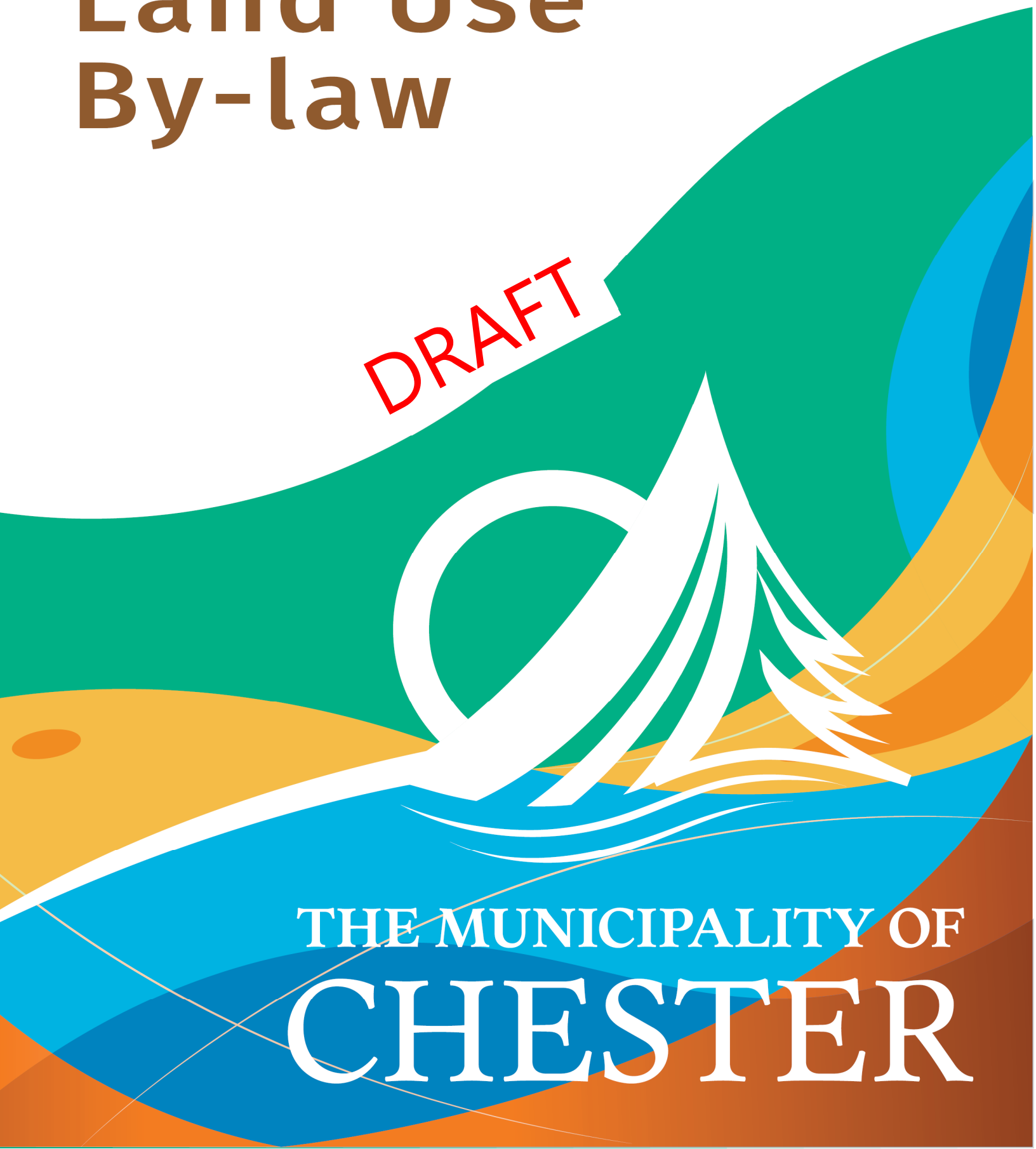
Municipal Land Use By-law

DRAFT



THE MUNICIPALITY OF
CHESTER

Municipality of the District of Chester

Land Use By-law

Original Documents Approved by Council on XX/XX/2019

Approved by the *Minister* of Municipal Affairs on DD/MM/2019

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

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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 in the *Municipality* that are outside the Village Planning Area, as shown on the Zoning Maps contained in Schedule "A".

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 Municipal Planning Strategy

The *Municipal Planning Strategy* sets out the policies that direct long-term growth and *development* in the *Municipality*. 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* 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 **planning advisory committee**. *Council* may only approve rezoning or amendment requests that meet the policies in the *Municipal 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 all 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 *Municipal Land Use By-law*.

1.2 The purpose of this By-law is to carry out the intent of the *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* within the whole of the *Municipality* of Chester.

1.3 This By-law shall take effect when approved by the *Minister* of Municipal Affairs for the Province of Nova Scotia, whereupon any applicable previous *Land Use By-law* is automatically repealed.

1.4 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.

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

1.6 Where the provisions of this By-law conflict with those of any other *municipal* by-laws, the provisions that set a higher standard shall be met.

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

1.7 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 structure – see *Structure*

Accessory use – *see Use*

Agriculture means the *use* of land, *buildings* or *structures* for the cultivation of crops, the raising and pasturing of *farm animals*, bee keeping, or the packing, storing and treating of produce, in accordance with normal farm practices. See also: **Livestock operation.**

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 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*, auto-body *shops*, tire repair *shops* and rustproofing/undercoating.

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 and prescribed for a *building* by the regulations of this By-law.

Building height – see *Height*

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 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*.

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

(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.

Corner lot – see *Lot*

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*.

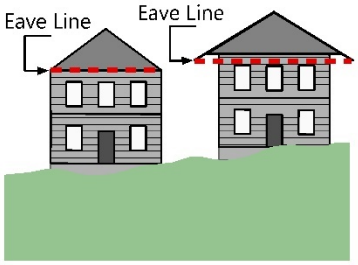
Distillery – see *Brewery*

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.

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:

> **Detached dwelling**: a *building* that comprises one *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*.
>
> **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*.

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.



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 existence prior to the effective date of this By-law.

Farm animal means any animal commonly bred on a farm, including but not limited to: horses, cattle, sheep, goats, llamas, alpacas, ostrich, emu, swine, fowl, meat rabbits, and for greater certainty.

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

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

More Information:
To calculate the number of *farm animal units*, multiply the number of **farm animals** by the **number of 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 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.

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.

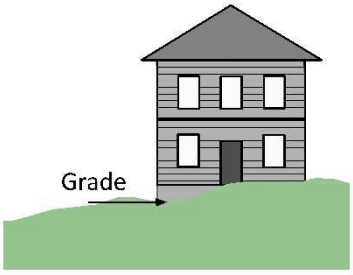
Front lot line – see *Lot line*

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.

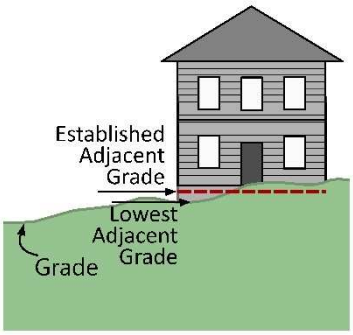
Fur farming means the keeping and/or breeding of animals in captivity for their pelts.

Golf course means a specially prepared area of land for the purpose of playing golf and includes all incidental *buildings* and facilities, and does not include a driving range or a miniature *golf course*.



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 the front 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* between the *established grade* and:

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

Home Office & Sales – means the use of a room within a residential dwelling for commercial purposes without alteration to the exterior of the structure. These businesses are not permitted to receive 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 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:

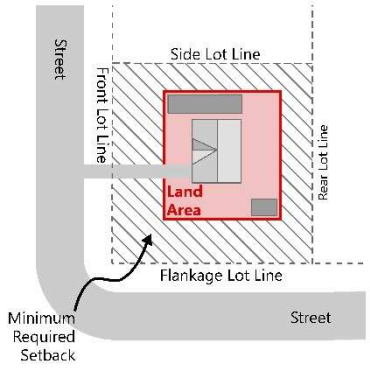
a) regularly produces smoke, high heat, dust, ash, disruptive noises, heavy vibration or noxious smells;
b) creates harmful, dangerous or noxious waste products;
c) consists of bulk storage of petroleum, heavy metals, caustic chemicals or dangerous goods, excluding retail fuel sales as part of an *automobile 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 and includes establishments known as "Doggie Day Care" or any similar nomenclature thereof.

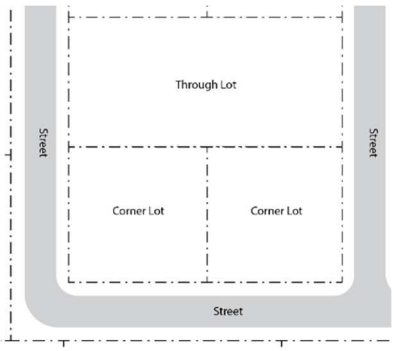
Land Area means the smallest geometric shape which can be drawn to fully encompass all outdoor activities associated with the *development*. For greater clarity, *Land area* shall include all storage, parking areas and any other *use* of land associated with the *development*.

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*.

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

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 fowl.

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;

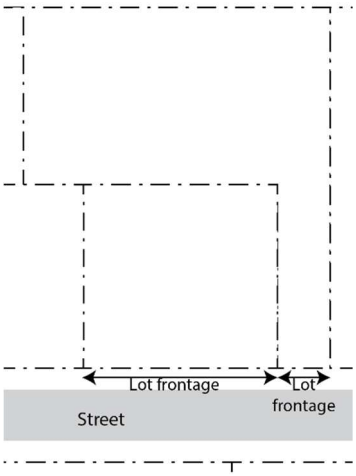
Flag lot means any lot which gains street frontage through the use of a narrow strip of land, referred to as the "staff", which is integral to the lot. For greater clarity, lots where the "staff" is more than 20 m in width shall not be considered a *Flag Lot*.

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

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;

Waterfront lot means a *lot* of which any portion is within twenty-nine (29) m of a *watercourse*, *water body* or the ocean.

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



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**:**

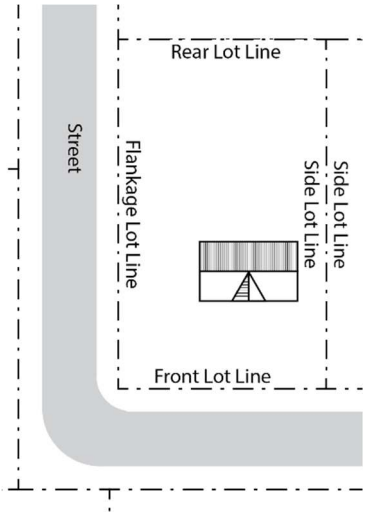
(i) the line dividing the *lot* from the *street*, highway or private road; or

(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.



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 or a private cluster system approved by the appropriate Provincial department.

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

Lot, unserviced means a parcel of land without access and connection to a Public Municipal Sewer System 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 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, 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.

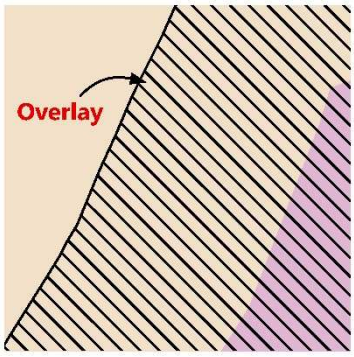
Municipal Specifications means the specifications approved by *Council* and amended from time to time, for design and construction of municipal public highways, central sewer systems, central water systems, storm drainage, and small sewerage systems.

Nacelle – see *Wind Turbine*

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*

Overlay means a specified area as shown in Schedule "B" of this By-law, the requirements for which are imposed in addition to the requirements of the underlying *zone*.



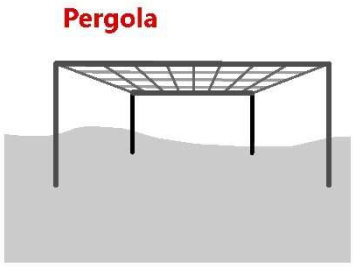
Owner includes a *person* controlling the property under consideration and includes the assessed *owner* of the property whose name appears on the assessment roll prepared in accordance with the *Assessment Act* of the Province of Nova Scotia.

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:

> **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 space means an area of not less than 15 m^2 measuring 2.75 m by 5.5 m 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.

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 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.

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 furnishing 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.

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, unstructured 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 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 or lease of goods, wares, merchandise, or articles directly to the public.

Rooming house means a *detached dwelling* in which a proprietor supplies sleeping accommodations for a fee, with or without meals, for at least three (3) but not more than six (6) 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.

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, and offices 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*

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 *Municipality* and the developer.

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*, and is not used for human habitation;
>
> **Small accessory structure** means an *accessory structure* with a *gross floor area* of twenty (20) m^2 or less;
>
> **Minor accessory structure** means an *accessory structure* incidental to a *lot*, including but not limited to a retaining wall, 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.

Through lot – see *Lot*

Tourist accommodations means a *building* or establishment, which provides accommodation for the travelling public for financial remuneration and may include other facilities including meeting rooms, *restaurants* and entertainment facilities and which is open to the general public, and for greater certainty includes tourist homes, *motels*, *hotels*, inns and *Bed and Breakfast Establishments* but does not include *Campground and RV parks.*

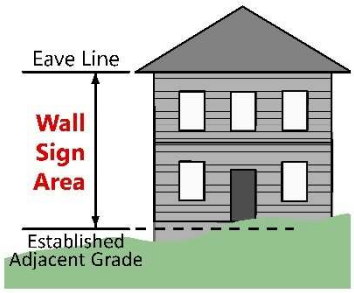
Transportation depot means any facility developed for the primary purpose of storing and dispatching trucks, cars, and any other mode of transportation for the transporting of goods or people and does not have any related retail *use*.

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.



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.

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.

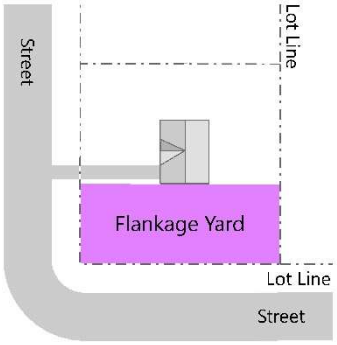
Wetland means a land surface that is periodically or permanently saturated with water and sustains biological activities adapted to wet conditions, and may be commonly referred to as a marsh, swamp, bog, or similar or as otherwise defined in the Provincial Environment Act.

Window Sign – see *Sign*

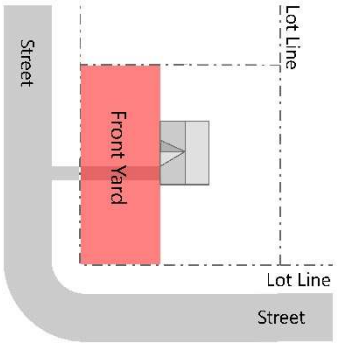
Winery – see *Brewery*

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:

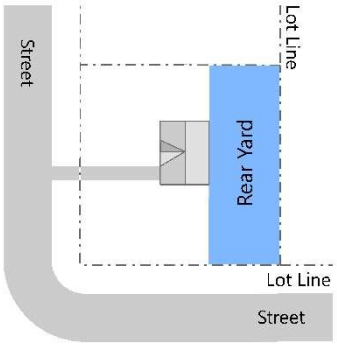
> **Blade** means the part of the *wind turbine* that rotates in the wind;
>
> **Nacelle** means the frame and the housing that encloses the transmission system and generator and protects them from the weather;
>
> **Rotor's arc** means the largest circumferential path traveled by the *wind turbine's*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



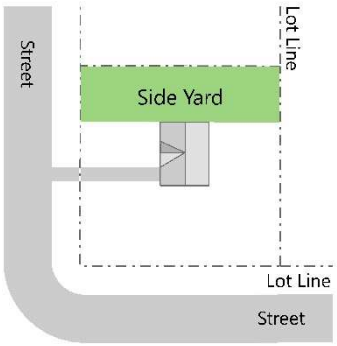
Yard means an open, uncovered space on a *lot* belonging to a *structure* or a specified land *use*, and in determining *yard* measurements, the minimum horizontal distance from the respective *lot lines* shall be used; and for greater certainty:



> **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 *Municipality* of the District 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 land *use* areas as defined in the *Municipal 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.

Rural Area

GB	General Basic Zone

Settlement Area

SU	Single Unit Residential Zone
SR-1	Settlement Residential One Zone
SR-2	Settlement Residential Two Zone
MU	Mixed Use Zone
CI-1	Coastal Island One Zone
CI-2	Coastal Island Two Zone
GW	Gateway Zone

Hamlet Area

HM	Hamlet Zone

Industrial and Business Area

BP	Business Park Zone
KI	Kaizer Meadow Industrial Zone
KM	Kaizer Meadow Zone
NCDD	Neighbourhood Comprehensive Development District Zone

Environmental Protection Area

PW	Protected Watershed Zone
CS	Conservation 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;

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".

3.3 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

Lakefront Overlay - Land around lakes within the *Municipality* of the District of Chester shall be covered by the **Lakefront Overlay**. The extent and boundaries of the **Lakefront Overlay** are shown on the **Lakefront Overlay** Map attached to this *Land Use By-law*, as detailed in Schedule "B".

3.5 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, unless it can be proven otherwise through a professional assessment.

3.6 Standards of Measurement

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 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.

3.8 Development Officer

3.8.1 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* under this By-law.

3.8.2 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*.

3.8.3 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.

3.9 Development Permits

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

3.9.2 Notwithstanding Section 3.9.1, no *development permit* is required for a *development* when such an exception is clearly stated elsewhere in this *By-law*.

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

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

3.9.5 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 such as a Nova Scotia Land Surveyor or Professional Engineer.

3.10 Signatures

An application for a *development permit* shall be signed by the *owner* of the *lot*, or by an agent so appointed by the *owner*, 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*.

3.11 Issuance of Development Permit

3.11.1 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*.

3.11.2 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 eighteen (18) months have passed since its issuance.

3.11.3 A *development permit* shall be effective for a period of eighteen (18) months and may be renewed for an additional eighteen (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*.

3.11.4 Notwithstanding 3.11.3, 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 six (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 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*.

3.13 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.

3.14 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.

3.15 Decision in Writing

Any decision of the *Development Officer* refusing to issue a *development permit* shall be given by written notice served by ordinary mail whereas any decision to revoke a *development permit* shall be given by written notice served by registered mail and the revocation shall become effective upon receipt of such notice.

3.16 Development Agreements

In accordance with the provisions of the *Municipal Government Act*, *Council* may enter into a *development agreement* for certain high-density residential *developments*, or large *commercial, institutional* and *light industrial developments*, 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 *Municipal Planning Strategy*, specifically Section 9.7 located therein.

3.17 Notice of Amendment or Agreement

3.17.1 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 thirty (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.

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

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

3.18 Cost of Advertising, Registration and Notice

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.

3.19 Notice of Variance or Site Plan Approval

3.19.1 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 60 m (200 feet) 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.

3.19.2 A notice containing the same information shall also be posted on the property which is the subject of the proposed *variance* or *site plan approval*.

3.20 Cost of Notice of Variance or Site Plan Approval

The *Municipality* may recover from the applicant the cost of giving notices referred to in section 3.18.

3.21 Application Fees

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

3.22 Violations

In the event of any alleged 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.*

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, water tanks, silos, flagpoles, *structures* and antennae used for radio-communications, ventilators, skylights, chimneys, clock towers, *wind turbines* and *solar collectors*.

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 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.

4.1.5 Restoration to a safe condition

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

4.1.6 Signs

All *signs* shall be subject to the applicable requirements of Part 10 of this *By-law.*

4.1.7 **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.

4.1.8 **Accessory Uses**

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

4.1.9 **Accessory Structures**

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;
b) In *zones* where minimum *yards* standards apply, shall not be permitted within the *front yard* of a *lot* or closer than 1.2 m to any other *lot line*, with the exception of one *accessory structure* without plumbing which may be built to the *ordinary high-water mark*;
c) *Small accessory structures* shall not require a *development permit* in any *zone* with the exception of the **Single Unit Residential Zone (SU)**, the **Protected Watershed Zone (PW)**, and on any land within the **Lakefront Overlay**;
d) Notwithstanding 4.1.9 c), in any *zone* that includes regulations for *Farm Animals*, *Small accessory structures* used for the rearing, breeding, boarding, sheltering and keeping of *Farm Animals* shall require a *Development Permit*;
e) Minor accessory structures shall not require a development permit.

4.2 Aggregate processing

4.2.1 In the **Kaizer Meadow Industrial (KI)** *zone, aggregate processing* shall be permitted by *development permit*.

4.2.2 In any other *zone*, *aggregate processing* within the active area designated for the operation of an approved pit or quarry, shall be permitted by *development permit*.

4.2.3 In the **General Basic (GB)** and **Mixed Use (MU)** *zones*, for any location outside of an active area designated for the operation of an approved pit or quarry, and for a period not to exceed six (6) months, *aggregate processing* shall be permitted by temporary *development permit*, subject to the following:

Provision	Standard
Minimum distance for the envelope of a processing facility from any *existing* residential property	360 m
Minimum distance for the envelope of a processing facility from any *zone* boundary other than the **Kaizer Meadow Industrial (KI)**, **General Basic (GB)**, or **Mixed Use (MU)**.	50 m

and thereafter not permitted on the same *lot* except by *development agreement*.

4.2.4 In the **General Basic (GB)** and **Mixed Use (MU)** *zones*, for any location outside of an active area designated for the operation of an approved pit or quarry, and for a period exceeding six (6) months in any calendar year, *aggregate processing* shall be permitted by *development agreement*.

4.3 Agricultural Uses

4.3.1 This By-law does not regulate or control *agricultural uses* and no *development permit* shall be required unless otherwise noted in this By-law.

4.4 Cannabis Production Facilities

4.4.1 Indoor Cannabis Production Facilities

Indoor Cannabis production facilities completely contained within a building are deemed a light industrial use and shall comply with all zone standards for a light industrial use including but not limited to any required gross floor area or land area requirements.

4.4.2 Outdoor Cannabis Production Facilities

Outdoor *Cannabis production facilities* cultivating, propagating, or harvesting cannabis, are deemed an agricultural *use* and shall:

a) be located a minimum of five hundred (500) m from any permanent *dwelling*, childcare centre, school, nursery, public *park*, religious institution, long term care facilities, hospitals or permanent alcohol or drug treatment facility;

b) the *use* shall be set back a minimum of thirty (30) m from all lot lines.

4.5 Community Gardens

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

4.6 Composting, Small-scale

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

4.7 Electrical Generation Facilities

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

4.7.1 **Wind Turbines**

Wind turbines shall be permitted in all *zones* by *development permit* and shall be subject to the following requirements:

a) in the **Single Unit Residential (SU)**, **Hamlet (HM)**, and **Gateway (GW)** *zones*, total combined production capacity for all *wind turbines* on the *lot* shall not exceed five (5) kilowatts;
b) in all other *zones*, total combined production capacity for all *wind turbines* on the *lot* shall not exceed one hundred (100) kilowatts;
c) *wind turbines* shall be set back 1.5 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 thirty (30) 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 eight (8) m above *grade*.

4.7.2 **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* that are not attached to a *building* on the *lot*. *Solar collectors* attached to a *building* do not require a *development permit*. Off-building solar collectors shall require a *Development Permit*, except within the **General Basic (GB)** *zone;*
b) in the **Single Unit Residential (SU)**, **Hamlet (HM)**, and **Gateway (GW)** *zones*, total combined production capacity for off-building *solar collector*s on the *lot* shall not exceed five (5) kilowatts;
c) in all other *zones*, total combined production capacity for off-building *solar collectors* on the *lot* shall not exceed one hundred (100) kilowatts;
d) off-building *solar collectors* shall be permitted on *lot*s that do not contain a *main building;*
e) where minimum *yard* standards apply, off-building *solar collector*s shall not be permitted within the *front yard*, and shall meet the requirements of the *zone*.

4.7.3 **High Capacity Electrical Generating Facilities**

Any *electrical generating facilities* not permitted under sections 4.3.1 or 4.3.2, such as a large-scale *wind turbine* facility or *solar farm*, shall be permitted by *development agreement* in the **General Basic (GB)**, **Business Park (BP)**, **Kaizer Meadow Industrial (KI)** and **Kaizer Meadow (KM)** *zones*.

4.8 Farm Animals

4.8.1 The rearing, breeding, boarding, sheltering and keeping of *Farm animals* does not require a *development permit* unless otherwise stated in this By-law.

4.9 Farm Markets

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

4.10 Fences

4.10.1 Requirements for fences are based on *height*, as follows:

Fence height	Development Permit	Location Requirements
3 m or less	No	None
Greater than 3 m	Yes (except within the General Basic (GB) *zone*	Must meet minimum *yard* requirements of the *zone* in which it is to be located

4.11 Fuel Production, Alternative Non-commercial

4.11.1 Notwithstanding restrictions within specific zone standards for *heavy industrial uses*, nothing in this By-law shall prevent the small-scale production of alternative fuel sources such as, but not limited to; biodiesel, methane and ethanol in zones where the production exclusively used in relation to a non-*commercial use* or non-commerce use. For greater clarity this does not permit any operation involving *commercial* sale of products or those which require licensing under Provincial Acts relating to fuel production, storage or retail including but not limited to the **Resources Conservation Act** & **Technical Safety Act** of Nova Scotia.

4.12 Lots

4.12.1 **Common lot line**

Notwithstanding the *yard* requirements of each *zone*, adjoining *buildings* which are structurally attached to each other are permitted to be built to the common *lot line*.

4.12.2 **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.*

4.12.3 **Minimum lot frontage**

The minimum *lot frontage* for all *lots* shall be six (6) m, unless otherwise required in this By-law.

4.13 Non-Conforming Structures and Uses

More Information:
The *Municipal Government Act* allows certain structures which do not otherwise meet the requirements of this By-law to continue to be used and altered subject to certain criteria.
For more information, see sections 238-242 of the *Municipal Government Act*, available from www.nslegislature.ca

4.13.1 **Non-conforming structures: enlargement and relocation**

A *structure*, excluding any *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:

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*.

4.13.2 **Non-conforming structures: used as permitted in zone**

A *structure*, excluding any *accessory structure* 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.

4.13.3 **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*, as demonstrated through municipal records or through Statutory Declaration, 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.

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

4.14 Outdoor lighting

4.14.1 For *uses* requiring a *development permit*, all outdoor lighting shall be downcast and have *full horizontal cut-off* so as not to cast directly upon an abutting property.

4.15 Outdoor wood furnaces

4.15.1 Outdoor wood furnaces shall be permitted, subject to development standards, in all *zones* except the **Single Unit Residential (SU)** *zone*. Outdoor wood furnaces shall be located a minimum of 22.5 m from any *lot line* and forty-five (45) m from *dwellings* on adjacent *lots*, shall not have a chimney *height* lower than the eaves of the *building* which it serves, but in any case not lower than five (5) m and shall be kept locked when unattended.

4.16 Parking requirements

4.16.1 Where a *development permit* is required, the minimum requirement for on-site parking shall be one space for every *dwelling unit* and one space for every fifty (50) m^2 of non-residential floor area.

4.17 Private storage

4.17.1 Where there is no other *main building* on the *lot*, *private storage buildings* shall be permitted in any *zone* subject to the *zone* standards for *yards*.

4.18 Public Structures and Uses

4.18.1 Public utilities provided by the *Municipality* such as, but not limited to, sewage treatment plants, pumping stations, water storage reservoirs, and *stormwater* management facilities shall be permitted in any *zone*.

4.18.2 Public *buildings*, public *uses* and *parks* shall be permitted in any *zone*.

4.19 Radio-communications facilities

More Information:
CRINS is the non-governmental organization that the *Municipality* has designated as the body which carries out public consultation regarding radio-communications facilities.
More information can be found at http://www.crins-sinrc.ca/

4.19.1 Nothing in this By-law shall prevent the *use* of land for the installation of radio-communications facilities that have been issued a license by the Federal Government following due process as prescribed in the Canadian Radiocommunications Information and Notification Service (CRINS) Antenna System Siting Review and Consultation Protocol, Reference Issue 3 [2014] as amended from time to time.

4.20 Salvage yards

4.20.1 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 two (2) m in *height*.

4.21 Shipping containers

4.21.1 *Shipping containers* shall be permitted, subject to *development* standards, in all *zones* except the **Single Unit Residential (SU)**, and **Coastal Island (CI)** *zones* and shall not be used for human habitation unless converted in compliance with the *Nova Scotia Building Code*.

4.22 Site Plan Approval

4.22.1 Where permitted in the *zone*, and in accordance with the provisions of the *Municipal Government Act*, the *Development Officer* may issue a *development permit*, upon approval of a *site plan approval* of moderate-density residential *development*, or a *commercial*, *institutional*, recreational or *industrial development*, 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 sewage disposal either by an on-site sewage disposal system, or by connection to a municipal central sewer, or by connection to a sewage disposal system satisfying the design and construction requirements of the *Municipal Specifications* adopted by *Council;*
b) adequate emergency vehicle access;
c) adequate solid waste collection access;
d) approval by the authority having jurisdiction for access to any public *street;*
e) adequate on-site potable water supply for domestic *use* and fire suppression, such as not to negatively impact *existing* abutting *developments;*
f) location of new *buildings* and additions to *existing buildings* within the permissible *building envelope*, and no less than twenty (20) m from any *watercourse*, *water body*, or *wetland*;
g) location and design of on-site loading and parking areas to facilitate safe access between *building(s)* and vehicle parking and maneuvering areas;
h) screening of parking areas and any outside storage areas from adjacent properties and from the public *street* by a fence at least 1.2 m high or an equivalent combination of berms or landscaping;
i) location and design of walkways and any outside storage areas so as to facilitate *building* access, and shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties;

j) provision of a landscaped buffer consisting of a combination of trees, shrubs, plants and grass, or retention in the form of *existing* vegetation, in the *front yard*, *side yard* and *rear yard*, exclusive of parking, driveways and pedestrian walkways, a minimum of 25% of the total *land area;*
k) retention and incorporation of *existing* vegetation into the site landscaping, including the protection of environmentally sensitive areas;
l) with regard to watercourses and water bodies:

    (i) maintenance of a *vegetated buffer* of twenty (20) m in depth from the *ordinary high-water mark* of a *watercourse* or *water body;*
    (ii) 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;
    (iii) 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;
    (iv) allowance of small *accessory structures* shall be permitted within the *vegetative buffer* so identified.

m) indication on the *site plan approval* of all easements where applicable;
n) 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;
o) other than the minimum infilling required for *construction* of boathouses, slipways, wharves and bridges, indication of adequate management of land levels within twenty (20) m of any *watercourse*, *water body*, or the sea such that they are not altered by filling in of land greater that 0.3 m above the natural ground surface;
p) provision of outdoor lighting fixtures with *full horizontal cut-off* such that direct illumination does not extend beyond the *lot lines* of the *development;*
q) 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.

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

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

4.23 Stormwater Standard

4.23.1 Residential *developments* comprising 12 or more *dwelling units;* or a commercial, institutional, light industrial or heavy industrial development with a gross floor area over 1,000 m^2 or occupying a land area over 6,000 m^2 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).

4.24 Temporary structures

4.24.1 **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*.

4.24.2 **Temporary structures: incidental to construction**

A temporary *structure* incidental to *construction* of 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 six (6) months from issuance of a temporary *development permit* for said temporary *structure*.

4.24.3 **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 ten (10) days prior to the start of the special occasion and shall be removed no more than ten (10) days following the termination of the special occasion.

4.24.4 **Temporary signs: special occasions**

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.

4.25 Places of Worship & Cemeteries

4.25.1 Places of worship and cemeteries shall be permitted in all *zones* with the exception of the **Business Park (BP)**, **Kaizer Meadow Industrial (KI)**, **Kaizer Meadow (KM)**, **Protected Watershed (PW)** and **Conservation (CS)** *zones*.

4.26 Variances

4.26.1 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* existed on the effective date of this *By-law*

or a *variance* was granted for the for the *lot* at the time of subdivision approval;

f) the ground area and *height* of a *structure;*
g) the floor area occupied by a home-based business; and
h) the *height* and area of a *sign*.

4.26.2 In considering these *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.

4.27 Vehicle Habitation & Storage

4.27.1 An automobile, truck, bus, coach, rail car, *recreational vehicle* or other vehicle, or part thereof, with or without wheels, may be used for human habitation with no requirement for a *development permit* unless listed in the *zone* standards.

4.27.2 Storage of a *recreational vehicle* is permitted on any *lot*, except as noted within specific Zone Standards.

4.27.3 Notwithstanding 4.27.1 and 4.27.2, additional requirements related to the habitation and storage of vehicles are detailed in the *zone* standards where applicable.

4.27.4 Section 4.27 shall not apply to recreational vehicles in campgrounds and RV parks.

4.28 Watercourses, Water Bodies, and Wetlands

4.28.1 **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 twenty (20) m of the *ordinary high water mark* of any *water body* identified on Schedule "B";
c) minimum *yard* requirements shall not apply to *small accessory structures*, fire-fighting impoundments and *structures* related to water systems, or where otherwise permitted in 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.

4.28.2 **Watercourses, Water Bodies, and Wetlands**

a) all uses requiring a development permit shall place all buildings at least twenty (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.

4.29 Wharves, slipways and docks

4.29.1 Wharves, slipways, and docks shall be permitted without a development permit, except as noted within specific Zone Standards.

5.0 RURAL AREA

5.1 Application

The provisions of this part shall apply throughout the **General Basic (GB).**

GB

5.2 General Basic Zone

5.2.1 **Developments for which no development permit is required**

No *development permit* shall be required for all *developments* with the exception of those listed in Section 5.2.3 (Uses subject to *development* control), Section 4.6 (*Lakefront Overlay*) and Section 5.2.4 (Prohibited *uses*).

5.2.2 **Application of General Provisions**

Section 4, General Provisions, apply within the **General Basic** *zone* only when a *development permit* is required.

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

5.2.3 **Uses subject to development control**

The following *uses* are permitted in the General Basic (GB) *zone* subject to the specified approval process and *zone* standards:

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Residential					
5 – 11 *dwelling units* on a *lot*	SP	3 m	3 m	3 m	none
12 or more *dwelling units* on a *lot*	DA				
Land lease communities	DA				
Commercial / Institutional					
Campgrounds and RV Parks up to 20 sites	DP	10 m	10 m	10 m	none
Campgrounds and RV Parks 21 or more sites	DA				
Golf Courses	DA				
Marinas	DP	5 m	5 m	5 m	none
Recycling Depots	DP	7.5 m	7.5 m	7.5 m	none
Tourist Accommodations up to 20 units	DP	7.5 m	7.5 m	7.5 m	none
Tourist Accommodations 21 or more units	SP	7.5 m	7.5 m	7.5 m	none

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Any other *commercial/ institutional development* or combination of *developments* with *gross floor area* between 1000 m^2 and 2800 m^2 or which occupies a *land area* between 6000 m^2 and 15000 m^2, whichever is lesser	DP	5 m	5 m	5 m	none
Any other *commercial/ institutional development* or combination of *developments* with *gross floor area* greater than 2800 m^2 or which occupies a *land area* greater than 15000 m^2, whichever is lesser	DA				
Light Industrial					
Abattoirs up to 2500 m^2	SP	7.5 m	7.5 m	7.5 m	none
Abattoirs over 2500 m^2	DA				
Aggregate processing	Permitted subject to the provisions of section 4.2				
Aquaculture, including *inland fish farms* and *hatcheries*	DA				
Salvage Yards up to 2500 m^2	DP	7.5 m	7.5 m	7.5 m	none
Salvage Yards over 2500 m^2	SP	7.5 m	7.5 m	7.5 m	none
Any other *light industrial development* or combination of *developments* with *gross floor area* between 1000 m^2 and 2800 m^2 or which occupies a *land area* between 6000 m^2 and 15000 m^2, whichever is lesser	DP	5 m	5 m	5 m	none

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Any other *light industrial development* or combination of *developments* with *gross floor area* over 2800 m^2 or which occupies a *land area* over 15000 m^2, whichever is lesser	DA				
Other					
Outdoor Cannabis Production Facilities	Permitted subject to the provisions of section 4.4				
Fur farming	DA				
Waterfront Parks not owned by the *Municipality*	DA				

5.2.4 **Prohibited Uses and Developments**

The following *uses* and *developments* are prohibited in the General Basic (GB) *Zone*:

a) all heavy industrial developments.

6.0 SETTLEMENT AREA

6.1 Application

The provisions of this part shall apply to the **Single Unit Residential (SU)**, **Settlement Residential One (SR-1)**, **Settlement Residential Two (SR-2)**, **Mixed Use (MU)**, **Coastal Island (CI)**, **Coastal Island Two (CI-2)**, and **Gateway (GW)** *zones*.

SU

6.2 Single Unit Residential Zone

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

6.2.1 Permitted Uses and Developments

The following *uses* are permitted in the Single Unit Residential (SU) *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					
Detached dwelling up to 1 per lot	DP	1.5 m	1.5 m	1.5 m	10 m
Home-based Businesses	DP	Subject to section 6.2.7			
Other					
Waterfront Parks not owned by the *Municipality*	DA				

6.2.2 Prohibited Uses and Developments

The following *uses* and *developments* are prohibited in the Single Unit Residential (SU) *zone:*

a) manufactured homes;
b) shipping containers;
c) the rearing, breeding, boarding, sheltering and keeping of any *Farm Animal*;
d) outdoor wood furnaces.

6.2.3 Special Requirements: Habitation of Vehicles

Within the **Single Unit Residential (SU)** *zone*, 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 for a maximum of sixty (60) days in any calendar year provided that such *use:*

a) has received a temporary *development permit* for the sixty (60) day period of habitation;
b) is carried out in a *recreational vehicle* bearing a valid motor vehicle registration and inspection;
c) is limited to one (1) *recreational vehicle* on a *lot* at any one time;

d) meets all minimum *yard* requirements for residential *uses* in the *zone* in which the *recreational vehicle* is located;
e) shall not be connected to a wastewater system.

6.2.4 **Special Requirements: Short-Term Habitation of Vehicles**

Notwithstanding 6.2.3, nothing shall prevent the temporary habitation of *recreational vehicles* within the **Single Unit Residential (SU)** *zone*, up to a maximum of fourteen (14) days in any calendar year without the requirement for a *temporary development permit* or a *development permit.*

SU

6.2.5 **Special Requirements: Storage of Recreational Vehicles**

Within the **Single Unit Residential (SU)** *zone*, storage of a *recreational vehicle* is only permitted on *lots* that also contain a *dwelling*.

6.2.6 **Special Requirements: Storage in Vehicles**

No automobile, truck, bus, coach, streetcar, *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.

6.2.7 **Special Requirements: Home Based Business**

A residential *dwelling* may be used for a home-based business provided that:

a) the *dwelling* is occupied as the place of primary residence by the operator of the business;
b) no more than 25% of the floor area of the main *dwelling*, or a maximum of fifty (50) m² of floor area, whichever is less, is devoted to the business use;
c) home-based businesses shall fall within one of the following:

   i) *Professional services;*
   ii) Craft workshops;
   iii) *Studios* for the practice or instruction of fine arts or crafts;
   iv) *Home office* & *sales* uses that do not host, intake or receive clients on-site.

d) retail sales shall be limited to the sale of products, made, assembled, refinished or repaired on the premises;
e) one (1) 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 two (2) m in *height;*
h) the external appearance of the *building* shall not be changed by the home-based business;
j) no *signs* shall be permitted on the *lot* related to the home-based business.

SU

SR-1

6.3 Settlement Residential One Zone

6.3.1 Permitted Uses and Developments

The following *uses* are permitted in the Settlement Residential One (SR-1) *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 – 2 *dwelling units* on a *lot*	DP	1.5 m	1.5 m	1.5 m	11 m
3 – 11 *dwelling units* on a *lot*	DA				
Commercial / Institutional					
Tourist Accommodations up to 3 units	DP	1.5 m	3 m	3 m	11 m
Marinas	DA				
Any other *commercial* or *institutional use* or combination of *uses* not listed in section 6.3.2 with a *gross floor area* up to 70 m^2 or which occupies a *land area* up to 210 m^2, whichever is lesser	DP	1.5 m	3 m	3 m	11 m
Any other *commercial* or *institutional use* or combination of *uses* not listed in Section 6.3.2 with a *gross floor area* over 70 m^2 or which occupies a *land area* over 210 m^2, whichever is lesser	DA				
Light Industrial					

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Any other *light industrial development* or combination of *developments* not listed in Section 6.3.2 with a *gross floor area* up to 70 m^2 or which occupies a *land area* up to 210 m^2, whichever is lesser	DP	7 m	7 m	7 m	11 m
Any other *light industrial development* or combination of *developments* not listed in Section 6.3.2 with a *gross floor area* over 70 m^2 or which occupies a *land area* over 210 m^2, whichever is lesser	DA				
Other					
Outdoor Cannabis Production Facilities	Permitted subject to the provisions of section 4.4				
Forestry Processing	DP	5 m	5 m	5 m	11m
Farm Animals	DP	Subject to the provisions of section 6.3.3			
Waterfront Parks not owned by the *Municipality*	DA				

6.3.2 **Prohibited Uses and Developments**

The following uses and developments are prohibited in the **Settlement Residential One (SR-1)** *Zone*:

a) Abattoirs;
b) Composting Facilities;
c) Campgrounds/RV Parks;
d) Fur Farming;
e) Kennels;
f) Contaminated soil facilities;
g) Manufactured homes;
h) Shipping containers;
i) *Processing facilities* handling meat, fish or poultry products;
j) Salvage yards;
k) All heavy industrial developments.

6.3.3 Special Requirements – Farm Animals
In the Settlement Residential One (SR-1) *zone:*

(a) any *lot* used for the rearing, breeding, boarding sheltering or keeping of a *farm animal* or *farm animals* that constitutes one (1) or more *farm animal units* shall have an area no less than 3716 m^2 for the first *farm animal unit*, and an additional 1858 m^2 for each additional *farm animal unit*.

(b) no *person* shall keep any *farm animal* or *farm animals* constituting one (1) or more *farm animal units* within thirty (30) m of a dug well or a *watercourse*.

(c) any *lot* used for the rearing or keeping of a *farm animal* or *farm animals*, the following separations from *lot boundaries* shall apply:

Land Use	Minimum Distance From Property Boundary
Manure and used bedding storage	15 m
Building sheltering 5 or fewer Farm Animal Units	15 m
Building sheltering more than 5 Farm Animal Units	60 m

6.3.4 **Special Requirements: Habitation of Vehicles**

Within the **Settlement Residential One (SR-1)** *zone*, 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 for a maximum of 180 days in any calendar year provided that such *use*:

a) has received a temporary *development permit* for the 180-day period of habitation;
b) is carried out in a *recreational vehicle* bearing a valid motor vehicle registration and inspection;
c) is limited to one (1) *recreational vehicle* on a *lot* at any one time;
d) meets all minimum *yard* requirements for residential *uses* in the *zone* in which the *recreational vehicle* is located;
e) shall not be connected to a wastewater system.

6.3.5 **Special Requirements: Short-Term Habitation of Vehicles**

Notwithstanding 6.2.3, nothing shall prevent the temporary habitation of *recreational vehicles* within the **Settlement Residential One (SR-1)** *zone*, up to a maximum of fourteen days in any calendar year without the requirement for a *temporary development permit* or a *development permit.*

6.3.6 **Special Requirements: Storage of Recreational Vehicles**

Within the **Settlement Residential One (SR-1)** *zone*, storage of a *recreational vehicle* is only permitted on *lots* that also contain a *dwelling*.

6.3.7 **Special Requirements: Storage in Vehicles**

No automobile, truck, bus, coach, streetcar, *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.

SR-2

6.4 Settlement Residential Two Zone

6.4.1 Permitted Uses and Developments

The following *uses* are permitted in the Settlement Residential Two (SR-2) *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 – 2 *dwelling units* on a *lot*	DP	1.5 m	1.5 m	1.5 m	11 m
3 – 11 *dwelling units* on a *lot*	SP	1.5 m	1.5 m	1.5 m	11 m
12 or more *dwelling units* on a *lot*	DA				
Land Lease Communities	DA				
Commercial / Institutional					
Golf Courses	DA				
Marinas	DP	1.5 m	10 m	none	11 m
Tourist Accommodations up to 20 units	DP	7 m	7 m	7 m	11 m
Any other *commercial* or *institutional use* or combination of *uses* not listed in section 6.4.2 with a *gross floor area* less than 100 m^2 or which occupies a *land area* less than 500 m^2, whichever is lesser	DP	1.5 m	3 m	3 m	11 m
Any other *commercial* or *institutional use* or combination of *uses* not listed in Section 6.4.3 with a *gross floor area* between 100 m^2 and 500 m^2 or which occupies a *land area* between 500 m^2 and 2000 m^2, whichever is lesser	SP	1.5 m	3 m	3 m	11 m
Light Industrial					

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Any other *light industrial development* or combination of *developments* not listed in Section 6.4.2 with a *gross floor area* less than 100 m^2 or which occupies a *land area* less than 500 m^2, whichever is lesser	DP	7 m	7 m	7 m	11 m
Any other *light industrial development* or combination of *developments* not listed in Section 6.4.2 between 100 m^2 and 500 m^2 of *gross floor area* or which occupies a *land area* between 500 m^2 and 2000 m^2, whichever is lesser	SP	7 m	7 m	7 m	11 m
Research Facility	DP	1.5 m	3 m	3 m	11 m
Other					
Outdoor Cannabis Production Facilities	Permitted subject to the provisions of section 4.4				
Forestry Processing	DP	5 m	5 m	5 m	11m
Waterfront Parks not owned by the *Municipality*	DA				

6.4.2 **Prohibited Uses and Developments**

The following uses and developments are prohibited in the Settlement Residential (SR) *Zone*:

a) Abattoirs;
b) Composting Facilities;
c) Fur Farming;
d) Contaminated Soil Facilities;
e) Salvage Yards;
f) *Processing facilities* handling meat, fish or poultry products;
g) All heavy industrial developments.

MU

6.5 Mixed-Use Zone

6.5.1 Permitted Uses and Developments

The following *uses* are permitted in the Mixed Use (MU) *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* on a *lot*	DP	1.5 m	1.5 m	1.5 m	none
5 – 11 *dwelling units* on a *lot*	SP	3 m	3 m	3 m	none
12 or more *dwelling units* on a *lot*	DA				
Land lease communities	DA				
Commercial / Institutional					
Campgrounds and RV Parks up to 20 sites	DP	10 m	10 m	10 m	none
Campgrounds and RV Parks more than 21 sites	DA				
Golf Courses	DA				
Marinas	DP	5 m	5 m	none	none
Tourist Accommodations up to 20 units	DP	7.5 m	7.5 m	7.5 m	none
Tourist Accommodations 20-50 units	SP	7.5 m	7.5 m	7.5 m	none
Tourist Accommodations more than 50 units	DA				
Recycling Depots	DP	5 m	5 m	5.m	none
Any other *commercial/institutional development* or combination of *developments* with *gross floor area* up to 2000 m^2 or which occupies a *land area* up to 6000 m^2, whichever is lesser	DP	5 m	5 m	5 m	none

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Any other *commercial/institutional development* with *gross floor area* greater than 2000 m^2 or which occupies a *land area* greater than 6000 m^2, whichever is lesser	DA				
Light Industrial					
Abattoirs less than 2500 m^2	SP	10 m	10 m	10 m	none
Aggregate processing	Permitted subject to the provisions of section 4.2				
Aquaculture, including *inland fish farms* and *hatcheries*	DA				
Indoor Cannabis Production Facilities	DP	5 m	5 m	5 m	none
Salvage yards less than 2500 m^2	SP	10 m	10 m	10 m	none
Any other *light industrial development* or combination of *developments* with *gross floor area* up to 2000 m^2 or which occupies a *land area* up to 6000 m^2, whichever is lesser	DP	5 m	5 m	5 m	none
Any other *light industrial development* or combination of *developments* with *gross floor area* greater than 2000 m^2 or which occupies a *land area* greater than 6000 m^2, whichever is lesser	DA				
Other					
Outdoor Cannabis Production Facilities	Permitted subject to the provisions of section 4.4				
Forestry Processing	DP	5 m	5 m	5 m	11m
Waterfront Parks not owned by the *Municipality*	DA				

6.5.2 **Prohibited Uses and Developments**

The following *uses* and *developments* are prohibited in the Mixed Use (MU) *zone:*

a) All heavy industrial developments;
b) *Abattoirs* over 2500 m^2;
c) Composting Facilities;
d) Fur Farming;
e) Contaminated Soil Facilities;
f) *Salvage Yards* over 2500 m^2.

6.6 Coastal Island One Zone

6.6.1 Permitted Uses and Developments

The following *uses* are permitted in the Coastal Island One (CI-1) *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					
1 *dwelling unit* on a *lot*	DP	7.5 m	7.5 m	7.5 m	7 m
Home-based Businesses	DP	Subject to section 6.6.3			
Commercial / Institutional					
Aquaculture, including *inland fish farms* and *hatcheries*	DP	7.5 m	7.5 m	7.5 m	7 m
Campgrounds and RV Parks up to 20 sites	DP	7.5 m	7.5 m	7.5 m	7 m
Tourist Accommodations up to 20 units	DP	7.5 m	7.5 m	7.5 m	7 m
Any *commercial/ institutional use* or combination of *uses* with a *gross floor area* less than 100 m^2	DP	7.5 m	7.5 m	7.5 m	7 m
Other					
Forestry Processing	DP	5 m	5 m	5 m	7m
Waterfront Parks not owned by the *Municipality*	DA				

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

6.6.2 Prohibited Uses and Developments

The following *uses* and *developments* are prohibited in the Coastal Island One (CI-1) *zone:*

a) All light industrial and heavy industrial developments.

6.6.3 Special Requirements - Home Based Business

A residential *dwelling* may be used for a home-based business provided that:

a) the *dwelling* is occupied as the place of primary residence by the operator of the business;
b) no more than 25% of the floor area of the main *dwelling*, or a maximum of fifty (50) m² of floor area, whichever is less, is devoted to the business use;
c) home-based businesses shall fall within one of the following:

    i) Professional services;
    ii) Craft workshops;
    iii) *Studios* for the practice or instruction of fine arts or crafts.

d) one on-site *parking space*, in addition to that required for the *dwelling*, is provided;
e) Outdoor display associated with the business shall not be permitted;
f) 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 two (2) m in *height;*
g) the external appearance of the *building* shall not be changed by the home-based business;
h) *signs* advertising home-based businesses within the Coastal Island One *zone* shall not exceed 0.5 m^2.

6.7 Coastal Island Two Zone

6.7.1 Permitted Uses and Developments

The following *uses* are permitted in the Coastal Island Two (CI-2) *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					
1 *dwelling unit* on a *lot*	DP	7.5 m	7.5 m	7.5 m	7 m
Home-based Businesses	DP	Subject to section 6.7.4			
Commercial / Institutional					
Aquaculture, including *inland fish farms* and *hatcheries*	DP	7.5 m	7.5 m	7.5 m	7 m
Campgrounds and RV Parks up to 20 sites	DP	7.5 m	7.5 m	7.5 m	7 m
Tourist Accommodations up to 20 units	DP	7.5 m	7.5 m	7.5 m	7 m
Any *commercial/ institutional use* or combination of *uses* with a *gross floor area* less than 100 m^2	DP	7.5 m	7.5 m	7.5 m	7 m
Other					
Forestry Processing	DP	5 m	5 m	5 m	7m
Waterfront Parks not owned by the *Municipality*	DA				

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

6.7.2 Special Requirements – Lot Area & Shoreline Lot Frontage

All newly created *lots* within the Coastal Island Two (CI-2) *zone* shall conform with the following:

Minimum *Lot Area*	40000 m^2
Minimum Shoreline Lot Frontage	150 m

6.7.3 Prohibited Uses and Developments

The following *uses* and *developments* are prohibited in the Coastal Island Two (CI-2) *zone:*

a) All light industrial and heavy industrial developments.

6.7.4 **Special Requirements - Home Based Business**

A residential *dwelling* may be used for a home-based business provided that:

a) the *dwelling* is occupied as the place of primary residence by the operator of the business;
b) no more than 25% of the floor area of the main *dwelling*, or a maximum of fifty (50) m² of floor area, whichever is less, is devoted to the business *use;*
c) home-based businesses shall fall within one of the following:

   i) Professional services;
   ii) Craft workshops;
   iii) *Studios* for the practice or instruction of fine arts or crafts.

d) one on-site *parking space*, in addition to that required for the *dwelling*, is provided;
e) outdoor display associated with the business shall not be permitted;
f) 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 two (2) m in *height;*
g) the external appearance of the *building* shall not be changed by the home-based business;
h) *signs* advertising home-based businesses within the Coastal Island Two *zone* shall not exceed 0.5 m^2.

6.8 Gateway Zone

6.8.1 Permitted Uses and Developments

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

	Approval Process	Max. Front Yard	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Residential						
1 – 4 *dwelling units* on a *lot*	DP		1.5 m	1.5 m	1.5 m	15 m
5 – 11 *dwelling units* on a *lot*	SP	12.5 m	1.5 m	1.5 m	1.5 m	15 m
12 or more *dwelling units* on a *lot*	DA					
Land lease communities	DA					
Commercial / Institutional						
Automobile sales and service	DP	12.5 m	5 m	5 m	5 m	15 m
Animal Hospitals	DP	12.5 m	5 m	5 m	5 m	15 m
Beverage Rooms and *Lounges*	DP	12.5 m	none	7.5 m	7.5 m	15 m
Child Care Facilities	DP	12.5 m	none	5 m	5 m	15 m
Places of entertainment, recreation, and assembly	DP	12.5 m	5 m	10 m	10 m	15 m
Kennels	DA					
Recycling Depots	SP	12.5 m	10 m	10 m	10 m	15 m
Restaurants	DP	12.5 m	5 m	10 m	10 m	15 m
Shopping Centres	SP	12.5 m	5 m	10 m	10 m	15 m
Golf Courses	DA					
Tourist Accommodations up to 50 units	SP	12.5 m	5 m	7.5 m	7.5 m	15 m
Tourist Accommodations more than 50 units	DA					
Any other *commercial/institutional development* or combination of *developments* with *gross floor area* up to 2000 m^2 or which occupies a *land area* up to 4000 m^2, whichever is lesser	DP	12.5 m	1.5 m	5 m	5 m	15 m

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

	Approval Process	Max. Front Yard	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Any other *commercial/institutional development* or combination of *developments* with *gross floor area* greater than 2000 m^2 or which occupies a *land area* greater than 4000 m^2, whichever is lesser	SP	12.5 m	5 m	5 m	5 m	15 m
Light Industrial						
Any other *light industrial development* or combination of *developments* with a *gross floor area* less than 1,000 m^2 or which occupies a *land area* less than 2000 m^2, whichever is lesser	DP	12.5 m	7.5 m	7.5 m	7.5 m	15 m
Any other *light industrial development* or combination of *developments* with a *gross floor area* between 1,000 m^2 and 2,000 m^2 or which occupies a *land area* between 2,000 m^2 less than 6000 m^2, whichever is lesser	SP	12.5 m	7.5 m	7.5 m	7.5 m	15 m
Other						
Outdoor Cannabis Production Facilities	Permitted subject to the provisions of section 4.4					
Forestry Processing	DP		5 m	5 m	5 m	15m
Waterfront Parks not owned by the *Municipality*	DA					

6.8.2 **Prohibited Uses and Developments**

The following *uses* and *developments* are prohibited in the Gateway (GW) *Zone:*

a) Fur farming;
b) Salvage Yards;

c) All heavy industrial developments.

6.8.3 **Special Requirements – Shipping Containers in areas zoned Gateway (GW) that abut the Village of Chester Planning Area**

Shipping containers shall be permitted in those Gateway (GW) *Zone* areas that abut the Village of Chester Planning Area boundary subject to the following:

Shipping containers shall:

a) not be used for human habitation;
b) only be used for non-residential purposes;
c) only be allowed as an *accessory structure* to a permitted non-residential *building;*
d) only be used for the storage and shelter of goods;
e) be a minimum of 1.5 m from a *rear lot line* or *side lot line;*
f) be set back from the *front lot line* a minimum of twelve (12) m or a distance 3.5 m greater than the *main building* minimum *front yard*, whichever is greater;
g) be set back from the *flankage lot line* a minimum of twelve (12) m or a distance 3.5 m greater than the *main building* minimum *flankage yard,* whichever is greater;
h) be screened from view on all sides by a minimum 1.8 m high opaque fence;
i) be limited to one (1) *shipping container* per *lot;*
j) be placed so that the narrow end of the *shipping container* faces the public *street,* unless the *shipping container* is placed behind a *building* of equal or greater length than the long side of the *shipping container;*
k) be placed at *grade*; and
l) have no logos, lettering, numbering, decals, or *commercial* advertisements attached or affixed to the *shipping container*.

7.0 HAMLET AREA

7.1 Application

The provisions of this part shall apply to the **Hamlet (HM)** *zone*.

HM

7.2 Hamlet Zone

7.2.1 Permitted Uses and Developments

The following *uses* are permitted in the Hamlet (HM) *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* on a *lot*	DP	1.5 m	1.5 m	1.5 m	15 m
5 – 11 *dwelling units* on a *lot*	SP	1.5 m	1.5 m	1.5 m	15 m
12 or more *dwelling units* on a *lot*	DA				
Land lease communities	DA				
Commercial					
Campgrounds and RV Parks up to 20 sites	DP	10 m	10 m	10 m	15 m
Marinas	DP	none	3 m	none	15 m
Tourist Accommodations up to 20 units	DP	10 m	10 m	10 m	15 m
Any other *commercial development* or combination of *developments* with *gross floor area* less than 100 m^2 or which occupies a *land area* less than 500 m^2, whichever is lesser	DP	5 m	5 m	5 m	15 m
Any other *commercial development* or combination of *developments* with *gross floor area* between 100 m^2 and 500 m^2 or which occupies a *land area* between 500 m^2 and 2800 m^2, whichever is lesser	SP	5 m	5 m	5 m	15 m
Institutional					

	Approval Process	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height of Structure
Any *institutional development* or combination of *developments* with *gross floor area* up to 1000 m^2	DP	5 m	5 m	5 m	15 m
Any *institutional development* or combination of *developments* with a *gross floor area* over 1000 m^2	SP				
Light Industrial					
Any other *light industrial development* or combination of *developments* not listed in Section 7.2.2 with a *gross floor area* less than 100 m^2 or which occupies a *land area* less than 500 m^2, whichever is lesser	DP	5 m	5 m	5 m	15 m
Any other *light industrial development* or combination of *developments* not listed in Section 7.2.2 with a *gross floor area* between 100 m^2 and 500 m^2 or which occupies a *land area* between 500 m^2 and 2800 m^2, whichever is lesser	SP	5 m	5 m	5 m	15 m
Research facilities	DP	5 m	5 m	5 m	15 m
Other					
Outdoor Cannabis Production Facilities	Permitted subject to the provisions of section 4.4				
Waterfront Parks not owned by the *Municipality*	DA				

7.2.2 **Prohibited Uses and Developments**

The following *uses* and *developments* are prohibited in the Hamlet (HM) *zone*:

a) Fur farming;
b) All heavy industrial developments;
c) Salvage Yards;
d) Abattoirs;
e) Composting facilities;
f) *Processing facilities* handling meat, fish or poultry products.

8.0 INDUSTRIAL AND BUSINESS AREA

8.1 Application

The provisions of this part shall apply to the **Business Park (BP)**, the **Kaizer Meadow Industrial (KI)** the **Kaizer Meadow (KM)** and the **Neighbourhood Comprehensive Development District (NCDD)** *zones*.

BP

8.2 Business Park Zone

8.2.1 Permitted Uses and Developments

The following *uses* are permitted in the Business Park (BP) *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
Commercial					
Any *commercial development*	DP	1.5 m	1.5 m	1.5 m	none
Light Industrial					
Any *light industrial development*	DP	3 m	3 m	3 m	none
Other					
Outdoor Cannabis Production Facilities	Permitted subject to the provisions of section 4.4				
Forestry processing	DP	5 m	5 m	5 m	none
Waterfront Parks not owned by the *Municipality*	DA				

8.2.2 Prohibited Uses and Developments

The following *uses* and *developments* are prohibited in the Business Park (BP) *zone:*

a) Any residential *use;*
b) Campgrounds and RV Parks;
c) Tourist Accommodations;
d) Places of worship and cemeteries;
e) Fur farming;
f) All heavy industrial development.

KI

8.3 Kaizer Meadow Industrial Zone

8.3.1 Permitted Uses and Developments

The following *uses* are permitted in the Kaizer Meadow Industrial (KI) *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
Light Industrial					
Landfills and their *accessory uses*	none	none	none	none	none
Aggregate processing	Permitted subject to the provisions of section 4.2				
All other *light industrial development*	DP	none	none	none	none
Heavy Industrial					
Developments requiring Environmental Assessment pursuant to the Nova Scotia Environmental Assessment Regulations	DA				
All other *heavy industrial uses*	DP	none	none	none	none
Other					
Outdoor Cannabis Production Facilities	Permitted subject to the provisions of section 4.4				
Forestry processing	DP	none	none	none	none

8.3.2 Prohibited Uses and Developments

The following *uses* and *developments* are prohibited in the Kaizer Meadow Industrial (KI) *zone:*

a) Any residential *use;*
b) Campgrounds and RV parks;
c) Places of worship and cemeteries;
d) Tourist accommodations;
e) Fur farming.

8.3.3 Special Requirement: Setbacks from Property Lines

Developments shall be set back twenty (20) m from any *lot line*

that is shared with any property not zoned either Kaizer Meadow (KM) or Kaizer Meadow Industrial (KI) *zones*.

8.3.4 **Special Requirement: Watercourse Buffers**

All *developments* shall:

a) place all *buildings* at least twenty-five (25) m from the edge of any *watercourse*, *water body* or *wetland;*

b) maintain a buffer of natural vegetation within twenty-five (25) m of a *watercourse*, *water body*, or *wetland*. Mature woody vegetation and shrubbery shall remain in place to promote bank stability and to reduce erosion risk; and *existing* vegetation along the water course should remain in place to filter runoff, promote water quality, protect the aquatic ecosystem, and provide cover habitat for wildlife. Provision will be made to allow for removal of diseased or dead vegetation or vegetation which poses either a health or safety issue.

KM

8.4 Kaizer Meadow Zone

8.4.1 Permitted Uses and Developments

The following *uses* are permitted in the Kaizer Meadow (KM) *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
Commercial					
Campgrounds and RV parks up to 20 sites	DP	none	none	none	none
Light Industrial					
Abattoirs	DP	none	none	none	none
Aquaculture, inland fish farms, and *hatcheries*	DP	none	none	none	none
Composting facilities	DP	none	none	none	none
Landfills	DP	none	none	none	none
Salvage yards	DP	none	none	none	none
Solid Waste Facilities					
Any other *light industrial development* or combination of *developments* with *gross floor area* up to 2000 m^2 or which occupies a *land area* up to 6000 m^2, whichever is lesser	DP	none	none	none	none
Any other *light industrial development* or combination of *developments* with *gross floor area* greater than 2000 m^2 or which occupies a *land area* greater than 6000 m^2, whichever is lesser	DA				
Other					
Outdoor Cannabis Production Facilities	Permitted subject to the provisions of section 4.4				
Forestry processing	DP	none	none	none	none
Recreation and outdoor activities	none	none	none	none	none

8.4.2 **Prohibited Uses and Developments**

The following *uses* and *developments* are prohibited in the Kaizer Meadow (KM) *zone:*

a) Any residential *use;*
b) Places of worship and cemeteries;
c) Tourist accommodations;
d) Fur farming.

8.4.3 **Special Requirement: Abutting Zone Setback**

Notwithstanding minimum *yard* requirements shown in section 8.4.1, *developments* shall be *setback* twenty-five (25) m from any *lot line* that is shared with any *lot* not zoned either Kaizer Meadow (KM) or Kaizer Meadow Industrial (KI).

8.4.4 **Special Requirement: Watercourse Buffers**

All *developments* shall:

a) Place all *building*s at least twenty-five (25) m from the edge of any *watercourse*, *water body* or *wetland;*

b) Maintain a buffer of natural vegetation within twenty-five (25) m of a *watercourse*, *water body*, or *wetland*. Mature, woody vegetation and shrubbery shall remain in place to promote bank stability and to reduce erosion risk; and *existing* vegetation along the water course should remain in place to filter runoff, promote water quality, protect the aquatic ecosystem, and provide cover habitat for wildlife. Provision will be made to allow for removal of diseased or dead vegetation or vegetation which poses either a health or safety issue.

8.4.5 **Special Requirement: Highway 14 Buffer**

Notwithstanding permitted *uses* listed in section 8.5.1, all land *uses* between Highway 14 and where the Kaizer Meadow (KM) *zone* meets the Kaizer Meadow Industrial (KI) *zone* shall be restricted to *recreation and outdoor activities.*

NCDD

8.5 Neighbourhood Comprehensive Development District Zone

8.5.1 Permitted Uses and Developments

The following *uses* are permitted in the Neighbourhood Comprehensive Development District (NCDD) *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
Municipal Parks	DP	none	none	none	none
1 – 2 *dwelling units* on an Existing *lot* in Mill Cove Park listed below	DP	1.5 m	1.5 m	1.5 m	11 m
All other Developments & *uses* in accordance with an approved Development agreement pursuant with the Municipal Planning Strategy.	DA				

Existing Lots in Mill Cove Park NCDD Zone					
60425048	60670718	60661907	60670593	60670635	60662012
60077799	60670726	60661915	60670601	60670734	60661980
60613452	60662020	60661923	60670619	60670668	60657616
60661568	60670643	60670692	60661998	60670676	60657640
60661550	60661931	60670700	60670627	60670684	60661584
60661543	60661949	60423506	60662004	60657657	60661972
60670650	60657665	60657681	60657673	60657608	60657590
60657632	60657624	60661964	60661956	60661576	

9.0 ENVIRONMENTAL PROTECTION AREA

9.1 Application

The provisions of this part shall apply to the **Protected Watershed (PW)** and **Conservation (CS)** *zones*.

PW

9.2 Protected Watershed Zone

9.2.1 Permitted Uses and Developments

The following *uses* are permitted in the Protected Watershed (PW) *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 *dwelling unit* on a *lot*	DP	15 m	15 m	15 m	7 m
Institutional					
Water supply treatment and distribution *uses*	none	none	none	none	none

9.2.2 Prohibited Uses and Developments

The following *uses* and *developments* are prohibited in the Protected Watershed (PW) *zone:*

a) All commercial, light industrial and heavy industrial uses;
b) Places of worship and cemeteries.

9.2.3 Special Requirements: Minimum Lot Size & Frontage

All *development* in the Protected Watershed (PW) *zone* shall meet the following requirements:

	Minimum *lot area*	Minimum lot frontage	Maximum footprint of *structures*	Setback from a watercourse or water body
Public Water Utility	none	none	100 m^2	150 m
All other *structures* and *uses*	20000 m^2	30 m	100 m^2	150 m

9.2.4 Special Requirements - Water Protection

a) all new *lots* created through subdivision approval in the Protected Watershed (PW) *zone* shall have *lot frontage* on a public *street;*
b) in addition to the requirements of Section 3.9.4 of this By-law, every application for a *Development Permit* in the Protected Watershed (PW) *zone* shall include:

i) a plan prepared by a Professional Engineer showing the measures to be taken to ensure that all silt, petrochemical products and other water-borne contaminants created or deposited during the *development, construction,* and subsequent *use* of all accesses from the *lot* to the public *street*, will be contained within the *lot;*

ii) a plan prepared by a *qualified professional*, namely a registered forestry professional, showing the measures that will be taken to ensure that the *existing* natural vegetation within 150 m of any *watercourse* will be retained in a natural and healthy condition.

c) within the Protected Watershed (PW) *zone*, no *person* shall remove topsoil from a *lot;*

d) within the Protected Watershed (PW) *zone,* no *person* shall alter land levels to a depth greater than 0.3 m from the natural ground surface within 150 m of a *watercourse;*

e) within the Protected Watershed (PW) *zone*, no *person* shall *construct* a wharf;

f) within the Protected Watershed (PW) *zone*, no *person* shall erect any *structure* on land having a slope greater than eight per cent (8%);

g) notwithstanding the requirements of Part 4 of this By-law, where a *main building* existed on a *lot*, no *accessory structure* in the Protected Watershed (PW) *zone* shall be located closer than 150 m from the *water body* associated with the protected watershed.

CS

9.3 Conservation Zone

9.3.1 Permitted Uses and Developments

The following *uses* are permitted in the Conservation (CS) *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
Institutional					
Municipally owned or installed *structures* related to the provision of Municipal services or recreation *use*	DP	10 m	10 m	10 m	7 m
Temporary *structures* intended for research and education, or the preservation, protection, or improvement of the natural environment	DP	15 m	15 m	15 m	7 m

9.3.2 Prohibited Uses and Developments

The following *uses* and *developments* are prohibited in the Conservation (CS) *zone*:

a) permanent *structures* that are not owned or installed by the *Municipality;*
b) all residential, commercial, light industrial and heavy industrial uses.

10.0 SIGNS

10.1 General regulations for all signs

10.1.1 These regulations apply to *signs* which advertise a land *use* that requires a *development permit*.

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

10.2 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* which constitute a hazard to public safety or health;
b) *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;*
c) *signs* which obstruct the *use* of a fire escape door, windows, or other required exit;
d) *signs* painted upon a cliff, or other natural object.

10.3 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, 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) a *sign* having an area of not more than six (6) m^2 incidental to construction and located on the same site as the *building* under construction. Such *signs* shall not remain in place for more than sixty (60) days following completion of construction;
i) any portable sign;
j) any banner sign;
k) indoor *signs* which are erected within a *building,* including *window signs;*
l) *signs* permanently attached to a *building* which bear the name or civic number of the *building;*
m) 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.

10.4 Single-Premise Ground Signs

In all *zones* single premise *ground signs* shall:

a) not exceed a *sign face area* of six (6) m^2 per side;
b) not exceed a maximum *sign height* of five (5) m;
c) be set back at least two (2) m from any property line.

10.5 Multiple-Premise Ground Signs



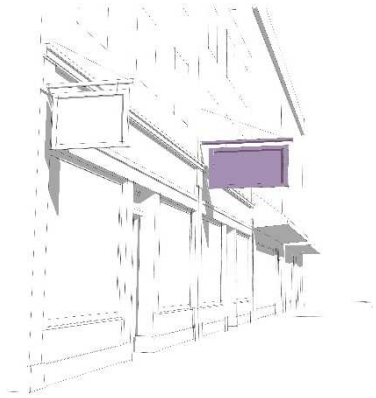
In all *zones* multiple premise *ground signs* shall:

a) not exceed a *sign face area* of twelve (12) m^2 per side;
b) not exceed a maximum *sign height* of seven (7) m;
c) be set back at least two (2) m from any property line.

10.6 Wall Signs

In all *zones wall signs* shall only be permitted within the *wall sign area* of a *building* and the total area covered by all *wall signs* shall not exceed 20% of the *wall sign area* of the *building* to which the *sign* is affixed.

10.7 Projecting Wall Signs



In all zones, projecting wall signs shall:

a) not exceed a maximum *sign face area* of 1.5 m^2 per side;
b) not project more than 1.5 m from the wall to which it is affixed;
c) be installed no less than three (3) m above *established grade*;
d) include the installation of a suitable catch, chain or other swing control device.