



STAFF REPORT

TO: Municipal Council

FROM: Val Kean, Director of Economic & Community Development

APPROVED BY: Warren MacLeod, CAO

DATE: May 27, 2025

SUBJECT: **Municipal Planning Strategy and Land Use By-Law, First Reading**

ORIGIN

Mandatory municipal planning requirements – Municipal Government Act (MGA)

RECOMMENDATION

Be it resolved that the Council of the Municipality of the District of Shelburne give first reading to the attached Municipal Planning Strategy, as presented; AND,

THAT the Council of the Municipality of the District of Shelburne give first reading to the attached Land Use By-Law, as presented.

BACKGROUND

Over the course of more than 2 years, Brighter Planning has worked on the development of these planning documents involving careful research, multiple rounds of review, and the active participation of residents, business owners, Council, and staff. The engagement strategy included the following open houses, online surveys, webinars, stakeholder interviews, individual meetings, and two “What We Heard” reports:

- Fall/Winter 2023 – Project initiation
- Spring/Summer – Initial project planning and coordination and background research.
- October 03, 2023: Key Informant Interviews conducted with community leaders, municipal official and service providers.
- November 22, 2023: Public Open House at Municipal Office
- November 23, 2023: Public Open House at Sable River Community Hall
- December 04, 2023: Public Open House at Gunning Cove; Start of Individual Meetings
- December 09, 2023: Deadline for written feedback from December engagement
- March 31, 2024: Online Survey deadline
- June 25, 2024: What We Heard Report Version 1
- September 11, 2024: Renewable Energy Best Practice Review
- October 09, 2024: Council Workshop on Draft Policies
- November 14, 2024: New Council Workshop on MPS & LUB
- November 22, 2024: Draft MPS & LUB (Version 2) released for public comment

- November 27, 2024: Wind Turbine Webinar held
- December 02, 2024: Public Engagement Session (Shelburne High School)
- December 03, 2024: Public Engagement Session (Gunning Cove)
- December 04, 2024: Public Engagement Session (Lockeport) & Individual Meetings
- January 31, 2025: Version 3 MPS & LUB posted online
- February 12, 2025: First Public Webinar on Version 3
- February 13, 2025: Second Public Webinar on Version 3
- February 14, 2025: One-on-one virtual meetings offered
- March 03, 2025: Deadline for Public Feedback
- March 19, 2025: Council presentation on Provincial Wind Regs and public comments received by Council

DISCUSSION

From the outset of the review process, the Municipality has been committed to a transparent and inclusive process. Each round of engagement above informed concrete revisions of our planning documents and strengthened the policies that are now being presented.

The attached Version 4 of the MPS and LUB integrates:

- Feedback from three rounds of public consultation;
- Input from the What We Heard Report;
- Detailed municipal staff review;
- Council direction from workshops and briefings;
- The latest provincial regulations, including wind turbine siting requirements and coastal protection guidance.

The result of our work is a clear, forward-looking plan that supports economic opportunity, climate resilience, and housing flexibility—while respecting the unique rural and coastal character of Shelburne.

Notable updates include:

- Expanded housing policies to support small option homes, tiny homes, and flexible lot sizes in rural areas;
- Coastal and steep slope protection measures embedded within both MPS policy and zoning overlays;
- Modernized renewable energy regulations, including new criteria for both small and large-scale wind turbines;
- Zoning updates that simplify the regulatory framework, enable mixed rural uses, and introduce overlay zones for greater clarity and adaptability;
- Specific provisions to protect working waterfronts and industrial lands from incompatible conversions.

ATTACHMENTS

Version 4 Draft Municipal Planning Strategy
Version 4 Draft Land Use By-Law

MUNICIPAL PLANNING STRATEGY



V4: FOR COUNCIL
MAY 9 2025



PREPARED FOR THE
MUNICIPALITY OF THE
DISTRICT OF SHELburne



Acknowledgements

Brighter Community Planning & Consulting acknowledges the invaluable contributions of all those who supported the development of this Municipal Planning Strategy for the Municipality of the District of Shelburne (MODS).

We extend our sincere thanks to:

- The Municipality of the District of Shelburne Council and Staff for their vision, leadership, and ongoing commitment to thoughtful and inclusive community planning.
- Community members, residents, and local stakeholders who participated in public engagements and generously shared their insights, stories, and priorities.
- Partner organizations and regional collaborators whose input and expertise informed key aspects of the planning process.

This document represents the collective voices and aspirations of the Shelburne community. It was made possible through meaningful collaboration and shared dedication to building a resilient, inclusive, and sustainable future.

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PART 1 AUTHORITY AND CONTEXT

SECTION 1.1 PURPOSE

This Municipal Planning Strategy (MPS) for the Municipality of the District of Shelburne has been prepared according to the provisions of the *Municipal Government Act* (MGA). It is a legal document that has been adopted as a Bylaw of the Municipality of the District of Shelburne and provides a framework of land use policies to guide all forms of development within the District. Where land use and development issues are dealt with in this MPS, the accompanying District of Shelburne Land Use Bylaw (LUB) shall implement them.

SECTION 1.2 THE PLANNING AREA AND GFLUM

This MPS applies to all lands within the Municipality of the District of Shelburne, as defined by the Generalized Future Land Use Map (GFLUM) included as **Appendix A** to this document. The area it covers shall be referred to as the Shelburne District Planning Area or the Planning Area. The GFLUM applies one of the land use designations listed in **Section 4** to all lands within the Municipality of Shelburne.

SECTION 1.3 BACKGROUND

In 2023, The District of Shelburne began a process to draft and adopt a comprehensive MPS and LUB to comply with the Minimum Planning Regulations established by the province. Previously, the District of Shelburne had a bylaw that was limited and primarily addressed the location of wind turbines and protection for the two watershed areas.

To prepare this draft, the Municipality prepared a background study that provided background information on issues such as population and demographics, the natural environment, commercial development, infrastructure and energy. Stantec prepared a Renewable Energy: Best Practices Review that provided best practices and research on green hydrogen, wind energy, solar energy and battery storage.

Numerous other reports and studies were considered during the development of this plan and included:

- Coast Management Strategy, Coastal Protection and Municipal Land Use Bylaws
- ICSP Action Plan -2020
- Municipality of the District of Shelburne; Municipal Housing Needs Report 2023
- Recreation Strategic Plan Municipality of the District of Shelburne (2019-2021)
- Socio-Economic and Housing Development Strategy for the Municipality of the District of Shelburne
- Updated Population Projections prepared by Turner Drake, September 2024

In addition to these reports, this bylaw also considered the provincial statements of interest, minimum planning regulations and other provincial strategies, regulations and guidance documents.

SECTION 1.4 CONSULTATION

To develop this plan, the Municipality hired a planning consultant to draft the plan. Public engagement sessions, along with key informant interviews and discussions with staff resulted in the first draft of the document for Council's review.

Following Council's input, the consultants prepared draft 2 of the documents and a series of public engagements were conducted which included three open house sessions with a world café style component. People also had the opportunity to provide comment via email or through scheduled one on one sessions. Given the comments on wind turbines, the municipality held a focused one line session for the public to present information on green energy. At the conclusion of this engagement Council received a What We Heard Summary Report that outlined the main issues and recommendation changes to the draft documents.

Council then decided to hold another series of public sessions on the version 3 draft. This involved 2 webinars specifically on wind turbines. Additional feedback from the public was received to via email with all correspondence logged.

SECTION 1.5 COMPONENTS AND THE LUB

Further to **Section 1** of this **Part**, where it is stated that the general purpose of this plan is to be a framework of Council's policies concerning the development of land within the Planning Area, this plan also contains other land use policies. These policies set development standards that may vary from zone to zone and policies concerning the issuance of municipal development permits. Administrative policies include procedures on amending the MPS and LUB as well as for their review. Included also are policies for the subdivision of lots along private roads and lots with no frontage, and development permit issuance on such lots. Development control regulations themselves, which implement the policies contained in this MPS, are contained in the Municipality of the District of Shelburne's Land Use Bylaw.

SECTION 1.6 LIMITATIONS

This MPS sets out policies directed toward a Vision and specific goals, set out in **Section 3**. In adopting these policies, Council does not commit itself to undertaking any of the projects suggested therein. However, Council is prevented from acting in a manner that is inconsistent with or at variance with this Strategy (MGA S. 217).



SECTION 1.7 STATEMENTS OF PROVINCIAL INTEREST

The *Municipal Government Act* requires that planning documents be reasonably consistent with the Provincial Statements of Interest. The five Statements of Interest and the sections and policies on this plan that address them are as follows:

Statement of Interest Regarding	Relevant Sections and Policies
Drinking Water Supplies	<ul style="list-style-type: none"> • Policy 5.1.4 Municipal Watershed
Flood Risk Areas	<ul style="list-style-type: none"> • Policy 5.1.1, Coastal Hazard Area • Policy 5.1.2, Development within the Coastal Area • Policy 5.1.7 Environmental Overlay
Protection of Agricultural Land	<ul style="list-style-type: none"> • Section 2.3 Economy • Section 4.2.1 Rural Use Designation
Infrastructure	<ul style="list-style-type: none"> • Section 5.3 Infrastructure
Housing	<ul style="list-style-type: none"> • Section 2.2 Population and Housing • Part 3 Visions & Goals • Section 4.3 Suburban Designation

SECTION 1.8 ZONES, ZONING AND THE ZONING MAP

The purpose of a Land Use Bylaw is to implement the land use development policies set out in a MPS and to establish a fair and systematic means of development control. This is accomplished by dividing an area into land use zones. Land use developments are considered by way of listing them as a permitted use in a zone or, alternately, a prohibited use.

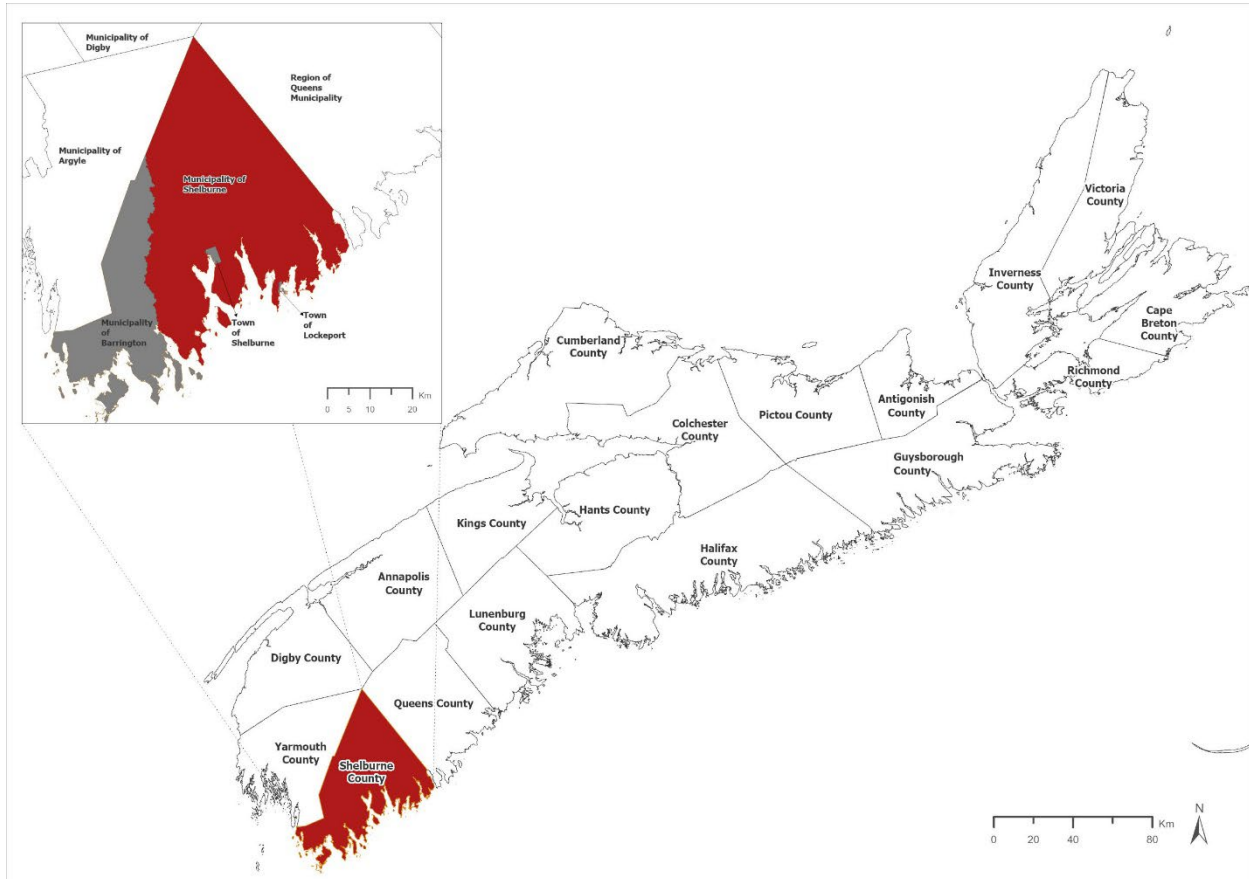
Where a land use development is considered a permitted use, usually there are specific development conditions that must be fulfilled before a development permit is issued. The LUB accompanying this Shelburne District MPS is called the Shelburne District LUB. Like the GFLUM's relation to the MPS, the Zoning Maps form an integral part of the LUB. The Zoning Maps graphically show the divisions of the District's areas into zones. The Shelburne District LUB and Zoning Maps set out zones for a full range of land use types, varying from residential to industrial uses and allows different land uses to be mixed in specific areas and circumstances. The Bylaw also includes areas in which wind resource development may be permitted in conjunction with other land use, areas in which land use will be strictly limited and, perhaps, prohibited to protect community water supplies, wetlands, watercourses, coastlines, and areas with substantial slopes to protect both unique environmental features and reduce risks to the public.

The Coastal Protection Overlay Zone Map(s) in the LUB is where areas identified by the Province are shown that are prone to coastal flooding and erosion, and where additional planning regulations may apply.

PART 2 DISTRICT PROFILE

The Municipality of the District of Shelburne (“District of Shelburne”) is in Shelburne County, within southwest Nova Scotia. Most of its development is closer to the coast while most of the interior is lightly populated. This section of the Plan provides important context for the planning policies that follow.

Figure 1 Location of the Municipality of the District of Shelburne in Nova Scotia



SECTION 2.1 HISTORY OF SHELBURNE

Long before European settlers arrived, the Mi'kmaq people inhabited the area of the present-day Municipality. The native Mi'kmaq people traversed the Roseway River and used the surrounding lands for summer encampments well ahead of European explorers and fishermen reaching the shore of Shelburne. European presence and colonization in Shelburne started in the 17th century. Settlers from England and France established many fishing communities along the coastline, forming some of the earliest settlements in the area.

In 1784, Shelburne County was formed in part from the southwestern portions of Queens County, with the new boundaries established in 1785. The western portion of the county became Yarmouth County in 1836. In 1854, Shelburne County was further divided into Shelburne and Barrington Districts for court sessional purposes and eventually incorporated as a District Municipality in 1879. The Town of Shelburne and Lockeport were incorporated in 1907, separate from the Municipality of the District of Shelburne.

Following the end of the American Revolutionary War, this area became the destination of many loyalists fleeing New York and other American colonies. In 1783, four hundred families settled here and formed a town at Port Roseway, later renamed Shelburne to honor the British Prime Minister, Lord Shelburne. About 2,000 black loyalists who settled at the same time were allotted lands on the west side of the Town. They established the largest free Black settlement in North America known as Birchtown in honor of Major General Samuel Birch. Shelburne County also saw immigrants from Scotland and Ireland. In 1818, Welsh settlers arrived at Shelburne District and established the first Welsh settlement in Canada. Their settlement is on the west side of the Roseway River now known as Welshtown.

Fishing and shipbuilding have formed the core economy in Shelburne since its establishment. Shelburne Harbour, an ice-free deep-water port, makes Shelburne an ideal location for marine businesses. At its peak these industries increased the population of Shelburne County to 12,000 in the early 1790s. Although fishery reached its height in the late 1970s and entered decades of decline since then, marine businesses have left a lingering legacy and shaped many communities in Shelburne. The Municipality of the District of Shelburne still sees several active working waterfronts and shipyards today.

The history of Shelburne is marked by both prosperity and challenges. The municipality has seen decades of population decline until the province-wide population growth during the COVID-19 pandemic. People of Shelburne also face difficulties finding employment due to the closure of many manufacturing plants in the South Shore of Nova Scotia, such as the Bowater Mersey paper mill that closed in 2012. Today, Shelburne sees new opportunities in the tourist sector that utilize its diverse and charming landscape of nature and coastline.

SECTION 2.2 POPULATION AND HOUSING

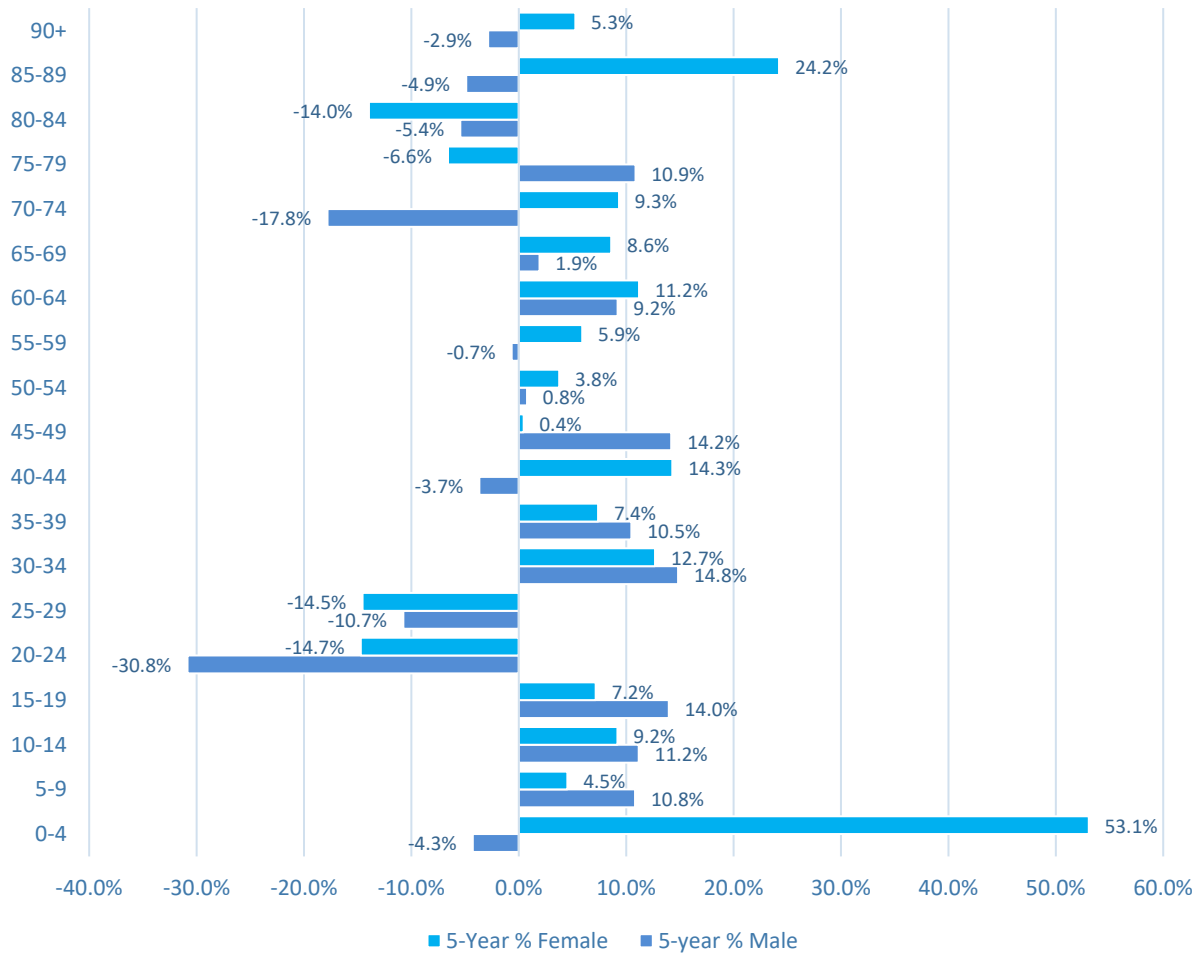
HISTORICAL DEMOGRAPHIC CONTEXT

Population in the Shelburne District has been in decline for many years. The population growth ceased in 1991 and the District lost more than a thousand residents or one-fifth of its population by 2016. It experienced a modest gain according to the 2021 Census, which recorded 48 additional residents; however, Statistics Canada estimates suggest only four more residents in 2021 than in 2016.

The critical factor in the community's population decline has been out-migration of young adults, which is common in many rural areas. Estimates of net migration by age group modelled by Stantec based on Statistics Canada estimates suggest that in each five-year census period from 2006 to 2021, the District lost 20% to 30% of its residents aged 20 to 34, with the largest net outflows in the 20 to 24-year group and particularly high percentages among males. Outflow of young adults subsided somewhat over the period, but both males and females in the 20 to 24 and 25 to 29-year age lost more than 10% to net migration between 2016 and 2021, with losses among 20 to 24-year-old males over 30% (**Figure 2**).

Outmigration of young people is common in rural areas as many leave for education and job opportunities. The loss of population between 20 and 34 is critical because they are the main child-bearing cohorts in the population. While some will return, the loss of young adults reduces the potential of the local population to have children, which could grow the population through natural increase. Persistent loss of young adults, which is common for rural areas throughout Canada, will lead to successively smaller generations of children and the kind of steady downward population trend that Shelburne has experienced.

Figure 2 Estimated Migration, District of Shelburne, 2016-2021



Source: Statistics Canada Estimates, 2006-2021, Stantec Consulting predictions, 2026-2031

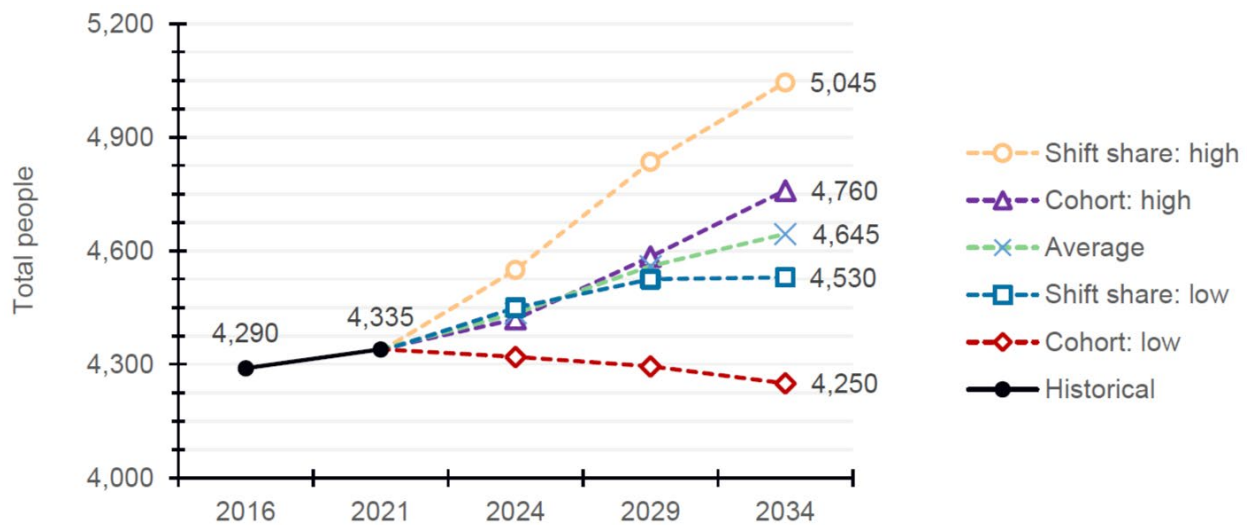
Shelburne experienced a very small gain between 2016 and 2021. During the period the province experienced an unprecedented surge in migration that led to explosive growth in HRM and substantial increases in adjacent municipalities. Several farther outlying municipalities benefited from the trend and experienced a reduction in population losses or moderate gains like Shelburne.

POPULATION PROJECTIONS

The population change of Shelburne in the future remains uncertain. It has had a historical decline since the 1990s but has started to see growth again in recent years in relation to the growth of migration in Nova Scotia. Migration and natural growth are the main factors that influence Shelburne’s population trends. The Municipality engaged Turner Drake to apply two projection methodologies respectively, to reflect both factors and produce multiple scenarios for population projection.

The two methods are Shift Share & Cohort Survival. The Shift Share approach takes economic and labour market aspects into consideration as it is an important push-and-pull factor in migration movement. It can reflect how the regional and provincial economic geography influences the population changes in Shelburne. The Cohort Survival approach is a more granular method, as it is based on the historical natural change of population that counts births, deaths, and migration. Using these methods, Turner Drake produced five population projection scenarios for Shelburne from 2021 to 2034.

Figure 3 Population Projection of Shelburne by Scenarios 2021 – 2034



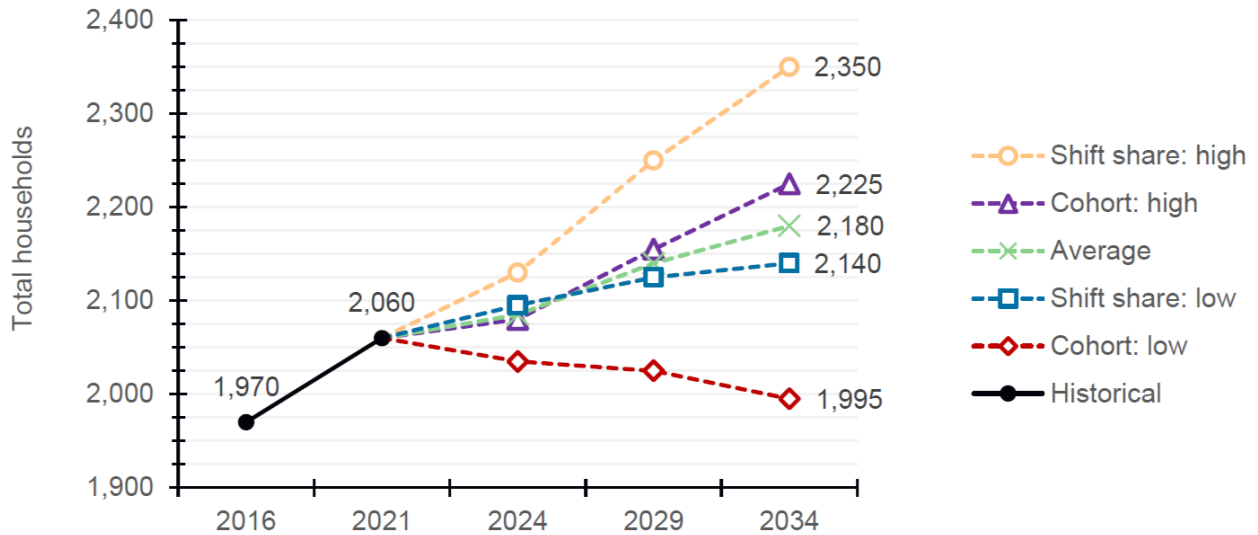
Source: Statistics Canada Census 2016 & 2021, Turner Drake Estimates 2024

While the range between scenarios is significant (from 4,250 to 5,045 people – a loss of 90 or a gain of 710, respectively), all but one scenario predicts that Shelburne will experience population growth from 2021 to 2024, suggesting a higher likelihood of an increasing resident base. Statistics Canada estimated about 1% growth from 2021 to 2023 in Shelburne in relevance to the population gain by migration.

HOUSEHOLD & HOUSING PROJECTIONS

Household growth is considered one of a handful of components when calculating local housing demand. Turner Drake used the same method for population projection to estimate the number of households living in Shelburne in the future. The estimation of households is calculated based on headship rates which refer to the percentage of people in an age group who are household maintainers. Applying age-specific rates to future age cohorts and summing up the results will determine the total household projection.

Figure 4 Households Projection of Shelburne by Scenarios 2021 – 2034



Source: Statistics Canada Census 2016 & 2021, Turner Drake Estimates 2024

Household projections mirror anticipated changes in population. Future households living in Shelburne may range from 1,995 to 2,350. Averaging all scenarios, Shelburne may have 2,180 households by the year 2034. Turner Drake estimates that Shelburne needs an additional 250 housing units from 2024 to 2034 to maintain a balanced housing market. This estimation factors in the dwelling-household ratio of Shelburne, the existing housing shortage, the vacancy rate of 3% for a balanced housing market, and the need for units on the market to balance affordability. On average, Shelburne sees 20 new housing units completely annually. Shelburne would need an additional 50 units from 2024 to 2034 to achieve a balanced housing market.

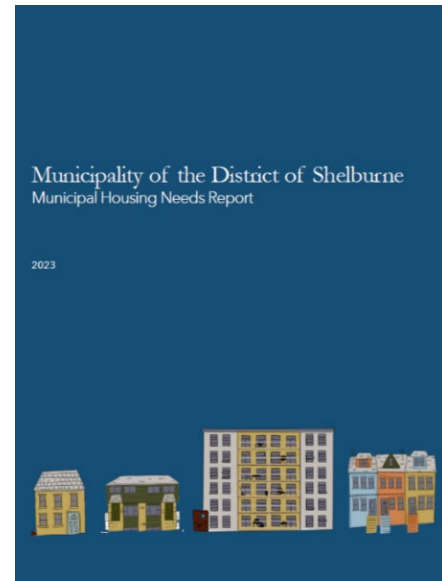
The Housing Need Report for the Municipality of the District of Shelburne released in 2023 provided a more detailed picture of Shelburne's housing needs from the perspective of housing types. Since different demographic groups demand different types of housing, evaluating key demographic trends is important for directing future housing development. Among all, the most two notable ones are the growth of the renter and senior population.

Shelburne will see strong growth in its senior population in the near future. Turner Drake estimates that about 155 new senior-led households might choose to live in the municipality from 2022 to 2032. In relation to the housing demand, growth among the senior population emphasizes the need for senior-appropriate or generally accessible housing over the foreseeable future. Senior-led households tend to have smaller sizes. Despite that over 85% of the seniors own their residences, the Report notes that there are many who live in hospital beds in the municipality. They are essentially homeless because there is no available housing suitable for seniors.

In terms of tenure, Shelburne saw strong growth in the renter population between 2016 and 2021. This growth is relevant to the worsened housing affordability in Shelburne in recent years since the barrier to homeownership forced many to choose to rent. During this period, renter-occupied dwellings increased by 20%, compared to owner-occupied dwellings increased by only 2%. The most demanded dwelling types by renters are studio/1-bedroom and units that contain three or more units. Associated with the growth of the renter population is the decline of the vacancy rate from 7.5% in 2018 to 7.0 in 2021. Although this still falls above the healthy vacancy rate between 3% and 5%, it was reported that very few rentals are available in Shelburne, with many homes being used for short-term rentals or vacant.

Considering that the younger population has a significantly higher percentage of renters, constrained rental availability may be associated with the decline of the younger population. To address the challenges of housing affordability, the municipality is interested in policy measures to reduce development costs and encourage the development of more affordable housing.

Shelburne shall dedicate itself to boosting and diversifying its housing supply to meet the needs of the increasing senior and renter population. The municipality shall encourage down-sized accessible housing tailored to the lifestyle of seniors. Creating more affordable rental units matters to retain the younger working population to further support the municipality's initiatives on economic development.



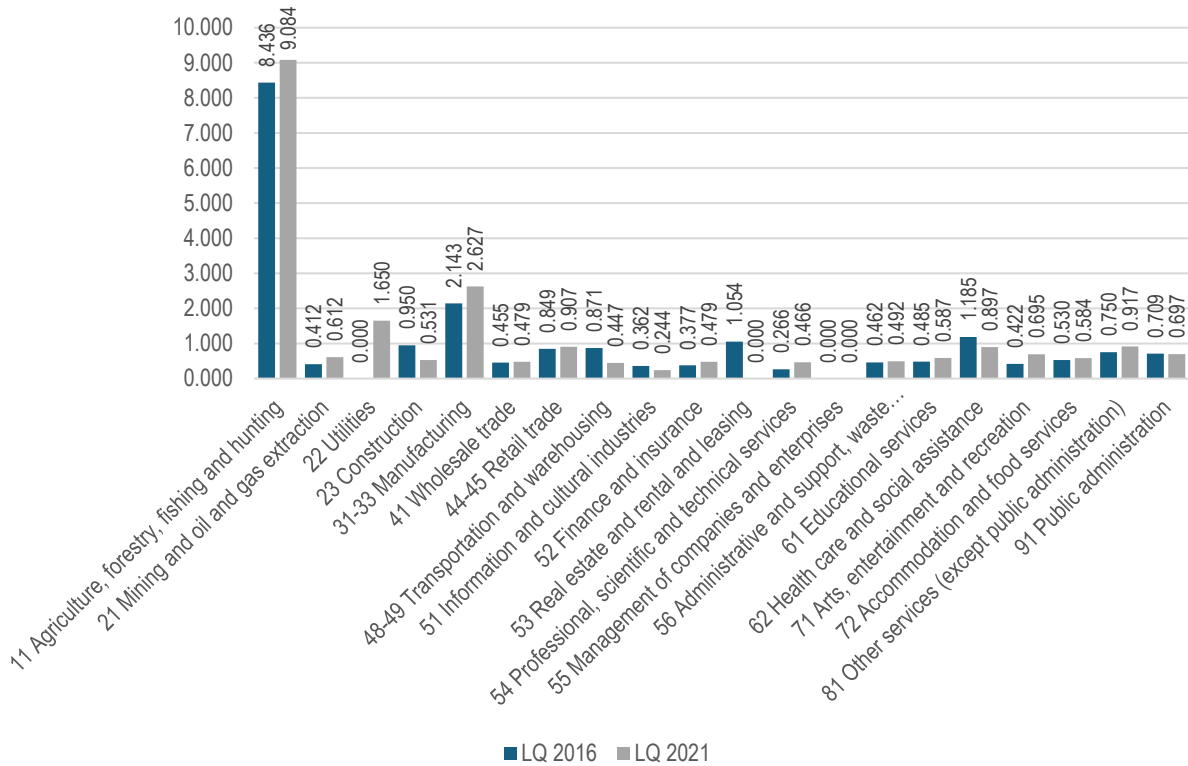
SECTION 2.3 ECONOMY

The District of Shelburne economy is dominated by manufacturing and agriculture, forestry and fishing (called resource uses) Manufacturing employed 415 people according to the 2021 Census or 21.3% of the District's labour force. Agriculture, forestry and fishing accounted for 405 jobs and 20.8% of the labour force. The two sectors are closely tied. Fishing is a dominant and historic economic activity in Shelburne and industrial operations are primarily shipbuilders and repairers and fish processing plants. The third and fourth largest employers are Health Care and social services with 225 positions (11.8%) and Retail trade with 200 jobs (10.3%) (**Figure 5**).

Although census data lumps forestry, fishing and agriculture together, the District of Shelburne forestry and fishing are much more prevalent than agriculture, Agricultural activity is limited in Shelburne. The resource sector accounts for one in five jobs in the municipality compared to only 2.3% of all Canadian employment. The location quotient for the sector calculated by dividing its percentage of employment in Shelburne by the percentage employed in Canada, which is $20.82\% / 2.31\% = 9.1$, indicating Shelburne has nine times as many people engaged in resource occupations than the Canadian average. By contrast, although health care and social services account for the third most jobs in Shelburne, the share of local employment in the sector (11.6%) is less than the national average (13.0%), resulting in a location quotient of 0.897 or less than 1, which means the sector is not a specialty for the municipal district. Overall, employment in Shelburne is concentrated in a relatively small number of sectors with specialization in just three sectors: agriculture, fishing and forestry (9.084 in 2021), manufacturing (2.627), and utilities (1.650). Fortunately, the two leading sectors appear to be robust with employment growth of 14.1% and 23.9%, respectively between 2016 and 2021.

There is interest in increasing the tourism opportunities within Shelburne. Although not currently identified as one of the dominant sectors within the District, the Town of Shelburne has important heritage assets that attract tourism.

Figure 5 Location Quotients, Shelburne District, 2016 and 2021



Economic Sector	Employment		Change		Location Quotients	
	2016	2021	Number	%	2016	2021
Total labour force	1,785	1,980	195	10.9%		
Industry - Not applicable	0	30	30	0.0%		
All industries	1,790	1,945	155	8.7%		
11 Agriculture, forestry, fishing and hunting	355	405	50	14.1%	8.436	9.084
21 Mining and oil and gas extraction	10	15	5	50.0%	0.412	0.612
22 Utilities	0	25	25	0.0%	0.000	1.650
23 Construction	120	80	-40	-33.3%	0.950	0.531
31-33 Manufacturing	335	415	80	23.9%	2.143	2.627
41 Wholesale trade	30	30	0	0.0%	0.455	0.479
44-45 Retail trade	175	200	25	14.3%	0.849	0.907
48-49 Transportation and warehousing	75	45	-30	-40.0%	0.871	0.447
51 Information and cultural industries	15	10	-5	-33.3%	0.362	0.244
52 Finance and insurance	30	40	10	33.3%	0.377	0.479
53 Real estate and rental and leasing	35	0	-35	-100.0%	1.054	0.000
54 Professional, scientific and technical services	35	75	40	114.3%	0.266	0.466
55 Management of companies and enterprises	0	0	0	0.0%	0.000	0.000
56 Administrative and support, waste management and remediation services	35	40	5	14.3%	0.462	0.492
61 Educational services	65	85	20	30.8%	0.485	0.587
62 Health care and social assistance	255	225	-30	-11.8%	1.185	0.897
71 Arts, entertainment and recreation	15	25	10	66.7%	0.422	0.695
72 Accommodation and food services	65	65	0	0.0%	0.530	0.584
81 Other services (except public administration)	60	75	15	25.0%	0.750	0.917
91 Public administration	80	85	5	6.3%	0.709	0.697

Source Stantec Consulting

SECTION 2.4 ENVIRONMENT

The District of Shelburne presents a diverse and varied environmental landscape is divided by Highway 103. South of the highway is the coastal area where beaches and estuaries can be found. Most human settlements are in this part of the District of Shelburne with many residents having a history or ongoing economy related to maritime activities and fisheries. North of Highway 103 is predominantly inland forest with plenty of water features and wetlands untouched by human activities. Preserving the rich natural beauty of the District of Shelburne has always been the priority of the Municipality, as it ties to the culture and identities of Shelburne communities. The provincial government has designated an estimated 43,460 hectares of parks and protected areas, many located north of Highway 103.

Climate change has brought many challenges to preserving local natural landscapes and protecting local communities. The rising sea levels and temperature have led to extreme weather and natural disasters threatening the health and safety of Shelburne residents and infrastructures. The coastal region south of Highway 103, where most of the settlements in the District are located, will see more frequent and intense storms over the next few decades. The hotter climate also drastically increases the risk of wildfires. In May 2023, the District saw the largest wildfire in the province's history, spreading over 235 square kilometres of land. The wildfire destroyed an estimated 60 homes and 150 structures and displaced nearly half of the local population. For better protection of the communities and natural environment, building environmental resiliency and adaptability to the changing climate is urgent for the municipal government to prioritize. The municipality is actively developing new policies to protect communities from coastal hazards and wildfires.

SECTION 2.5 INFRASTRUCTURE

Roadway transportation in the Shelburne District is centered along the west-east-orientated Highway 103 and Highway 203 to reach communities in the north of the District. An arterial highway, Highway 3, also runs through the District, connecting the Town of Lockeport, the Town of Shelburne, and the community of Birchtown to Highway 103. Other local roads connect the remainder of the communities. Most of the road infrastructure is located south of Highway 103 where human settlements concentrate. The Nova Scotia Department of Public Works manages and operates most of the public roads in the District. Multiple sections of Shelburne County Rail Trail also run through the District, allowing residents and tourists to travel and explore the natural sceneries in the coastal area.

The District of Shelburne has no limited municipal streets, with most being under the provincial Department of Public Works. Shelburne has a history of permitting residential development on private roads, particularly north of the 103 around lakes.

The municipality does not offer county wide water or wastewater services. Most of the District operates on-site wells and septic systems, except for the Shipyard on Shelburne Harbour and the developments between it and the Town of Shelburne. The Municipality operates a lagoon-type wastewater treatment plant on Sandy Point Road to treat the wastewater from the Shipyard developments.

SECTION 2.6 AGRICULTURE

Shelburne County has a small amount of agricultural land with agriculture comprising less than 1 % of the county land area, according to the Province of Nova Scotia. (Shelburne County: Profile of Agricultural Land Resources). This provincial report summarizes Canada Land Inventory categorizations of agricultural land in Shelburne County, with class 1 being the highest and class 7 the lowest. Nova Scotia does not have any class 1 lands.

	Hectares	Percent of provincial total	Percent of county land area
CLI 2,3,4 TOTAL	4,631	0.3	1.9
CLI 2	0	0	0
CLI 3	3,437	0.4	1.4
CLI 4	1,194	0.3	0.5
Agricultural land (ALIP)*	322	0.1	0.1
Agricultural land (DNR)**	232	0.1	0.1
Blueberry land (DNR)**	101	0.6	0.04

* As indicated by the NSDA Agricultural Land Identification Project.
 ** Based on forest coverage files from NS Natural Resources (blueberry land is low-bush/ wild)
 Source: Nova Scotia Department of Agriculture, Natural Resources Canada, Nova Scotia Department of Natural Resources.

Most of the class 2, 3 or class 4 lands are north of the 103.



PART 3 VISION AND GOALS

SECTION 3.1 VISION

The Municipality values its rural qualities and the independent spirit of our residents, which creates many economic and social opportunities for our community's future, including green energy production, and tourism. This Plan aims to protect and sustain this rural quality while focusing growth in areas near existing services, so that young people will have both housing and employment options, and our population remains stable or grows. Fishery and marine activities, along with coastal living and recreation continue to be a source of pride and economic activity for Shelburne but our community must adapt to the realities of a changing climate.

SECTION 3.2 GOALS

This Plan establishes six goals to guide the implementation of the vision statement. The goals play a key role in helping to understand specific policies. The goals of the plan are also critical for evaluation of the progress of the Plan.

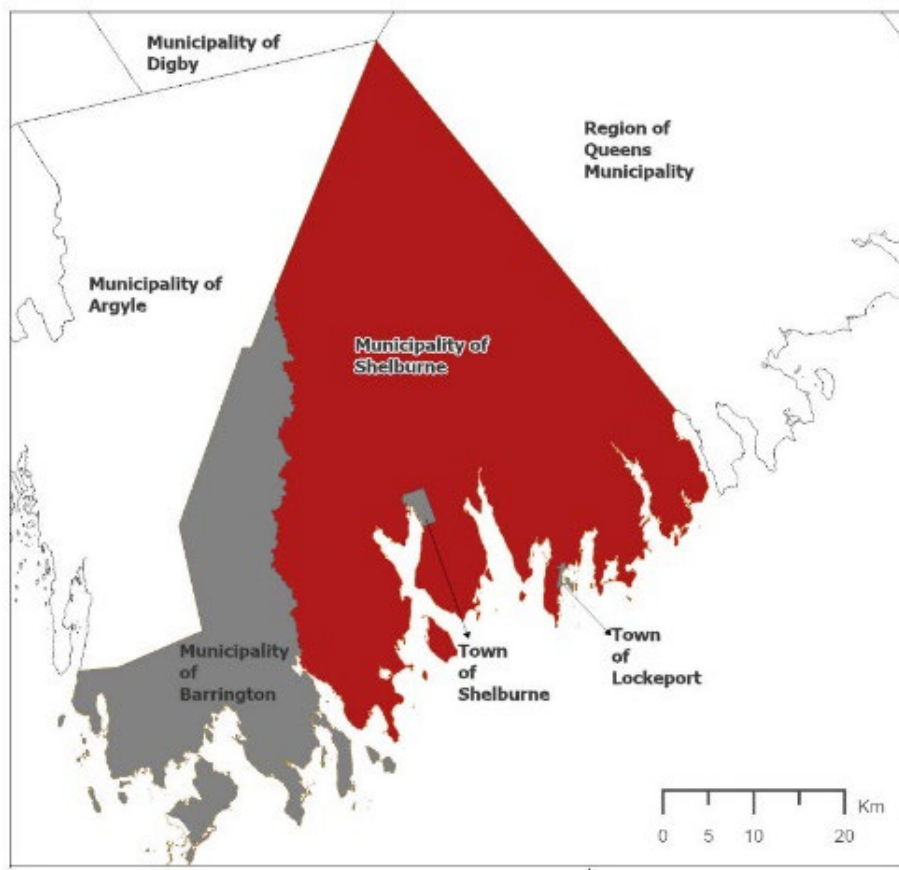
1. **A Resilient and Sustainable Community:** Shelburne planning documents will focus on supporting youth, providing housing options and enabling existing communities to adapt to an ever-changing world. The physical lay out of communities will need to adapt to a changing climate resulting in extreme weather events, wildfire threats and coastal erosion.
2. **Flexibility and Simplicity:** Comprehensive planning is new to Shelburne. This Plan should serve as an introduction to comprehensive planning for both residents, businesses and the Municipality. Stakeholders value flexibility that permits regulations that do not unduly restrict opportunities and that do not require significant resources from the Municipality to administer and regulate. Planning policies and regulations should be clear and easily understood.
3. **Business Growth and Job Opportunities:** Council wishes to attract businesses and provide job opportunities, so that young people can stay in the community and thrive. Creating a friendly environment for businesses and entrepreneurship to create more employment is crucial to Shelburne's prosperity and future.
4. **Resource Preservation and Environmental Responsibility:** Vibrant natural and rural landscapes define Shelburne and its communities. Responsibly preserving our natural resources and environment matters to our residents' identity. The Municipality is dedicated to proactively addressing environmental challenges and ensuring the preservation of natural assets for future generations.
5. **Maintenance of the Rural Lifestyle and Landscape:** Much of the Municipality is rural, with significant resource activity. The Plan will reinforce the rural areas of the Municipality while encouraging growth in locations near services and amenities.
6. **Meaningful and Transparent Community Engagement:** All community engagement will strive to be communicate clearly and effectively, seek input from a variety of perspectives and interests and provide transparency to what can be confusing processes. Engagement will aim to create a shared understanding so that public input is based on current and accurate information.

SECTION 3.3 INTER-MUNICIPAL CO-OPERATION

The District of Shelburne is within the County of Shelburne, which contains the Towns of Shelburne and Lockeport, along with the Municipality of Barrington. Council believes that cooperation with the towns and Barrington will benefit all residents and municipal units.

Policy 3.3.1 Intermunicipal Cooperation

It shall be the policy of Council to cooperate and collaborate with other municipal units when appropriate and find opportunities to work together, particularly in the areas of economic development, infrastructure, housing and emergency management. Council recognizes the significant role that the towns play in tourism and that they act as service centres for the broader region.



SECTION 3.4 ECONOMIC AND COMMUNITY DEVELOPMENT

Through this document, the Municipality will establish a land use regulatory environment that helps support existing business and make it clear that new business are welcome. Commercial tax assessment is an important part of the financial sustainability of MODS and sets the financial basis for the investments that must occur to provide basic services to residents or to expand services to meet resident wants and needs.

The Municipality plans to be proactive to attract businesses. The special planning overlay is one tool to attract opportunities. To support growth and development and to keep our youth, investments in social infrastructure, such as parks, recreation services, libraries and community centres, must occur. Hard infrastructure, such as roads, sewer services must be maintained or possibly expanded. The investment into infrastructure occurs in partnership with organizations, other levels of government or the private sector, or through the investment of municipal tax dollars.

Many things are outside the control of Municipality of Shelburne but partnership opportunities can be explored where appropriate and reasonable. Limits on partnership development are related to administrative capacity.

Policy 3.4.1 Food Security

The provision of food through micro agricultural activities can provide a local source of food. In rural municipalities, often people must travel long distances to purchase basic foods and opportunities to provide small scale locals to purchase food is desired. It is the policy of Council to consider opportunities to support food security when adopting land use policies and regulations.

Policy 3.4.2 Partnerships

It is the policy of Council to encourage and support community and economic development initiatives through the establishment of a partnership strategy or policy. The goal of the of the partnership policy is to nurture strong community relationships and build civic infrastructure as outlined in the Socio-Economic and Housing Development Strategy.

Policy 3.4.3 Tourism

It is the policy of Council to support regional tourism by participating in intermunicipal tourism initiatives and by accommodating a variety of tourism related uses in the land use bylaw. Council further recognizes the importance of the natural environment for tourism and will consider policies or initiatives that protect and enhance our shared environment.

Policy 3.4.4 Heritage

It is the policy of Council to protect heritage assets through the establishment and maintenance of a municipal heritage registry. Heritage protection supports tourism and provides meaningful connections to our shared past.

Policy 3.4.5 Unique Sites and Structures

It is the policy of Council to allow for the redevelopment of unique sites and structures by development subject to the following criteria:

1. The site must demonstrate one or more of the following characteristics;
 - Contains an existing structure of historical, cultural, or architectural value;
 - Has physical constraints such as irregular lot shape, topography, limited access, or environmental conditions that make strict compliance with standard Land Use Bylaw provisions difficult;
 - Involves a location with unique land use context, such as adjacency to heritage properties, watercourses, or former industrial lands.
2. Consideration of the impacts of the proposed development on existing uses and compatibility with the surrounding character;
3. The degree to which there are opportunities to contribute to housing diversity, economic activity or community amenities;
4. The submission of a detailed site plan show the location of builds, parking, landscaping, stormwater management and other relevant site details; and
5. Consideration of **Policy 7.3.4**.



SECTION 3.5 HOUSING

The challenge of providing adequate housing is a shared responsibility. The Municipality is seeking to encourage a broad range of housing options. Affordable housing, which is defined as housing which takes no more than 30% of a household's income, is of critical importance. With the 30% threshold not attainable for some, deeply affordable housing must also be part of the housing mix.

Homelessness is different in rural settings and in 2025, there is not significant information or data on the extent of the homelessness situation in MODS.

Policy 3.5.1 Promoting Housing

It is the policy of council to encourage a diversity of housing options within the Suburban designation. Affordable housing projects are encouraged to be located near community services and transportation routes where walking to local services is possible. Council will actively pursue partnerships with neighbouring municipalities, developers and housing interest groups to leverage resources and expertise. Council seeks to collaborate on the development of affordable, mixed-use, energy efficient and accessible housing.

It is the policy of Council to promote housing that aligns with the following:

- **Affordable:** The pressing need for affordable housing is a challenge that affects many residents. By supporting affordable housing initiatives, we can ensure that people of all income levels have access to safe and stable housing options;
- **Accessibility:** Accessible housing ensures that everyone, regardless of their physical abilities, can enjoy the benefits of safe and comfortable living. It promotes inclusivity and enables residents to age in place with dignity;
- **Energy Efficient:** in the face of climate change, promoting energy-efficient housing is not just responsible; it is imperative. Energy-efficient homes reduce utility costs, lower greenhouse gas emissions, and contribute to a healthier environment; and
- **Mixed Use:** Mixed use housing construction promotes more sustainable, connected, and vibrant communities by integrating living spaces with essential services and community activities. It enhances the quality of life for residents while contributing to economic growth and environmental sustainability.

Policy 3.5.2 Gentle Density and Infill Development

It is the policy of Council to consider and encourage the gentle densification or infill development by permitting secondary suites on dwellings that have frontage on public roads. Council will also consider amendments to the LUB to encourage gentle density in appropriate locations.

Policy 3.5.3 Affordable Housing Outside the Suburban Designation by Development Agreement

It is the policy of Council consider affordable housing projects outside the Suburban designation by development agreement, subject to the following criteria:

1. That 50% of the dwelling units are affordable, and owned or operated by a community housing organization or non-profit housing provider for the sole purpose of providing affordable housing. Deeply affordable housing is particularly encouraged;
2. The location is near community services such as schools, libraries, grocery stores, community centres of other important amenities and services. This is generally within 10 kilometers of a Town, Highway 103 or Highway 3;
3. The development shall be located on a public street;
4. The provision of a financial sustainability plan that demonstrates that the project can be financially sustained;
5. The site can be adequately serviced with water and sewer;
6. A site plan is provided which provides sufficient detail to demonstrate:
 - a. Adequate amenity space to meet the recreational or wrap around services required by the target population;
 - b. Buffering from any adjacent low density residential use, commercial use or industrial use;
 - c. The building typology and building locations. A variety of housing types may be considered, including but not limited to group dwellings, shared accommodations; tiny houses, low rise apartment buildings; land leased communities or any other development forms that enable the provision of affordable housing. Apartment buildings shall not exceed two stories or 35 feet; and
 - d. Adequate parking and setbacks from adjacent uses.
7. Consideration of **Policy 7.3.4**.

Policy 3.5.4 Bonusing

It is the policy of Council to allow permit a density bonus for housing developments with affordable housing component either through provisions of the Land Use bylaw or when considering housing developments by development agreement. To receive any form of density bonusing, the applicant must provide proof that the affordable units are secured for a minimum of 20 years.

Policy 3.5.5 Homelessness

It is the policy of Council to consider the establishment of an intermunicipal action working group on homelessness and to explore innovative solutions to address rural homelessness in Shelburne.

Policy 3.5.6 Alternative Housing Forms

It is the policy of Council to consider alternative housing forms that address documented and pressing housing needs by development agreement using the criteria established in Policy 3.5.2.

Policy 3.5.7 Land banking and municipal land

It is the policy of Council to adopt a land banking policy that provides municipal lands for community housing or affordable housing projects.



PART 4 LAND USE POLICIES

SECTION 4.1 LAND USE DESIGNATIONS

The MPS sets policies for development and protecting land use across the Municipality. Land use designations illustrated on the Future Land Use Map (GFLUM) (**Appendix A**) of this MPS will guide the application of policies. Future land use designations indicate the predominant existing land uses in the designated area or land uses deemed to be the most appropriate for the area. Where land use designations reflect a use different from the current use, the selected designation is based on the inherent characteristics of the property such as slope, environmental features, road access, and access to community facilities. Deciding the land use designation of each property also considered the uses occurring on adjacent lands and the declared intention of their owners.

The following designations have been applied on the GFLUM to areas predominantly used or appropriate for future use in the land use category assigned:

- Rural Use Designation – **To provide for a range of rural uses with a focus on encouraging resource related uses and low-density rural community uses. In this designation, it is anticipated that resource related uses and rural communities can co-exist.** This designation is primarily located north of Highway 103, which has pockets of development mainly around lakes and along existing public roads. This area is characterized by significant sections of land that are protected by the province of Nova Scotia through its Parks and Protected Areas Plan.
- Industrial Designation – **To identify and encourage industrial development in specific locations and support the existing ocean sector.**
- Suburban Designation – **To encourage suburban type residential and commercial development near services and transportation corridors.** This designation applies to areas near interchanges, outside the two towns or in areas where future residential and commercial activities are encouraged and serviced or future serviceable areas.

In addition to the above designations, this Plan will establish two overlay zones: **Environmental overlay and a Special Planning Area overlay.** The environmental overlay includes the Coastal Hazard area, based on the mapping provided by the province, and two municipal watershed areas.

The Special Planning Area overlay is for two areas of land where the municipality is looking to attract development but where the end use is not known. The uses are intended to become major economic drivers for Shelburne. The SPA areas will require additional planning and public engagement as part of a development agreement process.

SECTION 4.2 RURAL USE DESIGNATION

The Rural Use Designation applies to most of the Municipality, and encompasses resource lands, the rural communities and the coastal areas. This designation reflects Council’s commitment to protecting the rural identity, working landscapes, and natural environments that define Shelburne. It supports low-density development patterns, maintains flexibility for existing residents, and enables sustainable land use practices that align with rural living, resource-based economies, and environmental resilience.

The designation includes three zones: the **Rural Resource (RR) Zone**, which prioritizes working lands and resource industries; the **Rural Development (RD) Zone**, which supports rural living, tourism, and marine activities; and the **Rural Commercial (RC) Zone**, which accommodates local services and small-scale business activity that service the rural areas. Together, these zones aim to balance growth and conservation, direct housing to appropriate locations, and minimize wildfire risk and infrastructure costs.

The Rural Use Designation is essential to achieving long-term land stewardship, housing choice, and economic diversity in Shelburne’s rural communities.

Summary Table – Rural Use Zones

Zone	Primary Purpose	Permitted Uses	Location	Residential Role	Key Policies/Considerations
RR (Rural Resource)	Preserve working lands and support resource industries	Agriculture, forestry, limited residential, rural industry; wind turbines	Predominantly north of Hwy 103	Permitted but limited with the understanding that there may be impacts from nearby resource uses; avoid sprawl or subdivision	Minimize wildfire risk; protect large parcels; limited services and restrictions on new roads.
RD (Rural Development)	Support coastal living, tourism, and marine uses	Rural residential, tourism, marine, recreation, agriculture	Mostly south of Hwy 103	Encouraged in appropriate areas	Manage flood and erosion risks; scenic and tourism sensitivity
RC (Rural Commercial)	Enable rural-serving and tourism-related businesses	Commercial, service, tourism-supportive retail or accommodations	Spot-zoned within Rural Use Designated Area	Not a primary use	Subject to rezoning criteria and located on public roads

Policy 4.2.1 Agricultural Land

It is the policy to discourage development on high quality agricultural lands within the **Rural Resource (RR) Zone and RD Zones**. To determine high quality agricultural land, Council shall use the Canada Land Inventory - Agricultural Capability as its guide and shall consider class 3 and 4 lands as high quality.

Policy 4.2.2 Rural Development Zone

It is the policy of Council to establish a **Rural Development (RD) Zone** within the Rural Use Designation to support tourism, recreation, rural residential, and marine-related uses. Located primarily south of Highway 103, this zone reflects the area's popularity for both visitors and residents. Development in this zone shall support the tourism economy while maintaining the scenic and cultural value of the coast. The **RD Zone** shall manage rural residential growth to support housing demand while protecting against sea level rise, erosion, and other coastal hazards. Rural residential development is encouraged in this zone.

Policy 4.2.3 Rural Resource Zone

It is the policy of Council to establish a **Rural Resource (RR) Zone** within the Rural Use Designation to prioritize agriculture, forestry, and other resource-based uses. Residential development shall be limited so as to protect working lands, reduce wildfire risk, and avoid the expansion of costly infrastructure. The **RR Zone** supports the long-term viability of the rural economy and reflects the need to direct most housing growth to areas which minimize conflicts with resource uses. Rural residential is not encouraged in this zone but is permitted with the understanding that residents in this zone may have land use impacts resulting from nearby resources activity.

Rezoning to the Rural Resource zone from the **Rural Development (RD) zone** north of the 103 is not permitted. Rezonings south of the 103 may be considered subject to **Policy 7.3.3**.

Policy 4.2.4 Rural Commercial Zone

It is the policy of Council to establish a **Rural Commercial (RC) Zone** to allow for uses that support local residential communities and limited resource use. This zone will also accommodate large scale tourist related uses. Existing commercial uses in the rural designation will be zoned Rural Commercial. New Rural Commercial uses will require a rezoning.

Policy 4.2.5 Rezoning to Rural Commercial Zone

It is the policy of Council to permit rezoning to the **Rural Commercial Zone**, subject to the following criteria:

1. The property shall front on a public road;
2. The total area of the property shall not include a majority of environmentally sensitive areas, such as wetlands, flood risk areas or other factors which may pose a significant risk to people, property or the environment. Council may consider mitigations that are based on industry standards or best practices to reduce potential risks;
3. That resource uses, particularly forestry and agricultural are not adversely impacted. New private roads are discouraged on lands that primarily consist of Class 2, 3 or 4 soil as identified on the Canada Land Inventory;
4. The property shall be capable of receiving a septic approval from the Province of Nova Scotia;
5. For any use that legally existed as of June 1, 2025 where the conditions of this this policy are not met, Council shall consider the use permitted. These uses shall require a rezoning in order to expand or change to more intensive use. Minor changes such as internal reconfiguration or a change of use to something of a similar intensity shall not require a rezoning; and
6. That consideration is given to **Policy 7.3.3**.

Policy 4.2.6 Rezoning to Rural Resource Zone

It is the policy of Council to permit allow for the rezoning from **Rural Development (RD) Zone** to **Rural Resource (RR) Zone** subject to the following criteria:

1. The rezoning will not diminish the scenic, recreational or cultural appeal of the coastal area or affect identified tourism corridors or viewpoints;
2. The lands are located outside the identified Coastal Hazard area or can demonstrate that the resource use is appropriate and will not increase flood or erosion risk, and that there are no adverse environmental impacts;
3. The proposed rezoning will not create land use conflicts with nearby tourism, residential, or marine based uses that rely on the coastal setting. Impacts related to noise, light pollution and odour shall be considered;
4. The rezoning contributes to wildfire risk mitigation by discouraging dense or clustered residential development in high-risk areas; and
5. That consideration is given to **Policy 7.3.3**.

Policy 4.2.7 New Public Roads

It is the policy of Council to restrict the construction of new public roads in the **Rural Resource Use (RR)** zone. In all other zones, new public roads may be permitted by motion of Council, in the following circumstances:

1. The new public road increases public safety or addresses a public safety issue;
2. It is required to meet an economic development, housing or industrial need;
3. It within the ability to absorb the financial impact on the Municipality; and
4. It is within the ability of the Municipality to maintain the proposed new street.

Policy 4.2.8 New Private Roads

It is the policy of Council to permit new residential development in the Rural Use Designation on private roads for:

1. New residential subdivisions up to a maximum of 4 residential dwellings; or
2. The private road is to service resource uses, camp or cottage development.

Policy 4.2.9 New Private Roads by Development Agreement – 5 or More Lots

It is the policy of Council to permit new private roads by development agreement in the Rural Designation with five or more lots subject to the following criteria

1. The submission of a site plan showing the total number of lots, road widths that can accommodate emergency vehicles, and for residential developments where the private road length exceeds 500 meters, a second method of egress from the proposed development;
2. Identification of an acceptable water supply for firefighting;
3. That resource uses, particularly forestry and agricultural uses are not adversely impacted. New private roads may not be constructed to allow development on areas that primarily consist of Class 2, 3 or 4 soil as identified on the Canada Land Inventory;
4. A landscaping plan showing the Wildland-Housing Interface zone and the proposed zone of defence; and
5. That consideration is given to the evaluative criteria in **Policy 7.3.4**.

It is the policy of Council to include specific requirements in the Development Agreement regarding:

1. Requirements to restrict vegetation and combustible materials, including woody shrubs, trees and tree branches within 1.5 meters of individual residential units;
2. Encouraging the use of non-combustible materials, such as gravel, brick and concrete for landscaping features;
3. Establishing the location of the dwelling units so that they are located near the private road and easily accessible for emergency responders; and
4. Other requirements that reduce risk to life and property.

Policy 4.2.10 Existing Private Road Development

Notwithstanding **Policy 4.2.8**, it is the policy of Council to permit the extension of existing private roads subject to the following criteria:

1. An acceptable wildfire management plan is submitted;
2. The number of lots complies with the plan, dated no later than January 2, 2025, the Municipal has on file; and
3. That the private road width and turning radius is sufficient for emergency vehicles.



SECTION 4.3 SUBURBAN DESIGNATION

The following zones are enabled in the Suburban Designation. Any request for a zone not enabled in this designation will require a MPS amendment.

Policy 4.3.1 Residential Zone

It is the policy of Council to establish a zone and zone standards in the Land Use Bylaw for a **Residential (R) Zone** in the Suburban Designation. This residential zone shall permit a variety of housing densities and types, institutional uses, local commercial use and home occupations.

Policy 4.3.2 Suburban Commercial Zone

It is the policy of Council to establish a zone and zone standards in the Land Use Bylaw for a **Suburban Commercial (SC) Zone**. This commercial zone will permit a variety of larger scale commercial development near highway interchanges, on or near major arterial or collector roads, which support the region.

Policy 4.3.3 Rezoning to the Suburban Commercial Zone

It is the policy of Council to permit rezoning to the **Suburban Commercial Zone** from any other zone within the Suburban Designation, subject to the following criteria and considerations:

1. The property shall front on an Arterial or a Collector Road, as defined by the provincial Department of Public Works;
2. A Traffic Impact Statement prepared by a qualified professional may be required that demonstrates that the street can accommodate the proposed future traffic;
3. If the property is not serviced by municipal water or sewer, the property shall be capable of receiving the necessary permits from the Province of Nova Scotia;
4. How the proposed zoning, and the uses that it permits, is harmonious with the surrounding ecological, physical, visual or cultural environment;
5. The economic benefit generated from the proposed use and how the zoning may support any economic development initiatives or economic development plans or strategies of the Municipality; and
6. That consideration is given to the evaluative criteria in **Policy 7.3.3**.

SECTION 4.4 INDUSTRIAL DESIGNATION

The Industrial designation includes lands occupied by existing manufacturing and warehousing operations, existing marine industrial uses, public and privately owned business parks intended to accommodate such uses, and individual properties or clusters of properties for which such uses are intended. The Industrial designation is generally applied on major roadways and at interchanges on Highway 103. It is not intended to be applied to isolated Industrial uses within primarily residential areas but may be appropriate for areas such as business parks and rural areas where Industrial, Commercial, and Institutional uses may be mixed or where there are existing or potential future marine related industrial activities. The Municipality may pre-zone lands Industrial as part of an economic development strategy to attract industry.

Policy 4.4.1 General Industrial Zone

It is the policy of Council to establish a zone and zone standards in the Land Use Bylaw for a **General Industrial (GI) Zone** that existing industrial uses. Some vacant lands may be pre-zoned General Industrial to preserve these sites for future industrial uses to support economic development and business attraction. By pre-zoning lands, adjacent and future landowners are aware of potential land use conflicts that may occur with future industrial activities. Rezoning from any other zone in the Industrial Designation is permitted subject to the evaluative criteria in **Policy 7.3.4**.

Policy 4.4.2 Development Agreements Requirements for C & D Sites

New construction and debris disposal site, may be permitted by development agreement subject to the following requirements:

1. That the proposed uses limits and mitigates risks to the groundwater;
2. A stormwater management plan that manages stormwater on site;
3. Adequate buffering and landscaping to reduce the visual impact of the use;
4. That the use is positioned to reduce or eliminate the impacts of noise, odour, light and environmental contamination on adjacent uses; and
5. That consideration is given to the evaluative criteria in **Policy 7.3.4**.

Policy 4.4.3 Marine Industrial Zone

It is the policy of Council to establish a **Marine Industrial (MI) Zone** in the Municipality of Shelburne LUB to support the ocean sector and coastal activities. This zone will permit a range of marine industrial uses from small scale fishing to large scale ocean sector or other industrial uses that require direct or indirect access to the ocean.

Policy 4.4.4 Residential Uses Within the Industrial Designation

Policy 4.4.4.1 Existing Residential Uses

Existing residential located in the Industrial Designation shall be permitted and zoned Residential. The LUB shall require minimum setbacks for new industrial uses from existing residential dwellings.

Policy 4.4.4.2 New Residential Uses

New low density residential uses associated with small scale fishing and marine industry shall be permitted in the Marine Industrial Zone. Council recognizes that it is important to have limited residential in proximity to marine uses. The LUB shall establish requirements for residential development within the **Marine Industrial Zone** including setback requirements.

Policy 4.4.5 Rezoning Within the Industrial Designation

It shall be the policy of Council to permit the rezoning from any zone in the Industrial Designation, to any other zone within this designation subject to the following:

1. Council shall give consideration flood risks for lands that are within the **Coastal Hazard Area Overlay** or areas prone to potential flooding;
2. Heavy industrial uses are not permitted within the **Coastal Hazard Area Overlay**;
3. Council shall have consideration for the impacts of traffic, noise, odour or other land use conflicts; and
4. That consideration is given to the evaluative criteria in **Policy 7.3.3**.

SECTION 4.5 SPECIAL PLANNING AREA OVERLAY

There are three areas within the Municipality where Council is exploring a variety of potential uses to contribute to the overall economic activity of the region. The areas include is Hartz Point, lands located to the south of the 103 and lands near the “old naval base.” Council wishes to provide maximum flexibility for any potential uses but also retain control over certain elements of development to manage potential conflicts with any existing uses.

The Municipality identified these three parcels as areas where additional planning, analysis and public engagement are required before a final development plan will be approved. Public engagement and input beyond what is required by the Municipal Government Act will be required to ensure compatibility.

Policy 4.5.1 Special Planning Area Overlay

It is the policy of Council to enable a **Special Planning Area (SPA)** overlay within all designations. The SPA overlay shall accommodate a wide variety of uses by development agreement focused on larger scale uses or developments which realize the economic development initiatives of the Municipality. The overlay will permit uses enabled by the base zoning and consider by development agreement unique uses that support the economic development actions of the broader Municipality.

Policy 4.5.2 Development Agreements for unique uses with the SPA Overlay

It is the policy of Council to consider unique uses that carry out the economic development initiatives of the Municipality by development agreement. Council shall consider the following criteria when considering the proposed use:

1. The proposal will bring significant economic development opportunities to the region and is supported by studies or strategies;
2. That the noise, air and visual impacts to adjacent residential dwellings are mitigated through the use of buffering, increased setbacks, landscaping, hardscaping, and other tools and strategies;
3. If the use requires an environmental assessment (EA), that the development agreement require the EA approval before a development permit is issued and compliance with all conditions of the EA approval;
4. The lands are comprehensively planned and a concept plan for the entire area is provided;
5. The results of a public engagement process to involve a variety of stakeholders is conducted;
6. If the proposal may generate significant noise or traffic, a traffic or noise study may be required; and
7. That consideration is given to the evaluative criteria in **Policy 7.3.4**.

PART 5 ENVIRONMENTAL

The environment is not separate from land use but is ingrained and integrated within the document. This section addresses critical environmental features on the landscape that require special attention.

The District of Shelburne has two main areas where additional policy and regulation are required to reduce the risks associated with coastal flooding and to protect the drinking water supplies of the Town of Lockport and the Town of Shelburne.

Climate change will continue to have impacts on our coastal areas and the province of Nova Scotia has identified at risk areas and uses the worst-case scenario of what sea level rise and storm surge could look like during high tide in the year 2100. By reducing the development in these at-risk areas, property and lives can be better protected and critical infrastructure investments can be placed in the most appropriate location.

In 2023, wildfires significantly impacted Shelburne. Land use planning can assist in reducing risks associated with wildfires. As housing and development creep into forested areas, the municipality need to consider how to protect people, their homes and their communities.

SECTION 5.1 ENVIRONMENTAL OVERLAY

Policy 5.1.1 Coastal Hazard Area

It is the policy of Council to adopt the coastal flood risk mapping (Project Worst Case Flooding in the Year 2100) dated August 1, 2024. developed by the province of Nova Scotia and include as an overlay called Coastal Hazard Area on the Environmental Overlay on the GFLUM. The province issued new mapping data in March 2025 just as these documents were being finalized. The District of Shelburne did not adopt this updated mapping as the consultation phase was completed, and it did not wish to further extend the Coastal Protection Overlay without additional engagement.

The LUB shall specify the location of the Coastal Hazard Area in the LUB on a series of maps called “Coastal Protection Overlay Zone Maps” and the conditions and regulations for development which may be permitted. Development within the Coastal Hazard Area will be discouraged except for uses that can demonstrate appropriate floodproofing measures or where occasional flooding will not cause life safety or damage to property.

Limited development may occur within the environmental overlay zone by site plan approval for uses that are not impacted by occasional flooding, adopt floodproofing protection measures or where a qualified expert provides a report indicating that the area is not at risk of flooding according to the methodology used by the Province of Nova Scotia to develop the Coastal Hazard Area.

Policy 5.1.1.1 Development Within the Coastal Hazard Area

The Marine Industrial zone is the zone most impacted by the Coastal Hazard Area as shown on the Environmental Overlay on the GFLUM. It is also the place where there is either existing marine uses or where future marine uses may wish to locate. It shall be the policy of Council to consider new permanent structures over 50 square metres (538.2 square feet) or expansion to existing uses or structures in the Marine Industrial Zone, except as exempted by the LUB within the Coastal Hazard Area by development agreement subject to the following:

1. The uses shall be limited to those directly related to a use that requires the use to be adjacent to the ocean, such as fish processing, shipyards, wharfs and other similar uses;
2. The degree of potential risk to human life, property and the environment to the use from coastal erosion or flooding is low. To help Council assess this risk, a report from a qualified professional may be required;
3. That the identified risks are mitigated through floodproofing measures, erosion control measures or other similar tools;
4. If there is a portion of the property that is outside the Coastal Hazard Area, that as much of the structure as possible is located outside the flood risk area.
5. Documentation that demonstrates that emergency access to the facility can be maintained during extreme weather events; and
6. That consideration is given to the evaluative criteria in **Policy 7.3.4**.

Policy 5.1.1.2 Coastal Land Use

It shall be the policy of Council to encourage property owners near the coast or within Coastal Hazards Areas to adopt coast-friendly practices, as outlined in reference documents and information provided by the Province of Nova Scotia.

Policy 5.1.2 Municipal Watershed

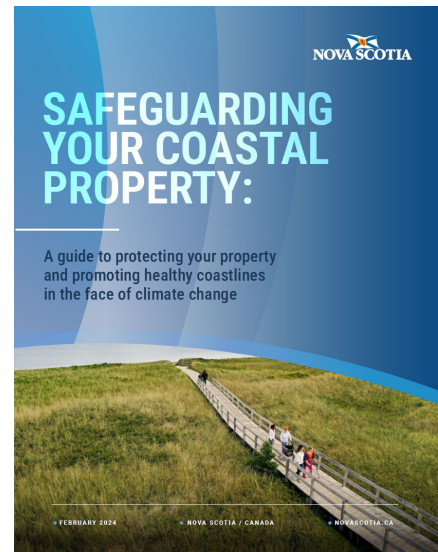
It is the policy of Council to include the Rodney Lake Watershed and Hayden Lake Watershed within the environmental overlay on the GFLUM. Development within the two watersheds is restricted except for required infrastructure associated with the drinking water supply.

Policy 5.1.3 Parks and Conservation Areas

It is the policy of Council to protect and preserve lands with natural and cultural heritage value through support and/or partnerships with not-for-profit organizations and senior government initiatives to recognize, preserve and where appropriate and financially feasible, to acquire and/or manage culturally, historically, or environmentally valuable sites for the benefit of the public.

Policy 5.1.4 Wetland Protection

It is the policy of Council to ensure that Province of Nova Scotia regulations pertaining to the preservation of wetlands are observed and shall require applicants for development permits to verify the existence and extent of any wetland on the development property.



Policy 5.1.5 Watercourse Protection

It is the policy of Council to prohibit through the Shelburne District LUB the erection of any building or structure, other than wharves, boat houses, fishery related uses, and government authorized private or public utilities within 15 metres (50 feet) of a watercourse. For clarification, the separation distance or setback shall be measured from the edge, meaning the near ordinary highwater mark of the watercourse and the watercourse setback distance can be defined as being part of any side, rear, or front yard, as the case may be, with the intention that the developer retain as much of the natural vegetation in the watercourse setback distance buffer strip as possible.

Policy 5.1.5.1 Provisions for Infrastructure and Amenities Abutting Watercourses

It is the policy of Council to permit within 15 metres (50 feet) of watercourse bridges, boardwalks, walkways, and trails of limited width for non-motorized modes of transportation; fences, public road crossings, driveway crossings; wastewater, storm, and water infrastructure; marine dependent uses; fisheries uses; boat ramps; wharfs; small-scale accessory buildings or structures and attached decks; conservation uses, parks on public lands; and historical sites and monuments.

Policy 5.1.5.2 Watercourse Maintenance

It is the policy of Council to prohibit alteration of land levels or the removal of vegetation within 15 metres (50 feet) of a watercourse other than trimming and pruning of trees, removal of fallen or dead vegetation, and other maintenance that may be required to protect people and animals, and ensure the preservation of natural habitat and flow within the watercourse.

Policy 5.1.6 Wildfire Risk Mitigation

It is the policy of Council to consider approaches to reduce the risk of wildfires to property and life. Council may include requirements in the subdivision bylaw to require two exits from any residential area, adopting private road standards or restricting new private roads in forested areas, increasing distances between structures, or requiring confirmation of water for fire suppression as part of rezoning consideration. In addition, Council may require a fire risk assessment when considering new residential development in Rural Use Designations.



Policy 5.1.7 Steep Slopes

It is the policy of Council to prohibit development on or within 15 metres (50 feet) of lands with a slope of 30% or greater except on consideration of a report prepared by a qualified geotechnical engineer confirming that such development can be safely constructed and used by occupants and the public.

Policy 5.1.8 Top Soil

It shall be the policy of Council to reduce topsoil removal on lands that are primarily class 2 or 3 agricultural, as identified on the Canada Land Inventory.

SECTION 5.2 WIND TURBINES AND RENEWABLE ENERGY

The District of Shelburne is committed to a future where energy is sustainably produced. This is important to slow the impacts of climate change so that our communities are viable and safe. Shelburne also wishes to benefit economically from these emerging industries and hopes to incentivize the renewable energy industry to come to Shelburne. With the potential of new deep ports, energy infrastructures and the desire for the Municipality to be a showcase location for renewable energy, land use policy regulations will set a clear framework for renewable energy projects.

Policy 5.2.1 Wind Turbine

Policy 5.2.1.1 Wind Turbine Classification

It is the policy of Council to classify wind turbines into the following categories, and to recognize these categories in the LUB as the basis for regulating wind turbines:

1. Mini-scale Wind Turbines – means a roof mounted or a free-standing wind turbine with an overall height above ground level of 10.6 metres (35 feet) or less.
2. Small-scale Wind Turbines – means a wind turbine with an overall height above ground level greater than 10.6 metres (35 feet) but less than 47 metres (155 feet).
3. Large-scale Wind Turbines – means a wind turbine with an overall height above ground level greater than 47 metres (155 feet).

Policy 5.2.1.2 Mini-Scale and Small-Scale Wind Turbine Development

It is the policy of Council to regulate mini-scale and small-scale wind turbines through the Land Use bylaw.

Policy 5.2.1.3 Large-Scale Wind Turbine Development

It is the policy of Council to permit large-scale wind turbines over 1.5 kilometers from an existing residential dwelling within the **Rural Resource (RR) Zone** subject to the requirements of the LUB. The LUB shall establish a minimum set back from adjacent habitable dwellings and require a setback from the property line relative to the height of the turbine. No development permits shall be issued before an Environmental Approval is issued from the authority having jurisdiction.

Policy 5.2.2 Large Scale Wind Turbine – Development Agreements

It is the policy of Council to consider large scale wind turbines that are a minimum of four times the turbine height from an existing habitable dwelling and a maximum of 1.5 kilometers from an existing habitable dwelling not located on the same property by development agreement, subject to the following criteria:

1. The wind proponent provides documentation confirming that it has meaningfully engaged with the local community and how any concerns have been addressed;
2. A decommissioning plan that commits to removing turbine infrastructure within 1 year after operations have ceased. The decommissioning plan shall include bonding of 1.25 times the value of the turbine at the time of construction. The DA shall specify the terms and condition of the bonding;
3. Submission of a site plan that demonstrates adequate access points, buffering, turbine locations relative to existing habitable dwellings, wetlands and water course locations. Wind turbines shall not be located closer than 2 times the height of turbine to property lines and other permanent structures on the property;

4. The submission of the environmental assessment approval;
5. Any other required information related to evaluate noise and flicker impacts;
6. A social benefits agreement; and
7. Provisions of **Policies of 7.3.4.**

Policy 5.2.2.1 . Social Benefits Fund

It shall be the policy of Council to require a social benefit agreement as a condition of approval for Large-scale Wind Turbines. The social benefit agreement may include cash contribution to a social benefits fund, delivery of programs of benefit to the Municipality, or community infrastructure. Community benefit agreements shall be approved by Council before a development permit is granted. Council shall adopt a policy to determine the management of the social benefits fund.

Policy 5.2.3 Other Renewable Energy Uses

It is the policy of Council to permit solar facilities within any zone, subject to the requirements of the LUB.

Policy 5.2.4 Hydrogen Facilities

It is the policy of Council to permit hydrogen facilities by development agreement within the Industrial Designation and the Special Overlay, subject to the following criteria:

1. Separation from Sensitive Uses and Areas:
 - a) The facility must be located a minimum of 50 metres (164 feet) from any environmentally sensitive area, such as wetlands, watercourses, or designated conservation lands.
 - b) The facility must be located a minimum of 500 metres (1,640 feet) from any residential or commercial occupancy to minimize potential risks and impacts on adjacent uses;
2. Emergency Response Capacity:
 - a) The proponent shall demonstrate that adequate emergency response measures are in place, including:
 - i. Coordination with local emergency responders to ensure they are trained and equipped to respond to potential incidents at the facility and
 - ii. A site-specific emergency response plan that outlines procedures for managing emergencies, including fire, explosion, or hazardous material release;
3. Coastal Hazard Areas:
 - a) The facility shall avoid Coastal Hazard Areas wherever possible;
 - b) If a facility is proposed within a Coastal Hazard Area, the proponent shall provide a detailed environmental risk assessment and an impact study to evaluate potential risks, including flooding, erosion, and storm surge impacts; and
 - c) The proponent shall bear the cost of any required peer review of the study to ensure its accuracy and comprehensiveness;

4. Environmental Protection:
 - a) The facility shall incorporate measures to prevent environmental contamination, including appropriate containment systems, stormwater management, and waste management practices and
 - b) The proponent must demonstrate compliance with all applicable provincial and federal environmental regulations;
5. Site Suitability and Design:
 - a) The facility must be located on a site suitable for industrial use, with adequate access to transportation networks for the safe and efficient movement of materials and
 - b) The facility design shall incorporate best practices for safety, efficiency, and environmental performance, including measures to minimize noise, light pollution, and other off-site impacts;
6. Monitoring and Reporting:
 - a) The proponent shall establish a monitoring program to assess the facility's ongoing compliance with the terms of the development agreement and applicable regulations and
 - b) Regular reports shall be submitted to the municipality to demonstrate adherence to safety, environmental, and operational standards;
7. If located within the Special Planning Overlay **Policy 4.5.2** shall also apply; and
8. Consideration of **Policy 7.3.4**.

SECTION 5.3 INFRASTRUCTURE

While developers are responsible to build local roads, water, wastewater, and storm water systems required to service new subdivisions, infrastructure when transferred to the Municipality following construction requires ongoing expenditure for operations and maintenance at the expense of the Municipality. This may also require complementary expenditure on community facilities such as schools, and parks and recreation facilities that municipal governments may have to build or otherwise support.

Reducing these costs is an important goal of this MPS. It can be achieved by managing development to avoid the unnecessary expansion of service networks. While agriculture, forestry, and similar resource-based rural activities typically require extensive use of land, residential, business, and institutional development can be more efficiently developed and managed if it is concentrated in nodes or limited corridors whereby the length of roads and underground services can be minimized.

More compact development can have important benefits for residents and businesses. In addition to reducing the Municipality's need for taxes, limiting the footprint of development reduces travel time and costs with complementary reductions in the output of pollutants. More manageable distances between home and work or school, or shopping may also allow some residents to walk or cycle rather than drive, which not only further reduces pollution, but also promotes healthier lifestyles.

Through this MPS, therefore, the District of Shelburne will seek to encourage a compact land use pattern by encouraging new residential and business development within or adjacent to areas where roads and municipal services are already in place. By having policies related to new infrastructure and alignment with land use designation and zones, Council goal is to protect the community's rural identity, safeguard its

natural resources, and ensure the responsible use of taxpayer dollars, all while supporting thoughtful growth where appropriate.

Policy 5.3.1 Regulation of Public Streets

It is the policy of Council to regulate the development of municipal public streets through a Shelburne District Subdivision Bylaw and permit the development of new municipal public streets within the Suburban and Industrial Designation. New public streets may be considered subject to the **Policies of 4.2.7**.

Policy 5.3.2 Development at Interchanges

It is the policy of Council to encourage commercial developments near interchanges serving Highway 103 or along the Highway 3.

Policy 5.3.3 Transit Infrastructure

It is the policy of Council to work with and support transit suppliers to enhance transit service through the expansion of routes and increased frequency of service as well as addition of bus shelters and other supporting infrastructure that will encourage transit ridership.

Policy 5.3.4 Active Transportation Network

It is the policy of Council to consider the development of sidewalks and trails for motorized and non-motorized modes of transportation. Council recognizes that cycling is an important recreational and transportation choice and will work with non-profits and communities to identify opportunities to promote and support cycling.

Policy 5.3.5 Stormwater Management

It is the policy of Council to require and promote effective stormwater management practices for all new developments and municipal projects within the Municipality of the District of Shelburne. Stormwater management shall prioritize the protection of natural watercourses, the prevention of flooding, and the minimization of environmental impacts.

To the greatest extent possible, new residential subdivisions, industrial and commercial developments shall incorporate stormwater management systems that align with natural drainage patterns, minimize impervious surfaces, and use green infrastructure solutions such as bioswales, rain gardens, and retention ponds where appropriate.

Policy 5.3.6 Stormwater

It is the policy of Council to incorporate stormwater management considerations into land use planning, zoning, and development approval processes. Periodic reviews of this policy shall ensure it remains responsive to emerging challenges and opportunities. This includes requiring stormwater managements for multi unit residential development, commercial and industrials. This requirement may be waived by the Development Officer or Council where stormwater management plans are not warranted.

Policy 5.3.7 Expansion of Service Boundary

It is the policy of Council to establish and manage a servicing boundary within the Municipality of the District of Shelburne as shown on **Schedule 2**. Central water and central sewer services shall be provided only within the defined boundary to support sustainable development, protect the rural character of the municipality, and ensure the efficient use of public resources.

Requests to expand the servicing boundary shall be considered only under exceptional circumstances and evaluated against the following criteria:

1. **Demonstrated Public Need:** The request must address a clear public health, safety, or environmental concern that cannot be resolved through alternative means;
2. **Cost Effectiveness:** The expansion must be financially feasible for the municipality, including consideration of upfront costs, long-term operational expenses, and the equitable distribution of costs to taxpayers;
3. **Environmental Impact:** The proposed expansion area must not compromise sensitive ecosystems, watercourses, or other significant environmental features. Proposals must include measures to mitigate any potential environmental impacts;
4. **Alignment with Land Use Plans:** The extent to which the expansion is consistent with the municipality's land use policies, including the promotion of compact development patterns and the protection of rural, resource and agricultural;
5. **Infrastructure Capacity:** The existing central water and sewer infrastructure has the capacity to accommodate the expansion without negatively impacting current service levels or will have that ability in the near term;
6. **Community Benefit:** Demonstration of a clear and measurable benefit to the broader community, such as improved public safety, enhanced economic opportunities, or increased housing availability;
7. **Impact on resource uses, particularly agriculture and forestry uses; and**
8. **Stakeholder Engagement:** Consideration of the comments from meaningful consultation with affected residents, property owners, and relevant stakeholders.

Periodic review of the servicing boundary may also be undertaken as part of broader municipal planning initiatives to address changing needs and priorities.

PART 6 GENERAL DEVELOPMENT STANDARDS

The following policies provide the basis for the Subdivision and LUB. They address the subdivision of land, development on public or private roads, development of land under conditions that would not ordinarily meet the requirements of a LUB, and general requirement provisions for all zones (such as parking, signage, home occupations, etc.).

SECTION 6.1 SUBDIVISION BYLAW

Shelburne District Subdivision Bylaw regulates the subdivision of land and sets out standards for the construction of new roads and the installation of water and sewer services in serviced areas. When subdividing land, a developer is required to provide a 5% dedication of land to the District for park and open space purposes or in lieu of land, a cash equivalent. In addition, the Subdivision Bylaw requires developers to pay for the construction of any new roads and the installation of water and sewer services. Provincial subdivision requirements will be in force until such time as Shelburne adopts its own subdivision bylaw.

The Subdivision Bylaw has a key role to implement MPS policies encouraging the concentration of development in serviced areas. At the same time, the Bylaw requires the flexibility to address the traditional lotting pattern that characterizes much of the rural area covered by this Plan. Currently Shelburne uses the provincial subdivision bylaw but plans to adopt its own Bylaw in the future.

Policy 6.1.1 Establishment of Subdivision Bylaw

It is the policy of Council to adopt and maintain a subdivision bylaw for Shelburne District to set out regulations for the subdivision of land including standards for road construction and the installation of services, open space dedication, cash in lieu of land dedication, and other requirements in accordance with the permissive content provisions for subdivision of land in Part 8 of the MGA. Until such time as Shelburne adopts a subdivision bylaw, the regulations of the provincial subdivision bylaw shall remain in effect.

Policy 6.1.1.1 Compliance of Subdivided Lots with LUB Requirements

It is the policy of Council to require that all new lots abut a public or private street, road, or highway and meet the area and frontage requirements provided in the Shelburne District LUB for the zone in which the property to be subdivided is located, except as otherwise exempted.

Policy 6.1.1.2 Exceptions to Requirements

It is the policy of Council to permit the approval of lots that do not meet all requirements of the LUB and/or the Subdivision Bylaw, including provisions in the Shelburne District LUB to allow for the issuance of development permits for the development of lots subdivided in the following circumstances:

1. Where a lot legally is in existence on or before the effective date of the Subdivision Bylaw contains two or more existing main buildings and the owner wishes to rationalize an existing situation by creating a separate lot for each building, provided that each new lot meets the requirements of Nova Scotia Environment and Climate Change, and Public Works, and contains at least one main building and retains a minimum of 12.2 metres (40 feet) of frontage along a public or private street, road, or highway;
2. Where a lot with 40 metres (200 feet) of lot frontage was legally in existence on or before the effective date of the Subdivision Bylaw, or is located within the Rural Use (RU) Zone, but is lacking the frontage required for two lots in the applicable zoning category, and the owner wishes to subdivide the lot to allow a new flag lot to be created, provided the lot has sufficient area to

meet all other bylaw requirements including minimum lot areas and yard setbacks with access to the street via a minimum 12.2 metre (40 foot) strip for driveway access;

3. Where a maximum of two lots will be created that both have 90% or more of the required minimums for lot area and frontage; and
4. Where a development component of a permanent nature such as a structure, driveway, well, or septic tank is encroaching in or on an abutting property, the lots affected may be subdivided to the extent necessary and practical to remove the encroachment.

SECTION 6.2 LAND USE BYLAW

The LUB, as stated previously, will implement the land use intent of this MPS. While the primary purpose of the Bylaw is to identify and apply zones, it also contains additional requirements that shall apply to more than one land use or to all land uses pursuant to the policies of this MPS. It must also have the flexibility to address situations where past subdivision and construction does not satisfy LUB requirements, but where Council wishes to preserve existing uses and structures and permit their continuation and, where appropriate, change and expansion.

Policy 6.2.1 Establishment of the Land Use Bylaw

It is the policy of Council to create and maintain a Land Use Bylaw or LUB that will implement the land use policies of this MPS through the identification of zones for specific land uses and adoption of standards for construction of those land uses.

Policy 6.2.1.1 General Provisions

It is the policy of Council to include in the LUB a section titled General Provisions For All Zones that sets out the development standards, relating to matters such as loading; accessory uses and structures; lighting; signage; permitted encroachments into yards, and home occupations, among other matters.

Policy 6.2.1.2 Sign Provisions

For reasons of public safety, visual appearance, and to avoid a proliferation of signs, sign requirements dealing with the size, location, illumination, type, and number of commercial signs shall be included in the LUB. In addition, certain types of commercial signs shall be prohibited completely or prohibited in specific zones and other types of signs, not requiring a development permit, shall be permitted in all zones.

Policy 6.2.1.3 Additional General Provisions

Additional standards in the General Provisions section of the LUB shall include:

1. Provisions respecting temporary buildings (e.g., construction huts), temporary uses and special occasions, such as fairs, that shall not require a development permit but shall be subject to time restrictions;
2. Provisions respecting illumination from lights such that it is directed away from abutting lots for privacy and to prevent nuisance situations;
3. Provisions with respect to accessory buildings to ensure a subordinate relationship to the main use;
4. Provisions with respect to permitted encroachments into yards to allow for some architectural flexibility and to meet accessibility standards;

5. Provisions with respect to traffic movement for vehicular and pedestrian safety reasons including development in corner vision triangles;
6. Provisions to permit the development of government authorized, private or public, operated utilities within any zone or within the watercourse setback; and
7. Provisions to permit the keeping of agricultural animals as a primary use or as an accessory use to an existing residential use.

Policy 6.2.1.4 Provisions for Existing Lots with no Street Frontage

It is the policy of Council to include provisions in the Shelburne District LUB to allow the reasonable use of a lot legally existing on or before the effective date of the Shelburne District LUB coming into force that does not meet the required lot frontage on a municipal or provincial public street or highway or private road, provided that all other applicable sections of the LUB are met.

Policy 6.2.1.5 Existing Undersized Lots and Existing Buildings

It is the policy of Council to include provisions in the Shelburne District LUB to allow a lot legally existing on or before the effective date of the Shelburne District LUB coming into force that has less than the minimum frontage or area or both required by the LUB, or has been subdivided in accordance with **Policy 6.1.1.2** to be used for a purpose permitted in the zone in which it is located.

Policy 6.2.1.6 Buildings on Undersized Lots

It is the policy of Council to include provisions in the Shelburne District LUB to allow a building legally erected on a lot on or before the effective date of the Shelburne District LUB coming into force that does not meet the requirements of the LUB respecting lot area, frontage, or setbacks to be enlarged, reconstructed, repaired, or renovated, except as provided for in other policies of the MPS.



PART 7 IMPLEMENTATION

Policies in this part establish procedures for reviewing, amending, and applying the MPS and LUB, including public consultation procedures.

SECTION 7.1 PLANNING DOCUMENT REVIEW AND AMENDMENTS

While Council does make provisions in every plan to consider policy changes and amendment requests to its planning documents, Section 214 (2) of the *Municipal Government Act* requires a Municipality to include policies in their planning documents on how it intends to review a MPS and LUB. For this purpose, Council intends this MPS to be a ten-year plan. Council will treat the MPS as a living document and make period updates to respond to emerging trends and situations, comply with provincial guidance or legislation or to address issues in the public interest.

Policy 7.1.1 MPS and LUB Review

It is the policy of Council to commence a review of the Shelburne District MPS and the Shelburne District LUB within ten years after the effective date to ensure that the planning documents remain consistent with the planning and development control needs of the Municipality.

Policy 7.1.2 Conditions for Amending the MPS

It is the policy of Council to amend this Plan where any of the following occurs:

1. A change to the intent of one or more MPS policies;
2. A change to the GFLUM;
3. Where the plan is in conflict with a Provincial Government land use policy or regulation;
4. Where a requested amendment to the LUB is in conflict with this Plan and there are valid reasons for an amendment to address the conflict; or
5. Where a secondary planning strategy is to be incorporated into this MPS.

SECTION 7.2 DEVELOPMENT OFFICER

Municipal Government Act requires a municipality to appoint a Development Officer to administer their LUB and Subdivision Bylaw.

Policy 7.2.1 Appointment of Development Officer

It is the policy of Council, as required by Section 243(1) of the *Municipal Government Act*, to appoint Development Officers to administer the Shelburne District LUB and the Subdivision Bylaw for the Municipality of the District of Shelburne

SECTION 7.3 SHELBURNE DISTRICT LAND USE BYLAW

Shelburne District LUB is the principal mechanism by which the land use policies of this MPS are implemented, and as such, the LUB defines applicable land use zones, permitted uses, and development standards that reflect the policies of this Plan. Development standards may vary according to the use, zone, and location.

The common theme throughout the LUB is that Council has set appropriate development standards that aim to maintain sufficient control to ensure good quality, compatible development within the Municipality of Shelburne; however, the need may arise to change Bylaw provisions and standards in response to changing conditions and opportunities either within the context of established MPS policy or pursuant to amended MPS policy.

Applications for a LUB amendment, whether a rezoning or a text amendment, require careful consideration of the circumstances surrounding the request and Council has established policy below setting out criteria for such consideration. To ensure Council's informed consideration, it is incumbent on the applicant to supply sufficient information to Council so Council can adequately evaluate the application.

Policy 7.3.1 LUB Content

The LUB shall state in text, the permitted or prohibited uses and development standards, while identifying on the Zoning Map the division of land into zones. These regulations and zones shall be generally compatible with the policies of the MPS. The Zoning Map, appended as Appendix A to the LUB, shall represent the geographical extent of all zones in the Planning Area. The LUB shall also include a Coastal Protect Overlay Zone map.

Policy 7.3.2 LUB Provisions

It is the policy of Council to regulate the use and development of land, buildings and structures in the LUB. This LUB shall also contain provisions, regulations, and development standards, which may vary according to the use, zone and location, including but not limited to:

1. Requirements for municipal development permits and the submission of supporting documentation;
2. Listing of permitted or prohibited uses in a zone;
3. Permitting multiple uses, buildings, or structures to be developed on a lot and provisions with respect to permitting multiple uses to be developed within a building;
4. Regulate the location of buildings and structures relative to other buildings and structures;
5. Regulate the location of buildings and structures relative to public roads and watercourses;
6. Regulate the location of buildings and structures relative to property boundaries;
7. Waiving the minimum property setback requirement to permit the rotor blade of a large-scale wind turbine to overhang a property in the same ownership;
8. Regulate the height of buildings or structures;
9. Regulate or prohibit the placing of signage on buildings, structures or property;
10. Nonconforming uses of land, nonconforming structures and nonconforming uses in a structure;

11. The regulation of main buildings and structures and accessory buildings and structures on a lot; and
12. The regulation of mini-scale, small-scale, and large-scale wind turbines.

Policy 7.3.3 Amending the LUB

Council may entertain applications to amend this LUB and what additional information must be submitted. However, there may be instances where Council may wish to entertain amendments to the LUB concerning the requirements established in the LUB.

Policy 7.3.3.1 Criteria for Amending the LUB

In considering an application to amend the LUB, Council shall ensure that the amendment is in conformity with the intent and policies of this Plan, the requirements of the *Municipal Government Act*, and is not conflicting other areas of the LUB. Council shall also ensure that the proposal is not premature or inappropriate by reason of:

1. The financial capability of the Municipality to absorb any costs relating to the development;
2. The proposal not being consistent the remaining requirements of the LUB;
3. The extent to which development might conflict with any adjacent or nearby land uses, buildings or structures by reason of the type of use proposed; the compatibility of its design; the impact of height, bulk and lot coverage of proposed buildings or structures; and the impact of nuisance factors from the proposed development such as illumination, flicker, noise, vibration, shadows, dust, odors, and other safety concerns related to the development;
4. The adequacy of road networks, in, adjacent to, or leading to the development, the adequacy of provisions for vehicle access to and from the site, and the adequacy of provisions for on and off-site parking and loading areas;
5. The adequacy of physical site conditions for, and the provision of, on-site sewage disposal, water and storm water management, where not connected to a municipal system;
6. The adequacy of municipal services with particular regard to the demand the proposed development will have on the municipal storm water system, sanitary sewer system, and water system;
7. The presence of significant natural features or buildings or sites of historical or architectural significance;
8. The suitability of the proposed site in terms of steepness of grades, soil, or geological conditions and the potential for the creation of erosion or sedimentation;
9. The potential impact of the development on watercourses, coastal risk areas, water supply areas, protected wetlands, or other sensitive habitat, and on endangered species in the area of the proposed site;
10. The proposal not meeting the requirements of any other applicable municipal, provincial, or federal government or First Nations department, authority, board, band, or agency and not having been granted a permit, license, authorization, or approval of any other applicable provincial or federal government or First Nations department, authority, board, tribunal, band, or agency; and
11. The potential risk of wildfires to the proposed site.

Policy 7.3.3.2 Information Required for Application to Amend the LUB

Council may require that any or all the following information be submitted by the applicant in text, map, photographic, or electronic form to explain and support applications for LUB amendments:

1. Information as to the physical and environmental characteristics of the proposed site, including information regarding topography, contours, elevations, dimensions, natural drainage, soils, geological features, watercourses, wetlands, swamps, or marshes, existing vegetative cover, and vegetative cover to be retained;
2. Information as to the lot area, dimensions, ownership, and location of the property;
3. Information as to the proposed location, height, color, dimensions, nameplate capacity in the case of wind turbine developments, and use of all existing and/or proposed buildings or structures to be built, erected or altered on the site;
4. Information as to the adequacy of municipal services with particular regard to demands on the municipal storm water system, sanitary sewer systems, water system, fire protection, solid waste collection, police protection, existing schools and churches;
5. Information on how stormwater will be balanced on site and required onsite infrastructure to support stormwater management;
6. Where central piped services are not to be provided, information as to the adequacy of physical site conditions for on-site sewage, water, and storm water management;
7. Information as to the adequacy of the proposed access to and from the lands and estimated traffic flows to be generated by the proposed development, as well as parking and loading provisions;
8. Information as to intended outdoor storage and/or display, and commercial signage;
9. Information as mitigation of the impact of nuisance factors such as illumination, flicker, noise, vibration, shadows, dust, odors and other safety concerns related to the development;
10. Information as to the separation distance of the development from other buildings or structures, setback distance from public roads, watercourses, and property boundaries, and buffering between the proposed development and adjacent buildings, structures, and properties;
11. Information as to the presence of significant natural features or buildings or sites of historical or archaeological significance;
12. Information as to the presence of sensitive habitat or endangered species on the site of the proposed development;
13. Copies of a permit, license, authorization, or approval from any other applicable provincial or federal government or First Nations department, authority, board, tribunal, band, or agency approving the design and operation of the proposed use, building, structure, or project; and
14. A suitability study specified by the Municipality to justify the requested amendment.

Policy 7.3.4 Development Agreements

Development agreements provide a flexible approach to approving development applications through structured negotiation between Council and the development proponent. A development agreement is a formal written agreement between Council and a developer and as such is binding on both parties. As provided for through the provisions of the *Municipal Government Act*, where a Council intends to regulate development by way of a development agreement, a municipal planning strategy is required to establish policy with regard to the types of development that can be considered by development agreement; those items that may form a part of the development agreement; and evaluation criteria that Council shall consider prior to entering into a development agreement. Policies establishing the types of development subject to development agreements are found in the land use sections of this Shelburne District MPS and are implemented by the LUB. The evaluative criteria for a development agreement as well as items to be included in the agreement are summarized in the following two policies.

Policy 7.3.4.1 Criteria for a Development Agreement

It is the policy of Council to establish the following criteria for a development agreement, or an application for an amendment to an existing development agreement. .

It is further the policy of Council to have regard to the provisions of **Policy 7.3.4.2** concerning the content of a proposed development agreement and **Policy 7.3.4.3** concerning the provision of information by the applicant:

1. The adequacy and the proximity of the proposed development to recreation and other community facilities;
2. The impact of the proposed development on existing nearby land uses with particular regard to the use and size of the structures that are proposed, buffering and landscaping, hours of operation for the proposed use (where applicable), and other similar features of the use and structure in order to minimize any potential land use conflicts;
3. The adequacy of municipal services with particular regard to demands on the municipal storm water, sanitary sewer, and water systems: fire protection: solid waste collection: police protection; and existing schools;
4. The adequacy of provisions for on-site sewage disposal and on-site water where the proposed development will not be connected to a centralized municipal system;
5. The impact of and the adequacy of proposed pedestrian and vehicular traffic circulation with particular regard to the traffic that the development will generate, the adequacy of the proposed access and egress points from the site, traffic flows in and around the site in terms of its ability to handle any new traffic and the adequacy of the proposed parking areas;
6. The impact of the proposed development on structures on the immediately abutting lots in terms of such considerations as height, roof line, setbacks, and lot coverage to minimize any potential land use conflicts between the proposed development and structures on abutting properties;
7. The adequacy of the proposed lot to ensure that adequate screening and landscaping can be undertaken to minimize the potential for any land use conflicts with adjacent uses; and
8. The suitability of the proposed site in terms of steepness of grades, soils and geological conditions, location of watercourses, wetlands such as marshes, swamps, and bogs and the proximity to highway ramps, and other nuisance factors.

Policy 7.3.4.2 Development Agreement Terms

It is the policy of Council, when considering an application for a development agreement approval application or an application for an amendment to an existing development agreement, that the agreement or amendment agreement may include, but is not limited to, some or all the following terms:

1. The specific use and size of a structure, either new or an expansion of an existing structure, the minimum lot sizes and accessory uses;
2. The regulating or prohibiting of the use of land or the erection or use of structures except for purposes as may beset out in the agreement;
3. The location of any structure within the development;
4. The percentage of land area that may be built upon, setbacks and the size of yards, courts or other open spaces;
5. The external appearance of structures, in particular the compatibility with adjacent structures and uses in terms of architecture and appearance, with respect to, but not limited to, height, roof type, window type, building cladding, and building footprint;
6. Adequacy of access to and from streets and parking;
7. Adequacy of the proposed landscaping or buffering of development which may include fencing, vegetation, walkways and lighting and their compatibility with adjacent structures and uses;
8. Other forms of advertising, open storage and screening, the provision of services and utilities, time limits for the initiation of construction (and may include phased construction);
9. The hours of operation and the maintenance of the property;
10. The adequacy of stormwater management infrastructure on site to ensure stormwater managed on site;
11. The maximum density of the population within the development;
12. Any other matters that may be addressed in a LUB which Council feels is necessary to ensure the compatibility of the development with adjacent uses, structures and areas;
13. Bonding, as enabled by the Municipal Government Act; and
14. It is also the policy of Council to require, where applicable, that the development agreement be accompanied by a site plan or other clear description showing the existing and proposed site characteristics, and existing and proposed developments that shall form part of the agreement. A development agreement shall not require an amendment to the LUB but shall be binding to the property until the agreement or part thereof is discharged. Information required for evaluation of a proposed development agreement or amendment to an existing development agreement may be required to be submitted (in text, map, or photographic form) by the applicant pursuant to **Policy 7.3.4.3**

Policy 7.3.4.3 Information Required for a Development Agreement Application

Council may require that any or all the following information be submitted (in text, map, or photographic form) by the applicant when submitting applications for development agreements, or amendments to an existing development agreement:

1. Information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of the lands;
2. Information as to the location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands;
3. Information as to the adequacy of the proposed provisions for site drainage and servicing with water supply and sewage disposal or if central piped services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems and storm water management;
4. Information as to the adequacy of the access to and from the lands, estimated traffic flows to be generated and parking provisions;
5. Information as to intended hours of operation, open storage, and signs;
6. Information as to provision of appropriate buffering between the proposed development and the adjacent structures and/or uses; and
7. Presence of significant natural features or historical buildings or sites of historical or archaeological significance.

Policy 7.3.5 Site Plan Approvals

Site Plans are approved by the Development Officer according to specific requirements in the LUB. It shall be the policy of Council to establish the following requirements for Site Plan approvals:

1. Establish specific uses and criteria in the LUB for those uses that require site plan approval;
2. To require written acknowledgement of the conditions and requirements of the site plan approval;
3. To establish a site plan notification and appeal process as per the MGA;
4. To allow the development to request information to evaluate the site plan against the criteria in Policy 7.3.4.2; and
5. To allow the development officer, at their discretion, to seek advice from Council before granting or rejecting site plan application.

Policy 7.3.6 Rezoning Without Amending Designation – Adjacency Policy

It shall be the policy of Council to consider the rezoning of a property to the zoning of the adjacent property without requiring an amendment to this Plan, subject to the other policies of this Plan.

Policy 7.3.7 Completeness of Applications

Applications for development agreements, site-plan approval, or LUB amendments, whether a rezoning or a text amendment, require careful consideration of the circumstances surrounding the request. The onus therefore falls to the applicant to provide adequate and accurate information to make the case for receiving development agreements, site-plan approvals, or LUB amendments. However, because the complexity of requests varies, the nature of the information to assess the request will also vary.

Policy 7.3.8 Variances

There are situations related to development that cannot be predicted. To ensure that undue hardship is not caused by requirements for developments, the *Municipal Government Act* provisions regarding variances shall be permitted.

It shall be the policy of Council to enable the Development Officer to vary the following Land Use Bylaw requirements or terms in a development agreement if provided for in the development agreement:

1. The percentage of land that may be built on;
2. The size or other requirements relating to yards, lot frontage or lot area;
3. The number of parking and loading spaces required;
4. The ground area and height of a structure;
5. The floor area occupied by a home-based business; and
6. The height and area of a sign.



SECTION 7.4 PUBLIC CONSULTATION

There are many contributing factors when developing or amending planning documents. The input, guidance and knowledge of local residences and businesses is a fundamental element for the drafters of the documents and for Council when considering changes. Notification processes, public engagement tools and transparency will help build knowledge and build trust.

Policy 7.4.1 Notification of Variance and Site Plan Approval

It is the policy of Council to send notification within seven days of a decision by the Development Officer granting a variance or site plan approval to all property owners within a minimum 30 metres (100 feet) of the affected property by personal service or regular mail. Alternative delivery mechanisms can be used as enabled by the MGA.

Policy 7.4.2 Public Participation Program

It is the policy of Council to adopt a public engagement program that adheres to the following principles:

1. That impacted neighbours of a proposed development agreement or planning document change are notified by mail or personal notice, or as permitted by the MGA, as amended from time to time;
2. For significant policy changes or adjustments, Council will utilize the policies contained in **Policy 7.4.3**; and
3. That Council shall revisit the Public Participation Program regularly and update it to reflect best practices, the needs of the Municipality and the requirements of the MGA, as amended from time to time.

Policy 7.4.3 Extending the Public Participation Program

It is the policy of Council to extend the public participation program, where Council deems it to be applicable and warranted, in relation to applications for LUB text or rezoning amendments and amendments to this MPS to require more advertisements or more information in the advertisement or otherwise vary the public information process set out in Municipality of the District of Shelburne Policy.

Council may, in any matter, choose to extend the public information process more widely, require the Development Officer to notify all landowners within a minimum 100 meters of the affected property by personal service or regular mail, require more advertisements or more information in the advertisement or otherwise vary the public information process, so long as the minimum set out above is met.

Council, in the case of a LUB amendment or development agreement, or their subsequent amendment which does not require Ministerial approval, allows the Municipal Clerk to refer the application to an Advisory Committee, if established by Council, for recommendation and to set and advertise a date for a public hearing for Council.

Policy 7.4.4 Notifying Abutting Municipalities

It shall be the policy of Council to require the following notification standards when consulting with abutting municipalities as required by the MGA:

1. Notification shall occur under the following circumstances directed by Council:
 - The creation or review of a Municipal Planning Strategy;
 - The creation or review of a Land Use Bylaw;
 - The creation or review of a Subdivision Bylaw;
 - The preparation of a draft Development Agreement, where the property is located within 500 metres of the Municipality Boundary;
 - The preparation of amendments to a Municipal Planning Strategy or Land Use Bylaw, where the amendment is for a property located within 500 metres of the Municipality boundary, or where the amendment has potential to impact a property located within 500 metres of the Town boundary; and
 - The preparation of amendments to a Municipal Planning Strategy or Land Use Bylaw, where the amendment is associated with the Statements of Provincial interest;
2. Notification shall be sent by regular mail or electronic mail to the Clerk of the adjacent municipality. The notice shall provide a general summary of the proposed work and provide an opportunity for the abutting municipality to submit comments on the proposal;
3. Comments received from the abutting municipality shall be considered at a Council meeting prior to Council giving first reading; and
4. The notification and opportunity to submit comments prior to the date of the first reading shall be deemed as having solicited comments, regardless of whether a written response is received.

SECTION 7.5 COST RECOVERY

The MGA permits a municipality to recover notification and advertisement costs, as well as processing costs associated with MPS and LUB amendments, variances, and development permits. Costs can be expected to change over time and may also vary in relation to the scope of the application in question.

Policy 7.5.1 Advertising Costs Associated with Amendments, Site Plans and Variances

It is the policy of Council to include provisions in the LUB regarding an administration deposit fee to cover the cost of advertising for development agreements, MPS and LUB Amendments and Variances, and the processing costs for notification of affected property owners. As estimated by the Council, the applicant shall deposit to the Municipality an amount sufficient to pay the cost of all advertising and notification with respect to the application. Should the notification or advertising cost be more than the established deposit, the applicant may be billed for the difference, or if the cost is less than the established deposit, the applicant shall be refunded the difference.

Policy 7.5.2 Processing Costs for Amendments and Permits

It is the policy of Council to include provisions in the LUB regarding an administrative processing fee to recover costs associated with applications for development agreements, MPS and LUB Amendments, Variances, and Municipal Development Permits.

Policy 7.5.3 Evaluation

It shall be the policy of Council to evaluate the progress toward the goals and objectives of this municipal planning strategy through the following metrics, as administrative capacity permits. Council can adapt the specific evaluation metrics to better evaluate the goals of this Plan.

1. Movement Toward a Resilient and Sustainable Community
 - Percentage change in the number of initiatives addressing climate adaptation (e.g., wildfire preparedness, coastal erosion mitigation) and infrastructure upgrades over time.
 - Improvement in community resilience indicators (e.g., emergency response times, number of community projects funded to enhance sustainability).
2. Advancement of Flexibility, Simplicity, and Clarity•
 - Stakeholder survey results on perceptions of policy clarity and ease of application, tracked periodically to reflect increased understanding of the vision.
3. Progress Toward Business Growth and Job Opportunities•
 - Tracking the number and scale of new business initiatives, start-ups, or job creation projects initiated under the MPS.
 - Quantitative changes in local employment rates or economic growth in key sectors (e.g., manufacturing, tourism) directly tied to MPS-supported projects.
4. Achievement of Resource Preservation and Environmental Responsibility
 - Percentage increase in protected natural areas, conservation projects, or environmentally sensitive developments guided by the MPS.
 - Reduction in environmental impact metrics (e.g., greenhouse gas emissions, energy consumption) for new developments, measured against baseline levels.
5. Preservation of the Rural Lifestyle and Enhancement of Community Identity
 - Change in development density in rural-designated areas, ensuring growth remains balanced with preserving rural character.
 - Resident satisfaction ratings regarding quality of life and the maintenance of traditional rural landscapes, measured via periodic community surveys.
6. Strength and Transparency of Community Engagement and Collaboration
 - Frequency and quality (e.g., survey scores) of inter-municipal and cross-sector engagement sessions that directly reference the MPS vision.
 - Increase in formal partnership agreements or joint initiatives that specifically target shared goals outlined in the vision (such as heritage preservation or sustainable tourism).

MPS Appendix A

Municipality of the District of Shelburne
Generalized Future Land Use Map

Approved on:
Map update:
Amended on:

Scale: 1 : 65,000

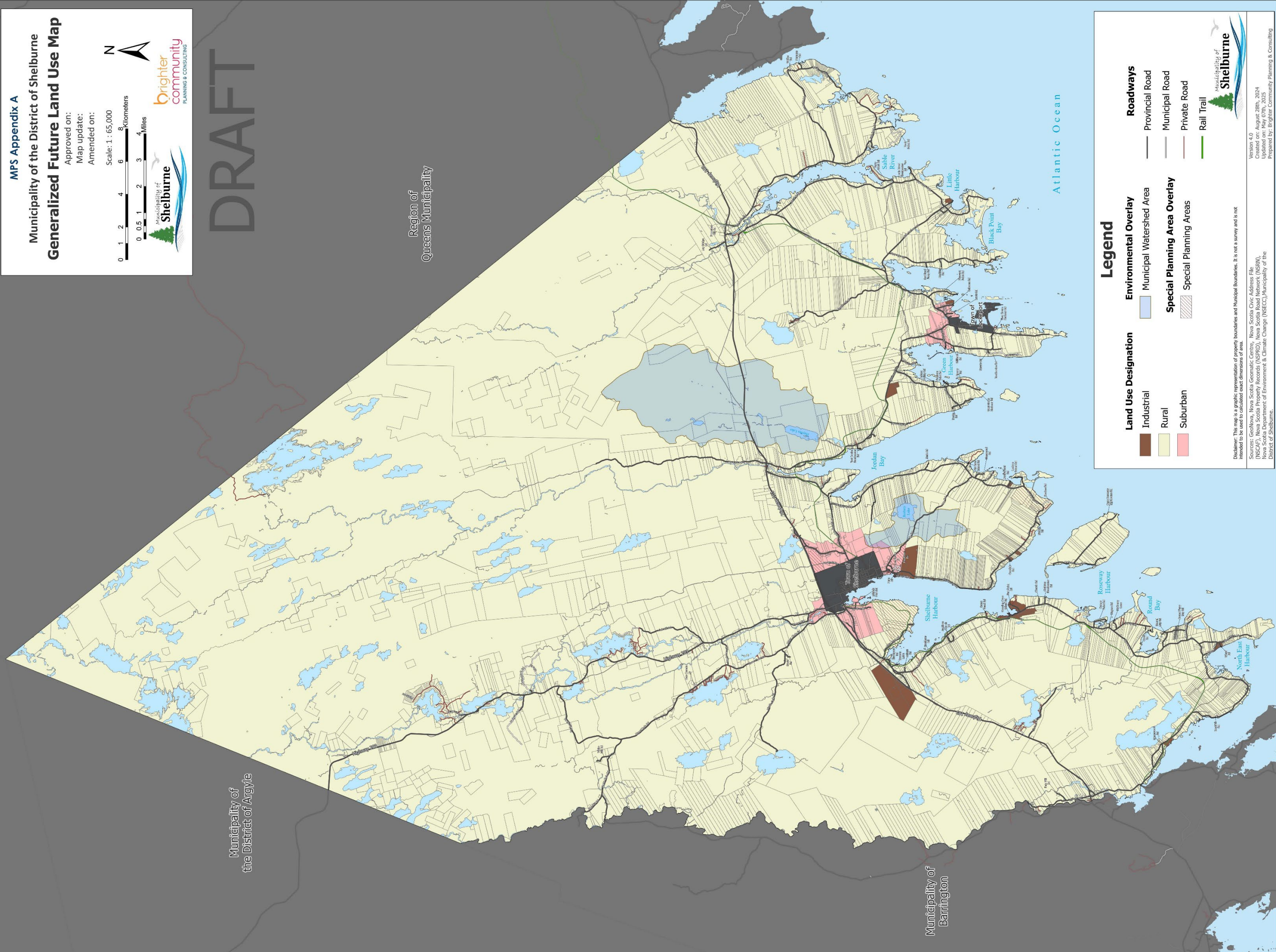


DRAFT

Municipality of
the District of Argyle

Region of
Queens Municipality

Municipality of
Barrington



Legend

Land Use Designation

- Industrial
- Rural
- Suburban

Environmental Overlay

- Municipal Watershed Area

Special Planning Area Overlay

- Special Planning Areas

Roadways

- Provincial Road
- Municipal Road
- Private Road
- Rail Trail



Disclaimer: This map is a graphic representation of property boundaries and Municipal Boundaries. It is not a survey and is not intended to be used to calculate exact dimensions of area.

Sources: GeoNova, Nova Scotia Geomatics Centre, Nova Scotia Civic Address File (NSCAF), Nova Scotia Property Records (NSPRD), Nova Scotia Road Network (NSRN), Nova Scotia Department of Environment & Climate Change (NECC), Municipality of the District of Shelburne.

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Prepared by: Brighter Community Planning & Consulting

MPS Appendix B

Municipality of the District of Shelburne

Service Boundary

0 0.25 0.5 1 Kilometers



Town of Shelburne

Highway 103

Jordan Branch Road

Morvan Road

Lake Road

Legend

 Service Boundary

Disclaimer: This map is a graphic representation of property boundaries and areas serviced, or have potential to be serviced by municipal sewer. It is not a survey and is not intended to be used to calculated exact dimensions of area.

LAND USE BYLAW



V4: FOR COUNCIL
MAY 9 2025



PREPARED FOR THE
MUNICIPALITY OF THE
DISTRICT OF SHELburne

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PROPOSED SHELBURNE DISTRICT LAND USE BYLAW

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Part 1. TITLE, INTRODUCTION AND PURPOSE

The Land Use Bylaw (LUB) regulates the use, conservation, and development of land, habitat, buildings, and signs in pursuit of the objectives of Municipality of the District of Shelburne Municipal Planning Strategy (MPS). The LUB serves as a regulatory document that governs what may occur on a piece of property depending on that property's zoning. It provides each parcel in the Municipality with a specific land use designation that defines the specific types of uses that can occur on that parcel.

The intent and goal of a land use bylaw is to ensure orderly, efficient, and sustainable development that maintains a high quality of life and protects the public good while ensuring proper development and economic opportunity through clearly defined rules and regulations.

Land use bylaws are a tool used to maintain and enhance the quality of life of residents by providing opportunities to attain individual and community aspirations; conserve and enhance the environmental quality in Shelburne District; and foster planned, efficient, economical and beneficial development that provides a diversity of choice, lifestyle, and environment.

- a. This Bylaw shall be known and may be cited as the "Municipality of the District of Shelburne Land Use Bylaw" for the Municipality of the District of Shelburne and shall apply to all the lands within the Municipality of the District of Shelburne, as defined by the Zoning Map (**Appendix A**).
- b. The purpose of this Land Use Bylaw is to carry out and implement the land use development policies contained within the Shelburne District Municipal Planning Strategy in accordance with the *Municipal Government Act* (MGA). The MGA also enables the Municipality of the District of Shelburne to adopt a Subdivision Bylaw to control the division of land. These three documents provide the framework for planning and development in the Planning Area.
- c. The regulations and standards contained within this Bylaw that apply to the development and use of property are as follows:
 - Zoning Map (**Appendix A**) to determine which zone the property is located.
 - Coastal Protection Overlap Zone Map(s) (**Appendix B**)
 - The definitions section to determine how specific developments or lot conditions are defined or applied to a development (Part 2).
 - The administration and interpretation section to define permit requirements (Part 3).
 - The general provisions section, which applies to all zones (Part 4).
 - The requirements respecting the particular zone in which the property is located (Part 5).
- d. Property boundaries as shown on the Zoning Map (**Appendix A**) are continuously subject to change due to approvals of applications for subdivision of land. They are included for information and clarification purposes only, and do not form part of this Bylaw.

Part 2. DEFINITIONS

For the purpose of this Bylaw, all words shall carry their customary meaning in the English dictionary except for those defined in this Part.

1. **ABUTTING** means to share one or more common lot lines or a common point along a lot line.
2. **ACCESSORY BUILDING** means a subordinate building or structure devoted exclusively to an accessory use on the same lot as the main building.
3. **ACCESSORY USE** means a use subordinate and normally incidental to a main use of land or building and located on the same lot.
4. **AGRICULTURAL USE** means a use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, aquaculture, floriculture, horticulture, animal and poultry husbandry, riding stables, and petting farms and the necessary accessory uses for packing, storing, or treating the produce, as well as the sale of goods and services produced on the farm property.
5. **AGRICULTURAL-RELATED INDUSTRY** means a commercial or industrial use involving the sale, processing, sorting, grading, packaging, inspection, storage, distribution, or transportation of agricultural crops, products, and livestock, as well as the manufacturing and production of livestock feeds, soil additives and amenders, fertilizer, herbicide, or pesticide and the stockpiling of bulk materials used in the production process. Facilities for the slaughtering and/or processing of agricultural livestock, excluding a rendering plant, shall also be included along with their necessary accessory uses and buildings.
6. **AGRICULTURAL-RELATED USE** means an agriculture-related ancillary use such as, but not limited to, microbreweries, cideries, wineries, and distilleries; animal rescue and rehabilitation centres; agricultural exhibitions; farm markets; garden centres; gardening and agricultural clubs; equine farms involving services such as, but not limited to breeding, studing, training, boarding or riding lessons; and agricultural institutions such as schools, research, and extension offices.
7. **AGRITAINMENT USE** means an agricultural-themed entertainment use such as, but not limited to, guest ranching/farm operations, petting farms or zoos, hayrides, u-picks, pumpkin patches, hedge or corn mazes, riding and walking trails, farm tours, workshop or farm demonstrations, garden centres, farm markets, museums, and other indoor or outdoor entertainment uses based on agricultural topics and/or using agricultural props.
8. **ALTER** means any change in the structural component of a building or any increase in the volume of a building or structure and may also refer to a change in use.
9. **ANIMAL RESCUE AND REHABILITATION CENTRE** means the use of land, buildings, and structures where temporary care, treatment, and rehabilitation of injured, sick, displaced, or orphaned agricultural, domestic, or native wildlife with the goal of returning/placing a healthy animal in a permanent off-site placement or back to the wild, not including permanent boarding facilities.

10. ATTACHED means a building, otherwise complete, that has a division wall, or walls shared with an abutting building, which provides structural support to one or both buildings or is required to completely enclose one or both buildings.
11. AUTO BODY SHOP means a building or a clearly defined space on a lot used for the storage, repair, and servicing of motor vehicles including body repair, painting and engine rebuilding but does not include an automobile service station or an automobile sales establishment.
12. AUTOMOTIVE IMPOUND YARD means a lot used for the confiscation and storage of automotive vehicles, including boats, and recreational campers, along with an accessory uses or structures, but does not include the storing of vehicles for the salvaging of parts or scraps.
13. AUTOMOTIVE SALES AND RENTALS means a lot and or building used for the sale or rental of new or used automotive vehicles, including boats and recreational trailers.
14. BOARDING OR ROOMING HOUSE means a single-unit residential dwelling in which the operator supplies either room or room and board for compensation on a weekly or monthly basis, and which is not open to the public, but does not include a dwelling-group care facility.
15. BOAT BUILDING AND REPAIR FACILITY refers to a premises used for the construction, assembly, maintenance, and repair of boats and other watercraft. This may include, but is not limited to, the fabrication of boat components, storage of materials, equipment and tools necessary for boat building and repair, as well as associated administrative offices. The facility may also provide services such as painting, engine installation and repair, and other marine-related activities. Outdoor storage of boats, boat parts, and materials is permitted as an accessory use to the facility, provided it is adequately screened from adjacent properties and public rights-of-way.
16. BUFFERING / BUFFER STRIP means a treed or landscaped area intended to separate and screen the view of abutting land uses or properties from each other.
17. BUILDING means any temporary or permanent main or accessory structure used or built for the accommodation or enclosure of persons, animals, materials or equipment.
18. BUILDING OFFICIAL means the building inspector of the Municipality of the District of Shelburne.
19. BUILDING LINE means any line regulating the position of a building on a lot.
20. BUSINESS AND PROFESSIONAL OFFICES means a building or part of a building where business may be transacted, a service performed, management and general supervisory functions performed, or consultation given by, but not limited to administrators, lawyers, architects, planners, engineers, accountants, private consultants and similar professions, but shall not include veterinary clinics or the manufacturing of any product or the on-site retailing or selling of goods.
21. BYLAW means this Bylaw, which is the Land Use Bylaw for the Shelburne District Planning Area of the Municipality of the District of Shelburne.
22. CAMPGROUND means an area of land for the temporary accommodation and access to facilities for people using travel trailers, motorized motorhomes, tents, cabins, cottages or to park a recreational vehicle that is licensed under the Tourist Accommodation Registration Act and Regulations, and may include accessory buildings, structures, and uses, but does not include a mobile home park.

23. CEMETERY means land or buildings used for the interment of the dead, either human or pets, and may include a burial ground, a mausoleum vault or a columbarium for the storage of remains or ashes, a chapel for internment services, open spaces and memorial parks.
24. CLINIC means a building or part of a building used by a medical practitioner for the medical, dental, surgical, or therapeutic treatment of human patients, patients, including the retail sales of products/goods related to the clinic, but does not include an overnight facility.
25. CLUB means:
 - a. CLUB, COMMERCIAL means the use of a building for a meeting place primarily operated for monetary gain.
 - b. CLUB, PRIVATE means the use of a building for a meeting place for members of an organization, fraternal group, lodge or labour union hall.
26. CONTINUING CARE RESIDENTIAL COMMUNITY means a group of buildings, services and amenity areas that offers multiple levels of care (independent living, assisted living, skilled nursing care, long term care facilities) housed in different areas in the same location and operates as one integrated facility and may include the provision of residential services (meals, housekeeping, laundry), social and recreational services, health services, personal care, and nursing care to individuals or couples who require assistance with daily living.
27. COMMERCIAL FLOOR AREA means the total useable floor area within an enclosed structure used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage spaces, and common hallways between stores.
28. COMMERCIAL RECREATION means the use or uses of a building or lot, or part of a building or lot to gain or profit by providing service and renting spaces, facilities, and/or equipment to the public for recreational activities. Such use does not include overnight accommodation such as hotel and rental cottage and bed and breakfast establishment.
29. COMMERCIAL RECREATIONAL CENTRE means a building or lot or part of a building or lot used for commercial recreation or entertainment purposes such as but not limited to arcades and game rooms, billiard or pool halls, bingo halls, botanical and zoological exhibits, bowling alleys, cinemas or theatres, dance halls, golf courses and driving ranges, miniature golf courses, and sporting venues, such as hockey and skating rinks, soccer and baseball fields, and running tracks and similar uses to the foregoing, together with necessary and accessory buildings and structures. Unless otherwise stated in this Bylaw, casinos, adult entertainment uses, and tracks for the racing of animals or any form of motorized vehicles are not included as a commercial recreational centre.
30. COMMERCIAL EDUCATIONAL & LEARNING CENTRE means a learning or educational center conducted for monetary compensation and includes a privately operated school, college, or university as well as similar uses such as but not limited to a language and driving school but does not include daycares.
31. COMMERCIAL MEETING SPACE means a space, spaces, or a building available for lease for weddings or similar gatherings, and for special events including the temporary sale of goods and/or services for a prescribed period of time not exceeding one year.

32. **COMMUNITY CENTRE** means any building or part thereof used for community activities, whether used for commercial purposes or not, the control of which belongs to the Municipality, a local board or agent thereof, or a non-profit organization.
33. **CONSTRUCTION INDUSTRY** means a use primarily involving the construction, manufacturing, development, redevelopment, or rehabilitation of buildings and real estate, including roadbuilding.
34. **COTTAGE** means a structure having a roof supported by columns or walls, built, constructed, placed or located on a lot and used for human habitation, typically intended for temporary or seasonal, that is rustic in nature and may lack an on-site sewage disposal system, a piped-in water supply or grey water disposal system.
35. **COURT** means an open uncovered and unoccupied space appurtenant to a building and bounded on two or more sides by walls of a building.
36. **CULTURAL CENTRE** means a museum, theater, art center, music hall, or other cultural or arts facility, the control of which belongs to a government body, a local board or agent thereof, or a non-profit group.
37. **DAY CARE** means:
 - a. **DAY CARE CENTRE, NON-RESIDENTIAL** means a place where three or more children or adult seniors are cared for on a temporary daily basis for compensation without overnight accommodation but does not include a school.
 - b. **DAY CARE CENTRE, RESIDENTIAL** means that portion of a residential dwelling which is used to accommodate more than three but fewer than seven children or adult seniors who are cared for on a temporary basis for compensation without overnight accommodation.
38. **DEVELOPMENT** means to build, place, locate, relocate, construct, reconstruct, replace, enlarge or add to, alter, convert, or alter any building, structure, land, or land use and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, or filling; structurally altering any existing building or structure by an addition, deletion, enlargement, or extension.
39. **DEVELOPMENT OFFICER** is the person or persons appointed to administer this Bylaw.
40. **DWELLING** means a building or a portion thereof, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel or motel or apartment hotel or a travel trailer or other recreation vehicle.
 - a. **DWELLING UNIT** means one or more habitable rooms designed, occupied or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.
 - b. **DWELLING, SINGLE-UNIT** means a residential building consisting of one dwelling unit that is fully located on a lot, and, unless otherwise stated in this Bylaw, includes mobile and tiny homes.
 - c. **DWELLING, TWO-UNIT** means a residential building that is divided into two dwelling units, each of which has independent entrances either directly to the outside or through a common entrance from the street level.

- d. DWELLING, MULTI-UNIT means a residential building located on a single lot containing three or more dwelling units, which have individual entrances or a common entrance from the street level.
 - e. DWELLING, GROUPED means two or more dwelling units which are contained in two or more buildings designed to be part of a group of dwellings clustered on the same lot.
 - f. DWELLING, SECONDARY SUITE means a single-unit dwelling accessory to the main residential use, either attached or located within the main residential building or located within an accessory structure, often referred to as an in-law suite, basement apartment, or backyard suite.
41. EXISTING means legally existing as of the effective date of this Bylaw.
42. EXTRACTIVE-RELATED FACILITIES means the use of and structures related to, associated with and/or fundamental to the operation of an extractive surface, or underground mine, pit, quarry or drill site, including those lands, buildings and structures related to, associated with and/or fundamental to the storage, washing, crushing, sifting, reducing, leaching, weighing, processing, distribution and/or sale of such extracted materials, including but not limited to, sand, gravel, oil and natural gas, minerals, stone, rock or clay.
43. FARM MARKET means an indoor or outdoor market at which local farmers, producers, and growers can sell processed or unprocessed agricultural products directly to customers and may include other local vendors selling products such as goods created in an art or craft workshop.
44. FIRST STOREY means the uppermost storey having first floor level not more than 2.0 m (6.5 feet) above grade.
45. FLOOR AREA means:
- a. WITH REFERENCE TO A DWELLING means the maximum area contained within the outside walls excluding any attached garage, porch, verandah, unfinished attic or basement or other room not habitable at all seasons of the year.
 - b. WITH REFERENCE TO A DWELLING UNIT where more than one unit is contained within a dwelling, means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit, excluding closets, built-in cabinets and storage areas, and balconies.
 - c. FLOOR AREA, COMMERCIAL means the total usable floor area within a building used for commercial purposes but excludes furnace and utility rooms, washrooms and excluding, in the case of shopping malls, common hallways between stores.
 - d. FLOOR AREA, GROSS means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be considered to be exterior walls.
 - e. FLOOR AREA, GROUND means the maximum area contained within the outside walls of the ground floor of a building excluding any attached garage, porch, verandah, or other room not habitable at all seasons of the year.

46. FORESTRY USE means:
- a. FORESTRY USE, PRIMARY OPERATION means the use of land for silviculture, cultivation, harvesting, or gathering of trees for the purpose of fuel wood, construction lumber, pulpwood, or other forest products and any uses associated with it, including accessory structures, but shall not include the manufacturing or processing of such wood products.
 - b. FORESTRY USE, SECONDARY OPERATION means the use of land, buildings, or structures for the processing of harvested or gathered trees for the production of wood products such as fuel, construction lumber and products, and pulpwood for paper manufacturing.
47. GARDEN CENTRE means a building or outdoor area in which gardening equipment and planting materials comprises the major portion of goods offered or kept for sale directly to the public at retail value.
48. HABITABLE BUILDING means structure having a roof supported by columns or walls, built, constructed, placed, or located on a lot, designed and used for the accommodation, enclosure or assembly of human beings, regardless of whether the structure is intended for seasonal or permanent use, or whether or not the structure is used for overnight accommodation, including residential, commercial, institutional, industrial, and recreational buildings, but not including a camp, a tent, or a recreational vehicle and also not including accessory buildings or structures such as sheds and storage areas.
49. HEIGHT means, when used with reference to a building, the vertical distance between the established grade and the highest point of the building proper, exclusive of any accessory roof construction such as a chimney, tower, cupola or steeple.
50. HISTORICAL SITES AND INTERPRETATION CENTRES means a property or building that is protected by a government body for a historical, environmental, or cultural reason including the use of a lot or building to provide interpretation of the place of interest through a variety of media as well as an accessory structure or uses.
51. HOME OCCUPATION means an accessory use of a residential dwelling by a primary occupant for gainful employment involving the production, sale, or provision of goods and/or services.
52. HOME OFFICE means a small-scale office use conducted entirely within a dwelling by a resident of the household, where there are no employees who are not residents of the dwelling and no clients, customers, or deliveries regularly visiting the premises. Typical examples include self-employed professionals such as consultants, writers, or artists
53. .HOMESTEADING AGRICULTURE means an agricultural use or uses of cultivating plants and raising animals conducted on a property intended as a self-sufficient means to produce food at a scale smaller and occupying smaller footprint than agricultural production for commercial purposes.
54. HOTEL / MOTEL / TOURIST ESTABLISHMENT means a building or buildings which are used to accommodate the traveling public for gain or profit by supplying them with sleeping accommodation, with or without meals, and shall include a guest house, cabins, a motel, a tourist home, a hotel, and an inn but shall not include a campground.
55. INDUSTRIAL WORKSHOP means the use of a building for a sheet metal, welding, metal working, or machine shop, including the accessory display and sale of manufactured items and products.

56. HOUSEHOLD LIVESTOCK means agricultural animals such as horses, cows, goats, sheep, and pigs as well as egg-laying fowl and rabbits that may be kept in limited numbers on a residential property.
57. INDUSTRY means:
- a. INDUSTRY, HEAVY means a use engaged in the basic processing, manufacturing, and/or storage of materials or products predominately from extracted or raw materials and resources, or that potentially involve hazardous or commonly recognized offensive conditions that require mitigation measures including greater setback from adjacent uses than light industry, using larger or more complicated equipment or facilities than light industry.
 - b. INDUSTRY, LIGHT means a use engaged in the manufacturing, predominantly from previously prepared materials, finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage/sales/distribution such machine, metal working, sheet metal, and welding shops or commercial soil mixing operations and composting operations, as well as industries that use chemicals on an industrial scale such as dry-cleaning shops and laundromats. Marine industrial uses including lobster holding facility or tankshop are also included.
58. INDUSTRIAL-SCALE ENERGY PRODUCTION means an industrial use engaged in processing resources and raw material for producing or storing energy in the form of heat or electricity using large industrial-scale facilities that require occupying substantial land area for establishment and mitigation purposes, including but not limited to wind farm, solar farm, hydropower plant, and thermal power plant.
59. INSTRUCTION STUDIO means the use of a building for the purposes of providing instruction in painting, sculpturing, moulding, yoga, dance or music including instruction in handicraft production, dressmaking/tailoring, leatherworking, pottery/ceramic-making, woodworking, quilting, crocheting, knitting, needlepoint, weaving or sewing or computer/electronics operation.
60. INSTITUTION OR INSTITUTIONAL USE means the use of land or building by any government body or agency and incorporated non-profit organization to conduct activities related to providing service or utilities to the public on the behave of government, or any gathering or religious activities with philanthropic nature on the behalf of the incorporated non-profit organization. Such uses include but are not limited to public education institutions and non-commercial school, visitor information centre, government administration, emergency services, non-commercial healthcare facility, municipal public work facilities, places of worship and gathering, museum, and food bank, but shall not include a club, commercial community centre, and commercial school.
61. KENNEL / ANIMAL DAY CARE / ANIMAL GROOMING SALON means any facility or operation for the purposes of accommodating, breeding, sale, or grooming of animals and may include provisions for daytime and overnight accommodation of animals including any outdoor facilities such as pens, runs and enclosures.
62. LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features.

63. LICENSED LIQUOR ESTABLISHMENT means an establishment licensed by the Nova Scotia Utility and Review Board under the *Liquor Control Act*, R.S.N.S., 1989, Ch 260.
64. LOADING SPACE means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.
65. LOT means a parcel of land described in a deed or shown on an approved, registered plan of subdivision.
- a. LOT, CORNER means a lot situated at the intersection of and abutting on two or more streets; or upon two parts of the same street forming an interior angle of less than 130 degrees.
 - b. LOT, FLAG means a lot characterized by its location of the main body of the lot generally at the rear of another lot or otherwise separated from the street or roadway which provides access, and by a narrower prolongation extending from the main portion of the lot to said street or roadway. A flag lot generally resembles a flag on a pole in the case of a rectangular layout, or the main body of the lot with an umbilical prolongation providing access in the case of such a lot having irregular boundaries.
 - c. LOT, INTERIOR means a lot situated between two lots and having access to one street.
 - d. LOT, THROUGH means a lot bounded on two opposite sides by streets or a highway provided, however, if any lot qualifies as both a corner lot and a through lot as herein before defined, such lots shall be deemed to be a corner lot for the purpose of this Bylaw.
 - e. LOT AREA means the total horizontal area within the lot lines of a lot.
 - f. LOT COVERAGE means the percentage of the lot that is covered by buildings excluding projecting eaves, balconies, and similar features.
 - g. LOT FRONTAGE means the length of a line joining the side lot lines and parallel to the front lot line.
66. LOT LINE means a boundary line of a lot.
- a. LOT LINE, FRONT means the lot line dividing the lot from the street or, in the case of a corner lot, the shorter lot line abutting the street, or, in the case of a through lot, the lot line abutting the street providing the primary access or, in the case of a lot with no street frontage, the lot line which most closely parallels the nearest street line where access is provided.
 - b. LOT LINE, REAR means the lot line furthest from or opposite the front lot line.
 - c. LOT LINE, SIDE means a lot line other than a front or rear lot line.
 - d. LOT LINE, FLANKAGE means a side lot line which abuts the street on a corner lot.
67. MAIN BUILDING means a building in which the principal use or purpose of the lot is located.
68. MARINE INDUSTRY means an industrial activity or activities related to the utilization, processing, and management of marine resources and environment, which require access or accesses to the ocean. Such uses include but not limited to docks, shipyards, fish processing plant, facilities to store and maintain equipment and goods, and any accessory uses related to the industrial activities.
69. MEDICAL PRACTITIONER includes, but is not limited to, a chiropractitioner, chiropractor, dentist, denturist, doctor, osteopath, optometrist, physician, or holistic or homeopathic health services practitioner, but does not include a veterinarian.

70. MICROBREWERY means a craft brewery or cidery engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, cider, or other related beverages.
71. MICRODISTILLERY means a craft distillery or winery engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than beer or wine.
72. MUNICIPALITY means the Municipality of District of Shelburne.
73. OBNOXIOUS USE means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise, vibration, the emission of gas, fumes, dust or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter waste or other material.
74. OUTDOOR DISPLAY means an area of land where goods are displayed, and which are available for sale to the general public from a retail outlet located on the same lot.
75. OUTDOOR STORAGE means items such as merchandise, goods, inventory materials or equipment which items are not intended for immediate sale and which are stored by being located on a lot exterior to a building.
76. PARK & RECREATIONAL USES means the use of land for parks, playgrounds, open space recreation, community gardens, open space conservation, tennis courts, lawn bowling greens, indoor and outdoor public skating rinks, and athletic fields, band shells or pavilions, and similar uses to the foregoing, together with necessary and accessory buildings and structures, excluding a track for the racing of animals, or any form of motorized vehicles, except where permitted.
 - a. PARK, ACTIVE means a park and/or recreation use involving the construction of buildings and/or infrastructure, and/or the preparation of land for a sport or recreational activity, but shall not include public trails.
 - b. PARK, PASSIVE means a park and/or recreation use that does not require prepared facilities like sports fields or structures, but which may mean public trails including benches, signage, and fencing and gates required to support the use of trails.
77. PARKING AREA OR PARKING LOT means an open area of land other than a street or an area within a structure for the parking of vehicles.
78. PARKING SPACE means an area of land for the temporary parking or storage of motor vehicles.
79. PERSON includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee or agent and the heirs, executors or other legal assigns, wards and representatives to whom the context applies according to law.
80. PERSONAL SERVICE SHOP means a building or part of a building used to meet the individual and personal needs of human beings, and without limiting the generality of the foregoing, may include a barber shops, beauty parlours, automatic laundry shops, hairdressing shops, clothing and shoe repair or maintenance, and depots for collecting dry cleaning and laundry, including the retail sales of products/goods incidental or related to the personal service shop.
81. PLACE OF WORSHIP means a community service building or complex of buildings dedicated to religious worship or institutions including, but not limited to churches, chapels, temples, synagogues, mosques, convents, and monasteries. A hall, administration office, residency for the clergy, cemetery, and day nursery operation for the congregation are considered accessory uses.

82. **PLANNING AREA** means all the lands within the Shelburne District Planning Area, as defined by the Zoning Map (**Appendix A**).
83. **PREMISES** means an area of land with or without buildings or structures.
84. **PRIVATE OR PUBLIC ROAD / STREET / HIGHWAY** means any road, street or highway defined by the Shelburne District Subdivision Bylaw.
85. **PRODUCE STAND** means a single-storey moveable structure with a floor area less than 4.65 square metres (50.1 square feet), or wagon-top sales area used for the marketing, retailing, or distributing of agricultural products grown or harvested by a primary resident of the property on which the produce stand is located.
86. **PUBLIC AUTHORITY** means any Commission or Committee of the Municipality of the District of Shelburne established or exercising any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the Municipality or a portion thereof and includes any committee or local authority established by a Bylaw of the Municipality, and any governmental body.
87. **PUBLIC RECREATIONAL CENTRE** means a building or lot or part of a building or lot owned and operated by a public authority for recreation or entertainment purposes such as dance halls, bowling alleys, golf courses, golf driving ranges, miniature golf courses, roller skating rinks, botanical and zoological exhibits, and sporting venues such as hockey and skating rinks, soccer, and baseball fields, and running tracks and similar uses to the foregoing, together with necessary and accessory buildings and structures.
88. **RECREATIONAL CAMP** means a detached structure, one storey maximum in height and used for periodic recreation uses and not designed in such a manner that the structure can be used on a year-round basis and shall not be construed as a dwelling unit as defined elsewhere in this Bylaw.
89. **RECREATIONAL VEHICLE** means a vehicular, portable unit designed for travel, camping or recreational use, including a Class A, Class B, and Class C motor home, a travel trailer, a fifth wheel recreational vehicle, a folding or pop-up tent trailer, or a pick-up camper.
90. **RECYCLING DEPOT** means a premises on which recoverable materials such as newspaper, glassware, plastic, and metal cans are separated and stored prior to shipment but does not include any processing of the material or a salvage yard.
91. **REPAIR SHOP** means the use of a building for the installation or repair of office and household articles such as furniture, appliances, computers, electronics, and entertainment equipment, including the accessory display and sale of such items repaired.
92. **RESIDENTIAL CARE COMMUNITY** means an individual building or a group of buildings, services and amenity areas that are regulated under the *Nova Scotia Homes for Special Care Act* or *Health Authorities Act* and offer multiple levels of care or treatment, such as but not limited to assisted living, independent living, group homes, senior homes, skilled nursing care, hospice, and long term care facilities and may be operated as a standalone service or as integrated multi-service facility. These services may include the accessory uses and services such as the serving of meals, housekeeping, social and recreational services, health services, personal care and nursing care.

93. RESTAURANT means a building or part thereof where food and drink are served to the public for consumption within the building.
 - a. RESTAURANT, DRIVE-IN OR TAKE-OUT means a restaurant that does not necessarily provide facilities for consumption thereof on the premises other than parking areas.
94. RETAIL STORE means a building or part thereof in which new or used merchandise or things are offered or kept for sale directly to the public at retail cost and may include the rental of merchandise, articles or goods.
95. SCRAP YARD OR SALVAGE YARD means an area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include wastepaper, rags, bones, used bicycles, vehicles, tires, appliances, metals, or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site or recycling depot.
96. SCREENING means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden.
97. SEPARATION DISTANCE means a horizontally measured portion of a lot which is required to physically separate incompatible land uses.
98. SERVICE SHOP means the processing of milk and dairy products for sale, bakery, butcher shop, not including the slaughtering of animals, paint shop, printing establishment, photography studio or photographic processing lab, laundry or dry-cleaning establishment, upholstery shop, high pressure wash facilities, and carpet or house cleaning establishment.
99. SERVICE STATION means the use of a building for the sale of automotive fuels, electricity, lubricating oils, and/or the accessory sale of automotive accessories, servicing and repair of motor vehicles, a car wash, convenience store, and/or restaurant but shall not include an auto body shop, unless otherwise stated in this Bylaw.
100. SETBACK means the distance between the lot line and the nearest main wall of the main building or structure on the lot.
101. SHORT-TERM RENTAL means all accommodation uses licensed under the Short-Term Rental Act used mainly for the reception of the traveling or vacationing public and is provided as temporary accommodation for compensation rented out for less than 28 days.
 - a. BED AND BREAKFAST means a short-term rental premises within the host's primary residence consisting of individual bedrooms within a dwelling unit that are rented to separate parties or groups, with spaces for the provision of meals and other connected services and facilities.
 - b. COMMERCIAL SHORT-TERM RENTAL means a short-term rental that is one of the following:
 - i. A dwelling unit that is not the hosts primary residence.
 - ii. A room or rooms that are a separate accommodation in a dwelling unit that is not at the hosts primary residence.

- c. RENTED ROOM means one of the following:
 - i. A room in a host's primary residence that is a short-term rental.
 - ii. A dormitory-style room that is part of an educational institution and that is a short-term rental.
- d. RESORT ESTABLISHMENT means a commercial use that provides sleeping accommodation to the public within a set of units, suites, cabins or cottages that is located on the premises under single ownership, and which may provide amenities such as restaurants, recreational facilities or meeting rooms.
- e. PERSONAL VACATION HOME means a dwelling that meets all the following criteria:
 - i. It is primarily intended for seasonal or recreational use,
 - ii. It is primarily used and occupied by one or more of the following, who do not pay rent to use and occupy it:
 - Its owner.
 - Its owner's immediate family.
 - Close friends of its owner's family.
 - It is not a primary residence or located on the same property as a primary residence.
 - It is not primarily intended to be a rental income property or to be used as a rental income property.
 - It is not intended for continuous, year-round occupancy.

102. TRADITIONAL TOURIST ACCOMODATION means any of the following uses:

- i. Bed and breakfast.
- ii. Hostel establishment.
- iii. Hotel establishment.
- iv. Motel establishment.
- v. Personal vacation home.
- vi. Rented room.
- vii. Resort establishment.
- viii. Unusual lodging.

103. SIGN means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot.

- a. SIGN, DIRECTORY means a sign erected or authorized to be erected by Council that may be erected on public property listing the names and locations of local businesses.

- b. SIGN, GROUND means a sign supported by one or more uprights, poles or braces placed in or upon the ground and shall include temporary or portable signs.
 - c. SIGN, ILLUMINATED means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such a sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.
 - d. SIGN, PROJECTING WALL means a sign which projects from and is supported by a wall of a building and on which the face is not approximately parallel to the supporting wall and can include an awning or canopy structure where such a structure is used as a sign.
 - e. SIGN, FACIAL WALL means a sign which is attached directly to or painted upon a building wall and where the face is approximately parallel to the wall.
 - f. SIGN, SIGN AREA means the area of the smallest geometrical figure which can wholly enclose the surface area of the sign. All faces of a multi-faced sign shall be counted separately and totalled in calculating sign area.
 - g. SIGN, PORTABLE OR MOBILE means a sign designed to be carried, pulled, pushed, or hauled and which is not permanently fixed in one location.
 - h. SIGNS, NUMBER OF means a single display surface or display device containing elements organized, related, and composed to form a unit; and when matter is displayed in a random manner without organized relationship of elements, or when there is reasonable doubt about the relationship of elements, then each element is considered to be a single sign.
 - i. SIGNS, OFF PREMISE (OFF-SITE) means a freestanding ground sign or facial wall sign (commonly referred to as a "billboard") erected on a lot by someone other than the person or company wishing to advertise a product or service the display of which has no direct relationship to the business or use on the lot.
104. SMALL OPTION HOMES means a residential building that is used as a community home regulated by the *Nova Scotia Homes for Special Care Act*, in which no more than four residents are supported by qualified staff through a combination of live-in and shift models.
105. SOLAR POWER means the use of the sun's energy either directly as thermal energy (heat) or through the use of photovoltaic cells in solar panels and transparent photovoltaic glass to generate electricity.
- a. SOLAR, GROUND MOUNTED means a solar power solution that can be easily implemented in a yard or field where the panels are installed directly on the ground.
 - b. SOLAR, ROOF TOP is a photovoltaic system that has its electricity generating solar panels mounted on the rooftop of a building or structure.
106. STOREY means that portion of a building situated between the top of any floor and the top of the floor next above it and, if there is no floor above it, that portion between the top of such floor and the ceiling above it and shall not include any building level below grade or that rise less than 1.5 metres (5 feet) above grade.
107. STRATEGY means the Shelburne Municipal Planning Strategy (MPS).
108. STREET LINE means the boundary line of a street or road.

109. 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.
110. TAKE-OUT, SEASONAL means a location for take out food that operates for no more than six months a year and does not include any interior or exterior seating areas.
111. TAXICAB OPERATIONS means the use of a building or land to park commercial vehicles used in the transportation of humans, as well as the administration of a taxicab operation through the housing of communication equipment to connect clients and drivers.
112. TINY HOME means a dwelling unit that is 37 square metres (398.3 square feet) or less in floor area as outlined in the *Nova Scotia Building Code Regulations*.
113. TRAIL means a path or lane cleared of vegetation and other obstructions to facilitate its use for non-motorized transportation, such as but not limited to hiking, walking, cross-country skiing, or horseback riding together with any necessary and accessory structures such as barriers, boardwalks, gates, signage, and bridges.
114. TRAIL, MULTI-USE means a trail that in addition to non-motorized travel permits limited for forms of motorized travel including all-terrain vehicles, off-road motorcycles, and snowmobiles, together with any necessary and accessory structures such as barriers, gates, signage, and bridges.
115. UTILITY means any public or private system, works, plant equipment or services which provides services at approved rates to or for the use of the general public.
116. VETERINARY CLINIC / ANIMAL HOSPITAL means a facility for the medical care and treatment of animals including provisions for their overnight accommodation and includes any associated outdoor facilities such as kennels, pens, runs and enclosures.
117. VARIANCE means a change to a standard in this Bylaw or a development agreement pursuant to the Bylaw that may be approved by the Development Officer as provided in Section 235 of the MGA.
118. WAREHOUSE AND DISTRIBUTION CENTRE means a building used primarily for the storage and distribution of goods and materials and may include wholesale or retail activity, provided such activity is subordinate to the main warehousing use.
119. WASTE TRANSFER AND PROCESSING means a building or lot used for the holding, process, or disposing of waste such as but not limited to landfills, solid waste transfer stations and construction debris disposal sites.
120. WATERCOURSE means a lake, river, stream, ocean, wetland, or other body of water.
- a. WATERCOURSE, COASTAL means any body of water that is primarily fed by the Atlantic Ocean, or an extension of the Atlantic Ocean.
 - b. WATERCOURSE, INTERIOR means any body of water that is primarily fed by an underground spring or by precipitation and runoff, such as a lake, river, pond, or stream.
121. WHARF means any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally.

122. **WHOLESALE ESTABLISHMENT** means a building in which commodities in quantity are offered for sale chiefly to industrial, institutional and commercial uses or to retailers or other merchants mainly for resale or business use.
123. **WIND TURBINE** means a structure or device that produces power by capturing the kinetic energy in surface winds created by the sun and converting it into energy in the form of electricity and includes the tower, rotor blades, and the foundation, and includes:
- a. **WIND TURBINE, MINI** means a roof mounted turbine or a free-standing turbine with a wind turbine height of 10.6 m (35 feet) or less.
 - b. **WIND TURBINE, SMALL SCALE** means a wind turbine height greater than 10.6 m (35 feet) but less than 47.2 m (155 feet).
 - c. **WIND TURBINE, LARGE-SCALE** means a wind turbine height greater than 47.2 m (155 feet).
124. **WIND TURBINE HEIGHT** means the total vertical height of the entire wind turbine structure being the sum of the height of the support foundation above grade, measured at the base of the tower, the turbine tower itself, and the highest vertical extension of the wind turbine rotor blades, generally expressed as half of the rotor blade sweep or diameter.
125. **WORKSHOP** means a building, structure, or part of a building or structure used for the manufacturing or repairing of goods, including:
- a. **WORKSHOP, ARTIST** means the use of a building for the production of artist's works/products including the exhibition/display and retail sales of works/products, such as paintings, sculptures, or other works of art.
 - b. **WORKSHOP, CRAFT** means the use of a building for the production or repair of handicrafts, toys, garden, or household art, ornaments or personal effects from dressmaking/tailoring, leatherworking, jewelry-making, pottery/ceramic-making, wood-working, quilting, crocheting, knitting, needlepoint, weaving, or sewing, including the exhibition/display and retail sales of such products.
 - c. **WORKSHOP, CUSTOM** means a building, or part thereof, used by a trade, craft, or guilds person, such as but not limited to, a carpenter, plumber, electrical contractor, or smith. It can include the manufacturing or repairs of small quantities of articles and goods, but excluding motor vehicles or their parts or accessories, and the accessory sale of their products or work.
126. **YARD** means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this Bylaw.
- a. **YARD, ABUTTING** means a yard which is contiguous with or extends across one or more zone boundaries and can extend across all or part of a side, rear or front yard.
 - b. **YARD, FLANKAGE** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the FLANKAGE lot line and the nearest wall of any main building or structure.
 - c. **YARD, FRONT** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot; and a minimum front yard means the minimum depth allowed by this Bylaw of a front yard on a lot between the front lot line and the nearest wall of any main building or structure on the lot.

- d. YARD, REAR means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and a minimum rear yard means the minimum depth allowed by this Bylaw of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
 - e. YARD, SIDE means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any main building or structure on the lot; and a minimum side yard means the minimum width allowed by this Bylaw of a side yard on a lot between the side lot line and the nearest wall of any main building or structure on the lot.
127. UTILITY, PRIVATE or PUBLIC means a system, works, plant, equipment or service whether owned or operated by or for the municipality, or by a corporation under agreement with or under a franchise from the municipality or under a Federal or Provincial statute, which furnishes services and facilities available at approved rates to or for the use of all the inhabitants of the municipality, including but not limited to:
- a. Communication by way of telephone or other communication technology;
 - b. Public transportation;
 - c. Production, transmission, delivery or furnishing of water, fuel or energy to the public at large; and
 - d. Collection and disposal of sewage, garbage and other waste.
128. ZONE means a designated area of land shown on the Zoning Map (**Appendix A**).

Part 3. ADMINISTRATION AND INTERPRETATION

SECTION 1. ADMINISTRATION

This Bylaw shall be administered by the Development Officer(s).

SECTION 2. COMPLIANCE WITH OTHER BYLAWS

Nothing in this Bylaw shall exempt a person from complying with the requirements of any other bylaw of the Municipality or from obtaining any license, permit or approval required by this or any other bylaw of the Municipality or any regulation of the Province or the Government of Canada. Where these provisions conflict with those of any other Bylaw of the Municipality or a regulation of the Province or the Government of Canada, the higher or more stringent regulation shall prevail.

SECTION 3. INTERPRETATION OF ZONE BOUNDARIES AND SYMBOLS

The symbols used on the Zoning Maps refer to the corresponding zones established in this Bylaw. The requirements of this Bylaw shall apply to all zones and the boundaries between, and extent of the zones shall be determined as follows:

- a. Where a zone boundary is indicated as following private or public street, road, or highway the boundary shall be the centre line of such unless otherwise indicated;
- b. Where a zone boundary is indicated as approximately following lot lines the boundary shall follow the lot lines;
- c. Where a watercourse, railroad, railway or transmission line right-of-way is shown on the Zoning Map as a zone boundary, the centre line of the right-of-way or watercourse shall be considered the boundary between the zones unless otherwise indicated; and
- d. Where none of the above apply, and where appropriate, the zone boundary shall be scaled from the Zoning Maps.

SECTION 4. INTERPRETATION OF CERTAIN WORDS

In this Bylaw, words used in the present tense include the future tense; singular number include the plural; and vice versa; the word "used" includes "arranged to be used," "designed to be used," and "intended to be used," and the word "shall" is mandatory.

SECTION 5. PERMITTED USES

In this Bylaw, any use not listed as a permitted use in a zone is considered prohibited unless otherwise indicated. Where a permitted use is defined in this Bylaw, the uses permitted include *any similar* uses that satisfy such definition, except where a definition specifically excludes any similar use.

SECTION 6. DEVELOPMENT PERMIT

Unless otherwise stated in this Bylaw, no person shall undertake a development on a lot without first obtaining a development permit from the Development Officer subject to the following:

- a. The development permit meets the requirements of this Bylaw, an approved development agreement or by site-plan approval except where a variance is granted or if the use or structure is non-conforming in which case a permit shall be granted according to the MGA;
- b. A development permit will only be issued for a building/structure that is placed fully within a lot so that it does not cross any lot lines, except where a building is divided into two or more separate units by a wall or walls that shall be aligned on top of a property line that divides the land associated with each unit such that each unit may be acquired, owned, and sold by a separate owner;
- c. A development permit issued under this Bylaw shall automatically lapse, and become null and void, if the development to which it relates has not started within 12 months of the permit approval date or the development has not been completed within two years of starting the development;
- d. The Development Officer may revoke a development permit issued under this Bylaw where the Development Officer is satisfied that the permit was issued under false or mistaken information or if the information provided on the application is found to be inaccurate; and
- e. Notwithstanding that a development permit may not be required, the development is not exempt from meeting the requirements of this Bylaw.

SECTION 7. NO DEVELOPMENT PERMIT REQUIRED

Unless otherwise stated in this Bylaw, no municipal development permit shall be required for:

- a. A development that involves a non-structural change to the interior or exterior of a building/structure that will not change its shape, increase its volume or footprint, and will not change the use of the building/structure including the addition of more dwelling units;
- b. An accessory building with a gross floor area of 20.0 square metres (215 square feet) or less, accessibility ramp, bus shelter, children's play structures, clothesline or flag pole, decks and patios less than 0.6 m (2 feet) above grade, fences and retaining wall, home use sending/receiving antenna or dish, landscaping structures such as a gazebo, garden trellis, pedestrian footbridge, wading, reflecting or fish ponds, outdoor fire pits, fireplaces, barbecues, chimneys, wood stoves or furnaces, swimming pools, temporary vehicle tent, and an outdoor supplementary power generator including internal combustion engine generator, roof mounted mini scale wind turbines, and ground or roof mounted solar panels;
- c. Forestry, agricultural, or fishery uses not including any building/structure required with such a use; and
- d. A temporary use of land as well as construction or placement of temporary structures for said use, including but not limited to, signs, displays, yard sales, flea markets, fairs, concerts, or festivals provided that such uses remain in place no longer than fifteen consecutive days.

SECTION 8. APPLICATION FOR DEVELOPMENT PERMIT

Every application for a development permit submitted to the Development Officer shall be accompanied by a sketch or site plans, drawn to an appropriate scale, showing:

- a. The true shape and dimensions of the lot to be used;
- b. The location, height, dimensions, and proposed use of the building/structure or land use proposed to be developed on the lot;
- c. The location of every building or structure already on the lot, and if required the approximate location of buildings on abutting lots;
- d. The proposed location and dimensions of any parking spaces, loading spaces, driveways, access points to a public or private street(s) and road(s) and if required landscaped areas;
- e. Where applicable, a vegetative cover or soil retention plan; and
- f. Any other information that the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.

Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw, the Development Officer may require that the plans be based on an actual plan of survey certified and stamped by a Nova Scotia Land Surveyor.

SECTION 9. SIGNATURE FOR APPLICATIONS

The application for a development permit shall be signed by the registered owner(s) of the property or by the owner's agent, duly authorized in writing by the registered owner of the property to act for or on behalf of the registered owners.

SECTION 10. USES PERMITTED BY DEVELOPMENT AGREEMENT

The following uses shall be considered by development agreement:

- a. Unique sites and structures – **Policy 3.4.5**
- b. Affordable housing outside the suburban designation – **Policy 3.53**
- c. Bonus Density for housing developments with affordable housing – **Policy 3.5.3**
- d. Alternative Housing Forms – **Policy 3.5.5**
- e. New or expanded C & D sites – **Policy 4.4.2**
- f. Development of five or more dwellings on a private road – **Policy 4.2.9**
- g. Unique uses within the SPA overlay – **Policy 4.5.2**
- h. New permanent structures within the Marine Industrial Zone within the Coastal Protection Overlay Zone – **Policy 5.1.2**
- i. Large Scale Wind turbines within closer than 1.5 kilometers from a habitable dwelling – **Policy 5.2.2**
- j. Hydrogen Facilities within the Industrial Designation or Special Area Overlay – **Policy 5.2.5**

SECTION 11. VARIANCES

The Development Officer may grant variances as per the MGA and **Policy 7.3.8** of the MPS.

Part 4. APPLICATION FEE

Every application for a planning strategy amendment, development permit, variance, site plan approval, development agreement or LUB amendment shall be accompanied by a form of payment acceptable to the Municipality in the amount specified by Municipal Council. Where an application to amend this Bylaw or to enter into a development agreement is made, the applicant shall deposit with the Municipal Clerk, an amount established by the Clerk to be sufficient to pay the costs of all advertising and notification required. If the amount paid is not sufficient to cover the costs incurred, then the applicant shall pay to the Clerk the additional amount required. If the amount paid is more than sufficient, then the Clerk shall refund the excess amount.

Where Council decides not to proceed with the application, development permit, or variance or it is withdrawn by the applicant, or rejected by the Development Officer, the deposit shall be returned to the applicant, less the cost of any incurred advertising or notification cost to date.

SECTION 1. EFFECTIVE DATE OF BYLAW

This Bylaw shall take effect when approved by the Minister assigned under the MGA and notification is provided in a newspaper circulating in the Municipality.

SECTION 2. RENEWAL OF A DEVELOPMENT PERMIT

Upon request, the Development Officer can renew a development permit for one additional year if the request for renewal occurs before the expiration of the original development permit, as per **Part 3, Section 6.3**.

Part 5. GENERAL PROVISIONS

SECTION 1. MULTIPLE USES

Where any land or building is used for more than one purpose, the requirements of this Bylaw shall be interpreted so that the highest or most restrictive standard required for a use is applied to all uses.

SECTION 2. MULTIPLE BUILDINGS ON A LOT

More than one main building on lot is not permitted except as permitted below and in compliance with other applicable provisions of this bylaw.

- a. Industrial uses in the GI or MI Zone.
- b. Commercial uses in the SC Zone and RC Zones
- c. Resource uses in the RR and RD Zone
- d. Grouped dwellings in the RES Zone.

SECTION 3. ACCESSORY USES PERMITTED

Where this Bylaw provides that any land, building, or structure may be used for a purpose, the purpose is deemed to include any accessory or ancillary uses, buildings or structures, subject to the requirements of this Bylaw.

SECTION 4. ACCESSORY BUILDINGS AND STRUCTURES

An accessory building or structure shall be permitted in any zone and may be used as an accessory use but shall not:

- a. Be used for human habitation, unless permitted by Part 5 Section 16;
- b. Be located in the minimum front or flankage yard(s) of a lot in the RU or RES Zones;
- c. Exceed two storeys or the maximum zone height, with the exception of permitted mini- and small-scale wind turbines;
- d. Be built closer than 1.2 m (4 feet) to a lot line, unless otherwise provided for in this Bylaw;
- e. Be built within 1.8 m (6 feet) of the main building or 1.2 m (4 feet) of another accessory building or structure on the same lot except that a double wall outdoor fuel or oil storage tank or an outdoor fuel or oil storage tank containment structure capable of containing the full volume of the fuel or oil storage tank shall be considered an accessory structure in the and may be located within 0.2 m (0.6 feet) of the main building;
- f. Be considered an accessory building if attached to the main building by a shared structural wall, although it may be attached to a main building on the same lot by an open or enclosed walkway or breezeway; and
- g. Be constructed prior to the time of construction of the main building or establishment of the main use except in the RU Designation or Residential Zone.

- h. Accessory structures less than 50 square meters may be constructed accessory to an existing residential dwelling in the Coastal Hazard Overlay Zone if no other location can be found on the lot outside of the Coastal Hazard Overlay Zone to place the accessory structure.

SECTION 5. TEMPORARY CONSTRUCTION USES

The temporary construction, use, or placement of a building/structure incidental to construction is permitted in all zones provided a development permit has been issued for the main construction project and the temporary building/structure does not remain for more than 90 days after the construction is completed. Temporary construction uses include but are not limited to, a work or construction camp or a worker's trailer, sales or rental office, tool or maintenance shed, fencing, and scaffolding.

SECTION 6. RECREATIONAL CAMP

Recreational camps for occasional overnight stays are permitted subject to the following criteria:

- a. There is deeded access or frontage on a private or public road;
- b. Power supply shall be limited to off-grid systems; and
- c. Such uses shall not be rented, leased or used for commercial purposes.

SECTION 7. NON-CONFORMING USES AND STRUCTURES

Any legal use of land or the development of a building/structure completed or approved before the effective date of this Bylaw that does not meet the requirements of this Bylaw or the uses permitted within the zone in which the lot is located, shall be subject to the MGA provisions respecting non-conforming uses and structures, unless otherwise stated in this Bylaw.

A non-conforming land use, building, or structure that does not meet the lot area, frontage, or setback requirements, may be enlarged, reconstructed, repaired, or renovated provided the development does not further reduce any non-conforming setbacks, lot area, or ground cover requirements and all other applicable requirements of this Bylaw are satisfied.

The use of a non-conforming building/structure or land may be changed to a use permitted in the zone in which the lot is located, maintaining non-conforming setbacks, lot area, or ground cover requirements, provided all other applicable requirements of this Bylaw are met. No expansion of a non-conforming use is permitted onto another lot created after the effective date of this Bylaw.

Non-conforming buildings within the Coastal Hazard Overlay Zone shall be permitted to be rebuilt, replaced or repaired if destroyed or damaged by fire or otherwise, if it is floodproofed to the standards of this Land Use Bylaw and otherwise substantially the same as it was the destruction or damage.

SECTION 8. RESTORATION TO A SAFE CONDITION

Nothing in this Bylaw shall prevent the restoration to a safe condition of any building or structure as outlined within the MGA.

SECTION 9. STREET FRONTAGE

No development permit shall be issued for a lot that does not abut and front on a public or private street, road, or highway, unless the lot was in existence on or before the effective date of this Bylaw.

Lots existing on or before the effective date that do not meet the street frontage requirements of this Bylaw may be developed, provided all other applicable requirements of this Bylaw are met and, in the case of a no-frontage lot, an approved right-of-way has been granted to allow access to the lot. Where the lot lines of an existing lot that lacks street frontage are altered, but the lot still does not meet the street frontage requirement, this regulation shall still apply.

SECTION 10. PRIVATE ROADS

Notwithstanding the requirements of Section 8: Private Roads, new residential dwellings without frontage on public roads are permitted where:

- a. The Private Road is approved by the Development Officer; and
- b. The lot is on a plan, dated after January 1, 2025, filed with the Municipality.

SECTION 11. EXISTING UNDERSIZED LOTS

Notwithstanding the area requirements of this Bylaw, a lot in existence on or before the effective date of this Bylaw, having less than the minimum area required by this Bylaw, may be used for a purpose permitted in the zone in which the lot is located and a development permit shall be granted for a permitted use on the lot provided that all other applicable requirements of this Bylaw are satisfied. Where the lot lines of existing undersized lots are altered to increase the area or frontage of the lot, but the lot remains an existing undersized lot, this regulation shall still apply.

Where a building or structure is located on an undersized lot in existence on or before the effective date of this Bylaw and fails to meet the requirements of this Bylaw regarding area, frontage, or setbacks requirements, the building/structure may be used for any use permitted in the zone in which the lot is located, provided that all other applicable requirements of this Bylaw are met.

SECTION 12. SIDE YARD WAIVER

Notwithstanding the minimum side yard requirements of this Bylaw, where main or accessory buildings or structures on abutting lots share a common wall, the applicable side yard requirement shall be zero.

SECTION 13. CONFORMITY WITH EXISTING SETBACKS

Where a main building is proposed to be built or expanded between main buildings on adjacent lots, the proposed or expanded building may be built with a front yard setback equal to the average established front yard setback of the main buildings located on the adjacent lots within 100.0 m (328 feet) of the proposed development, but the minimum front yard setback shall not be less than of 3.0 m (10 feet).

SECTION 14. REDUCED REQUIREMENTS - LOT FRONTAGE

Notwithstanding the minimum lot area and lot frontage requirements of this Bylaw, development permits shall be issued for lots created pursuant to the Subdivision Bylaw, where:

- a. A lot along a public or private street, road, or highway containing two or more main buildings is subdivided such that the normal lot area and frontage requirements cannot be met, provided that each new lot and the remainder lot contain at least one main building or structure and a minimum of 6.1 metres (20 feet) of lot frontage, and all other applicable requirements of this Bylaw are satisfied;
- b. Where a lot is created for a park and recreation use, in which the control and/or operation is vested in a public authority or agency thereof, that has a minimum road frontage of 6.1 metres (20 feet);
- c. Two lots are created that have less than the required frontage and/or lot area provided that neither reduction is less than ninety percent (90%) of the required minimums for that zone; and
- d. Where the land being subdivided is to address a development component of a permanent nature, such as mature trees, a driveway, well, or septic tank that is encroaching in or upon an immediately abutting lot, and all other applicable requirements of this Bylaw are satisfied.

SECTION 15. PERMITTED NUMBER OF MAIN BUILDINGS ON A LOT

No person shall erect more than one main building on a lot except as identified in Part 2, Section 5 of the LUB. Where more than one main building is permitted to be located on a lot, the setback requirements set out in the respective zone shall apply to all main buildings, and a minimum of 3.0 metres (10 feet) shall be required between main buildings, unless otherwise provided for in this Bylaw.

SECTION 16. SECONDARY SUITES

A dwelling unit in the form of a secondary suite, inside or attached to the main residential building or in the form of a separate backyard structure, shall be permitted as an accessory use to a single or two-unit residential dwelling in the RD, RR and RC Zone and must meet the main use setback requirements for the zone in which the lot is located and be located on a public road. A lot may have a maximum of one secondary suite with a maximum gross floor area of 80 square metres (860 square feet). The

SECTION 17. SMALL OPTION HOMES

Small option homes licensed under the *Homes for Special Care Act* are a permitted use in all residential dwellings and as uses in all residential zones.

SECTION 18. SHORT TERM RENTALS

- a. Commercial short term rentals, vacation homes and rented rooms are permitted in all residential zones, subject to other requirements of this Bylaw.
- b. The owner of a single unit dwelling or two-unit dwelling or an accessory dwelling unit shall be permitted to provide a maximum of one bedroom or one dwelling unit within said residential structure for short term rental use at any time.
- c. Short term rentals shall be registered as per the Short-Term Rental Registration Act.

SECTION 19. RECREATIONAL VEHICLE PARKING SITES

Recreational vehicle parking sites, where permitted, shall meet the following requirements:

- a. Compliance with the specifications for a permitted main use for the zone in which the parking site is located;
- b. Be surfaced with a stable surface such as, but not limited to, gravel, brick, paving stones, asphalt, or concrete;
- c. Any accessory building, structure, or additions must meet the requirements of the National Building Code and all other applicable requirements of this Bylaw;
- d. Only one recreation vehicle shall be permitted on each parking site.

SECTION 20. ILLUMINATION

Lights used for illumination shall be arranged in such a manner as to divert the light away from any abutting properties or public and private streets, roads, or highways.

SECTION 21. SIGNS

A development permit is required for all signs exceeding 0.9 square metres (10 square feet). No sign is permitted to have flashing lights; moving parts; project beyond a property line; be placed on public property or a public right-of-way without first receiving permission from the governing public authority; obstruct the line of sight or travel for drivers and cyclists, such as being located in a corner sight triangle; be designed in a way which could interfere, misled, or confuse traffic by using words, phrases, or designs that resemble governmental authority traffic signs; or obstruct a fire escape or other required exit-way.

SECTION 22. PERMITTED ENCROACHMENTS IN YARDS

The following structures may be located in or may project from a main wall of a main building into a yard setback required by this Bylaw subject to the following maximum distances;

- a. 0.9 m (3 feet) for window bays, eaves, cantilevers, gutters, and chimneys;
- b. 3.0 m (10 feet) for balconies, roofed porches, sun decks, terraces, awnings, patios, decks, carports, and exterior staircases; and
- c. To the lot line for fire escapes and accessibility access ramps.

SECTION 23. HOME OFFICES

Home offices, for use by the occupant(s) of the residential dwelling, are permitted in all zones.

SECTION 24. HOME OCCUPATION REQUIREMENTS

Nothing in this Bylaw shall prevent the use of a residential dwelling or its accessory buildings as a home occupation provided that the residential dwelling or residential dwelling unit is a permitted use in that zone and:

- a. Home occupations are limited to a business or professional office, counseling office, instruction studio, service shop, repair shop, personal service shop, post office, clinic, residential day care centre, taxicab operation, workshops, and sales of products produced onsite;
- b. Home occupations are primarily operated by the occupant(s) of the main residential dwelling or dwelling unit located on the same lot and does not exceed 25% of the total ground floor area of the dwelling;
- c. One off-street parking space is provided by the home occupation and is dedicated solely to customer/client use;
- d. There is no accessory outdoor storage or display within the front or side yards;
- e. That the home occupation does not make use of equipment that is obnoxious by virtue of dust, odour, smoke, noise, or other emissions; and
- f. The home occupation is located on a public street or road.

SECTION 25. WATERCOURSE PROTECTION

No excavation, infilling, construction, tree, stump and other vegetation removal, or any alteration of any kind other than maintenance as may be necessary to maintain vegetation and preserve the shoreline shall be permitted within 15.2 m (50 feet) of the edge (mean ordinary high water mark) of any watercourse, except for wharves, marinas, boardwalks, pedestrian or vehicular bridges, and buildings and structures related to boating clubs, ship chandlery offices, marine fuelling stations, fishery and marine-related uses, boat construction, building and repair facilities, boat and marine sales, service and rental facilities, and any other uses so exempted in this Bylaw. The watercourse setback distance is defined as being part of any side, rear, or front yard requirements.

SECTION 26. COASTAL PROTECTION OVERLAY ZONE

- a. No development is permitted within the Coastal Protection Overlay Zone except where a flood risk analysis and mitigation report are prepared and signed by a qualified professional at the expense of the property owners that determines appropriate flood mitigation measures and attests that the lands can be safely used for the intended use. If the development officer is unable to determine from the location of the coastal protection zone, the applicant shall, at their own expense, provide a report from a qualified person to determine if the proposed use is within the coastal protection zone.

- b. Despite a) of this section, but subject to the uses and standards of the application zone, the following uses shall be permitted within the Coastal Protection Overlay Zone:
- Boardwalks
 - Boathouses
 - Conservation uses
 - Fishing sheds and other fishery related uses
 - Interpretative panels and related structures
 - Marinas
 - Marine industrial uses
 - Parking lots
 - Parks
 - Safety fences
 - Trails
 - Water access structures
- c. To help interpret the locations of the Coastal Protection Overlay Zone, the Development Officer may refer to the digital data files from which the maps are created.
- d. For all uses not listed in this section that are in excess of 50m² are subject to the requirements of **Policy 5.1.1.1** of the MPS.

SECTION 27. STEEP SLOPES

No development shall be permitted on or within 15 metres of lands with a slope of 30% or greater except where a Geotechnical Report prepared and signed by a qualified professional at the expense of the property owner is submitted confirming that the proposed construction can be executed safely and any completed structures and related improvements (e.g. driveway and pathways) can be safely used and will comply with the requirements of any other Bylaw of the Municipality or any regulation of the Province or the Government of Canada consistent with Section 3.2 of this Bylaw.

SECTION 28. PARKS, PLAYGROUNDS & TRAILS

Notwithstanding anything else in this Bylaw, parks and recreation uses, where the control and/or operation is vested in a public authority or agency thereof, are considered permitted uses in all zones or within a watercourse setback.

SECTION 29. PUBLIC/PRIVATE UTILITIES & SERVICE FACILITIES

Public or private utilities and municipal service facilities may be located in any zone or within a watercourse setback and no zone standard shall apply with the exception of uses such as waste disposal facilities, landfills, solid waste transfer stations, and construction debris disposal sites, which are only permitted in select zones and must meet the zone requirements of this Bylaw. No development permit shall be required for the development or redevelopment of any government owned, operated or maintained utility or municipal service facility.

SECTION 30. MINI AND SMALL-SCALE WIND TURBINES

Mini and small-scale wind turbines shall be considered an accessory structure and shall meet the following requirements:

- a. A maximum of one mini-scale or roof mounted wind turbine is permitted on all lots, except in the GI, MI and RR Zone where the limit shall be no more than three mini or roof mounted wind turbines permitted on a lot;
- b. Small-scale wind turbines are only permitted in the Rural Resource (RR), Rural Commercial (RC), Marine Industrial (MI), and General Industrial (GI) Zones and shall not exceed a maximum of one small-scale wind turbine on a lot; and
- c. A wind turbine may not be built closer than four times the total wind turbine height to any lot line, public or private road, street, or highway, or an existing main building except for roof mounted wind turbines.

SECTION 31. LARGE SCALE WIND TURBINES

Large-scale wind turbines shall be permitted in the RR and GI Zones subject to the following requirements:

- a. The Submission of an Environmental Assessment approval from the authority having jurisdiction and a site plan showing the location all turbines, related infrastructure, driveways and access point, and the distance to the nearest habitable dwelling;
- b. Confirmation that the applicant has held a minimum of 1 public meeting with the local community regarding the proposed development. Public meetings must be advertised and held in a public location to which any interested member of the public may attend. A summary of the meeting shall be provided that includes the number of attendees, summary of the discussion and list any commitments made by the developer to the community;
- c. Turbines are located a minimum of 1.5 kilometers from the nearest habitable dwelling, excluding any dwellings that are located on the lot or a hunting or recreational camps. Turbines less than 1.5 kilometers may be considered by Development Agreement (Policy 5.2.2 of the MPS);
- d. A wind turbine may not be built closer than two (2) times the total wind turbine height to any lot line, public or private road, street, or highway, or an existing main building;
- e. A community benefits agreement that is approved by council;
- f. All wind turbines shall be located so that it is no closer than (4) times its height to a habitable dwelling;

- g. The lands on which the wind turbines are constructed are within the RR or GI Zone; and
- h. The submission of a decommissioning bond of 125% of the costs anticipated with decommissioning of turbines. The value of a decommissioning bond shall be established by a qualified engineer.

SECTION 32. UNSUITABLE HABITATION

Trucks, trailers, buses, coach bodies, unfinished shipping containers, or other similar structures shall not be used for human habitation unless otherwise permitted in this Bylaw.

SECTION 33. GENERAL PARKING REQUIREMENTS

All uses shall follow the following parking regulations:

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

SECTION 34. MINIMUM AUTOMOBILE PARKING SPACE REQUIREMENTS

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

GFA = Gross Floor Area

CFA = Commercial Floor Area

Use	Minimum Required Parking Spaces
Residential Uses	
Dwellings with 5 or fewer residential units	1 space/residential unit
Dwellings with 6 or greater residential units	1.25 spaces/residential unit
Residential Care Homes	2 spaces/residential unit
Industrial Uses	1 space/232 sqm. GFA
Agricultural Equipment and Parts Sales and Service	1 space/93 sqm. CFA
Agritainment Uses	10 spaces/hectare
Animal Boarding Facilities	1 space/37 sqm. CFA
Arts and Cultural Centres	1 space/46.5 sqm. CFA
Automotive Repair Minimum	4 spaces plus 1 space/service bay

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Automotive Sales and Rental	1 space/93 sqm. CFA
Building and Construction Contractors	1 space/37 sqm. CFA
Bus/Taxi Stations Minimum	4 spaces plus 1 space/service bay
Business Offices	1 space/28 sqm. CFA
Campgrounds	1.2 spaces/site or cabin
Carwash Facilities	Minimum 4 spaces
Cemeteries	Minimum 4 spaces
Commercial Greenhouse	Minimum 4 spaces
Community Facilities	1 space/9 sqm. CFA
Correctional Centres	1 space/93 sqm. GFA
Day Care Facilities	1 space/37 sqm. CFA
Domestic Animal Grooming	1 space/37 sqm. CFA
Drive-through Restaurants	1 space/6 sqm. CFA
Driving Range	1 space/driving bay
Dry-cleaning Depots	1 space/37 sqm. CFA
Educational Facilities	
Elementary and Junior High Schools	1 space/93 sqm. GFA
High Schools	1 space/37 sqm. GFA
Other facilities	1 space/37 sqm t. GFA
Emergency Services	1 space/28 sqm. CFA 1 space/9 sqm. CFA for accessory assembly uses
Equipment Rental	1 space/93 sqm. CFA
Farm Market Outlets	1 space/6 sqm. CFA
Farm or Vineyard Product Sampling	1 space/6 sqm. CFA
Fixed Roof Overnight Accommodations	1 space/guest room/cabin and 20 per cent of the number of spaces required for any accessory use that is accessible by the general public
Funeral Homes	1 space/9 sqm. CFA
Gas Bars	Minimum 4 spaces
Golf Courses	5 spaces/hole
Goods and Services Shop	1 space/28 sqm. CFA
Holding Yards	Minimum 4 spaces
Household Item Repair Services	1 space/37 sqm. CFA
Indoor Recreation Uses	1 space/9 sqm. CFA
Laundromat	1 space/46.5 sqm. CFA
Licensed Liquor Establishments	1 space/6 sqm. CFA
Medical and Dental Clinics	1 space/6 sqm. CFA
Non-profit Camps	Minimum 4 spaces
Parks	4 spaces/hectare
Personal Service Shops	1 space/6 sqm. CFA
Places of Worship	1 space/9 sqm. CFA
Professional Trades	1 space/37 sqm. CFA
Residential Facilities	1 space/93 sqm. GFA
Restaurants	1 space/6 sqm. CFA
Retail Stores	1 space/28 sqm. CFA
Self Storage Facilities	Minimum 4 spaces
Storefront Recycling Uses	Minimum 4 spaces
Veterinary Clinics	1 space/6 sqm. CFA
Visitor Information Centres	Minimum 4 spaces
Wildlife Rescue and Rehabilitation Centres	Minimum 4 spaces

- b. Where a parking calculation results in a part of a parking space being required, the total shall be rounded up to the next whole number.
- c. Where a use is not listed in Section 4.34.1, the rate used to calculate the required parking shall be based on the most similar use.
- d. Except for low density residential uses where a parking calculation results in fewer than four (4) spaces being required, a minimum of four (4) spaces shall be provided.
- e. Except for golf courses and agritainment uses, where a parking calculation results in greater than 100 spaces being required, the property owner shall only be required to provide a minimum of 100 spaces.
- f. Nothing in this section shall prevent a property owner from providing a number of parking spaces that exceeds the minimum parking requirements.

SECTION 35. PARKING VARIANCE

Property owners may apply for a variance to the required number of parking spaces where the number of existing spaces does not meet the requirements of Section 34 and 35 or if the required number of parking spaces cannot be provided on site. In addition to the requirements of section 235 of the Act, a variance shall not be granted if:

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

SECTION 36. STANDARDS FOR PARKING AREAS

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

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

SECTION 37. SEASONAL TAKE-OUT USES

Seasonal Take-out uses are permitted in all zones and shall meet the standards below.

- a. The take-out shall operate for no more than 6 months a year;
- b. The building in which the use is located is no more than 800 square feet;
- c. The building is located in the front or side yard;
- d. The setbacks from the take-out shall be as follows;
 - i. Front Yard: 25 feet
 - ii. Side Yards: 10 feet
- e. A minimum of 3 parking spaces shall be provided; and
- f. The Development permit application shall include a site plan showing the location of garbage receptacles, parking areas and setbacks.

SECTION 38. TOP SOIL REMOVAL

The removal of topsoil from any lot within the Rural Resource (RR) Zone or other lands used primarily for agriculture or forestry is prohibited, except where such removal is necessary for and incidental to a permitted use on the same lot, including site grading for agricultural production, forestry operations, or construction approved through a development permit. No topsoil shall be removed for sale, relocation, or export from the site unless specifically authorized by the Development Officer in accordance with the MGA and this Bylaw.

SECTION 39. AGRITAINMENT USE

Agritainment uses are permitted as accessory to a homestead, farm or other established agricultural uses subject to the following requirements:

- a. The use has direct access to a public street; and
- b. The use is located to minimize impact on Class 2, 3 and 4 soils.

Part 6. ZONES

SECTION 1. ZONES ESTABLISHED

Shelburne District is generally divided into the following zones, which are also referred to by the appropriate shortforms. Each land use zone has certain land uses that are permitted outright, others are conditional upon approval, and some are prohibited.

SECTION 2. LAND USE ZONES

Land Use Category	Shortform	Zone
Rural Use	RD	Rural Development
Rural Use	RR	Rural Resource
Rural Use	RC	Rural Commercial
Industrial	MI	Marine Industrial
Industrial	GI	General Industrial
Suburban	RES	Residential
Suburban	SC	Suburban Commercial

SECTION 3. OVERLAY ZONES

Land Use Category	Shortform	Zone
Environmental	MW	Municipal Watershed
Overlay	CP	Coastal Protection Overlay

SECTION 4. PERMITTED LAND USES

The following land uses are permitted in the zones indicated by the shortform to their right and are subject to all other requirements of this Bylaw.

Land Use	RD	RR	RC	MI	GI	RES	SC
Residential							
Single-Unit Dwellings	P	P	P	P*		P	
Two-Unit Dwellings	P	P	P	P*		P	
Multi-Unit or Grouped Dwellings	P*					P	P
Existing Dwellings	P	P	P	P		P	
Boarding or Rooming Houses	R		P	P		P	
Cottage	P	P					
Residential Care Community						P	
Home Occupations (Section 4.20)	P	P				P	
Home Office	P	P	P	P	P	P	P
Land Lease Communities	P						
Mixed use commercial/residential						S	S
Agricultural							
Agricultural Uses & Related Use	P	P			P		
Agricultural-related Industries	P	P	P		P		P
Agritainment Uses	P		P				
Animal Rescue & Rehabilitation	P	P	P				P
Farm Residences	P	P	P				
Primary Forestry Use	P	P	P		P		
Commercial							
Auctioneering Establishment			P				P
Automotive & Autobody Repair			P		P		P
Automotive Sales & Rental			P		P		P
Banks & Financial Institutions							P
Bars, Pubs, & Taprooms			P				P
Bed & Breakfast Operations	P	P	P			P	P
Building Supplies			P		P		P
Call & Data Processing Centres					P		P
Campgrounds & RV Parks	S		P			S	
Carwash Facilities					P		P
Clubs (Commercial & Private)	P		P				P
Commercial Art Galleries	P		P				P
Commercial Daycare Centres			P			P	P
Commercial Meeting Space			P				P
Commercial Recreation Centres			P				P
Commercial Schools, Training & Educational Facilities							P
Commercial Short-Term Rental	P		P			P	P
Construction & Landscaping Industry	P		P		P		
Counselling Offices			P				P
Existing Hotels & Motels	P	P	P			P	P
Existing Uses	P	P	P	P	P	P	P
Hotels, Motels			P				P
Farm Markets			P				P

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Land Use	RD	RR	RC	MI	GI	RES	SC
Fitness Centres			P			P	P
Funeral Homes			P		P		P
Hotel, Motel & Tourist Establishments			P				P
Instruction Studios			P				P
Kennels & Animal Day Cares	P		P			P	
Large Format Commercial							S
Licensed Liquor Establishment			P				P
Medical Offices & Clinics			P				P
Microbreweries, Microdistilleries & Wineries	P		P				P
Offices			P		P		P
Parking Area & Structures							P
Personal Service Shops			P			P	P
Repair Shops			P		P		P
Rental Shops			P				P
Rented Room	P	P	P	P	P	P	P
Resort Establishment			P				P
Restaurants			P	P	P	P	P
Retail Stores			P				P
Self-Storage Facilities			P	P	P		P
Service Industries			P		P		P
Service Station			P	P	P		P
Shopping Centre or Mall							S
Recycling Depots			P		P		P
Taxicab Operation & Dispatch					P		P
Traditional Tourist Accommodation	P		P				P
Private Utilities & Services			P	P	P		P
Veterinary Offices & Clinics			P		P		P
Wholesale Establishments					P		P
Workshops (Arts, Craft, & Custom)	P		P	P	P	P	P
Industrial							
Accessory Commercial Uses	P		P	P	P	P	P
Abattoirs & Agricultural Processing Facilities	P		P	P	P		
Automotive Impound Facilities	P		P		P		
Breweries & Distilleries			P		P	P	P
Boat and Ship Building and Repair				P	P		
Bulk & Cold Storage Facilities			P	P	P		P
Commercial Cannabis Facilities			P	P	P		P
Construction Debris Disposal Sites					DA		
Commercial Greenhouses		P	P	P	P		
Excavation Operations		P	P				
Extractive-Related Facilities		P	P		P		
Fish Processing				P	P		
Fire Training Facility					P		
Fuel Depots					P		P
Heavy Industrial Uses				P	P		
Hydrogen Facilities				DA	DA		

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Land Use	RD	RR	RC	MI	GI	RES	SC
Light Industrial Uses				P	P		P
Marine Related Uses	P			P	P		
Scrap & Salvage Yards					P		
Secondary Forestry Uses	P	P	P		P		
Truck Transport Operations		R	P	P	P		P
Warehouse, Depots, Storage & Distribution Facilities			P		P		P
Waste Disposal Facilities					S		
Waste Transfer & Processing Facility					S		
Wharfs	P			P			
Institutional							
Accessory Commercial & Retail	P						
Cemeteries	P	P				P	
Community Centres	P		P			P	P
Courthouse			P				P
Fire & Emergency Services	P	P	P			P	P
Hospital							P
Institutional Uses	P		P			P	P
Library						P	P
Museums	P		P			P	P
Places of Worship	P		P			P	P
Post Office	P		P			P	P
Public Utilities & Facilities	P	P	P	P	P	P	P
Public Schools, Training & Educational Facilities			P			P	P
Research & Development Centres			P	P			P
Transit & Taxi Stations/Stops							P
Recreational							
Conservation & Compatible Uses	P	P	P				
Docks, Marinas & Wharves	P			P			
Firing Range & Shooting Club	P	P	P		P		
Golf Courses & Driving Ranges			P				P
Historical Sites & Interpretation Centres	P	P	P				P
Parks & Recreation Uses	P		P			P	
Public Campground	P		P				
Public Recreation Facility	S		P			P	P
Recreational Camps	P	P	P				
Recreational Vehicle Parking Sites	P		P			P	P
Tracks & Facilities for Racing Animals or Motorized Vehicles			P				

Notes: P: Permitted

S: Site Plan

DA: Development Agreement

*: See specific zoning requirements in the relevant zone section

SECTION 5. ENVIRONMENTAL OVERLAY

Land Use	MW	CP
Residential		
Single-Unit Dwellings		
Existing uses	P	P
Marine related uses		S
Two-Unit Dwelling		
Home Occupations		
Existing Agricultural & Forestry Uses	P	P
Institutional		
Water Supply Infrastructure	P	P
Passive Public Parks & Recreation	P	
Public Trails	P	P
All Uses Not Prohibited		

Notes: P: Permitted
 S: Site Plan
 DA: Development Agreement

SECTION 6. GENERAL ZONING PROVISIONS

The following building height and yard requirements shall apply in the zones listed:

Zone	Land Use	Water & Waste-water Status	Minimum Lot Area	Minimum Lot Frontage	Minimum Yard Requirements			Maximum Building Height
					Front & Flankage	Side	Rear	
RD	Rural Use	On-site	4,000 m ² 46,560 ft ²	30.5 m 100 ft.	7.6 m 25 ft.	3.0 m 10 ft.	7.6 m 25 ft.	10.6 m 35 ft.
RR	Rural Use	On-site	8,000 m ² 87,120 ft ²	61 m 200 ft.	7.6 m 25 ft.	10 m 33 ft	7.6 m 25 ft.	10.6 m 35 ft.
RC	Rural Use	On-site	4046 m ² 43,560 ft ²	36.6 m 120 ft.	7.6 m 25 ft.	3.0 m 10 ft.	7.6 m 25 ft.	10.6 m 35 ft.
MI	Industrial	On-site	4,047 m ² 43,600 ft ²	45.7 m 150 ft.	15.2 m 50 ft.	15.2 m 50 ft.	15.2 m 50 ft.	10.6 m 35 ft.
		Municipal	2,700 m ² 29,063 ft ²	30.5 m 100 ft.	7.6 m 25 ft.	15.2 m 50 ft.	15.2 m 50 ft.	10.6 m 35 ft.
GI	Industrial	On-site	4,047 m ² 43,600 ft ²	45.7 m 150 ft.	15.2 m 50 ft.	15.2 m 50 ft.	15.2 m 50 ft.	15.2 m 50 ft.
		Municipal	2,700 m ² 29,063 ft ²	30.5 m 100 ft.	7.6 m 25 ft.	15.2 m 50 ft.	15.2 m 50 ft.	15.2 m 50 ft.
Res	Suburban	On-site	2,700 m ² 29,063 ft ²	36.6 m 120 ft.	7.6 m 25 ft.	3.0 m 10 ft.	7.6 m 25 ft.	10.6 m 35 ft.
		Municipal	930 m ² 10,010 ft ²	24.4 m 80 ft.	3.0 m 10 ft.	1.2 m 4 ft.	7.6 m 25 ft.	18.2 m 60 feet
SC	Suburban	On-site	2,700 m ² 29,063 ft ²	36.6 m 120 ft.	7.6 m 25 ft.	3.0 m 10 ft.	7.6 m 25 ft.	10.6 m 35 ft.
		Municipal	930 m ² 10,010 ft ²	24.4 m 80 ft.	3.0 m 10 ft.	1.2 m 4 ft.	7.6 m 25 ft.	18.2 m 60 ft.

Part 7. Land Use Zone Specific Requirements

This Section summarizes special requirements applicable in each zone. These might include landscaping requirements, parking standards, increased separation distances where a non-residential zone abuts a residential zone, provisions for site plan approval or Development Agreements, etc.

SECTION 1. RURAL USE SPECIAL REQUIREMENTS

1. SITE PLAN APPROVAL – LAND LEASE COMMUNITIES

The development of new Land Lease Communities permitted by site plan approval subject to the following criteria:

- a. The submission of a detailed site plan showing the location of access to a public road, location of garbage collection areas, trail systems, internal site circulation, lighting, recreational areas, location of wells and septic fields, and location of dwellings.
- b. Notwithstanding the above, campgrounds and RV parks may be located on private roads subject the approval of an emergency access plan in case of wildfire.
- c. If located adjacent to a low-density residential development, the location of opaque fencing and lighting that reduces impact on the adjacent use.
- d. The Development Officer may request a storm water management plan or traffic impact assessment that is acceptable to the municipal engineer.
- e. Other information as requested by the Development Officer.

2. SITE PLAN APPROVAL – RECREATIONAL USES

The development of firing ranges and shooting clubs, tracks and facilities for the racing of motorized vehicles or animals and RV park or campgrounds in the Rural Use Designation is permitted by site plan approval subject to the following criterial:

- a. The submission of a detailed site plan.
- b. The Development Officer may request a storm water management plan and traffic impact assessment that is acceptable to the municipal engineer.
- c. The property fronts on a public road.
- d. A landscaping plan that addresses safety, noise and privacy concerns.
- e. For firing range and shot clubs, tracks and racing facilities, the proposed use is a minimum of 1 kilometer from a dwelling unit which is not located on the same property.

3. SPECIAL CONDITIONS: MULTI UNIT OR GROUPED DWELLINGS IN THE RD ZONE

A maximum of eight dwelling units are permitted on a single lot in the RD Zone subject to the following criteria and other relevant requirements of this Bylaw:

- a. Maximum lot of coverage of 40% of the total lot area
- b. The submission of a detailed site plan showing the location of parking, septic fields, well, all buildings, fencing and landscaping.

- c. Parking areas with more for more than 2 vehicles shall not be located in the yards adjacent to existing single and two-unit residential dwellings.

4. SITE PLAN APPROVAL – COMMERCIAL USES EXCEEDING 500 SQUARE METERS

Any new or expanded use in the RC or SC Zones that have a gross floor area exceeding 500 square meters gross floor area (5,382 square feet) shall occur by site plan approval and shall comply with the following requirements:

- a. The submission of site plan showing the location all buildings and infrastructure.
- b. Parking Areas shall be located, if possible, in yards that do no abut low density residential uses.
- c. The submission of a stormwater drainage plan and traffic impact assessment acceptable to the municipal engineer.
- d. Shall include landscaping in the side yards that provides buffering for noise and light from the adjacent use.

SECTION 2. INDUSTRIAL SPECIAL REQUIREMENTS

1. SPECIAL CONDITIONS: EXISTING AND NEW SINGLE UNIT DWELLINGS IN THE MARINE INDUSTRIAL ZONE

New single unit dwellings in the Marine Industrial Zone shall require

- a. A set back of the structure of 15.2 meters (50 feet) from the edge of the Coastal Protection Overlay Zone on the Environmental Overlay.
- b. A site plan showing the location of the proposed dwelling, driveway access and location of any well or septic field.
- c. A minimum distance of 100 meters (328 feet) from the shared property line of any existing Marine Industrial Use that uses noxious materials, has industrial lighting or where the noise from the facility exceeds typical noise from a residential use or where Marine Industrial Use may generate odour (e.g. fish plant).

2. SITE PLAN APPROVAL – WASTE COLLECTION AND DISPOSAL

The development of a waste transfer and process facility, or a waste disposal facility or, waste transfer and process facility or a waste disposal facility in the General Industrial (GI) Zone shall occur by site plan approval subject to the following requirements:

- a. Submission of a site plan that includes the location of all buildings and associated infrastructures.
- b. A stormwater management plan and traffic impact assessment acceptable to the municipal engineer.
- c. Landscaping or buffering to reduce land use conflict from adjacent residential dwellings.

SECTION 3. SUBURBAN RESIDENTIAL SPECIAL REQUIREMENTS

1. SITE PLAN APPROVAL - MULTI-UNIT RESIDENTIAL OR GROUPED DWELLINGS IN THE RESIDENTIAL ZONE

Multi unit dwellings and group dwellings exceeding ten (10) units, or multi unit buildings that contain commercial space shall be permitted by Site Plan subject to the following requirements to

- a. For developments with more than thirty (30) units that are not on central water service, the provision of a ground water assessment confirming the adequacy of drinking water and assessing the impact of the proposed use on adjacent uses.
- b. Confirmation by a qualified person of the location and design of wastewater and sewage treatment system that meets the needs of the development.
- c. The building shall not exceed five stories, to a maximum of 18.3 metres (60 feet) in height.
- d. The building setbacks shall be sufficient to provide adequate buffering from adjacent low density residential dwellings to minimize the impacts of shadowing, noise, and light or other relevant land use issues.
- e. That adequate on site recreational and amenity space is provided to future residents. This may include grassed areas, walking paths, pool areas or other recreational infrastructure. This requirement may be waived if the development is within 100 meters (328 feet) of a public recreation facility.
- f. Commercial uses are limited to local commercial uses, such as small-scale retail, community uses, day cares, personal services or the uses that serve the needs of the residents.
- g. Hard surfacing shall not exceed 50% of the lot area.

SECTION 4. SUBURBAN COMMERCIAL SPECIAL REQUIREMENTS

1. SITE PLAN APPROVAL - LARGE FORMAT RETAIL

Large format retail, including shopping malls exceeding 20,000 square feet building footprint shall occur by site plan approval subject to the following

- a. The submission of site plan showing the location all buildings and infrastructure.
- b. Parking Areas shall be located, if possible, in yards that do not abut low density residential uses.
- c. The submission of a stormwater drainage plan or traffic impact assessment acceptable to the municipal engineer.
- d. Shall include landscaping in the side yards that provides buffering for noise and light from the adjacent use.

2. SITE PLAN APPROVAL - MIXED USE

Mixed use commercial and residential buildings are permitted in the Suburban Commercial and Residential Zone by site plan approval subject to the following:

- a. The submission of a site plan showing the location of all buildings and infrastructure, amenity spaces and other elements on the site.
- b. The main floor facing the street shall be commercial. Residential uses shall be permitted in the rear of the main floor.
- c. The maximum height shall not exceed five stories, to a maximum height of 60 feet.
- d. Amenity space shall be provided that must include adequate outdoor space, and may include balconies, indoor shared space or a common recreation room. For developments in excess of ten (10) dwelling units, there must be a private or semi-private outdoor space for residents of the of the building.
- e. Amenity spaces shall include common outdoor spaces with landscaping and tree. Walkways shall connect the parking area to the main entrance.

LUB Appendix A
Municipality of the District of Shelburne
Zoning Map

Approved on: _____
 Map update: _____
 Amended on: _____

Scale: 1: 65,000

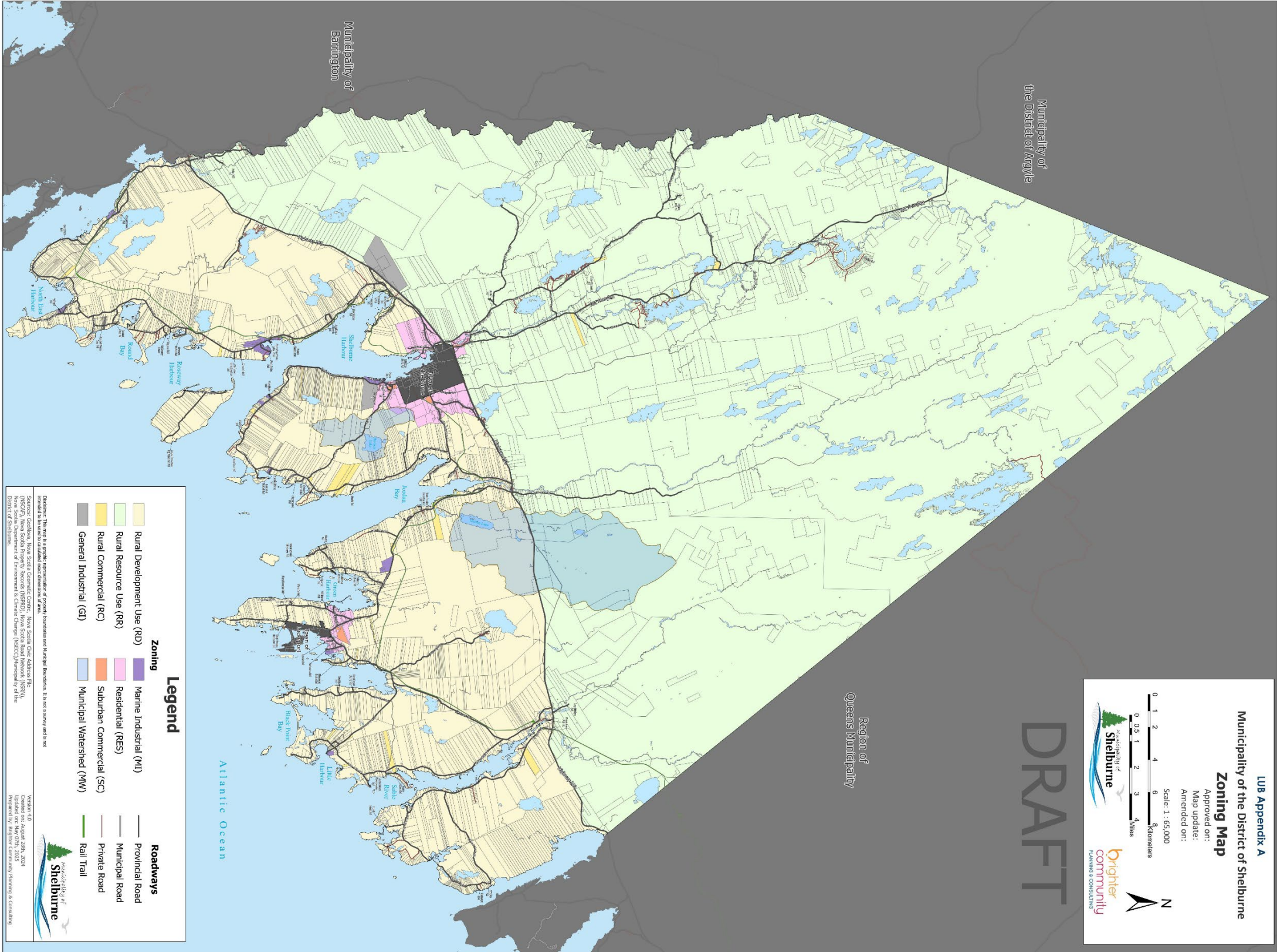
0 1 2 4 6 8

Kilometers

0 0.5 1 2 3

Miles

Brighter community
PLANNING & CONSULTING



Legend

<p>Zoning</p> <ul style="list-style-type: none"> Rural Development Use (RD) Rural Resource Use (RR) Rural Commercial (RC) General Industrial (GI) Marine Industrial (MI) Residential (RES) Suburban Commercial (SC) Municipal Watershed (MW) 	<p>Roadways</p> <ul style="list-style-type: none"> Provincial Road Municipal Road Private Road Rail Trail
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Disclaimer: This map is a graphic representation of proposed boundaries and Municipal boundaries. It is not a survey and is not
 intended to be used for legal purposes.
 Sources: Geobase, Nova Scotia Geographic Centre, Nova Scotia Civil Address File
 (NSCAF), Nova Scotia Property Records (NSPRD), Nova Scotia Road Network (NSRN),
 Nova Scotia Department of Environment & Climate Change (NSDEC), Municipality of the
 District of Shelburne.

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