

An aerial photograph of a lakeside town, likely St. Mary's, showing residential houses, a church, and a marina with several boats. The scene is surrounded by dense green trees and a large body of water. The entire image has a teal color overlay.

2022

MUNICIPALITY OF THE DISTRICT OF ST. MARY'S

MUNICIPAL LAND USE BY-LAW

Adopted: 2022.10.18

Effective:

With Amendments To: N/A

ACKNOWLEDGEMENTS

The Municipality would like to recognize the many residents and stakeholders who shared their thoughts, insights, and aspirations for the Municipality throughout the process of developing this Municipal Planning Strategy and Land Use By-Law.

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FACT SHEET

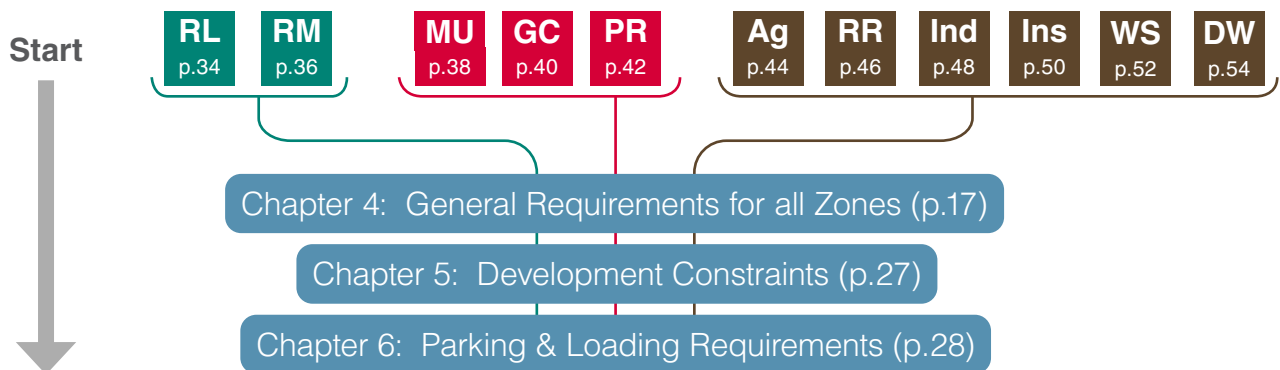
THIS FACT SHEET IS FOR INFORMATION PURPOSES ONLY AND DOES NOT FORM A LEGALLY-ENFORCEABLE PART OF THE BY-LAW

HOW TO USE THIS LAND USE BY-LAW

The following steps will help confirm that the proposed development meets the requirements of this Land Use By-Law.

1. Confirm the zone using the Zoning Map (see Appendix A)
2. Confirm the proposed development meets the zone requirements for the zone that the property falls within.
3. Confirm the proposed development meets the General Requirements for each zone.
4. Confirm the proposed development meets the
 - (a) General Requirements for All Zones (Page 17),
 - (b) Development Constraints Requirements (page 27), and
 - (c) Parking & Loading Requirements (page 28).
5. Once you have confirmed you meet the requirements of this By-Law, apply to the Municipality for a Development Permit.
6. A Building Permit review happens at the same time as the Development Permit review to ensure compliance with the Nova Scotia Building Code under the *Building Code Act of the Province of Nova Scotia*.
7. If you cannot meet all of the applicable requirements of this By-Law, it may be possible to obtain a variance, a development agreement, or a By-Law amendment (such as a "rezoning").

Figure 1.A The steps to confirm that a proposed development meets the Land Use By-Law requirements



APPROVAL PATHWAYS

The *Municipal Government Act* (MGA) enables several approval pathways including (1) As-of-Right and Conditional Approval (2) Development Agreement and (3) Rezoning.

As-of-Right approvals must meet all the established zoning requirements of the zone. Exceptions for minor variances may be considered by the Development Officer through a variance approval process. The As-of-Right process does not require any community consultation. See [Figure 1.B](#).

Development Agreements are a negotiated process between Council and the developer. This process requires involvement with Council, the Planning Advisory Committee (PAC) and the public, but ultimately the decision to approve is a Council decision. A development agreement process normally takes several months. Development agreements will only be considered where highlighted in the permitted use tables in each zone. A generalized Development Agreement process is summarized in [Figure 1.C](#).

By-Law Amendment applications may be considered to change a zone ("rezoning") or to amend the text of the By-Law if the request is consistent with the policies in the Municipal Planning Strategy.

The developer should consult a registered planner for advice on By-Law amendment applications. If the amendment request is not consistent with the plan policies, Council may (but is not required to) also consider amending the Municipal Planning Strategy (a plan amendment) to accommodate the By-Law amendment. By-Law and Plan amendments require consultation with the public as well as with Planning Advisory Committees. A generalized By-Law amendment process is summarized in [Figure 1.D](#).

VARIANCES

The *Municipal Government Act* enables the Development Officer to grant a variance from the requirements of the Land Use By-Law in situations where strictly applying the Land Use By-Law requirements would cause unique hardship on the development. Specifically, the Development Officer can vary:

1. size, or other requirements relating to yards;
2. lot frontage or lot area, or both, if
 - (a) the lot existed on the effective date of the By-Law, or
 - (b) a variance was granted for the lot at the time of subdivision approval;
3. number of parking spaces and loading spaces required;
4. ground area and height of a structure;
5. floor area occupied by a home-based business; and
6. height and area of a sign.

There are three important criteria a variance request must meet to be granted by the Development Officer:

1. The hardship must not be general to the area. For example, an undersized lot in a neighbourhood of undersized lots would likely not qualify.
2. The variance must be consistent with the intent of the Land Use By-Law.
3. The variance must not result from an intentional disregard of the rules.

Figure 1.B As-of-Right Approval Process

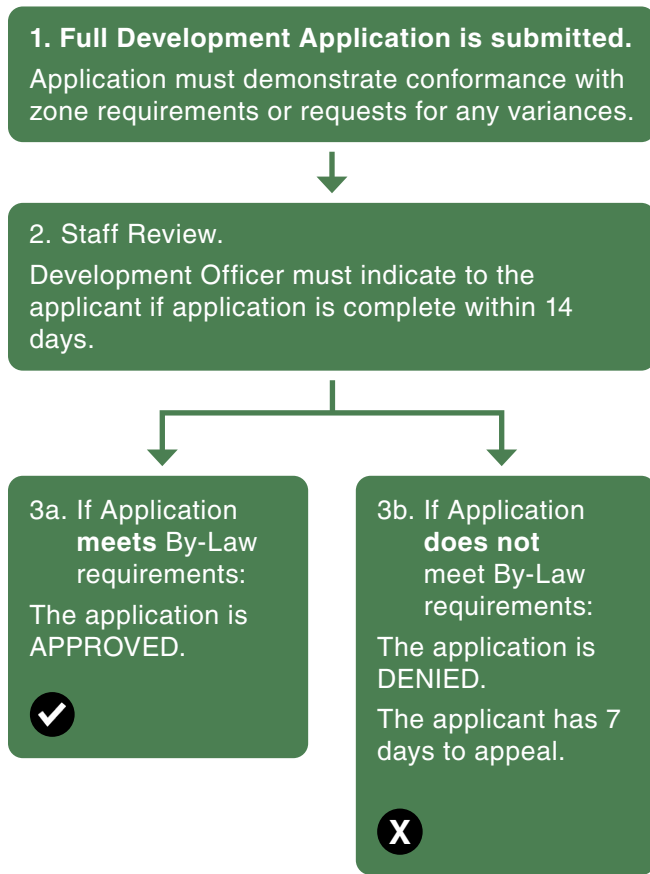
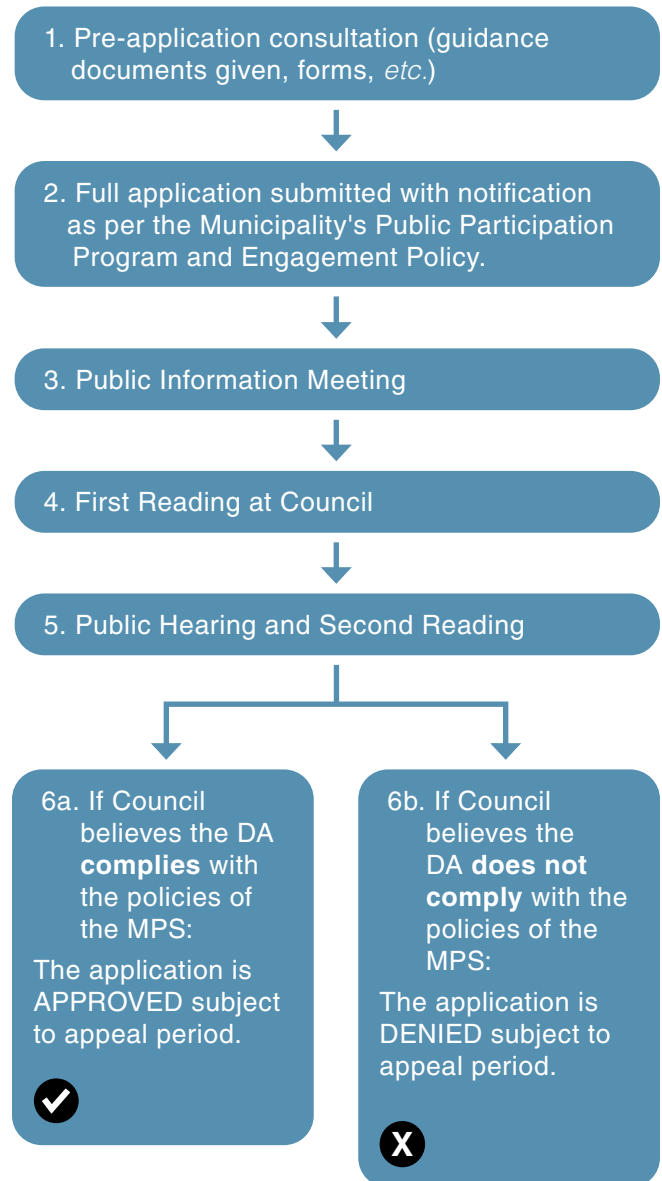


Figure 1.C Development Agreement Process



DA - Development Agreement
 MPS - Municipal Planning Strategy
 LUB - Land Use By-Law
 MGA - Municipal Government Act

Figure 1.D LUB Amendment Process (text or rezoning)

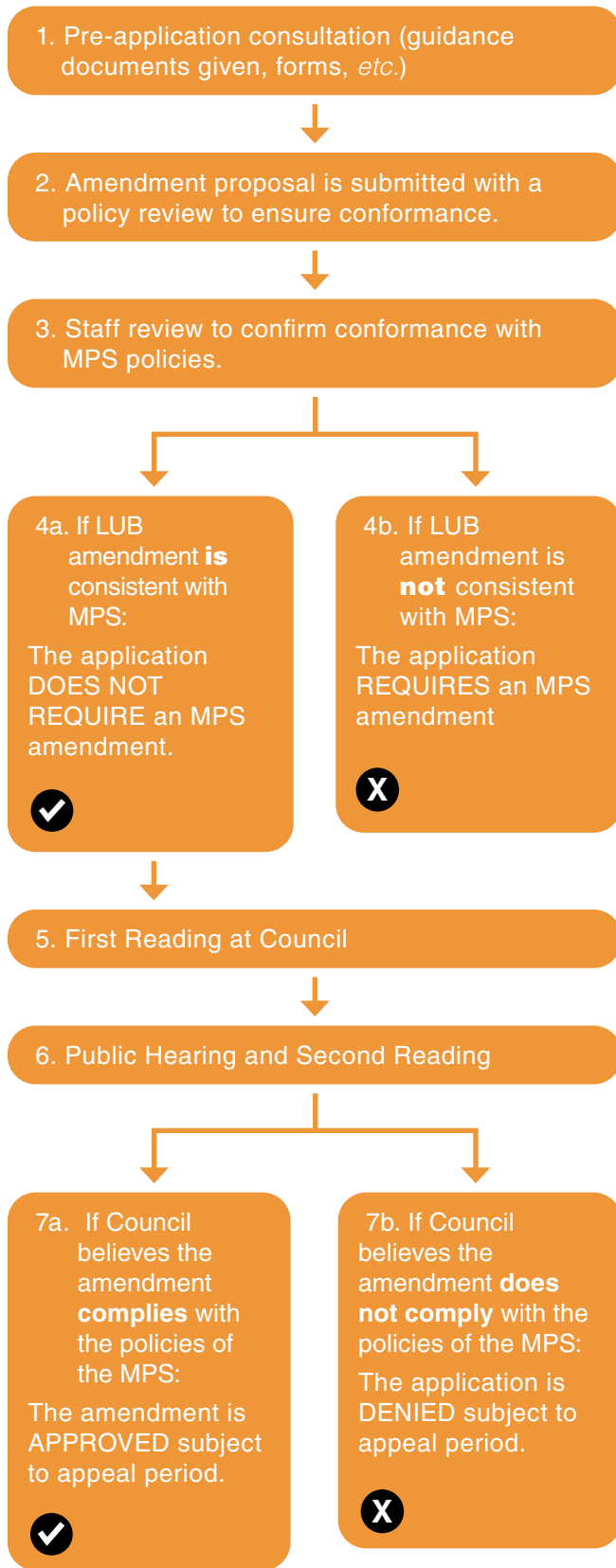
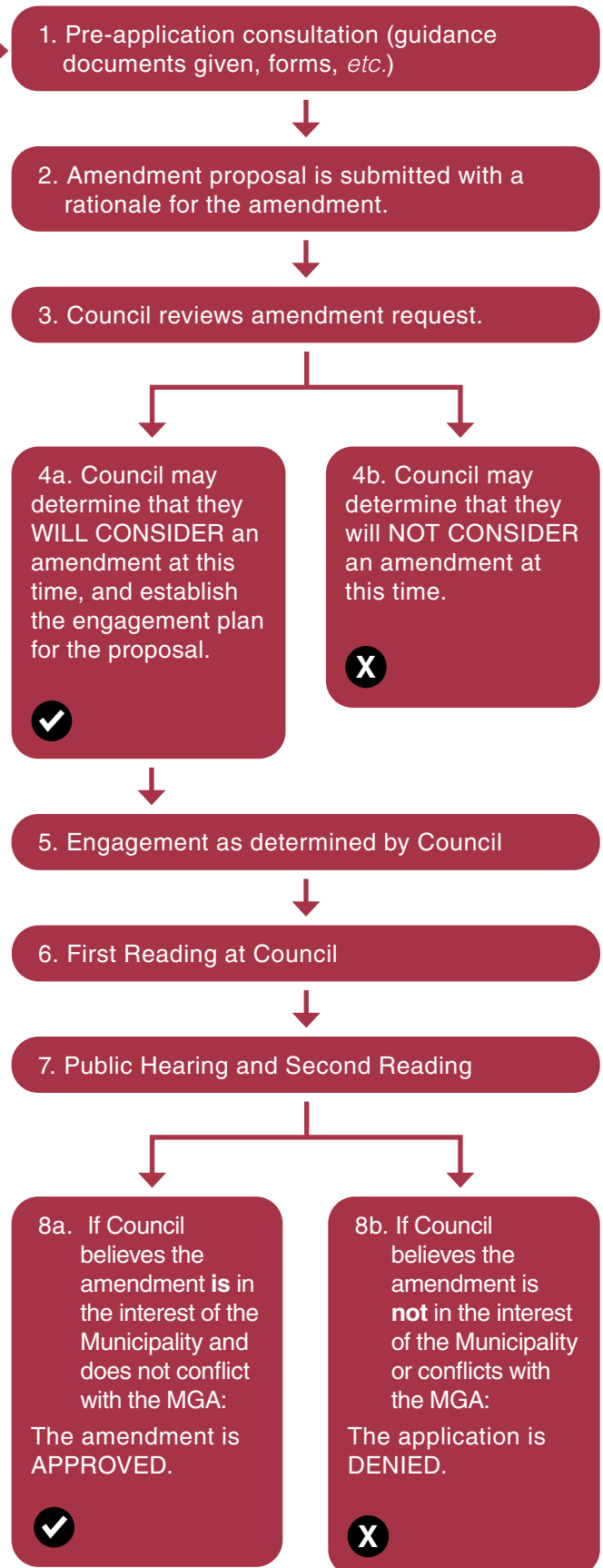


Figure 1.E MPS Amendment Process





Chapter 1 Title, Purpose, & Effective Date

1.1 TITLE

1. This Land Use By-Law for the Municipality of the District of St. Mary's ("the Municipality") may be cited as:
 - (a) "Land Use By-Law";
 - (b) "LUB"; or
 - (c) "By-Law", when used in a self-referential manner.

1.2 PURPOSE

1. The purpose of this By-Law is to implement and enforce the policies and intent of the Municipal Planning Strategy ("MPS") for the Municipality of the District of St. Mary's, in accordance with the provisions of Section 219 of the *Municipal Government Act*, by regulating the use of land and the location, size, spacing, and use of buildings and structures within the Municipality.

1.3 EFFECTIVE DATE

1. This By-Law shall take effect when notice of approval by the Provincial Minister of Municipal Affairs is posted in a newspaper circulating within the Municipality, whereupon any previous Land Use By-Law is repealed.

Chapter 2 Administration

2.1 DEVELOPMENT OFFICER

1. This By-Law shall be administered by the Development Officer(s) appointed by Council.
2. In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's place.

2.2 APPLICABILITY

1. Where the provisions of this By-Law conflict with those of any other By-Law of the Municipality or any act or regulation of the Province or the Government of Canada, the higher or more stringent provision shall prevail.
2. Nothing in this By-Law shall exempt any person from complying with the requirements of other By-Laws or regulations in force within St. Mary's or from obtaining any license, permission, permit, authority or approval required thereunder.

2.3 DEVELOPMENT PERMIT

1. Unless otherwise stated in this By-Law, no person shall erect, construct, place, alter, or use any building or structure in the Municipality without first obtaining a Development Permit from the Development Officer.
2. The Development Officer shall only issue a Development Permit in conformance with this By-Law or a duly executed and approved development agreement.

3. A Development Permit shall expire within the following time periods from the date issued if the development has not commenced:
 - (a) Three years for wind turbines.
 - (b) Two years for industrial uses.
 - (c) One year for all other uses.
4. The Development Officer shall, at the written request of the applicant, renew a Development Permit for one additional year if:
 - (a) The Development Permit has not been renewed previously; and
 - (b) The Development Officer is satisfied that the Development Permit is consistent with the current Land Use By-Law and any proposed amendments to the Land Use By-Law that have been given First Reading by Council.
5. Any decision of the Development Officer to refuse to issue a Development Permit shall be given by written notice.
6. No developer shall deviate, or allow deviations to be made, from the description of the proposed development which is contained in the Development Permit unless approved by the Development Officer.
7. The Development Officer may revoke a Development Permit if issued in error or where information provided on the application is found to be inaccurate. If sent by mail, any revocation shall become effective five (5) days after the mailing date, or effective immediately on personal service of the notification.

2.4 BUILDING OR STRUCTURE TO BE MOVED

1. No person shall move a building or structure within or into the area covered by this By-Law without obtaining a Development Permit (and a “Manufactured Home Transfer Form” if applicable) from the Development Officer.

2.5 NO DEVELOPMENT PERMIT REQUIRED

1. Notwithstanding 2.3.1, no Development Permit shall be required for:
 - (a) Construction that involves the interior renovation of a building that
 - i) will not change the footprint of the building;
 - ii) will not increase the volume or floor area of the building;
 - iii) will not add more dwelling units or bedrooms to the building; and
 - iv) will not involve a change in use of the building.
 - (b) A development that has a footprint of less than 9.2 square metres.
 - (c) Temporary uses, buildings or structures, provided that a Development Permit for the main building or use has been issued, and provided that such temporary use is terminated and removed no more than 60 days after the completion of the construction of the main structure or use.

- (d) Temporary buildings, structures or signs for special occasions, events and holidays, provided that such use of buildings, structure or sign remains in place no more than 30 consecutive days.
- (e) The following or similar miscellaneous minor structures:
 - i) Clothes Poles
 - ii) Flag Poles
 - iii) Garden Trellises
 - iv) Crop hoops and temporary greenhouses
 - v) Fences
 - vi) Retaining Walls
 - vii) Children’s Play Structures
 - viii) Doghouses
 - ix) Monuments
 - x) Interpretive Displays
 - xi) Barrier Free Ramps
 - xii) Radio-communication Antennas
 - xiii) Radio-communication Towers
 - xiv) The keeping of fowl or rabbits meeting the requirements of 4.29

2.6 DEVELOPMENT APPLICATION

1. Every developer wishing to obtain a Development Permit must submit an application to the Development Officer in the form prescribed from time to time by Council.
2. The application for a Development Permit shall be signed by the registered owner(s) of the lot or by the owners' agent duly authorized in writing to act on behalf of the owner(s).
3. Every application for a Development Permit shall be accompanied by a plan drawn to scale and showing:
 - (a) The true dimensions of the lot to be used or upon which it is proposed to construct or locate any building or structure;
 - (b) any easements or right-of-ways;
 - (c) watercourses, coastlines, and wetlands;
 - (d) the location of every building or structure already constructed or partly constructed on such lot;
 - (e) the proposed use, location, height, and dimensions of any proposed building or structure, including measurements of any zoning requirements (*e.g.* lot frontage, front/side/ rear yard setbacks, parking, lot coverage, *etc.*); and
 - (f) the proposed location and dimensions of parking areas, parking spaces, loading spaces, driveways, curbs, and landscaping.

4. Development Permit applications for small-scale wind turbines shall be reviewed by the Building Official to determine if design submissions are required from a Professional Engineer to ensure the wind turbine base, foundation, or guy-wire anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient.

2.7 WETLAND DELINEATION

1. If development is proposed within 25 metres of a wetland identified in the Department of Natural Resources and Renewables Wetland Inventory, the location of wetlands on the plan required in Section 2.6.3 shall be as identified by a person qualified to delineate wetlands in the Province of Nova Scotia.

2.8 OTHER PERTINENT SUBMISSIONS

1. The Development Officer may require the applicant to provide additional pertinent information, prepared by the appropriate professional at the applicant's cost, when necessary to determine conformance with this Land Use By-Law. Such additional information or studies may include:
 - (a) building floor plans and elevation drawings;
 - (b) location certificate;
 - (c) topography and soil conditions of the subject site;

- (d) watercourse delineation;
- (e) stormwater management plan;
- (f) floor plans and elevation drawings of any proposed structures;
- (g) geotechnical study;
- (h) site grading plan;
- (i) traffic impact assessment or study;
- (j) groundwater supply study;
- (k) environmental impact assessment;
- (l) archaeological studies; and/or
- (m) any other information deemed necessary by the Development Officer.

2.9 INDUSTRIAL ZONE LOT GRADING PLAN

1. Applications for a Development Permit in the Industrial (Ins) Zone shall include a Lot Grading Plan subject to the following:
 - (a) The Lot Grading Plan is to be prepared by a Nova Scotia Land Surveyor, a Landscape Architect, or a Professional Engineer, at the applicant's cost.
 - (b) No person shall occupy a building until Lot Grading record drawings confirming that the lot has been constructed in accordance with the Lot Grading Plan have been accepted by the Municipality.

2.10 SURVEY OF LANDS:

1. 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 affects the proposed development, the Development Officer may require that the development plans be based upon an actual survey by a licensed Nova Scotia Land Surveyor at the cost of the owner.
2. Where any development is proposed within the Coastal Protection Zone as defined by the *Coastal Protection Act*, the site may be subject to additional regulations pertaining to shoreline structures and stabilization works in order to reduce coastal flood risks and the risk of coastal erosion, and to protect coastal ecosystems. In addition, the site may be subject to:
 - (a) minimum building elevations; and
 - (b) site-specific horizontal building setbacks, to be determined by a designated professional.

2.11 VARIANCES

1. The Development Officer may grant a variance from the minimum requirements of this By-Law, in accordance with the *Municipal Government Act*, for any of the following requirements:
 - (a) size, or other requirements relating to yards;
 - (b) lot frontage or lot area, or both, if
 - i) the lot existed on the effective date of the By-Law, or
 - ii) a variance was granted for the lot at the time of subdivision approval;
 - (c) number of parking spaces and loading spaces required;
 - (d) ground area and height of a structure;
 - (e) floor area occupied by a home-based business; and
 - (f) height and area of a sign.

2.12 COST OF NOTICE OF VARIANCE

1. Where a variance from the requirements of the By-Law has been granted or refused, the Development Officer shall give notice to the persons entitled, and in the manner prescribed by Section 236 of the *Municipal Government Act*. This notice is to be served by ordinary mail and the Municipality may recover from the applicant the cost of giving notice.

2.13 RIGHT OF ENTRY

1. Subject to Section 267 of the *Municipal Government Act*, any person authorized by the Minister or by Council shall have the right to enter at all reasonable times into or upon any property within the area to which this Land Use By-Law applies for the purpose of any inspection necessary in connection with the administration of the Land Use By-Law.

2.14 APPLICATION FEES

1. Every application for a Development Permit, subdivision, variance, site plan approval, Municipal Planning Strategy amendment, Land Use By-Law amendment, or development agreement shall be subject to the fees as established by Council from time to time, and in accordance with rates set out by the Municipality in Schedule 'A'.
2. No Development Permit shall be issued until the Municipality has received the application fees in full.

2.15 VIOLATIONS

1. In the event of any alleged contravention of the provisions of this By-Law, the Municipality may take action as outlined in Sections 266 and 267 of the *Municipal Government Act*.

2.16 APPENDICES + SCHEDULES

1. Appendices form part of this By-Law and amendments to appendices require an amendment to this By-Law.
2. Schedules do not form part of this By-Law and amendments to schedules may be made by resolution of Council.

Chapter 3 Interpretation of Maps and Text

3.1 ZONES

1. For the purpose of this By-Law, the Municipality is divided into the following zones, the boundaries of which are shown on the Zoning Map (Appendix 'A'):

Residential Zones

- RL Low Density Residential
- RM Medium Density Residential

Commercial Zones

- MU Mixed Use
- GC General Commercial

Rural Zones

- Ag Agriculture
- RR Rural Resource

Other Zones

- PR Parks & Recreation
- Ind Industrial
- Ins Institutional
- WS Whale Sanctuary
- DW Drinking Water

3.2 INTERPRETATION OF ZONE BOUNDARIES

1. Boundaries between zones, as shown on the Zoning Map (Appendix 'A'), shall be determined as follows:
 - (a) Where a zone boundary is indicated as approximately following a lot line, the zone boundary shall follow such lot lines.
 - (b) Where a street, highway, electrical transmission line right-of-way, watercourse or other linear feature is included on the Zoning Map, it shall, unless otherwise indicated, be included in the zone in which it occurs.
 - (c) Where a street, highway, electrical transmission line right-of-way, or other linear feature is included on the Zoning Map and serves as a boundary between two or more zones, the centre line of the feature shall be considered the boundary between zones unless specifically indicated otherwise.
 - (d) Where the zone boundary is indicated as following the shoreline of a watercourse, the boundary shall follow the actual shoreline.
 - (e) Where none of the above provisions apply, and where appropriate, the Development Officer shall scale the boundaries from the Zoning Map.

3.3 CERTAIN WORDS

1. In this By-Law:
 - (a) words used in the present tense include the future;
 - (b) words in the singular include the plural;
 - (c) words in the plural include the singular;
 - (d) gendered words include all genders;
 - (e) the word “used” includes “arranged”, “designed”, or “intended to be used”; and
 - (f) the word “shall” is mandatory and not permissive.
2. All other words carry their customary meaning except for those defined in Chapter 19: Definitions.

3.4 STANDARDS OF MEASUREMENT

1. The metric system of measurement is used throughout this By-Law and in all cases represents the required standard. Any reference to measurements in other units is approximate and for convenience only.

3.5 ILLUSTRATIVE GRAPHICS

1. This By-Law includes graphics to illustrate requirements, concepts, definitions and other content. If the graphics conflict with the text the text shall take priority.

Chapter 4 General Requirements For All Zones

4.1 ACCESSORY BUILDINGS

1. Accessory buildings are permitted in all zones.
2. There is no limit on the number of accessory buildings per lot, but all accessory buildings will be included in the total lot coverage calculation.
3. Accessory buildings must meet all applicable site requirements of the zone (frontage, setbacks, coverage, access, sewer, water, *etc.*).
4. Accessory buildings shall:
 - (a) notwithstanding zone requirements, have a minimum setback from rear or side property lines of 1 metre if the footprint of the accessory building is less than 16 square metres;
 - (b) not be built closer than 4.5 metres to the rear lot line of a through-lot;
 - (c) not be considered an accessory building if it is internally attached to the main building; and
 - (d) not be considered an accessory building if located completely underground.
5. Vehicle bodies shall not be used as accessory buildings.

4.2 SHIPPING CONTAINERS

1. Shipping containers may be used as an accessory building (subject to accessory building requirements), but shall:
 - (a) be maintained in good condition;
 - (b) be permitted only in rear and side yards; and
 - (c) not be used for human habitation, unless they have been purpose-designed and approved for such use under the Building Code.
2. Notwithstanding 4.2.1, shipping containers are permitted in all zones as a temporary use during the construction phase a development for which a Development Permit has been issued, but must be removed within 15 days following completion of the construction project.

4.3 BACKYARD SUITES

1. Where permitted, backyard suites shall meet the following requirements:
 - (a) the maximum floor area is 90 square metres;
 - (b) the backyard suite shall be located in the rear yard;
 - (c) the backyard suite shall meet the accessory building requirements of the zone; and
 - (d) only one backyard suite or secondary suite shall be permitted per lot.

4.4 SECONDARY SUITES

1. Only one secondary suite or backyard suite shall be permitted on a lot.
2. Secondary suites shall not exceed a floor area of 90 square metres, or 50% of the dwelling, whichever is less.

4.5 HABITATION OF VEHICLE BODIES

1. No automobile, truck, bus, coach or car body, or recreational vehicle, with or without wheels, shall be used as a permanent dwelling.

4.6 EXISTING UNDERSIZED LOTS

1. Notwithstanding anything else in this By-Law, an undersized lot described in a deed on or before the effective date of this By-Law, having less than the minimum frontage or area required by this By-Law, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected provided that all other applicable provisions in this By-Law are satisfied and:
 - (a) the lot is serviced by central sewer;
 - (b) the lot is approved for an on-site sewage disposal system; or
 - (c) the proposed use does not produce wastewater.
2. For the purpose of this section, an undersized lot which has had its frontage or area increased yet still remains undersized shall be considered an existing undersized lot, except where a repeal of subdivision creates a lot or lots smaller than zone requirements.

4.7 FLAG LOTS

1. Flag lots are permitted subject to the following requirements:
 - (a) the zone standard for minimum lot area for the proposed use must be satisfied within the main portion of a flag lot;
 - (b) the width of the prolongation or "pole" of the flag lot providing access to the street or roadway shall be at least 6 metres at every point along its length; and
 - (c) the prolongation or "pole" of a flag lot is permitted to abut another flag lot prolongation or "pole".

4.8 FRONTAGE ON A STREET

1. No Development Permit shall be issued for a lot unless the lot abuts and fronts upon a public street or a private road.
2. Notwithstanding 4.8.1, a lot that has access to a street over a private right-of-way or private easement shall be deemed to have frontage if:
 - (a) it connects to a public street or private road;
 - (b) the right-of-way is no less than 6 metres wide, and;
 - (c) the driveway is approved by the Nova Scotia Department of Public Works.
3. Notwithstanding 4.8.1, an existing main building on an existing lot lacking public road frontage may be altered, added to, renovated, replaced with a new structure, or changed to another use permitted in the zone, provided all other applicable provisions of this By-Law are satisfied.

4.9 HOME BASED BUSINESSES

1. Where permitted, home based businesses shall meet the following requirements:
 - (a) The business use shall fall within one of the types of uses as outlined in [Table 4.A](#).
 - (b) Where a business use is not listed in [Table 4.A](#), and the business is similar in nature, the permission of the use shall be at the discretion of the Development Officer, provided all other provisions of this By-Law are met.
 - (c) The business shall be located wholly within the dwelling unit or a building accessory to the dwelling unit.
 - (d) The dwelling shall be occupied as a residence by the home based business owner.

- (e) No more than 25% of the gross floor area of the dwelling may be devoted to the home based business use.
- (f) The nature or operation of the home based business shall not be obnoxious.
- (g) One business identification plate or sign, not exceeding 0.3 square metres in area, is permitted.

4.10 HEIGHT EXEMPTIONS

1. The features shown in [Table 4.B](#) may exceed the maximum height in the zone to the degree indicated in [Table 4.B](#), provided no additional habitable space is created by the exemption.

Table 4.A Permitted Home Based Business Uses

+ Animal Care	+ Business or Professional Office	+ Forestry Uses
+ Art Gallery / Studio	+ Craft Product Workshop	+ Landscaping
+ Automobile Sales – 6 or fewer vehicles at one time	+ Catering Establishment	+ Medical Clinic
+ Automobile Repair Shop	+ Private Education Facility – Up to 12 students	+ Personal Service Shop
+ Bed & Breakfast	+ Daycare – Up to 6 individuals in care	+ Small Engine Service and Repair
+ Building & Construction Contractor		+ Take Out Restaurant
		+ Trucking and Excavation

Table 4.B Height Exemptions

Feature	Max. Height Above Limit
Chimney	4 m
Railing system	2 m
Clock tower or bell tower	5 m
Elevator enclosure	5.5 m
Misc. minor structures (e.g. flagpoles)	unlimited
Mechanical equipment enclosure	4.5 m
Gazebos, pergolas, and similar structures	3 m
Parapet	2 m
Cupola	4 m
Solar collector	4.5 m
Stair enclosure	4.5 m
Roof peaks for architectural variety	4.5 m
Observation tower	10 m

Table 4.C Permitted Projections & Encroachments

Structure	Projection Permitted In	Maximum Encroachment
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, canopies or similar building elements.	Any yard	0.6 m
Window bays (to a maximum of 3 metres in width)	Front, rear, and flankage yards	1 m
Fire escapes and exterior staircases	Rear and side yards	1.5 m
Balconies one or more stories above grade	Front, rear, and flankage yards	2.5 m
Decks	Front, rear, and flankage yards	2 m
Open, roofed porches not exceeding one storey in height, uncovered terraces	Front, rear, and flankage yards	2 m including eaves and cornices
Barrier-free ramps	Any yard	Any

4.11 ENCROACHMENTS INTO SETBACKS

1. The features shown in **Table 4.C** may encroach into minimum setbacks to the degree indicated in **Table 4.C**.

4.12 MULTIPLE USES

1. Where any lot or building is used for more than one main use, all provisions of this By-Law relating to each use shall be satisfied. Where there is conflict, such as in the case of lot size or lot frontage, the most stringent provisions shall prevail.

4.13 NON-CONFORMING USES & STRUCTURES

1. Non-conforming uses and structures shall be subject to **Sections 238, 239, 240, 241, and 242** of the *Municipal Government Act* with the following exceptions:
 - (a) A non-conforming use of land or a non-conforming use in a structure shall not be recommenced after it has been discontinued for continuous period of one year.
 - (b) Expansion, alteration, or extension of a non-conforming structure is permitted if the change does not increase the non-conformity and the change otherwise complies with this By-Law.

4.14 MAIN BUILDINGS ON A LOT

1. More than one main building shall be permitted on a lot, where the use is permitted in a zone, subject to the following requirements:
 - (a) The minimum requirements for lot frontage and lot area, found elsewhere in this By-Law, are met for each main building;
 - (b) The remainder, if any, meets the lot area requirements for subdivision; and
 - (c) All other applicable provisions of this By-Law are met.
2. A site plan drawn by a Nova Scotia Land Surveyor may be required by the Development Officer at the time of application for a Development Permit in order to confirm the ability for subdivision under 4.14.1(b).

4.15 OUTDOOR LIGHTING

1. Any outdoor lighting associated with a development shall be designed or placed in such a way as to minimize light pollution and other environmental impacts on the surrounding area.

4.16 REAR SETBACK FOR A THROUGH LOT

1. Notwithstanding anything else in this By-Law, the minimum rear setback for a through lot shall be not less than 6 metres.

4.17 RESTORATION TO A SAFE CONDITION

1. Nothing in this By-Law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of a non-conforming building or structure, the provisions of **Sections 238, 239, 240, 241, and 242** of the *Municipal Government Act* are met.

4.18 SERVICE AND UTILITY RIGHT-OF-WAYS

1. Service and utility rights-of-way for the establishment and maintenance of overhead and underground utilities shall be permitted in any zone.

4.19 SIDE YARD WAIVER

1. Notwithstanding anything else in this By-Law, where buildings on adjacent lots share a common wall, the applicable side yard requirement will be zero along the common lot line.

4.20 SWIMMING POOLS

1. No portion of a swimming pool, pump, filter, or pool water disinfection equipment shall be:
 - (a) located closer to any street line than the main building on the lot;
 - (b) located less than 1.2 metres from any side or rear property line; or
 - (c) located closer to any watercourse than the distance applicable to a main building or accessory building, whichever is less.

2. All outdoor swimming pools, or the yard in which a swimming pool is located, shall be completely enclosed so as to prevent unauthorized access.
3. All swimming pool enclosures shall:
 - (a) have access controlled by a fence at least 1.5 metres in height, or by a combination of fencing, buildings, or deck or similar structure; and
 - (b) be constructed so as to prevent easy access through, under, or over it.
4. An elevated deck surrounding an above ground pool may form part of an enclosure, provided:
 - (a) The deck abuts the sides of the above ground pool; and
 - (b) The combined height of the deck and fence on top of the deck is a minimum of 1.5 metres above grade.
5. All gates and doors accessing the enclosure shall be equipped with a self closing, self-latching lockable devices placed not less than 1.5 metres in height from the surface or grade, and on the inside of the gate, except where access is provided through the dwelling unit.
6. An enclosure or other structure, including gates and doors, intended to control access to a swimming pool shall:
 - (a) have a minimum distance of 1.2 metres between horizontal members; and

(b) have a maximum of 10 cm size openings throughout the structure and all horizontal members located on the pool side of the structure.

7. No person shall permit any structures or material to be placed or to remain adjacent to any swimming pool enclosure which would provide a means of access over the top of the enclosure.

4.21 DERELICT VEHICLE BODIES

1. Storage of derelict motor vehicles, used bodies or parts of automobiles, or used or parts of other vehicles or machinery must be covered or shielded from the traveling public.
2. Storage shall be limited to a maximum of two vehicles.

4.22 TEMPORARY USES PERMITTED

1. Notwithstanding 2.3.2, nothing in this By-Law shall prevent the use of land or the use or erection of temporary buildings or structures incidental to construction, including but not limited to a construction camp, tool shed, scaffold, or a sales or rental office.
2. Notwithstanding 2.3.2, nothing in this By-Law shall prevent the use of land or the erection of temporary buildings, structures or signs for special occasions, events and holidays.

4.23 SMALL-SCALE WIND TURBINES

Where permitted, small-scale wind turbines shall comply with the following:

1. Wind turbines shall not exceed 60 metres in height, measured from the base of the tower to the highest point of the blade's arc.
2. Development is restricted to one turbine per lot and shall have a generating capacity of less than 100 kilowatts (kW).
3. The minimum rotor clearance shall be 8 metres from established grade.
4. The minimum setback from all property lines shall be one and a half times (1.5x) the height of the turbine.
5. The minimum separation distance from a dwelling unit on an adjoining or adjacent lot shall be two times (2x) the height of the turbine.
6. The minimum separation distance from a public or private road shall be two times (2x) the height of the turbine.
7. The minimum separation distance from institutional buildings such as hospitals, daycares, and libraries on an adjoining or adjacent lot shall be three times (3x) the height of the turbine.
8. Signage shall be limited to the gear box of the turbine and only indicate the operator and/or manufacturer of the turbine.

4.24 SOLAR COLLECTORS

1. Solar collectors up to 1 MW of nameplate capacity are permitted as an accessory use in all zones.

4.25 MANUFACTURED HOME PARKS

1. Where permitted, manufactured home parks shall comply with the following requirements:
 - (a) Each manufactured home shall have a dedicated space clearly and permanently marked on the ground and meeting the dimensions listed in [Table 4.D](#).
 - (b) Manufactured homes shall be set back from all edges of their dedicated space by a minimum of 1.5 metres.
 - (c) All accessory structures such as patios, porches, additions, skirting, and storage facilities shall be factory pre-fabricated units, or of a quality equivalent thereto, so that design and construction will complement the manufactured home.
 - (d) The undercarriage of each manufactured home shall be screened from view by skirting or such other means satisfactory to the Development Officer.
2. Manufactured home parks shall only be permitted on lots:
 - (a) larger than 4,000 square metres, and
 - (b) with a frontage of no less than 60 metres.

Table 4.D Manufactured Home Space Requirements

Minimum Area	372 sqm
Minimum Dimensions	12 m x 31 m

4.26 TINY HOME COMMUNITIES

1. Where permitted, tiny home communities shall comply with the following requirements:
 - (a) The minimum separation distance between tiny homes shall be 3 metres.
 - (b) The total gross floor area of accessory buildings on the lot shall be no greater than the total gross floor area of the tiny homes on the lot.
2. Tiny home communities shall only be permitted on lots that have an area larger than:
 - (a) a total of 557 square metres for the first two units;
 - (b) an additional 186 square metres for each additional unit up to six total units; and
 - (c) an additional 93 square metres for each additional unit beyond the sixth.

4.27 CONNECTION TO SERVICES

1. All plumbed development within the area serviced by central sewer shall be connected to the available sewer services.
2. Where sewer development availability is disputed or unclear, the Municipality's engineer shall make a determination based on system capacity, the proximity of sewer pipes, and the presence of any exceptional physical barriers to connecting to such pipes.

4.28 PROVINCIAL SUBDIVISION PROVISIONS ENABLED

1. Sections 5, 6, 8, 9, and 11 of the Subdivision By-Law are enabled and notwithstanding zone requirements for minimum lot area and lot frontage development is permitted on these lots subject to all other requirements of this Land Use By-Law.

4.29 FOWL AND RABBITS

1. Nothing in this By-Law shall prevent the keeping of fowl and/or rabbits on a lot, and no Development Permit is required, subject to the following provisions:
 - (a) the keeping of fowl and rabbits is prohibited accessory to a mobile home park or tiny home community;
 - (b) the combined maximum number of fowl and rabbits permitted on a lot under these provisions is 5 in the Low Density Residential Zone and Medium Density Residential Zone, and 15 in all other zones;
 - (c) where a rooster is kept, the use is considered a homestead livestock use, which is regulated by 4.30;
 - (d) fowl and rabbits shall be confined to the lot and not permitted to run at large;
 - (e) juvenile animals shall not count towards the maximum number of fowl and/or rabbits; and
 - (f) coops shall meet zone requirements for accessory buildings.
2. For greater clarity, the keeping of fowl and rabbits in excess of what is permitted by this Section may be considered under the homestead livestock use, which is regulated by 4.30.

4.30 HOMESTEAD LIVESTOCK

1. Homestead livestock uses, where permitted, shall be subject to the following requirements:
 - (a) the minimum lot size shall be 4,000 square metres for every 1 animal unit or part thereof;
 - (b) all animal housing and manure storage facilities shall have setbacks from lot lines double that of the applicable zone's requirements for main buildings and shall otherwise meet the applicable zone's requirements for main buildings;
 - (c) all animal housing and manure storage facilities shall be set back a minimum of 50 metres from any off-site dwelling; and
 - (d) all animal housing and manure storage facilities shall be set back a minimum of 50 metres from any watercourse and off-site wells.
2. Multiple adjacent lots held in common ownership may be considered as one lot for the purpose of calculating lot area in 4.30.1(a).
3. Subject to the *Fences and Detention of Stray Livestock Act*, the owner of a household livestock operation shall build and maintain fences adequate to prevent the livestock from escaping from the household livestock operation.

Chapter 5 Development Constraints

5.1 WATERCOURSE, COASTAL, AND WETLANDS

1. Wetlands and watercourses in Nova Scotia are protected under Provincial jurisdiction and are subject to Provincial regulations set out by the Department of Environment.
 2. Wetlands less than 2 hectares are considered under the Nova Scotia Wetland Designation Policy, and those more than 2 hectares require an Environmental Impact Assessment reviewed under the *Environmental Assessment Act*.
 3. A minimum clearance setback of 30.5 metres is required from all wetlands or watercourses for sewage disposal systems, as set out by the Department of Environment.
 4. All structures on lots fronting on the ocean, with the exception of those developments listed in Subsection 5.1.6, shall be elevated a minimum of 5 metres above the ordinary high water mark.
 5. All structures, with the exception of those developments listed in Subsection 5.1.6 shall be prohibited within 15.24 horizontal metres of the ordinary high water mark of the coast, of any lake or pond larger than 0.5 hectares in surface area, any wetland identified in the Department of Natural Resources and Renewables Wetland Inventory, or any portion of rivers or streams wider than 0.5 metres (measured from ordinary high water mark to ordinary high water mark).
 6. Structures permitted within watercourse buffer (subject to zone requirements for permitted uses) are:
 - (a) Boat houses, fishing gear sheds, docks, wharves, piers, slipways, and other similar structures.
 - (b) Boardwalks, walkways and trails with a maximum width of 3 metres.
 - (c) Pumphouses.
 - (d) Scientific research structures.
 - (e) Safety fences that do not exceed a height of 1.9 metres.
 - (f) Public streets and infrastructure.
 - (g) Development in the Industrial Zone.
7. Notwithstanding Subsection 5.1.5, where the size and configuration of a lot created prior to October 18th, 2022 is such that no main building could be located on the lot, the Development Officer may reduce the zone standards for minimum setbacks to the extent necessary to accommodate a main building not exceeding a footprint of 100 square metres, provided all other requirements of this By-Law are met.
 8. Existing buildings located within a watercourse buffer may be reconstructed, renovated, repaired, moved, or replaced provided that the work does not increase the building's footprint within the buffer or reduce the depth of the buffer and all other applicable requirements of this By-Law are met.

5.2 REGISTERED HERITAGE PROPERTIES

1. Any external alterations made to a registered heritage property shall demonstrate consideration of the *Nova Scotia Heritage Property Act* under the guidance, direction and approval of the Municipality's Heritage Advisory Committee.

Chapter 6 Parking & Loading Requirements

6.1 PARKING REQUIREMENTS

1. For every building or structure to be erected, enlarged, or changed in use, off-street parking shall be provided and maintained on the same lot, providing unobstructed access to a public street. Minimum off-street parking requirements are listed in [Table 6.A](#).

6.2 PARKING DIMENSIONS

1. A parking space shall measure at least 2.5 metres x 6 metres, exclusive of driveways and manoeuvring aisles.
2. Except for dwellings with fewer than three units, all parking spaces must be accessible using an aisle.
3. Only individually-accessible parking spaces shall be counted.

Table 6.A Parking Requirements

Type of Use Minimum Parking Requirement	Parking Requirement
A dwelling containing fewer than 3 dwelling units	1 parking space per dwelling unit
All other dwellings	1.5 parking spaces for each dwelling unit
Boarding and rooming houses	1 parking space for the dwelling unit plus 1 parking space for every 2 rooms available for rent
Churches, halls, auditoria, restaurants, theatres, arenas, stadia, private clubs and other places of assembly	Where there are fixed seats, 1 parking space for every 5 seats, or 3 metres of bench space; where there are no fixed seats, 1 parking space for every 10 square metres of floor area
Hospitals and nursing homes	1 parking space for every 2 beds or 40 square metres of floor area, whichever is greater
Senior citizen housing	1 parking space for every 2 dwelling units
Home based business	1 space
Hotels, motels and tourist cabins	1 parking space for every 2 beds or 40 square metres of floor area, whichever is greater
Offices	1 parking space for every 30 square metres of floor area used for offices
Funeral homes	1 parking space for every 4.6 square metres of assembly floor area
Bowling alleys and curling rinks	4 parking spaces for each bowling lane or curling sheet plus 1 parking space for every 10 square metres of other public floor space
All other commercial uses	1 parking space for every 30 square metres of floor area
Elementary schools	1.5 parking spaces for each teaching classroom
Junior and senior high schools	4 parking spaces for each teaching classroom

6.3 PARKING LOT STANDARDS

1. Where a parking lot for more than four spaces is to be constructed:
 - (a) the parking lot shall be constructed with a stable surface that is treated to prevent the raising of dust or loose particles;
 - (b) any lighting used to illuminate the parking lot shall be arranged in such a manner to divert light away from streets, adjoining lots and buildings;
 - (c) a structure not more than 4.5 metres in height and not larger than 4.6 square metres in area may be erected for use of attendants;
 - (d) where a permanent hard surface is used, each parking space shall be marked;
 - (e) approaches or driveways to the lot shall be defined by a curb of 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; and
 - (f) the approaches or driveways to the lot shall not exceed two in number from any one street, and shall be between 6 metres and 7.5 metres in width.

6.4 LOADING

1. One loading space shall be provided for every building greater than 3,000 square metres of commercial, industrial, and institutional floor space.
2. A loading space shall be:
 - (a) a minimum of 3.5 metres x 12.5 metres, with a minimum height clearance of 4.5 metres;
 - (b) located in the rear or side yard only, and screened from adjoining residential or park uses;
 - (c) constructed with a stable surface which is treated to prevent the raising of dust or loose particles; and
 - (d) have access to the street by means of a driveway at least 3 metres wide for one-way traffic and 6 metres wide for two-way traffic.

6.5 ROUNDING

1. The number of parking spaces shall be totalled for all uses on the property before rounding is applied.
2. Rounding shall be to the nearest whole number.
3. Rounding of numbers ending in exactly one half of a space shall be rounded down.

Chapter 7 Permitted Use Tables

7.1 PERMITTED MAIN USES

1. The main uses permitted in zone are indicated in [Table 7.A](#) and [Table 7.B](#), subject to the following scheme:
 - (a) Uses indicated with a "P" are permitted in the zone, subject to all applicable requirements of this By-Law.
 - (b) Uses indicated with a "PC" are permitted in the zone, subject to all applicable requirements of this By-Law and to use-specific requirements found either in Chapter 4 or in the specific chapter for that zone.
 - (c) Uses indicated with a "DA" are permitted by development agreement, subject to the MPS policy indicated in the specific chapter for that zone.
 - (d) Uses indicated with a "-" are not permitted in that zone.

Table 7.A Permitted Uses, Residential

Use	RL	RM	MU	GC	PR	Ag	RR	Ind	Ins	WS	DW
Backyard Suite	PC	PC	PC	PC	-	PC	PC	-	-	-	PC
Boarding House	P	P	P	-	-	-	-	-	-	-	-
Dwelling, Duplex	P	P	P	-	-	-	P	-	-	-	-
Dwelling, Multi-unit											
3 - 4 units	P	P	P	-	-	-	-	-	-	-	-
5 - 20 units	-	P	P	-	-	-	-	-	-	-	-
> 20 units	-	DA	DA	-	-	-	-	-	-	-	-
Dwelling, Semi-detached	P	P	P	-	-	-	P	-	-	-	-
Dwelling, Single-unit	P	P	P	P	-	P	P	-	-	-	P
Dwelling, Townhouse											
3 - 4 units	P	P	P	-	-	-	-	-	-	-	-
5 - 6 units	-	P	P	-	-	-	-	-	-	-	-
Home-Based Business	PC	PC	PC	PC	-	PC	PC	-	-	-	PC
Manufactured Home Park	-	PC	-	-	-	-	PC	-	-	-	-
Nursing and Special Care Homes	-	P	P	-	-	-	-	-	P	-	-
Residential Care Facility	-	P	P	-	-	-	-	-	P	-	-
Secondary Suite	PC	PC	PC	PC	-	PC	PC	-	-	-	PC
Short-Term Rental	P	P	P	P	-	P	P	-	-	-	P
Small Options Home	P	P	P	P	-	P	P	-	P	-	P
Temporary Housing for Resource Workers	-	-	-	-	-	P	P	-	-	-	-
Tiny Home Community	-	PC	-	-	-	-	PC	-	-	-	-

Table 7.B Permitted Uses, Other

Use	RL	RM	MU	GC	PR	Ag	RR	Ind	Ins	WS	DW
Aggregate-related Industry	-	-	-	-	-	-	DA	PC	-	-	-
Agri-tourism	-	-	-	P	-	P	P	-	-	-	-
Agricultural-related Industry	-	-	-	P	-	P	P	-	-	-	-
Agricultural Uses	-	-	-	P	-	P	P	-	-	-	-
Animal Boarding Facilities	-	-	-	-	-	P	P	-	-	-	-
Animal Care	-	-	P	P	-	P	P	P	-	P	-
Aquaculture Operation	-	-	-	-	-	-	P	-	-	-	-
Automobile Body Shop	-	-	-	P	-	-	-	P	-	-	-
Automotive Repair Shop	-	-	P	P	-	-	-	P	-	-	-
Automobile Sales	-	-	-	P	-	-	-	P	-	-	-
Bakery	-	-	P	P	-	-	-	P	-	-	-
Campground	-	-	-	P	P	-	P	-	-	-	-
Car Wash	-	-	-	P	-	-	-	P	-	-	-
Catering	-	-	P	P	-	-	-	-	-	-	-
Cemetery	-	-	-	P	P	-	P	-	P	-	-
Commercial Livestock Operations	-	-	-	-	-	PC	-	-	-	-	-
Commercial Recreation											
Indoor	-	-	P	P	P	-	-	-	-	-	-
Outdoor	-	-	-	P	P	-	P	-	-	-	-
Community Centre	-	P	P	P	P	P	P	-	P	-	P
Community Gardens	P	P	P	P	P	P	P	-	P	P	P
Conservation Uses	P	P	P	P	P	P	P	P	P	P	P
Construction Supply Yards	-	-	-	P	-	-	-	P	-	-	-
Craft Beverage Facility	-	-	P	P	-	P	P	P	-	-	-
Craft Product Workshop	-	-	P	P	-	P	P	P	-	-	-
Cultural Facilities	-	-	P	P	P	-	P	-	P	P	-
Daycare	-	P	P	P	-	-	-	-	P	-	-
Education Facilities, Private	-	-	P	P	-	-	-	P	-	P	-
Education Facilities, Public	-	-	P	P	-	-	-	-	P	-	-
Emergency Services	-	-	P	P	-	-	P	P	P	-	-

Use	RL	RM	MU	GC	PR	Ag	RR	Ind	Ins	WS	DW
Farm Market	-	-	P	P	-	P	P	-	-	-	-
Financial Institutions	-	-	P	P	-	-	-	-	-	-	-
Forestry-related Industry	-	-	-	PC	-	PC	PC	PC	-	-	-
Funeral Home	-	-	P	P	-	-	-	-	P	-	-
Garden and Nursery Supplies and Sales	-	-	-	P	-	-	-	P	-	-	-
Gas Station	-	-	P	P	-	-	-	P	-	-	-
Homestead Livestock	PC	PC	PC	PC	-	PC	PC	-	PC	-	-
Hospital	-	-	P	-	-	-	-	-	P	-	-
Hotels, Motels, Inns, and Tourist Cottages	-	-	P	P	-	-	-	-	-	-	-
Industrial, Heavy	-	-	-	-	-	-	-	P	-	-	-
Industrial, Light	-	-	-	P	-	-	P	P	-	-	-
Laundromat	-	-	P	P	-	-	-	-	-	-	-
Licensed Liquor Establishment	-	-	-	P	-	-	-	-	-	-	-
Marinas and Wharves	-	-	P	P	-	-	P	P	-	P	-
Marine Facilities	-	-	-	-	-	-	-	P	-	-	-
Marine-related Uses	PC	PC	PC	P	-	-	PC	P	-	P	-
Medical Clinics	-	-	P	P	-	-	-	-	P	-	-
Offices and Professional Services	-	-	P	P	-	-	-	-	-	P	-
Parks and Outdoor Recreation	P	P	P	P	P	P	P	P	P	P	P
Personal Services	-	-	P	P	-	-	-	-	-	-	-
Places of Assembly	-	-	P	P	-	-	-	-	P	P	-
Places of Worship	P	P	P	P	P	P	P	-	P	-	-
Playground	P	P	P	P	P	P	P	P	P	P	-
Post Office	P	P	P	P	-	P	P	P	P	-	-
Recreation Centre	P	P	P	P	P	P	P	P	P	P	-
Restaurant	-	-	P	P	-	PC	-	-	-	-	-

Use	RL	RM	MU	GC	PR	Ag	RR	Ind	Ins	WS	DW
Retail Store	-	-	P	P	-	-	-	-	-	-	-
Salvage and Scrap Yards	-	-	-	-	-	-	-	P	-	-	-
Service Shop	-	-	P	P	-	-	-	P	-	-	-
Small Engine Service and Repair	-	-	-	P	-	-	-	P	-	-	-
Solar Farm	-	-	-	-	-	-	P	P	-	-	-
Trails	P	P	P	P	P	P	P	P	P	P	P
Waste Management Facility	-	-	-	-	-	-	-	P	-	-	-
Wind Turbine Large Scale	-	-	-	-	-	-	DA	DA	-	-	-
Small Scale	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC

Chapter 8 Low Density Residential (RL) Zone

8.1 INTENT

The Low Density Residential Zone (RL) is intended to permit a range of lower-density residential uses and related community amenities.

8.2 DEVELOPMENT AGREEMENT POLICIES

1. The following uses are permitted by development agreement in the RL Zone subject to the indicated Municipal Planning Strategy policy:

8.3 BUILT FORM STANDARDS

1. See [Table 8.A](#) for all built form standards in the RL Zone.

8.4 MARINE-RELATED USES

1. The storage and maintenance of vessels and gear related to the fishery is permitted as an accessory use in the Low Density Residential Zone, subject to the following requirements:
 - (a) The use shall meet the minimum front setback for main uses.

Table 8.A RL Zone Built Form Standards

	Semi-detached, Duplex, and Townhouse Dwellings	Multi-unit Dwellings	All Other Permitted Uses
Minimum Lot Area Sewer-serviced Unserviced	140 sqm/unit 2,700 sqm	560 sqm 2,700 sqm	560 sqm 2,700 sqm
Minimum Lot Frontage	9 m/end unit 6 m/centre unit	24 m	18 m
Minimum Front Setback	6 m	6 m	6 m
Minimum Flankage Setback	4 m	4 m	4 m
Minimum Rear Setback Main Buildings Accessory Buildings	6 m 1.3 m	8 m 1.3 m	6 m 1.3 m
Minimum Side Setback Main Buildings Accessory Buildings	3 m 1.3 m	6 m 1.3 m	3 m 1.3 m
Maximum Building Height Main Buildings Accessory Buildings	3-Storeys 8 m	3-Storeys 8 m	3-Storeys 8 m
Maximum Lot Coverage	50%	35%	35%

Chapter 9 Medium Density Residential (RM) Zone

9.1 INTENT

The Medium Density Residential Zone (RM) is intended to permit a range of low and medium density residential development and related community amenities.

9.2 DEVELOPMENT AGREEMENT POLICIES

1. The following uses are permitted by development agreement in the RM Zone subject to the indicated Municipal Planning Strategy policy:
 - (a) Multi-unit dwellings larger than 20 dwelling units - MPS Policy 3–45: Higher Density Residential by Development Agreement

9.3 BUILT FORM STANDARDS

1. See [Table 9.A](#) for all built form standards in the RM Zone.

9.4 MARINE-RELATED USES

1. The storage and maintenance of vessels and gear related to the fishery is permitted as an accessory use in the Medium Density Residential Zone, subject to the following requirements:
 - (a) The use shall meet the minimum front setback for main uses.

Table 9.A RM Zone Built Form Standards

	Semi-detached, Duplex, and Townhouse Dwellings	Multi-unit Dwellings	All Other Permitted Uses
Minimum Lot Area Sewer-serviced Unserviced	140 sqm/unit 2,700 sqm	560 sqm 2,700 sqm	560 sqm 2,700 sqm
Minimum Lot Frontage	9 m/end unit 6 m/centre unit	24 m	18 m
Minimum Front Setback	4.5 m	4.5 m	4.5 m
Minimum Flankage Setback	4 m	4 m	4 m
Minimum Rear Setback Main Buildings Accessory Buildings	6 m 1.3 m	8 m 1.3 m	6 m 1.3 m
Minimum Side Setback Main Buildings Accessory Buildings	3 m 1.3 m	6 m 1.3 m	3 m 1.3 m
Maximum Building Height Main Buildings Accessory Buildings	3-Storeys 8 m	3-Storeys 8 m	3-Storeys 8 m
Maximum Lot Coverage	50%	40%	40%

Chapter 10 Mixed Use (MU) Zone

10.1 INTENT

The Mixed Use Zone (MU) is intended to permit a wide range of commercial and service uses as well as residential mixed-use development and multi-unit development.

10.2 DEVELOPMENT AGREEMENT POLICIES

1. The following uses are permitted by development agreement in the MU Zone subject to the indicated Municipal Planning Strategy policy:
 - (a) Multi-unit dwellings larger than 20 dwelling units - MPS Policy 3–45: Higher Density Residential by Development Agreement

10.3 BUILT FORM STANDARDS

1. See [Table 10.A](#) for all built form standards in the MU Zone.

10.4 MARINE-RELATED USES

1. The storage and maintenance of vessels and gear related to the fishery is permitted as an accessory use in the Mixed Use Zone, subject to the following requirements:
 - (a) The use shall meet the minimum front setback for main uses.

10.5 COMMERCIAL FLOOR AREA

1. New buildings or expansions to existing buildings in the MU Zone shall be limited to a commercial floor area of 112 square metres.
2. Notwithstanding 10.5.1, larger commercial floor areas may be considered by development agreement in the MU Zone subject to MPS Policy 3–47: Large Commercial by Development Agreement.

Table 10.A Built Form Standards; MU Zone

	Residential Uses	All Other Permitted Uses
Minimum Lot Area		
Sewer-serviced	400 sqm	400 sqm
Unserviced	2,700 sqm	2,700 sqm
Minimum Lot Frontage	8 m	8 m
Minimum Front Setback	2 m	2 m
Minimum Flankage Setback	3 m	3 m
Minimum Rear Setback		
Main Buildings	2 m	3 m
Accessory Buildings	1.3 m	1.3 m
Minimum Side Setback		
Main Buildings	0 m	3 m abutting residential uses, 0 m elsewhere
Accessory Buildings	1.3 m	1.3 m
Maximum Building Height		
Main Buildings	5-Storeys	5-Storeys
Accessory Buildings	8 m	8 m
Minimum Upper Floor Stepback	3 m	3 m
Maximum Lot Coverage	100%	100%

Chapter 11 General Commercial (GC) Zone

11.1 INTENT

The General Commercial Zone (GC) is intended to permit a range of commercial and community uses, as well as a very limited range of residential uses.

11.2 DEVELOPMENT AGREEMENT POLICIES

1. The following uses are permitted by development agreement in the GC Zone subject to the indicated Municipal Planning Strategy policy:
 - (a) None.

11.3 BUILT FORM STANDARDS

See [Table 11.A](#) for all built form standards in the GC Zone.

11.4 COMMERCIAL FLOOR AREA

1. New buildings or expansions to existing buildings in the GC Zone shall be limited to a commercial floor area of 600 square metres.
2. Notwithstanding 11.4.1, larger commercial floor areas may be considered by development agreement in the GC Zone subject to MPS Policy 3–49: Large commercial by development agreement.

11.5 FORESTRY-RELATED INDUSTRY USES

1. Forestry-related industry uses shall provide:
 - (a) a minimum 150 metres separation distance from existing off-site dwellings;
 - (b) a minimum 50 metres separation distance from any RL zone;
 - (c) a minimum 100 metres separation distance from any watercourse; and
 - (d) a minimum 100 metres separation distance from any off-site wells.

Table 11.A Built Form Standards; GC Zone

	Residential Uses	Campgrounds	All Other Permitted Uses
Minimum Lot Area			
Sewer-serviced	300 sqm	10,000 sqm	300 sqm
Unserviced	2,700 sqm	10,000 sqm	2,700 sqm
Minimum Lot Frontage	11 m	30 m	15 m
Minimum Front Setback	4.5 m	4.5 m	4.5 m
Minimum Flankage Setback	4 m	4 m	4 m
Minimum Rear Setback			
Main Buildings	4 m	10 m	4 m
Accessory Buildings	1.3 m	5 m	1.3 m
Minimum Side Setback			
Main Buildings	3 m	10 m	3 m
Accessory Buildings	1.3 m	5 m	1.3 m
Maximum Building Height			
Main Buildings	3-Storeys	3-Storeys	3-Storeys
Accessory Buildings	8 m	8 m	8 m
Maximum Lot Coverage	40%	40%	40%

Chapter 12 Parks and Recreation (PR) Zone

12.1 INTENT

The Parks and Recreation Zone (PR) is intended to permit a range of park and open space uses on green space areas such as community gardens, trails, sports fields, and parks. Residential uses are not permitted in this zone.

12.2 DEVELOPMENT AGREEMENT POLICIES

1. The following uses are permitted by development agreement in the PR Zone subject to the indicated Municipal Planning Strategy policy:
 - (a) None.

12.3 BUILT FORM STANDARDS

See [Table 12.A](#) for all built form standards in the PR Zone.

Table 12.A Built Form Standards; PR Zone

	Campgrounds	All Other Permitted Uses
Minimum Lot Area		
Sewer-serviced	10,000 sqm	No minimum
Unserviced	10,000 sqm	No minimum
Minimum Lot Frontage	30 m	No minimum
Minimum Front Setback	4.5 m	4.5 m
Minimum Flankage Setback	4 m	4 m
Minimum Rear Setback		
Main Buildings	10 m	4 m
Accessory Buildings	5 m	4 m
Minimum Side Setback		
Main Buildings	10 m	2 m
Accessory Buildings	5 m	2 m
Maximum Building Height		
Main Buildings	3-Storeys	3-Storeys
Accessory Buildings	8 m	8 m
Maximum Lot Coverage	40%	35%

Chapter 13 Agriculture (Ag) Zone

13.1 INTENT

The Agriculture Zone (Ag) is intended to preserve agricultural farmland while preventing its conversion to other forms of development.

13.2 DEVELOPMENT AGREEMENT POLICIES

1. The following uses are permitted by development agreement in the Ag Zone subject to the indicated Municipal Planning Strategy policy:
 - (a) None.

13.3 BUILT FORM STANDARDS

1. See [Table 13.A](#) for all built form standards in the Ag Zone.

13.4 COMMERCIAL LIVESTOCK OPERATIONS

1. Commercial livestock operations, including waste storage, shall provide:
 - (a) a minimum of 300 metres separation distance from existing off-site dwellings; and
 - (b) a minimum of 50 metres separation distance from watercourses and off-site wells.
2. Notwithstanding side setback requirements of [Table 13.A](#), the minimum side setback shall be reduced to zero for side lot lines between lots held in common ownership.

13.5 FORESTRY-RELATED INDUSTRY USES

1. Forestry-related industry uses shall provide:
 - (a) a minimum 150 metres separation distance from existing off-site dwellings;
 - (b) a minimum 50 metres separation distance from any RL zone;
 - (c) a minimum 100 metres separation distance from any watercourse; and
 - (d) a minimum 100 metres separation distance from any off-site wells.

13.6 RESTAURANTS

1. Restaurants in the Agriculture Zone shall be limited to a commercial floor area of 50 square metres.

13.7 SPECIAL REQUIREMENTS

1. The removal of topsoil within this zone is not permitted, unless removed from lots approved for non-agricultural development or sod or peat production.
2. All outdoor livestock shall be fenced.

Table 13.A Built Form Standards; Ag Zone

	Commercial Livestock Operations	All Other Permitted Uses
Minimum Lot Area	3,700 sqm	3,700 sqm
Minimum Lot Frontage	50 m	30 m
Minimum Front Setback	50 m	10 m
Minimum Flankage Setback	50 m	10 m
Minimum Rear Setback	30.5 m	10 m
Minimum Side Setback	15 m	2 m
Maximum Building Height	3-Storeys	3-Storeys
Maximum Lot Coverage	30%	30%

Chapter 14 Rural Resource (RR) Zone

14.1 INTENT

The Rural Resource Zone (RR) is intended to accommodate resource-based industries and rural living.

14.2 DEVELOPMENT AGREEMENT POLICIES

1. The following uses are permitted by development agreement in the RR Zone subject to the indicated Municipal Planning Strategy policy:
 - (a) Aggregate-related Industry - MPS Policy 3–52: Aggregate-related industry; and
 - (b) Large-scale Wind Turbines - MPS Policy 3–19: Wind turbines by development agreement.

14.3 MARINE-RELATED USES

1. The storage and maintenance of vessels and gear related to the fishery is permitted as an accessory use in the Rural Resource Zone, subject to the following requirements:
 - (a) The use shall meet the minimum front setback for main uses.
2. Aquaculture industrial uses shall be subject to the following requirements:
 - (a) No hatchery, tank, or processing operation which exceeds 3000 square metres of gross floor area, shall be located:
 - i) less than 15 metres from any side or rear lot line;
 - ii) less than 30 metres from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the aquaculture industrial use; or
 - iii) less than 1,000 metres (1 kilometre) from any residential or mixed use zone.

14.4 FORESTRY-RELATED AND AGGREGATE-RELATED INDUSTRY USES

1. Forestry-related industry uses and aggregate-related industry uses shall provide:
 - (a) a minimum 150 metres separation distance from existing off-site dwellings;
 - (b) a minimum 50 metres separation distance from any RL zone;
 - (c) a minimum 100 metres separation distance from any watercourse; and
 - (d) a minimum 100 metres separation distance from any off-site wells.

14.5 BUILT FORM STANDARDS

See [Table 14.A](#) for all built form standards in the RR Zone.

Table 14.A Built Form Standards; RR Zone

	Campgrounds	All Other Permitted Uses
Minimum Lot Area		
Sewer-serviced	10,000 sqm	2,700 sqm
Unserviced	10,000 sqm	2,700 sqm
Minimum Lot Frontage	30 m	30 m
Minimum Front Setback	4.5 m	10 m
Minimum Flankage Setback	4 m	10 m
Minimum Rear Setback		
Main Buildings	10 m	10 m
Accessory Buildings	5 m	10 m
Minimum Side Setback		
Main Buildings	10 m	2 m
Accessory Buildings	5 m	2 m
Maximum Building Height		
Main Buildings	3-Storeys	3-Storeys
Accessory Buildings	8 m	8 m
Maximum Lot Coverage	40%	30%

Chapter 15 Industrial (Ind) Zone

15.1 INTENT

The Industrial Zone (Ind) is intended to accommodate industrial uses like processing facilities, quarries and mines, marine facilities, power generation facilities, and waste management areas while ensuring adequate setbacks and buffers for residential uses.

15.2 DEVELOPMENT AGREEMENT POLICIES

1. The following uses are permitted by development agreement in the Ind Zone subject to the indicated Municipal Planning Strategy policy:
 - (a) Large-scale Wind Turbines - MPS Policy 3–19: Wind turbines by development agreement.

15.3 ABUTTING A RESIDENTIAL ZONE

1. Where any Industrial zone lot abuts any Residential zone, the following restrictions shall apply:
 - (a) No open storage or display shall be permitted within 10 metres of a side or rear lot line.
 - (b) No parking space shall be permitted within 6 metres of a side or rear lot line.
 - (c) Obnoxious uses (by reason of sound, odour, dust, fumes or smoke, or obnoxious emission) or unsightly open storage facilities shall increase the abutting side or rear yard setback to 30 metres from abutting residential zones and a no-cut vegetation buffer of no less than 10 metres shall be preserved.

15.4 FORESTRY-RELATED AND AGGREGATE-RELATED INDUSTRY USES

1. Forestry-related and aggregate-related industry uses shall provide:
 - (a) a minimum 150 metres separation distance from existing off-site dwellings;
 - (b) a minimum 50 metres separation distance from any RL zone;
 - (c) a minimum 100 metres separation distance from any watercourse; and
 - (d) a minimum 100 metres separation distance from any off-site wells.

15.5 BUILT FORM STANDARDS

See [Table 15.A](#) for all built form standards in the Ind Zone.

Table 15.A Built Form Standards; Ind Zone

	All Permitted Uses
Minimum Lot Area	4,000 sqm
Minimum Lot Frontage	50 m
Minimum Front Setback	10 m
Minimum Flankage Setback	10 m
Minimum Rear Setback	6 m for rear yards abutting properties in Ind or RR Zones 20 m otherwise
Minimum Side Setback	6 m for rear yards abutting properties in Ind or RR Zones 20 m otherwise
Maximum Building Height	5-Storeys
Maximum Lot Coverage	30%

Chapter 16 Institutional (Ins) Zone

16.1 INTENT

The Institutional Zone (Ins) is to permit a range of institutional uses such as churches and public government facilities.

16.2 DEVELOPMENT AGREEMENT POLICIES

1. The following uses are permitted by development agreement in the Ins Zone subject to the indicated Municipal Planning Strategy policy:
 - (a) None.

16.3 BUILT FORM STANDARDS

See [Table 16.A](#) for all built form standards in the Ins Zone.

Table 16.A Built Form Standards; Ins Zone

	All Permitted Uses
Minimum Lot Area	
Sewer-serviced	560 sqm
Unserviced	2,600 sqm
Minimum Lot Frontage	18 m
Minimum Front Setback	4.5 m
Minimum Flankage Setback	4 m
Minimum Rear Setback	6 m
Minimum Side Setback	3 m
Maximum Building Height	
Main Buildings	3-Storeys
Accessory Buildings	8 m
Maximum Lot Coverage	40%

Chapter 17 Whale Sanctuary (WS) Zone

17.1 INTENT

The Whale Sanctuary Zone (WS) is intended to permit operations pertinent to the Whale Sanctuary Project on properties located next to Barrachois Cove, Wine Harbour.

17.2 DEVELOPMENT AGREEMENT POLICIES

1. The following uses are permitted by development agreement in the WS Zone subject to the indicated Municipal Planning Strategy policy:
 - (a) None.

17.3 BUILT FORM STANDARDS

See [Table 17.A](#) for all built form standards in the WS Zone.

Table 17.A Built Form Standards; WS Zone

	All Permitted Uses
Minimum Lot Area	No minimum
Minimum Lot Frontage	No minimum
Minimum Front Setback	4.5 m
Minimum Flankage Setback	4 m
Minimum Rear Setback	4 m
Minimum Side Setback	2 m
Maximum Building Height	3-Storeys
Maximum Lot Coverage	35%

Chapter 18 Drinking Water (DW) Zone

18.1 INTENT

The Drinking Water Zone (DW) is intended to protect municipal water supplies from contamination related to development.

18.2 DEVELOPMENT AGREEMENT POLICIES

1. The following uses are permitted by development agreement in the DW Zone subject to the indicated Municipal Planning Strategy policy:
 - (a) None.

18.3 BUILT FORM STANDARDS

See [Table 18.A](#) for all built form standards in the DW Zone.

Table 18.A Built Form Standards; DW Zone

	All Permitted Uses
Minimum Lot Area	3,700 sqm
Minimum Lot Frontage	30 m
Minimum Front Setback	10 m
Minimum Flankage Setback	10 m
Minimum Rear Setback	10 m
Minimum Side Setback	2 m
Maximum Building Height	3-Storeys
Maximum Lot Coverage	20%

Chapter 19 Definitions

For the purpose of this By-Law, all words shall carry their customary meaning except for those defined hereafter. The words listed below shall have the meanings as defined herein.

ACCESSORY BUILDING	means a separate building located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land, but does not include a building attached in any way to the main building, or a building located completely underground.
ACCESSORY STRUCTURE	means a separate structure located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land, but does not include a structure attached in any way to the main building, or a structure located completely underground.
ACCESSORY USE	means a use subordinate and naturally, customarily, and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
ACT	unless otherwise specified, means the <i>Municipal Government Act</i> and amendments thereto.
AGGREGATE RELATED INDUSTRIES	means buildings, structures, land, or part thereof, used for aggregate processing, storage, and related uses including, but not limited to, asphalt processing, concrete batching and component manufacturing, sand pit operations, and mineral bulk storage.
AGRI-TOURISM	means the use of land, buildings, or structures for tourism activities related to on-site agricultural activities, such as u-picks or hay rides.
AGRICULTURAL-RELATED INDUSTRY	means the use of land, buildings, or structures for processing and storage of agricultural crops; fertilizer production; veterinary care for livestock; on-farm brewing, wine-making, and similar uses; and the sale of farm produce to the general public.
AGRICULTURAL USES	means the use of land and buildings for growing, rearing, producing or harvesting agricultural crops, bee keeping, and/or animal pasturing, but excludes buildings for the raising or overnight accommodation of livestock, which is covered by the definitions of homestead livestock and commercial livestock operation.
ALTER	means to change a structural component of a building, or to increase or decrease the volume of a building or structure.


ANIMAL BOARDING FACILITIES	means a facility that provides overnight boarding for domestic pets or holds or boards seized, surrendered, abandoned, or lost domestic pets (e.g. dogs, cats, birds), but does not include livestock.																						
ANIMAL CARE	means the use of land, buildings, or structures for the care of domestic animals and includes veterinary care, grooming, and day care but does not include the breeding of animals or overnight boarding.																						
ANIMAL UNIT	<p>means one or more animals as determined using the following chart. Juvenile animals shall not be counted. Agricultural animals not listed in the table shall be counted as the most similar type of animal in terms of size and characteristics:</p> <table border="1" data-bbox="453 800 1416 1360"> <thead> <tr> <th>Type of Livestock</th> <th>Number of Livestock, or Part Thereof, Equal to One Animal Unit</th> </tr> </thead> <tbody> <tr> <td>Cattle</td> <td>1</td> </tr> <tr> <td>Emu</td> <td>1</td> </tr> <tr> <td>Horse</td> <td>1</td> </tr> <tr> <td>Llama</td> <td>1</td> </tr> <tr> <td>Hogs</td> <td>2</td> </tr> <tr> <td>Goats</td> <td>4</td> </tr> <tr> <td>Sheep</td> <td>4</td> </tr> <tr> <td>Mink</td> <td>10</td> </tr> <tr> <td>Poultry</td> <td>25</td> </tr> <tr> <td>Rabbits</td> <td>25</td> </tr> </tbody> </table>	Type of Livestock	Number of Livestock, or Part Thereof, Equal to One Animal Unit	Cattle	1	Emu	1	Horse	1	Llama	1	Hogs	2	Goats	4	Sheep	4	Mink	10	Poultry	25	Rabbits	25
Type of Livestock	Number of Livestock, or Part Thereof, Equal to One Animal Unit																						
Cattle	1																						
Emu	1																						
Horse	1																						
Llama	1																						
Hogs	2																						
Goats	4																						
Sheep	4																						
Mink	10																						
Poultry	25																						
Rabbits	25																						
AQUACULTURE INDUSTRY	means the use of land, buildings and structures for the breeding, hatching and cultivation of aquatic flora and fauna and may include the processing, storage, and sale of any species raised in captivity as well as the construction, maintenance, and storage of materials, gear, equipment, and transportation devices necessary to sustain the aquaculture operation.																						
ART GALLERY / STUDIO	means a building, place, or area where paintings, sculptures, or other works of art are produced, exhibited, and/or sold.																						
AUTOMOBILE BODY SHOP	means a building or premises used primarily for the commercial repair of damage to the chassis of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing and similar activity.																						

AUTOMOBILE REPAIR SHOP	means a building or part of a building used for the repair and service of motor vehicles and may include muffler, brake, radiator, engine, tire, 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.
AUTOMOBILE SALES	means the sale and/or rental of passenger vehicles, trucks, vans, motorcycles, snowmobiles, tent and holiday trailers, boats or other recreational vehicles or craft, and includes supplementary vehicle maintenance, sale of vehicle parts and accessories, and dispensing of motor fuel to vehicles owned or rented by the vehicle sales and rental service.
BASEMENT	means that portion of a building below the ground floor which is all or partly underground and which has at least ½ its height from ground floor to the first floor joists above established grade.
BED & BREAKFAST	means a single-unit dwelling in which there is a resident owner or resident manager who provides overnight accommodation to the traveling public and provides at least one meal (usually breakfast, but occasionally other meals as well) to overnight guests. The bed & breakfast use shall not include provision of meals to non-guests.
BOARDING OR ROOMING HOUSE	means a dwelling in which the proprietor supplies either room or room and board for monetary gain, with more than three but not more than six rooms, and which is not open to the general public.
BUILDING	means any structure, whether temporary or permanent, that is roofed and that is used or built for the shelter, accommodation, or the enclosure of persons, animals, materials, or equipment but does not include frames for sheltering crops or containers originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.
BUILDING & CONSTRUCTION CONTRACTOR	means the use of buildings or land for the storage of materials and small tools in support of a building and construction-related trade such as, but not limited to, carpenters, electricians, masons, and plumbers, but does not include the storage of heavy equipment.
BUILDING OFFICIAL	is the official tasked by Council with ensuring buildings meet the Building Code requirements.

BUSINESS OR PROFESSIONAL OFFICE	means the use of a building or portion of a building where business may be transacted, a service performed, or consultation given, and includes but is not limited to lawyers, architects, engineers, planners, accountants, real estate agents, and photographers but shall not include any place where manufacturing of any product or selling of goods is carried on.
CAMPGROUND	means the use of land, or part thereof, for providing an overnight camping experience in tents, yurts, bunkies, travel trailers, recreational vehicles, campers, and similar structures and/or vehicles, where the number of camping sites and/or recreational vehicles parked for the purposes of providing accommodations (combined) exceeds two. For greater clarity, and without limiting the generality of the foregoing, uses accessory to a campground may include convenience stores, laundries, take-out restaurants, recreational facilities, halls, and management offices provided such uses are for the exclusive use of campground patrons.
CEMETERY	means the land used for the burial of the dead and related purposes, such as a columbaria and mausoleums, and excludes a crematorium use, which is included in the definition of funeral home.
COASTAL / TIDAL	means areas near the coast that are influenced by tides to the mean high water mark.
COMMERCIAL LIVESTOCK OPERATION	means a livestock operation equal to more than 10 animal units and/or at a density greater than 1 animal unit per 0.4 hectares of lot area.
COMMERCIAL RECREATION, INDOOR	means a building or part of a building used for commercial recreation or entertainment purposes and, without limiting the generality of the foregoing, may include such establishments as dance halls, cinemas, billiard or pool halls, bowling alleys, indoor miniature golf courses, indoor shooting ranges, indoor paintball fields, and bingo halls.

COMMERCIAL RECREATION, OUTDOOR	means the use of land for commercial recreation or entertainment purposes together with necessary and accessory buildings and structures and, without limiting the generality of the foregoing, may include such establishments as golf courses, driving ranges, paintball fields, drive-in movie theatres, outdoor miniature golf courses, ropes courses, tennis clubs, and summer camps, but does not include campgrounds, RV parks, outdoor shooting ranges, tracks for the racing of animals or for the racing of any type of motor vehicle, or any use that is obnoxious. For greater clarity, and without limiting the generality of the foregoing, uses accessory to outdoor commercial recreation may include uses such as, but not limited to, eat-in and take-out restaurants; licensed liquor establishments; “pro shops” and other rental, maintenance, and retail sales of equipment related to the recreation activity; spas; child minding services; and staff accommodations.
COMMUNITY CENTRE	means any tract of land, or building(s), or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board, service club, recreation association, or registered community association.
COMMUNITY GARDEN	means a small-scale site that is operated by an individual or group, on a non-profit basis, for the production of produce for personal use, for donation to local food causes, and/or for generating revenue to reinvest in the Community Garden; for the production of a floral or landscape display; and/or for demonstration gardening or other related instructional programming.
CONSERVATION USES	means the use of land intended for the protection and preservation of water, soil, plants, and animals.
CONVENIENCE STORE	means a building or part of a building used for the retail sale of a limited line of grocery and confectionery items, which serve the needs of the local neighbourhood.
COUNCIL	means the Council of the Municipality of the District of St. Mary's.
CRAFT BEVERAGE FACILITY	means a place where craft beer, cider, and/or spirits are produced, and may include the following:
MICRO BREWERY	means a craft brewery where the primary business function is the production and packaging of less than 15,000 hectolitres of beer per year. The facility may include accessory sales, tours, tasting rooms and customer seating areas.

MICRO DISTILLERY	means a craft distillery where the primary business function is the production and packaging of less than 75,000 litres per year of liquor and spirits, not including wine and beer. The facility may include accessory sales, tours, tasting rooms and customer seating areas.
NANO BREWERY	means a small capacity manufacturing facility where the primary business function is the production of less than 2,000 hectolitres of beer, ale, cider or other related beverages per year (non-distilled).
CRAFT PRODUCT	means products assembled or made by hand or small custom production processes including but not limited to potters, pewterers, goldsmiths, silversmiths, jewelers, toy makers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, and caterers.
CRAFT PRODUCT WORKSHOP	means a building or part of a building used by a trade, craft, or guild for the manufacture of small quantities (including repair) of craft products, for sale on or off premises, excluding the repair or manufacturing of motor vehicles or their parts or accessories.
CULTURAL FACILITIES	means the use of land, buildings, or part thereof, for the promotion of art, culture, and learning and without limiting the generality of the foregoing includes public art galleries, libraries, museums, performance arts theatres, visual arts centres, and other similar uses.
DAYCARE	means a place where people are cared for without overnight accommodation, but does not include a school.
DEVELOPMENT	means any erection, construction, alteration, placement, replacement, location, relocation of, or addition to any structure and any change or alteration in the use made of land or structures.
DEVELOPMENT AGREEMENT	means a legal agreement between Council and a property owner governing the use of the property owner's land, as enabled by the <i>Municipal Government Act</i> and Municipal Planning Strategy, and registered on title.
DEVELOPMENT OFFICER	means the municipal officer appointed by Council to administer the Land Use By-Law.
DERELICT MOTOR VEHICLE	means a motor vehicle that is without (a) a valid Province of Nova Scotia Vehicle Permit or (b) a valid safety inspection sticker, and not on display on the business property of a licensed car dealership.

<p>DWELLING</p>	<p>means a building or a part of a building occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units, and shall include a manufactured home but shall not include a fixed-roof overnight accommodation or recreational vehicle.</p>
<p>DWELLING, ACCESSORY</p>	<p>means a subservient dwelling either located within a single-unit dwelling (secondary suite) or in a building on a lot with a single-unit dwelling (backyard suite).</p>
<p>DWELLING, DUPLEX</p>	<p>means a building that is divided horizontally into two dwelling units, each of which have an independent entrance either directly from outside the building or through a common vestibule.</p>  <p>Figure 19.A Horizontally-divided Duplex Dwelling Example</p>
<p>DWELLING, MULTI-UNIT</p>	<p>means a dwelling containing three or more dwelling units, but does not include a townhouse dwelling.</p>

**DWELLING,
SEMI-
DETACHED**

means a building that is divided vertically into two dwelling units by a solid common wall, each of which has an independent entrance either directly or through a common vestibule.

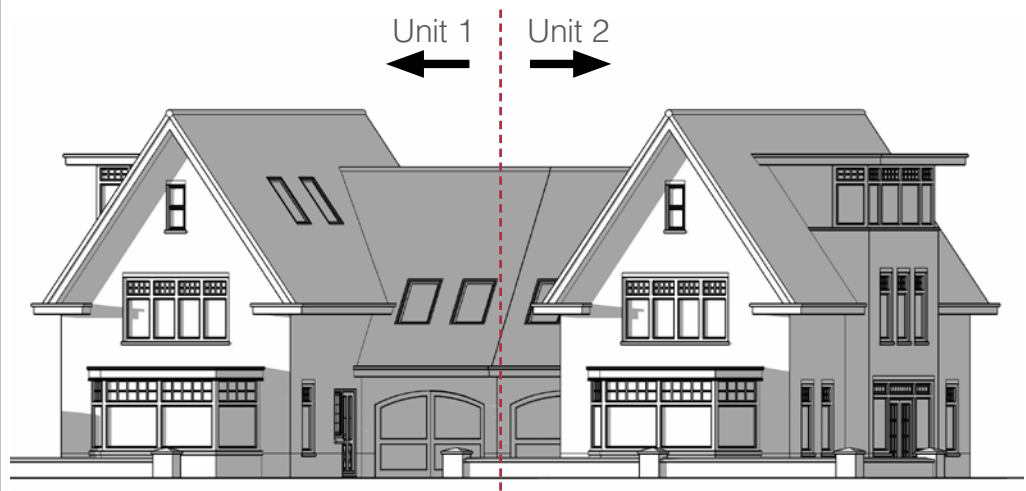


Figure 19.B Semi-Detached Dwelling Example

**DWELLING,
SINGLE-UNIT**

means a dwelling containing one dwelling unit or one dwelling unit and an accessory dwelling.

**DWELLING,
TOWNHOUSE**

means a dwelling divided vertically into three to six dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

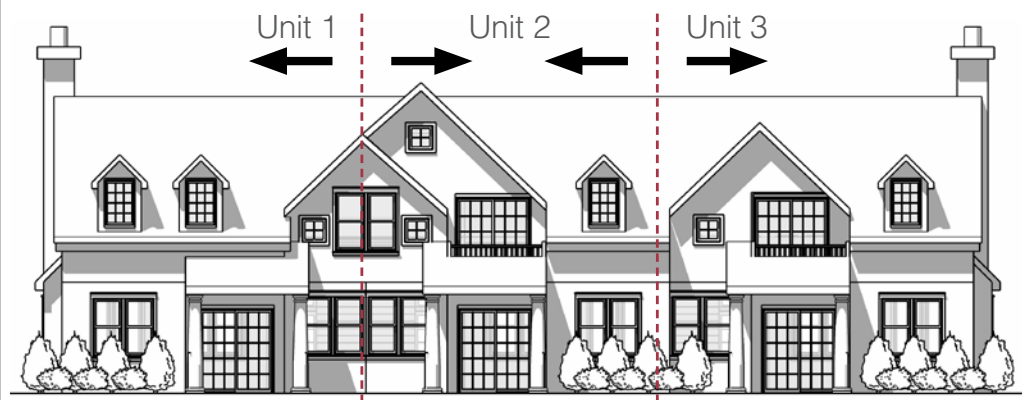
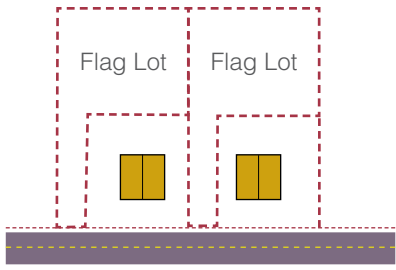


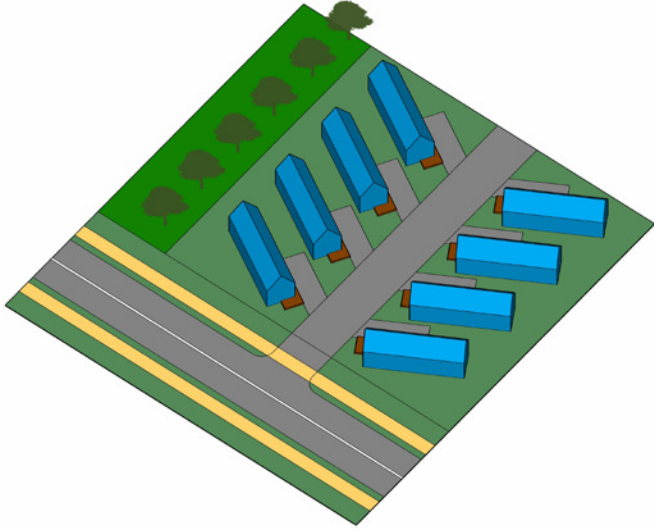
Figure 19.C 3-Unit Townhouse Example

DWELLING UNIT	means one or more habitable rooms within a dwelling designed, occupied, or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.
FARM MARKET	means the use of land, buildings, structures, or part thereof for the purpose of selling seasonal fresh produce, meat, fish, craft products, and ready-to-eat food by independent vendors.
FLANKAGE YARD	means, on a corner lot, that yard extending across the full width of the lot and fronting on a roadway which is not the roadway along which the front yard extends.
FLOOR AREA	means the maximum area contained within the outside walls of a dwelling, or where more than one unit is contained within a building means the maximum area contained within the finished wall surfaces of an individual dwelling unit, and excludes any garage, porch, veranda, sunroom, unfinished attic or basement or other room not habitable at all seasons of the year.
COMMERCIAL FLOOR AREA	means the total usable floor area within a building used for commercial purposes but excludes furnace and utility rooms, and common malls between stores.
GROSS FLOOR AREA	means the sum 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, and for the purpose of this definition, the walls forming a courtyard shall be deemed to be exterior walls.
FOOTPRINT	means the total ground floor area of a building enclosed within the exterior faces of the exterior walls, and for the purpose of this definition the walls forming a courtyard shall be deemed to be exterior walls.
FORESTRY-RELATED INDUSTRIES	means commercial silviculture and the production of timber or pulp and uses associated with the forestry industry, including saw mills, maple sugaring operations, Christmas tree u-picks, shingle mills, forestry vehicle and equipment storage, maintenance buildings and yards, and wholesale outlets for wood and wood products.
FOWL	means birds of the order <i>Galliformes</i> . This order includes, but is not limited to, chickens, turkeys, guineafowl, pheasants, grouse, peafowl, partridges, and quail.
FUNERAL HOME	means a building used for the preparation, temporary display, and/or funeral ceremony of deceased persons or domestic pets and may include a crematorium.

FRONTAGE	see "Lot Frontage".
FRONT YARD	means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot.
GAS 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 gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles and may include an automobile car wash.
HABITABLE SPACE	means an enclosed area of a building designed and/or used for any purpose other than parking of vehicles (including boats), building access, parks and conservation uses, or commercial/industrial storage.
HEIGHT	<p>when applied to a building, means the vertical distance between the highest point of the roof and the mean grade of the surface of all the streets adjoining the building, or the mean grade of the natural ground so adjoining if such grade is not below the grade of the surface. If a development fronts on two streets, the lower streetline grade of the two streets will be used for the mean grade calculation. Basements are not counted in the calculation of building height, provided they are below the streetline grade.</p> <p>Buildings longer than 50m of frontage may 'step-up' the grade provided that no more than 12.5m are exposed at the streetline at any given time.</p>
HOMESTEAD LIVESTOCK	means the use of land, buildings, or part thereof for keeping 10 or fewer animal units (see definition of 'Commercial Livestock Operation').
INDUSTRIAL USE	means the use of a building or part thereof, or the use of land for the manufacturing, processing, fabrication or assembly of raw materials or goods, warehousing, or bulk storage of goods, equipment, and machine servicing and related accessory uses.
HEAVY INDUSTRIAL USE	means the use of land or buildings for manufacturing, assembly, and/or processing and which use may be located in whole or in part to the exterior of the building and which use, by the nature of its operation may cause land use conflicts. This definition shall not include marine industrial uses but shall include, but is not limited to, explosives, petrochemical, coke, or paint plants; rendering or poultry plants; tanneries; abattoirs; refineries; or industrial cleaners.
LIGHT INDUSTRIAL USE	means an industrial use that is fully contained within a building and which is not obnoxious.

JUVENILE ANIMAL	means an animal in the suckling, weaning, or post weaning period.
LARGE-SCALE WIND TURBINE	means a structure for converting the kinetic energy of the wind into mechanical or electrical energy and exceeding 60 metres in height or having a generating capacity of more than 100 kilowatts (kW).
LICENSED LIQUOR ESTABLISHMENT	means a cabaret, lounge, beverage room, and/or bar licensed under the <i>Nova Scotia Liquor Control Act</i> or successor legislation.
LOADING SPACE	means a vacant area of land provided and maintained upon the same lot or lots upon which the principal use is located on, which: a) is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle and such parking shall not be for the purpose of sale or display, b) is not upon or partly upon any street, or highway; and c) has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas, not part of which shall be used for the temporary parking or storage of one or more motor vehicles.
LOT	means a parcel of land described in a deed as a lot or as shown as an approved lot on a registered plan of subdivision.
CORNER LOT	means a lot situated at the intersection of and abutting on two or more streets.
FLAG LOT	<p>means a lot characterized by its location of the main body of the lot generally at the rear of another lot, or otherwise separated from the street that provides access by a narrower prolongation extending from the main portion of the lot to the street. A flag lot generally resembles a flag on a pole in the case of a rectangular layout, or the main body of the lot with an umbilical prolongation providing access in the case of such a lot having irregular boundaries.</p>  <p>Figure 19.D Flag Lot Example</p>
THROUGH LOT	means a lot bounded on both the rear and front by a street or highway.
LOT AREA	means the total horizontal area within the lot lines of a lot.

LOT COVERAGE	means the percentage of the lot area covered by buildings and roofed structures, and for the purpose of this definition eaves, cantilevers, or other such projections of a roof shall be counted.
LOT FRONTAGE	means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle or the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein equal in distance to the minimum applicable front yard. In the case of a corner lot with a day lighting triangle, the exterior lot lines (street line) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.
LOT LINE	means the boundary of a lot.
FRONT LOT LINE	means the lot line separating a lot from a public or private road. Where a lot abuts more than one road, the shortest such lot line shall be the front lot line.
FLANKAGE LOT LINE	means any lot line separating a lot from a public or private road and that is not the front lot line.
REAR LOT LINE	means the lot line farthest from the front lot line and that is not a flankage lot line.
SIDE LOT LINE	means any lot line that is not a front, flankage, or rear lot line.
MAIN BUILDING	means the building in which is carried on the principal purpose for which the lot is used.
MAIN USE	means the principal or primary purpose for which any building, structure or land or any part thereof is designed, utilized, arranged, or intended, or for which it may be constructed, used, occupied or maintained under this By-Law, but shall not include any accessory use.
MANUFACTURED HOME	means a single detached dwelling designed for transportation after fabrication, on its own wheels or on that flatbed of a truck, and which arrives at a site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembling operations, and which is supported on site by wheels, jacks, blocks, or a permanent foundation, and which may be connected to utilities and sanitary services. A recreational vehicle shall not be considered as a mobile home.

<p>MANUFACTURED HOME PARK</p>	<p>means two or more Manufactured Homes located on one lot.</p>  <p>Figure 19.E Manufactured Home Park Example</p>
<p>MARINE-RELATED USES</p>	<p>means a use that is dependent upon access to or use of the Atlantic Ocean, such as tugboat facilities, boat building facilities, ocean research and development, and accessory uses to the forgoing.</p>
<p>MINISTER</p>	<p>means the Minister responsible for administering the <i>Municipal Government Act</i>.</p>
<p>MUNICIPALITY</p>	<p>means the Municipality of the District of St. Mary's.</p>
<p>NURSING HOME</p>	<p>means a building wherein nursing care room and board are provided to individuals incapacitated in some manner for medical reasons, but does not include a hospital.</p>
<p>OBNOXIOUS</p>	<p>means a use that from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration; or by the emission of gas, fumes, dust, or objectionable odour; or by the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other material.</p>
<p>OFFICE</p>	<p>means a room or rooms, building, or structure where business may be transacted, a service performed, or consultation given but shall not include the manufacturing of any product or the retail selling of goods.</p>

PERSONAL SERVICE ESTABLISHMENT	means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, automatic laundry shops, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.
PARKS AND OUTDOOR RECREATION	means the use of land for passive recreation and landscaping features and shall include, but is not limited to, greens, walking paths, play structures, ponds, fountains, and dog parks.
PLACES OF ASSEMBLY	means the use of land or buildings for civic or social gatherings and may include, but is not limited to, halls and private clubs.
PLACE OF WORSHIP	means a place dedicated to religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.
PRIVATE CLUB	means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a fraternity or sorority house, and a labour union hall.
PRIVATE ROAD	means any road that is not owned by Municipality of the District of St. Mary's or the N.S. Department of Public Works and for the purposes of this By-Law this definition shall also include deeded rights-of-way.
PUBLIC ROAD (OR PUBLIC STREET OR PUBLIC HIGHWAY)	means any street or highway owned and maintained by the Municipality of the District of St. Mary's or the Department of Transportation and Infrastructure Renewal including all deemed and common public highways, and excluding designated controlled access highways pursuant to the <i>Public Highways Act</i> .
REAR YARD	means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
RECREATIONAL USES	means the use of land for playgrounds, tennis courts, lawn bowling greens, skating rinks, skateboard parks, athletic fields, picnic areas, band shells, pavilions, swimming pools, day camps, community centres, recreational boat launches, and similar uses to the foregoing, including associated accessory buildings and structures, but excluding a track for the racing of animals or any form of motorized vehicles.
RECREATIONAL VEHICLE	means a van or utility vehicle used for recreational purposes, as camping, and often equipped with living facilities.

REMAINDER	means the remaining portion(s) of an area of land for which no subdivision approval is requested.
RESIDENTIAL CARE FACILITY	means a family home, group care facility, or similar facility for the non-medical care more than six persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.
RESTAURANT	means a building or part thereof where food and drink is served to the public for consumption within the building or for takeout but not for consumption in parking areas appurtenant to the building.
RETAIL STORE	means a building or part thereof in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the public at retail.
SALVAGE AND SCRAP YARDS	means the use of land for keeping or storing used bodies or parts of automobiles or any other type of used equipment, vehicles, machinery, or materials of any kind, regardless of whether such use occupies all or a part of the lot or lots upon which it is located, or whether it is a use operated for commercial or other purposes, or whether the use is subject to salvage yard licensing requirements of the Province of Nova Scotia.
SECONDARY SUITE	means a self-contained subordinate dwelling unit within a main dwelling unit.
SERVICE SHOP	means a building or part thereof used for the sale or 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.
SETBACK	means the distance between the identified lot line and the nearest main wall of any building or structure and extending the full width or length of the lot. For a wind turbine, the setback is measured from the base of the tower.
SHIPPING CONTAINER	means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.
SHORT-TERM RENTAL	means a fixed-roof overnight accommodation where guest sleeping facilities are contained within one building on a lot and where the facilities on the lot are only rented to one party at a time.

SIDE YARD	means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot.
SMALL OPTIONS HOME	means a family home, group care facility, or similar facility for the non-medical care for not more than six persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.
SMALL-SCALE WIND TURBINE	means a structure for converting the kinetic energy of the wind into mechanical or electrical energy, and not exceeding 60 metres in height, and not having a generating capacity of more than 100 kilowatts (kW).
SOLAR COLLECTOR	means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to usable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.
SOLAR FARM	means a solar collector system with a nameplate capacity in excess of 1 megawatt.
STOREY	means the portion of a building between any floor and the floor, ceiling, or roof next above, provided that any portion of a building partly below grade level shall not be deemed a story unless its ceiling is at least six (6) feet above grade, and provided also that any portion of a storey exceeding fourteen (14) feet in height shall be deemed an additional storey for each fourteen (14) feet or fraction thereof of such excess.
STREET	means the whole and entire right-of-way of every highway, road or road allowance vested in the Province of Nova Scotia or a private road recognized by the Municipality.
STREET LINE	means the boundary line of a public street.
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. A structure shall include buildings, walls, and signs, and also fences exceeding 1.8 metres in height.
SUPPORTING STRUCTURE	of a wind turbine includes all structures accessory to the turbine itself, including guy wires.

TINY HOME	means a dwelling that is less than 3 metres wide and has less than 37 square metres of floor area, and not installed on a permanent foundation; and which is CSA approved for four-seasons or certified by a Professional Engineer for year-round human habitation.
TINY HOME COMMUNITY	means two or more tiny homes on one lot, and may include accessory communal structures such as, but not limited to, maintenance sheds, recreational facilities, and laundry facilities.
TOP OF BANK	means a point or line which is the beginning of a significant change in the land surface, thence from which the land surface slopes downward towards a water course. When two or more slopes are located together, the slope that is highest and farthest away from the watercourse shall be the slope considered for the top of bank.
WATERCOURSE	means any lake, river, stream, ocean or wetland.
WIND TURBINE HEIGHT	means the distance from the base of the turbine to the farthest tip of a rotor blade in a vertical position.
YARD	means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-Law. In determining yard measurements, the minimum horizontal distance from the respective lot lines to the building shall be used.
ZONE	means a designated area of land shown on Appendix 'A', the Zoning Map, of this By-Law.



APPENDIX A - ZONING MAP

Chapter 20 Appendices

APPENDIX 'A' - ZONING MAP

SCHEDULE A

Every application for a Development Permit, subdivision, variance, site plan approval, Municipal Planning Strategy and/or Land Use By-Law amendment(s) and development agreement shall be subject to the fees as established in Schedule “A”.

No Development Permit *etc.*, will be issued until the Municipality has received the application fees in full.

Development Permit	Fee Amount
Residential	\$20.00 (non-refundable) plus \$0.10 per sqft
Commercial	\$20.00 (non-refundable) plus \$0.14 per sqft
Accessory Buildings	\$20.00 (non-refundable) plus \$0.04 per sqft
Alterations/Repairs in excess of \$2,500	\$20.00 (non-refundable) plus \$2.00 per \$1,000.000 value of alterations & repairs
Alterations & Repairs or all other projects with a non-defined floor space	\$20.00 (non-refundable) plus 2% of value
Permit Renewals	\$20.00

Other	Fee Amount
Demolition Permits	\$20.00
Subdivision Fee	\$350

