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**Municipality of the  
County of Kings  
BY-LAW 106  
LAND USE BY-LAW**

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**Adopted by Municipal Council:  
November 21, 2019**

**Amended and Approved by the Minister of  
Municipal Affairs:  
March 5, 2020**

**Amended to November 5, 2024**

# Organization of Municipality of the County of Kings Land Use By-law

*The following is intended for reference and does not form part of the Municipality of the County of Kings Land Use By-law*

The Land Use By-law regulates the use of land and buildings in the Municipality of the County of Kings by type, location and intensity, and by setting procedural requirements for permit applications to develop property.

The Land Use By-law implements the Municipality's land use policies, in the Municipality of the County of Kings Municipal Planning Strategy; however, it is the responsibility of the applicant or property owner to ensure compliance with all applicable municipal, provincial and federal legislation.

As a reference document, the Land Use By-law's Table of Contents is an important index. The By-law is organized in five (5) parts that group sections with related information. The five (5) parts are as follows:

**PART 1: INTRODUCTION** contains basic information on the legal framework of the By-law.

**PART 2: LAND USE ZONES** contains Zoning Maps, permitted uses and general subdivision and development standards for each zone. Overlays outline regulations that may apply to specific areas in the Municipality in conjunction with the zone regulations. The official Zoning Maps identify overlay areas as well as the zones. The Zoning Maps and Overlays are also available on the Municipal website at [www.countyofkings.ca](http://www.countyofkings.ca).

**PART 3: DEVELOPMENT REGULATIONS** contains general regulations that apply to uses and development. These regulations supplement those in the Part 2 and are generally cross-referenced.

**PART 4: PROCESS** provides information on the Municipality's development application procedures.

**PART 5: DEFINITIONS** define uses and terms in the Land Use By-law to assist in the interpretation.

## Using the Land Use By-law to determine zoning and regulations for a Specific Lot

1. To determine the zoning regulations applicable to a specific lot, you must first find the site on the official Zoning Maps. The appropriate map will show the land use zone that applies to the site. It will also show if the site is subject to an overlay.
2. Look up the corresponding regulations. Start with the Land Use Zones (Part 2). The zone identifies what uses are permitted and may be subject to additional conditions and contains development standards that apply to the uses, such as density and lot requirements. Information on overlays that may apply to the lot is also contained in Part 2.
3. Look up the General Regulations (Part 3). The General Regulations apply to all lots in all zones and provide information on requirements including, lot and development standards, parking requirements and sign requirements. The Alternative Energy Generation Regulations apply to the Wind Turbine Overlay.

4. Refer to Part 4: Process and Part 5: Definitions for additional information.
5. Discuss your proposed land use or development with a development officer from the Municipality.
6. For properties located in the Grand Pre area, refer to the Grand Pre Heritage Conservation District Plan, By-law and Guidelines to determine if they are applicable.

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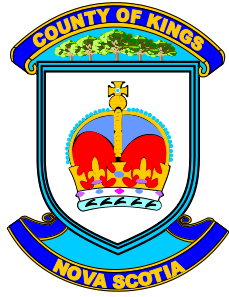
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## **Zoning Maps**

### **County Zoning Maps**

Map 1	Aylesford Zoning
Map 2	Cambridge Zoning
Map 3	Canning Zoning
Map 4	Centreville Zoning
Map 5	Coldbrook Zoning
Map 6	Greenwood Zoning
Map 7	Hants Border Zoning
Map 8	Kingston Zoning
Map 9	New Minas Zoning
Map 10	North Kentville Zoning
Map 11	Port Williams Zoning
Map 12	Waterville Zoning
Map 13	Rural Zoning





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## Part 1 INTRODUCTION

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Section 1 ENACTMENT

Section 2 ADMINISTRATION

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## SECTION 1 - ENACTMENT

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### 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

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### **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**

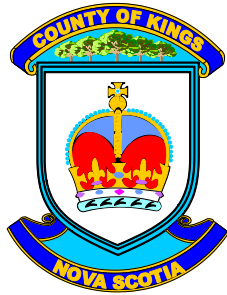
The Development Officer may enforce the provisions of the Act, the conditions of a development permit and this By-law.





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## Part 2 LAND USE ZONES



Section 3	ESTABLISHMENT OF LAND USE ZONES
Section 4	RESIDENTIAL ZONES
Section 5	COMMERCIAL ZONES
Section 6	INDUSTRIAL ZONES
Section 7	INSTITUTIONAL ZONE
Section 8	AGRICULTURAL ZONES
Section 9	SHORELAND ZONES
Section 10	RESOURCE ZONES
Section 11	COMMERCIAL RECREATION ZONE
Section 12	ENVIRONMENTAL CONSTRAINTS ZONE AND OVERLAYS
Section 13	WELLFIELD PROTECTION OVERLAYS



## SECTION 3 - ESTABLISHMENT OF LAND USE ZONES

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### 3.1 General Requirements

- 3.1.1 Land use zones and the associated zone provisions are established for the Municipality in accordance with section 1.2 of this By-law.
- 3.1.2 The Zoning Maps constitute part of Part 2 of this By-law and can be found in Appendix A. Part 2 provisions establish permitted uses and development regulations for the zones shown on the Zoning Maps.
- 3.1.3 Part 3 comprises all general and alternative energy generation regulations for uses and developments in addition to the regulations contained in Part 2.

### 3.2 Development Agreements

- 3.2.1 In limited circumstances, as described in the Municipal Planning Strategy, certain uses that would otherwise be prohibited may be considered by Council per section 225 of the Act and, in such cases, a Development Agreement shall be considered by Council in accordance with the Act.

### 3.3 Zone Boundaries and Overlay Extent

- 3.3.1 The boundaries of the zones and the extent of the overlays identified on the Zoning Maps shall be interpreted as follows:
  - (a) Where a zone boundary follows a public road or railway, it follows the centreline, unless otherwise indicated.
  - (b) Where a zone boundary is shown as approximately following a boundary of the Municipality, it follows the Municipal boundary.
  - (c) Where a boundary is shown as approximately following the edge or shorelines of any river, lake, creek or other water body such as the Minas Basin or Bay of Fundy, it follows the edge or shoreline. In the event of a change in the location of said edge or shoreline, it moves with the same.
  - (d) Where a zone boundary is shown as approximately following a lot or parcel line, it follows the lot or parcel line that existed at the time the zone boundary was established.
  - (e) Where a zone boundary is indicated as following the limits of a municipal unit, a town, a Department of National Defence property, a First Nations Reserve or another Federal property, the zone limits are these boundaries; and
  - (f) For circumstances not covered above, the location of the boundary or extent shall be determined by any dimensions set out in this By-law and by measurements of the Land Use By-law Zoning Maps.
- 3.3.2 Where section 3.3.1 does not determine the exact location of a zone boundary or overlay extent, the Development Officer shall determine the exact location of the zone boundary or overlay

extent, in a manner consistent with this By-law and with detail as to measurements and directions as circumstances require. The zone boundary or overlay extent shall not be altered, except by amendment to this By-law.

- 3.3.3 The Municipality has, to the best of its abilities, identified areas at risk of flooding, erosion, slope failure or at risk due to other unique features based on the best information available to the Municipality. The Municipality does not make any representations about the accuracy of this information or provide any assurances that the risk will not exceed these predictions or occur in other areas. Property owners are responsible for all risks associated with development, including the effectiveness of flood resistant measures, and the impacts of development on neighbouring properties.

### **3.4 Zoning Maps and Overlays**

- 3.4.1 The Zoning Maps that form part of this By-law identify the specific land use zones and overlays that apply to a specific parcel of land.
- 3.4.2 Pursuant to sections 12 and 13 of this By-law, when determining the permitted use or development of any property, the presence of a map Overlay applies in addition to the conditions set out in the underlying zone.
- 3.4.3 Maps listed below form part of this By-law:

Map 1	Aylesford Zoning Map
Map 2	Cambridge Zoning Map
Map 3	Canning Zoning Map
Map 4	Centreville Zoning Map
Map 5	Coldbrook Zoning Map
Map 6	Greenwood Zoning Map
Map 7	Hants Border Zoning Map
Map 8	Kingston Zoning Map
Map 9	New Minas Zoning Map
Map 10	North Kentville Zoning Map
Map 11	Port Williams Zoning Map
Map 12	Waterville Zoning Map
Map 13	Rural Zoning Map

## SECTION 4 - RESIDENTIAL ZONES

### 4.1 Summary of Residential Zone Names and Symbols

Zone Name	Symbol
Residential One Unit	R1
Residential One and Two Unit	R2
Residential Mixed Density	R3
Residential Multi-unit	R4
Comprehensive Neighbourhood Development	R5
New Minas Holding	H1

### 4.2 Summary of Uses Permitted within Residential Zones

The following summarizes the main uses permitted in the Residential Zones subject to all the requirements set out in this By-law. Please see the specific zone section for an exact list of permitted uses and any special conditions.

Land Use	R1	R2	R3	R4	R5	H1
<b>RESIDENTIAL</b>						
Grouped Dwellings		R2	R3	R4		
Mini-home Parks – Existing			R3			
Multi-unit Dwellings			R3	R4		
One Unit Dwellings	R1	R2	R3	R4		
Residential Facilities			R3	R4		
Secondary Suites	R1					
Semi-detached Dwellings		R2	R3	R4		
Townhouses			R3	R4		
Two Unit Dwellings		R2	R3	R4		
<b>NON-RESIDENTIAL</b>						
Agricultural Uses - Existing	R1	R2	R3	R4	R5	H1
Business Offices				R4		
Community Facilities	R1	R2	R3	R4		
Forestry Uses					R5	H1
Indoor Recreation Uses	R1	R2	R3	R4		
Medical or Dental Clinics				R4		
Places of Worship	R1	R2	R3	R4		
Retail Stores				R4		



## 4.3 RESIDENTIAL ONE UNIT (R1) ZONE

### 4.3.1. Zone Purpose

The purpose of the Residential One Unit (R1) Zone is to maintain sewer serviced low density neighbourhoods, consisting primarily of one unit dwellings, while encouraging the efficient use of land and public infrastructure within Growth Centres, as per policy 3.1.2 (a) of the Municipal Planning Strategy.

### 4.3.2. Uses

#### 4.3.2.1 Permitted Uses

The following uses shall be permitted in the Residential One Unit (R1) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
One Unit Dwellings	
Secondary Suites	Section 4.3.4.1

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses – Existing	Subject to the requirements of the Agricultural (A1) Zone
Community Facilities	Maximum building footprint of 2,000 sq ft. and subject to section 4.3.4.2
Indoor Recreation Uses	Permitted on properties that abut and are accessed from a designated collector road. Maximum building footprint of 2,000 sq ft. and subject to section 4.3.4.2
Places of Worship	Maximum building footprint of 2,000 sq ft. and subject to section 4.3.4.2

# R1

## 4.3.3 Zone Requirements

The following requirements shall apply to all development located in the Residential One Unit (R1) Zone.

	Requirement	Residential Uses	Non-residential Uses
(a)	Minimum Lot Area: (i) Central Sewer (ii) On-site Sewer	4,000 sq ft. 30,000 sq ft.	4,000 sq ft. 30,000 sq ft.
(b)	Minimum Lot Frontage: (i) Central Sewer (ii) On-site Sewer	40 ft. 60 ft.	40 ft. 60 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.	20 ft.
(d)	Minimum Side Setback: (i) Main Building (ii) Accessory Buildings	4 ft. 4 ft.	20 ft. 4 ft.
(e)	Minimum Rear Setback: (i) Main Building (ii) Accessory Buildings	20 ft. 4 ft.	20 ft. 4 ft.
(f)	Maximum Building Height: (i) Main Building (ii) Accessory Buildings	35 ft. 20 ft.	35 ft. 20 ft.

## 4.3.4 Additional Requirements

### 4.3.4.1 Secondary Suites

A secondary suite within a one unit dwelling is permitted subject to the conditions noted below.

- (a) Any exterior entrance to the secondary suite shall be located on the side (excluding flankage) or rear of the one unit dwelling.
- (b) The exterior of the one unit dwelling shall be compatible with the existing design, style and materials of other one unit dwellings in the neighbourhood.

### 4.3.4.2 Community Facilities, Indoor Recreation Uses and Places of Worship

A community facility, indoor recreation use or place of worship shall be permitted in the Residential One Unit (R1) Zone subject to the conditions noted below:

- (a) Parking areas shall not be located less than four (4) feet from a side or rear lot line and shall be fenced.
- (b) Notwithstanding the parking requirements in section 14.5, a parking space shall be provided and maintained for every 300 square feet of commercial floor area.



#### **4.3.5 Uses Considered by Development Agreement**

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Residential One Unit (R1) Zone.

- (a) The establishment of community facilities that are not permitted as-of-right, or do not meet the requirements of the zone in which the lot is located in accordance with policy 3.1.6 of the Municipal Planning Strategy.
- (b) The re-establishment of a commercial or industrial use that has been discontinued for a period of 12 months or more in accordance with policy 3.1.7 of the Municipal Planning Strategy.
- (c) Uses compatible with the purpose of the Residential One Unit (R1) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.1.8 of the Municipal Planning Strategy.
- (d) High density residential development and new or expanded mini-home parks in accordance with policy 3.1.10 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.



## 4.4 RESIDENTIAL ONE AND TWO UNIT (R2) ZONE

### 4.4.1. Zone Purpose

The purpose of the Residential One and Two Unit (R2) Zone is to maintain sewer serviced low density neighbourhoods, consisting primarily of one or two unit dwellings, while encouraging the efficient use of land and public infrastructure within Growth Centres, as per policy 3.1.2 (a) of the Municipal Planning Strategy.

### 4.4.2 Uses

#### 4.4.2.1 Permitted Uses

The following uses shall be permitted in the Residential One and Two Unit (R2) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Grouped Dwellings	Subject to the requirements applicable to Group Dwellings in section 4.5.3
One Unit Dwellings	
Semi-detached Dwellings	
Two Unit Dwellings	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses – Existing	Subject to the requirements of the Agricultural (A1) Zone
Community Facilities	Maximum building footprint of 2,000 sq ft. and subject to section 4.4.4.1
Indoor Recreation Uses	Permitted on properties that abut and are accessed from a designated collector road. Maximum building footprint of 2,000 sq ft. and subject to section 4.4.4.1
Places of Worship	Maximum building footprint of 2,000 sq ft. and subject to section 4.4.4.1.

1. Amended to add "Grouped Dwellings", October 3, 2023, File 22-04

## 4.4.3 Zone Requirements

The following requirements shall apply to all development located in the Residential One and Two Unit (R2) Zone.

Requirement		One & Two Unit Dwellings	Semi-detached Dwellings	Non-residential Uses
(a)	Minimum Lot Area:			
	(i) Central Sewer	4,000 sq ft.	2,000 sq ft./unit	4,000 sq ft.
	(ii) On-site Sewer	30,000 sq ft.	30,000 sq ft./unit	30,000 sq ft.
(b)	Minimum Lot Frontage:			
	(i) Central Sewer	40 ft.	20 ft./unit	40 ft.
	(ii) On-site Sewer	60 ft.	30 ft./unit	60 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.	20 ft.	20 ft.
(d)	Minimum Side Setback:			
	(i) Main Building	4 ft.	4 ft.	20 ft.
	(ii) Common Wall	N/A	0 ft.	NA
	(iii) Accessory Buildings	4 ft.	4 ft.	4 ft.
(e)	Minimum Rear Setback:			
	(i) Main Building	20 ft.	20 ft.	20 ft.
	(ii) Accessory Buildings	4 ft.	4 ft.	4 ft.
(f)	Maximum Building Height:			
	(i) Main Building	35 ft.	35 ft.	35 ft.
	(ii) Accessory Buildings	20 ft.	20 ft.	20 ft.

## 4.4.4 Additional Requirements

### 4.4.4.1 Community Facilities, Indoor Recreation Uses and Places of Worship

A community facility, indoor recreation or place of worship use shall be permitted in the Residential One and Two Unit (R2) Zone subject to the conditions noted below.

- (a) Parking areas shall not be located less than four (4) feet from a side or rear lot line and shall be fenced.
- (b) Notwithstanding the parking requirements in section 14.5, a parking space shall be provided and maintained for every 300 square feet of commercial floor area.

## 4.4.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below shall be considered by Development Agreement within the Residential One and Two Unit (R2) Zone.

- (a) The establishment of community facilities that are not permitted as-of-right, or do not meet the requirements of the zone in which the lot is located in accordance with policy 3.1.6 of the Municipal Planning Strategy.
- (b) The re-establishment of a commercial or industrial use that has been discontinued for a period of 12 months or more in accordance with policy 3.1.7 of the Municipal Planning Strategy.
- (c) Uses compatible with the purpose of the Residential One and Two Unit (R2) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.1.8 of the Municipal Planning Strategy.
- (d) High density residential development and new or expanded mini-home parks in accordance with policy 3.1.10 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.



## 4.5 RESIDENTIAL MIXED DENSITY (R<sub>3</sub>) ZONE

### 4.5.1 Zone Purpose

The purpose of the Residential Mixed Density (R3) Zone is to accommodate a mix of housing forms in a variety of built forms at a density similar to the Residential One Unit (R1) and Residential One and Two Unit (R2) Zones, per policy 3.1.2 (b) of the Municipal Planning Strategy. *(Amended February 6, 2024, File P22-02)*

### 4.5.2 Uses

#### 4.5.2.1 Permitted Uses

The following uses shall be permitted in the Residential Mixed Density (R3) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Grouped Dwellings	
Mini-home Parks – Existing	Subject to the Municipality of Kings County Mobile Home Parks By-law #36 or any successor document
Multi-unit Dwellings	Maximum 12 residential units per dwelling <sup>1</sup>
One Unit Dwellings	Subject to the requirements applicable to One & Two Unit Dwellings in section 4.4.3
Residential Facilities	Up to 25,000 sq ft. gross floor area
Semi-detached Dwellings	Subject to the requirements applicable to Semi-detached Dwellings in section 4.4.3
Townhouses	<sup>1, 2</sup>
Two Unit Dwellings	Subject to the requirements applicable to One & Two Unit Dwellings in section 4.4.3

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses – Existing	Subject to the requirements of the Agricultural (A1) Zone
Community Facilities	Maximum 10,000 sq ft. gross floor area and subject to section 4.5.4.1
Indoor Recreation Uses	Permitted on properties that abut and are accessed from a designated collector road and subject to section 4.5.4.1.  Maximum 10,000 sq ft. gross floor area
Places of Worship	Maximum 10,000 sq ft. gross floor area

1. Maximum allowed units changed from 8 to 12. Amended February 6, 2024, File P22-02
2. Removed Special Conditions for clarity. Amended October 1, 2024, File P21-01.

## 4.5.3 Zone Requirements

The following requirements shall apply to all development located in the Residential Mixed Density (R3) Zone.

	Requirement	Grouped Dwellings	Townhouses	Multi-unit Dwellings	All other permitted uses
(a)	Minimum Lot Area:				
	(i) Central Sewer	2,000 sq ft./unit	2,000 sq ft./unit	2,000 sq ft./unit	4,000 sq ft.
	(ii) On-site Sewer	30,000 sq ft./unit	30,000 sq ft./unit	30,000 sq ft./unit	30,000 sq ft.
(b)	Minimum Lot Frontage:				
	(i) Central Sewer	40 ft.	20 ft./unit	40 ft.	40 ft.
	(ii) On-site Sewer	60 ft.	30 ft./unit	60 ft.	60 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.	20 ft.	20 ft.	20 ft.
(d)	Minimum Side Setback:				
	(i) Main Buildings	4 ft.	4 ft.	10 ft.	10 ft.
	(ii) Accessory Buildings	4 ft.	4 ft.	4 ft.	4 ft.
	(iii) Common Wall	N/A	N/A.	N/A	N/A.
(e)	Minimum Rear Setback:				
	(i) Main Buildings	20 ft.	20 ft.	20 ft.	20 ft.
	(ii) Accessory buildings	4 ft.	4 ft.	4 ft.	4 ft.
(f)	Maximum Building Height:				
	(i) Main Buildings	35 ft.	35 ft.	35 ft.	35 ft.
	(ii) Accessory Buildings	20 ft.	20 ft.	20 ft.	20 ft.



#### **4.5.4 Additional Requirements**

##### **4.5.4.1 Community Facilities, Indoor Recreation Uses and Places of Worship**

A community facility or indoor recreation use shall be permitted in the Residential Mixed Density (R3) Zone subject to the conditions noted below.

- (a) Parking areas shall not be located less than four (4) feet from a side or rear lot line and shall be fenced.
- (b) Notwithstanding the parking requirements in section 14.5, a parking space shall be provided and maintained for every 300 square feet of commercial floor area.

##### **4.5.4.2 Pedestrian Pathways**

Where a residential development consists of five (5) or more residential units on a single lot and where that lot abuts an existing or planned sidewalk or public trail, pedestrian pathways shall be provided and connect the main entrance of each residential unit to the sidewalk or public trail abutting the lot.

Pedestrian pathways shall have a width no less than five (5) feet wide and shall be maintained as a stable surface free of snow or other debris. (*Amended October 1, 2024, File P21-01*)

##### **4.5.4.3 Amenity Areas**

Except for grouped dwellings and townhouses, any development on a single lot with five (5) or more residential units shall meet the conditions noted below.

- (a) An amenity area or areas equivalent to 100 square feet per residential unit or ten (10) per cent of the lot area, whichever is greater, shall be provided.
- (b) Common outdoor spaces shall not be located within the minimum required front or flankage setbacks unless there is a public sidewalk abutting the lot.

##### **4.5.4.4 Solid Waste Storage for Multi-unit Dwellings**

New multi-unit dwellings and additions to existing multi-unit development shall provide adequate solid waste storage for use by residents. Such solid waste storage shall be:

- (a) enclosed within a main or accessory building; or
- (b) enclosed within a six (6) foot high opaque board fence that effectively screens the storage from the road and adjacent residential properties and such an area shall meet the requirements for an accessory building.

##### **4.5.4.5 Parking**

For multi-unit dwellings, no parking shall be permitted in a required minimum main building side setback abutting a Residential One Unit (R1) Zone and Residential One and Two Unit (R2) Zone.

## 4.5.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Residential Mixed Density (R3) Zone.

- (a) The establishment of community facilities that are not permitted as-of-right, or do not meet the requirements of the zone in which the lot is located in accordance with policy 3.1.6 of the Municipal Planning Strategy.
- (b) The re-establishment of a commercial or industrial use that has been discontinued for a period of 12 months or more in accordance with policy 3.1.7 of the Municipal Planning Strategy.
- (c) Uses compatible with the purpose of the Residential Mixed Density (R3) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.1.8 of the Municipal Planning Strategy.
- (d) High density residential development and new or expanded mini-home parks in accordance with policy 3.1.10 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.

## 4.6 RESIDENTIAL MULTI-UNIT (R4) ZONE

### 4.6.1. Zone Purpose

The purpose of the Residential Multi-unit (R4) Zone is to encourage compact neighbourhood development in strategic locations such as along or near main transportation corridors and near employment and shopping destinations by accommodating a variety of medium density housing forms, such as multi-unit dwellings within Growth Centres, as per policy 3.1.2 (c) of the Municipal Planning Strategy. *(Amended February 6, 2024, File P22-02)*

### 4.6.2. Uses

#### 4.6.2.1 Permitted Uses

The following uses shall be permitted in the Residential Multi-unit (R4) Zone subject to all applicable requirements of this By-law, including Section 14 - General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Grouped Dwellings	
Multi-unit Dwellings	<sup>1</sup>
One Unit Dwellings	Subject to the requirements applicable to One & Two Unit Dwellings in section 4.4.3
Residential Facilities	Maximum 50,000 sq ft. gross floor area
Semi-detached Dwellings	Subject to the requirements applicable to Semi-detached Dwellings in section 4.4.3
Townhouses	<sup>1</sup>
Two Unit Dwellings	Subject to the requirements applicable to One & Two Unit Dwellings in section 4.4.3

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses – Existing	Subject to the requirements of the Agricultural (A1) Zone
Business Offices	Section 4.6.4.1
Community Facilities	Section 4.6.4.2
Indoor Recreation Uses	Permitted on properties with access to a designated collector road and subject to Section 4.6.4.2
Medical and Dental Clinics	Section 4.6.4.1
Places of Worship	
Retail Stores	Section 4.6.4.1

1. *Removed maximum units allowed. February 6, 2024, File P22-02*

## 4.6.3 Zone Requirements

The following requirements shall apply to all development located in the Residential Multi-unit (R4) Zone.

	Requirement	Grouped Dwellings	Townhouses	Multi-unit Dwellings	All other permitted uses
(a)	Minimum Lot Area: (i) Central Sewer (ii) On-site Sewer	1,800 sq ft./unit 30,000 sq ft/unit	1,800 sq ft./unit 30,000 sq ft./unit	1,800 sq ft./unit 30,000 sq ft./unit	4,000 sq ft. 30,000 sq ft.
(b)	Minimum Lot Frontage: (i) Central Sewer (ii) On-site Sewer	40 ft. 60 ft.	20 ft./unit 30 ft./unit	40 ft. 60 ft.	40 ft. 60 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.	20 ft.	20 ft.	20 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings (iii) Common Wall	4 ft. 4 ft. N/A	4 ft. 4 ft. 0 ft.	20 ft. 4 ft. N/A	20 ft. 4 ft. N/A
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	20 ft. 4 ft.	20 ft. 4 ft.	20 ft. 4 ft.	20 ft. 4 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	35 ft. 20 ft.	35 ft. 20 ft.	45 ft. 20 ft.	45 ft. 20 ft.

## 4.6.4 Additional Requirements

### 4.6.4.1 Retail Stores, Medical and Dental Clinics and Business Offices

Retail stores, medical and dental clinics, and business office uses shall be permitted on the ground floor of a multi-unit dwelling, subject to the conditions noted below.

- (a) The commercial floor area shall not exceed 1,000 square feet per multi-unit dwelling.
- (b) A retail store, medical and dental clinics, or business office use located within a multi-unit dwelling shall be counted as one unit towards the maximum number of residential units permitted within a multi-unit dwelling.

### 4.6.4.2 Community Facilities and Indoor Recreation Uses

A community facility or indoor recreation use shall be permitted in the Residential Medium Density (R4) Zone subject to the conditions noted below.

- (a) Parking areas shall not be located less than four (4) feet from a side or rear lot line and shall be fenced.
- (b) Notwithstanding the parking requirements in section 14.5, a parking space shall be provided and maintained for every 300 square feet of commercial floor area.

### 4.6.4.3 Pedestrian Pathways

Where a residential development consists of five (5) or more residential units on a single lot and where that lot abuts an existing or planned sidewalk or public trail, pedestrian pathways shall be provided and connect the main entrance of each residential unit to the sidewalk or public trail abutting the lot.

Pedestrian pathways shall have a width no less than five (5) feet wide and shall be maintained as a stable surface free of snow or other debris. (*Amended October 1, 2024, File P21-01*)

### 4.6.4.4 Amenity Areas

Except for grouped dwellings and townhouses, any development on a single lot with five (5) or more residential units shall meet the following amenity area requirements.

- (a) An amenity area or areas equivalent to 100 square feet per residential unit or ten (10) per cent of the lot area, whichever is greater shall be provided.
- (b) Common outdoor spaces shall not be located within the minimum required front or flankage setbacks unless there is a public sidewalk abutting the lot.

### 4.6.4.5 Solid Waste Storage for Multi-unit Dwellings

New multi-unit dwellings and additions to existing multi-unit development shall provide adequate solid waste storage for use by residents before the solid waste is placed for pickup and transport to a waste transfer station. Such solid waste storage shall be:

- (a) enclosed within a main or accessory building; or
- (b) enclosed within a six (6) foot high opaque board fence that effectively screens the storage from the road and adjacent residential properties and such an area shall meet the requirements for an accessory building.

#### **4.6.4.6 Parking**

For multi-unit dwellings, no parking shall be permitted in a required minimum main building side setback abutting a Residential One Unit (R1) Zone and Residential One and Two Unit (R2) Zone.

#### **4.6.5 Uses Considered by Development Agreement**

Pursuant to the Municipal Planning Strategy, the uses noted below shall be permitted by Development Agreement within the Residential Multi-unit (R4) Zone.

- (a) The establishment of community facilities that are not permitted as-of-right, or do not meet the requirements of the zone in which the lot is located in accordance with policy 3.1.6 of the Municipal Planning Strategy.
- (b) The re-establishment of a commercial or industrial use that has been discontinued for a period of 12 months or more in accordance with policy 3.1.7 of the Municipal Planning Strategy.
- (c) Uses compatible with the purpose of the Residential Multi-unit (R4) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.1.8 of the Municipal Planning Strategy.
- (d) High density residential development and new or expanded mini-home parks in accordance with policy 3.1.10 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.

## 4.7 COMPREHENSIVE NEIGHBOURHOOD DEVELOPMENT (R5) ZONE

### 4.7.1 Zone Purpose

The purpose of the Comprehensive Neighbourhood Development (R5) Zone is to enable the development of large-scale and comprehensively planned neighbourhoods by development agreement, as per policy 3.1.2 (d) of the Municipal Planning Strategy.

### 4.7.2 Uses

#### 4.7.2.1 Permitted Uses

The following uses shall be permitted in the Comprehensive Neighbourhood Development (R5) Zone subject to all applicable requirements of this By-law, including Section 14 - General Regulations.

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses – Existing	Subject to the setback requirements of the Agricultural (A1) Zone
Forestry Uses	
Existing Uses <sup>1</sup>	

<sup>1</sup> Amended to add "Existing Uses", November 5, 2024, File 24-05

## 4.7.3 Zone Requirements

The following requirements shall apply to all development located in the Comprehensive Neighbourhood Development (R5) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Lot Area:	5 acres
(b)	Minimum Lot Frontage:	100 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Abutting a Residential Zone (iii) Accessory Buildings	20 ft. 40 ft. 20 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	40 ft. 20 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	45 ft. 20 ft.

## 4.7.4 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Comprehensive Neighbourhood (R5) Zone.

- (a) The development of comprehensive planned neighbourhood developments in accordance with policies 3.1.13 and 3.1.14 of the Municipal Planning Strategy.
- (b) Uses considered by Development Agreement in all zones listed in section 14.7.



*Section 4.8 removed, May 2, 2023, New Minas Secondary Plan*



## Section 5 - COMMERCIAL ZONES

### 5.1 Summary of Commercial Zone Names and Symbols

Zone Name	Symbol
General Commercial	C1
Central Business	C2
Mixed Commercial Residential	C3
Rural Commercial	C4
Highway Commercial	C5
Comprehensive Business Development	C6

### 5.2 Summary of Permitted Uses within Commercial Zones

The following summarizes the main permitted uses in the Commercial Zones subject to all the requirements set out in this By-law. Please see the specific zone section for an exact list of permitted uses and any special conditions.

Land Use	C1	C2	C3	C4	C5	C6
<b>RESIDENTIAL</b>						
Grouped Dwellings			C3			
Mobile Homes				C4		
Multi-unit Dwellings			C3			
One Unit Dwellings			C3	C4		
Residential Facilities			C3	C4		
Residential Units in Commercial Buildings	C1	C2	C3	C4		
Semi-detached Dwellings			C3	C4		
Townhouses			C3			
Two Unit Dwellings			C3	C4		
<b>NON-RESIDENTIAL</b>						
Agricultural Equipment and Parts Sales and Service	C1			C4	C5	
Agricultural Related Industries	C1	C2		C4		
Agricultural Uses				C4		C6
Agricultural Uses – Existing	C1	C2	C3		C5	
Agritainment Uses				C4		
Animal Boarding Facilities				C4		
Arts and Cultural Centres	C1	C2	C3	C4	C5	

Land Use	C1	C2	C3	C4	C5	C6
Automotive Repair	C1			C4	C5	
Automotive Sales and Rental	C1			C4	C5	
Building and Construction Contractors	C1			C4		
Bus/Taxi Stations	C1	C2			C5	
Business Offices	C1	C2	C3	C4		
Carwash Facilities	C1				C5	
Community Facilities	C1	C2	C3	C4		
Crematoria	C1		C3	C4		
Day Care Facilities	C1	C2	C3			
Domestic Animal Grooming	C1	C2	C3	C4		
Drive-Through Restaurants	C1				C5	
Dry-cleaning Depots	C1	C2	C3	C4		
Dry-cleaning Facilities	C1					
Educational Facilities	C1	C2	C3	C4		
Emergency Services	C1	C2		C4	C5	
Equipment Rental	C1	C2	C3	C4		
Existing uses permitted in the General Commercial (C1) Zone		C2				
Farm or Vineyard Product Sampling				C4		
Farm Market Outlets				C4		
Fixed Roof Overnight Accommodations	C1	C2	C3	C4	C5	
Food and Drink Production	C1	C2		C4		
Forestry Related Industry				C4		
Forestry Uses				C4		C6
Funeral Homes	C1	C2	C3	C4		
Gas Bars	C1	C2		C4	C5	
Goods and Services Shops	C1	C2	C3	C4		
Greenhouses				C4		
Heavy Equipment Facilities	C1			C4	C5	
Household Item Repair Services	C1	C2	C3	C4		
Indoor Recreation Uses	C1	C2	C3	C4		

Land Use	C1	C2	C3	C4	C5	C6
Laundromats	C1	C2	C3	C4	C5	
Licensed Liquor Establishments	C1	C2				
Manufacturing	C1	C2				
Medical and Dental Clinics	C1	C2	C3	C4		
Outdoor Commercial Display	C1				C5	
Parking Lots	C1	C2			C5	
Personal Service Shops	C1	C2	C3	C4		
Places of Worship	C1	C2	C3	C4		
Professional Trades	C1			C4		
Restaurants	C1	C2	C3	C4	C5	
Retail Stores	C1	C2	C3	C4	C5	
Self Storage Facilities				C4	C5	
Storefront Recycling Uses	C1	C2		C4		
Tourist Commercial Uses				C4		
Veterinary Clinics	C1	C2	C3	C4		
Visitor Information Centres	C1	C2	C3	C4	C5	
Wildlife Rescue and Rehabilitation Centres				C4		



## 5.3 GENERAL COMMERCIAL (C1) ZONE

### 5.3.1 Zone Purpose

The purpose of the General Commercial (C1) Zone is to accommodate a very wide range of commercial uses, as well as limited residential opportunities and low-impact industrial developments, along main transportation corridors, as per policy 3.2.2 (a) of the Municipal Planning Strategy. In the event of conflict between residential and commercial uses, the interests of commercial uses shall prevail in this zone.

### 5.3.2 Uses

#### 5.3.2.1 Permitted Uses

The following uses shall be permitted in the General Commercial (C1) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Residential Units in Commercial Buildings	Located above, behind or below ground floor commercial uses

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Equipment and Parts Sales and Service	
Agricultural Related Industry	Section 5.3.4.1
Agricultural Uses – Existing	Subject to the requirements of the Agricultural (A1) Zone
Arts and Cultural Centres	
Automotive Repair	Section 5.3.4.2
Automotive Sales and Rental	
Building and Construction Contractors	
Bus/Taxi Stations	
Business Offices	
Carwash Facilities	
Community Facilities	
Crematoria	
Day Care Facilities	
Domestic Animal Grooming	Section 14.3
Drive-Through Restaurants	Section 14.3
Dry-cleaning Depots	
Dry-cleaning Facilities	
Educational Facilities	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Emergency Services	
Equipment Rental	
Fixed Roof Overnight Accommodations	
Food and Drink Production	Section 5.3.4.1
Funeral Homes	
Gas Bars	Section 14.3
Goods and Services Shops	
Heavy Equipment Facilities	
Household Item Repair Services	
Indoor Recreation Uses	
Laundromats	
Licensed Liquor Establishments	
Manufacturing	Section 5.3.4.1
Medical and Dental Clinics	
Outdoor Commercial Display	Section 5.3.4.4
Parking Lots	
Personal Service Shops	
Places of Worship	
Professional Trades	
Restaurants	
Retail Stores	
Storefront Recycling Uses	Section 5.3.4.2
Veterinary Clinics	Section 14.3
Visitor Information Centres	



### 5.3.3 Zone Requirements

The following requirements shall apply to all development located in the General Commercial (C1) Zone.

	Requirement	All Permitted Uses, within the Growth Centre of New Minas	All Permitted Uses, Elsewhere
(a)	Minimum Lot Area:	5,000 sq ft.	5,000 sq ft.
(b)	Minimum Lot Frontage:	50 ft.	50 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.	20 ft.
(ca)	Maximum Front/Flankage Setback*:	50 ft.	n/a
(d)	Minimum Side Setback: (i) Main Buildings (ii) Main Building <sup>2</sup> Abutting a Residential Zone (iii) Accessory Buildings	10 ft. 20 ft. 4 ft.	10 ft. 20 ft. 4 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Main Building <sup>2</sup> Abutting a Residential Zone (iii) Accessory Buildings	20 ft. 40 ft. 4 ft.	20 ft. 40 ft. 4 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	65 ft. 20 ft.	55 ft. 20 ft.
(g)	Minimum Main Building Height:	20 ft.	n/a
(h)	Minimum Ground Floor Height:	12 ft.	n/a
(i)	Maximum Streetwall Height:	35 ft.	n/a
(j)	Minimum Stepback above Streetwall	10 ft.	n/a

\*Where multiple main buildings are located on a lot the maximum front/flankage setback shall only apply to the main building closest to the front/flankage lot line.

1. Amended to add ca, g, h, i, j and "All Permitted Uses, within the Growth Centre of New Minas", May 2, 2023, New Minas Secondary Plan

2. Amended to add "Main Building", October 1, 2024, File P21-01

### 5.3.4 Additional Requirements

#### 5.3.4.1 Agricultural Related Industry Uses, Food and Drink Production and Manufacturing

Agricultural related industry uses, food and drink production and manufacturing shall be subject to the conditions noted below.

- (a) The use shall include an accessory retail store on site where product(s) produced may be purchased.
- (b) The area used for agriculture related industry, food and drink production or manufacturing shall be limited to a maximum of 5,000 square feet of gross floor area exclusive of the accessory retail store.
- (c) Any outlets for air, noise, or fumes shall be directed away from any existing adjacent Residential Zones.

#### **5.3.4.2 Accessory Holding Yards**

Accessory holding yards shall be subject to the conditions noted below.

- (a) Accessory holding yards shall be limited to a maximum area of 5,000 square feet and must be located in the rear or side yard, excluding a flankage yard.
- (b) Accessory holding yards shall meet the required main building setbacks.
- (c) Accessory holding yards shall be enclosed by an opaque fence having a minimum height of six (6) feet and a maximum height of 15 feet.

#### **5.3.4.3 Parking**

No parking is permitted within four (4) feet of a lot line abutting a Residential One Unit (R1) Zone or Residential One and Two Unit (R2) Zone.

#### **5.3.4.4 Outdoor Commercial Display, Accessory Outdoor Commercial Display and Accessory Outdoor Storage**

Outdoor commercial display, accessory outdoor commercial display and accessory outdoor storage shall be subject to the conditions noted below.

- (a) Outdoor commercial display, whether a main use or accessory use, shall not be located within ten (10) feet of any front or flankage lot line or within any required side or rear setback.
- (b) Accessory outdoor storage shall not be located within the front or flankage yard or within any required side or rear setback.
- (c) The total area used for accessory outdoor storage shall not exceed 5,000 square feet or 50 per cent of the total lot area, whichever is smaller.

#### **5.3.4.5 Landscaping**

Landscaping consisting of a mixture of grass, flower beds, shrubs, trees or other permeable surfaces shall be required within the lot boundary along all road frontages at a minimum width of ten (10) feet and along all other lot lines at a minimum width of four (4) feet except where a permitted access to a parking area on an abutting lot is provided. Such accesses shall have a maximum width of 25 feet.

### **5.3.5. Uses Considered by Development Agreement**

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the General Commercial (C1) Zone.

- (a) Proposals for educational facilities that cannot meet zone requirements in accordance with policy 2.5.17 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (d) Uses compatible with the purpose of the General Commercial (C1) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.2.9 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.

### **5.3.6. Site Plan Approval in the Growth Centre of New Minas**

#### **5.3.6.1 Site Plan Approval in the Growth Centre of New Minas**

No development permit shall be issued within the Growth Centre of New Minas for development abutting Commercial Street in the General Commercial (C1) Zone unless site plan approval is obtained. A clear and accurate site plan showing the location and size of development on the property shall be provided to the Development Officer for approval. The site plan shall accurately show the following features:

- (a) Property boundaries;
- (b) Any watercourse, steep slopes or wetland;
- (c) Driveway(s);
- (d) Parking areas, internal vehicular circulation and any connections to abutting properties;
- (e) Pedestrian infrastructure;
- (f) Main building envelope(s);
- (g) Any accessory buildings;
- (h) Landscaped areas;
- (i) Areas to be maintained as natural vegetation; and
- (j) Key measurements showing the location of the above features on the property

**5.3.6.2 Additional Site Plan Requirements**

Proposed development shown on any site plan required in section 5.3.6.1 shall conform with the requirements below:

- (a) Zone requirements contained in Section 5.3.3;
- (b) Landscaping requirements contained in Section 5.3.4.5;
- (c) Vehicular access points shall be limited to two per street frontage. Where possible, adjacent lots should share access points.
- (d) A pedestrian walkway a minimum of 5 feet in width and protected from automobile traffic by means of grade separation, planters, bollards, or curbing shall connect all main entrances to Commercial Street; and
- (e) Parking lots with more than 20 parking spaces shall be divided into separate parking areas, each of not more than 20 parking spaces, through the use of curbed and vegetated "landscaped islands" and/or by curbed pedestrian pathways a minimum of 5 feet in width.

**5.3.6.3 Site Plan Exemptions**

The following matters do not require site plan approval but all other requirements of this By-law shall be met prior to the issuance of a development permit:

- (a) Repairs to buildings and structures on the lot and renovations that do not increase the building or structure footprint.

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

## 5.4 CENTRAL BUSINESS (C2) ZONE

### 5.4.1 Zone Purpose

The purpose of the Central Business (C2) Zone is to promote the development of a range of retail and service commercial uses at a scale in keeping with the traditional village development pattern in Canning, Kingston, Aylesford and Port Williams, in accordance with policy 3.2.2 (b) of the Municipal Planning Strategy. In the event of conflict between residential and commercial uses, the interests of commercial uses shall prevail.

### 5.4.2 Uses

#### 5.4.2.1 Permitted Uses

The following uses shall be permitted in the Central Business (C2) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Residential Units in Commercial Buildings	Located above, behind or below ground floor commercial uses

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Related Industry	Section 5.4.4.1
Agricultural Uses – Existing	Subject to the requirements of the Agricultural (A1) Zone
Arts and Cultural Centres	
Bus/Taxi Stations	
Business Offices	
Community Facilities	
Day Care Facilities	
Domestic Animal Grooming	Section 14.3
Dry-cleaning Depots	
Educational Facilities	
Emergency Services	
Equipment Rental	
Existing uses permitted in the General Commercial (C1) Zone	
Fixed Roof Overnight Accommodations	
Food and Drink Production	Section 5.4.4.1
Funeral Homes	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Gas Bars	Section 14.3
Goods and Services Shops	
Household Item Repair Services	
Indoor Recreation Uses	
Laundromats	
Licensed Liquor Establishments	
Manufacturing	Section 5.4.4.1
Medical and Dental Clinics	
Parking Lots	
Personal Service Shops	
Places of Worship	
Restaurants	
Retail Stores	
Storefront Recycling Uses	
Veterinary Clinics	Section 14.3
Visitor Information Centres	

### 5.4.3 Zone Requirements

The following requirements shall apply to all development located in the Central Business (C2) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Lot Area:	3,500 sq ft.
(b)	Minimum Lot Frontage:	35 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	0 ft.*
(d)	Minimum Side Setback: (i) Main Buildings (ii) Abutting a Residential Zone (iii) Accessory Buildings	0 ft. 20 ft. 4 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Abutting a Residential Zone (iii) Accessory Buildings	10 ft. 40 ft. 4 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	55 ft. 20 ft.

\* With permission of the road authority. Check for utility and other easements.

### 5.4.4 Additional Requirements

#### 5.4.4.1 Agricultural Related Industry, Food and Drink Production and Manufacturing

Agricultural related industry uses, food and drink production and manufacturing shall be subject to the conditions noted below.

- (a) The use shall include an accessory retail store on site where product(s) produced may be purchased.
- (b) The area used for agriculture related industry, food and drink production or manufacturing shall be limited to a maximum of 5,000 square feet of gross floor area exclusive of the accessory retail store.
- (c) Any outlets for air, noise, or fumes shall be directed away from any existing adjacent Residential Zones.

#### 5.4.4.2 Outdoor Commercial Display

Outdoor commercial display shall be permitted as an accessory use provided the area used for outdoor commercial display does not exceed ten (10) per cent of the total lot area.

#### **5.4.4.3 Parking**

Minimum parking space requirements for non-residential uses as set out in section 14.5 shall not apply. However, compliance with on-site parking requirements for residential uses is required.

#### **5.4.5 Uses Considered by Development Agreement**

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Central Business (C2) Zone.

- (a) Proposals for educational facilities that cannot meet zone requirements in accordance with policy 2.5.17 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (d) Uses compatible with the purpose of the Central Business (C2) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.2.9 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.



## 5.5 MIXED COMMERCIAL RESIDENTIAL (C3) ZONE

### 5.5.1 Zone Purpose

The purpose of the Mixed Commercial Residential (C3) Zone is to complement established commercial areas and provide the flexibility to permit both residential and lower impact commercial uses, such as local retail or business offices, in the same area of a Growth Centre, in accordance with policy 3.2.2 (c) of the Municipal Planning Strategy.

### 5.5.2 Uses

#### 5.5.2.1 Permitted Uses

The following uses shall be permitted in the Mixed Commercial Residential (C3) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Grouped Dwellings	
Multi-unit Dwellings containing up to 12 residential units	Subject to the requirements applicable to Multi-unit Dwellings in section 4.5 <sup>1</sup>
Multi-unit Dwellings containing more than 12 residential units	Subject to the requirements applicable to Multi-unit Dwellings in section 4.6 <sup>1</sup>
One Unit Dwellings	Subject to the requirements applicable to One & Two Unit Dwellings in section 4.4.3
Residential Facilities	Up to 50,000 sq ft. gross floor area
Residential Units in Commercial Buildings	Located above, behind or below ground floor commercial uses
Semi-detached Dwellings	Subject to the requirements applicable to Semi-detached Dwellings in section 4.4.3
Townhouses	Subject to the requirements applicable to Townhouses in section 4.5
Two Unit Dwellings	Subject to the requirements applicable to One & Two Unit Dwellings in section 4.4.3

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses - Existing	Subject to the requirements of the Agricultural (A1) Zone
Arts and Cultural Centres	
Business Offices	
Community Facilities	
Crematoria	
Day Care Facilities	
Domestic Animal Grooming	Section 14.3

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Dry-cleaning Depots	
Educational Facilities	
Equipment Rental	
Fixed Roof Overnight Accommodations	
Funeral Homes	
Goods and Services Shops	
Household Item Repair Services	
Indoor Recreation Uses	
Laundromats	
Medical and Dental Clinics	
Personal Service Shops	
Places of Worship	
Restaurants	
Retail Stores	
Veterinary Clinics	Section 14.3
Visitor Information Centres	

1. Amended February 6, 2024, File P22-02

### 5.5.3 Zone Requirements

The following requirements shall apply to all development located in the Mixed Commercial Residential (C3) Zone.

	Requirement	Grouped Dwellings	All Other permitted uses
(a)	Minimum Lot Area: (i) Central Sewer (ii) On-site Sewer	2,000 sq ft./unit 30,000 sq ft./unit	4,000 sq ft. 30,000 sq ft.
(b)	Minimum Lot Frontage: (i) Central Sewer (ii) On-site Sewer	40 ft. 60 ft.	40 ft. 60 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.	20 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings	4 ft. 4 ft.	10 ft. 4 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	20 ft. 4 ft.	20 ft. 4 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	35 ft. 20 ft.	45 ft. 20 ft.

### 5.5.4 Additional Requirements

#### 5.5.4.1 Residential Uses

In the event of conflict between residential and commercial uses, the interests of commercial uses shall prevail.

#### 5.5.4.2 Non-residential Uses

One or more non-residential uses in one or more buildings shall be permitted on a lot up to a maximum of 10,000 square feet of gross floor area.

#### 5.5.4.3 Accessory Outdoor Commercial Display and Accessory Outdoor Storage

Accessory outdoor commercial display and accessory outdoor storage shall be permitted subject to the conditions noted below.

- (a) Accessory outdoor commercial display shall not be located within ten (10) feet of any front or flankage lot line or within any required side or rear setback for a main building.
- (b) Accessory outdoor storage shall not be located within the front or flankage yard or within any required side or rear setback for a main building.
- (c) The total area used for accessory outdoor commercial display or accessory outdoor storage shall not exceed 2,500 square feet or 50 per cent of the total lot area, whichever is smaller.

#### **5.5.4.4 Parking**

No parking is permitted within four (4) feet of a lot line abutting a Residential One Unit (R1) Zone or Residential One and Two Unit (R2) Zone.

#### **5.5.4.5 Landscaping**

Landscaping consisting of a mixture of grass, flower beds, shrubs, trees or other permeable surfaces shall be required within the lot boundary along all road frontages at a minimum width of ten (10) feet and along all other lot lines at a minimum width of four (4) feet except where a permitted access to a parking area on an abutting lot is provided. Such accesses shall have a maximum width of 25 feet.

### **5.5.5 Uses Considered by Development Agreement**

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Mixed Commercial Residential (C3) Zone.

- (a) Proposals for educational facilities that cannot meet zone requirements in accordance with policy 2.5.17 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (d) Uses compatible with the purpose of the Mixed Commercial Residential (C3) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.2.9 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.

## 5.6 RURAL COMMERCIAL (C4) ZONE

### 5.6.1 Zone Purpose

The purpose of the Rural Commercial (C4) Zone is to provide opportunities for commercial uses to locate and expand in rural communities serving rural industries, visitors, and residents, in accordance with policies 2.2.2 (a), 2.2.7 and 2.2.8 of the Municipal Planning Strategy.

### 5.6.2 Uses

#### 5.6.2.1 Permitted Uses

The following uses shall be permitted in the Rural Commercial (C4) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Mobile Homes	
One Unit Dwellings	
Residential Units in Commercial Buildings	Located above, behind or below ground floor commercial uses
Semi-detached Dwellings	
Two Unit Dwellings	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Equipment and Parts Sales and Service	
Agricultural Related Industries	
Agricultural Uses	
Agritainment Uses	Section 14.3
Animal Boarding Facilities	Section 14.3
Arts and Cultural Centres	
Automotive Repair	
Automotive Sales and Rental	
Building and Construction Contractors	
Business Office	
Community Facilities	
Crematoria	
Domestic Animal Grooming	Section 14.3
Dry-cleaning Depots	
Educational Facilities	
Emergency Services	
Equipment Rental	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Farm Market Outlets	
Farm or Vineyard Product Sampling	Section 14.3
Farm Stays	
Fixed Roof Overnight Accommodations	
Food and Drink Production	Maximum 5,000 sq ft. of gross floor area
Forest Related Industry	
Forestry Uses	Section 14.3
Funeral Homes	
Gas Bars	Section 14.3
Goods and Services Shop	
Greenhouses	
Heavy Equipment Facilities	
Household Item Repair	
Indoor Recreation Uses	
Laundromats	
Medical and Dental Clinics	
Outdoor Commercial Display	
Personal Service Shops	
Places of Worship	
Professional Trades	
Restaurants	
Retail Stores	Maximum 5,000 sq ft. of commercial floor area
Self-storage Facilities	
Storefront Recycling Uses	
Tourist Commercial Uses	Section 14.3
Veterinary Clinics	
Visitor Information Centres	
Wildlife Rescue and Rehabilitation Centres	

1. Amended to add Outdoor Commercial Display, January 5, 2021, File 20-10
2. Removed "Residential Facilities" for consistency, October 1, 2024, File 21-01

### 5.6.3 Zone Requirements

The following requirements shall apply to all development located in the Rural Commercial (C4) Zone.

	Requirement	Permitted Uses
(a)	Minimum Lot Area: (i) General (ii) Semi-detached Dwellings	30,000 sq ft. N/A
(b)	Minimum Lot Frontage:	100 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings	20 ft. 10 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	40 ft. 10 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	45 ft. 20 ft.

### 5.6.4 Additional Requirements

#### 5.6.4.1 Accessory Outdoor Storage

Accessory outdoor storage shall be permitted provided it is not located within the required front or flankage setback for a main building.

#### 5.6.4.2 Accessory Holding Yard

Accessory holding yards shall not be located within the required front or flankage setback, shall be limited to a maximum of 5,000 square feet and must be enclosed by a fence having a minimum height of six (6) feet.

#### 5.6.4.3 Outdoor Commercial Display

Outdoor commercial display shall be permitted provided it is not located within ten (10) feet of a front or flankage lot line. *(Amended January 5, 2021, File 20-10)*

### 5.6.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Rural Commercial (C4) Zone.

- (a) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.

- (b) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (ba) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy (*Amended for clarity, October 1, 2024, File P21-01*)
- (c) Uses considered by Development Agreement in all zones listed in section 14.7.



## 5.7 HIGHWAY COMMERCIAL (C5) ZONE

### 5.7.1 Zone Purpose

The purpose of the Highway Commercial (C5) Zone is to complement established commercial areas by permitting commercial uses to serve the traveling public; commercial uses that are not usually desired within main street commercial or mixed use areas; and commercial uses that benefit from exposure to high traffic volumes or require direct access to a major transportation route, in accordance with policy 3.2.2 (d) of the Municipal Planning Strategy.

### 5.7.2 Uses

#### 5.7.2.1 Permitted Uses

The following uses shall be permitted in the Highway Commercial (C5) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Equipment and Parts Sales and Service	
Agricultural Uses – Existing	Subject to the requirements of the Agricultural (A1) Zone
Arts and Cultural Centres	
Automotive Repair	
Automotive Sales and Rental	
Bus/Taxi Stations	
Carwash Facilities	
Drive-Through Restaurants	Section 14.3
Emergency Services	
Fixed Roof Overnight Accommodations	
Gas Bars	Section 14.3
Heavy Equipment Facilities	
Laundromats	
Outdoor Commercial Display	
Parking Lots	
Restaurants	
Retail Stores	
Self Storage Facilities	
Visitor Information Centres	

## 5.7.3 Zone Requirements

The following requirements shall apply to all development located in the Highway (C5) Commercial Zone.

	Requirement	All Permitted Uses
(a)	Minimum Lot Area: (i) Central Sewer (ii) On-site Sewer	4,000 sq ft. 30,000 sq ft
(b)	Minimum Lot Frontage: (i) Central Sewer (ii) On-site Sewer	40 ft 60 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Abutting a Residential Zone (iii) Accessory Buildings	10 ft. 20 ft. 4 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Abutting a Residential Zone (iii) Accessory Buildings	20 ft. 40 ft. 4 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	55 ft. 20 ft.

## 5.7.4 Additional Requirements

### 5.7.4.1 Landscaping

Landscaping consisting of a mixture of grass, flower beds, shrubs, trees or other permeable surfaces shall be required within the lot boundary along all road frontages at a minimum width of ten (10) feet and along all other lot lines at a minimum width of four (4) feet except where a permitted access to a parking area on an abutting lot is provided. Such accesses shall have a width no greater than 25 feet.

### 5.7.4.2 Appearance from Highway 101

All building walls visible from Highway 101 shall meet the following requirements:

- (a) Glazing must make up a minimum of 25 per cent of the wall area visible from Highway 101.
- (b) Walls visible from Highway 101 must be constructed of cladding that is consistent with the material(s) used on the front of the building and must not present blank walls visible from Highway 101.

#### 5.7.4.3 Outdoor Commercial Display

Outdoor commercial display shall be permitted provided it is not located within ten (10) feet of a front or flankage lot line

#### 5.7.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below be considered by Development Agreement within the Highway Commercial (C5) Zone.

- (a) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (b) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (c) Uses compatible with the purpose of the Highway Commercial (C5) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.2.9 of the Municipal Planning Strategy.
- (d) Uses considered by Development Agreement in all zones listed in section 14.7.



## 5.8 COMPREHENSIVE BUSINESS DEVELOPMENT (C6) ZONE

### 5.8.1 Zone Purpose

The purpose of the Comprehensive Business Development (C6) Zone is to enable the development of large-scale and comprehensively planned business areas by development agreement in accordance with policy 3.2.2 (e) of the Municipal Planning Strategy.

### 5.8.2 Uses

#### 5.8.2.1 Permitted Uses

The following uses shall be permitted in the Comprehensive Business Development (C6) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses	Subject to the requirements of the Agricultural (A1) Zone
Forestry Uses	Subject to the requirements of the Resource (N1) Zone

### 5.8.3 Zone Requirements

The following requirements shall apply to all development located in the Comprehensive Business Development (C6) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Lot Area:	5 acres
(b)	Minimum Lot Frontage:	100 ft.

### 5.8.4 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Comprehensive Business Development (C6) Zone.

- (a) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (b) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (c) The development of comprehensive planned commercial developments in accordance with policies 3.2.12, 3.2.13, 3.2.14, 3.2.15 and 3.2.16 of the Municipal Planning Strategy.
- (d) Uses considered by Development Agreement in all zones listed in section 14.7.



## Section 6 - INDUSTRIAL ZONES

### 6.1 Summary of Industrial Zone Names and Symbols

Zone Name	Symbol
Light Industrial Commercial	M1
Heavy Industrial	M2
Rural Industrial	M3

### 6.2 Summary of Uses Permitted within Industrial Zones

The following summarizes the main uses permitted in the Industrial Zones subject to all the requirements set out in this By-law. Please see the specific zone section for an exact list of permitted uses and any special conditions.

Land Use	M1	M2	M3
<b>NON-RESIDENTIAL</b>			
Abattoirs	M1	M2	M3
Aggregate Related Industries		M2	M3
Agricultural Equipment and Parts Sales and Service	M1	M2	M3
Agricultural Related Industries	M1	M2	M3
Agricultural Uses			M3
Agricultural Uses – Existing	M1	M2	
Animal Boarding Facilities	M1		M3
Animal By-products Plants		M2	M3
Automotive Repair	M1	M2	M3
Automotive Sales and Rental	M1		
Building and Construction Contractors	M1	M2	M3
Bulk Chemical Storage	M1	M2	M3
Bulk Fuel Storage	M1	M2	M3
Bulk Mineral Storage	M1	M2	M3
Bus/Taxi Stations	M1	M2	
Business Offices	M1		
Carwash Facilities	M1	M2	
Composting Facilities			M3

Land Use	M1	M2	M3
Construction and Demolition Debris Disposal Sites			M3
Correctional Centres	M1	M2	
Crematoria	M1	M2	M3
Drive-In Movie Theatres	M1		
Dry-cleaning Facilities	M1		
Educational Facilities	M1		
Emergency Services	M1	M2	M3
Equipment Rental	M1	M2	
Fish and Seafood Processing		M2	M3
Fish Farms		M2	M3
Fishing Uses	M1	M2	M3
Food and Drink Production	M1	M2	M3
Forest Industry Uses		M2	M3
Forestry Uses			M3
Funeral Homes	M1		
Gas Bars	M1	M2	
Goods and Services Shops	M1		
Greenhouses	M1	M2	M3
Heavy Equipment Facilities	M1	M2	M3
Holding Yards		M2	
Household Item Repair Services	M1	M2	M3
Indoor Recreation Uses	M1	M2	
Livestock Operations			M3
Manufacturing	M1	M2	M3
Outdoor Commercial Displays	M1		
Outdoor Storage			
Parking Lots	M1		
Professional Trades	M1	M2	M3
Retail Stores	M1		
Salvage and Scrap Operations		M2	M3



Land Use	M1	M2	M3
Sanitary Services		M2	M3
Self Storage Facilities	M1	M2	M3
Storefront Recycling Uses	M1	M2	M3
Tidal Energy Facility – Existing			M3
Transportation Services	M1	M2	M3
Veterinary Clinics	M1		
Warehouses	M1	M2	M3
Waste Transfer Stations		M2	M3
Wildlife Rescue and Rehabilitation Centre	M1		M3



## 6.3 LIGHT INDUSTRIAL COMMERCIAL (M<sub>1</sub>) ZONE

### 6.3.1 Zone Purpose

The purpose of the Light Industrial Commercial (M1) Zone is to provide for the development of less intense industrial uses commercial uses serving the industrial sector and commercial uses requiring large areas of land for outdoor storage, outdoor commercial displays or warehousing in accordance with policy 3.3.2 (a) of the Municipal Planning Strategy.

### 6.3.2 Uses

#### 6.3.2.1 Permitted Uses

The following uses shall be permitted in the Light Industrial Commercial (M1) Zone subject to all applicable requirements of this By-law, including in Section 14 – General Regulations.

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Abattoirs	
Agricultural Equipment and Parts Sales and Service	
Agricultural Related Industries	Maximum 25,000 sq ft. of gross floor area
Agricultural Uses – Existing	Subject to the requirements of the Agricultural (A1) Zone
Animal Boarding Facilities	Section 14.3
Automotive Repair	
Automotive Sales and Rental	
Building and Construction Contractors	
Bulk Chemical Storage	
Bulk Fuel Storage	
Bulk Mineral Storage	
Bus/Taxi Stations	
Business Offices	
Carwash Facilities	
Correctional Centres	
Crematoria	
Drive-In Movie Theatres	
Dry-cleaning Facilities	
Educational Facilities	
Emergency Services	
Equipment Rental	
Fishing Uses	

Food and Drink Production	Maximum 25,000 sq ft. of gross floor area
Funeral Homes	
Gas Bars	Section 14.3
Goods and Services Shops	
Greenhouses	
Heavy Equipment Facilities	
Household Item Repair Services	
Indoor Recreation Uses	
Manufacturing	Maximum 25,000 sq ft. of gross floor area
Outdoor Commercial Display	
Parking Lots	
Professional Trades	
Retail Stores	
Self Storage Facilities	
Storefront Recycling Uses	
Transportation Services	
Veterinary Clinics	Section 14.3
Warehouses	
Wildlife Rescue and Rehabilitation Centres	

### 6.3.3 Zone Requirements

The following requirements shall apply to all development located in the Light Industrial Commercial (M1) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Lot Area:	10,000 sq ft.
(b)	Minimum Lot Frontage:	60 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Abutting a Residential Zone (iii) Accessory Buildings	10 ft. 30 ft. 4 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Abutting a Residential Zone (iii) Accessory Buildings	20 ft. 50 ft. 4 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	55 ft. 20 ft.

## 6.3.4 Additional Requirements

### 6.3.4.1 Outdoor Storage

Accessory outdoor storage shall be permitted subject to the conditions noted below.

- (a) Outdoor storage shall not be located within ten (10) feet of any front and flankage lot line or within any required side or rear setback for a main building.
- (b) The total area used for outdoor storage shall not exceed 50 per cent of the total lot area.

### 6.3.4.2 Outdoor Commercial Display

Outdoor commercial display shall not be located within ten (10) feet of any front and flankage lot line or within any required side or rear setback for a main building.

### 6.3.4.3 Accessory Holding Yards

Accessory holding yards shall be permitted subject to the conditions noted below.

- (a) Where abutting a Residential Zone, an accessory holding yard shall meet the setback for a main building abutting a Residential Zone.
- (b) The area devoted to an accessory holding yard shall not exceed 50 per cent of the lot area.
- (c) An accessory holding yard shall be enclosed by an opaque fence having a minimum height of six (6) feet to screen it from the travelling public and adjacent properties.

### 6.3.4.4 Lot Surfacing

All areas of a lot not covered by buildings, parking areas, accessory outdoor storage, outdoor commercial display or an accessory holding yard shall consist of a permeable surface. Such materials can include landscaping such as grass, flower beds, shrubs, trees or other permeable materials such as gravel or interlocking stone.

### 6.3.4.5 Fences

A fence and/or buffering shall be provided in accordance with the regulations related to fences in section 14.2 of this By-law and in accordance with policy 3.3.6 of the Municipal Planning Strategy.

## 6.3.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Light Commercial Industrial (M1) Zone.

- (a) Proposals for educational facilities that cannot meet zone requirements in accordance with policy 2.5.17 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.

# M1

- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (d) Uses compatible with the purpose of the Light Commercial Industrial (M1) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.3.7 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.

## 6.4 HEAVY INDUSTRIAL (M2) ZONE

### 6.4.1 Zone Purpose

The purpose of the Heavy Industrial (M2) Zone is to provide for the development of heavy industrial uses within the Growth Centres requiring access to transportation routes and raw resources while reducing the impact of these uses on areas of residential development in accordance with policy 3.3.2 (b) of the Municipal Planning Strategy.

### 6.4.2 Uses

#### 6.4.2.1 Permitted Uses

The following uses shall be permitted in the Heavy Industrial (M2) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Abattoirs	
Aggregate Related Industries	
Agricultural Equipment and Parts Sales and Service	
Agricultural Related Industries	
Agricultural Uses – Existing	Subject to the requirements of the Agricultural (A1) Zone
Animal By-Products Plants	
Automotive Repair	
Building and Construction Contractors	
Bulk Chemical Storage	
Bulk Fuel Storage	
Bulk Mineral Storage	
Bus/Taxi Stations	
Carwash Facilities	
Correctional Centre	
Crematoria	
Emergency Services	
Equipment Rental	
Fish and Seafood Processing	
Fish Farms	
Fishing Uses	
Food and Drink Production	
Forest Industry Uses	
Gas Bars	Section 14.3

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Greenhouses	
Heavy Equipment Facilities	
Holding Yards	
Household Item Repair Services	
Indoor Recreation Uses	
Manufacturing	
Professional Trades	
Salvage and Scrap Operations	
Sanitary Services	
Self Storage Facilities	
Storefront Recycling Uses	
Transportation Services	
Warehouses	
Waste Transfer Stations	

### 6.4.3 Zone Requirements

The following requirements shall apply to all development located in the Heavy Industrial (M2) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Lot Area:	10,000 sq ft.
(b)	Minimum Lot Frontage:	60 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Abutting a Residential Zone (iii) Accessory Buildings	10 ft. 50 ft. 4 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Abutting a Residential Zone (iii) Accessory Buildings	20 ft. 50 ft. 4 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	55 ft. 20 ft.

### 6.4.4 Additional Requirements

#### 6.4.4.1 Outdoor Storage

Accessory outdoor storage shall be permitted subject to the conditions noted below.



- (a) Outdoor storage shall not be located within ten (10) feet of any front and flankage lot line or within any required side or rear setback.
- (b) The total area used for outdoor storage shall not exceed 5,000 square feet or 50 per cent of the total lot area.

#### **6.4.4.2 Outdoor Commercial Display**

Accessory outdoor commercial display shall not be located within ten (10) feet of any front and flankage lot line or within any required side or rear setback for a main building.

#### **6.4.4.3 Holding Yards**

Holding yards shall be subject to the requirements noted below.

- (a) Holding yards shall meet the setback requirements for a main building.
- (b) A holding yard shall be enclosed by an opaque fence having a minimum height of six (6) feet to screen it from the travelling public and adjacent properties if abutting a Residential Zone. Such a fence shall be subject to the setback requirements for a main use.

#### **6.4.4.4 Fences**

A fence and/or buffering shall be provided in accordance with the regulations related to fences in section 14.2 of this By-law and in accordance with policy 3.3.6 of the Municipal Planning Strategy.

### **6.4.5 Uses Considered by Development Agreement**

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Heavy Industrial (M2) Zone.

- (a) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (b) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (c) Uses compatible with the purpose of the Heavy Industrial (M2) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.3.7 of the Municipal Planning Strategy.
- (d) Uses considered by Development Agreement in all zones listed in section 14.7.



## 6.5 RURAL INDUSTRIAL (M3) ZONE

### 6.5.1 Zone Purpose

The purpose of the Rural Industrial (M3) Zone is to provide for the development of industrial uses that support the agriculture, forestry fishing and other industries that require large tracts of land and/or need to be well separated from residential uses in accordance with policies 2.2.9 and 2.2.10 of the Municipal Planning Strategy.

### 6.5.2 Uses

#### 6.5.2.1 Permitted Uses

The following uses shall be permitted in the Rural Industrial (M3) Zone subject to all applicable requirements of this By-law, including in Section 14 – General Regulations.

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Abattoirs	
Aggregate Related Industries	
Agricultural Equipment and Parts Sales and Service	
Agricultural Related Industries	
Agricultural Uses	
Animal Boarding Facilities	Section 14.3
Animal By-products Plants	
Automotive Repair	
Building and Construction Contractors	
Bulk Chemical Storage	
Bulk Fuel Storage	
Bulk Mineral Storage	
Composting Facilities	
Construction and Demolition Debris Disposal Site	Section 6.5.4.1
Crematoria	
Emergency Services	
Fish and Seafood Processing	
Fish Farms	
Fishing Uses	
Food and Drink Production	
Forestry Industry Uses	
Forestry Uses	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Greenhouses	
Heavy Equipment Facilities	
Household Item Repair Services	
Holding Yards	Section 6.5.4.2
Livestock Operations	Subject to the requirements of the Agricultural (A1) Zone
Manufacturing	
Professional Trades	
Salvage and Scrap Operations	Section 6.5.4.1
Sanitary Services	
Self Storage Facilities	
Storefront Recycling Uses	
Tidal Energy Facility - Existing	
Transportation Services	
Warehouses	
Waste Transfer Stations	
Wildlife Rescue and Rehabilitation Centres	

## 6.5.3 Zone Requirements

The following requirements shall apply to all development located in the Rural Industrial (M3) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Lot Area:	2 acres
(b)	Minimum Lot Frontage:	100 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Main Buildings if abutting an A4 Zone or a Growth Centre boundary (iii) Accessory Buildings	30 ft. 50 ft. 20 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	40 ft. 20 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	45 ft. 20 ft.

## 6.5.4 Additional Requirements

### 6.5.4.1 Construction and Demolition Debris Disposal Sites, Salvage and Scrap Operations

Any new or the expansion of any existing construction and demolition debris disposal sites and salvage and scrap operations shall meet the screening and separation requirements noted below.

- (a) With the exception of accessory offices, all development, including main and accessory buildings, parking areas, loading areas, and outdoor storage shall be separated from any existing dwelling located on a separate lot by a distance of at least 300 feet.
- (b) A wooded area at least 100 feet in width shall be maintained along all lot lines, with the exception of driveways needed to access a public road. If the 100 foot wide area is already wooded, it shall be retained as a wooded area. If the 100 foot wide area is cleared, then trees and shrubs that would naturally spread in the area shall be grown.

### 6.5.4.2 Holding Yards

Holding yards shall be permitted subject to the conditions noted below.

- (a) The area devoted to the holding yard shall meet the required setbacks for an accessory building.

- (b) A holding yard shall be enclosed by an opaque fence having a minimum height of six (6) feet to screen it from the travelling public and adjacent properties.

#### **6.5.5 Uses Considered by Development Agreement**

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Rural Industrial (M3) Zone:

- (a) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (b) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (c) Uses compatible with the purpose of the Rural Industrial (M3) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.3.7 of the Municipal Planning Strategy.
- (d) Uses considered by Development Agreement in all zones listed in section 14.7.

## Section 7- INSTITUTIONAL ZONE

---

### 7.1 Summary of Institutional Zone Name and Symbol

Zone Name	Symbol
Institutional	<b>I1</b>

### 7.2 Summary of Uses Permitted within the Institutional Zone

The following summarizes the main uses permitted in the Institutional (I1) Zone subject to all the requirements set out in this By-law. Please see the specific zone section for an exact list of permitted uses and any special conditions.

Land Use	I1
<b>NON-RESIDENTIAL</b>	
Animal Boarding Facilities – Existing	<b>I1</b>
Arts and Cultural Centres	<b>I1</b>
Community Facilities	<b>I1</b>
Correctional Centres	<b>I1</b>
Day Care Facilities	<b>I1</b>
Educational Facilities	<b>I1</b>
Emergency Services	<b>I1</b>
Hospitals	<b>I1</b>
Medical and Dental Clinics	<b>I1</b>
Parking Lots	<b>I1</b>
Places of Worship	<b>I1</b>
Residential Facilities	<b>I1</b>
Retail Stores	<b>I1</b>





## 7.3 INSTITUTIONAL (I1) ZONE

### 7.3.1 Zone Purpose

The purpose of the Institutional (I1) Zone is to include lands that contain or are intended to contain institutional uses including but not limited to schools, fire halls and hospitals in accordance with policy 3.0.31 of the Municipal Planning Strategy.

### 7.3.2 Uses

#### 7.3.2.1 Permitted Uses

The following uses shall be permitted in the Institutional (I1) Zone subject to all applicable requirements of this By-law, including in Section 14 – General.

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Animal Boarding Facilities – Existing	Section 14.3
Arts and Cultural Centres	
Community Facilities	
Correctional Centres	
Day Care Facilities	
Educational Facilities	
Emergency Services	
Hospitals	
Medical and Dental Clinics	
Parking Lots	
Places of Worship	
Residential Facilities	
Retail Stores	Maximum 1,500 square feet of gross floor area within main buildings

### 7.3.3 Zone Requirements

The following requirements shall apply to all development located in the Institutional (I1) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Lot Area: (i) Central Sewer (ii) On-site Sewer	10,000 sq ft. 30,000 sq ft.
(b)	Minimum Lot Frontage: (i) Central Sewer (ii) On-site Sewer	60 ft. 100 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Abutting a Residential Zone (iii) Accessory Buildings	10 ft. 30 ft. 4 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Abutting a Residential Zone (iii) Accessory Buildings	20 ft. 50 ft. 4 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	55 ft. 20 ft.

### 7.3.4 Additional Requirements

#### 7.3.4.1 Landscaping

Landscaping consisting of a mixture of grass, flower beds, shrubs, trees or other permeable surfaces shall be required within the lot boundary along all road frontages at a minimum width of ten (10) feet and along all other lot lines at a minimum width of four (4) feet except where a permitted access to a parking area on an abutting lot is provided and such accesses shall have a maximum width of 25 feet.

### 7.3.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Institutional (I1) Zone.

- (a) Proposals for educational facilities that cannot meet zone requirements in accordance with policy 2.5.17 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.

- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (d) Uses considered by Development Agreement in all zones listed in section 14.7.



## Section 8 - AGRICULTURAL ZONES

### 8.1 Summary of Agricultural Zone Names and Symbols

Zone Name	Symbol
Agricultural	A1
Rural Mixed Use	A2
Farm Commercial	A3
Country Residential	A4
Historic Hamlet of Grand Pré	A5

### 8.2 Summary of Uses Permitted within Agricultural Zones

The following summarizes the main uses permitted in the Agricultural Zones subject to all the requirements set out in this By-law. Please see the specific zone section for an exact list of permitted uses and special conditions.

Land Use	A1	A2	A3	A4	A5
<b>RESIDENTIAL</b>					
Mobile Homes	A1	A2		A4	
Mini-home Parks - Existing		A2			
One Unit Dwellings	A1	A2		A4	A5
Recreational Cabins		A2			
Residential Units in Commercial Buildings			A3		
Residential Uses – Existing	A1		A3		
Semi-detached Dwellings		A2		A4	A5
Two Unit Dwellings	A1	A2		A4	A5
<b>NON-RESIDENTIAL</b>					
Abattoirs	A1	A2			
Agricultural Equipment and Parts Sales and Services	A1	A2	A3		
Agricultural Related Industries		A2	A3		
Agricultural Uses	A1	A2	A3	A4	A5
Agritainment Uses	A1	A2	A3		A5
Animal Boarding Facilities	A1	A2			
Bunkhouses	A1	A2	A3		A5

Land Use	A1	A2	A3	A4	A5
Community Facilities	A1	A2		A4	A5
Equipment Rental			A3		
Existing Uses			A3		
Farm Dwellings	A1		A3		
Farm or Vineyard Product Sampling	A1	A2	A3		A5
Farm Market Outlets	A1	A2	A3		A5
Farm Museums	A1				
Farm Supportive Uses	A1	A2	A3		
Farm Tenements	A1	A2	A3		A5
Fish Farms		A2			
Fishing Uses	A1	A2			
Fixed Roof Overnight Accommodations			A3		
Food and Drink Production			A3		
Forest Industry Uses		A2			
Forestry Uses	A1	A2		A4	
Greenhouses	A1	A2	A3	A4	A5
Indoor Recreation Uses			A3		
Livestock Operations	A1	A2	A3		A5
Places of Worship	A1	A2		A4	A5
Remote-controlled Aircraft Fields – Existing	A1				
Restaurants			A3		
Retail Stores			A3		
Storefront Recycling Uses			A3		
Tourist Commercial Uses		A2	A3		A5
Veterinary Clinics			A3		
Visitor Information Centres			A3		
Wildlife Rescue and Rehabilitation Centres	A1	A2			
Zoo – Existing		A2			

## 8.3 AGRICULTURAL (A1) ZONE

### 8.3.1 Zone Purpose

The purpose of the Agricultural (A1) Zone is to protect agricultural land for a viable and sustainable agriculture and food industry, in accordance with policy 3.4.2 (a) of the Municipal Planning Strategy. This zone will provide maximum flexibility for agricultural and complementary uses and limit non-farm development, including housing. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority.

### 8.3.2 Uses

#### 8.3.2.1 Permitted Uses

The following uses shall be permitted in the Agricultural (A1) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

EXISTING USES	SPECIAL CONDITIONS
Animal Boarding Facilities – Existing	Section 14.3
Community Facilities – Existing	
Farm Museums – Existing	
Non-profit Camps – Existing	
Places of Worship – Existing	
Forest Industry Uses – Existing <sup>1</sup>	
Remote-controlled Aircraft Fields – Existing	
Residential Uses – Existing	
Wildlife Rescue and Rehabilitation Centres – Existing	

AGRICULTURAL USES	SPECIAL CONDITIONS
Abattoirs	
Agricultural Equipment and Parts Sales and Services	
Agricultural Uses	
Agritainment Uses	Section 14.3
Bunkhouses	Section 8.3.4.3
Farm Dwellings	Section 8.3.4.3 Permitted as an accessory use to a farming business <sup>1</sup>
Farm or Vineyard Product Sampling	Section 14.3
Farm Market Outlets	
Farm Supportive Uses	

AGRICULTURAL USES	SPECIAL CONDITIONS
Farm Tenements	Section 8.3.4.3 Permitted as an accessory use to a farming business <sup>2</sup>
Fishing Uses	
Forestry Uses	
Greenhouses	
Livestock Operation	Section 14.3

RESIDENTIAL USES	SPECIAL CONDITIONS
Mobile Homes	Sections 8.3.4.1 and 8.3.4.2
One Unit Dwellings	Sections 8.3.4.1 and 8.3.4.2
Two Unit Dwellings	Sections 8.3.4.1 and 8.3.4.2

1. Amended to add "Forest Industry Uses – Existing", December 6, 2022, File 22-12

2. Amended to add "Permitted as an accessory use to a farming business" for clarity, October 1, 2024, File P21-01



### 8.3.3 Zone Requirements

The following requirements shall apply to all development located in the Agricultural (A1) Zone.

	Requirement	Existing Uses	Livestock Operations & Abattoirs	Agricultural Uses and Forest Industry Uses	Residential Uses
(a)	Minimum Lot Area:	30,000 sq ft.	200,000 sq ft.	100,000 sq ft.	30,000 sq ft.
(b)	Minimum Lot Frontage:	100 ft.	20 ft.	20 ft.	200 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.	40 ft.	40 ft.	40 ft.
(d)	Minimum Side Setback:				
	(i) Main Buildings	20 ft.	100 ft.	40 ft.	20 ft.
	(ii) Accessory Buildings	10 ft.	40 ft.	20 ft.	10 ft.
(e)	Minimum Rear Setback:				
	(i) Main Buildings	40 ft.	100 ft.	40 ft.	40 ft.
	(ii) Accessory Buildings	20 ft.	40 ft.	20 ft.	20 ft.
(f)	Maximum Building Height:				
	(i) Main Buildings	35 ft.	55 ft.	55 ft.	35 ft.
	(ii) Accessory Buildings	20 ft.	35 ft.	35 ft.	20 ft.

1. Amended to add "Forest Industry Uses", December 6, 2022, File 22-12

### 8.3.4 Additional Requirements

#### 8.3.4.1 Residential Uses

New residential uses are permitted between two dwellings in existence on the date of adoption of this By-law that are no more than 300 feet apart or between a dwelling in existence on the date of adoption of this By-law and a public road that are no more than 300 feet apart, in accordance with policy 3.4.12(d) of the Municipal Planning Strategy. For clarity, the distance shall be measured at the required front setback on a perpendicular line extending from the road to the nearest applicable point to the adjacent dwelling or public road. Additional requirements noted below shall also apply.

- (a) Existing dwellings are required to have been in existence on the date of adoption of this By-law and may include farm dwellings but shall exclude farm tenements.

- (b) Lots may be either newly created or in existence on the date of adoption of this By-law.
- (c) Notwithstanding (b) above, residential uses may be located on lots described in subsection 14.2.5 related to existing undersized lots, subject to the separation distance requirements of this subsection.

## 8.3.4.2 Site Plan Approval

Residential uses permitted under section 8.3.4.1, and residential uses replacing an existing residential use in a substantially different location, shall be subject to site plan approval in accordance with the criteria below and in accordance with policy 3.4.13 of the Municipal Planning Strategy. *(Amended October 1, 2024, File P21-01)*

- (a) Residential uses shall locate as close to the front lot line as possible. The dwelling and all accessory buildings shall be within 150 feet of the front lot line, measured from the rear wall of the dwelling or accessory building, unless restricted by topography or it is shown that the impact on agricultural lands is greater than if the dwelling and accessory buildings were located elsewhere.
- (b) Written acknowledgement by the property owner that the dwelling is located in an agricultural area.
- (c) The addition of a second residential unit to a one unit dwelling shall not be subject to site plan approval. *(Added for clarity, October 1, 2024, File P21-01)*

## 8.3.4.3 Farm Dwellings, Farm Tenements and Bunkhouses

Farm dwellings, farm tenements and bunkhouses shall be permitted on a farm property subject to the criteria below.

- (a) The farm dwelling, farm tenement or bunkhouse shall be accessory to a farming business and shall not be the first main farm building on the lot. For clarity, more than one farm tenement is permitted per lot provided all requirements of this By-law are met. *(Amended October 1, 2024, File P21-01)*
- (b) The property owner shall demonstrate that the farm dwelling, farm tenement or bunkhouse is part of a farming business operating on the farm property where it is located.
- (c) At the time of application for a new farm dwelling, farm tenement or bunkhouse, the gross revenue of the property owner from the farming business exceeded the income from all other sources for the preceding tax year.

## 8.3.4.4 Reuse of Existing Buildings

Notwithstanding 8.3.4.1, an existing community facility or place of worship may be converted to a one or two unit dwelling.

#### **8.3.4.5 Topsoil Removal**

Topsoil removal shall be prohibited except for removal that is incidental to a permitted use and excavation associated with the construction of buildings and infrastructure, in accordance with policy 3.4.10 of the Municipal Planning Strategy.

### **8.3.5 Uses Considered by Development Agreement**

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Agricultural (A1) Zone:

- (a) Event venues and restaurants accessory to an operating farming business in accordance with policy 3.4.15 of the Municipal Planning Strategy.
- (b) Farm stays accessory to a farming business in accordance with policy 3.4.16 of the Municipal Planning Strategy.
- (c) Development of a farm dwelling by a new or relocated farmer in accordance with policy 3.4.17 of the Municipal Planning Strategy.
- (d) Uses considered by Development Agreement in all zones listed in section 14.7.



## 8.4 RURAL MIXED USE (A2)ZONE

### 8.4.1 Zone Purpose

The purpose of the Rural Mixed Use (A2) Zone is to provide for a mix of agricultural, residential and resource uses, in order to enable the expansion of the agricultural industry as well as accommodate demand for rural housing, in accordance with policy 3.4.19. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority.

### 8.4.2 Uses

#### 8.4.2.1 Permitted Uses

The following uses shall be permitted in the Rural Mixed Use (A2) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Mobile Homes	
Mini-home Parks – Existing	
One Unit Dwellings	
Recreational Cabins	
Semi-detached Dwellings	
Two Unit Dwellings	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Abattoirs	
Agricultural Related Industries	
Animal Boarding Facilities	Section 14.3
Community Facilities – Existing	
Fish Farms	
Forest Industry Uses	
Places of Worship	
Tourist Commercial Uses	Section 14.3
Wildlife Rescue and Rehabilitation Centres	
Zoos – Existing	

AGRICULTURAL USES	SPECIAL CONDITIONS
Agricultural Equipment and Parts Sales and Services	
Agricultural Uses	
Agritainment Uses	Section 14.3
Bunkhouses	Section 8.4.4.1

AGRICULTURAL USES	SPECIAL CONDITIONS
Farm or Vineyard Product Sampling	Section 14.3
Farm Market Outlets	
Farm Supportive Uses	
Farm Tenements	Section 8.4.4.1
Fishing Uses	
Forestry Uses	
Greenhouses	
Livestock Operations	Section 14.3

### 8.4.3 Zone Requirements

The following requirements shall apply to all development located in the Rural Mixed Use (A2) Zone.

	Requirement	Residential Uses, Community Facilities and Places of Worship	Agricultural Uses	Abattoir; Livestock Operations, Zoo – existing	All Other Permitted Uses
(a)	Minimum Lot Area: General	30,000 sq ft. <sup>1</sup>	100,000 sq ft.	200,000 sq ft.	100,000 sq ft.
	Semi-detached dwellings <sup>2</sup>	30,000 sq ft./unit	N/A	N/A	N/A
(b)	Minimum Lot Frontage: (i) General (ii) Semi-detached Dwellings	200 ft. 100 ft./unit	20 ft. N/A	20 ft. N/A	200 ft. N/A
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.	40 ft.	40 ft.	40 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings (iii) Common Wall	20 ft. 10 ft. 0 ft.	40 ft. 20 ft. N/A	100 ft. 40 ft. N/A	40 ft. 20 ft. N/A
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	40 ft. 20 ft.	40 ft. 20 ft.	100 ft. 40 ft.	40 ft. 20 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	35 ft. 20 ft.	55 ft. 35 ft.	55 ft. 35 ft.	55 ft. 20 ft.

1. Amended to remove "/unit" October 1, 2024, File P21-01

2. Amended to add requirements for semi-detached dwellings, October 1, 2024, File 21-01

#### 8.4.4 Additional Requirements

##### 8.4.4.1 Farm Tenements and Bunkhouses

Farm tenements and bunkhouses shall be permitted on a farm property subject to the conditions noted below.

- (a) The farm tenement or bunkhouse shall not be the first main farm building on the lot.
- (b) The property owner shall demonstrate that the farm tenement or bunkhouse is part of a farming business operating on the farm property where it is located.
- (c) At the time of application for a new farm tenement or bunkhouse, the gross revenue of the applicant from the farming business exceeded the income from all other sources for the preceding tax year.

##### 8.4.4.2 Frontage on a Private Road

A development permit may be issued for a residential use on lots without frontage on a public road subject to the criteria noted below.

- (a) If the lot has the equivalent minimum lot frontage on an existing private road.
- (b) A residential use shall be subject to the required minimum front or flankage setback measured from the extent of the right-of-way. (*Amended May 10, 2022, File 21-02*)

#### 8.4.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Rural Mixed Use (A2) Zone:

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (d) Proposals for the expansion of an existing mobile home park in accordance with policy 3.4.22 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.





## 8.5 FARM COMMERCIAL (A3) ZONE

### 8.5.1 Zone Purpose

The purpose of the Farm Commercial (A3) Zone is to provide for the development of farm commercial and agritainment uses that involve, support or complement agricultural activities in the community of Greenwich and limit commercial uses that are not related or complementary to farming business operations, in accordance with policy 3.4.24 of the Municipal Planning Strategy. In the event of conflict between or among uses, the interests of agricultural uses shall prevail.

### 8.5.2 Uses

#### 8.5.2.1 Permitted Uses

The following uses shall be permitted in the Farm Commercial (A3) Zone subject to all applicable requirements of this By-law, including this in Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Residential Units in Commercial Buildings	Located above, behind or below ground floor commercial uses and subject to section 8.5.4.1
Residential Uses – Existing	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Equipment and Parts Sales and Service	
Agricultural Related Industries	
Agricultural Uses	
Agritainment Uses	Section 14.3
Bunkhouses	Section 8.5.4.1
Existing Uses	
Equipment rental	
Farm Dwellings	Section 8.5.4.1
Farm or Vineyard Product Sampling	Section 14.3
Farm Market Outlet	
Farm Supportive Uses	
Farm Tenements	Section 8.5.4.1
Fixed Roof Overnight Accommodations	Maximum 12 guest rooms
Food and Drink Production	
Greenhouses	
Indoor Recreation Uses	
Livestock Operation	Section 14.3
Restaurants	Maximum 2,500 sq ft. gross floor area

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Retail Stores	Maximum 2,500 sq ft. gross floor area
Storefront Recycling Uses	
Tourist Commercial Uses	Section 14.3
Veterinary Clinics	Section 14.3
Visitor Information Centres	

## 8.5.3 Zone Requirements

The following requirements shall apply to all development located in the Farm Commercial (A3) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Lot Area: (i) Central Sewer (ii) On-site Sewer	10,000 sq ft. 100,000 sq ft.
(b)	Minimum Lot Frontage:	100 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings	20 ft. 10 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	40 ft. 10 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	55 ft. 20 ft.

## 8.5.4 Additional Requirements

### 8.5.4.1 Farm Dwellings, Farm Tenements and Bunkhouses

Farm dwellings, farm tenements and bunkhouses shall be permitted on a farm property subject to the conditions noted below.

- (a) The farm dwelling, farm tenement or bunkhouse shall not be the first main farm building on the lot.
- (b) The property owner shall demonstrate that the farm dwelling, farm tenement or bunkhouse is part of a farming business operating on the farm property where it is located.
- (c) At the time of application for a new farm dwelling, farm tenement or bunkhouse, the gross revenue of the applicant from the farming business exceeded the income from all other sources for the preceding tax year.

#### **8.5.4.2 Green Space**

A minimum of 25 per cent of a lot, or the portion of a lot located in the Farm Commercial (A3) Zone, shall be maintained as green space. The green space may consist of agricultural lands, amenity areas, landscaping, or natural vegetation.

#### **8.5.4.3 Accessory Outdoor Commercial Display and Accessory Outdoor Storage**

Accessory outdoor commercial display and accessory outdoor storage shall be permitted subject to the conditions noted below.

- (a) Accessory outdoor commercial display shall not be located within ten (10) feet of any front lot line or within any required side or rear main building setback.
- (b) Accessory outdoor storage shall not be located within the front yard or within any required side or rear main building setback.
- (c) The total area used for accessory outdoor commercial display or accessory outdoor storage shall not exceed 2,500 square feet or 50 per cent of the total lot area, whichever is smaller.

#### **8.5.5 Uses Considered by Development Agreement**

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Farm Commercial (A3) Zone:

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (d) Uses considered by Development Agreement in all zones listed in section 14.7.



## 8.6 COUNTRY RESIDENTIAL (A4) ZONE

### 8.6.1 Zone Purpose

The purpose of the Country Residential (A4) Zone is to maintain low density neighbourhoods in predominantly agricultural areas, consisting primarily of one or two unit dwellings, in accordance with policy 3.4.30 of the Municipal Planning Strategy. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority.

### 8.6.2 Uses

#### 8.6.2.1 Permitted Uses

The following uses shall be permitted in the Country Residential (A4) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Mobile Homes	
One Unit Dwellings	
Semi-detached Dwellings	
Two Unit Dwellings	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses	
Community Facilities – Existing	
Forestry Uses	
Greenhouses	
Places of Worship	

## 8.6.3 Zone Requirements

The following requirements shall apply to all development located in the Country Residential (A4) Zone.

	Requirement	One Unit Dwellings, Two Unit Dwellings & Mobile Homes	Semi-detached dwellings	All Other Permitted Uses
(a)	Minimum Lot Area: (i) Central Sewer (ii) On-site Sewer	10,000 sq ft. 30,000 sq ft.	5000 sq ft./unit 30,000 sq ft./unit	100,000 sq ft. 100,000 sq ft.
(b)	Minimum Lot Frontage: (i) Central Sewer (ii) On-site Sewer	80 ft. 100 ft.	40 ft./unit 50 ft./unit	100 ft. 100 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	25 ft.	25 ft.	40 ft.
(d)	Minimum Side Setback: (i) Main Buildings a. Central Sewer b. On-site Sewer (ii) Accessory Buildings (iii) Common Wall	4 ft. 20 ft. 4 ft. N/A	4 ft. 20 ft. 4 ft. 0 ft	40 ft. 40 ft. 20 ft. N/A
(e)	Minimum Rear Setback: (i) Main Buildings a. Central Sewer b. On-site Sewer (ii) Accessory Buildings	20 ft. 40 ft. 10 ft.	20 ft. 40 ft. 10 ft.	40 ft. 40 ft. 20 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	35 ft. 20 ft.	35 ft. 20 ft.	55 ft. 20 ft.

1. Amended February 6, 2024 to modify requirements for semi-detached dwellings, File 23-13

## 8.6.4 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Country Residential (A4) Zone:

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.

- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (d) Clustered housing developments consisting of grouped dwellings or low-rise dwellings in accordance with policy 3.4.33 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.





## 8.7 HISTORIC HAMLET OF GRAND PRÉ (A5) ZONE

### 8.7.1 Zone Purpose

The purpose of the Historic Hamlet of Grand Pré (A5) Zone is to retain the historic character of the Heritage Conservation District of Grand Pré, in accordance with policy 4.6.3 of the Municipal Planning Strategy.

### 8.7.2 Uses

#### 8.7.2.1 Permitted Uses

The following uses shall be permitted in the Historic Hamlet of Grand Pré (A5) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
One Unit Dwellings	
Semi-detached Dwellings	
Two Unit Dwellings	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses	
Agritainment Uses	Section 14.3
Bunkhouses	Section 8.7.4.1
Community Facilities	
Farm or Vineyard Product Sampling	Section 14.3
Farm Market Outlets	
Farm Supportive Uses	
Farm Tenements	Section 8.7.4.1
Greenhouses	
Livestock Operation	Section 14.3
Places of Worship	
Tourist Commercial Uses	Section 14.3

*1. Amended to add "Farm Supportive Uses" April 4, 2023, File 22-21*

### 8.7.3 Zone Requirements

The following requirements shall apply to all development located in the Historic Hamlet of Grand Pré (A5) Zone.

	Requirement	Residential Uses, Community Facilities and Places of Worship	Livestock Operations	All Other Permitted Uses
(a)	Minimum Lot Area: (i) General (ii) Semi-detached Dwellings	50,000 sq ft. 25,000 sq ft./unit	200,000 sq ft. N/A	50,000 sq ft. N/A
(b)	Minimum Lot Frontage: (i) General (ii) Semi-detached Dwellings	200 ft. 100 ft/unit	20 ft. N/A	20 ft. N/A
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.	40 ft.	40 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings (iii) Common Wall	20 ft. 10 ft. 0 ft.	100 ft. 40 ft. N/A	40 ft. 20 ft. N/A
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	20 ft. 10 ft.	100 ft. 40 ft.	40 ft. 20 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	35 ft. 20 ft.	55 ft. 35 ft.	55 ft. 20 ft.

### 8.7.4 Additional Requirements

#### 8.7.4.1 Farm Tenements and Bunkhouses

Farm tenements and bunkhouses shall be permitted on a farm property subject to the conditions noted below.

- (a) The farm tenement or bunkhouse shall not be the first main farm building on the lot.
- (b) The property owner shall demonstrate that the farm tenement or bunkhouse is part of a farming business operating on the farm property where it is located.
- (c) At the time of application for a new farm tenement or bunkhouse, the gross revenue of the applicant from the farming business exceeded the income from all other sources for the preceding tax year.

#### 8.7.4.2 Grand Pré Heritage Conservation District By-law

In addition to the requirements of this By-law, development in the Historic Hamlet of Grand Pré shall also comply with the requirements of the Grand Pré Heritage Conservation District By-law.

#### 8.7.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Historic Hamlet of Grand Pré (A5) Zone:

- (a) Visitor-oriented proposals not permitted as-of-right in accordance with policy 4.6.8 of the Municipal Planning Strategy.
- (aa) Proposals for multi-unit dwellings containing up to 8 residential units in accordance with policy 4.6.7 of the Municipal Planning Strategy. *(Added October 1, 2024, File P21-01)*
- (ab) A proposal for a visitor centre within the Grand Pré Community Plan boundary in accordance with policy 4.6.15 of the Municipal Planning Strategy. *(Added October 1, 2024, File P21-01)*
- (b) Uses considered by Development Agreement in all zones listed in section 14.7



## Section 9 - SHORELAND ZONES

### 9.1 Summary of Shoreland Zone Names and Symbols

Zone Name	Symbol
Lakeshore Residential	<b>S1</b>
Lakeshore Limited Development	<b>S2</b>
Tidal Shoreland	<b>T1</b>
Tidal Commercial	<b>T2</b>

### 9.2 Summary of Uses Permitted within Shoreland Zones

The following summarizes the main uses permitted in the Shoreland Zones subject to all the requirements set out in this By-law. Please see the specific zone section for an exact list of permitted uses and special conditions.

Land Use	S1	S2	T1	T2
<b>RESIDENTIAL</b>				
One Unit Dwellings	<b>S1</b>	<b>S2</b>	<b>T1</b>	<b>T2</b>
Recreational Cabins	<b>S1</b>	<b>S2</b>	<b>T1</b>	<b>T2</b>
Recreational Vehicles	<b>S1</b>	<b>S2</b>	<b>T1</b>	<b>T2</b>
Residential Units in Commercial Buildings				<b>T2</b>
Semi-detached Dwellings			<b>T1</b>	<b>T2</b>
Two Unit Dwellings			<b>T1</b>	<b>T2</b>
<b>NON-RESIDENTIAL</b>				
Agricultural Uses		<b>S2</b>	<b>T1</b>	
Boathouses	<b>S1</b>	<b>S2</b>		
Business Offices				<b>T2</b>
Community Facilities	<b>S1</b>		<b>T1</b>	<b>T2</b>
Day Care Facilities				<b>T2</b>
Domestic Animal Grooming				<b>T2</b>
Educational Facilities				<b>T2</b>
Emergency Services				<b>T2</b>
Fish and Seafood Processing				<b>T2</b>
Fishing Uses			<b>T1</b>	<b>T2</b>

Land Use	S1	S2	T1	T2
Fixed Roof Overnight Accommodations				T2
Forestry Uses	S1	S2	T1	
Goods and Services Shops				T2
Medical and Dental Clinics				T2
Personal Service Shops				T2
Places of Worship			T1	T2
Restaurants				T2
Retail Stores				T2
Tourist Commercial Uses			T1	T2
Veterinary Clinics				T2
Visitor Information Centres				T2

## 9.3 LAKESHORE RESIDENTIAL (S1) ZONE

### 9.3.1 Zone Purpose

The purpose of the Lakeshore Residential (S1) Zone is to minimize the impact of human development on freshwater lakes developed as of the date of adoption of this By-law while allowing public and private opportunities for freshwater-related recreation, leisure activities, and habitation, in accordance with policy 3.5.2 (a) of the Municipal Planning Strategy.

### 9.3.2 Uses

#### 9.3.2.1 Permitted Uses

The following uses shall be permitted in the Lakeshore Residential (S1) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
One Unit Dwellings	Section 9.3.4
Recreational Cabins	Section 9.3.4
Recreational Vehicles	Section 9.3.4

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Boathouses	Must be associated with a lot located on an island unless it is accessory to a residential use
Community Facilities – Existing	
Forestry Uses	

## 9.3.3 Zone Requirements

The following requirements shall apply to all development located in the Lakeshore Residential (S1) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Lot Area:	50,000 sq ft.
(b)	Minimum Lot Frontage:	200 ft.
(c)	Minimum Water Frontage for Waterfront Lots:	200 ft.
(d)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.
(e)	Minimum Side Setback:	
	(i) Main Building	20 ft.
	(ii) Accessory Buildings	10 ft.
(f)	Minimum Shoreline Setback*:	
	(i) Main Buildings	65 ft.
	(ii) Boathouses	4 ft.
	(iii) Accessory Buildings <sup>1</sup>	65 ft.
(g)	Minimum Rear Setback*:	
	(i) Main Buildings	20 ft.
	(ii) Accessory Buildings	10 ft.
(h)	Maximum Building Height:	
	(i) Main Buildings	35 ft.
	(ii) Accessory Buildings:	20 ft.

*\* Except in relation to boathouses, in cases where the minimum rear setback and minimum shoreline setback conflict, the requirement that places buildings farther from the shoreline shall apply.*

1. Amended to add "Accessory Buildings", October 1, 2024, File P21-01



### 9.3.4 Additional Requirements

The following additional requirements shall apply to all residential development in the Lakeshore Residential (S1) Zone (*Amended October 1, 2024, File P21-01*):

#### 9.3.4.1 Maximum Building Footprint

All buildings on the property shall be subject to a maximum combined building footprint. The maximum combined main and accessory building footprint shall be as follows:

	Lot Size	Waterfront Lots	Back Lots
(a)	0 to 25,000 sq ft. in area	10 per cent of lot area	20 per cent of lot area
(b)	25,001 to 50,000 sq ft. in area	2,500 sq ft.	5,000 sq ft.
(c)	50,001 to 75,000 sq ft. in area	3,000 sq ft.	5,500 sq ft.
(d)	75,001 to 100,000 sq ft. in area	3,500 sq ft.	6,000 sq ft.
(e)	Larger than 100,000 sq ft. in area	4,000 sq ft.	6,500 sq ft.

#### 9.3.4.2 Frontage on a Private Road

A development permit may be issued for residential use, recreational cabin or recreational vehicle uses on lots without frontage on a public road subject to the criteria noted below.

- (a) If the lot has the equivalent minimum lot frontage on a private road.
- (b) A residential use, recreational cabin or recreational vehicle shall be subject to the required minimum front or flankage setback measured from the extent of the right-of-way.

#### 9.3.4.3 Recreational Cabins and Dwellings

Only one recreational cabin or dwelling shall be permitted as a use on a lot.

#### 9.3.4.4 Recreational Vehicles

A recreational vehicle shall be permitted as a main use on a lot subject to the conditions noted below.

- (a) A development permit could be issued for a one unit dwelling and there is not a dwelling or recreational cabin already developed on the lot.
- (b) The recreational vehicle does not meet the definition of a derelict vehicle under the Act.
- (c) The location of the recreational vehicle on the lot meets the setback requirements for a dwelling in the zone.

#### 9.3.4.5 Vegetation

Any use of a waterfront lot shall adhere to the requirements noted below.

- (a) Vegetation within the shoreline setback shall remain undisturbed.

- (b) Notwithstanding section 9.3.4.5(a) above, up to 35 per cent of the area within the required shoreline setback may be cleared to permit passage to the lakeshore and a filtered view of the lake.
- (c) The soil mantle within the required shoreline setback shall not be altered by cutting, filling, or recontouring of the natural grades or otherwise, to every extent possible.
- (d) Any steep slopes or wetlands shall be maintained in a naturally vegetated state.
- (e) Nothing in this section shall prevent the removal of dangerous or diseased vegetation.

#### **9.3.4.6 Site Plan Approval**

No development permit shall be issued for a residential use on a waterfront lot unless site plan approval is obtained. A clear and accurate site plan showing the location and size of development on the property shall be provided to the Development Officer for approval. The site plan shall accurately show the following features:

- (a) Property boundary and all shorelines
- (b) Any watercourse, steep slopes or wetland
- (c) Driveway
- (d) Main building envelope
- (e) Any accessory buildings including a boathouse
- (f) Areas that may contain lawns or landscaping
- (g) Areas to be maintained as natural vegetation
- (h) Areas within the shoreline setback that may be partially cleared of some vegetation in order to provide for a path and view of the lake, and
- (i) Key measurements showing the location of the above features on the property.

#### **9.3.4.7 Additional Site Plan Requirements**

Proposed development shown on any site plan shall conform with the requirements below.

- (a) Zone requirements contained in section 9.3.3;
- (b) Maximum building footprint requirements contained in section 9.3.4.1; and
- (c) Vegetation requirements contained in section 9.3.4.5.

#### **9.3.4.8 Site Plan Exemptions**

The following matters do not require site plan approval but all other requirements of this By-law shall be met prior to the issuance of a development permit:

- (a) Repairs, renovations and additions to buildings and structures on the lot.

- (b) The development of new accessory buildings.
- (c) The replacement of a legally existing one unit dwelling.

### 9.3.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Lakeshore Residential (S1) Zone (*Amended October 1, 2024, File P21-01*):

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy;
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy; and
- (c) Uses considered by Development Agreement in all zones listed in section 14.7.



## 9.4 LAKESHORE LIMITED DEVELOPMENT (S2) ZONE

### 9.4.1 Zone Purpose

The purpose of the Lakeshore Limited Development (S2) Zone is to provide for low density development, including freshwater-related recreation, leisure activities, and habitation. Development is intended to occur on larger lots with larger water frontages to reduce the need to clear large areas of the lakeshore for development and to reduce the numbers of septic systems and the nutrients they release. Protection of lake water quality in the Lakeshore Limited Development (S2) Zone is a priority and where there is a conflict between residential and/or recreational uses with lake water quality, protection of lake water quality shall take priority. This section is in accordance with policy 3.5.2 (b) of the Municipal Planning Strategy.

### 9.4.2 Uses

#### 9.4.2.1 Permitted Uses

The following uses shall be permitted in the Lakeshore Limited Development (S2) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
One Unit Dwellings	Section 9.4.4
Recreational Cabins	Section 9.4.4
Recreational Vehicles	Section 9.4.4

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses	
Boathouses	Must be associated with a lot located on an island unless it is accessory to a residential use
Forestry Uses	

### 9.4.3 Zone Requirements

The following requirements shall apply to all development located in the Lakeshore Limited Development (S2) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Lot Area:	3 acres
(b)	Minimum Lot Frontage:	400 ft.
(c)	Minimum Water Frontage for Waterfront Lots:	400 ft.
(d)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.
(e)	Minimum Side Setback:	
	(i) Main Buildings	20 ft.
	(ii) Accessory Buildings	10 ft.
(f)	Minimum Shoreline Setback*:	
	(i) Main Buildings	65 ft.
	(ii) Boathouses	4 ft.
	(iii) Accessory Buildings <sup>1</sup>	65 ft.
(g)	Minimum Rear Setback*:	
	(i) Main Buildings	20 ft.
	(ii) Accessory Buildings	10 ft.
(h)	Maximum Building Height:	
	(i) Main Buildings	35 ft.
	(ii) Accessory Buildings	20 ft.

*\*Except in relation to boathouses, in cases where the minimum rear setback and minimum shoreline setback conflict, the requirement that places buildings farther from the shoreline shall apply.*

*1. Amended to add "Accessory Buildings", October 1, 2024, File P21-01*

### 9.4.4 Additional Requirements

The following additional requirements shall apply to all residential development in the Lakeshore Limited Development (S2) Zone: *(Amended October 1, 2024, File P21-01)*

#### 9.4.4.1 Maximum Building Footprint

All buildings on the property shall be subject to a maximum combined building footprint. The maximum combined building footprint shall be as follows:

	Lot Size	Waterfront Lots	Back Lots
(a)	0 to 25,000 sq ft. in area	10 per cent of lot area	20 per cent of lot area
(b)	25,001 to 50,000 sq ft. in area	2,500 sq ft.	5,000 sq ft.
(c)	50,001 to 75,000 sq ft. in area	3,000 sq ft.	5,500 sq ft.
(d)	75,001 to 100,000 sq ft. in area	3,500 sq ft.	6,000 sq ft.
(e)	Larger than 100,000 sq ft. in area	4,000 sq ft.	6,500 sq ft.

#### 9.4.4.2 Frontage on a Private Road

A development permit may be issued for residential, recreational cabin or recreational vehicle uses on lots without frontage on a public road subject to the criteria below.

- (a) If the lot has the equivalent minimum lot frontage on a private road.
- (b) A residential use, recreational cabin or recreational vehicle shall be subject to the required minimum front or flankage setback measured from the extent of the right-of-way.

#### 9.4.4.3 Recreational Cabins and Dwellings

Only one recreational cabin or dwelling shall be permitted as a use on a lot.

#### 9.4.4.4 Recreational Vehicles

A recreational vehicle shall be permitted as a main use on a lot subject to the conditions noted below.

- (a) A development permit could be issued for a one unit dwelling and there is not a dwelling or recreational cabin already developed on the lot.
- (b) The recreational vehicle does not meet the definition of a derelict vehicle under the Act.
- (c) The location of the recreational vehicle on the lot meets the setback requirements for a dwelling in the zone.

#### 9.4.4.5 Vegetation

Any use of a waterfront lot shall adhere to the requirements noted below.

- (a) Vegetation within the shoreline setback shall remain undisturbed.
- (b) Notwithstanding section 9.4.4.5(a) above, up to 35 per cent of the area within the required shoreline setback may be cleared to permit passage to the lakeshore and a filtered view of the lake.

- (c) The soil mantle within the required shoreline setback shall not be altered by cutting, filling, or recontouring of the natural grades or otherwise, to every extent possible.
- (d) Any steep slopes or wetlands shall be maintained in a naturally vegetated state.
- (e) Nothing in this section shall prevent the removal of dangerous or diseased vegetation.

#### **9.4.4.6 Site Plan Approval**

No development permit shall be issued for a residential use on a waterfront lot unless site plan approval is obtained. A clear and accurate site plan showing the location and size of development on the property shall be provided to the Development Officer for approval. The scaled site plan shall accurately show the following features:

- (a) Property boundary and all shorelines
- (b) Any watercourse, steep slopes or wetlands
- (c) Driveway
- (d) Main building envelope
- (e) Any accessory buildings including a boathouse
- (f) Areas that may contain lawns or landscaping
- (g) Areas to be maintained as natural vegetation
- (h) Areas within the shoreline setback that may be partially cleared of some vegetation in order to provide for a path and view of the lake, and
- (i) Key measurements showing the location of the above features on the property.

#### **9.4.4.7 Additional Site Plan Requirements**

Proposed development shown on any site plan shall conform with the requirements below.

- (a) Zone requirements contained in section 9.4.3.
- (b) Maximum building footprint requirements contained in section 9.4.4.1.
- (c) Vegetation requirements contained in section 9.4.4.5.

#### **9.4.4.8 Site Plan Exemptions**

The following matters do not require site plan approval but all other requirements of this By-law shall be met prior to the issuance of a development permit:

- (a) Repairs, renovations and additions to buildings and structures on the lot.
- (b) The development of new accessory buildings.
- (c) The replacement of a legally existing one unit dwelling.



#### 9.4.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Lakeshore Limited Development (S2) Zone (*Amended October 1, 2024, File P21-01*).

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (c) Uses considered by Development Agreement in all zones listed in section 14.7.



## 9.5 TIDAL SHORELAND (T1) ZONE

### 9.5.1 Zone Purpose

The purpose of the Tidal Shoreland (T1) Zone is to provide opportunity for pockets of concentrated residential development along the marine coast and institute controls intended to protect development from coastal hazards, in accordance with policy 3.5.13 of the Municipal Planning Strategy.

### 9.5.2 Uses

#### 9.5.2.1 Permitted Uses

The following uses shall be permitted in the Tidal Shoreland (T1) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
One Unit Dwellings	
Recreational Cabins	
Recreational Vehicles	Section 9.5.4
Semi-detached Dwellings	
Two Unit Dwellings	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses	
Community Facilities	
Fishing Uses	
Forestry Uses	
Places of Worship	
Tourist Commercial Uses	Section 14.3

## 9.5.3 Zone Requirements

The following requirements shall apply to all development located in the Tidal Shoreland (T1) Zone.

	Requirement	One and Two Unit Dwellings	Semi-detached Dwellings	All Other Permitted Uses
(a)	Minimum Lot Area: (i) Sewer Serviced (ii) On-site Sewer	10,000 sq ft. 30,000 sq ft.	5,000 sq ft./unit 30,000 sq ft./unit	10,000 sq ft. 30,000 sq ft.
(b)	Minimum Lot Frontage: (i) Sewer Serviced (ii) On-site Sewer	60 ft. 100 ft.	30 ft./unit 50 ft./unit	60 ft. 100 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.	20 ft.	20 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Common Wall (iii) Accessory Buildings	4 ft. N/A 4 ft.	4 ft. 0 ft. 4 ft.	4 ft. N/A 4 ft.
(e)	Minimum Marine Shoreline Setback: (i) Main Buildings (ii) Accessory Buildings (iii) Boat Houses and Fishing Uses	75 ft. 50 ft. 4 ft.	75 ft. 50 ft. 4 ft.	75 ft. 50 ft. 4 ft.
(f)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	20 ft. 4 ft.	20 ft. 4 ft.	20 ft. 4 ft.
(g)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	35 ft. 20 ft.	35 ft. 20 ft.	35 ft. 20 ft.

## 9.5.4 Additional Requirements

### 9.5.4.1 Frontage on a Private Road

A development permit may be issued for residential, recreational cabin or recreational vehicle uses on lots without frontage on a public road subject to the criteria below.

- (a) If the lot has the equivalent minimum lot frontage on a private road.
- (b) A residential use, recreational cabin or recreational vehicle shall be subject to the required minimum front or flankage setback measured from the extent of the right-of-way.

### 9.5.4.2 Recreational Vehicles

A recreational vehicle shall be permitted as a use on a lot subject to the conditions noted below.

- (a) A development permit could be issued for a one unit dwelling and there is not a dwelling or recreational cabin already developed on the lot.
- (b) The recreational vehicle does not meet the definition of a derelict vehicle under the Act.
- (c) The location of the recreational vehicle on the lot meets the setback requirements for a dwelling in the zone.

### **9.5.5 Uses Considered by Development Agreement**

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Tidal Shoreland (T1) Zone:

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy;
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (d) Proposals for a one unit dwelling on lots that cannot reasonably meet the zone requirements in accordance with policy 3.5.18 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.



## 9.6 TIDAL COMMERCIAL (T2) ZONE

### 9.6.1 Zone Purpose

The purpose of the Tidal Commercial (T2) Zone is to provide for residential uses as well as a limited range of uses that provide services to the surrounding community and visitors, in accordance with policy 3.5.16 of the Municipal Planning Strategy.

### 9.6.2 Uses

#### 9.6.2.1 Permitted Uses

The following uses shall be permitted in the Tidal Commercial (T2) Zone subject to all applicable requirements of this By-law, including in Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
One Unit Dwellings	
Recreational Cabins	
Recreational Vehicles	Section 9.6.4.2
Residential Units in Commercial Buildings	Located above, behind or below ground floor commercial uses
Semi-detached Dwellings	
Two Unit Dwellings	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Business Offices	
Community Facilities	
Day Care Facilities	
Domestic Animal Grooming	Section 14.3
Educational Facilities	
Emergency Services	
Fish and Seafood Processing	
Fishing Uses	
Fixed Roof Overnight Accommodations	Up to 5 guest rooms within a single building per lot
Goods and Services Shops	
Medical and Dental Clinics	
Personal Services Shops	
Places of Worship	
Restaurants	
Retail Stores	
Tourist Commercial Uses	Section 14.3

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Veterinary Clinics	Section 14.3
Visitor Information Centres	

## 9.6.3 Zone Requirements

The following requirements shall apply to all development located in the Tidal Commercial (T2) Zone.

	Requirement	One and Two Unit Dwellings	Semi-detached Dwellings	All Other Permitted Uses
(a)	Minimum Lot Area: (i) Sewer Serviced (ii) On-site Sewer	10,000 sq ft. 30,000 sq ft.	5,000 sq ft./unit 30,000 sq ft./unit	10,000 sq ft. 30,000 sq ft.
(b)	Minimum Lot Frontage: (i) Sewer Serviced (ii) On-site Sewer	60 ft. 100 ft.	30 ft./unit 50 ft./unit	60 ft. 100 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.	20 ft.	20 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Common Wall (iii) Accessory Buildings	4 ft. N/A 4 ft.	4 ft. 0 ft. 4 ft.	4 ft. N/A 4 ft.
(e)	Minimum Marine Shoreline Setback: (i) Main Buildings (ii) Accessory Buildings (iii) Boathouses and Fishing Uses	75 ft. 50 ft. 4 ft.	75 ft. 50 ft. 4 ft.	75 ft. 50 ft. 4 ft.
(f)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	20 ft. 4 ft.	20 ft. 4 ft.	20 ft. 4 ft.
(g)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	35 ft. 20 ft.	35 ft. 20 ft.	35 ft. 20 ft.



## 9.6.4 Additional Requirements

### 9.6.4.1 Frontage on a Private Road

A development permit may be issued for residential, recreational cabin or recreational vehicle uses on lots without frontage on a public road subject to the criteria below

- (a) If the lot has the equivalent minimum lot frontage on a private road.
- (b) A residential use, recreational cabin or recreational vehicle shall be subject to the required minimum front or flankage setback measured from the extent of the right-of-way.

### 9.6.4.2 Recreational Vehicles

A recreational vehicle shall be permitted as a use on a lot subject to the conditions noted below.

- (a) A development permit could be issued for a one unit dwelling and there is not a dwelling or recreational cabin already developed on the lot.
- (b) The recreational vehicle does not meet the definition of a derelict vehicle under the Act.
- (c) The location of the recreational vehicle on the lot meets the setback requirements for a dwelling in the zone.

## 9.6.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Tidal Commercial (T2) Zone:

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (ca) Proposals for educational facilities that cannot meet zone requirements in accordance with policy 2.5.17 of the Municipal Planning Strategy (*Added October 1, 2024, File P21-01*).
- (d) Uses considered by Development Agreement in all zones listed in section 14.7.



## Section 10 - RESOURCE ZONES

### 10.1 Summary of Resource Zone Names and Symbols

Zone Name	Symbol
Resource	N1
Aggregate Related Industry	N2

### 10.2 Summary of Uses Permitted within Resource Zones

The following summarizes the main uses permitted in the Resource Zones subject to all the requirements set out in this By-law. Please see the specific zone section for an exact list of permitted uses and special conditions.

Land Use	N1	N2
<b>RESIDENTIAL</b>		
Mobile Homes	N1	
One Unit Dwellings	N1	
Recreational Cabins	N1	
Semi-detached Dwellings	N1	
Two Unit Dwellings	N1	
<b>NON-RESIDENTIAL</b>		
Abattoirs	N1	
Aggregate Related Industries		N2
Agricultural Related Industries	N1	
Agricultural Uses	N1	
Agritainment Uses	N1	
Animal Boarding Facilities	N1	
Bunkhouses	N1	
Community Facilities	N1	
Composting Facilities	N1	
Farm Market Outlets	N1	
Farm Tenements	N1	
Fish and Seafood Processing	N1	
Fish Farms	N1	
Fishing Uses	N1	

Land Use	N1	N2
Forest Industry Uses	N1	
Forestry Uses	N1	
Greenhouses	N1	
Heavy Equipment Facilities	N1	
Livestock Operations	N1	
Places of Worship	N1	
Tourist Commercial Uses	N1	
Wildlife Rescue and Rehabilitation Centres	N1	

## 10.3 RESOURCE (N1) ZONE

### 10.3.1 Zone Purpose

The purpose of the Resource (N1) Zone is to maintain large tracts of uninhabited forested land for resource development, while limiting residential development to ensure there is sufficient space for large resource-based industries to locate and expand in these areas, in accordance with policy 3.6.2 (a) of the Municipal Planning Strategy. Where there is conflict between resource uses and residential uses in a Resource (N1) Zone, the resource use shall take priority.

### 10.3.2 Uses

#### 10.3.2.1 Permitted Uses

The following uses shall be permitted in the Resource (N1) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Mobile Homes	
One Unit Dwellings	
Recreational Cabins	
Semi-detached Dwellings	
Two Unit Dwellings	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Abattoirs	
Agricultural Related Industries	
Agricultural Uses	
Agritainment Uses	Section 14.3
Animal Boarding Facilities	Section 14.3
Bunkhouses	Section 10.3.4
Community Facilities	
Composting Facilities	
Farm Market Outlets	
Farm Tenements	Section 10.3.4
Fish and Seafood Processing	
Fish Farms	
Fishing Uses	
Forest Industry Uses	
Forestry Uses	
Greenhouses	
Heavy Equipment Facilities	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Livestock Operations	Section 14.3
Places of Worship	
Tourist Commercial Uses	Section 14.3
Wildlife Rescue and Rehabilitation Centres	

### 10.3.3 Zone Requirements

The following requirements shall apply to all development located in the Resource (N1) Zone.

	Requirement	Residential Uses, Community Facilities and Places of Worship	Livestock Operations & Abattoirs	All Other Permitted Uses
(a)	Minimum Lot Area: (i) General	30,000 sq ft.	200,000 sq ft.	50,000 sq ft.
(b)	Minimum Lot Frontage: (i) General (ii) Semi-detached Dwellings	100 ft. 50 ft./unit	20 ft. N/A	100 ft. N/A
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.	40 ft.	40 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings (iii) Common Wall	20 ft. 10 ft. 0 ft.	100 ft. 40 ft. N/A	40 ft. 20 ft. N/A
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	40 ft. 20 ft.	100 ft. 20 ft.	40 ft. 20 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	35 ft. 20 ft.	55 ft. 20 ft.	55 ft. 20 ft.

### 10.3.4 Additional Requirements

#### 10.3.4.1 Farm Tenements and Bunkhouses

Farm tenements and bunkhouses shall be permitted on a farm property subject to requirements below.

- (a) The farm tenement or bunkhouse shall not be the first main farm building on the lot.
- (b) The property owner shall demonstrate that the farm tenement or bunkhouse is part of a farming business operating on the farm property where it is located.

- (c) At the time of application for a new farm tenement or bunkhouse, the gross revenue of the applicant from the farming business exceeded the income from all other sources for the preceding tax year.

#### **10.3.4.2 Frontage on a Private Road**

A development permit may be issued for a residential use on lots without frontage on a public road subject to the criteria noted below.

- (a) If the lot has the equivalent minimum lot frontage on an existing private road.
- (b) A residential use shall be subject to the required minimum front or flankage setback measured from the extent of the right-of-way. *(Amended May 10, 2022, File 21-02)*

#### **10.3.5 Uses Considered by Development Agreement**

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Resource (N1) Zone:

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (d) Uses compatible with the purpose of the Resource (N1) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.6.9 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.





## 10.4 AGGREGATE RELATED INDUSTRY (N2) ZONE

### 10.4.1 Zone Purpose

The purpose of the Aggregate Related Industry (N2) Zone is to allow for aggregate-related industries in areas where aggregate extraction is occurring under a permit granted by the Province of Nova Scotia, in accordance with policy 3.6.2 (a) of the Municipal Planning Strategy.

### 10.4.2 Uses

#### 10.4.2.1 Permitted Uses

The following uses shall be permitted in the Aggregate Related Industry (N2) Zone subject to all applicable requirements of this By-law, including in Section 14 – General Regulations.

NON-RESIDENTIAL USES
Aggregate Related Industries

### 10.4.3 Zone Requirements

The following requirements shall apply to all development located in the Aggregate Related Industry (N2) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Lot Area:	50,000 sq. ft.
(b)	Minimum Lot Frontage:	100 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.
(d)	Minimum Side Setback: (main and accessory buildings)	
	(i) Main Buildings	30 ft.
	(ii) Abutting a Residential Zone	50 ft.
(e)	Minimum Rear Setback: (main and accessory buildings)	
	(i) Main Buildings	40 ft.
	(ii) Abutting a Residential Zone	50 ft.
(f)	Maximum Building Height:	
	(i) Main Buildings	55 ft.
	(ii) Accessory Buildings	20 ft.

### 10.4.4 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Aggregate Related Industry (N2) Zone:

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy.

- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (d) Uses compatible with the purpose of the Aggregate Related Industry (N2) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.6.9 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.

## Section 11 - COMMERCIAL RECREATION ZONE

### 11.1 Summary of Commercial Recreation Zone Names and Symbols

Zone Name	Symbol
Commercial Recreation	P1

### 11.2 Summary of Uses Permitted within the Commercial Recreation Zone

The following summarizes the main uses permitted in the Commercial Recreation Zone subject to all the requirements set out in this By-law. Please see the specific zone section for an exact list of permitted uses.

Land Use	P1
<b>NON-RESIDENTIAL</b>	
Agricultural Uses	P1
Campgrounds	P1
Community Facilities	P1
Drive-in Theatres	P1
Fixed Roof Overnight Accommodation	P1
Forestry Uses	P1
Golf Courses and Driving Ranges	P1
Gun Ranges	P1
Indoor Recreation Uses	P1
Non-profit Camps	P1
Places of Worship	P1



## 11.3 COMMERCIAL RECREATION (P1) ZONE

### 11.3.1 Zone Purpose

The purpose of the Commercial Recreation (P1) Zone is to allow the development and expansion of commercial recreational facilities including but not limited to golf courses, campgrounds, gun ranges or similar uses, in accordance with policy 2.7.11 of the Municipal Planning Strategy.

### 11.3.2 Uses

#### 11.3.2.1 Permitted Uses

The following uses shall be permitted in the Commercial Recreation (P1) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses	
Campgrounds	Section 11.3.4.1
Community Facilities	
Drive-in Theatres	
Forestry Uses	
Fixed Roof Overnight Accommodations	
Golf Courses and Driving Ranges	Section 11.3.4.3 <sup>1</sup>
Gun Ranges	
Indoor Recreation Uses	
Non-profit Camps	Section 11.3.4.2
Places of Worship	

1. Added June 19, 2023, File 21-12

## 11.3.3 Zone Requirements

The following requirements shall apply to all development located in the Commercial Recreation (P1)Zone.

	Requirement	Campgrounds, Fixed Roof Overnight Accommodations & Non-profit Camps	All Other Uses
(a)	Minimum Lot Area:	200,000 sq ft.	100,000 sq ft.
(b)	Minimum Lot Frontage:	200 ft.	200 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.	40 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings	40 ft. 40 ft.	40 ft. 20 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	40 ft. 40 ft.	40 ft. 20 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	45 ft. 20 ft.	45 ft. 20 ft.

## 11.3.4 Additional Requirements

### 11.3.4.1 Campgrounds

Campgrounds shall be subject to requirements below:

- (a) A one unit dwelling shall be permitted as an accessory use for the residence of the owner or operator of the campground.
- (b) All developments, including parking areas, camp sites, public gathering areas, loading areas, and outdoor storage shall be set back 40 feet from side and rear lot boundaries.
- (c) Recreational cabins shall have a maximum building footprint of 500 square feet.
- (d) Campgrounds that existed on the date of adoption of this By-law and that do not meet the above requirements shall be permitted provided any expansions do not further encroach on the side or rear setbacks.
- (e) All new or expansions of existing campgrounds shall maintain a natural wooded area at least 40 feet in width along all side and rear lot lines. If the 40 foot wide area is already wooded, it shall be maintained as such. If the 40 foot wide area is cleared, then trees and shrubs that would naturally spread in the area shall be grown.

#### 11.3.4.2 Non-profit Camps

Non-profit camps shall be subject to the requirements below.

- (a) A one-unit dwelling shall be permitted as an accessory use for the residence of the owner or operator of the non-profit camp.
- (b) All developments, including main and accessory buildings, parking areas, camp sites, public gathering areas, loading areas, and outdoor storage shall be set back 40 feet from side and rear lot boundaries.
- (c) Accessory uses shall cater to overnight users of the non-profit camp lot and not the general public.
- (d) Recreational cabins shall have a maximum building footprint of 500 square feet.
- (e) All new or expansions of existing non-profit camps shall maintain a natural wooded area at least 40 feet in width along all side and rear lot lines. If the 40 foot wide area is already wooded, it shall be maintained as such. If the 40 foot wide area is cleared, then trees and shrubs that would naturally spread in the area shall be grown.

#### 11.3.4.3 Golf Courses

Golf courses shall be subject to the requirements below:

- (a) A one-unit dwelling shall be permitted as an accessory use for the residence of the owner or operator of the golf course within the Commercial Recreation (P1) Zone. *(Amended June 19, 2023, File 21-12)*

#### 11.3.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Commercial Recreation (P1) Zone:

- (a) Proposals for high impact recreation uses not permitted as-of-right within the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (b) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (c) Uses considered by Development Agreement in all zones listed in section 14.7.





## Section 12 - ENVIRONMENTAL CONSTRAINT ZONE AND OVERLAYS

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### 12.1 Zone Names and Symbols

Zone Name	Symbol
Environmental Constraints Zone	<b>O1</b>

### 12.2 Overlay Names and Symbols

Overlay Name	Symbol
Environmentally Sensitive Area	<b>ESA</b>
Town Water Supply Overlay	<b>TWS</b>
Port Williams Urban Floodplain Overlay	<b>UF1</b>
Port Williams Urban Floodplain Warning Overlay	<b>UF2</b>

### 12.3 Summary of Uses Permitted within Environmental Constraints Zone

The following summarizes the primary uses permitted in the Environmental Constraints Zone subject to all the requirements set out in this By-law. Please see the specific zone section for an exact list of permitted uses and special conditions.

Note: The Overlays are not listed because the permitted uses are controlled by the underlying zoning or restricted within the overlay.

Use	O1
<b>NON-RESIDENTIAL</b>	
Agricultural Uses	<b>O1</b>
Fishing Uses	<b>O1</b>
Forestry Uses	<b>O1</b>
Remote-controlled Aircraft Fields - Existing	<b>O1</b>



## 12.4 ENVIRONMENTAL CONSTRAINTS (O1) ZONE

### 12.4.1 Zone Purpose

The purpose of the Environmental Constraints (O1) Zone is to restrict land uses and development in areas that have been identified as having an increased risk of flooding, erosion, slope failure or other unique features that cause them to be environmentally sensitive to development pressures, in accordance with policy 2.4.1 of the Municipal Planning Strategy.

### 12.4.2 Uses

#### 12.4.2.1 Permitted Uses with Special Conditions

The following uses shall be permitted in the Environmental Constraints (O1) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations and specific additional requirements.

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses	
Remote-controlled Aircraft Fields - Existing	
Fishing Uses	
Forestry Uses	

### 12.4.3 Zone Requirements

The following requirements shall apply to all development located in the Environmental Constraints (O1) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.
(b)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings	20 ft. 10 ft.
(c)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	40 ft. 20 ft.
(d)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	35 ft. 20 ft.

### 12.4.4 Additional Requirements

#### 12.4.4.1 Requirements for all Development

All new buildings, additions, and associated parking, shall be prohibited with the exception of those noted below. (*Amended October 1, 2024, File P21-01*)

- (a) Residential accessory buildings with a maximum building footprint of 215 square feet.
- (b) Agricultural, forestry or fishing buildings with a maximum building footprint of 600 square feet.
- (c) Open air park and recreational buildings or structures with a maximum footprint of 215 square feet.
- (d) Public utilities.
- (e) Additions to existing residential uses provided the addition does not extend beyond the building footprint in existence on the date this By-law is adopted.

#### **12.4.4.2 Alteration of Natural Grade**

There shall be no alteration or change of the natural grade with the exception of minor surface re-grading related to the cultivation of land, public park uses, or permitted development.

#### **12.4.4.3 Engineer Review Requirements**

All permitted development in the Environmental Constraint (O1) Zone shall:

- (a) be designed and constructed to address any unique environmental site conditions such as erosion and slope failure, as designed by an engineer licensed to practice in Nova Scotia; and
- (b) implement adequate flood resistant building techniques where there is an increased risk of flooding, as designed by an engineer licensed to practice in Nova Scotia.

#### **12.4.4.4 Acknowledgement of Flood and Erosion Risks**

The Environmental Constraints (O1) Zone identifies lands at risk of flooding and erosion based on the best information available to the Municipality. The Municipality does not make any representations about the accuracy of this information or provide any assurances that flooding and erosion risks will not exceed these predictions or occur in other areas. Property owners are responsible for all risks associated with development, the effectiveness of flood resistant measures, and the impacts of development on neighbouring properties.

## **12.5 ENVIRONMENTALLY SENSITIVE AREA (ESA) OVERLAY**

### **12.5.1 Overlay Purpose**

The Environmentally Sensitive Area (ESA) Overlay is applied to lands that were not previously located within an Environmental Constraints (O1) Zone, but were identified as flood risk areas by the 2012 Applied Geomatics Research Group mapping. This Overlay also includes generalized areas with steep slopes greater than 20 per cent around watercourses, ravines within Growth Centres and where development could contribute to erosion, sedimentation and flooding issues. This Overlay is intended to provide flexibility to recognize the pre-existing development patterns and the hardship of strict limitations on property owners. This section is in accordance with policy 2.4.5 of the Municipal Planning Strategy.

### **12.5.2 Application of Overlay**

In addition to the underlying zone requirements, the requirements of the ESA Overlay shall apply to all development.

### **12.5.3 Engineer Review Requirements**

In accordance with policy 2.4.6 of the Municipal Planning Strategy, all new buildings and expansions of building footprints in the ESA Overlay shall be subject to the requirements below.

- (a) New buildings and additions shall be designed and constructed to address any unique environmental site conditions such as erosion and slope failure, as designed by an engineer licensed to practice in Nova Scotia.
- (b) Implementation of adequate flood resistant techniques where there is an increased risk of flooding, as designed by an engineer licensed to practice in Nova Scotia.
- (c) Notwithstanding Clause 12.5.3(b), above, accessory buildings with a maximum building footprint of 215 square feet shall be exempt from engineer review requirements. *(Amended October 1, 2024, File P21-01)*

### **12.5.4 Residential Units**

Notwithstanding the provisions of the underlying zone, no new residential units located entirely below grade shall be permitted in the Environmentally Sensitive Area (ESA) Overlay area identified for reasons related to flooding. *(Amended October 1, 2024, File P21-01)* For clarity, residential units located below established grade that existed on the date this By-law is adopted shall be permitted.

### **12.5.5 Acknowledgement of Risk**

The Environmentally Sensitive Area (ESA) Overlay identifies lands at risk of flooding, erosion, slope failure or at risk due to other unique features based on the best information available to the Municipality. The Municipality does not make any representations about the accuracy of this information or provide any assurances that the risk will not exceed these predictions or occur in other areas. Property owners are responsible for all risks associated with development, including the effectiveness of flood resistant measures, and the impacts of development on neighbouring properties.



## **12.6 TOWN WATER SUPPLY OVERLAYS (TWS)**

### **12.6.1 Overlay Purpose**

The purpose of the Town Water Supply Overlay (TWS) is to limit development within public water supply areas and thereby protect the surface water supply from contamination, in accordance with policy 2.6.1 of the Municipal Planning Strategy.

### **12.6.2 Application of Overlays**

All Town Water Supply Overlays are shown on the Land Use By-law Zoning Map. In addition to the underlying zone requirements, the requirements of the Overlays shall apply to all development, including accessory uses and home-based businesses, within the Town Water Supply Overlays. For clarity, all accessory uses and home-based businesses shall be permitted within the Town Water Supply Overlay unless otherwise prohibited by this By-law. *(Amended October 1, 2024, File P21-01)*

### **12.6.3 Permitted Uses**

No development permit shall be issued on a lot subject to the Town Water Supply Overlay except one or more of the following uses and subject to the requirements of the underlying zone and the following additional requirements:

- Agricultural Uses
- Forestry Uses
- Mobile Homes
- One Unit Dwellings
- Public Utilities
- Residential Uses – Existing

In the case of conflict between the requirements of this Overlay and the underlying zone, the more restrictive requirements shall prevail.

### **12.6.4 Agricultural and Forestry Uses**

No agricultural or forestry use which may contribute to excessive flooding, erosion, contamination or other detrimental consequences shall be permitted within 100 feet of a surface water supply or a watercourse draining into the water supply.





## **12.7 PORT WILLIAMS URBAN FLOODPLAIN OVERLAY (UF<sub>1</sub>)**

### **12.7.1 Purpose**

The purpose of the Port Williams Urban Floodplain Overlay is to delineate lands located below the height of nearby dykes, in accordance with policy 4.5.6 of the Municipal Planning Strategy.

### **12.7.2 Requirements**

In addition to the requirements of the underlying zoning, the Urban Floodplain Overlay shall require the following:

- (a) New buildings and additions shall be designed and constructed for flood resistance to a storm surge height of 28.2 feet above mean sea level, the approximate height of nearby dyke. These requirements, however are waived for the items noted below.
  - (i) Vertical additions that do not expand the building footprint.
  - (ii) Accessory structures with a maximum building footprint of 150 square feet.
  - (iii) Additions to buildings that existed on October 14, 2010. The addition, however, shall not extend beyond the property boundary that existed on October 14, 2010. The grade of the ground floor must be no lower than the ground floor of the existing building. Basements shall not be permitted.

Prior to any development taking place, regardless of the scale, the property owner shall provide written acknowledgement indicating that the development is located within an area identified as being vulnerable to the predicted worst case storm surge and sea level rise scenario of 34 feet above mean sea level, representing the estimated extent of the 1869 Saxby Gale plus an estimated sea level rise of 25 inches.



## **12.8 PORT WILLIAMS URBAN FLOODPLAIN WARNING (UF2) OVERLAY**

### **12.8.1 Purpose**

The purpose of the Port Williams Urban Floodplain Warning (UF2) Overlay is to delineate land having an elevation between the height of nearby dykes and the estimated level of the 1869 Saxby Gale, in accordance with policy 4.5.9 of the Municipal Planning Strategy.

### **12.8.2 Requirements**

Prior to any development taking place, regardless of the scale, the property owner shall provide written acknowledgement indicating that the development is located within an area identified as being vulnerable to the predicted worst case storm surge and sea level rise scenario of 34 feet above mean sea level, representing the estimated extent of the 1869 Saxby Gale plus an estimated sea level rise of 25 inches.



## Section 13 - WELLFIELD PROTECTION OVERLAYS

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### 13.1 Summary of Wellfield Protection Overlay Names and Symbols

Overlay Name	Symbols
Aylesford Wellfield Protection Overlay	<b>AW</b>
Berwick Wellfield Protection Overlay	<b>BW</b>
Canning Wellfield Protection Overlays	<b>CW – A, B, &amp; C</b>
Greenwood Wellfield Protection Overlays	<b>GW – A, B, C, &amp; D</b>
Kentville Wellfield Protection Overlays	<b>KW – A, B, C, &amp; D</b>
New Minas Wellfield Protection Overlays	<b>NW – A, B, C, &amp; D</b>
Port Williams Wellfield Protection Overlays	<b>PW – A, B, &amp; C</b>

### 13.2 Requirements for all Wellfield Overlays

#### 13.2.1 Application of Overlays

All Wellfield Protection Overlays are shown on the Land Use By-law Zoning Maps. In addition to the underlying zone requirements, the requirements of the Wellfield Protection Overlays shall apply to all development, including accessory uses and home-based businesses. In the case of conflict between the zone requirements and the Wellfield Protection Overlay requirements, the more restrictive requirements shall prevail.

#### 13.2.2 Non-Conforming Uses within Wellfields

- (a) Uses that legally existed prior to the adoption of wellfield provisions but are now prohibited by the wellfield regulations shall be considered non-conforming uses and shall be subject to the requirements of section 14.3.8 of this By-law.
- (b) Notwithstanding section 13.2.2 (a) above and section 14.3.8, the expansion or redevelopment of a non-conforming use within any wellfield protection overlay, or a change in use to a less impactful use shall be permitted by development agreement, subject to the requirements of policies 2.6.8 and 2.6.16 of the Municipal Planning Strategy.

#### 13.2.3 Bulk Storage

- (a) Limits on bulk storage volumes or weight shall apply to the total weight or volume of that category of material on one lot. For example, a lot containing a 500 litre container of diesel and a 500 litre container of gasoline is considered to contain 1,000 litres of bulk petroleum fuel and would not be permitted in Kentville Wellfield Protection Overlay B (maximum 909 litres).
- (b) Where a lot straddles the boundary between multiple wellfields or a wellfield and a non-wellfield, the area of land within each wellfield shall be considered an individual lot for the purposes of determining the maximum permitted volume or weight of bulk storage. For example, if a lot is bisected by Port Williams Wellfield Protection Overlays B and C, the lot

could contain 1,000 kilograms of salt on the area within Overlay B and a further 100,000 kilograms of salt on the area within Overlay C.

### **13.3 AYLESFORD WELLFIELD PROTECTION OVERLAY**

#### **13.3.1 Aylesford Wellfield Protection Overlay**

In accordance with policy 2.6.7 of the Municipal Planning Strategy, properties within the Aylesford Wellfield Protection Overlay shall not be permitted to rezone to an Industrial Zone.

## **13.4 BERWICK WELLFIELD PROTECTION OVERLAY**

### **13.4.1 Berwick Wellfield Protection Overlay**

Notwithstanding any other provisions contained in this By-law, the following uses shall be prohibited from locating within the Berwick Wellfield Protection Overlay:

- Automotive Repair subject to the requirements of section 13.4.2
- Automotive Salvage Yards
- Bulk Storage of Petroleum Fuel, excluding Gasoline or Service Stations
- Bulk Storage of Salt
- Bulk Storage, Processing, or Production of Fertilizer
- Commercial Storage of Petroleum Solvents
- Dry Cleaning Facilities
- Gas Bars subject to the requirements of section 13.4.2

### **13.4.2 Uses Considered by Development Agreement**

Notwithstanding any other provisions contained in this By-law, where permitted by the underlying zoning, the following uses shall only be permitted in the Berwick Wellfield Protection Overlay by development agreement, subject to policies 2.6.9 and 2.6.16 of the Municipal Planning Strategy:

- All permitted uses within the Rural Industrial (M3) Zone
- Automotive Repair
- Gas Bars





## 13.5 CANNING WELLFIELD PROTECTION OVERLAYS

### 13.5.1 Canning Wellfield Protection Overlay A

Notwithstanding any other provisions contained in this By-law a development permit shall not be issued within the Canning Wellfield Protection Overlay A except for one or more of the following uses:

- One Unit Dwelling
- Public Water Utilities

### 13.5.2 Canning Wellfield Protection Overlays B & C

Notwithstanding any other provisions contained in this By-law, the following restrictions shall apply to development of lands located within the Canning Wellfield Protection Overlays B and C.

Land Use	Wellfield Protection	
	Canning Overlay B	Canning Overlay C
Abattoirs	Not Permitted	Not Permitted
Aggregate Related Industries	Not Permitted	Not Permitted
Agricultural Equipment, Parts, Sales and Service	Not Permitted	Not Permitted
Agricultural Related Industries	Not Permitted	Not Permitted
Animal Boarding Facilities	Not Permitted	Permitted
Automotive repair	Not Permitted	Not Permitted
Bulk Storage of Chlorinated Organic Compounds	> 91 litres Not Permitted	> 909 litres Not Permitted
Bulk Storage of Fertilizers	Not Permitted	Not Permitted
Bulk Storage of Pesticides and Herbicides	> 45 litres Not Permitted	> 909 litres Not Permitted
Bulk Storage of Petroleum Fuels, Excluding Propane	Not Permitted	> 45,460 litres Not Permitted
Bulk Storage of Petroleum Solvents	> 45 litres Not Permitted	> 909 litres Not Permitted
Bulk Storage of Propane	Permitted	Permitted
Bulk Storage of Salt	> 1,000 kg Not Permitted	> 100,000 kg Not Permitted
Composting Facilities	Not Permitted	Not Permitted
Crematoria	Not Permitted	Not Permitted
Dry Cleaning Facilities	Not Permitted	Not Permitted
Fish and Seafood Processing	Not Permitted	Not Permitted
Fish Farms	Not Permitted	Not Permitted
Forest Industry Uses	Not Permitted	Not Permitted
Gas Bars	Not Permitted	Not Permitted
Greenhouses	Not Permitted	Not Permitted
Heavy Equipment Facilities	Not Permitted	Not Permitted
Livestock Operations	Not Permitted	Not Permitted
Manufacturing	Not Permitted	Not Permitted

Land Use	Wellfield Protection	
	Canning Overlay B	Canning Overlay C
Manure Storage Facilities	Not Permitted	Not Permitted
Salvage or Scrap Operations	Not Permitted	Not Permitted
Sanitary Service	Not Permitted	Not Permitted
Self Storage	Permitted	Permitted
Transportation Services	Not Permitted	Not Permitted
Waste Transfer Stations	Not Permitted	Not Permitted

## 13.6 GREENWOOD WELLFIELD PROTECTION OVERLAYS

### 13.6.1 Greenwood Wellfield Protection Overlay A

Notwithstanding any other provisions contained in this By-law, a development permit shall not be issued within the Greenwood Wellfield Protection Overlay A except for one or more of the following uses:

Public Water Utilities

### 13.6.2 Greenwood Wellfield Protection Overlays B, C, and D

Notwithstanding any other provisions contained in this By-law, the following restrictions shall apply to development of lands located within the Greenwood Wellfield Protection Overlays B, C, and D.

Land Use	Wellfield Protection		
	Greenwood Overlay B	Greenwood Overlay C	Greenwood Overlay D
Abattoir	Not Permitted	Not Permitted	Development Agreement
Aggregate Related Industries	Not Permitted	Not Permitted	Not Permitted
Agricultural Related Industries	Not Permitted	Not Permitted	Permitted
Automotive repair	Development Agreement	Development Agreement	Development Agreement
Bulk Storage of Chlorinated Organic Compounds or Solvents	> 909 litres Not Permitted	> 909 litres Not Permitted	> 909 litres Not Permitted
Bulk Storage of Fertilizer	> 908 kg Not Permitted	Permitted	Permitted
Bulk Storage of Manure	> 908 kg Not Permitted	Permitted	Permitted
Bulk Storage of Pesticides and Herbicides	> 900 litres Not Permitted	> 900 litres Not Permitted	> 900 litres Not Permitted
Bulk Storage of Petroleum Fuel, Excluding Propane	> 45,000 litres Not Permitted	> 45,000 litres Not Permitted	> 45,000 litres Not Permitted
Bulk Storage of Petroleum Solvents	> 45,000 litres Not Permitted	> 45,000 litres Not Permitted	> 45,000 litres Not Permitted
Bulk Storage of Propane	Permitted	Permitted	Permitted
Bulk Storage of Salt	> 908 kg Not Permitted	> 90,800 kg Not Permitted	> 90,800 kg Not Permitted
Carwash Facilities	Development Agreement	Permitted	Permitted
Cemeteries	Not Permitted	Not Permitted	Permitted
Composting Facilities	Not Permitted	Not Permitted	Permitted

Land Use	Wellfield Protection		
	Greenwood Overlay B	Greenwood Overlay C	Greenwood Overlay D
Dry Cleaning Facilities	Not Permitted	Not Permitted	Not Permitted
Fish Farms	Not Permitted	Not Permitted	Development Agreement
Gas Bars	Not Permitted	Not Permitted	Not Permitted
Greenhouses	Development Agreement	Permitted	Permitted
Heavy Equipment Facilities	Not Permitted	Not Permitted	Not Permitted
Household Item Repair Services	Development Agreement	Permitted	Permitted
Livestock Operations developed after November 1, 2011	Not Permitted	Not Permitted	Development Agreement
Livestock Operations existing on November 1, 2011	Permitted	Permitted	Permitted
Manufacturing	Development Agreement	Permitted	Permitted
Salvage or Scrap Operations	Not Permitted	Not Permitted	Not Permitted
Sanitary Service	Not Permitted	Not Permitted	Development Agreement
Soil Mixing	Not Permitted	Permitted	Permitted
Transportation Services	Development Agreement	Permitted	Permitted
Waste Transfer Stations	Not Permitted	Permitted	Permitted

### 13.6.3 Uses Considered by Development Agreement

- (a) The uses listed in section 13.6.2 that are permitted by development agreement within Zone B of the Greenwood Wellfield Protection Overlay shall be permitted in accordance with policies 2.6.10 and 2.6.16 of the Municipal Planning Strategy:
- (a) The uses listed in section 13.6.2 that are permitted by development agreement within Zone C of the Greenwood Wellfield Protection Overlay shall be permitted in accordance with policies 2.6.11 and 2.6.16 of the Municipal Planning Strategy:
- (c) The uses listed in section 13.6.2 that are permitted by development agreement within Zone D of the Greenwood Wellfield Protection Overlay shall be permitted in accordance with policies 2.6.12 and 2.6.16 of the Municipal Planning Strategy:

## 13.7 KENTVILLE WELLFIELD PROTECTION OVERLAYS

### 13.7.1 Kentville Wellfield Protection Overlay A

Notwithstanding any other provisions contained in this By-law, a development permit shall not be issued within the Kentville Wellfield Protection Overlay A except for one or more of the following uses:

Existing Residential Uses  
Parks  
Public Water Utilities

### 13.7.2 Kentville Wellfield Protection Overlays B, C, and D

Notwithstanding any other provisions contained in this By-law, the following restrictions shall apply to development of lands located within the Kentville Wellfield Protection Overlays B, C, and D.

Land Use	Wellfield Protection		
	Kentville Overlay B	Kentville Overlay C	Kentville Overlay D
Abattoirs	Not Permitted	Not Permitted	Not Permitted
Aggregate Related Industries	Not Permitted	Not Permitted	Not Permitted
Agricultural Equipment and Parts, Sales, and Service	Not Permitted	Not Permitted	Not Permitted
Agricultural Uses	Not Permitted	Permitted	Permitted
Automotive Painting/Auto body	Not Permitted	Not Permitted	Not Permitted
Automotive repair	Permitted	Permitted	Permitted
Bulk Storage of Chlorinated Solvents	> 23 litres Not Permitted	> 91 litres Not Permitted	> 455 litres Not Permitted
Bulk Storage of Fertilizers	> 100 kg Not Permitted	> 2,000 kg Not Permitted	Permitted
Bulk Storage of Pesticides and Herbicides	Not Permitted	Not Permitted	> 455 litres Not Permitted
Bulk Storage of Petroleum Solvents	> 23 litres Not Permitted	> 91 litres Not Permitted	> 909 litres Not Permitted
Bulk Storage of Petroleum, Excluding Propane	> 909 litres Not Permitted	> 10,000 litres Not Permitted	> 45,460 litres Not Permitted
Bulk Storage of Propane	Permitted	Permitted	Permitted
Bulk Storage of Salt	Not Permitted	> 10,000 kg Not Permitted	> 100,000 kg Not Permitted
Campgrounds	Not Permitted	Permitted	Permitted
Car Wash Facilities	Not Permitted	Permitted	Permitted
Cemeteries	Not Permitted	Permitted	Permitted
Dry Cleaning Facilities	Not Permitted	Not Permitted	Not Permitted
Forestry Uses	Not Permitted	Not Permitted	Not Permitted
Gas Bars	Not Permitted	Not Permitted	Not Permitted

Land Use	Wellfield Protection		
	Kentville Overlay B	Kentville Overlay C	Kentville Overlay D
Golf Courses and Driving Ranges	Not Permitted	Permitted	Permitted
Greenhouses	Not Permitted	Not Permitted	Permitted
Heavy Equipment Facilities	Not Permitted	Permitted	Permitted
Manufacturing	Not Permitted	Permitted	Permitted
Storefront Recycling	Not Permitted	Permitted	Permitted
Salvage or Scrap Operations	Not Permitted	Not Permitted	Not Permitted
Sanitary Services	Not Permitted	Not Permitted	Not Permitted
Transportation Services	Not Permitted	Permitted	Permitted
Warehousing	Not Permitted	Permitted	Permitted
Waste Transfer Stations	Not Permitted	Permitted	Permitted
Zoos	Not Permitted	Permitted	Permitted

## 13.8 NEW MINAS WELLFIELD PROTECTION OVERLAYS

### 13.8.1 New Minas Wellfield Protection Overlay A

Notwithstanding any other provisions contained in this By-law, a development permit shall not be issued within the New Minas Wellfield Protection Overlay A except for one or more of the following uses:

Public Water Utilities

### 13.8.2 New Minas Wellfield Protection Overlays B, C, and D

Notwithstanding any other provisions contained in this By-law, the following restrictions shall apply to development of lands located within the New Minas Wellfield Protection Overlays B, C, and D.

Land Use	Wellfield Protection		
	New Minas Overlay B	New Minas Overlay C	New Minas Overlay D
Agricultural Equipment, Parts, Sales, and Service	Not Permitted	Not Permitted	Permitted
Automotive repair	Not Permitted	Not Permitted	Permitted
Automotive sales and Rental	Not Permitted	Permitted	Permitted
Bulk Storage of Fertilizers, pesticides and herbicides	Not Permitted	Not Permitted	Not Permitted
Bulk Storage of Petroleum Fuels, Excluding Propane	Not Permitted	Not Permitted	Not Permitted
Bulk Storage of Salt	Not Permitted	Not Permitted	Not Permitted
Carwash Facilities	Development Agreement	Development Agreement	Permitted
Cemeteries	Not Permitted	Not Permitted	Not Permitted
Dry Cleaning Facilities	Not Permitted	Not Permitted	Permitted
Existing hatchery located at 9565 Commercial St.	Not Permitted	Not Permitted	Not Permitted
Food and Drink Production	Development Agreement	Permitted	Permitted
Forestry Uses	Not Permitted	Not Permitted	Permitted
Gas Bars	Not Permitted	Not Permitted	Permitted
Golf Courses and Driving Ranges	Development Agreement	Development Agreement	Development Agreement
Garden centre accessory to a main commercial use	Not Permitted	Development Agreement	Development Agreement
Greenhouses or garden centres	Not Permitted	Development Agreement	Development Agreement

Land Use	Wellfield Protection		
	New Minas Overlay B	New Minas Overlay C	New Minas Overlay D
Heavy Equipment Facilities	Not Permitted	Not Permitted	Permitted
Lawn Care and Landscaping	Development Agreement	Development Agreement	Permitted
Livestock Operations	Not Permitted	Not Permitted	Not Permitted
Manufacturing*	Development Agreement	Permitted	Permitted
Organic Soil Mixing Operations	Not Permitted	Not Permitted	Not Permitted
Professional Trades involving painting, acrylic/fibreglass and such similar processes	Not Permitted	Not Permitted	Permitted
Salvage or Scrap Operations	Not Permitted	Not Permitted	Not Permitted
Sanitary Services	Not Permitted	Not Permitted	Not Permitted
Transportation Services	Not Permitted	Not Permitted	Permitted
Uses permitted in the Heavy Industrial (M2) Zone excluding uses permitted in the Light Industrial Commercial (M1) Zone	Not Permitted	Not Permitted	Not Permitted
Warehouses and storage/cold storage	Development Agreement	Development Agreement	Development Agreement

*1. Amended to add "Manufacturing" and remove "Multi-unit Residential Development" and "Residential dwellings over 1 residential unit", May 2, 2023, New Minas Secondary Plan*

### 13.8.3 Uses Considered by Development Agreement

- (a) The uses listed in section 13.8.2 as being permitted by development agreement within Zone B of the New Minas Wellfield Protection Overlay shall be permitted in accordance with policies 2.6.13 and 2.6.16 of the Municipal Planning Strategy:
- (b) The uses listed in section 13.8.2 that are permitted within Zone C of the New Minas Wellfield Protection Overlay by development agreement shall be permitted in accordance with policies 2.6.14 and 2.6.16 of the Municipal Planning Strategy:
- (c) The uses listed in section 13.8.2 that are permitted by development agreement within Zone D of the New Minas Wellfield Protection Overlay shall be permitted in accordance with policies 2.6.15 and 2.6.16 of the Municipal Planning Strategy:



## 13.9 PORT WILLIAMS WELLFIELD PROTECTION OVERLAYS

### 13.9.1 Port Williams Wellfield Protection Overlay A

Notwithstanding any other provisions contained in this By-law, a development permit shall not be issued within the Port Williams Wellfield Protection Overlay A except for one or more of the following uses:

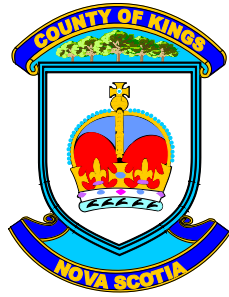
One Unit Dwellings  
Public Water Utilities

### 13.9.2 Port Williams Wellfield Protection Overlays B and C

Notwithstanding any other provisions contained in this By-law, the following restrictions shall apply to development of lands located within the Port Williams Wellfield Protection Overlays B and C.

Land Use	Wellfield Protection	
	Port Williams Overlay B	Port Williams Overlay C
Abattoir	Not Permitted	Not Permitted
Aggregate Related Industries	Not Permitted	Not Permitted
Agricultural Equipment Parts, Sales, and Service	Not Permitted	Permitted
Agricultural Related Industries, Excluding Fruit and Vegetable Processing	Not Permitted	Permitted
Agriculture Related Industry – Fertilizer Mixing and Production	Not Permitted	Not Permitted
Automotive repair	Not Permitted	Permitted
Bulk Storage of Chlorinated Organic Compounds	Not Permitted	Greater than 909 litres Not Permitted
Bulk Storage of Pesticides and Herbicides	Not Permitted	greater than 909 litres Not Permitted
Bulk Storage of Petroleum Fuels, Excluding Propane	Not Permitted	Greater than 45,460 litres Not Permitted
Bulk Storage of Petroleum Solvents	Not Permitted	Greater than 909 litres Not Permitted
Bulk Storage of Propane	Permitted	Permitted
Bulk Storage of Salt	> 1,000 kg Not Permitted	Greater than 100,000 kg Not Permitted
Bulk Storage of Fertilizers and Manure	> 1,000 kg Not Permitted	Permitted
Cemeteries	Not Permitted	Not Permitted
Composting Facilities	Not Permitted	Permitted

Land Use	Wellfield Protection	
	Port Williams Overlay B	Port Williams Overlay C
Crematoria	Not Permitted	Permitted
Dry Cleaning Facilities	Not Permitted	Not Permitted
Fish and Seafood Processing	Not Permitted	Permitted
Fruit and Vegetable Processing	Not Permitted	Permitted
Gas Bars	Not Permitted	Not Permitted
Heavy Equipment Facilities	Not Permitted	Permitted
Manufacturing	Not Permitted	Permitted
Sanitary Service	Not Permitted	Not Permitted
Salvage or Scrap Operations	Not Permitted	Not Permitted
Transportation Services	Not Permitted	Permitted
Warehousing	Not Permitted	Permitted
Waste Transfer Stations	Not Permitted	Not Permitted



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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 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 residential care homes or as accommodations shall be permitted within all zones that permit residential units. 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)*

#### **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
	Antique Shops Bed and Breakfast Operations up to four (4) bedrooms 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 bed and breakfast operations, home day cares and residential care homes.
(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

#### 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	Animal Boarding Facilities Antique Shops Automotive Repair subject to the special requirements set in section 14.4.5, below Bed and Breakfast Operations up to four (4) bedrooms 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	<p>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></p> <p>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;</p> <p>The maximum size and percentage shall not apply to: Bed and Breakfast Operations; or Home Day Cares;</p>		
(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		
(i)	Road Frontage Requirements	Public road frontage required		

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

#### 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 Bed and Breakfast Operations Clause 14.4.4	Permitted number of bedrooms increased from four (4) to five (5)
(c)	Home Based Business – Level 3 Signs Clause 14.6	The maximum size of a home-based business sign is increased from 10 sq. ft to 15 sq. ft

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

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.



## Section 15 - ALTERNATIVE ENERGY GENERATION REGULATIONS

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### 15.1 Summary of Alternative Energy Overlay Names and Symbols

Overlay Name	Symbols
Large-scale Wind Turbine Overlay	<b>WO</b>

#### 15.1.2 Application of Overlay

The Large-scale Wind Turbine Overlay (WO) is shown on the Land Use By-law Zoning Map. In addition to the underlying zone requirements, the requirements of the overlay shall apply to the development of large scale wind turbines, in accordance with policy 2.8.7 of the Municipal Planning Strategy.

#### 15.1.3 Large-scale Wind Turbine Overlay

In addition to the uses permitted within the underlying zone within the Large-scale Wind Turbine Overlay, the following additional uses shall be permitted:

Large-scale Wind Turbines

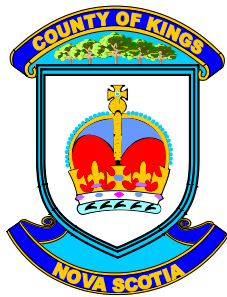
#### 15.1.4 Large-scale Wind Turbines

In addition to the requirements of section 14.3 related to wind turbines, large-scale and utility-scale wind turbines shall be subject to the criteria noted below.

- (a) Large-scale wind turbine means a wind turbine with a height greater than 115 feet.
- (b) Utility-scale wind turbine means two or more large-scale wind turbines that feed electricity into the utility grid for the principal purpose of generating electricity for off-site consumption.
- (c) Large-scale wind turbines and utility-scale wind turbines shall be set back a distance 1.5 times the height of the wind turbine from lot lines and public rights-of-way. Where a lot line is common to two lots located within the same wind turbine project, no setback is required from that lot line.
- (d) The location of all large-scale wind turbines or utility-scale wind turbines shall be confirmed by a location certificate prepared by a surveyor licensed to practice in Nova Scotia.
- (e) Rotor blade clearance shall be at least 25 feet from grade for large-scale wind turbines or utility-scale wind turbines.
- (f) Large-scale wind turbines or utility-scale wind turbines shall not present a flight hazard or interfere with radio, telecommunications, or radar, as evidenced by a letter of no objection from the Department of National Defence, Transport Canada, NavCan, and/or other applicable agencies.

- (g) Large-scale wind turbines and utility-scale wind turbines shall have a separation distance between turbines equal to at least the height of the tallest wind turbine.
- (h) A permit for large-scale wind turbines or utility-scale wind turbines may be issued on a lot without frontage on a public road provided proof of access can be demonstrated.
- (i) The owner or leasee of the land on which wind turbines are located shall notify the Municipality within one calendar year of wind turbine inactivity and shall remove any wind turbines and associated infrastructure within two calendar years of wind turbine inactivity.
- (j) Development permit applications for large-scale wind turbines or utility-scale wind turbines shall, in addition to standard required information and the requirements of section 14.3.31, be accompanied by the items noted below.
  - (i) Site plan(s) showing all proposed and existing wind turbines, buildings, roads, boundaries, and natural features.
  - (ii) An emergency response and fire safety plan approved by the Municipal Emergency Coordinator.
  - (iii) A decommissioning and reclamation plan that includes provisions for the removal of all structures associated with the large-scale wind turbines or utility-scale wind turbines.
  - (iv) Any other information required by the Development Officer to determine whether the development conforms to this By-law.





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## Part 4 PROCESS

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### Section 16 DEVELOPMENT APPLICATION PROCESS

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## **Section 16 - DEVELOPMENT APPLICATION PROCESS**

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### **16.1 APPLICATION FOR DEVELOPMENT PERMIT**

16.1.1 An application for a development permit shall include all items noted below.

- (a) A completed application form signed by the applicant (registered owner of the land or their representative or agent certified as such).
- (b) The application fee in accordance with the Fees Policy, as adopted by resolution of Council.
- (c) An accurate and complete statement of the proposed uses and scope of work.
- (d) A site plan for the land to be developed, drawn to scale, showing such information deemed necessary by the Development Officer which may include the following:
  - (i) Shape and dimensions of the lot
  - (ii) Identification of all abutting roads and existing and/or proposed access to the development
  - (iii) Identification of all rights-of-way and easements within the subject property
  - (iv) Identification of all watercourses
  - (v) Location and dimensions of existing and proposed buildings including distances from lot boundaries
  - (vi) Proposed parking spaces and traffic aisles including dimensions
  - (vii) Location of garbage storage areas or enclosures
  - (viii) Location of any required vegetation, fences, or buffering
  - (ix) Location of any required amenity areas and pedestrian pathways
  - (x) Sign location and details
  - (xi) North arrow and date of drawing
- (e) Floor plans and elevations of the proposed development, drawn to a scale acceptable to the Development Officer.
- (f) Any additional information as required by the Development Officer in order to evaluate any application in accordance with this By-law and in accordance with policy 5.2.1 of the Municipal Planning Strategy.

### **16.2 DECISIONS OF DEVELOPMENT OFFICER**

16.2.1 A development permit shall be issued by the Development Officer in accordance with the Act provided:

- (a) the proposed development is in conformance with this By-law;
- (b) the Development Officer has granted a variance pursuant to Section 235 of the Act; or

- (c) the proposed development is in conformance with an approved development agreement pursuant to Section 228 of the Act.

16.2.2 The Development Officer shall refuse a development permit application in accordance with the Act where the proposed use is not permitted and/or if it does not meet the requirements of this By-law.

16.2.3 The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate or if the development is not in compliance with the scope of work approved on the development permit.

16.2.4 A location certificate prepared by a registered member in good standing of the Association of Nova Scotia Surveyors shall be required for the following developments:

- (a) New buildings containing main uses;
- (b) Any development 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; and
- (c) Notwithstanding (a) and (b) above, new buildings containing agricultural, forestry or fishing use may be exempted provided they are not the first building on the lot.

*(Section added October 1, 2024, File P21-01)*

### **16.3 VARIANCE AUTHORITY**

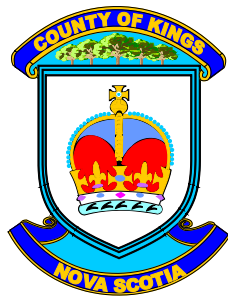
16.3.1 The Development Officer may grant a variance pursuant to Section 235 of the Act and in accordance with policy 5.2.3 of the Municipal Planning Strategy.

16.3.2 In the event that a variance is granted, the Development Officer shall specify the nature of the approved variance in the development permit approval.

### **16.4 TIMEFRAME OF DEVELOPMENT PERMITS**

16.4.1 Every development permit issued under this By-law shall automatically lapse, and become null and void if the development to which it relates has not commenced and 12 months have passed since its issuance, in accordance with policy 5.2.2 of the Municipal Planning Strategy.

16.4.2 A development permit may be renewed provided the proposed development is in conformance with the By-law that is in force at the time of application for renewal in accordance with the Act.



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## Part 5 DEFINITIONS

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### Section 17 DEFINITIONS

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## **Section 17 - DEFINITIONS**

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For the purposes of this By-law, all words have the meaning or meanings that are assigned to them by accepted English dictionaries, except for the words that are defined in this section.



**Abattoir** means a building, structure, land, or part thereof, used for the slaughtering and processing of animals. The housing of live animals is limited to those to be slaughtered and not for the purpose of fattening animals.

**Abut** means where properties or lots share a common lot line or a common point along a lot line.

**Accessory Building** means a detached building located on the same lot as a main use or main building, the use of which is incidental or secondary to that of the main building and which is not used for human habitation, unless otherwise permitted in the zone. For clarity, a breezeway may connect the accessory building and is only considered ornamental in nature.

**Accessory Dwelling** means one (1) self-contained residential unit that is wholly contained within an Accessory Building. *(Amended October 3, 2023, File 22-04)*

**Accessory Use** means a use that is subordinate or incidental to the main use on a lot and/or in a building and includes, where permitted, the construction of dwellings and other accessory buildings for the operation of the main use.

**Aggregate Related Industries** means a building, structure or land, or part thereof, used for aggregate processing, storage, and related uses including, but not limited to asphalt processing, concrete batching and component manufacturing, sand pit operations and mineral bulk storage but excludes uses ancillary to Aggregate Resource Extraction.

**Aggregate Resource Extraction** means sand, gravel and mineral extraction including pits and quarries conducted under a permit issued by the Province of Nova Scotia and includes ancillary activities such as crushing.

**Agricultural Equipment and Parts, Sales, and Service** means land, a building, or a portion of a building used to sell, lease, rent, service, or repair agricultural equipment or agricultural equipment parts.

**Agricultural Related Industries** means a building, structure, or land, or part thereof, used for processing agricultural crops, including, but not limited to, sorting, grading, packaging, food and feed preparation, fertilizer production, brewing, wine-making and similar uses but excludes Abattoirs and Animal By-products Plants. For clarity, Agricultural Related Industries are not required to be associated with a farming business.

**Agricultural Use** means the use of land, buildings, or structures for the cultivation of crops such as, but not limited to, corn, hay, fruit and vegetables and shall include a greenhouse. This definition includes bee keeping and animal pasturing but excludes buildings for the raising of animals, which is covered by the definitions of livestock operation and household livestock.

**Agritainment Use** means an agricultural-themed entertainment use such as, but not limited to, petting zoos, hay rides, u-picks, pumpkin patches, play areas, games, mazes, trails, farm tours, workshops, farm



demonstrations, theatres, museums and other indoor or outdoor entertainment uses based on agricultural topics and/or using agricultural props.

**Amenity area** means the area(s) that form part of a multi-unit residential development intended for recreational purposes, and shall include one or a combination of the following:

- (a) *common outdoor spaces* that are accessible to all residents within the residential development and may include spaces such as play areas, swimming pools, tennis courts, or sports fields. Such areas shall be of a size and shape that can reasonably be used for recreation purposes and shall be, at a minimum, cleared, leveled and grassed or otherwise landscaped;
- (b) *private outdoor spaces* that are provided as a separate spaces to the residential units and may include spaces such as decks, patios, or balconies; and/or
- (c) *indoor common spaces* that are provided within multi-unit buildings in such a way that they are accessible to all residents of the dwelling and may include spaces such as gyms, lounges, or games rooms.

**Animal Boarding Facility** means a building or part of a building where domestic household animals are kept, boarded, bred, or offered day care and may include an animal shelter or a kennel.

**Animal By-products Plant** means a building, structure, land, or part thereof, used for the processing and/or rendering of animal carcasses and animal parts and excludes abattoirs and processing for human consumption.

**Animal Unit** means one or more farm animals, as specified in the following table. For the purpose of calculating the number of animals units permitted on a property the following steps described below will be used:

- (a) Young offspring are permitted and not counted towards the total number of animal units until fully grown.
- (b) Animal unit fractions are rounded to the nearest whole Animal Unit.
- (c) Farm animals that are not listed in the table are counted according to the most similar type of animal listed in terms of size and characteristics.
- (d) Combinations of different types of livestock, calculated on a fractional basis, are permitted provided the total maximum number of animal units is not exceeded.
- (e) For operations primarily involving the raising of young farm animals, the animals are counted according to the below table, multiplied by four times the number of animals equal to one animal unit.

Type of Animal	Number of Animals Equal to One Animal Unit
Cows (all types)	1
Horses	1

Type of Animal	Number of Animals Equal to One Animal Unit
Miniature Horses/Ponies	2
Sheep/Goats	4
Fowl excluding Turkeys	20
Turkeys	5
Pigs	2
Mink	20
Rabbits	20
Llamas/Alpacas	2
Ostriches/Emus	2

**Antenna** means a device or combination of devices used, intended to be used, or capable of being used for telecommunication. Most antennas have their own integral mast so that they can be fastened directly to a building or tower. Where this document refers to an antenna, the term includes the integral mast.

**Antenna System** means a system normally composed of an antenna and some sort of supporting structure, normally a tower including but not limited to lattice towers, guy towers, or monopole towers.

**Arts and Cultural Centre** means any use or combination of uses dedicated to preserving, developing, and educating the public in the visual and performing arts, music, culture and learning, including such uses as art galleries, museums, archives, theatres, makeries, and any uses accessory thereto.

**Attached building** means a building that may be otherwise complete in itself, that depends upon a division wall or walls shared in common with an adjacent building(s) for complete enclosure. For clarity, two buildings connected by a breezeway are not attached. For the purposes of determining setbacks, an attached building will be considered part of the main building.

**Automotive Repair** means a building or a portion of a building used to repair and/or paint the body or engine of a motorized vehicle, including but not limited to motor vehicle detailing and sandblasting. Unless otherwise controlled by a zone provision, this use may include the accessory display of up to six vehicles for sale, lease or rental.

**Automotive Sales and Rental** means land, a building, or a portion of a building used to sell, lease, or rent motor vehicles and unless otherwise restricted by zone provisions this use may include accessory automotive repair, washing, detailing, and retail sales of automobile parts.



**Back Lot** means a lot situated back from and therefore not directly abutting the shore of a lake and separated from the lake by a private or public road or waterfront lot.

**Bed and Breakfast Operation** means a residential unit in which overnight accommodation is provided to the public and in which meals may be provided only to overnight guests, and which is the principal residence of the owner of the bed and breakfast operation.

**Boathouse** means a structure designed and constructed to shelter boats and other watercraft and shall not be used for human habitation or other uses unrelated to the storage of boats.

**Breezeway** means a roofed open passage connecting two or more buildings.

**Building** means a type of structure, whether temporary or permanent, that is roofed and that is used for the shelter or accommodation of persons, animals, material or equipment.

**Building and Construction Contractors** means land, a building, or portion of a building used by general purpose and specialized building and construction contractors, including, but not limited to, well drillers, plumbers, carpenters, electricians, heating and air conditioning technicians, storage, repair, preparation and other uses related to the operation of the business as well as residential and commercial cleaning for office uses.

**Building Envelope** means the portion of a lot within which buildings may be constructed.

**Building Footprint** means the area of a building where it meets the ground measured to the outside of exterior walls and to the centre line of party walls, including covered porches and verandas, but excluding uncovered building features such as decks, patios, steps, ramps and other similar building features.

**Building Line** means any line regulating the position of a building or structure on a lot with respect to lot lines.

**Bulk Chemical Storage** means the storage of chemicals, including chlorinated organic compounds, herbicides, fertilizers, and pesticides for use on- or off-site, but excluding materials in packages or containers intended for retail sale to the public.

**Bulk Fuel Storage** means the storage of petroleum or hydrogen fuels or solvents for use on- or off-site, but excluding materials in packages or containers intended for retail sale to the public, fuels for on-site space heating of commercial or residential buildings, and fuels for on-site fueling of vehicles.

**Bulk Mineral Storage** means the storage of salt or other similar de-icing agents, sand, gravel, gypsum, or other similar materials for use on- or off-site, but excluding materials in packages or containers intended for retail sale to the public.

**Bunkhouse** means a building that is not a complete dwelling but is intended to serve primarily as sleeping quarters for one or more persons employed in the farming business and is located on the farm property where the farming business operates.

**Bus/Taxi Stations** means a building, structure, or land use where commercial motor vehicles pick up and drop off fare-paying passengers and may include bus bays and shelters, ticket offices, luggage checking facilities, and similar uses.

**Business Office** means a building or part of a building where persons are employed in the managing, directing, or conducting of a service on behalf of clients such as a financial institution (bank, insurance agency), a professional office (doctor, dentist, lawyer, engineer, surveyor), a government office, a call centre, or a business office of a non-profit charitable organization, but does not include a medical or dental clinic.



**Campground** means a building, structure, land, or part thereof used for a range of overnight camping experiences from tenting to recreational cabins to serviced recreational vehicle sites and includes accessory facilities that support camping, including, but not limited to, administration offices, laundry facilities, recreation halls and canteens, but does not include the use of mobile homes or recreational vehicles on a permanent year-round basis.

**Carwash Facility** means a building, structure, land, or part thereof, used to clean the exterior and/or interior of vehicles, including washing by hand, automated equipment, and automotive detailing.

**Cemetery** means land, and any associated buildings and structures, used to permanently bury or contain human or pet remains.

**Centreline** means the imaginary line that is equidistant from the two sides of the highway right-of-way. Where the exact location of right-of-way cannot be determined, the centreline is midway between the edges of the travelled surface.

**Change in Use** means any alteration in the use made of the whole or any part of a parcel of land, a building, or a structure.

**Commercial Floor Area** means the total usable floor area within a building used for commercial purposes, but excludes washrooms, furnace and utility rooms, storage and kitchen areas, and common areas between stores. Where a use specifically includes outdoor seating areas, that area shall be included as commercial floor area.

**Commercial Vehicle** means a vehicle that is used for an activity that has as its main purpose financial gain, and which vehicle has a specified load capacity of over one tonne.

**Community Facility** means any community building, structure, or land owned and/or operated by a village commission, service club, recreation association or other form of local registered community association used for public purposes, such as, but not limited to, local government offices, libraries, and community centres but excludes emergency services.

**Composting Facility** means a building, structure, land, or part thereof used for the biological composting of organic materials, substances, or objects, including vegetative matter; food processing waste; landscaping, garden and horticultural wastes; kitchen scraps; feed processing wastes; and other organic wastes that can be readily composted under controlled circumstances to a condition sufficiently stable for nuisance-free storage.

**Construct** means to build, erect, reconstruct, alter, relocate, or place any building or structure and, without limiting the generality of the foregoing, includes any preliminary physical operation prior to construction such as excavating, grading, piling, cribbing, filling, or draining.

**Construction and Demolition Debris Disposal Site** means a building, structure, or land, or part thereof licensed by Nova Scotia Environment and used for the disposal, stockpiling, storage, separation, and

processing of materials that are normally used in the construction of buildings, structures, roadways, walls, and other landscaping material and includes, but is not limited to, soil, asphalt, brick, mortar, drywall, plaster, cellulose, fibreglass fibers, lumber, wood, asphalt shingles and metals.

**Convenience Store** means a building or part of a building used for the retail sale of a limited line of groceries and confectionery items.

**Corner Lot** means a lot situated at the intersection of, and abutting on, two or more roads.

**Correctional Centre** means a facility to house youths or adults in the custody of or sentenced by a court of law, and which is licensed by or under contract to Corrections Canada or Nova Scotia Corrections or successor bodies.

**Council** means the Municipal Council of the Municipality of the County of Kings.

**Craft Product** means products assembled or made by hand or small custom production processes including but not limited to potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leatherworkers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, and caterers.

**Crematorium** means a building or part of a building used to cremate human or animal corpses.



**Day Care Facility** means a building or part of a building where four or more people are cared for on a daily basis without overnight accommodation.

**Developer** means any person, incorporated body, partnership, or other legal entity that undertakes a development.

**Development** includes any erection, construction, demolition, alteration, replacement, relocation of or addition to any building or structure and any change or alteration in the use made of land, buildings or structures.

**Development Agreement** means a development agreement pursuant to section 225 of the *Municipal Government Act*, S.N.S., 1998, section 18.

**Domestic Animal Grooming** means a building or a part of a building used for the grooming of domestic dogs and cats.

**Drive-through Facility** means a building or part of a building used for the sale and provision of goods or services through an attendant or a window or an automated machine to persons remaining in vehicles that are in a designated stacking aisle.

**Drive-through Restaurant** means a building or part of a building used as a restaurant, as defined in this By-law, that also, or exclusively, offers food and beverages for sale to the public through a drive-through facility.

**Dry-cleaning Depot** means a building or part of a building used for the purpose of receiving articles to be subjected to the process of dry-cleaning at, and shall not include a dry-cleaning facility.

**Dry-cleaning Facility** means a building or part of a building where dry-cleaning, dry-dyeing, cleaning or pressing of articles or goods or fabric is conducted.

**Dwelling** means a building, or portion thereof, occupied or capable of being occupied as a home or residence by one or more persons, containing one or more residential units, but does not include a bunkhouse, a farm tenement, a hotel, a motel, a motor home, a travel trailer or other recreational vehicle.



**Educational Facilities** means a building, structure, land, or part thereof used to operate a school, including, but not limited to, public and private elementary and high schools, vocational schools, continuing education facilities, post-secondary schools and training centres, but does not include a day care facility.

**Emergency Services** means a building, structure, land, or part thereof that is a base of operations for a fire department, police department, ambulance services or other similar emergency service provider.

**Equipment Rental** means a commercial business that rents construction and property maintenance equipment and may involve outdoor storage and commercial display.

**Established Grade** means the average level of finished ground adjoining each exterior wall of a building or structure, except that localized depressions such as vehicle and pedestrian entrances need not be considered in determination of average levels of finished ground.

**Existing** means any use, structure, lot line, or other referenced item that legally existed on the date of adoption of this By-law.

**Existing Residential Uses** means a residential use that legally existed, including legal non-conforming residential uses, on the date of adoption of this By-law.

**Event Venue** means a building, structure, land or part thereof used to host commercial events including, but not limited to, weddings, parties or other gatherings and may include the consumption of food and alcoholic beverages but shall not include a restaurant.





**Farm** means land used for farming as defined in the *Income Tax Act* (Canada), as amended from time to time.

**Farming Business** means farming business within the meaning of the *Income Tax Act* (Canada), as amended from time to time, that reports agricultural income or expenses to the Canada Revenue Agency, or successor body.

**Farm Dwelling** means a dwelling accessory to a farming business containing one or two residential units located on a farm property and that is occupied by the individual directly responsible for managing a farming business (the “farmer”) and provided that

- (a) The farm property is owned by:
  - (i) the farmer;
  - (ii) if the property owner is a personal trust, the farmer is a beneficiary of the trust that is entitled to receive directly from the trust any income or capital of the trust;
  - (iii) a spouse, common-law partner, parent or child of the person referred to in (i) or (ii)
  - (iv) a family farm corporation where any persons in (i) to (iii) above owns shares in the corporation, or
  - (v) a partnership, an interest in which is an interest in a family farm partnership of an individual referred to in any of (i) to (iii) above; and
- (b) the person referred to in (a) is actively engaged on a regular and continuous basis in the farming business for which the property is used.

**Farm Market Outlet** means a building directly associated with a farming business on the farm property from which farm produce is sold directly to the general public.

**Farm Property** means the real property used principally in the course of carrying on a farming business.

**Farm or Vineyard Product Sampling** means an accessory use associated with a farming business that involves the sampling of farm or vineyard products such as, but not limited to, wines, ciders, cheese, maple syrup, and other foods and beverages provided some of the principal ingredients for the sampled product is harvested on site.

**Farm Supportive Use** means the use of a lot or buildings on that lot for uses such as, but not limited to, agricultural warehousing, processing, sorting, grading, packaging, offices, and transport facilities located on the farm property and associated with a farming business.

**Farm Stay** means a type of overnight accommodation associated with a farming business and on a farm property that provides opportunities for guests to learn about, and/or participate in farming activities and is accessory to a farming business.

**Farm Tenement** means a building containing one or two residential units that is accessory to a farming business, not the main building on the property, and is used to accommodate the workers of said farming business and is not considered a dwelling under the Municipal Government Act.

**Fish and Seafood Processing** means a building, structure, or land, or part thereof used for processing fish and other types of seafood.

**Fish Farm** means a commercial business primarily involved in the breeding and maintenance of live fish and shellfish.

**Fishing Uses** means uses supportive of the fishery, including general storage, boat launches and repair facilities.

**Fixed Roof Overnight Accommodation** means a building or buildings providing overnight accommodation to the travelling public, which may or may not contain an accessory eating establishment, but does not include a bed and breakfast operation.

**Flag Lot** means a lot located on the interior of the block with access provided by a driveway running beside the lot at the front of the block, and is characterized as having a long, narrow strip of land that accesses the rear, developable portion of the lot.

**Flankage Lot Line** means a side lot that meets the special circumstances noted in Clause (a) in the definition of "Front Lot Line".

**Flankage Setback** means the required minimum depth of a flankage yard on a lot between the flankage lot line and the nearest applicable point of a building or structure.

**Flankage Yard** means the yard that extends from the front yard to the rear yard between the flankage lot line and the nearest applicable point of a building or structure.

**Floor Area** means commercial floor area or gross floor area, as applicable.

**Food and Drink Production** means a facility in which food or drinks are processed or otherwise prepared for eventual human consumption but are not intended to be consumed on site.

**Forest Industry Use** means a building, structure, land, or part thereof used for milling, sawing, processing, storage, and/or transport of lumber, wood pellets, sawdust and Christmas trees.

**Forestry Use** means forest harvesting, reforestation, tree nurseries, maple sugar operations and similar uses related to the forestry industry including portable sawmills, equipment storage buildings, and other temporary uses supportive of land clearing activities.

**Front Lot Line** means the lot line dividing the lot from the road, and:

- (a) In the case of a corner lot, the shorter lot line abutting the road shall be deemed to be the front lot line and the longer lot line abutting the street shall be deemed the flankage lot line.

- (b) In the case of a through lot, both of the lot lines dividing the lot from a road shall be deemed to be the front lot line.

**Front Setback** means the required minimum depth of a front yard on a lot between the front lot line and the nearest applicable point of a building or structure.

**Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest applicable point of a building or structure on the lot.

**Funeral Home** means a building or part of a building providing funeral services. Such a facility may include accessory uses such as, but not limited to, embalming, cremation and the storage and retailing of caskets and other related funeral supplies.



**Gas Bar** means a facility offering service to automobiles generally limited to the sale of gasoline or diesel fuel but shall not include automotive repair.

**Gas Bar Canopy** means a permanent roofed structure that is open on all sides, except where attached to a building, and used to provide shelter for fuel pumps.

**Glazing** means reflective, translucent or transparent glass surfaces such as windows and glass doors which are installed on the exterior of a building.

**Golf Course and Driving Range** means a building, structure, land, or part thereof used for golfing, including, but not limited to, driving ranges, club houses and maintenance facilities.

**Goods and Services Shop** means a building or part of a building used for the provision of a service that may require limited processing and the sale of goods directly related to that service which may include, but is not limited to a photography studio, dressmaker or tailor, embroidery or silk screening, and printing services.

**Greenhouse** means a building or structure having a roof and/or walls constructed with transparent or translucent materials and used for the growing of flowers, plants, shrubs, trees, and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but may be sold directly from such lot at wholesale or retail. For greater clarity, the retail sale of flowers, plants, shrubs, trees, and similar vegetation independent of their cultivation is not considered a greenhouse.

**Gross Floor Area** means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building, and for the purpose of this clause, the walls forming a court yard are deemed to be exterior walls.

**Ground Floor Height** means the vertical distance from the finished floor elevation of the floor of a building accessed by the principal pedestrian entrance to the finished floor elevation of the next floor above. For buildings with multiple principal pedestrian entrances at different elevations, the ground floor height shall only apply to one such floor of the applicant's choosing. *(Amended May 2, 2023, New Minas Secondary Plan)*

**Grouped Dwellings** means two or more one or two unit dwellings located on one lot. For clarity, this definition shall not include mobile homes.

**Growth Centre** means an area designated for more concentrated development as identified in the Municipal Planning Strategy and depicted on the Zoning Maps.



**Heavy Equipment Facilities** means land, a building or a portion of a building used to sell, lease, rent, service, or repair heavy equipment or heavy equipment parts, including trucks, airplanes, construction machinery, forestry equipment, agricultural equipment, and related machinery.

**Height** means the vertical distance of a building between the established grade and:

- (a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- (b) the decline of a mansard roof; or
- (c) the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof;

but does not include any construction used as ornamentation or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

**Holding yard** means land used for the temporary storage of vehicles awaiting repair, collection, processing, and/or salvage of vehicles and parts of vehicles and/or appliances and other scrap reclaimable items.  
*(Amended October 1, 2024, File P21-01)*

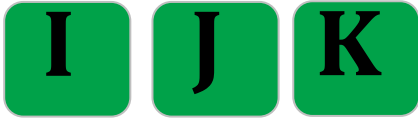
**Home-based Business** means an accessory use of a residential unit for employment involving the manufacture and/or sale of goods and/or services to the public and where the residential unit is the principal residence of the business operator.

**Home Day Care** means a home-based business where up to fourteen people are cared for on a daily basis.

**Hospital** means hospital within the meaning of the Hospitals Act.

**Household Item Repair Services** means a building or part of a building used for the repair and/or accessory sale of household appliances, furniture or equipment, such as, but not limited to, the repair of televisions, computers, electronics, kitchen appliances, hand tools, bicycles, and vacuum cleaners, but does not include the manufacturing, repair or servicing of combustion engines.

**Household Livestock** means livestock accessory to a residential use contained within the limits of the property by means of fencing, enclosures, or buildings without expectation of being a primary source of income. Combinations of different types of livestock, are permitted provided the total maximum number of five (5) animal units is not exceeded.



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**Indoor Recreation Uses** means a building or structure used for recreational, instructional and/or entertainment purposes including, but not limited to, cinemas, bowling alleys, fitness clubs, curling rinks, dance studios, gymnasiums, arenas and swimming pools.



**Landscaping** means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, grading, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen or barrier to mitigate any objectionable aspects that may detrimentally affect adjacent land.

**Laundromat** means a building or part of a building where washing and drying machines are provided for rental use to the general public and may include a drop-off service but shall not include a dry-cleaning facility.

**Licensed Liquor Establishment** means a cabaret, lounge, beverage room, and/or bar licensed under the Nova Scotia *Liquor Control Act*.

**Livestock Operations** means a livestock operation in which a number of animals exceeding five (5) animal units are confined to a barn, feedlot or other facility for feeding, breeding, milking or holding for riding, eventual sale or egg production and may include a manure storage facility but does not include Household Livestock. (*Amended October 1, 2024, File P21-01*)

**Lot** means any parcel of land that is contained as a separate lot description in a deed of land or as shown as an approved lot on an approved plan of subdivision filed in the Land Registry Office, or successor body.

**Lot Area** means the total horizontal area within the lot lines of a lot.

**Lot Frontage** means the horizontal distance between the side lot lines measured at the minimum front building line required in the zone in which the lot is located.

**Lot Line** means a boundary delineating the extent of property ownership.



**Main Building** means a building in which a principal use of a lot is conducted.

**Manufacturing** means a building, structure, land, or part thereof used for the purpose of manufacturing, assembling, making, preparing, inspecting, finishing, treating, altering, repairing or adapting for sale of any goods, substances, article or thing, and includes accessory warehousing of materials and products.

**Marine Shoreline** means the top of bank of the Minas Basin or Bay of Fundy coasts at the time of permitting.

**Marine Shoreline Setback** means the minimum horizontal distance from the marine shoreline to the nearest applicable point of a building or structure.

**Medical and Dental Clinic** means a building or part of a building in which medical and/or dental diagnosis and treatment are provided to the public by two or more practitioners without overnight accommodation. (*Amended October 1, 2024, File P21-01*)

**Meteorological Tower** means a tower used for supporting meteorological equipment to assess the wind resource and other meteorological data at a predetermined height above the ground.

**Mini-home** means a dwelling that may contain one or two residential units, and that is designed for transport after fabrication, whether or not on its own wheels or on a flatbed or other trailer, and that arrives on the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor or incidental unpacking and assembly, and that does meet the standards for residential occupancy as described in the National Building Code of Canada as adopted in the Building By-law of the Municipality of the County of Kings.

**Mobile Home** means a portable dwelling that may contain one or two residential units built on a chassis or undercarriage and designed to be transported from its place of fabrication or sale to a lot, whether or not placed on permanent foundation, and that does not meet the standards for residential occupancy as described in the National Building Code of Canada as adopted in the Building By-law of the Municipality of the County of Kings and does not include a recreational vehicle.

**Mini-home Park** means a lot or area of land under single ownership designed and intended for residential use where two (2) or more mobile-homes or mini homes are located for dwelling purposes.

**Mobile Home Park – Existing** means a mobile-home park as licensed under the Municipality of Kings County Mobile Home Parks By-law, By-law #36, on the date of adoption of this By-law.

**Multi-unit Dwelling** means a dwelling containing three (3) or more residential units but excludes a townhouse.

**Municipal Engineer** means an engineer licensed to practice in Nova Scotia appointed by Municipal Council.

**Municipality** means the Municipality of the County of Kings.





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**Non-conforming** means non-conforming as defined in the Nova Scotia *Municipal Government Act*.

**Non-profit Camp** means a recreational institution providing facilities for outdoor activities, sports, crafts and other special interests and typically featuring rustic overnight accommodations.



**One Unit Dwelling** means a dwelling containing one (1) residential unit, including a mini-home, or pre-fabricated homes but excluding a mobile home or a recreational vehicle.

**Open Air Structure** means a structure, which may have a roof, that is open on all sides.

**Outdoor Commercial Display** means a display of goods on a lot for the purpose of encouraging the purchase or rental of the display items or items similar to the display items including, but not limited to, recreational vehicles, mobile homes, trailers, boats, all-terrain vehicles, snowmobiles, motorcycles, swimming pools, decorative fountains, prefab cottages or homes.

**Outdoor Storage** means the accessory storage of any items outside a building not primarily for the encouragement of sale of the item or of similar items but principally for storage purposes.

**Owner** means any person, incorporated body, partnership or other legal entity including a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession, or other person having the care or the control of any land or building in the event of the absence or disability of the persons having the title thereof.



**Park** means an area permanently devoted to recreational uses that is owned and/or operated by a government or community organization to serve residents including, but not limited to, natural landscapes, playgrounds, outdoor recreation facilities, monuments, trails and community gardens.

**Parking Area** means the portion of a lot or building used for the provision of parking and includes parking spaces, traffic aisles, traffic islands and accesses from a road or from a parking area on an abutting lot.

**Parking Lot** means a building, structure, or land, other than a public road or highway, where one or more parking areas are the principal use of the lot. Any parking garages and accessory buildings are required to meet applicable setbacks.

**Parking Space** means an area, often designated or marked, for the temporary parking or storage of motor vehicles and that has adequate unencumbered access to permit entrance and exit to and from a public road or highway.

**Personal Service Shop** means a building or part of a building in which personal services related to personal health and grooming are provided to individuals including, but not limited to, barber shops, hair and nail salons, tattoo shops, massage therapy clinics, reflexology clinics, acupuncture clinics or tanning salons.

**Pit Privy (or Outhouse)** means a structure and the pit over which the structure sits, in which human waste is emitted from the pit into the soil.

**Place of Worship** means a building or part of a building dedicated to religious worship.

**Private Road (or Street)** means a private road as defined in the *Provincial Subdivision Regulations* (Nova Scotia).

**Professional Trades** means a building or part of a building used for operations conducted by professional tradespeople including but not limited to fabrication, maintenance, repair or restoration involving welding, machining, sheet metal, electronics, refrigeration, small engine repair, painting, plastics, acrylic, and fibreglass, sign production, and glazing shops.

**Public Road (or Public Highway)** means any road or highway owned and maintained by a municipality or the Province of Nova Scotia excluding designated controlled access highways pursuant to section 21 of the *Public Highways Act*.

**Public Utility** means a building, structure, or facility used to provide municipal or village water, sewer, storm drainage, transportation, the generation or distribution of electricity and other similar public services provided by another level of government, an agency regulated by another level of government or by a private entity regulated by the Nova Scotia Utility and Review Board.



**Rear Lot Line** means the lot line farthest from or opposite the front lot line.

**Rear Setback** means the required minimum depth of a rear yard on a lot between the rear lot line and the nearest applicable point of a building or structure.

**Rear Yard** means a yard extending across the full width of a lot between the rear lot line and the nearest applicable point of any main building or structure on the lot.

**Recreational Cabin** means a building intended for recreational overnight accommodation and is not used as a permanent residence. (*Amended October 1, 2024, File P21-01*)

**Recreational Vehicle** means a vehicle, such as a camper or motor home, used for traveling and recreational activities that are regulated under the *Motor Vehicle Act* but does not meet the definition of a derelict vehicle under the *Municipal Government Act*.

**Residential Care Home** means the use of a dwelling that provides accommodation to individuals who, for various reasons, require additional care including, but not limited to, medical care, counselling, personal care, or supervisory care that is provided by staff in either a live-in or shift model.

**Residential Facility** means a building or part of a building operated as one integrated facility in which accommodation is provided to individuals which includes additional care and services for residents, such as medical care, supervisory or personal care, and counselling, but shall not include a facility that is licensed by or under contract to Corrections Canada or Nova Scotia Corrections, or successor bodies.

**Residential Garage** means a building whether or not attached that is accessory to a dwelling and that is used for storage by the residents of the dwelling.

**Residential Unit** means one or more habitable rooms designed, occupied, or intended for use by one or more individuals as an independent and separate housekeeping unit in which a kitchen and sleeping and sanitary facilities are provided for the exclusive use of such individual or individuals.

**Restaurant** means a building or part of a building where food and beverages are prepared and offered for sale to the public for consumption either within the premises or to be taken off-site, but excludes a drive-through restaurant. A restaurant may also include the licensed sale of alcoholic beverages as an accessory use. (*Amended October 1, 2024, File P21-01*)

**Retail Store** means a building or a part of a building in which goods, wares, merchandise, substances, articles, or items are offered or kept for sale directly to the public at retail value.

**Road** means a public road unless otherwise specified in the zone provision.

**Local Road** means a road located within a Growth Centre that is not identified as a collector road on the Land Use By-law Zoning Map.

**Collector Road** means a road located within a Growth Centre that is identified as a collector road on the Land Use By-law Zoning Map.



**Salvage and Scrap Operation** means a building, structure, land, or part thereof used to sort, store, or dismantle vehicles, machinery, tires, metal, and other materials for reclamation, recycling, reuse or remanufacture and may include a salvage yard, as defined by the Nova Scotia *Environment Act* as amended from time to time, and may also include an accessory Storefront Recycling use.

**Sanitary Service** means a building, structure, land, or part thereof used for septic disposal services, portable toilet services, and similar services, including maintenance and equipment storage facilities but shall not include facilities and equipment related to the storage or processing of septic waste.

**Secondary Suite** means a secondary suite as defined by the *National Building Code*, as amended from time to time.

**Semi-detached Dwelling** means a residential dwelling that contains two (2) residential units that is divided vertically by a wall extending ground to roof and may be divided by a lot line. For clarity, where residential units are divided by a lot line, each lot shall contain only one (1) residential unit.

**Self Storage Facility** means a building or a part of a building consisting of two (2) or more separate, individual, small, self-contained units that are leased or owned for the storage of goods.

**Separation Distance** means the minimum required distance between the nearest applicable point of a building or structure and a feature identified in applicable sections of this By-law. For clarity, separation distances shall not qualify for a variance under section 235 of the *Municipal Government Act*.

**Setback** means the required minimum or maximum horizontal distance between the nearest applicable point of a building or structure to the respective lot lines or shoreline, including attached decks and landings but shall exclude features that are permitted to project into the required setback by this By-law.

**Shoreline** means the visible ordinary high water mark, at the time of permitting, of any lake, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the body of water a character distinct from that of the banks, both in vegetation and in the nature of the soil itself.

**Shoreline Setback** means the required minimum depth from the shoreline of a water body and the nearest applicable point of a building or structure.

**Side Lot Line** means a lot line other than a front or rear lot line and may also be defined as a flankage lot line.

**Side Setback** means the required minimum depth of a side yard on a lot between the side lot line and the nearest applicable point of a building or structure.

**Side Yard** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest applicable point of any building or structure on a lot.

**Sign** means any structure, device or light or any part thereof or any device attached thereto, or painted or represented thereon, that is used to identify, advertise, or attract attention to any object, product, place, activity, enterprise, organization, industry or business, or that displays or includes any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and that is intended to be seen from off the premises or from a parking lot. The defined term, Sign, does not include signs that are affixed to the inside of windows or glass doors.

**Address Sign** means a sign identifying the civic address or name of residents or occupants of the premises that is not greater than four (4) square feet in area.

**Changeable Copy Sign (Manual)** means a sign or part thereof, on which characters, letters, or illustrations can be manually changed or rearranged without altering the face or surface of the sign.

**Commemorative Sign** means a sign or plaque denoting the date of erection of a structure as well as signs identifying historic sites on the lot on which it is displayed.

**Community Announcement Sign** means a temporary sign announcing a campaign, drive or event of a civic, philanthropic, educational, religious or political nature for a period not exceeding 30 days before the event and not more than seven (7) days following the event.

**Community Identification Sign** means a sign identifying the community in which it is displayed and which may include the insignia of service clubs, religious, charitable or community organizations.

**Community Service Sign** means an off-site sign, flag, pennant or insignia of a non-commercial nature, identifying non-profit community service groups such as service clubs, religious, charitable or fraternal organizations, and of not more than ten (10) square feet in sign area but does not include signs identifying private clubs.

**Construction Sign** means a temporary sign located on a lot where construction or development is taking place and, during the period of construction and/or development that identifies the project, owners, architects, engineers, contractors, or financiers or other professional consultants participating in construction on the lot or prospective occupants in the project and may include a graphic rendering of the project.

**Corner Directional Sign** means a ground sign located on a corner lot, in a Commercial Zone or Industrial Zone lot and is used to advertise other businesses on the adjacent road.

**Electronic Message Board Sign** means a sign with an internal light source capable of displaying words or symbols that can be electronically changed by remote or automatic means.

**Farm Produce Sign** means a temporary off-site sign that advertises and directs customers to a farm market outlet, U-pick operation, or other similar sales of farm produce, and is not greater than ten (10) feet in sign area.

**Generic Real Estate Directional Sign** means a temporary sign located at an intersection to direct the travelling public to a property for sale, rent, or lease and is not greater than four (4) square feet in sign area.

**Ground Sign** means a sign supported by the ground and is intended for permanent display.

**Home-based Business Sign** means a sign advertising a home-based business use.

**Internally Lit Signs** means a sign that provides artificial light directly, or through any transparent or translucent material from a source of light connected within such sign.

**Landscape of Grand Pré Sign** means a standardized series of signs owned and erected by the Landscape of Grand Pré Inc. or any successor body, Parks Canada or the Municipality of the County of Kings and include the following types of signs:

- (a) Interpretive Sign
- (b) Pedestrian Directional
- (c) Pedestrian Orientation Map
- (d) UNESCO World Heritage Site Arrival Sign
- (e) Vehicular Advisory
- (f) Vehicular Assurance Marker
- (g) Vehicular Directional
- (h) Vehicular Point of Interest Identification

**Legal Notice Sign** means a sign erected under the direction of the courts, government bodies or legal process.

**Multi-unit Dwelling Sign** means a sign identifying an apartment building, condominium building, or other type of multi-unit dwelling including a residential facility and that is not greater than ten (10) square feet in sign area and having a maximum height of ten (10) feet.

**On Premise Directional or Traffic Control Signs** means a sign that guides traffic or parking or gives other similar non-commercial directions on the lot on which it is displayed and that are not greater than four (4) square feet in area and having a maximum height of ten (10) feet.

**Park Sign** means a sign within a park that informs the public of the name of the park and may include a list of amenities provided for the use by the general public on the lot.

**Point of Purchase Sign** means a sign advertising a retail item and accompanying its display, including advertising on a product dispenser and menu boards located on the same lot as the use.



**Portable Sign** means a sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs to be transported on wheels, sandwich board signs and signs on balloons and umbrellas.

**Projecting Sign** means a sign that projects from and is supported by a wall of a building.

**Public Utility sign** means a sign that denotes a plant, equipment or lot used in the provision of public services by a public utility and that is not greater than six (6) square feet in sign area.

**Real Estate Sign** means a temporary sign located on a lot and that advertises the sale, rental, or lease of the premises or lot on which it is displayed.

**Roof Sign** means any sign erected, painted or applied in any way upon or against a pitched roof.

**Sign Area** means the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose the surface area of the sign. The sign area of individual letters or figures that are attached or painted on a surface shall be the smallest triangle, rectangle, circle or semicircle that can wholly enclose all of the letters, numbers or insignia.

**Sign Height** means the distance from ground level to the highest part of the sign, including the sign structure.

**Subdivision or Neighbourhood Identification Sign** means a sign identifying a residential subdivision or neighbourhood and that is located on land included in the subdivision or neighbourhood and that are not greater than 40 square feet in sign area and having a maximum height of ten (10) feet.

**Tourism Oriented Directional Sign** means a standardized sign erected and maintained in the road right-of-way in accordance with the Municipality's Road Authority By-law.

**Transit Shelter Sign** means a single or multiple number of flat signs that constitute a panel or a portion of a panel of a transit shelter. Such signs may be illuminated.

**Vehicle Sign** means a sign attached directly to or painted on a vehicle or trailer that is currently licensed and safety inspected for lawful operation on public roads related to the activity, business, organization, enterprise, industry or service being conducted by the owner or lessee of the vehicle or trailer and the use of such vehicle or trailer is for transportation of persons or products or the delivery of services in connection with the use.

**Wall Coverage** means the total sign area of all wall signs attached to any one building wall.

**Wall Sign** means a sign attached directly to or painted on a building wall, canopy, or awning, and that does not extend from the wall, canopy, or awning.

**Warning Sign** means a sign regulating the use of a lot by providing information such as safety, danger or "no trespassing" and that is not greater than four (4) square feet in sign area.

**Solar Collector** means the components of a solar collector system that are designed for the collection, reflection, refraction, or conversion of solar radiation. Without restricting the generality of this definition, solar collector may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows.

**Solar Collector Area** means the area of the largest parallel projection of a solar collector onto a flat plane. When calculating the total solar collector area for a solar collector system the solar collector area of each individual structure will first be calculated and then added to obtain the total solar collector area.

**Solar Collector System** means a structure or array of structures on one lot whose main purpose is to collect solar radiation and convert it to useable forms of energy and includes a small-scale collector system, large-scale collector system and on-building solar collector system. Without restricting the generality of this definition, the components of a solar collector system may include solar collectors, structural supports, ancillary electrical equipment, and an energy storage system.

**On-building Solar Collector System** means a solar collector system mounted on, attached to, or integrated with a building where the building's main purpose is something other than the collection and conversion of solar radiation.

**Small-scale Solar Collector System** means a solar collector system intended to generate electricity at a rate consistent with the usage of the property(ies) on which it is located with limited excess energy generated. *(Amended June 1, 2021, File 20-19)*

**Large-scale Solar Collection System** means a solar collection system located in a rural area intended to generate electricity at a rate consistent with the usage on the property(ies) on which it is located with the potential to generate excess electricity for sale to the utility. *(Amended June 1, 2021, File 20-19)*

**Stepback** means the horizontal distance measured between the top of the Streetwall and the main face of building floors above the Streetwall. *(Amended May 2, 2023, New Minas Secondary Plan)*

**Storefront Recycling Use** means a business enclosed entirely within a structure, or part thereof, used for receiving and sorting materials such as, but not limited to glass, bottles, metal cans, paper, cardboard, plastic and electronics for purposes of reuse and recycling, and that involves no processing other than for transport to a waste transfer station.

**Streetwall** means the wall of a building facing the front and flankage yard and is below the height of a specified stepback, excepting minor recesses for elements such as doorways or protrusions for elements such as bay windows. *(Amended May 2, 2023, New Minas Secondary Plan)*

**Structure** means anything human-made that is fastened to or into the earth or another structure or rests on the earth by its own mass, but not including pavements, curbs, pathways, uncovered patios, retaining walls, fences not greater than six (6) feet in height, play equipment, dog houses and other similar objects.

**Swimming Pool** means a tank or body of water maintained or used or which may be used for swimming purposes, whether above or in ground, but shall not include an existing natural body of water, an irrigation or fire protection pond or a fishing or duck pond.



**Telecommunications** means the emission, transmission or reception of intelligence by any wire, cable, radio, optical or other electromagnetic system, or by any similar technical system.

**Telecommunication Facility** means any facility, apparatus or other item that is used or is being used for telecommunications or for any operation directly connected with telecommunications, and includes a transmission facility.

**Through Lot** means a lot bounded on two opposite sides by roads or highway. Where any lot qualifies as being both a corner lot and a through lot as defined within this By-law, such a lot is deemed to be a corner lot for the purpose of this By-law.

**Tourist Commercial Use** means a tourist inn, lodge, or cabins that primarily provide sleeping accommodation to the vacationing public.

**Townhouse** means a residential dwelling that contains three (3) or more residential units, each of which has access to the front and rear yard and are divided vertically by one or more walls extending ground to roof and may be divided by one or more lot lines. For clarity, where residential units are divided by one or more lot lines, each lot shall contain only one (1) residential unit.

**Traffic Aisle** means part of a parking area used for access and egress to individual parking spaces from a road or a parking area on an abutting lot.

**Transit Shelter** means a small structure, which may have walls and a roof, designed primarily for the protection and convenience of public transit passengers.

**Transportation Services** means a building, structure, or land, or part thereof used for the purpose of transporting any kind of item or good by truck or other vehicle, including, but not limited to, loading facilities, storage, and maintenance facilities, but does not include the transport of people, which is covered by the definition of bus/taxi stations.

**Two Unit Dwelling** means a dwelling containing two (2) residential units including mini-homes or pre-fabricated homes but shall exclude a mobile home, recreational vehicle or semi-detached dwelling.



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**Urban Chicken** means domestic fowl *Gallus gallus domesticus*, including urban chicken rooster.

**Urban Chicken Coop** means an accessory building used to house urban chickens.

**Urban Chicken Rooster** means a male urban chicken.

**Use** means the purpose for which any land, building or structure is utilized, and also means the purpose for which any land, building or structure is designed, arranged, or intended or the purpose for which any land, building or structure is occupied or maintained or leased.

**Veterinary Clinic** means a building or part of a building used for the medical, surgical, or therapeutic treatment of animals or livestock, but does not include the office of a veterinarian located in their residence. Animals are neither kept nor boarded at the veterinary clinic other than the short term care incidental to the medical use. Domestic animal grooming may be considered an accessory use.

**Visitor Information Centre** means a building or part of a building that is operated by the Province, the Municipality, a village, a society incorporated under the *Societies Act* or a board of trade or chamber of commerce that is used to provide visitors with information about events and attractions in the Municipality of the County of Kings and/or the Province of Nova Scotia.



**Warehouse** means a building where wares or goods are stored, such as, but not limited to, cold storage facilities and distribution centres, but does not include a retail store.

**Waste Transfer Station** means a site or facility that accepts waste or recyclables for sorting, temporary storage, or consolidation prior to shipment to a landfill site or recycling facility.

**Water Frontage** means the distance measured as a straight line between the two points where the side lot lines meet a shoreline.

**Watercourse** means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water and the water therein, including ground water, within the jurisdiction of the Province whether it contains water or not but shall not include ditches that form part of a public drainage system. *(Amended October 1, 2024, File P21-01)*

**Waterfront Lot** means a lot immediately and directly abutting on the shoreline of a lake.

**Wellfield** means an area of land above and surrounding one (1) or more wells that provide drinking water to a public utility.

**Wellfield Overlay** means protected area of land that contributes groundwater to wells controlled by a public utility and divided into areas of increased protection based on the proximity to the well location.

**Wildlife Rescue and Rehabilitation Centre** means a building or structure (including outdoor pens/cages) in which facilities are provided for the treatment and rehabilitation of injured, sick, displaced, or orphaned native wildlife with the goal of returning a healthy animal back to the wild. Treatment does not include permanent boarding facilities for native wildlife.

**Wind Turbine** means a structure that converts the wind's kinetic energy into useable forms of energy. The wind turbine comprises the tower, rotor blades (either vertical or horizontal) and nacelle.

**Accessory Wind Turbine** means a wind turbine with a height less than or equal to 25 feet.

**Large-scale Wind Turbine** means a wind turbine with a height greater than 115 feet.

**Nacelle** means the frame and housing that encloses the transmission system and generator and protects them from the weather.

**Rotor Blade** means the part of the wind turbine that rotates in the wind and extracts kinetic energy from the wind.

**Small-scale Wind Turbine** means a wind turbine with a height greater than 25 feet but less than or equal to 115 feet.

**Wind Turbine Height** means the height from established grade to the highest vertical extension of a wind turbine, which often occurs at the top of the arc of the rotor blade. For greater clarity, where a wind turbine is mounted to another structure wind turbine height shall still be measured from established grade to the highest vertical extension of the wind turbine.

**Wind Turbine Tower** means a freestanding structure or a structure attached to guy wires that serves to support other parts of the wind turbine.



**Yard** means an open, uncovered space on a lot adjacent to a building or structure measured as the minimum horizontal distance between the nearest applicable point of a building or structure and the respective lot lines.

**Zoo** means a facility containing a collection of living native and exotic animals for public display housed within buildings, structures, or fenced areas and may include an accessory restaurant or retail store.