



## Oakland

# Secondary Planning Strategy and Land Use By-law

Adopted by Municipal Council on May 12, 2019

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

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| 1. Adoption  | Secondary Planning Strategy and Land Use By-law adopted by Municipal Council on March 12, 2019. Effective date: May 1, 2019.  |
| 2. Amendment | SPS (Part 2 section 2.1.6 ADD section (a)) and LUB (Part 5 section 5.3.1 ADD section (aa) and add definition part 10 to section 10.98a) to include and define Small Option Homes. |

First Reading by Council: February 12, 2019  
Second Reading by Council: March 12, 2019

EFFECTIVE DATE: May 1, 2019  
LAST AMENDMENT: **March 8, 2023**

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# MUNICIPALITY OF THE DISTRICT OF LUNENBURG



## Oakland Secondary Planning Strategy

First Reading by Council: February 12, 2019  
Second Reading by Council: March 12, 2019

EFFECTIVE DATE: May 1, 2019  
LAST AMENDMENT: March 8, 2023

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## 1 AUTHORITY AND SCOPE.

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This Secondary Planning Strategy and the accompanying Land Use By-law were adopted by Municipal Council on March 12, 2019 and became effective May 1, 2019.

The **Nova Scotia Municipal Government Act** (1998, c.18) is the legislative basis for the preparation and adoption of these planning documents. The Act states that Council may prepare a Planning Strategy for all or part of a municipal unit.

The identified planning area ("Plan Area") to which this Secondary Planning Strategy applies is found in the eastern portion of the Municipality of the District of Lunenburg. The Plan Area generally corresponds with the community of Oakland. The boundaries of the Plan Area take in the Oakland Common Voting District, as established by statute (S.N.S. 1905, Chapter 106, as amended), the Oakland Common, Strum Island, and Andrews Island. Local area residents had initially requested to Council that development controls be adopted for their community in the early 1990s.

The Municipal Government Act provides Council with the authority to adopt policies respecting a broad range of matters, including the improvement of the physical, economic and social environment; and the use, protection, and development of lands.

This Secondary Planning Strategy consists of policy statements and maps that express Council's wishes and intentions with respect to development and land use in the Oakland Plan Area. The policies are intended to guide, encourage, and control future development and changes in land use. No provision in the Land Use By-law may be made that is contrary to policies included in this Planning Strategy.

Maps and schedules appended to this Secondary Planning Strategy form part of the Secondary Planning Strategy. **Map 1: Future Land Use Map** is identified as a generalized representation of the intended pattern of future land use in the Oakland Plan Area.

The Land Use By-law, which has been prepared and adopted in conjunction with this Planning Strategy, is the primary regulatory mechanism through which this Planning Strategy is implemented.

The Land Use By-law contains standards, requirements and zoning designations that control the type and characteristics of developments. The Municipality's Subdivision By-law also impacts local development, by identifying regulations affecting the creation, consolidation, and shape of land parcels.

By-law amendments that involve re-zoning of land for a new or a different use from that permitted by the Land Use By-law are provided for in Planning Strategy policies. Policies also govern the circumstances under which a Development Agreement or re-zoning may be considered and approved.

## **1.1. OBJECTIVES.**

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The development of land use by-laws in the community of Oakland followed a request to Municipal Council from the Oakland Indian Point Residents Association. The Association's request was initiated, in part, in response to a proposed tourist resort that was identified for Andrews Point that was never developed. The first Oakland Secondary Planning Strategy was adopted by Council in June 1992. A second Planning Strategy was subsequently adopted in September 2003.

Since land use planning was introduced, residential development has remained the predominant type of land use in the community. Very few commercial or industrial activities have developed in the Oakland Plan Area to provide citizens with local employment opportunities. Nor have recent residential developments been associated with an increase in resource-related activities. As with many small communities found along the shoreline of Lunenburg County, the shift away from a traditional, self-sufficient, resource-based economy over the last seventy years has changed the dynamics of rural community development. Oakland provides residents with proximity to the ocean; an attractive, low-density rural residential environment; and easy access to local employment, goods and services established in the neighboring towns that the Municipality surrounds.

The general objective of this Secondary Planning Strategy is to establish a policy framework where there can continue to be a harmonious relationship between new development activity and existing land uses. As with other local Planning Strategies in the Municipality, the intent is to guide proposed changes in local land use over time, but not to prohibit entirely the opportunity for new developments to occur. By the adoption of this Planning Strategy, Council continues to provide a mechanism for residents to have input on major developments that substantively impact their community.

Council also recognizes where there are identified concerns that some types of development could have a negative impact on the existing community. Council has therefore adopted policy statements specific to maintaining the Oakland Plan Area's existing rural aesthetic, and protecting the natural environment.

- 1.1.1** The Oakland Secondary Planning Strategy shall provide the framework and process for the accommodation of changes in land use and development in the Oakland Plan Area.
- 1.1.2** Council shall allow for the development of a range of residential, commercial and industrial land uses that are consistent with the existing rural coastal aesthetics of the Oakland Plan Area, and encourage local economic development.
- 1.1.3** Council's intention is to control land use and development in a manner that will minimize conflicts, to provide for an attractive rural residential environment. The policy framework will provide opportunities for Council to hear public input on large-scaled developments, and developments identified as having a substantial impact on the Oakland Plan Area.
- 1.1.4** Council's intention is to control proposed developments in a manner that will protect or enhance the natural environment.

## **1.2 SERVICES.**

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This Secondary Planning Strategy references infrastructure services that Council considers have a direct effect on the development of property in the Oakland Plan Area.

This Strategy does not include policy statements concerned with the provision of other services such as policing, fire protection, health, education, or waste management services, or statements identifying government programs or priorities concerned with economic development, social assistance or recreation.

It is evident such matters have profound consequences on a community's ongoing development. However, the formation of public policy on such issues is removed from the context of most local land use planning documents. Such matters are guided by existing legislation and strategic documents developed, directed, and resourced through well-established bureaucracies, nearly all of whom operate exclusive of statements identified or espoused in local land use plans.

### Water Supply and Wastewater Treatment

Development in the Oakland Plan Area is serviced by on-site water supply and wastewater treatment.

There are no recent municipal studies that propose to change current practices, or see to the provision of municipal water or wastewater services. Further, the policy framework that Council has adopted in this Planning Strategy repeatedly references the rural nature of the local community.

The Municipality communicates regularly with the Town of Mahone Bay, which is immediately adjacent to the Plan Area, and where central services are available. The Town has no identified plans to expand its water or wastewater treatment services to properties outside the Town's jurisdiction.

On-site sewage treatment is carried out through septic systems and drainage fields. Water is accessed by individual property owners through the installation of drilled or dug wells. The placement and use of these private services can affect the surrounding natural environment. Standards are necessary to reduce or to mitigate any impacts considered consequential to neighbouring property owners. In Nova Scotia, the provincial Department of Environment provides the legislative oversight regarding the installation and ongoing functionality of on-site services.

Several factors can influence the suitability of a site for on-site sewage disposal, such as the soil and slope of the land. It is noted that any lot area requirements that are identified in the accompanying Land Use By-law also recognizes that any proposed development remains subject to the Province's on-site sewage disposal regulations.

- 1.2.1** Council's intention is to support the efforts of the Province, in its regulating of on-site systems that impact the natural environment.



## Transportation

Oakland is served by long-established provincial roads, or by more recently developed private roads. The existing private roads are each individually connected in to the provincial road network. As of July 2018: there are no municipal roads in the Oakland Plan Area. The Municipality has no established transportation reserves specific to future municipal road construction in Oakland.

Highway #3 serves as the main conduit into and out of the Plan Area. Highway #3 leads in to the Town of Mahone Bay, located to the west. To the east, Highway #3 provides access to communities located in the District of Chester, and to the Highway #103 Exit 10 interchange. Oakland Road acts as a secondary road for area residents.

The current infrastructure is oriented towards allowing vehicles to travel along Highway #3 and Oakland Road at speed. Identified shoulders along any roads in the Plan Area for potential use by pedestrians is limited to non-existent.

All other roads in the Plan Area may be identified as “local roads”, whether the road is provincially-owned or identified as a private road. Local road conditions, to include width, surfacing, and ditches, and the degree of residential settlement or commercial development that these roads can potentially serve, varies widely. Local roads may be best considered as “subdivision” roads. That is: none of these existing roads provide for connectivity between the main provincial corridors, or act as connections between themselves.

The NS Department of Transportation, per the Public Highways Act, administers regulations concerned with any alterations that impact on the provincial road network. The Department is responsible for issuing access permits to property owners located adjacent to a provincial road.

- 1.2.2** Council’s intention is to communicate regularly with the Province, to ensure the continued functionality of the existing provincial road network in the Oakland Plan Area, including the identification of any volume, maintenance, or traffic safety issues, which may impact on local land use and future development.

## 2 LAND USE CONTROLS.

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Since land use controls were first adopted in the Municipality, Council has sought to create a policy framework flexible to a variety of potential development opportunities. In the decades since regulations were introduced, Council acknowledges that the development activity that has occurred in local Plan Areas has, in turn, shaped the perspectives and expectations of local citizens.

Individual perspectives change over the decades, as much as the local landscape itself changes with new developments. Over time, the policy framework associated with guiding and controlling future development should be updated, to remain consistent with any changes in Council's intentions; in consideration of the perspectives of present-day residents and property owners; and in recognition of larger societal shifts in demography, economics, technology, and culture.

Residents of the community of Oakland remain concerned that rapid development, in the absence of land use planning, could have profound consequences for the local living environment. There is very little commercial or industrial land use in the Plan Area. The community has indicated a desire to continue accommodating for growth and change through land use controls.

### Land Use Designations

In establishing development controls, **Land Use Designations** have been given to the entire land mass found in the Oakland Plan Area. The following sub-sections outline the policies that govern the types of land use permitted within each designation. Land Use Designations are also found on **Map 1, Future Land Use Map**, attached to this Secondary Planning Strategy. The accompanying Land Use By-law includes a Zoning Map, identifying the Zones related to each of the Land Use Designations.

Council recognizes where most communities in the Municipality may be considered rural communities. Council will establish a Rural Land Use Designation, which allows for a variety of uses consistent with a pattern of low density, mixed use development. Most of the land in the Oakland Plan Area will be identified with a **Rural** designation. There are several reasons to support this description:

- Development remains generally **unconcentrated**. There is an established mix of different land uses that, in many cases, pre-dates the adoption of zoning regulation.
- Development has **occurred slowly** and **continuously**. An existing use or structure on a property is not necessarily tied to the same era as a development found on adjacent property.
- There are no **central services** shared between private properties. Each property owner is responsible for managing their own water and wastewater requirements.
- The pattern of residential / commercial development **follows provincial roads** that have been in place for generations. In some locations, new residential subdivisions have developed, based on the emergence of **unconnected private roads** serving a limited number of properties.
- Some properties are focused on **natural resource-related activities**, be it forestry or farming. While the number of parcels actively devoted to such activities is relatively small, such properties continue to be valued, in that they are tied to the local community's heritage.

Other Designations identified in this Planning Strategy serve specified purposes. An **Environmental** designation protects areas considered significant environmental assets. Council will continue to implement an **Ocean Shoreline** designation, to restrict development adjacent to identified parts of the coastline.

### Boundaries

In creating Land Use Designations, Council would note boundary lines identified in local Plan Areas follow municipal jurisdiction. The Province considers submerged land located along the coast to be land owned by the Province, unless it has been sold by way of provincial or federal grant, or is considered a federal harbour. Under the Crown Lands Act, NS Natural Resources is responsible for administering Crown land, to include these submerged lands.

The boundary of the Oakland Plan Area therefore follows the ordinary high-water mark. If the ordinary high-water mark is moved seaward by any infilling along the coastline, or where a development connects with land above the high-water mark, the Municipal Government Act provides that the planning jurisdiction of the Municipality moves accordingly. The Land Use Designation, and accompanying zone boundaries in the Land Use By-law, will accommodate possible changes in the shape of the shoreline.

### Additional Requirements for Identified Uses

Council acknowledges that certain types of development require special consideration in the Land Use By-law, due to their relatively unique impacts on the land, or on surrounding properties, or due to the nature of jurisdictional authority over such activities also resting in part with senior levels of government. Policy statements identifying additional requirements regarding certain types of permitted developments, have been listed in **Section 2.5** of this Secondary Planning Strategy.

### Prohibited Uses

Council considers that certain intensive land uses would not integrate successfully with existing developments in the Oakland Plan Area. Until such time that a comprehensive municipal planning strategy is adopted, affecting the entirety of the Municipality, there is a need for specific policy in this Secondary Planning Strategy, outlining the prohibition of identified uses from developing at all in the Plan Area. Such uses can be directed towards the pursuit of possible opportunity in unplanned communities in the Municipality. Where there are no land use regulations to control development in most of the Municipality, Council considers there to be many potential locations for such types of uses to develop.

- 2.0.1** Council shall prohibit specific developments entirely from the Oakland Plan Area, in consideration of the potential negative impacts that such uses would have on existing developments, and on residents living in the community. Prohibited Uses will be identified in the Land Use By-law.

## 2.1 RURAL LAND USE DESIGNATION.

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In Council's consideration, most of the land in the Oakland Plan Areas can continue to be designated as Rural and can continue to provide for a mix of compatible uses that reflect the existing landscape.

Council recognizes where properties in rural areas have been used historically for agricultural or forestry - related purposes. It is Council's intent that these traditional rural-based resource activities continue to be supported through the Municipality's land use policy. Future development proponents can be made aware of Council's perspective in supporting traditional rural resource-related activities, by these identified statements in this Planning Strategy. Certain resource-related developments will be subject to specified requirements in the By-law.

Some types of development provide potential benefits to the general community and may be considered as suitable as-of-right developments in any areas identified with a Rural Designation. Such uses include emergency service facilities and non-commercial recreational land uses.

- 2.1.1 Council shall establish a Rural (RUR) Designation within the Oakland Plan Area, as shown on attached **Map 1, Future Land Use Map**.
- 2.1.2 Council shall permit agricultural and forestry activities on properties identified with a Rural designation, subject to identified requirements in the Land Use By-law. Permitted activities include the growing of agricultural and forestry products, and the sale of those products grown on the property by their producers. In all Zones identified with a Rural designation, standards will include requirements for the keeping of farm animals and livestock, and requirements for any areas used for manure storage or bedding.
- 2.1.3 Council shall permit for the primary processing of agricultural and forestry products at the farm site or harvest site, on properties identified with a Rural designation, subject to identified requirements in the Land Use By-law. Proposed developments that involve the processing of off-site harvested wood products will be considered by Council by Development Agreement. Uses associated with aggregate and mineral resource extraction operations will be considered by Council by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.
- 2.1.4 Council shall permit non-commercial recreational uses, emergency service facilities, and cemeteries on properties identified with a Rural designation, subject to identified requirements in the Land Use By-law.

## Rural Zone

The number of existing land uses identified in the Oakland Plan Area which are not single-unit residential uses is minimal. There are few properties associated with another type of development. Further, the pace of local development activity, or change of use, is relatively slow. Since 2003, the time of the last Planning Strategy's adoption, Oakland is not considered one of the communities in the Municipality that experienced substantial growth, in terms of a significant increase in housing stock, or in new commercial development.

In the past twenty-five years - since local land use regulations were first introduced - the pattern of development in Oakland has come to resemble much of what has occurred elsewhere on rural Nova Scotia's sea coast. That is: new residential development generally unconnected with the use of adjacent lands for resource purposes, and largely unassociated with any sizeable new commercial or industrial development activities found in the immediate vicinity or surrounding neighborhood. While there are consequences associated with the lack of identifiable local employment growth, such aspects are occurring on a provincial-wide scale and are linked with rural demographic change and migration patterns.

Council recognizes where the preponderance of new residential development in the community has largely created a rural residential environment. Not all types of commercial or industrial land uses may be as well-suited to be integrated with the residential development activities that have occurred in the last three decades.

Council's intent, therefore, is to encourage the Plan Area's potential, and its continued development, by establishing a Rural (RU) Zone that permits for identified types of commercial and industrial uses that are specifically listed in the Land Use By-law. Development proposals which are not associated with a commercial or industrial land use listed in the By-law will be considered by Development Agreement.

The type of residential development that has occurred in the last three decades has also shaped local expectations regarding future residential growth. Most developments are concentrated near the coast, in proximity to the existing road network. The scale of existing residential use is clearly low-density. There are few instances where new housing developments have been carried out in a purposefully-compact, dense development pattern. Past public consultation undertaken by the Municipality surveyed and affirmed the community's expectations around residential density. For these reasons, the number of dwelling units per lot in the Rural Zone that are permitted as-of-right is specified in Policy 2.1.6.

- 2.1.5** Council shall establish a Rural (RU) Zone within the Rural Designation. It is Council's policy to permit identified land uses within the Rural Zone considered compatible with the existing development pattern. It is Council's policy to establish specific zone standards in the Land Use By-law, including size thresholds and setbacks, to minimize potential conflicts between the different permitted land uses.
- 2.1.6** Council shall permit residential uses, to a maximum of two dwelling units per lot, in the Rural Zone, subject to identified requirements in the Land Use By-law. Proposed residential developments which involve more than two dwelling units per lot will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.
- 2.1.6a** Council must permit the operation and implementation of Small Options Homes within all Rural Zones under Oakland's Rural
- 2.1.7** Council shall permit a limited range of commercial, industrial and institutional uses, in the Rural Zone, subject to identified requirements in the Land Use By-law. Any identified uses of this nature which are permitted in the Rural Zone, shall be listed in the By-law. Proposed developments which exceed the size thresholds identified in the By-law will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.
- 2.1.8** Except where uses have been identified as Prohibited Uses, pursuant to Policy 2.0.1, commercial and industrial uses not listed in the Land Use By-law shall be permitted in the Rural Zone only by way of Development Agreement, regardless of the size or scale of the proposal. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.

## Institutional Zone

There are no large-scaled institutional uses found in the Oakland Plan Area. In this Planning Strategy, Policy 2.1.7 allows for institutional uses to be developed in the Rural Zone, subject to a size threshold. A proposed institutional use larger than the identified thresholds shall only be considered by way of Development Agreement.

Many municipal developments are institutional in nature. As a Municipality cannot enter into a Development Agreement with itself, Policy 2.1.9 enables for the re-zoning of land within the Rural Designation to the Institutional (I) Zone, where the Municipality is itself proposing a new institutional development.

This zone may be considered a floating zone, as no land was identified as Institutional on **Schedule A, Zoning Map** of the Land Use By-law at the time that this Planning Strategy was initially adopted.

- 2.1.9** Council shall establish an Institutional (I) Zone within the Rural Designation, to provide for a range of potential institutional uses undertaken by the Municipality of the District of Lunenburg. Council may re-zone identified lands within the Rural Designation to Institutional, provided Council is satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.

## 2.2 RESIDENTIAL LAND USE DESIGNATION.

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Residential development is the most prominent land use in the Oakland Plan Area. Past Planning Strategies identified the potential allowance of introducing a more restrictive residential designation that would inhibit the proposed development of other types of uses.

The Plan Review process undertaken in the development of this Planning Strategy reviewed the policy alternatives of establishing different zone designations for distinct parts of the Plan Area. It was determined that a mix of compatible uses under a Rural Zone identification remained the appropriate policy framework.

Council will continue to allow for future consideration of residential designation in policy, where it is identified that a part of the community may, at some point in the future, warrant the development of more restrictive regulation. At the time of Council's adoption of this Planning Strategy, no land in the Oakland Plan Area was identified with a Residential Designation on attached **Map 1, Future Land Use Map**.

Council's consideration of where land in the Oakland Plan Area may be re-designated to a Residential Designation would require an amendment to policy, as well as require the introduction of several new regulations in the Land Use By-law. A policy amendment would also include making necessary changes to **Map 1, Future Land Use Map**.

Specific regulations, as may be identified with any new Residential Zone, would be consistent with restrictions that already exist in Land Use By-laws adopted in other communities in the Municipality. Such zoning controls would restrict new development to a maximum of two dwelling units per lot, and to small-scaled, non-residential uses considered compatible with a low-density residential neighbourhood.

The intent in Council's consideration and the potential application of any Residential (RES) Designation is to outline clearly to all development proponents where identified parts of the Oakland Plan Area are restricted to residential uses.

**2.2.1** Council may consider the establishment of a Residential (RES) Designation within the Oakland Plan Area.

**2.2.2** Council's intention is to consider the re-designation of land in the Oakland Plan Area to a Residential Designation, provided Council is satisfied that:

- a) the proposal satisfies the relevant criteria of **Section 5.4**.
- b) where an area is proposed to be provided with a Residential Designation, the identified area is to include developed lands which are predominantly used for residential purposes.



## **2.3 ENVIRONMENTAL LAND USE DESIGNATION.**

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Council wishes to protect certain lands within the Oakland Plan Area considering its sensitivity, its unique circumstances, and/or protected standing by the Provincial government.

Council recognizes that there is a general lack of municipal mandate to protect the environment from harmful individual activity. Council acknowledges that this responsibility rests with applicable senior-level government departments. However, municipalities are enabled in ways, including Zoning, to help protect specific environmentally sensitive areas found within their jurisdiction.

- 2.3.1** Council shall establish an Environmental Protection (ENV) Designation within the Oakland Plan Area, as shown on attached **Map 1, Future Land-use Map**.

### Protected Water Area Zone

Oakland Lake serves as the water supply source for the Town of Mahone Bay. The Nova Scotia Water Authority first designated the waters of Oakland Lake and surrounding watershed lands as a Protected Water Area in 1963. Part of the Provincially designated area lies within the Oakland Plan Area.

Council will establish land use controls to support existing provincial Protected Water Area regulations. Council will limit permitted uses to those uses that will have minimal impact on the water quality of Oakland Lake, and incorporate standards into the By-law to minimize the impact of development on Oakland Lake.

- 2.3.2** Council shall establish a Protected Water Area (PWA) Zone, within the Environmental Protection Designation. The Protected Water Area Zone includes that portion of watershed lands surrounding Oakland Lake prescribed as a Protected Water Area by Nova Scotia Environment that is also located within the Oakland Plan Area. Land uses that affect the quality and quantity of water shall be regulated.
- 2.3.3** Within the Protected Water Area Zone, Council shall permit structures essential to the operation of a water supply. Council shall also permit multi-use recreation trails, forestry, and the keeping of farm animals, provided these uses do not involve the placement, erection or alteration of structures, other than raised boardwalks for recreation trails. Regulations include development standards for the keeping of farm animals, to ensure minimal impact from development on the Oakland Lake Watershed. Council shall also establish minimum lot area requirements within this zone to reduce the density of development and its impacts on the water quality of Oakland Lake.
- 2.3.4** Council's intention is to cooperate with the Town of Mahone Bay on matters related to their public water supply and the portion of the Protected Water Area that lies within the Oakland Plan Area. Officials responsible for Protected Water Area regulations will be notified of development proposals located within the Protected Water Area Zone identified in the Land Use By-law.

## Commons Zone

The community of Oakland includes a significant asset that is a unique aspect of its historical development. The Oakland Commons is a large property whose title was passed by the Crown to residents of the community of Oakland in the eighteenth century.

During the Plan Review process, the Trustees of the Oakland Commons were invited to present the future vision for activities and future use of the Commons property. It was identified that the Oakland Commons is presently considered as passive, recreational parkland, and provides residents with access to natural open space, in a community where the majority of parcels are privately-owned.

In establishing a specific Zone for the Oakland Commons under the Environmental Designation, it is Council's intent to respectfully identify that future use and enjoyment of the Oakland Commons property is to be determined by local residents, via the Trustees. Any municipal land use policy, or identified regulations in the Land Use By-law, seeks to remain consistent with the Trustee's vision

**2.3.5** Council shall establish a Commons (CO) Zone, within the Environmental Protection Designation. The Commons Zone will be specific to the Oakland Commons. It is Council's policy to permit the development of uses consistent with the objectives identified by the Trustees of the Oakland Commons, at the time this Planning Strategy became effective.

**2.3.6** The principal use of the Oakland Commons is identified as passive, recreational parkland. Permitted uses also include traditional resource -related activities, carried out by residents of Oakland, as recognized by the Board of Trustees. Storage buildings in support of these identified uses will also be permitted.

## 2.4 OCEAN SHORELINE LAND USE DESIGNATION.

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Public roads follow much of the ocean shoreline in Oakland. These roads have some historical significance: having been developed as part of the initial overland connection between Halifax and communities on the South Shore prior to construction of Highway #3 or Highway #103. In many instances, the road right-of-way is immediate to the water. In other places, there is a narrow strip of private land. Where these conditions exist, the ocean has an immediate and visible presence that is enjoyed by the public, and by residents whose homes are established on the inland side of the road.

The ocean shoreline plays a role in defining the community. Development and land use in this shoreline area, either on existing lands, or on land created by infilling of the ocean, is identified as a planning concern. Uncontrolled development could substantially alter or interfere with public views of the ocean, and limit opportunities for future public access. Restrictive controls in the form of development standards and Development Agreements can help preserve those features considered community assets. Council will create an Ocean Shoreline Designation, to include continuous stretches of identified waterfront land that have a depth of less than 45.7 metres.

**2.4.1** In recognition of the significance of the coastline in shaping the community of Oakland, Council shall establish an Ocean Shoreline (OS) Designation, as shown on **Map 1, Future Land Use Map**. Those areas of land that lie between identified public highways and the ordinary high-water mark of the ocean shoreline, excepting those identified areas of land with a continuous depth greater than 45.7 metres, shall be included in the Ocean Shoreline Designation.

### Ocean Shoreline Zone

Traditionally, the narrow strips of land between the public road and shoreline have been used for a variety of non-residential uses that required access and proximity to the water. Common waterfront structures would include: boat building establishments, storage buildings identified with marine activities, wharves, and boat-launching facilities. Such structures have been built on land, on areas of infill, or on pilings. Given their functionality, these traditional and customary uses are considered by Council to be appropriate waterfront developments, and will be permitted to develop in the Ocean Shoreline (OS) Zone, within the Ocean Shoreline Designation.

The previous Oakland Secondary Planning Strategy made note of three existing residential uses found in the Ocean Shoreline Zone and identified them as non-conforming uses. Council does not permit new residential development in the Ocean Shoreline Zone. Council will also adopt policy that will prevent non-conforming structures and non-conforming uses from being enlarged, altered, or extended.

However, Council will enable structures containing existing non-conforming uses to be reconstructed in the event of destruction, provided that the reconstructed structure has the same footprint, floor area and volume as the original structure. The three existing residential uses identified in the Ocean Shoreline Zone will also be subject to specified restrictions and related requirements in the By-law, where it pertains to the proposed development of any home-based occupation, as well as any allowance for a conversion to, or the incorporation of, fixed roof accommodations.

- 2.4.2** Council shall establish an Ocean Shoreline (OS) Zone in the Ocean Shoreline Designation. Council's intent is to limit future development to preserve views, access to the water, and character of the shoreline. Specified zone standards will be established in the Land Use By-law, including size thresholds, setbacks, height restrictions, and lot related requirements.
- 2.4.3** Within the Ocean Shoreline Zone, Council shall permit customary and traditional waterfront uses such as personal boat storage, building and repair; and uses involving the fishery and recreation, subject to identified zone requirements.
- 2.4.4** Commercial and industrial marine uses, as specified in the Land Use By-law, shall be considered by Council in the Ocean Shoreline Zone only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.
- 2.4.5** Existing residential dwellings found in the Ocean Shoreline Zone will be listed in the Land Use By-law, and identified as non-conforming uses, and will be subject to additional restrictions, as identified in the By-law.
- 2.4.6** Non-conforming uses in the Ocean Shoreline Zone shall be subject to the non-conforming use provisions of the Municipal Government Act. Council shall permit structures containing non-conforming uses to be reconstructed in the event of destruction, provided that:
- a) the reconstructed structure shall have the same or smaller foot print, floor area and volume as the original structure; and
  - b) the reconstruction of the structure is commenced within 12 months of the date of its destruction.

## 2.5 SPECIAL PROVISIONS - IDENTIFIED USES.

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Certain proposed developments shall be subject to special provisions and regulatory requirements established in the Land Use By-law, in addition to any specified zone standards.

### Wind Turbines

Council recognizes where there are ongoing changes in technology, societal demand, and public policy affecting renewable energy generation installations. Such changes are likely to continue. Rural communities in particular will be impacted by proposed developments. Council considers that wind turbines may be permitted in the Rural Zone, provided the proposed use complies with additional requirements set out in the Land Use By-law. Council recognizes that additional provisions can mitigate potential conflicts that can occur in a community where such developments are introduced.

Council considers that as-of-right wind turbine developments are to be restricted to small-scaled applications, of a specific generation capacity.

- 2.5.1** Council shall permit the development of small-scaled wind turbines in the Rural Zone of the Oakland Plan Area, subject to an annual energy generation capacity established in the Land Use By-law, provided such proposed developments also comply with identified setback and safety requirements. Given the potential conflict with adjacent land uses, Council shall consider the development of any proposed wind turbines that are of a larger generation capacity only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.

### Keeping of Livestock / Manure Storage Area Requirements

Council recognizes that conflicts between livestock operations and residential uses can occur. Common conflicts between residential uses and livestock operations are the nuisance of odor from manure storage facilities and livestock barns, and the concern of a potential risk to watercourses and the ground water supply from manure storage and application practices.

Programs associated with the provincial Department of Agriculture are available to help farm operators identify environmental risks on their property, prevent nuisances and help them implement best practices. Council can help protect local water sources by requiring livestock operators meet best management practices when developing a new building, or expanding an existing structure, used for the keeping of livestock, or in identifying manure storage areas.

Where it is possible not all livestock operations will want to develop an Environmental Farm Plan, or an approved Nutrient Management Plan, Council will permit for smaller-scaled operations to be subject to an identified yard setback requirement for any structures used for the keeping of livestock. These setback requirements will also apply to any associated manure storage sites or facilities.

- 2.5.2** Pursuant to Policy 2.1.2, Council shall establish yard requirements within the Land Use By-law associated with best management practices for the keeping of farm animals, and any associated manure storage sites or facilities, in the Rural Zone of the Oakland Plan Area.

#### Fixed Roof Accommodations

- 2.5.3** Council shall permit for fixed roof accommodation uses in the Rural Zone of the Oakland Plan Area, subject to a size threshold and unit threshold requirement established in the Land Use By-law. Proposed developments which exceed the thresholds identified in the By-law will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the relevant criteria of **Section 5.4**.

#### Outdoor Wood Furnaces

- 2.5.4** Council shall regulate the placement, location or alteration of outdoor wood furnaces on a lot in the Rural Zone of the Oakland Plan Area, to minimize nuisances and conflicts with surrounding land uses.

#### Private Storage

- 2.5.5** The development of private storage structures, on properties where there are no other buildings located on the lot, are permitted in the Rural Zone and the Ocean Shoreline Zone of the Oakland Plan Area, subject to the requirements of the Zone they are located in.

### 3 ENVIRONMENTAL PROTECTION.

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Section 214 and Section 220 of the Municipal Government Act permit municipalities to develop policies and accompanying regulations concerned with prescribing methods for controlling development, and activities associated with a proposed development, that impact on the natural environment.

#### 3.1 WATERCOURSE SETBACKS

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Council recognizes that development near or adjacent to watercourses has the potential to impact water quality through surface runoff, and to destroy or alter the soils and vegetation found immediately adjacent.

By restricting where a proposed development may be located with respect to a significant watercourse or waterbody, Council improves the chances of such lands remaining in a natural state. Retaining a portion of natural vegetation along identified watercourses achieves several functions, in addition to controlling the potential impacts of erosion and sedimentation. Vegetated buffers are aesthetically pleasing, can help moderate air and water temperatures, filter noise and air pollution, reduce runoff, and provide wildlife habitat corridors near to water resources.

For these reasons, the Land Use By-law will contain provisions to ensure that proposed developments be set back horizontally from significant watercourses in the Plan Area.

The potential impacts of coastal flooding and erosion events can result in significant costs for property owners, as well as impact on potential costs associated with public safety and emergency response.

The Municipality is aware of climate change adaptation research and analytical work undertaken on behalf of the Province through the Atlantic Climate Adaptation Solutions initiative, including: **Scenarios and Guidance for Adaptation to Climate Change and Sea Level Rise for NS Municipalities** (2011). In addition, a **Municipal Climate Change Action Plan** (2013) was developed for the Municipality that specifically identified the issue of potential climate-related hazards affecting coastal development.

Council recognizes that it can mitigate - although not eliminate completely - potential concerns regarding future coastal hazards, by adopting policy that identifies a vertical setback requirement, to couple with existing horizontal setback requirements in local Plan Areas. In review of the possible scenarios associated with future coastal flooding resulting from climate hazard events, Council is prepared to restrict new developments from those parts of the coastline where the estimated risk is perceived to be more pronounced in 2055.

It is important to note that this identified limitation does not eliminate risk from flooding, erosion, or storm surge events, to developments which may be situated at higher vertical elevations. Council will be prepared to consider amending existing requirements as information becomes known, or to conform with provincial guidelines, as they may be developed.

- 3.1.1 Council shall protect identified water resources within the Oakland Plan Area, by restricting identified development activities near to significant watercourses and waterbodies, as shown on **Schedule B, Development Constraints Map** of the Land-Use By-law. Proposed developments shall be horizontally set back from the ordinary high-water mark to minimize the impacts of development on fish, wildlife, aquatic ecosystems, and to preserve the natural aesthetic characteristics of waterbodies and the immediate shoreline.
- 3.1.2 To reduce soil erosion, minimize sedimentation of watercourses, and provide a corridor of wildlife habitat along watercourses, the infilling, excavation, or removal of natural vegetation, where undertaken in relation to a development, shall be controlled in areas of proximity to the ordinary high-water mark of a significant watercourse, as shown on **Schedule B, Development Constraints Map** of the Land-Use By-law.
- 3.1.3 Council's intention is to reduce potential impacts associated with coastal hazards, by restricting the location of development activities near the coastline, within an area shown on **Schedule B, Development Constraints Map** of the Land-Use By-law. Proposed developments shall be vertically set back at a distance identified in the By-law.
- 3.1.4 Where certain land uses are dependent upon having access to a watercourse, or developing in proximity to a watercourse or waterbody, such uses shall not be subject to the setback requirements identified in Policy 3.1.1 and Policy 3.1.3.



## 3.2 WETLAND PROTECTION

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Wetlands act as nature's water purifiers by effectively absorbing and breaking down contaminants and helping to prevent contaminants from entering surface water and groundwater supply. Wetlands can also help stabilize surface water levels and reduce soil erosion and sedimentation.

Council acknowledges there are applicable provincial departments mandated with the primary responsibility to manage and protect wetlands. Municipalities can support the Province in this objective at point of development.

To assist in the protection and preservation of wetlands, Council recognizes that the Municipality's development permit application process may be linked with relevant provincial departments, where and when any proposed development in the Plan Area may be located in a provincially-identified wetland.

The identified information source regarding wetland location and boundaries on properties within the Municipality is the NS "**Wetlands Vegetation and Classification Inventory**". This Inventory is maintained and updated by NS Department of Natural Resources. Council also recognizes that NS Environment officials are identified as the principal agents in determining the specific location of local wetlands, in that it is NS Environment's regional offices which oversee any proposed wetlands alterations approval process.

**3.2.1** It is Council's intention to assist in the protection of any provincially-identified wetlands located in the Oakland Plan Area, by corresponding with both NS Environment and NS Department of Natural Resources, prior to processing any permit application for new developments located in an identified wetland.

- a) Provincially-identified wetlands are those wetlands identified on the NS Department of Natural Resources "Wetlands Vegetation and Classification Inventory" and, at the time of Council's adoption of this Planning Strategy, as shown on **Schedule B, Development Constraints Map** of the Land-Use By-law.
- b) No development permit application will be issued by the Municipality until such time that it has been confirmed by the Province that the proposed development is consistent with any related provincial policy, and, where necessary, that the proposed development has satisfied any related wetlands-related approvals process.

### 3.3 EROSION CONTROL

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A sizable portion of the Oakland Plan Area, located south of the Dynamite Trail corridor and along the Atlantic coastline, is associated with a soil type classified as Wolfville Loam. Wolfville soils are considered one of the more fertile soil types in the Municipality. Wolfville soils are also susceptible to erosion, especially when found in areas of steep slopes.

Council will require development control standards to minimize erosion and sedimentation in identified areas of steep slope.

- 3.3.1 All development permitted in identified areas with excessive slopes, as shown on **Schedule B, Development Constraints Map** of the Land-Use By-law, shall be subject to erosion control standards, as specified in the By-law, regardless of the Zone in which the development is proposed to be located. Requirements to prevent or to minimize erosion and sedimentation shall include the retention or replanting of natural vegetation, and other measures to stabilize disturbed soils.
- 3.3.2 Wherever this Secondary Planning Strategy provides for developments by way of Development Agreement that are also proposed to be within identified areas of excessive slopes, as shown on **Schedule B, Development Constraints Map** of the Land-Use By-law, the related Development Agreement shall contain provisions respecting erosion and sedimentation, to minimize the impact on the natural environment.

### 3.4 ENVIRONMENTAL OVERSIGHT - AMENDMENTS & DEVELOPMENT AGREEMENTS

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Where a proposed development may be considered by way of Development Agreement, or where amendments to the Land Use By-law or to this Secondary Planning Strategy are proposed by way of specific application, the determination of environmental protection -related measures will be a consideration of the amendment or Development Agreement.

- 3.4.1 Where Council determines on the advice of a qualified person that there is a significant risk of environmental damage from any development which may be permitted by Development Agreement, amendment, or re-zoning, an environmental impact assessment shall be undertaken by the developer for the purposes of determining the nature and extent of any impact. No amendment or Development Agreement shall be approved until Council is satisfied that the proposed development will not cause or result in significant environmental damage.

## **4 IMPLEMENTATION**

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This Planning Strategy provides a broad policy framework for land use and development in the Oakland Plan Area. The accompanying Land-Use By-law provides detailed regulations and requirements, as intended to express and carry out the intent of this Planning Strategy.

This section outlines general policies, where municipalities are provided with authority under the Municipal Government Act, to control matters with respect to development. Such matters include, but are not limited to: lot frontage, lot area, yard requirements, signage, parking, outdoor storage, lighting, restrictions regarding non-conforming uses and structures, and subdivision related requirements.

Council considers these policies are intended to reflect the concerns of the general community, in terms of how proposed developments can impact on matters pertaining to public safety, aesthetics, and existing community design.

This section also outlines Council's policies regarding the general administration of the Planning Strategy and Land-Use By-law, and includes policies associated with temporary uses, where Council's intent is to be flexible in allowing for specified activities that are limited in duration to not require a development permit.

### **4.1 ADMINISTRATION**

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- 4.1.1** This Secondary Planning Strategy shall be implemented by means of powers conferred upon Council by the Municipal Government Act and such other provincial statutes as may be applicable.
- 4.1.2** The Land Use By-law shall be the principal means for implementing the Secondary Planning Strategy, pursuant to the Municipal Government Act.
- 4.1.3** The Development Officer for the Plan Area covered by this Secondary Planning Strategy and Land Use By-law, appointed under the authority of the Municipal Government Act, shall be responsible for the administration of the Land Use By-law and Development Agreements, and shall issue or deny permits under the terms of said By-law and Agreement.
- 4.1.4** Any Development Permit issued under the Land Use By-law shall specify the development and the period for implementation. Any such permit shall automatically lapse and become null and void if the development has not commenced within the period of time identified on the Permit.
- 4.1.5** It is Council's policy that the Development Officer may revoke a Development Permit where the permit was issued in error, or on the basis of false or mistaken information.
- 4.1.6** Council shall carry out a review of this Planning Strategy and any subsequent amendments, pursuant to the Municipal Government Act, when deemed necessary by the Minister of Municipal Affairs, or when so determined by Council.

## **4.2 LOT FRONTAGE, LOT AREA & YARD REQUIREMENTS**

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- 4.2.1** Minimum lot area, minimum lot frontage, and minimum yard requirements shall be established in the Land Use By-law, where Council considers such requirements, as identified, provides for the adequate separation of uses, to minimize potential conflicts. These requirements also allow for adequate fire separation between structures, the maintenance of buildings and land, the provision of private outdoor space, and solar exposure. Minimum requirements also help mitigate potential on-site water supply or on-site sewage disposal system problems affecting adjacent properties.
- 4.2.2** Notwithstanding Policy 4.2.1, a lot may be used for any purpose permitted in the Zone in which the lot is located, provided all applicable Land Use By-law requirements are met, excepting those specified requirements set out in the By-law for lot area and lot frontage, provided the lot was either:
- a)** created prior to the effective date of the Land Use By-law;
  - b)** created by an instrument to which the Municipal Government Act does not apply; or
  - c)** created in accordance with a Subdivision Plan approved in accordance with the Municipal Government Act.
- 4.2.3** Notwithstanding Policy 4.2.1, a lot created for a designed road, or for a public highway, is exempted from requirements identified in the Land Use By-law, but is required to meet specific design standards outlined in the Municipality's Subdivision By-law.

## **4.3 SIGNAGE**

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- 4.3.1** Council shall control the impact of signs on the landscape, streetscape and skyline of the Oakland Plan Area. It is Council's policy to regulate or prohibit signs in all zones in the Land Use By-law to ensure that signs will not create hazards or nuisance with respect to the following:
- a)** sign area;
  - b)** height of sign;
  - c)** illumination and animation
  - d)** location of sign on lot.

## **4.4 PARKING**

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- 4.4.1** Council shall regulate use-specific and zone-specific off-street parking standards and loading facilities in the Land Use By-law. Where uses are permitted by Development Agreement, the agreement shall make provision for adequate parking to serve the development proposal.

## **4.5 LANDSCAPING, FENCING, OUTDOOR STORAGE & LIGHTING**

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**4.5.1** For any proposed development that is subject to a Development Agreement:

- a) Council shall require landscaping to be carried out, where landscaping is considered reasonably necessary in providing additional screening or buffers, in reducing erosion and dust, or to minimize incompatibility with surrounding land uses.
- b) Council shall regulate the type, height, and location of fencing, for the purposes of screening storage areas that contain unsightly materials, or to minimize incompatibility with surrounding land uses.
- c) Council shall regulate or prohibit outdoor storage and display, to include the amount, type and location of outdoor storage and display on a lot.
- d) Council shall control the impact of outdoor lighting, to minimize any adverse off-site impacts to properties in the surrounding area.

## **4.6 SUBDIVISION REQUIREMENTS**

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**4.6.1** It shall be the policy of Council that all sections of the Subdivision By-law shall apply and are operative in the Oakland Plan Area, and any lot that has been created through subdivision approval may be used for a development that is permitted in the Zone where the lot is located, subject to applicable requirements identified in the Land-Use By-law.

**4.6.2** Notwithstanding Policy 4.6.1, it shall be the policy of Council that, where the Subdivision By-law provides for the subdivision of a lot on an island with no public highway, any minimum lot frontage requirement that would otherwise apply shall apply to the lot frontage on the surrounding waterbody, as specified in the Land Use By-law or Subdivision By-law.

## **4.7 TEMPORARY USES**

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**4.7.1** Temporary uses, associated with a construction site, a special occasion, or a holiday, shall be permitted for a time period to be regulated in the Land Use By-law. No Development Permit shall be required for these temporary uses.

## 4.8 NON-CONFORMING USES & STRUCTURES

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Section 242 of the Municipal Government Act enables Council, through a Planning Strategy and Land Use By-law, to provide for a relaxation of the restrictions respecting non-conforming structures, non-conforming uses of land, and non-conforming uses in a structure. The following policies identify Council's intentions where provisions in the By-law will impact such structures and uses:

- 4.8.1** Council shall incorporate provisions within the Land Use By-law enabling the extension, expansion, alteration or reconstruction of non-conforming structures, subject to satisfying requirements of the Zone in which they are located.
- 4.8.2** In recognition of the need to not impose unreasonable restrictions on non-conforming uses, it shall be the policy of Council to consider only by way of Development Agreement within the Rural Zone:
- a)** the extension of a non-conforming use of land;
  - b)** the extension, enlargement and alteration of structures containing non-conforming uses and the expansion of the non-conforming use within the extension, enlargement or alteration; and
  - c)** the reconstruction of structures containing non-conforming uses, after destruction.

Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the relevant criteria in **Section 5.4**.

- 4.8.3** It shall be the policy of Council to permit a non-conforming use of land or a non-conforming use in a structure within the Rural Zone to recommence, provided the non-conforming use of land or the non-conforming use of a structure has not been discontinued for a period in excess of 12 continuous months.

## 5 AMENDMENTS AND PROCEDURES.

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This section describes Council's policies regarding proposed amendments, re-zonings, development agreements, variances, and related procedural considerations pertaining to the implementation of this Planning Strategy and accompanying Land Use By-law.

Council may make amendments to the Land-Use By-law, provided the amendments conform with policy statements identified in this Secondary Planning Strategy. Any amendments to this Planning Strategy are subject to review by the Provincial Director of Planning at the Department of Municipal Affairs, and must be reasonably consistent with Statements of Provincial Interest. Under certain circumstances, planning strategy amendments are subject to the approval of the provincial Minister.

### 5.1 PROCEDURES.

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- 5.1.1 Amendments to this Secondary Planning Strategy will be required where:
- a) Any policy statement is to be changed, or
  - b) Any amendment to the Land-Use By-law would contravene with **Map 1, Future Land-Use Map**, attached to this Planning Strategy.
  - c) Any amendment to the Land Use By-law is inconsistent with the text of this Planning Strategy.
- 5.1.2 A Public Participation Program (MDL-66) shall be held prior to any proposed amendment to this Secondary Planning Strategy, or to the accompanying Land Use By-law, as well as in conjunction with the future review of this Planning Strategy.
- 5.1.3 A Public Hearing shall be held by Council prior to approving any amendment to the Land-Use By-law, or prior to entering into any Development Agreement. No Development Permit shall be granted until the appeal period and any appeals pursuant to the Municipal Government Act have been completed.
- 5.1.4 Where any development shall require amendment of the Land Use By-law, Council shall adopt no amendment unless the application is for a specific development proposal.
- 5.1.5 A Development Agreement, approved by Council pursuant to this Planning Strategy, may contain terms with respect to any or all matters specified in the Municipal Government Act for the matters that may be addressed by Development Agreement.
- 5.1.6 No Development Agreement shall be executed until all identified permits required by a Federal, Provincial or Municipal Government agency have been issued, or where Council is satisfied that the required permits will be issued.

## 5.2 VARIANCES.

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5.2.1 Council shall permit the Development Officer to grant a variance in one or more of the following Land Use By-law requirements, pursuant to the Municipal Government Act:

- a) number of parking spaces and loading spaces required;
- b) height of a structure;
- c) floor area occupied by a home-based business / home occupation;
- d) height or area of a sign;
- e) lot frontage;
- f) size or other requirements related to yards

provided that a variance is not granted where the:

- g) variance violates the intent of the Land-Use By-law; or
- h) difficulty experienced is general to properties in the area; or
- i) difficulty experienced results from an intentional disregard for the requirements of the By-law.

## 5.3 RE-ZONING ALLOWANCES.

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5.3.1. Council shall provide for the re-zoning of lands in the Oakland Plan Area where:

- a) lands designated as Rural (RU) Zone may be re-zoned to an Institutional (I) Zone designation, provided conditions identified in **Policy 2.1.9** have been satisfied.
- b) lands in the Oakland Plan Area may be re-designated to a Residential (RES) designation, provided conditions identified in **Policy 2.2.2** have been satisfied.

5.3.2 Re-zoning proposals shall meet the identified requirements of the Land Use By-law for the Zone that is being sought.

5.3.3 In assessing any amendment application for a re-zoning, Council shall consider the planning implications of the proposed use, as well as other uses that are permitted in the requested Zone.



## 5.4 CONSIDERATION of AMENDMENTS & DEVELOPMENT AGREEMENTS

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When considering amendments to the Land Use By-law, re-zonings, and in considering Development Agreements, in addition to all other criteria as set out in the various policies of this Planning Strategy, Council shall be satisfied that:

- 5.4.1 the development conforms to the intent of the Municipal Planning Strategy and of this Secondary Planning Strategy;
- 5.4.2 where in considering a Development Agreement, the development conforms with any specific requirements identified in applicable sections previously found in this Planning Strategy:
  - a) **Policy 2.1.3** (proposed off-site wood processing -related activities in the Rural Zone and proposed uses associated with aggregate and mineral resource extraction operations)
  - b) **Policy 2.1.6** (proposed residential uses exceeding the identified dwelling unit per lot density threshold in the Rural Zone)
  - c) **Policy 2.1.7** (proposed commercial, industrial, and institutional uses exceeding identified threshold levels listed in the Land Use By-law as permitted uses in the Rural Zone)
  - d) **Policy 2.1.8** (proposed commercial or industrial uses not listed in the Land Use By-law as permitted uses in the Rural Zone, where also not identified as a prohibited use)
  - e) **Policy 2.4.4** (proposed commercial uses, as listed in the Land Use By-law, in the Ocean Shoreline Zone)
  - f) **Policy 2.5.1** (proposed wind turbine uses exceeding the identified generation capacity threshold in the Rural Zone)
  - g) **Policy 2.5.3** (proposed fixed roof accommodation uses exceeding the identified threshold levels in the Rural Zone)
  - h) **Policy 4.8** (proposed developments that would result in the extension, enlargement, alteration, expansion or reconstruction of non-conforming uses, or structures containing non-conforming uses, in the Rural Zone)
- 5.4.3 the development conforms with specific policies concerned with environmental protection identified in **Part 3** of this Planning Strategy;
- 5.4.4 the development conforms with specific policies identified in **Part 4** of this Planning Strategy, so that Council has been satisfied that any impacts pertaining to the following components have been sufficiently addressed, and comply with regulations in the Land Use By-law, or, where Council considers it necessary, with specified conditions identified in the Development Agreement:
  - a) yard requirements;
  - b) signage;
  - c) parking;
  - d) landscaping & fencing, to include screening measures;
  - e) outdoor display and storage;
  - f) lighting measures;

- 5.4.5** in Council's consideration, the proposed development is not premature or inappropriate due to:
- a) the financial ability of the Municipality to absorb costs related to the development;
  - b) the adequacy of Municipal services;
  - c) the creation or worsening of a pollution problem, including soil erosion and siltation;
  - d) the adequacy of storm drainage and effects of alteration to drainage patterns, including the potential for creation of a flooding problem;
  - e) the adequacy of local emergency services;
  - f) the adequacy of street networks and site access regarding traffic volume and congestion, traffic hazards and emergency access.
- 5.4.6** in Council's consideration, the development shall not generate emissions such as noise, dust, radiation, odours, liquids or light to the air, water, or ground, so as to create an excessive nuisance or health hazard for adjacent properties, or for residents in the immediate vicinity.
- 5.4.7** the development can be serviced with on-site sewer and water, and that the disposal of sewage or other effluent, as well as the demand on the water source, will not have a negative impact on the environment, or the quality and quantity of the water resources.
- 5.4.8** the development site is suitable regarding grades, soils, geological conditions, location of watercourses, flooding, marshes, bogs, swamps, and susceptibility to natural or man-made hazards that could present a health risk, as determined by a qualified person.
- 5.4.9** all structures associated with the proposed development shall be built, repaired, and maintained with durable, weather-resistant materials, such that the appearance of structures complements the natural surroundings or is consistent with the existing built environment found in the Plan Area;
- 5.4.10** parking areas, loading areas and driveways shall be hard surfaced or otherwise surfaced with stable materials, to prevent dust from blowing into adjacent properties, and allow for adequate drainage and snow removal;
- 5.4.11** where any development includes facilities that have amplified or other loud music or sound, the building shall be located on the property and designed such that activities within the building or otherwise associated with the use, will not unduly disturb any abutting residential uses;
- 5.4.12** in Council's consideration, the proposed development shall not have a negative impact on surrounding properties due to hours of operation;
- 5.4.13** where in relation to a multi-unit residential development proposal, that the development does not exceed a maximum of ten (10) dwelling units per lot;
- 5.4.14** all other matters of planning concern have been addressed.

## 6 LIST OF ATTACHMENTS

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Map 1            Future Land Use Map: Oakland Plan Area

## **CERTIFICATION & REPEAL**

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The Secondary Planning Strategy for the Oakland Plan Area, adopted by Municipal Council on September 9, 2003 is hereby repealed and this Secondary Planning Strategy substituted therefor.

I, Sherry Conrad, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the foregoing is a true copy of the Secondary Planning Strategy for the identified Oakland Plan Area which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on March 12, 2019.

DATED at Bridgewater Nova Scotia, \_\_\_\_\_

\_\_\_\_\_  
Sherry Conrad, Municipal Clerk

# MUNICIPALITY OF THE DISTRICT OF LUNENBURG



## Oakland Land Use By-law

First Reading by Council: February 12, 2009  
Second Reading by Council: March 12, 2019

EFFECTIVE DATE: May 1, 2019  
LAST AMENDMENT: March 8, 2023

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## **1 PURPOSE & COMPLIANCE.**

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### **1.1. TITLE**

This By-law shall be known and may be cited as the “Oakland Land Use By-law” of the Municipality of the District of Lunenburg.

### **1.2. PURPOSE**

The purpose of this Land Use By-law is to carry out the intent of the Oakland Secondary Planning Strategy in accordance with the provisions of the **Nova Scotia Municipal Government Act** (*Chapter 18, Statutes of Nova Scotia 1998, as amended*) by regulating the use of land as well as the location, size, spacing, character and use of buildings and structures within the Oakland Plan Area.

### **1.3. APPLICATION**

This By-law shall apply to the area of land shown specifically on **Schedule A, Zoning Map**, and any related schedules, consisting of the Oakland Plan Area, as described in the Oakland Secondary Planning Strategy.

### **1.4. SCOPE**

No person shall undertake a development, nor shall a Development Permit be issued unless the proposed development conforms to all the provisions of this Land-Use By-law.

### **1.5. COMPLIANCE WITH OTHER BY-LAWS AND REGULATIONS**

This By-law does not exempt any person from complying with the requirements of other laws or regulations in force within the Municipality of the District of Lunenburg, or from obtaining any license, permission, permit, authority or approval required thereunder. Where any provisions of this By-law conflicts with those of any other Municipal, Provincial or Federal regulation, by-law or code, the more stringent requirement shall prevail.

### **1.6. EFFECTIVE DATE**

This By-law shall take effect on the date a notice is published in a newspaper, circulating in the Municipality, informing the public that the Oakland Secondary Planning Strategy and its implementing Land-Use By-law are in effect.

## **2 ADMINISTRATION.**

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### **2.1. DEVELOPMENT OFFICER**

This By-law shall be administered by the Development Officer appointed by the Council of the Municipality of the District of Lunenburg, under the authority of the Municipality Government Act. The Development Officer shall issue Development Permits under this By-law.

### **2.2. ACTING DEVELOPMENT OFFICER**

In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's stead.

### **2.3. REQUIREMENT FOR DEVELOPMENT PERMIT**

No person shall undertake, or cause or permit to be undertaken, any development in the area to which this Land-Use By-law applies, unless a Development Permit has been obtained in relation to such development from the Development Officer or Acting Development Officer, as appointed by Council, and the permit is in force.

### **2.4. NO PERMIT REQUIRED**

Notwithstanding **Section 2.3**, no Development Permit is required in relation to a particular development when such an exception is clearly stated elsewhere in this By-law.

### **2.5. REQUIREMENT FOR APPLICATION: DEVELOPMENT PERMIT**

Every person wishing to obtain a Development Permit must submit an application to the Development Officer in the form prescribed from time to time by Council.

2.5.1 The application for a Development Permit shall be signed by the owner of the lot, or by their authorized agent.

2.5.2 The application for a Development Permit shall set forth in detail the current and proposed use of the lot and each building or structure, or part thereof, together with all information necessary to determine whether the proposed development conforms to the requirements of this By-law.

## **2.6. CONTENTS OF APPLICATION: DEVELOPMENT PERMIT**

Every application for a Development Permit shall be accompanied by a plan drawn to an appropriate scale and showing:

- 2.6.1 the true shape and dimension of the lot to be used or upon which the development is proposed, and;
- 2.6.2 the proposed location, height and dimensions of any building or structure or area for which the permit is applied and the locational information shall include measurements of the lot frontage and front, side and rear yards; and
- 2.6.3 the location of every building or structure already constructed, or partly constructed, on such lot and the location of every building or structure existing upon abutting lots; and
- 2.6.4 the proposed location and dimensions of parking areas, parking spaces, loading spaces, driveway accesses and curbs; and
- 2.6.5 the location of existing and proposed landscaping, fencing and outdoor storage; and
- 2.6.6 the location of any watercourse, waterbody, or wetlands, and location of any existing or proposed building or structure or land uses in relation to these features; and
- 2.6.7 all other such information as may be necessary to determine whether the proposed development conforms with the requirements of this By-law.

## **2.7. SURVEY OF LANDS**

Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Development Officer may require that the plans submitted under **Section 2.6** be based upon an actual survey by a Nova Scotia Land Surveyor.

## **2.8. FEES**

An application for a Development Permit, a variance, a development agreement, or an amendment to the Land Use By-law, or an amendment to the Planning Strategy, shall include payment of fees prescribed by Council from time to time, by policy.

## **2.9. ISSUANCE OF DEVELOPMENT PERMIT**

The Development Officer shall not issue a Development Permit unless:

- 2.9.1 the proposed development is in conformance with this Land Use By-law; or
- 2.9.2 a Resolution pertaining to a Development Agreement has been passed by Council, pursuant to the Municipal Government Act, and the time for appeal has elapsed or the appeal has been disposed of and the Development Agreement has been executed; or
- 2.9.3 the Development Officer has granted a variance from the terms of this By-law, pursuant to the Municipal Government Act, and the time for appeal has elapsed or the appeal has been disposed of and the development is otherwise consistent with the requirements of this Land-Use By-law.

## **2.10. DEVIATIONS**

No person shall deviate, or allow deviations to be made, from the description of the proposed development that is contained in the Development Permit, unless that person has obtained a new Development Permit from the Development Officer.

## **2.11. RIGHT OF ENTRY**

Pursuant to the Municipal Government Act, any of the duly authorized officers of Council of the Municipality shall have the right to enter at all reasonable times into or upon any property within the area to which this Land-Use By-law applies for the purposes of any inspection necessary in connection with the administration of the Land Use By-law or Development Agreement.

## **2.12. LAPSE OF PERMITS**

Every Development Permit issued under this By-law shall automatically lapse, and become null and void, if the development to which it relates has not commenced and one year has passed since its issuance.

## **2.13. DECISION IN WRITING**

Any decision of the Development Officer to refuse the issuance of a Development Permit shall be given by written notice served by ordinary mail, whereas any decision to revoke a Development Permit shall be given by written notice served by registered mail, and such revocation shall become effective on the third business day after it was sent.

## **2.14. REVOCATION OF DEVELOPMENT PERMIT**

The Development Officer may revoke a Development Permit where the development permit was issued based upon false or mistaken information.

## **2.15. VIOLATIONS**

In the event of any alleged contravention of the provisions of this Land Use By-law, the Municipality of the District of Lunenburg may take action as outlined in the Municipal Government Act, as amended from time to time.

## **2.16. SERVICE OF NOTICE OF AMENDMENTS / DEVELOPMENT AGREEMENT**

Where Council has given notice of its intention to adopt an amendment to this By-law, including any amendment to **Schedule A, Zoning Map**, which is not general in scope but which is in direct response to a specific development proposal, or has given notice of its intention to enter into a Development Agreement or to amend a Development Agreement, Council shall serve notice of the proposed amendment, Development Agreement or amendment thereto, upon affected property owners whose property lies within 305 metres of the property which is the subject of the proposed amendment, Development Agreement or amendment thereto. Such notice shall:

- 2.16.1 set forth a synopsis of the proposed amendment, Development Agreement or amendment thereto;
- 2.16.2 state the date, time, and place set for the public hearing on the amendment, Development Agreement or amendment thereto; and
- 2.16.3 be served by ordinary mail.

A suitable notice, containing the above-mentioned information, shall also be erected upon the property that is the subject of the proposed amendment or Development Agreement or amendment thereto.

## **2.17. COST OF ADVERTISING & NOTICE FOR AMENDMENTS / DEVELOPMENT AGREEMENT**

An applicant for an amendment to this By-law or for a Development Agreement or amendment thereto, shall deposit with the Clerk of the Municipality of the District of Lunenburg an amount estimated by the Clerk to be sufficient to pay the cost of advertising and notices required by the Municipal Government Act and, after the advertising has been completed and notice served, the applicant shall pay to the Clerk any additional amount required to defray the cost of advertising and notice or, if there is a surplus, the Clerk shall refund it to the applicant.

## **2.18. SERVICE OF NOTICE / COST OF NOTICE OF VARIANCE**

Where a variance from the requirements of this By-law has been granted or refused, the Development Officer shall give notice to the persons required by, and in the manner prescribed by, the Municipal Government Act. Notice is to be served by ordinary mail. The Municipality may recover from the applicant the cost of giving such notice.

### 3 INTERPRETATION OF ZONES, MAPS, SYMBOLS, AND WORDS.

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#### 3.1. ZONES

For the purposes of this Land Use By-law, the Oakland Plan Area is divided into the following zones, the boundaries of which are shown on the attached **Schedule A, Zoning Map**. Such zones are also referred to by symbols as follows:

<b>RU</b>	Rural
<b>OS</b>	Ocean Shoreline
<b>PWA</b>	Protected Water Area
<b>CO</b>	Commons

#### 3.2. INTERPRETATION OF ZONE BOUNDARIES

For greater certainty, the boundaries of zones shall be as shown on **Schedule A, Zoning Map**, and shall be more precisely located as follows:

- 3.2.1 where a zone boundary is shown as following a street, the boundary shall be the centre line of such street as shown;
- 3.2.2 where a zone boundary approximately follows lot lines, the boundary shall follow such lot lines;
- 3.2.3 where a street, a railroad or a railway right-of-way or watercourse is shown on **Schedule A**, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;
- 3.2.4 where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse (other than a lake) is included on the identified Zoning Map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long axis thereof shall be considered the boundary between zones unless specifically indicated otherwise;
- 3.2.5 where a zone boundary is indicated as following the shoreline of a lake, ocean or harbour, the boundary shall follow the actual Ordinary High Water Line, including wharves and piers; but where the zone boundary is indicated as extending seaward of the Ordinary High Water Line, the zone boundary shall follow the actual Ordinary High Water Line included between the extensions indicated on the identified Zoning Map.
- 3.2.6 where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached **Schedule A**.

### **3.3. ZONES NOT ON ZONING MAP**

**Schedule A, Zoning Map** forms part of this By-law. **Schedule A** may be amended in conformance with the Secondary Planning Strategy to any zone in this By-law, regardless of whether or not such zone had previously appeared on **Schedule A**.

### **3.4. INTERPRETATION OF CERTAIN WORDS**

In this By-law, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number; the word “used” includes “arranged”, “designed” or “intended to be used”; the word “shall” is mandatory and not permissive. All other words and phrases carry their customary meaning except for those defined in **Part 10 - Definitions** of this By-law.

### **3.5. STANDARDS OF MEASUREMENT**

The Metric System of measurement is used throughout this By-law and in all cases represents the required standard.

## **4 GENERAL PROVISIONS.**

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### **4.1. APPLICATION**

The provisions of **Part 4 - General Provisions** shall apply to all zones except where a zone requirement specifically states otherwise.

### **4.2. 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, provided in the case of a non-conforming use the provisions of the Municipal Government Act shall prevail.

### **4.3. MULTIPLE LAND USES ON ONE LOT**

In any zone, where any lot is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied, except as otherwise provided. Where there is any conflict, the more stringent standard shall prevail.

### **4.4. PERMITTED USES OR PROHIBITED USES**

For the purposes of this Land Use By-law, if a development is not listed as permitted in any zone, or if it is not an accessory use to a permitted development in a particular zone, it shall be deemed to be prohibited in that zone, subject to the non-conforming use provisions of the Municipal Government Act.

### **4.5. STRUCTURE TO BE MOVED**

No structure shall be moved within or into the area covered by this Land Use By-law without obtaining a Development Permit from the Development Officer, except for those developments for which a Development Permit is not required.

### **4.6 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, commercial communication towers, ventilators, skylights, chimneys, clock towers, wind turbines or solar collection devices.

### **4.7. MISCELLANEOUS MINOR ACCESSORY STRUCTURES**

In the Rural Zone or Ocean Shoreline Zone, no Development Permit shall be required for miscellaneous minor accessory structures such as but not limited to: fences less than 2 metres in height; retaining walls; children's play structures; cold frames; garden trellises; pet houses; monuments, clothesline poles; interpretive displays and accessory buildings of less than 20 square metres in floor area.



#### **4.8. PROHIBITED USES IN ALL ZONES**

No development permit shall be issued for any of the following land uses, which are prohibited from developing in the Oakland Plan Area:

- 4.8.1 Animal by-product rendering plants and commercial slaughtering of animals;
- 4.8.2 Asphalt concrete production for off-site sales and use;
- 4.8.3 Biosolid spreading and storage, to include sludge processing;
- 4.8.4 Bulk storage of petroleum;
- 4.8.5 Commercial or recreational racing of animals or motorized vehicles;
- 4.8.6 Correctional centres;
- 4.8.7 Incineration for the reclamation of metals or other materials;
- 4.8.8 Manufacturing of biochemistry products, chemicals or paint;
- 4.8.9 Metal pipe fabrication and corrosion treatment;
- 4.8.10 Petrochemical plants;
- 4.8.11 Pulp and paper mills;
- 4.8.12 Ready-mix concrete plants;
- 4.8.13 Refining of hydrocarbons;
- 4.8.14 Shooting ranges;
- 4.8.15 Smelting and ore refining;
- 4.8.16 Solid waste management facilities and salvage operations;
- 4.8.17 Tanning operations;
- 4.8.18 Tire recycling facilities; and
- 4.8.19 Warehousing, manufacturing, and/or wholesaling of explosives, pesticides, herbicides, fungicides, biocides, and other poisonous or hazardous substances.

#### **4.9. HABITATION OF VEHICLES**

No automobile, truck, bus, coach, streetcar, recreational vehicle, camper, boat, or other motor vehicle, or any part thereof, with or without wheels, shall be used for human habitation within the area regulated by this By-law, notwithstanding legally registered recreational vehicles or campers may be used for temporary residential accommodation with no requirement for a Development Permit, provided that such use does not occur for longer than a 4 month period within a calendar year.

#### **4.10. HABITATION OF SHIPPING CONTAINERS**

No shipping container, or any part thereof, shall be used for human habitation within the area regulated by this By-law. Modified shipping containers, converted in compliance with Nova Scotia Building Code regulations, may be used in construction of permanent structures, where such uses are permitted.

#### **4.11. TEMPORARY USE: 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. No Development Permit shall be required for such temporary uses, provided that such uses or structures remain in place for no more than ten (10) days following the termination of the special occasion or holiday.

#### **4.12. TEMPORARY USE: CONSTRUCTION ACCESSORIES**

Nothing in this By-law shall prevent the use of land or the use or erection of temporary structures incidental to construction, such as but not limited to: a tool & equipment shed, or scaffold, or a mobile site office incidental to construction. No Development Permit for such temporary uses or structures shall be required, provided that a Development Permit for the main structure under construction has been issued. Such temporary uses shall be terminated no more than 60 days after the completion of the construction of the main structure.

#### **4.13. NON-CONFORMING USES**

A use of land or a use in a structure, or both, that legally existed prior to the effective date of this By-law, and which is not permitted in the Zone in which the use is located, is deemed to be a non-conforming use of land or a non-conforming use in a structure, or both. Non-conforming uses are subject to the identified requirements of the Zone in which they are located:

4.13.1 in the Rural Zone, **s.5.2.7.**

4.13.2 in the Protected Water Area Zone or the Commons Zone, **s.6.2.2.**

4.13.3 in the Ocean Shoreline Zone, **s.7.2.6.**

#### **4.14. NON-CONFORMING STRUCTURES**

A structure that legally existed prior to the effective date of this By-law, which is located on a lot such that the minimum lot area or the minimum yard requirements required by this By-law are not satisfied, is deemed to be a non-conforming structure. Pursuant to Secondary Planning Strategy **Policy 4.8.1**, within any Zone, non-conforming structures may be extended, expanded, altered, or reconstructed, provided that the structure shall not extend or increase any existing encroachment into the minimum yard requirements in that Zone, and all other requirements of the Land Use By-law are satisfied, except by the operation of **s.4.22.**

#### **4.15. LOTS CREATED BY A PLAN OF SUBDIVISION LACKING MINIMUM AREA OR FRONTAGE**

##### **4.15.1 Creation of a Lot**

Notwithstanding any minimum lot frontage and lot area requirements established elsewhere in this By-law, and pursuant to Secondary Planning Strategy **Policy 4.2** and **Policy 4.6**, all sections of the Municipality's Subdivision By-law shall apply within all zones of this By-law, and a lot which does not satisfy the Land Use By-law's minimum requirements for area, frontage, or both, and satisfies one or more of the following requirements:

- a) the lot has been created before the effective date of this By-law;
- b) the lot has been created by an instrument to which the Subdivision By-law and Municipal Government Act do not apply;
- c) the lot has been created in accordance with a Plan of Subdivision approved in accordance with the Subdivision By-law and Municipal Government Act;

may be used for a purpose permitted in the zone in which the lot is located, and a structure may be erected, placed, or altered on the lot, provided all applicable provisions of this By-law, except for the minimum lot area or lot frontage requirement, are satisfied.

##### **4.15.2 Islands**

Notwithstanding **subsection 4.15.1**, and pursuant to Secondary Planning Strategy **Policy 4.6.2**, a lot located on an island that does not contain a public highway, shall have:

- a) a minimum water frontage, measured as a straight line between the two points where the side lot lines meet the surrounding waterbody, equivalent to the frontage requirements of the zone in which the lot is created;
- b) a minimum lot area, equivalent to the area requirements of the zone in which the lot is created.

##### **4.15.3 Lots created as Designed Road / Public Highway**

Notwithstanding the minimum requirements established elsewhere in this By-law, and pursuant to Secondary Planning Strategy **Policy 4.2.3**, a proposed lot created for a private designed road or public highway is exempt from the lot frontage and lot area requirements of the zone in which the designed road or public highway is created, but is required to meet specific design standards outlined in the Subdivision By-law.

#### 4.16. DEVELOPMENT NEAR A SIGNIFICANT WATERCOURSE / WATERBODY

##### 4.16.1 Identified Horizontal Setback

In accordance with Secondary Planning Strategy **Policy 3.1.1**, subject to identified exemptions listed in **s.5.2.5, s.6.2.1**, or in **s.7.2.5**: development near a significant watercourse or waterbody shown on **Schedule B, Development Constraints Map**, shall be horizontally setback a minimum of 20 metres from the ordinary high water mark of the watercourse or waterbody.

##### 4.16.2 Removal of Natural Vegetation, Filling or Excavation near a Watercourse/Waterbody

In accordance with Secondary Planning Strategy **Policy 3.1.2**, in all zones, and in relation to a permitted development: the infilling, excavation, or removal of natural vegetation, including trees, shrubs and ground vegetation, within 10 metres of the ordinary high water mark of a significant watercourse or waterbody as shown on **Schedule B, Development Constraints Map**, shall be subject to the following erosion control standards:

- a) where works on the bank of a watercourse or waterbody are to occur and the approval of the Nova Scotia Department of Environment, Department of Fisheries and Aquaculture, or Department of Natural Resources is required, the Development Officer shall be provided with a copy of this approval; or
- b) where an approval is not required from the Nova Scotia Department of Environment, but siltation of a watercourse could result from exposing or placing uncovered soil:
  - i) the fill or exposed soil shall be temporarily covered by a suitable material consisting of straw matting, or similar material composed of interlocking, non-leaching natural or synthetic fibres, within 24 hours of the placement of the fill or disturbance of the soil;
  - ii) erosion control structures, such as but not limited to, silt fences and silt dams shall be placed within the pathway of runoff. The erosion control structures shall be designed, constructed and maintained in accordance with the *"Erosion and Sedimentation Control Handbook for Construction Sites"*, Province of Nova Scotia, as amended from time to time;
- c) permanent soil cover shall be placed upon temporarily covered disturbed soil areas within 18 weeks from the date the fill was placed or soil disturbed; and
- d) other than as required by an approval referred to in **clause 4.16.2(a)**, erosion control structures and any accumulated silt shall be removed from the areas of work within 30 days of the placement of permanent ground cover, except where the removal of these structures would produce a negative impact.

#### 4.17. DEVELOPMENT NEAR TO THE COAST

In accordance with Secondary Planning Strategy **Policy 3.1.3**, subject to identified exemptions listed in **s.5.2.5, s.6.2.1** or **s.7.2.5**: permitted development on properties near the Atlantic coast shall be setback at a distance identified on **Schedule B, Development Constraints Map**, being a 2.5 metre vertical elevation established from Canadian Geodetic Vertical Datum. (**CGVD 28**)

#### **4.18. PROTECTION OF PROVINCIALLY IDENTIFIED WETLANDS**

In accordance with Secondary Planning Strategy **Policy 3.2.1**, and in relation to a proposed development affecting a provincially-identified wetland, as shown on **Schedule B, Development Constraints Map**:

- 4.18.1 No development permit will be issued by the Municipality until such time that it has been confirmed by the Province that the proposed development is consistent with any related provincial wetlands policy, and
- 4.18.2 Where found to be necessary, that the proposed development has satisfied any related wetlands-related approvals process with the respective provincial departments.

#### **4.19. DEVELOPMENT CONSTRAINTS - STEEP SLOPES**

In accordance with Secondary Planning Strategy **Policy 3.3**, in all zones, and in relation to a development: any proposal that is identified within an area in excess of 20 percent slopes, as identified on **Schedule B, Development Constraints Map**, shall be subject to site preparation and landscaping requirements, to prevent or minimize erosion, as follows:

- 4.19.1 Driveways shall be covered with gravel or hard-surfaced within 14 days of the start of the construction or excavation of the driveway.
- 4.19.2 Back slopes of driveways shall be sodded, seeded or covered with alternate forms of ground cover suitable to prevent erosion within 3 days of the start of construction or excavation of the driveway, or otherwise covered with material which will prevent soil erosion until such time as the sodding or seeding is complete or the alternate forms of ground cover are in place. Sodding, seeding, or placement of alternate forms of ground cover suitable to prevent erosion shall be completed within 18 weeks of the start of construction or excavation of the driveway.
- 4.19.3 Areas of back filling around the foundation shall be sodded, seeded or covered with alternate forms of ground cover suitable to prevent erosion within 3 days after back fill is in place, or otherwise covered with material which will prevent soil erosion until such time as the sodding or seeding is complete or the alternate forms of ground cover are in place. Sodding, seeding, or placement of alternate forms of ground cover suitable to prevent erosion shall be completed within 18 weeks of the start of construction or excavation of the foundation.
- 4.19.4 Excavated soil material shall be either removed from the lot, or graded and shall be either sodded, seeded or covered with alternate forms of ground cover suitable to prevent erosion, as appropriate, within 18 weeks of the start of excavation. Graded soil material shall be covered with material that will prevent soil erosion until such time as the sodding or seeding is complete or alternate forms of ground cover suitable to prevent erosion is in place. Materials awaiting removal shall be covered with material that will prevent soil erosion until such time as the soil is removed.

#### **4.20. PARKING AND LOADING**

Unless where otherwise provided as a Zone requirement, parking and loading areas shall be provided in accordance with the applicable requirements of **Part 8** of this By-law.

#### **4.21. SIGNS**

Unless where otherwise provided as a Zone requirement, all signs shall be subject to the applicable requirements of **Part 9** of this By-law.

#### **4.22. VARIANCE FROM REQUIREMENTS**

Pursuant to Secondary Planning Strategy **Policy 5.2**, and in accordance with the requirements of the Municipal Government Act, the Development Officer may grant a variance for one or more of the following Land-Use By-law requirements:

- 4.22.1 number of parking spaces and loading spaces required;
- 4.22.2 height of a structure;
- 4.22.3 floor area occupied by a home-based business / home occupation;
- 4.22.4 height or area of a sign;
- 4.22.5 lot frontage;
- 4.22.6 size or other requirements related to yards

provided that a variance is not granted where the:

- 4.22.7 variance violates the intent of the Land-Use By-law; or
- 4.22.8 difficulty experienced is general to properties in the area; or
- 4.22.9 difficulty experienced results from an intentional disregard for the requirements of the By-law.

## 5 RURAL ZONES.

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### 5.1 APPLICATION

The provisions of this part shall apply to the Rural Zone and to other zones as specified in this By-law.

### 5.2 GENERAL REQUIREMENTS FOR RURAL ZONES.

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#### 5.2.1 Parking and Loading

Parking and loading area requirements for proposed developments in the Rural Zone shall be subject to applicable requirements identified in **Part 8** of this By-law.

#### 5.2.2 Signs

Signs in the Rural Zone shall be subject to applicable requirements identified in **Part 9** of this By-law.

#### 5.2.3 Fences and Walls

Fences and walls 2 metres or greater in height shall be regulated as structures and shall be subject to the applicable setback and yard requirements of the Rural Zone. The use of electrified wire or sharp edged materials such as barbed wire, designed to prevent access to a parcel of land, is permitted only at the top of fences or walls that are over 2 metres high, except for fences or walls associated with active agricultural or horticultural uses.

#### 5.2.4 Accessory Structures to Permitted Uses

The proposed development of an accessory structure shall be subject to applicable setback and yard requirements of the Rural Zone.

#### 5.2.5 Developments exempt from Watercourse Setback / Coastal Setback

In accordance with Secondary Planning Strategy **Policy 3.1.4**, in the Rural Zone, the following developments are exempt from the watercourse setback and coastal setback requirements identified in **s.4.16.1** and **s.4.17**. These developments may be built to the front, side or rear property line where that property line abuts the waters edge. These developments remain subject to the erosion control standards identified in **s.4.16.2**, and all other applicable provisions of the By-law:

- a) Wharves and Slipways
- b) Private Boathouses
- c) Boat Building and Boat Repair Shops
- d) Storage sheds identified for fishing gear or aquaculture
- e) Multi-use trails
- f) Hydroelectricity generation and related structures

#### 5.2.6 Private Storage Buildings

In accordance with Secondary Planning Strategy **Policy 2.5.5**, where there is no other main building on the lot, private storage buildings, including but not limited to private garages, private boathouses and fishing gear sheds, shall be permitted in the Rural Zone, provided that the applicable zone requirements are satisfied, as if the private storage building were regarded as the main building on the lot.

#### 5.2.7 Non-conforming Use of Land or in a Structure

a) In accordance with Secondary Planning Strategy **Policy 4.8.2** and By-law **s.4.13**: the following developments are permitted only by Development Agreement within the Rural Zone:

- i) the extension of a non-conforming use of land;
- ii) the extension, enlargement, alteration or reconstruction of a structure containing a non-conforming use;

b) In accordance with Secondary Planning Strategy **Policy 4.8.3** and subject to **s.5.2.7(a)**: a non-conforming use of land or a non-conforming use in a structure that has been discontinued for a period less than 12 continuous months may recommence operation.

### **5.3 DEVELOPMENTS IN THE RURAL (RU) ZONE**

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#### 5.3.1 Permitted Developments

The following developments are permitted in the Rural Zone, subject to the Zone Requirements identified in **s.5.3.2**:

- a) Residential uses to a maximum of two (2) dwelling units per lot;
  - aa) Small Option Homes
- b) Commercial, industrial and institutional uses specifically listed in **s.5.4.1**, subject to the size threshold requirements identified in **s.5.4.2**;
- c) Tourist accommodation uses, subject to **s.5.5.1**;
- d) Agricultural and forestry uses, subject to **s.5.5.2**;
- e) Outdoor wood furnaces, subject to **s.5.5.3**;
- f) Wind turbines, subject to **s.5.5.4**;
- g) Water access and related uses specifically identified in **s.5.2.5**;
- h) Sawmills, planer mills and roundwood processing of on-site harvested wood;
- i) Emergency service facilities;
- j) Non-commercial recreational uses;
- k) Cemeteries;
- l) The erection, construction, alteration, replacement, relocation of, or addition to any structure associated with Permitted Developments listed in clauses (a) to (k) above.



### 5.3.2 Rural Zone Requirements

Unless otherwise specified in this By-law, in the Rural Zone, no development permit shall be issued except in conformity with the following minimum requirements:

a) Minimum Front Yard	5 metres
b) Minimum Flankage Yard	5 metres
c) Minimum Side Yard	1.5 metres  - Adjoining buildings that are structurally attached to each other may be built to the common side lot line.
d) Minimum Rear Yard	1.5 metres

  

e) Minimum Lot Frontage	- subject to Municipality's Subdivision By-law.
f) Minimum Lot Area	- 2,787 square metres  - subject to provincial on-site sewage disposal regulations
g) Minimum Setback from a Watercourse or Waterbody	- refer to <b>s.4.16</b> , <b>s.4.17</b> & <b>s.5.2.5</b>
h) Maximum Height of Structures	14 metres

### 5.3.3 Developments Permitted by Development Agreement

In accordance with the identified Secondary Planning Strategy Policies, the following developments are permitted only by Development Agreement in the Rural Zone:

- a) Residential developments which involve more than two dwelling units per lot (Policy 2.1.6);
- b) Commercial, industrial and institutional developments specifically listed in **s.5.4.1** which exceed the maximum size threshold requirements identified in **s.5.4.2** (Policy 2.1.7);
- c) Any commercial or industrial development not listed in **s.5.4.1**, where such a development is not identified as a Prohibited Use in **s.4.8** (Policy 2.1.8);
- d) Tourist accommodation uses that do not fulfill requirements identified in **s.5.5.1** (Policy 2.5.3);
- e) Wind turbine developments that do not fulfill requirements identified in **s.5.5.4** (Policy 2.5.1);
- f) Sawmills, planer mills and roundwood processing of off-site harvested wood (Policy 2.1.3);
- g) The extension of a non-conforming use of land or the extension, enlargement, alteration or reconstruction of structures containing non-conforming uses (Policy 4.8)
- h) Uses associated with aggregate and mineral resource extraction operations (Policy 2.1.3)

## **5.4 COMMERCIAL, INDUSTRIAL & INSTITUTIONAL DEVELOPMENTS**

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### **5.4.1 Permitted Commercial, Industrial and Institutional Uses**

In accordance with **s.5.3.1(b)**: the following developments are permitted in the Rural Zone subject to the size threshold requirement identified in **s.5.4.2**, and where the proposed use is not identified as a Prohibited Use in **s.4.8**:

- a) Craft Workshops, including Fine Arts & Crafts Studios;
- b) Educational facilities;
- c) Food production facilities; not including fish processing plants or slaughterhouses;
- d) Institutional uses;
- e) Offices;
- f) Manufacturing uses;
- g) Medical clinics & related health services, to include veterinary services;
- h) Personal services shops, not including pet care services, or the breeding or boarding of animals (animal kennels) other than farm animals;
- i) Residential daycare centres;
- j) Repair shops, not including autobody repair shops;
- k) Restaurants, not including drive-thru restaurants, beverage rooms, cabarets, clubs, lounges or taverns;
- l) Retail Sales shops;
- m) Warehouses, not including salvage operations or the bulk storage of petroleum

### **5.4.2 Size Threshold Requirement for Listed Commercial, Industrial & Institutional Uses**

In accordance with **s.5.3.1(b)**: permitted uses listed in **s.5.4.1** are permitted in the Rural Zone, subject to the following size threshold requirement:

a) Maximum total indoor floor area on each lot.	375 square metres
b) Maximum total area on each lot. (includes indoor and outdoor areas)	1,858 square metres

## **5.5 SPECIAL REQUIREMENTS FOR PERMITTED DEVELOPMENTS**

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### **5.5.1 Fixed Roof Accommodation Uses**

In accordance with Secondary Planning Strategy **Policy 2.5.3** and **s.5.3.1(c)**: fixed roof accommodation uses are permitted in the Rural Zone, subject to the following conditions:

- a) A fixed roof accommodation use shall not exceed three (3) rental units.
- b) A fixed roof accommodation shall meet the identified size threshold requirement of a permitted commercial use as identified in **s.5.4.2**, to include any associated dining facilities.

#### 5.5.2 Shelter for Farm Animals and Areas Used for Manure Storage

In accordance with Secondary Planning Strategy **Policy 2.5.2** and **s.5.3.1(d)**: a lot within the Rural Zone containing a building or structure used for the keeping of livestock or an identified area used for the storage of manure shall meet one of the following requirements:

- a) have an approved Nutrient Management Plan completed by a qualified person; or
- b) have an Environmental Farm Plan, as delivered by the NS Federation of Agriculture; or
- c) the following yard setback requirements shall apply to new buildings, and to any existing building being brought into use within the Rural Zone used for shelter or confinement of farm animals, and to identified areas used for storage of manure or bedding:

Land Use	Minimum front, side and rear yard requirement
Buildings sheltering ten (10) or fewer farm animal units or associated manure or bedding storage areas.	15 metres

#### 5.5.3 Outdoor Wood Furnaces

In accordance with Secondary Planning Strategy **Policy 2.5.4** and **s.5.3.1(e)**: outdoor wood furnaces and the storage buildings in which they are housed, shall not be considered as accessory buildings or structures within the definition of accessory buildings and structures in this Land Use By-law, and their use will require a Development Permit. Outdoor wood furnaces shall only be permitted in the Rural Zone and shall be required to be located a minimum distance of 38 metres from adjacent lot lines.

#### 5.5.4 Wind Turbines

In accordance with Secondary Planning Strategy **Policy 2.5.1** and **s.5.3.1(f)**: wind turbines are permitted in the Rural Zone subject to the following conditions:

- a) The minimum setback from adjacent property lines for any wind turbines, measured from the point of intersection of the guy wires with the ground, shall be whichever of the following measurements are greater:
  - i) a measurement equal to seven rotor blades from adjacent lot lines; or
  - ii) 1.5 times the height of the turbine from adjacent lot lines.
- b) To prevent climbing of the structures, the tower shall be:
  - i) completely enclosed by fencing with a minimum height of 1.8 metres; or
  - ii) enwrapped with sufficient guarding around the bottom of the tower to prevent climbing;
- c) The proposed turbine is manufactured to produce less than 30,000 kW.h (kilowatt hours) per year.

## **5.6 INSTITUTIONAL ZONE.**

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### **5.6.1 APPLICATION**

The provisions of section 5.6 shall apply to the Institutional Zone, and to other zones as specified in this By-law.

### **5.6.2 GENERAL REQUIREMENTS FOR THE INSTITUTIONAL ZONE.**

Developments in the Institutional Zone shall comply with general requirements for Rural Zones, as identified in **s.5.2**.

### **5.6.3 PERMITTED DEVELOPMENTS IN THE INSTITUTIONAL ZONE.**

In accordance with Secondary Planning Strategy **Policy 2.1.9**, the following developments are permitted in the Institutional Zone, subject to the Zone Requirements identified in s.5.6.4:

- a) buildings and uses identified with government services

### **5.6.4 INSTITUTIONAL ZONE REQUIREMENTS.**

Unless otherwise specified in this By-law, in the Institutional Zone, no development permit shall be issued except in conformity with the following minimum requirements:

a) Minimum Front Yard	5 metres
b) Minimum Flankage Yard	5 metres
c) Minimum Side Yard	5 metres
d) Minimum Rear Yard	5 metres
e) Minimum Lot Frontage	- subject to Municipality's Subdivision By-law.
f) Minimum Lot Area	- 2,787 square metres - subject to provincial on-site sewage disposal regulations
g) Minimum Setback from a Watercourse or Waterbody	- refer to <b>s.4.16 &amp; s.4.17</b>
h) Maximum Height of Structures	14 metres

## **6 ENVIRONMENTAL ZONES**

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### **6.1 APPLICATION**

The provisions of this part shall apply to the Protected Water Area Zone, the Commons Zone, and to other zones as specified in this By-law.

### **6.2 GENERAL REQUIREMENTS FOR ENVIRONMENTAL ZONES.**

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#### 6.2.1 Developments exempt from Watercourse Setback

In accordance with Secondary Planning Strategy **Policy 3.1.4**, in the Protected Water Area Zone or the Commons Zone, the following developments are exempt from the watercourse setback requirements identified in **s.4.16.1**. These developments may be built to the front, side or rear property line where that property line abuts the waters edge. These developments remain subject to the erosion control standards identified in **s.4.16.2**, and all other applicable provisions of the By-law:

- a) Uses and structures essential to the operation and maintenance of a municipal public water supply system;
- b) Parks and multi-use trails

#### 6.2.2 Non-conforming Use of Land or in a Structure

In accordance with **s.4.13**, non-conforming uses within the Protected Water Area Zone or the Commons Zone shall be subject to the non-conforming use requirements of the Municipal Government Act.

#### 6.2.3 Fences and Walls

Fences and walls 2 metres or greater in height shall be regulated as structures and shall be subject to the applicable setback and yard requirements of the Zone they are located in. The use of electrified wire or sharp edged materials such as barbed wire, designed to prevent access to a parcel of land, is permitted only at the top of fences or walls that are over 2 metres high, except for fences or walls associated with active agricultural or horticultural uses.

### **6.3 DEVELOPMENTS IN THE PROTECTED WATER AREA (PWA) ZONE**

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#### 6.3.1 Permitted Developments

The following developments are permitted in the Protected Water Area Zone, subject to the Zone Requirements identified in **s.6.5.1**:

- a) Uses and structures essential to the operation and maintenance of a municipal public water supply system;
- b) Multi-use trails which do not involve structures other than raised board walks;
- c) Forestry uses which do not involve structures.
- d) The pasturage and grazing of farm animals which does not involve structures; subject to **s.6.3.2**

### 6.3.2 Special Requirement: Keeping of Farm Animals in the Protected Water Area Zone

The pasturage and grazing of farm animals shall be permitted on a lot within the Protected Water Area Zone, provided that:

- a) the keeping of farm animals does not occur within a minimum distance of 100 metres from a watercourse; and
- b) that fencing is erected at a minimum distance of 100 metres from a watercourse sufficient to prohibit entry of farm animals into this same setback area.

## **6.4 DEVELOPMENTS IN THE COMMONS (CO) ZONE**

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### 6.4.1 Permitted Developments

The following developments are permitted in the Commons Zone, subject to the Zone Requirements identified in **s.6.5.1**:

- a) Passive recreational uses, including but not limited to parks and multi-use trails;
- b) Forestry uses as approved by the Trustees of the Oakland Commons;
- c) Storage structures associated with developments listed in clauses (a) and (b) above.

## **6.5 ENVIRONMENTAL ZONE REQUIREMENTS**

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### 6.5.1 Zone Requirements

Unless otherwise specified in this By-law, in the Protected Water Area Zone or in the Commons Zone, no development permit shall be issued except in conformity with the following minimum requirements:

a) Minimum Front Yard	5 metres
b) Minimum Flankage Yard	5 metres
c) Minimum Side Yard	1.5 metres
d) Minimum Rear Yard	1.5 metres
e) Minimum Lot Frontage	- subject to Municipality's Subdivision By-law.
f) Minimum Lot Area	- 2,787 square metres - subject to provincial on-site sewage disposal regulations
g) Minimum Setback from a Watercourse or Waterbody	- refer to <b>s.4.16, s.4.17 &amp; s.6.2.1</b>
h) Maximum Height of Structures	14 metres

## 7 OCEAN SHORELINE ZONES

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### 7.1 APPLICATION

The provisions of this part shall apply to the Ocean Shoreline Zone and to other zones as specified in this By-law.

### 7.2 GENERAL REQUIREMENTS FOR OCEAN SHORELINE ZONES.

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#### 7.2.1 Parking and Loading

Parking and loading area requirements for proposed developments in the Ocean Shoreline Zone shall be subject to applicable requirements identified in **Part 8** of this By-law.

#### 7.2.2 Signs

Signs in the Ocean Shoreline Zone shall be subject to applicable requirements identified in **Part 9** of this By-law.

#### 7.2.3 Fences and Walls

Fences and walls 2 metres or greater in height shall be regulated as structures and shall be subject to the applicable setback and yard requirements of the Ocean Shoreline Zone. The use of electrified wire or sharp edged materials such as barbed wire, designed to prevent access to a parcel of land, is permitted only at the top of fences or walls that are over 2 metres high.

#### 7.2.4 Private Storage Buildings

In accordance with Secondary Planning Strategy **Policy 2.5.5**, where there is no other main building on the lot, private storage buildings, including but not limited to private garages, private boathouses and fishing gear sheds, shall be permitted in the Ocean Shoreline Zone, provided that the applicable zone requirements are satisfied, as if the private storage building were regarded as the main building on the lot.

#### 7.2.5 Developments exempt from Watercourse Setback / Coastal Setback

In accordance with Secondary Planning Strategy **Policy 3.1.4**, in the Ocean Shoreline Zone, the following developments are exempt from the watercourse setback and coastal setback requirements identified in **s.4.16.1** and **s.4.17**. These developments may be built to the front, side or rear property line where that property line abuts the waters edge. These developments remain subject to the erosion control standards identified in **s.4.16.2**, and all other applicable provisions of the By-law:

- a) Wharves and Slipways
- b) Private Boathouses
- c) Boat Building and Boat Repair Shops
- d) Storage sheds identified for fishing gear or aquaculture
- e) Multi-use trails
- f) Hydroelectricity generation and related structures

#### 7.2.6 Non-conforming Use of Land or in a Structure

In accordance with Secondary Planning Strategy **Policy 2.4.6** and **s.4.13**: non-conforming uses shall be subject to the non-conforming use requirements of the Municipal Government Act. A structure containing an existing non-conforming use may be reconstructed upon destruction, provided that:

- a) the reconstructed structure has the same or smaller foot print, floor area and volume as the original structure, and
- b) the reconstruction of the structure is commenced within 12 months of the date of its destruction.

### **7.3 DEVELOPMENTS IN THE OCEAN SHORELINE (OS) ZONE**

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#### 7.3.1 Permitted Developments

The following developments are permitted in the Ocean Shoreline Zone, subject to the Zone Requirements identified in **s.7.3.2**:

- a) Non-commercial water access uses, to include wharves and slipways;
- b) Private storage buildings, to include but not limited to the storage of boats, marine equipment, fishing gear, automobiles;
- c) Non-commercial boat building;
- d) Conversion of space within an existing residential dwelling, as listed on **Schedule C**, to a fixed roof accommodation, to a maximum of one (1) rental unit;
- e) Conversion of space within an existing residential dwelling, as listed on **Schedule C**, to a home occupation use, subject to **s.7.4.1**
- f) Non-commercial recreational uses
- g) Hydroelectricity generation and related structures

#### 7.3.2 Ocean Shoreline (OS) Zone Requirements

Unless otherwise specified in this By-law, in the Ocean Shoreline Zone, no development permit shall be issued except in conformity with the following minimum requirements:

a) Minimum Front Yard	5 metres
b) Minimum Flankage Yard	1.5 metres
c) Minimum Side Yard	5 metres
d) Minimum Rear Yard	1.5 metres

e) Minimum Lot Frontage	- subject to Municipality's Subdivision By-law.
f) Minimum Lot Area	- subject to provincial on-site sewage disposal regulations
g) Minimum Setback from a Watercourse or Waterbody	- refer to <b>s.4.16</b> , <b>s.4.17</b> & <b>s.7.2.5</b>
h) Maximum Height of Structures	6 metres NOTE: In the Ocean Shoreline Zone, the term "established grade" used in the By-law's definition for "HEIGHT" (s.10.47) shall mean the centre line of the abutting Public Highway.
i) Maximum Width of Structures	The maximum total width of all structures on a lot shall not exceed fifty percent (50%) of the lot frontage.



### 7.3.3 Developments Permitted by Development Agreement

In accordance with Secondary Planning Strategy **Policy 2.4.4**, the following developments are permitted only by Development Agreement in the Ocean Shoreline Zone:

- a) Commercial recreational water access uses, including but not limited to boat rentals, boat tours, and marinas;
- b) Commercial boat building, boat storage, and boat maintenance and repair.

## **7.4 SPECIAL REQUIREMENTS FOR PERMITTED DEVELOPMENTS**

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### 7.4.1 Identified Requirements: Home Occupations

In accordance with **s.7.3.1(e)**, existing residential dwellings in the Ocean Shoreline Zone, listed on **Schedule C**, may be used for a home occupation purpose, provided that all of the following requirements are satisfied:

- a) the home occupation shall be located in a dwelling unit on the same lot;
- b) the home occupation shall fall within one (1) of the following types of uses:
  - i) Boarding or Rooming houses
  - ii) Craft Workshops, including Fine Arts & Crafts Studios;
  - iii) Offices
  - iv) Personal Service shops;
  - v) Repair shops (See associated definition in **Part 10 - Definitions**);
  - vi) Residential Daycare Centres;
  - vii) Taxicab operations; or
  - viii) Catalogue sales
- c) excepting for catalogue sales, retail sales associated with permitted uses identified in **s.7.4.1(b)** shall be limited to: the sale of products made, assembled, refinished, or repaired on the premises; and the sale of any goods or materials used in any of the processes involved in the primary business use;
- d) the home occupation shall occupy no more than 30 square metres or 25% percent of the floor area of the dwelling, whichever is less, except for boarding and rooming houses, where the maximum size of the business shall be 3 rental units;
- e) a minimum of 2 off-street customer parking spaces shall be provided on the lot, in addition to parking spaces required for the residence itself;
- f) no more than 2 commercial vehicles including taxicabs related to the home occupation shall be kept upon or operated from the lot on which the business is located;
- g) no more than 1 sign on the property related to the home occupation, with the sign being non-illuminated and not exceeding 0.5 square metres in area;
- h) the home occupation shall not emit noise, odour, dust, light, or radiation that would be a nuisance or is uncustomary in a residential neighbourhood;
- i) there shall be no outdoor display or open storage of materials or products related to the home occupation; and
- j) the use shall not include an animal shelter, animal kennel, or animal hospital.

## 8 REQUIREMENTS FOR PARKING AND LOADING AREAS

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### 8.1 APPLICATION

The requirements of this part shall apply to all zones unless otherwise specified.

### 8.2 STANDARDS FOR PARKING AREAS

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#### 8.2.1 Parking Exemption

The requirements of **s.8.2** shall not apply to any existing land use but shall apply to the expansion of any existing land use.

#### 8.2.2 Parking Space Size Requirements

An Off-Street Parking Space shall have an area of 16.5 square metres measuring 5.5 metres in length and 3 metres in width, exclusive of aisles or driveways thereto.

#### 8.2.3 Number of Parking Spaces Required

No Development Permit shall be issued for any development unless off-street parking, having unobstructed access to a public street, shall be provided and maintained in conformity with the following Table:

Type of Use	Required Parking
a) Residential containing not more than 3 dwelling units	1 parking space for each dwelling unit.
b) Residential with 4 or more dwelling units	1.25 spaces for each dwelling unit
c) All accommodations for travelling public, including hotels	1.1 space per suite or rental unit
d) Churches, funeral homes, theatres, halls, private clubs, restaurants, lounges, other places of assembly	With fixed seats: 1 parking space for every 5 seats or 3 metres of bench space. With no fixed seats: 1 parking space for each 9 square metres of floor area devoted to public use
e) Offices	1 space for every 28 square metres of floor area
f) Hospitals / Nursing Homes / Residential Care Facilities	1 space for every 37 square metres of floor area
g) Industries	1 space for every 93 square metres of floor area
h) Warehouses	1 space for every 278 square metres of floor area
i) All other commercial uses	1 space for every 19 square metres of commercial floor area
j) Marinas / Wharves	1 space for every berth or anchorage

#### 8.2.4 Layout of Parking Areas

Where off-street parking is required and more than 2 spaces are provided, no Development Permit shall be issued except in conformity with the following requirements:

- a) the parking area shall be treated or surfaced to prevent the raising of dust;
- b) any illumination shall be directed away from streets, adjacent lots, and buildings on adjacent lots;
- c) the parking area shall be within 90 metres of the building which it serves, except in the case of parking on the mainland required for development on an island;
- d) each parking space and the direction of travel in each aisle shall be clearly marked and maintained where a permanent hard surface is provided;
- e) the limits of the parking lot and street access shall be defined by a permanent curb, fence or other suitable obstruction to provide a neat appearance and delineate the parking area and highway access from the street;
- f) no street access shall be within 15 metres of the limits of the right-of-way of the nearest street intersection;
- g) the width of any access to a parking area and of any aisle in an identified parking area, shall be a minimum width of 4.3 metres if for one-way traffic, and a minimum width of 6 metres if for two-way traffic.

### **8.3. STANDARDS FOR LOADING AREAS**

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#### 8.3.1 Loading Space Exemptions

- a) The requirements of **s.8.3** shall not apply to any existing land use but shall apply to the expansion of any existing land use.
- b) The requirements of **s.8.3** shall not apply to any development with less than 140 square metres of floor area.

#### 8.3.2 Number and Layout of Loading Spaces

No person shall erect or use any building or structure for manufacturing; warehousing; storage; retail sales or wholesaling; market, freight or passenger terminal; hotel; hospital; or other use involving the frequent shipping, loading or unloading of persons, animals, or goods unless:

- a) there is maintained on the same lot, 1 off-street space for standing, loading, and unloading for every 2,700 square metres or fraction thereof of floor area used for any such purpose;
- b) each loading space measures at least 4 metres in width by 12 metres in length, with a minimum height clearance of 4.3 metres;
- c) each loading space is located in the rear or side yard of the lot;
- d) loading spaces, including driveways leading thereto, shall be treated or surfaced to prevent the raising of dust or loose particles; and
- e) the width of any access to a loading space shall be a minimum of 5 metres for one-way traffic or 7.5 metres for two-way traffic.

**9.1.     APPLICATION**

The requirements of this part shall apply to all signs in all Zones unless otherwise specified.

**9.2      DEVELOPMENT PERMIT REQUIRED**

No person shall erect any sign without first obtaining a Development Permit except for signs specified in s.9.3 below.

**9.3      SIGNS FOR WHICH NO DEVELOPMENT PERMIT IS REQUIRED**

The following signs are permitted in all zones, without any requirement for a Development Permit:

- 9.3.1 Signs of not more than 0.5 square metres in sign area which:
  - a) identify the name and address of a resident;
  - b) identify "no trespassing", or other such signs regulating the use of a property;
  - c) non-illuminated real estate signs advertising the sale, rental or lease of the premises; or
  - d) serve in regulating on-premises traffic, parking, or other signs denoting the direction or function of various parts of a building or the premises.
- 9.3.2 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, directional signs, signs identifying public schools, public elections and signs and banners for special events which bear an incidental commercial component advertising sponsorship;
- 9.3.3 Memorials, tablets or signs denoting the historical significance and date of erection of a structure;
- 9.3.4 The flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization; or
- 9.3.5 A sign having an area of not more than 6 square metres incidental to construction and located on the same site as the building under construction. Such signs shall not remain in place for more than 60 days following completion of construction.

**9.4      SIGNS PROHIBITED IN ALL ZONES**

The following signs shall not be permitted in any Zone:

- 9.4.1 Signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in color, except for signs which display only time or temperature;
- 9.4.2 Signs which have any visible moving part or visible mechanical movement of any description;
- 9.4.3 Signs affixed to, applied to, or supported by the roof of any structure;
- 9.4.4 Signs which constitute a hazard to public safety or health;
- 9.4.5 Signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers or obstruct the effectiveness of any traffic sign or traffic control device;
- 9.4.6 Signs which obstruct the use of a fire escape door, windows, or other required exit;
- 9.4.7 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;
- 9.4.8 Signs which advertise a product, service or business which is discontinued; or
- 9.4.9 Signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object.

## **9.5 ADVERTISING SIGNS**

No sign shall be erected or used for commercial advertising except where the sign is located:

- 9.5.1 on the same lot as the establishment which it advertises;
- 9.5.2 on the same lot as the dealer for the product which it advertises; or
- 9.5.3 within the boundaries of a provincial road.

## **9.6 GROUND SIGNS**

- 9.6.1 No ground sign shall:
  - a) exceed a height of 8 metres from grade to the highest part of the sign.
  - b) extend beyond a property line or extend over a public street, a driveway or parking space.
- 9.6.2 No ground sign, or combination of ground signs located on any one lot, shall exceed 3 square metres in sign area on each side.

## **9.7 PROJECTING WALL SIGNS**

- 9.7.1 No projecting wall sign shall:
  - a) be erected below a height of 3 metres above grade.
  - b) project over a property line or project over a public street.
  - c) project above the eaves, parapet or roof line of a building.
  - d) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device.
- 9.7.2 No projecting wall sign, or combination of projecting wall signs located on any one lot, shall exceed 2 square metres in sign area on each side;

## **9.8 FLAT FIXED WALL SIGNS**

- 9.8.1 No flat fixed wall sign shall:
  - a) extend above the top of the wall upon which it is placed.
  - b) extend beyond the extremities of the wall upon which it is attached.
- 9.8.2 No flat fixed wall sign, or combination of flat fixed wall signs located on any one lot, shall:
  - a) cover more than 0.09 square metres for each 0.3 metres of the total front wall area, and
  - b) exceed, when all flat fixed wall sign areas are totaled, a maximum area of 9 square metres.

## 10 DEFINITIONS

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For the purposes of this By-law all words shall carry their customary meaning except for those words and phrases defined in this Part.

ABUTTING LOT - SEE LOT

ABUTTING YARD - SEE YARD

- 10.1 ACCESSORY BUILDING means a subordinate building or structure located on the same lot as the main building and devoted exclusively to an accessory use. Outdoor wood furnaces shall not be considered as accessory buildings or structures.

ACCESSORY USE - SEE USE

- 10.2 AGGREGATE means gravel, clay, earth shale, stone, limestone, dolostone, sandstone, marble, granite, rock.

- 10.3 AGGREGATE RESOURCE EXTRACTION OPERATION means the use of land and structures associated with the extraction of aggregates such as the storage of extracted aggregates, the crushing, screening or washing of extracted aggregates, the storage and maintenance of trucks, heavy equipment related to the aggregated extraction activity.

AGRICULTURAL USE - SEE USE

- 10.4 ALTER means to make any change in the structural components of a building or structure, any increase or decrease in the volume of a building or structure, or any change made in the use of land or structures.

- 10.5 ANIMAL BY-PRODUCT RENDERING PLANT means a plant in which meat, animal or poultry products is rendered (cooked or melted down), with or without oil refining.

- 10.6 ANIMAL HOSPITAL means the premises where animals, birds or household pets are treated or kept during treatment and may include boarding facilities as an accessory use.

- 10.7 ANIMAL KENNEL means any premises where domestic animals are kept or boarded or bred as a commercial service.

- 10.8 ANIMAL SHELTER means a lot and/or building or part thereof, used for the treatment and care of lost, abandoned or neglected animals.

- 10.9 ASPHALT CONCRETE PRODUCTION means a paving plant in which asphalt is manufactured for off-site sales and use through the mixing of aggregate and asphalt oil, or recycled asphalt material.

- 10.10 ATTACHED BUILDING means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

- 10.11 AUTOBODY REPAIR SHOP means a building or part of a building or a clearly defined space on a lot where motor vehicle bodies are repaired and does not include a service station or automobile sales.

- 10.12 AUTOMOBILE SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasoline and may include: the sale of automobile accessories; servicing and repair essential to the actual operation of motor vehicles; an automobile wash; or automobile sales.

- 10.13 AQUACULTURE means a use involving the breeding, raising, and maintenance of live fish and shellfish for commercial purposes.

- 10.14 BEVERAGE ROOM means premises licensed as a beverage room by the Province of Nova Scotia.
- 10.15 BIOSOLID SPREADING AND STORAGE, to include SLUDGE PROCESSING, means a treatment or processing facility for wastewater sludges. Includes the application to land of any non-livestock generated wastes, wastewater and wastewater sludges, and/or a bio-remediation treatment operation for the removal or reduction of hydrocarbon products in soils and sludges. SLUDGE means the accumulated wet or dry solids that are separated from wastewater during treatment including the precipitate resulting from chemical or biological treatment of wastewater.
- 10.16 BOARDING / ROOMING HOUSE means a dwelling in which the proprietor supplies either room or room and board for monetary gain, to persons exclusive of the lessee or owner thereof, or members of the household unit and which is not open to the general public.
- 10.17 BOATHOUSE means a permanent or temporary roofed structure, used for the shelter or storage of boats, watercraft or associated marine equipment, but not used as a dwelling unit or for agricultural or commercial uses.
- 10.18 BUILDING means a structure, whether permanent or temporary, which is roofed and which is used for the shelter or accommodation of persons, animals, materials or equipment and includes all additions, porches and decks attached thereto. See also ACCESSORY BUILDING, ATTACHED BUILDING, DWELLING, MAIN BUILDING, PRIVATE STORAGE BUILDING, PUBLIC BUILDING, STRUCTURE and WAREHOUSE.
- 10.19 BULK STORAGE OF PETROLEUM PRODUCTS means a facility consisting of one or more petroleum tanks and associated piping, where petroleum products are stored for off-site distribution.
- 10.20 CABARET means a premise licensed as a cabaret by the Province of Nova Scotia.
- 10.21 CANADIAN GEODETIC VERTICAL DATUM (CGVD28) means the vertical datum for Canada officially adopted in 1935. The datum is propagated in land using geodetic levelling measurements. The vertical datum is accessible through benchmarks anchored to the ground and stable structures. The heights in terms of CGVD28 are in normal-orthometric system.
- 10.22 CEMETERY means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried and may include facilities for storing human remains in sealed crypts or compartments.
- CHANGE IN USE - SEE USE
- 10.23 CHURCH means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, and day nursery operated by the Church.
- 10.24 CLUB means a premise licensed as a club by the Province of Nova Scotia.
- 10.25 COMMERCIAL OR RECREATIONAL RACING OF MOTORIZED VEHICLES OR ANIMALS means a facility or course where animals or motorized vehicles compete or train, against time or one another.
- COMMERCIAL USE - SEE USE
- 10.26 COMMUNITY CENTRE means any tract of land, or building or buildings, or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the municipality, a local board or an agent thereof.
- CORNER LOT - SEE LOT
- 10.27 CORRECTIONAL CENTRE means a government operated or funded facility to house youth or adults in the custody of or sentenced by a Court of Law.

- 10.28 COUNCIL means the Council of the Municipality of the District of Lunenburg.
- 10.29 CRAFT PRODUCTS means products made by hand or small custom production processes by potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leatherworkers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, sail makers, and similar skilled crafts persons.
- 10.30 CRAFT WORKSHOP means a building or part of a building where craft products are made by hand or small production processes.
- 10.31 DEVELOPER means any person, incorporated body, partnership or other legal entity that undertakes a development.
- 10.32 DEVELOPMENT includes any erection, construction, alteration, placement, location, replacement or relocation of or addition to any structure and any change or alteration in the use made of land or structures.
- 10.33 DEVELOPMENT OFFICER means the person appointed by Council under the authority of the Municipal Government Act to administer the provisions of the Land-Use By-law.
- 10.34 DEVELOPMENT PERMIT means the permit issued by the Development Officer certifying that a proposed development complies with the provisions of the Land-Use By-law.
- 10.35 DWELLING means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units and shall not include a hotel, a motel or apartment hotel.
- a) MULTI-UNIT DWELLING means any dwelling containing three or more dwelling units.
- b) SEMI-DETACHED DWELLING means a single unit dwelling, attached to another single unit dwelling by a common above grade wall, with each dwelling located on a separate lot.
- c) SINGLE UNIT DWELLING means a completely detached dwelling containing one dwelling unit and includes manufactured homes
- d) TWO UNIT DWELLING means any dwelling containing two dwelling units.
- 10.36 DWELLING UNIT means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 10.37 EMERGENCY SERVICE FACILITY means the use of land, buildings or structures or portions thereof to provide an emergency service to the public, and without limiting the generality of the foregoing may include uses such as Fire Protection, Police Protection, Emergency Measures Organizations, Ground Search and Rescue Operations and Ambulances but does not include uses accessory to an Emergency Service Facility, such as but not limited to places of assembly and entertainment. For greater clarity, only that portion of land, buildings or structures used for a purpose essential to the provision of an emergency service shall be considered an Emergency Service Facility.
- 10.38 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.
- 10.39 EXISTING means legally existing on the effective date of this by-law



10.40 FARM ANIMAL means one or more of the following types of animals: horses, cattle, sheep, goats, swine, fowl, mink, fox, and rabbits.

10.41 FARM ANIMAL UNITS means one or more farm animals as specified in the following table:

Farm Animals	Number of Animals Required to make One Farm Animal Unit*
Mink	1
Foxes	1
Swine	1
Cattle	1
Horses and other equines	1
Sheep	1
Goats, Deer and other ungulates	1
Fowl	20
Rabbits	20
Fowl & rabbit combination	20

\*Excludes young to weaning.

\*Farm animals not identified on the above list will be subject to the Development Officer's discretion, following communications with NS Department of Agriculture officials.

10.42 FARM MARKET means a building or structure, or part thereof, in which farm produce comprises the majority portion of goods offered or kept for sale directly to the public at retail value.

10.43 FIXED ROOF ACCOMMODATION means a building or part thereof, used to accommodate the travelling or vacationing public for gain or profit, by supplying them with sleeping accommodations, with or without meals or kitchen facilities.

FLANKAGE LOT LINE - SEE LOT LINE

FLANKAGE YARD - SEE YARD

FLAT FIXED WALL SIGN - SEE SIGN

10.44 FLOOR AREA means the total area of all floors of a building, above and below grade, measured between the exterior faces of the exterior walls of the building or from the centreline of a wall separating two buildings.

FORESTRY USE – SEE USE

FRONT LOT LINE - SEE LOT LINE

FRONT YARD – SEE YARD

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

GROUND SIGN - SEE SIGN

10.46 GUEST HOUSE means a part of a dwelling where the resident owner or resident occupant provides accommodation, with or without meals, to the traveling public for financial remuneration and does not include facilities open to the general public such as meeting rooms, restaurants, or entertainment facilities.

- 10.47 HEIGHT means the vertical distance on a building between the established grade and
- a) the highest point of the roof surface or parapet, whichever is greater, of a flat roof;
  - b) the deck line of a mansard roof; or
  - c) the mean level between the eaves and ridges of a gabled, hip, gambrel or other type of pitched roof
- but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.
- 10.48 HOTEL means a building or establishment which provides accommodation for the travelling public for financial remuneration and may include other facilities including meeting rooms, restaurants, and entertainment facilities and which is open to the general public.
- ILLUMINATED SIGN - SEE SIGN
- 10.49 INCINERATION for the RECLAMATION OF METALS OR OTHER MATERIALS means a foundry, or related facility, in which metal products are produced through thermal melting and casting or moulding of metals, including reclaimed metals.
- INDUSTRIAL USE - SEE USE
- 10.50 INSTITUTION means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent of profit, such as churches, community centres, hospitals, and homes for special care, but not including private clubs.
- INSTITUTIONAL USE - SEE USE
- INTERIOR LOT - SEE LOT
- 10.51 LAND-LEASED COMMUNITY (commonly known as Mobile Home Park) means an establishment comprising land or premises under single ownership, designed and intended for residential use, where residence is in 3 or more mobile homes, but does not include any camping establishment under the Camping Establishments Regulation Act.
- 10.52 LOADING SPACE means an area of land for the temporary parking of commercial motor vehicles while merchandise or materials are being loaded or unloaded and which has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas, but which is not used for sales or display.
- 10.53 LOT means any parcel of land as described in a deed or as shown on a registered plan of subdivision.
- a) ABUTTING LOT means a lot having one or more boundaries coincident with one or more lots or zone boundaries.
  - b) CORNER LOT means a lot situated at the intersection of and abutting on two or more streets.
  - c) INTERIOR LOT means a lot situated between two lots and having access to one street.
  - d) THROUGH LOT means a lot bounded 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 defined above, such lot shall be deemed to be a Corner Lot for the purposes of this By-law.
- 10.54 LOT AREA means the total plane horizontal area within the lot lines of a lot.

- 10.55 LOT FRONTAGE means the horizontal distance between the side lot lines as measured along the front lot line. Where the front lot line is not a straight line, or where the side lot lines are not parallel the lot frontage shall be measured at a line setback the required applicable minimum front yard and parallel to the front lot line.
- 10.56 LOT LINE means a boundary line of a lot.
- a) FLANKAGE LOT LINE means a side lot line that abuts the street on a corner lot.
- b) FRONT LOT LINE means the line dividing the lot from the street or other means of access, and
- i) in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line;
- ii) in the case of a lot which abuts an access road and which has another of its boundaries adjoining the shoreline of a lake, river or stream, the lot line facing the access road shall be deemed to be the front lot line; or
- iii) in the case of a through lot, the lot line abutting the street providing the primary access shall be regarded as the front lot line.
- c) SIDE LOT LINE means a lot line other than a front or rear lot line.
- d) REAR LOT LINE means the lot line furthest from or opposite to the front lot line.
- 10.57 LOUNGE means premises licensed as a lounge by the Province of Nova Scotia.
- 10.58 MAIN BUILDING means the building in which is carried on the principal purpose for which the building lot is used.
- 10.59 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 or roof.
- 10.60 MANUFACTURED HOME means a single unit dwelling or two unit dwelling built in an enclosed factory environment in one or more sections, to be occupied in a place other than that of its manufacturer. For the purposes of this By-law, manufactured homes shall include mobile or mini homes as well as modular homes that are either completely self-contained dwelling units or are incomplete dwelling units which are connected together and completed on site.
- 10.61 MANUFACTURING OF BIOCHEMISTRY PRODUCTS, CHEMICALS, AND/OR PAINT means a plant in which organic or inorganic chemicals are manufactured; including but not limited to: pharmaceutical manufacturing, in which a medical drug for sale or distribution is processed; paint manufacturing in which paints, lacquers, primers or enamels are produced; and/or industrial cleaners manufacturing, in which materials including but not limited to degreasers, strippers or bleaches are produced.
- 10.62 MANURE STORAGE FACILITY means any container, tank, area or space used for the storage of manure and for the purposes of determining setbacks from residential zones, shall not include manure spreaders or any other equipment used in the application of manure onto fields or crops.
- 10.63 MINERAL means a mineral as defined under the Mineral Resources Act of Nova Scotia, Chapter 18 of the Acts of 1990, and as be amended from time to time.
- 10.64 MINERAL RESOURCE EXTRACTION means the use of land and structures associated with the extraction of minerals such as the storage of extracted mineral, the crushing, screening or washing of extracted minerals, the storage and maintenance of trucks, heavy equipment related to mineral extraction activity.

MINIMUM FRONT YARD - SEE YARD

MINIMUM REAR YARD - SEE YARD

MINIMUM SIDE YARD - SEE YARD

- 10.65 MOTEL means a building or part of a building other than a hotel which provides accommodation designed for the travelling public and is characterized by separate outside entrances to individual sleeping accommodations and close-by parking, and which may include meeting rooms, restaurants and entertainment facilities.

MULTI UNIT DWELLING - SEE DWELLING

- 10.66 MUNICIPAL GOVERNMENT ACT means the Act Respecting Municipal Government, Chapter 18, ACTS of 1998, as amended from time to time.

- 10.67 MUNICIPAL PLANNING STRATEGY means the Municipal Planning Strategy of the Municipality of the District of Lunenburg.

NON-COMMERCIAL RECREATIONAL USE - SEE USE

NON-CONFORMING USE - SEE USE

- 10.68 OFFICE means a room or rooms where business may be transacted, a service performed or consultation given, and includes, but is not limited to the following: physicians, surgeons, dentists, lawyers, architects, engineers, accountants, real estate agents, insurance agents, photographers, optometrists, chiropractors, eye specialists and similar uses, and may include retail sales or dispensing of goods associated with and incidental to the main use.
- 10.69 OPEN STORAGE means the storage of any items outside a building, not primarily for the encouragement of sale of the item or of similar items, but principally for storage purposes.
- 10.70 OUTDOOR DISPLAY means a display of goods on a lot for the purpose of encouraging the purchase of the display items, or items similar to the display items, and without limiting the generality of the foregoing such displays would include displays of cars, trucks, recreation vehicles, manufactured homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains.
- 10.71 OUTDOOR WOOD FURNACE means any individual furnace designed to burn untreated wood and wood products and used for the purpose of heating liquid or air where the furnace is located outside the structure into which the hot water or air produced is piped.
- 10.72 PARK means an open area devoted to passive recreational uses or conservation uses and which may include ornamental gardens, lawns, outdoor furniture and accessory structures and may include a children's playground.
- 10.73 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 and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted.
- 10.74 PARKING SPACE means an area exclusive of driveways or aisles, reserved for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas.
- 10.75 PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 10.76 PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of other persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, hairdressing shops, shoe repair and shoe shining shops, but excludes any manufacturing or fabrication of goods for sale.

- 10.77 PET GROOMING ESTABLISHMENT means a use contained entirely within a building or part of a building in which a grooming service is offered to domesticated animals, but does not include an animal shelter, animal hospital or animal kennel.
- 10.78 PETROCHEMICAL PLANT means a manufacturing plant in which organic chemical substances produced from natural organic or petroleum-based materials are produced, processed or handled.
- 10.79 PRIVATE STORAGE BUILDING means an enclosed or partially enclosed structure for the storage of materials or goods in which no business, occupation, or service is conducted for profit.
- PROJECTING WALL SIGN - SEE SIGN
- 10.80 PUBLIC BUILDING means a building of the Public Authority of the Government of Canada, Province of Nova Scotia, the Town of Mahone Bay or Municipality of the District of Lunenburg, including any agency or commission or corporation of the Municipality.
- 10.81 PULP AND PAPER MILLS means a plant in which pulp and paper products are manufactured. PULP means processed cellulose fibres derived from wood, other plant materials or recycled paper products. PAPER PRODUCT means paper, newsprint, coated paper, paperboard, hardboard, boxboard, linerboard, insulating board, building board, corrugating medium, tissue, moulded cellulose products and any other product directly derived from pulp, but does not include viscose, rayon, cellophane or any other cellulose derivative.
- 10.82 PUBLIC SEWER means a sewage collection system owned and operated by the Town of Mahone Bay or the Municipality of the District of Lunenburg.
- 10.83 READY MIX CONCRETE PRODUCTION means a plant that manufactures ready-mix concrete.
- REAR LOT LINE - SEE LOT LINE
- REAR YARD - SEE YARD
- 10.84 RECONSTRUCT when used with reference to a building or structure means to build a wholly or substantially new structure in the same location as an existing structure, where the original existing structure has been wholly or partially removed and the resulting structure is of substantially the same dimensions and volume as the original structure as demonstrated by photographs or measured drawings of the original structure.
- 10.85 RECREATION VEHICLE means a vehicle which provides sleeping or other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, campers, motorized campers, motorized homes or similar vehicles.
- 10.86 REFINING OF HYDROCARBONS means a facility used for manufacturing hydrocarbon products from condensate, crude oil, synthetic crude oil or other hydrocarbon feedstock, and facilities capable of utilizing used oil for the production of useable hydrocarbon products.
- 10.87 REPAIR when used with reference to a building or structure means to renovate or mend by replacing or repairing parts without altering the size or volume of the structure.
- 10.88 REPAIR SHOP means any building or part thereof used for the repair of household articles and shall include radio, television, and appliance repair shops, plumbing repair shops, electrical repair shops, furniture repair shops, shoe repair shops but shall not include industrial or manufacturing, motor vehicle repair shops or auto body repair shops.
- 10.89 REPLACE when used with reference to a building or structure, means to build a wholly or substantially new structure on a lot where the original structure has been partially or completely demolished.

- 10.90 RESIDENTIAL CONVERSION means any building which is converted to contain more than one (1) dwelling unit.
- 10.91 RESIDENTIAL DAY CARE CENTRE means a part of a dwelling where the owner or occupier of the dwelling provides accommodation and care, for financial remuneration, to six (6) or fewer children, without providing overnight accommodation.
- 10.92 RESTAURANT means a building or part thereof where food and drink is prepared and served or sold to the public for consumption within the building or on the premises outside of the building, or off the premises.
- 10.93 SALVAGE OPERATION means land or buildings used for the storage or handling of scrap materials such as, but not limited to, auto bodies and automobile parts, used building products and old metal where such materials are bought, sold, exchanged, baled, packed, disassembled, handled or processed for further use.
- 10.94 SECONDARY PLANNING STRATEGY means the Secondary Planning Strategy (SPS) of the Municipality of the District of Lunenburg for the Oakland Plan Area.
- SEMI-DETACHED DWELLING - SEE DWELLING
- 10.95 SHOP means any building or part thereof used for sales or repair of articles.
- SIDE LOT LINE -SEE LOT LINE
- SIDE YARD - SEE YARD
- 10.96 SIGN means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot. 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.
- The word sign shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.
- a) FLAT FIXED WALL SIGN means a sign which is attached directly to or painted upon a building wall, and which does not extend therefrom, and does not extend above the roofline.
- b) GROUND SIGN means a sign supported by one or more uprights or braces placed in or upon the ground.
- c) 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.
- d) PROJECTING WALL SIGN means a sign that projects from and is supported by a wall of a building, including signs which are mounted on, or form part of, a canopy.
- 10.97 SIGN AREA means the area of the smallest triangle, rectangle or circle or semi-circle that can wholly enclose the surface area of the sign. For canopies and awnings, sign area is considered to be the area of the smallest triangle, rectangle, circle or semi-circle which can wholly enclose the surface area of the elements which convey information.
- SINGLE UNIT DWELLING - SEE DWELLING

- 10.98 **SLAUGHTERING AND BUTCHERING OF ANIMALS FOR WHOLESALE** means a plant, in which animals, including poultry, are brought on-site to be slaughtered and dressed in preparation for wholesale distribution.
- 10.98a **SMALL OPTION HOMES** are a type of community residential placement licensed under the Homes for Special Care Act. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff. Small Option Homes are permitted in a residential zone and treated consistent with their residential nature.
- 10.99 **SMEETING and ORE REFINING** means a furnace used to obtain metals from metal concentrates, and/or a processing plant in which concentrates are produced from mineral bearing ore, including lead, zinc, tin and copper.
- 10.100 **SOLID WASTE MANAGEMENT FACILITY** means a sanitary landfill licensed pursuant to the Environment Act, or a similar location not required to be licensed pursuant to that Act, a recycling facility, a tire recycling facility, a transfer station, a waste separation facility, a household hazardous waste facility, an incinerator, a composting site or any other facility for the management of solid waste including collection, recycling, processing, treatment and disposal. A solid waste management facility does not include the backyard composting of residential waste in which the annual volume of organic waste processed does not exceed 10 cubic metres.
- 10.101 **STUDIO** means a building or part thereof used as a workroom for the study, execution or instruction of any fine or commercial art, or craft, including photography, music, visual arts and commercial design.
- 10.102 **STREET** means the whole or entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or rights-of-way vested in the Municipality of the District of Lunenburg or the Town of Mahone Bay, excluding any controlled access highway designated pursuant to the Public Highways Act; a right-of-way listed in Schedule B of the Subdivision By-law or a Designed Road as defined in the Subdivision By-law.
- 10.103 **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. "Structure" shall include buildings, walls, signs, and also fences exceeding 2 metres in height, but for the purposes of determining yard requirements "structures" shall not include signs.
- 10.104 **TANNING** means a facility in which animal hides or skins are received and processed into leather or related products.
- 10.105 **TAVERN** means a premise licensed as a Tavern by the Province of Nova Scotia.
- THROUGH LOT - SEE LOT**
- TWO-UNIT DWELLING - SEE DWELLING**
- 10.106 **USE** means the purpose for which any land, building or structure is utilized, and also means the purpose for which any land, building or structure is designed, arranged, or intended or the purpose for which any land, building or structure is occupied or maintained or leased and for further certainty:
- a) **ACCESSORY USE** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to, a main use of land or building and located on the same lot. Outdoor wood furnaces shall not be considered accessory uses.
- b) **AGRICULTURAL USE** means the utilizing of land, buildings or structures to raise crops or animals or fowl and includes the harbouring or keeping of any one or more of the following livestock regardless of its stage of development: horse, pony, pig, cow, bull, goose, duck, hen, rooster, sheep, goat or similar livestock, and may include shipping. "Agricultural use" shall include the accessory production, processing, treatment, storage and sale of the products produced on-site, but shall not include industrial uses such as slaughterhouses, meatpacking or canneries.
- c) **CHANGE IN USE** means any alteration in the use made of the whole or any part of a parcel of land, a building or

a structure and includes, in the case of a Livestock Operation, a change from one type of livestock to another.

d) COMMERCIAL USE means the use of land, buildings or structures for the sale of goods or services carried out for profit.

e) EXISTING USE means a use in existence at the effective date of this By-law.

f) FORESTRY USE means the use of land, buildings, or structures to manage and harvest trees, and may include shipping, but does not include processing.

g) INDUSTRIAL USE means the use of land, buildings or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

h) INSTITUTIONAL USE means the use of land, buildings or structures for religious, educational, health or charitable purposes but does not include an emergency service facility.

i) NON-COMMERCIAL RECREATIONAL USE means the use of land, buildings or structures, owned and operated by a public or non-profit organization, for parks, playgrounds, trails, tennis courts, lawn bowling greens, indoor and outdoor skating, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and uses similar to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles, recreational vehicle parks or campgrounds.

j) NONCONFORMING USE means a use as described in the Municipal Government Act.

10.107 WAREHOUSE means a building where ware or goods are stored but shall not include a retail store.

10.109 WAREHOUSING, MANUFACTURING AND/OR WHOLESALING OF EXPLOSIVES, PESTICIDES, HERBICIDES, FUNGICIDES, BIOCIDES, AND/OR OTHER POISONOUS OR HAZARDOUS SUBSTANCES means any of the following:

a) A plant in which a substance or mixture of substances is manufactured or processed to create the materials cited.

b) The operation of a warehouse facility devoted to the storage of any of the above products.

c) The operation of a facility intended solely for the purposes of wholesale distribution.

d) A facility for the production or handling of dangerous goods, or waste dangerous goods, as defined in the NS Dangerous Goods Management Regulations.

e) A facility for the handling of soils containing a chemical or petroleum product located in a place other than where the soil originated or became contaminated.

10.109 WHOLESALE ESTABLISHMENT means a building in which commodities in quantity are offered for sale, mainly to industrial, institutional and commercial users, or to retailers or other merchants usually for resale or business use.

10.110 YARD means an open uncovered space on a lot appurtenant to a building, and in determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used and for greater certainty:

a) ABUTTING YARD means a yard of an abutting lot that adjoins an adjacent lot or zone boundary.

b) FLANKAGE YARD means the side yard on a corner lot, which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest structure or main wall of any building on the lot.

c) FRONT YARD means a yard extending across the full width of a lot between the front lot line and the nearest structure or main wall of any building on the lot.

d) MINIMUM FRONT YARD means the minimum depth of a front yard between the front lot line and the nearest structure or main wall of any main building on the lot.

e) MINIMUM REAR YARD means the minimum depth of a rear yard on a lot between the rear lot line and the



nearest structure or main wall of any main building on the lot.

f) MINIMUM SIDE YARD means the minimum width of a side yard between a side lot line and the nearest structure or main wall of any main building on the lot.

g) REAR YARD means a yard extending across the full width of a lot between the rear lot line and the nearest structure or main wall of any main building on the lot.

h) SIDE YARD means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest structure or main wall of any main building or structure on a lot.

10.111 ZONE means a designated area of land shown on Schedule A of this By-law and more particularly referred to in Part 3 of this By-law.

## 11 LIST OF ATTACHMENTS / SCHEDULES

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<b>Schedule A</b>	Zoning Map: Oakland Plan Area	(attached)
<b>Schedule B</b>	Development Constraints Map: Oakland Plan Area	(attached)
<b>Schedule C</b>	List of Existing Residential Dwellings in the Ocean Shoreline Zone	(see below)

### **Schedule C: List of Existing Residential Dwellings in the Ocean Shoreline Zone**

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The properties identified on this Schedule include existing residential dwellings in the Ocean Shoreline Zone that are subject to additional restrictions in the By-law, per **Policy 2.4.5** of the Oakland Secondary Planning Strategy.

<b>Civic Address</b>	<b>Parcel Identifier (PID #)</b>
48 Hyson Point Road	60230745
74 Hyson Point Road	60230786
90 Hyson Point Road	60671419

## **CERTIFICATION & REPEAL**

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The Land Use By-law for the Oakland Plan Area, adopted by Municipal Council on September 9, 2003 is hereby repealed and this Land Use By-law substituted therefor.

I, Sherry Conrad, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the foregoing is a true copy of the Land Use By-law for the Oakland Plan Area which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on March 12, 2019.

DATED at Bridgewater Nova Scotia, \_\_\_\_\_

\_\_\_\_\_  
Sherry Conrad, Municipal Clerk