



Part 1 INTRODUCTION

Section 1 ENACTMENT

Section 2 ADMINISTRATION

SECTION 1 - ENACTMENT

1.1 Title

This By-law may be cited as the "Municipality of the County of Kings Land Use By-law".

1.2 Purpose

1.2.1 The purpose of this By-law is to implement the policies of the Municipal Planning Strategy to facilitate the orderly, economical, and beneficial development and use of land and buildings within the Municipality, and for that purpose the By-law, among other things:

- (a) divides the Municipality into zones;
- (b) prescribes and regulates for each zone the purposes for which land and buildings and structures may be used;
- (c) establishes the office of one or more development officers; and
- (d) establishes a method of making decisions on applications for development permits, including the issuing of development permits.

1.2.2 This By-law shall be applied in accordance with the Municipality's Municipal Planning Strategy and the *Municipal Government Act* (hereinafter the "Act") as amended from time to time.

1.3 Control of Development

Except as otherwise provided herein, no building or structure shall be erected, demolished or otherwise altered nor the use of any building, structure or lot changed without an issued development permit, which shall not be issued without compliance with all provisions of this By-law.

1.4 Previous By-laws

County of Kings Land Use By-law #75 and New Minas Land Use By-law #57 are hereby repealed.

1.5 Effective Date

This By-law is effective at the date of publication of provincial approval by the Municipal Clerk in accordance with the Act.

1.6 Severability

The invalidity or unenforceability of any provision of this By-law, as determined by a court of competent jurisdiction, shall not affect the validity or enforceability of any other provision, and any invalid provision will be severable.

1.7 Compliance with Other Legislation

Nothing in this By-law shall exempt any applicant or property owner from compliance with any other applicable municipal, provincial or federal legislation or from any license, permission, permit authority or approval required by this or any other by-law of the Municipality, or other lawful authority.

1.8 General Interpretation

- 1.8.1 Unless otherwise provided, any enactments referenced herein are to the Act and regulations as amended, revised, consolidated or replaced from time to time. Any By-law referenced herein is to an enactment of the Municipality of the County of Kings Council, as amended, revised, consolidated or replaced from time to time.
- 1.8.2 The headings given to sections and subsections in this By-law are for reference only; they do not form part of this By-law and are not intended for interpretation purposes.
- 1.8.3 In Part 2 of this By-law setting out the land use zones, the Summary of Permitted Uses provided at the front of each section is for reference only. If the Summary of Permitted Uses conflicts with the list of Permitted Uses and any applicable conditions in the respective section for a particular zone, the lists provided in that zone shall govern.

1.9 Rules of Interpretation

- 1.9.1 Compliance with the regulations in this By-law shall be interpreted and applied as follows:
- (a) "shall" is mandatory.
 - (c) "may" is discretionary.
- 1.9.2 Where a regulation involves two or more conditions, provisions or events connected by a conjunction, the following shall apply:
- (a) "and" means all the connected items shall apply in combination.
 - (b) "or" indicates that the connected items may apply singly or in combination.
- 1.9.3 Words used in the singular include the plural and vice-versa.
- 1.9.4 When a word is used in the masculine it will refer to any gender.
- 1.9.5 When a word is defined in Part 5, it shall have the same meaning if the first letter is an upper or lower case letter.
- 1.9.5 All other words shall have the meaning assigned to them in the Act.
- 1.9.6 All measurements in this By-law are in imperial units. In the case of any conflict between information expressed in metric units and in imperial units, the imperial unit shall govern.
- 1.9.7 In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall govern.
- 1.9.8 In the case of any conflict between the text of this By-law and any maps or drawings used to illustrate any aspect of this By-law, the text shall govern. Colour coding throughout this By-law and the Zone Maps is for ease of reference only and the text of the By-law shall govern.

- 1.9.9 If a use is not listed as a permitted use in a particular zone, or if it is not an accessory use to a permitted use in a particular zone or the use is otherwise excluded, it shall be deemed to be a prohibited use in that zone.
- 1.9.10 Where a permitted use within any zone is defined in Part 5, the uses permitted within that zone shall include any similar use that satisfies such definitions except where a definition is specifically limited to exclude a use.
- 1.9.11 Where a use is defined in Part 5, it shall not include any other use unless a use is deemed accessory or unless otherwise specified.

SECTION 2 - ADMINISTRATION

2.1 Administer

This By-law is administered by the Development Officer.

2.2 Appointment

Council shall appoint one or more Development Officers for the Municipality of the County of Kings in accordance with the Act.

2.3 Final Decision

The decision of the Development Officer concerning whether a development meets the provisions of this By-law is final, subject to any legislated right of appeal in the Act.

2.4 Right to Enter

The Development Officer is authorized to enter, at all reasonable times, into or upon any property within the Municipality of the County of Kings for the purpose of any inspections necessary to administer the Land Use By-law in accordance with the Act.

2.5 Contravention

The Development Officer may enforce the provisions of the Act, the conditions of a development permit and this By-law.

