municipality of cumberland



2016 | Municipality of Cumberland Land Use Bylaw

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municipality of cumberland

LAND USE BY-LAW

CONSOLIDATED COPY WITH ALL AMENDMENTS AS OF JUNE 7, 2015

Including Housekeeping changes to definitions Sept. 17, 2012

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I. *SUMMARY OF LUB LOT REQUIREMENTS FOR NEWLY CREATED LOTS*

This summary is provided for convenience only. For accurate reference recourse must be made to the applicable sections of this *By-Law*.

RESIDENTIAL ZONES* -Service Type	**Min Area**	**Min Circle**	**Min Frontage**
Lots with no central services	2700m^2 (29,062 sq ft)	30.5m (100 ft.)	30.5 m (100 ft)
Lots serviced with central water	2700m^2 (29,062 sq ft)	NA	30.5 m (100 ft)
Lots not serviced by central sewer with frontage on a *watercourse*, coastline or wetland	3700m^2 (39,826 sq ft)	NA	30.5 m (100 ft)
Lots serviced by central sewer	557m^2 (6000 sq ft)	NA	18.29 m (60 ft)
Lots serviced by central water & sewer	465 m^2 (5000 sq ft)	NA	15.24 m (50 ft)
Single Unit Use Requirements (on central sewer)	500m^2 (5382 sq ft)	NA	15.24 m (50 ft)
Double Unit Use Requirements (on central sewer)	700m^2 (7535 sq ft)	NA	18.29 m (60 ft)
Apartment Use Requirements (on central sewer)	100m^2/ unit 1000 m^2 min. (1077 sq ft /unit 10,764 sq ft min)	NA	30.5 m (100 ft)

* Includes General Zone, Suburban Residential Zone (R1), County Residential Zone (R2), Rural Resource Zone (RR), Joggins General Residential Zone, Joggins Community Residential Zone.

NON-RESIDENTIAL ZONES

ZONE	Min Area	Min Circle	Min Frontage
CEMETERY ZONE	37.16 m^2 (400 sq ft)	6.1 m (20 ft)	NA
UTILITY	37.16 m^2 (400 sq ft)	6.1 m (20 ft)	NA
COMMERCIAL ZONES ** *Lots* not serviced by central water or central sewer	2700 m^2 (29,062 sq ft)	30.5 m (100 ft)	60 m (197 ft)
Lots serviced with central water	2700 m^2 (29,062 sq ft)	30.5 m (100 ft)	30.5 m (100 ft)
Lots serviced by central sewer	557 m^2 (6000 sq ft)	NA	18.24 m (60 ft)
Lots serviced by central water & sewer	465 m^2 (5000 sq ft)	NA	15.24 m (50 ft)
INSTITUTIONAL ZONES (Joggins Only)	557 m^2 (6000 sq ft)	NA	15.24 m (50 ft)

** Includes Commercial Zone 1 (C1) and Joggins Community Commercial Zone.

WATER PROTECTION ZONES

ZONE	Min Area	Min Circle	Min Frontage
NORTH TYNDAL ZONE 1	37.16 m^2 (400 sq ft)	6.1 m (20 ft)	NA
NORTH TYNDAL ZONE 2	4 ha (9.9 acres)	NA	122m (400 ft)
NORTH TYNDAL ZONE 3	1.214 ha (3 acres)	NA	63 m (207 ft)
MCELMON BROOK ZONE 1	NA	NA	NA
MCELMON BROOK ZONE 2	8 ha (20 acres)	NA	61m (200 ft)
MCELMON BROOK ZONE 3	1.214 ha (3 acres)	NA	61m (200 ft)
MACALONEY LAKE ZONE 1	37.16 m^2 (400 sq ft)	6.1 m (20 ft)	NA
MACALONEY LAKE ZONE 2	4047 m^2 (1 acre)	NA	61 m (200 ft)
MACALONEY LAKE ZONE 2A	4047 m^2 (1 acre)	NA	61 m (200 ft)
MACALONEY LAKE ZONE 3	4047 m^2 (1 acre)	NA	61 m (200 ft)

1. TITLE AND PURPOSE

1.1 ***Title and Purpose***

1.1.1 This *By-Law* shall be known and may be cited as the "Land Use By-Law" of the Municipality of the County of Cumberland.

1.1.2 This *By-Law* shall apply to the entire area of the *Municipality*.

1.1.3 The purposes of this *By-Law* are:

a) to carry out the land use *development* policies found in the Municipal Planning Strategy; and

b) to establish a fair and systematic means of *development* control for the *Municipality*.

1.1.4 All provisions set out in any previous Land Use By-Law are hereby repealed.

2. DEFINITIONS

2.1 ***Definitions***

2.1.1 In this By-Law all words carry their customary meaning except for those words and phrases defined as follows:

a) "*accessory use*" means a use subordinate and naturally incidental to a main use of land or *building* located on the same *lot*;

b) "*accessory building*" means a subordinate *building* or *structure* on the same *lot* as the *main building*, devoted exclusively to an *accessory use*;

c) "*act*" means the Municipal Government Act, SNS 1998, Chapter 18 and amendments thereto;

d) "*auto body repair*" means the repair, detailing or painting of automobile bodies;

e) "*automobile service*" means the sale of lubricating oils, gasoline, or automobile accessories, and includes the repair or cleaning of automobiles for compensation;

f) *"blade"* means the part of the wind turbine that rotates in the wind and extracts kinetic energy from the wind;

g) *"blade clearance"* means the distance from the grade to the bottom of the rotors arc;

h) "*building*" means any *structure* whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment. Any awning, bin, bunk or platform used for said purposes, or any *structure*, tent or vehicle connected to an *on-site sewage disposal system*, or on-site sewage *holding tank*, is a *building* for the purpose of this *By-Law*;

i) "*by-law*" means the Land Use By-Law for the Municipality of the County of Cumberland;

j) "*cemetery*" means any land which is, or was in the past, set apart or used as a place for burial of human remains and includes a *building* or *structure* for the permanent placement of human remains;

k) "*central sewer system*" or "central water system" means a public sewer or public water system respectively, owned and operated by a Municipality, an incorporated Village or a Town, or a *utility* thereof; or with the express approval of the Nova Scotia Department of the Environment and Labour, where a written agreement between the owner and the *Municipality* has been entered into, means a system owned privately serving more than one *building* or *development* on more than one *lot*;

l) "*Clerk*" means the Municipal Clerk for the Municipality of the County of Cumberland;

m) *"coastline/shoreline"* means a lot line or portion thereof which abuts the high water mark of a watercourse;

n) *"COMFIT"* Project means a project that has been approved to receive an established price per kilowatt hour (kWh) for projects producing electricity from qualifying renewable resources. These projects must be majority owned by local community based groups as outlined in the Renewable Electricity Regulations;

o) *"Council*" means the Council of the Municipality of the County of Cumberland;

p) "*development*" means any *erection*, construction, alteration, placement, replacement, location, relocation of or addition to any *structure* and any change or alteration in the use made of land or *structures*;

q) "*Development Officer*" means the person or persons, or designate, appointed by Council of the Municipality of the County of Cumberland from time to time to administer the Land Use By-Law and Subdivision By-Law;

r) "*domestic wind turbine"* means a turbine that converts the wind's kinetic energy into either electrical power or mechanical energy. The turbine

comprises the tower, rotor blades (either vertical or horizontal) and nacelle. It shall have a maximum height of 27.4 metres (90 feet). Power-generating domestic wind turbines primarily provide power for on-site consumption by individual buildings and are as an accessory use in any zone where accessory uses are permitted;

s) *"dwelling"* means a *building*, or portion thereof, occupied or capable of being occupied as a seasonal or permanent home or residence by one or more persons, including boarders, containing one or more units, but shall not include a hotel or motel, or a motor home, travel trailer, or other recreational vehicle, unless it is legally connected to an *on-site sewage disposal system*;

t) "*dwelling floor area*" means the total floor area contained within the outside walls of the *building*, excluding any private garage, porch, verandah, sunroom, unfinished attic, or basement or other room which is not habitable during all seasons of the year.

u) "*dwelling unit*" means one or more habitable rooms designed, occupied, or intended for use by one or more individuals as an independent and separate housekeeping establishment in which a kitchen, sleeping and sanitary facilities are provided for the exclusive use of such individual or individuals. Tourist cabins, housekeeping units, or other accommodation for the traveling public or short term rental market are not *dwelling units* for the purposes of this *By-Law*;

v) "*erect*" means to build, construct, reconstruct, alter or relocate, and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as grading, excavating, piling, cribbing, filling, draining, or structurally altering any *building* or *structure* by an addition, deletion, enlargement or extension;

w) "*existing*" means legally *existing* as of the effective date of this *By-Law*. A *structure* or use of land shall be deemed to exist if it has lawfully been constructed or has commenced or is lawfully under construction, or all required permits for its construction or uses were in force and effect, except that this shall not apply unless the construction or use is commenced within 12 months after the issuance of the latest dated of the required permits and is completed in conformity with the permits within a reasonable time;

x) "*gross floor area*" means the sum of the floor areas of a *building* above or below grade, measured between the exterior faces of the exterior walls of the *building* at each floor level; and for the purpose of this clause, the walls forming a courtyard shall be deemed to be exterior walls;

y) *"guy wire"* means a cable or wire used to support a tower;

z) *"habitable building"* means a dwelling unit, hospital, hotel, motel, nursing home or other similar building occupied or capable of being occupied as a home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently;

aa) "*height*" means the vertical distance on a *building* between the established grade, and the highest point of the roof surface, or the parapet, whichever is greater, of a flat roof; or the deck line of a mansard roof; or the mean level between eaves and ridge of a gabled, hip, gambrel or other type of pitched roof, but shall not include any construction used as an ornament or for the mechanical operation of the *building*, a mechanical penthouse, chimney, tower, steeple, skylight, solar collector, *wind turbine* or satellite receiving device;

bb) "*holding tank*" means a closed watertight receptacle that is designed and used to receive and store sewage prior to collection by a septic tank cleaner, and includes a vault privy;

cc) "*Kennel*" means a premises or part thereof, excluding animal clinics and grooming establishments, where four (4) or more dogs are boarded, trained, or kept, for remuneration.

dd) *"kilowatt (kW)"* is a measure of power for electrical current (1 kW= 1000 watts). A Megawatt (MW) equals 1000 Kilowatts.

ee) "*large scale wind turbine*" means any wind turbine that is not a small scale wind turbine and which generates power primarily for sale to a third party and which may be developed either as a standalone machine or be grouped with others in a wind farm;

ff) "*lot*" means a parcel of land described in a deed or as shown on an approved registered plan of subdivision; and "flag lot" means a *lot* located on the interior of a block with access provided by a driveway which is part of the flag lot, and which runs beside the *lot* or *lots* between the main portion of the flag lot and the public or *private road* which provides access to the driveway;

gg) "*lot area*" means the total horizontal area within the *lot* lines of a *lot*; and shall not include any wetland for area calculation purpose;

hh) "*lot creation*" means a *lot* which was created prior to July 24, 2008 and subsequently increased in size by an approved Plan or Instrument of subdivision and shall be treated as though it was created prior to July 24, 2008;

ii) "*lot frontage*" means

i) the length of a line between the two side *lot* lines, as measured at the front of the *lot*; or

ii) the distance between the side *lot* lines as measured 6 meters, from the front of the *lot*.

Where *lot frontage* requirements are indicated in this bylaw, and unless the *lot* is a *flag lot*, all *lots* must be able to contain a circle beginning at the front lot line with a diameter equal to the minimum *lot frontage* indicated.

jj) "*main building*" means the *building* on a *lot* in which the principle use of the *lot* is carried out;

kk) "*Municipality*" means the Municipality of the County of Cumberland;

ll) *"nacelle"* means the frame and housing at the top of the tower that is part of a wind turbine enclosing components such as, the gearbox and generator, protecting them from the weather;

mm) *"nameplate capacity"* means the manufacturer's maximum rated output of the electrical generator found in the nacelle of the wind turbine. This equals the electricity produced when the wind velocity is such as where the conversion efficiency is at its greatest;

nn) *"net metering project"* is when electricity consumers with small, privately-owned renewable electricity generators offset part or all of their own electrical requirements by utilizing their own generation. Excess self-generation, over own-consumption needs, is credited against purchased energy for billing purposes over a limited period of time.

oo) "*on-site sewage disposal system*" includes a septic tank with disposal field, a *holding tank*, a privy, and all other private sewage disposal systems which are not directly connected to a municipal or approved central sewerage system;

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

qq) "*private road*" means any street or road which is not owned by the Province or a town or the *Municipality* and which meets the requirements of the Municipality's Subdivision By-Law for *private road* approval;

rr) "*public highway*" means the whole and entire right-of-way of every highway, road, road reserve or road allowance vested in the Province of Nova Scotia or the *Municipality*. Road reserves include road reserves so marked on an approved plan of subdivision, whether or not they are so vested;

ss) "*public service facilities*" means those facilities which are publicly funded and generally provide emergency, training, educational, instructive, health care, government, administrative and accessory services, and public utilities;

tt) *"renewable energy"* or renewable low-impact electricity is any resource that, in the opinion of the Minister and consistent with Canadian standards, is able to be replenished through natural processes or through sustainable management practises so that the resource is not depleted at current levels of consumption This includes but is not limited to: solar energy, wind energy, biomass, run-of-the-river hydroelectric

energy, ocean-powered energy, tidal energy, wave energy, landfill gas, liquid biofuel, and other biogas energy;

uu) "*salvage yard*" means a premises used for keeping or storing used bodies or parts of automobiles or any other type of used equipment, vehicles, machinery, or materials of any kind, regardless of whether such use occupies all or a part of the *lot* or *lots* upon which it is located, or whether it is a use operated for commercial or other purposes, or whether the use is subject to the licensing requirements of the Salvage Yards Licensing Act;

vv) "*Schedule B road*" means a right-of-way not owned and maintained by the Nova Scotia Department of Transportation and Public Works which the Minister of Transportation and Public Works, in consultation with the *Municipality*, has indexed in Schedule "B" of the Subdivision By-Law;

ww) *"separation distance"* means the distance measured from the base of the wind turbine tower to any specified building, structure, road or natural feature.

xx) *"setback"* means the distance measured from the base of the wind turbine tower to the property line.

yy) *"shadow flicker"* means a condition that occurs when the sun is low on the horizon and the blades pass between the sun and an observer creating a flickering;

zz) "*shoreline buffer*" means that land adjacent to and extending inland a specified distance from the shoreline (ordinary high water mark) of a *watercourse*, coastline or wetland, within which the natural landform and native vegetation shall be maintained or restored to the greatest extent possible. Notwithstanding the specified distance established in this bylaw, where the *shoreline buffer* contains a slope in excess of 15%, the horizontal distance shall be increased so that the *shoreline buffer* extends from the shoreline to the brow of the slope;

aaa) "*sign*" means any *structure* or device, used to advertise or draw attention to any product, place, person, business, institution, organization, or event, including any directional or way finding purpose;

bbb) "*small scale wind turbine*" means a turbine that converts the wind's kinetic energy into either electrical power or mechanical energy. The turbine comprises the tower, rotor blades (either vertical or horizontal) and nacelle. It shall have a maximum height of 60 metres (196.8 feet) and a nameplate capacity of not less than 10 kW and no greater than 100 kW;

ccc) "*structure*" means anything that is *erected*, built or constructed of parts joined together or any such *erection* fixed to or supported by the soil or by any other *structure*, and includes a *building*;

ddd) *"supporting structure"* of a wind turbine includes all structures

accessory to the turbine itself, including guy wires.

eee) "*utility*" means any *structure* or facility, used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals;

fff) "*watercourse*" means any lake, river, stream, ocean or other body of water;

ggg) "*wetland*" means lands seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface which results in a rich combination of environmental features that contain a wide variety of plants and wildlife;

hhh) "*wind energy project*" means a wind farm which may contain one or more wind turbines and associated property, substations and other utility systems. It may include Net Metering and COMFIT projects;

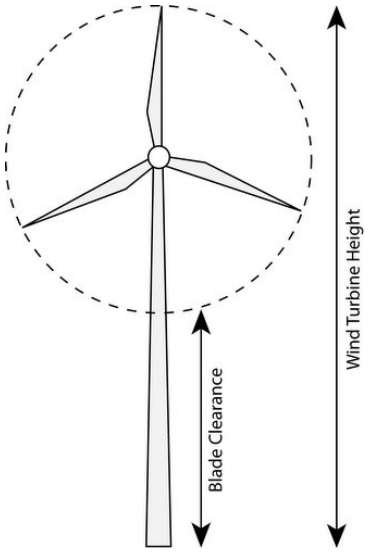
iii) *"wind farm"* refers to a grouping of more than one interconnected wind turbines on one lot or abutting lots used for the purpose of converting wind power to produce electricity;

jjj) *"wind monitoring or meteorological" tower* means a tower used for supporting an anemometer, wind vane and other equipment to assess the wind resource at a predetermined height above the ground;

kkk) *"wind turbine"* means a machine and supporting structure designed to convert wind energy into mechanical and electrical energy;

lll) *"wind turbine height"* means the distance measured from grade to the highest point of rotor's arc;

mmm) "*zone*" means a designated area of land shown on the Schedules of this *By-Law*.



3. ADMNISTRATION

3.1 ***Development Officer***

a) The *Development Officer*, or his/her designate, for the *Municipality* shall be charged with the general administration of this *By-Law*.

b) The *Development Officer* is also empowered to grant variances pursuant to Section 235 of the Municipal Government Act.

3.2 ***Development Permit***

a) Unless otherwise stated in this *By-Law*, no person shall undertake a *development* on a *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 conformance with this *By-Law*, except where a variance is granted or in the case of an *existing* non-conforming use or *structure*, in which case a development permit shall be issued in conformance with the Act.

c) A development permit shall expire within 12 months from the date issued if the *development* has not commenced.

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

e) Applications for a development permit for a wind turbine or wind energy projects in the Municipality of the County of Cumberland must comply with those conditions as found in Section 10 of this Bylaw.

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

   i) not attached to a building and is not connected to the power grid;

   ii) attached to a building in excess of $20m^2$ ($215\ ft^2$) and is not connected to the power grid.

3.3 ***Development Permit Not Required***

3.3.1 The following *developments* shall not require a development permit:

a) renovations or alterations to a *structure* which do not result in a change in volume or *gross floor area*, number of *dwelling units*, or a change in use of the *structure*;

b) fences, other than for *salvage yard* enclosures;

c) a change in grade of land or vegetation thereon, other than for the outdoor storage area of a *salvage yard* or any change in earthen berms or natural topography or vegetation located on the same *lot* as a *salvage yard*; and

d) public and private utilities located within the street right-of-way.

3.4 ***Application for Development Permit***

a) Every application for a development permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing information required by the *Development Officer*, which shall include:

i) the true shape, area and dimensions of the *lot* for which the *development* is proposed;

ii) the proposed location and dimensions of the proposed *building* or *structure* or work in respect to which the permit pertains;

iii) the location of every *building* or *structure* already *erected* on the *lot*;

iv) the proposed use of the *lot* and any *building* or *structure* on the *lot*;

v) other such information as may be necessary to determine whether the proposed *development* conforms to this *By-Law*;

vi) the location of any setback and *shoreline buffer*. Where construction is proposed within 5 m. of any setback line or *shoreline buffer*, a location certificate is required unless this requirement is waived by the *Development Officer*; and

vii) where any portion of the lot includes a *shoreline buffer*, the plans shall also include:

A) the general direction of drainage on the *lot*;

B) the location of any *watercourse*, coastline or wetland;

C) the location of any abrupt changes in slope;

D) the limits and nature of any *existing* vegetation within the *shoreline buffer*;

E) the proposed treatment of the *shoreline buffer*, and

F) copy of Nova Scotia Environment's approval of an on-site sewage treatment system (does not include a *holding tank*).

b) Where the *Development Officer* is unable to determine whether the proposed *development* conforms to this *By-Law*, the *Development Officer* may require that the plans submitted under clause (a) be based upon a survey certified and stamped by a Nova Scotia Land Surveyor

3.5 ***Signature of Applicant***

The application for a development permit shall be signed by the registered owners of the *lot* or by the owners' authorized agent, in which case proof of the authorization shall be submitted with the application.

3.6 ***Application Fee***

Every application for a development permit or variance shall be accompanied by payment to the *Municipality* of the amount specified in Appendix A of this *By-Law*.

Note to readers: *Appendix A does not exist. No fees are charged for development permits or variances.*

3.7 ***By-Law Amendments***

a) A person who seeks to have this *By-Law* amended shall:

i) submit a signed application to *Council*;

ii) submit an amount, determined by the *Clerk*, sufficient to cover any advertising and notification costs required; and

iii) provide such information as may be required by the *Council* for the purpose of adequately assessing the desirability of the proposal.

b) Unless *Council* is of the opinion there is valid new evidence or a

change in conditions, where an application under this section has been refused by *Council*, no further application may be considered by *Council* for a period of one year, if such application:

i) in the case of a re-zoning, is in respect to the same area of land and is in all significant particulars intended to seek the same *zone* originally sought; or

ii) not being in relation to a re-zoning is similar to the original application.

3.8 ***Notification to Property Owners***

When an application has been received to amend this *By-Law* for a site specific purpose, all property owners with 30 metres of the subject property shall be notified, in writing, of the application, by the *Clerk*.

3.9 ***Effective Date***

This *By-Law* and amendments shall take effect upon the date of publication of the notice advertising its adoption or amendments.

3.10 ***Penalty***

It is an offence under the Municipal Government Act to violate or permit the violation of any provision of this *By-Law* or to obstruct or hinder its proper administration and enforcement, including the performance of anything required to comply with its enforcement. Persons guilty of such an offence are liable to the extent specified in the Municipal Government Act.

3.11 ***Other By-Laws and Approvals***

a) Nothing in this *By-Law* shall relieve any person from the obligation to comply with the requirements of any other By-Law of the *Municipality* in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any By-Law of the *Municipality*. In an event of a conflict between this *By-Law* and any other By-Law (with the exception of the Municipal Planning Strategy), the most restrictive By-Law shall prevail.

b) Notwithstanding any provision in the Building Code By-Law, no building permit shall be issued for any construction or *development* which would require a development permit pursuant to this *By-Law*, unless that development permit has first been

issued.

c) Where any aspect of a proposed *development*, including but not limited to the disposal of anticipated wastewater, does, or in the opinion of the *Development Officer* may, require the approval of the Nova Scotia Department of Environment and Labour, no development permit shall be issued without the written approval of that Department or written confirmation from that Department that its approval is not required.

3.12 ***Pubic Service Facilities***

The use of land or the *erection* of any *building* or *structure* for *public service facilities* shall be permitted in any *zone*, except for the Water Protection Zones, subject to the use of land or *building* or *structure* being in compliance with the requirements of the *zones* within which they are located. Notwithstanding this exception, *development* related to water supply, waterworks production and disinfection facilities and implementation by the water *utility* of any component of the groundwater management plan and protection strategy, including facilities for display or interpretation of the waterworks and its groundwater management plan and protection strategy shall be permitted.

3.13 ***Shoreline Buffer***

Shoreline buffers of 30.5 m. (100 ft.) in depth shall be established, retained or restored along all *coastlines* and *wetlands* and areas prone to seasonal flooding or flooding due to high tides or storm surges. Additionally, *shoreline buffers* of 15.24m (50ft.) in depth shall be established, retained or restored along all lakes, rivers (not prone to flooding), streams and intermittent streams. Within *shoreline buffers*, all *development* and outdoor storage shall be prohibited.

Exceptions shall include, necessary "hard" shoreline stabilization works, one *accessory building* or *structure* or one attached deck which, in total, shall not be larger than 20 sq. m. (215 sq. ft.), small scale safety and security fences or *structures*, shoreline or water access facilities, docks, boardwalks, walkways and trails for non-motorized vehicles, traditional marine uses or the on-shore components of water based uses and other marine dependent uses, parks, conservation and historic uses and public roads and infrastructure.

Any *existing* residential *main building*, *erected* prior to the effective date of this bylaw, located within a *shoreline buffer*, may be reconstructed, renovated, repaired or replaced provided that the work

does not further reduce the depth of the *shoreline buffer* or further change the natural landform or native vegetation within the *shoreline buffer*.

Where a *main building* has been *erected* prior to the effective date of this bylaw, on a *lot* having less than the frontage, area, setback or *shoreline buffer* as required by this bylaw, the *building* may be reconstructed, renovated, repaired or replaced, provided the work does not further increase the *building's* footprint.

Where the configuration of any *existing lot* is such that no *main building* could be located on the *lot*, the setback distance may be reduced in a manner which would provide the greatest possible separation from a shoreline and maintenance of the natural landform and native vegetation adjacent to a shoreline.

Native vegetation may be replaced with other native vegetation in order to maintain the overall health and natural character and aesthetic value of the shoreline.

Dwellings or *buildings* intended for human occupation shall not be located within a 2.5 m. elevation above the ordinary high water mark.

Any *existing dwelling* or *building* intended for human occupation, situated less than the required elevation, may be reconstructed, renovated, repaired or replaced provided that the work does not further reduce the *existing* elevation and all other requirements of this bylaw are met.

4. ZONES

4.1 ***Zones***

For the purposes of this *By-Law* the *Municipality* is divided into the following *zone*s, the boundaries of which are shown on the attached Schedule A. Such *Zones* may be referred to by the corresponding symbols shown below.

Zone	**Symbol**
General Zone	G
Cemetery Zone	CEM
Utility Zone	U
North Tyndal Zone 1	NT1
North Tyndal Zone 2	NT2
North Tyndal Zone 3	NT3
McElmon Brook Zone 1	MeB1
McElmon Brook Zone 2	MeB2
McElmon Brook Zone 3	MeB3
MacAloney Lake Zone 1	ML1
MacAloney Lake Zone 2	ML2
MacAloney Lake Zone 2A	ML2A
MacAloney Lake Zone 3	ML3
Restricted Zone	R
Suburban Residential Zone	R1
Country Residential Zone	R2
Rural Resources Zone	RR
Commercial Zone 1	C1

4.2 ***Zoning Maps***

Schedule A, which includes maps may be cited as the Zoning Maps and is hereby declared to form part of this *By-Law*:

Map 1	General
Map 2	Cemetery
Map 3	Utility
Map 3A	Utility
Map 3B	Utility
Map 4	North Tyndal Water Protection
Map 5	Central Plan Area
Map 5A	Central Plan Area (Amendment)
Map 5B	Central Plan Area (Amendment)
Map 6	McElmon Brook Water Protection
Map 7	MacAloney Lake Water Protection
Map 8	Commercial
Map 9	Wind Energy Map

5. INTERPRETATION

5.1 ***Interpretation of Zone Boundaries***

a) The extent and boundaries of *zones* are shown on Schedule A of this *By-Law* and the appropriate provisions of this *By-Law* shall apply to all *zones*.

b) Boundaries between *zones* shall be determined as follows:

i) where a *zone* boundary is intended to follow a survey line as recorded at the Registry of Deeds, the line shall follow that boundary;

ii) where a *zone* boundary is indicated as following a street, the boundary shall be the centerline of the street unless otherwise indicated;

iii) where the *zone* boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;

iv) where the *zone* boundary, as shown on the zoning maps, follows the shoreline of a river, *watercourse*, lake or salt water body, the mean high water mark is the boundary; and

v) where none of the above provisions apply, the *zone* boundary shall be scaled from the zoning map.

5.2 ***Interpretation of Certain Words and Units of Measurement***

a) In this *By-Law*, words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular; and the word "used" includes "arranged", "designed" or "intended to be used".

b) All numerical requirements in this *By-Law* are provided in metric units of measurement. Imperial units of measurement, where provided, are for user convenience only. Where a discrepancy between metric and imperial measurements occurs, the metric measurement shall prevail.

5.3 ***Permitted Uses***

a) In this *By-Law* any use not listed as a permitted use in a *zone* is prohibited in that *zone* unless otherwise indicated.

b) Where a permitted use within any *zone* is defined in this *By-Law*, the uses permitted in the *zone* include any similar uses that satisfy such definition, except where specifically excluded.

5.4 ***Restoration to a Safe Condition***

Nothing in this *By-Law* shall prevent the strengthening or restoring to a safe condition of any *building* or *structure*.

6. GENERAL ZONE (G)

6.1 ***Permitted Uses***

All uses shall be permitted in the General Zone (G) subject to the requirements set out herein. *Large Scale Wind Turbines* and *Wind Power Projects*, subject to Part 10.

6.2 ***General Requirements***

a) Except as otherwise set out herein, no development permit shall be issued for a *lot* in the General Zone unless the following area and frontage requirements are met:

Service Type	**Minimum Lot Area**	**Minimum Lot Frontage** (except for *existing lot*s and flag *lot*s)	**Minimum Shoreline Buffer**
*Lot*s not serviced with *central water* or *central sewer systems*	2,700 sq. m. (30,063 sq. ft.), and 3,700 sq. m. (39, 828 sq. ft.) for *lots* adjacent to *watercourses*, coastlines and wetlands.	30.5 m. (100 ft.)	30.5 m. (100 ft.)
*Lot*s serviced with only *central water system*	1,115 sq. m. (12,000 sq. ft.)	30.5 m. (100 ft.)	30.5 m. (100 ft.)
*Lot*s serviced with only *central sewer system*	557 sq. m. (6,000 sq. ft.)	18.28 m (60 ft.)	30.5 m. (100 ft.)
*Lot*s serviced by both *central water* and *central sewer systems*	465 sq. m. (5,000 sq. ft.)	15.24 m. (50 ft.)	30.5 m (100 ft.)

b) Notwithstanding subsection 6.2(a), minimum *lot frontage* requirements shall not apply to *existing lots* or *lots* approved pursuant to any section in the Subdivision By-Law which provides an exemption from the *lot frontage* requirement or any requirement that a *lot* abuts a road.

6.3 ***Flag Lots - Area and Frontage***

a) The minimum *lot areas* set out in subsection 6.2 (a) must be satisfied within the main portion of a flag lot, and the *lot* must be able to contain a circle with a diameter equal to the minimum *lot frontage* indicated.

b) A flag lot must have a minimum *lot frontage* of 6 metres (20 feet), and the width of the prolongation or leg of the flag lot providing access to the street or roadway must be at least 6 metres (20 feet) at every point along its length.

6.4 ***Existing Uses - Redevelopment or Expansion***

Subject to subsection 6.7 herein, an *existing* use on an *existing lot* may be redeveloped or expanded regardless of *lot area* provided the Nova Scotia Department of the Environment and Labour, or where appropriate the Municipality's Public Works Department, has approved the redevelopment or expansion with regard to the proposed method of wastewater disposal and any other aspect of the proposed redevelopment or expansion that may come within their respective jurisdictions.

6.5 ***Existing Lot - Single Detached Dwelling***

Notwithstanding the *lot area* requirements set out in subsection 6.2 above, a single detached *dwelling* may be developed on an *existing* undeveloped *lot* with a minimum *lot area* of 929 square metres (10,000 square feet), provided Nova Scotia Environment has approved an on-site sewage system other than a *holding tank* to service the proposed *dwelling*.

a) Minimum *shoreline buffer*: 8m. (25 ft.)

b) Maximum *lot* coverage: 10%

c) Maximum *building height*: 6m. (20 ft.) or 7 m. (23 ft.) to ridge

d) Maximum floor area: 93 sq. m. (1000 sq. ft.)

e) Minimum side yard: 3 m. (10 ft.)

6.6 ***Existing Lot - Storage Buildings***

a) Notwithstanding the *lot area* requirements set out in subsection 6.2 above, storage buildings may be developed on an *existing lot* subject to the following restrictions:

Lot Area	**Maximum Total *gross floor area* of Storage Buildings**
Under 465 sq. m. (5,000 sq. ft.)	47 sq. m. (506 sq. ft.)
465 sq. m. to 929 sq. m. (5,000 sq. ft. to 10,000 sq. ft.)	74 sq. m. (797 sq. ft.)
Over 929 sq. m. (10,000 sq. ft.)	112 sq. m. (1,206 sq. ft.)

b) No permanent or temporary residential, commercial or industrial use shall be located in a *structure* approved pursuant to subsection 6.6(a). Residential uses, for purpose of this clause, include sleeping, dining, laundry, food preparation or bathroom facilities.

6.7 ***Salvage Yards***

a) All outdoor storage areas of any *salvage yard*, including any expansion of such, shall:

i) if within 457 metres (1,500 feet) from the centre line of any *public highway* of any classification, be completely screened from view from the said highway by way of natural or planted vegetation, natural topography or earthen berms, opaque fences, *buildings*, or some other method of screening or landscaping, or ambination of these and equally effective methods. The screening shall prevent a direct line of sight from any viewpoint 2 metres (6.56 feet) above the traveled surface or grade at the centre line of such highway to any point 2.5 metres (8.2 feet) or less above finished grade throughout the said storage areas; and

ii) be located at least 457 metres (1,500 feet) away from any *dwelling* other than *dwellings* located upon the same *lot*.

b) All of the outdoor storage area designated in a valid Salvage Yard License (including a conditional license) issued by the Nova Scotia Department of Environment and Labour and in effect at the effective date of this *By-Law* constitutes part of an *existing salvage yard* for the purposes of this *By-Law*, and extension of the use of the storage area throughout the approved area shown on such a licence is not an expansion of an *existing salvage yard*.

6.8 ***Salvage Yards by Development Agreement***

Salvage Yards, which do not satisfy the requirements of 6.7 Salvage Yards shall be permitted by development agreement. In negotiating such a development agreement, *Council* shall ensure that the proposed use does not pose a negative impact on surrounding properties, as outlined in MPS Policy 3.1.1.5(b).

7. CEMETERY ZONE (CEM)

7.1 ***Permitted Uses***

Only *cemetery* uses are permitted in the Cemetery Zone.

7.2 ***CEM Requirements***

a) There is no *lot frontage* requirement in the Cemetery Zone.

b) The minimum *lot area* and dimensions for the creation or *development* of a *lot* in the Cemetery Zone are 37.16 square metres (400 square feet) of area, and the *lot* must be able to contain a circle 6.1 metres (20 feet) in diameter.

8. UTILITY ZONE (U)

8.1 ***Permitted Uses***

The only permitted uses in the Utility Zone are:

a) *utility* uses which do not include or require plumbing and which are not intended to include human habitation or occupation.

b) *Large Scale Wind Turbines* and *Wind Power Projects*, subject to Part 10.

8.2 ***U Requirements***

a) There is no *lot frontage* requirement in the Utility Zone.

b) The minimum *lot area* and dimensions for the creation or *development* of a *lot* in the Utility Zone are 37.16 square metres (400 square feet) of area, and the *lot* must be able to contain a circle 6.1 metres (20 feet) in diameter.

9. WATER PROTECTION ZONES

9.1 ***North Tyndal Zone 1 (NT1)***

9.1.1 Permitted Uses

Only *development* related to water supply, waterworks production and disinfection facilities and implementation by the water *utility* of any component of the groundwater management plan and protection strategy, including facilities for display or interpretation of the waterworks and its groundwater management plan and protection strategy, shall be permitted in North Tyndal Zone 1.

9.1.2 NT1 Requirements

a) There is no *lot frontage* requirement in the North Tyndal Zone 1.

b) The minimum *lot area* and dimensions for the creation or *development* of a *lot* in the North Tyndal Zone 1 are 37.16 square metres (400 square feet) of area, and the *lot* must be able to contain a circle 6.1 metres (20 feet) in diameter.

9.2 ***North Tyndal Zone 2 (NT2)***

9.2.1 Permitted Uses

The only uses permitted in the North Tyndal Zone 2 are:

a) uses permitted in North Tyndal Zone 1, subject to Zone 1 requirements;

b) single detached *dwellings*;

c) passive recreational uses; and

d) home occupations, subject to Section 9.2.3.

9.2.2 NT2 Requirements

a) Except as otherwise set out herein, no development permit shall be issued for a *lot* in NT2 unless the following requirements are met:

i) the *lot* must have at least 4 hectares (9.9 acres) of area; and

ii) the *lot* must have at least 122 metres (400 feet) of *public highway* frontage.

b) No *structure* intended for human habitation or livestock operations in NT2 shall be located within 30.5 metres (100 feet) of a *watercourse*.

9.2.3 **Home Occupations**

a) For the purposes of this section "home occupations" shall be defined as:

dress making and tailoring; catering; hairdressing and barbershops; instruction and private tutoring; sculpturing; business and professional offices such as doctors, lawyers and insurance agents; and other like uses, when carried out wholly within the boundaries of the property upon which is located the residence of the operator of the use; and notwithstanding the foregoing, home occupations shall specifically not include *auto body repair*; mechanical motor vehicle repair; *automobile service*; retail stores; canteens; taxi stations; manufacturing or mechanical machining; general construction contracting; fabrication and service shops including woodworking or metalworking; paint shops; processing or forming of chemicals, textile dyes or bleaches; photographic or other film processing or developing; laundry or dry cleaning services; using, storing, or maintaining heavy mechanical equipment used in any industry; or the use, storage, or production of solids or liquids except those reasonably consistent with the use of a *dwelling*.

b) Home occupations shall:

i) be permitted within single detached and double *dwellings*, or accessory *structures* to such *dwellings*, operated by the resident of the property;

ii) not occupy more than 25% of the total floor area of the *dwelling* or 50 square metres (538 square feet), whichever is less, or in the case of accessory *structures* not more than 25% of the total area of the *dwelling* and accessory *structure* combined;

iii) not employ more than two (2) assistants not residing in the *dwelling*;

iv) provide at least three (3) off street parking spaces;

v) not retail any merchandise not manufactured on the property;

vi) not generate any off site electrical interference, dust, noise smoke or other obnoxious emission;

vii) not include any *obnoxious use*; and

viii) not store merchandise, supplies or equipment of any kind in the front yard or otherwise within view of any street.

9.3 ***North Tyndal Zone 3 (NT3)***

9.3.1 **Permitted Uses**

The only uses permitted in the North Tyndal Zone 3 are:

a) uses permitted in North Tyndal Zone 1, subject to Zone1 requirements;

b) *existing* Agricultural uses;

c) single detached *dwellings*;

d) double *dwellings*;

e) passive recreational uses;

f) home occupations, subject to the restrictions set out in subsection 9.2.3; and

g) tourist homes, subject to the restrictions set out in subsection 9.3.3.

9.3.2 **NT3 Requirements**

a) Except as otherwise set out herein, no development permit shall be issued for a *lot* in NT3 unless the following requirements are met:

i) the *lot* must have at least 1.214 hectares (3 acres) of area; and

ii) the *lot* must have at least 63 metres (207 feet) of *public highway* or *private road* frontage.

b) No *structure* intended for human habitation or livestock operations in NT3 shall be located within 30.5 metres (100 feet) of a *watercourse*.

9.3.3 **Tourist Homes**

a) The minimum *lot area* required for tourist homes in NT3 shall be 2 hectares (4.94 acres).

b) Tourist Homes shall:

i) be limited to single detached and double *dwellings*;

ii) be limited to no more than (ten) 10 sleeping units;

iii) not permit cooking equipment in rooms used or intended to be used for overnight accommodation;

iv) only provide meals or cooking facilities to those renting overnight accommodation;

v) provide two (2) off street parking spaces for every three (3) rooms available for rent, or portion thereof, in addition to two other off street parking spaces.

9.4 ***McElmon Brook Zone 1 (MeB1)***

9.4.1 **Permitted Uses**

Only *development* related to water supply, waterworks production and disinfection facilities and implementation by the water *utility* of any component of the groundwater management plan and protection strategy, including facilities for display or interpretation of the waterworks and its groundwater management plan and protection strategy, shall be permitted in McElmon Brook Zone 1.

9.4.2 **MeB1 Requirements**

Minimum *Lot Area* No Requirement

Minimum *Lot Frontage* No Requirement

9.5 ***McElmon Brook Zone 2 (MeB2)***

9.5.1 **Permitted Uses**

Uses permitted in McElmon Brook Zone 1, subject to Zone 1 requirements:

a) Recreational uses which do not require a *building*

b) Forestry uses which do not require a *building*

9.5.2 **MeB2 Requirements**

Minimum *Lot Area* 8 ha (20 acres)

Minimum *Lot Frontage* 61 m. (200 feet)

9.6 ***McElmon Brook Zone 3 (MeB3)***

9.6.1 **Permitted Uses**

a) Uses permitted in McElmon Brook Zone 1 and 2, subject to Zone 1 and 2 requirements

b) *Existing* Commercial Uses

c) Agricultural uses, subject to Section 9.10.5

d) Single detached *dwellings*

e) Double *Dwellings*

f) Recreational uses

g) Tourist Homes, subject to Section 9.6.5

h) New Commercial uses less than 186 square metres (2000 square feet), subject to Section 9.6.4

9.6.2 **MeB3 Requirements**

Minimum *Lot Area* 1.214 ha (3 acres)

Minimum *Lot Frontage* 61 m. (200 feet)

9.6.3 **Special Requirement - Proximity to Watercourses**

No *structure* intended for human habitation shall be located within 30.5 metres (100 feet) of a *Watercourse*.

9.6.4 **Special Requirement - Commercial Uses**

For the purpose of this section:

a) Permitted New Commercial Uses shall include dress making and tailoring; catering; hairdressing and barbershops; instruction and private tutoring; sculpturing; business and professional offices such as doctors, lawyers and insurance agents; retail operations, canteens and other like uses contained in a *building* not greater than 186 square metres (2000 square feet), or in the case of a home occupation, not utilize an area for commercial

purposes greater than 186 square metres (2000 square feet).

b) Permitted Commercial Uses specifically do not include auto body or mechanical motor vehicle repair; taxi stations; manufacturing or mechanical machining; fabrication and service shops including any woodworking or metalworking; paint shops; processing or forming of chemicals, textile dying or bleaching; photographic or other film processing or developing; laundry or dry cleaning services; using, storing, or maintenance of heavy mechanical equipment used in any industry; use, storage, or production of solids or liquids except that reasonably consistent with the use of a *dwelling*.

Note to readers:

All existing Commercial uses are permitted to continue and expand.

9.6.5 Special Requirement - Tourist Homes

The minimum *lot area* required for tourist homes shall be 2.02 ha (5 acres). In addition all other requirements for tourist homes listed in section 9.3.3 of this *By-Law* shall apply.

9.6.6 Special Requirement - Agricultural Uses

New Agricultural Operations shall be permitted provided that any animal housing facilities or manure storage facilities be set back a minimum of 100 metres from the nearest water course and / or off site well.

Existing operations which do not currently satisfy the above setback requirements may expand provided that the expansion does not further reduce the *existing* setback.

Furthermore, setback requirements for new or expanding Hog, Fur, or Poultry operations shall be as follows:

Size of Operation In Animal Units	Off-Farm Dwelling (m)	Property Line (m)	Non-Farm Development (m)	Public Road (m)	Off-Farm Well or any Watercourse (m)
1-100	300	50	600	50	100
101-200	350	50	600	50	100
201-300	400	50	600	50	100
301-400	450	50	600	50	100
401-500	500	50	600	50	100
501-600	600	50	600	50	100
601-700	700	50	700	50	100
701-800	800	50	800	50	100
801-900	900	50	900	50	100
900 >	1000	50	1000	50	100

9.7 ***MacAloney Lake Zone 1 (ML1)***

9.7.1 **Permitted Uses**

Only *development* related to water supply, waterworks production and disinfection facilities and implementation by the water *utility* of any component of the groundwater management plan and protection strategy, including facilities for display or interpretation of the waterworks and its groundwater management plan and protection strategy, shall be permitted in MacAloney Lake Zone 1.

9.7.2 **ML1 Requirements**

a) There is no *lot frontage* requirement in the MacAloney Lake Zone 1.

b) The minimum *lot area* and dimensions for the creation or *development* of a *lot* in the MacAloney Lake Zone 1 are 37.16 sq. m. (400 square feet) of area, and the *lot* must be able to contain a circle 6.1 metres (20 feet) in diameter.

9.8 ***MacAloney Lake Zone 2 (ML2)***

9.8.1 **Permitted Uses**

The only uses permitted in the MacAloney Lake Zone 2 are:

a) uses permitted in MacAloney Lake Zone 1, subject to Zone 1 requirements;

b) single detached *dwellings*;

c) *existing* single detached *dwellings*;

d) tourist homes, subject to subsection 9.8.4; and

e) home occupations, subject to Section 9.8.3

9.8.2 **ML2 Requirements**

a) Except as otherwise set out herein, no new *lot* shall be created in ML2 unless the following requirements are met:

   i) the *lot* must have at least 4047 sq. m. (1 acre) of area; and

   ii) the *lot* must have at least 61 metres (200 feet) of *public highway* frontage.

b) No *structure* intended for human habitation or livestock operations in ML2 shall be located within 30.5 metres (100 feet) of a *watercourse*.

9.8.3 **Home Occupations**

a) For the purposes of this section "home occupations" shall be defined as:

   i) dress making and tailoring; catering; hairdressing and barbershops; instruction and private tutoring; sculpturing; business and professional offices such as doctors, lawyers and insurance agents; and other like uses, when carried out wholly within the boundaries of the property upon which is located the residence of the operator of the use; and notwithstanding the foregoing, home occupations shall specifically not include *auto body repair*; mechanical motor vehicle repair; *automobile service*; retail stores; canteens; taxi stations; manufacturing or mechanical machining; general construction contracting; fabrication and service shops including woodworking or metalworking; paint shops; processing or forming of chemicals, textile dyes or bleaches;

photographic or other film processing or developing; laundry or dry cleaning services; using, storing, or maintaining heavy mechanical equipment used in any industry; or the use, storage, or production of solids or liquids except those reasonably consistent with the use of a *dwelling*.

b) Home occupations shall:

i) be permitted within single detached and double *dwelling*s, or accessory *structure*s to such *dwelling*s, operated by the resident of the property;

ii) not occupy more than 25% of the total floor area of the *dwelling* or 50 square metres (538 square feet), whichever is less, or in the case of accessory *structure*s not more than 25% of the total area of the *dwelling* and accessory *structure* combined;

iii) not employ more than two (2) assistants not residing in the *dwelling*;

iv) provide at least three (3) off street parking spaces;

v) not retail any merchandise not manufactured on the property;

vi) not generate any off site electrical interference, dust, noise smoke or other obnoxious emission;

vii) not include any *obnoxious use*; and

viii) not store merchandise, supplies or equipment of any kind in the front yard or otherwise within view of any street.

9.8.4 **Tourist Homes**

a) The minimum *lot area* required for tourist homes in ML3 shall be 4047 sq. m. (1 acre).

b) Tourist Homes shall:

i) be limited to single detached and double *dwellings*;

ii) be limited to no more than (four) 4 sleeping units;

iii) not permit cooking equipment in rooms used or intended to be used for overnight accommodation;

iv) only provide meals or cooking facilities to those renting overnight accommodation;

v) provide two (2) off street parking spaces for every three (3) rooms available for rent, or portion thereof, in addition to two other off street parking spaces.

Note to readers:

Where a use is listed as a permitted use in this zone, the said use may continue, and expand provided that all other relevant provisions of this bylaw are satisfied.

The minimum frontage requirement for a lot is for the creation of a new lot; existing lots are not subject to the lot frontage requirement.

9.9 ***MacAloney Lake Zone 2A (ML2A)***

9.9.1 **Permitted Uses**

The only uses permitted in the MacAloney Lake Zone 2A are:

a) uses permitted in MacAloney Lake Zone 2, subject to Zone 2 requirements

9.9.2 **ML2A Requirements**

a) Except as otherwise set out herein, no new *lot* shall be created in ML2A unless the following requirements are met:

i) the *lot* must have at least 4047 sq. m. (1 acre) of area; and

ii) the *lot* must have at least 61 meters (200 feet) of *public highway* frontage.

b) No *structure* intended for human habitation or livestock operations in ML2A shall be located within 30.5 meters (100 feet) of a *watercourse*.

Note to readers:

Where a use is listed as a permitted use in this zone, the said use may continue, and expand provided that all other relevant provisions of this bylaw are satisfied.

The minimum frontage requirement for a lot is for the creation of a new lot; existing lots are not subject to the lot frontage requirement

9.10 ***MacAloney Lake Zone 3 (ML3)***

9.10.1 **Permitted Uses**

The only uses permitted in the MacAloney Lake Zone 3 are:

a) uses permitted in MacAloney Lake Zones 1 and 2, subject to Zone1 and 2 requirements;

b) single detached *dwelling*s;

c) double *dwelling*s;

d) *existing dwellings*;

e) agricultural uses, subject to Section 9.10.5

f) *accessory buildings* up to 185.8 square metres (2,000 square feet);

g) *existing* building supply store located on PID 25348798 and 25199886

h) *existing* motel and restaurant located on PID 25199613;

i) *existing* gas station and service centre located on PID 25199787

j) *existing* crop transshipment facility located on property identified as PID 25359902;

k) *existing* industrial use located on property identified as PID 25199902, currently operating under the name Parrsboro Metal Fabricators;

l) new commercial uses less than 2000 square feet, subject to Section 9.10.4

m) home occupations, subject to the restrictions set out in subsection 9.8.3; and

n) tourist homes, subject to the restrictions set out in subsection 9.10.3.

9.10.2 **ML3 Requirements**

a) Except as otherwise set out herein, no new *lot* shall be created in ML3 unless the following requirements are met:

   i) the *lot* must have at least 4047 sq. m. (1 acre) of area; and

ii) the *lot* must have at least 61 metres (200 feet) of *public highway* or *private road* frontage.

b) No *structure* intended for human habitation or livestock operations in ML3 shall be located within 30.5 metres (100 feet) of a *watercourse*.

9.10.3 **Tourist Homes**

a. The minimum *lot area* required for tourist homes in ML3 shall be 4047 sq. m. (1 acre).

b. Tourist Homes shall:

i) be limited to single detached and double *dwellings*;

ii) be limited to no more than (four) 4 sleeping units;

iii) not permit cooking equipment in rooms used or intended to be used for overnight accommodation;

iv) only provide meals or cooking facilities to those renting overnight accommodation;

v) provide two (2) off street parking spaces for every three (3) rooms available for rent, or portion thereof, in addition to two other off street parking spaces.

9.10.4 **Commercial Uses**

For the purpose of this section:

a) Permitted New Commercial Uses shall include dress making and tailoring; catering; hairdressing and barbershops; instruction and private tutoring; sculpturing; business and professional offices such as doctors, lawyers and insurance agents; retail operations, canteens and other like uses contained in a *building* not greater than 4047 sq. m. (2000 sq. ft.), or in the case of a home occupation, not utilize an area for commercial purposes greater than 4047 sq. m. (2000 sq. ft.).

b) Permitted Commercial Uses specifically do not include auto body or mechanical motor vehicle repair; taxi stations; manufacturing or mechanical machining; fabrication and service shops including any woodworking or metalworking; paint shops; processing or forming of chemicals, textile dying or bleaching; photographic or other film processing or developing; laundry or dry cleaning services; using, storing, or maintenance of heavy mechanical equipment used in any industry; use, storage, or

production of solids or liquids except that reasonably consistent with the use of a *dwelling*.

9.10.5 **Agricultural Uses**

New Agricultural Operations shall be permitted provided that any animal housing facilities or manure storage facilities be set back a minimum of 100 metres from the nearest water course and / or off site well.

Existing operations which do not currently satisfy the above setback requirements may expand provided that the expansion does not further reduce the *existing* setback.

Furthermore, setback requirements for new or expanding Hog, Fur, or Poultry operations shall be as follows:

Size of Operation In Animal Units	Off-Farm Dwelling (m)	Property Line (m)	Non-Farm Development (m)	Public Road (m)	Off-Farm Well or any Watercourse (m)
1-100	300	50	600	50	100
101-200	350	50	600	50	100
201-300	400	50	600	50	100
301-400	450	50	600	50	100
401-500	500	50	600	50	100
501-600	600	50	600	50	100
601-700	700	50	700	50	100
701-800	800	50	800	50	100
801-900	900	50	900	50	100
900 >	1000	50	1000	50	100

Note to readers:

Where a use is listed as a permitted use in this zone, the said use may continue, and expand provided that all other relevant provisions of this bylaw are satisfied.

The minimum frontage requirement for a lot is for the creation of a new lot; existing lots are not subject to the lot frontage requirement.

10. SPECIAL REQUIREMENTS FOR WIND TURBINES

10.1 Restricted Zone (R)

Wind turbines will not be permitted in the Restricted (R) Zone.

10.2 Small and Large Scale Turbines

a) There is no lot frontage requirement for Wind Energy Projects.

b) The minimum separation distance for the location of a small and/or large scale wind turbine from a habitable building on a neighbouring property is the greater of 600 meters (1968.5 feet) or 3 times the height of the wind turbine.

c) The minimum separation distance for the location of a small and/or large scale wind turbine from an external Wind Energy Project lot line is the height of the wind turbine plus 7.5 meters (24.6 feet).

d) The separation distance of small and/or large scale wind turbine from a natural gas pipeline shall be 85 metres (279 feet).

e) The minimum setback for the location of a small and/or large scale wind turbine from an internal Wind Energy Project lot line is 0 meters (0 feet).

f) The minimum separation distance for the location of a small and/or large scale wind turbine from a public highway is 1 times the height of the wind turbine plus 7.5 meters (24.6 feet).

g) The separation distance requirements for wind turbine developments shall be waived provided any one of the following conditions are met:

i) The wind turbine or turbines are located on the same property as the habitable building and no other habitable buildings are within the required separation distance; or

ii) Written consent is obtained from all owners of habitable buildings located within the required separation distance.

h) The minimum separation distance for the location of a small and/or large scale wind turbine from an existing habitable building on the Wind Energy Project site is 1.25 times the height of the wind turbine.

i) Setback or separation distance requirements will not restrict new habitable buildings from being located closer to Wind Energy Projects but the new habitable buildings shall not be closer than

1.5 times the height of a wind turbine.

j) The expansion of an existing project shall not be located any closer to the new habitable building which has been built within the setback or separation distance.

k) There is no limit on the number of Wind Energy Project turbines in any one area provided all of the turbines meet setback and separation distance requirements.

l) The minimum rotor blade ground clearance is 7.5 meters (24.6 feet).

m) The minimum separation distance for the location of a small and/or large scale wind turbine from any other existing or permitted small and/or large scale wind turbine that is not part of the same Wind Energy Project is 4 times the height of the proposed turbine that is located closest to the project boundary.

n) The separation distance requirements for a small and/or large scale wind turbine from any other existing or permitted small and/or large scale wind turbine that is not part of the same Wind Energy Project shall be waived provided the following conditions are met:

i) Written consent is obtained from neighbouring small and/or large scale wind turbine projects located within the required separation distance.

o) Finish: A wind turbine shall be finished in a non-reflective matte finish.

p) Lettering & Signage: A wind turbine tower shall not contain any commercial advertising. However, the hub or nacelle may display the manufacture's, operator's or owner's name or logo. Site signs shall be limited to those which identify the Wind Energy Project, locate access points and provide safety information.

q) If a wind turbine or wind energy project discontinues power production for a minimum of 1 year the operator shall provide the Municipality with a status report identifying future plans for the site.

r) Decommissioning: In accordance with a decommissioning plan prepared by the applicant for a Development Permit, all above ground components of the large scale wind turbine or the wind power project, including all buildings and storage facilities, wind turbines wind testing facilities and above ground accessory infrastructure (such as overhead transmission lines and substation) shall be removed from the site (unless it can reasonably established that there is another probable near term future use for any of the said components) and the applicable surface site areas, except for roads, shall be restored to a

reasonable natural state within 18 months of the time at which the wind turbines cease to produce power continuously for a period of six months or, in a case where construction of the large scale wind turbine or wind power project is not completed, the time at which the development of the wind power project ceases.

s) Tower Access & Safety: A Wind Energy Project shall be protected from unauthorized access by a security fence, with a lockable gate and a minimum height of 1.8 meters (5.9 feet), or by having any ladder or permanent tower access device located no closer to the ground than 3.7 meters (12.1 feet) or, for monopole designs, with internal access only, via a lockable door.

t) Lighting: A wind turbine shall not be provided with artificial lighting except for lighting that is needed to meet Transport Canada or other regulatory requirements.

u) Sight Lighting: Security or sight lighting shall not be intrusive and shall be directed so that they do not reflect onto adjacent properties.

v) Temporary Uses (Test Towers): Facilities for the assessment of wind energy resources (test towers) may be erected for the life of the Wind Energy Project. Otherwise, they shall be removed within one year of inactivity.

w) Outdoor Storage: All outdoor storage associated with a Wind Energy Project shall be screened from view from adjacent properties and adjacent highways.

x) Public Notification: Evidence and results of public notification if conducted;

y) When placed on agricultural land, evidence of the continued use of prime agricultural land for farm use;

z) Evidence of notification to DND, Nav Canada, Industry Canada and Natural Resources regarding potential radio, telecommunications, radar and seismoacoustic interference if applicable.

aa) Copies of documentation required (obstruction clearance form) from Transport Canada for turbines taller than 30 metres (98.4 feet) and Nav Canada for turbines within 10 kms (6.2 miles) of an airport or taller than 30.5 metres (100 feet) outside the 10 km range.

bb) Evidence of an agreement enabling the connection of the turbine(s) to the provincial electricity grid.

cc) The Municipality shall notify all property owners directly bordering the wind energy project site upon issuance of a development permit.

dd) The applicant must submit a site plan drawn to scale, showing the location of all wind turbines and accessory uses and must show the dimensions and boundaries of all parcels of land, the location of all existing and proposed buildings, structures and uses, and proposed alterations to the natural features. This plan must be prepared by a qualified individual (e.g. surveyor, engineer or architect) and must show the details of all required setbacks and separation distances between on site and off site structures and boundaries. This plan must also show that areas listed within the Restricted (R) Zone are not being developed.

10.3 **Special Requirements Domestic Wind Turbines permitted as Accessory Structures**

a) All turbines must meet minimum separation distance requirements;

b) The maximum height of the turbine(s) shall be 27.43 metres (90 feet);

c) The minimum separation distance from the property line shall be 1.5 times the height of the turbine as measured from the base of the turbine;

d) The minimum separation distance requirements can be modified provided the following condition is met:

i) Written consent is obtained from all property owners located adjacent to the site to be developed with a domestic wind turbine.

e) The minimum lot size for the subject property shall be 0.4 hectares (1 acre);

f) There shall be no signs, advertisements or objects, attached to or added to the turbine;

g) Turbines 6 metres (19.7 feet) or greater in height (as measured from its base to the tip of the blade) shall not be mounted on or attached to any other structure;

h) All supporting structures such as guy wires or similar support apparatus must be located three metres from the property line.

i) All supporting structures including guy wires or similar support apparatus shall be clearly visible to a height of 2 metres (6.56 feet) above grade.

j) Any climbing apparatus shall be a minimum of 3.05 metres (10 feet) above grade.

k) Turbines less than 6 metres (19.7 feet) in height may be mounted or attached to any other structure.

SCHEDULE "A" ZONING MAPS

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Map 2: Cemetery Zone 42

Map 3: Utility Zone 43

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Map 3B: Utility Zone 45

Map 4: North Tyndal Water Protection Zone 46

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Map 5B: Central Planning Area (Amendment) 47-2

Map 6: McElmon Brook Water Protection Zone 48

Map 7: MacAloney Lake Water Protection Zone 49

Map 8: Commercial Zone 50

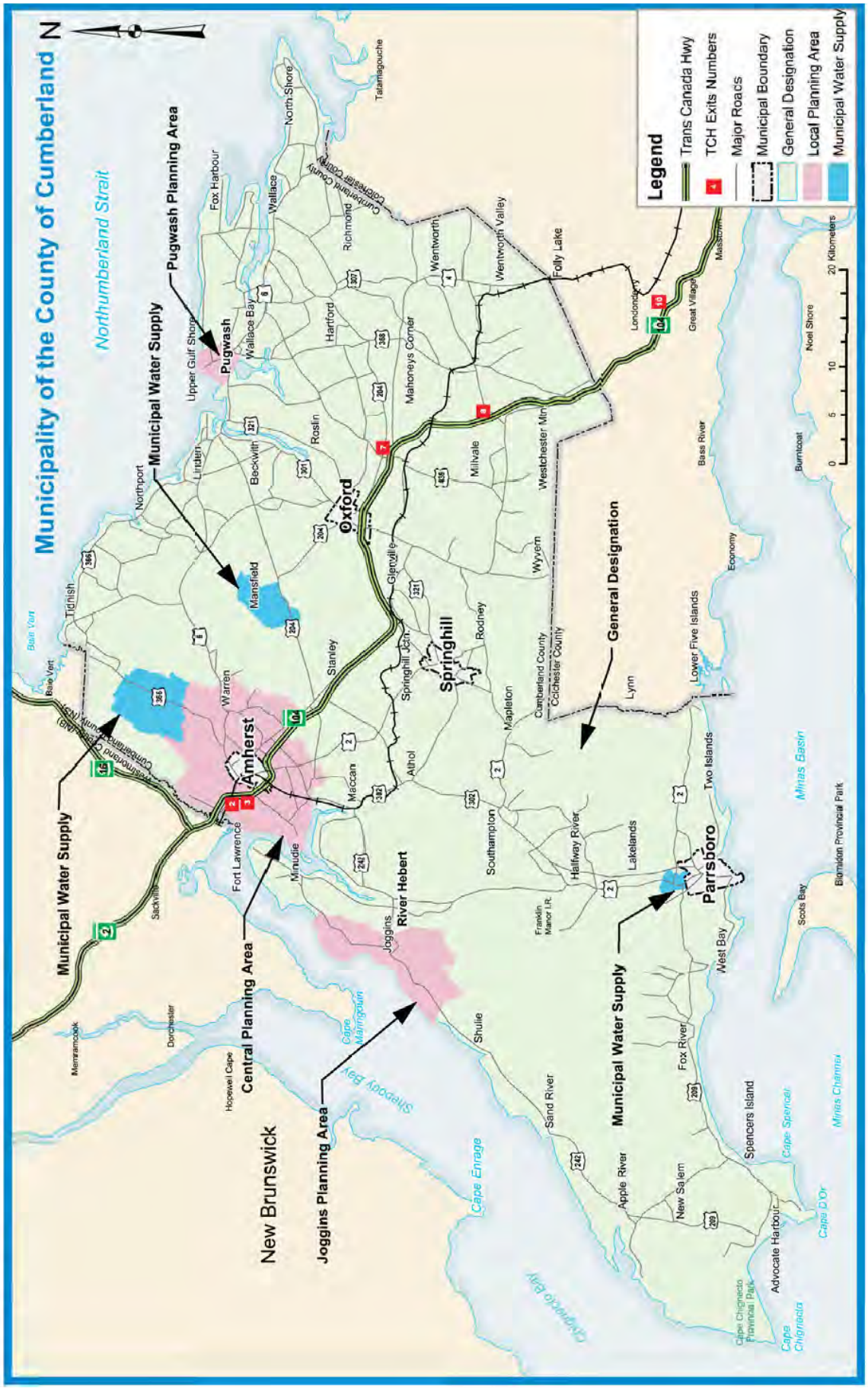
Map 9: Wind Energy Map 51

NOTE:

Additional Zoning maps may be included in local planning area sections.

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Map 1- General Zone

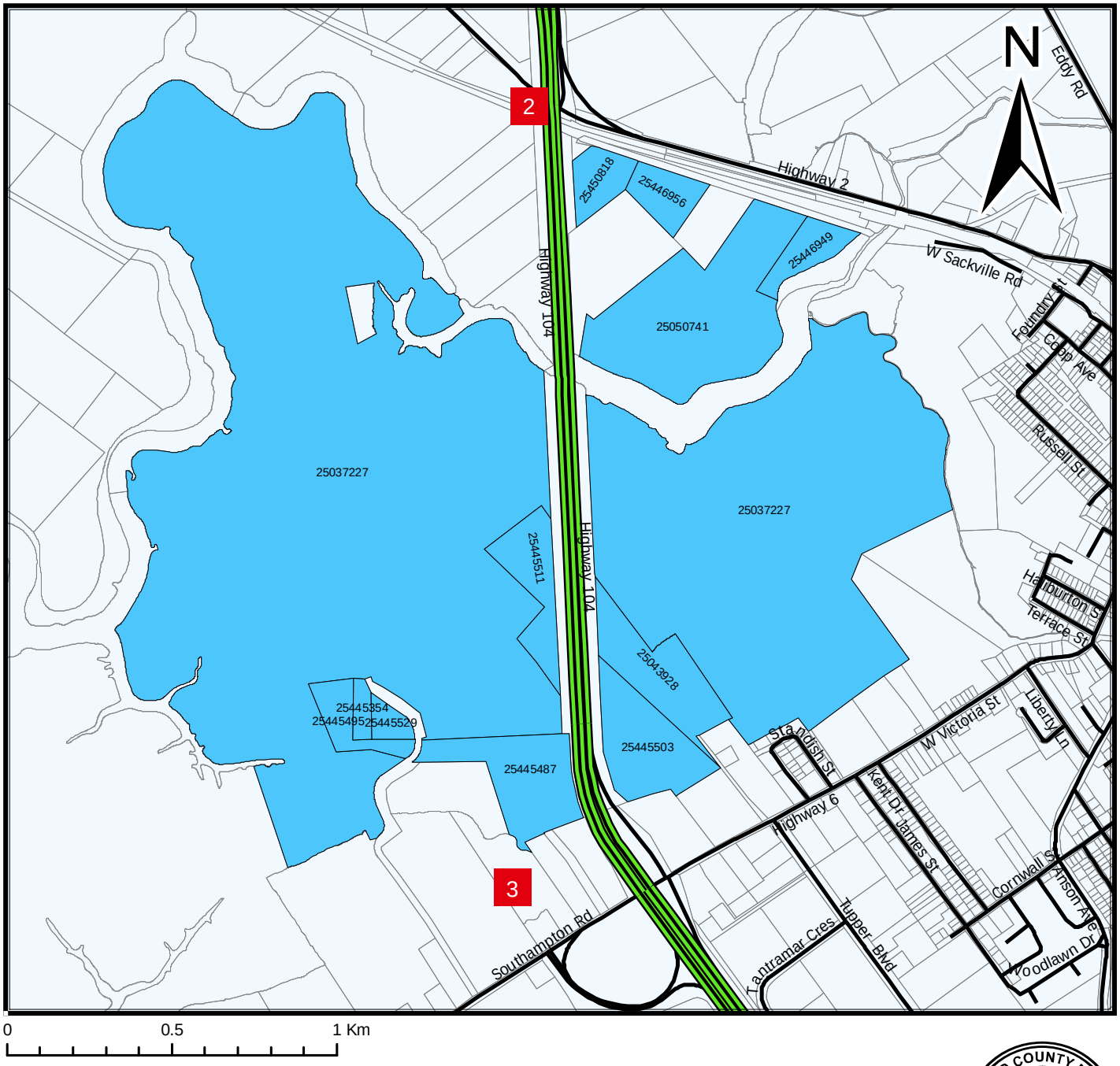


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Map 2- Cemetary Zones
CEM
PID#:25366071
CEM
PID#:25367780
Highway 209 Hwy
Maccan Lane
Daisy Lane
Baxter Lane
Tidnish Head Rd
Seagull Lane
Legend
Properties
Rivers
Roads
CEM
CERTIFICATE
This is to certify that this is a true and correct copy of the Cemetary Zone Map adopted as part of the Land Use Bylaw by a majority vote of the Whole Council of the Municipality of the County of Cumberland at a duly called meeting of the Municipal Council held on the___day of_____2003.
GIVEN UNDER the hand of the Municipal Clerk and under the coporate seal of the said Municipality of the County of Cumberland this ___day of_____2003
Ronnie Bagley
Municipal Clerk
N
E
S
W
1:2,000
0
50
100
200
300
400
Meters

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Map 3 - Utility Zone



CERTIFICATE

This is to certify that this is a true and correct copy of the Utility Zone Map adopted as part of the Land Use Bylaw by a majority vote of the whole council of the Municipality of the County of Cumberland at a duly called meeting of the Municipal Council held on the sixteenth day of March , 2005.

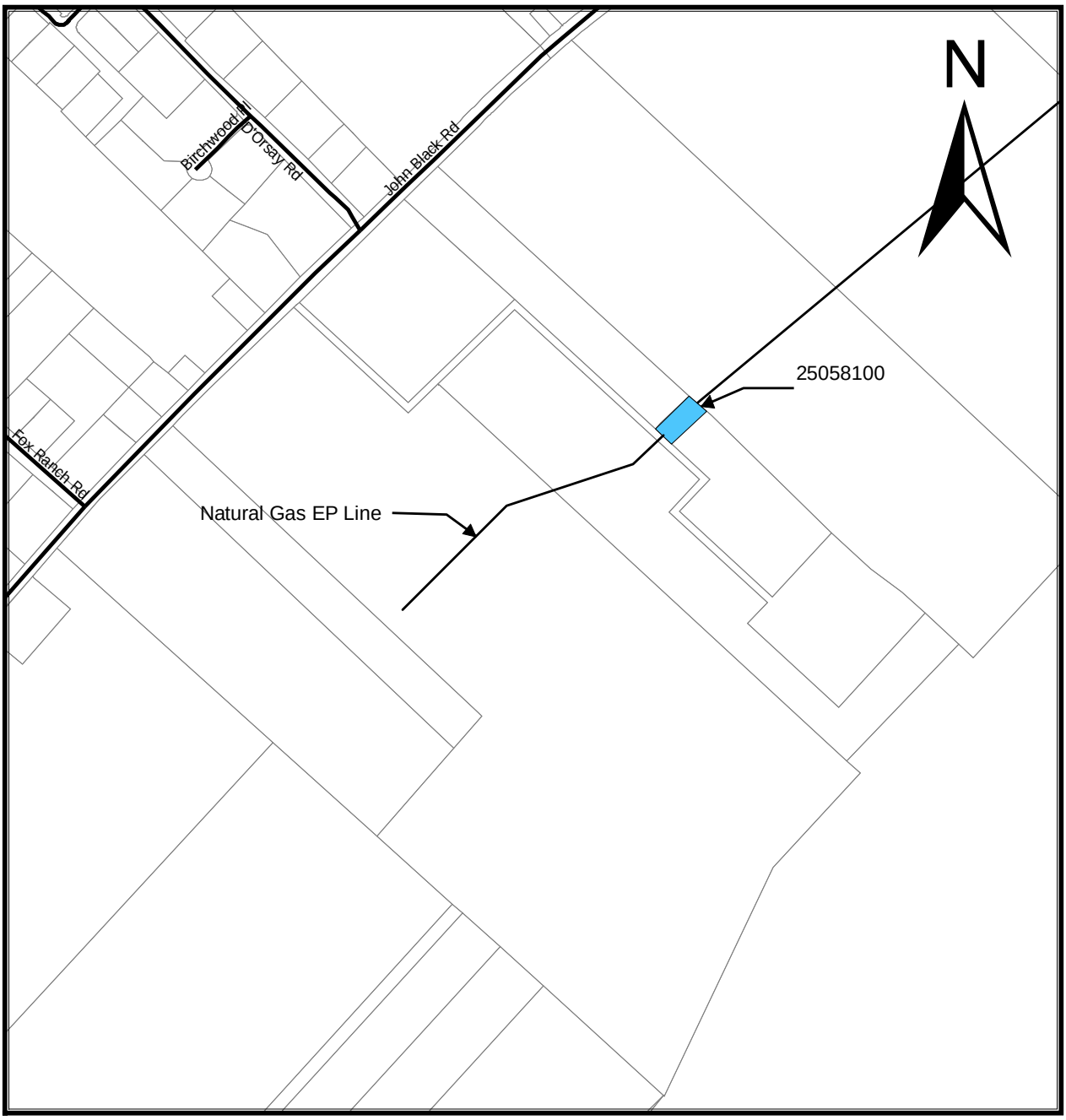
GIVEN UNDER the hand of the Municipal Clerk and under the corporate seal of the said Municipality of the County of Cumberland this 3rd day of January, 2007.

Rennie J. Bugley

Rennie J. Bugley
Municipal Clerk

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Map 3A Utility Zone



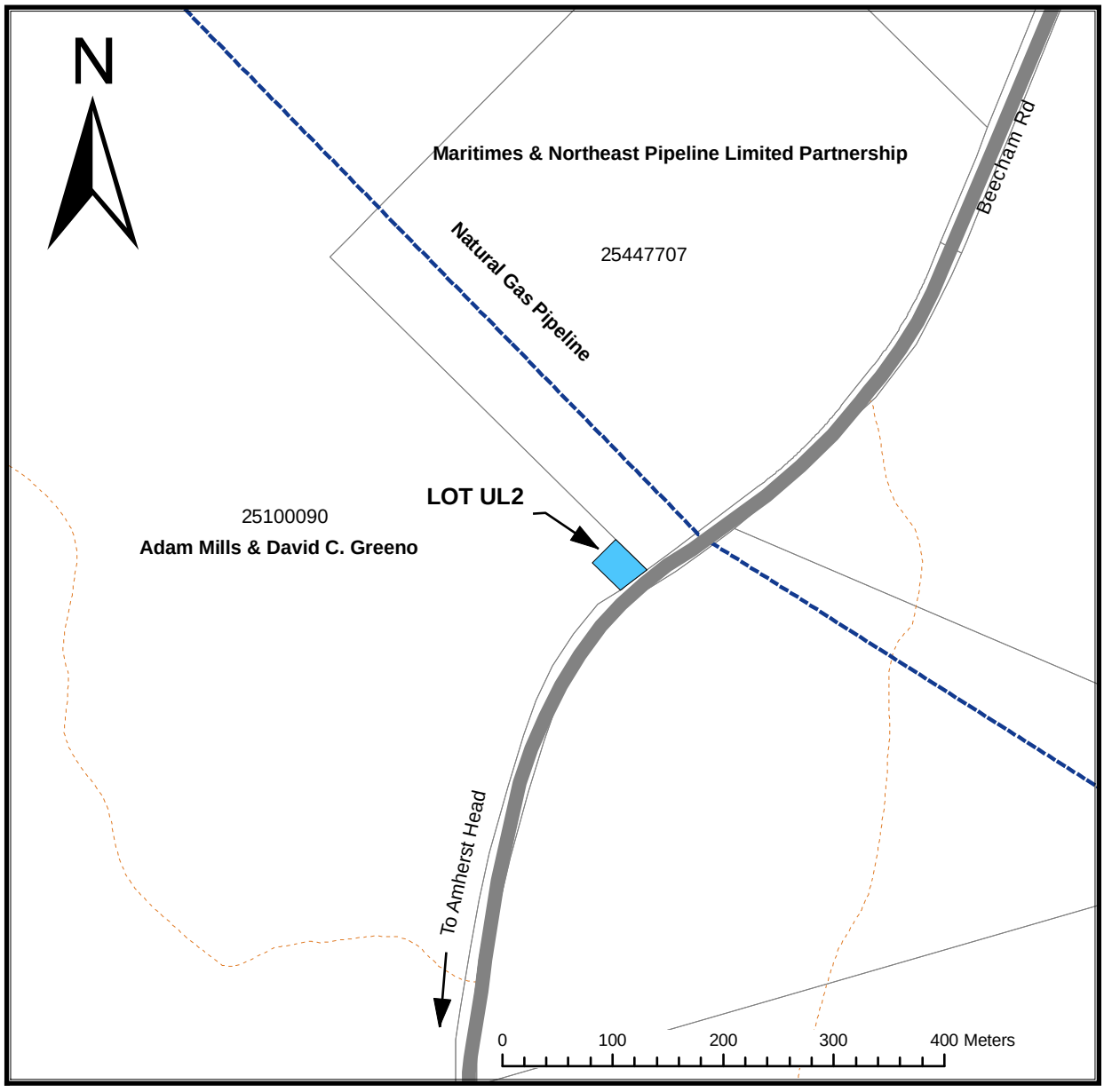
CERTIFICATE
This is to certify that this is a true and correct copy of the Utility Zone Map adopted as part of the Land Use Bylaw by a majority vote of the Whole Council Of The Municipality Of The County Of Cumberland at a duly called meeting of the Municipal Council held on the 1st day of March, 2006.

GIVEN UNDER the hand of the Municipal Clerk and under the corporate seal of the said Municipality of the county of Cumberland this 12th day of April, 2006.

Rennie J. Bugley
Municipal Clerk

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Map 3B - Utility Zone



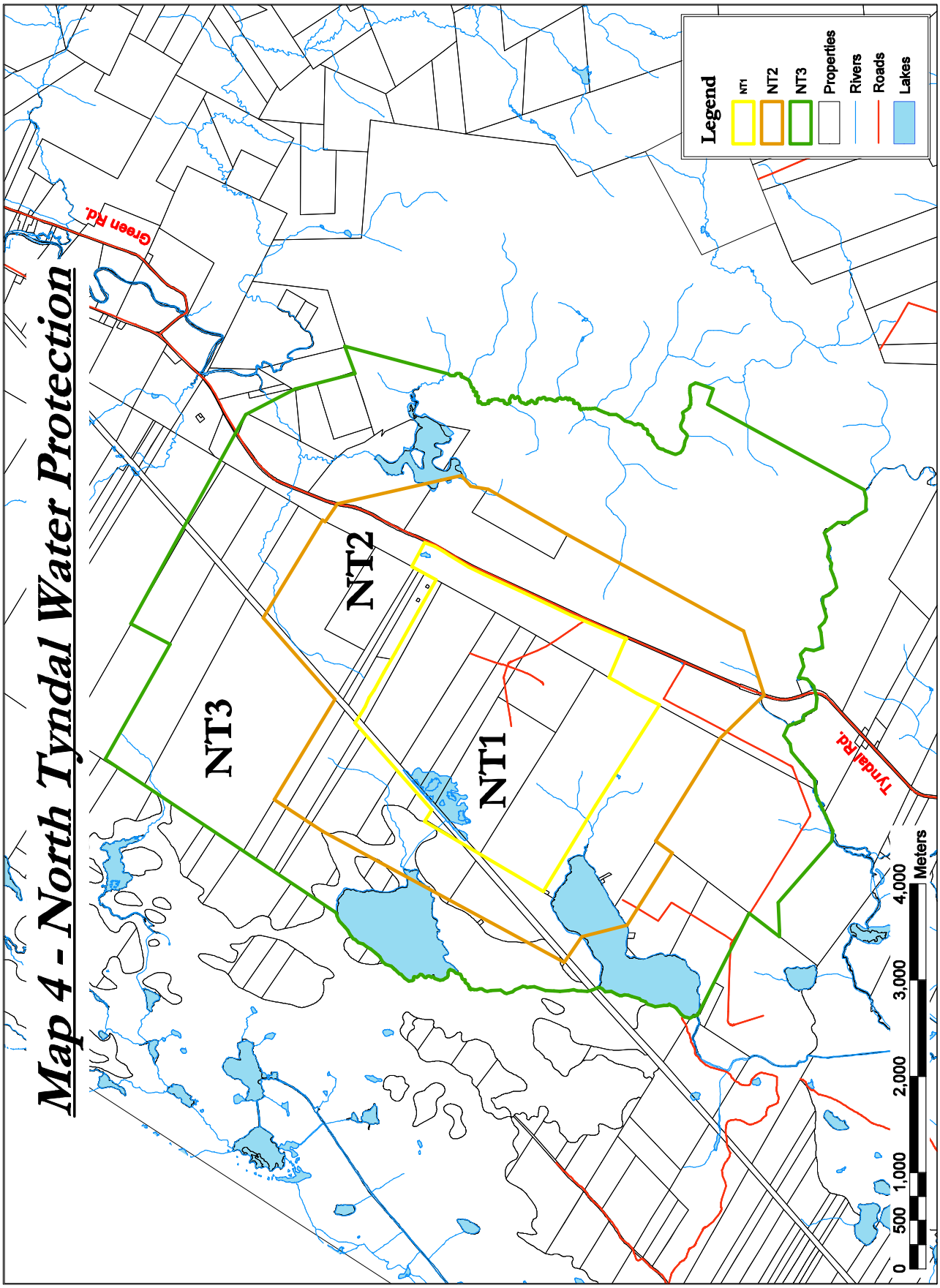
CERTIFICATE
This is to certify that this is a true and correct copy of the Utility Zone Map adopted as part of the Land Use Bylaw by a majority vote of the Whole Council Of The Municipality Of The County Of Cumberland at a duly called meeting of the Municipal Council held on the 11th day of July, 2006

GIVEN UNDER the hand of the Municipal Clerk and under the corporate seal of the said Municipality of the county of Cumberland this 12th day of July, 2006

Rennie J. Bugley
Municipal Clerk

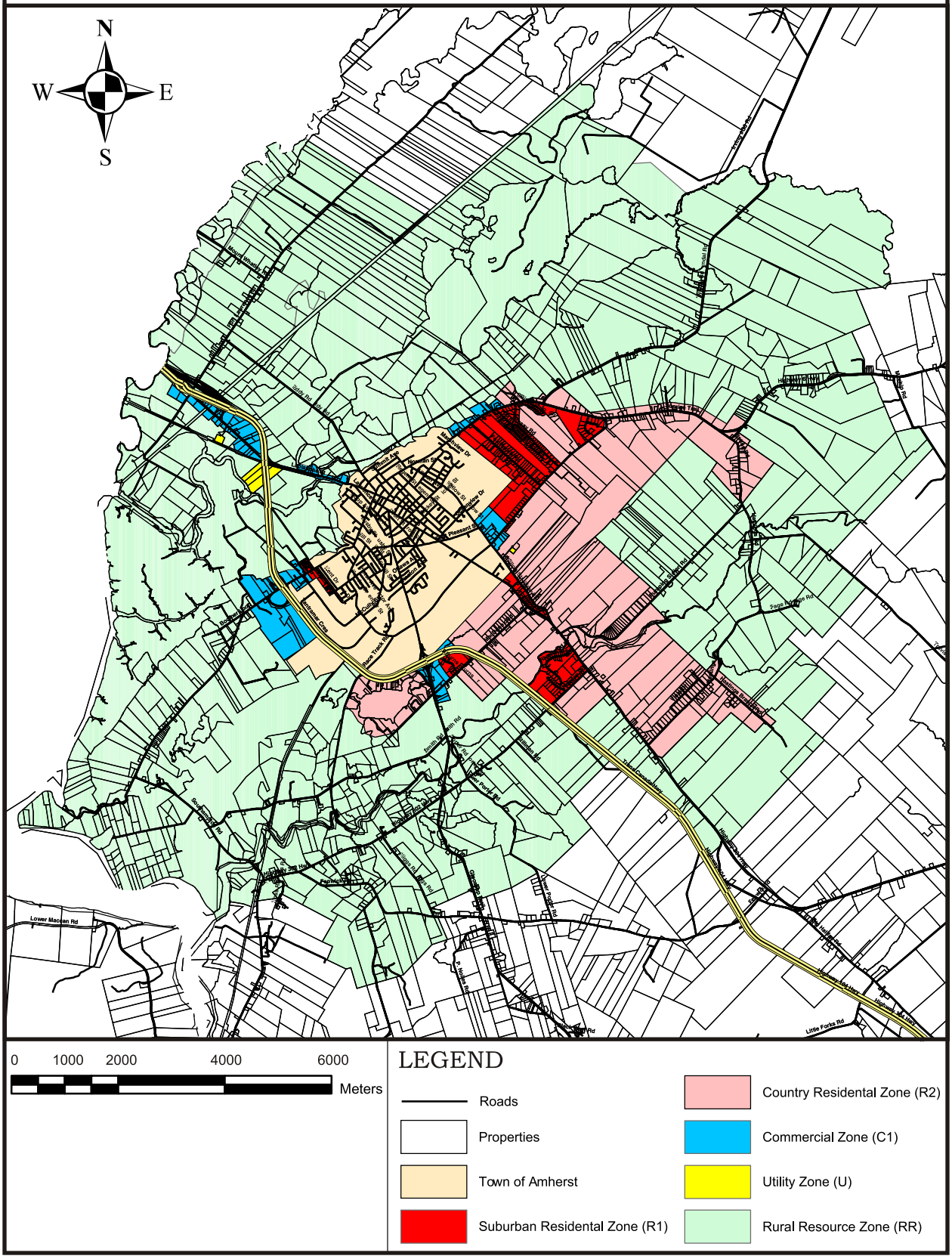
CUMBERLAND COUNTY MUNICIPALITY CORPORATION

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Map 4 - North Tyndal Water Protection
Legend
NT1
NT2
NT3
Properties
Rivers
Roads
Lakes
Green Rd.
Tyndal Rd.
NT3
NT2
NT1
0
500
1,000
2,000
3,000
4,000
Meters

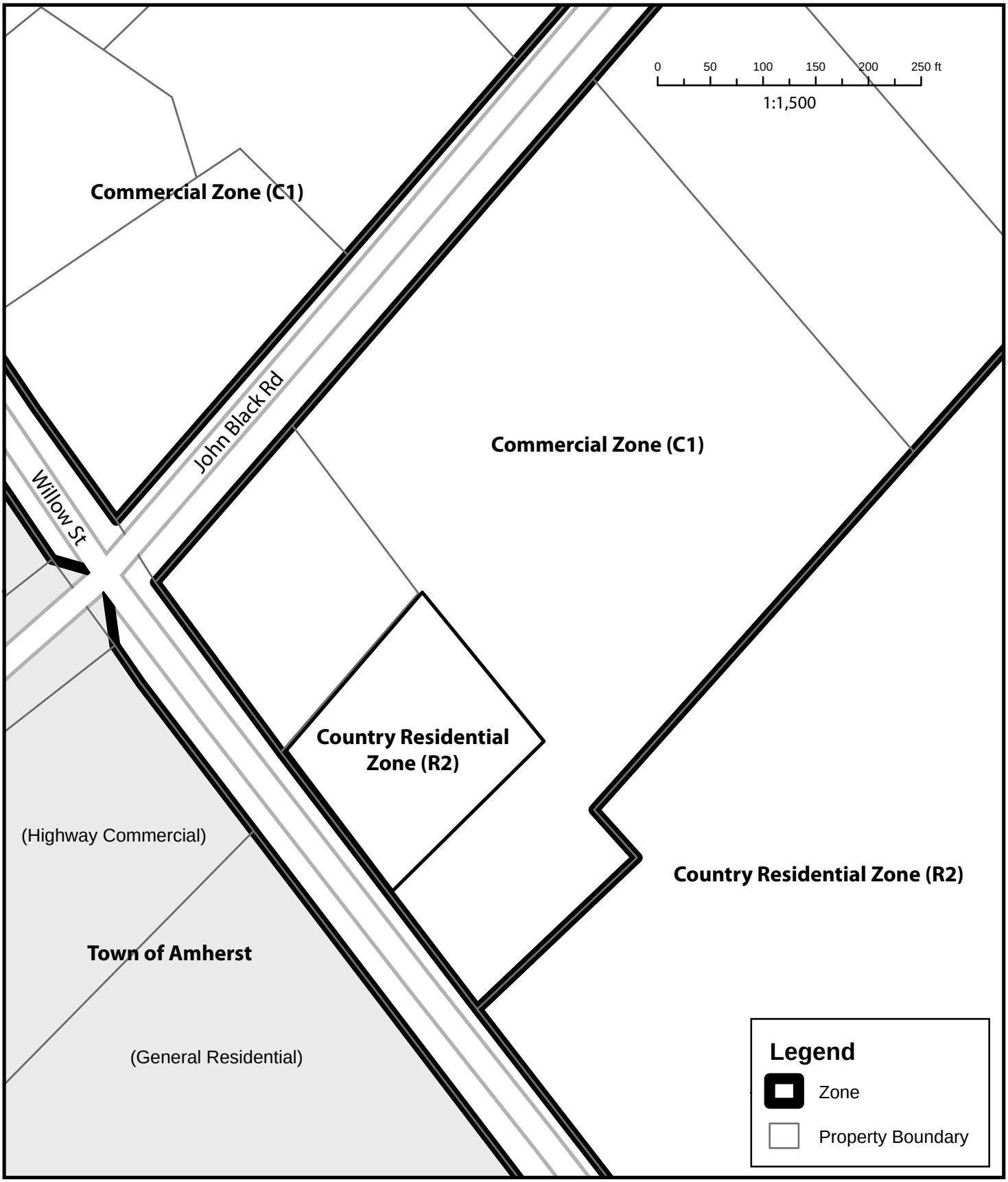
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Map 5 - Central Planning Area



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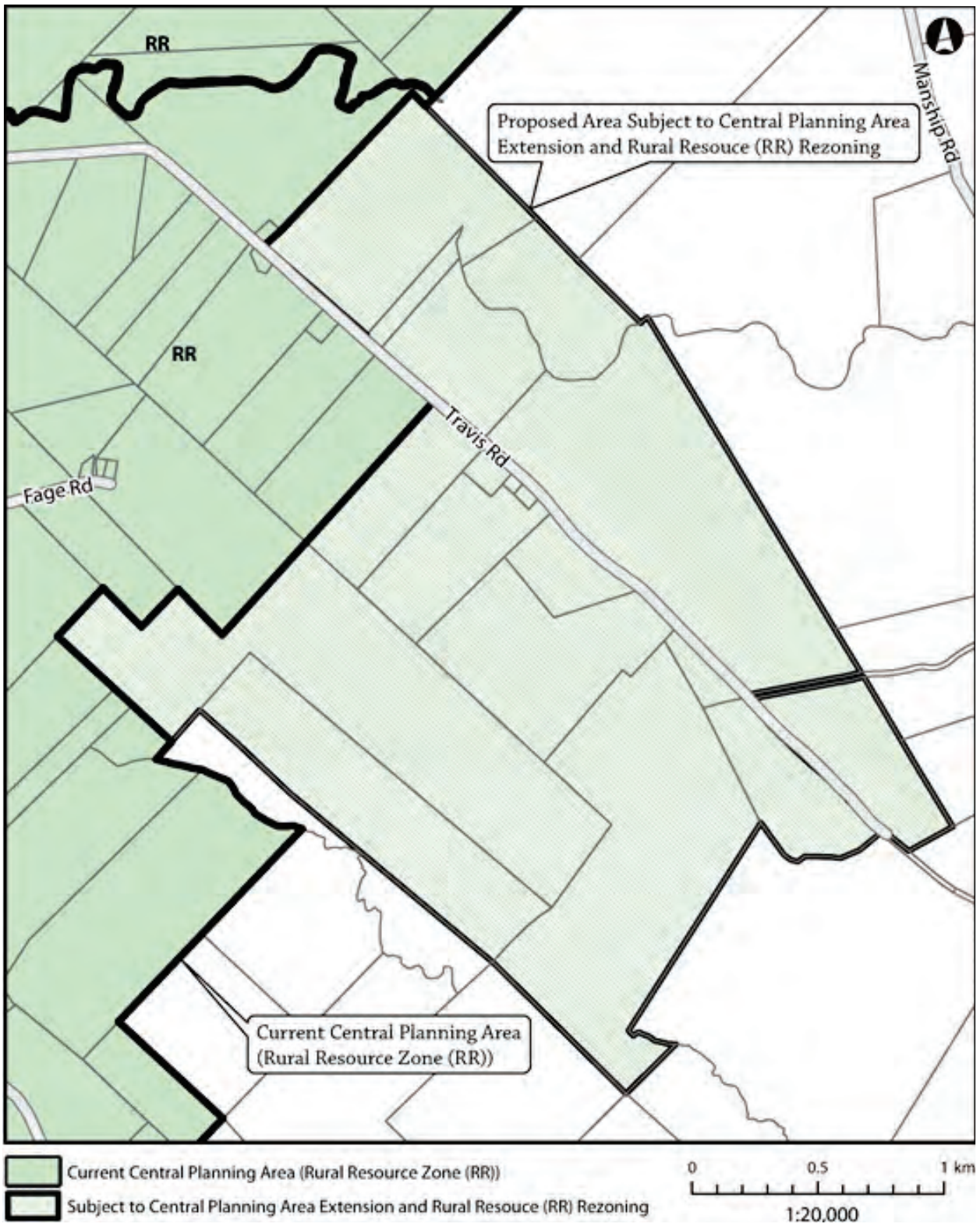
Map 5A: Central Plan Area (Rezoning)



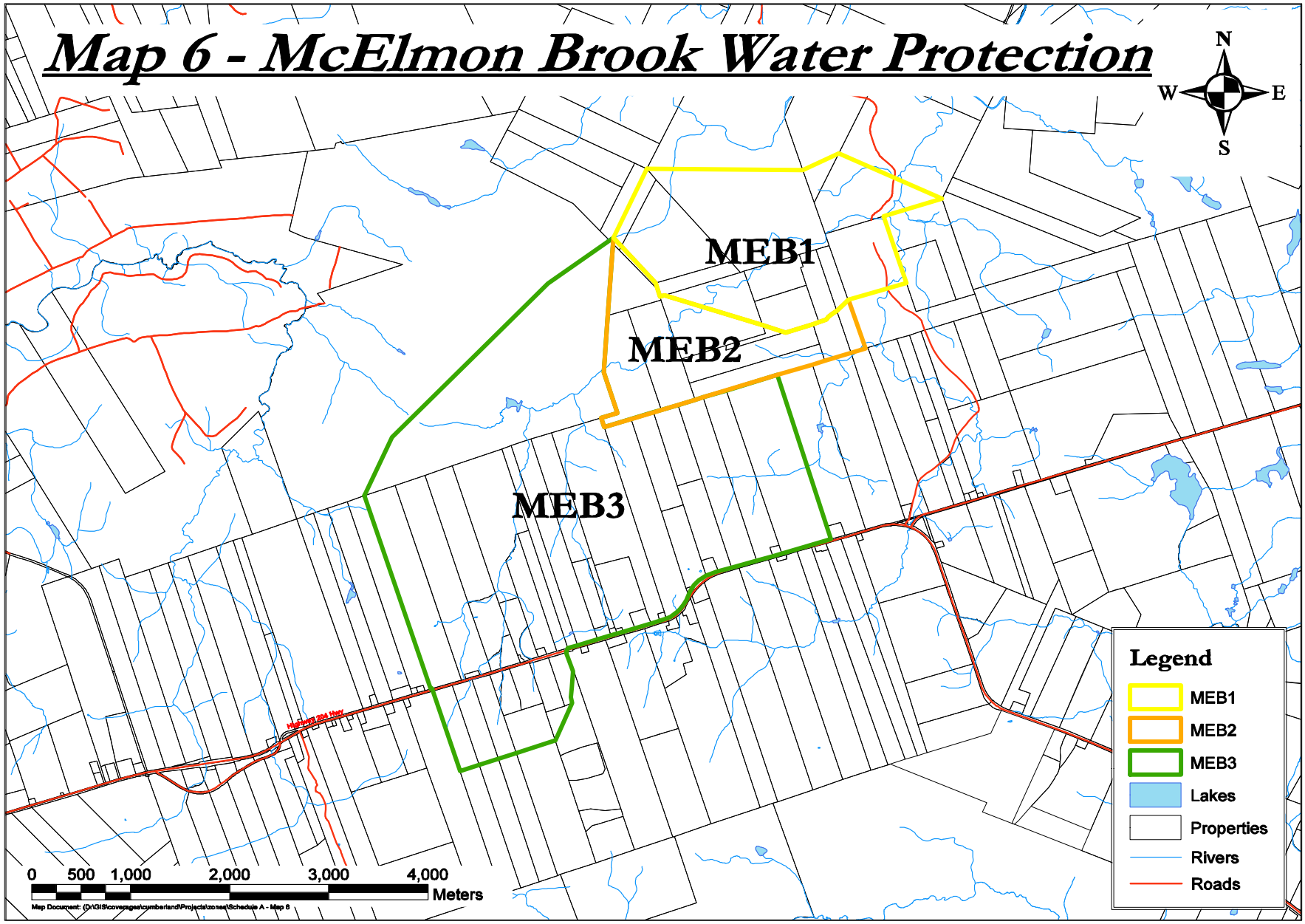
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Municipality of Cumberland Bylaw 15-03

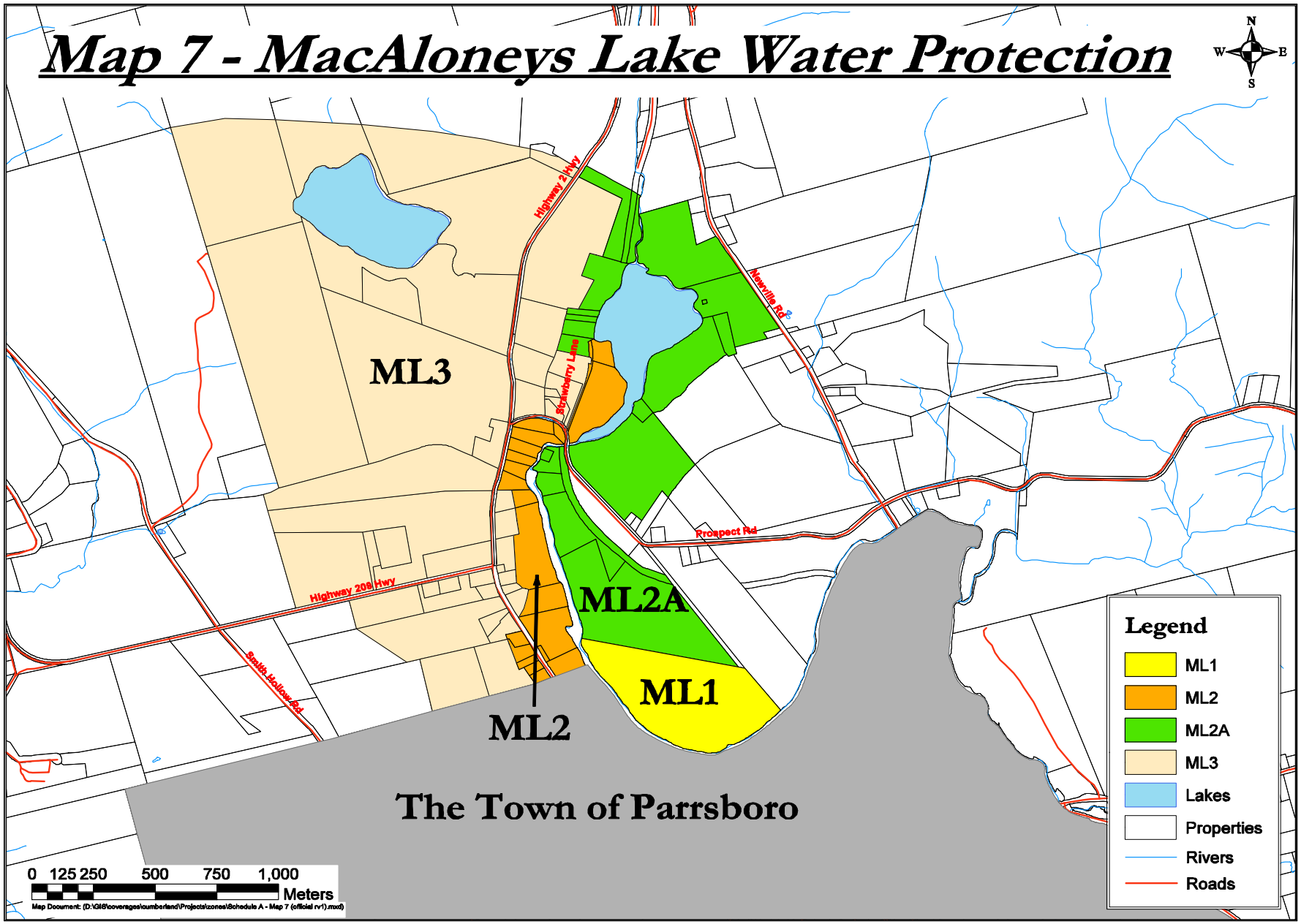
Map 5B: Central Plan Area (Amendment)



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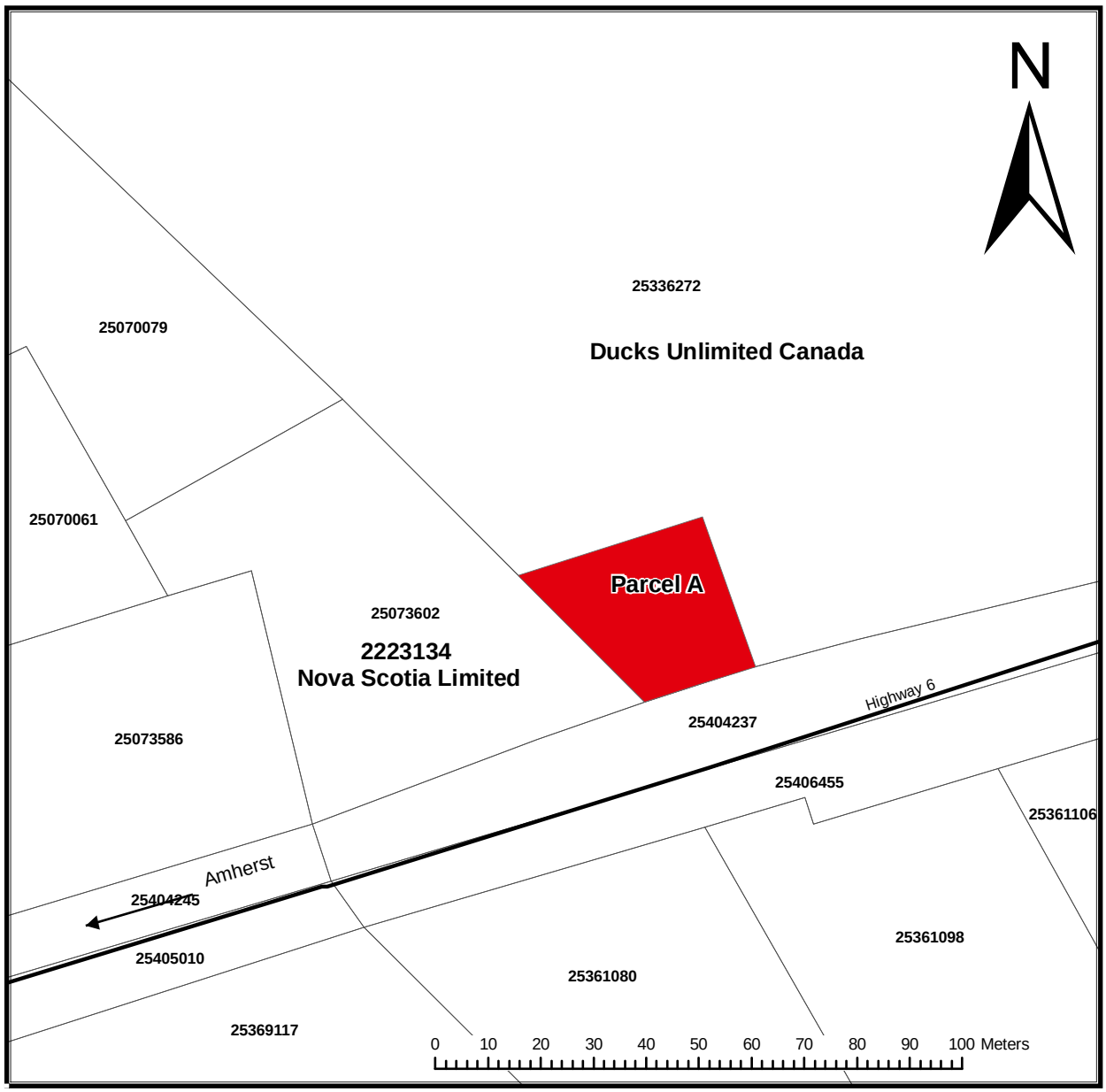

Map 6 - McElmon Brook Water Protection
N
W
E
S
MEB1
MEB2
MEB3
Legend
MEB1
MEB2
MEB3
Lakes
Properties
Rivers
Roads
0 500 1,000 2,000 3,000 4,000
Meters

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Map 7 - MacAloneys Lake Water Protection
N
W
E
S
ML3
ML2A
ML1
ML2
The Town of Parrsboro
Highway 2 Hwy
Strawberry Lane
Newville Rd
Prospect Rd
Highway 209 Hwy
Smiths Hollow Rd
Legend
ML1
ML2
ML2A
ML3
Lakes
Properties
Rivers
Roads
0 125 250 500 750 1,000
Meters
Map Document: (D:\GIS\coverages\cumberland\Projects\zones\Schedule A - Map 7 (official rv1).mxd)

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Map 8 - Commercial Designation and Zone



CERTIFICATE

This is to certify that this is a true and correct copy of the Central Plan Area Designation and Central Plan Area Zoning Maps adopted as part of the Land Use Bylaw by a majority vote of the Whole Council Of The Municipality Of The County Of Cumberland at a duly called meeting of the Municipal Council held on the 18th day of July, 2006

GIVEN UNDER the hand of the Municipal Clerk and under the corporate seal of the said Municipality of the county of Cumberland this 21st day of July, 2006

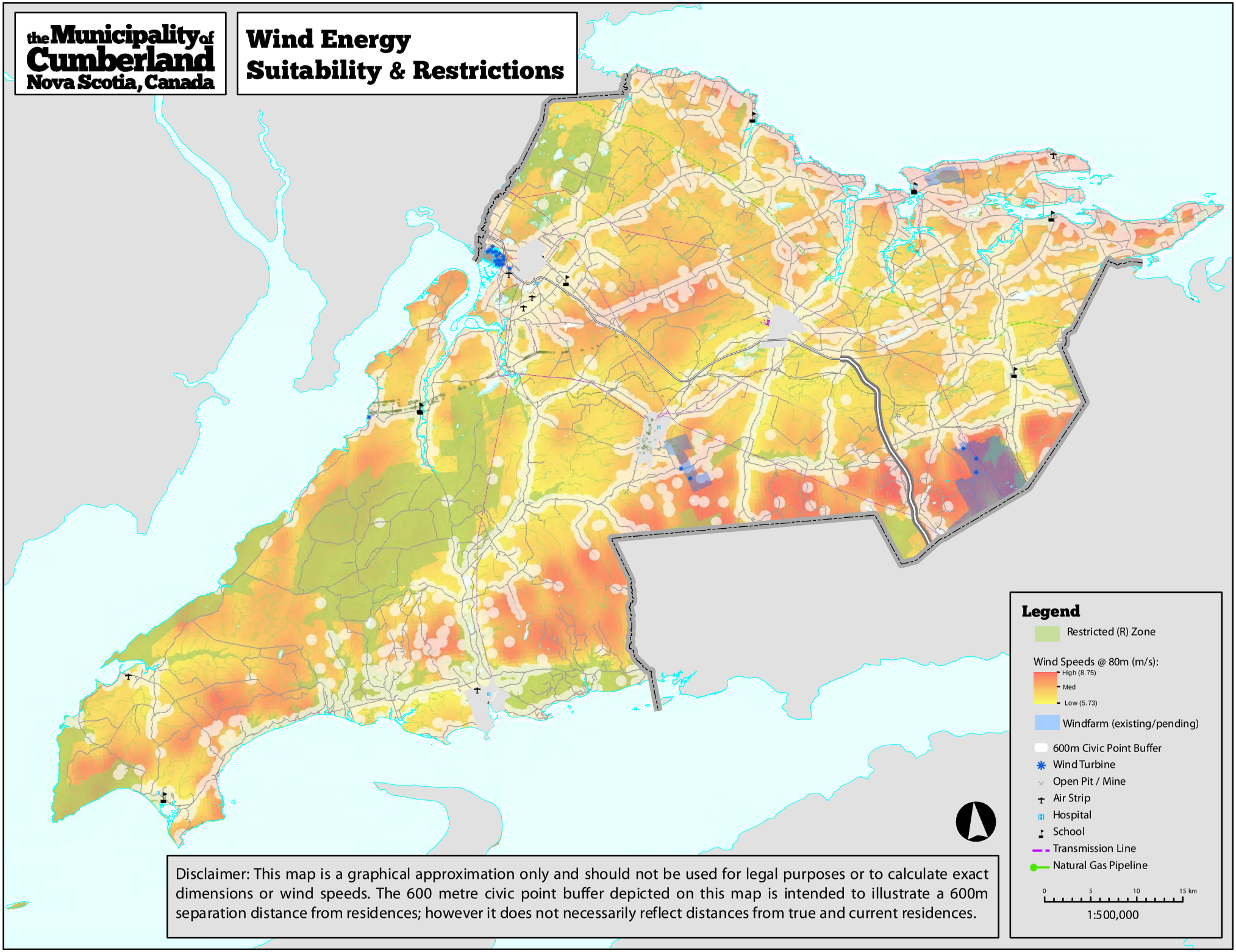
Rennie J. Bugley

CUMBERLAND COUNTY MUNICIPALITY · CORPORATION ·

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the Municipality of Cumberland
Nova Scotia, Canada

Wind Energy Suitability & Restrictions



Disclaimer: This map is a graphical approximation only and should not be used for legal purposes or to calculate exact dimensions or wind speeds. The 600 metre civic point buffer depicted on this map is intended to illustrate a 600m separation distance from residences; however it does not necessarily reflect distances from true and current residences.

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SCHEDULE "B" Municipal Antenna Site Procedure

NOTE:

On June 18 2008, the municipality adopted the attached antenna siting protocol to be used in lieu of the Industry Canada default consultation process when dealing with the Broadband for rural Nova Scotia Initiative. Although not adopted as part of the Land Use Bylaw, it is included here as a convenience to readers. Prior to this protocol, development permits were not issued for any communication towers.

The antenna siting protocol covers the requirements of Industry Canada for public consultation. Although Municipalities do not normally undertake public consultation for development or building permits, this protocol requires that the applicant for municipal development permits for the broadband internet structures contact and inform adjacent landowners and deal with their concerns. Once it is advised that the applicant has dealt with any concerns, the municipality will be in a position to issue its permits and prepare a letter for Industry Canada to confirm these matters have been done.

Municipal Antenna Site Procedure

Preparatory Work

1) Applicant will provide the municipality with a binder containing Site Configuration Plans for each type of site (20m, 30m, 40m, 70m, composite poles, steel tower, utility power, and green power configurations, etc.). Plans will be certified by a professional engineer and provided as a Best Practices document outlining design rules to be used throughout the build.

2) Municipal Planning & Development authorities will endorse the Site Configuration Plans as meeting local planning & building requirements.

Site Specific Process

1) Application will be submitted for building and/or development permits to obtain civic address for fire and police service for insurance purposes. Municipality will receive a copy of the application either on their existing specific form, or a generic form to be provided and approved by the municipality as part of the Site Configuration Plan documents.

2) Application will include the following parts:

   a. Engineering Drawings and Description of the proposed structure including areas of public access and access demarcation/control points, as well as a plan for decommissioning the structure, duly endorsed by a Professional Engineer, a member in good standing of the Association of Professional Engineers of Nova Scotia (the "Authorized Engineer").
   b. A description of the Purpose of the structure and a discussion of future additional uses.
   c. A review of nearby existing structures and the reasons why these structures could not be used for the Purpose.
   d. An agreement between the Applicant and the Property Owner(s) outlining the commercial terms for the use of the property as part of the proposed site.
   e. A description of the Radiocommunication Equipment to be installed on the structure.
   f. Attestation by a duly authorized representative of the Applicant that the structure shall protect the public in compliance with Health Canada's Safety Code 6.
   g. Attestation by a duly authorized representative of the Applicant that the structure and surrounding site complies with the *Canadian Environmental Assessment Act* or is exempt from the Act under the Exclusion Regulations.
   h. Attestation by the Authorized Engineer that the structure shall meet all structural requirements including loading and environmental factors using best engineering practices.

3) Applicant will contact each identified landowner by registered mail, or courier (signature required). Each landowner shall be deemed served within 3 business days of the date on the receipt for registered mail or courier.

4) The notice to landowners shall contain a letter which provides a description of the proposed structure including planned location, a drawing of the proposed structure or a picture of a materially similar structure and any buildings or appendages, and shall provide contact information for individuals to whom any questions or concerns shall be directed.

5) If one of the landowners is the municipality, or the proposed site includes public use land which is developed for recreational or other common uses (schools, parks, etc.), Applicant shall publish in the local newspaper(s) prescribed by the municipality a Notice of Intent to build the facility and provide contact information to address concerns or obtain more information.

6) Applicant will provide an attestation to the municipality when all landowners have been contacted, including the publication of a Notice of Intent in the case of public land.

7) Applicant shall provide 14 days in which the Landowner, or the public in the case of a public use land owner, may notify the Applicant of any concerns or requests for further information.

8) On the 15th day, if no comments or concerns are received, the applicant will advise the municipality and the municipality will deem that the applicant has satisfied its obligations for public consultation.

9) If comments and concerns are received, the applicant shall respond to all concerns in writing, in the case of a private landowner, and copy the response to the municipality, or, alternatively, arrange a meeting with the concerned parties within 20 days after the landowners have been served or a Notice of Intent is published.

10) In the case of a public use area, any concerns expressed by members of the local public shall be addressed either individually, in writing, within 5 days of receipt by Applicant, through a meeting with the affected parties, such meeting to be arranged and the affected parties notified no later 20 days after the Notice of Intent is published.

11) If a meeting is held, minutes of the meeting shall be produced by the applicant minimally outlining any concerns discussed and any action items to address either individual or group concerns.

12) Applicant shall respond to any action items within 10 days of the meeting with copies of responses provided to the municipality.

13) Municipality shall verify that applicant has responded to concerns and/or action items and determine if there are any follow on actions. If no future follow on actions are outstanding, the municipality shall deem that the applicant has satisfied its obligations for public consultation.

14) Municipality shall issue relevant building and/or development permits and shall provide a copy of the attached letter (Appendix "A"), on the municipality's letterhead.

Timeline Summary

Step	Date	Action
1	X	Applicant to submit plans to Municipality
2	X+3 days	Applicant to locate contact information for adjacent landowners if required.
3	X+5 days	Applicant to contact identified landowners or publish Notice of Intent. Provide attestation of service of notices.
4	X+20 days	Comments received from landowners/public (if none go to 5, otherwise 6)
5	*X+21 days*	*If no concerns, municipality issues permits and Letter to Applicant for files (FINISHED)*
6	X+25 days	Responses sent by Applicant to any concerns in writing, or arrangement and notice of meeting to address concerns completed.
7	X+30 days	Meeting held with concerned parties if required.
8	X+40 days	Action items from meeting finished. Review with municipality. If no follow on items go to 5, otherwise go back to 6

Appendix "A"
Letter from LUA to Industry Canada

MUNCIPALITY/LUA LETTERHEAD

Industry Canada
Radiocommunications and Broadcasting Regulatory Branch
300 Slater Street,
Ottawa, Ontario

May 30, 2008

RE: **Cheticamp Flowage -** Application by **Applicant**

Dear Sir/Madame:

We have received and reviewed an application by the Applicant**, Applicant**., with head offices at **1318 Grand Lake Road, Sydney, Nova Scotia** for the construction and commissioning of a Radiocommunications structure for the provision of **Fixed Wireless Broadband** services (the "Purpose").

Hereafter identified as **Cheticamp Flowage,** the structure is located at the coordinates **46°39'44.78"N, 60°40'11.26"W (NAD 83)** at an elevation of **533 metres.** The proposed height of the structure is **70 metres** and said structure is proposed to consume a total area of **22 sq. metres** .

As part of our review process, we have examined the following documentation:

1. Engineering Drawings and Description of the proposed structure including areas of public access and access demarcation/control points, as well as a plan for decommissioning the structure duly endorsed by **John MacKinnon, P.Eng. (P123456),** a member in good standing of the Association of Professional Engineers of Nova Scotia (the "Authorized Engineer").
2. A description of the Purpose of the structure and a discussion of future additional uses.
3. A review of nearby existing structures and the reasons why these structures could not be used for the Purpose.
4. An agreement between the Applicant and the Property Owner(s), **Nova Scotia Power, Inc,** outlining the commercial terms for the use of the property as part of the proposed site.
5. A description of markings (lighting, paint or both) to be applied to the structure to comply with Transport Canada aeronautical obstruction marking requirements.
6. A description of the Radiocommunication Equipment to be installed on the structure.
7. Attestation by a duly authorized representative of the Applicant that the structure shall protect the public in compliance with Health Canada's Safety Code 6.

8. Attestation by a duly authorized representative of the Applicant that the structure and surrounding site complies with the *Canadian Environmental Assessment Act* or is exempt from the Act under the Exclusion Regulations.
9. Attestation by the Authorized Engineer that the structure shall meet all structural requirements including loading and environmental factors using best engineering practices.

Having reviewed the documentation, the **Municipality of Cumberland County,** Nova Scotia, as the Land Use Authority, can confirm that the Applicant has addressed all concerns presented to them through the consultative process and that there are no outstanding objections to the Application by the municipality as the Land Use Authority.

We can confirm that we have or will be issuing all necessary permits and authorizations to the Applicant for the construction of the structure.

Should you have further questions regarding our review of the Application, please contact:

Sincerely yours,

LAND USE BY-LAW

FOR THE

CENTRAL PLANNING AREA

The provisions of this Land Use Bylaw for the Central Planning Area apply in addition to and take precedence over the provisions of the County of Cumberland's primary Land Use Bylaw where there is a conflict.

CONSOLIDATED COPY WITH ALL AMENDMENTS
AS OF DECEMBER 1, 2015

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1. RESIDENTIAL ZONES

1.1 ***General Provisions for all Residential Zones***

1.1.1 Home Occupations

Home occupations shall be defined as:

a) A business activity carried our wholly within the boundaries of a property upon which is located the residence of the operator of the home occupation. Without limiting the generality of the foregoing shall include: dress making and tailoring, catering, hairdressing and barbershops, custom workshops, instruction and private tutoring, sculpturing, contractors storage and parking, storage of inventory intended for offsite retail sales, business and professional offices such as doctors, lawyers and insurance agents.

b) Home occupations specifically do not include auto body or mechanical motor vehicle repair, retail stores, canteens, taxi stations, and *kennels*.

1.1.2 Home Occupation Requirements

Where listed as a permitted use, Home occupations shall:

a) be permitted within single detached and double *dwellings*, or accessory *structures* to such *dwellings*, operated by the resident of the property;

b) not occupy more than 25% of the total floor area of the *dwelling* or 50 square metres, whichever is less, or in the case of accessory *structures* not more than 25% of the total area of the *dwelling* and accessory *structure* combined;

c) have no visible indication from the exterior of the *dwelling unit* that a home occupation is being carried out , except for one non-illuminated *sign* subject to Section 4 of this *By-Law*;

d) not employ more than 2 assistants not residing in the *dwelling*;

e) provide 2 off street parking spaces in addition to the normal parking requirements for the *zone*;

f) not retail any merchandise not manufactured on the property;

g) not generate any off site electrical interference, dust, noise smoke or other obnoxious emission; and

h) not store merchandise, supplies or equipment of any kind in the front yard or otherwise within view of any street.

1.1.3 **Tourist Homes**

a) Tourist Homes shall be defined as:

A *dwelling* where the proprietor supplies rooms to be rented to overnight guests and where a general kitchen and dinning facilities are provided to provide meals to those overnight guests.

b) Where listed as a permitted use, Tourist Homes shall:

i) be limited to single detached and double *dwellings*;

ii) be limited to no more than 10 sleeping units;

iii) not permit cooking equipment in rooms used or intended to be uses for overnight accommodation;

iv) only provide meals or cooking facilities to those renting overnight accommodation;

v) have no visible indication from the exterior of the *dwelling unit* that tourist accommodation is being provided, except for one non-illuminated *sign* not exceeding 0.5 square metres in area; and

vi) provide 2 off street parking spaces for every 3 rooms available for rent, or portion thereof, in addition to the normal parking requirements for the *zone*.

1.1.4 **Signs**

1.1.4.1 **General**

Where this Part is inconsistent with the regulations respecting advertising signs on or near *public highways* made or administered by the Province of Nova Scotia, the more restrictive regulations shall apply, except where the Provincial regulations permit tourist related signage. In the case of tourist related signage, the Provincial regulations shall apply.

1.1.4.2 **Application**

This Part applies only to the Central Area Secondary Planning Strategy.

1.1.4.3 **Prohibited Signs**

No *sign* shall be *erected*, operated, used or maintained which:

a) due to its position, shape, color, format, or illumination obstructs the view of, or may be confused with, an official traffic *sign*, signal or device, as determined by the *Development Officer*;

b) displays lights resembling those usually associated with danger or those used by police, fire, ambulance or other emergency vehicles;

c) projects over or rests upon any part of the public right-of-way;

d) is attached to a tree or a detached dwelling; or,

e) covers architectural details including, but not limited to, arches, sills, moldings, cornices, and windows.

1.1.4.4 **Abandoned and Unlawful Signs**

Any *sign* which no longer advertises a bonafide business or service shall be removed within sixty (60) days of termination of such business or service.

1.1.4.5 **Signs in Residential Zones**

a) The number of signs that may be *erected*, constructed, placed or displayed on a parcel of land within a Residential Zone shall not exceed two.

b) The maximum size of a *sign* in a Residential Zone shall be 1.48 sq. m. (16 sq. ft).

c) Roof signs shall not be permitted with a Residential Zone.

1.1.4.6 **All Other Zones**

In any *zone* other than residential:

a) the number of *signs* that may be *erected*, constructed, placed or displayed on a parcel of land shall not exceed three;

b) all wall mounted *signs* shall be counted as one sign; and,

c) ground *signs* not related to a business or use on the property on which they are affixed shall not exceed 5.94 sq. m. (64 sq. ft.) in area for each *sign* face, excluding the support structure.

1.2 ***Suburban Residential Zone (R-1)***

1.2.1 **Permitted Uses**

The only permitted uses in the Suburban Residential Zone are:

a) Single Detached *Dwellings*;

b) Double *Dwellings*;

c) Tourist Homes, subject to Sections 1.1.3;

d) Home Occupations, subject to Section 1.1.1 and 1.1.2;

e) Day Care Operations;

f) Apartment *Buildings*;

g) Parks and Open Space;

h) Churches and Church Halls; and

i) Group Homes and Homes for Special Care

j) Accessory Uses and Buildings

1.2.2 **R-1 Zone Requirements**

1.2.2.1 **Lot Requirement - Servicing**

Notwithstanding anything else in this bylaw, the minimum *lot* size and frontage for any newly created *lot* within the R-1 Residential Zone shall be as follows (different or additional requirements may pertain to selected uses – see 1.2.2.2 below):

Service Type	Minimum Lot Area	Minimum Lot Frontage	Minimum Shoreline Buffer
Lots not serviced with *central water* or *central sewer systems*	2,700 sq. m. (29,062 sq. ft.), and 3,700 sq. m. (39,826 sq. ft), for *lots* adjacent to *watercourses*, coastlines and wetlands.	30.5 m. (100 ft.)	30.5 m. (100 ft.)
Lots serviced with only *central water system*	2,700 sq. m. (29,062 sq. ft.)	30.5 m. (100 ft.)	30.5 m. (100 ft.)
Lots serviced with only *central sewer system*	557 sq. m. (6,000 sq. ft.)	18.29 m (60 ft.)	30.5 m. (100 ft.)
Lots serviced by both *central water* and *central sewer systems*	465 sq. m. (5,000 sq. ft.)	15.24 m. (50 ft.)	30.5 m. (100 ft.)

1.2.2.2 **Lot Requirement - Type of Use**

Except as otherwise set out herein, no development permit shall be issued for a use on a *lot* in the Suburban Residential Zone unless the following *lot area* and frontage requirements are met:

Minimum	Single Unit	Double Unit	Apartment
Lot area	500 sq. m. (5,382 sq. ft.)	700 sq. m. (7,535 sq. ft.)	100 sq. m. (1,076 sq. ft.) / unit minimum 1000 sq. m. (10,764 sq. ft.)
Lot Frontage	15.24 m (50 ft.)	18.29 m. (60 ft.)	30.5 m. (100 ft.)
Front Yard	6 m. (20 ft.)	6 m. (20 ft.)	8 m. (26.2 ft.)
Rear Yard	6 m. (20 ft.)	6 m (20 ft.)	10 m. (32 ft.)
Side Yard(s)	1.2 m. (4 ft.) and 2 m. (6.6 ft.)	2 m. (6.6 ft.) and 2 m. (6.6 ft.)	3 m. (9.8 ft.) and 5 m. (16.4 ft.)

1.2.2.3 **Special Requirement - Flag Lots**

a) The minimum *lot area*s set out in subsection 1.2.2.1 must be satisfied within the main portion of a flag lot, and the *lot* must be able to contain a circle with a diameter equal to the minimum *lot frontage* indicated.

b) A flag lot must have a minimum *lot frontage* of 6 metres (20 feet), and the width of the prolongation or leg of the flag lot providing access to the street or roadway must be at least 6 metres (20 feet) at every point along its length.

1.3 ***Country Residential Zone (R-2)***

1.3.1 **Permitted Uses**

The only permitted uses in the Country Residential Zone are:

a) Single Detached *Dwellings*;

b) Double *Dwellings*;

c) Tourist Homes, subject to Section 1.1.3;

d) Home Occupations, subject to Sections 1.1.1 and 1.1.2;

e) Day Care Operations;

f) Apartment *Buildings*;

g) Parks and Open Space;

h) Schools, Churches and Church Halls;

i) Group Homes and Homes for Special Care;

j) Residential Livestock Operations, subject to Special Requirement 1.3.2.4;

k) Commercial and Light Industrial Operations, subject to Special Requirement 1.3.2.5; and

l) *Existing* Agricultural Operations subject to Special Requirement 1.3.2.6.

m) Accessory Uses and Buildings.

1.3.2 **R-2 Zone Requirements**

1.3.2.1 **Lot Requirement - Servicing**

Notwithstanding anything else in this bylaw, the minimum lot size and frontage for any newly created *lot* within the R-2 Residential Zone shall be as follows (different or additional requirements may pertain to selected uses – see 1.3.2.2 below):

Service Type	Minimum Lot Area	Minimum Lot Frontage	Minimum Shoreline Buffer
Lots not serviced with *central water* and *central sewer systems*	2,700 sq. m. (29,062 sq. ft.), and 3,700 sq. m. (39,826 sq. ft.) for *lots* adjacent to *watercourses*, coastlines and wetlands.	30.5 m. (100 ft.)	30.5 m. (100 ft.)
Lots serviced with only *central water system*	2,700 sq. m. (29,062 sq. ft.)	30.5 m. (100 ft.)	30.5 m. (100 ft.)
Lots serviced with only *central sewer system*	557 sq. m. (6,000 sq. ft.)	18.29 m. (60 ft.)	30.5 m. (100 ft.)
Lots serviced by both *central water* and *central sewer system*	465 sq. m. (5,000 sq. ft.)	15.24 m. (50 ft.)	30. 5 m. (100 ft.)

1.3.2.2 **Lot Requirement - Type of Use**

Except as otherwise set out herein, no development permit shall be issued for a use on a *lot* in the County Residential Zone unless the following *lot area* and frontage requirements are met:

Minimum	Single Unit	Double Unit	Apartment
Lot Area	500 sq. m. (5,382 sq. ft.)	700 sq. m. (7,535 sq. ft.)	100 sq. m (1,016 sq. ft.) / unit minimum 1000 sq. m. (10,764 sq. ft.)
Lot Frontage	15.24 m. (50 ft.)	18.29 m. (60 ft.)	30.5 m. (100 ft.)
Front Yard	6 m. (20 ft.)	6 m. (20 ft.)	8 m. (26.2 ft.)
Rear Yard	6 m. (20 ft.)	6 m. (20 ft.)	10 m. (32 ft.)
Side Yard(s)	1.2 m. (4 ft.) & 2 m. (6.6 ft.)	2 m. (6.6 ft.) and 2 m. (6.6 ft.)	3 m. (9.8 ft.) and 5 m. (16.4 ft.)

1.3.2.3 **Special Requirement - Flag Lots**

a) The minimum *lot areas* set out in subsection 1.3.2.1 must be satisfied within the main portion of a flag lot, and the *lot* must be able to contain a circle with a diameter equal to the minimum *lot frontage* indicated.

b) A flag lot must have a minimum *lot frontage* of 6 metres (20 feet), and the width of the prolongation or leg of the flag lot providing access to the street or roadway must be at least 6 metres (20 feet) at every point along its length.

1.3.2.4 **Special Requirement - Residential Livestock Operations**

Residential Livestock Operations shall be permitted in the County Residential Zone subject to Section 2.2.4.

1.3.2.5 **Special Requirement - Commercial and Light Industrial Operations**

Commercial and Light Industrial Operations, which do not satisfy the requirements of a Home Occupation, shall be permitted in the Country Residential Zone by Development Agreement. In negotiating such a development agreement, *Council* shall ensure that the proposed use does not pose a negative impact on surrounding residential uses, or the long term potential for residential use in the area, as outlined in MPS Policy for the Central Planning Area 1.2.2.6.

1.3.2.6 **Special Requirement - Existing Agricultural Operations**

Existing Agricultural Operations may continue, and expand, provided that the expansion of any *building* or *buildings* on the *lot* used for agricultural purposes do not total more than a 20% increase on the total square footage of all such *buildings* on the *lot*, and the requirements of MPS Policy for the Central Planning Area 1.4.2.8. are satisfied.

2. RURAL RESOURCE ZONES

2.1 ***Rural Resources Zones***

2.1.1 **Permitted Uses**

The only permitted uses in the Rural Resource Zone are:

a) Uses in the C-1 Zone, subject to Special Requirement 2.2.3;

b) Single and Double *Dwellings*;

c) Apartment *Buildings*;

d) Tourist Homes, subject to Section 1.1.3;

e) Day Care Operations;

f) Parks and Open Space;

g) Schools, Churches and Church Halls;

h) Group Homes and Homes for Special Care;

i) Agricultural Operations, Subject to Section 2.2.4;

j) Forestry uses; and

k) Aggregate quarries.

l) *Large Scale Wind Turbines* and *Wind Power Projects*, subject to Land Use By-law Part 10

m) Accessory Uses and Buildings

2.2 ***Rural Resource Zone Requirements***

2.2.1 **Lot Requirements – Servicing**

Notwithstanding anything else in this bylaw, the minimum *lot* size and frontage for any newly created *lot* within the Rural Resource Zone shall be as follows (different or additional requirements may pertain to selected uses - see 2.2.2 to 2.2.4 below):

a) Minimum *Lot Area*: 2,700 sq. m. (29,062 sq. ft.) and 3,700 sq. m. (39,826 sq. ft.) for lots adjacent to watercourses, coastlines, and wetlands; and

b) Minimum *Lot Frontage*: 30.5 m. (100 ft.)

2.2.2 **Special Requirement - Flag Lots**

a) The minimum *lot areas* set out in subsection 2.2.1 must be satisfied within the main portion of a flag lot, and the lost must be able to contain a circle with a diameter equal to the minimum *lot frontage* indicated.

b) A flag lot must have minimum *lot frontage* of 6 meters (20 feet), and the width of the prolongation or leg of the flag lot providing access to the street or roadway must be at least 6 meters (20 feet) at every point along its length.

2.2.3 **Special Requirement - Commercial and Light Industrial Operations**

Commercial and Light Industrial Operations, which do not satisfy the requirements of a Home Occupation, shall be permitted in the Rural Resource Zone by Development Agreement. In negotiating such a development agreement, *Council* shall ensure that the proposed use does not pose a negative impact on surrounding residential uses, or the long term potential for residential use in the area, as outlined in MPS Policy for the Central Planning Area 1.2.2.7.

2.2.4 **Special Requirement - Agricultural Operations**

New and expanded Agricultural Operations shall be permitted provided that an approved Environmental Farm Plan, including a Nutrient Management Plan, as prepared by the Nova Scotia Federation of Agriculture, has been completed and submitted as part of the development permit application.

Notwithstanding anything else in this bylaw, the following setback requirements for a new or expanding Agricultural operation shall be as follows:

a) Area zoned residential: 600 meters;

b) Property Line of *Dwelling*: 50 metres;

c) *Watercourse* or Well: 100 meters; and

d) Provincial Highway: 50 meters.

Existing operations which do not currently satisfy the above setback requirements may expand provided that the expansion does not further reduce the *existing* setback.

Furthermore, setback requirements for new or expanding Hog, Fur, or Poultry operations shall be as set out in Table 2.2.4:

Table 2.2.4

Size of Operation In Animal Units	Off-Farm Dwelling(m)	Property Line(m)	Non-Farm Development(m)	Public Road(m)	Off-Farm Well or any Watercourse(m)
1-100	300	50	600	50	100
101-200	350	50	600	50	100
201-300	400	50	600	50	100
301-400	450	50	600	50	100
401-500	500	50	600	50	100
501-600	600	50	600	50	100
601-700	700	50	700	50	100
701-800	800	50	800	50	100
801-900	900	50	900	50	100
900 >	1000	50	1000	50	100

3. COMMERICAL ZONES

3.1 ***Commercial Zone 1 (C-1)***

3.1.1 **Permitted Uses**

The only permitted uses in the Commercial Zone are:

a) retail uses;

b) gas stations, *automobile service* stations;

c) automotive repair outlets;

d) professional offices;

e) institutional uses;

f) public and private schools;

g) religious institutions and *accessory uses*;

h) equipment rental services;

i) indoor storage services;

j) financial institutions;

k) restaurants, including drive thru and take out;

l) hotels and motels;

m) funeral homes;

n) personal service shops;

o) garden centres;

p) campgrounds;

q) *existing* residential, and forestry uses;

r) medical clinics and offices;

s) light industrial uses as defined in this bylaw; and

t) *Existing* Agricultural Operations subject to Special Requirement 3.2.4.

u) *Large Scale Wind Turbines* and *Wind Power Projects*, subject to Land Use By-law Part 10

v) Accessory Uses and Buildings

w) new residential, subject to Special Requirement 3.2.6

x) *Kennels*, subject to Special Requirement 3.2.6

3.2 ***C-1 Zone Requirements***

3.2.1 **Lot Requirements - Servicing**

Notwithstanding anything else in this bylaw, the minimum *lot* size and frontage for any newly created *lot* within the C-1 Commercial Zone shall be as follows (different or additional requirements may pertain to selected uses - see 3.2.2 to 3.2.4 below):

Service Type	Minimum Lot Area	Minimum Lot Frontage	Minimum Shoreline Buffer
Lots not serviced with *central water* or *central sewer systems*	2,700 sq. m. (29,062 sq. ft.), and 3,700 sq. m. (39,826 sq. ft), for *lots* adjacent to *watercourses*, coastlines and wetlands.	30.5 m. (100 ft.)	30.5 m. (100 ft.)
Lots serviced with only *central water system*	2,700 sq. m. (29,062 sq. ft.)	30.5 m. (100 ft.)	30.5 m. (100 ft.)
Lots serviced with only *central sewer system*	557 sq. m. (6,000 sq. ft.)	18.29 m (60 ft.)	30.5 m. (100 ft.)
Lots serviced by both *central water* and *central sewer systems*	465 sq. m. (5,000 sq. ft.)	15.24 m. (50 ft.)	30.5 m. (100 ft.)

3.2.2 **Lot Requirements - Landscaping**

Notwithstanding anything else in this bylaw, within the C-1 Commercial Zone landscaped open space must be provided in all areas not used for buildings, vehicle parking and access.

3.2.3 **Special Requirement - Flag Lots**

a) The minimum *lot area*s set out in subsection 3.2.1 must be satisfied within the main portion of a flag lot, and the *lot* must be able to contain a circle with a diameter equal to the minimum *lot frontage* indicated.

b) A flag lot must have a minimum *lot frontage* of 6 metres (20 feet), and the width of the prolongation or leg of the flag lot providing access to the street or roadway must be at least 6 metres (20 feet) at every point along its length.

3.2.4 **Special Requirement - Existing Agricultural Operations**

Existing Agricultural Operations may continue, and expand, provided that the expansion of any *building* or *buildings* on the *lot* used for agricultural purposes do not total more than a 20% increase on the total area of all such *buildings* on the *lot* and the requirements of MPS Policy for the Central Planning Area 1.4.2.8 are satisfied.

3.2.5 **Special Requirement - Signs**

No development permit shall be issued for a *sign* in the Commercial Zone unless all relevant provisions of Section 1.1.4 are satisfied.

3.2.6 **Special Requirement – New Residential**

A new *dwelling* shall be permitted in the Commercial Zone where the dwelling is:

a) ancillary to the main commercial or light industrial use; and,

b) Located within or attached to the building containing the main use.

3.2.7 **Special Requirement – Kennels**

In the Commercial Zone of the Central Planning Area, a *Kennel* shall be permitted provided that:

a) the *Kennel* is located on a lot with a minimum area of 10,000 square metres (2.47 acres);

b) all buildings and outdoor spaces where animals will be present, except where animals are being delivered or picked up, must meet the following minimum setbacks:

i) front yard setback of 15 metres (49.2'), and no closer than any dwelling or main building on the lot;

ii) rear yard setback of 15 metres (49.2');

iii) side yard setback of 6 metres (19.7');

iv) 150 metres (492') from any dwelling not located on the same lot;

v) 150 metres (492') from any property zoned residential;

vi) 30 metres (98.4') from any watercourse;

c) the *kennel* facilities and the operation thereof conforms to the Dog By-Law, and the latest edition of *A Code of Practice for Canadian Kennel Operations* produced by the Canadian Veterinary Medical Association;

d) no dog is permitted to be kept outdoors overnight; and,

e) all outdoor spaces where animals are present must be fully screened from neighbouring properties.

4. SPECIAL REQUIREMENT FOR ALL ZONES

4.1 Accessory Uses and Buildings

4.1.1 *Accessory uses* and *buildings* are permitted in all *zones* of this bylaw.

a) "*Accessory use*" means a use subordinate and naturally incidental to a main use of land or *building* located on the same *lot*, such as the storage of firewood, compost material and the hanging of clothes by the residents of the property or the temporary storage of waste and recyclable material by the operator of a business.

b) "*Accessory building*" means a subordinate *building* or *structure* on the same *lot* as the *main building*, devoted exclusively to an *accessory use*, such as garden sheds, workshops and storage *buildings*.

4.1.2 *Accessory buildings* shall not:

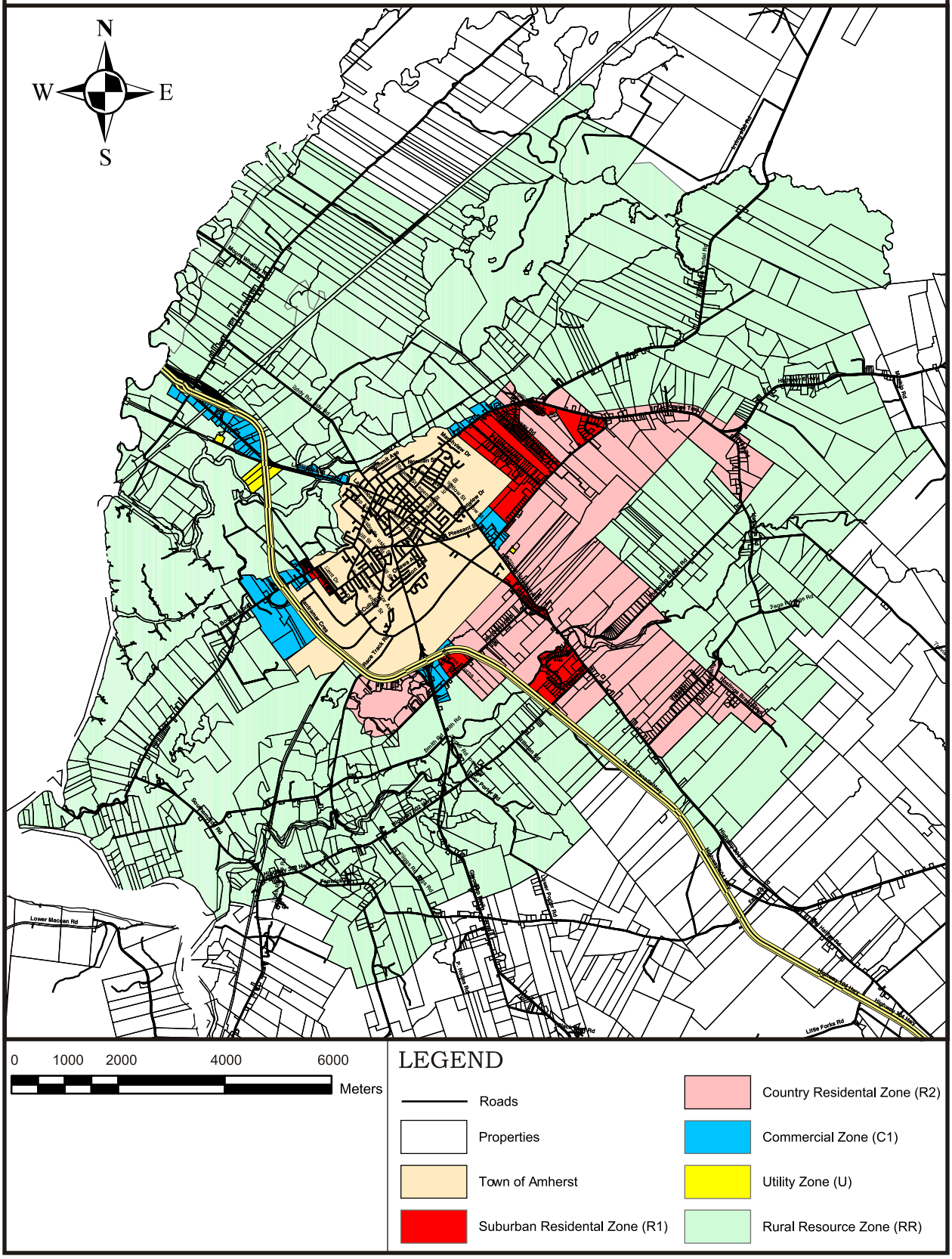
a) be built closer than 2 meters of other *structures*; and,

b) exceed 10 percent of the *lot area*.

4.1.3 Accessory uses and buildings for agricultural, forestry, commercial and light industrial uses are not subject to 4.1.2 (b) but must abide by all other requirements of the Building Code/Bylaw and Land Use Bylaw regarding appropriate lot coverage, separation distances and setback requirements for lot development for these uses.

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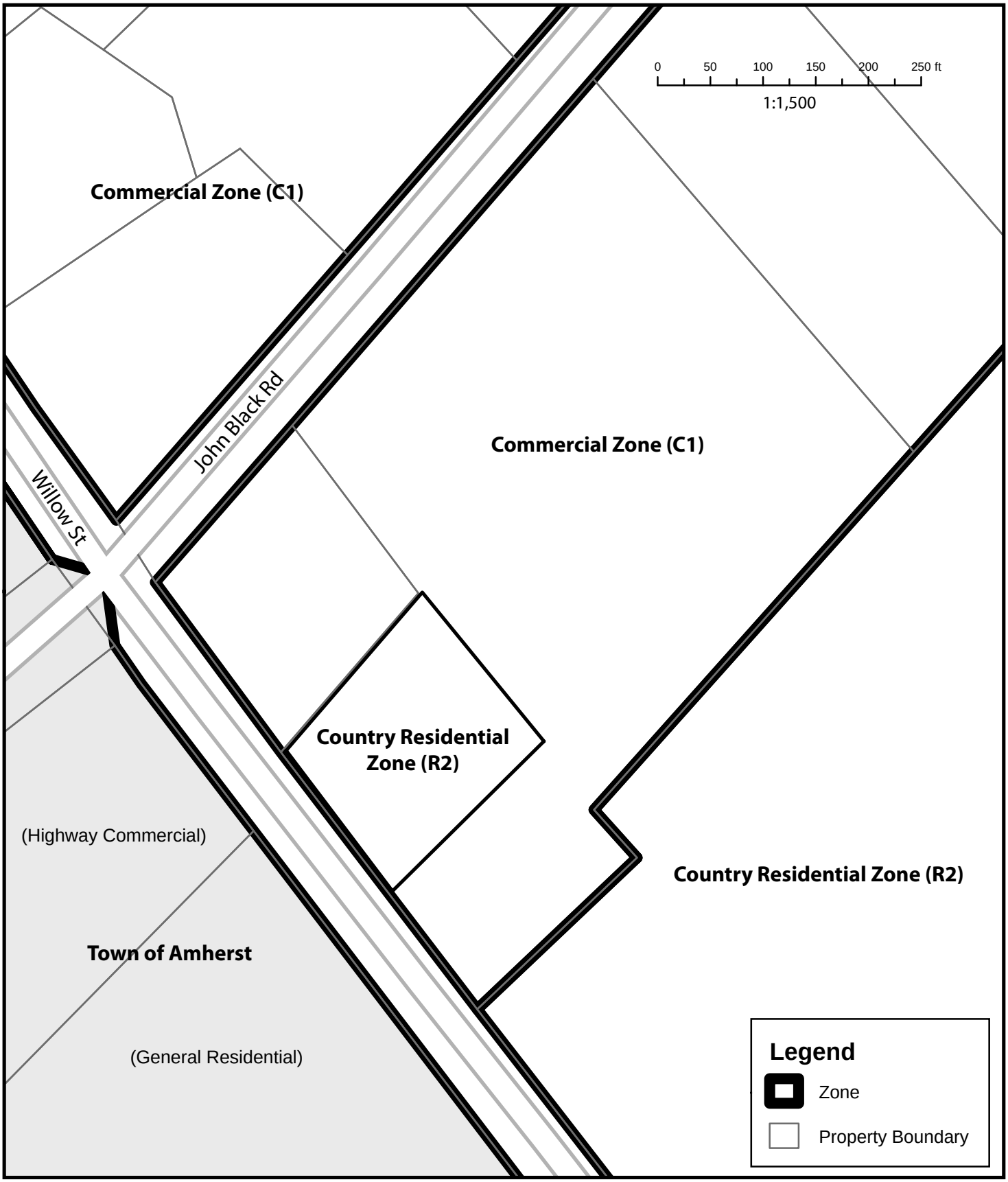
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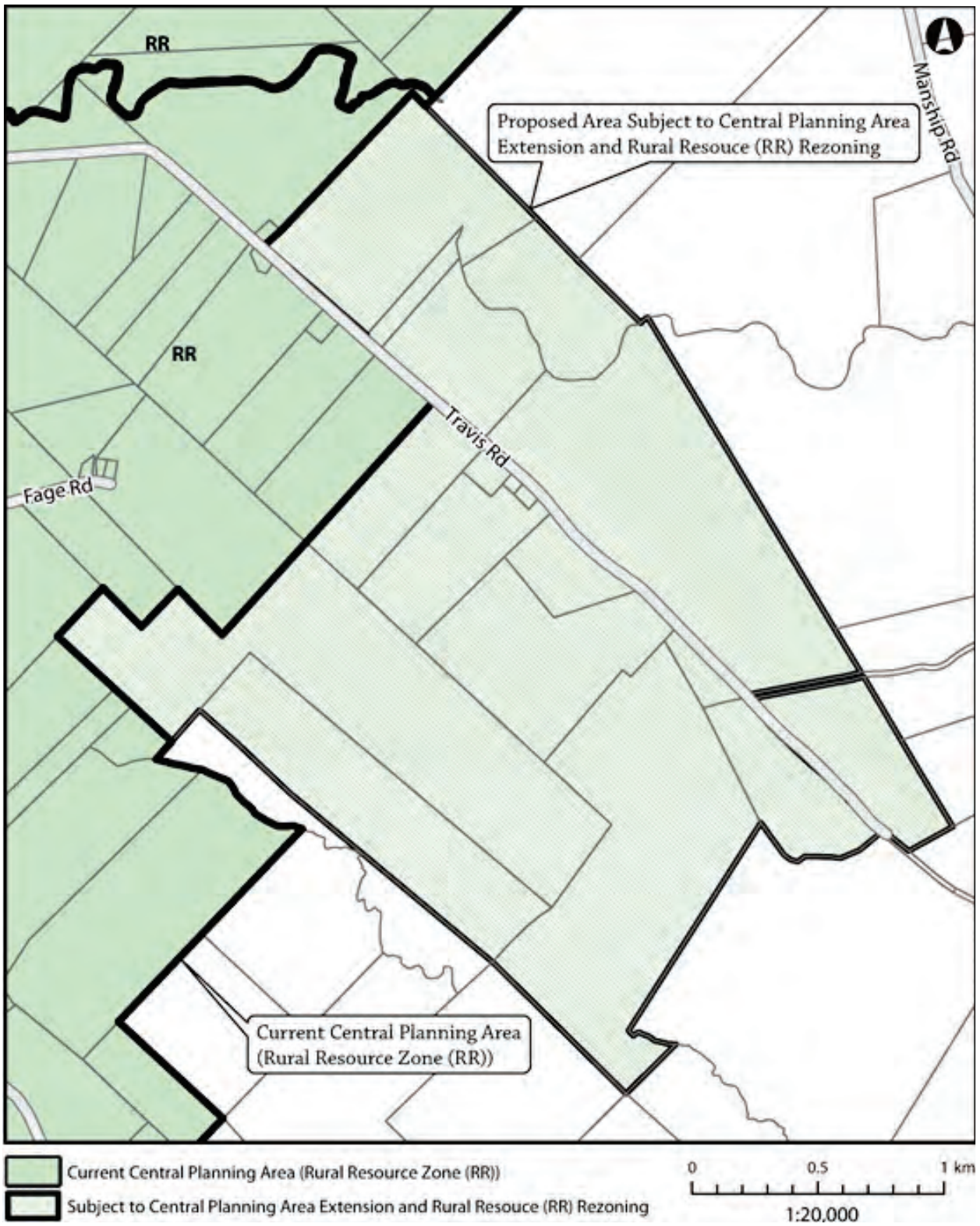
Municipality of Cumberland Bylaw 13-04

Central Plan Area (Rezoning)



Municipality of Cumberland Bylaw 15-03

Central Plan Area (Amendment)



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LAND USE BYLAW

FOR THE

JOGGINS PLANNING AREA

The provisions of this Land Use Bylaw for the Joggins Planning Area apply in addition to and take precedence over the provisions of the County of Cumberland's primary Land Use Bylaw where there is a conflict.

CONSOLIDATED COPY WITH ALL AMENDMENTS
AS OF JUNE 7, 2016

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MAPS

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1. PERMITTED USES

General Residential Zone	Community Residential Zone
Single detached *dwellings* Double *dwellings* Converted *dwellings* Home occupations Tourist homes Tourist commercial uses: - tourist cabins* - travel trailer/motor home/RV parks* - campgrounds* - restaurants* - motels* - visitor convenience facilities* Day care operations Parks and open space Schools, churches and church halls Group homes and homes for special care Residential livestock operations Agricultural operations *Accessory uses* and *buildings* *Large scale wind turbines* and *wind power projects* *To be located only along Shulie, Hardscrabble & Lower Cove Roads.	Single detached *dwellings* Double *dwellings* Converted *dwellings* Multiple *dwellings* Home occupations Tourist homes Day care operations Parks and open space Schools, churches and church halls Group homes and homes for special care *Accessory uses* and *buildings*

Community Commercial Zone	**Institutional Zone**
Retail uses *Automobile service* stations Business and professional offices Institutional uses Public and private schools Religious institutions and *accessory uses* Banks and financial institutions Restaurants Hotels and motels Funeral homes Personal service shops Animal hospitals and veterinary clinics Medical clinics and offices Taxi and bus stations Private clubs and fraternal organizations Craft shops and studios Drycleaners and Laundromats Printing establishments Service industries and recycling depots Photography studios Mixed commercial-residential uses *Accessory uses* and *buildings*	Interpretative centres and related facilities Parks and open spaces Schools, churches and church halls Public *buildings* Government offices and facilities Libraries and museums Emergency service uses and *buildings* *Accessory uses* and *buildings*

2. ZONE REQUIREMENTS

Zone	Min. Lot Area (sq. m.)	Min. Lot Frontage (m.)	Min. Front & Flanking Yard (m.)	Min. Rear Yard (m.)	Min. Side Yards (m.)	Max. Building Height (m.)
General Residential	2700	30.5	6	6	2	11
General Residential - Tourist Commercial Uses	2700	30.5	20	20	20	11
Community Residential – Single Unit	557	18.3	6	6	2	11
Community Residential – Double Unit	557	18.3	6	6	2	11
Community Residential – Multiple Unit	100/unit 1000 min.	30.5	8	10	2	11
Community Commercial	557	15.3	0	0/6 adj. to non-com'l	2	11
Institutional	557	15.3	0	0	2	11

3. SPECIAL REQUIREMENTS

3.1 ***Home Occupation – General & Community Residential Zones***

Home occupations are business activities carried on wholly within the boundaries of a property upon which is located the residence of the operator of the home occupation. Without limiting the generality of the foregoing shall include: dress making and tailoring, catering, hairdressing and barbershops, custom and craft workshops, instruction and private tutoring, sculpturing, storage of inventory intended for off-site retail sales, business and professional offices such as doctors, lawyers and insurance agents.

Home occupations specifically do not include auto body or mechanical motor vehicle repair, retail stores, canteens, taxi stations or contractors' storage yards.

Home Occupations shall:

a) be permitted within single detached and double *dwellings*, or accessory *structures* to such *dwellings*, operated by the resident of the property;

b) not occupy more than 25% of the total floor area of the *dwelling* or 50 square meters, whichever is less, or in the case of accessory *structures* not more than 25% of the total area of the *dwelling* and accessory *structure* combined;

c) have no visible indication from the exterior of the *dwelling unit* that a home occupation is being carried out, except for one non-illuminated *sign* subject to Section 4 of this *By-Law*;

d) not employ more than 2 assistants not residing in the *dwelling*;

e) provide 2 off street parking spaces in addition to the normal parking requirements for the *zones*;

f) not retail any merchandise not manufactured on the property;

g) not generate any off site electrical interference, dust, noise, smoke or other obnoxious emissions; and

h) not store merchandise, supplies or equipment of any kind in the front yard or otherwise within view of any street.

3.2 ***Tourist Homes – General & Community Residential Zones***

Tourist Homes are *dwellings* where the proprietor supplies rooms to be rented to overnight guests and where a general kitchen and dinning facilities are provided to provide meals to those overnight guests. Tourist Homes shall include Bed and Breakfasts and Guest Homes.

Tourist Homes shall:

a) be limited to single detached and double *dwellings*;

b) be limited to no more than 10 sleeping units;

c) not permit cooking equipment in rooms used or intended to be used for overnight accommodation;

d) only provide meals or cooking facilities to those renting overnight accommodation;

e) have no visible indication from exterior of the *dwelling unit* that tourist accommodation is being provided, except for one non illuminated *sign* not exceeding 0.5 square meters in area; and

f) provide 2 off street parking spaces for every 3 rooms available for rent, or portion thereof, in addition to the normal parking requirements for the *zone*.

3.3 ***Residential Livestock Operations – General Residence Zones***

Residential Livestock Operations to a maximum of 10 animals shall be permitted provided that any animal housing or manure storage facilities are set back a minimum of 50 meters from any residential *building*, a minimum of 100 meters from the nearest *watercourse* and/or off site well and a minimum of 600 meters from an area zoned Community Residential. *Existing* operations which do not currently satisfy the above setback requirements may expand provided that the expansion does not further reduce the *existing* setback.

Commercial Livestock Operations are not permitted. Commercial Livestock Operations are commercial operations in which animals or fowl are confined to feedlots or *buildings* for feeding, breeding, egg production, or milking for eventual sale.

3.4 ***Prohibited Uses – Cliffs and Beaches Setback – General & Community Residential Zones***

Except for small scale safety and security fences or structures, the following uses and structures are prohibited in a 20 metre landward setback area from the cliffs and beaches: soil removal; grading, excavation or deposition of fill; material storage or processing; permanent or temporary structures, including freestanding small and large scale wind turbines, communications towers, fences, cantilevers and billboards or signs; outdoor storage of any scrap or salvage material or inoperative motor vehicles or their parts. This provision does not prohibit the accessory storage of material, such as firewood and compost, for the use of residents of the property.

3.5 ***Signs***

3.5.1 **General**

Where this Part is inconsistent with the regulations respecting advertising signs on or near *public highways* made or administered by the Province of Nova Scotia, the more restrictive regulations shall apply, except where the Provincial regulations permit tourist related signage. In the case of tourist related signage, the Provincial regulations shall apply.

3.5.2 **Prohibited Signs**

No *sign* shall be *erected*, operated, used or maintained which:

a) due to its position, shape, colour, format, or illumination obstructs the view of, or may be confused with, an official traffic *sign*, signal or device, as determined by the *Development Officer*;

b) displays lights or words resembling those usually associated with danger or those used by police, fire, ambulance or other emergency vehicles;

c) projects over or rests upon any part of the public right-of-way;

d) is painted on or attached to a *utility* pole, tree, stone, cliff or other natural object;

e) is advertising a business or is related to a use that is not located on the same site as the *sign* unless the *sign* is providing directions to the business on another site;

f) is a portable *sign* or roof *sign*;

g) is a flashing or animated *sign*.

3.5.3 **Abandoned, Dangerous and Unlawful Signs**

Any *sign* which no longer advertises a bona fide business or service or is in a state of disrepair, abandoned, dangerous or unlawful shall be repaired or removed by the owner or be removed by the *Municipality* and the expenses involved in such action will be charged to the owner of the *sign*.

3.5.4 **Signs in Residential Zones**

a) The maximum number of signs that may be *erected*, constructed, placed or displayed on a parcel of land within Residential Zones shall be one two-sided *sign*.

b) The maximum size of such a *sign* shall be 1.5 sq. m. per side. For tourist commercial uses in the General Residential Zone, the requirements for signs in the Commercial and Institutional Zone shall apply.

3.5.5 **Signs in Commercial and Institutional Zones**

a) The maximum number of signs that may be *erected*, constructed, placed or displayed on a parcel of land or *building* within Commercial and Institutional Zones shall be one, two-sided *sign* per street frontage.

b) The maximum size of a facial or projecting wall *sign* or ground *sign* shall be 3.0 sq. m.

c) The maximum projection of a projecting wall *sign* shall be 2 m. and minimum *height* of a projecting wall *sign* shall be 3 m.

d) The minimum *lot* line setback of a ground *sign* shall be 3 m.

3.5.6 **Sign Construction and Illumination**

All signs shall be constructed of traditional materials, such as wood, metal or stone, and shall only be illuminated by fully shielded light fixtures mounted on top of the *sign* and positioned to shine directly on the *sign*. Window signs may contain paint and neon. Back-lit signs shall be prohibited.

3.6 ***Outdoor Storage – All Zones***

Outdoor storage of scrap or salvage materials, including inoperative motor vehicles and their parts, shall be prohibited. This provision does not prohibit the accessory storage of material, such as firewood

and compost, for the use of residents of the property. This section is not intended to limit the application of the provisions of Part 15 of the Municipal Government Act. Any property that is dangerous or unsightly, within the meaning of the Municipal Government Act, is subject to Orders or other action, notwithstanding this section.

3.7 ***Outdoor Furnaces – General Residential Zones***

Outdoor furnaces or *structures* containing outdoor furnaces shall be permitted only in the General Residential Zone, be located in rear yards, have a minimum *lot* line setback of 61 meters and have a chimney or exhaust at least 1 meter above the peak of the roof of any habitable *building* within 6 meters on the same site or within 100 meters of any habitable *building* on a neighboring site.

3.8 ***Outdoor Lighting – All Zones***

Flashing lights and lights that could be confused with or interfere with traffic lights or otherwise be hazardous to traffic shall be prohibited.

All parking areas and walkways shall be illuminated and all lighting fixtures used for this purpose shall be fully shielded, designed and mounted to ensure that their direct light is completely restricted to areas below the fixture; is directed downwards towards the surface of the parking area and walkways; and, is directed away from adjacent uses, *lots*, *buildings* and *public highways*.

This provision does not exclude the seasonal use of temporary festive or decorative lighting.

3.9 ***Design – Community Commercial Zone***

Applications to construct new *buildings* or *structures* or renovate or add to *existing buildings* or *structures* in the Community Commercial Zone shall be accompanied by scale drawings to demonstrate how the project will complement the town centre setting and be compatible with the overall rural Nova Scotia character of the community. This provision does not include architectural controls or controls over colour or building materials.

3.10 ***Temporary Uses***

Development/Building Permits may be issued in any *zone* for uses and *structures* incidental to construction and for assessment facilities for renewable energy generation resources for a temporary period not to exceed 12 months. All sites shall be decommissioned with all *structures*, accesses and storage being removed and the land being

remediated and restored.

3.11 ***Building Height Requirement Exemptions***

The maximum *building height* requirements shall not apply to church spires, water tanks, elevator enclosures, silos, flag poles, television or radio antennae, commercial communication towers, ventilators, skylights, barns, chimneys, clock towers, tree houses, *wind turbines* or solar collection devices.

3.12 ***Accessory Uses and Buildings***

3.12.1 *Accessory uses* and *buildings* are permitted in all *zones* of this bylaw.

a) "*Accessory use*" means a use subordinate and naturally incidental to a main use of land or *building* located on the same *lot*, such as the storage of firewood, compost material and the hanging of clothes by the residents of the property or the temporary storage of waste and recyclable material by the operator of a business.

b) "*Accessory building*" means a subordinate *building* or *structure* on the same *lot* as the *main building*, devoted exclusively to an *accessory use*, such as garden sheds, workshops and storage *buildings*.

3.12.2 *Accessory buildings* shall not:

a) be located in the front yard or flanking yard on a corner *lot*;

b) be more than 4 meters in *height*;

c) be built closer than 2 meters of other *structures*; and,

d) exceed 10 percent of the *lot area*.

3.13 ***Non-Conforming Uses and Structures***

A use of land or a *structure* that legally existed prior to the effective date of this bylaw, and is no longer permitted in the *zone*, in which the use or *structure* is located, is a non-conforming use. Such legal non-conforming uses and *structures* may be continued, repaired, and renovated, recommenced, replaced or reconstructed, as permitted by the Municipal Government Act.

3.14 ***Public Service Facilities***

The use of land or the *erection* of any *building* or storage for *public service facilities* shall be permitted in any *zone*, subject to the use of land or *building* or *structure* being in compliance with requirements of the *zones* within which they are located.

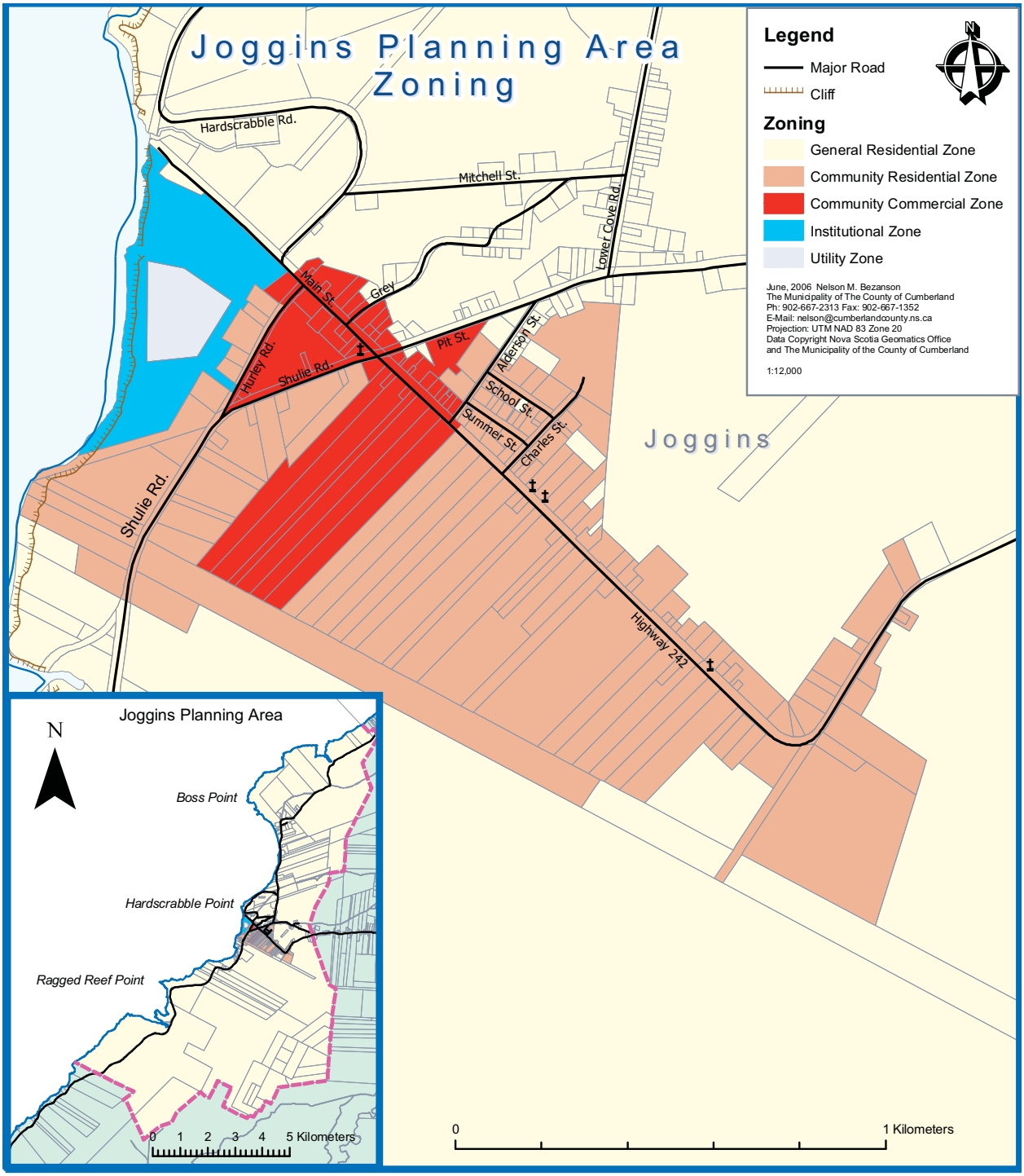
3.15 ***Wind Turbines***

"*Large Scale Wind Turbines* and *Wind Power Projects*

Large scale wind turbines and *wind power projects* are permitted in the General Residential Zone in accordance with the county-wide provisions for *wind turbines* set out in the Municipal Planning Strategy and Land Use Bylaw."

3.16 ***Environmental Protection***

The *development* of land in areas adjacent to *watercourses*, coastlines and wetlands shall take place in accordance with the municipal-wide provisions for environmental protection set out in the Municipal Planning Strategy and Land Use Bylaw. Where there is a conflict, the provisions of Joggins Land Use Bylaw shall take precedence.


Joggins Planning Area Zoning
Legend
Major Road
Cliff
Zoning
General Residential Zone
Community Residential Zone
Community Commercial Zone
Institutional Zone
Utility Zone
June, 2006 Nelson M. Bezanson
The Municipality of The County of Cumberland
Ph: 902-667-2313 Fax: 902-667-1352
E-Mail: nelson@cumberlandcounty.ns.ca
Projection: UTM NAD 83 Zone 20
Data Copyright Nova Scotia Geomatics Office
and The Municipality of the County of Cumberland
1:12,000
Hardscrabble Rd.
Mitchell St.
Lower Cove Rd.
Main St.
Grey
Pit St.
Hurley Rd.
Shulie Rd.
Alderson St.
School St.
Summer St.
Charles St.
Joggins
Highway 242
Joggins Planning Area
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Boss Point
Hardscrabble Point
Ragged Reef Point
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LAND USE BYLAW

FOR THE

VILLAGE OF PUGWASH

The provisions of this Land Use Bylaw for the Village of Pugwash apply in addition to and take precedence over the provisions of the County of Cumberland's primary Land Use Bylaw where there is a conflict.

CONSOLIDATED COPY WITH ALL AMENDMENTS
AS OF JUNE 7, 2016

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1. PERMITTED USES

Village Residential Zone	Open Space Zone
Single detached dwellings Double dwellings Converted dwellings Multiple dwellings Accessory dwelling units Home occupations Tourist homes Day care operations Parks and open space Schools, churches and church halls Group homes and homes for special care Residential livestock operations Agricultural operations Institutional uses Interpretative centres and related facilities Health and special care uses Veterinary/pet shelter/grooming/ daycare facilities Public buildings Government offices and facilities Libraries and museums Emergency services Cemeteries Historic sites Accessory uses and buildings	Low impact non motorized recreational uses Parks, playgrounds and open space Convenience uses for visitors and day users Walkways and boardwalks Institutional, interpretative and educational uses Outdoor educational uses Historic sites Markets Pavilions Marinas On-shore components of marine uses Accessory uses and buildings *The uses of the Pugwash Park or Cyrus S. Eaton lands, buildings and premises, as set out in the Societies Act, Section 35 (1), Chapter 148, take precedence over anything contained in the Land Use Bylaw for the Village of Pugwash.

Village Commercial Centre Zone	Limited Rural Commercial Zone
Any Village Residential Zone use Retail uses Automobile service stations Business offices Institutional uses Public and private schools Religious institutions and accessory uses Banks and financial institutions Restaurants Hotels and motels Inns and hostiles Funeral homes Personal service shops Veterinary/pet shelter/grooming/ daycare facilities Medical/professional/service offices Taxi and bus stations Private clubs and fraternal organizations Craft/antique/artesian/bakery shops Drycleaners and laundromats Printing establishments Photography studios Mixed commercial-residential uses Existing and new residential uses Accessory uses and buildings	Any Village Residential Zone use Farmers/flea markets/stands Sit down restaurants Medical/professional/service offices Veterinary/pet shelter/grooming/daycare facilities Craft/antique/artesian/bakery/ convenience shops Visitor accommodations and conveniences Campgrounds/R/V parks Marinas Nurseries/garden centres Museums and art galleries Indoor storage facilities Equipment rental and service shops Produce transshipment/ waste/ recycling facilities Automobile repair/service stations Accessory uses and buildings
	Industrial Zone
	Mining, marine and extractive uses Fishing and marine related uses Manufacturing, assembly and service uses Processing, storage and shipping uses Marina, port and docking uses On-shore components of marine uses Service industries and recycling depots Accessory uses and buildings

2. ZONE REQUIRMENTS

Zone	Min. Lot Area (sq. m.)	Min. Lot Frontage (m.)	Min. Front & Flanking Yard (m.)	Min. Rear Yard (m.)	Min. Side Yards (m.)	Max. Building Height (m.)	Min. Shore line Buffer
Village Residential – Without Central Services	2700/ 3700/ 929*	30.5	6	6	2	11	30.5 m.
Village Residential – With Central Services	557	18.3	6	6	2	11	30.5 m.
Village Residential – Multiple Dwelling	100/unit 1000 min.	30.5	8	10	2	11	30.5 m.
Village Commercial Center	557	15.3	0**	0/6 adj. to non-com'l	2	11	30.5 m.
Limited Rural Commercial	2700/ 3700/ 929*	30.5	20	20	20	11	30.5 m.
Industrial	1.0 ha	30.5	15	15	15	11	30.5 m.
Open Space	0	0	0	0	0	6/7 to ridge	30.5 m.

* Lots not serviced with central services – Minimum lot area - 2700 sq. m & 3700 sq. m for lots adjacent to watercourses, coastlines & wetlands; A single detached dwelling may be developed on an existing undeveloped lot with a minimum lot area of 929 sq. m in accordance with the following: minimum shoreline buffer, 30.5m; maximum lot coverage 10%; maximum building height, 6m; or 7m to ridge; maximum floor area, 93 sq. m; minimum side yard, 3m.

** Maximum street setback where existing setback is 0 along Water Street.

3. SPECIAL REQUIREMENTS

3.1 ***Building Design Requirements***

Applications for Development Permits to construct new buildings or to renovate or alter the external appearance and facades or add to existing buildings in the Village Commercial Centre zone and for non-residential buildings in the Village Residential zone shall be accompanied by scale drawings of the buildings' position on their sites (site plans) and their external appearances (architectural features). These plans will demonstrate how the project will be sensitive to the appearance of nearby existing buildings and be compatible with and contribute to the overall character and aesthetic value of the village. The drawings and site plans shall also consider such matters as external building materials, colours, height, bulk, setbacks from public streets and other lot lines and landscaping. The drawings and plans shall be prepared by a professional architect.

3.2 ***Traffic Impact Analysis***

Applications for Development Permits for any new non-residential development with a building area of more than 465 square meters (5,000 square feet) and, therefore, has the potential to alter pedestrian, bicycle and vehicle traffic patterns and public or on-street parking needs in the Village shall be accompanied by a traffic impact analysis. The analysis will also recommend measures to be taken by the developer to mitigate any negative traffic impacts of the development. The traffic analysis shall take into consideration all forms of transportation, including bicycles and pedestrian, as well as those required for persons with disabilities and, generally, universal access. The traffic analysis shall be conducted by a professional engineer specializing in traffic management and hired by the proponent.

3.3 ***Sustainable Development Designs***

Applications for Development Permits or Subdivision Approvals for any new development for five or more new lots or for a part of a total holding of 2.0 ha or more shall be accompanied by an overall design for the total holding to illustrate how development will complement the rural and open space character of the area. Such matters as the clustering of development, access controls, green transportation alternatives, open space linkages and the protection of view sheds and agriculturally significant and environmentally sensitive areas will be covered. The design will be prepared by a landscape architect and at the expense of the proponent.

3.4 ***Home Occupations***

a) For the purposes of this section "home occupations" shall be defined as:

dress making and tailoring; catering; hairdressing and barbershops; custom and craft workshops; instruction and private tutoring; sculpturing, storage of inventory intended for off-site retail sales; business and professional offices such as doctors, lawyers and insurance agents; and other like uses, when carried out wholly within the boundaries of the property upon which is located the residence of the operator of the use.

Home occupations specifically do not include wood cutting; motor or engine repair; welding or machine shops; junk or scrap storage, commercial-scale recyclables or compostables storage; motor vehicle or recreational vehicle or boat repair, sale or rental; retail stores, taxi or bus businesses, contractors' storage or parking; trucking businesses or storage of inventory for off-site retail sales.

b) Home Occupations shall:

i. be permitted within residential dwellings, or accessory structures to such dwellings, and be operated by the resident of the property;

ii. not occupy more than 25% of the total floor area of the dwelling and accessory structure combined, except for horticultural activities for the home occupation which may be conducted outdoors;

iii. have no visible indication from the exterior of the property, dwelling or accessory structure that a home occupation is being carried out, except for one, two sided, non-illuminated sign not exceeding 0.75 square meters (8.0 square feet) in size;

iv. have no outdoor storage or display of goods;

v. not retail any merchandise except to the customer already purchasing a service on the property which is clearly accessory and incidental to the main home occupation use;

vi. fit within the character of the area within which they are located;

vii. not be disruptive to nearby residences or to the quiet enjoyment of neighbouring properties and not produce any significant increase in traffic or generate any off site electrical interference, dust, noise, odour, vibration, smoke or other obnoxious, hazardous or nuisance emissions;

viii. have no motor vehicles used or kept on the premises for the home occupation that is larger than a normal sized resident passenger vehicle, sport utility vehicle, pick-up truck or utility van; and,

ix. not change the fire safety or occupancy classification of the premises by activities conducted and equipment or materials required for use for the home occupation.

3.5 ***Tourist Homes***

Tourist homes are dwellings where the proprietor supplies rooms to be rented to overnight guests and where a general kitchen and dinning room are provided to provide meals to those overnight guests. Tourist Homes shall include bed and breakfasts and guest homes.

Tourist homes shall:

a) be limited to single detached and double dwellings;

b) be limited to no more than 10 sleeping units;

c) not permit cooking or cooking facilities in rooms used or intended to be used for overnight accommodation;

d) only provide dining facilities to those renting overnight accommodation;

e) have no visible indication from the exterior of the property or dwelling that tourist accommodation is being provided, except for one, two sided, non-illuminated sign not exceeding 0.75 square meters (8.0 square feet) in size;

f) provide 2 off street parking spaces for every 3 rooms available for rent, or portion thereof, in addition to the normal parking requirements for the zone;

g) fit within the character of the area within which they are located;

h) comply with the applicable tourist home/bed and breakfast provincial regulations and licensing requirements. Such provincial regulations will take precedence over the provisions of this land use bylaw.

3.6 ***Residential Livestock Operations – Village Residential Zone***

a) For the purposes of this section "animal unit" shall be determined on the basis of the following table:

Type of Livestock	**Animal Unit**
Cattle	1
Horses	1
Sheep	3
Goats	3
Swine	2
Bees	5 hives
Fowl	10
Rabbit	10

Combinations of fowl and rabbit in any grouping of 10 shall also be considered as 1 animal unit.

b) Residential Livestock Operations to a maximum of 10 animal units shall be permitted provided that any animal housing or manure storage facilities are set back a minimum of 100 meters from any on-site or off-site building intended for human occupation and from the nearest watercourse or off-site well. Existing operations which do not currently satisfy the above setback requirements may expand provided that the expansion does not further reduce the existing setbacks.

Commercial Livestock Operations are not permitted. Commercial Livestock Operations are Intensive Livestock Operations in which more than 10 animal units are confined to feedlots or buildings for feeding, breeding, egg production, or milking for eventual sale.

Any Commercial or Intensive Livestock Operation which existed as of the effective date of this bylaw is a legal conforming use and may continue to operate.

Nothing in this bylaw shall prevent the keeping of 10 or fewer animal

units or conducting any other agricultural use as an accessory use.

3.7 ***Signs – All Zones***

3.7.1 **General**

Where this section is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia, the more restrictive regulations shall apply, except where the Provincial regulations permit tourist related signage. In the case of tourist related signage, the Provincial regulations shall apply.

Development permits are required for facial wall, projecting wall and ground signs.

3.7.2 **Permitted Signs**

The following signs are permitted in all zones and do not require a development permit:

a) Signs identifying the name and address of residents or occupiers, and not exceeding 0.2 square meters (2 square feet) in sign area;

b) "No Trespassing" signs or other signs regulating the use of a property, and not exceeding 0.2 square meters (2 square feet) in sign area;

c) Real estate signs, and not exceeding 0.2 square meters (2 square feet) in sign area;

d) Signs regulating or denoting on-premises traffic, parking, or portions of the premises;

e) Signs erected by a public authority or under their direction, such as for traffic control, railroad crossings, safety, schools, and elections;

f) Memorial signs or tablets and signs denoting the historical significance and date of erection of a structure, and not exceeding 0.2 square meters (2 square feet) in sign area;

g) The flag, pennant, or insignia of a public authority, or of any charitable, religious or fraternal organization;

h) A construction, subdivision or development sign located on the project site, and not exceeding 3.0 square meters (32 square feet) in sign area;

i) Sandwich board signs;

3.7.3 **Prohibited Signs**

No sign shall be erected, operated, used or maintained which:

a) is a threat to public safety due to its position, shape, colour, format, or illumination;

b) displays lights or words resembling those usually associated with traffic controls, danger or those used by emergency vehicles;

c) projects over or rests upon any part of the public right-of-way;

d) is painted on or attached to a utility pole, tree, rock formation or other natural object;

e) is advertising a business or is related to a use that is not located on the same site as the sign unless the sign is providing directions to the business on another site, is part of a composite directional sign program of a public authority and is no larger than 1.5 square metres (16 square feet);

f) is a portable sign or roof sign;

g) is a flashing or animated sign;

h) is hand-drawn, unless done to a professional sign painting standard;

i) obstructs the view of drivers or effectiveness of any traffic sign or control device.

3.7.4 **Abandoned and Unlawful Signs**

Any sign which no longer advertises a bona fide business, product or service or, is unlawful shall be removed by the owner, and any sign which is abandoned or in a state of disrepair shall be repaired or removed by the owner. Signs not repaired or removed as required may be removed by the Municipality, pursuant to its powers under Part 15 of the Municipal Government Act, and the expenses involved in such action will be charged to the owner of the sign or property on which it is located.

3.7.5 **Signs in Village Residential and Open Space Zones**

The maximum number of signs that may be erected on a parcel of land within the Village Residential Zone and Open Space Zone shall be one,

two sided, non-illuminated sign not exceeding 0.75 square meters (8.0 square feet) in size.

Signs in Village Commercial Centre, Limited Rural Commercial and Industrial Zones

a) The maximum number of signs that may be erected, constructed, placed or displayed on a parcel of land or building within the Village Commercial Centre, Limited Rural Commercial and Industrial Zones shall be one per street frontage.

b) The maximum size of a facial wall sign, projecting wall sign or ground sign shall be 3.0 square meters (32 square feet). The maximum size of a ground sign along Highway 6 from Pugwash River Road to Murray Road and from the eastern Village boundary to Miller Road shall be 6.0 square meters (64 square feet).

c) A projecting wall sign shall not project beyond the curb or shoulder of a public street or highway. The minimum height of a projecting wall sign shall be 3 metres (10 feet). The minimum lot line setback of a ground sign shall be 1 meter (3 feet). Ground signs shall not obstruct the view of drivers.

3.7.6 **Sign Construction and Illumination**

All signs shall be constructed of natural or traditional materials, such as wood, metal or stone, and shall only be illuminated by fully shielded light fixtures. Window signs may contain paint and neon. Back-lit fluorescent and plastic signs shall be prohibited. Signs should enhance the architectural character of the building façade. The calculation of sign areas shall not include framing and supporting parts of the sign.

3.8 ***Overnight Parking – Village Residential Zone***

Overnight, on-street parking of commercial vehicles (having a registered gross vehicle weight exceeding 4500 kg.) and school buses is prohibited.

3.9 ***Outdoor Storage – All Zones***

Outdoor storage of scrap or salvage materials, including inoperative motor vehicles and their parts, shall be prohibited. This provision does not prohibit accessory storage, such as firewood and compost storage, to be used by residents of the property.

This section is not intended to limit the application of the provisions of Part XV of the Municipal Government Act. Any property that is dangerous or unsightly, within the meaning of the Municipal Government Act, is subject to Orders or other action, notwithstanding this section.

3.10 ***Outdoor Lighting – All Zones***

Flashing lights and lights that could be hazardous to traffic are prohibited.

All parking areas and walkways shall be illuminated and all lighting fixtures used for this purpose and for exterior building lighting shall be fully shielded, designed and mounted to ensure that their direct light and glare does not spill onto adjacent properties, public highways and the harbour channel.

This provision does not prohibit the use of temporary festive or decorative lighting.

3.11 ***Building Height Requirement Exemptions – All Zones***

The maximum building height requirements shall not apply to normal vertical building extensions and certain freestanding structures such as church spires and belfries, water tanks, elevator enclosures, silos, flag poles, television or radio antennae, commercial communication towers, ventilators, skylights, public art, chimneys, clock towers, tree houses, domestic scale wind turbines and solar collection devices.

3.12 ***Accessory Uses and Buildings – All Zones***

a) Accessory uses and buildings are permitted in all zones.

b) Accessory buildings shall not:

i) be located in the front yard or flanking yard on a corner lot;

ii) be more than 4 meters in height;

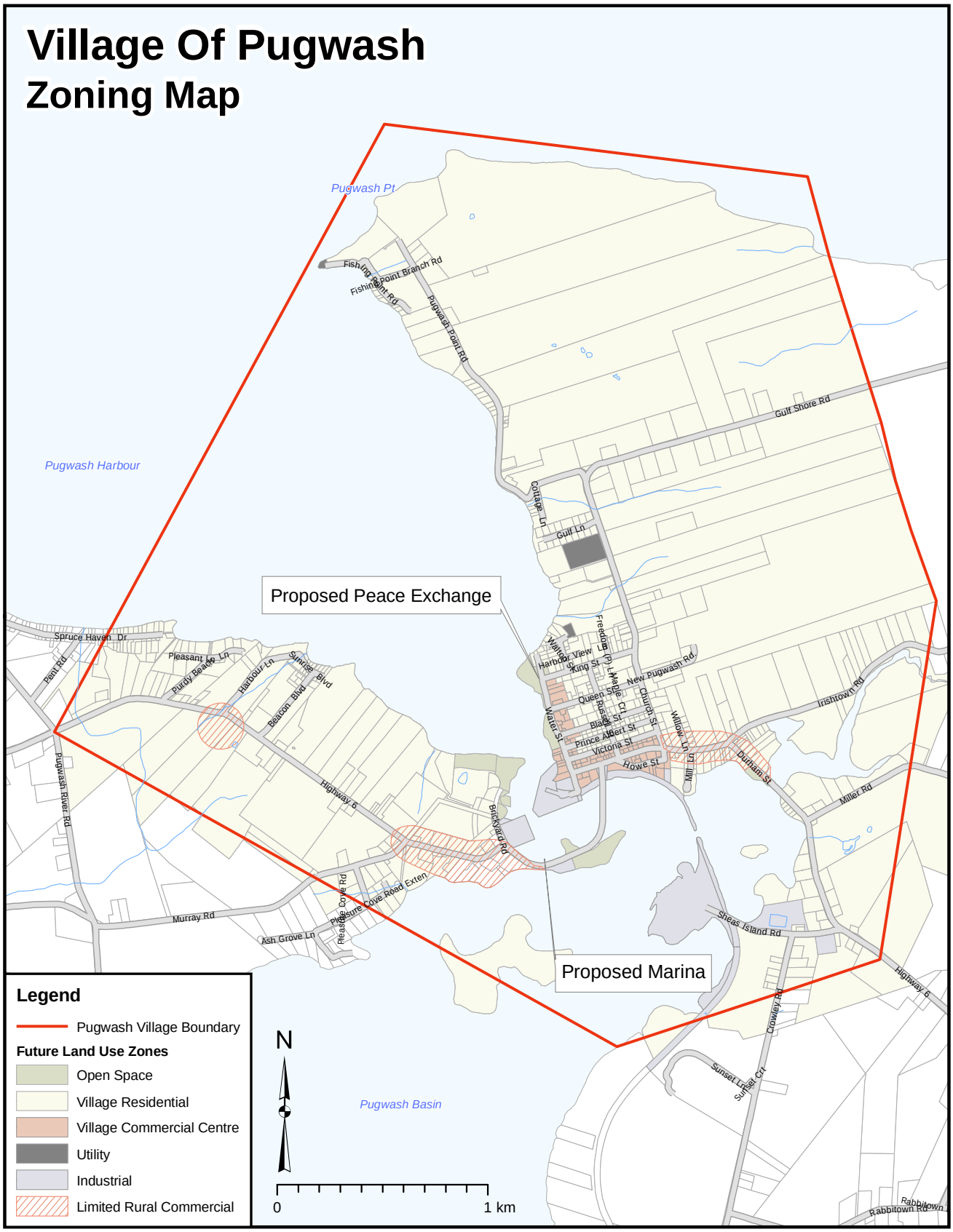
iii) be built closer than 2 meters from other structures; and,

iv) exceed 10 percent of the lot area.

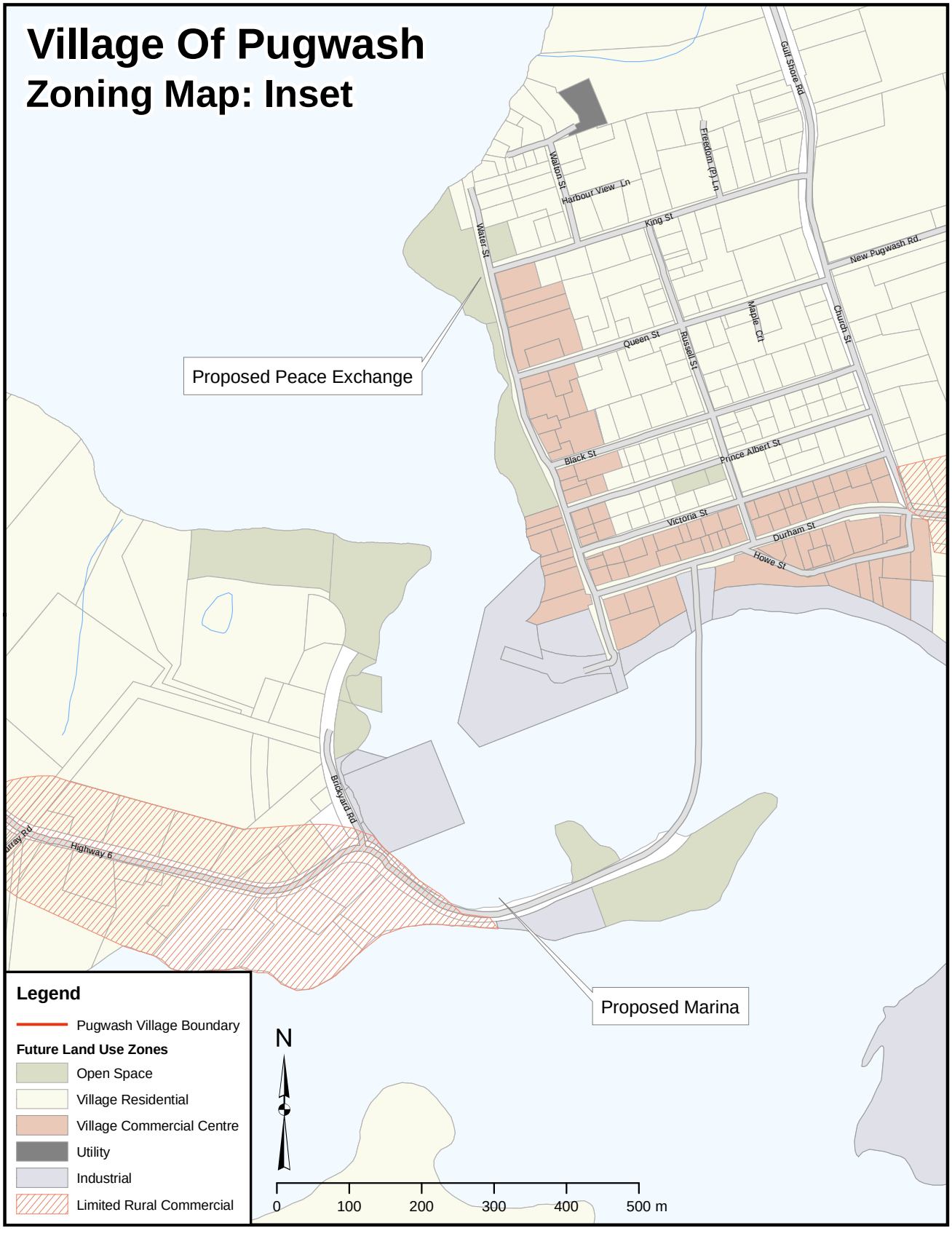
3.13 ***Non-Conforming Uses and Structures***

Legal non-conforming uses and structures may be continued, enlarged, altered, repaired, renovated, rebuilt, recommenced, replaced or reconstructed pursuant to Sections 238 – 241 of the Municipal Government Act. Undersized lots, having less than the minimum lot area and frontage which existed as of the effective date of this bylaw may be used for uses permitted in the zone within which they are located and existing buildings or structures thereon having less than the minimum front, side or rear yard or shoreline buffer requirements may be enlarged, provided that the established yards or buffer distances are not further reduced.

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Village Of Pugwash
Zoning Map
Pugwash Pt
Pugwash Harbour
Pugwash Basin
Proposed Peace Exchange
Proposed Marina
Fishing Point Branch Rd
Fishing Point Rd
Pugwash Point Rd
Gulf Shore Rd
Cottage Ln
Gulf Ln
Harbour View Dr
King St
Freedom Pl
Maple Ct
New Pugwash Rd
Queen St
Russell St
Black St
Albert St
Prince St
Victoria St
Water St
Church St
Willow Ln
Mill Ln
Howe St
Durham St
Irishtown Rd
Miller Rd
Brickyard Rd
Highway 6
Spruce Haven Dr
Pond Rd
Pleasant Ln
Purdy Beach Ln
Harbour Ln
Sunrise Blvd
Beacon Blvd
Pugwash River Rd
Murray Rd
Ash Grove Ln
Pleasure Cove Rd
Pleasure Cove Road Exten
Sheas Island Rd
Crowley Rd
Sunset Ln
Sunset Cir
Rabbitown Rd
Legend
Pugwash Village Boundary
Future Land Use Zones
Open Space
Village Residential
Village Commercial Centre
Utility
Industrial
Limited Rural Commercial
N
0
1 km

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Village Of Pugwash
Zoning Map: Inset
Proposed Peace Exchange
Proposed Marina
Gulf Shore Rd
Freedom (P) Ln
Walton St
Harbour View Ln
King St
Water St
New Pugwash Rd
Maple Crt
Church St
Queen St
Russell St
Black St
Prince Albert St
Victoria St
Durham St
Howe St
Brickyard Rd
Highway 6
Legend
Pugwash Village Boundary
Future Land Use Zones
Open Space
Village Residential
Village Commercial Centre
Utility
Industrial
Limited Rural Commercial
N
0
100
200
300
400
500 m