



MUNICIPALITY OF THE DISTRICT  
OF WEST HANTS  
LAND USE BY-LAW

Approved by Council: May 13, 2008  
Effective Date: June 26, 2008  
As amended: January 1, 2010

## **Municipality of the District of West Hants**

### **LAND USE BY-LAW**

**Approved by the Minister of Service Nova Scotia & Municipal Relations**

**as of January 1, 2010**

This CONSOLIDATED EDITION is prepared for convenience only. For complete reference, please consult the original documents. This CONSOLIDATED EDITION has the following history:

- 1) Amendment to Falmouth Growth Centre 1 Zoning Map - Property of Darrell and Jana Church, 2033 No 1 Highway, Falmouth (PID 45026481) to rezone from General Commercial (GC) to Highway Commercial (HC) - effective January 2, 2009.
- 2) Amendment to West Hants Zoning Map - Property of Leonard MacAskill - 8879 Highway 215, Pembroke (PID 45173804) to rezone from General Resource (GR) to Resource Industrial (M-1) - effective October 1, 2009.
- 3) Amendment to West Hants Zoning Schedule A: H-11, Wentworth Creek Hamlet, Property of Kenny Lake - 545 Wentworth Road, Wentworth Creek, (PID 45197340) to rezone from Rural Residential (R-4) to Rural Commercial (RC) - effective November 5, 2009.
- 4) Amendment to Section 5.0 General Provisions for All Zones to add a new sub-clause 5.1(e); to delete reference to maximum height of accessory building in the following zones, R-1, R-2, R-3, R-4, MHP, GC, HC, LC, RC, P/Ag, AR-2, AR-3, GR, MR, W, LI, LI-3, I, OS; to add maximum accessory building height of 35 ft (10.67 m) to M-1 zone, and 40 ft (12.19 m) to LI-1 and LI-2 zones - effective January 1, 2010.

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## 1.0 TITLE AND PURPOSE

- 1.1 This By-law shall be known as the *Municipality of the District of West Hants Land Use By-law* and shall apply to all lands within the municipal boundaries.
- 1.2 The purpose of this By-law is:
- (a) to carry out the land use development policies found in the Municipal Planning Strategy; and
  - (b) to establish a systematic means of development control for the Municipality of the District of West Hants (hereinafter referred to as the “Municipality”).

## 2.0 ADMINISTRATION

### **Administration**

2.1 This By-law shall be administered by the Development Officer appointed by Council.

### **Inspection**

2.2 The Council, by any duly authorized officer or servant, shall have the right to enter at all reasonable times into or upon any property within the Municipality for the purpose of an inspection necessary in connection with the administration of this By-law.

### **Licenses, Permits and Compliance with Other By-laws**

2.3 (a) Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law of the Municipality or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Municipality or any act or regulation of the Province of Nova Scotia or the Government of Canada.

(b) Where the provisions of this By-law conflict with those of any other By-law of the Municipality or any act or regulation of the Province or the Government of Canada, the higher or more stringent provision shall prevail.

### **Development Permit**

2.4 (a) Unless otherwise stated in this By-law, no person shall use any land or erect, alter or use any building or structure in the Municipality without first obtaining a development permit from the Development Officer.

(b) The Development Officer shall only issue a development permit in conformance with this By-law or a duly executed and approved development agreement.

(c) A development permit issued after the coming into force of this By-law shall automatically expire 12 months from the date issued if the development has not commenced. A development permit issued before the coming into force of this By-law shall automatically expire 12 months from the effective date of this By-law if the development has not commenced.

(d) The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate.

### **No Development Permit Required**

2.5 Notwithstanding Section 2.4, no development permit shall be required for:

- (a) a development that involves the interior or exterior renovation of a building that will not change the footprint of the building or increase its volume and/or floor area, will not add more dwelling units, or will not involve a change in use of the building;
- (b) a fence or wall that does not exceed 6 ft (1.83 m) in height;
- (c) certain types of signs as specified in Section 7.4;
- (d) a temporary use subject to Section 5.43; and
- (e) woods camps, except in the Water Supply (W) zone.

### **Application for a Development Permit**

- 2.6 (a) Every application for a development permit shall be accompanied by a sketch or plan drawn to an appropriate scale and showing:
- (i) the shape and dimensions of the lot to be used;
  - (ii) the dimensions and height of the building or structure proposed to be erected and its distance from the lot boundaries;
  - (iii) the distance from the lot boundaries and size of every building or structure already erected on the lot; and
  - (iv) the proposed location and dimensions of any parking space, loading space, driveway, and landscaped area.
- (b) In addition to the requirements of subsection (a), every application for a development permit shall show:
- (i) the existing and proposed use of the lot and any building or structure; and
  - (ii) any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this By-law.
- (c) Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Development Officer may require that the plans submitted under subsection (a) be based upon a survey certified and stamped by a Nova Scotia Land Surveyor.

### **Signature of Applicant**

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

### **Advertising and Notification Costs**

- 2.8 (a) Where an application is made to amend this By-law or to enter into or amend a development agreement, the applicant shall deposit with the Municipal Clerk at the time of application an amount estimated by the Municipal Clerk to be sufficient to pay the costs of any advertising and notification required.

- (b) If the amount paid under subsection (a) is not sufficient to cover the actual costs incurred, the applicant shall pay the additional amount required within 30 days of remittance of an invoice. If the amount paid exceeds the actual costs incurred, the Municipal Clerk shall refund the excess amount.

### **Notice to Property Owners**

- 2.9 (a) When an application has been received to amend this By-law for a site-specific purpose, enter into a development agreement, or amend a development agreement, all property owners within 300 ft (91.44 m) of the subject property shall be notified of the application by the Municipal Clerk.
- (b) The notice referred to in subsection (a) shall be in addition to the advertisement for public hearing required under the *Municipal Government Act* and shall be delivered, by regular mail prior to the public hearing, to all assessed property owners as shown on the current assessment roll in use by the Municipality at the time of the notification.

### **Effective Date**

- 2.10 (a) This By-law shall take effect upon the date of publication of the notice advertising the approval of the new By-law.
- (b) The adoption of this By-law repeals any previous Land Use By-laws adopted by the Municipality.

## 3.0 ZONES AND ZONING MAP(S)

### Schedules

3.1 The following schedules shall form a part of this By-law:

Schedule 'A'	Zoning Map, Municipality of the District of West Hants (entire area)
GC-1	Falmouth Growth Centre
GC-2	Three Mile Plains Growth Centre
V-1	Brooklyn Village
H-1	Ardoise-Cameron Lake Hamlet
H-2	Cheverie Hamlet
H-3	Ellershouse Hamlet
H-4	Gypsum Mines-Sweets Corner Hamlet
H-5	Mount Denson Hamlet
H-6	Newport Corner Hamlet
H-7	Newport Landing Hamlet
H-8	Newport Station Hamlet
H-9	St. Croix Hamlet
H-10	Summerville Hamlet
H-11	Wentworth Creek Hamlet

### Zones

3.2 For the purposes of this By-law, the Municipality is divided into the following zones, the boundaries of which are shown on the attached Schedule 'A'. Such zones may be referred to by the corresponding symbols shown below.

Zones	Symbol
Single Unit Residential	R-1
Two Unit Residential	R-2
Multiple Residential	R-3
Rural Residential	R-4
Manufactured Home Park	MHP
General Commercial	GC
Highway Commercial	HC
Local Commercial	LC
Rural Commercial	RC
Recreation Commercial	RecC
Prime Agriculture	P/Ag
Agricultural Priority Two	AR-2
Agricultural Priority Three	AR-3

<b>Zones</b>	<b>Symbol</b>
General Resource	GR
Mineral Resource	MR
Water Supply	W
Landfill	LF
Resource Industrial	M-1
Hamlet Industrial	M-2
Local Industrial	LI
Light Industrial	LI-1
Joint Industrial Type Two	LI-2
Joint Industrial Type Three	LI-3
Institutional	I
Open Space	OS
<b>Special Overlay Zones</b>	
Dykeland Overlay	

**Zoning Map May Be Amended**

- 3.3 The Zoning Map may be amended, in conformance with the Municipal Planning Strategy, to use any zone in this By-law.

## 4.0 INTERPRETATION

### **Symbols**

4.1 The symbols used on the Zoning Map refer to the corresponding zones established in the By-law.

### **Interpretation of Zone Boundaries**

- 4.2 (a) The extent and boundaries of zones are shown on the Zoning Map and the appropriate provisions of this By-law shall apply to all zones.
- (b) Boundaries between zones shall be determined as follows:
- (i) where a zone boundary is indicated as following a street, the boundary shall be the centre line of the street unless otherwise indicated;
  - (ii) where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
  - (iii) where a railway right-of-way, electric transmission line right-of-way or a watercourse shown on a zoning map serves as a zone boundary, the centre line of the right-of-way or watercourse shall be considered the boundary between the zones unless otherwise indicated; and
  - (iv) where none of the above apply, and where appropriate, the zone boundary shall be scaled from the Zoning Map.

### **Interpretation of Certain Words**

4.3 In this By-law, words used in the present tense include the future, words in the singular number include the plural, words in the plural include the single number, the word "used" includes "arranged to be used", "designed to be used" and "intended to be used", and the word "shall" is mandatory.

### **Permitted Uses**

- 4.4 (a) In this By-law, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.
- (b) Where a permitted use within any zone is defined in this By-law, the uses permitted in the zone include any similar uses that satisfy such definition except where a definition specifically excludes any similar use.

### **All Land to be Zoned**

4.5 All lands within the Municipality shall be zoned except where specifically indicated as unzoned.

### **Schedules**

- 4.6 (a) All schedules and figures attached to this By-law form an official part of the By-law.
- (b) Any appendices that may be attached to this By-law are for information purposes only and are not an official part of the By-law.

**Units of Measurement**

- 4.7 Units of measurement used in this by-law are abbreviated as follows: feet - ft; meters - m; square feet - ft<sup>2</sup>; and square meters - m<sup>2</sup>.

## 5.0 GENERAL PROVISIONS FOR ALL ZONES

### Accessory Buildings and Structures

- 5.1 (a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:
- (i) be used as a dwelling unit except where a dwelling is a permitted accessory use;
  - (ii) be built within 6 ft (1.83 m) of the main building;
  - (iii) be built closer to the street than the main building on the lot, except in the Prime Agriculture (P/Agr) zone;
  - (iv) be built closer to any lot line than the minimum setback required in the zone for the main building, except that:
    - common garages for semi-detached dwellings may be centred on a mutual side lot line;
    - garages and storage sheds may be built a minimum of 4 ft (1.22 m) from the side or rear lot lines;
    - boat houses and docks may be built to the lot line where the lot line corresponds to the water's edge.
- (b) Notwithstanding clauses (iii) and (iv) of Section 5.1 (a), an accessory building or structure may be located in the front yard of a lot but in no case shall be less than 60 ft (18.29 m) from the front lot line.
- (c) Notwithstanding anything else in this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, memorials and fences shall be exempt from any requirement under subsection (a).
- (d) No accessory building or structure shall be constructed:
- (i) prior to the time of construction of the main building to which it is accessory, except that a boat house, dock or storage shed may be built prior to construction of a seasonal dwelling only on a lot located in the General Resource (GR) zone; or
  - (ii) prior to the establishment of the main use of the land where no main building is to be built.
- (e) The maximum height of an accessory building shall not exceed 20 ft. (6.10 m) except:
- (i) where a specific zone expressly permits a great height; or
  - (ii) where a main building is 2.5 storeys in height or higher, the maximum height of an accessory building shall not exceed two-thirds (2/3) the height of the main building or 30 ft (9.14 m), whichever is less. *(Amendment WHLUB 09-02 Effective January 1, 2010)*

### Automobile Service Station Requirements

- 5.2 Where automobile service stations are permitted, the following special provisions shall apply:
- (a) minimum lot frontage shall be 150 ft (45.72 m);

- (b) no portion of any pump island (the raised concrete pad on which the gas pumps are situated) shall be located closer than 20 ft (6.10 m) from the street;
- (c) the minimum angle of intersection of a driveway to a street line shall be 45 degrees and the maximum angle of intersection shall be 90 degrees;
- (d) the minimum distance between driveways shall be 30 ft (9.14 m);
- (e) the minimum distance from any driveway to a street intersection shall be 100 ft (30.48 m); and
- (f) the width of the driveway shall be a minimum of 25 ft (7.62 m) and a maximum of 35 ft (10.67 m).

### Building to be Erected on a Lot

5.3 No building shall be erected or used unless it is erected on a single lot.

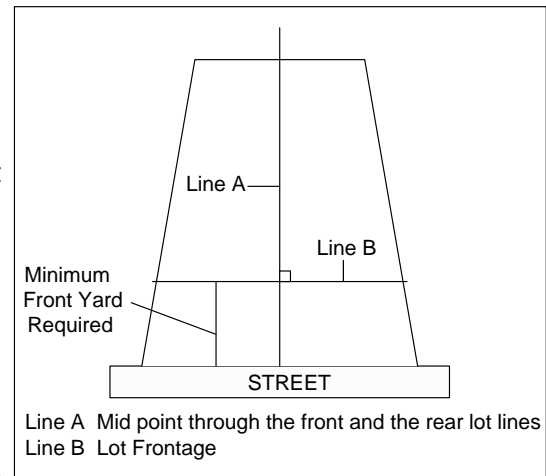
### Building to be Moved

5.4 No building shall be moved to a lot within the Municipality without the owner first obtaining a development permit to locate the building.

### Calculation of Lot Frontage

- 5.5 (a) Lot frontage for a lot with a regular shape shall be measured as the distance between the side lot lines where they meet the front lot line.
- (b) Lot frontage for a lot with an irregular shape shall be the distance between the side lot lines measured perpendicular to a line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines, at a point equal to the minimum applicable front yard (see Figure 1).

Figure 1



### Conformity with Existing Front Yards

5.6 Notwithstanding anything else in this By-law, in any residential zone, structures between existing buildings within 200 ft (60.96 m) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than 10 ft (3.05 m) from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

### Development on Municipally-owned Land

- 5.7 (a) Municipal buildings and facilities shall be permitted in any zone.
- (b) Notwithstanding clause (a), Section 4.4 of the Municipal Planning Strategy shall apply to development on municipally-owned land where such development:
- (i) involves the construction of a new main building with a gross floor area greater than 2,000 ft<sup>2</sup> (185.80 m<sup>2</sup>); and
  - (ii) would require a development agreement or rezoning if the development were undertaken on privately-owned land.

### **Driveway Access**

- 5.8 (a) Driveway access for a through lot may be provided to either or both streets but in no case shall a driveway continue from one street to the other.
- (b) The minimum distance between a driveway and a street intersection, except for automobile service stations as provided in Section 5.2, shall be:
- (i) 25 ft (7.62 m) where the driveway access is to a local street; and
  - (ii) 66 ft (20.12 m) where the driveway access is to a collector or arterial street, or as specified by Nova Scotia Department of Transportation and Public Works for provincial public streets.
- (c) A lot shall be limited to two driveways for the first 100 ft (30.48 m) of street frontage plus one driveway for each additional 100 ft (30.48 m) of street frontage.
- (d) A driveway access for:
- (i) a dwelling with not more than three units shall have a minimum width of 10 ft (3.05 m) and a maximum width of 20 ft (6.10 m);
  - (ii) any other use shall have a minimum unobstructed width of 20 ft (6.10 m) where two-way traffic is permitted and 10 ft (3.05 m) where only one-way direction of traffic flow is permitted and a maximum width of 35 ft (10.67 m). The direction of traffic flow shall be clearly indicated by signs, pavement markings or both.
- (e) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- (f) Where a two-way driveway is divided into two one-way driveways by means of a curb, an area of landscaped open space or any other obstruction, such driveways shall, for the purposes of this Section, be considered a single driveway.
- (g) Except for an automobile service station, no lot shall have access to an arterial street if access to a non-arterial street is possible.

### **Drive-Through Businesses**

- 5.9 (a) Businesses providing drive-through services including, but not limited to, restaurants, banks, automated tellers and automotive uses, shall provide stacking spaces for vehicle queuing in accordance with the following requirements:

Use	Required Stacking Spaces
restaurants	10 in-bound spaces approaching each service window; one out-bound space after each service window
banks, automated tellers	5 in-bound spaces approaching each service window
automatic car washes and other automotive uses	3 in-bound spaces approaching the wash or service bay; one out-bound space after the wash or service bay
other uses	3 in-bound spaces approaching each service window

- (b) A stacking space required under clause (a) shall be a minimum of 10 ft (3.05 m) in width by 20 ft (6.10 m) in length.

### Encroachments Permitted

- 5.10 The following portions of structures may project into a yard required by this By-law to the limit of the specified distance:

Structure or Feature	Distance
architectural adornments including, but not limited to, sills, chimneys, cornices, eaves, gutters, pilasters and canopies	2 ft (0.61 m)
bay windows, oil tanks and propane tanks	3 ft (0.91 m)
balconies, verandas, sun decks, uncovered terraces, porches and exterior staircases providing access between finished grade and either the basement or the first storey - front, rear or flanking yards only	5 ft (1.52 m)
fire escapes - rear and side yards only	5 ft (1.52 m)
wheelchair ramps	to the lot line

### Existing Buildings

- 5.11 Where an existing building is on a lot having less than the minimum frontage, area or yards required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:
- (a) the enlargement, reconstruction, repair or renovation does not further reduce the yards that do not conform to this By-law; and
  - (b) all other applicable provisions of this By-law are satisfied.
- 5.12 The use of an existing building may be changed to a use permitted in the zone where the lot area, frontage, yards or all of these is less than the requirements of this By-law provided that all other provisions of this By-law are satisfied.

### Existing Undersized Lots

- 5.13 (a) Notwithstanding anything else in this By-law, an existing vacant lot having less than the minimum frontage or area required by this By-law may be used for a purpose permitted in the zone, and a building may be erected on the lot provided that all other applicable provisions of this By-law are satisfied.
- (b) An existing undersized lot which is increased in area or frontage or both, but remains undersized, is still considered an existing undersized lot for the purposes of this section.

### Frontage on a Street

- 5.14 All development shall be restricted to lots which front and abut a public street except for the following:
- (a) lots exempted under Section 5.13 and 5.36;
- (b) agricultural, forestry and mineral uses;
- (c) seasonal dwellings and single unit dwellings on existing private roads; or
- (d) seasonal dwellings and single unit dwellings on new private roads only in the General Resource (GR) zone.

### Height Regulation Exemption

- 5.15 Any maximum height requirement set out in this By-law shall not apply to a church spire, lightning rod, water tank, monument, flag pole, silo, barn, television or radio antenna, telecommunications tower, ventilator, skylight, fire tower, drive-in theatre screen, chimney, clock tower, solar collector, power transmission tower, wind turbine or roof top cupola.

### Home-Based Business

- 5.16 (a) Any dwelling or building accessory thereto may be used for a home-based business provided that:
- (i) the dwelling is occupied as the principal residence of the operator of the home-based business;
- (ii) the external appearance of the dwelling is not changed by the home-based business;
- (iii) there are no more than two assistants employed in the home-based business who are not resident of the dwelling;
- (iv) in the Growth Centre and Village designations, not more than 25 percent of the total floor area of the dwelling and accessory building is devoted to the home-based business to a maximum of 500 ft<sup>2</sup> (46.45 m<sup>2</sup>);
- (v) in the Hamlet, Agriculture and Resource designations, not more than 25 percent of the total floor area of the dwelling and accessory building is devoted to the home-based business to a maximum of 1,000 ft<sup>2</sup> (92.90 m<sup>2</sup>);

- (vi) one off-street parking space, other than that required by the dwelling, is provided for every 200 ft<sup>2</sup> (18.58 m<sup>2</sup>) of floor space occupied by the home-based business;
  - (vii) no signage shall be permitted other than a non-illuminated business identification sign no larger than 5 ft<sup>2</sup> (0.46 m<sup>2</sup>) in area;
  - (viii) no mechanical equipment is used except what is reasonably consistent with the use of a dwelling;
  - (ix) outdoor display is limited to not more than 200 ft<sup>2</sup> (18.58 m<sup>2</sup>); and
  - (x) open storage shall be limited to the rear yard and screened from adjacent residential properties by a continuous row of trees, a hedge, a fence or a combination of the foregoing arranged to form a dense or opaque screen.
- (b) A home-based business shall include the following types of uses:
- (i) offices;
  - (ii) arts and crafts studios with or without a retail sales component;
  - (iii) retail sales of antiques, used clothing, used books and used furniture;
  - (iv) dressmaking and tailoring shops;
  - (v) repair shops for garden and household ornaments, small appliances, personal effects or toys;
  - (vi) garden and nursery sales including the sale of produce grown on site;
  - (vii) catering and bakery establishments;
  - (viii) hairdressing salons and barbershops;
  - (ix) photographic and picture framing studios;
  - (x) nonlicensed day care centres;
  - (xi) bed and breakfasts;
  - (xii) private schools with fewer than six students;
  - (xiii) instruction in music, dance or arts and crafts;
  - (xiv) hobby kennels, subject to the requirements of Section 5.19 of this By-law; and
  - (xv) pet grooming.
- (c) A home-based business shall not include the following types of uses:
- (i) convenience stores;
  - (ii) grocery stores;
  - (iii) snack bars;
  - (iv) service shops;
  - (v) auto body or automobile repair shops;
  - (vi) veterinary clinics;
  - (vii) restaurants;
  - (viii) transport depots;
  - (ix) commercial kennels;
  - (x) salvage yards; and
  - (xi) retail sales of any products which cannot fall within the activities in Section 5.16 (b).
- (d) The following special provisions shall apply to bed and breakfasts:
- (i) bed and breakfasts shall not be subject to the size restrictions specified in subsections (a) (iv) and (v);

- (ii) in addition to the sign permitted in subsection (a) (vii), one ground sign not exceeding 12 ft<sup>2</sup> (1.11 m<sup>2</sup>) in area and 5 ft (1.52 m) in height shall be permitted; and
- (iii) in addition to the normal parking requirements for the dwelling, one parking space shall be provided for each bedroom used for rental purposes.

### **Household Livestock**

- 5.17 Household livestock operations shall be permitted in any residential or resource zone subject to the following:
- (a) the requirements for non-intensive livestock operations as contained in Sections 18.6 and 18.7 of this By-law;
  - (b) the maximum number of animal units permitted on a lot shall be limited to one animal unit for the first full acre and one additional animal unit for each additional full half acre to a maximum of eight animal units; and
  - (c) household livestock shall be contained within the limits of the property by means of fencing, enclosures or buildings.

### **Illumination**

- 5.18 No person shall erect a sign with lights external to the sign itself or illuminate an area outside any building or structure unless the illumination is directed away from adjoining properties and any adjacent street.

### **Kennels**

- 5.19 Where kennels are permitted by this by-law, the following special provisions shall apply:
- (a) no kennel buildings or structures, including outdoor exercise runs, shall be located closer than:
    - (i) 100 ft (30.48 m) from the front lot line, except in the Highway Commercial (HC) zone where the standard front yard requirement shall apply;
    - (ii) 100 ft (30.48 m) from all water wells and watercourses;
    - (iii) 50 ft (15.24 m) from the rear and side lot lines; and
    - (iv) 300 ft (91.44 m) from a dwelling on an adjacent property;
  - (b) the use shall include a wholly enclosed building that is properly ventilated and soundproofed to a sound transmission class of at least 50 decibels as prescribed by the National Building Code; and
  - (c) no outdoor exercise run shall be occupied between the hours of 9:00 pm and 7:00 am on the following day.

## Landscaping

- 5.20 Landscaped open space shall be provided for commercial and multiple residential uses in accordance with the zone provisions set out herein and the following general provisions:
- (a) any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural uses or permitted outdoor storage areas shall be maintained as landscaped open space;
  - (b) except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space;
  - (c) where landscaped open space of any kind, including a planting strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways; and
  - (d) no part of any driveway, parking area, loading space, roof-top terrace, balcony, swimming pool or space enclosed within a building shall be considered part of the landscaped open space on a lot.

## Loading Space Requirements

- 5.21 (a) For commercial, industrial or institutional uses involving the frequent shipping, loading or unloading of persons, animals, or goods, one loading space shall be provided for every 30,000 ft<sup>2</sup> (2,787.00 m<sup>2</sup>), or fraction thereof, of floor space to a maximum of six loading spaces.
- (b) A loading space is not required for any building less than 2,000 ft<sup>2</sup> (185.80 m<sup>2</sup>) in floor area.
- (c) A loading space shall:
- (i) be a minimum of 12 ft (3.66 m) by 40 ft (12.19 m) with a minimum of 14 ft (4.27 m) height clearance;
  - (ii) not be located within any required front yard or be located within any yard which abuts a residential zone; and
  - (iii) have access to the street by means of a minimum 20 ft (6.10 m) wide driveway.

## Manufactured Homes

- 5.22 Where manufactured homes are permitted by this By-law, the following conditions shall be met:
- (a) no wheels, hitches or other transport attachments shall be visible; and
  - (b) the structure shall be skirted within 30 days of placement on the lot.

### **More than One Building on Existing Lot**

- 5.23 Notwithstanding anything else in this By-law, where an existing lot contains two or more existing buildings, the minimum frontage requirement shall be 10 ft (3.05 m) for each lot containing a building.

### **Multiple Uses**

- 5.24 In any zone, where any land or building is used for more than one purpose, all provisions of the By-law relating to each use shall be satisfied. Where there is a conflict, such as in the case of lot area or frontage, the standards that apply to the most dominant use shall prevail.

### **Non-Conforming Uses**

- 5.25 (a) Any use of land or building or structure constructed, or being constructed, on or before the effective date of this By-law that does not conform to the requirements of this By-law shall be subject to the provisions of the *Municipal Government Act* respecting nonconforming uses and structures.
- (b) Notwithstanding subsection (a):
- (i) the minor extension or enlargement, not exceeding 100 ft<sup>2</sup> (9.29 m<sup>2</sup>) in area, of a structure containing a non-conforming use shall be permitted to allow for an addition of an accessory nature such as an entryway, porch or small storage space;
  - (ii) a non-conforming use of land or a structure shall not be recommenced if it has been discontinued for a continuous period of 12 months, and in such an event, the land or structure shall not thereafter be used except in conformity with the requirements of this By-law; and
  - (iii) a nonconforming industrial use shall be permitted to change to a less obnoxious or less intensive industrial use in terms of traffic generated, hours of operation, outdoor storage, noise and fumes.

### **One Main Building on a Lot**

- 5.26 No person shall erect more than one main building on a lot except:
- (a) in the Light Industrial (LI-1), Joint Industrial Type Two (LI-2), Joint Industrial Type Three (LI-3) and Resource Industrial (M-1) zones;
  - (b) in the Manufactured Home Park (MHP) zone;
  - (c) in the Landfill (LF) zone;
  - (d) agricultural uses;

- (e) municipal water treatment and distribution uses in the Water Supply (W) zone;
- (f) grouped dwellings;
- (g) institutional uses;
- (h) regional shopping centres; and
- (i) a second dwelling will be permitted on a lot where it can be shown that a second lot can be created, the second dwelling can be accommodated on that portion of the lot and the building can be shown to meet all other requirements.

### **On-site Sewage Disposal Systems**

5.27 Larger minimum lot sizes than those specified in this By-law may be required by the Nova Scotia Department of Environment and Labour for the installation of on-site sewage disposal systems.

### **Open Storage**

5.28 Except as otherwise provided in Section 5.29 or specifically listed as permitted in a zone, no open storage shall be permitted except in accordance with the following provisions:

- (a) no open storage shall be permitted in any required yard or, except in the case of an agricultural use, in any part of a front yard or flanking yard;
- (b) no open storage area shall be located closer than 10 ft (3.05 m) to any lot line;
- (c) no parking spaces or loading spaces required by this By-law shall be used for open storage purposes; and
- (d) no open storage area shall be visible from any adjacent lot where such adjacent lot is located in a zone other than a commercial or industrial zone, and to this end any open storage area shall be screened, where necessary to comply with this provision, by a planting strip designed to have an ultimate height of not less than 6 ft (1.83 m), except that this provision shall not apply to any open storage area accessory to an agricultural use.

5.29 Nothing in Section 5.28 shall apply to prevent or otherwise restrict the use as an open storage area of any part of the front yard of a lot containing an agricultural use for a temporary roadside farm sales outlet for produce grown on the said lot.

### **Parking Requirements**

5.30 (a) For every building or structure to be erected or enlarged, off-street parking shall be provided within the same lot as the use, in accordance with the following chart:

Type of Building	Parking Spaces Required
a dwelling containing fewer than 3 dwelling units	1 parking space for each dwelling unit
all other dwellings	1.5 parking spaces for each dwelling unit
boarding and rooming houses	1 parking space for the dwelling unit plus 1 parking space for every room available for rent
senior citizen housing	1 parking space for every 2 dwelling units
hospitals and nursing homes	1.25 parking spaces for every bed
funeral homes	1 parking space for every 5 seat capacity of the chapel with a minimum of 10 parking spaces
churches, halls, auditoria, restaurants, theatres, arenas, stadiums, private clubs and other places of assembly	where there are fixed seats, 1 parking space for every 5 seats, or 10 ft (3.05 m) of bench space; where there are no fixed seats, 1 parking space for every 100 ft <sup>2</sup> (9.29 m <sup>2</sup> ) of floor area devoted to public use
bowling alleys and curling rinks	4 parking spaces for each bowling lane or curling sheet plus 1 parking space for every 100 ft <sup>2</sup> (9.29 m <sup>2</sup> ) of other public floor space
hotels, motels, country inns and other tourist accommodations	1 parking space for every suite or rental unit plus 1 parking space for every 50 ft <sup>2</sup> (4.64 m <sup>2</sup> ) of floor space devoted to public use exclusive of lobbies or halls
offices, financial institutions	1 parking space for every 300 ft <sup>2</sup> (27.87 m <sup>2</sup> ) of floor area
regional shopping centres	5 parking spaces for every 1,000 ft <sup>2</sup> (92.90 m <sup>2</sup> ) of commercial floor area
drive-through or take-out restaurants	4 parking spaces up to first 200 ft <sup>2</sup> (18.58 m <sup>2</sup> ) of useable floor area plus 1 parking space for each additional 200 ft <sup>2</sup> (18.58 m <sup>2</sup> ) of useable floor area
all other commercial uses	1 parking space for every 300 ft <sup>2</sup> (27.87 m <sup>2</sup> ) of commercial floor area
elementary schools	1.5 parking spaces for each classroom
secondary schools	4 parking spaces for each classroom
industrial	1 parking space for every 700 ft <sup>2</sup> (65.03 m <sup>2</sup> ) of manufacturing space and 1 parking space for every 1,000 ft <sup>2</sup> (92.90 m <sup>2</sup> ) of warehouse space and all other industrial uses
riding stables	1 parking space for every 4 stalls

- (b) A parking space shall measure 10 ft by 20 ft (3.05 m by 6.10 m) exclusive of driveways and manoeuvring aisles.

5.31 Where a part of a parking space is required in accordance with this By-law, such part shall be considered one parking space for the purpose of calculating the total parking requirements.

- 5.32 Where a building or lot accommodates more than one type of use as set out in this By-law, the total parking space requirement for such building or lot shall be the sum of the requirements for the separate uses thereof.
- 5.33 Parking spaces required in accordance with this By-law shall not include any parking spaces used or intended to be used primarily for the storage or parking of vehicles for hire or gain, display or sale.

#### **Parking for People with Disabilities**

- 5.34 (a) In addition to the parking requirements found in Section 5.30, where off-street parking is to be provided on the same lot as the building, one space dedicated to people with disabilities shall be provided for every 100 spaces, or part thereof.
- (b) Such parking spaces shall be 12 ft by 20 ft (3.66 m by 6.10 m) and be no more than 160 ft (48.77 m) away from the entrance designed for use by people with disabilities.

#### **Parks and Playgrounds**

- 5.35 Parks and playgrounds shall be permitted in any zone provided:
- (a) any maintenance or storage building accessory to the park or playground does not exceed 200 ft<sup>2</sup> (18.58 m<sup>2</sup>) in floor area; and
- (b) any signage conforms to Section 7.0.

#### **Reduced Lot Requirements**

- 5.36 Notwithstanding anything else in this By-law, a lot having less than the minimum frontage or area which has been approved in accordance with the West Hants Subdivision By-law may be used for a purpose permitted in the zone in which it is located and a building may be erected provided all other applicable provisions of this By-law are satisfied.

#### **Restoration to a Safe Condition**

- 5.37 Nothing in this By-law shall prevent strengthening or restoring any building or structure to a safe condition.

#### **Semi-Detached and Townhouse Dwellings**

- 5.38 Semi-detached and townhouse dwellings may be subdivided into separate lots provided each dwelling unit has separate service connections and provided all applicable provisions of the West Hants Subdivision By-law and this By-law are observed. No side yard shall be required along the common lot boundary.

### **Separation from Intensive Livestock Operation**

5.39 No new dwelling shall be constructed within 1,000 ft (304.80 m) of an existing intensive livestock operation. This provision shall not apply to accessory farm dwellings.

### **Setback for Flanking Yard**

5.40 (a) Notwithstanding anything else in this By-law, on a corner lot in any residential zone, the minimum yard requirement for the flanking yard shall be 25 ft (7.62 m).

(b) No accessory building or structure shall be permitted within the required flanking yard.

### **Side Yard Waiver**

5.41 Notwithstanding anything else in this By-law, where buildings on adjacent lots share a common wall, the applicable side yard requirement will be zero along the common lot line.

### **Telecommunications Towers**

5.42 Telecommunications towers shall be permitted in any industrial, resource or agricultural zone subject to the following requirements:

(a) the minimum setback from any lot line for the tower base shall be the greater of:

- (i) the minimum yard requirement of the zone for main buildings; or
- (ii) the height of the tower plus 25 ft (7.62 m);

(b) the tower base, accessory building and any guy wire anchors shall be enclosed by fencing; and

(c) the lot shall be landscaped to reduce the impact on adjacent uses.

### **Temporary Uses, Buildings and Structures Permitted**

5.43 (a) Nothing in this By-law shall prevent the temporary use of land, buildings or structures incidental to a construction project provided that a development permit has been issued for the main construction project and the temporary use is discontinued and removed within 30 days of the completion of the main construction project.

(b) A building or structure may be erected, or an area of land used, for a special occasion or holiday provided that no such building or structure shall be erected more than 10 days prior to the event or remain in place for more than 14 consecutive days after the close of the event.

(c) Nothing in this By-law shall prevent the use of a lot containing a dwelling for a yard sale, auction or other temporary sale of personal possessions belonging to the occupant, provided the use does not continue for more than five days per month.

(d) No development permit shall be required for a temporary use.

### Through Lots

- 5.44 Notwithstanding anything else in this By-law, on a through lot, a building may be erected facing either street and, for the purpose of determining yard standards, the front yard standard shall apply on both streets.

### Truck, Bus and Coach Bodies

- 5.45 No truck, bus, coach or structure of any kind other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality shall be used for human habitation in excess of 60 days, whether or not same is mounted on wheels.

### Utilities

- 5.46 Notwithstanding anything else in this By-law, public and private utilities less than 100 ft<sup>2</sup> (9.29 m<sup>2</sup>) in floor area shall be permitted in any zone and no yard requirements shall apply.

### Variance

- 5.47 (a) Notwithstanding the general requirements set out for each zone in this By-law, the Development Officer may grant a variance from one or more of the following subject to the requirements of the *Municipal Government Act*:
- (i) minimum lot area and frontage;
  - (ii) minimum yard dimensions;
  - (iii) percentage of land that may be built upon;
  - (iv) number of parking and loading spaces required;
  - (v) height of a structure;
  - (vi) floor area occupied by a home-based business; and
  - (vii) height and area of a sign.
- (b) The Development Officer may also grant a variance in a development agreement for the items specified in subsection (a) where the development agreement clearly provides for the granting of a variance.
- (c) Where a variance is granted or refused, the appeal and the notice provisions of the *Municipal Government Act* shall be complied with and the applicant shall pay to the Municipal Clerk the cost of notifying affected land owners.

### Visibility at Street Intersections

- 5.48 On a corner lot, within a triangular area 20 ft (6.10 m) back from the intersecting corner lot lines, no building, structure or vegetation of any kind shall be erected or permitted to grow to a height greater than 2 ft (0.61 m) above the grade of the abutting streets.

### **Watercourses**

- 5.49 With the exception of marine uses, structures required for water distribution or irrigation, water and sewage treatment uses and buildings and structures necessary for the prevention of floods, erosion or to facilitate drainage, no structure shall be located closer than 50 ft (15.24 m) from a watercourse.
- 5.50 Notwithstanding anything else in this By-law, where part of an unserviced lot is within 75 ft (22.86 m) of a watercourse, the minimum lot area shall be no less than 40,000 ft<sup>2</sup> (3,716.00 m<sup>2</sup>).

### **Wind Turbines**

- 5.51 Small wind turbines shall be permitted subject to the following:
- (a) not more than one turbine shall be permitted per lot except where the lot is at least 2 acres (0.81 ha) in area;
  - (b) turbines with towers under 50 ft (15.24 m) in height shall be permitted in any zone provided the lot is at least 0.5 acres (0.20 ha) in area;
  - (c) turbines with towers 50 ft (15.24 m) in height or greater shall be permitted only in zones outside the Growth Centre designation provided the lot is at least 1 acre (0.40 ha) in area;
  - (d) the minimum setback from any lot line for the tower shall be the greater of:
    - (i) the minimum yard requirement for a main building; or
    - (ii) the height of the tower plus the distance from the top of the tower to the highest extended tip of the rotor blades;
  - (e) the minimum setback for the tower from any dwelling on the same lot shall be the height of the tower plus the distance from the top of the tower to the highest extended tip of the rotor blades;
  - (f) the minimum setback for the tower from any dwelling on an adjacent lot shall be 200 ft (60.96 m);
  - (g) no ladder or permanent tower access device shall be located less than 12 ft (3.66 m) above grade;
  - (h) there shall be no restriction on the height of the tower provided the property owner has received Aeronautical Clearance approval from Transport Canada.
- 5.52 For the purposes of Section 5.51 (b) and (c), height shall be measured as the distance above grade of the fixed portion of the tower, excluding the wind turbine itself.
- 5.53 The erection of a single large wind turbine for exploration or test purposes shall be permitted subject to the following:
- (a) the turbine shall not remain in place for more than two years;

- (b) turbines shall be permitted only in zones outside the Growth Centre, Village and Hamlet designations provided the lot is at least 10 acres (4.05 ha) in area; and
- (c) the requirements of Section 5.51 (d), (e), (f) and (g).

**Yard Requirements and Natural Hazard Areas**

5.54 Where a front, rear, or side yard is required by this By-law and part of the lot is:

- (a) usually covered by water or marsh;
- (b) beyond the rim of a river bank or watercourse; or
- (c) between the top and toe of a cliff or embankment having a slope of 15 percent or more from the horizontal;

the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the area covered by water or marsh, or to the rim of the riverbank or watercourse, or to the top of the cliff if such edge, rim or top of cliff is closer than the lot line.

## 6.0 DEVELOPMENT AGREEMENTS

### Developments to be considered by Development Agreement

6.1 The following developments may be considered only by development agreement in accordance with the *Municipal Government Act* and the Municipal Planning Strategy:

#### Growth Centres

- (a) multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre in accordance with Policy 5.3.8 of the Municipal Planning Strategy;
- (b) new manufactured home parks in the Three Mile Plains and Falmouth Growth Centres in accordance with Policy 5.3.9 of the Municipal Planning Strategy;
- (c) grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre in accordance with Policy 5.3.10 of the Municipal Planning Strategy;
- (d) comprehensively designed multiple residential development consisting of a mix of single unit, semi-detached, duplex and townhouse dwellings in the Falmouth Growth Centre in accordance with Policy 5.4.4 of the Municipal Planning Strategy;
- (e) grouped single and two-unit dwellings consisting of six or more units in the Falmouth Growth Centre in accordance with Policy 5.4.5 of the Municipal Planning Strategy;
- (f) regional shopping centres in the Commercial designation of the Three Mile Plains or Falmouth Growth Centres in accordance with Policy 5.5.13 of the Municipal Planning Strategy;
- (g) large format retail stores, or expansions greater than 5,000 ft<sup>2</sup> (464.50 m<sup>2</sup>) to existing large format retail stores, in the Joint Industrial Type Three (LI-3) zone or within the Commercial designation of the Three Mile Plains or Falmouth Growth Centres in accordance with Policy 5.5.15 of the Municipal Planning Strategy;
- (h) local commercial uses outside the Commercial designation of Growth Centres in accordance with Policy 5.6.4 of the Municipal Planning Strategy;
- (i) Resource Industrial (M-1) uses in the Growth Centres in accordance with Policy 5.7.2 of the Municipal Planning Strategy;
- (j) Local Industrial (LI) uses in the Growth Centres in accordance with Policy 5.7.6 of the Municipal Planning Strategy;

#### Village

- (k) grouped single and two unit dwellings consisting of six or more units in the Village designation in accordance with Policy 6.2.4 of the Municipal Planning Strategy;

- (l) General Commercial (GC) or Highway Commercial (HC) uses in the Village Core in accordance with Policy 6.3.4 of the Municipal Planning Strategy;
- (m) General Commercial (GC) or Highway Commercial (HC) uses over 5,000 ft<sup>2</sup> (464.50 m<sup>2</sup>) in commercial floor area outside the Village Core in accordance with Policy 6.4.3 of the Municipal Planning Strategy;
- (n) Local Industrial (LI) uses outside the Village Core in accordance with Policy 6.5.2 of the Municipal Planning Strategy;
- (o) Recreation Commercial uses outside the Village Core in accordance with Policy 6.7.1 of the Municipal Planning Strategy;

**Hamlets, Agriculture and Resource**

- (p) grouped single and two unit dwellings consisting of six or more units in the Hamlet designation in accordance with Policy 7.1.3 of the Municipal Planning Strategy and in the General Resource (GR) zone in accordance with Policy 9.1.10 of the Municipal Planning Strategy;
- (q) Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, in accordance with Policy 4.5.1 of the Municipal Planning Strategy;
- (r) community service uses in the Prime Agriculture (P/Ag) zone in accordance with Policy 8.8.6 of the Municipal Planning Strategy;
- (s) Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone and the Agricultural Priority Three (AR-3) zone outside the Growth Centre, Village and Hamlet designations in accordance with Policies 8.9.4 and 8.10.5 respectively of the Municipal Planning Strategy;
- (t) on-farm businesses in the Agricultural Priority Two (AR-2) and Agricultural Priority Three (AR-3) zones in accordance with Policies 8.11.1 and 8.11.2 of the Municipal Planning Strategy;
- (u) off-highway vehicle courses as on-farm businesses in the Agricultural Priority Two (AR-2) and Agricultural Priority Three (AR-3) zones in accordance with Policy 8.11.3 of the Municipal Planning Strategy;
- (v) off-highway vehicle courses and other Recreation Commercial uses in the General Resource (GR) zone in accordance with Policy 9.1.7 of the Municipal Planning Strategy;
- (w) resort development in the General Resource (GR) zone in accordance with Policy 9.1.11 of the Municipal Planning Strategy;

**General**

- (x) institutional uses in any designation in accordance with Policy 13.1.2 of the Municipal Planning Strategy;
- (y) Recreation Commercial uses in any designation, except the Village Core, in accordance with Policy 13.3.2 of the Municipal Planning Strategy;
- (z) non-conforming uses in accordance with Policy 16.8.2 of the Municipal Planning Strategy;  
and
- (aa) permanent or long-term installations of large wind turbines or wind farms outside the Growth Centre, Village and Hamlet designations in accordance with Policy 4.22.4 of the Municipal Planning Strategy.

## 7.0 SIGNS

### General

- 7.1 (a) Except where otherwise exempted in this By-law, no person shall erect a sign without first obtaining a development permit from the Development Officer and no development permit to erect a sign shall be issued unless all provisions of this By-law are satisfied.
- (b) An indoor sign shall not be considered a sign for the purposes of this By-law unless it is intended to be viewed from outside of the building.
- 7.2 For the purposes of this Part, a sign structure with two or more faces, such as a projecting sign, sandwich board sign or a ground sign, shall count as one sign. Total sign area of such a sign shall be calculated based on the area of one sign face.

### Maintenance

- 7.3 (a) Every sign shall be kept in good repair and working order.
- (b) If the business, service or other enterprise for which a sign is erected is no longer in operation, the sign shall be removed by the owner within 30 days of the date the operations cease. Removal of a sign includes the support structure or apparatus to which it is attached.
- (c) Subsection (b) shall not apply to a seasonal enterprise that normally closes during part of the year.

### Signs Permitted in all Zones

- 7.4 The following signs shall be permitted in all zones and no development permit shall be required:
- (a) signs not more than 2 ft<sup>2</sup> (0.18 m<sup>2</sup>) in area identifying the name and address of a resident;
- (b) signs not more than 2 ft<sup>2</sup> (0.18 m<sup>2</sup>) in area regulating the use of a property such as "NO TRESPASSING";
- (c) non-illuminated real estate signs which advertise the sale, rental or lease of the premises;
- (d) on-premise directional or traffic control signs not more than 5 ft<sup>2</sup> (0.46 m<sup>2</sup>) in area;
- (e) signs erected by a government body or under the direction of a government body and bearing no commercial advertising;
- (f) memorial or commemorative signs or tablets not more than 5 ft<sup>2</sup> (0.46 m<sup>2</sup>) in area;
- (g) plaques or signs identifying donors of structures, trees or other landscaping not more than 1 ft<sup>2</sup> (0.09 m<sup>2</sup>) in area;

- (h) the flag, pennant or insignia of any government, religious (including churches), charitable, or fraternal organization, not more than 40 ft<sup>2</sup> (3.72 m<sup>2</sup>) in area;
- (i) temporary election signs; and
- (j) one temporary sign not more than 50 ft<sup>2</sup> (4.64 m<sup>2</sup>) in area incidental to a construction project taking place on the property.

### **Signs Prohibited in all Zones**

7.5 The following signs are not permitted in any zone:

- (a) signs that incorporate flashing illumination or moving parts;
- (b) any signs or sign structures that are or could be a safety hazard;
- (c) any signs that obstruct or detract from the visibility or effectiveness of any traffic sign or control device;
- (d) any signs that obstruct free egress from any fire exit door, window, or other required exit way;
- (e) signs not erected by a public authority that make use of words such as 'STOP', 'LOOK', 'ONE WAY', 'DANGER', 'YIELD', or any similar word, phrase, symbol, light, or character in such a manner as to mislead or confuse the traffic along a street;
- (f) any signs erected upon a public property or a public right-of-way unless erected by a public authority or authorized by a public authority; and
- (g) commercial signs painted on, attached to or supported by a tree, stone, cliff or other natural object.

### **Facial Wall Signs**

7.6 Facial wall signs shall not extend above or beyond the extremities of the wall upon which they are attached.

### **Projecting Wall Signs**

7.7 Projecting wall signs shall not:

- (a) project further than 6 ft (1.83 m) from the wall to which they are affixed;
- (b) project above the eaves, parapet or roof line of the wall to which they are affixed;
- (c) swing freely on their supports; and

- (d) be erected lower than 10 ft (3.05 m) and higher than 15 ft (4.57 m) above the ground.

### **Ground Signs**

- 7.8 Ground signs shall be set back a minimum of 5 ft (1.52 m) from any street line, common lot boundary, driveway, aisle or parking area.
- 7.9 Where a property in a Highway Commercial (HC), Light Industrial (LI-1) or Joint Industrial (LI-2, LI-3) zone is occupied by more than one business, one ground sign permitted under Section 7.14 advertising the different businesses located on the property may exceed the maximum sign area requirements up to a maximum sign area of 125 ft<sup>2</sup> (11.61 m<sup>2</sup>) where the sign is 10 to 35 ft (3.05 - 10.67 m) in height.

### **Roof Signs**

- 7.10 Roof signs shall not:
  - (a) extend more than 6 ft (1.83 m) above the highest part of the roof; or
  - (b) extend beyond the extremities of the walls to which the roof connects.

### **Canopies or Awnings**

- 7.11 In addition to the signs permitted in Section 7.14, signs incorporated in a canopy or awning shall be permitted in commercial and industrial zones provided the canopy/awning is placed at least 9 ft (2.74 m) above grade.

### **Mobile Signs**

- 7.12 Mobile signs shall be considered ground signs and all provisions of this by-law related to ground signs shall apply except that:
  - (a) no mobile signs shall be permitted in the Local Commercial (LC) or Local Industrial (LI) zones; and
  - (b) no mobile sign shall exceed 25 ft<sup>2</sup> (2.32 m<sup>2</sup>) in area.

### **Signs in Sports Fields and Outdoor Arenas**

- 7.13 Notwithstanding the number limitation in Section 7.14, any number of sponsorship signs may be erected in a sports field or outdoor arena provided the signs are intended for view from within the sports field or outdoor arena.

## Sign Restrictions by Zone

7.14 No development permit shall be issued except in conformity with the following:

Zone	(i) LC, LI	(ii) GC and HC	(iii) LI-1, LI-2 and LI-3	(iv) IS and OS	(v) all other zones
<b>(a) Maximum Number/Area of Signs</b>	1 non-illuminated facial wall sign or 1 projecting sign per business premises or 1 roof sign	combined area of all signs shall not exceed 3 ft <sup>2</sup> (0.28 m <sup>2</sup> ) for every 1 ft (0.30 m) of lot frontage	combined area of all signs shall not exceed 3 ft <sup>2</sup> (0.28 m <sup>2</sup> ) for every 1 ft (0.30 m) of lot frontage	1 identification sign not more than 3 ft <sup>2</sup> (0.28 m <sup>2</sup> ) in area; 1 other sign; and unlimited interpretive signage. On any sign, commercial advertising or sponsorship shall not exceed 1 ft <sup>2</sup> (0.09 m <sup>2</sup> ).	total of 2 signs per business premises
<b>Facial Wall Signs</b>					
<b>(b) Maximum Number</b>	see (a)(i) above	see(a)(ii) above	see (a)(iii) above	see (a)(iv) above	1 sign per business premises
<b>(c) Maximum Sign Area</b>	20 ft <sup>2</sup> (1.86 m <sup>2</sup> )	15% of the area of the wall to which it is attached	15% of the area of the wall to which it is attached	20 ft <sup>2</sup> (1.86 m <sup>2</sup> ), excluding interpretive signage	15% of the area of the wall to which it is attached
<b>Roof Signs</b>					
<b>(d) Maximum Number</b>	1 sign per business premises	1 sign per business premises	1 sign per business premises	N/A	N/A
<b>(e) Maximum Sign Area</b>	1 ft <sup>2</sup> (0.09 m <sup>2</sup> ) for every 1 ft (0.3 m) of roof length up to 100 ft <sup>2</sup> (9.29 m <sup>2</sup> )	1 ft <sup>2</sup> (0.09 m <sup>2</sup> ) for every 1 ft (0.3 m) of roof length up to 100 ft <sup>2</sup> (9.29 m <sup>2</sup> )	1 ft <sup>2</sup> (0.09 m <sup>2</sup> ) for every 1 ft (0.3 m) of roof length up to 100 ft <sup>2</sup> (9.29 m <sup>2</sup> )	N/A	N/A
<b>Projecting Signs</b>					
<b>(f) Maximum Number</b>	see above	see above	see above	see above	1 sign per business premises
<b>(g) Maximum Sign Area</b>	20 ft <sup>2</sup> (1.89 m <sup>2</sup> )	30 ft <sup>2</sup> (2.79 m <sup>2</sup> )	30 ft <sup>2</sup> (2.79 m <sup>2</sup> )	30 ft <sup>2</sup> (2.79 m <sup>2</sup> )	30 ft <sup>2</sup> (2.79 m <sup>2</sup> )
<b>Ground Signs</b>					
<b>(h) Maximum Number</b>	N/A	1 sign for every 50 ft (15.24 m) of road frontage up to 3 signs	1 sign for every 50 ft (15.24 m) of road frontage up to 3 signs	see above	1 sign per business premises
<b>(i) Maximum Height</b>	N/A	35 ft (10.67 m)	35 ft (10.67 m)	10 ft (3.05 m)	35 ft (10.67 m)
<b>(j) Maximum Sign Area</b>	N/A	50 ft <sup>2</sup> (4.64 m <sup>2</sup> )	50 ft <sup>2</sup> (4.64 m <sup>2</sup> )	25 ft <sup>2</sup> (2.32 m <sup>2</sup> ), excluding interpretive signage	50 ft <sup>2</sup> (4.64 m <sup>2</sup> )

## 8.0 SINGLE UNIT RESIDENTIAL (R-1)

### Permitted Uses

8.1 The following uses shall be permitted in the Single Unit Residential (R-1) zone:

- Single unit dwellings
- Accessory apartments
- Existing manufactured homes

### R-1 Zone General Requirements

8.2 In the R-1 zone, no development permit shall be issued except in conformity with the following:

		with municipal services	with on-site services
<b>Minimum lot area</b>		6,000 ft <sup>2</sup> (557.40 m <sup>2</sup> ) 7,000 ft <sup>2</sup> (650.30 m <sup>2</sup> ) for corner lots	29,000 ft <sup>2</sup> (2,694.10 m <sup>2</sup> )
<b>Minimum lot frontage</b>		60 ft (18.29 m)	100 ft (30.48 m)
<b>Minimum front yard</b>		25 ft (7.62 m)	
<b>Minimum rear yard</b>		25 ft (7.62 m)	
<b>Minimum side yard</b>	<b>one side</b>	6 ft (1.83 m)	
	<b>other side</b>	10 ft (3.05 m)	
<b>Maximum height of main building</b>		35 ft (10.67 m)	

### Accessory Apartments - Special Requirements

8.3 In addition to all other regulations of this By-law, the following provisions shall apply to accessory apartments in the R-1 zone:

- (a) not more than one accessory apartment shall be permitted per lot;
- (b) the accessory apartment shall be contained within or attached to the main dwelling;
- (c) no alterations shall change the roof line or increase the height of the existing dwelling except for the addition of dormers or structures necessary for public safety;
- (d) no new entrances shall be created on the front façade of the existing main dwelling;
- (e) additions shall be limited to the rear yard of the main dwelling;
- (f) the accessory apartment shall not exceed 700 ft<sup>2</sup> (65.03 m<sup>2</sup>) in floor area;

- (g) lot coverage of the entire structure shall be limited to 50 percent; and
- (h) parking shall be provided as required in Section 5.30 in the side or rear yard of the lot.

## 9.0 TWO UNIT RESIDENTIAL (R-2)

### Permitted Uses

9.1 The following uses shall be permitted in the Two Unit Residential (R-2) zone:

- Two-unit dwellings
- Mini homes
- Uses permitted in the R-1 zone subject to the R-1 zone requirements

### R-2 Zone General Requirements

9.2 In the R-2 zone, no development permit shall be issued except in conformity with the following:

	Mini homes		Two-unit dwellings	
	with municipal services	with on-site services	with municipal services	with on-site services
<b>Minimum lot area</b>	6,000 ft <sup>2</sup> (557.40 m <sup>2</sup> ); 7,000 ft <sup>2</sup> (650.30 m <sup>2</sup> ) for corner lots	29,000 ft <sup>2</sup> (2,694.10 m <sup>2</sup> )	3,500 ft <sup>2</sup> (325.15 m <sup>2</sup> )/unit	29,000 ft <sup>2</sup> (2,694.10 m <sup>2</sup> )/unit
<b>Minimum lot frontage</b>	60 ft (18.29 m)	100 ft (30.48 m)	35 ft (10.67 m)/unit	100 ft (30.48 m)/unit
<b>Minimum front yard</b>	25 ft (7.62 m)			
<b>Minimum rear yard</b>	25 ft (7.62 m)			
<b>Minimum side yard</b>	<b>one side</b>	6 ft (1.83 m)		
	<b>other side</b>	10 ft (3.05 m)		
<b>Max. height of main building</b>	35 ft (10.67 m)			

### Subdivision of Semi-detached Units

9.3 Semi-detached dwelling units located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provisions of the West Hants Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

## 10.0 MULTIPLE RESIDENTIAL (R-3)

### Permitted Uses

10.1 The following uses shall be permitted in the Multiple Residential (R-3) zone:

- Dwellings with more than two units
- Residential care facilities providing care for five or fewer persons
- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Uses permitted in the R-2 zone subject to the R-2 zone requirements

### R-3 Zone General Requirements

10.2 In the R-3 zone, no development permit shall be issued except in conformity with the following:

		Townhouse and triplex dwellings	Apartment buildings, residential care facilities
<b>Minimum lot area</b>		3,000 ft <sup>2</sup> (278.70 m <sup>2</sup> )/unit	10,000 ft <sup>2</sup> (929.00 m <sup>2</sup> ) for the first 4 units; plus 1,500 ft <sup>2</sup> (139.35 m <sup>2</sup> ) for each additional unit
<b>Minimum lot frontage</b>		30 ft (9.14 m)/unit	100 ft (30.48 m)
<b>Minimum front yard</b>		25 ft (7.62 m)	35 ft (10.67 m)
<b>Minimum rear yard</b>		25 ft (7.62 m)	35 ft (10.67 m)
<b>Minimum side yard</b>	<b>one side</b>	15 ft (4.57 m) or ½ the height of the main building, whichever is greater	
	<b>other side</b>	5 ft (1.52 m)	
<b>Maximum height of main building</b>		35 ft (10.67 m)	3 storeys*
<b>Maximum number of units per building</b>		8	20

\* an apartment building of greater than 3 storeys may be considered by Development Agreement

10.3 A development permit shall not be issued for a new R-3 use where the proposed development is not serviced with municipal water and sewer services.

### Landscaping

10.4 In the case of a building containing three or more units, outdoor parking and service areas shall be screened from the street and adjacent residential properties through the use of landscaping or opaque fencing.

### **Recreational Space**

10.5 Notwithstanding anything else in this By-law, no development permit shall be issued for a dwelling with three or more units unless useable space for recreational uses is provided on the same lot according to the following schedule:

- (a) bachelor unit - 150 ft<sup>2</sup> (13.94 m<sup>2</sup>) per unit
- (b) 1 bedroom unit - 200 ft<sup>2</sup> (18.58 m<sup>2</sup>) per unit
- (c) 2 bedroom unit - 250 ft<sup>2</sup> (23.22 m<sup>2</sup>) per unit
- (d) 3 bedroom unit - 270 ft<sup>2</sup> (25.08 m<sup>2</sup>) per unit
- (e) 4 bedroom unit - 400 ft<sup>2</sup> (37.16 m<sup>2</sup>) per unit

### **Subdivision of Townhouse Units**

10.6 Townhouse dwelling units located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provision of the West Hants Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a townhouse dwelling.

## 11.0 RURAL RESIDENTIAL (R-4)

### Permitted Uses

11.1 The following uses shall be permitted in the Rural Residential (R-4) zone:

- Existing churches, community centres, fire halls, schools and post offices
- Manufactured homes
- Seasonal dwellings subject to the GR zone requirements
- Single and two-unit dwellings

### R-4 Zone General Requirements

11.2 In the R-4 zone, no development permit shall be issued except in conformity with the following:

		Single unit and seasonal dwellings, manufactured homes	Two units	Other uses
<b>Minimum lot area</b>		29,000 ft <sup>2</sup> (2,694.10 m <sup>2</sup> )	29,000 ft <sup>2</sup> (2,694.10 m <sup>2</sup> )/unit	40,000 ft <sup>2</sup> (3,716.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>		100 ft (30.48 m)	100 ft (30.48 m)/unit	100 ft (30.48 m)
<b>Minimum front yard</b>		25 ft (7.62 m)		
<b>Minimum rear yard</b>		25 ft (7.62 m)		
<b>Minimum side yard</b>	<b>one side</b>	6 ft (1.83 m)		
	<b>other side</b>	10 ft (3.05 m)		
<b>Maximum height of main building</b>		35 ft (10.67 m)		

## 12.0 MANUFACTURED HOME PARK (MHP)

### Permitted Uses

12.1 The following uses shall be permitted in the Manufactured Home Park (MHP) zone:

- Manufactured homes
- Manufactured home park offices and uses accessory to the operation of a manufactured home park
- Existing single unit dwellings

### MHP Zone General Requirements

12.2 Except as provided in Sections 12.3, 12.4 and 12.5, in the MHP zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>		40,000 ft <sup>2</sup> (3,716.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>		100 ft (30.48 m)
<b>Minimum front yard</b>		25 ft (7.62 m)
<b>Minimum rear yard</b>		25 ft (7.62 m)
<b>Minimum side yard</b>	<b>one side</b>	10 ft (3.05 m)
	<b>other side</b>	6 ft (1.83 m)

### Manufactured Home Space Requirements

12.3 Each manufactured home space within a manufactured home park shall be clearly and permanently marked on the ground in accordance with the following requirements:

<b>Minimum area</b>	4,000 ft <sup>2</sup> (371.60 m <sup>2</sup> )
<b>Minimum frontage</b>	40 ft (12.19 m)

12.4 Each manufactured home shall be sited on a manufactured home space in accordance with the following:

<b>Minimum front yard</b>		10 ft (3.05 m)
<b>Minimum rear yard</b>		15 ft (4.57 m)
<b>Minimum side yard</b>	<b>one side</b>	6 ft (1.83 m)
	<b>other side</b>	4 ft (1.22 m)

- 12.5 Notwithstanding Sections 12.2 and 12.4, the minimum distance between manufactured homes, excluding porches, shall be 20 ft (6.10 m) and no manufactured home shall be placed within 30 ft (9.14 m) of an external lot line or public street.

### **Parking**

- 12.6 In addition to the parking required by Section 5.30, one additional parking space shall be provided for every eight manufactured home spaces.

### **Recreational Space**

- 12.7 Not less than five percent of the total area of the manufactured home park shall be set aside for parks, playgrounds and other useable recreational space.
- 12.8 Where the developer provides formal recreational space such as, but not limited to, tennis courts, lawn bowling greens, putting greens and indoor recreational uses such as community or recreation centres, it shall be counted as double its actual area for the purpose of calculating the five percent recreational space required by Section 12.7.

## 13.0 GENERAL COMMERCIAL (GC)

### Permitted Uses

13.1 The following uses shall be permitted in the General Commercial (GC) zone:

- Arts and crafts studios including photography
- Banks and financial institutions
- Clubs and community organizations
- Commercial schools
- Country inns
- Day care centres, licensed or non-licensed
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farm markets
- Garden and nursery sales and supplies
- Licensed liquor establishments
- Local shopping centres containing uses permitted in the GC zone
- Offices
- Parking structures
- Post offices and postal outlets
- Repair and rental establishments
- Residential uses in the same building as the commercial use, subject to Section 13.6
- Restaurants, excluding drive-through restaurants
- Retail stores
- Service and personal service shops
- Veterinary clinics and animal hospitals
- Existing residential uses

### GC Zone General Requirements

13.2 In the GC zone, no development permit shall be issued except in conformity with the following:

	with municipal services	with on-site services
<b>Minimum lot area</b>	10,000 ft <sup>2</sup> (929.00 m <sup>2</sup> )	29,000 ft <sup>2</sup> (2,694.10 m <sup>2</sup> )
<b>Minimum lot frontage</b>	100 ft (30.48 m)	100 ft (30.48 m)
<b>Minimum front yard</b>	25 ft (7.62 m)	
<b>Minimum rear yard</b>	25 ft (7.62 m)	
<b>Minimum side yard</b>	15 ft (4.57 m)	
<b>Maximum height of main building</b>	35 ft (10.67 m)	

### **Abutting Zone Requirements**

- 13.3 Where a GC zone abuts a lot in a residential zone, the following standards apply:
- (a) the minimum side yard requirement for the commercial use from the abutting lot line shall be 20 ft (6.10 m); and
  - (b) the part of the commercial lot directly adjoining the residential zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to the lot line.

### **Open Storage**

- 13.4 No open storage shall be permitted in the GC zone.

### **Lot Access**

- 13.5 Entrance to and exit from properties zoned GC shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot. Driveways shall meet Nova Scotia Department of Transportation and Public Works' requirements for commercial access.

### **Residential Uses**

- 13.6 Residential uses as part of the same building as a commercial use are permitted provided the total floor area of the residential use does not exceed two-thirds (66 percent) of the total floor area of the building.

### **Maximum Commercial Floor Area in the Village Designation**

- 13.7 The maximum commercial floor area of a GC use in the Village designation shall not exceed 5,000 ft<sup>2</sup> (464.50 m<sup>2</sup>). This restriction shall not apply to existing uses zoned General Commercial. New GC uses with a commercial floor area greater than 5,000 ft<sup>2</sup> (464.50 m<sup>2</sup>) in the Village may be considered by development agreement pursuant to Policies 6.3.4 and 6.4.3 of the Municipal Planning Strategy.

## 14.0 HIGHWAY COMMERCIAL (HC)

### Permitted Uses

14.1 The following uses shall be permitted in the Highway Commercial (HC) zone:

- Arts and crafts studios including photography
- Automobile service stations, car washes and repair centres
- Automobile, truck and motorcycle sales, service or rental establishments
- Building supply establishments
- Day care centres, licensed or non-licensed
- Dry cleaning and laundry establishments
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farm supplies and equipment sales and service
- Farm markets
- Funeral homes
- Garden and nursery sales and supplies
- Heavy equipment sales and service
- Hotels, motels and other tourist accommodations
- Kennels
- Licensed liquor establishments
- Local shopping centres
- Manufactured home sales
- Offices (not on the ground floor)
- Post offices and postal outlets
- Recreational vehicle sales, service and rental establishments
- Recycling depots
- Repair and rental establishments
- Residential uses in the same building as the commercial use, subject to Section 14.5
- Restaurants, including drive-through and take-out establishments
- Retail stores
- Service and personal service shops
- Taxi, train and bus stations
- Veterinary clinics and animal hospitals
- Wholesaling and wholesale sales
- Existing residential uses

### HC Zone General Requirements

14.2 In the HC zone, no development permit shall be issued except in conformity with the following:

	with municipal services	with on-site services
<b>Minimum lot area</b>	20,000 ft <sup>2</sup> (1858.00 m <sup>2</sup> )	29,000 ft <sup>2</sup> (2,694.10 m <sup>2</sup> )
<b>Minimum lot frontage</b>	100 ft (30.48 m)	

<b>Minimum front yard</b>	25 ft (7.62 m)
<b>Minimum rear yard</b>	25 ft (7.62 m)
<b>Minimum side yard</b>	15 ft (4.57 m)
<b>Maximum height of main building</b>	35 ft (10.67 m)

**Abutting Zone Requirements**

- 14.3 Where a HC zone abuts a lot in a residential zone, the following standards apply:
- (a) the minimum side yard requirement for the commercial use from the abutting lot line shall be 20 ft (6.10 m);
  - (b) no open storage or outdoor display shall be permitted in an abutting yard; and
  - (c) the part of the commercial lot directly adjoining the residential zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to the lot line.

**Access**

14.4 Entrance to and exit from properties zoned GC shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot. Driveways shall meet Nova Scotia Department of Transportation and Public Works' requirements for commercial access.

**Residential Uses**

14.5 Residential uses as part of the same building as a commercial use are permitted provided the total floor area of the residential use does not exceed two-thirds (66 percent) of the total floor area of the building.

**Maximum Commercial Floor Area in the Village Designation**

14.6 The maximum commercial floor area of HC uses in the Village designation shall not exceed 5,000 ft<sup>2</sup> (464.50 m<sup>2</sup>). This restriction shall not apply to existing uses zoned Highway Commercial. New HC uses with a commercial floor area greater than 5,000 ft<sup>2</sup> (464.50 m<sup>2</sup>) may be considered by development agreement pursuant to Policies 6.3.4 and 6.4.3 of the Municipal Planning Strategy

## 15.0 LOCAL COMMERCIAL (LC)

### Permitted Uses

15.1 The following uses shall be permitted in the Local Commercial (LC) zone:

- Arts, crafts, gifts and antique shops
- Clubs
- Convenience stores
- Country inns with fewer than 10 rooms
- Florists
- Day care centres, licensed or non-licensed
- Offices
- One dwelling unit in conjunction with a permitted commercial use, either located in the same building or as a single unit dwelling on the same lot
- Personal service shops
- Restaurants, excluding drive-through restaurants
- Uses permitted in the R-1 zone subject to the R-1 zone requirements

### LC Zone General Requirements

15.2 In the LC zone, no development permit shall be issued except in conformity with the following:

		with municipal services	with on-site services
<b>Minimum lot area</b>		7,000 ft <sup>2</sup> (650.30 m <sup>2</sup> )	29,000 ft <sup>2</sup> (2,694.10 m <sup>2</sup> )
<b>Minimum lot frontage</b>		70 ft (21.34 m)	100 ft (30.48 m)
<b>Minimum front yard</b>		25 ft (7.62 m)	
<b>Minimum rear yard</b>		25 ft (7.62 m)	
<b>Minimum side yard</b>	<b>one side</b>	8 ft (2.44 m)	
	<b>other side</b>	15 ft (4.57 m)	
<b>Maximum height of main building</b>		35 ft (10.67 m)	

### Maximum Commercial Floor Area

15.3 With the exception of country inns, the commercial floor area for a business in the LC zone shall not exceed 1,000 ft<sup>2</sup> (92.90 m<sup>2</sup>).

**Abutting Zone Requirements**

15.4 Where a LC zone abuts a lot in a residential zone, the minimum side yard requirement for the commercial use from the abutting lot line shall be 20 ft (6.10 m).

**Open Storage and Outdoor Display**

15.5 No open storage or outdoor display shall be permitted in the LC zone.

**Lot Access**

15.6 Entrance to and exit from properties zoned LC shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot. Driveways shall meet Nova Scotia Department of Transportation and Public Works' requirements for commercial access.

## 16.0 RURAL COMMERCIAL (RC)

### Permitted Uses

16.1 The following uses shall be permitted in the Rural Commercial (RC) zone:

- Automobile service stations
- Banks and financial institutions
- Clubs
- Day care centres, licensed or non-licensed
- Farm supplies and equipment sales and service
- Farm markets
- Funeral homes
- Garden and nursery production, sales and supplies
- Hotels, motels and other tourist accommodations, but does not include campgrounds
- Kennels
- Offices
- One dwelling unit in conjunction with a permitted commercial use, located either in the same building or as a single unit dwelling on the same lot
- Personal service shops
- Post offices and postal outlets
- Restaurants
- Retail stores
- Existing dwellings

### RC Zone General Requirements

16.2 In the Rural Commercial (RC) zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	40,000 ft <sup>2</sup> (3,716.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>	150 ft (45.72 m)
<b>Minimum front yard</b>	25 ft (7.62 m)
<b>Minimum rear yard</b>	25 ft (7.62 m)
<b>Minimum side yard</b>	15 ft (4.57 m)
<b>Maximum height of main building</b>	35 ft (10.67 m)

### Maximum Commercial Floor Area

16.3 The commercial floor area for a business in the RC zone shall not exceed 5,000 ft<sup>2</sup> (464.50 m<sup>2</sup>). This requirement shall not apply to automobile service stations, clubs, farm equipment sales and

service, garden and nursery production, and hotels, motels and other tourist accommodations.

### **Abutting Zone Requirements**

- 16.4 Where a RC zone abuts a lot in a residential zone, the following standards apply:
- (a) the minimum side yard requirement for the commercial use from the abutting lot line shall be 20 ft (6.10 m);
  - (b) no open storage or outdoor display shall be permitted in an abutting side yard; and
  - (c) the part of the commercial lot directly adjoining the residential zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to the lot line.

### **Lot Access**

- 16.5 Entrance to and exit from properties zoned RC shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot. Driveways shall meet Nova Scotia Department of Transportation and Public Works' requirements for commercial access.

## 17.0 RECREATION COMMERCIAL (RecC)

### Permitted Uses

17.1 The following uses shall be permitted in the Recreation Commercial (RecC) zone:

- Campgrounds
- Driving ranges
- Golf courses and club houses
- Single unit dwellings
- Ski lodges and facilities
- Tennis courts and club houses

### RecC Zone General Requirements

17.2 In the RecC zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	40,000 ft <sup>2</sup> (3,716.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>	200 ft (60.96 m)
<b>Minimum front yard</b>	30 ft (9.14 m)
<b>Minimum rear yard</b>	30 ft (9.14 m)
<b>Minimum side yard</b>	30 ft (9.14 m)

## 18.0 GENERAL PROVISIONS FOR AGRICULTURAL AND RESOURCE USES

### **Dwellings Accessory to an Agricultural Operation**

- 18.1 More than one dwelling shall be permitted on a lot in an agricultural zone where such dwellings are accessory to an ongoing agricultural operation. Such dwellings shall be permitted only for the use of a farm employee, an owner of the farm property or a family member directly involved in the farm operation.

### **Dwellings – Separation from Intensive Livestock Operations**

- 18.2 No new dwelling shall be constructed within 1,000 ft (304.80 m) of an existing intensive livestock operation. This provision shall not apply to accessory farm dwellings.

### **Intensive Livestock Operations**

- 18.3 No building or structure housing an intensive livestock operation, manure storage facility for an intensive livestock operation, burial site or incinerator for the disposal of dead animals shall be located within:
- (a) 1,000 ft (304.80 m) of a non-farm residential, commercial or institutional building;
  - (b) 200 ft (60.96 m) of an adjacent property, other than another livestock farm or another property that is part of the farm under consideration in which case the distance shall be 40 ft (12.19 m);
  - (c) 150 ft (45.72 m) of a public street or private road; or
  - (d) 300 ft (91.44 m) of a water well or watercourse.
- 18.4 Nothing in this By-law shall prevent the expansion of an existing intensive livestock operation, including the construction of new barns or manure storage facilities, provided the yard and separation distance requirements of this By-law are met or such expansion does not further reduce any yards or separation distances that do not conform.
- 18.5 The separation distances set out in Section 18.3 may be reduced to allow for the expansion or upgrade of an existing intensive livestock operation or the establishment of a new intensive livestock operation, including the construction of new barns or manure storage facilities, provided that:
- (a) the total number of livestock involved in the operation does not exceed the equivalent of 300 animal units;
  - (b) the applicant has submitted an environmental site assessment and plans, signed and sealed by a qualified professional specializing in agricultural engineering in accordance

with the *Engineering Profession Act*, which show there is no pollution risk associated with the project, manure management and storage capacity are adequate for the current and proposed size and type of operation, and contaminated runoff is eliminated or properly contained; and

- (c) following construction, the applicant provides a certificate from a professional engineer which shows that construction has been completed in accordance with the plans submitted under subsection (b).

### **Non-Intensive Livestock Operations**

18.6 No building or structure housing a non-intensive livestock operation shall be located within:

- (a) 50 ft (15.24 m) of an adjoining property in the Growth Centre, Village or Hamlet designations;
- (b) 40 ft (12.19 m) of an adjoining property in a resource designation;
- (c) 40 ft (12.19 m) of a public street or private road; and
- (d) 100 ft (30.48 m) of a water well or watercourse.

18.7 Manure storage for a non-intensive livestock operation shall not be located within:

- (a) 100 ft (30.48 m) of an adjoining residential, commercial or institutional property unless contained in a concrete or wooden enclosure a minimum of 5 ft (1.52 m) in height and built on a concrete pad, in which case the separation distance may be reduced to 50 ft (15.24 m);
- (b) 40 ft (12.19 m) of an adjoining resource property; and
- (c) 100 ft (30.48 m) of a water well or watercourse.

### **Main Buildings**

18.8 More than one main building may be permitted on a lot in an agricultural zone except where the main building is a residential dwelling.

### **Separation Distance for Agricultural Support and Forestry Uses**

18.9 Notwithstanding any other provisions of this By-law, the main building(s) of agricultural support uses or forestry and forestry related uses shall be located at least 500 ft (152.40 m) from any adjacent non-farm residential, commercial or institutional building.

### **Special Requirements – Farm Sales Outlets, Riding Stables**

18.10 Accessory agricultural uses of a commercial nature such as farm sales outlets, riding stables, maple syrup camps or other similar uses that are open to the public and generate customer traffic

shall provide:

- (a) a driveway meeting Nova Scotia Department of Transportation and Public Works' requirements for commercial access; and
- (b) adequate on-site parking in accordance with the requirements of Section 5.30.

**Topsoil Removal Prohibited**

18.11 The removal of topsoil shall be prohibited from lots in an agricultural zone except where incidental to an agricultural use or to excavation associated with the construction of permitted buildings or infrastructure.

**Uses Not Requiring a Permit**

18.12 Agricultural, forestry or mineral uses without buildings are permitted without a development permit; however, the erection of any structure requires a development permit.

## 19.0 PRIME AGRICULTURE (P/Ag) ZONE

### Permitted Uses

19.1 The following uses shall be permitted in the P/Ag zone:

- Agricultural uses
- Existing churches and community halls
- Existing dwellings
- Forestry and forestry related activities
- Single unit dwellings accessory to an ongoing agricultural operation

### P/Agr Zone General Requirements

19.2 In the P/Ag zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	25 acres (10.12 ha)
<b>Minimum lot frontage</b>	200 ft (60.96 m)
<b>Minimum front yard</b>	40 ft (12.19 m)
<b>Minimum rear yard</b>	40 ft (12.19 m)
<b>Minimum side yard</b>	40 ft (12.19 m)

	<b>Agricultural and Forestry uses</b>	<b>Dwellings, Other uses</b>
<b>Maximum height of main building</b>	55 ft (16.76 m)	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	55 ft (16.76 m)	-

### Agricultural Operations

19.3 Notwithstanding Section 19.2, the minimum lot area for an agricultural operation, excluding an accessory residential dwelling, shall be 5 acres (2.02 ha); the remainder lot shall be a minimum of 25 acres (10.12 ha) in area.

### Development on Existing Undersized Lots

19.4 Notwithstanding Sections 19.1 and 19.2, one single unit dwelling as a main use may be permitted on a lot existing as of April 11, 1989 which is 6 acres (2.43 ha) or less in size provided all other requirements are met.

**Limitation on Subdivision**

- 19.5 Pursuant to Section 17(d) of the West Hants Subdivision By-law, all lots to be approved in the P/Ag zone shall abut an existing public street or meet the requirements for lots with less than the required frontage (s. 279 Municipal Government Act variance, water frontage, right-of-way, encroachments, main buildings prior to August 6, 1984) as specified in Sections 20, 21, 23, 24 and 25 of the West Hants Subdivision By-law.

## 20.0 AGRICULTURAL PRIORITY TWO (AR-2) ZONE

### Permitted Uses

20.1 The following uses shall be permitted in the Agricultural Priority Two (AR-2) zone:

- Agricultural support uses
- Agricultural uses
- Churches, community centres and fire halls
- Forestry and forestry related activities
- Manufactured homes
- One and two unit dwellings

### AR-2 Zone General Requirements

20.2 In the AR-2 zone, no development permit shall be issued except in conformity with the following:

	Agricultural uses & support uses, Forestry uses	Dwellings	Churches, Community Centres, Fire Halls
<b>Minimum lot area</b>	3 acres (1.21 ha)	40,000 ft <sup>2</sup> (3,716.00 m <sup>2</sup> )	1 acre (0.40 ha)
<b>Minimum lot frontage</b>	300 ft (91.44 m)	150 ft (45.72 m)	100 ft (30.48 m)
<b>Minimum front yard</b>	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
<b>Minimum rear yard</b>	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
<b>Minimum side yard</b>	40 ft (12.19 m)	6 ft (1.83 m) on one side; 10 ft (3.05 m) on other	10 ft (3.05 m)

	Agricultural uses & support uses, Forestry uses	Dwellings, Churches, Community Centres, Fire Halls
<b>Maximum height of main building</b>	55 ft (16.76 m)	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	55 ft (16.76 m)	-

### Limitation on Subdivision

20.3 Pursuant to Section 29 of the West Hants Subdivision By-law, subdivision of land within the AR-2 zone shall be limited to the approval of two lots per area of land during a calendar year. This requirement shall not prevent the consolidation of two or more parcels.

- 20.4 Pursuant to Section 17(d) of the West Hants Subdivision By-law, all lots to be approved in the AR-2 zone shall abut an existing public street or meet the requirements for lots with less than the required frontage (s. 279 Municipal Government Act variance, water frontage, right-of-way, encroachments, main buildings prior to August 6, 1984) as specified in Sections 20, 21, 23, 24 and 25 of the West Hants Subdivision By-law.

## 21.0 AGRICULTURAL PRIORITY THREE (AR-3) ZONE

### Permitted Uses

21.1 The following uses shall be permitted in the Agricultural Priority Three (AR-3) zone:

- Agricultural support uses
- Agricultural uses
- Churches, community centres and fire halls
- Forestry and forestry related activities
- Manufactured homes
- One and two unit dwellings
- Existing indoor recreation uses

### AR-3 Zone General Requirements

21.2 In the AR-3 zone, no development permit shall be issued except in conformity with the following:

	<b>Agricultural uses &amp; support uses, Forestry uses</b>	<b>Dwellings</b>	<b>Churches, Community Centres, Fire Halls</b>
<b>Minimum lot area</b>	3 acres (1.21 ha)	40,000 ft <sup>2</sup> (3,716.00 m <sup>2</sup> )	1 acre (0.40 ha)
<b>Minimum lot frontage</b>	300 ft (91.44 m)	150 ft (45.72 m)	100 ft (30.48 m)
<b>Minimum front yard</b>	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
<b>Minimum rear yard</b>	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
<b>Minimum side yard</b>	40 ft (12.19 m)	6 ft (1.83 m) on one side; 10 ft (3.05 m) on other	10 ft (3.05 m)

	<b>Agricultural uses &amp; support uses, Forestry uses</b>	<b>Dwellings, Churches, Community Centres, Fire Halls</b>
<b>Maximum height of main building</b>	55 ft (16.76 m)	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	55 ft (16.76 m)	-

**Special Provisions for Growth Centres, Village and Hamlets**

21.3 Notwithstanding the permitted uses listed in Section 21.1:

- (a) new intensive livestock operations and agricultural support uses shall not be permitted on properties zoned AR-3 in a Growth Centre, Village or Hamlet designation;
- (b) mobile homes shall not be permitted on properties zoned AR-3 in a Growth Centre or Village designation.

**Limitation on Subdivision**

21.4 Pursuant to Section 17(d) of the West Hants Subdivision By-law, all lots to be approved in the AR-3 zone shall abut an existing public street or meet the requirements for lots with less than the required frontage (s. 279 Municipal Government Act variance, water frontage, right-of-way, encroachments, main buildings prior to August 6, 1984) as specified in Sections 20, 21, 23, 24 and 25 of the West Hants Subdivision By-law.

## 22.0 GENERAL RESOURCE (GR)

### Permitted Uses

22.1 The following uses shall be permitted in the General Resource (GR) zone:

- Agricultural support uses
- Agricultural uses
- Automobile service stations
- Churches, community centres and fire halls
- Farm equipment sales and service
- Forestry and forestry related activities
- Manufactured homes
- Personal service shops
- Restaurants
- Retail stores under 5,000 ft<sup>2</sup> (139.35 m<sup>2</sup>) in commercial floor area
- Seasonal dwellings on private roads
- Single and two unit dwellings
- Structures associated with sand and gravel extraction operations
- Existing automobile, truck and motorcycle sales, service and rental establishments

### GR Zone General Requirements

22.2 In the GR zone, no development permit shall be issued except in conformity with the following:

	Resource Uses	All other uses
<b>Minimum lot area</b>	40,000 ft <sup>2</sup> (3,716.00 m <sup>2</sup> )	
<b>Minimum lot frontage</b>	150 ft (45.72 m)	
<b>Minimum front yard</b>	40 ft (12.19 m)	25 ft (7.62 m)
<b>Minimum rear yard</b>	40 ft (12.19 m)	25 ft (7.62 m)
<b>Minimum side yard</b>	40 ft (12.19 m)	15 ft (4.57 m)
<b>Maximum height of main building</b>	55 ft (16.76 m)	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	55 ft (16.76 m)	-

### Abutting Zone Requirements

22.3 Where a General Resource (GR) zone abuts a residential zone in a Hamlet, Village or Growth Centre designation, the following provisions shall apply to commercial uses:

- (a) the minimum side yard requirement for the commercial use from the abutting lot line shall be 20 ft (6.10 m);

- (b) no open storage or outdoor display shall be permitted in an abutting side yard; and
- (c) the part of the commercial lot directly adjoining the residential zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to the lot line.

**Private Roads**

- 22.4 A development permit may be issued for a seasonal dwelling, a single unit dwelling or an agricultural or forestry use to be located on a lot with frontage on a private road.

## 23.0 MINERAL RESOURCE (MR)

### Permitted Uses

23.1 The following uses are permitted in the Mineral Resource (MR) zone:

- Agricultural support uses
- Agricultural uses
- Forestry and forestry related activities
- Manufactured homes
- Mineral processing industries
- Single and two unit dwellings
- Structures related to mineral extractive uses including sand & gravel operations

### MR Zone General Requirements

23.2 In the MR zone, no development permit shall be issued except in conformity with the following:

	Resource uses	Dwellings
<b>Minimum lot area</b>	40,000 ft <sup>2</sup> (3,716.00 m <sup>2</sup> )	
<b>Minimum lot frontage</b>	150 ft (45.72 m)	
<b>Minimum front yard</b>	40 ft (12.19 m)	25 ft (7.62 m)
<b>Minimum rear yard</b>	40 ft (12.19 m)	25 ft (7.62 m)
<b>Minimum side yard</b>	40 ft (12.19 m)	25 ft (7.62 m)
<b>Maximum height of main building</b>	55 ft (16.76 m)	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	55 ft (16.76 m)	-

### Minimum Separation Distance

23.3 Notwithstanding any other provisions of this By-law, a main building of a mineral processing industry shall be located at least 500 ft (152.40 m) from land designated Growth Centre, Village or Hamlet as well as from existing residential, commercial or institutional buildings.

## 24.0 WATER SUPPLY (W)

### Permitted Uses

24.1 The following uses shall be permitted in the Water Supply (W) zone:

- Agricultural uses excluding dwellings, the keeping of livestock and greenhouse operations
- Forestry uses excluding processing structures
- Historic buildings and sites
- Municipal water treatment and distribution uses
- Outdoor recreation uses provided no permanent structures are erected
- Uses, buildings and structures necessary for the prevention of floods, soil erosion and other similar natural occurrences
- Woods camps

### W Zone General Requirements

24.2 In the W zone, no development permit, with the exception of municipal water treatment and distribution uses, shall be issued except in conformity with the following:

<b>Minimum lot area</b>	10 acres (4.05 ha)
<b>Minimum lot frontage</b>	200 ft (60.96 m)
<b>Minimum water frontage*</b>	300 ft (91.44 m)
<b>Minimum front yard</b>	50 ft (15.24 m)
<b>Minimum rear yard</b>	50 ft (15.24 m)
<b>Minimum side yard</b>	50 ft (15.24 m)
<b>Maximum height of main building</b>	35 ft (10.67 m)

\*Water frontage requirement applies to lots with frontage on Mill Lake and Davidson Lake.

### Environmental Study

24.3 No development permit shall be issued for any proposed development within 213.25 ft (65 m.) of any watercourse or water body in the W zone until an environmental study, as described in Policy 9.3.8 of the Municipal Planning Strategy, has been completed and submitted to the Development Officer.

### Slope

24.4 No structure may be erected or land levels altered on any portion of a lot in the W zone where the slope is greater than 15 percent with the exception of buildings or structures related to:

- (a) the prevention of floods, or erosion, or which serve to facilitate drainage; and
- (b) municipal water treatment and distribution uses.

**Protected Water Areas**

24.5 In addition to all requirements of this By-law, additional regulations may apply to areas designated as Protected Water Areas under the Nova Scotia *Environment Act*, including the French Mill Brook and Mill Lakes water supply watersheds.

**Woods Camps**

24.6 The total floor area of a woods camp in the W zone shall not exceed 600 ft<sup>2</sup> (55.74 m<sup>2</sup>), excluding any decks, balconies, exterior staircases and similar features.

## 25.0 LANDFILL (LF)

### Permitted Uses

25.1 The following uses are permitted in the Landfill (LF) zone:

- Municipal solid waste landfill operations including stormwater, leachate, landfill and gas handling and treatment systems as required
- White goods/metals storage areas
- Household hazardous waste depots
- Leaf and yard waste storage and compost areas
- Hydrocarbon impacted soil remediation areas
- Asbestos waste storage areas
- Construction and demolition waste receiving and processing areas
- Haulage and transfer truck maintenance and parking areas
- Waste drop off areas
- Recycling depots
- Uses accessory to the operation of a landfill except for the disposal of hazardous waste

### LF Zone General Requirements

25.2 In the LF zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	5 acres (2.02 ha)
<b>Minimum lot frontage</b>	200 ft (60.96 m)
<b>Minimum front yard</b>	50 ft (15.24 m)
<b>Minimum rear yard</b>	50 ft (15.24 m)
<b>Minimum side yard</b>	25 ft (7.62 m)
<b>Maximum height of main building</b>	55 ft (16.76 m)
<b>Maximum height of accessory building</b>	55 ft (16.76 m)

## 26.0 RESOURCE INDUSTRIAL (M-1)

### Permitted Uses

26.1 The following uses shall be permitted in the Resource Industrial (M-1) zone:

- Abattoirs
- Agricultural processing industries
- Any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment
- Any manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other obnoxious emission of refuse matter or water-carried waste, or by reason of unsightly open storage
- Building supply and equipment depots
- Bulk storage of sand and gravel
- Commercial and office uses accessory to a main use
- Commercial greenhouses
- Excavation and landscaping operations
- Farm supplies and equipment sales and service
- Feed and fertilizer industries
- Fruit and vegetable sorting, grading and packaging establishments
- Fuel storage depots
- Heavy equipment sales and service
- Railway uses
- Recycling depots
- One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
- Saw mills
- Service industries
- Structures related to sand and gravel excavation and processing
- Utility facilities
- Wood processing and manufacturing establishments

### M-1 Zone General Requirements

26.2 In the M-1 zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	40,000 ft <sup>2</sup> (3,716.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>	200 ft (60.96 m)
<b>Minimum front yard</b>	40 ft (12.19 m)
<b>Minimum rear yard</b>	40 ft (12.19 m)
<b>Minimum side yard</b>	40 ft (12.19 m)

<b>Maximum height of main building</b>	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	35 ft (10.67 m)

**Yards Adjacent to a Railway**

26.3 In the M-1 zone, the yard requirements shall be waived for any yard which directly abuts a railway right-of-way.

**Open Storage**

26.4 Where a M-1 lot abuts a lot used for residential purposes, a planting strip shall be required to screen any open storage as specified in Section 5.28.

**Access**

26.5 Entrance to and exit from properties zoned M-1 shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot. Driveways shall meet Nova Scotia Department of Transportation and Public Works' requirements for commercial access.

## 27.0 HAMLET INDUSTRIAL (M-2)

### Permitted Uses

27.1 The following uses shall be permitted in the Hamlet Industrial (M-2) zone:

- Agricultural processing industries
- Feed and fertilizer establishments
- Fruit and vegetable sorting, grading and packaging establishments
- One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
- Saw mills
- Service industries and shops
- Wood processing and manufacturing establishments

### M-2 Zone General Requirements

27.2 In the M-2 zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	40,000 ft <sup>2</sup> (3,716.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>	200 ft (60.96 m)
<b>Minimum front yard</b>	40 ft (12.19 m)
<b>Minimum rear yard</b>	40 ft (12.19 m)
<b>Minimum side yard</b>	40 ft (12.19 m)
<b>Maximum height of main building</b>	35 ft (10.67 m)

### Open Storage

27.3 The following restrictions shall apply to open storage in the M-2 zone:

- (a) open storage shall not be permitted within the required front yard of a lot or in a side yard abutting a residential zone;
- (b) the area devoted to open storage shall not exceed 50 percent of the lot area; and
- (c) a planting strip shall be required as specified in Section 5.28.

### Access

27.4 Entrance to and exit from properties zoned M-2 shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot. Driveways shall meet Nova Scotia Department of Transportation and Public Works' requirements for commercial access.

## 28.0 LOCAL INDUSTRIAL (LI)

### Permitted Uses

28.1 The following uses shall be permitted in the Local Industrial (LI) zone:

- Auto repair and auto body shops in conjunction with a single unit dwelling
- Excavation and landscaping operations in conjunction with a single unit dwelling
- Service shops in conjunction with a single unit dwelling
- Transport depots in conjunction with a single unit dwelling
- Uses permitted in the R-1 zone subject to the R-1 zone requirements

### LI Zone General Requirements

28.2 In the LI zone, no development permit shall be issued except in conformity with the following:

	with municipal services	with on-site services
<b>Minimum lot area</b>	10,000 ft <sup>2</sup> (929.00 m <sup>2</sup> )	29,000 ft <sup>2</sup> (2,694.10 m <sup>2</sup> )
<b>Minimum lot frontage</b>	100 ft (30.48 m)	150 ft (45.72 m)
<b>Minimum front yard</b>	25 ft (7.62 m)	
<b>Minimum rear yard</b>	25 ft (7.62 m)	
<b>Minimum side yard</b>	15 ft (4.57 m)	
<b>Maximum height of main building</b>	35 ft (10.67 m)	

### Abutting Zone Requirements

28.3 Where a Local Industrial (LI) use abuts a lot in a residential zone, the following standards apply:

- (a) the minimum side yard requirement for the LI use from the abutting lot line shall be 20 ft (6.10 m);
- (b) no open storage shall be permitted in the abutting side yard; and
- (c) the part of the industrial lot directly adjoining the residential zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to the lot line.

### Access

28.4 Entrance to and exit from properties zoned LI shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot. Driveways shall meet Nova Scotia Department of Transportation and Public Works' requirements for commercial access.

## 29.0 LIGHT INDUSTRIAL (LI-1)

### Permitted Uses

29.1 The following uses shall be permitted in the Light Industrial (LI-1) zone:

- Abattoirs
- Agricultural processing industries
- Animal hospitals and veterinarian establishments
- Any activity connected with the automotive trade other than an automotive scrap yard or automobile-related commercial recreational establishment
- Any manufacturing, industrial, assembly, or warehousing operation conducted and wholly contained within an enclosed building and which is not considered obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission
- Building supply and equipment depots
- Bulk sales establishments
- Commercial and office uses accessory to a main use
- Display courts
- Dry cleaning and laundry establishments
- Excavation and landscaping operations
- Farm supplies and equipment sales and service
- Fuel storage depots
- Garden and nursery sales and supplies
- Heavy equipment sales and service
- Industrial training facilities
- Moving and storage depots
- Railway uses
- Recreational vehicle sales, service and rental establishments
- Recycling depots
- Research facilities
- Sales and service of manufacturing and processing machinery or equipment
- Sawmills
- Service industries
- Support services
- Telecommunications towers and accessory buildings
- Transport depots
- Utility uses
- Wholesale establishments

### LI-1 Zone General Requirements

29.2 In the LI-1 zone, no development permit shall be issued except in conformity with the following:

	with municipal services	with on-site services
<b>Minimum lot area</b>	10,000 ft <sup>2</sup> (929.00 m <sup>2</sup> )	29,000 ft <sup>2</sup> (2,694.10 m <sup>2</sup> )

	with municipal services	with on-site services
<b>Minimum lot frontage</b>	100 ft (30.48 m)	150 ft (45.72 m)
<b>Minimum front yard</b>	30 ft (9.14 m)	
<b>Minimum rear yard</b>	30 ft (9.14 m)	
<b>Minimum side yard</b>	10 ft (3.05 m)	
<b>Minimum distance between buildings or structures</b>	15 ft (4.57 m)*	
<b>Maximum height of main building</b>	40 ft (12.19 m)	
<b>Maximum height of accessory building</b>	40 ft (12.19 m)	

\* when fire resistant walls are constructed, distance requirements may be reduced to 0 ft (0 m)

### **Lots Abutting a Non-Industrial Zone**

29.3 Where a lot in the LI-1 zone abuts a residential or institutional zone the following provisions shall apply:

- (a) the industrial use shall be set back from the abutting lot line a minimum of 20 ft (6.10 m);
- (b) the property shall be landscaped to ensure that no unstable or exposed soils exist; and
- (c) the part of the lot directly adjoining the residential or institutional zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to said lot line.

29.4 Where the yard of a lot within the LI-1 zone abuts a railway line, no setback shall be required from the abutting lot line.

### **Access**

29.5 Entrance to and exit from properties zoned LI-1 shall be restricted to not more than two driveways on any street. On a corner lot, access shall be restricted to not more than three driveways to the lot.

## 30.0 JOINT INDUSTRIAL TYPE TWO (LI-2)

### Permitted Uses

30.1 The following uses shall be permitted in the Joint Industrial Type Two (LI-2) zone:

- Animal hospitals and veterinarian establishments
- Any manufacturing, industrial, assembly, or warehousing operation conducted and wholly contained within an enclosed building and which is not considered obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission
- Any activity connected with the automotive trade other than an automotive scrap yard or automobile-related commercial recreational establishment
- Breweries, distilleries, wineries
- Building supply and equipment depots
- Business and professional offices excluding doctor, dentist and lawyer offices, financial institutions, real estate offices, and personal service office uses such as beauty consultants
- Chemical and chemical products
- Commercial uses accessory to a main use permitted which is conducted in the main building
- Courier services
- Display courts
- Existing donut shop
- Farm implement sales, service and repair
- Fencing and fence erectors
- Fuel storage depots
- Garden and nursery sales and supplies
- Government establishments except retail outlets
- Indoor recreation establishments
- Industrial training facilities
- Laundry and dry cleaning establishments
- Manufacturing and processing machinery or equipment, sales and service
- Marine sales, service & repair
- Manufactured homes sales and service
- Moving and storage depots
- Railway uses
- Research facilities
- Recreation vehicles sales and service
- Recycling depots
- Service industries
- Support services
- Taxi and bus depots
- Transportation depots
- Utility facilities
- Wholesaling and wholesale sales
- Ambulance service
- Animal shelters

### LI-2 Zone General Requirements

30.2 In the LI-2 zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	10,000 ft <sup>2</sup> (929.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>	100 ft (30.48 m)
<b>Minimum front yard</b>	30 ft (9.14 m)
<b>Minimum rear yard</b>	30 ft (9.14 m)
<b>Minimum side yard</b>	10 ft (3.05 m)
<b>Minimum distance between buildings or structures</b>	15 ft (4.57 m)*
<b>Maximum height of main building</b>	40 ft (12.19 m)
<b>Maximum height of accessory building</b>	40 ft (12.19 m)

\* when fire resistant walls are constructed, distance requirements may be reduced to 0 ft (0 m)

**Lots Abutting a Non-Industrial Zone**

30.3 Where a LI-2 zone abuts a residential or institutional zone the following provisions shall apply:

- (a) the industrial use shall be set back from the abutting lot line a minimum of 20 ft (6.10 m);
- (b) the property shall be landscaped to ensure that no unstable or exposed soils exist; and
- (c) the part of the non-residential lot directly adjoining the residential or institutional zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to said lot line.

30.4 Where the yard of a lot within the LI-2 zone abuts a railway line, no setback shall be required from the abutting lot line.

## 31.0 JOINT INDUSTRIAL TYPE THREE (LI-3)

### Permitted Uses

31.1 The following uses shall be permitted in the Joint Industrial Type Three (LI-3) zone:

- Animal hospitals and veterinarian establishments
- Any activity connected with the automobile trade other than an automotive scrap yard, or automobile-related commercial recreational establishment
- Breweries, distilleries, wineries
- Banks and financial institutions
- Building supply and equipment depots
- Business and professional offices
- Commercial uses accessory to a permitted main use which is conducted in the main building
- Courier services
- Display courts
- Farm implement sales, service and repair
- Fencing and fence erectors
- Garden nursery sales and supplies
- Government establishments
- Grocery stores
- Hardware stores
- Indoor recreation establishments
- Industrial training classroom facilities
- Laundry and dry cleaning establishments
- Manufacturing and processing machinery or equipment, sales and service
- Marine sales, service and repair
- Personal service shops
- Recreation vehicles, sales and service
- Restaurants, drive-in restaurants
- Retail stores
- Service industries
- Service shops
- Support services
- Taxi and bus depots
- Wholesaling and wholesale sales
- Hotels/motels

### LI-3 Zone General Requirements

31.2 In the LI-3 zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	10,000 ft <sup>2</sup> (929.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>	100 ft (30.48 m)

<b>Minimum front yard</b>	25 ft (7.62 m)
<b>Minimum rear yard</b>	25 ft (7.62 m)
<b>Minimum side yard</b>	15 ft (4.57 m)
<b>Distance between buildings or structures</b>	15 ft (4.57 m)*
<b>Maximum height of main building</b>	35 ft (10.67 m)

\* when fire resistant walls are constructed, distance requirements may be reduced to 0 ft (0 m)

### **Lots Abutting a Non-Industrial Zone**

31.3 Where a Joint Industrial Type Three (LI-3) zone abuts a residential or institutional zone the following provisions shall apply:

- (a) the industrial use shall be set back from the abutting lot line a minimum of 20 ft (6.10 m);
- (b) the property shall be landscaped to ensure that no unstable or exposed soils exist; and
- (c) the part of the non-residential lot directly adjoining the residential or institutional zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to said lot line.

31.4 Where the yard of a lot within the LI-3 zone abuts a railway line, no setback shall be required from the abutting lot line.

## 32.0 INSTITUTIONAL (I)

### Permitted Uses

32.1 The following uses shall be permitted in the Institutional (I) zone:

- Any institutional use which is incorporated under the *Societies Act*
- Churches and associated halls
- Colleges, universities and schools, including school dormitories
- Community centres
- Community service clubs and organizations
- Emergency services facilities (i.e., police, ambulance and fire stations)
- Government offices
- Homes for special care
- Hospitals and medical clinics
- Indoor recreation uses
- Libraries, museums and art galleries
- Residences accessory to permitted uses
- Senior citizen housing
- Tourist bureaus

### General Lot Requirements

32.2 In the Institutional (I) zone, no development permit shall be issued except in conformity with the following:

	with municipal services	with on-site services
<b>Minimum lot area</b>	24,000 ft <sup>2</sup> (2,229.60 m <sup>2</sup> )	40,000 ft <sup>2</sup> (3,716.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>	120 ft (30.48 m)	
<b>Minimum front yard</b>	30 ft (9.14 m)	
<b>Minimum rear yard</b>	30 ft (9.14 m)	
<b>Minimum side yard</b>	30 ft (9.14 m)	
<b>Maximum height of main building</b>	35 ft (10.67 m)	

## 33.0 OPEN SPACE (OS)

### Permitted Uses

33.1 The following uses shall be permitted in the Open Space (OS) zone:

- Cemeteries
- Historic sites, interpretive centres and museums
- Outdoor recreation uses
- Parks and playgrounds
- Uses, buildings and structures necessary for the prevention of floods, soil erosion and other similar natural occurrences

### General Lot Requirements

33.2 In the Open Space (OS) zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	20,000 ft <sup>2</sup> (1,858.00 m <sup>2</sup> )
<b>Minimum front yard</b>	30 ft (9.14 m)
<b>Minimum rear yard</b>	30 ft (9.14 m)
<b>Minimum side yard</b>	30 ft (9.14 m)
<b>Maximum height of main building</b>	35 ft (10.67 m)

## 34.0 DYKELAND OVERLAY

### Dykeland

- 34.1 In areas shown as Dykeland on Schedule A of this By-law, no development permit shall be issued for any new building permitted in the underlying zone, except for:
- (a) pump houses or other structures required for water distribution or irrigation;
  - (b) accessory buildings, excluding accessory residential dwellings, having a gross floor area not greater than 500 ft<sup>2</sup> (46.45 m<sup>2</sup>) on lots of 5 acres (2.02 ha) or less in size existing as of April 18, 2001; or
  - (c) gazebos or boathouses for personal non-commercial use.
- 34.2 In areas shown as Dykeland on Schedule A of this By-law:
- (a) a pump house permitted under subsection 34.1(a) herein, a building for which a development permit was issued prior to April 18, 2001, or a building existing as of April 18, 2001, may be enlarged, reconstructed, repaired or renovated provided all other applicable requirements of this By-law are satisfied; and
  - (b) the use of a building existing, or for which a development permit was issued, prior to April 18, 2001, may be changed to a use permitted in the underlying zone, except where such use involves more intensive human or livestock occupancy, or the warehousing or production of hazardous materials.
- 34.3 An accessory building permitted under subsection 34.1(b) may be enlarged, reconstructed, repaired or renovated provided all other applicable requirements of this By-law are satisfied, but in no case shall the gross floor area of the building exceed 500 ft<sup>2</sup> (46.45 m<sup>2</sup>).

### Infilling

- 34.4 The infilling and alteration of topography of any property in areas shown as Dykeland on Schedule A of this By-law shall not be permitted except as necessary for:
- (a) construction and maintenance of dykes, aboiteaux, ditches, drains, roads and other works necessary for the prevention of flooding and the protection of dykeland;
  - (b) the maintenance, repair and expansion of public and private roads, highways, driveways and parking areas existing as of April 18, 2001;
  - (c) the construction of new public or private roads shown on a tentative or final plan of subdivision approved by the development officer prior to April 18, 2001;
  - (d) the reasonable construction of new driveways and parking areas where the development officer has approved the issuance of a development permit for a permitted use in the

underlying zone.

- (e) construction of sports fields, golf courses, boat launches, trails and other recreational uses which require a limited amount of infilling and alteration of topography, but do not involve buildings;
- (f) the creation and maintenance of wetlands for the purposes of recreation and wildlife habitat enhancement;
- (g) farmland improvement including dykeland land forming carried out in accordance with generally accepted farming practices; or
- (h) the construction of new public streets shown on an approved subdivision plan, subject to the additional requirements of Subsection 34.6 herein, provided that the portion of the street which is located on dykeland does not exceed 250 ft (76.20 m) in length.

34.5 No infilling or alteration of topography carried out under Subsection 34.4 (a) herein shall impede drainage or flow of flood water or unnecessarily reduce flood water storage capacity.

34.6 Where a new public street is proposed on dykeland in accordance with Subsection 34.4 (h), the property owner shall submit:

- (a) road design and construction plans prepared under the seal of a Professional Engineer and satisfactory to the Municipal Engineer which adequately deal with public safety and elevation and drainage of the street;
- (b) an environmental study prepared by a qualified person which clearly demonstrates that the construction of the street will not adversely affect drainage on another property or reduce the water storage capacity of the flood plain; and
- (c) any other information required by the Development Officer or Municipal Engineer to determine whether the requirements of this section have been met.

**Requirements Shall Not Apply Where Survey Submitted**

34.7 The requirements of this Section shall not apply where the property owner submits a survey plan prepared by a Nova Scotia Land Surveyor which shows that the site of the proposed development and any required on-site sewage disposal system has an elevation in excess of the high water elevation for the applicable dykeland as set out in Table 34.7.1.

<b>Table 34.7.1 HIGH WATER ELEVATIONS WEST HANTS DYKELANDS INCORPORATED UNDER NOVA SCOTIA MARSHLAND RECLAMATION ACT</b>	
<b>Tidal Dykelands</b>	<b>High Water Elevation, Geodetic (ft)</b>
Burlington	26.5
Centre Burlington	24.9
Elderkin	26.0
Greenhill	27.0
Kennetcook	26.0
Newport Town	26.0
St. Croix	26.0
Scotch Village	26.5
Herbert River	25.6
Tregothic	27.5
Chambers	26.0
Mantua-Poplar Grove	26.0
Wentworth	26.5
Belmont	26.5
<b>Dykelands Above Causeway</b>	
Armstrong	26.5
Martock	26.0
Falmouth Great Dyke	26.0
Windsor Forks	26.0
Castle Frederick	26.0
Falmouth Village	26.0

34.8 Where approval for an on-site sewage disposal system was granted by the Nova Scotia Department of the Environment prior to December 20, 2000, the survey plan required under Subsection 34.6 shall show only that the proposed building site, and not the site of the on-site sewage disposal system, has an elevation in excess of the high water elevation for the applicable dykeland.

**Agricultural Marshland Conservation Act**

34.9 Notwithstanding the requirements of this Section, no development permit shall be issued in areas shown as Dykeland on Schedule A unless such development is permitted under the *Nova Scotia Agricultural Marshland Conservation Act*.

## 35.0 DEFINITIONS

35.1 In this By-law, all words carry their customary meaning except for those words and phrases defined as follows:

**Abattoir** means a building or structure, or part thereof, used for the slaughtering of animals;

**Accessory Apartment** means a self-contained dwelling unit within or attached to a main dwelling in such a way as to maintain the appearance of the structure as a single unit dwelling;

**Accessory Building or Structure** means a subordinate building or structure on the same lot as the main building, devoted exclusively to an accessory use, but does not include a building attached in any way to the main building, a building located completely underground or a motor vehicle, truck body, transport trailer or any part thereof;

**Accessory Farm Sales Outlet** means a use accessory to a farm where agricultural products produced on the farm where such outlet is located comprise the major portion of goods offered or kept for sale directly to the public;

**Accessory Use** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot;

**Agricultural Support Use** means a building or structure tied to the farm operation and located on the farm property and may include abattoirs, agricultural warehousing, processing, sorting, grading, packaging and transport facilities;

**Agricultural Use** means the use of land, buildings or structures for the production of crops or livestock, or both, for gain or reward which may include, but is not necessarily limited to:

- (a) the growing and harvesting of crops such as vegetables, fruits, field crops, berries, trees, maple syrup, mushrooms, flowers and landscaping materials and may include:
  - (i) the erection and use of greenhouses, nurseries, wineries and restaurants accessory to wineries;
  - (ii) woodlots and forestry uses;
- (b) the raising of livestock such as cattle, horses, poultry, swine, sheep, rabbits, goats, emus, llamas, fur-bearing animals, game animals, game birds and honey bees, and may include:
  - (i) the production of eggs, cream and milk;
  - (ii) kennels;
  - (iii) riding stables;
- (c) the marketing of agricultural products produced on the farm property at an accessory farm sales outlet;
- (d) the process at a farm necessary to prepare a farm product for farm distribution including cleaning, grading, storage and packaging;

- (e) the clearing, draining, leveling, irrigating or cultivating of land;
- (f) the application of fertilizers, soil conditioners, pest control products or other agricultural inputs;
- (g) the storage, disposal or use of compost and livestock-generated waste for farm purposes (but does not include biosolids); and
- (h) the operation of agricultural machinery and equipment; and

For further clarification, agricultural use shall not include an abattoir or commercial slaughter house.

**Animal Unit** means one or more farm animals as specified in the following table:

Type of Livestock	Number of Livestock Equal to One Animal Unit	
	Intensive and non-intensive livestock operations	Household livestock operations
Dairy Cows	1.5	1
Dairy Heifers	2	1
Beef Cows	2	1
Beef Feeders (150 - 500 kg)	4	2
Veal calves	25	5
Bulls	1	1
Horses and ponies ( $\geq 225$ kg)	1	1
Miniature horses and ponies (<225 kg)	3	2
Sheep	10	4
Sows (Breeding/Gestation)	5	2
Sows (Farrow to Finish)	1	1
Sows (Farrow to Wean)	4	2
Weaners	50	10
Hogs (Feeders)	10	2
Laying Hens (whole year)	500	25
Broiler Chickens	1,000	25
Turkey Broilers (5 kg)	300	25

Type of Livestock	Number of Livestock Equal to One Animal Unit	
	Intensive and non-intensive livestock operations	Household livestock operations
Mink (female including young)	200	10
Rabbits (female including young)	40	20
Llamas/Alpacas	8	1
Ostriches/Emus	5	1

**Arena** means a building, location or premises in which to view or participate in sporting or entertainment events, including but not limited to a rink, floor or ice surface, spectator seating areas, dressing rooms, canteen facilities, lobbies, and hallways;

**Arts and Crafts Studio** means a building, or part thereof, used for the production of, or the production and sale of, works of art or crafts made by hand;

**Auto Body Shop** means a building used for the repair of body work, detailing or painting of automobile bodies, or any one or more of these uses;

**Automobile Sales Establishment** means a building or part of a building or space on a lot used for retail or wholesale sales or rental of motor vehicles and motor vehicle accessories, and includes a public garage and repair shop;

**Automobile Service Station** means a building or a clearly defined space on a lot used for the sale of lubricating oils and gasoline and may include the sale of automobile accessories, space for the repair of automobiles, a car wash facility and a convenience store;

**Automobile Washing Establishment** means a building or part thereof used for the operation of automobile washing equipment which is automatic or semi-automatic;

**Automotive Use** means an automobile service station, a gasoline retail outlet, a motor vehicle repair shop, an automobile sales establishment, an auto body shop or an automobile washing establishment, but shall not include a salvage yard;

**Bed and Breakfast** means a single unit dwelling in which the resident supplies, for compensation, not more than four bedrooms for the temporary accommodation of the travelling public;

**Biosolids** means the solid, semi-solid or liquid residue generated during the treatment of sewage and septage sludges, as well as any mixture containing biosolids;

**Block** means the smallest unit of land which is bound entirely by public streets, rivers, railroads, public parks or any combination thereof;

**Boarding or Rooming House** means a single unit dwelling in which the resident supplies, for

compensation, either room or room and board in more than two bedrooms but not more than five bedrooms, exclusive of those for the resident and family, and which is not open to the travelling public;

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

**Bulk Sales Establishment** means the use of land, a building or structure for the purpose of buying and selling lumber, wood, building materials, feed, fertilizer, ice and similar material;

**By-law** means this By-law which is the *Municipality of the District of West Hants Land Use By-law*;

**Catering Establishment** means an establishment primarily involved in the preparation and transfer of finished food products for consumption upon delivery to off-premises destinations only;

**Church** means a building dedicated to any religious worship and includes an associated hall, auditorium, Sunday School, day nursery or residence operated by the church on the same lot or an adjacent lot;

**Clinic** means a building or part of a building used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or professional office of a doctor located in his/her residence;

**Club** means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a fraternity or sorority house and a labour union hall;

**Commercial School** means an establishment which provides instruction for profit or gain including, but not limited to, secretarial schools, dance, music, drama and arts and crafts schools, and business and trade schools;

**Community Centre** means any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the Municipality or local board or agent thereof;

**Convenience Store** means a retail store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazines, confectionary items and grocery items and may include a snack bar, dry cleaning drop-off depot and video rentals;

**Council** means the Council of the Municipality of the District of West Hants;

**Country Inn** means a building with three or more bedrooms for the temporary accommodation of the travelling public for gain or profit and may include a public dining room and/or guest house;

**Day Care Centre** means a building or part thereof where children are cared for on a daily basis, for compensation, without overnight accommodation, but does not include a school;

- (a) **Non-Licensed Day Care Centre** serves fewer than six children;
- (b) **Licensed Day Care Centre** serves six or more children and is licensed by the Province

of Nova Scotia under the *Day Care Act*;

**Development** includes the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures;

**Development Officer** means the person or persons appointed by the Municipality of the District of West Hants to administer this By-law;

**Display Court** means a display of goods on a lot for the purpose of encouraging the purchase of the display items, or items similar to the display items, and without limiting the generality of the foregoing, such displays include displays of cars, trucks, vans, motor homes, manufactured homes, trailers, boats, snowmobiles, motorcycles, swimming pools, garden ornaments and prefabricated cottages or homes;

**Driveway** means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle;

**Dwelling** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel, a motel, apartment hotel, recreation vehicle or travel trailer;

- (a) **Apartment Dwelling** means a building or part thereof, other than a converted dwelling, consisting of more than three dwelling units, which have a common entrance from the street level;
- (b) **Converted Dwelling** means a building originally built and designed as a single dwelling unit which has been converted to two or more dwelling units;
- (c) **Duplex Dwelling** means a building that is divided horizontally into two dwelling units, each of which has an independent entrance directly or through a common vestibule;
- (d) **Grouped Dwellings** means two or more dwelling units which are contained in two or more buildings designed to be part of a group of dwellings clustered on the same lot;
- (e) **Multiple Unit Dwelling** means a building or part thereof, other than a converted dwelling, consisting of three or more dwelling units;
- (f) **Seasonal Dwelling** means a cottage or secondary residence used for recreation, rest or relaxation from time to time throughout any season of the year, but not used or intended to be used for year-round occupancy or as a principal residence;
- (g) **Semi-Detached Dwelling** means a building that is divided vertically into two dwelling units, each of which has an independent entrance;
- (h) **Single Unit Dwelling** means a building consisting of one dwelling unit which is constructed wholly on the site from basic materials or from components transported to the site, which is not intended or designed to be removed from the site, and is freestanding, separate and detached from other main buildings or structures;

- (i) **Two Unit Dwelling** means a completely detached building containing only two dwelling units;
- (j) **Townhouse Dwelling** means a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit;
- (k) **Triplex Dwelling** means a building that is divided horizontally into three dwelling units, each of which has an independent entrance directly or through a common vestibule;

**Dwelling Unit** means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping place in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building;

**Erect** means to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension;

**Existing** means legally existing as of the effective date of this By-law;

**Farm Market** means a building or part thereof in which farm produce comprises the major portion of goods offered or kept for sale directly to the public at retail value; where a farm market is permitted in a resource zone as part of an agricultural operation, the majority of the farm produce offered or kept for sale shall be grown or produced on farm property owned by the farm market operator;

**Fill** means natural earth or material deposited on a lot to alter the land level and contour of the lot;

#### **Floor Area**

- (a) With reference to a dwelling means the maximum area contained within the outside walls excluding any private garage, porch, veranda, sunroom, unfinished attic, basement or cellar or other room not habitable at all seasons of the year;
- (b) **Commercial Floor Area** means the total usable floor area within a building used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage rooms and common malls between stores;
- (c) **Gross Floor Area** means the aggregate of the floor area 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 of an inner court shall be deemed to be exterior walls;

**Forestry and Related Activities** means the growing and harvesting of trees for commercial purposes together with the processing of the forestry products and, without limiting the generality of the foregoing, shall include temporary uses such as portable sawmills, lumber yards and equipment storage facilities and small-scale permanent structures such as saw mills and shingle mills acquiring less than 2,270 cords

(5,000 m<sup>3</sup>) of round wood from private woodlands per calendar year;

**Fuel Storage Depot** means the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid legally and properly kept in a tank for storage;

**Guest House** means a building without kitchen facilities on the same lot as a country inn which is used for the temporary accommodation of the travelling public;

**Hazardous Material** means a material which, by reason of its properties, is a hazard to health or to the environment and which is explosive, gaseous, flammable, poisonous, radioactive, corrosive, oxidizing or leachable, or is designated as a hazardous material under federal or provincial legislation;

**Height** means the vertical distance on 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 declivity 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 shall not include any construction used as ornament or for the mechanical operation of the building, such as a mechanical penthouse, chimney, tower, cupola or steeple;

**Home-Based Business** means the accessory use of a dwelling by any resident of that dwelling unit for gainful employment involving the production, sale, or provision of goods and services, on a small scale;

**Home for Special Care** means a nursing home, a home for the aged, a home for the disabled and a residential care facility as defined in the *Homes for Special Care Act*;

**Hospital** means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury;

**Hotel** means a building with six or more units that are internally accessible, with private bathrooms, used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation, with or without meals;

**Institutional Use** means the use of land, buildings or structures for a public or non-profit purpose and, without limiting the generality of the foregoing, may include such uses as schools, places of worship, public hospitals, homes for special care and government buildings, but shall not include a private club;

**Interpretive Centre** means an establishment that provides cultural or natural heritage information to the public and may include accessory uses such as a tea room or other small restaurant, gift shop and similar uses;

**Kennel** means a building or structure where four or more dogs over the age of six months are kept, bred, boarded or trained, and may also include breeding and boarding facilities for cats, and pet grooming, but shall not include a veterinary clinic or the retail sale of pet supplies;

- (a) **Commercial Kennel** means a kennel involving eight or more dogs;
- (b) **Hobby Kennel** means a kennel accessory to a residential use involving fewer than eight dogs;

**Landscaped Open Space** means the open space which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping including any surfaced walk, patio and similar area and not occupied by a building or used as a driveway or parking space;

**Livestock Operation, Household** means a livestock operation consisting of not more than eight animal units which is accessory to the main use on a lot;

**Livestock Operation, Intensive** means an agricultural use in which a minimum of 20 animal units are confined to a barn, feedlot or other facility for feeding, breeding, milking, holding for eventual sale or egg production. Combinations of different types of livestock are allowed provided the maximum number of animal units is not exceeded;

**Livestock Operation, Non-Intensive** means an agricultural use consisting of not more than 19 animal units. Combinations of different types of livestock are allowed provided the maximum number of animal units is not exceeded;

**Loading Space** means an unencumbered area of land provided and maintained upon the same lot or lots upon which the principal use is located and which:

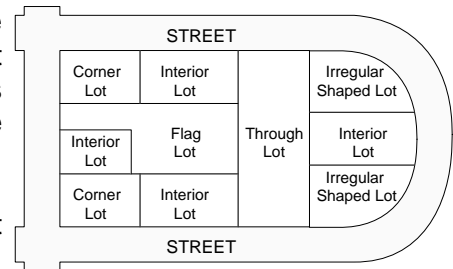
- (a) is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;
- (b) is not upon or partly upon any street; and
- (c) has adequate access to permit ingress and egress by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles;

**Local Commercial** is a small scale commercial operation that serves a relatively small market area and is of a local nature and, without limiting the generality of the foregoing, may include convenience stores and arts, crafts, antiques or personal service shops. For the purpose of this By-law, local commercial uses may include other uses which have traditionally been considered local commercial even though they may serve an extended market and which are compatible with residential areas such as licensed day care centres, country inns, small restaurants or cafés, offices and video stores;

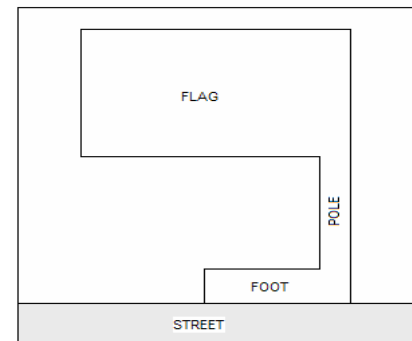
**Lot** means a parcel of land described in a deed or as shown in a registered plan of subdivision;

- (a) **Corner lot** means a lot situated at the intersecting corner of two or more streets. The shorter lot line shall be deemed the front line of the said lot;
- (b) **Interior lot** means a lot situated between two lots and having access to one street;

- (c) **Through lot** means a lot bounded on two opposite sides by streets provided, however, that if any lot qualifies as being both a corner lot and a through lot as hereinbefore defined, such lot shall be deemed to be a corner lot for the purpose of this By law;



- (d) **Flag lot** means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole and where the “pole” portion of the lot contains the required lot frontage; a lot with a “foot” at the end of the pole that meets the frontage requirement shall also be considered a flag lot;



**Lot Area** means the total horizontal area within the lot lines of a lot; minimum lot area means the smallest allowable area a lot can be created;

**Lot Coverage** means the percentage of the lot that is covered by buildings, also known as the building footprint; maximum lot coverage means the largest allowable area that can be covered by any building or buildings on a lot;

**Lot Frontage** means the length of a line between the two side lot lines measured at the front of the lot; minimum lot frontage means the shortest allowable distance lot frontage can be measured (see Section 5.5 Calculation of Lot Frontage);

**Lot Line** means a boundary line of a lot;

- (a) **Exterior** means a side lot line which abuts the street on a corner lot;
- (b) **Front** means the line dividing the lot from the streets; in the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length, the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line. In the case of a lot served by a right of way easement, the lot line nearest the street shall be deemed the front lot line;
- (c) **Rear** means the lot line furthest from or opposite to the front lot lines;
- (d) **Side** means a lot line other than a front or rear lot line;

**Main Building** means the building on a lot in which the principal use of the lot is carried out;

**Main Wall** means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof;

**Manufactured Home** means a dwelling unit manufactured in a factory and designed for transportation

after fabrication, whether on its own wheels or a trailer, which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor unpacking and assembling operations to place the building on an acceptable foundation), and having a width of not more than 6 m (20 ft), but does not include a travel trailer or recreational vehicle. Manufactured home includes a mobile home and a mini home, but does not include a modular or sectional home transported in two or more sections and assembled on site;

**Manufactured Home Park** means a lot on which spaces are provided for more than one manufactured home and includes any accessory service and recreation buildings, but does not include camp grounds;

**Manufactured Home Space** means an area within a manufactured home park designated for the accommodation of one manufactured home;

**Mini Home** means a manufactured home incorporating a pitched roof;

**Mobile Home** means a manufactured home incorporating a bow-truss roof and designed for transportation on its own frame;

**Modular Home** means a dwelling unit manufactured in a factory which is transported in two or more sections and assembled on site;

**Motel** means a building or a group of buildings with three or more units, each with external access and private bathrooms, used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation;

**Municipality** means the Municipality of the District of West Hants;

**Non-Conforming** means a use, building or structure or part thereof which does not conform or comply with the permitted uses and regulations of this By-law as of the effective date;

**Obnoxious Use** means a use which, from its nature or operation creates a nuisance, pollution or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material;

**Office, Business** means a building or part thereof in which one or more persons is employed in the management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization including, but not so as to limit the generality of the foregoing, an office accessory to a permitted non-residential use, a bank or other financial institution, the premises of a real estate or insurance agency, a data processing establishment, a newspaper publisher or a radio or television broadcasting station and related studios or theatres, but does not include a retail store or a professional office;

**Office, Professional** means a building or part thereof in which a legal, medical or other personal professional service is performed or consultation given including, but not necessarily restricted to, a clinic and the offices of a lawyer, architect, surveyor, engineer or chartered accountant, but does not include a personal service shop, a business office or a veterinary clinic;

**Open Space** means an area of land on a lot not covered by buildings or structures;

**Open Storage** means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment or other items not intended for immediate sale;

**Outdoor Display** means the display of goods or merchandise in the open air which are available for sale to the general public from a retail store on the same lot;

**Park** means an area reserved for passive recreational uses, with limited need for accessory buildings or structures;

**Parking Area** means an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted;

**Parking Space** means a space, exclusive of driveways, ramps or aisles, to park one vehicle for purposes other than the display or offering of sale of commodities;

**Person** includes an individual, association, firm, partnership, corporation, organization or group and includes their legal representative;

**Personal Service Shop** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and, without limiting the generality of the foregoing, may include the premises of a barber, hairdresser, beautician, masseur, tailor, dressmaker and shoemaker, as well as a sun tanning shop, a formal rental shop and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale. The sale of merchandise shall be permitted only as an accessory use to the personal service provided;

**Pilaster** means a rectangular column that usually projects about a third of its width from the wall to which it is attached;

**Planting Strip** means an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following:

- (a) a continuous row of trees;
- (b) a continuous hedge of evergreens or shrubs;
- (c) a berm;
- (d) a wall; or
- (e) an opaque fence;

arranged in such a way as to form a dense or opaque screen;

**Post Office** means a facility owned and operated by Canada Post Corporation for the purpose of providing postal retail sales and services including counter and delivery services and may include a sorting station;

**Postal Outlet** means an outlet owned and operated by an individual or corporation under a specific agreement with Canada Post Corporation, for the purpose of providing postal retail sales and services and, in some cases, limited delivery services to the general public;

**Protected Watershed** means a watershed designated as a Protected Water Area under the *Nova Scotia Environment Act*;

**Public Authority** means any Ministry, Department, Authority, Board, Agency, Commission or Committee of the Municipality of the District of West Hants established or exercising any power or authority under any general or specific statute of Canada and Nova Scotia with respect to any of the affairs or purposes of the municipality or a portion thereof and includes any committee or local authority established by law of the municipality and any public utility;

**Public Use** means a use, building or structure of a public authority to provide a service to the public;

**Recreational Space** means a space provided in common and exclusively for the occupants of a building or part thereof in which or on which recreation uses are carried out;

**Recreation Uses, Indoor** means a wholly enclosed building used for the provision of sports and recreation facilities including bowling alleys, curling rinks, climbing walls, fitness clubs, racquet courts, gymnasias, indoor swimming pools, indoor skating rinks and other similar recreational facilities and may include accessory uses such as pro shops, canteens and offices for fitness professionals;

**Recreation Uses, Outdoor** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, golf courses, driving ranges, picnic areas, outdoor swimming pools, day camps, and similar uses to the foregoing together with necessary and accessory buildings and structures but shall not include a track for the racing of animals, or any form of motorized vehicles;

**Recreational Vehicle Sales and Service** means a building or lot used for the display, service, sale or rental of motor homes, travel trailers, boats, snowmobiles, personal watercraft, all-terrain vehicles or other similar recreational vehicles;

**Recycling Depot** means a collection site for materials in a municipal or provincial recycling program but does not include a scrap or salvage yard;

**Repair and Rental Establishment** means a premise engaged in maintaining, repairing, installing or renting articles and equipment for household and personal use such as radio and television, refrigerator and air conditioning, appliances, watches, clocks, jewellery and upholstery and furniture repairs;

**Repair Shop, Vehicle and Machinery** means a commercial establishment for the repair or replacement of parts in automotive, farm or forestry vehicles, machinery or equipment;

**Residential Care Facility** means a licensed residential institution where 24-hour supervisory care or personal care is provided for four or more persons but does not include a nursing home, correction facility

or a hospital;

**Resource Use** means the use of land for forestry, agriculture or mineral use;

**Restaurant** means a building or part thereof where food and drink is prepared and served to the public for consumption within the building or for take out but not for consumption in parking areas appurtenant to the building;

- (a) **Drive-through Restaurant** means an establishment where food is served to the public through a service window and may include an eat-in area;

**Retail Store** means a building or part thereof with a total commercial floor area of 20,000 ft<sup>2</sup> (1,858.00 m<sup>2</sup>) or less in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value;

**Retail Store, Large Format (Big Box Store)** means a maximum of two retail commercial uses in a single structure with a total commercial floor area greater than 20,000 ft<sup>2</sup> (1,858.00 m<sup>2</sup>);

**Riding Stable** means an establishment where horses and ponies are boarded and cared for, where instruction in riding may be offered or where the general public, for a fee, may hire horses for riding;

**Salvage Yard** means any premise where used bodies or parts of automobiles, or used bodies or parts of other vehicles or machinery, are placed, stored or kept; and a salvage yard under this By-law is not limited to a salvage yard as defined by provincial legislation and it does not include a scrap operation;

**Scrap Operation** means an area of land used for the storage, handling, processing and sale of scrap materials including, but not limited to, scrap metal, tires, waste paper or rags, but shall not include hazardous waste materials or a salvage yard;

**Senior Citizen Housing** means a multiple unit dwelling designed for occupation by senior citizens and constructed and maintained by a public housing authority or non-profit organization;

**Service Industry** means any industry involved in the processing of milk and dairy products, a bakery, a garage including engine and body repair shop, a printing establishment, a paint shop, a plumbing shop, a sheet metal shop and similar uses;

**Service Shop** means an establishment, other than an automotive use, that provides a non-personal service or craft to the public including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith shop, a farrier's shop, an upholstery shop, a bakery, a dairy, a catering establishment, a machine shop, or a monument engraving shop;

**Setback** means the distance between the street line and the nearest main wall of any building or structure and extending the full width or length of the lot;

**Shopping Centre, Local** means two or more predominantly retail commercial uses with a total commercial floor area of 20,000 ft<sup>2</sup> (1,858.00 m<sup>2</sup>) or less that is designed, developed and managed as a unit with shared parking facilities and which may or may not have enclosed common walkways;

**Shopping Centre, Regional** means a group of three or more predominantly retail commercial uses with a total commercial floor area greater than 20,000 ft<sup>2</sup> (1,858.00 m<sup>2</sup>) that is designed, developed and managed as a unit with shared parking facilities and which may or may not have enclosed common walkways. Land uses that meet the definition of "large format retail store" are not deemed to be a "shopping centre" for the purposes of this By-law;

**Sign** means any structure or device, whether illuminated or not, used to advertise or draw attention to any product, place, person, business, institution, organization or event, including any directional or way finding purpose;

- (a) **Facial Wall Sign** means a sign that is painted on, attached to or erected against a wall of a building, with the face horizontally parallel to the building wall and with no space between the back of the sign face and the building wall;
- (b) **Ground Sign** means a sign supported by one or more posts, poles, or braces placed in or upon the ground;
- (c) **Mobile Sign** means a sign designed and intended to be moved from one site to another and not permanently affixed to the ground or a building, but shall not include the side, body or trailer of a commercial motor vehicle;
- (d) **Projecting Sign** means a sign that projects from and is supported by the wall of a building;
- (e) **Sandwich Board Sign** means a self supporting, two sided, A-frame style sign that is not affixed to the ground;

**Sign Face** means the area of a sign upon which the message is placed;

**Stacking Space** means a portion of a parking area or a parking lot, other than a parking aisle or a parking space, which provides standing room for a vehicle in a queue and, without limiting the generality of the foregoing, this may include a queue for a drive-through business such as a drive-through restaurant, a drive-through bank or a drive-through car wash;

**Storey** means that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 6 ft (1.83 m) above grade. Provided also that any portion of a storey exceeding 14 ft (4.27 m) in height shall be deemed an additional storey for each 14 ft (4.27 m) or fraction thereof of such excess;

**Strategy** means the Municipal Planning Strategy for the Municipality of the District of West Hants;

**Street Line** means the boundary line of a street;

**Street, Highway or Road, Public** means the whole and entire right of way of every highway, road or road allowance vested in the Province of Nova Scotia or the Municipality;

- (a) **Arterial Street or Road** means a street designed to move large volumes of vehicular traffic between major centres;

- (b) **Collector Street or Road** means a street designed to move vehicular traffic from residential neighbourhoods to commercial and institutional areas and to arterial streets;
- (c) **Local Street or Road** means a street designed to serve vehicular traffic in residential neighbourhoods;

**Street, Highway or Road, Private** means any street or road which is not public shown on a plan of subdivision, which:

- (a) has been approved by the Nova Scotia Department of Transportation and Public Works or the Municipality; and
- (b) extends to and has access to a public street and where not totally located within an area of land proposed to be subdivided, it shall have an easement for right-of-way and access which is assignable and perpetual and which has been clearly granted by deed, will, Crown grant or other registerable instrument, registered in the Registry of Deeds for the Municipality;

**Structure** means anything that is erected, built, or constructed, or parts joined together or any such erection, fixed to or supported by the soil or any other structure. A structure shall include buildings, walls, signs and fences exceeding six feet in height;

**Support Service** means a building or part of a building in which the primary function is to provide services to industry or to businesses located in an industrial park and, without limiting the generality of the foregoing, shall include copying, printing and micro-filming establishments, the offices of an industry or of engineering, architectural, design and similar consultants, business management, marketing and similar firms and manufacturers' agents, and building, equipment and grounds maintenance companies;

**Transport Depot** means a premises used for the transfer of goods primarily involving loading and unloading of freight-carrying vehicles and, secondarily, involving the storing, parking, servicing and dispatching of freight-carrying vehicles;

**Utility** means a water works or water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telecommunications system, and includes any lands, buildings or equipment required for the administration or operation of any such system;

**Veterinary Clinic** means a building or part thereof with or without related structures, wherein animals of all kinds are treated or kept for treatment by a registered veterinarian;

**Warehouse** means a building where wares or goods are stored but does not include a retail store;

**Water Frontage** means the horizontal distance measured as a straight line between two points where the side lot lines of a lot directly abutting a lake meet the shoreline of the lake;

**Wholesale Establishment** means a building or part of a building used for the selling of goods in large bulk or quantity, for delivery or from the premises, to a person other than to the ultimate consumer but

does not include a retail store;

**Wind Farm** means an array of two or more large wind turbines connected directly to the utility grid;

**Wind Turbine** includes a windmill used for pumping water and a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics;

- (a) **Small Wind Turbine** means a wind turbine which has a rated capacity of not more than 100 kW and which is intended primarily to reduce on-site consumption of utility power;
- (b) **Large Wind Turbine** means a wind turbine with a production capacity greater than 100 kW;

**Woods Camp** means a building or structure intended to provide basic shelter for a person or group of persons engaged in hunting, fishing or other outdoor activities on an occasional or seasonal basis in a remote location where electricity and municipal or community services are not available. Such structure may be described as being of light frame construction with no running water or electricity, not designed for residency and not satisfying the requirements for a dwelling under the *National Building Code*;

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

- (a) **Flanking Yard** means the side yard of a corner lot that abuts the side street line;
- (b) **Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; minimum front yard means the smallest allowable distance a front yard can be measured;
- (c) **Rear Yard** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any building or structure on the lot; minimum rear yard means the smallest allowable distance a rear yard can be measured;
- (d) **Side Yard** means a yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest wall of any building or structure on the lot; minimum side yard means the smallest distance a side yard can be measured;

**Zone** means a designated area of land shown on the zoning map for which specific development control regulations are applied.