



# COUNTY *of* ANNAPOLIS

NATURALLY ROOTED

## Upper Clements Area

Land Use Bylaw

EFFECTIVE DATE: October 25, 2024



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## Part 1 TITLE, INTRODUCTION AND PURPOSE

The Upper Clements Area Land Use Bylaw (LUB) regulates the use, conservation, and development of land and buildings in pursuit of the objectives of Upper Clements Area Secondary Planning Strategy (SPS). It is the intent and goal of the LUB to ensure orderly, efficient, and sustainable development that maintains a high quality of life and protects the public good while ensuring proper growth and economic opportunity through clearly defined regulations. The LUB serves as a regulatory document that governs what may occur on a piece of property depending on that property's zoning, which defines the specific types of uses that can occur on that parcel.

Land Use Bylaws are a tool used to maintain and enhance the quality of life of the residents by providing opportunities to attain individual and community aspirations; conserve and enhance environmental quality; and foster planned, efficient, economical and beneficial development that provides a diversity of choice, lifestyle, and environment.

1. This Bylaw shall be known and may be cited as the "Upper Clements Area Land Use Bylaw" for the Municipality of the County of Annapolis and shall apply to all the lands within Upper Clements Area Planning Area, hereinafter referred to as the Planning Area, as defined by the Zoning Map, Schedule "A".
2. The Land Use Bylaw carries out and implements the land use development policies contained within the MPS in accordance with the *Municipal Government Act (MGA)*. The MGA also enables the Municipality of the County of Annapolis to adopt a Subdivision Bylaw to control the division of land. These three documents provide the framework for planning and development in the Planning Area.
3. The regulations and standards contained within this Bylaw that apply to the development and use of property are as follows:
  - Zoning Maps (Schedule "A") indicates which zone the property is located
  - The definitions section indicates how specific developments or lot conditions are defined or applied to a development (Part 2)
  - The administration and interpretation section outlines permit application requirements (Part 3)
  - The general provisions section indicates the provisions which apply to all zones (Part 4)

- The zone requirements section indicates the requirements respecting the particular zone in which the property is located (Part 5)
4. Property boundaries as shown on the Zoning Map is continuously subject to change by the subdivision and consolidation of land and thus are included for information and clarification purposes only, and do not form part of this Bylaw.

## Part 2 DEFINITIONS

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

**ABUTTING** means where a lot shares a common lot line or a common point along a lot line.

**ACCESSORY BUILDING** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.

**ACCESSORY USE** means a use subordinate and normally incidental to the main use of land or building and located on the same lot.

**AGRICULTURAL MARSHLAND** means, land that is:

- (i) subject to periodic tidal flooding, and
- (ii) designated by the Nova Scotia Minister of Agriculture as marshland pursuant to this Act or Chapter 274 of the Revised Statutes, 1989, the Marshland Reclamation Act.

**AGRICULTURAL USES** mean:

**AGRICULTURAL, PRIMARY USE** means a use of land and buildings for farming such as but not limited to agriculture, animal and poultry husbandry, apiculture, dairying, equine farms, floriculture, horticulture, and pasturage. For the purpose of the Bylaw an "Agricultural Use" does not 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 or aquaculture and aquaculture related uses.

**AGRICULTURAL, SECONDARY USE** means the accessory and auxiliary use of land buildings/structure for the agricultural based commercial and industrial uses, such as but not limited to the packing, storing, treating and sale of the agricultural produce, as well as agricultural-themed entertainment uses, including but not limited to, agricultural exhibitions, farm markets, farm tours, garden centres, gardening plots for clubs or communities, guest ranching/farm operations, hay rides, hedge or corn mazes, museums and other indoor or outdoor entertainment uses based on agricultural topics and/or using

agricultural props, petting farms or zoos, riding and walking trails or stables, u-picks including pumpkin patches, wineries or cideries, and workshops or farm demonstrations.

**AGRICULTURAL, RELATED USE** means a commercial or industrial use of land, buildings or structures where the majority, but not all, of the business operation is related to the sale, processing, sorting, grading, packaging, inspection, storage, retailing or transport of agricultural farm products or goods and services to support an agricultural use, as well as institutional uses primarily focused on agricultural based schools, research and extension offices.

**AGRICULTURAL, RELATED INDUSTRY** means a use involving the processing of agricultural crops, products and livestock for the manufacture of secondary or finished farm products and the manufacturing and production of livestock feeds, soil additives and amenders, fertilizer, herbicide or pesticide and the stockpiling of bulk materials used in the production process. Including all necessary accessory uses and facilities incidental to business administration, management, processing, storage, sales and distribution. Abattoirs for processing of agricultural livestock shall be included along with their necessary accessory uses and buildings. A rendering plant may be permitted only if it is accessory to an abattoir.

**AGRICULTURAL ANIMALS** means a domesticated animal raised to provide labour and/or produce commodities including meat, eggs, milk, leather, and wool regardless if the animals are kept for income, sustenance, or pleasure.

**ALTER** means any change in the structural component of a building or any increase in the volume of a building or structure and may also refer to a change in use.

**AMENITY AREA** means the area(s) that form part of a residential development intended for recreational purposes, and shall include one or a combination of the following:

Common outdoor spaces: that are accessible to all residents within the residential development and may include spaces such as but not limited to, play areas, swimming pools, decks, patios, tennis courts, golf courses, or sports fields. Such areas shall be of a size and shape that can reasonably be used for recreation purposes and shall be, at a minimum, cleared, leveled, and grassed or otherwise landscaped.

Private outdoors spaces: that are provided as separate spaces to the residential units and may include spaces such as decks, patios, or balconies; and/or

Indoor common spaces: that are provided in such a way that are accessible to all residents of the residential development and may include spaces such as gyms, lounges, restaurants, bars, cafes or games rooms.



**ANIMAL RESCUE AND REHABILITATION CENTRE** means the use of land, buildings and structures where temporary care, treatment and rehabilitation of injured, sick, displaced or orphaned agricultural, domestic or native wildlife with the goal of returning/placing a healthy animal in a permanent off-site placement or back to the wild.

**AQUACULTURE AND RELATED USES** means the breeding, raising, and harvesting of fish, shellfish, algae, and other organisms in all types of water environments. Aquaculture includes related uses such as, but not limited to, the use of land, buildings and structures for the storing of equipment and the processing of aquaculture products for sale and/or distribution.

**ATTACHED** means a building or structure otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with an abutting building.

**AUCTIONEERING ESTABLISHMENT** means a building or part thereof used for the retail sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings and may include the storage of such articles to be sold at auction.

**AUTO BODY SHOP** means a building or a clearly defined space on a lot used for the storage, repair, and servicing of motor vehicles including body repair, painting and engine rebuilding but does not include an automobile service station or an automobile sales establishment.

**AUTOMOTIVE IMPOUND YARD** means a lot used for the confiscation and storage of automotive vehicles, including such uses as but not limited to, boats and recreational campers, along with an accessory uses or structures, but does not include the storing of vehicles for the salvaging of parts or scraps.

**AUTOMOTIVE SALES AND RENTALS** means a lot and or building used for the sale or rental of new or used automotive vehicles, including such uses as but not limited to, boats and recreational trailers.

**BACKYARD SUITES** are defined as a self-contained residence that is detached from and accessory the main residence.

**BARS, PUBS, AND TAPROOMS** means a lot, building or part of a building used as a licensed liqueur establishment for the sale of alcohol and may include the accessory use of a brewery and sale of merchandise.

**BED AND BREAKFAST ESTABLISHMENT** means a single unit residential dwelling, licensed under the *Nova Scotia Tourist Accommodation Registration Act*, in which the primary resident/owner provides, for compensation, up to three (3) rooms which are rented out to accommodate the travelling public for sleeping purposes and where a kitchen and dining room may be provided in the building for the purpose of serving meals only to overnight guests.

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**BOARDING OR ROOMING HOUSE** means a single unit residential dwelling in which the operator supplies either room or room and board for compensation, on a weekly or monthly basis, and which is not open to the general public. A residential dwelling may be used as a boarding or rooming house if the owner of the residential dwelling lives on or abuts the property containing the rental unit.

**BREWERIES, DISTILLERIES, AND WINERIES** means the use of a building or part of a building for the production of alcohol and business operation relating to the sale of alcohol such as but not limited to processing, sorting, grading, packaging, inspection, storage, retailing or transporting.

**BUFFERING / BUFFER STRIP** means a treed or landscaped area intended to separate and screen the view of abutting land uses or properties from each other.

**BUILDING** means any temporary or permanent main or accessory structure used or built for supporting or sheltering any use or occupancy.

**BUILDING OFFICIAL** means the building inspector of the Municipality of Annapolis County.

**BUSINESS AND ADMINISTRATIVE OFFICE** means a building or part of a building where business may be transacted, a service performed, management and general supervisory functions performed, or consultation given by, but not limited to administrators, lawyers, architects, planners, engineers, accountants, private consultants, sales representatives and similar professions, but shall not include the offices associated with medical practitioners or veterinary clinics and does not include the manufacturing of any product or the on-site retailing or selling of goods.

**BYLAW** means this Bylaw, which is the Land Use Bylaw for the Upper Clements Planning Area of the Municipality of Annapolis County.

**CAMPGROUND** means an area of land for the temporary accommodation and access to facilities for people using travel trailers, motorized motorhomes, tents, cabins, cottages or to park a recreational vehicle that is licensed under the Tourist Accommodation Registration Act and Regulations, and may include accessory buildings, structures, and uses, but does not include a mobile home park.

**CEMETERY** means land or buildings used for the interment of the deceased and may include a burial ground, a mausoleum vault or a columbarium for the storage of remains or ashes, a chapel for internment services, open spaces and memorial parks.

**CLUB** means:

**COMMERCIAL CLUB** means the use of a building for a meeting place operated for gain/profit.

**PRIVATE CLUB** means the use of a building for a meeting place for members of an organization, fraternal centre, lodge or labour union hall.

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**COMMERCIAL RECREATIONAL CENTRE** means the use of land or a building for commercial recreation or entertainment purposes, including but not limited to, cinemas, theatre, bingo halls, pool halls, bowling alleys, miniature golf courses and sporting venues such as hockey and skating rinks, soccer, and baseball fields and running tracks and similar uses to the foregoing, together with necessary and accessory buildings and structures. Unless otherwise stated in this Bylaw casinos, adult entertainment uses, tracks for the racing of animals or any form of motorized vehicles are not included as a commercial recreational centre.

**COMMERCIAL EDUCATIONAL & LEARNING CENTRE** means a learning or educational center conducted for monetary compensation and includes a privately operated school, college, or university as well as similar uses such as but not limited to a language and driving school, but does not include daycares.

**COMMUNITY CENTRE** means the use of a building for community activities, whether used for commercial purposes or not, the control of which is vested in a public authority, private club, institution, or a non-profit organization.

**CONSERVATION** means the care and protection of natural resources so that they can persist for future generations, including maintaining a diversity of species, genes, and ecosystems, as well as functions of the environment, such as nutrient cycling.

**CONSTRUCTION INDUSTRY** means a use primarily involving the construction, development, excavation, redevelopment or rehabilitation of buildings and real estate, including road building.

**CONTINUING CARE RESIDENTIAL COMMUNITY** means a group of buildings, services and amenity areas that offers multiple levels of care (independent living, assisted living, skilled nursing care, long term care facilities) housed in different areas in the same location and operates as one integrated facility and may include the provision of residential services (meals, housekeeping, laundry), social and recreational services, health services, personal care, and nursing care to individuals or couples who require assistance with daily living.

**COUNSELLING OFFICE** means the use of a building for the provision of counseling or consultation services to the individual and personal needs of human beings such as but not limited to, counseling/consultation in careers, finances, marriage, family, health or mental health services including the retail sales of products incidental or related to the consultation given.

**COURTYARD** means an unroofed area that is enclosed or partially enclosed by the walls of a large building or a grouping of buildings.

**CULTURAL CENTRE** means a museum, theater, art center, music hall or other cultural or arts facility, the control of which belongs to a government body, a local board or agent thereof, or a non-profit group.

**DAY CARE** means:

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DAY CARE, NON-RESIDENTIAL means a place where three or more people are cared for on a temporary daily basis for compensation without overnight accommodation but does not include a school.

DAY CARE, RESIDENTIAL means that portion of a residential dwelling which is used to accommodate three to seven people who are cared for on a temporary daily basis for compensation without overnight accommodation.

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.

DEVELOPMENT OFFICER is the person appointed to administer this Bylaw.

DISPLAY COURT means an open area used for the display and sale of new or used goods and item.

DWELLING means a building or a portion thereof, capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units, but shall not include a hotel, motel, apartment hotel or a travel trailer or other recreation vehicle.

DWELLING UNIT means one or more habitable rooms designed, occupied or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual(s).

DWELLING, SINGLE-UNIT means a building consisting of one dwelling unit and is free standing, separate and detached from other main buildings or structures.

DWELLING, TWO-UNIT means a building that is divided into two dwelling units, each of which has independent entrances either directly to the outside or through a common vestibule.

DWELLING, MULTIPLE-UNIT means a building located on a single lot containing three or more dwelling units, which have individual entrances or a common entrance from the street level.

DWELLING, SECONDARY SUITE means a self-contained dwelling unit located in a building or a portion of a single-unit residential building, which is accessory to the main residential use.

DWELLING, GROUP CARE FACILITY means a building where accommodation, residence, treatment, special care, and programs are provided to individuals who require it due to a physical or mental condition, or persons needing physical or emotional rehabilitation and is licensed under the *Nova Scotia*

*Homes for Special Care Act* and includes but is not limited to residential care facilities, group homes, nursing or senior homes.

DWELLING, SMALL OPTION HOMES means a residential building that is used to provide support for its occupants in a community home and regulated by the *Nova Scotia Homes for Special Care Act*. The residents are supported by qualified staff through a combination of live-in and shift models.

EGG-LAYING FOWL means domesticated birds that are at least 4 months old and are kept for the laying of eggs, excluding emus and ostriches.

EXISTING means legally existing as of the effective date of this Bylaw.

EXTRACTIVE RELATED FACILITIES means the use of buildings and structures related to, associated with and/or fundamental to the operation of an extractive surface or underground mine, pit, quarry or drill site, including those lands, buildings and structures related to, associated with and/or fundamental to the storage, washing, crushing, sifting, reducing, leaching, weighing, processing, distribution and/or sale of such extracted materials, including but not limited to, sand, gravel, oil and natural gas, minerals, stone, rock or clay.

FARM MARKET means an indoor or outdoor market where local farmers, producers and growers can sell processed or unprocessed agricultural products directly to customers and may include local vendors selling products created in an art or craft workshop.

FARMING BUSINESS means farming business within the meaning of the Income Tax Act (Canada), as amended from time to time, that reports agricultural income or expenses to the Canada Revenue Agency, or successor body.

FARM RESIDENCE means a dwelling accessory to a farming business containing one or two residential units located on a farm property and that is occupied by the individual directly responsible for managing a farming business (the "farmer") and provided that:

- (a) The farm property is owned by:
  - (i) the farmer;
  - (ii) if the property owner is a personal trust, the farmer is a beneficiary of the trust that is entitled to receive directly from the trust any income or capital of the trust;
  - (iii) a spouse, common-law partner, parent or child of the person referred to in (i) or (ii)
  - (iv) a family farm corporation where any persons in (i) to (iii) above owns shares in the corporation, or

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(v) a partnership, an interest in which is an interest in a family farm partnership of an individual referred to in any of (i) to (iii) above; and

(b) the person referred to in (a) is actively engaged on a regular and continuous basis in the farming business for which the property is used.

**FLOOR AREA** means:

**WITH REFERENCE TO A DWELLING** means the maximum area contained within the outside walls excluding any attached garage, porch, veranda, unfinished attic or basement or other room not habitable at all seasons of the year.

**WITH REFERENCE TO A DWELLING UNIT** where more than one unit is contained within a dwelling, means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit, excluding closets, built-in cabinets and storage areas, and balconies.

**FLOOR AREA, COMMERCIAL** means the total usable floor area within a building used for commercial purposes but excludes furnace and utility rooms, washrooms and excluding, in the case of shopping malls, common hallways between stores.

**FLOOR AREA, GROSS** means the aggregate 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 but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be considered to be exterior walls.

**FLOOR AREA, GROUND** means the maximum area contained within the outside walls of the ground floor of a building excluding any attached garage, porch, verandah, or other room not habitable at all seasons of the year.

**FORESTRY USE** means:

**FORESTRY, PRIMARY OPERATION** means the use of land for silviculture, cultivation, harvesting or gathering of trees for the purpose of fuel wood, construction lumber, pulpwood, or other forest products and any uses associated with it, including accessory structures, but shall not include the manufacturing or processing of such wood products.

**FORESTRY, SECONDARY OPERATION** means the use of land, buildings or structures for the processing of trees for the production of wood products such as fuel wood, construction lumber, pulpwood for paper manufacturing or the production of secondary wood products such as pallets, hardwood flooring, wall paneling and other hardboard products such as pegboard or siding.

**FUNERAL HOME AND BURIAL SERVICES** means the use of a building for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead body for internment or cremation,

including the accessory use of an onsite crematorium, chapel, prayer room, and cemetery.

**GARDEN CENTRE** means a building or outdoor area for the primary retail of gardening equipment and planting materials.

**HABITABLE BUILDING** means structure having a roof supported by columns or walls, built, constructed, placed, or located on a lot, designed and used for the accommodation, enclosure or assembly of human beings, regardless of whether the structure is intended for seasonal or permanent use, or whether or not the structure is used for overnight accommodation, including residential, commercial, institutional, industrial, and recreational buildings, but not including a camp, a tent, or a recreational vehicle and also not including accessory buildings or structures such as sheds and storage areas.

**HEAVY EQUIPMENT SALES AND RENTALS** means a building or part of a building or structure in which heavy equipment and machinery are offered or kept for sale, rent, lease, or hire under agreement for compensation.

**HEIGHT** means, when used with reference to a building or structure, the vertical distance between the established grade and the highest point of the building or structure, exclusive of any accessory roof construction such as but not limited to a chimney, home use sending/receiving antenna or dish, roof mounted wind turbines, and cupolas or steeples.

**HISTORICAL SITES AND INTERPRETATION CENTRES** means a property or building that is protected by a government body for a historical, environmental, or cultural reason including the use of lot or building to provide interpretation of the place of interest through a variety of media as well as an accessory structure or uses.

**HOME OCCUPATION** means the accessory use of a residential property by the primary occupant for gainful employment involving the production, sale or provision of goods and/or services.

**HOTEL / MOTEL / TOURIST ESTABLISHMENT** means a building or buildings which are used to accommodate the traveling public for gain or profit by supplying them with sleeping accommodation, with or without meals, and shall include a guest house, cabins, a motel, a tourist home, a hotel, and an inn but shall not include a campground.

**HOUSEHOLD LIVESTOCK** means the keeping of agricultural animals accessory to a residential use in which one (1) or fewer **ANIMAL UNITS** are confined to a barn, feedlot, pasture or other facility for feeding, breeding, milking, or holding for personal use, riding, sale, or egg production. Combinations of different types of agricultural animals are permitted provided that it is calculated on a fractional basis and the total maximum number of permitted animal units is not exceeded.



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ANIMAL UNITS means one or more agricultural animals per acre, as specified in the following table. For the purpose of calculating the permitted number of animal units located on a property the following steps will be used:

Only animals that have reach their corresponding age of maturity will be counted, young animals or existing animals offspring will not count towards the total number of animal units until they reach maturity.

Animal unit fractions are rounded to the nearest whole animal unit.

Agricultural animals not listed in the following table are counted according to the most similar type of animal listed in terms of size and characteristics.

<b>Type of Animal</b>	<b>One (1) Animal Unit</b>
Cattle (All types)	2
Horses (draft, light, ponies)	2
Sows/Boars	2
Donkeys/Horses (miniature)	3
Market Pigs	3
Llamas/Alpacas	3
Ostriches/Emus	3
Sheep/Goats	4
Turkeys	4
Egg-Laying Fowl	10
Rabbits	10

INDUSTRIAL means:

INDUSTRIAL, HEAVY means the use of a building or land to engage in the basic processing, manufacturing and storage of materials or products predominately from extracted or raw materials, or that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRIAL, LIGHT means the use of a building or land to engage in the manufacturing, predominantly from previously prepared materials, finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage/sales/distribution.



**INSTRUCTION STUDIO** means the use of a building for the purposes of providing instruction in painting, sculpturing, moulding, yoga, 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 operation.

**INSTITUTION OR INSTITUTIONAL USE** means the use of land or building by any governmental body or agency to provide service on behalf of government, and shall include an organized body or society promoting a particular purpose with no intent of profit, such as but not limited to community centre, cultural centres, educational uses, fire and emergency services, food banks, libraries, museums, and visitor or information centres, but shall not include a utility, club, commercial community centre, commercial school or place of worship.

**KENNEL / ANIMAL DAY CARE / ANIMAL GROOMING SALON** means any facility or operation for the purposes of accommodating, breeding, sale, or grooming of animals and may include provisions for daytime and overnight accommodation of animals including any outdoor facilities such as pens, runs and enclosures.

**LAND LEASE COMMUNITY** means an establishment comprising land or premises under single ownership, designed, or intended for residential use, where individual dwellings are located on individual spaces, connected to a common sewer system, water system or both, but does not include any camping establishment under the Tourist Accommodations Regulations.

**LANDSCAPING** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features.

**LICENSED LIQUOR ESTABLISHMENT** means an establishment licensed by the Nova Scotia Liquor Licensing Board under the *Nova Scotia Liquor Control Act*.

**LOADING SPACE** means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.

**LOT** means a parcel of land described in a deed or shown on an approved, registered plan of subdivision.

**CORNER LOT** means a lot situated at the intersection of and abutting on two or more streets; or upon two parts of the same street forming an interior angle of less than 130 degrees.

**INTERIOR LOT** means a lot situated between two lots and having access to one street.

**THROUGH LOT** means a lot bounded on two opposite sides by streets or a highway provided, however, that if any lot qualifies as both a corner lot and a through lot as herein before defined, such lots shall be deemed to be a corner lot for the purpose of this Bylaw.

**LOT AREA** means the total horizontal area within the lot lines of a lot.

**LOT COVERAGE** means the percentage of the lot that is covered by buildings excluding projecting eaves, balconies, and similar features.

**LOT FRONTAGE** means the length of a line joining the side lot lines and parallel to the front lot line.

**FLAG LOT** means a lot characterized by its location of the main body of the lot generally at the rear of another lot, or otherwise separated from the street or roadway which provides access, and by a narrower prolongation extending from the main portion of the lot to the said street or roadway. A flag lot generally resembles a flag on a pole in the case of a rectangular layout, or the main body of the lot with an umbilical prolongation providing access in the case of such a lot having irregular boundaries.

**LOT LINES** 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.

In the case of a lot with no street frontage, the lot line which most closely parallels the nearest street, road or highway from which access to the lot 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.

**FLANKAGE LOT LINE** means a side lot line which abuts the street on a corner lot.

**MAIN BUILDING** means a building in which the principal use or purpose of the lot is located.

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

**MEDICAL CLINIC** means the use of a building for outpatient services that are not limited to medical, dental, surgical, or therapeutic treatment of human patients,

and can include multiple medical practitioners in the same offices, excluding overnight accommodation of patients.

**MEDICAL PRACTITIONER** includes, but is not limited to, a chiropodist, chiropractor, dentist, denturist, doctor, osteopath, optometrist, physician or holistic or homeopathic health services practitioner, but does not include a veterinarian.

**MEDICAL PRACTITIONER CLINIC** means a building or part of a building used by a medical practitioner for the treatment of human patients, including the retail sales of products/goods related to the clinic, but does not include an overnight facility.

**MICROBREWERY** means a craft brewery or cidery engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, cider, or other related beverages.

**MICRODISTILLERY** means a craft distillery or winery engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than beer or wine.

**MINI-HOME** means a dwelling that may contain one or two residential units, and that is designed for transport after fabrication, whether or not on its own wheels or on a flatbed or other trailer, and that arrives on the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor or incidental unpacking and assembly, and that does meet the standards for residential occupancy as described in the National Building Code of Canada as adopted in the Building By-law of the Municipality of the County of Annapolis.

**MOBILE HOME** means a portable dwelling that may contain one or two residential dwelling units built on a chassis or undercarriage and designed to be transported from its place of fabrication or sale to a lot, whether or not placed on permanent foundation, but does not include a recreational vehicle, modular home, manufactured home, or tiny home.

**MUNICIPALITY** means the Municipality of the County of Annapolis.

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

**OUTDOOR DISPLAY** means an area of land, open to the air, where merchandise is displayed and available for sale to the general public from a retail outlet located on the same lot.

**OUTDOOR STORAGE** means items such as merchandise, inventory, materials, equipment, or other items which are stored on a lot open to the air and are not intended for immediate sale.

## UPPER CLEMENTS AREA LAND USE BYLAW

**PARK & RECREATIONAL USES** means the use of land for non-commercial parks, playgrounds, open space recreation and conservation, community gardens, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, and similar uses to the foregoing, together with necessary and accessory buildings and structures such as but not limited to band shells or pavilions.

**PARKING AREA OR LOT** means an area of land or structure used for parking spaces.

**PARKING SPACE** means an area of land for the temporary parking or storage of motor vehicles.

**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.

**PERSON** includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee or agent and the heirs, executors or other legal assigns, wards and representatives to whom the context applies according to law.

**PERSONAL SERVICE SHOP** means the use of a building to provide personal grooming needs of humans such as but not limited to an aesthetician, barber shop, beauty parlour, hairdressing salon, clothing and shoe repair or maintenance, spa, and tattoo shops, including the retail sales of products/goods incidental or related to the personal service shop.

**PLANNING AREA** means all the lands defined by the Zoning Map (Schedule "A").

**PLACE OF WORSHIP** means a community service building or complex of buildings dedicated to religious or spiritual worship or institutions including but not limited to churches, chapels, temples, synagogues, mosques, convents, and monasteries. A hall, administration office, residency for the clergy, cemetery, and day nursery operation for the congregation are considered accessory uses.

**PREMISES** means an area of land with or without buildings or structures.

**PRIVATE OR PUBLIC ROAD/STREET/HIGHWAY** as defined by the Annapolis County Subdivision Bylaw.

**PRODUCE STAND** means a single-story moveable structure with a floor area less than 4.65 sq. M. (50 sq. Ft.), or wagon-top sales area used for the marketing, retailing, or distributing of agricultural products grown or harvested by a primary resident of the property on which the produce stand is located. For the purpose of this Bylaw a communal cupboard or food pantry that provides food and small household goods or needs to community members by donation shall be consider as a produce stand.

**PUBLIC AUTHORITY** means any Commission or Committee of the Municipality of Annapolis County established or exercising any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the Municipality or a portion thereof and includes any committee or local authority established by a Bylaw of the Municipality, and any governmental body.

**PUBLIC RECREATIONAL CENTRE** means a building or lot or part of a building or lot owned and operated by a public authority for recreation or entertainment purposes such as dance halls, bowling alleys, golf courses, golf driving ranges, miniature golf courses, roller skating rinks, botanical and zoological exhibits, and sporting venues such as hockey and skating rinks, soccer, and baseball fields and running tracks and similar uses to the foregoing, together with necessary and accessory buildings and structures.

**RECREATIONAL CABIN** means a single unit structure having a roof supported by columns or walls, built, constructed, placed, or located on a lot and used for temporary or seasonal human habitation, and includes camps and bunkies.

**RECREATIONAL VEHICLE** means a vehicular, portable unit designed for travel, camping or recreational use, including a Class A, Class B and Class C motor home, a travel trailer, a fifth wheel recreational vehicle, a folding or pop-up tent trailer or a pick-up camper.

**RECYCLING DEPOT** means a premises on which recoverable materials such as newspaper, glassware, plastic, and metal cans are separated and stored prior to shipment but does not include any processing of the material or a salvage yard.

**REPAIR SHOP** means the use of a building for the repair of office and household articles such as furniture, appliances, computers, electronics and entertainment equipment, including the accessory display and sale of such items repaired.

**RESIDENTIAL CARE COMMUNITY** means an individual building or a group of buildings, services and amenity areas that are regulated under the Nova Scotia Homes for Special Care Act or Health Authorities Act and offer multiple levels of care or treatment, such as but not limited to assisted living, independent living, group homes, senior homes, skilled nursing care, hospice, and long term care facilities and may be operated as a standalone service or as integrated multi-service facility. These services may include the accessory uses and services such as the serving of meals, housekeeping, social and recreational services, health services, personal care and nursing care.

**RESTAURANT** means a building or part thereof where food and drink are served to the public for consumption within the building. **DRIVE-IN OR TAKE-OUT** means a restaurant, including a food truck, which does not necessarily provide facilities for consumption thereof on the premises other than parking areas.

**RETAIL STORE** means the use of a building where new or used merchandise or things are kept and offered for sale or rental directly to the public at retail cost.

**SCRAP YARD OR SALVAGE YARD** means an area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include used bicycles, vehicles, tires, metals or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site or recycling depot.

**SCREENING** means the method by which a view of one site from another abutting site is shielded, concealed or hidden.

**SEPARATION DISTANCE** means a horizontally measured portion of a lot which is required to physically separate buildings, structures, or incompatible land uses.

**SERVICE INDUSTRIES** means the processing of milk and dairy products for sale, bakery, butcher shop, not including the slaughtering of animals, paint shop, printing establishment, photography studio or photographic processing lab, laundry or dry-cleaning establishment, upholstery shop, high pressure wash facilities, and carpet or house cleaning establishment.

**SERVICE STATION** means the use of a building for the sale of automotive fuels, electricity, lubricating oils and automotive accessories and may include the accessory servicing and/or repair of motor vehicles as well as uses such as a car wash, auto body shop, a restaurant or convenience store unless otherwise stated in this Bylaw.

**SETBACK** means the distance between the lot line and the nearest main wall of a building or structure on the lot.

**SHORT TERM RENTAL** means the provision of roofed accommodations, as defined by the *Nova Scotia Tourist Accommodation Registration Act*, rented to a single party or group, for payment or compensation, for a period of 28 days or less.

**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 and that is intended to be seen from off the premises or from a parking lot. For greater clarity, signs not located such that they are visible from off the premises or from a parking lot are not considered signs for the purpose of this Bylaw and are not subject to the signage requirements of this Bylaw.

**FACIAL WALL SIGN** means a sign attached to, painted on, or erected against a wall of a building, with the face horizontally parallel to the building or structure wall.

**GROUND SIGN** means a sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

**PROJECTING WALL SIGN** means a sign that is attached to and projects from a structure or building face.

**ELECTRONIC MESSAGE BOARD** means a section of an otherwise permanent sign that allows the message to be amended, updated, or otherwise modified using digital means including, but not limited to, light emitting diode (LED) displays, liquid crystal diode (LCD) displays, and plasma displays.

**OFF PREMISE (OFF-SITE) SIGNS** means a sign advertising a business activity, product, service or entertainment that cannot be considered as the principal product sold nor a principal business, activity, service or entertainment provided on the site where the sign is displayed.

**SIGN AREA** means the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose the surface area of the sign. Only one side of a multifaced sign shall be used to determine sign area. The sign area of individual letters or figures that are attached or painted on a surface shall be the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose all of the letters, numbers or insignia.

**SMALL OPTION HOMES** means a residential building that is used as a community home regulated by the Nova Scotia Homes for Special Care Act, in which no more than four residents are supported by qualified staff through a combination of live-in and shift models.

**SOLAR POWER** means the use of the sun's energy either directly as thermal energy (heat) or through the use of photovoltaic cells in solar panels and transparent photovoltaic glass to generate electricity.

**GROUND MOUNTED SOLAR** means a solar power system that can be easily implemented in a yard or field, where the panels are installed directly on the ground.

**ROOF TOP SOLAR** is a solar power system that has its electricity generating solar panels mounted on the rooftop of a building or structure.

**STOREY** means that portion of a building which is situated between the top of any floor and the top of the floor above it, and if there is no floor above it that portion between the top of such floor and the ceiling above it. Any portion of a building partly below grade level shall not be deemed a storey unless the top of the above floor is at least 1.52 m. (5 ft.) Above established grade.

**STRATEGY** means the Upper Clement Secondary Planning Strategy (UCSPS).

**STRUCTURE** means anything that is constructed or placed to or supported by the soil or by any other structure.

**TAXICAB OPERATIONS** means the use of a building or land for the parking of commercial vehicles used in the transportation of humans, the accessory



administrative operations, or the housing of communication equipment to connect clients and drivers.

TINY HOME means a dwelling unit which is 37 sq. M. (398 sq. Ft.) Or less in floor area as outlined in the *Nova Scotia Building Code Regulations*.

TOURIST ESTABLISHMENT means a building or buildings licensed under the *Nova Scotia Tourist Accommodation Registration Act* which are used to accommodate the traveling public for gain or profit by supplying them with sleeping accommodation, with or without meals, and shall include cabins, a motel, a hotel and an inn, but shall not include campgrounds, bed & breakfast establishment or short-term rentals.

TRAIL means:

TRAIL, ACTIVE TRANSPORTATION means the use of land for non-motorized forms of movement such as but not limited to cycling, hiking, walking, cross-country skiing or horseback riding, together with any necessary and accessory structures such as barriers, boardwalks, gates, signage and bridges, but does not include a public or private road, street or highway.

TRAIL, MULTI-USE means the use of land for multiple uses including active transportation uses as well as all-terrain vehicles, together with any necessary and accessory structures such as barriers, gates, signage and bridges, but does not include a public or private road, street or highway.

UNIT means a room or grouping of rooms that can be sold, rented or leased through a single agreement.

UTILITY means any regulated public or private system, works, plant or service provider which provides said services at an approved rate to or for the use of the general public.

VETERINARY CLINIC / ANIMAL HOSPITAL means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation and includes any associated outdoor facilities such as kennels, pens, runs and enclosures.

WAREHOUSE AND DISTRIBUTION CENTRE means a building used primarily for the storage and distribution of goods and materials and may include wholesale or retail accessory uses.

WATER SUPPLY USES means the use of a lot or building/structure for the purpose of extracting, treating, retention, and distributing water and any accessory uses and structure including well fields, stormwater management infrastructure, and facilities for the display and interpretation of the waterworks, groundwater, stormwater and surface water management plan and protection strategy.

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



## UPPER CLEMENTS AREA LAND USE BYLAW

**COASTAL WATERCOURSE** means any body of water that is primarily fed by the Atlantic Ocean, such as the Annapolis Basin or Bay of Fundy.

**INTERIOR WATERCOURSE** means any body of water that is primarily fed by an underground spring or by precipitation and runoff, such as a lake, river, pond, stream or wetland.

**WHOLESALE ESTABLISHMENT** means a building in which commodities in quantity are offered for sale chiefly to industrial, institutional and commercial uses or to retailers or other merchants mainly for resale or business use.

**WIND TURBINE** means a structure or device that produces power by capturing the kinetic energy in surface winds and converting it into energy in the form of electricity and can include a tower, turbine rotor blades, and foundation:

**MINI WIND TURBINE** means a roof mounted turbine or a free standing turbine with a wind turbine height of 13 m. (42.6 ft.) Or less

**SMALL SCALE WIND TURBINE** means a free standing wind turbine height greater than 13 m. (42.6 ft.) But less than 47 m. (155 ft.)

**LARGE SCALE WIND TURBINE** means a free standing wind turbine height greater than 47 m. (155 ft.)

**WIND TURBINE HEIGHT** means the distance or total vertical height of the entire wind turbine structure measured from the support foundation at grade to the highest vertical extension of the wind turbine rotor blades, generally expressed as the height of the tower plus half of the rotor blade sweep or diameter.

**WORKSHOP** means a building, structure, or part of a building or structure used for the manufacturing or repairing of goods, including:

**ARTISANAL WORKSHOP** means the use of or part of a building by individuals trained in craft such as a butcher, baker, and cheese and dairy processing, including an accessory business office and the accessory sales of such products or work;

**ARTIST & CRAFT WORKSHOP** means the use of a building for the production or repair of artist's works/products, handmade toys, garden or household ornaments or personal effects from dressmaking/tailoring, leather-working, jewelry-making, pottery/ceramic-making, wood-working, quilting, crocheting, knitting, needlepoint, weaving or sewing including the exhibition/display and retail sales of such products; and,

**CUSTOM WORKSHOP** means a building, or part thereof, used by a trade, craft, or guild for the manufacture of small quantities (including repair) of articles and goods, for sale on or off premises, excluding motor vehicles or their parts or accessories.

**TRADE WORKSHOP** means a building, or part thereof, used by an individual trained in a trade to conduct their business such as but not limited to carpentry, plumbing, electrical or a smith including an accessory business office and the accessory sales of such products or work

**YARD** means an open, uncovered space on a lot belonging to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this Bylaw.

**ABUTTING YARD** means a yard which is contiguous with or extends across one or more zone boundaries and can extend across all or part of a side, rear or front yard.

**FLANKAGE YARD** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest wall of any main building or structure.

**FRONT YARD** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot; and a minimum front yard means the minimum depth allowed by this Bylaw on a lot between the front lot line and the nearest wall of any main building or structure on the lot.

**REAR YARD** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and a minimum rear yard means the minimum depth allowed by this Bylaw on a lot between the rear lot line and the nearest wall of any main building or structure on the lot.

**SIDE YARD** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any main building or structure on the lot; and a minimum side yard means the minimum width allowed by this Bylaw between the side lot line and the nearest wall of any main building or structure on the lot.

**ZONE** means a designated area of land shown on the Zoning Map, Schedules "A" of this Bylaw.

## Part 3 ADMINISTRATION AND INTERPRETATION

### SECTION 3.1 ADMINISTRATION

This Bylaw shall be administered by the Development Officer(s).

### SECTION 3.2 COMPLIANCE WITH OTHER BYLAWS

Nothing in this Bylaw shall exempt a person from complying with the requirements of any other bylaw of the Municipality or from obtaining any required license, permit or approval from the Municipality or any regulation of the Province or the Government of Canada. Where these provisions conflict with those of any other bylaw or regulation of the Municipality, Province or the Government of Canada, the higher or more stringent regulation shall prevail.

### SECTION 3.3 INTERPRETATION OF ZONE BOUNDARIES AND SYMBOLS

The symbols used on the Zoning Map refer to the corresponding zones established in this Bylaw. The extent and boundaries of zones are shown on the Zoning Map and the requirements of this Bylaw shall apply to all zones. The boundaries between zones shall be determined as follows:

- (a) Where a zone boundary is indicated as following a private or public street, road or highway the boundary shall be the centre line unless otherwise indicated.
- (b) Where a zone boundary is indicated as approximately following lot lines the boundary shall follow the established lot lines.
- (c) Where a watercourse, railroad, railway or transmission line right-of-way is shown on the Zoning Map 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 Map at the discretion of the Development Officer.

### SECTION 3.4 INTERPRETATION OF CERTAIN WORDS

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

## SECTION 3.5 PERMITTED USES

In this Bylaw, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated. Where a permitted use is defined in this Bylaw, the use includes any similar uses that satisfies the definition, except where a definition specifically excludes a similar use.

## SECTION 3.6 VARIANCE

A Development Officer may grant a variance as outlined within the MGA for the following land-use bylaw or development agreement requirements:

- (a) Percentage of land that may be built upon
- (b) Size or other requirements relating to yards
- (c) Lot frontage or area requirements for non-conforming lots
- (d) Number of parking and loading spaces required
- (e) Ground area and height of a structure
- (f) Floor area occupied by a home-occupation
- (g) Height and area of a sign

## SECTION 3.7 DEVELOPMENT PERMIT

Unless otherwise stated in this Bylaw, no person shall undertake a development on a lot within the Planning Area without first obtaining a development permit from the Development Officer subject to the following:

- (a) The development permit is only issued in conformance with this Bylaw or an approved development agreement, except where a variance is granted or in the case of non-conforming use or structure that is in conformance with the MGA.
- (b) A development permit is only issued for a building/structure that is placed fully within a lot and does not cross a lot line.
- (c) A development permit issued under this Bylaw shall automatically lapse, and become null and void, if the development to which it relates has not been completed within three (3) years of its date of approval.
- (d) The Development Officer may revoke a development permit issued under this Bylaw where the Development Officer is satisfied that the permit was issued under false or mistaken information, if the information provided on the application is found to be inaccurate, or if the permit was issued in error.
- (e) Notwithstanding that a development permit may not be required, the

development is not exempt from compliance with the requirements of this Bylaw.

### SECTION 3.8 NO DEVELOPMENT PERMIT REQUIRED

Unless otherwise stated in this Bylaw, no development permit is required for the following permitted uses:

- (a) A development that involves the interior or exterior renovation that will not change the shape of the building or structure or increase its volume or footprint and will not add more dwelling units or otherwise intensify or change the use of the building.
- (b) An accessory building with a gross floor area of 20 m<sup>2</sup> (215 ft<sup>2</sup>) or less, accessibility ramp, decks and patios less than 0.6 m. (2 ft.) above grade, dog houses, bus shelter, children's play structures, clothesline or flag pole, outdoor fire pit including fireplace, barbeque, chimney, wood stove or furnace, fences, retaining wall, temporary vehicle tent, landscaping structures such as a gazebo, garden trellis, minor agricultural accessory structures such as a calf hutch and artificial honeybee hive, pedestrian footbridge, reflecting or fish ponds, home use sending/receiving antenna or dish, swimming pools, and an outdoor internal combustion engine supplementary power generator, roof mounted mini scale wind turbines, and ground or roof mounted solar panels.
- (c) Forestry, agricultural or fishery uses, not including any building or structure required with such a use, unless otherwise stated in the Bylaw, and the keeping of household livestock, subject to **Section 4.18**.
- (d) A temporary use of land as well as the temporary erection or placement of structures for said use, including but not limited to, signs, displays, yard sales, flea markets, fairs, concerts, or festivals provided that such uses remain in place no longer than fifteen (15) days.

### SECTION 3.9 APPLICATION FOR DEVELOPMENT PERMIT

Every application for a development permit submitted to the Development Officer shall be accompanied by a sketch or site plans, drawn to an appropriate scale, showing:

- (a) The true shape and dimensions of the lot to be used;
- (b) The location, height, dimensions, and proposed use of the building/structure or land use proposed to be developed on the lot;
- (c) The location of every building or structure already on the lot, and the approximate location of buildings on abutting lots;

- (d) The proposed location and dimensions of any parking spaces, loading spaces, driveways, entry or exit points to a public street and landscaped areas;
- (e) Where applicable, a vegetative cover or soil retention plan, and;
- (f) Any other information which the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.

Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw, the Development Officer may require that the plans submitted be based on an actual plan of survey certified and stamped by a Nova Scotia Land Surveyor.

### SECTION 3.10 SIGNATURE FOR APPLICATIONS

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

### SECTION 3.11 APPLICATION FEE

Every application for a development permit, variance, or a bylaw amendment shall be accompanied by a form of payment acceptable to the Municipality in the amount specified by the Municipal Council. Where an application to amend this Bylaw or to enter into a development agreement is made, the applicant shall deposit with the Municipal Clerk for Annapolis County, an amount established by the Clerk to be sufficient to pay the costs of all advertising and notification required. If the amount paid is not sufficient to cover the costs incurred, then the applicant shall pay to the Clerk the additional amount required. If the amount paid is more than sufficient, then the Clerk shall refund the excess amount.

Where Council decides not to proceed with the application, development permit, or variance or it is withdrawn by the applicant, or rejected by the Development Officer, the deposit shall be returned to the applicant, less the cost of any incurred advertising or notification cost to date.

### SECTION 3.12 EFFECTIVE DATE OF BYLAW

This Bylaw shall take effect when approved by the Minister appointed by the MGA.

## Part 4 GENERAL PROVISIONS

### SECTION 4.1 MULTIPLE USES

Where any land or building is used for more than one purpose, the requirements of this Bylaw shall be interpreted so that the highest or most restrictive standard required for a use is applied to all uses.

### SECTION 4.2 MULTIPLE MAIN BUILDINGS ON A LOT

No person shall construct or place more than one (1) main residential building on a lot within the Upper Clements Residential (UCR1) Zone. In all other zones where more than one (1) main building is located on a lot, the setback requirements for the zone in which the lot is located shall apply to all main buildings and a minimum of 4.6 m. (15 ft.) shall be required between main buildings, unless otherwise provided for in this Bylaw.

### SECTION 4.3 ACCESSORY USES PERMITTED

Where this Bylaw provides that any land or building or structure may be used for a permitted use, the purpose includes any accessory or ancillary use, building, or structure subject to all other requirements of this Bylaw.

### SECTION 4.4 ACCESSORY BUILDINGS AND STRUCTURES

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:

- (a) Be used for human habitation, unless permitted under **Section 4.17**.
- (b) Be located within the minimum front or flankage yard(s) of a lot, with the exception of produce stands, or be built closer than 1.2 m. (4 ft.) to a lot line, unless permitted under **Section 4.10**.
- (c) Be built within 1.8 m (6 ft.) of the main building or 1.2 m. (4 ft.) of another accessory building or structure on the same lot.
- (d) Be considered an accessory building if attached to the main building by a shared structural wall, however, it may be attached to a main building on the same lot by way of an enclosed walkway or a breezeway.

### SECTION 4.5 TEMPORARY CONSTRUCTION USES PERMITTED

The temporary construction use or placement of a building/structure incidental to construction, is permitted in all zones provided that a development permit has been

issued for the main construction project and the temporary building/structure does not remain for more than thirty (30) days after the construction is completed. Temporary construction uses include but are not limited to, a work or construction camp, worker's trailers, sales or rental office, tool or maintenance shed, fencing, and scaffolding.

### SECTION 4.6 NON-CONFORMING USES AND STRUCTURES

Any legal use of land, building, or structure established before the effective date of this Bylaw that does not meet the requirements of this Bylaw or the uses permitted within the zone the lot is located, shall be treated as a permitted use, unless the land use is explicitly forbidden by this Bylaw, and must meet all other requirements of this Bylaw. If the legal use of land or building/structure is explicitly forbidden by this Bylaw it will be subject to the MGA provisions respecting non-conforming uses and structures.

A non-conforming land use, building or structure that does not meet the lot area, frontage or setback requirements, may be enlarged, reconstructed, repaired, or renovated provided the development does not further reduce any non-conforming setbacks and all other applicable requirements of this Bylaw are satisfied.

The use of a non-conforming land, building, or structure may be changed to a use permitted in the zone in which the lot is located at any time, provided all other applicable requirements of this Bylaw are met.

### SECTION 4.7 RESTORATION TO A SAFE CONDITION

Nothing in this Bylaw shall prevent the restoration of any building/structure to a safe condition as outlined within the MGA.

### SECTION 4.8 STREET FRONTAGE

No development permit shall be issued for a lot that does not abut and front upon a public or private street, road or highway, unless the lot was in existence on or before the effective date of this Bylaw.

Lots existing on or before the effective date that do not meet the street frontage requirements of this Bylaw may be developed, provided all other applicable requirements of this Bylaw are met and in the case of a no frontage lot, an approved right-of-way has been granted to allow access to the lot. Where the lot lines of an existing lot that lacks street frontage are altered, but the lot still does not meet the street frontage requirement, the lot may still be developed.



## SECTION 4.9 EXISTING UNDERSIZED LOTS

Notwithstanding the area requirements of this Bylaw, a lot in existence on or before the effective date of this Bylaw, having less than the minimum lot area required by this Bylaw, may be used for a purpose permitted in the zone in which the lot is located, and a development permit shall be granted for a permitted use on the lot provided that all other applicable requirements of this Bylaw are satisfied. Where the lot lines of an existing undersized lot are altered so as to increase the lot area, but the lot still remains undersized, this regulation shall still apply.

Where a building or structure is located on an existing undersized lot and fails to meet the requirements of this Bylaw regarding setbacks, the building/structure may be used for any use permitted in the zone in which the lot is located, provided that all other applicable requirements of the Bylaw are met.

## SECTION 4.10 SIDE YARD WAIVER

Notwithstanding the minimum side yard requirements of this Bylaw, where main or accessory buildings or structures on abutting lots share a common building wall, the applicable side yard requirement shall be zero.

## SECTION 4.11 CONFORMITY WITH EXISTING SETBACKS

Where a main building is proposed to be built or expanded between main buildings on adjacent lots, the building or expansion may be built with a front yard setback equal to the average established front yard setback of the main buildings located on all lots within 100 m (328 ft.) of the proposed development, but the front yard setback shall not be less than 3 m (10 ft.).

## SECTION 4.12 REDUCED REQUIREMENTS – LOT FRONTAGE

Notwithstanding the minimum lot area and lot frontage requirements of this Bylaw, development permits shall be issued for lots created pursuant to the Subdivision Bylaw, where:

- (a) A lot along a public or private street, road, or highway containing two or more 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 retains a minimum of 12.2 metres (40 feet) of lot frontage and all other applicable requirements of this Bylaw are satisfied.
- (b) A flag lot is created that has a minimum of 12.2 m. (40 ft.) of lot frontage and all other applicable requirements of this Bylaw are satisfied.

- (c) Where a lot is created for a park and recreation use, in which the control and/or operation is vested in a public authority or agency thereof, that has a minimum road frontage of 6 metres (19.7 ft.).
- (d) Two lots are created that have less than the required frontage and/or lot area provided that neither reduction is less than ninety percent (90%) of the required minimums for that zone.
- (e) Where the land being subdivided is to address a development component of a permanent nature, such as mature trees, a driveway, well, or septic tank which is encroaching in or upon an immediately abutting lot, and all other applicable requirements of this Bylaw are satisfied.

### SECTION 4.13 ILLUMINATION

Lights used for illumination shall be arranged to divert light away from any abutting properties or public and private streets, roads or highways, unless the lights have been placed and maintained by a public authority.

### SECTION 4.14 SIGNS

A development permit is required for all signs that exceed 1 sq. m. (10.8 sq. ft.) and no sign within the Planning Area is permitted to have flashing lights, moving parts, project beyond a property line, be placed on public property or a public right-of-way without first receiving permission from the governing public authority, obstruct the line of sight or travel for drivers and cyclist such as being located in a corner sight triangle, or which could interfere, mislead, or confuse traffic by using words, phrases, or designs that resemble governmental authority traffic signs.

### SECTION 4.15 PERMITTED ENCROACHMENTS IN YARDS

The following structures may project into or be located in a required yard setback in accordance with the following maximum projection from a main wall:

- (a) 1 m. (3.2 ft.) for window bays, eaves, cantilevers, gutters and chimneys
- (b) 3 m. (10 ft.) for balconies, roofed porches, sun decks, terraces, awnings, patios and decks; carport (not front yard), and exterior staircase
- (c) to the lot line for fire escape and accessibility access ramps

### SECTION 4.16 HOMES FOR SPECIAL CARE

Small Option Homes and Group Home Facilities, licensed under the *Nova Scotia Homes for Special Care Act* are considered a permitted use in all residential dwellings.

## SECTION 4.17 SECONDARY SUITES

A secondary suite is permitted as an accessory dwelling unit to the main residential dwelling, located either inside or attached to the main residential building or in the form of a backyard suite located in an accessory building. A secondary suite must meet the main use setback requirements for the zone in which the lot is located and may have a maximum floor area of 80 sq. m. (861 sq. ft.).

## SECTION 4.18 KEEPING OF HOUSEHOLD LIVESTOCK

The keeping of household livestock on lots less than 1 hectare (2.5 acres) is considered a permitted use, if:

- (a) The maximum number of agricultural animals permitted is equal to two (2) animal units per 4,047 sq. m. (1 acre). Multiple adjacent lots held in common ownership may be combined when calculating lot area.
- (b) All animals must be kept in a fenced area or structure that meets the accessory structure requirements of **Section 4.4**.
- (c) The keeping of a rooster is prohibited.

## SECTION 4.19 SHORT-TERM RENTALS

A residential dwelling unit may be used as a short-term rental or bed & breakfast establishment if the owner of the short-term rental lives on or abuts the property containing the rental unit. Short-term rental units located on a campground are permitted without the property owner living on the property or an abutting property.

## SECTION 4.20 RECREATIONAL VEHICLE PARKING SITES

Recreational vehicle parking sites, where permitted, shall meet the following requirements:

- (a) Meet the requirements for a permitted main use for the zone in which the parking site is located.
- (b) Surfaced with a stable material such as, but not limited to, gravel, brick, paving stones, asphalt, or concrete.
- (c) Any accessory building, structure, or additions must meet the requirements of the National Building Code and all other applicable requirements of this Bylaw.
- (d) Number no greater than two (2) parking site on a lot.
- (e) Have only one (1) recreation vehicle on each parking site.

- (f) A recreational vehicle that is used for human habitation for sixty (60) days or less within a calendar year does not require a recreational vehicle parking site.

### SECTION 4.21 HOME OCCUPATION REQUIREMENTS

Nothing in this Bylaw shall prevent the use of a residential dwelling, its accessory buildings, or a property containing a residential dwelling, as a home occupation provided that;

- (a) The home occupation is a business and administrative office, counseling office, instruction studio, medical practitioner clinic, personal service shop, repair shop, residential day-care, retail store, taxicab operation, or a workshop, with the exception of the Upper Clements Residential (UCR1) Zone where a taxicab operation or a small engine repair shop are not permitted.
- (b) The home occupation is operated by the primary occupant of a dwelling unit located on the same lot.
- (c) That one (1) off-street parking space, not for residential use, are provided for every 20 sq. m<sup>2</sup> (215 ft<sup>2</sup>) of commercial floor space occupied by the home occupation; and one (1) off-street parking space is provided for each taxicab or delivery vehicle.
- (d) There is no outdoor storage or display within the front yard.
- (e) The home occupation does not make use of equipment that is obnoxious by virtue of dust, odour, smoke, noise, or other emissions.

### SECTION 4.22 WATERCOURSE PROTECTION

No structure, except for wharves, boat houses, bridges, launches, personal fishing uses, and landscaping structures or any other uses so exempted in this Bylaw, shall be erected within the corresponding designated watercourse setback measured from the ordinary high-water mark as defined by the Land Surveyors Regulations, and shall not affect that natural flow of the watercourse. The following watercourse setback distances are defined as being part of any side, rear or front yard:

- (a) 30 m. (98 ft.) from coastal watercourses
- (b) 15.25 m. (50 ft.) from interior watercourses

A setback variance may be granted within the ordinary high-water mark along a watercourse if a study conducted by a certified engineer is provided to the Development Officer showing that the proposed development will not negatively affect the coastline, contribute to coastal erosion, and the development is protected from flooding, along with a natural vegetation and soil retention plan.

## SECTION 4.23 PARKS, PLAYGROUNDS & TRAILS

Notwithstanding anything else in this Bylaw, parks and recreation uses, where the control and/or operation is vested in a public authority or agency thereof, are considered permitted uses in all zones in the Planning Area or within a watercourse setback and no municipal development permit is required for their development or their ancillary structures or buildings.

## SECTION 4.24 PUBLIC/PRIVATE UTILITIES & SERVICE FACILITIES

Unless otherwise prohibited in this Bylaw, public or private utilities and municipal service facilities may be located in any zone in the Planning Area or within a watercourse setback and no zone standard shall apply. No development permit shall be required for the development or redevelopment of a utility or service facility.

## SECTION 4.25 SOLAR COLLECTION SYSTEMS

A ground based solar collection system comprised of solar panels is a permitted use in all zones but shall not be built closer than 3 m (10 ft.) to a lot line or main building or reflect light onto an abutting property.

## SECTION 4.26 PERMITTED WIND TURBINES

Mini and small-scale wind turbines shall be considered an accessory structure and permitted in all zones within the Planning Area, but shall not:

- (a) Be built closer than two (2) times the total wind turbine height to any lot line, public road, street, or highway, or existing main building with the exception of roof mounted wind turbines.
- (b) Exceed one (1) wind turbine on a lot, except in a UCR2 Zone where the limit shall be no more than three (3) wind turbines permitted on a lot.

## SECTION 4.27 PROHIBITED USES

Notwithstanding anything else in this Bylaw, the development of the following uses shall be prohibited within the Planning Area:

- (a) Commercial or private-use motorized vehicle racetracks, jump tracks, roads, trails, stadiums, arenas and commercial tracks for the racing of animals, or any other such facilities or operations.
- (b) Business, operation, facility, building or uses of land for the purpose of housing or raising fur-bearing animals, for the purpose of the production of pelts or products from fur-bearing animal.
- (c) Shooting and firing ranges or clubs.

- (d) Aquaculture business, operations, facilities, and related uses.
- (e) The removal of topsoil for commercial sale, with reasonable exceptions for the sale of plants with attached root ball, not including turf, from nurseries and greenhouses, and excavations associated with the construction of permitted building/structures and infrastructure such as roads and driveways.
- (f) Large scale wind turbines.

### SECTION 4.28 AGRICULTURAL MARSHLAND REQUIREMENTS

Areas identified as protected marshland on the zoning map must meet the following requirements:

- (g) Development is not permitted unless enabled under the **Act for the Conservation of Agricultural Marshland**. Residential institutions and any use associated with the warehousing or production of hazardous materials shall not be permitted.
- (h) The placement of off-site fill must be limited to that required for floodproofing or flood risk management. No infilling or alteration of topography shall impede drainage or flow of flood water or unnecessarily reduce flood water storage capacity.
- (i) All permitted new buildings and additions in the marshlands shall implement adequate flood resistant building techniques to be floodproofed, as designed by an engineer licenced to practice in Nova Scotia.

### SECTION 4.29 UNSUITABLE HABITATION

Trucks, trailers, buses, coach bodies, unfinished shipping containers, or other similar structures shall not be used for human habitation unless otherwise permitted in this Bylaw.

## Part 5 Zones

### SECTION 5.1 ZONES ESTABLISHED

The Planning Area is divided into the following zones, shown on the Zoning Map (Schedule “A”).

Land Use Category	Abbreviation	Zone
Residential	<b>UCR1</b>	Upper Clements Residential
	<b>UCR2</b>	Upper Clements Mixed-Use
	<b>UCCDD</b>	Upper Clements Comprehensive Development District
Institutional	<b>UCI</b>	Upper Clements Institutional
Open Space	<b>UCOS</b>	Upper Clements Open Space
Agricultural	<b>UCAG</b>	Upper Clements Agriculture

### SECTION 5.2 PERMITTED LAND USES

The following table groups common land uses in relation to the primary zone in which they are permitted, notwithstanding any other requirements of this Bylaw.

Land Use	UCR1	UCR2	UCCDD	UCI	UCOS	UCAG
<b>Residential</b>						
Single-Unit Dwelling	UCR1	UCR2	UCCDD			UCAG
Two-Unit Dwelling	UCR1	UCR2	UCCDD			UCAG
Multi-Unit Dwelling		UCR2	UCCDD			
Mobile Home	UCR1	UCR2				UCAG
Group Care Facility Dwelling	UCR1	UCR2	UCCDD			UCAG
Small Option Home Dwelling	UCR1	UCR2	UCCDD			UCAG
Boarding or Rooming Houses		UCR2				
Continuing Care Residential Community		UCR2	UCCDD			
Home Occupations	UCR1	UCR2	UCCDD	UCI	UCOS	UCAG
Land Lease Communities		UCR2				
<b>Institutional</b>						
Community Centres		UCR2		UCI		
Fire & Emergency Services	UCR1	UCR2	UCCDD	UCI		
Hospital		UCR2	UCCDD	UCI		
Institutional Uses		UCR2	UCCDD	UCI		
Places of Worship		UCR2		UCI		
Post Office				UCI		
Public Schools, Training & Educational Facilities		UCR2	UCCDD			
Research and Development Centres		UCR2	UCCDD			
Transit and Taxi Stations		UCR2	UCCDD	UCI		
<b>Parks &amp; Recreation</b>						
Recreational Cabins	UCR1	UCR2				UCAG
Docks, Marinas, & Wharves			UCCDD	UCI	UCOS	UCAG
Golf Courses & Driving Ranges		UCR2				
Historical Sites & Interpretation Centres				UCI	UCOS	UCAG

<b>Land Use</b>	<b>UCR1</b>	<b>UCR2</b>	<b>UCCDD</b>	<b>UCI</b>	<b>UCOS</b>	<b>UCAG</b>
Parks & Recreation Uses			UCCDD	UCI	UCOS	UCAG
Public Campgrounds		UCR2				UCAG
Public Recreation Facility		UCR2	UCCDD	UCI	UCOS	
Recreational Vehicle Parking Sites	UCR1	UCR2				UCAG
<b>Commercial</b>						
Automotive & Autobody Repair		UCR2				
Banks & Financial Institutions			UCCDD			
Bars, Pubs, & Taprooms		UCR2	UCCDD			
Call & Data Processing Centres		UCR2				
Campgrounds & RV Parks		UCR2				
Car Wash Facilities		UCR2				
Clubs (Commercial & Private)		UCR2				
Commercial Art Galleries		UCR2				
Commercial Daycare Centres		UCR2	UCCDD			
Commercial Recreation Centres		UCR2	UCCDD			
Commercial Schools, Training & Educational Facilities		UCR2	UCCDD			
Construction Industry Uses		UCR2				
Counselling Offices	UCR1	UCR2	UCCDD			UCAG
Display Courts		UCR2				
Farm Markets		UCR2	UCCDD			UCAG
Fitness Centres		UCR2	UCCDD			
Funeral Home & Burial Services		UCR2				
Hotel, Motel & Tourist Establishments		UCR2	UCCDD			
Instruction Studios		UCR2	UCCDD			
Kennels & Animal Day Cares		UCR2				UCAG
Licensed Liquor Establishments		UCR2	UCCDD			
Medical Practitioner Offices & Clinics		UCR2	UCCDD			
Microbreweries and Microdistilleries		UCR2	UCCDD			UCAG
Offices		UCR2	UCCDD			
Parking Area & Structures		UCR2	UCCDD	UCI		
Personal Service Shops		UCR2	UCCDD			
Repair Shops		UCR2	UCCDD			UCAG
Restaurants		UCR2	UCCDD			UCAG
Retail Stores		UCR2	UCCDD			
Self-Storage Facilities		UCR2				UCAG
Service Station		UCR2				
Shopping Centre or Mall		UCR2				
Store Front Recycling Centres & Drop Off		UCR2				
Taxicab & Transit Operation		UCR2				
Veterinary Offices & Clinics		UCR2				UCAG
Wholesale Establishments		UCR2				
Workshops (Artisan, Artist, Craft, & Custom)	UCR1	UCR2	UCCDD			UCAG
<b>Industrial Uses</b>						
Bulk & Cold Storage Facilities		UCR2				
Commercial Cannabis Facilities		UCR2				
Commercial Greenhouses		UCR2				UCAG
Light Industrial Uses		UCR2				



Land Use	UCR1	UCR2	UCCDD	UCI	UCOS	UCAG
Recycling Depots		UCR2				
Warehouse, Depots, Storage & Distribution Facilities		UCR2				
<b>Agricultural</b>						
Agricultural, Primary Use		UCR2				UCAG
Agricultural, Secondary Use		UCR2				UCAG
Agricultural-Related Use		UCR2				UCAG
Agritainment Use		UCR2				UCAG
Farm Residences		UCR2				UCAG
Forestry Use, Primary	UCR1	UCR2				UCAG
Forestry Use, Secondary	UCR1	UCR2				UCAG

## SECTION 5.3 ZONE PROVISIONS

### 5.3.1 LAND USE ZONES

The following lot and yard requirements shall apply to all proposed building, structures, or land uses in the corresponding zone:

Zone	Land Use	Septic System	Minimum Lot Area A, B*	Minimum Lot Frontage E, F*	Minimum Yard Requirements		
					Front & Flankage H, L*	Side K, M*	Rear I, J*
UCR1	Residential	Municipal	465 m <sup>2</sup> 5,005 sq. ft.	24.4 m 80 ft.	5 m 16.4 ft.	1.2 m 4 ft.	7.6 m 24.9 ft.
		On-site	2,700 m <sup>2</sup> 29,063 sq. ft.	30.5 m 100 ft.	7.6 m 24.9 ft.	3.1 m 10.2 ft.	7.6 m 24.9 ft.
UCR2	Mixed-Use	Municipal	930 m <sup>2</sup> 10,010 sq. ft.	30.5 m 100 ft.	7.6 m 24.9 ft.	3.1 m 10.2 ft.	7.6 m 24.9 ft.
		On-site	2,700 m <sup>2</sup> 29,063 sq. ft.	37 m 121.4 ft.	7.6 m 24.9 ft.	3.1 m 10.2 ft.	7.6 m 24.9 ft.
UCCDD	Comprehensive Development District	Municipal	930 m <sup>2</sup> 10,010 sq. ft.	24.4 m 80 ft.	3.1 m 10.2 ft.	1.2 m 4 ft.	7.6 m 24.9 ft.
		On-site	2,700 m <sup>2</sup> 29,063 sq. ft.	37 m 121.4 ft.	7.6 m 24.9 ft.	3.1 m 10.2 ft.	7.6 m 24.9 ft.
UCI	Institutional	N/A	930 m <sup>2</sup> 10,010 sq. ft.	24.4 m 80 ft.	3 m 10 ft.	1.2 m 4 ft.	3 m 10 ft.
UCOS	Open Space	N/A	465 m <sup>2</sup> 5,005 sq. ft.	24.4 m 80 ft.	3 m 10 ft.	3 m 10 ft.	3 m 10 ft.
UCAG	Agricultural	N/A	20,234 m <sup>2</sup> 5 acres	45.7 m 150 ft.	7.6 m 24.9 ft.	7.6 m 24.9 ft.	7.6 m 24.9 ft.

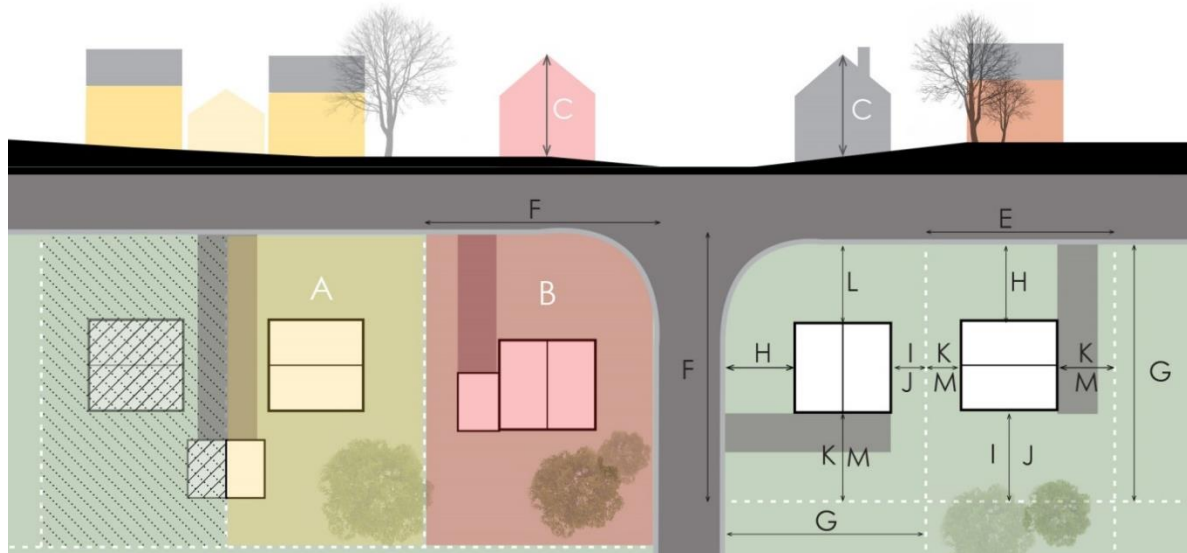
Figure 1, on the following page, is provided as a guide to the application of the yard dimensions provided for each zone in the Bylaw. Users should note the following:

- (a) Larger lot sizes (A, B) may be required in accordance with Provincial Regulations for On-Site Sewage Disposal Systems.
- (b) Lot frontage (E, F) shall be measured as a straight line between the points where the two side lot lines meet the front lot line, unless the lot is an irregularly shaped lot, in which case it shall be deemed to be the horizontal distance between the side lot lines measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point equal to the required front yard.

**Figure 1 Measuring Standard Lot and Building Dimensions**

-  Lot Area
-  Built Area

Built area/ Lot area x100% = D (lot coverage)



<b>A</b> Minimum Lot Area (Interior Lot)	Total horizontal area within the lot lines of a lot, or the combined total horizontal area within the boundary lines of all part lots associated with a semi-detached dwelling or townhouse dwelling
<b>B</b> Minimum Lot Area (Corner Lot)	Same as A but usually a larger area for a lot situated at the intersection abutting two or more streets
<b>C</b> Maximum Height	Maximum vertical distance measured from the grade to the highest point on a building or structure, including the highest point of any roof or surface
<b>D</b> Maximum Lot Coverage	Percentage of lot area covered by buildings and structures above established grade, not including unenclosed swimming pools, porches, patios, and above ground pool decks
<b>E</b> Minimum Lot Frontage (Interior Lot)	Horizontal distance between the side lot lines of an interior lot as measured along the front lot line
<b>F</b> Minimum Lot Frontage (Corner Lot)	Horizontal distance between the side lot line and a hypothetical point of intersection of the front and flanking lot lines of a corner lot determined by extension of a straight line
<b>G</b> Minimum Lot Depth	Horizontal distance between the front and rear lot lines of a lot when these lines are parallel, or the length of a straight line joining the middle of the front lot line with the middle of the rear lot line when the front and rear lot lines are not parallel
<b>H</b> Minimum Front Yard	Minimum distance between the front lot line and the nearest main wall of any main building on the lot
<b>I</b> Minimum Rear Yard	Minimum distance between the rear lot line and nearest main wall of any main building or main structure on the lot
<b>J</b> Minimum Rear Yard Abutting Residential	Same as I but usually a greater distance applied to non-residential structures on properties abutting residential zones
<b>K</b> Minimum Side Yard	Minimum distance between the side lot line and nearest main wall of any main building or main structure on the lot
<b>L</b> Minimum Flanking Yard (Corner Lot)	Minimum distance between side yard of a corner lot that abuts a street
<b>M</b> Minimum Side Yard Abutting Residential	Same as K but usually a greater distance applied to non-residential structures on properties abutting residential zones

## **SECTION 5.4 LAND USE ZONE SPECIFIC REQUIREMENTS**

The following section identifies special requirements applicable in each zone.

### **5.4.1 UPPER CLEMENTS RESIDENTIAL ZONE**

#### **5.4.1.1 USES PERMITTED AS-OF-RIGHT**

Section 5.2 lists all permitted uses for this zone.

#### **5.4.1.2 PARKING STANDARDS**

Where a property in the Residential (UCR1) Zone is used for a Short-Term Rental or a Boarding or Rooming House, a minimum of one (1) off-street parking space is required for each room to be rented or leased.

#### **5.4.1.3 ABUTTING YARD REQUIREMENTS**

Where an Upper Clements Residential (UCR1) Zone abuts an Upper Clements Agricultural (UCAG) Zone, the following restrictions shall apply to the abutting yard(s) within the Upper Clements Residential (UCR1) Zone:

1. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 22.9 m (75 feet);
2. Where the abutting yard follows a side yard, the minimum abutting yard setback shall be measured from the front lot line to the rear lot line, and the minimum required abutting yard setback shall be 15.2 m (50 feet); and
3. No buildings or structures shall be permitted to be developed in a required abutting yard.

#### **5.4.1.4 RECREATIONAL CABIN**

Recreational cabins shall be permitted within the Upper Clements Residential (UCR1) Zone at a maximum of one (1) recreational cabin per lot.

### **5.4.2 UPPER CLEMENTS MIXED USE ZONE**

#### **5.4.2.1 USES PERMITTED AS-OF-RIGHT**

Section 5.2 lists all permitted uses for this zone.

#### **5.4.2.2 ABUTTING YARD REQUIREMENTS**

Where an Upper Clements Mixed Use (UCR2) Zone abuts an Upper Clements Agricultural (UCAG) Zone, the following restrictions shall apply to the abutting yard(s) within the Upper Clements Mixed Use (UCR2) Zone:

1. Where the abutting yard follows a rear yard, the minimum required abutting yard setback shall be 15.2 m (50 feet);
2. Where the abutting yard follows a side yard, the minimum required abutting yard setback shall be 15.2 m (50 feet); and
3. No buildings or structures shall be permitted to be developed in a required abutting yard.

#### **5.4.2.3 PARKING STANDARDS**

Where a property in the Mixed Use (UCR2) Zone is used for a Short-Term Rental or a Boarding or Rooming House, a minimum of one (1) off-street parking space is required for each room to be rented or leased.

#### **5.4.2.4 LAND LEASE COMMUNITY**

Land Lease Communities for mobile homes, mini-homes, and tiny homes may be considered in the Upper Clements Mixed Use (UCR2) Zone, subject to Part 6 of the LUB, by site-plan application only.

#### **5.4.2.5 RECREATIONAL CABIN**

Recreational cabins shall be permitted within the Upper Clements Mixed Use (UCR2) Zone at a maximum of one (1) recreational cabin per lot.

#### **5.4.2.6 DISPLAY COURTS**

Display courts shall be permitted in the Mixed Use (UCR2) Zone for commercial operations and home occupations, provided that the area intended for use is surfaced with a stable material such as but not limited to: gravel, brick, paving stones, asphalt, or concrete.

#### **5.4.2.7 TOWNHOUSE DEVELOPMENT**

Where a townhouse development is being proposed in the UCR2 Zone with the intention of being subdivided for the individual sale of units, the minimum lot frontage requirement for a lot containing a townhouse with common building walls on either side will be 6 m. (20 ft.). For end units with a single common building wall on only one side, the minimum lot size shall be 18.3 m. (60 ft.).

- i) Each lot to be created contains no more than one dwelling unit.
- ii) Each dwelling unit has separate service connections.

## 5.4.3 UPPER CLEMENTS COMPREHENSIVE DEVELOPMENT DISTRICT ZONE

### 5.4.3.1 UCCDD USES PERMITTED

No development shall be issued in the Upper Clements Comprehensive Development District (UCCDD) Zone, except for one or more of the following uses:

- i) Upper Clements Residential (UCR1) Uses subject to the UCR1 Zone requirements.
- ii) Upper Clements Mixed Use (UCR2) Uses subject to the UCR2 Zone requirements.
- iii) Public Open Space Uses
- iv) Institutional Uses

### 5.4.3.2 DEVELOPMENT BY DEVELOPMENT AGREEMENT

All developments located in the Upper Clements Comprehensive Development District (UCCDD) Zone shall be permitted only by development agreement in accordance with **Policy 4.21** and **Policy 4.23** of the Upper Clements Secondary Planning Strategy.

## 5.4.4 UPPER CLEMENTS OPEN SPACE ZONE

### 5.4.4.1 USES PERMITTED AS-OF-RIGHT

Section 5.2 lists all permitted uses for this zone.

## 5.4.5 UPPER CLEMENTS AGRICULTURAL ZONE

### 5.4.5.1 USES PERMITTED AS-OF-RIGHT

Section 5.2 lists all permitted uses for this zone.

### 5.4.5.2 USES NOT REQUIRING A PERMIT

Agricultural and forestry uses are permitted in the Upper Clements Agricultural (UCAG) Zone without a development permit, but any structure required with such a use shall not be erected without the issuance of a development permit.

### 5.4.5.3 EXISTING NON-FARM RESIDENTIAL USES

In the Upper Clements Agricultural (UCAG) Zone the expansion or replacement of existing non-farm related residential uses is permitted provided that the expansion or replacement does not result in the creation of additional dwelling units.

#### **5.4.5.4 RECREATIONAL CABIN**

Recreational cabins shall be permitted within the Upper Clements Agricultural (UCAG) Zone at a maximum of one (1) recreational cabin per lot.

#### **5.4.5.5 PROHIBITED USES**

Notwithstanding any provisions of this By-law, the removal of topsoil shall be prohibited on lots located within the Upper Clements Agricultural (UCAG) Zone.

## Part 6 Site Plan Approval Criteria

The following Site Plan criteria shall apply to all new development of land lease communities and second multi-unit residential structures that are permitted through the Site Plan Approval process in the Upper Clements Mixed Use (UCR2) Zone. No development permit shall be issued for development that is inconsistent with these respective criteria. All development subject to Site Plan Approval must also meet all applicable zone standards and all other requirements of this Bylaw.

### 6.1 SITE PLAN CRITERIA FOR DEVELOPMENT OF LAND LEASE COMMUNITIES IN THE UPPER CLEMENTS MIXED USE (UCR2) ZONE

The following site plan criteria shall apply to all new development of Land Lease Communities that are permitted through the site plan approval process. No development permit shall be issued for development that is inconsistent with these criteria, in addition to all applicable zone standards and other requirements of this Bylaw:

- (a) The land lease community is compatible within the surrounding area.
- (b) Adequate vegetative or other buffering is provided between the land lease community and adjacent residential, commercial, institutional, agricultural, or industrial uses.
- (c) Arrangements are made to service the land lease community with on-site water and sewer services which are compliant with Provincial and Municipal requirements.
- (d) A minimum of 10% of the total land lease community development area is reserved and developed exclusively for parks, playgrounds, and recreational open space.
- (e) The land lease community is a minimum of four hectares (9.88 acres) in area.
- (f) Each plot to be created contains no more than one dwelling unit.
- (g) Each dwelling unit has separate service connections.

### 6.2 SITE PLAN CRITERIA FOR DEVELOPMENT OF SECOND MULTI-UNIT RESIDENTIAL STRUCTURES IN THE UPPER CLEMENTS MIXED USE (UCR2) ZONE

The following site plan criteria shall apply to all new development of second multi-unit residential structures that is permitted through the site plan approval process. No development permit shall be issued for development that is inconsistent with these criteria, in addition to all applicable zone standards and other requirements of this Bylaw:



- (a) the location of new structures (or an addition to an existing structure) is located on the lot to minimize any adverse impacts on the surrounding neighbourhood, including, but not limited to noise, dust, or lighting;
- (b) the location, number and width of ingress and egress points are designed to prevent traffic congestion, nuisance and inconvenience in the area and minimize any adverse impact on the surrounding neighbourhood;
- (c) the existing vegetation, where possible and deemed practical, be retained so as to lessen or reduce any adverse impact on abutting properties or the surrounding neighbourhood;
- (d) the type and location of outdoor lighting is designed to light the structure, driveways and any pedestrian walkways, but shall not shine directly onto neighbouring properties;
- (e) the location of facilities for the storage of solid waste provides for a maximum separation for residential development, public areas, and adjacent properties;
- (f) the location of existing easements shall be identified;
- (g) the management of storm and surface water is addressed, and associated plans are approved by the Municipal Engineer;
- (h) the type, location, number and size of signs or sign structures do not negatively alter the appearance of the neighbourhood; and
- (i) the above listed items are maintained in a manner suitable and complementary to the surrounding neighbourhood.



