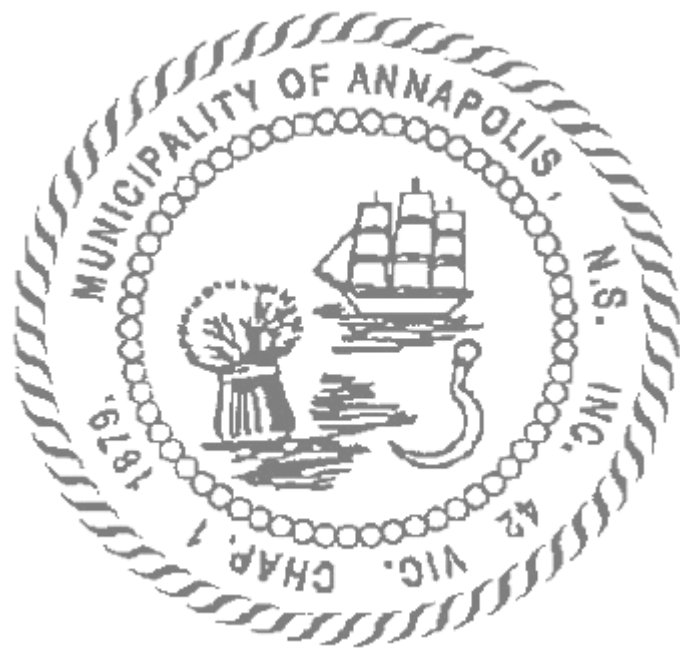


# *Lake Cady Water Supply Area*

## *Land Use By-law*



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*Effective Date: November 10, 2004*

**LAKE CADY WATER SUPPLY AREA  
LAND USE BY-LAW**

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**Schedules A & B: Zoning Maps**

## **PART 1: TITLE, INTRODUCTION AND PURPOSE**

- 1.1 This By-law shall be known as the "Lake Cady Water Supply Area Land Use By-law" for the Municipality of Annapolis County, referred to hereinafter as the Municipality, and this By-law shall apply to all the lands within the Lake Cady Water Supply Area, hereinafter referred to as the Planning Area or the Lake Cady Water Supply Planning Area, as defined by the Zoning Maps, Schedules "A" and "B".
- 1.2 The Lake Cady Water Supply Area Land Use By-law is adopted in accordance with the Province of Nova Scotia's *Municipal Government Act*. The purpose of the Lake Cady Water Supply Area Land Use By-law is to carry out the water supply watershed protection and land use development policies found in the Lake Cady Water Supply Area Municipal Planning Strategy and to establish regulations with respect to the use and development of land. The *Municipal Government Act* also enables the Municipality of Annapolis County to adopt a Subdivision By-law to control the division of land. These three documents provide the framework for water supply watershed protection and land development within the Lake Cady Water Supply Planning Area.
- 1.3 Regulations and standards that apply to development of or on a property are contained within this By-law as follows:
- the Zoning Maps (Schedule "A" and "B") to determine in which zone the property is located;
  - the requirements respecting the particular zone in which the property is located (Parts 8 through 11);
  - the general provisions section which applies to all zones (Part 7);
  - the definitions section to determine how specific developments or lot conditions are defined or applied to a development (Part 2);
  - the administration section to define permit requirements (Part 3); and
  - throughout this Land Use By-law there are a number of "Notes to Readers"; these are for information and clarification purposes only, and do not form part of this By-law; and
  - property boundaries, shown on the Zoning Maps (Schedule "A" and "B"); are continuously subject to change due to approvals of applications for subdivision of land and thus property boundary lines shown on the Zoning Maps are included for information and clarification purposes only, and do not form part of this By-law.
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## PART 2: DEFINITIONS

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

1. ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building, devoted exclusively to an accessory use.
  2. ACCESSORY USE means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
  3. AGRICULTURAL USE means the small-scale non-intensive use of land, buildings and/or structures for an agricultural use developed as an accessory to a residential use for the purpose of the housing, the raising and/or the production of agricultural farm products, including the sale, on-premises or off-premises, of product grown or raised on the premises of the residential accessory agricultural use, such as: agricultural crops, including mushrooms, turf, maple syrup, greenhouse crops, orchards and nursery stock; agricultural products such as eggs, cream and milk; and agricultural livestock, including poultry, cattle, swine, honeybees, game birds and game animals. Agricultural use shall also mean to include the use of land, buildings and structures for horse farms, riding stables and petting farms. Agricultural use shall also include the necessary and accessory processing uses to prepare farm crops, products or livestock for distribution, including the cleaning, grading, packing, storing or treating of farm crops, products and livestock. Agricultural use also shall mean the use of land, buildings and/or structures for the purpose of housing or raising fur-bearing animals for the purposes of the production of pelts or products from fur-bearing animals. Fur-bearing animals mean and include arctic fox (*Alopex lagopus*), badger (*Taxidea taxus*), beaver (*Castor canadensis*), bobcat (*Felis rufus*), chincilla (), coyote (*Canis latrans*), ermine (*Mustela erminea*), fisher (*Martes pennanti*), lynx (*Felis lynx*), marten (*Martes americana*), mink (*Mustela vison*), muskrat (*Ondatra zibethicus*), raccoon (*Ondatra zibethicus*), red fox (*Vulpes vulpes*), river otter (*Lutra canadensis*), shunk (*Mephitis mephitis*), grey wolf (*Canis lupus*) and wolverine (*Gulo gulo*).
  4. ALTER means any change in the structural component/increase in volume of a building or structure or a change in the use of land, a building or structure.
  5. ARTIST WORKSHOP means an accessory use of a residential dwelling by the occupant of the residential dwelling for the production of artist's works or products including the exhibition and display and retail sales of the occupant of the residential dwelling paintings, sculpture or other works of art.
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6. ATTACHED means a building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with an adjacent or abutting building.
  7. BUILDING means any structure, including appurtenant structures such as a carport, deck, balcony or verandah, whether temporary or permanent, developed, built, erected, located or used for the accommodation or enclosure of persons, animals, materials or equipment.
  8. BUSINESS OFFICE means an accessory use of a residential dwelling where business may be transacted, a service performed or consultation given by the occupant of the residential dwelling, all of which may be performed either on-site or off-site, excluding veterinary clinics or the on-site manufacturing of any product or the on-site retailing or selling of goods.
  9. BY-LAW means the Lake Cady Water Supply Area Land Use By-law.
  10. CLERK means Municipal Clerk for Municipality of the County of Annapolis.
  11. CRAFT WORKSHOP means an accessory use of a residential dwelling by the occupant of the residential dwelling for the production of handicrafts, toys, garden or household ornaments or personal effects from dressmaking/tailoring, leather-working, pottery/ceramic-making, wood-working, quilting, crocheting, knitting, needlepoint, weaving or sewing including the exhibition/display and retail sales of such handicrafts, toys, garden or household ornaments or personal effects.
  12. COUNSELLING OFFICE means an accessory use of a residential dwelling by the occupant of the residential dwelling for the provision of counseling/consultation services intended to administer to the individual and personal needs of human beings such as counseling/consultation in career counseling, marriage, family or individual counseling, credit and debit counseling, diet control counseling or mental health services excluding the on-site manufacturing/fabrication of any products/goods but including the retail sales of products/goods incidental or related to the consultation given.
  13. DEVELOPMENT includes any erection, construction, reconstruction, enlargement, alteration, location, placement, replacement, or relocation of, or addition to, a structure and a change, conversion or alteration in the use made of land, buildings or structures.
  14. DEVELOPMENT OFFICER means the Development Officer for Municipality of the County of Annapolis appointed to administer this By-law.
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15. DOMESTIC AND HOUSEHOLD ARTS means an accessory use of a residential dwelling by the occupant of the residential dwelling for the provision of dressmaking/tailoring, leather-working or sewing services.
  16. DWELLING means a building or a portion thereof, occupied or capable of being occupied as a home, residence or sleeping place by one or more human beings, containing one dwelling unit and does not include a travel trailer or other recreation vehicle.
  17. DWELLING, DOUBLE/APARTMENT means a building that is divided horizontally into two dwelling units, each of which has independent entrances either directly to the outside or through a common vestibule.
  18. DWELLING, DUPLEX OR SEMI-DETACHED means a building that is divided vertically into two dwelling units, each of which has independent entrances to a front and/or rear yard, constructed side by side and separated by common vertical walls.
  19. DWELLING, SINGLE DETACHED means a building consisting of one dwelling unit which is constructed wholly on the site from basic materials, not intended or designed to be removed from the site, and is free standing, separate and detached from other main buildings or structures; or a building consisting of one dwelling unit which is relocated to the site or constructed from components transported to the site and includes prefabricated homes, manufactured homes, mini homes and mobile homes.
  20. DWELLING UNIT means one or more habitable rooms designed, occupied or intended for to be used by one or more individuals as a separate and independent housekeeping place in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals. For the purposes of this By-law, sanitary facilities may either be located within the dwelling or external of the dwelling within an accessory building.
  21. EASEMENT means an easement for right-of-way and access that is assignable and perpetual and has been clearly granted by deed, registered in the Registry of Deeds.
  22. ERECT means to build, place, locate, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
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23. EXISTING means legally existing as of the effective date of this By-law.
  24. FLOOR AREA means the maximum floor area contained within the outside walls of a building or structure.
  25. FLOOR AREA of a dwelling means the maximum floor area contained within the outside walls of a dwelling excluding any unenclosed additions such as a carport, deck, verandah and a crawl space or roof space.
  26. GROUND FLOOR means the first floor of a building above established grade.
  27. GROUND FLOOR AREA means the maximum floor area contained within the outside walls of the ground floor of a building excluding any unenclosed additions such as a carport, deck, balcony or verandah.
  28. HEIGHT means, when used with reference to a building, the vertical distance between the established grade and the highest point of the building proper, exclusive of any accessory roof construction such as a chimney or steeple.
  29. HOME OCCUPATION means the accessory use of a residential dwelling by the occupant of the residential dwelling for gainful employment and commercial gain involving the production, sale or provision of goods and/or services, where applicable, provided by the occupant of the residential dwelling on a small scale.
  30. HOME INSTRUCTION STUDIO means an accessory use of a residential dwelling by the occupant of the residential dwelling for the instruction in painting, sculpturing, moulding, dance or music including instruction in handicraft production, dressmaking/tailoring, leather-working, pottery/ceramic-making, wood-working, quilting, crocheting, knitting, needlepoint, weaving or sewing or computer/electronics repair/operation.
  31. HOUSEHOLD ARTICLE REPAIR SHOP means an accessory use of a residential dwelling by the occupant of the residential dwelling for the repair of household articles such as electronic home entertainment equipment, televisions or household appliances.
  32. LANDSCAPING means any combination of natural living trees, shrubs, flowers or grass all of which is designed to screen between properties, to enhance a property's visual amenity or to provide sedimentation and/or erosion control.
  33. LOT means any parcel of land described in deed by its boundary lines.
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34. LOT AREA means the total horizontal area within the lot lines of a lot. MINIMUM LOT AREA means the smallest allowable area a lot can be created.
  35. LOT COVERAGE means the percentage of the lot that is covered by a main building also known as ground floor area. MAXIMUM LOT COVERAGE means the largest allowable area that can be covered by a main building on a lot.
  36. LOT FRONTAGE means the length of a line between and joining the two side lot lines measured at the front of the lot parallel to the front lot line, or where applicable, measured at the water side of a lot parallel to the watercourse.
  37. LOT LINE means a boundary line of a lot. FRONT LOT LINE means the lot line dividing the lot from the street; in the case of a corner lot, the shorter lot line abutting the street; in the case of a through lot, the lot line abutting the street providing the primary access; and in the case of a lot with no street frontage, the lot line which most closely parallels the nearest street line or right-of-way where access is provided. REAR LOT LINE means the lot line furthest from or opposite the front lot line. SIDE LOT LINE means a lot line other than a front or rear lot line.
  38. MAIN BUILDING means the building where the principal lot use is carried out.
  39. MUNICIPALITY means the **Municipality of the County of Annapolis**.
  40. OBNOXIOUS means a use that by 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 unsightly storage of goods, wares, materials, salvage, refuse, waste or other material.
  41. OUTDOOR DISPLAY means an area of land where goods or merchandise are displayed in the open air which are available for sale to the general public.
  42. OUTDOOR STORAGE means the storage of items such as merchandise, goods, inventory of any kind; materials, equipment or other items are stored in the open air that are not intended for immediate sale.
  43. PASSIVE RECREATION USES means the use of land for day use parks, playgrounds, trails, open space and similar uses to the foregoing, together with any necessary and accessory buildings and structures, excluding buildings, structures or facilities for the overnight accommodation or enclosure of persons or animals.
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44. PERSON includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee or agent and the heirs, executors or other legal representatives to whom the context applies according to law.
  45. PERSONAL GROOMING SHOP means an accessory use of a residential dwelling by the occupant of the residential dwelling for the provision of services intended to administer to the individual and personal grooming needs of human beings such as a barber shop, a beauty parlour or a hairdressing salon, including counseling in grooming excluding the on-site manufacturing/fabrication of any products/goods but including the retail sales of products/goods incidental or related to the personal grooming shop.
  46. PERSONAL SERVICE CLINIC means an accessory use of a residential dwelling by the occupant of the residential dwelling for the provision of services intended to administer to the individual and personal medical/dental needs of human beings such as a dentist, chiropractor, denturist, chiropodist, optometrist, physician, occupational therapist, message therapist or holistic or homeopathic health services practitioner including the retail sales of products/goods incidental or related to the personal service clinic.
  47. PRIMARY FORESTRY OPERATION means the use of land, but not buildings or structures, for commercial silviculture or the cultivation, harvesting or gathering of trees for the purpose of producing wood products such as fuel wood, rough sawn construction lumber or pulpwood, but shall not include the manufacturing or processing of such wood products.
  48. PROFESSIONAL OFFICE means an accessory use of a residential dwelling where business may be transacted, a service performed or consultation given, either on-site or off-site, by the occupation of the residential dwelling such as a lawyer, architect, land use planner, engineer, surveyor, accountant or similar profession, excluding the on-site manufacturing/fabrication of any products/goods but including the retail sales of products/goods incidental or related to the service performed or consultation given.
  49. PLANNING AREA means all the lands within Lake Cady Water Supply Planning Area, as defined by the Zoning Maps, Schedules "A" and "B".
  50. PRIVATE ROAD means a private road as defined in the Subdivision By-law for the Municipality of the County of Annapolis.
  51. PUBLIC AUTHORITY means any person or committee of the Municipality appointed or established to exercise any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or
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- purposes of the Municipality or a portion thereof and includes any committee or authority established by the Municipality, and any governmental body.
52. PUBLIC STREET OR ROAD means a public street or public highway as defined in the Annapolis County Subdivision By-law.
  53. RIGHT-OF-WAY means an easement for right-of-way and access that is assignable and perpetual and has been clearly granted by deed, registered in the Registry of Deeds.
  54. SECONDARY FORESTRY PRODUCT PROCESSING OPERATION means the use of land, buildings or structures for the processing of harvested or gathered of hardwood or softwood trees for the production of secondary wood products such as finished construction lumber, furniture, paper, cardboard, pallets, hardwood flooring and other hardboard products such as pegboard or siding.
  55. STRATEGY is Lake Cady Water Supply Area Municipal Planning Strategy.
  56. STREET LINE means the boundary line of a provincial or municipal public street or highway or private road.
  57. 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.
  58. TRAIL means the recreational use of land for hiking, walking, cross-country skiing or horseback riding, or other similar forms of non-motorized travel, together with any necessary and accessory structures such as boardwalks, raised footpaths and footbridges.
  59. UTILITY means any public or private system, works, plant equipment or service that is regulated by the Nova Scotia Utility and Review Board and furnishes services at approved rates to or for the use of the general public.
  60. WATER FEATURE means any lake, pond, river, stream, ocean, and wetland area such as a bog, fen, marsh, swamp or any other body of water and includes a watercourse.
  61. YARD means an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings/structures between the nearest wall of a main building on the lot and its respective lot line. To determine yard measures the minimum horizontal distance from the respective lot lines shall be used.
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62. YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building on the lot. Minimum front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest wall of any main building on the lot.
63. YARD, REAR means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building on the lot. Minimum rear yard means the minimum depth allowed by this By-law of a rear yard on a lot between the rear lot line and the nearest wall of any main building on the lot.
64. YARD, SIDE means a yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest wall of any main building on the lot. Minimum side yard means the minimum width allowed by this By-law of a side yard on a lot between the side lot line and the nearest wall of any main building on the lot.
65. ZONE means a designated area of land shown on the Zoning Maps (Schedules "A" and "B") for which specific development control regulations are applied.
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## **PART 3: ADMINISTRATION**

### **BY-LAW ADMINISTRATION**

3.1 The Development Officer shall administer this By-law.

### **DEVELOPMENT PERMIT**

- 3.2
- (a) Unless otherwise stated in this By-law, no person shall undertake a development on a lot within the Planning Area 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 or an approved development agreement except where a variance is granted or in the case of non-conforming use or structure in which case a permit shall be granted in conformance with the *Municipal Government Act*.
  - (c) A development permit issued under this By-law shall automatically lapse, and become null and void, if the development to which it relates has not commenced within 12 months of the permit approval date.
  - (d) The Development Officer may revoke a development permit issued under this By-law where the Development Officer is satisfied that the development permit was issued under false or mistaken information or if the information provided on the development permit application is found to be inaccurate.
  - (e) Notwithstanding that a development may not require a development permit; the development is not exempt from compliance with all other requirements of this By-law.

### **NO DEVELOPMENT PERMIT REQUIRED**

- 3.3 Unless otherwise stated in this By-law, subject to Part 3 (2) (e), no development permit shall be required for:
- (a) swimming pools or fences accessory to a swimming pool;
  - (b) a development that involves the interior or exterior renovation of a building that will not change the shape of the building or increase its volume or footprint, will not add more dwelling units or otherwise intensify the use of the building, or will not involve a change in the use of the building;
  - (c) a fence, except for a fence required to fence an agricultural animal holding area, exercise yard, pen or pasture as set out in Part 7.28 (f) of this By-law;
  - (d) the erection of a clothes/flag pole, gazebos, children's play structures or equipment, dog houses, garden trellis, satellite receiving dish or home use communication/receiving antenna as per Part 7.26 (d);
  - (e) the development or redevelopment of any private or public utility or municipal service facility as set out in Part 7.8 of this By-law;
  - (f) the development of government owned water extraction facilities along with
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- any associated water management accessory buildings or structures as set out in Part 7.7 (a) of this By-law;
- (g) the development of roads, bridges or private seasonally placed and removable docks or recreational trails for non-motorized use as set out in Part 7.7 (a) of this By-law;
  - (h) agricultural uses that do not involve the keeping of agricultural animals and do not require the erection of residential accessory agricultural buildings or structures, as set out in Parts 8.1, 9.1, 10.1 and 11.1 of this By-law;
  - (i) residential accessory buildings or structures under 5 square metres (53.8 sq. ft.) in total floor area or temporary hunting blinds;
  - (j) handicap access ramps accessory to a residential use as per Part 7.27; or
  - (k) forestry uses that do not require structures, as set out in Parts 9.1, 10.1 and 11.1 of this By-law, excepting those forestry uses accessory buildings or structures, set out in Part 7.13 of this By-law.

### **APPLICATION FOR DEVELOPMENT PERMIT**

- 3.4 (a) Every application for a development permit shall be accompanied by a sketch or site plan drawn to an appropriate scale, showing:
- (i) the shape and dimensions of the lot to be used;
  - (ii) the distance from the lot boundaries, dimensions, and height of the building or structure proposed to be erected;
  - (iii) the distance from the lot boundaries and size of every building or structure already erected on the lot;
  - (iv) the proposed location and dimensions of any parking or loading area, driveway, ingress and egress points and landscaped area;
  - (v) the proposed use of the lot and each building or structure;
  - (vi) where applicable, a vegetative cover plan identifying the type and percentage of existing natural living vegetation on the property within the water feature setback;
  - (vii) where applicable, a vegetative cover plan identifying the type and percentage of proposed natural living vegetation to be planted on the property within the water feature setback;
  - (viii) where applicable, a slope analysis plan and/or a site grading and/or drainage plan; and
  - (ix) any other information which the Development Officer deems necessary to determine whether or not the proposed development conforms with the requirements of this By-law.
- (b) Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Development Officer may require that the plans submitted under Part 3.4 (a) be based upon an actual plan of survey certified and stamped by a Nova Scotia Land Surveyor.
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**SIGNATURE FOR APPLICATIONS**

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

**APPLICATION FEE**

- 3.6 Every application for a development permit, a land use by-law amendment, a development agreement, an amendment to an existing development agreement, site plan approval or a variance shall be accompanied by a form of payment acceptable to the Municipality in the amount specified by Municipal Council, as amended from time to time.

**ADVERTISING AND NOTIFICATION COSTS**

- 3.7 (a) Where an application to amend this By-law or to enter into a development agreement or to amend an existing development agreement is made, the applicant shall deposit with the Clerk, at the time of application, an amount established by the Clerk to be sufficient to pay the costs of all advertising and notification required.
- (b) If the amount paid is not sufficient to cover the costs incurred, the applicant shall pay to the Clerk the additional amount required.
- (c) If the amount paid is more than sufficient, the Clerk shall refund the excess amount.
- (d) Where Council decides not to proceed with the application, the deposit shall be returned to the applicant, less the cost of any incurred advertising or notification cost.
- (e) Where the applicant withdraws the application, the deposit shall be returned to the applicant, less the cost of any incurred advertising or notification cost.

**USE OF THE METRIC SYSTEM**

- 3.8 Throughout this By-law the metric system of measurement has been used followed by the approximate Imperial equivalents in brackets. Should any case arise in which there appears to be a discrepancy between the two figures, the metric figure shall prevail.
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**NOTICE TO PROPERTY OWNERS**

- 3.9 (a) When an application has been received to amend this By-law for a site-specific purpose, enter into a development agreement, or amend an existing development agreement, all property owners within 100 metres (328 feet) of the subject property shall be notified of the application by the Clerk.
- (b) The notification set out in Part 3.9 (a) shall be in addition to the advertisement for the public meeting or the public hearing required by the *Municipal Government Act* and shall be delivered to all affected property owners by regular mail or personal service prior to the public meeting held in conjunction with the Planning Advisory Committee meeting.

**EFFECTIVE DATE OF BY-LAW**

- 3.10 In accordance with Section 208 (10) of the *Municipal Government Act* this By-law shall take effect on the date of publication, hereinafter referred to as the effective date of the Lake Cady Water Supply Area Municipal Planning Strategy and the Lake Cady Water Supply Area Land Use By-law. The effective date thus is the 10<sup>th</sup> day of November, 2004.

**NOTES TO READER**

Sections 208 (9) & (10) of the *Municipal Government Act* sets out that for the purposes of the *Act*, planning documents come into effect upon the date a notification is published in a newspaper circulating in the Municipality informing the public that the municipal planning strategy and its implementing land use by-law is in effect. This date is called the effective date.

The date of publication of the Lake Cady Water Supply Area Municipal Planning Strategy and the Lake Cady Water Supply Area Land Use By-law coming into effect is the 10<sup>th</sup> day of November, 2004, hereinafter referred to as the effective date.

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## **PART 4: ZONES, ZONING MAPS AND MUNICIPAL PLANNING STRATEGY DESIGNATIONS**

### **ZONES**

- 4.1 For the purpose of this By-law, the Lake Cady Water Supply Planning Area is divided into the zones, indicated in the list below, the boundaries of which are shown on the attached Zoning Maps, Schedules "A" and "B". Such zones may be referred to by the corresponding symbols indicated opposite the zone name as shown below.

<b>ZONES</b>	<b>SYMBOL</b>
<b>Lakeside Residential</b>	<b>LCR-1</b>
<b>Residential Low Density</b>	<b>LCR-2</b>
<b>Lake Cady Residential</b>	<b>LCR-3</b>
<b>Rural Residential</b>	<b>LCR-4</b>

### **ZONING MAP**

- 4.2 Schedules "A" and "B" are the "Zoning Maps" and form part of this By-law. However, property boundaries, also known as lot lines, shown on the Zoning Maps (Schedules "A" and "B") are continuously subject to change due to approvals of applications for subdivision of land and thus property boundary information or lot lines are included on the Zoning Maps for information and clarification purposes only, and do not form part of this By-law.

### **ZONES NOT ON THE MAP**

- 4.3 The Zoning Maps of this By-law may be amended, in conformance with the Lake Cady Water Supply Area Municipal Planning Strategy, to use any zone in this By-law, regardless of whether or not such a zone had previously appeared on the Zoning Maps.

### **MUNICIPAL PLANNING STRATEGY DESIGNATIONS**

- 4.4 References in this By-law to areas designated on the Future Land Use Map in the Lake Cady Water Supply Area Municipal Planning Strategy are indicated by the identifier "MPS FLUM Lake Cady Water Supply Area".



## **PART 5: INTERPRETATION**

### **INTERPRETATION OF ZONE BOUNDARIES AND SYMBOLS**

- 5.1 The symbols used on the Zoning Maps refer to the corresponding zones established in this By-law. The extent and boundaries of zones are shown on the Zoning Maps and the requirements of this By-law shall apply to all zones. The boundaries between zones shall be determined as follows:
- (a) where a zone boundary is indicated as following a provincial or municipal public street or highway or private road the boundary shall be the centre line of such unless otherwise indicated;
  - (b) where a zone boundary is indicated as approximately following lot lines the boundary shall follow the lot lines;
  - (c) where a railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse shown on the Zoning Maps serves as a zone boundary the centre line of the right-of-way or watercourse shall be considered the boundary between the zones unless otherwise indicated;
  - (d) where none of the above apply, and where appropriate, the zone boundary shall be scaled from the Zoning Maps;

### **INTERPRETATION OF CERTAIN WORDS**

- 5.2 In this By-law, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number; the word "used" includes "arranged to be used", "designed to be used" and "intended to be used", and the word "shall" is mandatory.

### **PERMITTED USES**

- 5.3 In this By-law, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated. Where a permitted use within any zone is defined in this By-law the uses permitted in the zone include *any similar* uses that satisfy such definition except where a definition specifically excludes any similar use. It is also to be noted that the Planning Area governs only a small portion of the land base within the Municipality, thus land uses prohibited within the Planning Area are, by extension, permitted elsewhere in the non-zoned areas of the Municipality.

### **SCHEDULES**

- 5.4 All schedules attached hereto or included herein form an official part of this By-law. Any appendices identified as a "Notes to Readers"; are for information/ clarification and do not form an official part of this By-law.
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## PART 6: DEVELOPMENT AGREEMENTS

### DEVELOPMENTS TO BE CONSIDERED BY DEVELOPMENT AGREEMENT

6.1 The following developments may be considered only by Development Agreement, in accordance with the *Municipal Government Act* and the Lake Cady Water Supply Area Municipal Planning Strategy.

<b>Type of Development</b>	<b>Governing MPS Policy</b>
With reference to the existing heavy equipment contracting use within a structure and the nonconforming use of land located on the property identified as PID No. 05085824 within the Residential Low Density (LCR-2) Zone and with reference to the existing automobile repair facility and use within a structure and the nonconforming use of land located on the property identified as PID No. 05085857 within the Residential Single Unit (LCR-2) Zone, the expansion, enlargement or reconstruction of a nonconforming structure, the extension of a nonconforming use of land, the extension, enlargement or alteration of structures containing nonconforming uses, the reconstruction of structures containing nonconforming uses, after destruction, or the change in use of a nonconforming use of land or nonconforming use in a structure to another nonconforming use.	2.2.2
The development of a second separate residential single unit dwelling on a lot in the Residential Low Density (LCR-2) Zone.	2.2.1
The development of a second separate residential single unit dwelling on a lot in the Rural Residential (LCR-4) Zone.	2.4.1

### DEVELOPMENT PERMITS FOR DEVELOPMENT AGREEMENTS

6.2 A development permit may be issued for a development listed in Part 6.1, pursuant to the *Municipal Government Act*, provided:

- (a) the development agreement has been approved by Municipal Council;
- (b) the appeal period has lapsed or any appeals that may have been lodged have been dealt with by the Nova Scotia Utility and Review Board and the ruling was in favour of the development; and
- (c) the development conforms to the terms and conditions of the development agreement.

**PART 7: GENERAL PROVISIONS FOR ALL ZONES****LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS**

- 7.1 Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law of the Municipality or from obtaining any license, permission, permit or approval required by this or any other By-law of the Municipality or any regulation of the Province or the Government of Canada. Where the requirements in this By-law conflict with those of any other By-law of the Municipality, or regulation of the Province or the Government of Canada, the higher or more stringent provision shall prevail.

**FRONTAGE ON STREET**

- 7.2 No permit shall be issued unless the lot intended to be used or upon which the building or structure is to be erected abuts and fronts on a municipal or provincial public street or highway or private road, except for the special circumstances set out in Parts 3.3 (h), 3.3 (k), 7.7 (a), 7.8, and 7.13.

**MULTIPLE USES**

- 7.3 Where any land, building or structure is used for more than one purpose the requirements of this By-law shall be interpreted so that the highest or most restrictive of each standard required for each single use included in the development will be required.

**RESTORATION TO A SAFE CONDITION**

- 7.4 Nothing in this By-law shall prevent the restoration to a safe condition of any building/structure, except in the case of a non-conforming use where the provisions of the Act or the provisions of Part 6.1 of this By-law shall prevail.

**BUILDING TO BE MOVED**

- 7.5 No building or structure shall be moved into or within the Lake Cady Water Supply Planning Area without first obtaining a development permit.

**BUILDINGS TO BE ERECTED ON A LOT**

- 7.6 No person shall erect more than one (1) main building on a lot, except for developments related to governmental water management related facilities, public or private utilities or service facilities as set out in Parts 7.7, 7.8 or 6.1.
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## WATER FEATURE PROTECTION

- 7.7 (a) Notwithstanding anything else in this By-law, except for government owned water extraction facilities and associated water management accessory buildings or structures, roads, bridges, private seasonally placed and removable docks or recreational trails for non-motorized use, no building or structure shall be erected within a water feature setback on a lot in accordance with the following requirements:
- (i) within the Residential Low Density (LCR-2), Lake Cady Residential (LCR-3) or the Rural Residential (LCR-4) Zone, no building or structure shall be erected within 30 metres (98.43 feet) of the edge of the shoreline of any water feature; or
  - (ii) within the Lakeside Residential (LCR-1) Zone, no structure shall be erected within 15 metres (49.21 feet) of the edge of the shoreline of any water feature.
- (b) For the purposes of landscaping, buffering, sedimentation and/or erosion control, in connection with a development, except in relation to the development of those uses specified in Part 7.7 (a), within a water feature setback on a property the existing natural living vegetation shall be retained in accordance with the following requirements:
- (i) within the Residential Low Density (LCR-2), Lake Cady Residential (LCR-3) or the Rural Residential (LCR-4) Zone, an area of existing natural living vegetation surrounding a water feature shall be retained on the property a distance of 30 metres (98.4 feet) back from the edge of the shoreline of the water feature; or
  - (ii) within the Lakeside Residential (LCR-1) Zone, an area of existing natural living vegetation surrounding a water feature shall be retained on the property a distance of 15 metres (49.21 feet) back from the edge of the shoreline of the water feature.

For the purposes of subsection (b) of this Part, the minimum natural living vegetative cover to be retained on the lot within the water feature setback shall be determined on the basis of the following table:

% Slope	Natural Vegetative Cover (%)	Minimum % trees	Minimum % shrubs	Minimum % grasses
0 - 2	60	30	30	30
2 - 5	75	40	40	40
5+	90	60	60	60

- (c) For the purposes of landscaping, buffering, sedimentation and/or erosion control, in connection with a development, excepting the development of those uses specified in Part 7.7 (a), where the natural living vegetation within the water feature setback on the lot has been removed or previously disturbed:
  - (i) within the Residential Low Density (LCR-2), Lake Cady Residential (LCR-3) or the Rural Residential (LCR-4) Zone, an area of natural living vegetation shall be planted on the property a distance of 30 metres back from the edge of the shoreline of the water feature; or
  - (ii) within the Lakeside Residential (LCR-1) Zone, an area of natural living vegetation shall be planted on the property a distance of 15 metres back from the edge of the shoreline of the water feature.

For the purposes of this subsection (c) of this Part, the minimum natural living vegetative cover to be planted on the lot within the water feature setback shall be determined on the basis of the following table:

% Slope	Vegetative Cover (%)	Minimum % Trees	Minimum % Shrubs	Minimum % Grasses
0 - 2	60	25	25	25
2 - 5	75	25	40	25
5+	90	25	50	15

Note: At the time of planting, natural living trees shall be a minimum of 1 metre (3.3 feet) in height, and natural living shrubs shall be a minimum of 0.5 metres (1.64 feet) in height.

- (d) For the purposes of erosion and sedimentation control, in relation to a development, except in relation to the development of those uses specified in Part 7.7 (a):
  - (i) within the Residential Low Density (LCR-2), Lake Cady Residential (LCR-3) or the Rural Residential (LCR-4) Zone, no person shall alter land levels, excavate land, fill land, place fill or remove soil from any land within 30 metres (98.4 feet) of the edge of the shoreline of any water feature; or
  - (ii) within the Lakeside Residential (LCR-1) Zone, no person shall alter land levels, excavate land, fill land, place fill or remove soil from any land within 15 metres (49.21 feet) of the edge of the shoreline of any water feature.

- (e) Notwithstanding Part 7.7 (d), where the natural living vegetation within the water feature setback on the lot has been removed or previously disturbed and the reinstatement of the natural living vegetation, as set out in Part 7.7 (d), necessitates the placing of soil or fill on the property within a water feature setback, no person shall place soil or fill on any lands within a protected water feature setback without first submitting a site grading and drainage plan and receiving approval for such.
- (f) Where applicable, the water feature setback distance requirement of Part 7.7 (a) may overlap and include any applicable minimum front, rear or side yard distance requirement. However, where applicable, the requirements set out in Parts 7.7 (a) to and including (e) of this By-law shall apply to the applicable overlapped or included yard of the lot.

## **PUBLIC AND PRIVATE UTILITIES AND MUNICIPAL SERVICE FACILITIES**

- 7.8 Public or private utilities and service facilities provided by the Municipality such as, but not limited to, parks, playgrounds or passive recreation uses, sewage treatment plants, pumping stations, public transit facilities, solid waste transfer stations shall be permitted in any zone, but shall not be permitted within the water feature setback as required in Part 7.7 (a) of this By-law, excepting municipal parks, playgrounds or passive recreation uses, and no development permit shall be required.

## **ALTERING OF LEVELS OF LAND**

- 7.9 In addition to Parts 7.7 (d) & (e), in relation to a development, no person shall alter land levels outside of a protected water feature setback within the Lake Cady Water Supply Planning Area by the filling or excavation of land without first submitting a site grading and drainage plan and receiving approval for such by the Municipality.

## **EROSION AND SEDIMENTATION CONTROL**

- 7.10 Erosion and sedimentation controls shall be required to be implemented during the construction of any development in the Lake Cady Water Supply Planning Area. Erosion and sedimentation controls shall include the control, disposal or runoff of water containing suspended material or other harmful substances with the use of siltation fences, sedimentation ponds, diversion ditches, silt curtains, sedimentation blankets, slope stabilization and the like, in accordance with the Nova Scotia Department of Environment and Labour Erosion and Sedimentation Control Handbook for Construction Sites.

## **HEIGHT REGULATIONS**

- 7.11 The height regulations of this By-law shall not apply to a lightning rod, water tank, power transmission pole or tower, flagpole, home television or radio antennae, telecommunications tower, roof top cupola, skylight, chimney, fire towers, solar
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collector, satellite receiving dish or wind powered generator. The height of a building or structure shall be calculated by determining the vertical distance of a building or structure between the established grade and the highest point of a roof or a parapet, whichever is greater, of a flat roof; the decline of a mansard roof; or the mean level between the eaves and ridges of a gabled, hip, gambrel or other type of pitched roof.

### **TEMPORARY CONSTRUCTION USES PERMITTED**

- 7.12 The temporary use of land, buildings or structures or the temporary erection of a building or structure, incidental to construction, shall be permitted provided that a permit has been issued for the main construction project and the temporary building, structure or use does not remain in place for more than thirty (30) days after the main construction project is completed or discontinued for a period of sixty (60) days.

### **TEMPORARY FORESTRY TRAILERS AND PORTABLE SAWMILLS**

- 7.13 The use, erection or placement of a temporary forestry trailer or a portable sawmill, incidental to a forestry operation in progress, shall be permitted in the Residential Low Density (LCR-2) Zone, the Lake Cady Residential (LCR-3) Zone or the Rural Residential (LCR-4) Zone provided that the temporary forestry trailer does not remain in place for more than thirty (30) days after the forestry operation has ceased, completed or discontinued and provided a development permit has been issued for the temporary forestry trailer or portable sawmill.

### **TEMPORARY OR SPECIAL USES**

- 7.14 Except for the special circumstances set out in Parts 7.12 and 7.13 of this By-law, no temporary buildings or structures related to special occasions such as, but not limited to, midways, fairs, garden parties, concerts or festivals shall be permitted to be erected in any zone within the Planning Area.

### **EXPANSION OF EXISTING MAIN BUILDINGS AND NONCONFORMING YARDS**

- 7.15 Unless otherwise provided for in this By-law, a main building erected on or before the effective date of this By-law which does not meet the requirements of this By-law respecting minimum yard distances or setbacks or a main building erected on or before the effective date of this By-law on an existing lot which does not meet the requirements of this By-law with respect to minimum lot frontage or minimum lot area may be enlarged provided the said development does not further reduce the setback or yard distance that does not conform to this By-law; and all other applicable requirements of this By-law are satisfied.

### **EXISTING UNDERSIZED LOTS**

- 7.16 Notwithstanding the minimum lot area requirements set out in Part 8.2 of this By-law, a lot in existence on or before the effective date of this By-law in the Lakeside
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Residential (LCR-1) Zone, having less than the minimum lot area or lot frontage required by this By-law, may be used for a purpose permitted in the Lakeside Residential (LCR-1) Zone and a building may be erected on the said lot provided that all other requirements in this By-law are satisfied.

### **REDUCED LOT FRONTAGE REQUIREMENTS FOR EXISTING LOTS**

- 7.17 Notwithstanding the minimum lot frontage requirements of this By-law, a lot in existence on or before the effective date of this By-law having some frontage along a provincial or municipal street or highway or private road but less than the minimum lot frontage required by this By-law, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other requirements in this By-law are satisfied.

### **AN EXISTING LOT LACKING STREET FRONTAGE**

- 7.18 Notwithstanding the minimum lot frontage requirements of this By-law, a lot in existence on or before the effective of this By-law, which lacks frontage along a provincial or municipal street or highway or private road may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that the lot is serviced by an easement for right-of-way and access to a municipal or provincial public street or highway or private road that has a minimum width of 6 metres (19.7 feet) which is assignable and perpetual and has been clearly granted by deed and registered in the Registry of Deeds and all other applicable requirements of this By-law are satisfied.

### **CONFORMITY WITH EXISTING FRONT YARDS**

- 7.19 Notwithstanding the minimum front yard requirements set out in Part 8.2 of this By-law, in the Lakeside Residential (LCR-1) Zone where an existing lot is between two immediately abutting or adjacent lots with existing main buildings, a building may be erected on the said lot with a minimum front yard requirement equal to the average front yard of the existing buildings on the adjacent existing lots, but the minimum front yard requirement shall not be reduced less than 3 metres (9.84 feet) provided that all other requirements in this By-law are satisfied.

### **SUBDIVISION AND EXISTING UNDERSIZED LOTS**

- 7.20 Notwithstanding the minimum front yard requirements set out in Part 8.2 of this By-law, in the Lakeside Residential (LCR-1) Zone, where the lot lines of existing undersized lots are altered so as to increase the lot area or lot frontage, or both, but still remains undersized, the new so created lot shall still be considered an existing undersized lot for the purposes of this By-law.
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**ALTERED BOUNDARIES & DEVELOPMENT COMPONENT ENCROACHMENT**

- 7.21 Notwithstanding the minimum lot area and the minimum lot frontage requirements of this By-law, development permits shall be issued for development on lots created pursuant to the Subdivision By-law, where the boundaries of two or more existing lots are altered to the extent necessary and practical to remove a development component encroachment of a permanent nature, such as a structure, driveway, well or septic tank that is encroaching in or upon an immediately adjacent area of land provided no additional lots are created and all other applicable requirements in this By-law are satisfied.

**ALTERING BOUNDARIES OF EXISTING LOTS**

- 7.22 Notwithstanding the minimum lot area and lot frontage requirements of this By-law, development permits shall be issued for development on lots created pursuant to the Subdivision By-law, where the boundaries of two or more existing lots are altered provided no additional lots are created and the lot frontage and/or area has not been reduced and all other applicable requirements in this By-law are satisfied.

**REDUCED REQUIREMENTS - LOTS WITH FRONTAGE AND MAIN BUILDINGS**

- 7.23 Notwithstanding the minimum lot area and lot frontage requirements of this By-law, development permits shall be issued for development on lots created pursuant to the Subdivision By-law, where an existing lot that has frontage along a provincial or municipal street or highway or private road containing two or more existing main buildings is subdivided such that the normal lot area and frontage requirements cannot be met, provided that each new lot and the remainder lot contains at least one main building or structure and each new lot and remainder lot retains a minimum of 6 metres (19.7 feet) of frontage along a provincial or municipal street or highway or private road and all other applicable requirements of this By-law are satisfied.

**REDUCED REQUIREMENTS - LOTS WITHOUT FRONTAGE AND MAIN BUILDINGS**

- 7.24 Notwithstanding the minimum lot area and the minimum lot frontage requirements of this By-law, development permits shall be issued for development on lots created pursuant to the Subdivision By-law, where an existing lot that lacks frontage along a provincial or municipal street or highway or private road containing two or more existing main buildings is subdivided such that the normal lot area and frontage requirements cannot be met, provided that each new lot and the remainder lot contains at least one main building or structure and each new lot and the remainder lot is serviced individually by a separate easement for right-of-way and access to a municipal or provincial public street or highway or private road that has a minimum width of 6 metres (19.7 feet) which is assignable and perpetual and clearly granted by deed and registered in the Registry of Deeds and all other applicable requirements of this By-law are satisfied.
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## HOME OCCUPATIONS

7.25 Nothing in this By-law shall prevent the use of a residential dwelling for a home occupation provided that:

- (a) home occupations are limited to: artist workshops, business offices, craft workshops, counseling offices, domestic and household arts, home instruction studios, household article repair shops, personal grooming shops, personal service clinics or professional offices;
  - (b) home occupations are operated by the occupant of the main residential dwelling located on the lot;
  - (c) for the Lakeside Residential (LCR-1) Zone, Lake Cady Residential (LCR-3) Zone or Rural Residential (LCR-4) Zone, the home occupation shall be wholly contained within the main residential dwelling;
  - (d) for the Lakeside Residential (LCR-1) Zone, Lake Cady Residential (LCR-3) Zone or Rural Residential (LCR-4) Zone, no accessory building or structure, or part thereof, shall be used for any purpose in connection with, or accessory to the operation of the home occupation;
  - (e) for the Lakeside Residential (LCR-1) Zone, Lake Cady Residential (LCR-3) Zone or Rural Residential (LCR-4) Zone, not more than twenty-five (25%) percent of the ground floor area of the main residential dwelling shall be devoted to, or for the use of, the home occupation;
  - (f) for the Residential Low Density (LCR-2) Zone, the home occupation may be contained either in the main residential dwelling or a accessory building located on the same lot as the main residential dwelling;
  - (g) for the Residential Low Density (LCR-2) Zone, where the home occupation is contained within the main residential dwelling on the lot, an accessory building may be used for storage purposes accessory to the operation of the home occupation;
  - (h) for the Residential Low Density (LCR-2) Zone, not more than twenty-five (25%) percent of the total floor area of the main residential dwelling shall be devoted to, or for the uses of, the home occupation;
  - (i) for the Residential Low Density (LCR-2) Zone, where the home occupation is located in an accessory building on the same lot as the main residential dwelling, not more than seventy-five (75%) percent of the total ground floor area of the accessory building shall be devoted to, or for the use of, the home occupation;
  - (j) one (1) off-street customer/client parking space, other than required for the residential use, is provided for every 20 sq. m (215 sq. ft.) of floor occupied by the home occupation; and
  - (k) there is no outdoor storage or outdoor display.
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**ACCESSORY USES AND BUILDINGS**

- 7.26 (a) An accessory building or structure shall be permitted in any zone in the Planning Area and may be used as an accessory use, but shall not be used for human habitation or be built within a minimum front yard.
- (b) The total floor area of an accessory building, or where there is more than one accessory building on a lot, the total floor area of all accessory buildings, shall not exceed fifty per cent (50 %) of the ground floor area of the main building.
- (c) Where there is more than one main building on a lot, the total number of accessory buildings shall be limited to two accessory buildings per main building and the total floor area of these accessory buildings shall not exceed fifty per cent (50 %) of the ground floor area of the main building to which the accessory buildings are accessory to.
- (d) Unless otherwise provided in this By-law, pit privies, clothesline poles, flag poles, garden trellises, fences, home use fuel wood storage sheds, retaining walls and home use satellite receiving dishes or home use communication/receiving antennas, children's play structures or equipment, gazebos or doghouses shall be exempt from any requirements under Part 7.26 (a), 8.2, 9.2, 10.2 or 11.2.
- (e) An outdoor fuel or oil storage tank and its associated support structure is considered accessory structure and subject to the requirements of this Part and 8.2, 9.2, 10.2 or 11.2. However, the minimum distance from a main building to an outdoor fuel or oil storage tank and its associated support structure shall be reduced to 0.2 metres (0.6 feet) where special outdoor fuel or oil storage tank provisions are provided, such as the use of a double wall outdoor fuel or oil storage tank or the provision of an outdoor fuel or oil storage tank containment structure capable of containing the full volume of the fuel or oil storage tank.
- (f) Unless otherwise provided in this By-law, no accessory building or structure shall be constructed prior to the time of construction of the main building to which it is accessory or prior to the establishment of the main use of the land where no main building is to be built.
- (g) Handicap access ramps or lifts may project from a main wall of a residential dwelling or accessory building into any yard required by this By-law and do not require a development permit to be issued.

**NON-CONFORMING USES AND STRUCTURES**

- 7.27 Unless otherwise provided, any use of land, building or structure constructed on or before the effective date, that does not conform to this By-law shall be subject to the provisions of the *Municipal Government Act*.
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**AGRICULTURE AND THE KEEPING OF AGRICULTURAL ANIMALS**

- 7.28 (a) Where agricultural uses are permitted to be developed in the Lake Cady Water Supply Planning Area, such agricultural uses shall be a small-scale non-intensive use of land, buildings or structures, accessory to a residential use located on the same lot and such agricultural uses may include the sale, on-premises or off-premises, of product grown or raised on the premises, but shall not include any form of large-scale or intensive agricultural uses; or be developed, constructed or built prior to the time of completion of construction of the main residential building on the same lot.
- (b) Agricultural uses, as an accessory use to a residential use, not involving the keeping of agricultural animals shall be permitted in any zone in the Planning Area and buildings or structures accessory to such agricultural uses shall not: (i) be permitted to be located in any minimum yard; and (ii) exceed the maximum permissible lot coverage or height of the main building; as set out in Parts 8.2, 9.2, 10.2 or 11.2 of this By-law.
- (c) Agricultural uses, as an accessory use to a residential use, involving the keeping of agricultural animals, including horses, shall be permitted in the Residential Low Density (LCR-2) Zone or the Rural Residential (LCR-4) Zone and prohibited in the Lakeside Residential (LCR-1) Zone and the Lake Cady Residential (LCR-3) Zone.
- (d) Buildings or structures, except for those identified in 28 (f) of this Part, accessory to an agricultural use involving the keeping of agricultural animals, in the Residential Low Density (LCR-2) Zone shall not be permitted in any minimum yard of a lot or within 45 metres (147.63 feet) of the edge of the shoreline of any water feature.
- (e) Buildings or structures, except for those identified in 28 (f) of this Part, accessory to an agricultural use involving the keeping of agricultural animals, in the Rural Residential (LCR-4) Zone shall not be permitted in any minimum yard of a lot or within 150 metres (492.13 feet) of the edge of the shoreline of any water feature.
- (f) All agricultural animal holding areas, exercise yards, pens or pasture lands or grazing lands shall be fenced, by way of a fence, appropriate to the type of agricultural animal located on the property, that completely encloses the agricultural animal holding area, exercise yard, pen or pasture land or grazing land. For the purposes of this Part, a development permit is required for the erection of a fence to contain agricultural animal holding areas, exercise yards, pens, pasturelands or grazing lands. Also for the purposes of this Part, an agricultural animal holding area, exercise yard, pen, pasture land or grazing land fence is considered a structure under this By-law and as exempt from the requirements of Parts 9.2 and 11.2, but not exempt from the other requirements of this By-law, such as Part 7.7.
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- (g) The use of land, buildings or structures for the keeping of agricultural animals as accessory uses to a residential use shall, for the Residential Low Density (LCR-2) Zone be limited to one (1) animal unit per 8,094 square metres (2 acres) of land area and, for the Rural Residential (LCR-4) Zone, be limited to two (2) animal units per 1.2 hectares (2.97 acres) of land area. Note: calculations of total animal units permissible on a lot is based on the single lot the residential dwelling and the accessory to a residential agricultural use is located on and not the total area of other land held by the registered owner as separate lots.
- (h) For the purposes of this Part, in the LCR-2 or LCR-4 Zone, an animal unit and the maximum size of buildings or structures (barn) accessory to an agricultural use shall be determined on the basis of the following table:

Type of Agricultural Animal	Number Equal to one Agricultural Animal Unit	Max Size of Barn sq. ft./animal unit
Cattle	1	100
Horses	1	144
Sheep	3	45
Goats	3	75
Swine	2	20
Bees	4 hives	--
Chicken	10	20
Turkeys	10	40
All Other Fowl	10	10
Mink	10	10
Fox	3	45
All Other Fur-bearing	10	10

Note: (1) combinations of types of fowl and/or fur-bearing animals in any grouping of 10 shall also be considered as 1 animal unit; (2) more than one barn may be permitted on a lot but the total area of all barns may not exceed the maximum size as defined; (3) calculation of the maximum size of the barn permissible is exclusive of feed or equipment storage areas within the barn; and (4) no maximum height limit shall apply to a barn under this Part.

**RACING TRACKS**

7.29 Notwithstanding anything else in this By-law, the development of commercial uses, facilities or operations involving tracks for the racing of animals or the development commercial uses, facilities or operations involving tracks, roads, trails, arenas or any such form of sporting facility for motorized vehicles including but not limited to automobiles, motorcycles, snowmobiles, or all terrain vehicles is prohibited anywhere within the Lake Cady Water Supply Planning Area.

## **PART 8: LAKESIDE RESIDENTIAL (LCR-1) ZONE**

### **LCR-1 USES PERMITTED**

8.1 The following shall be permitted in a Lakeside Residential (LCR-1) Zone:

- (i) single detached dwellings;
- (ii) accessory buildings and structures, subject to the requirements of Part 7.26;
- (iii) home occupations, subject to the requirements of Part 7.25; and
- (iv) agricultural uses accessory to a main residential use not involving the keeping of agricultural animals, subject to the requirements of Part 7.28.

### **LCR-1 ZONE REQUIREMENTS**

8.2 No development permit shall be issued in a Lakeside Residential (LCR-1) Zone unless in conformity with the following requirements:

Minimum Lot Area	4050.0 sq.m. (43,595.3 sq.ft.)
Minimum Lot Frontage	45.0 metres (147.6 feet)
Minimum Front Yard	7.5 metres (24.6 feet)
Minimum Side Yard	7.5 metres (24.6 feet)
Minimum Rear Yard	7.5 metres (24.6 feet)
Maximum Height of Main Building	7.5 metres (24.6 feet)
Maximum Lot Coverage of Main Building	5.0%
Maximum Height of Accessory Building	6.1 metres (20.0 feet)
Minimum Distance of Accessory Building to any Lot line	1.5 metres (4.9 feet)
Minimum Distance of Accessory Building to Main Building	2.0 metres (6.6 feet)

### **SPECIAL REQUIREMENT: ARCHITECTURAL DESIGN STANDARDS**

8.3 No development permit shall be issued in a Lakeside Residential (LCR-1) Zone for the development of a single detached residential dwelling structure where the length of which exceeds the width by a ratio of greater than three to one. For the purposes of this Part, the width and length of any such structure of irregular width or length shall be based on the dimensions of the main body of the structure, ignoring the effect of covered porches, steps, minor additions such as small rooms and the like; in the case of very irregular structures, the average width and length shall be calculated in proportion to the occurrence of various dimensions along each side.

## **PART 9: RESIDENTIAL LOW DENSITY (LCR-2) ZONE**

### **LCR-2 USES PERMITTED**

9.1 The following shall be permitted in a Residential Low Density (LCR-2) Zone:

- (i) single detached dwelling;
- (ii) duplex or semi-detached dwelling;
- (iii) double dwelling;
- (iv) accessory buildings and structures, subject to the requirements of Part 7.26;
- (v) home occupations, subject to the requirements of Part 7.25;
- (vi) municipal parks, playgrounds or passive recreational uses;
- (vii) agricultural uses accessory to a main residential use, subject to the requirements of Part 7.28; and
- (viii) forestry uses, excluding buildings or structures accessory to the operation of the forestry use except for temporary forestry trailers and portable sawmills, subject to the requirements of Part 7.13).

### **LCR-2 ZONE REQUIREMENTS**

9.2 No development permit shall be issued in a Residential Low Density (LCR-2) Zone unless in conformity with the following requirements:

Minimum Lot Area	8,095.0 sq. m. (2 acres.)
Minimum Lot Frontage	45.0 metres (147.6 feet)
Minimum Front Yard	20.0 metres (65.6 feet)
Minimum Side Yard	7.5 metres (24.6 feet)
Minimum Rear Yard	15.0 metres (49.2 feet)
Maximum Height of Main Building	11.0 metres (36.1 feet)
Maximum Lot Coverage of Main Building	2.5%
Maximum Height of Accessory Building	6.1 metres (20.0 feet)
Minimum Distance of Accessory Building to any Lot line	7.5 metres (24.6 feet)
Minimum Distance of Accessory Building to Main Building	7.0 metres (22.96 feet)

### **SPECIAL REQUIREMENT: CHRISTMAS TREE GROWING OPERATIONS**

9.3 Buildings or structures accessory to Christmas tree growing operations shall not be erected within 200 metres (656.16 feet) of the edge of the shoreline of any water feature in the Residential Low Density (LCR-2) Zone.

## **PART 10: LAKE CADY RESIDENTIAL (LCR-3) ZONE**

### **LCR-3 USES PERMITTED**

10.1 The following shall be permitted in a Lake Cady Residential (LCR-3) Zone:

- (i) single detached dwellings;
- (ii) accessory buildings and structures, subject to the requirements of Part 7.26;
- (iii) home occupations, subject to the requirements of Part 7.25;
- (iv) municipal parks, playgrounds or passive recreational uses;
- (v) agricultural uses accessory to a main residential use not involving the keeping of agricultural animals, subject to the requirements of Part 7.28; and
- (vi) forestry uses, excluding buildings or structures accessory to the operation of the forestry use except for temporary forestry trailers and portable sawmills, subject to the requirements of Part 7.13).

### **LCR-3 ZONE REQUIREMENTS**

10.2 No development permit shall be issued in a Lake Cady Residential (LCR-3) Zone unless in conformity with the following requirements:

Minimum Lot Area	2.0 hectares (4.94 acres)
Minimum Lot Frontage (water)	90.0 metres (295.27 feet)
Minimum Front Yard	30.0 metres (98.42 feet)
Minimum Side Yard	20.0 metres (65.5 feet)
Minimum Rear Yard	20.0 metres (65.5.6 feet)
Maximum Height of Main Building	10.5 metres (34.45 feet)
Maximum Lot Coverage of Main Building	1.0%
Maximum Height of Accessory Building	6.1 metres (20.0 feet)
Minimum Distance of Accessory Building to any Lot line	10.0 metres (32.8 feet)
Minimum Distance of Accessory Building to Main Building	7.0 metres (22.97 feet)

### **SPECIAL REQUIREMENT: CHRISTMAS TREE GROWING OPERATIONS**

10.3 Buildings or structures accessory to Christmas tree growing operations shall not be erected within 200 metres (656.16 feet) of the edge of the shoreline of any water feature in the Lake Cady Residential (LCR-3) Zone.



## **PART 11: RURAL RESIDENTIAL (LCR-4) ZONE**

### **LCR-4 USES PERMITTED**

11.1 The following uses shall be permitted in a Rural Residential (LCR-4) Zone:

- (i) single detached dwelling;
- (ii) duplex or semi-detached dwelling;
- (iii) double dwelling;
- (iv) accessory buildings and structures, subject to the requirements of Part 7.26;
- (v) home occupations, subject to the requirements of Part 7.25;
- (vi) municipal parks, playgrounds or passive recreational uses;
- (vii) agricultural uses accessory to a main residential use, subject to the requirements of Part 7.28; and
- (viii) forestry uses, excluding buildings or structures accessory to the operation of the forestry use except for temporary forestry trailers and portable sawmills, subject to the requirements of Part 7.13).

### **LCR-4 ZONE REQUIREMENTS**

11.2 No development permit shall be issued in a Rural Residential (LCR-4) Zone unless in conformity with the following requirements:

Minimum Lot Area	1.2 hectares (2.97 acres)
Minimum Lot Frontage	60.0 metres (196.85 feet)
Minimum Front Yard	20.0 metres (65.6 feet)
Minimum Side Yard	10.0 metres (65.6 feet)
Minimum Rear Yard	20.0 metres (65.6 feet)
Maximum Height of Main Building	10.5 metres (35 feet)
Maximum Lot Coverage of Main Building	2.0%
Maximum Height of Accessory Building	6.1 metres (20.0 feet)
Minimum Distance of Accessory Building to any Lot line	10.0 metres (32.8 feet)
Minimum Distance of Accessory Building to Main Building	7.0 metres (22.97 feet)

### **SPECIAL REQUIREMENT: CHRISTMAS TREE GROWING OPERATIONS**

11.3 Buildings or structures accessory to Christmas tree growing operations shall not be erected within 200 metres (656.16 feet) of the edge of the shoreline of any water feature in the Rural Residential (LCR-4) Zone.