategy and Land Use By-law to manage the development of land uses in local communities.

It is the set of rules by which a local government permits certain uses to develop on a property, and does not allow for other types of development. For many citizens, Planning is often referred to as "Zoning", because a principal tool to allow for the development of certain land uses, and not others, is by identifying different zone designations.

Planning regulations may also enforce how a land use gets developed; its size; its location on a lot; any accessory structures or features; etc.

"Development" is the term used to describe the construction of, or alteration or addition to structures, and any changes in use made of land or structures.

Building a new house would be considered a "development." Five years later, building an addition on that house would also be a "development." In both cases, the development would be identified with a residential use.

BACKGROUND - OAKLAND

Land use regulations have been in place in Oakland since 1992. The current planning documents were adopted by Municipal Council in 2003, and affects approximately 320 properties.

The Municipality carries out a Plan Review process by first engaging with the local Area Advisory Committee. The purpose of the Plan Review is to consider where existing policies may be updated, or where revisions are to be made, to reflect changes over time in a community.

WHERE MATTERS STAND: NOVEMBER 2017

The Oakland Area Advisory Committee has held 11 meetings since April. At two of those meetings: invitation was extended by mail to property owners to share input, in shaping policy around [1] possible Zone designations, and [2] how future commercial and industrial uses may be regulated effectively.

The current Draft Planning Strategy is proposing:

- The application of a single Rural Zone throughout most of the community of Oakland.
- Future commercial developments will be permitted in Oakland, provided the type of proposed use is listed in the By-law.

STEPS TOWARDS ADOPTION

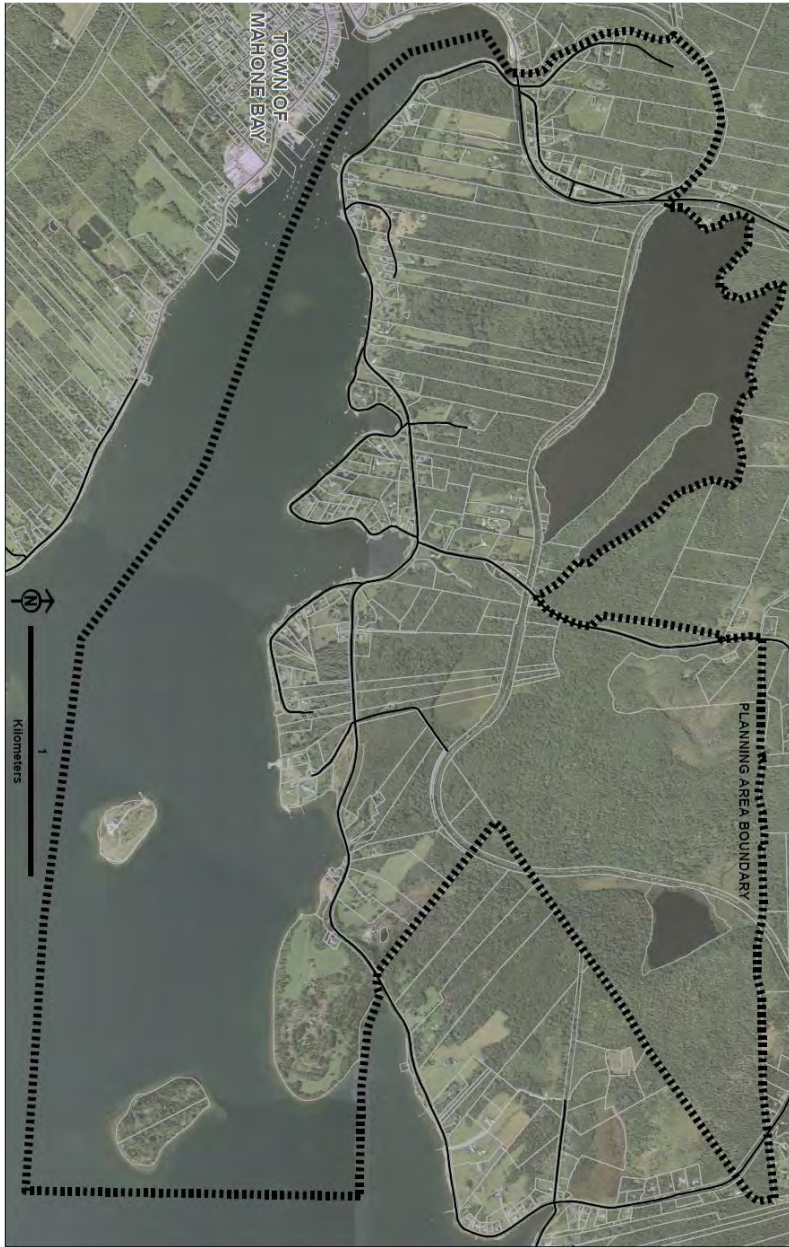
At this time: the Advisory Committee is reviewing draft Policy - this step will lead to developing specific regulations in the By-law.

Once a draft Plan has been prepared, it is presented at a Public Information Meeting. Following further considerations by the local Committee, a draft Plan will move forward to the Municipality's Planning Advisory Committee.

Ultimately, Council will consider adoption of a final document at a Public Hearing. The date of any Public Hearing will be advertised in the newspaper. Residents can be informed of future meeting dates involving the Plan Review process via an e-mail list serve: www.modl.ca/subscribe

WHEN IS THE NEXT MEETING

The Oakland Area Advisory Committee next meets on:
Tuesday November 28th - Indian Point Fire Hall, at 7.00pm.



2017 Plan Review

Oakland Planning Strategy & Land Use By-law



OIPRA update - November 2017



Staff contact:
Douglas Reid, 902-530-3480

Email: planning@modl.ca

More information via the municipal website: www.modl.ca/oakland-review

Stay informed via electronic Notices: www.modl.ca/subscribe

MUNICIPALITY OF THE DISTRICT OF LUNENBURG



OAKLAND PLAN REVIEW:

PROPOSED DRAFT SECONDARY PLANNING STRATEGY AND LAND-USE BY-LAW FOR THE OAKLAND PLAN AREA

August 2018

Note

This information summary is provided for convenience purposes only. It highlights selected excerpts taken from the draft Oakland Secondary Planning Strategy and Land Use By-law documents, dated July 2018. (version 2.1) Over the last year, the Oakland Area Advisory Committee has undertaken a review process with municipal staff to revise the existing (2003) Strategy and By-law.

Not all aspects found in the proposed documents, nor all of the changes between the proposed documents and the existing plan documents, have been highlighted in this summary. Copies of the draft documents, as well as previous materials leading to their development, are available via the municipal website: www.modl.ca/plan-review.

Oakland Plan Area - Location

The Oakland Plan Area is approximately 2,300 acres in size (~1,300 acres of the Plan Area is land, the remainder is Oakland Lake) and affects approximately 320 identified parcels of land. The boundaries of the Plan Area take in the Oakland Common Voting District, which was established by statute in 1905. The Plan Area also includes the Oakland Common, Strum Island, and Andrews Island. It is noted that the specific boundaries of the Oakland Plan Area follow with the former rail right-of-way to the northwest of Oakland Lake, and therefore do not take in those properties located nearer to the Exit 10 interchange. See the Draft 2018 Zoning Map for reference to the Plan Area boundaries.

What is the objective in establishing land use planning controls?

The objective of any community Planning Strategy in this Municipality is to establish a framework for dealing with ongoing change in land use. The aim is to provide clarity to both residents and prospective property owners on what type of changes can occur, respecting different properties in the identified Plan Area. Plans seek to achieve a balance in respecting the property rights of individuals, interested in developing their own property, and the interests of the community, which is impacted by such development decisions over the long-term.

Staff would highlight in Part 1 of the 2018 Draft Strategy, under Objectives, the following (*draft*) statement:

- Council's intention is to control land use and development in a manner that will minimize conflicts, to provide for an attractive rural residential environment. The policy framework will provide opportunities for Council to hear public input on large-scaled developments, and developments identified as having a substantial impact on the Oakland Plan Area.

Where did land use planning come from?

The first Planning Strategy & Land Use By-law for the Oakland Plan Area was adopted by Council in 1992. The existing planning documents were adopted in 2003. Planning was initiated at the request of the Oakland & Indian Point Residents Association. The community of Indian Point is not included in the Oakland Plan Area.

The Municipal Government Act serves as the legislative basis for regulations on the development of land use in the Municipality. Council directs municipal staff to conduct a Plan Review approximately every decade, as a means to revise existing planning documents in concert with the local Area Advisory Committee. The Oakland Area Advisory Committee has held 20 meetings since April 2017. Part of the Municipality's Plan Review is to provide residents and property owners with the opportunity to review a set of Draft documents while the process remains with the local Committee. Ultimately, it is Council who adopts any final Planning Strategy and Land Use By-law.

How are land use controls implemented?

The (*draft*) Secondary Planning Strategy consists of policy statements that express Council's intentions with respect to new development and land use within the identified Plan Area.

The (*draft*) Land Use By-law is the primary regulatory mechanism through which policies of the Planning Strategy document are then implemented. The By-law is used by the Municipality's Development Officer to determine if a Development Permit is to be issued. Prior to a new use being developed, the Development Officer reviews an application, and will not issue the Permit unless the proposal satisfies the applicable requirements in the By-law.

Any questions on existing land use regulations, or the 2018 Draft documents, please contact planning staff:

Douglas Reid
Planner
902-530-3480
douglas.reid@modl.ca

Jeff Merrill
Director of Planning & Development
902-541-1340
jeff.merrill@modl.ca

Zone Designations

A principal tool, common to most Land Use By-laws throughout Canada, is the identification of different **Zone designations** in a community, in which different types of land uses may be permitted to develop. This separation of uses implies that some types of development will not be permitted.

During this Plan Review process, staff and the Area Advisory Committee discussed possible alternatives to the current “single” Zone policy framework, found in the 2003 By-law. The alternatives included: identifying a separate Zone designation for properties adjacent or near to Highway 3; or the application of a “Residential” Zone designation for a portion of the community. Neither of these approaches were taken forward past discussion.

There are four Zones identified on the Draft Zoning Map. The most notable change is the introduction of a Commons Zone in the 2018 Draft, and the elimination of an Environmental Protection Zone as found in the 2003 By-law. The other three Zones - Rural, Protected Water Area, Ocean Shoreline - were all identified in the 2003 By-law, and will continue to be used in the 2018 Draft.

Rural Zone

The 2018 Draft has continued to identify the majority of the Oakland Plan Area as a **Rural Zone**. The area that is designated Rural is largely consistent with the area designated in the 2003 By-law and covers most private property. It excludes identified lands along the Mahone Bay shoreline (*see Ocean Shoreline Zone*), or lands within the protected municipal water supply watershed adjacent to Oakland Lake. (*see Protected Water Area Zone*)

Nearly all existing development in the community in the Rural Zone is **residential**. The “density threshold” for new residential development was not revised in the 2018 Draft. It is the same as found in the current By-law, that is: **two dwelling units per lot**. Any proposed development greater than the two dwelling units per lot threshold will only be considered by way of a Development Agreement application with the Municipality.

There has been a **noted change** as to how proposed **commercial or industrial uses** would be considered in the Rural Zone. **Section 5.4.1** of the 2018 Draft lists the type of permitted commercial, industrial and institutional uses that would be permitted, subject to an identified size threshold. There are thirteen types (or categories) of uses listed:

- | | | |
|---|------------------------------|-------------------------------|
| - Educational facilities | - Institutional uses | - Offices |
| - Food production facilities ** | - Manufacturing uses | - Restaurants ** |
| - Medical clinics & health services | - Personal services shops ** | - Retail Sales shops |
| - Residential daycare centres | - Repair shops ** | - Warehouses |
| - Craft Workshops, incl. Fine Arts & Crafts Studios | | ** exceptions noted in By-law |

This “Listed Uses” approach is a **different approach** than what is found in the 2003 By-law. The current By-law allows for **any** type of commercial or industrial development “as-of-right”, provided the use is not identified as a “Restricted Development.” In the 2003 By-law, there were twenty-two Restricted Developments that may be permitted by way of a Development Agreement.

The identified size threshold requirement for (listed) commercial uses has not changed in the 2018 Draft: 375 square metres (indoor floor area) and 1858 square metres (total area: indoor & outdoor). Any proposed commercial developments larger than these size thresholds would be considered by way of Development Agreement.

In keeping with changes made to regulations in other local Plan Areas, the 2018 Draft is proposing the introduction of a list of **Prohibited Uses**. At present, **no uses are explicitly prohibited from Oakland**. Many of these “heavy industry” type of developments are unlikely to develop in this part of the Municipality. The introduction of such a list is a means for the Municipality to be clear to future developers where local land use planning controls have been adopted.

Protected Water Area Zone

Oakland Lake serves as the water supply source for the Town of Mahone Bay. The Municipality looks to support the provincial Protected Water Area regulations by limiting new development in the area that is a provincially-designated water supply watershed within the Plan Area. In the 2018 Draft (**section 6.2.1**), permitted uses include: trails and structures associated with municipal water supply, so as to minimize the impact of development on Oakland Lake.

Commons Zone

During the Review process, the Advisory Committee sought out the input of the Trustees of the Oakland Commons. The Commons is a significant environmental asset to the community. The 2018 Draft (**section 6.4.1**) would establish a **separate Zone designation** exclusive to the Commons parcel, to be consistent with the direction of the Trustees.

Ocean Shoreline Zone

Another distinctive element of the community of Oakland is the proximity of the local road network to the shoreline. Since the first Oakland Plan was adopted in 1992, an Ocean Shoreline Zone designation has restricted the type of developments permitted to occur on properties found between the road and the ocean. A **noted revision** to Ocean Shoreline Zone regulations in the 2018 Draft is that proposed commercial recreational water access uses (i.e. boat rentals, tour operators) will be considered by way of Development Agreement. See **section 7.3.3**.

Other Noted Changes in the 2018 Draft

Tourist Accommodations

There has been a **noted change** in the number of fixed roof accommodation units that would be permitted to develop as-of-right in the Rural Zone. In the current 2003 By-law, the number was set at 25 rental units. In the 2018 Draft: **section 5.5.1** identifies a limit of 3 rental units. Proposed tourist accommodation developments larger than the identified limitation would be considered by way of Development Agreement.

Existing Lot Development Limitation

In the current By-law: there is an “existing lot development limitation” regulation that identified where the various regulatory thresholds in the By-law (i.e. size of a commercial use) for any proposed development would be considered based on lot size as the lot existed in 1992. (*2003 By-law section 5.1.5*) This regulation can be considered as placing a greater restriction on any existing large lots. The 2018 Draft has proposed its **deletion**.

Setbacks from Watercourses / Coastal Setback

The 2018 Draft has both a 20 metre **horizontal setback** from identified watercourses / waterbodies (**section 4.16**), and an established **vertical setback** from the Atlantic Ocean (**section 4.17**). The proposed coastal setback is a new developmental constraint; the horizontal setback was established at 14 metres in the existing 2003 By-law. Both these environmental -related constraints are identified on Schedule B - Development Constraints Map.

Shipping Containers

One subject identified for discussion with the local Advisory Committee was use of shipping containers. In the 2018 Draft: **section 4.10** has looked to clarify where shipping containers are not to be used for human habitation, except where converted in compliance with NS Building Code regulations, and where such uses are permitted. There are no restrictions in unmodified shipping containers being used as an accessory structure for personal storage.

Signage

Current By-law regulations identified a size limitation on the various types of permitted signs. The 2018 Draft has clarified where this size limitation is for either one sign, or for a combination of similar signs located on the same lot. See **section 9.6.2**.

Cross - Reference Aide

UPDATED for Planning Advisory Committee.

DRAFT version 3.1 Land Use By-law

v.

2003 (existing) Oakland Land Use By-law

<u>DRAFT VERSION 3.1</u> SECTION - Title	<u>2003 By-law</u> (Section)
--	--

1.1. TITLE This By-law shall be known and may be cited as the "Oakland Land Use By-law" of the Municipality of the District of Lunenburg.	(1.1) This By-law shall be known and may be cited as the "Oakland 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 intent of the Oakland Secondary Planning Strategy in accordance with the provisions of the Nova Scotia Municipal Government Act (<i>Chapter 18, Statutes of Nova Scotia 1998, as amended</i>) by regulating the use of land as well as the location, size, spacing, character and use of buildings and structures within the Oakland Plan Area .	(1.2) The purpose of this By-law is to carry out the intent of the Secondary Planning Strategy for the community of Oakland, as shown on Schedule A, 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 and the location, size, spacing, character and use of buildings and structures within the community of Oakland
1.3. APPLICATION This By-law shall apply to the area of land shown specifically on Schedule A, Zoning Map, and any related schedules , consisting of the Oakland Plan Area , as described in the Oakland Secondary Planning Strategy.	(1.2) This By-law shall apply to the area of land shown specifically as Schedule A, chiefly consisting of the area described generally as the District of Oakland and the area described generally as the Oakland Common.
1.4. SCOPE No person shall undertake a development, nor shall a Development Permit be issued unless the proposed development conforms to all the provisions of this Land-Use By-law.	(4.2) 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.
1.5. COMPLIANCE WITH OTHER BY-LAWS AND REGULATIONS This By-law does not exempt any person from complying with the requirements of other 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.	(4.3) 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 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.
1.6. 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 Oakland Secondary Planning Strategy and its implementing Land-Use By-law are in effect.	(2.16) Pursuant to the Municipal Government Act, 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 Planning Strategy and its implementing Land-Use By-law are in effect,.

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, under the authority of the Municipality Government Act . The Development Officer shall issue Development Permits under this By-law.	(2.1) 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.	(2.2) 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. 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, and the permit is in force .	(2.3) No developer 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.
2.4. NO PERMIT REQUIRED Notwithstanding Section 2.3 , no Development Permit is required in relation to a particular development when such an exception is clearly stated elsewhere in this By-law.	(2.4) Notwithstanding Section 2.3, no Development Permit is required in relation to a particular development when such an exception is clearly stated elsewhere in this By-law.

<p>2.5. REQUIREMENT FOR APPLICATION: DEVELOPMENT PERMIT Every person wishing to obtain a Development Permit must submit an application to the Development Officer in the form prescribed from time to time by Council.</p> <p>2.5.1 The application for a Development Permit shall be signed by the owner of the lot, or by their authorized agent.</p> <p>2.5.2 The application for a Development Permit 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 the proposed development conforms to the requirements of this By-law.</p>	<p>(2.5) Every developer 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.</p> <p>(2.8) 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.</p>
<p>2.6. CONTENTS OF APPLICATION: DEVELOPMENT PERMIT Every application for a Development Permit shall be accompanied by a plan drawn to an appropriate scale and showing:</p> <p>2.6.1 the true shape and dimension of the lot to be used or upon which the development is proposed, and;</p> <p>2.6.2 the proposed location, height and dimensions of any building or structure or area for which the permit is applied and the locational information shall include measurements of the lot frontage and front, side and rear yards; and</p> <p>2.6.3 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</p> <p>2.6.4 the proposed location and dimensions of parking areas, parking spaces, loading spaces, driveway accesses and curbs; and</p> <p>2.6.5 the location of existing and proposed landscaping, fencing and outdoor storage; and</p> <p>2.6.6 the location of any watercourse, waterbody, or wetlands, and location of any existing or proposed building or structure or land uses in relation to these features; and</p> <p>2.6.7 all other such information as may be necessary to determine whether the proposed development conforms with the requirements of this By-law.</p>	<p>(2.6) Every application for a Development Permit shall be accompanied by a plan drawn to an appropriate scale and showing:</p> <p>a) the true shape and dimension of the lot to be used or upon which the development is proposed;</p> <p>b) 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;</p> <p>c) 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;</p> <p>d) the proposed location and dimensions of parking areas, parking spaces, loading spaces, driveway accesses and curbs;</p> <p>e) the location of existing and proposed landscaping, fencing and outdoor storage;</p> <p>f) the location of any watercourse and location of any existing or proposed building or structure in relation to the watercourse; and</p> <p>g) other such information as may be necessary to determine whether or not the proposed development conforms to the requirements of this By-law.</p>
<p>2.7. 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 2.6 be based upon an actual survey by a Nova Scotia Land Surveyor.</p>	<p>(2.7) 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 2.6 be based upon an actual survey by a Nova Scotia Land Surveyor.</p>
<p>2.8. 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 the Planning Strategy, shall include payment of fees prescribed by Council from time to time, by policy.</p>	<p>(2.20) An application for a development permit, a variance, a development agreement, or an amendment to the Land Use Bylaw or an amendment to a Planning Strategy, shall include payment of fees prescribed by Council from time to time, by policy</p>
<p>2.9. ISSUANCE OF DEVELOPMENT PERMIT The Development Officer shall not issue a Development Permit unless:</p> <p>1) the proposed development is in conformance with this Land Use By-law;</p> <p>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</p> <p>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.</p>	<p>(2.9) The Development Officer shall not issue a Development Permit unless:</p> <p>a) the proposed development is in conformance with this By-law;</p> <p>b) 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</p> <p>c) 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.</p>
<p>2.10. DEVIATIONS No person shall deviate, or allow deviations to be made, from the description of the proposed development that is contained in the Development Permit, unless that person has obtained a new Development Permit from the Development Officer.</p>	<p>(2.10) 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.</p>
<p>2.11. RIGHT OF ENTRY Any of the duly authorized officers of Council of the Municipality 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.</p>	<p>(2.11) The Development Officer, at all reasonable times, may enter into or upon any property within the area to which this Land-Use By-law applies for the purposes of any inspection necessary in connection with the administration of this By-law.</p>

<p>2.12. 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.</p>	<p>(2.12) 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.</p>
<p>2.13. DECISION IN WRITING Any decision of the Development Officer to refuse the issuance of a Development Permit shall be given by written notice served by ordinary mail, whereas any decision to revoke a Development Permit shall be given by written notice served by registered mail, and such revocation shall become effective on the third business day after it was sent.</p>	<p>(2.13) Any decision of the Development Officer to refuse the issuance of a Development Permit shall be given by written notice served by ordinary mail, whereas any decision to revoke a Development Permit shall be given by written notice served by registered mail, and such revocation shall become effective on the third business day after it was sent.</p>
<p>2.14. REVOCATION OF DEVELOPMENT PERMIT The Development Officer may revoke a Development Permit where the development permit was issued based upon false or mistaken information.</p>	<p>(2.14) The Development Officer may revoke a Development Permit where the development permit was issued based upon false or mistaken information.</p>
<p>2.15. VIOLATIONS In the event of any alleged contravention of the provisions of this Land Use By-law, the Municipality of the District of Lunenburg may take action as outlined in the Municipal Government Act, as amended from time to time.</p>	<p>(2.15) In the event of any alleged contravention of the provisions of this By-law, the Municipality of Lunenburg may take action as outlined in the Municipal Government Act, as amended from time to time.</p>
<p>2.16. SERVICE OF NOTICE OF AMENDMENTS / DEV. AGREEMENT Where Council has given notice of its intention to adopt an amendment to this By-law, including any amendment to Schedule A, Zoning Map, 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 metres of the property which is the subject of the proposed amendment, DA or amendment thereto. Such notice shall:</p> <p>2.16.1 set forth a synopsis of the proposed amendment, Development Agreement or amendment thereto; and</p> <p>2.16.2 state the date, time, and place set for the public hearing on the amendment, Development Agreement or amendment thereto; &</p> <p>2.16.3 be served by ordinary mail.</p> <p>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.</p>	<p>(2.17) 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 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 30 metres (100 ft.) of the property which is the subject of the proposed amendment, Development Agreement or amendment thereto. Such notice shall:</p> <p>a) set forth a synopsis of the proposed amendment, Development Agreement or amendment thereto;</p> <p>b) state the date, time, and place set for the public hearing on the amendment, Development Agreement or amendment thereto; and</p> <p>c) be served by ordinary mail.</p> <p>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.</p>
<p>2.17. COST OF ADVERTISING & NOTICE FOR AMENDMENTS / DEVELOPMENT AGREEMENT 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 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.</p>	<p>(2.18) 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 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.</p>
<p>2.18. SERVICE OF NOTICE / COST OF NOTICE OF VARIANCE Where a variance from the requirements of this By-law has been granted or refused, the Development Officer shall give notice to the persons required by, and in the manner prescribed by, the Municipal Government Act. Notice is to be served by ordinary mail. The Municipality may recover from the applicant the cost of giving such notice.</p>	<p>(2.19) Pursuant to the Municipal Government Act, where a variance from the requirements of this By-law has been granted or refused, the Development Officer shall give notice to the persons required 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.</p>

DRAFT VERSION 3.1
SECTION - Title

2003 By-law
(Section)

<p>3.1. ZONES For the purposes of this Land Use By-law, the Oakland Plan Area is divided into the following zones, the boundaries of which are shown on the attached Schedule A, Zoning Map. Such zones are also referred to by symbols as follows:</p> <table border="0"> <tr> <td>RU</td> <td>Rural</td> </tr> <tr> <td>OS</td> <td>Ocean Shoreline</td> </tr> <tr> <td>PWA</td> <td>Protected Water Area</td> </tr> <tr> <td>CO</td> <td>Commons</td> </tr> </table>	RU	Rural	OS	Ocean Shoreline	PWA	Protected Water Area	CO	Commons	<p>(3.1) For the purpose of this By-law, the District of Oakland is divided into the following zones, the boundaries of which are shown on the attached Schedule A. Such zones are also referred to by symbols as follows:</p> <table border="0"> <tr> <td>Rural</td> <td>RU</td> </tr> <tr> <td>Protected Water Area</td> <td>PWA</td> </tr> <tr> <td>Environmental Protection</td> <td>ENV</td> </tr> <tr> <td>Ocean Shoreline</td> <td>OS</td> </tr> </table>	Rural	RU	Protected Water Area	PWA	Environmental Protection	ENV	Ocean Shoreline	OS
RU	Rural																
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Rural	RU																
Protected Water Area	PWA																
Environmental Protection	ENV																
Ocean Shoreline	OS																
<p>3.2. INTERPRETATION OF ZONE BOUNDARIES For greater certainty, the boundaries of zones shall be as shown on Schedule A, Zoning Map, and shall be more precisely located as follows:</p> <p>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;</p> <p>3.2.2 where a zone boundary approximately follows lot lines, the boundary shall follow such lot lines;</p> <p>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;</p> <p>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 identified Zoning Map & 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;</p> <p>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 identified Zoning Map.</p> <p>3.2.6 where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule A.</p>	<p>(3.4) For greater certainty, the boundaries of zones shall be as shown on Schedule A and shall be more precisely located as follows:</p> <p>a) where a zone boundary is shown as following a street, the boundary shall be the centre line of such street as shown;</p> <p>b) where a zone boundary approximately follows lot lines, the boundary shall follow such lot lines;</p> <p>c) where a street, railroad or railway right-of-way or watercourse is shown on Schedule A, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;</p> <p>d) 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;</p> <p>e) 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.</p> <p>f) where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule A.</p>																
<p>3.3. ZONES NOT ON ZONING MAP Schedule A, Zoning Map forms part of this By-law. Schedule A 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.</p>	<p>(3.3) Schedule A attached hereto may be cited as the "Zoning Map" of the District of Oakland and is hereby declared to form a part of this By-law. The symbols used on Schedule A refer to the appropriate zones established by this By-law.</p> <p>(3.5) Schedule A 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.</p>																
<p>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 10 - Definitions of this By-law.</p>	<p>(3.6) In this By-law, words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular; and 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 12 of this By-law, entitled DEFINITIONS.</p>																
<p>3.5. STANDARDS OF MEASUREMENT The Metric System of measurement is used throughout this By-law and in all cases represents the required standard</p>	<p>(3.7) The Metric System of Measurement is used throughout this By-law and in all cases represents the required standard. Imperial measurements are approximate values, included for convenience only, and are not to be regarded as precise.</p> <p>(3.2) REFERENCES ARE INCLUSIVE (Deleted) In this By-law, reference to a zone is deemed to include reference to the permitted uses, special requirements, and regulations of that particular zone.</p>																

<p>4.1. APPLICATION The provisions of Part 4 - General Provisions shall apply to all zones except where a zone requirement specifically states otherwise.</p>	<p>(4.1) The provisions of PART 4 GENERAL PROVISIONS FOR ALL ZONES shall apply to all zones except where otherwise stated.</p>
<p>4.2. RESTORATION TO A SAFE CONDITION Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of a non-conforming use the provisions of the Municipal Government Act shall prevail.</p>	<p>(4.18) Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of a non-conforming use, the provisions of the Municipal Government Act shall prevail.</p>
<p>4.3. 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.</p>	<p>(4.10) In any zone, where any lot is to be used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied, except where otherwise stated. Where there is any conflict, as in the case of lot size or lot frontage, the more stringent standard shall prevail. (4.11) In any zone, where any main building is to be used for more than one purpose and applicable zone requirements are in conflict, the more restrictive zone requirement(s) shall apply.</p>
<p>4.4. 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 use 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.</p>	<p>(4.4) For the purposes of this By-law, if a use is not listed as a permitted use in any zone or if it is not an accessory use to a permitted use in a particular zone, it shall be deemed to be a prohibited use in that zone, subject to the non-conforming use provisions of the Municipal Government Act.</p>
<p>4.5. STRUCTURE TO BE MOVED No structure 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.</p>	<p>(4.5) No structure, residential or otherwise, shall be moved within or into the area covered by this By-law without obtaining a Development Permit from the Development Officer.</p>
<p>4.6 HEIGHT REGULATIONS The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, commercial communication towers, ventilators, skylights, chimneys, clock towers, wind turbines or solar collection devices.</p>	<p>(4.19) The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, commercial communication towers, ventilators, skylights, barns, chimneys, clock towers, wind turbines or solar collection devices.</p>
<p>4.7. MINOR ACCESSORY STRUCTURES In the Rural Zone or Ocean Shoreline Zone, no Development Permit shall be required for miscellaneous minor accessory structures such as but not limited to: fences less than 2 metres in height; retaining walls; children's play structures; cold frames; garden trellises; pet houses; monuments, clothesline poles; interpretive displays and accessory buildings of less than 20 square metres in floor area.</p>	<p>(5.1.9 & 7.1.5) Within any Rural Zone, no Development Permit shall be required for miscellaneous minor accessory structures such as, but not to limit the generality of the foregoing, fences less than 2 metres (6 feet) in height, retaining walls, children's play structures, cold frames, garden trellises, clothesline poles, pet houses, monuments, interpretative displays and accessory buildings of less than 20 square metres (215 sq. ft) in floor area. Notwithstanding this Section, outdoor wood furnaces and the small outbuildings in which they are housed shall require a Development Permit.</p>
<p>4.8. PROHIBITED USES IN ALL ZONES No development permit shall be issued for any of the following land uses, which are prohibited from developing in the Oakland Plan Area:</p> <ul style="list-style-type: none"> 4.8.1 Animal by-product rendering plants and commercial slaughtering of animals; 4.8.2 Asphalt concrete production for off-site sales and use; 4.8.3 Biosolid spreading and storage, to include sludge processing; 4.8.4 Bulk storage of petroleum; 4.8.5 Commercial or recreational racing of animals or motorized vehicles; 4.8.6 Correctional centres; 4.8.7 Incineration for the reclamation of metals or other materials; 4.8.8 Manufacturing of biochemistry products, chemicals or paint; 4.8.9 Metal pipe fabrication and corrosion treatment; 4.8.10 Petrochemical plants; 4.8.11 Pulp and paper mills; 4.8.12 Ready-mix concrete plants; 4.8.13 Refining of hydrocarbons; 4.8.14 Shooting ranges; 4.8.15 Smelting and ore refining; 4.8.16 Solid waste management facilities and salvage operations; 4.8.17 Tanning operations; 4.8.18 Tire recycling facilities; and 4.8.19 Warehousing, manufacturing, and/or wholesaling of explosives, pesticides, herbicides, fungicides, biocides, and other poisonous or hazardous substances. 	<p>NEW</p>

<p>4.9. HABITATION OF VEHICLES No automobile, truck, bus, coach, streetcar, recreational vehicle, camper, boat, 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, notwithstanding legally registered recreational vehicles or campers may be used for temporary residential accommodation 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.</p>	<p>(4.6) No automobile, truck, bus, coach, streetcar, recreational vehicle, camper, or other motor vehicle, with or without wheels, shall be used for human habitation within the area regulated by this By-law. Notwithstanding subsection 4.6.1, 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 four (4) month period within a calendar year.</p>
<p>4.10. HABITATION OF SHIPPING CONTAINERS No shipping container, or any part thereof, shall be used for human habitation within the area regulated by this By-law. Modified shipping containers, converted in compliance with Nova Scotia Building Code regulations, may be used in construction of permanent structures, where such uses are permitted.</p>	<p>NEW</p>
<p>4.11. 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. 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.</p>	<p>(4.14.2) Nothing in this By-law shall prevent the use of land or the erection of temporary buildings, structures or signs for special occasions and holidays and no Development Permit shall be required for such temporary uses, provided that such use of buildings or structures remain in place for no more than ten (10) days following the termination of the special occasion or holiday.</p>
<p>4.12. 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 tool & equipment shed, or scaffold, or a mobile site office incidental to construction. 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 uses shall be terminated no more than 60 days after the completion of the construction of the main structure.</p>	<p>(4.14.1) Nothing in this By-law shall prevent the use of land or the use or erection of temporary buildings or structures incidental to construction, such as but not limited to, a construction camp, tool shed, or scaffold, and including a sales or rental office incidental to construction, and no Development Permit for such temporary uses, buildings or structures shall be required, provided that a Permit for the main structure under construction has been issued. Such temporary uses shall be terminated no more than sixty (60) days after the completion of the construction of the main structure.</p>
<p>4.13. NON-CONFORMING USES A use of land or a use in a structure, or both, that legally existed prior to the effective date of this By-law, and which 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. Non-conforming uses are subject to the identified requirements of the Zone in which they are located: 4.13.1 in the Rural Zone, s.5.2.7. 4.13.2 in the Protected Water Area Zone or Commons Zone, s.6.2.2. 4.13.3 in the Ocean Shoreline Zone, s.7.2.6.</p>	<p>(4.17) 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. A non-conforming use of land and a non-conforming use in a structure are subject to the non-conforming use of land and non-conforming use in a structure requirements of the zone in which they are located.</p>
<p>4.14. NON-CONFORMING STRUCTURES A structure that legally existed prior to the effective date of this By-law, which is located on a lot such that the minimum lot area or the minimum yard requirements required by this By-law are not satisfied, is deemed to be a non-conforming structure. Pursuant to Secondary Planning Strategy Policy 4.8.1, within any Zone, non-conforming structures may be extended, expanded, altered, or reconstructed, provided that the structure shall not extend or increase any existing encroachment into the minimum yard requirements in that Zone, and all other requirements of the Land Use By-law are satisfied, except by the operation of s.4.22.</p>	<p>(4.16) A structure that existed prior to the effective date of this By-law, which is located on a lot such that the minimum area or the minimum front yard, flankage yard, side yard, or rear yard required by this By-law are not satisfied, is deemed to be a Non-Conforming Structure. Pursuant to the Planning Strategy Policy 6.0.5, within any zone, Non-Conforming Structures may be extended, expanded, altered or reconstructed, provided that the structure shall not extend or increase any existing encroachment into the minimum front, flankage, side or rear yard required in that zone, except by the operation of Section 4.20.</p>
<p>4.15.1 Creation of a Lot Notwithstanding any minimum lot frontage and lot area requirements established elsewhere in this By-law, and pursuant to Secondary Planning Strategy Policy 4.2 and Policy 4.6, 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 requirement, are satisfied.</p>	<p>(4.15) Notwithstanding the minimum lot area requirements established elsewhere in this By-law, and pursuant to Policy 6.0.7, all sections of the Subdivision By-law shall apply within all zones of this By-law, [and any lot created by a Plan of Subdivision approved in accordance with the Subdivision By-law, 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 that all other applicable provisions of this By-law, except for the minimum requirements for lot area is satisfied. Notwithstanding minimum lot area requirements established elsewhere in this By-law, a lot which does not satisfy these minimum requirements for area, and satisfies one or more of the following requirements: a) the lot has been created before the effective date of this By-law; or b) the lot has been created by an instrument to which the Subdivision By-law and Municipal Government Act do not apply may be used for a purpose permitted in the zone in which the lot is located, and a structure may be erected on the lot provided that all other applicable provisions of this By-law, except for the minimum lot area and lot frontage, are satisfied.</p>

<p>4.15.2 Islands Notwithstanding subsection 4.15.1, and pursuant to Secondary Planning Strategy Policy 4.6.2, a lot located on an island that does not contain a public highway, shall have:</p> <p>a) a minimum water frontage, measured as a straight line between the two points where the side lot lines meet the surrounding waterbody, equivalent to the frontage requirements of the zone in which the lot is created;</p> <p>b) a minimum lot area, equivalent to the area requirements of the zone in which the lot is created.</p> <p>4.15.3 Lots created as Designed Road / Public Highway Notwithstanding the minimum requirements established elsewhere in this By-law, and pursuant to Secondary Planning Strategy Policy 4.2.3, a proposed lot created for a private 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, but is required to meet specific design standards outlined in the Subdivision By-law.</p>	<p>NEW</p>
<p>4.16. DEVELOPMENT NEAR A WATERCOURSE / WATERBODY 4.16.1 Identified Horizontal Setback In accordance with Secondary Planning Strategy Policy 3.1.1, subject to identified exemptions listed in s.5.2.5, s.6.2.1, or in s.7.2.5: development near a significant watercourse or waterbody shown on Schedule B, Development Constraints Map, shall be horizontally setback a minimum of 20 metres from the ordinary high water mark of the watercourse or waterbody.</p> <p>4.16.2 Removal of Natural Vegetation, Filling or Excavation near a Watercourse In accordance with Secondary Planning Strategy Policy 3.1.2, 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 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:</p> <p>a) where works on the bank of a watercourse or waterbody are to occur and the approval of the Nova Scotia 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</p> <p>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:</p> <p>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 or synthetic fibres, within 24 hours of the placement of the fill or disturbance of the soil;</p> <p>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 <i>“Erosion and Sedimentation Control Handbook for Construction Sites”</i>, Province of Nova Scotia, as amended from time to time;</p> <p>c) permanent soil cover shall be placed upon temporarily covered disturbed soil areas within 18 weeks from the date the fill was placed or soil disturbed;</p> <p>d) other than as required by an approval referred to in clause 4.16.2(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.</p>	<p>(4.8) Setbacks From Watercourses In accordance with Planning Strategy Policy 4.0.4 and subject to subsections 5.1.6, 5.1.7, 7.1.7, 7.1.8, 8.1.4, 8.1.5 and 4.8.3 of this By-law, in all zones, development near a significant watercourse shown on Schedule B, Development Constraints Map, of the Land-Use By-law, shall be setback a minimum of 14 metres (46 ft.) from the ordinary high water mark of the watercourse.</p> <p>Removal of Natural Vegetation Near a Watercourse In accordance with Planning Strategy Policy 4.0.5 of this By-law, in all zones, and in relation to a development, the removal of natural vegetation, including trees, shrubs and ground vegetation, within 10 metres (33 ft.) of the ordinary high water mark of a significant watercourse as shown on Schedule B, Development Constraints Map, of the Land-Use By-law, shall be subject to the following erosion control standards:</p> <p>a) where works on the bank of a watercourse are to occur and the approval of the Nova Scotia Department of Environment and Labour, the Department of Fisheries and Ocean or the Nova Scotia Department of Natural Resources is required, the Development Officer shall be provided with a copy of this approval; or</p> <p>b) where an approval is not required from the Nova Scotia Department of Environment and Labour, but siltation of a watercourse could result from exposed soil:</p> <p>i) the 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 24 hours of the soil being disturbed;</p> <p>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 <i>“Erosion and Sedimentation Control Handbook for Construction Sites”</i>, 1988, Province of Nova Scotia, as amended;</p> <p>c) permanent soil cover shall be placed upon temporarily covered disturbed soil areas within 18 weeks from the date the soil was exposed; and</p> <p>d) other than as required by an approval referred to in clause (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.</p>
<p>4.17. DEVELOPMENT NEAR TO THE COAST In accordance with Secondary Planning Strategy Policy 3.1.3, subject to identified exemptions listed in s.5.2.5, s.6.2.1 or s.7.2.5: 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)</p>	<p>NEW</p>

<p>4.18. PROTECTION OF PROVINCIALLY IDENTIFIED WETLANDS In accordance with Secondary Planning Strategy Policy 3.2.1, and in relation to a proposed development affecting a provincially-identified wetland, as shown on Schedule B, Development Constraints Map:</p> <p>4.18.1 No development permit will be issued by the Municipality until such time that it has been confirmed by the Province that the proposed development is consistent with any related provincial wetlands policy, and</p> <p>4.18.2 Where found to be necessary, that the proposed development has satisfied any related wetlands-related approvals process with the respective provincial departments.</p>	<p>***Replaces 6.3 ENVIRONMENTAL PROTECTION (ENV) ZONE***</p> <p>Subject to Subsection 6.3.2, in the Environmental Protection (ENV) Zone, no development permit shall be issued except for uses as they are assigned below:</p> <p>a) Environmental education and nature interpretation uses; b) Pasturage and grazing of farm animals; and c) Multi-use trails</p> <p>provided that the uses do not involve the placement, erection or alteration of structures other than raised boardwalks for walking trails.</p>
<p>4.19. DEVELOPMENT CONSTRAINTS - STEEP SLOPES In accordance with Secondary Planning Strategy Policy 3.3, in all zones, and in relation to a development: any proposal that is identified within an area in excess of 20 percent slopes, as identified on Schedule B, Development Constraints Map, shall be subject to site preparation and landscaping requirements, to prevent or minimize erosion, as follows:</p> <p>- Sub-sections same as that found in 2003 By-law, but for:</p> <p>4.19.3 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 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.</p>	<p>(4.9) In accordance with Secondary Planning Strategy Policy 4.0.2, and in relation to a development, any proposal that is within an area in excess of 20 percent slopes, as identified on Schedule B, Development Constraints Map, of the Land-Use By-law, shall be subject to site preparation and landscaping requirements, in order to prevent or minimize erosion and sedimentation, regardless of the zone in which the development is located, as follows:</p> <p>c) areas of back filling around the foundation shall be sodded, seeded or covered with alternate forms of ground cover suitable to prevent erosion within three (3) days after the completion of the foundation, 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 eighteen (18) weeks of the start of construction or excavation of the foundation.</p>
<p>4.20. PARKING AND LOADING Unless where otherwise provided as a Zone requirement, parking and loading areas shall be provided in accordance with the applicable requirements of Part 8 of this By-law.</p>	<p>(4.21) Parking and loading areas shall be provided in accordance with the applicable requirements of PART 10 of this By-law.</p>
<p>4.21. SIGNS Unless where otherwise provided as a Zone requirement, all signs shall be subject to the applicable requirements of Part 9 of this By-law.</p>	<p>(4.22) All signs shall be subject to the applicable requirements of PART 11 of this By-law.</p>
<p>4.22. VARIANCE FROM REQUIREMENTS Pursuant to Secondary Planning Strategy Policy 5.2, 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:</p> <p>4.22.1 number of parking spaces and loading spaces required; 4.22.2 height of a structure; 4.22.3 floor area occupied by a home-based business / occupation; 4.22.4 height or area of a sign; 4.22.5 lot frontage; and 4.22.6 size or other requirements related to yards</p> <p>provided that a variance is not granted where the:</p> <p>4.22.7 variance violates the intent of the Land-Use By-law; or 4.22.8 difficulty experienced is general to properties in the area; or 4.22.9 difficulty experienced results from an intentional disregard for the requirements of the By-law.</p>	<p>(4.20) Pursuant to Policy 8.0.16 in the Secondary Planning Strategy 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:</p> <p>a) number of parking spaces and loading spaces required; b) ground area and height of a structure; c) floor area occupied by a home-based business / occupation; d) height and area of a sign; e) minimum lot area; and f) size of yards;</p> <p>provided that a variance is not granted where the:</p> <p>a) variance violates the intent of this 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 this Land-Use By-law.</p>
<p>Not in Draft</p>	<p>(4.7) No canopy or covered way shall be erected below a height of 3 metres (10 feet) above grade, but this shall not apply where such structures project entirely over private property and are situated so as to present no hazard to public safety.</p>
<p>Not in Draft</p>	<p>(4.23) Pursuant to Policy 7.0.4 in the Secondary Planning Strategy, outdoor lighting shall be directed away from streets and adjacent properties to reduce traffic hazards and nuisances to surrounding land uses.</p>

<p align="center"><u>DRAFT VERSION 3.1</u> SECTION - Title</p>	<p align="center"><u>2003 By-law</u> (Section)</p>
<p>Rural Zone</p>	
<p>5.1. APPLICATION The provisions of this part shall apply to the Rural Zone and to other zones as specified in this By-law.</p>	<p>(5.1.1) The provisions of this part shall apply to the Rural (RU) Zone and to other zones as specified in this By-law.</p>
<p>5.2.1. Parking and Loading Parking and loading area requirements for proposed developments in the Rural Zone shall be subject to applicable requirements identified in Part 8 of this By-law.</p>	<p>New</p>
<p>5.2.2. Signs Signs in the Rural Zone shall be subject to applicable requirements identified in Part 9 of this By-law.</p>	<p>New</p>
<p>5.2.3. Fences and Walls Fences and walls 2 metres or greater in height shall be regulated as structures and shall be subject to the applicable setback and yard requirements of the Rural Zone. The use of electrified wire or sharp edged materials such as barbed wire, designed to prevent access to a parcel of land, is permitted only at the top of fences or walls that are over 2 metres high, except for fences or walls associated with active agricultural or horticultural uses.</p>	<p>(5.1.2) Fences and walls 2 metres (6 ft.) or greater in height shall be regulated as structures and shall be subject to the applicable setback and yard requirements of the Rural (RU) Zone.</p>
<p>5.2.4. Accessory Structures to Permitted Uses The proposed development of an accessory structure shall be subject to applicable setback and yard requirements of the Rural Zone.</p>	<p>(4.12) No Development Permit shall be required for any use which is accessory to a permitted use, provided, however, that this exemption shall not apply to parking areas where more than two (2) parking spaces are required by this By-law. Accessory structures shall be permitted in any zone, but shall not: a) be used for human habitation, except for the temporary accommodation of private guests; b) subject to Section 4.8, be built closer than 1.2 metres (4 ft.) to any rear or side lot line except that: i) common semi-detached garages may be centred on the mutual side lot line, ii) accessory buildings with no windows or perforations on the side of the building which faces the said lot line, may be located a minimum of 0.6 metres from the said lot line; c) exceed the maximum floor area permitted in the zone; or d) be considered an accessory structure if attached to the main building or within 1 ft of the main building in any way, except that a fence or wall may join an acc. building with a main building</p>
<p>5.2.5. Developments exempt from W/C Setback In accordance with Secondary Planning Strategy Policy 3.1.4, in the Rural Zone, the following developments are exempt from the watercourse setback and coastal setback requirements identified in s.4.16.1 and s.4.17. These developments may be built to the front, side or rear property line where that property line abuts the waters edge. These developments remain subject to the erosion control standards identified in s.4.16.2, and all other applicable provisions of the By-law: a) Wharves and Slipways b) Private Boathouses c) Boat Building and Boat Repair Shops d) Storage sheds identified for fishing gear or aquaculture e) Multi-use trails f) Hydroelectricity generation and related structures</p>	<p>(5.1.7) Notwithstanding Subsection 4.8.1, and Subsection 5.2.4, wharves, piers and slipways may be built to the front, side or rear property line, where that property line abuts the waters edge and no Development Permit is required for their construction. Notwithstanding Subsection 4.8.1 and Subsection 4.12.2, clause (b), the following accessory structures may be built to the front, side or rear property line, where that property line abuts the waters edge: (i) fishing gear sheds; and (ii) boathouses Notwithstanding Subsection 4.8.1 and Subsection 5.2.4, boat building and boat repair shops may be built to the front, side or rear property line, where that property line abuts the waters edge.</p>
<p>5.2.6 Private Storage Buildings In accordance with Secondary Planning Strategy Policy 2.5.5, 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 Rural Zone, provided that the applicable zone requirements are satisfied, as if the private storage building were regarded as the main building on the lot.</p>	<p>(5.1.6) 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 Rural Zone, provided that the applicable zone requirements of Rural (RU) Zone are satisfied, as if the private storage building were regarded as the main building on the lot; Notwithstanding Subsection 4.8.1 and Subsection 5.2.4, private boathouses or fishing gear sheds permitted pursuant to Subsection 5.1.6 clause (a) may be built to the front, side or rear property line, where that property line abuts the waters edge.</p>

DRAFT VERSION 3.1

SECTION - Title

2003 By-law

(Section)

5.2.7 Non-conforming Use of Land or in a Structure

a) In accordance with Secondary Planning Strategy Policy 4.8.2 and By-law s.4.13: the following developments are permitted only by Development Agreement within the Rural Zone:
i) the extension of a non-conforming use of land;
ii) the extension, enlargement, alteration or reconstruction of a structure containing a non-conforming use;
b) In accordance with Secondary Planning Strategy Policy 4.8.3 and subject to s.5.2.7(a): 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.

(5.1.10) Pursuant to Secondary Planning Strategy Policy 3.1.11, within any Rural Zone (RU) Zone:
i) the extension of a non-conforming use of land; and
ii) the extension, enlargement, alteration or reconstruction of a structure containing a non-conforming use
are permitted only by Development Agreement; and
Subject to Subsection 5.1.10, clause (a) and pursuant to Secondary Planning Strategy Policy 3.1.12, 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.

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5.1.5 Existing Lot Development Limitation

Where any Rural (RU) Zone permits developments as-of-right up to a threshold that is based on floor area, site area, number of rental units, or on the amount of goods or materials that are processed and produced annually, this threshold shall not be exceeded on any lot as it existed on August 6, 1992, regardless of the effect of any subsequent subdivision approval, except as may be permitted by Development Agreement where provided for in this By-law.

5.3.1 Permitted Developments

The following developments are permitted in the Rural Zone, subject to the Zone Requirements identified in s.5.3.2:

- a) Residential uses to a maximum of two (2) dwelling units per lot;
- b) Commercial, industrial and institutional uses specifically listed in s.5.4.1, subject to the size threshold requirements identified in s.5.4.2;
- c) Tourist accommodation uses, subject to s.5.5.1;
- d) Agricultural and forestry uses, subject to s.5.5.2;
- e) Outdoor wood furnaces, subject to s.5.5.3;
- f) Wind turbines, subject to s.5.5.4;
- g) Water access and related uses specifically identified in s.5.2.5;
- h) Sawmills, planer mills and roundwood processing of on-site harvested wood;
- i) Emergency service facilities;
- j) Non-commercial recreational uses;
- k) Cemeteries;
- l) The erection, construction, alteration, replacement, relocation of, or addition to any structure associated with Permitted Developments listed in clauses (a) to (k) above

(5.2.3a) In any Rural (RU) Zone, no development permit shall be issued except for uses as they are assigned below:

- Developments Permitted Subject to Section 5.2.4
- i) residential uses to a maximum of two (2) dwelling units per lot,
 - ii) non-commercial recreational uses,
 - iii) cemeteries,
 - iv) subject also to Subsection 5.1.4, Agricultural and Forestry uses,
 - v) sawmills and Planer Mills having an annual capacity of less than 100 Mfbm (100,000 board feet),
 - vi) round wood processing having an annual capacity of less than 1812.3 cu. metres (500 cords),
 - vii) subject also to Subsection 5.2.1, all commercial, industrial and institutional uses which are not listed in Subsection 5.2.3, clause (c), and
 - viii) subject also to Subsection 5.2.2, wind turbines.

5.3.2 Rural Zone Requirements

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

- a) Minimum Front Yard 5 metres
- b) Minimum Flankage Yd 5 metres
- c) Minimum Side Yard 1.5 metres
-Adjoining buildings that are structurally attached to each other may be built to the common side lot line.
- d) Minimum Rear Yard 1.5 metres
- e) Minimum Lot Frontage
- subject to Municipality's Subdivision By-law.
- f) Minimum Lot Area 2,787 square metres
- subject to provincial on-site sewage disposal regulations
- g) Minimum Setback from a Watercourse or Waterbody
- refer to s.4.16, s.4.17 & s.5.2.5
- h) Maximum Height of Structures 14 metres

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

- Min Front Yd 5 metres (16.5 ft.)
- Min Side Yd 1.5 metres (5 ft.)
- Min Flankage Yd 5 metres (16.5 ft.)
- Min Rear Yd 1.5 metres (5 ft.)
- Maximum Height of Structures 14 metres (46 ft.)
- Minimum distance between main buildings on adjacent lots 3 metres (10 ft.)
- Minimum lot area for lots with central sewer
- Minimum lot area for lots with no central sewer 2787 sq. metres (30,000 sq. ft)

(5.1.3) Notwithstanding the side yard requirements of Subsection 5.2.4, adjoining buildings that are structurally attached to each other, may be built to the common side lot line.

<p>5.3.3 Developments Permitted by Development Agreement In accordance with the identified Secondary Planning Strategy Policies, the following developments are permitted only by Development Agreement in the Rural Zone:</p> <p>a) Residential developments which involve more than two dwelling units per lot (Policy 2.1.6);</p> <p>b) Commercial, industrial and institutional developments specifically listed in s.5.4.1 which exceed the maximum size threshold requirements identified in s.5.4.2 (Policy 2.1.7);</p> <p>c) Any commercial or industrial development not listed in s.5.4.1, where such a development is not identified as a Prohibited Use in s.4.8 (Policy 2.1.8);</p> <p>d) Tourist accommodation uses that do not fulfill requirements identified in s.5.5.1 (Policy 2.5.3);</p> <p>e) Wind turbine developments that do not fulfill requirements identified in s.5.5.4 (Policy 2.5.1);</p> <p>f) Sawmills, planer mills and roundwood processing of off-site harvested wood (Policy 2.1.3);</p> <p>g) The extension of a non-conforming use of land or the extension, enlargement, alteration or reconstruction of structures containing non-conforming uses (Policy 4.8)</p> <p>h) Uses associated with aggregate and mineral resource extraction operations (Policy 2.1.3)</p>	<p>(5.2.3b) Developments Permitted by Development Agreement</p> <p>i) pursuant to Secondary Planning Strategy Policy 3.1.8, Commercial, Industrial, and Institutional uses that exceed the maximum size requirements of Subsection 5.2.1,</p> <p>ii) pursuant to Section 5.1.10, the extension of non-conforming use of land and the extension, enlargement, alteration or reconstruction of structures containing non-conforming uses,</p> <p>iii) pursuant to Secondary Planning Strategy Policy 3.1.7, residential developments that do not satisfy Subclause 5.2.3(a)(i),</p> <p>iv) pursuant to Secondary Planning Strategy Policy 3.1.6, saw mills and planer mills having an annual capacity in excess of 100 M/fbm (100,000 board feet),</p> <p>v) pursuant to Secondary Planning Strategy Policy 3.1.6, round wood processing having an annual capacity in excess of 1812.3 cu. metres (500 cords), and</p> <p>vi) pursuant to Secondary Planning Strategy Policy 6.0.3A, lots that do not satisfy the requirements in subsection 5.2.4(b)</p>
<p>5.4.1 Permitted Commercial, Industrial and Institutional Uses In accordance with s.5.3.1(b): the following developments are permitted in the Rural Zone subject to the size threshold requirement identified in s.5.4.2, and where the proposed use is not identified as a Prohibited Use in s.4.8:</p> <p>a) Craft Workshops, including Fine Arts & Crafts Studios;</p> <p>b) Educational facilities;</p> <p>c) Food production facilities; not including fish processing plants or slaughterhouses;</p> <p>d) Institutional uses;</p> <p>e) Offices;</p> <p>f) Manufacturing uses;</p> <p>g) Medical clinics & related health services, to include veterinary services;</p> <p>h) Personal services shops, not including pet care services, or the breeding or boarding of animals (animal kennels) other than farm animals;</p> <p>i) Residential daycare centres;</p> <p>j) Repair shops, not including autobody repair shops;</p> <p>k) Restaurants, not including drive-thru restaurants, beverage rooms, cabarets, clubs, lounges or taverns;</p> <p>l) Retail Sales shops;</p> <p>m) Warehouses, not including salvage operations or the bulk storage of petroleum</p>	<p>New</p>
<p>5.4.2 Size Threshold Requirement for Listed Commercial, Industrial & Institutional Uses In accordance with s.5.3.1(b): permitted uses listed in s.5.4.1 are permitted in the Rural Zone, subject to the following size threshold requirement:</p> <p>a) Maximum total indoor floor area on each lot. 375 square metres</p> <p>b) Maximum total area on each lot. (including. indoor & outdoor areas) 1,858 square metres</p>	<p>(5.2.1a & 5.2.1b) Subject to subsection 5.2.3 clause (c), Commercial, Industrial and Institutional uses are permitted in the Rural (RU) Zone provided that, on each lot so used:</p> <p>a) the maximum total indoor floor area occupied by such uses is 375 sq. metres (4,000 square feet);</p> <p>b) the maximum total area devoted to the use (including all accessory uses and indoor and outdoor areas) is 1858 sq. metres (20,000 square feet);</p>
<p>5.5.1 Fixed Roof Accommodation Uses In accordance with Secondary Planning Strategy Policy 2.5.3 and s.5.3.1(c): fixed roof accommodation uses are permitted in the Rural Zone, subject to the following conditions:</p> <p>a) A fixed roof accommodation use shall not exceed three (3) rental units.</p> <p>b) A fixed roof accommodation shall meet the identified size threshold requirement of a permitted commercial use as identified in s.5.4.2, to include any associated dining facilities.</p>	<p>(5.2.1c) Clauses (a) and (b) notwithstanding, fixed roof accommodation shall not exceed 25 rental units with associated dining facilities.</p>

<p>5.5.2 Shelters for Farm Animals and Areas Used for Manure Storage In accordance with Secondary Planning Strategy Policy 2.5.2 and s.5.3.1(d): a lot within the Rural Zone containing a building or structure used for the keeping of livestock or an identified area used for the storage of manure shall meet one of the following requirements:</p> <p>a) have an approved Nutrient Management Plan completed by a qualified person; or b) have an Environmental Farm Plan, as delivered by the NS Federation of Agriculture; or; c) the following yard setback requirements shall apply to new buildings, and to any existing building being brought into use within the Rural Zone used for shelter or confinement of farm animals, and to identified areas used for storage of manure or bedding: (Minimum front, side and rear yard requirement) Buildings sheltering ten (10) or fewer farm animal units or associated manure or bedding storage areas. 15 metres</p>	<p>(5.1.4) a) The following yard requirements shall apply to buildings used for shelter of farm animals and to areas used for storage of manure and bedding: Buildings sheltering ten (10) or fewer Farm Animal Units and associated manure and bedding storage. 15 metres (49 ft.) Buildings sheltering more than ten (10) Farm Animal Units and associated manure and bedding storage. 60 metres (196 ft.)</p>
<p>5.5.3 Outdoor Wood Furnaces In accordance with Secondary Planning Strategy Policy 2.5.4 and s.5.3.1(e): outdoor wood furnaces and the storage buildings in which they are housed, shall not be considered as accessory buildings or structures within the definition of accessory buildings and structures in this Land Use By-law, and their use will require a Development Permit. Outdoor wood furnaces shall only be permitted in the Rural Zone and shall be required to be located a minimum distance of 38 metres from adjacent lot lines.</p>	<p>(4.13) Outdoor wood furnaces and the storage buildings in which they are housed, shall not be considered as accessory buildings or structures within the definition of accessory buildings & structures in this By-law, and thus, their use will require the owner to obtain a Development Permit. Outdoor wood furnaces shall only be permitted in the Rural Zone and Protected Water Area Zone and shall be located a minimum of 38 metres (125 ft) away from adjacent lot lines. (5.1.8) Subject to Section 4.13, Outdoor Wood Furnaces shall be permitted on a lot within the Rural Zone provided that the Outdoor Wood Furnace is located a minimum distance of 38 metres (125 ft) from adjacent lot lines.</p>
<p>5.5.4 Wind Turbines In accordance with Secondary Planning Strategy Policy 2.5.1 and s.5.3.1(f): wind turbines are permitted in the Rural Zone subject to the following conditions:</p> <p>a) The minimum setback from adjacent property lines for any wind turbines, measured from the point of intersection of the guy wires with the ground, shall be whichever of the following measurements are greater:</p> <p>i) a measurement equal to seven rotor blades from adjacent lot lines; or ii) 1.5 times the height of the turbine from adjacent lot lines.</p> <p>b) To prevent climbing of the structures, the tower shall be:</p> <p>i) completely enclosed by fencing with a minimum height of 1.8 metres; or ii) enwrapped with sufficient guarding around the bottom of the tower to prevent climbing;</p> <p>c) The proposed turbine is manufactured to produce less than 30,000 kW.h (kilowatt hours) per year.</p>	<p>(5.2.2) Wind Turbines are permitted in the Rural (RU) Zone, provided that on each lot so used:</p> <p>a) the minimum setback for Wind Turbines, measured from the point of intersection of the guy wires with the ground, shall be a measurement equal to seven rotor blades from adjacent lot lines; and b) one of the following measures shall be employed to prevent climbing of the structures. The tower shall be:</p> <p>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:</p> <p>i) completely enclose the structure, ii) have a minimum height of six (6) feet, iii) 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 metres (6 ft.) above grade, v) gates that form part of the fencing shall be self closing and securely locked, and vi) be located at least 1.2 metres (4 feet) from any condition that would facilitate its being climbed from the outside; and so that the bottom of the fence is elevated by no more than 10 cm (4 in.) above grade; and d) Guards shall be designed so that no member, attachment or opening located between 10 cm (4 in.) and 1.5 m (5 ft.) 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 metres (8 ft.) above the ground. An opening referred to here shall be no greater than 5 cm (2 in.) in width.</p>
<p>Section 5.6 Pertinent to (potential) Institutional Zone - no land area identified with Zoning Designation, would require a re-zoning amendment.</p>	<p>Part 9 Institutional Zone Requirements</p>
<p>5.6.3 PERMITTED DEVELOPMENTS IN THE INSTITUTIONAL ZONE. In accordance with Secondary Planning Strategy Policy 2.1.9, the following developments are permitted in the Institutional Zone, subject to the Zone Requirements identified in s.5.6.4:</p> <p>a) buildings and uses identified with government services</p>	<p>(9.2.1) Subject to Subsection 9.2.2, in the Institutional (I) Zone, no development permit shall be issued except for uses as they are assigned below:</p> <p>a) public buildings and uses</p>

<p style="text-align: center;">DRAFT VERSION 3.1 SECTION - Title</p>	<p style="text-align: center;">2003 By-law (Section)</p>
<p>ENVIRONMENTAL ZONES</p>	
<p>6.1. APPLICATION The provisions of this part shall apply to the Protected Water Area Zone, the Commons Zone, and to other zones as specified in this By-law.</p>	<p>(6.1.1) The provisions of this part shall apply to the Protected Water Area (PWA) Zone, the Environmental Protection (ENV) Zone and to other zones as specified in this By-law.</p>
<p>6.2.1. Developments exempt from Watercourse Setback In accordance with Planning Strategy Policy 3.1.4, in the Protected Water Area Zone or the Commons Zone, the following developments are exempt from the watercourse setback requirements identified in s.4.16.1. These developments may be built to the front, side or rear property line where that property line abuts the waters edge. These developments remain subject to the erosion control standards identified in s.4.16.2, & all other applicable provisions of the By-law: a) Uses and structures essential to the operation and maintenance of a municipal public water supply system; b) Parks and multi-use trails</p>	<p>NEW <i>(Omitted from 2003 document - Note that s.4.8.3 identified trails exemption, but not municipal water supply systems)</i></p>
<p>6.2.2. Non-conforming Use of Land or in a Structure In accordance with s.4.13, non-conforming uses within the Protected Water Area Zone or the Commons Zone shall be subject to the non-conforming use requirements of the Municipal Government Act.</p>	<p>(6.1.2) A non-conforming use of land or non-conforming use in a structure within the Protected Water Area Zone or the Environmental Protection Zone is subject to the Non-Conforming Use of Land or Non-Conforming Use in a Structure provisions of the Municipal Government Act.</p>
<p>6.2.3. Fences and Walls Fences and walls 2 metres or greater in height shall be regulated as structures and shall be subject to the applicable setback and yard requirements of the Zone they are located in. The use of electrified wire or sharp edged materials such as barbed wire, designed to prevent access to a parcel of land, is permitted only at the top of fences or walls that are over 2 metres high, except for fences or walls associated with active agricultural or horticultural uses.</p>	<p>(6.2.1) Fences and walls 2 metres (6 ft) or greater in height shall be regulated as structures and shall be subject to the applicable setback and yard requirements of the Protected Water Area (PWA) Zone.</p>
<p>6.3.1. Permitted Developments The following developments are permitted in the Protected Water Area Zone, subject to the Zone Requirements identified in s.6.5.1: a) Uses and structures essential to the operation and maintenance of a municipal public water supply system; b) Multi-use trails which do not involve structures other than raised board walks; c) Forestry uses which do not involve structures. d) The pasturage and grazing of farm animals which does not involve structures; subject to s.6.3.2</p>	<p>(6.2.5) Subject to Subsection 6.2.6, in the Protected Water Area (PWA) Zone, no development permit shall be issued except for uses as they are assigned below: a) residential uses to a maximum of one dwelling unit per lot, b) all uses and structures essential to the operation and maintenance of a public water supply system, c) multi-use trails that do not involve structures other than raised board walks, d) subject to Subsection 6.2.3 the keeping of farm animals, which do not involve the use of structures; and e) forestry uses which do not involve the use of structures.</p>
<p>6.3.2. Special Requirement: Keeping of Farm Animals in the Protected Water Area Zone The pasturage and grazing of farm animals shall be permitted on a lot within the Protected Water Area Zone, provided that: a) the keeping of farm animals does not occur within a minimum distance of 100 metres from a watercourse; and b) that fencing is erected at a minimum distance of 100 metres from a watercourse sufficient to prohibit entry of farm animals into this same setback area;</p>	<p>(6.2.3) In the Protected Water Area (PWA) Zone, the keeping of farm animals shall be permitted on a lot within the Protected Water Area (PWA) Zone, provided that: a) the keeping of farm animals does not occur within a minimum distance of 100 metres (328 feet) from a watercourse and further that fencing be erected at a minimum distance of 100 metres (328 feet) sufficient to prohibit entry of farm animals into this same setback area; and b) the use of land for the keeping of farm animals shall be limited to 1 Farm Animal Unit per 1.2 acres (52,275sq.ft) of land area. (Table defining Farm Animal Unit also deleted.)</p>
<p>6.4.1. Permitted Developments The following developments are permitted in the Commons Zone, subject to the Zone Requirements identified in s.6.5.1: a) Passive recreational uses, including but not limited to parks and multi-use trails; b) Forestry uses as approved by the Trustees of the Oakland Commons; c) Storage structures associated with developments listed in clauses (a) and (b) above.</p>	<p>NEW</p>

<p>6.5.1. Zone Requirements Unless otherwise specified in this By-law, in the Protected Water Area Zone or in the Commons Zone, no development permit shall be issued except in conformity with the following minimum requirements:</p> <p>a) Minimum Front Yard 5 metres b) Minimum Flankage Yard 5 metres c) Minimum Side Yard 1.5 metres d) Minimum Rear Yard 1.5 metres e) Minimum Lot Frontage - subject to Municipality's Subdivision By-law. f) Minimum Lot Area 2,787 square metres -subject to NS on-site sewage disposal regulations g) Minimum Setback from a Watercourse or Waterbody - refer to s.4.16, s.4.17 & s.6.2.1 h) Maximum Height of Structures 14 metres</p>	<p>(6.2.6) Unless otherwise specified in this By-law, no development permit shall be issued except in conformity with the following minimum requirements:</p> <p>Minimum Front Yard 5 m (16.5 ft.) Minimum Flankage Yard 5 m (16.5 ft.) Minimum Side Yard 1.5 m (5 ft.) Minimum Rear Yard 1.5 m (5 ft.) Maximum Height of Structures 14 m (46 ft.) Maximum Floor Area of Accessory Structures 70 sq m (750 sq .ft.) Minimum lot area lots with central sewer 650 sq. m. (7,000 sq. ft.) Minimum lot area lots with no central sewer 4047 sq. m (43,563 sq. ft.)</p>
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<h2>OCEAN SHORELINE Regulations</h2>	
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<p>7.1 APPLICATION The provisions of this part shall apply to the Ocean Shoreline Zone and to other zones as specified in this By-law.</p>	<p>(7.1.1) The provisions of this part shall apply to the Ocean Shoreline (OS) Zone and to other zones as specified in this By-law.</p>
<p>7.2.1. Parking and Loading Parking and loading area requirements for proposed developments in the Ocean Shoreline Zone shall be subject to applicable requirements identified in Part 8 of this By-law.</p>	<p>NEW</p>
<p>7.2.2. Signs Signs in the Ocean Shoreline Zone shall be subject to applicable requirements identified in Part 9 of this By-law.</p>	<p>NEW</p>
<p>7.2.3. Fences and Walls Fences and walls 2 metres or greater in height shall be regulated as structures and shall be subject to the applicable setback and yard requirements of the Ocean Shoreline Zone. The use of electrified wire or sharp edged materials such as barbed wire, designed to prevent access to a parcel of land, is permitted only at the top of fences or walls that are over 2 metres high.</p>	<p>(7.1.2) Fences and walls 2 metres (6 feet) or greater in height shall be regulated as structures and shall be subject to the applicable setback and yard requirements of the zone in which they are located.</p>
<p>7.2.4. Private Storage Buildings In accordance with Secondary Planning Strategy Policy 2.5.5, 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 Ocean Shoreline Zone, provided that the applicable zone requirements are satisfied, as if the private storage building were regarded as the main building on the lot.</p>	<p>(7.1.8) 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 Ocean Shoreline (OS) Zone, provided that the applicable zone requirements of the Ocean Shoreline (OS) Zone are satisfied, as if the private storage building were regarded as the main building on the lot. Notwithstanding Subsection 4.8.1, and Subsection 7.2.3, private boathouses and fishing gear sheds permitted pursuant to Subsection 7.18, clause (a) may be built to the front, side or rear property line, where that property line abuts the waters edge.</p>
<p>7.2.5. Developments exempt from Watercourse / Coastal Setback In accordance with Secondary Planning Strategy Policy 3.1.4, in the Ocean Shoreline Zone, the following developments are exempt from the watercourse setback and coastal setback requirements identified in s.4.16.1 and s.4.17. These developments may be built to the front, side or rear property line where that property line abuts the waters edge. These developments remain subject to the erosion control standards identified in s.4.16.2, and all other applicable provisions of the By-law:</p> <p>a) Wharves and Slipways b) Private Boathouses c) Boat Building and Boat Repair Shops d) Storage sheds identified for fishing gear or aquaculture e) Multi-use trails f) Hydroelectricity generation and related structures</p>	<p>(7.1.7) Notwithstanding Subsection 4.8.1 and Subsection 7.2.3, wharves, piers and slipways may be built to the front, side, or rear property line, where that property line abuts the waters edge, and no Development Permit is required for their construction;</p> <p>Notwithstanding Subsection 4.8,1 and Subsection 4.12.2(b) and Subsection 7.2.3, the following accessory structures may be built to the front, side or rear property line, where that property line abuts the waters edge:</p> <p>i) fishing gear sheds, and ii) boathouses;</p> <p>Notwithstanding Subsection 4.8.1 and Subsection 7.2.3, boat building and boat repair shops may be built to the front, side or rear property line, where that property line abuts the waters edge.</p>

<p>7.2.6. Non-conforming Use of Land or in a Structure In accordance with Secondary Planning Strategy Policy 2.4.6 and s.4.13: non-conforming uses shall be subject to the non-conforming use requirements of the Municipal Government Act. A structure containing an existing non-conforming use may be reconstructed upon destruction, provided that:</p> <ul style="list-style-type: none"> a) the reconstructed structure has the same or smaller foot print, floor area and volume as the original structure, and b) the reconstruction of the structure is commenced within 12 months of the date of its destruction. 	<p>(7.1.6) A non-conforming use of land or a non-conforming use in a structure shall be subject to the requirements of the Municipal Government Act for Non-Conforming Uses of Land or Non-Conforming Uses in a Structure, as applicable. Notwithstanding Section 7.1.6(a) and pursuant to Secondary Planning Strategy Policy 3.3.7, a structure containing a non-conforming use may be reconstructed upon destruction, provided that</p> <ul style="list-style-type: none"> i) the reconstructed structure has the same or less, foot print, floor area and volume as the original structure, and ii) the reconstruction of the structure is commenced within 12 months of the date of destruction. 								
<p>7.3.1 Permitted Developments The following developments are permitted in the Ocean Shoreline Zone, subject to the Zone Requirements identified in s.7.3.2:</p> <ul style="list-style-type: none"> a) Non-commercial water access uses, to include wharves and slipways; b) Private storage buildings, to include but not limited to the storage of boats, marine equipment, fishing gear, automobiles; c) Non-commercial boat building; d) Conversion of space within an existing residential dwelling, as listed on Schedule C, to a fixed roof accommodation, to a maximum of one (1) rental unit; e) Conversion of space within an existing residential dwelling, as listed on Schedule C, to a home occupation use, subject to s.7.4.1 f) Non-commercial recreational uses g) Hydroelectricity generation and related structures 	<p>(7.2.2a) In the Ocean Shoreline (OS) Zone, no development permit shall be issued except for uses as they are assigned below:</p> <p>Developments Permitted Subject to OS Zone Standards (Section 7.2.3)</p> <ul style="list-style-type: none"> i) non-commercial boat building and the storage and repair of personal goods including but not limited to boats, marine equipment, fishing gear, automobiles, farm tractors, ii) non-commercial water access uses, iii) parking (on-site) for permitted developments, iv) parks, playgrounds, cemeteries and non-commercial recreational uses, v) subject to Subsection 7.2.1, commercial recreational water access uses including but not limited to boat rentals, boat tours and marinas including accessory commercial uses, and vi) the conversion of an existing residential dwelling, as listed on Schedule D-Existing Residential Dwellings in the Ocean Shoreline (OS) Zone, to a fixed roof accommodation, to a maximum of one (1) rental unit 								
<p>7.3.2 Ocean Shoreline (OS) Zone Requirements Unless otherwise specified in this By-law, in the Ocean Shoreline Zone, no development permit shall be issued except in conformity with the following minimum requirements:</p> <ul style="list-style-type: none"> a) Minimum Front Yard 5 metres b) Minimum Flankage Yard 1.5 metres c) Minimum Side Yard 5 metres d) Minimum Rear Yard 1.5 metres e) Minimum Lot Frontage - subject to Municipality's Subdivision By-law. f) Minimum Lot Area - subject to provincial on-site sewage disposal regulations g) Minimum Setback from a Watercourse or Waterbody - refer to s.4.16, s.4.17 & s.7.2.5 h) Maximum Height of Structures 6 metres <p>NOTE: In the Ocean Shoreline Zone, the term "established grade" used in the By-law's definition for "HEIGHT" (s.10.47) shall mean the centre line of the abutting Public Highway.</p> <ul style="list-style-type: none"> i) Maximum Width of Structures The maximum total width of all structures on a lot shall not exceed fifty percent (50%) of the lot frontage. 	<p>(7.2.3) Unless otherwise specified in this By-law, no development permit shall be issued except in conformity with the following minimum requirements:</p> <ul style="list-style-type: none"> a) Yard Requirements <table border="0" style="margin-left: 20px;"> <tr> <td>Minimum Front Yard</td> <td>5 metres (16.5 ft.)</td> </tr> <tr> <td>Minimum Side Yard</td> <td>5 metres (16.5 ft.)</td> </tr> <tr> <td>Minimum Flankage Yard</td> <td>1.5 metres (5 ft.)</td> </tr> <tr> <td>Minimum Rear Yard</td> <td>1.5 metres (5 ft.)</td> </tr> </table> Maximum Height of structures 6 metres (19.5 ft.) Minimum Distance between main buildings on adjacent lots 3 metres (10.0 ft.) <p>In the OS Zone, the term "established grade" as used in definition 12.55 "HEIGHT" shall mean the centreline of the abutting Public Highway;</p> <p>Special Requirements – Maximum Width of Structures The maximum total width of all main and accessory structures on a lot shall not exceed fifty percent (50%) of the lot frontage.</p>	Minimum Front Yard	5 metres (16.5 ft.)	Minimum Side Yard	5 metres (16.5 ft.)	Minimum Flankage Yard	1.5 metres (5 ft.)	Minimum Rear Yard	1.5 metres (5 ft.)
Minimum Front Yard	5 metres (16.5 ft.)								
Minimum Side Yard	5 metres (16.5 ft.)								
Minimum Flankage Yard	1.5 metres (5 ft.)								
Minimum Rear Yard	1.5 metres (5 ft.)								
<p>7.3.3 Developments Permitted by Development Agreement In accordance with Secondary Planning Strategy Policy 2.4.4, the following developments are permitted only by Development Agreement in the Ocean Shoreline Zone:</p> <ul style="list-style-type: none"> a) Commercial recreational water access uses, including but not limited to boat rentals, boat tours, and marinas; b) Commercial boat building, boat storage, and boat maintenance and repair. 	<p>(7.2.2b) Developments Permitted By Development Agreement</p> <p>Pursuant to Secondary Planning Strategy Policy 3.3.3, commercial uses which are permitted by Subsection 7.2.2, clause (a), and which are in excess of the maximum size limitations of Subsection 7.2.1,</p> <p>Pursuant to Secondary Planning Strategy Policy 3.3.4, commercial and industrial boat building, boat storage, boat hauling, boat maintenance and repair, and commercial and industrial fishing and aquaculture including fish shipping, live fish packing, fish processing and accessory commercial uses.</p>								

DRAFT VERSION 3.1

SECTION - Title

2003 By-law

(Section)

7.4.1 Identified Requirements: Home Occupations

In accordance with s.7.3.1(e), existing residential dwellings in the Ocean Shoreline Zone, listed on Schedule C, may be used for a home occupation purpose, provided that all of the following requirements are satisfied:

- a) the home occupation shall be located in a dwelling unit on the same lot;
- b) the home occupation 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 10);
 - vi) Residential Daycare Centres;
 - vii) Taxicab operations; or
 - viii) Catalogue sales
- c) excepting for catalogue sales, retail sales associated with permitted uses identified in s.7.4.1(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;
- d) the home occupation shall occupy no more than 30 square metres or 25% percent of the floor area of the dwelling, 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 home occupation shall be kept upon or operated from the lot on which the business is located;
- g) no more than 1 sign on the property related to the home occupation, with the sign being non-illuminated and not exceeding 0.5 square metres in area;
- h) the home occupation shall not emit noise, odour, dust, light, or radiation that would be a nuisance or is uncustomary in a residential neighbourhood;
- i) there shall be no outdoor display or open storage of materials or products related to the home occupation; and
- j) the use shall not include an animal shelter, animal kennel, or animal hospital.

(7.1.4) In the Ocean Shore (OS) Zone any lot used for residential purposes may be used for a home occupation purpose, provided that all of the following requirements are satisfied:

- a) the home occupation shall be located in a dwelling unit on the same lot;
- b) the home occupation shall fall within one of the following types of uses:
 - i) offices,
 - ii) boarding or rooming houses,
 - iii) craft workshops,
 - iv) personal service shops,
 - v) studios for the practice or instruction of fine arts or crafts,
 - vi) repair shops,
 - vii) residential daycare centres,
 - viii) taxicab operations,
 - ix) catalogue sales, or
 - x) pet grooming establishment.
- c) except for catalogue sales, retail sales shall be limited to the sale of products made, assembled, refinished, or repaired on the premises; and the sale of any goods or materials used in any of the processes involved in the primary business use;
- d) the home occupation shall occupy no more than 30 square metres (320 sq.ft) or 25 percent of the floor area of the dwelling, whichever is less, except for boarding or rooming houses, where the maximum number of rental rooms shall be three(3);
- e) a minimum of two(2) off street customer parking spaces shall be provided on the lot, in addition to the space required for the residence itself;
- f) there shall be no outdoor display or open storage of materials or products related to the home occupation;
- g) signs shall comply with the requirements of Part 11 of this By-law;
- h) no more than two(2) commercial vehicles, including taxi cabs related to the home occupations, shall be kept upon or operated from the lot on which the business is located;
- i) the use shall not include an animal shelter, animal kennel or animal hospital; and
- j) the home occupation shall not emit noise, odour, dust, light or radiation that would be a nuisance or is uncustomary in a residential neighbourhood.

PARKING Regulations

8.1 APPLICATION (PARKING)

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

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

8.2.1. Parking Exemption

The requirements of s.8.2 shall not apply to any existing land use but shall apply to the expansion of any existing land use.

(10.2.1) The requirements of Section 10.2.3 shall not apply to any land use that existed on or before the effective date of this Land Use By-law, but shall apply to the expansion of any land use that existed on or before the effective date of this Land Use By-law.

8.2.2. Parking Space Size Requirements

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

(10.2.2) An off-street parking space shall have an area of 16.5 square metres (178 sq. ft) measuring 5.5 metres (18 ft) in length by 3 metres (10ft) in width, exclusive of aisles or driveways thereto.

<p>8.2.3. Number of Parking Spaces Required No Development Permit shall be issued for any development unless off-street parking, having unobstructed access to a public street, shall be provided and maintained in conformity with the following Table:</p> <p>a) Residential containing not more than 3 dwelling units 1 parking space for each dwelling unit.</p> <p>b) Residential with 4 or more dwelling units 1.25 spaces for each dwelling unit</p> <p>c) All accommodations for travelling public, including hotels 1.1 space per suite or rental unit</p> <p>d) Churches, funeral homes, theatres, halls, private clubs, restaurants, lounges, other places of assembly Seats: 1 parking space for every 5 seats or 3 m of bench space. No seats: 1 parking space for each 9 square metres of floor area devoted to public use</p> <p>e) Offices 1 space for every 28 square metres of floor area</p> <p>f) Hospitals / Nursing Homes / Residential Care Facilities 1 space for every 37 square metres of floor area</p> <p>g) Industries 1 space for every 93 square metres of floor area</p> <p>h) Warehouses 1 space for every 278 square metres of floor area</p> <p>i) All other commercial uses 1 space for every 19 square metres of commercial floor area</p> <p>j) Marinas / Wharves 1 space for every berth or anchorage</p>	<p>(10.2.3) Subject to Subsection 10.2.1, no Development Permit shall be issued for any development unless off-street parking having unobstructed access to a public street is provided and maintained in conformity with the following schedule:</p> <p>a) Residential buildings containing not more than three (3) dwelling units One (1) parking space for each dwelling unit;</p> <p>b) Residential buildings containing four (4) or more dwelling units One and one quarter (1.25) spaces for each dwelling unit;</p> <p>c) Hotels and motels, and other accommodation for travelers One and one-tenth (1.1) space per suite or rental unit;</p> <p>d) Hospitals, nursing homes, residential care facilities One (1) space for every 37 sq.metres (400 sq.ft) of floor area;</p> <p>e) Churches, funeral homes, theatres, halls, private clubs, restaurants, lounges, other places of assembly Seats: one (1) parking space for every five (5) seats. No seats: one (1) parking space for each 9 sq. metres of assembly (100 sq. ft.) of floor area devoted to public use;</p> <p>f) Offices One (1) space for every 28 sq. metres (300 sq. ft.) of floor area;</p> <p>g) Industries One (1) space for every 93 sq. metres (1,000 sqft) floor area;</p> <p>h) Warehouses One space for every 279 sq. metres (3,000 sqft) floor area</p> <p>i) All other commercial uses One (1) space for every 19 sq metres (200 sq. ft.) of floor area;</p> <p>j) Marinas One (1) space for every berth or anchorage</p>
<p>8.2.4 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:</p> <p>a) parking area shall be treated or surfaced to prevent the raising of dust;</p> <p>b) any illumination shall be directed away from streets, adjacent lots, and buildings on adjacent lots;</p> <p>c) the parking area shall be within 90 metres of the building which it serves, except in the case of parking on the mainland required for development on an island;</p> <p>d) each parking space and the direction of travel in each aisle shall be clearly marked & maintained where a permanent hard surface is provided;</p> <p>e) limits of the parking lot & street access shall be defined by a permanent curb, fence or other suitable obstruction to provide a neat appearance and delineate the parking area and highway access from the street;</p> <p>f) no street access shall be within 15 metres of the limits of the right-of-way of the nearest street intersection;</p> <p>g) the width of any access to a parking area and of any aisle in an identified parking area, shall be a minimum width of 4.3 metres if for one-way traffic, and a minimum width of 6 metres if for two-way traffic.</p>	<p>(10.2.4) Where off-street parking is required and more than four (4) spaces are required, no Development Permit shall be issued except in conformity with the following requirements:</p> <p>a) parking area shall be treated or surfaced to prevent the raising of dust;</p> <p>b) any illumination shall be directed away from streets, adjacent lots, and buildings on adjacent lots;</p> <p>c) the parking lot shall be within a distance of 90 metres (300 ft.) of the building or use which it serves except in the case of parking on the mainland required for development on an island;</p> <p>d) each parking space and the direction of travel in each aisle shall be clearly marked & maintained where a permanent hard surface is provided;</p> <p>e) limits of the parking lot & street access shall be defined by a permanent curb, fence or other suitable obstruction to provide a neat appearance and delineate the parking area and highway access from the street;</p> <p>f) no street access shall be within 15 metres (50 ft.) of the limits of the right-of-way of the nearest street intersection; and</p> <p>g) the width of any access to a parking area and of any aisle in a parking area shall be a minimum of 4.3 metres (14 ft.) for one-way traffic, and a minimum of 6 metres (20 ft.) for two-way traffic.</p>
<p>8.3.1 Loading Space Exemptions</p> <p>a) The requirements of s.8.3 shall not apply to any existing land use but shall apply to the expansion of any existing land use.</p> <p>b) The requirements of s.8.3 shall not apply to any development with less than 140 square metres of floor area.</p>	<p>(10.3.1) The requirements of Section 10.3 shall not apply to:</p> <p>(a) any building with less than 140 square metres (1500 square feet) of floor area; and</p> <p>(b) any land use that existed on or before the effective date of this By-law, but shall apply to the expansion of a land use that existed on or before the effective date of this By-law</p>
<p>8.3.2 Number and Layout of Loading Spaces No person shall erect or use any building or structure for manufacturing; warehousing; storage; retail sales or wholesaling; market, freight or passenger terminal; hotel; hospital; or other use involving the frequent shipping, loading or unloading of persons, animals, or goods unless:</p> <p>a) there is maintained on the same lot, 1 off-street space for standing, loading, and unloading for every 2,700 square metres or fraction thereof of floor area used for any such purpose;</p> <p>b) each loading space measures at least 4 metres in width by 12 metres in length, with a minimum height clearance of 4.3 metres;</p> <p>c) each loading space is located in the rear or side yard of the lot;</p> <p>d) loading spaces, including driveways leading thereto, shall be treated or surfaced to prevent the raising of dust or loose particles; and</p> <p>e) the width of any access to a loading space shall be a minimum of 5 metres for one-way traffic or 7.5 metres for two-way traffic.</p>	<p>(10.3.2) No person shall erect or use any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store or outlet, market, freight or passenger terminal, hotel, hospital, or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods unless:</p> <p>a) there is maintained on the same lot one (1) off-street space for standing, loading, and unloading for every 2700 square metres (29,000 square feet) or fraction thereof of floor area used for any such purpose;</p> <p>b) each loading space shall measure at least 4 metres (13 ft.) in width by 12 metres (40 ft.) in length with a minimum height clearance of 4.3 metres;</p> <p>c) each loading space shall be located in the rear or side yard of the lot;</p> <p>d) each loading space, including driveways leading thereto, shall be treated or surfaced to prevent the raising of dust or loose particles; and</p> <p>e) the width of any access road to a loading space shall be a minimum of 5 metres (16 ft.) for one-way traffic or 7.5 metres (25 ft.) for two-way traffic.</p>

<p style="text-align: center;"><u>DRAFT VERSION 3.1</u> SECTION - Title</p>	<p style="text-align: center;"><u>2003 By-law</u> (Section)</p>
<p>9.1. APPLICATION (SIGNS) The requirements of this part shall apply to all signs in all Zones unless otherwise specified.</p>	<p>NEW</p>
<p>9.2 DEVELOPMENT PERMIT REQUIRED No person shall erect any sign without first obtaining a Development Permit except for signs specified in s.9.3 below.</p>	<p>(11.1.1) No person shall erect any sign without first obtaining a Development Permit except for signs specified in Subsection 11.1.2 below.</p>
<p>9.3. SIGNS FOR WHICH NO DEVELOPMENT PERMIT IS REQUIRED The following signs are permitted in all zones, without any requirement for a Development Permit:</p> <p>9.3.1 Signs of not more than 0.5 square metres in sign area which: a) identify the name and address of a resident; b) identify "no trespassing", or other such signs regulating the use of a property; c) non-illuminated real estate signs advertising the sale, rental or lease of the premises; or d) serve in regulating on-premises traffic, parking, or other signs denoting the direction or function of various parts of a building or the premises.</p> <p>9.3.2 Signs erected by a government body, or under the direction or authority of such a body, and bearing no commercial advertising, such as traffic signs, railroad-crossing signs, safety signs, directional signs, signs identifying public schools, public elections and signs and banners for special events which bear an incidental commercial component advertising sponsorship;</p> <p>9.3.3 Memorials, tablets or signs denoting the historical significance and date of erection of a structure;</p> <p>9.3.4 The flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization; or</p> <p>9.3.5 A sign having an area of not more than 6 square metres incidental to construction and located on the same site as the building under construction. Such signs shall not remain in place for more than 60 days following completion of construction.</p>	<p>(11.1.2) The following signs are permitted in all zones, without any requirement for a Development Permit:</p> <p>a) signs identifying name and address of resident, and of not more than 0.5 sq. metres (5 sq. ft.) in sign area; b) "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; c) non-illuminated real estate signs not exceeding 0.5 square metres (5 sq. ft.) in sign area which advertise the sale, rental or lease of the premises; d) 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; e) signs erected by a government body, or under the direction or authority of such a body, and bearing no commercial advertising, such as traffic signs, railroad-crossing signs, safety signs, signs identifying public schools, public election lists and signs and banners for special events which bear an incidental commercial component advertising sponsorship; f) memorial signs or tablets and signs denoting the historical significance and date of erection of a structure; g) the flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization; and h) 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.</p>
<p>9.4. SIGNS PROHIBITED IN ALL ZONES The following signs shall not be permitted in any Zone:</p> <p>9.4.1 Signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in color, except for signs which display only time or temperature;</p> <p>9.4.2 Signs which have any visible moving part or visible mechanical movement of any description;</p> <p>9.4.3 Signs affixed to, applied to, or supported by the roof of any structure;</p> <p>9.4.4 Signs which constitute a hazard to public safety or health;</p> <p>9.4.5 Signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers or obstruct the effectiveness of any traffic sign or traffic control device;</p> <p>9.4.6 Signs which obstruct the use of a fire escape door, windows, or other required exit;</p> <p>9.4.7 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;</p> <p>9.4.8 Signs which advertise a product, service or business which is discontinued; or</p> <p>9.4.9 Signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object.</p>	<p>(11.1.3) All other provisions of this By-law notwithstanding, the following signs shall not be erected or used in any zone:</p> <p>a) 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; b) signs affixed to, applied to, or supported by the roof of any structure; c) signs which constitute a hazard to public safety or health; d) 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; e) signs which obstruct the use of a fire escape door, windows, or other required exit; f) 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; g) signs which advertise a product, service or business which is discontinued; or h) signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object.</p>

<p>9.5 ADVERTISING SIGNS No sign shall be erected or used for commercial advertising except where the sign is located:</p> <p>9.5.1 on the same lot as the establishment which it advertises; 9.5.2 on the same lot as the dealer for the product which it advertises; or 9.5.3 within the boundaries of a provincial road.</p>	<p>(11.1.4) No sign shall be erected or used for commercial advertising except where the sign is located:</p> <p>a) on the same lot as the establishment which it advertises; b) on the same lot as the dealer for the product which it advertises; or c) within the boundaries of a Public Street.</p>
<p>9.6 GROUND SIGNS</p> <p>9.6.1 No ground sign shall: a) exceed a height of 8 metres from grade to the highest part of the sign. b) extend beyond a property line or extend over a public street, a driveway or parking space.</p> <p>9.6.2 No ground sign, or combination of ground signs located on any one lot, shall exceed 3 square metres in sign area on each side.</p>	<p>(11.2.1) No ground sign shall:</p> <p>a) exceed 3 square metres (32 sq.ft) in sign area on each side; b) exceed a height of 8 metres (26 ft.) from grade to the highest part of the sign; or c) extend beyond a property line or extend over a public right-of-way, a driveway or parking space.</p>
<p>9.7 PROJECTING WALL SIGNS</p> <p>9.7.1 No projecting wall sign shall: a) be erected below a height of 3 metres above grade. b) project over a a property line or project over a public street. c) project above the eaves, parapet or roof line of a building. d) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device.</p> <p>9.7.2 No projecting wall sign, or combination of projecting wall signs located on any one lot, shall exceed 2 square metres in sign area on each side.</p>	<p>(11.2.2) No projecting wall sign shall:</p> <p>a) exceed 2 square metres (20 sq. ft.) in sign area on each side; b) project over a public street beyond the curb line or street shoulder; c) project above the eaves, parapet or roof line of a building; d) be erected below a height of 3 metres (10 ft.) above grade; or e) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device.</p> <p>Notwithstanding Subsection 11.2.2, clause (d), the following exemptions apply to Projecting Wall Signs: a) small projecting wall signs of less than 0.3 square metres (3 sq. ft.) in sign area on each side may be erected no less than 2.5 metres (8 ft.) above grade; and b) notwithstanding Subsection 11.2.2, clause (d) and Subsection 11.2.3, clause (a), the minimum height requirements shall not apply to projecting wall signs that project entirely over private property and present no hazard to public safety.</p>
<p>9.8 FLAT FIXED WALL SIGNS</p> <p>9.8.1 No flat fixed wall sign shall: a) extend above the top of the wall upon which it is placed. b) extend beyond the extremities of the wall upon which it is attached.</p> <p>9.8.2 No flat fixed wall sign, or combination of flat fixed wall signs located on any one lot, shall: a) cover more than 0.09 square metres for each 0.3 metres of the total front wall area, and b) exceed, when all flat fixed wall sign areas are totaled, a maximum area of 9 square metres.</p>	<p>(11.2.4) No fixed wall sign shall:</p> <p>a) cover more than 0.09 square meters (1 sq. ft.) for each 30 centimetres (lineal foot) of the wall on which the sign is affixed with proportional allocation for each business premises in case of multiple occupancy buildings, not to exceed a total maximum sign area of 9 square metres (100 sq. ft.) for each side of the building; b) extend above the top of the wall upon which it is placed; or c) extend beyond the extremities of the wall upon which it is attached.</p>