

**Municipality of the District of
Digby**

**Digby Municipal
Airport Municipal
Planning Strategy
and Land Use By-Law**

**Land Use By-Law
April 27, 2009**

Ref No. D08387

Table of Contents

1 Title And Purpose.....	1
2 Definitions.....	2
3 Administration	8
4 Obstacle Limitation Surfaces	10
5 Zones And Zoning Map	12
6 General Provisions For All Zones	14
7 Airport Operations (AO) Zone.....	18
8 Airport Residential (AR) Zone	19
9 Airport Industrial (AI) Zone	20
10 Airport General Industrial (AG) Zone.....	21
11 Airport Residential/Commercial (ARC) Zone	22

Appendices

Appendix A — Zoning Map (Schedule 'C')

1 Title And Purpose

Title

1. This By-Law shall be known and may be cited as the "Land Use By-Law" for the Digby Municipal Airport.

Purpose of this Land Use By-Law

2. A Land Use By-Law is a precise document used by the Municipality to regulate the use of land. It provides direction as to what land uses are permitted at the Municipal Airport lands and provides other detailed information such as:
 - Where buildings and structures may be located;
 - Types of uses and dwelling permitted;
 - Standards for lot size, vehicle and aircraft parking requirements, building height, and required yards.
3. Nothing in this document overrides the Transport Canada requirements for airports.

The Land Use By-Law for the Digby Municipal Airport lands is required to implement the policies of the Municipal Planning Strategy. This By-Law is a legal document developed under authority of the *Municipal Government Act*.

2 Definitions

In this By-Law all words shall carry their customary meaning except for the those words and phrases defined as follows:

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the defined main building devoted exclusively to an accessory use, but does not include a building, or a structure located completely underground.

ACCESSORY USE means a use customarily or normally associated with the principal purpose for which the land is used or with the main building, as defined, and located on the same lot.

ACT shall mean the Municipal Government Act, Nova Scotia, 1999, and amendments thereto.

AERODROME means any area of land, water (including frozen surface thereof) or other supporting surface used or designed, prepared, equipped or set apart for use either in whole or in part for the arrival and departure, movement or servicing of aircraft and includes any building, installations and equipment in connection therewith.

ALTER means any change in the structural component of a building, or any change in the volume of a building or structure.

BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment. Any awning, bin, bunker, or platform, vessel or vehicle used for any of the said purposes shall be deemed a building.

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, and excludes industrial uses.

COUNCIL shall mean the Council of the Municipality of the District of Digby.

DEVELOPMENT includes any erection, construction, alteration, replacement or relocation of, or addition to, any structure and any change or alteration in the use made of land, or structures.

DEVELOPMENT OFFICER means the officer of the Municipality of the District of Digby from time to time charged by the municipality with the duty of administering the provisions of the Land Use By-law.

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.

(a) **SINGLE FAMILY DETACHED DWELLING** means a completely detached dwelling unit.

EXISTING means existing as of the effective date of this By-law.

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 building or structure on the lot.

HEIGHT means the vertical distance on a building between the established grade and

- a) 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
- b) 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 an ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

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.

LOT means any parcel of land described in a deed as a lot or as shown as an approved lot on in a registered plan of subdivision.

- a) **CORNER LOT** means a lot situated at the intersection of and abutting on two or more streets, or a lot abutting a road or roads in two or more locations. The shorter lot line shall be deemed the front lot line of the said lot.
- b) **INTERIOR LOT** means a lot situated between two lots and having access to one street.
- c) **THROUGH LOT** means a lot bounded on two opposite sides by streets or highway provided, however, 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.

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.

LOT AREA means the total horizontal area within the lot lines of a lot.

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.

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.

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.

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 that abuts the street on a corner lot.

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

MAXIMUM LOT COVERAGE means that percentage of the lot area covered by all building above ground level shall include that portion of such lot area which is occupied by a building or portion thereof which 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 which is located within said zone.

MUNICIPALITY means the Municipality of the District of Digby.

NON-INSTRUMENT RUNWAY means a runway intended for the operation of aircraft using visual approach procedures.

OBNOXIOUS USE means a use which, 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.

OBSTACLE means all fixed (whether temporary or permanent) and mobile objects, or parts thereof, that are located on an area intended for the surface movement of aircraft or that extend above a defined surface intended to protect aircraft in flight.

OBSTACLE LIMITATION SURFACE (OLS) means a surface that establishes the limit to which objects may project into the airspace associated with an aerodrome so that aircraft operations at the aerodrome may be conducted safely. Obstacle limitation surfaces consist of the following:

- a) **OUTER SURFACE** means a surface located in a horizontal plane above an aerodrome and its environs.
- b) **TAKE-OFF/APPROACH SURFACE** means an inclined plane beyond the end of a runway and preceding the threshold of a runway.
- c) **TRANSITIONAL SURFACE** means a complex surface along the side of the strip and part of the side of the approach surface that slopes upwards and outwards to the outer surface, when provided.

PUBLIC ROAD includes any road owned and maintained by the Municipality or the Province, and:

- a) Municipal public road means any road owned and maintained by the Municipality.
- b) Provincial public road means any road owned and maintained by the Department of Transportation and Infrastructure Renewal excluding designated controlled access highways pursuant to Section 20 of the *Public Highways Act*.

RUNWAY means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft.

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.

SIDE YARD means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and "minimum" side yard means the minimum depth allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.

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 of the District of Digby.

STREET LINE means the boundary line of a street.

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 (6) feet in height.

TAXIWAY means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, including:

- a) **Apron taxiway.** A portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron.
- b) **Rapid exit taxiway.** A taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways thereby minimizing runway occupancy times.

WATERCOURSE means a lake, river, stream, ocean, or other body of water.

WELL means a source of water obtained from a shaft dug or drilled into the ground that is currently, or is capable of, supplying potable water to a residence, or dwelling.

YARD means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines 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) **FLANKAGE 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.

ZONE means a designated area of land shown on the Schedules of this By-law.

3 Administration

General

1. This By-Law shall be administered by the Development Officer.
2. No person shall erect, alter, repair or maintain any building or locate or carry on any industry, business, trade or calling or use any land or building within any zone without complying with the provisions of this By-Law.
3. Nothing in this By-Law shall operate to relieve any person of the obligation to obtain any license, permission, permit, authority, approval or meet the requirements of this or any other By-Law of the Municipality, the Province or the Federal Government (Transport Canada).

Development Permit

4. No development shall be permitted unless a development permit has been issued and no development permit shall be issued unless the provisions of this By-Law are satisfied.
5. Any development permit shall be in force for a period of one year from the date of issue and any permit may be re-issued upon request and subject to review by the Development Officer.
6. Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one lot.

Development Permit Requirements

7. Every application for a Development Permit shall be accompanied by a plan drawn to an appropriate scale and showing:
 - The true shape and dimension of the lot to be used or upon which the development is proposed;
 - The proposed location, height and dimensions of any building or structure for which the permit is applied and the location information shall include measurements of the lot frontage and front, side and rear yards;
 - The location of every building or structure already constructed, or partly constructed, on such lot and the location of every building or structure existing upon abutting lots;
 - The location of any watercourse and location of any existing or proposed building or structure in relation to the watercourse; and
 - Other such information as may be necessary to determine whether or not the proposed development conforms to the requirements of this By-law.

Signature of Applicant

8. The application for a development permit shall be signed by the registered owner of the lot or by the owner's agent duly authorized in writing to act for the owner.

Application Fee

9. Every application for a development permit or an application for a Land Use By-Law amendment, or variance, shall be accompanied by a cheque payable to the municipality in the amount specified in Appendix "A" of this By-Law.

Issuance of a Development Permit

The Development Officer shall not issue a Development Permit unless:

10. The proposed development is in conformance with this By-Law; or
11. The Development Officer has granted a variance from the provisions of this By-Law, pursuant to the Municipal Government Act.

Licences, Permits, and Compliance With Other By-Laws

12. Nothing in this By-Law shall exempt any person from complying with the requirements of the National Building Code or any other By-Law in force within the Municipality, or to obtain any licence, permission, permit, authority or approval required by any other By-Law of the Municipality or statute and regulation of the Province of Nova Scotia.
13. Where the provisions in the By-Law conflict with those of any other municipal or provincial regulations, By-Laws or codes, the higher or more stringent requirements shall prevail.

Effective Date

14. This By-Law shall take effect upon the date of approval by the Minister.

4 Obstacle Limitation Surfaces

1. The Development Officer may issue a development permit for a proposed development if no point of the development will exceed the height of any of the following surfaces, as defined below and illustrated on Schedule "A":
 - Outer surface;
 - The take-off/approach surfaces; and
 - The transitional surfaces.

Note that these requirements are for the existing runway. The requirements for the future crosswind runway are in brackets ().

Basic Strip

2. The basic strip is a rectangular area measured 60 (60) metres out from each end of the runway, 75 (30) metres on each side of the centre line of the runway.

Take-off/Approach surfaces

3. There are take-off/approach surfaces abutting and extending out from each end of the basic strip and in each case the surface is an imaginary surface consisting of an inclined plane:
 - The commencement of which coincides with the end of the basic strip;
 - That rises at a slope of 2.5% (5%) measured from the end of the basic strip;
 - That diverges outward on each side as it rises, at a rate of 15 % (10%) measured from the respective projected sides of the basic strip; and
 - That ends at its intersection with the outer surface.

Transitional surfaces

4. There is a transitional surface associated with each side of the basic strip, and in each case the transitional surface is an imaginary surface consisting of an inclined plane that:
 - Commences at and abuts the sides of the basic strip;
 - Rises at a slope of 14.3 % from an elevation at the centre point of the runway and measured from the sides of the basic strip; and
 - Ends at its intersection with the outer surface and the take-off/approach surfaces.

Airport reference point elevation

5. The airport reference point elevation is the elevation used to establish the height of the outer surface and for the purpose of this By-Law is deemed to be 146 metres above sea level.

Outer surface

6. The outer surface of the Height Protection Area is an imaginary common plane established at a constant elevation of 45 metres above the airport reference point elevation and extending horizontally to a distance of 4,000 metres.

General

7. The area locations of the take-off/approach surfaces and transitional surfaces are represented as shown on Schedule "A", but if any discrepancy exists between the description of the take-off/approach surfaces or transitional surfaces and their location on Schedule "A", the description in this By-Law prevails.

5 Zones And Zoning Map

Zones

1. For the purpose of the By-Law the following zones shall apply to the plan area of the Digby Municipal Airport:

<u>Zones</u>	<u>Symbols</u>
Airport Operations	AO
Airport Residential	AR
Airport Industrial	AI
Airport General Industrial	AG
Airport Residential/Commercial	ARC

Zones may be referred to by the appropriate symbols. The boundaries of each zone are illustrated on Schedule "C".

Zoning Map

2. Schedule "C" attached hereto, may be cited as the "Digby Airport Zoning Map".
3. The extent and boundaries of all zones are shown on Schedule "C" and for all such zones the provisions of the By-Law shall respectively apply.
4. The symbols used on Schedule "C" refer to the appropriate zones established by Part 5: Section 1.

Interpretation of Zoning Boundaries

5. Boundaries between zones shall be determined as follows:
 - 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.
 - 2) Where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines.
 - 3) Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule 'C'.

Interpretation of Certain Words

6. In this By-Law, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number; the word "used" includes "arranged", "designed" or "intended to be used"; the word "shall" is mandatory and not permissive.

Amendments to the Land Use By-Law

7. A person who seeks to rezone a parcel of land or otherwise have this By-Law amended, shall complete an application in a form authorized by the Development Officer.

8. All applications for rezoning or By-Law amendment must be submitted to the Development Officer for review and recommendation to Council.

Variance from Minimum Requirements

9. The Development Officer may grant a variance to the requirements under the Land Use By-Law, as provided for under the Municipal Government Act, where strict compliance to the provisions of this By-Law would represent an inappropriate burden to the landowner and where the general intent of the Municipal Planning Strategy is upheld.

Council is required to review the proposed variance prior to final approval.

Non-Conforming Use

10. All non-conforming uses, as provided for in the Municipal Government Act (1999), shall be subject to the following requirements:
 - A non-conforming structure may be rebuilt, repaired, or replaced if destroyed by fire or otherwise.
 - A non-conforming use may not be recommenced if discontinued for a continuous period of six months
 - A non-conforming use may not be changed to any other use except a use permitted in the zone
 - Where there is a non-conforming use in a structure, the non-conforming use may be extended throughout the structure
 - A non-conforming structure, or structure containing a non-conforming use, may be extended, enlarged, altered up to 25 percent of its original gross floor area provided all other applicable provisions under this By-Law are met, including square footage limits as prescribed under the applicable zone.

6 General Provisions For All Zones

ACCESSORY USES PERMITTED

1. 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.

BUILDING TO BE ERECTED ON A LOT

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

EXISTING BUILDINGS

3. Where a building has been erected on or before the effective date of this By-law on a lot having less than the minimum 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.

FRONTAGE ON A STREET OR TAXIWAY

4. 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 has legal access to a public street or taxiway.

ILLUMINATION

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

NON-CONFORMING EXISTING BUILDINGS

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

NON-CONFORMING USES

7. Non-conforming uses shall be subject to the relevant Sections of the Municipal Government Act.

PARKING REQUIREMENTS

8. For every building or structure to be erected or enlarged, off street parking located within the same zone 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:

All commercial uses

REQUIREMENT one (1) parking space for each three hundred (300) square feet of floor area.

Industrial uses

REQUIREMENT one (1) parking space for each one thousand (1,000) square feet of gross floor area, plus parking space as per g" above for any office space included in the development.

PARKING AREA STANDARDS

9. 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) A structure, not more than fifteen (15) feet in height and not more than fifty (50) square feet in area may be erected in the parking area for the use of attendants;
 - d) The parking area shall be within three hundred (300) feet of the location which it is intended to serve;
 - e) When the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;
 - f) No gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
 - g) 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;
 - h) In addition the location of approaches or driveways shall be not closer than fifty (50) feet from the limits of the right-of-way at street intersection;
 - i) Entrance and exit ramps to parking areas shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet at the street line and edge of pavement. This ramp width may be reduced to twenty (20) where a one way in/one way out traffic circulation system is employed between the two ramps; and
 - j) 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 ten (10) feet if for one-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet.

RESTORATION TO A SAFE CONDITION

10. 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.

**Digby Municipal
Airport Land Use By-
Law**

**Municipality of the
District of Digby**

SIGNS: GENERAL

11.

- a) Where this part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Nova Scotia Department of Transportation and Public Works, the more restrictive regulations shall apply;
- b) No person shall erect a sign without first obtaining a Development permit, unless otherwise stated in this bylaw; and
- c) Signs must be located on the same lot as the product or dealer for the product, service or structure to which the sign relates, unless otherwise permitted in this bylaw.

SIGN SAFETY, MAINTENANCE AND REMOVAL OF OBSOLETE SIGNS

12.

- a) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building code;
- b) All signs and parts thereof shall be kept in good repair and maintenance; and
- c) The owner or occupant of a lot upon which there is an obsolete sign shall remove the obsolete sign and all supporting structure within sixty days from the date of the discontinuance of the activity, business, organization, enterprise, industry or service so advertised.

SIGNS PROHIBITED IN ALL ZONES

13. The following signs shall not be permitted in any zone:

- a) Signs which by reason of flashing or moving illumination or moving parts may be confused by the motorist or aircraft pilot with traffic control signs or lights;
- b) Any sign or sign structure which constitutes a hazard to public safety or health;
- c) Signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers, either when leaving a roadway or effectiveness of any traffic sign or control device on public streets and roads;
- d) Any sign which 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 which 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) Signs on public property or public right-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body, but no sign located on public property or a public right-of-way shall bear any commercial advertising;
- g) Signs not erected by a public authority which are located at or near sharp road curves or below the crest of a steep road grade or which interferes with traffic sight lines as determined by the Provincial Department of Transportation and Public Works;
- h) Signs painted on, attached to, or supported by a tree, stone, cliff or other natural objects;
- i) String lights, other than temporary holiday decorations which are unshielded from off the property on which they are located, and

- j) Searchlights, pennants, spinners, banners, and streamers except for occasions such as grand openings, county fairs, public festivals, exhibitions and similar occasions.

SIGNS PERMITTED IN ALL ZONES

14.

- a) Signs identifying the name and address of the resident and not exceeding 2.5 sq.ft. in sign area and not exceeding 5 feet in height;
- b) 'No trespassing' signs or other signs regulating the use of property and not more than 2.5 sq.ft.. in sign area;
- c) Real estate signs not exceeding 16 sq.ft.. in sign area which advertises the property upon which they are located as being for immediate sale;
- d) Signs regulating on-premise traffic, parking or other signs denote direction to various parts of a building or premises provided such signs do not exceed 2.5 sq.ft.. in sign area;
- e) Signs erected by a public authority or agency, such as traffic signs, safety signs, public school signs, public election lists, but bearing no commercial advertising;
- f) Memorial signs or tablet denoting or bearing information of a heritage significance;
- g) The flag, pennant, or insignia of any government, or religious, charitable, or fraternal organization;
- h) A sign incidental to the construction and within the area designated for such purposes, provided that the sign does not exceed 12 feet in height and 16 feet long and is removed within 30 days of the completion of the building or premises so constructed;
- i) Signs used in a Federal, Provincial or Municipal election, provided that the signs are removed within 14 days following such election, and
- j) Point of purchase signs associated with commercial uses, including but not limited to, farm gate sales and service station forecourt product signs.

7 Airport Operations (AO) Zone

Objectives:

1. To provide a satisfactory land base for the operation of the airport and associated airport uses
2. To protect the existing runway strip and allow for the future expansion and enhancement of the runway and crosswind runway.

Permitted Uses:

The following uses shall be permitted in the Airport Operations Zone:

Uses relating to the operation of the airport including runways, taxiways, aircraft parking areas, navigation equipment and lights
Terminal and Passenger Facilities
Aircraft hangars
Accessory uses
Fuel storage and dispensing equipment

General Lot Requirements	
Min. Lot Area	None
Min. Lot Frontage	None
Min. Lot Width	None
Front or Flankage Yard Setback	30 feet
Side Yard Setback	10 feet
Rear Yard Setback	None
Max. Height	All uses must comply with the height restrictions in Schedule "C"
Max. Lot Coverage	None
Other Requirements	None

8 Airport Residential (AR) Zone

Objectives:

1. To enable a residential airpark community adjacent to the Digby Municipal Airport runway strip with direct runway access.
2. To enable limited hangar use in combination with residential use within the Plan Area.

Permitted Uses:

The following uses shall be permitted in the Airport Residential Zone:

Single Unit Detached Dwellings
 Combination Hangar and Dwelling
 Accessory Uses

General Lot Requirements	
Min. Lot Area	40,000 square feet*
Min. Lot Frontage	200 feet
Min. Lot Width	None
Front or Flankage Yard Setback	35 feet
Side Yard Setback	10 feet
Rear Yard Setback	35 feet
Max. Height	All uses must comply with the height restrictions in Schedule "A"
Max. Lot Coverage	*
Other Requirements	<p>*All individual lot sizes are subject to Nova Scotia Environment approval based on intended land use and soil capacity for sewerage system.</p> <p>A private hangar must be accompanied by a detached dwelling unit.</p> <p>Communal aircraft hangars are permitted with additional minimum requirements.</p> <p>A residential and hangar use must be approved together and either use cannot exist singularly.</p>

9 Airport Industrial (AI) Zone

Objectives:

1. To encourage the growth of aviation-related industrial uses with direct runway access focused at the Digby Municipal Airport.

Permitted Uses:

The following uses shall be permitted in the Airport Industrial Zone:

Manufacturing for aviation-related industrial uses
 Assembly for aviation-related industrial uses
 Warehousing for aviation-related industrial uses
 Other aviation-related industrial uses

Lot Requirements	
Min. Lot Area	None
Min. Lot Frontage	None
Min. Lot Width	None
Front or Flankage Yard Setback	None
Side Yard Setback	None
Rear Yard Setback	None
Max. Height	All uses must comply with the height restrictions in Schedule "A"
Max. Lot Coverage	*
Other Requirements	*All individual lot sizes are subject to Nova Scotia Environment approval based on intended land use and soil capacity for sewerage system.

10 Airport General Industrial (AG) Zone

Objectives:

1. To promote diverse industrial uses at the Digby Municipal Airport to assist with the economic development goals of the Municipality of the District of Digby.

Permitted Uses:

The following uses shall be permitted in the Airport General Industrial Zone:

Any manufacturing, industrial, assembly or warehousing operation or recycling depot conducted and wholly contained within an enclosed building which is not obnoxious by reason of sound, odour, dust, fumes or smoke or other obnoxious emission of refuse matter or water carried waste or by reason of unsightly outdoor storage

General Lot Requirements	
Min. Lot Area	None
Min. Lot Frontage	None
Min. Lot Width	None
Front or Flankage Yard Setback	None
Side Yard Setback	None
Rear Yard Setback	None
Max. Height	All uses must comply with the height restrictions in Schedule "A"
Max. Lot Coverage	*
Other Requirements	*All individual lot sizes are subject to Nova Scotia Environment approval based on intended land use and soil capacity for sewerage system.

Abutting Yard Zone Provisions

Where an industrial zone abuts any other zone, the following restrictions shall apply to the abutting yard within the General Industrial zone:

- a) The minimum side yard requirement for the abutting side yard shall be twenty (25) feet;
- b) No open storage or outdoor display shall be permitted in an abutting yard without a surrounding 5 feet high visually opaque fence;
- c) No parking space shall be permitted in an abutting yard within twenty (20) feet of a side or rear lot line, and
- d) Signs located in an abutting yard shall be subject to the following requirements:
 - (i) all signs shall be non-illuminated;
 - (ii) only directional or business identification signs shall be permitted, and

- (iii) all signs shall be set back at least ten (10) feet from the abutting property line .

11 Airport Residential/Commercial (ARC) Zone

Objectives:

1. To provide opportunity for a broad range of commercial and residential development on the Digby Municipal Airport lands in order to encourage a desirable mixed use environment.

Permitted Uses:

The following uses shall be permitted in the Airport Residential/Commercial Zone:

All Airport Residential (AR) Uses, where the residential use will not be subject to obnoxious uses

Animal Hospitals and Veterinary Establishments

Any manufacturing, assembly or warehousing operation conducted or wholly contained within an enclosed building and which is not obnoxious by reason of sound , odour, dust, fumes, or smoke, or other obnoxious emission or refuse matter or water carried waste or by reason or unsightly open storage or the detonation of explosives

Apartments as an accessory use

Automobile Sales Establishment

Automobile Service Stations

Boats, Trailer and Snowmobile Sales and Rentals

Churches and Religious Institutions

Clinics

Commercial schools

Display Courts, featuring swimming pools, decorative fountains, prefabricated cottage and manufactured homes

Food and Grocery Stores

Hotels, Motels and other tourist establishments

Indoor recreational establishments including premises for billiards, bowling, curling, dancing, roller and ice skating, theatre or cinema

Institutional uses

Light warehousing

Lumber and home improvement supplies

Non-Commercial Schools

Open Space use

Private Clubs

Restaurants and Drive-in Restaurants

Retail sales, personal service, entertainment, educational and recreational uses within wholly enclosed buildings

Service Industries.

Residential dwelling in the same building as any commercial use

Any use accessory to any of the foregoing uses

General Lot Requirements	
Min. Lot Area	None
Min. Lot Frontage	None
Min. Lot Width	None
Front or Flankage Yard Setback	None
Side Yard Setback	None
Rear Yard Setback	None
Max. Height	All uses must comply with the height restrictions in Schedule "A"
Max. Lot Coverage	*
Other Requirements	<p>*All individual lot sizes are subject to Nova Scotia Environment approval based on intended land use and soil capacity for sewerage system.</p> <p>All Residential Uses must comply with the provisions of the AR Zone</p>

Appendix A

ZONING MAP – SCHEDULE 'C'



**Digby Municipal Airport
Land Use By-law
April 27, 2009**

This is to certify that the By-law of which this is a true copy was duly passed at a duly called meeting of the Council of the Municipality of the District of Digby, held the 27th day of April, 2009.

Given under the hands of the Municipal Clerk and under the seal of the Municipality of the District of Digby this 30th day of April, 2009.



Linda Fraser, CAO/ MUNICIPAL CLERK

FIRST READING	MARCH 23, 2009
NOTICE OF INTENT PUBLICATION	APRIL 2, 2009
SECOND PUBLICATION	APRIL 16, 2009
SECOND READING	APRIL 27, 2009
FORWARDED TO MINISTER	APRIL 30, 2009
DATE OF PUBLISHING	MAY 7, 2009



Proposed Amendments to the Digby Municipal Airport Land Use By-law

The Digby Municipal Airport Land Use By-law is amended by:

1. Inserting the following definitions after the definition of “Development Officer” in **Section 2 Definitions:**

Domestic Scale Wind Turbine means a device for converting wind power to produce electricity which has a rated capacity of not more than 100kW and which is intended primarily to produce electricity for on-site consumption.

Domestic Wind Turbine Peak Acoustical Emission means the manufacturers rated noise output of a domestic wind turbine.

2. Inserting the following after subsection 14 of **Section 6 General Provision for All Zones:**

15. Domestic Scale Wind Turbines – Setback Requirements

Domestic turbines are permitted in all zones subject to the height restrictions of this By-law.

Domestic turbines shall be located so that the sound level generated by the turbine shall not exceed 45 dB(A) (decibels) heard at any adjacent property boundary. 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 acoustical emission of 85dB(A) will require a 28 m setback to reduce the noise level to 45dB(A) at the property line.

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

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

**Municipality of the District of Digby
Municipal Planning Strategy for the Digby Municipal Airport**

Adopted by Municipal Council on April 27, 2009

I acknowledge receipt of this Municipal Planning Strategy, dealing with the Digby municipal Airport, adopted at a meeting of Municipal Council held on April 27, 2009.

I have reviewed the documents pursuant to Section 208 of the *Municipal Government Act* and have not determined that the documents fall within any of the categories requiring approval listed in subsection 208(3), therefore the documents are not subject to the approval of the Minister of Service Nova Scotia and Municipal Relations.



Dave Smith
Assistant Provincial Director of Planning

Dated: MAY 26 2009