

SHANNON LAKE WELLHEAD PROTECTION AREA

LAND USE BY-LAW

Part 1 - Title

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

Part 2 - Administration

Effective Date

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

Costs for Advertising

2. Anyone applying for an amendment to this By-law or a development agreement shall deposit with the clerk an amount estimated by the clerk to be sufficient to pay the cost of advertising required by the *Municipal Government Act*. After the advertising has been completed, the applicant shall pay to the clerk any additional amount required to defray the cost of the advertising, or if there is a surplus, the clerk shall refund the same to the applicant where Council decides not to proceed with the application, the deposit shall be returned to the applicant.

Prohibition

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

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

Development Officer

5. The Council of the Municipality of the County of Richmond, hereinafter referred to as "Council" which has adopted a Land Use By-law shall appoint a municipal development officer who shall be responsible for the administration of the By-law and the issuing of municipal development permits.

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

Enforcement

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

Permits

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

"245 (1) Within fourteen days after receiving an application for a development permit the development officer shall

(a) determine if an application is incomplete; and

(b) where the application is incomplete, notify the applicant in writing advising what is required to complete the application.

(2) Within thirty days after receiving a completed application for a development permit, the development officer shall grant the development permit or inform the applicant of the reasons for not granting the permit."

9. Every development permit is valid:

a) upon the development being commenced within one year from the date of issuing the permit; and

b) upon a the permit being renewed for another one year if not commenced upon application to the Development Officer.

c) if not commenced within one year a new application to be made to the

Development Officer.

10. An application for a development permit shall:

- a) be made in the form prescribed by the Municipality;
- b) be signed by the owner or his agent;
- c) state the intended use of the proposed development; and
- d) provide any other information required by the Development Officer to determine whether the proposal meets the requirements of this By-law.

11. When deemed necessary to complete the assessment of the proposed development, the Development Officer may require the applicant to submit copies in duplicate of one or more of the following:

- a) a survey plan of the lot showing the dimensions of the lot; said plan to be made and certified by a registered land surveyor licensed to practice in Nova Scotia; and
- b) the position, height, and horizontal dimensions of all structures existing on the lot.

Penalty

12. The *Municipal Government Act* states:

505 (1) A person who

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

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

payment, to imprisonment for a term of not more than two months.

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

Restoration to a Safe Condition

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

Temporary Uses and Structures Permitted

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

Part 3 - Zones and Zoning Map

Zones

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

ZONE	SYMBOL
Wellhead Protection	WHP
Watershed Protection	WSP

Part 4 - Interpretation

Symbols

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

Defined

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

Interpretation of Zoning Boundaries

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

Schedules, Figures and Appendices

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

Part 5 - General Provisions for All Zones

Accessory Uses Permitted

1. Where this By-law provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose includes any accessory use. Accessory buildings shall be permitted in all zones.

Government Buildings and Facilities

3. Government buildings and Facilities shall be permitted in any zone

provided that such use conforms with the applicable lot standards of that particular zone.

Height Regulations

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

Home Occupations

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

Existing Lots

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

Existing Undersized Lots

7. Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels in existence prior to the effective date of this By-law, which have less than the minimum frontage or area or both required by this By-law, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied. In addition, where such lots are increased in size but remain undersized, they are deemed to be existing undersized lots.

Licenses, Permits and Compliance with Other By-laws

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

9. Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-law in force within the Municipality of the County of Richmond or from obtaining any license, permission, permit, authority or approval required by any other By-law of the

Municipality.

Multiple Uses

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

Richmond County Subdivision By-law

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

Part 6 – Wellhead Protection (WHP) Zone

Uses Permitted

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

General Lot Requirements

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

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