

Municipal Land Use By-law

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THE MUNICIPALITY OF
CHESTER

Municipality of the District of Chester

LAND USE BY-LAW

Approved by the Minister of Municipal Affairs on xx xxxx 2018

This CONSOLIDATED EDITION is prepared for convenience only. For complete reference, please consult the original documents. This CONSOLIDATED EDITION has the following history:

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Table of Contents

PREFACE	V
1.0 TITLE, PURPOSE AND SCOPE.....	1
2.0 DEFINITIONS.....	2
3.0 ADMINISTRATION.....	15
4.0 GENERAL PROVISIONS	20
4.1 APPLICATION OF GENERAL PROVISIONS	20
4.2 USES	20
4.3 STRUCTURES	21
4.4 LOTS.....	22
4.5 PARKING	22
4.6 SITE PLANS	23
4.7 STORMWATER STANDARD.....	25
4.8 WATERCOURSES AND WATERBODIES	26
4.9 OTHER GENERAL PROVISIONS.....	26
PART 5.0 RURAL AREA.....	31
5.1 APPLICATION.....	31
5.2 GENERAL BASIC ZONE (GB)	32
PART 6.0 SETTLEMENT AREA	35
6.1 APPLICATION.....	35
6.2 GENERAL REQUIREMENTS FOR ZONES IN THE SETTLEMENT AREA	35
6.3 MIXED-USE ZONE (MU)	36
6.4 SINGLE UNIT RESIDENTIAL ZONE (SU).....	38
6.5 SETTLEMENT RESIDENTIAL ZONE (SR)	39
6.6 COASTAL ISLAND ZONE (CI)	41
6.7 GATEWAY ZONE (GW)	42
PART 7.0 HAMLET AREA	44
7.1 APPLICATION.....	44
7.2 HAMLET ZONE (HM).....	45
PART 8.0 INDUSTRIAL AND BUSINESS AREA	47
8.1 APPLICATION.....	47
8.2 GENERAL REQUIREMENTS FOR ZONES IN THE INDUSTRIAL AND BUSINESS AREA	47
8.3 BUSINESS PARK ZONE (BP)	49
8.4 KAIZER MEADOW INDUSTRIAL ZONE (KI).....	50
8.5 KAIZER MEADOW ZONE (KM).....	52
PART 9.0 ENVIRONMENTAL PROTECTION AREA.....	54

9.1 APPLICATION54

9.3 PROTECTED WATERSHED ZONE (PW)55

9.4 CONSERVATION ZONE (CS)58

PART 10.0 SIGNS59

10.1 GENERAL REGULATIONS FOR ALL SIGNS59

10.3 SIGNS PROHIBITED IN ALL ZONES59

10.4 SIGNS FOR WHICH NO DEVELOPMENT PERMIT IS REQUIRED59

10.5 GROUND SIGNS60

10.6 WALL SIGNS61

10.7 PROJECTING WALL SIGNS61

10.8 AWNING SIGNS61

SCHEDULES63

SCHEDULE “A”, ZONING MAPS63

SCHEDULE “B”, OVERLAY MAP72

SCHEDULE “C”, PRIOR EXISTING PERMITTED USES73

SCHEDULE “D”, USES SUBJECT TO ENVIRONMENTAL ASSESSMENT74

SCHEDULE “E”, USES REQUIRING A DEVELOPMENT AGREEMENT75

Preface

This *Land Use By-law* contains regulations for development. It applies to all lands in the *Municipality* that are outside the Village Planning Area, as shown on the Zoning maps contained in Schedule “A”.

About zones and overlays

Zones are the principal organizing units within this By-law. All parcels of land in the Municipality are located within a *zone* that identifies the land uses permitted and sets out *development* standards, such as minimum lot sizes and setbacks from property lines. This *By-law* contains general provisions for all *zones* as well as provisions for each of the *zones*.

Overlays are areas of land having special characteristics that may extend across more than one *zone*, and which contain additional development standards. This *By-law* states the provisions that apply.

About permits and approvals

Many developments require a ***development permit***. A *development permit* is needed to show that a project meets the regulations in this *By-law*. The requirements for applying for a *development permit* are found in this *By-Law*.

A ***building permit*** may also be required in compliance with the Nova Scotia Building Code under the *Building Code Act* of the Province of Nova Scotia and the *Municipality's* Building By-law. Obtaining a *building permit* is a separate process.

Some projects, because of their size and/or potential impact, may require special forms of approval. These include:

- approval by submitting a ***Site Plan***, or
- approval by entering into a ***Development Agreement***.

Each process must follow an established procedure as set out in:

- the *Municipal Government Act*,
- the *Municipality's* public participation policy;
- the *Municipal Planning Strategy*,
- this *By-law*.

Other approvals based on federal or provincial legislation and regulations, as well as other municipal by-laws, may also be required. Application fees are set by the Municipality from time to time. The fee policy is available online and by contacting the Municipality.

About the Municipal Planning Strategy

The *Municipal Planning Strategy* sets out the policies that direct long-term growth and development in the *Municipality*. It contains a vision, goals, and policies that address: parks and open space; transportation; housing and heritage; community character (including policies that establish the zones in this *By-law*); economic development; environmental safeguards; and services. This document is available online or by contacting the *Municipality*.

About making changes to the Land Use By-law

A formal request to Chester Municipal *Council* can be made to change or amend a zone. *Council* considers all requests and normally consults with an appointed **planning advisory committee**. *Council* may only approve rezoning or amendment requests that meet the policies in the *Municipal Planning Strategy*. If the request is not consistent with policy, *Council* may also consider amending the Strategy. Re-zonings and amendments are serious matters that affect all property owners, and therefore require time for public participation. *Council* can choose to accept or refuse a request based on its policies and public feedback.

How to contact the Municipality

If you have questions about anything related to this document, please contact the **Community Development Department** using the information below.

Call us: 902-275-2599
E-mail us: planning@chester.ca
Write us: 186 Central Street, PO Box 369, Chester, NS, Canada B0J 1J0
Web site: www.chester.ca

1.0 Title, Purpose and Scope

1.1 This By-law shall be known and may be cited as the *Municipal Land Use By-law*.

1.2 The purpose of this *By-law* is to carry out the purpose and intent of the *Municipal Planning Strategy* for the Municipality of the District of Chester in accordance with the provisions of the *Municipal Government Act* (S.N.S. 1998, Chapter 18, as amended), by regulating the *use* of land as well as the character and *use of buildings* and *structures* within the whole of the Municipality of Chester.

1.3 This *By-law* shall take effect when approved by the *Minister* of Municipal Affairs for the Province of Nova Scotia, whereupon any applicable previous Land Use By-law is automatically repealed.

1.4 This *By-law* does not exempt any *person* from complying with other laws or regulations in force in Canada and Nova Scotia, and from those in force within the Municipality of the District of Chester, or from obtaining any license, permission, permit, authority or approval required thereunder.

1.5 This *By-law* shall apply only to those areas of land shown on the Zoning maps contained in Schedule "A".

1.6 Where the provisions of this *By-law* conflict with those of any other municipal by-laws or federal or provincial regulations, the more stringent provisions shall prevail.

1.7 Where a provision within this *By-law* conflicts with another provision within this *By-law*, the more stringent provision shall prevail.

2.0 Definitions

In this *Bylaw*.

Abattoir means a *building* or *structure* specifically designed to accommodate the penning and slaughtering of *farm animals* and related preliminary *primary processing* which may include the on-site packing, treating and storage of product.

Accessory structure – see *Structure*

Agriculture means the utilizing of land, *buildings* or *structures* to raise crops or animals or fowl and includes the harbouring or keeping of any one or more of the following livestock regardless of its stage of development: horse, pony, pig, cow, bull, goose, duck, hen, rooster, sheep, goat or similar livestock.

Aquaculture means the growing and cultivation of aquatic plants, or fish, for *commercial* purposes, in any water environment or in man-made containers of water, and includes the growing and cultivation of shellfish on, in, or under the foreshore or in the water.

Asphalt plant means an operation that produces asphalt, or asphalt products and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt.

Automobile sales and services means an establishment primarily engaged in providing motor vehicle repair and maintenance for automobiles, commercial vehicles, motorcycles, watercraft, off-road vehicles, and recreational vehicles, and includes oil change and lubrication shops, auto-body shops, tire repair shops and rustproofing/undercoating.

Bed-and-breakfast establishment means a single unit *dwelling* where the resident *owner* or resident occupant provides accommodation, with or without meals, to the travelling public for financial remuneration and does not include facilities open to the public such as meeting rooms, restaurants, or entertainment facilities.

Beverage room means premises licensed as a beverage room or *lounge* by the Liquor License Board of Nova Scotia.

Boathouse means a *structure*, whether permanent or temporary, which is roofed, which does not contain toilet facilities and which is used for the shelter or storage of boats, watercraft and associated marine accessories and equipment.

Building means a *structure*, whether permanent or temporary, which is roofed and which is used for the shelter or accommodation of persons, animals, materials or equipment and includes all additions, porches and decks attached thereto, and in addition:

Main building means that *building* or *structure* on a lot in which the main use take place.

Private storage building means a *main building* on a lot that is used for storage or goods, and not for human habitation.

Building envelope means the three-dimensional buildable area prescribed for a *building* by the regulations of this *By-law*.

Campground and RV [Recreational Vehicle] Park means premises occupied and maintained for temporary accommodation of travelers in trailers, tents, or *recreational vehicles*. It does not include a *mobile home park*, motel or hotel.

Child care facility means a facility other than a *residential day care*, located in a *building* or part of a *building*, where children are accommodated and cared for, for financial remuneration, without providing overnight accommodation.

Clerk means the *Municipal Clerk* for the *Municipality* of the District of Chester.

Commercial means the use of land, *buildings* or *structures* for the purpose of buying and selling commodities and/or supplying of services as distinguished from uses such as manufacturing or assembling of goods, warehousing, transportation depots, *construction* and other similar uses.

Composting facility means a facility that imports organic matter to be sold and/or utilized off-site.

Construct means to build, erect, reconstruct, or relocate, and without limiting the generality of the word, also includes:

- (i) any preliminary operation such as excavation, filling or draining;
- (ii) altering an existing *building* or *structure* by an addition, enlargement, extension or other structural change; and
- (iii) any work which requires a building permit issued the *Municipality*.

Contaminated soil facility means a facility for the handling of soils containing a chemical or petroleum product other than on the site where the soils became contaminated.

Continuing care facility means a nursing home, residential care facility or other special care facility licensed by the Province of Nova Scotia, or a public or private facility designed

for assisted living for persons (exclusive of staff or associated family) having social, mental or physical challenges that require professional care, guidance or supervision not available in an independent living situation.

Council means the Council of the Municipality of the District of Chester.

Craft product means a product made by hand or small custom production processes by a potter, pewterer, goldsmith, silversmith, jeweller, toymaker, leatherworker, upholsterer, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, sailmakers, and similar skilled craftspersons.

Craft workshop means a *building* or part of a *building* where *craft products* are made by hand or small production processes.

Detached dwelling – see *Dwelling*

Development means the *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*.

Development Agreement means a written agreement between the *Municipality* and a developer which establishes circumstances and conditions under which a *development* may be carried out.

Development Officer means the person appointed by *Council* under the authority of the *Municipal Government Act* to administer the provisions of the *Land Use By-law*.

Development Permit means the permit issued by the Development Officer certifying that a proposed development complies with the provisions of the Land Use By-law.

Distillery – see *Micro-brewery*

Drainage plan means a detailed management plan for a *lot* or *lots*, including, but not limited to drawings and calculations of *stormwater* runoff and the courses and channels of it, including floodplains.

Dwelling means a *building* containing at least one unit for human habitation, which is capable of being occupied as a home or residence, and for greater certainty:

Detached dwelling: a *building* that comprises one primary unit, has yards on all sides of the building, has exterior entrances to all units, and is not a hotel, motel, mobile home, travel trailer or other recreational vehicle.

Mini-home: a prefabricated, detached *dwelling* designed to be transported to a site where it is to be occupied on a permanent footing as a *dwelling* complete and ready for occupancy. This definition excludes modular and other types of manufactured, pre-cut or multi-section assemblies that form a *dwelling*, whether intended for single-unit or multi-unit occupancy.

Mobile home: a prefabricated, detached *dwelling* designed for transportation on its own chassis and wheels to a site where it is to be occupied as a *dwelling* complete and ready for occupancy (except for minor and incidental unpacking or assembly operations). A *mobile home* shall be considered to be a *mobile home* whether or not the chassis or wheels are removed.

Dwelling unit means one or more habitable rooms that may be used as a residence by an independent, separate household, which: has a bathroom for exclusive use of the household; has a kitchen for the exclusive use of the household; and has a private entrance from outside the building or from a common hallway or stairway.

Electric generating facilities means the use of land, *structures*, or *buildings* for the generation of electric power by means such as, but not limited to, wind energy, solar energy, and biomass energy.

Established grade – see *Grade*.

Existing means in existence prior to the effective date of this *By-law*.

Farm animal means any animal commonly bred on a farm, including but not limited to: horses, cattle, sheep, goats, swine, fowl, mink, fox, meat rabbits.

Farm Animal Unit means one or more farm animals as specified in the following table:

Farm Animal	Number of Farm Animals required to make one Farm Animal Unit
Mink	1
Foxes	1
Swine	1
Cattle	1
Horses	1
Sheep	1
Goats	1
Fowl	20
Rabbits	20
Fowl & Rabbit combination	20

Forestry means raising and harvesting trees and any processing or transporting of trees that is incidental to harvesting, including splitting cordwood.

Full horizontal cutoff means an outdoor light fixture shielded so that all light emitted by the fixture is projected below the horizontal plane.

Fur farming means breeding animals in captivity for their pelts.

Golf course means a specially prepared area of land for the purpose of playing golf and includes all incidental buildings and facilities, and does not include a driving range or a miniature golf course.

Grade means, with reference to a *building* or *structure*, the lowest elevation of the finished surface of the ground where it meets the exterior of the foundation of the *building* or *structure* and, when used with reference to a *street*, road or highway means the elevation of the *street*, road or highway established by the municipality or other designated authority, and additionally:

Established grade means the average elevation of the finished *grade* of the ground where it meets the exterior of the front of a *building* or *structure* exclusive of any artificial embankment or entrenchment.

Group home means a single unit dwelling used as a care facility, licensed by the regional health authority, to provide room and board for residents with physical, mental, social, or behavioral problems that require professional care, guidance and supervision.

Height or building height means the vertical distance on a *building* between the *established grade* and

- a) the highest point of the roof surface or parapet, whichever is greater, of a flat roof; or
- b) the deckline of a mansard roof; or
- c) the mean level between the eaves and ridges of a gabled, hip, gambrel or other type of pitched roof.

Impermeable surface means any material that significantly reduces or prevents natural filtration of water into the ground.

Industrial, heavy means the use of land involving manufacturing, distilling or refining fuel products, trade workshops, wholesale distribution, freight yards, bulk storage, or the repair or rental of industrial and commercial equipment, that does any of the following:

- a) regularly produces smoke, high heat, dust, ash, disruptive noises, heavy vibration or noxious smells;
- b) creates harmful, dangerous or noxious waste products;
- c) consists of bulk storage of petroleum, heavy metals, caustic chemicals or dangerous goods;
- d) may involve separation distances from other uses specifically to protect health and safety;
- e) requires environmental assessment under the *Environment Act*, as indicated in Schedule "D" of this By-law.

Industrial, light means an industrial use which is wholly enclosed within the building except for parking and loading facilities, and outside storage accessory to the permitted uses and which in its operation does not ordinarily result in emission from the building of odours, fumes, noise, cinder, vibrations, heat, glare or electrical interference. Light Industrial includes, but is not limited to: light manufacturing, research facilities, salvage yards, recycling depots, transportation depots, warehouse facilities, landfills, composting facilities, and fish hatcheries. Light industrial does not include: forestry industrial; heavy industrial; or general industrial.

Institutional means the use of a *building* or part of a *building* or land as an auditorium, place of worship and associated facilities, cemetery, public art gallery, community centre, continuing care facility, government building (federal, provincial and municipal excluding provincial liquor stores), hospital, library, museum, school, sports complex, post office, fire station and other uses of a similar nature.

Lot means any parcel of land as described by its boundaries, and for greater certainty:

Lot line: a boundary line of a *lot*.

Lot area/lot size: the total plane horizontal area within the boundary lines of a *lot*.

Lot frontage/frontage: the distance between the side *lot* lines of a parcel measured along the *street*, highway or private road.

Lot, serviced: a parcel of land which has access and connection to a municipal sewer system or a private cluster system approved by the appropriate Provincial department.

Lot, unserviced: a parcel of land without access and connection to a Public Municipal Sewer System or a private cluster system.

Lounge – see *Beverage Room*

Main Building – see *Building*

Marina means a *building, structure* or place, containing docking facilities, where more than twelve boats are stored, serviced, repaired or kept for sale or rent, and may include other services such as but not limited to the sale, repair or storage of boat accessories, marine fuels and lubricants.

Mean high water mark means the average of all the high-water heights of each tidal day measured over a period of time.

Medical clinic means a building or part of a building used for medical, dental, surgical, or therapeutic treatment of human beings or animals on an outpatient basis, but does not include a public hospital, private hospital, animal hospital or professional office of a doctor located within a residence.

Microbrewery, winery and **distillery** mean a licensed premise where there is manufacturing of beer, ale, cider, wine or spirits and shall include ancillary retail sale of these liquor products and related non-liquor products to the public within the manufacturers store and *lounge* provided their combined floor area and outdoor lounge patio area do not exceed the manufacturing floor area.

Mini-home – see *Dwelling*

Minister means the Minister of Municipal Affairs, or such Minister of the Crown responsible for Municipalities in the Province of Nova Scotia.

Mobile home – see *Dwelling*

Mini-home community means an establishment comprising land or premises under single ownership, designed and intended for residential *use*, where the residence is in **two** or more *mini-homes* and/or *mobile homes* which are connected to a common sewer system, water system or both, but does not include any camping establishment under the *Camping Establishments Regulation Act*.

Municipality means the *Municipality* of the District of Chester

Municipal Government Act means the Act respecting Municipal Government, R.S.N.S. 1998, Chapter 18 as amended from time to time.

Municipal Planning Strategy means the *Municipal Planning Strategy* of the Municipality of the District of Chester.

Office means premises available for the transaction of general business but excluding retail uses, craft workshops, and manufacturing uses.

Owner includes a person controlling the property under consideration, and also includes *prima facie* the assessed owner of the property whose name appears on the assessment roll prepared in accordance with the *Assessment Act* of the Province of Nova Scotia.

Overlay means a specified area of land as shown in Schedule “A” of this By-law, the requirements for which are imposed in addition to the requirements of the underlying *zone*.

Park means an open area devoted to passive recreational uses or conservation *uses* and which may include ornamental gardens and lawns, outdoor furniture, *accessory structures* and children's playgrounds; and in addition:

Public Waterfront Park means a *park* allowing public access to inland waterways or coastal shores on property that is owned by interests other than the Municipality of Chester or the Crown.

Parking space means an area of not less than 15 square metres measuring 2.75 m by 5.5 m exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a *street* or highway by means of driveways, aisles or manoeuvring areas.

Pet grooming means a *building* or part of a *building* used for the hygienic care and cleaning of domestic pets and for which there is financial remuneration. This includes the retail sale of any products used in pet grooming services, but does not include boarding, breeding or the provision of medical procedures.

Pergola means a structure without walls that is composed of vertical posts and cross-beams that is used as a sheltered, or partly-sheltered, walkway or sitting area.

Permeable surface means any material or composition that allows natural filtration of water into the ground.

Person means an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a *person* to whom the context can apply according to law.

Personal service shop 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 other persons, and without limiting the generality of the foregoing may

include such establishments as barber shops, beauty parlours, hairdressing shops, shoe repair and shoe shining shops, but excludes any manufacturing or fabrication of goods for sale.

Primary processing means the initial processing of raw materials or resources for transformation into food and/or goods for use, further processing, or sale.

Private storage building – see *Building*

Professional services means establishments primarily engaged in providing services for individuals or groups and includes but is not limited to financial, legal, medical, architectural, engineering and design services.

Qualified professional means an individual who has undergone proper educational training and gained experience and expertise to become certified or recognized as able to practice in a particular profession.

Recycling depot means a *building* that is used or intended to be used for collecting, sorting, refunding and redistributing recyclable materials but excludes processing of said materials.

Recreation and outdoor activities means passive, unstructured activity not requiring specially planned or manicured areas with ancillary structures

Recreational vehicle, or "RV", means a portable unit designed for travel, camping or recreation that provides sleeping and other facilities for temporary accommodation. A recreational vehicle either has its own motor or can be mounted or drawn by another vehicle. It is equipped with land-to-vehicle service connections (electricity, water and/or sewer). A recreational vehicle may be a travel trailer, camping trailer, truck camper or motor home.

Research facility means a place where facilities are located for scientific research, investigation, testing or experimentation, but does not include facilities for the manufacturing or sale of products, except as incidental to the main purpose of the facility.

Residential daycare centre means a part of a *dwelling* where the *owner* or occupier of the *dwelling* provides accommodation and care, for financial remuneration, to ten or fewer children, without providing overnight accommodation.

Restaurant means a building or part thereof where food and drink is prepared and served to the public for consumption within the building or attached cafe or patio.

Retail store means an establishment, including a *shop*, for the sale or lease of goods, wares, merchandise, or articles directly to the public.

Rooming house means a *detached dwelling* in which a proprietor supplies sleeping accommodations for a fee, with or without meals, for at least three (3) but not more than six (6) *persons*, exclusive of the proprietor's family.

Salvage yard means any premises where bodies or parts of automobiles, or other vehicles or machinery are placed, stored or kept.

Service station 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 gasolines and may include: the sale of automobile accessories; servicing and repair essential to the actual operation of motor vehicles; an automobile wash; or automobile sales.

Setback means the horizontal distance on a lot measured at a right angle from the lot line to the nearest point on a structure.

Shipping container means a container designed for use as a means of storage and/or transportation of materials and goods via ship, rail, air or truck.

Shop means any *building* or part thereof used for sales or repair of articles.

Shopping centre means a collection of independent retail stores, services, and offices housed in a *building* or *buildings* usually constructed and maintained by a single management unit and usually featuring common services, parking, internal vehicle circulation, and access roads.

Sign means an object, *structure* or device used for the purpose of identification or advertising or to call attention to any person, matter, thing or event or to give direction, and for greater certainty:

Awning sign: a *sign* that is painted or otherwise permanently affixed to or awning whose principal function is to provide shelter to and identification of a *building* entrance or facade.

Banner sign: a flexible sign made of fabric or plastic that is affixed to a wall, pole, or to the ground.

Ground sign: a *sign* supported by one of more uprights or braces placed in or upon the ground.

Portable sign: a ground sign that is not permanently fixed in a location and designed to be carried, such as a sandwich board; or hauled, such as a changeable copy board, from location to location.

Projecting wall sign: a sign that projects from a wall of a building and is supported by it.

Wall sign: a *sign* that is attached directly to, or painted upon a *building* wall, and which does not extend therefrom, and does not extend above the roof line.

Site plan means a review process that evaluates the layout of site features such as buildings, parking areas, and landscaping. Site plans review the impact of a proposed *development* on services to create a high standard for *development*.

Special occasion means a special event organized and operated by the *Municipality* or a non-profit organization for the purpose of fundraising, promotion, celebration, entertainment or amusement.

Solar farm means an installation on an area of land in which solar panels are set up to generate electricity.

Solid waste facility means a facility to treat or process solid waste into usable secondary materials or products, including fuel or energy, which is not owned by the *Municipality*.

Stormwater means water from precipitation of all kinds, and includes water from rain, the melting of snow and ice, groundwater discharge and surface water.

Stormwater system means a method or means of carrying *stormwater*, and includes ditches, swales, sewers, drains, canals, ravines, gullies, pumping stations, retention ponds, streams, watercourses, floodplains, springs, creeks, streets or private roads, roadways or driveways.

Street means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Municipality of the District of Chester.

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*, and shall include *buildings*, walls and *signs*, and for greater certainty:

Accessory structure means a structure that is normally incidental to and devoted to a main building or land use located on the same lot, and is not used for human habitation.

Studio means a *building*, or part of thereof used as a workroom for the study, execution or instruction of any fine or commercial art, or craft, including photography, music, visual art and commercial design.

Top bank means the uppermost level of a slope that defines the shoreline of a watercourse or water body.

Tourist accommodations means a *building* or establishment, which provides accommodation for the travelling public for financial remuneration and may include other facilities including meeting rooms, restaurants and entertainment facilities and which is open to the general public, and for greater certainty includes motels, hotels, and inns but does not include *Bed and Breakfast Establishments, Campgrounds or RV parks*.

Transportation depot means any facility developed for the primary purpose of storing and dispatching trucks, cars, and any other mode of transportation for the transporting of goods or people, and does not have any related retail use.

Use means the purpose for which any land, *building* or *structure* is utilized, and for greater certainty:

Accessory use a use subordinate to, normally incidental to and located on the same lot as the main land use.

Non-conforming use means a use as described in Sections 238-242 of the *Municipal Government Act*.

Variance means a relaxation or reduction of land use by-law requirements for a specific site, as stipulated in Sections 235-237 of the *Municipal Government Act*.

Vegetated buffer means a designated strip of land containing a mix of species including trees, shrubs and grasses, whether naturally occurring or planted during restoration, that provides filtration of pollutants and sediment, and promotes bank stability as a means to protect water quality and habitat of watercourses and lakes, and to protect property from flooding and erosion.

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

Wastewater Management District means a designated area of land within which privately-owned on-site septic systems are collectively managed by the *Municipality* in accordance with the *Municipality's* wastewater management district by-law.

Watercourse includes a river, stream, creek or brook.

Water body includes a freshwater lake, pond, wetland, marsh, bog or swamp.

Winery – see *Microbrewery*

Yard means an open, uncovered space on a lot belonging to a *structure* or a specified land use, and in determining yard measurements, the minimum horizontal distance from the respective *lot* lines shall be used; and for greater certainty:

Front yard: a yard extending across the full width of a *lot* between the front *lot* line and the nearest main wall of any *building* or *structure* on the *lot*; and "minimum" front yard means the minimum depth of a front yard between the front *lot* line and the main wall of any *building* or *structure*.

Rear yard: a yard extending across the full width of a *lot* between the rear lot line and the nearest main wall of any main building or structure on the *lot*; and "minimum" rear yard means the minimum depth of a rear yard on a *lot* between the rear *lot* line and the main wall of any *building* or *structure*.

Side yard: a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest main wall of any building or structure on a lot; and "minimum" side yard means the minimum width of a side yard between a side lot line and the main wall of any building or structure.

Zone means a specified area of land shown on Schedule "A" of this *By-law* and more particularly referred to in Part 3 of this *By-law*.

3.0 Administration

3.1 Zones

Land within the Municipality of the District of Chester shall be divided into *zones*. The extent and boundaries of each *zone* are shown on the Zoning Maps attached to this *Land Use By-law*, as detailed in Schedule “A”.

The zones, which are contained within designated land *use* areas as defined in the *Municipal Planning Strategy*, are:

Rural Area

General Basic Zone	GB
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Settlement Area

Mixed Use Zone	MU
Single Unit Residential Zone	SU
Settlement Residential Zone	SR
Coastal Island Zone	CI
Gateway Zone	GW

Hamlet Area

Hamlet Zone	HM
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Industrial and Business Area

Business Park Zone	BP
Kaizer Meadow Industrial Zone	KI
Kaizer Meadow Zone	KM

Environmental Protection Area

Protected Watershed Zone	PW
Conservation Zone	CS

3.2 Interpretation of Zone Boundaries

The boundaries of *zones* are shown in the Land Use By-law Zoning Maps (Schedule “A”) and shall be precisely located as follows:

3.2.1 Where a *zone* boundary is shown on or within a *street* or highway, the boundary shall be the centreline of such street or highway;

3.2.2 Where a *zone* boundary approximately follows *lot* lines, the boundary shall follow such *lot* lines;

3.2.3 Where a railway right-of-way, public recreational trail right-of-way, electrical transmission right-of-way, or a *watercourse* serves as a *zone* boundary, the centreline of such right-of-way or of such *watercourse* shall be the boundary.

3.2.4 Where there is no landmark, lot line or right-of-way that indicates the precise location of a boundary, the boundary shall be scaled from the *Land Use By-law* Zoning Maps as shown in Schedule “A”.

3.3 Overlays

The Municipality of the District of Chester shall contain a **Lakefront Overlay** that applies to land around all lakes as shown in Schedule “B”. The provisions of the Lakefront Overlay are contained in this *By-law*.

3.4 Standards of Measurement

Measurements throughout this *By-law* are metric. Submissions in imperial measurement shall be converted to metric and rounded to two decimal points.

3.5 Interpretation of Certain Words

In this *By-law*, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number; the word “shall” means that the provision is mandatory and not permissive. All other words carry their customary meaning except for those defined in Part 2 of this *By-law*. Definitions.

3.6 Development Officer

3.6.1 This By-law shall be administered by the *Development Officer* appointed by Council, under the authority of the *Municipal Government Act*. The *Development Officer* shall issue *development permits* under this *By-law*.

3.6.2 In the absence or incapacity of the *Development Officer*, the acting *Development Officer* appointed by *Council* shall act in the place of the *Development Officer*.

3.6.3 The *Development Officer* may enter, at all reasonable times, into or upon any property within the area to which this By-law applies for the purpose of any inspection.

3.7 Development Permits

- 3.7.1** A property owner shall not undertake, or cause to permit to be undertaken, any *development* thereon unless a *development permit* has been issued therefor by the *Development Officer* and the permit is in force.
- 3.7.2** Notwithstanding Section 3.7.1, no *development permit* is required for a particular *development* when such an exception is clearly stated elsewhere in this *By-law*.
- 3.7.3** Every person wishing to obtain a *development permit* shall submit an application to the *Development Officer* in the form prescribed by *Council*.
- 3.7.4** Every application for a *development permit* shall be accompanied by a plan drawn to an appropriate scale and showing:
- a) the shape and dimensions of the *lot* to be used for the *development*,
 - b) the proposed location on the *lot*, *height* and dimensions of any proposed *structure* and of any *structure* to be affected by the proposal;
 - c) the proposed location and dimensions of parking areas, parking spaces, loading areas, driveways, curbs, fences and landscaping;
 - d) the location of every *structure* already *constructed*, partly *constructed*, or proposed on the *lot*;
 - e) natural features such as wetlands, *watercourses* and slope by topography;
 - f) all other information as may be necessary to determine whether the proposed *development* conforms with the requirements of this Land Use By-law.
- 3.7.5** Where the *Development Officer* is unable to determine whether the proposed *development* conforms to this *By-law* and other by-laws and regulations in force which affect the proposed *development*, the *Development Officer* may require that the plans submitted under Section 3.7 be based upon an actual survey by a Nova Scotia Land Surveyor.

3.8 Issuance of Development Permit

- a) No *development permit* shall be issued by the *Development Officer* unless the provisions of this *Land Use By-law* have been complied with.

- b) Every *development permit* is valid for eighteen (18) months from the date of being issued.
- c) A *development permit* may be renewed for an additional eighteen (18) month period provided that:
 - (i) the *development permit* has not been renewed previously;
 - (ii) the *Development Officer* is satisfied that the *development permit* is consistent with the existing *Land Use By-law* and proposed amendments to the *Land Use By-law* as provided for under the *Municipal Government Act*.

3.9 Revocation of Permits

The *Development Officer* may revoke any development permit issued under this Land Use By-law or any previous Land Use By-law where:

- a) the requirements of the permit are not met;
- b) the issuance of the permit was based on incorrect information;
- c) the permit was issued in error.

3.10 Decision in Writing

Any decision of the *Development Officer* refusing to issue a *development permit* shall be given by written notice served by ordinary mail whereas any decision to revoke a development permit shall be given by written notice served by registered mail and the revocation shall become effective upon receipt of such notice.

3.11 Notice of Amendment or Agreement

3.11.1 Where the *Council* has given notice of its intention to adopt an amendment to this By-law which is not general in scope but which is in direct response to a specific *development* proposal, or has given notice of its intention either to enter into a development agreement or to amend a development agreement, the *Council* shall serve notice of the proposed amendment or development agreement upon assessed property owners whose property lies within 30 metres, or greater at the discretion of Council, of the property which is the subject of the proposed amendment or development agreement. Such notice shall:

- a) set forth a synopsis of the proposed amendment or development agreement;

- b) state the date, time, and place set for the public hearing on the amendment or development agreement;
- c) be served by ordinary mail.

3.11.2 A notice containing the same information shall be posted on the *Municipality's* website, and sent to the Chair of the planning advisory committee or Area Advisory Committee for the specific area.

3.11.3 A *sign* that states that a planning application has been received shall be posted on the property, which is the subject of the application.

3.12 Cost of Advertising, Registration and Notice

An applicant seeking an amendment to this *By-law* or for a development agreement or an amendment thereto shall deposit with the *Clerk* of the *Municipality* an amount as specified by policy of Council to cover the cost of advertising, signage, registration and notices required to comply with the *Municipal Government Act*. After such advertising has been completed, the applicant shall pay to the Clerk any amount required to pay any additional cost of advertising, registration and notices or, if there is a surplus, the Clerk shall refund it to the applicant.

3.13 Application Fees

An applicant seeking a *development permit*, a *development agreement*, an amendment to the *Land Use By-law* or the *Municipal Planning Strategy*, a *site plan*, or a *variance*, shall pay the fees prescribed by Council as amended from time to time by policy.

3.14 Violations

In the event of any alleged contravention of the provisions of this By-law, the Municipality of the District of Chester may take action as outlined in Sections 266 and 505 of the *Municipal Government Act*.

4.0 General Provisions

4.1 Application of General Provisions

The general provisions in this section shall apply to all zones and shall prevail over all zone requirements, unless otherwise specified.

4.2 Uses

4.2.1 Non-conforming uses

Land *uses* which were legally in existence on the effective date of this By-law, and which would not otherwise be permitted in the zone in which they are located due to the type of use or the size of the use, are subject to the non-conforming provisions of the *Municipal Government Act*.

4.2.2 Permitted uses

- a) Unless otherwise indicated as a permitted use in a *zone* within this By-law, the use shall be deemed to be prohibited in said Zone.
- b) Public utilities provided by the *Municipality* such as, but not limited to, sewage treatment plants, pumping stations, water storage reservoirs, and *stormwater* management facilities shall be permitted in any *zone*.
- c) Public buildings, public uses and parks shall be permitted in any *zone*.
- d) Places of worship and cemeteries shall be permitted in all *zones* with the exception of the Business Park (BP), Kaizer Meadow Industrial (KM), Kaizer Meadow (KM), Protected Watershed (PW) and Conservation (CS) *Zones*.
- e) Subject to regulations in each *zone*, uses accessory to, subordinate to, or incidental to the principal use shall be permitted in any *zone*.
- f) A *Group Home* shall be permitted in any zone which permits residential uses.
- g) Outdoor farm markets operating one day per week or less shall be permitted in any zone and shall not require a development permit.
- h) Nothing in the by-law shall prevent the use of land for the erection of temporary structures or signs for a *special occasion* organized and operated by the Municipality or a non-profit organization. Such use of land shall not require a development permit.

4.3 Structures

4.3.1 Accessory structures

Accessory structures shall be permitted in all *zones* and, unless otherwise indicated, shall be subject to the following:

- a) Shall not be used for human habitation;
- b) In zones where setbacks apply, shall not be permitted within the *front yard setback* of a *lot* or closer than 1.2 metres to any other lot line, with the following exception:
 - (i) fishing gear sheds, *boat houses*, boat docks and float plane hangars may be built to the *mean high water mark*.

4.3.2 Fences

Requirements for fences are based on height, as follows:

Fence height	Development Permit	Location Requirements
2 m or less	No	None
Greater than 2 m and less than 3 m	Yes	Must meet yard setback requirements for Accessory Structures
Greater than 3 m	Yes	Must meet yard setback requirements of the zone in which it is to be located

4.3.3 Minor accessory structures

No *development permit* shall be required for a minor *accessory structure*, including but not limited to: a retaining wall, children’s play structure, cold frame, garden trellis, *pergola*, garbage box, clothes line pole, pet house, monument and interpretive display.

4.3.4 Non-conforming structures

A *structure* which was legally in existence on the effective date of this *By-law*, and which would not otherwise be permitted due to the size of the *yard* in which it is located, or its *setback* from property lines, may be enlarged, reconstructed, repaired, renovated, or replaced, provided that the *structure* shall not thereby be permitted to extend, elongate, or increase any *existing* encroachment into any minimum front, side or rear yard required in that *zone* except by the granting of a *variance*.

4.3.5 Temporary structures

- a) A temporary structure incidental to construction of a *main building*, including but not limited to a mobile site office, tool shed, scaffold, or temporary shelter of goods, shall be removed no more than six (6) months from issuance of a Development Permit for said temporary structure.
- b) A temporary structure for special occasions, including but not limited to community or private celebrations, elections and commercial promotions, shall not require a Development Permit, and shall be removed no more than ten (10) days following the termination of the special occasion.

4.4 Lots

4.4.1 Existing undersized lots

Notwithstanding minimum lot area and lot frontage requirements established elsewhere in this By-law, a lot which does not satisfy the minimum requirements for lot area, lot frontage, or both, and either was in existence on or before 16 April, 1987 (see *MGA* Sec. 291) or satisfies one or more of the following requirements (a) or (b) may be used for a purpose permitted in the zone in which the lot is located, and a structure may be erected on the lot, provided that all other applicable provisions of this by-law are satisfied:

- a) The lot has been created after 16 April, 1987 by the consolidation of two or more lots, by the expansion or increase in size of an existing lot, by subdivision under the variance provisions of the Municipal Government Act or by an instrument to which the Municipal Government Act does not apply; or
- b) The lot is located upon an island, in which case the required frontage shall be measured along the *Mean High Water Mark*.

4.5 Parking

4.5.1 Parking requirements

Where a *development permit* is required, the minimum requirement for on-site parking shall be one space for every *dwelling unit* and one space for every 50 square metres of non-residential floor area.

4.5.2 Parking standards

Where on-site parking for more than three vehicles is required, the following standards shall apply:

- a) Parking shall be located to the side or rear of the *main building*.
- b) The parking area shall be maintained with a stable, dust-free surface;
- c) If the parking area is illuminated, such illumination shall be directed away from adjoining properties;
- d) Access to parking shall be by way of a minimum 3-metre driveway for one-way traffic, and 6-metre driveway for two-way traffic;
- e) Driveway access to parking shall be located a minimum of 15 metres from any intersection;
- f) Individual parking stalls shall be a minimum of 2.75 metres by 5.5 metres and shall be clearly marked where a permanent parking surface is employed.

4.6 Site Plans

4.6.1 Where permitted in the *zone*, and in accordance with the provisions of the *Municipal Government Act*, the *Development Officer* may issue a *development permit*, upon approval of a *Site Plan* of moderate-density residential development, or a commercial, institutional, recreation or industrial development, as indicated in zones where such approval may be considered, in which the following requirements have been addressed:

- a) approval by the authority having jurisdiction for sewage disposal either by an on-site sewage disposal system, or by connection to a municipal central sewer, or by connection to a sewage disposal system satisfying the design and construction requirements of the Municipal Specifications adopted by *Council*;
- b) adequate emergency vehicle access;
- c) adequate solid waste collection access;
- d) approval by the authority having jurisdiction for access to any public *street*;
- e) adequate on-site water supply for domestic use and fire suppression;
- f) location of new *buildings* and additions to existing *buildings* within the permissible building envelope, and no less than 20 metres from any watercourse or the sea;
- g) location and design of on-site loading and parking areas to facilitate safe access between *building(s)* and vehicle parking and maneuvering areas;

- h) screening of parking areas and any outside storage areas from adjacent properties and from the public street by a fence at least 1.2 metres high or an equivalent combination of berms or landscaping;
- i) location and design of walkways and any outside storage areas so as to facilitate *building* access, and shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties;
- j) provision of landscaping consisting of a combination of trees, shrubs, plants or grass, or retention in the form of existing vegetation, in the *front yard, side yard* and *rear yard*, exclusive of parking, driveways and pedestrian walkways, and landscaping of a minimum of 25% of the total land area;
- k) retention and incorporation of existing vegetation into the site landscaping, including the protection of environmentally sensitive areas;
- l) with regard to watercourses and water bodies:
 - (i) maintenance of a *vegetated buffer* of 20 metres in depth from the *mean high water mark* of a *watercourse* or *water body* as identified in Schedule "B";
 - (ii) retention, replanting and maintenance of the *vegetated buffer*, in tree cover and understory vegetation to at least 75% of the linear *water body* frontage of the buffer, and not as a maintained, mowed lawn;
 - (iii) allowance of a 3.5 metre-wide opening in the *vegetated buffer* for access to *watercourses* and *water bodies* by means of docks, decks and pathways;
 - (iv) allowance of minor accessory structures, shall be permitted within the *vegetative buffer* so identified.
- m) indication on the *Site Plan* of all easements where applicable;
- n) indication of measures including lot grading to demonstrate compliance with the Stormwater Standard given for the use;
- o) other than the minimum infilling required for *construction* of *boathouses*, slipways, wharves and bridges, indication of adequate management of land levels within 20 metres of any watercourse or the sea such that they are not altered by filling in of land greater than 0.3 metres above the natural ground surface;
- p) provision of outdoor lighting fixtures with *full horizontal cutoff* such that direct illumination does not extend beyond the property lines of the development.

q) all *buildings* and all other *structures*, lawns, trees, shrubs, parking areas, lighting systems, and other landscaping elements shall be maintained in a tidy, attractive and useable state free of unkempt matter of any kind; and the *development* shall not generate emissions such as noise, dust, radiation, odours, liquids, or light to the air, water, or ground so as to create a recognized health or safety hazard or to create a nuisance to the adjacent properties

4.6.2 Notwithstanding any other provisions in this *By-law*, a change of use (for example a change from office to retail, or from residential to commercial) shall not require site plan approval.

4.6.3 Notwithstanding *Site Plan* approval requirements, *accessory structures* under 50 m² shall not require Site Plan approval but shall be approved by *development permit*.

4.6.4 In considering *Site Plan* approvals, and unless otherwise stated in this *By-law*, the *Development Officer* must observe the notification requirements of the *Municipal Government Act*, shall follow the *Municipality's* Public Participation Policy, and must carry out the intent of the *Municipal Planning Strategy*.

4.6.5 The applicant shall enter into a written undertaking to carry out the terms of the *Site Plan*.

4.7 Stormwater Standard

For large residential, commercial, and industrial *developments*, a lot drainage plan shall be furnished by a Professional Engineer using stormwater management best practices such that:

- a) The area of *impermeable surfaces* such as concrete and asphalt is confined to areas used for access, egress, parking, walkways, driveways and pedestrian amenities, and shall not exceed 25% of the total development area;
- b) Surface runoff from *impermeable surfaces*, and rooftop runoff from downspouts, shall drain across *permeable* areas such as *yards*, vegetated areas or other *permeable surfaces*, utilizing rain gardens, drainage swales or other *stormwater* control methods, before entering any storm sewer system or drainage ditch;

- c) Peak post-development flows do not exceed pre-development flows for all storms including extreme weather events (1 in 10-year and 1 in 100-year storms).

4.8 Watercourses and Waterbodies

- a) Unless otherwise stipulated in this *By-law*, all uses requiring a Development Permit shall place all buildings at least 20 metres from the *top bank* of any *watercourse* or *water body* as identified in Schedule “F” of this By-law.
- b) Uses requiring Site Plan approval or a Development Agreement shall comply with buffering requirements as stipulated in Section 4.6.1 of this *By-law*, and Policy A-20 of the *Municipal Planning Strategy*.
- c) *Watercourse/water body* setback requirements do not apply to fire-fighting impoundments and *structures* related to water systems, or where otherwise permitted in this *By-law*.

4.9 Other General Provisions

4.9.1 Electric Generating Facilities

The following provisions shall apply to developments not owned by the Municipality or located on Municipally-owned property.

4.9.1.1 Wind Turbines

Wind Turbines shall be permitted in all zones by development permit and shall be subject to the following requirements:

- (a) in the **Single Unit Residential (SU)**, **Hamlet (HM)**, and **Gateway (GW)** Zones, total combined production capacity for all wind turbines on the lot shall not exceed five (5) kilowatts;
- (b) in all other zones, total combined production capacity for all wind turbines on the lot shall not exceed one hundred (100) kilowatts;
- (c) wind turbines shall be set back 1.5 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining property lines;
- (d) wind turbines shall not exceed 50m in height;
- (e) wind turbines shall be limited to one per lot.

4.9.1.2 Solar Panels

Solar panels shall be permitted in all zones, subject to the following requirements:

- (a) in the **Single Unit Residential (SU), Hamlet (HM), and Gateway (GW)** zones, total combined production capacity for all solar panels on the lot shall not exceed five (5) kilowatts
- (b) in all other zones, total combined production capacity for all solar panels on the lot shall not exceed one hundred (100) kilowatts

4.9.1.3 High Capacity Electric Generating Facilities

Any electric generating facilities not permitted under sections 4.9.1.1 or 4.9.1.2 shall be permitted by development agreement in the **General Basic (GB), Business Park (BP), Kaizer Meadow Industrial (KI) and Kaizer Meadow (KM) Zones**.

4.9.3 Habitation of vehicle bodies

No automobile, truck, bus, coach, rail car or other vehicle body, or part thereof, with or without wheels, shall be used for human habitation within the area regulated by this By-Law.

4.9.4 Height regulation

The regulation on maximum height for each zone shall not apply to church spires, water tanks, silos, flagpoles, structures and antennae used for radio-communications, ventilators, skylights, chimneys, clock towers, wind turbines and solar collection devices.

4.9.5 Home Based Businesses

A residential *dwelling* may be used for a home-based business provided that:

- a) The *dwelling* is occupied as the place of primary residence by the operator of the business;
- b) For uses other than *Bed-and-Breakfast Establishments*, no more than 25% of the floor area of the main *dwelling*, or a maximum of 50 m² of *commercial* floor area, whichever is less, is devoted to the business use;
- c) For *Bed-and-Breakfast Establishments*, the maximum size of the Home-based business is three (3) rental units;
- d) For uses other than *Bed-and-Breakfast Establishments*, one off-street parking space, in addition to that required for the *dwelling*, is provided;

- e) For *Bed-and-Breakfast Establishments*, one off-street parking space per rental unit, in addition to that required for the dwelling, is provided.
- f) There shall be no emissions of odours, smoke, dust or debris caused by the business;
- g) Outdoor display associated with the business shall not be permitted;
- h) Outdoor storage associated with the business shall be permitted in the *rear yard* only.
- i) In the **Mixed Use (MU)**, **Settlement Residential (SR)**, and **Gateway (GW)** Zones, Home-based Businesses shall fall within one of the following:
 - i. *Business or Professional Offices*
 - ii. *Rooming houses*
 - iii. *Craft workshops*
 - iv. *Bed and Breakfast Establishments*
 - v. *Personal services* including hairdressing, barbering, esthetics
 - vi. *Studios* for the practice or instruction of fine arts, crafts or music
 - vii. Repair *shops* excluding small engine repair and the repair of major household appliances
 - viii. *Residential day care* facilities
 - ix. Pet grooming, which shall not include the boarding or kenneling of pets
 - x. Retail sales limited to sale of products made, assembled, refinished or repaired on the premises and the sale of any goods or material used in any of the processes involved in the primary business use;

and there shall be no more than two *signs* on the lot related to the business. The *sign(s)* shall be non-illuminated and shall not exceed 0.5 m².

- j) In the **Single Unit Residential (SU) Zone** and the **Coastal Island (CI) Zone**, home based businesses shall fall within one of the following:
 - i. *Business or Professional Offices*
 - ii. *Craft Workshops*
 - iii. Studios for the practice or instruction of fine arts, crafts or music

and must meet the following requirements:

- i. The external appearance of the building shall not be changed by the home-based business;
- ii. There shall be no open storage of materials or products related to the home-based business;
- iii. No signs shall be permitted on the lot related to the home-based business.

4.9.6 Lakefront Overlay

- a) All developments within an area that is covered by a Lakefront Overlay shall require a development permit.
- b) The provisions of Section 4.8 (watercourses and waterbodies) shall apply to developments within the Lakefront Overlay
- c) *Impermeable* surfaces within the Lakefront Overlay shall not exceed 25% of the total area of the lot including buildings and landscaping.

4.9.7 Mobile vending

Mobile vending, associated signs, and associated structures, are subject to the *Trade and Licensing By-law #11* of the Municipality, and no development permit shall be required.

4.9.8 Outdoor lighting

For uses requiring a *development permit*, all outdoor lighting shall be downcast and have *full horizontal cutoff* so as not extend beyond the property line of the development.

4.9.9 Radio-communications facilities

Nothing in this Land Use By-law shall prevent the use of land for the installation of radio-communications facilities that have been issued a license by the Federal Government following due process as prescribed in the Canadian Radiocommunications Information and Notification Service (CRINS) Antenna System Siting Review and Consultation Protocol, Reference Issue 3 [2014] as amended from time to time.

4.9.10 Salvage yards

Where permitted, *salvage yards* shall have an approved commercial highway access from the appropriate Provincial or municipal department. The area of a *salvage yard* shall be fenced to provide an opaque barrier that is at least 2 metres in height.

4.9.11 Shipping containers

Shipping containers shall be permitted, subject to development standards, in all *zones* except the Single Unit Residential Zone (SU), the Hamlet Zone (HM), and the Coastal Island Zone (CI) and shall not be used for human habitation unless converted in compliance with the *Nova Scotia Building Code*.

4.9.12 Signs

All *signs* shall be subject to the applicable requirements of Part 10 of this *By-law*.

4.9.13 Swimming pools

No *Development Permit* shall be required for the installation of any swimming pool.

PART 5.0 Rural Area

5.1 Application

The provisions of this part shall apply throughout the **General Basic Zone (GB)**.

5.2 General Basic Zone (GB)

5.2.1 Permitted Uses and Developments

Subject to the General Provisions of this *By-law*, all uses are permitted in the General Basic (GB) Zone without requirement for a *Development Permit* or other approval process, with the exception of:

- a) uses listed in Section 5.2.2 (Uses subject to development control);
- b) uses listed in Section 5.2.3 (Prohibited Uses);

5.2.2 Uses subject to development control

The following uses are permitted in the General Basic (GB) Zone subject to the specified approval process and zone standards:

DP = Development Permit

SP = Site Plan Approval

DA = Development Agreement

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
Residential						
1 – 4 units on lot	none	none	none	none	none	none
5 – 11 units on a lot	SP	3 m	3 m	3 m	none	A
12 or more units on a lot	DA					
Mini-home communities	DA					
Commercial / Institutional						
Campgrounds and RV Parks up to 20 sites	DP	10 m	10 m	10 m	none	A
Campgrounds and RV Parks 21 or more sites	SP	10 m	10 m	10 m	none	A
Fur farming	DA					
Golf Courses	DA					
Marinas	DP	5 m	5 m	5 m	none	none
Recycling Depots	DP	7.5 m	7.5 m	7.5 m	none	A
Tourist Accommodations up to 20 units	DP	7.5 m	7.5 m	7.5 m	none	A
Tourist Accommodations 20 or more units	SP	7.5 m	7.5 m	7.5 m	none	A
Any other Commercial/Institutional Development with gross floor area under 1000 m ² or which occupies a land area under 6000 m ²	none	none	none	none	none	none

DP = Development Permit

SP = Site Plan Approval

DA = Development Agreement

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
Any other Commercial/Institutional Development with gross floor area between 1000 m ² and 2800 m ² or which occupies a land area between 6000 m ² and 15000 m ²	DP	5 m	5 m	5 m	none	A
Any other Commercial/Institutional Development with gross floor area greater than 2800 m ² or which occupies a land area greater than 15000 m ²	DA					
Light Industrial						
Abattoirs up to 2500 m ²	SP	7.5 m	7.5 m	7.5 m	none	B
Abattoirs over 2500 m ²	DA					
Asphalt Plants (stationary)	DA					
Composting Facilities	DA					
Contaminated Soil Facilities	DA					
Electric Generating Facilities greater than 5 kw	DA					
Inland fish farms and hatcheries	DA					
Salvage Yards up to 2500 m ²	DP	7.5 m	7.5 m	7.5 m	none	B
Salvage Yards over 2500 m ²	SP	7.5 m	7.5 m	7.5 m	none	B
Any other Light Industrial Development with gross floor area under 1000 m ² or which occupies a land area under 6000 m ²	none	none	none	none	none	none
Any other Light Industrial Development with gross floor area between 1000 m ² and 2800 m ² or which occupies a land area between 6000 m ² and 15000 m ²	SP	5 m	5 m	5 m	none	A
Other						
Agriculture and forestry	none	none	none	none	none	none
Public Waterfront Parks not owned by the Municipality	DA					

5.2.3 Prohibited Uses and Developments

The following uses are prohibited in the General Basic (GB) Zone:

- a) All Heavy Industrial developments

PART 6.0 Settlement Area

6.1 Application

The provisions of this part shall apply to the **Mixed Use Zone (MU)**, the **Single Unit Residential Zone (SU)**, the **Settlement Residential Zone (SR)**, the **Coastal Island Zone (CI)**, and the **Gateway Zone (GW)**.

6.2 General Requirements for Zones in the Settlement Area

6.2.1 Keeping of Farm Animals

- a) Where permitted, any *lot* used for the keeping of *farm animals* comprising one (1) or more animal units shall have an area no less than 4,000 m² for the first *farm animal* unit and an additional 2,000 m² for each additional *farm animal* unit.
- b) No *structure* to house or shelter *farm animals* shall be located within 20 metres of a *watercourse* or within 15 metres of any property boundary.
- c) Manure and bedding storage shall be at least 15 metres from any property boundary.

6.2.2 Habitation of recreational vehicles

Recreational vehicles other than those in a *Campground* or *RV Park* may be used for human habitation provided that:

- (a) The use occurs only on a lot with an established *main building*,
- (b) The use does not extend beyond a four (4) month period in any calendar year.

6.2.3 Construction beyond high water mark

No *structure* other than a wharf or slipway may extend beyond the *high-water mark* in any Settlement Area zone.

6.3 Mixed-Use Zone (MU)

6.3.1 Permitted Uses and Developments

The following uses are permitted in the Mixed Use (MU) Zone subject to the specified approval process and standards:

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
Residential						
1 – 4 units on a lot	DP	1.5 m	1.5 m	1.5 m	none	none
5 – 11 units on a lot	SP	3 m	3 m	3 m	none	A
12 or more units on a lot	DA					
Mini-home Communities	DA					
Home-based Businesses subject to Section 6.2.3	DP	n/a	n/a	n/a	n/a	n/a
Commercial / Institutional						
Campgrounds and RV Parks up to 20 sites	DP	10 m	10 m	10 m	none	A
Campgrounds and RV Parks 21-50 sites	SP	10 m	10 m	10 m	none	A
Campgrounds and RV Parks more than 50 sites	DA					
Golf Courses	DA					
Marinas	DP	5 m	5 m	none	none	B
Tourist Accommodations up to 20 units	DP	7.5 m	7.5 m	7.5 m	none	A
Tourist Accommodations 20-50 units	SP	7.5 m	7.5 m	7.5 m	none	A
Tourist Accommodations more than 50 units	DA					
Recycling Depots	DP	5 m	5 m	5.m	none	A
Any other Commercial/Institutional Development with gross floor area less than 2000 m ² or which occupies a land area less than 6000 m ²	DP	5 m	5 m	5 m	none	A

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
<i>DP = Development Permit</i>						
<i>SP = Site Plan Approval</i>						
<i>DA = Development Agreement</i>						
Any other Commercial/Institutional Development with gross floor area greater than 2000 m ² or which occupies a land area greater than 6000 m ²	DA					
Light Industrial						
Abattoir less than 2500 m ²	SP	10 m	10 m	10 m	none	B
Asphalt Plants (mobile)	DP	10 m	10 m	10 m	none	A
Inland fish farms and hatcheries	DA					
Salvage Yard less than 2500 m ²	SP	10 m	10 m	10 m	none	B
Any other Light Industrial Development with gross floor area less than 2000 m ² or which occupies a land area less than 6000 m ²	SP	5 m	5 m	5 m	none	A
Any other Light Industrial Development with gross floor area greater than 2000 m ² or which occupies a land area greater than 6000 m ²	DA					
Other						
Public Waterfront Parks not owned by the Municipality	DA					
Keeping of farm animals	Subject to the provisions of Section 6.2.1 of this <i>By-law</i>					
Existing Developments listed in Schedule "C"	Subject to the provisions specified in Schedule "C"					

6.3.2 Prohibited Uses and Developments

The following uses are prohibited in the Mixed Use (MU) Zone:

Abattoir over 2500 m²

Composting Facilities

Asphalt plants (stationary)

Fur Farming

Contaminated Soil Facilities

Salvage Yards over 2500 m²

6.4 Single Unit Residential Zone (SU)

6.4.1 Permitted Uses and Developments

The following uses are permitted in the Single Unit Residential (SU) Zone subject to the specified approval process and standards:

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
Residential						
Detached dwelling up to 1 per lot	DP	1.5 m	1.5 m	1.5 m	10 m	none
Home-based Businesses subject to Section 6.2.3(h)	DP	n/a	n/a	n/a	n/a	n/a
Other						
Public Waterfront Parks not owned by the Municipality	DA					
Existing Developments listed in Schedule "C"		Subject to the provisions specified in Schedule "C"				

6.4.2 Prohibited Uses and Developments

No lot in the Single Unit Residential Zone may be used for the keeping of *farm animals*.
 No lot in the Single Unit Residential Zone may contain a *Shipping Container*, excepting those used as temporary structures related to construction.

6.5 Settlement Residential Zone (SR)

6.5.1 Permitted Uses and Developments

The following uses are permitted in the Settlement Residential (SR) Zone subject to the specified approval process and standards:

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
Residential						
1 – 2 units on a lot	DP	1.5 m	1.5 m	1.5 m	11 m	none
3 – 11 units on a lot	SP	1.5 m	1.5 m	1.5 m	11 m	A
12 or more units on a lot	DA					
Mini-home communities	DA					
Home-based Businesses subject to Section 6.2.3	DP	n/a	n/a	n/a	n/a	n/a
Commercial / Institutional						
Child Care Facilities	DP	1.5 m	3 m	3 m	11 m	A
Places of entertainment, recreation, and assembly up to	DP	1.5 m	3 m	3 m	11 m	A
Continuing Care Facility	DP	1.5 m	3 m	3 m	11 m	A
Golf Courses	DA					
Marinas	DP	1.5 m	10m	none	11 m	B
Personal Service Shops	DP	1.5 m	3 m	3 m	11 m	A
Professional Services	DP	1.5 m	3 m	3 m	11 m	A
Light Industrial						
Any manufacturing, assembling, storage, or processing plant with gross floor area under 2800 m ² or which occupies a land area less than 6000 m ²	DP	1.5 m	1.5 m	1.5 m	11 m	A
Research Facility	DP	1.5 m	1.5 m	1.5 m	11 m	A
Other						
Public Waterfront Parks not owned by the Municipality	DA					
Keeping of farm animals	Subject to the provisions of Section 6.2.1 of this <i>By-law</i>					

<i>DP = Development Permit</i> <i>SP = Site Plan Approval</i> <i>DA = Development Agreement</i>	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
Existing Developments listed in Schedule "C"	Subject to the provisions specified in Schedule "C"					

6.5.2 Prohibited Uses and Developments

The following uses are prohibited in the Settlement Residential (SR) Zone:

- Abattoirs
- Composting Facilities
- Fur Farming
- Asphalt plants (stationary)
- Contaminated Soil Facilities
- Salvage Yards

6.6 Coastal Island Zone (CI)

5.2.1 Permitted Uses and Developments

The following uses are permitted in the Coastal Island (CI) Zone subject to the specified approval process and standards:

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
<i>DP = Development Permit</i>						
<i>SP = Site Plan Approval</i>						
<i>DA = Development Agreement</i>						
Residential						
1 unit on a lot	DP	7.5 m	7.5 m	7.5 m	7 m	none
Home-based Businesses subject to Section 6.2.3(h)	DP	n/a	n/a	n/a	n/a	n/a
Commercial / Institutional						
Aquaculture	none	7.5 m	7.5 m	7.5 m	7 m	A
Campgrounds up to 20 sites	DP	7.5 m	7.5 m	7.5 m	7 m	A
Tourist Accommodations up to 20 units	DP	7.5 m	7.5 m	7.5 m	7 m	A
Any commercial/institutional use with a gross floor area under 2000 m ²	DP	7.5 m	7.5 m	7.5 m	7 m	A
Other						
Public Waterfront Parks not owned by the Municipality	DA					
Keeping of farm animals	Subject to the provisions of Section 6.2.1 of this <i>By-law</i>					
Existing Developments listed in Schedule "C"	Subject to the provisions specified in Schedule "C"					

5.2.2 Prohibited Uses and Developments

The following uses are prohibited in the Coastal Island (CI) Zone:

All Light and Heavy Industrial uses

6.7 Gateway Zone (GW)

6.7.1 Permitted Uses and Developments

The following uses are permitted in the Gateway (GW) Zone subject to the specified approval process and standards:

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
<i>DP = Development Permit</i>						
<i>SP = Site Plan Approval</i>						
<i>DA = Development Agreement</i>						
Residential						
1 – 4 units on a lot	DP	1.5 m	1.5 m	1.5 m	15 m	none
5 – 11 units on a lot	SP	1.5 m	1.5 m	1.5 m	15 m	A
12 or more units on a lot	DA					
Mini-home communities	DA					
Home-based Businesses subject to Section 6.2.3	DP	n/a	n/a	n/a	n/a	n/a
Commercial / Institutional						
Automobile sales, rental, and service	DP	5 m	5 m	5 m	15 m	A
Animal Hospitals	DP	5 m	5 m	5 m	15 m	B
Beverage Rooms and Lounges	DP	none	7.5 m	7.5 m	15 m	A
Microbreweries, Wineries or Distilleries	DP	1.5 m	5 m	5 m	15 m	A
Bus and Taxi Stations	DP	1.5 m	5 m	5 m	15 m	A
Child Care Facilities	DP	none	5 m	5 m	15 m	B
Continuing Care Facilities	DP	1.5 m	5 m	5 m	15 m	A
Craft Workshops	DP	1.5 m	5 m	5 m	15 m	A
Funeral Homes	DP	1.5 m	5 m	5 m	15 m	A
Places of entertainment, recreation, and assembly	DP	5 m	10 m	10 m	15 m	A
Dog Kennels	DA					
Offices	DP	1.5 m	5 m	5 m	15 m	A
Medical clinics	DP	1.5 m	5 m	5 m	15 m	A
Recycling Depots	SP	10 m	10 m	10 m	15 m	B
Retail stores	DP	1.5 m	5 m	5 m	15 m	A
Restaurants	DP	5 m	10 m	10 m	15 m	A
Personal Service Shops	DP	1.5 m	5 m	5 m	15 m	A
Professional Services	DP	1.5 m	5 m	5 m	15 m	A

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
<i>DP = Development Permit</i>						
<i>SP = Site Plan Approval</i>						
<i>DA = Development Agreement</i>						
Shopping Centres	SP	5 m	10 m	10 m	15 m	B
Golf Courses	DA					
Tourist Accommodations up to 50 units	SP	5 m	7.5 m	7.5 m	15 m	A
Tourist Accommodations more than 50 units	DA					
Light Industrial						
Any manufacturing, assembling, storage, or processing plant with gross floor area under 1,000 m ² or which occupies a land area less than 2000 m ²	DP	7.5	7.5	7.5	15 m	A
Any manufacturing, assembling, storage, or processing plant with gross floor area between 1,000 m ² and 2,000 m ² or which occupies a land area between 2,000 m ² less than 6000 m ²	SP	7.5	7.5	7.5	15 m	A
Other						
Public Waterfront Parks not owned by the Municipality	DA					
Keeping of Farm Animals	Subject to the provisions of Section 6.2.1 of this <i>By-law</i>					
Existing Developments listed in Schedule "C"	Subject to the provisions specified in Schedule "C"					

6.7.2 Prohibited Uses and Developments

The following uses are prohibited in the Gateway (GW) Zone:

Fur farming

All Heavy Industrial Uses

PART 7.0 Hamlet Area

7.1 Application

The provisions of this part shall apply to the Hamlet Zone (HM).

7.2 Hamlet Zone (HM)

7.2.1 Permitted Uses and Developments

The following uses are permitted in the Hamlet (HM) Zone subject to the specified approval process and standards:

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
<i>DP = Development Permit</i>						
<i>SP = Site Plan Approval</i>						
<i>DA = Development Agreement</i>						
Residential						
1 – 4 units on a lot	DP	1.5 m	1.5 m	1.5 m	15 m	none
5 – 11 units on a lot	SP	1.5 m	1.5 m	1.5 m	15 m	A
12 or more units on a lot	DA					
Home-based Businesses subject to Section 6.2.3	DP	n/a	n/a	n/a	n/a	n/a
Commercial / Institutional						
Campgrounds and RV Parks up to 20 sites	DP	10 m	10 m	10 m	15 m	A
Marina	DP	none	3 m	none	15 m	B
Tourist Accommodations up to 20 units	DP	10 m	10 m	10 m	15 m	A
Any other Commercial/Institutional Development with gross floor area under 1000 m ² or which occupies a land area less than 2500 m ²	DP	5 m	5 m	5 m	15 m	A
Any other Commercial/Institutional Development with gross floor area between 1000 m ² and 2800 m ² or which occupies a land area between 2500 m ² and 6000 m ²	SP	5 m	5 m	5 m	15 m	A

<i>DP = Development Permit</i> <i>SP = Site Plan Approval</i> <i>DA = Development Agreement</i>	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
Any other Commercial/Institutional Development with gross floor area exceeding 2800 m ² or which occupies a land area greater than 6000 m ²	DA				15 m	
Light Industrial						
Any manufacturing, assembling, storage, or processing plant with gross floor area under 2800 m ² or which occupies a land area less than 6000 m ²	DP	5 m	5 m	5 m	15 m	B
Research facilities	DP	5 m	5 m	5 m	15 m	B
Other						
Public Waterfront Parks not owned by the Municipality	DA					
Existing Developments listed in Schedule "C"	Subject to the provisions specified in Schedule "C"					

7.2.2 Prohibited Uses and Developments

The following uses are prohibited in the Hamlet (HM) Zone:

Campgrounds and RV Parks over 20 sites

Tourist Accommodations over 20 units

Fur Farming

All Heavy Industrial Uses

No lot in the Hamlet Zone may be used for the keeping of farm animals

No lot in the Hamlet Zone may contain a *Shipping Container*, excepting those used as temporary structures related to construction.

PART 8.0 Industrial and Business Area

8.1 Application

The provisions of this part shall apply to the Business Park Zone (BP), the Kaizer Meadow Industrial Zone (KI) and the Kaizer Meadow Zone (KM).

8.2 General requirements for zones in the Industrial and Business Area

8.2.1 Accessory Structures

Accessory structures in Industrial and Business Area *zones* shall be subject to the following:

- a) Shall not be used for human habitation;
- b) Shall not be permitted within the *front yard setback* of a *lot* where *setbacks* apply;
- c) Shall meet the *setback* requirements for all other *structures* in the *zone* in which they are located.

8.2.2 Outdoor lighting

All outdoor lighting shall:

- a) Be cast directly downward;
- b) Have a *full horizontal cut-off* that does not extend beyond the property line of the development;
- c) Not project glare or direct illumination onto adjacent properties.

8.2.3 Vegetated watercourse buffers

All developments shall:

- a) place all *buildings* at least 20 metres from the edge of any *watercourse* or *water body*.
- b) maintain a *vegetative buffer* within 20 metres of a *watercourse* or *waterbody*, under the following guidelines:
 - i) Mature trees and shrubbery shall remain in place to promote bank stability and to reduce erosion risk.
 - ii) Existing vegetation along the *watercourse* shall remain in place to filter runoff promote water quality, protect the aquatic ecosystem, and provide cover habitat for wildlife.

- iii) Removed vegetation shall be restored by replanting with native species in a mix of hard and softwood, shrubbery and grasses if not in place at the time of development.

8.3 Business Park Zone (BP)

8.3.1 Permitted Uses and Developments

The following uses are permitted in the Business Park (BP) Zone subject to the specified approval process and standards: (issue here is that BP zone is intended to provided certainly and readily accessible approvals

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
Commercial						
Any Commercial Development	DP	none	5 m	5 m	none	A
Light Industrial						
Any Light Industrial Development	DP	none	10 m	10 m	none	A
Other						
Public Waterfront Parks not owned by the Municipality	DA					

8.3.2 Prohibited Uses and Developments

The following uses are prohibited in the Business Park (BP) Zone:

- Any Residential use
- Campgrounds and RV Parks
- Tourist Accommodations
- Places of Worship and Cemeteries
- Fur farming
- All Heavy Industrial uses

No lot in the Business Park Zone shall be used for the keeping of farm animals.

8.4 Kaizer Meadow Industrial Zone (KI)

8.4.1 Permitted Uses and Developments

The following uses are permitted in the Kaizer Meadow Industrial (KI) Zone subject to the specified approval process and standards:

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
Light Industrial						
Landfills and their accessory uses	none	none	none	none	none	none
Any Light Industrial Development	DP	none	none	none	none	A
Heavy Industrial						
Developments requiring Environmental Assessment pursuant to the Nova Scotia Environmental Assessment Regulations	DA					
All other Heavy Industrial uses	DP	none	none	none	none	

8.4.2 Prohibited Uses and Developments

The following uses are prohibited in the Kaizer Meadow Industrial (KI) Zone:

No lot in the Kaizer Meadow Industrial Zone shall be used for:

- Any Residential use
- Campgrounds and RV Parks
- Places of Worship and Cemeteries
- Tourist Accommodations
- Fur farming

No lot in the Kaizer Meadow Industrial Zone shall be used for the keeping of farm animals.

8.4.2 Special Requirement: setbacks from property lines

- a) Developments shall be set back twenty (20) metres from any property line that is shared with any property not zoned either Kaizer Meadow Zone (KM) or Kaizer Meadow Industrial Zone (KI).

8.5 Kaizer Meadow Zone (KM)

8.5.1 Permitted Uses and Developments

The following uses are permitted in the Kaizer Meadow (KM) Zone subject to the specified approval process and standards:

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
Light Industrial						
Abattoirs	DP	none	none	none	none	A
Composting and solid waste facilities	DP	none	none	none	none	A
Fish farms, hatcheries, hydroponic aquaculture	DP	none	none	none	none	A
Electric Generating Facility over 5 kw	DP	none	none	none	none	A
Landfills	DP	none	none	none	none	none
Salvage Yards	DP	none	none	none	none	A
Any other Light Industrial Development with gross floor area less than 2000 m ² or which occupies a land area less than 6000 m ²	DP	none	none	none	none	A
Any other Light Industrial Development with gross floor area greater than 2000 m ² or which occupies a land area greater than 6000 m ²	DP	none	none	none	none	B
Other						
Recreation and outdoor activities	none	none	none	none	none	

8.5.2 Prohibited Uses and Developments

The following uses are prohibited in the Kaizer Meadow (KM) Zone:

Any Residential use

Campgrounds and RV Parks

Places of Worship and Cemeteries

Tourist Accommodations

Fur farming

No lot in the Kaizer Meadow Zone shall be used for the keeping of farm animals:

8.5.2 Special Requirement: Abutting Zone Setback

Developments shall be setback 25 metres from any property line that is shared with any property not zoned either Kaizer Meadow Zone (KM) or Kaizer Meadow Industrial Zone.

8.5.3 Special Requirement: Highway 14 Buffer

All land use between Highway 14 and where this zone (KM) meets the Kaizer Meadow Industrial Zone (KI) shall be restricted to recreation and outdoor activities.

PART 9.0 Environmental Protection Area

9.1 Application

The provisions of this part shall apply to the Protected Watershed Zone (PW) and the Conservation Zone (CS).

9.3 Protected Watershed Zone (PW)

9.3.1 Permitted Uses and Developments

The following uses are permitted in the Protected Watershed (PW) Zone subject to the specified approval process and standards:

DP = Development Permit
SP = Site Plan Approval
DA = Development Agreement

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
Residential						
1 unit on a lot	DP	15 m	15 m	15 m	7 m	A
Institutional						
Water supply treatment and distribution uses	DP	none	none	none	None	A
Other						
Forestry	DP	15 m	15 m	15 m	7 m	none
Agriculture	DP	15 m	15 m	15 m	7 m	none

9.3.2 Prohibited Uses and Developments

The following uses are prohibited in the Protected Watershed (PW) Zone:

- All Commercial, Light Industrial and Heavy Industrial Uses
- Places of Worship and Cemeteries

9.3.3 Minimum Lot Size

- Public water utility none
- All other structures and uses 2 hectares

9.3.4 Minimum Lot Frontage

- Public water utility none
- All other structures 30 metres

9.3.5 Maximum Footprint of Structures 100 m²

9.3.6 Setbacks and Distances from a watercourse or water body

Structures	150 metres
Fertilizer, manure, animal bedding	150 metres

9.3.7 Special Requirements for Water Protection

- 9.3.7.1** All new lots created through subdivision approval in the Protected Watershed Zone shall have frontage on a public *street*.
- 9.3.7.2** In addition to the requirements of Section 3.7.4 of this By-law, every application for a Development Permit in the Protected Watershed Zone shall include:
- a) A plan prepared by a Professional Engineer showing the measures to be taken to ensure that all silt, petrochemical products and other water-borne contaminants created or deposited during the development, construction, and subsequent use of all accesses from the lot to the public street, will be contained within the lot;
 - b) A plan prepared by a Registered Forester showing the measures that will be taken to ensure that the existing natural vegetation within 150 metres of any *watercourse* will be retained in a natural and healthy condition.
- 9.3.7.3** Within the Protected Watershed Zone, no person shall remove topsoil from a lot.
- 9.3.7.4** Within the Protected Watershed Zone, no person shall alter land levels to a depth greater than 0.3 metres from the natural ground surface within 150 metres of a watercourse.
- 9.3.7.5** Within the Protected Watershed Zone, no person shall construct or use a wharf.
- 9.3.7.6** Within the Protected Watershed Zone, no person shall erect any structure on land having a slope greater than eight per cent (8%).

- 9.3.7.7** Notwithstanding the requirements of Part 4 of this *Land Use By-law*, where a main *building* existed on a lot, no accessory structure in the Protected Watershed (PW) Zone shall be located closer than 150 metres from the water body associated with the Protected Watershed.

9.4 Conservation Zone (CS)

9.4.1 Permitted Uses and Developments

The following uses are permitted in the Conservation (CS) Zone subject to the specified approval process and standards:

	Approval Process	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Height of Structures	Stormwater Standard
Institutional						
Temporary structures intended for research and education, or the preservation, protection, or improvement of the natural environment	DP	15 m	15 m	15 m	7 m	none

9.4.2 Prohibited Uses and Developments

The following uses are prohibited in the Conservation (CS) Zone:
 Permanent structures, including wharves and docks.

PART 10.0 Signs

10.1 General regulations for all signs

- a) No person shall erect, install, relocate or replace any *sign* without obtaining a *Development Permit*.
- b) *Signs* shall be located on the same lot as the premise to which the *sign* relates, or on an adjoining lot over which the land use extends.
- c) *Sign height* is measured from the *established grade* to the highest part of the sign or its supporting structure, whichever is higher.
- d) *Sign face area* is measured as the area of the smallest square, rectangle or circle that can whole enclose a sign and its framing mechanism.
- e) Unless otherwise permitted, no *sign* shall extend beyond the property line or project over a public right-of-way, or other adjoining lands.

10.3 Signs Prohibited in All Zones

All other provisions of this By-law notwithstanding, the following *signs* shall not be *erected* or *used* in any *zone*.

- a) *signs* which constitute a hazard to public safety or health;
- b) *signs* which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers or obstruct the effectiveness of any traffic *sign* or traffic control device on public *streets*;
- c) *signs* which obstruct the *use* of a fire escape door, windows, or other required exit;
- d) *signs* painted upon a cliff, or other natural object;
- e) any sign other than for a Home-based Business, in the **Single Unit Residential (SU)** Zone.

10.4 Signs for which no Development Permit is required

All other provisions of this By-law notwithstanding, the following *signs* are permitted in all *zones*, without any requirement for a *development permit*.

- a) *signs* identifying name, address and occupation of resident, and of not more than 0.5 square metres in *sign* area.

- b) "No trespassing" *signs* or other such *signs* regulating the *use* of a property, and of not more than 0.5 square metres in *sign* area.
- c) Real estate *signs* not exceeding 0.5 square metres, 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 or function of various parts of a *building* or premises provided that such *signs* are less than 0.5 square metres in area.
- e) *Signs erected* by a government body, or under the direction or authority of such a body, and bearing no commercial advertising, such as traffic *signs*, railroad crossing *signs*, safety *signs*, *signs* identifying public schools, and public election lists.
- f) Memorial *signs* or tablet and *signs* denoting the historical significance and date of *erection* of a *structure*.
- g) The flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization.
- h) A *sign* having an area of not more than 6 square metres incidental to construction and located on the same site as the *building* under construction. Such *signs* shall not remain in place for more than sixty (60) days following completion of construction.
- i) Any *portable sign* or *banner sign* that is less than 3 m² in sign face area per side.
- j) Indoor *signs* which are *erected* wholly within the exterior walls of a *building*.
- k) *Signs* permanently attached to a *building* which bear the name or civic number of the *building*.

10.5 Ground signs

Single premise ground signs

- a) In the **General Basic (GB)**, **Mixed Use (MU)**, **Settlement Residential (SR)**, **Business Park (BP)**, **Kaizer Meadow Industrial (KI)** and **Kaizer Meadow (KM)** Zones, single premise ground signs shall not exceed a sign face area of 6.0 m² per side, a maximum height of 5.0 m, and shall be set back at least 2 m.
- b) In the **Gateway (GM)** and **Hamlet (HM)** Zones, single premise ground signs shall not exceed a sign face area of 3 m² per side, a maximum height of 3.5 m, shall be set back at least 2 m and shall not be internally illuminated.

Multiple premise ground signs

- c) In the **General Basic (GB), Mixed Use (MU), Settlement Residential (SR), Business Park (BP), Kaizer Meadow Industrial (KI)** and **Kaizer Meadow (KM)** Zones, multiple premise *ground signs* shall not exceed a sign face area of 12.0 m² per side, a maximum height of 7.0 m, and shall be set back at least 2 m.
- d) In the **Gateway (GM)** and **Hamlet (HM)** Zones, multiple premise *ground signs* shall not exceed a sign face area of 5 m² per side, a maximum height of 3.5 m, shall be set back at least 2 m and shall not be internally illuminated.

10.6 Wall signs

- a) In the **General Basic (GB), Mixed Use (MU), Settlement Residential (SR), Business Park (BP), Kaizer Meadow Industrial (KI)** and **Kaiser Meadow (KM)** Zones, wall signs shall not exceed 10% of the area of the wall of the building to which the sign is affixed.
- b) In the **Gateway (GW)** and **Hamlet (HM)** Zones, wall signs shall not exceed 5% of the area of the wall of the building to which the sign is affixed, and shall not be internally illuminated.
- c) In all zones where permitted, wall signs advertising Home Based Businesses shall not exceed 0.5 m² and shall not be illuminated internally or externally.

10.7 Projecting wall signs

- a) In all Zones, projecting wall signs shall not exceed a maximum sign face area of 1.5 m² per side, shall not project more than 1.5 m from the wall to which it is affixed, and shall be installed no less than 3 m above established grade.
- b) In the **Gateway (GW)** and **Hamlet (HM)** zones, projecting signs shall not be internally illuminated.

10.8 Awning signs

- a) In the **General Basic (GB), Mixed Use (MU), Settlement Residential (SR), Business Park (BP), Kaizer Meadow Industrial (KI)** and **Kaiser Meadow (KM)** Zones, awning signs shall not exceed 10% of the area of the wall of the building to which the sign is affixed.

- b) In the **Gateway (GW)** and **Hamlet (HM)** Zones, wall signs shall not exceed 5% of the area of the wall of the building to which the sign is affixed, and shall not be internally illuminated.

Schedules

Schedule "A", Zoning Maps

Schedule "B", Overlay Map

Schedule "C", Prior Existing Permitted Uses

Schedule "D", Uses Subject to Environmental Assessment

- i) Facilities involved in the production, wholesale storage or wholesale distribution of dangerous goods
- ii) Facilities for the manufacture, processing or reprocessing of dangerous goods, including radioactive materials
- iii) Storage facilities with total capacity of over 5000 cubic metres intended to hold liquid or gaseous substances, excluding water.
- iv) Facilities for the pressure treatment of wood products with chemical products
- v) Facilities producing fish meal
- vi) Rendering plants
- vii) Facilities processing metallic or non-metallic minerals, coal, peat moss, gypsum, limestone, bituminous shale, oil shale, petroleum or natural gas.
- viii) A transformer station having an energy capacity greater than 230 kilovolts
- ix) Facilities for the handling of waste dangerous goods
- x) Heavy water plant
- xi) Pulp mill
- xii) Paper mill
- xiii) Petrochemical plant
- xiv) Cement plant
- xv) Oil refinery
- xvi) Ferrous or non-ferrous metal smelter
- xvii) Battery manufacture
- xviii) Ferro-alloy plant
- xix) Electric generating facilities with a production rating of 10 megawatts or more which are not owned by the Municipality of Chester.
- xx) Solid waste incinerators

Schedule "E", Uses Requiring a Development Agreement

- i) A resource recovery facility to treat or process solid waste into useable secondary materials or products, including fuel or energy, which is not owned by a municipality
- ii) A composting facility which processes more than 60 cubic metres of solid waste per year, which is not owned by a municipality
- iii) A facility to transfer store, mix, process treat, or dispose of a solid waste, which is not owned by a municipality
- iv) Facilities for the handling of soils containing a chemical or petroleum product other than on the site where the soils became contaminated.
- v) Facilities for the disposal of oily debris resulting from the release of a petroleum product
- vi) Commercial salvage facilities which are used to salvage automobiles, transportation vehicles, or industrial equipment
- vii) Commercial and industrial developments with a gross floor area exceeding 2800 square metres (30,000 square feet).
- viii) Golf courses
- ix) Marinas
- x) Electric generating facilities with a production rating of more than 100 kilowatts which are not owned by the Municipality of Chester.