PART 1-TITLE

This By-law shall be known and may be cited, as the “Land Use By-law” of the Central Richmond Plan Area of the Municipality of the County of Richmond and referred to hereafter as the Central Richmond Plan Area Land Use By-law. This By-law shall apply to all lands within the Plan Area.

PART 2 – ADMINISTRATION

EFFECTIVE DATE

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.

PROHIBITION

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 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. Except where otherwise stated in this By-law, no development permit shall be issued to erect more than one main building on a lot.

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 the Land Use By-law and the issuing of municipal development permits.
6. 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 in connection with the administration of the By-law, which shall form part of the public records of the Municipality of the County of Richmond.

ENFORCEMENT

7. Council, by any duly authorized officer 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 to the administration of this Land Use By-law.

PERMITS

8. Unless otherwise stated in this By-law, no person shall undertake a development without first obtaining a development permit from the Development Officer.
9. 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 construction has begun; or
   c) if not commenced within twelve (12) months and is still proposed, a new application is to be made.

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/her 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 necessary to complete the assessment of a 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; 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. Any person in violation of this By-law may be penalized through fines or imprisonment as provided for in the *Municipal Government Act.*

COSTS FOR ADVERTISING

13. Applications for an amendment to this By-law or a development agreement shall be accompanied by a deposit to the Rural Cape Breton District Planning Commission an amount estimated by the Commission to be sufficient to pay the cost of advertising required by the *Municipal Government Act*. After the advertising has been complete, the applicant shall pay to the Commission any additional amount required to defray the cost of the advertising, or if there is a surplus, the Commission shall refund the excess.

PART 3 – ZONES AND ZONING MAP

ZONES

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

Village Residential	VR-1
Village General	VG-2
Rural Residential	RR-1
Rural General	RG-2

The zone boundaries are shown on the attached schedules. These schedules may be cited as the “Zoning Maps” and are hereby declared to form part of this By-law.

ZONES NOT ON MAPS

2. The Zoning Maps of this By-law may be amended, in conformance with the Municipal Planning Strategy, to a use in any zone in this By-law, regardless of whether or not such zone had previously appeared on any zoning map.

PART 4 – INTERPRETATION

SYMBOLS

1. The symbols used on the Zoning Maps attached hereto, refer to the appropriate zones established by this By-law.

INTERPRETATION OF ZONING BOUNDARIES

2. The extent and boundaries of all zones are shown on the Zoning Maps, attached hereto, and for all such zones the provisions of this By-law shall respectively apply.
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 center 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 railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the zoning map, unless otherwise indicated, it shall be included in the zone of the adjoining property on either side thereof;
   d) where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the zoning map and serves as 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 the zones unless specifically indicated otherwise;
   e) where a zone boundary is indicated as approximately following a physical feature including a watershed, the zone boundary shall follow such physical features as determined by field survey; and
   f) where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached 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 except where otherwise clearly stated; words in the plural include the singular number; and the word “used” includes “arranged”, “designed or intended to be used”; the words “will” and “shall” are mandatory and the word “may” is permissive.

PERMITTED USES

5. For the purposes of this By-law, unless otherwise stated, if a use is not listed as a permitted use in any zone, it shall be deemed to be a prohibited use in that zone.

USE OF METRIC SYSTEM

6. Throughout this Land Use By-law, the metric system has been used followed by the approximate imperial system equivalent in brackets. Should any case arise where there appears to be a discrepancy between the two figures, the metric figure shall prevail.

PART 5 – DEVELOPMENT AGREEMENTS

1. A development permit may be issued in a Development Agreement pursuant to the *Municipal Government Act* provided:
    a) the appeal period has lapsed or any appeals that may have been lodged have been dealt with by the Nova Scotia Utility and Review Board; and
    b) the development conforms with the terms of the development agreement as set out in Policy A-5 of the Central Richmond Planning Strategy.

PART 6 –GENERAL PROVISIONS FOR ALL ZONES

ABUTTING ZONE PROVISIONS

1. Notwithstanding any other regulation in this By-law, where a Commercial use abuts a Residential use, the following restrictions shall apply to the abutting yard of the Commercial use:
    a) Minimum side yard requirement shall be 6.10 metres (20 feet).
    b) No outdoor display or outdoor storage shall be permitted in an abutting yard of a Commercial use.
    c) No parking shall be permitted in an abutting yard within 6.10 metres (20 feet) of a side or rear lot line in the Commercial use. In addition to the provisions of Part 6, Section 34 of this By-law, signs located in an abutting yard shall be subject to the following requirements:
    i) signs shall not be illuminated;
    ii) only directional or business identification signs shall be permitted;
    iii) the maximum area shall be 1.4 square metres (15 square feet);
    iv) the maximum height of a ground sign from the grade level to the highest part of the sign (including the sign structure) shall be 3.65 metres (12 feet); and
    v) all signs shall be set back at least 3.05 metres (10 feet) from the abutting property line.
    d) A landscaped berm, landscaped strip or an opaque fence of a minimum height of 1.80 metres (5.9 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 non-Commercial use.

2. Notwithstanding anything else in this By-law, where an Industrial use abuts a Residential use, the following restrictions shall apply to the abutting yard within the Industrial use:
    a) For buildings 10.67 m (35 ft.) or less in height:
    Minimum side yard requirement: 6.10 m (20 ft.)
    Minimum rear yard requirement: 9 m (29.5 ft.)
    b) For buildings greater than 10.67 m (35 ft.) in height
    Minimum side yard requirement: 6.10 m + (0.30m X h) [20ft + (1 ft X h)]
    Minimum rear yard requirement: 9 m + (0.30m X h) [29.5ft + (1 ft X h)]
    where h = height of building

c) Where outdoor display or outdoor storage is permitted on the lot, outdoor display or outdoor storage shall not be permitted in an abutting yard in the Industrial zone
d) Parking spaces shall not be permitted in an abutting yard within 6.10 m (20 ft) of a side or rear lot line.

ACCESSORY BUILDINGS

3. Accessory uses, buildings and structures shall be permitted in any zone within the Central Richmond Plan Area. Such uses, buildings or structures shall:
   a) be permitted to be used for human habitation where a dwelling is a permitted accessory use (subject to the Building Code);
   b) not be located within the required front yard setback of a lot;
   c) on a corner lot, be located in the rear yard or in the side yard which is not adjacent to the flanking street;
   d) not be built closer than 2.4 metres (8 feet) to a lot line in any zone except that:
      i) common semi-detached garages may be centered on the mutual side lot line;
      ii) accessory buildings with no perforations on the side of the building which faces the said lot line, may be located within a minimum of 0.6 metres (2 feet) from the said lot line in any zone, except if the structure is to be used for human habitation; and
   iii) boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge or is in the water in accordance with the rules and regulations set out by the Department of Environment and Labour should said structure be utilized for the purposes of human habitation;
   e) not be built within 1.8 metres (6 feet) of the main building;
   f) not be considered an accessory building if attached to the main building in any way;
   g) not be considered an accessory building if located completely underground

4. Notwithstanding anything else in this By-law, drop awnings, clothes poles, flagpoles, garden trellises, fences and retaining walls shall be exempt from any requirements under Part 6, Section 27.

ACCESSORY USES PERMITTED

5. 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 use accessory thereof.

AGRICULTURAL USES

6. Notwithstanding anything else in this By-law, agricultural practices shall include existing farm buildings, stables, barns and kennels only in the Village Residential (VR-1) and Village General (VG-2) zones. Intensive agricultural uses such as hog and chicken farms are excluded.

AUTOMOBILE SERVICE STATIONS

7. Notwithstanding anything else in this By-law, where an automobile service station is permitted, the following special provisions shall apply:
   a) minimum lot frontage: 45.75 metres (150.1 feet);
   b) no portion of any pump island shall be located closer than 6.10 metres (20 feet) from any street line;
   c) the minimum distance between ramps or driveways shall not be closer than 9 metres (29.5 feet);

d) the minimum distance from a ramp or driveway to a street intersection shall be 15.25 metres (50 feet);
e) the minimum angle of intersection of a ramp to a street line shall be 45 degrees;
f) the width of a ramp shall be a minimum of 6.10 metres (20 feet) and a maximum of 7.65 metres (25.1 feet);
g) a weather canopy for service station pump islands may be erected provided that no part of the canopy is located within 4 metres (13.1 feet) of the street or lot line and in no case shall the weather canopy extend beyond the front lot line;
h) the minimum clearance between established grade and the lowest point on the service station canopy is 4.25 metres (13.9 feet); and
i) the maximum height between the established grade and the highest point of the service station canopy shall not exceed 6.10 metres (20 feet)

BUILDING TO BE ERECTED ON A SINGLE LOT

8. No person shall erect or use any building unless such building is erected upon a single lot.

BUILDING TO BE MOVED

9. A development permit shall be required for every building to be moved within or into the area covered by this By-law.

CALCULATION OF LOT FRONTAGE FOR CORNER LOTS OR IRREGULARLY SHAPED LOTS

10. The following means shall be used for the purposes of determining the lot frontage of corner lots or irregularly shaped lots:
    a) in the case of a corner lot with a corner vision triangle, the exterior lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage;
    b) in the case of irregularly shaped lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point along this equal to the minimum applicable front yard.

CORNER VISION TRIANGLE

11. On a corner lot, any structure to be erected or any vegetation shall not exceed a height of 0.60 metres (2 feet) above grade within the triangular area created by joining the distance of 6.10 metres (20 feet) measured from the intersection along the two street lines.

DRIVEWAYS ON CORNER LOTS

12. Notwithstanding anything else in this By-law, corner lots shall be permitted a maximum of 2 driveways, subject to the approval of the appropriate regulating authority.

EXISTING BUILDING WITH CHANGE OF USE

13. Notwithstanding anything else in this By-law, the use of a building may be changed to a use permitted on the lot by this By-law where the lot frontage, any yard, or lot area required or all of these is less than the requirements of this By-law, and provided that the building was existing on or before the effective date of this By-law and all other requirements of this By-law are satisfied.

EXISTING BUILDINGS WITH NON-CONFORMING YARDS

14. 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 having less than the minimum setback or side yard or rear yard 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 yard that does not conform to this By-law; and
    b) all other applicable provisions of this By-law are satisfied.

EXISTING LOTS

15. 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 width, front yard, or area or any two or all of these is less than the requirements of this By-law provided that all other requirements of the By-law are satisfied.

EXISTING SETBACKS (CONFORMITY)

16. Notwithstanding anything else in the By-law, in the Village General designation, structures built between buildings within 60 metres (200 feet) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth need not be greater than the minimum setback requirements prescribed in the zone in which it is situated.

EXISTING UNDERSIZED LOTS

17. a) Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from the adjoining parcels on the effective date of this By-law having less than the minimum frontage or area 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 met.

    b) An existing lot having less than the minimum frontage or area required by this By-law may undergo a subdivision provided the undersized component is not further reduced and all other applicable provisions of this By-law are satisfied. Such lots shall continue to be considered existing undersized lots under this By-law.

FRONTAGE ON A STREET

18. No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street or on an approved private road that is shown on an approved plan of subdivision. Notwithstanding anything else in this By-law, an approved lot existing at the time of this By-law may be granted a development permit provided the lot has a 6 metre (20 foot) right of way easement clearly granted by deed and other provisions of the Land Use By-law are complied with.

FRONTAGE ON MORE THAN ONE STREET

19. 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.

20. 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 Central Richmond Plan area, whether or not same is mounted on wheels.

21. 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.

HEIGHT REGULATIONS

22. The height restrictions of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, wireless towers, television or radio antennae, ventilators, skylights, barns, chimneys or clock towers.

LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

23. 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 Plan Area or from obtaining any license, permission, permit, authority, or approval required by any other By-law of the Municipality.

LOADING SPACE

24. a) Any building or structure to be erected or enlarged which involves the frequent shipping, loading or unloading of persons, animals or goods, shall maintain on the same premises with every such building, structure or use, one off-street space for standing, loading for every 2,790 square metres (30,031 square feet) or fraction thereof of building floor area used for any such purpose to a maximum of 6 loading spaces.
    b) Each loading space shall be at least 3.7 metres (12 feet) by 12 metres (39.4 feet) with a minimum of 4.3 metres (14 feet) in height clearance.
    c) A loading space for any building less than 140 square metres (1,500 square shall be optional.
    d) Loading spaces shall not be located within any required front yard or be located within any required yard which abuts a Residential use.
    e) Notwithstanding anything else in this section, an existing undersized vacant lot which is situated in the Village General designation, which can not comply with the loading standards, shall be allowed to develop and the proposed development shall be exempt from that requirement.
    g) Loading spaces, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated to prevent the raising of dust or loose particles.
    h) Access to the loading space areas shall be provided by means of unobstructed driveways of a minimum width of 3.7 metres (12 feet) for one-way traffic or a minimum width of 7.3 metres (24 feet) for two-way traffic.

MULTIPLE USES

25. 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 such as

in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

NON-CONFORMING USES

26. Non-conforming uses shall be subject to the applicable provisions of the *Municipal Government Act of Nova Scotia*.

ONE MAIN BUILDING ON A LOT

27. Notwithstanding anything else in this By-law, no person shall erect more than one main building on a lot except for:
    a) Tourist cabins/cottages and Campground developments as regulated through Development Agreement in accordance with Policy A-5 of the Municipal Planning Strategy;
    b) Mobile Homes located in a Mobile Home Park as approved through Development Agreement in accordance with Policy A-5 of the Municipal Planning Strategy.

PARKING AND LOADING REQUIREMENTS FOR CHANGE OF USE

28. Notwithstanding Sections 16, and 26, where an existing undersized lot is to be used for a commercial use and the new use is unable to comply with the additional parking and loading requirements, the additional parking or loading requirements shall be waved.

PARKING AREA STANDARDS

29. Where parking facilities for more than 4 vehicles are required or permitted:
    a) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
    b) the lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
    c) a structure, not more than 4.5 metres (15 feet) in height and not more than 15 metres (49 feet) in area may be erected in the parking area for the use of attendants;
    d) the parking area shall be within 95 metres (311 feet) of the location which it is intended to serve, and shall be situated in the same zone;
    e) when the parking area is of a permanent hard surfacing, each parking space shall be clearly marked and maintained as such;
    f) approaches or driveways to any parking area, other than that required for a single unit dwelling, semi-detached, or a duplex dwelling, and the limits of the parking area, shall be defined by a suitable obstruction designed to provide a neat appearance;
    g) in addition, the location of approaches or driveways shall not be closer than 15 metres (49 feet) from the limits of the right-of-way at a street intersection;
    h) for commercial uses other than a shopping center, a two way driveway shall be a minimum width of 9.2 metres (30 feet);
    i) for a shopping center, a driveway shall be a minimum of 11.6 metres (38 feet) with 2 exit lanes of 3.4 metres (11 feet) each and 1 entry lane of 4.9 metres (16 feet);
    j) the width of a driveway leading to a parking or loading area or of a driveway or aisle in a parking area shall be a minimum width of 3.1 metres (10 feet) for one way traffic or a minimum of 5.5 metres (18 feet) for two way traffic.

PARKING REQUIREMENTS

30. For every building or structure to be erected or enlarged, there shall be provided and maintained off-street parking located within the same zone as the use and

having unobstructed access to a public street in conformity with the following schedule:

TYPE OF BUILDING	PARKING REQUIRED
RESIDENTIAL	
a. a dwelling containing 3 or fewer units	1 parking space for each dwelling unit
b. Bed and Breakfast establishments, boarding, & tourist/guest homes,	1 parking space per 2 boarders or over-night guests
c. senior citizens housing	1 parking space for every 1 dwelling unit
d. all other dwellings	1.5 parking spaces for each dwelling unit
INSTITUTIONAL	
e. churches, church halls, auditoria, theatres, arenas, hall, stadiums, 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 for 9.3 metres (100 square feet) of floor area devoted to public use
f. hospitals and nursing homes	1 parking space for every 2 beds or each 37 square metres (400 square feet) of floor area, whichever is greater
g. elementary schools	1.5 parking spaces for each teaching classroom
h. high schools	4 parking spaces for each teaching classroom
COMMERCIAL	
i. offices	1 parking space per 28 square metres (300 square feet) of gross floor area
j. bowling alleys and curling rinks	1 parking space for each 2 persons in the designed capacity of the establishment (designed capacity shall mean 6 persons per bowling lane and 8 persons per curling sheets). For permitted uses of the building, additional parking spaces shall be provided in accordance with the requirements set out in this By-law
k. hotels and motels	1 parking space per suite or rental unit plus 1 additional parking space for each 4.6 square metres (50 square feet) of floor area devoted to public use (taverns, restaurants or auditoria) exclusive of lobbies and hallways
l. shopping centers	parking area to be 2 times the floor area, exclusive of common halls
m. retail stores	1 space per 14 square metres (150 square feet) of floor area
n. all other commercial uses	1 parking space for each 28 square metres (300 square feet) of commercial floor area
INDUSTRIAL	
o. industrial uses	1 parking space for each 42 square metres (452 square feet) of gross floor area, any office space included in the development

	parking shall be provided for in accordance with the requirements set out in this By-law
Parking requirements for persons with disabilities	As required by the National Building Code

PERMITTED ENCROACHMENTS IN YARDS

31. In the General Residential designation, except for the portion of yard on which an accessory building is located, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky provided.

    However, the following structures listed below shall be permitted to project to within 10 feet of the front lot line, 5 feet of the side lot line and 25 feet of the rear lot line, provided any access is not obstructed.

    - Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or canopies
    - Window bays
    - Fire escapes and exterior staircases
    - Balconies
    - Roofed porches not exceeding one-storey in height; uncovered terraces
    - Handicap access

PUBLIC OFFICES AND BUILDINGS AND UTILITIES PERMITTED

32. Public offices, buildings and utilities shall be permitted in any zone.

RESTORATION TO A SAFE CONDITION

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

SCOPE

34. a) No 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 the By-law are satisfied.
    b) Any person who violates a provision of the By-law shall be subject to prosecution as provided for under the Municipal Government Act of Nova Scotia.

SIGNS

35. a) Every sign and all parts thereof, including framework, supports, background, anchors, and wiring systems shall be constructed and maintained in compliance with the Building By-law.
    b) All signs and all parts thereof shall be kept in a good state of repair and maintenance.

SUBDIVISION OF LOTS FOR WHARVES, FISH SHEDS AND OTHER SIMILAR USES

36. 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 464.5 square metres (5,000 square feet).

SUBDIVISION OF AN EXISITNG LOT WITH AN EXISTING MAIN BUILDING

37. 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.

SUBDIVISION ON AN ISLAND

38. 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

39. Nothing in this By-law shall prevent the temporary location of a building or structure incidental to a main construction project provided that a development permit has been issued for the main project and further provided such incidental construction shall be removed within sixty days of completion of the main construction project.

CONVERSION OF FORMER INSTITUTIONAL BUILDINGS

40. The conversion of former Institutional buildings into dwelling units is permitted, where the number of dwelling units is otherwise not permitted by the zone in effect, subject to the following:

a) The conversion shall be undertaken without any additions to the building except for modifications required to meet fire safety or building code requirements.

b) Any solid waste receptacles, utility structures, or new parking area containing space for parking of four or more vehicles, shall be screened by landscaping or opaque fencing, or located in a manner in which they are visually buffered from any adjacent residential dwellings.

c) Any new parking area must be setback a minimum of 6.1m (20 feet) from a property boundary which abuts the Village Residential (VR-1), Village General (VG-2) zone, or an existing residential use.

d) Existing landscaped area and vegetation shall be retained except where such removal is necessary to accommodate the development or ancillary components such as driveways or parking area.

PART 7 – VILLAGE RESIDENTIAL (VR-1) ZONE

All uses permitted in the Village Residential (VR-1) zone are subject to the standards set out in this By-law.

Prohibited Uses

1. The following uses shall not be permitted:

    ● Any industrial use.

    ● A recycling depot.

    ● Campgrounds and Mobile Home parks.

    ● Any use as listed on Appendix “F” (see back of document).

Uses Permitted by Development Agreement

2. The following uses shall not be permitted uses except by Development Agreement in accordance with Policy A-5 of the Municipal Planning Strategy:

- Tourist Cabins
- Multiple Dwellings with five or more units

Permitted Uses

3. Without limiting the generality of Sections 1 and 2, the following uses shall be permitted:

- Any residential use
- Any commercial use
- Any institutional use
- Any recreational use

General Lot Requirements

3. No development permit shall be issued except in conformity with the following requirements, which shall apply to all uses permitted in a Village Residential (VR-1) zone:

VR-1 Zone	Single Detached Dwellings, **Mobile & Mini- homes	Duplex Dwellings	Semi-Detached Dwellings	Multiple Unit Dwellings (Three or more Dwelling Units)	Other Permitted Uses
Minimum Lot Area **with water & with sewer services*	557.4 m² [6000 ft²]	650 m² [6996 ft²]	372 m² [4 004 ft²] per dwelling unit	372 m² [4 004 ft²] per dwelling unit	650 m² [6 996 ft²]
**with water OR with sewer services*	1 394 m²* [15 005 ft²]	1 394 m²* [15 005 ft²]	1 394 m²* [15 005 ft²]	1 394 m²* [15 005 ft²]	1 394 m² * [15 005 ft²]
**without water & without sewer services*	2 700 m² * [29 000 ft²]	2 700 m² * [29 000 ft²]	2 700 m² * [29 000 ft²]	2 700 m² * [29 000 ft²]	2 700 m² * [29 000 ft²]
Minimum Lot Frontage	18.29 m [60 ft]	18.29 m [60 ft]	7.65 m [30 ft] per dwelling unit	18.29 m [60 ft] per dwelling unit	21.30 m [69.9 ft]
Minimum Front yard	7.65 m [25 ft]	7.65 m [25 ft]	7.65 m [25 ft]	7.65 m [25 ft]	7.65 m [25 ft]
Minimum Side Yard i one side ii other side	2.50 m [8 ft] 1.20 m [4 ft]	2.50 m [8 ft] 1.20 m [4 ft]	2.50 m [8 ft] 1.20 m [4 ft]	2.50 m [8 ft] 1.20 m [4 ft]	6.10 m [10 ft] 2.50 m [8 ft]
Minimum Rear Yard	7.65 m [25 ft]/ **2.45 m [8.0 ft]	7.65 m [25 ft]	7.65 m [25 ft]	7.65 m [25 ft]	7.65 m [25 ft]
Maximum Height of Main Building	10.70 m [35.1 ft]	10.70 m [35.1 ft]	10.70 m [35.1 ft]	10.70 m [35.1 ft]	10.70 m [35.1 ft]

*Subject to the Nova Scotia Department of Environment and Labour standards, if applicable

Special Requirement for Mobile Homes and Mini Homes

5. Notwithstanding any other regulation in this By-law, all Mobile homes and/or mini homes within the Village Residential (VR-1) zone shall be a minimum of 4.3 metres (14 feet) in width.

Special Requirements: Multiple Unit and Row House Dwellings

6. Notwithstanding Section 4 or any other regulation in this By-law, the following provision shall apply to all grouped multiple unit and row house dwellings:

a) the minimum distance between grouped dwellings shall be 6.1 metres (20 feet) of half (1/2) the height of the higher of the two buildings, whichever is greater; and

b) the maximum number of units in a row house dwelling shall be six (6).

Special Requirements: Farm Buildings, Stables, Barns and Kennels

7. Notwithstanding Section 3 or any other regulation in this By-law, the following provision shall apply to all Farm Buildings, Stables, Barns and Kennels in the Village Residential (VR-1) zone:

a) only existing farm buildings, barns, horse stables and kennels shall be permitted within the Village Residential (VR-1) zone on lots measuring over 200,000 square feet.

Special Requirement: Biosolids

10. Notwithstanding Section 3 or any other regulation in this By-law, the storage of sludge and the spreading or processing of biosolids is strictly prohibited in the Village Residential (VR-1) zone.

Special Requirement: Watercourses – Separation Distances

10. Notwithstanding anything else in this By-law, no structure shall be located within 22.9 metres (75 feet) of any watercourse except for structures relating to water treatment or distribution uses, fishery related uses, boat building (including the storage and repair of boats), and accessory buildings less than 0.929 square metres (400 square feet), including boat houses and wharfs.

a) Notwithstanding the above, in cases where these requirements prohibit a building be placed anywhere on the property and specifically on lots with a lot depth of less than one hundred forty feet, both the front lot requirement and the water setback may be varied but in no case will the setbacks be varied by more than twenty (20) percent.

PART 8 – VILLAGE GENERAL (VG-2) ZONE

All uses permitted in the Village General (VG-2) zone are subject to the standards set out in this By-law.

Prohibited Uses

1. The following uses shall not be permitted uses:

- Any heavy industrial use.
- Any use as listed on Appendix “F” (see back of document).
- A recycling depot.

Uses Permitted by Development Agreement

2. The following uses shall not be permitted uses except by development agreement in accordance with Policy A-5 of the Municipal Planning Strategy:

- Tourist Cabins
- Multiple Dwellings with five or more units
- Campgrounds and Mobile Home Parks
- Medium-intensity industrial uses as listed on Appendix “D”.

Permitted Uses

3. Without limiting the generality of Sections 1 and 2, the following uses shall be permitted uses:

- Any residential use
- Any commercial use
- Any institutional use
- Any recreational use

General Lot Requirements

4. No development permit shall be issued except in conformity with the following requirements which shall apply to all uses permitted in a Village General (VG-2) zone:

VG-2 Zone	Single Detached Dwellings, **Mobile homes & Mini- homes	Duplex Dwellings	Semi-Detached Dwellings	Multiple Unit Dwellings (Three or more Dwelling Units)	Other permitted Uses
Minimum Lot Area **with water & with sewer services*	557.4 m² [6000 ft²]	650 m² [6996 ft²]	372 m² [4 004 ft²] per dwelling unit	372 m² [4 004 ft²] per dwelling unit	650 m² [6 996 ft²]
**with water OR with sewer services*	1 394 m²* [15 005 ft²]	1 394 m²* [15 005 ft²]	1 394 m²* [15 005 ft²]	1 394 m²* [15 005 ft²]	1 394 m²* [15 005 ft²]
**without water & without sewer services*	2 700 m²* [29 000 ft²]	2 700 m²* [29 000 ft²]	2 700 m²* [29 000 ft²]	2 700 m²* [29 000 ft²]	2 700 m²* [29 000 ft²]
Minimum Lot Frontage	18.29 m [60 ft]	18.29 m [60 ft]	7.65 m [25 ft] per dwelling unit	18.29 m [60 ft] per dwelling unit	21.30 m [69.9 ft]
Minimum Front yard	7.65 m [25 ft]	7.65 m [25 ft]	7.65 m [25 ft]	7.65 m [25 ft]	7.65 m [25 ft]
Minimum Side Yard **with water & with sewer services* i one side ii other side	2.50 m [8 ft] 1.20 m [4 ft]	2.50 m [8 ft] 1.20 m [4 ft]	2.50 m [8 ft] 1.20 m [4 ft]	2.50 m [8 ft] 1.20 m [4 ft]	6.10 m [10 ft] 2.50 m [8 ft]
Minimum Side Yard **with water OR with sewer services *without water & without sewer services*	6.10 m [10 ft]	6.10 m [10 ft]	6.10 m [10 ft]	6.10 m [10 ft]	6.10 m [10 ft]
Minimum Rear Yard	7.65 m [25 ft]/ **2.45 m [8.0 ft]	7.65 m [25 ft]	7.65 m [25 ft]	7.65 m [25 ft]	7.65 m [25 ft]
Maximum Height of Main Building	10.70m [35.1 ft]	10.70 m [35.1 ft]	10.70 m [35.1 ft]	10.70 m [35.1 ft]	10.70 m [35.1 ft]

*Subject to the Nova Scotia Department of Environment and Labour standards, if applicable.

Lot Requirements for Mobile Home Parks

5. Notwithstanding Section 4, no development permit shall be issued for a Mobile Home Park except in conformity with the following and also subject the National Building Code and the Richmond County Mobile Home Park By-law:

* Minimum lot area of MHP	20,234 square metres (5 acres)
*Minimum setback of MHP	3.1 metres (10 feet) from lot line

*Subject to the Nova Scotia Department of Environment and Labour standards, if applicable

Special Requirement for Mobile Homes and Mini Homes not located in a Mobile Home Park

6. Notwithstanding any other regulation in this By-law, all Mobile homes and/or mini homes within the Village General (VG-2) zone shall be a minimum of 4.3 metres (14 feet) in width.

Special Requirements: Multiple Unit and Row house Dwellings

7. Notwithstanding Section 2 or any other regulation in this By-law, the following provision shall apply to all grouped multiple unit and row house dwellings:

a) the minimum distance between grouped dwellings shall be 6.1 metres (20 feet) of half (1/2) the height of the higher of the two buildings, whichever is greater; and
b) the maximum number of units in a row house dwelling shall be six (6).

Special Requirements: **Farm Buildings, Stables, Barns and Kennels**

8. Notwithstanding Section 4 or any other regulation in this By-law, the following provision shall apply to all Farm Buildings, Stables, Barns and Kennels in the Village General (VG-2) zone:

a) existing farm buildings, barns, horse stables and kennels shall be permitted only within the Village General (VG-2) zone on lots measuring more than 200,000 square feet.

Special Requirement: Biosolids

9. Notwithstanding Section 3 or any other regulation in this By-law, the storage of sludge and the spreading or processing of biosolids is strictly prohibited in the Village General (VG-2) zone.

Special Requirement: Watercourses - Separation Distances

10. Notwithstanding anything else in this By-law, no structure shall be located within 22.9 metres (75 feet) of any watercourse except for structures relating to water treatment or distribution uses, fishery related uses, boat building (including the storage and repair of boats), and accessory buildings less than 0.929 square meters (400 square feet), including boat houses and wharfs.

a) Notwithstanding the above, in cases where these requirements prohibit a building being placed anywhere on the property and specifically on lots with a lot depth of less than one hundred forty feet (140'), both the front lot requirement and the water setback may be varied but in no case will the setbacks be varied by more than twenty (20) percent.

PART 9 – RURAL RESIDENTIAL (RR-1) ZONE

All uses permitted in the Rural Residential (RR-1) zone are subject to the standards set out in this By-law.

Prohibited Uses

1. The following uses shall not be permitted uses:

- Heavy industrial uses.
- Any use as listed on Appendix “F” (see back of document).
- Drag strips or automobile racetracks.
- Recycling depots.

Uses Permitted by Development Agreement

2. The following uses shall not be permitted uses except by Development Agreement in accordance with Policy A-5 of the Municipal Planning Strategy:

- Medium Intensity Industrial uses.
- Tourist Cabins, Campgrounds and Mobile Home Parks.

Permitted Uses

3. Without limiting the generality of Sections 1 and 2, the following uses shall be permitted uses:

- Any residential use
- Any commercial use
- Any recreational use
- Any institutional use

General Requirements

4. No development permit shall be issued except in conformity with the following requirements which shall apply to all uses permitted in a Rural Residential (RR-1) zone:

RR-1 Zone	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard
Water and Sewer	2 700m²* [29 000 ft²]	6.10 m [20 ft]	7.65 m [25 ft]	7.65 m [25 ft]	3.05 m [10 ft]
Water and Septic	*100,000 sq. ft.	6.10 m [20 ft]	7.65 m [25 ft]	7.65 m [25 ft]	3.05 m [10 ft]
Well & Septic	*100,000 sq. ft.	6.10 m [20 ft]	7.65 m [25 ft]	7.65 m [25 ft]	3.05 m [10 ft]

*Subject to the Nova Scotia Department of Environment and Labour standards, if applicable

Requirements for Mobile Home Parks

5. Notwithstanding Section 3, no development permit shall be issued for a Mobile Home Park except in conformity with the following and also subject the National Building Code and the Richmond County Mobile Home Park By-law:

* Minimum lot area of MHP	20,234 square metres (5 acres)
*Minimum setback of MHP	3.1 metres (10 feet) from lot line

*Subject to the Nova Scotia Department of Environment and Labour standards, if applicable

Special Requirement: Biosolids

6. Notwithstanding Section 3 or any other regulation in this By-law, the storage of sludge and the spreading or processing of biosolids is strictly prohibited in the Rural Residential (RR-1) zone.

Special Requirement: Watercourses – Separation Distances

7. Notwithstanding anything else in this By-law, no structure shall be located within 22.9 metres (75 feet) of any watercourse except for structures relating to water treatment or distribution uses, fishery related uses, boat building (including the storage and repair of boats), and accessory buildings less than 0.929 square metres (400 square feet), including boat houses and wharfs.

a) Notwithstanding the above, in cases where these requirements prohibit a building being placed anywhere on the property and specifically on lots with a lot depth of less than one hundred forty feet (140'), both the front lot requirement and the water setback may be varied but in no case will the setbacks be varied by more than twenty (20) percent.

PART 10 – RURAL GENERAL (RG-2) ZONE

All uses permitted in the Rural General (RG-2) zone are subject to the standards set out in this By-law.

Prohibited Uses

1. The following uses shall not be permitted uses:

- Heavy industrial uses.
- Drag strips or automobile racetracks.
- Recycling depots.
- Any use as listed on Appendix “F” (see back of document).

Uses Permitted Subject to a Development Agreement

2. The following uses shall be permitted subject to a development agreement in accordance with Policy A-5 of the Municipal Planning Strategy being negotiated between the Municipality and the developer and being subject to Department of the Environment approval:

- Campgrounds
- Mobile Home Parks

Permitted Uses

3. Without limiting the generality of Sections 1 and 2, the following uses shall be permitted uses:

- Any residential use
- Any commercial use
- Any institutional use
- Any recreational use
- Any medium industrial use

General Requirements

4. The requirements in the following table shall apply to all uses permitted in a Rural General (RG-2) zone:

Minimum Lot Requirements for all uses:

RG-2	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard
Water and Sewer	2 700m ² * [29 000 ft²]	6.10 m [20 ft]	7.65 m [25 ft]	7.65 m [25 ft]	3.05 m [10 ft]
Water and Septic	*100,000 sq. ft.	6.10 m [20 ft]	7.65 m [25 ft]	7.65 m [25 ft]	3.05 m [10 ft]
Well & Septic	*100,000 sq. ft.	6.10 m [20 ft]	7.65 m [25 ft]	7.65 m [25 ft]	3.05 m [10 ft]

*Subject to the Nova Scotia Department of Environment and Labour standards, if applicable

Requirements for Mobile Home Parks

5. Notwithstanding Section 4, no development permit shall be issued for a Mobile Home Park except in conformity with the following and also subject the National Building Code and the Richmond County Mobile Home Park By-law:

* Minimum lot area of MHP	20,234 square metres (5 acres)
*Minimum setback of MHP	3.1 metres (10 feet) from lot line

*Subject to the Nova Scotia Department of Environment and Labour standards, if applicable

Special Requirement: Uses in the Landrie Lake Watershed

6. Notwithstanding Section 4, no development permit shall be issued for any use that is deemed to have an adverse effect on the Landrie Lake Watershed.

Special Requirement: Biosolids

7. Notwithstanding Section 3 or any other regulation in this By-law, the storage of sludge and the spreading or processing of biosolids is strictly prohibited in the Rural General (RG-2) zone*.*

Special Requirement: Watercourses – Separation Distances

8. Notwithstanding anything else in this By-law, no structure shall be located within 22.9 metres (75 feet) of any watercourse except for structures relating to water treatment or distribution uses, fishery related uses, boat building (including the storage and repair of boats), and accessory buildings less than 0.929 square metres (400 square feet), including boat houses and wharfs.

a) Notwithstanding the above, in cases where these requirements prohibit a building from being placed anywhere on the property and specifically on lots with a lot depth of less than one hundred forty feet (140'), both the front lot requirement and the water setback may be varied but in no case will the setbacks be varied by more than twenty (20) percent.

PART 11 – INSTITUTIONAL (I-1) ZONE

All uses permitted in the Institutional (I-1) zone are subject to the standards set out in this By-law.

Prohibited Uses

1. The following uses shall not be permitted uses:

- Any industrial use.
- Any use as listed on Appendix "F" (see back of document).
- Any commercial use.
- Any recreational use.

Uses Permitted by Development Agreement

2. Multiple dwellings with four or more units

Permitted Uses

3. The following uses shall be permitted uses:

- Any institutional use.
- Residential use within a former institutional building, subject to special requirements
- Residential use to a maximum of three dwelling units on a lot

General Requirements

4. No development permit shall be issued except in conformity with the following requirements which shall apply to all uses permitted in an Institutional (I-1) zone:

I-1 Zone	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard
Water and Sewer	650 m^2 [6 996 ft^2]	21.3 m [69.9 ft]	7.65 m [25 ft]	7.65 m [25 ft]	3.05 m [10 ft]
*Water and Septic	1 394 m^2* [15 005 ft^2]	21.3 m [69.9 ft]	7.65 m [25 ft]	7.65 m [25 ft]	3.05 m [10 ft]
*Well & Septic	2 700 m^2* [29 000 ft^2]	21.3 m [69.9 ft]	7.65 m [25 ft]	7.65 m [25 ft]	3.05 m [10 ft]

*Subject to the Nova Scotia Department of Environment and Labour standards, if applicable.

Special Requirements: Adaptive Reuse of an Institutional Building

5. Buildings containing former institutional uses which become abandoned may be converted into any residential use, including dwellings with four or more units, subject to the following:
    a) The conversion shall be undertaken without any addition except for modifications required to meet fire safety or building code requirements.
    b) Any solid waste receptacles, utility structures, or new parking area containing space for four or more vehicles shall be screened by landscaping or opaque fencing, or located in a manner in which they are visually buffered from any adjacent residential dwellings.
    c) Any new parking area must be setback a minimum of 6.1m (20 feet) from a property boundary which abuts the Village Residential (VR-1), Village General (VG-2) zone, or an existing residential use.

d) Existing landscaped area and vegetation shall be retained, except where such removal is necessary to accommodate the development or ancillary components such as driveways or parking area.
e) Minimum amenity space shall be provided at rate of 80 sq. ft. per unit.

Uses Accessory to an Institutional Use

6. Notwithstanding Section 1, accessory convenience stores, restaurants, and retail shops are permitted to locate internally within a building for institutional use provided that their use is subordinate to the main institutional use and is located so as to not attract or serve the general public.
7. Public recreational uses are permitted as accessory to an institutional use.

Special Requirement: Biosolids

1. Notwithstanding Section 3 or any other regulation in this By-law, the storage of sludge and the spreading or processing of biosolids is strictly prohibited in the Institutional (I-1) zone.

Special Requirement: Watercourses – Separation Distances

2. Notwithstanding anything else in this By-law, no structure shall be located within 22.9 metres (75 feet) of any watercourse except for structures relating to water treatment or distribution uses and accessory buildings less than 0.929 square meters (400 square feet), including boat houses and wharfs.

    a) Notwithstanding the above, in cases where these requirements prohibit a building being placed anywhere on the property and specifically on lots with a lot depth of less than one hundred forty feet (140’), both the front lot requirement and the water setback may be varied but in no case will the setbacks be varied by more than twenty (20) percent.

PART 12 - DEFINITIONS

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 building and located on the same lot.

3. ACT shall mean *The Municipal Government Act*, being Chapter 18 of the Statutes of Nova Scotia, 1989, and amendments thereto.

4. ALTER means to change a structural component of a building, or to increase or decrease the volume of a building or structure.

4a. AMENITY SPACE means indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities.

5. 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.

6. BED and BREAKFAST: an establishment providing accommodation for the use of the traveling or vacationing public, containing up to 4 bedrooms available in a private home, ensuite, private or shared bathrooms, common living room, full or continental breakfast included in room rate.

7. BEVERAGE ROOM: A premises licensed as a beverage room by the Liquor License Board of Nova Scotia.

8. BOARDING OR ROOMING HOUSE means a dwelling in which the proprietor supplies either room or room and board for monetary gain, with more than three but not more than six rooms and which is open to the general public.

9. BOATHOUSE means a building or structure or part thereof not over one storey in height, used for the storage of private boats and equipment accessory to their use, as an accessory use to a residential use, no part of which shall be used for residential or commercial purposes.

10. 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 tent, awning, bin, bunker, or platform vessel or vehicle used for any of the said purposes shall be deemed a building.

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

12. 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.

13. COMMUNITY CENTRE means any tract of land, or 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 thereof, or a non-profit organization.

14. 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 lot line of the said lot.

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

16. 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.

17. 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.

18. DEVELOPMENT OFFICER shall mean the Development Officer appointed by the Municipality of the County of Richmond in accordance with *The Municipal Government Act.*.

19. 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, apartment hotel or a travel trailer.

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

21. DWELLING, CONVERTED means a building converted to three (3) dwelling units.

22. DWELLING, MULTIPLE UNIT means a dwelling which contains five or more dwelling units.

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

24. DWELLING, SEMI-DETACHED means a dwelling unit which is one side of a building, which building is divided vertically by a wall extending ground to roof and which building is separated by open space from other buildings, and which dwelling unit has an independent entrance.

25. 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.

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

27. 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 halls between stores.

28. 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.

29. 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;
d) 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.

30. 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.

31. 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 and includes a domestic or household art, a day care center, a personal service shop, a catering establishment an artisan work shop, a photographic studio, a professional office and an office for technicians such as plumbers, carpenters, electrics and other trade profession.

32. 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 centers, hospitals, homes for special care, senior citizen homes and government buildings but shall not include a private club.

33. 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.

34. LOT means any parcel of land described in a deed or as shown in a registered plan of subdivision.

a. Corner lot means a lot situated at the intersection of and abutting on two or more streets.

b. The shorter lot line shall be deemed the front lot line of the said lot. Interior lot means a lot situated between two lots and having access to one street.

c. Through lot means a lot bounded on two opposite sides by streets or highway provided, however, that if any lot qualifies as being both a Corner Lot and Through Lot as herein before defined, such lot shall be deemed to be a Corner Lot for the purpose of this By-law.

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

36. 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 day lighting 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.

37. MAIN BUILDING means the building in which is carried on the principal purpose for which the lot is intended.

38. MOBILE HOME means any vehicle or similar structure, not including a travel trailer, containing one or more dwelling units, having no permanent foundation and supported by wheels, jacks or other similar supports, and used and designed or so constructed for occupancy, as a dwelling unit. For the purpose of this By-law, the removal of the wheels or the permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification.

Mobile Home means a building originally pre-fabricated as a place for someone to reside 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:

unpacking;
assembly;
the typical site work;
foundation connections;
water and sanitary sewer connections; and
utility connections;

and having an average width of 14 feet or greater and less than 20 feet when assembled and being located on a slab or other permanent foundation. A mobile home used as an addition to another building (whether to increase the number of dwelling units or just increase floor area) is still a mobile home. For purposes of clarification, a mobile home shall include, but shall not be limited to, a mini home or modular home which meets the above specification, but shall not include a recreational vehicle designed for travel on public roads for purposes of camping or recreational use.

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

40. MOTEL shall mean the same as Hotel, but may include private cooking facilities.

41. MUNICIPALITY means the Municipality of the County of Richmond.

42. 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.

43. OFFICE means a room or rooms, building or structure where business may be transacted, a service performed or consultation given.

44. 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.

45. 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.

46. 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, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.

47. 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 sonority house, and a labour union hall.

48. PROFESSIONAL OFFICE means a building or structure where business may be transacted, a service performed or consultation given.

49. 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.

49a. PUBLIC RECREATIONAL USE means a recreational use in which land, buildings, or parts thereof are used for recreational purposes but which is not for the monetary gain of the operator of the site and shall not include a track for the racing of animals or any form of motorized vehicles.

50. 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.

51. 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, community centers, 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.

52. 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.

53. RETAIL STORE means a building or part thereof in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the public at retail.

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

55. 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.

56. 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.

57. 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.

58. SIGN means a structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to justify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "sign" shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.

a. Ground Sign means a sign supported by one or more uprights, poles or braces placed in or upon the ground.

b. Illuminated Sign means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign.

c. Projecting Wall Sign means a sign which projects from and is supported by a wall of a building.

d. Facial Wall Sign means a sign which is attached to and supported by wall of a building.

e. Number of Signs means a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

f. Sign Area means the area of the smallest triangle, rectangle, or circle or semi-circle which can wholly enclose the surface area of the sign. All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area. Three dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle, or circle or semi-circle which can totally circumscribe the sign in the plan of its largest dimension.

59. STOREY means the portion of a building between any 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.

60. STREET means a public road, accepted and maintained by the Department of Transportation and Public Works as a public thoroughfare.

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

62. 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.

63. TOWNHOUSE DWELLING means a building that is divided vertically into three or more dwelling units, each of which has an independent entrance or entrances to the outdoors.

64. TOURIST COTTAGE/CABIN: an establishment providing accommodation for the use of the traveling or vacationing public, a free-standing unit with bed sitting room (linens supplied) and bathroom; may have kitchen facilities.

65. TOURIST OR GUEST HOME means a building used as a single family dwelling in which there are not more than eight (8) sleeping rooms intended to be rented to the general public and where the stay of the guest is of a transient nature.

66. WAREHOUSE means a building where wares or goods are stored but shall not include a retail store.

67. 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.

68. ZONE means a designated area of land shown on Schedule “A” of this By-law.

Appendix "A"

Residential uses. The following may not constitute a complete list of uses, but they are examples of the type of use included in this category.

- Mobile and mini-homes
- Single detached
- Duplex
- Semi-detached
- Multiple housing (three or more units)
    - Row housing
    - Apartment housing
- Mobile Home Park
- Mobile/mini-homes

Appendix "B"

Commercial uses. The following may not constitute a complete list of uses, but they are examples of the type of use included in this category.

- Appliance sales and service establishments
- Art galleries
- Automobile repair shops
- Automobile sales and services
- Automobile service centers
- Bakeries
- Banks and other financial institutions
- Bed & breakfast establishments
- Beverage rooms and lounges
- Boat, trailer and snowmobile sales and rentals
- Building supply and lumber outlets
- Catering shops
- Commercial Greenhouses
- Custom workshops (including woodworking/carpentry shops)
- Convenience stores
- Drug Stores
- Entertainment centers
- Farmers markets
- Food and grocery stores
- Fitness centers
- 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 centers and information kiosks
- Upholstery Shops
- Veterinary clinics

- Video rental shops
- Wholesale establishments
- Yacht clubs

Appendix "C"

Institutional and *Recreational* uses. The following may not constitute a complete list of uses, but they are examples of the type of use included in this category.

Institutional Uses

- Churches, places of worship and religious institutions
- Colleges, universities and schools
- Day care centers
- Fire and police stations
- Government offices and facilities
- Nursing homes and senior citizen housing subject to the Residential Multiple Unit (R3) Zone requirements
- Hospitals
- Libraries, museums and art galleries
- Private clubs
- Public utilities

Recreational Uses

- Accessory buildings to a beach including changing rooms and washrooms
- Boardwalk and nature interpretation stands
- Campground
- Public Recreational uses
- Picnic areas and facilities
- Tourist Cottage cabins

Appendix "D"

Medium Industrial. The following may not constitute a complete list of uses, but they are examples of the type of use included in this category.

- Crematoriums
- 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

Appendix "E"

Heavy Industrial uses. The following may not constitute a complete list of uses, but they are examples of the type of use included in this category.

- A commercial facility for the handling, storage and salvage of waste for disposal (including waste dangerous goods as defined in the Environment Act)
- Automotive scrap yards
- Biochemistry products manufacturing
- Breweries
- Chemicals and paint manufacturing
- Concrete and asphalt plants
- Distilleries
- Electronic equipment manufacturing
- 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
- Fertilizer manufacturing facilities
- Metal smelters and foundries
- Peat moss harvesting
- Tanneries
- Uses associated with the extraction and processing of mineral or aggregate deposits
- Vegetable processing facilities
- Wineries
- Uses associated with the extraction and processing of minerals or aggregate deposits
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Appendix "F"

The following uses shall be prohibited in all zones.

- Biosolid spreading and storage (including sludge processing)
- 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

Appendix "G":

List of properties that are exempt from watercourse setback separation regulation--Part 6, Section 41.

PID	***Address***	***Owner(s)***
75034207	NO 104 HIGHWAY EVANSTON	DENNIS WILLIAM MACNAMARA
75034223	NO 104 HIGHWAY EVANSTON	JAMES JOHN MCNAMARA
75039305	HOSPITAL ROAD EVANSTON LOT 7	THOMAS BASIL HEARN SHARON ROSE DOLIMONT
75132266	EVANSTON ROAD EVANSTON	CANADIAN PIONEER ESTATES LTD
75119438	BASIN ROAD WHITESIDE	SHANNON JOSEPH WHITE
75034132	ISLAND LENNOX PASSAGE GRANT 20386	LAND AND BUILDINGS OVERSEAS LTD