

# **Municipality of Digby**

## **Land Use By-law**

**By-law 2023-03**

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## **Part 1 Title and Purpose**

### **1.1 Title**

This By-law shall be known and may be cited as the "Land Use By-law of the Municipality of the District of Digby".

#### **1.1.1 Purpose**

The purpose of this By-law is to implement the land use and development control provisions of policies contained in the Municipality's Municipal Planning Strategy as enabled through the Municipal Government Act.

## **Part 2 Administration**

### **2.1 Development Officer**

2.1.1 This By-law shall be administered by the Development Officer, who shall be responsible for the issuance of Development Permits.

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

### **2.2 Development Permit**

2.2.1 No person shall use any land or erect, alter or use any building or structure or otherwise undertake any development, unless a Development Permit has been issued.

2.2.2 No Development Permit shall be issued unless all the provisions of this By-law or the terms of a variance or development agreement relating to a proposed development are satisfied.

2.2.3 No Development Permit shall be issued by the Development Officer, unless the proposed development is in conformance with:

- a) the requirements of the Land Use By-law; or
- b) a development agreement that has been executed pursuant to Section 230 of the Municipal Government Act; or

c) a variance from the terms of the By-law has been granted by the Development Officer, pursuant to Section 235 of the Municipal Government Act, and the time for appeal has elapsed or the appeal has been disposed of, pursuant to Section 237 of the Municipal Government Act.

2.2.4 A Development Permit shall be valid for a period of twelve (12) months from the date of issuance.

2.2.5 A Development Permit may be renewed for an additional twelve (12) months provided that the Permit has not been previously renewed and the Development Officer is satisfied that the Permit is consistent with the existing Land Use By-law and any proposed amendments.

2.2.6 No deviation shall be made from the description of the proposed development, without confirmation being obtained from the Development Officer.

2.2.7 A Development Permit may be revoked, where a permit was issued on mistaken or false information.

2.2.8 Where the provisions in this By-law conflict with those of any other municipal or provincial requirements, the higher or more stringent provisions shall prevail.

### **2.3 Application for Development Permit and Development Agreement**

2.3.1 All applications for a development permit and/or entering into a Development Agreement shall be made using the form prescribed by the Municipality and shall be signed by the owner of the property or by the owner's agent.

2.3.2 Every application for a Development Permit and/or Development Agreement shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing:

- (a) the true shape and dimensions of the lot to be used and upon which it is proposed to erect any building or structure;
- (b) the proposed location, height, and dimensions of the building, structure, or work in respect of which the permit is applied for;
- (c) the location of every building or structure already erected on or partly on the lot and the location of every building upon abutting lots;
- (d) the location of all adjacent streets and rights-of-way, existing or proposed driveways and lot access, and the proposed location and dimensions of parking spaces, loading spaces, and internal vehicle circulation;
- (e) natural features such as wetlands, watercourses, vegetation, and slopes;
- (f) other such information as may be necessary, to determine whether or not every such building, development, reconstruction, or redevelopment conforms with the requirements of this By-law; and
- (g) the Development Officer may waive the requirement to supply the above noted information, if he/she deems it is not pertinent to the application.

- 2.3.3 Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Municipal Planning Strategy, or other by-laws and regulations in force that affect the proposed development, he/she may require that the plans submitted under Part 2.3.2 be based upon an actual survey by a Nova Scotia Land Surveyor.
- 2.3.4 The application shall be signed by the registered owner of the lot or by the owner's agent, duly authorized in writing, and shall set forth in detail the current and proposed use of the lot and each building or structure, or part of each building or structure, together with all information necessary, to determine whether or not every such proposed use of land, building, or structure conforms with the requirements of this By-law.
- 2.3.5 Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-laws or regulations within the Municipality or from obtaining any license, permission, permit, authority or approval required thereunder.

## **2.4 Amendment of the Land Use By-law**

- 2.4.1 Any person who wishes to obtain the amendment or revision of this By-law shall submit an application, utilizing the form prescribed by the Municipality.
- 2.4.2 The applicant shall deposit with the Municipality an amount estimated to be sufficient to pay the cost of advertising required by the Municipal Government Act.

2.4.3 After the notice of advertising required by the Municipal Government Act has been completed, the applicant shall pay to the Municipality any additional amount necessary to defray the cost of advertising; or if there is a surplus, the Municipality shall refund the same to the applicant.

## **2.5 Uses Considered by Development Agreement**

The Municipal Planning Strategy provides that the following uses shall be considered, approved and regulated by Development Agreement:

- (a) the change of use, addition to and redevelopment of a Registered Heritage Property;
- (b) Any development located within the Riparian Setback.

## **2.6 Registry of Deeds**

Where Council has entered into a development agreement, a copy of the agreement shall be registered in the Office of the Registrar of Deeds for the County of Digby. The obligations of the agreement shall be binding upon the owner and any subsequent owner until discharged by the Municipality.

## **2.7 Liability for Costs**

2.7.1 Where Council is considering entering into a development agreement, the applicant and/or the owner, shall pay an application processing fee and deposit with the Municipality an amount estimated to be sufficient to pay the cost of advertising, as required by the Municipal Government Act. If insufficient, after advertising has been completed, the applicant shall pay to the Municipality any additional amount relating to the actual costs related to advertising.

2.7.2 Where a variance from the requirements of the By-law has been applied for, the Development Officer shall give notice to the persons entitled and in the manner prescribed by the Municipal Government Act. This notice is to be served by registered mail, and the applicant shall pay an application processing fee and be responsible for the costs related to registered mail service.

## **2.8 Violation and Penalty**

2.8.1 The Council, or any of its duly authorized employees, shall have the right to enter, at all reasonable times, into or upon any property within the area to which this Land Use By-law applies, for the purpose of any inspection necessary in connection with the administration of the Land Use By-law.

2.8.2 In the event of any alleged contravention of the provisions of this Land Use By-law, the Municipality may take action as enabled through the Municipal Government Act.

## **2.9 Effective Date of this By-law**

This By-law shall take effect upon the publication of Notice that this By-law and the accompanying Municipal Planning Strategy have been approved by the Minister of Municipal

Affairs and Housing.

## **2.10 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 number include the singular, the word "used" includes "arranged", "designed", or "intended to be used", and the word "shall" is mandatory and not permissive.

### Part 3 Definitions

For the purpose of this By-law, all words shall carry their customary meaning, except for those defined hereafter:

1. **Abattoir** means a place where animals are slaughtered, butchered and are processed for consumption
2. **Abut** means where properties, lots, or yards share a common lot line or a common point along a lot line.
3. **Accessory Building or Structure** means a building or structure on the same lot as the main building, devoted exclusively to an accessory use, including an above-ground or in-ground swimming pool, but does not include a building located completely underground.
4. **Accessory Use** means a use subordinate and naturally, customarily, or normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
5. **Act** means the Municipal Government Act, R.S. 1998, c.18, s.1, as amended.
6. **Adult Entertainment** means any form of entertainment or services of which a primary feature or characteristic is the nudity or partial nudity of any person.

7. **Agricultural Use** means the use of lands for the pasturing and the cultivation of land, and can also include the raising of crops under artificial conditions. This shall also include necessary storage facilities; however, it does not include permanent facilities for the retail sale of agricultural products.
- (a) **Domestic Scale Agriculture**, also commonly referred to as “Hobby Farm”, means the use of land and buildings which is accessory to the main residential use on a lot for farming, dairying, the keeping of livestock, fowl, pasturage, floriculture, apiculture and horticulture and the necessary accessory activities of feeding, breeding or holding for personal use and enjoyment including the sale of produce, but does not include Fur Farm or Piggery Operation.
- (b) **Commercial Scale Agriculture** means the use of land and buildings for farming, dairying, the keeping of livestock, fowl, pasturage, floriculture and apiculture and the necessary accessory activities for feeding, breeding or holding for purposes of processing, and the packing, storing, or treating the produce for sale and does not include Fur Farm or Piggery Operation.
8. **Agricultural Structures** means any use or structure necessary for the cultivation of vegetation and the raising of animals or fowl.
9. **Alter** means any change in the structural component of a building or any increase in the volume of a building or structure.
10. **Amenity Space** means the area situated within the boundaries of a residential development site intended and capable of being used for recreational purposes and may include landscaped areas, patios, private amenity areas, communal gardens, verandahs, balconies, communal lounges, swimming pools, play areas and similar uses, but does not include any area occupied at grade by a building’s service area, parking lots, aisles, or access driveways.

11. **Animal Hospital** means the premises where animals are treated, or treated and kept, on a temporary basis for monetary gain and shall not include an Animal Shelter, which is intended for the care of lost, abandoned, or neglected animals.
12. **Animal Services** means a commercial establishment for the medical examination, treatment, boarding, training, or grooming of animals and includes retail sales of associated products.
13. **Apartment Building** – see “Dwelling”.
14. **Automobile Repair Shop** means the use of a building or property for the repair of automobile body and/or engine components and shall include detailing and painting of automobile bodies.
15. **Automobile Service Station or Service Station** means a building or part of a building or a clearly defined space on a lot used for the retail sale of gasoline and lubricating oils and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles, other than an automobile washing establishment or an automobile sales establishment.
16. **Automobile Washing Establishment** means a building or part thereof used for the operation of automobile washing equipment that is automatic or semi-automatic.
17. **Basement** means that portion of a building between two floor levels that is partly underground but which has more than one-half of its height, from finished floor to underside of floor joists of the storey next above, above the adjacent average finished grade level adjacent to the exterior walls of the building.

18. **Bed and Breakfast** means a Single Unit Dwelling in which the resident owner provides overnight accommodation to the travelling public, through the use of a maximum of six (6) bedrooms, and is capable of being licensed as a Bed and Breakfast by the Province of Nova Scotia.
19. **Boarding or Rooming House** means a dwelling in which the resident owner supplies either room or room and board for monetary gain to more than two persons, exclusive of the owner or members of his/her family, and that is not open to the general public.
20. **Building** means any structure, whether temporary or permanent, used or purpose built for the shelter, accommodation, or enclosure of persons, animals, material, or equipment. Any awning, bin or fabricated container structure (“TEU”), platform, vessel, or vehicle used for any of the said purposes shall be deemed a building.
21. **Building Area** means the maximum horizontal area of a building at grade.
22. **Building Line** means any line regulating the position of a building or structure on a lot.
23. **Camp** means a land and building complex designed or used for a group sport, recreational, or cultural activities, that may have facilities for sleeping and the preparation and serving of food, operated under single ownership on a temporary or seasonal basis.
24. **Church** means a building dedicated to religious worship and includes a church hall, church auditorium, parish hall and day nursery operated by the church.
25. **Clinic** means a building or a part of a building used for the medical, dental, surgical, or therapeutic treatment of human beings but does not include a public or private hospital or a professional office of a doctor located in his residence, or the dispensing and retail sale of cannabis or cannabis-related products.

26. **Commercial Motor Vehicle** means any motor vehicle that is used for a business activity and that has, as its main purpose, financial gain and includes ambulances, trucks, tractors, tractor trailers, buses, delivery vehicles, and oil delivery trucks.
27. **Commercial School** means a school of seven (7) or more pupils gathered at one time, conducted for gain, and may include instruction in trades, skills, or services such as a computer technology, language, administrative services, driving, art, modeling, beauty, dancing, and music school and does not include day care, day nursery, or nursery schools.
28. **Commercial Use** means any use by which retail or wholesale trade is carried out and those other uses providing the sale of goods, materials, or services.
29. **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 agent thereof.
30. **Conservation and Environmentally Sensitive Areas** means protecting natural resources, ecosystems, and cultural heritage in concern of minimizing pollution and global warming.
- (a) **Coastal Protection** means measures aimed at protecting the coast against coastline retreat, preserving or restoring the shore and preventing coastal erosion.
- (b) **Floodplain** means a flat or gently sloped area of land next to a river channel or stream which is inundated during periods of high water.
- (c) **Floodway** means a channel for an overflow of water caused by flooding.
- (d) **Flood Fringe** means the portion of the flood hazard area outside of the floodway.
- (e) **Marshland** means an area of soft and wet land with grassy vegetation.
- (f) **Water Supply Protection Area** means the surface and subsurface area surrounding a

water well that is supplying a public water system.

31. **Construction Trades and Contracting Use** means any trade or occupation involving construction alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or other project development, or improvement to other than personal property.
32. **Converted Dwelling** - See "Dwelling".
33. **Corner Vision Triangle** means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection, the distance required by this By-law, along each such street line and joining such points with a straight line. The triangular-shaped land between the intersecting lines and the straight line joining the points the required distance along the street lines, shall be known as the "corner vision triangle".
34. **Council** means the Council of the Municipality of Digby.
35. **Day Care and Day Nursery** means a place where three or more preschool children are cared for on a temporary daily basis without overnight accommodation but does not include a school.
36. **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, building, or structures.
37. **Development Agreement** means an agreement made pursuant to policies of the Municipality of Digby Municipal Planning Strategy and provisions of the Municipal Government Act.

38. **Development Officer** means the officer of the Municipality of Digby from time to time charged by the Municipality with the duty of administering the provisions of the Land Use By-law.
39. **Domestic Arts** means an avocation that can be carried on at home, such as dressmaking or painting, which may provide remuneration, but does not include commercial photography.
40. **Dry Cleaning and Laundry Establishment** means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods or fabric is carried on and in which only solvents are or can be used that emit no odours or fumes and in which no noise or vibration causes a nuisance or inconvenience outside of the premises.
41. **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 an apartment hotel. For the purposes of clarity any structure used as a Home for Special Care shall be considered a Dwelling.
- (a) **Apartment Building** means a building which has been purpose built containing three or more dwelling units that have a common entrance from the street level and the occupants have the right to use in common certain areas of the building and its property.
- (b) **Converted Dwelling** means a building converted to contain a greater number of dwelling units than the building contained on first construction or contained prior to conversion.
- (c) **Duplex Dwelling** means a building that is divided horizontally into two dwelling units, each of which has an independent entrance either directly from outside the building or through a common vestibule.

- (d) **Multiple Unit Dwelling** means a building containing three or more dwelling units.
  - (e) **Semi-Detached Dwelling** means a building that is divided vertically into two dwelling units, each of which has an independent entrance.
  - (f) **Single Unit Dwelling** means a building detached from any other structure containing one dwelling unit.
  - (g) **Townhouse or Rowhouse Dwelling** means a building that is divided vertically into four or more dwelling units, each of which has an independent entrance, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
  - (h) **Triplex Dwelling** means a building that is divided horizontally into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.
  - (i) **Mobile Home Dwelling** means a building that is constructed to the CAN/CSA-Z240 Series Standard, is transportable in one or more sections, that is built on permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities.
42. **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.
43. **Energy Production Facilities** means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal or other source of energy.

44. **Environment** means any combination of air, soil and water, plant and animal life, social and cultural conditions, buildings and other structures, or any impacts on the foregoing, resulting directly or indirectly from human activities.
45. **Equestrian Centre** means a facility created and maintained for the purpose of accommodating, training or competing horses.
46. **Erect** means to build, construct, reconstruct, alter, or relocate and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement, or extension.
47. **Established Building Line** means the average distance of the existing building from the street line of existing buildings in any block, where more than half the frontage has been built upon at the effective date of this By-law.
48. **Established Grade** means, with reference to a building, the elevation of the finished grade of the ground where it meets the exterior of such building and, when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment, 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.
49. **Existing** means existing as of the effective date of this By-law.

**50. Fishery or Marine Activities**

- (a) **Fish Productions** means any aquatic species including marine mammals and plants and all exported products from a nation, whether taken by a fishing vessel of that nation or packed and processed to otherwise prepared for export.
- (b) **Wharf** means a public structure-built along or at an angle from the shore of navigable waters intended for ships to lie alongside to receive and discharge cargo and passengers.

**51. Floor Area**

- (a) With reference to a **Dwelling** means the maximum area contained within the outside walls excluding, any private garage, porch, verandah, sunroom, 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 halls between stores.
- (c) **Gross Floor Area** means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building and, for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.
- (d) With reference to a **Dwelling Unit**, where more than one unit is contained within a building, means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit, excluding closets, built-in cabinets and storage areas,

and balconies.

52. **Flanking Yard** – see “Yard”.
53. **Front Yard** – see “Yard”.
54. **Fur Farm** means raising and breeding certain types of animals for their fur.
55. **Greenhouse** means a structure or glass building in which plants are grown that need protection from cold weather and maintain regulated climate conditions.
56. **Grouped Dwellings** means two or more buildings intended for residential use located on the same lot.
57. **Guest House** means a dwelling where the resident owner supplies either room or rooms and where not more than six (6) rooms are so used and that is open to the travelling public.
58. **Height** means the vertical distance on a building between the established grade and the highest point of the roof surface of the parapet, or a flat roof, whichever is the greater; the decline of a mansard roof; or the mean 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.
59. **Home for Special Care** means dwelling or an extended or intermediate care facility, licensed by the Province of Nova Scotia to provide full- time care to individuals who, by reason of age, chronic illness, or infirmity, are unable to care for themselves.
60. **Home Occupation** means use of a dwelling for employment, involving the provision or sale of goods or services or both goods and services but shall not include general retail of

merchandise or the provision of food service or the operation of a canteen or restaurant.

61. **Home Office** means a room or rooms, accessory to a residential use, where business may be conducted by residents of the dwelling but shall not include the manufacturing or on-site provision of any goods or services.
62. **Hospital** means an institution for the treatment of persons afflicted with or suffering from sickness, disease, or injury.
63. **Hotel** means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodations, with or without meals, but without private cooking facilities.
64. **Human Habitation** means the act of occupying a structure or part thereof by persons as a permanent dwelling or as a residence.
65. **Industrial Use** means the use of any building or land for the purpose of fabricating, manufacturing, altering, repairing, processing, breaking up, demolishing, or treating of any article, commodity, or substance whatsoever.
66. **Inn** means a dwelling where the proprietor supplies either room and board or meals for monetary gain on a temporary basis, where not more than twenty (20) rooms are so used, and which is open to the travelling public.
67. **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, but shall not include a private club.

**68. Institutional Use** means any or all of the following uses:

Arts and Culture Facilities

Churches, Places of Worship, and Religious Institutions

Cemeteries

Colleges, Universities, and Non-commercial Schools

Fire Stations

Public Building - Municipal, Provincial, Federal

Nursing Homes subject to the requirements of residential development exceeding four (4) units

Hospitals

Libraries, Museums and Art Galleries

Municipal Public Works Facilities

Police Stations

Post Offices

Public or Private Utilities

Facilities for the sale of alcohol and cannabis authorized or licensed by the Province of Nova Scotia

Any institutional use which is incorporated under the Societies Act, R.S. 1989, c. 435, s. 1, as amended, or any other private statute of incorporation.

Public and private utilities

Wastewater treatment plants

**69. Kennel** means a building or structure where animals, birds, or other livestock intended or used as domestic household pets are kept or boarded.

**70. Landfill** means a designated place to dispose of refuse and other waste material by burying it and covering it with soil.

71. **Landscaping** means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, screening, or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
72. **Licensed Establishment** means a building or part of a building which is licensed by the Province of Nova Scotia to serve alcohol pursuant to the Liquor Licensing Regulations made under the Liquor Control Act.
73. **Light Warehousing** means the long-term storage of goods inside an enclosed building, the goods being neither reactive chemical, nor toxic, nor perishable, or odour emitting, including, but not necessarily restricted to, reusable bottle storage and the long-term storage of furniture, household goods, crated used goods, or general merchandise, and not including retail sales and service or delivery of retail goods on the premises.
74. **Livestock Operation** means the keeping of fowl, horses, cattle, sheep, goats, pigs or other livestock, excluding the production of fur and the accessory storage of animal wastes.
- (a) **Domestic Scale Livestock** means the keeping of livestock or fowl, excepting roosters, accessory to a primary residential use and for the personal use and enjoyment of the residents.
- (b) **Commercial Scale Livestock** means a livestock or fowl operation, run for commercial gain, in which animals are confined to a barn, feedlot or other facility for feeding, breeding, milking, egg laying, processing or eventual sale.

- 75. Loading Space** means a vacant area of land provided and maintained upon the same lot upon which the principal use is located and which area:
- (a) is suitable for the temporary parking of at least one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking is not for the purpose of sale or display;
  - (b) is not upon or partly upon any street or highway;
  - (c) has adequate access and egress by means of driveways, aisles, maneuvering areas, or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.
- 76. Lot** means any parcel of land described in a deed as a lot or as shown as an approved lot in a registered plan of subdivision or an Instrument of Subdivision.
- (a) **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 lot.
  - (b) **Infill Lot** means a new residential lot created from an existing residential lot where both lots meet the minimum lot area and frontage requirements for the zone, as established in this By-law.
  - (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 highway, provided that if any lot qualifies as being both a Corner Lot and Through Lot, as hereinbefore defined, such lot shall be deemed to be a Corner Lot for the purpose of this By-law.

77. **Lot Area** means the total horizontal area within the lot lines of a lot.
78. **Lot Coverage** means that percentage of the lot covered by the building area but excluding that portion of any building that is constructed entirely below grade.
79. **Lot Depth** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid- points of the front and rear lot lines.
80. **Lot Frontage** means the length of a line measured at the front lot line joining the side lot lines and parallel to the front lot line.
81. **Lot Line** means a boundary line of a lot.
- (a) **Front Lot Line** means the line dividing the lot from the street; in the case of a Corner Lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and, where such lot lines are of equal length, the front lot line shall be either of the lot lines. In the case of a Through Lot, any boundary dividing the lot from a street shall be deemed to be the front lot line.
- (b) **Rear Lot Line** means the lot line furthest from or opposite to the front lot line.
- (c) **Side Lot Line** means a lot line other than a front or rear lot line.
- (d) **Flanking Lot Line** means a side lot line which abuts the street on a corner lot.
82. **Lounge** means a premise that sells liquor and wine by the glass and beer by the glass or bottle and is licensed under the Nova Scotia Liquor Control Act as a lounge.

83. **Main Building** means the building in which is carried on the principal purpose for which the lot is used.
84. **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.
85. **Maximum Lot Coverage** means that percentage of the lot area covered by all buildings above ground level and shall include that portion of such lot area that is occupied by a building or portion thereof that is completely below ground level, and for the purpose of this definition, the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot that is located within said zone.
86. **Manufactured Dwelling** means a transportable, single or multiple-section dwelling unit certified by the Canadian Standards Association, prior to placement on a site, as being compliant with the CAN/CSA-Z240 Series Standard at the time of manufacture.
87. **Motel** and **Apartment Motel** means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodations, with or without meals.
88. **Municipality** means the Municipality of the District of Digby.
89. **Multiple Unit Dwelling** - see "Dwelling".
90. **Noise** means any loud, unnecessary, or unusual sound that is normally unpleasant or that causes disturbances, annoyances, injures, endangers, or distracts from the comfort, repose, health, peace or safety of any person.
91. **Non-Commercial School** means a public or private academic, religious, or philanthropic

school not operated for monetary gain.

92. **Non-Conforming Use** means any use of land or building or structure constructed, or being constructed, on or before the effective date of this By-law that has a prohibited use when subjected to this By-law.
93. **Nursing Home** means a building wherein public or private nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital or a senior citizen complex.
94. **Obnoxious Use** shall mean a use that, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil, or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other material.
95. **Office** means a room 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.
96. **Office and Professional Use** means a building or part thereof in which the principal or main use is the provision of professional services to the public.
97. **Outdoor Display** means the display of retail goods or materials intended for the sale to the general public that are not enclosed within a structure.
98. **Outdoor Storage** means the storage of goods or materials not intended for sale to the general public that are not enclosed within a structure.
99. **Outdoor Wood burning Furnace** means an accessory building or structure that operates as a heat source for an associated main building or buildings.

- 100. Owner** means a part owner, joint owner, tenant in common, or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession, or other person having the care or control of any land or building, in the event of the absence or disability of the person having the title thereof.
- 101. Parking Lot and Parking Area** 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 that 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.
- 102. Parking Space** means an area of not less than 14.8 square meters (160 square feet), measuring 2.4 meters (8 feet) by 6.1 meters (20 feet), exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
- 103. Personal Service Shop** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and, without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.
- 104. Place of Entertainment** means land or a building used for entertainment purposes, which may include but is not limited to a theatre, cinema, concert hall, arcade, live music, performances, place of refreshment and a bar.
- 105. Piggery** means a farm or building where pigs are bred or kept.

- 106. 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.
- 107. Private Park** means a park other than a public park that is privately owned and operated.
- 108. Private Street** means a private street as defined in the Municipality's Subdivision By-law.
- 109. 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.
- 110. Public Authority** means His Majesty the King in the Right of Canada, the Province of Nova Scotia, the Municipality of the District of Digby or any Board, Commission or Committee of the Municipality of the District of Digby established by or exercising any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the municipality, or a portion thereof, and includes any committee or local authority established by the By-law of the Municipality.
- 111. Public or Private Utility** means a system, works, plant, equipment, or service, whether owned or operated by or for the Municipality, or by a corporation, or under a federal or provincial statute, that furnishes public services including but not limited to:
- communication by way of telephone or telegraph;
  - public transportation;
  - production, transmission, delivery or furnishing of water, gas, or electricity;
  - collection and disposal of sewage, excluding septic tank sludge dumping stations;
  - fire departments.

- 112. Public Park** means a park owned or controlled by a Public Authority.
- 113. Rear Yard** – see “Yard”
- 114. Recreational Uses** means the use of public or private land for parks, playgrounds, trails, tennis courts, lawn-bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, splash pads, skateparks, boating docks, day camps, community centres, 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.
- 115. Recycling Depot** means a facility for the collection, repackaging and shipping of recyclable materials.
- 116. Residential Occupancy** means the occupancy or use of a building or part thereof for sleeping accommodations but shall not include buildings where people are harboured or detained and does not include hunting camps, cottages, recreational vehicles or other similar seasonal occupancies.
- 117. Restaurant** means a building or part thereof where food and drink are served to the public for consumption within the building or for takeout but not for consumption in parking areas appurtenant to the building.
- 118. Restaurant, Drive-in** means a building or part thereof where food and drink are served to the public for consumption in parking areas appurtenant to the building, whether or not facilities are provided for consumption within the building.
- 119. 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 but does not include the sale of alcohol or cannabis, unless authorized and/or licensed by the Province of Nova Scotia.

- 120. Road** - see "Street".
- 121. Rowhouse Dwelling** - see "Dwelling".
- 122. Scrap Yard and Salvage Yard** means a lot or premises for the storage or handling of scrap material and, without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, vehicles, tires, metal, or other scrap material or salvage.
- 123. Self-Storage** means a building, buildings, or facility that provides secure storage units for individual occupancy and does not include warehousing or bulk commercial or industrial storage.
- 124. Semi-Detached Dwelling** - see "Dwelling"
- 125. Service and Utility Use** means public and private uses that provide support systems for the built environment. These shall include facilities provided by Government such as sewage treatment plants, rights-of-way, school bus garages, fire stations, and facilities provided by companies such as Nova Scotia Power Incorporated and Bell Aliant.
- 126. Service Industries** include the processing of milk and dairy products, a bakery, a public garage, including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a paint shop, a plumbing shop, sheet metal shop, and similar uses.
- 127. 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.
- 128. Service Station** - see Automobile Service Station.

- 129. 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. Required Setback means the minimum setback as prescribed by the Land Use By-law.
- 130. Shopping Centre** means a separate use of land containing a building or building complex on a lot designed, developed, and managed as a unit by a single owner or tenant, or a group of commercial uses, distinguished from a business area, comprising unrelated individual uses and characterized by the sharing of common parking areas and driveways, and includes “Shopping Mall”, “Plaza”, “Mall” and “Strip Mall”
- 131. Short Term Rental**, also referred to as “AirBnB”, means a dwelling or part of a dwelling where the resident owner supplies temporary accommodation for compensation to the travelling or vacationing public for a period of less than 30 days.
- 132. Side Yard** - see “Yard”
- 133. 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, that shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, form, group, commodity, profession, enterprise, industry, or business, or that shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and that 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; or murals placed on walls that do not contain any commercial brand representation, commercial messaging, or commercial advertising. No other indoor sign shall be deemed a sign within this By-law.

- (a) **Canopy / Awning Sign** means any sign attached to or forming part of a canopy or awning.
- (b) **Facial Wall Sign** means a sign which is painted upon a building wall or is attached to and supported by a wall of a building.
- (c) **Ground Sign** means a sign supported by one or more up-rights, poles, or braces placed in or upon the ground.
- (d) **Illuminated Sign** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.
- (e) **Off-Premises Sign** means a sign that is related to a business premise that is not located on the building or lot on which the sign is placed.
- (f) **Projecting Wall Sign** means a sign which projects from and is supported by a wall of a building.
- (g) **Reader Board Sign** means a sign designed with removable letters, marks, symbols, or pictorials, or any combination of these, to allow for periodic revisions of the sign message, but does not include signs used by theatres, art galleries, arenas, churches, or similar premises, for the purpose of identifying a program or event that will take place at the premise.
- (h) **Roof Sign** means a sign supported by one or more uprights, poles, or braces placed upon the roof of a building.
- (i) **Sandwich Board Sign** means a sign that is composed of two hinged or otherwise

joined boards that leans on the ground.

- 134. Sign Area** means the area of the smallest triangle, rectangle, circle, or semi-circle that 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 smallest triangle, rectangle, circle or semi-circle that can totally circumscribe the sign in the plane of its largest dimension is considered the sign area.
- 135. Number of Signs** means that for the purpose of determining number of signs, 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.
- 136. Single Unit Dwelling** - see "Dwelling".
- 137. Storey** means that portion of a building that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- 138. Street or Road** means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Municipality.
- 139. Street Line** means the boundary line of a street.
- 140. Structure** means anything that is erected, built, or constructed of parts joined together or any such section 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 and a half (6.56) feet in height.

- 141. Telecommunications Tower, Antennas, Buildings and Equipment** means any facility, apparatus, or other structure that is used for telecommunication transmission purposes.
- 142. Tourist Establishment** means a building or buildings that are used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation, with or without meals, and shall include a guest home, tourist cabins, resort, a motel, a hotel or an “Airbnb”.
- 143. Tower** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, and includes personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, and cellular telephone towers.
- 144. Townhouse Dwelling** - see “Dwelling”.
- 145. Transportation Services** means the commercial storage, handling and transfer of goods, equipment, vehicles, public transit services and other materials, but does not include taxi services.
- 146. Travel Trailer or Recreational Vehicle** means any vehicle or similar portable structure supported by wheels, designed for travel, recreational and vacation uses to provide dwelling accommodation of a temporary nature.
- 147. Triplex Dwelling** - see “Dwelling”.
- 148. Veterinary Establishment** means the premises where animals, birds or other livestock are treated for monetary gain.

- 149. Vineyard** means a property which is used for the commercial production and processing of grapes.
- 150. Warehouse** means a building where wares or goods are stored but shall not include a retail store.
- 151. Wind Turbine** means a system of components that converts the kinetic energy of the wind into electrical or mechanical energy and includes all necessary components for energy storage, control systems, and transmission systems.
- (a) **Domestic Scale Wind Turbine** means a device for converting wind power to produce electricity which has a rated capacity of not more than 50kW (kilowatt) and which is intended primarily to produce electricity for on-site consumption.
  - (b) **Wind Turbine Peak Acoustical Emission** means the manufacturers rated noise output of a wind turbine.
  - (c) **Community Scale Wind Turbine** means a device for the converting wind power to produce electricity which has a rate capacity of not more than 2 MW (megawatt) and which is owned and developed by a municipality, a First Nation, a co-operative, a not-for-profit organization, a community economic development corporation or similar public body or organization and which is primarily intended to provide renewable electricity for use within the local electrical distribution grid.
  - (d) **Utility Scale Wind Turbine** means a device for converting wind power to produce electricity which has a rated capacity of 2MW (megawatt) or greater and which is intended primarily for the production of energy to be distributed through the electric utility grid.

(e) **Wind Turbine Height** means:

- i. for a wind turbine other than a roof-mounted wind turbine, the average finished grade of the wind turbine to the tip of the wind turbine blade when it reached its highest elevation.
- ii. for a roof-mounted wind turbine, the buildings average finished grade to the tip of the wind turbine blade when it reaches its highest elevation

**152. Yard** means an open, uncovered space on a lot appurtenant to a building 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 shall be used.

(a) **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 this 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.

(b) **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.

(c) **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 width allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.

(d) **Flanking Yard** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure.

**153. Yard Sale** means the sale of new or used household goods from a residential property on a temporary or occasional basis and does not include the regular and ongoing sale of goods from a residence as a commercial enterprise.

**154. Zone** means a designated area of land shown on the Schedules of this By-law.

## **Part 4      Zones and Zoning Map**

### **4.1            Zones**

For the purpose of this By-law, the Municipality of Digby is divided into the following zones, the boundaries of which are shown on the attached Schedules A1, A2, A3, A4, and A5. Such zones may be referred to by the appropriate symbols as follows:

<u>Zone</u>	<u>Symbol</u>
General Development Area Zone	GDA
Urban Development Area Zone	UDA
Village Area Zone	VA

### **4.2            Zoning Map**

Schedule A1 attached hereto may be cited as the "Zoning Map" and is hereby declared to form part of the By-law together with detailed mapping of the Urban Development Area Zones identified on Schedules A2, A3, A4 and A5.

### **4.3            Interpretation**

The symbols used on Schedule A1 attached hereto refer to the appropriate zones established in this By-law.

### **4.4            Application**

The extent and boundaries of all zones are shown on Schedules A1, A2, A3, A4 and A5 attached hereto and for all such zones, the provisions of this By-law shall respectively apply.

## **4.5 Interpretation of Zoning Boundaries**

Boundaries between zones shall be determined as follows:

- 4.5.1 Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway.
- 4.5.2 Where a railroad right-of-way, electrical transmission line right-of-way, or watercourse 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 division thereof shall be considered the boundary between zones, unless specifically indicated otherwise.
- 4.5.3 Where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lines.
- 4.5.4 Where a zone boundary is indicated as following the limits of the Municipality boundary, the limits shall be the boundary.
- 4.5.5 Where a zone boundary is shown following the coastal shoreline the boundary shall follow the actual high-water mark level.

## **4.6 Standards of Measurement**

The metric system of measurement is used throughout this By-law and, in all cases, represents the required standard. Any reference to imperial measurements are approximate and for convenience only.

## **Part 5      General Provisions for All Zones**

### **5.1            Permitted Uses, Schedule B**

Schedule “B” identifies the permitted uses for the General Development Area (GDA) Zone, the Urban Development Area (UDA) Zone and the Village Area (VA) Zone. For the purpose of this By-law, if a use is not listed as a permitted use in a zone, or if it is not accessory to a permitted use within the zone, except where the use is a nonconforming use under the Municipal Government Act, it shall be deemed to be a prohibited use in that zone and no person shall use any land, or erect, alter, or use any building or structure for any such use.

### **5.2            Special Conditions**

For the purpose of this By-law, if a use is listed subject to any special conditions, it shall be permitted subject to fulfilling any special requirements as defined in this By-law.

### **5.3            Accessory Buildings and Structures**

5.3.1        Accessory buildings, and structures shall be permitted in any zone within the Municipality but shall not:

- (a)        be used for human habitation;
- (b)        be located within the minimum front yard setback of a lot;
- (c)        where an accessory building is built on a corner lot, it shall be located in the rear yard or in the side yard that is not adjacent to the flanking street;
- (d)        be built closer than .6 meters (2 ft.) to a lot line except that common semi-detached garages may be centered on the mutual side lot line;
- (e)        exceed 10.6 m/35 ft. in height;
- (f)        be built within 2 meters (6.5 ft.) of the main building.

- 5.3.2 The maximum number of accessory structures that shall be permitted on a lot with an area of less than 1,879 sq. meters (20,235 sq. ft.) is three (3).
- 5.3.3 Notwithstanding anything else in this By-law, drop awnings, clothesline poles, flag poles, roof mounted solar panels, garden trellises, ground level decks and patios, fences and retaining walls, as well as seasonal vegetable stands relating to the sale of domestic agricultural product shall be exempted from any requirements under Part 5.3.1. and shall not require a Municipal Development Permit.
- 5.3.4 Notwithstanding anything else in this By-law, Commercial Transportation Containers, “TEU”/ “Twenty-foot Equivalent Units”, shall not be considered as accessory structures for the purposes of accessory residential use or occupancy.

#### **5.4 Accessory Uses Permitted**

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 thereof.

#### **5.5 Building to be Erected on a Lot**

No person shall erect or use any building, unless such building is erected upon a single lot in accordance with the requirements of the Zone in which it is located.

#### **5.6 Building to be Moved**

No person shall move any building, residential or otherwise, within or into the area subject to this By-law without obtaining a Municipal Development Permit.

## **5.7 Calculation of Lot Frontage for Corner Lots or Irregular Shaped Lots**

The following means shall be used, for the purposes of determining the lot frontage of corner lots or irregularly shaped lots:

- (a) In the case of a corner lot with a corner vision triangle, the exterior lot lines (street lines) shall be deemed to extend to their hypothetical point of intersection, for the purpose of calculating the frontage;
- (b) In the case of other lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines. This distance shall be measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point along this equal to the minimum applicable front yard.

## **5.8 Change of Use on an Existing Lot**

Notwithstanding anything else in this By-law, the use of a lot existing on or before the effective date of this By-law may be changed to a use permitted on the lot by this By-law and qualify for a Development Permit, where the lot frontage, front yard, or area is less than the zone requirements and provided that all other requirements in this By-law are satisfied.

## **5.9 Corner Vision Triangle**

On a corner lot, a fence, sign, hedge, shrub, bush, or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than .6 meters (2 ft.) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6.1 meters (20 ft.) from their point of intersection.

## **5.10 Existing Buildings**

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.

## **5.11 Existing Undersized Lots**

Notwithstanding anything else in this By-law, a vacant lot in existence on the effective date of this By-law, having less than the minimum frontage or area 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 such as use, side yards, setbacks, and lot coverage in this By-law are satisfied. In addition, such existing undersized lots may undergo an increase in size and/or frontage as a result of subdivision and still be considered as an existing undersized lot under this By-law.

## **5.12 Existing Uses**

5.12.1 Land uses that were in existence on or before the effective date of this By-law and that are still in existence and that would not be permitted as new uses in the Zone in which they are located shall be regarded as conforming uses for the purposes of this By-law, provided that they are listed in the zone in which they are located or satisfactory documentation can be provided by the property owner, to substantiate

the existence of the use before the effective date of this By-law.

5.12.2 Land uses that were in existence on or before the effective date of this By-law and that are still in existence and that are not included as permitted uses within the zone in which they are located shall be regarded as non-conforming and shall be subject to Parts 238 through 241 of the Municipal Government Act.

### **5.13 Frontage on a Street**

No Development Permit shall be issued unless the lot or parcel or land intended to be used or upon which the building or structure is to be erected, abuts and fronts upon a public road, a private road or is a lot created pursuant to Part 4.10 of the Municipality's Subdivision By-law.

### **5.14 Nonconforming Uses**

5.14.1 Nonconforming uses shall be subject to Sections 238 – 241 of the Municipal Government Act.

5.14.2 As enabled by Section 242 of the Municipal Government Act and provided for in Policy IM11 of the Municipal Planning Strategy, the following relaxation of restrictions on nonconforming structures, nonconforming uses of land, and nonconforming uses in a structure may be considered in any zone by Development Agreement:

- (a) the extension, enlargement, alteration, or reconstruction of a nonconforming structure;
- (b) the extension of a nonconforming use of land;
- (c) the extension, enlargement or alteration of structures containing nonconforming uses, with or without permitting the expansion of the nonconforming use into an addition;
- (d) the reconstruction of structures containing nonconforming uses, after destruction;

- (e) the recommencement of a nonconforming use of land or a nonconforming use in a structure, after it is discontinued for a continuous period in excess of six months;
- (f) the change in use of a nonconforming use of land or a nonconforming use in a structure to another nonconforming use.

**5.15 One Main Building to a Lot**

With the exception of Grouped Dwellings no person shall erect more than one (1) main building on a lot with an area of less than 1,879 sq. meters (20,235 sq. ft.).

**5.16 Licenses, Permits and Compliance with other By-laws**

5.16.1 Nothing in this By-law shall exempt any person from complying with the requirements of other By-laws or regulations in force within the Municipality or from obtaining any license, permission, permit, authority, or approval required thereunder.

5.16.2 Where the provisions in this By-law conflict with those of any other municipal or provincial requirements, the higher or more stringent provisions shall prevail.

**5.17 Variance**

5.17.1 Notwithstanding anything in this By-law the Development Officer may grant a variance, subject to provisions of the Municipal Government Act, in relation to:

- (a) The percentage of land that may be built upon;
- (b) The size or other requirements relating to yards;
- (c) Lot frontage; and/or
- (d) Lot area.

5.17.2 Pursuant to Policy IM11 the Development Officer may also grant a variance in relation to the following:

- (a) The 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; and/or
- (d) The height and area of a sign.

**5.18 Requirements Relating to Wind Turbines**

The erection of wind turbines are subject to the following:

**5.18.1 Domestic Scale Wind Turbines**

Domestic scale turbines shall be located so that the sound level generated by the turbine shall not exceed 40 dB(A) (decibels) heard at any adjacent dwelling. The setback necessary to meet this requirement shall be determined by using the manufactures Peak Acoustical Emission documentation and the “Sound Level by Distance from Source”, Table 1, below:

**Table 1: Sound Level by Distance from Source**

Sound Level Change dB(A)	Setback Distance m	Sound Level Change dB(A)	Setback Distance m	Sound Level Change dB(A)	Setback Distance m
-24 to -29	4.5	-52	100	-63	355
-30 to -34	9	-53	112	-64	398
-35 to -39	16	-54	126	-65	447
-40 to -42	28	-55	141	-66	502
-43 to -44	40	-56	159	-67	563
-45	50	-57	178	-68	632
-46	56	-58	200	-69	709
-47	63	-59	224	-70	795
-49	71	-60	251	-71	892
-50	80	-61	282		
-51	89	-62	317		

Source: Danish Wind Energy Association, 2003

**Calculation Example:**

A wind turbine with a manufactures maximum Wind Turbine Peak acoustical emission of 85dB(A) will require a 50 m setback to reduce the noise level to 40dB(A) at the adjacent dwelling.

Maximum Sound		Wind Turbine		Change in Sound
Level at any	-	Peak Acoustical	=	Level
adjacent Dwelling		Emission		
40dB(A)		-85dB(A)	=	-45dB(A)

The “Sound Level Change” value (-45) can be entered into the “Sound Level by Distance from Source” table to determine the distance required (50 m) to reduce the sound level to 45dB(A) at the property line. The distance value read in the table is the setback value (250 m from adjacent dwelling).

**5.18.2 Community Scale Wind Turbines**

- (a) Community Scale Wind Turbine shall be located a minimum setback distance of two (2) times of the wind turbine height from any adjacent dwelling;
- (b) Notwithstanding provisions contained in 4.2.2(a) a Community Scale Wind Turbine shall be located so that the sound level generated by the turbine does not exceed 45 dB(A) (decibels) at any adjacent dwelling.
- (c) Where a lot, located immediately adjacent to and abutting a lot where a community scale wind turbine is to be erected is owned and/or is subject to a lease for the purposes of wind turbine development, the setback requirement from any adjacent dwelling contained in Part 5.18.2(b) shall be waived.

**5.18.3 Utility Scale Wind Turbines**

- (a) Utility Scale Wind Turbine shall be setback a minimum distance of four times (4X) the wind turbine height from any adjacent dwelling.
- (b) Where a lot, located immediately adjacent to and abutting a lot where a utility scale wind turbine is to be erected, is subject to a lease for the purposes of wind turbine development the setback requirement from a dwelling contained in Section 5.18.2 (a) shall be waived.

**5.18.4 Multiple Turbines on a Lot**

Nothing in this By-law will prevent the erection of more than one (1) wind turbine on a lot provided that all relevant provisions of this By-law are met.

**5.19 Fences**

5.19.1 A Development Permit shall not be required for fences that do not exceed 2 meters (6.6 ft.) in height.

5.19.2 A Development Permit shall be required for fences exceeding 2 meters (6.6 ft.) in height.

5.19.3 Fences shall be limited to a maximum height of 2.4 meters (8 ft.) in all residential uses and 3.6 meters (12 ft.) in all other uses.

5.19.4 All fences, regardless of whether a Development Permit and/or a Building Permit is required, shall conform to the following general requirements:

- (a) corner vision triangle restrictions shall apply for all corner lots;
- (b) fences cannot contain barbed wire or be electrified unless erected in conjunction with a permitted commercial, agricultural or industrial use and, in such cases, barbed wire is prohibited from use in any yard that abuts a residential use.

## **5.20 Front Yard for a Through Lot**

In the case of a through lot, the front yard shall be deemed to be any yard that abuts either of the two opposite public streets.

## **5.21 Height Regulations**

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

## **5.22 Home Occupations**

Within a residential dwelling, or in an accessory building on the same lot, a home occupation shall be permitted, subject to the following criteria:

- (a) home occupation uses shall occupy less than twenty-five percent of the total floor area of the dwelling unit, to a maximum of 65 m<sup>2</sup> (699.7 sq. ft.);
- (b) no more than five persons, including the residential tenant, are employed;

- (c) home occupation uses shall not produce excessive noise, odour, or hazard to the public;
- (d) two home occupation uses shall be permitted in a single dwelling unit provided that at least one use is owned or operated by the residential tenant, the total floor area of both uses is less than twenty-five percent of the total floor area of the dwelling unit, and no more than five persons, including the residential tenant, are employed;
- (e) when only one home occupation use is operated within any dwelling unit, it must be owned or operated by the residential tenant;
- (f) the exterior appearance of the residence shall not be substantially altered to accommodate the use;
- (g) In addition to parking being provided as set out in the Land Use By-law for the dwelling unit, one parking space shall be provided for each non-resident employee;
- (h) no outdoor storage or display shall be permitted.

## **5.23 Illumination**

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 streets.

## **5.24 Loading Spaces**

- 5.24.1 For every building or structure to be erected or enlarged, or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary, or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods, there shall be located on the same premises with every such building, structure or use, one off- street space for standing, loading, and unloading for every 2,787 square meters (30,000 sq. ft.) or fraction thereof of building floor area in excess of 278 square meters (3,000 sq. ft.), to a maximum of six (6) loading spaces.
- 5.24.2 Each loading space shall be at least 3.6 meters (12 ft.) by 12.2 meters (40 ft.), with a minimum of 4.3 meters (14 ft.) of height clearance.
- 5.24.3 The provision of a loading space is not required for any building with less than 278 square meters (3,000 sq. ft.).
- 5.24.4 No such loading spaces shall be located within any required front yard or be located within any required yard that abuts a Residential, Recreation and Open Space or Institutional use.
- 5.24.5 Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface that is treated so as to prevent the raising of dust or loose particles.
- 5.24.6 Ingress and egress to and from the required loading space areas shall be provided by means of unobstructed driveways of a minimum width of 3.1 meters (10 ft.) for one-way traffic or a minimum of 6.1 meters (20 ft.) for two-way traffic.

**5.25 Maximum Permitted Projection into a Required Yard**

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 to project into a yard for the specified distances indicated as follows:

Structure	Yard	Maximum Projection
Sills, belt course, cornice, eaves, gutters, chimneys, pilasters or canopies	Any yard	.6 meters (24 in.)
Window Bay	Front, rear and Flanking yards only	1 meter (3 ft.) and a maximum width of 3 meter (9.8 ft.)
Fire Escapes and exterior staircases	Rear and side yards only	2 Meters (6.5 ft.)
Open/roofed porches not exceeding one storey, uncovered terraces	Flanking yards only for single unit, semi-detached, duplex and triplex dwellings, any yard for other residential dwellings	2.4 meters (8 ft.), including eaves and cornices

## 5.26 Multiple Uses

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.

## 5.27 Outdoor Wood Furnaces

Outdoor wood furnaces shall be setback a minimum of 15.2 meters (50 ft.) from any property line.

## 5.28 Parking Requirements

For every building or structure to be erected or enlarged, off- street parking, located on the same lot as the use and having unobstructed access to a public street or a private road, shall be provided and maintained in conformity with the following Schedule:

Type of Structure	Minimum Parking Requirements
Dwelling containing not more than two dwelling units	1 parking space for each dwelling unit
All other dwellings	1.5 parking space for dwelling unit
Church halls, auditoria, restaurants, theatre, arenas, halls, stadia private clubs and other places of assembly	1 parking space for every 10 fixed seats or for every 10 m <sup>2</sup> (107.6 sq. ft.) devoted to public use where there are no fixed seats
Hospitals	0.5 parking spaces for each bed or 1 parking space for each 37m <sup>2</sup> (398.27 sq. ft.) of floor area, whichever is the greater plus 0.5 for each employee and 1 for each doctor
Senior citizen apartment	0.5 parking spaces for each dwelling unit
Nursing, rest or convalescent home	0.5 parking spaces for each bed
Hotels, staff houses, motels, tourist cabins	0.5 parking spaces for each suite or rental unit plus 1 additional parking space for each 20 m <sup>2</sup> (215.28 sq. ft.) of floor area devoted to public

	use exclusive of lobbies and halls
Offices, clinics	1 parking space for each 20 m <sup>2</sup> (215.28 sq. ft.) of floor area
Shopping centre	parking area to be three times floor area, exclusive of common malls between stores
Funeral homes	0.2 parking spaces for each seat of the chapel
Bowling alleys & curling rinks	0.5 parking spaces for each person in the designed capacity of the establishment (designed capacity shall mean six persons per bowling lane and eight persons per curling sheet.) In other parts of the building, additional parking spaces shall be provided in accordance with the requirements set out in this By-law for the use to which the other parts of the building may be put.
Elementary schools	1.5 parking spaces for each teaching classroom
High schools	2 parking spaces for each teaching classroom
Nursery schools and day care centres	1 parking space for each employee
Bed and breakfasts, inns & boarding houses	1.5 spaces for each permanent dwelling unit and 0.5 space for each unit available to transients or boarders
Commercial uses other than those specified above	1 space for every 20 m <sup>2</sup> (215.28 sq. ft.) of interior or exterior retail area
Manufacturing and industrial uses	1 space for each 75 m <sup>2</sup> (807.31 sq. ft.) of gross floor area, plus one (1) space for each 20 meters squared (215 sq. ft.) for any related commercial or offices uses.
Home occupation and office uses	1 space for each 30 m <sup>2</sup> (322.93 sq. ft.) of floor area

## 5.29 Parking Area Standards

Where parking facilities for more than four (4) vehicles are required or permitted:

- (a) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
- (b) the lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from streets, adjacent lots, and buildings;
- (c) the parking area shall be within 91 meters (300 ft.) of the location that it is intended to serve;
- (d) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such:
- (e) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- (f) approaches or driveways to any parking area, other than that required for a single-family dwelling, semi-detached, or a duplex dwelling shall be defined by a curb of concrete or rolled asphalt, and the limits of the parking area shall be defined by a fence, curb, or other suitable obstruction designed to provide a neat appearance;
- (g) in addition, the location of approaches or driveways shall not be closer than 15.2 meters (50 ft.) from the limits of the right-of-way at street intersection;
- (h) entrance and exit ramps to parking areas shall not exceed two (2) in number for each 30.5 meters (100 feet) of lot frontage and each such ramp shall be a

width of 7.6 meters (25 ft.) at the street line and edge of pavement.

- (i) the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum of 3.1 (10 ft.) if for one-way traffic, and the maximum width of a driveway shall be 6.1 meters (25 ft.).

### **5.30 Public Uses**

This By-law does not apply to the use of land or the use, construction, or reconstruction of any building or structure by the Municipality or any government body for the purposes of providing public services or facilities.

### **5.31 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 that in the case of a non-conforming use the provision of Section 241 - 242 of the Municipal Government Act of Nova Scotia shall prevail.

### **5.32 Side Yards on Corner Lots**

Notwithstanding anything else in this By-law, on a corner lot in any zone, no part of any building, other than accessory buildings, shall be erected closer than 1.8 meters (6 ft.) to the lot line of the flanking street.

### **5.33 Temporary Uses Permitted**

5.33.1 Nothing in this By-law shall prevent uses incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction, providing that a development permit has been issued for such construction.

5.33.2 Nothing in this By-law shall prevent structures erected for special occasions and holidays, provided only that no such use remains in place more than 14 consecutive days. This shall include outdoor displays for special retail promotions.

### **5.34 Use of Vehicles as a Residence**

No automobile, truck, bus, coach, recreation vehicle, shipping container (“TEU”), beached vessel or any prefabricated structure not purpose built for residential occupancy shall be used for human habitation within the Municipality, whether or not same is mounted on wheels.

### **5.35 Development Adjacent to Streams, Rivers, Watercourses, Lakes and Wetlands**

Notwithstanding any other requirements contained in this By-law all new development must be setback a minimum of 5 meters (16.4 ft.) from any stream, river, watercourse, lake or wetland.

## **Part 6 Signs**

### **6.1 General**

6.1.1 Where this Part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Public Works the more restrictive regulations shall apply.

6.1.2 No person shall erect a sign without first obtaining a development permit and no permit to erect a sign shall be issued unless intention to fulfil all the sign provisions of this By- law is shown.

### **6.2 Safety and Maintenance**

6.2.1 Every sign and all parts thereof, including framework, supports, background, anchors, and wiring systems shall be constructed and maintained in compliance with the Building, Electrical, and Fire Prevention By-laws.

6.2.2 All signs and all parts thereof shall be kept in a good state of repair and maintenance and shall not be allowed to become unsightly or dangerous.

### **6.3 Signs Permitted in all Zones**

The following signs are permitted in all zones:

- (a) signs identifying name and address of resident and of not more than 0.2 m<sup>2</sup> (2.15 sq. ft.) in sign area;
- (b) "no trespassing" signs or other such signs regulating the use of property and of not more than 0.2 m<sup>2</sup> (2.15 sq. ft.);
- (c) real estate signs not exceeding 1.5 m<sup>2</sup> (16.15 sq. ft.) that advertise the sale, rental, or lease of the premises;

- (d) signs regulating or denoting on-premises traffic, parking or other signs denoting the direction or function of various parts of a building or premise, provided that such signs are less than 0.5 m<sup>2</sup> (5.38 sq. ft.) in area;
- (e) signs erected by a governmental body or under the direction of such a body;
- (f) memorial signs or tablets and signs denoting the date of erection of a structure;
- (g) the flag, pennant, or insignia of any government, religious, charitable, or fraternal organization;
- (h) a sign having an area of not more than 4.5 m<sup>2</sup> (48.44 sq. ft.), incidental to construction and within the area designated for such purposes;
- (i) signs relating to an election, provided they are erected not more than forty-five days preceding the ordinary polling date and are removed within seven days after the ordinary polling date; and
  - (j) a limit of one (1) sign per lot relating to a home occupation not exceeding 1 sq. meters (10.76 sq. ft.) in area

#### **6.4 Signs Prohibited in all Zones**

The following signs shall not be permitted in any zone:

- (a) signs that incorporate, in any manner, any flashing or moving illumination that varies in intensity or that varies in colour and signs that have any visible moving parts, visible revolving parts, or visible mechanical movement achieved by electrical pulsations or by actions of normal wind currents;
- (b) any sign or sign structure that constitutes a hazard to public safety or health;
- (c) signs that by reason of size, location, content, colouring, or manner of illumination, obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads;

- (d) any sign that obstructs free ingress to or egress from a fire escape door, window, or other required exit way;
- (e) signs not erected by a public authority that make use of words such as "STOP", "LOOK", "ONE-WAY", "DANGER", "YIELD" or any similar words, phrases, symbols, lights, or characters, in such manner as to interfere with, mislead, or confuse traffic along a public road;
- (f) any sign that no longer advertises a bonafide business conducted or a product sold;
- (g) signs on public property or public right-of-way, unless erected by a government body or directed to be so located by order of a governmental body, or projecting wall signs, or signs as may be permitted by request of a government body;
- (h) signs painted on a tree, stone, cliff, or other natural object;
- (i) search lights, pennants, spinners, banners and streamers, provided that on occasions such as grand openings, county fairs, public festivals, exhibitions, and similar occasions, the same are permitted for a period not to exceed two weeks.
- (j) signs that contravene Section 5.1 of the Human Rights Act

## **6.5 Signs for Commercial and Industrial Uses**

### **6.5.1 Limit on Number**

6.5.1 For the purpose of this section, where a multiple tenancy building is occupied by more than one business, each business area shall be considered as separate premises.

6.5.1.2 Notwithstanding anything else in this By-law or elsewhere, not more than four signs may be erected on any premises at any one time provided that:

- (a) a double-faced sign shall count as a single sign;
- (b) signs enumerated in Part 6.3.4 shall not be counted in calculating the total;

- (c) not more than one ground sign shall be permitted on any premise, except in the case of a corner lot where a maximum of two ground signs shall be permitted;
- (d) not more than one facial wall sign per wall shall be permitted for each business premises; and
- (e) not more than one projecting wall sign per wall shall be permitted for each business premises.

### **6.5.2 Facial Wall Signs**

No facial wall sign shall:

- a) Extend above the wall on which it is placed;
- b) Extend beyond the extremities of the wall to which it is attached;
- c) Project more than 40 cm (15.7") from the wall of the building to which it is attached; and
- d) Exceed 10 m<sup>2</sup> (107.6 sq. ft.) in total combined sign area.

### **6.5.3 Projecting Wall Signs**

No projecting wall sign shall:

- (a) exceed 2 m<sup>2</sup> (21.53 sq. ft.) in sign area;
- (b) project more than 2 m (6.56 ft.) from the wall upon which it is attached; and
- (c) hang lower than 2.5 m (8.2 ft.) above grade.

#### **6.5.4 Ground Signs**

No ground sign shall:

- (a) extend beyond a property line or project over a right-of-way, other adjoining lands, daylighting triangles, or any driveway or parking space;
- (b) be set back less than 1 m (3.28 ft.) from any street line, common lot boundary, driveway, aisle, or parking area; and
- (c) have more than one sign on the support structure.

#### **6.5.5 Roof Signs**

No roof signs shall be permitted.

## Part 7 Setback and Separation Distances for Specific Uses

### 7.1 Minimum Setback and Separation Distances for Specific Uses

Notwithstanding anything other provisions of this By-law, where permitted as a use within a zone pursuant to Schedule “B” the following setback and separation distance requirements shall apply to the specified uses within the General Development Area (GDA) Zone, the Urban Development Area (UDA) Zone and the Village Area (VA) Zone:

Use	Setback from a Property Line	Setback from Adjacent Dwelling
Keeping of any Livestock	7.6 meters (25 ft.)	22.8 meters (75 ft.)
Automotive Repair	15.2 meters (50 ft.)	15.2 meters (50 ft.)
Service Station	15.2 meters (50 ft.)	15.2 meters (50 ft.)
Restaurant	15.2 meters (50 ft.)	15.2 meters (50 ft.)
Recycling Depot	15.2 meters (50 ft.)	15.2 meters (50 ft.)
Manufacturing Facility	15.2 meters (50 ft.)	15.2 meters (50 ft.)

## **Part 8 General Development Area (GDA) Zone**

### **8.1 Uses Permitted**

No development permit shall be issued in a General Development Area (GDA) zone, except for one or more of the uses identified in Schedule “B”.

### **8.2 Zone Requirements**

#### **8.2.1 Permitted Use per Schedule “B”**

Other than as provided for in Part 7.1, the following minimum requirements shall apply to the General Development Area (GDA) Zone;

Minimum Lot Area	2,025 m <sup>2</sup> /21,798 Sq. Ft.
Minimum Lot Frontage	6.1 m/20 ft.
Minimum Front Yard	7.6 m/25 ft.
Minimum Rear Yard	7.6 m/25 ft.
Minimum Side Yards	3 m/10 ft.
Maximum Height of Structures	10.6 m/35 ft.

#### **8.2.2 Minimum Frontage, Two Unit Dwellings**

- (a) The subdivision of lands containing semi-detached and townhouse dwellings permitted subject to Nova Scotia Department of Environment and Climate Change approval for onsite septic services.
- (b) The minimum frontage requirement for semi-detached and townhouse dwellings subject to subdivision shall be 6.1 meters (20 ft.) per unit.
- (c) The minimum side yard setback for a common wall shall be 0 meters (0 ft).

### 8.2.3 Waiving of Minimum Lot Frontage and Area Requirements

The minimum lot frontage requirements may be waived for any lot created pursuant to Section 4.1.9, 4.1.10 or 4.1.11 of the Subdivision By-law and the minimum lot area may be waived for lots created for “Non-development Purposes”.

### 8.2.4 Minimum Lot Area for Marine Related Uses

The minimum lot area shall be waived for any Marine Related Use.

## 8.3 Minimum Separation Distances for Specific Uses

With the General Development Area (GDA) Zone the following minimum separation distance requirement shall apply:

Use	Setback from a Property Line	Setback from Adjacent Dwelling
All Industrial Uses	15.2 meters (50 ft.)	15.2 meters (50 ft.)
Licensed Establishments	15.2 meters (50 ft.)	15.2 meters (50 ft.)
Vineyard	30.5 meters (100 ft.)	30.5 meters (100 ft.)
Fur Farm	30.5 meters (100 ft.)	76.2 meters (250 ft.)
Livestock Operations	30.5 meters (100 ft.)	76.2 meters (250 ft.)
Piggery	30.5 meters (100 ft.)	76.2 meters (250 ft.)
Feed Lots	30.5 meters (100 ft.)	76.2 meters (250 ft.)
Gun Range	30.5 meters (100 ft.)	76.2 meters (250 ft.)
Landfill/C&D Facilities	30.5 meters (100 ft.)	76.2 meters (250 ft.)

## **Part 9 Urban Development Area (UDA) Zone**

### **9.1 Uses Permitted**

No development permit shall be issued in an Urban Development Area (UDA) zone, except for one or more of the uses identified in Schedule “B” and subject to conditions contained in Part 7.

### **9.2 Zone Requirements**

#### **9.2.1 Residential, Conservation/Environmentally Sensitive Areas, Recreation and Open Space Uses**

Minimum Lot Area	464.5 m <sup>2</sup> /5,000 sq. ft
Minimum Lot Frontage	15.2 m/50 ft
Minimum Front Yard	7.6 m/25 ft
Minimum Rear Yard	7.6 m/25 ft
Minimum Side Yards	3.6m/12 ft on one side, 2.4 m/8 ft the other
Maximum Height of Structure	10.6 m/35 ft

#### **9.2.1.1 Minimum Frontage, Semi-detached and Townhouse Dwellings**

- (a) The minimum frontage requirement for semi-detached and townhouse dwellings subject to subdivision shall be 6.1 meters (20 ft.) per unit.
- (b) The minimum side yard setback for a common shall be 0 meters (0 ft).

#### **9.2.1.2 Multiple Unit Structures Containing Four or more Units**

- (a) The minimum lot area for multiple unit structures containing four (4) or more units shall be 3,048 sq. meters (10,000 sq. ft.).
- (b) The minimum side yard setback for multiple unit structures containing four (4) or more units shall be 7.6 meters (25 ft.).

9.2.1.3 Minimum Lot Area, Conservation/Environmentally Sensitive Areas, Recreation and Open Space Uses

The minimum lot area for Conservation/Environmentally Sensitive Areas, Recreation and Open Space Uses shall be 0 square meters (0 sq. Ft.).

9.2.2.1 Commercial, Institutional, Agriculture Uses

Minimum Lot Area	929 sq. meters/10,000 sq. ft
Minimum Lot Frontage	15.2 m/50 ft
Minimum Front Yard	7.6 m/25 ft
Minimum Rear Yard	7.6 m/25 ft
Minimum Side Yards	7.6 m/25 ft
Maximum Height of Structure	10.6 m/35 ft

9.2.2.2 Minimum Separation Distances from Adjacent Dwellings

The minimum separation distance for all permitted Commercial, Institutional and Agriculture Uses from any dwelling located on an abutting lot shall be 15.2 meters (50 ft.).

9.2.2.3 Construction Trades and Contracting Uses

Construction Trades and Contracting uses shall be considered and regulated as a Commercial Use within the Urban Development Area (UDA) Zone.

### **9.3 Prohibited Uses**

Notwithstanding and in addition to any provisions of Schedule "B", the following uses shall be prohibited within the Urban Development Area (UDA) Zone;

- (a) Vineyards;
- (b) Commercial Uses exceeding 464.5 sq. meters (5,000 sq.ft.) in Gross Floor Area.

## **Part 10 Village Area (VA) Zone**

### **10.1 Uses Permitted**

No development permit shall be issued in a Village Area (VA) Zone, except for one or more of the uses identified in Schedule “B”.

### **10.2 Zone Requirements**

#### **10.2.1 Permitted Use per Schedule “B”**

Other than as provided for in Part 7.1, the following minimum requirements shall apply to the Village Area (VA) Zone;

Minimum Lot Area	2,025 m <sup>2</sup> /21,798 Sq. Ft.
Minimum Lot Frontage	6.1 m/20 ft.
Minimum Front Yard	7.6 m/25 ft.
Minimum Rear Yard	7.6 m/25 ft.
Minimum Side Yards	3 m/10 ft.
Maximum Height of Structures	10.6 m/35 ft.

#### **10.2.2 Minimum Frontage, Two Unit Dwellings**

- (a) The subdivision of lands containing semi-detached and townhouse dwellings permitted subject to Nova Scotia Department of Environment and Climate Change approval for onsite septic services.
- (b) The minimum frontage requirement for semi-detached and townhouse dwellings subject to subdivision shall be 6.1 meters (20 ft.) per unit.
- (c) The minimum side yard setback for a common wall shall be 0 meters (0 ft).

10.2.3 Waiving of Minimum Lot Frontage and Area Requirements

The minimum lot frontage requirements may be waived for any lot created pursuant to Section 4.1.9, 4.1.10 or 4.1.11 of the Subdivision By-law and the minimum lot area may be waived for lots created for “Non-development Purposes”.

10.2.4 Minimum Lot Area for Marine Related Uses

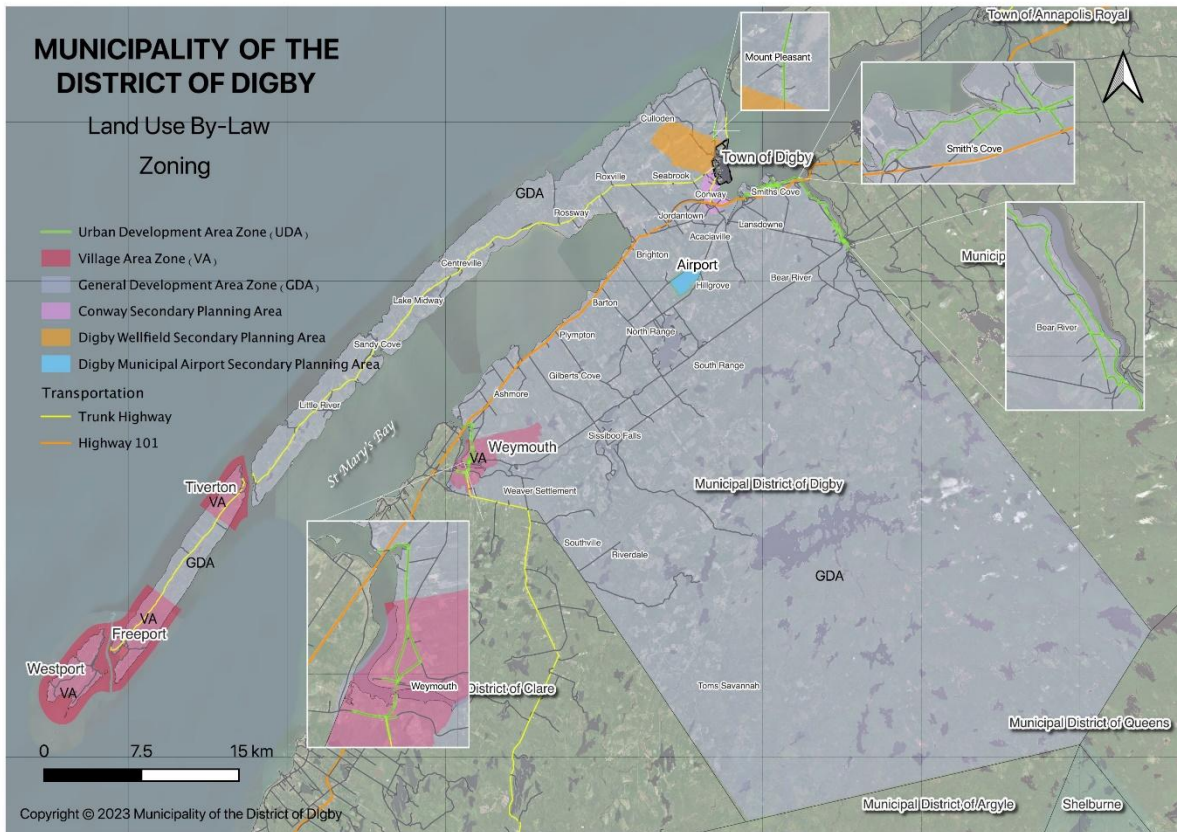
The minimum lot area shall be waived for any Marine Related Use.

**10.3 Minimum Separation Distances for Specific Uses**

Within the Village Area (VA) Zone the following minimum separation distance requirement shall apply:

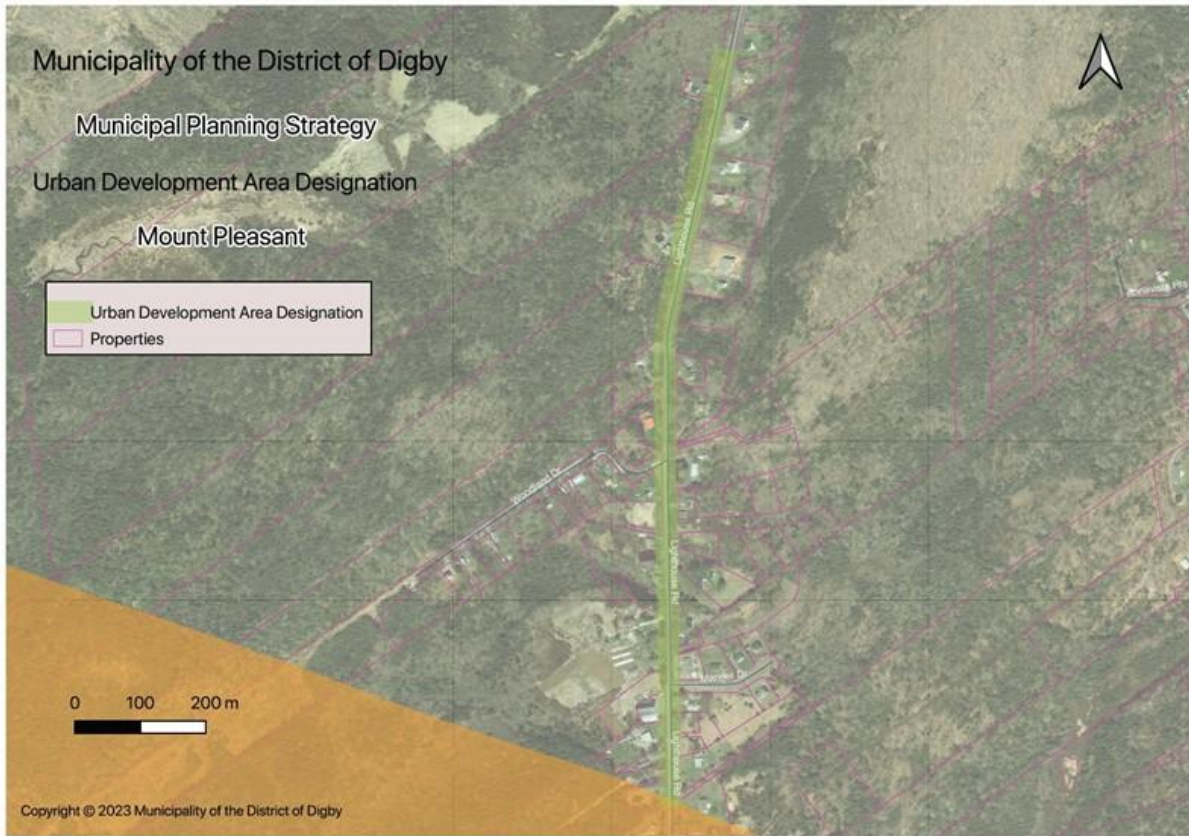
Use	Setback from a Property Line	Setback from Adjacent Dwelling
All Industrial Uses	15.2 meters (50 ft.)	15.2 meters (50 ft.)
Licensed Establishments	15.2 meters (50 ft.)	15.2 meters (50 ft.)
Vineyard	30.5 meters (100 ft.)	30.5 meters (100 ft.)
Fur Farm	30.5 meters (100 ft.)	76.2 meters (250 ft.)
Livestock Operations	30.5 meters (100 ft.)	76.2 meters (250 ft.)
Piggery	30.5 meters (100 ft.)	76.2 meters (250 ft.)
Feed Lots	30.5 meters (100 ft.)	76.2 meters (250 ft.)
Gun Range	30.5 meters (100 ft.)	76.2 meters (250 ft.)
Landfill/C&D Facilities	30.5 meters (100 ft.)	76.2 meters (250 ft.)

# Schedule A1, Zoning Map





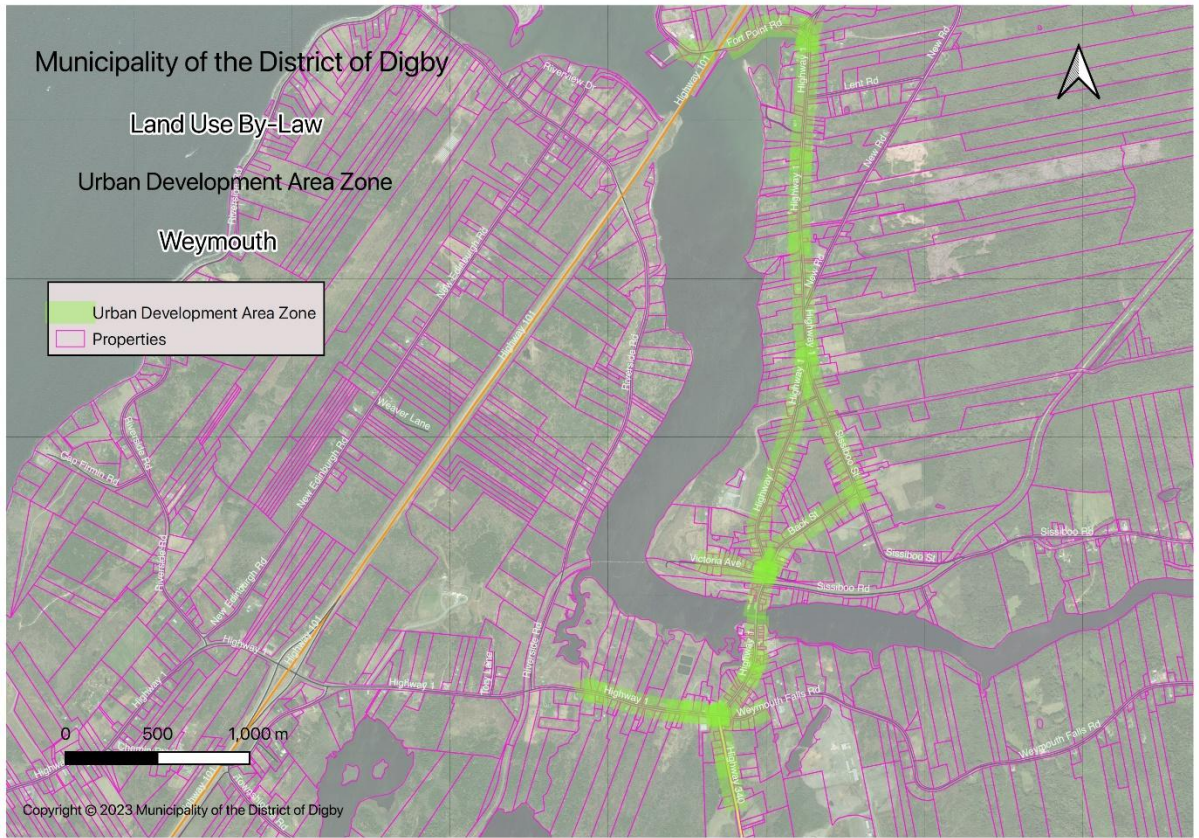
## Schedule A3, Urban Development Area Zoning, Mount Pleasant



# Schedule A4, Urban Development Area Zoning, Smiths Cove



# Schedule A5, Urban Development Area Zoning, Weymouth



## Schedule B, Permitted Uses within Zones

Note - Permitted Uses may be subject to conditions as identified in Parts 8, 9 and 10 of this By-law

<b>Land Uses</b>	<b>General Development Area (GDA) Zone</b>	<b>Urban Development Area (UDA) Zone</b>	<b>Village Area (VA) Zone</b>
	Permitted Yes or No	Permitted Yes or No	Permitted Yes or No
<b>Residential</b>			
Single Unit Dwelling	Y	Y	Y
Two Unit Dwelling, Duplex	Y	Y	Y
Two Unit Dwelling, Semidetached	Y	Y	Y
Three Unit Dwelling, Triplex	Y	Y	Y
Townhouse Dwelling (4 units or more)	Y	Y	Y
Multiple Unit Dwelling (4 units or more)	Y	Y	Y
Homes for Special Care	Y	Y	Y
Assisted Living/Residential Care	Y	Y	Y
Mobile Home Dwelling	Y	Y	Y
Converted Dwelling	Y	Y	Y
Secondary Suite	Y	Y	Y
Grouped Dwellings	Y	Y	Y
Mobile Home Park	Y	Y	Y
<b>Commercial Uses Associated with Residential Use</b>			
Home Occupations	Y	Y	Y
Short Term Rental/ "airBnB"	Y	Y	Y
Bed and Breakfast, Inns	Y	Y	Y
Day Care	Y	Y	Y
Personal Services	Y	Y	Y

Kennel	Y	Y	Y
Animal Grooming	Y	Y	Y
Domestic Arts	Y	Y	Y
Artist Studio/Gallery	Y	Y	Y
<b>Commercial</b>			
Retail	Y	Y	Y
Professional/Business Office	Y	Y	Y
Personal Service	Y	Y	Y
Commercial Service	Y	Y	Y
Auto Repair and Service (incl. auto body)	Y	Y	Y
Auto Sales	Y	Y	Y
Recreational Vehicle Sales	Y	Y	Y
Restaurant (eat in/take out/drive through)	Y	Y	Y
Licensed establishment	Y	Y	Y
Theatre/Place of Entertainment	Y	Y	Y
Commercial Accommodation (Hotel, motel)	Y	Y	Y
Tourist Accommodation and Attractions (Resort, cabins)	Y	Y	Y
Service Station/Gas Bar	Y	Y	Y
Outdoor Commercial Display	Y	Y	Y
Educational Facility (Private)	Y	Y	Y
Parking Lots	Y	Y	Y
Building/Professional Trades Contractor	Y	Y	Y
Warehouse and Distribution	Y	Y	Y
Self Storage	Y	Y	Y
Recycling Depot	Y	Y	Y
Manufacturing - small scale	Y	Y	Y
Accessory Residential Dwellings	Y	Y	Y
Craft Production - alcohol/cannabis	Y	Y	Y
Campground	Y	Y	Y

<b>Industrial</b>			
Manufacturing - heavy	Y	N	Y
Abattoir	Y	N	Y
Aggregate Production/Processing	Y	N	Y
Apshalt Production/Processing	Y	N	Y
Fertilizer/Chemical Production and storage	Y	N	Y
Forestry Production/Processing	Y	N	Y
Warehousing, exterior storage	Y	N	Y
Bulk Fuel Storage	Y	N	Y
Food Processing	Y	N	Y
Landfill - C&D Bebris Management	Y	N	Y
Scrap and Salvage Yard	Y	N	Y
Machine Shop	Y	N	Y
Composting Facility	Y	N	Y
Heavy Equipment Repair	Y	N	Y
Transportation Services	Y	N	Y
Trades/Construction Contracting	Y	Y	Y
Telecommunication Facilities	Y	N	Y
Energy Production Facilities- Tidal, Solar, Wind	Y	N	Y
<b>Institutional</b>			
Arts and Culture Facility	Y	Y	Y
Community Centres	Y	Y	Y
Places of Worship	Y	Y	Y
Religious Facility (camps, residences)	Y	Y	Y
Cemetery/Crematorium	Y	Y	Y
Museums	Y	Y	Y
Public Art Gallery	Y	Y	Y
Hospital	Y	Y	Y
Airport	Y	N	Y
Emergency Health Services Facility	Y	Y	Y
Schools (primary/middle/High, public, private)	Y	Y	Y
University/College	Y	Y	Y

Library	Y	Y	Y
Not-for-Profit/Fraternal Facility	Y	Y	Y
Public Utilities and Infrastructure Uses			
<b>Agriculture</b>			
Agricultural Production, Commercial Scale	Y	N	Y
Agricultural Production, Domestic Scale	Y	Y	Y
Agricultural Processing, Commercial Scale	Y	N	Y
Agricultural Processing, Domestic Scale	Y	Y	Y
Agricultural Product Sale/Market	Y	Y	Y
Fur Farm	Y	N	Y
Livestock Operation, Commercial Scale	Y	N	Y
Livestock Operation, Domestic Scale			
Feed Lot	Y	N	Y
Piggery	Y	N	Y
Agricultural Equipment Sales and Service	Y	N	Y
Greenhouse	Y	Y	Y
Equestrian Centres	Y	N	Y
<b>Conservation/Environmentally Sensitive Areas</b>			
Marshland	Y	Y	Y
Floodplain	Y	Y	Y
Floodway	Y	Y	Y
Flood Fringe	Y	Y	Y
Water Supply Protection Area	Y	Y	Y
Coastal Protection Zone (Prov. Act/Reg)	Y	Y	Y
<b>Recreation/Open Space</b>			
Sport/Athletic Field	Y	Y	Y
Community Centre	Y	Y	Y
Golf Course/driving range, public	Y	Y	Y

Golf Course/driving range, private	Y	Y	Y
Park, public	Y	Y	Y
Park, private	Y	Y	Y
Trails	Y	Y	Y
Not-for-Profit camp	Y	Y	Y
Gun range	Y	N	Y
Indoor Recreation Facility	Y	Y	Y
<b>Marine Related</b>			
Fish and Marine Product Processing	Y	N	Y
Wharf, public	Y	N	Y
Wharf, private	Y	N	Y
Boat Building/Repair	Y	N	Y
Boat/Equipment Storage	Y	N	Y
Fishing Equipment Manufacturing and Repair	Y	N	Y
Boat Haul Out	Y	N	Y
Fish Product Warehousing/Refrigeration	Y	N	Y
Lobster Storage	Y	N	Y
Land Based aquaculture	Y	N	Y
Land based tidal energy generation	Y	N	Y