



COUNTY *of* ANNAPOLIS

NATURALLY ROOTED

***Habitation Area
Land Use Bylaw***

Effective Date: _____, 2022

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PART 1: TITLE, INTRODUCTION AND PURPOSE

1. This Bylaw shall be known and may be cited as the "Habitation Area Land Use Bylaw" for the Municipality of the County of Annapolis and this Bylaw shall apply to all the lands within the Habitation Area, hereinafter referred to as the Habitation Planning Area or Planning Area, as defined by the Zoning Map, Schedule "A".
2. The Habitation Area Land Use Bylaw is adopted in accordance with the Municipal Government Act (MGA). The Habitation Area Land Use Bylaw is intended to implement the policies contained within the Habitation Area Municipal Planning Strategy by establishing regulations with respect to the use and development of land. The MGA also enables the Municipality of Annapolis County 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. Regulations and standards that apply to a development of or on a property contained within this Bylaw are:
 - Zoning Map (Schedule A) to determine which zone the property is located;
 - the requirements respecting the particular zone in which the property is located (Parts 9 through 16);
 - the general provisions section which applies to all zones (Part 7);
 - the commercial signage requirements (Part 8);
 - the definitions section to determine how specific developments or lot conditions are defined or applied to a development (Part 2);
 - the administration section to define permit requirements (Part 3);
 - throughout this Land Use Bylaw there are a number of "Notes to Readers"; these are for information and clarification purposes only, and do not form part of this Bylaw; and
 - Property boundaries, shown on the Zoning Map (Schedule "A"); are continuously subject to change due to approvals of applications for subdivision of land and thus are included for information and clarification purposes only, and do not form part of this Bylaw.

NOTES TO READER: Sections 208 (9) & (10) of the MGA sets out that planning documents come into effect upon the effective date, the date in which a notification is published in a newspaper circulating in the Municipality informing the public that the municipal planning strategy and its implementing land use Bylaw is in effect.

The date of publication of the Habitation Area Municipal Planning Strategy and the Habitation Area Land Use Bylaw coming into effect is the ___ day of ___ 2022, hereinafter referred to as the effective date.

PART 2: DEFINITIONS

For the purposes of this Bylaw, all words shall carry their customary meaning except for those so defined in this Part.

1. **ABUT** means where a lot shares a common lot line or a common point along a lot line.
2. **ACCESSORY BUILDING** means a separate subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.
3. **ACCESSORY USE** means a use subordinate and customarily and normally incidental to and exclusively devoted to a main use of land or main building and located on the same lot.
4. **ADMINISTRATIVE OFFICE** means an establishment primarily engaged in overall management and general supervisory functions such as executive, personnel, finance, legal, and sales activities, performed in a building or part of a building for other branches or divisions of the same company, institution or institutional use or public authority.
5. **ADULT ENTERTAINMENT USE** means the use of a building for a nightclub, bar, restaurant, private club, massage parlour, theatre, cinema, store, shop, or similar business/commercial establishment which regularly features, presents, exhibits, displays, screens, shows or provides for the observation, viewing or encounter of/by a patron or patrons therein, the following, whether or not any such business/commercial establishment is licensed to sell alcoholic beverages:
 - a. live or video performances, exhibitions, viewing or encounters which are characterised by emphasis on matter depicting, describing, or relating to specified sexual activities, exposure of specific anatomical areas, specific sexual activities, or feature nudity or partial nudity of any person;
 - b. services of which a principal feature or characteristic is nudity or partial nudity of any person or persons; or
 - c. goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.
6. **ADULT RETAIL STORE/SEX SHOP** means the use of a building where sex/adult oriented merchandise is kept for sale/rental/trade.
7. **AGRICULTURAL ANIMALS** means a domesticated animal raised to provide labour and/or produce commodities including meat, eggs, milk, fur, leather, and wool regardless if the animals are kept for income, sustenance, or pleasure.
8. **AGRICULTURAL USE** means the use of land, buildings and structures for the purpose of housing, raising and/or the production of agricultural farm products such as:
 - a. horticultural and silviculture, including mushrooms, seed, maple syrup, greenhouse crops, orchards, and nursery stock, including ornamental plants, trees, flowers and shrubberies;
 - b. agricultural animal products such as eggs, honey, cream and milk (excluding pelts and products from fur-bearing animals); and
 - c. agricultural livestock, including poultry, honeybees, game birds and game animals (excluding fur-bearing animals).

Agricultural use shall also include the use of land, buildings and structures for the necessary and

accessory processing uses to prepare a primary farm product for sale and distribution, including the cleaning, grading, packing, storing or treating of farm products. 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.

9. **AGRICULTURAL RELATED INDUSTRY** means a use involving the secondary processing of agricultural crops, agricultural products and agricultural livestock for the manufacture of secondary or finished farm products and facilities incidental to business administration, management, product processing, storage, sales and distribution. Also includes a manufacturing use engaged in the production of livestock feeds and includes facilities for the administration and management of the business, stockpiling of bulk materials used in the production process and the storage, sales and distribution of finished livestock feed products. Also includes a use engaged in the manufacturing and production of soil additives and amenders, fertilizer, herbicide or pesticide products and includes facilities for the administration and management of the business, stockpiling of bulk materials used in the mixing, blending or production process and the storage, sales and distribution of finished soil additives and amenders, fertilizer, herbicide or pesticide products. Also includes a use engaged in the slaughtering and/or processing of agricultural livestock, excluding a rendering plant, and includes facilities incidental to business administration, management, product processing, storage, sales and distribution.
 10. **AGRICULTURAL RELATED USE** means an agricultural themed ancillary use such as, but not limited to, a winery or cidery, an equine farm, involving services such as, but not limited to breeding, studing or sales, recreational equine farms offering products such as training, boarding or riding lessons, animal rescue and rehabilitation centres, agricultural schools, colleges or universities, agricultural research and extension offices, agricultural exhibitions, farm markets, garden centres, community gardening plots and clubs.
 11. **AGRITAINMENT USE** means an agricultural-themed entertainment use such as, but not limited to, guest ranching/farm operations, petting farms or zoos, hay rides, u-picks, pumpkin patches, hedge or corn mazes, riding and walking trails, farm tours, workshop or farm demonstrations, garden centres, farm markets, museums and other indoor or outdoor entertainment uses based on agricultural topics and/or using agricultural props.
 12. **ALTER** means any change in the structural component/increase in volume of a building or structure or a change in the use of land, a building or structure.
 13. **ANIMAL RESCUE AND REHABILITATION CENTRE** means the use of land, buildings and structures where attention is provided for the 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. Treatment shall not include permanent boarding facilities.
 14. **AQUACULTURE AND RELATED USES** means the breeding, rearing, 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.
 15. **ATTACHED** means a building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with an abutting building.
 16. **AUTO BODY SHOP** means the use of a building for the repair, or servicing of motor vehicles including auto body repair, auto body painting or detailing but does not include a service station or
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- an automobile sales establishment or an automobile engine repair facility.
17. **BED AND BREAKFAST ESTABLISHMENT** means a single unit residential dwelling, licensed under the **Tourist Accommodation Registration Act and Regulations**, 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 maybe provided in the building for the purpose of serving meals only to overnight guests.
 18. **BOARDING OR ROOMING HOUSE** means a single unit residential dwelling in which the primary resident/owner supplies either room or room and board for compensation, on a weekly or monthly basis, and which is not open to the general public, but does not include a dwelling-group care facility, a nursing home, a residential care facility, a group home or a developmental residence.
 19. **BUFFERING / BUFFER STRIP** means a treed or landscaped area intended to separate and screen the view of abutting uses/properties from each other.
 20. **BUILDING** means any structure, including appurtenant structures such as a carport, garage, deck, balcony or veranda, temporary or permanent, used or built for the accommodation or enclosure of persons, animals, materials or equipment
 21. **BUSINESS OFFICE** means the use of a building where business may be transacted, a service performed or consultation given, all of which may be performed either on-site or off-site, including mail order and on-line retailing businesses, computer graphics, data processing and word processing services and web based design services but excluding the offices and associated with medical/veterinary practitioners.
 22. **BYLAW** means this Bylaw, which is the Land Use Bylaw for the Habitation Area Planning Area of the Municipality of Annapolis County.
 23. **CAMPGROUND** means an area of land used to provide overnight or longer accommodation and access to facilities for people using camping tents, cabins, cottages or to park a recreational vehicle that is licensed under the **Tourist Accommodation Registration Act and Regulations** and may including accessory buildings/structures such as administration and check-in offices, laundry facilities and recreational areas.
 24. **CEMETERY** means a place, including land or buildings for the interment of the dead and may include a burial ground, a mausoleum vault or a columbarium for the storage of remains or ashes, a chapel for interment services, open spaces and memorial parks.
 25. **COMMERCIAL RECREATIONAL CENTRE** means the use of land or a building for commercial recreation purposes, including but not limited to, 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 but excludes such uses as rifle ranges and gun clubs.
 26. **COMMERCIAL SCHOOL** means the use of a building for the purposes of providing instruction for compensation, including, but not limited to a language school or driving school, but does not include a day-care or university.
 27. **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, fraternal centre, institutional use, place of worship or a non-profit organization.
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28. 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.
 29. CONSTRUCTION INDUSTRY means a use primarily involving the construction, development, redevelopment or rehabilitation of buildings and real estate, including road building, and such uses are often characterized by the outdoor storage of equipment, machines, vehicles and building supplies, but excludes a batching plant.
 30. CONTINUUM 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.
 31. COUNSELLING OFFICE means the use of a building for the provision of counseling or consultation services intended to administer to the individual and personal needs of human beings such as counseling/consultation in career counseling, marriage, family or individual counseling, credit and debit counseling, diet control counseling or mental health services excluding the on-site manufacturing/fabrication of any products/goods but including the retail sales of products/goods incidental or related to the consultation given.
 32. 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.
 33. DEVELOPMENT OFFICER is the person appointed to administer this Bylaw.
 34. DAY CARE means:
 - a. NON-RESIDENTIAL DAY CARE CENTRE means a building where three or more children or adult seniors are cared for on a temporary daily basis for compensation without overnight accommodation, but does not include a school.
 - b. RESIDENTIAL DAY CARE CENTRE means that portion of a residential dwelling, which is used to accommodate three to seven children or adult seniors who are cared for on a temporary basis for compensation without overnight accommodation.
 35. DWELLING means a building or a portion thereof, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, and can contain one or more dwelling units, but shall not include a hotel or a motel or apartment hotel or a travel trailer or other recreation vehicle.
 - a. 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 place in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.
 - b. DWELLING, DOUBLE 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. A double unit dwelling can include a duplex, a single unit dwelling with a secondary suit, or a two unit apartment building.
 - c. DWELLING, MULTIPLE UNIT means a building located on a single lot containing three or
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- more dwelling units, which have individual entrances or a common entrance from the street level.
- d. DWELLING, SINGLE DETACHED means a building consisting of one dwelling unit which is constructed wholly on the site from basic materials or which is relocated to the site or constructed from components transported to the site and is free standing, separate and detached from other main buildings or structures. A single detached dwelling includes mobile and tiny homes.
- e. DWELLING, SEMI-DETACHED means a building that is divided vertically along a property line into two dwelling units, each of which has independent entrances to a front and/or rear yard, constructed side by side and separated by common vertical walls.
- f. DWELLING, TOWNHOUSE means a building that is divided vertically along property lines into three or more dwelling units, each of which is located on its own lot and has independent entrances to a front and/or rear yard, constructed side by side and separated by common vertical walls.
- g. DWELLING, SENIOR CITIZEN APARTMENT means a multiple unit housing designed for occupation by senior citizens, and constructed and maintained by a NS public housing authority or a NS non-profit organization.
- h. DWELLING, GROUP CARE FACILITY means a building where accommodation and special care is provided to individual who require it due to a physical or mental condition, or persons needing physical or emotional rehabilitation and is licensed under the **NS Homes for Special Care Act** and includes a residential care facility, a group home and a developmental residence.
36. EGG-LAYING FOWL means a domesticated female bird that is at least 4 months old and is kept for the laying of eggs, excluding emus and ostriches.
37. ENCLOSED WALKWAY means a structure with a roof connecting a detached accessory building and the main building on a lot.
38. ERECT means to build, place, locate, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
39. EXISTING means legally existing as of the effective date of this Bylaw.
40. EXTRACTIVE RELATED FACILITIES means the use of buildings and structures related to, associated with and/or fundamental to the operation of an extractive surface, subsurface 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.
41. FARM SUPPORTIVE USE means a commercial or industrial use of land, buildings or structures where the majority of their business operation is related to the sale, processing, sorting, grading, packaging, inspection, storage, retailing or transport of agricultural farm products or goods and services supporting agricultural uses, agricultural related industries or agricultural related uses.
42. FARM MARKET means an indoor or outdoor market at which 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.
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43. FLOOR AREA means:
- a. WITH REFERENCE TO A DWELLING means the maximum area contained within the outside walls excluding any unenclosed addition such as a carport, deck, balcony or verandah, but including an attached garage, porch, sunroom, or unfinished attic or basement.
 - b. COMMERCIAL FLOOR AREA 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.
 - c. GROSS FLOOR AREA 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; and for the purpose of this clause, the walls of an inner court shall be considered to be exterior walls.
 - d. GROUND FLOOR AREA means the maximum area contained within the outside walls of the ground floor or first floor above the finished grade of a building, excluding any unenclosed addition such as a carport, deck balcony or verandah.
44. FORESTRY USE means
- a. ECOLOGICAL FORESTRY OPERATION means the use of land, but not buildings or structures, for primary forestry operations conducted in such a way that focuses on the health and preservation of the wood lot by harvesting lumber in a way that mirrors the natural growth cycle of the forest.
 - b. PRIMARY FORESTRY OPERATION means the use of land, but not buildings or structures, for silviculture, cultivation, harvesting or gathering of trees for the purpose of fuel wood, construction lumber, pulpwood, or other forest products, but shall not include the manufacturing or processing of such wood products.
 - c. SECONDARY FORESTRY PRODUCT PROCESSING OPERATION means the use of land, buildings or structures for the processing of harvested or gathered of hardwood or softwood trees for the production of 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.
45. FRATERNAL CENTRE means any tract of land or building operated by a member of a fraternal organization and may include, but is not limited to, a Legion, Lion's Club, Knights of Columbus, Kiwanis or Freemasons.
46. FUNERAL HOME 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 interment or cremation.
47. GARDEN CENTRE means the use of land and buildings for the retail of gardening equipment and planting materials.
48. 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/structure, exclusive of any accessory roof construction such as a chimney, cupola or antenna.
49. HOME OCCUPATION means the accessory use of a residential dwelling by the occupant of the residential dwelling for gainful employment involving the production, sale or provision of goods and/or services.
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50. HOME FOR SPECIAL CARE FACILITY means the use of a building to provide residential, care, accommodation, treatment and programming to adult persons who are unable to meet their own needs, and licensed under the NS **Homes for Special Care Act**, and includes a residential care facility, an adult residential centre, a regional rehabilitation centre, group homes and developmental residences.
51. 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 is permitted provided that it is calculated on a fractional basis and the total maximum number of permitted animal units is not exceeded.
- a. 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:
- i. 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.
 - ii. Animal unit fractions are rounded to the nearest whole animal unit.
 - iii. 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.

Type of Animal	Number of Animals Equal to One Animal Unit
Cows (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	5
Egg-Laying Fowl	25
Rabbits	25

52. INDUSTRY means:
- a. INDUSTRY HEAVY means a use engaged 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.
 - b. INDUSTRY LIGHT means a use engaged in the manufacturing, predominantly from previously prepared materials, finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage/sales/distribution including soil mixing operations and composting operations, machine shops and metal working shops, but excluding basic industrial processing.
53. 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.

54. INSTITUTION OR INSTITUTIONAL USE means the use of land, building or structures by, or on behalf of, any governmental body, including a society incorporated under the **NS Societies Act, Ch. 435, R.S.N.S., 1989** to promote any benevolent, philanthropic, patriotic, religious, charitable, artistic, literary, educational, social, professional, recreational or sporting or any other useful object, but not for the purpose of carrying on any trade, industry or business or with the intent of making a profit.
55. KENNEL / GROOMING SALON means any facility or operation for the purposes of breeding, sale or grooming of non-agricultural animals and may include provisions for their overnight accommodation including any outdoor facilities such as pens, runs and enclosures.
56. LANDSCAPING means any combination of living trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements and structures, such as a gazebo, garden trellis or pedestrian footbridge, 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 between them.
57. LICENSED LIQUOR ESTABLISHMENT means an establishment licensed by the Nova Scotia Liquor Licensing Board under the **Liquor Control Act, R.S.N.S., 1989, Chapter 260**.
58. LOT means any parcel of land described by its boundary lines, with the exception of a street.
- 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.
 - THROUGH LOT means a lot bounded on two opposite sides by streets, however, if a lot qualifies as being a corner and a through lot, it shall be deemed a corner lot.
 - 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 that provides access by a narrower prolongation extending from the main portion of the lot to the street. 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.
59. LOT LINE means a boundary line of a lot.
- FRONT LOT LINE means the lot line dividing the lot from the street; in the case of a corner lot, the shorter lot line abutting the street; in the case of a through lot, the lot line abutting the street providing the primary access; and in the case of a lot with no street frontage, the lot line that most closely parallels the nearest street line where access is provided.
 - REAR LOT LINE means the lot line furthest from or opposite the front lot line.
 - SIDE LOT LINE means a lot line other than a front or rear lot line.
 - FLANKAGE LOT LINE means a side lot line that abuts the street on a corner lot and intersects the front or rear lot line.
60. MAIN BUILDING means the building in which is carried on the principal purpose for which the lot is used.
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61. 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.
 62. MEDICAL CLINIC means the use of a building by a medical practitioner for the medical, dental, surgical, or therapeutic treatment of patients including the retail sales of products/goods related to the medical clinic, but excluding overnight accommodation of patients.
 63. 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 veterinary.
 64. MUNICIPALITY means the **Municipality of the County of Annapolis**.
 65. NURSING HOME means the use of a building or part of a building where accommodation is provided to individuals requiring or receiving skilled nursing care for medical reasons and licensed under the **NS Homes for Special Care Act**.
 66. OBNOXIOUS means a use that by its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, emission of gas, fumes, dust or objectionable odour, or by reason of the unsightly storage of wares materials, salvage, refuse, waste or other material.
 67. OUTDOOR DISPLAY means an area on a premise where goods or merchandise are displayed in the open air which are intended for and available for sale to the general public.
 68. OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials, equipment or other items of any kind stored in the open air not intended for immediate sale.
 69. PARK & RECREATIONAL USES means the use of non-commercial land for parks, children's playgrounds, open space, conservation uses, passive recreation uses or active recreation uses including tennis courts, lawn bowling greens, athletic fields and similar uses with necessary and accessory buildings and structures.
 70. 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.
 71. PARKING AREA OR LOT means an area of land or structure used for parking spaces.
 72. PARKING SPACE means an area used for the temporary parking or storage of vehicles.
 73. PERSON includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee or agent and the heirs, executors or other legal representatives to whom the context applies according to law.
 74. PERSONAL GROOMING SHOP means the use of a building to provide personal grooming needs of human beings such as a barber shop, a beauty parlour or a hairdressing salon, including the retail sales of products/goods incidental or related to the personal grooming shop.
 75. PERSONAL SERVICE SHOP means the use of a building for the purposes of providing services such as, but not limited to, carpet or house cleaning or repair, photographic studio, shoe repair shop and catering services, but excluding any manufacturing or fabrication of goods or products.
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76. PLACE OF WORSHIP means a community service building or complex of buildings dedicated to religious 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.
 77. PREMISE means an area of land with or without buildings or structures.
 78. PRIVATE CLUB means a building used as a meeting place for members of an organization, fraternal centre, lodge or labour union hall, excluding casinos and adult entertainment uses.
 79. PRIVATE ROAD as defined by the Annapolis County Subdivision Bylaw.
 80. PRODUCE STAND means a single story 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.
 81. PROFESSIONAL OFFICE means the use of a building where business may be transacted, a service performed or consultation given by lawyers, architects, planners, engineers, accountants, private consultants and similar professions.
 82. PUBLIC AUTHORITY means any person, or committee of the Municipality appointed or established to exercise any power or authority under any statute of Nova Scotia with respect to any of the affairs or purposes of the Municipality or portion thereof and including any committee or authority established by Bylaw of the Municipality or any governmental body.
 83. PUBLIC STREET OR ROAD means a public street or public highway owned and maintained by the Municipality or the Province of Nova Scotia.
 84. REPAIR SHOP means the use of a building for the installation or 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.
 85. RESTAURANT means the use of a building where food and drink is served to the public for consumption within the building.
 - b. RESTAURANT, DRIVE-IN OR TAKE-OUT means the use of a building where food and drink is served to the public, and which does not necessarily provide facilities for consumption thereof on the premises other than parking areas.
 86. RETAIL STORE means the use of a building where new or used goods, wares, merchandise, or articles are kept and offered for sale directly to the public at retail cost and may include the rental of goods, wares or merchandise, provided such rental operations are clearly accessory to the normal operation of a retail store.
 87. SCREENING means the method by which the view of one site to an abutting site is shielded, concealed or hidden.
 88. SEPARATION DISTANCE means a horizontally measured portion of a lot, which is required to physically separate incompatible land uses.
 89. SERVICE INDUSTRIES OR SHOP means the use of a building for a bakery, dry cleaning, laundromat, upholstery shop, sheet metal, welding, or metal working shop, machine shop or high-pressure wash facility.
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90. SERVICE STATION means the use of a building for the servicing and/or repair of motor vehicles and may include the accessory sale of automotive fuels, electricity, lubricating oils and automotive accessories and may also include accessory uses such as a car wash, auto body shop, a dine in or takeout restaurant or a convenience store.
91. SETBACK means the distance between the lot line and the nearest main wall of the main building or structure on the lot.
92. SHORT TERM RENTAL means the provision of roofed accommodations, as defined by the **NS Tourist Accommodation Registration Act**, to a single party or group, for payment or compensation, for a period of 28 days or less.
93. SIGN means any structure, device or natural object or part thereof, or any device attached thereto, or painted or represented thereon, used to identify, advertise, or attract attention to any object, product, place, activity, institution, organization, commodity, profession, enterprise, industry, or business, on which shall display or include any letter, word, model, number, banner, flag, pennant, insignia or representation used as an announcement, direction, or advertisement, and which is intended to be seen on or off the premise.
- a. DIRECTORY SIGN means a sign listing more than one business name or location.
 - b. GROUND SIGN means a sign supported by one or more uprights, poles or braces placed in or upon the ground, and shall not include temporary or portable signs.
 - c. ILLUMINATED SIGN means a sign that provides artificial light directly, or through any transparent/translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.
 - d. PROJECTING WALL SIGN means a sign which projects from and is supported by a wall of a building and on which the face is not approximately parallel to the supporting wall including an awning or canopy where such is used as a sign.
 - e. FACIAL WALL SIGN means a sign that is attached directly to or painted upon a building wall and where the face is approximately parallel to the wall.
 - f. SIGN AREA means the area of the smallest geometrical figure that can wholly enclose the surface area of the sign.
 - g. PORTABLE OR MOBILE SIGN means a sign designed to be carried, pulled or hauled and which is not permanently fixed in one location.
 - h. OFF PREMISE SIGNS means a freestanding ground sign or facial wall sign (commonly referred to as a "billboard") erected on a lot, by someone other than the person or company wishing to advertise a product or service, the display of which has no direct relationship to the business or use on the lot.
94. SMALL OPTION HOMES means a residential building that is used to provide support for three to four persons with disabilities in community homes and regulated by the **NS Homes for Special Care Act**. The residents are supported by qualified staff through a combination of live-in and shift models.
95. 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.
- a. GROUND MOUNTED SOLAR means a solar power solution that can be easily implemented in a yard or field. The panels are installed directly on the ground.
 - b. ROOF TOP SOLAR is a photovoltaic system that has its electricity generating solar panels mounted on the rooftop of a residential, commercial building or structure.
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96. STOREY means the portion of a building that is situated between the top of any floor and the top of the floor next above it, if there is no above it, the 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 grade.
97. STREET LINE means the boundary line of a public street or private road.
98. STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.
99. TAXICAB DISPATCH OPERATIONS means the use of a building for the administration of a taxicab operation and the housing communication equipment to connect clients and taxicab drivers.
100. TAXICAB OPERATIONS means the use a building or land to park commercial vehicles used in the transportation of humans.
101. TINY HOME means a dwelling unit which is 37 sq. m. (398 sq. ft.) or less in **ground** floor area as outlined in the Nova Scotia Building Code Regulations.
102. TRAIL means the recreational use of land for hiking, walking, cross-country skiing or horseback riding, or other similar forms of non-motorized travel, together with any necessary and accessory structures such as barriers, boardwalks, gates, signage and bridges. MULTI-USE TRAIL means the recreational use of land for multiple uses including hiking, walking, cycling, cross-country skiing, snowshoeing, horseback riding and other forms of motorized travel, such as all-terrain vehicles, motorcycles and snowmobiles together with any necessary and accessory structures such as barriers, gates, signage and bridges.
103. UNIT means a room or a grouping of rooms that can be sold, rented or leased through a single agreement.
104. UTILITY means any public or private system, service, works, plant equipment, including broadcasting, telecommunication and cellular towers and antennas, excluding wind turbines, that may furnish services at approved rates to or for the use of the general public and is regulated by the Nova Scotia Utility and Review Board, Industry Canada or the Canadian Radio-television and Telecommunications Commission.
105. VETERINARY CLINIC / ANIMAL HOSPITAL means the use of a building 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.
106. WATERCOURSE means any lake, river, pond, stream, ocean, and wetland area such as a bog, fen, marsh, swamp or any other body of water.
- a. COASTAL WATERCOURSE means any body of water that is primarily fed by the Atlantic Ocean, such as the Annapolis Basin or Bay of Fundy.
 - b. 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.
107. 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 includes a tower, turbine rotor blades, and foundation:
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- a. Mini wind turbine means a wind turbine height of 7.6 metre (25 ft) or less.
 - b. Small scale wind turbine means a wind turbine height greater than 7.6 metre (25 ft) but less than 35 metre (115 ft).
 - c. Large scale wind turbine means a wind turbine which has a power generation capacity of greater than 100 kilowatts and also refers to a wind turbine which has a nameplate capacity of greater than 100 kilowatts.
108. WIND TURBINE HEIGHT means the distance or total vertical height of the entire wind turbine structure being the sum of the height of the support foundation above grade, measured at the base of the tower, the turbine tower itself, and the highest vertical extension of the wind turbine rotor blades, generally expressed as half of the rotor blade sweep or diameter.
109. WIND TURBINE NAMEPLATE CAPACITY means the manufacturer's maximum rated output of the turbines generator found in the frame or housing at the top of the wind turbine.
110. WIND TURBINE TOWER means a freestanding structure supported by a wind turbine foundation that serves to support other parts of the wind turbine, and may also mean a structure attached to guy wires that serve, to support other parts of the wind turbine.
111. WHOLESALE ESTABLISHMENT means the use of 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.
112. WORKSHOP means a building, structure, or part of a building or structure used for the manufacturing or repairing of goods, including:
- a. ARTISAN WORKSHOP means the use of a building for a workshop for persons trained in a trade such as carpentry, plumbing, electrical or a smith including an accessory business office and the accessory sales of such products or work;
 - b. ARTIST WORKSHOP means the use of a building for the production of artist's works/products including the exhibition/display and retail sales of such paintings, sculptures or other works of art;
 - c. CRAFT WORKSHOP means the use of a building for the production or repair of handicrafts, 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 handicrafts, toys, garden or household ornaments or personal effects including the exhibition/display and retail sales of such products; and,
 - d. 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.
113. YARD means an open, uncovered space on a lot (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this Bylaw. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.
- a. ABUTTING YARD means a yard that 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.
 - b. FLANKAGE YARD means the side yard of a corner lot where the 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.
 - c. FRONT YARD means a yard extending across the full width of a lot between the front lot
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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 of a front yard on a lot between the front lot line and the nearest wall of any main building or structure on the lot.

- d. 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 of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
- e. 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 of a side yard on a lot between the side lot line and the nearest wall of any main building or structure on the lot.

114. ZONE means a designated area of land shown the Zoning Map, Schedule "A", of this Bylaw.

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PART 3: ADMINISTRATION**3.1 ENFORCEMENT**

This Bylaw shall be administered by the Development Officer.

3.2 DEVELOPMENT PERMIT

- (a) Unless otherwise stated in this Bylaw, no person shall undertake a development within the Planning Area without first obtaining a development permit from the Development Officer.
- (b) The Development Officer shall only issue a development permit in conformance with this Bylaw or an approved development agreement except where a variance is granted or in the case of non-conforming use or structure in which case a permit shall be granted in conformance with the *MGA*.
- (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 commenced within 12 months of the permit approval date.
- (d) The Development Officer may revoke a development permit issued under this Bylaw where the Development Officer is satisfied that the development permit was issued under false or mistaken information or if the information provided on the development permit application is found to be inaccurate.
- (e) Notwithstanding that a development may not require a development permit; the development is not exempt from compliance with all other requirements of this Bylaw, unless otherwise stated in this Bylaw.

3.3 NO DEVELOPMENT PERMIT REQUIRED

Unless otherwise stated in this Bylaw, subject to clause 3.2 (e), no municipal development permit shall be required for:

- (a) A development that involves the interior or exterior renovation that will not change the shape of the building or structure, increase its volume or footprint, require a structural change, add more dwelling units or otherwise intensify the use of the building, or will not involve a change in use;
 - (b) An accessible ramp, fence, bus shelter, clothesline, flag pole, children's play structures, outdoor fire pit, fireplace or woodstove, barbeque or chimenea, dog house, retaining wall, temporary (less than 180 days) vehicle tent, temporary uses as outline in Part 7.22, landscaping structures, wading or fish pond, reflecting pool, minor agricultural accessory structures such as calf hutches and artificial honey bee hives, produce stands, home use communication/receiving antenna or satellite dish, pedestrian footbridge, outdoor internal combustion engine supplementary power generator or roof mounted mini scale wind turbine or solar power panels.
 - (c) Decks and patios less than 0.61 m. (2 ft.) above grade;
 - (d) Swimming pools; however, a swimming pool shall not be located in a front yard.
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3.4 APPLICATION FOR DEVELOPMENT PERMIT

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

3.5 SIGNATURE FOR APPLICATIONS

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

3.6 APPLICATION FEE

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

3.7 ADVERTISING AND NOTIFICATION COSTS

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

3.8 USE OF THE METRIC SYSTEM

Throughout this Bylaw the metric system of measurement has been used followed by the approximate Imperial equivalents. Should any case arise in which there appears to be a discrepancy between the two figures, the metric figure shall prevail.

3.9 NOTICE TO PROPERTY OWNERS

- (a) When an application has been received to amend this Bylaw for a site-specific purpose, enter into a development agreement, or amend an existing development agreement, if required by Council, residents of developed properties within 61 metres (200 feet) of the subject property shall be notified of the application and the Planning Advisory Committee meeting where the application will be heard.
- (b) The notification set out in Part 3.9 (a) shall be in addition to the newspaper advertisement for the Planning Advisory Committee public meeting, as required by the *MGA*, and the notice shall be delivered to those residents of developed properties, as set out in Part 3.9 (a), by regular mail or personal service prior to the Planning Advisory Committee public meeting.

3.10 EFFECTIVE DATE OF BYLAW

Pursuant to the *MGA*, this Bylaw shall take effect on the date of publication of the notice advertising the new Bylaw or amendment, hereinafter referred to as the effective date.

3.11 SCHEDULES

All Schedules attached hereto or included herein form part of this Bylaw.

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

4.1 ZONES

For the purpose of this Bylaw, the Planning Area is divided into the zones indicated in the list below, the boundaries of which are shown on the attached Zoning Map, Schedule "A". Such zones may be referred to by the corresponding symbols as indicated below.

ZONES	SYMBOL
Habitation Residential	HR-1
Habitation Gateway	HR-2
Habitation Rural	HR-3
Habitation Rural Agricultural	HR-4
Habitation Protected Agricultural	HAG
Habitation Open Space	HOS
Habitation Forestry	HF-1
Habitation Institutional	HI

4.2 ZONING MAP

Schedule "A" is the "Zoning Map" and forms part of this Bylaw. However, property boundaries shown on the Zoning Map (Schedule A) are continuously subject to change and thus are included for information and clarification purposes only, and do not form part of this Bylaw.

4.3 ZONES NOT ON THE MAP

The Zoning Map of this Bylaw may be amended, in conformance with the Municipal Planning Strategy, to use any zone in this Bylaw, regardless of whether or not such zone had previously appeared on the Zoning Map.

4.4 MUNICIPAL PLANNING STRATEGY DESIGNATIONS

References in this Bylaw to areas designated on the Future Land Use Map in the Municipal Planning Strategy for the Planning Area are indicated by the identifier "MPS Future Land Use Map".

PART 5: INTERPRETATION

5.1 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 municipal or provincial public street/highway or private road the boundary shall be the centre line of such, unless otherwise indicated;
- b. where a zone boundary is indicated as approximately following lot lines the boundary shall follow the lot lines;
- c. where a railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse shown on the Zoning Map serves as a zone boundary between two or more different zones, a line midway between the outside limits of the right-of-way or the centre line of the watercourse shall be considered the boundary between the zones, unless otherwise indicated;
- d. where none of these above provisions apply, and where appropriate, the said zone boundary shall be scaled from the Zoning Map.

5.2 CERTAIN WORDS

In this Bylaw, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular number; and the word "used" includes "arranged, designed or intended to be used", and the word "shall" is mandatory and not permissive. In this Bylaw, a phrase using the words "a building used for" may also include the meaning "in a part of the building", if so permitted by this Bylaw.

5.3 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 within any zone is defined in this Bylaw, the uses permitted within the zone include *any similar* uses that satisfy such definition except where a definition specifically excludes any similar uses.

NOTES TO READER:

It should also be noted that while some uses may be prohibited or not be permitted to be developed in a specific zone or not permitted or prohibited anywhere within the Habitation Area Planning Area; this plan and Bylaw governs the use of land only for a small portion of the Municipality of the County of Annapolis and those prohibited or non-permitted uses may be permitted elsewhere in the Municipality.

PART 6: DEVELOPMENT AGREEMENTS

6.1 DEVELOPMENTS TO BE CONSIDERED BY DEVELOPMENT AGREEMENT

The following developments may be considered by Development Agreement, in accordance with the Municipal Government Act and with the Habitation Area Municipal Planning Strategy.

<u>Type of Development</u>	<u>MPS Policy</u>	<u>LUB Reference</u>
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Notes to Reader:

This section is for reference only. For the specific project requirements concerning those uses that may be considered by development agreement – reference shall only be by way of the enabling municipal planning strategy policy and land use Bylaw subsections.

PART 7: GENERAL PROVISIONS FOR ALL ZONES**7.1 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS**

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

7.2 FRONTAGE ON STREET

No development permit shall be issued unless the lot intended to be used or upon which the building or structure is to be erected, abuts and fronts upon a public street or highway or private road, unless otherwise permitted or provided for in this Bylaw.

7.3 CALCULATION OF LOT FRONTAGE

Lot frontage shall be determined by the following:

- a. in the case of regularly shaped lots, it shall be measured as a straight line between the points where the side lot lines meet the front lot line; and,
- b. in the case of irregularly shaped lots, 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.

7.4 AN EXISTING LOT LACKING STREET FRONTAGE

Notwithstanding any other frontage requirements of this Bylaw, a lot in existence on or before the effective date, which does not meet the requirements of this Bylaw with respect to the provision of frontage on a municipal or provincial public street/highway or private road, may be used for a purpose permitted in the zone in which the lot is located and a building/structure may be erected on the lot provided all other applicable requirements of this Bylaw are met and the owner of the property can prove to the Development Officer that a right-of-way has been granted to allow access to the property. If the lot lines of an existing lot lacking street frontage are altered, but do not result in the lot gaining street frontage, the lot shall remain to be considered an existing lot lacking street frontage.

7.5 SIDE YARDS AND CORNER LOTS

On a corner lot, no main or accessory building/structure shall be erected closer to the flanking street than the minimum required front yard setback applicable to that zone.

7.6 SIDE YARD WAIVER

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

7.7 EXISTING UNDERSIZED LOTS

Notwithstanding the lot frontage or area requirements of this Bylaw, a lot in existence on or before the effective date of this Bylaw, having less than the minimum lot frontage or area or both required by this Bylaw, may be used for a purpose permitted in the zone in which the lot is located and a building/structure may be erected on the lot provided that all other applicable requirements in this Bylaw are satisfied. Where the lot lines of existing undersized lots are altered so as to increase the area or frontage of the lot, but still remains an existing undersized lot, the lot shall remain to be considered an existing undersized lot.

7.8 CHANGE OF USE OF AN EXISTING UNDERSIZED LOT

Notwithstanding the lot frontage, area or setback other requirements of this Bylaw, the use of a building existing on a lot on or before the effective date of this Bylaw which does not meet the minimum requirements of the Bylaw respecting lot area, frontage or setbacks (front yard, side yard, rear yard) may be changed to a use permitted in the zone in which the lot is located provided all other applicable requirements of this Bylaw are met.

7.9 REDUCED REQUIREMENTS - LOTS WITH FRONTAGE AND MAIN BUILDINGS

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

7.10 SUBDIVISION AND REDUCED LOT FRONTAGE OR AREA REQUIREMENTS

Notwithstanding the minimum lot area and frontage requirements of this Bylaw development permits shall be issued for development on lots created pursuant to the Subdivision Bylaw, where the lot created has less than the required frontage and/or lot area provided that neither reduction is less than ninety percent (90%) of the required minimums for lot area or frontage for that zone and all other applicable requirements of this Bylaw are satisfied.

7.11 ALTERED BOUNDARIES

Development permits shall be issued for development on lots created pursuant to the Subdivision Bylaw, where a development component of a permanent nature, such as mature trees, a driveway, well or septic tank is encroaching in or upon an abutting area of land. Such as the case described by altering the boundaries of two or more areas of land, where no additional lots are created and the frontage and/or area has not been reduced.

7.12 CONFORMITY WITH EXISTING SETBACKS

Where a main building is proposed to be built or expanded that is or will be between main buildings on abutting lots, the building or expansion may be built with a front yard setback equal to the average front yard setback of the main buildings on all lots within 30.5 m (100 ft), but the front yard setback shall not be less than 3 m (10 ft).

7.13 EXISTING BUILDINGS

Notwithstanding the other lot frontage, area or setback requirements of this Bylaw, a building which has been erected on or before the effective date of this Bylaw on a lot which does not meet the requirements of this Bylaw respecting lot area, frontage or setbacks (front yard, side yard, rear yard) may be enlarged, reconstructed, repaired or renovated provided: the development does not further reduce the setback that does not conform to this Bylaw; and all other applicable requirements of this Bylaw are satisfied.

7.14 RESTORATION TO A SAFE CONDITION

Nothing in this Bylaw shall prevent the restoration to a safe condition of any building or structure, except for a non-conforming use, where the *MGA* provisions prevail.

7.15 BUILDING TO BE MOVED

Unless otherwise provided for this Bylaw, no building or structure shall be moved within or into the Planning Area without first obtaining a development permit.

7.16 BUILDING TO BE ERECTED ON A LOT

No person shall erect or use any building unless such building is erected on a lot, nor erect a building so that it crosses a lot line, as defined herein.

7.17 BUILDING HEIGHT

No building in the Habitation Area Planning Area, shall be taller than three (3) storeys and no storey shall measure greater than 3.65 m. (12 ft.), with the exception of church spires, telecommunication towers or fire towers.

7.18 ONE MAIN BUILDING OR USE ON A LOT

No person shall have more than one (1) main use or erect more than one (1) main building on a lot except for the following:

- a. Buildings and uses as per the HR-3 and HR-4 provisions.

The setback requirements shall apply to all main buildings on a lot with a minimum of 6 m (19.7 ft.) between main buildings, unless otherwise provided for in this Bylaw:

7.19 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.

7.20 EXISTING OR NON-CONFORMING USES AND STRUCTURES

Notwithstanding the permitted uses set out in this Bylaw, any legal use of land or building/structure constructed or under construction prior to the effective date of this Bylaw is considered a permitted use within the designated zone and may be expanded or renovated within the original lot boundaries provided all other applicable requirements of this Bylaw are met or it shall be subject to the **Municipal Government Act** provisions for non-conforming uses and structures.

7.21 TEMPORARY CONSTRUCTION USES PERMITTED

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

7.22 TEMPORARY OR SPECIAL USES

Nothing in this Bylaw shall prevent the temporary use of land or the temporary erection or placement of structures for a temporary use, including but not limited to, signs, displays, yard sales, flea markets, fairs, garden parties, rallies, concerts or festivals provided that such uses remain in place no longer than fifteen (15) days.

7.23 ACCESSORY USES PERMITTED

Where this Bylaw provides that any land may be used or that a building or structure may be erected and used for a purpose, the purpose is deemed to include any use accessory or ancillary thereto, subject to the requirements of that zone, except that home occupations shall be subject to the limitations set out elsewhere in this Bylaw.

7.24 SMALL OPTION HOMES

Small option homes, licensed under the **Homes for Special Care Act** are considered a permitted use in all residential dwellings.

7.25 ACCESSORY BUILDINGS AND STRUCTURES

1. 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;
 - b. be located within the minimum front yard of a lot, with the exception of produce stands;
 - c. be built closer than 1.2 m. (4 ft.) to a lot line except for common semi-detached garages, which may cross a mutual side lot line;
 - d. 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; and
 - e. be considered an accessory building if attached to the main building by an adjoining structural wall.
 2. As per Subsection 24.1 (d) of this Part, a required separation distance shall be measured from the nearest wall of the accessory building or structure.
 3. No development permit is required for an accessory building or structure if it has a gross floor area of 20 sq. m. (215 sq. ft.) or less, however, as per Part 3.2 (e) of this Bylaw, the accessory building or structure is not exempt from compliance with all other requirements of this Bylaw, unless otherwise stated in this Bylaw.
 4. Those accessory building or structures, as set out in Part 3.3 (b) and (c) of this Bylaw, shall be exempt from any requirements under 7.24 1 (b-e), and a development permit is not required for such accessory uses.
 5. An accessory building may be attached to the main building on the lot by way of an enclosed walkway or a breezeway, and the accessory building shall remain to be considered a separate, detached building.
 6. Where residential uses may be permitted in a zone, an accessory building may be used for ancillary residential uses such as, but not limited to such residential uses as, a workshop, a washroom, a TV room, a play room, a recreation room or a swimming pool changing room.
 7. Notwithstanding anything else in this Bylaw, within the Habitation Gateway (HR-2) Zone, no accessory building may be located within the minimum 24.3 m. (80 ft.) side yard, with the exception of those accessory building or structure as set out in Part 3.3 (b) and (c) of this Bylaw or measuring less than 19.97 sq. m. (215 sq. ft.) in total floor area.
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7.26 HOME OCCUPATION REQUIREMENTS

Nothing in this Bylaw shall prevent the use of a residential dwelling or a residential dwelling unit for a home occupation provided that the residential dwelling or residential dwelling unit is a permitted use in that zone, and:

- a. home occupations are limited to: an administrative office, workshops, business office, counseling office, instruction studio, household article repair shop, service shop, repair shop, personal grooming shop, personal service shop or clinic, professional office, residential day care centre, short-term rentals, taxicab operation or taxicab dispatch operation;
- b. home occupations are operated by the occupants of the main residential dwelling or dwelling unit located on the same lot;
- c. the number of clients that can be serviced by a home occupation at one time are limited to a maximum of five (5) individuals;
- d. for a HR-1 Zone, personal service clinics and taxicab operations shall not be permitted as home occupations, a home occupation household article repair shop or repair shop shall not include a small engine repair shop, a home occupation personal service shop shall not include a catering service shop;
- e. an accessory building may be used as part of the home occupation with additional accessory buildings being used for storage only;
- f. that one (1) off-street customer/client parking space, not for the residential use, is provided for every 20 sq. m (215 sq. ft.) of commercial floor space occupied by the home occupation; and in the case of a taxicab or catering service shop, one (1) off-street parking space is required to be provided for each taxicab or delivery vehicle on the lot;
- g. there is no outdoor storage or display within the front yard;
- h. all signage meets the provisions set out in Part 8 of this Bylaw; and
- i. that the home occupation does not make use of equipment that is obnoxious by virtue of dust, odour, smoke, noise, or other emissions.

7.27 SECONDARY DWELLING UNITS

A second unit is permitted in all zones as a secondary use to a residential use.

7.28 KEEPING OF HOUSEHOLD LIVESTOCK

The keeping of household livestock is considered a permitted accessory use to a residential use and a development permit is not required for the keeping of agricultural animals, however, the maximum number of agricultural animals permitted on a lot is equal to one (1) animal unit per 4,047 sq. m. (1 acre). Multiple adjacent lots held in common ownership may be considered as one lot for the purpose of calculating lot area. A permit is required for the development of structures to house such agricultural animals.

7.29 SHORT-TERM RENTALS

No residential dwelling unit may be used as a short-term rental.

7.30 HABITATION OF VEHICLES

No automobile, truck, bus, coach, or other motor vehicle, with or without wheels, shall be used for human habitation within the Habitation Area Planning Area, except for a recreational vehicle or a camper. A recreational vehicle or camper may be used for temporary human habitation with no development permit being required for such a use provided that such use:

- a. is limited to one recreational vehicle or camper on a lot at a time;
- b. is not directly connected to municipal services;
- c. does not occur for longer than a one-hundred twenty (120) day period in a calendar year; and,
- d. is not located within the minimum front, side, and rear yards of the lot.

A development officer may grant a permit for a recreational vehicle or camper to be used for extended human habitation as a temporary construction use, as set out in Section 7.21, if a development permit has been approved for the construction or renovation of a residential building on the property. A recreational vehicle or camper used as a temporary construction use must meet all minimum zone requirements.

7.31 SOLAR COLLECTION SYSTEMS

A ground based solar collection system comprised of solar panels shall be considered a permitted accessory structure in any zone, other than the HAG Zone, but shall not;

- a) be built closer than 3.05 m (10 ft) to a lot line or main building; and,
- b) reflect light onto an abutting property.

7.32 PERMITTED PUBLIC/PRIVATE UTILITIES & MUNICIPAL SERVICE FACILITIES

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

7.33 WATERCOURSE PROTECTION

No structure, except for wharves, boat houses, launches, landscaping structures, bridges and any other uses so exempted in this Bylaw, shall be erected within the designated setback measured from the ordinary high water mark as defined by the **Land Surveyors Regulations**, for the corresponding watercourse. The following setback distances are defined as being part of any side, rear or front yard:

- i) 30.5 m. (100 ft.) from coastal watercourses; and,
 - ii) 15.25 m. (50 ft.) from interior watercourses.
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No permit shall be issued for a new building within 100 m. (328 ft.) of the ordinary high water mark along a coastal watercourse without first providing a report from a certified engineer showing that the proposed development will not negatively affect the coastline or contribute to coastal erosion and has been properly safeguarded to prevent damage due to flooding caused by one in one hundred year storm.

7.34 PERMITTED ENCROACHMENTS IN YARDS

Except for accessory buildings and structures, the following structures may project into or be located in a required yard, required by this Bylaw in accordance with the distances specified in the following table:

<u>Structure</u>	<u>Minimum Yard in Which Projection is Permitted</u>	<u>Maximum Permitted Projection from Main Wall</u>
Window bays, eaves, cantilevers, gutters and chimneys	Any required yard	1 m. (3.2 ft.)
Balconies, roofed porches, verandah, sun decks, terraces, awnings, patios and decks	Any required yard	2.5 m. (8.2 ft.) but cannot be within 1.2 m. (4 ft.) of a lot line.
Carport, fire escapes and exterior staircases	Rear or side	2.5 m (8.2 ft.)
Accessibility access ramp	Any yard	to lot line

7.35 PROHIBITED MOTORIZED RACING TRACKS

Commercial or private use motorized vehicle race tracks, jump tracks, roads, trails, stadiums, arenas or any other such facilities or operations shall be prohibited in all zones in the Planning Area.

7.36 PROHIBITED ANIMAL RACING TRACKS

Commercial uses, facilities or operations involving tracks for the racing of animals shall be prohibited in all zones in the Planning Area.

7.37 PROHIBITED ADULT ORIENTED STORES & USES

Notwithstanding anything else in this Bylaw, the development of an adult retail store/sex shop, an adult entertainment use or a casino is prohibited in all zones in the Planning Area.

7.38 PROHIBITED PUBLIC/PRIVATE UTILITIES & MUNICIPAL SERVICE FACILITIES

Public or private utilities and municipal service facilities such as, waste disposal facilities, landfills, solid waste transfer stations and construction debris disposal sites shall be prohibited in all zones in the Planning Area.

7.39 PROHIBITED FUR FARMING OPERATIONS

No business, operation, facility, building or use 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 animals, shall be permitted to be developed in any zone within the Planning Area.

7.40 PROHIBITED AQUACULTURE OPERATIONS

Notwithstanding anything else in this Bylaw, aquaculture and related uses are not permitted in any zone within the Planning Area.

7.41 PROHIBITED TOPSOIL REMOVAL OR SALE

Notwithstanding any provisions of this Bylaw, the removal or sale of topsoil and turf shall be prohibited with the exception of lands developed for the sale of plants and trees by nurseries and greenhouses, excavations associated with the construction of permitted building/structures and infrastructure such as roads and driveways.

7.42 PROHIBITED WIND FARMS AND WIND TURBINES

No large scale wind turbine or wind farm shall be permitted to be developed in any zone within the Planning Area.

7.43 PERMITTED WIND TURBINES

Mini and small scale wind turbines shall be considered an accessory structure and shall be permitted in any zone in the Planning Area, with the exception of the HAG Zone, but shall not:

- a. be built closer than one and a half times (1.5) the total height of the wind turbine to any lot line;
- b. exceed one (1) wind turbine on a lot, except in a HR-3 or HR-4 Zone where the limit shall be no more than three (3) wind turbines permitted on a lot;

NOTES TO READER

It should also be noted that while some uses may be prohibited or not be permitted to be developed in a specific zone or not permitted or prohibited anywhere within the Habitation Area Planning Area; this plan and Bylaw governs the use of land only for a small portion of the Municipality of the County of Annapolis and those prohibited or non-permitted uses may be permitted elsewhere the Municipality.

PART 8 SIGNS**8.1 GENERAL**

Where the provisions in this Bylaw are inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province, the more restrictive regulations shall apply. For the purposes of this Bylaw a sign shall mean a sign and no person shall erect a sign without first obtaining a development permit from the Development Officer. No development permit to erect a sign shall be issued unless all the sign provisions of this Bylaw are satisfied and all signs and parts thereof, including framework, supports, anchors and wiring systems shall be constructed and maintained in compliance with the Building Code Bylaw.

8.2 SIGNS PERMITTED IN ALL ZONES

The following signs are permitted in all zones and no development permit is required:

- a. "No trespassing" signs or other such signs regulating the use of a property, and of not more than 1.2 sq. m (13 sq. ft.) in sign area;
- b. Real estate, lease or rental signs not exceeding 1 sq. m (10.8 sq. ft.) in sign area in any residential zone, and 3 sq. m (32.3 sq. ft.) in all other zones;
- c. Signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction to or function of various parts of a building or premises;
- d. Signs erected by a governmental authority or under the direction of such an authority such as but not limited to; traffic signs, signs identifying public facilities and events, public election lists, directory signs identifying the names and locations of local businesses or organizations and community or subdivision name signs not displaying any form of advertisement;
- e. Signs on mailboxes or newspaper tubes or signs that advertise a form of payment acceptable by the merchant;
- f. Signs erected on private property identifying a community or a subdivision name which do not display any form of commercial advertising;
- g. Signs that constitute an integral part of a vending machine or devices that indicate the time, date or weather conditions or similar device whose principal function is not to convey an advertising message;
- h. Signs that do not exceed .4 sq. m (4 sq. ft.) in sign area and that convey the message that a business enterprise is open or closed or that a place of lodging has or does not have a vacancy;
- i. The flag, pennant, banner, or banner of any government authority or of any religious, charitable or fraternal or corporate organization; and
- j. A sign having an area of not more than 10 sq. m (108 sq. ft.) incidental to construction and within the area designated for such purposes and erected only during the period of construction.

8.3 SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted in any zone:

- i. Signs which incorporate in any manner any flashing or moving illumination
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- ii. which varies in intensity or which varies in colour;
- iii. Signs which have any visible moving / revolving parts or mechanical movement of any description;
- iv. Any sign or sign structure which constitutes a hazard to public safety;
- v. Signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility/effectiveness of any traffic sign/control device on public streets;
- vi. Any sign which obstruct free ingress to or egress from a fire escape door, window, or other required exit-way;
- vii. Any sign which advertises a business no longer in operation;
- viii. Signs not erected by a governmental authority which make use of words such as "STOP", "LOOK", "ONE WAY", "YIELD", or any similar words, phrases, symbols, lights, characters, or colours such as directional arrows that may be confused with any traffic sign/control device located in such a manner as to interfere with, mislead, or confuse traffic; and
- viii. Signs on public property or a public right-of-way, unless erected by a governmental authority, permission to erect the sign is granted by a public authority or the sign is required by order of a governmental authority.

8.4 FACIAL WALL SIGNS

No facial wall sign shall:

- a. extend above the top of the wall on which the sign is placed;
- b. extend beyond the extremities of the wall on which the sign is attached to;
- c. project more than 0.3 m (1 ft.) perpendicular from the wall on which the sign is attached to.

8.5 PROJECTING WALL SIGNS

No projecting wall sign shall:

- a. exceed 0.75 sq. m (8 sq. ft.) in sign area unless the sign, supporting structure and installation method of the sign are designed by a qualified professional;
- b. project beyond a property line, driveway, entrance or exit access or ramp or parking aisle or area;
- c. project into or over any public property or a corner sight triangle; and
- d. project above the top of the wall on which the sign is attached to.

8.6 TEMPORARY SIGNS

Temporary signs used for the advertisement of special events or occasions, sales, relocation's and similar purposes shall be placed not more than two (2) months prior to the occasion and shall be removed within one (1) week of the completion of the occasion and shall be limited to no more than three (3) such signs on any premises and shall not be counted in addition to other signs permitted in accordance with the other requirements of this Part.

8.7 GROUND SIGNS

No ground sign shall:

- a. project beyond a property line or into a corner sight triangle;
- b. have more than five (5) signs per business on a supporting structure;
- c. in the case of a folding or sandwich sign, be located on public property or be placed in a corner sight triangle.

8.8 ROOF SIGNS

No roof signs shall be permitted unless the roof sign, supporting structure and installation method of the sign are designed by a qualified professional.

8.9 SIGNS IN A RESIDENTIAL ZONE

Unless permitted under Section 8.3 of this Part:

- i. Accessory to the home occupation or a secondary use on a lot, no sign shall,
 - a. be back-lit illuminated;
 - b. be erected if it is mobile or portable in nature, with the exception of folding or sandwich signs;
 - c. exceed 0.75 sq. m. (8 sq. ft.) in single face area if it is a ground sign;
 - d. exceed the limit of two (2) double faced ground signs; and
 - e. exceed the limit of one (1) facial wall sign or projecting wall sign that meets the requirements of Part 8.6 or 8.7 of this Part.

8.10 LIMIT ON THE NUMBER OF SIGNS PER PROPERTY

For the purpose of this Part, where a lot or building is occupied by more than one business, each business shall be considered a separate premise.

PART 9 HABITATION RESIDENTIAL (HR-1) ZONE

9.1 HR-1 USES PERMITTED

The following uses shall be permitted in a Habitation Residential (HR-1) Zone:

- Single Unit Residential Dwelling
- Double Unit Residential Dwelling
- Semi Detached Residential Dwelling
- Home Occupation, as set out in Section 7.25

9.2 HR-1 ZONE REQUIREMENTS

No development permit shall be issued in a Habitation Residential Medium Density (HR-1) Zone unless in conformity with the following requirements:

	Central Water and Sewer	Central Sewer On Site Water	Central Water On Site Sewer	On Site Water On Site Sewer
Minimum Lot Area	929 sq. m. (10,000 sq. ft.)	1,400 sq. m. (15,069 sq. ft.)	4,047 sq. m. (43,560 sq. ft.)	4,047 sq. m. (43,560 sq. ft.)
Minimum Lot Frontage	30.5 m. (100 ft.)	30.5 m. (100 ft.)	45.7 m. (150 ft.)	45.7 m. (150 ft.)
Minimum Front Yard(s)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)
Minimum Side Yard(s)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)
Minimum Rear Yard(s)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)

NOTE: larger lot sizes may be required as per NS On-Site Sewage Disposal Systems Regulations

9.3 SPECIAL REQUIREMENT: ARCHITECTURAL DESIGN STANDARDS

No development permit shall be issued in a Habitation Residential (HR-1) Zone for the development of a single detached residential dwelling where the length of the main body exceeds the width by a ratio greater than three to one, ignoring the effect of additions such as decks, patios, covered porches, and attached garages or rooms. In the case of very irregular structures, the average width and length shall be calculated in proportion to the occurrence of various dimensions along each side.

PART 10 HABITATION GATEWAY (HR-2) ZONE

10.1 HR-2 USES PERMITTED

The following uses shall be permitted in a Habitation Gateway (HR-2) Zone:

Single Unit Residential Dwelling
Home Occupation, as set out in Section 7.25

10.2 HR-2 ZONE REQUIREMENTS

No development permit shall be issued in a Habitation Gateway (HR-2) Zone unless in conformity with the following requirements:

	Central Water and Sewer	Central Sewer On Site Water	Central Water On Site Sewer	On Site Water On Site Sewer
Minimum Lot Area	4,047 sq. m. (43,560 sq. ft.)	4,047 sq. m. (43,560 sq. ft.)	4,047 sq. m. (43,560 sq. ft.)	4,047 sq. m. (43,560 sq. ft.)
Minimum Lot Frontage	45.7 m. (150 ft.)	45.7 m. (150 ft.)	45.7 m. (150 ft.)	45.7 m. (150 ft.)
Minimum Front Yard(s)	22.9 m (75 ft.)	22.9 m (75 ft.)	22.9 m (75 ft.)	22.9 m (75 ft.)
Minimum Side Yard(s)	6.1 m. & 24.3 m. (20 ft. & 80 ft.)	6.1 m. & 24.3 m. (20 ft. & 80 ft.)	6.1 m. & 24.3 m. (20 ft. & 80 ft.)	6.1 m. & 24.3 m. (20 ft. & 80 ft.)
Minimum Rear Yard(s)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)

NOTE: larger lot sizes may be required as per NS On-Site Sewage Disposal Systems Regulations

10.3 SPECIAL REQUIREMENT: ARCHITECTURAL DESIGN STANDARDS

No development permit shall be issued in a Habitation Residential (HR-2) Zone for the development of a single detached residential dwelling where the length of the main body exceeds the width by a ratio greater than three to one, ignoring the effect of additions such as decks, patios, covered porches, and attached garages or rooms. In the case of very irregular structures, the average width and length shall be calculated in proportion to the occurrence of various dimensions along each side.

PART 11 HABITATION RURAL (HR-3) ZONE

11.1 HR-3 USES PERMITTED

The following uses shall be permitted in a Habitation Rural (HR-3) Zone:

- Single Unit Residential Dwelling
- Home Occupation, as set out in Section 7.25
- Agricultural Uses and Structures
- Agricultural Related Uses and Structures
- Bed and Breakfast Operations
- Primary Forestry Uses and Structures

11.2 HR-3 ZONE REQUIREMENTS

No development permit shall be issued in a Habitation Rural (HR-3) Zone unless in conformity with the following requirements:

	Central Water and Sewer	Central Sewer On Site Water	Central Water On Site Sewer	On Site Water On Site Sewer
Minimum Lot Area	20,234.3 sq. m. (5 acres.)	20,234.3 sq. m. (5 acres.)	20,234.3 sq. m. (5 acres)	20,234.3 sq. m. (5 acres)
Minimum Lot Frontage	45.7 m. (150 ft.)	45.7 m. (150 ft.)	45.7 m. (150 ft.)	45.7 m. (150 ft.)
Minimum Front Yard(s)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)
Minimum Side Yard(s)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)	6.1 m. & 3 m. (20 ft. & 10 ft.)
Minimum Rear Yard(s)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)

NOTE: larger lot sizes may be required as per NS On-Site Sewage Disposal Systems Regulations

11.3 SPECIAL REQUIREMENT: USES NOT REQUIRING A PERMIT

A forestry use or fishery use may occur without a development permit in the Habitation Rural (HR-3) Zone, but any building or structure required with such a use shall not be erected without the issuance of a development permit.

11.4 SPECIAL REQUIRMENT: AGRICULTURAL USES AND STRUCTURES

With the Habitation Rural (HR-3) Zone agricultural uses are permitted as a secondary use to a residential use and more than one main building is permitted on a lot if:

- a) The buildings are used primarily for the storage, keeping, or processing of equipment, animals or goods used for or produced by the farm;
- b) The gross floor area for all buildings used for the storage, keeping, or processing of equipment, animals, or goods used for or produced by the farm, does not exceed 1,393.5 sq. m. (15,000 sq. ft.);
- c) All building used for the housing of agricultural animals and manure storage facilities are setback a minimum of 12.2 m. (40 ft.) from lot lines;
- d) All building used for the housing of agricultural animals and manure storage facilities are setback a minimum of 50 m. (164 ft.) from any off-site dwelling; and,
- e) All buildings used for the housing of agricultural animals and manure storage facilities are setback a minimum of 50 m. (164 ft.) from any watercourse.

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PART 12 HABITATION RURAL AGRICULTURAL (HR-4) ZONE

12.1 HR-4 USES PERMITTED

The following uses shall be permitted in a Habitation Rural Agricultural (HR-4) Zone:

- Single Unit Residential Dwelling
- Home Occupation, as set out in Section 7.25
- Agricultural Uses and Structures
- Agricultural Related Uses and Structures
- Agri-tourism Uses and Structures
- Primary Forestry Uses and Structures

12.2 HR-4 ZONE REQUIREMENTS

No development permit shall be issued in a Habitation Rural Agricultural (HR-4) Zone unless in conformity with the following requirements:

	Central Water and Sewer	Central Sewer On Site Water	Central Water On Site Sewer	On Site Water On Site Sewer
Minimum Lot Area	20,234.3 sq. m. (5 acres.)	20,234.3 sq. m. (5 acres.)	20,234.3 sq. m. (5 acres)	20,234.3 sq. m. (5 acres)
Minimum Lot Frontage	45.7 m. (150 ft.)	45.7 m. (150 ft.)	45.7 m. (150 ft.)	45.7 m. (150 ft.)
Minimum Front Yard(s)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)
Minimum Side Yard(s)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)
Minimum Rear Yard(s)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)

NOTE: larger lot sizes may be required as per NS On-Site Sewage Disposal Systems Regulations

12.4 SPECIAL REQUIREMENT: USES NOT REQUIRING A PERMIT

Forestry uses are permitted in the Habitation Rural Agricultural (HR-4) Zone without a development permit but any structure required with such a use shall not be erected without the issuance of a development permit.

12.5 SPECIAL REQUIREMENT: AGRICULTURAL USES AND STRUCTURES

With the Habitation Rural Agricultural (HR-4) Zone agricultural uses are permitted as a secondary use and more than one main building is permitted on a lot if:

- a) The buildings are used primarily for the storage, keeping, or processing of equipment, animals or goods used for or produced by the farm;
- b) The gross floor area for all buildings used for the storage, keeping, or processing of equipment, animals, or goods used for or produced by the farm, does not exceed 2,787 sq. m. (30,000 sq. ft.);
- c) All building used for the housing of agricultural animals and manure storage facilities are setback a minimum of 12.2 m. (40 ft.) from lot lines;
- d) All building used for the housing of agricultural animals and manure storage facilities are setback a minimum of 50 m. (164 ft.) from any off-site dwelling; and,
- e) All buildings used for the housing of agricultural animals and manure storage facilities are setback a minimum of 50 m. (164 ft.) from any watercourse.

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PART 13: HABITATION PROTECTED AGRICULTURAL (HAG) ZONE

13.1 HAG USES PERMITTED

The following uses shall be permitted in a Habitation Protected Agricultural (HAG) Zone:

- Agricultural Uses
- Agricultural Related Uses

13.2 HAG ZONE REQUIREMENTS

No development permit shall be issued in a Habitation Protected Agricultural (HAG) Zone unless in conformity with the following requirements:

Minimum Lot Area	None
Minimum Lot Frontage	None
Minimum Front Yard(s)	None
Minimum Side Yard(s)	None
Minimum Rear Yard(s)	None

NOTE: larger lot sizes may be required as per NS On-Site Sewage Disposal Systems Regulations

PART 14: HABITATION OPEN SPACE (HOS) ZONE**14.1 HOS USES PERMITTED**

The following uses shall be permitted in a Habitation Open Space (HOS) Zone:

Conservation Related Uses and Structures
Parks, playgrounds and trails

14.2 HOS ZONE REQUIREMENTS

No development permit shall be issued in the Habitation Open Space (HOS) Zone unless in conformity the following requirements:

Minimum lot Area	8 ha. (19.76 acres)
Minimum lot Frontage	12.2 m. (40 ft.)
Minimum Front Yard	10 m (33 ft.)
Minimum Side Yard	3 m. (10 ft.)
Minimum Rear Yard	10 m. (33 ft.)

NOTE: larger lot sizes may be required as per NS On-Site Sewage Disposal Systems Regulations

PART 15: HABITATION FORESTRY (HF-1) ZONE

15.1 HF-1 USES PERMITTED

The following uses shall be permitted in a Habitation Forestry (HF-1) Zone:

Conservation Related Uses and Structures
Ecological Forestry Operations

15.2 HF-1 ZONE REQUIREMENTS

No development permit shall be issued in the Habitation Forestry (HF-1) Zone unless in conformity the following requirements:

Minimum lot Area	16,000 sq. m. (4 acres)
Minimum lot Frontage	46 m. (151 ft.)
Minimum Front Yard	10 m. (33 ft.)
Minimum Side Yard	3 m. (10 ft.)
Minimum Rear Yard	10 m. (33 ft.)

NOTE: larger lot sizes may be required as per NS On-Site Sewage Disposal Systems Regulations

PART 16 HABITATION INSTITUTIONAL (HI) ZONE

16.1 HI USES PERMITTED

The following uses shall be permitted in a Habitation Institutional (HI) Zone:

- Community Centres
- Libraries
- Museums
- Institutional Use
- Place of Worship
- Cemeteries
- Residential Dwellings accessory to the Religious Institution
- Home Occupations, as set out in Section 7.25

16.2 HI ZONE REQUIREMENTS

No development permit shall be issued in a Habitation Institutional (HI) Zone unless in conformity with the following requirements:

	Central Water and Sewer	Central Sewer On Site Water	Central Water On Site Sewer	On Site Water On Site Sewer
Minimum Lot Area	460 sq. m. (4,952 sq. ft.)	560 sq. m. (6,028 sq. ft.)	2,700 sq. m. (29,064 sq. ft.)	2,700 sq. m. 29,064 sq. ft.)
Minimum Lot Frontage	30.5 m. (100 ft.)	30.5 m. (100 ft.)	45.7 m. (150 ft.)	45.7 m. (150 ft.)
Minimum Front Yard(s)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)
Minimum Side Yard(s)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)	6.1 m. & 6.1 m. (20 ft. & 20 ft.)
Minimum Rear Yard(s)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)

NOTE: larger lot sizes may be required as per NS On-Site Sewage Disposal Systems Regulations