

# **Sporting Mountain Plan Area**

## **Land Use By-Law**

**Approved by A.A.C. – September 12, 1996**

**Amended by P.A.C. – October 22, 1996**

**Public Hearing – December 10, 1996**

**Approved: Richmond County Council – December 17, 1996**

**Approved: Minister of Housing and Municipal Affairs – January 22, 1997**

**Plan Review 2010**

**Reviewed by P.A.C. and Recommended to Council without any changes – May 4, 2010**

**Approved Richmond County Council – May 20, 2010**

## **PART 1 - TITLE**

1. This By-law shall be known and may be cited as the Sporting Mountain Plan Area Land Use By-law and herein after be referred to as the By-law.
2. This By-law shall apply to all lands within the Sporting Mountain Plan Area as shown in Schedule 'A' which shall be referred to herein as the Plan Area.

## **PART 2 - ADMINISTRATION**

### *Effective Date*

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

### *Prohibition*

2. Subject to the provisions of the Planning Act, no development shall be carried out within the Plan Area except in accordance with this By-law.
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.
4. Further to Section 3, development permits shall not be required for any use other than medium intensity industrial uses.

### *Development Officer*

5. The Council of the Municipality of the County of Richmond (hereinafter referred to as 'Council') which has adopted this 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.
6. The Municipal 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.

## *Permits*

7. Subject to the provisions of the Planning Act,
  - (a) Within fifteen (15) days of receiving an application for a municipal development permit, the Municipal Development Officer shall inform the applicant whether or not the application is complete.
  - (b) Within thirty (30) 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) for twelve (12) months from the date of issuing the permit;
  - (b) upon the permit being renewed for a further twelve (12) months if construction has begun; and
  - (c) if not commenced within twelve (12) months a new application is to be made.
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/her agent;
  - (c) state the intended use of the proposed development; and
  - (d) provide any other information required by the Municipal 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 Municipal 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.

*Cost For Advertising*

11. Where someone applies for a rezoning or change to this By-law they shall deposit with the District Planning Commission an amount estimated to be sufficient to pay the cost of advertising required by the Planning Act. After the advertising has been completed, the applicant shall pay to the District Planning Commission any additional amount required to defray the cost of the advertising, or if there is a surplus, the Commission shall refund the same to the applicant.

**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
General Development	G-1
Resource Industrial	RD-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.

## **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; and
  - (e) 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*

2. 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*

3. The height regulations 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 transmitters, lookout towers, satellite dishes, windmills, wind turbines and solar collector devices.

### *Home Occupations*

4. Nothing in this By-law shall prevent the use of a dwelling or accessory building for a home occupation.

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

5. 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.
6. 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*

7. Where 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.

*Restoration To A Safe Condition*

8. 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 Planning Act , Sec. 93 shall prevail.

*Temporary Uses and Structures Permitted*

9. 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.

*Richmond County Subdivision By-law*

10. 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 - GENERAL DEVELOPMENT (G-1) ZONE**

### *Uses Prohibited*

1. The following uses shall not be permitted uses:
  - Any heavy industrial use.

### *Uses Conditionally Prohibited*

2. The following uses shall not be permitted uses except by re-zoning subject to Policy 5 of the Municipal Planning Strategy:
  - Medium-intensity industrial uses greater than 4,000 square feet of floor area.

### *Uses Permitted and not subject to development permits*

3. Without limiting the generality of Sections 1 and 2, the following uses shall be permitted uses and as such not subject to development permits:
  - Any residential use
  - Any commercial use
  - Any institutional use
  - All existing medium-intensity industrial uses
  - Any agricultural use
  - Any resource use(including gravel pits)
  - Any recreational use
  - Any light-intensity industrial use.

### *Uses Permitted and subject to development permits*

4. Without limiting the generality of Section 2, the following uses shall be permitted uses subject to development permits:
  - New and expansions to existing medium-intensity industrial uses.

### *General Lot Requirements*

5. All uses permitted in the General Development (G-1) Zone will meet the lot requirements of the Richmond County Subdivision By-law.

### *Special Requirement - Medium Intensity industrial Uses*

6. Notwithstanding anything else in this By-law, in the General Development (G-1) Zone:
  - a) no medium-intensity industrial uses shall be located within 325 feet of the Bras d'Or Lakes;
  - b) all medium-intensity industrial uses shall be less than 4,000 square feet of gross floor area;
  - c) all medium-intensity industrial uses shall not be taller than 30 feet in height; and
  - d) all medium-intensity industrial uses shall be restricted to one main building for every 100,000 square feet of lot area.



## **PART 7 - RESOURCE INDUSTRIAL (RD-1)ZONE**

### *Uses Permitted*

1. No development permit shall be issued in a Resource Industrial (RD-1) Zone except for one or more of the following uses:
  - Medium-intensity industrial uses
  - Any use permitted in the General Development (G-1) Zone.

### *General Lot Requirements*

2. All uses permitted in the Resource Industrial (RD-1) Zone will meet the lot requirements of the Richmond County Subdivision By-law.

### *Special Requirement - Medium Intensity Industrial Uses*

3. Notwithstanding anything else in this By-law, in the Resource Industrial (RD-1) Zone:
  - a) no medium-intensity industrial uses shall be located within 325 feet of the Bras d'Or Lakes; and
  - b) all medium-intensity industrial uses shall not be taller than 30 feet in height.

### *Special Requirement - Landscaping Adjacent to a Waterbody*

4. Notwithstanding anything else in this By-law, in the Resource Industrial (RD-1) Zone, lots adjacent to a watercourse shall retain at least a 20 foot treed buffer.

## **PART 8 -DEFINITIONS**

For the purpose of this By-law, all words shall carry their customary meaning except for those defined in this Part. The words and terms listed below shall have the meanings as defined herein.

1. *Accessory building* means a subordinate building 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 a building and located on the same lot.
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, an automobile body shop and/or repair shop.
5. *Council* shall mean the Council of the Municipality of the County of Richmond.
6. *Development* includes any erection, construction, alteration, replacement or relocation of or addition to, any structure and any change or alteration in the use of land or structures.
7. *Existing* means existing as of the effective date of this By-law.
8. *Gross floor area* means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building. For the purposes of this By-law, the walls of an inner court shall be deemed to be exterior walls.
9. *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 an ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola, or steeple.

10. *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) flowing off Sporting Mountain. This includes the industrial storage, treatment, manufacturing or temporary containment of substances which pose a threat to the purity of Sporting Mountain 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 an 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.

11. *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.
12. *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.
13. *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 (1) commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking space shall not be for the purpose of sale or display;
  - (b) is not upon or partly upon any street; and
  - (c) has 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 (1) or more motor vehicles.
14. *Lot* means parcel of land described in a deed as a lot or as shown as an approved lot on a registered plan or instrument of subdivision.
  - (a) *Corner lot* means a lot situated at the intersection of and abutting on two (2) or more streets. The shorter lot line shall be deemed the front lot line of the said lot.
  - (b) *Interior lot* means a lot situated between two (2) lots and having access to one street.
  - (c) *Through lot* means a lot bounded on two (2) opposite sides by streets or highway provided. If any lot qualifies as being both a corner and through lot as defined above, such lot shall be deemed to be a corner lot for the purpose of this By-law.

15. *Lot area* means the total horizontal area within the lot lines of a lot.
16. *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.
17. *Lot line* means a boundary line of a lot.
  - (a) *Front lot line* means the line dividing the lot from the street; in the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot line are of equal length, the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from the street shall be deemed to be the front lot line.
  - (b) *Rear lot line* means the lot line furthest from or opposite to the front lot line.
  - (c) *Side lot line* means a lot line other than a front or rear lot line.
  - (d) *Flanking lot line* means a side lot line which abuts the street on a corner lot.
18. *Main building* means the building in which is carried on the principal purposes for which the lot is used.
19. *Municipal Development Officer* shall mean the development officer appointed by the Municipality of the County of Richmond in accordance with the Planning Act.
20. *Municipality* means the Municipality of the County of Richmond.
21. *Setback* means the distance between the street line or high water mark and the nearest main wall of any building or structure and extending the full width or length of the lot.
22. *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 storey.
23. *Street* means a public road, accepted and maintained by the Province of Nova Scotia or the Municipality as a public thoroughfare.

24. *Street line* means the boundary line of a public street.
25. *Warehouse* means a building where wares or goods are stored and shall not include a retail store.
26. *Yard* means an open uncovered space on a lot belonging to a building (except a court) and unoccupied by buildings or structures except as specifically permitted in this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines to the building shall be used.
- (a) *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.
- (b) *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; a '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.
- (c) *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; a '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.
27. *Zone* means a designated area of land shown on Schedule 'A' of this By-law.