

# **Town of Hantsport**

## **Land Use By-law**

**May 20, 2012**

**Amended to October 20, 2023**

**Amended to October 20, 2023**

This CONSOLIDATED EDITION is prepared for convenience only. For complete reference, please consult the original documents. This CONSOLIDATED EDITION has the following history:

- 1) Amendment to Hantsport Zoning Map – 5 Chittick Avenue (PID 45383262), to rezone from Single Unit Residential (R-1) to Commercial (C) - as amended August 17, 2015
- 2) Section 9.1.1 is amended by deleting “residential uses not on the ground floor” and substituting “residential uses subject to the restriction contained in Section 9.1.4 and Part 8”. Also adding the following Section after Section 9.1.3: 9.1.4 Restriction for Residential Uses, “Where a residential use is located on the ground floor the uses shall be a maximum of 50% of the ground floor area of the building” – as amended August 17, 2015
- 3) The following is added to the end of the permitted uses in Section 8.2.1 and Section 8.3.1 “the keeping of horses provided they are kept in a fenced area at a minimum of 0.4 hectares (44,560 sq. ft.) for each horse” – as amended August 17, 2015
- 4) Amendment to Hantsport Zoning Map – 34 William Street (PID 45044153), to rezone from Commercial (C) to Single Unit Residential (R-1) – as amended August 17, 2015
- 5) Amendment to Hantsport Zoning Map – 5 Main Street (PID 45045754), to rezone from Single Unit Residential (R-1) to Two Unit Residential (R-2) – as amended August 17, 2015
- 6) Amendment to Hantsport Zoning Map – 51 Main Street (PID 45045259), to rezone from Single Unit Residential (R-1) to Commercial (C) – as amended August 17, 2015
- 7) Amendment to Hantsport Zoning Map – 53 and 55 Main Street (PID 45045754), to rezone from Single Unit Residential (R-1) to Commercial (C) – as amended August 17, 2015
- 8) Amendment to Hantsport Land Use By-law, that Section 5.1 Accessory Buildings, clause (viii) be amended by adding “or 5% of the area of the lot, whichever is greater” – as amended August 17, 2015
- 9) Amendment to Hantsport Land Use By-law – Part 2 Definitions: adding “or two unit dwellings; and Part 8.21. Permitted Uses: adding “existing two unit dwellings” – effective October 4, 2016
- 10) Amendments to the Hantsport Land Use By-law – Part 2 Definitions: Amend the definition of height in by adding the phrase “operation of the building, such as a” in line 3 of clause (c) of the definition. Amend Section 5.1 of the Land Use By-law by adding the phrase “except in the Industrial (M) Zone” at the end of clause (iv). Add new Clauses: 5.2.2 and 5.2.3. Amend Section 8.4.2, Lot Specifications of the Multiple Unit Residential (R-3) Zone of the Land Use By-law by adding a line to the existing chart: Maximum number of units per building: Town house Development – 4; Apartment Building and Grouped Homes – 20; - effective November 1, 2017.
- 11) Amendment to Hantsport Zoning Map – 7 Jubilee Lane (PID 45192721), to rezone from Single-Unit Residential (R-1) Zone to the Two-Unit Residential (R-2) Zone. – effective November 1, 2017.

- 12) Amend Hantsport Land Use By-law – Part 9 Commercial – adding museums to the list of permitted uses. – effective December 5, 2017.
- 13) Amend Part 2 Definition – replace the definition of Office and Professional Office with new definition “Office” and replace the definition of Artisan Workshop with a new definition – effective May 1, 2018.
- 14) Amend Part 9 Commercial by replacing all the section with a Commercial (C-1) Zone a Mixed Commercial/Residential (C-2) Zone – effective May 1, 2018.
- 15) Amend Hantsport Zoning Map to add the two new commercial zones. – effective May 1, 2018.
- 16) Amendments to the Hantsport Land Use By-law, Section 4.5 by removing details regarding fees – effective November 26, 2019.
- 17) Amendments to the Hantsport Land Use By-law, Part 2, deleting the existing definition of “Dwelling Unit” and replacing with a new definition to clarify regulations regarding seasonal dwellings and Recreational Cabins as defined in the Building Code Act – effective November 26, 2019.
- 18) Amendments to the Hantsport Land Use By-law, Part 5, Part 10, and Part 11 to add Licensed Cannabis Uses – effective January 21, 2021.
- 19) HLUB 20-22 (1) Amend the Zoning Map to rezone 20 Main Street (PID45043304) from Institutional (I) to Mixed Commercial / Residential (C-2); and (2) Amend Part 9.2.1 to add “20 Main Street, West Hants Regional Municipality, Government Office” to the list of permitted institutional uses existing as of May 1, 2018 – effective April 16, 2021.
- 20) Amendment to allow secondary suites within single and two-unit dwellings – effective September 14, 2021
- 21) HLUB File # 22-06 Amendments to the text of the Hantsport Land Use By-law to ensure that Small Options Homes are permitted in the same locations and manner as any other dwelling. – effective December 13, 2022
- 22) HLUB File # 22-12 Amendments to the text of the Hantsport Land Use By-law to allow detached secondary suites accessory to single and two-unit dwellings – effective January 10, 2023
- 23) HLUB File # 23-06 Amendments to the texts of the Hantsport Land Use By-law to increase the maximum height for main buildings, increase the maximum dwelling units per apartment building and include specific parking requirements. – effective October 20, 2023

## Contents

Part 1 – Title .....	7
Part 2 – Definitions .....	7
Part 3 – Zoning and Interpretation .....	14
3.1    Zones .....	14
3.2    Zoning Map .....	14
3.3    Zoning Boundaries .....	14
3.4    Permitted Uses.....	14
3.5    Measurement.....	15
Part 4 – Administration .....	16
4.1    Development Officer.....	16
4.2    Development Permit Required .....	16
4.3    No Development Permit Required.....	16
4.4    Information Required for Development Permit Applications.....	16
4.5    Amendment of By-law .....	17
5.0    General Provisions for all Zones.....	18
5.1    Accessory Uses and Buildings .....	18
5.2    Accessory Uses Permitted.....	19
5.2.2    Height Restrictions .....	19
5.2.3    Height Restriction Exemption .....	19
5.3    Compliance with Other Bylaws .....	19
5.4    Conformity with Existing Setbacks.....	19
5.5    Corner lot Triangle or Day lighting Triangle .....	19
5.6    Existing Buildings.....	19
5.7    Existing Lots without Frontage .....	20
5.8    Existing Undersized Lots .....	20
5.9    Fences .....	20
5.10    Frontage on Streets.....	20
5.11    Illumination .....	20
5.12    Multiple Uses .....	20
5.13    One Main Building on a Lot.....	21
5.14    Outdoor Furnaces .....	21
5.15    Outdoor Storage Prohibited.....	21

5.16	Permitted Encroachments into Yards .....	21
5.17	Prohibited Dwellings .....	21
5.18	Public Utilities .....	21
5.19	Restoration to a Safe Condition .....	21
5.20	Setback from a Watercourse .....	22
5.21	Domestic Wind Turbines.....	22
5.22	Licensed Cannabis Uses .....	22
5.23	Secondary Suites .....	22
Part 6 – Parking and Loading Requirements.....		23
6.1	Parking Requirements.....	23
6.2	Parking Lot Specifications .....	23
6.3	Loading Space Specifications .....	24
6.4	Storing Commercial Vehicles .....	24
Part 7 – Signage.....		25
7.1	General.....	25
7.2	Safety and Maintenance .....	25
7.3	Limit on Number of Signs.....	25
7.4	Signage in the Commercial (C-1) Zone.....	25
7.5	Signage in Residential Areas .....	26
7.6	Signage Permitted in all zones .....	26
7.7	Signs Prohibited in all Zones .....	27
Part 8 – Residential .....		28
8.1	General Provisions for All Residential Zones .....	28
8.1.1	Home Based Businesses.....	28
8.1.2	Special Requirements for Bed and Breakfasts.....	28
8.1.3	Amenity Space Requirements.....	29
8.1.4	Special Requirement: Trees .....	29
8.1.5	One Main Building on a Lot.....	29
8.1.6	Yard and Garage Sales.....	29
8.2	Single Unit Residential (R-1) Zone.....	29
8.2.1	Permitted Uses.....	29
8.2.2	Zone Requirements.....	30
8.3	Two Unit Residential (R-2) Zone .....	30

8.3.1	Permitted Uses.....	30
8.3.2	Zone Requirements.....	30
8.3.3	Subdivision of Semi-detached Dwellings .....	30
8.4	Multiple Unit Residential (R-3) Zone.....	31
8.4.1	Permitted Uses.....	31
8.4.2	Lot Specifications .....	31
8.4.3	Townhouse Subdivision .....	31
8.4.4	Grouped Dwellings.....	32
8.5	Mini Home Park .....	32
8.5.1	Permitted Uses.....	32
8.5.2	Lot Specifications .....	32
Part 9 – Commercial.....		33
9.1	Commercial (C-1) .....	33
9.1.1	Permitted Uses.....	33
9.1.2	Lot Specifications .....	33
9.1.3	Parking and Loading Requirements .....	33
9.1.4	Increased Density in Existing Residential Buildings .....	33
9.1.5	Requirements for New Residential Uses .....	33
9.2	Mixed Commercial/Residential (C-2) .....	34
9.2.1	Permitted Uses.....	34
9.2.2	Lot Specifications .....	35
9.2.3	Increased Density in Existing Residential Buildings .....	35
9.2.4	Parking Requirements.....	35
Part 10 – Industrial (M) Zone .....		36
10.1	Permitted Uses.....	36
10.2	Lot Specifications .....	36
Part 11 – Institutional (I) Zone .....		37
11.1	Permitted Uses.....	37
11.2	Lot Specifications .....	37
11.3	Special Requirement – Parking .....	37
Part 12 – Recreation Open Space (ROS) Zone .....		38
12.1	Permitted Uses.....	38
Part 13 – Conservation Open Space (COS) Zone.....		38

13.1 Permitted Uses.....	38
--------------------------	----

## Part 1 – Title

This by-law shall be known and may be cited as “The Land Use By-law for the Town of Hantsport.”

## Part 2 – Definitions

For the purpose of this By-law, all words shall carry their customary meaning except for those defined hereafter.

**ACCESSORY BUILDING** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use but does not include a building attached by means of any common wall to the main building.

**ACCESSORY USE** means a use subordinate in impact and naturally, customarily and normally incidental to a main use of land or building. *(as amended by file #22-12 effective January 10, 2023)*

**AGRICULTURAL USE** means the use of land and/or structures for the growing and/or production of farm products.

**AMUSEMENT ARCADE** means a wholly enclosed "place of amusement" as defined by the Theatres and Amusement Act, limited to four (4) or more video amusement devices, pool tables and similar amusement machines, but does not include any activity of gambling or any gambling device.

**APARTMENT BUILDING** means a building containing three or more dwelling units which have a common entrance from the street level.

**ARTISAN WORKSHOP** means a building or part of a building used for the production of, or the production and sale of, works of art or crafts made by small custom production processes or by hand. *(Amendment HMPS LUB 17-01 – effective May 1, 2018)*

**AUTOMOBILE SERVICE STATION OR SERVICE STATION** means a commercial building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and fuels and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles.

**BOARDING OR ROOMING HOUSE** means a single unit residential dwelling in which the primary resident/owner supplies either room or room and board for compensation, on a weekly or monthly basis, and which is not open to the general public.

**BUILDING** means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials, or equipment and includes any tent, awning, bin, bunk, or platform, vessel or vehicles used for said purposes.

**CHURCH** means an institutional building dedicated to religious worship, and includes a church hall, church auditorium, Sunday School, or Parish Hall.

**CLINIC** means a commercial building or part of a building used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his/her residence.

**COMMERCIAL** means any use by which retail or wholesale trade is carried on, and those other uses involving sale of goods, materials, and services.

**CONVERTED DWELLING** means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.

**DAY CARE** means

- (a) Non-residential Day Care Centre means a place where 9 or more children are cared for without overnight accommodation, but does not include a school.
- (b) Residential Day Care Centre means that portion of a residential dwelling which is used to accommodate more than three but fewer than nine children who are looked after during the daytime hours.

**DEVELOPMENT OFFICER** means the officer of the Town of Hantsport from time to time charged by the Town with the duty of administering the provisions of the Land Use Bylaw.

**DWELLING TYPES:**

- (a) **DWELLING** means a building or portion thereof, occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units, and shall not include a hotel or motel.
- (b) **DWELLING UNIT** means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care. *(Amendment 22-06 Effective December 13, 2022)*
- (c) **DWELLING, DUPLEX** means a building that is divided horizontally or vertically into two dwelling units each of which has an independent entrance either directly from outside the building or through a common vestibule.
- (d) **DWELLINGS, GROUP** means buildings designed as part of a group of dwellings on the same lot, held and maintained under single ownership, or otherwise provided under the Condominium Act, R.S.N.S. 1989.
- (e) **DWELLING, MINI-HOME** means a dwelling unit built to a CSA standard which meets or exceeds a length to width ratio of 3:1.
- (f) **DWELLING, MULTI-UNIT** means a dwelling containing three or more dwelling units, other than a townhouse.



- (g) **DWELLING, SEMI-DETACHED** means a building that is divided vertically into two dwelling units each of which has an independent entrance.
- (h) **DWELLING, SINGLE DETACHED** means a completely detached dwelling unit, and does not include a mini home unit.
- (i) **DWELLING, TOWNHOUSE** means a dwelling unit that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

**ERECT** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include preliminary physical operation such as excavating, or structurally altering any existing building or structure by an addition, deletion, enlargement, or extension.

**EXISTING** means in reference to a use or structure, that it existed on the effective date of the 1988 Land Use By-law except for references to existing mini homes or two unit dwellings in which case EXISTING shall mean the effective date of this by-law. *(Amendment HLUB 16-01 Effective October 4, 2016)*

#### **FLOOR AREA**

- (a) in reference to a structure, the total area contained within the outside walls.
- (b) dwelling floor area means the area within the outside walls of the structure at the level of the main floor area or floors.
- (c) dwelling structure gross floor area means the area within the outside walls of the structure on all floor areas including the basement.
- (d) commercial structure floor area means the area within the outside walls of the structure measured at a level of the main floor or floors.
- (e) commercial structure gross floor area means the area within the outside walls of the structure at all floor levels including the basement.
- (f) commercial structure net floor area means the area within the inside finished walls on all floor levels, exclusive of utility, storage, and common wall areas.
- (g) gross floor area means the aggregate of the floor area of the building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

**GUEST HOUSE OR BED AND BREAKFAST** means a dwelling where the property supplies either room or room and board for monetary gain, and is open to the travelling public.

**HEIGHT** means the vertical distance on a building between the established grade, and

- (a) the highest point of the roof surface, or the parapet, whichever is greater, of a flat roof; or

- (b) the deckline of a mansard roof; or
- (b) the mean level between eaves and ridge of a gabled, hip, gambrel roof or other type of pitched roof; but shall not include any construction used as ornament or for the operation of the building, such as a mechanical penthouse, chimney, tower, steeple, solar collector, or satellite receiving dish. *(Amendment HLUB 17-03 Effective November 1, 2017)*

**HOME BASED BUSINESS** means a business activity carried on wholly within a residential structure or accessory structure, without limiting the generality of the foregoing, includes: office uses, personal services shops, craft shops, and the repair of minor household appliances. Home occupations do not include the sale, rental, or repair of automobiles.

**HOME FOR SPECIAL CARE** means facilities licensed under The Homes for Special Care Act or successor legislation which serve 11 or more people. *(Amendment 22-06 effective December 13, 2022)*

**HOTEL OR MOTEL** means a building or buildings or part thereof on the same site used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation with or without meals.

**INDUSTRIAL USE** means one involving manufacturing, processing, fabrication or outdoor storage.

**INSTITUTIONAL USE** means a publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the Homes for Special Care Act, and any public use. *(Amendment 22-06 effective December 13, 2022)*

**KENNEL** means a building or structure used for the enclosure of dogs, which are kept for the purposes of commercial breeding or showing or for commercial boarding.

**LANDSCAPING** means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, screening, or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

## **LOT**

- (a) means an area of land separated from adjacent areas of land by being described in a deed, or shown on an approved plan of subdivision.
- (b) corner lot means a lot situated at the intersection of and abutting on two or more streets. The shorter line shall be deemed the front line of the said lot.
- (c) through lot means a lot bounded on two opposite sides by streets or highways provided however, that if any lot qualifies as being both a corner lot and a through lot as hereinbefore defined, such lot shall be deemed to be a corner lot for the purpose of this Bylaw.
- (d) lot area means the total horizontal area within the lot lines of a lot.
- (e) 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 midpoints of the front and rear lot lines.

- (f) lot frontage means the horizontal distance between the side lot lines measured along the front lot line. In the case of irregular shaped lots frontage may be measured perpendicularly to a line joining the mid points of the front and rear lot lines, and at a point equal in distance from the front lot line to the required front yard.
- (g) lot line means a boundary line of a lot.
- (h) front lot line means the line dividing the lot from the street; in the case of a corner lot the shorter boundary line abutting the street shall be deemed the front lot line and where such lot lines are of equal length the front lot line shall be either of the two lines. In the case of a through lot, each boundary dividing the lot from a street shall be deemed to be a front lot line.
- (i) rear lot line means the lot line furthest from or opposite to the front lot line.
- (j) side lot line means a lot line other than a front or rear lot line.
- (k) flankage lot line means the lot line which abuts a street on a corner lot other than the front lot line.

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

**MEDICAL CLINIC** means a building or structure where members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, coffee shop, consultation rooms, x-ray and minor operating rooms and a dispensary.

**MINI HOME PARK** means a lot used for the renting of spaces for mini homes.

**MOTOR VEHICLE SALES, RENTAL, AND REPAIR** means an establishment excluding a private home or garage, where new and / or used vehicles, lubricants, tires, parts and accessories for motor vehicles are kept for sale, and where replacement and/or repairs to any component of a motor vehicle may be performed including autobody and/or painting uses. Motor vehicles shall include boats and other recreational vehicles. Salvage and scrap yards, and motor vehicle fuelling stations are separate uses.

**NURSING HOME** means a building wherein nursing care, room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.

**OBNOXIOUS USE** means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other material.

**OFFICE** means a structure in which business is conducted which may include but is not limited to: consultation services, a bank or other financial institution, a real estate or insurance agency, a data processing establishment, an online retailer, or legal and other personal professional services. This shall not include the manufacturing of any products. *(Amendment HMPS LUB 17-01 – effective May 1, 2018)*

**OUTDOOR FURNACE** means a furnace which is located adjacent to a structure, and is intended to provide heat to that structure, via combustion and the heating of water, or otherwise.

**OUTDOOR STORAGE** means items such as merchandise, goods, inventory materials or equipment which items are not intended for immediate sale and which are stored within a structure.

**PARKING AREA** means an area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers, or residents with access for motor vehicles to and from a street or highway by means of driveways, aisles, or maneuvering areas where no parking or storage of motor vehicles is permitted.

**PERSONAL SERVICE SHOP** means a building or part of a building which persons are employed in furnishing services or otherwise administering to the individual and personal needs of persons and may include such establishments as barber shops, beauty parlours, hairdressing shops, shoe repair, and depots for collecting dry-cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.

**PROFESSIONAL OFFICE** means a room or rooms where business may be transacted, a service performed or consultation given, but shall not include the manufacturing of any product or selling of goods.

**PUBLIC BUILDING** is a building owned or used by a Federal, Provincial or Municipal Government.

**RECREATIONAL USE** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor ice skating rinks, athletic fields, swimming pools, golf courses, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including commercial recreation centres or a track for the racing of animals, or any form of motorized vehicles

**RECYCLING COLLECTION and STORAGE FACILITY** means a building in which used material is separated and processed prior to shipment but does not include salvage and scrap yards.

**RESTAURANT** means a building or part thereof where food and drink is served to the public for consumption within the building.

**RETAIL STORE** means a building or part thereof in which goods, wares, or merchandise is offered or kept for sale directly to the public at retail.

**SALVAGE and STORAGE FACILITY** means a premises used for keeping or storing used bodies or parts of motor vehicles or any other type of used equipment, vehicles, machinery, or materials of any kind.

**SECONDARY SUITE** means a dwelling unit either within a dwelling unit or within an accessory building on the same lot as the main dwelling unit and limited to a maximum of (1) 80% of the total floor area of the dwelling unit if 80% is less than 862 sq. ft. (80 sq. m.) or (2) 862 sq. ft. (80 sq. m.) or (3) greater as established in the National Building Code.

**SETBACK** means the distance between the street line and the nearest main wall of any building or structures and extending the full width or length of a lot.

**SHOPPING CENTRE OR MALL** means a commercial use of land and structures designed, developed, and managed as an interrelated group of commercial uses.

**SIGN** means any structure or device intended to identify or advertise a business or commercial activity.

- (a) **SIGN, GROUND** means a sign supported by the ground directly or by structural members.
- (b) **SIGN, WALL** means a sign attached to, or painted on the wall of a structure.

**STREET OR ROAD** means

- a) any street or highway owned or maintained by the Department of Transportation excluding designated controlled access highways pursuant to Section 21 of The Public Highways Act, or
- b) any street owned and maintained by the Town.

**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, not including benches and picnic tables or similar portable structures.

**WAREHOUSE** means a building where wares or goods are stored, but shall not include a retail store.

**WATERCOURSE** means the bed and shore between ordinary high water marks of each bank of every river or stream, and the water therein, within the jurisdiction of the Town, whether it contains water or not.

**YARD, REQUIRED** means an open, uncovered, area of land on a lot measured inward and horizontally from a lot line.

- (a) **YARD, REQUIRED FLANKAGE** means the side yard that abuts a street on a corner lot, and it extends from the front to the rear lot line.
- (b) **YARD, REQUIRED FRONT** means a yard that extends across a lot between the side lot lines, abutting the front lot line.
- (c) **YARD, REQUIRED REAR** means a yard that extends across a lot between the side lot lines, abutting the rear lot lines.
- (d) **YARD, REQUIRED SIDE** means a yard that extends from the front to rear lot lines.

**ZONE** means an area identified on a zoning map.

## **Part 3 – Zoning and Interpretation**

### **3.1 Zones**

For the purposes of this Bylaw the Town is divided into the following zones, the boundaries of which are shown on the attached Schedule 'A'. Such zones may be referred to by the appropriate symbols.

<b>ZONES</b>	<b>SYMBOLS</b>
Single Unit Residential	R-1
Two Unit Residential	R-2
Multiple Unit Residential	R-3
Commercial	C
Industrial	M
Institutional	I
Open Space	ROS
Conservation Open Space	COS

### **3.2 Zoning Map**

Schedule 'A' is the Zoning Map and forms part of this Bylaw.

### **3.3 Zoning Boundaries**

Zoning boundaries shall be determined as follows:

- (a) where a zone boundary is indicated as following a street or highway the boundary shall be the centre line of such street or highway;
- (b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
- (c) where a railroad or railway right-of-way, electrical transmission right-of-way, or a watercourse serves as a boundary between two or more different zones, the centre line of such right-of-way or of such watercourse shall be the boundary;
- (d) where there is no landmark that indicates the precise location of a boundary, the boundary shall be scaled from the Zoning Map;
- (e) where a zone boundary is indicated as following the town boundary, the town limit shall be the boundary.

### **3.4 Permitted Uses**

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

### **3.5 Measurement**

All official measurements are in metric. Where imperial measurements are provided they are for information purposes only.

## **Part 4 – Administration**

### **4.1 Development Officer**

The Development Officer, or designate(s), shall be appointed by Council to administer this Bylaw.

### **4.2 Development Permit Required**

- (a) Unless otherwise stated in this Bylaw, no development shall be undertaken in the Town of Hantsport unless a development permit has been granted by the Development Officer.
- (b) The Development Officer shall only issue a development permit in conformance with this Bylaw except where a variance is granted or in the case of a nonconforming use or structure, in which case a permit shall be granted in conformance with the Municipal Government Act.
- (c) Any development permit shall expire twelve (12) months from the date issued if the development has not commenced.
- (d) A development permit may be renewed for an additional twelve (12) month period provided:
  - (i) the development permit has not been renewed previously; and
  - (ii) the Development Officer is satisfied that the development permit is consistent with the existing Land Use Bylaw and any proposed amendments.

### **4.3 No Development Permit Required**

Unless otherwise specified, no development permit shall be required for:

- (i) a development that involves the interior or exterior renovation of a building that will not change the shape of the building or increase its volume, will not add more dwelling units, or will not involve a change in the use of the building;
- (ii) a fence or wall that does not exceed 1.8 m. in height;
- (iii) a sign less than 0.2 m<sup>2</sup> in area where signs are permitted;
- (iv) an accessory building less than 4 m<sup>2</sup> in area;
- (v) public and private utilities located within a street right-of-way;

### **4.4 Information Required for Development Permit Applications**

- (a) Every application for a development permit shall be on an approved form and where necessary, shall be accompanied by a sketch or plan drawn to an appropriate scale and showing the following such as the Development Officer may require:
  - (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 permit is applied for;
  - (iii) the proposed location and dimensions of parking spaces, loading spaces, driveways;



- (iv) the location of every building or structure already erected on or partly on such lot, and the approximate location of every building on adjacent lots; and,
  - (v) any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.
- (b) The application shall be signed by the owner of the lot or by the owner's duly authorized agent and shall set forth in detail the present 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.
- (c) 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 Section 4.4(a) be based upon a current survey by a Nova Scotia Land Surveyor.

#### **4.5 Amendment of By-law**

An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use Bylaw, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council by policy. *(Amendment 19-08 Effective November 26, 2019)*

## 5.0 General Provisions for all Zones

### 5.1 Accessory Uses and Buildings

*(as amended by File #22-12 effective January 10, 2023)*

- (a) A detached accessory building may be permitted in any zone and may be used only as an accessory use to the main dwelling or use, but shall not:
  - (i) be used as a dwelling unit except where a dwelling unit is a permitted accessory use;
  - (ii) be located within the front yard, in any Residential Zone;
  - (iii) be permitted within the flanking yard on a corner lot;
  - (iv) exceed 5 m in height; except in the Industrial (M) Zone; *(Amendment HLUB 17-03 Effective November 1, 2017)*
  - (v) be built within 2 m of the main structure;
  - (vi) be considered an accessory building if attached to the main building by a common wall greater than 3 m in length; and,
  - (vii) be built within 1 m of a lot line,
  - (viii) exceed 90 m<sup>2</sup> in total ground floor area or 5% of the area of the lot, whichever is greater. *(As amended August 17, 2015)*
  - (ix) be constructed prior to construction of a main building, unless development and building permits have been issued for the main building. *(as amended by File #22-12 effective January 10, 2023)*
- (b) Accessory buildings located in the Highway Commercial (C-2) Zone shall have a minimum required yard of 1.2 m and no maximum floor area.
- (c) Accessory uses shall be located on a lot held in the same ownership and *(as amended by file #22-12 effective January 10, 2023)*:
  - (i) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and
  - (ii) on a lot which directly abuts or is directly across from a public street or highway or private road from the lot containing the main building or use it is intended to serve.
- (d) The requirements for secondary suites located in an accessory building shall be the same as the requirements for accessory uses and buildings except 5.1 (a)(viii) and 5.1 (c); the detached secondary suite shall only be limited by size in accordance with the definition and shall be located on the same lot as the main dwelling. *(created by File #22-12 effective January 10, 2023)*

## **5.2 Accessory Uses Permitted**

Where this Bylaw provides that land may be used for a purpose or a building or structure may be erected or used for a purpose, such purpose may include any accessory uses thereof, unless otherwise prohibited by this Bylaw.

### **5.2.2 Height Restrictions**

The maximum height of all main buildings under the jurisdiction of the Hantsport Land Use By-law shall be 10.67 m. (35 ft.) (*Amendment HLUB 17-03 Effective November 1, 2017*), except:

- (a) buildings within the Industrial (M) zone; and
- (b) buildings within the Mixed Commercial/Residential (C-2) zone, which shall have a maximum height of 16.76 m. (55ft.). (*Amendment HLUB 23-06 Effective October 20, 2023*)

### **5.2.3 Height Restriction Exemption**

Any maximum height requirement set out in this By-law shall not apply to a church spire, lightning rod, water tank, monument, flag pole, silo, barn, television or radio antenna, telecommunications tower, ventilator, skylight, fire tower, drive-in theatre screen, chimney, clock tower, solar collector, power transmission tower, wind turbine or roof top cupola. (*Amendment HLUB 17-03 Effective November 1, 2017*)

## **5.3 Compliance with Other Bylaws**

- (a) Nothing in this Bylaw shall exempt any person from complying with the requirements of any other Bylaw of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- (b) Where the provisions in this Bylaw conflict with those of any other Bylaw of the Town or regulation of the Province or the Government of Canada, the higher or more stringent provision shall prevail.

## **5.4 Conformity with Existing Setbacks**

- (a) Notwithstanding anything else in this Bylaw, in any zone where a proposed building does not comply with the minimum front yard requirements, a building may be erected with a setback equal to the established building line but shall not be less than 3 m from the street line.
- (b) Only existing buildings within 60 m that front on the same street as the proposed building shall be used to calculate the established building line.

## **5.5 Corner lot Triangle or Day lighting Triangle**

On a corner lot, no fence, sign, hedge, shrub, bush or tree or any other structure, vehicle or vegetation shall be erected, placed; or in the case of plants, permitted to grow to a height greater than 0.6 m above grade within a corner lot sight triangle.

## **5.6 Existing Buildings**

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

- (i) the enlargement, reconstruction, repair or renovation does not further reduce the required yard that does not conform to this Bylaw;
  - (ii) all other applicable provisions of this Bylaw are complied with.
- (b) Notwithstanding anything else in this Bylaw, the use of a building existing on a lot on the effective date of this Bylaw, may be changed to another use permitted on the lot where the lot frontage, front yard, or area required is less than the requirements of this Bylaw, provided that all other requirements of this Bylaw are satisfied.

### **5.7 Existing Lots without Frontage**

Notwithstanding subsection 4.7 of this Bylaw, an existing building on a lot which does not have frontage, but which has legal access to a public street may be expanded or enlarged, provided that:

- (a) all other requirements of the Land Use Bylaw are met; and,
- (b) no additional dwelling units are created.

### **5.8 Existing Undersized Lots**

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

### **5.9 Fences**

- (a) A development permit is not required for fences less than 1.8 m in height.
- (b) Fences shall not:
  - (i) exceed 2.4 m in height in residential zones, or 3.6 m in height in all other zones;
  - (ii) if higher than 1.8 m, be closer than 1 metre to the nearest property line.
  - (ii) contain barbed or razor wire in any Residential Zone;
  - (iii) be electrified unless erected in conjunction with an agricultural use; and,
  - (iv) where visible from a street or other public space, be constructed with the supporting apparatus facing the public right-of-way.

### **5.10 Frontage on Streets**

No development permit shall be issued unless the lot or parcel of land upon which the development is proposed abuts and fronts upon a street.

### **5.11 Illumination**

No person shall illuminate any area of a lot unless all lights are directed away from adjoining properties and any adjacent street.

### **5.12 Multiple Uses**

Where any land or building is used for more than one purpose, the provisions of this Bylaw shall be interpreted so that the highest or most restrictive regulation for each single use included in the

development shall be applied. Standards for the provision of parking spaces shall be deemed to be cumulative so that the requirement will be the sum of the number of spaces required by each use.

### **5.13 One Main Building on a Lot**

Not more than one single detached dwelling may be erected on a lot.

### **5.14 Outdoor Furnaces**

Notwithstanding any other provision of this Bylaw, an outdoor furnace or structure containing an outdoor furnace in any zone shall:

- (i) be located in the rear yard, and at least 61 m from the nearest lot line; and,
- (ii) have a chimney or exhaust at least 1.8 m above the peak of the roof of the structure that the furnace is intended to heat.

### **5.15 Outdoor Storage Prohibited**

Unless otherwise permitted in other sections of this Bylaw, no outdoor storage shall be permitted in any zone other than storage accessory to the residential use of a lot. Such storage may include items such as fuel wood, compost bins and other such items in to be used by the residents of the property.

### **5.16 Permitted Encroachments into Yards**

Except for accessory buildings, every yard required by this Bylaw shall be open and unobstructed by any structure excluding fences and the structures listed in the following table which shall be permitted to project into or over the specified yards for the distances that are specified in the table below.

<b>Structure</b>	<b>Yard in which Projection is Permitted</b>	<b>Maximum Permitted Projection from Main Wall</b>
Balconies, Decks, Porches	Any yard	2.5m but a least 1m from lot line
Carports	Side yards only	Minimum 1m from lot line
Fire escapes, Exterior staircase	Rear and side yards	Only 2.5m but a least 1m from lot line
Sills, chimneys, and other architectural features	Any yard	60cm
Window bays, buttresses	Any yard	1m

### **5.17 Prohibited Dwellings**

In any zone, no development permit shall be issued for a building consisting of a basement-only dwelling.

### **5.18 Public Utilities**

Buildings or structures used for public or private utilities shall be permitted in any zone and must be a minimum of 1 metre from the nearest property line.

### **5.19 Restoration to a Safe Condition**

Nothing in this Bylaw shall prevent the strengthening or restoring to a safe condition, of any building or structure.

### **5.20 Setback from a Watercourse**

All main buildings shall be setback from a watercourse as shown on the Zoning Map a distance of 30 metres.

### **5.21 Domestic Wind Turbines**

Wind turbines for converting wind power to produce electricity which has a rated capacity of not more than 100kW and which is intended primarily to produce electricity for on-site consumption are permitted provided they are located a minimum of 5 times height from adjacent properties lines. Height shall be measured from ground level to the tip of the rotor at its maximum height.

### **5.22 Licensed Cannabis Uses**

Permit Analytical Testing and Research of cannabis in all zones as a use accessory to any licensed cannabis use. *(Amendment HLUB 20-02 Effective January 21, 2021)*

### **5.23 Secondary Suites**

- (a) Secondary Suites are permitted within or accessory to single and two-unit dwellings in all zones. *(as amended by file #22-12 effective January 10, 2023)*
- (b) In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:
  - (i) no more than one (1) secondary suite shall be permitted per dwelling unit;
  - (ii) a secondary suite shall be contained within or attached to or accessory to the dwelling unit;
  - (iii) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
  - (iv) no new entrances shall be created on the front façade of the main dwelling unit;
  - (v) one (1) parking space shall be required for each secondary suite; and
  - (vi) additions shall be limited to the rear yard of the dwelling.

## Part 6 – Parking and Loading Requirements

### 6.1 Parking Requirements

For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the requirements below.

<i>TYPE OF STRUCTURE</i>	<i>PARKING REQUIRED</i>
a structure not containing more than three (3) dwelling units	one (1) parking space for each dwelling unit
all other multiple dwelling structures	1.5 parking spaces for each dwelling unit
churches, church halls, auditoria, restaurants, theatres, arenas, halls, stadia, private clubs and other places of assembly	one (1) parking space for each 100 square feet (9.3 square metres) of floor devoted to public use
hospitals and nursing homes	one (1) space per 540 square feet (50.2 square metres)
hotels, staff houses, motels, and tourist cabins	one (1) parking space per suite or rental unit PLUS one (1) additional parking space for each 100 square feet (9.3 square metres) of floor area devoted to public use exclusive of lobbies and hallways.
Industrial uses	one (1) space per 540 square feet (50.2 square metres)
offices and all other commercial uses	one (1) parking space per 320 square feet (29.7 square metres) of floor space

### 6.2 Parking Lot Specifications

Where parking facilities for more than four (4) vehicles are required:

- (a) the parking area shall be treated so as to prevent the raising of dust and loose particles;
- (b) lights used for illumination of the parking areas shall be so arranged as to divert the light away from the streets, adjacent lots and buildings;
- (c) the parking area shall be on the same lot as the use it is intended to serve;
- (d) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- (e) the location of driveways shall be no closer than 50 feet (15.2 metres) to the limits of the right-of-way at a street intersection;
- (f) the width of a driveway leading to a parking or loading area, or a driveway or aisle in a parking area, shall be a minimum width of 10 feet (3 metres) if for one-way traffic, and a minimum width of 20 feet (6 metres) if for two-way traffic, and the maximum width of a driveway at the street shall be 26 feet (8 metres). Driveways or aisles must be provided to permit adequate ingress and egress from the parking area. Two driveways leading to

or from the same parking area must be at least 100 feet (30.5 metres) apart at the street;

- (g) a parking space shall be 10 feet (3 metres) by 20 feet (6.1 metres);
- (h) where commercial, industrial, or institutional uses abut a residential zone, parking and loading spaces shall not be located within the abutting required yard.

### **6.3 Loading Space Specifications**

- (a) In commercial and institutional zones, one (1) off-street space shall be provided for every 1000 square metres (10005 sq. ft.) of floor space;
- (b) Each space shall be 10 feet (3 metres) by 40 feet (12.2 metres) with height clearance of 15 feet (4.6 metres);
- (c) Notwithstanding (a) above, the provision of a loading space shall be optional where the main floor area is less than 1000 square feet (92.9 square metres);
- (f) Where commercial or industrial uses abut residential zones, parking and loading spaces shall not be located within the abutting required yard.

### **6.4 Storing Commercial Vehicles**

In all residential zones, no person shall park or store more than three commercial vehicles on a lot.



## **Part 7 – Signage**

### **7.1 General**

- (a) No person shall erect a sign without first obtaining a permit from the Development Officer;
- (b) No permit to erect a sign shall be issued unless all sign provisions of this bylaw are satisfied.
- (c) A permit for a temporary sign may be issued for a period of seven (7) days, and may be renewed for four (4) consecutive periods during each calendar year.
- (d) Where this bylaw may be inconsistent with any statute of the Province of Nova Scotia, or regulations made thereunder respecting advertising signs on or near public highways, the more stringent regulations shall apply.

### **7.2 Safety and Maintenance**

- (a) All signs shall be erected in a safe and secure manner and shall not be located in such a manner that they reduce visibility at intersections.
- (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.
- (c) All signs and all parts thereof shall be kept in a good state of repair and maintenance.

### **7.3 Limit on Number of Signs**

- (a) Only one (1) ground sign for each business premise located on a lot shall be permitted.
- (b) In the case of a multiple tenancy building, occupied by more than one business, each business shall be considered as a separate premise.
- (c) A double face sign shall count as one (1) sign.
- (d) In the case of a business located on a corner lot, two (2) ground signs shall be permitted.
- (e) Not more than one (1) facial wall sign shall be permitted for each side of the building.
- (f) A sign which advertises a business or use must be located on the same lot as the business or use, except for off site signage designated by Town Policy respecting Public Signage areas.

### **7.4 Signage in the Commercial (C-1) Zone**

- (a) No hanging sign shall exceed 21.52 sq. feet (2.0 sq. metres) in area or extend more than 3.27 feet. (1.0 metre) from a building.
- (b) No ground sign shall exceed 48.42 sq. feet. (4.5 sq. metres) in area, a maximum surface dimension of 9.81 feet (3.0 metres) and a height of 19.62 feet. (6.0 metres).
- (c) No ground sign shall extend beyond a property line or project over a public street or road.

- (d) No sign shall be located more than 16.35 feet. (5.0 metres) from a lot line, or project over a public street or road.
- (e) No surface sign on a building shall exceed 3.27 feet (1.0 metre) in height or protrude more than 1.63 feet (0.5 metres) from a building.
- (f) No surface sign on a building shall extend over the top of the wall on which it is attached, or extend beyond the extremities of the wall on which it is attached.

### **7.5 Signage in Residential Areas**

Unless otherwise specified in this Bylaw, sign age in a Residential Zone shall be subject to the following requirements:

- (a) The maximum sign area shall be 0.2 m<sup>2</sup> per side in the case of a two sided sign.
- (c) The maximum height of the sign shall be 1.5 m.
- (d) Facia signs shall not be located in excess of 3 m above the grade of the wall upon which it is affixed.
- (e) The sign shall be set back a minimum of 1 m from any lot line

### **7.6 Signage Permitted in all zones**

- (a) In addition to the aforementioned signs the following signs are permitted in all zones, and do not require a development permit.
  - (i) signs identifying the name and address of resident with maximum size of 2.15 sq. feet (0.2 sq. metres).
  - (ii) "No Trespassing" signs or other such signs regulating the use of a property, with a maximum size of 2.15 sq. feet (0.2 sq. metres).
  - (iii) Real Estate Signs advertising the sale, rental or lease of the premises. In residential zones the maximum shall be 5.38 sq. feet (0.5 sq. metres); in all other zones, the maximum size shall be 16.14 sq. feet ( 1.5 sq. metres).
  - (iv) Signs denoting or regulating on-premises traffic, or parking, and other signs denoting the direction or function of various parts of the building or premises, provided such signs are a maximum size of 5.38 sq. feet (0.5 sq. metres).
  - (v) Signs erected by a public authority or under the direction of such authority and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools, or public election lists.
  - (vi) Memorial signs or tablets and signs denoting the date of erection of a structure.
  - (vii) A flag, pennant, insignia or plaque of any public authority, or of any religious, charitable or fraternal organization.
  - (viii) A sign having an area of not more than 53.80 sq. feet (5.0 sq. metres) incidental to construction an located on the construction site.

(ix) Electoral Signs

**7.7 Signs Prohibited in all Zones**

Notwithstanding signs which conform to the provisions of section 3.6, the following signs shall not be permitted in any zones in the Town of Hantsport.

- (a) Any sign or sign structure which constitutes a hazard to public safety.
- (b) Roof signs which are attached to, or painted on, the roof of any structure.
- (c) Signs which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers, or obstruct or detract from the visibility or effectiveness of any traffic sign or control devices on any public streets and roads.
- (d) Any sign which obstructs free ingress or egress from any fire escape, door, window, or other required exit.
- (e) Signs not erected by a public authority which make use of words such as 'STOP', 'LOOK', 'ONE WAY', 'DANGER', 'YIELD', or similar words, phrases, symbols, lights or characters.
- (f) Any sign which no longer advertises a bona fide business conducted, or a product sold.
- (g) Signs on public property or a public right of way, unless erected by a public authority.
- (h) Signs painted on, attached to, or supported by a tree, stone, cliff, or other natural object.
- (i) Signs not related to any business or use located on the lot or premises unless erected by a public authority.

## **Part 8 – Residential**

### **8.1 General Provisions for All Residential Zones**

#### **8.1.1 Home Based Businesses**

A development permit shall be issued for a home based business contained in a dwelling or accessory building, provided that:

- (a) the dwelling is occupied as a residence by the user and the external appearance of the dwelling is not changed by the home occupation;
- (b) there shall not be more than 2 assistants who are not residents in the dwelling employed in the use;
- (c) not more than 25% of the total floor area of the dwelling or 50 m<sup>2</sup> whichever is less, may be devoted to the home occupation;
  - (i) in calculating the total floor area of a dwelling where a home occupation is being operated in an unfinished basement, attic, porch, sunroom, or attached garage, the total floor area of the basement, attic, porch, sunroom or attached garage shall be included in calculating the total floor area of the dwelling.
  - (ii) in the case of a home occupation operating in an accessory building, the size of the home occupation shall not exceed 25% of the total floor area of the dwelling combined with that of any accessory buildings involved;
- (d) one off-street parking space, in addition to that required for the dwelling, is provided for every 25 m<sup>2</sup> of floor space occupied by the home occupation;
- (e) no outdoor storage or outdoor display shall be permitted;
- (g) no retail sales of merchandise shall take place on the property, except to the customer already purchasing a service on the property as an accessory to the service being provided.

*Note to Readers Retail sales of merchandise are permitted in a home based business which are clearly accessory and incidental to the main home occupation use. (Examples include the sale of hairspray by a hairdresser or contact lenses by an optometrist.)*

#### **8.1.2 Special Requirements for Bed and Breakfasts**

In any Residential Zone, a development permit shall be issued for a bed and breakfast establishment provided that:

- (a) such use is accessory to the main residential use occupied by a resident of the property;
- (b) parking is located in the rear or side yard
- (c) only breakfast is served solely for registered guests;
- (d) the bed and breakfast operation is the only accessory use on the lot, and;

- (e) no addition or expansion is made to the footprint or bulk of the building, other than modifications necessary to comply with fire safety standards.

### **8.1.3 Amenity Space Requirements**

In any zone, a development permit for a building containing 3 or more units shall provide 20 m<sup>2</sup> per unit of amenity space and is subject to the following requirements:

- (a) Amenity space may include a combination of balconies, indoor recreation rooms, saunas, sundecks, patios, tennis courts, swimming pools as well as any landscaped open area with a finished grade of less than 8%.
- (b) Where a dwelling unit is provided with a balcony at least 6 m<sup>2</sup> in floor area, the 20 m<sup>2</sup> amenity space requirement shall be waived.
- (c) Amenity Space shall not include any parking areas, hallways, foyers, utility rooms, or laundry areas.

### **8.1.4 Special Requirement: Trees**

- (a) A development permit issued for any apartment building or townhouse project shall require at least one live tree a minimum of 1.5 m. in height to be planted for every 50 m<sup>2</sup> of area in the front yard of the structure which is not occupied by a parking area.
- (b) Existing trees on the site which are not destroyed during the construction period may replace some or all of the trees required by this section. New plant materials are required to be installed during the first planting season following the commencement of construction, and to nursery standards.

### **8.1.5 One Main Building on a Lot**

A development permit shall not be issued for more than one single detached dwelling on a single lot, or where there is an existing dwelling on the same lot.

### **8.1.6 Yard and Garage Sales**

- (a) Yard/garage sales may be undertaken on any lot, in any zone provided the sale is conducted by an owner/resident of the subject site, or by a non-profit group, community association, or other similar group or organization.
- (b) No more than 6 yard/garage sales may be conducted from one lot in one calendar year, and any 1 sale may not last more than 3 consecutive days.

## **8.2 Single Unit Residential (R-1) Zone**

### **8.2.1 Permitted Uses**

- single detached dwellings
- residential day care centre
- the keeping of horses provided they are kept in a fenced area at a minimum of 0.4 hectares (44,560 sq. ft.) for each horse. *(As amended August 17, 2015)*
- existing two unit dwellings *(Amendment HLUB 16-01 Effective October 4, 2016)*

### 8.2.2 Zone Requirements

	Minimum Specifications
Minimum Lot Area	465 square metres (5005 square feet)
Minimum Lot Frontage	15 metres (49.2 feet)
Required Yards	8 metres (26.2 feet)
Front	
Rear	6 metres (19.7 feet)
Flanking	4.5 metres (14.7 feet)
Sides	3 metres (9.8 feet) on one side, and 1.8 metres (5.5 feet) on the other

## 8.3 Two Unit Residential (R-2) Zone

### 8.3.1 Permitted Uses

- single detached dwellings
- semi-detached dwellings
- duplex dwellings
- converted dwellings (to a maximum of 2 units)
- guest houses
- bed & breakfast homes
- boarding rooms
- residential day care centre
- the keeping of horses provided they are kept in a fenced area at a minimum of 0.4 hectares (44,560 sq. ft.) for each horse. *(As amended August 17, 2015)*

### 8.3.2 Zone Requirements

The following minimum specifications apply to all lots:

	Minimum Specifications
Minimum Lot Area	465 square metres (5005 square feet)
Minimum Lot Frontage	15 metres (49.2 feet)
Required Yards	8 metres (26.2 feet)
Front	
Rear	6 metres (19.7 feet)
Flanking	4.5 metres (14.7 feet)
Sides	3 metres (9.8 feet) on one side, and 1.8 metres (5.5 feet) on the other

### 8.3.3 Subdivision of Semi-detached Dwellings

Notwithstanding the specifications in 8.3.2, a lot containing a semi-detached structure may be subdivided into two lots along the common wall, with a minimum lot frontage of 9 metres (29.5 feet), and a minimum lot area of 280 square metres (3014 square feet).

## 8.4 Multiple Unit Residential (R-3) Zone

### 8.4.1 Permitted Uses

The following uses are permitted in this zone:

- townhouses
- apartment buildings (three or more units)
- converted dwellings (three or more units)
- grouped dwellings
- uses permitted in the R-2 Zone subject to the requirements of the R-2 Zone

### 8.4.2 Lot Specifications

The following minimum specifications apply to all lots:

	<b>Townhouse Development</b>	<b>Apartment Buildings and Grouped Homes</b>
Minimum Lot Area	660 square metres (7104.4 square feet) for the first two units, plus 150 square metres (1614.5 square feet) for the third and each additional unit	660 square metres (7104.4 square feet) for the first two units, plus 100 square metres (1076 square feet) for the third and each additional unit
Minimum Lot Frontage	22 metres (72.2 feet) for the first two units, plus 19.6 feet (6 metres) for the third and each additional unit	22 metres (72.2 feet) for the first two units, and 30 metres (98.4 feet) for three or more units
Required Yards	8 metres (26.2 feet)	8 metres (26.2 feet)
Front		
Rear	8 metres (26.2 feet)	8 metres (26.2 feet)
Side	3 metres (9.8 feet)	3 metres (9.8 feet) or one-half the height of the building, whichever is greater.
Flanking	5 metres (16.4 feet)	5 metres (16.4 feet)
Maximum number of units per building	4	20

(Amendment HLUB 17-03 Effective November 1, 2017)

### 8.4.3 Townhouse Subdivision

Notwithstanding 8.4.2 above, a lot containing a townhouse structure may be subdivided along common walls, and the following reduced specifications apply:

	<b>END LOTS</b>	<b>INTERNAL LOTS</b>
Area	3229 square feet (300 square metres)	1937 square feet (180 square metres)
Frontage	36.0 square feet (11 metres)	19.7 feet (6 metres)
Required Side Yard	9.8 feet (3 metres) one side, zero the other	zero

#### **8.4.4 Grouped Dwellings**

Notwithstanding anything else in the By-law, in the Residential Multiple Unit Dwelling (R-3) Zone more than one (1) main building shall be permitted on a lot provided that the minimum distance between grouped dwellings is 10 metres and provided that all other requirements of the Residential Multiple Unit Dwelling (R-3) Zone are met.

### **8.5 Mini Home Park**

#### **8.5.1 Permitted Uses**

The following uses are permitted in this zone:

- mini home parks

#### **8.5.2 Lot Specifications**

MINIMUM AREA	5000 square metres (53,820 square feet)
MINIMUM STREET FRONTAGE	65.6 feet (20 metres)
MAXIMUM UNITS	twenty (20) per hectare (eight (8) per acre)



## Part 9 – Commercial

### 9.1 Commercial (C-1)

#### 9.1.1 Permitted Uses

The following uses are permitted in this zone:

- all commercial uses
- artisan workshops
- offices
- medical clinics
- museums
- residential uses existing as of May 1, 2018
- residential uses in accordance with Section 9.1.5.

*(Amendment HMPS LUB 17-01 – effective May 1, 2018)*

#### 9.1.2 Lot Specifications

	Minimum Specifications for all Commercial and New Residential uses
Minimum Lot Area	4004 sq. ft. (372 square metres)
Minimum Lot Frontage	39.4 feet (12 metres)
Required Side Yards	9.8 feet (3 metres)
Maximum number of units per building	4 for Townhouse Development 20 for Apartment Buildings and Grouped Homes

*(Amendment HMPS LUB 17-01 – effective May 1, 2018)*

#### 9.1.3 Parking and Loading Requirements

- a) There are no parking requirements for commercial uses, offices, museums, or medical clinics.
- b) Loading space requirements must be followed as established in Section 6.1.

*(Amendment HMPS LUB 17-01 – effective May 1, 2018)*

#### 9.1.4 Increased Density in Existing Residential Buildings

Single and two-unit dwellings existing as of May 1, 2018, may be converted to the maximum number of units permitted in the Two Unit Residential (R-2) or Multiple Unit Residential (R-3) Zone provided all units are contained within the existing residential building.

*(Amendment HMPS LUB 17-01 – effective May 1, 2018)*

#### 9.1.5 Requirements for New Residential Uses

New residential uses shall occupy no more than 50% of the gross floor area of the structure and be located above, behind or below a commercial use, office, museum, or medical clinic. The commercial use, office, museum, or medical clinic must have frontage on the street.

*(Amendment HMPS LUB 17-01 – effective May 1, 2018)*

## 9.2 Mixed Commercial/Residential (C-2)

### 9.2.1 Permitted Uses

The following uses are permitted in this zone:

- all commercial uses
- artisan workshops
- offices
- medical clinics
- museums
- residential uses existing as of May 1, 2018
- single detached dwellings
- two-unit dwellings
- multiple unit dwellings
- residential day care centres
- guest houses
- bed and breakfast homes
- boarding rooms
- institutional uses existing as of May 1, 2018 as follows:

Civic Address	Owner	Use
20 Main Street	West Hants Regional Municipality	Government Office
58 Main Street	3262992 NOVA SCOTIA LIMITED	Nursing Home
59 Main Street 61 Main Street	Parish of Avon Valley Rector Wardens and Vestry of Saint Andrews Church	Place of Worship
67 Main Street	Roman Catholic Episcopal Corporation	Place of Worship
19 Chittick Avenue	Municipality of The District of West Hants	Department of Public Works
1 Oak Street 3 Oak Street 36 William Street	Municipality of The District of West Hants	Food Bank
5 Oak Street	Municipality of The District of West Hants	Fire Station

(Amendment HMPS LUB 17-01 – effective May 1, 2018) (Amendment HLUB 20-22 – effective April 16, 2021)

### 9.2.2 Lot Specifications

	Minimum Specifications for all Commercial and New Residential uses
Minimum Lot Area	4004 sq. ft. (372 square metres)
Minimum Lot Frontage	39.4 feet (12 metres)
Required Side Yards	9.8 feet (3 metres)
Maximum number of units per building	4 for Townhouse Development 40 for Apartment Buildings and Grouped Homes

*(Amendment HMPS LUB 17-01 – effective May 1, 2018) (Amendment HLUB 23-06 – effective October 20, 2023)*

### 9.2.3 Increased Density in Existing Residential Buildings

Single and two-unit dwellings existing as of May 1, 2018 may be converted to the maximum number of units permitted in the Two Unit Residential (R-2) or Multiple Unit Residential (R-3) Zone provided all units are contained within the existing residential building. *(Amendment HMPS LUB 17-01 – effective May 1, 2018)*

### 9.2.4 Parking Requirements

*(Amendment HLUB 23-06 Effective October 20, 2023)*

Notwithstanding the parking requirements in Section 6.1 of the Land Use By-law, parking in the Mixed Commercial/Residential (C-2) zone is required at one parking space per dwelling unit. All other parking requirements shall follow the requirements in Section 6.1 of the Land Use By-law.

## Part 10 – Industrial (M) Zone

### 10.1 Permitted Uses

The following uses are permitted in this zone:

- Any manufacturing, industrial, assembly or warehousing operation
- Any activity connected with the automotive trade, excluding salvage yards
- Boat and Marine Supplies and Sales
- Building supply and equipment depots including the bulk storage of sand or gravel
- Licensed Cannabis Nurseries (*Amendment HLUB 20-02 Effective January 21, 2021*)
- Licensed Micro-Cultivation of cannabis (*Amendment HLUB 20-02 Effective January 21, 2021*)
- Licensed Micro-Processing of cannabis (*Amendment HLUB 20-02 Effective January 21, 2021*)
- Licensed Standard Cultivation and Processing of cannabis (*Amendment HLUB 20-02 Effective January 21, 2021*)
- Railway Uses
- Recycling Collection and Storage Facilities, excluding salvage yards
- Retail and office uses incidental to the main industrial use

### 10.2 Lot Specifications

	Industrial Uses
LOT AREA	1000 square metres (10,764 square feet)
LOT FRONTAGE	40 metres (131 feet)
Required Yards	6 metres (19.7 feet)
Front	
Rear	6 metres (19.7 feet)
Flanking	4.5 metres (14.7 feet)
Sides	3 metres (9.8 feet) or where the lot abuts a residential zone 10 metres (32.8 feet)

## Part 11 – Institutional (I) Zone

### 11.1 Permitted Uses

The following uses are permitted in this zone:

- all institutional uses
- Home for Special Care (*Amendment 22-06 effective December 13, 2022*)
- non residential daycare centre
- Licensed Analytical Testing of cannabis (*Amendment HLUB 20-02 Effective January 21, 2021*)
- Licensed Research of cannabis (*Amendment HLUB 20-02 Effective January 21, 2021*)

### 11.2 Lot Specifications

AREA	600 square metres (6458 square feet)
FRONTAGE	20 metres (65.6 feet)
REQUIRED YARDS: Front	8 metres (26.2 feet)
Side	3 metres (9.8 feet) or one-half the height of the building, whichever is greater

### 11.3 Special Requirement – Parking

Parking is not to be provided between the structure and the street, or in required yards. Driveways may be located in required front and side yards.

## **Part 12 – Recreation Open Space (ROS) Zone**

### **12.1 Permitted Uses**

- cemeteries
- pavilions, band shells
- sports fields
- buildings and structures accessory to the foregoing including canteens and related amenities

## **Part 13 – Conservation Open Space (COS) Zone**

### **13.1 Permitted Uses**

- recreational uses that do not involve structures other than open air structures
- agricultural uses that do not involve structures other than open air structures and greenhouses