

**Municipality of the District of St. Mary's**

**Land Use Bylaw**

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# Municipality of the District of St. Mary's Land Use Bylaw

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## 1. INTERPRETATION

### 1.1 Definitions

- 1) **Abattoir** means the use of land, building or structure thereof in which animals are slaughtered;
- 2) **Abut** means where properties or lots share a common lot line or a common point along a lot line;
- 3) **Accessory Building** means a subordinate building or structure on the same lot as the main building and devoted exclusively to an accessory use, but does not include a building attached in any way to the main building;
- 4) **Accessory Use** means a use subordinate and natural, customarily and normally incidental to and dependent upon a main use of land or buildings and located on the same lot;
- 5) **Active Recreation** refers to all activities that alter the landscape and may include facilities such as playing fields, walking/jogging/cycling trails and all-terrain vehicle trails as well as recreation complexes;
- 6) **Adult Entertainment Use** means and includes any business where more than fifteen percent (15%) of the goods or other items on display, or presentation time of live or recorded performances, are characterized by depiction, description or display of, or use in connection with "sexual conduct," or where more than fifteen percent (15%) of the revenue of the business is from such goods or presentations. Such goods or other items include, but are not limited to theatres, motion picture displays, night clubs, bars or similar establishments, massage parlours, or escort agencies.
- 7) **Aggregate land holding** refers to the following:
  - i) in relation to a person, includes
    - a. all land holdings of that person, and of the person's minor children,
    - b. the relevant amount of land holdings of any corporation in which the person, or any of them, hold more than 5 percent of the shares, and
    - c. the relevant amount of land holdings of any other corporation in which more than 5 percent of the shares are held by a corporation in which the shareholder or the shareholder's minor children own more than 5 percent of the shares,
  - ii) in relation to a corporation, includes
    - d. all land holdings of that corporation,
    - e. all land holdings of any person, and of the person's minor children who holds more than 5 percent of the shares in that corporation,

- f. all land holdings of any other corporation that holds more than 5 percent of the shares in that corporation, and
  - g. the relevant amount of land holdings of any other corporation in which more than 5 percent of the shares are held by
    - i. that corporation,
    - ii. a person referred to in paragraph (b), or
    - iii. a corporation referred to in paragraph (c).
- 8) **Agricultural Use** means the utilizing of land, a building or structures to raise crops or animal or fowl and includes the harbouring or keeping of any one or more of the following livestock regardless of its stage of development: horse, pony, pig, cow, bull, goose, duck, hen, rooster, chicken, sheep, goat, or similar livestock;
- 9) **Attached Building** means a building otherwise complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings;
- 10) **Autobody Shop** means a building or part of a building or clearly defined space on a lot used for painting and repair of automobile body parts but shall not include the retailing of gasoline or other fuels;
- 11) **Automotive Repair Outlet** means a building or part of a building or a clearly defined space on a lot used for repair and service of motor vehicles and may include muffler, brake, radiator, engine, tire and glass replacement, wheel alignment, and other specialized activities directly related to the repair or alteration of motor vehicles, but shall not include paint or body repairs, the manufacture or fabrication of motor vehicle parts for the purpose of sale, or the retailing of gasoline or other fuels;
- 12) **Basal Area** is a measure of stand density developed by foresters. It is the total cross-sectional area of the trees in a stand, at breast height (4.5 feet above the ground), measured in square feet per acre;
- 13) **Bed and Breakfast** means a dwelling in which the proprietor supplies for monetary gain not more than six rooms for sleeping accommodations with or without meals to the traveling public;
- 14) **Biosolids** (treated sewage sludge) are a nutrient-rich organic by-product resulting from the treatment of domestic sewage and septic sludges, in a treatment facility.

- 15) **Boat Shed** means the use of a building or part of a building for the construction, storage and repair of boats, nets and equipment;
- 16) **Buffer** is a spatial separation or setback between two defined points;
- 17) **Building, Accessory** means a detached subordinate building, not used for human habitation, except where permitted in the Zoning By-law, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complimentary to the main use of the land, building or structure;
- 18) **Building, Main** means a building in which the main or principal use of the lot is conducted;
- 19) **Built Footprint** is the total surface area of a proposed or built structure excluding the green or undeveloped open space;
- 20) **Cluster Development** means building more than one residential, commercial or industrial development on a shared lot in order to share energy sources and/or on-site water and sewer systems;
- 21) **Corporation** means a partnership, cooperative association or body corporate whether formed or incorporated under the law of this province or any other province of Canada or outside of Canada, and for the purposes here a corporation and other corporations directly or indirectly controlled by the same person, group or organization shall be deemed to be one corporation;
- 22) **Council** refers to the St. Mary's Municipal Council;
- 23) **Cul-de-sac Roads** refers to roads that end at a court and exit along the same road;
- 24) **Daylighting Triangle** means a triangular area on a corner lot which is formed by a front lot line and the side lot line and a straight line which intersects them six (6) meters or 20 ft from the corner where they meet;
- 25) **Day Care Facility** means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name, the operator of which, for compensation or otherwise receives, for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, for more than three children not of common parentage and under ten years of age; but does not include a nursery school, college, academy, or other educational institution where instruction is

given in grades Primary to VIII;

- 26) **Deactivated** means no longer active, no longer in use;
- 27) **Derelict motor vehicle** means a motor vehicle that is not on display on the business property of a licensed car dealership without:
- a. a valid Province of Nova Scotia Vehicle Permit; or
  - b. a valid safety inspection sticker
- 28) **Development Officer** means the officer(s) of the Municipality of the District of St. Mary's, from time to time charged by the Municipality with the duty of administering the provisions of this By-law;
- 29) **Discharge** means to release, eject, dispel, emit, or leak any substance into the natural environment;
- 30) **Dwelling Unit** means a room or suite of two or more rooms designed or intended for use by an individual or individuals in which a kitchen and sleeping and sanitary facilities are provided for the exclusive use of such individual or family;
- 31) **Dwelling Unit, Accessory** means a subordinate separate and complete unit that is either added to or contained within the structure of a single dwelling unit. Where permitted under this by-law an accessory dwelling unit shall not exceed 50% of the dwellings gross floor area;
- 32) **Ecotourism** means an activity consisting of visiting natural environments to learn about and understand nature. Development for ecotourism initiatives may include, but shall not be limited to, trails, bridges, fences and interpretive centers;
- 33) **Encroachment** means to overstep onto someone else's property;
- 34) **Enumeration Area** is a specific geographic area within a census tract;
- 35) **Environmental Protection** refers to specific intentions whereby policies, By-laws and regulations aim to protect the health and integrity of natural landscape features and their functions from negative impacts;
- 36) **Environmentally Sensitive Area** describes an area that may have one or more of the following traits that are especially susceptible to damage when altered:
- erodible soils can erode away;

- steep slopes can erode or slump;
  - poorly drained soils can drown or rot tree and plant roots, destroying the vegetation;
  - soils with excessive drainage dry quickly and starve the roots of water;
  - endangered species habitat can be destroyed with unregulated activities;
  - shorelines can sustain sedimentation and exposure of mineral soils, allowing flooding;
- 37) **Erect** means to construct, build, assemble, or relocate a building or structure, and includes any physical operations preparatory thereto;
- 38) **Erosion** means a wearing away of land by water, wind or ice;
- 39) **Established Grade** means, with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment;
- 40) **Existing Uses** means in existence on the effective date of this By-law in accordance with Section 238 (4) of Part 8 (Planning and Development) of the *Municipal Government Act of Nova Scotia*;
- 41) **Extractive Facilities** means all buildings, aggregate plants, material storage areas and weight scales associated with extractive uses which involve blasting or crushing but does not include structures or storage areas which are fundamental to the activities of mining or extraction;
- 42) **Filtration** is a term generally applied to the removal of pollutants and suspended solids, such as sediment, with the passage of water through soil, organic and/or fabric medium;
- 43) **Fish and Boat Shed** means the use of a building or part of a building for the processing, storage and sale of a fisherman's catch or an aquaculture operator's produce and for the storage and repair of gear;
- 44) **Floodplain** means the land bordering a stream, built up of sediments from stream overflow and subject to inundation when the stream floods;
- 45) **Flood Proofing** means that floodwaters of the described specified level or elevation are prevented from entering a structure by the placing of fill, or elevation of the structure, or having the sills of all doors above the specified level;
- 46) **Forestry Operation** means any activity related to the use of the forest for the production of

timber, wood fiber or Christmas trees and includes the following activities, as well as any other activity related to that use:

- forest management planning;
- silviculture;
- harvesting;
- road construction;
- operation, storage, and use of equipment and supplies used in any aspect of the forestry operation;

47) **Freshets** refer to flooding after a heavy rainfall;

48) **Gated Community** means a private housing development with roads closed to outside traffic. Some have walls or fences around their boundaries, while others are isolated by water, ravines or thick forest cover. They typically have some form of gate or barrier blocking entrance to the community.

49) **Generalized Future Land-Use Map** refers to a map that illustrates future land use intentions that are guided by Policies;

50) **Green Spaces or Open Spaces** refers to naturally vegetated spaces or areas of landscaping free of structures or development;

51) **Gross Floor Area** means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls;

52) **Grubbing** means to dig or poke in the ground; to dig up or out;

53) **Habitat** means the natural home or environment of a plant or animal;

54) **Height** means the vertical distance on a building between the established grade and the highest point of the roof surface or the parapet, whichever is greater, but shall not include any construction used as an ornament or for the mechanical use of the building, chimney tower, steeple, solar collectors, antennae or satellite receiving dish;

55) **Herbicide** means any chemical or mixture of chemicals intended to prevent the growth of or promote the removal of targeted trees, bushes, and/or herbaceous vegetation;

- 56) **Heritage Sites** refer to built structures identified by the community and/or governments as having significant cultural, aesthetic and/or important physical characteristics;
- 57) **Highwater Mark** means the level of highest water on a shore; the high-tide line of the sea and the high-flood line of streams or lakes;
- 58) **Home Occupation** means a business activity carried on within a residence or accessory building of the owner or operator of the business. Without limiting the generality of the foregoing, a home occupation may include: office use, personal service shop, craft workshop, the repair of minor household appliances, catering, small engine repair, daycare center with a maximum of six children, an establishment teaching arts. Home occupations do not include the sale, rental, or repair of automobiles or recreation vehicles.
- 59) **Household Pet** means a domestic animal customarily kept within a dwelling or in an outside pen or accessory building for the sole purpose of pleasure rather than utility, and includes dogs, cats and rabbits, rodents and small birds and other animals, but excludes cattle, sheep, horses, pigs, poultry, bees, goats and other animals normally raised on farms and exotic animals normally kept in zoos including snakes, lions, and llamas;
- 60) **Ice Freshets** refer to spring floods caused by jammed ice flows;
- 61) **Impervious Surfaces** refers to paving or any other non-porous surfaces such as roads and parking areas where water cannot penetrate the paving material and absorb into the ground;
- 62) **Industrial Use** means the use of land, building or structure designed for the purpose of manufacturing, assembling, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale any goods, substance or article and the storage of building equipment materials;
- 63) **Institution** means land, building, structure or part of a structure used by any organization, group, or association for the promotion of charitable, educational or benevolent purpose and not for profit or gain;
- 64) **Kenel** means a building or premise where animals, birds, or livestock used as domestic household pets are kept or boarded commercially.
- 65) **Light Industry** means any manufacturing, processing, assembly or warehousing operation, any building supply or equipment depot, and any business and professional offices related to the industrial use;

- 66) **Livestock** means horses, cows, pigs, sheep, goats, fox, mink, and fowl, whether or not they are kept for commercial purposes;
- 67) **Loading Space** means an area of land provided and maintained upon the same lot or lots upon which the main use is located and which has adequate access to permit ingress and exiting by means of driveways, aisles or maneuvering areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles;
- 68) **Loop Road** refers to a road that has two accesses;
- 69) **Lot** means any parcel of land which is contained as a separate lot description in a deed of land or as shown as an approved lot on an approved plan of subdivision filed in the Registry of Deeds;
- 70) **Lot Area** means the total horizontal area within the lot lines of a lot;
- 71) **Lot Depth** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines;
- 72) **Lot Frontage** means the horizontal distance between the side lot lines of a lot measured at right angles, but where such lot lines are not parallel, the lot frontage shall be the minimum distance between the side lot lines measured in a distance equal to the minimum applicable front yard back form and parallel to a line joining the intersections of the side lot lines with the front lot line;
- 73) **Low Density Area** refers to an area designated to house a population net density of less than 10 people per acre;
- 74) **Low Impact Activities** means activities that have minimal impact on the natural environment. This includes passive uses like walking, hiking, and camping, as well as canoeing and kayaking;
- 75) **Low Intensity** refers to land uses with minimal impact on low-density residential areas;
- 76) **Mobile Home/Mini Home** means a dwelling unit having a width of 5 meters (16 ft.) or less that is designed to be transported from its place of construction to a home site and located on the site on wheels, jacks or similar supports or on a permanent foundation;
- 77) **Mobile Home Park** means a parcel of land, intended as the location, for residential purposes, of three or more mobile homes or mini homes and upon which two or more mobile homes or mini

homes are located and are occupied for dwelling or sleeping purposes.

- 78) **Mobile Home Pad** means an area of land in the mobile home park designed to accommodate one mobile home or mini home.
- 79) **Noise Buffer** refers to the space needed to screen noise from one land use to another;
- 80) **Non-Conforming Use** means an existing use of land or structure that is not permitted in the zone;
- 81) **Noxious Smells** refers to the unpleasant smells generally associated with industrial land uses;
- 82) **Open Space Plan** refers to a proposed map of an area which illustrates a connected network of natural and landscaped green spaces yet does not include permanent built structures;
- 83) **Open Storage** means storage not in a building or roofed area and includes materials covered by a canvas, plastic or any other type of covering material;
- 84) **Passive Recreation** refers to recreational land uses that do not require infrastructure such as landscaped fields, permanent structures, or multi-use trails. Such activities may include walking, running, skiing, snow shoeing, nature viewing and contemplation;
- 85) **Pesticide Application** means the application and use of pesticide for the maintenance of outdoor trees, shrubs, flowers, or other ornamental plants and turf on the part of a property used for residential purposes or on property of the municipality;
- 86) **Pesticide, Insecticide or Pest Control Product** means:
- a) any substance that is intended, sold or represented for use in preventing, destroying, repelling, attracting or mitigating, directly or indirectly, any pest;
  - b) any substance that is a pest control product within the meaning of the *Pest Control Products Act* (Canada) or is intended for use as a pest control product;
  - c) any substance that is a plant growth regulator, a defoliant or a plant desiccant; or
  - d) any other substance designated as a pesticide in the regulations made pursuant to the *Environment Act*;
- but does not include a substance that is intended for sale, sold or represented for use in potable water to prevent or destroy bacteria, parasites or viruses if the substance is not a pest control product within the meaning of the *Pest Control Product Act* (Canada);
- 87) **Private Road** means any street or road which is not public.

- 88) **Professional Forester** means a graduate of a recognized university or college with at least a bachelor's degree or diploma in forestry;
- 89) **Public Utility** means any building, structure, plant or equipment essential to the provision and operation of electricity, water, sewage disposal, telephone service, telegraph service, pipeline, railway telecommunications or cable television;
- 90) **Recreational Use** means places of amusement such as sports fields, playgrounds, parks, trails and all other similar places of amusement;
- 91) **Recycling Depot** means premises on which recoverable materials such as newspaper, glass, and metal cans are separated prior to shipment, but does not include any processing of the material or a salvage yard.
- 92) **Release** means to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place, drain, pump or exhaust;
- 93) **Resident person** means a person who resides in the municipality for one hundred and eighty-three days or more a year;
- 94) **Road Entrance Reserve** means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five acres (2.0 ha) and which entrance has been approved by the Department of Transportation for the purposes of a public road or private road entrance reserve;
- 95) **Runoff** is the portion of rainwater or any other liquid on a drainage area that is not absorbed into the ground but is discharged into streams. Components of runoff include overland flow (sheet flow), open channel flow and ground water flow;
- 96) **Salvage Yard** means a lot or premises where a minimum of three (3) used bodies or parts of automobiles, or used bodies or parts of other vehicles or machinery are placed or stored or kept; and a salvage yard under this Bylaw does not include a scrap operation.
- 97) **Scrap Operation** means a lot or premises used for the storage of or handling of scrap material including, but not limited to, waste paper, rags, bones, bottles, used bicycles, tires or metal but does not include a salvage yard.

- 98) **Sedimentation** means the movement of finely divided solid particles through a fluid, under the influence of a gravitational or other force;
- 99) **Service Industry** means a use whose primary function is to provide services such as maintenance, and without limiting the generality of the forgoing may include an engine and body repair shop, a printing business, a laundry or cleaning business, a wholesale bakery, professional trades, and similar uses;
- 100) **Service Shop, Personal** means a building or part of a building where persons are employed in furnishing services and otherwise administering to the individual needs of persons including establishments such as barber shops, shoe repair, the sale or repair of household articles or small motor repair and may include radio, television, computers, and appliance repair shops, plumbing, electrical establishments and other similar uses but does not include industrial manufacturing or motor vehicle repair shops;
- 101) **Sign** means any structure, device, light or natural object including the ground itself, or any part thereof or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, enterprise, organization, industry or business, or which shall display or include any device or representation intended to be seen from off the premises or from a parking lot;
- 102) **Sign Height** means the distance from ground level to the highest part of the sign, including the sign structure;
- 103) **Single Unit** refers to the size of a residential unit defined by a single full sized kitchen and no more than two bathrooms. Most low-density residential neighbourhoods are generally comprised of primarily single unit residences;
- 104) **Small Residential Garden** is a personal garden not intended for commercial purposes;
- 105) **Source Water Area** refers to the Sherbrooke Source Water Protection Area, which includes landscapes and waterbodies that supply Sherbrooke residents with their drinking water;
- 106) **Special Care Home** means a building or place or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three persons with social health, legal, emotional, mental or physical disabilities or problems, and includes such facilities as are licensed by the *Homes for Special Care Act*, the *Children's Service Act*, or by any other provincial legislation, but does not include any public or

private hospital or sanitarium, or a jail, prison or reformatory, or a hostel;

107) **Special Management Zone** is an area with environmentally sensitive attributes where extra precaution is necessary to carry out any activity that could potentially disturb the landscape in order to ensure the environment and/or water quality is not negatively impacted;

108) **Special Places** refers to natural and human-made environments that demonstrate attributes identified by the community as having cultural, physical, or aesthetic importance. These areas are often the focus of protection from future use through conservation;

109) **Story** means that portion of a building included between the surface of any floor and the surface of the floor, ceiling or roof structure next above it;

110) **Street Line** means the common line between a street and a lot;

111) **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes buildings, walls, signs, and fences exceeding two (2) meters or 6.6 ft in height;

112) **Suspended Solid** means a solid particle that is floating or being held on or in a fluid;

113) **Swimming Pool** means a tank or body of water, other than an existing natural body of water or stream, either above or below ground, which has a depth greater than 91 cm. (36 inches) intended to be used for diving, swimming, or wading;

114) **Temporary Construction Use** means the use of land, buildings or structures for activities which are accessory to construction in progress and, without limiting the generality of foregoing may include a subdivision sign, sales or rental office, tool or maintenance shed, scaffold or mobile home used as a temporary residence;

115) **Use** means the purpose for which any land, building or structure is utilized, occupied, maintained or leased;

116) **Utility** means any agency which, under public franchise or ownership or under certificate of convenience, provides the public with electricity, gas, heat, steam, communication, telephone, rail transportation, water or sewage or other similar services;

117) **Use, Secondary** means a use, other than a main or accessory use;

118) **Water Bodies** refers to marshes, swamps, brooks, streams, rivers, or lakes;

- 119) **Watershed** is a term that refers to the area from which surface water drains into a common lake or river system or directly into the ocean.
- 120) **Water Utility** means the Sherbrooke water treatment plant;
- 121) **Yard** means that part of a lot required to be unoccupied by buildings or structures;
- 122) **Yard, Flankage** means the side yard of a corner lot, which side yard abuts a street;
- 123) **Yard, Front** means the yard extending across the full width of the lot between the street line and the nearest main wall of any building or structure and minimum front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot;
- 124) **Yard, Rear** means the yard extending across the full width of the lot between the rear lot line and the nearest main wall of any building or structure and minimum rear yard means the minimum depth allowed by this by-law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot;
- 125) **Yard, Side** means the yard extending from the front yard to the rear yard on either side, between a side lot line and the nearest main wall of any building or structure and minimum side yard means the minimum depth allowed by this by-law of a side yard on a lot between the side lot line and the nearest main wall of any main building or structure on the lot;

## 2. BYLAWS

### 2.1 Title

This Bylaw may be cited as the *Municipality of St. Mary's Land Use By-law*.

### 2.2 Administration

#### 2.2.1 Purpose

The purpose of this bylaw is to prohibit, regulate and control the use and development of lands and buildings within the Municipality of St. Mary's to facilitate the orderly and economic development of land in accordance with the policies set forward in the Municipal Planning Strategy for the Municipality of St. Mary's and includes the following:

- a) Divides the area into Zones.
- b) Prescribes, subject to powers reserved in the Planning Commission:
  - i) the purposes for which land, buildings and structures in any zones may be used;
  - ii) standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform.
- c) Prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clause (b).

#### 2.2.2 Scope

- a) No building or structure shall be erected, or altered (including demolition), nor the use of any building, structure or lot be changed unless a building permit has been issued and no building permit shall be issued unless all the provisions of this by-law are satisfied.
- b) Any development permit shall be in force for a period of one year from the date of issue, and any permit may be re-issued upon request, subject to review by the Development Officer, provided that the request is received before the expiry of the current permit, and provided all proposed developments conform with current by-laws.
- c) Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, including signs, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one lot.
- d) No person shall move a building, residential or otherwise within or into the area covered by this bylaw without obtaining a development permit from the Development Officer.

e) Nothing in this bylaw shall exempt any person from complying with the requirements of the National Building Code, Building Bylaw, Subdivision Bylaw, or any other Bylaw in force within the town or to obtain any license, permission, permit, authority or approval required by this or any other bylaw of the Municipality, or other lawful authority.

f) Where the provisions of this bylaw conflict with those of any other municipal or provincial regulations, bylaws or codes including regulations pertaining to on-site sewage disposal systems, the higher or more stringent requirements shall prevail.

g) Where there is a conflict between a Municipal Plan and a Land Use or Subdivision By-law, the Municipal Plan prevails.

### 2.2.3 Powers of the Council

a) No building may be erected in the Municipality of St. Mary's where, in the opinion of Council, satisfactory arrangements have not been made for the supply of electrical power, water, sewage, streets and other services and facilities.

b) Where, in its opinion, a building or structure is dilapidated, dangerous or unsightly, Council may:

- i) require the improvement, removal or demolition of such building or structure at the expense of the owner;

c) Subject to Subsection 2.2.2 (a), Council may, within any zone,

- ii) designate the land to be used for the location or erection of any utility installation including but not limited to the supply of electricity, telephone, water, television, sanitary and storm drainage, and the disposal of sanitary wastes; and
- iii) use the land so designated for a purpose mentioned in clause (a).

d) No land may be designated or used for the purposes mentioned in Subsection (c) unless, in the opinion of the Council,

- i) such land is essential to the operation of the service concerned; and
- ii) reasonable attempts are made to ensure that any development thereon in a residential zone is adequately buffered from public view.

### 2.2.4 Amendments

a) A person who seeks to have this bylaw amended shall:

- i) address a written and signed application form to the Committee;
- ii) pay a fee to the Committee set in accordance by Council;

iii) pay the cost of registering any related amendments or agreement related to the application.

b) An application under this section shall include such information as may be required by the Committee for the purposes of adequately assessing the desirability of the proposal.

c) Before giving its views to Council with respect to an application under this section, the Committee may carry out such investigations as it deems necessary.

d) Unless, upon the advice of the Committee, Council is of the opinion there is material and credible new evidence or a material change in conditions, where an application under this section has been refused by Council, no further application may be considered by Council for one year.

#### 2.2.5 Public Hearing Notification

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

a) all assessed property owners, based on LRIS records, within one hundred and fifty two (152) meters or 500 ft of the property boundary of the proposed site shall be notified by ordinary mail of the public hearing at least ten (10) days prior to the date of the public hearing;

b) a public hearing notice shall be posted on the street frontage side of any property under consideration and must be advertised twice in a newspaper circulating in the area, with the first ad appearing at least fourteen (14) days before the hearing date; and

#### 2.2.6 Application Requirements

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

- i) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
- ii) the proposed location, height and dimensions of the building, structure, or work in respect of which the application is being made;
- iii) the location of every building or structure already erected on or partly on the lot, and the location of every building upon contiguous lots;
- iv) the proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas; and
- v) other such information as may be necessary to determine whether or not every such building,

or development, conforms with the requirements of this by-law.

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

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

## **2.3 General Provisions for all Zones**

### **2.3.1 Sewage disposal systems**

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

### **2.3.2 One dwelling on a lot**

No person shall erect more than one dwelling on a lot except where otherwise indicated within this bylaw.

### **2.3.3 Existing vacant undersized lots**

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

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

### **2.3.4 Frontage on street**

Unless otherwise stated elsewhere in this bylaw, no development permit shall be issued for any development unless the lot on which the development is to be located fronts upon a public street.

### **2.3.5 Reduced frontage on a curve**

Where the front lot line of any lot is a curved line, a minimum lot width which is equal to the minimum lot frontage required by this by-law shall be required in-lieu of such minimum lot frontage. For the purposes of this section, such minimum lot width shall be measured along a horizontal line between the side lot lines, six (6) meters or 20 ft from the front lot line.

### **2.3.6 Road entrance reserves**

Notwithstanding the lot frontage provisions contained in this bylaw, a portion of a lot identified as a road entrance reserve shall meet the requirements of the provincial Department of Transportation.

### 2.3.7 Existing buildings

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

- a) the enlargement, reconstruction, repair or renovation does not further reduce the front, side and/or rear yard that does not conform to this bylaw; and
- b) all other applicable provisions of this bylaw are satisfied.

### 2.3.8 Existing uses

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

### 2.3.9 Non-conforming uses

Non-conforming uses shall be subject to Sections 238 to 241, Part VIII (Planning and Development) of the *Municipal Government Act*. Additions or structural alterations to non-conforming uses shall be permitted if they do not result in any increase in the volume of space devoted to the non-conforming use itself.

### 2.3.10 Accessory uses permitted

Where this by-law provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose includes any use accessory thereto, so long as the total built footprint does not exceed 30%.

### 2.3.11 Accessory buildings

- a) Accessory uses, buildings and structures shall be permitted in any zone but shall not:
  - i) be used for human habitation except where a dwelling is a permitted accessory use;
  - ii) be used for the keeping of livestock except where agriculture is a permitted use;
  - iii) exceed a total lot built footprint of 30%;
  - iv) be built closer to the front lot line than the minimum distance required for the main building except that

- A. common semi-detached garages shall be no less than required by the Nova Scotia Building Code;
- B. wharves may be built to the lot line which corresponds to the high water mark;
- C. where a lot line corresponds to a shoreline high water mark, all accessory buildings other than fish sheds and boat sheds are restricted within fifteen (15) meters or 49 ft of said shoreline unless otherwise indicated in the by-law;
- D. fish sheds and boat sheds are permitted no closer than two point four (2.4) meters or 8 ft. from the high water mark;
- v) exceed eight (8) meters or 26 ft. in height
- vi) be built closer than requirements set by the Nova Scotia Building Code.

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

#### 2.3.12 Permitted encroachments

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

- a) uncovered patios, walkways, steps, and access ramps for the mobility disabled may be located in any yard;
- b) there may be erected or maintained in any yard, the usual projections of sills, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such feature shall project more than point six (0.6) meters or 2 ft. into any required yard;
- c) exterior staircases, balconies, porches, and verandas shall not be permitted to project into any required side yard, except as permitted by the NS Building Code;
- e) ornamental plantings and landscaping may be located in any yard unless otherwise indicated in this bylaw.

#### 2.3.13 Temporary construction uses permitted

Temporary construction uses may be permitted in any zone so long as such temporary construction conforms to this bylaw and is subject to the following conditions:

- a) the temporary construction use must be located upon the same lot or upon an adjacent lot which is affected by the related construction activity;
- b) a development permit has been issued for the temporary construction use;
- c) any development permit issued shall be in force for a maximum period of one year from the date of issuance and may be reissued upon request, provided that the related construction activity is still in

progress; and

d) the temporary construction use must cease and all temporary buildings, and/or structures must be removed within sixty (60) days of the completion or discontinuance of the related construction activity or within sixty (60) days of the expiry of the development permit.

#### 2.3.14 Vehicle bodies

- a) No truck, bus, coach or streetcar body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other bylaws of the Municipality, shall be used for human habitation, and no vehicle body shall be used as a commercial building, unless permission from Council has been obtained;
- b) Storage of derelict motor vehicles, used bodies or parts of automobiles, or used or parts of other vehicles or machinery to a maximum of two vehicles must be covered or shielded from the traveling public.

#### 2.3.15 Restoration to a safe condition

Nothing in this bylaw shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use, the provisions of Section 238 (4) of Part 8 (Planning and Development) of the *Municipal Government Act of Nova Scotia* shall prevail.

#### 2.3.16 Building to be moved

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

#### 2.3.17 Height regulations

The height regulations of this bylaw shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, windmills or solar collectors.

#### 2.3.18 Setbacks from watercourses

Except as provided for by Section 2.3.11 a) (iii), or for any marina or boat building operation, no portion of any building or structure in any zone shall be located less than fifteen (15) meters or 49 ft. from the high water mark of any watercourse unless otherwise specified in any zone. For all lots fronting on ocean or river ways, a five (5) meter height setback for all structures and built development shall be enforced to

accommodate loss of frontage due to sea level rise and erosion from flooding;

#### 2.3.19 Daylight triangle

On a corner lot, a fence, sign, hedge, shrub, bush, tree or snow or any other structure, vehicle or vegetation shall not be erected or permitted to grow to a height more than point six (0.6) meters or 2 ft. above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of six (6) meters or 20 ft. from their point of intersection for safety and sight line reasons.

#### 2.3.20 Natural hazards and yard requirements

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

#### 2.3.21 Illumination

No person shall erect any illuminated sign (subject to subsection 2.3.41) or illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

#### 2.3.22 Separation between main buildings

The separation distance between main buildings located on the same lot shall be regulated by the NS Building Code.

#### 2.3.23 General prohibition

No person shall erect or alter any building or locate or carry on any industry, business, trade or calling or use any land or building within any zone or cause it the same to be done without complying with the provisions of this bylaw and with the relevant policies.

#### 2.3.24 Parking requirements

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

section or by other specific sections shall be the next largest whole number.

## USE

Any dwelling except as specified below

Multiple dwellings

(except for senior citizen apartments)

Senior citizen multiple unit dwelling

Boarding and rooming houses

Retail stores, service and person service shops:

Banks, financial institutions and general offices

Motels, hotels, tourist cabins, guest homes, bed and breakfasts

Restaurants - drive-ins

Restaurants - full service

Restaurants - take-out:

a) exceeding twenty eight (28) square meters (301 ft<sup>2</sup>) of gross floor area

b) not exceeding twenty eight (28) square meters (301 ft<sup>2</sup>) of gross floor area

Lounges, taverns and beverage rooms

## PARKING REQUIREMENT

1 space per dwelling unit

1 space per dwelling unit

1 space per dwelling unit

1 space per bedroom

6 spaces per one hundred (100) square meters (1 076 ft<sup>2</sup>) of gross floor area

3.3 spaces per ninety three (93) square meters (1001 ft<sup>2</sup>) of gross floor area

1 space per sleeping unit plus requirements for accessory uses such as restaurants, lounges, retail space, etc.

27 spaces per ninety three (93) square meters (1001 ft<sup>2</sup>) of gross floor area

20 spaces per ninety three (93) square meters (1001 ft<sup>2</sup>) of gross floor area

16 spaces per ninety three (93) square meters (1001 ft<sup>2</sup>) of gross floor area

5 spaces

the greater of 1 space per 3 seats or 1 space per ten (10) square meters (107.6 ft<sup>2</sup>) of gross floor area

## USE

Theaters

Institutional uses except as specified below

Government offices

Schools

## PARKING REQUIREMENT

1 space per 4 seats

where there are fixed seats, the greater of 1 space per ten (10) square meters (107.6 ft<sup>2</sup>) of gross floor area

where there are no fixed seats, the greater of 1 space per ten (10) square meters (107.6 ft<sup>2</sup>) of gross floor

area or 1 space per 4 persons which can be accommodated at any one time

4.5 spaces per ninety three (93) square meters (1001 ft<sup>2</sup>) of gross floor area

3 spaces per classroom plus 1 space over 20 high school students

#### Hospitals

Homes for the aged and nursing homes

Day care facilities

Medical clinics and offices of any health practitioner

Funeral homes

Warehouses, transport terminals and general industrial uses

2 spaces per bed

2 spaces per 5 beds

1.5 spaces per thirty seven (37) square meters (398.3 ft<sup>2</sup>) of gross floor area

5 spaces per consulting room

15 spaces

the greater of 2 spaces per ninety three (93) square meters (1001 ft<sup>2</sup>) of gross floor area or 1 space per 4 employees

#### b) Reserved Spaces for the mobility disabled:

notwithstanding section 2.3.24 a) above, reserved parking spaces for the mobility disabled shall be provided in addition to the required spaces in conformity with the following schedule:

USE

Medical clinics and offices of the health practitioner

Homes for the aged/nursing homes

Multiple dwellings

Restaurants and theaters

All other uses excluding fire stations, boarding houses and any industrial use which does not have retail function

PARKING REQUIREMENT

1 reserved parking space for the mobility disabled per 8 parking spaces required

1 additional space for each additional 10 required spaces or part thereof to a maximum of 10

1 reserved parking space per 20 beds to a maximum of 10

1 reserved parking space per 20 units to a maximum of 10

1 reserved parking space per 50 seats to a maximum of 10

1 reserved parking space for the mobility disabled per 15-100 parking spaces required

1 additional space for each additional 100 spaces or part thereof, to a maximum of 10

## 2.3 25 Standards for parking lots

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

- a) the lot shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
- b) individual parking spaces shall be two point five (2.5) meters by six point two (6.2) meters;
- c) the lights used for illumination of the lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- d) a structure, not more than five (5) meters or 16 ft. in height and not more than four point six (4.6) square meters or 50 ft<sup>2</sup> in area may be erected in the lot for the use of the attendants;
- e) no petroleum product pumps or other service station equipment shall be located or maintained on the lot;
- f) all parking areas shall provide maneuvering areas or aisles to permit vehicles to leave the property in a forward motion;
- g) approaches or driveways to the lot shall be defined by a curb or concrete or rolled asphalt and the limits of the lot shall be defined by landscaping, a curb or other suitable obstruction designed to provide a neat appearance; in addition, the location of approaches or driveways shall be not closer than fifteen (15) meters or 50 ft. from the limits of the right-of-way at a street intersection;
- h) entrance and exit ways to the lot shall not exceed two in number and each such way shall be a width of seven point six (7.6) meters or 25 ft. at the street line and edge of pavement; and
- i) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of three (3) meters or 10 ft. if for one-way traffic and a minimum width of six (6) meters or 20 ft. if for two-way traffic, and the maximum width of a driveway shall be seven point six (7.6) meters or 25 ft.

### 2.3.26 Parking standards for mobility disabled

- a) Each reserved parking space shall measure four (4) meters or 13 ft. by six (6) meters or 20 ft. to accommodate wheel chairs.
- b) Where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall it be further than ninety (90) meters or 300 ft. from the location which it is intended to serve.
- c) Each reserved parking space shall be located as close as possible to the location it is intended to serve.
- d) Each reserved parking space shall be clearly identified by a ground sign.

### 2.3.27 Loading space requirements

- a) In any zone, no person shall erect or use any building or structure for manufacturing, storage or warehousing, or as a retail or wholesale store, or as a freight or passenger terminal, or for any other use involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises at least one (1) loading space with every such use.
- b) Each loading space shall be at least three point seven (3.7) meters or 12 ft. by seven point six (7.6) meters or 25 ft. with a minimum of four point three (4.3) meters or 14 ft. height clearance, set at truck bed height.
- c) Loading space areas, including driveways leading thereunto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

#### 2.3.28 Special uses

Nothing in this by-law shall prevent uses for special occasions and events such as midways, circuses, fairs or festivals, provided that such uses remain in place no longer than ten (10) days. For these special uses, no building permit shall be required.

#### 2.3.29 Floodplain development

No development shall be permitted within the floodplain area as shown on the Floodplain Map (see attachments) unless the structure meets the following floodproofing requirements. The degree of flood protection required by this section is considered the minimum necessary and reasonable for regulatory purposes. Larger floods may occur at any time, and excessive flood water heights may be experienced due to man-made and natural causes, such as ice jams, dyke failures and accumulated debris in bridge openings. This section shall not imply that uses permitted within such areas shall remain free from flooding or flood damages.

- a) The minimum lower elevation of all openings shall be the established flood elevation plus a free board height of 0.06 m (4 in.)
  - i) fill shall be placed around the perimeter of the building to a height equal to the minimum opening elevation for a distance of 3 m (10 ft.)
  - ii) the fill shall have a perimeter slope of 3:1;
- b) No non-local fill shall be permitted within the floodplain area except where the placement of the soil is for the purpose of floodplain management or for flood proofing purposes;

#### 2.3.30 Zone boundaries

Boundaries between zones shall be determined as follows:

- a) where a zone boundary is indicated as following a street or highway, the boundary shall be the

centerline of such street or highway.

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

### 2.3.31 Home occupations

In addition to all other requirements, the following shall apply to home occupations:

- a) Home occupations will occupy no more than fifty percent (50%) of the dwelling floor area of a residential unit, or twenty five percent (25%) of the sum of the dwelling floor plus the gross floor area of an accessory structure involved in the home occupation;
- b) No exterior changes will be made which would materially change the architectural appearance of the dwelling;
- c) The home occupation will meet the parking and signage requirements as set out in this Land Use Bylaw;
- d) The following are not deemed to be home occupations:
  - i) automotive repair shops
  - ii) large appliance repair
  - iii) restaurants
  - iv) service industries

### 2.3.32 Environmental standards for home occupations

- a) There shall be no emission of odorous gases or matter in such magnitude as to be readily discernible by the casual observer at the lot line;
- b) There shall be no production of noise in excess of normal street traffic experienced at the lot boundary;
- c) There shall be no physical hazard by reason of fire, explosion, toxic waste, radiation or similar cause to adjacent property and surrounding landscape environment;
- d) There shall be no dissemination of glare or vibration beyond the immediate building.

### 2.3.33 Fences

- a) No person shall erect, own or maintain, or cause or permit the erection or maintenance of any fence on private property in the Municipality of St. Mary's that does not comply with this bylaw and with any other applicable law;
- b) No sheet metal or corrugated metal panels shall be used in any fence.
- c) No fence or attachment to a fence shall be used as a conductor of electricity unless the fence is located on agricultural land or is being used for agricultural purposes, and unless it is in actual use for raising livestock or for protecting an agricultural use from wildlife, and the fence or attachment:

- i) carries electricity of not more than 1.5 joules for up to 11 kilometers of fence for small livestock and 10 joules for up to 55 kilometers of fence for large livestock; and
- ii) has signs installed at not more than twelve (12) meter or 40 ft. intervals along the fence warning that the fence carries electricity.

#### 2.3.34 Swimming pool enclosures

Where a swimming pool is affixed to the land it shall:

- a) Be enclosed by a fence or wall to prevent uncontrolled access from street or adjoining properties. The enclosure must have a minimum height of two (2) meters or 6.6 ft. measured at grade, be provided with a lockable gate and designed and constructed to prevent easy access over, under, or through;
- b) Be set back a minimum of two (2) meters or 6.6 ft. from any property line, notwithstanding any other provision of this Land Use Bylaw, that abuts a street right-of-way;
- c) The enclosure shall not have rails, bracing or other attachments on the outside or be constructed in a manner that would facilitate climbing;

#### 2.3.35 Landscaping and drainage

All grading shall be so as to divert surface water from the building and from adjacent properties and insofar as it is possible, to contour the yard to the surrounding terrain, using natural drainage patterns.

#### 2.3.36 Conversion of certain types of residences to apartments

- a) Notwithstanding any other provision of this bylaw, a building designated as Single-Unit Residential may be converted into a Double or Multi-Unit Dwelling or Bed and Breakfast guest house subject to the following conditions:
  - i) minimum yard requirements are not diminished;
  - ii) the exterior of the building is rehabilitated if required;
  - iii) each dwelling unit is serviced by municipal water and sewer or have Department of Health approval;
  - iv) the number of dwelling units in the converted building does not exceed a total of four (4);
  - v) the converted building is heated centrally or by electricity; and
  - vi) the off-street parking requirements of section 2.3.24 are met;
- b) The use of a converted building mentioned in Subsection a) for the purposes of a dwelling is permitted only if approved by the Development Officer and only in compliance with such terms and conditions as may be imposed by the Land Use Bylaw;
- c) Where all the requirements of this section are met, a dwelling unit may be provided on each habitable floor.

### 2.3.37 Dispensing of gasoline and diesel fuel

- a) The use of land for the dispensing of gasoline or diesel fuel other than at a service station or public garage is permitted only if approved by the Department of Environment and in compliance with such terms and conditions as may be imposed by such Department;
- b) If approved, gasoline or diesel tanks and pumps intended for the private use of the occupant of the lot or other person, as distinguished from the sale to the general public, shall:
  - i) be placed in the rear of the lot; and
  - ii) wherever possible, not be visible from the public street.

### 2.3.38 Signs

- a) No person shall erect a sign exceeding point five (0.5) square meters or 5 ft<sup>2</sup> in the municipality without first obtaining a development permit from the Development Officer;
- b) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the Building Code, Electrical Code and *Fire Prevention Act*;
- c) All signs and all parts thereof shall be kept in a good state of repair and maintenance;
- d) Notwithstanding anything else contained within this bylaw, a sign erected on a commercial or industrial property which abuts a residential or institutional property, such sign shall be set back a distance of eight (8) meters or 25 ft from the property.

### 2.3.40 Gates

- a) In case of an emergency and unless approved by Council for safety reasons, no gates shall be erected at any point along any entrance to a property or properties with the exception of a single bar type gate in private single driveways leading to a maximum of one residential dwelling and in entrances to private resource industries.
- b) Where single bar type gates in private driveways are permitted, gates should provide a clear opening of at least one (1) meter or 3 ft. wider than the driveway for safety reasons, and gates should be located at least nine (9) meters or 30 ft. from the roadway to allow for emergency turning.

### 2.3.41 Mobile Home Parks

Mobile Home Parks approved through Development Agreement are subject to the following conditions in addition to any other applicable zoning bylaw:

- a) Each home within the Park is to have a pad size of nine hundred thirty (930) square meters or 10 000 ft.<sup>2</sup> Frontage for every pad within the park is to be twenty-five (25) meters or 75 ft onto a park street or public street.
- b) Each mini-home or mobile home located on a pad shall have a minimum front yard setback of six (6) meters or 20ft., and a minimum rear yard setback of five (5) metres or 17ft. Minimum side yard setbacks

shall be three (3) metres or 10ft.

- c) Each mini or mobile home pad shall have a private driveway and adequate parking for a minimum of one vehicle.
- d) Seven percent (7%) of any lot, exclusive of streets, being divided for a mobile home park must be preserved for open space purposes within the park. This shall be in addition to any requirement of a naturally vegetated buffer adjacent to all watercourses, as well as all lands designated as environmentally sensitive. The land shall be useable, landscaped open space maintained by the owner or operator of the park.
- e) The design and landscaping for the park is to be compatible with the surrounding landscape;
- f) Accessory buildings shall be permitted on individual pads provided they meet setback requirements.

## 2.4 Zone Classification

For the purpose of this Bylaw, the following zones are established and the lands included in each zone are shown on the Municipal Zoning Map.

<u>2.4.1 Zones</u>	<u>Short Titles</u>
Preservation	PRE
Conservation	CON
Source Water	SW
Park & Recreation	P
Rural Area	R
Village Designation	VD
Sherbrooke Low Impact	SL
Sherbrooke Transition	ST
Sherbrooke Growth	SG
Port Bickerton Mixed Use	PB

## **2.5 Preservation**

The Preservation Zone shall be applied on sensitive or special public property and does not permit any land uses except low impact recreation in order to reduce risk associated with development on environmentally sensitive landscapes. Protecting these areas from development reduces the risk of damage to natural environments, clean drinking water and public property.

### **2.5.1 Uses**

a) No development permit shall be issued in any PRE (Preservation) Zone except for the following:

1. Low impact hiking/walking trails
2. Canoeing
3. Kayaking

### **2.5.2 Zone requirements**

### **2.5.3 Special Setback Requirements:**

a) In relation to a proposed development, a minimum of 30% of all naturally vegetated buffers within the 15 meter setback must be retained;

## 2.6 Conservation

The Conservation Zone reserves land for resource industry uses that include forestry, agriculture, and aquaculture uses. Resource industries are encouraged to apply sustainable land use practices such as selection and low-impact logging, pesticide and herbicide free farming, support for maintained access to traditional fishing and hunting grounds, and restocking of depleted fish species. Existing and new industries, commercial businesses and residential landowners are encouraged to use alternative sources of energy, solar and wind power.

### 2.6.1 Uses

a) No development permit shall be issued in any CON (Conservation) Zone except for the following:

1. Personal/hobby agriculture uses
2. Aquaculture uses
3. Personal/hobby Livestock uses
4. Hunting and fishing camps
5. Business uses in conjunction with permitted dwellings
6. Recreation uses
7. Hiking
8. Single unit dwellings
9. Accessory uses
10. Kennels
11. Windmills and windmill farms
12. Blueberry farm
13. Christmas tree farm

b) Uses subject to conditions and approval through development agreement

1. Commercial agriculture/livestock use

### 2.6.2 Zone Requirements

No development permit shall be issued except in conformity with the following:

#### Serviced by septic system

Minimum Lot Area

2 787 square meters (30 000 ft<sup>2</sup>)

Minimum Lot Frontage	30 meters	(100 ft)
Minimum Front Yard	7.6 meters	(25 ft)
Minimum Side Yard	1.5 meters	(15 ft)
Maximum Lot Coverage	30%	

Lots serviced by septic systems & bordering watercourses must conform with requirements set by the Department of Environment and Labour:

Minimum Lot Area	3 716 square meters	(40 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)

### 2.6.3 Special Setback Requirements:

a) In relation to a proposed development, a minimum of 30% of all naturally vegetated buffers within the 15 meter setback must be retained;

### 2.6.4 Other Zone Requirements

a) Where business uses in conjunction with a dwelling are permitted, no more than fifty percent (50%) of the gross floor area of any dwelling shall be devoted to any business use and in no case shall the gross floor area of any dwelling or accessory building devoted to a business use exceed one hundred twelve square meters (1 200 ft<sup>2</sup>).

b) Any new commercial livestock operation or agriculture use or expansion to an existing permitted commercial livestock operation or agriculture use must have a manure disposal plan approved by the Nova Scotia Department of Agriculture.

c) Where aquaculture industrial uses are permitted, the following shall apply:

i) no hatchery, tank or processing operation shall be located:

1. less than fifteen (15) meters or 49 ft from any side or rear lot line;
2. less than thirty point five (30.5) meters or 100 ft 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
3. less than three hundred and three (303) meters or 1000 ft. from Sherbrooke or Port Bickerton Mixed Use Zone.

ii) Notwithstanding anything else in this bylaw, for aquaculture uses the minimum yard requirements along the shoreline shall not apply.

d) Where forestry uses are permitted, no sawmill or other industrial mill related to forestry shall be located:

- i) less than fifteen (15) meters or 49 ft from any side or rear lot line;
- ii) less than thirty (30) meters or 100 ft from any dwelling except a dwelling located on the same

lot or directly related to the forestry use;

iii) less than ninety (90) meters or 300 ft from any watercourse; or

iv) less than three hundred and three (303) meters or 1000 ft from Sherbrooke or Port Bickerton Mixed Use Zone.

e) Kennels and commercial boarding of domestic animals are permitted within this zone provided:

i) the use must include a wholly enclosed building that is properly ventilated and soundproofed to a sound transmission class of at least 50 decibels as prescribed by the National Building Code;

ii) the use may include exterior runways that are directly connected to individual holding pens;

iii) that any building or structure associated with the use be located at the rear of the main building and no closer than fifteen (15) meters or 49 ft. to any property line;

iv) that any building or structure associated with the use be located no closer than twenty (20) meters or 65 ft. from any watercourse or well, except for a well on the same lot;

v) exterior runways be visually and acoustically buffered by a solid opaque fence or a strip of land six (6) meters or 20 ft. in width containing coniferous trees planted at a rate of one tree every two (2) meters or 6.5 ft. on centre for the entire area. The fence and/or trees shall be a minimum of two (2) meters or 6.5 ft. in height and shall be located not closer than six (6) meters or 20 ft. or more than ten (10) meters or 33 ft. from the runway;

vi) any exterior runway may only be occupied for a period of six (6) hours between 8:00am and 6:00pm Monday to Saturday, and between 8:00am and 3:00pm Sundays;

vii) that the use, structure and buildings comply with applicable provisions of IM 6.

g) Windmills shall be permitted in the Conservation Zone provided the following:

i) Height of windmill is defined as being the height of the tower plus the radius of the rotor;

ii) No wind turbine shall be located closer than a distance of four times the height of the windmill from an adjacent property.

iii) No wind turbine shall be permitted within one hundred (100) metres of a lake edge.

iv) All wind turbines shall consist of non-reflective material/colours.

v) The only form of advertising permitted on a wind turbine shall relate to the operator and/or manufacturer of the turbines and shall be limited to the gear box.

## Source Water

Currently there is only one Source Water Protection Area that provides municipally treated water to residents in the Municipality of St. Mary's. The Sherbrooke Lake watershed is located east of the community of Sherbrooke. The watershed is defined by the extent of all land area, lakes, and streams that drain into Sherbrooke Lake. This watershed is considered environmentally sensitive to most land use activities.

All land within this zone shall be subject to recommendations in the Sherbrooke Watershed protection Plan. Publicly owned lands shall remain undeveloped with the exception of trails and accessory buildings/uses.

### 2.7.1 Uses

a) No development permit shall be issued in any SW (Source Water) Zone except for the following:

1. Existing uses – conforming
2. Existing accessory buildings/uses – conforming
3. Trails
4. One dwelling unit with accessory structure

### 2.7.2 Zone Requirements

#### Central services and septic systems

Minimum Waterfront Lot Area	2 acres	86 000 ft <sup>2</sup>
Minimum Waterfront Frontage	121 meters	400 ft
Minimum Waterfront Setback	45 meters	150 ft
Minimum Inland Lot Area	1 acre	43 264 ft <sup>2</sup>
Minimum Inland Lot Frontage	30 meters	100 ft
Minimum Inland Front Yard	9.1 meters	30 ft
Minimum Inland Side Yard	5 meters	16 ft
Maximum Lot Coverage	30%	

## 2.8 Park & Recreation

The Park and Recreation Zone designates public lands to provide open fields, playgrounds, and general recreational areas for public uses.

### 2.8.1 Uses

a) No development permit shall be issued in any P (Park & Recreation) Zone except for the following:

1. Public parks, trails, and playgrounds
2. Interpretive centres
3. Buildings associated with park maintenance
4. Historic sites and monuments
5. Campgrounds
6. Ball fields
7. Community centres
8. Recreation facilities
9. Public institutional facilities

### 2.8.2 Zone Requirements

No development permit shall be issued except in conformity with the following:

#### Serviced

Minimum Lot Area	2 787 square meters	(30 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)
Minimum Front Yard	7.6 meters	(25 ft)
Minimum Side Yard	1.5 meters	(15 ft)
Maximum Lot Coverage	30%	

#### Serviced by septic system

Minimum Lot Area	3 716 square meters	(40 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)
Minimum Front Yard	7.6 meters	(25 ft)
Minimum Side Yard	1.5 meters	(15 ft)
Maximum Lot Coverage	30%	

Lots serviced by septic systems & bordering watercourses must conform with requirements set by the Department of Environment and Labour:

Minimum Lot Area	3 716 square meters	(40 000 ft <sup>2</sup> )
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Minimum Lot Frontage

30 meters

(100 ft)

**2.8.3 Special Setback Requirements:**

a) In relation to a proposed development, a minimum of 30% of all naturally vegetated buffers within the 15 meter setback must be retained;

## 2.9 Rural

The Rural Zone permits mixed land uses and built development with conditions placed commercial livestock uses, agricultural operations, mink farms, hog/pig farms, fox farms and deer farms. These exceptional land uses have the potential to negatively affect environmentally sensitive landscapes, fresh water sites, wells and neighboring landowners.

### 2.9.1 Uses

a) No development permit shall be issued in any R (Rural) Zone except for the following:

- 1.
2. One dwelling unit with accessory
3. Two unit dwellings with accessory
4. Churches and cemeteries
5. Parks or playgrounds
6. Home occupations
7. Farm market outlets
8. Bed & Breakfasts
9. Recreational uses
10. Kennels
11. Community halls
12. Fire stations
13. Gas stations
14. Veterinary hospitals
15. Boarding houses
16. Campgrounds
17. Golf courses
18. Welding shops
19. Tourism related uses
20. Multiple dwelling units
21. Automotive repair outlets
22. Autobody shops
23. Salvage yards
24. Trucking, construction or building supply depots
25. Windmills and windmill farms
26. Public institutional facilities
27. Limited agricultural/livestock for personal use
28. Auto sales and services

29. Funeral home
30. Post office
31. Warehouse/storage facilities
32. Garden & nursery sales/services
33. Museum
34. Repair shop
35. Hardware shop
36. Laundromat
37. Hairdresser/barber
38. Marina
39. Lumber mill
40. Restaurant/café
41. Blueberry farm
42. Christmas tree operation
43. Retail, craft/gift shop

b) Uses subject to conditions and approval through development agreement:

1. Commercial Agricultural / livestock uses
2. Aquaculture uses
3. Light industrial uses including:
  - i)
  - ii) Processing operations
  - iii) Service industries
  - iv) Any manufacturing, industrial, or assembly operations conducted and wholly contained within an enclosed building and which is not considered obnoxious by reason of sound, odor, dust, fumes or smoke, or other obnoxious emission, or refuse matter or water carried waste or by reason of unsightly open storage or the detonation of explosives

### 2.9.2 Zone Requirements

No development permit shall be issued except in conformity with the following:

#### Central Services and Septic Systems

Minimum Lot Area	2 787 square meters	(30 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)

Minimum Front Yard	9.1 meters	(30 ft)
Minimum Side Yard	5 meters	(16 ft)
Maximum Lot Coverage	30%	

Lots serviced by septic systems & bordering watercourses must conform to requirements set by the Department of Environment and Labour:

Minimum Lot Area	3 716 square meters	(40 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)

### 2.9.3 Special Setback Requirements:

- a) In relation to a proposed development, a minimum of 30% of all naturally vegetated buffers within the 15 meter setback must be retained;

### 2.9.4 Other Zone Requirements

- a) Where home business uses are permitted, the following shall apply:

- i) any home business shall be wholly contained within either the dwelling or an accessory building on the property which comprises the principal residence of the operator of the home business, except as otherwise noted herein;
- ii) no more than fifty (50) square meters or 538 ft<sup>2</sup> of the combined gross floor area of any structure shall be devoted to a home business use;
- iii) no materials or mechanical equipment shall be used which is obnoxious or creates a nuisance by virtue of noise, vibration, glare, odour or dust;
- iv) all outdoor storage of materials, goods, supplies, or equipment related to the operation of the home business shall be limited to a contiguous area of fourteen (14) square meters or 150 ft<sup>2</sup> and shall be screened from any adjacent residential uses;
- v) all outdoor display shall be limited to a contiguous area of three point three (3.3) square meters or 36 ft<sup>2</sup> and shall not exceed two (2) meters or 6 ft in height;
- vi) no more than one sign shall be permitted for any business or facility and no such sign shall exceed point five (0.5) square meters or 5 ft<sup>2</sup> in area.

- b) Where forestry uses are permitted, no sawmill or other industrial mill related to forestry shall be located:

- i) less than fifteen (15) meters or 50 ft from any side or rear lot line;
- ii) less than thirty point five (30.5) meters or 100 ft from any dwelling except a dwelling located on the same lot or directly related to the forestry use;
- iii) less than ninety point three (90.3) meters or 300 ft from any watercourse.

c) Kennels and commercial boarding of domestic animals are permitted within this zone provided:

- i) the use must include a wholly enclosed building that is properly ventilated and soundproofed to a sound transmission class of at least 50 decibels as prescribed by the National Building Code;
- ii) the use may include exterior runways that are directly connected to individual holding pens;
- iii) that any building or structure associated with the use be located at the rear of the main building and no closer than fifteen (15) meters or 49 ft. to any property line;
- iv) that any building or structure associated with the use be located closer than twenty (20) meters or 65 ft. from any watercourse or well, except for a well on the same lot;
- v) exterior runways be visually and acoustically buffered by a solid opaque fence or a strip of land six (6) meters or 20 ft. in width containing coniferous trees planted at a rate of one tree every two (2) meters or 6.5 ft. on centre for the entire area. The fence and/or trees shall be a minimum of two (2) meters or 6.5 ft. in height and shall be located not closer than six (6) meters or 20 ft. or more than ten (10) meters or 33 ft. from the runway;
- vi) any exterior runway may only be occupied for a period of six (6) hours between 8:00am and 6:00pm Monday to Saturday, and between 8:00am and 3:00pm Sundays;
- vii) that the use, structure and buildings comply with applicable provisions of IM 6.

d) Salvage Yards are permitted in the Rural Zone provided the following:

- i) All salvage vehicles must be stored in the salvage storage yard and shall not be visible to any member of the traveling public on a public road within four hundred fifty (450) meters or 1,500 ft of the permitted use.
- ii) Any salvage storage area forming part of a permitted use shall be screened from the traveling public and nearby residential properties by natural or planted vegetation, an earth berm, an opaque fence, a building or other method of landscaping or by a combination of such methods of screening so as not to be visible to either the traveling public or persons standing on nearby residential properties

iii) All proposed Salvage Yards must conform to the following:

	<b>Salvage Storage Yard</b>	<b>Holding Yard</b>
Minimum Lot Area	5 acres 2 hectares 4 football fields	4,000 sq ft
Minimum Lot Frontage	200 ft 60 meters	No Regulations
Minimum Front or Flankage Yard	200 ft 60 meters	80 ft 25 meters
Minimum Rear Yard	50 ft 15 meters	50 ft 15 meters
Minimum Side Yard	50 ft 15 meters	50 ft 15 meters

Maximum Lot Coverage	30% of lot area	30% of lot area
Maximum Height of Main Building	35 ft 10 meters	35 ft 10 meters
Minimum Clear Distance between Main Buildings	20 ft 6 meters	20 ft 6 meters
Maximum Height of Accessory Building	20 ft 6 meters	20 ft 6 meters

e) Windmills shall be permitted in the Rural Zone provided the following:

- i) Height of windmill is defined as being the height of the tower plus the radius of the rotor;
- ii) No wind turbine shall be located closer than a distance of four times the height of the windmill from an adjacent property.
- iii) No wind turbine shall be permitted within one hundred (100) metres of a lake edge.
- iv) All wind turbines shall consist of non-reflective material/colours.
- v) The only form of advertising permitted on a wind turbine shall relate to the operator and/or manufacturer of the turbines and shall be limited to the gear box.

## **2.10 Village Designation**

The Village Designation permits mixed uses that include residential, commercial, light industry, light agriculture and limited livestock operations.

### **2.10.1 Uses**

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

- 1.
2. One dwelling unit with accessory dwelling unit
3. Two and three dwelling units with accessory
4. Churches and cemeteries
5. Parks or playgrounds
6. Home occupations
7. Farm market outlets
8. Bed & breakfasts
9. Recreational uses
10. Contracting services
11. Educational institutions
12. Fire stations
13. Gas stations
14. Commercial uses
15. Boarding houses
16. Commercial campground
17. Tourism related use
18. Multiple dwelling units
19. Public institutional facilities
20. Seniors apartments
21. Business and professional offices
22. Restaurants
23. Bank and financial institutions
24. Motel
25. Post office
26. Funeral home
27. Museum
28. Library
29. Laundromat

- 30. Hairdresser/barber
- 31. Hardware shop
- 32. Marina
- 33. Retail shop
- 34. Craft/gift shop
- 35. Personal/hobby agriculture or livestock use

b) Uses subject to conditions and approval through development agreement:

- 1. Commercial agriculture / livestock uses
- 2. Autobody shops
- 3. Automotive repair outlets
- 4. Light industrial uses
- 5. Light resource use

### 2.10.2 Zone Requirements

No development permit shall be issued except in conformity with the following:

#### Central Services and Septic systems

Minimum Lot Area	2 787 square meters	(30 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)
Minimum Front Yard	9.1 meters	(30 ft)
Minimum Side Yard	5 meters	(16 ft)
Maximum Height	10.6 meters	(35 ft)
Maximum Lot Coverage	30%	

Lots serviced by septic systems & bordering watercourses must conform with requirements set by the Department of Environment and Labour:

Minimum Lot Area	3 716 square meters	(40 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)

### 2.10.3 Special Setback Requirements:

a) In relation to a proposed development, a minimum of 30% of all naturally vegetated buffers within the 15 meter setback must be retained;

#### 2.10.4 Other Zone Requirements

a) Where home business uses are permitted, the following shall apply:

- i) any home business shall be wholly contained within either the dwelling or an accessory building on the property which comprises the principal residence of the operator of the home business, except as otherwise noted herein;
- ii) no more than fifty (50) square meters or 538 ft<sup>2</sup> of the combined gross floor area of any structure shall be devoted to a home business use, except as otherwise noted herein;
- iii) no materials or mechanical equipment shall be used which is obnoxious or creates a nuisance by virtue of noise, vibration, glare, odour or dust;
- iv) all outdoor storage of materials, goods, supplies, or equipment related to the operation of the home business shall be limited to a contiguous area of fourteen (14) square meters or 150 ft<sup>2</sup> and shall be screened from any adjacent residential uses;
- v) all outdoor display shall be limited to a contiguous area of three point three (3.3) square meters or 36 ft<sup>2</sup> and shall not exceed two (2) meters or 6 ft. in height;
- vi) no more than one sign shall be permitted for any business or facility and no such sign shall exceed point five (0.5) square meters or 5 ft<sup>2</sup> in area.

b) Where forestry uses are permitted, no sawmill or other industrial mill related to forestry shall be located:

- i) less than fifteen (15) meters or 50 ft. from any side or rear lot line;
- ii) less than thirty point five (30.5) meters or 100 ft. from any dwelling except a dwelling located on the same lot or directly related to the forestry use;
- iii) less than ninety point three (90.3) meters or 300 ft. from any watercourse; or
- iv) less than one half mile (0.8 km) from any residential or mixed use area.

## **2.11 Sherbrooke Low Impact**

### **2.11.1 Uses**

a) No development permit shall be issued in any SL (Sherbrooke Low Impact) Zone except for the following:

1. Single dwelling unit with accessory dwelling unit
2. Two and three dwelling units with accessory
3. Semi-detached and duplex dwellings
4. Boarding homes
5. Day nurseries
6. Nursing homes and homes for special care
7. Seniors apartments
8. Churches and cemeteries
9. Parks and playgrounds
10. Home occupations
11. Bed & Breakfasts
12. Recreational uses
13. Educational institutions
14. Fire stations
15. Community halls
16. Gas stations
17. Commercial uses
18. Business or professional uses
19. Restaurants
20. Grocery stores
21. Banks and financial institutions
22. Motel and other tourist establishments
23. Post office
24. Funeral home
25. Museums
26. Public library
27. Laundromats
28. Hairdresser or barber shops
29. Hardware shop
30. Laundromat

31. Hairdresser/barber
32. Marina
33. Retail shop
34. Craft/gift shop
35. Home occupation in accessory building

b) Uses subject to conditions and approval through development agreement:

1. Autobody shop
2. Automotive repair facilities

### 2.11.2 Zone Requirements

No development permit will be issued except in conformity with the following:

#### Serviced

Minimum Lot Area	1400 square meters	(20 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)
Minimum Front Yard	5 meters	(15 ft)
Minimum Side Yard	5 meters	(15 ft)
Maximum Height	9 meters	(30 ft)
Maximum Lot Coverage	30%	

#### Serviced by Septic System

Minimum Lot Area	2800 square meters	(30 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)
Minimum Front Yard	5 meters	(15 ft)
Minimum Side Yard	5 meters	(15 ft)
Maximum Height	9 meters	(30 ft)
Maximum Lot Coverage	30%	

Lots with septic systems and bordering watercourses must conform with requirements set by the Department of Environment & Labour:

Minimum Lot Area	3700 square meters	(40 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)

### 2.11.3 Special Setback Requirements

- a) No structures or built development within eight (8) meters or 25 ft. of any watercourse;
- b) In relation to a proposed development, a minimum of 30% of all naturally vegetated buffers within the 8 meter setback must be retained;

#### 2.11.4 Other Zone Requirements

a) Where home business uses are permitted, the following shall apply:

**i) any home business shall be wholly contained within either the dwelling or an accessory building on the property which comprises the principle residence of the operator of the home business, except as otherwise noted herein;**

ii) no more than fifty (50) square meters or 538 ft<sup>2</sup> of the combined gross floor area of any structure shall be devoted to a home business use;

iii) no materials or mechanical equipment shall be used which is obnoxious or creates a nuisance by virtue of noise, vibration, glare, odor, or dust;

iv) all outdoor storage of materials, goods, supplies or equipment related to the operation of the home business shall be limited to a contiguous area of fourteen (14) square meters or 150 ft.<sup>2</sup> and shall be screened from any adjacent residential uses;

v) all outdoor displays shall be limited to a contiguous area of three (3) square meters or 36 ft.<sup>2</sup> and shall not exceed two (2) meters or 6 ft. in height;

v) no more than one sign shall be permitted for any business or facility and no such sign shall exceed point five (0.5) square meters or 5 ft.<sup>2</sup> in area.

b) Built structures intended for commercial purposes shall not exceed one hundred twelve (112) square meters or 1200 ft.<sup>2</sup> in the Sherbrooke Low Impact Zone without a Development Agreement.

## **2.12 Sherbrooke Transition**

The Sherbrooke Transition area permits a mix of low and medium density residential and commercial development. This acts as a buffer between the Low Impact Zone and the Growth Zone and aims to maintain a gradual flow of increased residential density and commercial intensity between them.

### **2.12.1 Uses**

a) No development permit shall be issued in any ST (Sherbrooke Transition) Zone except for the following:

- 1. Single dwelling unit with accessory dwelling unit
  2. Residential dwellings of up to 4 units with accessory
  3. Semi-detached and duplex dwellings
  4. Boarding homes
  5. Day nurseries
  6. Nursing homes and homes for special care
  7. Seniors apartments
  8. Churches and cemeteries
  9. Parks and playgrounds
  10. Home occupations
  11. Bed & Breakfasts
  12. Recreational uses
  13. Educational institutions
  14. Fire stations
  15. Community halls
  16. Gas stations
  17. Medium intensity commercial
  18. Business or professional offices
  19. Restaurants
  20. Bank and financial institutions
  21. Motel and other tourist establishments
  22. Post office
  23. Funeral home
  24. Museums
  25. Public library
  26. Laundromat
  27. Hairdresser or barber shops

- 28. Hardware shop
- 29. Marina
- 30. Retail shop
- 31. Craft/gift shop
- 32. Home occupation in accessory building

b) Uses subject to approval through development agreement:

- 1. Autobody shop
- 2. Automotive repair

### 2.12.2 Zone Requirements

No development permit shall be issued except in conformity with the following:

#### Serviced

Minimum Lot Area	1400 square meters	(20 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)
Minimum Front Yard	5 meters	(15 ft)
Minimum Side Yard	5 meters	(15 ft)
Maximum Height	9 meters	(30 ft)
Maximum Lot Coverage	30%	

#### Serviced by Septic System

Minimum Lot Area	2800 square meters	(30 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)
Minimum Front Yard	5 meters	(15 ft)
Minimum Side Yard	5 meters	(15 ft)
Maximum Height	9 meters	(30 ft)
Maximum Lot Coverage	30%	

Lots with septic systems and bordering watercourses must conform with requirements set by the Department of Environment & Labour:

Minimum Lot Area	3700 square meters	(40 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)

### 2.12.3 Special Setback Requirements

- a) No structures or built development within eight (8) meters or 25 ft. of any watercourse;
- b) In relation to a proposed development, a minimum of 30% of all naturally vegetated buffers within the 8 meter setback must be retained;

### 2.12.4 Other Zone Requirements

- a) Where home business uses are permitted, the following shall apply:
  - i) any home business shall be wholly contained within either the dwelling or an accessory building on the property which comprises the principle residence of the operator of the home business, except as otherwise noted herein;**
    - ii) no more than fifty (50) square meters or 538 ft<sup>2</sup> of the combined gross floor area of any structure shall be devoted to a home business use;
    - iii) no materials or mechanical equipment shall be used which is obnoxious or creates a nuisance by virtue of noise, vibration, glare, odor, or dust;
    - iv) all outdoor storage of materials, goods, supplies or equipment related to the operation of the home business shall be limited to a contiguous area of fourteen (14) square meters or 150 ft.<sup>2</sup> and shall be screened from any adjacent residential uses;
    - v) all outdoor displays shall be limited to a contiguous area of three (3) square meters or 36 ft.<sup>2</sup> and shall not exceed two (2) meters or 6 ft. in height;
    - v) no more than one sign shall be permitted for any business or facility and no such sign shall exceed point five (0.5) square meters or 5 ft.<sup>2</sup> in area.
- b) Where commercial land uses are permitted within two hundred (200) meters surrounding Sherbrooke Hospital, the following shall apply:
  - i) hours of operation are not permitted between 6:00pm and 8:00am any day of the week in order to reduce noise levels and unnecessary disturbances.**
- c) Built structures intended for commercial purposes shall not exceed one hundred twelve (112) square meters or 1200 ft.<sup>2</sup> in the Sherbrooke Transition Zone without a Development Agreement.

## 2.13 Sherbrooke Growth

The Sherbrooke Growth area permits medium to high density residential and commercial developments with close proximity to the commercial amenities on Main Street.

### 2.13.1 Uses

a) No development permit shall be issued in any SG (Sherbrooke Growth) Zone except for the following:

- 1. Single dwelling unit with accessory dwelling unit
  2. Residential dwellings of up to 8 units with accessory
  3. Semi-detached and duplex dwellings
  4. Boarding homes
  5. Day nurseries
  6. Nursing homes and homes for special care
  7. Seniors apartments
  8. Churches and cemeteries
  9. Parks and playgrounds
  10. Home occupations
  11. Bed & Breakfasts
  12. Recreational uses
  13. Educational institutions
  14. Fire stations
  15. Community halls
  16. Gas Stations
  17. Medium to high intensity commercial
  18. Business or professional offices
  19. Restaurants
  20. Bank and financial institutions
  21. Motel and other tourist establishments
  22. Post office
  23. Funeral home
  24. Museums
  25. Public library
  26. Hairdresser or barber shop
  27. Mobile homes
  28. Liquor store

- 29. Beverage room and lounge
- 30. Entertainment center
- 31. Automobile sales
- 32. Warehouse and storage facilities
- 33. Home occupation in accessory building

b) Uses subject to conditions and approval through development agreement:

- 1. Trucking, construction or building supply depot
- 2. Manufacturing and assembly factories
- 3. Equipment depot
- 4. Processing operations
- 5. Autobody Shop
- 6. Automotive repair

### 2.13.2 Zone Requirements

No development permit shall be issued except in conformity with the following:

#### Serviced

Minimum Lot Area	1400 square meters	(20 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)
Minimum Front Yard	7 meters	(22 ft)
Minimum Side Yard	5 meters	(15 ft)
Maximum Lot Coverage	30%	

#### Serviced by Septic System

Minimum Lot Area	2800 square meters	(30 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)
Minimum Front Yard	7 meters	(22 ft)
Minimum Side Yard	5 meters	(15 ft)
Maximum Lot Coverage	30%	

Lots with septic systems and bordering watercourses must conform with requirements set by the Department of Environment & Labour:

Minimum Lot Area	3700 square meters	(40 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)

### 2.13.3 Special Setback Requirements

- a) No structures or built development within eight (8) meters or 25 ft. of any watercourse;
- b) In relation to a proposed development, a minimum of 30% of all naturally vegetated buffers within the 8 meter setback must be retained;

### 2.13.4 Other Zone Requirements

- a) Where home business uses are permitted, the following shall apply:
  - i) **any home business shall be wholly contained within either the dwelling or an accessory building on the property which comprises the principle residence of the operator of the home business, except as otherwise noted herein;**
    - ii) no more than fifty (50) square meters or 538 ft<sup>2</sup> of the combined gross floor area of any structure shall be devoted to a home business use;
    - iii) no materials or mechanical equipment shall be used which is obnoxious or creates a nuisance by virtue of noise, vibration, glare, odor, or dust;
    - iv) all outdoor storage of materials, goods, supplies or equipment related to the operation of the home business shall be limited to a contiguous area of fourteen (14) square meters or 150 ft.<sup>2</sup> and shall be screened from any adjacent residential uses;
    - v) all outdoor displays shall be limited to a contiguous area of three (3) square meters or 36 ft.<sup>2</sup> and shall not exceed two (2) meters or 6 ft. in height;
    - v) no more than one sign shall be permitted for any business or facility and no such sign shall exceed point five (0.5) square meters or 5 ft.<sup>2</sup> in area.
- b) Where commercial land uses are permitted within two hundred (200) meters surrounding Sherbrooke Hospital, the following shall apply:
  - i) **hours of operation are not permitted between 6:00pm and 8:00am any day of the week in order to reduce noise levels and unnecessary disturbances.**
- c) Built structures intended for commercial purposes shall not exceed one hundred twelve (112) square meters or 1200 ft.<sup>2</sup> in the Sherbrooke Growth Zone without a Development Agreement.

## **2.14 Port Bickerton Mixed Use**

The Port Bickerton Mixed Use Area permits a mix of medium and high-density residential and commercial development. Development proposals in the Port Bickerton Mixed Use Area will be reviewed for details like built footprint, proximity to waterways and landscaping in order to maintain the appeal of a traditional and historic fishing community. Intense industrial land uses and commercial agricultural and livestock land uses are undesirable uses the Port Bickerton Mixed Use area due to heavy traffic, dust, noise, and smells associated with such uses.

### **2.14.1 Uses**

a) No development permit shall be issued in any PB (Port Bickerton Mixed Use) Zone except for the following:

1. Single dwelling unit with accessory dwelling unit
2. Two and three unit dwellings with accessory
3. Semi-detached and duplex dwellings
4. 1 double wide mobile home or 2 regular width mobile homes
5. Boarding homes
6. Day nurseries
7. Nursing homes and homes for special care
8. Seniors apartments
9. Churches and cemeteries
10. Parks or playgrounds
11. Home occupations
12. Bed & breakfasts
13. Recreational uses
14. Educational institutions
15. Fire stations
16. Community halls
17. Gas stations
18. Medium to high intensity commercial uses
19. Restaurants
20. Grocery stores
21. Banks and financial institutions
22. Motel and other tourist establishments
23. Post office
24. Funeral home
25. Museums

26. Public library
27. Laundromats
28. Hairdresser or barber shops
29. Liquor store
30. Business or professional offices
31. Entertainment centre
32. Hardware shop
33. Marina
34. Retail shop
35. Craft/gift shop
36. Personal/hobby agriculture uses

b) Uses subject to conditions and approval through development agreement:

1. Autobody Shops
2. Automotive Repair
3. Construction or building supply depot
4. Manufacturing and assembly factories
5. Equipment depot
6. Processing operations
7. Commercial agriculture & livestock operations

#### 2.14.2 Zone Requirements

No development permit shall be issued except in conformity with the following:

##### Serviced

Minimum Lot Area	1393.55 square meters	(20 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)
Minimum Front Yard	5 meters	(15 ft)
Minimum Side Yard	5 meters	(16 ft)
Maximum Height	9 meters	(30 ft)
Maximum Lot Coverage	30%	

##### Serviced by septic system

Minimum Lot Area	2 787 square meters	(30 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)
Minimum Front Yard	5 meters	(15 ft)
Minimum Side Yard	5 meters	(16 ft)
Maximum Height	9 meters	(30 ft)
Maximum Lot Coverage	30%	

Lots serviced by septic systems & bordering watercourses must conform with requirements set by the Department of Environment and Labour:

Minimum Lot Area	3 716 square meters	(40 000 ft <sup>2</sup> )
Minimum Lot Frontage	30 meters	(100 ft)

#### 2.14.3 Special Setback Requirements:

- a) No structures or built development within eight (8) meters or 25 ft from any watercourse;
- b) In relation to a proposed development, a minimum of 30% of all naturally vegetated buffers within the

15 meter setback must be retained;

#### 2.14.4 Other Zone Requirements

a) Where home business uses are permitted, the following shall apply:

- i) any home business shall be wholly contained within either the dwelling or an accessory building on the property which comprises the principal residence of the operator of the home business, except as otherwise noted herein;
- ii) no more than fifty (50) square meters or 538 ft<sup>2</sup> of the combined gross floor area of any structure shall be devoted to a home business use;
- iii) no materials or mechanical equipment shall be used which is obnoxious or creates a nuisance by virtue of noise, vibration, glare, odor or dust;
- iv) all outdoor storage of materials, goods, supplies, or equipment related to the operation of the home business shall be limited to a contiguous area of fourteen (14) square meters or 150 ft<sup>2</sup> and shall be screened from any adjacent residential uses;
- v) all outdoor display shall be limited to a contiguous area of three point three (3.3) square meters or 36 ft<sup>2</sup> and shall not exceed two (2) meters or 6 ft. in height;
- vi) no more than one sign shall be permitted for any business or facility and no such sign shall exceed point five (0.5) square meters or 5 ft<sup>2</sup> in area.

b) Overnight parking of refrigerated trucks where the unit is left running is not permitted within one hundred (100) meters or 330 ft. of a dwelling on an adjacent property.

d) Built structures intended for commercial purposes shall not exceed one hundred twelve (112) square meters or 1200 ft.<sup>2</sup> in the Port Bickerton Mixed Use Zone without a Development Agreement.