HALIFAX

LAND USE BY-LAW

MUSQUODOBOIT VALLEY & DUTCH SETTLEMENT

THIS COPY IS A
REPRINT OF THE
LAND USE BY-LAW FOR
MUSQUODOBOIT VALLEY &
DUTCH SETTLEMENT
WITH AMENDMENTS TO
FEBRUARY 2, 2026

LAND USE BY-LAW

FOR

MUSQUODOBOIT VALLEY & DUTCH SETTLEMENT

THIS IS TO CERTIFY this is a true copy of the Land Use By-Law for Musquodoboit Valley and Dutch Settlement which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 19th day of February, 1996, and approved by the Minister of Municipal Affairs on the 3rd day of May, 1996, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 2nd day of February, 20262.

GIVEN UNDER THE HAND of the Municipal Clerk and under the seal of Halifax Regional Municipality this _____ day of _____**,** 20___.

_____

Municipal Clerk

LAND USE BY-LAW
FOR
MUSQUODOBOIT VALLEY AND DUTCH SETTLEMENT AREA

MAY 1996

A By-Law to regulate the use of land use and the erection and use of building and structures, and to regulate the height, bulk, location, size, spacing, character and use of buildings and structures within the Musquodoboit Valley and Dutch Settlement Plan Area within Halifax County Municipality in the Province of Nova Scotia.

The Planning Act, Chapter 9, provides in Section 51(1) that, "Where a planning strategy or an amendment thereto contains statements of policy in respect to the control of land use and development, the Council shall concurrently with the adoption of amendment of the planning strategy, adopt or amend a land use by-law to implement the planning strategy or amendment thereto."

Furthermore, the Act provides in Section 83(1) that, "Where a Council has adopted a land use by-law, a municipal development permit shall be required before any development is undertaken."; and

according to Section 3(e) of the Act**,** "development" includes, "any erection, construction, alteration replacement or relocation of or addition to any structure and any change or alteration in the use made of land or structure."

Please note that HRM Council at its meeting on May 9, 2000, approved a motion to insert the following notation in the Land Use By-Law as follows:

The provisions of the zones described in this By-Law do not apply to property owned or occupied by Her Majesty the Queen in right of the Province of Nova Scotia or Canada in respect of a use of the property made by the Crown. Where a privately owned or occupied property is to be used for a federally regulated activity, the federal jurisdiction may, depending on the particular circumstances, override the requirements of this By-Law.

This document has been prepared for convenience only and incorporates amendments made by the Council on February 19, 1996, and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on May 3, 1996. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

Table of Contents

PART 1: TITLE 7

PART 2: DEFINITIONS 7

PART 3: ADMINISTRATION 19

PART 4: GENERAL PROVISIONS FOR ALL ZONES 25

4.1 SEWAGE DISPOSAL SYSTEMS 25

4.2 ONE DWELLING ON A LOT 25

4.3 SEPARATION BETWEEN MAIN BUILDINGS 25

4.4 EXISTING UNDERSIZED LOTS 25

4.5 REDUCED FRONTAGE OR AREA 25

4.6 REDUCED FRONTAGE ON A CURVE 26

4.7 ROAD ENTRANCE RESERVES 26

4.8 EXISTING BUILDINGS 26

4.9 EXISTING USES 26

4.10 NON-CONFORMING USES 26

4.11 ACCESSORY USES AND BUILDINGS 27

4.11A ACCESSORY HEN USE (RC- Oct 05/21; E-Jan 08/22) 27

4.12 ACCESSORY BUILDINGS 27

4.12AA SHIPPING CONTAINERS (RC-Dec 11/25;E-Feb 2/26) 28

4.12A SECONDARY SUITES AND BACKYARD SUITES (RC-Sep 1/20;E-Nov 7/20) 29

4.13 PERMITTED ENCROACHMENTS 30

4.14 TEMPORARY CONSTRUCTION USES PERMITTED (HECC-Jan 20/09; E-Feb 7/09) 30

4.15 VEHICLE BODIES 31

4.16 RESTORATION TO A SAFE CONDITION 31

4.17 BUILDING TO BE MOVED 31

4.18 HEIGHT REGULATIONS 31

4.19 WATERCOURSE SETBACKS AND BUFFERS (RC-Jun 25/14;E-Oct 18/14) 32

4.20 DAYLIGHTING TRIANGLE 33

4.21 NATURAL HAZARDS AND YARD REQUIREMENTS 33

4.22 ILLUMINATION 33

4.23 PARKING REQUIREMENTS 33

4.24 STANDARDS FOR PARKING LOTS 35

4.25 PARKING STANDARDS FOR MOBILITY DISABLED 36

4.26 LOADING SPACE REQUIREMENTS 36
4.27 USES PERMITTED ON EXISTING PRIVATE ROADS (RC-Jun 25/14;E-Oct 18/14) 37
4.28 COMPOSTING OPERATIONS 37
4.29 SCHEDULE F - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL (RC-Jun 25/14;E-Oct 18/14) 37
4.30 SCHEDULE G - WETLANDS (RC-Jun 25/14;E-Oct 18/14) 37
4.31 WIND ENERGY FACILITIES (RC-Jun 25/14;E-Oct 18/14) 38
4.32 PUBLIC TRANSIT FACILITIES (RC-Jun 25/14;E-Oct 18/14) 42
4.33 CANNABIS-RELATED USES (RC-Sep 18/18;E-Nov 3/18) 42
4.34 SHORT-TERM RENTALS (RC-Feb 21/23;E-Sep 1/23) 42
4.35 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES IN RURAL HRM (RC-Dec 11/25;E-Feb 2/26) 43
PART 5: SIGNS 44
PART 6: RR-1 (RURAL RESIDENTIAL) ZONE 47
PART 7: VIL (VILLAGE) ZONE 50
PART 8: MU (MIXED USE) ZONE 56
PART 9: I-3 (HEAVY INDUSTRY) ZONE 63
PART 10: P-4 (PARK) ZONE 65
PART 10A: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14) 66
PART 11: EX (EXHIBITION) ZONE 67
PART 11A: PA (PROTECTED AREA) ZONE (RC-Jun 25/14;E-Oct 18/14) 68
PART 12: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02;E-Nov 9/02) 69
PART 13: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE (RC-Sep 10/02;E-Nov 9/02) 72
PART 14: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE (RC-Sep 10/02;E-Nov 9/02) 74
PART 15: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02) 76
APPENDIX "A": NON CONFORMING USES 77
Schedule A-1: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14) 80
Schedule B: Zoning Map for Dutch Settlement (RC-Jun 25/14;E-Oct 18/14) 81
Schedule C: Zoning Map for Middle Musquodoboit (RC-Jun 25/14;E-Oct 18/14) 82
Schedule D: Zoning Map for Upper Musquodoboit (RC-Jun 25/14;E-Oct 18/14) 83
Schedule E: Zoning Map for Meaghers Grant (RC-Jun 25/14;E-Oct 18/14) 84
Schedule F: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14) 85
Schedule G: Wetlands (RC-Jun 25/14;E-Oct 18/14) 86

Schedule A: Zoning Map for Musquodoboit Valley Separate Map

PART 1: TITLE

This By-law shall be cited as the "Land Use By-law for the Musquodoboit Valley - Dutch Settlement Area" within the Halifax County Municipality.

PART 2: DEFINITIONS

In this By-law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word "used" shall include "intended to be used", "arranged" and "designed". All other words carry their customary meaning except for those defined hereinafter:

2.1 ACCESSORY BUILDING OR STRUCTURE means a building or structure which is used exclusively for an accessory use and which is not attached in any way to the main building and which conforms with all applicable requirements of this by-law.

2.1A ACCESSORY HEN USE means the keeping of hens as an accessory use to a permitted residential use for the purposes of personal or household food supply, and not commercial purposes. For the purposes of this by-law, an accessory hen use is not an agricultural use (RC- Oct 05/21; E-Jan 08/22).

2.2 ACCESSORY USE means a use which is subordinate, normally incidental, and exclusively devoted to a main use or building permitted under the provisions of this by-law and, where residential uses are permitted by this by-law, shall include home occupations related to the domestic arts of cooking, sewing, tutoring or repairing household articles, or related to traditional crafts carried on within a dwelling without alteration to the dwelling and without devoting any space within the dwelling exclusively to such occupations.

2.3 ADULT ENTERTAINMENT USE means any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations. Without limiting the generality to the foregoing, an adult entertainment use may include strip clubs and massage parlours.

(a) When used in relation to adult entertainment use, the following shall apply:
- (i) "To Provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;
- (ii) "Services" include activities, facilities, performances, exhibitions, viewing and encounters;
- (iii) "Services designed to appeal to erotic or sexual appetites or inclination" includes,

1. Services of which a principal feature or characteristic is the nudity or partial nudity of any person. For the purposes of this clause "partial nudity" shall mean less than completely and opaquely covered:
   (A) human genitals or human pubic region;
   (B) human buttocks; or
   (C) female breast below a point immediately above the top of the areola.
2. services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

2.4 AGRICULTURAL USE means the use of land and buildings for the production of food, fibre, or flora or the breeding and handling of animals and includes retail and market outlets for the sale of perishable agricultural goods or for the handling of animals except, for the purpose of this by-law, such shall not include kennels or intensive livestock operations.

2.5 ALTERATION means any change in the structural component or increase in the volume of a building or structure.

2.6 ARENA means the use of land, building or structure where agricultural produce or livestock or forestry products and/or activities are on display for judging, sale, or show.

2.7 ATTACHED BUILDING means a building otherwise complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.

2.8 BOARDING OR ROOMING HOUSE (Deleted: RC-Aug 9/22;E-Sep 15/22)

2.9 AUTOBODY SHOPS means a building or part of a building on a lot used for painting and repair of automobile body parts but does not include the retailing of gasoline or other fuels.

2.10 AUTOMOTIVE REPAIR OUTLET means a building or part of a building on a lot used for repair and service of motor vehicles and may include muffler, brake, radiator, engine, tire and glass replacement, wheel alignment, and other specialized activities directly related to the repair or alteration of motor vehicles, but shall not include paint and body repairs, the manufacture or fabrication of motor vehicle parts for the purpose of sale, or the retailing of gasoline or other fuels.

2.11 BED AND BREAKFAST (Deleted: RC-Feb 21/23;E-Sep 1/23)

2.12 BUILDING means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or **shipping (RC-Dec 11/25;E-Feb 2/26)** container used for any of the foregoing purposes.

2.13 CAMPGROUND means the use of land, building, and/or structure for providing temporary or short term accommodations of travel trailer, campers, or tents but do not include the use of mobile home or trailers on a permanent year-round basis.

2.13a CANADIAN GEODETIC VERTICAL DATUM (CGVD28) - means the vertical datum for Canada officially adopted by an Order in Council in 1935. CGVD28 is a tidal datum defined by the mean water level at five tide gauges: Yarmouth and Halifax on the Atlantic Ocean, Pointe-au-Père on the St-Lawrence River, and Vancouver and Prince-Rupert on the Pacific Ocean. In addition, the definition includes an elevation at a benchmark in Rouses Point, NY (next to Lake Champlain) accepted as fixed by the US and Canada in 1925. The datum is propagated in land using geodetic levelling measurements. The vertical datum is accessible through benchmarks anchored to the ground and stable structures. The heights in terms of CGVD28 are in normal-orthometric system. (RC-Jun 25/14;E-Oct 18/14)

2.13B CANNABIS LOUNGE means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales. (RC-Sep18/18; E-Nov 3/18)

2.13C CANNABIS PRODUCTION FACILITY means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products,

(a) including
- **(i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and**
- **(ii) associated activities permitted by the federal license, such as research and development, storage, and destruction, and**

(b) excluding
- **(i) industrial hemp, and**
- **(ii) premises used for personal production permitted by federal legislation.**

(RC-Sep 18/18;E-Nov 3/18)

2.13D CANNABIS RETAIL SALES means premises used for the retail sale of cannabis, cannabis products or any of its derivatives such as oils or edible products to the general public. (RC-Sep 18/18;E-Nov 3/18)

2.13A COMMERCIAL ACCOMMODATION USES means any building, part of a building, group of buildings or place of accommodation that provides one or more rental units used for the reception of the travelling or vacationing public and without limiting the generality of the foregoing, includes motel, hotel, inn, cabins and lodges; and excluding commercial recreation uses and short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23). (MDVCCC-May 28/97;E-Jun 22/97)

2.14 COMMERCIAL RECREATION USE means a building or lot or part of a building or lot used solely for commercial recreation or sport purposes and without limiting the generality of the foregoing, may include animal or vehicle racing tracks, rifle ranges, golf courses,

miniature golf courses, amusement parks and centres, campgrounds, and drive-in theatres and may include any use which is accessory to the foregoing.

2.15 COMMERCIAL SCHOOL means the use of land buildings and structures by a private institution for the primary purpose of delivering education or instruction in any branch of knowledge and, without limiting the generality of the foregoing, may include business schools, trade schools and academic institutions.

2.16 COMPOSTING OPERATION means a public or private solid waste management facility where the waste is processed using composting technology which may include physical turning, windrowing, in-vessel, static pile aeration or other mechanical handling of organic matter and where the annual production of compost material exceeds 60 cubic metres.

2.16A CONSTRUCTION AND DEMOLITION MATERIALS, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals. (RC-Sep 10/02;E-Nov 9/02)

2.16B CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D materials, approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia. (RC-Sep 10/02;E-Nov 9/02)

2.16C CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM C&D License By-law (L-200 and L-201), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes. (RC-Sep 10/02;E-Nov 9/02)

2.16D CONSTRUCTION AND DEMOLITION MATERIALS TRANSFER STATION, hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility. (RC-Sep 10/02;E-Nov 9/02)

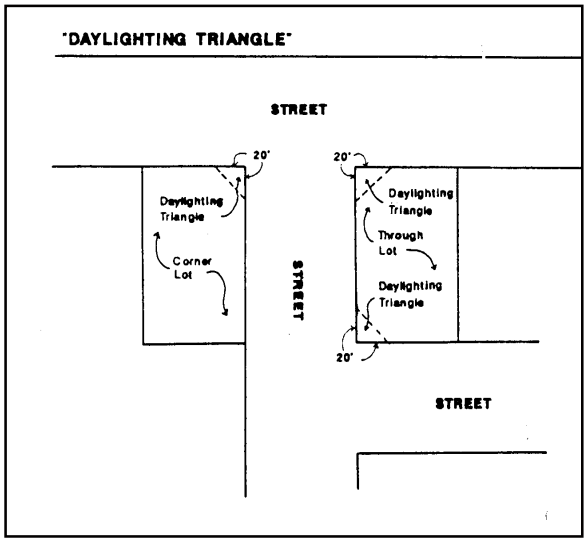
2.16E CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing. (RC-Jun 25/14;E-Oct 18/14)

2.17 COUNCIL means the Council of Halifax County Municipality.

2.18 CRAFT SHOP means that a building or part of a building used for the retailing or wholesaling of arts and handicrafts and may include the fabrication of arts and handicrafts.

2.19 CREMATORIUM means a building or part of a building fitted with the proper equipment for the purposes of cremating human remains and includes everything incidental or ancillary to the crematorium process but does not include a graveyard.

2.20 DAYLIGHTING TRIANGLE means a triangular area on a lot which is formed by a front lot line and flankage lot line and a straight line which intersects them twenty (20) feet (6.1 m) from the corner where they meet.



2.21 **DAY CARE FACILITY means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name, with or without stated educational purpose, the operator of which for compensation or otherwise, receives for temporary care or custody, on a daily or hourly basis, during all or part of the day, apart from parents, more than three (3) children not of common parentage and up to and including twelve (12) years of age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII. (HECC - Mar 3/09; E- Mar 21/09)**

2.22 DEVELOPMENT OFFICER means the officer(s) of the Halifax County Municipality, from time to time charged by the Municipality with the duty of administering the provisions of this By-law.

2.23 DWELLING

(a) Dwelling means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel, apartment hotel or hostel.

(b) Dwelling unit means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.

(c) Dwelling, Single Unit means a building which is a completely detached dwelling unit**, and includes a mobile dwelling (RC-Oct 11/22;E-Nov 16/22)**.

(d) Dwelling, Auxiliary means a self-contained dwelling unit within an owner occupied single unit dwelling in which unrestricted access can be gained through a private entrance into the auxiliary unit, and which auxiliary unit comprises less than thirty-five (35) percent of the gross floor area of the dwelling.

(e) Dwelling, Mobile means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and the foregoing shall include mobile homes and modular dwellings having any main walls with a width of less than twenty (20) feet (6.1 m).

(f) Dwelling, Two Unit means a building containing two dwelling units.

(g) Dwelling, Multiple Unit means a building containing three or more dwelling units.

(h) Dwelling, Semi-detached means a building that is divided vertically into two (2) dwelling units by means of an above-grade common wall of at least eight (8) feet (2.4 m) in height which constitutes at least fifty (50) percent of the horizontal axis between the two units.

2.24 ENTERTAINMENT USE means any building or part of a building used for any one of the following uses: a beverage room, lounge, nightclub, cabaret, or other similar use, excluding adult entertainment uses

2.25 EQUIPMENT SALES AND RENTAL FACILITY means a building or part of a building or structure in which small equipment is offered for sale or kept for rent, lease or hire under agreement for compensation but, shall not include any other establishment defined or classified in this By-law.

2.26 ERECT means to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining and structurally altering any existing building or structure by an addition, deletion, enlargement or extension but does not include work done in connection with the subdivision approval process or the temporary storage of fill.

2.27 ESTABLISHED GRADE means, with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment.

2.28 EXTRACTIVE FACILITIES means all buildings, aggregate plants, material storage areas and weight scales associated with extractive uses which involve blasting or crushing but does not include structures or storage areas which are fundamental to the activities of mining or extraction.

2.29 EXISTING USES means uses that were in existence on the effective date of this By-law.

2.30 FAIRGROUND means the use of land, or building or structure devoted to entertainment on a seasonal or temporary basis and may include grandstands, barns, and other accessory buildings or structures normally associated with any exhibition.

2.31 FOOD PROCESSING AND PACKAGING FACILITY means a commercial establishment where food is processed or otherwise prepared for human consumption as distributed on a wholesale basis, but is not consumed or offered for retail consumption on the premises.

2.32 FORESTRY USE means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including forest processing operations, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.

2.33 FOREST PROCESSING OPERATION means any business which is directly involved in, and whose principal purpose is, the milling, sawing, processing, storage or transport of limber, sawdust and wood chips.

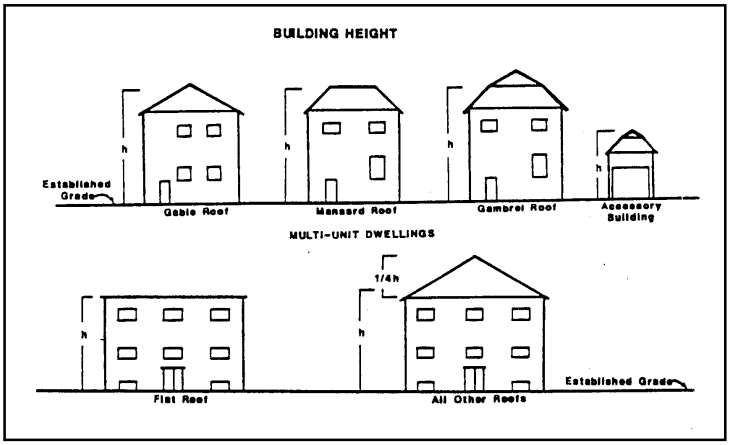
2.34 FUNERAL ESTABLISHMENT means a building used for the preparation of the deceased and conduction of ceremonies connected therewith before burial or cremation.

2.35 GOLF COURSE means a public or private area operated for the purpose of playing golf and related activities including a club house, administration buildings, and maintenance buildings. The foregoing is specifically limited by excluding permanent residential accommodation of any type except a dwelling unit or dwelling units provided for maintenance or security personnel.

2.36 GREENHOUSE means a building whose roof and sides are made of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

2.37 GROSS FLOOR AREA means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

2.38 HEIGHT means the vertical distance of a building between the established grade and the highest point of the roof surface for flat, hip, or gable roofs, and to the deckline for mansard and gambrel roofs. In the case of multi-unit dwellings, height shall mean the vertical distance of a building between the established grade and the highest point of the roof surface for flat roofs, and to one-quarter the height between the finished ceiling of the uppermost floor and the highest point of any other roof type, provided that no roof space is used for human habitation. In the case of accessory buildings, building height shall mean the vertical distance between the finished grade of the lot and the highest point of the roof.



2.38A HEN means adult female chicken. For the purposes of this by-law hens associated with an accessory hen use are not livestock (RC- Oct 05/21; E-Jan 08/22)

2.39 HOME OCCUPATION means any home business which is accessory and incidental to the primary use of a dwelling as a residence, and shall specifically not include any automotive repair outlet, autobody repair shop, auto paint shop, machine shop, welding shop, restaurant, local convenience store, retail operation except where retail is accessory to a permitted home occupation which involves the production of goods or crafts, construction storage business, or commercial recreation use.

2.39A INSTITUTIONAL USE means any educational or denominational use, day care facility, shared housing with special care (RC-Aug 9/22;E-Sep 15/22), fire station, police station, public works, hospital, public library, post office, museum and gallery, community centre and hall, recreation use or open space use. (RC-Sep 10/02;E-Nov 9/02)

2.40 KENNEL means a building or structure used for the enclosure of more than five (5) dogs which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without veterinary care.

2.41 LIGHT MANUFACTURING AND PROCESSING OPERATION means a building or part of a building or structure used for the manufacturing or processing of goods or commodities and without limiting the generality of the foregoing, may include food and beverage industries, leather and textile industries, dry cleaning, furniture and fixtures industries, printing and publishing industries, machinery and metal products industries, and electrical and electronic product industries.

2.42 LIVESTOCK means horses, cows, pigs, sheep, goats, fowl and fur bearing animals, whether or not they are kept for commercial purposes.

2.43 LIVESTOCK OPERATION: INTENSIVE means an operation consisting of livestock in which a minimum of thirty (30) manure animal units (MAU)[1] are confined to a feedlot or facility for feeding, breeding, milking or holding for eventual sale or egg or fur production. The following chart shall be used for calculation of total animal units:

Type of Livestock	Number of Such Livestock Deemed to Equal 1 Manure Animal Unit
Dairy Cow	1
Beef Cow	1
Bull	1
Horse	2
Sheep (plus lambs)	10
Sows (plus litter to weaning)	10
Laying Hens	125
Female Mink (plus associated males and kits)	50
Female Rabbits (plus associated males)	125

2.44 LOADING SPACE means an area of land provided and maintained upon the same lot or lots upon which the main use is located and which has adequate access to permit ingress and egress by means of driveways, aisles or manoeuvring areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.

2.45 LOT

(a) Lot means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before April 16, 1987, or is described in a plan and deed pursuant to the Land Titles Clarification Act or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County or a lot created pursuant to s.102(2) of the Planning Act.

(b) Corner lot means a lot situated at the intersection of, and abutting on, two or more streets.

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

2.46 LOT AREA means the total horizontal area within the lot lines of a lot.

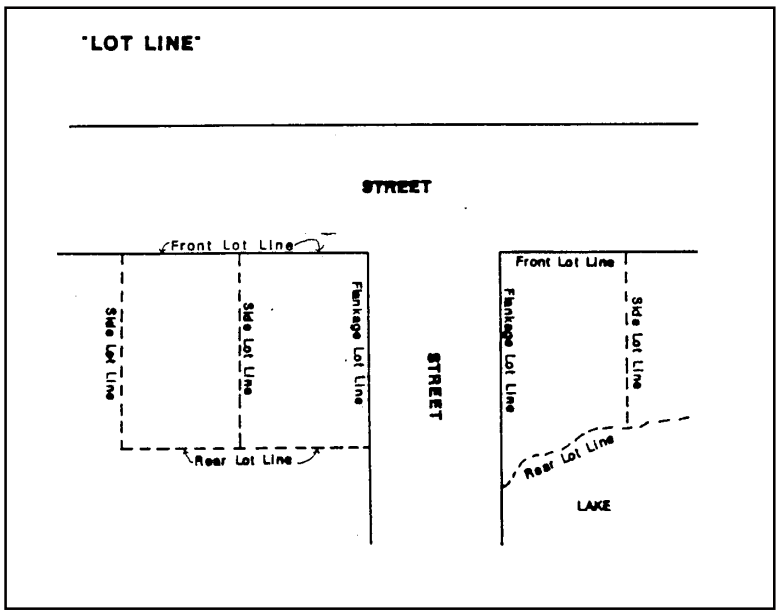
[1] A Manure Animal Unit (MAU) is calibrated on the basis of nitrogen production as a basis for acreage requirements

2.47 LOT DEPTH means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.

2.48 LOT FRONTAGE means the horizontal distance between the side lot lines, as measured along the front lot line. In the case of a corner lot with a daylighting triangle, the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating frontage. Where the front lot line of any lot is a curved line, a minimum lot width which is equivalent to the minimum lot frontage required by this By-law shall be required in lieu of such minimum lot frontage. For the purpose of calculating frontage on a curve, minimum lot width means the horizontal distance between the side lot line, measured at right angles to the lot depth at a point between the front and rear lot lines, measured from the front lot line, as is the minimum applicable front yard required by this By-law.

2.49 LOT LINE

(a) Lot line means a boundary or exterior line of a lot.
(b) Front lot line means the line dividing the lot from a street or a private road; and
  (i) in the case of a corner lot - the shorter boundary line abutting the street or private road shall be deemed to be the front lot line and the longer boundary line abutting the street or private road shall be deemed to be the flankage lot line, and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line;
  (ii) in the case of a through lot either of the two boundaries dividing the lot from a street shall be deemed to be the front lot line; and
  (iii) in the case of a lot which has as one of its boundaries the shore line of a lake, the sea or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.
(c) Rear lot line means the lot line farthest from or opposite to the front lot line.
(d) Side lot line means a lot line other than a front or rear lot line.
(e) Flankage lot line means a side lot line which abuts the street or private road on a corner lot.



2.50 LIMS means the Land Registration and Management Service whose property identification numbering system is used in this By-law to identify land.

2.51 MAIN BUILDING means the building in which is carried on the principal purpose or purposes for which the building lot is used.

2.52 MAIN WALL means the exterior front, side or rear wall of a building and all structural members essential to the support of a fully or partially enclosed space or roof.

2.53 MANUFACTURING OPERATION means establishments engaged in the mechanical or chemical transformation of material or substances into new products and without limiting the generality of the foregoing, may include the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

2.54 MAXIMUM LOT COVERAGE means that percentage of the lot area covered by all building(s) above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

2.55 MEDICAL CLINIC means a building or part of a building where two (2) or more practitioners provide human health services without overnight accommodation for patients.

2.55A MEZZANINE means an intermediate floor assembly between the floor and ceiling of a room or storey, and includes an interior balcony. For the purpose of height calculation, a storey with a mezzanine counts as two full storeys. (RC-Dec 11/25;E-Feb 2/26)

2.56 MOBILE CANTEEN means a commercial operation including a refreshment operation which is established at a location on a temporary basis and which may change location

from time to time through the use of motorized transportation and which is not located in a permanent building or structure. Mobile canteens do not include the delivery of goods and services which have been pre-arranged.

2.57 MUNICIPALITY means the Halifax County Municipality.

2.58 NURSERY means land or greenhouse(s) used to raise flowers, shrubs, and plants for sale.

2.59 OBNOXIOUS USE means a use which, by its nature or by method of operation creates a nuisance or is offensive by creating noise or vibration, or by reason of emitting gas, fumes, dust, oil, objectionable odour, or airborne pollutants or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials and shall include operations which produce wastes which cannot be treated by an on-site sewage disposal system approved pursuant to the Regulations Respecting On-Site Sewerage Disposal Systems or which involves, as the primary function, the processing, production or warehousing of dangerous goods or hazardous materials.

2.60 OFFICE means a room or rooms where business maybe transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling or goods.

2.61 OPEN SPACE USE means the use of land for public and private parks and playgrounds, athletic fields, tennis courts, lawn bowling greens, outdoor skating rinks, picnic areas, cemeteries, day camps, historic sites or monuments, and similar uses to the foregoing, together with the necessary accessory building and structures, but does not include camping grounds, golf courses or tracks for the racing of animals or of motorized vehicles.

2.62 OUTDOOR DISPLAY COURT means an area of land where goods are displayed which are available for sale to the general public from a retail outlet located on the same lot or on another lot. Without limiting the generality of the foregoing, an outdoor display court may include the display of cars, trucks, vans, motor and mobile homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated dwellings.

2.63 OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them on a lot exterior to a building.

2.64 PARKING LOT means a building or structure or part of a building or structure or an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or private road by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted.

2.65 PARKING SPACE means an area of not less than one hundred sixty (160) square feet (14.9 m^2), measuring eight (8) feet (2.4 m) by twenty (20) feet (6.1 m), and for residential uses where a dwelling contains less than three (3) dwelling units, means an area of not less than one hundred forty-four (144) square feet (13.4 m^2), measuring eight (8) feet (2.4 m)

by eighteen (18) feet (5.5 m), for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or manoeuvring areas.

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

2.67 PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of person, and without limiting the generality of the foregoing, may include such establishments as barber shops, shoe repair and shoe shining, and tailoring, laundry and drycleaning collection depots, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

2.68 PUBLIC PARK means a park owned or controlled by a public authority or by any board, commission or other authority established under any statute of the Province of Nova Scotia.

2.69 PRIVATE ROAD means any street or road which is not public which is shown as a private road on an approved plan of subdivision and the right-of-way, alignment and gradient is approved by the Department of Transportation and Communications or Halifax County Municipality.

2.70 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses. (RC-Jun 25/14;E-Oct 18/14)

2.71 RECYCLING DEPOT means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials (excluding construction and demolition materials or hazardous materials) which are to be delivered wholesale to other operations for reclamation, processing or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a re-cycling depot. (RC-Sep 10/02;E-Nov 9/02)

2.72 RESTAURANT

(a) Drive-In means a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside the building. A drive-in restaurant is characterized by the provision of take-out services at a counter or from a drive through car pick up window. It does not provide the service of delivering to or waiting on tables nor is it licensed to sell alcoholic beverages.

(b) Full Service means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building and may include a take-out area which does not exceed 10% of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision

of table service, including buffet service and may also be licensed to serve alcoholic beverages.

(c) Take-Out means a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption and may include a take-out window and/or seating area which does not exceed 25% of the gross floor area of the take-out restaurant. A take-out restaurant does not provide the service of delivery to or waiting on tables nor is it licensed to sell alcoholic beverages. Take-out restaurants, however, may provide a home delivery service.

2.73 RETAIL STORE means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value.

2.74 ROAD ENTRANCE RESERVE means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five (5) acres (2.0 ha) and which entrance has been approved by the Department of Transportation and/or Halifax County Municipality for the purposes of a public road or private road entrance reserve.

2.75 SALVAGE YARD means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage but excluding construction and demolition materials and hazardous waste material storage or disposal sites. (RC-Sep 10/02;E-Nov 9/02)

2.76 SENIOR CITIZENS HOUSING (Deleted: RC-Aug 9/22;E-Sep 15/22)

2.77 SERVICE INDUSTRY means a building or part of a building in which the primary function is to provide services such as maintenance or limited processing, and which may include, as a minor or accessory function, the provisions of supplies, merchandise or wares directly related to the services provided and, without limiting the generality of the foregoing, does not include a salvage yard.

2.78 SERVICE SHOP means a building or part of a building used for the sale and repair of household articles and shall include radio, television and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.

2.79 SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automotive accessories and the servicing and general repairing of motorized vehicles and may include washing establishments.

2.79A SHARED HOUSING USE means a use that contains 4 or more bedrooms, that meets one or more of the following:

(i) that are rented for remuneration as separate rooms for residential accommodation; or

(ii) that are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing use,

and includes Shared Housing with Special Care but does not include short-term rental, hotel, motel, or tourist accommodation as defined in the Tourist Accommodation Regulation Act.
(RC-Aug 9/22;E-Sep 15/22)

2.79B SHARED HOUSING WITH SPECIAL CARE means a type of Shared Housing Use that is designed to provide a level of care to residents with cognitive, physical or behavioural limitations, and for greater certainty, shared housing with special care may include individual dwelling units for occupants, and must meet the definition of Shared Housing Use. (RC-Aug 9/22;E-Sep 15/22)

2.79C SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck. (RC-Dec 11/25;E-Feb 2/26)

2.80 SHOPPING CENTRE means a group of commercial uses which have been designed, developed and managed as a unit by a single owner or tenant, or group of owners or tenants and distinguished from a business area comprising unrelated individual uses.

2.80A SHORT-TERM BEDROOM RENTAL means a short-term rental where individual bedrooms within a dwelling unit are rented to separate parties or groups with or without meals. (RC-Feb 21/23;E-Sep 1/23)

2.80B SHORT-TERM RENTAL means a dwelling unit, or part thereof, that is used mainly for the reception of the traveling or vacationing public and is provided as temporary accommodation for compensation for a period of 28 days or less. (RC-Feb 21/23;E-Sep 1/23)

2.81 SIGN means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which displays or includes any letter, work, model, 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, except any "sign" regulated under HRM By-law S-800 and signs which are affixed to the inside of a window or glass door"

(a) <u>Ground Sign</u> means a sign supported by one or more uprights, poles or braces, placed in or upon the ground.
(b) <u>Projecting Wall Sign</u> means a sign which projects from and is supported by, or which extends beyond a wall or a roof of a building.
(c) <u>Facial Wall Sign</u> means a sign which is attached directly to or painted upon a building wall, and which does not extend there from nor extend above the roof line. (RC-Sep 26/06;E-Nov 18/06)

2.81A Storey means the portion of a building that is situated between the top of a floor and the top of the floor next above it, including a mezzanine, and if there is no floor above it, the portion between the top of the floor and the ceiling above it, and

(a) for the purpose of calculating the streetwall height, a portion of a building that is partly below the streetline grade is not deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the streetline grade; and

(b) for a purpose other than calculating the streetwall height, a portion of a building that is partly below the average finished grade is not deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the average finished grade.

(RC-Dec 11/25;E-Feb 2/26)

2.82 STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia and/or Halifax County Municipality.

2.83 STREET LINE means the boundary line of a street or a private road.

2.84 STRUCTURE means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes buildings, walls, signs, and fences exceeding six (6) feet (1.8 m) in height.

2.84A SUITE (RC-Sep 1/20;E-Nov 7/20)

(a) <u>Suite, Backyard</u> means a self-contained subordinate dwelling unit that is located within an accessory building or structure.

(b) <u>Suite, Secondary</u> means a self-contained subordinate dwelling unit that is located within a residential main building.

2.85AA URBAN SERVICE AREA means the Urban Service Area under Schedule B of the Regional Subdivision By-law. (RC-Dec 11/25;E-Feb 2/26)

2.85 TEMPORARY CONSTRUCTION USES means the use of land, buildings or structures for activities which are accessory to construction in progress and, without limiting the generality of the foregoing may include a work camp, subdivision sign, sales or rental office, tool or maintenance shed, scaffold or mobile home used as a temporary residence.

2.85A USED BUILDING MATERIAL RETAIL OUTLET means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily occurs inside a building. (RC-Sep 10/02;E-Nov 9/02)

2.86 VARIETY STORE means an establishment where food stuffs, tobacco, patent medicines, periodicals and other items of household convenience are kept for retail sale, and may include a take-out restaurant or video rental outlet as an accessory function.

2.87 VETERINARY CLINIC means a building or structure in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals and in conjunction with which there may be shelter provided, within the building or structure, during the period of treatment.

2.88 WAREHOUSE means a building used primarily for the storage of goods and materials.

2.88A WATER CONTROL STRUCTURE - means any device or infrastructure designed by a qualified professional to control or manage the flow, volume, direction, or quality of stormwater to mitigate downstream impacts. It may include, and is not limited to, stormwater ponds, rain gardens, engineered wetlands, quality control devices, flow splitters, dispersion beds, energy dissipation, baffles, pipes, inlet/outlet structures, weirs and/or check dams. (RC-Jun 25/14;E-Oct 18/14)

2.89 WATERCOURSE means a lake, river, stream, ocean or other natural body of water. (RC-Jun 25/14;E-Oct 18/14)

2.90 WHOLESALE ESTABLISHMENT means a place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business uses, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individual or companies.

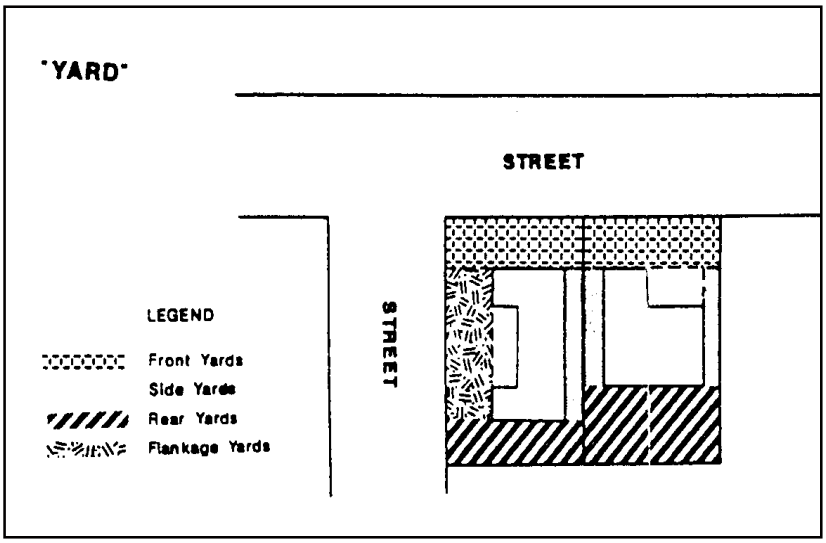
2.91 YARD means an open, uncovered space on a lot appurtenance to a building, except a court bounded on two or more sides by buildings. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

(a) Front Yard means a yard extending across the full width of a lot and between the front lot line and the nearest wall of any main building or structure on the lot; and "required front yard" or "minimum front yard" means the minimum depth required by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.

(b) Rear Yard means a yard extending across the full width of a lot and between the rear lot line and the nearest wall of any main building or structure on the lot; and "required rear yard" or "minimum rear yard" means the minimum depth required by this By-law of a rear yard on a lot between a rear lot line and the nearest main wall of any building or structure on the lot.

(c) Side Yard means a yard extending between the front yard and the rear yard and between a side lot line and the nearest main wall of any building on the lot; and "required sideyard" or "minimum side yard" means the minimum breadth required by this By-law of a side yard on a lot between a side yard line and the nearest main wall of any building or structure on the lot.

(d) Flankage Yard means the side yard of a corner lot, which side yard abuts a street, and "required flankage yard" or "minimum flankage yard" means the minimum side yard required by this By-law where such yard abuts a street or private road.



PART 3: ADMINISTRATION

3.1 DIVISIONS OF BY-LAW

This By-law is divided into Parts. A number-lettering system has been used throughout the By-law. This number-lettering system is as follows:

1. PART
1.1 SECTION
1.1 (a) Subsection
1.1 (a) (i) Clause
1.1 (a) (i) 1. Sub-Clause

3.2 ENFORCEMENT

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

3.3 DEVELOPMENT PERMITS

(a) No development shall be permitted unless a development permit has been issued and no development permit shall be issued unless all the provisions of this By-law are satisfied.

(b) Any development permit shall be in force for a period of one (1) year from the date of issue, and any permit may be re-issued upon request, subject to review by the Development Officer, provided that the request is received before the expiry of the current permit.

(c) Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, including signs permitted according to Part 5, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.

(d) No person shall move a building, residential or otherwise within or into the area covered by this By-law without obtaining a development permit from the Development Officer.

(e) Notwithstanding Subsection 3.3(a), no development permit shall be required for the following:

(i) any open space use which does not involve a building or structure;

(ii) any sign which is permitted under Section 5.5 of this By-law; and

(iii) any accessory building or structure which has less than two hundred and fifteen (215) square feet (20 m^2) of gross floor area.

(iv) **An accessory hen use (RC- Oct 05/21; E-Jan 08/22).**

(v) A short-term rental of an entire dwelling unit in an operator's primary residence is exempt from the requirement to obtain a development permit. (RC-Feb 21/23;E-Sep 1/23)

(vi) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit. (RC-Feb 21/23;E-Sep 1/23)

3.3A Section Deleted (RC-Jun 27/06;E-Aug 26/06)

3.3B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning. (RC-Jun 25/14;E-Oct 18/14)

3.4 LICENCES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

(a) Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other by-law in force within the Municipality, or to obtain any license, permission, permit, authority or approval required by any other by-law of the Municipality or Statute and Regulation of the Province of Nova Scotia.

(b) Where the provisions in this By-law conflict with those of any other municipal or provincial regulations, by-laws or codes, the higher or more stringent requirements shall prevail.

3.5 APPLICATION REQUIREMENTS

(a) Every application for a development permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale showing:

(i) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;

(ii) the proposed location, height and dimensions of the building, structure, or work in respect of which the application is being made;

(iii) the location of every building or structure already erected on or partly on the lot, and the location of every building upon contiguous lots;

(vi) the proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas; and

(v) other such information as may be necessary to determine whether or not every such building, or development, conforms with the requirements of this By-law.

(b) Where the Development Officer is unable to determine whether the proposed development conforms to this By-law and other by-laws and regulations in force which affect the proposed development, the Development Officer may require that the plans submitted under this section be based upon an actual survey by a Nova Scotia Land Surveyor.

(c) The application shall be signed by the registered owner of the lot or by the owner's agent, duly authorized in writing and shall set forth in detail the current and proposed use of the lot and each building or structure, or part of each building or structure, together with all information necessary to determine whether or not every such proposed use of land, building or structure conforms with the requirements of this By-law.

3.6 METRIC EQUIVALENTS

All dimensional requirements in this By-law are expressed in imperial measurements, followed by their metric equivalents. All metric equivalents are provided for comparison only, and do not constitute a legal part of this By-law.

3.7 PENALTY

Any person who violates a provision of this By-law shall be subject to prosecution as provided for under the Planning Act.

3.8 DATE OF BY-LAW

This By-law shall take effect when approved by the Minister of Municipal Affairs and replaces any previous zoning applicable to the area covered by this By-law at the time of its approval by the Minister.

3.9 SCHEDULE OF FEES

(a) An application to amend this By-law or to vary any of its provisions shall be accompanied by a fee, payable at the time of making the application, and in accordance with a fee schedule as follows:

Amendment to Land Use By-law	$100.00
Development Agreement	$100.00
Rezoning	$100.00

(b) In addition to the fees charged in Subsection 3.10(a) above, the costs of all advertising required under the Planning Act shall be paid by the applicant.

3.10 PUBLIC HEARING NOTIFICATION

Where Municipal Council has scheduled a public hearing to consider an amendment to this By-law or a proposed development agreement or a proposed amendment to a development agreement, the following notification provisions shall apply:

(a) All assessed property owners, based on LIMS records, within two hundred and fifty (250) feet (76.2 m) of the property boundary of the proposed site shall, where the site is located within a municipal Service Boundary, be notified by ordinary mail of the public hearing.

(b) All assessed property owners, based on LIMS records, within five hundred (500) feet (152.4 m) of the property boundary of the proposed site shall, where the site is not located within a municipal Service Boundary, be notified by ordinary mail of the public hearing.

(c) The notice required by clauses (a) and (b) shall be posted at least ten (10) days prior to the date of the public hearing

(d) A public hearing notice shall be posted on the street frontage side of any property under consideration.

3.11 ZONES ESTABLISHED

For the purpose of this By-law, the Musquodoboit Valley - Dutch Settlement Plan Area is divided into the following zones by the zoning maps, the boundaries of which are shown on the attached zoning schedules. Such zones may be referred to by the appropriate symbols:

	SYMBOL	ZONE TITLE
Residential Zone	RR-1	Rural Residential Zone
Village Zone	VIL	Village Zone
Mixed Use Zone	MU	Mixed Use Zone
Industrial Zone	I-3	Heavy Industrial Zone
Exhibition Ground Zone	EX	Exhibition Zone
Park Zone	P-4	Park Zone
Regional Park Zone	**RPK**	**Regional Park Zone (RC-Jun 25/14;E-Oct 18/14)**
Protected Area Zone	**PA**	**Protected Area Zone (RC-Jun 25/14;E-Oct 18/14)**
Construction & Demolition (C&D) Zones (RC-Sept 10/02, E-Nov 9/02)	**CD-1**	**C&D Materials Transfer Stations Zone**
	CD-2	**C&D Materials Processing Facilities Zone**
	CD-3	**C&D Materials Disposal Sites Zone**
Infrastructure Charge Zone (RC-Jul 2/02;E-Aug 17/02)	**ICH**	**Infrastructure Charge Holding Zone**

3.12 ZONING MAPS

(a) Schedules attached hereto, may be cited as the "Musquodoboit Valley - Dutch Settlement Area Zoning Maps" and are hereby declared to form part of this By-law.
(b) The extent and boundaries of all zones are shown on Schedules and for all such zones the provisions of this By-law shall respectively apply.
(c) The symbols used on Schedules refer to the appropriate zones established by Section 3.11 above.

3.13 INTERPRETATION OF ZONE BOUNDARIES

Boundaries between zones shall be determined as follows:

(a) Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway.
(b) Where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines.
(c) Where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the Schedules of this By-law, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof.

(d) Where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise.

(e) Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from attached Schedules.

3.14 ZONES NOT ON MAPS

The zoning map of this By-law may be amended to utilize any zone in this By-law, regardless of whether or not such zone has previously appeared on the zoning map. Said amendments shall be carried out in accordance with the provisions of the Planning Act and with the policies of the Municipal Planning Strategy for Musquodoboit Valley - Dutch Settlement Area.

3.15 USES PERMITTED

Uses permitted within any zone shall be determined as follows:

(a) Subject to Subsection (c) of this section, if a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone.

(b) If any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements.

(c) Where a use permitted within any zone is defined in Part 2, the uses permitted within that zone shall be deemed to include any similar use which satisfies such definition, except where any definition is specifically limited to exclude any use.

(d) Except where limited by Section 3.3, or specifically prohibited elsewhere in this By-law, any use permitted within any zone may be located in conjunction with, whether contained within the same building or located on the same lot, as any other use permitted within that zone.

(e) Where any list of uses permitted is divided by subheadings into broad functional or characteristic groupings, such subheadings shall be deemed to be provided for the purpose of reference and identification and shall not, in themselves, be deemed to be uses permitted nor to define any uses permitted, whether specifically and in accordance with the purposes of Part 2 or in any other manner.

3.16 USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding Section 3.15, certain uses which may not be listed as permitted uses in a zone may be considered in accordance with the development agreement provisions of the Planning Act. As provided for by Policies of the Municipal Planning Strategy for Musquodoboit Valley - Dutch Settlement Area, such uses are:

(a) Within the Mixed Use Designation
- (i) mobile home parks according to Policy MU-3;
- (ii) commercial recreation uses according to Policy MU-5;
- (iii) salvage yards according to Policy MU-6; and
- (iv) aquaculture support uses according to Policy MU-7.

(b) Within the Village Designation

(i) recycling depots according to Policy VIL-3;

(ii) multi-unit dwellings (more than three units) according to Policy VIL-4;

(iii) entertainment uses according to Policy VIL-11;

(iv) **shared housing with special care (Aug 9/22;E-Sep 15/22)** according to Policy VIL-5**A and VIL-5B (RC-Aug 9/22;E-Sep 15/22)**;

(v) autobody shops according to Policy VIL-6;

(vi) crematoriums according to Policy VIL-7;

(vii) shopping centres according to Policy VIL-8;

(viii) expansion of existing forest processing operations according to Policy VIL-9;

(ix) establishment of a forest processing operation on the lands of Conform Ltd (L.I.M.S. # 535500, 40326530, and 40326548) according to Policy VIL-10;

(x) expansion of the Fish Pond Golf Course in Upper Musquodoboit to 18 holes according to Policy VIL-14; and

(xi) expansion or change of the type of use of the existing intensive livestock operation located on the property identified as LIMS NO. 538702 according to Policy VIL-16.

(c) Within all Designations, pursuant to Policy IM-26, where there is enabling policy to consider, by development agreement, the development of multiple unit dwellings or the expansion of existing multiple unit dwellings, such policy may be used to consider the development of shared housing uses at a larger scale than what is permitted by the Land Use By-law. (RC-Aug 9/22;E-Sep 15/22)

As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Agricultural: (RC-Jun 25/14;E-Oct 18/14

(i) Conservation Design Developments in accordance with policies S-14A, S-14B, S-15A, S-15B, S-16A, S-17A (RC-Oct 11/22;E-Nov 16/22), S-17B, and S-17C (RC-Dec 11/25;E-Feb 2/26) of the Regional Municipal Planning Strategy, as applicable. (RC-Jun 25/14;E-Oct 18/14)

3.17 LARGER CANNABIS PRODUCTION FACILITIES BY DEVELOPMENT AGREEMENT (RC-Sep 18/18;E-Nov 3/18)

Cannabis production facilities that are permitted in a zone that exceed the maximum gross floor area requirements of the zone may be permitted by development agreement in accordance with Policy EC-22 of the Regional Municipal Planning Strategy.

3.18 DEVELOPMENT AGREEMENTS FOR REGISTERED HERITAGE PROPERTIES (RC-Oct 11/22;E-Nov 16/22)

Development that is not otherwise permitted in this By-law may be permitted by development agreement on a registered heritage property, in accordance with Policy CH-7A of the Halifax Regional Municipal Planning Strategy.

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1 SEWAGE DISPOSAL SYSTEMS

(a) Where municipal central sewer and/or water services are available, no development permit shall be issued unless the development is provided with such services.

(b) Where any lot is developed with a septic tank and disposal field, the minimum on-site requirements of this By-law shall apply for the purpose of obtaining a development permit. For the purpose of obtaining a permit for the installation of a septic tank, the regulations of the Department of the Environment shall prevail.

4.2 ONE DWELLING ON A LOT

(a) No person shall erect more than one (1) dwelling on a lot.

(b) Notwithstanding Section 4.2(a) above, two dwellings may be erected on a lot within a MU (Mixed Use) Zone provided that each dwelling is located on an area of land that is capable of meeting subdivision requirements and a preliminary subdivision examination has been completed in accordance with the municipal Subdivision By-law and provided that all other applicable provisions of this By-law are satisfied.

(c) Notwithstanding Sections 4.2(a) & 4.2(b), a single unit dwelling and a backyard suite may be located on the same lot. (RC-Sep 1/20;E-Nov 7/20)

4.3 SEPARATION BETWEEN MAIN BUILDINGS

The minimum separation distance between main buildings on the same lot shall be sixteen (16) feet (4.8 m).

4.4 EXISTING UNDERSIZED LOTS

(a) Notwithstanding anything else in this By-law, a lot which was in existence on the effective date of this By-law, having less than the minimum frontage or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.

(b) Furthermore, where the Development Officer approves an increase in size for a lot which was in existence on the effective date of this By-law, it may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all necessary approvals are received, notwithstanding that it may still have less than the minimum frontage, depth or area required by this By-law, and provided that all other applicable provisions of this By-law are satisfied.

4.5 REDUCED FRONTAGE OR AREA

(a) Any lot created pursuant to Section 107 of the Planning Act, S.N.S. 1989 and any lot created pursuant to **Section 38, Section 40, Section 41, Section 42, Section 63,**

Section 63(a) and Section 64 (RC-Oct 2/18; E-Nov 24/18) of the Subdivision By-law may be used for any purpose permitted in the Zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

(b) Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied. (RC-Jan 10/17;E-Feb 25/17)

4.6 REDUCED FRONTAGE ON A CURVE

Where the front lot line of any lot is a curved line, a minimum lot width which is equal to the minimum lot frontage required by this By-law shall be required in lieu of such minimum lot frontage. For the purposes of this Section, such minimum lot width shall be measured along a horizontal line between the side lot lines, a distance equal to the minimum front yard required by this by-law from the front lot line.

4.7 ROAD ENTRANCE RESERVES

Notwithstanding the lot frontage provisions contained in this by-law, a portion of a lot identified as a road entrance reserve shall meet the requirements of the provincial Department of Transportation and Communications and/or Halifax County Municipality.

4.8 EXISTING BUILDINGS

Where a building has been erected on or before the effective date of this By-law, on a lot having less than the minimum frontage, area, or depth, or having less than the minimum setback or side yard or rear yard setback required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:

(a) the enlargement, reconstruction, repair or renovation does not further reduce the front, side and/or rear yard that does not conform to this By-law; and

(b) all other applicable provisions of this By-law are satisfied.

4.9 EXISTING USES

Uses which are permitted as existing uses within a zone, shall be considered as fully conforming uses and, as such are permitted to expand, resume operation if discontinued, or be replaced or rebuilt if destroyed on the lot which they occupied on the effective date of this By-law, subject to the requirements of the zone in which they are situated.

4.10 NON-CONFORMING USES

Non-conforming uses shall be subject to provisions of the Planning Act of Nova Scotia, which is included in this By-law as Appendix "A". Additions or structural alterations to

non-conforming uses shall be permitted if they do not result in any increase in the volume of space devoted to the non-conforming use itself.

4.11 ACCESSORY USES AND BUILDINGS

Provisions made under this by-law to permit uses, buildings, and structures shall, unless otherwise stated by this by-law, also be deemed to include any accessory uses buildings or structures provided that:

(a) the accessory use, building, or structure is located within the same zone as the principal building or use it is intended to serve or is located within an abutting zone in which the principal use or building is permitted;
(b) the accessory use building or structure is located on a lot which directly abuts or is directly across a public street or highway, private road or private right-of-way from the lot containing the principal building or use it is intended to serve; and
(c) all other applicable conditions and requirements of this by-law are satisfied.

4.11A ACCESSORY HEN USE (RC- Oct 05/21; E-Jan 08/22)

An accessory hen use is permitted in conjunction with a residential use in all zones subject to the following provisions:

(a) The maximum number of hens permitted on a lot shall be:
- **i. a maximum of 10 hens on lots less than 4,000 square metres in size;**
- **ii. a maximum of 15 hens on lots 4,000 square metres and over but less than 6,000 square metres in size;**
- **iii. a maximum of 20 hens on lots 6,000 square metres and over but less than 10,000 square metres in size;**
- **iv. a maximum of 25 hens on lots 10,000 square metres or greater in size;**

(b) Hens shall be contained within an accessory building or a fenced area that:
- **i. is located in a rear yard;**
- **ii. is setback the minimum distance that is required for a main building, on the subject lot, from a wetland or watercourse;**
- **iii. subject to 4.11A(b)(iv), meets the requirements for accessory buildings under this by-law; and**
- **iv. is setback a minimum of 1 metre from any side or rear lot line.**

(c) The following are not permitted:
- **i. On-site slaughtering or euthanizing of hens; and**
- **ii. The sale of eggs, meat or hens.**

4.12 ACCESSORY BUILDINGS

(a) Accessory uses, buildings and structures shall be permitted in any zone but shall not:
- (i) be used for human habitation except where a dwelling is a permitted accessory use;
- (ii) be used for the keeping of livestock except where agriculture is a permitted use;

(iii) be built closer to the front lot line than the minimum distance required for the main building, or be built closer than eight (8) feet (2.4 m) to any other lot line except that:

1. common semi-detached garages may be centred on the mutual side lot line; and
2. fish sheds and boat sheds may be built to the lot line which corresponds to the high watermark; and
3. where an area of land is proposed to be subdivided and an existing accessory building is less than one hundred and four (104) feet (31.7 m) from any side or rear lot line forming a boundary of the proposed lot, the minimum side yard requirement for the accessory building may be reduced to two (2) feet (0.6 m).

(iv) exceed **25 feet (7.7 metres) (RC-May 23/24;E-Jun 13/24)** in any VIL or RR-1 Zone or the height of the main commercial, industrial or resource building in any MU Zone;

(v) **Deleted (RC-May 23/24;E-Jun 13/24)**

(vi) exceed 80% of the footprint of the main dwelling, up to a maximum of 2000 square feet (185.81 square m) or **1000** square feet (**93** sq. m), whichever is the greater, on lots that are less than 40,000 square feet in area; **(RC-May 23/24;E-Jun 13/24)**

(vii) exceed 5% of the total lot area up to a maximum of 4500 square feet (418.06 sq. m), whichever is the greater, on any lot without central cervices and greater than 40,000 square feet in area in any VIL or RR-1 Zone; and

(viii) be built closer to any side, rear lot line or dwelling than eight (8) feet (2.4 m) or one half the height of such accessory building or structure, whichever is greater, on any lot without central cervices in any VIL or RR-1 Zone or closer than 12 feet (3.7 m) of any other main building. ***(MDVCCC-May 22, 2012; E-July 28, 2012)***

(b) Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempted from the requirements under Subsection (a) of this Section.

(c) Notwithstanding anything else in this by-law, an enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum gross floor area requirements for backyard suites (RC-Dec 11/25;E-Feb 2/26). (RC-May 23/24;E-Jun 13/24)

4.12AA SHIPPING CONTAINERS (RC-Dec 11/25;E-Feb 2/26)

(a) Shipping containers shall be prohibited.

(b) Notwithstanding subsection (a), non-residential temporary construction shipping containers are permitted subject to Section 4.14.

(c) Notwithstanding subsection (a), temporary residential shipping containers are permitted subject to Section 4.14.

(d) Notwithstanding subsection (a), shipping containers are permitted as a dwelling, subject to the applicable zone standards for dwellings.

(e) Notwithstanding subsection (a), shipping containers are permitted as a backyard suite, subject to the applicable requirements for backyard suites.

4.12A SECONDARY SUITES AND BACKYARD SUITES (RC-Sep 1/20;E-Nov 7/20)

(a) SECONDARY SUITES

Secondary suites shall be permitted accessory to a single unit dwelling, a mobile dwelling a semi-detached dwelling, (RC-Dec 11/25;E-Feb 2/26) or a two unit dwelling subject to the following provisions:

- **(i) No more than one total auxiliary dwelling unit or secondary suite (Deletion: RC-Dec 11/25;E-Feb 2/26) shall be permitted on a lot;**
- **(ii) The floor area of a secondary suite shall not exceed 80.0 square metres;**
- **(iii) A two unit dwelling or a semi-detached dwelling (RC-Dec 11/25;E-Feb 2/26) that contains a secondary suite shall not be considered a multiple unit dwelling;**
- **(iv) Notwithstanding the parking requirements of Section 4.23, additional off-street parking shall not be required; and**
- **(v) A secondary suite shall be permitted accessory to a non-conforming structure for residential use, except where no residential uses are permitted in the zone. (RC-May 23/24;E-Jun 13/24)**

(b) BACKYARD SUITES

Backyard suites shall be permitted accessory to a single unit dwelling, a mobile dwelling, a semi-detached dwelling, (RC-Dec 11/25;E-Feb 2/26) a two unit dwelling, or a multiple unit dwelling containing three (3) dwelling units (RC-May 23/24;E-Jun 13/24) subject to the following provisions:

- **(i) No more than one backyard suite shall be permitted on a lot;**
- **(ii) A backyard suite is not considered a separate main building or main dwelling;**
- **(iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.11 and 4.12;**
- **(iv) The gross floor area of a backyard suite shall not exceed 1,000 square feet (93 square metres); (RC-May 23/24;E-Jun 13/24)**
- **(v) Notwithstanding the parking requirements of Section 4.23, additional off-street parking shall not be required;**
- **(vi) A backyard suite shall be permitted accessory to a non-conforming structure for residential use, except where no residential uses are permitted in the zone; (RC-May 23/24;E-Jun 13/24)**
- **(vii) A backyard suite must be located on the same lot as the main dwelling unit;**
- **(viii) A backyard suite shall have unobstructed access that.**
  - **(A) connects the backyard suite to a street or private road,**
  - **(B) is located on the same lot on which the backyard suite is located, and**
  - **(C) has a minimum width of 1.1 metres; and**
- **(ix) a non-conforming accessory building may be converted to a backyard suite if the gross floor area of the backyard suite does not exceed 93 square metres.**

4.13 PERMITTED ENCROACHMENTS

Every part of any yard required by this By-law shall be open and unobstructed by any structure except to permit uses or encroachments subject to the following provisions:

(a) Uncovered patios, walkways, steps and staircases, and access ramps for the mobility disabled may be located in any yard.

(b) There may be erected or maintained in any yard, the usual projections of sills, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such feature shall project more than two (2) feet (0.6 m) into any required yard.

(c) Window bays and solar collectors may be permitted to project not more than three (3) feet (0.9 m) from the main wall into a required front, rear or flankage yard.

(d) Exterior balconies, porches, and verandas shall not be permitted to project into any required yard.

(e) Ornamental plantings and landscaping may be located in any yard unless otherwise indicated in this By-law.

4.14 TEMPORARY CONSTRUCTION USES PERMITTED (HECC-Jan 20/09; E-Feb 7/09)

(a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.

(ab) Temporary buildings or structures for a work camp or construction camp are permitted on the worksite or on a lot which directly abuts or is directly across a public street or highway, private road or private right-of-way from the worksite. Any other temporary construction uses must be located on the worksite. (RC-Dec 11/25;E-Feb 2/26)

(b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.

(c) A development permit may only be issued for the temporary use of a rock crusher.

(d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary. No rock crusher shall be located or used within three (3) metres of any property boundary.

(e) **A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be located or used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be located or used within three (3) metres of any property boundary.**

(f) **Notwithstanding any other provision of this By-law, a temporary rock crusher accessory to construction in progress shall not be used to process material for export to another site nor to process material imported to the site.**

(g) **A temporary rock crusher may be used as an accessory to demolition in progress to process demolished material for export to another site subject to disposal in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-law.**

4.15 VEHICLE BODIES

No truck, bus, coach**, motor home, camper trailer (RC-Dec 11/25;E-Feb 2/26)** or streetcar body, motor home, camper, trailer, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, and no vehicle body shall be used as a commercial building. **For clarity, a shipping container is not considered a vehicle body. (RC-Dec 11/25;E-Feb 2/26)**

4.16 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use, the provisions of Sections 90 to 94 of the Planning Act, S.N.S. 1989, shall prevail.

4.17 BUILDING TO BE MOVED

No building, residential or otherwise, shall be moved within or into the area covered by this By-law without obtaining a development permit from the Development Officer.

4.18 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, ~~**windmills**~~ **(RC-Aug 16/11;E-Oct 29/11)** or solar collectors.

4.19 WATERCOURSE SETBACKS AND BUFFERS (RC-Jun 25/14;E-Oct 18/14)

(1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.

(b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.

(c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.

(d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m2 or a combination of an accessory structure and attached deck not exceeding 20 m2 , fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure, and water control structures.

(e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.

(f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.

(2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.

(3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to August 26, 2006, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements.

(4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

(5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.

(6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

4.20 DAYLIGHTING TRIANGLE

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height more than two (2) feet (0.6 m) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of twenty (20) feet (6.1 m) from their point of intersection.

4.21 NATURAL HAZARDS AND YARD REQUIREMENTS

Where, in this By-law, a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh or is beyond the high water mark of a watercourse, or between the top and toe of a cliff or embankment having a slope of fifteen (15) percent or more from the horizontal, then the required yard shall be measured from the main wall of the main building or structure on the lot to the edge of the said area covered by water or marsh, or to the top of the said cliff or embankment if such area is closer than the lot lines.

4.22 ILLUMINATION

No person shall erect any illuminated sign or illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

4.23 PARKING REQUIREMENTS

(a) For every building or structure to be erected or enlarged, off-street parking located within the same zone and upon the same lot as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule, except where any parking requirement is specifically included elsewhere in this By-law. Where the total required spaces for any use is not a whole number, the total spaces required by this Section or by other specific sections shall be the next largest whole number.

USE	PARKING REQUIREMENT
Any dwelling except as specified below	1 space per dwelling unit
Multiple dwellings	1.5 spaces per dwelling unit
A dwelling within the Urban Service Area (RC-May 23/24;E-Jun 13/24)	**0.33 spaces per dwelling unit**
Shared Housing Use (RC-Aug 9/22;E-Sep 15/22)	0 spaces

Retail stores, variety stores[2], service and personal service shops:	
(i) exceeding 5,000 square feet (465.5 m^2) of gross floor area feet	5.5 spaces per 1,000 square (92.9 m^2) of gross floor area
(ii) not exceeding 5,000 square feet (465.5 m^2) of gross floor area	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Banks, financial institutions and general offices	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Motels, hotels, tourist cabins, guest homes**, and short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)**	1 space per sleeping unit plus requirements for accessory uses such as restaurants, lounges, retail space, etc.
Restaurants - Drive-In	27 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Restaurants - Full Service	20 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Restaurants - Take-Out:	
(a) exceeding 300 square feet (27.9 m^2) of gross floor area	16 spaces per 1,000 square feet (92.9 m^2) of gross floor area
(b) not exceeding 300 square feet (27.9 m^2) of gross floor area	5 spaces
Lounges, taverns and beverage rooms	the greater of 1 space per 3 seats or 1 space per 100 square feet (0.9 m^2) of gross floor area
Theatres	1 space per 5 seats
Institutional uses except as **otherwise** specified **(RC-Aug 9/22;E-Sep 15/22)**	where there are fixed seats, the greater of 1 space per 4 seats or 1 space per 100 square feet (0.9 m^2) of gross floor area; where there are no fixed seats, the greater of 1 space per 100 square feet (0.9 m^2) of gross floor area or 1 space per 4 persons which can be accommodated at any one time
Government Offices	4.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Schools	3 spaces per classroom plus 1 space over 20 high school students
Hospitals	2 spaces per bed
Day care facilities	**1.0 (NWCC-May12/25;E-May27/25)** space per 400 square feet (37.2m^2) of gross floor area
Medical clinics and offices of any health practitioner	**2 spaces per consulting room (RC-Aug 5/08;E-Aug 23/08)**

[2] Any portion of a variety store used as a take-out restaurant will be subject to the parking requirements applied to take-out restaurant under this By-law.

USE	PARKING REQUIREMENT
Funeral homes	15 spaces
Warehouses, transport terminals and general industrial uses	the greater of 2 spaces per 1,000 square feet (92.9 m^2) of gross floor area or 1 space per 4 employees
Any use not specified above	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area

(b) Reserved Spaces for the Mobility Disabled

Notwithstanding Section 4.23(a) above, reserved parking spaces for the mobility disabled shall be provided in addition to the required spaces in conformity with the following schedule:

USE	PARKING REQUIREMENT
Medical clinics and offices of the health practitioner	1 reserved parking space for the mobility disabled per 5 - 15 parking spaces required additional space for each additional 15 required spaces or part thereof to a maximum of 10
Multiple Dwellings	1 reserved parking space per 30 units to a maximum of 10
Restaurants and Theatres	1 reserved parking space per 50 seats to a maximum of 10
All other uses excluding fire stations and any industrial use which does not have a retail function	1 reserved parking space for the mobility disabled per 15 to 100 parking spaces required; 1 additional space for each additional 100 required spaces or part thereof, to a maximum of 10

(c) Notwithstanding subsections (a) and (b), there shall be no required parking for residential uses within the Urban Service Area.

4.24 STANDARDS FOR PARKING LOTS

Where a parking lot for more than four (4) vehicles is required or permitted:

(a) the lot shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
(b) individual parking spaces shall be 8 feet (2.4 m) by 20 feet (6.2 m);
(c) the lights used for illumination of the lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
(d) a structure, not more than fifteen (15) feet (4.6 m) in height and not more than fifty (50) square feet (4.6 m^2) in area may be erected in the lot for the use of attendants;

(e) no petroleum product pumps or other service station equipment shall be located or maintained on the lot;

(f) all parking areas shall provide manoeuvring areas or aisles to permit vehicles to leave the property in a forward motion;

(g) approaches or driveways to the lot shall be defined by a curb or concrete or rolled asphalt and the limits of the lot shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance; in addition, the location of approaches or driveways shall be not closer than fifty (50) feet (15.2 m) from the limits of the right-of-way at a street intersection;

(h) entrance and exit ramps to the lot shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet (7.6 m) at the street line and edge of pavement; and

(i) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of ten (10) feet (3 m) if for one-way traffic and a minimum width of twenty (20) feet (6.1 m) if for two-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet (7.6 m).

4.25 PARKING STANDARDS FOR MOBILITY DISABLED

(a) Each reserved parking space shall contain an area of not less than two hundred and forty (240) square feet (22.3 m^2) measuring twelve (12) feet (3.7 m) by twenty (20) feet.

(b) Where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb a close as possible to the location which it is intended to serve and in no case shall it be further than three hundred (300) feet (27.9 m) from the location which it is intended to serve.

(c) Each reserved parking space shall be located as close as possible to the location it is intended to serve.

(d) Each reserved parking space shall be clearly identified by a ground sign.

4.26 LOADING SPACE REQUIREMENTS

(a) In any zone, no person shall erect or use any building or structure for manufacturing, storage or warehousing, or as a retail or wholesale store, or as a freight or passenger terminal, or for any other use involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises a loading space(s) with every such use:

Gross Floor Area	No. of Spaces
Less than 4,999 sq.ft. (464.4 m^2)	0
5,000 - 14,999 sq.ft. (464.5 - 1393.5 m^2)	1
15,000 - 34,999 sq.ft. (1393.6 - 3251.5 m^2)	2
More than 35,000 sq.ft. (3251.6 m^2)	3

(b) Each loading space shall be at least twelve (12) feet (3.7 m) by twenty-five (25) feet (7.6 m) with a minimum of fourteen (14) feet (4.3 m) height clearance.

(c) Loading space areas, including driveways leading thereinto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

4.27 USES PERMITTED ON EXISTING PRIVATE ROADS (RC-Jun 25/14;E-Oct 18/14)

Notwithstanding anything else in this By-law, development on existing private roads shall be restricted to residential, open space, and resource uses.

4.28 COMPOSTING OPERATIONS

No development permit shall be issued for a composting operation except in compliance with the following provisions:

(a) the use shall not be obnoxious or create a nuisance;

(b) a composting operation shall meet the following separation distances:

(i)	from any property line	328 feet (100 m)
(ii)	from the nearest:	
	1. residential dwelling	1,640 feet (500 m)
	2. community facility use	1,640 feet (500 m)
	3. commercial or industrial building	984 feet (300 m)
(iii)	from a watercourse	328 feet (100 m)

(c) notwithstanding any other provisions of this by-law, composting operations may occur either inside or outside of a building; and

(d) a composting operation shall not have direct access to either a local or subdivision road, as determined by the Municipality's Engineering and Works Department and any access road for such operations shall not occur through lands zoned for residential use (RR-1 Zone).

4.29 SCHEDULE F - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL (RC-Jun 25/14;E-Oct 18/14)

Where excavation is required for a development on any area identified on Schedule F attached to this by-law, a development permit may be issued and the application may be referred to the Nova Scotia Department of Communities, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

4.30 SCHEDULE G - WETLANDS (RC-Jun 25/14;E-Oct 18/14)

Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands identified on Schedule G attached to this by-law, within and adjacent to the lot. Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within any such wetland.

4.31 WIND ENERGY FACILITIES (RC-Jun 25/14;E-Oct 18/14)

The use of windmills or wind turbines to produce electricity or for any other purpose shall be regulated in accordance with the provisions of this Section.

I DEFINITIONS

For the purposes of this Section, certain terms are defined as follows:

a) "Habitable Building" means a dwelling unit, hospital, hotel, motel, shared housing use (RC-Aug 9/22;E-Sep 15/22) or other building where a person lives or which contains overnight accommodations.

b) "Nacelle" means the frame and housing at the top of the tower that encloses the gearbox and generator.

c) "Nameplate Capacity" means the manufacturer's maximum rated output of the electrical generator found in the nacelle of the wind turbine;

d) "Total Rated Capacity" means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;

e) "Tower Height" means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building's foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;

f) "Turbine" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.

g) "Wind Energy Facility" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;

i) "Micro Facility" means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.

ii) "Small Facility" means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.

iii) "Medium Facility" means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.

iv) "Large Facility" means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule A-1 - Wind Energy Zoning. Such zones are:

(UW-1) Urban Wind Zone
(RW-2) Rural Wind Zone
(R) Restricted Zone

a) URBAN WIND ZONE (UW-1)

- **i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).**
- **ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.**
- **iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,**
- **iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.**
- **v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.**
- **vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.**

b) RURAL WIND ZONE (RW-2)

- **i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).**
- **ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.**
- **iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:**
  - **1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;**
  - **2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.**
- **iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:**
  - **1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;**
  - **2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.**

v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:

1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;

2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.

vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:

1) A minimum distance of the greater of the following (RC-Dec 11/25;E-Feb 2/26) from any habitable building on an adjacent property;

(a) 4 times the wind turbine height; or

(b) the distance required to ensure that

(i) sound levels from the wind turbine do not exceed 40 dBA at the exterior of a residential dwelling; and

(ii) a residential dwelling receives less than 30 minutes per day or 30 hours per year of shadow flicker.

(RC-Dec 11/25;E-Feb 2/26)

2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.

c) RESTRICTED ZONE (R)

i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

All Wind Energy Facilities require a development permit. The permit application shall contain the following:

a) a description of the proposed Wind Energy Facility, including an overview of the project, the proposed total rated capacity of the Wind Energy Facility;

b) the proposed number, representative types, and height or range of heights of wind turbines towers to be constructed, including their generating capacity, dimensions, respective manufacturers, and a description of accessory facilities;

c) identification and location of the properties on which the proposed Wind Energy Facility will be located;

d) at the discretion of the Development Officer, a survey prepared by a Nova Scotia Land Surveyor, a surveyor's certificate, or a site plan showing the planned location of all wind turbines towers, property lines, setback lines, access roads, turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and land parcels, demonstrating compliance with the setbacks and separation distance where applicable;

e) at the discretion of the Development Officer, proof of notification to the Department of National Defense, NAV Canada, Natural Resources Canada and other applicable agencies regarding potential radio, telecommunications, radar and seismoacoustic interference, if applicable, to Transport Canada and the Aviation Act; and,

f) any other relevant information as may be requested by the Halifax Regional Municipality to ensure compliance with the requirements of this By-law.

IV ADDITIONAL PERMIT REQUIREMENTS

a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:

- **i) not attached to a building and is not connected to the power grid;**
- **ii) attached to an accessory building in excess of 215 square feet and is not connected to the power grid.**

b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:

- **i) Micro 140 metres (460 ft)**
- **ii) Small 360 metres (1180 ft)**
- **iii) Medium 500 metres (1640 ft)**
- **iv) Large 2000 metres (6560 ft)**

c) The notice pursuant to section b) shall include the following information:

- **i) a site plan that includes property boundaries and the location of the proposed wind energy facility;**
- **ii) a description of the type of wind energy facility; and**
- **iii) the applicant's contact information which shall include a mailing address.**

V EXCEPTIONS

Notwithstanding Section II a) and II b) the setback requirements from any Wind Energy Facility to a property boundary may be waived where the adjoining property is part of and forms the same Wind Energy Facility. All other setback provisions shall apply.

a) Wind Energy Facilities shall not be permitted in the following zones of the Musquodoboit Valley & Dutch Settlement Land Use By-law:

- **i) RPK (Regional Park) Zone;**
- **ii) PA (Protected Area) Zone.**

VII INSTALLATION AND DESIGN

a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.

b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.

c) All electrical wires shall, to the maximum extent possible, be placed underground.

d) The visual appearance of the Wind Energy Facility shall at a minimum:

- **i) be a non-obtrusive colour such as white, off-white or gray;**
- **ii) not be artificially lit, except to the extent required by the Federal Aviation Act or other applicable authority that regulates air safety; and,**
- **iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.**

VIII MISCELLANEOUS

a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.

b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.

c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

a) Schedule A-1 – Wind Energy Zoning.

4.32 PUBLIC TRANSIT FACILITIES (RC-Jun 25/14;E-Oct 18/14)

Public transit facilities shall be permitted in all zones and shall not be required to conform to any zone requirements.

4.33 CANNABIS-RELATED USES (RC-Sep 18/18;E-Nov 3/18)

Notwithstanding any other provisions of this By-law, cannabis retail sales and cannabis lounges are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC).

4.34 SHORT-TERM RENTALS (RC-Feb 21/23;E-Sep 1/23)

a) Short-term Rentals accessory to a residential use shall be permitted in all zones provided that the dwelling unit is the primary residence of the short-term rental operator.

b) Short-term Bedroom Rentals accessory to a residential use shall be permitted in all zones, subject to the following additional provisions:

- **i) The short-term bedroom rental shall be wholly contained within the dwelling unit which is the primary residence of the operator of the rental;**
- **ii) Not more than three (3) bedrooms, or the maximum number of bedrooms specified in the zone, may be rented as a short-term bedroom rental at the same time;**

iii) **The operator of the short-term bedroom rental resides on site while any bedrooms are rented;**

iv) **No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed four (4) square feet (0.4 m^2) in area; and**

v) **One off-street parking space in addition to that required for the dwelling shall be provided for each bedroom to be rented.**

c) **Notwithstanding a) and b) above, one dwelling unit per lot may be used as a short-term rental, provided all other requirements of the Land Use By-law are met. (RC-Dec 11/25;E-Feb 2/26)**

4.35 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES IN RURAL HRM (RC-Dec 11/25;E-Feb 2/26)

Pursuant to Policy G-15B of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.

PART 5: SIGNS

5.1 GENERAL

(a) Where this part is inconsistent with the regulations respecting advertising signs on or near public highways, made or administered by the Department of Transportation and Communication, the more restrictive regulations shall apply.

(b) No person shall erect a sign according to the provisions of Section 5.3 except where a development permit has been issued, and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.

5.1A TEMPORARY SIGNAGE

(a) This By-law shall not apply to any sign regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs); and

(b) Any sign provision within this By-law referring to temporary signage, as regulated under HRM By-law S-800, is superceded. (RC-Sep 26/06;E-Nov 18/06)

5.2 SAFETY

Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed in compliance with the Building By-law and any fire prevention and electrical codes.

5.3 NUMBER OF SIGNS

(a) For the purposes of this Section, where a multiple tenancy building is occupied by more than one business, each business shall be considered to be a separate premises.

(b) For the purposes of determining the number of signs permitted by this Section, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Double-faced and three-faced signs shall be counted as single signs. Where matter is displayed in a random manner, without organized relationships or elements, or where there is reasonable doubt about the relationships of any elements, each element shall be considered to be a single sign.

(c) No more than three (3) signs shall be erected on any premises at any one time, except on a corner lot where one (1) additional sign may be erected. For the purposes of this Section, signs enumerated in Section 5.5 shall not be counted.

5.4 SIGN AREA

The total area permitted of any sign shall be considered to be the area of the smallest rectangle, triangle or circle which can totally circumscribe the sign face or surface of any single, double or three-faced sign in the plane of its largest dimension. Each visible face of

a multi-faced sign shall be calculated separately and then totalled in determining the sign area permitted.

5.5 SIGNS PERMITTED IN ALL ZONES

The following signs shall be permitted in all zones and in addition to any signs permitted according to Section 5.2

(a) Any sign which has an area of no more than two (2) square feet (0.2 m^2) and which identifies the name and address of a resident.
(b) Any sign which has an area of no more than two (2) square feet (0.2 m^2) and which regulates the use of property, as do no trespassing signs.
(c) Any real estate sign which has an area of no more than eight (8) square feet (0.7 m) in any residential or mixed use zone or twenty-four (24) square feet (2.2 m^2).
(d) Any sign which has an area of no more than five (5) square feet (0.5 m^2) and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas.
(e) Any sign which has an area of no more than fifty (50) square feet (4.6 m^2) and which is incidental to construction.
(f) Any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety.
(g) Any flag, insignia, notice or advertising of any charitable, religious or fraternal organization.
(h) Any memorial sign, plaque or tablet.

5.6 SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted in any zone:

(a) Any sign or sign structure which constitutes a hazard to public safety.
(b) Any sign which, for any reason, obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on public streets.
(c) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit.
(d) Any sign located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body.
(e) Any sign which is not erected by, or under the direction of, a government body and which makes use of words such as STOP, LOOK, DANGER, ONE WAY or YIELD or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road.
(f) Any sign which incorporates any flashing or moving illumination and any sign which has any visible moving part or mechanical movement whether achieved by natural or artificial means.
(g) Any searchlight, stringlight, spinner or streamer except for occasions such as grand openings, county fairs and public festivals, or used as temporary holiday decorations.
(h) Any sign painted on a tree, stone, cliff or other natural object.

(i) Any sign which is not related to any business or use located on the lot or premises, and any sign which no longer advertises a bona fide business conducted or a product sold. Such signs are deemed to be obsolete signs and shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60) days of the date of discontinuance of the business or product.

5.7 PROJECTING SIGNS

No projecting sign shall:

(a) project over a public right-of-way or daylighting triangle;
(b) project horizontally more than six (6) feet (1.8 m) from any wall to which it is attached;
(c) project above the eaves, parapet or roof line of a building;
(d) be erected below a height of ten (10) feet (3.0 m) above grade or exceed a height of thirty-five (35) feet (10.7 m);
(e) be permitted to swing freely on its supports; or
(f) exceed twenty (20) square feet (1.9 m^2) of sign area on a single face or forty (40) square feet for both faces combined.

5.8 GROUND SIGNS

No ground sign shall:

(a) extend beyond a property line or project over a public right-of-way, daylighting triangle, or lot line;
(b) be located less than ten (10) feet (3.0 m) from any street line or abutting lot line;
(c) exceed a height of twenty-five (25) feet (7.6 m); or
(d) exceed fifty (50) square feet (4.6 m^2) of sign area on a single face or one hundred (100) square feet (9.3 m^2) of sign area for both faces combined.

5.9 FACIAL WALL SIGNS

No facial wall sign shall:

(a) extend above to top of the wall upon which it is attached;
(b) extend beyond the extremities of the wall upon which it is attached; or
(c) exceed twenty-five (25) percent of the area of the wall on which it is attached.

PART 6: RR-1 (RURAL RESIDENTIAL) ZONE

6.1 RR-1 USES PERMITTED

No development permit shall be issued in any RR-1 (Rural Residential) Zone except for the following:

Residential Uses
Single unit dwellings
Two unit dwellings
Auxiliary dwelling units
Shared housing use (RC-Aug 9/22;E-Sep 15/22)
Home occupations and keeping of certain hooved animals in conjunction with permitted dwellings
Daycare facilities for not more than fourteen (14) children and in conjunction with permitted single unit dwellings
Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms (RC-Feb 21/23;E-Sep 1/23)

Institutional Uses
Hospitals and medical clinics
Denominational institutions and uses
Educational institutions and uses
Fire and police stations
Community centres and halls
Public libraries, museums, and galleries
Open space uses
All P-4 permitted uses[4]

Commercial Uses
Existing commercial uses.

Resource Uses
Existing agricultural uses

6.2 RR-1 ZONE REQUIREMENTS:

In any RR-1 Zone, no development permit shall be issued except in conformity with the following:

		Central Services	On-site Services
(a)	Minimum lot area:		
	Single unit **dwellings,**		
	Mobile dwellings, **and**		

[4] P-4 permitted use are those uses permitted within the P-4 Zone as-of-right.

	shared housing use (RC-Aug 9/22;E-Sep 15/22)	6,000 sq.ft. (557.4 m^2)	20,000 sq.ft. (1,858 m^2)[5]
	Two unit dwellings	7,000 sq.ft. (650.3 m^2) or 3,500 sq.ft. (325.2 m^2) per dwelling unit	20,000 sq.ft. (1,858 m^2)
	Keeping of Ungulates	40,000 sq.ft. (3,716 m^2)	40,000 sq.ft. (3,716 m^2)
	Other uses	8,000 sq.ft. (743.2 m^2)	20,000 sq.ft. (1,858 m^2)
(b)	Minimum Frontage:		
	Two unit dwellings	30 feet (9.1 m) per dwelling unit	100 feet (30.5 m)
	Other Uses	60 feet (18.3 m)	100 feet (30.5 m)
(c)	Minimum Front or Flankage Yard:	30 feet (6.1 m)	30 feet (9.1 m)
(d)	Minimum Rear or Side Yard:		
	Residential Uses	8 feet (2.4 m)	8 feet (2.4 m)
	Multi-Unit	20 feet (6.1 m) or 1/2 the height of the main building, which ever is greater	20 feet (6.1 m) or 1/2 the height of the main building, which ever is greater
	Open Space Uses	30 feet (6.1 m)	30 feet (9.1 m)
	Other Uses	10 feet (3.0 m)	10 feet (3.0 m)
(e)	Maximum Lot Coverage:		
	Residential uses	35%	35%
	Other uses	50%	50%
(f)	Maximum height of main building:	35 feet (10.7 m)	35 feet (10.7 m)

6.3 OTHER REQUIREMENTS: HOME OCCUPATIONS

Where home occupations are permitted in any RR-1 Zone, the following shall apply:

(a) Any home occupation shall be wholly contained within the dwelling or accessory building. The dwelling shall be the principle residence of the operator of the home occupation.

(b) No more than seven hundred and fifty (750) square feet (70 m^2) of gross floor area shall be devoted to any home occupation.

(c) No materials or equipment which is obnoxious or creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.

(d) No outdoor storage or outdoor display shall be permitted.

(e) One (1) facial wall sign, not exceeding four (4) square feet (.4 m^2) in size, shall be permitted to advertise the home occupation.

(f) One off-street parking space, other than that required for the dwelling, shall be provided.

6.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any RR-1 Zone, the following shall apply:

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principle residence of the operator of the dwelling.
(b) No outdoor storage or outdoor display shall be permitted.
(c) One (1) facial wall sign, not exceeding four (4) square feet (.4 m^2) in size, shall be permitted to advertise the day care facility.
(d) One off-street parking space, other than that required for the dwelling, shall be provided for every two children attending.

6.5 OTHER REQUIREMENTS: EXISTING COMMERCIAL USES

Existing commercial buildings and structures are permitted to expand for commercial purposes but no such expansion or reconstruction shall result in an increase of more than ten (10) percent in the building or structures existing gross floor area and shall not further encroach upon minimum setback requirements.

6.6 OTHER REQUIREMENTS: EXISTING AGRICULTURAL USES

Existing agricultural buildings and structures are permitted to expand for agricultural purposes but no such expansion or reconstruction shall result in an increase of more than ten (10) percent in the building or structures existing gross floor area and shall not further encroach upon minimum setback requirements.

6.7 OTHER REQUIREMENTS: KEEPING OF UNGULATES (HOOVED ANIMALS) FOR PERSONAL USE

No development permit shall be issued for any residential use which involves the keeping of ungulates (hooved animals) for personal use except in conformity with the following:

(a) The minimum lot area shall be 40,000 sq. feet (3,716 m^2) for the first animal unit and additional 20,000 square feet (1,858 m^2) for each additional unit.
(b) Any building, structure, or use of land associated with the keeping of ungulates shall be a minimum of 150 feet (45.7 m) from any residence, well, or watercourse on an abutting lot.
(c) An enclosed structure for sheltering the ungulate(s) shall be constructed, located or otherwise placed on the same lot as the main dwelling.
(d) For the purpose of this Part, "hooved animals"shall be limited to ungulates with non-cleft hooves, including, but not limited to horses, donkeys, and mules.

PART 7: VIL (VILLAGE) ZONE

7.1 VIL USES PERMITTED

No development permit shall be issued in any VIL (Village) Zone except for the following:

Residential Uses
Single unit dwellings
Two unit dwellings
Auxiliary dwelling units
Multi-unit dwellings up to three units
Multi-unit dwellings containing 3 or 4 dwelling units within the Urban Service Area under Schedule B of the Regional Subdivision By-law (RC-May 23/24;E-Jun 13/24)
Shared housing use (RC-Aug 9/22;E-Sep 15/22)
Daycare facilities for not more than fourteen (14) children and in conjunction with permitted single unit dwellings
Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms (RC-Feb 21/23;E-Sep 1/23)

Institutional Uses
Day care facilities
Hospitals and medical clinics
Denominational institutions and uses
Educational institutions and uses
Fire and police stations
Community centres and halls
Public libraries, museums, and galleries
Open space uses
All P-4 permitted uses[6]

Commercial Uses
Retail stores
Food stores
Variety stores
Service and personal service shops
Service stations
Bakeries
Craft shops
Banks and financial institutions
Commercial school and gyms
Funeral establishments
Office uses
Parking lots
Printing establishments
Veterinary clinics

[6] P-4 permitted use are those uses permitted within the P-4 Zone as-of-right.

Existing golf course (Fish Pond Golf Course)
Existing commercial recreational uses
Restaurants
Outdoor display courts

Industrial Uses
Light manufacturing and processing operations
Service industries
Warehouses
Wholesale trade establishments
Trucking, excavation, landscaping and paving services
Welding, plumbing and heating, electrical, carpentry and other trade contracting services and shops
Automotive repair outlets
Cannabis production facilities (RC-Sep 18/18;E-Nov 3/18)

Resource Uses
Agricultural uses
Existing[7] intensive livestock operations
Retail uses in conjunction with permitted agricultural uses
Greenhouses and nurseries
Forestry uses
Existing forest processing operations

7.2 VIL ZONE REQUIREMENTS:

In any VIL Zone, no development permit shall be issued except in conformity with the following requirements:

		Central Sewer and Water Services	**On-site Sewage Disposal Systems**
(a)	Minimum lot area:		
	Single unit **dwellings,** mobile dwellings, **and shared housing use (RC-Aug 9/22;E-Sep 15/22)**	6,000 sq.ft. (557.4 m^2)	20,000 sq.ft. (1,858 m^2)
	Two unit dwellings	7,000 sq.ft. (650.3 m^2) or 3,500 sq.ft. (325.2 m^2) per dwelling unit	20,000 sq.ft. (1,858 m^2)
	Service Stations	30,000 sq.ft. (2,787 m^2)	30,000 sq.ft. (2.787 m^2)
	Keeping of Livestock	40,000 sq.ft. (3,716 m^2)	40,000 sq.ft. (3,716 m^2)
	Forest Processing Operations	10 acres (4.0 ha)	10 acres (4.0 ha)

[7] EXISTING USES means uses that were in existence on the effective date of this By-law

Other uses	8,000 sq.ft. (743.2 m^2)	20,000 sq.ft. (1,858 m^2)

		Central Sewer and Water Services	**On-site Sewage Disposal Systems**
(b)	Minimum Frontage:		
	Two unit dwellings	30 feet (9.1 m) per dwelling unit	100 feet (30.5 m)
	Service Stations	200 feet (61.0 m)	200 feet (61.0 m)
	Open Space Uses	30 feet (9.1 m)	30 feet (9.1 m)
	Other uses	60 feet (18.3 m)	100 feet (30.5 m)
(c)	Minimum Front or Flankage Yard	20 feet (6.1 m)	30 feet (9.1 m)
(d)	Minimum Rear or Side Yard:		
	Multi-unit dwellings	20 feet (6.1 m) or 1/2 the height of the main building, which ever is greater	20 feet (6.1 m) or 1/2 the height of the main building, which ever is greater
	Residential	8 feet (2.4 m)	8 feet (2.4 m)
	Commercial/industrial	15 feet (4.6 m)	15 feet (4.6 m)
	Other Uses	10 feet (3.0 m)	10 feet (3.0 m)
(e)	Maximum Lot Coverage:		
	Residential uses	35%	35%
	Other uses	50%	50%
(f)	Maximum height of main building:	35 feet (10.7 m)	35 feet (10.7 m)

7.3 OTHER REQUIREMENTS: COMMERCIAL USES

In any VIL Zone, no development permit shall be issued for any commercial use except in conformity with the following:

(a) Where any portion of any lot in any VIL Zone is to be used for commercial uses, no parking and outdoor storage or outdoor display or signage shall be permitted within any side or rear yard where such yard abuts any lot containing a dwelling or any residential zone, except where a fence or other visual and physical barrier is provided.

(b) Notwithstanding Section 7.3(a) above, where the abutting property is under the same ownership, no fence or other visual and physical barrier shall be required within the abutting yard.

7.4 OTHER REQUIREMENTS: INDUSTRIAL USES

In any VIL Zone, no development permit shall be issued for any industrial use except in conformity with the following:

(a) The gross floor area devoted to all industrial uses shall not exceed more than five thousand (5,000) square feet (464.5 m^2).
(b) Where any industrial use abuts another industrial or a commercial use, the abutting side yard requirement shall be fifteen (15) feet (4.6 m).
(c) No outdoor storage shall be permitted in the front yard or within any required side or rear yard.
(d) Any materials associated with an industrial use shall be contained within a building or otherwise enclosed by a fence, vegetation, or other means which provide a visual and physical barrier from abutting residential properties and the travelling public.
(e) No outdoor display shall be located within ten (10) feet (3.1 m) of any front lot line or within any required side or rear yard.
(f) No outdoor display shall be permitted in any yard where the yard abuts any residential or community use, except where a visual barrier is provided.
(g) No parking or loading area shall be permitted in any required side or rear yard where the required yard abuts any residential or community use.
(h) No portion of any building or structure associated with an industrial use shall be located within 50 feet of any watercourse or well except for a well located on the same lot.

7.5 OTHER REQUIREMENTS: DAY CARE FACILITIES WITHIN A PERMITTED DWELLING

Where day care facilities within a permitted dwelling are permitted in any RR-1 Zone, the following shall apply:

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principle residence of the operator of the dwelling.
(b) No outdoor storage or display shall be permitted.
(c) One (1) facial wall sign, not exceeding four (4) square feet (.4m^2) in size, shall be permitted to advertise the day care facility.
(d) One off-street parking space, other than that required for the dwelling, shall be provided for every two children attending.

7.6 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Section 7.2, where any service station is erected in any VIL Zone, the following shall apply:

(a) No portion of any pump island shall be located closer than twenty (20) feet (6.1 m) from any street line.
(b) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
(c) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 m).
(d) The minimum angle of intersection of a ramp to a road line shall not be less than forty-five (45) degrees.
(e) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

7.7 OTHER REQUIREMENTS: FUNERAL ESTABLISHMENTS

In any VIL Zone, where funeral establishments are permitted, crematoriums shall be permitted in association with funeral establishments.

7.8 OTHER REQUIREMENTS: EXISTING FISH POND GOLF COURSES (LIMS No. 4068870)

The Fish Pond Golf Course, identified above, is permitted to continue to expand to the limit of their existing properties and are permitted to establish an entertainment use associated with the golf course to a maximum of two thousand (2,000) square feet (185.8m^2).[8]

7.9 OTHER REQUIREMENTS: VETERINARY CLINICS

In any VIL Zone, where veterinary clinics are permitted, kennels associated with such uses must be located within an enclosed structure.

7.10 OTHER REQUIREMENTS: KEEPING OF LIVESTOCK

In any VIL Zone, where livestock is kept on the property, no development permit shall be issued unless any building, structure, or manure stockpile associated with the keeping of livestock shall be a minimum of 150 feet from any abutting residence, well, or watercourse on any abutting lot.

7.11 OTHER REQUIREMENTS: FORESTRY USES

Any building or structure associated with a forest processing operations shall meet the following setback requirements:

(a) The minimum separation distance any building or structure used by a forestry processing operation shall not be located closer than 150 feet (45.7 m) from any well[9], watercourse, or public highway.
(b) No building, structure, or use of land associated with a forestry processing use shall be located within 500 feet (152.4 m) of any property line.

7.12 OTHER REQUIREMENTS: EXISTING FOREST PROCESSING OPERATIONS

Notwithstanding Section 7.11, existing forest processing operations are permitted to expand to the limit of its existing property, but no such expansion or reconstruction of a building or structure shall result in an increase of more than thirty (30) percent of the

[8] The Maximum Floor Area requirement for an Entertainment Use does not include any portion of the building which is not directly used for the consumption of alcohol such as the food and drink preparation areas, office area, storage areas, heating or electrical room, washrooms, coat check area, etc.
[9] Except for a well located on the same lot.

existing total gross floor area of all buildings or structures,[10] and shall not further encroach upon the minimum setback requirements.

7.13 OTHER REQUIREMENTS: GREENHOUSES AND NURSERIES

In any VIL Zone, where greenhouses and nurseries are permitted on the property, no development permit shall be issued except in conformity with the following:

(a) any building, structure, or use of land associated with either a greenhouse or nursery shall not be located within 150 feet (152.4 m) from any well except for a well located on the same lot.
(b) The gross floor area of any building or structure associated with either a greenhouse or nursery shall not exceed five hundred (500) square feet (46.5 m^2).
(c) No outdoor storage shall be located in any front or side yard.

7.14 OTHER REQUIREMENTS: EXISTING INTENSIVE LIVESTOCK OPERATIONS

Notwithstanding Section 7.1, the existing intensive livestock operation located on the property identified as LIMS No. 538702 in Middle Musquodoboit (known as Kaulback Farm) shall not be permitted to expand or change to another type of intensive livestock operation other than beef or dairy cattle.

7.15 OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES (RC-Sep 18/18;E-Nov 3/18)

(a) Where a lot containing a cannabis production facility abuts a lot
(i) zoned or used for residential purposes, or
(ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

[10] The existing total gross floor area of buildings and structures associated with Taylor Lumber Limited sawmill in Middle Musquodoboit (LIMS Nos. 535518 and 539239) shall include the floor area of the planner mill building currently located at its Chasewood sawmill (LIMS No. 540542).

PART 8: MU (MIXED USE) ZONE

8.1 MU USES PERMITTED (RC-Jun 25/14;E-Oct 18/14)

No development permit shall be issued in any MU (Mixed Use) Zone except for the following:

Residential Uses
Single unit dwellings
Two unit dwellings
Multi-unit dwellings
Shared housing use (RC-Aug 9/22;E-Sep 15/22)

Institutional Uses
Day care facilities
Community centres and halls
Open space uses
Public parks, trails, picnic areas and campsites
Commercial uses accessory to a public park use
Museums, interpretive centres, and buildings associated with park development and maintenance
Historic sites and monuments

Commercial Uses
Convenience stores
Service and personal service shops
Craft shops
Entertainment uses
Commercial schools and gyms
Funeral establishments
Office uses
Kennels
Veterinary clinics
Recycling depots
Restaurants
Outdoor display courts for up to 10 units
Commercial accommodation uses
Short-term rentals (RC-Feb 21/23;E-Sep 1/23)
Short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)

Industrial Uses
Automotive repair outlets
Autobody shops
Service industries
Food processing and packaging uses
Trucking, excavation, landscaping and paving services

Welding, plumbing and heating, electrical, carpentry and other trade contracting services and shops
Light manufacturing and processing operations
Warehouses
General contracting, storage yards and services
Cannabis production facilities (RC-Sep 18/18;E-Nov 3/18)

Resource Uses
Agricultural uses
Intensive livestock operations
Greenhouses and nurseries
Forestry uses
Extractive facilities
Existing extractive facilities
Composting operations
Uses accessory to the foregoing uses

8.2 MU ZONE REQUIREMENTS

In any MU Zone, no development permit shall be issued except in conformity with the following requirements:

		Central Services	On-site Services
(a)	Minimum lot area:		
	Single unit **dwellings,** mobile dwellings**, and shared housing use (RC-Aug 9/22;E-Sep 15/22)**	6,000 sq.ft. (557.4 m^2)	20,000 sq.ft. (1,858 m^2)
	Two unit dwellings	7,000 sq.ft. (650.3 m^2) or 3,500 sq.ft.(325.2 m^2) per dwelling unit	20,000 sq.ft. (1,858 m^2)
	Service Stations	30,000 sq.ft. (2,787 m^2)	30,000 sq.ft. (2.787 m^2)
	Keeping of Livestock	40,000 sq.ft. (3,716 m^2)	40,000 sq.ft. (3,716 m^2)
	Forest Processing Operations	10 acres (4.0 ha)	10 acres (4.0 ha)
	Other Uses	8,000 sq.ft. (743.2 m^2)	20,000 sq.ft. (1,858 m^2)
(b)	Minimum Frontage:		
	Two unit dwellings per dwelling unit	30 feet (9.1 m)	50 feet (15.2 m)
	Service Stations	200 feet (61.0 m)	200 feet (61.0 m)
	Other Uses	60 feet (18.3 m)	100 feet (30.5 m)
(c)	Minimum Front or Flankage Yard:		
	Open Space Uses	30 feet (9.1 m)	30 feet (9.1 m)
	Other Uses	20 feet (6.1 m)	20 feet (6.1 m)
(d)	Minimum Rear or Side Yard:		
	Multi-unit dwellings	20 feet (6.1 m) or	20 feet (6.1 m) or

		1/2 the height of the main building, which ever is greater	1/2 the height of the main building, which ever is greater
	Residential	8 feet (2.4 m)	8 feet (2.4 m)
	Commercial/industrial	15 feet (4.6 m)	15 feet (4.6 m)
	Open Space Uses	30 feet (9.1 m)	30 feet (9.1 m)
	Other Uses	10 feet (3.0 m)	10 feet (3.0 m)
(e)	Maximum Lot Coverage:		
	Residential uses	35%	35%
	Other uses	50%	50%
(f)	Maximum height of main building:	35 feet (10.7 m)	35 feet (10.7 m)
(g)	**Maximum height of multi-unit dwelling with more than 4 units:**	**3 storeys**	**3 storeys**
	(RC-Dec 11/25;E-Feb 2/26)		

8.3 OTHER REQUIREMENTS: COMMERCIAL USES

In any MU Zone, no development permit shall be issued for any commercial use except in conformity with the following:

(a) Where any portion of any lot in any MU Zone is to be used for commercial uses, no parking and outdoor storage or outdoor display or sign shall be permitted within any side or rear yard where such yard abuts any lot containing a residential dwelling or any residential zone, except where a fence or other visual and physical barrier is provided.

(b) Notwithstanding Section 8.3(a) above, where the abutting property is under the same ownership, no fence or other visual and physical barrier shall be required.

8.4 OTHER REQUIREMENTS: INDUSTRIAL USES

In any MU Zone, no development permit shall be issued for any industrial use except in conformity with the following:

(a) The gross floor area devoted to all industrial uses shall not exceed more than ten thousand (10,000) square feet (929 m^2).

(b) Where any industrial use abuts another industrial or a commercial use, the abutting side yard requirement shall be fifteen (15) feet (4.6 m).

(c) No outdoor storage shall be permitted in the front yard or within any required side or rear yard.

(d) Any materials associated with an industrial use shall be contained within a building or otherwise enclosed by a fence, vegetation, or other means which provide a visual and physical barrier from abutting residential properties and the travelling public.

(e) No outdoor display shall be located within ten (10) feet (3.1 m) of any front lot line or within any required side or rear yard.

(f) No outdoor display shall be permitted in any yard where the yard abuts any residential or community use, except where a visual barrier is provided.
(g) No parking or loading area shall be permitted in any required side or rear yard where the required yard abuts any residential or community use.
(h) No portion of any building or structure associated with an industrial use shall be located within 50 feet of any watercourse or well except for a well located on the same lot.

8.5 OTHER REQUIREMENTS: KENNELS

In any MU Zone, no development permit shall be issued for any kennel except in conformity with the following minimum separation distances:

(a)	From any lot line	20 feet (6.1 m)
(b)	From any dwelling[11]	50 feet (15.2 m)
(c)	From any watercourse or well[12]	150 feet (45.7 m)

8.6 OTHER REQUIREMENTS: FORESTRY PROCESSING USES

In any MU Zone, any building, structure, or stockpile associated with a forest processing operation shall satisfy the following minimum separation distances:

		Sawmills under 1,000 sq.ft. of GFA[13]	Sawmills over 1,000 sq.ft. of GFA
(a)	From any lot line	15 feet (4.6 m)	50 feet (15.2 m)
(b)	From any dwelling[14] or residential zone	50 feet (15.2 m)	150 feet (45.7 m)
(c)	From any watercourse or well[15]	150 feet (45.7 m)	150 feet (45.7 m)

8.7 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Section 8.2, where any service station is erected in any MU Zone, the following shall apply:

(a) No portion of any pump island shall be located closer than twenty (20) feet (6.1 m) from any street line.
(b) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
(c) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 m).

[11] Except for a dwelling on the same lot
[12] Except for a well on the same lot
[13] GFA = Gross Floor Area
[14] Except for a dwelling located on the same lot
[15] Except for a well located on the same lot

(d) The minimum angle of intersection of a ramp to a road line shall not be less than forty-five (45) degrees.
(e) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

8.8 OTHER REQUIREMENTS: RECYCLING DEPOTS

In any MU Zone, where recycling depots are permitted, no outdoor storage related to the operation of a recycling depot shall be permitted.

8.9 OTHER REQUIREMENTS: ENTERTAINMENT USES

In any MU Zone, where entertainment uses are permitted, no development permit shall be issued except in conformity with the following:

(a) The gross floor area of any building or structure to be used for an entertainment use shall not exceed fifteen hundred (2000) square feet (185.8m^2).
(b) No outdoor storage or outdoor display shall be permitted.
(c) No parking shall be permitted within any required side or rear yard except where a fence or other visual and physical barrier is provided within such yard in which case no parking shall be permitted within five (5) feet (1.5 m) of the side or rear lot line.

8.10 OTHER REQUIREMENTS: INTENSIVE LIVESTOCK OPERATIONS

In any MU Zone, where intensive livestock operations are permitted on the property, no development permit shall be issued except in conformity with the following:

(a) Any building or structure associated with an intensive livestock operation shall meet the following setback requirements;

USE	From any dwelling[16] (ft./m)	From any public highway (ft./m)	From any watercourse (ft./m)	From any well[17] (ft./m)	Lot area (acre/ha)
Intensive Livestock Operation	500 (152.4)	150 (152.4)	150 (45.7 m)	150 (45.7 m)	10 (4.05 ha)

(b) the minimum lot area for each manure animal unit, above thirty (30) units, shall be 23,000 square feet (2,136.7 m^2) per unit in addition to the minimum lot area of 10 acres (4.05 ha).

[16] Except for a dwelling located on the same lot.

[17] Except a well located on the same lot.

8.11 OTHER REQUIREMENTS: KEEPING OF LIVESTOCK

In any MU Zone, where livestock is kept on the property, any building, structure, or manure pile associated with the keeping of livestock shall be a minimum of 150 feet (45.7 m) from any abutting residence, well, or watercourse.

8.12 OTHER REQUIREMENTS: GREENHOUSES AND NURSERIES

In any MU Zone, where greenhouse and nurseries are permitted on the property, no development permit shall be issued except in conformity with the following:

(a) any building, structure, or use of land associated with either a greenhouse or nursery shall not be located within 150 feet (45.7 m) from any well except for a well located on the same lot.
(b) No outdoor storage shall be locate in any front or side yard.

8.13 OTHER REQUIREMENTS: EXTRACTIVE FACILITIES

In any MU Zone, where extractive facilities are permitted, no development permit shall be issued except in conformity with the following minimum separation distances:

(a) minimum separation distances shall be as follows:

From any lot line	100 feet (30.5 m)
From any dwelling except a dwelling located on the same lot	2,625 feet (800 m)
From any rural residential zone, Village Zone or mobile home park	2,625 feet (800 m)
From any watercourse or well except for a well located on the same lot	300 ft (91.4 m)

(b) that any proposed facility shall not require access through a rural residential (RR-1) Zone or village (VIL) zone.

8.14 OTHER REQUIREMENTS: EXISTING EXTRACTIVE FACILITIES

Notwithstanding Section 8.13, the existing extractive facilities located on the property identified as LIMS No. 562983 in Upper Musquodoboit (owned by Dillman Enterprises (1995) Limited shall be exempt from subsection 8.13(a) of this by-law.

8.15 OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES (RC-Sep 18/18;E-Nov 3/18)

(a) Where a lot containing a cannabis production facility abuts a lot
(i) zoned or used for residential purposes, or
(ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

PART 9: I-3 (HEAVY INDUSTRY) ZONE

9.1 I-3 USES PERMITTED

Any manufacturing, processing, assembly or warehousing operations which are not obnoxious uses

Offices, research facilities and wholesale and retail uses accessory to permitted industrial uses
All commercial and industrial uses permitted under the MU Zone
Composting operations

9.2 I-3 ZONE REQUIREMENTS:

In any I-3 Zone no development permit shall be issued except in conformity with the following:

	Central Services	On-site Services
Minimum Lot Area:	20,000 sq.ft. (1,858 m^2)	40,000 sq.ft. (1,858 m^2)
Minimum Frontage:	100 feet (30.5 m)	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)	15 feet (4.6 m)
Maximum Lot Coverage of Building	50 %	50 %
Maximum Lot Coverage of Building and Outdoor storage	70%	70%

9.3 OTHER REQUIREMENTS: INDUSTRIAL USES

In any I-3 Zone, no development permit shall be issued for any industrial use except in conformity with the following:

(a) Notwithstanding the above provisions, where uses are permitted as industrial uses, no building or structure or outdoor storage within any I-3 Zone shall be located less than 100 feet (30.5 m) from any existing dwelling, residential zone, park zone or less than 150 feet (45.7 m) from a watercourse or well except for a well on the same property.

(b) Where any yard within an I-3 Zone abuts any property containing an existing dwelling or any residential zone, a fence or other visual barrier shall be provided.

9.4 OTHER REQUIREMENTS: COMMERCIAL USES

In any I-3 Zone, no development permit shall be issued for any commercial use permitted under the MU Zone except in conformity with the provisions of the MU Zone for commercial uses as contained within Part 8 of this By-law.

9.5 OTHER REQUIREMENTS: OUTDOOR STORAGE AND OUTDOOR DISPLAY

Where any portion of any lot in any I-3 Zone is to be used for outdoor storage or outdoor display, the following shall apply:

(a) Any area devoted to outdoor storage or outdoor display shall not exceed fifty (50) per cent of the lot area;
(b) No outdoor storage shall be permitted within any required front yard;
(c) No outdoor display shall be located within ten (10) feet (3.1 m) of any front lot line; and
(d) No outdoor storage or outdoor display shall be permitted within any yard in a I-3 Zone where such yard abuts a residential dwelling or any residential zone except where a fence or other visual and physical barrier is provided within the abutting yard.

9.6 OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES (RC-Sep 18/18;E-Nov 3/18)

(a) Where a lot containing a cannabis production facility abuts a lot
(i) zoned or used for residential purposes, or
(ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

PART 10: P-4 (PARK) ZONE

10.1 P-4 USES PERMITTED

No development permit shall be issued in any P-4 (Park) Zone except for the following:

Park Uses
Public parks, trails, picnic areas and campsites
Commercial uses accessory to a public park use
Museums, interpretive centres, and buildings associated with park development and maintenance
Historic sites and monuments

10.2 P-4 ZONE REQUIREMENTS

In any P-4 (Park) Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Frontage	20 feet (6.1 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Height of Main Building	35 feet (10.7 m)

PART 10A: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14)

10A.1 RPK USES PERMITTED

No development permit shall be issued in any RPK (Regional Park) Zone except for the following:

Park Uses
Recreation uses
Conservation uses
Uses accessory to the foregoing uses

10A.2 RPK ZONE REQUIREMENTS

In any RPK Zone, no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard:	**20m**
Minimum Side or Rear Yard:	**20m**
Maximum Lot Coverage:	**50% for lots less than 4 ha in area, or 5% for lots 4 ha or more in area**
Maximum Height of Main Building	**10.7 m**

PART 11: EX (EXHIBITION) ZONE

11.1 EX USES PERMITTED

No development permit shall be issued in any EX (Exhibition) Zone except for the following:

Arenas
Campgrounds
Fairgrounds
Exhibition Centres
Temporary Outdoor or Indoor Markets, Bake Sales, Flea Markets, and Vegetable and Produce Markets
Recreation Uses
Livestock barns
Buildings accessory to permitted uses

11.2 EX ZONE REQUIREMENTS

In any EX (Exhibition) Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	3 acres (1.2 hectares)
Minimum Front or Flankage Yard	30 feet (6.1 m)
Minimum Rear or Side Yard	20 feet (6.1 m)
Minimum distance between buildings	16 feet (4.8 m)
Maximum Height of Main Building	35 feet (10.7 m)

11.3 OTHER REQUIREMENTS: LIVESTOCK

In any EX Zone, where livestock is kept on the property for either a temporary or permanent basis, no development permit shall be issued except in conformity with the following:

(a) Any manure pile associated with the keeping of livestock shall be a minimum of 150 feet (45.7 m) from any abutting residence, well[18], or watercourse.
(b) No livestock shall be kept on the property unless fencing or physical barriers are established to ensure all livestock are kept on the lot.

[18] Except for a well located on the same lot.

PART 11A: PA (PROTECTED AREA) ZONE (RC-Jun 25/14;E-Oct 18/14)

11A.1 PA USES PERMITTED

No development permit shall be issued in any PA (Protected Area) Zone except for the following:

Scientific study and education, involving no buildings
Trails, boardwalks or walkways
Conservation uses
Uses accessory to the foregoing uses

11A.2 PA ZONE REQUIREMENTS

In any PA Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	**930m²**
Minimum Frontage:	**30.5m**
Minimum Front or Flankage Yard:	**20m**
Minimum Side or Rear Yard:	**20m**

11A.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

Within any PA zone, no infilling, excavation, alteration of grade or removal of vegetation shall be permitted. The construction of board walks, walkways or trails shall be permitted provided that no infilling or alteration of grade occurs other than the placement of piles or the placement of trails on top of the existing grade.

PART 12: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02;E-Nov 9/02)

12.1 CD -1 USES PERMITTED

No development permit shall be issued in any CD-1 (Transfer Stations) Zone except for the following, pursuant to the Site Plan Approval process:

Construction and Demolition Materials Transfer Stations
Uses accessory to permitted use

12.2 CD-1 ZONE REQUIREMENTS

In any CD-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	**3,716 square metres (40,000 square feet) - central services** **11,148 square metres (120,000 square feet) - on-site services**
Minimum Frontage	**15 metres (49.2 feet) - central services** **30 metres (98.4 feet) - on-site services**
Minimum Front Yard	**25 metres (82.0 feet)**
Minimum Side Yard	**30 metres (98.4 feet)**
Minimum Rear Yard	**30 metres (98.4 feet)**
Maximum Lot Coverage	**50 %**
Maximum Height	**11 metres (36.0 feet)**

12.3 OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS

No development permit shall be issued for a C&D Materials Transfer Station except in compliance with the following provisions:

(a) any building or structure shall meet the following separation distances:
- **(i) from any property line — 30 metres (98.4 feet)**
- **(ii) from the nearest residential dwelling or institutional use — 60 metres (196.9 feet)**
- **(iii) from a watercourse — 30 metres (98.4 feet)**

(b) notwithstanding Section 12.3(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).

(c) notwithstanding Section 12.3(a), any C&D Materials Transfer Station which is to be totally enclosed within a building (no outdoor storage of material, product, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

12.4 GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) no operation shall be permitted, result in, causes or produces any of the following effects discernible outside any building or structure or affecting any adjacent property:
- **(i) noise or sound which is obnoxious because of its volume, duration, intermittent beat, frequency, or shrillness;**
- **(ii) dissemination of smoke, fumes, gas, dust, odour, or any atmospheric pollutant; or**
- **(iii) discharge of any waste material whatsoever into a watercourse or water resource except in accordance with the applicable government requirements.**

(b) notwithstanding any other provisions of this by-law, C&D Materials Operation may occur either inside or outside of a building;

(c) there shall be a landscaped area of at least 4.5 metres (14.8 feet) in depth that runs the length of and directly abuts the front lot line, excluding driveway openings, and such land within this required landscaped area shall be grassed (or other appropriate vegetation ground cover) and trees and shrubs shall be planted (trees shall be a minimum of 1.8 metres (6 feet) in height) or existing trees and shrubs shall be maintained at a minimum rate of one (1) plant per each 2 metres (6.6 feet) of frontage;

(d) notwithstanding Section 12.4(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;

(e) no portion of the operation shall be located within any side, rear, or front yard setback;

(f) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (RR-1 and VIL) or community use (P-3 and EX); and

(g) no portion of the operation shall be located within a 1:100 year floodplain.

12.5 GENERAL REQUIREMENTS: SITE PLAN APPROVAL

All C&D operations are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

(a) driveway access to the site shall be located in such a manner to minimize land use impacts on adjacent land uses;

(b) separation distances shall be provided from any structure on the site and abutting residential or community facility properties to ensure the development does not negatively impact upon surrounding properties;

(c) all off-street loading and unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts upon

adjacent uses or streets and screening can be in the form of fencing, berms, vegetation, or a combination of elements;

(d) a landscaping plan shall be prepared that protects and minimize land use impacts on adjoining lands and the plan shall indicate the type, size, and location of all landscaping elements including the landscaping along the front of the property, to achieve the objective of the plan;

(e) within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures;

(f) all outdoor lighting shall be oriented such that it is directed away from adjacent properties;

(g) all solid waste storage containers shall be screened from view from adjacent properties and streets;

(h) impact of the location, number and size of signs;

(i) measures, including but not limited to lot grading, berms, shall be required to adequately address the management of stormwater and surface water; and

(j) provisions are established to ensure the operation and any required site improvements are maintained to a high standard.

PART 13: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE (RC-Sep 10/02;E-Nov 9/02)

13.1 CD-2 USES PERMITTED

No development permit shall be issued in any CD-2 (C&D Recycling) Zone except for the following, pursuant to the Site Plan Approval process:

Construction and Demolition Materials Processing Facilities
All CD-1 Zone uses
Uses Accessory to permitted uses, excluding construction and demolition disposal
Accessory dwelling unit which are provided for the purposes of safety, security, or maintenance

13.2 CD-2 ZONE REQUIREMENTS

In any CD-2 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	**3,716 square metres (40,000 square feet) central services**
	11,148 square metres (120,000 square feet) on-site services
Minimum Frontage	**15 metres (49.2 feet) central services**
	30 metres (98.4 feet) on-site services
Minimum Front Yard	**30 metres (98.4 feet)**
Minimum Side Yard	**30 metres (98.4 feet)**
Minimum Rear Yard	**30 metres (98.4 feet)**
Maximum Lot Coverage	**50 %**
Maximum Height	**11 metres (36.0 feet)**

13.3 OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS

In any CD-2 Zone, no development permit shall be issued for any C&D Materials Transfer Stations except in conformity with the provision for such a use as contained within the CD-1 Zone.

13.4 OTHER REQUIREMENTS: C&D MATERIALS PROCESSING FACILITIES

No development permit shall be issued for C&D materials processing facility except in compliance with the following provisions:

(a) any building, structure or area used for processing shall meet the following separation distances:

(i)	**from any property line**	**60 metres (196.8 feet)**
(ii)	**from the nearest residential dwelling or institutional use**	**90 metres (295.3 feet)**
(iii)	**from a watercourse**	**60 metres (196.8 feet)**

(b) notwithstanding Section 13.4(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).

(c) notwithstanding Section 13.4(a), any C&D Materials Processing Facility which is to be totally enclosed within a building (no outdoor storage of material, product, processing area, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

13.5 GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) the operation complies with the general zone requirements as outlined in Section 12.4.

(b) notwithstanding Sections 13.2 to 13.4, inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are not clearly differentiated than the more stringent requirements shall apply to the permitted uses.

13.6 GENERAL REQUIREMENTS: SITE PLAN APPROVAL

C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters outlined in Section 12.5.

PART 14: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE (RC-Sep 10/02;E-Nov 9/02)

14.1 CD-3 USES PERMITTED

No development permit shall be issued in any CD-3 (C&D Disposal) Zone except for the following, pursuant to the Site Plan Approval process:

Construction and Demolition Materials Disposal Sites
All CD-2 zone uses
Uses Accessory to permitted uses
Accessory dwelling unit which are provided for the purposes of safety, security, or maintenance

14.2 CD-3 ZONE REQUIREMENTS

In any CD-3 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	**11,148 square metres (120,000 square feet)**
Minimum Frontage	**15 metres (49.2 feet) central services**
	30 metres (98.4 feet) on-site services
Minimum Front Yard	**50 metres (164 feet)**
Minimum Side Yard	**50 metres (164 feet)**
Minimum Rear Yard	**50 metres (164 feet)**
Maximum Lot Coverage	**50 %**
Maximum Height	**11 metres (36.1 feet)**

14.3 OTHER REQUIREMENTS: CD-1 AND CD-2 ZONE USES

In any CD-3 Zone, no development permit will be issued for any:

(a) C&D Materials Processing Facility except in conformity with the provision for such a use as contained within the CD-2 Zone; and
(b) C&D Materials Transfer Station except in conformity with the provision for such a use as contained within the CD-1 Zone.

14.4 OTHER REQUIREMENTS: C&D MATERIALS DISPOSAL SITES

No development permit shall be issued for C&D disposal site except in compliance with the following provisions:

(a) no portion of the operation shall be located within 60 metres (196.8 feet) of any side or rear property line abutting a residential or community facility use;
(b) any building or structure used in conjunction with a disposal operation shall meet the following separation distances:
(i) from any property line 50 metres (164 feet)

(ii)	**from the nearest residential dwelling or institutional use**	**90 metres (295.3 feet)**
(iii)	**from a watercourse**	**60 metres (196.8 feet)**

14.5 <u>GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS</u>

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) the operation complies with the general zone requirements as outlined in Section 12.4.

(b) Notwithstanding Sections 14.2 to 14.4, inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are integrated than the more stringent requirements shall apply to the permitted uses.

14.6 <u>GENERAL REQUIREMENTS: SITE PLAN APPROVAL</u>

C&D Material Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters as outlined in Section 12.5.

PART 15: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02)

15.1 ICH USES PERMITTED

No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (July 2, 2002) of this zone for the following:

Single Unit Dwellings
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Open Space Uses

15.2 ICH ZONE REQUIREMENTS

In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the RR-1 Zone.

APPENDIX "A": NON CONFORMING USES

NON-CONFORMING USE

90 (1) Subject to this Act, a non-conforming structure or a non-conforming use of land or a structure, existing at the date of the first publication of the notice of intention to adopt a land use by-law or amend or revise a land use by-law, may continue to exist.

EXISTING USE

(2) For the purposes of subsection (1), a non-conforming structure or a non-conforming use of land or a structure shall be deemed to be existing if

(a) the non-conforming structure, or structure containing the non-conforming use, was lawfully under construction; or

(b) the permit for its construction or use was in force and effect, except that this clause shall not apply unless the construction or use is commenced within twelve months after the date of the issuance of the permit and is completed in conformity with the permit within a reasonable time. 1983, c. 9, s. 83.

CANCELLATION OF PERMIT

91 (1) A council may cancel any permit issued by the municipality in the circumstances of clause (b) of subsection (2) of Section 90, where the construction or use has not been commenced, and shall pay to the person on whose behalf the permit was obtained such reasonable expenses for the preparation of plans and promotion of the development as may be agreed upon by the parties.

ARBITRATION

(2) In the event the parties are unable to agree upon the amount to be paid, the person on whose behalf the permit was obtained may, by written notice, require that the municipality submit the claim to arbitration.

ARBITRATOR

(3) The arbitration shall be by one arbitrator appointed by the parties, or appointed by the Minister if they are unable to agree. 1983, c. 9, s. 84.

RESTRICTION ON NON-CONFORMING USE

92 (1) No increase in volume of or any addition to a structure shall, except as required by an enactment, be made while a non-conforming use therein is continued, but such use may be extended throughout the structure.

NO EXTENSION OF NON-CONFORMING USE

(2) For greater certainty, no extension of a non-conforming use not contained within a structure shall be made beyond the limits that the use occupies.

CHANGE IN USE

(3) A non-conforming use shall not be changed to any other use unless the use is permitted for that property by the land use by-law.

CHANGE OF OCCUPANT

(4) A change of tenant, occupant or owner of any land or structure shall not of itself be deemed to affect the use or structure for the purposes of this Section.

REPAIR OR MAINTENANCE

(5) Subject to Section 93, this Act does not preclude the repair or maintenance of a structure. 1983, c. 9, s. 85; 1987, c. 51, s. 81.

DESTRUCTION OR DAMAGE

93 (1) If a non-conforming structure or a structure containing a non-conforming use is destroyed or damaged by fire or otherwise

(a) to an extent of less then seventy-five per cent of the market value of the structure, it may be rebuilt, repaired or reoccupied if the structure is substantially the same as it was before the destruction or damage and it is used for the same non-conforming use; or

(b) to an extent of seventy-five per cent or more of the market value of the structure, it shall not be rebuilt, repaired or reoccupied except in conformity with the requirements of the land use by-law applicable to the property.

DISCONTINUANCE

(2) A non-conforming use of land or a structure shall not be recommenced if it has been discontinued for a continuous period of six months, and in such event the land or structure shall not thereafter be used except in conformity with the requirements of the land use by-law applicable to the property. 1983, c. 9, s. 86.

VARIATION IN SECTION 92 OR 93 RESTRICTIONS

94 (1) A municipal planning strategy may provide for the variation of the provisions of Section 92 or 93, but no variation shall increase the restrictions in Sections 92 and 93.

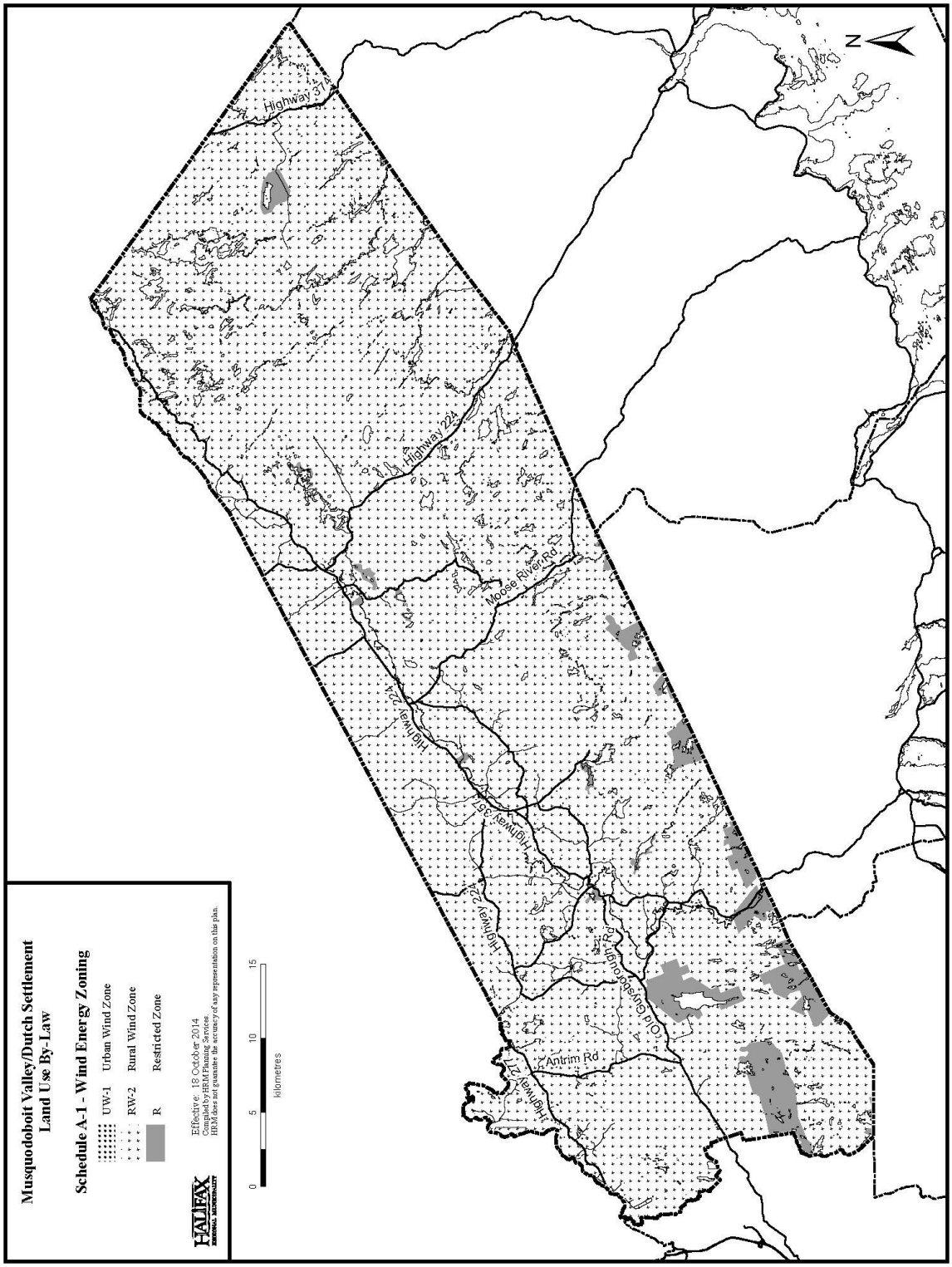
POLICIES

(2) The policies adopted pursuant to subsection (1) may provide for:
- (a) the extension, enlargement or alteration of non-conforming structures or structures containing non-conforming uses;
- (b) the extension of a non-conforming use of land;
- (c) the rebuilding of a non-conforming structure, or structures containing a non-conforming use, after destruction;
- (d) the recommencement of a non-conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months.
- (e) the change in use on a non-conforming structure to another use in the non-conforming structure, or of a non-conforming use of land or a structure to another non-conforming use.

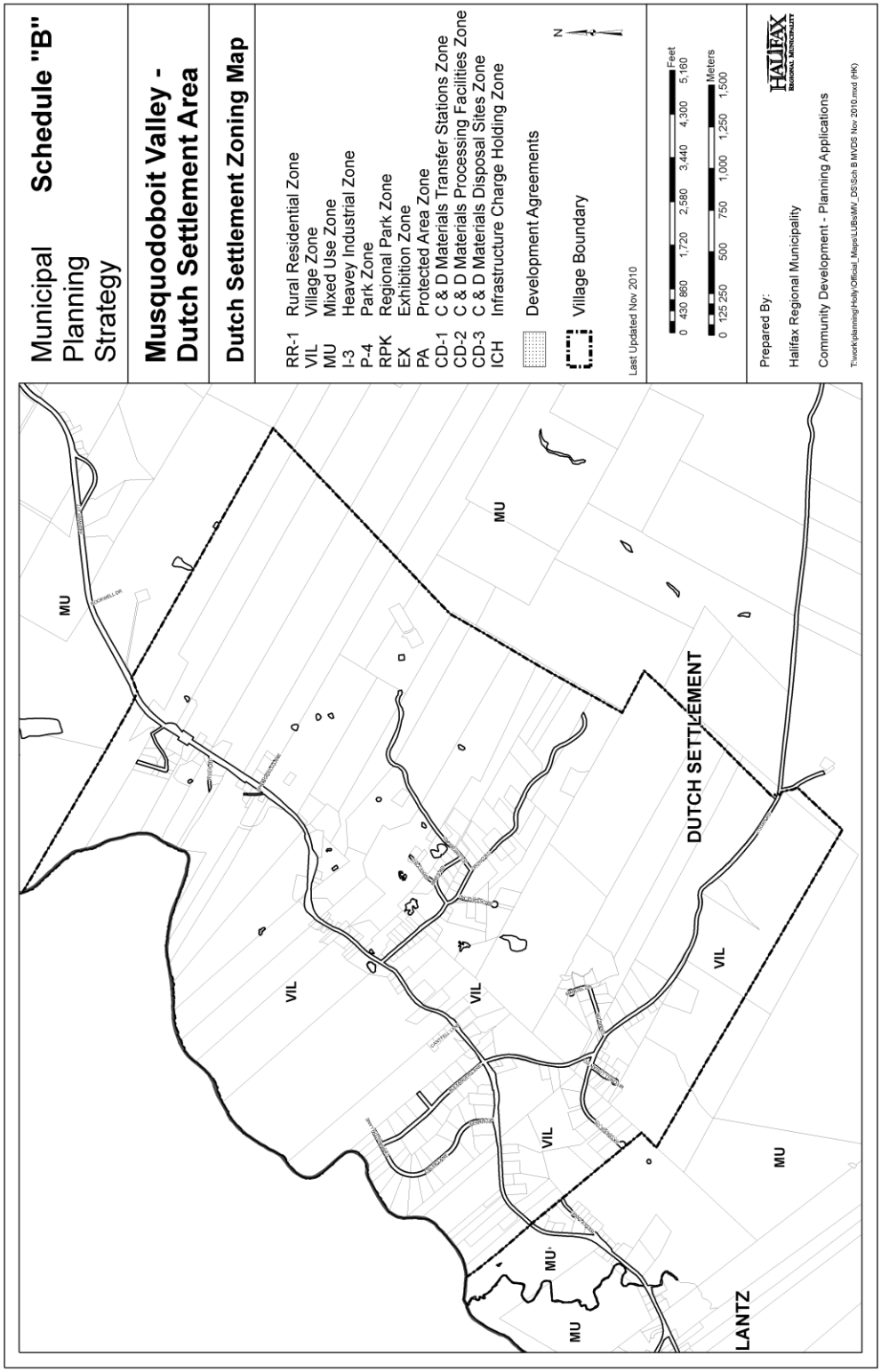
IMPLEMENTATION

(3) The policies adopted pursuant to this Section may be carried out through the land use by-law, or by development agreement, and where the council has provided for the latter, Sections 73 to 80 apply mutatis mutandis to any agreement entered into pursuant to this Section. 1983, s. 9, s. 87; 1987, c. 51, s. 19.

Schedule A-1: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14)

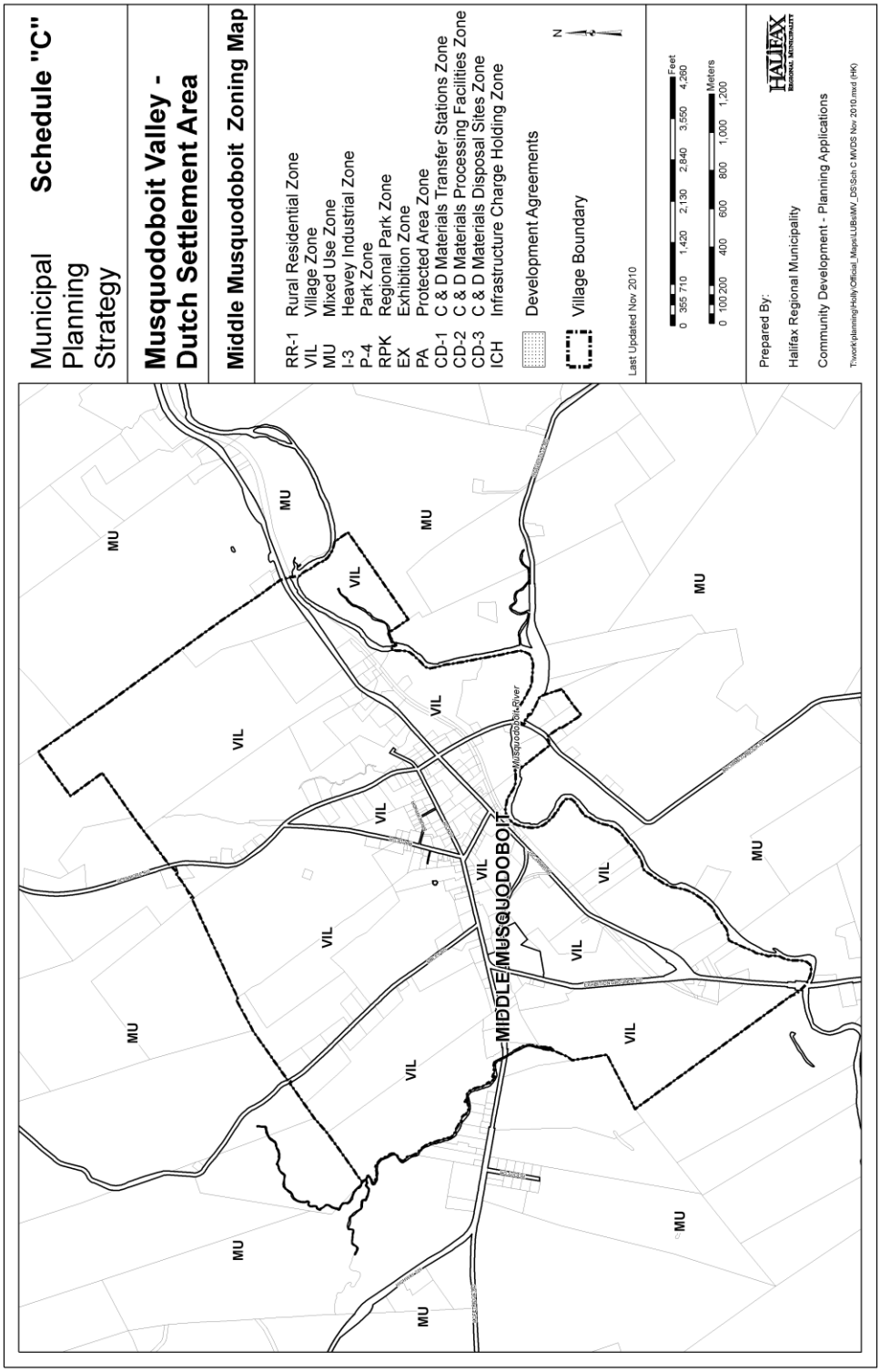


Schedule B: Zoning Map for Dutch Settlement (RC-Jun

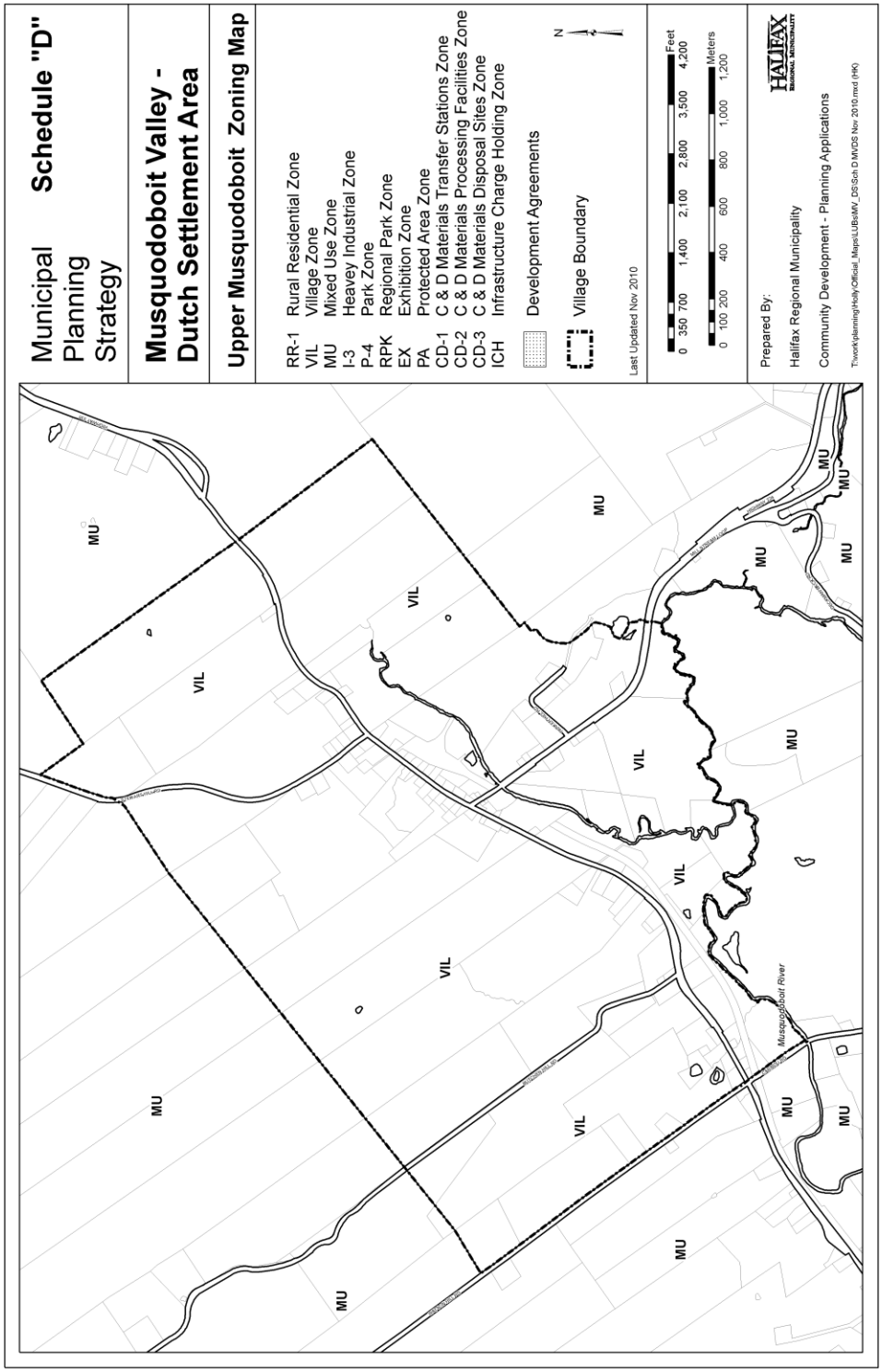


25/14;E-Oct 18/14)

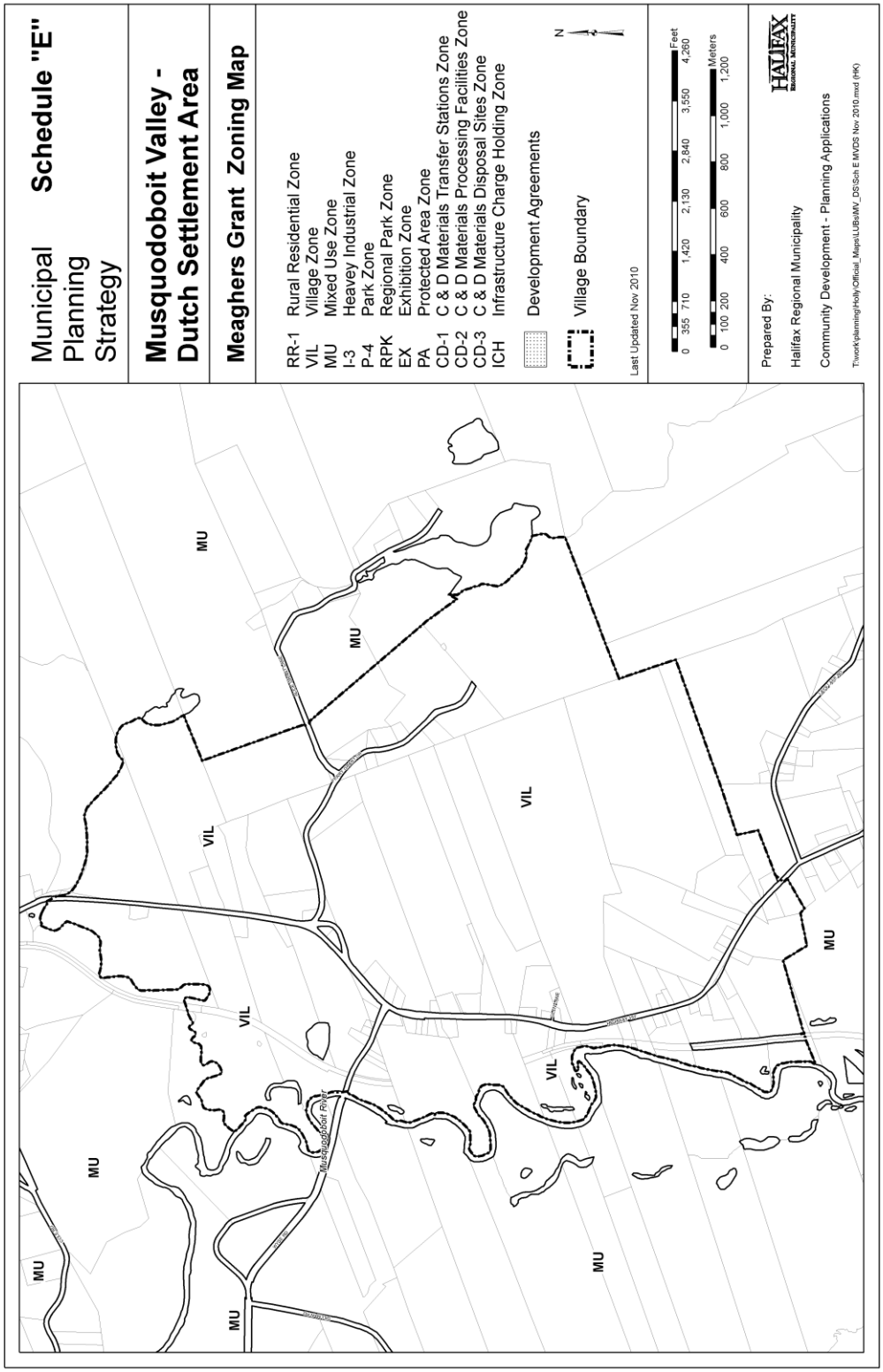
Schedule C: Zoning Map for Middle Musquodoboit (RC-Jun 25/14;E-Oct 18/14)



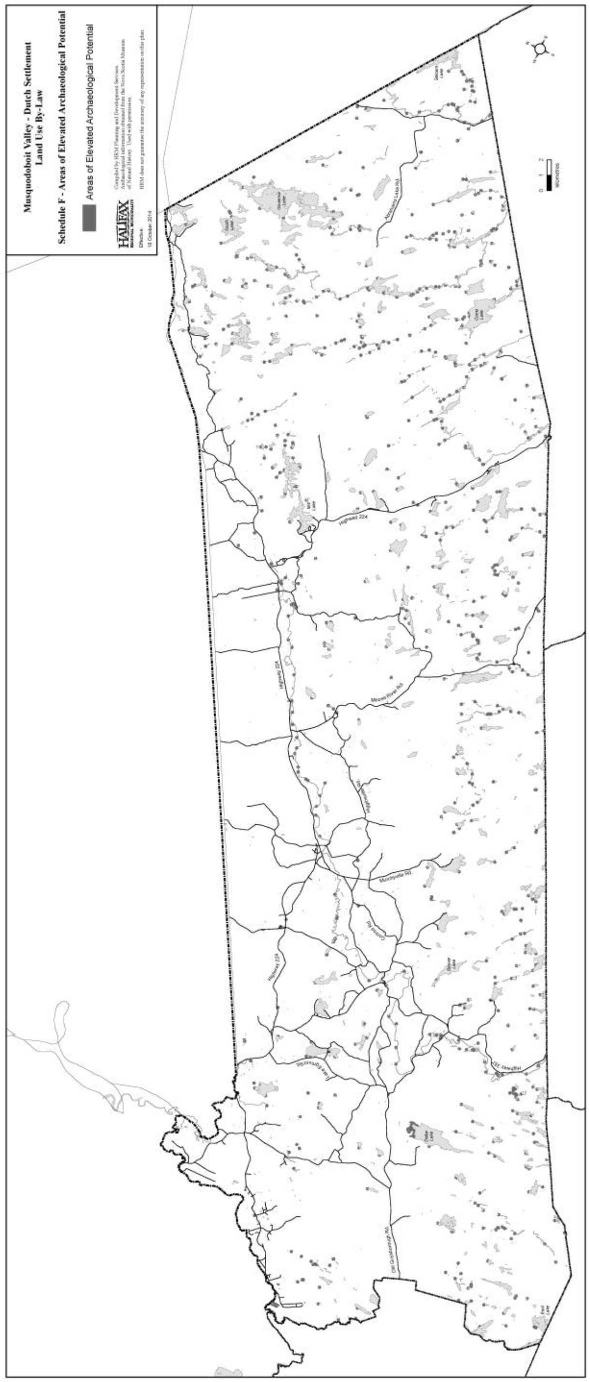
Schedule D: Zoning Map for Upper Musquodoboit (RC-Jun 25/14;E-Oct 18/14)



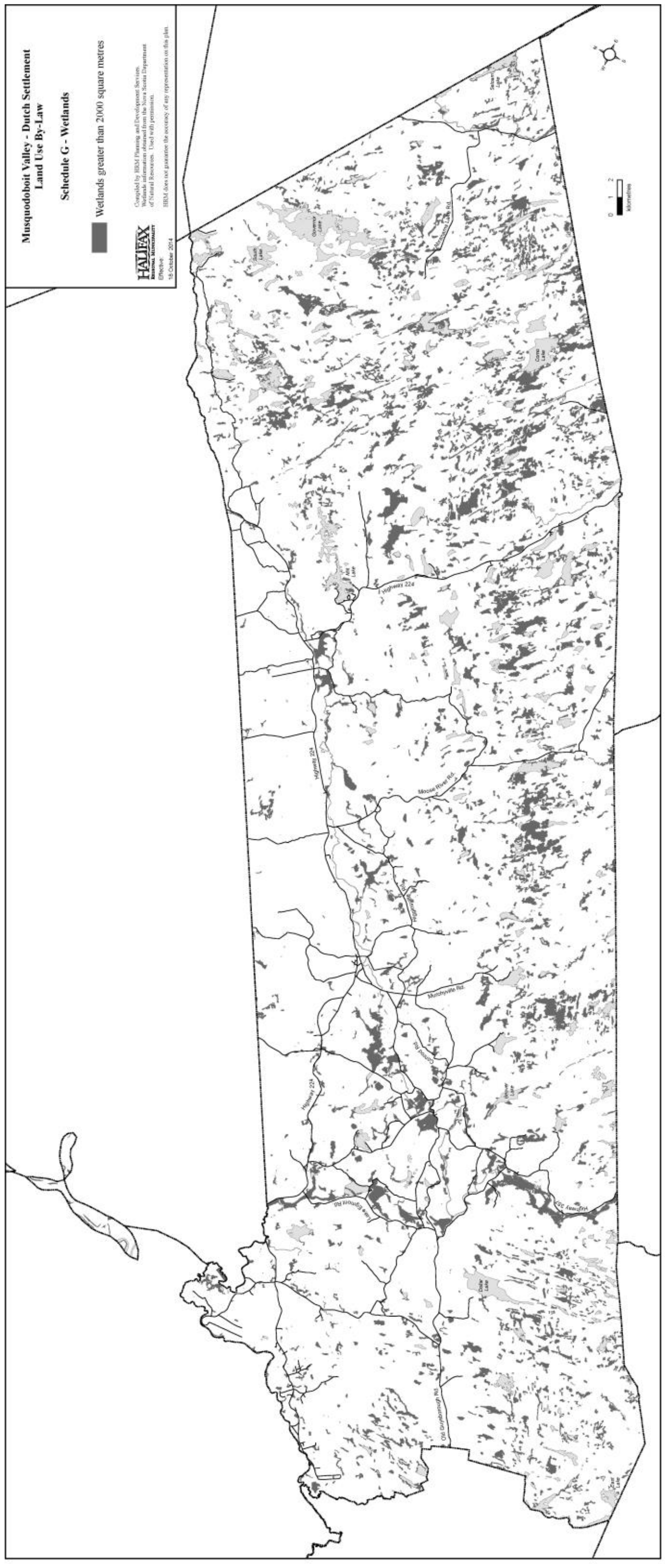
Schedule E: Zoning Map for Meaghers Grant (RC-Jun 25/14;E-Oct 18/14)



Schedule F: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14)



Schedule G: Wetlands (RC-Jun 25/14;E-Oct 18/14)



LAND USE BY-LAW
AMENDMENT INDEX

Amendment Number	Policies/Maps	Subject	Council Adoption	Effective
1	4.27	Composting Operations (PA-ALL-35-95)	February 26, 1996	May 3, 1996
2	Section 2.13A, Part 8	Amend MU Zone to permit hotels, motels and lodges (Case No. ZA-MUS-02-97-01)	May 28, 1997	June 22, 1997
3	Section 3.11, Part 15	Infrastructure Charges (Project No. 00423)	July 2, 2002	August 17, 2002
4	Definitions, 4.19, Parts 12, 13 and 14	Construction and Demolition Waste Management Strategy (Project No. 00082)	September 10, 2002	November 9, 2002
5	Zoning Map	Rezoning - Halifax Construction & Debris Limited (Project No. 00082)	October 8, 2002	November 9, 2003
6	Section 3.3A	Interim Growth Management (Project No. 00064)	April 13, 2004	April 22, 2004
7	Adding Schedules F & G and Sections 4.29, 4.30 & Parts 10A & 11A & following clause (e) in section 3.16 also General Provisions 3.3B. Amending sections 4.27, 4.19, 8.1, Replacing section 4.19.	Regional Plan Amendments	June 27, 2006	August 26, 2006
8	Added Section 5.1A; Replaced Section 2.81 a), b), and c).	Project 00327 - Sign By-law	September 26, 2006	November 18, 2006
9	Amend Section 4.24 (Parking Requirements)	Case 01119	RC - August 5, 2008	E - August 23, 2008
10	Amend Section 4.14 (Temporary Construction Uses Permitted)	Case 01058	HECC - January 20, 2009	E - February 7, 2009
11	Replace Section 2.21: Definition of Day Care Facility	Case No. 01074	HECC - March 3, 2009	E - March 21, 2009
12	Amended Sub-sections 7.2(a) and (e) to add “central services” and “on-site services” with Central services and on-site sewage disposal systems	Case No. 01263	RC- October 27, 2009	E - December 5, 2009

13	Deleted the word "windmills" in Section 4.18; Added **Section 4.31 Wind Energy Facilities** in Part 4: General Provisions for All Zones; Add Schedule A-1: Wind Energy Zoning Map.	Project No. 00953	RC – August 16, 2011	E – October 29, 2011
14	Amend Part 4, Section 31 IV by adding **b)** and **c)** after a): Wind Energy Facilities.	Project No. 00953	RC – October 18, 2011	E – October 29, 2011
15	Deleted replaced 4.12 (iv, v, vi, and added vii, viii)	Case # 17517	MDVCCC – May 22, 2012	E – July 28, 2012
16	**Repeal/Readopt** Section 2.16E, 2.70, 2.89; parts of 3.3B, 3.11, 3.16, 4.19, 4.27, 4.28; 8.1; Part 10A; 11A; Schedule A, B, C, D, E, F, G; **Add** Section 2.13a, 2.88A; 4.32; **Amend** Section 3.16; 4.19; Schedule A, A-1, F, G.	RP+5	RC-June 25, 2014	E-October 18, 2014
17	**Add** Section 4.5(b)	25 Acre Lots	RC – January 10, 2017	E – February 25, 2017
18	**Amend** several sections to add Cannabis related uses	Case 21331	RC - September 18, 2018	E- November 3, 2018
19	**Amend** Section 4.5 (a) deleting (Part 14) and adding text in bold	Case 20589	RC - October 2, 2018	E – November 24, 2018
20	**Add** Part 2, Section 2.84A – Backyard / Secondary Suites; Part 4, Section 4.12A – Secondary Suites and Backyard Suites; **Amend** Part 4, Section 4.2 – One Dwelling on a Lot.	Case 21162 – Secondary / Backyard Suites	RC – September 1, 2020	E – November 7, 2020
19	**Amended:** Part 2, Part 3 and Part 4 to include definitions and stipulations for Accessory Hen Use.	Case 22227 – Accessory Hen Use	RC – October 5, 2021	E – January 8, 2022

20	**Amended** Part 2, Definitions – Section 2.39A; Part 3, Administration – Section 3.16(b)(iv); Part 4, General Provisions for all Zones – Section 4.23, 4.31I(a); Part 6, RR-1 Zone – Section 6.1, 6.2(a); Part 7, VIL Zone – Section 7.1, 7.2(a); Part 8, MU Zone – Section 8.1, 8.2(a); Part 15, ICH Zone – Section 15.1 **Deleted** Part 2, Definitions – Section 2.8, 2.76 **Added** Part 2, Definitions – Section 2.79A, 2.79B; Part 3, Administration – Section 3.16(c)	Case RP16-16 (Shared Housing)	RC – August 9, 2022	E – September 15, 2022
21	**Amended** Clause 2.23(c); CDD(i) Policy; Section 4.32; Section 6.1; Section 7.1; Section 8.1 **Added** Section 3.18	Case 22257 (Regional Plan – Phase 3)	RC – October 11, 2022	E – November 16, 2022
22	**Amended** Part 2, Section 2.13A; Part 4, Section 4.34 **Added** Part 2, Section 2.80A, 2.80B; Part 3, Section 3.3(e)(v), 3.3(e)(vi); Part 4, Section 4.23; Part 6, Section 6.1; Part 7, Section 7.2; Part 8, Section 8.1 **Deleted** Part 2, Section 2.11	Case 24526 (Short Term Rentals)	RC – February 21, 2023	E – September 1, 2023
23	**Added:** Part 4, section 4.12 (c); Part 4, clause 4.12A(b), (ix) **Amended:** Part 4, clause 4.12(a) (iv), (vi); Part 4, subclause 4.12A(a), (v); Part 4, clause 4.12A(b), (i), (iv), (vi), (vii), (viii); Part 4, clause 4.23(a); Part 7, section 7.1 **Deleted:** Part 4, clause 4.12(a) (v)	MINOREV 2023-01065 Housing Accelerator Fund (HAF)	RC – May 23, 2024	E – June 13, 2024
24	**Amend:** Part 4, section 23(a)	PLANAPP 2025-00111	NWCC – May 12, 2025	E – May 27, 2025
25	**Amended:** Part 2-Section 2.12; Part 3-Section 3.16(i); Part 4-Section 4.12, 4.12A, 4.15, 4.31(b)(vi) **Added:** Part 2-Section 2.55A, 2.79C, 2.81A, 2.85AA; Part 4-Section 4.12AA, 4.14(ab), 4.23(c), 4.34, 4.35	MINORREV 2025-02922 (Minimum Planning Requirements)	RC – December 11, 2025	E – February 26, 2026