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Schedule A - Zoning Map - envelope at back of document

## **PART 1 - TITLE**

This By-Law shall be known and may be cited as the “Land Use By-Law” for the District #7 Planning Area of the Municipality of the District of Guysborough and shall apply to all lands within the Planning Area as outlined on the Zoning Map - Schedule A.

## PART 2 - DEFINITIONS

The words and terms listed below shall have the meanings as defined herein.

1. **ACCESSORY BUILDING** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use but does not include a building attached in any way to the main building, or a building located completely underground.
2. **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.
3. **ACT** shall mean the **Municipal Government Act**, being Chapter 346 of the Acts of Nova Scotia, 1989, and amendments thereto.
4. **ALTER** means to change a structural component of a building, or to increase or decrease the volume of a building or structure.
5. **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 and the servicing and minor repairing essential to the actual operation of motor vehicles and may include an automobile car wash.
6. **BOARDING OR ROOMING HOUSE** means a dwelling in which the proprietor supplies either room or room and board for monetary gain, with more than three but not more than six rooms and which is not open to the general public.
7. **BUILDING** means any on-site constructed or off-site constructed (modular) structure whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment. Any tent, awning, bin, bunker, or platform vessel or vehicle used for any of the said purposes shall be deemed a building.
8. **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.
9. **COMMUNITY CENTRE** means any tract of land, or building or buildings, or part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof, or a nonprofit organization.
10. **COUNCIL** shall mean the Council of the Municipality of the District of Guysborough.

11. **DAY NURSERY** means a place where four or more preschool children are cared for on a temporary daily basis without overnight accommodation but does not include a school.
12. **DEVELOPMENT** includes any erection, construction, alteration, replacement or relocation of or addition to, any structure and any change or alteration in the use made of land, or structures.
13. **DEVELOPMENT OFFICER** means the officer of the Municipality of the District of Guysborough from time to time charged by the Municipality with the duty of administering the provisions of the Land Use By-Law in accordance with the **Municipal Government Act**.
14. **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, but shall not include a hotel, a motel, apartment hotel or a travel trailer.
15. **DWELLING, SINGLE DETACHED** means a building containing not more than one (1) dwelling unit but does not include a Mobile Home.
16. **DWELLING, CONVERTED** means a building converted to conform up to four (4) dwelling units.
17. **DWELLING MULTIPLE UNIT** means a dwelling which contains four (4) or more dwelling units.
18. **DWELLING, DUPLEX** means a building containing not more than two (2) dwelling units placed one above the other.
19. **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 entrance from outside the building or from a common hallway or stairway inside the building.
20. **EXISTING** means existing as of the effective date of this By-Law.
21. **FLOOR AREA**
  - a. **With Reference to a Dwelling** means the maximum floor area contained within the outside walls excluding any private garage, porch, verandah, sun room, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.

- b. **Commercial Floor Area** means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common walls between stores.
22. **FRONT YARD** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a “minimum” front yard means the minimum depth allowed by the By-Law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.
23. **GROUND LEVEL** means either (a) the natural ground level or (b) the finished ground level resulting from any subdivision, excavation or fill.
24. **HEIGHT** means the vertical distance of a building between grade and:
- a. the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
  - b. the deck line of a mansard roof; or
  - c. the main level between 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.
25. **HOTEL** means a building or buildings or part thereof on the same site used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation with or without meals but generally without private cooking facilities.
26. **INSTITUTION** means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent or profit such as churches, community centers, hospitals, homes for special care, senior citizen homes and government buildings but shall not include a private club.
27. **LOADING SPACE** means a vacant area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area:
- a. is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display.
  - b. is not upon or partly upon any street, or highway; and

- c. has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas, not part of which shall be used for the temporary parking or storage of one or more motor vehicles.
28. **LOT** means parcel of land described in a deed as a lot or as shown as an approved lot on a registered plan of subdivision.
29. **LOT AREA** means the total horizontal area within the lot lines of a lot.
30. **LOT FRONTAGE** means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein equal in distance to the minimum applicable front yard. In the case of a corner lot with a daylighting triangle the exterior lot lines (street line) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.
31. **CORNER LOT** means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.
32. **MAIN BUILDING** means the building in which is carried on the principal purposes for which the lot is used.
33. **MOBILE HOME** means a single detached unit, designed for transportation after fabrication, on its own wheels, and which arrives at a site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling operations, and which is supported on site by wheels, jacks, blocks, or a permanent foundation and which may be connected to utilities and sanitary services.
34. **MOBILE HOME PARK** means two or more Mobile Homes located on one lot.
35. **MOTEL** shall mean the same as Hotel, but may include private cooking facilities.
36. **NURSING HOME** means a building wherein nursing care room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.
37. **OFFICE** means a room or rooms, building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

38. **PARKING SPACE** means an area of not less than one hundred and sixty (160) square feet, measuring eight (8) feet by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
39. **PERSONAL SERVICE ESTABLISHMENT** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing may include such establishments as barber shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.
40. **PRIVATE CLUB** means a building or part of a building used as a meeting place for members or an organization and may include a lodge, a fraternity, or sorority house, and a labour union hall.
41. **PROFESSIONAL OFFICE** means a building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retailing or selling of goods.
42. **PUBLIC PARK** means a park owned or controlled by a Public Authority or by any Board, Commission or other Authority established under any statute of the Province of Nova Scotia.
43. **REAR YARD** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and “minimum” rear yard means the minimum depth allowed by this By-Law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.
44. **RECREATIONAL USES** means the use of land for parks, playgrounds, tennis courts, indoor or outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centers, and similar uses 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.
45. **RESTAURANT** means a building or part thereof where food and drink is served to the public for consumption within the building or for takeout but not for consumption in parking areas appurtenant to the building.
46. **RETAIL STORE** means a building or part thereof in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the public at retail.

47. **SEMI-DETACHED DWELLING** means a building that is divided vertically into two dwelling units each of which has an independent entrance.
48. **SERVICE SHOP** means a building or part thereof used for the sale or repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.
49. **SETBACK** means the distance between the street line and the nearest main wall of any building or structure and extending the full width or length of the lot.
50. **SIDE YARD** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and “minimum” side yard means the minimum depth allowed by this By-Law of a side yard on a lot between a side lot line and nearest main wall of any main building or structure on the lot.
51. **SIGN** means a 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 justify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word “sign” shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-Law.
- a. **Ground Sign** means a sign supported by one or more uprights, poles or braces placed in or upon the ground.
- b. **Illuminated Sign** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon chiefly directed at the surface of the sign.
- c. **Projecting Wall Sign** means a sign which projects from and is supported by a wall of a building.
- d. **Facial Wall Sign** means a sign which is attached to and supported by a wall of a building.
- e. **Number of Signs** means 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.

- f. **Sign Area** means the area of the smallest triangle, rectangle, or circle or semi-circle which can wholly enclose the surface area of the sign. All visible faces of a multifaced sign shall be counted separately and then totaled in calculating sign area. Three dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle, or circle or semi-circle which can totally circumscribe the sign in the plan of its largest dimension.
52. **STOREY** means the portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a story unless its ceiling is at least six (6) feet above grade and provided also that any portion of a storey exceeding fourteen (14) feet in height shall be deemed an additional storey for each fourteen (14) feet or fraction thereof of such excess.
53. **STREET** means the whole and entire right-of-way of every highway, road or road allowance vested in the Province of Nova Scotia or a private road recognized by the Municipality.
54. **STREET LINE** means the boundary line of a public street.
55. **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. A structure shall include buildings, walls, and signs and also fences exceeding six (6) feet in height.
56. **TOURIST OR GUEST HOME** means a building used as a single family dwelling in which there are not more than eight (8) sleeping rooms intended to be rented to the general public and where the stay of the guest is of a transient nature.
57. **MUNICIPALITY** means the Municipality of the District of Guysborough.
58. **WAREHOUSE** means a building where wares or goods are stored but shall not include a retail store.
59. **WHARF FACILITIES** means facilities for the transition of goods and products between the coastal environment and the land. In the Industrial Resource (M-3) Zone such facilities shall not be used for the permanent storage of goods or products being transported to and from the processing facility.
60. **WIND FARM** means a group of 2 or more wind turbines used for the generation of electricity.

61. **YARD** means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-Law. In determining yard measurements, the minimum horizontal distance from the respective lot lines to the building shall be used.
62. **ZONE** means a designated area of land shown on Schedule "A" of this By-Law.

## **PART 3 - ADMINISTRATION**

### **EFFECTIVE DATE**

1. This By-Law shall take effect when approved by the Minister of Housing and Municipal Affairs for the Province of Nova Scotia.

### **PROHIBITION**

2. Subject to the provisions of the **Municipal Government Act**, no development shall be carried out within the Planning Area, except in accordance with this By-Law.

3. No person shall commence or continue development for which a development permit is required by this By-Law unless the owner has obtained a development permit to carry out the development.

### **DEVELOPMENT OFFICER**

4. The Council of the Municipality of the District of Guysborough (hereinafter referred to as "Council") shall appoint a municipal development officer who shall be responsible for the administration of this Land Use By-Law and the issuing of municipal development permits.

5. The Development Officer shall keep records of all applications received, permits and orders issued, inspections made, and shall retain copies of all papers and documents connected with the administration of this By-Law, which shall form part of the public records of the Municipality of the District of Guysborough.

### **ENFORCEMENT**

6. Any duly authorized officer or servant appointed by Council shall have the right to enter at all reasonable times into or upon any property within the planning area for the purposes of an inspection necessary in connection with the administration of this Land Use By-Law.

### **PERMITS**

7. Subject to the provisions of the **Municipal Government Act**, when

- a. within fifteen (15) days of receiving an application for a municipal development permit, the municipal development officer shall inform the applicant whether or not his application is complete.

- b. within thirty (30) days of receiving a completed application, the municipal development officer shall either grant the municipal development permit, or inform the applicant of the reasons for not granting the permit.
- 8. Every development permit is valid:
  - a. upon the development being commenced within twelve (12) months from the date of issuing the permit; however, the Development Officer may extend this time period at his discretion.
- 9. An application for a development permit shall:
  - a. be made in the form prescribed by the Municipality;
  - b. be signed by the owner or his agent;
  - c. state the intended use of the proposed development; and
  - d. provide any other information required by the Development Officer to determine whether the proposal meets the requirements of this By-Law.
- 10. When deemed necessary to complete the assessment of the proposed development, the Development Officer may require the applicant to submit copies in duplicate of one or more of the following:
  - a. a survey plan of the lot showing the dimensions of the lot; said plan to be made and certified by a registered land surveyor licensed to practice in Nova Scotia; and
  - b. the position, height, and horizontal dimensions of all structures existing on the lot.

## **PENALTY**

- 11. The **Municipal Government Act** states:
  - a. A person who
    - I. violates any provision of this Act;
    - II. violates any provision of any order, regulation, by-law, plan, strategy, or policy in force pursuant to this Act;
    - III. fails to do any act or thing required to be done by an order, regulation, by-law, plan, strategy or policy in force pursuant to this Act;

- IV. suffers or permits any act or thing to be done in violation of any provision of any order, regulation, by-law, plan, strategy or land use policy in force pursuant to this Act; or
  - V. obstructs or hinders any person in the performance of his duties under this Act or under any order, regulation, by-law, plan, strategy or policy in force pursuant to this Act, is guilty of an offense and liable on summary conviction to a fine not exceeding one thousand dollars and in default of payment to imprisonment for a term not exceeding two months and in the case of a continuing offense to a further fine not exceeding two hundred and fifty dollars for each day during which the offense continues and in default of payment to imprisonment for a term not exceeding ten days.
- b. No prosecution for an offense under this Act shall be commenced after two years from date on which the offense was committed.

### **COSTS FOR ADVERTISING**

12. Anyone applying for an amendment to this By-Law shall deposit with the clerk a cheque sufficient to pay the cost of advertising required by the **Municipal Government Act**. After the advertising has been completed, the applicant shall pay to the clerk any additional amount required to defray cost of the advertising, or if there is a surplus, the clerk shall refund the same to the applicant.

## **PART 4 - ZONES AND ZONING MAP**

### **ZONES**

1. For the purpose of this By-Law, the District #7 Planning Area is divided into the following zones which may be referred to by the appropriate symbols.

Residential General (R-1) Zone  
Residential Multiple Unit (R-2) Zone  
Residential Mobile Home Park (R-3) Zone  
Recreational (REC-1) Zone  
Commercial General (C-1) Zone  
Industrial Light (M-1) Zone  
Industrial Heavy (M-2) Zone  
Industrial Resource (M-3) Zone

The zone boundaries are shown on Schedule "A". The Schedule "A" included may be cited as the "Zoning Map" and his hereby declared to form part of this By-Law.

### **ZONES NOT ON MAPS**

2. The zoning map of this By-Law may be amended, in conformance with the Municipal Planning Strategy, to utilize any zone in this By-Law, regardless of whether or not such zone had previously appeared on any zoning map.

### **ZONING MAP - SCHEDULE "A"**

3. The Zoning Map is included at the back of this document as Schedule "A". Schedule "A" consists of a small scale map of the entire Planning Area and a number of individual, larger scale maps of those parts of the Planning Area where a larger scale was necessary to show zone boundaries.

## **PART 5 - INTERPRETATION**

### **SYMBOLS**

1. The symbols used on Schedule "A", included herein, refer to the appropriate zones established by this By-Law.

### **DEFINED**

2. The extent and boundaries of all zones are shown on Schedule "A", included herein, and for such zones the provisions of this By-Law shall respectively apply.

### **INTERPRETATION OF ZONING BOUNDARIES**

3. Boundaries between zones shall be determined as follows:
  - a. where a zone boundary is indicated as following a street or highway, the boundary shall be the center line of such street or highway;
  - b. where a boundary is indicated as approximately following lot lines, the boundary shall follow such lot sizes;
  - c. where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the zoning maps, it shall, unless otherwise indicated, be included in the zone on the adjoining property on either side thereof;
  - d. where a railroad or railway right-of-way, electrical transmission right-of-way or watercourse is included on the zoning map and serves 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 division thereof shall be considered the boundary between zones unless specifically indicated otherwise; and
  - e. where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map Schedule "A".

### **CERTAIN WORDS**

4. In this By-Law, words used in the present tense include future; words in the singular number include the plural except where otherwise clearly indicated; words in the plural include the singular number; and the word "used" includes "arranged", "designed or intended to be used"; the "shall" is mandatory and the word "may" permissive.

### **PERMITTED USES**

5. For the purposes of this By-Law, if a use is not listed as a permitted use in any zone, it shall be deemed to be a prohibited use in that zone.

## **PART 6 - GENERAL PROVISIONS FOR ALL ZONES**

### **SCOPE**

1. No building or structure shall hereinafter be erected or altered or the use of any building changed, unless a development permit has been issued and no development permit shall be issued unless all the provisions of this By-Law are satisfied.

### **DEVELOPMENT PERMITS**

2. Lots which have been created in accordance with the Provincial Subdivision Regulations shall be eligible for a development permit provided all requirements of this By-Law and other Municipal and Provincial By-Laws are complied with.

### **FRONTAGE ON STREET**

3. No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected, abuts, fronts upon a public street or the lot is shown on an approved plan of subdivision or a private road as defined by the Provincial Subdivision Regulations.

### **LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS**

4. Nothing in this By-Law shall exempt any person from complying with the requirements of the building by-law or any other by-law in force within the Municipality of the District of Guysborough or from obtaining any license, permission, permit, authority or approval required by any other by-law of the Municipality.

### **ACCESSORY USES PERMITTED**

5. Where this By-Law provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose includes any use accessory thereto. Accessory buildings shall be permitted in all zones.

### **NON-CONFORMING USES**

6. Any use of land or a building or structure erected on the land which had begun on or before the effective date of this By-Law and which does not conform to the requirements of this By-Law shall be subject to the provisions of the **Municipal Government Act** respecting non-conforming uses.

### **EXISTING UNDERSIZED LOTS**

7. Notwithstanding anything else in this By-Law, a vacant lot held in separate ownership from adjoining parcels in existence prior to the effective date of this By-Law, having less than the minimum frontage or area or both required by this By-Law, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this By-Law are satisfied. In addition, where such lots are increased in size but remain undersized, they are deemed to be existing undersized lots.

### **EXISTING BUILDINGS**

8. Where a building has been erected on or before the effective date of this By-Law on a lot having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this By-Law, the building may be enlarged, reconstructed, repaired or renovated provided that:
  - a. the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this By-Law; and
  - b. all other applicable provisions of this By-Law are satisfied.

### **EXISTING LOTS**

9. Notwithstanding anything else in this By-Law, the use of a building existing on a lot on the effective date of this By-Law may be changed to a use permitted on the lot where the lot frontage, front yard, or area required or any two or all of these is less than the requirements of this By-Law provided that all other requirements of this By-Law are satisfied.

### **TEMPORARY USES AND STRUCTURES PERMITTED**

10. Nothing in this By-Law shall prevent uses and structures incidental to construction such as a construction camps or other such temporary work camps, a tool shed, scaffold, or similar building incidental to construction providing that the uses or structures are removed from the site within 60 days after completion of the construction project and provided a development permit has been issued.

Not more than two travel trailers shall be permitted on a lot at any given time and also travel trailers shall be considered temporary use and shall not be permitted to remain on a lot for more than a six (6) month period, except that homeowners may park up to two (2) travel trailers on their property for a total year.

11. Nothing in this By-Law shall prevent uses and structures erected for special occasions and holidays provided only that no such use remains in place more than fourteen (14) consecutive days. A development permit shall not be required.

#### **BUILDING TO BE MOVED**

12. No person shall move any building, residential or otherwise, within or near the area covered by this By-Law without obtaining a development permit from the Development Officer.

#### **RESTORATION TO A SAFE CONDITION**

13. 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** of Nova Scotia shall prevail.

#### **CALCULATION OF LOT FRONTAGE**

14. The following means shall be used for the purposes of determining lot frontage:
  - a. in the case of regularly shaped lots, lot frontage shall be measured as a straight line between the points where the two (2) side lot lines meet the front lot line, or;
  - b. in the case of irregularly shaped lots, lot frontage may be deemed to be the horizontal distance between the side lot lines measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point equal to the minimum applicable front yard.

#### **PERMITTED ENCROACHMENTS IN YARDS**

15. Except for accessory buildings, every part of any yard required by this By-Law shall be open and unobstructed by any structure from the ground to the sky, provided that those structures listed in the following table shall be permitted into yards indicated as follows:

<b>STRUCTURE</b>	<b>YARD IN WHICH PROJECTION IS PERMITTED</b>	<b>MAXIMUM PROJECTION FROM MAIN WALL PERMITTED</b>
Sills, belt course cornices, eaves, gutters, chimneys, pilasters, or canopies.	Any Yard	24 Inches
Window Bays	Front, rear and flankage yards only	3 feet and a maximum width of 10 feet.
Fire escapes and exterior staircases	Rear and side yards only	6 feet
Balconies	Front, rear and flankage yards only for single family, semi-detached, duplex, and triplex dwellings, any yard for other residential buildings.	
Open, roofed porches not exceeding one storey in height; uncovered terraces	Front, rear and flankage yards only.	8 feet including eaves and cornices

### **PUBLIC USES PERMITTED**

16. Government buildings and facilities shall be permitted in any zone provided that such use conforms with the applicable lot standards of that particular zone.

### **MULTIPLE USES**

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

### **TRUCK, BUS AND COACH BODIES**

18. No trucks, bus, coach or structure of any kind, other than a mobile home or dwelling unit erected and used in accordance with this and all other by-laws of the Municipality, shall be used for human habitation within the District #7 Planning Area, whether or not same is mounted on wheels.

### **BUILDING TO BE ERECTED ON A LOT**

19. No person shall erect or use any building unless such building is erected upon a single lot.

## **ACCESSORY BUILDINGS**

20. Accessory uses, buildings and structures shall be permitted in any zone within the District #7 Planning Area but shall not:
- a. be used for human habitation;
  - b. be located within the required front or side yard of a lot;
  - c. be built closer to the front lot line than the minimum distance required by this By-Law for the main building on the lot. Where an accessory building is built on a corner lot, it shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;
  - d. be built closer than four (4) feet to any lot line except:
    - i. common semi-detached garages may be centered on the mutual side lot line; and
    - 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 two (2) feet from the said side or rear lot line in any residential zone.
    - iii. boathouses and boat docks may be built to the lot line when the line corresponds to the water's edge or is in the water;
  - e. exceed 1,500 square feet in total floor area;
  - d. be built within six (6) feet of the main building;
  - e. be considered an accessory building if attached to the main building in any way; and
  - f. be considered an accessory structure if located completely underground.

Notwithstanding anything else in this By-Law, drop awnings, clothes line poles, flag poles, garden trellises, fences and retaining walls shall be exempted from any requirements under Subsection 1 of this section and section 14.

## **ILLUMINATION**

21. No person shall erect any sign or illuminate in an area outside any building unless such illumination is directed away from adjoining properties and any adjacent roadways.

### **SIDE YARDS ON CORNER LOTS**

22. Notwithstanding anything else in this By-Law, on a corner lot in any zone, no part of any building or accessory building shall be erected any closer to the lot line of the flanking street than twenty-five (25) feet.

### **PUBLIC AND PRIVATE UTILITIES**

23. Public and Private Utilities shall be permitted in any zone provided that such use conforms with the applicable lot standards of that particular zone.

### **LOTS ADJACENT TO A WATERCOURSE**

24. Notwithstanding the minimum lot size requirements found elsewhere in this by-law, the minimum size of an unserviced lot, any part of which is within seventy-five (75) feet of a watercourse, shall be 40,000 square feet.

### **SETBACK FROM WATERCOURSE**

25. No building or structure shall be located within fifty (50) feet of a watercourse.

## **PART 7 - RESIDENTIAL GENERAL (R-1) ZONE**

1. No development permit shall be issued in a Residential General (R-1) Zone except for one or more of the following uses:
  - a. Single detached dwelling
  - b. Mobile Homes or Premanufactured Homes
  - c. Semi-detached and Duplex Dwellings
  - d. Multiple Unit Dwellings (both new and conversion) to a maximum of four (4) dwelling units
  - e. Boarding Homes
  - f. Day Nurseries
  - g. Park and Community Centers - exempt from lot standards in this By-Law
  - h. Nursing Homes or Homes for Special Care
  - i. Church and Cemeteries
  - j. Schools and other institutional uses established under the Societies Act
  - k. Public Recreational Facilities
  - l. Commercial C-1 Uses (maximum building size of 1,200 square feet of floor space and/or 1,200 square feet of outdoor storage space)
  - m. Industrial M-1 uses (maximum building size of 1,200 square feet of floor space or 1,200 square feet outdoor storage space)
  - n. Farming or Forestry Uses

### **GENERAL LOT REQUIREMENTS**

2. In any Residential General (R-1) Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	20,000 square feet
Minimum Lot Frontage:	100 feet
Minimum Front Yard:	25 feet
Minimum Side Yard:	10 feet
Minimum Rear Yard:	25 feet

### **SPECIAL SETBACK REQUIREMENTS**

3. Notwithstanding anything else in this By-Law where an Industrial or Commercial use abuts a Residential or Institutional Use in the Residential General (R-1) Zone, the Industrial or Commercial Use must have a minimum setback from any property line of twenty (20) feet.

## **PART 7 - RESIDENTIAL MULTIPLE UNIT (R-2) ZONE**

1. No development permit shall be issued in a Residential Multi-Unit (R-2) Zone except for one or more of the following:
  - a. Multiple unit dwellings which contain five (5) or more units.
  - b. Converted dwellings which contain five (5) or more units.
  - c. Row or town houses which contain five (5) or more units.
  - d. All uses permitted in the R-1 Zone.

### **GENERAL LOT REQUIREMENTS**

2. In any Residential Multi-Unit (R-2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	40,000 square feet
Minimum Lot Frontage:	100 feet
Minimum Front Yard:	25 feet
Minimum Side Yard:	10 feet
Minimum Rear Yard:	25 feet

## **PART 7 - RESIDENTIAL MOBILE HOME PARK (R-3) ZONE**

1. No development permit shall be issued in a Residential Mobile Home Park (R-3) Zone except for one or more of the following:
  - a. Mobile Home Parks
  - b. Mobile Homes
  - c. Mobile Home Sales
  - d. Public Recreational Uses such as parks and playgrounds
  - e. Mobile Home Park Offices
  - f. Storage facilities for maintenance equipment

### **GENERAL LOT REQUIREMENTS**

2. In any Residential Mobile Home Park (R-3) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	40,000 square feet
Minimum Lot Frontage:	200 feet
Minimum Front Yard:	20 Feet
Minimum Side Yard:	10 Feet
Minimum Rear Yard:	20 Feet

### **SPECIAL SETBACK REQUIREMENTS**

3. Notwithstanding anything else in this By-Law, where a mobile home park abuts a residential use, the mobile home park must have a minimum setback from any property line of twenty (20) feet.

A larger lot size may be required from the Department of Environment for the installation of an on-site sewage disposal system.

## **PART 8 - COMMERCIAL GENERAL (C-1) ZONE**

1. No development permit shall be issued in a Commercial (C-1) Zone except for one or more of the following uses:
  - Residential dwellings located in the same building as a commercial use
  - Retail shops
  - Business or professional offices
  - Restaurants and drive-in restaurants
  - Bank and financial institutions
  - Personal service establishment
  - Liquor store
  - Beverage room and lounge
  - Entertainment centre
  - Motel and other tourist establishments
  - Automobile sales and services
  - Automobile service station including car wash and/or a convenience store
  - Automobile body repair shops
  - Post office
  - Funeral home
  - Public park
  - Warehousing and storage facilities
  - Garden and nursery sales and supplies
  - Tourist and guest home
  - Museum
  - Library
  - Trucking, construction or building supply depot
  - Campgrounds
  - Repair Shops
  - Welding Shops
  - Drug stores
  - Hardware stores
  - Laundromats
  - Hairdresser or barber shops
  - Marinas
  - Golf courses
  - Craft and gift shops
  - All uses permitted in the R-1 Zone

## **GENERAL LOT REQUIREMENTS**

2. In any Commercial General (C-1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area: 20,000 square feet

Minimum Lot Frontage: 100 feet

Minimum Front Yard: 15 Feet

Minimum Side Yard: 10 Feet

A larger lot size may be required by the Department of the Environment for the installation of an on-site sewage disposal system.

3. Commercial uses with a total floor area of 1,200 square feet and/or outdoor storage area of 1,200 square feet shall be permitted as a right in a Residential R-1 Zone.
4. Special Requirement: Abutting Yard Requirements.

Where a yard or lot located within a Commercial C-1 Zone abuts a Residential R-1, Residential Multiple Unit R-2, Residential Mobile Home Park R-3 use or an Institutional Use, the following requirements shall apply:

- a. No open storage or display shall be permitted in an abutting yard within twenty (20) feet of a side or rear lot line.
- b. No parking space shall be permitted in an abutting yard within twenty (20) feet of a side or rear lot line.

## **PART 9 - INDUSTRIAL LIGHT (M-1) ZONE**

1. No development permit shall be issued in an Industrial Light (M-1) Zone except for one or more of the following uses:
  - Manufacturing contained within a building
  - Assembly or warehouse operations
  - Building supplies or equipment depots
  - Processing operations
  - Service industries
  - Business and professional offices related to industrial use and commercial uses associated with industrial use
  - Any manufacturing, industrial, assembly or warehousing operations conducted and wholly contained within an enclosed building and which is not obnoxious by reason of sound, odor, dust, fumes or smoke, or other obnoxious emission, or refuse matter or water carried waste or by reason of unsightly open storage or the detonation of explosives
  - Equipment depot but excluding the bulk storage of sand or gravel
  - Service industries
  - Business and professional offices related to industrial use
  - Commercial uses accessory to a main use permitted in an M-1 Zone which is conducted in the main building

### **GENERAL LOT REQUIREMENTS**

2. In any Industrial Light (M-1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area: 20,000 square feet

Minimum Lot Frontage: 100 feet

Minimum Front yard: 25 feet

Minimum Side Yard: 15 feet

A larger lot size may be required by the Department of Environment for the installation of an on-site sewage disposal system.

3. Industrial uses with a maximum floor area of 1,200 square feet and/or a maximum outdoor storage area of 1,200 square feet shall be permitted as a right in a Residential R-1 Zone.

## **SPECIAL REQUIREMENTS**

### 4. Abutting yard requirements:

Where a yard or lot located within an Industrial Light (M-1) Zone abuts a Residential (R-1), Residential Multi-Unit (R-2), or Residential Mobile Home Park (R-3) Zone, the following restrictions shall apply:

- a. No open storage or display shall be permitted in an abutting yard within twenty (20) feet of a side or rear lot line.
- b. No parking space shall be permitted in an abutting yard within twenty (20) feet of a side or rear lot line.

## **PART 9 - INDUSTRIAL HEAVY M-2 ZONE**

1. No development permits shall be issued in an Industrial Heavy M-2 Zone except for one or more of the following uses:
  - All uses permitted within the M-1 Zone subject to the M-1 Zone requirements
  - Auto salvage yards
  - Rock quarry operations
  - Gas processing, refineries and raw material processing and manufacturing

### **GENERAL LOT REQUIREMENTS**

2. In any Industrial (M-2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area: 40,000 square feet

Minimum Lot Frontage: 200 feet

Minimum Front Yard: 25 feet

Minimum Side Yard: 15 feet

A larger lot size may be required by the Department of the Environment for the installation of an on-site sewage disposal system.

### **SPECIAL REQUIREMENTS**

3. Abutting yard requirements:

Where a yard or lot located within an Industrial (M-2) Zone abuts a Residential (R-1), Residential Multi-Unit (R-2), Residential Mobile Home Park (R-3) Zone or Commercial Zone, the following restrictions shall apply:

1. No open storage or display shall be permitted in an abutting yard within twenty (20) feet of a side or rear lot line.
2. All special provisions identified under Section 3 of Part 9, Industrial Resource M-3 Zone shall apply to the M-2 Zone.

No parking space shall be permitted in an abutting yard within twenty (20) feet of a side or rear lot line.

## **PART 9 – INDUSTRIAL RESOURCE M-3 ZONE**

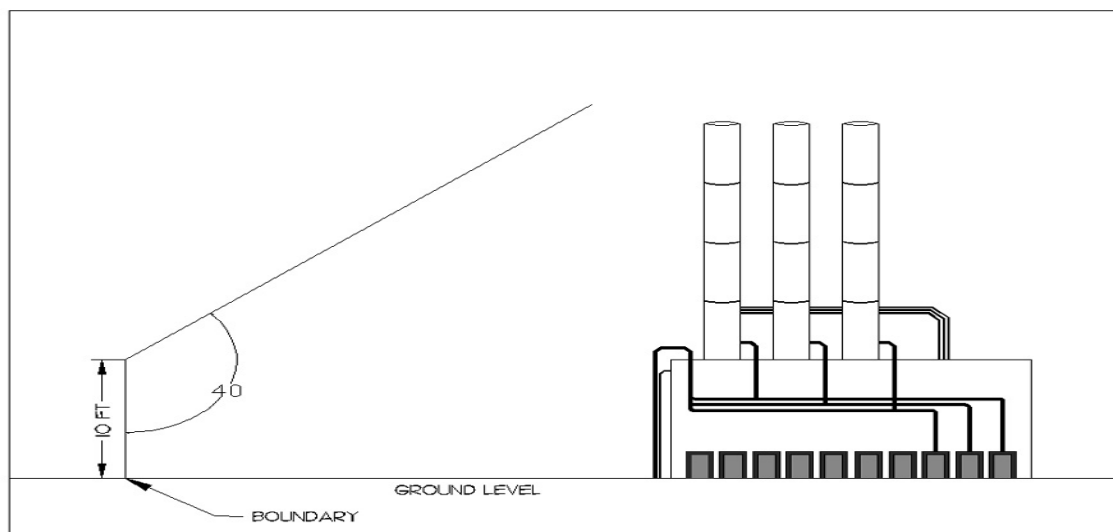
1. No development permits shall be issued in an Industrial Resource M-3 Zone except for one or more of the following uses:
  - Oil refineries and manufacturing
  - Gas processing, including petrochemical facilities and LNG plants
  - Marine terminals, including wharfs and storage facilities
  - Wind farms or wind turbine
  - Power Generation Facilities
  - Temporary uses related to industrial development

### **GENERAL LOT REQUIREMENTS**

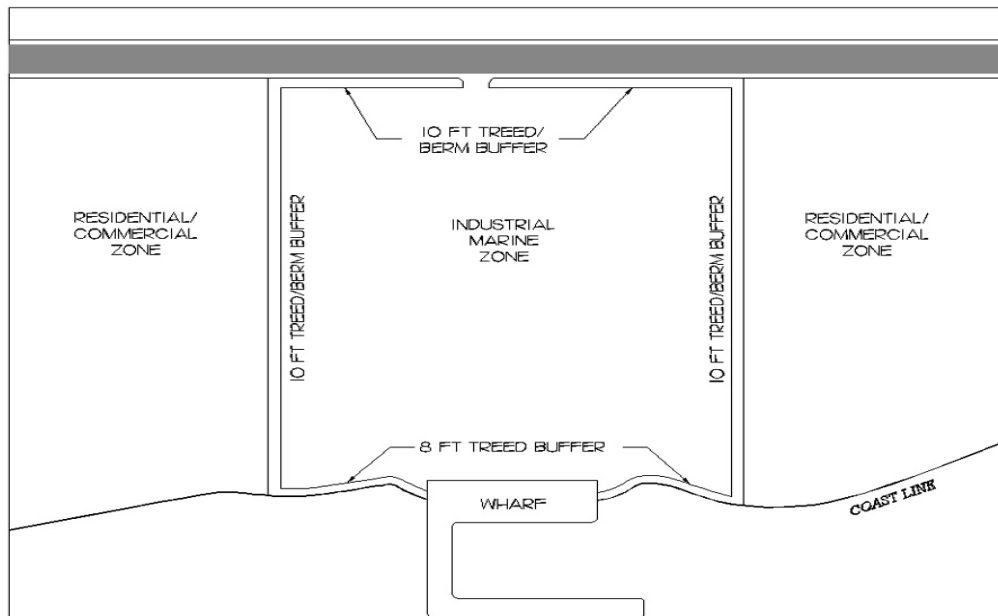
2. In any Industrial Resource (M-3) Zone, no development permit shall be issued except in conformity with the following requirements:
  - a. Minimum Lot Area: 40,000 square feet
  - b. Minimum Lot Frontage: 200 feet

### **SPECIAL PROVISIONS**

3. The following special provisions shall apply to: Oil refineries and manufacturing, gas processing, including petrochemical facilities, LNG plants, marine terminals, including wharfs and storage facilities, power generation facilities and temporary uses:
  - a. All parts of buildings and structures shall be contained within a 40° plane commencing at a point 10 feet above grade inclined inwards at right angles in elevation from all parts of the front, side and rear boundaries where they adjoin any zone except another industrial M-2 or M-3 zoned site (refer to diagram for explanation). This rule does not apply to boundaries that adjoin the coastline, rivers or lakes.



- b. The front and side boundaries shall either contain a 10 feet in depth landscape strip consisting of tree saplings spaced at intervals no greater than 3.2 feet or a 10 feet high berm, unless the Development Officer agrees that the existing natural characteristics of the terrain and/or vegetation to be retained will provide a reasonable screen separation between the buildings/structures and adjoining properties/roads (refer to diagram below). This strip can only be interrupted by crossings required to access the site. The owner shall be responsible for replacing any trees that die within this landscape strip during the life of the project.
- c. The boundary(s) adjoining the coast shall provide an 8 feet in depth landscape strip starting from the vegetation line. The Development Officer shall determine the vegetation line. This landscape strip shall consist of trees spaced at intervals no greater than 3.2 feet unless the Development Officer agrees that the existing natural characteristics of the terrain and/or vegetation to be retained will provide a reasonable screen separation between the buildings/structures and coastline (refer to diagram below). This strip can only be interrupted by crossings required to access the site and wharf facilities. The owner/operator shall be responsible for replacing any trees that die within this landscape strip during the life of the project.

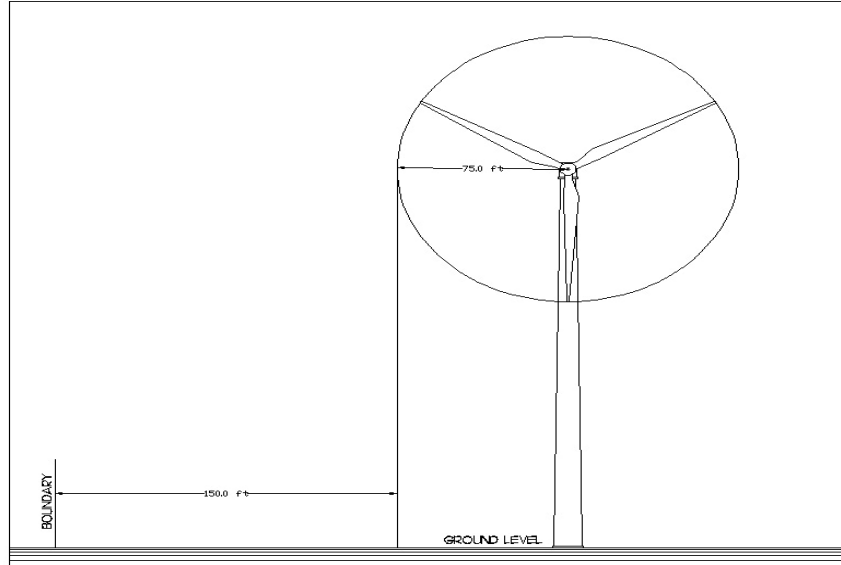


- d. All structures and buildings exceeding a height greater than 30 feet shall consist of non-reflective materials/colors.
- e. With the exception of pump stations and supporting pipes for the purposes of accessing water, no building or storage of material shall be permitted within 330 ft of a lake edge.

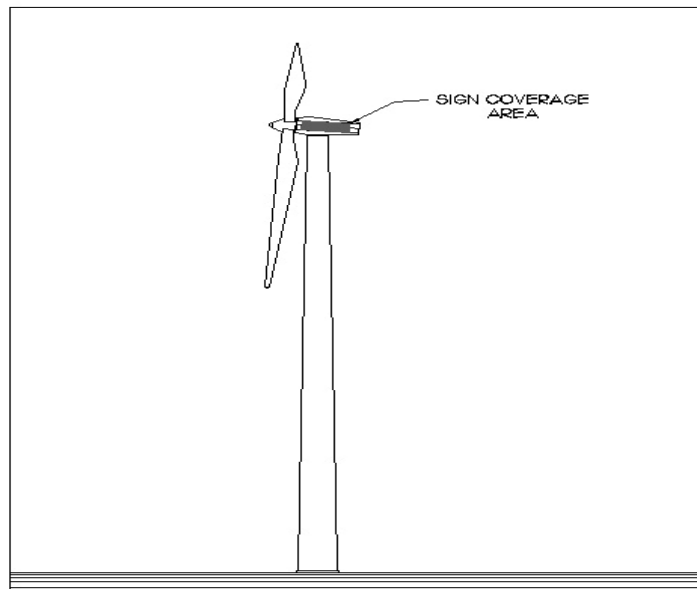
## **SPECIAL PROVISIONS CONTINUED**

The following special provisions shall apply to wind farms:

- f. No wind turbine shall be located closer than twice the distance of the blade radius from the boundary.



- g. No wind turbine shall be permitted within 330 ft of a lake edge.
- h. All wind turbines shall consist of non-reflective materials/colours.
- i. The only form of advertising permitted on a wind turbine shall relate to the operator and/or manufacturer of the turbines and shall be limited to the gear box as illustrated below.



## **PART 10 - RECREATION (REC-1) ZONE**

1. No development permit shall be issued in a Recreational (REC-1) Zone except for one or more of the following uses:

- Campgrounds
- Ball fields
- Community centres
- Provincial Parks
- Golf courses
- Marinas
- Other recreational uses