

# CBRM FORWARD

Collaborative  
Community  
Planning

## Land Use By-law

### Cape Breton Regional Municipality

July 2023

*Including amendments adopted by Council on May 13<sup>th</sup>, 2025  
which came into effect June 1<sup>st</sup>, 2025*



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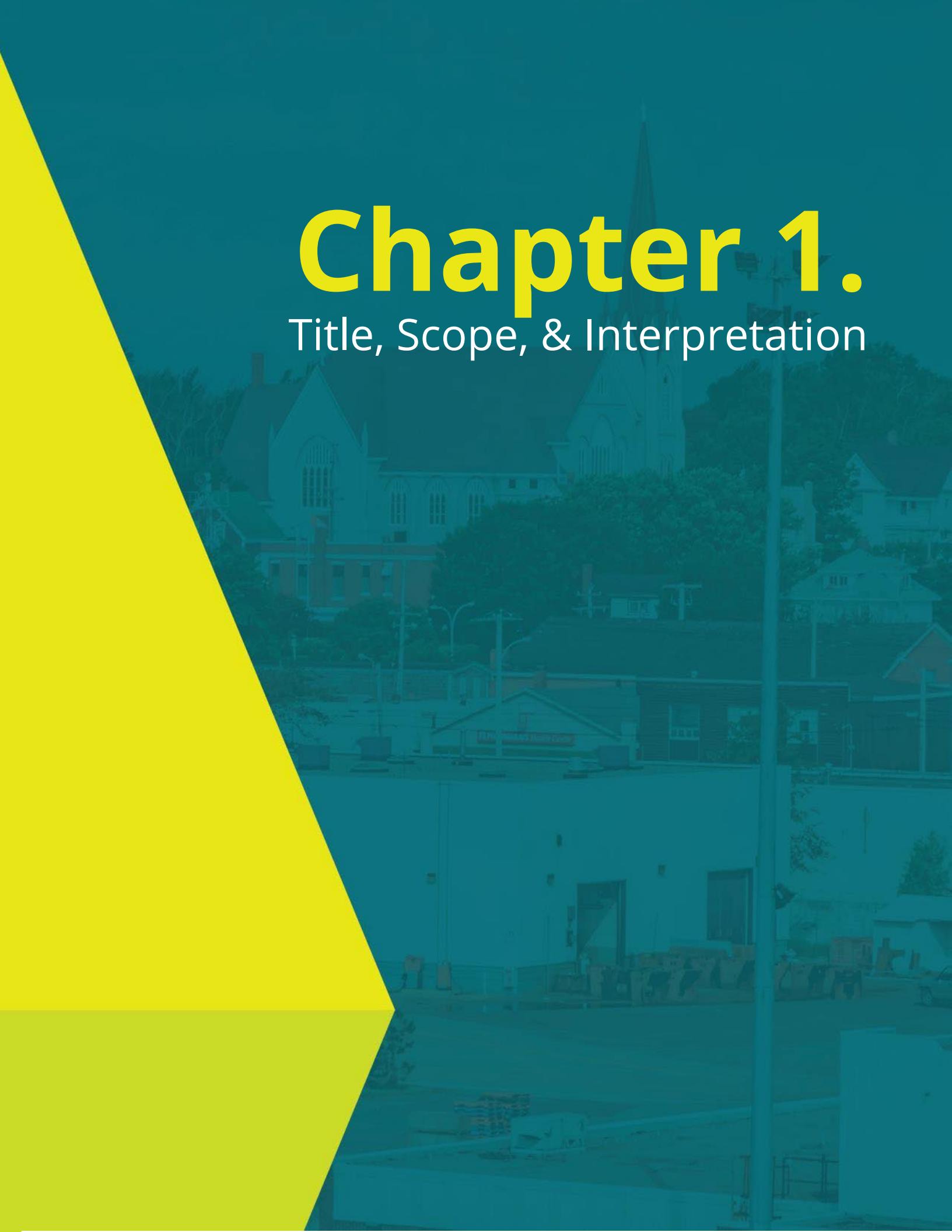
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# Chapter 1.

## Title, Scope, & Interpretation



## **1.1. TITLE**

This By-law shall be cited as the Cape Breton Regional Municipality Land Use By-law. It may also be cited as the Land Use By-law. The Cape Breton Regional Municipality may be referred to in the Land Use By-law as the Municipality.

## **1.2. SCOPE**

The Land Use By-law applies to all lands within the Municipality. The purpose of the Land Use By-law is to facilitate the orderly development and use of land within the Municipality. The Land Use By-law:

- a) Divides the Municipality into zones;
- b) Prescribes the purposes for which land, buildings, and structures may be used;
- c) Regulates the standards by which land use, including the placement, erection, alteration, and use of buildings and structures shall conform;
- d) Prohibits the use, placement, erection, and alteration of land, buildings, and structures other than in conformity with the standards described in (c);
- e) Provides a method of decision making for Development Permits, site plan approval, and development agreements.

## **1.3. AUTHORITY**

The *Municipal Government Act* (the Act) provides the Municipality with the authority to administer the Land Use By-law. The Land Use By-law shall be consistent with the Municipal Planning Strategy and the Act. In the case of a discrepancy between the documents, the higher prevails.

## **1.4. INTERPRETATION**

The interpretation of the Land Use By-law shall be consistent with the following:

### **1.4.1. Interpretation of Words**

In this By-law,

- a) the word "existing" shall mean lawfully in existence previous to the coming into effect of this Land Use By-law;
- b) the word "shall" indicates mandatory compliance;
- c) the word "may" indicates optional or discretionary compliance;
- d) words shall be read with all changes of gender or number required by context
- e) words otherwise not defined, shall have the meaning assigned to them in the

Act or, where not defined in the Act or this Land Use By-law, have their regular meaning.

#### 1.4.2. Interpretation of Measurements

In this By-law:

- a) Numerical requirements in this By-law are provided in metric units of measurement.
- b) A numerical requirement shall be determined by measuring the closest distance in a straight line made along a horizontal plane and not by following the topography or slope of the land except as otherwise provided by this By-law.
- c) Where the calculation of a numerical requirement results in a fraction:
  - i. A fraction of less than one-half shall not be taken into consideration; and
  - ii. A fraction of one-half or more shall require rounding to the next higher full number.

#### 1.4.3. Interpretation of Other Legislation and By-laws

In this By-law:

- a) Reference to the *Municipal Government Act* or any other Provincial or Federal Act shall be interpreted as being the most current version of the applicable statute.
- b) Each reference to a Cape Breton Regional Municipality By-law shall be interpreted as being the most current version of the By-law and is considered to include any applicable amendments.
- c) The requirements contained herein are in addition to any other requirements provided by any other by-laws or legislation.

#### 1.4.4. Interpretation of Headings and Other Sections

In this By-law:

- a) Headings, subheadings, captions, and chapter names are provided for convenience of reference and shall have no bearing on interpretation;
- b) Each zone contains information about the intended application of the zone and general intent from the Municipal Planning Strategy. This information is provided for convenience and shall have no bearing on interpretation;
- c) Any diagram, photo, or graphic is provided for illustrative purposes and shall have no bearing on interpretation of any provision.

## **1.5. SEVERABILITY**

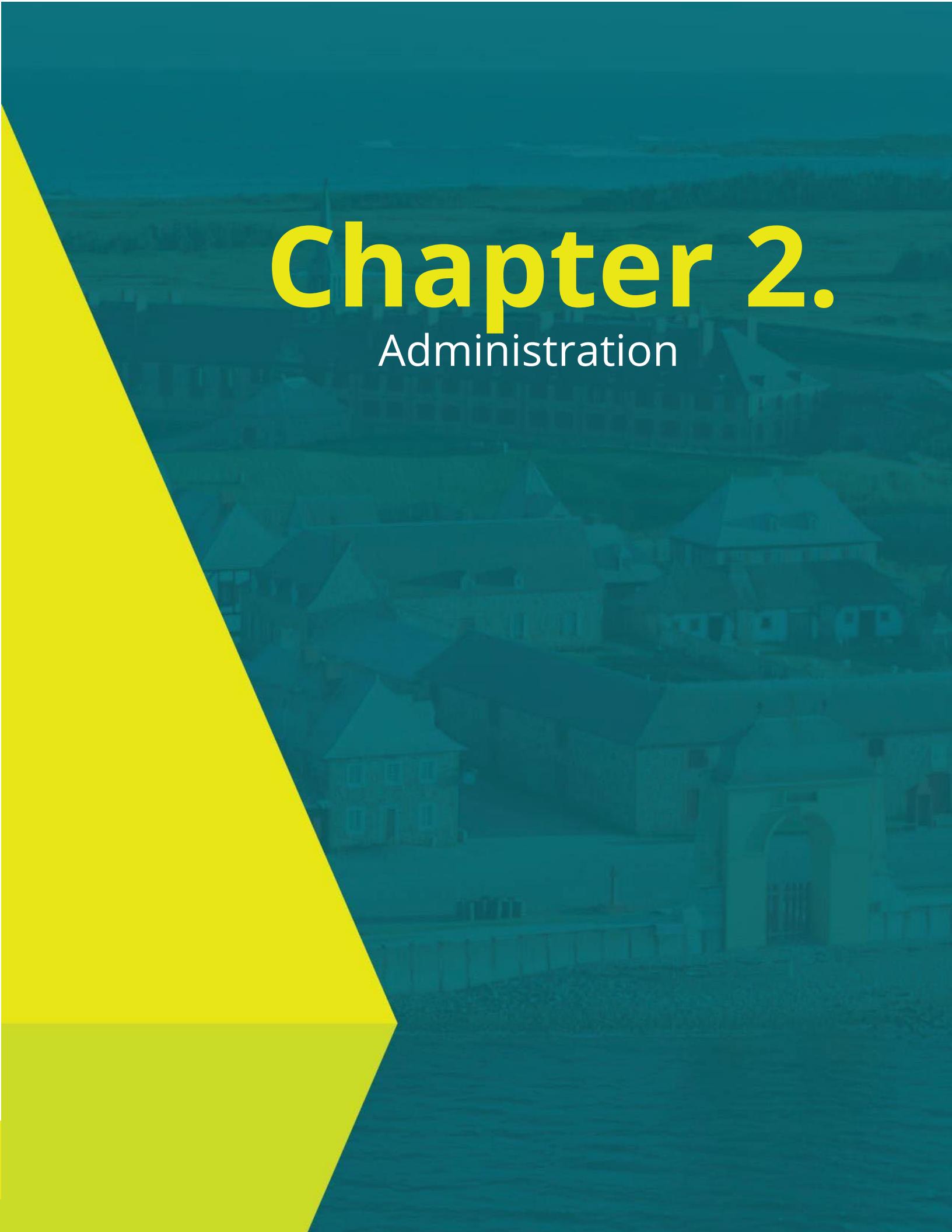
If any provision of the By-law is declared by a court or tribunal of competent jurisdiction to be invalid, that ruling shall not affect the validity of any other provision herein, nor of the By-law as a whole.

## **1.6. REPEAL**

The Cape Breton Regional Municipality Land Use By-laws, originally adopted in 2004, and the North End Sydney Secondary Land Use By-law, originally adopted 2006, are hereby repealed.

# Chapter 2.

## Administration



## **2.1. ADMINISTRATION OF THE LAND USE BY-LAW**

- a) The Land Use By-law is administered by the Development Officer and their delegates. The Development Officer is appointed by Council.
- b) Under the Act, the Development Officer or their delegate, is authorized to enter into or upon any property within the Municipality for the purposes of carrying out inspections.
- c) The Municipality, under the authority provided by the Act, may act to remedy a contravention to the provisions of the Land Use By-law.
- d) Nothing in this By-law shall exempt any person from complying with the Building By-law, or from obtaining any license, permission, permit, authority or approval required by any other By-law or regulations in effect in this Municipality.
- e) Where the provisions in this By-law conflict with those of any other municipal or provincial requirements, including the Municipal Planning Strategy, the municipal or provincial requirements or Municipal Planning Strategy shall prevail.

## **2.2. ADMINISTRATIVE AREA**

The Land Use By-law applies to the geographical area known as the Municipal Boundary of the Cape Breton Regional Municipality. The area within the boundary of the Municipality is divided into zones as shown on the Zoning Map in Schedule A.

## **2.3. BY-LAW APPLICABILITY**

No person shall use any land or place, erect, alter, or use any building or structure within the Municipality except in accordance with the provisions of the Land Use By-law.

## **2.4. ENFORCEMENT**

The Municipality may, under authority of Section 266 of the *Municipal Government Act*, pursue action when a development is found to be in contravention of this By-law.

## **2.5. ZONES**

The following table describes the zones and corresponding symbols found on the Zoning Map in Schedule A.

| Zone                               | Symbol |
|------------------------------------|--------|
| <b>Residential</b>                 |        |
| One and Two Unit Urban Residential | UR1    |
| Low Density Urban Residential      | UR2    |
| Medium Density Urban Residential   | UR3    |
| High Density Urban Residential     | UR4    |
| One and Two Unit Rural Residential | RR5    |
| Mobile Home Park                   | R6     |
| Small Community                    | R7     |
| <b>Commercial</b>                  |        |
| Downtown Regional Centre           | CRC    |
| Downtown Commercial                | CD     |
| Regional Commercial                | CR     |
| Mixed Use                          | MU     |
| Mixed Use Corridor                 | MUC    |
| Business Park                      | BP     |
| General Commercial                 | CG     |
| <b>Employment &amp; Industry</b>   |        |
| Utility and Transportation         | UT     |
| Light Industrial                   | LI     |
| Heavy Industrial                   | HI     |
| <b>Institutional</b>               |        |
| Major Community Facility           | MCF    |
| <b>Other</b>                       |        |
| Rural                              | RU     |
| Environmental Protection           | EP     |
| Flood Plain Overlay                | FP-O   |
| Waterfront Overlay                 | WF-O   |

## **2.6. ZONE BOUNDARIES**

- a) Where a zone boundary follows a lot line, that lot line is the zone boundary;
- b) Where a zone boundary follows the sideline of a highway, road, lane, or street, such sideline is the zone boundary;
- c) Where a zone boundary follows a transmission right-of-way, rail right-of-way, or watercourse, the centre of that feature is the zone boundary;
- d) Where a zone boundary follows the Municipal boundary, the Municipal boundary is the zone boundary;
- e) Should any feature described in this Section cease to exist, the centre of the former feature is the zone boundary;
- f) Where a water lot exists, the zone category in effect for such lots shall be the zone category immediately adjacent;
- g) Where none of the above applies, the zone boundary is determined by measuring the Zoning Map in Schedule A directly.

## **2.7. PROPERTIES AFFECTED BY MORE THAN ONE ZONE**

Where a lot is within more than one zone, the provisions of each zone shall be applied to the corresponding areas of the lot.

## **2.8. EXISTING DEVELOPMENTS**

### **2.8.1. Land Uses Deemed Permitted**

Any existing development that:

- Is not included as a permitted use in the zone in which it is located; or
- Does not meet the standards of the zone in which it is located; or
- Is not listed as a use permitted in all zones in Section; or
- Does not comply with any other relevant Section of the By-law

Is deemed to be permitted, so long as it complies with the following:

- a) The assessment category is consistent with the development at the subject site and has been since the adoption of this By-law;

- b) The development was existing as defined by this By-law and was established prior to the adoption of this By-law; and
- c) The development is not listed as part of Section 2.8.5

### 2.8.2. Expansion of a Use Deemed Permitted

- a) A Use Deemed Permitted under Section 2.8.1 may be expanded if the proposed expansion:
  - i. Will equal less than a 10% increase in the gross floor area of the existing building; and
  - ii. Will result in less than a 10% increase in the area occupied by outdoor storage, outdoor display, the parking area, and any other land use on the subject site.
- b) Expansions of a Use Deemed Permitted may extend onto adjacent lot parcels provided the lot parcels are consolidated.
- c) A Use Deemed Permitted under Section 2.8.1, that is proposed to be expanded in excess of the provisions described in (a), may be permitted, subject to the Site Plan Approval provisions described in Section 2.8.4.

### 2.8.3. Change of Use to Similar or Comparatively Innocuous Use

A change of use to a similar or comparatively innocuous use shall be permitted if no expansion is proposed.

- a) Any existing development deemed not to be a permitted use may only be changed to a similarly innocuous use subject to the Site Plan Approval provisions described in Section 2.8.4.
- b) A change in use is not comparatively innocuous if the proposed change of use:
  - i. increases the scale of the use;
  - ii. increases traffic generated;
  - iii. introduces outdoor storage or display or increases the area used for outdoor storage or display; or
  - iv. introduces noise generating equipment or increases the use of noise generating equipment.
- c) Measures that could be taken to make a change in use relatively innocuous in comparison to the former use of the subject site may include:

- i. Improvements to the facade of any main or accessory buildings;
- ii. Improvements to the front yard of the lot parcel affected;
- iii. A reduction in the scale of the use;
- iv. A reduction in the traffic generated;
- v. Introduction of landscaping into the site plan or expansion of the landscaped area of the lot parcel affected;
- vi. Eliminating or reducing outdoor storage or display;
- vii. Introducing or improving screening of potentially unsightly or obnoxious aspects of the previous or proposed use; or
- viii. Eliminating or reducing noise generating equipment.

#### 2.8.4. Site Plan Approval Provisions for Uses Deemed Permitted

The Development Officer shall approve a site plan that complies with the following:

- a) Any new or expanded parking area or utility structure shall be screened from any dwellings on adjacent lot parcels or lot parcels directly across the public street/road. Screening may consist of:
  - i. Vegetation in the form of groundcover, bushes, shrubs, hedges or trees;
  - ii. Fencing of a design and material complimentary to the surrounding streetscape; or
  - iii. A combination of (i) and (ii).
- b) All existing significant vegetation shall be retained except where its removal is necessary for the construction or expansion of the development.
- c) A lot grading plan or stormwater management plan, depending on the scale of the proposed expansion, shall be required at the discretion of the Development Officer. A site plan shall convey how storm and surface water will be disposed.
- d) Any new or expanded buildings shall be located so as to minimize impact on dwellings located on adjacent lots.
- e) Signs advertising the business shall be of a scale, style, and so located so as to not conflict with the streetscape.
- f) Access to and from a public street shall be designed to not exacerbate known traffic problems.
- g) Landscaping shall be used to integrate the development into the surrounding streetscape.

### 2.8.5. Existing Uses Deemed not to be Permitted

The following uses are deemed not to be permitted in compliance with this By-law:

| Land Use                                       | Civic Address                  | PID #    |
|--|--------------------------------|----------|
| Recycling facility using outdoor storage       | 75 Pitt Street, Sydney Mines   | 15629306 |
| Heavy equipment depot and operational yard     | 283 Dominion Street            | 15454903 |
| Heavy equipment depot and operational yard     | 245 Dominion Street, Glace Bay | 15454911 |
| Heavy equipment depot                          | Westmount Road                 | 15009343 |
| Electrical and mechanical contractor           | 5 Pero Street, Sydney Mines    | 15165632 |
| Motor vehicle repair                           | 103 Ferris Street, Sydney      | 15137672 |
| Propane fuel storage and distribution terminal | 106 Gannon Road                | 15697303 |
| Metal Fabrication                              | 42 Reserve Street, Glace Bay   | 15399918 |

### 2.8.6. Existing Undersized Lots

For the purpose of issuing a Development Permit, an existing lot having less than the minimum frontage or area dimensions required under this Bylaw:

- a) May not be further reduced as a result of any subdivision unless otherwise indicated in this Bylaw;
- b) May be used for a purpose permitted in that particular zone provided all other applicable provisions of this Bylaw are satisfied;
- c) May be increased in area and still remain an existing undersized lot; and
- d) Shall be subject to all other applicable provisions under this Bylaw.

### 2.8.7. Existing Buildings and Non-compliance with Lot Zone Standards

Where an existing main building on a lot parcel having less than the minimum:

- frontage; and/or
- setback from any lot parcel boundary; and/or
- lot parcel area;

required by this Bylaw, the building may be:

- enlarged;
- reconstructed;
- repaired; or
- renovated;

provided that:

- the enlargement, reconstruction, repair or renovation does not further reduce the building setback that does not conform to this Bylaw;
- all other provisions of this Bylaw are met.

## 2.9. EXISTING DEVELOPMENT AGREEMENTS

The Development Agreements listed below were entered into by this Municipality, or one of the predecessor municipalities, prior to the adoption of this Land Use By-law and are to remain in effect. The site affected also will be highlighted on the Land Use By-law Map.

|   |
|---|
| <b>001084</b>                                   |
| PID# 15198393                                   |
| Upper Leitches Creek Road, Upper Leitches Creek |
| Outdoor shooting range                          |

|   |
|---|
| <b>001067</b>                                 |
| PID# 15889330                                 |
| 52 Nepean Street, Sydney                      |
| Microbrewery cidery and a cidery tasting room |

|   |
|---|
| <b>001001</b>                             |
| PID# 15852478                             |
| 605 Grand Mira Gabarus Road, Gabarus Lake |
| Portable asphalt plant                    |

|                                    |
|------------------------------------|
| <b>G-150-B</b>                     |
| PID# 15036080                      |
| 1696/1698 Kings Road, Sydney River |
| Heavy equipment operational yard   |

|                            |
|----------------------------|
| <b>G-218</b>               |
| PID# 15103393 15103401     |
| 1078 George Street, Sydney |
| Well drilling business     |

|  |
|--|
| <b>G-265</b>                             |
| PID# 15086945                            |
| 81 Brookland Street, Sydney              |
| Recycling facility using outdoor storage |

|                              |
|------------------------------|
| <b>G-738</b>                 |
| PID# 15173842                |
| 89 King Street, Sydney Mines |
| Graphic design studio        |

|                           |
|---------------------------|
| <b>G-816</b>              |
| PID# 15041973 15788946    |
| No civic address assigned |
| Construction contractor   |

|                             |
|-----------------------------|
| <b>G-831</b>                |
| PID# 15086390               |
| 321 Townsend Street, Sydney |
| Law office                  |

|   |
|---|
| <b>G-832</b>                                |
| PID# 15425069                               |
| 24 Wadman Street, Glace Bay                 |
| Boat and fishery equipment storage building |

|                               |
|-------------------------------|
| <b>G-836</b>                  |
| PID# 15408842                 |
| 60 Bell Street, Glace Bay     |
| Fish processing plant         |
| <b>G-844</b>                  |
| PID# 15285679                 |
| 14 Cameron Estates, Mira Road |
| Apartment building            |

|               |
|---------------|
| <b>G-851</b>  |
| PID# 15022668 |

47 Peppett Street, North Sydney

Commercial dance studio

**G-885**

PID# 15689185

1320 Keltic Drive, Balls Creek

Motor vehicle repair

**G-888**

PID# 15074966 15074958 15076631 15699135 15699143

554 Alexandra Street, Sydney

Funeral home

**G-890**

PID# 15084155

7 Cromarty Street, Sydney

Architect's office

**G-891**

PID# 15140718

Hankard Street, Sydney

Paving contractor depot

**G-895**

PID# 15104797

1166 George Street, Sydney

Apartment buildings

**G-896**

PID# 15366941

68 Mira Bay Road, Mira Gut

Canteen

**G-899**

PID# 15413131

191 Brookside Street, Glace Bay

Taxi dispatch depot

**G-949**

PID# 15023765

14 Union Street, North Sydney

Heavy equipment depot. This replaces the discharged G-NSY-17 Development Agreement

**G-UNKNOWN**

PID# 15045347

2145 Kings Road, Howie Center

Silkscreening business

**G-UNKNOWN**

PID# 15141658, 15141666 and 15141872

166 Lingan Road, Sydney

Welding shop and motor vehicle repair etc. There is an original Development Agreement and a supplementary Development Agreement

## 2.10. USES

### 2.10.1. Permitted Uses

If a use is not listed as a permitted, secondary, or accessory use or described as a use permitted through Development Agreement or Site Plan Approval in a particular zone, it is thereby deemed to be prohibited.

### 2.10.2. Accessory Uses

Where this By-law provides that any land may be used, or that a building or structure may be erected or used for a purpose, the purpose is deemed to include any use accessory or ancillary thereto, subject to the requirements of that zone.

### 2.10.3. Use Summary Table

Where this By-law provides a Land Use Summary table within each Zone Chapter, any discrepancy exists between what is stated as a use in each zone section and the use summary table, the uses within each zone prevails.

## 2.11. DEVELOPMENT PERMIT APPROVALS

### 2.11.1. Development Permit

No person shall:

- a) Undertake a development within the Municipality without first obtaining a Development Permit from the Development Officer;
- b) The Development Officer shall issue Development Permits for development that is

in conformity with the Land Use By-law;

- c) Notwithstanding (b), the Development Officer shall issue a Development Permit in conformity with the Act when a variance is granted or in the case of a nonconforming use or structure.
- d) Notwithstanding (a), the following development may be undertaken without a Development Permit:
  - i. An alteration to the interior of a structure that does not result in a change of the use;
  - ii. An alteration to the exterior of a structure that does not alter the gross floor area or change the dimensions of the structure;
  - iii. Signs smaller than .2 square metres in sign face areas; size
  - iv. A change of copy on a sign;
  - v. Any accessory building with a maximum floor area of 9.29 square metres or less, provided all other requirements of this By-law are met. However, accessory building less than 9.29 metres will be used in the lot coverage requirements
  - vi. Temporary structures, including construction trailers or those associated with a community event, erected for a period of time not exceeding 90 days;
  - vii. The storage of a recreational vehicle or recreational equipment pursuant to the requirements of Section 4.29
  - viii. A stormwater management pond;
  - ix. Fences

### 2.11.2. Development Permit Duration

A Development Permit:

- a) Issued without a corresponding Building Permit is valid for one year from the date of issuance; or
- b) Issued with a corresponding Building Permit remains valid for the duration specified in CBRM's Building By-law for the Building Permit.

### 2.11.3. Revoking of Development Permit

- a) In the case where a Development Permit was issued in error by means of inaccurate or insufficient information submitted as part of an application, the Development Officer may revoke a Development Permit.
- b) In the case where the development undertaken does not conform to the scope approved by the permit, the Development Officer may revoke a Development Permit.

#### **2.11.4. Extension of Development Permit**

The Development Officer may extend a Development Permit for one additional year if:

- a) The applicant has not previously applied for the Development Permit to be extended;
- b) The proposed development meets the provisions of the Land Use By-law; and
- c) The appropriate fees have been paid.

#### **2.11.5. Application Requirements**

Development Permit Applications shall include:

- a) A description of the proposed use;
- b) The signature of the registered owner of the land and their authorized agent, if applicable;
- c) A site plan, drawn to scale and including:
  - i. the dimensions of the lot(s);
  - ii. the dimensions and location of any existing structure(s);
  - iii. the dimensions and location of any proposed structure(s);
  - iv. the dimensions and location of any features such as parking stalls, loading areas, landscaped areas, lighting fixtures, signs, accesses included driveways, garbage enclosures;
  - v. the distance of any existing or proposed structure from the parcel boundary (see definition for setback)
- d) The application fee;
- e) Any other information required by the Land Use By-law or determined to be necessary by the Development Officer to support a decision.

### **2.12. VARIANCES**

#### **2.12.1. Development Officer Variances**

- a) The Development Officer may in accordance with Subsection 235(1) of the *Municipal Government Act*, grant a variance for the following:
  - i. percentage of land that may be built upon;
  - ii. size or other requirements relating to yard setbacks;
  - iii. lot frontage;
  - iv. lot area; and

- v. height of a structure.
- b) In addition to the requirements outlined in Section 2.11, applications for a Variance shall include:
  - i. any supporting information necessary to explain the rationale for the requested variance and the reasoning why the conditions prescribed by the zone standards or General Provisions of the By-law cannot be met; and
  - ii. the application fee.
- c) In accordance with the *Municipal Government Act*, the Development Officer shall not grant a variance if:
  - i. The variance violates the intent of the Land Use By-law;
  - ii. The difficulty experienced is general to properties in the area; or
  - iii. The difficult experienced results from an intentional disregard for the requirements of this Land Use By-law.

## **2.13. SITE PLAN APPROVAL**

Uses subject to Site Plan Approval are identified in the General Provision Part of this By-law or are listed in the permitted use tables at the beginning of each zone section.

### **2.13.1. Site Plan Approval Requirements**

An application for Site Plan Approval shall meet the following requirements:

- a) The application shall include any supporting information necessary to explain the rationale for the request;
- b) The application shall be accompanied by the application fee; and
- c) The application shall meet the appropriate conditions prescribed by the zone.
- d) The Development Officer shall notify assessed owners of properties within 30 metres of the proposed subject site of:
  - i. Their decision to approve the development; and
  - ii. To allow them to provide feedback on the proposed site plan.

### **2.13.2. Site Plan Approval Provisions**

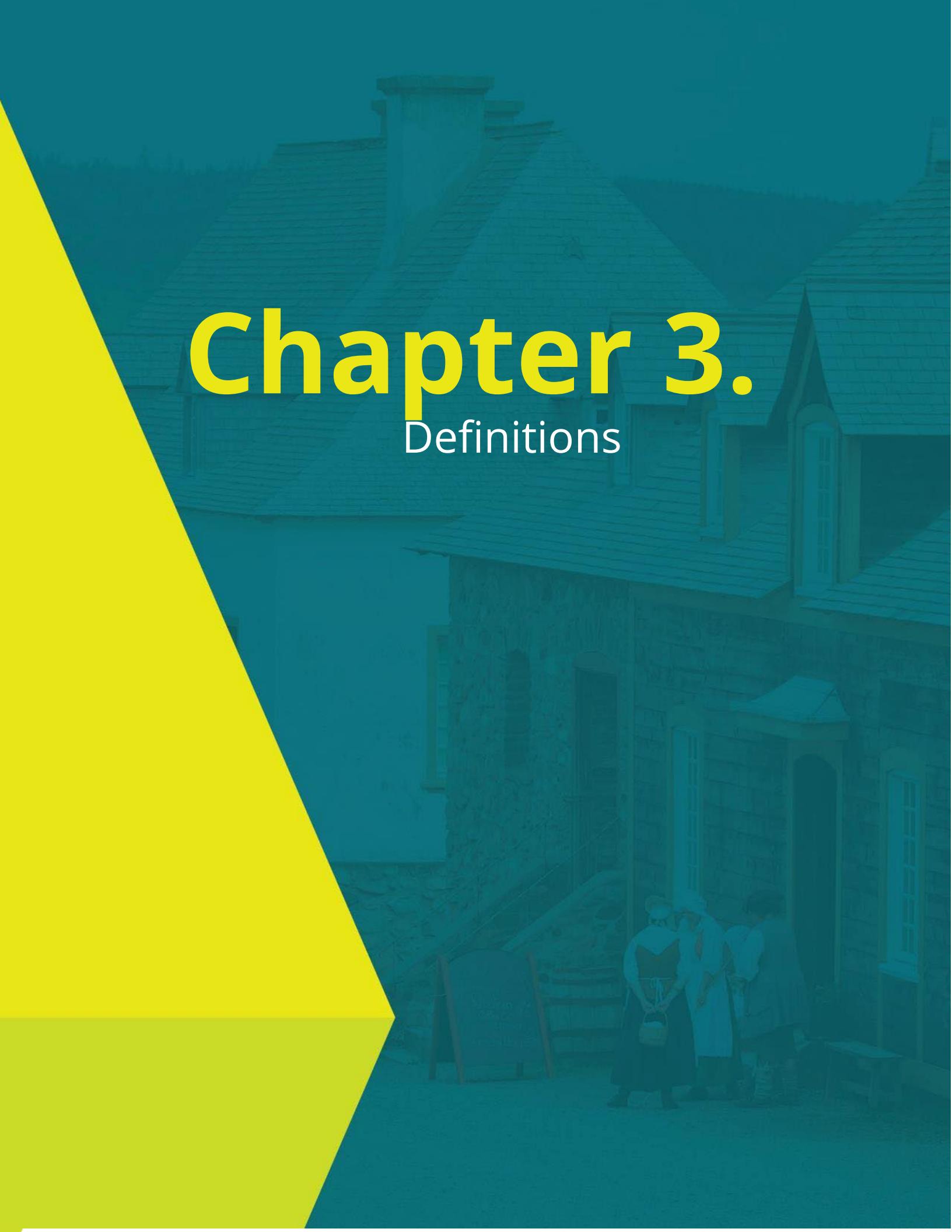
- a) Unless otherwise indicated in this Bylaw, the Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the

development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- i. Parking shall be provided on the lot parcel and shall be screened from abutting residential uses by an opaque vegetive buffer or fence or a combination thereof;
- ii. All existing vegetation shall be retained except where its removal is necessary for the construction of the development;
- iii. Signs advertising any business shall be of a scale and style and so located that they will not conflict with the streetscape.
- iv. The location and orientation of any main buildings on the lot parcel must be carefully selected to prevent buildings that are significantly larger than any one or two unit dwellings in the vicinity (i.e. greater than 3 times the floor area, and/or twice the height, and/or three times the length from looming over any such residential dwellings or their yards.
- v. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
- vi. A minimum equivalent to 1/3rd of the floor area of the building shall be in compliance with the definition for landscaped open area. That percentage may be reduced to as low as 1/10th where the Development Officer is satisfied with the design of a Certified Horticultural Technician or Architect.
- vii. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.

# Chapter 3.

## Definitions



**Abut/abutting** means:

- Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement, but not a road parcel.
- To physically touch or border upon.
- To share a common property line but not overlap.
- Means two (2) adjoining parcels of property with a common property line, including two (2) or more lots adjoining only at a corner, except where such common property line is located in a public street right-of-way.
- A lot line that has any point in common with another lot line that is not part of street line or lane.
- Two or more parcels sharing a common boundary of at least 1 point.

**Accessory building** means a subordinate building or structure on the same lot parcel as the main building or use of land devoted exclusively to an accessory use. A garage is attached to a dwelling if the garage and the dwelling share a common wall, whether or not they share a common door. A garage is detached from a dwelling if they are separated, or if they are only connected by a pedway, breezeway, carport or other similar indoor corridor with dimensions less than either the dwelling or the accessory building.

**Accessory dwelling unit** means one dwelling unit accessory to a one unit dwelling, two unit dwelling, semi-detached dwelling and intended as an independent and separate living unit which contains its own sleeping, living, cooking and sanitary facilities, and its own entrance. An accessory dwelling unit is detached from main dwelling, unlike a secondary suite.

**Access or driveway** means:

- A way of approaching or entering a property.
- A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
- Shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this By-law.

**Accessory use** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or buildings and located on the same lot parcel. An accessory use to a place of residence must be clearly seen as being supportive of:

- the maintenance of the residential property; or
- the types of personal or recreational pursuits of the occupants that are not obtrusive in a residential neighbourhood environment

To clarify the interpretation of obtrusive for this definition, any activity or use of land that involves the outdoor collection, accumulation, or storage of miscellaneous equipment, materials, motor vehicles, or parts thereof shall not be considered an accessory use to residential development, unless it takes place in an innocuous location which does not

adversely affect neighbouring properties visually as an unusual and unique land use. Any use of equipment, tools, and materials to regularly service vehicles, equipment, and materials owned by non-residents of the address shall also not be considered an accessory use to residential development.

**Accommodation Business** means an establishment, licenced by the Province of Nova Scotia, that provides lodging for travellers or transients, and includes but is not limited to, a bed and breakfast, hotel, motel, or tourist cottages but does not include a shared dwelling. An accommodations business, other than a bed & breakfast establishment, may include complementary uses such as restaurants, meeting rooms, pools, and fitness centres.

**Addition** means any construction which increases the size of a building such as a porch, attached garage or carport, or a new room.

**Adjacent property** means any lot/parcel of land sharing a common lot parcel boundary with the lot parcel to be developed other than a public street/road

**Agriculture** means the use of land, buildings and structures for the production of crops, or raising and/or caring of livestock as an agricultural commodity or as a draft animal serving in the agricultural operation. For purposes of clarification, processing of agricultural products associated with an agricultural operation shall be considered accessory to the primary agricultural operation. Processing of agricultural products as a main use at a separate site from the primary operation (e.g. milk processing, abattoirs) shall not. As well, retailing of agricultural products on the farm, that are produced on the farm, shall be considered accessory to the primary agricultural operation. Retailing of agricultural products as a main use at a separate site from the primary operation is a subcategory of sales. This By-law divides agriculture into the following categories:

- **crop farming** means an agricultural operation in which the primary function is the growing and harvesting of vegetables, fruits, berries, nuts, or other similar products.
- **livestock farming** means an agricultural operation in which the primary function is the rearing of animals to produce commodities. This category is further divided into livestock stabling and livestock grazing. Livestock grazing is the use of large tracts of land for growing feed which is primarily eaten pre-cut by grazing, untethered livestock.
- **mixed farming** means an agricultural operation in which none of the other five categories predominates
- **specialized types of agricultural production** means greenhouses, nurseries, or the rearing of insects to produce commodities.
- **stable** means a building designed to house, or breed large draft animals (e.g. horses, cattle, donkeys) either for agricultural, recreational, or business purposes and shall include riding stable businesses.
- The keeping and/or caring of animals at a small scale as a hobby activity is not an agricultural land use, regardless of the type of animal. This By-law respects that there are other enabling provisions in the *Municipal Government Act* to effectively regulate the keeping of domestic animals and activities in relation to them.

- **Processing** means a manufacturing establishment altering raw agricultural produce, both animal and plant into a fabricated market product.

**Aisle** means:

- the area used by motor vehicles for access to and from all off-street parking spaces, but does not include an access driveway.
- the traveled way by which cars enter and depart parking spaces.

**Alcohol Beverage Establishment** means a service establishment where the primary commodities are liquor, and/or beer, and/or wine, and/or spirits (e.g. tavern, pub, lounge) that are sold to the general public for consumption either within the premises or in a designated area outside on the property operated by the establishment.

**Alcohol Processing** means a manufacturing establishment altering raw agricultural produce, both animal and plant into a fabricated market product.

**Alter** means any change in the structural component of a building or any increase in the volume of a building or structure.

**Animal Sitting Establishment** means an indoor facility designed for the care of domestic animals for less than 24 hours, and includes such services as obedience classes, training and grooming, but does not include overnight accommodations.

**Architect** means a professional architect licensed to practice in the Province of Nova Scotia

**Artist/artisan establishment** means the studio/shop where artists (e.g. painting, music), artisans (e.g. carpentry, smithy, sheet metal, machine shop) and craft persons (e.g. photographers, ceramics, pottery, customized glaziers, and tailors) provide a service by conducting their work, a significant percentage of which is customized, and offer it for retail. A decorating business that inserts embellishments onto a pre-manufactured product and offers the decorated product for sale is not an artist/artisan establishment.

**Asphalt Plant** means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process.

**Assembly hall** means a service establishment where facilities are provided for public, social, or religious purposes and shall include church halls, community halls/centers, fire halls, concert halls, and halls operated by private service clubs. The operation of an alcohol beverage service establishment within the premises shall be considered an accessory use.

**Assembly** (manufacturing) means the manufacturing of a market product by assembling processed materials. Manufacturing assembly may include, but not be limited to, assembling of car parts to make the car, assembling of pages of newspaper to be delivered to end user clients, assembling of material to make clothing, making prefabricated housings, furniture, scientific equipment and appliances.

**Awning** means a retractable, collapsible or moveable shelter, hood or cover that projects from the wall of a building.

**Balcony** means a small outdoor area, raised above the ground, directly accessible from within the building and open except for a balustrade on at least one side.

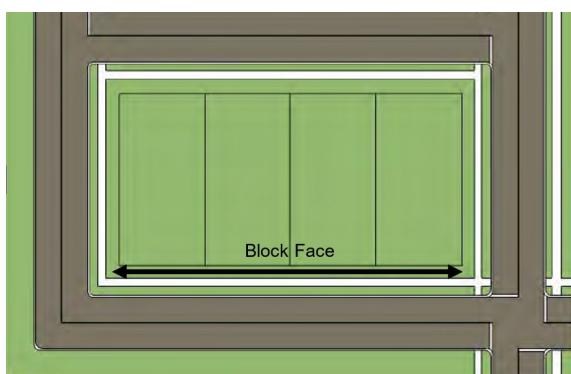
**Banquet or Convention Centre** is a service use where a room or building use for hosting a party, banquet, function, reception or other social event such as a dinner theatre, special events, weddings and may include an area for food preparation.

**Bay window** means a projecting bay from the wall only with windows that forms an extension to the interior floor space. On the outside, the bay should extend to ground level, in contrast to an oriel window, which projects from the exterior wall plane above ground level.

**Bed and Breakfast** means a one-unit dwelling in which overnight accommodation and at least one meal is provided to the travelling public.

**Block** means all land fronting on one side of a street between the nearest streets, intersecting, meeting or crossing the aforesaid street.

**Block face** means all lots abutting both sides of a street between two intersecting streets.



**Boathouse** means a personal private recreational building which does not contain a toilet, shower room or kitchen facilities and which is used for the shelter or storage of boats, watercraft and associated marine accessories and equipment, but not for the accommodation of persons or animals, or for commercial purposes and does not include a garage. The boathouse must be erected on a lot parcel with frontage on a navigable body of water or on lot parcels adjacent to or directly across the street from the lot parcel with frontage on a navigable body of water which is held in common ownership.

**Building** means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment. Any awning, bin, bunker or platform, vessel or vehicle used for any of the said purposes shall be deemed a building.

**Bulk Fuel Storage** means a facility for the storage and distribution of petroleum and petrochemical products in bulk quantities, which may include tanker vehicle storage and key lock pumps, but does not include retail sales or processing.

**Buffer area/strip** means:

- A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
- Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.
- A part of land which alleviates the adverse effects of the use of one area to another.
- Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.
- A parcel or tract of land, plant material or other landscaping that is used to separate.

**Business office** means property where persons are employed in the management, direction or conducting of a business service on behalf of clients. Although not limited to the following, a business office may include the office of a financial institution (e.g. bank, insurance agency, brokerage, loans etc.), a professional office (e.g. engineer, architect), government office, telecommunications and digital technology, printing/publication establishment, call center, business support, and may include the business office of a non-profit charitable organization, but does not include a medical clinic.

**Campground** means a provincially licensed recreational business establishment where designated spaces/plots are provided for tents, yurts, domes, other fixed roof structures, and recreational vehicle for overnight accommodation. A campground may provide sanitary and waste disposal facilities, laundry facilities and other accessory uses.

**Campsite** means a part of a campground designed for the exclusive use of guests in a camping unit (e.g. recreational vehicles, tents, and yurts).

**Canopy** means a permanent non-retractable shelter, hood or cover that projects from the wall of a building.

**Carport** means a structure attached to a dwelling that provides a roof over a part of the driveway without a door covering the vehicular entrance. Any other walls may or may not be constructed in a carport.

**Catering Business** means an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out, but does not include a restaurant.

**Cement plant** means an industrial structure, installation, plant, or building primarily engaged in manufacturing natural, masonry, pozzolanic, and other hydraulic cements.

**Cemetery** means a designated site comprised of burial lots that may include either human or animal remains and may include accessory uses such as the storage and retailing of

caskets and other related funeral supplies, the storage of funeral vehicles, and cremation facilities.

**Change of use** means a change in the use of land or buildings that is of significance for planning purposes, often requiring planning permission.

**Clothes cleaning business** means a laundromat or dry-cleaning service establishment, or clothes drop off and pick up service that is provided in conjunction with a laundromat or dry-cleaning establishment.

**Commercial Group** means two or more commercial buildings located on a lot or adjoining lots having been designed as an Integrated Development with respect to the placement of buildings and any associated accessory buildings or structures, amenity spaces, driveways, landscaping, or parking areas.

**Communication Facility** refers to any use of land or building for the production, storage, or dissemination of information or information products, and includes, but is not limited to, a broadcast studio, call centre, publishing or printing facility, telecommunication service, or television service.

**Community service** means a facility associated with the provision of a spiritual, social or government function, unless the use is listed as a sub-category of another defined land use. Community services include, but are not limited to, places of worship, private service clubs, day care facilities, mausoleums, or cemeteries.

**Concrete plant** means the production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement, and/or other components. This use also includes the stockpiling of bulk materials required for the process and the storage of the required equipment use in the operation.

**Condominium** means a building, or land development, established pursuant to the *Condominium Act* of Nova Scotia:

- where some aspects of a building (e.g. apartment interior) is held in separate ownership, while all other aspects of the building (e.g. corridors, elevators, foyer etc.) are owned, and maintained by a corporation operated by all of the condominium owners; or
- where parts of the site of a bare land condominium (e.g. a building lot for a dwelling), is held in separate ownership, while the rest of the condominium site (e.g. a street) is owned, and maintained by a corporation operated by all of the condominium owners; or
- where a building and part of the site of a bare land condominium (a dwelling and the building lot it sits upon) is held in separate ownership while the rest of the condominium site (e.g. a street) is owned, and maintained by a corporation operated by all of the condominium owners.

**Conforming** means a use which falls within the uses permitted and conforms to all the regulations set out in this By-law for the zone in which the use, building or structure is located.

**Contractor** means a business offering services in specialized trades that are usually hired as sub-contractors for a construction project but may be under contract with a client to provide renovations and maintenance work. Examples include plumbing contractors, electrical contractors, cleaning contractors, renovations contractors, masonry contractors. Does not include a heavy equipment depot and operational yard.

**Crematorium** means a service establishment for the burning of dead human and/or animal remains. Crematoriums are considered accessory uses to both a funeral home and a veterinarian's establishment

**Cultural Service** means a facility catering to the knowledge, customs, and arts aspirations of people and include museums, art galleries, science centres, concert halls, zoos, monuments, libraries.

**Day Care Facility** means a community service establishment which provides nursery and/or pre-school care, but does not include a home day care

**Day Care, Home** means a chid-care program provided by a care provider in the care provider's home.

**Deck** means a constructed outdoor floor attached or abutting a building and accessible from the building. A deck can be elevated from the ground and supported by posts or directly attached to the ground, but a deck does not have a roof.

**Density** means:

- The maximum number of dwelling units allowed by this By-law based on lot area.
- The maximum allowable number of dwelling units and guest units per buildable acre. The maximum number of dwelling units and guest units that would be permitted for a lot or parcel is calculated by multiplying the applicable density by the number of buildable acres (determined to the tenth of an acre) contained in the lot or parcel. If any computation to determine the number of dwelling units and guest units results in a number containing a fraction, that fraction will be dropped if it is less than one-half in value. A fraction of one-half or more in value shall be counted as one dwelling unit or guest unit.
- The ratio of the number of dwelling units to the lot area.
- The number of families, individuals, dwelling units, households or housing structures per unit of land.

**Development Officer** means the individual, or individuals, delegated with the responsibility of administering and enforcing this Land Use By-law by resolution of the Council of the Cape Breton Regional Municipality pursuant to the *Municipal Government Act*.

**Display** means the placement of products in a location for the purpose of viewing by prospective customers of a retailer, rental business, or wholesaler.

**Distribution Facility** means an establishment where goods or items are stored inside a building for a temporary period prior to being loaded onto transport elsewhere.

**Drive-thru** means a type of service provided by a business that allows customers to purchase products or access services without leaving their cars.

**Dwelling, Duplex** means a building consisting of two dwelling units, located one on top of the other.

**Dwelling, Group** means two or more buildings containing dwelling units located on a lot or adjoining lots that have been designed as one development.

**Dwelling, Converted** means a building originally constructed as a one-unit dwelling or two-unit dwelling that has been lawfully converted into a two-unit dwelling or multiple dwelling.

**Dwelling, Apartment** means a building containing three or more dwelling units and includes a converted dwelling and unless otherwise permitted by the By-law are connected to municipal water, sanitary and (where available) storm systems.

**Dwelling, One-Unit** means a detached dwelling containing one dwelling unit and may include a secondary suite. This does not include a recreational vehicle.

**Dwelling, Semi-detached** means a building containing two dwelling units arranged side by side and separated vertically by a common wall extending from the foundation to the roof.

**Dwelling, Townhouse** means a building containing three or more dwelling units arranged side-by-side, each with a separate exterior entrance and separated vertically by a common wall extending from the foundation to the roof, located on a lot abutting a public street. Where such a building is located on a single lot or parcel, it shall be considered an apartment dwelling for the purposes of this By-law.

**Dwelling, Two-unit** means a building containing two-dwelling units, and may include a duplex, semi-detached dwelling, or a converted one-unit dwelling.

**Dwelling Unit** means one or more habitable rooms intended for use by one or more individuals as an independent residential establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals. This does not include an accommodation business, but does include individual units located above the ground floor of a mixed use building.

**Dwelling, Shared** means a use where bedrooms are rented for remuneration as separate rooms for residential accommodation and includes shared bathroom and kitchen facilities made available to all tenants. This does not include an accommodation business.

**Easement** means:

- A negotiated interest in the land of another which allows the easement holder specified uses or rights without actual ownership of the land.
- A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.
- The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose, or the grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.
- An area of land over which a right of entry for the purpose of constructing and maintaining a public service or a surface drainage outlet which has been legally described in a registered deed.
- A right given by the owner of land to another party for specific limited use of that land.

**Educational Service** means a public or privately operated school or place of instruction where structured courses are taught. Education facilities do not include facilities where the primary focus is recreational (such as dance or martial arts centres). Educational Uses include primary, secondary, and post-secondary institutions.

- **Primary/Secondary Education Use** means an educational institution specifically to teach children from grade primary to grade 12. Education Uses may include secondary uses such as administration, athletics, food, or library services.
- **Post-Secondary Educational Use** means an educational institution specifically to teach students who have left the secondary-educational system, and grants diplomas, degrees, or certificates as outlined in the Degree Granting Act. Education Uses may include secondary uses such as administration, athletics, food, or library services.

**Entertainment Facility** means a business facility providing amusements and diversions such as movie theatres and arcades.

**Equipment Sales and Rental** means a business where goods, materials or equipment is available for rent to the consumer. A rental sales business can range from a video rental store, party rental outlet to the rental of industrial equipment and machinery.

**Electric Vehicle (EV) Charging Station** means a designated parking space within a parking area which contains equipment for the recharging electric vehicles.

**Existing** means a building or development that was legally established prior to the adoption this By-law, or a building or development that was established after the adoption of the By-law for which a Development Permit was issued, unless:

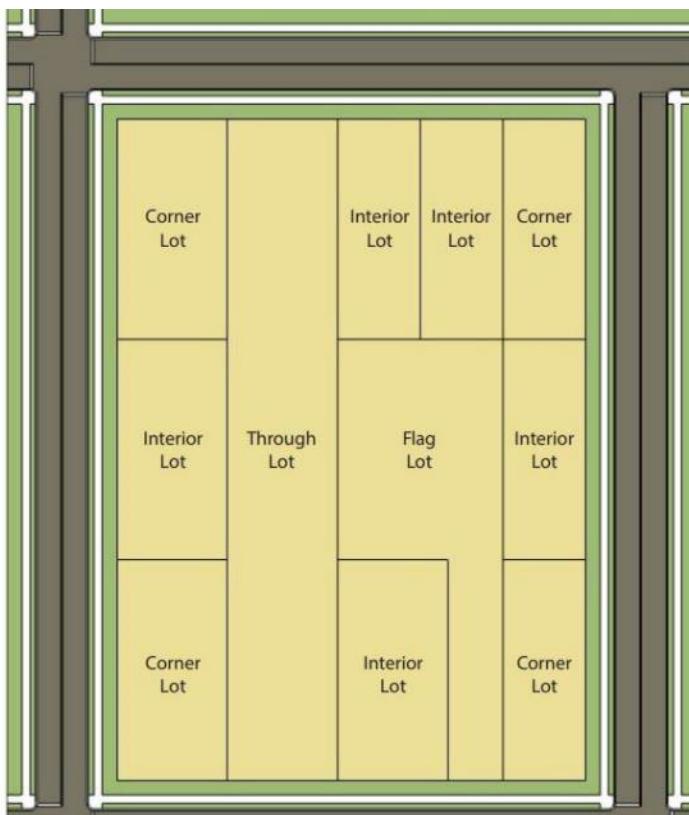
- a specific statement in the By-law defines it in another manner for purposes of interpreting that statement; or
- the Land Use By-law map is referenced in which case the present date is applicable.

If such a development ceases to operate, it will still be deemed to be existing if the development was in operation five years less a day prior to the date an application for a Development Permit is submitted. However, if the building occupied by the use is demolished, this sunset clause is only in effect for one year after the demolition date.

**Façade** means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**Fence** means a barrier closing or bordering a field, yard, etc. usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary

**Flag lot** means a lot that is, generally, in the shape of a flag extended at the end of a pole, wherein the pole portion of the lot serves to provide street frontage and access, and the flag portion of the lot serves to provide the buildable area of the lot parcel. The pole portion of the lot parcel will be excluded from lot coverage calculations.



**Floodway** means the inner portion of a flood risk area where the risk of flooding is greatest, on average once in twenty years, and where flood depths and velocities are greatest.

**Floodway Fringe** means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years, and floodwaters are shallower and slower flowing.

**Fitness centre** means service business where individuals pay a fee for the use of space, exercise equipment, and instruction for the pursuit of physical fitness and activities which may include accessory uses such as business office and retail.

**Fire station and hall** means the personnel, motor vehicle and equipment depot for a fire department as well as an assembly hall.

**Fishery use** means the use of any land, buildings and structures pertaining to the primary industry of harvesting and growing (but not the processing) of aquatic species and may include a commercial fishing enterprise, sport fishing, aquacultural endeavor, or wholesaling distribution facility. For purposes of clarification, retailing of fresh fishery produce shall be considered an accessory use to the above.

**Floodplain** means any land area susceptible to being inundated by water from any source.

**Floor Area** means the enclosed area of the first floor of a building measured to the outside face of exterior walls times the number of storeys (as defined by this Bylaw). For clarification, when determining the floor area for a part of a building, floor area shall mean the enclosed area of the part of a building measured within the finished wall surface.

**Food preparation business** means a service business where food products like previously cooked or baked goods, goods prepared to be baked by a customer, sandwiches, pickled products, sauces, etc. are prepared for wholesale distribution (e.g. supermarkets, vending machines, vendor motor vehicles).

**Food processing cottage industry** means the processing of raw food products into a marketable commodity for wholesale distribution to retailers as a unique and distinctive commodity at a small scale.

**Forestry** means the primary industry of managing and harvesting of trees, including silviculture, and unless specifically excluded, shall include storage yards.

- **harvesting** means the cutting, logging, felling and bucking of trees.
- **silviculture** means the development and management of forestry stands for the best return at the time of harvest

**Frontage** means the minimum straight line distance between the intersection of the side lot lines and the front lot line along a public or private street.

**Funeral home** means a service establishment providing human funeral services. As accessory uses such a facility may also provide a chapel, embalming services, autopsies and other surgical procedures, the storage and retailing of caskets and other related funeral supplies, the storage of funeral vehicles, and cremation facilities.

**Grade, finished** means:

- The final elevation of the ground surface after development.
- The average elevation of the finished surface of the ground at ground level measured on any side of a building or structure.

**Grade, natural** means:

- The elevation of the ground surface in its natural state, before man-made alterations.
- The elevation of the undisturbed natural ground at the outermost corner of the footprint of the foundation wall.

**Grade, percentage** means the slope of land calculated by dividing the difference in elevation between two points by the distance between the same points.

**Habitable Space** means the space within a dwelling unit in which living functions are carried out, and includes living rooms, dining rooms, kitchens, bathrooms, dens, recreation rooms, storage rooms, and workshops, including those located in a basement or cellar.

**Health Care** means a use associated with the provision of a multitude of medical or related services for people. Health care includes, but is not limited to, hospitals, long term care facilities, and medical clinics.

**Heavy equipment** means machinery designed and constructed for the purpose of operating on construction sites and may include motor vehicles used in excavating, plowing, separating, compacting and other similar activities, and trucks for transporting heavy loads (i.e. other large pieces of equipment or bulk commodities).

**Heavy equipment depot and optional yard** means the use of land, buildings or structures for the storage and maintenance of heavy equipment, and includes facilities for the administration the business and the stockpiling or storage of supplies and materials used in the business.

**Heavy Industrial Use** means any use of land, building, or structure for a volatile or offensive material, the production, manufacturing, or storage of a volatile or offensive material that may be harmful or detrimental to a person's health or property due to the potential for fire, explosion, the accidental release of toxic fumes or gases which may include but not be limited to: a crude import and/ export terminal, petro-chemical plant, a chemical plant, or a scrap or salvage yard.

**Height** means the vertical distance of a building between the finished grade and;

- the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- the deck line of a mansard roof; or
- the mean level between eaves and ridges or a gabled, hip, gambrel or other type of pitched roof;
- but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

**Hospital** means a health care establishment which provides for the medical care of persons afflicted with or suffering from sickness, disease, or injury or for the convalescent

or chronically ill patient that is open 24 hours a day and provides overnight accommodation.

**Industrial use** means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

**Infill development** means development consisting of either construction on one or more lots in an area which is mostly developed, or new construction between two existing structures.

**Instructional service** means a home-based business that includes the teaching of music, arts and crafts, dance, yoga, education, or similar other home instructional business.

**Intensification** means the development of a property or site at a higher density than previously existed including redevelopment or development within existing communities, infill development, or development on vacant lots or underdeveloped lots within a built-up area, conversion or the change of use of an existing structure or land use, and the creation of apartments or other accommodation in houses.

**Kennel** means a facility where animals are bred, boarded, or offered day care as a business development intended to generate revenue by charging a fee for purchase or boarding.

**Landscaping Business Depot** means property where outdoor storage of equipment and materials associated with a landscaping service business takes place. For clarification purposes, if operable equipment is regularly used at the depot, the definition of heavy equipment operational yard is appropriate.

**Landscaped Open Area** means space on the lot parcel generally covered by any combination of grass, trees, shrubs, flowers, other vegetive ground cover, landscaping mulch, decorative stone or structures used to embellish the overall design, but does not include asphalt or compacted gravel. Exposed soil is permitted in shrub beds and gardens only. Landscaped open areas shall not include parking area areas and shall not be used for the parking of motor vehicles.

**Library** means a cultural service establishment offering the general public printed, pictorial, video and audio material for perusal within the premises or by borrowing permission without retail or rental fees.

**Live-work unit** means a residential unit intended for both residential and business uses concurrently.

**Light Industrial Use** means industrial uses where any nuisance should not exist outside of the building, and may include limited outdoor storage.

**Long Term Care Facility** means a facility licensed by the Province which provides services for people who need ongoing care; either on a long-term basis (permanent placement) or short-term bases (respite care). A long term care facility is a health care use.

**Lot parcel** means any parcel of land described in a deed which created the lot parcel prior to April 16th, 1987, or a devise of land by will executed prior to January 1st, 2000, or as shown in a registered plan of subdivision

- **Corner lot parcel** means a lot parcel situated at the intersection of and abutting on two or more public street/roads.
- **Through Lot parcel** means a lot parcel bounded on two opposite sides by public streets/roads.
- **Lot parcel Area** means the total horizontal area within the lot parcel boundary.
- **Lot parcel Boundary** means the border line of the lot parcel.
- **Lot parcel Depth** means the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines.
- **Lot, Interior** means a lot whose side lot lines do not abut upon any public or private street.
- **Lot line** means:
  - Any boundary of a lot.
  - Any boundary line of a lot.
  - The legally defined limits of any lot.
- **Lot parcel width** means the average horizontal distance between the side lot lines. For a flag lot (see definition of flag lot), lot width shall be measured from the flag portion of the lot parcel.

**Lot Coverage** means the percent of lot area which may be covered by all main buildings, accessory buildings or similar covered structure but does not include an outdoor swimming pool. The part of a building used to calculate this maximum lot parcel coverage is the roof to the edge of the eave (i.e. dripline).

**Lot Preparation Shed** means a building with maximum floor area of 300 sq. ft primarily used to store materials, equipment, and tools used in the preparation of a lot parcel associated with a permit for the construction of a main building.

**Main Building** means the building in which is carried on the principal purpose for which the lot parcel is used.

**Manufacturing** means the process of making a raw material into a finished product; in large quantities. It includes establishments engaged in the mechanical or chemical transformation of materials or substances into new products and in assembling component parts of manufactured products into new products. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations, including cannabis and alcohol products.

**Marina** means a service establishment containing docking/launching facilities where boats and ships are stored, serviced, repaired, or kept for sale or rent including any accessory business. Accessory uses may include retailing of marine accessories, boutiques, restaurants, alcohol beverage service establishments, assembly halls and wastewater pumping facilities.

**Medical clinic** means a service establishment where members of the medical profession, including dentists, chiropractors, physiotherapists, osteopaths, optometrists, provide diagnosis and treatment to the general public without overnight accommodations. For purposes of clarification, any patient service for which a referral could be made by or from a member of the medical profession shall be deemed an accessory use.

**Microbrewery, Distillery, or Winery** means a small brewery, winery or distillery operated in conjunction with an alcohol beverage service establishment or restaurant where beer, wine, or liquor produced on-site may be consumed on the premises, or sold or distributed. Large scale a distillery, brewery, or winery is considered a manufacturing use.

**Minimum building elevation** is the underside of the lowest floor of a building.

**Mixed use** means a building partly occupied by sales/service developments and one or more dwelling units.

**Mobile home** means a prefabricated building comprised of one main modular part designed to be used as a one unit dwelling:

- designed to be transportable, whether or not it is equipped with wheels;
- having an average width greater than 2.6 metres (8.5 feet) and less than 6 metres (20 feet);
- a length that is at least 3 times as long as the width; and
- used as a dwelling for one or more persons, but shall not include a travel trailer, school bus, recreational vehicle or trailer otherwise designed.

**Mobile home park** means a site under single ownership which has been planned and developed for the placement of mobile homes.

**Motor Vehicle Related** means an establishment which retails, repairs or provides fuel services to motor vehicles. Types of motor vehicle related establishments include:

- **Motor Vehicle Sales and Rental** means an establishment where the primary purpose is the retail sale or rental of automobiles and heavy equipment to the ultimate consumer for final consumption. Motor Vehicle Repair is an accessory use to the retail use in such establishments.
- **Motor Vehicle Repair and Service** means an establishment where the primary purpose is the repairing, painting, or washing of motor vehicles. Motor vehicle retail may be an accessory use to the repair business in such establishments. Motor vehicle repair can be divided into three categories; the repair of the parts of the motor vehicle which are responsible for it to operate, the repair of the external body of the motor vehicle, and the repair of the glass affixed to the body.
- **Motor Vehicle Fueling Station** is a sales use where the primary purpose is to provide multiple fueling options for vehicles, including but not limited to conventional gasoline and diesel fuel, as well as electric vehicle (EV) charging

stations. Such facilities may also include accessory uses such as retail, restaurant, and cleaning service.

- **Motor Vehicle Cleaning Service** means an establishment where the primary purpose is the cleaning of motor vehicles.
- **Motor Vehicle Towing Service** means an establishment where the primary purpose of which is to tow and impound motor vehicles.

**Municipality** wherever used after the word "this" means the Cape Breton Regional Municipality.

**Parking area** means an area on a lot parcel(s) containing parking spaces including driveways, aisles, ramps and motor vehicle maneuvering areas. For purposes of clarification, a parking area also means any area used for the display of motor vehicles for retail or rental purposes.

**Parking lot** means a vehicular parking area or parking structure which is a principal or main service use of a lot parcel.

**Parking space** means an area of not less than 7.4 square metres (180 sq. ft.) measuring 2.7 metres (9 feet) by 6 metres (20 feet) 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 public street/road by means of driveways, aisles or maneuvering areas.

**Pedway** means an enclosed pedestrian corridor linking two or more buildings. A pedway can be below ground level (i.e. underground), at ground level, or above ground.

**Personal service business** means an establishment where persons are employed to administer to individual and personal health and includes but is not limited to salons, spas, clothing tailor, massage therapy, counselling services, and animal grooming.

**Place of worship** means a community service building or complex of buildings dedicated to religious worship and shall include churches, chapels, temples, synagogues, mosques, convents, retreats and monasteries. A rectory on the same lot parcel, or a caretaker's dwelling within the building shall be considered accessory uses.

**Police Station** means the headquarters of the Cape Breton Regional Municipality Police Department or the R.C.M.P. as well as any business office, personnel, motor vehicle and equipment depot of a detachment of the police. A place of incarceration shall be considered an accessory use to a police station.

**Private Road** means any street or road which is not a public street/road but is shown as a separate lot parcel on a plan of subdivision approved by the Development Officer and filed in the Registry of Deeds pursuant to:

- this Bylaw; or
- a previous version of the Subdivision Bylaw; or
- a Subdivision Bylaw adopted by the Municipality of Cape Breton County

**Private Service Club** means the meeting place of a non-profit association of persons for the promotion of any benevolent, philanthropic, patriotic, religious, charitable, artistic, literary, educational, social, professional, recreational or sporting objective and often includes ancillary uses such as an assembly hall and alcohol beverage service establishment.

**Protective Services** means a service provided by police, fire departments, the military, judicial, coast guard, and correctional institutions.

**Public street/road** means:

- Any street or road owned by the CBRM and maintained by the CBRM's Engineering and Public Works Department; or
- Any street or road owned by the Province and maintained by the Province's Department of Public Works;
- A street or road owned by the Federal Government, or by a Federal Crown Corporation within the Sydport Industrial Park as of April 27, 2002;
- A street or road owned by the Membertou Development Corporation which:
  - Intersects a street/ road within Memertou; or
  - Intersects a CBRM public street/ road which is directly connected to a street/road within Membertou; or
  - Intersects a street/road which is owned by the Province of Nova Scotia that is directly connected to a street/road within Membertou; or
  - Intersects a street/road owned by CBRM that is directly connected to a street/road within Memberou; or
  - Intersects a street/road which is owned by the CBRM that is contiguous with a street/road owned by the Province of Nova Scotia that is directly connected to a street/road within Membertou.

**Public street/road boundary** means the boundary of the public street/road shared with adjacent properties.

**Public street/road hierarchy** means the public street/road network hierarchy as established in the CBRM Municipal Planning Strategy. There are 5 Levels in this hierarchy, with Level 1 public streets/roads having the highest priority and being considered the highest level and Level 5 public streets/roads having the lowest.

**Racetrack** means a clearly defined, designated recreational area used for the purpose of racing:

- motor vehicles; and/or
- vehicles hauled by animals; and/or
- animals

for sporting and/or recreational purposes whether or not the racing activities are for business purposes or whether or not the exchange of money, either for admission or betting, takes place. A racetrack may be comprised of:

- buildings; and/or
- structures; and/or
- altered natural topography caused by the use of heavy equipment.

For purposes of clarification, the random use of trails and paths meandering through undeveloped parts of the landscape which have been developed over time shall not be considered a racetrack for the purposes of this By-law.

**Recreational Use, Private** means a recreational business open to the general public offering recreational facilities which enable persons to participate in activities for a fee either in the form of a pay-for-use terms or annual membership and shall include both indoor and outdoor recreational establishments.

- **indoor recreational business establishments** may include (but not be limited to), bowling alleys, skating rinks, racquet clubs, rock climbing, and swimming pools, but do not include arcades.
- **outdoor recreational business establishments** may include (but not be limited to) golf courses, ski resorts, tennis clubs, water parks, racetracks, equestrian trails, driving ranges, and amusement parks.

**Recreational Use, Passive** means an activity or use of land carried out for recreational purposes which does not require the construction of buildings and may include walking, hiking, picnicking, bird watching, swimming, bicycling, running/jogging, climbing, horseback riding and cross-country skiing.

**Recreational public** means a recreational facility open to the general public as a public service either by a level of government or a private service club intended to improve the quality of life for the residents of the community. Such categorization does not preclude the agency responsible from charging nominal fees for part or all of the facilities intended to defray the cost of providing and maintaining the facility.

- **indoor recreational public** may include (but not be limited to) swimming pools, gymnasiums, martial arts, and skating arenas.
- **outdoor recreational public** may include (but not be limited to) playing fields, passive parks, tennis courts, and playgrounds, recreational camps.

**Recreational use** means a place designed and equipped for the playing of sports and leisure activities. Recreational uses may include, but are not limited to, arenas, bowling alleys, campgrounds, recreational instruction, golf courses, picnic parks, playing fields, public gardens, boardwalks, walking/bicycle trails, racetracks, shooting ranges, tennis courts.

**Recreational Vehicle** means a vehicle designed for travel on public streets/roads for purposes of camping or recreational use:

- providing kitchen, sanitary and living accommodations;
- capable of either being towed behind a motor vehicle or self-propelled; and/or
- built on a chassis or designed to be mounted on a pick-up truck or chassis;

- with a maximum width of 8.5 feet; and
- which is constructed to a C.S.A standard

**Recycling facility collection depot** means an establishment which only collects used goods, materials, products, etc. and ships them to another facility for processing into other products (e.g. Enviro depots, bottle exchange) but does not include a salvage yard.

**Repair Service** means property associated with the maintenance, care, repair or cleaning of goods, commodities, equipment, materials other than motor vehicles and shall include the repair of clothing, jewelry, appliances, furniture, or small engines.

**Resource Use** either cultivate and/or exploit the natural resources of the Province of Nova Scotia and shall include the agricultural, forestry, fishery, and mining industries.

**Restaurant** means a service business where food, baked goods, and/or beverages are prepared and sold to the general public for consumption either within the premises or as take-out. Alcohol beverages may be an accessory use but at no time during the day or night may the serving of alcohol beverages be the main use.

**Sales** means a land use associated with the retailing of tangible wares as merchandize to consumers.

**Scrap or Salvage Yard** means a heavy industrial use where used materials, equipment, machinery, motor vehicles etc. are accepted, stored or kept. Parts are separated on-site to be either sold on-site or shipped to another establishment for processing.

**Sawmill** means a mill which uses saws to convert harvested logs into lumber and does not include a sophisticated manufacturing product which alters the chemical components of the raw timber into another product (e.g. pulp and paper mill) or adds components to the milled and planed wood.

**Scientific Establishment** means the use of land for the purpose of scientific research including the development of electronic technology, bio technology or other scientific disciplines for application to commerce, industry or government.

**Screen** means a continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting that effectively screens the property which it encloses or the building, structure, or land use specified in a provision that references this definition.

**Self-storage facility** means a service business offering space for rent for customers to store personal goods. Unlike a warehouse (see definition) this is a main use that is not associated with a sales business development.

**Service** means a land use primarily associated with the provision of a product that is not a tangible ware/article but a function performed providing a benefit to the recipient. Artist/artisan establishment shall be considered a subcategory of "service" because they are not manufacturing as they are not mass producing a product, and they are not sales

since their workshop does not have to be where their product is sold. In this By-law, "service" includes clothes cleaning businesses.

**Setback** means the horizontal distance measured at right angles between a development and the lot parcel boundary, street, watercourse, shoreline, floodplain, or any other place which is deemed to need protection.

**Shelter** means a building that contains one or more beds, and where occupancy of all beds may be arranged with no minimum length of stay. A shelter facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. A shelter is a service use.

**Siding** means the material on the exterior of the building to make it weatherproof.

**Sign** means any visual communication device, structure, or fixture used to convey information, advertise, or attract attention. Signs may freestanding or attached to a building or structure, and may display text, graphics, or symbols in either a print or electronic/digital format.

- **Awning/Canopy Sign** means a sign or print affixed to the surface of an awning or canopy.
- **Billboard Sign** means a sign located on private property designed for use with changing advertising copy, whether digital or print, and which is normally used to display commercial or promotional messages.
- **Construction Sign** means a temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.
- **Electronic Message Board** means an electronic or digital sign used solely for the display of text, with no off-site advertising, and limited to a sign face area of 1.5 square metres.
- **Ground Sign** means freestanding sign which is permanently affixed to the ground and not supported in any manner by a building which is located on the same property as the use advertised by the sign.
- **Illuminated Sign** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign.
- **Projecting Sign** means a sign attached to and projecting outward from a building face or wall, generally at a right angle to the building. This term includes a sign that is located entirely or partially in the public right-of-way, as well as a sign that is located entirely on private property.

- **Sign Face** means the area of the surface of any sign within the outer edge of the frame or border of a sign. In the case of two sided or back to back signs, only one face shall be used in computing the area of the sign face.
- **Sign Area** means the area of the smallest triangle, rectangle or circle or semicircle which can wholly enclose the surface area of the sign. All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area. Three dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle or circle or semicircle which can totally circumscribe the sign in the plane of its largest dimension.
- **Wall Sign** means any sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall. Wall signs shall not include signs on awning or canopy.

**Site** means:

- A plot of land intended or suitable for development.
- The ground or area on which a building or town has been built.

**Slope** means the rate of vertical change of ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

**Solar Collector, Accessory** means a device capable of collecting and converting solar energy into electrical energy primarily for consumption by the main use of the property on which the device is located.

**Solar Collector, Main** means a device capable of collecting and converting solar energy into electrical energy primarily for the purposes of off-site consumption.

**Solar Farm** means is a large collection of many solar panels, mounted on the ground in one central place.

**Sports field** means a landscaped recreational site designed for playing outdoor team sports such as a baseball field, soccer field, running track, or a football field.

**Stepback** means a design plan that recesses from the front line of a structure the front of the rise of the upper stories of the same structure in a step-like manner.

**Storage** means the placement of goods, materials, equipment, automobiles, or any type of machinery in a specific location with no intent of display for retailing, rental, or wholesaling purpose.

**Storey** means the space of a building between a floor and a ceiling or between the floor and the roof where more than 90% of the space between the floor and the ceiling or roof is at least 2 metres (6.6 feet) in height. Any portion of a building partly below grade level shall not be deemed a Storey unless its ceiling is at least 2 metres (6.6 feet) in height above finished grade.

• **½ Storey** means a storey where the habitable area (i.e. with a height between the floor and the ceiling or roof of at least 2 metres) is equal to at least 50% of the habitable area of the 1st storey. If a storey has at least 90% of the habitable area of the 1st storey, it shall be deemed a full storey.

**Street line** means the limit of the street or road allowance and the dividing line between a lot and street or road.

**Streetscape** means the scene as may be observed along a public street, composed of natural and man-made components including buildings, paving, planting, street hardware and miscellaneous structures.

**Street wall** means the vertical plane parallel to the street in which the front building facades of the majority of the buildings along a street are located.

**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.

**Subdivision** means the process (and the result) of dividing a parcel of raw land into smaller buildable sites, blocks, streets, open space and public areas and the designation of the location of utilities and other improvements.

**Supportive Housing** means a service use licensed or approved by a government agency that provides care and or supervision on a 24-hour basis by professional staff for people who need assistance to live independently in a setting that attempts to emulate a home atmosphere in a standalone or mixed-use building. Supportive housing may house people who are elderly, fleeing violence or abuse, have disabilities, or mental health issues.

**Telecommunications Tower** means any tower or structure, natural or man-made, existing or erected, used to support one or more antennas, including self supporting lattice towers, guyed towers, or monopoles. This term includes radio and television transmission towers, microwave towers, common carrier towers, wireless telephone towers, alternative tower structures and the like.

**Tourism Use** means the use of land for the purposes of serving the traveling public and may include more than one of the following:

- tourist cottages
- restaurant uses
- banquet hall
- farm gate establishment

**Tourist cottage** means a building, or part of a building within a tourist cottage complex designed to provide temporary accommodations for the travelling public which are built as an independent and separate housekeeping establishment with separate culinary and sanitary facilities.

**Tourist cottage complex** a service accommodations business, licenced by the Province, comprised of two or more building containing tourist cottage(s) used to accommodate the

travelling public for gain or profit by supplying them with temporary sleeping accommodations and where the accessory uses could include an administrative office, assembly hall, convenience store, swimming pool, and recreational facilities.

**Traffic Authority** means the Department of Engineering & Public Works for the CBRM where responsibility to maintain the public street/road is the Regional Municipality's and the Nova Scotia Department of Public Works when the responsibility to maintain the public street/road is the Province of Nova Scotia.

**Transportation** means an establishment where the main use involves transporting. It includes:

- transportation personal service businesses such as taxi and shuttle vans;
- transportation general service businesses such as buses, moving companies, transport and delivery; and
- transportation terminals.

**Transportation terminal** means a facility or terminal where one mode of transport is changed for another (e.g. ship to truck) and shall include all storage and distribution facilities, servicing and repairing facilities. Such terminals are divided into three categories:

- road/air (i.e. airport);
- road/rail/marine (i.e. ferry terminals);
- road/rail (i.e. train station); and
- road/road (i.e. national or international delivery for regional distribution).

**Two-way Traffic** means the design of a street or access where travel in opposing directions is required for ingress and egress.

**Unlisted road** means any existing road, street, avenue, drive, lane, walk, place, or extension which is not:

- a public street/road as defined in this Bylaw;
- a private road as defined by this Bylaw;

but it is used to provide motor vehicle access to lot parcels from its intersection with a public street/road with a range of civic addresses assigned to it for 911 purposes. Unlisted roads may not have a defined right-of-way reserve, may or may not be receiving Public Works services from CBRM, and the range of services can vary from one unlisted road to another.

**Utility** means any above ground building or structure which is used for the provision and operation of energy, water, sanitary sewage system, or telecommunication service for public consumption, benefit, or use.

**Variance** means a relaxation of the terms of the zoning by-law where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the by-law would result in unnecessary and undue hardship.

**Veterinary Clinic** means a building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention.

**Wall** means a partition supported by the building's foundation that is intended to enclose the building's interior and support the building's roof. A building's interior means the inside of a building enclosed by walls and a roof which is essentially only open to the outdoors by means of openings that, by design, can be closed and sealed easily e.g. doors and windows.

**Waste Facility** means an industrial site used for the treatment, source separation, storage, transportation, transfer or disposal of solid waste and organic material.

**Warehouse** means a building or part of a building used primarily for the storage and wholesale distribution of goods, wares, merchandise associated with a sales business development.

**Wind Farm** a grouping of more than one interconnected wind turbine on one lot or abutting lots used for the purpose of converting wind power to produce electricity. These typically require a central computerized monitoring system that monitors the operation of the turbines.

**Wind Turbine, Small Scale** means a device for converting wind power to electricity, which has a nameplate capacity of not more than 100 Kilowatts (kW) and which is intended primarily to reduce on-site consumption of utility power.

**Wind Turbine, Large Scale** means a device for converting wind power to electricity, which has a nameplate capacity of more than 100 Kilowatts (kW) and generates power primarily for sale to a third party and which may be developed either as a stand-alone machine or be grouped with others in a wind farm.

**Wind Turbine Height** means the height of a wind turbine tower plus the radius of the rotor.

**Yard** means an open, uncovered space on a lot parcel between a building and a lot parcel boundary. Any yard between a main building and the public street/road boundary shall extend across the full width of the lot parcel.

- **Flankage yard** means a side yard adjoining a street on a corner lot extending from the front yard to the rear yard.
- **Front yard** means a yard extending across the front of a lot, from side lot line to side lot line, and from the front lot line to any vertical part of a main structure that supports a roof.
- **Rear yard** means that part of a lot which extends across the full width of a lot between the rear lot line and nearest wall or supporting member of a principal building or structure.
- **Setbacks, Front, Rear, Side Yard** means the horizontal distance measured at right angles

- between any vertical part of a building/structure and the lot parcel boundary.
- **Side yard** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any main building or structure on the lot.

**Yurt** means a round, domed shelter of cloth or canvas on a collapsible frame with that does not contain kitchen and sanitary facilities.

**Zone** means the category of use or activity of land, buildings, structure or activities permitted by this By-law.

# Chapter 4.

## General Provisions

## 4.1. ACCESSORY BUILDINGS AND STRUCTURES

### 4.1.1. General Provisions

- a) Except as otherwise provided by this By-law, any lot containing a main building or use may also contain one or more accessory buildings or structures subject to the requirements of this Section.
- b) Shipping containers shall be permitted as an accessory structure to non-residential uses within the Service Area Boundary and all other zones outside of the Service Area Boundary, subject to this Section 4.1.
- c) In addition to the provisions of Subsection 4.1, shipping containers shall only be permitted within the Service Area Boundary as an accessory structure to a residential use if the exterior has the same or similar exterior cladding as the main residential building. For clarification paint is not considered exterior cladding.
- d) Except as otherwise provided by this By-law, an accessory building or structure shall not be erected, placed, or altered so as to be in the required front or flankage yard setback of a main building or structure.
- e) Accessory buildings shall be of a similar appearance and design as the main building;

### 4.1.2. Total Lot Coverage

- a) The total floor area for all detached accessory buildings to a residential use shall not exceed the greater of 75m<sup>2</sup> or 10% of the lot area up to a maximum of 150m<sup>2</sup>, not exceeding the lot coverage requirements;
- b) The total floor area for all detached accessory buildings to a non-residential use shall not exceed the greater of 75m<sup>2</sup> or 10% of the lot area up to a maximum of 250m<sup>2</sup>, not exceeding the lot coverage requirements.
- c) The total floor area of all accessory buildings shall not exceed 28m<sup>2</sup> (300ft<sup>2</sup>) when it is accessory to a recreational vehicle.

### 4.1.3. Side and Rear Yard Setback Requirements

#### a. Residential

Any accessory residential building or structure may be built or located in a side yard or rear yard provided that it be a distance of at least 0.6 metres (2 feet) from the side lot line or rear lot line, except if the floor area of the accessory building exceeds 93sq. m (1,000 sq. ft.), or its height exceeds 3.7 metres (12 feet), in which case it shall be in compliance with the setbacks for the main building.

b. **All other uses**

Non-residential accessory building or structure shall be at least 1.2 metres (4 feet) from the side lot line or rear lot line.

#### 4.1.4. Front Yard Setback Requirements

No accessory building or structure may be placed within the required front yard setback area of the zone.

#### 4.1.5. Height

a) **Residential**

The height of a residential accessory building or structure shall not exceed the height of the main residential building on a lot and in no case shall it exceed 9 metres in height measured from average grade to the highest point of any portion of the roof.

b) **All other zones**

The height of a non-residential accessory building or structure shall not exceed a maximum height of 11 metres. Where abutting a residential zone; accessory buildings over 9 metres will require an additional 1 metre side and rear yard setback for each additional metre in height to a maximum of 5 metres.

#### 4.1.6. Accessory Buildings on Corner Lots

No accessory building or structure shall be erected on a corner lot at a distance from the street line less than the front yard and corner lot side requirements for the main building.

### 4.2. ACCESSORY DWELLING UNITS

A lot containing a one or two unit dwelling may also contain an accessory dwelling unit as a secondary use in a separate building subject to the following:

- a) The accessory dwelling unit suite shall not exceed a maximum gross floor area of 72 square metres;
- b) The height of an accessory dwelling unit shall not exceed the height prescribed for an accessory building in Section 4.1 of this By-law;
- c) Unless the accessory building existed legally prior to the adoption of the Land Use By-law, the accessory dwelling unit shall be in the rear yard of the main building;
- d) The accessory dwelling unit shall be of a similar appearance and design as the main building;
- e) Each lot is limited to one accessory dwelling unit; and

- f) Subdivision of an accessory dwelling unit to create a flag lot is prohibited.

## **4.3. AGRICULTURAL ANIMALS IN RESIDENTIAL ZONES**

The keeping of Agricultural Animals as personal use in Residential zones is subject to the provisions of the Responsible Animal Husbandry By-law.

## **4.4. DAY CARE FACILITY**

Where permitted by this By-law, a Day Care Facility shall be subject to the following requirements:

- a) A Day Care Facility complies with the daycare regulations of the Province of Nova Scotia;
- b) Any fenced or outdoor play area shall be in the rear yard;
- c) Notwithstanding (b), a fenced or outdoor play area may be in the side yard if it is located behind the building line of the main structure;
- d) Pick-up and drop-off of children may occur on-site and shall have limited impact on neighbourhood traffic patterns.

## **4.5. ENCROACHMENTS AND PROJECTIONS**

### **4.5.1. Encroachments Permitted from Required Setbacks**

The following structures or appurtenances may project into the prescribed setbacks of a zone, provided the following setbacks are adhered to:

| <b>Structures</b>   | <b>Setback Affected</b> | <b>Minimum Setback from the Property Boundary</b>   |
|---|-------------------------|---|
| Sills, belt courses, cornices, gutters, chimneys, pilasters | Any setback             | 0.6 metres  |
| Eaves   | Any setback             | 0.75 metres for a main building or accessory building with a height greater than 3.5 metres or a total floor area greater than 90 square metres<br><br>No exemption for all other accessory buildings |

|                                      |   |            |
|--------------------------------------|---|------------|
| Window Bays                          | From public street and lot parcel boundary furthest from public street  | 0.5 metres |
| Canopy                               | Any setback   | No limit   |
| Fire escapes and exterior staircases | All setbacks except from public street  | .5 metres  |
| Balconies                            | From public street and lot parcel boundary furthest from public street only for one unit dwelling, two unit; any setbacks for other residential buildings | 1 metre    |

## 4.6. KEEPING OF FISHERY EQUIPMENT

- a) The storage of dormant fishery equipment shall be permitted in all zones within 300 metres of a harbour shoreline by Site Plan Approval. Site Plan Approval is subject to the following:
  - i. The fishery equipment shall be screened from any residential dwelling or accommodation use. Screening shall be provided by fence or vegetation such as a hedge;
  - ii. The volume of storage shall be minimized and the location shall be selected so to prevent the storage area from being visible to adjacent residential parcels.
- b) The storage of dormant fishery equipment shall be permitted in all zones within 300 metres of the Atlantic Ocean subject to the following provisions:
  - i. The subject site shall have a minimum lot area of 4000 square metres
  - ii. The storage area shall be setback a minimum of 30 metres from a dwelling.

## 4.7. HEIGHT EXCEPTIONS

The height restrictions of this By-law shall not apply to church towers, chimneys, water storage tanks, telecommunication towers, or to structures housing mechanical equipment.

## 4.8. HOME BASED BUSINESSES

### 4.8.1. Home Based Business General Standards

In addition to all other requirements of this By-law, the following shall apply to all Home Based Businesses:

- a) A Home Based Business may be permitted as an secondary use within a dwelling unit or an accessory building, or both for the same business, and must be clearly secondary to the residential use;
- b) Unless the business is a bed & breakfast, the floor area devoted to a Home Based Business, whether located in the dwelling unit or accessory building or both, shall not exceed the lesser of 25% of the floor area of the dwelling unit or 50m<sup>2</sup> (538ft);
- c) The owner of the home business must be a resident in the same dwelling unit;
- d) When the Home Based Business operates from an accessory building, the accessory building shall meet the regulations for accessory buildings as described in Section 4.1;
- e) No exterior changes will be permitted which would change the architectural appearance of the dwelling;
- f) Employees and operators of the home-based business shall be limited to the owner of the business plus one additional staff;
- g) The Home Based Business will meet the signage requirements as set out in Sections 4.22 of this By-law;
- h) The following environmental standards shall apply:
  - i. No physical hazards or nuisance including fire, toxic waste, explosion, glare or vibration to adjacent properties;
  - ii. No discharge of any waste material or pollutant onto the ground of property or adjacent property or any waterway or drainage Facility; and
  - iii. Outdoor storage must be located in the rear yard containing the Home Based Business and screened;
- i) Retail sales are limited to those produced on site and shall be secondary to the main Home Based Business.

#### 4.8.2. Permitted Home Based Businesses

The following Home Based Businesses are permitted in any zone:

- a) Artist/Artisan Establishment
- b) Bed & Breakfast, subject to 4.8.3
- c) Business Office
- d) Catering Establishments, excluding incidental retail sales
- e) Food Processing Cottage Industry

- f) Home Day Care
- g) Instruction Services; up to 4 students at one time
- h) Medical Clinic
- i) Personal Service
- j) Repair Service

#### **4.8.3. Special Conditions for Bed and Breakfasts**

Bed and Breakfasts shall:

- a) Be limited to one unit dwellings;
- b) Limit Bed and Breakfast operations to no more than 10 sleeping units in the building or as regulated by the appropriate provincial department;
- c) Not permit any sign visible from the outside of the house, advertising the existence of the Bed and Breakfast, or Inn or the availability of a room except:
  - (i) in a Residential Zone, one non-illuminated sign attached to the building not exceeding 0.4 square metres in area is permitted;
  - (ii) in all other zones, one non-illuminated fascia sign not exceeding the provisions in this By-law under Section 8 for a fascia sign.
- d) Not permit a Support Facility, Home Occupation or Daycare Facility on the same lot;

### **4.9. FLAG LOTS**

#### **4.9.1. Flag Lots Within the Service Area Boundary**

Subdivision that would create a new flag lot within the Service Area Boundary is not permitted.

#### **4.9.2. Flag Lots Outside of the Service Area Boundary**

- a) A maximum of two flag lots may be created from a lot that existed previous to the coming into effect of this By-law;
- b) A flag lot must satisfy all zone standards with the exception of frontage;
- c) Subject to Subsection (b), the “pole” of a flag lot shall be a minimum of 6 metres wide;
- d) The “pole” of the flag lot shall be excluded when calculating lot coverage.

### **4.10. FRONTAGE ON A STREET/ROAD**

Unless otherwise permitted by this By-law, the Development Office shall only issue a

Development Permit if the lot parcel intended for development abuts:

- a) A public street/road, as defined by the By-law;
- b) A private road, as defined by the By-law; or
- c) An unlisted road which is identified in CBRM centerline database.

## **4.11. LANDLOCKED PARCELS**

Parcels that do not front onto a public or private road, may be developed in accordance with the following provisions:

- a) For uses permitted in a zone; proof of legal easement of a minimum constructed width of 3 metres shall be required; and
- b) For uses permitted by Site Plan Approval, frontage and access requirements will be considered as part of the Site Plan Approval Process.
- c) Landlocked parcels accessed via an easement must all comply with the provisions in Section 4.21 Share Driveways.

## **4.12. LANDSCAPING**

### **4.12.1. Landscaping General Requirements**

- a) Landscaping is required whenever the development of a main building or structure is undertaken;
- b) Required landscaping shall be completed within one year from the issuance of a Development Permit;
- c) Landscaping shall include trees, grass, other vegetive ground cover, shrubs, bushes, landscaping mulch, decorative stone, or structures used to embellish the overall design but does not include asphalt or compacted gravel.
- d) All required front and flankage yards and any areas not occupied by a building, structure, parking area, driveway, or walkway shall be landscaped;

## **4.13. LANDSCAPING AND STORMWATER MANAGEMENT PLANS FOR LARGE DEVELOPMENTS**

Any development within CBRM with a ground floor area exceeding 1,000m<sup>2</sup> or greater shall be required to prepare a landscaping plan and stormwater management plan to the satisfaction of CBRM Engineering and Public Works and the Development Officer.

## **4.14. MORE THAN ONE USE ON A LOT**

### **4.14.1. General**

Where more than one use is proposed for a lot or a building is proposed to be used for more than one use:

- a) conformity to the provisions for each use is required;
- b) if conformity cannot be obtained, the more stringent provision prevails.

### **4.14.2. Main Buildings**

- a) Inside the Service Area Boundary, the maximum number of one unit dwellings permitted on the same lot parcel shall be one, except where one unit dwellings (mobile homes) are permitted within the Mobile Home Park Zone. Outside the Service Area Boundary, the maximum number of main one unit dwellings permitted on the same lot parcel shall be two.
- b) The maximum number of Supportive Housing developments permitted on the same lot parcel shall be one.
- c) Two or more two-unit dwellings, apartment buildings or townhouses, or any combination of these three residential land use types, shall be permitted on the same lot parcel provided they are serviced by both a CBRM water main and a sanitary sewer main.
- d) Notwithstanding Subsections a), b), and c), any combination of residential land use types shall be permitted on the same lot parcel when they are within a condominium development registered pursuant to the *Condominium Act*.

## **4.15. MEDICAL CLINICS**

- a) Medical clinics are permitted in all zones, except the Environmental Protection (EP) zone;
- b) Where Health Care is identified as a permitted use, medical clinics shall be permitted subject to the zone provisions in effect for the given zone; otherwise, medical clinics shall be permitted Site Plan Approval in accordance Section 2.13.2 of this By-law and the following table:

| <b>Public Street/Road Level</b> | <b>Maximum Density Threshold<br/>2 or more storeys</b>     | <b>Maximum Density Threshold<br/>1 storey</b>              |
|---------------------------------|--|--|
| <b>Level 1, 2, and 3</b>        | 1 consulting room per 140 square metres of the land parcel | 1 consulting room per 275 square metres of the land parcel |
| <b>Level 4</b>                  | 1 consulting room per 185 square metres of the land parcel | 1 consulting room per 370 square metres of the land parcel |

- c) Medical clinic shall only be permitted by zone amendment if the density is greater than the maximum threshold prescribed by Subsection (b) above, or if accessed by a Level 5 public street/road.

## 4.16. LONG TERM CARE FACILITIES

### 4.16.1. Beds per Lot Parcel Area

- a) New long term care facilities are permitted in all other zones, except the Environmental Protection (EP) zone.
- b) Where Health Care is identified as a permitted use, long term care facilities shall be permitted subject to the zone provisions in effect for the given zone; otherwise, long term care facilities shall be permitted in compliance with the provisions below;
  - i. For Long Term Care Facilities with up to and including 25 beds shall be permitted by Site Plan Approval in accordance with Section 2.13.2 of this By-law and the following table:

| <b>Public Street/Road Level</b> | <b>Maximum Density Threshold</b><br><b>2 or more storeys</b> | <b>Maximum Density Threshold</b><br><b>1 storey</b> |
|---------------------------------|--|---|
| <b>Level 1, 2, and 3</b>        | 1 bed per 90 square metres of lot parcel                     | 1 bed per 180 square metres of lot parcel           |
| <b>Level 4</b>                  | 1 bed per 140 square metres of lot parcel                    | 1 bed per 230 square metres of lot parcel           |
| <b>Level 5</b>                  | 1 bed per 275 square metres of lot parcel                    | 1 bed per 370 square metres of lot parcel           |

ii. For Long Term Care Facilities with 26 up to and including 50 beds shall be permitted by Site Plan Approval in accordance with Section 2.13.2 of this By-law and the following table:

| <b>Public Street/ Road Level</b> | <b>Maximum Density Threshold</b>          |
|----------------------------------|---|
| <b>Level 1, 2, and 3</b>         | 1 bed per 140 square metres of lot parcel |
| <b>Level 4</b>                   | 1 bed per 180 square metres of lot parcel |

iii. For Long Term Care Facilities with greater than 50 beds shall be permitted by Site Plan Approval in accordance with Section 2.13.2 of this By-law and the following table:

| <b>Public Street / Road Level</b> | <b>Maximum Density Threshold</b>          |
|-----------------------------------|---|
| <b>Level 1, 2, and 3</b>          | 1 bed per 180 square metres of lot parcel |
| <b>Level 4</b>                    | 1 bed per 275 square metres of lot parcel |

iv. Long Term Care Facilities shall only be permitted by zone amendment if the density is greater than the maximum threshold prescribed.

## 4.17. OUTDOOR STORAGE

Where any portion of a lot is proposed to be used for Outdoor Storage, the following shall apply:

a) Any area devoted to open storage shall not exceed 50 % of the lot area;

- b) No outdoor storage shall be permitted within any required front yard; and
- c) No outdoor storage shall be permitted within any yard where such yard abuts any Residential Zone or residential use, except where a fence or other visual and physical barrier is provided within the abutting yard.

## 4.18. PARKING AND LOADING

### 4.18.1. General Provisions

- a) There are no minimum parking requirements in any zone**
- b) Except as otherwise provide in this By-law, a parking area of more than five vehicles located within the Service Area Boundary is required:
  - i. to be paved and all parking spaces delineated with painted lines;
  - ii. to be separated from any public street/road by a distance of at least 1.8 metres (6 ft.) and be no closer than 0.9 metres (3 ft.) from any other lot parcel boundary and this area shall comply with this By-law's definition for landscaped open area;
  - iii. The setbacks outlined in Subsection (ii) do not apply to parking areas that existed prior to the adoption of the Land By-law.
- c) Except as otherwise provided in this By-law, a parking area of more than five vehicles developed within 10 metres of an abutting Residential zone, shall be screened from the abutting residential property with a fence or coniferous hedge of a minimum height of 1 metre;
- d) Except as otherwise provided in this By-law, parking areas shall have unobstructed independent access to a public street, be located on the same lot parcel, and be within a zone permitting the use;
- e) Notwithstanding Subsection (b), parking areas located in the rear yard of an Industrial zone are not required to be paved;
- f) A parking lot for 50 or more parking spaces shall delineate a pedestrian crossing area with paint to ensure the safe movement of pedestrians through the area;

### 4.18.2. Driveway Access

- a) The number of driveways shall be limited to two per public street/road frontage for each public street/road on which the lot parcel fronts.
- b) Driveways shall not be closer than 4.5m (15 ft.) to another driveway serving the same lot parcel;
- c) All driveways to a corner lot shall be located no closer than 12 metres (40 ft.) from the intersection of the lot lines along two streets except that where these

requirements make access impossible or impractical, the Development Officer may approve a driveway closer to an intersection; provided that the driveway or is located as far from the intersection boundary as possible and complies with all other provisions of this By-law;

- d) The maximum width of a driveway at the public street/road boundary for a lot parcel with five or more parking spaces shall be 7.9 m (26 ft.) for one way traffic or 11 m (36 ft.) for two way traffic, except at a signalized intersection authorized by the traffic authority, in which case the maximum width may be increased;
- e) The maximum total width of a driveway(s) for a lot parcel with less than five parking spaces shall be 7.9 m (26 ft.) at the public street/road boundary and the total area devoted to parking or aisles in the front yard shall not exceed 40 % of the area of the front yard.

#### **4.18.3. Parking Space and Aisle**

- a) Individual parking spaces shall have the minimum dimension of 2.7m by 6m;
- b) Parking space shall have adequate access to permit ingress or egress of a motor vehicle;
- c) All parking spaces shall be independently accessible without requiring the movement of a vehicle or vehicles occupying any other parking space, to and from a public street/road or highway by means of driveways, aisles or maneuvering areas.
- d) A minimum aisle width of:
  - i. 3.5m for one way traffic;
  - ii. 6m for two way traffic.

#### **4.18.4. General Loading Requirements**

Off-street spaces not less than 9.1 m long and 3.6 m wide and overhead clearance of 4.2 m shall be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, as set in the following table:

| <b>Total Floor Area</b>                 | <b>Number of Spaces</b> |
|---|-------------------------|
| Up to 1,860 square metres               | 1                       |
| 1,860 to 4,650 square metres            | 2                       |
| For each additional 4,650 square metres | 1                       |

#### **4.18.5. Bicycle Parking**

- a) Bicycle parking shall be provided on any residential development of 20 units or more;
- b) Bicycle parking shall be provided with the construction of new non-residential

development of 2000 square metres of gross floor area or more;

- c) Bicycle parking shall be provided via a rack or storage locker that is securely attached or anchored so as to be permanently affixed;
- d) In a residential development; bicycle parking shall be provided at a ratio of .25 bicycle parking spaces per residential unit;
- e) In a new non-residential development; bicycle parking shall be provided at 0.2 spaces per 100 square metres of gross floor area; and
- f) Where calculation of the total number of bicycle parking spaces yields a fractional number:
  - i. any fraction less than one-half (0.5) rounds down to the nearest whole number (including zero); and
  - ii. any fraction one-half (0.5) or greater rounds up to the nearest whole number.

## **4.19. SECONDARY SUITES**

A one or two unit dwelling may also contain a secondary suite subject to the following:

- a) Shall not exceed 72 square metres of the gross floor area;
- b) Shall have an entrance to the side or rear of the building; and
- c) The presence of a secondary suite shall not change the exterior appearance of the building.

## **4.20. SEVERED PARCELS**

A Development Permit may be issued for a lot parcel severed by a railway lot parcel, provided in all cases:

- a) the lot parcel is accessible by means of a legal easement; and
- b) the legal easement described in (a) shall extend from the lot parcel to the public street/road, excepting the railway lot parcel and any rail right-of-way reserve.

## **4.21. SHARED DRIVEWAYS**

Notwithstanding anything in this By-law, a shared driveway is permitted, subject to the following provisions:

- a) A shared driveway shall service no more than 3 lot parcels;
- b) A shared driveway servicing more than 3 lot parcels shall comply with the standards for a private road as outlined in the Subdivision By-law;

- c) For lots not fronting onto a public street, proof of legal easement shall be required;
- d) This Section does not apply to Dwelling Groups or Commercial Groups.

## 4.22. SIGNS

### 4.22.1. General Provisions

- a) Other than a traffic control device as defined by the Motor Vehicle Act, or a legal notice, no sign may be placed, erected or displayed on any land, building or structure, except in conformity with this By-law.
- b) Notwithstanding other sections of this By-law, no person shall erect a sign without first obtaining a permit from the Development Officer and no permit to erect a sign shall be issued unless all the sign provisions of this By-Law are satisfied.
- c) Other than a traffic control device as defined by the Motor Vehicle Act, no sign shall be illuminated intermittently or incorporate flashing in any way.
- d) The Traffic Authority or Police may require the removal of any sign or parts thereof, which in their opinion may constitute a hazard.
- e) A temporary or mobile sign that is not affixed to the ground, a building, or structure are not regulated under the Land Use By-law, but may be regulated under other Municipal By-laws.
- f) Signs oriented toward a Provincial Highway requires approval from the relevant Provincial Authority.
- g) Signs containing electronic message board shall be permitted subject to compliance with the applicable sign type provisions.
- h) Signs shall adjust in brightness between daytime and nighttime and shall be of a reduced brightness in the nighttime.

### 4.22.2. Signs Permitted in All Zones

Notwithstanding anything else in this By-law, the following signs shall be permitted in any land use zone and do not require a permit from the Development Officer:

- a) A real estate sign with an area not exceeding 2 square metres in a Residential Zone or 3 square metres in any other zone. A real estate sign shall be placed on the property in which it is advertising sale;
- b) A directional sign subject to the following:
  - i. A maximum of one directional sign for each entrance, exit, and drive through

lane is permitted;

- ii. With the exception of a logo, a directional sign is limited to the purpose of directing vehicle and pedestrian traffic to an access or driveway on the same lot;
- iii. A directional sign shall not exceed a maximum sign face area of .5 square metres;
- iv. A directional sign shall not exceed 1.5 metres in height;
- v. A directional sign shall have a minimum setback of 1.5 metres from a front, flankage, or side lot line and a minimum setback of 1 metre from the edge of a paved or painted lane of access or driveway.

- c) A point-of-purchase sign;
- d) An entrance identification sign;
- e) A public welfare or safety sign authorized by the Municipality or the Province including a directional or traffic sign outside of a public street or right-of-way;
- f) A sign identifying a hazard of danger on a lot;
- g) A memorial or foundation sign on a building;
- h) A sign that identifies the address of a residence, the name of the resident, or a sign regulating the conduct of a person on the lot, provided such a sign does not exceed .5 square metres in total sign face area;
- i) A flag, banner, or emblem representing a country, province, municipality, or non-commercial organization;
- j) An Electronic Message Board used to display text only with no off-site advertisement, provided the sign face does not exceed 1.5 square meters.

#### 4.22.3. Signs Prohibited in All Zones

Except as otherwise provided in this By-law, the following signs are not permitted:

- a) A sign, other than a traffic control device defined under the *Motor Vehicle Act*, shall not use words or lights that may mislead, confuse, or interfere with traffic along a public street.

#### 4.22.4. Billboard Signs

A billboard sign may be placed, erected, or displayed subject to the approval of the Development Officer and subject to the following requirements:

- a) A Billboard Sign shall be permitted only in Commercial, Rural, and Industrial zones

- b) A Billboard Sign's sign face shall not exceed a length greater than 10 metres or a height greater than 4 metres;
- c) A Billboard Sign shall be setback 3m from the front yard lot line and 1.5m from side and rear yards lot lines.
- d) A Billboard Sign shall not be within 250 metres of another Billboard Sign;
- e) Notwithstanding Subsection (d) two Billboard Signs may be located together as a unit if the total sign face length does not exceed 15 metres;

#### 4.22.5. Awning And Canopy Signs

Awning and Canopy signage is permitted in non-Residential zones and is subject to the following requirements:

- a) An awning sign shall be attached below the level of the second floor windows of a building;
- b) An awning sign shall have a minimum clearance of 2.5 metres above a sidewalk or walkway; and
- c) An awning sign shall not exceed a maximum projection of 1m over a sidewalk or walkway.

#### 4.22.6. Ground Signs

##### GENERAL PROVISIONS FOR GROUND SIGNS

- a) All Ground Signs shall be setback 3m from the front yard lot line and 1.5m from side and rear yards lot lines to a street line than the lesser of:
- b) The height of a Ground Sign shall not exceed the maximum height permitted in the zone in which the sign is located.

##### GROUND SIGNS IN RESIDENTIAL ZONES

A Ground Sign shall only be permitted in a Residential Zone with a maximum 1.5 square metres for each sign face to a maximum of 3 square metres total for all sign faces.

##### GROUND SIGNS ALL OTHER ZONES

A Ground Sign shall only be permitted in all Non-Residential Zones with a maximum 9 square meters for each sign face to a maximum of 18 square metres total for all sign faces.

#### 4.22.7. Projecting Wall Signs

Projecting Wall Signs are permitted in all Commercial, Rural and Industrial Zones, and are subject to the following requirements:

- a) The Projecting Wall Sign shall be no larger than 2 square metres in area;

- b) The sign shall not exceed a projection of 1.5 metres from the building; and
- c) The sign shall be no less than 2.5 metres high at its lowest point.

#### **4.22.8. Wall Signs**

- a) A Wall Sign shall be parallel to the wall to which it is affixed;
- b) A Wall Sign shall not cover a fence or roof;
- c) Any illumination shall be downcast upon the sign to lessen impact on the surrounding environment;
- d) No sign shall be illuminated intermittently or incorporate flashing in any way.

#### **WALL SIGNS IN RESIDENTIAL ZONES**

A Wall Sign shall only be permitted in a Residential Zone subject to the following:

- a) The maximum sign face area shall be 0.5 square metres;
- b) Wall Signs in a Residential zone shall be placed on a wall oriented towards the street;
- c) Wall Signs in Residential Zones shall not be illuminated from within.

#### **WALL SIGNS IN COMMERCIAL ZONES**

The maximum sign face area of a Wall Sign in Non-Residential Zones shall be .5 Square meters per metre of occupied building frontage.

#### **4.22.9. Construction Signs**

- a) Notwithstanding Section 4.22.3, nothing in this By-law shall prevent the placement of a sign which identifies the architects, engineers, contractors, or other professional individuals or firms involved with the development occurring on the same lot, or an announcement concerning proposed development on the same lot.
- b) A construction sign shall not advertise any product.
- c) A construction sign shall be removed within 14 days of the beginning of the intended use of the construction.
- d) A construction sign:
  - i. shall not exceed 1.11 m<sup>2</sup> in area for each firm; and
  - ii. shall not, in total, exceed 5.57 m<sup>2</sup> in area.

#### **4.22.10. Electronic Signs**

Notwithstanding Section 4.21.3, an electronic message board sign may be erected subject

to the following requirements:

- a) Electronic Signs are permitted in the Commercial, Institutional, and Industrial zones;
- b) Notwithstanding Subsection (a), Electronic Signs are subject to the conditions of the Development Officer on lots abutting Residential zones;
- c) Only one electronic message board sign shall be permitted per lot;
- d) An electronic message board shall adjust in brightness between daytime and nighttime and shall be of a reduced brightness in the nighttime;
- e) Where permitted, an electronic message board shall not exceed a maximum total sign face area of 3.5 square metres.

## 4.23. SOLAR COLLECTORS

### 4.23.1. Solar Collectors – Accessory Use

- a) Solar collectors are permitted an accessory use in all zones subject to the conditions prescribed in this Section;
- b) Solar collectors attached to a building are not considered part of the building when considering the building height;
- c) A solar collector located on a pitched roof must not extend beyond the outermost edge of the roof, but may:
  - i. project a maximum of 0.5 m from the surface of the roof when the solar collector is located 5.0 m or less from a side property line, measured directly from any point along the side property line; and
  - ii. where the solar collector is located more than 5.0 m from a side property line, it may project a maximum of 1.3 m from the surface of the roof.
- d) Ground mounted solar collectors shall:
  - i. conform to the setback requirements for accessory buildings; and
  - ii. be located in the side or rear yards only when accessory to a main use.

### 4.23.2. Solar Collectors (Main Use) and Solar Farms

Solar collectors and solar farms are permitted as a main use in all zones subject to the conditions prescribed in this Section. Solar collector as a main use and solar farms must conform to the setback for a main use and require a Development Permit issued by the Development Officer.

## 4.24. SUPPORTIVE HOUSING

Where permitted in this By-law, a dwelling may contain or be completely converted to, supportive housing subject to the following:

- a) Supportive Housing shall be limited to a maximum of nine beds;
- b) Notwithstanding Subsection (a), Supportive Housing in excess of 9 beds, may be permitted by Site Plan Approval in accordance with the following:
- c) The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.
  - i. Parking shall be provided on the lot parcel and shall be screen from abutting residential uses by an opaque vegetative buffer or fence or a combination thereof;
  - ii. All existing vegetation shall be retained except where its removal is necessary for the construction of the development;
  - iii. Signs advertising the business shall be of a scale and style and so located that they will not conflict with the streetscape;
  - iv. The location and orientation of any main buildings on the lot parcel must be carefully selected to prevent buildings that are significantly larger than any one unit or two unit dwellings in the vicinity (i.e. greater than 3 times the floor area, and/or twice the height, and/or three times the length from looming over any such residential dwellings or their yards);
  - v. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water;
  - vi. A minimum equivalent to 1/3rd of the floor area of the building shall be in compliance with the definition for landscaped open area. That percentage may be reduced to as low as 1/10th where the Development Officer is satisfied with the design of a Certified Horticultural Technician or Architect;
  - vii. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.
- d) No bed and breakfast, backyard suite, home daycare, home occupation or secondary suite is permitted in any building on the lot.
- e) There shall not be any change to the exterior appearance of the building that would

indicate supportive housing is in the building, other than signs permitted in this By-law.

f) The Development Officer shall notify assessed owners of properties within 30 metres of the proposed subject site of:

- i. Their decision to approve the development; and
- ii. To allow them to provide feedback on the proposed site plan.

## **4.25. TEMPORARY ACTIVITIES**

Nothing in this By-law shall prevent the use of any land or the placement of any building or structure, such as, but not limited to, a construction camp with no overnight accommodation, an office trailer, a tool shed, lot preparation shed, scaffolding, provided the temporary building or structure is removed within 14 days after the completion of the work.

## **4.26. USE OF A FORMER COMMUNITY, EDUCATIONAL SERVICE, OR MUNICIPAL BUILDINGS FACILITY**

a) The conversion of a former community, educational service, or municipal building into any combination of the uses listed below by site plan approval (pursuant to Sections 231 and 232 of the *Municipal Government Act*) shall be permitted in any zone where the uses themselves are not included in the list of uses permitted.

- apartment buildings
- artist/artisan establishment
- arts/entertainment studio
- business hall
- business office
- clothes cleaning business
- day care facility
- dwelling units
- funeral home
- accommodations
- indoor recreational business establishment
- medical clinic
- personal service business
- repair service
- shared dwelling

- scientific establishment
- townhouse
- tourist information center

b) The Development Officer shall approve a site plan in compliance with Section 2.13.2 of this By-law.

c) To facilitate the inclusion of additions demanded by other regulations or by-laws, and/or design improvements volunteered by the conversion proponent, for purposes of interpreting this Section, the construction work involved in the conversion may include an addition no greater than 5% of the floor area of the building.

## **4.27. UNSERVICED DEVELOPMENTS**

Notwithstanding other appropriate sections within this By-law, apartment buildings permitted in zones within the Service Area Boundary must be connected to municipal water, sanitary and (where available) storm systems.

## **4.28. UTILITIES**

Public utilities, such as electrical substations, water supply stations or facilities, sewage lifting station or treatment facilities, and electrical substations are permitted in any zone subject to the issuance of a Development Permit in compliance with setback requirements in the underlying zone. This does not include utilities facilities for the purposes of generating electricity of energy, including power plants.

## **4.29. VEHICLE BODIES**

No automobile, recreation vehicle, truck, bus, coach, street car, or any structure of similar nature shall be used for habitation of humans or keeping of animals, unless otherwise stated in each zone.

## **4.30. VENDORS SUBJECT TO THE VENDORS BY-LAW**

- a) Any business development that is subject to the provisions of the Vendors By-law does not require a Development Permit under the Land Use By-law;
- b) The Vendor's By-law requires, as a condition of licensing, that a proposed business development be in compliance with the provisions of the Land Use By-law;
- c) Any vacant site that has been previously occupied by a business development

similar to the proposed business development within the last 10 years, but is not zoned for the proposed use, shall be considered to be in compliance with the Land Use By-law if the former use can be verified by a source other than the applicant.

## **4.31. WIND TURBINES**

### **4.31.1. Small Scale Wind Turbines**

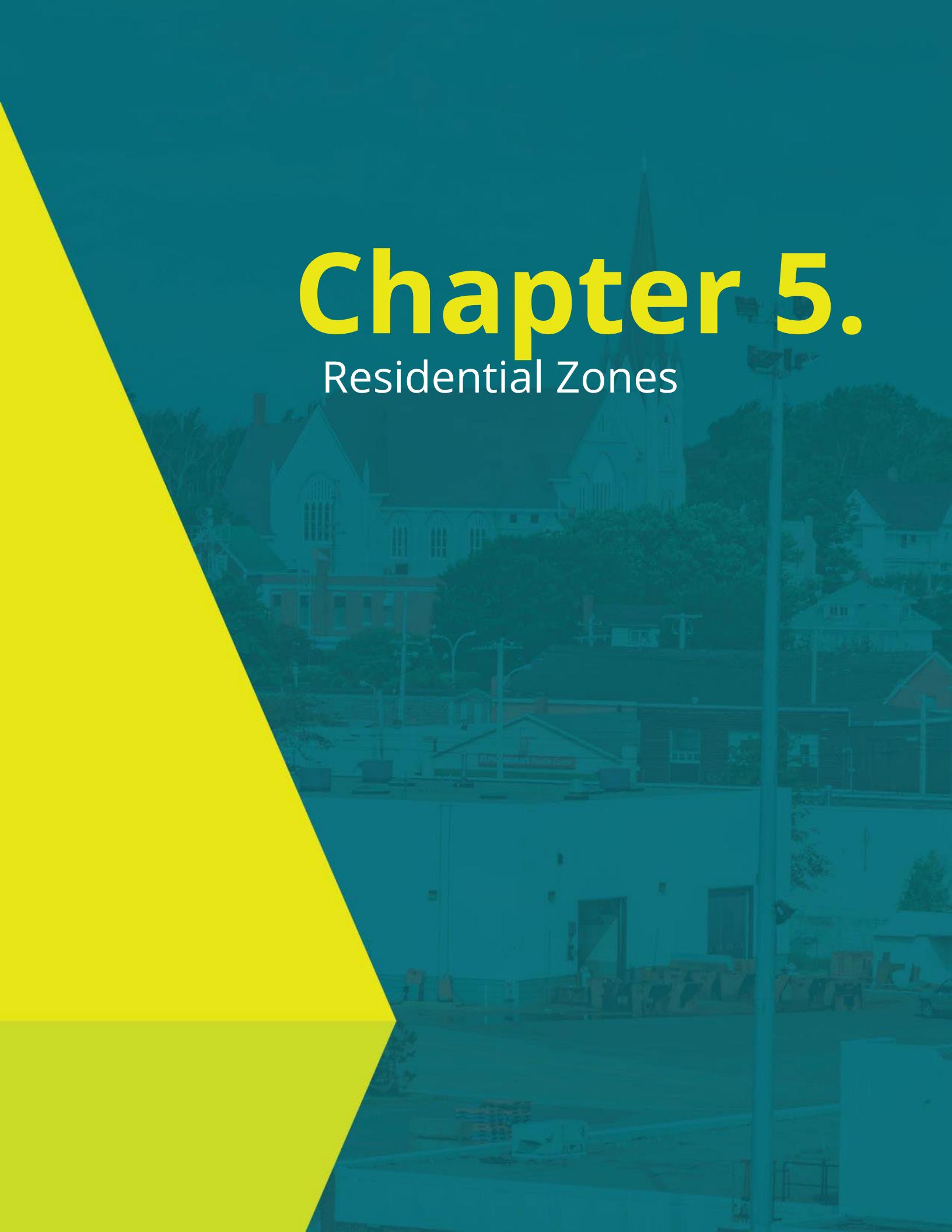
- a) A small wind turbine (SWT) shall only be permitted as accessory use in all zones.
- b) A SWT shall be setback no less than 1.5 times the total height from the property line.
- c) All structures associated with the wind turbine, including guy wire anchors shall be setback no less than 3 m from the property line.

### **4.31.2. Large Scale Wind Turbines and Wind Farms**

- c) Large scale wind turbine or wind farm development are permitted as main uses in all zones.
- d) A large scale wind turbine shall be setback no less than 1.5 times the total height from the property line.
- e) All structures associated with the wind turbine, including guy wire anchors shall be setback no less than 3 m from the property line.

# Chapter 5.

## Residential Zones



## 5.0. RESIDENTIAL USE SUMMARY TABLE

|  | UR1 | UR2 | UR3 | UR4 | RR5 | R6 | R7 |
|--|-----|-----|-----|-----|-----|----|----|
| <b>Residential</b>   |     |     |     |     |     |    |    |
| Dwelling, One Unit   | P   | P   | P   | P   | P   | P  | P  |
| Dwelling, Two Unit   | P   | P   | P   | P   | P   |    | P  |
| Dwelling, Shared   | P   | P   | P   | P   |     |    | P  |
| Dwelling, Shared <i>up to four rooms</i>                       |     |     |     |     | P   |    |    |
| Dwelling, Townhouse <i>up to six units</i>                     |     | P   | P   | P   |     |    | P  |
| Dwelling, Apartment <i>up to six units</i>                     |     | P   | P   | P   |     |    | P  |
| Dwelling, Townhouse <i>more than six dwelling units</i>        |     | SP  | P   | P   |     |    | SP |
| Dwelling, Apartment <i>more than six units</i>                 |     | SP  | P   | P   |     |    | SP |
| Dwelling, Townhouse <i>up to twelve dwelling units</i>         |     |     | P   | P   |     |    |    |
| Dwelling, Apartment <i>up to twelve dwelling units</i>         |     |     | P   | P   |     |    |    |
| Dwelling, Townhouse <i>more than twelve dwelling units</i>     |     |     | SP  | P   |     |    |    |
| Dwelling, Apartment <i>more than twelve dwelling units</i>     |     |     | SP  | P   |     |    |    |
| Dwelling, Unit   | P   | P   | P   | P   | P   | P  | P  |
| <b>Sales</b>   |     |     |     |     |     |    |    |
| Retail   |     | SP  | SP  | C   |     | C  | SP |
| <b>Service</b>   |     |     |     |     |     |    |    |
| Accommodation Use  |     |     |     |     |     |    | P  |
| Business Office  |     |     |     |     |     | P  | P  |
| Community Service  | P   | P   | P   | P   | P   |    | P  |
| Cultural Service   | P   | P   | P   | P   | P   |    | P  |
| Day Care Facility  | C   | C   | C   | C   | C   |    | C  |
| Educational Use  | P   | P   | P   | P   | P   |    | P  |
| Motor Vehicle Related  |     |     |     |     |     |    | C  |
| Protective ( <i>only coast guard, fire, judicial, police</i> ) | P   | P   | P   | P   | P   |    | P  |
| Restaurant   |     | SP  | SP  | C   |     | C  | SP |
| Supportive Housing <i>up to nine beds</i>                      | C   | C   | C   | C   | P   |    | P  |
| Supportive Housing <i>more than nine beds</i>                  | SP  | SP  | SP  | SP  | SP  |    | SP |
| <b>Agricultural</b>  |     |     |     |     |     |    |    |
| All  |     |     |     |     |     |    | P  |
| <b>Fishery</b>   |     |     |     |     |     |    |    |
| All  |     |     |     |     |     |    | P  |
| <b>Recreational</b>  |     |     |     |     |     |    |    |
| Public Indoor and Outdoor                                      | P   | P   | P   | P   | P   |    | P  |
| Boathouse  |     |     |     |     | P   |    | P  |

P = Permitted as-of-right   C = Permitted with additional conditions   SP = Site Plan Approval

# UR1

## 5.1. ONE AND TWO-UNIT URBAN RESIDENTIAL

The One and Two Unit Residential (UR1) zone is made up of one- and two-unit dwellings. The UR1 zone is applied to serviced or partially serviced development in the Service Area Boundary generally taking a traditional suburban format with one and two storey dwellings on orderly streets with consistent front and side yard setbacks. The consistent suburban format is encouraged through the permitting of lower density housing forms.

*The One and Two Unit Residential zone is directed by policy in CBRM Forward, the Municipal Planning Strategy:*



### Regional Structure

- *Intensification Areas*

### Land Use Designations

- *Low to Medium Density Residential*

### 5.1.1 Permitted Uses

One or more of the following uses are permitted in the **UR1** zone subject to all applicable requirements of this By-law:

#### RESIDENTIAL

- Dwelling, One-Unit
- Dwelling, Two-Unit
- Dwelling, Shared
- Dwelling Unit

#### RECREATIONAL

- Public Indoor and Outdoor

#### SERVICE

- Community Service
- Cultural Service
- Day Care Facility, *subject to Section 4.4*
- Educational Service
- Protective (*only coast guard, fire, judicial, police*)
- Supportive Housing, *subject to Section 4.24*

### 5.1.2 Zone Standards

|    |   |                          |
|----|---|--------------------------|
| a) | Minimum Lot Area                                  | <b>500 m<sup>2</sup></b> |
| b) | Minimum Lot Frontage                              | <b>16 m</b>              |
| c) | Minimum Front Yard Setback                        | <b>3 m</b>               |
| d) | Minimum Side Yard Setback                         | <b>1.25 m</b>            |
|    | <i>A nil setback is provided for common walls</i> |                          |
| e) | Minimum Rear Yard Setback                         | <b>1.25 m</b>            |
| f) | Minimum Flankage Yard Setback                     | <b>1.25 m</b>            |
| g) | Maximum Building Height                           | <b>9 m</b>               |
| h) | Maximum Lot Coverage                              | <b>35 %</b>              |

## UR2

### 5.2. LOW DENSITY URBAN RESIDENTIAL

The Low Density Urban Residential (UR2) zone accommodates a wide range of housing types at a variety of densities with the intention of creating well designed, low density urban neighbourhoods. The UR2 zone is intended for areas adjacent to downtowns or commercial centres and offers an urban development pattern that transitions between commercial and mixed use areas to lower density neighbourhoods. Sensitively scaled multi-unit residential development is encouraged as the primary development type in the UR2 zone.

*The Low Density Urban Residential zone is directed by policy in CBRM Forward, the Municipal Planning Strategy:*



#### Regional Structure

- *Intensification Areas*

#### Land Use Designations

- *Downtown Sydney*
- *Local Centre*
- *Mixed Use Centre*
- *Medium to High Density Residential*
- *Low to Medium Density Residential*

#### 5.2.1 Permitted Uses

One or more of the following uses are permitted in the **UR2** zone subject to all applicable requirements of this By-law:

##### RESIDENTIAL

- Dwelling, One-Unit
- Dwelling, Two-Unit
- Dwelling, Townhouse, *up to six units*
- Dwelling, Apartment, *up to six units*
- Dwelling, Townhouse, *more than six units*  
*subject to Section 2.13 and Section 5.2.2*
- Dwelling, Apartment, *more than six units*  
*subject to Section 2.13 and Section 5.2.2*
- Dwelling, Shared
- Dwelling Unit

##### RECREATIONAL

- Public Indoor and Outdoor

##### SERVICE

- Community Service
- Cultural Service
- Day Care Facility, *subject to Section 4.4*
- Educational Service
- Protective (*only coast guard, fire, judicial, police*)
- Supportive Housing, *subject to Section 4.24*
- Restaurant Use, *subject to 5.2.2*

##### SALES

- Retail Use, *subject to 5.2.2*

## 5.2.2 Permitted Uses by Site Plan Approval

Notwithstanding relevant zone standards in Subsection 5.2.3 the following uses are permitted through Site Plan Approval:

- a) **Dwelling, Apartment or Dwelling Townhouse with more than six dwelling units, subject to the following:**
  - i. Screening of parking areas and any outside storage areas from adjacent properties and a public street by an opaque vegetive buffer or fence or combination thereof of at least 1.2m high or landscaped equivalent;
  - ii. Provision of landscaping consisting of a combination of trees, shrubs, plants, grass, or retention of existing vegetation at a minimum of 25% of the total land area.
  - iii. Must be connected to municipal water and sanitary services.
- b) **Restaurant and Retail Use, subject to the following:**
  - i. Maximum allowable gross floor area is limited to 75m<sup>2</sup>;
  - ii. Screening of parking areas and any outside storage areas from adjacent properties and a public street by an opaque vegetive buffer or fence or combination thereof of at least 1.2m high or landscaped equivalent.
  - iii. Be located within 30m of an intersection of a Level 3 or higher street.

## 5.2.3 Zone Standards

|    |  |                             |
|----|--|-----------------------------|
| a) | Minimum Lot Area   |                             |
|    | Dwelling, Apartment or Dwelling, Townhouse with more than six dwelling units, the greater of | <b>690 m<sup>2</sup> or</b> |
|    | For each unit having 3 or more bedrooms  | <b>185 m<sup>2</sup></b>    |
|    | For each unit having 2 bedrooms  | <b>150 m<sup>2</sup></b>    |
|    | For each bachelor or unit having 1 bedroom   | <b>105 m<sup>2</sup></b>    |
|    | All other uses   | <b>225 m<sup>2</sup></b>    |
| b) | Minimum Lot Frontage   |                             |
|    | Dwelling, Apartment, or Dwelling Townhouse with more than six dwelling units                 | <b>18 m</b>                 |
|    | All other uses   | <b>9 m</b>                  |

|    |   |                          |
|----|---|--------------------------|
| c) | Minimum Front Yard Setback                        | <b>3 m</b>               |
| d) | Minimum Side Yard Setback                         | <b>1.25 m</b>            |
|    | <i>A nil setback is provided for common walls</i> |                          |
| e) | Minimum Rear Yard Setback                         | <b>1.25m</b>             |
| f) | Minimum Flankage Yard Setback                     | <b>1.25 m</b>            |
| g) | Maximum Building Height                           | <b>12 m or 4 storeys</b> |
| h) | Maximum Lot Coverage                              | <b>50%</b>               |

## UR3

### 5.3. MEDIUM DENSITY URBAN RESIDENTIAL

The Medium Density Residential (UR3) zone supports a variety of housing types at a range of densities. This zone provides for a transition from less dense, more suburban development format to the higher density, urban format common of downtowns and commercial centres or corridors. The UR3 zone accomplishes this through a mixture of townhouses and apartments of various sizes. One and two unit dwellings are permitted. In effort to create complete communities, retail and restaurant uses are permitted, but limited in size.

*The Medium Density Urban Residential zone is directed by policy in CBRM Forward, the Municipal Planning Strategy:*



#### Regional Structure

- *Regional Centre*
- *Local Centre*
- *Mixed Use Centre*
- *Intensification Areas*

#### Land Use Designations

- *Downtown Sydney*
- *Local Centre*
- *Mixed Use Centre*
- *Medium to High Density Residential*
- *Low to Medium Density Residential*

#### 5.3.1 Permitted Uses

One or more of the following uses are permitted in the **UR3** zone subject to all applicable requirements of this By-law:

##### RESIDENTIAL

- Dwelling, One-Unit
- Dwelling, Two-Unit
- Dwelling, Townhouse, *up to twelve dwelling units*
- Dwelling, Apartment, *up to twelve dwelling units*
- Dwelling, Townhouse, more than twelve dwelling units subject to Section 2.13 and Section 5.3.2
- Dwelling, Apartment, *more than twelve dwelling units subject to Section 2.13 and Section 5.3.2*
- Dwelling, Shared
- Dwelling Unit

##### SERVICE

- Community Service
- Cultural Service
- Day Care Facility, *subject to Section 4.4*
- Educational Service
- Protective (*only coast guard, fire, judicial, police*)
- *Supportive Housing, subject to Section 4.24*
- Restaurant, *subject to Section 2.13 and Section 5.3.2*

**RECREATIONAL**

- Public Indoor and Outdoor

**SALES**

- Retail Use, *subject to Section 2.13 and Section 5.3.2*

### 5.3.2 Permitted Uses by Site Plan Approval

Notwithstanding relevant zone standards in Subsection 5.3.3, the following uses are permitted through Site Plan Approval:

- a) **Dwelling, Apartment or Dwelling Townhouse with more than twelve dwelling units**, subject to the following:
  - i. Screening of parking areas and any outside storage areas from adjacent properties and a public street by an opaque vegetive buffer or fence or combination thereof of at least 1.2m high or landscaped equivalent;
  - ii. Provision of landscaping consisting of a combination of trees, shrubs, plants, grass, or retention of existing vegetation at a minimum of 25% of the total land area.
- b) **Restaurant and Retail Use**, *subject to the following:*
  - i. Maximum allowable gross floor area is limited to 75m<sup>2</sup>;
  - ii. Screening of parking areas and any outside storage areas from adjacent properties and a public street by an opaque vegetive buffer or fence or combination thereof of at least 1.2m high or landscaped equivalent.
  - iii. Be located on a Level 3 or higher street.

### 5.3.3 Zone Standards

|    |   |                             |
|----|---|-----------------------------|
| a) | Minimum Lot Area  |                             |
|    | Dwelling, Apartment, or Dwelling Townhouse with more than twelve dwelling units | <b>540 m<sup>2</sup> or</b> |
|    | <i>For each dwelling unit having 3 or more bedrooms</i>                         | <b>150 m<sup>2</sup></b>    |
|    | <i>For each dwelling unit having 2 or more bedrooms</i>                         | <b>100 m<sup>2</sup></b>    |
|    | <i>For each Bachelor or dwelling unit having 1 bedroom</i>                      | <b>75 m<sup>2</sup></b>     |
|    | All other uses  | <b>225 m<sup>2</sup></b>    |
| b) | Minimum Lot Frontage  |                             |
|    | Dwelling, Apartment, or Dwelling Townhouse with more than twelve dwelling units | <b>18 m</b>                 |
|    | All other uses  | <b>9 m</b>                  |
| c) | Minimum Front Yard Setback  | <b>3 m</b>                  |

|    |   |                          |
|----|---|--------------------------|
| d) | Minimum Side Yard Setback                         | <b>1.25 m</b>            |
|    | <i>A nil setback is provided for common walls</i> |                          |
| e) | Minimum Rear Yard Setback                         | <b>1.25 m</b>            |
| f) | Minimum Flankage Yard Setback                     | <b>1.25 m</b>            |
| g) | Maximum Building Height                           | <b>15 m or 5 storeys</b> |
| h) | Maximum Lot Coverage                              | <b>60%</b>               |

## 5.4. HIGH DENSITY URBAN RESIDENTIAL

The High Density Urban Residential (UR4) zone accommodates a wide range of housing types at a variety of densities with the intention of creating well designed, higher density urban neighbourhoods. The UR zone is intended for areas adjacent to downtowns or commercial centres and offers a development pattern transition between commercial and mixed use areas to lower density neighbourhoods. Apartments, and town and row houses are encouraged as the primary development type in the UR4 zone with one and two units also being permitted. In effort to create complete communities, retail and restaurant uses are permitted, but limited in size.

*The High Density Urban Residential zone is directed by policy in CBRM Forward, the Municipal Planning Strategy:*



### Regional Structure

- *Regional Centre*
- *Local Centre*
- *Mixed Use Centre*
- *Intensification Areas*

### Land Use Designations

- *Downtown Sydney*
- *Local Centre*
- *Mixed Use Centre*
- Medium to High Density Residential*

### 5.4.1 Permitted Uses

One or more of the following uses are permitted in the **UR4** zone subject to all applicable requirements of this By-law:

#### RESIDENTIAL

- Dwelling, One-Unit
- Dwelling, Two-Unit
- Dwelling, Townhouse
- Dwelling, Apartment
- Dwelling, Shared
- Dwelling Unit

#### RECREATIONAL

- Public Indoor and Outdoor

#### SERVICE

- Community Service
- Cultural Service
- Day Care Facility, *subject to Section 4.4*
- Educational Service
- Protective (*only coast guard fire, judicial, police*)
- Supportive Housing, *Subject to Section 4.24.*
- Restaurant Use

#### SALES

- Retail Use

#### 5.4.2 Zone Standards

|    |   |                          |
|----|---|--------------------------|
| a) | Minimum Lot Area                                  | <b>185 m<sup>2</sup></b> |
| b) | Minimum Lot Frontage                              | <b>9 m</b>               |
| c) | Minimum Front Yard Setback                        | <b>3 m</b>               |
| d) | Minimum Side Yard Setback                         | <b>1.25 m</b>            |
|    | <i>A nil setback is provided for common walls</i> |                          |
| e) | Minimum Rear Yard Setback                         | <b>1.25 m</b>            |
| f) | Minimum Flankage Yard Setback                     | <b>1.25 m</b>            |
| g) | Minimum Building Height                           | <b>2 storeys</b>         |
| h) | Maximum Building Height                           | <b>18 m or 6 storeys</b> |
| j) | Maximum Lot Coverage                              | <b>70%</b>               |
| k) | Maximum Gross Floor Area                          |                          |
|    | Retail Use  | <b>95 m<sup>2</sup></b>  |
|    | Restaurant Use                                    | <b>95 m<sup>2</sup></b>  |

# RR5

## 5.5. ONE AND TWO UNIT RURAL RESIDENTIAL

The One and Two Unit Rural Residential (**RR5**) zone is made up of one- and two- unit dwellings. The **RR5** zone is applied to serviced or partially serviced, or unserviced development outside the Service Area Boundary generally taking a traditional suburban to rural format with one and two storey residential dwellings on small to large lots. These lands are primarily existing subdivisions, former communities (pre-amalgamation) or seasonal residential lands on lakefronts. Their uses are limited to primarily residential uses with limited non-residential uses, due to their small lot sizes and limited buffers from adjacent residential properties.

*The One and Two Unit Rural Residential zone is directed by policy in CBRM Forward, the Municipal Planning Strategy:*



### Regional Structure

- *Rural*

### Land Use Designations

- *Rural Development Area*
- *Rural Resource*

### 5.5.1 Permitted Uses

One or more of the following uses are permitted in the RR5 zone subject to all applicable requirements of this By-law:

#### RESIDENTIAL

- Dwelling, One-Unit
- Dwelling, Two-Unit
- Dwelling, Shared, *up to four rooms*
- Dwelling Unit

#### RECREATIONAL

- Public Indoor and Outdoor
- Boathouse

#### SERVICE

- Community Service
- Cultural Service
- Day Care Facility, *subject to Section 4.4*
- Educational Service
- Protective (*only coast guard, fire, judicial, police*)
- Supportive Housing, *subject to Section 4.24*

### 5.5.2 Zone Standards

|    |  |               |
|----|--|---------------|
| a) | Minimum Lot Frontage   | <b>16 m</b>   |
| b) | Minimum Front Yard Setback   | <b>3 m</b>    |
| c) | Minimum Side Yard Setback<br><i>A nil setback is provided for common walls</i> | <b>1.25 m</b> |
| d) | Minimum Rear Yard Setback  | <b>1.25m</b>  |

|    |                               |               |
|----|-------------------------------|---------------|
| e) | Minimum Flankage Yard Setback | <b>1.25 m</b> |
| f) | Maximum Building Height       | <b>9 m</b>    |
| g) | Maximum Lot Coverage          | <b>35 %</b>   |

# R6

## 5.6. MOBILE HOME PARK

The Mobile-Home Park (**R6**) zone is intended for clusters of mobile-homes that are managed as communities and may have shared amenities and services managed by private business.

*The Mini Home Park zone is directed by policy in CBRM Forward, the Municipal Planning Strategy:*



### Regional Structure

- *Suburban Intensification*
- *Stable*
- *Rural*

### Land Use Designations

- *Stable Residential*
- *Low to Medium Density Residential*
- *Rural Development Area*

### 5.6.1 Permitted Uses

One or more of the following uses are permitted in the R6 zone subject to all applicable requirements of this By-law:

#### RESIDENTIAL

- a) Dwelling, One-Unit (Mobile Home)
- b) Dwelling Unit

#### SALES

- a) Retail Use
- b) Restaurant Use
- c) Business Office, *related to the management of the mobile home park.*

### 5.6.2 Zone Standards

|    |                               |                          |
|----|-------------------------------|--------------------------|
| a) | Minimum Lot Area              | <b>350 m<sup>2</sup></b> |
| b) | Minimum Lot Frontage          | <b>12 m</b>              |
| c) | Minimum Front Yard Setback    | <b>3 m</b>               |
| d) | Minimum Side Yard Setback     | <b>2.5 m</b>             |
| e) | Minimum Rear Yard Setback     | <b>2.5 m</b>             |
| f) | Minimum Flankage Yard Setback | <b>1.5 m</b>             |
| g) | Maximum Building Height       | <b>9 m</b>               |

# R7

## 5.7. SMALL COMMUNITY (R7)

The Small Community (**R7**) zone accommodates a wide range of housing types at a variety of densities with the intention of creating well designed, low density urban neighbourhoods. The R7 zone is intended for the communities of Birch Grove, Port Morien, and Donkin. Fishery uses and agricultural uses are encouraged in the R7 zone.

*The Small Community zone is directed by policy in CBRM Forward, the Municipal Planning Strategy:*



### Regional Structure

- *Small Community*

### Land Use Designations

- *Small Community*

### 5.7.1 Permitted Uses

One or more of the following uses are permitted in the **R7** zone subject to all applicable requirements of this By-law:

#### RESIDENTIAL

- Dwelling, One-Unit
- Dwelling, Two-Unit
- Dwelling, Townhouse, *up to six dwelling units*
- Dwelling, Apartment, *up to six dwelling units*
- Dwelling, Townhouse, *more than six dwelling units*
- Dwelling, Apartment, *more than six dwelling units subject to Section 2.13 and Section 5.7.2*
- Dwelling, Shared
- Dwelling Unit

#### SERVICE

- Accommodation
- Business office
- Community Service
- Cultural Service
- Day Care Facility, *subject to Section 4.4*
- Educational Service
- Motor Vehicle Repair, *subject to 5.7.3*
- Protective (*only coast guard, fire, judicial, police*)
- Supportive Housing, *subject to Section 4.24*
- Restaurant Use, *subject to Section 5.7.2*

#### RECREATIONAL

- Public Indoor and Outdoor
- Boathouse

#### FISHERY

- All

#### SALES

- Retail Use, *subject to Section 5.7.2*

#### AGRICULTURE

- All

### 5.7.2 Permitted Uses by Site Plan Approval

Notwithstanding relevant zone standards in Subsection 5.7.4 the following uses are permitted through Site Plan Approval:

- b) **Dwelling, Apartment or Dwelling Townhouse with more than six dwelling units, subject to the following:**
  - i. Screening of parking areas and any outside storage areas from adjacent properties and a public street by an opaque vegetive buffer or fence or combination thereof of at least 1.2m high or landscaped equivalent;
  - ii. Provision of landscaping consisting of a combination of trees, shrubs, plants, grass, or retention of existing vegetation at a minimum of 25% of the total land area.
  - iii. Must be connected to municipal water and sanitary services.
- c) **Restaurant and Retail Use, subject to the following:**
  - iv. Maximum allowable gross floor area is limited to 75m<sup>2</sup>;
  - v. Screening of parking areas and any outside storage areas from adjacent properties and a public street by an opaque vegetive buffer or fence or combination thereof of at least 1.2m high or landscaped equivalent.
  - vi. Be located within 30m of an intersection of a Level 3 or higher street.

### 5.7.3 Conditions of use

A **motor vehicle repair use** identified as permitted in subsection 5.7.1 shall not be located within 30m of a dwelling other than the dwelling of the proprietor of the business.

### 5.7.4 Zone Standards

|    |  |                             |
|----|--|-----------------------------|
| a) | Minimum Lot Area   |                             |
|    | Apartment Dwelling with more than six dwelling units, the greater of         | <b>690 m<sup>2</sup> or</b> |
|    | For each unit having 3 or more bedrooms                                      | <b>185 m<sup>2</sup></b>    |
|    | For each unit having 2 bedrooms  | <b>150 m<sup>2</sup></b>    |
|    | For each bachelor or unit having 1 bedroom                                   | <b>105 m<sup>2</sup></b>    |
|    | All other uses   | <b>225 m<sup>2</sup></b>    |
| b) | Minimum Lot Frontage   |                             |
|    | Dwelling, Apartment, or Dwelling Townhouse with more than six dwelling units | <b>18 m</b>                 |
|    | All other uses   | <b>9 m</b>                  |
| c) | Minimum Front Yard Setback   | <b>3 m</b>                  |
| d) | Minimum Side Yard Setback  | <b>1.25 m</b>               |
|    | <i>A nil setback is provided for common walls</i>                            |                             |
| e) | Minimum Rear Yard Setback  | <b>1.25 m</b>               |

|    |                         |               |
|----|-------------------------|---------------|
| f) | Minimum Flankage Yard   | <b>1.25 m</b> |
| g) | Maximum Building Height | <b>11 m</b>   |
| k) | Maximum Lot Coverage    | <b>50%</b>    |

# Chapter 6.

## Commercial Zones

## 6.0. COMMERCIAL USES SUMMARY TABLE

|                                     | CRC | CD | CR | CG | MUC | MU | BP |
|-------------------------------------|-----|----|----|----|-----|----|----|
| <b>Residential</b>                  |     |    |    |    |     |    |    |
| Dwelling, Apartment                 | P   | P  | P  | P  | P   | P  |    |
| Dwelling, One Unit                  |     |    |    | P  | P   |    |    |
| Dwelling, Two Unit                  |     |    |    | P  | P   |    |    |
| Dwelling, Shared                    | P   | P  | P  | P  | P   | P  |    |
| Dwelling Unit                       | P   | P  | P  | P  | P   | P  |    |
| Dwelling, Townhouse                 | P   | P  | P  | P  | P   |    |    |
| Live-work unit                      | P   | P  | P  |    |     | P  |    |
| <b>Service</b>                      |     |    |    |    |     |    |    |
| All                                 |     |    | P  |    |     |    | P  |
| Accommodation                       | P   | P  |    | P  | P   | P  |    |
| Alcohol Beverage Establishment;     | P   | P  |    | P  | P   | P  |    |
| Artist/ Artisan Establishment       | P   | P  |    | P  | P   | P  |    |
| Animal Sitting Establishment        | P   | P  |    | P  | P   | P  |    |
| Banquet or Convention Centre        | P   | P  |    | P  | P   | P  |    |
| Business Office                     | P   | P  |    | P  | P   | P  |    |
| Catering Business                   | P   | P  |    | P  | P   | P  |    |
| Clothes Cleaning Business           | P   | P  |    | P  | P   | P  |    |
| Commercial Parking Lot or Structure | P   | P  |    | P  | P   | P  |    |
| Commercial Group                    | P   | P  |    | P  | P   | P  |    |
| Communication Facility              | P   | P  |    | P  | P   | P  |    |
| Community Service                   | P   | P  |    | P  | P   | P  |    |
| Contractor                          |     |    |    | P  | P   |    |    |
| Crematorium                         | P   | P  |    | P  | P   | P  |    |
| Cultural Service                    | P   | P  |    | P  | P   | P  |    |
| Day Care Facility                   | C   | C  |    | C  | C   | C  |    |
| Distribution Facility               |     |    |    | P  |     |    |    |
| Educational Service                 | P   | P  |    | P  | P   | P  |    |
| Entertainment Facility              | P   | P  |    | P  | P   | P  |    |
| Fitness Centre                      | P   | P  |    | P  | P   | P  |    |
| Food Preparation Business           | P   | P  |    | P  | P   | P  |    |

|   | CRC | CD | CR | CG | MUC | MU | BP |
|---|-----|----|----|----|-----|----|----|
| Funeral Home                            | P   | P  |    | P  | P   | P  |    |
| Health Care                             | P   | P  |    | P  | P   | P  |    |
| Landscaping Business Depot              |     |    |    |    | P   |    |    |
| Marina                                  | P   | P  |    | P  | P   | P  |    |
| Microbrewery or distillery              | P   | P  |    | P  | P   | P  |    |
| Motor Vehicle Related                   | P   | P  |    | P  | C   | P  |    |
| Personal Service Business               | P   | P  |    | P  | P   | P  |    |
| Private Service Club                    | P   | P  |    | P  | P   | P  |    |
| Protective Service                      | P   | P  |    | P  | P   | P  |    |
| Recycling Facility Collection Depot     |     |    |    |    | P   |    |    |
| Repair Service                          | P   | P  |    | P  | P   | P  |    |
| Restaurant                              | P   | P  |    | P  | P   | P  |    |
| Self-storage facility                   | P   | P  |    | P  | P   | P  |    |
| Scientific Establishment                | P   | P  |    | P  | P   | P  |    |
| Shelter Use                             | P   | P  |    | P  | P   | P  |    |
| Supportive Housing up to nine beds      | C   | C  |    | C  | C   | C  |    |
| Supportive Housing more than nine beds  | SP  | SP |    | SP | SP  | SP |    |
| Tourism Information Centre              | P   | P  |    | P  | P   | P  |    |
| Veterinary Clinic                       | P   |    |    | P  | P   | P  |    |
| <b>Sales</b>                            |     |    |    |    |     |    |    |
| All                                     | P   | P  | P  | P  | P   | P  | P  |
| <b>Fishery Use</b>                      |     |    |    |    |     |    |    |
| All                                     |     | P  |    | P  |     | P  | P  |
| <b>Recreational</b>                     |     |    |    |    |     |    |    |
| All except racetracks and campgrounds   | P   | P  | P  | P  | P   | P  |    |
| All except campgrounds                  |     |    |    |    |     |    | P  |
| <b>Manufacturing</b>                    |     |    |    |    |     |    |    |
| All, but mining product manufacturing   |     |    |    | P  |     |    | P  |
| <b>Agricultural Products processing</b> |     |    |    |    |     |    |    |
| Alcohol Processing                      |     |    | P  |    |     |    |    |
| Assembly                                |     |    | P  |    |     |    |    |
| Building Supplies Manufacturing         |     |    | P  |    |     |    |    |
| <b>Transportation</b>                   |     |    |    |    |     |    |    |
| All                                     | P   | P  | P  |    | P   | P  | P  |

P = Permitted as-of-right

C = Permitted with additional conditions

SP = Site Plan

Approval

## 6.1. DOWNTOWN REGIONAL CENTRE ZONE

The Downtown Regional Centre (CRC) zone encourages increasingly dense, mixed use developments with limited setbacks from the street and increased height allowances. The Downtown Regional Centre is the cultural and service hub of the CBRM. This zone provides a broad range of uses to encourage development.

### Regional Structure

- *Regional Centre*

### Land Use Designations

*Downtown Regional Centre*

#### 6.1.1 Permitted Uses

One or more of the following primary uses are permitted in the CRC zone subject to all applicable requirements of this By-law:

##### RESIDENTIAL

- Dwelling, Apartment
- Dwelling, Townhouse
- Dwelling, Shared
- Dwelling Unit
- Live-work unit

##### SALES

- All

##### RECREATION

- All, *except racetracks for motor vehicles and campgrounds*

##### TRANSPORTATION

- All

##### SERVICE

- Food Preparation Business
- Funeral Home
- Health Care
- Fitness Centre
- Marina Use
- Microbrewery or distillery
- Motor vehicle related
- Personal Service
- Private Club

##### SERVICE

- Accommodation
- Artist/ Artisan establishment
- Alcohol Beverage Establishment
- Animal Sitting Establishment
- Banquet or Convention Centre
- Business Office
- Catering Business
- Clothes Cleaning Business
- Commercial Parking Lot or Structure
- Commercial Group
- Community Service
- Crematorium
- Communication Facility
- Cultural Service
- Day Care Facility, *subject to Section 4.4*
- Educational Service
- Entertainment Facility
- Protective (*only coast guard, fire, judicial, police*)
- Repair Service
- Restaurant
- Self-storage
- Scientific Establishment
- Shelter Use
- Supportive Housing, *subject to Section 4.24*
- Tourism Information Centre
- Veterinary Clinic

### 6.1.2 Zone Standards

|     |   |                           |
|-----|---|---------------------------|
| a)  | Minimum Lot Frontage  | <b>10 m</b>               |
| b)  | Minimum Front Yard Setback  | <b>nil</b>                |
| c)  | Maximum Front Yard Setback  | <b>3 m</b>                |
| d)  | Minimum Rear Yard Setback   |                           |
|     | Abutting a Residential Zone   | <b>3 m</b>                |
|     | Other   | <b>nil</b>                |
| e)  | Minimum Side Yard Setback   |                           |
|     | Abutting a Residential Zone   | <b>1.25 m</b>             |
|     | Other   | <b>nil</b>                |
| f)  | Minimum Flankage Yard Setback   | <b>nil</b>                |
| g)  | Minimum Building Height   | <b>2 storeys</b>          |
| h)  | Maximum Building Height   | <b>40 m or 14 storeys</b> |
| i)  | Minimum Lot Coverage  | <b>60 percent</b>         |
| j)  | Building Design Standards for the CRC   |                           |
| i)  | All buildings shall have a prominent entrance oriented towards a street   |                           |
|     | Ground floor facades facing a street shall be comprised of a minimum of 50 percent transparent area, excepting residential uses, which shall have a minimum of 25 percent transparent area ( <i>building existing before the date this By-law was enacted excepted</i> );<br>Minimum height of the ground floor storey shall be 4.5 m |                           |
| iv) | A building frontage shall incorporate visual articulation when the building frontage exceeds 60 metres in length  |                           |

### 6.1.3 Drive-thrus in Core Areas

No Development Permit shall be issued for any use with a drive-thru component providing motor vehicle access from a driveway intersecting Charlotte Street (Sydney).



CD

## 6.2. DOWNTOWN COMMERCIAL

The Downtown Commercial (CD) zone is applied to the Downtowns of Glace Bay and North Sydney. This zone recognizes the importance of these areas as central community spaces full of traditional character and historic buildings. The established mixed use development pattern is intended to continue with infill encouraged through increased height allowances and a mixture of uses.



### Regional Structure

- Local Centre

### Land Use Designations

- Local Centre

#### 6.2.1 Permitted Uses

One or more of the following primary uses are permitted in the **CD** zone subject to all applicable requirements of this By-law:

##### RESIDENTIAL

- Dwelling, Apartment
- Dwelling, Townhouse
- Dwelling, Shared
- Dwelling Unit
- Live-work unit

##### SALES

- All

##### RECREATION

- All, *except racetracks for motor vehicles and campgrounds*

##### FISHERY

- All

##### TRANSPORTATION

- All

##### SERVICE

- Accommodation
- Artist/ Artisan establishment
- Alcohol Beverage Establishment
- Animal Sitting Establishment
- Banquet or Convention Centre
- Scientific Establishment

- Business Office;
- Catering Business
- Clothes Cleaning Business
- Commercial Parking Lot or Structure
- Commercial Group
- Community Service
- Crematorium
- Communication Facility
- Cultural Service
- Day Care Facility, *subject to Section 4.4*
- Educational Service
- Entertainment Facility
- Fitness Centre
- Food Preparation Business
- Funeral Home
- Health Care
- Marina Use
- Microbrewery or distillery
- Motor Vehicle Related
- Personal Service
- Private Club
- Protective (*only coast guard, fire, judicial, police*)
- Repair Service
- Restaurant
- Self-storage

- Shelter Use
- Supportive Housing, *subject to Section 4.24*
- Tourism Information Centre
- Veterinary Clinic

### 6.2.2 Zone Standards

|    |   |                          |
|----|---|--------------------------|
| a) | Minimum Lot Frontage  | <b>10 m</b>              |
| b) | Minimum Front Yard Setback  | <b>nil</b>               |
| c) | Maximum Front Yard Setback  | <b>6 m</b>               |
| d) | Minimum Rear Yard Setback   |                          |
|    | Abutting a Residential Zone   | <b>3 m</b>               |
|    | Other   | <b>nil</b>               |
| e) | Minimum Side Yard Setback   |                          |
|    | Abutting a Residential Zone   | <b>1.25 m</b>            |
|    | Other   | <b>nil</b>               |
| f) | Minimum Flankage Yard Setback   | <b>nil</b>               |
| g) | Minimum Building Height   | <b>2 storeys</b>         |
| h) | Maximum Building Height   | <b>24 m or 8 storeys</b> |
| i) | Minimum Lot Coverage  | <b>60 percent</b>        |
| j) | Building Design Standards for the CD Zone   |                          |
|    | i) All buildings shall have a prominent entrance oriented towards a street  |                          |
|    | Ground floor facades facing a street shall be comprised of a minimum of 50 percent transparent area, residential uses excepted. |                          |
|    | Minimum height of the ground floor storey shall be 4.5m   |                          |
|    | iv) A building frontage shall incorporate visual articulation when the building frontage exceeds 60 metres in length            |                          |

### 6.2.3 Drive-thrus in Core Areas

No Development Permit shall be issued for any use with a drive-thru component providing motor vehicle access from a driveway intersecting any of the following streets:

- Commercial Street (Glace Bay)
- Commercial Street (North Sydney)

# MU

## 6.3. MIXED-USE ZONE

The Mixed-Use (MU) zone is applied to the core areas of Reserve Mines, New Waterford, Sydney Mines, and Louisbourg. This zone recognizes the importance of these areas as central community spaces full of traditional character and historic buildings. The established mixed use development pattern is intended to continue with sensitive infill.



### Regional Structure

- *Mixed Use Centre*

### Land Use Designations

- *Mixed Use Centre*

#### 6.3.1. Permitted Uses

One or more of the following primary uses are permitted in the **MU** zone subject to all applicable requirements of this By-law:

##### RESIDENTIAL

- Dwelling, Apartment
- Dwelling, Townhouse
- Dwelling, Shared
- Dwelling Unit
- Live-work unit

##### SALES

- All

##### FISHERY

- All

##### RECREATION

- All, *except racetracks for motor vehicles and campgrounds*

##### SERVICE

- Accommodation
- Artist/ Artisan establishment
- Alcohol Beverage Establishment
- Animal Sitting Establishment
- Banquet or Convention Centre
- Business Office
- Catering Business
- Clothes Cleaning Business
- Commercial Parking Lot or Structure
- Commercial Group

- Community Service
- Communication Facility
- Cultural Service
- Crematorium
- Day Care Facility, *subject to 4.4*
- Educational Service
- Entertainment Facility
- Fitness Centre
- Food Preparation Business
- Funeral Home
- Health Care
- Marina Use
- Microbrewery or distillery
- Motor vehicle related
- Personal Service
- Private Club
- Protective (*only coast guard, fire, judicial, police*)
- Repair Service
- Restaurant
- Self-storage
- Scientific Establishment
- Shelter Use
- Supportive Housing, *subject to Section 4.24*
- Tourism Information Centre
- Veterinary Clinic

##### TRANSPORTATION

- All

### 6.3.2. Zone Standards

|    |                               |                          |
|----|-------------------------------|--------------------------|
| a) | Minimum Lot Frontage          | <b>10 m</b>              |
| b) | Minimum Front Yard Setback    | <b>Nil</b>               |
| c) | Maximum Front Yard Setback    | <b>6 m</b>               |
| d) | Minimum Rear Yard Setback     |                          |
|    | Abutting a Residential Zone   | <b>3 m</b>               |
|    | Other                         | <b>nil</b>               |
| e) | Minimum Side Yard Setback     |                          |
|    | Abutting a Residential Zone   | <b>1.25 m</b>            |
|    | Other                         | <b>nil</b>               |
| f) | Minimum Flankage Yard Setback | <b>nil</b>               |
| g) | Maximum Building Height       | <b>18 m or 6 storeys</b> |
| h) | Minimum Lot Coverage          | <b>60 %</b>              |



CR

## 6.4. REGIONAL COMMERCIAL

The Regional Commercial (CR) zone accommodates the most intense concentration of commercial uses, with big box style commercial developments that require larger lots to accommodate larger volumes of parking and loading. Compatible uses such as accommodation, recreation and entertainment uses as well as service uses are also permitted. Introducing higher density residential uses on the periphery of the commercial areas allows for efficient and effective use of lands in proximity to critical amenities.



### Regional Structure

- *Regional Centre*

### Land Use Designations

- *Regional Commercial Centre*

#### 6.4.1. Permitted Uses

One or more of the following primary uses are permitted in the CR zone:

##### RESIDENTIAL

- Dwelling, Apartment
- Dwelling, Townhouse
- Dwelling, Shared
- Live-work unit
- Dwelling Unit

##### SALES

- All

##### RECREATION

- All, *except racetracks for motor vehicles and campgrounds*

##### MANUFACTURING

- Agricultural Products processing
- Alcohol processing
- Assembly
- Building supplies manufacturing

##### SERVICE

- All

##### TRANSPORTATION

- All

#### 6.4.2. Zone Standards

|    |   |                          |
|----|---|--------------------------|
| a) | Minimum Lot Frontage                        | <b>15 m</b>              |
|    | Residential uses six or less dwelling units | <b>9 m</b>               |
| b) | Minimum Front Yard Setback                  | <b>3 m</b>               |
| c) | Minimum Side Yard Setback                   |                          |
| d) | Abutting a Residential zone                 | <b>3 m</b>               |
|    | Other                                       | <b>1.25 m</b>            |
| e) | Minimum Rear Yard Setback                   |                          |
|    | Abutting a Residential Zone                 | <b>3 m</b>               |
|    | Other                                       | <b>1.25 m</b>            |
| f) | Minimum Flankage Yard Setback               | <b>1.25 m</b>            |
| g) | Maximum Building Height                     | <b>21 m or 7 storeys</b> |
|    | Maximum Lot Coverage                        | <b>60%</b>               |



CG

## 6.5. GENERAL COMMERCIAL

The General Commercial (CG) zone accommodates the pockets of commercial services found throughout the CBRM. These generally constitute a cluster of buildings that provide services to the general neighbourhood and the travelling public. The uses are generally described as low-impact retail and service uses that are compatible with the lower density residential neighbourhoods typically found adjacent to these areas.



### Regional Structure

- All

### Land Use Designations

- All

#### 6.5.1. Permitted Uses

##### RESIDENTIAL

- Dwelling, One Unit
- Dwelling, Two Unit
- Dwelling, Apartment
- Dwelling, Shared
- Dwelling Unit
- Dwelling, Townhouse

##### SALES

- All

##### RECREATION

- All, *except racetracks for motor vehicles and campgrounds*

##### MANUFACTURING

- All, *but mining product manufacturing*

##### TRANSPORTATION

- All

##### FISHERY

- All

##### SERVICE

- Accommodation
- Artist/Artisan establishment
- Alcohol Beverage Establishment
- Animal Sitting
- Banquet or Convention Centre
- Self-storage

##### SERVICE

- Business Office
- Catering Business
- Clothes Cleaning Business
- Commercial Parking Lot or Structure
- Commercial Group
- Community Service
- Cultural Service
- Communications Facility
- Contractor
- Crematorium
- Day Care Facility, *subject to Section 4.4*
- Educational Service
- Entertainment Facility
- Food Preparation Business
- Funeral Home
- Health Care
- Fitness Centre
- Marina Use
- Microbrewery or distillery
- Motor Vehicle Related
- Personal Service
- Private Club
- Protective (*only coast guard, fire, judicial, police*)
- Tourism Information Centre
- Veterinary Clinic
- Repair Service
- Recycling Facility Collection Depot
- Restaurant

- Scientific Establishment
- Self-storage
- Scientific Establishment
- Shelter Use
- Supportive Housing, *subject to Section 4.24*

### 6.5.2. Zone Standards

|    |   |                          |
|----|---|--------------------------|
| a) | Minimum Lot Frontage                        | <b>15 m</b>              |
|    | Residential uses six or less dwelling units | <b>9 m</b>               |
| b) | Minimum Front Yard Setback                  | <b>3 m</b>               |
| c) | Minimum Side Yard Setback                   | <b>1.25 m</b>            |
| d) | Minimum Rear Yard Setback                   | <b>1.25 m</b>            |
| e) | Minimum Flankage Yard Setback               | <b>1.25 m</b>            |
| f) | Maximum Building Height                     | <b>12 m or 4 storeys</b> |
| g) | Maximum Lot Coverage                        | <b>60 %</b>              |



**MUC**

## 6.6. MIXED-USE CORRIDOR

The Mixed Use Corridor (MUC) zone accommodates a variety of land uses that benefit from being on mixed-use streets that connect communities.



### Regional Structure

- *Regional Centre*
- *Local Centre*
- *Corridor*

### Land Use Designations

- *Medium to High Density*

#### 6.6.1. Permitted Uses

##### RESIDENTIAL

- Dwelling, One Unit
- Dwelling, Two Unit
- Dwelling, Apartment
- Dwelling, Shared
- Dwelling Unit
- Dwelling, Townhouse

##### SALES

- All

##### RECREATION

- All, *except racetracks for motor vehicles and campgrounds*

##### SERVICE

- Accommodation
- Artist/ Artisan establishment
- Alcohol Beverage Establishment
- Animal Sitting Establishment
- Banquet or Convention Centre
- Business Office
- Catering Business
- Commercial Parking Lot or Structure
- Commercial Group
- Community Service
- Communication Facility
- Cultural Service
- Contractor

##### SERVICE

- Crematorium
- Day Care Facility, *subject to 4.4*
- Educational Service
- Entertainment Facility
- Food Preparation Business;
- Funeral Home
- Health Care
- Fitness Centre
- Landscaping Business Depot
- Marina Use
- Microbrewery or distillery
- Motor Vehicle Related, *subject to 6.6.2*
- Personal Service
- Private Club
- Protective (*only coast guard, fire, judicial, police*)
- Recycling Facility Collection Depot
- Repair Service
- Restaurant
- Self-storage
- Scientific Establishment
- Shelter Use
- Supportive Housing, *subject to 4.24*
- Tourism Information Centre
- Veterinary Clinic

##### TRANSPORTATION

- All

## 6.6.2. Zone Standards

|    |   |                          |
|----|---|--------------------------|
| a) | Minimum Lot Frontage                        | <b>15 m</b>              |
|    | Residential uses six or less dwelling units | <b>9 m</b>               |
| b) | Minimum Front Yard Setback                  | <b>3 m</b>               |
| c) | Minimum Side Yard Setback                   |                          |
|    | Abutting a Residential Zone                 | <b>3 m</b>               |
|    | Other                                       | <b>1.25 m</b>            |
| d) | Minimum Rear Yard Setback                   |                          |
|    | Abutting a Residential Zone                 | <b>3 m</b>               |
|    | Other                                       | <b>1.25 m</b>            |
| e) | Minimum Flankage Yard Setback               | <b>1.25 m</b>            |
| f) | Maximum Building Height                     | <b>18 m or 6 storeys</b> |
| g) | Maximum Lot Coverage                        | <b>60%</b>               |

BP

## 6.7. BUSINESS PARK

The Business Park (BP) zone accommodates a concentration of employment uses. This may include a variety of commercial uses, some light industrial uses such as manufacturing, and other compatible uses that serve the daytime populations of the area such as restaurant uses.



### Regional Structure

- *Employment Area*
- *Corridor*

### Land Use Designations

- *Business Park*

#### 6.7.1. Permitted Uses

##### SALES

- All

##### RECREATION

- All, *except campgrounds*

##### MANUFACTURING

- All, *except mining products manufacturing*

##### TRANSPORTATION

- All

##### FISHERY

- All

##### SERVICE

- All

##### INDUSTRIAL

- Light industrial

### 6.7.2. Zone Standards

|    |                               |                          |
|----|-------------------------------|--------------------------|
| a) | Minimum Lot Frontage          | <b>15 m</b>              |
| b) | Minimum Front Yard Setback    | <b>3 m</b>               |
| c) | Maximum Front Yard Setback    | <b>18 m</b>              |
| d) | Minimum Side Yard Setback     |                          |
|    | Abutting a Residential zone   | <b>4.5 m</b>             |
|    | Other                         | <b>1.25m</b>             |
| e) | Minimum Rear Yard Setback     |                          |
|    | Abutting a Residential zone   | <b>4.5 m</b>             |
|    | Other                         | <b>1.25 m</b>            |
| f) | Minimum Flankage Yard Setback | <b>1.25 m</b>            |
| g) | Maximum Building Height       | <b>16 m or 5 storeys</b> |
| h) | Maximum Lot Coverage          | <b>50%</b>               |

# Chapter 7.

## Industrial Zones



## 7.0. INDUSTRIAL USES SUMMARY TABLE

|                               | <b>S</b> | <b>H</b> | <b>U</b> |
|-------------------------------|----------|----------|----------|
| <b>SERVICE</b>                |          |          |          |
| All                           | P        | P        |          |
| Airport                       |          |          | P        |
| Banquet Hall                  |          |          | P        |
| Business Office               |          |          | P        |
| Distribution Facility         |          |          | P        |
| Fitness                       |          |          |          |
| Harbour Facility              |          |          | P        |
| Port Facility                 |          |          | P        |
| Rail Facility                 |          |          | P        |
| Repair Service                |          |          |          |
| Self-Storage                  |          |          |          |
| <b>UTILITY</b>                |          |          |          |
| Utility Facilities            | P        | P        | P        |
| <b>INDUSTRIAL</b>             |          |          |          |
| Asphalt or Concrete Plant     |          | P        |          |
| Bulk Fuel Storage             |          | P        |          |
| Heavy Industrial Use          |          | P        |          |
| Light Industry                | P        |          |          |
| Medium Industrial Use         |          | P        |          |
| Recycling or Waste Management |          |          | P        |
| Scrap Metal and Salvage Yard  |          | P        |          |
| <b>MANUFACTURING</b>          |          |          |          |
| All                           | P        | P        | P        |
| <b>TRANSPORTATION</b>         |          |          |          |
| All                           | P        | P        | P        |
| <b>Fishery</b>                |          |          |          |
| All                           | P        | P        | P        |
| <b>Residential</b>            |          |          |          |
| Dwelling, Unit                | C        | C        | C        |

**P = Permitted as-of-right    C = Permitted with additional conditions    SP = Site Plan Approval**

**LI**

## 7.1. LIGHT INDUSTRIAL

The Light Industrial (LI) zone is intended for a variety of light industrial uses that generate limited nuisance that are generally relegated to the subject site. Uses that require outdoor storage or higher than average large vehicle traffic are accommodated in the LI zone.



### Regional Structure

- *Employment Area*
- *Rural*

### Land Use Designations

- *Business Park*
- *Rural Development Area*

#### 7.1.1. Permitted Uses

##### **MANUFACTURING**

- All

##### **TRANSPORTATION**

- All

##### **FISHERY**

- All

##### **SERVICE**

- All

##### **INDUSTRIAL**

- Light Industry

##### **UTILITY**

- Utility Facilities

##### **RESIDENTIAL**

- Dwelling unit *subject to Section 7.1.3*

### 7.1.2 Zone Standards

|    |                               |                           |
|----|-------------------------------|---------------------------|
| a) | Minimum Lot Area              | <b>1500 m<sup>2</sup></b> |
| b) | Minimum Lot Frontage          | <b>40 m</b>               |
| c) | Minimum Front Yard Setback    | <b>9 m</b>                |
| d) | Minimum Side Yard Setback     |                           |
|    | Abutting a Residential Zone   | <b>15 m</b>               |
|    | Other                         | <b>5 m</b>                |
| e) | Minimum Rear Yard Setback     |                           |
|    | Abutting a Residential Zone   | <b>15 m</b>               |
|    | Other                         | <b>5 m</b>                |
| f) | Minimum Flankage Yard Setback | <b>5 m</b>                |
| g) | Maximum Building Height       | <b>16 m</b>               |
| h) | Maximum Lot Coverage          | <b>75%</b>                |

### 7.1.3 Dwelling Unit Accessory to a Main Use

One dwelling unit shall be permitted accessory to a main use. The dwelling unit shall be used by a caretaker or as security accommodations.



HI

## 7.2. HEAVY INDUSTRIAL

The Heavy Industrial (HI) zone is intended for larger-scale, industrial uses that require mitigation measures to control nuisance or risk levels. Heavy industrial uses require larger lots to increase separation distances between active industrial uses and other uses.



### Regional Structure

- *Rural Development Area*

### Land Use Designations

- *Rural Resource*
- *Industrial Park*

### 7.2.1 Permitted Uses

#### MANUFACTURING

- All

#### TRANSPORTATION

- All

#### FISHERY

- All

#### SERVICE

- All

#### SERVICE

- Asphalt or Concrete Plant
- Bulk Fuel Storage
- Heavy Industrial Use
- Medium Industrial Use
- Recycling or Waste Management Facility
- Scrap Metal and Salvage Yard

#### UTILITY

- Utility Facilities

#### RESIDENTIAL

- Dwelling unit *subject to Section 7.2.3*

## 7.2.2 Zone Standards

|    |  |                             |
|----|--|-----------------------------|
| a) | Minimum Lot Area                         |                             |
|    | Heavy Industrial Use, generates nuisance | <b>12,000 m<sup>2</sup></b> |
|    | Other                                    | <b>5,000 m<sup>2</sup></b>  |
| b) | Minimum Lot Frontage                     |                             |
|    | Heavy Industrial Use, generates nuisance | <b>150 m</b>                |
|    | Other                                    | <b>40 m</b>                 |
| c) | Minimum Front Yard Setback               |                             |
|    | Heavy Industrial Use, generates nuisance | <b>40 m</b>                 |
|    | Other                                    | <b>9 m</b>                  |
| d) | Minimum Side Yard Setback                |                             |
|    | Abutting an Industrial Zone              | <b>40 m</b>                 |
|    | Abutting a non-Industrial Zone           | <b>150 m</b>                |
| e) | Minimum Rear Yard Setback                |                             |
|    | Abutting an Industrial Zone              | <b>40 m</b>                 |
|    | Abutting a non-Industrial Zone           | <b>150 m</b>                |
| f) | Minimum Flankage Yard Setback            |                             |
|    | Abutting an Industrial Zone              | <b>40 m</b>                 |
|    | Abutting a non-Industrial Zone           | <b>150 m</b>                |
| g) | Maximum Building Height                  | <b>16 m</b>                 |
| h) | Maximum Lot Coverage                     | <b>50%</b>                  |

## 7.2.3 Dwelling Unit Accessory to a Main Use

One dwelling unit shall be permitted accessory to a main use. The dwelling unit shall be used by a caretaker or as security accommodations.



UT

## 7.3. UTILITY AND TRANSPORTATION

The Utility and Transportation (UT) zone is intended for the working industrial harbours, rail lines, the airport, and other lands dedicated to utility uses.



### Regional Structure

- All

### Land Use Designations

- All

#### 7.3.1. Permitted Uses

##### SERVICE

- Airport
- Banquet Hall
- Business Office
- Distribution Centre
- Harbour Facility
- Port Facility
- Rail Facility

##### INDUSTRIAL

- Recycling and Waste Management Facility

##### MANUFACTURING

- All

##### FISHERY

- All

##### TRANSPORTATION

- All

##### UTILITY

- Utility Facility Services

##### RESIDENTIAL

- Dwelling unit *subject to Section 7.3.3*

### 7.3.2. Zone Standards

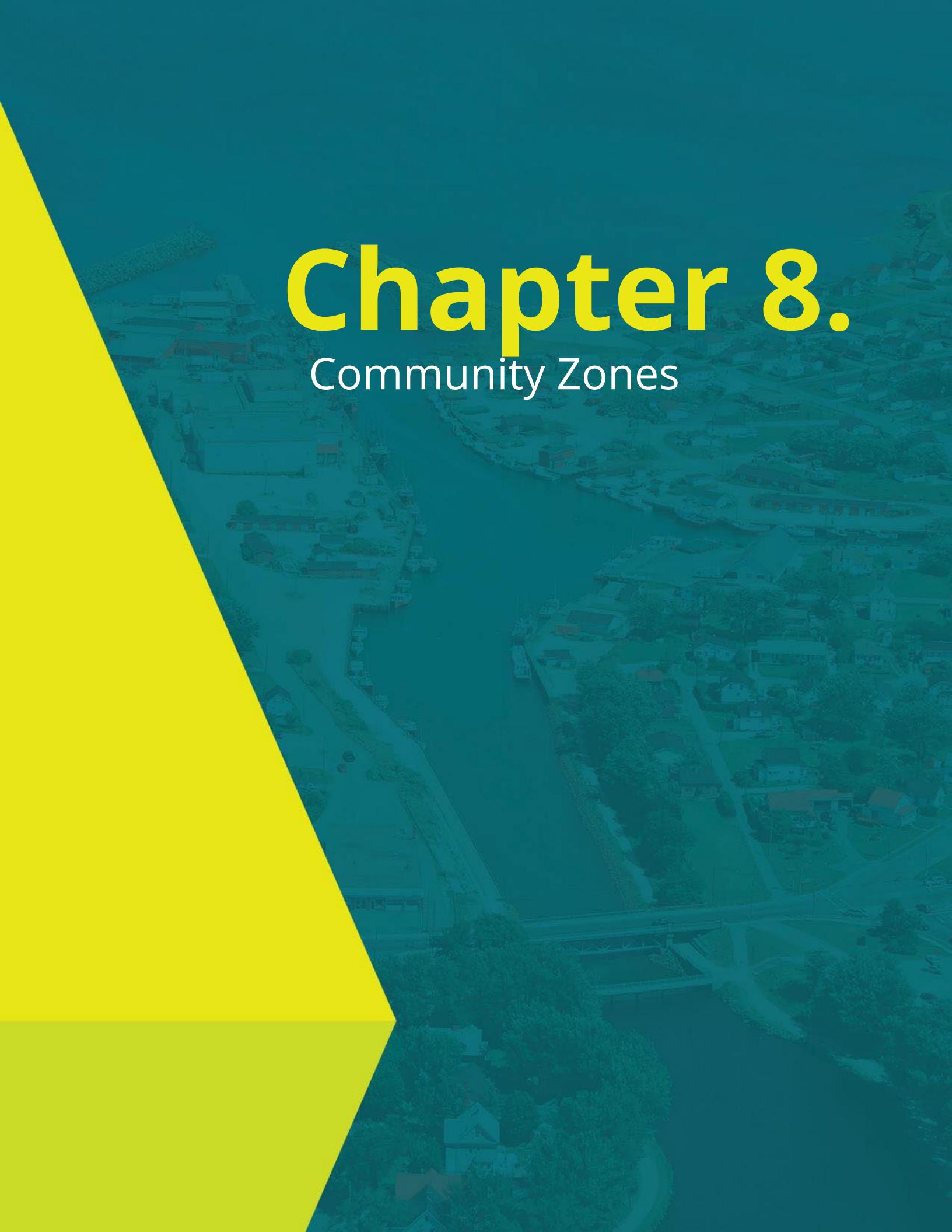
|    |                               |                          |
|----|-------------------------------|--------------------------|
| a) | Minimum Lot Area              | <b>900 m<sup>2</sup></b> |
| b) | Minimum Lot Frontage          | <b>30 m</b>              |
| c) | Minimum Front Yard Setback    | <b>9 m</b>               |
| d) | Minimum Side Yard Setback     |                          |
|    | Abutting a Residential Zone   | <b>15 m</b>              |
|    | Other                         | <b>5 m</b>               |
| e) | Minimum Rear Yard Setback     |                          |
|    | Abutting a Residential Zone   | <b>15 m</b>              |
|    | Other                         | <b>5 m</b>               |
| f) | Minimum Flankage Yard Setback | <b>5 m</b>               |
| g) | Maximum Building Height       | <b>16 m</b>              |
| h) | Maximum Lot Coverage          | <b>75%</b>               |

### 7.3.3. Dwelling Unit Accessory to a Main Use

One dwelling unit shall be permitted accessory to a main use. The dwelling unit shall be used by a caretaker or as security accommodations.

# Chapter 8.

## Community Zones



## MCF

### 8.1. MAJOR COMMUNITY FACILITY

The Major Community Facility Zone (MCF) is intended to accommodate existing and future regional community facilities, including educational campuses, hospitals, large nursing homes, and significant community recreational infrastructure.



#### Regional Structure

- All (inside Service Area Boundary)

#### Land Use Designations

- All (Inside Service Area Boundary)

#### 8.1.1. Permitted Uses

##### RECREATIONAL

- Public Indoor and Outdoor

##### RESIDENTIAL

- Dwelling, Apartment
- Dwelling, Shared

##### SALES

- All

##### SERVICE

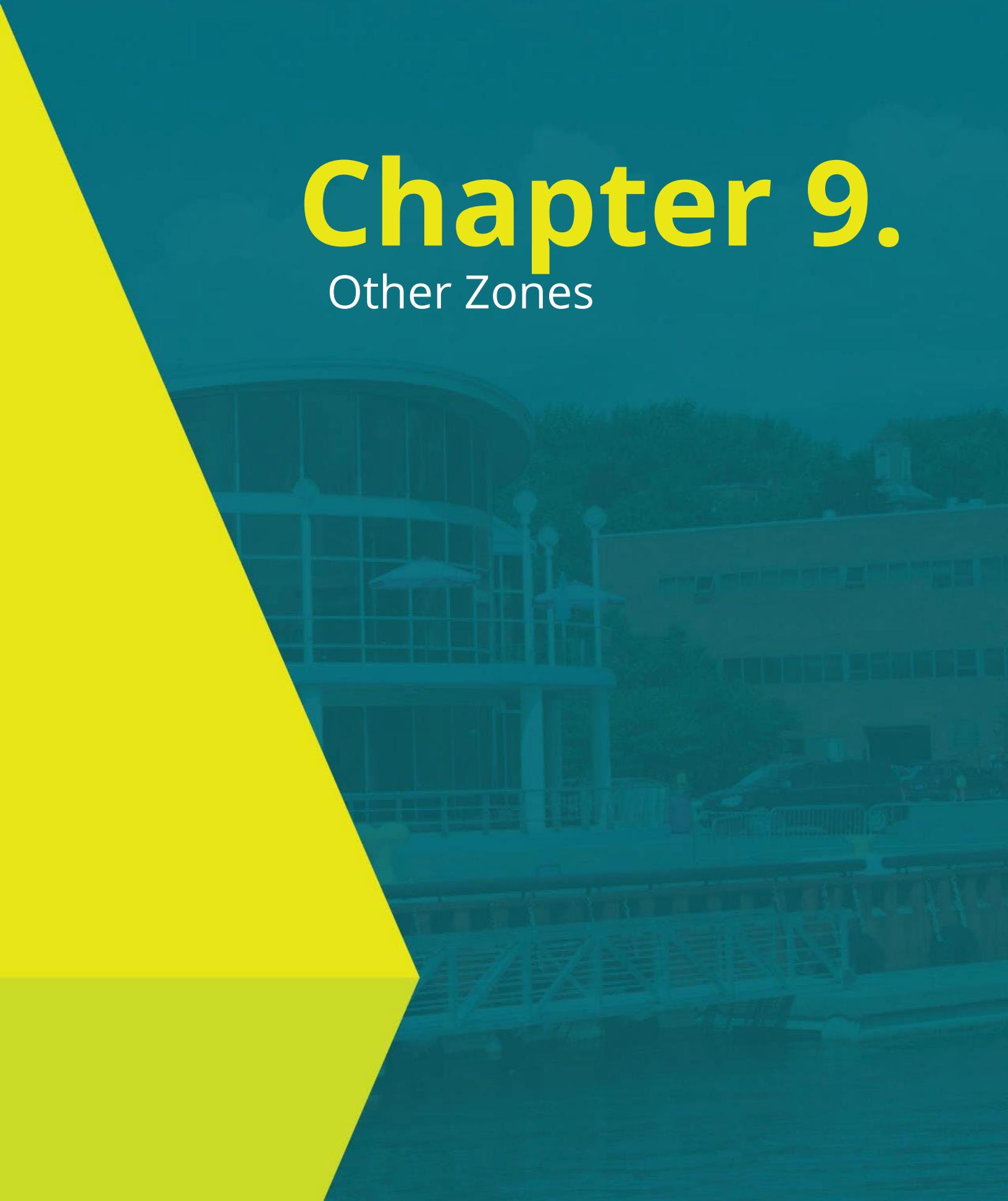
- Accommodation
- Community Service
- Emergency Services Facility
- Health Care
- Scientific Establishment
- Research Facility
- Restaurant
- Educational Service

### 8.1.2. Zone Standards

|    |                               |                          |
|----|-------------------------------|--------------------------|
| a) | Minimum Lot Area              | <b>800 m<sup>2</sup></b> |
| b) | Minimum Lot Frontage          | <b>20 m</b>              |
| c) | Minimum Front Yard Setback    | <b>3 m</b>               |
| d) | Minimum Side Yard Setback     |                          |
|    | Abutting a Residential Zone   | <b>4.5 m</b>             |
|    | Other                         | <b>1.25 m</b>            |
| e) | Minimum Rear Yard Setback     |                          |
|    | Abutting a Residential Zone   | <b>4.5 m</b>             |
|    | Other                         | <b>1.25 m</b>            |
| f) | Minimum Flankage Yard Setback |                          |
| g) | Maximum Lot Coverage          | <b>1.25 m</b>            |

# Chapter 9.

## Other Zones



**RU**

## 9.1. RURAL

The Rural Zone (**RU**) is made up of a mix of residential and non-residential uses on larger lots in unserviced, rural areas of CBRM. This zone supports rural character by allowing a broad range of lower intensity residential and non-residential uses outside of settlement areas.

*The Rural zone is directed by policy in CBRM Forward, the Municipal Planning Strategy:*



### Regional Structure

- *Rural*

### Land Use Designations

- *Rural Development Area*
- *Rural Resource*

#### 9.1.1. Permitted Uses

One or more of the following uses:

##### RESIDENTIAL

- Dwelling, One-Unit, *up to two*
- Dwelling, Two-Unit
- Dwelling, Shared, *limited to four rooms*
- Recreational Vehicles, *limited to two*
- Dwelling, Unit

##### RECREATIONAL

- all except racetracks for motor vehicles
- Campgrounds, *limited to six sites* subject to Section 9.1.5
- Campgrounds, *more than six sites* subject to Section 2.13 and Section 9.1.5

##### FISHERY

- All

##### FORESTRY

- All, including sawmill and splitting, chunking and retailing of forestry products

##### SALES

- Retail, limited to 1,000m<sup>2</sup> in floor area

##### MANUFACTURING

- Assembly
- Forestry products manufacturing
- Mining products manufacturing

##### AGRICULTURAL

- All

##### SERVICE

- Accommodation
- Artist/ Artisan establishment
- Banquet or Convention Centre
- Business Office
- Community Service
- Communication Facility
- Cultural Service
- Day Care Facility, *subject to 4.4*
- Heavy Equipment Depot and operational yard, *subject to 9.1.2*
- Motor Vehicle Repair, *subject to 9.1.2*
- Restaurant
- Kennel
- Educational Service
- Health Care
- Marina
- Microbrewery and Distillery
- Funeral Home
- Personal Service
- Protective (coast guard, police, fire, judicial)
- Supportive Housing *subject to 4.24*
- Self-Storage
- Tourism Use

### 9.1.2 Conditions of use

A **motor vehicle repair use** and/or **heavy equipment depot use and operational yard** identified permitted in subsection 9.1.1 shall not be located within 30m of a dwelling other than the dwelling of the proprietor of the business.

### 9.1.3 Site Plan Approval

Notwithstanding relevant zone standards in Subsection 9.1.4, the following uses are permitted through the Site Plan Approval requirements.

- a. Campgrounds, subject to 9.1.5

### 9.1.4 Zone Standards

|    |  |               |
|----|--|---------------|
| a) | Minimum Lot Frontage   | <b>16 m</b>   |
| b) | Minimum Front Yard Setback   | <b>3 m</b>    |
| c) | Minimum Side Yard Setback<br><i>A nil setback is provided for common walls</i> | <b>1.25 m</b> |
| d) | Minimum Rear Yard Setback  | <b>1.25 m</b> |
| e) | Minimum Flankage Yard Setback  | <b>1.25 m</b> |
| f) | Maximum Building Height  | <b>9 m</b>    |
| g) | Maximum Lot Coverage   | <b>30%</b>    |

### 9.1.5 Development Standards for Campgrounds

#### a) Campground Site Plan

- i. Site plan for a Campgrounds shall be drawn to scale and illustrate the following information:
  - (1) Delineation of the property to be developed on a legal survey;
  - (2) Location and size of campsites;
  - (3) Internal roads and accesses;
  - (4) Parking areas;
  - (5) Accessory uses (not limited to but including laundry facilities, storage areas, washrooms, showers, convenience store, and outdoor and indoor recreation facilities);
  - (6) Pedestrian walkways and trails within the camping site;
  - (7) Landscaping; and

(8) Buffers and screening between the site and other nearby land uses,

**b) Campground Development Standards**

- ii. No campsites shall be located closer than 10 metres (33 feet) from any property boundary. This setback areas shall be maintained as a buffer.
- iii. Refuse collection shall be fully enclosed and screen from the adjacent property. Any containers used for refuse shall be locking or include mechanisms that prevent access from wildlife.
- iv. If provided, pedestrian walkways and trails within the camping site shall be connected to nearby active transportation infrastructure

**c) Buffering and Landscaping and Grading**

- i. Campsites shall be screened (as defined by the By-law) from a public street/road or adjacent properties (not including waterbodies) by an opaque vegetive, topographic screen (berm), opaque fence, building or combination thereof.
- ii. A landscaped buffer area not less than 10 metres (33 feet) shall be retained and maintained from adjacent property boundaries. No activity or use shall be permitted within this landscaped buffer except for walkways and trails not exceeding 3 metres in width.
- iii. Where possible, vegetation on site shall be retained and incorporated into the site landscaping, particularly for areas along the campsite perimeter.
- iv. All areas disturbed by development shall be landscaped.

## 9.2. ENVIRONMENTAL PROTECTION ZONE

The Environmental Protection (EP) zone is used to limit development on environmentally sensitive and valuable lands. The EP zone is applied to watercourse buffers, drinking water protection areas, wetland areas, and other areas.



### Regional Structure

- All

### Land Use Designations

- All

#### 9.2.1 Permitted Uses

##### SERVICE

- Utility

#### 9.2.2 Conditional Uses

##### NON-RESIDENTIAL

- a) Agricultural Uses, *subject to Section 9.2.3*
- b) *Forestry Use, subject to Section 9.2.3*

##### RESIDENTIAL

- c) Dwelling, One Unit, *subject to Section 9.2.3*

#### 9.2.3 Conditions of Use

- a) An Agricultural Use permitted in Subsection 9.2.2 be limited to crop farming, animal grazing and existing agricultural buildings;
- b) Forestry Uses permitted in Subsection 9.2.2 be limited to harvesting and silviculture; and
- c) A Dwelling permitted in Subsection 9.2.2 shall comply with the following standards
 

|                                   |   |
|-----------------------------------|---|
| i. Minimum Lot Size               | 20,250 m <sup>2</sup>                               |
| ii. Minimum Frontage              | 90 m  |
| iii. Minimum Front Yard Setback   | 3 m   |
| iv. Minimum Side Yard Setback     | 1.25 m (A nil setback is provided for common walls) |
| v. Minimum Rear Yard Setback      | 1.25 m  |
| vi. Minimum Flankage Yard Setback | 3 m   |

## FP-O

### 9.3. FLOODPLAIN OVERLAY

The Floodplain Overlay zone (**FP-O**) is applied to lands that frequently experience overland flooding. The zone standards apply aim to mitigate harm to life and property, while managing stormwater through appropriate development provisions.



#### Regional Structure

- All

#### Land Use Designations

- All

#### 9.3.1. Permitted Uses

- *All uses in underlying zones*

#### 9.3.2. Zone Standards

In addition to the Zone Standards of the relevant zone categories for which the overlay zone is applied, developments are subject to:

- a) Within the Floodway Area, as identified in Schedule A:
  - i. Development within shall be restricted to passive recreational uses; and
  - ii. The placement of off-site fill is prohibited.
- b) Within the Floodway Fringe Area, as identified in Schedule A:
  - i. The following uses shall be prohibited:
    - a. Hospitals;
    - b. Long-term care facilities; and
    - c. Uses that store of hazardous materials
  - ii. The placement of off-site fill shall only be in relation to required floodproofing;
  - iii. New construction and expansion of an existing use must be shall:
    - a. Have a finished floor area at a minimum elevation of 1.0 metre above the 1:100 floodplain;
    - b. Locate all electrical and mechanical equipment at a minimum elevation of 1.0 metre above the 1:100 floodplain;
    - c. Not contain a basement; and

- d. Submit a landscaping plan and drainage and/or stormwater management plan to the satisfaction of the Development Officer and other CBRM departments.
- c) Development contrary to Subsection 9.3 b) may be permitted provided a hydrotechnical study, carried out by a qualified person, shows that the proposed development will not contribute to upstream or downstream flooding or result in a change to flood water flow patterns.

WF-O

## 9.4. WATERFRONT OVERLAY

The Waterfront Overlay zone encourages dense, mixed use developments with a focus on service, cultural and tourism uses, permitted within the underlying zone, with additional provisions to ensure public access and views to the Sydney waterfront is maintained.



### Regional Structure

- *Regional Centre*

### Land Use Designations

- *Downtown Sydney*

#### 9.4.1. Permitted Uses

- *All uses in underlying zones*

#### 9.4.2. Zone Standards

In addition to the Zone Standards of the relevant zone categories for which the overlay zone is applied, developments are subject to the following:

1. Public access to the waterfront is maintained and contiguous waterfront trails are maintained.
2. Development on the Sydney Waterfront must not inhibit views to the water from the following streets:
  - i) Townsend Street
  - ii) Falmouth Street
  - iii) Wentworth Street
  - iv) Prince Street
  - v) Pitt Street
  - vi) Dorchester Street
  - vii) Nepean Street
  - viii) York Street
  - ix) Amelia Street
  - x) Desbarres Street
  - xi) Ortona Drive (at the driveway intersection to Victoria Park Armouries, which is identified as Garrison Road in CBRMs street centreline data)

