



Draft

**Regional
Land Use By-law**

April 26, 2005

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SCHEDULES

Schedules 1-A, 1-B, 1-C, 1-D and 1-E - Regional Zoning Maps
Schedule 2 Potential Archaeological Resource Areas

TITLE

- 1 This By-law shall be cited as the "Regional Land Use By-law for the Halifax Regional Municipality".

APPLICATION AND ADMINISTRATION

- 2 (1) This by-law shall apply to the development of land within all of the Halifax Regional Municipality, except as otherwise stated herein, and shall be administered by the Development Officers of the Municipality.
- (2) 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.
- (3) No development permit shall be issued by the Development Officer unless s/he is satisfied that the proposed use will not in any way violate the provisions of this by-law.
- (4) Any development permit shall be in force for a period of one (1) year from the date of issue and any permit may be re-issued upon request and subject to review by the Development Officer.
- (5) 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 no development permit shall pertain to more than one (1) lot.
- (6) The provisions of the zones described in this bylaw do not apply to property owned or occupied by Her Majesty the Queen in right of the Province of Nova Scotia or Canada in respect of a use of the property made by the Crown. Where a privately owned or occupied property is to be used for a federally regulated activity, the federal jurisdiction may, depending on the particular circumstances, override the requirements of this by-law.

DEFINITIONS

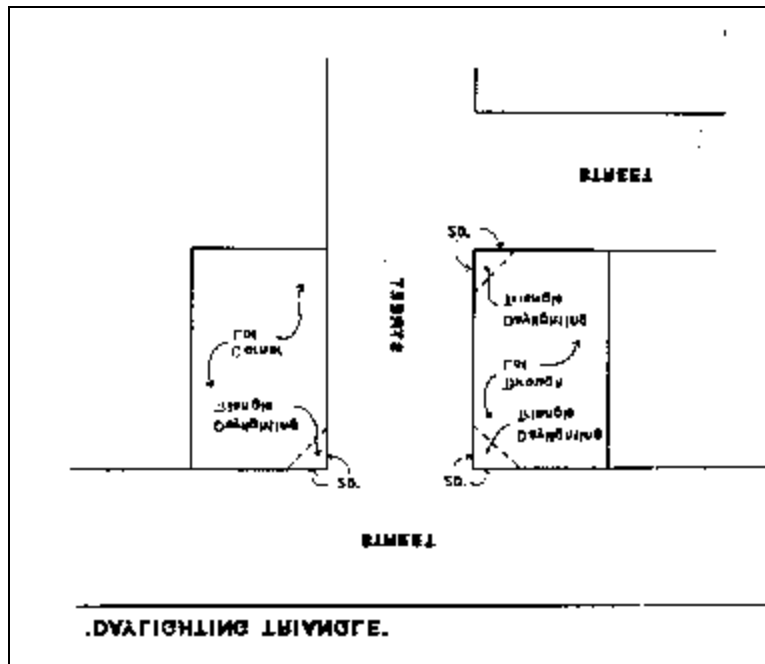
- 3 In this by-law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word "used" shall include "intended to be used", "arranged" and "designed". All other words shall carry their customary meaning except for those defined hereinafter:
 - (a) **Accessory Building or Structure** means a building or structure which is used exclusively for an accessory use and which is not attached in any way to the main building and which

conforms with all applicable requirements of this by-law.

- (b) **Accessory Use** means a use which is subordinate, normally incidental, and exclusively devoted to a main use or building permitted under the provisions of this by-law and, where residential uses are permitted by this by-law, shall include home occupations related to the domestic arts of cooking, sewing, tutoring or repairing household articles, or related to traditional crafts carried on within a dwelling without alteration to the dwelling and without devoting any space within the dwelling exclusively to such occupations.
- (c) **Agricultural Use** means the use of land and buildings for the production of food, fibre or flora or the breeding and handling of animals and includes retail or market outlets for the sale of perishable agricultural goods or for the handling of animals, but shall not include kennels, intensive livestock operations or intensive agriculture uses.
- (d) **Agricultural Use - Intensive** means the use of land and buildings in which the predominant use is for the commercial raising of poultry, turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughter house, a broiler plant, or land used as an animal feed lot managed to maximum production and output in a confined area.
- (e) **Bed and Breakfast** means a dwelling, comprising the principal residence of the proprietor of the business, in which s/he supplies for monetary gain not more than six rooms for sleeping accommodations with or without meals to the travelling public.
- (f) **Bicycle Parking, Class A** means a facility which protects the entire bicycle from theft, vandalism, and inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages, and is intended for long term parking e.g. for employees, residents, etc.
- (g) **Bicycle Parking, Class B** means bicycle racks which permit the locking of a bicycle by the frame and the front wheel with a “U” shaped lock, and support the bicycle in a stable position with two points of contact to prevent damage to wheels, frames and components, and is intended for shorter term parking e.g. for customers, visitors, etc.
- (h) **Bicycle Parking, Enhanced** means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space).
- (i) **Building** means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and

includes any vessel or container used for any of the foregoing purposes.

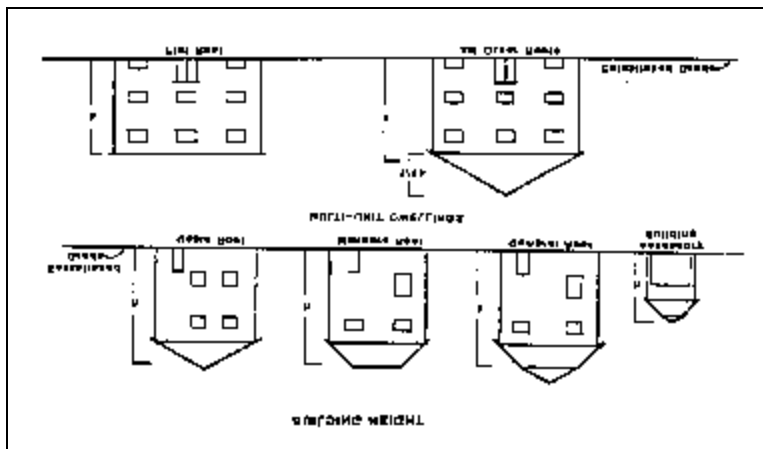
- (j) **Community Residential Care Facility** means a building or place or part of a building or place licensed as a residential care facility under the *Homes For Special Care Act* where accommodation and supervisory and/or personal care is provided, or is made available for not more than six persons, but shall not include a community based residential facility as defined in the Regulations pursuant to Section 19(1) of the *Homes For Special Care Act*.
- (k) **Conservation Use** means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including fish hatcheries, reservoirs and wildlife including wildlife sanctuaries.
- (l) **Day Care Facility** means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name, the operator of which, for compensation or otherwise receives, for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, for more than three children not of common parentage and under ten years of age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VIII.
- (m) **Daylighting Triangle** means a triangular area on a lot which is formed by a front lot line and flankage lot line and a straight line which intersects them 6.1m from the corner where they meet.



- (n) **Development** includes the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures.
- (o) **Development Officer** means the officers of the Halifax Regional Municipality, from time to time, charged by the Municipality with the duty of administering the provisions of this by-law.
- (p) **Dwelling**
 - (i) Dwelling means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units.
 - (ii) Dwelling Unit means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.
 - (iii) Dwelling, Single Unit means a building which is a completely detached dwelling unit.
 - (iv) Dwelling, Mobile means a single or multiple section manufactured dwelling unit designed to be transportable whether or not it is equipped with wheels, and having any main wall with a width of less than 6.1m.
 - (v) Dwelling, Two Unit means a building containing two dwelling units.
 - (vi) Dwelling, Three Unit means a building containing three dwelling units.
 - (vii) Dwelling, Townhouse means a building which is divided vertically by common walls into three or more dwelling units.
 - (viii) Dwelling, Multiple Unit means a building containing four or more dwelling units.
- (q) **Established Grade** means, with reference to a building, the average elevation of the finished surface 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 or entrenchment.
- (r) **Existing** means legally in existence on the effective date of this by-law.
- (s) **Forestry Use** means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including forest processing operations, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.
- (t) **Forest Processing Operation** means any business which is directly involved in, and

whose principal purpose is, the milling, sawing, processing, storage or transport of timber, sawdust and wood chips.

- (u) **Gross Floor Area** means the aggregate of the floor areas of a building above and 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. Abbreviated GFA.
- (v) **Height** means the vertical distance of a building between the established grade and the highest point of the roof surface for flat, hip, or gable roofs, and to the deck line for mansard and gambrel roofs. In the case of multi-unit dwellings, height shall mean the vertical distance of a building between the established grade and the highest point of the roof surface for flat roofs, and to one-quarter the height between the finished ceiling of the uppermost floor and the highest point of any other roof type, provided that no roof space is used for human habitation. In the case of accessory buildings, building height shall mean the vertical distance between the finished grade of the lot and the highest point of the roof.



- (w) **Home Business** means the use of a dwelling for gainful employment, carried on by the occupant of the dwelling as a secondary use of the property, involving the provision or sale of goods or services or both goods and services and without limiting the generality of the foregoing does not include restaurants, convenience stores, the keeping of animals, taxi stands, auto body or repair shops or any use deemed to be obnoxious.
- (x) **Lot** means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County or described in a plan and deed pursuant to the *Land Titles Clarification Act* or approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax.
 - (i) Corner Lot means a lot situated at the intersection of, and abutting on, two or more

streets.

(ii) **Through Lot** means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this by-law.

(y) **Lot Frontage** means the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot with a daylighting triangle the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

(z) **Lot Line**

(i) **Lot Line** means a boundary or exterior line of a lot.

(ii) **Front Lot Line** means the line dividing the lot from the right of way of the street or private road; and

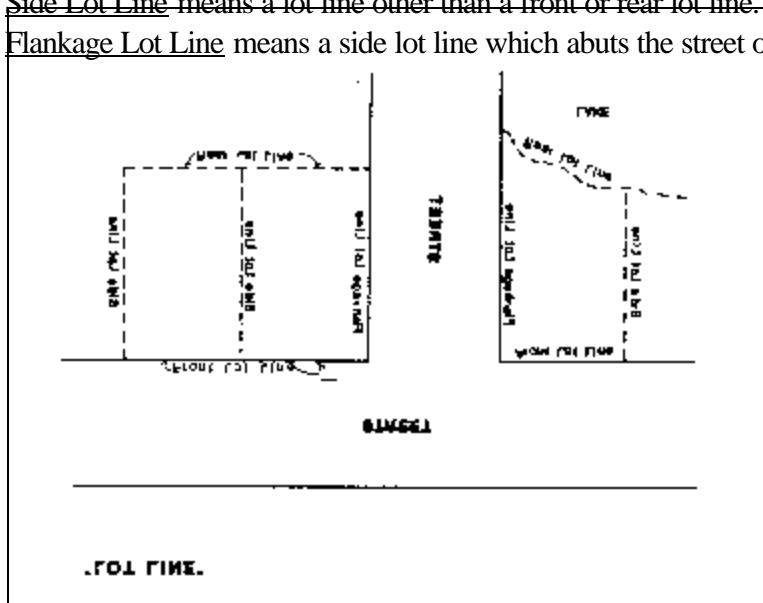
(A) in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line; or

(B) in the case of a lot which has as one of its boundaries the shore line of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.

(iii) **Rear Lot Line** means the lot line farthest from or opposite to the front lot line.

(iv) **Side Lot Line** means a lot line other than a front or rear lot line.

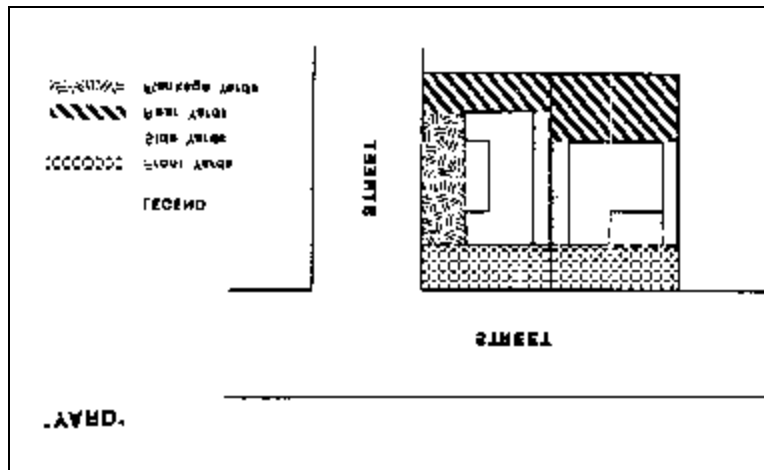
(v) **Flankage Lot Line** means a side lot line which abuts the street on a corner lot.



- (aa) **Open Space Design Subdivision** means more than one dwelling, together with accessory uses and structures, located on one lot containing a shared on-site sewage disposal system and where approximately seventy (70) percent of the lot is reserved in an undeveloped state.
- (ab) **Passive Recreation Use** means the use of land, together with the necessary accessory buildings and structures, for walking, hiking, nature observation and picnicking.
- (ac) **Recreation Use** means the use of land, buildings and structures for ice skating, swimming pools, institutional camps, public recreation centres, miniature golf courses, public and private parks and playgrounds, day camps, historic sites and monuments, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but does not include golf courses, camping grounds, rifle ranges, exhibition parks, pool halls, arcades nor a track for the racing of any form of motorized vehicles or any animals.
- (ad) **Street** means any road, street or highway which has been accepted and maintained by the Municipality or the Province of Nova Scotia.
- (ae) **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes buildings, walls, signs, and fences exceeding 2m in height.
- (af) **Watercourse** means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, within the jurisdiction of the Province, whether it contains water or not, and including bodies of salt water.
- (ag) **Yard** means an open, uncovered space on a lot appurtenant to a building, except a court bounded on two or more sides by buildings. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.
 - (i) Front Yard means a yard extending across the full width of a lot and between the front lot line and the nearest wall of any main building or structure on the lot; and "required front yard" or "minimum front yard" means the minimum depth required 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.
 - (ii) Rear Yard means a yard extending across the full width of a lot and between the rear lot line and the nearest wall of any main building or structure on the lot; and "required rear yard" or "minimum rear yard" means the minimum depth required by this by-law of a rear yard on a lot between a rear lot line and the nearest main wall of any building or structure on the lot.
 - (iii) Side Yard means a yard extending between the front yard and the rear yard and

between a side lot line and the nearest main wall of any building on the lot; and "required side yard" or "minimum side yard" means the minimum breadth required by this by-law of a side yard on a lot between a side yard line and the nearest main wall of any building or structure on the lot.

- (iv) Flankage Yard means the side yard of a corner lot, which side yard abuts a street, and "required flankage yard" or "minimum flankage yard" means the minimum side yard required by this by-law where such yard abuts a street or private road.



ZONES

- 4 For the purpose of this by-law, the Halifax Regional Municipality is divided into the following zones by the zoning maps, the boundaries of which are shown on the attached zoning Schedules 1-A through 1-E inclusive. Such zones may be referred to by the appropriate symbols:

| <u>Symbol</u> | <u>Zone</u> |
|---------------|---|
| CDD | Comprehensive Development District Zone |
| EC | Environmental Conservation Zone |
| FPK | Federal Park Zone |
| H | Holding Zone |
| H-2 | Holding Two Zone |
| MR | Mixed Resource Zone |
| CA | Conservation Area Zone |
| RPK | Regional Park Zone |
| TR | Transportation Reserve Zone |
| PWA | Protected Wilderness Area Zone |
| NR | Natural Resource Zone |
| UR | Urban Reserve Zone |

PWS Protected Water Supply Zone
ZONING MAPS

- 5 (1) Schedules 1-A, 1-B, 1-C, 1-D and 1-E, attached hereto, may be cited as the Halifax Regional Municipality Regional Zoning Maps and are hereby declared to form part of this by-law.
- (2) The extent and boundaries of all zones are shown on Schedules 1-A, 1-B, 1-C, 1-D and 1-E and for all such zones the provisions of this by-law shall respectively apply.
- (3) The symbols used on Schedules 1-A, 1-B, 1-C, 1-D and 1-E refer to the appropriate zones established by Section 4 above.

INTERPRETATION OF ZONING BOUNDARIES

- 6 Boundaries between zones shall be determined as follows:
- (a) where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;
- (b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
- (c) where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;
- (d) where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps 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; or
- (e) where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from Schedules 1-A through 1-E inclusive.
- 7 Upon the closing of a street or portion of a street to public use, the land comprising such former street or portion of such street shall be zoned as follows:
- (a) where the zone of the abutting lands are the same, the land comprising the former street shall have the same zoning as the abutting lands; and
- (b) where the zone of the abutting lands are different, the centre line of the former street shall be the boundary line and the lands on either side of the boundary line shall have the same zoning as the abutting lands.
- 8 Where the boundary line of a zone is coincident with a shoreline, the boundary line will follow any change in the shoreline.

ZONES NOT ON MAPS

- 9 The zoning maps of this by-law may be amended to utilize any zone in this by-law, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with the *Municipal Government Act* and shall be in conformity with the policies of the Regional Municipal Planning Strategy for the Halifax Regional Municipality.

USES PERMITTED

- 10 Uses permitted within any zone shall be determined as follows:
- (a) if a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone;
 - (b) if any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements;
 - (c) where a use permitted within any zone is defined in Section 3, the uses permitted within that zone shall be deemed to include any similar use which satisfies such definition except where any definition is specifically limited to exclude any use; and
 - (d) except where limited by Section 2, or specifically prohibited elsewhere in this by-law, any use permitted within any zone may be located in conjunction with, whether contained within the same building or located on the same lot as, any other use permitted within that zone.

USES CONSIDERED BY DEVELOPMENT AGREEMENT

- 11 Notwithstanding Section 10, certain uses which may not be uses permitted in any zone may be considered in accordance with the development agreement provisions of the *Municipal Government Act*. As provided for by the policies of the Regional Municipal Planning Strategy for the Halifax Regional Municipality, such uses are as follows:
- (a) within the Urban Settlement Designation,
 - (i) new construction or additions in excess of forty feet in height for commercial or residential development within the Spring Garden Road Commercial Area Plan, as per policy EC-5 ; and
 - (ii) residential development on lands to the north and east of Burnside Business Park, as per policy EC-35.
 - (b) within the Rural Commuter Designation,

- (i) development within the CDD Zone, as per policy S-11, except as otherwise provided herein; and
 - (ii) Open Space Design Subdivisions, as per policy S-12.
- (c) within the Rural Resource Designation,
- (i) Open Space Design Subdivisions, as per policy S-12.
- (d) within all designations,
- (i) the change of use of a non-conforming use to another less intensive non-conforming use, or the alteration or expansion of the structure in which such a use is located, as per policy IM-28.

GENERAL PROVISIONS

- 12 Sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 30 and 31 apply only to this by-law. All other general provisions apply to this by-law and all secondary land use by-laws.

Licenses, Permits and Compliance with Other By-laws

- 13 Nothing in this by-law shall exempt any person from complying with the requirements of any secondary land use by-law or any other by-law in force within the Halifax Regional Municipality or from obtaining any license, permission, permit, authority or approval required by any other by-law of the Halifax Regional Municipality or statute or regulation of the Province of Nova Scotia.
- 14 Where the provisions of this by-law conflict with those of any other municipal or provincial regulation, by-law or code, the higher or more stringent requirements shall prevail.

Sewage Disposal and Water Systems

- 15 (1) Where municipal central sewer services are available, no development permit shall be issued unless the development is provided with such services.
- (2) Where any lot is developed with an on-site sewage disposal system, the minimum lot area and frontage requirements of this by-law shall apply for the purpose of obtaining a development permit. For the purpose of obtaining a permit for the installation of an on-site sewage disposal system, the regulations of the NS Department of Environment and Labour shall prevail.

Existing Undersized Lots

- 16 Notwithstanding anything else in this by-law, a lot held in separate ownership from adjoining parcels on the effective date of this by-law, having less than the minimum lot frontage or area required by this by-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this by-law are satisfied.

Reduced Frontage or Area

- 17 Any lot created pursuant to the ninety (90) percent variance provisions of the *Municipal Government Act* and any lot created pursuant to Part 14 of the Subdivision By-law for the former Halifax County Municipality may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this by-law are satisfied.
- 18 No development permit shall be issued for a residential main use on any lot created pursuant to clause 268(2)(a) of the *Municipal Government Act* where such lot does not meet the lot frontage and area requirements of this by-law or the secondary land use by-laws.

Existing Uses

- 19 All existing uses, not otherwise permitted in the zone in which they are located, are permitted uses and as such are permitted to expand, resume operation if discontinued or be replaced or rebuilt if destroyed, on the lot which they occupied on the effective date of this by-law, subject to the requirements of the zone in which it is located, with the exception of uses identified in Section 11, which shall only be permitted by development agreement.

Existing Buildings

- 20 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 yard that does not conform to this by-law; and
 - (b) all other applicable provisions of this by-law are satisfied.

Daylighting Triangle

- 21 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 more than 0.6 m above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6.1m from their point of intersection.

Temporary Construction Uses Permitted

- 22 Notwithstanding anything else in this by-law, temporary construction uses may be permitted in any zone subject to the following conditions:
- (a) the temporary construction use must be located upon the same lot or upon an adjacent lot which is affected by the related construction activity;
 - (b) a development permit has been issued for the main use under construction;
 - (c) any development permit issued shall be in force for a maximum period of one (1) year from the date of issuance and may be re-issued upon request, provided that the related construction activity is still in progress; and
 - (d) the temporary construction use must cease and all temporary buildings or structures must be removed within thirty (30) days of the completion or discontinuance of the related construction activity or within thirty (30) days of the expiry of the development permit.

Setbacks from Watercourses

- 23 (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse. Within this setback, no excavation, infilling, tree or other vegetation removal or any alteration of any kind shall be permitted.
- (b) Where the average slopes within the 20m setback are greater than twenty percent (20%), the setback shall be increased by one (1) metre for each additional 2% of slope, to a maximum of 60m.
- (c) Notwithstanding clause (a), development within the 20m setback shall be limited to the placement of board walks, walkways or trails up to 3m in width and exclusively designed for watercourse access, boat ramps, boat houses, fish sheds and public historic sites and monuments.
- (2) Notwithstanding subsection (1), any existing structure located within this setback distance

may expand provided that the expansion does not further reduce the existing setback.

- (3) Where the configuration of any existing lot is such that no main building could be located on the lot, the setback distance may be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements, but in no case shall the setback be less than 7.6m.
- (4) Where trees or other vegetation have been removed within the setback required by subsection (1) within ten (10) years prior to a development permit application, a development permit may be issued subject to the disturbed area being replanted with suitable, native vegetation. A planting and landscaping plan, prepared by a qualified professional, shall be provided which illustrates in detail the area to be restored including the location, species and caliper of the trees or shrubs to be provided.
- (5) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required setbacks, existing vegetation limits and contours and other information, including profession opinions, as the Development Officer may require to determine that the proposed building or structure will meet the requirements of this section.

Vegetation Conservation

- 24 (1) No development permit shall be issued for any development outside of designated growth centres, unless a minimum of twenty-five (25) percent of the existing, natural vegetation is retained in an undisturbed state.
- (2) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the existing and proposed vegetation limits and other information, including profession opinions, as the Development Officer may require to determine that the proposed building or structure will meet the requirements of this section.

Coastal Sensitivity Areas

- 25 (1) No development permit shall be issued for any residential development in coastal areas of the Halifax Regional Municipality within a five (5) metre elevation contour above the ordinary high water mark, except for coastal areas within the Halifax Harbour Designation as shown on Appendix 1.
- (2) Subsection (1) does not apply to residential accessory structures which may be permitted in accordance with the accessory building requirements of the applicable secondary land use by-law.
- (3) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required elevations and contours and other information, as the Development Officer may require to determine that the proposed building or structure will meet the requirements of this section.
- (4) Notwithstanding subsection (1), residential development may be considered within the five (5) metre elevation contour, provided a coastal hazard study determines that the proposed development will not entail undue risk to human safety and includes appropriate measures to protect residential structures from flooding and storm event conditions. The study must be prepared by a qualified person and examine the full range of geologic and oceanographic factors affecting chronic shoreline stability, including short term events and long term trends.

Development Adjacent to Heritage Properties

- 26 Where a proposed development abuts a municipally, provincially or federally registered heritage property within the Regional Centre, as shown on Appendix 2, the minimum required yard separating a structure from the street line shall be the average front yard of the buildings fronting on the same side of the same block in which the building is to be constructed. For the purposes of measuring, existing yard dimensions shall be rounded to the nearest 0.1m.

Bicycle Parking Facilities

- 27 (1) Within the Urban Settlement Designation shown on Appendix 1, for every building or structure to be erected or enlarged, on-site bicycle parking shall be provided in accordance with the following table:

| Use | Bicycle Parking Requirement |
|-----|-----------------------------|
|-----|-----------------------------|

| | |
|--|--|
| Multi-Unit Residential (4 units and up) | 1 space per dwelling unit 80% Class A, 20% Class B |
| Hotels/ Motels/Inns | 1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces |
| General Retail, Trade and Service, Food Store, Shopping Centre | 1 space per 300m ² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces |
| General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings | 1 space per 500m ² GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces |
| Restaurants | 1 space per 100m ² GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces |
| Auditoriums, Theatres, Stadiums, Halls | 1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces |
| Schools, Colleges, Universities | 1 space for every 15 students 20% Class A/ 80% Class B |
| Recreation Facilities, Community Centres, Libraries. | 1 space per 200m ² GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces |
| General Industrial Uses | 1 space per 1000 m ² GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces |
| Parking Structures/ Lots (>20 Motor Vehicle Spaces) | 5% of motor vehicle parking provided Minimum of 2 spaces Maximum of 50 spaces |
| Any Uses Not Specified Above | 1 space per 500 m ² GFA 50% Class A/ 50% Class B |

(2) Each Class B bicycle parking space shall:

- (a) be a minimum of 0.6m wide and 1.8m long;
- (b) have a minimum overhead clearance of 2.0m;
- (c) be located a minimum of 0.6m from any wall or other obstruction.

(3) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.5m in width, to be provided and maintained beside or between each row of

bicycle parking. Bicycle parking shall be separated from vehicular parking by a physical barrier or a minimum 1.5m of open space.

- (4) Class B bicycle racks shall be made of a sturdy theft-deterrent material and if surface-mounted, mounted with theft-deterrent anchors. Bicycle racks which only support the wheel, or provide only one point of contact with the frame are not permitted.
- (5) Class A bicycle parking spaces such as lockers or cages for the storage of a single bicycle shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.

Location of Bicycle Parking

- 28 (1) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance. A portion of the required parking shall always be located near the main entrance.
- (2) Class A bicycle parking may be located up to 200m from an entrance and may be restricted for use by residents or employees only.
- (3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (4) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

Special Bicycle Parking Facility Requirements

- 29 (1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.
- (2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.
- (3) In any case where the lot has insufficient area for bicycle parking, it may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), or cash-in-lieu may be accepted at the rate of \$100 per space. If there is already bicycle

parking in the right-of-way, the requirement may be waived in part or in full.

- (4) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries and funeral homes.

Accessory Uses and Buildings

- 30 Accessory uses permitted under this by-law shall comply with the requirements of the applicable secondary land use by-law.

Parking Requirements

- 31 For every building or structure to be erected or enlarged, off-street parking shall be provided and maintained in accordance with the requirements of the applicable secondary land use by-law.

Communication Tower/Antennae Accessory Structures

- 32 (1) Buildings or structures accessory to communication tower/antennae structures shall be permitted in any zone subject to the accessory building requirements of the applicable secondary land use by-law.
- (2) Where accessory buildings or structures are adjacent to residential zones or uses, they shall be screened from view by a minimum 1.2m high opaque fence or a minimum 1.2m high landscaped buffer, or combination thereof, which provides a visual barrier. For the purpose of this subsection, a landscaped buffer shall contain existing or newly planted trees or shrubs.

Senior Citizen Housing

- 33 Nothing in this by-law or any secondary land use by-law shall require the development of senior citizen housing by only a public housing authority or non-profit organization.

Community Residential Care Facilities

- 34 Community residential care facilities shall be permitted uses within all residential zones and all zones permitting residential uses contained within all secondary land use by-laws.

Open Space Design Subdivisions - Development Requirements

35 (1) The following uses are permitted uses within any Open Space Design Subdivision:

Single unit dwellings

Home business uses in conjunction with permitted dwellings

Daycare facilities for not more than seven (7) children and in conjunction with permitted dwellings

Uses accessory to the foregoing uses

(2) For any Open Space Design Subdivision, no development permit shall be issued except in conformity with the following:

Minimum Lot or Building Site Area: 1394m²

Minimum Lot or Building Site Frontage: 23m

Minimum Front or Flankage Yard: 6.1m

Minimum Rear or Side Yard: 2.5m

Maximum Lot or Building Site Coverage: 35%

Maximum Height of Main Building: 11m

(3) Where home business uses are permitted, the following shall apply:

(a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business.

(b) No accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.

(c) No more than twenty-five (25) per cent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than 27.9m² gross floor area.

(d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.

(e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.

- (f) No more than one (1) sign, which shall be affixed to the main dwelling, shall be permitted for any business and no such sign shall exceed 0.2 m² in area.
 - (g) One (1) off-street parking space, other than that required for the dwelling shall be provided for every 13.9m² of floor area devoted to any business.
 - (h) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
 - (i) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.
- (4) Where day care facilities are permitted, the following shall apply:
- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.
 - (b) No open storage or outdoor display shall be permitted.
 - (c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed 0.2m² in area.
 - (d) One off-street parking space, other than that required for the dwelling, shall be provided.
- (5) Detached accessory buildings and structures may only be permitted entirely within the rear yard of any lot or building site and in accordance with the requirements of Section 30.

Schedule 2 - Potential Archaeological Resource Areas

- 36 Where excavation is required for a development on any lot identified on Schedule 2 attached to this by-law, a development permit may be issued subject to the referral of the application to the Nova Scotia Department of Tourism, Culture and Heritage, Heritage Division for review and verification that archaeological resources are not present on a site or that potential impacts to such resources have been remediated in accordance with provincial requirements.

CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE

CDD USES PERMITTED

- 37 No development permit shall be issued in any CDD (Comprehensive Development District) Zone except for the following:

Residential uses
Commercial uses
Institutional uses
Parking facilities and transit stations or transit stops
Existing uses
Uses accessory to the foregoing uses

CDD REQUIREMENTS

- 38 (1) In any CDD (Comprehensive Development District) Zone no development permit shall be issued except in conformity with the development agreement provisions of the *Municipal Government Act*.
- (2) Notwithstanding subsection (1), existing uses within any CDD zone shall be considered as fully conforming uses and as such are permitted to expand, resume operation if discontinued, or be replaced, or rebuilt if destroyed on the lot which they occupied on the effective date of this by-law, subject to the following requirements:

| | |
|----------------------------------|------|
| Minimum Front or Flankage Yard: | 9.1m |
| Minimum Side Yard: | 2.5m |
| Minimum Rear Yard: | 2.5m |
| Maximum Lot Coverage: | 35% |
| Maximum Height of Main Building: | 11m |

EC (ENVIRONMENTAL CONSERVATION) ZONE

EC USES PERMITTED

- 39 No development permit shall be issued in any EC (Environmental Conservation) Zone except for the following:

Board walks and walkways
Historic sites and monuments

EC ZONE REQUIREMENTS

- 40 In any EC Zone, no development permit shall be issued except in conformity with the following:

| | |
|---------------------------------|-------------------|
| Minimum Lot Area: | 930m ² |
| Minimum Frontage: | 30.5m |
| Minimum Front or Flankage Yard: | 20m |
| Minimum Side or Rear Yard: | 20m |

OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

- 41 Within any EC zone, no infilling, excavation, alteration of grade or removal of vegetation shall be permitted. The construction of board walks, walkways or trails up to 3m in width shall be permitted provided that no infilling or alteration of grade occurs other than the placement of piles or the placement of trails on top of the existing grade.

FPK (FEDERAL PARK) ZONE

FPK USES PERMITTED

42 No development permit shall be issued in any FPK (Federal Park) Zone except for the following:

Recreation uses

Park uses

Historic sites and monuments

Uses accessory to the foregoing uses

FPK ZONE REQUIREMENTS

43 In any FPK Zone, no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard: 20m

Minimum Side or Rear Yard: 20m

H (HOLDING) ZONE

H USES PERMITTED

44 No development permit shall be issued in any H (Holding) Zone except for the following:

- Single unit dwellings
- Passive recreation uses
- Park uses
- Uses accessory to the foregoing uses

H ZONE REQUIREMENTS

45 In any H Zone, no development permit shall be issued except in conformity with the following:

| | |
|----------------------------------|------|
| Minimum Lot Area: | 2ha |
| Minimum Frontage: | 110m |
| Minimum Front or Flankage Yard: | 9.1m |
| Minimum Side Yard: | 2.5m |
| Minimum Rear Yard: | 15m |
| Maximum Lot Coverage: | 10% |
| Maximum Height of Main Building: | 11m |

H-2 (HOLDING TWO) ZONE

H-2 USES PERMITTED

46 No development permit shall be issued in any H-2 (Holding Two) Zone except for the following:

- Single unit dwellings on existing lots
- Park uses
- Uses accessory to the foregoing uses

H-2 ZONE REQUIREMENTS

47 In any H-2 Zone, no development permit shall be issued except in conformity with the following:

| | |
|----------------------------------|------|
| Minimum Front or Flankage Yard: | 9.1m |
| Minimum Side Yard: | 2.5m |
| Minimum Rear Yard: | 2.5m |
| Maximum Lot Coverage: | 35% |
| Maximum Height of Main Building: | 11m |

MR (MIXED RESOURCE) ZONE

MR USES PERMITTED

- 48 (1) No development permit shall be issued in any MR (Mixed Use) Zone except for the following:

Residential Uses

Single unit dwellings
Mobile dwellings
Two unit dwellings
Multi-unit dwellings
Boarding and rooming houses
Bed and breakfast establishments

Institutional Uses

Day care facilities
Community centres and halls
Open space uses
Public parks, trails, picnic areas and campsites
Commercial uses accessory to a public park use
Museums, interpretive centres, and buildings associated with park development and maintenance
Historic sites and monuments

Commercial Uses

Convenience stores
Service and personal service shops
Craft shops
Entertainment uses
Commercial schools and gyms
Funeral establishments
Office uses
Kennels
Veterinary clinics
Restaurants
Outdoor display courts for up to 10 units
Commercial accommodation uses

Industrial Uses

Automotive repair outlets
Autobody shops
Service industries
Food processing and packaging uses
Trucking, excavation, landscaping and paving services
Welding, plumbing and heating, electrical, carpentry and other trade contracting services and shops
Light manufacturing and processing operations
Warehouses
General contracting, storage yards and services

Resource Uses

Agricultural uses
Intensive livestock operations
Greenhouses and nurseries
Forestry uses
Extractive facilities
Existing extractive facilities
Composting operations

Uses accessory to the foregoing uses

- (2) Except as otherwise defined in Section 3, for the purposes of development within the MR Zone, the definitions contained in the secondary land use by-law for the Musquodoboit Valley - Dutch Settlement Area apply.

MR ZONE REQUIREMENTS

49 In any MR Zone, no development permit shall be issued except in conformity with the following requirements:

| | | |
|-------------------|---|---------------------|
| Minimum Lot Area: | Single unit, Two unit and mobile dwellings, Boarding and Rooming Houses | 1,858m ² |
| | Keeping of Livestock | 3,716m ² |
| | Forest Processing Operations | 4.0 ha |

| | | |
|----------------------------------|-----------------------|---|
| | Other Uses | 1,858m ² |
| Minimum Frontage: | All Uses | 30.5m |
| Minimum Front or Flankage Yard: | Open Space Uses | 9.1m |
| | Other Uses | 6.1m |
| Minimum Rear or Side Yard: | Multi-unit dwellings | 6.1 m or ½ the height of the main building, which ever is greater |
| | Residential | 2.5m |
| | Commercial/Industrial | 4.6m |
| | Open Space Uses | 9.1m |
| | Other Uses | 3m |
| Maximum Lot Coverage: | Residential uses | 35% |
| | Other uses | 50% |
| Maximum Height of Main Building: | 11m | |

OTHER REQUIREMENTS: COMMERCIAL USES

- 50 In any MR Zone, no development permit shall be issued for any commercial use except in conformity with the following:
- (a) The gross floor area devoted to all commercial uses shall not exceed 465m².
 - (b) Where any portion of any lot in any MR Zone is to be used for commercial uses, no parking and outdoor storage or outdoor display or sign shall be permitted within any side or rear yard where such yard abuts any lot containing a residential dwelling or any residential zone, except where a fence or other visual and physical barrier is provided.
 - (c) Notwithstanding subsection (b), where the abutting property is under the same ownership, no fence or other visual and physical barrier shall be required.

OTHER REQUIREMENTS: INDUSTRIAL USES

- 51 In any MR Zone, no development permit shall be issued for any industrial use except in conformity with the following:
- (a) The gross floor area devoted to all industrial uses shall not exceed 929m².
 - (b) Where any industrial use abuts another industrial or a commercial use, the abutting side yard requirement shall be 4.6m.
 - (c) No outdoor storage shall be permitted in the front yard or within any required side or rear yard.
 - (d) Any materials associated with an industrial use shall be contained within a building or otherwise enclosed by a fence, vegetation, or other means which provide a visual and physical barrier from abutting residential properties and the travelling public.
 - (e) No outdoor display shall be located within 3.1m of any front lot line or within any required side or rear yard.
 - (f) No outdoor display shall be permitted in any yard where the yard abuts any residential or community use, except where a visual barrier is provided.
 - (g) No parking or loading area shall be permitted in any required side or rear yard where the required yard abuts any residential or community use.
 - (h) No portion of any building or structure associated with an industrial use shall be located within 15.24m of any watercourse or well except for a well located on the same lot.

OTHER REQUIREMENTS: KENNELS

52 In any MR Zone, no development permit shall be issued for any kennel except in conformity with the following minimum separation distances:

- | | |
|---|-------|
| (a) From any lot line | 6.1m |
| (b) From any dwelling ¹ | 15.2m |
| (c) From any watercourse or well ² | 45.7m |

¹ Except for a dwelling on the same lot

² Except for a well on the same lot

OTHER REQUIREMENTS: FORESTRY PROCESSING USES

53 In any MR Zone, any building, structure, or stockpile associated with a forest processing operation shall satisfy the following minimum separation distances:

| | <u>Sawmills under 305m² of GFA</u> | <u>Sawmills over 305m² of GFA</u> |
|--|---|--|
| (a) From any lot line | 4.6m | 15.2m |
| (b) From any dwelling ³ or residential zone | 15.2m | 45.7m |
| (c) From any watercourse or well ⁴ | 45.7m | 45.7m |

OTHER REQUIREMENTS: ENTERTAINMENT USES

54 In any MR Zone, where entertainment uses are permitted, no development permit shall be issued except in conformity with the following:

- (a) The gross floor area of any building or structure to be used for an entertainment use shall not exceed 185.8m².
- (b) No outdoor storage or outdoor display shall be permitted.
- (c) No parking shall be permitted within any required side or rear yard except where a fence or other visual and physical barrier is provided within such yard in which case no parking shall be permitted within 1.5m of the side or rear lot line.

³ Except for a dwelling located on the same lot

⁴ Except for a well located on the same lot

OTHER REQUIREMENTS: INTENSIVE LIVESTOCK OPERATIONS

55 In any MR Zone, where intensive livestock operations are permitted on the property, no development permit shall be issued except in conformity with the following:

(a) Any building or structure associated with an intensive livestock operation shall meet the following requirements:

| | |
|--|--------|
| Minimum separation distance from any dwelling ⁵ | 152.4m |
| Minimum setback from any public street | 152.4m |
| Minimum setback from any watercourse | 45.7m |
| Minimum separation distance from any well ⁶ | 45.7m |
| Minimum lot area | 4.05ha |

(b) the minimum lot area for each manure animal unit, above thirty (30) units, shall be 2,136.7m² per unit in addition to the minimum lot area of 4.05 ha.

OTHER REQUIREMENTS: KEEPING OF LIVESTOCK

56 In any MR Zone, where livestock is kept on the property, any building, structure, or manure pile associated with the keeping of livestock shall be a minimum of 45.7m from any abutting residence, well or watercourse.

OTHER REQUIREMENTS: GREENHOUSES AND NURSERIES

57 In any MR Zone, where greenhouse and nurseries are permitted on the property, no development permit shall be issued except in conformity with the following:

(a) any building, structure, or use of land associated with either a greenhouse or nursery shall not be located within 45.7m from any well except for a well located on the same lot.

(b) No outdoor storage shall be located in any front or side yard.

⁵ Except for a dwelling located on the same lot.

⁶ Except a well located on the same lot.

OTHER REQUIREMENTS: EXTRACTIVE FACILITIES

58 In any MR Zone, where extractive facilities are permitted, no development permit shall be issued except in conformity with the following minimum separation distances:

(a) minimum separation distances shall be as follows:

| | |
|--|-------|
| From any lot line | 30.5m |
| From any dwelling except a dwelling located on the same lot | 800m |
| From any rural residential zone, Village Zone or mobile home park | 800m |
| From any watercourse or well except for a well located on the same lot | 91.4m |

(b) that any proposed facility shall not require access through a Rural Residential (RR-1) Zone or Village (VIL) zone, under the secondary land use by-law.

OTHER REQUIREMENTS: EXISTING EXTRACTIVE FACILITIES

59 Notwithstanding Section 58, the existing extractive facilities located on the property identified as RIMS No. 00562983 in Upper Musquodoboit [owned by Gallant Aggregates Ltd. and formerly owned by Dillman Enterprises (1995) Limited] shall be exempt from Section 61 of this by-law.

CA (CONSERVATION AREA) ZONE

CA USES PERMITTED

- 60 No development permit shall be issued in any CA (Conservation Area) Zone except for the following:

Scientific study and education
Trails
Uses accessory to the foregoing uses

PCA ZONE REQUIREMENTS

- 61 In any CA Zone, no development permit shall be issued except in conformity with the following:

| | |
|---------------------------------|-------------------|
| Minimum Lot Area: | 930m ² |
| Minimum Frontage: | 30.5m |
| Minimum Front or Flankage Yard: | 20m |
| Minimum Side or Rear Yard: | 20m |

OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

- 62 Within any CA zone, no infilling, excavation, alteration of grade or removal of vegetation shall be permitted. The construction of board walks, walkways or trails up to 3m in width shall be permitted provided that no infilling or alteration of grade occurs other than the placement of piles or the placement of trails on top of the existing grade.

RPK (REGIONAL PARK) ZONE

RPK USES PERMITTED

- 63 No development permit shall be issued in any RPK (Regional Park) Zone except for the following:

Recreation uses
Public parks and playgrounds
Historic sites and monuments
Uses accessory to the foregoing uses

RPK ZONE REQUIREMENTS

- 64 In any RPK Zone, no development permit shall be issued except in conformity with the following:

| | |
|---------------------------------|-----|
| Minimum Front or Flankage Yard: | 20m |
| Minimum Side or Rear Yard: | 20m |
| Maximum Lot Coverage: | 50% |

TR (TRANSPORTATION RESERVE) ZONE

TR USES PERMITTED

- 65 No development permit shall be issued for any development in any TR (Transportation Reserve) Zone.

OTHER REQUIREMENTS

- 66 No development permit shall be issued for any development abutting any TR (Transportation Reserve) Zone except where the yard separating the development from the zone boundary is equal to the minimum yard required by the applicable secondary land use by-law, separating a development from a street line, is provided.

PWA (PROTECTED WILDERNESS AREA) ZONE

PWA USES PERMITTED

- 67 No development permit shall be issued in any PWA (Protected Wilderness Area) Zone except for the following:

Scientific study and education, involving no buildings
Trails
Passive recreation uses
Uses accessory to the foregoing uses

PWA ZONE REQUIREMENTS

- 68 In any PWA Zone, no development permit shall be issued except in conformity with the following:

| | |
|---------------------------------|-------------------|
| Minimum Lot Area: | 930m ² |
| Minimum Frontage: | 30.5m |
| Minimum Front or Flankage Yard: | 20m |
| Minimum Side or Rear Yard: | 20m |

OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

- 69 Within any PWA zone, no infilling, excavation, alteration of grade or removal of vegetation shall be permitted. The construction of board walks, walkways or trails up to 3m in width shall be permitted provided that no infilling or alteration of grade occurs other than the placement of piles or the placement of trails on top of the existing grade.

NR (NATURAL RESOURCE) ZONE

NR USES PERMITTED

- 70 No development permit shall be issued in any NR (Natural Resource) Zone except for the following:

Agricultural uses
Forestry uses
Single unit dwellings
Trails
Passive recreation uses
Uses accessory to the foregoing uses

NR ZONE REQUIREMENTS

- 71 In any NR Zone, no development permit shall be issued except in conformity with the following:

| | |
|---------------------------------|-------------------|
| Minimum Lot Area: | 930m ² |
| Minimum Frontage: | 30.5m |
| Minimum Front or Flankage Yard: | 20m |
| Minimum Side or Rear Yard: | 20m |

OTHER REQUIREMENTS: SINGLE UNIT DWELLINGS

- 72 (1) In any NR Zone, where single unit dwellings are permitted, no development permit shall be issued except in conformity with the following:

| | |
|----------------------------------|------|
| Minimum Lot Area: | 20ha |
| Minimum Frontage: | 110m |
| Minimum Front or Flankage Yard: | 9.1m |
| Minimum Side or Rear Yard: | 2.5m |
| Maximum Lot Coverage: | 10% |
| Maximum Height of Main Building: | 11m |

- (2) Where single unit dwellings are developed in conjunction with permitted forestry and agricultural uses, the minimum lot area and frontage requirements of subsection (1) do not apply.

OTHER REQUIREMENTS: FORESTRY USES

- 73 In any NR Zone, where uses are permitted as resource uses, no development permit shall be issued except in conformity with the following:

| | |
|---------------------------------|--------------------|
| Minimum Lot Area: | 3716m ² |
| Minimum Frontage: | 30.5m |
| Minimum Front or Flankage Yard: | 6.1m |
| Minimum Side or Rear Yard: | 2.5m |
| Maximum Lot Coverage: | 35 per cent |

OTHER REQUIREMENTS: AGRICULTURAL USES

- 74 Notwithstanding the provisions of Section 71, where any barn, stable or other building intended for the keeping of more than ten (10) animals is erected in any NR Zone, no development permit shall be issued except in conformity with the following:

| | |
|---|-------|
| minimum side yard | 15.2m |
| minimum setback from any dwelling or potable water supply except a dwelling or supply located on the same lot or directly related to the agricultural use | 30.5m |
| minimum setback from any watercourse | 91.4m |

UR (URBAN RESERVE) ZONE

UR USES PERMITTED

- 75 No development permit shall be issued in any UR (Urban Reserve) Zone except for the following:

Single unit dwellings, on existing lots
Passive recreation uses
Uses accessory to the foregoing uses

UR ZONE REQUIREMENTS

- 76 In any UR Zone, no development permit shall be issued except in conformity with the following:

| | |
|----------------------------------|------|
| Minimum Front or Flankage Yard: | 9.1m |
| Minimum Side Yard: | 2.5m |
| Minimum Rear Yard: | 2.5m |
| Maximum Lot Coverage: | 35% |
| Maximum Height of Main Building: | 11m |

PWS (PROTECTED WATER SUPPLY) ZONE

PWS USES PERMITTED

- 77 No development permit shall be issued in any PWS (Protected Water Supply) Zone except for the following:

Water distribution and purification facilities
Passive recreation uses
Conservation related uses
Uses accessory to the foregoing uses

PWS ZONE REQUIREMENTS

- 78 In any PWS Zone, no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard: 9.1m
Minimum Rear or Side Yard: 4.6m

SCOPE OF APPLICATION

- 79 (1) Every application for a development permit 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 application is being made;
 - (c) the location of every building or structure already erected on or partly on the lot, and the location of every building upon contiguous lots;
 - (d) the proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas;
 - (e) the location of the setbacks, existing vegetation limits, contour and elevation information as may be required by Sections 23, 24 and 25; and
 - (f) other such information, including professional opinions, as may be necessary to determine whether or not every such building, or development, conforms with the requirements of this by-law.
- (2) Where the Development Officer is unable to determine whether the proposed development conforms to this by-law and other by-laws and regulations in force which affect the proposed development, s/he may require that the plans submitted under this section be based upon an actual survey by a Nova Scotia Land Surveyor.
- 80 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.

UNITS OF MEASURE

- 81 All dimensional requirements in this by-law are expressed in metric measurements.

PENALTY

- 82 Any person who violates a provision of this by-law shall be subject to prosecution as provided for under the *Municipal Government Act*.

DATE OF BY-LAW

- 83 This by-law shall take effect when approved by the Minister of Service Nova Scotia and

Municipal Relations.

Appendix 1 - Generalized Future Land Use Designations

Refer to Map 2, Generalized Future Land Use Map
in the draft Regional MPS

Appendix 2 - Regional Centre Map