

West Richmond Planning Area

(Point Tupper, Port Malcolm, Port Richmond)

Land Use By-law

Municipality of the County of Richmond

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Part 1 - Title

This By-law shall be known and may be cited, as the “Land Use By-law” of the West Richmond Plan Area of the Municipality of the County of Richmond and referred to hereafter as the West Richmond Plan Area Land Use By-law and 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 Housing and Municipal Affairs 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 when located in an Industrial Zone and unless otherwise stated in this By-law, no development permit shall be issued to erect more than one main building upon a lot.

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 six (6) months from the date of issuing the permit; and

- b) upon a the permit being renewed for another six (6) months if not commenced upon application to the Development Officer.
 - c) if not commenced within six months 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.

Costs for Advertising

13. 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.

Part 3 - Zones and Zoning Map

Zones

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

Zone Designation	Symbols
Residential	(R-1)
Open Space	(OS)
Watershed Protection	(W-1)
Watershed Protection Periphery	(W-2)
Light Industrial	(I-1)
Port Industrial	(I-2)
Heavy Industrial	(I-3)

The zone boundaries are shown on Schedule “A”. Schedule “A” as included may be cited as the “Zoning Map” and is hereby declared to form part of this By-law.

Zones not on Maps

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

Part 4 - Interpretation

Symbols and Numbering

1. The symbols used on Schedule “A” included herein, refer to the appropriate zones established by this By-law.

Defined

2. The extent and boundaries of all zones are shown on Schedule “A” 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 sizes;
 - c) where a street, highway, railroad or railway 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 Schedule “A”.

Permitted Uses

4. For the purposes of this By-law, 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.

Part 5 - General Provisions for All Zones

Accessory Buildings

1. Accessory uses, buildings and structures shall be permitted in any zone within the West Richmond Plan Area but shall not:
 - a) be used for human habitation except where a dwelling is a permitted accessory use;
 - b) be located within the required front yard of a lot;
 - c) be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot. Where an accessory building is built on a corner lot, it shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;
 - d) be built closer than 10 feet to any lot line;
 - i) accessory buildings with no windows or perforations on the side of the building which faces the said lot line, may be located a minimum of 0.5 meters (2 feet) from the said side or rear lot line in any residential zone;
 - e) be built within 6 feet of the main building;
 - f) be considered an accessory building if attached to the main building in any way; and
 - g) be considered an accessory structure if located completely underground.

Accessory Uses Permitted

2. 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 thereto. Accessory buildings shall be permitted in all zones.

Building to be Erected on a Lot

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

Building to be Moved

4. No person shall move any building, residential or otherwise, within or to the area covered by this By-law without obtaining a development permit from the Development Officer.

Calculation of Lot Frontage

5. The following means shall be used for the purposes of determining lot frontage:
 - a) in the case of regularly shaped lots, lot frontage shall be measured as a straight line between the points where the two (2) side lot lines meet the front lot line;
 - 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 equal to the minimum applicable front yard.

Existing Buildings

6. Where a building has been erected on or before the effective date of this By-law on a lot which has 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 front yard or side yard or rear yard that does not conform to this By-law; and

- b) all other applicable provisions of this By-law are satisfied.

Existing Lots

- 7. 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

- 8. 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.

Frontage on a Street

- 9. 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, fronts upon a public street or on a lot shown on an approved plan of subdivision.

Height Restrictions

- 10. 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 transmissions, navigational lights beacons and markers, lookout towers, satellite discs, windmills, wind turbines, and solar collector devices.

Home Occupations

- 11. Nothing in this By-law shall prevent the use of an existing dwelling or accessory building for a home occupation including personal services, workshops, bed and breakfast establishments, neighbourhood confectionery stores, business or professional offices, and small engine repairs, provided that:
 - a) the dwelling is occupied as a residence by the operator of the home occupation and the external appearance of the residence or accessory building is not changed by the home occupation;
 - b) there shall not be more than two (2) assistants who are not residents in the dwelling employed in the business or profession;
 - c) no more than twenty-five (25) percent of the total floor area of the dwelling or one hundred (100) percent accessory building is devoted to the professional or business use;
 - d) one off-street parking space, other than that required for the dwelling is provided for every 200 square feet of floor space occupied by the business or professional use;
 - e) there shall be no advertising other than a business identification plate or sign which has a maximum sign area of 5 square feet and which is attached to the main, or accessory building (but not both buildings) and provided also that the provisions of Part 6 are satisfied;
 - f) no mechanical equipment is used externally except that reasonably consistent with the use of a dwelling, or accessory building; and
 - g) no open storage or outdoor display shall be permitted.

Illumination

12. No person shall illuminate an area outside any building unless such illumination is directed away from adjoining properties and adjacent streets.

Licenses, Permits and Compliance with other By-laws

13. 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.

Loading Space

14. a) For every building or structure to be erected or enlarged, or structure for any industrial use, unless there is maintained on the same premises with every such building, structure or use one off-street space for standing, loading, and unloading for every 30,000 sq. ft. or fraction thereof of building floor area used for any such purpose to a maximum of six (6) loading spaces;
- b) Each loading space shall be at least 12 feet by 40 feet with a minimum of 14 feet in height clearance;
- c) No such loading space(s) shall be located within any required front yard.

Multiple Uses

15. 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

16. Any use of land or a building or structure erected on the land which had begun on or before the effective date of this By-law and which does not conform to the requirements of this By-law shall be subject to the provisions laid out in Sections of the *Municipal Government Act*.

One Main Building on a Lot

17. No person shall erect more than one (1) main building on a lot except for:
- a) buildings located in the Watershed Protection Periphery (W-2) Zone
- b) buildings located in Industrial Zones; and
- c) accessory buildings.

Parking Area Standards

18. Where parking facilities for more than four (4) vehicles are required or permitted:
- a) the parking area shall be situated in the same zone;
- b) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated;
- c) approaches or driveways to any parking area, other than that required for a single detached dwelling, shall be defined by a curb of concrete or rolled asphalt and the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
- d) in addition, the location of approaches or driveways shall be no closer than 4.5 meters (15 feet) from the limits of the right-of-way at a street intersection;

- e) entrance and exit ramps to parking areas shall not exceed two (2) in number and each ramp shall be a width of 7.5 meters (25 feet) at the street line and pavement edge;
- f) 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 of 3 meters (10 feet) if for one-way traffic, and a minimum of 5.5 meters (18 feet) if for two-way traffic and the maximum width of a driveway shall be 7.5 meters (25 feet); and
- g) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles; and
- h) if lights are used for illumination of the parking lot, they shall be so arranged as to divert the light away from the street, adjacent lots and buildings.

Parking Requirements

19. For every industrial building or structure to be erected, enlarged, or consisting of a change of use, off-street parking located within the same lot as the use and having unobstructed access to a public street shall be provided and maintained based on a ratio of one (1) parking space for each 28 square meters (300 square feet) of floor area but never less than one (1) parking space.

Parking Standards for a Change of Use

20. Notwithstanding Section 23 of this Part where a change of use is to occur and the new use is unable to comply with additional parking spaces, the additional parking requirements will be waived.

Public and Private Utilities

21. Public and Private utilities shall be permitted in any zone provided that such use conforms with the applicable lot standards of that particular zone.

Public Uses Permitted

22. Government offices and buildings shall be permitted in any zone provided and it is the expectation of Council that such use will voluntarily conform with the applicable lot requirements of that particular zone.

Restoration to a Safe Condition

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

Scope

24. 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 this 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.

Side Yards on Corner Lots

25. Notwithstanding anything else in this By-law, on a corner lot in any zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than 15 feet.

Temporary Uses and Structures Permitted

26. 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 providing that the uses or structures are removed from the site within 14 days after completion of the construction project and provided a development permit has been issued.
27. Nothing in this By-law shall prevent uses and structures erected for the sole purpose of selling seasonal fishery, agricultural or holiday related produce or products, provided that no such use remains in place for more than 30 consecutive days beyond the closing of the fishery or agricultural seasons or in the case of holidays more than 30 days before the holiday. A development permit shall be required for such uses.

Truck, Bus and Coach Bodies

28. No trucks, bus, coach or street car body shall be used for human habitation within the West Richmond Plan Area, whether or not same is mounted on wheels.

Part 6 - Signs

General

1. Where this part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Department of Transportation and Communications of the Province of Nova Scotia, the more restrictive regulations shall apply.
2. No person shall erect a sign without first obtaining a development permit from the Development Officer and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.

Safety and Maintenance

3. Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical and fire prevention By-laws.
4. All signs and all parts thereof shall be kept in a good state of repair and maintenance.

Limit on Number of Signs

5. Notwithstanding anything else in this By-law, not more than two (2) signs may be erected on any premises at any one time provided that:
 - a) a double-faced sign shall count as a single sign;
 - b) signs enumerated in Section 7 (Signs Permitted in all Zones) clauses “a” to “h” inclusive shall not be counted in calculating the total;
 - c) not more than one (1) ground sign shall be permitted on any one lot except in the case of a service station located on a corner lot where a maximum of two (2) ground signs shall be permitted and a limit of three (3) signs in total may be erected on a corner service station lot;
 - d) not more than one (1) facial wall sign shall be permitted for each business premise;
 - e) not more than one (1) projecting wall sign shall be permitted for each business premise; and
 - f) each business premise shall not have both a projecting wall sign and a facial wall sign.
6. For the purposes of this section, where a multiple tenancy building is occupied by more than one (1) business, each business area shall be considered as separate premises.

Signs Permitted in All Zones

7. Notwithstanding signs which satisfy the provisions of Sections 9, 10, 11, and 12 of this Part, the following additional signs are permitted in all zones:
 - a) Signs identifying name and address of resident, and of not more than 2 square feet in sign area;
 - b) “No trespassing” signs or other such signs regulating the use of a property, and of not more than 2 square feet in sign area;
 - c) Real estate signs not exceeding 15 square feet which advertise the sale, rental, or lease of the premises;
 - d) Signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction of function of various parts of a building or premise provided that such signs are less than 5 square feet in area;
 - e) Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists;

- f) Memorial signs or tablets and signs denoting the date of erection of a structure;
- g) The flag, pennant, or insignia of any government or of any religious, charitable, or fraternal organization; and
- h) A sign having an area of not more than 50 square feet incidental to construction and within the area designated for such purposes.

Signs Prohibited in All Zones

8. Notwithstanding Sections 9, 10, 11 and 12 of this Part, the following signs shall not be permitted in any zone:
- a) Signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving part, visible revolving parts or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsation or by actions of normal wind currents;
 - b) Roof signs;
 - c) Any sign or sign structure which constitutes a hazard to public safety or health;
 - d) Signs which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers, either when leaving a roadway or effectiveness of any traffic sign or control device on public streets and roads;
 - e) Any sign which obstructs free ingress to or egress from a fire escape door, window, or other required exit way;
 - f) Signs not erected by a public authority which make use of words such as “STOP”, “LOOK”, “ONE WAY”, “DANGER”, “YIELD”, or any similar words, phrases, symbols, lights or characters in such manner as to interfere with, mislead, or confuse traffic along a public road;
 - g) Any sign which no longer advertises a bona fide business conducted, or a product sold;
 - h) Signs on public property or public right-of-way unless erected by a governmental body, or unless required to be so located by order of a governmental body or unless specially permitted by Council, but no sign located on public property or a public right-of-way shall bear any commercial advertising;
 - i) Signs not erected by a public authority which are located at or near sharp road curves or below the crest of a steep road grade;
 - j) Signs painted on, attached to, or supported by a tree, stone, cliff or other natural objects;
 - k) String lights, other than temporary holiday decorations, which are unshielded from off the property on which they are located; and
 - l) Searchlights, pennants, spinners, banners, and streamers except for occasions such as grand openings, county fairs, public festivals, exhibitions, and similar occasions.

Facial Wall Signs

9. No facial sign shall:
- a) Cover more than 1 square foot per 0.25 feet of the wall on which the sign is affixed with proportional allocation for each business premises in case of multiple occupancy buildings. In no case however, shall the total area of facial wall sign for each business premises exceed 100 square feet;
 - b) Extend above the top of the wall on which the sign is placed; and
 - c) Extend beyond the extremities of the wall upon which it is attached.

Projecting Wall Signs

10. No projecting wall sign shall:
- a) exceed 20 square feet in sign area;
 - b) project more than 6 feet from the wall upon which it is attached;
 - c) project over a public right-of-way;
 - d) project above the eaves, parapet, or roof line of a building;
 - e) be erected below a height of 10 feet or above a height of 15 feet above grade; and
 - f) have a sign face dimension which exceeds 5 feet.

Ground Signs

11. No ground sign shall:
- a) exceed 25 square feet in sign area on a single face sign or 50 square feet of sign area for both faces combined;
 - b) exceed a height of 25 feet from the grade level to the highest part of the sign;
 - c) extend beyond a property line or project over public right-of-ways, other adjoining lands, or any driveway or parking space;
 - d) be set back less than 5 feet from any street line, common lot boundary, driveway, aisle or parking area;
 - e) have more than one sign on the supporting structure; and
 - f) exceed 10 feet for any sign face dimension.

Part 7 - Light Industrial (I-1) Zone

I-1 Uses Permitted

1. No development permit shall be issued in a Light Industrial (I-1) Zone except for the following uses:
 - Automobile sales and service establishments
 - Building supply, equipment depots excluding bulk storage of sand or gravel
 - Business, government and professional offices
 - Display courts including swimming pools, decorative foundations, pre-fabricated homes
 - Light industrial manufacturing, assembly or warehousing including recycling depots
 - Railyards and associated uses
 - Recreational uses
 - Service and personal service establishments excluding dry cleaning establishments
 - Single unit dwellings
 - Transportation depots
 - Wholesale or retail sales, leasing or rental establishments

General Lot Requirements

2. No development permit shall be issued except in conformity with the following requirements:

	Municipal Servicing	On-site Services
Minimum Lot Area	10,000 ft ²	29,000 ft ² *
Minimum Lot Frontage	100 ft	100 ft.
Minimum Front Yard	30 ft	30 ft
Minimum Rear Yard	25 ft	25 ft.
Minimum Side Yard i) one side	15 ft	15 ft.
ii) other side	10 ft	10 ft.
Maximum Height of Main Building	50 ft	50 ft.

* subject to Department of Environment standards

Special Restrictions: Open Storage and Outdoor Display

3. The following restrictions shall apply to open storage or outdoor display:
 - a) open storage or outdoor display shall not be permitted within the required front yard of a lot; and
 - b) the area devoted to open storage or outdoor display shall not exceed 50 percent of the lot area.

Special Restrictions: Abutting Yard Requirements

4. Where a non-residential use abuts an existing residential use, the following requirements shall apply to the non-residential uses:
 - a) open storage or display shall not be permitted in an abutting yard within 20 feet of a side or rear lot line;
 - b) no parking shall be permitted within an abutting yard within 20 feet of a residential lot line; and
 - c) a landscaped strip or an opaque fence of a minimum height of 4 feet shall be provided to visually screen any open storage from abutting lots and streets.

Special Exemptions: Yards Adjacent to a Railway

5. In an Industrial Zone, the yard requirement shall be waived for any yard which directly abuts a railway right-of-way.

Part 8 - Port Industrial (I-2) Zone

I-2 Uses Permitted

1. No Development Permit shall be issued, in a Port Industrial (I-2) Zone, except for the following uses:
 - Existing industrial uses
 - Aquaculture related uses
 - Bulk terminals
 - Container terminals
 - Dry docks and ship repair facilities
 - Fuel bunkering facilities
 - Marine terminals and other port related facilities
 - Oil storage terminals
 - Railway facilities
 - Single unit dwellings
 - Wharf facilities
 - I-1 Uses which require on-site port facilities subject to the requirements of the I-1 Zone.
 - I-3 Uses which require on-site port facilities subject to the requirements of the I-3 Zone.

Lot Requirements

2. In any I-2 zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	29,000 ft ² *
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* subject to Department of Environment standards

Special Restrictions: Abutting Yard Requirements

3. Where a non-residential use abuts an existing residential use, the following requirements shall apply to the non-residential use:
 - a) open storage or display shall not be permitted in an abutting yard within 20 feet of a side or rear lot line; and
 - b) no parking shall be permitted in an abutting yard within 20 feet of a residential lot line.

Part 9 - Heavy Industrial (I-3) Zone

I-3 Uses Permitted

1. No Development Permit shall be issued in a Heavy Industrial (I-3) Zone except for the following:
 - Electrical Power stations
 - Existing industrial uses
 - Cement plants
 - Ferro-alloy plants
 - Oil and Gas Processing Plants and Refineries
 - Permanent commercial sites involving hazardous wastes or dangerous goods
 - Petrochemical plants
 - Pulp and paper mills
 - Radioactive Materials manufacturing or processing facilities including heavy water plants
 - Smelters
 - Storage facilities
 - I-1 Uses subject to the requirements of the I-1 Zone
 - I-2 Uses subject to the requirements of the I-2 Zone

Lot Requirements

2. In any I-3 zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	29,000 ft ² *
Minimum Lot Frontage	100 ft.
Minimum Front Yard	30 ft
Minimum Rear Yard	25 ft.
Minimum Side Yard i) one side	15 ft.
ii) other side	10 ft.
Maximum Height of Main Building	50 ft.
Maximum Lot Coverage	50%

* subject to Department of Environment standards

Special Restrictions: Open Storage and Outdoor Display

3. The following restrictions shall apply to open storage or outdoor display:
 - a) open storage or outdoor display shall not be permitted within the required front yard of a lot; and
 - b) the area devoted to open storage or outdoor display shall not exceed 50 percent of the lot area.

Special Exemptions: Yards Adjacent to a Railway

4. In an Industrial Zone, the yard requirement shall be waived for any yard which directly abuts a railway right-of-way.

Special Restrictions: Abutting Yard Requirements

5. Where a non-residential use abuts an existing residential use, the following requirements shall apply to the non-residential use:
 - a) open storage or display shall not be permitted in an abutting yard within 20 feet of a side or rear lot line; and
 - b) no parking shall be permitted in an abutting yard within 20 feet of a residential lot line.

Part 10 - Watershed Protection (W-1) Zone

W-1 Uses Permitted

1. No Development Permit shall be issued in a Watershed Protection (W-1) Zone, except for the following uses:
 - Institutional uses
 - Public and private utilities
 - Passive recreational uses not involving structures other than accessory buildings

Lot Requirements

2. There are no lot standards for these permitted uses in the Watershed Protection (W-1) Zone.

Part 11 - Watershed Protection Periphery (W-2) Zone

W-2 Uses Permitted

1. No Development Permit shall be issued in a Watershed Protection Periphery (W-2) Zone, except for the following uses:
 - Institutional uses
 - Public and private utilities
 - Passive recreational uses not involving structures other than accessory buildings
 - Expansions to existing industrial uses shall be permitted only by development agreement

Lot Requirements

2. In any Watershed Protection Periphery (W-2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	5 acres
Minimum Lot Frontage	150 ft.
Minimum Front Yard	50 ft.
Minimum Side Yards	50 ft.
Minimum Rear Yard	50 ft.
Maximum Height of Main Building	50 ft.
Maximum Lot Coverage	30 %

Part 12 - Residential (R-1) Zone

R-1 Uses Permitted

1. No development permit shall be issued in a Residential (R-1) Zone except for the following uses:
 - Single unit detached dwellings
 - Mobile homes
 - Community centres and other institutional uses

General Lot Requirements

2. In any Residential (R-1) Zone, no development permit shall be issued except in conformity with the following requirements:

	Municipal Servicing	On-site Servicing
Minimum Lot Area	7500 ft ²	29,000 ft ² *
Minimum Lot Frontage	50 ft	100 ft
Minimum Front Yard	25 ft	25 ft
Minimum Side Yard		
i) one side	8 ft	8 ft
ii) other side	10 ft	10 ft
Minimum Rear Yard	25 ft	25 ft
Maximum Height of Main Building	35 ft	35 ft
Maximum Lot Coverage	35%	35%

* subject to Department of Environment standards

Part 13 - Open Space (OS) Zone

OS Uses Permitted

1. No Development Permit shall be issued in an Open Space (OS) Zone, except for the following uses:
 - Community centres and other institutional uses
 - Passive recreational uses not involving structures other than an accessory building
 - Public and private utilities

Lot Requirements

2. There are no lot standards for these permitted uses in the Open Space (OS) Zone.

Part 14 - 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, 1998, 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.
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. **BUILDING** means any structure whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment. Any tent, awning, bin, bunker, or platform vessel or vehicle used for any of the said purposes shall be deemed a building.
7. **BULK STORAGE FACILITY** means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids (fuel oil), gases, minerals, pipes, gravel, fertilizers and grain. It does not include facilities used for the holding of water from livestock operations.
8. **CLUB** means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a fraternity or sorority house, and a labour union hall.
9. **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.
10. **CORNER LOT** means a lot situated at the intersection of and abutting on two or more streets. The lot line facing the main entrance of the building shall be deemed the front line of the said lot.
11. **COUNCIL** shall mean the Council of the Municipality of the County of Richmond.
12. **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.
13. **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.
14. **DEVELOPMENT OFFICER** means the officer of the Municipality of the County of Richmond from time to time charged by the Municipality with the duty of administering the provisions of the Land Use By-law in accordance with the *Municipal Government Act*,
15. **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.
16. **DWELLING, CONVERTED** means a building converted to three (3) dwelling units.
17. **DWELLING, DUPLEX** means a building containing not more than two (2) dwelling units placed one above the other.
18. **DWELLING, MULTIPLE UNIT** means a dwelling which contains 5 or more dwelling units.

19. DWELLING, SEMI-DETACHED means a building that is divided vertically into two dwelling units each of which has an independent entrance.
20. DWELLING, SINGLE DETACHED means a building containing not more than one (1) dwelling unit but does not include a mobile home.
21. 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.
22. EXISTING means existing as of the effective date of this By-law.
23. FLOOR AREA
 - a) **With Reference to a Dwelling** means the maximum floor area contained within the outside walls excluding any private garage, porch, verandah, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
 - b) **Commercial Floor Area** means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common malls between stores.
24. 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.
25. HEAVY INDUSTRIAL USE means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing process that potentially involve hazardous or commonly recognized offensive conditions. These uses are generally an obnoxious use and may require an Environmental Impact Assessment by the Nova Scotia Department of Environment.
26. HEIGHT means the vertical distance of a building between grade and:
 - a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
 - b) the deckline of a mansard roof; or
 - c) the main level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola, or steeple.
27. HOME OCCUPATION means an accessory use of a dwelling for a business involving the provision or sale of goods or services or both goods and services on a scale suitable to the residential environment in which it is found.
28. 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 churches, community centres, hospitals, homes for special care, senior citizen homes and government buildings but shall not include a private club.
29. LIGHT INDUSTRIAL USE means a use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. These uses are generally not an obnoxious use.
30. 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.
31. LOT means parcel of land described in a deed as a lot or as an approved lot shown on a registered plan of subdivision.
 32. LOT AREA means the total horizontal area within the lot lines of a lot.
 33. 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.
 34. MAIN BUILDING means the building in which is carried on the principal purposes for which the lot is used.
 35. MOBILE HOME means a single detached unit, designed for transportation after fabrication, on its own wheels, and which arrives at a site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling operations, and which is supported on site by wheels, jacks, blocks, or a permanent foundation and which may be connected to utilities and sanitary services.
 36. OBNOXIOUS USE uses which from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials.
 37. OFFICE means a room or rooms, building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.
 38. 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.
 39. 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.
 40. PARKING SPACE means an area of not less than one hundred and sixty (160) square feet, measuring eight (8) feet by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.
 41. 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.
 42. PROFESSIONAL OFFICE means a building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retailing or selling of goods.

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43. **QUALIFIED PERSON** for the purposes of writing the report which must accompany an application for a development agreement in the Watershed Protection Periphery (W-2) zone will be a professional engineer, professional planner, hydrogeologist, or a similarly trained and certified individual.
44. **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.
45. **RECREATIONAL USES** means the uses of land for parks, playgrounds, tennis courts, indoor or outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.
46. **RECYCLING** means solid waste reduction, re-use, recovery or processing of such waste materials as paper, ferrous and non-ferrous metals, glass, plastic, rubber, building materials, oil, food wastes, yard wastes, clothes and white goods.
47. **RECYCLING DEPOT** means a building which is used for the deposit, collection and handling of waste paper, rags tires, bottles or other materials which are to be delivered wholesale to other operations for reclamation, processing or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a recycling depot.
48. **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 take-out but not for consumption in parking areas appurtenant to the building.
49. **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.
50. **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.
51. **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.
52. **SIDEYARD** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and **“minimum” side yard** means the minimum depth allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.
53. **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 attached to and supported by the 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 multifaceted 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.
54. **STOREY** means the portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a story unless its ceiling is at least six (6) feet above grade and provided also that any portion of a storey exceeding fourteen (14) feet in height shall be deemed an additional storey for each fourteen (14) feet or fraction thereof of such excess.
55. **STREET** means road, accepted and maintained by the Department of Transportation as a public thoroughfare.
56. **STREET LINE** means the boundary line of a street.
57. **STRUCTURE** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, signs and fences exceeding six (6) feet in height.
65. **WAREHOUSE** means a building where goods are stored but shall not include a retail store.
66. **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.
67. **ZONE** means a designated area of land shown on Schedule "A" of this By-law.