

Shannon Lake Wellhead Protection Area

Land Use By-law

Municipality of the County of Richmond

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Part 1 - Title

This By-law shall be known as the “Land Use By-law” of the Shannon Lake Wellhead Protection Area of the Municipality of the County of Richmond and referred to hereafter as the Shannon Lake Wellhead Protection Area By-law and this By-law shall apply to all lands identified in Schedule “A”.

Part 2 - Administration

Effective Date

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

Costs for Advertising

2. Anyone applying for an amendment to this By-law or a development agreement 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 where Council decides not to proceed with the application, the deposit shall be returned to the applicant.

Prohibition

3. Subject to the provisions of the *Municipal Government Act*, no development shall be carried out within the Plan Area, except in accordance with this By-law.
4. 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

5. 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 the By-law and the issuing of municipal development permits.
6. The Development Officer shall keep records of all applications received, permits and orders issued, inspection 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

7. 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

8. Subject to the provisions of the *Municipal Government Act*, when
“245 (1) Within fourteen days after receiving an application for a development permit the development officer shall
 - (a) determine if an application is incomplete; and
 - (b) where the application is incomplete, notify the applicant in writing advising what is required to complete the application.(2) Within thirty days after receiving a completed application for a development permit, the development officer shall grant the development permit or inform the applicant of the reasons for not granting the permit.”

9. Every development permit is valid:
 - a) upon the development being commenced within one year from the date of issuing the permit; and
 - b) upon a the permit being renewed for another one year if not commenced upon application to the Development Officer.
 - c) if not commenced within one year a new application to be made to the Development Officer.
10. 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.
11. 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

12. The *Municipal Government Act* states:
 - 505 (1) A person who
 - (a) violates a 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 offence.
 - (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.

Restoration to a Safe Condition

13. 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.

Temporary Uses and Structures Permitted

14. Nothing in this By-law shall prevent uses and structures incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction provided a development permit has been issued for both the main construction project and the temporary use. The temporary use or structure shall be removed from the site within fourteen days after completion of the construction project.

Part 3 - Zones and Zoning Map

Zones

1. For the purpose of this By-law, the Plan Area is divided into the following zones which may be referred to by the appropriate symbols.

ZONE	SYMBOL
Wellhead Protection	WHP
Watershed Protection	WSP

For the purpose of this By-law, the Plan Area is divided into the following zones which may be referred to by the appropriate symbols.

Part 4 - Interpretation

Symbols

1. The symbols used on the Zoning Map, included herein, refer to the appropriate zones established by this By-law.

Defined

2. The extent and boundaries of all zones are shown on the Zoning Map, included herein, and for such zones the provisions of this By-law shall respectively apply.

Interpretation of Zoning Boundaries

3. Boundaries between zones shall be determined as follows:
 - (a) where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;
 - (b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
 - (c) where a street, highway, railroad or right-of-way, electrical transmission line right-of-way, or watercourse is included on the zoning maps, it shall, unless otherwise indicated, be included in the zone on the adjoining property on either side thereof;
 - (d) where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning map and serves a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise;
 - (e) where a zone boundary is indicated as approximately following a physical watershed, the zone boundary shall follow such physical features as determined by field survey; and
 - (f) where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map.

Schedules, Figures and Appendices

4. All schedules, figures and appendices attached hereto or included herein form part of this By-law, unless otherwise indicated.

Part 5 - General Provisions for All Zones

Accessory Uses Permitted

1. 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 includes any accessory use. Accessory buildings shall be permitted in all zones.

Government Buildings and Facilities

3. Government buildings and Facilities shall be permitted in any zone provided that such use conforms with the applicable lot standards of that particular zone.

Height Regulations

4. This By-law's height regulations shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, skylights, barns, chimneys, clock towers, power transmitters, lookout towers, satellite dishes, windmills, wind turbines and solar collector devices.

Home Occupations

5. Nothing in this By-law prevents the use of a dwelling or accessory building for a home occupation.

Existing Lots

6. Notwithstanding anything else 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 frontage, front yard, or area required or any two or all of these is less than the requirements of this By-law provided that all other requirements of this By-law are satisfied.

Existing Undersized Lots

7. Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels in existence prior to the effective date of this By-law, which have less than the minimum frontage or 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. In addition, where such lots are increased in size but remain undersized, they are deemed to be existing undersized lots.

Licenses, Permits and Compliance with Other By-laws

8. No industrial building or structure shall hereafter be erected or altered or the use of any building changed unless a development permit has been issued and no development permit shall be issued unless all the provisions of this By-law are satisfied.
9. 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 of the County of Richmond or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Municipality.

Multiple Uses

10. When any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict the higher or more stringent standard shall prevail.

Richmond County Subdivision By-law

18. Notwithstanding the exemptions of the Richmond County Subdivision By-law, the Subdivision By-law shall apply in its entirety to this plan area.

Part 6 – Wellhead Protection (WHP) Zone

Uses Permitted

1. The following uses shall be permitted uses:
 - Only developments related to water supply and waterworks and implementation by the Municipality of any component of the groundwater management plan and protection strategy, including facilities for display and interpretation of the waterworks and its groundwater management plan and protection strategy

General Lot Requirements

2. In the Wellhead Protection (WHP) zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	No Requirement for Lot Area
Minimum Frontage	No requirement for lot frontage

Part 7 – Watershed Protection (WSP) Zone

Uses Permitted

1. The following uses shall be permitted uses:
 - Uses permitted in the WHP Zone,
 - Forestry Uses excluding buildings or structures,
 - Existing Seasonal Dwellings,
 - Single Unit Dwellings, and
 - Passive Recreation Uses excluding buildings or structures

General Lot Requirements

2. In the Watershed Protection (WSP) zone, no development permit shall be issued except in conformity with the following requirements:

	Well/On-site Septic *	Municipal Services
Minimum Lot Area	10 acres	10,000 square feet
Minimum Frontage	500 feet	75 feet
Minimum Front Yard	50 feet	20 feet
Minimum Rear Yard	50 feet	20 feet
Minimum Side Yard	50 feet	8 feet

*subject to Dept of Environment requirements

Special Provisions – Oil Storage Tanks

3. Without limiting the generality of Section 1 of this Part Oil storage tanks larger than 25 litres shall not be permitted in the Watershed Protection zone.

Part 8 - Definitions

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

1. 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.
2. ACT shall mean the *Municipal Government Act*, being Chapter 18 of the Statutes of Nova Scotia, 1998, and amendments thereto.
3. ALTER means to change a structural component of a building, or to increase or decrease the volume of a building or structure.
4. 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.
5. BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment. Any tent, awning, bin, bunker, or platform vessel or vehicle used for any of the said purposes shall be deemed a building.
6. BULK STORAGE FACILITY means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids (fuel oil), gases, minerals, pipes, gravel, fertilizers and grain. It does not include facilities used for the holding of water from livestock operations.
7. CORNER LOT means a lot situated at the intersection of and abutting on two or more streets. The lot line facing the main entrance of the building shall be deemed the front line of the said lot.
8. COUNCIL shall mean the Council of the Municipality of the County of Richmond.
9. 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.
10. DEVELOPMENT OFFICER means the officer of the Municipality of the County of Richmond from time to time charged by the Municipality with the duty of administering the provisions of the Land Use By-law in accordance with the *Municipal Government Act*,
11. EXISTING means existing as of the effective date of this By-law.
12. FLOOR AREA
 - a) **With Reference to a Dwelling** means the maximum floor area contained within the outside walls excluding any private garage, porch, verandah, sunroom, 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 malls between stores.
13. 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.
14. HEAVY INDUSTRIAL USE means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing process that potentially involve hazardous or commonly recognized offensive conditions. These uses are generally an obnoxious use and may require an Environmental Impact Assessment by the Nova Scotia Department of Environment.

15. 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 deckline 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 the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola, or steeple.
16. INDUSTRY(HEAVY) means a use which is obnoxious, presents an environmental threat or which receives or treats hazardous product or a use engaged in the basic processing and manufacturing of materials of products predominately 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 and for the purpose of this definition, environmental threat, hazardous product and obnoxious use are defined as follows:
- (a) ENVIRONMENTAL THREAT means any industrial use which imperils the quality of water (either ground water or surface water). This includes the industrial storage, treatment, manufacturing or temporary containment of substances which pose a threat to the purity of water and/or threaten existing natural, or man-made, channels both at and below the surface.
 - (b) HAZARDOUS PRODUCT means any material, product or substance which is contaminated by an organic or inorganic material to include, but not limited to, petroleum product and its derivatives, chlorine products or compounds, solvents, industrial by-products, chemical additives or human or animal waste.
 - (c) OBNOXIOUS USE means a industrial use which, from its nature or operation, creates a nuisance or is liable to become a nuisance, or is offensive or is liable to become offensive by reason of the emission of gas, objectionable odour, fumes, dust, oil, or by the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials and shall include operations which produce wastes which are not intended to be treated by an approved on-site sewage disposal system or which involve the handling of hazardous materials or which receive or treat contaminated product.
17. INDUSTRY (MEDIUM) means a use engaged in the manufacturing, predominately from previously prepared materials, of finished products or parts, including fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products and including motor vehicle repair shops, but excluding basic industrial processing.
18. INDUSTRY (LIGHT) means a building or part thereof used for the sale or repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops and shall also include dressmaking, tailoring, hairdressing, music instruction, dancing, arts and crafts, weaving, painting, sculpturing, pottery, moulding, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys.
19. LIGHT INDUSTRIAL USE means a use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. These uses are generally not an obnoxious use.
20. 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;

- b) is not upon or partly upon any street, or highway; and
 - c) has adequate access to permit ingress and egress by means of drive-ways, aisles, maneuvering areas or similar areas, not part of which shall be used for the temporary parking or storage of one or more motor vehicles.
21. LOT means parcel of land described in a deed as a lot or as an approved lot shown on a registered plan of subdivision.
 22. LOT AREA means the total horizontal area within the lot lines of a lot.
 23. 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.
 24. MAIN BUILDING means the building in which is carried on the principal purposes for which the lot is used.
 25. MUNICIPALITY means the Municipality of the County of Richmond.
 26. OBNOXIOUS USE uses which from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials.
 27. 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.
 28. 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.
 29. 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.
 30. 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 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.
 31. 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.
 32. RECREATIONAL USES means the uses of land for parks, playgrounds, tennis courts, indoor or outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres 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.
 33. RECYCLING means solid waste reduction, re-use, recovery or processing of such waste materials as paper, ferrous and non-ferrous metals, glass, plastic, rubber, building materials, oil, food wastes, yard wastes, clothes and white goods.

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34. RECYCLING DEPOT means a building which is used for the deposit, collection and handling of waste paper, rags tires, bottles or other materials which are to be delivered wholesale to other operations for reclamation, processing or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a recycling depot.
35. SERVICE SHOP means a building or part thereof used for the sale or repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.
36. 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.
37. SIDEYARD 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.
38. 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.
39. STREET means road, accepted and maintained by the Department of Transportation as a public thoroughfare.
40. STREET LINE means the boundary line of a street.
41. 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, signs and fences exceeding six (6) feet in height.
42. WAREHOUSE means a building where goods are stored but shall not include a retail store.
43. 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.
44. ZONE means a designated area of land shown on Schedule “A” of this By-law.