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## Part 3 DEVELOPMENT REGULATIONS

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Section 14 GENERAL REGULATIONS

Section 15 ALTERNATIVE ENERGY  
GENERATION REGULATIONS

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## Section 14 - GENERAL REGULATIONS

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### 14.1 WATERCOURSE PROTECTION

- (a) All permitted structures (*Amended October 1, 2024, File P21-01*) in all zones shall have a separation distance of at least 50 feet from the edge of the bank of any watercourse, in accordance with policies 2.4.8 and 2.4.9 of the Municipal Planning Strategy.
- (b) Notwithstanding clause (a) above, the watercourse separation distance shall be reduced to 30 feet along the north side of the Cornwallis River between Terry's Creek and the Port Williams Sewer Lagoon Road and south of Kars Street and Belcher Street.
- (c) Notwithstanding clause (a) above, livestock operation buildings or manure storage facilities shall have a separation distance of at least 100 feet from the edge of the bank of any watercourse.
- (d) Clauses (a), (b) and (c), above, shall not apply to an approved public drainage system.
- (e) Lands covered by watercourses shall be subject to the requirements of the Environmental Constraints (O1) Zone.



## **14.2 LOT AND DEVELOPMENT STANDARDS**

### **14.2.1 Driveway Access**

Vehicular access from a public road shall be provided through driveway access approved by the appropriate road authority in accordance with policies 3.0.6 and 3.0.7 of the Municipal Planning Strategy. Unless otherwise required by the road authority, the following requirements shall be met:

- (a) Driveway access to any building or use located in a Commercial Zone, Industrial Zone, or a Commercial Recreation Zone shall not be through any Residential Zone.
- (aa) Outside Growth Centres, driveway access through multiple zones shall only be permitted if the use is a listed permitted use in all zones applied to the property. *(Added October 1, 2024, File P21-01)*
- (b) A driveway access permit is required from the applicable road authority when there is a change of use on the property or the development of any additional main buildings.
- (c) A maximum of two (2) accesses to any lot from any public road shall be permitted.
- (d) A minimum 50 foot separation distance consisting of a curb, barrier, or ditch designed to prevent vehicular access shall be maintained between accesses.
- (e) Accesses are limited to a maximum width of 36 feet unless it is demonstrated that a wider access is required to address concerns related to safety.

### **14.2.2 Frontage on a Road**

Except where otherwise permitted in a zone, a development permit shall only be issued if the lot intended for development has frontage on a public road. Notwithstanding the foregoing, a development permit may be issued for buildings or structures associated with an agricultural, forestry use or fishing use, including a livestock operation, that are located on an existing lot that does not have frontage on a public road provided such use does not include a residential use.

### **14.2.3 Height Restrictions**

The maximum height of buildings or structures as provided in a particular zone in this By-law is in accordance with policy 3.0.8 of the Municipal Planning Strategy and shall not apply to structures or building elements such as church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, chimneys, or clock towers, unless otherwise indicated.

### **14.2.4 Fences**

- (a) Within all zones, fences up to a maximum of six (6) feet in height shall be permitted to be erected and a development permit shall not be required.
- (b) Where any Industrial Zone abuts any Residential Zone an opaque fence that is a minimum of six (6) feet in height shall be maintained between any use and the lot line that abuts any Residential Zone. This fencing requirement may be waived if existing vegetation provides a visual screen that is similar to or more effective than an opaque fence.

- (c) Notwithstanding subsection (a), within all Commercial zones, Industrial zones, Institutional zones, Agricultural zones and Resource zones, fences up to a maximum of 15 feet in height shall be permitted to be erected provided the fence is accessory to a permitted non-residential use and a development permit shall not be required.
- (d) The height of a fence shall be measured from the established grade to the top of the highest point, excluding any support posts.

#### **14.2.5 Existing Undersized Lots**

- (a) Any lot in existence prior to May 5, 1992, or any lot that has received Municipal subdivision approval between May 5, 1992 and the date of the adoption of this By-law, that has less than the minimum frontage or area or both required by this By-law, may be used for a purpose permitted in the zone in which the lot is located and a development permit may be issued provided all other applicable provisions in this By-law are met.
- (b) Subsection (a) shall not apply to lots in the Agricultural (A1) Zone developed for the purposes of a non-farm dwelling unless the separation distance requirements related to residential development of section 8.3.4.1 are met.
- (c) In addition to (a), above, where such lots are increased in size but remain undersized, they continue to be deemed existing undersized lots.

#### **14.2.6 Newly Created Undersized Lots**

Where a lot is approved under section 279 of the Act, a development permit shall be issued provided the development complies with all other provisions of this By-law, and is in accordance with policy 3.0.18 of the Municipal Planning Strategy.

#### **14.2.7 Permitted Encroachments**

Unless otherwise indicated in a particular zone and in accordance with policy 3.0.15 of the Municipal Planning Strategy, every part of any setback required by this By-law shall be open and unobstructed by any structure (*Amended October 1, 2024, File P21-01*), with the exception of the items noted below.

- (a) The usual projections of sills, cornices, eaves, gutters, chimney breasts, pilasters, canopies, steps or other architectural features provided that no such structure or feature projects more than two (2) feet into a required setback.
- (b) Window bays that project not more than three (3) feet into a required front, rear or flankage setback.
- (c) Uncovered patios to a maximum of two (2) feet six (6) inches from into any required setback. (*Amended October 1, 2024, File P21-01*)
- (d) Fire escapes, exterior staircases, and ramps on existing buildings that provide access to a building to a maximum of:
  - (i) two (2) feet six (6) inches from any side lot line; or

- (ii) 16.5 feet from any front, flankage and rear lot line.
- (e) Mechanical or utility features, such as, but not limited to, air conditioners, oil and gas tanks, electrical boxes, and building mounted solar panels, which project not more than two (2) feet from the main wall into any required setback.

#### **14.2.8 Sewer Services within Growth Centres**

All new developments that are located within Growth Centres shall be serviced by central sewer services where practical, as determined by the Public Utility.

#### **14.2.9 Setbacks from Slopes**

Where, in this By-law, a front, side or rear setback is required and part of the area of the lot is between the top and bottom of a cliff or embankment (meaning the area where the angle of slope drops more than one vertical foot for every 2 feet in horizontal distance), then the required setback shall be measured from the nearest applicable point of the building on the lot to the top of the cliff or embankment; and confirmed as necessary by a surveyor licensed to practice in Nova Scotia. For clarity, this requirement shall not apply where the Environmentally Sensitive Area (ESA) Overlay applies.

#### **14.2.10 Parking of Commercial Vehicles**

Notwithstanding section 14.4 related to home-based businesses, commercial vehicles may be parked overnight in all Residential Zones in a Growth Centre on a residential or vacant lot subject to the conditions noted below and no development permit shall be required:

- (a) Not more than one commercial vehicle shall be parked overnight per lot.
- (b) The commercial vehicle shall be personally used by a tenant, resident, or owner of the lot.
- (c) The commercial vehicle shall not include an operating refrigeration unit.
- (d) The commercial vehicle shall not be loaded with hazardous goods.

These restrictions shall not apply to other zones.





## **14.3 USES**

### **14.3.1 Multiple Main Uses**

Unless otherwise indicated, multiple main uses may locate in the same building and where any land or building is used for more than one use, all provisions of this By-law relating to each use shall be satisfied and if more than one standard applies, the more stringent standard shall prevail.

### **14.3.2 Multiple Main Buildings**

Except on a lot located in a Residential One Unit (R1) Zone, the Lakeshore Residential (S1), Lakeshore Limited development (S2) and Tidal Shoreland (T1) Zone, any number of main buildings may locate on the same lot, subject to any other applicable zone requirements. *(Amended October 3, 2023, File 22-04)*

### **14.3.3 One Dwelling Per Lot**

No more than one dwelling shall be permitted on a lot, except in the Residential One Unit (R1) Zone, the Residential One and Two Unit (R2) Zone, the Residential Mixed Density (R3) Zone, the Residential Multi-unit (R4) Zone and the Mixed Commercial Residential (C3) Zone. *(Amended February 6, 2024, File P22-02)*

### **14.3.4 Accessory Uses**

Where this By-law provides that any land may be used, or that a building or structure may be erected or used for a purpose, the purpose shall be deemed to include any use accessory or ancillary to the permitted main use, subject to the requirements of that zone.

### **14.3.5 Accessory Buildings**

Accessory buildings shall be permitted in any zone and shall not:

- (a) be used for human habitation except where a dwelling is a permitted accessory use; or
- (b) be on a separate lot from a main building.

### **14.3.5A Accessory Dwellings**

One accessory dwelling shall be permitted per lot in all Residential Zones and the Mixed Commercial Residential (C3) Zone. Accessory dwellings shall be subject to the zone requirements for accessory buildings, including height, unless the entrance to the accessory dwelling is located in the side or rear yard in which case a 10 foot setback shall be maintained between the lot line and the building wall containing the entrance. The Accessory Dwelling shall be required to have one dedicated parking space on the lot. *(Amended February 6, 2024, File P22-02)*

### **14.3.6 Agricultural, Forestry and Fishing Uses Not Requiring a Permit**

If permitted in the zone in which the lot is located, agricultural, forestry, and fishing uses may occur without a development permit, but any building associated with the use shall require a development permit.

### 14.3.7 Structures Not Requiring a Development Permit

A development permit shall not be required for miscellaneous structures, such as flag poles, children's play structures, cold frames and garden trellises, clothes line poles, dog houses, and accessory wind turbines.

### 14.3.8 Non-conforming Uses

Buildings or uses of land lawfully in existence on the date of adoption of this By-law and that do not conform to the requirements of this By-law are considered non-conforming under section 238 of the Act and may continue to exist subject to the provisions of the Act (sections 239-241) or applicable policies of the Municipal Planning Strategy. Non-conforming uses that have been discontinued for a period that does not exceed 12 months shall be permitted to be recommenced.

Non-conforming residential uses shall:

- (a) not be permitted to be replaced within the Environmental Constraints (O1) Zone;
- (b) not be permitted to be replaced within the General Commercial (C1), Central Business (C2), Highway Commercial (C5), Light Industrial Commercial (M1), or Heavy Industrial (M2) Zones;
- (c) be permitted to be replaced with the same use in substantially the same location in all other zones, notwithstanding (a) and (b) above (*Amended October 1, 2024, File P21-01*);
- (d) be permitted to expand up to 25 per cent of the existing main building footprint provided setback requirements of the zone are met unless otherwise indicated in this By-law; and
- (e) be permitted to construct an accessory building or buildings up to a maximum combined building footprint of 600 square feet unless otherwise indicated in this By-law. (*Amended October 1, 2024, File P21-01*)

### 14.3.9 Non-conforming Structures

A structure lawfully in existence on the date of adoption of this By-law that does not meet the requirements of the zone in which it is located, the structure is considered a non-conforming structure under section 238 of the Act.

Non-conforming structures shall be subject to the requirements below.

- (a) Non-conforming structures shall be permitted to expand provided the expansion to the building or structure does not further reduce the setback that does not conform to zone requirements.
- (b) Non-conforming structures containing main residential uses shall be permitted to be rebuilt or replaced in substantially the same location and be occupied by the same use.
- (c) Non-conforming accessory structures shall not be permitted to be rebuilt or replaced unless the requirements of the zone for accessory buildings are met.

- (d) A change in use from one permitted use in the zone to another permitted use in the zone shall be permitted within a non-conforming structure provided the proposed use requires the same, or less restrictive setback requirements as the original use.

#### **14.3.10 Pit Privies**

Pit privies shall be developed in accordance with all Nova Scotia Environment, or successor body, regulations related to pit privies, including regulations related to separation distances from watercourses.

#### **14.3.11 Temporary Construction Uses**

The use of land for the temporary location of a building or structure, or for other purposes that are incidental to a main construction project, shall be permitted to continue for up to 60 calendar days following completion of the main construction project. No development permit shall be required.

#### **14.3.12 Temporary Commercial Uses**

No development permit shall be required for special events such as weddings, concerts, midways, circuses, fairs or festivals subject to the requirements below.

- (a) No more than one event takes place on the same lot in a calendar year.
- (b) The special event shall remain in place for no longer than 14 consecutive days.
- (c) Any temporary building or structure erected for the event shall be taken down within seven calendar days of the completion of the event.

This subsection shall not apply to open air farmers' markets and open air markets operated by non-profit or not-for-profit organizations. No development permit shall be required.

#### **14.3.13 Parks**

Parks shall be permitted in all zones and shall not be required to meet the zone requirements. Parks shall be subject to the requirements below.

- (a) Parks shall not require a development permit; however, any building associated with the use shall require a development permit.
- (b) Any accessory building shall be located a minimum of ten (10) feet from all lot lines and shall have a maximum height of 20 feet.

#### **14.3.14 Swimming Pools**

A swimming pool is permitted as an accessory structure to a permitted main use. A development permit is required for an in-ground swimming pool and is subject to the zone requirements for an accessory building. Above ground swimming pools shall not require a development permit and are not subject to the zone requirements provided they are wholly contained on the property. Any associated decking or other structures shall require a development permit and shall be subject to the zone requirements for an accessory building. *(Amended October 1, 2024, File P21-01)*

### **14.3.15 Cemeteries**

- (a) Existing cemeteries shall be permitted in all zones.
- (b) New cemeteries shall be permitted in all zones excluding the Agricultural (A1) Zone, Environmental Constraint (O1) Zone or lands subject to the Environmentally Sensitive Area Overlay (ESA) and are subject to any applicable Wellfield Protection Overlays.
- (c) Any new cemeteries are not required to meet the lot size and frontage requirements of the zone in which they are located, but shall have a minimum of 20 feet of public road frontage.
- (d) Any accessory building or structure having a building footprint less than 215 square feet shall be located a minimum of ten (10) feet from any lot line.
- (e) Any building or structure having a building footprint greater than 215 square feet shall be considered a main building and shall be subject to the requirements of the zone in it is located.
- (f) Cemeteries are regulated in accordance with policies 3.0.12 and 3.0.13 of the Municipal Planning Strategy.

### **14.3.16 Transit Shelters**

Transit shelters shall be permitted in all zones and shall be exempt from zone requirements. Development permits shall be required and shall only be issued in accordance with the conditions noted below.

- (a) The applicant has the written consent of the transit authority on whose regularly scheduled stop the transit shelter is to be located.
- (b) The applicant has the written consent of the property owner of the land upon which the transit shelter is to be located.
- (c) The applicant has the written consent of the road authority.
- (d) Any associated signs are in compliance with section 14.6 of this By-law.

### **14.3.17 Gas Bars**

Where permitted, gas bars shall be subject to the following requirements noted below.

- (a) Pump islands shall be located a minimum of 20 feet from any lot line.
- (b) All portions of the gas bar canopy shall meet minimum main building side and rear setback requirements, including both the vertical supports and the canopy itself.
- (c) Vertical supports for the gas bar canopy shall meet minimum front setback requirements. The gas bar canopy may, however, extend to the front lot line subject to the approval of the road authority.

### **14.3.18 Drive-through Facilities**

Drive-through restaurants and accessory drive-through facilities shall be subject to the following requirements noted below.

- (a) Drive-through facilities shall be permitted as an accessory use to any permitted use within any Commercial Zone except within the Central Business (C2) Zone or the Mixed Commercial Residential (C3) Zone.
- (b) Where drive-through restaurants or accessory drive-through facilities abut a Residential Zone, an opaque fence having a minimum height of six (6) feet shall be erected at a grade similar to the grade of the drive aisle for the drive-through facility.

### **14.3.19 Urban Chickens**

Within Growth Centres, urban chickens shall be permitted in the Residential One Unit (R1) Zone, Residential One and Two Unit (R2) Zone, Residential Mixed Density (R3) Zone, Residential Multi-Unit (R4) Zone, Comprehensive Neighbourhood Development (R5) Zone, and the Mixed Commercial Residential (C3) Zone and shall be subject to the conditions noted below.

- (a) A maximum of five urban chickens shall be permitted on a lot.
- (b) No development permit shall be required for urban chickens.
- (c) The use shall be accessory to either a one unit or two unit dwelling and shall be located on and contained within the same lot.
- (d) The sale of eggs or meat is prohibited.
- (d) Slaughtering of urban chickens shall be prohibited on the lot.
- (f) Urban chicken coops shall be subject to the requirements noted below.
  - i. One urban chicken coop shall be permitted on a lot except where otherwise permitted.
  - ii. An urban chicken coop shall be subject to the setback requirements for residential accessory buildings.
  - iii. An urban chicken coop shall not be located in the front or flankage yard.
- (g) For urban chicken roosters, the additional requirements noted below shall be met.
  - i. The minimum lot size shall be at least 3 acres.
  - ii. The urban chicken coop used for urban chicken rooster(s) shall have a separation distance of 50 feet from any lot line.
  - iii. Two chicken coops shall be permitted on the lot.

### 14.3.20 Household Livestock

Household livestock shall be permitted in all zones located outside of a Growth Centre excluding the Shoreland Residential (S1) Zone and shall be subject to the following requirements noted below.

- (a) The use shall be accessory to a residential use.
- (b) The number of permitted animal units shall be determined on the basis of lot area, as per below.
  - i. On lots having a lot area of one (1) acre or less, one (1) animal unit shall be permitted.
  - ii. An additional animal unit shall be permitted on each additional full acre. For clarity, for the purpose of determining the number of permitted animal units, each part of an acre of lot area shall be rounded down to nearest whole acre.
  - iii. Within the Country Residential (A4) Zone, the minimum required lot area for household livestock shall be 30,000 square feet. On lots having less than 30,000 square feet of lot area, a total of five (5) chickens shall be permitted subject to the requirements for urban chickens contained within this section.
- (c) New buildings used for household livestock shall meet the lot requirements noted below.
  - i. Buildings for one (1) animal unit shall be subject to the setback requirements for a residential accessory building within the zone in which the lot is located.
  - ii. Buildings for more than one (1) animal unit shall be subject to the setback requirements for an agricultural use within the zone in which the lot is located.

### 14.3.21 Livestock Operations

Where permitted, livestock operations shall meet the requirements noted below.

- (a) New buildings or additions housing livestock, including manure storage facilities, shall have a separation distance of at least 500 feet from all Growth Centre boundaries. *(Amended October 1, 2024, File P21-01)*
- (b) Livestock operations not meeting the separation distance specified in (a) above shall be conforming provided they were in existence prior to the date of adoption of this By-law. Such operations shall be permitted to expand or rebuild and shall be subject to the requirements below.
  - (i) Expansions may include additions and new building construction.
  - (ii) In no case shall the livestock operation expansion encroach more than 20 per cent of the existing distance between the nearest wall of the livestock operation and the affected Growth Centre. *(Amended October 1, 2024, File P21-01)*
- (c) Property owners are responsible for all risks and impacts associated with the storage of manure. *(Amended October 1, 2024, File P21-01)*

- (d) Buildings housing a livestock operation that are non-conforming pursuant to Section 238 of the Act, may be rebuilt, replaced or repaired, if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage and it is occupied by the same use and an application is made for a development permit within 12 months of the building containing the livestock operation being destroyed.

#### **14.3.22 Agritainment Uses**

Where permitted, agritainment uses shall meet the requirements noted below.

- (a) The agritainment use shall be accessory to a farming business.
- (b) Indoor space dedicated to the agritainment use shall be limited to a maximum commercial floor area of 2,000 square feet.
- (c) An area, or areas, sufficient to accommodate 100 per cent of the parking demand for the agritainment use shall be located on the lot.
- (d) Notwithstanding other provisions of this By-law, the parking areas for the agritainment use do not need to be maintained with a stable surface.

#### **14.3.23 Farm and Vineyard Product Sampling**

Where permitted, farm and vineyard product sampling shall meet the requirements noted below.

- (a) The use shall be accessory to a farming business.
- (b) The lot containing the use has a minimum lot area of 5 acres.
- (c) Space dedicated to the farm and vineyard product sampling shall be limited to a maximum commercial floor area of 2,000 square feet.
- (d) Accessory retail uses shall be permitted provided the items for sale are related to or complimentary to the sampled farm product.

#### **14.3.24 Accessory Restaurant**

An accessory restaurant shall be permitted by site plan approval in accordance with the following criteria noted below.

- (a) The restaurant shall be accessory to either an agritainment use, farm and vineyard product sampling or farm market outlet. *(Amended October 1, 2024, File P21-01)*
- (b) The indoor and outdoor commercial areas associated with the accessory restaurant shall not exceed 1,000 square feet.
- (c) The site plan shall indicate the accurate location of all areas associated with the accessory restaurant including, but not limited to, seating and parking areas.

- (d) All areas associated with the accessory restaurant, including outdoor areas, shall meet the setback requirements of the zone for an accessory building.
- (e) If proposed within a new building or structure, the accessory restaurant is encouraged to locate as close as possible to the minimum front yard setback for an agricultural use, unless restricted by topography or it is shown that the impact on agricultural lands is greater than if the accessory restaurant use was located elsewhere. An exception shall be granted if the proposal is to operate within an existing building or structure.
- (f) All areas associated with the accessory restaurant shall maintain a separation distance of 300 feet from an existing dwelling. This shall not apply if the dwelling is located on the same property as the agritainment use, the farm and vineyard sampling or farm market outlet.
- (g) All areas associated with the accessory restaurant such as outdoor seating areas, parking areas or any building or structure shall be adequately screened between the use and any adjacent existing dwellings including, but not limited to, the provision of a fence or sufficient vegetation to screen the accessory restaurant.

#### **14.3.25 Tourist Commercial Use**

Where permitted, tourist commercial uses shall be permitted as an accessory use to a dwelling and shall be subject to the following requirements:

- (a) Tourist commercial uses shall be permitted on lots having the following:
  - (i) a minimum lot area of 100,000 square feet; and
  - (ii) a minimum of 200 feet of public road frontage.
- (b) Tourist commercial uses may consist of up to two (2) cabins each having a maximum building footprint of 500 square feet.
- (c) Tourist commercial uses shall have a minimum separation distance of 50 feet from any lot line.
- (d) Tourist commercial uses shall have a minimum separation distance of 250 feet from any dwelling on an adjacent lot.
- (e) If tourist commercial uses are located within 400 feet of a dwelling on a neighbouring lot, a vegetative buffer having a minimum width of 20 feet shall be provided between the tourist commercial uses and the neighbouring dwelling.
- (f) Tourist commercial uses shall have a maximum height of 20 feet.
- (g) An on-site caretaker shall reside on the same lot.

#### **14.3.26 Small-Scale Antenna Systems**

Small-scale antenna systems having a height no greater than 40 feet, shall be permitted within all zones located outside of a Growth Centre and shall be subject to the requirements noted below.



- (a) Small-scale antenna systems shall be permitted as accessory uses to a, permitted use in the zone in which the property is located.
- (b) Small-scale antenna systems may consist of more than one (1) antenna tower.
- (c) The subject property shall not be located within the boundaries of the Community Plan for Grand Pré or on a registered historic site recognized under municipal, provincial or federal law.
- (d) Antenna towers shall be located a minimum distance equivalent to two (2) times the height of the antenna tower to dwellings on neighbouring properties.
- (e) Antenna towers shall be located a minimum distance equivalent to one (1) times the height of the antenna tower to all lot lines.
- (f) Small-scale antenna systems used for emergency services shall be exempt from the regulations of this section.

#### **14.3.27 Telecommunication Facilities**

Telecommunications facilities requiring approval from the federal government shall not require a development permit but are subject to public consultation requirements in accordance with policy 2.3.30 of the Municipal Planning Strategy. All other telecommunications facilities shall be subject to the requirements of section 14.3.26.

#### **14.3.28 Animal Boarding Facilities, Veterinary Clinics and Domestic Animal Grooming**

Outdoor runs for any animals, whether or not it is attached to a main building, shall be fenced and shall not be located any closer than ten (10) feet to any lot line.

#### **14.3.29 Uses Within Residential Units**

The use of residential units as a residential care home, a bed and breakfast operation or as accommodations shall be permitted within all zones that permit residential units. Bed and breakfast operations shall be permitted to use up to four (4) bedrooms unless located within the Grand Pré Heritage Conservation District where the use of five (5) bedrooms is permitted. These uses shall be subject to the requirements of the zone. Any associated signs shall be subject to the requirements of a home-based business sign. *(Amended October 1, 2024, File P21-01 and February 4, 2025, File 24-14)*

#### **14.3.30 Direct Sale of Products from the Land and Sea**

No development permit shall be required for the direct sale of fish and other seafood by fishers or companies engaged in the catching and sale of fish or other seafood, as well as the direct sale of products of the farm or forest including, but not limited to, flowers, plants, vegetables, fruit, and Christmas trees and wreaths. Any associated buildings or structures shall be limited to open air buildings or structures with a maximum footprint of 100 square feet. Such buildings or structures shall meet the minimum side and rear setbacks for accessory buildings in the underlying zoning, but shall not be required to meet minimum front setbacks subject to the approval of the road authority.

### **14.3.31 Requirements for all Wind Turbines**

All wind turbines shall be subject to the requirements below.

- (a) Climbing apparatuses shall be secured to a minimum height of ten (10) feet above grade to prevent unintended climbing or be contained within the tower structure and secured by means of a lockable door.
- (b) All wind turbines shall be painted or finished in a matte, non-reflective finish.
- (c) No lighting shall be permitted on any wind turbine except as required by relevant transportation authorities.
- (d) Signs and advertising shall not be permitted on any wind turbines, with the exception of paint or decals indicating the manufacturer of the wind turbine.
- (e) With the exception of accessory wind turbines, development permit applications for all wind turbines, in addition to standard required information, shall be accompanied by documentation listed below.
  - (i) Manufacturer's information, including the type of wind turbine, total height, rotor diameter, maximum rated output capacity, colour, and Canadian Standards Association (or equivalent).
  - (ii) Authorization documents from Transport Canada and NavCan, or successor bodies.
  - (iii) Tower and base designs certified by an engineer licensed to practice in Nova Scotia, and applicable letters of undertaking.
- (f) Nothing in this By-law shall exempt wind turbines from meeting relevant federal or provincial regulations.
- (g) With the exception of accessory wind turbines, all setbacks shall be measured from the portion of the wind turbine tower located at grade that provides the shortest separation distance or setback. For greater clarity, for the purposes of this clause any foundation material is not considered to be part of the wind turbine tower.
- (h) The wind turbine definitions outlined in each wind turbine subsection are included for convenience only. If these definitions conflict with section 17 – Definitions, the text of section 17 shall prevail.

### **14.3.32 Accessory Wind Turbines**

In accordance with policies 2.8.3 and 2.8.4 of the Municipal Planning Strategy, accessory wind turbines shall be subject to the conditions noted below.

- (a) Accessory wind turbine means a wind turbine with a height less than or equal to 25 feet.
- (b) Accessory wind turbines shall meet the applicable requirements for all wind turbines set out in section 14.3.31.

- (c) Accessory wind turbines shall be permitted as an accessory use in all zones provided the primary purpose of the wind turbine is for use on the same lot and shall not require a development permit.
- (d) Accessory wind turbines shall be permitted on lots that do not contain a main building.
- (e) Accessory wind turbines attached to a building shall be set back a distance equivalent to twice the length of the rotor blade from the required side setback for an accessory building.
- (f) Accessory wind turbines that are freestanding shall be set back a distance equivalent to 1.5 times the height of the accessory wind turbine from all lot lines.
- (g) Accessory wind turbine rotor blade clearance shall be at least ten (10) feet from grade.

### **14.3.33 Small-scale Wind Turbines**

In accordance with policies 2.8.5 and 2.8.6 of the Municipal Planning Strategy, small-scale wind turbines shall be subject to the conditions noted below.

- (a) Small-scale wind turbine means a wind turbine with a height greater than 25 feet but less than or equal to 115 feet.
- (b) Small-scale wind turbines shall meet the requirements for all wind turbines set out in section 14.3.31.
- (c) Small-scale wind turbines shall be permitted as an accessory use in all zones outside of a Growth Centre provided the primary purpose of the wind turbine is for use on the same lot.
- (d) Small-scale wind turbines shall be permitted on lots that do not contain a main building.
- (e) Small-scale wind turbines shall be set back a distance equal to the height of the turbine from lot lines and public rights-of-way.
- (f) The distance from lot lines may be reduced by 50 per cent from lot lines bordering or located in the Environmental Constraints (O1) Zone. For greater clarity, the setback reduction only applies to the lot line bordering or located in an Environmental Constraints (O1) Zone, and not to other lot lines on the property.
- (g) Small-scale wind turbine rotor blade clearance shall be at least 15 feet from grade.
- (h) Small-scale wind turbines shall have a separation distance of at least 1.5 times the height of the wind turbine from dwellings on neighbouring lots existing at the time of application.
- (i) The location of any small-scale wind turbine shall be confirmed by a location certificate prepared by a surveyor licensed to practice in Nova Scotia.
- (j) Multiple small-scale wind turbines may be located on one lot.

- (k) Small-scale wind turbines shall have a separation distance between wind turbines equal to at least the height of the tallest wind turbine.
- (l) The property owner shall remove small-scale wind turbines from the lot following one calendar year of inactivity. A new development permit application shall be submitted and approved before a new wind turbine is installed.

### **14.3.34 Meteorological Towers**

Meteorological towers shall be permitted in all zones and subject to the conditions noted below.

- (a) The maximum height of meteorological towers shall be equal to the maximum height of the largest wind turbine permitted in that zone. *(Amended October 1, 2024, File P21-01)*
- (b) Meteorological towers greater than 20 feet in height shall not be mounted on or attached to any other structure.
- (c) Meteorological towers shall be set back a distance equal to the height of the tower from lot lines and public rights-of-way. This minimum setback may be reduced by 50 per cent from lot lines bordering, or located in, the Agricultural (A1) Zone, Agricultural Mixed Use (A2) Zone, Resource (N1) Zone, or the Environmental Constraint (O1) Zone provided that the tower is at least a distance equal to the tower height from all buildings on the neighbouring lots.
- (d) Lighting shall not be permitted on any meteorological towers except as required by transportation authorities.
- (e) Climbing apparatuses shall be a minimum of ten (10) feet above grade, be secured to a height of ten (10) feet above grade so as to effectively prevent unintended climbing, or be contained within the tower structure and secured by means of a lockable door.
- (f) All meteorological towers shall be painted or finished in a matte, non-reflective finish.
- (g) Signs and advertising shall not be permitted on any meteorological tower with the exception of paint or decals indicating the manufacturer of the meteorological tower.
- (h) Development permit applications for all meteorological towers shall, in addition to standard required information, be accompanied by the following documentation:
  - (i) Authorization documents from Transport Canada and NavCan, or successor bodies.
  - (ii) Tower and base designs certified by an engineer licensed to practice in Nova Scotia, and applicable letters of undertaking.

### **14.3.35 On-building Solar Collector Systems**

- (a) On-building solar collector systems shall be permitted in all zones with no limit on the solar collector area, in accordance with policies 2.8.9 and 2.8.10 of the Municipal Planning Strategy.
- (b) On-building solar collector systems may exceed:

- (i) on a pitched roof, the greater of the maximum building height plus six (6) feet up to the highest point of the roof surface; or
- (ii) on a flat roof, 6 feet from the highest point.

#### **14.3.36 Small-scale Solar Collector Systems**

- (a) Small-scale solar collector systems shall be permitted as an accessory use in all zones subject to setback requirements for accessory buildings and shall require a development permit, in accordance with policies 2.8.11, 2.8.12 and 2.8.14 of the Municipal Planning Strategy.
- (b) Small-scale solar collector systems shall be permitted on lots that do not contain a main building.
- (c) Small-scale solar collector systems shall not be permitted in the required front setback in the Residential One Unit (R1) Zone, Residential One and Two Unit (R2) Zone, Residential Mixed Density (R3) Zone, and the Residential Multi-Unit (R4) Zones.
- (d) Small-scale solar collector systems shall meet the applicable zone setbacks for accessory structures. *(Amended June 1, 2021, File 20-19)*
- (e) Small-scale solar collector systems shall not exceed 20 feet in height.
- (f) Small-scale solar collector systems shall be exempt from lot coverage and building footprint requirements in this By-law.

#### **14.3.37 Large-scale Solar Collector Systems**

- (a) Large-scale solar collector systems shall be permitted as an accessory use to any permitted use in the Rural Industrial (M3) Zone, Rural Commercial (C4) Zone, Agricultural (A1) Zone, Rural Mixed Use (A2) Zone, Farm Commercial (A3) Zone, Country Residential (A4) Zone, Tidal Shoreland (T1) Zone, and Resource (N1) Zone subject to setback requirements for accessory buildings and shall require a development permit.
- (b) Large-scale solar collector systems shall be permitted on lots that do not contain a main building.
- (c) Large-scale solar collector systems shall not exceed 20 feet in height.
- (d) Large-scale solar collector systems shall be exempt from lot coverage and building footprint requirements in this By-law.

#### **14.3.38 Public Utilities**

- (a) Public utility facilities owned and operated by a government, government agency, or agencies regulated by government including, but not limited to, sewage treatment plants, water supply facilities, pumping stations, drainage facilities, public transportation, energy generation and similar infrastructure, shall be permitted in all zones and shall be exempt from all general regulations and zone requirements and shall not require a development permit. *(Amended October 1, 2024, File P21-01)*

- (b) Buildings and equipment that are directly related to the functioning of a public utility facility shall be permitted in all zones and shall be exempt from all general regulations and zone requirements. However, general purpose office buildings, maintenance facilities, and storage buildings associated with the utility shall only be permitted in zones where such uses are permitted.

### **14.3.39 Public Uses**

The provisions contained in this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purposes of the public service by a municipality, or any Department or Ministry of the Government of Canada or Nova Scotia.

## 14.4 HOME-BASED BUSINESSES

### 14.4.1 General Requirements for all Home-based Businesses

- (a) Home-based businesses shall be permitted accessory to residential units in all zones subject to the requirements of the level of home-based business. Home-based businesses shall be in accordance with policies 2.5.6 and 2.5.7 of the Municipal Planning Strategy.
- (b) All home-based businesses must be operated by a resident of the residential unit.
- (c) Personal Offices and Studios:
  - (i) Nothing in this By-law shall prevent the use of a portion of any residential unit or building accessory to a dwelling unit with frontage on a public or private road as a personal office or studio where such use does not involve visits from members of the public and does not have employees who do not live in the residential unit.
  - (ii) No signs shall be permitted, and no development permit shall be required.
- (d) Teaching One (1) Student at a Time:
  - (i) Nothing in this By-law shall prevent the use of a portion of any residential unit or building accessory to a residential unit with frontage on a public road for teaching or tutoring one (1) student at a time.
  - (ii) No signs shall be permitted, and no development permit shall be required.
- (a) Home Day Cares:
  - (i) Outdoor space used by a Home Day Care shall not contribute to the maximum permitted gross floor area. *(Added October 1, 2024, File P21-01)*

### 14.4.2 Home-based Businesses - Level 1

Level 1 home-based businesses shall be subject to the conditions noted below.

Requirement		
(a)	Permitted locations	Within one and two unit dwellings located within Growth Centres
(b)	Permitted number of employees who do not live in the dwelling unit	0
(c)	Permitted location of the home-based business on the property	Located entirely within the residential unit.
(d)	Permitted Uses	Business Offices Craft Product Workshops Goods and Services Shops Home Day Cares Office of a Medical or Dental Practitioner Personal Service Shops Studios for the instruction of classes containing up to five (5) students
(e)	Retail sales	Retail sales of products is limited to products made, refinished, or repaired on the premises and products associated with the business.
(f)	Size	A maximum of 500 square feet of gross floor area or 25 per cent of the gross floor area of the residential unit, whichever is less, The maximum size does not apply to home day cares or residential care homes.
(g)	Outdoor storage and display	Not permitted
(h)	Parking required in addition to the parking required for dwelling units	1 space
(i)	Parking – Location requirements	Required parking spaces do not need to be independently accessible.
(j)	Road Frontage requirements	Public road frontage required

1. Amended to remove "Residential Care Homes"; October 1, 2024, File P21-01



### 14.4.3 Home-based Businesses - Level 2

Level 2 home-based businesses shall be subject to the conditions noted below.

Requirement		
(a)	Permitted locations	Within one and two unit dwellings located within Growth Centres accessed from a collector road
(b)	Permitted number of employees who do not live in the dwelling unit	2
(c)	Permitted location of the home-based business on the property	Located entirely within the residential unit or residential accessory building.
(d)	Permitted Uses <sup>1,2</sup>	Antique Shops Business Offices Consignment Shops Craft Product Workshops Domestic Animal Grooming Food and Drink Production Goods and Services Shops Home Day Cares Household Item Repair Services Office of a Medical or Dental Practitioner Personal Service Shops Studios for the instruction of classes containing up to five (5) students
(e)	Retail sales	Retail sales of products is limited to antiques, consignment goods or products made, refinished, or repaired on the premises and products associated with the business
(f)	Size	A maximum of 1,000 square feet of gross floor area or 40 per cent of the gross floor area of the residential unit, whichever is less  The maximum size does not apply to home day cares.
(g)	Outdoor storage and display	Not permitted
(h)	Parking required in addition to the parking required for dwelling units	Subject to sections 14.5.1 and 14.5.2
(i)	Parking – Location requirements	Where home-based business parking is required for more than two (2) vehicles on the lot, parking for two (2) vehicles shall be permitted in the front yard, and all additional parking shall be located at the side or rear of the lot.
(j)	Road Frontage requirements	Public road frontage required

1. Amended to remove "Residential Care Homes", October 1, 2024, File P21-01

2. Amended to remove "Bed and Breakfast Operations up to four (4) bedrooms", February 4, 2025, File 24-14

### 14.4.4 Home-based Businesses - Level 3

Level 3 home-based businesses shall be subject to the conditions noted below.

		Requirement		
(a)	Permitted locations	Within one and two unit dwellings located outside of Growth Centres		
(b)	Permitted number of employees who do not live in the dwelling unit	4		
(c)	Permitted location of the home-based business on the property	Located within the residential unit or a residential accessory building.		
(d)	Permitted Uses <sup>1, 2</sup>	Animal Boarding Facilities Antique Shops Automotive Repair subject to the special requirements set in section 14.4.5, below Building and Construction Contractors Business Offices Consignment Shops Convenience Stores up to 500 square feet of gross floor area Craft Product Workshops Domestic Animal Grooming Firewood Processing and Sales Food and Drink Production Goods and Services Shops Heavy Equipment Facilities subject to the special requirements set in section 14.4.5, below Home Day Cares Household Item Repair Services Indoor Storage of cars, boats, recreational vehicles and similar items in existing buildings Office of a Medical or Dental Practitioner Personal Service Shops Plant Sales Professional Trades subject to the special requirements set in section 14.4.5, below Restaurants up to 500 square feet of gross floor area Studios for the instruction of classes		
(e)	Retail sales	Retail sales of products is limited to antiques, consignment goods or products made, refinished, or repaired on the premises and products associated with the business, except for convenience stores		
(f)	Size	<i>Lots under 50,000 sq ft. in area:</i>  1,000 sq ft. of gross floor area	<i>Lots between 50,000 sq ft. &amp; 100,000 sq ft. in area:</i>  1,500 sq ft. of gross floor area	<i>Lots greater than 100,000 sq ft. in area:</i>  2,000 sq ft. of gross floor area

	Size	No more than 40 per cent of the gross floor area of the residential unit shall be used for the home-based business. Home based businesses located in accessory buildings may be larger than 40 per cent of the gross floor area of the residential unit but shall not exceed the maximum total size, above. <i>(Amended October 1, 2024, File P21-01)</i>  The maximum size shall not apply to: indoor storage of cars, boats, recreational vehicles and similar items within existing buildings, which is not limited in size but cannot be expanded from existing building footprint;  The maximum size and percentage shall not apply to: Home Day Cares.
(g)	Activity within Buildings	Except for permitted outdoor storage and display, all other aspects of the home-based business shall be wholly contained within permitted buildings associated with the home-based business including uses having associated noise, vibration, dust, odours, fumes or other hazards.
(h)	Outdoor storage and display	Limited to an area equal in size to the permitted gross floor area which is in addition to the permitted indoor gross floor area of the home-based business.
(i)	Parking – Spaces required in addition to the parking required for dwelling units	Subject to sections 14.5.1 and 14.5.2
(j)	Parking – Location requirements	No special requirements
(k)	Road Frontage Requirements	Public road frontage required

1. Amended to remove "Residential Care Homes", October 1, 2024, File P21-01

2. Amended to remove "Bed and Breakfast Operations up to four (4) bedrooms", February 4, 2025, File 24-14

#### 14.4.5 Home-based Automotive Repair, Heavy Equipment Facilities and Professional Trades

Home-based businesses that permit automotive repair, heavy equipment facilities or professional trades shall be subject to the following requirements below.

- (a) Notwithstanding 14.4.4 (a), automotive repair, heavy equipment facilities and professional trades shall only be permitted within the Agricultural (A1) Zone, the Rural Mixed Use (A2) Zone and the Resource (N1) Zone.
- (b) All applicable requirements for home-based businesses level 3 set out in Section 14.4.4.
- (c) Outdoor commercial display is limited to two (2) items or vehicles related to the home-based business.

- (d) Outdoor storage of any automobile, truck, or heavy equipment shall be limited to one (1) motorized vehicle not bearing a current Provincial Registry of Motor Vehicles Inspection Sticker.
- (e) Permitted outdoor storage shall not occur within a front or flankage yard and the area dedicated to outdoor storage shall be surrounded by an opaque fence or natural vegetation to ensure the area is not visible from neighbouring properties.
- (f) An accessory building used for automotive repair, heavy equipment facility or professional trade shall be no less than 200 feet from any existing dwelling excluding the property owner's dwelling.

**14.4.6 Uses Considered by Development Agreement**

New and existing home-based businesses, including uses similar in nature to, but not considered to be home-based businesses, shall be permitted to locate or expand beyond the size limits permitted as-of-right by development agreement subject to policy 2.5.7 of the Municipal Planning Strategy.

**14.4.7 Incentives for Properties that Participate in the Grand Pré Heritage Conservation District**

Properties that participate in the Grand Pré Heritage Conservation District are eligible for the following incentives:

	<b>Land Use By-law Provision</b>	<b>Increased Flexibility</b>
(a)	Home Based Business – Level 3 Permitted number of non-resident employees Clause 14.4.4	Increased from four (4) to five (5)
(b)	Home Based Business – Level 3 Clause 14.6	The maximum size of a home-based business sign is increased from 10 sq. ft to 15 sq. ft

*Amended February 4, 2025, File 24-14*

## 14.5 PARKING REQUIREMENTS

### 14.5.1 General Parking Regulations

- (a) The zones set out in this By-law may have additional parking provisions specific to that zone. Where the provisions of a specific zone conflict with the provisions of this section, the provisions set out in the zone shall take precedence.
- (b) Unless otherwise provided in a zone, parking shall be provided within the same zone or a zone that permits the same use and shall be located upon the same lot as the use for which the parking is required.
- (c) Where there is a combination of uses on a lot, the minimum parking space requirements shall equal the combined total of the minimum requirements for each use.
- (d) Individual parking spaces shall have minimum dimensions of 9 feet by 18 feet.
- (e) Barrier-free parking spaces shall be provided in accordance with the requirements of the *Nova Scotia Building Code Act*.
- (f) Except where otherwise provided for in this By-law, parking spaces shall be independently accessible.

### 14.5.2 Minimum Automobile Parking Space Requirements

- (a) Off-street parking shall be provided and maintained for every building or structure erected or enlarged, or for a change in use, in conformity with the table below.

GFA = Gross Floor Area

CFA = Commercial Floor Area

Use	Minimum Required Parking Spaces
<b>Residential Uses</b> Dwellings with 5 or fewer residential units Dwellings with 6 or greater residential units Residential Care Homes	1 space/residential unit  1.5 spaces/residential unit  2 spaces/residential unit
<b>Industrial Uses</b> Abattoir Aggregate Related Industry Agricultural Related Industries Animal By-products Plant Composting Facilities Construction and Demolition Debris Disposal Site Crematoria	1 space/2,500 sq ft. GFA

Use	Minimum Required Parking Spaces
Dry-cleaning Facilities Farm Supportive Uses Fish and Seafood Processing Fish Farms Food and Drink Production Forestry Industry Uses Heavy Equipment Facilities Manufacturing Salvage or Scrap Operations Sanitary Services Transportation Services Warehouses Waste Transfer Stations	
<b>Other Uses<sup>1</sup></b> Agricultural Equipment and Parts Sales and Service	1 space/1,000 sq ft. CFA
Agritainment Uses	5 spaces/acre
Animal Boarding Facilities	1 space/400 sq ft. CFA
Arts and Cultural Centres	1 space/500 sq ft. CFA
Automotive Repair	Minimum 4 spaces plus 1 space/service bay
Automotive Sales and Rental	1 space/1,000 sq ft. CFA
Building and Construction Contractors	1 space/400 sq ft. CFA
Bus/Taxi Stations	Minimum 4 spaces plus 1 space/service bay
Business Offices	1 space/300 sq ft. CFA
Campgrounds	1.2 spaces/site or cabin
Carwash Facilities	Minimum 4 spaces
Cemeteries	Minimum 4 spaces
Commercial Greenhouse	Minimum 4 spaces
Community Facilities	1 space/100 sq ft. CFA
Correctional Centres	1 space/1,000 sq ft. GFA
Day Care Facilities	1 space/400 sq ft. CFA
Domestic Animal Grooming	1 space/400 sq ft. CFA
Drive-through Restaurants	1 space/60 sq ft. CFA
Driving Range	1 space/driving bay
Dry-cleaning Depots	1 space/400 sq ft. CFA
Educational Facilities Elementary and Junior High Schools High Schools Other facilities	1 space/1,000 sq ft. GFA  1 space/400 sq ft. GFA 1 space/400 sq ft. GFA

Use	Minimum Required Parking Spaces
Emergency Services	1 space/300 sq ft. CFA 1 space/100 sq ft. CFA for accessory assembly uses
Equipment Rental	1 space/1,000 sq ft. CFA
Farm Market Outlets	1 space/60 sq ft. CFA
Farm or Vineyard Product Sampling	1 space/60 sq ft. CFA
Fixed Roof Overnight Accommodations	1 space/guest room/cabin and 20 per cent of the number of spaces required for any accessory use that is accessible by the general public
Funeral Homes	1 space/100 sq ft. CFA
Gas Bars	Minimum 4 spaces
Golf Courses	5 spaces/hole
Goods and Services Shop	1 space/300 sq ft. CFA
Gun Ranges	1 space/shooting lane
Holding Yards	Minimum 4 spaces
Household Item Repair Services	1 space/400 sq ft. CFA
Indoor Recreation Uses	1 space/100 sq ft. CFA
Laundromat	1 space/500 sq ft. CFA
Licensed Liquor Establishments	1 space/60 sq ft. CFA
Medical and Dental Clinics	1 space/60 sq ft. CFA
Non-profit Camps	Minimum 4 spaces
Parks	2 spaces/acre
Personal Service Shops	1 space/60 sq ft. CFA
Places of Worship	1 space/100 sq ft. CFA
Professional Trades	1 space/400 sq ft. CFA
Residential Facilities	1 space/1,000GFA
Restaurants	1 space/60 sq ft. CFA
Retail Stores	1 space/300 sq ft. CFA
Self Storage Facilities	Minimum 4 spaces
Storefront Recycling Uses	Minimum 4 spaces
Veterinary Clinics	1 space/60 sq ft. CFA
Visitor Information Centres	Minimum 4 spaces
Wildlife Rescue and Rehabilitation Centres	Minimum 4 spaces

1. Amended to add heading, October 1, 2024, File P21-01

- (b) Where a parking calculation results in a part of a parking space being required, the total shall be rounded up to the next whole number.

- (c) Where a use is not listed in Section 14.5.2 (a), the rate used to calculate the required parking shall be based on the most similar use.
- (d) Where a parking calculation related to a non-residential use results in fewer than four (4) spaces being required, a minimum of four (4) spaces shall be provided. *(Amended October 1, 2024, File P21-01)*
- (e) Except for golf courses and agritainment uses, where a parking calculation results in greater than 100 spaces being required, the property owner shall only be required to provide a minimum of 100 spaces.
- (f) Nothing in this section shall prevent a property owner from providing a number of parking spaces that exceeds the minimum parking requirements.

*(Amended May 2, 2023, New Minas Secondary Plan)*

### **14.5.3 Parking Variance**

Property owners may apply for a variance to the required number of parking spaces where the number of existing spaces does not meet the requirements of Section 14.5.2 or if the required number of parking spaces cannot be provided on site. In addition to the requirements of section 235 of the Act, a variance shall not be granted if:

- (a) the number of existing spaces is less than four (4) spaces; and/or
- (b) there is adequate space on the lot to provide the required number of spaces.

### **14.5.4 Standards for Parking Areas**

Parking areas requiring more than 6 parking spaces or for all properties with more than one (1) main use and/or main building shall meet the standards below.

- (a) The parking area shall be maintained with a stable surface.
- (b) If applicable, the lights used for illumination of the parking area shall be designed and installed in a manner that does not project onto adjacent properties.
- (c) When the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such.
- (d) Gasoline pumps or other service station equipment shall not be located or maintained in the required parking area.
- (e) Traffic aisles leading to and within parking areas shall have a minimum width of ten (10) feet for one-way traffic and a minimum width of 20 feet for two-way traffic.
- (f) Individual parking spaces and traffic aisles shall be located such that they do not interfere with the functioning of any entrance or exit to a building or structure.



#### 14.5.4A Minimum Bicycle Parking Space Requirements

Within the Growth Centre of New Minas, bicycle parking meeting the requirements of section 14.5.6 shall be provided and maintained for every building or structure erected or enlarged, or for a change in use, in conformity with the table below.

Use	Minimum Required Bicycle Parking Spaces
Business Office	1 space/1,200 sq ft. CFA
Dwelling – 5 or more dwelling units	0.5 spaces/dwelling unit
Licensed Liquor Establishment	2 spaces
Personal Service Shop	2 spaces
Restaurant	2 spaces
Retail Store	2 space/1,200 sq ft. CFA

*(Amended May 2, 2023, New Minas Secondary Plan)*

#### 14.5.5 Credit for Providing Bicycle Parking

Where a non-residential use in a Commercial Zone within a Growth Centre provides six (6) or more bicycle parking spaces and they meet the standards of section 14.5.6, the minimum number of parking spaces required for that use may be reduced by one (1) space.

#### 14.5.6 Standards for Bicycle Parking Areas

Bicycle parking spaces provided to meet the minimum bicycle space requirements of section 14.5.4A or used for the purpose of credit in section 14.5.5 shall be subject criteria noted below:

- (a) Bicycle parking areas shall be located within 120 feet of the main public entrance to the building. Where a building has multiple main public entrances, the required bicycle parking spaces may be, and are encouraged to be, allocated among multiple entrances.
- (b) Bicycle parking areas shall not be located in the rear yard.
- (c) Bicycle parking areas shall be accessible to the public.
- (d) Bicycle parking areas shall not obstruct safe pedestrian and motor vehicle circulation or barrier-free access.
- (e) Each bicycle parking space shall be surfaced with concrete, asphalt, pavers, or other similar stable hard surface.
- (f) Each bicycle parking space shall have a minimum length of six (6) feet, a minimum width of 15 inches, and a minimum vertical clearance of six (6) feet.

- (g) Each bicycle parking space shall contain a bicycle rack secured to the surface and located to provide clear and unobstructed access for the placement and removal of bicycles.

*(Amended May 2, 2023, New Minas Secondary Plan)*

#### **14.5.7 Parking in Institutional or Industrial Zones**

In an Institutional Zone or Industrial Zone, no parking area is permitted in a required minimum general side setback abutting any Residential Zone.

## 14.6 SIGNS

### 14.6.1 General

- (a) Where this section is inconsistent with the regulations respecting advertising signs on or near public roads administered by the road authority, the more restrictive regulations shall apply.
- (b) No person shall erect a sign without first obtaining a development permit, except where otherwise exempted by this By-law.
- (c) A development permit to erect a sign shall not be issued unless all sign provisions of this By-law are satisfied.
- (d) Where applicable, a development permit for the use shall be obtained before obtaining development permits for the related sign(s).
- (e) No signs shall be permitted within a public road right-of-way except in accordance with any by-law adopted by the Municipality and enacted under the *Public Highways Act*.
- (f) Signs shall be located on the same lot as the product, service or building to which the sign relates, unless otherwise permitted in this By-law.
- (g) Every sign shall be constructed, installed and maintained in compliance with Municipal By-law # 72, *Building By-law*.
- (h) If the use for which a sign is erected is no longer in operation, the sign shall be removed by the property owner within 60 calendar days of the date the use ceases. This shall not apply to a seasonal enterprise that normally closes during part of the year provided the sign advertising the seasonal enterprise indicates the time of the year the enterprise is in operation.
- (i) A multi-faced sign shall be considered a single sign and only one side of a multi-faced sign shall be used to determine sign area.

### 14.6.2 Distance from Lot Line

All signs and sign elements including the base or upright member shall be wholly contained on the lot unless otherwise specified.

### 14.6.3 Signs Permitted in All Zones – No Permit Required

The following signs shall be permitted in all zones and no development permit shall be required and, if applicable, shall not be counted towards the maximum number of signs permitted on a lot:

- (a) Address signs
- (b) Commemorative signs
- (c) Community announcement signs
- (d) Construction signs

- (e) Election signs
- (f) Farm produce signs
- (g) Generic real estate directional signs
- (h) Legal notice signs
- (i) On premise directional or traffic control signs
- (j) Point of purchase signs
- (k) Public utility signs
- (l) Real estate signs
- (m) Signs erected by a government body or under the direction and jurisdiction of a government body
- (n) Transit shelter signs
- (o) Vehicle signs
- (p) Warning signs

#### **14.6.4 Signs Permitted in all Zones – Permit Required**

The following signs shall be permitted in all zones, subject to a development permit. Signs in this section shall not be counted towards the maximum number of signs permitted on a lot:

- (a) Community identification signs
- (b) Community service signs
- (c) Multi-unit dwelling signs
- (d) Subdivision or neighbourhood identification signs.

#### **14.6.5 Requirements for all Signs**

Any sign permitted in this By-law shall be subject to the criteria noted below.

- (a) Signs shall not incorporate flashing lights or moving parts except an electronic message board sign.
- (b) Signs or sign structures shall not be a safety hazard due to the sign location, design, or potential interference with emergency services.
- (c) Signs shall not obstruct or detract from the visibility or effectiveness of any traffic signal or traffic control device.

- (d) Signs shall not obstruct the free egress from any fire exit door, window, or other required exit way.
- (e) Signs shall not make use of words such as, "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any other similar word, phrase, symbol, light, or character in such a manner as to mislead or confuse drivers of vehicles along a public road unless erected by a public authority.
- (f) Signs shall not be painted on or otherwise attached to a tree, cliff or other natural object.

#### **14.6.6 Portable Signs**

Portable signs shall be permitted on lots located in Commercial and Industrial Zones, in addition to the number of signs permitted, and shall be subject to the requirements noted below.

- (a) The portable sign shall have a maximum sign area of 50 square feet.
- (b) The portable sign shall be located on a lot for a maximum period of 90 calendar days from the date of the opening of a business.
- (c) The portable sign shall advertise that business only.
- (d) Portable signs shall not advertise a home-based business.

#### **14.6.7 Wall Signs**

Where permitted, wall signs shall not exceed 15 per cent of the area of the wall to which it is affixed or extend above the top or beyond the sides of the wall to which it is affixed.

#### **14.6.8 Projecting Signs**

Where permitted, projecting signs be subject to the requirements noted below.

- (a) Projecting signs shall not have a sign face dimension that exceeds six (6) feet.
- (b) Projecting signs shall not project more than six (6) feet from the wall upon which it is attached.
- (c) Notwithstanding section 14.6.2, projecting signs in the Central Business (C2) Zone shall be permitted to extend or project a maximum of six (6) feet beyond the front lot line with provided permission from the road authority is granted.
- (d) Projecting signs shall have a minimum sign clearance of no less than ten (10) feet from grade.
- (e) Projecting signs shall not project above the eaves, parapet, or roof line of a building.
- (f) Projecting signs shall not be permitted to swing more than 15 degrees in either direction from the vertical point of rest.

#### **14.6.9 Roof Signs**

Where permitted, roof signs shall be subject to the requirements noted below.

- (a) Roof sign area shall not exceed 15 per cent of the wall and roof pitch area.
- (b) Roof signs shall not extend above the upper elevation of the roof.

#### **14.6.10 Home-based Business Signs**

- (a) Only one sign related to a home-based business shall be permitted on a lot.
- (b) Home-based business signs shall be only a ground signs or a wall signs.
- (c) Any lights for a home-based business sign shall be directed at the face of the sign.
- (d) Internally-lit signs shall be prohibited.
- (e) Home-based business signs shall have a maximum sign area of six (6) square feet and a maximum height of six (6) feet.

#### **14.6.11 Corner Directional Signs**

Corner directional signs shall be permitted on corner lots in any Commercial or Industrial Zone within a Growth Centre and shall be subject to the requirements noted below.

- (a) Corner directional signs shall have a maximum sign area of ten (10) square feet per business and a maximum height of 35 feet.
- (b) The total area of a corner directional sign shall not exceed the maximum permitted sign area for a ground sign permitted in the zone.
- (c) Notwithstanding clause (a) above, corner directional signs may be incorporated into a permitted ground sign and shall be subject to the requirements for ground signs.

#### **14.6.12 Park Signs**

Park signs shall be subject to the requirements noted below.

- (a) Park signs shall not require a development permit provided any such sign is incorporated into a permitted structure or sign and is not intended to be viewed from outside of the park.
- (b) Within a Residential Zone, park signs shall have a maximum sign area of 40 square feet and a maximum height of ten (10) feet.
- (c) Within a non-residential zone, park signs shall have a maximum sign area of 100 square feet and a maximum height of 20 feet.

#### **14.6.13 Electronic Message Board and Changeable Copy Signs**

Where permitted, electronic message board signs and changeable copy signs shall be subject to the requirements noted below.

- (a) Electronic message board signs and changeable copy signs shall be limited to a sign area of 40 square feet.
- (b) Electronic message board signs and changeable copy signs may be incorporated into a permitted wall sign, ground sign or projecting sign, and shall be counted towards the permitted maximum sign area.  
*(Amended October 1, 2024, File P21-01)*

#### **14.6.14 Landscape of Grand Pré Signs**

Signs for the Landscape of Grand Pré shall be permitted in all zones and no permit shall be required, provided the signs:

- (a) are erected, owned, and maintained by the Landscape of Grand Pré Inc, or any successor body, Parks Canada, or the Municipality of the County of Kings; and
- (b) meet the requirements of the *Landscape of Grand Pré Branding and Signage Study* dated March 2014 and the Sign addendum dated April 17, 2014, and including any further signs authorized by Landscape of Grand Pré Inc. Or any successor body, and approved by the Municipality, which meet the requirements of the *Landscape of Grand Pré Branding and Signage Study*.

### 14.6.15 Sign Requirements for Growth Centre Zones

In addition to the general sign provisions, all signs within a Growth Centre must comply with the following requirements:

		GROWTH CENTRE ZONES		
		C1, M1, M2, C5, C6, I1	C2, C3, P1	Non-residential Uses in Residential Zones
(a)	Permitted signs	<ul style="list-style-type: none"> <li>• 1 Ground Sign</li> <li>• 1 Projecting Sign</li> <li>• 1 Roof Sign</li> <li>• Any number of wall signs up to the maximum permitted sign area</li> </ul>	<ul style="list-style-type: none"> <li>• 1 Ground Sign</li> <li>• 1 Projecting Sign</li> <li>• 1 Roof Sign</li> <li>• Any number of wall signs up to the maximum permitted sign area</li> </ul>	<ul style="list-style-type: none"> <li>• 1 Ground Sign</li> <li>• Any number of wall signs up to the maximum permitted sign area</li> </ul>
(b)	Ground Signs (i) Max height (ii) Max sign area	35 ft. 200 sq ft.	35 ft. 150 sq ft.	10 ft 40 sq ft.
(c)	Special requirements	None	No internally lit signs in the C2 Zone in Port Williams No internally lit signs in the C3 Zone.	No internally lit signs

*Amended October 1, 2024, File P21-01*



### 14.6.16 Sign Requirements for Rural Zones

In addition to the general sign provisions, all signs located outside of a Growth Centre shall comply with the following requirements:

	Non-residential Uses – A5 Zone	Non-residential Uses –A1, A2, A3, C4, C5, M3, N1, N2, P1, I1, T1 & T2 Zones	Residential Uses – All Rural Zones
(a) Permitted signs	<ul style="list-style-type: none"> <li>• 1 Ground Sign</li> <li>• 1 Projecting Sign</li> <li>• 1 Roof Sign</li> <li>• Any number of wall signs up to the maximum permitted sign area</li> </ul>	<ul style="list-style-type: none"> <li>• 1 Ground Sign</li> <li>• 1 Projecting Sign</li> <li>• 1 Roof Sign</li> <li>• Any number of wall signs up to the maximum permitted sign area</li> </ul>	<ul style="list-style-type: none"> <li>• 1 Ground Sign</li> <li>• 1 Projecting Sign</li> <li>• 1 Roof Sign</li> <li>• Any number of wall signs up to the maximum permitted sign area</li> </ul>
(b) Ground Signs			
(i) Max height	20 ft.	20 ft.	10 ft.
(ii) Max area	150 sq ft.	150 sq ft.	40 sq ft.
(c) Special requirements	No internally lit signs	No internally lit signs in the A1, A2, N1, N2, T1, P1, I1	No internally lit signs

*Amended October 1, 2024, File P21-01*



## **14.7 USES CONSIDERED BY DEVELOPMENT AGREEMENT IN ALL ZONES**

The Municipal Planning Strategy provides that the items detailed below may be considered by development agreement:

### **14.7.1 Energy Generation and Conservation Systems**

Development of energy generation or conservation systems in accordance with policy 2.8.15 of the Municipal Planning Strategy.

### **14.7.2 Unique Sites and Structures**

Development of unique sites and structures in accordance with policy 2.9.7 and policy 2.9.8 of the Municipal Planning Strategy.

### **14.7.5 Expansion of Non-conforming Uses and Structures**

- (a) Extension, enlargement, alteration of a non-conforming use in a structure, the reconstruction of a non-conforming structure or the extension of a non-conforming use of land in accordance with policy 3.0.3 of the Municipal Planning Strategy.
- (b) A change in use of a non-conforming use of land or a non-conforming use in a structure to another use not permitted within the underlying zone in accordance with policy 3.0.4 of the Municipal Planning Strategy.
- (c) The recommencement of a non-conforming use that has been discontinued for a period exceeding 12 months or for the re-use of a structure that was originally used for a non-conforming use in accordance with policy 3.0.5 of the Municipal Planning Strategy.

### **14.7.6 Future Growth Centre Expansion Areas**

Proposals for commercial or industrial development within Future Growth Expansion Areas in accordance with policy 2.1.12 of the Municipal Planning Strategy.

### **14.7.7 Alternate Services**

Proposals that use alternate services in accordance with policy 2.3.9 of the Municipal Planning Strategy.

