



Land Use By-law

West Hants Regional
Municipality

December 2025 Draft

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DRAFT

Land Acknowledgment

We respect and truly acknowledge that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People and that this land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality recognizes that we are all treaty people and have responsibilities to this land and each other. West Hants Regional Municipality also recognizes African Nova Scotians are a distinct people whose history, legacies, and contributions have enriched that part of Mi'kma'ki known as Nova Scotia for over 400 years.

DRAFT

1 Title, Purpose & Interpretation

1.1 Title

- a) This By-law shall be known and may be cited as “*The West Hants Regional Municipality Land Use By-law*” or “Land Use By-law” or “By-law”.

1.2 Lands Affected

- a) The provision of this Land Use By-law shall apply to all lands within the corporate limits of the *West Hant Regional Municipality*.

1.3 Purpose

- a) The purpose of this Land Use By-law is to carry out the intent of the West Hants Regional Municipality’s Municipal Planning Strategy to facilitate sustainable, efficient, and orderly development and use of land within the Municipality, and for that purpose the By-law, among other things:
 - i. Divides the Municipality into zones;
 - ii. Prescribes the purposes for which land, buildings, and structures may be used;
 - iii. Regulates the standards by which land use, including the placement, erection, alteration, and use of buildings and structures shall conform;
 - iv. Prohibits the use, placement, erection, and alteration of land, buildings, and structures other than in conformity with the standards described in (c); and
 - v. Provides a method of decision making for Development Permits, Site Plan Approval, and development agreement.
- b) This By-law shall be applied in accordance with the West Hants Regional Municipality’s Municipal Planning Strategy, as amended, and is passed under the *Municipal Government Act* as amended.

1.4 Interpretation

- a) The interpretation of the Land Use By-law shall be consistent with the following:

1.4.1 Interpretation of Words

- a) In this Land Use By-law:
 - i. the word “existing” shall mean lawfully in existence previous to the coming into effect of this Land Use By-law;
 - ii. the word “shall” indicates mandatory compliance;
 - iii. the word “may” indicates optional or discretionary compliance;

- iv. words shall be read with all changes of gender or number required by context; and
- v. words otherwise not defined, shall have the meaning assigned to them in the *Municipal Government Act* or, where not defined in the *Municipal Government Act* or this Land Use By-law, have their regular meaning.

1.4.2 Interpretation of Measurement

- a) Units of measurement used in this By-law are abbreviated as follows:
 - i. Feet - ft
 - ii. Square feet - ft²
 - iii. Meter - m
 - iv. Square meter - m²
- b) The imperial measurement system is used throughout this By-law and is noted first followed by the metric measurement in parenthesis.

1.5 Repeal of Former By-Laws

- a) As of the effective date of this Land Use By-law, the following Land Use By-laws are repealed:
 - i. Town of Hantsport Land Use By-law, passed and adopted May 20, 2012, as amended.
 - ii. Town of Windsor Land Use By-law, passed and adopted September 21, 2005, as amended.
 - iii. Municipality of the District of West Hants Land Use By-law, passed and adopted June 26, 2008, as amended.

1.6 Severability

- a) If any provision of this By-law is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this By-law.

2 Administration

2.1 Administration of the Land Use By-law

- a) The Land Use By-law shall be administered by the Development Officer(s), or delegate(s), appointed by Council.
- b) Under the *Municipal Government Act*, the development officer or their delegate, is authorized to enter at all reasonable times into or upon any property within the Municipality for the purpose of an inspection necessary in connection with the administration of this Land Use By-law.
- c) Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law of the Municipality or from obtaining any license, permission, permit, authority, or approval required by any other By-law of the Municipality or any *act* or regulation of the Province of Nova Scotia or the Government of Canada.
- d) Where the provisions of this Land Use By-law conflict with those of any other By-law of the Municipality or any act or regulation of the Province or the Government of Canada, the higher or more stringent provision shall prevail.

2.2 Enforcement

- a) In the event of any contravention of the provisions of this Land Use By-law, the Municipality may act in accordance with the provisions of the *Municipal Government Act* as amended.

2.3 Zones

- a) The following table describes the zones and corresponding symbols found on the Zoning Schedules 1-5.

| Zone Name | Symbol |
|----------------------------|--------|
| Residential Zones | |
| Low Density Residential | R-1 |
| Medium Density Residential | R-2 |
| High Density Residential | R-3 |
| Manufactured Home Park | MHP |
| Local Residential | LR |
| Rural Residential | RR |
| Commercial Zones | |

| | |
|---|------|
| General Commercial | GC |
| Highway Commercial | HC |
| Local Commercial | LC |
| Commercial Core | CC |
| College Road Comprehensive Development District | CRCD |
| Wentworth Road Commercial | WR-C |
| Mixed Use | MU |
| Fairground | FG |
| Rural Commercial | RC |
| Recreation Commercial | RecC |
| Industrial Zones | |
| Industrial | M |
| Resource Industrial | M-1 |
| Local Centre Industrial | M-2 |
| Mixed Industrial | MI |
| Business Park | BP |
| Resource Zones | |
| General Resource | GR |
| Mineral Resource | MR |
| Water Supply | W |
| Landfill | LF |
| Agriculture Zones | |
| Prime Agriculture | P/Ag |
| Agriculture Priority Two | AR-2 |
| Agriculture Priority Three | AR-3 |
| Community Use Zones | |
| Institutional | I |
| Open Space | OS |

2.4 Zoning Map(s)

| | |
|---------|--|
| Map "1" | Rural Zoning Map |
| Map "2" | Windsor Growth Centre Zoning Map |
| Map "3" | Hantsport Growth Centre Zoning Map |
| Map "4" | Falmouth Growth Centre Zoning Map |
| Map "5" | Three Mile Plains Growth Centre Zoning Map |

2.5 Zone Boundaries

- b) The extent and boundaries of zones are shown on the Zoning Map(s) (**Maps 1-5**) and the appropriate provisions of this Land Use By-law shall apply to all zones.
- a) Boundaries between zones shall be determined as follows:
- i. Where a zone boundary is indicated as following a boundary survey line as recorded at the Registry of Deeds or Land Registration Office, the boundary shall follow that line;
 - ii. Where a zone boundary is indicated as following a street, private road, or controlled access highway, the boundary shall be the centre line of the road or highway unless otherwise indicated;
 - iii. Where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
 - iv. Where a railway right-of-way, electric transmission line right-of-way, or a watercourse shown on a zoning map serves as a zone boundary, the centre line of the right-of-way or watercourse shall be considered the boundary between the zones unless otherwise indicated; and
 - v. Where none of the above apply, and where appropriate, the zone boundary shall be scaled from the Zoning Map(s) (**Maps 1-5**).

2.6 Restoration to a Safe Condition

- a) Nothing in this Land Use By-law shall prevent the strengthening or restoring to a safe condition, of any building or structure.

2.7 Effective Date

- a) This Land Use By-law shall take effect upon the date of publication of the notice advertising the new Land Use By-law.

2.8 Permitted Uses

- a) In this Land Use By-law:
 - i. If a use is not listed as a permitted, secondary, or accessory use or described as a use permitted through Development Agreement or Site Plan Approval in a particular zone, it is thereby deemed to be prohibited; and
 - ii. Where a permitted use within any zone is defined in this By-law, the uses permitted in the zone include any similar uses that satisfy such definition except where a definition specifically excludes any similar use.

2.9 Development Permit Approvals

2.9.1 Development Permit

- a) Except as otherwise stated in this By-law, no person shall undertake a development on any lot within the Municipality without first obtaining a development permit from the Development Officer.
- b) The Development Officer shall only issue a development permit in accordance with this By-law or a duly executed and approved development agreement.
- c) The Development Officer shall only issue a development permit in accordance with this By-law, except where a variance is granted or in the case of a non-conforming use or structure, in which case a permit shall be granted in accordance with the *Municipal Government Act* as amended.
- d) Notwithstanding (a) and except where required by an Architectural Design Manual of an Architectural Design District, 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 footprint of the building or increase its volume and/or floor area, will not add more dwelling units, or will not involve a change in use of the building;
 - ii. Certain types of signs as specified in Section 7;
 - iii. A sign less than 2.2 ft² (0.2 m²) in area where signs are permitted;
 - iv. A temporary use as specified in Sections 3.33 and 4.2.5.3;
 - v. Fences less than 6 ft (1.83 m) in height in non-residential zones;
 - vi. Woods camps, except in the Water Supply (W) zone;
 - vii. Agricultural, forestry or mineral uses without buildings;
 - viii. Indoor storage facilities within agricultural buildings constructed prior to November 13, 2018;
 - ix. An accessory building less than 43 ft² (4 m²) in area; and
 - x. Public and private utilities located within a road right-of-way.

Section 2.0 - Administration

2.9.2 Development Permit Duration

- a) A development permit, whether issued before or after the coming into force of this Land Use By-law, shall expire within twelve (12) months from the date issued if the development has not commenced.

2.9.3 Revoking of Development Permit

- a) The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate.

2.9.4 Extension of Development Permit

- a) The Development Officer may extend a Development Permit for an additional twelve (12) month period provided:
 - i. The applicant has not previously applied for the Development Permit to be extended; and
 - ii. The Development Officer is satisfied that the development permit is consistent with the existing Land Use By-law and any proposed amendments.

2.9.5 Application Requirements

- a) Every application for a development permit shall be accompanied by a sketch or plan drawn to an appropriate scale and showing:
 - i. The shape and dimensions of the lot to be used;
 - ii. The distance from the lot boundaries;
 - iii. The dimensions of the building or structure, and height of the buildings or structures proposed to be erected;
 - iv. The dimensions and heights of any existing building or structure proposed to be retained;
 - v. The distance from the lot boundaries and size of every building or structure already erected on the lot;
 - vi. The proposed location and dimensions of any parking space, loading space, driveway, and landscaped area;
 - vii. The existing and proposed use of the lot and any building or structure; and
 - viii. Any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Land Use By-law.
- b) Where the Development Officer is unable to determine whether the proposed development conforms to this Land Use By-law, the Development Officer may require that the plans

submitted under subsection 2.9.5 a) be based upon a survey certified and stamped by a Nova Scotia Land Surveyor.

2.9.6 Signature of Applicant

- a) The application for a development permit shall be signed by the registered owner of the lot or by the owner's agent duly authorized in writing to act for the owner.

2.10 Variances

- a) The Development Officer may, in accordance with the *Municipal Government Act*, grant a variance for the following:
 - i. Percentage of land that may be built upon;
 - ii. Size or other requirements relating to yards;
 - iii. Lot frontage or lot area or both, if:
 1. The lot existed on the effective date of this Land Use By-law; or
 2. A variance was granted for the lot at the time of subdivision approval.
 - iv. Number of parking and loading spaces required;
 - v. Height of a structure;
 - vi. Floor area occupied by a home-based business; and
 - vii. Height and area of a sign.
- b) The Development Officer may also grant a variance in a development agreement for the items specified in subsection 2.10 a) where the development agreement clearly provides for the granting of a variance.
- c) In accordance with the requirements of the *Municipal Government Act*, the Development Officer shall not grant a variance if the:
 - i. variance violates the intent of the development agreement or this By-law;
 - ii. difficulty experienced is general to properties in the area; or
 - iii. difficulty experienced results from an intentional disregard for the requirements of the development agreement or this By-law.
- d) Where the Development Officer has granted or refused a variance, the appeal and the notice provisions of the *Municipal Government Act* shall be complied with, and the applicant shall pay the Municipal Clerk the cost of notifying affected property owners.

2.11 Application Fees

- a) 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 By-law, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council by policy.

3 General Provisions

3.1 Accessory Uses, Buildings and Structures

- a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:
- i. be used as a dwelling unit except where a dwelling is a permitted accessory;
 - ii. be permitted within the flankage yard on a corner lot;
 - iii. be built within 6 ft (1.83 m) of the main structure;
- b) exceed 968.75 ft² (90 m²) in total ground floor area or 5% of the area of the lot, whichever is greater;
- i. be built closer to any lot line than the minimum setback required in the zone for the main building, except that:
 1. In the Prime Agriculture (P/Ag) zone where accessory buildings shall be a minimum of 10 ft (3.05 m) from any side or rear lot lines;
 2. Common garages for semi-detached dwellings may be centered on a mutual side lot line;
 3. Garages, storage sheds and detached secondary suites may be built a minimum of 4 ft (1.22 m) from the side and rear lot lines; and
 4. Boat houses and docks may be built to the lot line where the lot line corresponds to the water's edge.
- c) Notwithstanding policies (i)(1) of Section a), an accessory building or structure may be located in the front yard of a lot but in no case shall be less than 60 ft (18.29 m) from the front lot line;
- d) Notwithstanding any other provision of this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, memorials and fences shall be exempt from any requirement under subsection 3.1 a);
- e) No accessory building or structure shall be constructed:
- i. prior to construction of a main building, unless development and building permits have been issued for the main building, except that a boat house, dock or storage shed may be built prior to construction of a stand-alone residential dwelling only on a lot located in the General Resource (GR) zone; or
 - ii. prior to the establishment of the main use of the land where no main building is to be built.
- f) The maximum height of an accessory building shall not exceed 20 ft (6.10 m) except:
- i. Where a main building is 2.5 storeys in height or higher, the maximum height of an accessory building shall not exceed two-thirds (2/3) the height of the main building or 30 ft (9.14 m), whichever is less.

- g) Accessory buildings which are erected and regularly used as part of a main agricultural activity on lots used for agricultural purposes may be used for other purposes which support the agriculture use, including but not limited to commercial indoor storage of recreational vehicles, boats, and cars in accordance with Section 4.4.1.3;
- h) Accessory uses shall be located on a lot held in the same ownership and:
 - 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 a public street or highway or private road from the lot containing the main building or use it is intended to serve.
- i) Detached secondary suites shall follow the requirements for accessory uses and buildings except subsection 3.1 h); the detached secondary suite shall be located on the same lot as the main dwelling.

3.2 Automobile Service Stations

- a) Where automobile service stations are permitted, the following provisions shall apply:
 - i. Minimum lot frontage shall be 150 ft (45.72 m);
 - ii. No portion of any pump island (the raised concrete pad on which the gas pumps are situated) shall be located closer than 20 ft (6.10 m) from the street;
 - iii. The minimum angle of intersection of a driveway to a street line shall be 45 degrees and the maximum angle of intersection shall be 90 degrees;
 - iv. The minimum distance between driveways shall be 30 ft (9.14 m);
 - v. The minimum distance from any driveway to a street intersection shall be 100 ft (30.48 m); and
 - vi. The width of the driveway shall not be less than 25 ft (7.62 m), and a maximum of 35 ft (10.67 m).

3.3 Building to be Moved

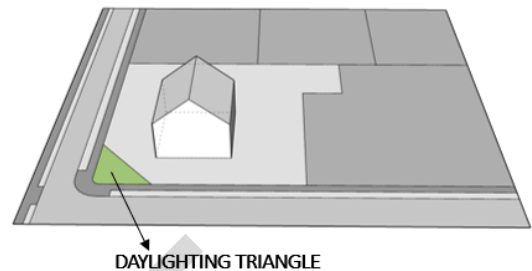
- a) No building shall be moved to a lot within the Municipality without the owner first obtaining a development permit to locate the building.

3.4 Conformity with Existing Setbacks

- a) Notwithstanding anything else in this By-law, in any zone, structures between existing buildings within 200 ft (60.96 m) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but the front yard setback shall not be less than 10 ft (3.05 m) and need be no greater than setback regulations prescribed in the zone in which it is situated.

3.5 Daylighting Triangle

- a) 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 1.96 ft (0.6 m) above grade within a corner lot sight triangle.



3.6 Development on Municipally-owned Land

Figure 1: Daylighting Triangle

- a) Municipal buildings and facilities shall be permitted in any zone.
- b) Notwithstanding clause 3.6 a), Section 4.5 of the Municipal Planning Strategy shall apply to development on municipally-owned land where such development:
- i. Involves the construction of a new main building with a gross floor area greater than 2,000 ft² (185.8 m²); and
 - ii. Would require a development agreement or rezoning if the development were undertaken on privately-owned land.

3.7 Dog Parks

- a) Dog parks are permitted in Community Use, Resource, Industrial, and Commercial zones, the following provisions shall apply:
- i. Minimum lot size shall be 21,780 ft² (2,023.42 m²);
 - ii. Front, rear and side yards shall be a minimum of 50 ft (15.2 m);
 - iii. A major buffer shall be required when a dog park abuts residential uses;
 - iv. A minor buffer shall be required when a dog park abuts any other use;
 - v. The separation distance from any fenced area of the dog park to a watercourse shall be a minimum of 100 ft. (30.48 m);
 - vi. the area shall be enclosed by galvanized fencing a minimum of 4 ft (1.2 m) in height with a double gated entry;
 - vii. Parking shall be required at 1 space per 5,000 ft² (464.52 m²) of lot area to a maximum of 15 required parking spaces;
 - viii. Overhead lighting which meets the requirements of Section 3.14, shall be required to ensure all portions of the fenced in dog park are illuminated during hours of operation; and

- ix. In addition to signage permitted in the zone, a double-sided sign will be permitted on the fence of the dog park outlining the rules of the dog park and property owner contact information.

3.8 Existing Buildings

- a) Where a building has been erected on or before the effective date of this Land Use By-law on a lot having less than the minimum frontage or area, or having less than the minimum yard setback required by this By-law the building may be enlarged, reconstructed, repaired or renovated provided that:
 - i. The enlargement, reconstruction, repair or renovation does not further reduce the required minimum yard setback that does not conform to this Land Use By-law; and
 - ii. all other applicable provisions of this By-law are complied with.
- b) The use of an existing building may be changed to a use permitted in the zone where the lot area, frontage, yards or all of these is less than the requirements of this By-law provided that all other provisions of this By-law are satisfied.

3.9 Existing Lots without Frontage

- a) Notwithstanding any other provision of this By-law, 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:
 - i. All other requirements of the Land Use By-law are met; and
 - ii. No additional dwelling units are created.

3.10 Existing Undersized Lots

- a) Notwithstanding any other provision of this By-law, an existing vacant lot having less than the minimum frontage or area required by this By-law may be used for a purpose permitted in the zone, and a building may be erected on the lot provided that all other applicable provisions of this By-law are satisfied; and
- b) An existing undersized lot which is increased in area or frontage or both, but remains undersized, is still considered an existing undersized lot for the purposes of this section.

3.11 Fences

- a) Fences shall not:
 - i. Exceed 7.9 ft (2.4 m) in height in residential zones, or 11.8 ft (3.6 m) in height in all other zones;
 - ii. Opaque fences in a required front yard shall not exceed a height of 3 ft (0.91 m);
 - iii. Contain barbed or razor wire in any residential zone;
 - iv. Be electrified, unless erected in conjunction with an agricultural use; and
 - v. Be constructed with the supporting apparatus facing the public right-of-way, where visible from a street or other public space.

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- b) A fence located on a corner lot must conform to Section 3.5;
- c) No permanent fence, or part thereof, shall be constructed of sheet metal, corrugated fibreglass or metal panels, chicken wire, snow fencing or rubber tires; and
- d) A fence shall be permitted to be constructed on a lot line.

3.12 Height Exemptions

- a) Nothing in this By-law shall apply to prevent the erection, alteration, or use of a permitted barn or silo, or the following accessory buildings or structures, provided the principal use is permitted within the zone in which it is located and provided all other applicable provisions of this By-law are complied with: 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.

3.13 Home-Based Business

- a) Home offices are not considered to be a home-based business and are permitted as accessory to any dwelling and no development permit is required.
- b) Any dwelling unit or building accessory to a dwelling may be used for one or more small-scale businesses provided that all of the following requirements are met:
 - i. The dwelling is the residence of the owner of the business.
 - ii. The number of employees does not exceed two (2) persons working on the lot whose residence is not on the lot.
 - iii. Retail sale of products shall be limited to the sale of products made, refinished or repaired on the premises and products associated with the business.
 - iv. The business falls within one of the following types of uses:
 1. Arts and crafts studios with or without a retail sales component;
 2. Bed and breakfast establishments;
 3. Catering and bakery establishments;
 4. Garden and nursery sales including the sale of produce grown on site;
 5. Instruction in music, dance or arts and crafts;
 6. Non-licensed day care centres;
 7. Offices;
 8. Personal service shops;
 9. Pet grooming;
 10. Photographic and picture framing studios;
 11. Powder coating shops;
 12. Private schools with fewer than 6 students; and

13. Repair shops for garden and household ornaments, personal effects or toys.
- v. The following types of businesses are prohibited:
 1. Restaurants;
 2. Automobile-related sales, rentals, or repairs;
 3. Commercial kennels;
 4. Veterinary clinics;
 5. Transport depots;
 6. Salvage yards; and
 7. Businesses which would emit noise odour dust or light that would be a nuisance or is not customary in a residential neighbourhood.
- vi. The maximum area occupied by the business shall be:
 1. 25% of the gross floor area of the dwelling and accessory building to a maximum of 500 ft² (46.45m²) within the Growth Centres;
 2. 1,000 ft² (92.90m²) outside Growth Centres; and
 3. Not limited by the number of rooms or floor area for a bed and breakfast establishment.
- vii. The maximum number of signs on the lot, except for bed and breakfast establishments, shall be:
 1. 1 non-illuminated sign no larger than 5 ft² (0.46m²) in the Growth Centres and Local Centres; and
 2. 1 non-illuminated sign no larger than 12 ft² (1.11m²) in all other areas outside Growth Centres and Local Centres.
- viii. The maximum number of signs for bed and breakfast establishments shall be:
 1. 1 additional ground sign not exceeding 12 ft² (1.1 m²) in area and 5 ft (1.5 m) in height; and
 2. 1 sign on the lot may be illuminated.
- ix. Signs within an Architectural Control Area shall comply with the following requirements, in addition to the requirements of Section 7:
 1. Signs shall not obscure significant architectural details;
 2. Shall be constructed of wood or metal and may have painted incised or raised lettering;
 3. Signs may be lit by exterior lighting directed solely on the face of the sign;
 4. Fabric banners are permitted;
 5. Projecting wall signs should be vertically and horizontally aligned with architectural elements in the façade such as the edges of doors or windows or the mid-point of spaces between features;
 6. Flat fixed wall signs should be centered between openings or between an opening and the building edge;

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7. Flat fixed wall signs shall not be affixed above the ground floor of a building;
 8. Flat fixed wall signs shall not extend beyond the edge of a wall and shall not obscure cornices or extend over the tops of windows; and
 9. Painted window signs shall occupy no more than 50% of a window within a door or 30% of any other window to a maximum of 8 ft² (0.74 m²), whichever is less.
- x. The following signs shall be prohibited:
 1. Internally lit plastic signs where they would negatively affect the travelling public in motor vehicles;
 2. Signs with flashing or scrolling components;
 3. Signs fixed to, supported by or painted on the roof of a building; and
 4. Ground signs within 5 ft (1.5 m) of the front lot line or the front or side lot line on a corner lot.
 - xi. Open/outdoor storage associated with a Home-Based Business will be limited as follows:
 1. Prohibited within all Growth Centres; and
 2. Permitted in the Local Centre, Resource, and Agriculture designations.
 - xii. Mechanical equipment shall be limited to equipment reasonably consistent with the use of a dwelling;
 - xiii. Off-street parking, for bed and breakfast establishments shall be one (1) space for each room available for rent;
 - xiv. Bed and breakfast establishments shall be:
 1. In the communities of Hantsport and Windsor limited to serving breakfast.
 2. In the community of West Hants permitted to serve all meals to registered overnight guests.

3.14 Household Livestock and Beekeeping

- a) Household livestock operations shall be permitted as an accessory use to a single or two-unit dwelling in all zones outside of the Growth Centres, subject to the following:
 - i. for purposes of this section, a lot may include multiple abutting properties held by the same owner;
 - ii. on properties greater than one (1) acre in size, the requirements for non-intensive livestock operations as contained in Section 4.4.1.5 of this By-law are met;

- iii. lots less than one (1) acre shall follow the requirements of Section **Error! Reference source not found.** urban agriculture uses;
 - iv. the harvesting of household livestock shall be permitted on the property except for in Growth Centres and properties smaller than one (1) acre in Local Centres;
 - v. the minimum lot size shall be one (1) acre for every one (1) animal unit or part thereof;
 - vi. Roosters and turkeys shall not be permitted on lots less than three (3) acres;
- b) household livestock shall be contained within the limits of the property by means of fencing, enclosures or buildings.
- c) In all Residential zones and the Commercial Core (CC) zone within the Growth Centres, except the Hantsport Growth Centre, up to four (4) laying hens shall be permitted on a property where the primary use is a single detached or two-unit dwelling.
- d) Intensive, non-intensive, and household livestock operations within the Growth Centres existing before the effective date of this By-law are permitted and are subject to their respective sections.
- e) The following regulations are applicable to the keeping of laying hens within the Growth Centres:
- i. Laying hens must be contained on the property and kept in a secure coop, constructed to ensure adequate shelter is provided for the animals.
 - ii. Setbacks for any structure (laying hen coop or run) shall be pursuant to the accessory building requirements outlined in Section 3.1.
 - iii. For lots smaller than 5000 ft² (465 m²), one (1) laying hen shall be permitted per 1000 ft² (92 m²) of lot area.
 - iv. Feed for the laying hens shall be properly stored in an enclosed vessel(s), and areas or enclosures intended for the keeping of the laying hens must be properly cleaned and maintained to prevent odours from emanating onto abutting properties.
 - v. The following are prohibited:
 - 1. The keeping of roosters;
 - 2. The keeping of turkeys; and
 - 3. The slaughtering of animals.
 - vi. In the case of fractional numbers when calculating animal units, the number of animal units permitted will be rounded down to the nearest whole number.
- f) Beekeeping is permitted on properties zoned Residential or Commercial Core within Growth Centres where the property is at least 5000 ft² (465 m²) in lot area and the primary use of the property is a single detached or 2-unit dwelling, subject to the requirements within 3.14 (b).
- g) Beekeeping shall be permitted as accessory to a single or two-unit dwelling outside of Growth Centers, and accessory to a single or two-unit dwelling within Residential or Commercial Core (CC) zones within Growth Centers, with no requirement for a development permit, subject to the following:

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- h) beekeeping is permitted at a ratio of one (1) beehive per 5000 ft² (465m²) of property area. It shall be the responsibility of beekeepers to:
1. Obtain a valid Beekeeper & Apiary Registration from the Nova Scotia Department of Agriculture, and conform to all policies pursuant to the *Nova Scotia Bee Industry Act*.
 2. Adhere to good management practices and maintain bees in a condition that will reasonably prevent swarming and aggressive behaviour, especially in providing adequate water to prevent bees from seeking water on abutting properties.
 3. Require queen bees when necessary to prevent undue swarming or aggressive behavior.
 4. Collect and relocate bee swarms originating from a managed hive to a parcel of land outside of the Municipality.
 5. Ensure the appropriate height of bee flight paths by situating beehives a minimum of 7 ft (2.15 m) above grade; or placing a solid fence that is 6 ft (2 m) in height along any section of abutting property line(s), within 29.5 ft (9 m) of any beehive.
 6. Beehive entrances are situated away from neighbouring properties, and the beehives are a minimum of 10 ft (3 m) from any and all property lines.
- i) For properties larger than one (1) acre in size in outside of Growth Centres, the maximum number of household livestock animal units permitted on a lot shall be limited to one (1) animal unit for the first full acre and one (1) additional animal unit for each additional full acre to a maximum of eight (8) animal units;
- j) Number of livestock equal to one (1) household livestock animal unit is as follows:

Table 3-1: Number of livestock equal to household livestock animal unit

| Type of Livestock | Household Livestock Operations |
|---------------------------------------|--------------------------------|
| Cows (All Types) | 2 |
| Horses and ponies (≥225 kg) | 1 |
| Miniature horses and ponies (<225 kg) | 2 |
| Sheep/Goats | 4 |
| Pigs | 2 |

| Type of Livestock | Household Livestock Operations |
|--------------------------|--------------------------------|
| Fowl (Excluding Turkeys) | 20 |
| Turkey | 10 |
| Mink | 20 |
| Rabbits | 20 |
| Llamas/Alpacas | 1 |
| Ostriches/Emus | 1 |

3.15 Illumination

- a) No person shall erect a sign with lights external to the sign itself or illuminate an area outside any building or structure unless the illumination is directed away from adjoining properties and any adjacent street.

3.16 Kennels

- a) Where kennels are permitted by this By-law, the following special provisions shall apply:
- i. No kennel building or structures, including outdoor exercise runs, shall be located closer than:
 1. 100 ft (30.48 m) from the front lot line, except in the Highway Commercial (HC) zone where the standard front yard requirement shall apply;
 2. 100 ft (30.48 m) from all water wells and watercourses;
 3. 50 ft (15.24 m) from the rear and side lot lines; and
 4. 300 ft (91.44 m) from a dwelling on an adjacent property.
 - ii. The use shall 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.
 - iii. No outdoor exercise run shall be occupied between the hours of 9:00 pm and 7:00 am on the following day.

3.17 Landscaping

- a) Landscaped open space shall be provided for commercial, industrial and multiple residential uses in accordance with the zone provisions set out herein and the following general provisions:
- i. Any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural uses or permitted outdoor storage areas shall be maintained as landscaped open space.

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- ii. Except as otherwise specifically provided herein, no part of any required front yard or required flankage yard shall be used for any purpose other than landscaped open space.
- iii. Where landscaped open space of any kind, including a planting strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways.
- iv. No part of any driveway, parking area, loading space, roof-top terrace, balcony, swimming pool or space enclosed within a building shall be considered part of the landscaped open space on a lot.

3.18 Licensed Cannabis Uses

- a) Analytical Testing and Research of cannabis shall be permitted in all zones as a use accessory to any licensed cannabis use.
- b) Any building or structure used for a licensed cannabis land use shall be required to be located a minimum of 250 ft (76.2 m) from an existing residential dwelling, a home for special care, and senior citizen housing building unless the building or dwelling is on the same lot as the licensed cannabis land use.

3.19 Lot Frontage

- a) All development shall be restricted to lots which front and abut a public street except for the following:
 - i. Lots exempted under Section 3.10 and 3.28;
 - ii. Agricultural, forestry and mineral uses;
 - iii. Seasonal dwellings and single unit dwellings on existing private roads; or
 - iv. Seasonal dwellings and single unit dwellings on new private roads only in the General Resource (GR) zone.
- a) The following shall be used for the purposes of determining lot frontage:
 - i. In the case of regularly shaped lots, lot frontage shall be measured as a straight line between the points where the two (2) side lot lines meet the front lot line.
 - ii. In the case of irregularly shaped lots, lot frontage shall be deemed the horizontal distance between the side lot lines measured perpendicularly to a line joining the middle of the front line with

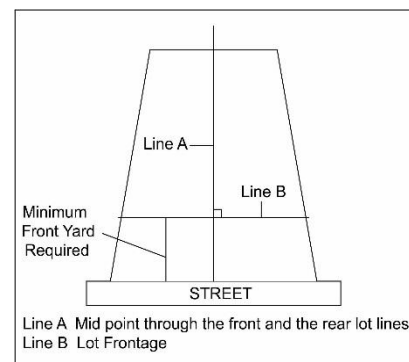


Figure 2: Lot Frontage

either the middle of the rear lot line or the apex of the triangle formed by the side lot lines, at a point equal to the minimum required front yard (see Figure 2).

3.20 Manufactured Homes

- a) Where manufactured homes are permitted by this By-law, the following conditions shall be met:
 - i. No wheels, hitches or other transport attachments shall be visible; and
 - ii. The structure shall be skirted within 30 days of placement on the lot.

3.21 Multiple Uses

- a) Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict, such as in the case of lot area or lot frontage, the higher or more stringent standard shall prevail.

3.22 Non-Conforming Uses and Structures

- a) Any use of land or building or structure constructed, or being constructed, on or before the effective date of this By-law that does not conform to the requirements of this By-law shall be subject to the provisions of the *Municipal Government Act* respecting non-conforming uses and structures.
- b) Notwithstanding subsection a):
 - i. The minor extension or enlargement not exceeding 100 ft² (9.29 m²) in area, of a structure containing a non-conforming use shall be permitted to allow for an addition of an accessory nature such as an entryway, porch or small storage space.
 - i. A non-conforming use of land or a structure shall not be recommenced if it has been discontinued for a continuous period of 12 months, and in such an event, the land or structure shall not thereafter be used except in conformity with the requirements of this Land Use By-law.
 - ii. A non-conforming industrial use shall be permitted to change to a less obnoxious or less intensive industrial use in terms of traffic generated, hours of operation, outdoor storage, noise and fumes.

3.23 One Main Building on a Lot

- a) No more than one (1) main building shall be erected on a lot, except for the following:
 - i. in the Industrial (M), Business Park (BP), Resource Industrial (M-1) Wentworth Road Commercial (WR-C), General Commercial (GC), Mixed Use (MU), Manufactured Home Park (MHP), Landfill (LF), Rural Commercial (RC), College Road Comprehensive Development (CRCD), and Fairground (FG) zones;
 - ii. agricultural uses;
 - iii. municipal water treatment and distribution uses in the Water Supply (W) zone;
 - iv. grouped dwellings;

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- v. institutional uses;
- vi. regional shopping centres; and
- vii. a second dwelling will be permitted on a lot where it can be shown that a second lot can be created, the second dwelling can be accommodated on that portion of the lot and the building can be shown to meet all other requirements.

3.24 On-site Sewage Disposal Systems

- a) Larger minimum lot sizes than those specified in this By-law may be required by the Nova Scotia Department of Environment and Climate Change for the installation of on-site sewage disposal systems.

3.25 Outdoor Storage

- a) Except as otherwise stated in this By-law or specifically listed as permitted in a zone, no outdoor storage shall be permitted except in accordance with the following provisions:
 - i. No outdoor storage shall be permitted in any required yard or, except in the case of an agricultural use, in any part of a required front yard or flankage yard;
 - ii. No outdoor storage area shall be located closer than 10 ft (3.05 m) to any lot line;
 - iii. No parking spaces or loading spaces shall be used for outdoor storage purposes; and
 - iv. Outdoor storage areas are to be screened from the view of adjacent streets or lots, other than a commercial or industrial zone or outdoor storage necessary to an agricultural use, by fencing and/or landscaping features that are a minimum of 6 ft (1.83 m) in height.

3.26 Outdoor Furnaces

- a) Notwithstanding any other provision of this By-law, an outdoor furnace or structure containing an outdoor furnace in any zone shall:
 - i. Be located in the required rear yard, and at least 200 ft (61 m) from the nearest lot line; and
 - ii. Have a chimney or exhaust at least 5.9 ft (1.8 m) above the peak of the roof of the structure that the furnace is intended to heat.

3.27 Parks and Playgrounds

- a) Parks and playgrounds shall be permitted in any zone provided:
 - i. Any maintenance or storage building accessory to the park or playground does not exceed 200 ft² (18.58 m²) in floor area; and
 - ii. Any signage conforms to Section 7.

3.28 Permitted Encroachments

- a) Required yards shall not be obstructed in any manner whatsoever, except in accordance with **Table 3-2**.

Table 3-2: Permitted Yard Encroachments

| Building Feature / Structure | Yard in which Projection is Permitted | Maximum Permitted Encroachment |
|---|---------------------------------------|--|
| Sills, chimneys, cornices, eaves, gutters, parapets, pilasters, windows, window wells, or other ornamental structures | All yards | 1.96 ft (0.6 m), but no closer than 2.95 ft (0.9 m) to a lot line |
| Covered or uncovered porches, balconies, deck, steps, or patios | All yards | 4.9 ft (1.5 m), but no closer than 3.28 ft (1 m) to a lot line |
| Canopies, awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, or signs | All yards | No limit |
| Bay windows, oil tanks and propane tanks | All yards | 3.28 ft (1 m) |
| Fire escapes, exterior stairways, stoops, landings, steps, or ramps | Side or rear yard only | 3.28 ft (1 m), but not closer than 3.28 ft (1 m) to any lot line |
| Wheelchair ramps | All yards | No limit |
| Air conditioners, solar panels, heat pumps, or similar equipment | Interior or rear yard | 3.28 ft (1 m), but not closer than 0.98 ft (0.3 m) to any lot line |

- b) Where a legal non-conforming use or building encroaches onto the required yard, the maximum projection into the required yard from the main wall shall be measured from the main wall.

3.29 Reduced Lot Requirements

- a) Notwithstanding any other provision of this By-law, a lot having less than the minimum frontage or area, which has been approved in accordance with the Subdivision By-law, may be used for a purpose permitted in the zone in which it is located and a building may be erected provided all other applicable provisions of this By-law are satisfied.

3.30 Secondary Suites

- a) Secondary Suites are permitted within and accessory to single and two-unit dwellings in all zones.
- b) In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:

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- c) No more than one (1) secondary suite shall be permitted per dwelling unit;
 - i. A secondary suite shall be contained within or attached to or accessory to the dwelling unit;
 - ii. 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;
 - iii. No new entrances shall be created on the front façade of the dwelling unit;
 - iv. One (1) parking space shall be required for each secondary suite; and
 - v. Additions shall be limited to the rear yard of the dwelling unit.

3.31 Stormwater Management

- a) Any development within the Area of Stormwater Concern (**Map 6**) will be required to provide a stormwater management plan, deemed acceptable by the Municipal Engineer, prior to any permits being approved.

3.32 Telecommunications Towers

- a) Telecommunications towers shall be permitted in any Industrial, Resource or Agriculture zone, subject to the following requirements:
 - i. The tower and any accessory building shall meet the minimum yard requirements;
 - ii. The tower base, accessory building and any guy wire anchors shall be enclosed by fencing;
 - iii. The lot shall be landscaped to reduce the impact on adjacent uses; and
 - iv. Where a tower exceeds 100 ft (30.48 m) in height, the setback for the tower base shall be the height of the tower plus 25 ft (7.62 m) from any lot line or any building.

3.33 Temporary Uses, Buildings and Structures Permitted

- a) Nothing in this By-law shall prevent the temporary use of land, buildings or structures incidental to a construction project provided that a development permit has been issued for the main construction project and the temporary use is discontinued and removed within 30 days of the completion of the main construction project.
- b) A building or structure may be erected, or an area of land used, for a special occasion or holiday provided that no such building or structure shall be erected more than 10 days prior to the event or remain in place for more than 14 consecutive days after the close of the event.
- c) Nothing in this By-law shall prevent the use of a lot containing a dwelling for a yard sale, auction or other temporary sale of personal possessions belonging to the occupant, provided the use does not continue for more than five (5) days per month.

- d) No development permit shall be required for a temporary use, unless otherwise specified in this By-law.

3.34 Through Lots

- a) Notwithstanding any other provision of this By-law, on a through lot, a building may be erected facing either street and for the purpose of determining yard standards, the front yard standard shall apply on both streets.

3.35 Truck, Bus and Coach Bodies

- a) No truck, bus, coach or structure of any kind other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality shall be used for human habitation in excess of 60 days, whether or not same is mounted on wheels.

3.36 Utilities

- a) Notwithstanding any other provision of this By-law, public and private utilities less than 100 ft² (9.29 m²) in floor area shall be permitted in any zone and no yard requirement shall apply.
- b) Buildings or structures used for public or private utilities shall be permitted in any zone and must be a minimum of 3.28 ft (1 m) from the nearest property line.

3.37 Watercourses

- a) Existing buildings located within a watercourse or shoreline buffer may be reconstructed, renovated, repaired, moved, or replaced provided that the work does not increase the building's footprint within the buffer and not further reduce the depth of the shoreline buffer.
- b) No significant alteration of topography, being the cutting or filling of more than 10% of the land area within the setback or 1,000 ft² (92.90 m²) of area within the setback, whichever is less, shall be permitted. Lot grading plan required if in exceedance, unless waived by Development Officer or municipal engineer.
- c) With the exception of marine uses, structures required for water distribution or irrigation, water and sewage treatment uses and buildings and structures necessary for the prevention of floods, erosion or to facilitate drainage, development, including the erection of buildings and structures, no development shall be permitted within 100 horizontal ft from the top-of-bank along coastal shorelines and 50 horizontal ft from the ordinary high-water mark of all other watercourses.
- d) Notwithstanding any else in this By-law, where part of an unserviced lot is within 75 ft (22.86 m) of a watercourse, the minimum lot area shall be no less than 40,000 ft² (3,716.00 m²).
- e) Any development within the separation distance shall be considered through Site Plan Approval. The following must be addressed in the site plan:
 - i. The separation distance shall be maintained with existing vegetation. Where this is not practical a landscaped buffer will be required, and an environmental study prepared by a professional engineer demonstrating the ability of the buffer to

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provide for sedimentation and erosion control and management of subsurface and surface runoff.

- ii. Any developments permitted within the separation distance and with a slope of greater than 20% shall require an environmental study prepared by a professional engineer, demonstrating mitigation measures to address stormwater management and erosion control.

3.38 Wind Energy Development

- a) For the purposes of Sections 3.38.1 and 3.38.2, wind turbine height shall be measured as the distance from the average finished grade of the wind turbine to the highest elevation of any component of the turbine.

3.38.1 Wind Turbine, Small (SWT)

- a) Wind Turbine, Small (SWT) shall be permitted subject to the following:
 - i. There shall be no more than one (1) SWT located on lot, except where the lot is at least 2 acres (0.81 ha) in area.
 - ii. SWT with towers less than 50 ft (15.24 m) in height shall be permitted in any zone provided the lot is at least 0.5 acres (0.20 ha) in area.
 - iii. SWT with towers greater than 50 ft (15.24 m) in height shall be permitted only in zones outside Growth Centres provided the lot is at least 1 acre (0.40 ha) in area.
 - iv. Shall be setback 1.5 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining residential property lines;
 - v. Shall be setback 1 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining commercial property lines;
 - vi. To limit climbing access, a fence 1.8 m high with a locking portal shall be placed around the facility's tower base, or the tower climbing apparatus shall be limited to no lower than 3.7 m from the ground, or the tower shall not be climbable;
 - iii. There shall be no restriction on the height of the tower provided the property owner has received Aeronautical Clearance approval from Transport Canada.
 - vii. SWT for converting wind power to produce electricity with 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

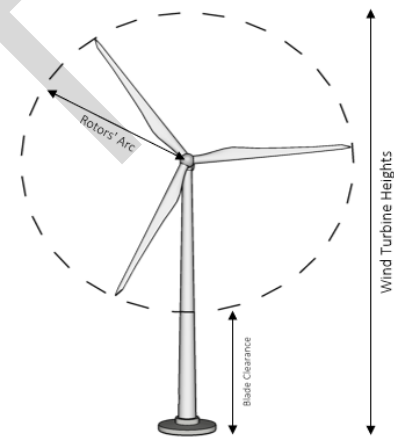


Figure 3: Wind Turbine Height

from adjacent properties lines. Height shall be measured from ground level to the tip of the rotor at its maximum height.

3.38.2 Wind Turbine, Large (LWT)

- a) Wind Turbine, Large shall be permitted outside of Growth Centres and Local Centres only by development agreement in accordance with Policy 3-141 of the Municipal Planning Strategy.

3.39 Solar Energy System

- a) Solar energy systems for the purposes of offsetting building or facility electricity consumption from the power grid through net metering shall be permitted as an accessory use in all zones, subject to the following requirements:
 - i. When mounted on the ground:
 - 1. The combined solar energy system area shall not exceed half the building footprint of the principal structure;
 - 2. Ground-mounted solar energy systems shall be exempt from lot coverage calculations if the soil under the system is maintained in vegetation or pervious materials; and
 - 3. Ground-mounted solar energy systems shall not exceed 15 ft (4.57 m) in height when oriented at maximum tilt.
 - ii. When mounted on the roof of:
 - 1. A registered heritage property, the solar energy system shall be installed in a way that does not alter the character-defining elements identified in the Statement of Significance (SOS) for the property; or
 - 2. Any property within an Architectural Control District, the solar energy system shall be installed in a way that does not alter significant features identified in the Architectural Control District Manual.

3.42.1 Agrivoltaics Systems

- a) In Agricultural Priority Two (AR-2), Agricultural Priority Three (AR-3) and Institutional (I) zones where Agrivoltaics systems are permitted by the Site Plan Approval process, the Development Officer shall approve a site plan where the following matters have been addressed:
 - i. A site plan shall be submitted identifying the following details:
 - 1. All existing and proposed structures on the lot;
 - 2. The proposed location and total area of solar energy system on the lot;
 - 3. Area of lands to be agricultural use;
 - 4. Setbacks from the property lines and existing or proposed structures;
 - 5. Proposed glare management to minimize glare on adjacent residential lots; and
 - 6. Any other information the Development Officer deems necessary to properly evaluate the proposal.

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3.42.2 Community-Scale Solar Farm

- a) In Industrial (I), Resource Industrial (M-1), Local Centre Industrial (M-2), Local Industrial (LI), General Resource (GR), and Institutional (I) zones where community-scale solar farms are permitted by the Site Plan Approval process, the Development Officer shall approve a site plan where the following matters have been addressed:
- i. The solar energy system shall be setback 150 ft (45.72 m) from any dwelling unit as of the date of the site plan;
 - ii. Solar energy system shall be setback 150 ft (45.72 m) from the public road;
 - iii. All elements shall be setback 80 ft (24.38 m) from the side and rear lot boundaries;
 - iv. All equipment and structures shall be setback 100 ft (30.48 m) from all natural features, such as lakes, rivers, streams, and wetlands;
 - v. A glare management plan that is designed to minimize glare on adjacent property or to ensure visibility for road safety;
 - vi. Location of security fence around the perimeter to prevent access to solar energy system, and for safety of electrical components;
 - vii. Site grading and storm water management plans adequately address the disposal of surface water on the site; and
 - viii. A tree replacement plan for trees that must be removed for installing the solar energy system, where trees can be replaced preferably onsite or offsite at a Municipally or privately approved location. Trees shall be replaced with similar, non-invasive species (i.e. deciduous for deciduous and coniferous for coniferous).

3.40 Yard Requirements and Natural Hazards

- a) Where a front, rear, or side yard is required by this By-law and part of the lot is:
- i. Usually covered by water or marsh;
 - ii. Beyond the rim of a riverbank or watercourse; or
 - iii. Between the top and toe of a cliff or embankment having a slope of 15% or more from the horizontal.

The required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the area covered by water or marsh, or to the rim of the riverbank or watercourse, or to the top of the cliff if such edge, rim or top of cliff is closer than the lot line.

4 Zones

4.1 Residential Zones

4.1.1 General Provisions for Residential Zones

4.1.1.1 Recreational Space

- a) Notwithstanding any other provision of this By-law, no development permit shall be issued for a dwelling with more than four units unless useable space for recreational uses is provided on the same lot according to the following schedule:
- i. bachelor unit - 150 ft² (13.94 m²) per unit;
 - ii. 1 bedroom unit - 200 ft² (18.58 m²) per unit;
 - iii. 2-bedroom unit - 250 ft² (23.22 m²) per unit;
 - iv. 3-bedroom unit - 270 ft² (25.08 m²) per unit; and
 - v. 4-bedroom unit - 400 ft² (37.16 m²) per unit.

4.1.1.2 Services Required

- a) Within the Low Density Residential (R-1) zone, a development permit shall not be issued for a new residential dwelling of three or more units where the proposed development is not serviced with Municipal water and sewer.
- b) Within the Medium Density Residential (R-2) zone, a development permit shall not be issued for a new residential dwelling of five or six units where the proposed development is not serviced with Municipal water and sewer.

4.1.2 Low Density Residential (R-1)

4.1.2.1 Permitted Uses

The following uses shall be permitted in the Low Density Residential (R-1) zone:

- a) Bed & breakfast homes
- b) Residential dwellings, up to 4 units, including:
 - i. Dwelling, single unit
 - ii. Dwelling, semi-detached
 - iii. Dwelling, two-unit
 - iv. Dwelling, townhouse
 - v. Dwelling, multi-unit
- c) Manufactured homes (in Three Mile Plains Growth Centre only)
- d) Modular home
- e) 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 (in Hantsport Growth Centre only)

4.1.2.2 Lot Requirements for Dwellings

In the Low Density Residential (R-1) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement | |
|-------------------------------------|---|---|
| | With Municipal Services | With On-Site Services |
| a) Minimum lot area | 5,005 ft ² (465 m ²) | 29,000 ft ² (2,694.10 m ²) |
| b) Minimum lot frontage | 50 ft (15.24 m) | 100 ft (30.48 m) |
| c) Minimum front yard | 15 ft (4.57 m) | |
| d) Minimum rear yard | 20 ft (6.10 m) | |
| e) Minimum side yard | 6 ft (1.83 m) | |
| f) Minimum flankage yard | 15 ft (4.57 m) | |
| g) Maximum height of main buildings | 35 ft (10.67 m) | |
| h) Maximum number of units | 4 | |

- i) Maximum Lot Coverage 50%

4.1.2.3 Converted Dwellings – Special Requirements

- a) In addition to all other regulations, the following provisions shall apply to converted dwellings in the Low Density Residential (R-1) zone:
 - i. no alterations shall change the roof line or increase the height of the existing dwelling except for the addition of dormers or structures necessary for public safety;
 - ii. no alteration shall be undertaken which will extend into the required front or side yard of the lot;
 - iii. lot coverage of the entire structure shall be limited to 50%; and
 - iv. parking shall be provided as required in Section 5 in the side or rear yard of the lot.

4.1.2.4 Subdivision of Semi-detached and Townhouse Dwellings

Notwithstanding Section 4.1.2.2, semi-detached and townhouse dwellings located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provisions of the West Hants Regional Municipality Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling or a townhouse dwelling, and the following reduced specifications apply:

| Provision | Semi-detached Dwelling | Townhouse Dwelling |
|-------------------------|---|---|
| a) Minimum lot area | 2,500 ft ² (232.26 m ²)/unit | 2,000 ft ² (185.8 m ²)/unit |
| b) Minimum lot frontage | 25 ft (7.62 m)/unit | 20 ft (6.1 m)/unit |
| c) Minimum Side Yard | 6 ft (1.82 m) for one side and zero along the common wall | 6 ft (1.82 m) for one side of the end unit and zero for the other side of the end units or interior units |

4.1.2.5 Exceptions

4.1.2.5.1 Exception for PID 45190386 and 45366457

Notwithstanding Section 4.1.2.2, the lot specifications for **PID 45190386** and **PID 45366457** shall be:

| Provision | Requirement |
|-------------------------|---|
| a) Minimum lot area | 4,000 ft ² (371.60 m ²) 5,000 ft ² (464.5 m ²) for corner lots |
| b) Minimum lot frontage | 40 ft (12.19 m) |

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- c) Minimum front yard 15 ft (4.57 m)
- d) Minimum flankage yard 15 ft (4.57 m)
- e) Minimum rear yard 25 ft (7.62 m)
- f) Minimum side yard 4 ft (1.22 m)
- g) Maximum height of main building 35 ft (10.67 m)
- h) Maximum height of accessory building 15 ft (4.57 m)

4.1.2.5.2 Exception for PID 45336773

- a) Notwithstanding Section 4.1.2.2, the minimum side yard requirement for **PID 45336773** shall be:
 - i. one side: 4 ft (1.22 m) for the first storey plus 2 ft (0.61 m) for each additional storey; and
 - ii. other side: 8 ft (2.44 m).

4.1.2.5.3 Exception for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775

Notwithstanding Section 4.1.2.2, the lot specifications for **PID 45358314, PID 45366986, PID 45055167, PID 45276441, PID 45190493 and PID 45364775**) shall be:

| Provision | Requirement |
|---|---|
| a) Minimum lot area | 4,000 ft ² (371.60 m ²) 5,000 ft ² (464.5 m ²) for corner lots |
| b) Minimum lot frontage | 40 ft (12.19 m) |
| c) Minimum front yard | 15 ft (4.57 m) |
| d) Minimum flankage yard | 15 ft (4.57 m) |
| e) Minimum rear yard | 25 ft (7.62 m) |
| f) Minimum side yard | 4 ft (1.22 m) |
| g) Maximum height of main building | 35 ft (10.67 m) |
| h) Maximum height of accessory building | 15 ft (4.57 m) |

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4.1.3 Medium Density Residential (R-2)

4.1.3.1 Permitted Uses

The following uses shall be permitted in the Medium Density Residential (R-2) zone:

- a) Uses permitted in the R-1 zone subject to the R-1 zone requirements including:
 - i. Dwelling, single unit
 - ii. Dwelling, semi-detached
 - iii. Dwelling, two-unit
 - iv. Dwelling, townhouse
 - v. Dwelling, multi-unit
- b) Residential dwellings, up to 6 units
- c) Community centre

4.1.3.2 Lot Requirements for Multi-Unit Residential Developments

In the Medium Density Residential (R-2) zone, no development permit for Multi-Unit Dwellings containing 5 or 6 units shall be issued except in conformity with the following:

| Provision | Requirement |
|----------------------------|--|
| a) Minimum lot area | 6,500 ft ² (603.87 m ²) |
| b) Minimum lot frontage | 80 ft (24.38 m) |
| c) Minimum front yard | 15 ft (4.57 m) |
| d) Minimum rear yard | 20 ft (6.10 m) |
| e) Minimum side yard | 10 ft (3.05 m) |
| f) Minimum flankage yard | 15 ft (4.57 m) |
| g) Maximum building height | 3 storeys |
| h) Maximum number of units | 6 |
| i) Maximum lot coverage | 50%* |

* Bonus zoning subject to 4.1.3.4.

4.1.3.3 Subdivision of Semi-detached and Townhouse Dwellings

- a) A lot containing semi-detached or townhouse dwellings shall comply with 4.1.2.4.

4.1.3.4 Bonus Zoning for Affordable Housing Units

- a) Notwithstanding the specification in Section 4.1.3.2, the following bonus zoning shall be permitted if the proposal provides a minimum of five dwelling units that meet the definition of Affordable Housing Unit under this By-law, by way of subsidization through written agreement between the applicant and the Province and/or Federal Governments(s) for a specified period of time:
- i. Maximum Number of dwelling units: increased by up to 35%; and
 - ii. Lot coverage: increased to a maximum of 60%.

4.1.3.5 Exceptions

4.1.3.5.1 Exception for PID 45190386 and 45366457

Notwithstanding Section 4.1.3.2, the lot specifications for **PID 45190386 and 45366457** shall be:

| Provision | Requirement |
|---|---|
| a) Minimum lot area | 2,000 ft ² (185.80 m ²) / unit 3,000 ft ² (278.7 m ²) / unit for corner lots |
| b) Minimum lot frontage | 20 ft (6.1 m)/unit |
| c) Minimum front yard | 15 ft (4.57 m) |
| d) Minimum flankage yard | 15 ft (4.57 m) |
| e) Minimum rear yard | 25 ft (7.62 m) |
| f) Minimum side yard | 4 ft (1.22 m) |
| g) Maximum height of main building | 35 ft (10.67 m) |
| h) Maximum height of accessory building | 15 ft (4.57 m) |

4.1.3.5.2 Exception for PID 45336773

- a) Notwithstanding Section 4.1.3.2, the minimum side yard requirement for **PID 45336773** shall be 8 ft (2.44 m).

4.1.3.5.3 Exception for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775

Notwithstanding Section 4.1.3.2, the lot specifications for **PID 45358314, PID 45366986, PID 45055167, PID 45276441, PID 45190493 and PID 45364775** shall be:

| Provision | Requirement |
|---------------------|---|
| a) Minimum lot area | 2,000 ft ² (185.80 m ²) / unit |

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| Provision | Requirement |
|---|--|
| | 3,000 ft ² (278.7 m ²) / unit for corner lots |
| b) Minimum lot frontage | 20 ft (6.1 m)/unit |
| c) Minimum front yard | 15 ft (4.57 m) |
| d) Minimum flankage yard | 15 ft (4.57 m) |
| e) Minimum rear yard | 25 ft (7.62 m) |
| f) Minimum side yard | 4 ft (1.22 m) |
| g) Maximum height of main building | 35 ft (10.67 m) |
| h) Maximum height of accessory building | 15 ft (4.57 m) |

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4.1.4 High Density Residential (R-3)

4.1.4.1 Permitted Uses

The following uses shall be permitted in the High Density Residential (R-3) zone:

- a) Uses permitted in the R-2 zone subject to the R-2 zone requirements including:
 - i. Dwelling, single unit
 - ii. Dwelling, semi-detached
 - iii. Dwelling, two-unit
 - iv. Dwelling, townhouse
 - v. Dwelling, multi-unit
- b) Residential dwellings, up to 12 units
- c) Boarding or rooming houses
- d) Grouped dwellings
- e) Homes for special care
- f) Commercial uses permitted in the Local Commercial (LC) zone, in conjunction with a residential use within the same building on the ground floor and is on a lot with frontage on an arterial or collector road

4.1.4.2 Lot Requirements for Multi-Unit Residential Developments and Residential Care Facilities

In the High Density Residential (R-3) zone, no development permit for Multi-Unit Residential Developments and Residential Care Facilities shall be issued except in conformity with the following:

| Provision | Requirement |
|---|--|
| a) Minimum lot area | 9,000 ft ² (836.13 m ²) |
| b) Minimum lot frontage | 100 ft (30.48 m) |
| c) Minimum front yard | 15 ft (4.57 m) |
| d) Minimum rear yard | 35 ft (10.67 m) |
| e) Minimum side yard | 10 ft (3.05 m) |
| f) Minimum flankage yard | 15 ft (4.57 m) |
| g) Maximum height of main buildings | 3 storeys* |
| h) Maximum number of units per building | 12* |

| Provision | Requirement |
|-------------------------|-------------|
| i) Maximum lot coverage | 40%** |

* New multi-unit residential development consisting of more than 12 units, the conversion of existing buildings to more than 12 units and residential development of greater than three storeys, shall be permitted within the High Density Residential (R-3) zone only by development agreement in accordance with Policy 5-16 of the Municipal Planning Strategy.

** Bonus zoning subject to 4.1.4.4.

4.1.4.3 Lot Requirements for Grouped Dwellings

In the High Density Residential (R-3) zone, no development permit for Grouped Dwellings shall be issued except in conformity with the following:

| Provision | Requirement |
|---|---|
| a) Minimum lot area | 3,000 ft ² (278.70 m ²) for each dwelling unit |
| b) Minimum lot frontage | 100 ft (30.48 m) |
| c) Minimum front yard | 15 ft (4.57 m) |
| d) Minimum rear yard | 35 ft (10.67 m) |
| e) Minimum distance between grouped dwellings | 15 ft (4.57 m) |
| f) Maximum height of main buildings | 3 storeys |
| g) Maximum number of units per building | 8 |

4.1.4.4 Bonus Zoning for Affordable Housing Units

- a) Notwithstanding the specification in 4.1.4.2, the following bonus zoning shall be permitted if the proposal provides a minimum of five dwelling units that meet the definition of Affordable Housing Unit under this By-law, by way of subsidization through written agreement between the applicant and the Province and/or Federal Governments(s) for a specified period of time:
- i. Height of the main building: increased to a maximum of 4 storeys (45 ft)
 - ii. Maximum number of dwelling units: increased by up to 40%; and
 - iii. Lot coverage: increased to a maximum of 50%

4.1.5 Rural Residential (RR)

4.1.5.1 Permitted Uses

The following uses shall be permitted in the Rural Residential (RR) zone:

- a) Bed & breakfast homes
- b) Community centres
- c) Dwelling, seasonal
- d) Dwelling, single unit
- e) Dwelling, semi-detached
- f) Dwelling, two-unit
- g) Manufactured homes
- h) Conversion of former place of worship, up to 5 units

4.1.5.2 Lot Requirements for Single Unit, Two-Unit, Seasonal Dwellings and Manufactured Homes

In the Rural Residential (RR) zone, no development permit shall be issued for Single Unit, Two-Unit, Seasonal dwellings and Manufactured Homes, except in conformity with the following:

| Provision | Requirement |
|-------------------------------------|---|
| a) Minimum lot area | 29,000 ft ² (2,694.10 m ²) |
| b) Minimum lot frontage | 100 ft (30.48 m) |
| c) Minimum front yard | 25 ft (7.62 m) |
| d) Minimum rear yard | 25 ft (7.62 m) |
| e) Minimum side yard | |
| i. one side | 6 ft (1.83 m) |
| ii. other side | 10 ft (3.05 m) |
| f) Maximum height of main buildings | 35 ft (10.67 m) |

4.1.5.3 Lot Requirements for all Other Uses

In the Rural Residential (RR) zone, no development permit shall be issued for all Other Uses, except in conformity with the following:

| Provision | Requirement |
|-------------------------------------|---|
| a) Minimum lot area | 40,000 ft ² (3,716.00 m ²) |
| b) Minimum lot frontage | 100 ft (30.48 m) |
| c) Minimum front yard | 25 ft (7.62 m) |
| d) Minimum rear yard | 25 ft (7.62 m) |
| e) Minimum side yard | |
| i. one side | 6 ft (1.83 m) |
| ii. other side | 10 ft (3.05 m) |
| f) Maximum height of main buildings | 35 ft (10.67 m) |

4.1.5.4 Former Places of Worship – Special Requirements

- a) When a church is repurposed, the majority of the building form shall be maintained, with opportunity for alternate window and door alterations and architecturally compatible expansions to accommodate up to 5 residential units.

4.1.6 Local Residential (LR)

4.1.6.1 Permitted Uses

The following uses shall be permitted in the Local Residential (LR) zone:

- a) Bed & breakfast homes
- b) Dwelling, single unit
- c) Dwelling, semi-detached
- d) Dwelling, two-unit
- e) Manufactured home (in Brooklyn only)

4.1.6.2 Lot Requirements for Dwellings

In the Local Residential (LR) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement |
|-------------------------------------|---|
| a) Minimum lot area | 29,000 ft ² (2,694.10 m ²) |
| b) Minimum lot frontage | 100 ft (30.48 m) |
| c) Minimum front yard | 15 ft (4.57 m) |
| d) Minimum rear yard | 20 ft (6.10 m) |
| e) Minimum side yard | 6 ft (1.83 m) |
| f) Minimum flankage yard | 15 ft (4.57 m) |
| g) Maximum height of main buildings | 35 ft (10.67 m) |
| h) Maximum Lot Coverage | 50% |

4.1.7 Manufactured Home Park (MHP)

4.1.7.1 Permitted Uses

The following uses shall be permitted in the Manufactured Home Park (MHP) zone:

- a) Manufactured Home
- b) Offices and Uses Accessory to the Operation of a Manufactured Home Park

4.1.7.2 Lot Requirements for Manufactured Homes within a Manufactured Home Park

In the Manufactured Home Park (MHP) zone, no development permit for Manufactured Homes shall be issued except in conformity with the following:

| Provision | Requirement |
|-------------------------|--|
| a) Minimum lot area | 4,000 ft ² (371.60 m ²) |
| b) Minimum lot frontage | 40 ft (12.19 m) |
| c) Minimum front yard | 10 ft (3.05 m) |
| d) Minimum rear yard | 15 ft (4.57 m) |
| e) Minimum side yard | |
| i. one side | 6 ft (1.83 m) |
| ii. other side | 4 ft (1.22 m) |

4.1.7.3 Minimum Distance Between Manufactured Homes

- a) The minimum distance between manufactured homes, excluding porches, shall be 20 ft (6.10 m) and no manufactured home shall be placed within 30 ft (9.14 m) of an external lot line or public street.

4.1.7.4 Recreational Space

- a) Not less than 5% of the total area of the manufactured home park shall be set aside for parks, playgrounds and other useable recreational space; and
- b) Where formal recreation space is provided, such as, but not limited to, tennis courts, lawn bowling greens, putting greens and indoor recreational uses such as community or recreation centres, shall be counted as double its actual area for the purpose of calculating the 5% recreational space.

4.2 Commercial Zones

4.2.1 General Provisions for Commercial Zones

4.2.1.1 Abutting Zone Requirements

- a) Where a General Commercial (GC), Highway Commercial (HC), Local Commercial (LC) or Rural Commercial (RC) Zone abuts a lot in a residential zone, the following standards apply:
 - i. the minimum side yard requirement for the commercial use from the abutting lot line shall be 20 ft (6.10 m); and
 - ii. the part of the commercial lot directly adjoining the residential zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to the lot line.

4.2.1.2 Access

- a) Entrance to and exit from properties zoned General Commercial (GC), Highway Commercial (HC), Local Commercial (LC), Wentworth Road Commercial (WR-C), and Rural Commercial (RC) shall be:
 - i. Restricted to not more than two driveways on any street or road;
 - ii. On a corner lot, access shall be restricted to not more than three driveways to the lot; and
 - iii. Driveways shall meet Nova Scotia Department of Public Works requirements for commercial access.
- b) Entrance to and exit from properties zoned Mixed Use (MU) shall be:
 - i. Restricted to one (1) driveway on every street or road for every 100 ft (30.48 m) of lot frontage.
 - ii. On a corner lot, access shall be restricted to not more than three driveways to the lot.

4.2.1.3 Buffers

- a) A major buffer shall be required where a commercial or industrial development is proposed in any Commercial or Industrial designation or zone and abuts any Residential or Institutional designation.
- b) A minor buffer shall be required where an industrial or commercial development is proposed in any designation or zone other than Industrial or Commercial and abuts any residential or institutional use; or
- c) No buffer strip shall be required:
 - i. Along the street frontage of any lot;
 - ii. On a lot that is being developed or where a building is being expanded within 500 ft (152.4 m) of existing development with frontage on the same street if the existing development was not required to provide a buffer to the abutting designation or use; or

- d) Walkways or permitted driveways are permitted to cross buffer strips.

4.2.1.4 Outdoor Storage and Outdoor Display

- a) No outdoor storage shall be permitted in the General Commercial (GC), Commercial Core (CC), Mixed Use (MU), and Local Commercial (LC) zones.
- b) In the Highway Commercial (HC) and Wentworth Road Commercial (WR-C) zones outdoor storage and outdoor display shall:
- iii. be located at least 10 ft (3.05 m) from any lot line;
 - iv. be accessory to a permitted commercial use;
 - v. not be located in any required yard abutting a residential or institutional use; and
 - vi. not be located in any required parking spaces or loading spaces.
- c) In the General Commercial (GC) zone, outdoor display shall:
- i. be located at least 10 ft (3.05 m) from any lot line;
 - ii. be accessory to a permitted commercial use;
 - iii. not be located in any required yard abutting a residential or institutional use; and
 - iv. not be located in any required parking spaces or loading spaces.

4.2.1.5 Residential Uses

- a) Within the General Commercial (GC), Highway Commercial (HC), and Wentworth Road Commercial (WR-C) zones, residential uses as part of the same building as commercial use are permitted provided the total floor area of the residential use does not exceed two-thirds (66%) of the total floor area of the building.

4.2.2 General Commercial (GC)

4.2.2.1 Permitted Uses

The following uses shall be permitted in the General Commercial (GC) zone:

- a) Arts and crafts studios
- b) Automobile service stations, car washes, and repairs centres (outside of Windsor and Hantsport Growth Centres)
- c) Automobile, truck and motorcycle sales, services, or rental establishments (outside of Windsor and Hantsport Growth Centres)
- d) Banks and financial institutions
- e) Building supply establishments
- f) Clinic
- g) Clubs and community organizations
- h) Commercial schools
- i) Country inns
- j) Cultural uses
- k) Day care centres, licensed and non-licensed
- l) Dry cleaning and laundry establishments
- m) Emergency service facilities
- n) Entertainment, recreation and assembly uses within a wholly enclosed building
- o) Farmers' markets
- p) Funeral home
- q) Garden and nursery sales and supplies
- r) Hotels and motels
- s) Licensed liquor establishments
- t) Local shopping centres
- u) Microbrewery
- v) Micro distillery
- w) Offices
- x) Parking structures
- y) Post offices and postal outlets
- z) Recreational vehicle sales, service and rental establishments (Outside of Windsor and Hantsport Growth Centres)
- aa) Regional shopping centres containing uses permitted in the General Commercial (GC) zone
- bb) Repair and rental establishments
- cc) Residential uses (not on ground floor), subject to Section 4.2.1.5
- dd) Restaurants excluding drive-through establishments
- ee) Restaurants, including drive-through establishments
- ff) Retail stores
- gg) Retail stores, large format (maximum commercial floor area 50,000 ft² (4,645 m²))

- hh) Service and personal service shops
- ii) Support service
- jj) Taxi, train and bus stations
- kk) Veterinary clinics
- ll) Winery

4.2.2.2 Lot Requirements

In the General Commercial (GC) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement | |
|------------------------------------|--|---|
| | With Municipal Services | With On-site Services |
| a) Minimum lot area | 10,000 ft ² (929 m ²) | 29,000 ft ² (2,694.10 m ²) |
| b) Minimum lot frontage | 100 ft (30.48 m) | 100 ft (30.48 m) |
| c) Minimum front yard | 25 ft (7.62 m) | |
| d) Minimum rear yard | 25 ft (7.62 m) | |
| e) Minimum side yard | 15 ft (4.57 m) | |
| f) Maximum height of main building | 35 ft (10.67 m) | |

4.2.2.3 Maximum Commercial Floor Area in Local Centre Designation

- a) Within the Local Centre designation, the following shall apply:
 - i. The maximum commercial floor area of a General Commercial (GC) use shall not exceed 5,000 ft² (464.50 m²). This restriction shall not apply to existing uses zoned General Commercial (GC).
 - ii. New General Commercial (GC) uses with a commercial floor area greater than 5,000 ft² (464.50 m²) may be considered by Site Plan Approval pursuant to Policies contained in Section 5.7 of the Municipal Planning Strategy.

4.2.3 Highway Commercial (HC)

4.2.3.1 Permitted Uses

The following uses shall be permitted in the Highway Commercial (HC) zone:

- a) Arts and crafts studios
- b) Automobile service stations, car washes, and repairs centres
- c) Automobile, truck and motorcycle sales, services, or rental establishments
- d) Building supply establishments
- e) Clinic
- f) Commercial brewery
- g) Convenience store
- h) Day care centres, licensed and non-licensed
- i) Dry cleaning and laundry establishments
- j) Emergency service facilities
- k) Entertainment, recreation and assembly uses within a wholly enclosed building
- l) Farmers' markets
- m) Farm supplies and equipment sales and service
- n) Funeral home
- o) Garden and nursery sales and supplies
- p) Heavy equipment sales and service
- q) Hotels and motels
- r) Kennels, Hobby
- s) Licensed liquor establishments
- t) Manufactured home sales
- u) Microbrewery
- v) Micro distillery
- w) Offices
- x) Parking structures
- y) Post offices and postal outlets
- z) Recreational vehicle sales, service and rental establishments
- aa) Recycling depots
- bb) Regional shopping centres
- cc) Repair and rental establishments
- dd) Residential uses in the same building as the commercial use, subject to Section 4.2.1.5
- ee) Restaurants excluding drive-through establishments
- ff) Restaurants, including drive-through establishments
- gg) Retail stores
- hh) Storage depots and self-storage operations
- ii) Service and personal service shops
- jj) Support service

- kk) Taxi, train and bus stations
- ll) Veterinary clinics
- mm) Wholesale establishment
- nn) Winery

4.2.3.2 Lot Requirements

In the Highway Commercial (HC) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement | |
|------------------------------------|--|---|
| | With Municipal Services | With On-site Services |
| a) Minimum lot area | 10,000 ft ² (929 m ²) | 29,000 ft ² (2,694.10 m ²) |
| b) Minimum lot frontage | 100 ft (30.48 m) | |
| c) Minimum front yard | 25 ft (7.62 m) | |
| d) Minimum rear yard | 25 ft (7.62 m) | |
| e) Minimum side yard | 15 ft (4.57 m) | |
| f) Maximum height of main building | 35 ft (10.67 m) | |

4.2.3.3 Maximum Commercial Floor Area in the Local Centre Designation

- a) Within the Local Centre designation, the following shall apply:
 - i. The maximum commercial floor area of Highway Commercial (HC) uses in the Local Centre designation shall not exceed 5,000 ft² (464.5 m²). This restriction shall not apply to existing uses zoned Highway Commercial.
 - ii. New Highway Commercial (HC) uses with a commercial floor area greater than 5,000 ft² (464.5 m²) may be considered by Site Plan Approval pursuant to Policies contained in Section 5.7 of the Municipal Planning Strategy.

4.2.4 Commercial Core (CC)

4.2.4.1 Permitted Uses

The following uses shall be permitted in the Commercial Core (CC) zone:

- a) Arts and crafts studios
- b) Banks and financial institutions
- c) Clinic
- d) Clubs and community organizations
- e) Commercial schools
- f) Country inns
- g) Cultural uses
- h) Day care centres, licensed and non-licensed
- i) Dry cleaning and laundry establishments
- j) Emergency service facilities
- k) Entertainment, recreation and assembly uses within a wholly enclosed building
- l) Farmers' markets
- m) Funeral home
- n) Hotels and motels
- o) Licensed liquor establishments
- p) Local shopping centres
- q) Microbrewery
- r) Micro distillery
- s) Offices
- t) Parking structures
- u) Post offices and postal outlets
- v) Recreation uses, indoor and outdoor
- w) Repair and rental establishments
- x) Residential dwellings, up to 12 units (not on the ground floor except for the area bounded by King Street, Stannus Street, Gray Street and Victoria Street)
- y) Restaurants excluding drive-through establishments
- z) Retail stores
- aa) Service and personal service shops
- bb) Support service
- cc) Taxi, train and bus stations
- dd) Veterinary clinics
- ee) Winery

4.2.4.2 Lot Requirements

In the Commercial Core (CC) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement |
|---|--|
| a) Minimum lot area | 4,000 ft ² (371.60 m ²) |
| b) Minimum lot frontage | 40 ft (12.19 m) |
| c) Minimum rear yard | 20 ft (6.10 m) |
| d) Minimum side yard | 7 ft (2.13 m)* |
| e) Maximum height of main building | 3 storeys |
| f) Maximum number of units per building | 12 |

* When fire resistant walls are constructed, yard requirements may be reduced to zero

4.2.4.3 Canopies

- a) In the Commercial Core (CC) zone, a canopy/awning shall be permitted provided:
 - i. It does not project more than 4 ft (1.22 m) over a public sidewalk; and
 - ii. There is a minimum clearance of 9 ft (2.74 m) between the sidewalk and the lowest edge of the canopy.

4.2.5 Pesaquid (PES)

4.2.5.1 Permitted Uses

The following uses shall be permitted in the Pesaquid (PES) zone:

- b) change in use in an existing building, provided the use is permitted in the Commercial Core (CC) zone
- c) additions not exceeding 1,000 ft² (92.90 m²) in floor area, alterations, repairs and renovations to existing buildings, subject to Commercial Core (CC) zone requirements
- d) accessory structures not exceeding 500 ft² (46.45 m²) in floor area, subject to Commercial Core (CC) zone requirements
- e) temporary retail sales and food service kiosks subject to 4.2.5.34

4.2.5.2 Uses Permitted by Site Plan Approval

- a) The following categories of development shall be permitted in the Pesaquid (PES) zone only by Site Plan Approval by the Development Officer and in accordance with Policy 6.3.5 of the Municipal Planning Strategy:
 - i. Change in use in an existing building to a use which is not permitted in the Commercial Core (CC) zone;
 - ii. Commercial uses as permitted in the Commercial Core (CC) zone;
 - iii. Cultural uses;
 - iv. Institutional uses as permitted in the Institutional (I) zone;
 - v. Open space uses; and
 - vi. Residential uses as per Section 4.2.5.4.1.
- b) Notwithstanding Section 4.2.5.1, ground-floor uses for buildings that front on Upper Water Street and the King Street Extension must include commercial uses that meet the minimum commercial floor area ratios shown on Figure 4gure 6 (50% of the building's ground-floor area).

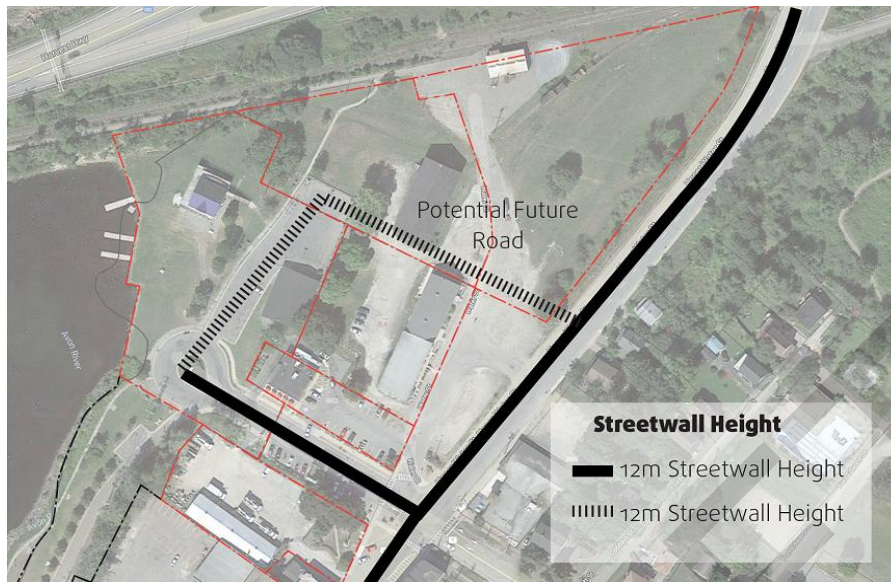


Figure 4: Streetwall Height

4.2.5.3 Special Requirements for Temporary Retail Sales and Food Service Kiosks

- a) The following special requirements shall apply to the development of temporary retail sales and food service kiosks in the Pesaquid (PES) zone:
- i. Kiosks shall be permitted only on land owned by the West Hants Regional Municipality; provided, however, that no kiosk shall be located on any public street or sidewalk;
 - ii. The applicant has entered into a lease or other written agreement with the Municipality authorizing the use of the Municipally-owned property;
 - iii. The total gross floor area of the kiosk shall not exceed 100 ft² (9.29 m²);
 - iv. No kiosk shall remain in place for more than six (6) months;
 - v. Retail sales shall be limited to gifts, arts and crafts, souvenirs, farm produce and other similar items;
 - vi. Signage shall be limited to one facial wall sign not exceeding 5 ft² (0.46 m²) in sign area; and
 - vii. Notwithstanding the parking requirement for commercial uses set out in Section 6.2 off-street parking shall not be required for temporary retail sales and food service kiosks in the Pesaquid (PES) zone.

4.2.5.4 Waterfront Area

The following provisions shall apply to the Waterfront Area, as delineated on Figure X:

4.2.5.4.1 Residential Uses

- a) Residential uses on the remaining ground floor area are permitted provided that:
 - i. Each unit facing the street has a grade connected entrance to the street; and
 - ii. 20% of the total number of dwelling units, rounded up to the nearest full number, in a building used as a multiple unit dwelling shall be required to include two or more bedrooms.

4.2.5.4.2 Built Form Requirements

- a) Building and Streetwall height:
- b) No building shall be erected, constructed, altered, reconstructed, or located so that it exceeds the maximum height of 3 stories, or 5 stories if the bonus zoning provision is used;
 - i. The height requirements shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to rooftop amenity space, flag pole, antenna, heating ventilation, air conditioning equipment or enclosure of such equipment, skylight, chimney, landscape vegetation, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy less than 30% of the area of the roof of the building on which they are located;
 - ii. Features referenced in Subsection 4.2.5.4.1 (i) shall be setback no less than 9.84 ft (3 m) from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features;
- c) The maximum streetwall height shall not exceed 3 storeys;
 - iii. Where the adjacent street grades exceed 5%, the streetwall is permitted to exceed the maximum streetwall height by 9.84 ft (3 m) for a frontage length not exceeding 65.61 ft (20 m) so long as no additional floors are created; and
- d) The minimum building height shall be 3 storeys except those buildings that are existing.

4.2.5.4.3 Building and Streetwall Length, Setbacks and Stepbacks

- e) Streetwalls shall have a streetline setback as specified on Figure 5gure 5.
- a) No setback is required from an interior lot line for a streetwall portion of a building.
- b) With the exception of required streetwall setbacks, a low-rise building or the low-rise portion of a building is permitted to cover 100% of the lot upon which it is situated.
- c) Above the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 18 ft (5.5 m), whichever is less. Where a lot has more than one streetline, the greater lot width shall apply.
- d) The minimum stepback above the streetwall is 8.2 ft (2.5 m) from any street. Stepbacks are not required for rear or side yards.
- e) A streetwall shall not extend any longer than 196.85 ft (60 m) abutting the streetline for any portion of the building.



Figure 5: Streetwall Setbacks

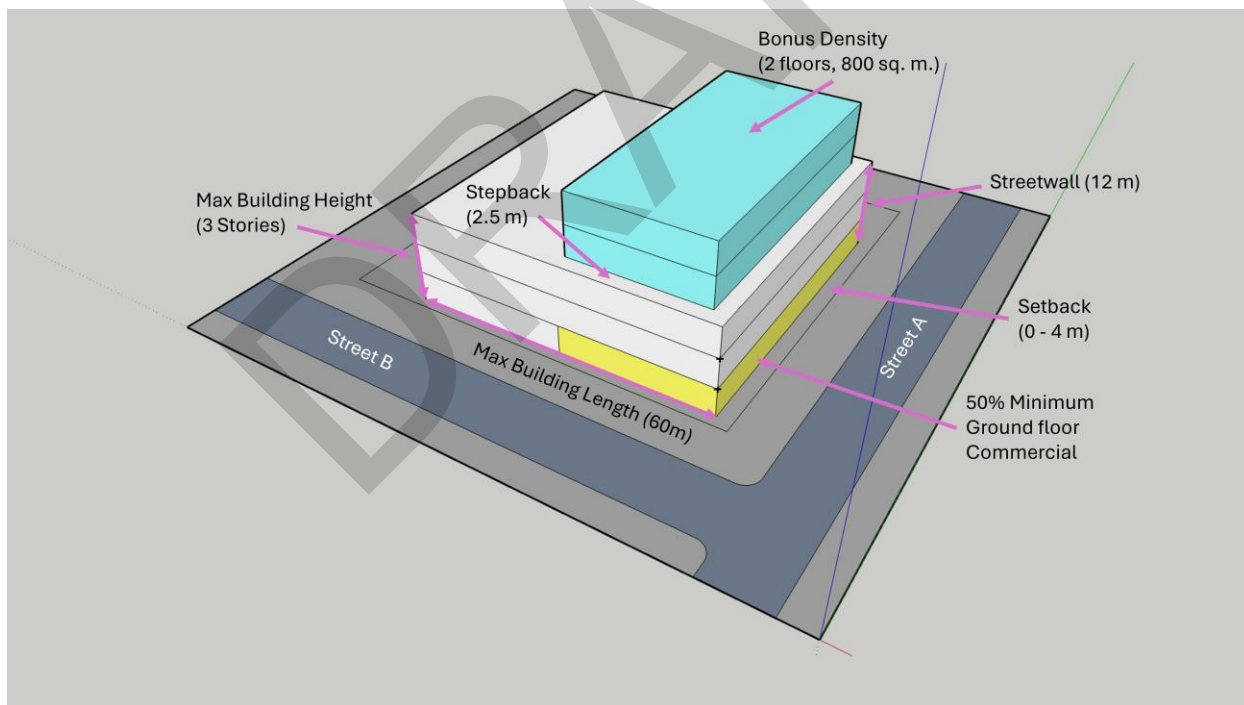


Figure 6: General Requirements

4.2.5.4.4 Bonus Zoning

- a) The following bonus zoning shall be permitted if the proposal provides no less than 50% of the additional post-bonus floor area with dwelling units that meet the definition of Affordable

Housing Unit under this By-law, by way of subsidization through written agreement between the applicant and the Province and/or Federal Governments(s) for a specified period of time:

- i. Height of the main building: Two (2) additional storeys (max 800 m² per floor)

4.2.5.4.5 Connectivity

- a) Any new streets must provide a minimum 19.69 ft (6 m) public easement and pedestrian connection to the waterfront.
- b) Paved pedestrian walkways/sidewalks shall link parking areas to entrances of all primary buildings.

4.2.5.4.6 Drive-Throughs

- a) No new drive-throughs shall be permitted in the Pesaquid (PES) zone.

4.2.5.4.7 Land Uses at Grade

- a) The ground floor of a building, excluding a parking garage, that has access at the street line and has a retail use shall have a floor-to-floor height of no less than 13.12 ft (4.0 m).
- b) Any at grade parking garage entry/exiting onto the street shall not exceed 39.37 ft (12 m) of frontage on the street and must be designed to not present a blank wall along the street. These areas, if present, should be treated as part of the building architecture and shall be designed for visual interest.

4.2.5.4.8 Open Space and Trails

- c) The triangular lands at the corner of Upper Water Street and the King Street Extension (figure 7) shall be reserved for an urban park and plaza. This plaza shall provide the necessary road frontage on Lower Water Street for the adjacent properties.
- d) The waterfront trail around Lake Pesaquid shall be preserved as a 9.84 ft (2 m) minimum wide walking trail connecting the trail at the end of the King Street extension to the rail side trail to the north of the Commercial Core (CC) zone in the approximate location shown on Figure 7.
- e) Any new development must provide a pedestrian connection to the waterfront.

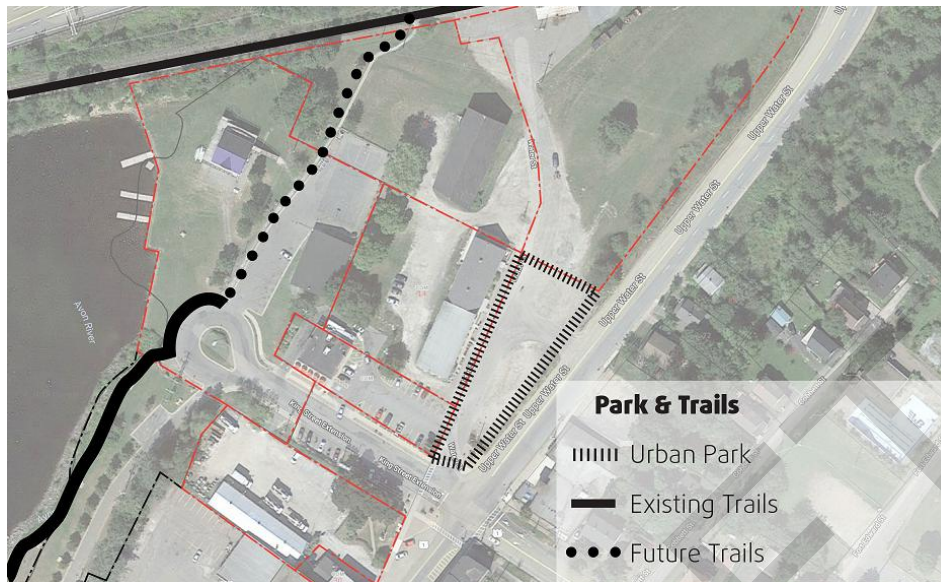


Figure 7: Parks and Trails

4.2.5.4.9 Parking

- a) Parking requirements in the Pesaquid (PES) zone override the general parking requirements in this Land Use By-law for the specific requirements below. All other general parking requirements apply.
 - i. There are no minimum commercial parking requirements in the Pesaquid (PES) zone;
 - ii. Access to parking garages should be screened from any street;
 - iii. Entrances to parking garages are encouraged to be accessed from the rear, where possible;
 - iv. Parking garages that front on to the waterfront or other public spaces should be landscaped or designed to provide visual interest from the waterfront;
 - v. No more than 60% of any property may be covered in surface parking; and
 - vi. Surface parking lots must include one 60 mm (2.36 in) caliper tree for every 12 surface parking spaces to be planted in end isle islands if present.

4.2.5.4.10 Permitted Encroachments

- a) Notwithstanding Section 3.28, balconies shall be permitted encroachments into a setback, stepback or separation distance, at or above the level of the second storey of a building, provided that the protrusion of the balcony is no greater than 6.56 ft (2 m) from the building face and the aggregate length of such balconies does not exceed 50% of the horizontal width of that building face.

4.2.5.4.11 Prohibited Exterior Cladding Materials

- a) In the Pesaquid (PES) zone, the following exterior cladding materials shall be prohibited:
 - i. Vinyl;
 - ii. Plastic;
 - iii. Plywood;
 - iv. Concrete block;
 - v. Exterior insulation and finish systems where stucco is applied to rigid insulation; and
 - vi. Metal siding utilizing exposed fasteners.

4.2.5.4.12 Solid Waste

- a) All facilities for the storage of solid waste must:
 - i. Provide for maximum separation from residential development and public areas; and
 - ii. If proposed to be outdoors, be fully enclosed by a fence and gated for multi-unit developments and commercial developments.
- b) Commercial use storage, delivery bays, and garbage receptacles shall be contained within the building unless they can be located on the site so as minimize visibility using high quality fencing and landscaping.

4.2.5.5 Site Plan Approval – Application Requirements

- a) All applications for Site Plan Approval shall be accompanied by a topographic survey by a professionally accredited surveying engineer.
- b) A site plan, drawn to an appropriate scale by a professionally accredited landscape architect, showing the following:
 - i. The items required to be shown in the application for a building permit under the Building By-law;
 - ii. A construction mitigation plan demonstrating how any new structures will minimize negative impacts on the surrounding properties including noise, dust, fumes, lighting, shadows, stormwater and erosion control, or other nuisances or inconveniences during and after construction;
 - iii. Any additional information related to the site, buildings, or adjoining properties as may be required by the Development Officer to determine if the proposal conforms to the provisions of this By-law;
 - iv. Architectural plans prepared by a professionally accredited Architect, indicating compliance with the specific design requirements of Sections 4.2.5.4.1, 4.2.5.4, 4.2.5.4.11;
 - v. A servicing schematic prepared by a professional accredited civil engineer, demonstrate that every building can be properly serviced;
 - vi. A Traffic Impact Statement (TIS) by a professionally accredited transportation engineer to demonstrate that every building can be properly serviced; and

- vii. A stormwater management plan prepared by an engineer who is a member of the Association of Professional Engineers of Nova Scotia or equivalent that demonstrates the impact the proposal will have on adjacent lands or existing stormwater management systems.

4.2.5.6 Variance Through Site Plan Approval

- a) One or more of the following requirements may be varied by Site Plan Approval where the relaxation is consistent with the Development Officer's interpretation of a variance:
 - i. Streetwall heights;
 - ii. Maximum building length;
 - iii. Parking requirements;
 - iv. Stepbacks and setbacks;
 - v. Frontage requirements; and
 - vi. Commercial requirements.

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4.2.6 Mixed Use (MU)

4.2.6.1 Permitted Uses

The following uses shall be permitted in the Mixed Use (MU) zone:

- a) Arts and crafts studios
- b) Banks and financial institutions
- c) Clinic
- d) Clubs and community organizations
- e) Commercial schools
- f) Convenience store
- g) Country inns
- h) Cultural uses
- i) Day care centres, licensed and non-licensed
- j) Dry cleaning and laundry establishments
- k) Entertainment, recreation and assembly uses within a wholly enclosed building
- l) Farmers' markets
- m) Garden and nursery sales and supplies
- n) Grouped dwellings
- o) Institutional uses
- p) Hotels and motels
- q) Licensed liquor establishments
- r) Microbrewery
- s) Micro distillery
- t) Offices
- u) Parking structures
- v) Post offices and postal outlets
- w) Recreation uses, indoor and outdoor
- x) Repair and rental establishments
- y) Residential uses (not on ground floor)
- z) Restaurants excluding drive-through establishments
- aa) Restaurants including drive-through establishments
- bb) Retail stores
- cc) Service and personal service shops
- dd) Support service
- ee) Taxi, train and bus stations
- ff) Veterinary clinics
- gg) Winery

4.2.6.2 Lot Requirements for Commercial Uses

Section 4.0 - Zones

In the Mixed Use (MU) zone, no development permit for Commercial Uses shall be issued except in conformity with the following:

| Provision | Requirement |
|-------------------------------------|---|
| a) Minimum lot area | 10,000 ft ² (929 m ²) |
| b) Minimum lot frontage | 100 ft (30.48 m) |
| c) Minimum front yard | 25 ft (7.62 m) |
| d) Minimum rear and side yard | 25 ft (7.62 m) abutting a residential zone; 20 ft (6.10 m) abutting any other zone |
| e) Maximum stories in main building | 3 storeys |
| f) Maximum height of main building | 40 ft (12.19 m) |

4.2.6.3 Lot Requirements for Mixed Use, Multiple Unit Residential and Grouped Dwellings

In the Mixed Use (MU) zone, no development permit for Mixed Use, Multiple Unit Residential and Grouped Dwellings shall be issued except in conformity with the following:

| Provision | Mixed Use, Multiple Unit Residential | Grouped Dwellings |
|-------------------------------------|--|---|
| a) Minimum lot area | 43,560 ft ² (4,047 m ²) | 0.4 hectare (1 acre) |
| b) Minimum lot frontage | | 100 ft (30.48 m) |
| c) Minimum front yard | | 25 ft (7.62 m) |
| d) Minimum rear and side yard | | 25 ft (7.62 m) abutting a residential zone; 20 ft (6.10 m) abutting any other zone |
| e) Maximum stories in main building | | 4 storeys |
| f) Maximum height of main building | | 50 ft (15.24 m) |

4.2.6.4 Landscaping

- a) There shall be a landscaped area that runs the length of and directly abuts the front lot line along Colonial Road, excluding driveway openings and walkways.
- b) The landscaped area shall be grassed, or other appropriate vegetative ground cover used, and trees shall be planted at intervals no greater than 50 ft (15.24 m) on centre.
- c) New trees shall have a minimum caliper of 5.08 cm (2 in) and a minimum height of 5 ft (1.52 m). Shrubs with a minimum height of 1.5 ft (0.46 m) shall be planted in clusters of three plants or more at a minimum rate of one cluster per 50 ft (15.24 m) of frontage. Where possible, existing trees and shrubs may be retained and included in the calculation of plantings required.
- d) For groups of parking spaces containing 24 or more spaces, landscaped islands with a minimum permeable surface area of 100 ft² (9.29 m²) shall be provided within the parking lot at a rate of one island per 20 parking spaces. Islands may be located at the end of banks of parking stalls or separating banks of parking stalls. Landscaped islands may include shrubs, perennials, annuals or ground cover and shall include at least one tree, having a minimum caliper of 5.08 cm (2 in) and a minimum height of 5 ft (1.53 m), per island. These requirements do not apply to covered or enclosed parking areas.

4.2.6.5 Parking

- a) Parking may be provided on a lot other than the lot on which the use is located by development agreement subject to Policy 4-49 of the Municipal Planning Strategy.

4.2.6.6 Pedestrian Access

- a) An unobstructed pedestrian walkway, having a minimum width of 5 ft (1.52 m), and constructed of concrete, asphalt, brick or other hard surface paver, shall be provided between the street and the building entrance.
- b) When pedestrian walkways cross parking areas or internal vehicle lanes, a marked crosswalk shall be required.

4.2.6.7 Recreation Space

- a) Recreational space shall be provided as required in Section 4.1.1.1.

4.2.6.8 Architectural Design

- a) The architectural design of the development shall be sensitive to the existing built form and character of the surrounding area, and in particular, where the proposal involves the redevelopment of the former textile mill building or the construction of a new building on the former textile mill site, the heritage of the building shall be taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s)

including the brick construction and shape of windows shall be imitated on the first three storeys of the new building.

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4.2.7 College Road Comprehensive Development (CRCD)

The following uses shall be permitted in the College Road Comprehensive Development (CRCD) zone only by development agreement and in accordance with Policy 5-76 of the Municipal Planning Strategy:

- a) A mixture of residential, institutional or recreational development with or without convenience and specialty stores, medical offices, personal service shops, and other similar limited services and uses in support of the primary development.

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4.2.8 Wentworth Road Commercial (WR-C)

4.2.8.1 Permitted Uses

The following uses shall be permitted in the Wentworth Road Commercial (WR-C) zone:

- a) Arts and crafts studios
- b) Automobile service stations, car washes, and repairs centres
- c) Automobile, truck and motorcycle sales, services, or rental establishments
- d) Banks and financial institutions
- e) Building supply establishments
- f) Clinic
- g) Clubs and community organizations
- h) Commercial schools
- i) Convenience store
- j) Country inns
- k) Day care centres, licensed and non-licensed
- l) Dry cleaning and laundry establishments
- m) Emergency service facilities
- n) Entertainment, recreation and assembly uses within a wholly enclosed building
- o) Farmers' markets
- p) Funeral home
- q) Garden and nursery sales and supplies
- r) Hotels and motels
- s) Licensed liquor establishments
- t) Livestock barns
- u) Local shopping centres containing uses permitted in the WR-C zone
- v) Parking structures
- w) Post offices and postal outlets
- x) Repair and rental establishments
- y) Residential uses (not on ground floor)
- z) Restaurants, including drive-through establishments
- aa) Retail stores
- bb) Retail stores, large format (maximum commercial floor area 50,000 ft² (4,645 m²))
- cc) Service and personal service shops
- dd) Support service
- ee) Taxi, train and bus stations
- ff) Veterinary clinics

4.2.8.2 Lot Requirements

In the Wentworth Road Commercial (WR-C) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement |
|------------------------------------|---|
| a) Minimum lot area | 10,000 ft ² (929.00 m ²) |
| b) Minimum lot frontage | 100 ft (30.48 m) |
| c) Minimum front yard | 25 ft (7.62 m) |
| d) Minimum rear yard | 25 ft (7.62 m) |
| e) Minimum side yard | 25 ft (7.62 m) |
| f) Maximum height of main building | 3 storeys |

4.2.8.3 Uses Permitted by Site Plan Approval

- a) New large format retail store with commercial floor area greater than 50,000 ft² (4,645 m²) but less than 100,000 ft² (9,290 m²) may be permitted by Site Plan Approval, the Development Officer shall approve a site plan where the following matters have been addressed:
- i. a landscaped area, including trees, shrubs, grass and other vegetative ground cover, is provided along the front property line to act as a buffer between the development and the public street; where parking spaces, travel lanes or stacking lanes are adjacent to the landscaped area, additional low-level screening in the form of shrubs or low walls in combination with shrubs shall be placed in continuous fashion to help screen cars from view while still allowing eye-level visibility into the site;
 - ii. landscaped islands are provided within parking lots containing 24 or more spaces to avoid the appearance of large, unbroken expanses of asphalt; islands may be located at the end of banks of parking stalls or separating banks of stalls;
 - iii. safe, continuous and clearly defined pedestrian walkways are provided from the street to the primary building entrance; the walkways may be a combination of crosswalks, sidewalks and trails;
 - iv. the location, number and width of driveway accesses adequately address any traffic issues identified by the Traffic Authority;
 - v. parking and loading facilities are located so as to minimize congestion within the parking lot and prevent conflicts between pedestrians or passenger vehicles and transport trucks;
 - vi. easements required for services or access are suitably identified on the plan;

Section 4.0 - Zones

- vii. site grading and storm water management plans adequately address the disposal of surface water on the site; the use of raingardens, permeable paving and other measures to slow, store and filter stormwater is encouraged;
 - viii. facilities for the storage of solid waste shall be located so as to minimize impacts on adjacent properties and the view from the street, or shall be screened from view through landscaping or fencing, and shall comply with the Municipality's Solid Waste By-law provisions;
 - ix. gas bars or other structures accessory to the large format retail store may be located in the front yard provided the landscaped area referred to in Section 4.2.8.3 a) i) is maintained as a buffer between the structure and the public street;
 - x. the type and location of outdoor lighting provides safety and security for the structure, driveways and any pedestrian access, but is designed to ensure there is no light spilling, glare or light cast over adjacent uses and the street;
 - xi. the location, number and size of signs is appropriate to the scale of the development, contributes to an attractive and pedestrian-friendly environment and does not create visual clutter; ground signs shall not be located to interfere with safe traffic movement or visibility near driveway entrances or intersections; and
 - xii. the above-listed items are adequately maintained.
- b) The Development Officer may use the landscaping provisions of Section 3.17 of this Land Use By-law as a guide.
 - c) Application for Site Plan Approval shall be in the form specified in Appendix 2 and shall be accompanied by a plan or sketch of sufficient detail to address all of the matters identified in Section 4.2.8.3 a).
 - d) Where the Development Officer approves or refuses to approve a site plan, the process and notification procedures and the rights of appeal are the same as those that apply when a Development Officer grants or refuses to grant a variance, except that notice in writing of the approval of a site plan shall be given to every assessed owner whose property is within 300 ft (91.44 m) of the applicant's property.

4.2.9 Local Commercial (LC)

4.2.9.1 Permitted Uses

The following uses shall be permitted in the Local Commercial (LC) zone:

- e) Arts, crafts, gifts and antique shops

- f) Banks and financial institutions
- g) Boarding or rooming houses
- h) Clinic
- a) Clubs
- b) Convenience store
- c) Country inn
- d) Cultural uses
- e) Day care centres, licensed or non-licensed
- f) Dry cleaning and laundry establishments
- g) Farmers' markets
- h) Garden and nursery sales and supplies
- i) Homes for special care
- j) Licensed liquor establishments
- k) Microbrewery
- l) Offices
- m) Post offices and postal outlets
- n) Repair and rental establishments
- o) Retail stores
- p) One dwelling unit in conjunction with a permitted commercial use, either located in the same building or as a single unit dwelling on the same lot
- q) Personal service shops
- r) Restaurants, excluding drive-through restaurants
- s) Uses permitted in the R-1 zone subject to the R-1 zone requirements
- t) Veterinary clinics

4.2.9.2 Lot Requirements

In the Local Commercial (LC) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement | |
|-------------------------|--|---|
| | With Municipal Services | With On-Site Services |
| a) Minimum lot area | 7000 ft ² (650.3 m ²) | 29,000 ft ² (2,694.10 m ²) |
| b) Minimum lot frontage | 60 ft (18.29 m) | 100 ft (30.48 m) |
| c) Minimum front yard | | 25 ft (7.62 m) |
| d) Minimum rear yard | | 25 ft (7.62 m) |

| Provision | Requirement | |
|------------------------------------|-------------------------|-----------------------|
| | With Municipal Services | With On-Site Services |
| e) Minimum side yard | | 8 ft (2.44 m) |
| f) Maximum height of main building | | 35 ft (10.67 m) |

4.2.9.3 Maximum Commercial Floor Area

- a) With the exception of country inns and funeral homes, the commercial floor area for a business in the Local Commercial (LC) zone shall not exceed 1,000 ft² (92.20 m²).

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4.2.10 Rural Commercial (RC)

4.2.10.1 Permitted Uses

The following uses shall be permitted in the Rural Commercial (RC) zone:

- a) Arts and crafts studios
- b) Automobile service stations, car washes and repair centres
- c) Banks and financial institutions
- d) Clubs and community organizations
- e) Day care centres, licensed and non-licensed
- f) Dwelling unit (1) in conjunction with a permitted commercial use, located either in same building or as single unit dwelling on the same lot
- g) Existing Dwellings
- h) Entertainment, recreation and assembly uses within a wholly enclosed building
- i) Farmers' markets
- j) Farm supplies and equipment sales and service
- k) Funeral homes
- l) Garden and nursery sales and supplies
- m) Hotels and motels
- n) Kennels
- o) Licensed cannabis nurseries
- p) Licensed liquor establishments
- q) Microbrewery
- r) Micro distillery
- s) Offices
- t) Post offices and postal outlets
- u) Recreational vehicle sales, service and rental establishments
- v) Repair and rental establishments
- w) Restaurants excluding drive-through establishments
- x) Restaurants including drive-through establishments

- y) Retail stores
- z) Service and personal service shops
- aa) Veterinary clinics
- bb) Winery

4.2.10.2 Lot Requirements

In the Rural Commercial (RC) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement |
|------------------------------------|--|
| a) Minimum lot area | 40,000 ft ² (3,716 m ²) |
| b) Minimum lot frontage | 150 ft (45.72 m) |
| c) Minimum front yard | 25 ft (7.62 m) |
| d) Minimum rear yard | 25 ft (7.62 m) |
| e) Minimum side yard | 15 ft (4.57 m) |
| f) Maximum height of main building | 35 ft (10.67 m) |

4.2.10.3 Maximum Commercial Floor Area

- a) The commercial floor area for a business in the Rural Commercial (RC) zone shall not exceed 5,000 ft² (464.50 m²). This requirement shall not apply to automobile service stations, clubs, farm equipment sales and service, garden and nursery production, and hotels, motels and other tourist accommodations.

4.2.10.4 Uses That Involve Flammable Goods

- a) Any automobile service station or farm supplies and equipment sales and service business will be required to:
 - i. Have access to a minimum of two (2) exit routes for the lot. These may be either public or private roads or rights-of-way, and must be constructed to a standard approved by the appropriate authority for emergency access; and
 - ii. Provide evidence of a water supply that meets the local Fire Department requirements.

4.2.11 Fairground (FG)

4.2.11.1 Permitted Uses

The following uses shall be permitted in the Fairground (FG) zone:

- a) Arenas
- b) Campgrounds
- c) Exhibition grounds
- d) Farmers’ markets
- e) Hotels and motels
- f) Livestock barns
- g) Parking structures
- h) Recreation uses, indoor and outdoor

4.2.11.2 Lot Requirements

In the Fairground (FG) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement |
|---|-------------------|
| a) Minimum lot area | 1.21 ha (3 acres) |
| b) Minimum front yard | 30 ft (9.14 m) |
| c) Minimum rear yard | 30 ft (9.14 m) |
| d) Minimum side yard | 20 ft (6.10 m) |
| e) Minimum distance between buildings or structures | 15 ft (4.57 m)* |
| f) Maximum height of main building(s) or any structure(s) | 40 ft (12.19 m) |

*When fire resistant walls are constructed, distance requirements may be reduced to zero.

4.2.12 Recreation Commercial (Rec-C)

4.2.12.1 Permitted Uses

The following uses shall be permitted in the Recreation Commercial (Rec-C) zone:

- a) Campgrounds
- b) Driving ranges
- c) Golf courses and club houses
- d) Recreation uses
- e) Ski lodges and facilities
- f) Tennis courts and club houses

4.2.12.2 Lot Requirements

In the Recreation Commercial (Rec-C) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement |
|-------------------------|--|
| a) Minimum lot area | 40,000 ft ² (3,716 m ²) |
| b) Minimum lot frontage | 200 ft (60.96 m) |
| c) Minimum front yard | 30 ft (9.14 m) |
| d) Minimum rear yard | 30 ft (9.14 m) |
| e) Minimum side yard | 30 ft (9.14 m) |

4.3 Industrial Zones

4.3.1 General Provisions for Industrial Zones

4.3.1.1 Access

- a) Entrance to and exit from properties zoned Industrial (M), Business Park (BP), Resource Industrial (M-1), Local Centre Industrial (M-2), Mixed Industrial (MI) shall be:
 - i. Restricted to not more than two driveways on any street or road; or
 - ii. On a corner lot, access shall be restricted to not more than three driveways to the lot.
 - iii. Driveways shall meet Nova Scotia Department of Public Works requirements for commercial access.

4.3.1.2 Buffers

- a) A major buffer shall be required where a commercial or industrial development is proposed in any Commercial or Industrial designation or zone and abuts any Residential or Institutional designation.
- b) A minor buffer shall be required where an industrial or commercial development is proposed in any designation or zone other than Industrial or Commercial and abuts any residential or institutional use; or
- c) No buffer strip shall be required:
 - i. Along the street frontage of any lot;
 - ii. On a lot that is being developed or where a building is being expanded within 500 ft (152.4 m) of existing development with frontage on the same street if the existing development was not required to provide a buffer to the abutting designation or use; or
- e) Walkways or permitted driveways are permitted to cross buffer strips.

4.3.1.3 Yards Adjacent to a Railway

- a) In the Industrial (M), Business Park (BP), and Resource Industrial (M-1) zones, the yard requirements shall be waived for any yard which directly abuts a railway right-of-way.

4.3.2 Industrial (M)

4.3.2.1 Permitted Uses

The following uses shall be permitted in the Industrial (M) zone:

- a) Agricultural processing industries
- b) Ambulance service
- c) Any activity connected with the automobile trade except for automobile scrap yard or automobile related commercial recreation establishment
- d) Any manufacturing, processing, industrial, assembly or warehousing operation conducted and wholly contained within an enclosed building, and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission of refuse matter or water-carried waste, or by reason of unsightly outdoor storage
- e) Building supply establishments
- f) Bulk sales establishments
- g) Bulk storage of sand and gravel
- h) Chemical products
- i) Commercial and office uses accessory to a main industrial use
- j) Commercial brewery
- k) Commercial distillery
- l) Courier services
- m) Display courts
- n) Dry cleaning and laundry establishments
- o) Excavation and landscaping operations
- p) Farm supplies and equipment sales and service
- q) Fuel storage depots
- r) Garden and nursery sales and supplies
- s) Government establishments except retail outlets
- t) Heavy equipment sales and service
- u) Indoor recreation establishments
- v) Licensed Analytical Testing and Research of cannabis accessory to a permitted licensed cannabis land use
- w) Licensed micro-cultivation of cannabis
- x) Licensed micro-processing of cannabis
- y) Licensed cannabis nurseries
- z) Licensed standard cultivation and processing of cannabis
- aa) Marine sales, service and repair
- bb) Offices, excluding doctor, dentist, lawyer, and real estate offices

- cc) Railway uses
- dd) Recreational vehicle sales, service and rental establishments
- ee) Recycling depots
- ff) Restaurants
- gg) Research facilities
- hh) Sales and service of manufacturing and processing machinery or equipment
- ii) Sawmills
- jj) Storage depot
- kk) Service industries and shops including in conjunction with a single unit dwelling
- ll) Support industries
- mm) Support services
- nn) Taxi and bus depots
- oo) Telecommunications towers and accessory buildings
- pp) Transport depots
- qq) Utility facilities
- rr) Veterinary clinics
- ss) Wholesale establishments
- tt) Winery

4.3.2.2 Lot Requirements

In the Industrial (M) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement | |
|---|--|---|
| | With municipal services | With on-site services |
| a) Minimum lot area | 10,000 ft ² (929 m ²) | 29,000 ft ² (2,694.10 m ²) |
| b) Minimum lot frontage | 100 ft (30.48 m) | 150 ft (45.72 m) |
| c) Minimum front yard | 20 ft (6.10 m) | |
| d) Minimum rear yard | 20 ft (6.10 m) | |
| e) Minimum flankage yard | 15 ft (4.57 m) | |
| f) Minimum side yard | 10 ft (3.05 m) or where the lot abuts a residential or institutional zone 20 ft (6.10 m) | |
| g) Minimum distance between buildings or structures | 15 ft (4.57 m)* | |

| Provision | Requirement | |
|-----------|-------------------------|-----------------------|
| | With municipal services | With on-site services |

| | | |
|------------------------------------|-----------------|--|
| h) Maximum height of main building | 40 ft (12.19 m) | |
|------------------------------------|-----------------|--|

*when fire resistant walls are constructed, distance requirements may be reduced to zero.

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4.3.3 Business Park (BP)

4.3.3.1 Permitted Uses

The following uses shall be permitted in the Business Park (BP) zone:

- a) Ambulance service
- b) Any activity connected with the automobile trade except for automobile scrap yard or automobile related commercial recreation establishment
- c) Banks and financial institutions
- d) Building supply establishments
- e) Commercial and office uses accessory to a main use
- f) Commercial brewery
- g) Commercial distillery
- h) Courier services
- i) Display courts
- j) Farm supplies and equipment sales and service
- k) Garden and nursery sales and supplies
- l) Government establishments except retail outlets
- m) Hotels and motels
- n) Indoor recreation establishments
- o) Industrial training classroom facilities
- p) Licensed Analytical Testing and Research of cannabis accessory to a permitted licensed cannabis land use
- q) Licensed cannabis nurseries
- r) Marine sales, service and repair
- s) Microbrewery
- t) Micro distillery
- u) Offices
- v) Personal service shops
- w) Recreational vehicle sales, service and rental establishments
- x) Restaurants
- y) Retail stores
- z) Retail stores, large format (maximum commercial floor area 50,000 ft² (4,645 m²))
- aa) Service industries
- bb) Service shops
- cc) Storage depot
- dd) Support services
- ee) Veterinary clinics
- ff) Wholesale sales
- gg) Winery

4.3.3.2 Lot Requirements

Section 4.0 - Zones

In the Business Park (BP) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement |
|---|--|
| a) Minimum lot area | 10,000 ft ² (920 m ²) |
| b) Minimum lot frontage | 100 ft (30.48 m) |
| c) Minimum front yard | 25 ft (7.62 m) |
| d) Minimum rear yard | 25 ft (7.62 m) |
| e) Minimum side yard | 15 ft (4.57 m) or where the lot abuts a residential or institutional zone 20 ft (6.10 m) |
| f) Minimum distance between buildings or structures | 15 ft (4.57 m)* |
| g) Maximum height of main building | 35 ft (10.67 m) |

*when fire resistant walls are constructed, distance requirements may be reduced to zero.

4.3.3.3 Uses Permitted by Site Plan Approval

- hh) New large format retail store with commercial floor area greater than 50,000 ft² (4,645 m²) but less than 100,000 ft² (9,290 m²) may be permitted by Site Plan Approval, the Development Officer shall approve a site plan as per Section 4.2.8.3.

4.3.4 Resource Industrial (M-1)

4.3.4.1 Permitted Uses

The following uses shall be permitted in the Resource Industrial (M-1) zone:

- a) Abattoir
- b) Agricultural processing industries
- c) Any activity connected with the automobile trade except for automobile scrap yard or automobile related commercial recreation establishment
- d) Any manufacturing, processing, industrial, assembly or warehousing operation conducted and wholly contained within an enclosed building, and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission of refuse matter or water-carried waste, or by reason of unsightly outdoor storage
- e) Building supply establishments
- f) Bulk storage of sand and gravel
- g) Commercial and office uses accessory to a main industrial use
- h) Excavation and landscaping operations
- i) Farm supplies and equipment sales and service
- j) Feed and fertilizer industries
- k) Fruit and vegetable sorting, grading and packaging establishments
- l) Fuel storage depots
- m) Heavy equipment sales and service
- n) Licensed micro-cultivation of cannabis
- o) Licensed micro-processing of cannabis
- p) Licensed cannabis nurseries
- q) Licensed standard cultivation and processing of cannabis
- r) One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
- s) Railway uses
- t) Recycling depots
- u) Sand and gravel excavation and processing
- v) Sawmills
- w) Storage depot
- x) Service industries and shops including in conjunction with a single unit dwelling
- y) Utility facilities
- z) Wood processing and manufacturing establishments

4.3.4.2 Lot Requirements

In the Resource Industrial (M-1) zone, no development permit shall be issued in except in conformity with the following:

| Provision | Requirement |
|------------------------------------|--|
| a) Minimum lot area | 40,000 ft ² (3,716 m ²) |
| b) Minimum lot frontage | 200 ft (60.96 m) |
| c) Minimum front yard | 40 ft (12.19 m) |
| d) Minimum rear yard | 40 ft (12.19 m) |
| e) Minimum side yard | 40 ft (12.19 m) |
| f) Maximum height of main building | 35 ft (10.67 m) |

4.3.4.3 Outdoor Storage

- a) Where a Resource Industrial (M-1) lot abuts a lot used for residential purposes, a planting strip shall be required to screen any outdoor storage as specified in Section 3.25.

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4.3.5 Local Centre Industrial (M-2)

4.3.5.1 Permitted Uses

The following uses shall be permitted in the Local Centre Industrial (M-2) zone:

- a) Agricultural processing industries
- b) Ambulance service
- c) Any manufacturing, processing, industrial, assembly or warehousing operation conducted and wholly contained within an enclosed building, and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission of refuse matter or water-carried waste, or by reason of unsightly outdoor storage
- d) Aquaponics industries
- e) Bank and financial institutions
- f) Feed and fertilizer industries
- g) Fruit and vegetable sorting, grading and packaging establishments
- h) Licensed micro-cultivation of cannabis
- i) Licensed micro-processing of cannabis
- j) Licensed cannabis nurseries
- k) Licensed standard cultivation and processing of cannabis
- l) One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
- m) Sawmills
- n) Storage depot
- o) Service industries and shops including in conjunction with a single unit dwelling
- p) Wood processing and manufacturing establishments

4.3.5.2 Lot Requirements

In the Local Centre Industrial (M-2) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement |
|------------------------------------|--|
| a) Minimum lot area | 40,000 ft ² (3,716 m ²) |
| b) Minimum lot frontage | 200 ft (60.96 m) |
| c) Minimum front yard | 40 ft (12.19 m) |
| d) Minimum rear yard | 40 ft (12.19 m) |
| e) Minimum side yard | 40 ft (12.19 m) |
| f) Maximum height of main building | 35 ft (10.67 m) |

4.3.5.3 Outdoor Storage

- a) The following restrictions shall apply to outdoor storage in the Local Centre Industrial (M-2) zone:
- i. outdoor storage shall not be permitted within the front yard of a lot or in a side yard abutting a residential zone;
 - ii. the area devoted to outdoor storage shall not exceed 50% of the lot area; and
 - iii. a planting strip shall be required as specified in Section 3.25.

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4.3.6 Mixed Industrial (MI)

4.3.6.1 Permitted Uses

The following uses shall be permitted in the Mixed Industrial (MI) zone:

- a) Ambulance service
- b) Auto repair and auto body shops
- c) Bank and financial institutions
- d) Excavation and landscaping operations
- e) Storage depot
- f) Service industries and shops including in conjunction with a single unit dwelling
- g) Transport depots
- h) Uses permitted in the R-1 zone subject to the R-1 zone requirements
- i) Veterinary clinic
- j) Wood processing and manufacturing establishments

4.3.6.2 Lot Requirements

In the Mixed Industrial (MI)

zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement | |
|------------------------------------|--|---|
| | with municipal services | with on-site services |
| a) Minimum lot area | 10,000 ft ² (929 m ²) | 29,000 ft ² (2,694.10 m ²) |
| b) Minimum lot frontage | 100 ft (30.28 m) | 150 ft (45.72 m) |
| c) Minimum front yard | 25 ft (7.62 m) | |
| d) Minimum rear yard | 25 ft (7.62 m) | |
| e) Minimum side yard | 15 ft (4.57 m) or where the lot abuts a residential or institutional zone 20 ft (6.10 m) | |
| f) Maximum height of main building | 35 ft (10.67 m) | |

4.4 Agriculture Zones

4.4.1 General Provisions for Agricultural and Resources Uses

4.4.1.1 Dwellings Accessory to an Agricultural Operation

- a) More than one dwelling shall be permitted on a lot in an agricultural zone where such dwellings are accessory to an ongoing agricultural operation. Such dwellings shall be permitted only for the use of a farm employee, an owner of the farm property or a family member directly involved in the farm operation.

4.4.1.2 Dwellings – Separation from Intensive Livestock Operation

- a) No new dwelling shall be constructed within 1,000 ft (304.80 m) of an existing intensive livestock operation. This provision shall not apply to accessory farm dwellings.

4.4.1.3 Indoor Storage Facility

- a) Where indoor storage facilities are permitted as an accessory use to agricultural uses, an indoor storage facility shall:
 - i. Not require a development permit if the use is within an existing building used for agriculture purposes;
 - ii. Be clearly subordinate to the principal agricultural use of the lot; and
 - iii. Require approval from the Municipal Fire Inspector / Building Official for use of the building for an indoor storage facility.

4.4.1.4 Livestock Operations, Intensive

- a) No building or structure housing an intensive livestock operation, manure storage facility for an intensive livestock operation, burial site or incinerator for the disposal of dead animals shall be located within:
 - i. A Growth Centre or on a property that shares a boundary with a Growth Centre.
 - ii. 1,000 ft (304.80 m) of a non-farm residential, commercial or institutional building;
 - iii. 200 ft (60.96 m) of an adjacent property, other than another livestock farm or another property that is part of the farm under consideration in which case the distance shall be 40 ft (12.19 m);
 - iv. 150 ft (45.72 m) of a public street or private road; or
 - v. 300 ft (91.44 m) of a water well or watercourse.
- b) Nothing in this Land Use By-law shall prevent the expansion of an existing intensive livestock operation, including the construction of new barns or manure storage facilities, provided the yard and separation distance requirements set out in this Land Use By-law are met or such expansion does not further reduce any yards or separation distances that do not conform.

- c) The separation distances set out in Section 4.4.1.4 a) and b) may be reduced to allow for the expansion/upgrade of an existing intensive livestock operation or the establishment of a new intensive livestock operation, including the construction of new barns and manure storage facilities, provided that:
 - i. the total number of livestock involved in the operation does not exceed the equivalent of 300 animal units;
 - ii. the applicant has submitted an environmental site assessment and plans, signed and sealed by a qualified professional specializing in agricultural engineering in accordance with the Engineering Profession Act, which show there is no increased pollution risk associated with the project, manure management and storage capacity are adequate for the current and proposed size and type of operation, and contaminated runoff is eliminated or properly contained; and
 - iii. following construction, the applicant provides a certificate from a professional engineer which shows that construction has been completed in accordance with the plans submitted under subsection ii).

4.4.1.5 Livestock Operations, Non-intensive

- b) No building or structure housing a non-intensive livestock operation on a lot greater than one (1) acre shall be located within:
- c) 50 ft (15.24 m) of an adjoining property in the Local Centre designation or Growth Centre boundary;
 - i. 40 ft (12.19 m) of an adjoining property in all other designations;
 - ii. 40 ft (12.19 m) of a public street or private road; and
 - iii. 100 ft (30.48 m) of a water well or watercourse.
- d) Manure storage for a non-intensive livestock operation on a lot greater than one (1) acre shall not be located within:
 - i. 100 ft (30.48 m) of an adjoining property used for residential, commercial or institutional purposes unless contained in a concrete or wooden enclosure a minimum of 5 ft (1.52 m) in height and built on a concrete pad, in which case the separation distance may be reduced to 50 ft (15.24 m);
 - ii. 40 ft (12.19 m) of an adjoining property in a Resource designation; and
 - iii. 100 ft (30.48 m) of a water well or watercourse.

4.4.1.6 Main Buildings

- a) More than one building may be permitted on a lot in an agricultural zone except where the main building is a residential dwelling.

4.4.1.7 Separation Distance for Agricultural Support and Forestry Uses

- a) Notwithstanding any other provisions of this By-law:
 - i. With the exception of licensed cannabis land uses, the main building(s) of agricultural support uses or forestry and forestry related uses shall be located at

least 500 ft (152.40 m) from any adjacent non-farm residential, commercial or institutional building; and

- ii. The main building(s) of any licensed cannabis land uses shall be located at least 250 ft (76.2 m) from an existing residential dwelling, a home for special care and senior citizen housing building unless the building or dwelling is on the same lot as the licensed cannabis land use.

4.4.1.8 Special Requirements – Farm Sales Outlets, Riding Stables

- a) Accessory agricultural uses of a commercial nature such as farm sales outlets, riding stables, maple syrup camps or other similar uses that are open to the public and generate customer traffic shall provide:
 - i. A driveway which shall meet Nova Scotia Department of and Public Works requirements for commercial access; and
 - ii. adequate on-site parking in accordance with the requirements of Section 5.

4.4.1.9 Topsoil Removal Prohibited

- a) The removal of topsoil shall be prohibited from lots located in an agricultural zone except where incidental to an agricultural use, sod farming operations, plant nurseries, and excavation associated with the construction of buildings or infrastructure.

4.4.2 Prime Agriculture (P/Ag)

4.4.2.1 Permitted Uses

The following uses shall be permitted in the Prime Agriculture (P/Ag) zone:

- a) Agricultural support uses
- b) Agricultural uses and structures
- c) Commercial riding stables
- d) Forestry and forestry related activities
- e) Indoor storage facilities accessory to an agriculture use
- f) Non-permanent facilities for sale of produce, as an accessory use
- g) 1 Dwelling, single-unit accessory to an ongoing agricultural operation

4.4.2.2 Lot Requirements

In the P/Ag zone, no development permit shall be issued except in conformity with the following:

| Provision | All other uses | Residential uses |
|------------------------------------|---------------------|------------------|
| a) Minimum lot area | 25 acres (10.12 ha) | 5 acres (2.02 h) |
| b) Minimum lot frontage | 200 ft (60.96 m) | 100 ft (30.48 m) |
| c) Minimum front yard | 40 ft (12.19 m) | 25 ft (7.62 m) |
| d) Minimum rear yard | 40 ft (12.19 m) | 25 ft (7.62 m) |
| e) Minimum side yard | 40 ft (12.19 m) | 10 ft (3.05 m) |
| f) Maximum height of main building | 55 ft (16.76 m) | 35 ft (10.67 m) |

4.4.2.3 Agricultural Operations

- g) Notwithstanding Section 4.4.2.2, the minimum lot area for an agricultural operation, excluding an accessory residential dwelling, shall be 5 acres (2.02 ha); the remainder lot shall be a minimum of 25 acres (10.12 ha) in area.

4.4.2.4 Development on Existing Undersized Lots

- a) Notwithstanding Section 3.10, one single unit dwelling as a main use may be permitted on a lot existing as of April 11, 1989 which is 6 acres (2.43 ha) or less in size provided all other requirements are met.

4.4.2.5 Limitation on Subdivision

- a) Pursuant to Section 17(d) of the West Hants Regional Subdivision By-law, all lots to be approved in the P/Ag zone shall abut an existing public street or meet the requirements for lots with less than the required frontage (s. 279 Municipal Government Act variance, water

frontage, right-of-way, encroachments, main buildings prior to August 6, 1984) as specified in Sections 20, 21, 23, 24 and 25 of the West Hants Regional Subdivision By-law.

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4.4.3 Agricultural Priority Two (AR-2)

4.4.3.1 Permitted Uses

The following uses shall be permitted in the Agricultural Priority Two (AR-2) zone:

- a) Agricultural support uses
- b) Agricultural uses and structures
- c) Commercial riding stables
- d) Community centres
- e) Dwelling, single unit
- f) Dwelling, two-unit
- g) Fire halls
- h) Forestry and forestry related activities
- i) Indoor storage facilities accessory to an agriculture use
- j) Manufactured homes
- k) Non-permanent facilities for sale of produce, as an accessory use
- l) Places of worship
- m) Telecommunications towers and accessory buildings

4.4.3.2 Lot Requirements

In the Agricultural Priority Two (AR-2) zone, no development permit shall be issued except in conformity with the following:

| Provision | (i) Agricultural Uses & Support Uses and Forestry Uses | (ii) Places of Worship, Community Centres, Fire Halls | (iii) Dwellings |
|-------------------------|--|---|--|
| a) Minimum lot area | 3 acres (1.21 h) | 1 acre (0.40 h) | 40,000 ft ² (3,716 m ²) |
| b) Minimum lot frontage | 300 ft (91.44 m) | 100 ft (30.48 m) | 150 ft (45.72 m) |
| c) Minimum front yard | 40 ft (12.19 m) | 25 ft (7.62 m) | 25 ft (7.62 m) |
| d) Minimum rear yard | 40 ft (12.19 m) | 25 ft (7.62 m) | 25 ft (7.62 m) |
| e) Minimum side yard | 40 ft (12.19 m) | 10 ft (3.05 m) | 6 ft (1.83 m) on one side; 10 ft (3.05 m) on other |

| Provision | (i) Agricultural Uses & Support Uses and Forestry Uses | (ii) Places of Worship, Community Centres, Fire Halls | (iii) Dwellings |
|------------------------------------|--|---|-----------------|
| f) Maximum height of main building | 55 ft (16.76 m) | 35 ft (10.67 m) | 35 ft (10.67 m) |

4.4.3.3 Limitation of Subdivision

- a) Pursuant to Section 29 of the West Hants Regional Municipality Subdivision By-law, subdivision of land within the Agricultural Priority Two (AR-2) zone shall be limited to the approval of two lots per area of land during a calendar year. This requirement shall not prevent the consolidation of two or more parcels.
- b) Pursuant to Section 17(d) of the West Hants Regional Municipality Subdivision By-law, all lots to be approved in the Agricultural Priority Two (AR-2) zone shall abut an existing public street or meet the requirements for lots less than the required frontage (s. 279 *Municipal Government Act* variance, water frontage, right-of-way, encroachments, main buildings prior to August 6, 1984) as specified in Sections 20, 21, 23, 24 and 25 of the West Hants Subdivision By-law.

4.4.4 Agricultural Priority Three (AR-3)

4.4.4.1 Permitted Uses

The following uses shall be permitted in the Agricultural Priority Three (AR-3) zone:

- a) Agricultural support uses
- b) Agricultural uses and structures
- c) Commercial riding stables
- d) Community centres
- e) Dwelling, single unit
- f) Dwelling, two-unit
- g) Forestry and forestry related activities
- h) Indoor storage facilities accessory to an agriculture use
- i) Manufactured homes
- j) Non-permanent facilities for sale of produce, as an accessory use
- k) Places of worship
- l) Telecommunications towers and accessory buildings

4.4.4.2 Lot Requirements

In the Agricultural Priority Three (AR-3) zone, no development permit shall be issued except in conformity with the following:

| Provision | (i) Agricultural Uses & Support Uses and Forestry Uses | (ii) Places of Worship, Community Centres, Fire Halls | (iii) Dwellings |
|------------------------------------|--|---|--|
| a) Minimum lot area | 3 acres (1.21 h) | 1 acre (0.40 h) | 40,000 ft ² (3,716 m ²) |
| b) Minimum lot frontage | 300 ft (91.44 m) | 100 ft (30.48 m) | 150 ft (45.72 m) |
| c) Minimum front yard | 40 ft (12.19 m) | 25 ft (7.62 m) | 25 ft (7.62 m) |
| d) Minimum rear yard | 40 ft (12.19 m) | 25 ft (7.62 m) | 25 ft (7.62 m) |
| e) Minimum side yard | 40 ft (12.19 m) | 10 ft (3.05 m) | 6 ft (1.83 m) on one side; 10 ft (3.05 m) on other |
| f) Maximum height of main building | 55 ft (16.76 m) | 35 ft (10.67 m) | 35 ft (10.67 m) |

4.4.4.3 Special Provisions for Growth Centres and Local Centres

- a) Notwithstanding the permitted uses listed in Section 4.4.4.1:
 - i. New intensive livestock operations and agricultural support uses shall not be permitted on properties zoned Agricultural Priority Three (AR-3) in a Growth Centre or Local Centre;
 - ii. Mobile homes shall not be permitted on properties zoned Agricultural Priority Three (AR-3) in a Growth Centre or Local Centre.

4.4.4.4 Limitation on Subdivision

- a) Pursuant to Section 17(d) of the West Hants Regional Municipal Subdivision By-law, all lots to be approved in the Agricultural Priority Three (AR-3) zone shall abut an existing public street or meet the requirements for lots less than the required frontage (s. 279 Municipal Government Act variance, water frontage, right-of-way, encroachments, main buildings prior to August 6, 1984) as specified in Sections 20, 21, 23, 24 and 25 of the West Hants Subdivision By-law.

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4.5 Resource Zones

4.5.1 General Resource (GR)

4.5.1.1 Permitted Uses

The following uses shall be permitted in the General Resource (GR) zone:

- a) Agriculture support uses
- b) Agriculture uses and structures
- c) Automobile service stations
- d) Community centres
- e) Dwelling, single unit
- f) Dwelling, two-unit
- g) Dwelling, seasonal
- h) Farm supplies and equipment sales and service
- i) Fire halls
- j) Forestry and forestry related activities
- k) Indoor storage facilities accessory to an agricultural use
- l) Manufactured homes
- m) Personal service shops
- n) Places of worship
- o) Restaurants
- p) Retail stores under 5,000 ft² (139.25 m²) in commercial floor area
- q) Structures related to sand and gravel extraction operations
- r) Telecommunications towers and accessory buildings
- s) Utility facilities

4.5.1.2 Lot Requirements for Resource Uses

In the General Resource (GR) zone, no development permit shall be issued except in conformity with the following:

| Provision | Resource Uses | All Other Uses |
|-------------------------|---|---|
| a) Minimum lot area | 40,000 ft ² (3,716.00 m ²) | 40,000 ft ² (3,716.00 m ²) |
| b) Minimum lot frontage | 150 ft (45.72 m) | 150 ft (45.72 m) |
| c) Minimum front yard | 40 ft (12.19 m) | 25 ft (7.62 m) |
| d) Minimum rear yard | 40 ft (12.19 m) | 25 ft (7.62 m) |
| e) Minimum side yard | 40 ft (12.19 m) | 15 ft (4.57 m) |

| Provision | Resource Uses | All Other Uses |
|------------------------------------|-----------------|-----------------|
| f) Maximum height of main building | 55 ft (16.76 m) | 35 ft (10.67 m) |

4.5.1.3 Abutting Zone Requirements

- a) Where a General Resource (GR) zone abuts a residential zone in a Growth Centre or Local Centre, the following provisions shall apply to commercial uses:
- i. the minimum side yard requirement for the commercial uses from the abutting lot line shall be 20 ft (6.10 m);
 - ii. no outdoor storage or outdoor display shall be permitted in an abutting side yard; and
 - iii. the part of the commercial lot directly adjoining the residential zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to the lot line.

4.5.1.4 Private Roads

- a) A development permit may be issued for a seasonal dwelling, a single unit dwelling or a resource use to be located on a lot with frontage on a private road.

4.5.2 Mineral Resource (MR)

4.5.2.1 Permitted Uses

The following uses shall be permitted in the Mineral Resource (MR) zone:

- a) Agriculture support uses
- b) Agriculture uses and structures
- c) Dwelling, single unit
- d) Dwelling, two-unit
- e) Forestry and forestry related activities
- f) Indoor storage facilities accessory to an agricultural use
- g) Manufactured homes
- h) Mineral extraction and associated processing industries
- i) Structures related to mineral extractive uses, including sand and gravel extraction operations
- j) Telecommunications towers and accessory buildings

4.5.2.2 Lot Requirements for Resource Uses

In the Mineral Resource (MR) zone, no development permit shall be issued except in conformity with the following:

| Provision | (i) Resource Uses | (ii) All Other Uses |
|------------------------------------|---|---|
| a) Minimum lot area | 40,000 ft ² (3,716.00 m ²) | 40,000 ft ² (3,716.00 m ²) |
| b) Minimum lot frontage | 150 ft (45.72 m) | 150 ft (45.72 m) |
| c) Minimum front yard | 40 ft (12.19 m) | 25 ft (7.62 m) |
| d) Minimum rear yard | 40 ft (12.19 m) | 25 ft (7.62 m) |
| e) Minimum side yard | 40 ft (12.19 m) | 25 ft (4.57 m) |
| f) Maximum height of main building | 55 ft (16.76 m) | 35 ft (10.67 m) |

4.5.2.3 Abutting Zone Requirements

- a) Notwithstanding any other provisions of this By-law, a main building of a mineral processing industry shall be located at least 500 ft (152.40 m) from land located within a Growth Centre, or designated Local Centre, as well as from existing residential, commercial or institutional buildings.

4.5.3 Water Supply (W)

4.5.3.1 Permitted Uses

The following uses shall be permitted in the Water Supply (W) zone:

- a) Agricultural uses excluding dwellings, the keeping of livestock, Licensed Micro-Cultivation of cannabis and greenhouse operations
- b) Forestry and forestry related activities
- c) Historic buildings and sites
- d) Outdoor recreation uses not requiring permanent structures to be erected
- e) Uses, buildings and structures necessary for the prevention of floods, soil erosion and other similar natural occurrences
- f) Woods camps

4.5.3.2 Lot Requirements

In the Water Supply (W) zone, no development permit, with the exception of municipal water treatment distribution uses, shall be issued except in conformity with the following:

| Provision | Requirement |
|--|--------------------|
| a) Minimum lot area | 10 acres (4.05 ha) |
| b) Minimum lot frontage | 200 ft (60.96 m) |
| c) Minimum water frontage (applies to lots with frontage on Mill Lake and Davidson Lake) | 300 ft (91.44 m) |
| d) Minimum front yard | 50 ft (15.24 m) |
| e) Minimum rear yard | 50 ft (15.24 m) |
| f) Minimum side yard | 50 ft (15.24 m) |
| g) Maximum height of main building | 35 ft (10.67 m) |

4.5.3.3 Environmental Study

- a) No development permit shall be issued for any proposed development within 213.25 ft (65 m) of any watercourse or water body in the Water Supply (W) zone until an environmental study, as described in Policy 3-115 of the Municipal Planning Strategy, has been completed and submitted to the Development Officer.

4.5.3.4 Slope

- a) No structure may be erected or land levels altered on any portion of a lot in the Water Supply (W) zone where the slope is greater than 15% with the exception of buildings or structures related to:
 - i. the prevention of floods, or erosion, or which serve to facilitate drainage; and
 - ii. municipal water treatment and distribution uses.

4.5.3.5 Protected Water Areas

- a) In addition to all requirements of this By-law, additional regulations may apply to areas designated as Protected Water Areas under the Nova Scotia *Environment Act*, including the French Mill Brook and Mill Lakes water supply watersheds.

4.5.3.6 Wood Camps

- a) The total floor area of a woods camp in the Water Supply (W) zone shall not exceed 600 ft² (55.74 m²), excluding any decks, balconies, exterior staircases and similar features.

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4.5.4 Landfill (LF)

4.5.4.1 Permitted Uses

The following uses shall be permitted in the Landfill (LF) zone:

- a) Asbestos waste storage
- b) Construction and demolition waste receiving and processing areas
- c) Haulage and transfer truck maintenance and parking areas
- d) Household hazardous waste depots
- e) Hydrocarbon impacted solid remediation areas
- f) Leaf and yard waste storage and compost areas
- g) Municipal solid waste landfill operations including stormwater, leachate, landfill and gas handling and treatment systems as required
- h) Recycling depots
- i) Uses accessory to the operation of a landfill except for the disposal of hazardous waste
- j) Waste drop-off areas
- k) White goods/metals storage areas

4.5.4.2 Lot Requirements

In the Landfill (LF) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement |
|---|-------------------|
| a) Minimum lot area | 5 acres (2.02 ha) |
| b) Minimum lot frontage | 200 ft (60.96 m) |
| c) Minimum front yard | 50 ft (15.24 m) |
| d) Minimum rear yard | 50 ft (15.24 m) |
| e) Minimum side yard | 25 ft (7.62 m) |
| f) Maximum height of main building | 55 ft (16.76 m) |
| g) Maximum height of accessory building | 55 ft (16.76 m) |

4.6 Community Use Zones

4.6.1 Institutional (I)

4.6.1.1 Permitted Uses

The following uses shall be permitted in the Institutional (I) zone:

- a) Any institutional use which is incorporated under the *Societies Act*
- b) Armories
- c) Clinics
- d) Colleges, universities and schools, including school dormitories
- e) Community centres
- f) Community service clubs and organizations
- g) Cultural uses
- h) Day care
- i) Dwellings accessory to permitted uses
- j) Emergency services facilities
- k) Government offices
- l) Historic sites
- m) Homes for special care
- n) Hospitals
- o) Indoor recreation uses
- p) Licensed Analytical Testing and Research of cannabis
- q) Outdoor recreation uses
- r) Places of worship
- s) Seniors housing
- t) Tourist bureaus

4.6.1.2 Lot Requirements

In the Institutional (I) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement | |
|-------------------------|---|---|
| | With Municipal Services | With On-site Services |
| a) Minimum lot area | 6,500 ft ² (603.9 m ²) | 40,000 ft ² (3,716.00 m ²) |
| b) Minimum lot frontage | 65 ft (19.8 m) | |
| c) Minimum front yard | 25 ft (7.6 m) | |
| d) Minimum rear yard | 30 ft (9.14 m) | |

| Provision | Requirement | |
|------------------------------------|--|-----------------------|
| | With Municipal Services | With On-site Services |
| e) Minimum side yard | 10 ft (3.05m) or one-half the height of the building, whichever is greater | |
| f) Maximum height of main building | 35 ft (10.67 m) | |

4.6.1.3 Existing Signs

- a) Nothing in this By-law shall prohibit the repair, reconstruction or continued use of a permanent changeable copy sign for advertising community and commercial events in the Institutional (I) zone which existed on or before the effective date of this By-law.

4.6.1.4 Special Requirement - Parking

- a) In Hantsport Growth Centre, 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.

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4.6.2 Open Space (OS)

4.6.2.1 Permitted Uses

The following uses shall be permitted in the Open Space (OS) zone:

- a) Buildings and structures accessory to a permitted use including canteens and related amenities
- b) Cemeteries
- c) Dwellings accessory to permitted uses
- d) Historic sites
- e) Outdoor recreation uses
- f) Parks and playgrounds
- g) Pavilions, band shells
- h) Skate parks
- i) Sports fields
- j) Uses, buildings and structures necessary for the prevention of floods, soil erosion and other related activities

4.6.2.2 Lot Requirements

In the Open Space (OS) zone, no development permit shall be issued except in conformity with the following:

| Provision | Requirement |
|------------------------------------|---|
| a) Minimum lot area | 20,000 ft ² (1,858.00 m ²) |
| b) Minimum front yard | 30 ft (9.14 m) |
| c) Minimum rear yard | 30 ft (9.14 m) |
| d) Minimum side yard | 30 ft (9.14 m) |
| e) Maximum height of main building | 35 ft (10.67 m) |

4.6.2.3 Overhead Lighting

- a) Overhead lighting which meets the requirements of Section 3.15, shall be required for skate parks to ensure all portions of the skate park are illuminated during hours of operation.

5 Overlays

5.1.1 Architectural Control District

- a) For any lot in the Architectural Control District, as shown on **Map 7** of the Land Use By-law, the following provisions shall apply:
- b) No development permit shall be issued except in compliance with the provisions of the *Windsor Architectural Design Manual* and all other applicable requirements of this By-law. Where there is a conflict, the provisions of the *Windsor Architectural Design Manual* shall take precedence.

5.1.2 Environmental Constraints Area

5.1.2.1 Dykeland

- a) In areas shown as Environmental Constraints Area, as shown on **Maps 2-5** of the Land Use By-law, no development permit shall be issued for a use permitted in the underlying zone until an environmental study as described in Policy 3-115 of the Municipal Planning Strategy has been completed and submitted to the Development Officer for:
 - i. Any new main building;
- b) Any new accessory building larger than 800 ft² (74.32 m²) in total floor area;
- c) Notwithstanding a) a development permit may be issued for:
 - i. Pump houses or other structures required for water distribution or irrigation; or
 - ii. Gazebos or boathouses for personal non-commercial use.
- d) In areas shown as Environmental Constraints Area on **Maps 2-5** of the Land Use By-law:
 - i. a pump house permitted under subsection 5.1.2.1(b) ii. herein, a building for which a development permit was issued prior to April 18, 2001, or a building existing as of April 18, 2001, may be enlarged, reconstructed, repaired or renovated provided all other applicable requirements of this By-law are satisfied; and
 - ii. the use of a building existing, or for which a development permit was issued, prior to April 18, 2001, may be changed to a use permitted in the underlying zone, except where such use involves more intensive human or livestock occupancy, or the warehousing or production of hazardous materials.
 - iii. An accessory building permitted under subsection 5.1.2.1(b) i. may be enlarged, reconstructed, repaired or renovated provided all other applicable requirements of this By-law are satisfied, but in no case shall the building footprint of the building exceed 500 ft² (46.45 m²).

5.1.2.2 Nova Scotia Agricultural Marshland Conservation Act

- a) Where a property shown as Environmental Constraints Area, as shown on **Maps 2-5** of the Land Use By-law, is dykeland designated under the *Nova Scotia Agricultural Marshland Conservation Act*, the following provisions apply:
- i. No development permit shall be issued unless such development is permitted under the *Nova Scotia Agricultural Marshland Conservation Act*;
 - ii. No development permit shall be issued for:
 1. new residential institutions such as hospitals, senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary; and
 2. any new use associated with the warehousing or the production of hazardous materials.
 - iii. Infilling, topsoil removal and alteration of topography shall not be permitted, except as necessary for:
- b) construction and maintenance of dykes, aboteaux, ditches, drains, roads and other works necessary for the prevention of flooding and the protection of dykeland;
- c) the maintenance, repair and expansion of public and private roads, highways, driveways and parking areas existing as of April 18, 2001;
1. the reasonable construction of new driveways, building sites and parking areas where the Development Officer has approved the issuance of a development permit in accordance with the requirements of Sections 27.1 or 27.4 herein;
 2. the reasonable construction of new driveways and parking areas where the Development Officer has approved the issuance of a development permit for a permitted use in the underlying zone.
 3. construction of sports fields, golf courses, boat launches, trails and other recreational uses which require a limited amount of infilling and alteration of topography, but do not require buildings;
 4. the creation and maintenance of wetlands for the purposes of recreation and wildlife habitat enhancement;
 5. farmland improvement including dykeland land forming carried out in accordance with generally accepted farming practices; or
 6. the construction of new public streets shown on an approved subdivision plan.
 7. the construction of new public or private roads shown on a tentative or final plan of subdivision approved by the development officer prior to April 18, 2001;
 8. the construction of new public streets shown on an approved subdivision plan, subject to the additional requirements of

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- Subsection 34.6 herein, provided that the portion of the street which is located on dykeland does not exceed 250 ft (76.20 m) in length
- ii. No infilling, topsoil removal, or alteration of topography carried out under Subsection 5.1.2.2 (iii) herein shall impede drainage or flow of flood water or unnecessarily reduce flood water storage capacity.
- d) Where a new public street is proposed within the Environmental Constraints Area, as shown on **Maps 2-5** of the Land Use By-law, in accordance with Subsection 5.1.2.2 (iii)(11), the following shall be submitted to the Development Officer:
- i. road design and construction plans prepared under the seal of a Professional Engineer and satisfactory to the Municipal Engineer which adequately deal with public safety and elevation and drainage of the street;
 - ii. an environmental study prepared by a qualified person which clearly demonstrates that the construction of the street will not adversely affect drainage on another property or reduce the water storage capacity of the flood plain; and
 - iii. any other information required by the Development Officer or Municipal Engineer to determine whether the requirements of this Section have been met.

5.1.2.3 Existing Buildings or Structures

- a) Where a building or structure was erected within the Environmental Constraints Area as shown on **Maps 2-5** of the Land Use By-law, on or before March 6, 2002:
- i. the building may be enlarged, reconstructed, repaired or renovated provided all other applicable requirements of this By-law are satisfied; and
 - ii. the use of the building may be changed to a use permitted in the underlying zone, except where such use is:
 - 1. a residential institution such as a hospital, senior citizen home, home for special care or similar facility where flooding could pose a significant threat to the safety of residents if evacuation became necessary; or
 - 2. any use associated with the warehousing or the production of hazardous materials.

5.1.2.4 Requirements Shall Not Apply Where Survey Submitted

- a) The requirements of this Section shall not apply where the property owner submits a survey plan prepared by a Nova Scotia Land Surveyor which shows that the site of the proposed development and any required on-site sewage disposal system has an elevation in excess of the high water elevation for the applicable dykeland as set out in Table 5-1.

Table 5-1: High Water Elevations West Hants Dykelands Incorporated Under Nova Scotia Marshland Reclamation

| Tidal Dykelands | High Water Elevation, Geodetic (ft) |
|--------------------------|-------------------------------------|
| Burlington | 26.5 |
| Centre Burlington | 24.9 |
| Elderkin | 26.0 |
| Greenhill | 27.0 |
| Kennetcook | 26.0 |
| Newport Town | 26.0 |
| St. Croix | 26.0 |
| Scotch Village | 26.5 |
| Herbert River | 25.6 |
| Tregothic | 27.5 |
| Chambers | 26.0 |
| Mantua-Poplar Grove | 26.0 |
| Wentworth | 26.5 |
| Belmont | 26.5 |
| Dykelands Above Causeway | |
| Armstrong | 26.5 |
| Martock | 26.0 |
| Falmouth Great Dyke | 26.0 |
| Windsor Forks | 26.0 |
| Castle Frederick | 26.0 |
| Falmouth Village | 26.0 |

- b) Where approval for an on-site sewage disposal system was granted by the Nova Scotia Department of the Environment prior to December 20, 2000, the survey plan required under Subsection 5.1.2.2 (b) shall show only that the proposed building site, and not the site of the on-site sewage disposal system, has an elevation in excess of the high water elevation for the applicable dykeland.

5.1.3 Wentworth Road Gateway District

5.1.3.1 New Building Construction and Additions

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- a) For any lot in the Wentworth Road Gateway District, as shown on **Map 8** of the Land Use By-law, in addition to the requirements of the underlying zone, the following provisions shall apply to:
 - i. any development involving the construction of a new main building, except where the new main building is an agricultural building; and
 - ii. any addition in excess of 1,000 ft² (92.20 m²) or 25% of the existing structure, whichever is greater, involving a change in use.

5.1.3.2 Landscaping along Wentworth Road

- a) There shall be a landscaped area at least 15 ft (4.57 m) deep that runs the length of and directly abuts the front lot line along Wentworth Road, excluding driveway openings and walkways. Where a lot is a corner lot, the landscaped area shall be required along the lot line abutting the street intersecting with Wentworth Road in addition to the lot line abutting Wentworth Road.
- b) The landscaped area shall be grassed, or other appropriate vegetative ground cover used, and trees shall be planted at intervals no greater than 50 ft (15.24 m) on centre. New trees shall have a minimum caliper of 5.08 cm (2 in) and a minimum height of 5 ft (1.52 m). Shrubs with a minimum height of 1.5 ft (0.46 m) shall be planted in clusters of three plants or more at a minimum rate of one cluster per 50 ft (15.24 m) of frontage. Where possible, existing trees and shrubs may be retained and included in the calculation of plantings required.
- c) Where parking areas, travel lanes or stacking lanes are adjacent to the landscaped area, additional shrubs, or low walls in combination with shrubs, shall be required in the landscaped area to screen cars from view while still allowing eye-level visibility into the site from the street. Shrubs and walls shall be maintained at 2-3 ft (0.61- 0.91 m) in height and shall be placed in continuous fashion to provide a low hedge or screen. For parking lots containing 24 or more spaces, landscaped islands with a minimum permeable surface area of 100 ft² (9.29 m²) shall be provided within the parking lot at a rate of one island per 20 parking spaces. Islands may be located at the end of banks of parking stalls or separating banks of parking stalls. Landscaped islands may include shrubs, perennials, annuals or ground cover and shall include at least one tree, having a minimum caliper of 5.08 cm (2 in) and a minimum height of 5 ft (1.52 m), per island.

5.1.3.3 Pedestrian Access

- a) An unobstructed pedestrian walkway, having a minimum width of 5 ft (1.52 m), and constructed of concrete, asphalt, brick or other hard surface paver, shall be provided between the public sidewalk and the building entrance.

6 Parking and Loading Provisions

6.1 General Parking Regulations

- b) Parking areas shall be on the same lot as the use it is intended to serve, except for parking areas permitted through Policy 4-49.
- a) Barrier-free parking spaces shall be in accordance with the requirements as per the *Nova Scotia Building Code Act*.

6.2 Minimum Off-Street Parking Space Requirements

- a) For every building or structure to be erected or enlarged, off-street parking shall be provided in accordance with **Table 6-1**.

Table 6-1: Minimum Off-Street Parking Space Requirements by Type of Use

| Land Use | Minimum Required Parking Spaces |
|--|---|
| Residential | |
| All dwellings within Growth Centres | 1 space per dwelling unit |
| All dwellings outside of Growth Centres | 1.5 spaces per dwelling unit |
| Boarding and rooming houses | 1 space per dwelling unit plus 1 space per room available for rent |
| Senior citizen housing | 1 space for every 2 dwelling units |
| Institutional or Community | |
| Hospitals and nursing homes | 1 space for every 2 beds or 400 ft ² (37.16 m ²) of floor area, whichever is greater |
| Churches, halls, auditoria, theatres, arenas, stadiums, private clubs and other places of assembly | Fixed Seats: 1 parking space for every 5 seats, or 10 ft (3.05 m) of bench space No Fixed Seats: 1 parking space for every 100 ft ² (9.29 m ²) of floor area devoted to public use. |
| Riding stables | 1 space for every 4 stalls |
| Elementary schools | 1.5 spaces per classroom |
| All other schools | 4 spaces per classroom |
| Day care facility | 1 space for every 10 patrons |
| Business | |
| Restaurants | 1 space per 100 ft ² (9.29 m ²) of floor area devoted to public use |

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| Land Use | Minimum Required Parking Spaces |
|---|--|
| Drive-through or take-out restaurants | 4 spaces up to first 200 ft ² (18.58 m ²) of useable floor area plus 1 space per additional 200 ft ² (18.58 m ²) of useable floor area |
| Funeral homes | 1 space per 5 seat capacity of the chapel with a minimum of 10 parking spaces |
| Bowling alleys and curling rinks | 4 spaces per bowling lane or curling sheet plus 1 space per 100 ft ² (9.29 m ²) of other public floor space |
| Hotels, motels, country inns and other tourist accommodations | 1 space per suite or rental unit plus 1 space per 50 ft ² (4.64 m ²) of floor space devoted to public use, exclusive of lobbies or halls |
| Offices, financial institutions | 1 space per 300 ft ² (27.87 m ²) of floor area |
| Regional shopping centres | 5 spaces per 1,000 ft ² (92.90 m ²) of commercial floor area |
| All other commercial uses | 1 space per 300 ft ² (27.87 m ²) of commercial floor area |
| Industrial Uses | 1 parking space per 1,000 ft ² (92.90m ²) public floor space. |

- c) Minimum parking requirements may be reduced provided a study prepared by a qualified professional justifies a reduction of off-street parking to the satisfaction of the development officer and the Traffic Authority.

6.3 Parking Area Standards

- a) Parking spaces and parking areas shall be designed and maintained in accordance with the following requirements:
- i. Where a part of a parking space is required, such part shall be considered one parking space for the purpose of calculating the total parking requirements;
 - ii. Individual parking spaces shall be 10 ft by 20 ft (3.05 m by 6.10 m) exclusive of driveways and maneuvering aisles;
 - iii. A minimum of 11.8 ft wide by 18.7 ft long (3.6 m by 5.7 m) shall be required for angled spaces;
 - iv. Where in this By-law parking areas are required to accommodate four (4) or more vehicles, the following provisions apply:
 1. The parking area, driveways, and aisles shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.

2. Parking areas shall be provided with unobstructed access to a street by a driveway or aisle and shall be:

| | (i) Minimum Width | (ii) Maximum Width |
|---------------------------|-------------------|--------------------|
| a) One-way traffic | 10 ft (3 m) | 20 ft (6 m) |
| b) Two-way traffic | 20 ft (6 m) | 35 ft (10.67 m) |

3. For a two-way driveway or aisle, the direction of traffic flow shall be clearly indicated by signs, pavement markings, or both.
4. Where a building or lot accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.
5. Lights used for illumination of parking areas shall be so arranged and located as to divert the light away from adjacent lots and directed on the parking area.
6. Outdoor parking and service areas shall be screened from the street and adjacent residential properties through the use of landscaping or opaque fencing.
7. No gasoline pumps or other service station equipment shall be located or maintained on the parking lot.
8. Required parking spaces shall not include any parking spaces used or intended to be primarily for the storage or parking of vehicles for hire or gain, display or sale.
9. Where commercial, industrial, or institutional uses abut a residential zone, parking and loading spaces shall not be located within the abutting required yard.

6.3.1 Driveway Access

- a) Driveway access for a through lot may be provided to either or both streets but in no case shall a driveway continue from one street to the other.
- b) The maximum width of a driveway at the street shall be 35 ft (10.67m).
- c) Two driveways leading to or from the same parking area must be at least 100 ft (30.5 m) apart at the street.
- d) The minimum distance between a driveway and a street intersection, except for automobile service stations as provided in Section 3.2, shall be:
- i. 50 ft (15.24 m) where the driveway access is to a local street;

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- ii. 80 ft (24.38 m) where the driveway access is to a collector street or as specified by Nova Scotia Department of Transportation and Public Works for provincial public streets; and
 - iii. 100 ft (30.48 m) where the driveway access is to an arterial street or as specified by Nova Scotia Department of Transportation and Public Works for provincial public streets.
- e) A residential, institutional or agricultural lot shall be limited to two driveways for the first 100 ft (30.48 m) of street frontage plus one driveway for each additional 100 ft (30.48 m) of street frontage.
- f) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- g) Except for an automobile service station, no lot shall have access to an arterial road if access to a non-arterial road is possible.

6.4 Cash-in-lieu Parking

- a) Notwithstanding the above parking requirements Council may, within the Commercial Core (CC) Zone, accept cash-in-lieu of the owner providing on-site parking. The cash-in-lieu contribution shall be calculated according to the following formula:

$$X (N \times S) + Y (N \times S)$$

Where

X = current assessed value per square foot of land within the Commercial Core (CC) Zone

Y = cost per square foot of grading and surfacing parking area

N = number of parking spaces required by this By-law

S = area of one parking space measuring 10 ft x 20 ft (3.05 m by 6.10 m)

6.5 Bicycle Parking Requirements

- a) Bicycle parking is required to be provided in all zones within the Growth Centres and Local Centres, except for Industrial Zones, for the land uses at the rates specified in **Table 6-2**.

Table 6-2: Minimum Bicycle Parking Space Requirement

| Land Use | Minimum Required Bike Parking Spaces |
|--|--------------------------------------|
| Dwelling – 5 or more dwelling units | Up to 12 units: 2 spaces |
| | 13-24 units: 6 spaces |
| | Above 24 units: 8 spaces |
| Any commercial or institutional use up to 3,000 m ² of gross floor area | 2 spaces |

| Land Use | Minimum Required Bike Parking Spaces |
|--|--------------------------------------|
| Any commercial or institutional use greater than 3,000 m ² of gross floor area | 6 spaces |
| <ul style="list-style-type: none"> b) Bicycle parking must be located on the same lot as the use or building for which it is provided, and must be located in order to promote convenient access to main entrances. c) Bicycle parking spaces shall be accessed by an aisle with a minimum width of 4.9 ft (1.5 m). d) Each bicycle parking space shall have a minimum length of 6 ft (2 m), a minimum width of 1.96 ft (0.6 m), and a minimum vertical clearance of 10 ft (3 m). e) Each bicycle parking space shall contain a bicycle rack secured to the surface and located to provide clear and unobstructed access for the placement and removal of bicycles. f) Each bicycle parking space shall be surfaced with concrete, asphalt, pavers, or other similar stable hard surface. g) When a building or structure accommodates more than one (1) type of use, the bicycle parking space requirements shall be the sum of the requirements for the separate parts of the building or structure occupied by the separate types of use. | |

6.6 Drive-Through Requirements

- a) In addition to the requirements of Section 5 of this By-law, queuing spaces shall be provided for drive-through businesses, in accordance with **Table 6-3**.

Table 6-3: Queuing Space Requirements

| Land Use | Minimum Required Queuing Spaces |
|--|--|
| Restaurants | 10 in-bound spaces approaching each service window; 1 out-bound space after each service window |
| Banks, Automated Tellers | 5 in-bound spaces approaching each service window |
| Automatic car washes and other automotive uses | 3 in-bound spaces approaching the wash or service bay; 1 out-bound space after the wash or service bay |
| Other uses | 3 in-bound spaces approaching each service window |

- b) All queuing spaces shall be a minimum of 20 ft (6.10 m) in length and 10 ft (3.05 m) m in width. Queuing lanes shall provide sufficient space for turning and manoeuvring and shall not occupy any portion of a designated fire lane or a required parking aisle.

6.7 Loading Space Requirements

- a) Loading spaces are required under this By-law for non-residential uses, in accordance with **Table 6-4**, and the owner of every building or structure erected for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain loading spaces on the lot accordingly.

Section 6.0 - Parking and Loading

Table 6-4: Loading Space Requirements

| Non-Residential Land Uses | Minimum Required Loading Spaces |
|--|--|
| Less than 2,000 ft ² (185.80 m ²) in floor area | No spaces required |
| Greater than 2,000 ft ² (185.80 m ²) in floor area | 1 space for every 30,000 ft ² (2,787 m ²) up to a maximum of 6 spaces |
| <p>b) Loading spaces shall be a minimum of 12 ft (3.66 m) by 40 ft (12.19 m) and have a minimum vertical clearance of 14 ft (4.27 m).</p> <p>c) Access to loading spaces shall be provided by driveway with a minimum width of 20 ft (6.10 m) located on the lot on which the loading spaces and accessed from a street.</p> <p>d) Loading spaces shall not be located within any required front yard or be located within any required yard which abuts a residential zone.</p> | |

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7 Signage

7.1 General

- a) Except where otherwise exempted in this By-law, no person shall erect a sign without first obtaining a development permit from the Development Officer and no development permit to erect a sign shall be issued unless all provisions of this By-law are satisfied.
- b) Where this By-law 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.
- c) Signs oriented toward a Provincial Highway requires approval from the relevant Provincial Authority.
- d) 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.
- e) An indoor sign shall not be considered a sign for the purposes of this By-law unless it is intended to be viewed from outside of the building.
- f) A multi-faced sign shall be considered a single sign and only one side of a multi-faced sign shall be used to determine sign area.

7.2 Safety and Maintenance

- a) Every sign, and all parts thereof, including framework supports, background, anchors and wiring systems shall:
 - i. be kept in a good state of repair and maintenance;
 - ii. be constructed and maintained in compliance with the Building Code; and
 - iii. not be located in such a manner that they reduce visibility at intersections.
- b) If the use for which a sign is erected is no longer in operation, the sign, and all parts thereof, shall be removed by the property owner within 60 calendar days of the date the use ceases. This shall not apply to a seasonal enterprise that normally closes during part of the year provided the sign advertising the seasonal enterprise indicates the time of the year the enterprise is in operation.

7.3 Signs Permitted in All Zones

- a) The following signs shall be permitted in all zones and no development permit shall be required:
 - i. Signs not more than 2 ft² (0.18 m²) in sign area, identifying the name and address of a resident;
 - ii. “No trespassing” signs or other signs regulating the use of a property, and of not more than 2 ft² (0.18 m²) in area;
 - iii. Real estate signs not exceeding 5.38 ft² (0.5 m²) in sign area in a Residential Zone and 16.14 ft² (1.5 m²) in other zones, which advertise the sale, rental or lease of the premises;

Section 7.0 - Signage

- iv. Signs regulating or denoting on-premises traffic, or parking, or other signs denoting the direction or function of various parts of a building or premises, provided that such signs are not more than 5 ft² (0.46 m²) in area;
- v. Signs erected by governmental authority and bearing no commercial advertising, such as traffic signs, railway crossing signs, and safety signs;
- vi. Signs erected by governmental authority bearing commercial advertising for regional or local business, recreational, event or tourism promotion;
- vii. Memorial or commemorative signs or tablets not more than 5 ft² (0.46 m²) in area;
- viii. Plaques or signs identifying donors of structures, trees or other landscaping not more than 1 ft² (0.09 m²) in area;
- ix. The flag, pennant or insignia of any government, nation, religious, charitable or fraternal organization, not more than 40 ft² (3.72 m²) in area;
- x. Election signs on private property; and
- xi. One temporary sign not more than 50 ft² (4.64 m²) in area incidental to a construction project taking place on the property.

7.4 Signs Prohibited in All Zones

- a) The following signs are not permitted in any zone:
 - i. Signs which, by reason of flashing or moving illumination or parts, may be confused by the motorist with traffic controls or lights or distract their attention for an extended period of time;
 - ii. Signs located on the roof of any structure, except those permitted in Section 7.7;
 - iii. Any sign or sign structure which constitutes a hazard to public safety or health;
 - iv. Any signs that obstruct free ingress or egress from any fire escape door, window, or other required exit way;
 - v. Signs not erected by a public authority that make use of words such as 'STOP', 'LOOK', 'ONE WAY', 'DANGER', 'YIELD', or any similar word, phrase, symbol, light, or character in such a manner as to mislead or confuse the traffic along a public road;
 - vi. Any signs erected upon a public property or a public right-of-way unless erected by a public authority or authorized by a public authority;
 - vii. Commercial signs painted on, attached to or supported by a tree, stone, cliff or other natural object;
 - viii. Any sign which no longer advertises a bona fide business conducted, or a product sold; and
 - ix. Signs not related to any business or use located on the lot or premises unless erected by a public authority.

7.5 Facial Wall Signs

| Permitted Zones | Dimensions | Conditions |
|-----------------------------------|---|--|
| CC PES | Maximum Sign Area: 15% of the area of the wall to which it is attached | 1 sign is permitted per business premise. Must not extend above or beyond the extremities of the wall upon which they are attached. |
| LC MI | Maximum Sign Area: 15% of the area of the wall to which it is attached up to 20 ft ² (1.86 m ²) | 1 non-illuminated facial wall sign or 1 projecting sign per business premises Must not extend above or beyond the extremities of the wall upon which they are attached. |
| GC WR-C HC M BP FG | Maximum Sign Area: 15% of the area of the wall to which it is attached | Combined area of all signs shall not exceed 3 ft ² (0.28 m ²) for every 1 ft (0.30 m) of lot frontage. Must not extend above or beyond the extremities of the wall upon which they are attached. |
| I OS | Maximum Sign Area: 20 ft ² (1.86 m ²), excluding interpretive signage | 1 identification sign not more than 3 ft ² (0.28 m ²) in area; 1 other sign; and unlimited interpretive signage. On any sign, commercial advertising or sponsorship shall not exceed 1 ft ² (0.09 m ²). Must not extend above or beyond the extremities of the wall upon which they are attached. |
| All Other Zones | Maximum Sign Area: 15% of the area of the wall to which it is attached | 1 sign is permitted per business premise. Must not extend above or beyond the extremities of the wall upon which they are attached. |

7.6 Projecting Wall Signs

| Permitted Zones | Dimensions | Conditions |
|-----------------|--|--|
| CC PES | Maximum Sign Area: 30 ft ² (2.79 m ²) | 1 sign is permitted per business premise. Must not project further than 6 ft (1.83 m) from the wall to which they are affixed. Must not project above the eaves, parapet or roof line of the wall to which they are affixed. |

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| Permitted Zones | Dimensions | Conditions |
|--|--|---|
| | | <p>Must not swing freely on their supports.</p> <p>Must not be erected lower than 10 ft (3.05 m) and higher than 15 ft (4.57 m) above the ground.</p> |
| <p>LC</p> <p>MI</p> | <p>Maximum Sign Area: 20 ft² (1.89 m²)</p> | <p>1 non-illuminated facial wall sign or 1 projecting sign per business premises or 1 roof sign.</p> <p>Must not project further than 6 ft (1.83 m) from the wall to which they are affixed.</p> <p>Must not project above the eaves, parapet or roof line of the wall to which they are affixed.</p> <p>Must not swing freely on their supports.</p> <p>Must not be erected lower than 10 ft (3.05 m) and higher than 15 ft (4.57 m) above the ground.</p> |
| <p>GC</p> <p>WR-C</p> <p>HC</p> <p>M</p> <p>BP</p> <p>FG</p> | <p>Maximum Sign Area: 30 ft² (2.79 m²)</p> | <p>Combined area of all signs shall not exceed 3 ft² (0.28 m²) for every 1 ft (0.30 m) of lot frontage.</p> <p>Must not project further than 6 ft (1.83 m) from the wall to which they are affixed.</p> <p>Must not project above the eaves, parapet or roof line of the wall to which they are affixed.</p> <p>Must not swing freely on their supports.</p> <p>Must not be erected lower than 10 ft (3.05 m) and higher than 15 ft (4.57 m) above the ground.</p> |
| <p>I</p> <p>OS</p> | <p>Maximum Sign Area: 30 ft² (2.79 m²)</p> | <p>1 identification sign not more than 3 ft² (0.28 m²) in area; 1 other sign; and unlimited interpretive signage. On any sign, commercial advertising or sponsorship shall not exceed 1 ft² (0.09 m²).</p> <p>Must not project further than 6 ft (1.83 m) from the wall to which they are affixed.</p> <p>Must not project above the eaves, parapet or roof line of the wall to which they are affixed.</p> <p>Must not swing freely on their supports.</p> |

| Permitted Zones | Dimensions | Conditions |
|------------------------|--|--|
| | | Must not be erected lower than 10 ft (3.05 m) and higher than 15 ft (4.57 m) above the ground. |
| All Other Zones | Maximum Sign Area: 30 ft ² (2.79 m ²) | <p>1 sign is permitted per business premise.</p> <p>Must not project further than 6 ft (1.83 m) from the wall to which they are affixed.</p> <p>Must not swing freely on their supports.</p> <p>Must not be erected lower than 10 ft (3.05 m) and higher than 15 ft (4.57 m) above the ground.</p> |

7.7 Roof Signs

| Permitted Zones | Dimensions | Conditions |
|---------------------------------------|--|--|
| LC MI GC HC M BP FG | Maximum Sign Area: 1 ft ² (0.09 m ²) for every 1 ft (0.3 m) of roof length up to 100 ft ² (9.29 m ²) | <p>1 sign is permitted per business premise.</p> <p>Must not extend more than 6 ft (1.83 m) above the highest part of the roof or extend beyond the extremities of the walls to which the roof connects.</p> |

7.8 Ground Signs

| Permitted Zones | Dimensions | Conditions |
|-----------------------|--|--|
| CC PES | <p>Height: 5.18 m</p> <p>Sign Area: 40 ft² (3.70 m²)</p> | <p>1 sign is permitted per business premise. Additional ground signs may be considered by development agreement as per Policy 4-54 of the Municipal Planning Strategy.</p> <p>Minimum setback from from any street line, common lot boundary, driveway, aisle or parking area: 5 ft (1.52 m)</p> |
| GC HC WR-C M | <p>Maximum Area: 50 ft² (4.64 m²)</p> <p>Maximum Height: 35 ft (10.67 m)</p> | <p>1 sign for every 50 ft (15.24 m) of road frontage up to 3 signs.</p> <p>Where a property in a General Commercial (GC), Industrial (M), Highway Commercial (HC), Wentworth Road</p> |

Section 7.0 - Signage

| Permitted Zones | Dimensions | Conditions |
|-----------------|---|---|
| BP FG | | <p>Commercial (WR-C), Fairground (FG) zone is occupied by more than one business, one ground sign permitted advertising the different businesses located on the property may exceed the maximum sign area requirements up to a maximum sign area of 125 ft² (11.61 m²) where the sign is 10 ft to 35 ft (3.05 m - 10.67 m) in height.</p> <p>Minimum setback from from any street line, common lot boundary, driveway, aisle or parking area: 5 ft (1.52 m) with the exception of 40 Water Street where a ground sign footing that existed prior to 2005 may be used.</p> |
| I OS | <p>Maximum Area: 25 ft² (2.32 m²), excluding interpretive signage</p> <p>Maximum Height: 10 ft (3.05 m)</p> | <p>1 identification sign not more than 3 ft² (0.28 m²) in area; 1 other sign; and unlimited interpretive signage. On any sign, commercial advertising or sponsorship shall not exceed 1 ft² (0.09 m²).</p> <p>Minimum setback from any street line, common lot boundary, driveway, aisle or parking area: 5 ft (1.52 m) with the exception of 40 Water Street where a ground sign footing that existed prior to 2005 may be used.</p> |
| All Other Zones | <p>Maximum Area: 50 ft² (4.64 m²)</p> <p>Maximum Height: 35 ft (10.67 m)</p> | <p>1 sign is permitted per business premise.</p> |

7.9 Mobile Signs

Mobile signs shall be considered ground signs and all provisions of this By-law related to ground signs shall apply except that:

- a) No mobile signs shall be permitted in the Commercial Core (CC), Pesaquid (PES), Local Commercial (LC), or Mixed Industrial (MI) zones; and
- b) No mobile sign shall exceed 25 ft² (2.32 m²) in area.

7.10 Sandwich Board Signs

| Permitted Zones | Dimensions | Conditions |
|--|--|---|
| Commercial & Industrial Zones | Maximum Area: 8 ft ² (0.74 m ²) | <p>1 sign is permitted per business premise.</p> <p>Must not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.</p> <p>Must be authorized by the Municipality where located on publicly owned land</p> |

7.11 Canopies or Awnings

| Permitted Zones | Dimensions | Conditions |
|--|------------|--|
| Commercial & Industrial Zones | | <p>Must not project more than 4 ft (1.22 m) over a public sidewalk.</p> <p>Must be at least 9 ft (2.74 m) between the sidewalk or grade and the lowest edge of the canopy.</p> |

7.12 Signs in Sports Fields and Outdoor Areas

- a) Notwithstanding the number limitation on any signs in Section 7, any number of sponsorship signs may be erected in a sports field or outdoor arena and no development permit shall be required provided the signs are intended for view from within the sports field or outdoor arena.

7.13 Automobile Service Station Signs

- a) One (1) ground sign for an automobile service station located in the Highway Commercial (HC), Wentworth Road Commercial (WR-C), Industrial (M), or Business Park (BP) zones may exceed the maximum sign area requirement set out in Section 7.8 up to a maximum of 120 ft² (11.15 m²), provided such sign is set back at least 15 ft (4.57 m) from any property line.

8 Definitions

For the purpose of this By-law, all words shall carry their usual meaning except for those defined in Section 1.4.

Drawings are for illustrative purposes only. The text definition shall prevail in any conflict between a drawing and the text definition.

A

Abattoir means a building or structure, or part thereof, used for the slaughtering of animals.

Accessory means a use, separate building or structure, which is usually incidental, subordinate, and functionally associated with a principal use, and located on the same lot as the principal use, building or structure.

Accessory Farm Sales Outlet means the selling of agricultural products produced primarily on the farm for sale to the public.

Affordable Housing Unit means:

- a) housing that costs less than 30% of before-tax household income or as otherwise defined by the Canada Mortgage and Housing Corporation (CMHC) or the Province of Nova Scotia; and
- b) dwelling constructed under the Province of Nova Scotia and/or Federal Affordable Housing cost sharing or funding program.

Agricultural Building or Structure means any building or structure customarily used in connection with an agricultural use other than a residence, but shall not include an abattoir.

Agricultural Support Use means the use accessory to an agricultural operation and may include agricultural warehousing, processing, sorting, grading, packaging and transport facilities, and an abattoir (except in the community of Windsor).

Agricultural Use means the use of land, buildings or structures for the production of crops or livestock, or both, for gain or reward, including but not limited to:

- a) growing and harvesting of crops such as vegetables, fruits, maple syrup, grain, wheat, and landscaping materials including:
 - i. greenhouses and nurseries;
 - ii. wineries and commercial wineries;

- iii. microbreweries; and
 - iv. woodlots and forestry uses.
- b) the raising of livestock including but not limited to cattle, horses, poultry, game animals or birds and honey bees, and may include:
- i. the production of eggs, cream and milk;
 - ii. kennels;
 - iii. riding stables;
 - iv. cleaning, grading, storage and packaging of farm products;
 - v. clearing, draining, leveling, irrigating or cultivating of land;
 - vi. application of fertilizers, soil conditioners, pest control products or other materials;
 - vii. storage, disposal or use of compost and livestock-generated waste not including biosolids, for farm purposes; and
 - viii. operation of agricultural machinery and equipment.
- c) excluding an abattoir.

Amusement Arcade means a building in which pinball machines, video games or other similar player-operated amusement devices are maintained.

Amusement Rides means devices that convey passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement.

Animal Unit means one or more farm animals as specified in the following table:

| Type of Livestock | Number Deemed Equal to One Animal Unit |
|---------------------------------------|--|
| Cows (All Types) | 2 |
| Horses and ponies (≥225 kg) | 1 |
| Miniature horses and ponies (<225 kg) | 2 |
| Sheep/Goats | 4 |
| Pigs | 2 |
| Fowl (Excluding Turkeys) | 20 |
| Turkey | 10 |
| Mink | 20 |
| Rabbits | 20 |
| Llamas/Alpacas | 1 |
| Ostriches/Emus | 1 |

Arena means a building, location or premises in which to view or participate in sporting or entertainment events including, but not limited to, a rink, floor or ice surface, spectator seating areas, dressing rooms, washrooms, canteen facilities, lobbies, and hallways.

Arts and Crafts Studio means a building or part of a building used for the production or production and sale of works of art or crafts made by small custom production processes or by hand and may include instruction.

Automotive Repair Shop means a building or part of a building used for the repair, sales and/or replacement of parts, machinery or equipment in any motor vehicle and may include an auto body shop.

Automobile Sales Establishment means a building or part of a building or space on a lot used for the sale or rental of motor vehicles and motor vehicle accessories and may include an automotive repair shop.

Automobile Service Station means a building, part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils, fuels, automobile accessories and service and minor repairs essential to the operation of motor vehicles and may include accessory uses such as a retail convenience store and an automotive washing establishment.

Automobile Washing Establishment means a building or part of a building used for the operation of automatic or semi-automatic automobile washing equipment.

Automotive Use means an automobile service station, repair shop, body shop, sales establishment or washing establishment, excluding a salvage or scrap yard.

B

Bed and Breakfast means a home occupation with a single dwelling unit, or may include bedrooms located in a separate building on the same lot, for the temporary accommodation of the traveling public and includes the living accommodation of the residents of the dwelling.

Biosolids means the solid, semi-solid or liquid residue generated during the treatment of sewage and septage sludges or any mixture containing biosolids.

Block means the smallest unit of land which is bound entirely by public streets, rivers, railroads, public parks or any combination thereof.

Boarding or Rooming House means a single dwelling unit in which either room or room and board are supplied in more than two rooms but not more than five rooms for compensation and which is not open to the travelling public.

Brewery

Commercial Brewery means a brewery engaged in the production of more than 15,000 hectolitres per year of beer or other related beverages, and may include a hospitality room and retail store.

Micro-Brewery means a facility primarily engaged in the production and packaging of less than 15,000 hectolitres per year of beer which may also include a hospitality room and retail store

Buffer

Major Buffer Strip means a strip of land a minimum of 20 ft wide abutting a lot line and containing:

- a) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of at least 2 in. measured at 4.5 ft above the surrounding grade and a minimum height of five (5) ft; or
- b) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft in height at maturity; or
- c) a berm which is a minimum of six (6) ft in height to buffer the abutting property; or
- d) a wall or an opaque fence which is a minimum of five (5) ft in height and of sufficient height to provide a visual buffer to the abutting property; or
- e) any combination of the above, all arranged to form a dense or opaque screen, and maintained for as long as the buffer is required.

Minor Buffer Strip means a strip of land a minimum of ten (10) ft wide abutting a lot line and containing:

- a) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of at least two (2) in. measured at four-and-one half (4.5) ft above the surrounding grade and a minimum height of 5 ft; or
- b) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft in height at maturity; or
- c) a wall or an opaque fence which is a minimum of five (5) ft in height and of sufficient height to provide a visual buffer to the abutting property; or
- d) any combination of the above, all arranged to form a dense or opaque screen, and maintained for as long as the buffer is required.

Building means any roofed structure, whether temporary or permanent, used or intended to be used for shelter, accommodation or enclosure of persons, animals, materials or equipment, including any tent, awning, bin, bunker, platform, vessel or vehicle used for any of these purposes.

Building Footprint means the total area surrounded by the exterior walls of a building excluding courtyards or the area under the horizontal projection of a roof.

Bulk Sales Establishment means the use of land, buildings or structures for the purpose of buying and selling bulk material, including but not limited to lumber, wood, building materials, feed, fertilizer, and ice.

By-law means this By-law which is the *West Hants Regional Municipality Land Use By-law*.

C

Cannabis means cannabis as defined by the Government of Canada, pursuant to the Cannabis Act. Cannabis growing, producing, testing, destroying, storing, or distribution of cannabis are generally defined as is authorized by a license issued by the Government of Canada, pursuant to the Cannabis Act.

Campground and Recreational Vehicle Park means premises occupied and maintained for temporary accommodation by the public in trailers, tents, or recreational vehicles. It includes accessory structures and structures used to provide services including but not limited to laundry and canteen services, but does not include a motel or hotel.

Cemetery means the land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.

Catering Establishment means an establishment primarily involved in the preparation and transfer of food products for immediate consumption upon delivery to off-premises destinations.

Clinic means a building or part of a building used for the medical, dental, surgical or therapeutic treatment of human beings, excluding a public or private hospital or a professional office of a doctor located in their residence.

Club means a building or part of a building used as a meeting place for members of an organization including a lodge, a fraternity or sorority house, and a labour union hall.

Commercial Use means the use of a building for the purpose of buying and selling goods and supplying services.

Commercial School means an establishment which provides instruction for profit or gain including but not limited to secretarial schools, dance, music, drama, arts, crafts, business and trade schools, excluding schools which teach any portion of a pre-kindergarten to grade 12 curriculum.

Community Centre means any lot and the buildings thereon owned or operated by the Municipality or a non-profit organization and used for primarily for community activities and not for commercial purposes with the exception of mobile canteens.

Community of Hantsport means the geographic area of the former Town of Hantsport.

Community of Windsor means the geographic area of the former Town of Windsor.

Community of West Hants means the geographic area of the former Municipality of West Hants.

Community Use means the use of land, buildings or structures for activities that serve the social, cultural, educational, or recreational needs of the community.

Convenience Store a retail store that serves the needs of the neighbourhood and may include the sale of magazines, confectionary items and grocery items and may include a snack bar, laundromat, dry cleaning drop-off depot and video rentals.

Council means the Council of the West Hants Regional Municipality.

Cultural Use means the use of land or a building for natural, artistic, historic, educational, or cultural interest and may include archives, libraries, museums, galleries, theatres, studios and botanical gardens.

D

Day Care Facility means a building where children are cared for on a daily basis for compensation without overnight accommodation, excluding a school.

Day Care Facility, Non-Licensed means a day care facility which serves fewer than eight (8) children.

Day Care Facility, Licensed means a day care facility which serves six (6) or more children and is licensed by the Province of Nova Scotia under the Day Care Act.

Daylighting Triangle means the area established by measuring along the street lines or exterior corner lot lines, a distance of 20 ft (6.1 m) from their point of intersection and joining those points with a straight line.

Designation means a specified area of land as identified in the Generalized Future Land Use Map (Map 1) as per the Municipal Planning Strategy.

Depth means a specified distance along a horizontal plane towards the interior of a building or a lot from a streetline or lot line.

Development includes the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures.

Development Officer means the person or persons appointed by Council to administer the land-use and subdivision by-laws.

Display Court means a display of goods on a lot for the purpose of encouraging the purchase of the display items, or items similar to the display items, and without limiting the generality of the foregoing, such displays would include displays of cars, trucks, vans, motor homes, mobile homes, trailers, boats, snowmobiles, motorcycles, swimming pools, garden ornaments, and prefabricated cottages or homes.

Distillery

Distillery, Commercial means a facility that produces more than 150,000 litres per year of liquor and spirits, other than wine or beer, where the product is blended or bottled, and may include a hospitality room and retail store.

Distillery, Micro means a facility primarily engaged in the production and packaging of less than 150,000 litres per year of liquor and spirits other than wine or beer and may include a hospitality room and retail store.

Dog Park means a dedicated fenced park where visitors may allow their dogs to run off-leash.

Driveway means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.

Dwelling means a building or portion thereof, occupied or capable of being occupied as a residence by one (1) or more persons, containing one (1) or more dwelling units, excluding any tourist accommodation, recreational vehicle, or travel trailer.

Dwelling, Apartment means a building containing three or more dwelling units which have a common entrance from the street level.

Dwelling, Grouped means two (2) or more dwelling units contained in two (2) or more buildings, and may include shared buildings or facilities, all designed to be part of a group of dwellings located on a single lot.

Group Home means a dwelling unit in which three to ten people live together which is licensed by the Province.

Manufactured Home means a prefabricated dwelling designed to be transported to a site where it is to be occupied as a dwelling complete and ready for occupancy, either remaining on a chassis and wheels or placed on a permanent footing. This definition includes such types as mobile homes and mini-homes but excludes modular or other types of pre-cut or multi-section assemblies that form a dwelling.

Mini-Home means a dwelling unit built as a manufactured home to a CSA standard which meets or exceeds a length to width ratio of 3:1 and incorporates pitched roof.

Mobile Home means a manufactured home incorporating a bow-truss roof and designed for transportation on its own frame.

Modular Home means a dwelling unit manufactured in a factory which is transported in two (2) or more sections and assembled on site.

Dwelling, Multi-Unit means a building containing three (3) or more dwelling units.

Dwelling, Seasonal means a cottage or secondary residence used for recreation, rest or relaxation from time to time throughout any season of the year, but not used or intended to be used for year-round occupancy or as a primary residence.

Dwelling, Single-Unit means a building consisting of one (1) dwelling unit which is constructed wholly on the site from basic materials or from components transported to the site, which is not intended or designed to be removed from the site, and is freestanding, separate and detached from other main buildings or structures.

Dwelling, Semi-Detached means a vertically divided building consisting of two (2) dwelling units sharing a common wall where each unit has its own dedicated exterior entrance and where each unit is designed to exist independently if subdivided.

Dwelling, Townhouse means a building divided into three (3) or more dwelling units, attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade. A townhouse dwelling shall mean row townhouses, stacked townhouses, and back-to-back townhouses.

Dwelling, Two-Unit means a dwelling located on one (1) lot which contains two (2) dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

Dwelling, Converted means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.

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 excluding a recreational cabin as defined in the Nova Scotia Building Code Regulations.

E

Erect means to build, construct, reconstruct, alter or relocate including any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Exhibition Grounds means an area used for the temporary display, demonstration and sale of arts, crafts, livestock, commercial or industrial products, recreational vehicles or automobiles, and may include amusement rides, amusement arcades or recreation areas.

Existing means legally in existence as at the date of passing of this By-law, or where construction has not commenced, a use documented by the issuance of a building permit.

F

Farmers' Market means a building or part thereof or structure in which agricultural produce comprises the major portion of goods offered or kept for sale directly to the public at retail value.

Fill means natural earth or material deposited on a lot to alter the land level and contour of the lot.

Floor Area with reference to a structure means the total area contained within the outside walls.

Floor Area, Commercial means the total usable floor area within a building used for commercial purposes excluding washrooms, utility and mechanical rooms, storage rooms and common malls between stores.

Floor Area, Dwelling with reference to a dwelling means the maximum area contained within the outside walls excluding any private garage, porch, veranda, sunroom, unfinished attic, basement or cellar or other room not habitable at all seasons of the year.

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

Floor Area Ratio means the gross area of all floors in a building, measured from the outside of external walls, divided by the area of the lot.

Forestry and Related Activities means the growing and harvesting of trees for commercial purposes together with the processing of the forestry products and, without limiting the generality of the foregoing, shall include temporary uses such as portable sawmills, lumber yards and equipment storage facilities and small-scale permanent structures such as saw mills and shingle mills acquiring less than 2,270 cords (5,000 m³) of round wood from private woodlands per calendar year.

Fuel Storage Depot means the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid legally and properly kept in a tank for storage.

G

Grade, Average means the average of the elevations of the street which the building fronts.

H

Hazardous Material means a material which, by reason of its properties, is a hazard to health or to the environment and which is explosive, gaseous, flammable, poisonous, radioactive, corrosive, oxidizing or leachable, or is designated as a hazardous material under federal or provincial legislation.

Heavy Equipment Sales and Service means land, a building or a portion of a building used to sell, rent, lease, service, or repair heavy equipment or heavy equipment parts.

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

- c) the mean level between eaves and ridge of a gabled, hip, gambrel roof or other type of pitched roof, excluding 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.

Home Based Business means an occupation conducted for gain or profit as an accessory use operated by the occupant of said dwelling unit with which there is no display, no stock in trade nor commodity sold upon the premises.

Home for Special Care means a dwelling unit where people live together and receive care, and can include a nursing home, a home for the aged, a home for the disabled and a residential care facility as defined in the Homes for Special Care Act.

Hospital means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury.

Hotel or Motel means a building with six or more units that are internally or externally accessible, with private bathrooms, used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation, with or without meals.

I

Indoor Storage Facility means the accessory use of a building on a lot used for agricultural purposes for the temporary commercial indoor storage of items including but not limited to recreational vehicles, cars and boats.

Industrial Use means the use of land or buildings or structures for manufacturing, processing, fabrication or outdoor storage.

Institutional Use means the use of land, buildings or structures for a public or non-profit purpose including but not limited to schools, places of worship, public hospitals, homes for special care and government buildings excluding a private club.

Interpretive Centre means an establishment that provides cultural or heritage information to the public.

J

K

Kennel means a lot, building or structure on or within which four or more domesticated animals are housed, groomed, bred, boarded, trained or sold for monetary gain.

Kennel, Commercial means a kennel which may provide overnight accommodations for eight (8) or more domesticated animals.

Kennel, Hobby means a kennel which may provide overnight accommodations for fewer than eight (8) domesticated animals.

Kiosk means a small structure, open at one or more sides, used for the display and retail sale of goods, merchandise or farm produce, or for the limited preparation and sale of food or beverages, excluding a motor vehicle.

L

Landscaped Open Space means open space used for the growth and maintenance of grass, flowers, shrubbery and other landscaping including any surfaced walk, patio and similar area which is not occupied by a building or used as a driveway or parking space.

Landscaping means the use of any combination of horticultural elements, decorative stone work, paving, fencing or other architectural elements to enhance the visual appearance of a property or to provide a visual barrier between one property and another.

Livestock Operation, Household means a livestock operation consisting of not more than eight (8) animal units which is accessory to the main use on a lot.

Livestock Operation, Intensive means an agricultural use in which a minimum of 20 animal units are confined to a barn, feedlot or other facility for feeding, breeding, milking, holding for eventual sale or egg production.

Livestock Operation, Non-intensive means an agricultural use other than an “urban agricultural use” or “household livestock use” as defined herein consisting of not more than 19 animal units.

Loading Space means an unencumbered area of a lot which:

- a) is suitable for the temporary parking of one (1) commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle.

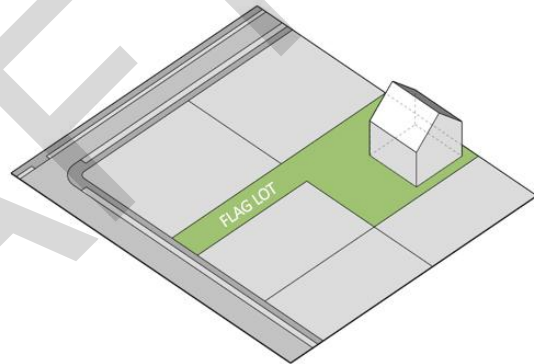
- b) has adequate access to permit ingress and egress by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one (1) or more motor vehicles.

Local Commercial a small commercial operation including but not limited to convenience stores, arts, crafts or antique shops, personal service shops, licensed day care centres, small restaurants, offices and video stores, that serves a relatively small market area of a primarily local nature and is compatible with residential uses.

Lot means a parcel of land described in a deed or as shown on a registered plan of subdivision.

Lot, Corner means a lot situated at the intersection of and abutting two (2) or more streets.

Lot, Flag means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole where the pole portion contains the required lot frontage. a lot with a foot at the end of the pole that meets the frontage requirement shall also be considered a flag lot.



Lot, Through means a lot that abuts two (2) streets but is not a corner lot.

Lot Coverage means the percent of the lot area covered by buildings or structures excluding parking areas, driveways, decks and walkways, but including structures and buildings constructed pertaining to the lot.

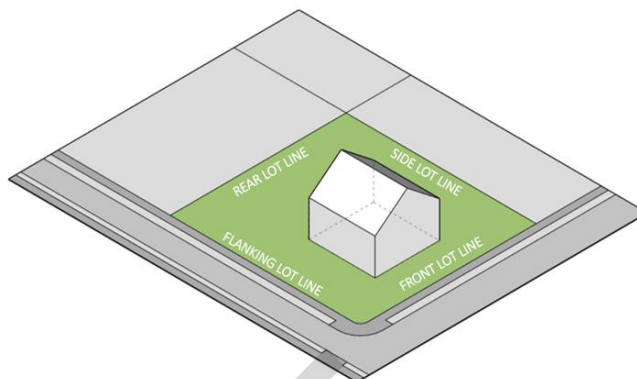
Lot Frontage means the horizontal distance between the side lot lines measured:

- a) perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lots lines and at a point therein equal in distance to the minimum required front yard, or,
- b) at the front lot line, whichever is greater.

Lot Line means any boundary of a lot.

Lot Line, Front means:

- a) the lot line that abuts the street.
- b) in the case of a corner lot, the front lot line shall be either of the two lines.
- c) in the case of a through lot, each boundary dividing the lot from a street shall be deemed to be a front lot line.



Lot Line, Rear means the lot line furthest from or opposite to the front lot line.

Lot Line, Side means a lot line other than a front or rear lot line.

Lot Line, Flankage means the lot line which abuts a street on a corner lot other than the front lot line.

Lot Area means the total horizontal area within the lot lines of a lot.

Lot Coverage means the percentage of the lot that is covered by buildings.

Low-rise Building means a building or that portion of a building that is less than 36 ft (11 m) in height.

M

Main Building means the building on a lot in which the principal use of the lot is carried out.

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

Manufactured Home Park means a lot or lots used for the grouped placement of mini homes and mobile homes including any accessory service and recreation buildings and excluding campgrounds.

Manufactured Home – see Dwelling definition

Mini Home Park means a lot used for the renting of spaces for mini homes.

Mini Home – see Dwelling definition

Mobile Home – see Dwelling definition

Municipality means the West Hants Regional Municipality.

N

Non-Conforming Use means an existing use of land, building or structure which does not conform to one or more of the permitted uses listed in the relevant zone governing the lands. Legally non-conforming shall mean such use was legally in existence upon the passing of this By-law.

O

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

Office means a building or part thereof in which a legal, medical or other personal professional service is performed or consultation given including, but not limited to a clinic and the offices of a lawyer, architect, surveyor, engineer or chartered accountant, and excluding a personal service shop or a veterinary clinic.

Open Space means an area of land on a lot not covered by buildings, or structures.

Outdoor Furnace means a hand-fed furnace designed and used to burn only untreated wood, located outside the main building and intended to provide heat to that building.

Outdoor Storage means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment or other items not intended for immediate sale.

Outdoor Display means the display of goods or merchandise in the open air which are available for sale to the general public from a retail store on the same lot.

P

Park means an area reserved for passive recreational uses with limited need for accessory buildings or structures.

Parking Area means an area, building or structure, or part thereof which is provided and maintained upon the same lot or lots upon which the principal use is located for the purpose of storing motor vehicles.

Parking Space means a portion of a parking area, parking lot, or parking garage used for parking or storage of one (1) motor vehicle, exclusive of any aisles or driveways.

Parking Space, Barrier-Free means an unobstructed rectangular area for the exclusive use of temporary parking of a motor vehicle for persons with disabilities and displaying a permit granted from the Province but shall not include a driveway or aisle.

Parking Space, Bicycle means an area that is provided and maintained for the purpose of temporary storage of a bicycle.

Parking Structure means a partially open and/or enclosed structure used for the parking of motor vehicles for commercial purposes can include but not necessarily limited to car washing facilities, commercial businesses, and car rental agencies.

Person includes an individual, association, firm, partnership, corporation, organization or group and means their legal representative.

Personal Service Shop means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons including but not limited to a barber, hairdresser, beautician, masseur, tailor, dressmaker and shoemaker, tanning shop, formal rental shop and depots for collecting dry cleaning and laundry, and excluding any manufacturing or fabrication of goods for sale.

Pilaster means a rectangular column that usually projects about a third of its width from the wall to which it is attached.

Place of Worship means a place or building that is used for the regular assembly of persons for the practice of religious worship, services, or rites, and includes offices for the administration of the religious institution.

Post Office means a building or portion thereof used by a government corporation, department or agency or person under contract with the same, involved in the handling and distribution of mail and includes the sale of related products such as envelopes and stamps and may include a sorting station.

Powder Coating means a finishing process in which dry, free-flowing, thermoplastic or thermoset powder material is applied to a surface, melted, and hardened into an even coating.

Public Use means a building, structure, or lot used for public services by a public authority, including the West Hants Regional Municipality or any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Nova Scotia and Canada, any telephone or railway company, or similarly recognized agencies.

Public Authority means any Federal, Provincial, or Municipal agencies and includes any commission, board, authority or department established by such agency, and shall include any public utility.

Public Façade means any façade that fronts a public street including the portion of the roof which is visible from a public street. In the case of a corner lot, both sides of the building that are visible from the public street are considered to be public façades.

Protected Watershed means a watershed designated as a Protected Water Area under the Nova Scotia Environment Act.

Q

Queuing Space means a space other than a parking space which provides standing room for a vehicle in a queue, including but not limited to a queue for a drive-through business such as a drive-through restaurant, a drive-through bank or a drive-through car wash.

R

Recreational Space means a space provided for the exclusive use for the occupants of a building or part thereof in which or on which recreational uses are carried out.

Recreation Space, Indoor means the use of a building or part thereof for recreation or entertainment purposes. Uses may include establishments including, but not limited to dance halls, cinemas, billiard or pool halls, rock climbing gyms, fitness gyms, bowling alleys, indoor miniature golf courses, indoor shooting ranges, indoor paintball fields, and bingo halls.

Recreation Space, Outdoor means the use of land for recreation or entertainment purposes. Uses may include but are not limited to tennis courts, lawn bowling greens, skating rinks, skateboard parks, athletic fields, band shells, pavilions, outdoor swimming pools, recreational boat launches, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including Indoor Recreation Space or a track for the racing of animals, or any form of motorized vehicles.

Recreational Vehicle means a licensed vehicle constructed to CSA standards that is capable of being towed behind a motor vehicle or is self-propelled and is primarily designed as temporary mobile accommodation for personal travel and recreation purposes.

Recreational Vehicle Sales and Service Operation means a building and/or lot where recreational vehicles, trailers, snowmobiles, boats and accessories are kept for display and/or sales. Permitted accessory uses may include those normally required for performing maintenance such as a service centre, service bays, body shop and storage of parts.

Recycling Depot means a collection site for materials in a municipal or provincial recycling program but does not include a scrap or salvage yard.

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.

Repair and Rental Establishment means a premise engaged in maintaining, repairing, installing, and renting articles and equipment for personal use including but not limited to radio and television, refrigerator and air conditioning, appliances, watches, clocks, jewelry, and upholstery and furniture repairs.

Resource Use means the use of land for forestry, agriculture, land-based aquaculture or mineral use.

Restaurant means a building or part of a building where food is prepared and offered for sale to the public for consumption either on or off the premises and may include a café, cafeteria, ice cream parlour, tea or lunch room, or dairy bar.

Restaurant, Drive-through or Take-Away means a building or structure where food or beverages are prepared and sold for consumption off the premises, and which may include facilities for ordering and picking up food from a drive-through window. Seating for on-site consumption may be provided but is not required.

Retail Store means a building or part thereof with a total commercial floor area of 20,000 ft² (1,858.00 m²) or less in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.

Retail Store, Large Format means a maximum of two (2) retail commercial uses in a single structure with a total commercial floor area greater than 20,000 ft² (1,858.00 m²), but do not exceed 50,000 ft² (4,645 m²).

Riding Stable means an establishment where horses and ponies are boarded and cared for, where instruction in riding may be offered or where the general public, for a fee, may hire horses for riding.

S

Salvage Yard means a place where used bodies or parts of automobiles, or used bodies or parts of other vehicles or machinery are placed, stored or kept and is not limited to a salvage yard as defined by provincial legislation and excludes a scrap yard.

Scrap Yard means an area of land used for the storage, handling, processing and sale of scrap materials including, but not limited to, scrap metal, tires, waste paper or rags, and excluding hazardous waste materials and salvage yards.

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 ft² (80 m²) or (2) 862 ft² (80 m²) or (3) greater as established in the National Building Code.

Service Industry means any industry involved in the processing of milk and dairy products, a bakery, a garage including engine and body repair shop, a printing establishment, a paint shop, plumbing shop, sheet metal shop and similar service shops.

Service Shop means a building or part of a building in which persons are employed in furnishing services to households and businesses including but not limited to personal service shops, printing establishments, plumbing shops and sheet metal shops.

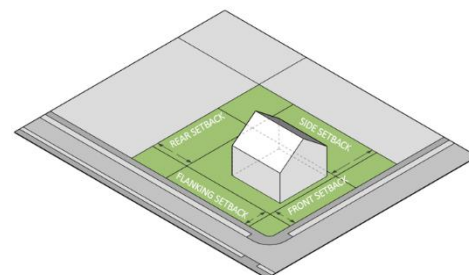
Short-term Rental means the use of a dwelling unit or part thereof for commercial overnight accommodation for consecutive periods of 30 days or less per party and may include the rental of the entire dwelling unit to one party or to multiple parties. This does not include Hotels or Motels, or Tourist Accommodations.

Storage

Indoor Storage Facility means the accessory use of a building on a lot used for agricultural purposes for the temporary commercial indoor storage of items including but not limited to recreational vehicles, cars and boats.

Self Storage means a building or buildings which contain small, self-contained units that are leased for the storage of goods.

Setback means the distance between the street line and the nearest main wall of any building or structure and extending the full width or length of the lot.



Shopping Centre or Mall means two (2) or more predominantly retail commercial uses with a total commercial floor area of 20,000 ft² (1,858.00 m²) or less that is designed, developed and managed as a unit with shared parking facilities and which may or may not have enclosed common walkways.

Shopping Centre, Regional means a group of three (3) or more predominantly retail commercial uses with a total commercial floor area greater than 20,000 ft² (1858.00 m²) designed, developed and managed as a unit with shared parking facilities and which may or may not have enclosed common walkways but does not include a large format retail store.

Sign means any structure or device, whether illuminated or not, used to advertise or draw attention to any product, place, person, business, institution, organization, or event, including any directional or way finding purpose.

Sign, Ground means a sign supported by the ground directly or by structural members.

Sign Face means the area of a sign upon which the message is placed.

Sign, Facial means a sign painted on, attached to or erected against a wall of a building, with the face horizontally parallel to the building wall and with no space between the back of the sign face and the building wall.

Sign, Mobile means a sign designed and intended to be moved from one site to another and not permanently affixed to the ground or a building, excluding the side, body or trailer of a commercial motor vehicle.

Sign, Sandwich Board means a self-supporting, two-sided, A-frame style sign that is not affixed to the ground.

Sign, Projecting means a sign that projects from and is supported by the wall of a building.

Skate Park means a purpose-built recreational park made mostly of concrete obstacles for skateboarding, BMX, scooters, wheelchairs, and aggressive inline skating.

Solar Energy System means a structure, or array of structures, capable of collecting and converting solar radiation into electricity by the use of solar photovoltaic panels. Without restricting the generality of this definition, solar energy system may include solar photovoltaic panels, ancillary parts, and mounting devices.

Solar Energy System, Agrivoltaics System means the simultaneous use of land for both renewable energy production through an arrangement of solar photovoltaic panels and agricultural uses of growing and harvesting of vegetables, fruits, berries, nuts, or other similar products.

Solar Energy System, Community-Scale Solar Farm means the installation on an area of land in which a large number of solar panels are set up as a primary use on the lot to provide electricity for commercial sale and distribution to the electricity grid.

Street Line means the limit of the street or road allowance and is the dividing line between a lot and street or road.

Street or Road

Public Street or Road means the whole and entire right of way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Municipality.

Arterial Street or Road means a street designed to move large volumes of vehicular traffic between major centres.

Collector Street or Road means a street designed to move vehicular traffic from residential neighbourhoods to commercial and institutional areas and to arterial streets.

Local Street or Road means a street designed to serve vehicular traffic in residential neighbourhoods.

Private Street or Road means any street or road which is not public and which is shown on a plan of subdivision, which:

- a) has been approved by the Provincial authority having jurisdiction or the Municipality.
- b) extends to and has access to a public street and where not totally located within an area of land proposed to be subdivided, shall have an easement for right of way and access which is assignable and perpetual and which has been clearly granted by deed, will, Crown grant or other registerable instrument, registered in the Land Registry Office for the Municipality.

Streetwall means the wall of a building or portion of a wall facing a streetline that is below the height of

a specified stepback or angular plane, which does not include minor recesses for the elements such as doorways or intrusions such as bay windows.

Streetwall Height means the vertical distance between the top of the streetwall and the streetwall grade, extending across the width of the streetwall.

Streetwall Setback means the distance between the streetwall and streetline.

Stepback means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified.

Storey means that portion of a building between any floor and the floor, ceiling or roof above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 6 ft (1.83 m) above grade, and provided that any portion of a storey exceeding 14 ft (4.27 m) in height shall be deemed an additional storey for each 14 ft (4.27 m) or fraction thereof of such excess.

Structure means anything that is erected, built, or constructed, or parts joined together or any such erection, fixed to or supported by the soil or any other structure, including buildings, walls, signs and fences exceeding 6 ft (1.82 m) in height.

Support Service means a building or part of a building in which the primary function is to provide services to industry or to businesses located in an industrial park and, without limiting the generality of the foregoing, shall include copying, printing and micro-filming establishments, the offices of an industry or of engineering, architectural, design and similar consultants, business management, marketing and similar firms and manufacturers agents, and building, equipment and grounds maintenance companies.

T

Tourist Accommodation

Tourist Accommodation, Small Scale means a building, part of a building or group of buildings containing a maximum of five (5) rental units used primarily for the travelling public for short-term rental, including but not limited to hotels, motels and cabins, country inns and excluding temporary structures, campgrounds.

Tourist Accommodation, Large Scale means a building, part of a building or group of buildings containing six (6) or more rental units used primarily for the travelling public for short-term rental, including but not limited to hotels, motels and cabins, country inns and excluding temporary structures and campgrounds.

Transport Depot means premises used for the transfer of goods primarily involving loading and unloading of freight-carrying vehicles and secondarily, involving the storing, parking, servicing and dispatching of freight-carrying vehicles.

U

Use means any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained, or occupied.

Urban Agriculture means the keeping of chickens (laying hens) and beekeeping on a residential property.

Utility means a water works or water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telecommunications system, and includes any lands, buildings or equipment required for the administration or operation of any such system.

V

Vehicle means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled, or driven by any kind of power.

Veterinary Clinic means a building or part thereof with or without related structures, wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.

W

Watercourse means a lake, river, stream, ocean or other body of water.

Water Frontage means the horizontal distance measured as a straight line between two points where the side lot lines of a lot directly abutting a lake meet the shoreline of the lake.

Wholesale Establishment means a use of land, building(s) and/or structure(s), or part thereof for bulk storage and bulk sale of quantities of goods, commodities, wares, merchandise, or materials intended for resale.

Winery means a facility where wine is manufactured or blended and bottled, and may include a hospitality room, restaurant or retail store.

Wind Farm means an array of two or more large wind turbines on one or more lots connected directly to the utility grid.

Wind Turbine means a windmill used for pumping water and a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics.

Wind Turbine, Small means a wind turbine which has a rated capacity of not more than 100 kW and is intended primarily to reduce on-site consumption of utility power.

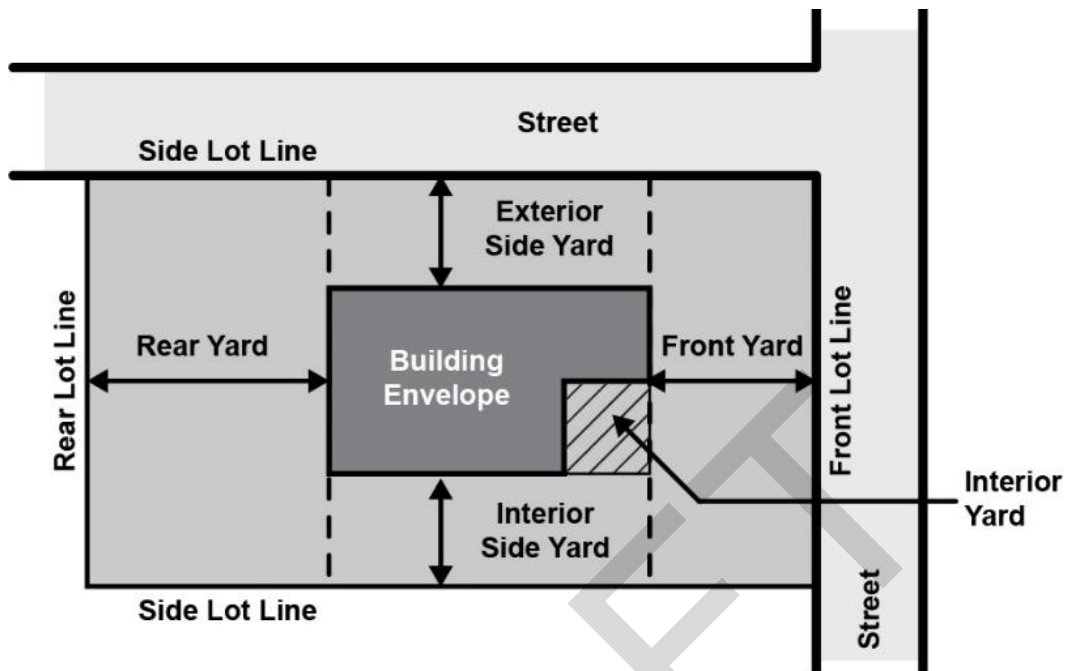
Wind Turbine, Large means a wind turbine with a production capacity greater than 100 kW.

Woods Camp means a building or structure intended to provide basic shelter for a person or group of persons engaged in hunting, fishing or other outdoor activities on an occasional or seasonal basis in a remote location where electricity and municipal or community services are not available. The building may be of light frame construction with no running water or electricity, not designed for residency and not satisfying the requirements for a dwelling under the National Building Code.

Y

Yard means any open unoccupied space (except a court) appurtenant to a building measured from the closest supporting structure of the building to the lot line.

Illustration of yards:



Yard, Flankage means the side yard on a corner lot extending from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure.

Yard, Front means a yard extending across the full width of the lot between the front lot line and the nearest wall of any building or structure on the lot for which the yard is required.

Yard, Rear means a yard extending across the full width of the lot between the rear lot line and the nearest wall of any building on the lot for which the yard is required.

Yard, Side means a yard extending from the front yard to the rear yard between the side lot line and the nearest wall of any building on the lot for which the yard is required.

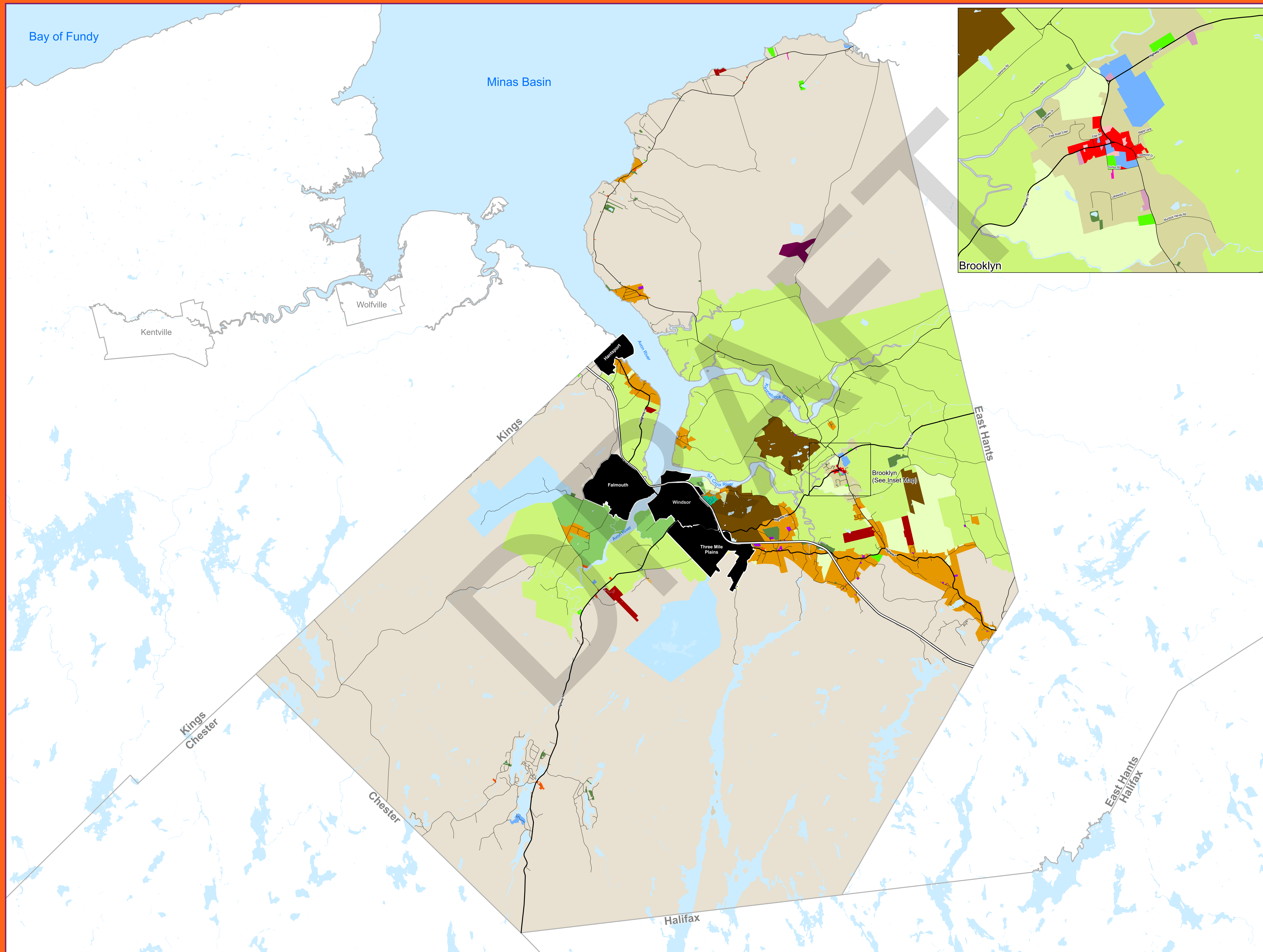
Z

Zone means the category of **use** or activity of land, **buildings**, **structures** or activities permitted by this By-law.

DRAFT

West Hants Regional Municipality

Map 1: Rural Zoning Map



Legend

- Municipal Boundaries
- GROWTH CENTRES**
- Windsor (See Map 2)
- Hantsport (See Map 3)
- Falmouth (See Map 4)
- Three Mile Plains (See Map 5)
- Zoning**
- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- Rural Residential (RR)
- Local Residential (LR)
- Manufactured Home Park (MHP)
- General Commercial (GC)
- Highway Commercial (HC)
- Local Commercial (LC)
- Rural Commercial (RC)
- Recreation Commercial (Rec C)
- Prime Agriculture (P/Ag)
- Agricultural Priority Two (AR-2)
- Agricultural Priority Three (AR-3)
- Open Space (OS)
- General Resource (GR)
- Mineral Resource (MR)
- Landfill (LF)
- Mixed Industrial (MI)
- Industrial (M)
- Resource Industrial (M-1)
- Local Centre Industrial (M-2)
- Institutional (I)
- Water Supply (W)

APPROVED: [Date]

Source: West Hants Regional Municipality; GeoNOVA

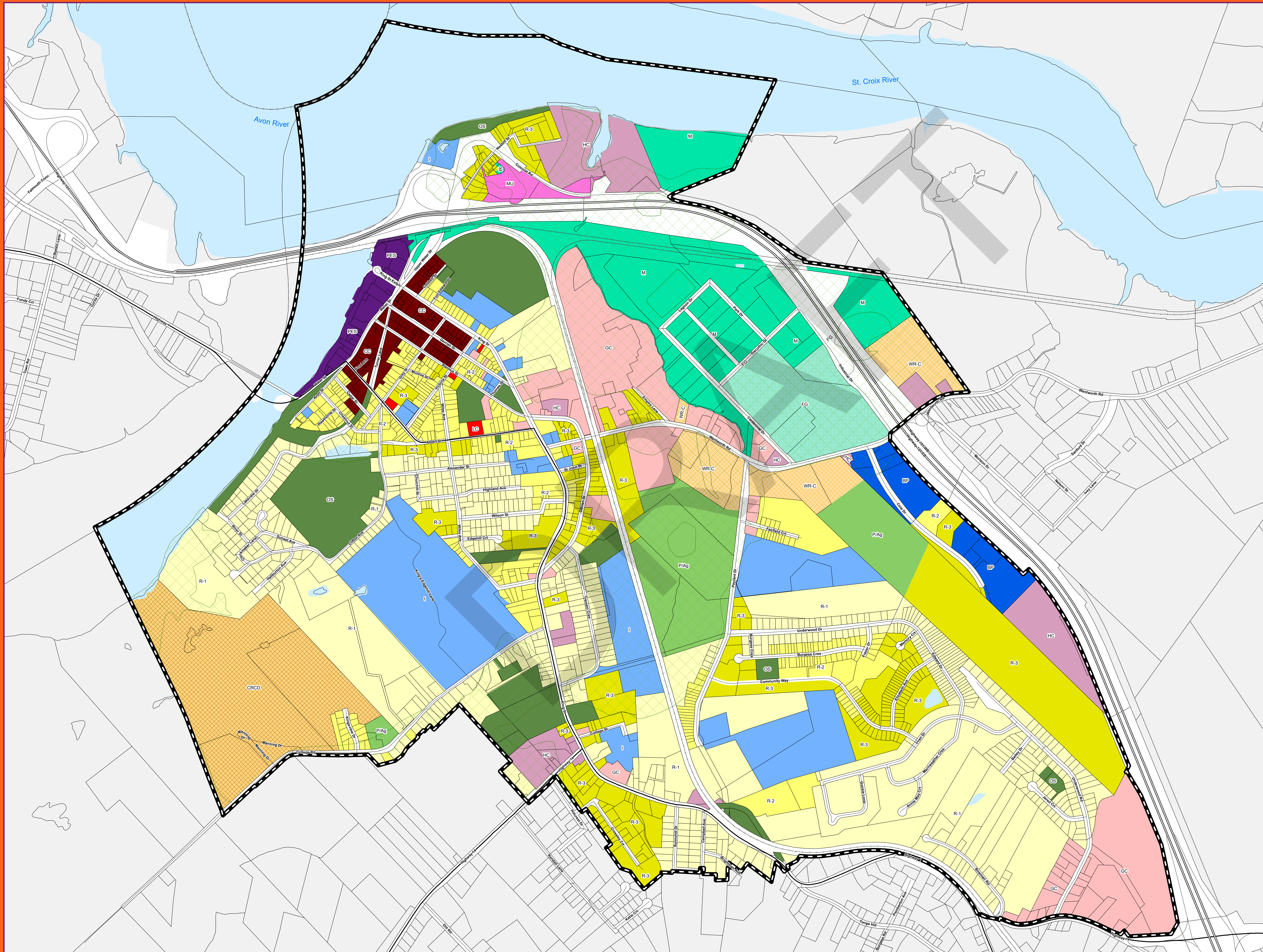
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November 2025

West Hants Regional Municipality

Map 2: Windsor Growth Centre Zoning Map

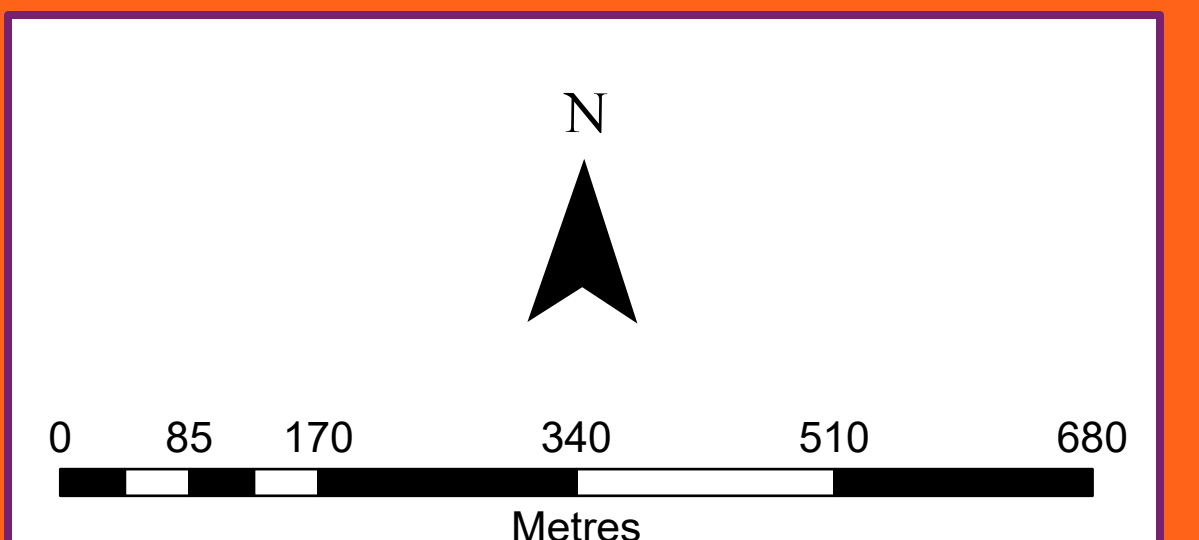


Legend

- Growth Centre
- Municipal Boundaries
- Environmental Constraint
- Zoning**
- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- Mixed-Use (MU)
- General Commercial (GC)
- Highway Commercial (HC)
- Local Commercial (LC)
- Commercial Core (CC)
- Prime Agriculture (P/Ag)
- Open Space (OS)
- Industrial (M)
- Business Park (BP)
- Institutional (I)
- College Road Comprehensive Development (CRCD)
- Wentworth Road Commercial (WR-C)
- Fairground (FG)
- Pesaquid Zone (PES)

APPROVED: [Date]

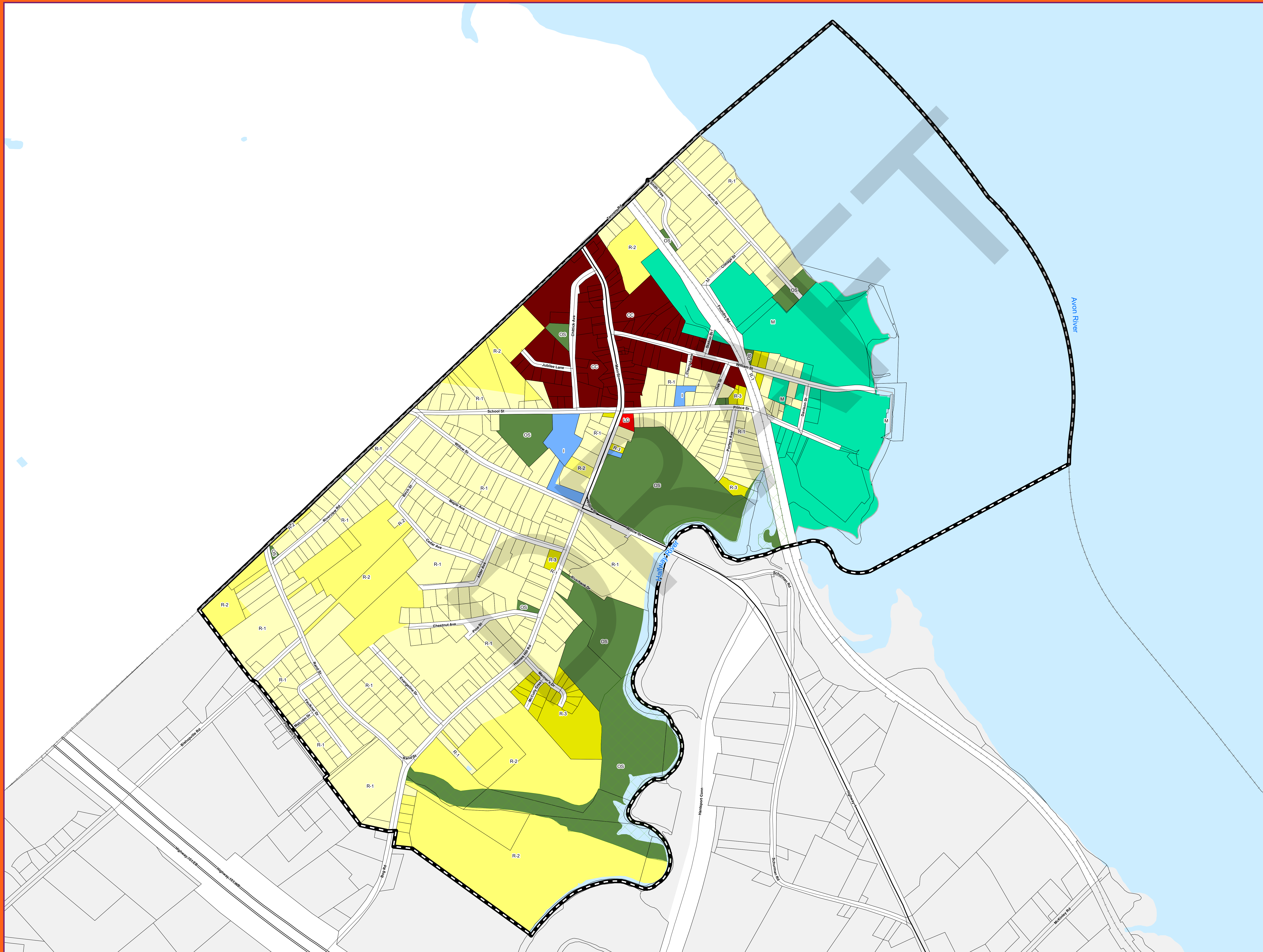
Source: West Hants Regional Municipality; GeoNOVA



November 2025

West Hants Regional Municipality

Map 3: Hantsport Growth Centre Zoning Map

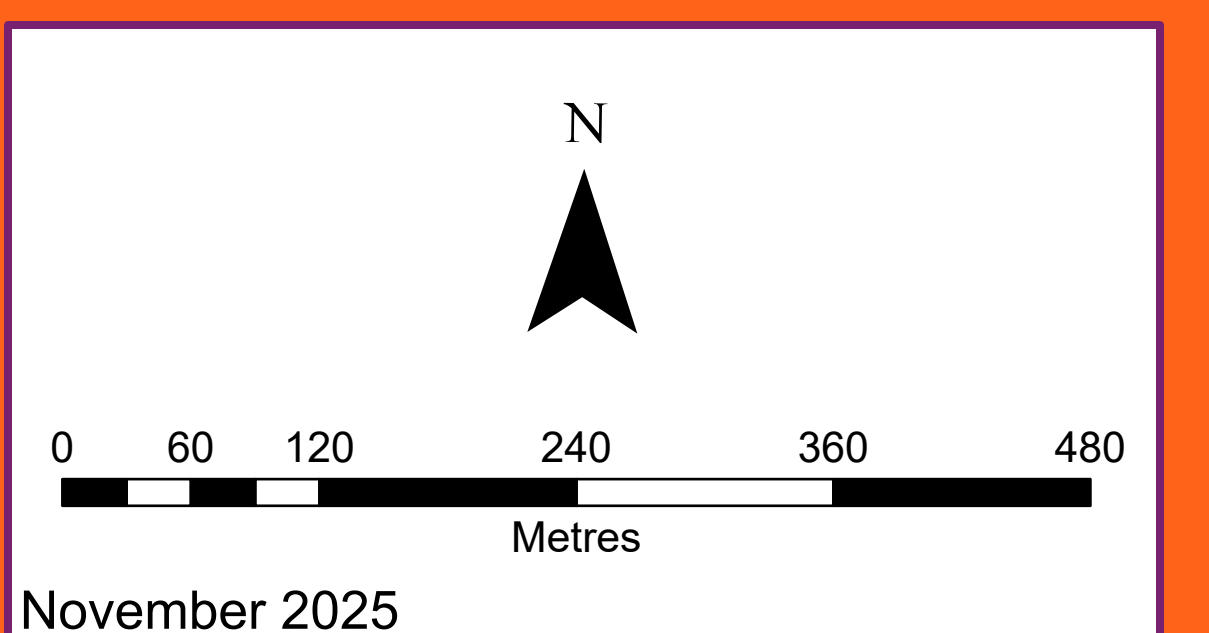


Legend

- Growth Centre
- Municipal Boundaries
- Environmental Constraint
- Zoning**
- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- Local Commercial (LC)
- Commercial Core (CC)
- Open Space (OS)
- Industrial (M)
- Institutional (I)

APPROVED: [Date]

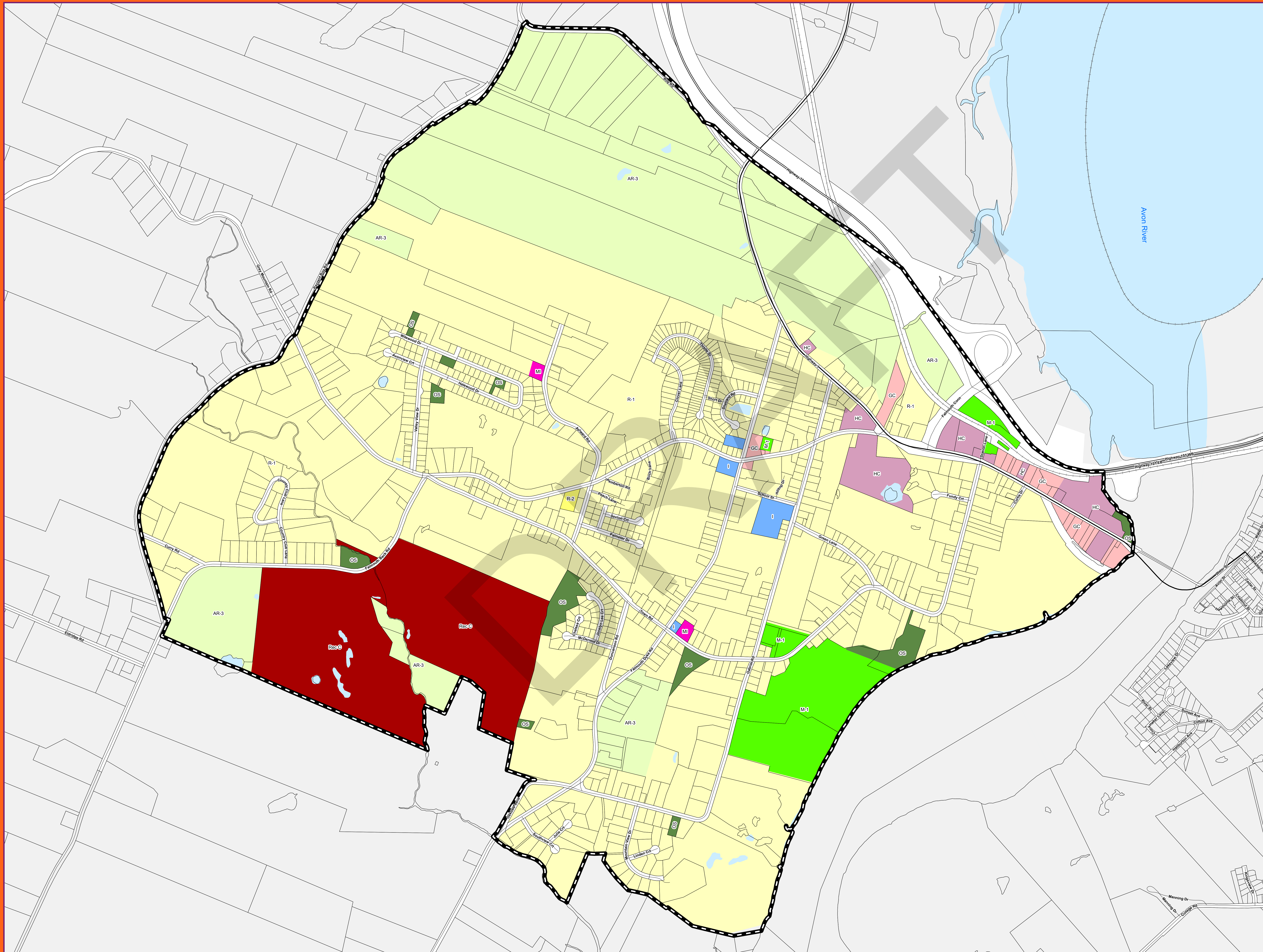
Source: West Hants Regional Municipality; GeoNOVA



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Map 4: Falmouth Growth Centre Zoning Map

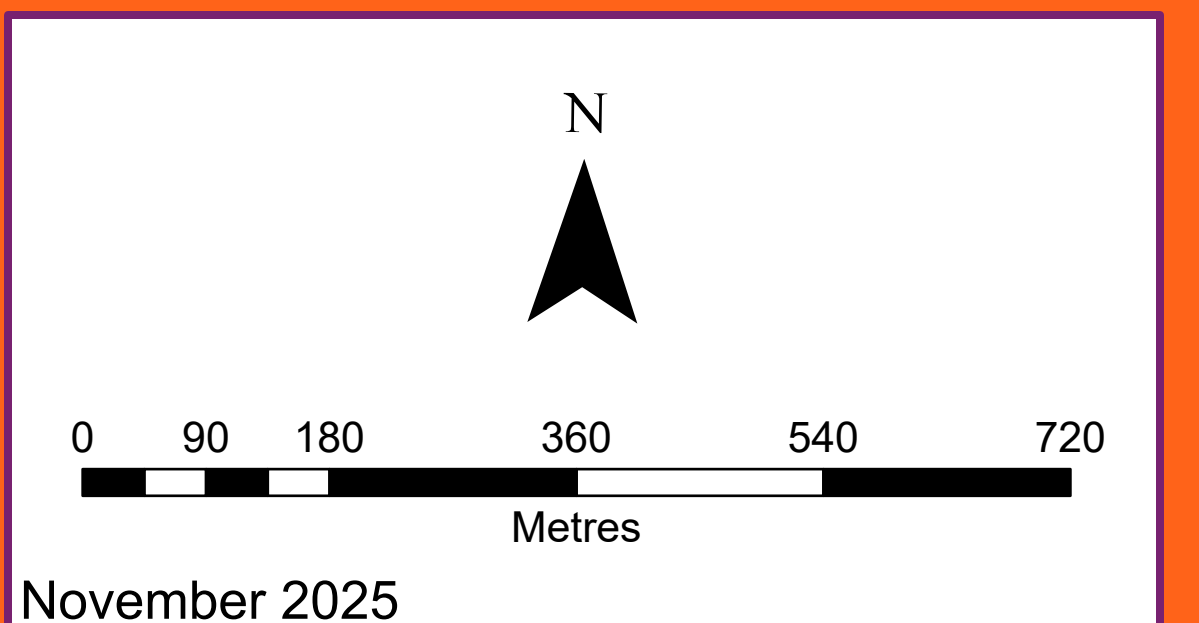


Legend

- Growth Centre
- Municipal Boundaries
- Zoning**
- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- General Commercial (GC)
- Highway Commercial (HC)
- Recreation Commercial (Rec C)
- Agricultural Priority Three (AR-3)
- Open Space (OS)
- Mixed Industrial (MI)
- Resource Industrial (M-1)
- Institutional (I)

APPROVED: [Date]

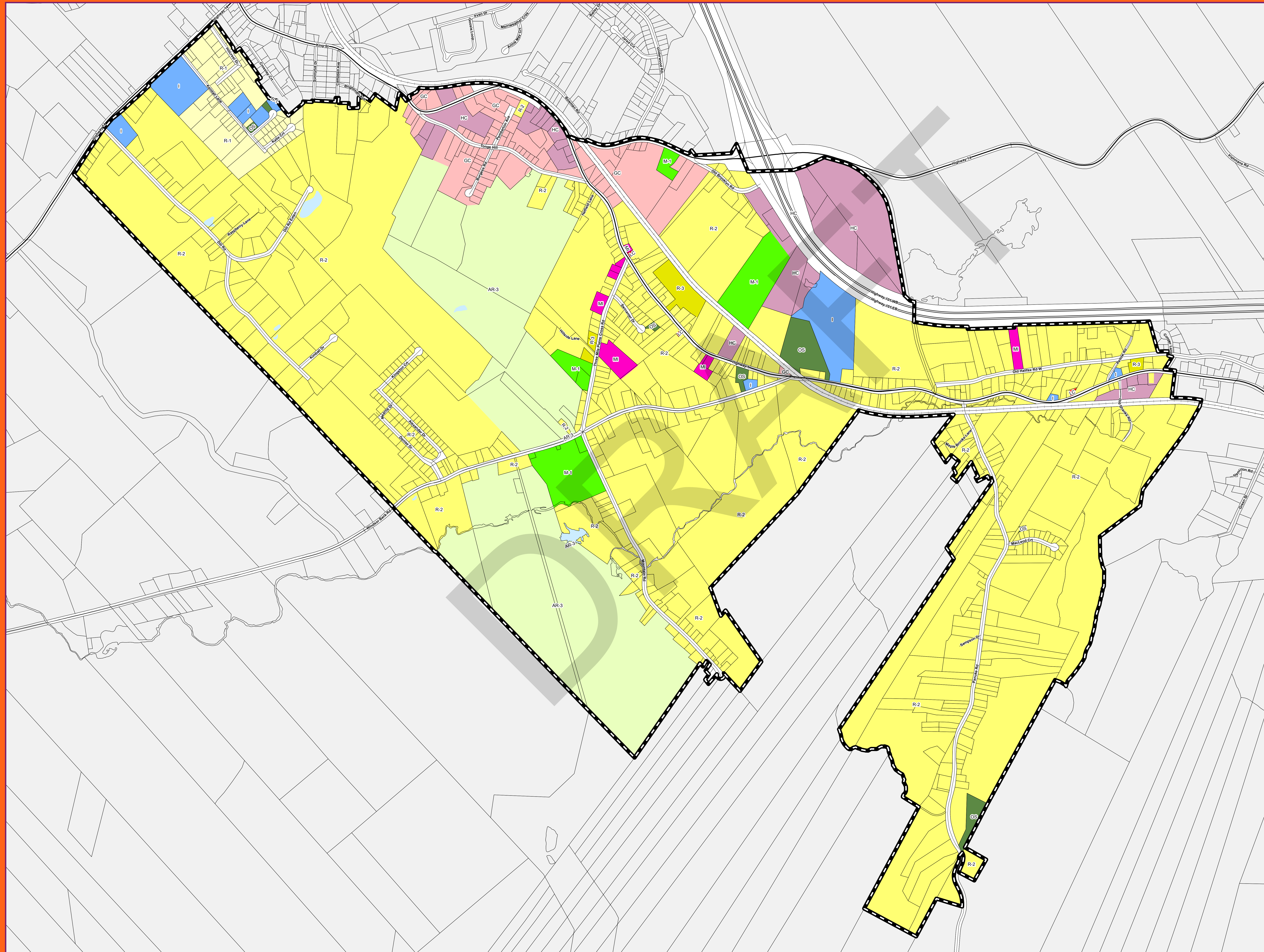
Source: West Hants Regional Municipality; GeoNOVA



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Map 5: Three Mile Plains Growth Centre Zoning Map

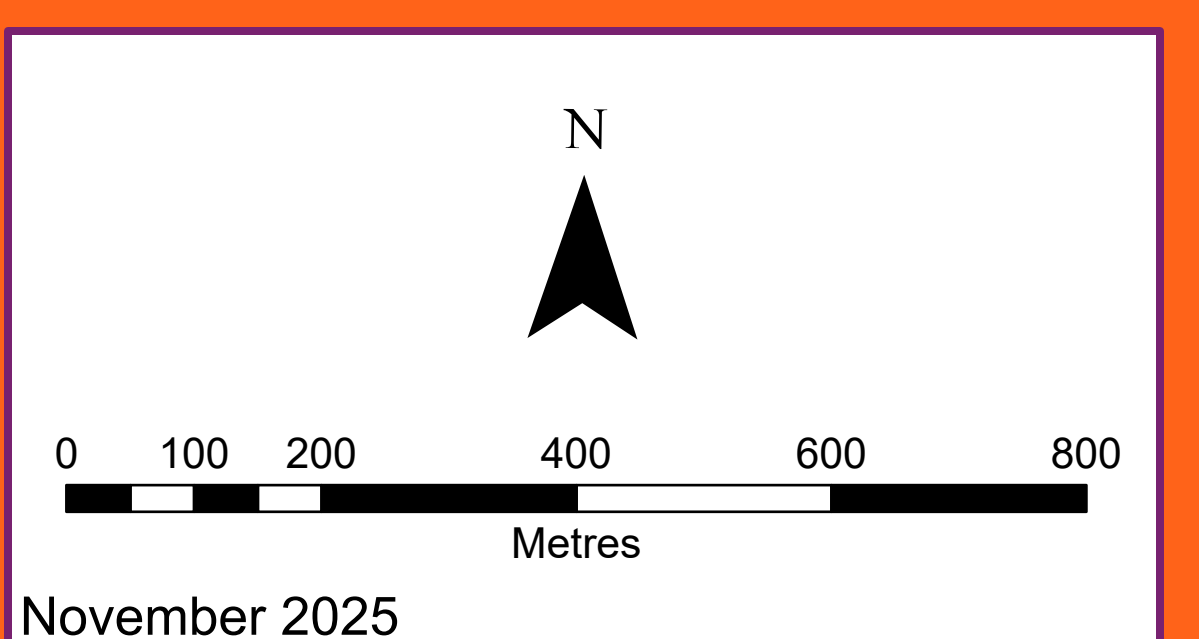


Legend

- Growth Centre
- Municipal Boundaries
- Zoning**
- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- General Commercial (GC)
- Highway Commercial (HC)
- Local Commercial (LC)
- Agricultural Priority Three (AR-3)
- Open Space (OS)
- Mixed Industrial (MI)
- Resource Industrial (M-1)
- Institutional (I)

APPROVED: [Date]

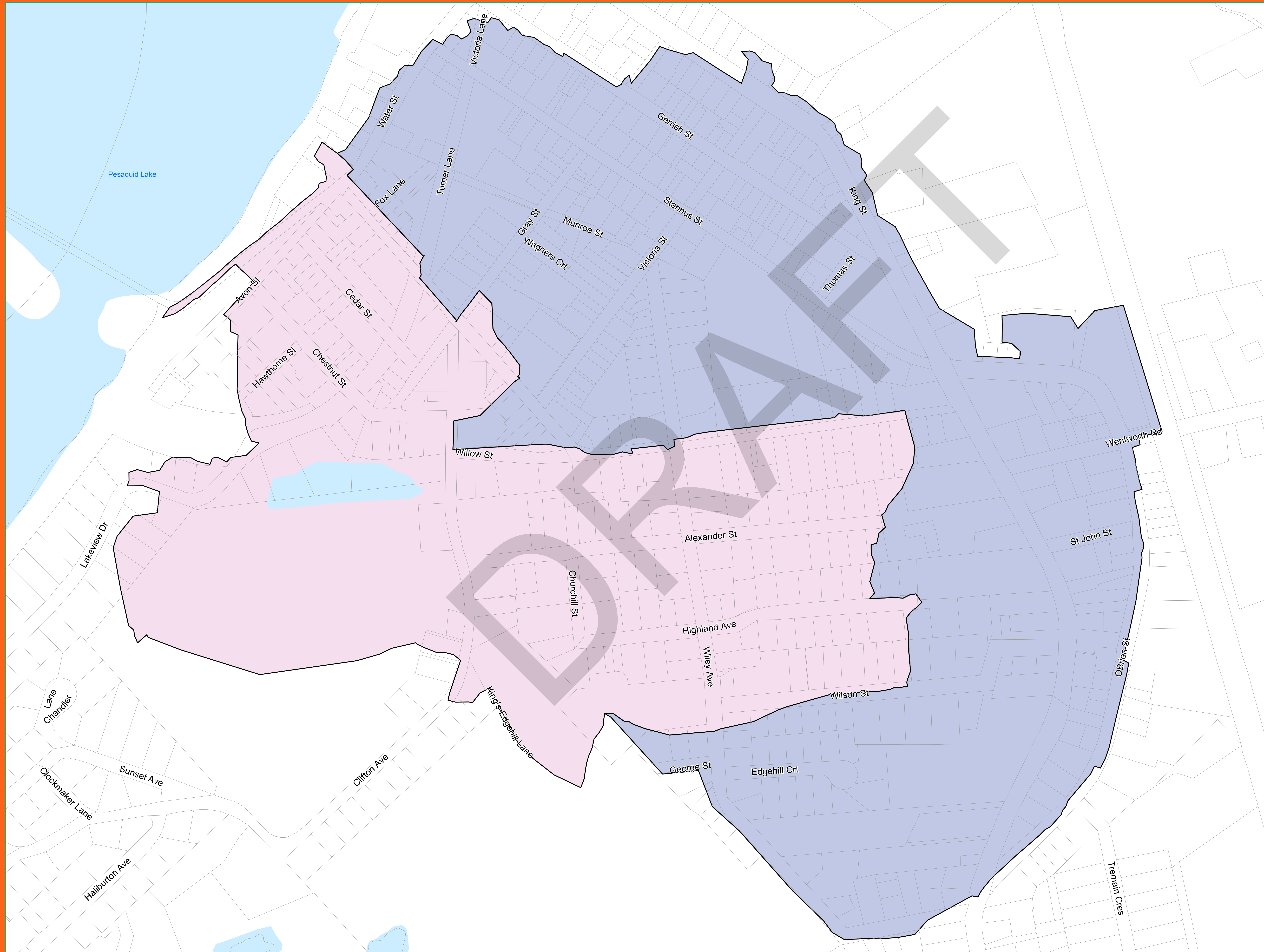
Source: West Hants Regional Municipality; GeoNOVA



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Map 6: Area of Stormwater Concern

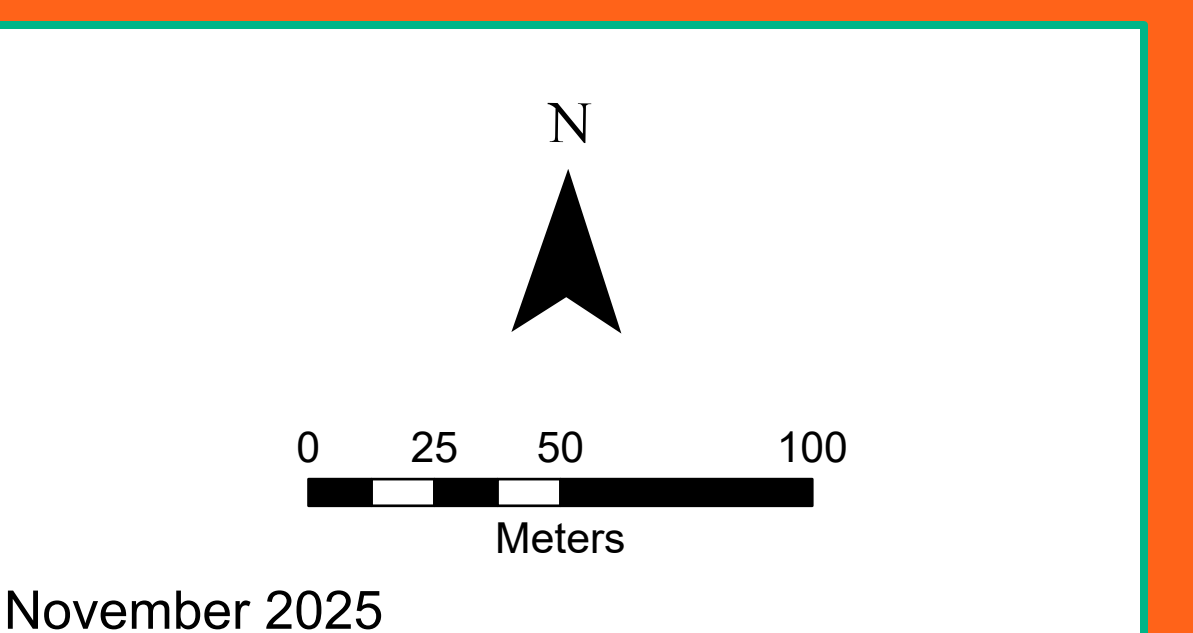


Legend

- Municipal Boundaries
- Storm Sewershed**
- Cunnabel Creek
- Albert Street

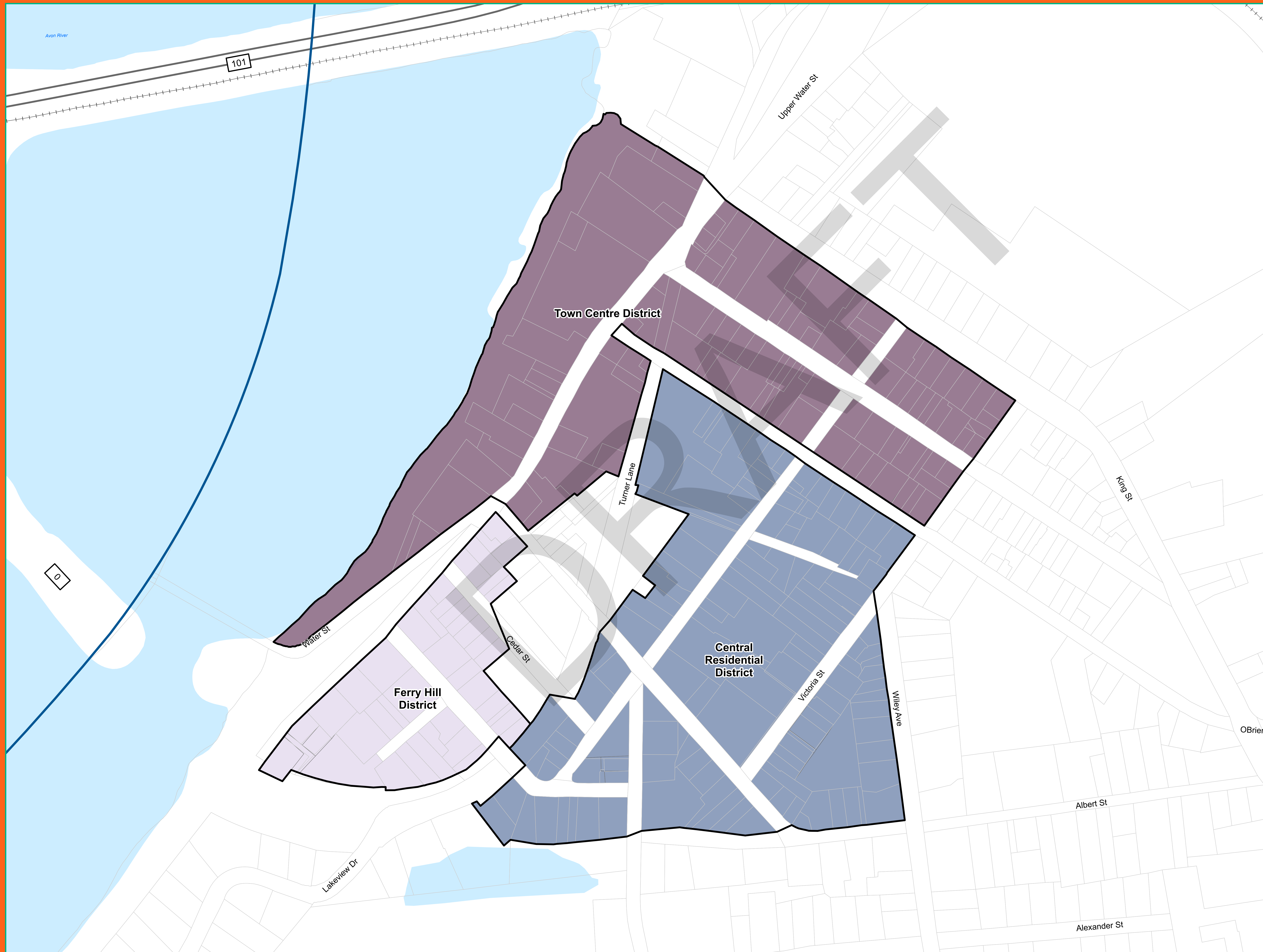
APPROVED: [Date]

Source: West Hants Regional Municipality; GeoNOVA



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Map 7: Windsor Architectural Control Districts

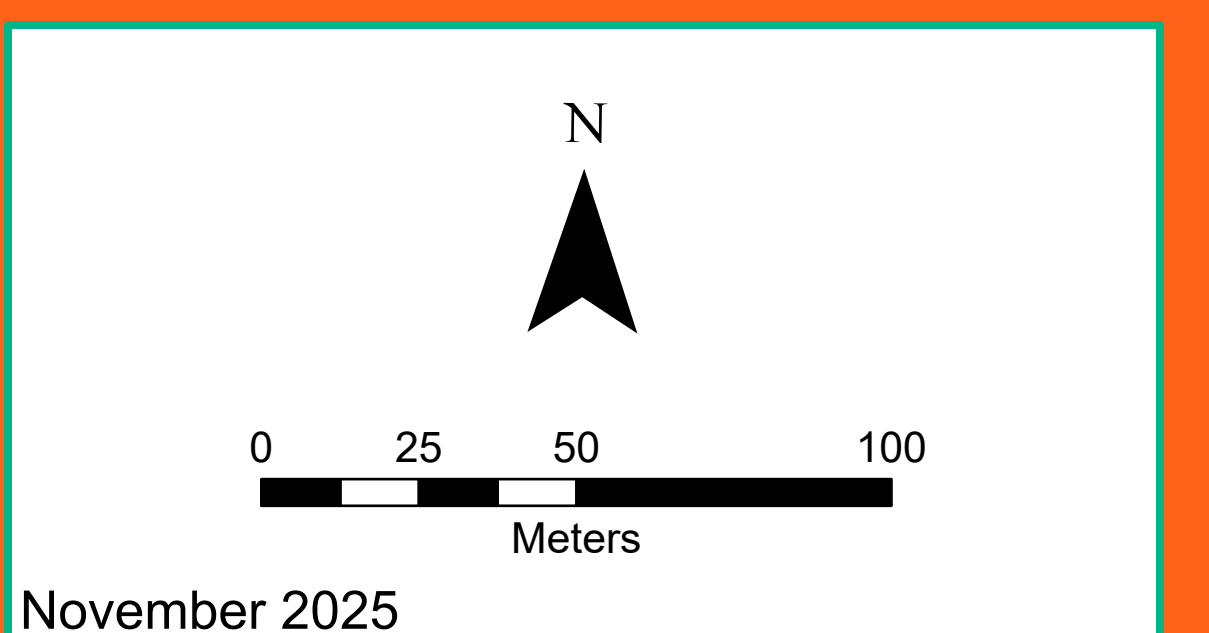


Legend

- Growth Centre - Windsor
- Regional Roads
- Railway
- Architectural Control Districts**
- Central Residential District
- Ferry Hill District
- Town Centre

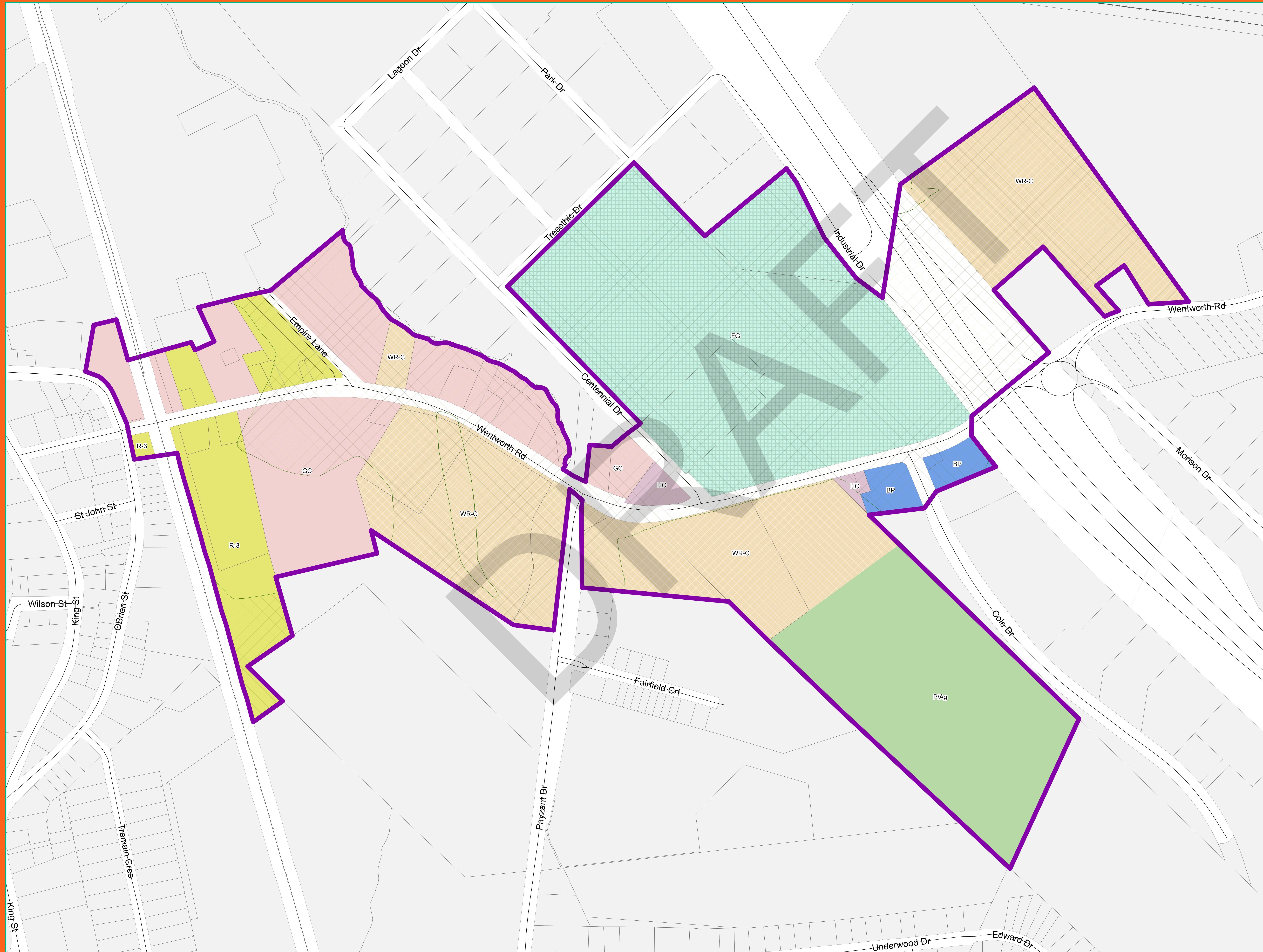
APPROVED: [Date]

Source: West Hants Regional Municipality; GeoNOVA



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Map 8: Wentworth Road Gateway District

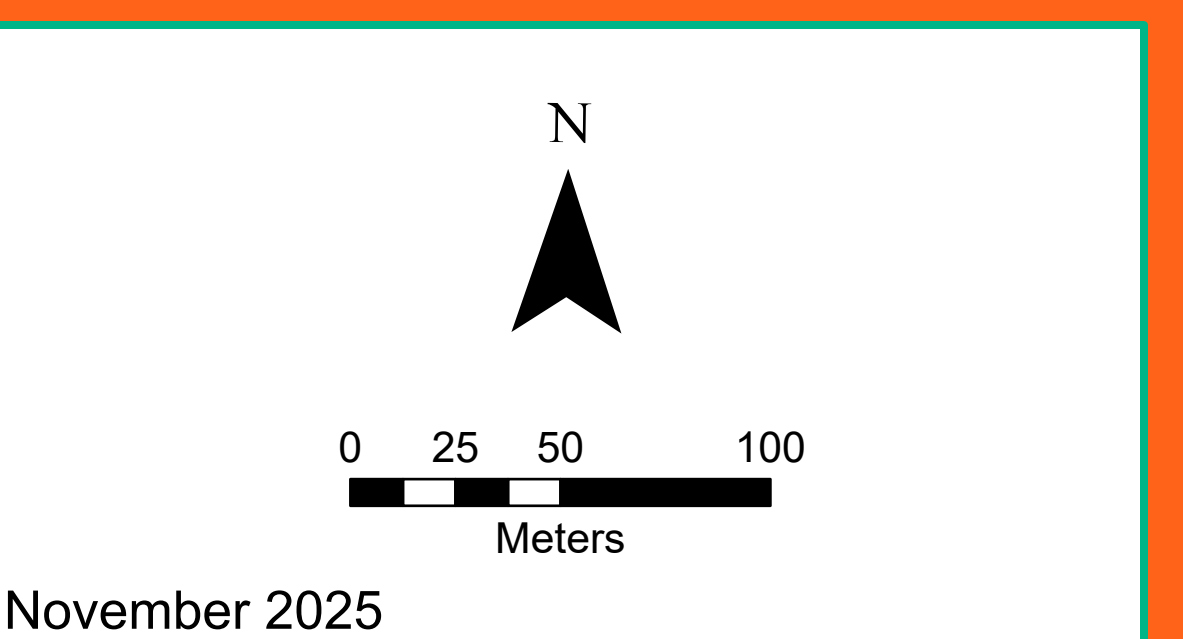


Legend

- Wentworth Road Gateway District
- Environmental Constraint
- Zoning**
- Low Density Residential (R-1)
- High Density Residential (R-3)
- General Commercial (GC)
- Highway Commercial (HC)
- Prime Agriculture (P/Ag)
- Industrial (M)
- Business Park (BP)
- Wentworth Road Commercial (WR-C)
- Fairground (FG)

APPROVED: [Date]

Source: West Hants Regional Municipality; GeoNOVA



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