



# 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.
  - g. DWELLING, TOWNHOUSE means building divided vertically by a common wall extending from the foundation to the roof into three or more attached dwelling units, each having a separate entrance at grade.
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, dentist, 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 meets 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 uses, 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 50m<sup>2</sup> 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 two 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
<b>Residential Uses</b>	
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
<b>Industrial Uses</b>	1 space/232 sqm. GFA
<b>Agricultural Equipment and Parts Sales and Service</b>	1 space/93 sqm. CFA
<b>Agritainment Uses</b>	10 spaces/hectare
<b>Animal Boarding Facilities</b>	1 space/37 sqm. CFA
<b>Arts and Cultural Centres</b>	1 space/46.5 sqm. CFA
<b>Automotive Repair Minimum</b>	4 spaces plus 1 space/service bay

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<b>Automotive Sales and Rental</b>	1 space/93 sqm. CFA
<b>Building and Construction Contractors</b>	1 space/37 sqm. CFA
<b>Bus/Taxi Stations Minimum</b>	4 spaces plus 1 space/service bay
<b>Business Offices</b>	1 space/28 sqm. CFA
<b>Campgrounds</b>	1.2 spaces/site or cabin
<b>Carwash Facilities</b>	Minimum 4 spaces
<b>Cemeteries</b>	Minimum 4 spaces
<b>Commercial Greenhouse</b>	Minimum 4 spaces
<b>Community Facilities</b>	1 space/9 sqm. CFA
<b>Correctional Centres</b>	1 space/93 sqm. GFA
<b>Day Care Facilities</b>	1 space/37 sqm. CFA
<b>Domestic Animal Grooming</b>	1 space/37 sqm. CFA
<b>Drive-through Restaurants</b>	1 space/6 sqm. CFA
<b>Driving Range</b>	1 space/driving bay
<b>Dry-cleaning Depots</b>	1 space/37 sqm. CFA
<b>Educational Facilities</b>	
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
<b>Emergency Services</b>	1 space/28 sqm. CFA 1 space/9 sqm. CFA for accessory assembly uses
<b>Equipment Rental</b>	1 space/93 sqm. CFA
<b>Farm Market Outlets</b>	1 space/6 sqm. CFA
<b>Farm or Vineyard Product Sampling</b>	1 space/6 sqm. CFA
<b>Fixed Roof Overnight Accommodations</b>	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
<b>Funeral Homes</b>	1 space/9 sqm. CFA
<b>Gas Bars</b>	Minimum 4 spaces
<b>Golf Courses</b>	5 spaces/hole
<b>Goods and Services Shop</b>	1 space/28 sqm. CFA
<b>Holding Yards</b>	Minimum 4 spaces
<b>Household Item Repair Services</b>	1 space/37 sqm. CFA
<b>Indoor Recreation Uses</b>	1 space/9 sqm. CFA
<b>Laundromat</b>	1 space/46.5 sqm. CFA
<b>Licensed Liquor Establishments</b>	1 space/6 sqm. CFA
<b>Medical and Dental Clinics</b>	1 space/6 sqm. CFA
<b>Non-profit Camps</b>	Minimum 4 spaces
<b>Parks</b>	4 spaces/hectare
<b>Personal Service Shops</b>	1 space/6 sqm. CFA
<b>Places of Worship</b>	1 space/9 sqm. CFA
<b>Professional Trades</b>	1 space/37 sqm. CFA
<b>Residential Facilities</b>	1 space/93 sqm. GFA
<b>Restaurants</b>	1 space/6 sqm. CFA
<b>Retail Stores</b>	1 space/28 sqm. CFA
<b>Self Storage Facilities</b>	Minimum 4 spaces
<b>Storefront Recycling Uses</b>	Minimum 4 spaces
<b>Veterinary Clinics</b>	1 space/6 sqm. CFA
<b>Visitor Information Centres</b>	Minimum 4 spaces
<b>Wildlife Rescue and Rehabilitation Centres</b>	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	<b>RD</b>	Rural Development
Rural Use	<b>RR</b>	Rural Resource
Rural Use	<b>RC</b>	Rural Commercial
Industrial	<b>MI</b>	Marine Industrial
Industrial	<b>GI</b>	General Industrial
Suburban	<b>RES</b>	Residential
Suburban	<b>SC</b>	Suburban Commercial

### SECTION 3. OVERLAY ZONES

Land Use Category	Shortform	Zone
Environmental Overlay	<b>MW</b>	Municipal Watershed
	<b>CP</b>	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
<b>Residential</b>							
Single-Unit Dwellings	P	P	P	P*		P	
Two-Unit Dwellings	P	P	P	P*		P	
Multi-Unit or Grouped Dwellings	P*					P	P
Townhouses (maximum of 5 in a row)	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 ( <b>Section 4.20</b> )	P	P				P	
Home Office	P	P	P	P	P	P	P
Land Lease Communities	P						
Mixed use commercial/residential						S	S
<b>Agricultural</b>							
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		
<b>Commercial</b>							
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	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

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Land Use	RD	RR	RC	MI	GI	RES	SC
Hotels, Motels			P				P
Farm Markets			P				P
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
<b>Industrial</b>							
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

## MUNICIPALITY OF THE DISTRICT OF SHELBURNE LAND USE BYLAW

Land Use	RD	RR	RC	MI	GI	RES	SC
Heavy Industrial Uses				P	P		
Hydrogen Facilities				DA	DA		
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			
<b>Institutional</b>							
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
<b>Recreational</b>							
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
<b>Residential</b>		
Single-Unit Dwellings		
Existing uses	P	P
Marine related uses		S
Two-Unit Dwelling		
Home Occupations		
Existing Agricultural & Forestry Uses	P	P
<b>Institutional</b>		
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 <sup>2</sup>	30.5 m	7.6 m	3.0 m	7.6 m	10.6 m
			46,560 ft <sup>2</sup>	100 ft.	25 ft.	10 ft.	25 ft.	35 ft.
RR	Rural Use	On-site	8,000 m <sup>2</sup>	61 m	7.6 m	10 m	7.6 m	10.6 m
			87,120 ft <sup>2</sup>	200 ft.	25 ft.	33 ft	25 ft.	35 ft.
RC	Rural Use	On-site	4046 m <sup>2</sup>	36.6 m	7.6 m	3.0 m	7.6 m	10.6 m
			43,560 ft <sup>2</sup>	120 ft.	25 ft.	10 ft.	25 ft.	35 ft.
MI	Industrial	On-site	4,047 m <sup>2</sup>	45.7 m	15.2 m	15.2 m	15.2 m	10.6 m
			43,600 ft <sup>2</sup>	150 ft.	50 ft.	50 ft.	50 ft.	35 ft.
GI	Industrial	Municipal	2,700 m <sup>2</sup>	30.5 m	7.6 m	15.2 m	15.2 m	10.6 m
			29,063 ft <sup>2</sup>	100 ft.	25 ft.	50 ft.	50 ft.	35 ft.
GI	Industrial	On-site	4,047 m <sup>2</sup>	45.7 m	15.2 m	15.2 m	15.2 m	15.2 m
			43,600 ft <sup>2</sup>	150 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Res	Suburban	On-site	2,700 m <sup>2</sup>	36.6 m	7.6 m	3.0 m	7.6 m	10.6 m
			29,063 ft <sup>2</sup>	120 ft.	25 ft.	10 ft.	25 ft.	35 ft.
SC	Suburban	Municipal	930 m <sup>2</sup>	24.4 m	3.0 m	1.2 m	7.6 m	18.2 m
			10,010 ft <sup>2</sup>	80 ft.	10 ft.	4 ft.	25 ft.	60 feet
SC	Suburban	On-site	2,700 m <sup>2</sup>	36.6 m	7.6 m	3.0 m	7.6 m	10.6 m
			29,063 ft <sup>2</sup>	120 ft.	25 ft.	10 ft.	25 ft.	35 ft.
SC	Suburban	Municipal	930 m <sup>2</sup>	24.4 m	3.0 m	1.2 m	7.6 m	18.2 m
			10,010 ft <sup>2</sup>	80 ft.	10 ft.	4 ft.	25 ft.	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

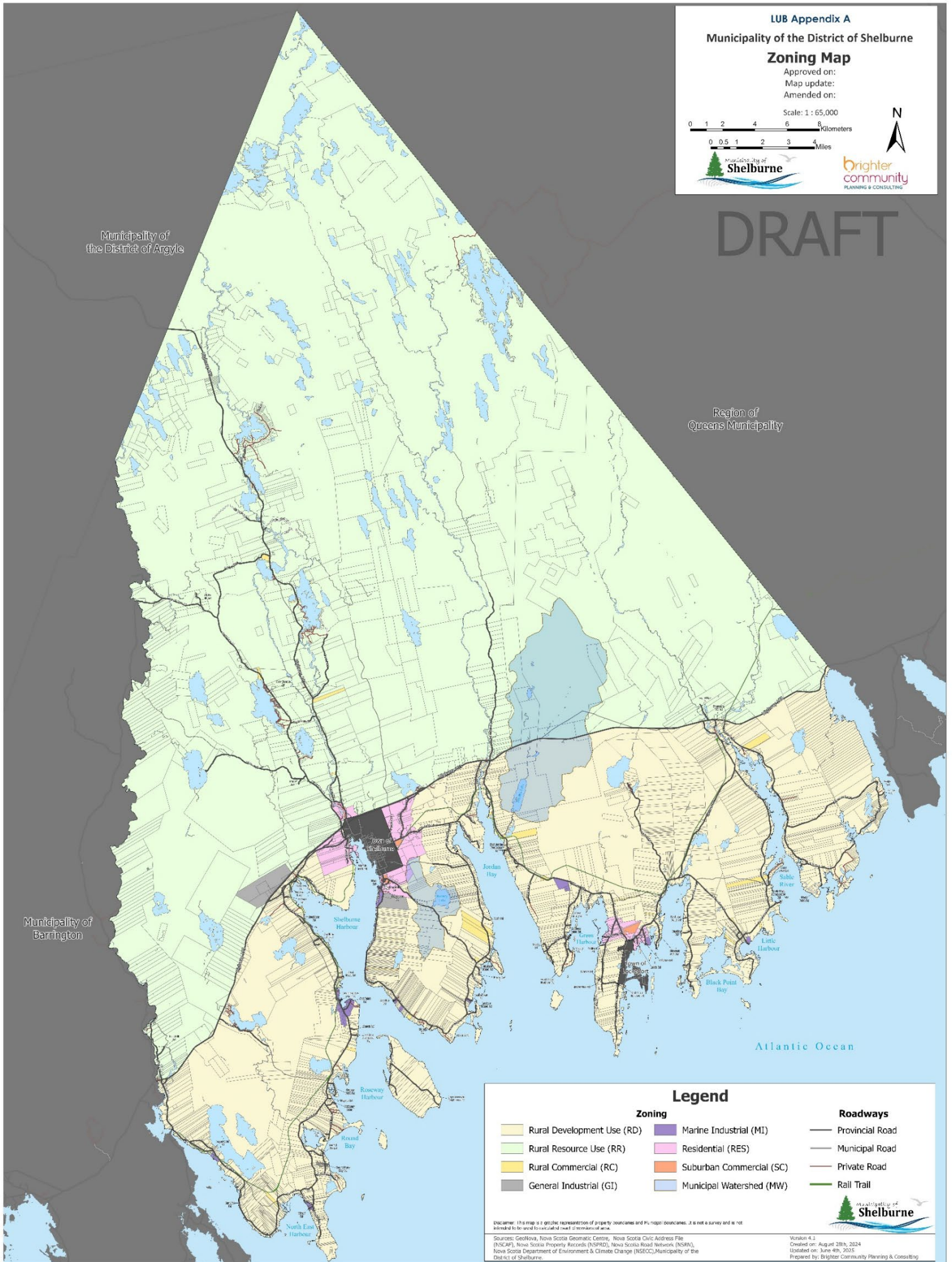
- a. The submission of site plan showing the location all buildings and infrastructure.
- b. Parking Areas shall be located, if possible, in yards that do not abut low density residential uses.
- c. The submission of a stormwater drainage plan or traffic impact assessment acceptable to the municipal 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

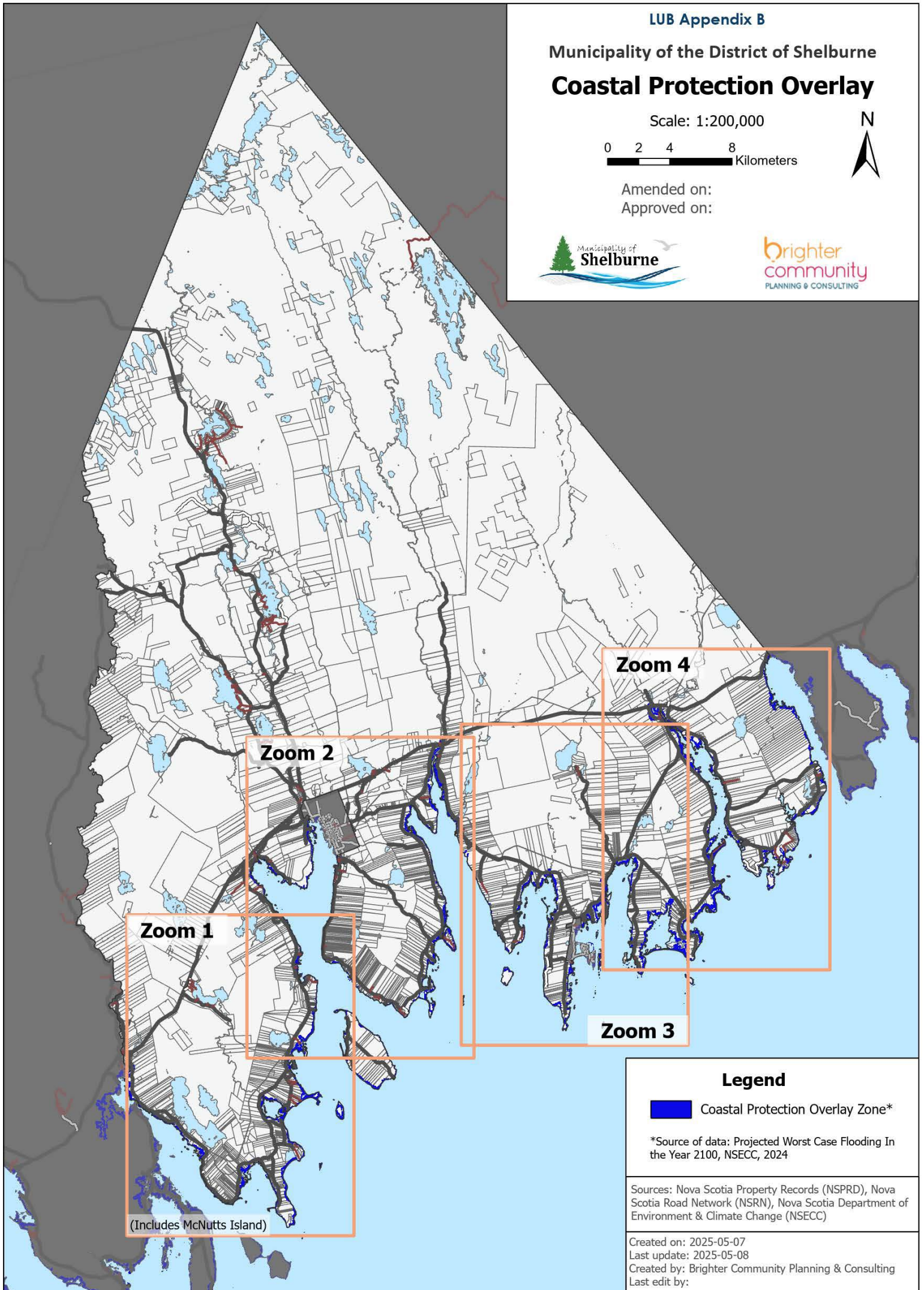
Mixed use commercial and residential buildings are permitted in the Suburban Commercial and Residential Zone by site plan approval subject to the following:

- 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.

# Appendix A: Zoning Map



# Appendix B: Coastal Map

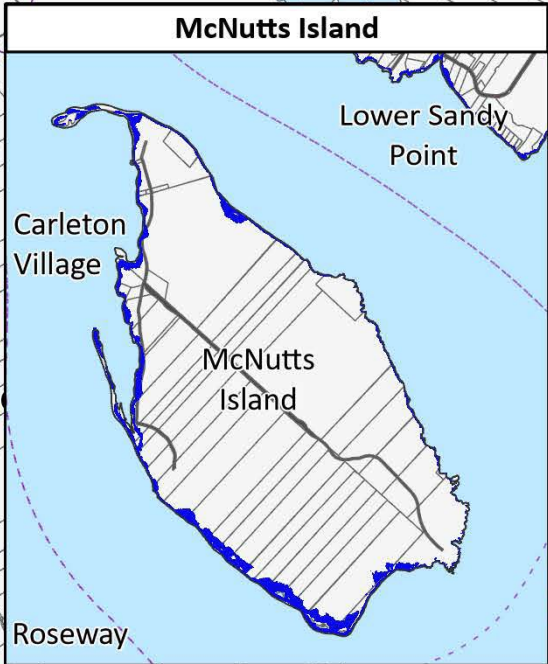
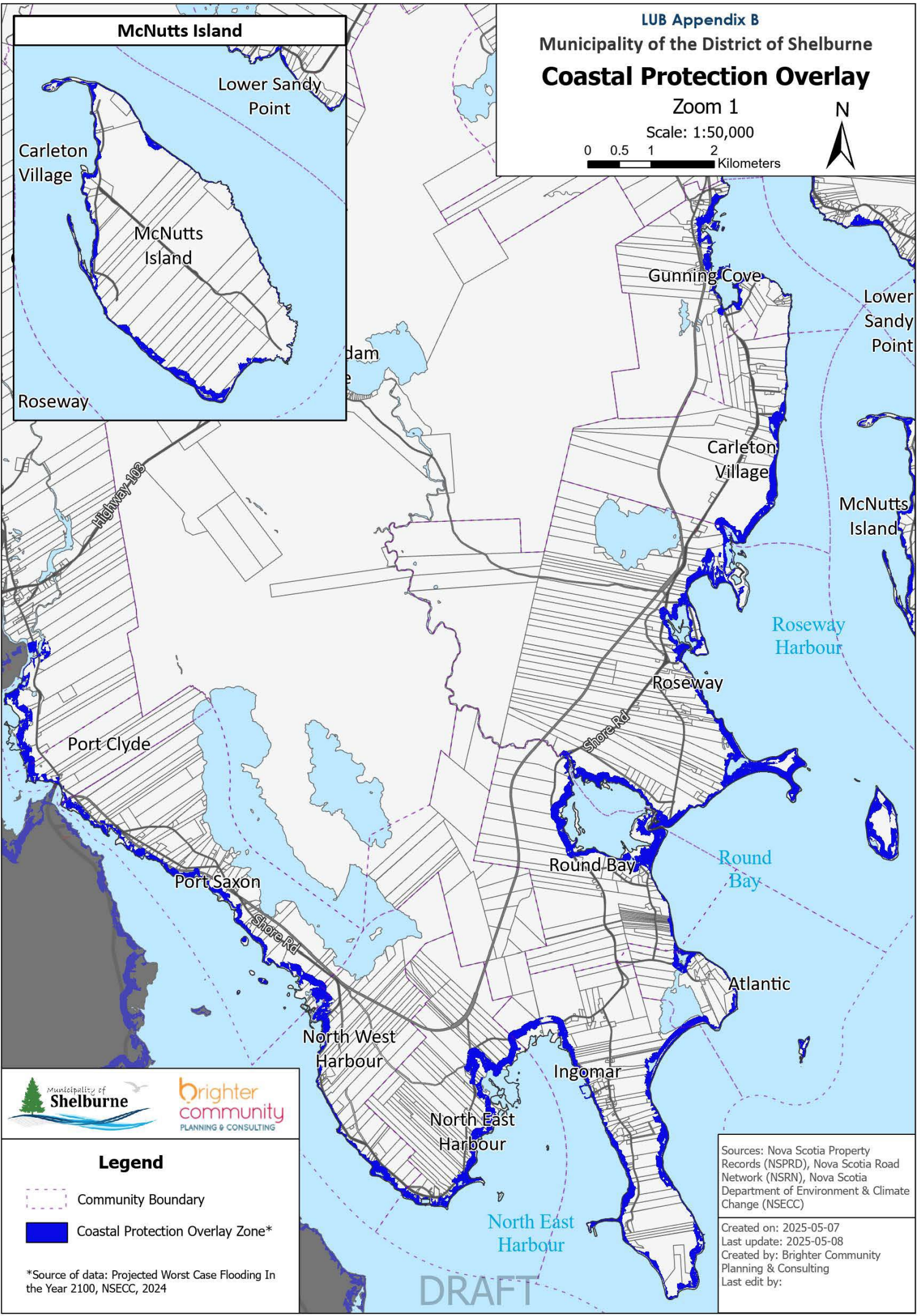


LUB Appendix B  
Municipality of the District of Shelburne  
**Coastal Protection Overlay**

Zoom 1

Scale: 1:50,000

0 0.5 1 2 Kilometers



**Legend**

- Community Boundary
- Coastal Protection Overlay Zone\*

\*Source of data: Projected Worst Case Flooding In the Year 2100, NSECC, 2024

Sources: Nova Scotia Property Records (NSPRD), Nova Scotia Road Network (NSRN), Nova Scotia Department of Environment & Climate Change (NSECC)

Created on: 2025-05-07  
Last update: 2025-05-08  
Created by: Brighter Community Planning & Consulting  
Last edit by:

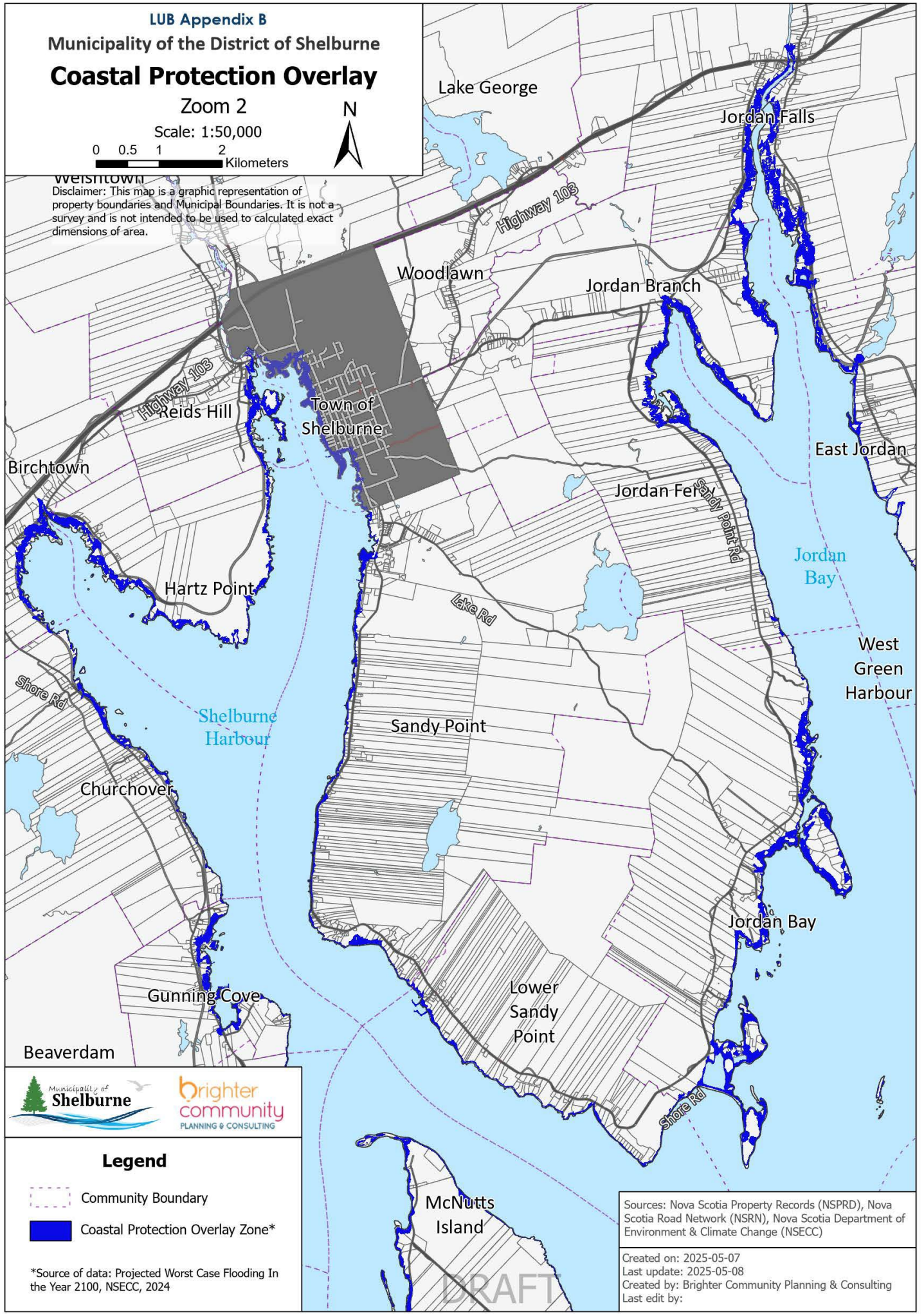
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LUB Appendix B  
 Municipality of the District of Shelburne  
**Coastal Protection Overlay**



Zoom 2  
 Scale: 1:50,000  
 0 0.5 1 2 Kilometers



**DISCLAIMER**  
 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.



**Legend**

-  Community Boundary
-  Coastal Protection Overlay Zone\*

\*Source of data: Projected Worst Case Flooding In the Year 2100, NSECC, 2024

Sources: Nova Scotia Property Records (NSPRD), Nova Scotia Road Network (NSRN), Nova Scotia Department of Environment & Climate Change (NSECC)

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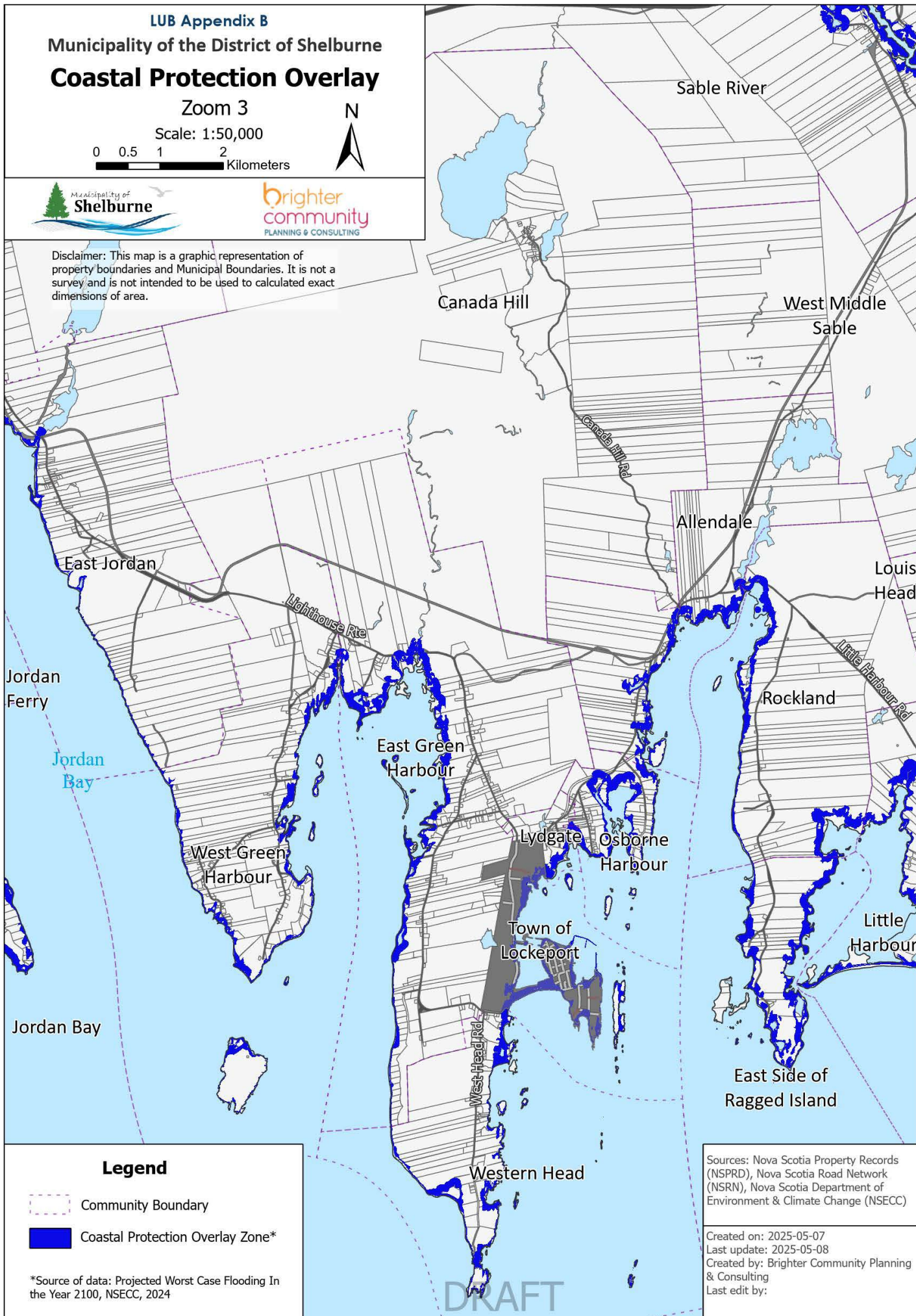
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LUB Appendix B  
Municipality of the District of Shelburne  
**Coastal Protection Overlay**



Zoom 3  
Scale: 1:50,000  
0 0.5 1 2 Kilometers



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.



**Legend**

-  Community Boundary
-  Coastal Protection Overlay Zone\*

\*Source of data: Projected Worst Case Flooding In the Year 2100, NSECC, 2024

Sources: Nova Scotia Property Records (NSPRD), Nova Scotia Road Network (NSRN), Nova Scotia Department of Environment & Climate Change (NSECC)

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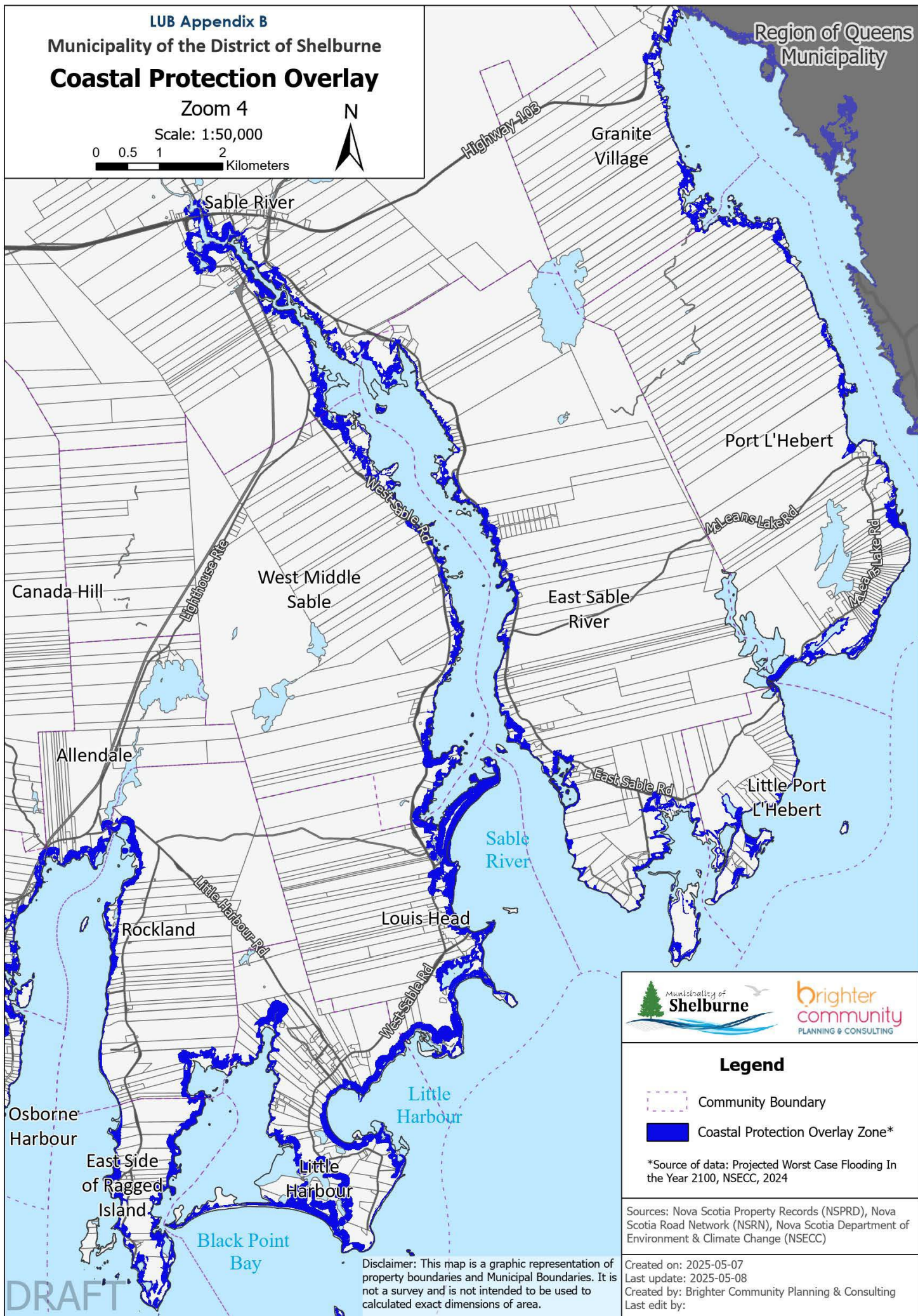
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LUB Appendix B  
Municipality of the District of Shelburne  
**Coastal Protection Overlay**



Zoom 4  
Scale: 1:50,000  
0 0.5 1 2 Kilometers



Region of Queens  
Municipality



**Legend**

-  Community Boundary
-  Coastal Protection Overlay Zone\*

\*Source of data: Projected Worst Case Flooding In the Year 2100, NSECC, 2024

Sources: Nova Scotia Property Records (NSPRD), Nova Scotia Road Network (NSRN), Nova Scotia Department of Environment & Climate Change (NSECC)

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