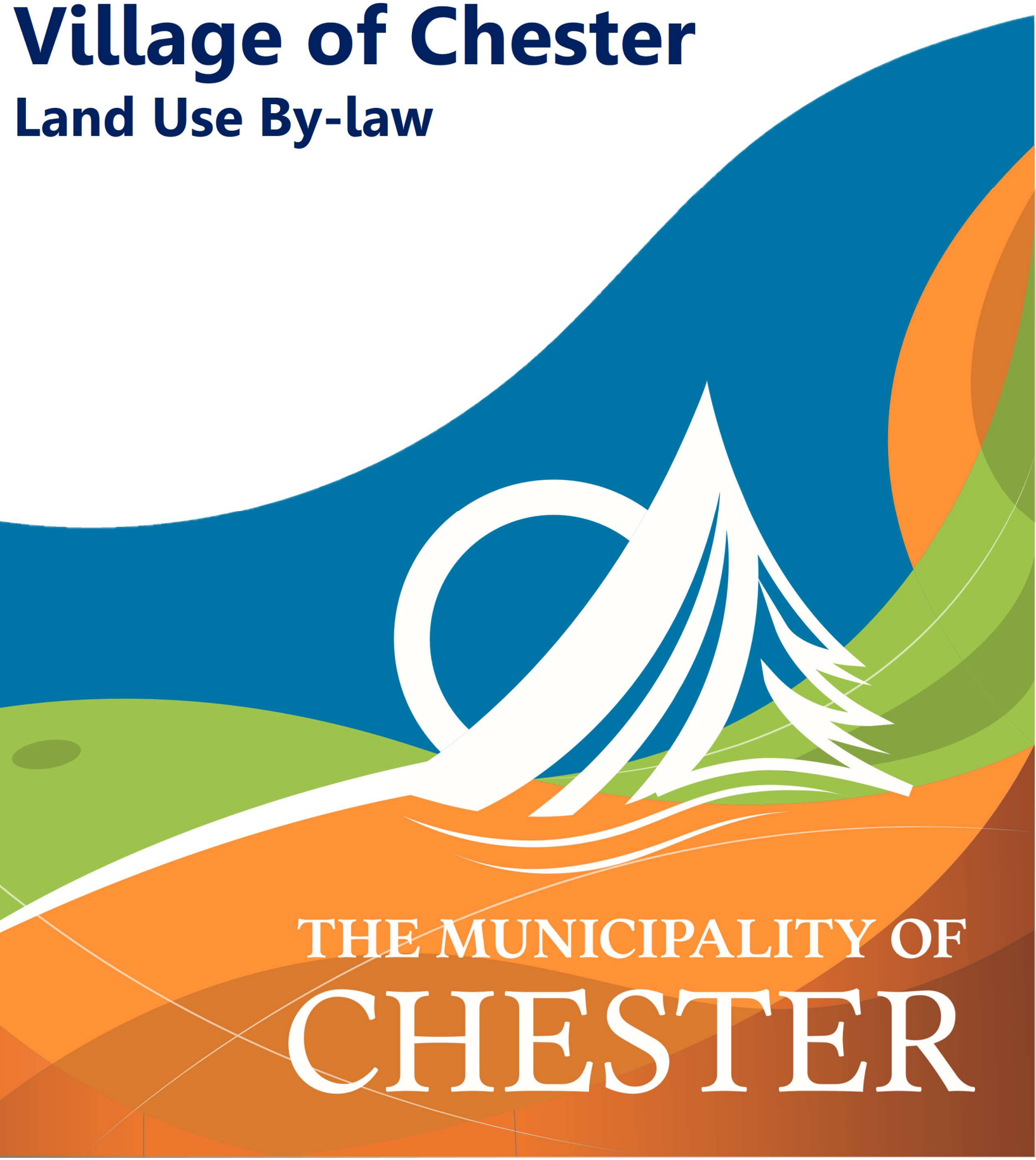
Draft #4 – August 8, 2024

Village of Chester
Land Use By-law



THE MUNICIPALITY OF
CHESTER

Village of Chester *Land Use By-law*

Original Documents Approved by Council on DD/MM/2024

Approved by the *Minister* of Municipal Affairs on DD/MM/2024 with an effective date of DD/MM/2024.

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

This page intentionally left blank.

CONTENTS

CONTENTS 5
PREFACE 11
About this By-law 11
About zones and overlays 11
About permits and approvals 11
About the Secondary Planning Strategy 12
About making changes to the Land Use By-law 12
How to contact the Municipality 12
1.0 TITLE, PURPOSE, AND SCOPE 15
2.0 DEFINITIONS 17
In this By-law: 17
3.0 ADMINISTRATION 41
3.1 Zones 41
3.2 Interpretation of Zone Boundaries 41
3.3 References are Inclusive 42
3.4 Overlays 42
3.5 Ordinary High Water Mark 43
3.6 Watercourses, water bodies and wetlands 43
3.7 Standards of Measurement 43
3.8 Interpretation of Certain Words 44
3.9 Development Officer 44
3.10 Development Permits 44
3.11 Signatures 45
3.12 Issuance of Development Permit 46
3.13 Deviations 46
3.14 Amend or Re-issue 47
3.15 Revocation of Permits 47
3.16 Development Agreements & Amendments 47
3.17 Notice of Variance or Site Plan Approval 48
3.18 Application Fees 49

3.19 Violations and Enforcement 49
3.20 Validity 49
4.0 GENERAL PROVISIONS 51
4.1 Application, Waivers and Exemptions 51
4.1.1 Application of General Provisions 51
4.1.2 Height regulation 51
4.1.3 Mobile vending 51
4.1.4 Short Term Rentals 51
4.1.5 Permitted uses 51
4.1.6 Similar Uses 51
4.1.7 Restoration to a safe condition 52
4.1.8 Signs 52
4.1.9 Swimming pools 52
4.1.10 Accessory Uses 52
4.2 Accessory Dwelling Units 52
4.3 Accessory Structures 52
4.4 Agricultural Uses 53
4.5 Architectural and Design Controls 53
4.6 Commercial vehicle in residential zones 56
4.7 Community Gardens 56
4.8 Composting, Small-scale 56
4.9 Deemed Connected/Attached 56
4.10 Electric vehicle charging 57
4.11 Electrical Generation Facilities 57
4.11.1 Wind Turbines 57
4.11.2 Solar Collectors 58
4.11.3 High Capacity Electrical Generating Facilities 58
4.12 Farm Animals 58
4.12.1 Backyard hens 58
4.13 Farm Markets 59
4.14 Fences 59
4.15 Habitation of Vehicles 59
4.16 Home Based Business 60

4.17 Home Office & Sales 61
4.18 Infilling 61
4.19 Lots 62
4.19.1 Common Lot Line 62
4.19.2 Existing undersized lots 62
4.19.3 Minimum lot frontage 62
4.20 Non-Conforming Structures and Uses 63
4.20.1 Non-conforming structures: enlargement and relocation 63
4.20.2 Non-conforming structures: used as permitted in zone.... 63
4.20.3 Non-conforming uses 63
4.21 Old Stone Bridge Protections 64
4.22 One main building per minimum lot 64
4.23 Outdoor lighting 64
4.24 Outdoor wood furnaces 64
4.25 Parking & loading space requirements 65
4.26 Places of Worship & Cemeteries 66
4.27 Private storage buildings 66
4.28 Public Structures and Uses Permitted in All Zones 66
4.29 Radiocommunications facilities 67
4.30 Retaining Walls 67
4.31 Salvage yards 67
4.32 Shipping containers 67
4.33 Site Plan Approval 67
4.34 Small Options Dwellings 69
4.35 Storage in Vehicles 69
4.36 Stormwater Standard 70
4.37 Temporary structures 70
4.37.1 Temporary uses: special occasions 70
4.37.2 Temporary structures: incidental to construction 70
4.37.4 Temporary structures: special occasions 71
4.37.5 Temporary signs: elections 71
4.38 Variances 71
4.39 Vehicular access through same zone 73

4.40 Watercourses, Water Bodies, and Wetlands 73
4.40.1 Lakefront Overlay 73
4.40.2 Watercourses, Water Bodies, and Wetlands 73
4.40.3 Relaxation of Watercourses, Water Bodies and Wetlands Setback 74
4.41 Wharves and Slipways 74
5.0 VILLAGE CORE AND PENINSULAR AREA 77
5.1 Application 77
5.2 Residential One (R1) Zone 78
5.3 Residential Two (R2) Zone 79
5.4 Core Commercial (CC) Zone 81
5.5 Marine Development Zone 85
5.6 Waterfront (WF) Zone 89
6.0 VILLAGE BOUNDARY AREA 91
6.1 Application 91
6.2 Residential Three Zone 92
6.2 Residential Four Zone 94
7.0 NORTH STREET AREA 95
7.1 Application 95
7.2 Residential Five (R5) Zone 96
7.3 Highway Commercial Zone 99
8.0 ZONES PERMITTED IN ALL AREAS 103
8.1 Application 103
8.2 Institutional (I) Zone 105
8.3 Parks and Open Space Zone 107
8.4 Ocean Infill Zone 109
9.0 SIGNS 110
9.1 General regulations for all signs 110
9.2 Signs prohibited in all zones 110
9.3 Signs for which no development permit is required 111
9.4 Ground Signs 112
9.5 Projecting Wall Signs 113
9.6 Wall Signs 113

9.7 Portable Signs 114
9.8 Window Signs 114
9.9 Drive-through Menu Board Signs 114
9.10 Illuminated Signs 115

PREFACE

More Information:
Throughout this document, you can find helpful tips, reminders, illustrations, or explanations in sidebars such as this.

This Land Use By-law contains regulations for *development*. It applies to all lands within the Village of Chester, as shown on the Zoning Map, Schedule "A". The following maps form part of this by-law attached as schedules:

- Zoning Map – Schedule "A"
- Environment and Heritage Overlay Map – Schedule "B"
- Core Village and Outer Village Overlay – Schedule "C"

About this By-law

Information contained in sidebars, including illustrations do not form a legal part of the By-law and are intended for information purposes only.

About zones and overlays

Zones are the principal organizing units within this By-law. All parcels of land in the *Municipality* are located within a *zone* that identifies the land *uses* permitted and sets out *development* standards, such as minimum *lot sizes*, *setbacks* from *lot lines* and minimum *yard* size. This By-law contains general provisions for all *zones* as well as provisions for each of the *zones*.

Overlays are areas of land having special characteristics that may extend across more than one *zone*, and which contain additional *development* standards. This By-law states the provisions that apply.

About permits and approvals

Many *developments* require a ***development permit***. A *development permit* is needed to show that a project meets the regulations in this By-law. The requirements for applying for a *development permit* are found in this By-Law.

A ***building permit*** may also be required in compliance with the Nova Scotia *Building Code* under the *Building Code Act* of the Province of Nova Scotia and the *Municipality*'s *Building* By-law. Obtaining a *building permit* is a separate process.

Some projects, because of their size and/or potential impact, may require special forms of approval. These include:

- approval by submitting a ***Site Plan;*** or
- approval by entering into a ***Development Agreement***.

Each process must follow an established procedure as set out in:

- the *Municipal Government Act;*
- the *Municipality*'s public participation policy;
- the *Municipal Planning Strategy;*
- this By-law.

Other approvals based on federal or provincial legislation and regulations, as well as other municipal by-laws, may also be required. Application fees are set by the *Municipality* from time to time. The fee policy is available online or by contacting the *Municipality*.

About the Secondary Planning Strategy

The *Village of Chester Secondary Planning Strategy* sets out the policies that direct long-term growth and *development* in the *Village of Chester*. It contains a vision, goals, and policies that address: parks and open space; transportation; housing and heritage; community character (including policies that establish the *zones* in this By-law); economic *development*; environmental safeguards; and services. This document is available online or by contacting the *Municipality*.

More Information:
Copies of the *Municipal Planning Strategy* and the *Village of Chester Secondary Planning Strategy* can be found at www.chester.ca or by visiting the Municipal Office.

About making changes to the Land Use By-law

A formal request to Chester Municipal *Council* can be made to change or amend a *zone*. *Council* considers all requests and normally consults with an appointed **Village Planning Advisory Committee**. *Council* may only approve rezoning or amendment requests that are reasonably consistent with policies in the *Municipal Planning Strategy* and *Village of Chester Secondary Planning Strategy*. If the request is not consistent with policy, *Council* may also consider amending the Strategy. Re-zonings and amendments are serious matters that affect many property *owners*, and therefore require time for public participation. *Council* can choose to accept or refuse a request based on its policies and public feedback.

How to contact the Municipality

If you have questions about anything related to this document, please contact the **Community Development Department** using the information below.

Call us: 902-275-2599
E-mail us: planning@chester.ca
Write us: 186 Central Street, PO Box 369, Chester, NS, Canada B0J 1J0
Web site: www.chester.ca

1.0 TITLE, PURPOSE, AND SCOPE

1.1 This By-law shall be known and may be cited as the Village of Chester Land Use By-law.

1.2 Terms in this *By-law* that are italicized are defined in the definitions section. Terms that are not defined shall be used in accordance with the standard dictionary definition in common usage.

1.3 The purpose of this By-law is to carry out the intent of the *Village of Chester Secondary Planning Strategy* and the overarching *Municipal Planning Strategy* for the *Municipality* of the District of Chester in accordance with the provisions of the *Municipal Government Act* (S.N.S. 1998, Chapter 18, as amended), by regulating the *use* of land as well as the character and *use* of *buildings* and *structures* specifically within the Village of Chester.

1.4 This By-law shall take effect on the date a notice is published in a newspaper, circulating in the municipality, informing the public that the secondary planning strategy and its implementing land use by-law are in effect, whereupon any applicable previous *Land Use By-law* is automatically repealed.

1.5 This By-law does not exempt any *person* from complying with other laws or regulations in force in Canada or Nova Scotia, or from those in force within the *Municipality*, or from obtaining any license, permission, permit, authority or approval required thereunder.

1.6 This By-law shall apply only to those areas of land shown on the Zoning maps contained in Schedule "A".

1.7 Where the provisions of this By-law conflict with those of any other *municipal* by-laws, the more stringent provisions shall apply.

1.8 All applicable Provincial and Federal regulations to any proposed development must be complied with in addition to this By-law.

1.9 Where a provision within this By-law conflicts with another provision within this By-law, the more stringent provision shall prevail.

2.0 DEFINITIONS

In this By-law:

Abattoir means a *building* or *structure* specifically designed to accommodate the penning and slaughtering of *farm animals* and related *primary processing* which may include the on-site packing, treating and storage of product.

Abutting lot – see *Lot*

Accessory dwelling unit see *Dwelling Unit*

Accessory structure – see *Structure*

Accessory use – *see Use*

Agriculture means the *use* of land, *buildings* or *structures* for the cultivation of crops, including nursery, biomass, and horticultural crops, the raising and/or pasturing of *farm animals*, the raising and/or pasturing of other animals for food, fur or fibre, bee keeping, or the packing, storing and treating of produce, in accordance with normal farm practices.

> **Commercial Agriculture** – means the *use* of land, *buildings* or *structures* for the cultivation of crops, including nursery, biomass, and horticultural crops, the raising and/or pasturing of *farm animals*, the raising and/or pasturing of other animals for food, fur or fibre, bee keeping, or the packing, storing and treating of produce, for a commercial purpose. This is distinguished from unregulated residential or small-scale agriculture, where the goods produced are intended for direct use or consumption by the residents of the property.
>
> **Livestock Operation** - means an operation in which *farm animals*, by type or in combination, are kept in a farm *building*, feedlot or other facility for feeding, breeding, milking, holding for riding, meat, or egg production, but does not include backyard hens.

Aquaculture means the growing and cultivation of aquatic plants, or fish, for *commercial* purposes, in any water environment or on land in human-made containers of water, and includes the growing and cultivation of shellfish on, in, or under the foreshore or in the water.

Aggregate processing means the *use* of a *building*, *structure* or land, or part thereof, for the processing of aggregate including the production of asphalt or similar road stone, and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or finished product manufactured on the premises,

and the storage and maintenance of required equipment, but does not include the retail sale of finished product. *Aggregate processing* may occur on a site on a permanent or temporary basis and may comprise a facility designed to be transported from place to place. This definition does not include aggregate resource extraction, which refers to sand, gravel and mineral extraction, including pits and quarries, with associated works such as crushing and the stockpiling of raw material, conducted within an active area so designated for such activity by approval of the Province of Nova Scotia.

Automobile body shop means an establishment used for the commercial repair of damage to the chassis of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing and similar activity.

Automobile sales and services means an establishment primarily engaged in providing motor vehicle sales, repair or maintenance for automobiles, commercial vehicles, motorcycles, watercraft, off-road vehicles, and *recreational vehicles*, and includes oil change and lubrication *shops*, tire repair *shops* and rustproofing/undercoating but does not include *automobile body shops* or *automobile service stations*.

Automobile service stations means an establishment used for washing motor vehicles, and/or the sale of automobile fuels, including electrical vehicle charging stations, related equipment and the sale of electricity as a vehicle fuel source, lubricating oils and may include sale of automobile accessories.

Banner sign – see *Sign*

Bed-and-breakfast establishment means a single unit *dwelling* where the resident *owner* or resident occupant provides accommodation, with or without meals, to the travelling public for financial remuneration and does not include facilities open to the public such as meeting rooms, *restaurants*, or entertainment facilities.

Beverage room means premises licensed as a *beverage room* or *lounge* by the Liquor License Board of Nova Scotia.

Blade – see *Wind Turbine*

Brewery, winery and **distillery** mean a licensed premise where there is manufacturing of beer, ale, cider, wine or spirits and may include ancillary retail sale of these liquor products and related non-liquor products to the public within the manufacturer's store and *lounge* provided that their combined floor area and outdoor *lounge* patio area do not exceed the manufacturing floor area.

Building means a *structure*, whether permanent or temporary, which is roofed, and which is used for the shelter or accommodation of *persons*, animals, materials or equipment and includes all additions, porches and decks attached thereto, and in addition:

> **Main building** means that *building* or *structure* on a lot in which the main *use* takes place.
>
> **Private storage building** means an enclosed or partially enclosed *structure* for the storage of materials or goods in which there is no human habitation and no business, occupation or service conducted.

Building envelope means the buildable area in terms of allowable length, width, *height* that forms the visible separator between inside and outside. Prescribed for a *building* through the regulations of this By-law.

Building height – see *Height*

By-law means the Village of Chester Land Use By-law

Campground and RV [Recreational Vehicle] Park means premises occupied and maintained for temporary accommodation by the public in trailers, tents, or *recreational vehicles.* It includes *accessory structures* and *structures* used to provide services including but not limited to laundry and canteen services, but does not include a *Land Lease Community*, *motel* or *hotel*.

Cannabis Production Facility means a *lot* or *building* used or occupied by a *person* or organization licensed by the Government of Canada for the *commercial* production of cannabis or cannabis products, including where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled. It also includes any activities permitted by the Government of Canada such as research and development, storage, and destruction of cannabis or any of its derivatives but excludes the production of Hemp.

> **Indoor Cannabis Production Facility** means a *Cannabis Production Facility* that is completely contained within a *building*. Indoor Cannabis Production Facilities shall be deemed a *light industrial use.*
>
> **Outdoor Cannabis Production Facility** means a *Cannabis Production Facility* that is not completely contained within a *building*. Outdoor Cannabis Production Facilities shall be deemed an *agricultural use.*

Change of use – see *Use*

Child care facility means a facility other than a *residential daycare*, located in a *building* or part of a *building*, where children are accommodated and

cared for, for financial remuneration, without providing overnight accommodation.

Clerk means the Municipal *Clerk* for the *Municipality* of the District of Chester.

Commercial means the *use* of land, *buildings* or *structures* for the purpose of buying and/or selling commodities and/or supplying of services as distinguished from *uses* such as manufacturing or assembling of goods, *warehousing*, *transportation depots*, *construction* and other similar *uses*.

Commercial Agriculture – see *Agriculture*

Commercial school means an educational establishment, whether public or private, intended for instruction in extracurricular activities and/or vocational skills and shall include, but is not limited to, dance schools, music schools, sports schools, driving schools, culinary institutes, cosmetology, computer schools, and other similar schools, but does not include post-secondary schools.

Composting facility means a *structure* or land used for the importation and processing of organic matter under controlled circumstances to a condition suitable for sale or utilization off-site, and for greater certainty:

> **Small-scale composting**: *composting* occurring as an *accessory use* to *commercial*, *institutional* and *light industrial uses*, and does not include residential backyard composting.

Construct means to build, erect, reconstruct, or relocate, and without limiting the generality of the word, also includes:

(i) any preliminary operation such as excavation, filling or draining;
(ii) altering an *existing building* or *structure* by an addition, enlargement, extension or other structural change; and/or
(iii) any work which requires a building permit issued the *Municipality*.

Contaminated soil facility means a facility for the handling of soils containing a chemical or petroleum product other than on the site where the soils became contaminated.

Continuing care facility means a nursing home, residential care facility or other special care facility licensed by the Province of Nova Scotia, or a public or private facility designed for assisted living for *persons* (exclusive of staff or associated family) having social, mental or physical challenges that require professional care, guidance or supervision not available in an independent living situation.

Core village overlay means the area as shown on Schedule "C" that is within the Village of Chester Boundary, but due to historic, geographic, built

form and character differences, has unique regulations and provisions for land use and development compared with the *outer village overlay*.

Corner lot – see *Lot*

Corner vision triangle means the triangular portion of a *corner lot* established by measuring along the street lines a distance, as set out in this *By-law*, from their point of intersection and joining the points so established with a straight line, and includes the space situated vertically above said triangular area.

Council means the *Council* of the *Municipality* of the District of Chester.

Craft product means a product made by hand or small custom production processes by a potter, pewterer, goldsmith, silversmith, jeweller, toymaker, leatherworker, upholsterer, woodworker, furniture maker, musical instrument maker, clothing designer and maker, shoemaker, antique refinisher, glass or stained-glass worker, sailmaker, and similar skilled craftsperson.

Craft workshop means a *building* or part of a *building* where *craft products* are made by hand or small production processes.

Detached dwelling – see *Dwelling*

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

Development Agreement means a written agreement between the *Municipality* and a property *owner* which establishes circumstances and conditions under which a *development* may be carried out.

Development Officer means the *person* appointed by *Council* under the authority of the *Municipal Government Act* to administer the provisions of the *Land Use By-law*.

Development Permit means the permit issued by the *Development Officer* certifying that a proposed *development* complies with the provisions of the *Land Use By-law*.

Distillery – see *Brewery*

Drainage plan means a detailed management plan for a *lot* or *lots*, including, but not limited to drawings and calculations of *stormwater* runoff and the courses and channels of it, including floodplains, prepared by a qualified professional.

Drive-through – means a land *use* and related *structures* including, but not limited to a restaurant, *financial institution* or car wash, where patrons are provided service, including at an automated teller or self serve facilities,

while remaining in their vehicles. Drive-through *uses* shall include stacking lanes for vehicles awaiting service. Drive-throughs shall not be considered as an *accessory use* and are only permitted as listed in the zone standards.

Dwelling means a *building* containing at least one *dwelling unit* for human habitation, which is capable of being occupied as a home or residence, and for greater certainty:

Grouped dwelling: means two or more *dwelling units* contained in two or more structures, located on a *lot*.

Manufactured home: a prefabricated *dwelling* designed to be transported to a site where it is to be occupied as a *dwelling* complete and ready for occupancy, either remaining on a chassis and wheels or placed on a permanent footing. This definition includes such types as mobile homes and mini-homes but excludes modular or other types of pre-cut or multi-section assemblies that form a *dwelling*.

Multi-unit dwelling: a *building* that comprises four or more *dwelling units*, has *yards* on all sides of the *building*, except where interior walls are constructed to share a common *lot line*, and which has exterior entrances, and is not a *hotel*, *motel*, *manufactured home*, travel trailer or other *recreational vehicle*.

Single unit dwelling: a *building* that comprises one *dwelling unit* or one *dwelling unit* and an *accessory dwelling unit*, has *yards* on all sides of the *building*, has exterior entrances, and is not a *hotel*, *motel*, *manufactured home*, travel trailer or other *recreational vehicle*.

Small option dwelling: a type of home licensed under the Homes for Special Care Act, housing up to four residents with developmental, mental health, or physical disabilities. Residents live independently in the community and receive assistive support from staff. Small option dwellings are not considered to be residential care facilities such as continuing care facilities or nursing homes.

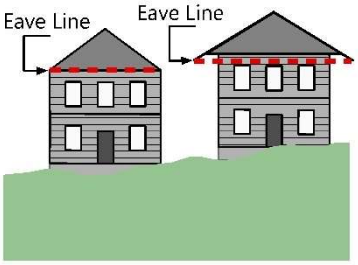
Two-unit dwelling: a *building* that comprises two *dwelling units*, generally has *yards* on all sides of the *building*, each *dwelling unit* has an exterior entrance or is accessed through a common vestibule, and is not a *hotel*, *motel*, *manufactured home*, travel trailer or other *recreational vehicle*.

Triplex dwelling: a *building* that comprises three *dwelling units*, generally has *yards* on all sides of the *building*, each *dwelling unit* has an exterior entrance or is accessed through a common

vestibule, and is not a *hotel*, *motel*, *manufactured home*, travel trailer or other *recreational vehicle*.

Dwelling unit means one or more habitable rooms that may be used as a residence by an independent, separate household, which: has a bathroom for exclusive *use* of the household; has a kitchen for the exclusive *use* of the household; and has a private entrance from outside the *building* or from a common hallway or stairway.

Accessory dwelling unit: means a subservient *dwelling unit*, either located within the *main building*, or in an *accessory structure* on the same *lot*, which has less floor area than the principle *dwelling unit*.



Eave line means the horizontal line on a building that marks the extreme edge of the overhang of a roof and where there is no overhang, the *eave line* shall be the horizontal line at the intersection of the wall and roof.

Electrical generation facilities means the *use* of land, *structures*, or *buildings* for the generation of electric power by means such as, but not limited to, wind energy, solar energy, and biomass energy.

Established grade – see *Grade*.

Existing means in legal existence prior to the effective date of this By-law.

Façade – means the exterior wall(s) of a building oriented to face a public street.

Farm animal means any animal commonly bred or kept on a farm, including but not limited to: horses, cattle, sheep, goats, llamas, alpacas, ostrich, emu, swine, fowl and meat rabbits. - see also *Livestock Operation.*

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

More Information:
To calculate the number o *farm animal units*, multiply the number of **farm animals** by the **number o Farm Animal Units per animal**.
For example, if you have 3 swine, and 1 cattle, your calculation would be:
(3 x 0.3) + (1 x 1) = 1.9
meaning you have 1.9 *farm animal units*.

Farm Animal	Number of **Farm Animal Units** per Animal
Swine	0.3
Cattle / Horse	1
Sheep / Goat / Llama / Alpaca	0.3
Ostrich / Emu	0.3
Fowl / Rabbit	0.03

Farm market Farm market means a commercial operation established on a temporary or permanent basis for the retail sale of farm produce and other locally-made goods. This includes operations within permanent structures or roadside stands offering farm produce and other locally-made goods for retail sale, but not greenhouses or *buildings* directly associated with a

business on the property from which plants or farm produce are sold directly to the public.

Financial institution means an establishment that provides services including monetary transactions, withdrawals, deposits, advice, sales of financial products or services and related activities. *Financial institutions* include but are not limited to banks, brokers, credit unions, insurance sales, financial lenders and tax preparation and counselling.

Flag lot – see *Lot*

Flankage lot line – see *Lot line*

Flankage yard – see *Yard*

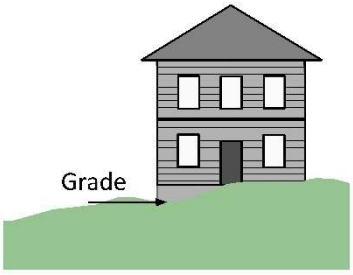
Forestry processing means the *use* of a *building*, *structure*, land, or part thereof, for milling, sawing, or other *primary processing*, and does not include maple sugar operations, Christmas tree farming and transport of finished product.

Front lot line – see *Lot line*

Front yard – see *Yard*

Full horizontal cut-off means the shielding of an outdoor light fixture so that all light emitted by the fixture is projected below the shield in such a way as not to be cast onto neighbouring properties or roadways.

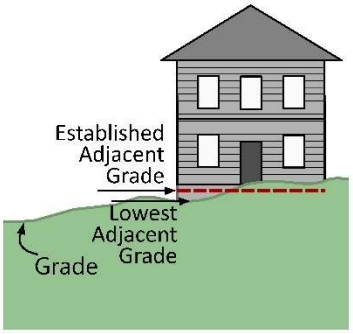
Fur farming means the keeping and/or breeding of animals in captivity for their pelts.



Golf course means a specially prepared area of land for the purpose of playing golf and all incidental *buildings* and facilities, including restaurant, pro shop, driving range, putting greens and other uses directly related to the primary *use*.

Grade means, with reference to a *building* or *structure*, the lowest elevation of the finished surface of the ground where it meets the exterior of the foundation of the *building* or *structure* and, when used with reference to a *street*, road or highway means the elevation of the *street*, road or highway established by the *Municipality* or other designated authority, and additionally:

> **Established grade** means the average elevation of the finished *grade* of the ground where it meets the exterior of a *building* or *structure* exclusive of any artificial embankment or entrenchment.



Gross Floor Area – means the collective sum of the areas of each storey of buildings, *structures* or part thereof, above or below *established grade*, excluding storage below *established grade* and any parking *structures* below *established grade*, measured from the exterior of outside walls, or

from the mid-point of common walls.

Ground Sign – see *Sign*

Hatchery – see *Inland fish farm*

Height or **building height** means the vertical distance on a *building* or *structure* between the *established grade* and the highest point of the roof surface, peak or parapet, whichever is greater. In cases where the lowest adjacent *grade* is more than 1 m below the *established grade*, the *established grade* is deemed to be 1 m above the lowest adjacent *grade*. *Structures* that do not include a roof shall be measured to the highest point of the *structure*.

Home Based Business – means a portion of a residential *dwelling* and/or *lot* used for limited commercial use and subject to the provisions of this By-law.

More Information:
The *Municipal Government Act* is the provincial legislation whicl governs municipalities in Nova Scotia. Copies are available from www.nslegislature.ca

Home Office & Sales – means the use of a room within a residential dwelling for commercial purposes without alteration to the exterior of the structure and which does not receive or serve customers at the site.

Hotel – see *Tourist Accommodations*

Impermeable surface means any material that significantly reduces or prevents natural filtration of water into the ground.

Indoor Cannabis Production Facility see *Cannabis Production Facility*

Industrial, heavy means the *use* of land involving uses such as manufacturing, distilling or refining fuel products, trade workshops, wholesale distribution, freight yards, bulk storage, landfills, solid waste processing, or the repair or rental of industrial and commercial equipment, that does any of the following:

a) regularly produces smoke, high heat, dust, ash, disruptive noises, heavy vibration or noxious smells;
b) creates harmful, dangerous or noxious waste products;
c) consists of bulk storage of petroleum, heavy metals, caustic chemicals or dangerous goods, excluding retail fuel sales as part of an *automobile sales and service* operation and fuel sales depots;
d) may involve separation distances from other *uses* specifically to protect health and safety;
e) requires environmental assessment in accordance with the Environmental Assessment Regulations made under the *Environment Act*.

Industrial, light means an industrial *use* which in its operation does not ordinarily result in emission from the *building* of noxious odours, fumes, disruptive noise, cinder, vibrations, heat, glare or electrical interference to a degree that is offensive or harmful when measured at the property line of an adjacent property. *Light Industrial* includes, but is not limited to: light manufacturing, processing, assembling, research facilities, *salvage yards*, *transportation depots*, *warehouse* facilities, and *inland fish farms* or *hatcheries*.

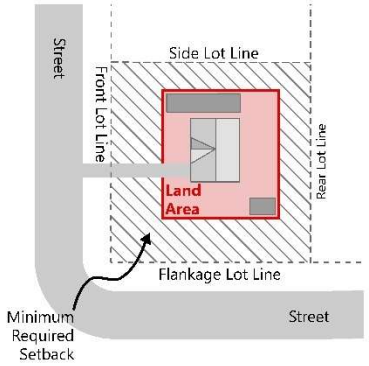
Inland fish farm means a land-based open- or closed-containment facility in which fish are spawned and raised for consumption or for research purposes. The *use* includes a *hatchery*.

Institutional includes the *use* of a *building* or part of a *building* or land as an auditorium, place of worship and associated facilities, cemetery, public art gallery, community centre, *continuing care facility*, government *building* (federal, provincial and municipal excluding provincial *retail stores*), hospital, library, museum, school, sports complex, post office, fire station and other *uses* of a similar nature.

Interior lot – see *Lot*

Kennel means an establishment for the breeding and/or boarding of dogs, cats and/or other household pets, and includes establishments known as "Doggie Day Care" or any similar nomenclature thereof.

Land Area means the smallest geometric shape which can be drawn to fully encompass all outdoor activities associated with the *development*. For greater clarity, *Land area* shall include all storage, parking areas and any other *use* of land associated with the *development*.



Land Lease Community means any *lot* or premises under common ownership, upon which three or more *manufactured homes* are located, either free of charge or for revenue purposes, and which may or may not be connected to a common sewer system, water system or both, but does not include any camping establishment under the *Camping Establishments Regulation Act*.

Landlocked Lot – see *Lot*

Land Use By-law see *Municipal Land Use By-law.*

Livestock operation – see *Agriculture*

Loading space – means an unencumbered area of land, maintained on the same *lot* as the principal *use* that is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded, and shall not be for the purpose of sale or display.

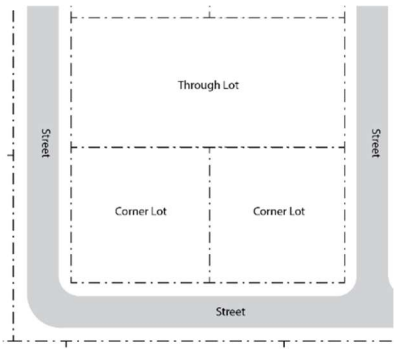
Lot means any parcel of land as described by its boundaries, and for greater certainty:

Abutting lot means a *lot* having one or more boundaries coincident with one or more *zone* boundaries;

Corner lot means a *lot* situated at the intersection of two *streets*, highways or private roads;

Flag lot means any *lot* which gains street frontage through the use of a narrow strip of land, referred to as the "staff", which is integral to the lot. For greater clarity, lots where the "staff" is more than 20 m in width shall not be considered a *Flag Lot*.

Interior lot means a *lot* situated between two adjacent *lots* and having access to one *street*, highway or private road;



Landlocked Lot means a *lot* that has no frontage on a public street or a private road but may be intersected by a private road (shared right-of-way) which may or may not be contained on its own parcel of land.

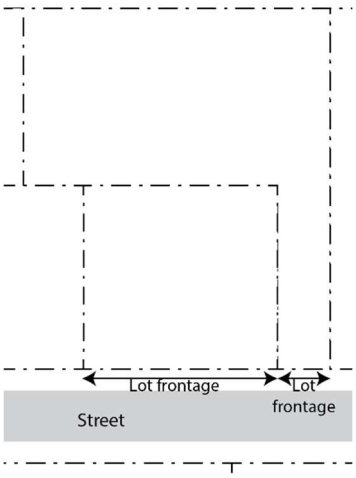
Through lot means a *lot* bounded on two opposite side sides by *streets*, highways or private roads; however, if any such *through lot* also qualifies as a *corner lot*, it shall be deemed to be a *corner lot* for the purposes of this By-law;

Lot area/lot size means the total horizontal area within the boundary lines of a *lot*.

Lot coverage means the percentage of the *lot area* covered by all *buildings* and *structures*, including *accessory structures* requiring a *development permit*, measured from the sheathing of the *structure* on the *lot* including all projections, decks and rooves, but exclusive of canopies, exterior siding and overhanging eaves.

Lot frontage/frontage means the distance between the *side lot lines* of a *lot* measured along the *street*, highway or private road.

Shoreline Lot Frontage means the minimum straight line distance between the intersection of the side lot lines and the front/rear lot line of a lot which is adjacent to a lake or ocean.



Lot line means a boundary line of a *lot*.

Front lot line means**:**

(i) the line dividing the *lot* from the *street*, highway or private road; or

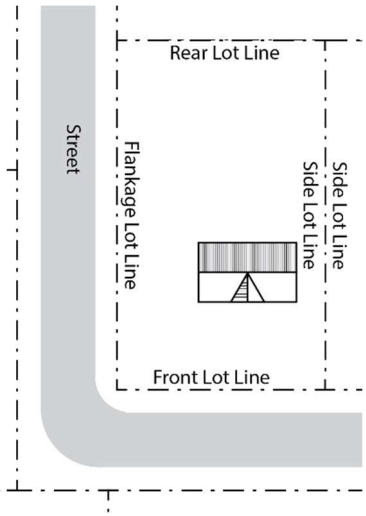
(ii) in the case of a *lot* which does not abut a *street*, highway or private road, the orientation of the *main building* on the *lot*; or

(iii) in the case of a *corner lot*, the *lot line* abutting the *street* or highway based on the orientation of the *main building* on the *lot*, or

(iv) in the case of a *through lot*, the longer boundary line abutting the *street* or highway;

(v) in the case of a *flag lot*, the *Front Lot Line* is considered to be the lot line parallel to the street excluding the "staff" portion of the lot.

(vi) in the case of a *landlocked lot* with two or more *main buildings* on the *lot,* the *Front Lot Line* is determined based on the orientation of the original *main building*. The Development Officer may review permits, aerial photography and any other available resource in determining which structure is original.



Rear lot line means the line opposite or furthest from the *front lot line*;

Side lot line means the line other than the *front lot line* or *rear lot line;*

Flankage lot line means the *lot line* abutting the *street* or highway on a corner *lot*, which is not the *front lot line*.

Lot, serviced means a parcel of land which has access and connection to a municipal sewer system and/or a private cluster system approved by the appropriate Provincial department.

Lot, unserviced means a parcel of land without access and connection to a Public Municipal Sewer System and/or a private cluster system.

Lounge – see *Beverage Room*

Manufactured Home – see *Dwelling*

Main building – see *Building*

Main wall means the exterior front, side or rear wall of a building, and includes but is not restricted to all structural members essential to the support of a fully or partially enclosed space or roof and/or any decks, bay windows, porches, steps, verandahs, balconies and roof overhangs.

Marina means a *building*, *structure* or *lot*, containing docking facilities, where boats are stored, serviced, repaired or kept for sale or rent on a short or long term basis either on land or in the water, and may include other services such as but not limited to the sale, repair or storage of boat accessories, marine fuels and lubricants.

Medical clinic means a *building* or part of a *building* used for medical, dental, surgical, or therapeutic treatment of human beings or animals on an outpatient basis; but does not include a public hospital, private hospital, animal hospital or professional office of a doctor located within a residence.

Minister means the *Minister* of Municipal Affairs, or such *Minister* of the Crown responsible for municipalities in the Province of Nova Scotia.

Mobile Home see *Dwelling (Manufactured Home)*

Motel – see *Tourist Accommodations*

Municipality means the Municipality of the District of Chester.

Municipal Government Act means the Act respecting Municipal Government, R.S.N.S. 1998, Chapter 18 as amended from time to time.

Municipal Land Use By-law means the Municipal Land Use By-law of the *Municipality* of the District of Chester.

Municipal Planning Strategy means the Municipal Planning Strategy of the *Municipality* of the District of Chester.

Municipal Specifications means the specifications approved by *Council* and amended from time to time, for design and construction of municipal public highways, central sewer systems, central water systems, storm drainage, and small sewerage systems.

Nacelle – see *Wind Turbine*

Off-site Parking – see *Parking*

On-site Parking – see *Parking*

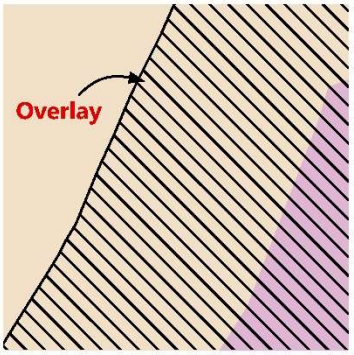
Open Storage – means the storage of goods, products or things customarily associated with a *commercial*, *industrial* or *institutional use* when such storage is not contained within a *building*.

Ordinary high water mark means, with respect to non-tidal waters, the limit or edge of the bed of a body of water where the land has been

covered by water so as to wrest it from vegetation or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself and, with respect to tidal waters, the mark on the seashore reached by the average of the mean high tides of the sea between the spring and neap tides in each quarter of the lunar revolution during the year excluding only extraordinary catastrophes or overflows.

Outdoor Cannabis Production Facility see *Cannabis Production Facility*

Outer Village Overlay means the area as shown on Schedule "C" that is within the Village of Chester Boundary, but due to historic, geographic, built form and character differences, has generally less restrictive regulations and provisions for land use and development compared with the *core village overlay*.



Overlay means a specified area as shown on maps attached as Schedules to this By-law, the requirements for which are imposed in addition to the requirements of the underlying *zone*.

Owner includes a *person* controlling the property under consideration and includes the assessed *owner* of the property whose name appears on the assessment roll prepared in accordance with the *Assessment Act* of the Province of Nova Scotia.

Park means an open area devoted to recreational *uses* or conservation *uses* and which may include ornamental gardens and lawns, outdoor furniture, *accessory structures* and children's playgrounds, and in addition:

> **Dog Park** means an open area enclosed by barriers such as fencing, that is established primarily for providing opportunities for exercise, play, training, socialization and gathering of dogs and their caretakers that may be operated as a for-profit *commercial use*.
>
> **Private Park** means an open space or recreational area, other than a public park, which may be operated on a commercial basis.
>
> **Waterfront Park** means a *park* allowing public access to inland waterways or coastal shores on property that is owned by interests other than the *Municipality* of Chester or the Crown.
>
> **Parking** means the use of land for temporary storage of licensed motor vehicles and includes *street parking, off-street parking, on-site parking and off-site parking*.
>
> **Parking Area** means 4 or more *parking spaces* contained on the same *lot*, but does not include an access driveway or any area where motor vehicles for sale, rent or repair are kept or stored.

Parking, off-site means *off-street parking*, for exclusive *use* of the *development* to which is relates, but that *use* not located in the same *lot* and the use that requires it.

Parking, on-site means the standard form of *off-street parking* required for *development* as outlined in this *By-law*, where all required *parking spaces* are located on the same *lot* as the use that requires them.

Parking, off-street means either *on-site* or *off-site parking* for the exclusive use of the *development* to which it relates, and is not located on a public street, right-of-way, or other public land.

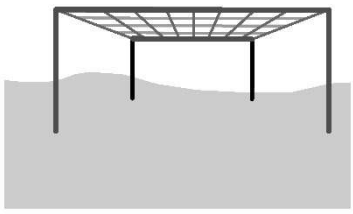
Parking space means an area exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a *street* or highway by means of driveways, aisles or maneuvering areas.

Parking space, tandem means a *parking space* that has access to a driveway or isle used for vehicular traffic only over another *parking space*.

Parking, street means *parking spaces* located on public land and available to the general public, that is not related to or for, the exclusive use of a specific *development*.

Pet grooming means a *building* or part of a *building* used for the hygienic care and cleaning of domestic pets and for which there is financial remuneration. This includes the retail sale of any products used in *pet grooming* services, but does not include boarding, breeding or the provision of medical procedures.

Pergola



Pergola means a *structure* without walls or a roof that is composed of vertical posts and cross-beams that is used as a sheltered, or partly-sheltered, walkway or sitting area that may also support climbing plants and vegetation.

Permeable surface means any material or composition that allows natural filtration of water into the ground.

Person means an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a *person* to whom the context can apply according to law.

Personal service shop means a *building* or part of a *building* in which people are employed in providing services and otherwise administering to the individual and personal needs of other people, and without limiting the generality of the foregoing may include such establishments as barber

shops, beauty parlours, hairdressing *shops*, shoe repair and shoe shining *shops*, but excludes any manufacturing or fabrication of goods for sale.

Place of worship – means lands or buildings used for worship by an association of persons that is: charitable under the laws of the Province, organized for the advancement of religion and for the conduct of religious worship, services or rites and may include accessory uses such as a residence for a caretaker or head of congregation and assembly hall.

Portable Sign – see *Sign*

Primary processing means the initial processing of raw materials or resources for transformation into food and/or goods for *use*, further processing, or sale.

Private storage building – see *Building*

Processing Facility means the *use* of lands, *buildings*, or *structures* where agricultural produce, including meat, fish and poultry products, is washed, cleaned, dusted, waxed, or otherwise prepared or packaged and from which such produce is shipped to a wholesale or retail outlet.

Professional services means establishments primarily engaged in providing services for individuals or groups in an office setting and includes but is not limited to financial, legal, medical, architectural, engineering, design, real estate and travel services, and for greater certainty does not include *personal service shops*.

Projecting Wall Sign – see *Sign*

Qualified professional means an individual who has undergone proper educational training and gained experience and expertise to become certified or recognized as able to practice in a particular profession.

Rear lot line – see *Lot line*

Rear yard – see *Yard*

Recycling depot means a *building* or *lot* that is used or intended to be used for collecting, sorting, refunding and redistributing recyclable materials but excludes processing of said materials.

Recreation and outdoor activities means passive activity not requiring specially planned or manicured areas with ancillary *structures*.

Recreational vehicle, or "RV", means a vehicle designed for travel, camping or recreation, that provides sleeping and other facilities for temporary accommodation. A *recreational vehicle* either has its own motor or can be mounted or drawn by another vehicle. It may be equipped with land-to-vehicle service connections (electricity, water and/or sewer). A *recreational*

vehicle may be a road-worthy travel trailer, camping trailer, truck camper, motor home or similar vehicle.

Recreational vehicle storage means placement of a *recreational vehicle* on a *lot* with no connection to municipal services or to a wastewater system.

Research facility means a place where facilities are located for scientific research, investigation, testing or experimentation, but does not include facilities for the manufacturing or sale of products, except as incidental to the main purpose of the facility.

Residential means the *use* of land *buildings* or *structures* for the primary purpose of accommodating human habitation. Such land or structures may permit ancillary *uses* such as *home office and sales*, *home based business*, *residential daycares* and other related uses as detailed in this *by-law*.

Residential daycare means a part of a *dwelling* where the *owner* or occupier of the *dwelling* provides accommodation and care, for financial remuneration, to children, without providing overnight accommodation.

Restaurant means a *building* or part thereof where food and drink is prepared and/or served to the public for consumption within the *building* or attached café or patio, or off-premises.

Retail store means a *building* or part thereof, including a *shop*, for the sale, rental or lease of goods, wares, merchandise, or articles directly to the public.

Retaining wall means a rigid wall that is structurally designed and constructed to support fill materials between areas of land of different elevations.

Rooming house means a *detached dwelling* in which a proprietor supplies sleeping accommodations for a fee, with or without meals, and with shared kitchen and washrooms, not intended for the travelling public, for at least 3 but not more than 10 people, exclusive of the proprietor's family.

Rotor's arc – see *Wind Turbine*

Salvage means waste or surplus automobiles, transportation vehicles, or industrial equipment, including any parts or pieces that have been removed, for purposes of disposal or further *use*.

Salvage yard means any *commercial* premises where the receipt, storage, sale, resale, and processing of *salvage* occurs.

Secondary Planning Strategy means the Village of Chester Secondary Planning Strategy of the *Municipality* of the District of Chester.

Setback means the horizontal distance on a *lot* measured at a right angle from the *lot line* to the *main wall* of a *building* or *structure* or to a *use*.

Shipping container means a container or *structure*, usually of metal, with strength suitable to withstand shipment, storage and handling and used to transport cargo that is specially designed to facilitate the secure storage of goods, by one or more modes of transport, without intermediate reloading or repacking of goods; also, a freight container and any form of skid building or self-contained mobile office.

Shop means any *building* or part thereof used for sales or repair of articles.

Shopping centre means a collection of independent *retail stores*, services, offices, and residential *dwelling units* such as condominiums or apartments housed in a *building* or *buildings* usually constructed and maintained by a single management unit and usually featuring common services, parking, internal vehicle circulation, and access roads.

Shoreline lot frontage – see *Lot frontage*

Short-term Rental means the use of a *residential dwelling unit,* where guest accommodation facilities are contained within one building on a *lot*, intended to provide accommodation to the travelling public, and where the facility is only rented to one party at a time. *Short-term Rentals* may include kitchen and washroom facilities but shall not include features open to the general public such as meeting rooms, restaurants, or entertainment facilities.

Side lot line – see *Lot line*

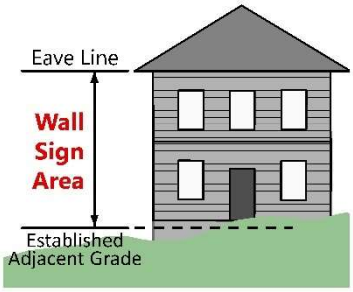
Side yard – see *Yard*

Sign means an object, *structure* or device used for the purpose of identification or advertising or to call attention to any *person*, matter, thing or event or to give direction, and for greater certainty:

> **Sign height** means the distance as measured from the *established grade* to the highest part of the *sign* or its supporting *structure*, whichever is higher.
> **Sign face area** means the area of the smallest square, rectangle or circle that can wholly enclose a *sign's* framing mechanism or its letter composition when presented without a framing mechanism.
> **Banner sign** means a flexible *sign* made of fabric or plastic that is affixed to a wall, pole, or to the ground.
> **Ground sign** means a *sign* supported by one of more uprights or braces placed in or upon the ground.
> **Portable sign** means a *sign* that is not permanently fixed in a location and designed to be transported from place to place, and includes a sandwich board, a reader board on legs or wheels that may contain

changeable copy (either manually or electronically controlled), and an inflatable device.

Projecting wall sign means a *sign* that projects from a wall of a *building* and is supported by it.



Wall sign means a *sign* that is attached directly to, or painted upon a *building's* exterior face, and which does not extend therefrom, and does not extend above the roof line, and shall include a *sign* attached to or painted on an awning or a *building*.

Wall sign area means the part of a *building* or *structure*, where a wall *sign* may be affixed, drawn, hung or painted. For greater certainty, this includes the section of the *building* between *established grade* and the *eave line* of the *building*.

Window sign means a *sign* that is placed on or near to the face of a window or glass door so as to be legible from off the premises or from a parking *lot* associated with the premises.

Site plan approval means an approval process that evaluates the layout of site features such as *buildings*, parking areas, and landscaping for compliance with the *Land Use By-law*, and results in a written agreement between the *Development Officer*, on behalf of the *Municipality*, and the developer.

Small option dwelling - see *dwelling*

Small Scale Composting – see *Composting facility*

Solar collector means any device, excluding a window, used to collect solar radiation for the purpose of electrical generation or heating, and in addition:

> **Solar farm** means an installation on an area of land in which *solar collectors* are set up to generate electricity for *commercial* gain and does not include a *dwelling*.

Solid waste facility means a facility to treat or process solid waste into usable secondary materials or products, including fuel or energy, which is not owned by the *Municipality.*

Stormwater means water from precipitation of all kinds, and includes water from rain, the melting of snow and ice, groundwater discharge and surface water.

Stormwater system means a method or means of carrying *stormwater*, and includes but is not limited to ditches, swales, sewers, drains, canals, ravines,

gullies, pumping stations, retention ponds, streams, *watercourses*, floodplains, springs, creeks, *streets* or private roads, roadways or driveways.

Street 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* of the District of Chester.

Structure means anything that is *erected*, built, or *constructed* of parts joined together or any such *erection* fixed to or supported by the soil or by any other *structure*, and shall include *buildings*, walls and *signs*, and for greater certainty:

> **Accessory structure** means a *structure* that is normally incidental to and devoted to a *main building* or land *use* located on the same *lot*.
>
> **Small accessory structure** means an *accessory structure* with a *gross floor area* of 20 m^2 or less;
>
> **Temporary Structure** – a *structure* without any foundation or footings and which is removed when the designated time period, activity or *use* for which it was erected has ceased or to otherwise comply with this *By-law*.
>
> **Minor accessory structure** means an *accessory structure* incidental to a *lot*, including but not limited to a children's play structure, cold frame, garden trellis, *pergola*, garbage box, clothes line pole, pet house, monument and interpretive display.

Studio means a *building*, or part of thereof used as a workroom for the study, execution or instruction of any fine or *commercial* art, or craft, including photography, music, visual art and *commercial* design.

Temporary structure – see *structure*

Through lot – see *Lot*

Tourist accommodations means a *building* or establishment, containing one or more *tourist accommodation unit(s)* which provides accommodation for the travelling public, may include kitchen and washroom facilities, for financial remuneration, and may provide other facilities including meeting rooms, *restaurants* and entertainment facilities open to the general public. For greater certainty this use includes motels, hotels, inns and *Bed and Breakfast Establishments* but does not include *Short-term Rentals, Campground and RV parks.*

> **Tourist accommodation unit** means one room or a group of rooms where guest accommodation facilities are contained within one building, intended to provide accommodation to the travelling public, and where the facility is only rented to one party at a time as

a temporary accommodation, in exchange for financial renumeration.

Transportation depot means any facility developed for the primary purpose of storing and dispatching trucks, cars, and any other mode of transportation for the transporting of goods or people and does not have any related retail *use*.

Use means the purpose for which any land, *building* or *structure* is utilized, and for greater certainty:

Accessory use: a *use* subordinate to, normally incidental to and located on the same *lot* as the main land *use*.
Change of use: any alteration in the use made of the whole or any part of a parcel of land, *building* or *structure*.
Non-conforming use: means a *use* as described in the *Municipal Government Act*.

Variance means a relaxation or reduction of *Land Use By-law* requirements for a specific site, as stipulated in Sections 235-237 of the *Municipal Government Act.*

Vegetated buffer means a designated strip of land containing a mix of species including trees, shrubs and grasses, whether naturally occurring or planted during restoration, that provides filtration of pollutants and sediment, and promotes bank stability as a means to protect water quality and habitat of *watercourses* and lakes, and to protect property from flooding and erosion. Vegetated buffers may also be required for buffering of sound, light, noise and as a method of stormwater management and retention.

Wall Sign – see *Sign*

Wall Sign Area – see *Sign*

Warehouse means a *building* in which goods or wares are stored but shall not include a *retail store*.

Wastewater Management District means a designated area of land within which privately-owned on-site septic systems are collectively managed by the *Municipality* in accordance with a *municipal wastewater management* district by-law.

Watercourse means the bed and shore of a river, stream, creek, brook or similar. This By-Law applies to all freshwater watercourses indicated on the Nova Scotia 1:10,000 topographic database.

Waterfront lot – see *Lot*

Waterfront park – see *Park*

Water body means the bed and shore of a freshwater lake, pond or other still body of water. This By-Law applies to all freshwater water bodies indicated on the Nova Scotia 1:10,000 topographic database.

Wetland means a land surface that is periodically or permanently saturated with water and sustains biological activities adapted to wet conditions, and may be commonly referred to as a marsh, swamp, bog, or similar or as otherwise defined in the Provincial Environment Act. This By-Law applies to all wetlands indicated on the Nova Scotia 1:10,000 topographic database.

Window Sign – see *Sign*

Winery – see *Brewery*

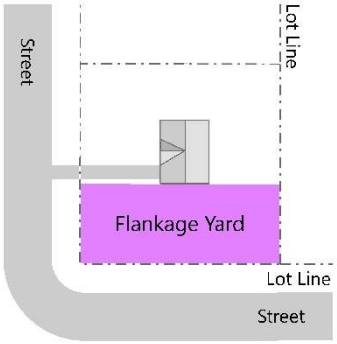
Window Area – means the percentage of the *façade* of a *building* that is occupied by windows, including windows located within entrances and *building* foundations but does not include skylights or openings forming part of the roof.

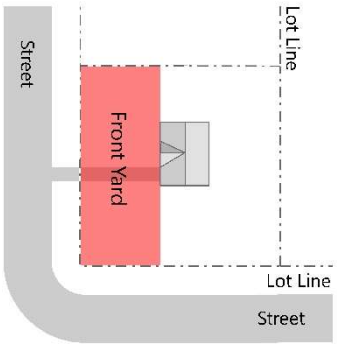
Wind turbine means a *structure* that produces power by capturing the kinetic energy in surface winds and converting it into energy in the form of electricity, and typically includes a supporting *structure* such as a tower, rotor *blades* and a *nacelle*, and for greater certainty:

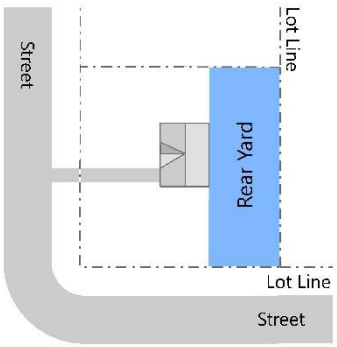
> **Blade** means the part of the *wind turbine* that rotates in the wind;
>
> **Nacelle** means the frame and the housing that encloses the transmission system and generator and protects them from the weather;
>
> **Rotor's arc** means the largest circumferential path traveled by the *wind turbine's* rotor *blade*.

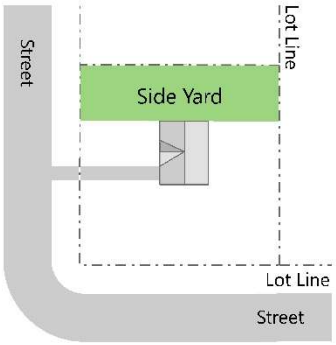
Yard means an open, uncovered space on a *lot* belonging to a *structure* or a specified land *use*, and in determining *yard* measurements, the minimum horizontal distance from the respective *lot lines* shall be used; and for greater certainty:

> **Flankage yard**: a *side yard* on a *corner lot*, which *side yard* extends from the *front yard* to the *rear yard* between the *flankage lot line* and the *main wall* of any *building* or *structure*.
> **Front yard**: a *yard* extending across the full width of a *lot* between the *front lot line* and the nearest *main wall* of any *building* or *structure* on the *lot*; and "minimum" *front yard* means the minimum depth of a *front yard* between the *front lot line* and the *main wall* of any *building* or *structure*.









Rear yard: a *yard* extending across the full width of a *lot* between the *rear lot line* and the nearest *main wall* of any *building* or *structure* on the *lot*; and "minimum" *rear yard* means the minimum depth of a *rear yard* on a *lot* between the *rear lot line* and the *main wall* of any *building* or *structure.*

Side yard: a *yard* extending from the *front yard* to the *rear yard* of a *lot* between a *side lot line* and the nearest *main wall* of any *building* or *structure* on a *lot*; and "minimum" *side yard* means the minimum width of a *side yard* between a *side lot line* and the *main wall* of any *building* or *structure*.

Zone means a specified area of land shown on Schedule "A" of this By-law and more particularly referred to in Part 3 of this *By-law.*

3.0 ADMINISTRATION

3.1 Zones

Land within the *Village of Chester* shall be divided into *zones*. The extent and boundaries of each *zone* are shown on the Zoning Maps attached to this *Land Use By-law*, as detailed in Schedule "A".

The *zones*, which are contained within designated Character land *use* areas as defined in the *Village of Chester Secondary Planning Strategy*, are:

Tip:
The *zone* abbreviations and colours shown here correspond with the zoning maps found in Schedule "A" at the end of this by-law.

Village Core & Peninsular Area

CC	Core Commercial Zone
WF	Waterfront Zone
R1	Residential 1 Zone
R2	Residential 2 Zone
MD	Marine Development Zone

North Street Area

R5	Residential 5 Zone
HC	Highway Commercial Zone

Village Boundary Area

R3	Residential 3 Zone
R4	Residential 4 Zone

Zones Permitted in All Character Areas

I	Institutional Zone
PO	Parks and Open Space Zone
OI	Ocean Infill Zone

3.2 Interpretation of Zone Boundaries

The boundaries of *zones* are shown in the *Land Use By-law* Zoning Maps (Schedule "A") and shall be precisely located as follows:

3.2.1 Where a *zone* boundary is shown on or within a *street* or highway, the boundary shall be the centreline of such *street* or highway. For greater clarity, the centreline is a line drawn parallel to and equidistant from the limits of the street or highway.

3.2.2 Where a *zone* boundary approximately follows *lot lines*, the boundary shall follow such *lot lines*;

3.2.3 Where a *zone* boundary approximately follows a shoreline, the boundary shall be the *ordinary high water mark*;

3.2.4 Where a *zone* boundary approximately follows a railway right-of-way, public recreational trail right-of-way, electrical transmission right-of-way, or a *watercourse*, the boundary shall be the centreline of such right-of-way or of such *watercourse*;

3.2.5 Where there is no landmark, *lot line* or right-of-way that indicates the precise location of a boundary, the boundary shall be scaled from the *Land Use By-law* Zoning Maps as shown in Schedule "A".

3.2.6 Where a *lot* includes more than one *zone*, any *development* that is proposed to cross a *zone* boundary must comply with the most stringent provisions of all relevant *zones*.

3.2.7 Where a *lot* falls into two or more *zones*, each portion of the *lot* shall be used in accordance with the provisions of this By-law for the applicable *zone*.

3.2.8 *Accessory structures* shall be in the same *zone* as the *main building*.

3.2.9 In no case shall a *zone* boundary dividing a *lot* into two or more *zone* categories intended to function as a property boundary for the purposes of calculating *yards* and setbacks, unless otherwise specified in this By-law.

3.3 References are Inclusive

In this By-law, reference to a *zone* is deemed to include reference to a permitted *use*, special requirements, and regulations of that particular *zone*.

3.4 Overlays

3.4.1 Environment & Heritage Overlay – schedule "B" includes two overlays relating to environmental protection for lakes and heritage protection of the Old Stone Bridge on Victoria Street:

- Lakefront Overlay - Land around lakes within the *Municipality* of Chester shall be covered by the Lakefront Overlay. The extent and boundaries of the Lakefront Overlay are as indicated on Schedule "B".
- Old Stone Bridge Overlay – Development within the area indicated on Schedule "B" has additional limitations and requirements designed to protect the Provincially Registered Heritage Property, being the Old Stone Bridge located on Victoria Street.

3.4.2 Core Village and Outer Village Overlay – Schedule "C" divides the Village of Chester into two distinct areas, the *Core Village Overlay* and the *Outer Village Overlay*. This reflects historic, geographic, built form and character differences. To recognize and better respond to these distinct attributes, Schedule "C" Core Village and Outer Village Overlay creates a framework for reference in this By-law to apply regulations appropriate for an area, regardless of the zone in which they occur.

3.5 Ordinary High Water Mark

The Ordinary High Water Mark (OHWM) when referenced in this By-law, shall refer to coastline as identified in the Nova Scotia Provincial Topographic Database at a scale of 1:10,000, on the adoption date of this By-law, as indicated on Schedule A (Zoning Map).

3.6 Watercourses, water bodies and wetlands

Watercourses, *water bodies* or *wetlands* when referenced in this By-law, shall refer to those *watercourses*, *water bodies*, and *wetlands* identified in Nova Scotia Provincial Topographic Database mapping at a scale of 1:10,000.

3.7 Standards of Measurement

3.7.1 Measurements throughout this By-law are metric. Submissions in imperial measurement shall be converted to metric and rounded

to two decimal points. The metric measurement of "metres" shall be displayed using the abbreviation "m".

3.7.2 When calculating the required number of *parking spaces* or *loading* spaces, any decimal or fraction shall be rounded to the nearest whole number.

3.8 Interpretation of Certain Words

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 singular number; the word "shall" means that the provision is mandatory and not permissive. All other words carry their customary meaning except for those defined in Part 2 of this By-law: Definitions.

3.9 Development Officer

3.9.1 This By-law shall be administered by the *Development Officer* appointed by *Council*, under the authority of the *Municipal Government Act*. The *Development Officer* shall issue *development permits* that comply with this By-law and may refuse those that do not comply.

3.9.2 In the absence or incapacity of the *Development Officer*, the acting *Development Officer* appointed by *Council* shall act in the place of the *Development Officer*.

3.9.3 The *Development Officer* may enter, at all reasonable times, into or upon any property within the area to which this By-law applies for the purpose of any inspection necessary in connection with the administration of this By-law.

3.10 Development Permits

3.10.1 A property *owner* shall not undertake, or cause to permit to be undertaken, any *development* thereon unless a *development permit* has been issued as required by this *By-law,* therefor by the *Development Officer* and the permit is in force.

3.10.2 Notwithstanding Section 3.10.1, no *development permit* is required for a *development* when such an exception is clearly stated elsewhere in this *By-law*.

3.10.3 Every *person* wishing to obtain a *development permit* shall submit an application to the *Development Officer* in the form prescribed by *Council*.

3.10.4 When requested by the *Development Officer*, an application for a *development permit* shall be accompanied by a plan drawn to an appropriate scale and showing:

a) the shape and dimensions of the *lot* to be used for the *development*;

b) the proposed location on the *lot*, *height* and total dimensions of any proposed *structure* and of any *structure* to be affected by the proposal;

c) the proposed location and dimensions of parking areas, *parking spaces*, loading areas, drive aisles, driveways, curbs, fences and landscaping, including all impermeable surfaces;

d) the location of every *structure* already *constructed*, partly *constructed*, or proposed on the *lot*;

e) natural features such as *wetlands*, *watercourses, water bodies* and slope by topography;

f) the location of private sewage disposal systems, on-site septic systems and wells;

g) all other information as may be necessary to determine whether the proposed *development* conforms with the requirements of this *Land Use By-law*.

3.10.5 Where the *Development Officer* is unable to determine whether the proposed *development* conforms to this *By-law* and other by-laws and regulations in force which affect the proposed *development*, the *Development Officer* may require that any plans submitted in support of an application be certified by an appropriate registered professional, including but not limited to a Nova Scotia Land Surveyor or Professional Engineer.

3.11 Signatures

An application for a *development permit* shall be signed by the *owner* of the *lot*, or by an agent so appointed by the *owners*, confirming the veracity of the information provided and shall set forth in detail the current and proposed *use* of the *lot* and each

building or *structure*, or part thereof, together with all the information necessary to determine whether or not the proposed *development* conforms with the requirements of this *Land Use By-law*.

3.12 Issuance of Development Permit

3.12.1 No *development permit* shall be issued by the *Development Officer* unless the development conforms to the provisions of this *Land Use By-law*, the terms of a *development agreement*, or a *site plan approval*.

3.12.2 Every *development permit* issued under this *Land Use By-law* and any *development permit* issued under any previous *Land Use By-law*, shall automatically expire, if the *development* to which it relates has not commenced and 18 months have passed since its issuance.

3.12.3 A *development permit* shall be effective for a period of 18 months and may be renewed for an additional 18 month period provided that:

a) the *development permit* has not been renewed previously;

b) the *Development Officer* is satisfied that the *development permit* is consistent with the *existing Land Use By-law* and proposed amendments to the *Land Use By-law* as provided for under the *Municipal Government Act*.

3.12.4 Notwithstanding 3.12.3, a *development permit* may be issued for a temporary period and may be renewed for a temporary period on a one-time-only basis to a maximum of 6 months provided that the *Development Officer* is satisfied that the *development permit* is consistent with the *Land Use By-law* and proposed amendments to the *Land Use By-law* as provided for under the *Municipal Government Act.*

3.12.5 A *variance* issued in relation to a *development permit*, shall remain valid for the duration of the *development permit*, but may not be renewed.

3.13 Deviations

No developer shall deviate, or allow deviations to be made, from the description of the proposed *development* which is contained

in the *development permit*, unless the developer has obtained a new *development permit* or an amended *development permit* from the *Development Officer*.

3.14 Amend or Re-issue

When so requested by a developer, the *Development Officer* may make amendments to or may re-issue a *development permit* which has not lapsed by making an appropriate notation thereon provided that the amended or re-issued permit conforms with the *Land Use By-law* requirements in effect on the date of the amendment or re-issuance.

3.15 Revocation of Permits

The Development Officer may revoke any development permit issued under this Land Use By-law or any previous Land Use By-law where:

- the requirements of the Land Use By-law are not met;
- the issuance of the permit was based on incorrect information;
- the permit was issued in error.

3.16 Development Agreements & Amendments

In accordance with the provisions of the *Municipal Government Act*, *Council* may enter into a *development agreement* as indicated in the *zones* where such *development agreements* may be considered. The criteria to be applied, under which such *developments* may be considered, are referenced in Part 9.0 of the *Village of Chester Secondary Planning Strategy*, specifically Section 9.7 located therein.

3.16.1 Where the *Council* has given notice of its intention to adopt an amendment to this By-law which is not general in scope but which is in direct response to a specific *development* proposal, or has given notice of its intention either to enter into a *development agreement* or to amend a *development agreement*, *Council* shall serve notice of the proposed amendment or *development agreement* upon assessed property *owners* whose property lies within 30 m, or greater at the discretion of *Council*, of the property

which is the subject of the proposed amendment or *development agreement*. Such notice shall:

a) set forth a synopsis of the proposed amendment or *development agreement*;

b) state the date, time, and place set for the public hearing on the amendment or *development agreement*;

c) be served by ordinary mail.

3.16.2 A notice containing the same information may be posted on the *Municipality*'s website and sent to the Chair of the planning advisory committee for the specific area.

3.16.3 A *sign* that states that a planning application has been received may be posted on the property, which is the subject of the application.

3.16.4 An applicant seeking an amendment to this *By-law* or for a *development agreement* or an amendment thereto shall deposit with the *Clerk* of the *Municipality* an amount as specified by policy of *Council* to cover the cost of advertising, signage, registration and notices required to comply with the *Municipal Government Act*. After such advertising has been completed, the applicant shall pay to the *Clerk* any amount required to pay any additional cost of advertising, registration and notices or, if there is a surplus, the *Clerk* shall refund it to the applicant.

3.17 Notice of Variance or Site Plan Approval

3.17.1 Where a *variance* from the requirements of this by-law has been granted or refused, or a *site plan approval* has been granted or refused, the *Development Officer* shall give notice to the *persons* entitled, and in the manner prescribed by Sections 232-237 of the *Municipal Government Act*, such notice to be served by ordinary mail. Specifically, the *Development Officer* shall serve notice of the *variance* or *site plan approval* upon assessed property *owners* whose property lies within 30 m of the property which is the subject of the proposed *variance* or *site plan approval* and such notice shall:

a) describe the variance or site plan approval;

b) identify the property where the *variance* or *site plan approval* is granted;

c) set out the right to appeal the *variance* or *site plan approval* to *Council;*

d) be sent to the address or addresses maintained in the assessment list.

3.17.2 The *Municipality* may recover from the applicant the cost of giving notices in relation to an application for a variance or site plan approval.

3.18 Application Fees

An applicant seeking a *development permit*, a *development agreement*, an amendment to the *Land Use By-law* or the *Secondary Planning Strategy*, a *site plan approval*, or a *variance*, shall pay the fees prescribed by *Council* as amended from time to time by policy.

3.19 Violations and Enforcement

In the event of any contravention of the provisions of this By-law, the Municipality of the District of Chester may take action as outlined in the Municipal Government Act.

3.20 Validity

If any section, clause or provision of this by-law, or anything contained in a Schedule of this by-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid. It is hereby declared that all the remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.

4.0 GENERAL PROVISIONS

4.1 Application, Waivers and Exemptions

4.1.1 Application of General Provisions

The general provisions of Part 4.0 shall apply to all zones and shall prevail over all zone requirements, unless otherwise specified.

4.1.2 Height regulation

The regulation on maximum *height* for each *zone* shall not apply to church spires, steeples, water tanks, silos, flagpoles, *structures* and antennae used for radio and tele-communications, ventilators, skylights, chimneys, monuments, clock towers, and municipally owned *structures*.

More Information:
The *Trade and Licensing By-law* can be found at www.chester.ca or by visiting the Municipal Office.

4.1.3 Mobile vending

Mobile vending, associated *signs*, and associated *structures* are subject to the *Trade and Licensing By-law #11* of the *Municipality*, and no *development permit* shall be required.

4.1.4 Short Term Rentals

Use of property as a Short Term Rental is not governed by this By-law and no *development permit* is required. Short Term Rentals are subject to other relevant Municipal policy, by-law(s) or order(s) approved by Council.

4.1.5 Permitted uses

a) Unless otherwise indicated as a permitted *use* in a *zone* within this By-law, the *use* shall be deemed to be prohibited in said zone.

b) Subject to regulations in each zone, uses accessory to, subordinate to, or incidental to the principal use shall be permitted in any zone, but in no instance shall an *accessory structure* or *accessory use* be established prior to the main *use*.

4.1.6 Similar Uses

Where a permitted use within any zone is defined in Part 2 Definitions, the uses permitted within that zone include any similar

uses which satisfy such definition except where a definition excludes any similar uses.

4.1.7 Restoration to a safe condition

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any *structure*.

4.1.8 Signs

All *signs* shall be subject to the applicable requirements of Part 9 of this *By-law.*

4.1.9 Swimming pools

No *development permit* shall be required for the installation of any swimming pool. However, any decking, *accessory structures* or fencing associated with a swimming pool may require a *development permit* subject to the provisions of the By-law.

4.1.10 Accessory Uses

Accessory uses are subject to regulations in each *zone*, *uses* accessory to, subordinate to, or incidental to the principal *use* shall be permitted in any *zone*.

4.2 Accessory Dwelling Units

4.2.1 An *accessory dwelling unit* is permitted in all *residential zones* subject to the following:

a) The maximum *gross floor area* of the *accessory dwelling unit* shall not exceed 100 m^2 or that of the *main building*, whichever is less;

b) The *lot* does not contain an existing *accessory dwelling unit*;

c) when located in the *main building*, the entrance to the *accessory dwelling unit* shall be located at the side or rear of the *main building* or through a single, common vestibule.

d) when located in an *accessory structure*, shall be located no closer than 1.5 m to any *lot line*.

e) shall provide one additional *parking space* or *tandem parking space*.

4.3 Accessory Structures

4.3.1 *Accessory structures* shall be permitted in all *zones* and, unless otherwise indicated, shall be subject to the following:

a) Shall not be used for human habitation, except as an *accessory dwelling unit*;

b) Shall not be permitted to be located closer than 1.5 m to any *lot line*, with the exception of one *accessory structure* per lot, without plumbing or kitchen facilities and which is prohibited from human habitation, that also complies with General Provisions Architectural and Design Controls, and which may be built to the *ordinary high-water mark*;

c) Shall not be located or built within 1.5 m of a *main building* or *structure*, excluding *signs*, except that a fence or retaining wall may join *accessory structures* with a *main building*;

d) Shall not be located within the *Front Yard* of the *lot*.

e) In the Residential One (R1) and Waterfront (WF) *zones* the maximum *gross floor area* is 90 m^2 or 65% of the *main building*, whichever is lesser. In the Residential Two (R2) *zone,* the maximum *gross floor area* is 150 m^2 or 65% of the *main building*, whichever is lesser. In all remaining *zones accessory structures* shall be limited to 65% of the footprint of the *main building*.

f) *Small accessory structures*, being those with a *gross floor area* of 20 m^2 or less are permitted in all *zones*, with additional limitations as outlined in select *zone* standards. *Small accessory structures* shall not be included in lot coverage calculations.

4.4 Agricultural Uses

4.4.1 This By-law regulates *agricultural uses* that constitute a *commercial use* or involve the keeping of *Farm Animals* as outlined in the zone standards.

4.5 Architectural and Design Controls

4.5.1 *Lots* within the *Core Village Overlay* shown on Schedule "C", shall comply with the following:

a) The maximum permitted height of structures listed in the zone standards is modified as follows for all *main buildings* within the Core Village Overlay, except those within the Waterfront (WF) zone:

Roof Pitch Category	Pitch/Slope	Percentage of total roof area	Height Limit
High	8:12	>50%	11 m
Moderate	4:12 <8:12	>50%	10 m
Low	<4:12	>50%	8 m

b) Notwithstanding 4.5.1 a), a *main building* may exceed the maximum permitted height in this By-law if approved by *development agreement*. Such an application may only be made if the use is permitted in the zone.

b) Regardless of pitch, single slope (shed) roofs are prohibited.

c) *Buildings* with a footprint greater than 140 m^2 shall incorporate varied massing; comprised of a *main building* form with added wings, ells, porches, etc., joined to the *main building* form under varied roof lines. The composition of these features shall have the effect of breaking up the overall visual mass of the building into smaller components, reducing apparent bulk, adding visual interest, and creating an intimate scale.

d) The use of metal siding, vinyl siding, concrete block, unfinished concrete, finished concrete and stone, including stone veneer (both faux and real stone) is prohibited. The sole exception being when a Building Code requirement for "non-combustible materials" is verified by the Municipality. In such circumstances the proposed non-combustible siding materials must closely resemble a traditional siding style in a horizontal orientation, including but not limited to shake shingle.

e) The total *window area* is limited to 60% of the wall area. Each wall: front, rear and each side shall be calculated individually.

f) Notwithstanding 4.5.1 e) the *window area* may exceed 60% per wall where any window beyond 60% includes muntins to divide or create the appearance of dividing the glass into panes with openings that have a larger height to width ratio.

Under no circumstances shall the *window area* exceed 80% of the wall area.

g) The use and application of metal roofing materials are not limited or restricted by this By-law.

h) The *façade* of an attached garage shall not exceed 25% of the *main building facade* or the minimum width required for a single vehicle garage, whichever is greater.

i) Attached garages shall be recessed a minimum of 1 m from the *main building façade*;

j) *Accessory structures* shall be limited to a maximum height of 6 m.

k) Accessory structures shall maintain a minimum roof pitch of 4:12

l) *Accessory structures* with a *gross floor area* exceeding 20 m^2 shall comply with all relevant provisions of 4.5.1 Architectural and Design Controls.

m) *Accessory structures* used as an *accessory dwelling unit* shall comply with all applicable parts of the General Provisions for *accessory structures.*

n) the *development* shall incorporate landscaping elements into the design, including but not limited to trees, shrubs, garden beds, softscape (ie. grass lawn) areas, and retention of healthy existing vegetation. For greater clarity, the use of bare dirt, gravel, stone or other aggregate material, is not an acceptable replacement for softscape areas and shall not contribute to the required landscaping of the *lot*.

4.5.2 *Lots* within the *Outer Village Overlay* shown on Schedule "C", shall comply with the following:

a) buildings with a footprint greater than 140 m^2 shall incorporate varied massing; comprised of a main building form with added wings, ells, porches, etc., joined to the main building form under varied roof lines. The composition of these features shall have the effect of breaking up the overall visual mass of the building into smaller components, reducing

apparent bulk, adding visual interest, and creating an intimate scale.

b) the *façade* of an attached garage shall not exceed 25% of the *main building facade* or the minimum width required for a single vehicle garage, whichever is greater.

4.6 Commercial vehicle in residential zones

4.6.1 Commercial vehicles parked overnight in any *residential zone* are subject to the following, but no *development permit* shall be required:

a) a maximum of 1 *commercial* vehicles shall be parked overnight per *lot*;

b) the commercial vehicle shall be personally used by a tenant, resident, or owner of the *lot*;

c) the commercial vehicle shall not include an operating refrigeration unit.

4.7 Community Gardens

4.7.1 Community gardens shall be permitted in any *zone* and shall not require a *development permit*.

4.8 Composting, Small-scale

4.8.1 *Small-scale composting* shall be permitted as an accessory use to *commercial, institutional* and *light industrial uses* in *zones* where such uses are permitted.

4.9 Deemed Connected/Attached

4.9.1 For the purposes of this By-law any addition, porch, deck, veranda, steps, ramp, or other *structure*, not including a *sign* or *fence*, whether physically attached to, connected to, or located within 1.5 m of a *building* or *structure* shall be deemed to be included as part of the *building* or *structure*.

4.9.2 Notwithstanding 4.11.1, when reviewing a proposed *structure* for the purpose of calculating the number of dwelling units or considering if an addition constitutes part of the *main building*, any structural connections shall include roofed and partially enclosed space, not limited to, but including a breezeway, hallway, covered veranda or similar feature. For greater clarity, a fence, wall,

uncovered walkway or similar shall not suffice to constitute connection for the purposes described above.

4.10 Electric vehicle charging

4.10.1 Nothing in this *By-law* shall prevent the installation of a non-*commercial* electric vehicle charging station, where the station is for the exclusive domestic use of a *dwelling unit*, and shall not require a *development permit*.

4.10.2 Non-*commercial* electric vehicle charging stations that are not for the exclusive use of a *dwelling unit* shall be permitted as an *accessory use* in all *zones* and shall not require a *development permit*.

4.10.3 *Commercial* electric vehicle charging stations, whether installed as part of a larger *development*, or as a stand-alone *commercial use* are considered an *Automobile service station* and shall be permitted as listed in the zone standards within this *By-law*.

4.11 Electrical Generation Facilities

The following provisions shall apply to *developments* not owned by the *Municipality* or located on *Municipally*-owned property.

4.11.1 Wind Turbines

Wind turbines shall be permitted only on properties within the *Outer Village Overlay* by *development permit* and shall be subject to the following requirements:

a) a maximum of one *wind turbine* shall be permitted per *lot*

b) the maximum production capacity for *wind turbines* on the *lot* shall not exceed 5 kilowatts;

c) *wind turbines* shall be set back three times the *height* of the turbine, measured from *grade* to the highest point of the *rotor's arc*, from adjoining *lot lines*;

d) *wind turbines* shall not exceed 20 m in *height*;

e) *wind turbines* shall bear a non-reflective finish, and shall not contain any exterior lighting;

f) no *sign* shall appear on a *wind turbine* other than the *owner's* or manufacturer's identification;

g) rotor *blade* clearance shall be at least 8 m above *grade*.

4.11.2 Solar Collectors

*Solar collector*s shall be permitted in all *zones*, subject to the following requirements:

a) This By-law shall apply to all *solar collectors:*

- *Solar collectors* attached to a *building* do not require a *development permit*, except for those *lots* located in the *Core Village Overlay*,
- *Solar collectors* attached to a *building* shall comply with the maximum height provisions of the *building* to which it is affixed;
- Off-building solar collectors require a *Development Permit;*

b) off-building *solar collectors* shall be limited to a total panel area of 20m^2 per lot;

c) off-building *solar collectors* shall be permitted on *lot*s that do not contain a *main building;*

d) off-building *solar collectors* shall maintain a setback distance of 1.5 times the height of the solar array from all property lines

e) off-building *solar collector*s shall not be permitted within the *front yard* and must meet all other requirements of the *zone*.

4.11.3 High Capacity Electrical Generating Facilities

Any *electrical generating facilities* not permitted under sections 4.11.1 or 4.11.2, shall be prohibited unless owned by the *Municipality* or located on Municipally-owned property.

4.12 Farm Animals

4.12.1 Backyard hens

Unless otherwise indicated in the *zone* provisions, backyard hens, comprising 1 to 6 female fowl, excluding Guinea Hens, shall be permitted in all *zones* by *development permit* subject to the following:

a) The *use* shall be accessory to a *dwelling*;

b) The coop shall not be located in the *front yard* or *flankage yard* of the *lot*.

c) Any *structure* used for the keeping of backyard hens shall comply with the requirements for an *accessory structure* as outlined in the General Provisions.

4.13 Farm Markets

4.13.1 Farm markets operating one day per week or less shall be permitted in any zone and shall not require a *development permit*.

4.14 Fences

4.14.1 Requirements for fences are as follows:

Maximum Fence Height	Applicable Zone(s)	Development Permit	Additional Requirements
1.2 m	Waterfront Zone	Yes	None
2 m	R1, R2, R3, R4	No	None
4 m	Commercial, Institutional and Industrial Zones	Yes	Must meet minimum *yard* requirements of the *zone* in which it is to be located.

4.15 Habitation of Vehicles

4.15.1 No automobile, truck, bus, coach, rail car, *recreational vehicle* or other vehicle, or part thereof, with or without wheels, shall be used for human habitation, except that a *recreational vehicle* may be used for temporary human habitation subject to the following*:*

a) the *recreational vehicle* has received a temporary *development permit* for the appropriate period of habitation;

b) within the Residential 1 (R1) *zone* and the Residential 2 (R2) *zone*, the period of habitation shall not exceed 30 days in the same calendar year

c) within the Residential 3 (R3) *zone*, Residential 4 (R4) *zone* and the Highway Commercial (HC) zone, the period of habitation shall not exceed 90 days in the same calendar year.

d) the *recreational vehicle* must bear a valid motor vehicle registration and inspection;

e) a *lot* is limited to a maximum of 1 *recreational vehicle* at any time;

f) the *recreational vehicle* meets all minimum *yard* requirements for *accessory dwelling units* in the *zone* in which it is located;

g) the *recreational vehicle* shall not be connected to a wastewater system

4.15.2 Short-Term Habitation of Vehicles

Notwithstanding 4.15.1, nothing shall prevent the temporary habitation of *recreational vehicles* up to a maximum of 14 days in the same calendar year without the requirement for a temporary *development permit* or a *development permit.*

4.15.3 Storage of Recreational Vehicles

Storage of a maximum of 1 *recreational vehicle* is permitted on *lots* that also contains a *dwelling*.

4.16 Home Based Business

4.16.1 Any *building* in a *residential zone* may be used for limited commercial use subject to the following:

a) the *dwelling* is occupied as the place of primary residence by the operator(s) of the business;

b) no more than 25% of the floor area of the main *dwelling*, or a maximum of 50 m² of *residential* floor area, whichever is less, is devoted to the business *use;*

c) employees are not limited to those persons living in the *dwelling unit* where the business is located;

d) home-based businesses shall fall within one of the following:

- Professional services;
- Personal services;
- Craft workshops;
- *Studios* for the practice or instruction of fine arts or crafts.
- Residential day-care

e) one on-site *parking space*, in addition to that required for the *dwelling*, is provided;

f) outdoor display associated with the business shall not be permitted;

g) outdoor storage associated with the business shall be permitted in the *rear yard* only and shall be required to be screened from view by a fence, no less than 2 m in *height;*

h) Under no circumstances shall a *use* proposed as a home-based business emit, produce, import, export, store or deal in noxious chemicals, substances or other wares that may pose a hazard to human health and/or the environment;

i) the external appearance of the *building* shall not be changed by the home-based business;

j) 1 non-illuminated *sign* advertising a home-based businesses is permitted but shall not exceed 0.5 m^2 in *sign face area*.

4.17 Home Office & Sales

4.17.1 A *residential dwelling* or *residential accessory structure* may be used for the following limited *commercial uses* without requirement for a *development permit*, subject to the following:

a) the *dwelling* is occupied as the place of primary residence by the operator(s) of the business;

b) employees are limited to those persons living in the *dwelling unit* where the business is located;

c) the *use* is limited to a home office or sales, including online sales;

b) no alteration to the exterior of the *building* is permitted;

c) no customers may be received or conduct business at the site;

d) no *commercial* signage is permitted.

4.18 Infilling

4.18.1 The alteration of *grade* or land level through depositing or filling in of land to a depth greater than 0.3 m within the minimum *yards* required in any *zone* is prohibited. The sole exception being when authorized by the *Development Officer* via an approved *Variance*.

4.18.2 The placement of fill, stone, concrete or other materials, except as components of a wharf, beyond the ordinary high-water mark to

create, protect, or support land or structures is not regulated by this By-law, but remains subject to all other Provincial and/or Federal approvals and permits.

4.18.3 As provided in the Ocean Infill *zone*, any land or buildable area that is created through the process of infilling the ocean, shall be automatically assigned the Ocean Infill *zone*, without amendment to this By-law.

4.18.4 Any land area zoned Ocean Infill shall not be considered or counted when calculating minimum *yard setbacks* for *structures.*

4.19 Lots

4.19.1 Common Lot Line

Notwithstanding the yard requirements of each zone, adjoining buildings that are structurally attached to each other may be divided through a subdivision process along a common lot line. In such cases, the adjoining buildings shall be constructed and in place prior to subdivision approval being granted.

4.19.2 Existing undersized lots

Notwithstanding minimum *lot area* and *lot frontage* requirements established elsewhere in this by-law, a *lot* which does not satisfy the minimum requirements for *lot area*, *lot frontage*, or both, and either was in existence on or before 16 April, 1987 (see *MGA* Sec. 291), or satisfies one or more of the following requirements (a) or (b) may be used for a purpose permitted in the *zone* in which the *lot* is located, and a *structure* may be erected on the *lot*, provided that all other applicable provisions of this by-law are satisfied:

a) The *lot* has been created after 16 April 1987 by the consolidation of two or more *lots*, by the expansion or increase in size of an *existing* lot, by subdivision under the *variance* provisions of the *Municipal Government Act* or by an instrument to which the *Municipal Government Act* does not apply; or

b) The *lot* is located upon an island, in which case the required *lot frontage* shall be measured along the *ordinary high water mark.*

4.19.3 Minimum lot frontage

The minimum *lot frontage* for all *lots* shall be 16 m, unless otherwise required in this By-law.

4.20 Non-Conforming Structures and Uses

4.20.1 Non-conforming structures: enlargement and relocation

More Information:
The *Municipal Government Act* allows *uses* which would otherwise not be permitted under this By-law to continue, subject to certain criteria.
For more information, see sections 238-242 of the *Municipal Government Act*, available from www.nslegislature.ca

A *structure*, excluding any *sign* or fence, which was legally in existence on the effective date of this *By-law*, and which would not otherwise be permitted due to the size of the *yard* in which it is located, or its *setback* from property lines, may be:

a) enlarged, reconstructed, repaired, renovated, or replaced by a new *structure*, provided that the *structure* shall not thereby be permitted to extend, elongate or increase any *existing* encroachment into the minimum *front yard, flankage yard, side yard* or *rear yard* required in that *zone* except by the granting of a *variance* in accordance with this By-law.

b) relocated, provided no encroachment into the minimum *front yard, flankage yard,* or *rear yard* required in that *zone* shall be permitted except by the granting of a *variance* in accordance with this By-law.

provided that the application for a *development permit* is supported by a location certificate or survey plan showing the location of the *structure* in relation to the boundaries of the *lot*.

4.20.2 Non-conforming structures: used as permitted in zone

A *structure*, excluding any *accessory structure*, fence or *sign*, which was legally in existence on the effective date of this *By-law*, and which would not otherwise be permitted due to the size of the *yard* in which it is located, or its *setback* from property lines, may be used as permitted in the *zone* in which the *structure* is situated.

4.20.3 Non-conforming uses

Prior *Existing* Uses, land *uses* which were legally in existence on the effective date of this By-law, and which would not otherwise be permitted in the *zone* in which they are located due to the type of *use* or the size of the *use*, are subject to the non-conforming provisions of the *Municipal Government Act*, with the exception

that non-conforming *uses* may be recommenced, if discontinued for a continuous period of less than twelve months.

4.21 Old Stone Bridge Protections

4.21.1 The Old Stone Bridge, located on Victoria Street, near the intersection with Walker Road is a Provincially Registered Heritage Property. The bridge span measures 60 m along the centreline of the roadway on the bridge, being 30 m north of a survey marker set on the side of the bridge and 30 m south of that survey marker. To protect the structural integrity of the bridge, a Heritage Overlay as shown on Schedule "B" is in effect and all proposed *development* is subject to the following:

a) no *structure* shall be erected within 45 m of the centre of the bridge (-64.245309 longitude, 44.545602° latitude) as indicated on Schedule "B", and;

b) every *development permit* application for a *development* proposed to be located within 60 m of the centre of the bridge (-64.245309 longitude, 44.545602° latitude) as indicated on Schedule "B", shall be accompanied by a certificate from a qualified professional, that the construction process, placement of any *structures*, and any resulting changes in stormwater or drainage resulting from construction will not damage or threaten the structural integrity of the bridge.

4.22 One main building per minimum lot

Except for *grouped dwelling developments*, a maximum of one *main building* shall be permitted per lot.

4.23 Outdoor lighting

4.24.1 All outdoor lighting shall be downcast and have *full horizontal cut-off* so as not to cast directly upon an abutting property. Exceptions may be granted in the case of lighting intended to illuminate sidewalks, streets and when demonstrated to be in the interest of safety.

4.24 Outdoor wood furnaces

4.24.1 Outdoor wood furnaces are be prohibited within the Village of Chester.

4.25 Parking & loading space requirements

4.25.1 Except where noted otherwise in this *By-law*, the minimum requirement for on-site parking and *loading spaces* shall be as follows:

a) each *parking space* shall constitute an area of not less than 15 m^2, measuring 2.75 m by 5.5 m, exclusive of driveways or aisles,

b) each *parking space* shall have adequate access to permit ingress and egress of a motor vehicle to and from a *street* or highway by means of driveways, aisles or manoeuvring areas.

c) a minimum of 1 *parking space* for every *dwelling unit*;

d) a minimum of 1 *parking space* for every 50 m^2 of non-residential public floor area, and excludes washrooms, storage areas and hallways;

4.25.2 When 5 or more on-site *parking spaces* are provided, the following provisions apply to the *parking area*:

a) access and egress points shall be a minimum of 3 m for one-way traffic and 6 m for two-way traffic;

b) *parking spaces* shall not be stacked and must be easily accessed and useable at all times

c) the *parking spaces* shall be partially screened from neighbouring properties by means of fencing, vegetation or similar methods

4.25.3 No person shall erect or use any *building* or *structure* for manufacturing, storage, warehouse, department store, retail store freight or passenger terminal, hotel, hospital, funeral home, or other use involving the frequent shipping, loading and unloading of persons, animals or goods unless the following is met:

a) one off-street *loading space* for standing, loading and unloading for every 2700m^2 or fraction thereof shall be maintained on the same lot as the use that it serves;

b) each loading space measures a minimum of 4 m in width by 12 m in length with a minimum height clearance of 4.5 m;

d) *loading spaces* shall be treated or surfaced to prevent dust or raising loose particles;

e) access and egress to loading spaces shall be a minimum of 4 m in width for one-way traffic or a minimum of 6 m for two-way traffic.

f) where a *commercial* zone abuts a *residential* or *institutional* zone, *loading spaces* shall not be located in the abutting *yard*.

4.26 Places of Worship & Cemeteries

4.26.1 Places of worship are deemed an *institutional use* but may be permitted in Residential and Commercial *zones* by Development Agreement.

4.26.2 The creation of new cemeteries is prohibited. Existing cemeteries shall not expand beyond their exterior property boundaries as they existed on ADOPTION DATE.

4.27 Private storage buildings

4.27.1 *Lots* located in a *residential zone* in the *Outer Village Overlay*, that have no *main building*, may construct *private storage buildings* subject to the *zone* standards for *yards* in the zone.

4.27.2 Notwithstanding 4.27.1, *lots* in the Waterfront *zone* that have no *main building*, may construct 1 *private storage building,* not used for human habitation, without plumbing or kitchen facilities, that also complies with General Provisions, Architectural and Design Controls, and which may be built to the *ordinary high-water mark*;

4.28 Public Structures and Uses Permitted in All Zones

4.28.1 the placement, installation or creation of any public utilities, structures or *use* provided, installed or funded by the *Municipality* such as, but not limited to, sewage treatment and water plants, pumping stations, *stormwater* management facilities, playground equipment, picnic tables, signage and port-a-potties shall be permitted in any *zone* without requirement for a development permit.

4.28.2 the construction, expansion and creation of public *buildings*, public *uses* and public *parks* that are installed, funded or owned by the *Municipality* shall be permitted in any *zone* without the requirement for a *development permit*.

4.28.3 the construction, placement and installation of public transit stops authorized by or with support from the Municipality, excluding transfer stations and repair depots, shall be permitted in any zone, subject to approval by the relevant traffic authority.

4.29 Radiocommunications facilities

4.29.1 Nothing in this *By-law* shall prevent the *use* of land for the installation of radio-communications facilities that have been issued a license or are excluded from requiring a license by the Federal Government following due process as prescribed in policy by the Municipality or as applicable under Federal Government jurisdiction.

4.30 Retaining Walls

4.30.1 The placement, construction, and structural repair of *retaining walls* with a *height* greater than 2m, measured from existing *grade* is permitted by *development permit*. For greater clarity, *retaining walls* less than 2m in height are considered *minor accessory structures*, for which no permit is required.

4.31 Salvage yards

4.31.1 Where permitted, *salvage yards* shall have an approved *commercial* highway access from the appropriate Provincial or Municipal department. The area of a *salvage yard* shall be screened to provide a visual barrier that is at least 3 m in *height*.

4.32 Shipping containers

4.32.1 Shipping containers are prohibited within the area covered by this By-law. The sole exception being when issued a temporary *development permit* for use as a temporary structure incidental to construction as provided for in this By-law.

4.33 Site Plan Approval

4.33.1 Where required in the *zone*, and in accordance with the provisions of the *Municipal Government Act*, the *Development Officer* shall issue a *development permit*, upon approval of a *site plan approval* as indicated in *zones* where such approval may be considered, in which the following requirements have been addressed:

a) approval by the authority having jurisdiction for access to any public *street;*

b) location of new *buildings* and additions to *existing buildings* within the permissible *building envelope*, and no less than 20 m from any *watercourse*, *water body*, or *wetland*;

c) location and design of on-site loading and parking areas to facilitate safe access and egress between *building(s)* and vehicle parking and manoeuvring areas, including the provision of bicycle parking;

d) screening of parking areas and any outside storage areas from adjacent properties and from the public *street*. Screening shall include a fence or an equivalent combination of berms or landscaping to adequately screen abutting lands for privacy, during all seasons;

e) location and design of walkways and any outside storage areas so as to facilitate *building* access and egress, barrier free access in addition to being surfaced with stable materials to prevent dust from blowing onto adjacent properties;

f) provision of a landscaped buffer consisting of a combination of native trees, shrubs, plants and/or grass, or retention in the form of *existing* vegetation, in the *front yard* and *side yards*, exclusive of parking, driveways and pedestrian walkways, to a minimum of 25% of the total *land area;*

g) retention and incorporation of *existing* vegetation into the site landscaping, including the protection of environmentally sensitive areas;

h) with regard to watercourses and water bodies:

- maintenance of a vegetated buffer of 20 m in depth from the ordinary high-water mark of a watercourse or water body;
- retention, replanting and maintenance of the *vegetated buffer*, in tree cover and understory vegetation to at least 75% of the linear *water body* frontage of the buffer, and not as a maintained, mowed lawn;

- allowance of a 3.5 m wide opening in the *vegetated buffer* for access to *watercourses* and *water bodies* by means of docks, decks and pathways;
- allowance of small *accessory structures* shall be permitted within the *vegetative buffer* so identified.

i) indication on the *site plan approval* of all easements where applicable;

j) indication of measures including *lot* grading and the limitation of *impermeable surfaces,* such as concrete and asphalt, to areas for access, parking, and pedestrian walkways so as to demonstrate satisfactory *stormwater* drainage;

k) provision of outdoor lighting fixtures with *full horizontal cut-off* such that direct illumination does not extend beyond the *lot lines* of the *development;*

l) all *buildings* and all other *structures*, lawns, trees, shrubs, parking areas, lighting systems, and other landscaping elements shall be maintained in a tidy, attractive and useable state free of unkempt matter of any kind; and the *development* shall not generate emissions such as dust, radiation, odours, liquids, or light to the air, water, or ground so as to create a recognized health or safety hazard or to create a nuisance to the adjacent properties.

4.33.2 Notwithstanding *site plan approval* requirements, *accessory structures* under 50 m^2 shall not require *site plan approval* but shall be approved by *development permit.*

4.33.3 The applicant shall enter into a written agreement to carry out the terms of the *site plan approval.*

4.34 Small Options Dwellings

4.34.1 *Small option dwellings* shall be permitted in all zones where any type of residential *use* is permitted.

4.35 Storage in Vehicles

4.35.1 Unless otherwise noted in this *By*-law, no automobile, truck, bus, coach, streetcar, train car, *recreational vehicle*, camper or other motor vehicle or part thereof, with or without wheels, no mobile

home, container, shall be used for the storage or shelter of goods of any description.

4.36 Stormwater Standard

4.36.1 Residential *developments* comprising 3 or more *dwelling units,* all commercial, institutional, or light industrial *developments*, and any *development* that includes the provisions of 20 or more on-site parking spaces, shall submit a storm *drainage plan,* furnished by a *qualified professional*, namely an engineer, using *stormwater* management best practices such that:

a) surface runoff from *impermeable surfaces*, and rooftop runoff from downspouts, shall drain across *permeable* areas such as *yards*, vegetated areas or other *permeable surfaces*, utilizing rain gardens, drainage swales or other *stormwater* control methods, before entering any *watercourse*, *water body*, *wetland*, *stormwater system*, or drainage ditch;

b) peak post-*development* flows do not exceed pre-*development* flows for all major storms including extreme weather events (1 in 20-year storms).

4.36.2 Notwithstanding 4.37.1, additions to existing structures which total 20 m^2 or less, and change of use applications, are permitted without requirement for the submission of a storm *drainage plan*.

4.37 Temporary structures

4.37.1 Temporary uses: special occasions

Nothing in this *By-law* shall prevent the *use* of land for the erection of temporary *structures* or *signs* for a special occasion organized and operated by the *Municipality*, a non-profit organization, or private household. Such *use* of land shall not require a *development permit*.

4.37.2 Temporary structures: incidental to construction

A temporary *structure* incidental to *construction* or addition to a *main building*, including but not limited to a mobile site office, tool shed, scaffold, *shipping container* or temporary shelter of goods, shall require a temporary *development* permit. The temporary *structure* shall be removed no more than 6 months

from issuance of a temporary *development permit* for said temporary *structure*.

4.37.3 Temporary signs: incidental to construction

A temporary sign incidental to *construction* or addition to a *main building* shall require a temporary *development* permit. The *sign* shall be limited to a maximum *sign face area* of 6 m^2. The temporary *sign* shall be removed no more than 6 months from issuance of a temporary *development permit* for said temporary *sign*.

4.37.4 Temporary structures: special occasions

A temporary *structure* for special occasions and holidays, including but not limited to community or private celebrations, and *commercial* promotions, shall not require a *development permit*, shall not be installed more than 7 days prior to the start of the special occasion and shall be removed no more than 7 days following the termination of the special occasion.

4.37.5 Temporary signs: elections

Nothing in this *By-law* shall prevent the use of land, the use of structures or the erection of signs during and for the purposes of municipal, provincial or federal election campaign provided such uses are terminated and such signs are removed within seven days following the election.

4.38 Variances

4.38.1 The *Development Officer* may grant *variances* of the required minimum or maximum for:

a) the number of *parking spaces;*

b) the number of loading spaces;

c) percentage of land that may be built upon;

d) size or other requirements relating to *yards*;

e) *lot frontage*, *lot area*, or both *lot frontage* and *lot area* provided the *lot* legally existed on the effective date of this *By-law* or a *variance* was granted for the *lot* at the time of subdivision approval;

f) the ground area and/or *height* of a *structure;*

g) the floor area occupied by a home-based business or home office and sales *use*; and

h) the *height* and area of a *sign*.

4.38.2 As provided for in the Secondary Planning Strategy, the Development Officer may also consider granting a variance in the following situations:

a) to allow the placement of fill or materials within the minimum yards prescribed in a zone to a depth of more than 0.3 m, only when the application for a variance is accompanied by a report confirming the work will comply with the Stormwater Standard outlined in this By-law.

b) to the sign face area of a ground sign located in the Highway Commercial (HC) zone provided:

- only one such variance may be granted per lot;
- the sign face area is increased by no more than 20%;
- the variance request is supported by evidence of hardship in complying with the maximum sign face area due to increased cost, delay in obtaining a compliant ground sign or similar reasons.

4.38.3 As provided for in the Secondary Planning Strategy, when reviewing specific *variance* requests as outlined below, the *Development Officer* may use greater discretion than is typically exercised in considering a *variance*:

a) to the maximum permitted *height* of an *existing structure* in the *Waterfront Zone*, subject to evidence being provided that clearly indicates the structure is under imminent threat caused by sustained coastal flooding, sea level rise, storm surge or similar threats influenced by climate change.

b) to any *yard setback*, to a maximum of 50%, for new *residential* development and additions to *residential* structures, when supported by documentation from a qualified professional, demonstrating that the varied *yard setback* is required to retain one or more mature trees or shrubs on the lot.

c) in support of improved accessibility, provided that the *Development Officer* is satisfied that the primary reason for the *variance* is to create or improve accessibility of a *structure* or a public or private space.

4.38.4 In considering all *variances*, no *variance* shall be issued unless the *development permit* application is supported by a location certificate or survey plan showing the location of the parking area, loading area, and *structures* in relation to the property boundaries.

4.39 Vehicular access through same zone

4.39.1 Any *lot* or *building* that includes a *commercial* or *industrial use,* shall provide access from a public street and shall not be through a *residentially zoned property*.

4.40 Watercourses, Water Bodies, and Wetlands

4.40.1 Lakefront Overlay

a) all *developments* within an area that is covered by the Lakefront Overlay (Schedule "B") shall require a *development permit;*

b) *main buildings* are not permitted within the area covered by the Lakefront Overlay. For greater clarity this covers lands within 20 m of the *ordinary high water mark* of any *water body* identified on Schedule "B";

c) *Small accessory structures*, fire-fighting impoundments and *structures* related to water systems shall be permitted with the Lakefront Overlay subject to the provisions of this By-Law;

d) *Impermeable surfaces* within the Lakefront Overlay shall not exceed 25% of the total area of the *lot* including *buildings* and hard-surface landscaping.

4.40.2 Watercourses, Water Bodies, and Wetlands

a) all uses requiring a development permit shall place all buildings at least 20 m from the ordinary high-water mark of any wetland, watercourse or water body;

b) *setback* and minimum *yard* requirements shall not apply to fire-fighting impoundments, *small accessory structures* and

structures related to water systems, or where otherwise permitted in this By-law.

c) if a property owner disagrees with the location of a watercourse, water body or wetland as shown on the Nova Scotia 1:10,000 topographic database, a professional assessment may be submitted by the property owner or their representative proving that the boundaries of a watercourse, water body or wetland have changed or that no water feature is present. In such circumstances, the setbacks, if applicable, being in accordance with the professional assessment.

4.40.3 Relaxation of Watercourses, Water Bodies and Wetlands Setback

Upon request and supported by a detailed study, including a site sketch, prepared by a qualified professional, the *development officer* may issue a permit with a reduced Watercourses, Water Bodies and Wetlands Setback subject to the following:

a) under no circumstances shall the reduced setback be less than 10 m from the Ordinary High-Water Mark;

b) the study confirms that the intent of the setback will be maintained, and adequate mitigation measures have been undertaken such that the reduced setback effectively achieves the same result as the 20 m setback;

c) the study confirms the area proposed for development is not subject to seasonal flooding.

4.41 Wharves and Slipways

Wharves and slipways shall be permitted in all zones by *development permit*. Wharves and slipways shall be located a minimum of 3.5 m from all property lines except the property line which corresponds with the Ordinary High Water Mark where the minimum setback is reduced to 0 m. Under no circumstances shall a wharf or slipway be permitted to be constructed within 7 m of an adjacent wharf or slipway.

5.0 VILLAGE CORE AND PENINSULAR AREA

5.1 Application

The provisions of this part shall apply to the **Residential One (R1)**, **Residential Two (R2)**, **Core Commercial**, **Marine Development**, and **Waterfront** *zones*.

5.1.1 All developments within the Core and Peninsular Area are subject to the General Provisions section for Architectural and Design Controls.

R1

5.2 Residential One (R1) Zone

5.2.1 Permitted Uses and Developments

The following *uses* are permitted in the Residential One (R1) *zone* subject to the specified approval process and standards:

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Residential					
Single unit dwelling	DP	7.5 m	7.5 m	7.5 m	11 m

Abbreviations:
DP = Development Permit
SP = Site Plan Approval
DA = Development Agreement

5.2.2 Lot Sizes

Within the Residential One (R1) *zone*, all new lots must meet the following:

Minimum lot area	3716 m^2
Minimum lot frontage	16 m

5.2.3 Maximum Main Building Footprint & Gross Floor Area

Within the Residential One (R1) *zone*, *main buildings* shall comply with the following:

Dwelling Type	Maximum Footprint	Maximum Gross Floor Area
Single Unit	350 m^2	700 m^2
Single Unit + *Accessory Dwelling Unit*	450 m^2	800 m^2

5.2.4 Maximum Lot Coverage

Within the Residential One (R1) *zone*, the maximum lot coverage for all *structures*, excluding *small accessory structures*, shall not exceed 25% of the total *lot area*.

5.2.5 Small Accessory Structures

Within the Residential One (R1) *zone*, a maximum of two *small accessory structures* are permitted per *lot. Small accessory structures* shall not be included or counted when calculating lot coverage.

R2

Abbreviations:
DP = Development Permit
SP = Site Plan Approval
DA = Development Agreement

5.3 Residential Two (R2) Zone

5.3.1 Permitted Uses and Developments

The following *uses* are permitted in the Residential Two (R2) *zone* subject to the specified approval process and standards:

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Residential					
Single unit dwelling	DP	3 m	3 m	3 m	11 m

5.3.2 Lot Sizes

Within the Residential Two (R2) *zone*, all new lots must meet the following:

Minimum lot area	700 m^2
Minimum lot frontage	16 m

5.3.3 Maximum Lot Coverage

Within the Residential Two (R2) *zone*, the maximum lot coverage, excluding *small accessory structures*, shall comply with the following:

Lot Size	Maximum Lot Coverage
Less than 1050 m^2	200 m^2
1050 m^2 or larger	250 m^2

5.3.4 Maximum Main Building Footprint

Within the Residential Two (R2) *zone*, the building footprint of the *main building* on the *lot* shall not exceed 200 m^2.

5.3.5 Accessory Dwelling Unit Located in Main Building

When an *accessory dwelling* unit is proposed to be located within the *main building*, the design shall result in the appearance of a *single unit* dwelling when viewed from a public street. The *structure* shall maintain the appearance of a single front entrance, with additional entrances at the side, rear, or accessed through a common vestibule.

5.3.6 Small Accessory Structures

Within the Residential Two (R2) *zone*, a maximum of one *small accessory structure* is permitted per *lot*. *Small accessory structures* shall not be included or counted when calculating lot coverage.

CC

5.4 Core Commercial (CC) Zone

5.4.1 Permitted Uses and Developments

The following *uses* are permitted in the Core Commercial (CC) *Zone* subject to the specified approval process and standards:

Abbreviations:
DP = Development Permit
SP = Site Plan Approval
DA = Development Agreement

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Residential					
1 – 4 *dwelling units* in a *structure* containing a commercial use	DP	0 m	1.5 m	1.5 m	10 m
Multi-unit dwelling up to 10 *dwelling units* in a structure	DA				
Commercial / Institutional					
Art Galleries	DP	0 m	1.5m	1.5m	10 m
Bakeries	DP	0 m	1.5 m	1.5 m	10 m
Beverage rooms, Lounges and similar *uses* where alcohol is available for purchase (not including restaurants)	DA				
Child care facilities	DP	0 m	1.5 m	1.5 m	10 m
Commercial places of entertainment, recreation or assembly that occur wholly within a *structure*	DP	0 m	1.5 m	1.5 m	10 m
Commercial schools	DP	0 m	1.5 m	1.5 m	10 m
Craft workshops	DP	0 m	1.5 m	1.5 m	10 m
Financial institutions	DP	0 m	1.5 m	1.5 m	10 m
Funeral homes	DP	0 m	1.5 m	1.5 m	10 m
Medical clinics	DP	0 m	1.5 m	1.5 m	10 m
Office uses	DP	0 m	1.5 m	1.5 m	10 m
Personal service shops	DP	0 m	1.5 m	1.5 m	10 m

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Printing establishments	DP	0 m	1.5 m	1.5 m	10 m
Restaurants (including take-out)	DA	0 m	1.5 m	1.5 m	10 m
Retail, wholesales and rentals	DP	0 m	1.5 m	1.5 m	10 m
Studios for the practice of instruction of fine arts or crafts	DP	0 m	1.5 m	1.5 m	10 m
Tourist Accommodation Units (1-4)	DP	0 m	1.5 m	1.5 m	10 m
Tourist Accommodation Units (5+)	DA				

5.4.2 Drive-throughs prohibited

Within the Core Commercial (CC) *zone*, no *development permit* shall be issued for a *drive-through use* or a *use* that includes a *drive-through*.

5.4.3 Lot Sizes

Within the Core Commercial (CC) *zone*, all new lots must meet the following:

Minimum Lot Area	560 m^2
Minimum Lot Frontage	16 m

5.4.4 Commercial Uses on Valley Road and Duke Street

All lots with frontage on Valley Road or Duke Street that include a *commercial use* must ensure that vehicular and pedestrian entrances directly access Valley Road or Duke Street respectively.

5.4.5 Minimum Required Ground Floor Commercial

a) Within the Core Commercial (CC) *zone*, new development must maintain a minimum of 50% of the ground floor area for *commercial use*. The *commercial* area must also occupy a minimum of 80% of the street level building frontage on the street.

b) *Tourist Accommodation uses*, although generally considered a *commercial use*, shall not satisfy the ground floor *commercial* requirement specified in 5.4.5 a).

5.4.6 Core Commercial Zone Parking & Loading Space Exemptions

Within the Core Commercial (CC) *zone*, the standard requirements for on-site *parking spaces* and *loading spaces* are waived for non-residential *uses*

5.4.7 Offsite Parking

Within the Core Commercial (CC) *zone*, as an alternative to the required *on-site parking*, a *development* may be permitted to provide the applicable number of *off-site parking spaces*, subject to the following:

a) The Development Officer is satisfied that the subject *lot* cannot readily provide *on-site parking* due to: a lack of useable space, safety concerns with access to the parking area, to preserve mature trees and vegetation or that the provision of on-site parking would impede future development on the *lot*;

b) *Off-site parking spaces* must be located on a *lot* within 300 m of the building that they serve;

c) Before a d*evelopment permit* is issued for a *use* providing *off-site parking*, a parking easement must be registered with the Nova Scotia Land Registry. The easement must state that the *parking spaces* are for the exclusive use of the benefitted parcel.

d) release of a parking easement referred to in 5.4.7 c) may only occur under the following conditions:

- The parking requirements of the *By-law* are met through an alternate proposal or due to a reduction in the number of required *parking spaces*, which shall be noted through the issuance of an amended *development permit*; or
- The *use* requiring parking permanently ceases to operate. This must be confirmed in writing to the *Development Officer* who will then issue a revised *development permit* if appropriate.

MD

5.5 Marine Development Zone

5.5.1 Permitted Uses and Developments

The following *uses* are permitted in the Marine Development (MD) *zone* subject to the specified approval process and standards:

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Commercial					
Marine related *commercial* uses including Boat Sales, Rentals, Display and Tours	DP	1.5 m	1.5 m	0 m	10 m
Tourist Accommodation units (1 per 325 m^2 of *lot area*)	DA (Subject to 5.5.7)				
Restaurants	DA (Subject to 5.5.6)				
Marinas	DA				
Light Industrial					
Marine related *light industrial uses* including boat repair and construction	DP (subject to 5.5.5)	5 m	5 m	0 m	10 m

Abbreviations:
DP = Development Permit
SP = Site Plan Approval
DA = Development Agreement

5.5.2 Lot Sizes

Within the Marine Development *zone*, all new lots must meet the following:

Minimum lot area	700 m^2
Minimum lot frontage	16 m

5.5.3 Abutting Lot Requirements

Where a lot within the Marine Development *zone* abuts a residentially zoned *lot* the following regulations apply:

a) The *front yard*, *side yard* and *flankage yard* setbacks are increased to 5 m.

b) No *outside storage* associated with the *use* shall be placed within the *yard* abutting a *lot line* zoned for *residential use*.

c) where any *on-site parking* associated with the use is located between the *main building* and an abutting property line with a residentially zoned *lot*, an opaque fence at least 2m in *height* shall be installed to provide visual screening.

5.5.4 Rear Yard Setback

Within the Marine Development *zone*, the *rear yard* and *rear yard setback* shall be the Ordinary High Water Mark regardless of *lot* configuration, orientation of *structures* or street *frontage*.

5.5.5 Marine Related Light Industrial Uses

Marine related light industrial uses are permitted only on the following PIDs:

60088499	60088481	60395282	60403474
60601119	60503661	60486935	60687597
60724382	60088531	60088564	60088549
60649613			

5.5.6 Restaurant Uses in Marine Development Zone

Within the Marine Development Zone, *restaurants*, *lounges*, *beverage rooms*, *breweries, wineries* and *distilleries* are permitted only on the following PIDs and their successors:

60091873	60394970	60713526

5.5.7 Tourist Accommodation Units in Marine Development Zone

Within the Marine Development *zone*, *Tourist Accommodation Units* shall be limited to a maximum *gross floor area* of 55 m^2 per unit.

5.5.8 Existing Uses in the Marine Development Zone

The uses outlined below are protected as *non-conforming uses* as outlined in this *By-law*, except that the *use* may be continued or recommenced, regardless of occupation, or cessation of the *use*.

Description:	PID:

Residential Uses:	
Single Unit Dwelling – House lot, part of Heisler's Boatyard	60088499
One Dwelling Unit – existing apartment unit, located with Rope Loft Restaurant and Marine Commercial use.	60091873

MD

WF

Abbreviations:
DP = Development Permit
SP = Site Plan Approval
DA = Development Agreement

5.6 Waterfront (WF) Zone

5.6.1 Permitted Uses and Developments

The following *uses* are permitted in the Waterfront (WF) *zone* subject to the specified approval process and standards:

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Residential					
Single unit dwelling	DP	5 m	3.5 m	3.5 m	7.5 m

5.6.2 Lot Sizes

All newly created *lots* within the Waterfront Zone (WF) *zone* shall conform with the following:

Minimum lot area	700 m^2
Minimum lot frontage	16 m

5.6.3 Minimum Roof Pitch

Within the Waterfront (WF) *zone*, the minimum roof pitch for *main buildings* shall be 4:12 or greater.

5.6.4 Building Width

The maximum combined *building* width for all *structures* on a *lot* within the Waterfront (WF) *zone* is limited to 20% of the total *lot frontage*.

5.6.5 Maximum Main Building Footprint

Within the Waterfront (WF) *zone*, the building footprint of the *main building* on the *lot* shall not exceed 200 m^2.

5.6.6 Setback from Ocean

All new *structures* and additions to *existing structures* shall be located a minimum of 15 m from the *ordinary high water mark* of the Ocean, except for the following:

a) one *accessory structure* per *lot* may be constructed to the *ordinary high water mark* in accordance with the General Provisions regarding *accessory* structures;

b) Wharves and slipways may be constructed to the *ordinary high water mark* in accordance with the General Provisions regarding wharves and slipways.

5.6.7 Existing Structures

Notwithstanding 5.6.4, 5.6.5 and 5.6.6, *existing structures* may be reconstructed, repaired, strengthened, restored, renovated or replaced by a new *structure* with the same ground floor area, location, shape and orientation, and to the same maximum height, as the *existing structure*, unless any proposed changes to the design serve to bring the *structure* closer into compliance with this By-law.

6.0 VILLAGE BOUNDARY AREA

6.1 Application

The provisions of this part shall apply to the **Residential Three (R3)** *zone*.

R3

6.2 Residential Three Zone

6.2.1 Permitted Uses and Developments

The following *uses* are permitted in the Residential Three (R3) *zone* subject to the specified approval process and standards:

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Residential					
Single unit dwelling	DP	3 m	1.5 m	1.5 m	10 m

Abbreviations:
DP = Development Permit
SP = Site Plan Approval
DA = Development Agreement

6.2.2 Lot Sizes

Within the Residential Three (R3) *zone*, all new lots must meet the following:

Minimum lot area	700 m^2
Minimum lot frontage	16 m

R4

6.2 Residential Four Zone

6.2.1 Permitted Uses and Developments

The following *uses* are permitted in the Residential Four (R4) *zone* subject to the specified approval process and standards:

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Residential					
Single unit dwelling	DP	3 m	1.5 m	1.5 m	10 m
Two-unit dwelling	DP	3 m	1.5 m	1.5 m	10 m
Triplex dwelling	DP	3 m	3 m	3 m	10 m
Multi-unit dwelling	DA				
Grouped dwelling	DA				
Commercial					
Agricultural uses (commercial)	DA				

Abbreviations:
DP = Development Permit
SP = Site Plan Approval
DA = Development Agreement

6.2.2 Lot Sizes

Within the Residential Four (R4) *zone*, all new lots must meet the following:

Minimum lot area	700 m^2
Minimum lot frontage	16 m

7.0 NORTH STREET AREA

7.1 Application

The provisions of this part shall apply to the **Residential Four (R4)** and **Highway Commercial (HC)** *zones*.

R5

7.2 Residential Five (R5) Zone

7.2.1 Permitted Uses and Developments

The following *uses* are permitted in the Residential Five (R5) *zone* subject to the specified approval process and standards:

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Residential					
Single Unit dwelling	DP	3 m	2 m	2 m	12 m
Two-unit dwelling	DP	3 m	2 m	2 m	12 m
Triplex dwelling	DP	3 m	2 m	2 m	12 m
Multi-unit dwelling containing a maximum of 4 *dwelling units*	DP	3 m	2 m	2 m	12 m
Multi-unit dwellings containing 5-12 *dwelling units*	SP	3 m	4 m	2 m	12 m
Grouped dwelling	DA				
Commercial					
Agricultural uses (commercial)	DA				

Abbreviations:
DP = Development Permit
SP = Site Plan Approval
DA = Development Agreement

7.2.2 Lot Sizes

Within the Residential Five (R5) *zone*, all new lots must meet the following:

Minimum lot area	700 m^2
Minimum lot frontage	16 m

7.2.3 Multi-unit dwellings

Multi-unit *dwellings* comprising three or more *dwelling units* shall adhere to the following in addition to all other zone requirements:

a) Landscaping shall be provided for a minimum of 25% of the total *lot* area. Landscaping includes retention of healthy existing vegetation, garden beds (including flowers and/or vegetables), trees, shrubs and groundcover plantings. Grass, mulch and other similar materials, while permitted, shall not be counted toward the required landscaping.

b) Unless justified to the satisfaction of the *Development Officer* for a lower standard by variance, a minimum of 50% of the landscaping must occur between the building and Highway 3 (North Street).

c) On-site parking shall be located at the side or rear of the *main building*. For greater clarity, no parking space shall be created between the *front wall* of the *main building* and Highway 3 (North Street)

d) Notwithstanding 7.2.3 c) bicycle and accessible *parking spaces* are not subject to this restriction and may be located anywhere on the *lot* to best serve the users of such spaces.

R5

HC

7.3 Highway Commercial Zone

7.3.1 Permitted Uses and Developments

The following *uses* are permitted in the Highway Commercial (HC) *zone* subject to the specified approval process and standards:

	Approval Process	Min. Front Yard	Max. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Residential						
Residential dwelling units in the same structure as a commercial use.	DA					
Commercial / Institutional						
Agricultural uses	DA					
Animal hospitals, Veterinary clinic, and animal grooming facilities	DP	1.5 m	6 m	3 m	3 m	12 m
Automobile sales and services	DP	2 m	6 m	4 m	4 m	12 m
Automobile Service Station	SP	2 m	6 m	4 m	4 m	12 m
Bakeries	DP	1.5 m	6 m	3 m	3 m	12 m
Beverage Rooms, Lounges and similar uses where alcohol is available for purchase, with a *Gross floor area* less than 111 m^2	DP	2 m	6 m	4 m	4 m	12 m
Brewery, Winery, Distillery, including ancillary tap, tasting room and/or food services	DA					
Child Care Facilities	DP	1.5 m	6 m	3 m	3 m	12 m

Abbreviations:
DP = Development Permit
SP = Site Plan Approval
DA = Development Agreement

	Approval Process	Min. Front Yard	Max. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Commercial places of entertainment, recreation or assembly that occur wholly within a structure	DP	1.5 m	6 m	3 m	3 m	12 m
Commercial places of entertainment, recreation or assembly that include outdoor activity or event space	SP	2 m	6 m	4 m	4 m	12 m
Commercial Schools	DP	1.5 m	6 m	3 m	3 m	12 m
Craft Workshops	DP	1.5 m	6 m	3 m	3 m	12 m
Drive-through uses/sales	SP	2 m	6 m	4 m	4 m	12 m
Financial Institutions	DP	1.5 m	6 m	3 m	3 m	12 m
Funeral Homes	DP	1.5 m	6 m	3 m	3 m	12 m
Kennels	DA					
Medical Clinics	DP	1.5 m	6 m	3 m	3 m	12 m
Office Uses	DP	1.5 m	6 m	3 m	3 m	12 m
Outdoor Storage and Display	DP	2 m	6 m	4 m	4 m	12 m
Personal Service Shops	DP	1.5 m	6 m	3 m	3 m	12 m
Printing establishments	DP	1.5 m	6 m	3 m	3 m	12 m
Repair Shops	DP	2 m	6 m	4 m	4 m	12 m
Restaurants (including take-out)	DP	1.5 m	6 m	3 m	3 m	12 m
Retail, Wholesales, and rentals	DP	1.5 m	6 m	3 m	3 m	12 m
Tourist Accommodation Units (1-4)	DP	1.5 m	6 m	3 m	3 m	12 m
Tourist Accommodation Units (5+)	DA					

	Approval Process	Min. Front Yard	Max. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Other						
Other Institutional Uses	DA					

7.3.2 Lot Sizes

Within the Highway Commercial (HC) *zone*, all new lots must meet the following:

Minimum lot area	700 m^2
Minimum lot frontage	16 m

7.3.3 Location of On-site Parking

Within the Highway Commercial (HC) zone, the location of any on-site parking space shall comply with the following:

a) On-site parking shall be located at the side or rear of the *main building*. For greater clarity, no new parking space shall be created between the *front wall* of the *main building* and Highway 3 (North Street).

b) Notwithstanding 7.3.3 a), bicycle and accessible *parking spaces* may be located anywhere on the *lot* to best serve their users.

c) In addition to compliance with the General Provisions, *parking areas* containing 20 or more *parking spaces* in the Highway Commercial (HC) *zone* shall provide natural elements such as vegetated parking islands, garden beds, and shrubs to break up large parking areas and assist in stormwater management and retention.

7.3.4 Landscaping

Within the Highway Commercial (HC) *zone*, all new *development* must comply with the following:

a) Landscaping shall be provided for a minimum of 25% of the total *lot* area. Landscaping includes retention of healthy existing vegetation, garden beds (including flowers and/or vegetables), trees, shrubs and groundcover plantings. Grass,

mulch and other similar materials, while permitted, shall not be counted toward the required landscaping.

b) Unless justified to the satisfaction of the *Development Officer* for a lower standard by variance, a minimum of 50% of the landscaping must occur between the building and Highway 3 (North Street).

7.3.5 Existing Structures Exemption

Existing one and two-unit dwellings and additions to existing *buildings*, totalling less than 200m^2 since the adoption date of this By-law, are not required to comply with 7.3.3 and 7.3.4.

7.3.6 Abutting Zone Requirements

Where a *lot* within the Highway Commercial (HC) *zone* abuts a *lot* zoned for *institutional* or *residential use*, the following shall apply:

a) The minimum *rear yard setback* shall be increased to 6 m;

b) No open storage of goods or materials shall be located in the Side or Rear Yard abutting the *lot* zoned for *institutional* or *residential use*;

c) No *parking space* or portion of a *parking area* shall be located within 6 m of the abutting *rear lot line* or *side lot line*.

d) A *vegetated buffer* with a depth of 6 m shall be installed and maintained along the abutting property line.

8.0 ZONES PERMITTED IN ALL AREAS

8.1 Application

The provisions of this part shall apply to the following zones which shall be permitted in any Character Area: **Institutional (I)**, the **Parks and Open Space (PO)** and the **Water Lot Infill (WI)** *zones*.

I

8.2 Institutional (I) Zone

8.2.1 Permitted Uses and Developments

The following *uses* are permitted in the Institutional (I) *zone* subject to the specified approval process and standards:

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Commercial					
Golf Course	DP (subject to 8.2.4)	5 m	3 m	3 m	12 m
Institutional					
Arenas, rinks and sports venues	DA				
Medical Clinics	DA				
Religious institutions and Places of Worship	DA				
Child Care Facilities	DP	5 m	3 m	3 m	12 m
Community Centres	DP	5 m	3 m	3 m	12 m
Educational Institutions	DA				
Emergency Services including Fire, Police, Ambulance and Regional Emergency Management and related facilities	DA				
Hospitals	DA				
Libraries	DP	5 m	2 m	2 m	12 m
Museums	DP	5 m	2 m	2 m	12 m
Public Art Galleries	DP	5 m	2 m	2 m	12 m
Private Clubs and Fraternal Organizations	DA				
Nursing Homes	DA				

Abbreviations:
DP = Development Permit
SP = Site Plan Approval
DA = Development Agreement

8.2.2 Lot Sizes

All newly created *lots* within the Institutional (I) *zone* shall conform with the following:

Minimum lot area	700 m^2

Minimum lot frontage	16 m

8.2.3 Abutting Zone Requirements

Where an *institutional* use is proposed abutting a *lot* zoned for *residential use*, the applicable *side yard* and *rear yard* setback(s) shall be increased to 5 m;

8.2.4 Golf Courses

Golf Course *uses* shall only be permitted on the following PIDs or successor PIDs:

60092814	60391695	60391703

PO

8.3 Parks and Open Space Zone

8.3.1 Permitted Uses and Developments

The following *uses* are permitted in the Parks and Open Space (PO) *zone* subject to the specified approval process and standards:

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Public Parks	none	none	none	none	none
Private Parks	DA				
Community gardens	DP	1.5 m	1 m	1 m	11 m

Abbreviations:
DP = Development Permit
SP = Site Plan Approval
DA = Development Agreement

8.3.2 Lot Sizes

All newly created lots within the Parks and Open Space (PO) *zone* shall confirm with the following*:*

Minimum lot area	50 m^2
Minimum lot frontage	16 m

OI

8.4 Ocean Infill Zone

8.4.1 Permitted Uses and Developments

The following *uses* are permitted in the Ocean Infill (OI) *zone* subject to the specified approval process and standards:

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Wharves and slipways	DP	Permitted subject to the General Provisions Wharves and slipways			

Abbreviations:
DP = Development Permit
SP = Site Plan Approval
DA = Development Agreement

8.4.2 Application of the Ocean Infill (OI) Zone

Any infilling, depositing, dumping or other method of creating new land area beyond the *ordinary high water mark* as shown on Schedule "A" Zoning Map, shall have the Ocean Infill zone automatically applied, without amendment to this By-law.

8.4.3 Requests to Rezone Ocean Infill Zone

No application or request to rezone land from the Ocean Infill (OI) *zone* to any other *zone* shall be entertained without a concurrent request to amend the Village of Chester Secondary Planning Strategy.

9.0 SIGNS

9.1 General regulations for all signs

9.1.1 No person shall erect any sign without first obtaining a *development permit* except for signs specified in 9.3 below.

9.1.2 Unless otherwise permitted, no *sign* shall project over a public right-of-way without written approval from the authority having jurisdiction.

9.1.3 No *sign* shall be erected or used for commercial advertising unless located on the same lot as the *commercial, institutional, or industrial use* which it advertises or deemed a *portable sign* subject to 9.7.

9.1.4 Nothing in this *by-law* shall prevent signs from having exterior illumination directed at them to increase visibility during dark hours. The lighting used must be of the minimum intensity required and shall not be oriented in a manner that allows light to shine directly onto adjacent properties or a public street.

9.1.5 Home Based Business signs shall be regulated under General Provisions for Home Based Businesses.

9.2 Signs prohibited in all zones

All other provisions of this By-law notwithstanding, the following *signs* shall not be erected or used in any *zone:*

a) *signs* that include any moving part or visible mechanical movement of any description, except for signs displaying only time, temperature or humidity;

b) *signs* affixed, attached or supported by the rooftop of a structure;

c) *signs* which constitute a hazard to public safety or health;

d) *signs* which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers or obstruct the effectiveness of any traffic *sign* or traffic control device on public *streets;*

e) *signs* which obstruct the *use* of a fire escape door, windows, or other required exit;

f) *signs* painted upon a cliff, or other natural object;

g) internally *illuminated signs*, except as provided for in 9.10 and 9.3 n) below;

h) *portable signs*, except as provided for in 9.7 below.

9.3 Signs for which no development permit is required

All other provisions of this By-law notwithstanding, the following *signs* are permitted in all *zones*, without any requirement for a *development permit:*

a) *signs* identifying name, address and occupation of resident, and of not more than 0.5 m^2 in *sign* area;

b) "No trespassing" *signs* or other such *signs* regulating the *use* of a property, and of not more than 0.5 m^2 in *sign* area;

c) real estate *signs* not exceeding 0.5 m^2, which advertise the sale, long-term rental or lease of the premises;

d) *signs* regulating or denoting on-premises traffic, or parking or other *signs* denoting the direction or function of various parts of a *building* or premises provided that such *signs* are less than 0.5 m^2 in area;

e) *signs* erected by a government body, or under the direction or authority of such a body, and bearing no *commercial* advertising, such as traffic *signs*, railroad crossing *signs*, safety *signs*, *signs* identifying public schools, and public election lists;

f) memorial *signs* or tablets and *signs* denoting the historical significance and date of erection of a *structure;*

g) the flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization;

h) indoor *signs* which are erected within a *building,* and are not attached to a window or door;

i) *signs* permanently attached to a *building* which bear the name or civic number of the *building;*

j) campaign *signs* during an election or plebiscite in the area in which the *sign* is located if the *sign* complies with the laws governing the election or plebiscite.

k) flags bearing no commercial advertising;

l) portable signs in compliance with 9.7;

m) one window sign with a maximum *sign face area* of 0.6 m^2 displaying the word "open" and/or listing the hours of operation of a *commercial use*, which may include illumination, but shall be prohibited from any flashing, colour change or image/logo/text changes.

9.4 Ground Signs

9.4.1 Within the *Core Village Overlay* as indicated on Schedule "C" *ground signs* shall:

a) be limited to a maximum of one signage *structure* per *lot*.

b) not exceed a *sign face area* of 3 m^2 per side;

b) not exceed a maximum *sign height* of 4 m;

c) be set back at least 2 m from any property line.

9.4.2 Within the *Outer Village Overlay* as shown on Schedule "C", *ground signs* shall:

a) not exceed a *sign face area* of 6 m^2 per side;

b) not exceed a maximum *sign height* of 6 m;

c) where there is more than one ground sign on a lot, the total *sign face area* of all *ground signs* combined shall not exceed 6 m^2 per side;

d) The Development Officer may grant a variance to the *sign face area* of a *ground sign* subject to General Provisions Variance.

9.4.3 Notwithstanding 9.4.2 a), where a ground sign is proposed with a *sign face area* greater than 6 m^2, to a maximum of 12 m^2 per side, a development permit may only be granted when the following conditions are met:

a) the property owner shall create and maintain a landscaped area equal to twice that of the *sign face area*;

b) the landscaped area shall be located at the base, foundation or support structure of the *ground sign*, unless evidence is provided to the Development Officer that the placement of the

landscaped area is impractical due to space, visibility or safety in which case the landscaped area shall be located in the *Front Yard* of the *lot*.

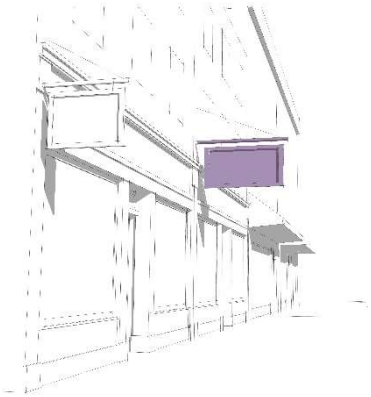
c) the landscaped area shall include a mixture of appropriately sized trees, shrubs and flowers to soften the impact and increase visual appeal of the sign installation. Grass, mulch and/or other similar ground cover, shall not be counted toward the required landscaped area unless trees, shrubs and/or flowers also substantially cover the area;

d) the landscaped area must be completed and fully planted within a reasonable time, determined by the Development Officer, and specified as a condition to the *development permit* for the *ground sign*;

e) landscaped areas shall be maintained, including replanting when necessary;

f) all other conditions of this By-law have been met.

9.5 Projecting Wall Signs



No projecting wall sign shall:

a) exceed 2 m^2 in *sign face area* per side;

b) project over the travelled way of a public street, highway, or curb;

c) be installed within the right-of-way of a public street without approval from the authority having jurisdiction;

d) project above the eaves, parapet, or roof line of the building;

e) be installed so that the lowest point is less than 3 m above grade;

f) be installed so that the sign face may become detached from the support mechanism and building to which it is affixed.

9.6 Wall Signs



In all *zones wall signs* shall:

a) only be permitted within the *wall sign area* of a building;

b) within the *Outer Village Overlay* as indicated on Schedule "C", *wall signs* shall not exceed 20 percent of the *wall sign area* of the *building* to which it is affixed.

c) within the *Core Village Overlay* as indicated on Schedule "C", *wall signs* shall not exceed 10% of the *wall sign area* of the *building* to which it is affixed.

9.7 Portable Signs

In all zones, *portable signs* shall:

a) be generally in the style of an "A-frame" or sandwich board;

b) have a maximum *sign face* area of 0.5 m^2 per side;

c) not exceed not maximum height of 1.25 m from *grade* to the highest point of the sign;

d) be located on the same *lot* as the business it advertises; or be located on a public sidewalk or road shoulder within 100 m of the business it advertises.

e) be limited to one sign per Commercial *use*;

f) not be used to advertise a *home-based business*;

g) not be located on public property in a manner that obstructs the passage of persons or vehicles. Under no circumstances shall the location of a *portable sign* result in a walkway, sidewalk or road shoulder with a minimum width of 1.2 m or less.

h) not remain on display when the Commercial *use* is closed to the public;

9.8 Window Signs

No *window sign* or group of *window signs* shall exceed 50% of the window in which it is displayed.

9.9 Drive-through Menu Board Signs

Drive-through menu board signs shall:

a) only be located on a *lot* that contains a legally permitted *drive-through* use;

b) be limited to a maximum of 2.5 m from *grade* to the highest point part of the *sign* structure;

c) be limited to a maximum *sign face area* of 2.5 m^2 per side;

d) not exceed a total *sign face area* of 4 m^2 per *lot*;

e) be setback a minimum of 2 m from any property line;

f) be permitted to utilize internal illumination including LEDs and similar light emitting technologies;

g) include software or other mechanisms to automatically adjust the brightness level of the *sign* to ambient light conditions. Under no circumstances shall brightness levels exceed 3 Lux above ambient light conditions when measured from the *sign face* at its maximum brightness, at a distance prescribed by the following formula:

Measurement distance (m) = $\sqrt{}$(Area of the sign in m^2 x 100)

(Example: a sign measures 1.5m x 1.5m resulting in a *sign face area* of 2.25 m^2. The measurement distance = $\sqrt{}$(2.25m^2 x 100) = 15m).

h) maintain a constant image, logo and/or text displayed for a minimum of 8 seconds before changing, and the transition must be instantaneous;

i) not be visible when viewed from a public street. This may be achieved through placement of the *sign* on the *lot* or through visual screening such as vegetation or fencing;

j) only remain illuminated during the regular operating hours of the Commercial *use* it serves;

k) not be issued a *development permit* unless the *Development Officer* has received a letter or other sufficient documentation from the sign manufacturer or professional overseeing installation of the *sign* to confirm that the *sign* can and will be calibrated to comply with this By-law.

9.10 Illuminated Signs

Illuminated signs shall:

a) only be permitted in the Highway Commercial (HC) *zone*;

b) only be permitted as a *wall sign, ground sign,* or *window sign* (or part thereof);

c) be setback a minimum of 2 m from any property line;

d) only be located in the *yard* abutting Provincial Highway #3 (North Street);

e) maintain a constant image, logo and/or text displayed for a minimum of 60 minutes before changing, and the transition must be instantaneous;

f) Notwithstanding 9.10 e) an *illuminated sign* that displays the price of gasoline, or other public service information, including but not limited to: community event information, time, date, temperature, or similar information shall remain static for a minimum of 60 seconds before changing;

g) where an *illuminated sign* is proposed to be located within 30 m of a lot zoned for *residential* or *institutional use*, measures shall be undertaken to reduce light trespass and overspill onto the adjacent property. These measures may include installation of fencing or vegetation, positioned to provide maximum screening.

h) include software or other mechanisms to automatically adjust the brightness level of the *sign* to ambient light conditions. Under no circumstances shall brightness levels exceed 3 Lux above ambient light conditions when measured from the *sign face* at its maximum brightness, at a distance prescribed by the following formula:

Measurement distance (m) = $\sqrt{}$(Area of the sign in m^2 x 100)

(Example: a sign measures 1.5m x 1.5m resulting in a *sign face area* of 2.25 m^2. The measurement distance = $\sqrt{}$(2.25m^2 x 100) = 15m).

i) not be issued a *development permit* unless the *development officer* has received evidence that the proposed *illuminated sign* has received or does not require approval by the authority with jurisdiction over the nearest public highway;

j) not be issued a *development permit* unless the *Development Officer* has received a letter or other sufficient documentation

from the sign manufacturer or professional overseeing installation of the *sign* to confirm that the *sign* can and will be calibrated to comply with this By-law.

THE MUNICIPALITY OF CHESTER

ZONING MAP
VILLAGE OF CHESTER • LAND USE BY-LAW

SCHEDULE A

Approved Date: 2024/MM/DD

CHESTER VILLAGE
MUNICIPALITY OF THE DISTRICT OF CHESTER

Chester Village Zones

- Core Commercial (CC)
- Highway Commercial (HC)
- Institutional (I)
- Marine Development (MD)
- Ocean Infill (OI)
- Parks & Open Space (P)
- Residential One (R1)
- Residential Two (R2)
- Residential Three (R3)
- Residential Four (R4)
- Residential Five (R5)
- Waterfront (WF)

- Village Planning Boundary
- Property Boundary
- Waterbody (Wetland)
- Waterbody (Lake, Coastal)
- Road

300 150 0 300
Metres

Sources: Digital Base Map Data from the Province of Nova Scotia

Prepared by the Municipality of the District of Chester

Date Printed: 24/07/30 Digital Folders Entry ID: 205449 Coordinate System/Datum: UTM NAD83 CSRS ZONE 20N

Map Disclaimer: Information shown on these drawings is compiled from numerous sources and may not be complete or accurate. The Municipality of the District of Chester is not responsible for any errors, omissions or deficiencies in these drawings. Date printed does not reflect the date of the map data.

KEY MAP

MUNICIPALITY OF THE COUNTY OF KINGS
MUNICIPALITY OF THE DISTRICT OF WEST HANTS
HALIFAX REGIONAL MUNICIPALITY
MUNICIPALITY OF THE DISTRICT OF CHESTER
MUNICIPALITY OF THE DISTRICT OF LUNENBURG
CHESTER VILLAGE

Representation of the Municipality of Chester in Nova Scotia
Scale: 1:300,000

THE MUNICIPALITY OF CHESTER

ENVIRONMENT & HERITAGE OVERLAY MAP
VILLAGE OF CHESTER • LAND USE BY-LAW

SCHEDULE B

Approved Date: 2024/MM/DD

CHESTER VILLAGE

MUNICIPALITY OF THE DISTRICT OF CHESTER

Overlays

- Lakefront Overlay
- Stone Bridge 60m Overlay
- Stone Bridge 45m Overlay

- Village Planning Boundary
- Property Boundary
- Waterbody (Wetland)
- Waterbody (Lake, Coastal)
- Road

300 150 0 300

Metres

Sources: Digital Base Map Data from the Province of Nova Scotia

Prepared by the Municipality of the District of Chester

Date Printed: 24/06/11 Digital Folders Entry ID: 205449 Coordinate System/Datum: UTM NAD83 CSRS ZONE 20N

Map Disclaimer: Information shown on these drawings is compiled from numerous sources and may not be complete or accurate. The Municipality of the District of Chester is not responsible for any errors, omissions or deficiencies in these drawings. Date printed does not reflect the date of the map data.

Stanford Lake
Halfmoon Cove
Back Harbour
Front Harbour
Chester Harbour
Chandlers Cove
Zincks Cove
Little Fish Island
Big Gooseberry Island
Meisners Island
Fredas Point
Nauss Point
Simons Point
The Peninsula

Maplewood Dr
Beechview Dr
Haddon Hill Rd
Zinck Rd
Westwind Ct
East Wind Dr
Smith Rd
Marriotts Cove Rd
Fox Hill Shore
Half Moon Cove Rd
Walker Gut
Simons Point Rd
Walker Rd
North St
Main St
Union St
Pleasant St
South St
Regent St
Fredas Hill Rd
McGurdy Dr
Peninsula Rd
Pews Dr
Peninsula Rd Extent
Vallis Rd
Belfast Dr
Loudenbane
Sensea Rd
Stanford Lake Rd
Bird's Way
Target Hill Dr
Greenfield Commons Rd
Stoney Brook Rd
Highway 3
Chester Shore Rd
Sophies Lane
Pig Loop Rd
Millennium Dr
Granville Rd
Bremner Dr
Shell Way
Hayseeds Landing
Lobster Point Dr
Golf Course Rd
Nauss Point Rd
Wilson Dr
Wimmers Dr
Vanier Dr
Harbour View Lane
Harbour Dr
Vanier Ln
Waters St
Brunswick St
Victoria St
Princess St
Central St
Kings St
Queen St
Duke St
Granite St
Fremont St

KEY MAP

MUNICIPALITY OF THE COUNTY OF KINGS
MUNICIPALITY OF THE DISTRICT OF WEST HANTS
HALIFAX REGIONAL MUNICIPALITY
MUNICIPALITY OF THE DISTRICT OF CHESTER
MUNICIPALITY OF THE DISTRICT OF LUNENBURG
CHESTER VILLAGE

Representation of the Municipality of Chester in Nova Scotia
Scale: 1:300,000

THE MUNICIPALITY OF CHESTER

CORE VILLAGE & OUTER VILLAGE OVERLAY MAP
VILLAGE OF CHESTER • LAND USE BY-LAW

SCHEDULE C

Approved Date: 2024/MM/DD

CHESTER VILLAGE

MUNICIPALITY OF THE DISTRICT OF CHESTER

Core & Outer Village Overlay

- Core Village Area
- Outer Village Area

- Village Planning Boundary
- Property Boundary
- Waterbody (Wetland)
- Waterbody (Lake, Coastal)
- Road

300 150 0 300

Metres

Sources: Digital Base Map Data from the Province of Nova Scotia

Prepared by the Municipality of the District of Chester

Date Printed: 24/06/11 Digital Folders Entry ID: 205449 Coordinate System/Datum: UTM NAD83 CSRS ZONE 20N

Map Disclaimer: Information shown on these drawings is compiled from numerous sources and may not be complete or accurate. The Municipality of the District of Chester is not responsible for any errors, omissions or deficiencies in these drawings. Date printed does not reflect the date of the map data.

Outer Village Area

Core Village Area

Outer Village Area

Stanford Lake

Halfmoon Cove

Back Harbour

Front Harbour

Chester Harbour

Chandlers Cove

Zincks Cove

Simons Point

Little Fish Island

Nauss Point

Fredas Point

The Peninsula

Big Gooseberry Island

Meisners Island

Marriotts Cove Rd

Fox Hill Shore

Half Moon Cove Rd

Maplewood Dr

Beechview Dr

Haddon Hill Rd

Westwind Ct

East Wind Dr

Zinck Rd

Smith Rd

Walker Gut

Walker Rd

Simons Point Rd

Seneca Rd

Eagle Hill Dr

Bird's Way

Stanford Walker Rd

Griestield Commons Rd

Stoney Brook Rd

Maplewood Dr

Highway 3

North St

Main St

Peterson Dr

Loudentane

Chester Shore Rd

Sophies Lane

Valley Rd

Vermont St

Granite St

Princess St

Kings St

Regent St

Brunswick St

Victoria St

Central St

Queen St

Duke St

Union St

Water St

Pleasant St

South St

Pig Loop Rd

Millennium Dr

Wilson Dr

Shell Way

Hayseeds Landing

Lobster Point Dr

Golf Course Rd

Nauss Point Rd

Wimmers Dr

Fredas Hill Rd

McGurdy Dr

Peninsula Rd

Pews Dr

Peninsula Rd Extension

Bremner Dr

Charlies Rd

Harbour View Lane

Harbour Dr

Water Lane

Dock Lane

Water Lane

Water St

Water Lane

Water St

Water Lane

Water St