

**ISLE MADAME  
LAND USE BY-LAW**

**PART 1 - TITLE**

This By-law shall be known and may be cited, as the "Land Use By-law" of the Isle Madame Plan Area of the Municipality of the County of Richmond and referred to hereafter as the Isle Madame Land Use By-law and this By-law shall apply to all lands within the Plan Area, as illustrated on the Zoning maps.

## **PART 2 - ADMINISTRATION**

### ***Effective Date of By-law***

1. This By-law shall take effect when approved by the Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia.

### ***Development in Accordance with Bylaw***

2. Subject to the provisions of the *Municipal Government Act*, no development shall be carried out within the Plan Area, except in accordance with this Bylaw.

### ***Requirement for a Development Permit***

3. No person shall commence or continue development for which a development permit is required by this By-law unless the owner has obtained a development permit to carry out the development.

### ***Development Officer***

4. The Council of the Municipality of the County of Richmond (hereinafter referred to as "Council") which has adopted a Land Use By-law shall appoint a Municipal Development Officer who shall be responsible for the administration of this Land Use By-law and the issuing of municipal development permits.

### ***Records***

5. The Development Officer shall keep records of all applications received, permits and orders issued, inspections made, and shall retain copies of all papers and documents connected with the administration of this By-law, which shall form part of the public records of the Municipality of the County of Richmond.

### ***Enforcement***

6. The Council, by any duly authorized office or servant, shall have the right to enter at all reasonable times into or upon any property within the Plan Area for the purposes of an inspection necessary in connection with the administration of this Land Use By-law.

### ***Permits***

7. Subject to the provisions of the *Municipal Government Act*, when;

- a) within fifteen days of receiving an application for a municipal development permit, the municipal development officer shall inform the applicant whether or not his application is complete;
- b) within thirty days of receiving a completed application, the municipal development officer shall either grant the municipal development permit, or inform the applicant of the reasons for not granting the permit.

8. Every development permit is valid;

- a) upon the development being commenced within twelve (12) months from the date of issuing the permit;
- b) upon the permit being renewed for another twelve (12) months if not commenced upon application to the Development Officer; and;
- c) if not commenced within twelve months a new application is to be made to the Development Officer.

9. An application for a development permit shall;
- a) be made in the form prescribed by the Municipality;
  - b) be signed by the owner or his agent;
  - c) state the intended use of the proposed development; and;
  - d) provide any other information required by the Development Officer to determine whether the proposal meets the requirements of this By-law.
10. When deemed necessary to complete the assessment of the proposed development, the Development Officer may require the applicant to submit copies in duplicate of one or more of the following:
- a) a survey plan of the lot showing the dimensions of the lot; said plan to be made and certified by a registered land surveyor licensed to practice in Nova Scotia; and
  - b) the position, height, and horizontal dimensions of all structures existing on the lot.

### **Penalty**

11. The *Municipal Government Act* states:

"(1) A person who

- a) violates any provision of this Act or of an order, regulation or by-law in force in accordance with this Act;
- b) fails to do anything required by an order, regulation or by-law in force in accordance with this Act;
- c) permits anything to be done in violation of this Act or of an order, regulation or by-law in force in accordance with this Act; or
- d) obstructs or hinders any person in the performance of their duties under this Act or under any order, regulation or by-law in force in accordance with this Act,

is guilty of an offense.

(2) Unless otherwise provided in a by-law, a person who commits an offence is liable, upon summary conviction, to a penalty of not less than one hundred dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of not more than two months.

(3) Every day during which an offence pursuant to subsection (1) continues is a separate offence.

(4) In addition to a fine imposed for contravening a provision of this Act, a regulation or a by-law of a municipality made pursuant to this Act, a judge may order the person to comply with the provision, order, regulation or by-law under which the person was convicted, within the time specified in the order.

(5) Any person who fails to comply with an order under subsection (4) is guilty of an offence. *1998, c. 18, s. 505; 2005, c. 55, s. 10.* “

### **Costs for Advertising**

12. Anyone applying for an amendment to this By-law shall deposit with the clerk an amount estimated by the clerk to be sufficient to pay the cost of advertising required by the *Municipal Government Act*. After the advertising has been completed, the applicant shall pay to the clerk any additional amount required to defray the cost of the advertising, or if there is a surplus, the clerk shall refund the same to the applicant.

## **PART 3 - ZONES AND ZONING MAPS**

### ***Zones and Zoning Map Series***

1. For the purposes of this By-law, the Isle Madame Plan Area is divided into the following zones, the boundaries of which are shown on the Zoning Map Series of this By-law. Such zones may be referred to by the corresponding symbols shown opposite them.

<b>Part</b>	<b>Zones</b>	<b>Symbols</b>
7	Village Low Density Residential	VR-1
8	Village Residential Multiple Unit	VR-2
9	Village Commercial	VC
10	Village Light Industrial	VLI
11	Village Mixed Use	VMU
12	Village Agricultural	VA
13	Village Recreation Open Space	VO
14	Mobile Home Park	MHP
15	Rural General	RG
16	Rural Resource	RR
17	Rural Industrial	RI
18	Recreation Open Space	O-1
19	Conservation Open Space	O-2
20	Water Supply	O-3

### ***Zoning Map Series and the By-law***

2. The Zoning Map Series forms part of this By-law.

### ***Zones not on any Maps***

3. The Zoning Map of this By-law may be amended, in conformance with the Strategy, to use any zone in this By-law, regardless of whether or not such a zone had previously appeared on any Zoning Map.

## **PART 4 - INTERPRETATION**

### ***Symbols***

1. The symbols used on the Zoning Map Series refer to the corresponding zones established by this By-law.

### ***Interpretation of Zoning Boundaries***

2. The extent and boundaries of zones are shown on the Zoning Series Map and the provisions of this By-law shall apply to all zones.

3. Boundaries between zones shall be determined as follows;

- a) where a zone boundary is indicated as following a street, the boundary shall be the centre line of the street, 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 watercourse shown on the Zoning Map serves as a zone boundary, the centre line of the watercourse shall be considered the boundary between the zones, unless otherwise indicated;
- d) where none of the above apply and where appropriate, the zone boundary shall be scaled from the Zoning map.

### ***Certain Words***

4. In this By-law, 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 to be used', 'designed to be used' or 'intended to be used', and the word 'shall' is mandatory and not permissive.

### ***Permitted Uses***

5. In this By-law, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.

6. Where a permitted use within any zone is defined in 'Part 18 Definitions', the uses permitted within that zone include any similar uses which satisfy such a definition except where a definition specifically excludes any similar uses.

## **PART 5 - DEVELOPMENT AGREEMENTS**

### ***Developments to be Considered by Development Agreement***

1. The following developments shall be permitted only by Development Agreement, in accordance with the *Municipal Government* and with the Municipal Planning Strategy;
  - a) multiple unit dwellings (both new and conversions) with more than twelve (12) units in the Village Residential Multiple Unit (VR-2) Zone, the Village Commercial (VC) Zone, the Village Mixed Use (VMU) Zone, the Village Light Industrial (VLI) Zone, the Rural General (RG) Zone and the Rural Resource (RR) Zone according to Policies L-2.2.4, L-3.5.1 and I-5.2 respectively;
  - b) fish processing uses and light industrial fabrication and sales uses within Village Mixed Use (VMU) zone according to policies L-2.5.4 and I-5.2;
  - c) resource industrial uses and medium industrial uses with a total floor area of 5,000 square feet (464.5 square metres) or more within the Rural General (RG) zone, the Rural Resource (RR) zone or the Rural Industrial (RI) zone according to Policies L-3.5.3 and I-5.2; and
  - d) large scale campgrounds according to Policies L-3.5.5 and I-5.2.
  - e) multiple unit dwellings and grouped dwellings according to Policy L-4.3.5 and I-5.2

### ***Development Permits for Development Agreements***

2. A development permit may be issued for a development listed in Part 4, Section 1 pursuant to the *Act* provided:
  - a) The appeal period has lapsed or any appeals that may have been lodged have been dealt with by the Utility and Review Board and;
  - b) the development conforms with the terms of the development agreement.

## **PART 6 - GENERAL PROVISIONS FOR ALL ZONES**

### ***Accessory Apartments***

1. An accessory apartment unit shall be permitted in any dwelling provided that:
  - a) there shall be a limit of one (1) accessory unit per dwelling;
  - b) all applicable provisions of the Building Code are complied with; and
  - c) a development permit for the accessory unit has been issued by the Development Officer.

### ***Accessory Buildings and Structures***

2. An accessory building or structure shall be permitted in any zone, but it shall not;
  - a) be used for human habitation; and
  - b) be built closer than the minimum set-back requirements of the zone within which the structure is to be constructed except for:
    - i) accessory buildings with one storey only, no windows or perforations on the side of the building which faces the said lot line, may be located a minimum of 4 feet (1.2 metres) from any lot line.
    - ii) Boat houses and boat docks may be built to the lot line when the lot line corresponds to the water's edge.
  - c) Notwithstanding anything else in this By-law, fences, drop awnings, clothes line poles, flag poles, garden trellises, and retaining walls shall be exempted from the setback requirements of this By-law.
  - d) Accessory buildings may be constructed prior to the construction of the main building or the establishment of the main use to which the building is accessory.

### ***Accessory Buildings Permitted***

3. Where this By-law provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose shall include any accessory use.

### ***Building to be Erected on a Lot***

4. No building shall be built on or across a lot line so that it sits on two or more lots. Exceptions can be made in the case of semi-detached or grouped dwellings, or commercial buildings where the requirements of the National Building code are met.

### ***Building to be Moved***

5. No building shall be moved within or into the Isle Madame Plan Area without first obtaining a development permit.

### ***Calculation of Lot Frontage for Corner Lots and Irregularly Shaped Lots***

6. Lot frontage for a corner lot shall be the horizontal distance between the side lot line and the flanking lot line.
7. Lot frontage for an irregularly shaped lot shall be the horizontal distance between the side lot lines as measured at a point, where a line drawn perpendicular to a line joining the mid-point of the rear lot line and the mid-point of the front lot line, at a point equal to the required front yard.

### ***Calculation of Yard Measurements***

8. In determining yard measurements the minimum horizontal distance from the respective lot lines to the building shall be used (see Definitions Section).

### ***Conformity with Existing Setbacks***

9. Notwithstanding anything else in this By-law, proposed structures to be built between existing structures within 200 feet (61 metres) may be built with a setback equal to the average setback of the adjacent buildings. This depth need not be greater than the set-back regulations prescribed in the zone in which it is situated.

### ***Encroachments***

10. Notwithstanding anything else in this By-law, a development permit may be issued for development on an undersized lot created as a result of an encroachment of a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system, provided that all other applicable provisions of this By-law are met.

### ***Existing Buildings***

11. Where a building has been erected on or before the effective date of this By-law on a lot having less than the minimum frontage or area, or both required by this By-law, or having less than the minimum front yard, side yard, rear yard, or separation distance required by this By-law, the building may be enlarged, reconstructed, repaired, or renovated provided that:

- a) The enlargement, reconstruction, repair, or renovation does not further reduce the front yard, side yard, rear yard, or separation distance that does not conform to this By-law; and;
- b) all other applicable provisions of this By-law are satisfied.

### ***Existing Lots***

12. Notwithstanding anything in this By-law, the use of a building existing on a lot on the effective date of this By-law may be changed to a use permitted on the lot where the lot area or frontage or both is less than that required by this By-law provided that all other applicable provisions of this By-law are satisfied.

13. Notwithstanding anything else in this By-law, a vacant lot having less than the minimum frontage, area, or both required by this By-law, may be used for a purpose permitted in the zone in which the lot is located, and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.

14. An existing undersized lot may be increased in area, frontage, or both, and still remain an existing undersized lot if after the increase the lot still remains undersized. Such lots shall be eligible for development permits.

### ***Frontage on a Public Street, Private Road, or Right-of-Way Easement***

15. No development permit shall be issued unless the lot intended to be used or upon which a building or structure is to be erected, abuts and fronts upon a public street or a private road as defined in the subdivision By-law, is served by a “K” class road, or is served by a right-of-way easement in compliance with Section 48 of this Part.

### ***Government Uses***

16. A government (federal, provincial, or municipal) owned building and facility shall be permitted in any zone provided that such a use conforms with the applicable standards of the zone in which the government use is to be located.

### ***Height Regulations***

17. The height regulation of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, skylights, barns, chimneys, clock towers, power transmission towers, lookout towers, satellites discs, windmills, wind turbines and solar collector devices.

### ***Home Occupations***

18. Nothing in this By-law shall prevent the use of any permitted residential use within any zone, (excluding multiple unit apartment dwellings and mobile homes within a mobile home park) for a home occupation provided that:

- a) the external appearance of the dwelling or the accessory building within which the home occupation is located is not altered by the home occupation;
- b) not more than 50 percent of the total floor area of the dwelling is devoted to the use, if located within an accessory building 100 percent of the floor area may be devoted to the use;
- c) one off street parking space, other than that required for the dwelling, is provided for every 200 square feet (18.6 square metres) of floor space occupied by the home occupation;
- d) no mechanical equipment is used except that which is reasonably consistent with the use of a dwelling; and
- e) any associated outdoor storage or display is located between the rear lot line and the dwelling.

19. For the purposes of Clause (a), a home occupation includes the following types of uses:

- Art galleries
- Crafts shops
- Bakeries
- Bed and breakfast establishments
- Catering shops
- Custom workshops (including woodworking/carpentry workshops)
- Lobster trap manufacturing establishments
- Personal service establishments
- Photographic studios
- Professional or business offices
- Repair shops (including automotive repair shops)
- Take-out restaurants

### ***Illumination***

20. No person shall erect any illuminated sign or illuminate an area outside any building or structure unless the illumination is directed away from adjoining properties or any adjacent streets.

***Intensive Livestock Operations***

21. An intensive livestock operation shall be an operation in which a minimum of 30 animal units are confined to feedlots or poultry facilities for feeding, breeding, milking, or holding for eventual sale of egg production.

22. The calculation of total animal units shall be indicated on the following chart:

**Animal Units of Production**

***On farm for Complete Year***

<i>Type of Livestock</i>	<i>Number Equal to one Animal Unit</i>
Dairy Cow (plus calf)	1
Beef Cow (plus calf)	1
Bull	1
Horse	1
Sheep (plus lambs)	4
Sows (plus litter to weaning)	4
Laying Hens	125
Female Mink (plus associated males & kits)	100
Female Rabbits (plus associated males)	40

***Marketed During Year***

<i>Type of Livestock</i>	<i>Number Equal to one Animal Unit</i>
Beef Cows (180-450 kg)	2
Beef Feeders (gain 180-340 kg)	3
Beef Feeders (gain 340-500 kg)	2
Hogs (gain 18-90 kg)	15
Broiler Chickens or Roasters (2-2.5 kg)	1000
Turkey Broilers (5-5.5 kg)	300
Heavy Turkey Hens (8.5-9 kg)	150
Heavy Turkey Toms (13.5-14.5 kg)	100
Veal Calves (gain 40-135 kg)	40
Pullets	300

23. In addition to all other requirements of this By-law the keeping of animals for an intensive livestock operation shall be subject to the following requirements:

- a) The minimum setback of the intensive livestock operation from the abutting lot line shall be 150 feet (45.7 metres) except where the lot abuts a residential zone within the Village designation, in which case the required setback shall be 250 feet (76.2 metres);
- b) the minimum setback of an intensive livestock operation from a street shall be 100 feet (30.48 metres) and;
- c) the minimum setback of an intensive livestock operation from a watercourse or well shall be 200 feet (61.0 metres).

### ***Keeping of Farm Animals***

24. The keeping of farm animals is permitted in any zone however within the Village Designation and Rural Resource (RR-1) Zone the following restrictions shall apply:

- a) such animals shall be kept in an enclosed area, surrounded by wire or fencing;
- b) no part of such an enclosed area or building used for keeping farm animals shall be located within 50 feet (15.2 metres) of a residence or a commercial building;
- c) no part of such an enclosed area or building used for keeping farm animals shall be located within 50 feet (15.2 metres) of a public or private street or road.
- d) manure must be stored in a wholly enclosed structure with walls and a roof; and
- e) the animals present in an agricultural operation shall total no more than one and one-half animal unit (as defined in Part 5, Section 16) for each acre of land or part thereof enclosed for such purposes).

### ***Licenses, Permits and Compliance with Other By-laws***

25. No building or structure shall hereafter be erected or altered or the use of any building changed unless a development permit has been issued. No permit shall be issued unless all the provisions of this By-law are satisfied.

26. Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-law in force within the Municipality or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Municipality or statute and regulation of the Province of Nova Scotia.

### ***Loading Spaces***

27. In any zone, no person shall erect or use any building or structure for commercial or industrial purposes involving the frequent shipping, loading or unloading of persons, animals or goods unless there is maintained on the same premises with every such building, structure or use one off street space for standing, loading, and unloading for every 30,000 square feet (2787 square metres) or fraction thereof of building floor area used for any such purpose to a maximum of six (6) loading spaces:

- a) Each loading space shall be at least 12 feet (3.66 metres) by 40 feet (12.19 metres) with a minimum of 14 feet (4.27 metres) in height clearance.
- b) no such loading space(s) shall be located within any required front yard; and
- c) notwithstanding anything in this section, an undersized vacant lot which is situated in a commercial, mixed use or industrial zone, which cannot comply with these loading standards shall be allowed to be developed and the proposed development shall be exempted from this requirement.

### **Multiple Unit and Rowhouse Dwellings**

28. Notwithstanding anything else in this By-law, the following provisions shall apply to grouped multiple unit and row house dwellings:

- a) no development permit shall be issued for grouped multiple unit and rowhouse dwellings unless the lots are located on a street that is serviced by a central water and sewer system;
- b) the minimum distance between grouped dwellings shall be 20 feet (6.1 metres) or half (1/2) the height of the higher of the two buildings, whichever is greater; and
- c) maximum number of units in a rowhouse dwelling shall be six (6).

### **Multiple Uses**

29 In any zone, where any land or building is used for more than one use, all provisions of the By-law relating to each use shall be satisfied.

30. Other than in the Village Mixed Use (VMU) Zone, where there is a conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

31. In the Village Mixed Use (VMU) Zone, where there is a conflict such as in the case of lot size or lot frontage, any standards associated with any of the uses shall prevail.

### **Non-Conforming Uses**

32. Non-conforming uses shall be subject to the applicable sections of the *Municipal Government Act*.

### **One Dwelling on a Lot**

33. Not more than one dwelling shall be erected on a lot except for the following:

- a) grouped dwellings located in any zone where they are permitted;
- b) mobile Home Parks as permitted in the Mobile Home Park (MHP) Zone; ~~and~~
- c) a travel trailer, fifth wheel trailer, or park model recreational vehicle as an accessory dwelling in the Rural Resource (RR) Zone and the Rural General (RG) Zone subject to zone restrictions; and
- d) two dwellings may be erected on one lot ~~capable of meeting the subdivision requirements of the Richmond County Subdivision By-law in the following areas and~~ subject to the following conditions:
  - (i) within the Village designation; provided that the lot is located on a street that is serviced by a central water and sewer system; (ii) within the Village Agriculture (VA) zone within the Village designation; and
  - (iii) within the Rural Areas designation.

In each of the areas outlined in section (c), a boundary survey showing the proposed location of the dwellings may be required by the development officer. All other applicable provisions of this By-law must be satisfied.

### **One Main Building on a Lot**

34. No more than one main building shall be erected on a lot except for:

- a) buildings located in Village Commercial (VC) Zone or Village Light Industrial (VLI) Zone, or commercial or industrial uses in the Village Mixed Use (VMU) Zones;

- b) non-residential uses in the Rural General (RG), Rural Resource (RR) and Village Agricultural (VA) Zones; and
- c) cottage establishments in any zone where they are permitted.

**Open Storage of Fishing Gear and Equipment**

35. Nothing in this By-law shall prevent the open storage of fishing gear and related equipment in any yard of any residential use.

**Parking Requirements**

36. For every building or structure to be erected or enlarged off street parking within the same zone as the use and having unobstructed access to a street shall be provided and maintained in conformity with the following table:

<i>Type of Building</i>	<i>Parking Spaces Required</i>
A dwelling containing less than three dwelling units	1 parking space for each dwelling unit
All other dwelling units	1.5 parking spaces for each dwelling unit
Boarding and rooming houses	1 parking space for the proprietor, plus 1 parking space for every two rooms available for rent
Halls, auditoriums, restaurants, arenas, private clubs, and other places of assembly	Where there are fixed seats, 1 parking space for every 5 seats, or 10 feet of bench space. Where there are no fixed seats, 1 parking space each 100 square feet (9.29 square metres) of floor area devoted to public use.
Nursing homes	1 parking space for each 2 beds or each 400 square feet (37.16 square metres) of floor area, whichever is greater
Senior citizen housing	1 parking space for every 2 dwelling units
Hotels, staff houses, motels, and tourist cabins	1 parking space per suite or rental unit plus 1 additional parking space for each 50 square feet (4.65 square metres) of floor area devoted to public use (i.e. lounges, restaurants) exclusive of lobbies and halls
All other commercial uses*	1 parking space for each 300 square feet (27.87 square metres) of floor area
Industrial uses	1 parking space for each 450 square feet (41.81 square metres) of gross floor area

37. A parking space shall not be less than 150 square feet (14.5 square metres) in area measuring 8 feet (2.44 metres) by 20 feet (6.1 metres) exclusive of driveways and maneuvering aisles.

38. Where the number of parking spaces required are calculated according to a formula in this By-law, the results of such calculation shall be rounded up to the next whole number.

**Parking Standards for a Change of Use**

39. Notwithstanding Section 24 of this part, where a change of use is to occur to an existing commercial or business park use and the new use is unable to comply with additional parking requirements, the additional parking requirements will be waived.

### ***Permitted Encroachments in Yards***

40. Every part of any yard required by this By-law shall be open and unobstructed by any structure except to permit a use or encroachment subject to the following provisions:

- a) an uncovered patio, deck, walkway, step, exterior staircase, balcony, porch, veranda may be located in any yard but shall not project more than 5 feet (1.52 metres) into any required yard setback;
- b) wheelchair ramps shall be exempt from yard requirements;
- c) a window bay, solar collector, and heat pump may be permitted to project not more than 2 feet (0.61 metres) into any required yard; and
- d) the provisions of this Section shall not restrict the location of ornamental planting or landscaping in any yard unless otherwise stated in this By-law.

### ***Public and Private Utilities***

41. Unless otherwise stated, a utility that is essential for the actual provision of a service, including but not limited to a sewer collection and treatment facility, a water supply and distribution facility, a transportation facility, an electrical power, telephone, and cable television facility, shall be permitted in any zone. Such uses shall comply with the requirements for single detached dwellings in the Village Low Density (VR-1) Zone.

### ***Recreational Vehicles as Seasonal Dwellings***

42. Notwithstanding anything else in this By-law, a travel trailer, fifth wheel trailer, or park model recreational vehicle is permitted to be used as a seasonal main dwelling in the Rural Resource (RR) Zone and the Rural General (RG) Zone subject to zone restrictions.

43. Notwithstanding anything else in this by-law, a travel trailer, fifth wheel trailer, or park model recreational vehicle is permitted to be used as a seasonal accessory dwelling in the Rural Resource (RR) Zone and the Rural General (RG) Zone subject to zone restrictions.

44. The replacement of a travel trailer, fifth wheel trailer, or park model recreational vehicle that was being used as a seasonal main dwelling or seasonal accessory dwelling shall require the submission of a new development permit application.

### ***Reduced Lot Requirements***

45. Notwithstanding anything else in this By-law, a lot approved in accordance with Section 279 of the *Municipal Government Act* and having less than the minimum lot area or lot frontage required by this By-law may be used for any purpose permitted in the zone in which the lot is located provided that all other applicable provisions in this By-law are satisfied. Section 279 of the *Municipal Government Act* allows for a relaxation of the minimum requirements for lot frontage and lot area for not more than two lots, provided the lot area and lot dimensions are no less than ninety percent of the required minimums.

### ***Removal of Encroachments***

46. Notwithstanding anything else in this By-law, where a development component of a permanent nature such as a structure, driveway, well or on-site sewage disposal system is

encroaching in or upon an immediately adjacent area of land, the Development Officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.

***Restoration to a Safe Condition***

47. Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use, the provisions of the *Municipal Government Act* shall prevail.

***Special Uses Permitted***

48. Nothing in this By-law shall prohibit a structure erected for a special occasion or holiday provided that no such structure shall remain in place for more than 14 consecutive days and such use shall not be required to obtain a development permit. The uses or structures should be removed within seventy-two (72) hours of the completion of the special occasion or holiday.

### ***Standards for Parking Areas***

49. Where a parking lot for more than four vehicles is required or permitted:

- a) the parking lot shall be constructed with a stable surface (pavement, gravel or shale) that is treated to prevent the raising of dust or loose particles;
- b) the location of driveway approaches shall be no closer than 15 feet (4.6 metres) from the nearest limits of the right-of-way at a street intersection; and
- c) if lights are used for the illumination of a parking lot, they shall be so arranged as to divert the light away from the street, adjacent lots and buildings.

### ***Subdivision of Lots for Monuments, Wharves, Fish Sheds and other Similar Uses***

50. Notwithstanding anything else in this By-law, lots which are to be utilized for the erection of monuments, wharves, fish sheds, boat houses and other similar uses shall be exempt from minimum lot requirements within each zone. Such lots will not be used for human habitation and will not be eligible for an on-site sewage disposal system. The maximum lot area for such lots shall be 5,000 square feet (464.5 square metres).

### ***Subdivision of Lots with Reduced Lot Frontage and Easements***

51. Notwithstanding the frontage requirements found elsewhere in this By-law, an area of land existing at the effective date of this By-law shall be eligible for one additional lot where:

- a) each lot has a minimum of 20 feet (6.1 metres) of frontage on a public or private street; or
- b) each lot is served by an easement for right-of-way and access which has been clearly granted by deed, registered in the Registry of Deeds for this Municipality, with a minimum width of 20 feet (6.1 metres).

In addition to Clauses (a) and (b), any lot which fronts upon a public street or private road shall have no more than one right-of-way easement which passes through said lot.

### ***Subdivision of an Existing Lot with Existing Main Buildings***

52. Notwithstanding the lot frontage requirements of this By-law, where an area of land contains more than one main building, built or placed on the land prior to the effective date of this By-law, the Development Officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings where one lot does not meet this By-law's frontage requirements.

53. Notwithstanding the lot area and frontage requirements of this By-law, where an area of land contained more than one main building, built or placed on the land prior to the effective date of this By-law, the development officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a central sewer and has a minimum frontage of 20 feet (6.1 metres).

54. Lots created under this provision are deemed to be existing lots as defined in Section 10 of this Part, and as such are eligible for a development permit.

### ***Subdivision on an Island***

55. Notwithstanding the requirement that all lots abut a public street or private road, the Development Officer may approve a subdivision on an island which does not contain public streets or private roads, provided each lot meets the requirements of the Richmond County Subdivision By-law for subdivision on an Island. A development permit may be issued provided that all other applicable provisions of this By-law are satisfied.

### ***Temporary Uses and Structures Permitted***

56. Nothing in this By-law shall prevent the temporary use of a building or structure incidental to a construction project provided that a development permit has been issued for the main construction project and the temporary use is discontinued and removed within 30 days following completion of the main construction project.

### ***Through Lots***

57. Where a lot which is not a corner lot has frontage on more than one street, the front yard requirements contained in this By-law shall apply on each street in accordance with the provisions of the zone or zones in which such a lot is located.

### ***Truck, Bus or Coach Bodies***

58. No truck, bus, coach or street car body, or structure of any kind other than a mobile home or dwelling unit erected and used in accordance with this and other By-laws of the County shall be used for human habitation within the Isle Madame plan area, whether or not same is mounted on wheels.

### ***Waiver for Semi-Detached Dwellings***

59. Where a semi-detached dwelling is sited on two adjacent lots held in separate ownership, one of the side yard requirements shall be waived.

### ***Watercourses – Separation Distances***

60. No structure shall be located within 25 feet (7.6 metres) of any watercourse except for structures relating to water treatment and distribution uses, fishery related uses, boat building (including the storage and repair of boats), and yacht club related uses.

### ***Watercourses- Coastal Development***

61. Any new dwellings or accessory buildings which abut a coastal body of water shall, at the time of application, be set back a minimum of 50 feet (15.2 metres) from the inner edge of the coastal feature or an 8 foot (2.5 metre) elevation (the greater of the two) from the ordinary high water mark.

62. All development on coastal lots in existence on the effective date of this By-law having less than the setbacks specified in Part 58 may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided the provisions of the zone and all other provisions of the By-law are satisfied.

63. If over fifty (50) percent of a dwelling or accessory building has been destroyed due to erosion or coastal forces, than the owner will be required to rebuild within the coastal setbacks described above to alleviate future reoccurrences.

### ***Wind Turbine Development***

64. Except where otherwise specified, wind turbine development shall be subject to the regulations contained in the Municipal Planning Strategy and Land Use By-law for the County of Richmond Addressing the Development of Wind Energy.

### ***Yard Requirements Concerning Natural Hazards***

65. Where a front, side, or rear yard is required by this By-law and part of the area of the lot

- a) is usually covered by water or marsh;
- b) is beyond the rim of a river bank or watercourse; or

- c) is between the top and toe of a cliff or embankment having a slope of more than 15 percent or more from the horizontal;

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

## PART 7 - VILLAGE LOW DENSITY RESIDENTIAL (VR-1) ZONE

### *Permitted Uses*

1. The following uses shall be permitted in a Village Low Density Residential (VR-1) zone:

- Agricultural uses
- Boarding house
- Churches and cemeteries
- Community centres and halls
- Cottages and cottage establishments
- Day care centres
- Dwellings, single detached
- Dwellings, single detached with apartment unit
- Dwellings, semi-detached and duplex
- Dwellings, multiple unit (both new and conversion) to a maximum of four (4) dwelling units
- Mobile homes
- Recreational uses
- Wharves and boathouses

### *General Requirements*

2. The requirements in the following table shall apply to single detached dwellings, cottages, single detached dwellings with an apartment unit, duplexes, mobile homes and boarding houses:

***Minimum Lot Requirements***

	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard
Water & Sewer	5,000 sq. ft.	50 ft.	20 ft.	20 ft.	8 ft. on one side and 10 ft. on the other side
Water & Septic	29,000 sq. ft.	50 ft.	20 ft.	20 ft.	8 ft. on one side and 10 ft. on the other side
Well & Septic	29,000 sq. ft.	50 ft.	20 ft.	20 ft.	8 ft. on one side and 10 ft. on the other side

- Other than in the case of Water and Central Sewer, minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

The requirements in the following table shall apply to semi-detached dwellings and multiple unit dwellings:

***Minimum Lot Requirements***

	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard
Water & Sewer	2,500 sq. ft.	25 feet	20 feet	20 feet	10 feet

- Common Side Yard is only applicable in the case of attached dwellings with separate lots which are only permitted with water and central sewer connections.
- Other than in the case of Water and Central Sewer, minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

The requirements in the following table shall apply to churches and cemeteries, community centres, cottage establishments, day care centres and indoor and outdoor skating rinks.

***Minimum Lot Requirements***

	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard
Water & Sewer	7,000 sq. ft.	50 ft.	25 ft.	20 ft.	10 ft.
Water & Septic	29,000 sq. ft.	50 ft.	25 ft.	20 ft.	10 ft.
Well & Septic	29,000 sq. ft.	50 ft.	25 ft.	20 ft.	10 ft.

- Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## PART 8 - VILLAGE RESIDENTIAL MULTIPLE UNIT (VR-2) ZONE

### *Uses Permitted Conditionally*

1. The following uses will be permitted subject to a development agreement being negotiated between the municipality and the developer:

- multiple unit dwellings (both new and conversions) with more than twelve (12) units

### *Permitted Uses*

2. The following uses shall be permitted in a Village Residential Multiple Unit (VR-2) zone:

- All uses permitted in the Village Low Density Residential (VR-1) zone subject to the standards set out in this By-law
- Dwellings, multiple unit (both new and conversion) to a maximum of twelve (12) dwelling units
- Medical clinics
- Nursing homes and residential care facilities
- Police, ambulance and fire stations
- Schools

### *General Requirements*

3. The requirements in the following table shall apply to: multiple unit dwellings with a maximum of twelve (12) dwelling units

#### *Minimum Lot Requirements*

	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard
Water & Sewer	10,000 sq. ft. for the first four units plus 1,500 sq. ft. for each additional unit	50 ft.	20 ft.	20 ft.	10 ft.

- Common Side Yard is only applicable in the case of attached dwellings with separate lots which are only permitted with water and central sewer connections.
- Other than in the case of Water and Central Sewer, minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

The requirements in the following table shall apply to: medical clinics, nursing homes, police, ambulance and fire stations and schools

#### *Minimum Lot Requirements*

	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard
Water & Sewer	7,000 sq.ft.	70 ft.	25 ft.	20 ft.	10 ft.
Water & Septic	29,000 sq.ft.	70 ft.	25 ft.	20 ft.	10 ft.
Well & Septic	29,000 sq.ft.	70 ft.	25 ft.	20 ft.	10 ft.

- Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and in some instances, by the Provincial

Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

***Special Requirements: Landscaping***

4. Where a multiple unit residential dwelling with four (4) or more units in the Village Residential Multiple Unit Dwelling (VR-2) zone abuts a residential use other than a multiple-unit dwelling with four (4) or more units, a landscaped strip or an opaque fence of a minimum height of four (4) feet that abuts the lot line and runs the full length of the lot line excluding any driveway accesses shall be provided along any side or rear lot line adjacent to the other use.

## **PART 9 - VILLAGE COMMERCIAL (VC) ZONE**

### ***Permitted Uses***

1. The following uses shall be permitted in a Village Commercial (VC) zone:

All uses permitted in the Village Low Density Residential (VR-1) zone and the Village Residential Multiple Unit (VR-2) zone, subject to the standards set out in the By-law

- Appliance sales and service establishments
- Art galleries
- Automobile repair shops
- Automobile sales and services
- Automobile service centres
- Automobile repair shops
- Bakeries
- Banks and other financial institutions
- Bed and breakfast establishments
- Beverage rooms and lounges
- Boat, trailer and snowmobile sales and rentals
- Building supply and lumber outlets
- Catering shops
- Commercial Greenhouses
- Craft Beverage Facilities
- Custom workshops (including woodworking/carpentry shops)
- Convenience stores
- Drug Stores
- Entertainment centres
- Farmers markets
- Food and grocery stores
- Fitness centres
- Funeral homes
- Garden and nursery sales and supplies
- Hotels, motels, or tourist inns and associated uses
- Ice cream shops
- Libraries
- Liquor stores

- Marina facilities
- Museums
- Parking lots
- Personal service establishments
- Photographic studios
- Post offices
- Printing establishments
- Private clubs
- Professional or business offices
- Recycling depots
- Residential dwellings located in the same building as a commercial use
- Restaurants and take-out restaurants
- Retail stores
- Stand-alone automated banking/teller machines
- Taxi and bus stands
- Television or radio studios
- Tourist information centres and information kiosks
- Upholstery Shops
- Veterinary clinics
- Video rental shops
- Wholesale establishments
- Yacht clubs

**General Requirements**

2. The requirements in the following table shall apply to all uses permitted in a Village Commercial (VC) Zone:

**Minimum Lot Requirements**

	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard
Water & Sewer	7,000 sq. ft.	50 ft.	25 ft.	20 ft.	10 ft.
Water & Septic	29,000 sq. ft.	50 ft.	25 ft.	20 ft.	10 ft.
Well & Septic	29,000 sq. ft.	50 ft.	25 ft.	20 ft.	10 ft.

- Other than in the case of Water and Central Sewer, minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

***Special Requirements: Abutting Yard Requirements***

3. Where a yard or lot located within a Village Commercial (VC) zone abuts a Residential use, the following restrictions shall apply:

- a) No structure, open storage or display shall be permitted in an abutting yard within 10 feet (3.1 metres) of a side or rear lot line;
- b) no parking space shall be permitted in an abutting yard within 20 feet (6.1 metres) of a side or rear lot line;
- c) existing structures, storage or parking uses encroaching on an abutting yard may continue but they shall not be allowed to expand further into these required yards; and
- d) the collection and storage of refuse shall be permitted in an abutting yard provided such facilities are screened by an opaque fence of at least four (4) feet (1.2 metres) in height, or are otherwise enclosed by a structure so as not to be visible from any street or adjacent residential property.

***Special Requirements: Landscaping***

4. Where a multiple unit residential dwelling with four (4) or more units in the Village Commercial (VC) zone abuts a residential use other than a multiple unit dwelling with four (4) or more units, a landscaped strip or an opaque fence of a minimum height of four (4) feet that abuts the lot line and runs the full length of the lot line excluding any driveway accesses shall be provided along any side or rear lot line adjacent to the other uses.

## PART 10 - VILLAGE LIGHT INDUSTRIAL (VLI) ZONE

### **Permitted Uses**

1. The following uses shall be permitted in a Village Light Industrial (VLI) zone:

- All uses permitted in the Village Mixed Use (VMU) zone subject to the standards set out in this By-law
- Bus depots
- Commercial uses accessory to the main use
- Fish processing uses
- Light industrial fabrication and sales uses
- Oil and gas storage and distribution facilities
- Warehousing and storage facilities

### **General Requirements**

2. The requirements in the following table shall apply to all uses permitted in a Village Light Industrial (VLI) Zone:

***Minimum Lot Requirements***

	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard
Water & Sewer	10,000 sq. ft.	50 ft.	25 ft.	20 ft.	15 ft.
Water & Septic	29,000 sq. ft.	50 ft.	25 ft.	20 ft.	15 ft.
Well & Septic	29,000 sq. ft.	50 ft.	25 ft.	20 ft.	15 ft.

- Common Side Yard is only applicable in the case of attached dwellings with separate lots which are only permitted with water and central sewer connections.
- Other than in the case of Water and Central Sewer, minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

### **Special Requirements: Landscaping**

3. Where a multiple unit residential dwellings with four or more units in the Village Light Industrial (VLI) zone abuts a residential use other than a multiple unit dwelling with four (4) or more units, a landscaped strip or an opaque fence of a minimum height of four (4) feet that abuts the lot line and runs the full length of the lot line excluding any driveway accesses shall be provided along any side or rear lot line adjacent to the other use.

### **Special Requirements: Abutting Yard Requirements**

4. Where a yard or lot located within a Village Light Industrial (I-1) zone abuts a Residential use, the following restrictions shall apply:

- a) no structure, open storage or display shall be permitted in an abutting yard within 10 feet (3.1 metres) of a side or rear lot line;

- b) no parking space shall be permitted in an abutting yard within 20 feet (6.1 metres) of a side or rear lot line; and
- c) existing structures, storage or parking uses encroaching on an abutting yard may continue but they shall not be allowed to expand further into these required yards; and
- a) the collection and storage of refuse shall be permitted in an abutting yard provided such storage facilities are screened by an opaque fence of at least four (4) feet (1.2 metres) in height, or are otherwise enclosed by a structure so as not to be visible from any street or adjacent residential property.

## **PART 11 - VILLAGE MIXED USE (VMU) ZONE**

### ***Uses Permitted Conditionally***

1. The following uses will be permitted subject to a development agreement being negotiated between the municipality and the developer:

- fish processing uses and light industrial fabrication and sales uses.

### ***Permitted Uses***

2. The following uses shall be permitted in a Village Mixed Use (VMU) zone:

- All uses permitted in the Village Low Density Residential (VR-1) zone and the Village Residential Multiple Unit (VR-2) zone, subject to the standards set out in the By-law
- All uses permitted in the Village Commercial (VC) zone, subject to the standards set out in the By-law

### ***Special Requirements: Abutting Yard Requirements***

3. The following restrictions shall apply within the Village Mixed Use (VMU) zone:

- a) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened by an opaque fence at least 4 feet (1.2 metres) in height, or are otherwise enclosed by a structure so as not to be visible from any street or adjacent property;
- b) no outdoor display shall be permitted within 10 feet (3.1 metres) of any lot line;
- c) existing structures, storage or parking uses encroaching on an abutting yard may continue but they shall not be allowed to expand further into these required yards; and
- d) no parking or loading area shall be permitted in any required side or rear yard where the required yard abuts any residential or community facility uses except where a visual barrier is provided.

### ***Special Requirements: Landscaping***

7. Where a multiple unit dwelling with four (4) or more units in the Village Mixed Use (VMU) zone abuts a residential use other than a multiple-unit dwelling with four (4) or more units, a landscaped strip or an opaque fence of a minimum height of four (4) feet that abuts the lot line and runs the full length of the lot line excluding any driveway accesses shall be provided along any side or rear lot line adjacent to the other use.

## **PART 12 - VILLAGE AGRICULTURAL (VA) ZONE**

### ***Permitted Uses***

1. The following uses shall be permitted in a Village Agricultural (VA) zone:
  - All uses permitted in the Village Low Density Residential (VR-1) zone subject to the standards set out in this By-law
  - Agricultural uses (not subject to the requirements of other zones in the Village designation)
  - Forestry uses

### ***General Requirements***

2. There are no lot standards for the permitted uses within the Village Agricultural (VA) zone, other than the standards for the uses permitted in the Village Low Density Residential (VR-1) zone.

## **PART 13 - VILLAGE RECREATION OPEN SPACE (VO) ZONE**

### ***Permitted Uses***

1. The following uses shall be permitted in a Village Recreation Open Space (VO) zone:

- Boardwalks
- Canteens
- Hiking and walking trails
- Information stands
- Marina facilities
- Recreational uses subject to the zone standards set out in the Village Low Density Residential (VR-1) zone
- Yacht clubs

### ***General Requirements***

2. There are no lot standards for the permitted uses in the Village Recreation Open Space (VO) zone, other than the standards for indoor and outdoor skating rinks in the Village Low Density Residential (VR-1) zone.

## **PART 14 - MOBILE HOME PARK (MHP) ZONE**

### ***Permitted Uses***

1. The following uses shall be permitted in a Mobile Home Park (MHP) zone:

- Maintenance equipment and storage facilities related and incidental to the operation of the park
- Mobile homes
- Mobile home park
- Mobile home park offices and mobile home sales
- Parks and playgrounds
- Personal service establishments (as a separate use or as a home occupation)
- Professional or business offices (as a home occupation)
- Wharves and boathouses

### ***General Requirements***

2. The requirements in the following table shall apply to all uses permitted in a Mobile Home Park (MHP) zone

Minimum lot area of MHP	5 acres
Minimum setback of MHP	10 feet (3.1 metres) from lot line
Minimum spacing between Mobile Homes	Subject to the National Building Code and the Richmond County Mobile Home Park By-law

### ***Special Requirements: Landscaping***

3. Where a mobile home park abuts a residential, industrial or commercial use, a landscaped strip or an opaque fence of a minimum height of four (4) feet that abuts the lot line and runs the full length of the lot line excluding any driveway accesses shall be provided along any side or rear lot line adjacent to such a use.

### ***Special Requirements: Municipal Water and Sewer Requirements***

4. No development permit shall be issued in a Mobile Home Park (MHP) zone where central water and sewer services are not available.

### ***Conformity With The Richmond County Mobile Home Park By-law***

5. Nothing in this By-law shall exempt any person from complying with the provisions of the Richmond County Mobile Home Park By-law.

## **PART 15 - RURAL GENERAL (RG) ZONE**

### ***Prohibited Uses***

1. The following uses shall not be permitted uses:

- Heavy industrial uses
- Drag strips or automobile racetracks

### ***Uses Conditionally Permitted***

2. The following uses shall be permitted subject to a development agreement being negotiated between the municipality and the developer:

- New large scale campgrounds
- Medium industrial uses with a commercial floor area of 5,000 square feet or more;
- Resource industrial uses with a commercial floor area of 5,000 square feet or more

### ***Permitted Uses***

3. The following uses shall be permitted in a Rural General (RG) zone

- All uses permitted in the Recreation Open Space (O-1) zone subject to the zone standards set out in this By-law
- All uses permitted in the Conservation Open Space (O-2) zone subject to the zone standards set out in this By-law
- All uses permitted in the Village Low Density Residential (VR-1) zone and the Village Residential Multiple Unit Dwelling (VR-2) zone
- A travel trailer, fifth wheel trailer, or park model recreational vehicle as a seasonal main dwelling
- A travel trailer, fifth wheel trailer, or park model recreational vehicle as a seasonal accessory dwelling
- Small scale campgrounds
- All commercial uses
- All recreational uses
- Agricultural uses
- Airfields/landing strips
- A single detached dwelling located on the same lot as a commercial use
- Aquaculture uses
- Fishery uses
- Forestry uses
- Light industrial fabrication and sales uses
- Medium industrial uses (up to 5,000 square feet in commercial floor area) including but not limited to those uses listed in Schedule "A"
- Office or retail uses accessory to any permitted use

- Personal service establishments
- Post offices
- Professional or business offices
- Recycling depots
- Residential dwellings located in the same building as a commercial use
- Resource industrial uses (up to 5,000 square feet in commercial floor area) including but limited to those uses listed in Schedule "B"
- Tourist information centres and information kiosks
- Wharves and boathouses

**General Requirements**

4. The requirements in the following table shall apply to all uses permitted in a Rural General (RG) zone, except the uses permitted in the Recreation Open Space (O-1) zone and the Conservation Open Space (O-2) zone, for which there are no requirements:

**Minimum Lot Requirements**

	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard	Common Side Yard
Water & Sewer	5,000 sq. ft.	20 ft.	20 ft.	20 ft.	10 ft.	0 ft.
Water & Septic	29,000 sq. ft.	20 ft.	20 ft.	20 ft.	10 ft.	N/A
Well & Septic	29,000 sq. ft.	20 ft.	20 ft.	20 ft.	10 ft.	N/A

- Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

**Special Requirements: Abutting Yard Requirements For Industrial Uses**

5. Where a light industrial fabrication and sales establishment, a medium industrial or resource industrial use with a commercial floor area of less than 5,000 square feet abuts a residential use in the Rural General (RG) Zone, the following restrictions shall apply:

- a) no structure, open storage or display shall be permitted in an abutting yard within 10 feet (3.1 metres) of a side or rear lot line;
- b) no parking space shall be permitted in an abutting yard within 20 feet (6.1 metres) of a side or rear lot line; and
- c) the collection and storage of refuse shall be permitted in an abutting yard provided such storage facilities are screened by an opaque fence of at least 4 feet (1.2 metres) in height, or are otherwise enclosed by a structure so as not to be visible from any street or adjacent residential property.

**Special Requirements: Abutting Yard Requirements For Multiple-unit Residential Dwellings**

6. Where a multiple unit dwelling with four (4) or more units in the Rural General (RG) zone abuts a residential use other than a multiple unit dwelling with four (4) or more units, the following restrictions shall apply:

- a) no parking space shall be permitted in an abutting yard within 10 feet (3.1 metres) of a side or rear lot line; and
- b) the collection and storage of refuse shall be permitted in an abutting yard provided such storage facilities are screened by an opaque fence of at least 4 feet (1.2 metres) in height, or are otherwise enclosed by a structure so as not to be visible from any street or adjacent residential property.

***Special Requirements: Recreational Vehicles as Seasonal Dwellings***

7. The following requirements shall apply to all recreational vehicles intended to be used as a seasonal main or accessory dwelling:

- a) all recreational vehicles located on the property shall:
  - (i) have the entire undercarriage skirted with an opaque material;
  - (ii) be a minimum of 15 ft from all other buildings, structures, and recreational vehicles;
  - (iii) be screened from abutting residential properties by opaque landscaping or an opaque fence; and
  - (iv) be adequately maintained for safety, sanitary and aesthetic purposes.
- b) an application for a development permit as outlined in Part 2 Section 9 shall also include the following:
  - (i) a site plan that is to scale detailing all property lines of the subject property, the location and dimensions of all existing buildings and RVs, the location and dimensions of all proposed buildings and RVs, the location of the driveway(s), existing and proposed landscaping, as well as the setbacks from existing and proposed buildings and RVs to the property lines;
  - (ii) a separate landscaping plan for the site if not shown in the site plan;
  - (iii) Nova Scotia Department of Environment and Climate Change On-Site Sewage Disposal Approval; and
  - (iv) current-colored photos showing all four (4) sides of each proposed unit.

***Special Requirements: Small Scale Campgrounds***

8. The following requirements shall apply to all small scale campground uses:

- a) all recreational vehicles located on the property shall:
  - (i) be a minimum of 15 ft from all other buildings, structures, and recreational vehicles;
  - (ii) be screened from abutting residential properties by opaque landscaping or an opaque fence; and
  - (iii) be adequately maintained for safety, sanitary and aesthetic purposes.
- b) an application for a development permit as outlined in Part 2 Section 9 shall also include the following:
  - (i) a site plan that is to scale detailing all property lines of the subject property, the location and dimensions of all existing buildings and RVs, the location and dimensions of all proposed buildings and RVs, the location of the driveway(s),

existing and proposed landscaping, as well as the setbacks from existing and proposed buildings and RVs to the property lines;

- (ii) a separate landscaping plan for the site if not shown in the site plan;
- (iii) current-colored photos showing all four (4) sides of each proposed unit; and
- (iv) Nova Scotia Department of Environment and Climate Change (NSECC) On-Site Sewage Disposal Approval (including NSECC Holding Tank Approval);

***Special Requirements: Coasts, Lakes and Watercourses***

9. No development permit shall be issued for any structure within 50 feet of the edge of a **coast**, lake or watercourse within the Rural General (RG) zone, with the exception of the uses listed in Schedule “E”.

10. Land levels within 50 feet of the edge of a coast, lake or watercourse shall not be altered by the filling in of land to a depth greater than 1 foot above the natural ground surface within the Rural General (RG) zone, except for the uses listed in Schedule “E”.

## **PART 16 - RURAL RESOURCE (RR) ZONE**

### ***Uses Permitted Conditionally***

1. The following uses will be permitted subject to a development agreement being negotiated between the municipality and the developer:

- New large scale campgrounds

### ***Permitted Uses***

2. The following uses shall be permitted in a Rural Resource (RR) zone:

- All uses permitted in the Recreation Open Space (O-1) Zone, subject to the lot standards set out in this Part
- All uses permitted in the Village Low Density Residential (VR-1) Zone, subject to the lot standards set out in this Part
- A travel trailer, fifth wheel trailer, or park model recreational vehicle a seasonal main dwelling
- A travel trailer, fifth wheel trailer, or park model recreational vehicle as a seasonal accessory dwelling
- Small scale campgrounds

### ***General Requirements***

3. The requirements in the following table shall apply to all uses permitted in a Rural Resource (RR) zone:

***Minimum Lot Requirements***

	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard	Common Side Yard
Water & Sewer	10,000 sq. ft.	20 ft.	20 ft.	20 ft.	10 ft.	0 ft.
Water & Septic	100,000 sq. ft.	20 ft.	20 ft.	20 ft.	10 ft.	N/A
Well & Septic	100,000 sq. ft.	20 ft.	20 ft.	20 ft.	10 ft.	N/A

- Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

### ***Special Requirements: Recreational Vehicles as Dwellings***

4. The following requirements shall apply to all recreational vehicles intended to be used as a seasonal main or accessory dwelling:

- a) all recreational vehicles located on the property shall:
  - (i) have the entire undercarriage skirted with an opaque material;
  - (ii) be a minimum of 15 ft from all other buildings, structures, and recreational vehicles;
  - (iii) be screened from abutting residential properties by opaque landscaping or an opaque fence; and

- (iv) be adequately maintained for safety, sanitary and aesthetic purposes.
- b) an application for a development permit as outlined in Part 2 Section 9 shall also include the following;
  - (i) a site plan that is to scale detailing all property lines of the subject property, the location and dimensions of all existing buildings and RVs, the location and dimensions of all proposed buildings and RVs, the location of the driveway(s), existing and proposed landscaping, as well as the setbacks from existing and proposed buildings and RVs to the property lines;
  - (ii) a separate landscaping plan for the site if not shown in the site plan;
  - (iii) Nova Scotia Department of Environment and Climate Change On-Site Sewage Disposal Approval; and
  - (iv) current-colored photos showing all four (4) sides of each proposed unit.

***Special Requirements: Small Scale Campgrounds***

5. The following requirements shall apply to all small scale campground uses:

- a) all recreational vehicles located on the property shall:
  - (i) be a minimum of 15 ft from all other buildings, structures, and recreational vehicles;
  - (ii) be screened from abutting residential properties by opaque landscaping or an opaque fence; and
  - (iii) be adequately maintained for safety, sanitary and aesthetic purposes.
- b) an application for a development permit as outlined in Part 2 Section 9 shall also include the following;
  - (i) a site plan that is to scale detailing all property lines of the subject property, the location and dimensions of all existing buildings and RVs, the location and dimensions of all proposed buildings and RVs, the location of the driveway(s), existing and proposed landscaping, as well as the setbacks from existing and proposed buildings and RVs to the property lines;
  - (ii) a separate landscaping plan for the site if not shown in the site plan;
  - (iii) current-colored photos showing all four (4) sides of each proposed unit; and
  - (iv) Nova Scotia Department of Environment and Climate Change (NSECC) On-Site Sewage Disposal Approval (including NSECC Holding Tank Approval).

***Special Requirements: Coasts, Lakes and Watercourses***

6. No development permit shall be issued for any structure within 50 feet of the edge of a coast, lake or watercourse within the Rural Resource (RR) zone, with the exception of the uses listed in Schedule “E”.

7. Land levels within 50 feet of the edge of a coast, lake or watercourse shall not be altered by the filling in of land to a depth greater than 1 foot above the natural ground surface within the Rural Resource (RR) zone, except for the uses listed in Schedule “E”.

## PART 17 - RURAL INDUSTRIAL (RI) ZONE

### **Permitted Uses**

1. The following uses shall be permitted in a Rural Industrial (RI) zone:

- All uses permitted in the Rural General (RG) zone subject to the standards set out in this By-law
- Heavy industrial uses including but not limited to those uses listed in Schedule "C", but excluding those listed in Schedule "D"

### **General Requirements**

2. The requirements in the following table shall apply to heavy industrial uses (listed in Schedule "C"):

***Minimum Lot Requirements***

	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard
Water & Sewer	100,000 sq. ft.	100 ft.	50 ft.	50 ft.	50 ft.
Water & Septic	100,000 sq. ft.	100 ft.	50 ft.	50 ft.	50 ft.
Well & Septic	100,000 sq. ft.	100 ft.	50 ft.	50 ft.	50 ft.

- Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

### **Special Requirements: Abutting Yard Requirements For Industrial Uses**

3. Where a light industrial fabrication and sales establishment, or a medium industrial or resource industrial use of less than 5,000 square feet in commercial floor area abuts a residential use in the Rural Industrial (RI) zone, the following restrictions shall apply:

- a) no structure, open storage or display shall be permitted in an abutting yard within ten feet (3.1 metres) of a side or rear lot line;
- b) no parking space shall be permitted in an abutting yard within 20 feet (6.1 metres) of a side or rear lot line; and
- c) the collection and storage of refuse shall be permitted in an abutting yard provided such storage facilities are screened by an opaque fence of at least four feet (1.2 metres) in height, or are otherwise enclosed by a structure so as not to be visible from any street or adjacent residential property.

### **Special Requirements: Abutting Zone Requirements For Medium Industrial or Resource Industrial Uses With 5,000 Square Feet or More in Commercial Floor Area**

4. Where an industrial use (other than a use permitted in the Rural General (RG) zone) within the Rural Industrial (RI) zone abuts another zone, the following restrictions shall apply:

- a) Structures shall be setback from the abutting lot line a minimum of 50 feet (15.2 metres);

- b) open storage or display shall be setback from the abutting lot line a minimum of 20 feet (6.1 metres); and
- c) no parking or loading space shall be located within 20 feet (6.1 metres) of an abutting lot line.

***Special Requirements: Abutting Yard Requirements For Multiple Unit Residential Dwellings***

5. Where a multiple unit dwelling with four (4) or more units in the Rural Industrial (RI) zone abuts a residential use other than a multiple unit dwelling with four (4) or more units, the following restrictions shall apply:

- a) no parking space shall be permitted in an abutting yard within 10 feet (3.1 metres) of a side or rear lot line; and
- b) the collection and storage of refuse shall be permitted in an abutting yard provided such storage facilities are screened by an opaque fence of at least four feet (1.2 metres) in height or are otherwise enclosed by a structure so as not to be visible from any street or adjacent residential property.

***Special Requirements: Abutting Zone Requirements For Scrap Yards***

6. Where a scrap yard within a Rural Industrial (RI) zone abuts any other use, an opaque fence of a minimum height of six (6) feet that abuts the lot line and runs the full length of the lot line excluding any driveway access shall be provided along any side or rear lot line adjacent to the other use.

## **PART 18 - RECREATION OPEN SPACE (O-1) ZONE**

### ***Uses Permitted Conditionally***

1. The following uses will be permitted subject to a development agreement being negotiated between the municipality and the developer:

- Commercial Campgrounds

### ***Permitted Uses***

2. The following uses shall be permitted in a Recreation Open Space (O-1) zone:

- All uses permitted in the Conservation Open Space (O-2) zone
- Accessory building to a beach including changing rooms and washrooms
- Canteens
- Information stands
- Marina facilities
- Picnic areas and facilities
- Rifle ranges

### ***General Requirements***

3. There are no lot standards for these permitted uses in the Recreation Open Space (O-1) zone.

## **PART 19 - CONSERVATION OPEN SPACE (O-2) ZONE**

### ***Permitted Uses***

1. The following uses shall be permitted in a Conservation Open Space (O-2) zone:

- Boardwalks or nature interpretation stands
- Conservation projects
- Walking or hiking trails

### ***General Requirements***

2. There are no lot standards for these permitted uses in the Conservation Open Space (O-2) zone.

## **PART 20 - WATER SUPPLY (O-3) ZONE**

### ***Uses Permitted Conditionally***

1. The following uses will be permitted subject to a development agreement being negotiated between the municipality and the developer:

- Campgrounds
- Multiple unit dwellings and grouped dwellings

### ***Permitted Uses***

2. The following uses shall be permitted in a Water Supply (O-3) zone:

- Agriculture uses
- All uses permitted in the Conservation Open Space (O-2) zone
- Dwellings, single detached
- Dwellings, single detached with an apartment unit
- Existing campground identified on the land use map
- Existing residential dwellings
- Logging and silviculture uses
- Mobile homes
- Recreational trails
- Water supply treatment and distribution uses

### ***General Requirements***

3. The requirements in the following table shall apply to all uses permitted in a Water Supply (O-3) zone:

***Minimum Lot Requirements***

	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard
Water & Sewer	10,000 sq. ft.	20 ft.	20 ft.	20 ft.	10 ft.
Water & Septic	100,000 sq. ft.	20 ft.	20 ft.	20 ft.	10 ft.
Well & Septic	100,000 sq. ft.	20 ft.	20 ft.	20 ft.	10 ft.

- Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

### ***Special Requirements: Separation Distances***

4. No development permit shall be issued for any structure within 50 feet of the edge of a lake or watercourse within the Water Supply (O-3) zone, with the exception of water treatment and distribution uses.

### ***Special Requirements: Treed Buffer***

5. A treed buffer of 25 feet (7.6 metres) shall be maintained around the edge of the lakes and watercourses which form the watershed of Babins Lake, as identified by the Water Supply (O-3) zone. Paths, walking trails and recreational trails may be cleared within the treed buffer.

***Special Requirements: Keeping of Farm Animals***

6. Where farm animals are kept in a Water Supply (O-3) zone, the following restrictions shall apply:

- a) Such animals shall be kept in an enclosed area, which is surrounded by wire or fencing;
- b) no part of such an enclosed area or building used for housing farm animals shall be located within 50 feet (12.2 metres) of a neighbouring residence; and
- c) the animals present in an agricultural operation shall total no more than one and one-half animal units (as defined in Part 5, Section 16) for each acre of land or part thereof enclosed for such purposes).

***Special Requirements: Storage of Manure and Pesticides***

7. Where manure or pesticides are stored within the Water Supply (O-3) zone, the following restrictions shall apply:

- a) Manure storage facilities shall be constructed in compliance with the Department of Agriculture and Marketing "Guidelines for the Management and Use of Animal Manure in Nova Scotia" or other guidelines or regulations which may replace them. Confirmation of this compliance will be required from the Department of Agriculture and Marketing; and
- b) pesticide storage facilities shall be constructed in compliance with whatever provincial guidelines may exist at the time. Confirmation of this compliance will be required from the provincial department or agency which is responsible for administering these guidelines.

***Special Requirements: Multiple Units and/or Grouped Dwellings***

8. Where multiple unit dwellings and/or grouped dwellings are permitted within the Water Supply (O-3) zone, the following restrictions shall apply:

- a) The development is serviced by central municipal water and sewer services;
- b) The installation of underground or above ground heating oil storage tanks shall be prohibited; and
- c) Oil storage tanks larger than 25 litres shall not be permitted.

## **PART 21 - DEFINITIONS**

The words and terms listed below shall have the meanings as defined herein.

1. **ACCESSORY BUILDING** means a subordinate or structure on the same lot as the main building devoted exclusively to an accessory use but does not include a building attached in any way to the main building, or a building located completely underground.
2. **ACCESSORY USE** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
3. **ACT** shall mean the *Municipal Government Act*, being Chapter 18 of the Acts of 1998 (c. 18, s. 1) and amendments thereto.
4. **AGRICULTURAL USE** means any building use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises, but shall not include a commercial slaughter house.
5. **ALTER** means to change a structural component of a building, or to increase or decrease the volume of a building or structure.
6. **AQUACULTURE USES** means any building or structure or accessory uses involved in the raising of finfish, shellfish or other products cultivated in a marine environment.
7. **AUTOBODY SHOP** means a building or structure used for the painting or repairing of the exterior and/or undercarriage of motor vehicle bodies and which may include towing service and motor vehicle rentals for customers while the motor vehicle is under repair.
8. **AUTOMOBILE SERVICE CENTRE** means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles and may include an automobile car wash.
9. **BATHROOM** means a room containing a toilet and sink that may contain a shower and or a bathtub.
10. **BED AND BREAKFAST ESTABLISHMENT** means a dwelling in which the resident supplies, or compensation, not more than 6 bedrooms for the temporary accommodation of travelers.
11. **BEVERAGE ROOM** means premises licensed as a beverage room by the Liquor License Board of Nova Scotia.
12. **BOAT HOUSE** means a building used for the storage of boats and boating equipment.
13. **BUILDING** means any on-site constructed or off-site constructed (modular) structure whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment. Any bin, bunker, or platform vessel or vehicle used for any of the said purposes shall be deemed a building.
14. **BUILDING SUPPLIES AND LUMBER OUTLET** means a building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvement.
15. **BUS DEPOT** means any premises for the housing or parking of motor-driven buses and the loading and unloading of passengers.

16. **CAMPGROUND** means an area of land for the accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mobile home park.

- a) **LARGE SCALE CAMPGROUND** means an area of land upon which six or more campsites are located, established, or maintained for the temporary or permanent accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mobile home park.
- b) **SMALL SCALE CAMPGROUND** means an area of land upon which two to five campsites are located, established, or maintained for the accommodation of travel trailers, motorized homes and trailers used for travel, recreational and vacation purposes but does not include a mobile home park.

17. **CAMPSITE** means an area designated for a tent, cabins/cottage, lean-to, dome, recreational vehicle or similar structure.

18. **CHURCH** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, and day nursery operated by the church.

19. **CLINIC** means a building used for medical, dental, surgical or therapeutic treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor located in his or her residence.

20. **COASTAL FEATURE** means any terrestrial landform directly influenced by the sea, including beaches, barrier islands, dunes, cliffs and salt marshes.

20a. **COMMERCIAL BREWERY** means a brewery where the primary business function is the production and packaging of more than 15,000 hectolitres of beer or related beverages per year to be sold to the Nova Scotia Liquor Corporation and onto the general public through retail liquor stores or for export.

20b. **COMMERCIAL DISTILLERY** means a distillery where the primary business function is the production and packaging of more than 75,000 litres of liquor and spirits per year, not including wine or beer, to be sold to the Nova Scotia Liquor Corporation and onto the general public through retail liquor stores or for export.

20c. **CRAFT BEVERAGE FACILITIES** means a place where craft beer, cider, and spirits are produced, and may include the following:

- a) **MICRO BREWERY** means a craft brewery where the primary business function is the production and packaging of less than 15,000 hectolitres of beer per year. The facility may include accessory sales, tours, tasting rooms and customer seating areas
- b) **MICRO DISTILLERY** means a craft distillery where the primary business function is the production and packaging of less than 75,000 litres per year of liquor and spirits, not including wine and beer. The facility may include accessory sales, tours, tasting rooms and customer seating areas
- c) **NANO BREWERY** means a small capacity manufacturing facility where the primary business function is the production of less than 2000 hectolitres of beer, ale, cider or other related beverages per year (non-distilled).

21. **COMMUNITY CENTRE** means any tract of land, building or buildings, or part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the municipality, a local board or agent hereof, or a non-profit organization.

222. CONSERVATION means the protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use.

23. CORNER LOT means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.

24. COTTAGE

a) A building or structure designed and built as an independent and separate housekeeping establishment with separate kitchen and washroom facilities, provided for the exclusive use of one family for temporary occupancy during vacation periods and not for permanent occupancy.

b) A building or structure designed and built as an independent and separate housekeeping establishment with separate kitchen and washroom facilities, provided for the exclusive use of one family for temporary occupancy during weekends or vacation periods and not for year-round or permanent human habitation notwithstanding that it may be designed and/or constructed for such year-round or permanent human habitation, and does not include a tent, trailer or mobile home.

25. COTTAGE ESTABLISHMENT a tourist establishment comprised of two or more rental cottages.

26. COTTAGE, RENTAL a building within a cottage establishment to accommodate one or more guests which contains at least two rooms, which is at least partially furnished and, which provides facilities to permit the guests to prepare and cook food.

27. COUNCIL shall mean the Council of the Municipality of the County of Richmond.

28. CRAFT SHOP means a building or part of a building where craft products are offered for sale, and may include a craft workshop.

29. DAY CARE CENTRE means a place where four or more preschool children are cared for on a temporary daily basis without overnight accommodation but does not include a school.

30. DEVELOPMENT includes any erection, construction, alteration, replacement or relocation of or addition to, any structure and any change or alteration in the use made of land, or structures.

31. DEVELOPMENT OFFICER shall mean the development officer appointed by the Municipality of the County of Richmond in accordance with the *Municipal Government Act*.

32. DWELLING means a building occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units, but shall not include a hotel, a motel, or apartment hotel-

33. DWELLING, CONVERTED means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.

34. DWELLING, DUPLEX means a building containing not more than two (2) dwelling units placed one above the other.

35. DWELLINGS, GROUPED means two or more dwelling units which are contained within two or more buildings located on a lot.

36. DWELLING, MULTIPLE UNIT means a dwelling which contains five (5) or more dwelling units.

37. DWELLING, SEMI-DETACHED means a building that is divided vertically into two dwelling units each of which has an independent entrance.

38. DWELLING, SINGLE DETACHED means a building containing not more than one (1) dwelling unit.

40. DWELLING UNIT means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

41. ENTERTAINMENT CENTRE means a leisure facility operated either as a business for profit or as a non-profit recreation establishment, including, but not limited to, a motion picture theatre, dinner theatre, public or youth center, bowling alley, billiard/pool hall or amusement arcade, in which, with the exception of a dinner theatre, the sale of beer, wine or liquor is not permitted.

42. EXISTING means existing as of the effective date of this By-law.

43. FARMERS MARKET means an establishment or premises where farm products of a local farming community are sold at retail from uncovered or open air areas designated for individual retailers.

44. FISHERY SUPPORT USE means any use which is designed to support the individual fishery operations and includes boat and equipment storage and maintenance of gear, and shall include aquaculture support uses and the sale of an individual fisher's catch, but does not include a retail or wholesale outlet for fish and fishery products, or a fish processing plant except a smokehouse, lobster pound, or an operation where a fisher or their crew processes their own catch.

45. FITNESS CENTRE means a building in which facilities are provided for recreational athletic activities including but not limited to body-building and exercise classes, and shall include associated facilities such as a sauna, swimming pool and solarium.

46. FLOOR AREA

a) WITH REFERENCE TO A DWELLING means the maximum floor area contained within the outside walls excluding any private garage, porch, verandah, sun room, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.

b) COMMERCIAL FLOOR AREA means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common walls between stores.

47. FIFTH WHEEL TRAILER means a two-level recreational vehicle designed to be affixed and towed by a pickup truck equipped with a fifth wheel hitch in the truck bed and may also be known as a trailer coach.

48. FORESTRY USES means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products, but shall not include pulp and paper mills.

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

50. HEAVY INDUSTRIAL USES means a use which receives or treats hazardous products or a use engaged in the basic processing and manufacturing of material or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions, and without limiting

the generality of this definition includes the processing of car batteries and automobile tires. Includes uses listed in Schedule "C", but excludes uses listed in Schedule "D".

51. HEIGHT means the vertical distance of a building between grade and;

- a) The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- b) The deck line of a mansard roof; or;
- c) The main level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola, or steeple.

52. HOTEL means a building or buildings or part thereof on the same site used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation with or without meals but generally without private cooking facilities.

53. HOME OCCUPATION means an accessory use of a dwelling or secondary building for gainful employment involving the provision or sale of goods or services or both goods and services.

54. INSTITUTION means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent or profit such as schools, churches, community centres, hospitals, nursing home, senior citizen homes and government buildings but shall not include a private club.

55. LIBRARY means a building containing printed and pictorial material for public use for purposes of study, reference and recreation.

56. "K" CLASS ROAD shall mean a road owned but not maintained by the Department of Transportation and Infrastructure Renewal.

57. KENNEL means a building or structure used for the enclosure of more than two dogs which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without veterinary care.

58. KITCHENETTE means a small cooking area that at minimum has a sink, a refrigerator - which may or may not include a freezer - and a home appliance that can cook or heat up food such as a microwave, a microwave oven, an air fryer, a toaster oven, a hot plate, an oven, or a burner range.

59. LANDSCAPED STRIP means land which shall be grassed (or other appropriate ground cover vegetation) and include trees or shrubs planted at a minimum rate of one (1) plant per each six (6) feet of lot length and a minimum of four (4) feet in height.

60. LOADING SPACE means a vacant area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area;

- a) Is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;
- c) Is not upon or partly upon any street, or highway; and
- d) as adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.

61. LIGHT INDUSTRIAL FABRICATION AND SALES means the use of land, buildings or structures for manufacturing, processing, repair or sale of goods which is not offensive or

dangerous by reason of emission of odour, smoke, dust, soot, dirt, noise, gas fumes, vibration, water carried waste, or other obnoxious emission or refuse. Light industrial use may include the sale, rental or warehousing of related goods and storage of light machinery and equipment and equipment rentals, but shall not include automotive repair establishments.

62. LOT means a parcel of land described in a deed as a lot or as shown as an approved lot on a registered plan of subdivision.

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

64. LOT FRONTAGE means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein equal in distance to the minimum applicable front yard. In the case of a corner lot with a daylighting triangle the exterior lot lines (street line) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

65. LOUNGE means premises licensed as a lounge by the Liquor License Board of Nova Scotia.

66. MAIN BUILDING means the building in which is carried on the principal purposes for which the lot is used.

67. MARINA FACILITY means a building, structure or place containing docking and boat service facilities including food and beverage service, and located on a navigable waterway, and where facilities for the sale of marine fuels and lubricants may be provided.

68. MEDIUM INDUSTRIAL USES means a use engaged in the manufacturing predominantly from previously prepared materials, of finished products or parts, including fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. Includes uses listed in Schedule "A".

69. MOBILE HOME means a building originally pre-fabricated as a place for someone to reside (not necessarily a dwelling unit) designed for transportation on public roads after fabrication with primarily one main modular part, arriving at the site ready for occupancy as a residence, except for:

- a) unpacking;
- b) assembly;
- c) the typical work site;
- d) foundation connections;
- e) water and sanitary sewer connections; and
- f) utility connections; and
- g) having an average width greater than 8.5 feet and less than 20 feet when assembled. A mobile home used as an addition to another building (whether to increase the number of dwellings or just to increase the floor area) is still a mobile home. For the purposes of clarification, a mobile home shall include (but not be limited to) a mini home or modular home which meets the above specifications, but shall not include a recreational vehicle designed for travel on public roads for purposes of camping or recreational use.

70. MOBILE HOME PARK means a lot on which spaces are provided for more than one mobile home but does not include a campground.

71. MOTEL shall mean the same as hotel.

72. MUNICIPALITY means the Municipality of the County of Richmond.
73. MUSEUM means an institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of historical interest.
74. NURSING HOME means a building wherein nursing care room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.
75. OFFICE means a room or rooms, building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.
76. OUTDOOR STORAGE means the storage of any item located outside of a building not primarily for the encouragement of sale of the item or of similar items but principally for storage purposes.
77. PARK MODEL RECREATIONAL VEHIVLE (RV) means a unit designed to be towed by a heavy duty tow vehicle (auto, van, pick-up truck, etc) but is of restricted size and weight so that it does not require a special highway move permit. Designed for infrequent towing, it is not fitted with a 12-volt system for fixtures and appliances. Once on site in the set up mode it must be connected to the local utilities. It conforms to the CSA Z – 240 Standard for RVs.
78. PARKING SPACE means an area of not less than one hundred and sixty (160) square feet, measuring eight (8) feet by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
79. PERSONAL SERVICE ESTABLISHMENT means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, depots for collecting dry cleaning and laundry, printing establishments and photographic studios but excludes light industrial fabrication and sales.
80. PRIVATE CLUB means a building or part of a building used as a meeting place for members or an organization and may include a lodge, a fraternity or sorority house, and a labour union hall.
81. PROFESSIONAL OR BUSINESS OFFICE means a building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retailing or selling of goods.
82. PUBLIC PARK means a park owned or controlled by a public authority or by any board, commission or other authority established under any statute of the province of Nova Scotia.
83. RECREATIONAL USES means the use of land for parks, playgrounds, tennis courts, indoor or outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.
84. RECREATIONAL VEHICLE or RV means a vehicular-type unit designed as temporary living quarters for recreational, camping, travel or vacationing use which either has its own motor power or is mounted on or drawn by another vehicle. Such vehicles may include a tent trailer, travel trailer, truck camper, fifth wheel trailer, motor homes, etc.
85. 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 "minimum" rear yard means the minimum depth allowed by this By-law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.

86. RECYCLING DEPOT means premises on which recoverable materials such as paper, glass and metal are separated prior to shipment but does not include any processing of the material and does not include a scrap yard. All operations must be conducted within a wholly enclosed building and open display or storage is not permitted.

87. RESTAURANT OR TAKE-OUT RESTAURANT means a building or part thereof where food and drink is served to the public for consumption within the building or for takeout.

88. RETAIL STORE means a building or part thereof in which goods, food, wares, merchandise, substances, articles or things are offered or kept for sale or rental directly to the public at retail, including limited storage sufficient only to service such a store.

89. RESOURCE INDUSTRIAL USES means a use engaged in the manufacturing predominantly from raw or unprocessed materials of finished products or parts, includes processing, treatment, packaging, incidental storage, sales and distribution of such products. Includes uses listed in Schedule "B".

90. ROADSIDE MARKETS means the use of land, buildings or structures or part thereof for the purpose of selling fruit and vegetables to the general public.

91. SEMI-PERMANENT (RECREATIONAL VEHICLE OR RV) means a recreational vehicle on a property that is characterized by one or more of the following: expired or missing license and/or registration of Recreational Vehicle(s), sewer and/or water connections to the site, decks and/or accessory building on site, and modifications to a recreational vehicle including screened porches, decks or exterior rooms (eg. Arizona rooms).

92. SERVICE SHOP means a building or part thereof used for the sale or repair of household articles and shall include radio, television, appliance and motor vehicle repair shops but shall not include industrial or manufacturing shops.

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

94. SEWER SYSTEM means all pipes, mains, equipment and buildings for collecting, pumping or treatment of wastewater.

95. 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 building or structure on the lot; and "minimum" side yard means the minimum depth allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.

96. STOREY means the portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a story unless its ceiling is at least six (6) feet above grade and provided also that any portion of a storey exceeding fourteen (14) feet in height shall be deemed an additional storey for each fourteen (14) feet or fraction thereof of such excess.

97. STREET means a public road, accepted and maintained by the Department of Transportation and Communications as a public thoroughfare.

98. STREET LINE means the boundary line of a public street.

99. 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. A structure shall include buildings, walls, and signs and also fences exceeding six (6) feet in height.

100. TRAVEL TRAILER means a recreational vehicle with a kitchenette and bathroom mounted on wheels and designed to be towed behind a motorized vehicle by means of a bumper or frame hitch.

101. TOURIST INFORMATION CENTRE means a building or booth where tourist information is provided to the traveling public.

102. UTILITY means any public or private system, works, plan, equipment or services which furnishes services at approved rates to or for the use of the general public.

103. WAREHOUSE means a building used primarily for the storage of goods and materials.

104. WATERCOURSE means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, whether it contains water or not.

105. YARD means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines to the building shall be used.

106. ZONE means a designated area of land shown on the Zoning Map which forms a part of this By-law.

## **Schedule "A"**

List of uses defined as medium industrial uses permitted in the Rural General (RG) zone and the Rural Resource (RR) zone. These uses will only be permitted without a development agreement if they have a commercial floor area of 5,000 square feet (464.5 square metres) or less. This is not a complete list of medium industrial uses, but an example of the type of use included in this definition.

- Biochemistry products manufacturing
- Chemicals and paint manufacturing
- Crematoriums
- Electronic equipment manufacturing
- Fertilizer manufacturing facilities
- Fuel storage and distribution facilities
- Furniture manufacturing
- Glass blowing or manufacturing
- Knitting Mills
- Pharmaceuticals and miscellaneous medical manufacturing
- Pottery kilns
- Rope manufacturing
- Servicing and repair facilities for heavy equipment and machinery
- Shipbuilding and repair
- Textile manufacturing
- Vehicle, machinery and appliance manufacturing

## **Schedule "B"**

List of uses defined as resource industrial uses permitted in the Rural General (RG) zone and the Rural Resource (RR) zone. These uses will only be permitted without a development agreement if they have a commercial floor area of 5,000 square feet (464.5 square metres) or less. This is not a complete list of resource industrial uses, but an example of the type of use included in this definition.

- Breweries
- Concrete and asphalt plants
- Distilleries
- Facilities for the growing processing, packaging, storage or distribution of fish, shellfish, or other fishery or aquaculture products
- Facilities for the processing or treatment of wood, including kilns, but shall not include pulp and paper mills
- Metal smelters and foundries
- Peat moss harvesting
- Tanneries
- Uses associated with the extraction and processing of mineral or aggregate deposits
- Vegetable processing facilities
- Wineries

## **Schedule "C"**

List of uses defined as heavy industrial uses permitted in the Rural Industrial (RI) zone. This is not a complete list of heavy industrial uses, but an example of the type of use included in this definition.

- A commercial facility for the handling, storage and salvage of waste for disposal (excluding waste dangerous goods as defined in the *Environment Act*)
- Automotive scrap yards
- Uses associated with the extraction and processing of minerals or aggregate deposits

## Schedule "D"

List of uses which will be excluded from the definition of heavy industrial uses.

- Any use which requires an environmental impact assessment as determined by the *Environment Act* (except where such assessment refers to an existing use being remediated)
- Facilities engaged in the production, storage or distribution of dangerous goods (as defined in the *Environment Act*)
- Explosive manufacturing facilities
- Explosive storage facilities (except where these are accessory uses to a permitted use)
- Ferro-alloy plant
- Incinerators
- Lead and battery plants
- Non-ferrous metal smelter
- Pesticide manufacturing facilities
- Petrochemical plant
- Power generating plants
- Pulp and paper mills
- Refineries
- Tire recycling facilities

## **Schedule "E"**

List of uses which will be excluded from the “Special Requirements: Coasts, Lakes and Watercourses” in the Rural Resource (RR) Zone and the Rural General (RG) Zone.

- Boat storage and repair facilities
- Fishery related uses
- Marine industrial uses
- Water treatment and distribution uses
- Docks, wharves, piers and slipways
- Boardwalks, walkways and trails with a maximum width of 3.0 metres (9.84 feet)
- Pumphouses
- Public Streets and infrastructure