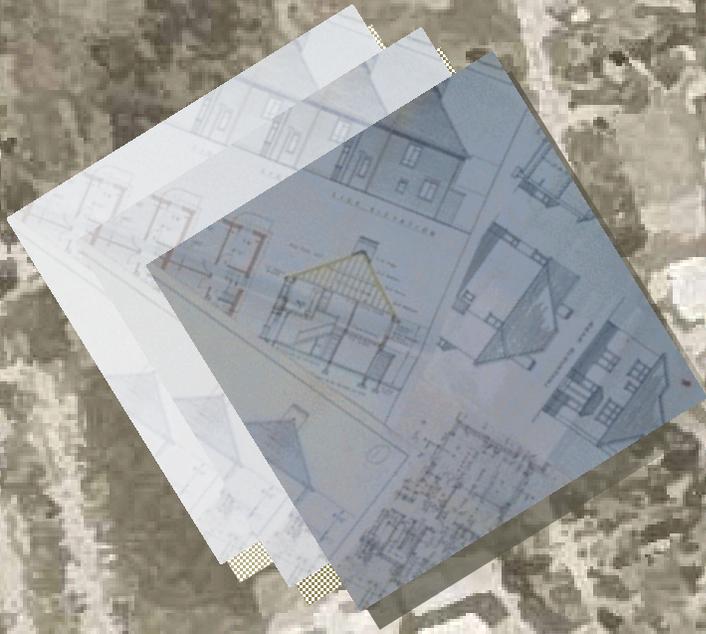


# Central Colchester Land Use Bylaw

- 2002 -

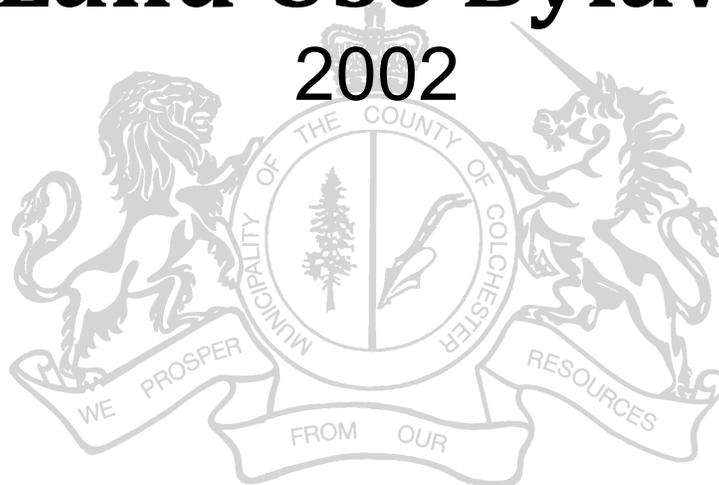


Municipality of the County of Colchester

**Central Colchester**

# **Land Use Bylaw**

**2002**



**Municipality of the County of Colchester**

Adopted by Colchester County Council

**June 20, 2002**

Approved by the Minister of Service Nova Scotia & Municipal Relations

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**July 15, 2002**

## Text Amendments

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**Administrative Amendments - September 2002**  
**Flood Plain Amendments - March 2003**  
**Mobile Home Exemption - February 2004**  
**Accessory Residential Uses C-2 & RM Zones- February 2004**  
**Commercial Day Cares in R-2 Zone - February 2005**  
**Administrative Amendments - May 2006**  
**Cluster Developments - August 2006**  
**Low Density Residential Uses in Commercial Zones – December 2013**  
**Special Requirements – Multiple Residential – High Density (R-4) Zone – November 2014**  
**Minimum Lot Requirements - All Residential Zones - July 2015**  
**Management of future growth in Onslow and Upper Onslow – July 2015**  
**Administrative Amendments – March 2016**  
**Rezoning of Existing Residential and Institutional uses in Commercial zones – September 2016**  
**Administrative Amendments – March 2019**  
**Administrative Amendments - Commercial Dog Day Cares & Kennels – May 2019**  
**Administrative Amendments – Fee Changes – February 2020**  
**Comprehensive Development Districts (CDDs) – September 2023**

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## Map Amendments

**Rural Fringe Area Zoning Map, RG to RM September 2002**  
**Rural Fringe Area Zoning Map, E-2 to RG and E-4, August 2003**  
**Rural Fringe Area Zoning Map, RG to RM November 2003**  
**Rural Fringe Area Zoning Map, E-2 to RG and E-4, June 2004**  
**Bible Hill/Valley Zoning Map, R-2 to C-1, June 2004**  
**Bible Hill/Valley Zoning Map, R-2 to R-3, February 2006**  
**Bible Hill/Valley Zoning Map, P to R-2C, September 2006**  
**Salmon River Zoning Map, R-2 to RG, June 2007**  
**Truro Heights/Lower Truro Zoning Map, C-4 to R-2, June 2007**  
**Bible Hill/Valley Zoning Map, R-2C to R-1, December 2007**  
**Bible Hill/Valley Zoning Map, R-2C to R-1, April 2008**  
**Bible Hill/Valley Zoning Map, R-2 to I, June 2008**  
**Truro Heights/Lower Truro Zoning Map, R-2 to C-2, June 2009**  
**Truro Heights/Lower Truro Zoning Map and Central Colchester Environmental Conditions Zoning Map, E-3 to E-4, October 2009**  
**Bible Hill/Valley Zoning Map, R-2C to R-2, February 2010**  
**Bible Hill/Valley Zoning Map, R-2C to R-2, August 2010**  
**Rural Fringe Area Zoning Map, Schedule B, RG to RM – December 2015**  
**Onslow and Upper Onslow Zoning Map Amendments – July 2015**  
**Hilden Zoning Map – C-1 to R-2, October, 2016**  
**Salmon River Zoning Map, R2 to RG, July 2017**  
**Bible Hill/Valley Zoning Map, R-2 to R-3, May 2018**  
**Bible Hill/Valley Zoning Map, R-2C to R-2, March 2019**  
**Administrative Amendments, Truro Heights/Lower Truro Zoning Map, March 2019**  
**Salmon River Zoning Map, C-1 to R-2C, September 2022**  
**Bible Hill/Valley Zoning Map, R-2 to C-1, June 2023**  
**Bible Hill/Valley Zoning Map, R-2C to I, June 2023**  
**Comprehensive Development District (CDD) Map, September 2023**

**CENTRAL COLCHESTER  
Land Use Bylaw**

Certification

I, Gary MacIsaac, of Truro, in the County of Colchester and the Province of Nova Scotia, Municipal Clerk of the Municipality of the County of Colchester, do hereby certify that the within and attached Land Use Bylaw is a true and correct copy of that Land Use Bylaw as passed by the Municipal Council of the Municipality of the County of Colchester at a special meeting duly called for that purpose and held on \_\_\_\_\_, 2002 in accordance with the provisions of the Municipal Government Act of Nova Scotia.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Gary MacIsaac  
Municipal Clerk

Approved by Service Nova Scotia & Municipal Relations

Date

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## Part 1 Title, Purpose and Scope

- 1.1 This By-law shall be known and may be cited as the Central Colchester Land Use Bylaw of the Municipality of the County of Colchester and shall apply to all lands within the boundaries of the Zoning Map, Schedule 4, excepting the Town of Truro.
- 1.2 The purpose of this Bylaw is to carry out the purpose and intent of the Municipal Planning Strategy for Central Colchester in accordance with the provisions of the *Nova Scotia Municipal Government Act* (R.S.N.S. 1998, Chapter 18 as amended) by regulating the use of land and the location, size, spacing, character and use of buildings and structures within Central Colchester.
- 1.3 This Bylaw does not exempt any person from complying with the requirements of other bylaws or regulations in force within the Municipality of Colchester and from obtaining any license, permission, permit, authority or approval required thereunder.

## Part 2 Administration

### 2.1 Enforcement

- 2.1.1 This Bylaw shall be administered by the Development Officer appointed by the Council of the Municipality of the County of Colchester.
- 2.1.2 In the absence or incapacity of the Development Officer, the acting Development Officer shall act within the Development Officer's stead.

### 2.2 Development Permit

- 2.2.1 Unless otherwise stated in this Bylaw, no person shall undertake, cause or permit to be undertaken, a development in the area to which this Land Use By-law applies without first obtaining a Development Permit from the Development Officer.
- 2.2.2 The Development Officer shall only issue Development Permits in conformance with this Bylaw except in the case of non-conforming uses and structures and variances.
- 2.2.3 The Development Officer shall issue development permits for non-conforming uses and structures and variances in conformance with the Nova Scotia Municipal Government Act or as otherwise provided for under this Bylaw.

### 2.3 Application for a Development Permit

- 2.3.1 Unless deemed unnecessary by the Development Officer, every application for a Development Permit shall be accompanied by a sketch or plan(s) in duplicate, drawn to an appropriate scale and showing:
- i) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
  - ii) the location, height and dimensions of the building structure, or work proposed to be erected;
  - iii) the location of every building or structure already erected on the lot and the general location of buildings on abutting lots;
  - iv) the proposed location and dimensions of any parking areas/spaces, loading spaces, driveways, and landscaped areas;
  - v) the proposed use of the lot and each building or structure to be developed;
  - vi) the location of utilities, services and topographical features, as appropriate; and
  - vii) any other information the Development Officer deems necessary to determine whether or not the proposed development conforms with the requirements of this By-law.
- 2.3.2 Where the Development Officer is unable to determine whether the proposed development conforms with the intent of this By-law, the Development Officer may require that the plans submitted under Subsection 2.3.1 be based upon an actual survey, certified and stamped by a Nova Scotia Land Surveyor.

### **2.3.3.1 Application - Site Plan Approval**

Every application for a Development Permit requiring *Site Plan Approval* shall be accompanied by a plan drawn to an appropriate scale showing the following where applicable:

- i) the true shape and dimensions of the lot for which the application is made;
- ii) the proposed use, location, height and dimensions of all new buildings and structures to be erected on the lot, including signage and exterior lighting fixtures;
- iii) the use, location, height and dimensions of all existing buildings and structures on the lot;
- iv) existing topographical features on the lot and adjacent properties, including but not limited to trees and shrubs, slopes, rock outcroppings, groundcover, etc.
- v) the proposed location, dimensions and surfacing of driveways, parking spaces, loading areas, amenity space;
- vi) proposed landscape details including but not limited to, the type, placement and size of new trees and shrubs; the location and size of gardens; types of groundcover; height and type of screening materials; land forming, location and type of existing trees and other features to be retained; etc.
- vii) proposed site grading and stormwater management practices;
- viii) text indicating the nature of site maintenance and upkeep;
- ix) any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.

### **2.3.3.2 Variations - Site Plan Approvals**

No variations from a site plan approved by the Development Officer shall be permitted except where a new corresponding Development Permit has been approved by the Development Officer and any appeal has been disposed.

### **2.3.3.3 Notice to Property Owners**

The Development Officer shall notify, by ordinary mail, all persons shown on the Municipality's Property Information System as being owners of property within five hundred feet (500) from the boundaries of the applicant's property:

- i) concerning the Development Officer's decision to approve the site plan, or;
- ii) an appeal made by the applicant where the Development Officer has refused to approve a site plan application.

### **2.3.3.4 Location Certificate Required - Site Plan Approval**

A Location certificate, as prepared by a NS Land Surveyor, must be submitted at the foundation stage to confirm that building setbacks, as approved on the Site Plan, have been adhered to.

## **2.4 Signature of Applicant**

The application for a Development Permit shall be signed by the registered owner(s) of the lot or by the owner's agent, duly authorized to act for the owner.

## **2.5 Notice of Amendment or Agreement to Property Owners**

**2.5.1** When an application has been received to amend this Bylaw or to enter into a development agreement, the Development Officer shall notify, by ordinary mail, all persons shown on the Municipality's Property Information System as being owners of property within five hundred feet (500) from the boundaries of the applicant's property notified of the application by the Clerk.

**2.5.2** Any notice under Subsection 2.5.1 shall contain the following:

- i) a synopsis of the proposed amendment or development agreement;
- ii) state the date, time, and place for the public hearing on the amendment or development agreement;
- iii) shall be delivered by ordinary mail prior to the date set for the public hearing.

**2.5.3** This notification of affected property owners set out in Subsection 2.5.1 shall be in addition to the required newspaper advertisements for the public hearing.

**2.5.4** The property owner shall, with any application to amend the By-law or to enter into a development agreement post the property with a notice prescribed by Appendix "1" of this By-law fourteen (14) clear days prior to the date set for the public hearing.

## **2.6 Deviations**

No developer shall deviate, or allow deviations to be made, from the description of a proposed development contained on a development permit, unless the developer has obtained a new or amended development permit from the development officer.

## **2.7 Decision in Writing**

Any decision of the Development Officer to refuse the issuance of development permit shall be given by written notice served by ordinary mail.

## **2.8 Lapse of Permit**

Every development permit issued under this Land Use By-law and issued under any previous Land Use By-law shall automatically lapse and become null and void, if the development to which it relates has not commenced within one (1) year of the issuance of a development permit.

## **2.9 Violations**

In the event of any contravention of the provisions of this Land Use Bylaw, the Municipality of the County of Colchester may take action as outlined in Sections 264, 265, and 266 of the Municipal Government Act of Nova Scotia as amended from time to time.

**2.10 Amendment Application Fee**

All permit fees, licenses and other changes referred to in this By-law will be determined by policy.

## Part 3 Zones and Zoning Map(s)

### 3.1 Zones

For the purposes of this By-law, Central Colchester is divided into the following zones, the boundaries of which are shown on the attached Schedule "4". Such zones may be referred to by the corresponding symbols shown opposite them.

<b>Zones</b>	<b>Symbol</b>
Residential Single Unit	R-1
Residential Double Unit	R-2
Residential Double Unit Conversion	R-2C
Residential-Multiple Medium Density	R-3
Residential-Multiple High Density	R-4
Commercial-General	C-1
Commercial-Highway	C-2
Commercial-Community	C-3
Commercial-Local	C-4
Industrial	M
Institutional	I
Recreational-Open Space	P-1
Environmental Flow Way	E-1
Environmental Flood Way	E-2
Environmental Flood Way Modification	E-3
Environmental Flood Way Fringe	E-4
Environmental Natural Drainage Way	E-5
Rural General	RG
Rural Industrial	RM

### 3.2 Zoning Maps

Schedule "3" is the Land Use - Zoning Map and Schedule "4" is the Environmental Conditions - Zoning Map, both of which form part of this Bylaw and herein referred to as the "Zoning Maps".

### 3.3 Zones Not on Map

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

## Part 4 Interpretation

### 4.1 Symbols

The symbols used on the Zoning Maps refer to the corresponding zones established by this Bylaw.

### 4.2 Interpretation of Zoning Boundaries

**4.2.1** The extent and boundaries of zones shown on the Zoning Maps and the provisions of this Bylaw shall apply to all zones.

**4.2.2** Boundaries between zones shall be determined as follows:

- i) where a zone boundary is shown as following a street, the boundary shall be the centre line of the street unless otherwise indicated;
- ii) where a zone boundary is shown as approximately following a flood risk line, the boundary shall correspond with the 1:100 year and 1:20 year flood risk lines depicted on mapping prepared under the 1988 Canada - Nova Scotia Flood Damage Reduction Program;
- iii) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
- iv) where a railway right-of-way, electrical transmission line right-of-way or watercourse shown on the Zoning Map serves as zone boundary, a line midway between the outside limits of the right-of-way or the centre line of the watercourse shall be considered the boundary between the zones unless otherwise indicated;
- v) where none of the above apply, and where appropriate, the zone boundary shall be scaled from the Zoning Maps.

### 4.3 Interpretation of Certain Words

In this By-law, words used in the present tense include future, words in the singular number include the plural, words in the plural include the singular number, and the word "used" includes "arranged", "designed" or "intended to be used", and the word "shall" is mandatory and not permissive. All other words and phrases carry their customary meaning except for those defined under Part 5 - Definitions of this Bylaw

### 4.4 Permitted Uses

**4.4.1** In this Bylaw, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.

**4.4.2** Where a permitted use within any zone is defined in Part 5, Definitions, the uses permitted within that zone include any similar uses which satisfy such definition except where a definition specifically excludes any similar uses.

### 4.5 Schedules

All Schedules, Appendices, and Figures attached hereto or included herein form part of this Bylaw.

## Part 5 Definitions

**ACCESSORY BUILDING** means a subordinate building on the same lot as the main building devoted exclusively to an accessory use but does not include a building attached by means of any common wall to the main building.

**ACCESSORY STRUCTURE** means a structure other than a building which is located on the same lot as the principal use or main building, and of a nature customarily and clearly secondary and incidental to the main building or principal use. For the purposes of this By-law, accessory structures shall include signs, swimming pools, fences over 2 metres (6.6 ft.) in height, non-broadcasting antenna, and similar structures.

**ACCESSORY USE** means a subordinate and naturally, customarily and normally incidental and exclusively devoted to the main use of the land or building and located on the same lot.

**AGRICULTURAL USE** means the use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storage or treating the produce.

**AGRICULTURE, INTENSIVE** means confined feedlots and poultry facilities. Feedlots are defined as confined structures used for feeding, breeding, milking, processing or holding of livestock for eventual sale or production of eggs.

Poultry facilities are confined areas or structures used intensively for the raising, feeding, breeding, or holding chickens, turkeys, and other poultry for eventual sale or production of eggs.

A minimum of five (5) ungulates or fifteen (15) smaller animals such as rabbits, mink or fowl kept within a sheltered structure is within the meaning of an intensive agricultural use.

**AGRICULTURAL, NON-INTENSIVE** means an agricultural use with associated buildings and is intended to include the keeping of animals and/or the raising of crops but shall not include a feedlot, piggery, kennel, or fur farm. This definition shall exclude the keeping of a maximum of four (4) rabbits, ducks, or female chickens, contained in the rear property.

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

**ANIMAL SHELTER** means a lot and/or building or part thereof used for the care of lost, abandoned or neglected animals, run by a registered, non-profit, animal welfare charity.

**AUTOMOBILE SERVICE STATION** means a commercial building or part of a building or a clearly defined space on a lot used for the retail sale lubricating oils and fuels and may include the sale of automobile accessories and the servicing of minor repairs which are essential to the actual operation of motor vehicles and includes an automobile washing establishment.

**AUTOMOBILE WASHING ESTABLISHMENT** means a commercial building or the use of land for the operation of automobile washing equipment, which is automatic or semi-automatic.

**AUTOMOTIVE REPAIR OUTLET** means a commercial use, buildings or place other than a private garage where vehicles are kept or stored for remuneration or repair, or a building or place used as a motor vehicle repair shop and includes muffler shops, transmission repair shops, and shops specializing in windshield replacement, radiator repairs, autobody work, and the sale and installation of automotive accessories.

**BEVERAGE ROOM** means a premise licensed as a beverage room by the Liquor Licensing Board of Nova Scotia.

**BOARDING HOUSE** means a dwelling in which the owner supplies for a fee a sleeping accommodation with board for not more than four (4) rooms, exclusive of those of the owner and members of the owner's family."

**BUFFER** means a spatial separation or setback between a defined use and a property line.

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

**CHURCH** means an institutional building dedicated to religious worship, and includes a church hall, church auditorium, Sunday School, and a day nursery operated by the Church.

**CLINIC** means a commercial building or part of a building used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his/her residence.

**COMMERCIAL DOG CARE AND KENNEL FACILITIES** means any land, building, structure, outdoor enclosure or other facility where dogs are kept, boarded or bred for commercial purposes and are subject to meeting all requirements of the *Commercial Dog Care and Kennel Facility Bylaw*. A commercial dog care may include daily and overnight boarding, breeding facilities, kennels and dog daycares or combination thereof.

**COMMERCIAL VEHICLE** means which is or may be registered as a commercial vehicle by the Registrar of Motor Vehicles of the Province of Nova Scotia.

**COMMUNITY CENTRE** means any tract of land, or building(s), or any part of any building used for community activities and not for commercial purposes, the control of which is vested in a public authority, church or fraternal organization but shall not include a commercial recreational centre.

**CONVERTED DWELLING** means a building originally built and designed as a single dwelling unit which now contains two or more dwelling units. The exception is the R-2C zone which limits the number of units to two (2).

**COUNCIL** means the Council of the Municipality of the County of Colchester and the Municipality means the Municipality of the County of Colchester.

**CRAFT SHOP** means a building or a portion of a building that is used for the retailing, wholesaling, or manufacture of arts and handicrafts.

**CUT AND FILL** means topographical alterations made to a property(s) located in a designated flood plain flooding at a frequency of 1:20 years where soil is moved from one location (cut) and placed in another (fill) with no net loss to the over all flood water storage capacity within that particular hydrologic zone.

**DAY CARE CENTRE** means:

**"Residential Day Care - Limited"** means part of a dwelling where the owner and occupier of the dwelling provides accommodation for financial remuneration, to nine (9) or fewer children, without providing overnight accommodation.

**"Residential Day Care - Unlimited"** means part of a dwelling where the owner and occupier of the dwelling provides accommodation for financial remuneration, to an unlimited number of children, without providing overnight accommodation.

**"Commercial Day Care"** means a facility other than a Residential Day Care, located in a building or part of a building, where children are accommodated and cared for, for financial remuneration, without providing overnight accommodation to a maximum of sixty (60) children.

A day care may also be known as a day nursery, nursery school, kindergarten, play school, or a preschool.

**DESIGNATION** means an area shown on the Future Land Use Map, Schedule 2 of the Municipal Planning Strategy.

**DESIGNATED FLOOD PLAIN** means the area of land adjacent to the Salmon River, North River and their tributaries that is inundated with flood waters at a statistical frequency of 1:100 years and 1:20 years as identified under the *Canada - Nova Scotia Flood Damage Reduction Program* and associated *Flood Risk Mapping*.

**DEVELOPMENT** includes any erection, construction, alteration, replacement, or relocation of or any addition to any structure and any change or alteration in the use made of any land or structure(s) and shall include any topographical alterations for the purposes of flood plain management.

**DEVELOPMENT OFFICER** means the person appointed by Council under the authority of the *Municipal Government Act* to administer the provisions of the Land Use Bylaw.

**DEVELOPMENT PERMIT** means the permit issued by the Development Officer certifying that the proposed development complies with the provisions of the Land Use Bylaw.

**DRIVEWAY** means a vehicular passageway having at least one end thereof connected to a public thoroughfare, and providing ingress to and/or egress from a lot.

**DWELLING** means a building or portion thereof, occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units, and shall not include a motel or hotel.

**Dwelling Types:**

**"Apartment"** means a dwelling containing three or more dwelling units, other than a townhouse.

**"Duplex"** means a separate building divided horizontally into two dwelling units.

**"Mini-Home or Manufactured Home"** means a dwelling that is manufactured in a factory with the wood floor system being an integral part of the structural integrity by way of design and designed to be placed on a foundation and delivered to the site on a flatbed or steel frame. This definition does not include sectional homes transported in two or more sections and assembled on site.

**"Mobile Home"** means a dwelling that is manufactured in a factory, constructed on a steel frame and includes a towing hitch, with the frame and floor system combined being an integral part of the structural integrity by way of design.

**"Semi-Detached"** means a building that is divided vertically into two dwelling units each with its own entrance.

**"Single Unit"** means a completely detached dwelling unit.

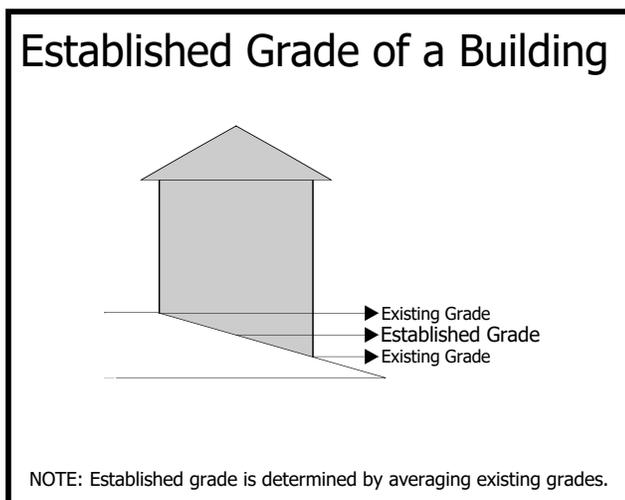
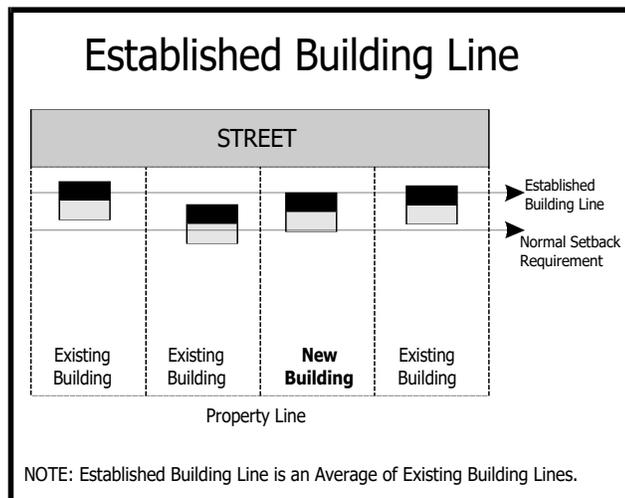
**"Townhouse or Rowhouse"** means a dwelling that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

**DWELLING UNIT** means one or more habitable rooms designed, occupied or intended for use by one or more individuals as an independent and separate housekeeping establishment, in which cooking, sleeping and sanitary facilities are provided for the exclusive use of such individual(s).

**DYKELANDS** means agricultural lands that have naturally flat topography causing water to pond on the soil surface and are protected from tidal flooding by dykes. The agricultural potential of these soils is greatly improved by providing surface drainage with land forming techniques.

**ERECT** means to build, construct, reconstruct, alter, or relocate and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement, or extension.

**ESTABLISHED BUILDING LINE** of any lot means a line parallel to the street established by the main front walls of the average setback of all buildings on the same side of the street of the block within which block a building may be lawfully erected.



**ESTABLISHED GRADE** means, with reference to a building, the average elevation of the finished surface or the ground where it meets the exterior of such building; or with reference to a structure, means the average elevation of the finished grade of the ground immediately surrounding such structures exclusive in both cases of any artificial embankment or entrenchment.

**EXISTING** means:

- i) in reference to a use or structure, that it existed on the effective date of this Bylaw;
- ii) in reference to a proposed use or structure, that a development and /or building permit had been issued prior to the effective date of this Bylaw, and that construction or use has commenced within the time limit prescribed for the permit.

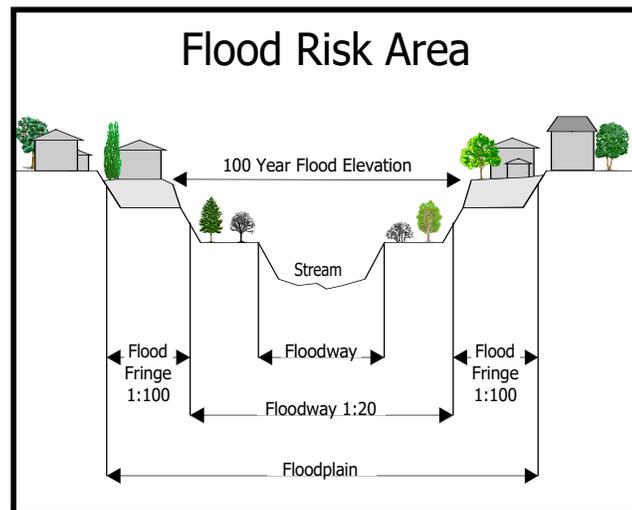
**FEEDLOT** means an enclosed area or structure used for feeding, breeding or holding of livestock or poultry for production purposes or for future sale.

**FERTILIZER BLENDING PLANT** means an enclosed weatherproof facility designed for the mixing, storage, packaging, and distribution of dry granular fertilizer. No part of the blending operation shall involve any outdoor storage of the fertilizer product or any of its components, or the manufacture of any chemical substance.

**FLOOD PROOFING** means a measure or combination of structural and non-structural measures that incorporated into the design of a structure which reduces or eliminates the risk of flood damage, usually to a defined elevation. The prescribed method of flood proofing is through the permanent placing of fill, or elevation of the structure, or having the sills of all windows and doors through the foundation walls above the specified level.

**FLOOD WAY** 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.

**FLOOD WAY FRINGE** means the outer portion of a flood risk area where the risk of flooding is moderate and floods on average once in one hundred years.

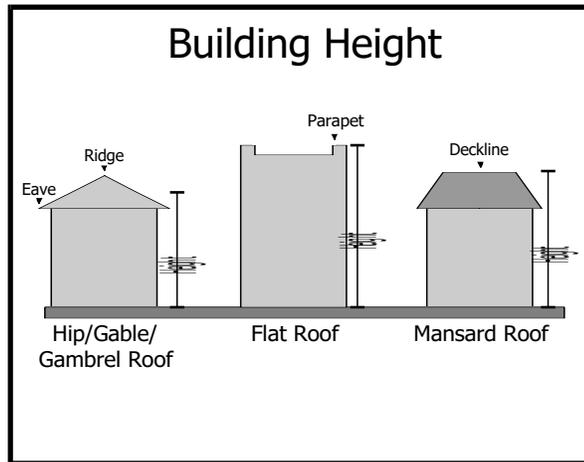


**FLOOR AREA, DWELLING** means the total floor area contained within the outside walls of a building excluding any private garage, porch verandah, sunroom, unfinished attic, or basement or other room which is not habitable during all seasons of the year.

**FLOOR AREA, NET** means the total floor area within a building used for commercial, industrial or institutional purposes but excludes washrooms, furnace and utility rooms, and common walls between stores.

**FORESTRY USES** means forest harvesting, reforestation, tree nurseries and similar uses related to the forestry industry including portable sawmills, lumber yards, christmas tree yards, and equipment storage and maintenance buildings and yards and other temporary uses supportive of land clearing.

**GUESTHOUSE, BED & BREAKFAST** means part of a dwelling where the resident owner or resident occupant provides accommodation, with or without meals, to the travelling public for financial remuneration and does not include facilities open to the general public such as meeting rooms, restaurants, or entertainment facilities.



**HEIGHT** means the vertical distance on a building between the established grade, and: the highest point of the roof surface, or the parapet, which ever is greater, of a flat roof; or the decline of a mansard roof; or the mean level between eaves and ridge of a gabled, hip, gambrel or other type of pitched roof but shall not include any construction used as an ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, steeple, solar collector or satellite receiving dish.

**HOME OCCUPATION** means a business activity carried on wholly within a structure, upon which property is located the residence of the operator of the home occupation, and without limiting the generality of the foregoing; office uses, personal service shops, craft workshops, the repair of minor household appliances, catering establishments, small motor repair, and commercial schools with five or fewer students. Home occupations do not include the sale, rental, or repair of automobiles, or recreational vehicles.

**HOME OFFICE** means a home occupation in which part of a dwelling is devoted to office space for the exclusive use of its resident(s) for the purposes of conducting business from the premises. Home office uses will typically involve the management or direction of an agency, business, or organization, but shall not include any retail sale, manufacture, assembly or storage of goods, places of assembly and amusement, or professional services that results in customer or client traffic.

**HOMES FOR SPECIAL CARE** means a building where nursing care or room and board is provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.

**HYDROLOGIC REGIONS** means one of several sub-regions within the Flood Way Modification Zone that display similar hydro technical properties.

**INDUSTRIAL USE** means a use involving manufacturing, processing, fabrication, or assembly of raw materials or goods, warehousing or outdoor bulk storage, including scrap and salvage yards.

**INDUSTRIAL USE, LIGHT** means an activity carried out within a wholly enclosed structure that is engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, packaging, incidental storage, sales and distribution of such products excluding basic industrial processing or any use that produces obnoxious emissions. Light industrial uses shall not include any that may be considered for an environmental assessment under the *Nova Scotia Environmental Assessment Act Regulations*.

**INFILLING** means material or the act of depositing material from an outside area into the 1:20 year and/or 1:100 year flood plain as identified under this Bylaw.

**INSTITUTION** means any building or part of a building used by an incorporated body or government for promoting a particular purpose or for providing a service, such as hospitals, schools, nursing homes, homes for special care, group homes, community centres, and private clubs.

**LAND FORMING** means the process of mechanically moving soil to change agricultural field topography creating improved surface drainage. It involves the excavation of a series of parallel surface drains.

**LAND LEASE DEVELOPMENT / COMMUNITY** refers to an area where mini-homes, manufactured homes, sectional homes and/or mobile homes are located and development takes place on one parcel of land and dwellings are located on homesites or pads that are not independent and conveyable lots created through a plan of subdivision. Homesites can be rented, owned (condominium) or be part of a cooperative arrangement.

**LANDSCAPING** means a combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stone work, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may affect adjacent land.

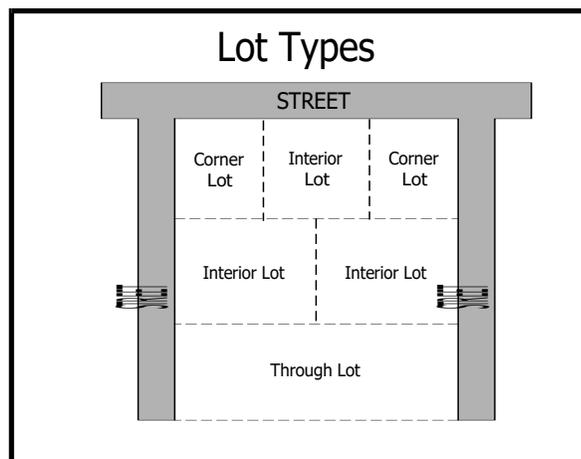
**LOADING SPACE** means an off-street space or berth on the same lot with a building or contiguous with a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which is connected to a public street by an appropriate access.

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

**LOT TYPES:**

**"Corner Lot"** means a lot situated at the intersection of and abutting on two or more streets. The shorter property line shall be deemed to be the front property line of the said lot.

**"Interior Lot"** means a lot situated between two lots and having access to one street.



**"Through Lot"** means a lot bound on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a Corner Lot and a Through Lot as herein defined, such lot shall be deemed to be a Corner Lot for the purposes of this By-law.

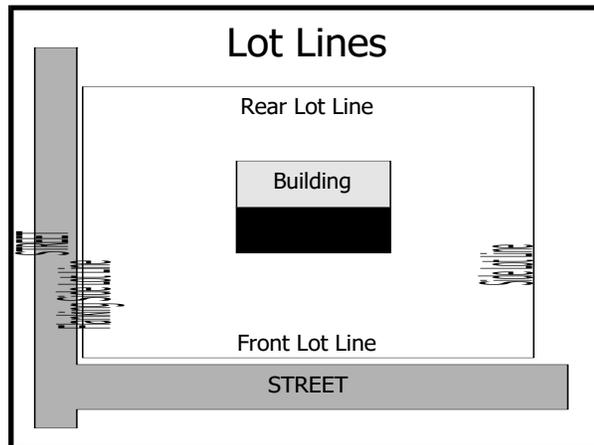
**LOT AREA** means the total horizontal area within the lot lines of a lot.

**LOT FRONTAGE** means the horizontal distance between the side lot lines, measured perpendicularly to a line joining the midpoints of the front and rear lot lines, and at a point equal in distance from the front lot line to the required front yard, or any distance specified in the By-law.

**LOT LINE** means the boundary of a lot line and for greater certainty:

**"Flanking Lot Line"** means the lot line which abuts a street on a corner lot other than the front lot line.

**"Front Lot Line"** means the line dividing the lot from the street; in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and where such lot lines are of equal length, the front lot line shall be either of the two lines. In the case of a Through Lot, each boundary dividing the lot from the street shall be deemed to be the front lot line.



**"Lot Depth"** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the midpoints of the front and rear lot lines.

**"Rear Lot Line"** means the line furthest from or opposite the front lot line.

**"Side Lot Line"** means a lot line other than the front or rear lot line.

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

**MAIN WALL** means the exterior front, side, or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space of roof.

**MOBILE HOME PARK** means a lot or lots used for the renting of spaces for manufactured dwellings in conformance with the Mobile Home Park Bylaw of the Municipality of the County of Colchester.

**MUNICIPAL GOVERNMENT ACT** means the Municipal Government Act of Nova Scotia being Chapter 18 of the Revised Statutes of Nova Scotia, as that Act may be amended from time to time.

**NATURAL RESOURCE** means a portion of an environment upon which people have placed or assigned a value, or see as being available for use. These include renewable resources such as forests, water, wildlife, soils, and non-renewable resources such as coal, oil, and ores, all of which are assets.

**NEIGHBOURHOOD CONVENIENCE STORE** means a store intended to provide the neighbouring residential area with items of merchandise which constitute general dry goods and grocery food items including accessory uses such as ATM machines, video rentals, postal services, lunch counter and not more than 3 coin operated amusement machines. Such business shall be conducted within a wholly enclosed building which floor space does not exceed one hundred eleven (111) sq. metres (1195 sq.ft.) in area exclusive of utility and washrooms.

**OBNOXIOUS USE** means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

**OUTDOOR COMMERCIAL DISPLAY** means a display of goods on a lot for the purposes of encouraging the purchase of the display items, or items similar to the display items.

**OPEN STORAGE** means an accessory commercial use where items such as merchandise, goods, inventory materials or equipment which items are not intended for immediate sale and which are stored by being located on a lot exterior to a commercial building.

**PARENT PARCEL** means a lot as it existed prior to subdivision after the effective date of this By-law.

**PARKING AREA OR PARKING LOT** means an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents with access for motor vehicles to and from a street or highway by means of driveways, or aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted.

**PERSONAL SERVICE SHOP** means a building or part thereof in which barbering, hairdressing, tailoring, or similar shop that does not generate a high volume of customer traffic.

**PRIVATE CLUB** means a building used exclusively by the members and guests of a club for social, recreational or athletic activities.

**RECREATIONAL CENTRE** means a commercial building or lot or part of a building or lot used solely for commercial recreation or entertainment purposes and without limiting the generality of the foregoing, may include such establishments as dance halls, billiard or pool halls, bowling alleys, miniature golf courses, bingo halls, roller skating rinks and discos, and arcades for pinball and other game machines and amusements.

**RECREATIONAL USES** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, outdoor ice skating rinks, athletic fields, outdoor swimming pools, golf courses, and similar uses, together with necessary accessory buildings and structures, but does not include indoor commercial recreation centres or a track for the racing of animals or any form of motorized vehicles.

**RECREATIONAL VEHICLE** means a vehicle drawn, propelled or driven by any kind of power which is designed for recreational or sporting use. Recreational vehicles shall include but not limited to snowmobiles, water craft, all terrain vehicles (ATV's), motorhomes, campers, motorcycles, and aircraft.

**RESIDENTIAL OUTBUILDING** means a detached building or structure used for domestic storage but does not include a dwelling unit.

**RESTAURANT** means a commercial building or part thereof where food and drink is prepared and served to the public for consumption within the building or attached cafe or patio but does not include a drive-in restaurant, tavern, or nightclub.

**RESTAURANT, DRIVE IN OR TAKE OUT** means a place where food and drink is served to the public, and which does not have facilities for consumption thereof on the premises.

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

**RIGHT OF WAY** means an easement reserved to access agricultural, forestry, and resource land that extends to and abuts a public road.

**SCHOOL, COMMERCIAL** means a school where instruction is given to five or more students for the purposes of remuneration and shall include dancing schools, music schools, driving schools, trade schools, and any other school conducted for remuneration. For the purposes of this bylaw, a commercial school does not include daycare centres.

**SCHOOL, GRADE AND SECONDARY** means an institutional use operated by a public or private authority for instructing students.

**SCRAP OR SALVAGE YARD** means a lot or structure used to store or handle scrap material of any kind including recycled goods.

**SCREEN** means a physical obstruction between incompatible land uses and for the purposes of this Bylaw, suitable types of screening shall include opaque wood fences, berms, dense evergreen hedges, or a combination of these.

**SERVICE INDUSTRIES** means a specialized trade shop such as garages including engine and body repair shops, paint shops, plumbing shops, sheet metal shops, and similar uses.

**SERVICE SHOP** means a building or part thereof used for the sale or repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or automotive repair outlets.

**SETBACK** means the "required yard" or the distance between the street line and the nearest main wall of any building or structure and extending the full width or length of the lot.

**SHOPPING CENTRE OR MALL** means a commercial use of land and structures designed, developed and managed as an inter-related group of commercial uses including common areas, related office and warehouse space but excluding parking areas.

**SIGN** means any structure or device intended to identify or advertise a business or commercial activity.

**SIGN TYPES:**

**"Ground sign"** means a sign supported by one or more upright poles or braces placed permanently in the ground.

**"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 focussed, upon or chiefly directed at the surface of the sign.

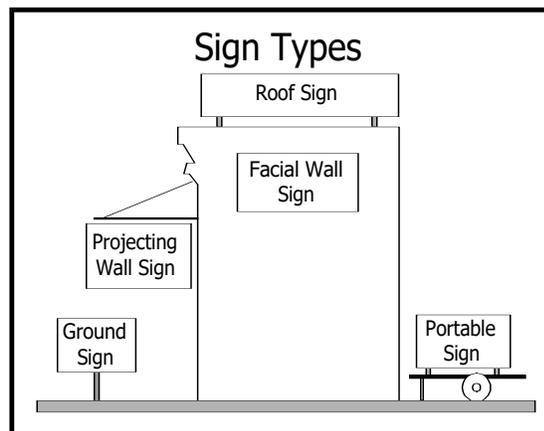
**"Projecting Wall Sign"** means a sign which; projects from; is perpendicular to; and is supported by; a wall of a building.

**"Facial Wall Sign"** means a sign which projects from and is supported by a wall of a building.

**"Roof Sign"** means a sign fixed; placed upon or supported by the roof of a building.

**"Portable Sign"** means a sign designed to be carried, pulled pushed or hauled and which is not permanently fixed in a location.

**"Business Identifier / Directional Signs"** means a standardized composite sign erected and maintained in accordance with this Bylaw that indicates the direct and name of a business premise or development containing multiple business uses.



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

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

**STREET OR ROAD** means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia, the Municipality, or the Town of Truro.

**STREET, COLLECTOR** means a street listed in section 7.6 of this Bylaw.

**STREET LINE** means the boundary line of a street.

**STRUCTURE** means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls

and signs and also fences exceeding 2 metres (6.6 ft.) in height. Any tent, awning, bin, bunk or platform used for any purpose shall be deemed a temporary building.

**SURVEYOR, PROFESSIONAL** means a registered member, in good standing, of the Association of Nova Scotia Land Surveyors.

**SURVEY ENGINEER, PROFESSIONAL** means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia and the Association of Nova Scotia Land Surveyors or is a professional engineer who prepares work based on a survey by a professional surveyor.

**TAVERN** - see Beverage Room.

**TRADE SHOP** means a building or structure used to accommodate an occupation that may include a woodworking shop, plumbing shop, sheet metal shop, upholstery shop, machine shop, ceramic or sculpting shop, and similar types of uses but shall not include any activity related to autobody or automotive repairs.

**UNGULATES** means any hoofed animals, including the ruminants, swine, horses, or any other split or single hoofed animals.

**WAREHOUSE** means a building where wares or goods are stored, but shall not include a retail store or a recycling operation.

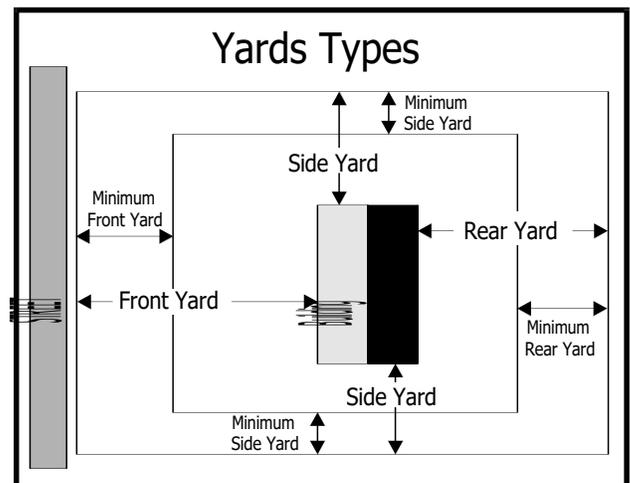
**WAREHOUSE, PERSONAL STORAGE** means a compartmentalized warehouse facility or complex designed for rental of separate storage areas usually with individual external access, for storage of personal property.

**YARD** means an open, uncovered, area of land on a lot measured inward and horizontally from the front to the rear lot line.

**YARD, FLANKING** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flanking lot line and the nearest main wall of any main building or structure.

**YARD, FRONT** means a yard extending the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot; and a 'minimum' front yard means the minimum depth allowed by this Bylaw of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot;

**YARD, REAR** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and a 'minimum' rear yard means the minimum depth allowed by this Bylaw of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot;



**YARD, SIDE** 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; and a 'minimum' side yard means the minimum width allowed by this Bylaw of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot;

**ZONE** means an area of land identified on the zoning map being Schedule 4 of this Bylaw.

## Part 6: General Provisions for All Zones

### 6.1 Frontage on a Street

No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected, abuts and fronts upon a street.

### 6.2 Non-Conforming Uses and Structures

Non-conforming uses are subject to the provisions of Sections 238, 239, 240 and 241 of the *Municipal Government Act* unless otherwise provided for under this Bylaw.

### 6.3 Existing Undersized Lots

**6.3.1** Notwithstanding anything else in this Bylaw, a lot existing prior to November 18, 1994, having less than the minimum frontage or area required by this Bylaw, may be used for a purpose permitted in the zone in which the lot is located and structures may be erected on the lot, provided that all other applicable provisions in this Bylaw are satisfied.

**6.3.2** Where, in accordance with Policy GC-20, lot boundaries are being modified, a development permit may be issued as if the lots were existing undersized lots under 6.3.1 above.

### 6.4 Change of Use on Undersized Lots

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

### 6.5 Existing Buildings

Where a building existing prior to November 18, 1994 has been erected on a lot having less than the minimum frontage or area, or having less than the minimum front yard or side yard or rear yard required by this By-law the building may be enlarged, reconstructed, repaired or renovated provided that:

**6.5.1** the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side or rear yard that does not conform to this By-law; and

**6.5.2** all other applicable provisions of this By-law are complied with.

### 6.6 Height Regulations

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, chimneys, clock towers, windmills, or solar collectors.

### 6.7 Conformity with Existing Setbacks

In any "Residential" zone where existing buildings do not comply with the minimum front yard setback requirements, a building may be erected within 61 metres (200 ft.) of any such building and within the same block, with a setback equal to the established building line, but such setback shall not be less than 5 metres (16.4 ft.) from the street line and need not be greater than the setback prescribed for the zone in which it is situated.

**6.8 Structure to be Moved**

No structure or building shall be moved within or into the area covered by this Bylaw without first obtaining a development permit from the Development Officer.

**6.9 Restoration to a Safe Condition**

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, except in the case of non-conforming uses where provisions of Sections 238 - 241 of the Municipal Government Act of Nova Scotia shall prevail.

**6.10 Permitted Encroachments in Yards**

Unless otherwise provided for under this Bylaw, every part of any required yard shall be open and unobstructed by any structure, except minor architectural features such as eaves, cornices, bay windows, or canopies. For the purposes of this Section, exterior decks, staircases, balconies, porches, verandas and attached accessory structures shall not be permitted to project into any required yard.

**6.11 Temporary Uses Permitted****6.11.1 Construction Accessories**

Nothing in this By-law shall prevent the use of land or the use or erection of temporary buildings or structures incidental to construction, such as but not limited to, a construction camp, tool shed, or scaffold, and including a sales or rental office incidental to construction and no development permit for such temporary uses buildings or structures shall be required, provided that a development permit for the main structure under construction has been issued. Such temporary use shall be terminated no more than sixty (60) days after the completion of the construction of the main structure.

**6.11.2 Special Occasions**

Nothing in this By-law shall prevent the use of land or the erection of temporary buildings, structures or signs for special occasions and holidays and no development permit shall be required for such temporary uses, provided that such use of buildings or structures remains in place for no more than ten (10) days following the termination of the special occasion or holiday.

**6.12 Habitation of Vehicles**

No truck, bus, coach or travel trailer or structure of any kind, other than a manufactured dwelling or dwelling unit erected and used in accordance with this and all other bylaws of the Municipality shall be used for human habitation.

**6.13 Public Recreational Uses**

Public recreational uses are permitted in all zones, subject to the provisions of Part 13 of this By-law.

**6.14 Building to be Erected on a Lot**

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

**6.15 One Main Building on a Lot**

No person shall erect more than one (1) main building on a lot, except in a Industrial, Commercial, Institutional zone, or non-residential buildings located in a Rural General zone but this exception does not apply to permitted residential uses in a Commercial zone.

**6.16 Multiple Use**

Where any land or building is used for more than one purpose, the provisions of this By-law relating to each use shall be complied with.

**6.17 Lot Area Including Flood Plains and Natural Drainage Ways**

A development permit may be issued in a zone where part of the minimum lot area, frontage or required yards is met by land zoned Flood Plain and Natural Drainage Way, provided all other requirements of the two zones are met.

**6.18 Illumination**

No person shall illuminate any area or erect any illuminated sign unless all glaring lights are directed away from adjoining properties and any adjacent street.

**6.19 Accessory Structures, Buildings, & Uses**

**6.19.1** Accessory buildings shall be permitted in any zone but shall not:

- i) be used for human habitation except where a dwelling is a permitted accessory use; or
- ii) be located within the front yard of a lot; or
- iii) be located within 5 metres (16.4 ft.) of a flanking side street line; or
- iv) except as provided in 6.19.2, be located within 2 metres (6.6 ft.) of the side or rear yards; or
- v) be built within 2 metres (6.6 ft.) of any building on the lot; or
- vi) be permitted on a separate lot from a main building; unless otherwise indicated in a particular zone.
- vii) be originally constructed as a mobile/mini/rectangular dwelling, a construction trailer, or a trailer from a semi-trailer truck (commonly called a shipping container), and placed in any residential zones and residential subdivisions serviced by Public sewer in the Rural General (RG) zone.

**6.19.2** Accessory buildings and fences exceeding 2m (6.6 ft.) in height may be located within a required side or rear yard provided the building or fence is set back at least 1 metre (3.3 ft.) from a side or rear lot line and provided no door, window or other perforation is constructed in the side of the building encroaching in the required yard.

**6.19.3** In a Residential or Commercial zone, accessory buildings shall not:

- i) exceed 55 square metres in total where the lot is less than 600 square metres or exceed 10% of the lot area otherwise; and
- ii) exceed 45% of the available side and rear yard, in any case.

**6.19.4** An accessory building or structure used to stable animals shall:

- i) not be located within 15 metres (49.2 ft.) of a lot line;

- ii) not have an area or facility used for the storage of animal waste located within 15 metres (49.2 ft.) of a lot line.
- iii) follow the manure storage guidelines attached to this Bylaw as Appendix 2.

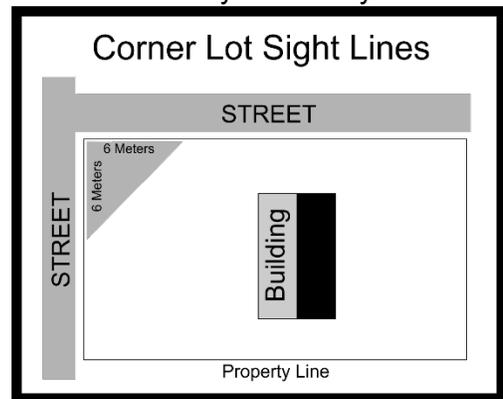
**6.19.5** Unless otherwise provided for, an accessory structure shall not be located within any required yard.

**6.19.6** For the purposes of this Bylaw, detached outdoor heating systems such as wood furnaces, shall be considered an accessory structure and shall not be permitted within a Growth Centre.

**6.19.7** Where this Bylaw provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose shall include any accessory use.

**6.20 Corner Lot Sight Lines**

On a corner lot where yards are required, no fence, sign, hedge, shrub, bush or tree or any other structure, vehicle or vegetation shall be erected, placed or permitted to grow to a height greater than 0.6 metres (2 ft.) above grade of the centre line of the streets that abut the lot within the triangular area included within the street lines, for a distance of 6 metres (19.7 ft.) from their point of intersection.



**6.21 Screening**

Where, under this Bylaw, visual screening is required to be provided and maintained, the minimum height shall be 1.5 metres (4.9 ft.). Where a vegetative screen is proposed, such shall be planted at a sufficient rate to create an opaque surface and a 1.5 metre (4.9 ft.) high temporary fence shall be built to provide screening until the vegetation is of sufficient height and density.

**6.22 Uses Permitted by Development Agreement**

Notwithstanding anything else in this Bylaw:

**6.22.1** Council may, by resolution and as authorized by Section 225 of the Municipal Government Act approve any development which would not otherwise be permitted by this Bylaw pursuant to the following policies of the Municipal Planning Strategy:

- Policy RP-25 Residential Grouped Dwelling Units
- Policy RP-28 New Land Lease Developments
- Policy RP-30 Expansions to Land Lease Developments
- Policy RP-23 High Density Residential Uses
- Policy CP-12 Shopping Centres & Commercial Uses Exceeding 4645 sq. m
- Policy MP-11 Research & Development Industries
- Policy RP-36 Cluster Developments
- Policy RFP-26.1 Cluster Developments

**6.22.2** Approval by Council under 6.22.1 and 6.22.3 shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with Council containing such terms and conditions as the policies of Council may direct.

**6.22.3** Pursuant to Policies 2 and 3 of the Truro - Colchester Inter-municipal Planning Strategy on Inter-jurisdictional Properties, Council may consider, subject to a joint public hearing with the Town of Truro, a commercial/light industrial development on a property that is located in both the Town of Truro and the Municipality of Colchester as depicted on the Future Land Use Map associated with the above Strategy.

### **6.23 Swimming Pools**

In-ground swimming pools having a depth exceeding 0.46m (18 inches) and above-ground pools having a depth exceeding 1m (3.3 ft) which are located in a Residential or Commercial Zone shall:

6.23.1 be enclosed by a fence having a minimum height of 1.5 metres (4.9 ft.) measured at grade;

6.23.2 notwithstanding Section 6.19.5, be setback a minimum of 2 metres (6.6 ft.) from any property line; and

6.23.3 not be located within any required yard that abuts a street right-of-way.

### **6.24 Multiple Main Structures**

Where, in accordance with Policy GC-20, lots are being created for main structures legally existing prior to November 18, 1994, the lot frontage and lot area requirements contained elsewhere in the By-law shall be waived for each lot containing a main building provided:

- i) each lot has a minimum street frontage 4 metres (13.1 ft.); and
- ii) no internal lot dimension is less than 4 metres (13.1 ft.); and
- iii) each lot shall have a minimum area of 400 square metres (4306sq. ft.),
- iv) a development permit may be issued as if the lots were existing, undersized lots under Section 6.3.

### **6.25 Public and Private Utilities**

Unless otherwise provided for under this Bylaw, a facility that is essential for the delivery of a municipal service or public utility, such as, a sewer collection system and treatment facility, a water supply and distribution facility, a transportation facility, and electrical power, telecommunication, cable television, and natural gas transmission and distribution facility shall be permitted in any zone.

### **6.26 Non-conforming Residential Uses and Structures**

Where a non-conforming residential use or structure exists on a lot on the effective date of this Bylaw, the use and /or structure may be re-established on the same lot in accordance with the non-conforming provisions of the Section 239 of the Municipal

Government Act. For greater certainty, such residential uses shall include mini-homes and mobile homes.

## **6.27 Transportation Reserves**

6.27.1 Pursuant to Policy MS-22 of the Central Colchester Municipal Planning Strategy, Schedule 3 attached to this Bylaw shows a 40 metre (131.2 ft.) wide swath of land zoned "Transportation Reserve". Notwithstanding anything else in this Bylaw, no structure shall:

- i) be permitted to be established within the Transportation Reserve Zone; and,
- ii) be setback less than 10 metres (32.8 ft.) from the outermost boundaries of the Transportation Reserve Zone.

6.27.2 In accordance with Section 224 of the Municipal Government Act, the alternate zone of property affected by the Transportation Reserve Zone is shown beneath as a solid colour to which a corresponding zone applies, as illustrated on Schedule 3 attached to this Bylaw

## Part 7 Parking and Loading Requirements

### 7.1 Parking Requirements

For every building or structure to be erected or enlarged, or for which application for a development permit involving a change of use is made, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in accordance with the requirements below:

<b>Residential</b>	
A structure containing not more than 3 dwelling units	One (1) parking space for each dwelling unit
Senior Citizen Housing	One (1) parking space for each dwelling unit
Boarding & Guest Houses	One (1) parking space per two (2) guest rooms
All other dwellings	One and one half (1.5) parking spaces per dwelling unit
<b>Commercial</b>	
Hotels, Motels, Guest Houses, Cabins	One (1) parking space per suite or rental unit PLUS (1) one space per 18.5 sq. m (199 sq. ft.) of floor area devoted to public use (restaurants, lounges) exclusive of hallways and lobbies.
Restaurants, Lounges, Taverns, Night Clubs	One (1) parking space per 9 sq. m (97 sq. ft.) of floor area devoted to public use.
Bowling Alleys and Curling Rinks	Three (3) parking spaces per bowling lane and four (4) spaces per curling sheet. Additional spaces shall be provided in accordance with specific uses outlined in this By-law.
Shopping Centres	5.25 parking spaces per 93 sq. m (1001 sq. ft.) of net retail area
Offices	One (1) parking space per 28 sq. m (301 sq. ft.) of net floor area
All other commercial uses	One (1) parking space per 18.5 sq. m (199 sq. ft.) of net floor area
<b>Institutional</b>	
Hospitals & Homes for Special Care	One (1) parking space per two beds or per 38 sq. m (409 sq. ft.) of net floor area, whichever is greater.
Churches, Church Halls, Auditoria, Theatres, Arenas, Stadia, Private Clubs, and other places of assembly	Where there are seats, one (1) parking space per five (5) seats or 3m (9.8 ft.) of bench space. Where there are no fixed seats, one (1) space per 9 sq. m (96.9 sq. ft.) of floor area devoted to public use.
Elementary & Junior High Schools	One and one half (1.5) parking spaces per teaching classroom
High Schools & Colleges	Four (4) parking spaces per teaching classroom
<b>Industrial</b>	
All industrial uses	One (1) parking space per 50 sq. m (538 sq. ft.) of net floor area

NOTE: Where the parking space requirement is calculated to a decimal point exceeding one half a parking space, it shall be rounded up to the next whole number.

## 7.2 Parking Area Requirements

**7.2.1** Where parking facilities for more than four (4) vehicles are required:

- i) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
- ii) the parking area shall be located on the same lot as the use it is intended to serve;
- iii) when the parking area is of permanent hard surfacing, each parking space should be clearly marked and maintained as such;
- iv) approaches or driveways to any parking area shall be defined by a curb of concrete or rolled asphalt;
- v) the location of approaches or driveways shall not be closer than 15 metres (49.2 ft.) from the limits of the right-of-way at a street intersection;
- vi) lights used for illumination of the parking areas shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- vii) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- viii) a parking space shall be 2.75 metres (9 ft.) by 6 metres (19.7 ft.);
- ix) all parking areas shall be graded to prevent surface runoff from direct access to a neighbouring property.
- x) the parking area, where permitted in a required front yard, shall be setback a minimum of 2 metres (6.6 ft.) from the front lot line and such areas shall be appropriately landscaped.

### 7.2.2 All Zones:

- i) In all zones there shall not be more than two driveways or ramps from any lot to any one street.
- ii) In all zones the width of any driveway or ramp leading to a parking area shall not be less than 3.5 metres (11.5 ft.) and not more than 9 metres (29.5 ft.) measured at the street line.
- iii) In all zones where there is more than one driveway or ramp from any lot to any one street then such driveways or ramps shall be separated by at least the maximum width of the driveway or ramp permitted under this Section.

### 7.2.3 Industrial Zones

In Industrial zones the width of any driveway or ramp leading to a parking area shall not be less than 3.5 metres (11.5 ft.) measured at the street line for a one way driveway or ramp and not more than 14 metres (45.9 ft.) measured as aforesaid for a two way driveway or ramp. The total width of all driveways or ramps shall not exceed 30 percent of the total width of the front lot line measured at the lot line through which the driveways or ramps lead.

## 7.3 Loading Space Requirements

**7.3.1** In commercial, industrial, and institutional zones, one off-street, space shall be provided for every 1000 sq. metres (10,764 sq. ft.) of net floor area or fraction thereof.

- 7.3.2** Each space shall be 3 metres (9.8 ft.) by 12 metres (39.4 ft.) with height clearance of 4.5 metres (14.8 ft.).
- 7.3.3** Notwithstanding 7.3.1 above, the provision of a loading space shall be optional where the net floor area is less than 100 sq. metres (1076 sq. ft.).
- 7.3.4** Where commercial or industrial uses abut Residential designations, parking and loading space shall not be located within the abutting required yard.

**7.4 Storing of Commercial Vehicles**

In all Residential zones, no person shall park or store more than one commercial vehicle, registered as a Class 3 or greater by the Nova Scotia Registry of Motor Vehicles, on a lot.

**7.5 Area Calculation for Parking Requirements**

The gross area required for parking may be calculated by multiplying the "parking requirement" by 29 sq. metres (312 sq. ft.) inclusive of driveways and aisles which abut parking spaces but shall not replace a parking plan as required by Section 2.3.

**7.6 Transportation - Collector Streets**

**7.6.1** The following streets shall be designated as collector streets for the purposes of this Bylaw:

- |                      |   |  |   |
|----------------------|---|--|---|
| <b>Salmon River:</b> | Harmony Road<br>East Prince Street<br>Salmon River Road   | <b>Hilden:</b>                           | Highway #2<br>Irwin Lake Road.<br>Truro Road  |
| <b>Bible Hill:</b>   | Main Street<br>College Road<br>Pictou Road<br>Vimy Road<br>Farnham Road<br>Brookside Road<br>Old Court House Branch Rd. | <b>Lower Truro/<br/>Truro Heights:</b>   | Truro Hgts. Connector<br>Truro Heights Road<br>Robie Street<br>Truro - Windsor Road<br>Lower Truro Road |
| <b>Valley:</b>       | Old Court House Branch Road<br>Pictou Road<br>College Road<br>Salmon River Rd. / Valley Cross Rd.                       |  |   |
| <b>North River:</b>  | Highway #311<br>Mountain Lee Road   | <b>East Mountain:<br/>Mingos Corner:</b> | Pictou Road<br>Highway #4   |

NOTE: For the purposes of this By-law, the designated Collector Road shall only be the portion of road from the above list that is located within a Growth Centre or a Municipal Sewer District.

**7.6.2** Amendments to the above list shall be by Land Use Bylaw amendment.

## Part 8 Signs

### 8.1 Development Permit Required

No person shall erect any sign without first obtaining a Development Permit.

### 8.2 Signs for Which No Development Permit is Required

Notwithstanding Section 8.1, the following signs are permitted in all zones, without any requirement for a Development Permit:

- 8.2.1 Signs identifying name and address of resident, and of not more than 0.2 sq. metres (2.2 sq. ft.) in sign area.
- 8.2.2 "No trespassing" signs or other such signs regulating the use of a property, and of not more than 0.5 sq. metres (5.4 sq. ft.) in sign area.
- 8.2.3 Real estate signs not exceeding 0.5 sq. metres (5.4 sq. ft.) in sign area in a Residential Zone and 1.5 sq. metres (16.1 sq. ft.) in other zones, which advertise the sale, rental or lease of the premises.
- 8.2.4 Signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premises provided that such signs are less than 0.5 sq. metres (5.4 sq. ft.) in area.
- 8.2.5 Signs erected by a government body, or under the direction or authority of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists, directional signs, destination points, or local attractions.
- 8.2.6 Memorial signs or tablets and signs denoting the historical significance and date of erection of a structure.
- 8.2.7 The flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization.
- 8.2.8 A sign having an area of not more than 6 sq. metres (64.6 sq. ft.) incidental to construction and located on the same site as the building under construction. Such signs shall not remain in place for more than sixty (60) days following completion of construction.
- 8.2.9 Indoor signs which are erected wholly within the exterior walls of a building.
- 8.2.10 A sign or monument that denotes the name of a subdivision or development provided the sign or monument is located on the parent parcel of land being developed and provided such signage does not exceed 3 sq. m (32.3 sq. ft.) in sign area or exceed a height of 3 metres (9.8 ft.) from the established grade to the highest part of the sign.

### **8.3 Signs Prohibited in All Zones**

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

- 8.3.1** signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour, and signs which have any visible moving part or visible mechanical movement of and description except for signs which display only time, temperature or humidity;
- 8.3.2** signs applied to the roof of any structure;
- 8.3.3** signs which constitute a hazard to public safety or health;
- 8.3.4** signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers or obstruct the effectiveness of any traffic sign or traffic control device on public streets;
- 8.3.5** signs which obstruct the use of a fire escape door, windows, or other required exit;
- 8.3.6** signs which make use of such words as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any other similar words, phrases, or symbols so as to interfere with or confuse drivers on a public street;
- 8.3.7** signs not related to any business or use located on the lot or premises;
- 8.3.8** signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object.
- 8.3.9** portable signs;

### **8.4 Temporary Signs**

Notwithstanding Section 8.3.9, a temporary sign permit may be issued subject to the following terms and conditions:

- 8.4.1** That such permits shall be issued for a period of 30 days, then may not be renewed again for a period of ninety (90) clear days for each lot application.
- 8.4.2** That such signs meet the requirements of subsection 8.8 but may occupy a parking space where no alternative exists.
- 8.4.3** That such signs have no flashing lights.
- 8.4.4** That only one such sign be permitted for each property at any given time.

**8.4.5** That such signs are not permitted in any residential zone.

### **8.5 Signs in Residential Zones**

No sign in a Residential Zone shall be erected or used for commercial advertising except where:

- 8.5.1** the sign is permitted by Section 8.2 above; or
- 8.5.2** the sign is located in a Residential Zone on the same lot as the business which it advertises; and
- 8.5.3** the sign does not exceed 0.5 metres (5.4 sq. ft.) in area and ground signs do not exceed 1 metre (3.3 ft.) in height; and
- 8.5.4** the sign is set back a minimum of 5 metres (16.4 ft.) from any property line.
- 8.5.5** notwithstanding 8.5.3 above, a non-illuminated sign may be erected to advertise a recreational facility in a Residential zone but shall not exceed an area of 3 sq. m (32 sq. ft.) or a height of 3 m (9.6 ft.).

### **8.6 Signs Abutting Residential and Institutional Zones**

Notwithstanding Section 8.2, where a sign is located in a yard which abuts a Residential or Institutional Zone, the sign shall be subject to the signage provisions of the abutting yard requirements of the zone in which it is located.

### **8.7 Commercial Advertising Signs**

No sign shall be erected or used for commercial advertising except where the sign is located on the same lot as the establishment which it advertises; or on the same lot as the dealer for the product which it advertises.

### **8.8 Size and Location of Signs**

The following requirements shall apply to all signs in all zones unless specified elsewhere in this Bylaw.

#### **8.8.1 Ground Signs**

Notwithstanding Section 6.19.5, a ground sign may be located within the required front yard provided the following conditions can be met:

- 8.8.1.1** i) no ground sign shall exceed a height of 9 m (29.5 ft.) from grade to the highest part of the sign or an area of 9 sq. m (96.9 sq. ft.) on each side
- ii) the required setback from property lines shall be calculated using the following formula:  

$$\text{Calculated Setback} = \frac{\text{Proposed Sign Area} - 3 \text{ sq. metres}}{1.33 \text{ metres / sq. metre}}$$
- iii) the maximum height of a sign from grade to the highest part of the sign shall be calculated using the following formula:

$$\text{Calculated Height} = \text{Calculated Setback} \times 0.67 \text{ m} + 6 \text{ m}$$

**8.8.1.2** Notwithstanding Section 8.8.1.1, any lot that is zoned C-2 Highway Commercial or a lot zoned C-1 General Commercial that has frontage and access to Robie Street, Dunlop Ave, or Meadow Drive may erect a ground sign subject to the following conditions:

- i) no ground sign shall exceed a height of 13 m (42.6 ft.) from grade to the highest part of the sign or an area of 13 sq. m (140 sq. ft.) on each side
- ii) the required setback from property lines shall be calculated using the following formula:

$$\text{Calculated Setback} = \frac{\text{Proposed Sign Area} - 9 \text{ sq. metres}}{0.89 \text{ metres / sq. metre}}$$

- iii) the maximum height of a sign from grade to the highest part of the sign shall be calculated using the following formula:

$$\text{Calculated Height} = \text{Calculated Setback} \times 0.89 \text{ m} + 9 \text{ m}$$

**8.8.1.3** Notwithstanding Sections 8.8.1.1 and 8.8.1.2, any lot that is zoned C-2 Highway Commercial may erect a ground sign subject to the following conditions:

- i) the sign may only advertise an automobile service station, a hotel / motel, or restaurant business premise;
- ii) the sign face may be enlarged at a rate of 1.2 sq metres (13.3 sq ft) per every 0.3 metres of height provided the sign is higher than 13 metres (42.7 ft) but not more than 21.3 metres (70 ft) in height measured at the established grade;
- iii) the sign is located more than 10 metres (32.8 ft) from any property line;
- iv) the sign face may only be lit from a directional fixture located not more than 2 metres (6.6 ft.) above the base of the structure;
- v) the sign is located a minimum of 100 metres (328 ft.) of any lot zoned "Residential", "Institutional", or "General Commercial".

## **8.8.2 Projecting Wall Signs**

**8.8.2.1** No projecting wall sign shall:

- i) exceed 2 sq. m (21.5 sq. ft.) in sign area on each side; or
- ii) project over a public street or highway beyond the curb line or highway shoulder; or
- iii) project above the eaves, parapet or roof line of a building; or
- iv) be erected below a height of 3 metres (9.8 ft.) above grade;
- v) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device.

**8.8.2.2** Projecting Wall Sign Exemption

- i) Notwithstanding Subsection 8.8.2.1(iv), small projecting wall signs of less than 0.3 sq. m (3.2 sq. ft.) in sign area on each side may be erected no less than 2.5 metres (8.2 ft.) above grade;
- ii) Notwithstanding Subsections 8.8.2.1(iv) and 8.8.2.2(i), the minimum height requirements shall not apply to projecting wall signs which project entirely over private property and present no hazard to public safety.

### **8.8.3 Fixed Wall Sign**

No fixed wall sign shall:

- i) cover more than 10% of the wall on which the sign is affixed with proportional allocation for each business premises in case of multiple occupancy buildings;
- ii) extend above the top of the wall upon which it is placed;
- iii) extend beyond the extremities of the wall upon which it is attached.

### **8.8.4 Roof Signs**

Roof signs shall be permitted provided:

- i) the sign does not exceed a height of 1 metre
- ii) the sign does not extend beyond the roof line of a structure where the roof is pitched
- iii) the maximum area of the sign does not exceed 10% of the facing wall of the building in which it is orientated;
- iv) for the purposes of this Section, the area of a roof sign shall be deducted from the area permitted for a facial wall sign on the surface in which the roof sign is orientated.

### **8.8.5 Off-Site Business Identifier / Directional Signs**

**8.8.5.1** Off-Site Business Identifier / Directional Signs shall be permitted in any commercial or industrial zone provided that:

- i) The height of the structure is a minimum of 3 metres and a maximum of 5 metres above the grade of the shoulder of the public road;
- ii) The sign face does not exceed an area exceeding 3 sq. metres;
- iii) No markings shall be permitted on the back of the sign;
- iv) Signs shall not be backlit and may only be illuminated by a directional fixture attached to the sign structure in a manner that light does not spill beyond the sign face. The intensity of such lights shall not exceed 1 foot candle measured at the surface to be illuminated.
- v) The content of the sign shall be limited to:
  - vi) the name of the development or subdivision
  - vii) a directory of businesses located in the development with letters a maximum height of 4 inches;
  - viii) a business logo having a maximum size of 4 inches by 4 inches
  - ix) directional arrows and/or distances;
  - x) All such signs shall be located within a radius of 2 kilometres from the establishment to which the sign applies.

**8.8.5.2** Off-Site Business Identifier / Directional Signs may only be established in a public right of way provided:

- i) The Municipal Engineer, Traffic Authority, and / or the Department of Transportation and Public Works has approved the location, orientation and content of the sign;
- ii) The sign shall be located a minimum of 15 metres from the closest limits of an intersection right of way;
- iii) The sign shall be located a minimum of 3 metres from the edge of a curb or gravel shoulder,
- iv) The sign shall not be erected in a manner that interferes with public safety, obstruct views, or creates nuisances to adjoining property owners.

**8.8.5.3 Performance Standards:**

All Off-Site Business Identifier / Directional Signs shall be subject to the issuance of a Development Permit. In addition to the requirements above, the owner of the sign shall:

- i) perform regular maintenance and upkeep to the signage structure in a manner that it was originally constructed;
- ii) not allow any attachments, modifications, or alterations to the sign structure, whether intended to be temporary or permanent, unless a development permit has been issued for such changes;
- iii) maintain a landscaped area of not less than 5 metres from the outer extremities of the sign;

**8.8.4 Limit on Number of Signs**

**8.8.4.1** Not more than one (1) ground sign may be erected on any lot;

**8.8.4.2** Not more than one (1) roof sign may be erected on any lot

**8.8.4.3** Subject to the size requirements above, where a building is designed to be occupied by one or more businesses, each business space shall be considered as a separate premise and permitted to erect;

- i) not more than one (1) projecting wall sign for each business premise;
- ii) any number of fixed wall signs for each business premise.

<b>Zone</b>	<b>Signage Requirements**</b>		
	<b>Maximum Area</b>	<b>Height</b>	<b>Minimum Setback</b>
<b>R-1, R-2, R-3, R-4, R-5</b>			
Ground Sign	0.5 m (5.4 sq. ft.)	Max. - 1 m (3.3 ft.)	5m (16.4 ft.)
Projecting Wall Sign	0.5 m (5.4 sq. ft.)	N/A	5m (16.4 ft.)
Fixed Wall Sign	0.5 m (5.4 sq. ft.)	N/A	N/A
<b>C-1, C-2, C-3, C-4, I, M</b>			
Ground Sign* (see C-1 & C-2 provisions below)	3 sq. m (32.3 sq. ft.)	Max. - 6 m (19.7 ft.)	N/A
	9 sq. m (96.9 sq. ft.)	Max. - 9 m (29.5 ft.)	4.5 m (14.8 ft.)
Projecting Wall Sign	2 sq. m (21.5 sq. ft) on each side	Min. - 3 m (9.8 ft.)	N/A
	0.3 sq. m (3.2 sq. ft.) on each side	Min. - 2.5 m (8.2 ft.)	N/A
Fixed Wall Sign	10% of wall area	Shall not extend beyond extremities of the wall to which it is attached	N/A
Temporary Sign	3 sq. m (32.3 sq. ft.) on each side	Max. - 6 m (19.7 ft.)	N/A
<b>C-1* (Robie St.) &amp; C-2 Zone Special Provisions</b>			
Ground Sign	9 sq. m (96.9 sq. ft.)	Max. - 9 m (29.5 ft.)	N/A
	13 sq. m (140 sq. ft.)	Max. - 13 m (42.7 ft.)	5 m (16.4 ft.)

\* **Note 1:** Eligible C-1 Lots Must Have Frontage and Access to Robie St., Meadow Dr., or Dunlap Ave.

\*\***Note 2:** Reference should be made to relevant Sections for a complete listing of requirements

## Part 9 Residential Zones

### 9.1 RESIDENTIAL ZONES PERMITTED USES

The following uses shall be permitted in each Residential zone:

R-1 Single Dwelling Unit

R-2 Double Dwelling Unit

R-2C Double Dwelling Unit Conversion

R-3 Multiple Residential - Medium Density

R-4 Multiple Residential - High Density

<b>Dwelling Type</b>	<b>Zones</b>				
	<b>R-1</b>	<b>R-2</b>	<b>R-2C</b>	<b>R-3</b>	<b>R-4</b>
Single Detached Dwelling	X	X	X	X	
Converted Dwelling		X	X*	X	
Duplex		X		X	
Semi-Detached Dwelling		X		X	
Townhouse (3 - 4 units)				X	X
Apartment Building (3 - 4 units)				X	X
Townhouse / Rowhouse (5 + units)					X
Apartment Building (5+ units)					X
Parks & Open Space	X	X	X	X	X
<b>Permitted Uses With Special Requirements</b>					
Boarding Homes		X	X		
Guest Homes		X	X		
Golf Courses, Tennis Courts, Lawn Bowling Greens, Sports Fields, etc.	X	X	X	X	X
Day Care Centres		X			
Accessory Structures	X	X	X	X	X
Mini -Homes		X			
Apartment Building / Townhouse (3 - 4 unit)		X			
Existing Land Lease Developments		X			
Home Occupations		X	X		
Home Offices	X	X	X	X	X
Churches & Grade / Secondary Schools		X	X		
Non-Intensive Agricultural Uses		X			

\* Maximum of two (2) units in a R-2C zone

## 9.2 MINIMUM LOT REQUIREMENTS - ALL RESIDENTIAL ZONES

The following requirements shall apply to all permitted land uses in Residential zones:

<b>Dwelling Type</b>	<b>Zone</b>	<b>Minimum Lot Requirements</b>		
		<b>Area</b>	<b>Amenity Space *</b>	<b>Frontage</b>
<b>Single Detached Unit</b>	R-1, R-2, R-2C, R-3	600 sq m	N/A	20 m
<b>Mini-Home</b>	R-2	<b>453 sq m</b>	<b>N/A</b>	<b>15 m</b>
<b>Duplex</b>	R-2, R-3	600 sq m	N/A	20 m
<b>Semi Detached Unit</b>	R-2, R-3	<b>300 sq m</b>	N/A	10 m
<b>Townhouse 3 - 4 Units</b> <b>5+ Units</b>	R-3, R-4	660 sq m	50 sq m	20 m
	R-4	660 sq m	150 sq m	30 m
<b>Apartment 3 - 4 Units</b> <b>5+ Units</b>	R-3, R-4	660 sq m	<b>50 sq m</b>	20 m
	R-4	700 sq m	100 sq m	<b>25 m</b>
<b>Converted Dwellings</b>	R-2, R-2C, R-3	Existing Dwelling - Requirements Not Applicable		

\* NOTE: Amenity space required for each dwelling unit.

## 9.3 BUILDING REQUIREMENTS - ALL RESIDENTIAL ZONES

The following building requirements shall apply to all permitted land uses in Residential zones:

<b>Dwelling Type</b>	<b>Zone</b>	<b>Minimum Yard Requirements</b>				<b>Max. Height</b>
		<b>Front</b>	<b>Rear</b>	<b>Side</b>	<b>Flanking Side</b>	
<b>Single Detached Unit</b>	R-1, R-2, R-2C, R-3	10 m	8 m	2 m	5 m	N/A
<b>Mini-Home</b>	R-2	8 m	6m	3 m	5 m	N/A
<b>Duplex</b>	R-2, R-3	10 m	8 m	2 m	5 m	N/A
<b>Semi Detached Unit</b>	R-2, R-3	10 m	8 m	2 m	5 m	N/A
<b>Townhouse 3 - 4 Units</b> <b>5+ Units</b>	R-3, R-4	10 m	8 m	3 m	5 m	10 m
	R-4	10 m	8 m	3 m	5 m	12 m
<b>Apartment 3 - 4 Units</b>	R-3, R-4	10 m	8 m	3 m	5 m	10 m

<b>5+ Units</b>	R-4	<b>10 m</b>	<b>10 m</b>	<b>5 m</b>	<b>5 m</b>	12 m
<b>Converted Dwellings</b>	R-2, R-2C, R-3	Existing Dwelling - Requirements Not Applicable				

#### 9.4 GENERAL REQUIREMENTS

#### RESIDENTIAL SINGLE UNIT (R-1) ZONE DOUBLE UNIT (R-2) ZONE DOUBLE UNIT CONVERSION (R-2C) ZONE

The following minimum requirements apply to all uses permitted in the Residential Single Unit (R-1), Residential Double Unit (R-2) and Residential Double Unit Conversion (R-2C) Zone.

##### 9.4.1 Reduced Side Yard

Where a main structure contains an attached garage or an attached carport, the required adjoining side yard shall be 1 metre (3.3 ft.) except in a flanking side yard.

##### 9.4.2 Reduced Rear Yard

Notwithstanding the rear yard requirement above, the minimum rear yard for corner lots shall be 4 metres (13.1 ft.).

##### 9.4.3 Lots Serviced By On-Site Sewage Disposal

Where a lot is to be serviced by an on-site sewage disposal system, the minimum lot area, frontage, and required yards of Section 15.2 shall apply.

##### 9.4.4 Recreational Facilities

Where this Bylaw permits golf courses, tennis courts, lawn bowling greens, sports fields and similar types of uses, any clubhouse or structure shall meet the following minimum requirements.

iii) Any structure associated with a permitted recreational use shall meet the requirements of the Parks & Open Space (P-1) zone.

iv) Parking areas shall not be located in the front yard and shall be located a minimum of 5 metres (16.2 ft.) from any property line.

v) Parking lots containing six or more spaces shall be screened from adjacent residential uses in accordance with Section 6.21 of this Bylaw.

#### 9.5 SPECIAL REQUIREMENTS

#### RESIDENTIAL SINGLE UNIT (R-1) ZONE

##### 9.5.1 Home Occupations

**9.5.1.1** For the purposes of this Section, home occupations permitted in the Residential Single Unit (R-1) zone shall be limited to home offices.

**9.5.1.2** Exterior signage shall not be allowed except as provided for under Section 8.2 of this Bylaw.

9.5.1.3 Space devoted to home offices shall not exceed more than 10% of the "Dwelling Floor Area".

## 9.6 SPECIAL REQUIREMENTS

### RESIDENTIAL DOUBLE UNIT (R-2) ZONE DOUBLE UNIT CONVERSION (R-2C) ZONE

#### 9.6.1. Exceptions to Lot Size Requirements

##### 9.6.1.1 Semi-detached Structures

Notwithstanding the requirements of Section 9.3, a lot containing a semi-detached structure may be subdivided into two lots along the common fire wall with a minimum lot frontage of 10 metres (32.8 ft.), and minimum lot area of 300 sq. metres (3229 sq. ft.). This applies to R-2 lots only.

##### 9.6.1.2 Reduced Lot Frontage

i) Notwithstanding the lot area, frontage, and yard requirements of Section 9.3 above, where a lot is to be created with a reduced frontage in accordance with Policy GC-19, the following minimum requirements apply:

<b>Minimum Area:</b>	700 sq. m. (7535 sq. ft.)
<b>Minimum Frontage:</b>	20 m (65.6 ft.)
<b>Minimum Street Frontage:</b>	4 m (13.1 ft.)
<b>Min.Yards (Side, Front, Rear):</b>	4 m (13.1 ft.)

ii) Minimum frontage for lots with reduced street frontage shall be met at a distance not greater than 35 metres (114.8 ft.) from the street on which the lot fronts.

iii) Notwithstanding the permitted uses in Section 9.1 only single unit dwellings and duplexes shall be permitted on lots with reduced frontage.

#### 9.6.2 Boarding and Guest Homes

In addition to all other requirements, the following special provisions shall apply to boarding and guest homes in the Residential Double Dwelling (R-2) and Residential Double Dwelling Conversion (R-2C) Zones.

9.6.2.1 A development permit shall only be issued for a boarding home or a guest home that contains not more than four (4) rooms available for rental purposes.

9.6.2.2 No addition or alteration may be undertaken which changes the roofline or increases the size of a building except for the addition of dormers and excepting structures necessary for public safety,

9.6.2.3 Parking for boarding houses and guest homes shall be provided as required in Part 7 in the side or rear yard of the lot.

### **9.6.3 Day-Care Centres**

**9.6.3.1** A Day Care Centre - Limited may be located in a Residential Double Unit (R-2) zone as a home occupation and subject to the requirements of Section 9.6.4 below.

**9.6.3.2** Notwithstanding the provisions of 9.3.4.1, a Day Care Centre - Unlimited may be located in a Residential Double Unit (R-2) Zone as a home occupation, subject to the requirements of Section 9.6.4 below, provided the lot on which the use is situated is within 100 metres (328 feet) of a collector street designated under Section 7.6 of this Bylaw. Such distance shall be measured from the centreline of the road on which the lot fronts to the closest limit of the collector road right of way.

**9.6.3.3** A Commercial Day Care may be may be located in a Residential Double Unit (R-2) Zone provided the lot on which the use is situated fronts and has access to collector street designated under Section 7.6 of this Bylaw. For the purposes of this Section the maximum number of children attending such a facility shall be limited to sixty (60) at any given time.

### **9.6.4 Home Occupations**

In addition to all other requirements, the following provisions shall apply to home occupations in a Residential Double Dwelling Unit (R-2) and Double Dwelling Unit Conversion (R-2C) zones.

**9.6.4.1** Space devoted to home occupations shall not exceed more than 50% of the "Dwelling Floor Area" or 25% of the sum of the "Dwelling Floor Area" plus the gross floor area of an accessory structure involved with the home occupation.

**9.6.4.2** No open storage or outdoor display of goods is permitted.

**9.6.4.3** Signs associated with the home occupation shall meet the requirements of Section 8.5.

#### **9.6.5.1 Mini-Homes**

A mini-home may be established on a lot zoned R-2 provided the following conditions can be met:

- i) the structure has a pitched roof and no visible wheels, hitches or other transport attachments;
- ii) the structure shall be skirted within 30 days of placement on the lot;

- iii) the foundation of the mini-home shall not be more than 0.75 metres (30 inches) above the established grade;
- iv) where possible, the main entrance to the mini-home shall face the street on which it fronts.

#### **9.6.5.2 Mobile Homes - Exemption**

Notwithstanding Section 9.1, Permitted Uses in Residential Zones, a mobile home may be established on a lot in the Guest Drive subdivision in Bible Hill provided the structure meets the minimum yard requirements for mini-homes set out in Section 9.3. Lots qualifying for this exemption are identified in Appendix 8 attached to this Bylaw.

#### **9.6.6 Churches & Grade/Secondary Schools**

**9.6.6.1** Churches and grade/secondary schools are permitted uses in the Residential Double Unit (R-2) Zone provided the lot on which the use is situated has frontage and access to a "Designated Collector Street".

**9.6.6.2** Churches and grade/secondary schools located in an R-2 zone shall be subject to the requirements of Part 11 - Institutional Zone.

#### **9.6.7 Existing Land Lease Developments**

A lot or lots containing a land lease development as listed in Appendix 7, on the effective date of this Bylaw may continue to exist as a permitted use subject to the yard requirements of Section 9.3. Any expansion or enlargement of the land lease development shall comply with the provisions of Section 6.22

#### **9.6.8 Site Plan Approval - Multiple Unit Residential Medium Density**

**9.6.8.1** A multiple unit structure containing not more than four (4) units may be established on a lot zoned Residential Double Unit (R-2) which has frontage and access to a Designated Collector Road by site plan approval process.

**9.6.8.2** The Development Officer shall approve a site plan where the following matters have been satisfactorily addressed:

- a) The main building shall be located in accordance with the requirements of the Multiple Residential - Low Density (R-3) Zone and situated as far away from existing single and double dwelling units as reasonably possible.
- b) Existing trees and vegetation shall be retained except in areas where its removal is necessary for construction.
- c) Parking and outdoor storage areas shall not be located in any required yard and, where necessary, screened with a 1.5 metre opaque fence or hedge from adjacent R-1, R-2, and R-2C uses;

- d) A minimum of 50% of the total property area shall be retained as open and amenity space and appropriately landscaped with grass and other planting materials.
- e) No structure on the site shall exceed the average height of main buildings within 100 metres of the subject property.
- f) All buildings shall have a gable, gambrel, or hipped roof style;
- g) site grading and suitable storm water management practices shall be required to adequately dispose of surface water from the site.
- h) all components of the development shall be adequately maintained.

**9.7 GENERAL REQUIREMENTS - MULTIPLE RESIDENTIAL MEDIUM DENSITY (R-3) ZONE  
HIGH DENSITY (R-4) ZONE**

The following minimum requirements shall apply to all permitted uses in the Multiple Residential Zones - Medium Density R-3 and High Density R-4 Zones:

**9.7.1 Rowhouse / Townhouse**

Notwithstanding the lot area, frontage, and yard requirements of Section 9.4 above, a lot containing a townhouse structure may be subdivided along common walls provided the following minimum requirements can be met:

	<i>End Lots</i>	<i>Internal Lots</i>
Minimum Area	300 sq. m (3229 sq. ft.)	180 sq. m (1937.5 sq. ft.)
Minimum Frontage	11 m (36 ft.)	6 m (19.7 ft.)
Min. Side Yard	3 m (9.8 ft.)* one side / 0 other side	0

\*NOTE: Except flanking side yards.

**9.7.2 Apartment Buildings & Converted Dwellings**

**9.7.2.1 Parking Areas**

A central parking area for an apartment building shall not be located between the structure and the street, or any required yard. The abutting yard requirement of 9.8.1 below shall not apply to parking areas. Driveways may be located in required front and side yards.

**9.7.2.2 Screening**

Open storage areas, exposed machinery, and outdoor areas used for the storage and collection of waste, shall be visually screened from roads and surrounding land uses. Parking areas within 30 metres (98.2 ft.) of a single or double residential use shall be screened in accordance with Section 6.21 along the required yard.

### **9.7.3 Home Occupations**

- 9.7.3.1** For the purposes of this Section, home occupations permitted in the Multiple Unit Residential Medium and High Density (R-3 and R-4) Zones shall be limited to home offices.
- 9.7.3.2** Exterior signage shall be allowed except as provided for under Section 8.2 of this Bylaw.
- 9.7.3.3** Space devoted to home occupations shall not exceed more than 10% of the "Dwelling Floor Area".

## **9.8 SPECIAL REQUIREMENTS - MULTIPLE RESIDENTIAL - HIGH DENSITY (R-4) ZONE**

### **9.8.1 Abutting Yards**

Notwithstanding Section 9.3 above, the required side yard and rear yard for a structure located on a lot zoned R-4 abutting an R-1, R-2, or R-2C zone shall be:

- i) 5 m (16. ft.) and 8 m (26.2 ft.) respectively for buildings less than 8 m (26.2 ft.) in height;
- ii) 13 m (42.6 ft.) and 20 m (65.6 ft.) respectively for buildings exceeding 8 m (26.2 ft.) in height.

### **9.8.2 Total Dwelling Unit Limitation**

Pursuant to Policy RP-24 of the 2002 Central Colchester Municipal Planning Strategy, the maximum number of dwelling units permitted on a lot zoned R-4 Residential High Density shall be twelve (12) except in the Bible Hill and Truro Heights Growth Centres where no limit shall apply.

## **9.9 Comprehensive Development District (CDD) Zone:**

### **9.9.1 Uses Permitted by Development Permit:**

Pursuant to Policy RP-40 of the Central Colchester Municipal Planning Strategy, R-2 Residential Double Unit and C-1 General Commercial uses may be established in the CDD Zone by Development Permit in the absence of an executed development agreement.

### **9.9.2 Uses Permitted by a Development Agreement:**

Pursuant to Policy RP-38 of the Central Colchester Municipal Planning Strategy, medium and high-density residential uses as well as commercial, institutional, recreational and open spaces uses may be established by development

agreement only.

**9.9.3 Interpretation:**

Pursuant to 9.9.1 above, the boundaries of the R-2 Residential Double Unit and C-1 General Commercial zones shall be defined as those that existed on August 31, 2023.

## Part 10 Commercial Zones

### 10.1 PERMITTED USES FOR COMMERCIAL ZONES

The following uses shall be permitted in each Commercial Zone:

- C-1 General Commercial
- C-2 Highway Commercial
- C-3 Community Commercial
- C-4 Local Commercial

<b>Commercial Uses</b>	<b>Zones</b>			
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>
Veterinary Clinics	X	X	X	
Animal Shelters		X		
Automobile Sales, Repair & Service Stations	X	X		
Accessory Trade Shops	X			
Banks & Financial Institutions	X	X	X	
Business & Professional Offices	X	X	X	
Commercial Dog Care and Kennel Facilities		X		
Commercial Schools	X	X	X	
Courier & Delivery Services	X	X		
Craft Shops & Studios	X	X	X	
Daycare Centres	X	X	X	X
Drive-in Restaurants	X	X		
Drycleaning & Laundry Establishments	X	X		
Farm Machinery/ Heavy Equip. Sales & Service		X		
Funeral Homes	X	X	X	
Garden & Nursery Sales	X	X	X	
Hotels & Motels	X	X		
Laundromats & Drycleaning Depots	X	X	X	X
Light Industrial Uses		X		
Medical Clinics	X	X	X	
Mini-Malls	X	X	X	
Manufactured Home Sales & Display		X		
Night Clubs, Lounges, & Beverage Rooms	X	X		
Open Storage	X	X		
Outdoor Commercial Displays	X	X		

Parking Lots	X	X		
Parks & Open Space	X	X	X	X
Places of Entertainment, Recreation, & Assembly	X	X		
Private & Service Clubs & Fraternal Orgs.	X	X	X	
Printing Establishments	X	X		
Rental Outlets	X	X		
Repair Shops	X	X		
Restaurants	X	X		
Retail Lumber & Building Supplies	X	X		
Retail Stores	X	X	X	
Neighbourhood Convenience Stores	X	X	X	X
Institutional Uses	X	X	X	
Service & Personal Service Shops	X	X	X	X
Service Industries		X		
Shopping Centres	X	X		
Taxi & Bus Stations	X	X	X	
Trailer & Recreational Vehicle Sales & Service	X	X		
Warehouse, Personal Storage	X	X		
Warehousing / Wholesale		X		
Accessory Residential Use		X		
Existing Low Density Residential Uses	X	X	X	X
Low Density Residential Uses			X	X
Residential R-3 & R-4 Uses (3 to 12 units)	X		X	
Residential R-4 Uses (more than 12 units)	X			
Commercial & Residential Uses Within a Structure	X		X	X

## 10.2 MINIMUM LOT REQUIREMENTS - ALL COMMERCIAL ZONES

The following requirements shall apply to all lots and permitted uses in each of the following commercial zones:

<b>Commercial Zone</b>	<b>Minimum Area</b>	<b>Minimum Frontage</b>	<b>Minimum Yard Requirements</b>				<b>Max. Height</b>
			<b>Front</b>	<b>Rear</b>	<b>Side</b>	<b>Flanking Side</b>	
<b>C-1 General Commercial</b>	600 sq. m	20 m	10 m	2 m	2 m	5 m	10.5 m
<b>C-2 Highway Commercial</b>	800 sq. m	30 m	10 m	8 m	8 m	8 m	N/A
<b>C-3 Community Commercial</b>	700 sq. m	20 m	10 m	8 m	3 m	5 m	8 m

C-4 Local Commercial	700 sq. m	20m	10 m	8 m	5 m	5 m	8 m
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## 10.3 GENERAL REQUIREMENTS FOR ALL COMMERCIAL ZONES

### 10.3.1 Parking

In all commercial zones:

- i) Where the use is mixed, parking space requirements for each use must be provided.
- ii) Notwithstanding (i) above, where the use is mixed residential and commercial, only the commercial requirement needs to be met.
- iii) Parking and loading spaces may be provided within the required side or rear yard, except where the commercial use abuts a "Residential" designation.
- iv) Parking areas and service station driveways may be located in the front yard of a lot provided that such is setback from the front lot line a minimum of 2 metres (6.6 ft.) which area shall be landscaped.
- v) Communal parking areas that interconnect two or more lots shall be permitted in all commercial zones provided:
  - a) an agreement outlining the parking arrangements has been ratified by affected property owners; and
  - b) each lot meets the commercial stop sight distance requirements of the Municipality or the Nova Scotia Department of Transportation & Public Works.

### 10.3.2 Abutting Yards

#### 10.3.2.1 Abutting Yard Requirements

Notwithstanding Section 9.2, where a Commercial Zone abuts a Residential R-1, R-2, or R-2C Zone, the following requirements shall apply to required abutting yards within the Commercial Zone:

- i) The minimum requirements for the abutting side and rear yards shall be:
  - a) 5 m (16. ft.) and 8 m (26.2 ft.) respectively for buildings less than 8 m (26.2 ft.) in height;
  - b) 13 m (42.6 ft.) and 20 m (65.6 ft.) respectively for buildings exceeding 8 m (26.2 ft.) in height.
- ii) No open storage or commercial outdoor display shall be permitted in a required abutting yard in any commercial zone.
- iii) Further to the signage requirements of Part 8, all signs shall be set back a minimum of 5 m. (16. ft.) from the property line abutting a dissimilar zone.
- iv) Notwithstanding sub-sections i) through iii), these requirements shall not apply to any rezoning made through Policy CP-4.1.

#### 10.3.2.2 Screening

- i) In all Commercial zones, the following uses shall be screened along the required yard from all adjacent "Low Density Residential" designations in accordance with Section 6.21:
  - Outdoor commercial displays and storage
  - Parking and loading areas
  - Areas for garbage collection and storage
  - Accessory commercial uses
- ii) Screening shall be sited between the use to be screened and the property line.

### **10.3.3 Outdoor Commercial Display**

Outdoor commercial displays shall be located a minimum of 4.5 metres (14.8 ft.) from the front lot line but shall not include automobile sales establishments.

### **10.3.4 Outdoor Storage**

Outdoor storage shall be limited to side and rear yards and shall be located no closer to the front property line than the main building.

### **10.3.5 Landscaping Requirements**

In all commercial zones there shall be an appropriately landscaped area corresponding with the required front yard exclusive of driveway openings, parking areas, and permitted storage or display areas .

### **10.3.6 Medium Sized Commercial Structures**

Commercial structures exceeding 930 sq. m (10,011 sq. ft.) but less than 4645 sq. m (49,999 sq. ft.) shall be permitted in the C-1 and C-3 zones subject to the site plan approval process and the criteria outlined in Section 10.3.8 of this Bylaw. Site plan approval shall not be required for cumulative expansions that are less than 30 sq. m (323 sq. ft.) in area.

### **10.3.7 Development by Site Plan Approval**

Where this Part permits commercial uses and structures by the site plan approval process, the Development Officer shall issue a development permit where the following criteria has been satisfactorily addressed:

- i) All buildings shall be located as far away from existing single and double dwelling units as reasonably possible.
- ii) Existing trees and vegetation shall be retained except in areas where its removal is reasonably necessary for construction.
- iii) Parking areas, mechanical equipment and outdoor storage areas shall not be located in required yards and where necessary be visually screened with an opaque fence or hedge of sufficient height from adjacent R-1, R-2, and R-2C uses;
- iv) A minimum of 30% of the total property area shall be retained as open and amenity space and appropriately landscaped with grass and other planting materials.
- v) No structure on the site shall exceed 8 metres or two stories above the established grade, whichever is less. Notwithstanding, any lot zoned C-1, with frontage and access to Robie Street, Lower Truro and all lots zoned C-2 are exempt from this requirement;

- vi) All buildings shall have a gable, gambrel, or hipped roof style. Notwithstanding, any lot zoned C-1, with frontage and access to Robie Street, Lower Truro and all lots zoned C-2 are exempt from this requirement;
- vii) Suitable site grading and storm water management practices shall be required to adequately dispose of surface water from the site,
- viii) Exterior lighting and signage shall be located in a manner that does not interfere with neighbouring dissimilar land uses.
- ix) Exterior building mechanical systems shall be located as far away from any residential use as reasonably possible and sited in a manner that provides acoustical buffering from such uses;
- x) All components of the development shall be adequately maintained.

## **10.4 SPECIAL REQUIREMENTS**

## **GENERAL COMMERCIAL (C-1) ZONE**

### **10.4.1 Residential Uses**

All residential uses shall comply with the lot area and yard requirements of respective Residential zones when the use occurs in a C-1 zone.

### **10.4.2 Development Permitted by Agreement**

New and expanded commercial structures including shopping malls exceeding a net floor area of 4645 sq. m (49,999 sq. ft.) will be considered by development agreement in the C-1 zone.

### **10.4.3 Performance Standards for Accessory Trade Shops**

In addition to all other applicable requirements of this Bylaw including site plan approval, an accessory trade shop may be established on a lot in the C-1 General Commercial Zone provided the following conditions can be met:

- iv) the trade shop is accessory to an R-2 Residential use occupied by the owner of the business;
- v) the use shall be located within a wholly enclosed building and there shall be no outdoor storage of any materials, machinery, or products;
- vi) the use shall only be permitted to operate, including the delivery of supplies and materials, between the hours of 8:00 am and 9:00 pm Monday to Saturday inclusive;
- vii) the use shall not exceed an area of 186 sq. metres (2000 sq. ft.) or the maximum size of an accessory building permitted under Section 6.19, whichever is less;
- viii) the use shall be permitted in the rear yard only and not within any required side or rear yard specified under this Part.

**10.5 SPECIAL REQUIREMENTS****HIGHWAY COMMERCIAL (C-2) ZONE****10.5.1 Existing Industrial Uses**

An Industrial use in the C-2 Zone existing on the effective date of this Bylaw may continue to exist and may be enlarged or expanded subject to the Industrial (M) Zone requirements of this Bylaw.

**10.5.2 Accessory Residential Use**

- i) For greater certainty, an accessory residential use may be established in the C-2 Highway Commercial Zone provided it coexists with the main commercial or light industrial use operating on the property.”
- ii) No residential use referred to in (i) above shall exceed a floor area of 111.5 sq. m (1200 sq. ft.) nor shall the structure exceed one story in height.

**10.5.3 Commercial Dog Care and Kennel Facilities**

Commercial Dog Care and Kennel Facilities are permitted subject to meeting all requirements of the *Commercial Dog Care and Kennel Facility Bylaw*.

**10.6 SPECIAL REQUIREMENTS****COMMUNITY COMMERCIAL (C-3) ZONE****10.6.1 Size Restriction**

Permitted commercial uses, structures, and buildings shall not exceed an area of 4645 sq. m (49,999 sq. ft.) on a lot in the C-3 Community Commercial Zone.

**10.6.2 Residential Uses**

- i) Residential uses shall be subject to respective Residential Zone requirements when that use occurs in a C-3 zone.
- ii) Residential R-4 uses containing more than 12 units shall not be permitted in the C-3 Community Commercial zone.

**10.6.3 Outdoor Enclosures**

Outdoor enclosures shall not be permitted as an accessory use to a Veterinary clinic in a C-3 zone.

**10.6.4 Restriction on Permitted Institutional Uses**

Institutional uses permitted in the Community Commercial (C-3) Zone shall include:

churches  
 government offices  
 grade and secondary schools  
 homes for special care  
 educational uses and facilities

libraries / museums  
 arts centres  
 accessory day cares  
 nursing homes / seniors housing

### 10.6.5 Development by Site Plan Approval

Except for cumulative expansions of not more than 30 sq. metres (323 sq. ft.) as well as uses allowed in the R-1, R-2, and R-2C Zones, all permitted uses in the C-3 Community Commercial Zone shall be subject to site plan approval. The Development Officer shall approve a site plan where criteria identified in Section 10.3.8 have been satisfactorily addressed.

## 10.7 SPECIAL REQUIREMENTS

### LOCAL COMMERCIAL (C-4) ZONE

#### 10.7.1 Laundromats

Notwithstanding anything else in this bylaw, laundromats in a Local Commercial (C-4) zone shall not exceed 111 sq. metres (1195 sq. ft.) in area, exclusive of utility and washrooms.

#### 10.7.2 Parking

Notwithstanding Section 10.3.1(iv), parking areas in a Local Commercial C-4 Zone shall be located in front and side yards only.

#### 10.7.3 Roof Style

All main structures in a commercial C-4 zone shall be constructed with a gable, gambrel, or hipped roof style.

#### 10.7.4 Signs

Notwithstanding any other provision in this Bylaw, no ground sign in a Local Commercial (C-4) zone shall exceed a height of 6 metres (19.7 ft.) or have an area exceeding 3 sq. metres (32.3 sq. ft.).

## Part 11 Institutional Zone

### 11.1 Permitted Uses

No development permit shall be issued in an institutional zone except for one or more of the following uses:

- religious including cemeteries and crematories;
- public open space;
- governmental;
- grade and secondary schools;
- accessory day care facilities;
- accessory commercial schools
- arts centres & concert halls;

- educational uses and facilities;
- auditoriums;
- emergency service;
- libraries and museums;
- health care facilities;
- accessory open storage
- homes for special care, except on designated flood plains;
- Nova Scotia Provincial Exhibition;
- any institutional use incorporated under the Societies Act of Nova Scotia or any private act of incorporation.

**11.2 Lot Requirements**

The following minimum requirements shall apply to all permitted uses in the Institutional (I) Zone:

Minimum Area	660 sq. m. (7104 sq. ft.)
Minimum Frontage	22 m (72.2 ft.)
Minimum Front Yard	10 m (32.8 ft.)
Minimum Rear Yard	8 m (26.2 ft.)
Minimum Side Yard	3 m (9.8 ft.) or 1/2 the height of the structure whichever is greater.
Minimum Flanking Yd.	5 m (16.4 ft.)

**11.3 Parking**

- i) Parking shall not be located in any required yard. Driveways may be located in required front and side yards.
- ii) Notwithstanding (i) above, up to 20% of the required parking may be provided between the structure and the street.
- iii) A parking lot containing ten or more spaces shall be planted with at least one tree per four spaces, between the parking lot and a residential lot line. Trees shall be no smaller than 5 cm (2 in) caliper trunk diameter at 1.5 metres (4.9 ft) from grade.

**11.4 Stables and Manure Storage**

Permitted institutional uses that involve barns, stables and on-site manure storage shall comply with the provisions of Section 6.19.4 of this Bylaw.

**11.5 Abutting Yard Requirements**

**11.5.1** Where an Institutional Zone abuts a Residential (R-1, R-2C, R-2) Zone the following restrictions shall apply to an abutting yard within the Institutional Zone:

- i) The minimum side and rear yard requirements for the abutting side and rear yards shall be 6 m (19.7 ft.).
- ii) No open storage or outdoor display shall be permitted in a required abutting yard in an Institutional Zone.
- iii) In addition to the signage requirements of Part 8, the following provisions apply to signs in an abutting yard:
  - a) All signs located in the abutting yard shall be non-illuminated.
  - b) All signs shall be set back at least 3 m. (9.8 ft.) from the abutting property line.
  - c) The maximum sign area shall be 1.5 sq. m. (16.1 sq. ft.)

#### **11.5.2 Screening**

- i) Outdoor storage or accessory uses shall be screened, in accordance with Section 6.21, from adjacent residential designations.
- ii) Screening shall be sited between the use to be screened and the lot line.

## Part 12 Industrial Zone

### 12.1 Permitted Uses

No development permit shall be issued in an Industrial (M) zone except for one or more of the following uses:

- any manufacturing, processing, industrial, assembly, or warehousing operation conducted and wholly contained within an enclosed building;
- any activity connected with the automotive trade; boat, marine, snowmobile and trailer supplies and sales;
- manufactured home sales and storage
- building supply and equipment depots including the bulk storage of sand and gravel;
- business and professional offices;
- commercial uses accessory to a main use permitted in an Industrial zone which is conducted in the main building;
- railway uses;
- service industries;
- pollution control activities including recycling depots;
- outdoor storage;
- bulk storage of petroleum, chemicals and fuel oils, liquid gases;
- Animal Shelter
- \*Commercial Dog Care and Kennel Facilities

\*Special Requirements Apply – See Section 12.10

### Restriction on Permitted Uses

No development permit shall be issued where the use is considered obnoxious by reason of: sound; odour; fumes or smoke; or other obnoxious emissions, whether carried by water or air.

### 12.2 Industrial Zone Requirements

The following minimum requirements apply to all permitted uses in an Industrial (M) Zone:

Minimum Area	0.25 ha (0.62 acres )
Minimum Frontage	30 m (98.4 ft.)
Minimum Front Yard	10 m (32.8 ft.)
Minimum Rear Yard	10 m (32.8 ft.)
Minimum Side Yard	6 m (19.7 ft.)
Minimum Flanking Yd.	6 m (19.7 ft.)
Maximum Height	11 m (36 ft.)

## REQUIREMENTS FOR THE INDUSTRIAL (M) ZONE

### 12.3 Abutting Yards

Where an industrial lot abuts a Residential designation:

- i) the required side yards shall be 10 metres (32.8 ft.)
- ii) there shall be no parking or open storage in any required yard.
- iii) where an industrial use abuts a Residential zone, the industrial use shall be screened in accordance with Section 6.21, subject to the provisions of 12.4 below.

### 12.4 Screening

Screening in the Industrial (M) Zone shall be sited between the use to be screened and the lot line.

### 12.5 Open/Bulk Storage

Open / bulk storage areas, exposed machinery, and outdoor areas used for the storage and collection of waste materials, shall be visually screened from roads and surrounding land uses. Screening shall be sited between the use to be screened and the required yard.

### 12.6 Landscape Plan

Pursuant to Section 2.3.1, the applicant shall include a detailed landscape plan as part of an application for a development permit.

### 12.7 Yards Adjacent to a Railway

In an Industrial zone, the yard requirement shall not be applicable to any yard which directly abuts a railway right-of-way.

### 12.8 Open Storage and Outdoor Display

- i) Open storage or outdoor displays shall not be permitted within any required yards.
- ii) Open storage or outdoor display shall not exceed 50 percent of the available lot area.

### 12.9 Commercial Uses Accessory to the Main Use

General Commercial (C-1) and Highway Commercial (C-2) uses are permitted subject to Industrial zone requirements provided these uses are related to a product made or stored and provided such commercial uses are accessory to the main use.

### 12.10 Commercial Dog Care and Kennel Facilities

Commercial Dog Care and Kennel Facilities are permitted subject to meeting all requirements of the *Commercial Dog Care and Kennel Facility Bylaw*.

## Part 13 Park and Open Space Zone

### 13.1 Permitted Uses - Park & Open Space Zone

The following uses shall be permitted in the Park & Open Space (P-1) Zone:

- Public Parks & Playground
- Golf Courses & Driving Ranges
- Sports Fields & Courts
- Walkways & Trails
- Picnic Grounds
- Memorials
- Campgrounds
- Outdoor Swimming Pools
- Cemeteries
- Tourist Centres
- Accessory Uses
- Gardens
- Campgrounds
- Horseback Riding Facilities and Stables
- Private Recreation Clubs (ie. lawn bowling, tennis club, boat club, etc.)
- Horticultural and Zoological Gardens

### 13.2 Park & Open Space Zone Requirements

The following minimum requirements shall apply to any permitted structure in the Park & Open Space (P-1) Zone.

Minimum Front Yd.	10 m (32.8 ft.)
Minimum Rear Yd.	10 m (32.8 ft.)
Minimum Flanking Yd.	10 m (32.8 ft.)
Minimum Side Yards	10 m (32.8 ft.)

### 13.3 Parking Area Requirements

The following requirements apply to parking areas in the P-1 Zone:

- i) parking areas may be located in any required yard but shall be located a minimum of 5 metres (16.2 ft.) from any property line;
- ii) Parking lots containing six or more spaces shall be screened from adjacent residential uses in accordance with Section 6.21 of this Bylaw.

### 13.4 Stables and Manure Storage

Permitted recreational uses that involve barns, stables and on-site manure storage shall comply with the provisions of Section 6.19.4 of this Bylaw.

## Part 14 Environmental Zones

### 14.1.1 Permitted Uses - Environmental Zone

- E-1 Flow Way
- E-2 Flood Way
- E-3 Flood Way Modification
- E-4 Flood Way Fringe
- E-5 Natural Drainage Way

The following uses shall be permitted in each Environmental Zone

<b>Permitted Uses</b>	<b>Zone</b>				
	<b>E-1</b>	<b>E-2</b>	<b>E-3</b>	<b>E-4</b>	<b>E-5</b>
Public Works Projects	X	X			X
Walkways & Trails	X	X			X
Agriculture & Gardening	X	X			
Sports Fields, Trails, Outdoor Rinks,	X	X			
Picnic & Camping Facilities	X	X			
Parking Lots	X	X			
Accessory Outdoor Storage	X	X			
Golf Courses	X	X			
Corresponding Land Uses Identified on the Zoning Map			X	X	

### 14.1.2 Environmental Zoning Map Interpretation

The “Environmental Zoning Map” identifies areas within Central Colchester that are affected by flood plain and drainage conditions. For the purposes of this Bylaw, provisions under this part shall apply to affected properties indicated on the Environmental Zoning Map in addition to other requirements of corresponding zones affecting the same properties on the Zoning Map.

## 14.2 GENERAL REQUIREMENTS FOR FLOOD PLAIN ZONES

### 14.2.1 Flood Proofing Standards

Where this Bylaw allows, main buildings associated with permitted land uses in all flood plain zones shall meet the following flood proofing requirements:

- i) The “minimum opening elevation” of any main building shall be flood proofed to an elevation of 0.09 metres above the established 1:100 year flood elevation indicated on

mapping prepared under the Canada - Nova Scotia Flood Damage Reduction Program;

- ii) Fill shall be placed around the perimeter of the building to a height equal to the minimum opening elevation for a distance of 3 metres (9.8 ft) perpendicular to the said perimeter. Such fill shall have a slope of 50% to existing grade where soil is used as backfill material, subject to Section 14.2.5 below;
- iii) Notwithstanding (ii) above, a slope to existing grade exceeding 50% may be used provided that the backfilling has been designed by a professional engineer and subject to Section 14.2.5 below;
- iv) Notwithstanding (ii) above, fill may be placed around the structure at a minimum 3% slope provided the volume of fill in excess of (ii) above meets the site development standards contained in Sections 14.5.2 and 14.5.3 of this Bylaw.
- v) At the finished foundation stage of construction, the property owner shall provide the Development Officer with a locational certificate prepared by a Professional Surveyor indicating, in addition to the location of the buildings or structures on the lot, the minimum opening elevation.

#### **14.2.2 Infilling**

Unless otherwise permitted under this Bylaw, the infilling of any property subject to this bylaw shall not be permitted except as necessary for public works projects and to improve the effectiveness of flood water and/or storm water drainage control.

#### **14.2.3 Development Agreements and Land Use Bylaw Amendments**

The Municipality shall not waive, deviate or modify the flood proofing standards containing in Section 14.2.1 above and any other requirement under this Bylaw, regardless of whether or not the development is subject to a development agreement, site plan approval, or land use Bylaw amendment.

#### **14.2.4 Variances**

The Development Officer shall not grant a variance for any requirement contained in this bylaw, or vary a requirement under any other Bylaw or regulation administered by the Municipality that would interfere with the intent of this Part.

#### **14.2.5 Site Grading and Drainage**

Unless otherwise permitted under this Bylaw, alterations to topography shall:

- i) not interfere with the drainage of designated Flow Ways;
- ii) not prevent water from occupying an area designated as a 1:20 year and/or a 1:100 year flood plain; and
- iii) direct surface water to the lowest elevation on the property.

#### **14.2.6 Ditching Standards**

Where this Bylaw requires ditching in relation to land forming activities, the following standards shall apply:

- i) the bottom of all ditches shall maintain a 0.1% slope to a maximum slope that corresponds with the Channel Velocity Chart attached as Appendix 6;
- ii) the minimum distance between the lowest elevation and land formed field and the bottom ditch shall not be less than 0.6 metres (2.0 ft.);

- iii) the side slopes of ditches shall be constructed at a maximum slope of 50% for ditches that are less than 1 metre (3.3ft.) deep and a maximum 33% for ditches deeper than 1 metre (3.3 ft.);
- iv) all ditches shall be lined with an approved material to prevent erosion and slumping;
- v) all ditches shall have positive drainage beginning at an elevation of 7.9 metres above sea level.
- vi) The Development Officer may consult with a qualified expert in regards to an application involving ditching design standards identified in this section.

#### **14.2.7 Farmland Improvement**

Alterations necessary for farmland improvement will not be subject to the issuance of a development permit provided the alterations are consistent with Section 14.2.6 Ditching Standards, and Appendix 3 - *Dykeland Land Forming Standards*.

#### **14.2.8 Temporary Structures**

Where this Section allows temporary structures and uses and portable structures, such shall only be permitted to remain in place between April 1 and October 31.

#### **14.2.9 Existing Buildings / Structures & Remedial Work**

Notwithstanding anything else in this Bylaw, a development lawfully existing on the effective date of this Bylaw which does not meet the flood proofing requirements contained herein may be enlarged, modified, altered provided the improvement involves an acceptable alternative flood proofing measure.

#### **14.2.10 Application**

Where an application for a development permit for a "cut and fill" involves more than one property in a hydrologic region, the Applicant shall provide the Development Officer with written notice from each affected property owner that such an application is being made on their behalf.

### **14.3 SPECIAL PROVISIONS**

#### **E-1 FLOW WAY ZONE**

##### **14.3.1 Structures**

No Development permit shall be issued for a structure or building in the Flow Way E-1 Zone except for the following purposes:

- i) structures incidental to public works projects;
- ii) temporary and portable structures accessory to any use identified under Section 14.1 and subject to Section 14.2.8.

##### **14.3.2 Alterations to Topography**

- i) alterations to topography including any change to an established watercourse shall not be permitted in the Flow Way (E-1) Zone unless the alteration is designed to improve the flood way flows and drainage;
- ii) no unnecessary fill other than for soil conservation purposes shall be deposited in the Flow Way (E-1) Zone;
- iii) the removal of fill is permitted in the Flow Way (E-1) Zone provided the requirements of Sections 14.2.5 and 14.5.3 are met; and

**14.3.3 Vegetation Management**

No trees, bushes or vegetative material or objects that would restrict or impede the flow of water and/or ice shall be permitted to be planted or placed in the Flow Way (E-1) Zone.

**14.4 SPECIAL REQUIREMENTS****E-2 FLOOD WAY ZONE****14.4.1 Permitted Structures**

No Development permit shall be issued for a structure or building in the Flood Way E-2 Zone except for the following purposes:

- i) structures incidental to public works projects;
- ii) temporary and portable structures accessory to any use identified under Section 14.1 and subject to 14.2.8;
- iii) one building per 930 sq. metres of lot area which does not exceed 10 sq metres in floor area and used in conjunction with any use listed above provided the applicant agrees to accept all risks and not hold the Municipality responsible for any damages incurred in the event of a flood.

**14.4.2 Alteration of Topography**

Minor alterations to topography shall be permitted subject to the issuance of a development permit to allow for necessary grading of roads, driveways and parking areas, sports fields, golf courses and other recreational uses provided the following conditions can be met.

- i) gravel and other materials may be deposited in the Flood Way (E-2) Zone to allow for the reasonable construction of driveways;
- ii) the property owner shall submit an “as constructed” plan prepared by a Professional Surveyor or Professional Survey Engineer indicating contours of the affected area at an interval not less than 0.25 m (1 ft.); and
- iii) no alteration carried out under this Section above shall impede drainage or flow of flood water or reduce the capacity of flood water storage.

**14.5 SPECIAL REQUIREMENTS****E-3 FLOOD WAY MODIFICATION ZONE**

**14.5.1** A property located in the Flood Way Modification Zone may be developed provided it meets flood proofing requirements set out in Section 14.2 of this Bylaw;

**14.5.2** In addition to the requirements of Section 14.5.1 above, the property may only be developed using a “cut and fill” procedure provided that:

- i) the “cut and fill” is conducted in the same Hydrologic Region indicated on Appendix 4;
- ii) fill placement shall be in accordance with all applicable requirements under this Bylaw; and
- iii) for the purposes of this Section, created storage space shall mean the volume of cuts made between 8.5 metres above sea level and the appropriate 1:20 year flood elevation indicated on the Canada - Nova Scotia Flood Damage Reduction Program

- Flood Risk Mapping or such higher elevation to facilitate positive drainage of any area being cut.

**14.5.3** An application for a development permit pursuant to Section 14.5.2 above shall be accompanied by a plan showing:

- i) all information required under Section 2.3 of this Bylaw shall be certified by a professional surveyor or survey engineer;
- ii) existing and proposed contours of the site at a interval of not less than 0.25 m (1 ft) indicating the areas on the lot(s) to be cut and filled and drainage patterns; and
- iii) detailed calculations indicating the volumes of “cut and fill” for each affected property.
- iv) Written permission from all affected landowners must accompany the application.

**14.5.4 Permits:**

- i) upon receipt of the information outlined in Section 14.5.3, the Development Officer may issue a development permit to construct;
- ii) notwithstanding Section 2.9 of this Bylaw, a development permit to construct shall become null and void if the development has not been completed within 12 months from the date of issuance unless an application to renew a permit has been approved by the Development Officer;
- iii) in the event the permit has expired and a renewal has not been issued by the Development Officer, the Municipality may take action to remediate the site or taken action as outlined in the Nova Scotia Municipal Government Act as amended from time to time;
- iv) within 30 days of the completion of a development, the property owner shall obtain from the Development Officer, a Certificate of Compliance; and
- v) a Certificate of Compliance shall only be issued when the following conditions have been met:
  - a) the new 1:20 year flood line shall be tied to two consecutive Nova Scotia Survey Control Monuments;
  - b) provide a new contour of the 1:20 year flood line;
  - c) submission of a digital file, in a format acceptable to the Municipality, prepared by a professional surveyor or survey engineer for (i) and (ii) above;
  - d) submit an “as constructed” plan prepared by a professional surveyor or survey engineer indicating the site civil work required under Section 14.5.3 above has been completed.

**14.5.5** The property owner shall, within 30 days, reinstate exposed soils on the property with appropriate landscaping materials to minimize erosion and sedimentation.

## **14.6 Soil Conservation**

**14.6.1** Appendix 5, Soil Conservation Areas, identifies areas containing quality soils for agricultural purposes. Regardless of permitted land uses and in addition to other provisions of this Bylaw alterations to topography shall be subject to the following requirements:

- i) the finished elevation of any cuts or the removal of fill shall not be less than 8.5 metres above sea level except for ditches;
- ii) top soil shall be removed, stockpiled and reapplied to the area affected by the alteration;
- iii) the area of land shall be reformed in compliance with industry practices for Dykeland Ditching Standards outlined on Section 14.2.6 of this Bylaw, and Dykeland Land Forming Standards outlined in Appendix 3; and
- iv) any activity carried out under this Section shall only be permitted to occur between May 1 and September 31.

**14.6.2** Parking lots and public works projects shall be permitted uses in areas identified for soil conservation and not subject to requirements outlined in Section 14.6.1

## **14.7 SPECIAL REQUIREMENTS**

### **FLOOD WAY MODIFICATION ZONE**

**14.7.1** Pursuant to Policy EFP-20, a property located in the Flood Way Fringe (E-4) Zone may be infilled to any elevation provided the “cut and fill process requirements outlined in Sections 14.5.2 and 14.5.3 have been followed.

## **14.8 GENERAL REQUIREMENTS**

### **NATURAL DRAINAGE WAY (E-5) ZONE**

#### **14.8.1 Boundaries**

For greater certainty, the E-5 Natural Drainage Way Zone shall be measured at a distance of 10 metres (32.8 ft.) from the edge of a river, stream, or brook identified on the Zoning Map.

#### **14.8.2 Restriction on Development**

No structure shall be permitted within the Natural Drainage Way (E-5) Zone except structures required for public works projects or for reasonable access to property subject to 14.8.3 below

#### **14.8.3 Infilling & Topographical Alterations**

Topographical changes may be permitted in the Natural Drainage Way (E-5) Zone provided the following requirements have been met:

- i) the Development Officer has received approval from the Nova Scotia Department of the Environment and Labour and the Municipality’s Department of Public Works for any proposed changes;
- ii) existing trees have been maintained within 5 metres (16.4 ft.) from the edge of a watercourse;
- iii) plan showing interim erosion and sedimentation control measures for which the Development Officer may consult a professional to determine if the plan is acceptable;
- iv) disturbed areas have been immediately reinstated with appropriate cover to prevent erosion and sedimentation;
- v) no changes shall be permitted that interferes with storm water management practices

## **14.9 Soil Stabilization**

Where this Bylaw allows for the alteration of topography, the property owner shall immediately stabilize any exposed soils in accordance with methods and procedures described in the Nova Scotia Department of Environment *Erosion and Sedimentation Control Handbook for Construction Sites* as amended from time to time.

## Part 15 Rural General Zone

### 15.1 Permitted Uses - Rural General Zone

- i) The following uses shall be permitted in the Rural General (RG) zone:

Single Detached Dwelling	Commercial (C-1 and C-2) Uses
Semi-Detached Dwelling	Animal Shelters
Mini / Manufactured Homes	*Commercial Dog Care and Kennel Facilities
Residential Outbuildings	Farm Market Outlets
Mobile Homes	Institutional Uses
Converted Dwellings	Forestry Uses
Duplex	Agricultural Uses & Structures
Boarding Houses	Temporary Industrial Uses
Existing Apartments	Guest Homes
Existing Industrial Uses	Land Lease Developments
Accessory Uses	
Public Open Space & Cemeteries	

\*Special Requirements Apply – See Section 15.17

- ii) Notwithstanding Section 6.1 and subject to Section 15.16, the following uses shall be permitted on a right of way:

- Agricultural Uses
- Forestry Uses
- Industrial Uses identified in Section 15.11 (provided there is no permanent structure)
- Any use identified under 15.1(i) provided the lot is existing and shown on a plan of subdivision approved prior to the effective date of this Bylaw.

### 15.2 Zone Requirements

The following minimum requirements apply to all uses permitted in the Rural General (RG) Zone:

	<b>Residential, Commercial &amp; Non-Agricultural Uses</b>	<b>Non-Intensive Agricultural Structures, Greenhouses, Nurseries</b>	<b>Intensive Agricultural Structures Including Feedlots, Stables</b>
<b><i>Lots Serviced by On-Site Systems</i></b>			
Minimum Area*	2700 sq. m (29,064 sq. ft.)	2700 sq. m (29,064 sq. ft.)	4050 sq. m (43,595 sq. ft.)
Minimum Frontage	37 m (121.4 ft.)	37 m (121.4 ft.)	37 m (121.4 ft.)

Minimum Front Yard	12 m (39.4 ft.)	15 m (49.2 ft.)	45 m (147.6 ft.)
Minimum Rear Yard	12 m (39.4 ft.)	12 m (39.4 ft.)	30 m (98.4 ft.)
Minimum Side Yard	6m (19.7 ft.)	15 m (49.2 ft.)	15 m (49.2 ft.)
Min. Flanking Yard	8 m (26.2 ft.)	10 m (32.8 ft.)	30 m (98.4 ft.)
<b><i>Lots Serviced by Public Sewer</i></b>			
Minimum Area	600 sq. m (6458 sq. ft.)	600 sq. m (6458 sq. ft.)	600 sq. m (6458 sq. ft.)
Minimum Frontage	20 m (65.6 ft.)	20 m (65.6 ft.)	20 m (65.6 ft.)
Minimum Front Yard	10 m (32.8 ft.)	10 m (32.8 ft.)	10 m (32.8 ft.)
Minimum Rear Yard	8 m (26.2 ft.)	8 m (26.2 ft.)	10 m (32.8 ft.)
Minimum Side Yard	2 m (6.6 ft.)	4 m (13.1 ft.)	8 m (26.2 ft.)
Min. Flanking Yard	5 m (16.4 ft.)	5 m (16.4 ft.)	8 m (26.2 ft.)

\*Note: Where an onsite sewage disposal system is required, the Nova Scotia Department of Environment minimum lot size requirements shall apply in excess of the above minimum requirement.

The following minimum requirements shall apply to uses permitted on a “right of way” in the Rural General (RG) zone:

	Agricultural & Forestry Uses	Temporary Industrial Uses
Minimum Area	5 acres	5 acres
Minimum Frontage	N/A	N/A
<b>Required Yards</b>	N/A	30 metres (98.4 ft.)

## **SPECIAL REQUIREMENTS FOR THE RURAL GENERAL ZONE**

### **15.3 Open Storage**

Open storage, exposed machinery, and areas used for the collection of waste materials shall not be located within a required yard.

### **15.4 Uses Not Requiring a Permit**

Notwithstanding Section 2.2, agriculture and forestry uses may occur without a Development Permit but any structure associated with such a use shall not be erected without the issuance of a Development Permit.

## **15.5 Frontage on a Public Street or Road**

**15.5.1** Notwithstanding Section 6.1, a Development Permit may be issued for an agriculture or forestry use to be located on a lot existing on the effective date of this Bylaw which does not front on a public street provided such use does not include a dwelling.

**15.5.2** Notwithstanding Section 6.1 a lot existing on November 18, 1994 and shown on an approved plan of subdivision that is accessed by a private right of way may be developed for any purpose outlined in Section 15.1 above.

## **15.6 Intensive Agricultural Uses & Structures**

**15.6.1** In addition to the requirements of Section 15.2, new intensive agricultural buildings or structures such as feedlots, stables, and silos (including manure storage facilities) shall comply with the manure storage guidelines outlined in Appendix 2 of this Bylaw.

**15.6.2** Notwithstanding 15.6.1 above, intensive agricultural uses existing on the effective date of this Bylaw are exempt from meeting the 600 meter separation distance from any area zoned Residential.

## **15.7 Accessory Buildings**

### **15.7.1 Size**

The size requirements of Section 6.19.3 shall apply to accessory buildings in the Rural General Zone.

### **15.7.2 Location**

Notwithstanding the provisions of Section 6.19, an accessory building or structure shall:

- i) not be built within 2 metres (6.6 ft.) of any structure or building;
- ii) be set back a minimum of 12 metres (39.4 ft.) from any lot line abutting a public street or highway;
- iii) be set back a minimum of 3 metres (9.8 ft.) from any side or rear property line.  
be set back a minimum 1 metre (3.3. ft.) from any side or rear property line of a lot serviced by municipal sewer provided there are no window, door or other perforation is constructed in the side of the building encroaching in the required yard.

### **15.7.3 Exemption**

For the purposes of this Section, intensive agricultural buildings and structures shall not be considered accessory uses.

## **15.8 Signs**

Signs in the Rural General (RG) Zone shall comply with the commercial zone requirements outlined in Part 8 of this Bylaw

## **15.9 Parking**

Parking shall be provided in the Rural General (RG) zone in accordance with the requirements of Part 7 of this Bylaw.

## **15.10 Non-Conforming Structures and Uses**

Notwithstanding Section 6.2, a non-conforming use or structure in the Rural General (RG) zone may be expanded and/or enlarged provided that:

- i) the expansion and/or enlargement of the non-conforming use does not exceed ten percent (10%) of the structure or area occupied by the use;
- ii) the expansion and/or enlargement of the non-conforming structure does not exceed twenty percent (20%) of the distance or area that is non-conforming;
- iii) in the case of a non-conforming structure, no expansion and/or extension shall be closer than 5 metres to any property line abutting a public road or highway; and
- iv) the non-conforming use or structure lawfully existed prior to November 18, 1994.

#### **15.11 Industrial Uses**

The following industrial uses shall be permitted in the Rural General (RG) zone subject to the Rural Industrial (RM) Zone requirements:

- Rock Crushing and Screening Operations
- Sawmills and Planing Mills
- Equipment Depots
- Bulk Storage of Wood, Sand and Gravel
- Primary Processing and Storage of Produce
- Abattoirs Accessory to a Farm

#### **15.12 Second Detached Dwelling Unit**

A second dwelling unit that is detached and separate from the main dwelling unit may be established on a lot not serviced by public sewer provided the following requirements can be met:

- i) the lot has been assessed by a Qualified Person (QP) and approved by the Department of Environment for installation of two separate on-site sewage disposal systems;
- ii) the lot meets the minimum requirements of the Subdivision Bylaw for two lots, each with sufficient area, frontage and required setback distances to contain a dwelling unit on each parcel of land;

#### **15.13 Existing Industrial Uses**

An industrial use existing on the effective date of this Bylaw may continue to exist and may be expanded or enlarged provided the following conditions are met:

- i) any expansion or enlargement of the industrial use is situated entirely on the lot as it existed
- ii) the expansion or enlargement meets the requirements of Part 16 of this Bylaw.

#### **15.14 Salvage and Scrap Yards**

A salvage yard operation existing on the effective date of this Bylaw may continue to operate and may be expanded or enlarged provided the following conditions are met:

- i) Any expansion or enlargement of the use shall be limited to the lot as it existed on the effective date of this Bylaw;
- ii) A salvage yard operation shall be enclosed entirely with an opaque fence a minimum height of 2 metres (6.6 ft.);
- iii) No open storage shall be permitted on the exterior of the fenced compound; and
- iv) No open storage shall be permitted within 60 metres (196.8 ft.) of an existing well or watercourse.

#### **15.15 Exceptions to Lot Size Requirements**

Reduced Lot Frontage

- i) Notwithstanding the lot area, frontage, and yard requirements of Section 15.2 above, a lot in a Rural General Zone that is not serviced by public sewer may be subdivided with reduced road frontage provided the provisions of Section 12 of the County of Colchester Subdivision Bylaw are complied with.
- ii) All required yards for lots created in accordance with 15.15(i) above, shall be 8 metres (26.2 ft.)
- iii) Notwithstanding the lot area, frontage, and yard requirements of Section 15.2 above, a lot in a Rural General Zone that is serviced by public sewer may be subdivided provided the provisions of 9.6.1.2 are complied with.

**15.16 Restriction on Buildings and Structures Located on a Right of Way**

Any structure associated with the uses permitted under Section 15.2(ii) and to be established on an approved lot created after the effective date of this Bylaw shall be temporary, portable, and incidental to such uses.

**15.17 Commercial Dog Care and Kennel Facilities**

Commercial Dog Care and Kennel Facilities are permitted subject to meeting all requirements of the *Commercial Dog Care and Kennel Facility Bylaw*.

## Part 16 Rural Industrial (RM) Zone

### 16.1 Permitted Uses

The following uses shall be permitted in the Rural Industrial (RM) Zone:

- Abattoirs
- Asphalt Processing Plants
- Concrete Batching & Manufacturing Plants
- Fertilizer Production, Mixing, & Packaging
- Feed Mills and Preparation Industries
- Meat and Dairy Preparation Industries
- Public Utilities
- Forestry Based Industries
- Warehousing & Wholesale
- Recycling Depots
- Service Industries
- Aggregate Processing Activities
- Primary Processing and Storage of Raw Materials
- Business & Professional Offices
- Outdoor Storage
- Accessory Commercial Uses
- Bulk storage of petroleum, chemicals and fuel oils, liquid gases.
- Accessory Residential Use

#### Restriction on Permitted Uses

No development permit shall be issued where the use is considered obnoxious by reason of sound, fumes or smoke, or other obnoxious emissions, whether carried by water or air.

### 16.2 Industrial Zone Requirements

The following requirements shall apply to all permitted uses in the Rural Industrial (RM) zone.

Minimum Area	4000 sq. metres (43,056 sq. ft.)
Minimum Frontage	60 metres (196.8 ft.)
Minimum Front Yard	15 metres (49.2 ft.)
Minimum Rear Yard	15 metres (49.2 ft.)

Minimum Side Yard	15 metres (49.2 ft.)
Minimum Flanking Yd.	15 metres (49.2 ft.)

### 16.3 Abutting Uses

Where an industrial use, including areas devoted to outdoor storage, is located within 100 metres (328 ft.) of a Rural General (RG) zone;

- i) screening shall be provided in accordance with Section 6.21 between the use and the property line.
- ii) no sign shall be permitted within a required side or rear yard.

### 16.4 Open Storage / Outdoor Display

- I. No open storage shall be permitted within any required yard.
- II. The area devoted to outdoor storage shall not exceed 50% of the lot area.

### 16.5 Accessory Residential Use

- i) For greater certainty, an accessory residential use may be established in the RM - Rural Industrial Zone provided it coexists with the main industrial use operating on the property.
- ii) No residential use referred to in (i) above shall exceed a floor area of 111.5 sq. m (1200 sq. ft.) nor shall the structure exceed one story in height.

## APPENDIX 1

This Property Is The Subject Of A:

# REZONING

Application

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Inquiries: 902-897-3170

Municipality of the  
County of Colchester

This Property Is The Subject Of A:

# DEVELOPMENT AGREEMENT

Application

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Inquiries: 902-897-3170

Municipality of the  
County of Colchester

## Appendix 2

**Table 1 - Recommended Minimum Separation Distances for New Livestock Facilities**  
(excluding hog production units and facilities\*)

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Public Building	200 m (660 ft)
Property Line	50 m (165 ft)
Existing Off-Farm Dwelling	100 m (330 ft)
Provincial Highway	50 m (165 ft)
Off-Farm Well	100 m (330 ft)
Lake, River, Brook	
A. Non-contained storage (solid manure)	100 m (330 ft)
B. Fully contained storage (liquid, semi-solid manure)	50 m (165 ft)
Ditch/Intermittent Stream or Wetland	20 m (66 ft)

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Note: \* Anaerobic hog lagoons do not seal on the surface like other manure storage types. Therefore, guidelines concerning separation distances have been developed specifically for hog facilities. Refer to the publication "Guidelines For Siting and Management of Hog Farms in Nova Scotia (Revised September 2000)."

Table 1 serves adjacent landowners as well as the owners of manure storage facilities. That is, facilities constructed in compliance with the recommended separation distances would not be expected to relocate in the event that future development may be planning to occur on adjacent non-agricultural land within the recommended separation distances.

Note that the recommended separation distances may be superseded in regulated areas, such as a Protected Water Area designated under the Environment Act. This should be determined beforehand by contacting the municipal office in which the facility is, or will be, located.

Source: *Manure Management Guidelines 2006*; Prepared by Nova Scotia Agriculture

## APPENDIX 3



ACAE  
engineering notes



Atlantic Committee on Agricultural Engineering

ACAE Pub. No. 29

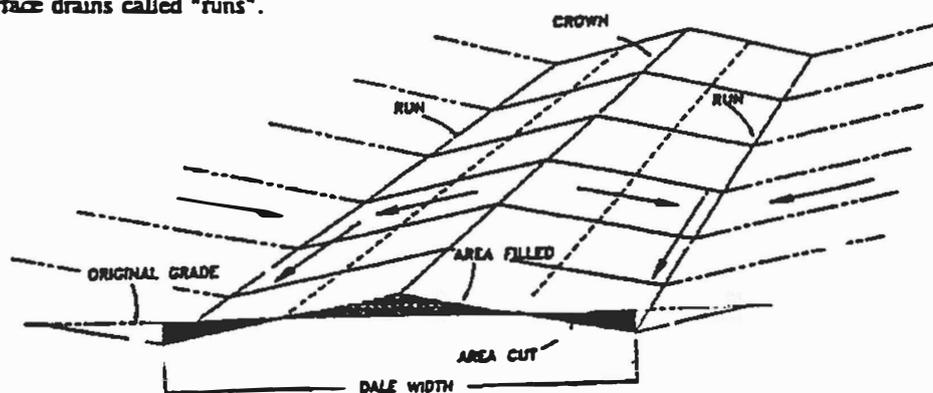
AGDEX NO. 752

### **DYKELAND LAND FORMING**

Dykeland soils in New Brunswick and Nova Scotia have naturally low permeabilities. This means the downward movement of water through these soils is very slow. The naturally flat topography causes water to pond on the soil surface. The agricultural potential of these soils can be greatly improved by providing surface drainage with proper land forming. The surface drainage improvements will result in a longer growing season, improved crop yields and quality as well as improved field trafficability. Land forming can be used to develop previously unproductive dykeland and to consolidate small fields, hereby improving crop production efficiency when operating modern farm equipment.

#### **PRINCIPLES OF LAND FORMING**

Land forming is the process of mechanically moving soil to change field topography to provide for improved surface drainage. Land forming involves the excavation of a series of parallel surface drains called "runs".



As illustrated in the above diagram the soil which is excavated from the runs is pushed into hills called "crowns". The surface water will drain off the crown to the two adjoining runs. The grade between the crown and the run should be 1 to 2%. The runoff is then drained from the run to a vent ditch and from there to the main ditch system. The grade on the run should not be less than 0.25%. The distance between a pair of runs is called the "dale width". Dale widths vary from 36 to 55 metres (120-180 ft).

When planning land forming, the farmer should determine which fields have priority for drainage improvement work. Return on drainage investment generally is greater from fields which are closest to the farm base and have the poorest existing drainage. The cost of land forming is approximately half the cost of tile drainage for upland soils.

The farmer should contact the Provincial Department of Agriculture Dykeland Engineer prior to starting land forming. He will assist the farmer in planning a feasible layout and will determine if vent and/or main ditch excavation is required before forming can begin.

Prior to forming, the field should be plowed and then harrowed, disced or rotovated to break up the sod cover. This will make the soil easier to form and allow for a finer seedbed to be prepared.

When this field cultivation work is completed, the Dept. of Agriculture surveyor will set crown markers and run grade markers which indicate the forming pattern for the field. The excavation work can begin by using a bulldozer which cuts soil to grade in the run and pushes it to the crown. The operator of the machine should be familiar with fine grade bull dozing techniques.

When the dozer work is completed, the field is ready for cultivating and levelling. A land leveller should be used to smooth out rough areas left after the dozer work. Levelling will improve surface drainage from the crown to the run and prepares a smooth seed bed.

#### MANAGEMENT OF LAND FORMED FIELDS:

It is critical that land-formed runs be properly maintained so that there is no obstruction to drainage of water down the run. In some cases, it may be necessary to excavate a small ditch in the run to improve drainage and to increase crop growth near the run. If desired, the ditch can be excavated shallow enough to allow farm equipment to pass from crown to crown. These shallow ditches are constructed using small three-point hitch mounted tractor ditchers.

Some erosion may occur where a run empties into a vent ditch. Standard conservation methods should be applied to prevent this erosion. This may include rock or fabric.

It is desirable to plant a land-formed field to an annual crop in the first year after construction. Some settlement of the form could occur and corrective levelling work can be done in the second year before the field is seeded to a grass crop. If the land formed field is maintained in an annual crop, it is desirable to land level the field each year during cultivation and before seeding to maintain good surface drainage.

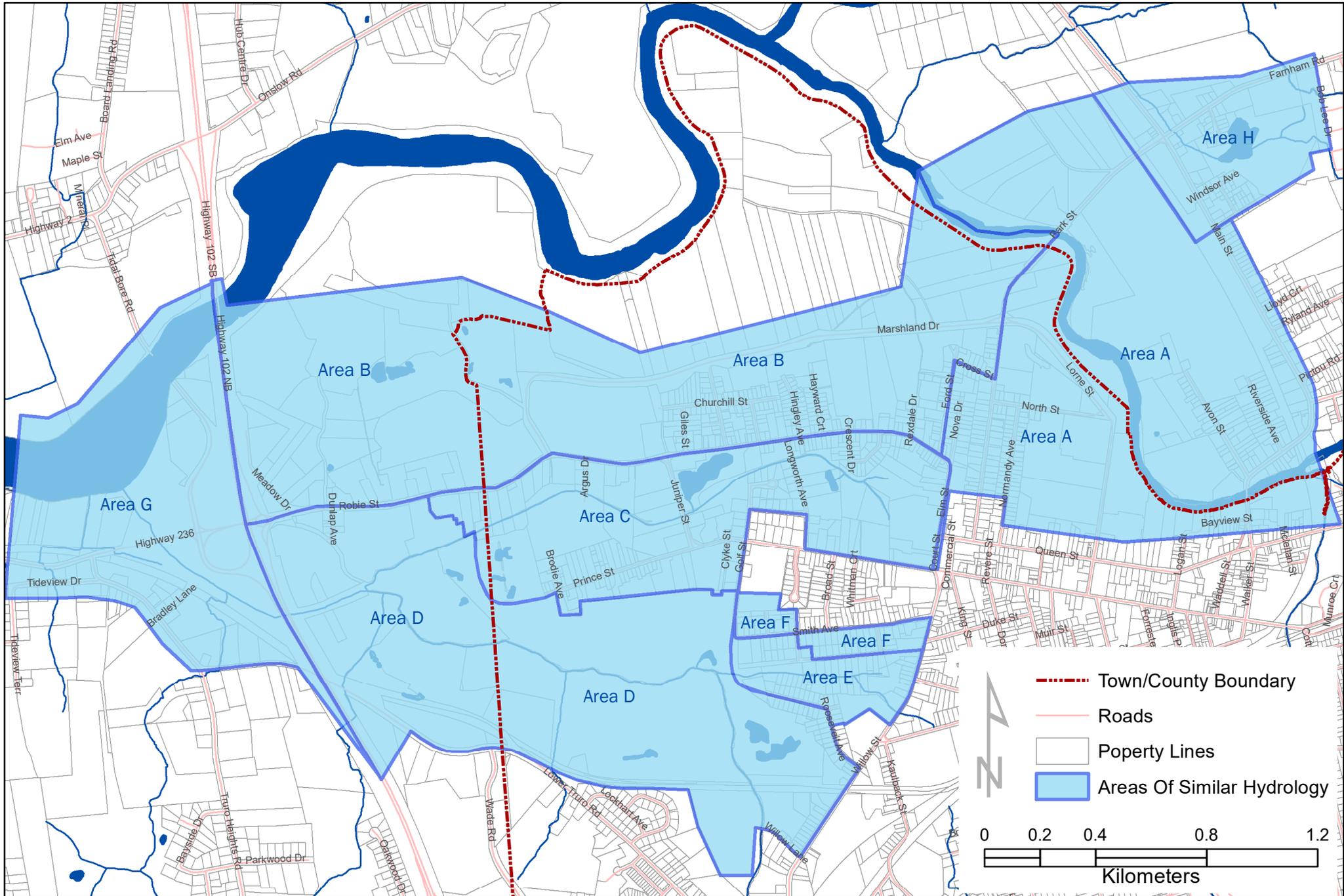
Plowing towards the crown will help the farmer to maintain good drainage of water from the land formed crown to the run, and then off the field.

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Prepared by Hank Kolstee, Laurie Collette, and Laurie Cochrane for the Advisory Committee on Soil and Water to the Atlantic Committee on Agricultural Engineering.

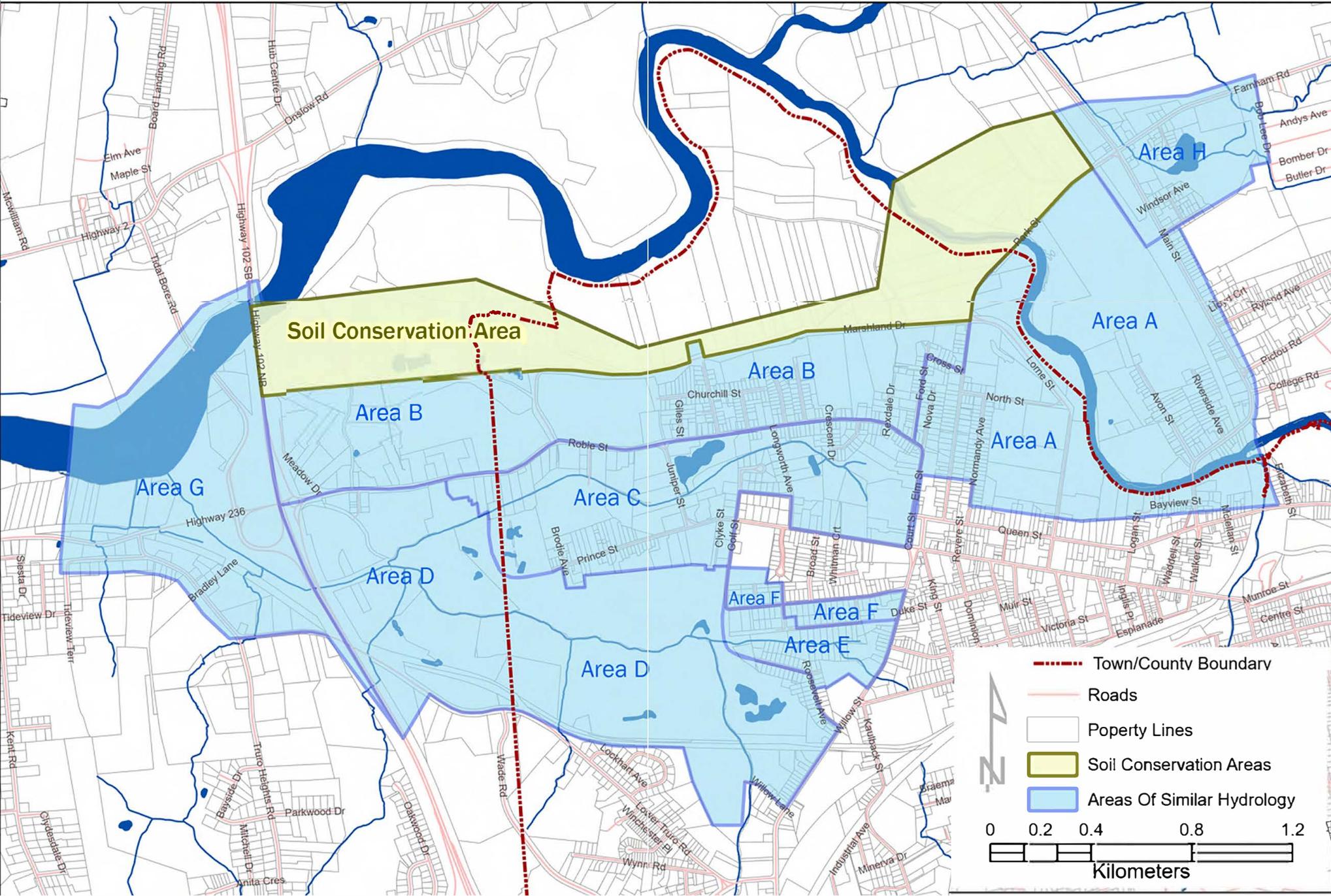
# Appendix 4

## Areas of Similar Hydrology



# Appendix 5

## Soil Conservation Areas



# APPENDIX 6

## Channel Velocity Chart

<u>Channel Material</u>	<u>Maximum Mean Channel Velocity (ft/s)</u>
Fine Sand	1.5
Coarse Sand	2.5
Fine Gravel	6.0
Earth – Sandy Silt	2.0
Earth – Silt Clay	3.5
Earth – Clay	4.0
Bermuda Grass / (150 mm soil) Sandy Silt	6.0
Bermuda Grass / (150 mm soil) Silt Clay	8.0
Kentucky Blue Grass / (150 mm soil) Sandy Silt	5.0
Kentucky Blue Grass / (150 mm soil) Silt Clay	7.0
Poor Rock (Sedimentary)	10.0
Soft Sandstone	8.0
Soft Shale	3.5
Good Rock (Metamorphic or Igneous)	20.0

# APPENDIX 7

## EXISTING MOBILE HOME PARKS

### VALLEY GROWTH CENTRE

<b>ADDRESS</b>	<b>PID#</b>
Salmon River Road	20033965
Salmon River Road	20034013

### SALMON RIVER GROWTH CENTRE

<b>ADDRESS</b>	<b>PID#</b>
1393 East Prince Street	20036190
Harmony Road	20042099

### BIBLE HILL GROWTH CENTRE

<b>ADDRESS</b>	<b>PID#</b>
Vimy Road	20066486
363 College Road	20062717
Farnham Road	20066395
Hazel Drive	20225132
350 Pictou Road	20064754

**Shedule "A"**

**Certificate of Compliance**

**Issuance of this Certificate shall acknowledge that:**

\_\_\_\_\_ ,  
registered owner of a property located at \_\_\_\_\_  
bearing the LIMS # \_\_\_\_\_

**Has complied with the terms and conditions outlined in the  
Central Colchester Land Use Bylaw for land exposed to flood risk.  
The extent to which this Certification applies shall be limited solely to the required information  
supplied to the Municipality by the property owner(s).**

**This Certificate is issued associated with Development Permit # \_\_\_\_\_**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Development Officer**