



AGENDA
Special Council Meeting – Town Council Chambers
March 18th, 2026
6:00 p.m.

Doc Ref:

1) Call to Order

2) Approval of Agenda

3) Correspondence

- a) Letter- Chamber of Commerce re: Visitor Information Centre D26-045

4) Council Items:

- a) Land Use By-law, Municipal Planning Strategy & Subdivision By-law D26-046
Second Reading
- b) Planning and Development Fees D26-047
- c) Vending By-law Amendments D26-048
- d) Notice of Motion- Roseway Manor Rebuild Advocacy
- e) Notice of Motion- Library Janitorial Cost Sharing

5) Adjournment



Document #	D210-045
Rec'd by	JD
Date	Mar. 17/20
COPIES TO:	
Council	<input checked="" type="checkbox"/>
Agenda	<input checked="" type="checkbox"/>
Committee	<input type="checkbox"/>
	<input type="checkbox"/>

March 16, 2026

Dear Mayor Jacklyn and Council,

Over the past few months, the Shelburne & Area Chamber of Commerce has made considerable effort to engage with the Town to determine the potential for the Chamber to collaborate on operating the Visitor Information Centre for the 2026 season.

We require confirmation on the following factors to determine whether this venture can or should proceed for the 2026 season.

- Does the Town support reopening the center for the 2026 season? A yes or no is needed.
- Past detailed operating costs for the Visitor Information Centre with 2026 projections?
- Will the Town work with the SACC and provide support for its operation? (support includes (financial contribution, facility availability, and/or staff resources).
- Specifics including dollar amounts for financial contributions and in-kind contributions such as utilities, internet, janitorial, etc. Are needed.

Our Board of Directors meets on **Tuesday, March 24**, and at that meeting, we must determine whether the Chamber will move forward with this initiative. Could you please advise us on your decisions by **Thursday of this week? (March 19th)**.

Looking forward to your response and working with the Town, volunteers and the Municipality to open the Visitor Information Centre this season.

Sincerely, on behalf of the

SACC Board of Directors

Charlene Harris



COUNCIL REPORT - FOR DECISION

Document # D26-046	
Rec'd by JD	
Date Mar 10/26	
COPIES TO:	
Council	<input checked="" type="checkbox"/>
Agenda	<input checked="" type="checkbox"/>
Committee	<input type="checkbox"/>

Subject: Updated Planning Document Approval II
Date: March 10, 2026
Authority: MGA s 205; 209; 212; 219; 271
Council Dates: March 18, 2026
Notice Date: March 3, 2026
Prepared by: Mike Kahn, Director of Planning and Development Services

Background

Council directed staff to begin work on updates to the Municipal Planning Strategy (MPS), Land Use Bylaw (LUB) and Subdivision Bylaw (SDB) at the April 2, 2024 Council meeting. The current MPS and LUB have not been comprehensively updated since 1988 and the Province is requiring a review of all LUB's and MPS's by 2029. The MPS outlines land use and policies of Council related to development, the LUB is a working document that speaks to the specifics of development, such as maximum height, and is used to determine if a development applications should be approved.

On July 29, 2024 Council received a presentation from staff on the MPS and LUB providing an update on the project and highlighting some potential new policies.

Council directed staff to bring forward important amendments regarding affordable housing, variance and the commercial improvement district on September 3, 2024. Following public meetings, those amendments were passed by Council on February 5, 2025 and approved by the Province March 28, 2025.

Public engagement and stakeholder meetings were held from July to October, with the results of the engagement presented at the November 17, 2025 Council meeting, and Council directed staff to begin updating the draft documents to reflect public input. The What We Heard Report is available as part of that Council Package.

On February 2, 2026, Council received a briefing on the proposed documents and later at the February 2, 2026 Council meeting directed staff to begin the approval process, including a public meeting on February 18, 2026.

Following revisions based primarily on the What We Heard Report, an updated draft was released on February 3, 2026, including all maps and a copy of the draft Subdivision Bylaw.

Since the draft documents were released in early February, the planning documents have undergone a few final revision, primarily to provided greater clarity.

The only policy change was to change bicycle parking from a requirement of larger developments, to allowing substitution of bike parking for vehicle parking for all developments. It is hoped this method will result in more bike parking while enabling flexibility for provision of vehicle parking.

On March 2, 2026, Council read the updates planning documents for a first time.

Analysis

The MPS and LUB have undergone significant work since the project started in April of 2024 and again in the fall of 2025 follow up public engagement. The attached MPS and LUB have undergone three major revisions to date, including the final documents attached. Minor additions have been made to add clarity to the proposed documents.

There is little to no opportunity for amendments or edits to the plan without returning to the initial public engagement (February) and undertaking a consideration of first reading again. If there are minor issues identified, those can be addressed in future amendments to the documents.

Next Steps

Should the updated planning document receive second reading, staff will begin preparing a submission for review to Municipal Affairs, which requires certified minutes and may take up to 60 days.

March 25	Special Council Meeting – Approval of Minutes
March 26	Submission of Certified minutes
May 26	Provincial Review (up to 60 days)
May 27	Town posts ad on website that MPS, LUB and SDB are now in force

Options

	Pros	Cons
Approve Second Reading	<ul style="list-style-type: none"> • Updates the Town’s planning documents to be in keeping with the MGA • Provides modern planning documents that supports growth while addressing public concerns • Provides a basis for addressing issues such as coastal protection and stormwater management 	<ul style="list-style-type: none"> • Potential that the public/stakeholders will want more time to review/provide input

Postpone Second Reading, allowing for further public input and revisions	<ul style="list-style-type: none"> • Allows greater public engagement 	<ul style="list-style-type: none"> • Delays implementation actions • Does not update bylaws to meet provincial standards
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Recommendation

THAT Council approve second reading of the updated Municipal Planning Strategy, Land Use Bylaw and Subdivision Bylaw as attached.

Attached:

Town of Shelburne Municipal Planning Strategy – 2026

Town of Shelburne Land Use Bylaw – 2026

Town of Shelburne Subdivision Bylaw – 2026

Town of Shelburne

Municipal Planning Strategy

2026

First Reading: March 2, 2026

Second Reading: *March 18, 2026 (pending)*

Provincial Approval: *(pending)*

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This Municipal Planning Strategy (MPS) was prepared in accordance with the requirements of the Municipal Government Act (MGA). It contains the policies and intent of Council with respect to land use matters and the overall development of the Town. The policies and intentions of Council are binding on the Town but does not require the Town to undertake any of the projects outlined below (MGA s 217).

Definitions

This plan and related bylaws use metric measurements; imperial conversions are provided for information only.

ACTIVE TRANSPORTATION means any mode of travel that uses human power to get from one place to another, such as walking, biking, or using a wheelchair.

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use, but does not include a building attached in any way to the main building, or a building located completely underground.

ADJACENT means a property that connects in a contiguous fashion, and includes property directly across a right of way.

APPLICANT means a landowner or their agent who has applied for: MPS or LUB amendment, site plan, development permit or subdivision approval.

AUTOMOTIVE SERVICE include commercial services that are oriented towards automobiles, including gas stations, automotive and/or RV repair centers, car and/or RV dealerships, and includes boat storage and sales.

ARTISAN WORKSHOP means a workspace used to create works of art or items for sale in limited quantities, displaying works or items of art and selling art or items made on site

BUILDING means an enclosed structure.

COMMERCIAL USE means any retail, food establishment, office, automotive service and/or personal service that provides goods and/or services to the general public for monetary gain and any medical service.

COUNCIL means the Council of the Town of Shelburne.

CRAFT FOOD AND BEVERAGE PRODUCTION means the production of small batch food and beverages, for sale on or off site, but does not include industrial production that would unduly impact adjacent landowners.

DEVELOPMENT includes any erection, construction, alteration, replacement or relocation of or addition to any building and any change or alteration in the use made of land, buildings or structures.

DEVELOPMENT OFFICER means the officer(s) of the Town of Shelburne from time to time charged by the municipality with the duty of administering the provisions of the Land Use Bylaw and issuing permits in keeping with the Land Use Bylaw.

DRIVE THROUGH means a commercial use that operates an access for members of the public to receive goods and/or services without leaving their vehicle.

DWELLING or RESIDENTIAL UNIT 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 an apartment hotel.

SINGLE DETACHED DWELLING means a completely detached dwelling containing one dwelling unit but does not include a mobile home.

DUPLEX DWELLING means a building that is divided into two dwelling units each of which has an independent entrance either directly from outside or through a common vestibule.

APARTMENT BUILDING means a building containing three (3) or more dwelling units which may or may not have a common entrance from the street level and the occupants of which have common use of certain areas of the building.

ROW HOUSE means a building divided vertically into three (3) or more dwelling units with each unit having a front and rear exit.

EXISTING means existing as of the effective date of this Bylaw.

FOOD ESTABLISHMENT means a business selling food prepared on site and includes:

TAKE OUT means a business selling food prepared on site for consumption off site, but does not include drive throughs.

RESTAURANT means a business selling food prepared on site for consumption on site.

DRIVE THROUGH RESTAURANT means a commercial use that operates an access for members of the public to buy prepared food without leaving their vehicle.

CRAFT FOOD AND BEVERAGE PRODUCTION means the production of small batch food and beverages, for sale on or off site, but does not include industrial production that would unduly impact adjacent landowner.

GROSS FLOOR AREA means the total of the floor areas of the building above and below grade measured using the outside dimensions of the building.

HEIGHT means the vertical distance of a building between the average building grade and;

- i. The highest point of the roof surface of the parapet, or a flat roof, whichever is the greater;
- ii. The decline of a mansard roof; or

- iii. iii. the mean level between eaves and ridges or a gabled, hip, gambrel or other type of pitched roof;

but shall not include any construction used as ornament or for the mechanical operation of the building, water reservoirs, a mechanical penthouse, chimney, flag poll, solar panels/power collection or steeple.

HOME OCCUPATION means an accessory use of a dwelling for gainful employment involving the provision or sale of goods or services or both goods and services.

HOTEL means traditional tourist accommodation for overnight accommodation for the travelling public and may include facilities open to the general public such as meeting rooms, restaurants or entertainment facilities.

INSTITUTIONAL USE means a building or part of a building used by any governmental body or a not-for profit entity, and shall include government sponsored senior citizen housing facilities, or an organized body or society promoting a particular purpose with no intent of profit, or places of worship.

INDUSTRIAL USE means manufacturing plants, distribution of goods or services, administration of business activities, research and development facilities, warehousing, shipping, stockpiling of raw materials, storage, repair and maintenance of equipment including vehicles and boards and includes open storage of material, including bulk materials such as gravel.

Solar panel arrays Wind Turbines with a capacity over 2MW or where the property is a net electrical producer, are considered industrial uses. [Prov height cap is 4 times height]

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

CORNER LOT means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.

INTERIOR LOT means a lot situated between two lots and having access to one street.

THROUGH LOT means a lot bounded on two opposite sides by streets or highway provided, however, that if any lot qualifies as being both a Corner Lot and Through Lot as hereinbefore defined, such lot shall be deemed to be a Corner Lot for the purpose of this Bylaw.

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

LOT FRONTAGE means the length of a line joining the side lot lines and parallel to the front lot line and faces a public street.

LOT LINE means a boundary line of a lot.

FRONT LOT LINE means the line dividing the lot from the street and for purposes of this definition the term "street" shall include existing private road; in the case of a corner lot the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line.

REAR LOT LINE means the lot line furthest from or opposite to the front lot line.

SIDE LOT LINE means a lot line other than a front or rear lot line.

FLANKING LOT LINE means a side lot line which abuts the street on a corner lot.

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

MAXIMUM LOT COVERAGE means that percentage of the lot area covered by all building above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level.

MEDICAL SERVICES includes clinics, pharmacies, dentist and optometrists offices, physiotherapy and other medical and para-medical services.

MGA means the Municipal Government Act.

MANUFACTURED HOME means a transportable, single- or multiple-section dwelling unit certified by an accredited certification body as complying with the CSA Z240 MH Series, Manufactured Homes, at the time of manufacture, before it is placed on the installation site.

MODULAR HOME means a finished section or sections of a complete dwelling unit built in a factory for transport to the site for installation and certified to CSA A277, Procedures for the Factory Certification of Buildings, by an accredited certification body at the time of manufacture, before it is placed on the installation site.

NOT FOR PROFIT mean an entity organized and operated exclusively for social welfare, civic improvement, pleasure, recreation, or any other purpose except profit (for example, a club, society, or association) and is considered a not for profit by the Canadian Revenue Agency.

OFFICE means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

OWNER means a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession, or other person having the care or control of any land or building in the event of the absence or disability of the person having the title thereof.

PARKING SPACE means an area of not less than fifteen (15) square meters, measuring not less than 2.6 meters by 5.5 meters by inclusive of driveways or aisles, for the temporary parking *or* storage of motor vehicles.

PERSONAL SERVICES means a business use involved with the provision of a service such as a repair shop, dry cleaning establishment, barber shop, or tailor, open to the general public for monetary gain.

PUBLIC SERVICE means any Board, Provincial or Federal Government, the Town of Shelburne, or a registered Not For Profit providing a services to the Town's residents.

PUBLIC UTILITIES means any building or structure related to the operations of Watermains, Sewermains, Stormwater management, street and traffic control infrastructure, including lift stations, water towers, treatment plans and pumps.

RECREATIONAL VECHILE means a vehicle or trailer built to the CSA Z241 standard and intended for seasonal residential use.

RECREATIONAL USES means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.

REGIESTERED HERITAGE PROPERTY/STRUCTURE means a property and/or structure that is Municipality and/or Provincially Registered under the Heritage Property Act.

RETAIL ENTERPRISE means a business use involved with the selling of any goods, wares, merchandise, or product to the general public for monetary gain and does not include Automotive Services such as gas stations or car dealerships.

SCRAPYARD means a lot or premises for the storage or handling of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, vehicles, tires, metal or other scrap material or salvage.

SMALL OPTION HOMES means a residential building that is used as a community home regulated by the Nova Scotia Homes for Special Care Act, in which no more than four residents are supported by qualified staff through a combination of live-in and shift models.

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

STREET LINE means the boundary line of the street.

STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs and also fences exceeding six (6) feet in height.

SEWERLINE means a sewer pipe or line intended to services a single building, also known as a 'lateral'.

SEWERMAIN means a sewer or pipe intended to service multiple buildings.

STORMWATER means water that originates from precipitation, including rain and melted snow, falling on the ground or roof of a building.

TOWN means the Town of Shelburne, Nova Scotia.

YARD means an open, uncovered space on a lot adjunct to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this Bylaw. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.

(i) **FRONT YARD** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot;

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

(iii) **SIDE YARD** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot;

(iv) **FLANKING YARD** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flanking lot line

WATERLINE means a potable water pipe or line intended to support limited development, that cannot support a hydrant and generally less than 150mm in diameter.

WATERMAIN means a large potable water pipe capable of supporting a fire hydrant and generally greater than 150mm in diameter.

VISTOR ACCOMODATIONS mean Bed and breakfasts, hotels, motels and short term-rentals, for overnight accommodation for the travelling public and does not include facilities open to the general public such as meeting rooms, restaurants or entertainment facilities.

Introduction and Background

The Town of Shelburne has a long and rich history. The Town was founded over 200 years ago, with the modern organization being incorporated in 1907. History strongly influences land use planning in Town, as some building and land uses are centuries old. The original street grid represents the majority of the streets in Town. The Town also has a strong connection to the harbour from a history of shipbuilding and fishing to use as an event venue on Dock St. The Town has faced limited growth as well, which has led to the retention of buildings and infrastructure.

The 1988 Municipal Planning Strategy and Land Use Bylaw were the first modern land use controls the Town adopted and have not been materially updated over the following years. The Town's population decreased from 2,312 in the 1986 census to an estimated 1,735 in 2025.

The Town is now looking at growth for the first time in decades, as this plan will outline. There is also a need to address pressing issues such as affordable housing and the impacts of climate change.

It is intended that this Strategy will provide for an orderly land development process within the town - one that promotes and protects the best interests of all those who choose to live and work in the community.

Community Context

Shelburne Harbour has the third-best natural harbour in the world. The Town and area are heavily influenced by the impacts of glaciation, with glacial features throughout the area. The Townsite is relatively level, sloping towards the harbour in a generally south-west direction. The soil contains a significant amount of rock; leftover till from the glaciers. Most rocks are granite or related, sometimes with other sedimentary rock, especially to the east of Town. Granite has been quarried in the region in the past.

The Town consists of Class 7 soil under Canada Lands Inventory, making it poor to unsuitable for commercial agriculture. This is in part due to the presence of undifferentiated rock material in the soil, and the local soils are acidic. The soils in Town are generally a sandy-loam with some areas well drained and others poorly drained.

The Town has a number of wetlands and brooks that all drain into the harbour. The Roseway River is located on the north-western boundary of Town.

The climate in Shelburne is temperate and wet due to the presence of the Atlantic Ocean which moderates temperatures. Winters are characterized by colder temperatures averaging near or slightly below zero Celsius and snowstorms, including Nor'easters. Summers are warm, often humid but sometimes dry, especially in the later summer. Autumn carries risks of severe storms, including Hurricanes.

The Town has intact woodlands, both in fragments across Town and part of the forest that surrounds the Town. Tree species and overall vegetation vary across Town depending on local conditions.

History

The area in and around the Town has been occupied by people for thousands of years. The native Mik'maq traversed the Roseway River and used the surrounding lands for summer encampments long before these shores were visited by Spanish, Portuguese and French fishermen.

The French established Port Rasoir in the 1650's, primarily as a fishing settlement. The settlement was abandoned following raids by the British in the early 1700's.

In the spring of 1783, 5,000 settlers arrived on the shores of Shelburne Harbour from America, including former slaves of African American descent. Assurance of living under the British flag, and promises of free land, tools, and provisions lured many to the British Colonies at that time. Four hundred families associated to form a town at Port Roseway, which Governor Parr renamed Shelburne later that year. In the fall of 1783, the second wave of settlers arrived in Shelburne.

By 1784, the population of this new community is estimated to have been at least 10,000, with 1,500 Black Loyalists. This was the fourth largest European community in North America, much larger than either Halifax or Montreal.

Also in 1784, the Town experienced the Shelburne Riots, where a large group of white men attacked and destroyed 20 homes of Black Loyalists in Shelburne. The violence continued for weeks and led to many Black Loyalists leaving Shelburne for the relative safety of Birchtown, a predominately Black Loyalist community near Shelburne. Order was restored when Governor Parr dispatched a naval frigate and four companies of the 17th Regiment.

From the earliest times, Shelburne has been a centre for the building of ships. The first vessel launched at Shelburne was the 181 ton, Roseway, built for MacLean and Bogle in 1786.

In 1787, the government distribution of provisions was terminated. Within a few years, houses were put up for sale, and settlers left for England, New Brunswick, Upper Canada, and the United States. Many of Shelburne's buildings date back to Loyalist times. However, in the late 1790's government rations (food and building supplies) were halted, and the local economy collapsed, leading to significant out migration, including 1,200 Black Loyalist from the Town and area who resettled in Sierra Leone.

In the 1820s, the population of Shelburne had dwindled to about 300.

The Town of Shelburne was incorporated as a town on April 4, 1907. Through the Second World War the Town served as important naval base and shipyard, which was located immediately south

of Town. The naval base, and its infrastructure influenced the Town, both providing employment but also the Town's water supply was first established as part of the base in the 1940's.

The Town's first modern sewer system was installed in the late 1970's, bringing sanitary sewers to almost every house in Town. The Town had its water system, based on the previous naval base water treatment plant, installed in the early 1980's. The Town's first modern land use plan was created in the late 1980's and passed by Council in 1988.

Fishing is still a primary industry today. Some other industries are lumbering, fish processing, and the manufacture of barrels, institutional furniture, granite monuments, and marine supplies. Many of Shelburne's buildings date back to Loyalist times and some descendants of the first-generation immigrant Loyalists still live in the area today.

Demographics and Population Projections

Forecasting population growth in small communities such as the Town of Shelburne is difficult given the lack of local data and minor variations that can impact growth. Previous forecasts have relied on the Town receiving the same proportion of total migration as its population. For example, if the Town represented 1% of the Provinces population, it would received 1% of all migrants expected. However, there is a trend of people moving from rural areas of the Province to urban areas that may not been factored into previous growth forecasts.

Growth Projections

Natural growth, that is births-deaths, is expected to be negative for the forecast period. However migration, in particular intra provincial (within the province) and inter provincial (within Canada) is expect to cause the Town to grow, especially in the coming 5 years. This has been noted by real estate agents and other stakeholders in Town; there is currently a strong out of province demand of housing in Town. Out-migration, in particular of the younger demographic, is expected to continue. Stakeholders have the noted unavailability of affordable housing as a cause of youth leaving the community.

This will lead to an aging population in Town. This population will likely look for infrastructure and services, such as accessible sidewalks, daytime recreational opportunities, access to medical and retail services.

There are opportunities to change the demographic projections, through increased economic development and greater retention of the younger demographic.

Town's Growth Estimates

Based on the information above and to guide planning decisions, the Town has prepared population estimates and projections.

For the years since the 2021 Census, the Town has used StatsCan and Government of Nova Scotia data to estimate the Town’s population from 2021-2024:

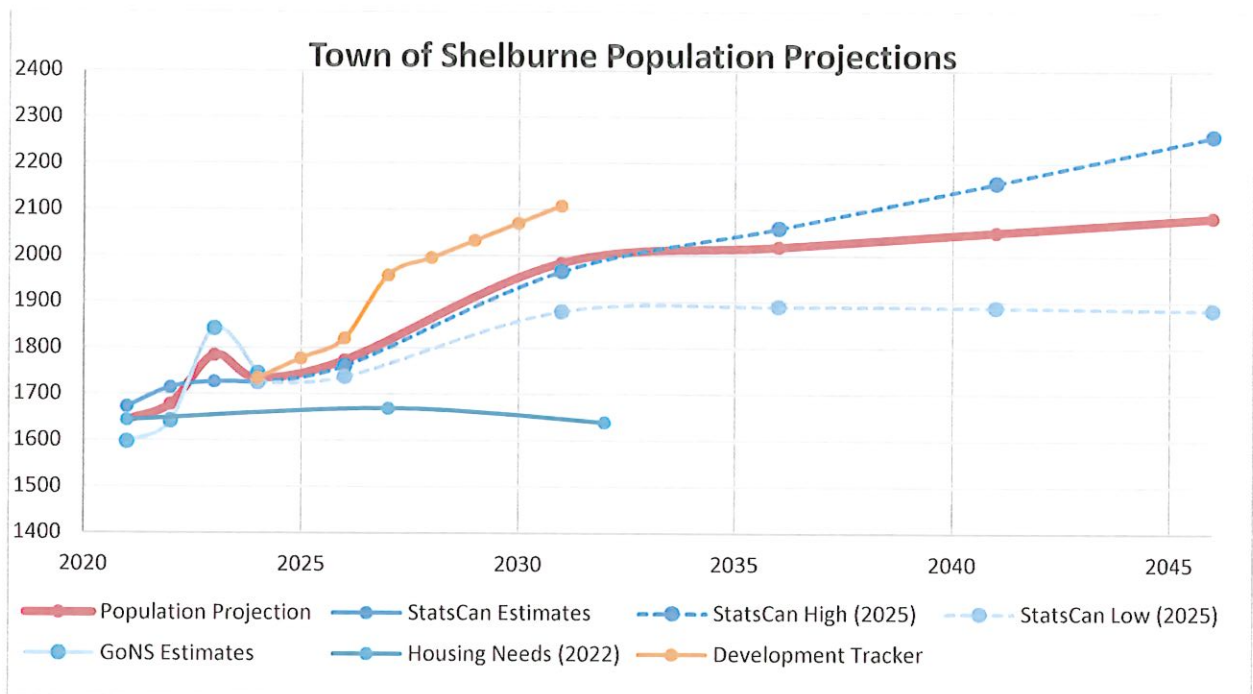
Population Estimates		
Year	Population	Population Increase
2021	1644	-
2022	1679	35
2023	1785	106
2024	1735	-50

Beyond 2024, the Town looked at Statistics Canada data and its own data to create a population projection from 2025-2046, below. The unit count is based on occupancy of 2 persons per unit.

Population Projections			
Year	Population	Population Increase	New Units
2024	1735	-	-
2026	1773	38	19
2031	1985*	212*	56
2036	2020	35	18
2041	2052	32	16
2046	2084	31	16
Total		349	125

*additional 100 new Town residents from Roseway Manor Rebuild, excluded from new units

Below are growth projections for the Town of Shelburne:



Population Projection Methodology

The Town's past population estimates, 2021-2024 are based on Statistics Canada's Population Estimates (StatsCan Table 17-10-0057-02 - January 2025) and the Government of Nova Scotia's Annual Population Estimates by County and Census Subdivision for July 1.

Projections from 2025-2045 are based on three data sources: Statistics Canada's High Growth Scenario; Statistics Canada Low Growth Scenario (StatsCan Table 17-10-0057-01 - January 2025); and the Town's development tracker. The development tracker is a list of proposed developments, both approved and under construction (2025 and 2026); and those proposed but unapproved (2027-2031). For the purposes of the population projections, unapproved developments are counted at 50%, meaning half of the proposed development won't be built, the other 50% will be built or another project is expected to take its place.

Discussion

The Town is experiencing growth for the first time in years. This is in large part due to an influx of seniors from within Nova Scotia and Canada, a demographic that will see population growth. The working age population is expected to be relatively stable. The younger demographic is expected to see a continued net out-migration, where more youths leave the community than move to the community, a trend that has been present in the community for decades.

There will also be growth in the seniors demographic stemming from the new Roseway Manor will house 112 residents. However, some of those future residents of the manor are current residents of the Town. A net increase of 100 persons is expected directly from the new Manor, which is planned to be open in the coming years.

The projections offer two related scenarios:

A rapid growth scenario, where the Town's population rises rapidly to nearly 2100 persons by 2031, an increase of roughly 365 persons, annualized at 3.4%. An average of 21 new residential units would be expected per year. This scenario predicts little to no growth beyond 2031.

The other scenario foresees the same total growth, but over a much longer timeframe with the Town's population slowly reaching 2100 persons, but not until 2046. Annualized growth rate would be 1.3% and an average of 6.25 new residential units would be expected per year.

Population growth could be impacted by a number of factors, the greatest being new economic development that increases in-migration of working aged residents and reduces the out-migration of the younger demographic.

Housing Needs

The Town will need new housing units to support the expected population growth. With an estimated increase in population of 265 persons, excluding population at the new Roseway Manor, 125 residential units will be needed. This is based on 2 persons per unit, the 2021 Census states that the average persons per unit is 2.1, but has been declining since 2011, where it was 2.4 persons per unit. With an aging population, who tend to be one or two persons per units, the persons per unit is expected to decrease slightly.

An additional 125 housing units represents an increase of 13.4% over the 2021 census count of 917 units. These units are expected to be a mix of single unit dwellings and apartments. Between 6 and 21 residential units are needed per year, and this assumes there is no current shortfall of units (pent up demand).

Plan Objectives & Approach

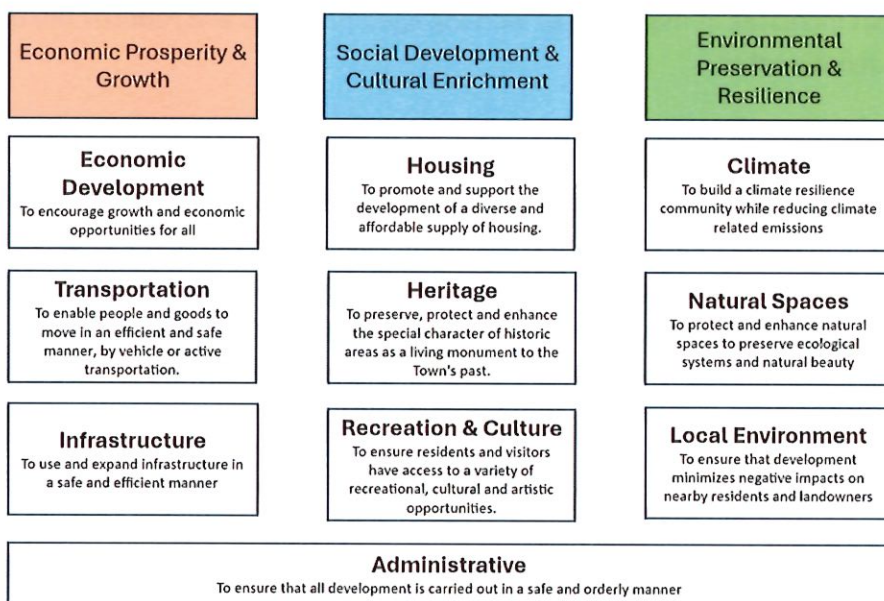
Scope and Purpose

Generally, it is intended that this Strategy will provide for an orderly land development process within the town - one that promotes and protects the best interests of all those who choose to live and work in the community.

Plan Objectives

The Town's MPS Objectives are based on three core areas: The economy; society and the environment. Each of these has three objectives, plus an administrative objective with policies supporting each objective.

DRAFT Town of Shelburne Municipal Planning Strategy Objectives



It shall be the policy of Council that this MPS and future amendments be guided by the following objectives:

Economic Prosperity and Growth

- a. To encourage growth and economic opportunities for all
- b. To enable people and goods to move in an efficient and safe manner, by vehicle or active transportation
- c. To use and expand infrastructure in a safe and efficient manner

Social Development and Cultural Enrichment

- a. To promote and support the development of a diverse and affordable supply of housing.
- b. To preserve, protect and enhance the special character of historic areas as a living monument to the Town's past.
- c. To ensure residents and visitors have access to a variety of recreational, cultural and artistic opportunities.

Environmental Preservation and Resilience

- a. To build a climate resilience community while reducing climate related emissions
- b. To protect and enhance natural spaces to preserve ecological systems and natural beauty
- c. To ensure that development minimizes negative impacts on nearby residents and landowners.

Administrative

- a. To ensure that all development is carried out in a safe and orderly manner

Each of these objectives is expanded on in the relevant section of this plan.

Approach

The approach to the updating of the MPS and related documents is heavily influenced by the history of planning and development in the Town. The Town's previous MPS was created in the late 1980's and adopted in 1988. The plan had not been significantly updated between that time and the 2025 update. There had been amendments to the plan and there was a draft update prepared in 2001, but it was not approved.

The adherence to land use planning and development control in the Town has been mixed, depending significantly on the availability of staff with experience and time to undertake land use planning and development control. Review of previous drafts and amendments show the Town was focused on economic development, and removed regulations seen to be an obstacle to growth.

Based on the above, this plan and related documents are designed to be easy to understand and require few resources to implement and maintain. The plan will also look to minimize infrastructure costs where possible and reduce urban sprawl.

Methodology

Updating the MPS and LUB was assigned to staff in the spring of 2024. Staff undertook a review of:

- Previous amendments, Council and the former Planning Advisory Committee minutes
- Statistical review (see above)

- Engaged with staff and stakeholders, including previous public engagements
- Development activity and processes
- Studies, reports and documents, including but not limited to:
 - Water and Sewer Studies, including
 - 1979 Sanitary Sewer Distribution and Treatment Plant Construction
 - 1985 Water Distribution Plan
 - Pavement Management Report 2001
 - Integrated Community Sustainability Plan (ICSP) 2010
 - Town of Shelburne Climate Change Action Plan 2014
 - Shelburne Infrastructure Study 2015
 - Stormwater Management Project 2016
 - Building Safe and Affordable Housing Shelburne County 2018
 - Coastal Protection Guidance 2020 Government of Nova Scotia
 - [CBCL May 2025 Report]

Existing MPS Policies were reviewed against the Statements of Provincial Interest (SPI) and to determine what updates would be needed based on changes since the plan was adopted. From there the objectives were developed to meet the expected policy needs. An initial draft was then created.

The Town also undertook an extensive public engagement program from August and October of 2025 which included:

- Group and bilateral interviews
- Community sessions; and
- Public survey

This resulted in engagement with over 150 Town residents engaged, as well as an additional 30 residents of the Municipality of the District of Shelburne.

For more information on the results of the public engagement, see [What We Heard Report: Shelburne Planning Documents and Town Projects](#) (November 12, 2025).

Revisions were made based on public input in December of 2025 and made public for final review in February of 2025.

A public engagement session with the draft documents was conducted February 17, 2026, prior to first reading on March 2, 2026.

Review Period and Conditions for Review

This plan is intended to cover a ten year period from its adoption in 2026 and a population of 1,700-2,300 persons. A review in 2036 is recommended, but this plan does contemplate development until 2046.

The plan may also be amendment where there are amendments to the Land Use Bylaw as requested by a land owner that require concurrent amendments to this plan.

Policy ADM 1 – Plan Review

Review of this plan is recommended where:

- a landowner proposes amendment to the maps or text of the Land Use Bylaw that is in conflict with this Plan;
- Council decides it would be prudent to amend this plan;
- Ten (10) years following its adoption;
- Where the Town's population exceeds 2,300 persons; or
- this Municipal Planning Strategy is found to be inconsistent with the Municipal Government Act or the Statements of Provincial Interest.
-

Economic Prosperity and Growth

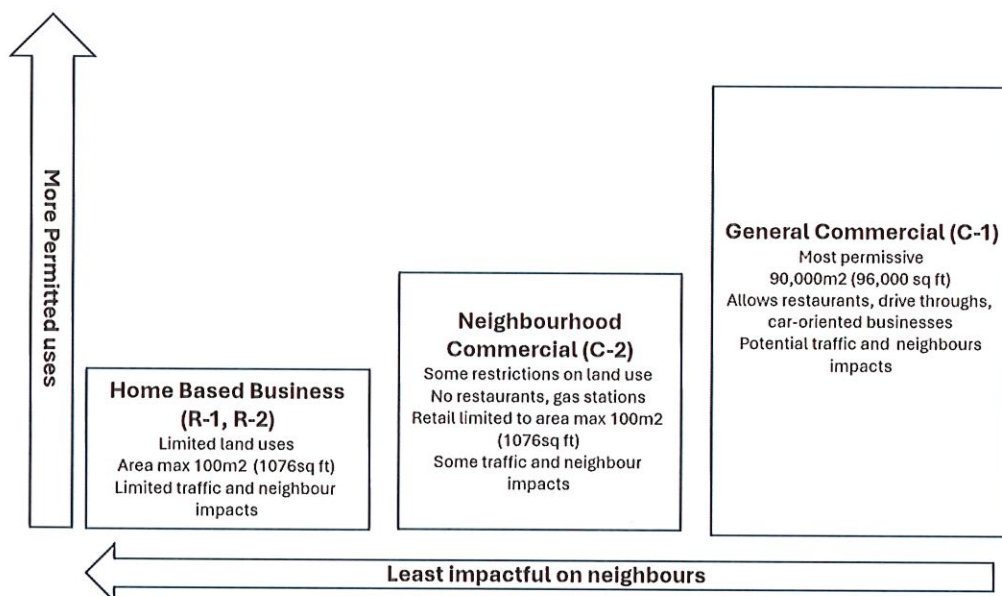
Economic Development

Objective: To encourage growth and economic opportunities for all

Generally speaking, commercial land use has developed around two principal streets – King Street which runs in a roughly east/west direction and Water Street which runs in a north/south direction. This commercial area has a mix of older pedestrian oriented businesses and newer car oriented businesses, as well as some single unit dwellings.

There are two commercial zones, divided primarily based on impact to the surrounding neighbourhood and if the businesses will generate significant traffic. Commercial General is a very permissive, but potentially impactful zone as it permits larger land uses with greater potential to cause nuisance such as noise. Neighbourhood Commercial is more restrictive in uses, but as a result should have less of an impact on neighbouring lands, which could include residential properties.

As businesses grow, they may need to consider a rezoning, or moving to a site better suited to their growing needs, and impacts on neighbouring residents. Below is a chart outlining three types of commercial approvals under this plan:



Commercial General (C-1)

The Commercial General C-1 zone is intended to be the most permissive commercial zone allowing a broad range of land uses. Uses may include gas stations, grocery stores, restaurants and other larger commercial developments. Given the potential impacts of larger commercial development, The C-1 zone will be limited to major streets and existing commercial areas in Town.

Drive throughs can create significant traffic issues and noise impacts to nearby residents. To help mitigate those impacts the Town will require a site plan to ensure there is sufficient space for waiting vehicles and sufficient buffering from nearby residents.

Larger commercial developments, over 2,500 m², can also have significant impacts on nearby residents, are more likely to require utility connection and have the potential to create stormwater management issues. To help resolve these issues, approvals for larger commercial developments will be site plan.

For more information on Adult Entertainment and Commercial developments over 9,000m² see Administration - Development Agreements.

Policy COM 1– Commercial General Zone

It shall be the intention of Council to establish the C-1 General Commercial Zone within the area designated Commercial on Map 1, the Generalized Future Land Use Map and permit any commercial use up to 2,500m² (26,000 sq ft), and residential uses permitted in General Residential R-2, excluding:

- Adult entertainment
- Casinos
- Drive throughs

The following uses are permitted by site plan approval:

- Any commercial use up to 9,000m² (96,000 sq ft), excluding adult entertainment and Casinos
- Drive throughs

Neighbourhood Commercial (C-2)

Small businesses are an important part of vibrant and prosperous economy. The Neighbourhood Commercial zone is intended to support small businesses while minimizing impacts on neighbouring residents. To minimize impacts, the uses will be limited, and some uses will be limited by size.

Areas of Town that are currently residential and designated residential on the Generalized Future Land Use Map would be eligible to be rezoned neighbourhood commercial. This means that this zone could

be found in predominantly residential areas, increasing the need to be sensitive to impacts on nearby residents.

The Neighborhood commercial zone can also be mixed use, with the same residential permissions as Residential General (R-2).

Policy COM 2 – Neighbourhood Commercial Zone

It shall be the intention of Council to establish the C-2 Neighbourhood Commercial Zone within the areas designated Residential or Commercial on Map 1, the Generalized Future Land Use Map and with the following permitted uses:

- Office
- Artisan workshop and/or gallery
- Personnel services
- Medical services
- Craft Food and Beverage Production
- Retail - up to 100 m² (1076 square feet)
- Take out food establishments, excluding drive throughs
- Visitor Accommodations, up to 4 units
- Uses permitted in General Residential R-2

Home Based Businesses

Home based businesses offer an opportunity for small businesses to start and operate in a residential zone. Given the potential proximity to other residential properties, Home Based Businesses will be subject to limitations on land use, size of uses and other criteria. This will help prevent issues with neighbours including noise and parking.

Policy – COM 3 – Home Based Businesses

It shall be the intention of Council to permit home based businesses in the R-1 Single Unit Residential and R-2 General Residential zones with the following permitted uses, limited to 25% of gross floor area of a residence and not exceeding 100 m² (1076 square feet) :

- Office
- Artisan workshop and/or gallery
- Personnel services
- Clinics/medical services
- Craft Food and Beverage Production
- Visitor Accommodations, up to 2 units

Additionally, Home Based Businesses shall:

- Not have signage larger than five (5) square feet and shall not be illuminated, unless permitted under the land use bylaw
- Not have more than one (1) additional employee on-site
- no more than two vehicles associated with the business may be parked at the residence overnight.
- Be owned and operated by the occupant of the residence, except for Visitor Accommodations which are permitted without the owner occupying the residence;
- Visitor Accommodations may be operated by a non-occupant owner. Where the owner does not occupy the dwelling the use shall be limited to one (1) Visitor Accommodation unit and the area limitations do not apply.

Home businesses that need additional space should consider applying for a rezoning to C-2 Neighbourhood Commercial.

Industrial Zone (M-1)

The Town of Shelburne has a history of industrial development, ranging from ship building on the waterfront to lumber mills to light manufacturing. However, the number of industrial developments and jobs in manufacturing have declined over the past 25 years, and there are an increasing number of former industrial sites that are being used for commercial purposes.

Scrapyards are not permitted in the Town due to potential for groundwater contamination and challenges with ensuring setbacks for noise, odour and visual impacts in a smaller urban center.

Policy – IND 1 – Industrial Zone M-1

It shall be the intention of Council to establish the M-1 Industrial Zone within the area designated Industrial on Map 1, the Generalized Future Land Use Map and permit any industrial or permitted commercial uses in the General commercial C-1 zone, up to 9,000m² (96,000sq ft), excluding:

Chemical plants or Refineries

Scrapyards

Residential Uses

Port of Shelburne

The Port of Shelburne is a community asset and vital to the local economy. The Town has a long maritime tradition, and that continues today with the Port of Shelburne. The port supports the local fisheries and has played an increasingly important role in supporting cruise ships that are looking to stop in Town. The past cruise ships have been a major boost to tourism, local businesses and the tourist

attractions. The Town is also looking to support industry with the ongoing exploration of rare earth elements nearby Town.

The Port is a unique land use in Town. Expansions to the Port are also under consideration, with significant port improvements potentially impacting nearby landowners.

Transportation

Objective: To enable people and goods to move in an efficient and safe manner, by vehicle or active transportation.

Development within the Town of Shelburne has progressed for more than two centuries on, more or less, the same grid pattern that was originally laid out by British military engineers. This was, in effect, the first town plan for Shelburne. Today, the Town of Shelburne's street network consists primarily of an incomplete grid pattern and other streets that connect to the broader community and the main transportation route, Highway 103.

The Town has approximately 27 km of local streets and 5 km of collector streets, almost entirely paved.

The Town is primarily car-oriented, with 87.1 % of all commuters originating in Town driving, either as a driver or a passenger, to work. This is aligned with Provincial rate of car commuting of 87.4%. 9.4% of commuters in Shelburne walk to work, well above the provincial average of 5.6%. 70% of all commutes in Town originating in Town are under 15 minutes, with 85% under 30 minutes. 3% of commuters originating in the Town commute more than an hour.

The Town has a relatively small walkable layout and with a walk from the north to south town boundary taking roughly an hour covering 5.3km via pedestrian routes.

See Map C – Transportation for more information.

Active Transportation

Active transportation is using a person's own power to get from one place to another. This includes:

- walking
- biking
- skateboarding
- in-line skating/rollerblading
- jogging and running
- non-mechanized wheel chairing
- snowshoeing and cross-country skiing

Active transportation benefits residents health, creates a more efficient transportation system, reduces emissions from vehicles and reduces travel cost to residents.

The Town has a mix of existing active transportation infrastructure, including asphalt and concrete sidewalks, and the rail trail that runs through the Town. The Town also has informal bike lanes on Water and King Streets. There are areas of Town that do not have nearby access to active transportation, and pedestrian traffic shares the sometimes narrow roadway with vehicle traffic.

A minimum grid approach is where a municipality creates a grid of infrastructure that provides access to major designations, such as the waterfront, schools, the mall and extends to within a certain radius of most residents. With the Town’s existing active transportation infrastructure there are only a few gaps: the south end Town, from Prince Street to George Street, except residents near the rail trail; and the northern portion of Town near Elliot and Transvaal Street.

Policy T1 – Active Transportation

It shall be the policy of Council to support Active Transportation and develop a minimum grid for active transportation system.

Accessibility

With an aging population there is increasing need for accessible infrastructure. Accessible infrastructure is also beneficial to others, such as those with children in wheeled strollers a those with limited mobility. The Town has a role to play in regulating parking, including accessible parking and general Town infrastructure, such as parks and Town owned buildings.

The Province has also directed municipalities through the Built Environment Accessibility Standard to ensure minimum accessibility standards will be met.

Policy T2 – Accessibility

It shall be the policy of Council to require accessible parking stalls, or cash in lieu of parking, for new developments, as stated in the Land Use Bylaw and for the Town to follow the Built Environment Accessibility Standard.

Streets

The street sizes and components, such as sidewalks, are not standardized. The Town has streets that are paved to a 18-20 foot standard, the minimum for 2 way traffic, and some that are closer to the 26-28 foot (7-8m) modern standard for a two way road. Sidewalks are a mix of asphalt and concrete. There are also many unopened street right of ways in Town, from a time when the Town was expected to grow and follow a strict grid pattern.

The Town will look to improve the traffic safety and capacity of its streets, in particular as new development occurs and increases traffic. Residents have noted areas of Town where traffic safety is a concern. The Town will look at adopting standards that promote a safe traffic environment for pedestrians and vehicles.

Policy T3 – Streets

It shall be the policy of Council to develop public street standards and improve streets to support a minimum grid system for vehicles.

All lots must front onto a public street in towns under the Provincial Subdivision Regulations. Given this and the prevalence of public streets and unopened rights of way in Town, new private streets are not permitted.

Outside of the existing grid of streets, Town streets tend to be long with few cross connectors to promote efficient development patterns and a walkable, permeating transportation network. To help ensure that parts of the Town do not become cut off from public streets and enable future development, the Town will require space be reserved for future street connections in certain parts of Town.

Further, given the Town has significant existing road infrastructure and unopened right of ways, existing roads and rights of way should be used before extending or expanding the road network.

Policy T4 – Existing and Connector Streets

It shall be the policy of Council to encourage the use of existing streets, including unopened streets, and require applicants for subdivision to reserve space for future streets on: Wrights Road, Ohio Road, Falls Lane, Annapolis Road and Morven Road.

Parking

Vehicle parking has been a growing concern in parts the community, especially in the urban core of the community, from Dock to Digby Streets and Buckley to George Streets. In other parts of the Town, the narrow streets prevent on street parking. The Town also recognize the Historic Waterfront was not designed for modern vehicles.

With an aging population and to enable access for all persons, the Town will be requiring accessible parking for all developments over a certain size. Details on parking can be found in the land use bylaw.

POLICY T5 – Parking Requirement

It shall be the intention of Council to require a minimum number of vehicle and accessible parking stalls, or cash in lieu of accessible vehicle parking, in the Land Use Bylaw.

Infrastructure

Objective: To use and expand infrastructure in a safe and efficient manner

The Town has existing potable water, sanitary sewer and stormwater infrastructure.

Using existing infrastructure increases efficiency and reduces the need for costly expansion to the Town’s infrastructure systems. Using existing infrastructure, as opposed to building new infrastructure also aligns with the Statements of Provincial Interest regarding Infrastructure:

1. Planning documents must promote the efficient use of existing infrastructure and reduce the need for new municipal infrastructure. Measures that should be considered include:
 - (a) encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
 - (b) discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
 - (c) directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered;

The Town has a significant number of lots that have street and sewer access but are undeveloped but could be used for infill developments. Infill development refers to developing, filling in, lands that are currently vacant, but typically have other developments nearby. The Town aims to promote the use of these lots as they will cost less to service as the infrastructure exists. The also helps ensure the infrastructure systems remain efficient and compact, along with urban development. Compact urban form has a number of advantages, from enabling a walkable community to reducing the climate related emissions to providing more efficient use of land for housing.

This plan is intended to guide and regulate growth of infrastructure, but costs associated with expansions will need to be considered carefully. Additional work on determining a fair method for cost sharing is needed.

Water

Many properties are connected to the Town’s sanitary sewer system, however few are connected to the municipal water system. The Town has sought to increase the number of properties connected to the water system as there are areas of Town where low water usage can cause issues with water standing in pipes longer than recommended.

Expansion of the Town’s water system is expected to service new higher density developments. It has been the policy of Council for many years to expand the water system to more residential and businesses in Town. This has been hampered by a lack of growth.

The Town will also look to implement water connection standards, including requiring backflow prevention devices, in the Land Use Bylaw and town engineering standards.

Aligning the Town’s water system with its sewer system also aligns with several of the Statements of Provincial Interest regarding infrastructure including:

1. Installing municipal water systems without municipal wastewater disposal systems should be discouraged.

Policy W1 – Municipal Water System

It shall be the policy of Council to expand the municipal water system only to lots that are currently served by the Town's sanitary sewer and to lands identified in this planning strategy on Map A, subject to engineering and cost feasibility to be defined in the Town Water Bylaw.

Sanitary Sewer

As with many smaller municipalities the Town has a combined sanitary and stormwater systems in parts of Town. This means that sewage from homes and businesses is combined with stormwater collected during a rain event through storm drains on streets or in some cases from downspouts connected to the Town's sewer system. Combining the sanitary wastewater and stormwater can result in the sewer system becoming overwhelmed and raw sewage discharged into the harbour. This can cause environmental issues, and potentially damaging to municipal infrastructure.

The Town will also be exploring and implementing new sewer connection standards to ensure that waste, such as commercial wastewater from restaurants or other uses that generate significant wastewater, is treated on site and/or the impact on the Town's sewer system is reduce and/or mitigated prior to discharge into the Town's sewer mains.

The Town will continue to require development near sewer mains to connect to protect local water supplies. The Town will also require sewer main extensions where there are water main extensions, which is in keeping with the Statements of Provincial Interest encouraging sewer and water system alignment.

Policy W2 – Municipal Sanitary Sewer

It shall be the policy of Council to:

- Require the use of the existing sanitary sewer system for all development located within 30 m (100 feet) of the Municipal Sanitary Sewer System, in keeping with the Town's Public Sewer Bylaw; and
- To extend sewer mains in conjunction with water main extensions under Policy W1 and subject to engineering and cost feasibility in keeping with the Town's Public Sewer Bylaw.

Stormwater

The stormwater system is varied; in some parts of Town the stormwater system is a ditch leading to a brook, in other parts its buried pipe leading to the Harbour. The stormwater system has been added onto incrementally and has not previously been regulated through the planning process.

The 2010 report on South End Drainage and 2016 Stormwater Management Project highlighted the increasing strain on the Town's stormwater system and the need to expand the Town's stormwater

system. The 2016 report also stated that there was limited concerns at the time regarding private stormwater issues, such as pooling water after precipitation events or erosion from unmanaged stormwater.

With the combined sanitary and stormwater systems in certain parts of Town, and increasingly intense rain events, stormwater management will be an important aspect of infrastructure planning for both the Town and landowners.

Where possible stormwater should be managed on site. This reduces the potential impacts not only on the Town's stormwater system but also potential impacts on adjacent properties. Properties are close to the Town's piped stormwater may be required to connect to the stormwater system depending on local conditions and capacity.

The Town will look to the site plan process to help with regulation of stormwater, in particular where there is a significant amount no non-permeable surfaces proposed.

The Town will also explore using natural assets, such as existing brooks and wetlands, to help manage stormwater across Town.

Policy W3 – Stormwater

It shall be the policy of Council to :

1. Regulate on site stormwater management in the Land Use Bylaw; and
2. Examine ways to upgrade the Town's stormwater infrastructure to address increased precipitation due to climate change.

Social Development and Culture Enrichment

Housing

Objective: To promote and support the development of a diverse and affordable supply of housing.

Housing, especially affordable housing, is an increasing concern for residents. The 2018 Building Safe and Affordable Housing noted that 69% of renters throughout Shelburne County have difficulty finding housing to meet their needs. The situation has worsened as housing prices have increased. As outlined above in the Housing Needs section, there will be a need for 125 new housing units to support expected growth.

Affordable Housing

One important, but complex piece of affordable housing is how to define it. The Canadian Mortgage and Housing Company (CMHC) has defined housing as being affordable where a household spends 30% or less of gross income on housing. Building on that, the Town will use a basket approach using local income levels and thresholds to develop a definition of affordable housing. For example, the Town has a low income tax policy which specifies a household income for homeowners to be eligible for tax relief; Statistics Canada provides income related data such as median income of a single parent household.

By defining affordable housing, the Town can enact policies, programs and track progress on making housing more affordable.

Policy H1 - Affordable Housing

It shall be the policy of Council to define the terms Affordable Housing in the Land Use Bylaw and to enact policies to promote, encourage and support Affordable Housing.

Single Unit Residential R-1

The Single Unit Residential zone is intended for smaller buildings, such as mobile homes and tiny homes, individually located on smaller lots, in part to improve affordability. This style of development also can allow for relatively higher densities, creating efficiencies in the provision of municipal infrastructure. It replaces the Residential – Mobile home designation.

Policy RES 1– Single Unit Residential R-1

It shall be the policy of Council to establish a Single Unit Residential R-1 zone in areas identified as residential on the Generalized Future Land Use Map with the following permitted uses:

- Manufactured Homes
- Single detached dwelling
- Home based business
- Accessory buildings

- Institutional uses
- Park and Recreational Uses

Residential General R-2

The residential general zone makes up the majority of the lands zoned residential. It is intended to be broadly permissive of lower density residential developments.

Accessory dwellings, sometimes called secondary suites, are additional residential unit(s) in addition to a primary unit, usually a single detached home and takes the form of a basement apartment, garden suite or other unit located on the same lot as the primary unit. Accessory dwelling units can greatly improve housing affordability as the accessory unit is usually rented average apartment prices as the units have limitations (underground, smaller size), but the primary unit also benefits from the additional income.

Accessory dwellings are permitted in the R-2 zone, and are treated as a standard residential unit, subject to setback, parking and other requirements under this plan and the Land Use Bylaw.

Policy RES2 –Residential General R-2

It shall be the policy of Council to establish a Residential General R-2 zone in areas identified as residential on the Generalized Future Land Use Map with the following permitted uses:

- Single detached dwellings, up to 4 units per lot
- Duplex and semi-detached dwellings, up to 4 units per lot
- Rowhouse and Apartment buildings, up to 4 units per lot
- Home Based Businesses
- Accessory buildings
- Institutional uses
- Park and Recreational Uses

The following uses are permitted by site plan approval:

- Single detached dwellings, up to 6 units per lot
- Duplex and semi-detached dwellings, up to 6 units
- Rowhouse and Apartment buildings, up to 6 units per lot

Residential Apartment R-3

Higher density apartments have been limited to certain areas of Shelburne to promote a vibrant walkable town center and make efficient use of infrastructure. This is also to protect more sensitive areas, such as the Historic Waterfront and established lower density neighbourhoods, from more intensive land uses and ensure the character of these areas is not compromised.

Pocket communities, a type of residential development found in town where there is a cluster of buildings around a common driveway, are permitted by site plan approval in the R-2 General Residential zone (up to 6 units) and up to 75 units per Hectare in the R-3 Residential Apartment zone.

Policy RES 3 –Residential Apartment R-3

It shall be the policy of Council to establish a Residential Apartment R-3 zone in areas identified as residential or commercial on the Generalized Future Land Use Map with the following permitted uses:

- Single detached dwellings, up to 4 units per lot
- Duplex and semi-detached dwellings, up to 4 units per lot
- Rowhouse and Apartment buildings, up to 6 units per lot
- Boarding or Rooming House, up to 6 rooms
- Accessory buildings
- Institutional uses
- Park and Recreational Uses

The following developments are permitted by site plan approval in the Residential Apartment R-3 Zone, subject the requirements of this bylaw:

- Single detached dwellings, 5 or more units per lot
- Duplex and semi-detached dwellings, 6 or more units pe lot
- Apartments and Rowhouse up 65 units per Hectare (26 units per acre)
- Permitted commercial uses in Neighbourhood Commercial C-2, except for visitor accommodation; and retail space limited to 100 m2 (1076 square feet) or the ground floor of an apartment building of 4 or more units.
- Developments of 7 or more residential units must be connected to the Town’s water system or have entered into an agreement to connect to the Town’s water system prior to site plan approval.

Policy RES 4– Residential Apartment R-3 Criteria

It shall be the policy of Council when considering rezoning lands to Residential Apartment R-3 that the following criteria be adhered to:

Not be located in the Historic Waterfront as identified on Map A of this Plan;

Have access to a Town watermain and sewer with sufficient capacity to support the proposed rezoning; or has entered into an agreement with the Town to extend/expand Town water and sewer.

Rural Unserviced R-U

The rural unserviced zone primarily contains large undeveloped lots in a natural forested state. Some lots are without street access or with poor frontage onto public streets and none have access to the Town's sanitary sewer or water system.

Although there are a number of permitted residential and commercial uses, no significant development is expected on in the rural unserviced without extension of public streets and rezoning. To be rezoned potential infrastructure and street extensions would need to be considered by the Town.

Policy RES 5 –Rural Unserviced (R-U)

It shall be the policy of Council to establish a Rural Unserviced R-U zone in areas identified as Rural Unserviced on the Generalized Future Land Use Map with the following permitted uses:

- Single detached dwellings, up to 4 units per lot
- Duplex and semi-detached dwellings, up to 4 units per lot
- Accessory buildings
- Institutional uses
- Park and Recreational Uses
- Permitted commercial uses in Neighbourhood Commercial C-2

Heritage

Objective: To preserve, protect and enhance the special character of historic areas as a living monument to the Town's past.

The Town of Shelburne has a long, rich history, with many historic buildings throughout Town, including along the Waterfront where in addition to the historic buildings, the smaller scale, pedestrian friendly streets add to the special character and charm of the area.

The Town will continue to work on ways to preserve and enhance the Town's heritage, including encouraging landowners throughout Town to consider Municipal Heritage Registration.

Policy HIS 1 – Heritage Building Registration

It shall be the policy of Council to encourage landowners to consider applying to be a Municipally Registered Heritage Property under the Heritage Property Act, and for the Heritage Advisory Committee to recommend to Council if the registration is warranted.

Historic Waterfront H-W

The historic waterfront area is a community asset and special part of town. Bounded roughly by Water Street to the East, King Street to the North, St. George Street to the South and the Harbour to the West, this is an area of historically significant buildings, small lanes and open access to the water, all of which

contribute to the special character. Because of the special nature of this area, the Town intends to apply a separate designation and control land use in a more detailed way.

An outline of the Historic Waterfront area can be found on Map A.

Policy HIS 2 – Historic Waterfront H-W

It shall be the policy of Council to establish within the Historic Waterfront area as shown on the Generalized Future Land Use Map with the following permitted uses:

- Office
- Artisan workshop, museum and/or gallery
- Personnel services
- Clinics/medical services
- Craft Food and Beverage Production
- Retail
- Restaurants, bars, take out establishments
- Hotels and visitor accommodations up to 10 rooms
- Residential uses permitted in R-2

The Historic Waterfronts special character stems in large part from the built form; the smaller pedestrian scale, limited setbacks, wood exteriors and fences. To protect and enhance the special character of the waterfront, additional regulations on signs, fences, and the exterior appearance of all buildings and structures. This includes ensuring fences, signs and accessory structure do not detract from Historic Waterfront.

The Historic Waterfront also has many open spaces, private and public lands that are largely undeveloped areas of grass and gardens. These spaces contribute to the special character of the area, showcasing houses with intact yards and accessory buildings, but also provide space for informal stormwater management. Except along Dock Street, the Historic Waterfront also has a tree canopy, provided by many mature trees. These large trees provide shade, absorb stormwater and contribute to a more pedestrian friendly environment.

Part of the historic nature of the waterfront area is the lack of car friendly infrastructure, such as wide streets and large parking lots. To protect this aspect of the historic waterfront, the Town will not be requiring vehicle parking, excluding accessible parking, in the Historic Waterfront.

Adaptive reuse of buildings is where a building is reused for a use that was not originally intended. Industrial loft style development, an old schools converted to apartments, and houses converted to commercial spaces are examples of adaptive reuse. The Town encourages adaptive reuse of heritage buildings.

Policy HIS 3 – Historic Waterfront Regulations

It shall be the policy of Council to additional regulations to protect the special character of the H-W Historic Waterfront Zone, including regulations regarding:

- architectural style;
- building length to width ratio;
- height;
- roof shape;
- appearance of exterior cladding and roof materials; architectural details and trim;
- shape and size of porches, doors and windows; window area to wall area ratio; and
- accessory buildings;
- outdoor storage;
- fences; and
- Signs

Recreation and Culture

Objective: To ensure residents and visitors have access to a variety of recreational, cultural and artistic opportunities.

The Town's waterfront is a well used community asset, enjoyed by both residents and visitors. The waterfront is primarily an open passive recreational space, offering seating and walking along the coast. The Town has also begun to use the space to host events, such as Dock Street Days, the Pumpkin Regetta and Miracle on Dock Street.

Adjacent to the waterfront area is Water Street, which between King and George Streets is a broad commercial street with a variety of businesses and buildings, with a strong street wall, promoting the main street feel of the area. The area has benefited in the past from beautification/revitalization efforts; and a number of plans were created in the early 1990's outlining potential revitalization of the Dock and Water Street area.

The Town has several parks ranging from larger parks such as the Roger Grovestine Recreation Complex to Graham Huskilson Park, an urban park with splashpad. There are additional parks on Parr St, Acker Ballfield, as well as park space at Hillcrest Academy.

The Town has parkland in most developed areas of the Town, the exception being the northern part of Town in the Ohio Road, Falls Lane, Wrights Road and Minto Street areas.

Given the Town's generally has sufficient land for parks and a significant amount of the in Town has been already been subdivided, the Town will not be requiring parkland dedication as part of the subdivision of land. This will also help improve housing affordability.

Council encourages all applicants to consider the inclusion of Public Art in new developments, in keeping with the Town's Public Art policy.

Policy REC 1 – The Waterfront, Parks, Recreation and Culture

It shall be the policy of Council to:

- Promote and enhance the Waterfront area as coastal recreational area and event space;
- Enhance and beautify the Water Street area as the Town's main street;
- Protect and enhance parks and recreational spaces across Town;
- Work with stakeholders to provide recreational, cultural and artistic opportunities; and
- Encourage public art installations and spaces as part of new developments.

Environmental Preservation and Resilience

Climate and Coastal Protection

Objective: To build a climate resilience community while reducing climate related emissions

Climate change is a result of the earth's temperature rising due to increased carbon dioxide emissions, commonly referred to as greenhouse gases (GHG), produced by human activity. GHG are emitted from a variety of sources including driving, producing electricity, heating and cooling buildings, operating appliances and equipment, manufacturing and transporting goods, and providing services and transportation for communities. The impacts of climate change can range from hotter and drier summers that increase risk of wildfire and drought, to increased extreme weather events such as hurricanes and rainstorms that put communities at risk of flooding and erosion.

Nova Scotia has already begun experiencing the harsh realities of our changing climate. The 2023 wildfires in Shelburne County burned more than 23, 500 hectares and damaged or destroyed 60 structures. In the same year, a wildfire in Halifax County burned hundreds of hectares of forest, destroying upwards of 150 homes, and Lunenburg and Annapolis County both experienced severe flooding events that resulted in extensive road wash outs and loss of life. With more severe storms and weather to be expected in coming years, it is important that municipalities recognize that Nova Scotia is not exempt from the extreme impacts of climate change and that we must act to mitigate and adapt to climate change.

The Town is key partner to assist the provincial and federal implement climate policies. Some key ways that municipalities can address climate action is through mitigating greenhouse gas emissions through decisions that impact community energy use such as land use, transportation and green development standards. Municipalities can provide climate accountability and leadership through implementing detailed climate action plans outlining key steps the community can take to address climate change.

Climate Adaptation

The Town is experiencing the effects of climate change. There are increasingly intense precipitation events that are taxing the Town's stormwater and sanitary sewer infrastructure. The Town has begun upgrades to infrastructure in anticipation of climate impacts, including increased sea levels and storm surges.

Additionally, the Town can expect more intense storms with strong winds, heatwaves, droughts and risk of forest fires. The Town will need to continue to find ways to adapt to the changing climate.

With increasing temperature will come an increasing the number, and intensity of heatwaves. The Town will look to provide shaded public spaces in parks and encourages landowners to provide shaded spaces where appropriate.

The massive Barrington Lake wildfire of 2023 in Shelburne County, which temporarily displaced half the County, demonstrated that forest fires are a significant concern for the region. Ensuring properties are well maintained, with minimal flammable debris such as downed trees or dry underbrush, can be an important aspect of reducing fuel for forest fires. The Town will work proactively with stakeholders to ensure the Town is prepared in the case of forest fires.

While the town has a central water system, but it reaches less than half of all residential properties, with many residents in Town reliant on shallow dug wells. These shallow wells have shown vulnerability to increasing long periods without rain, or times when what little rain comes is in short intense rain events that do not allow rainwater to recharge groundwater supplies. Expansion of the water system will reduce the potential impacts of drought.

Policy CLM 1 –Climate Change Adaptation

It shall be the policy of Council to enact policies and take actions to ensure the Town is resilient to climate change, including:

- Encouraging residents and businesses to ensure their stormwater is managed on site, where possible;
- Working proactively with stakeholders to ensure the Town is prepared in the case of forest fires;
- Providing shaded public spaces where possible; and
- Encouraging residents and businesses to connect to the Town’s water system

Climate Change Mitigation

The Town, its residents and businesses have a relatively small impact from a greenhouse gas emissions standpoint, however it is important that everyone work to reduce climate related emissions to reduce the need for sometimes costly climate adaptation projects.

There are a number of ways the Town’s growth and land development can have a climate impact. Promoting Active Transportation and compact development helps reduce transportation related emissions.

The Town has significant stands of mature trees, which help store carbon. Maintaining these trees and vegetation will help keep and increase the carbon captured, reducing emissions.

The Town is currently working to better understand its climate impacts by taking an inventory of climate related emissions. With the inventory, Council and the public will have a better understanding of the Town’s Climate impacts, and how to meaningfully reduce them. This inventory will need to be updated periodically to understand track progress on emission reductions going forward.

Policy CLM 2 –Climate Change Mitigation

It shall be the policy of Council to reduce climate related emissions by:

- Promoting compact development and use of the existing street network;
- Encouraging the development of an active transportation network;
- Encouraging the retention of trees and vegetation through the development process;
- Maintaining an inventory of climate related emissions from Town owned sources; and
- Exploring ways to reduce climate related emissions from Town owned sources.

Natural spaces, such as woodlands and wetlands, can also absorb and retain carbon, reducing climate change impacts. Retaining natural spaces and encouraging tree protection and planting will help reduce the impacts of climate change.

Coastal Protection and Flooding

The Coastal areas of Town are at risk of rising sea levels, increasing storm surge and related erosion. Coastal protection and flood risk planning are newer and sometimes controversial, as shown with the Province's extensive work on the unproclaimed Coastal Protection Act.

The Town's waterfront also is home to many historic buildings and the waterfront area is a community asset. This makes implementing coastal protections both important and complex. The Town intends to engage with landowners, relevant professionals and the public regarding potential additional regulations that could be implemented for coastal properties.

The Town aims to use the Government of Nova Scotia's coastal flood mapping to help determine the extent of the coastal protection area. The Land Use Bylaw will reference the 2100 worst case scenario prepared by the Government of Nova Scotia as the current coastal protection area.

The Town will also be considering the impacts of over land flooding that originates from high water levels in brooks and rivers. A similar approach to coastal flooding will be taken, recognizing action is needed, but the issue is complex.

Policy CLM 3 –Coastal Protection and Inland Flooding

It shall be the policy of Council, through the Land Use Bylaw, to establish the Coastal Protection and Inland Flood Planning Area Map identifying lands that are subject to additional regulation in the Land Use Bylaw to ensure that people and property are not at risk of coastal and/or inland flooding.

Those additional regulations shall include exemptions and/or relaxations as identified in the Land Use Bylaw.

Natural Spaces

Objective: To protect and enhance natural spaces to preserve ecological systems and natural beauty

The natural environment provides ecological services, from removing water contaminants and floodwater retention in wetlands to carbon capture, wildlife habitat, and potentially harvesting of

timber in wooded areas, there are many examples where preservation of ecological systems holds great benefit.

There are numerous small and medium sized wetlands in the Town. These wetlands provide important ecological functions such as stormwater retention. Wetlands are primarily regulated by Nova Scotia Environment. Where a proposed development is expected to impact wetlands, applicants should contact Nova Scotia Environment.

The Town is home to many brooks (small watercourses) that generally run east to west, following the topography before draining into the harbour. These brooks provide vital stormwater drainage for the Town, but could also be the source of flooding. The brooks are also enjoyed by residents for their aesthetic value. These brooks, and the land they cross, may need to be examined to determine the impacts of increased runoff from climate change and increased development.

There are also aesthetic considerations to retaining mature trees and landscapes. Access to natural spaces and viewing natural spaces have been shown to improve mental health and wellbeing.

Council encourages all applicants to consider the use of native plants in landscaping. Native plants use has a number of benefits, including supporting local biodiversity and native plants are generally more resilient than non-native plants. Use of native plants also eliminates the potential introduction of invasive species.

The Town will look to better understand the ecological systems it relies on, to ensure their protection and enhancement as needed to ensure those systems function.

Policy NAT 1 –Natural Systems

It shall be the policy of Council to

- Require the retention of mature trees, natural habitat and ecological systems as identified in the Land Use Bylaw; and
- Use native plants in Town projects and recommend the use of native plants for private landowner.

For development near water courses (brooks) or wetlands that alter those features, Provincial approval matters, will ensure the protection of the natural environment for all residents.

Policy NAT 2 – Watercourses, Wetlands and Provincial Approvals

It shall be the policy of Council to issue approvals involving alternations to wetlands, watercourses, or other areas of Provincial jurisdiction, following approval by the appropriate Provincial authority.

Local Environmental Impacts and Development

Objective: To ensure that development minimizes negative impacts on nearby residents and landowners.

There can be negative impacts from development on adjacent properties, including: noise, odour and visual impacts. The site plan process can help with preventing and mitigating impacts of nearby development by requiring engagement with nearby landowners and requirements for buffering around solid waste storage areas, fencing and landscaping requirements.

Potentially Contaminated Sites

As a Town with a long history, and industrial development in areas of residential growth, it is possible that there are contaminated sites in Town. The Town will encourage landowners to undertake property specific research and testing to understand if the lands are contaminated. The Town will consider support landowners in application for grants related to testing for suspected contaminated sites. Remediation work of any contamination would be the responsibility of the landowner. The Town would look to work with the landowner on land uses for the remediated lands.

Policy NAT 3 – Potentially Contaminated Sites

It shall be the policy of Council to encourage landowners with potentially contaminated lands to test their lands for contamination to better understand what if any contamination exists; to encourage remediation as needed; and promote adaptive reuse of formerly contained lands.

Legal Non-Conforming

Legal non-conforming refers to a property where the existing use is legal, but does not conform to the land use bylaw. It is essentially a form of grandfathering, however expanding the grandfathered uses is generally not permitted unless otherwise stated in the Land Use Bylaw.

Concerns were raised especially about seasonal businesses that might be closed for more the 6 months. There were also concerns about businesses that operate intermittently could lose permissions to recommence a land use. This plan and the land use bylaw will extend the timeframe for recommencing a use from 6 to 12 months.

Structures that are damaged or destroyed and land use that are discontinued as a result, may be rebuilt to the extent they existed prior to the damage or destruction.

Where the Town has several older buildings that were built before modern surveying, and the number of encroachments of private structures and public infrastructure on land throughout Town. Where these structures existed on or before September 1, 1988, the passage of the Town's first Municipal Planning Strategy and Land Use Bylaw, those structures are grandfathered and may be expanded or altered despite not conforming with setbacks and/or land use provisions in the Land Use Bylaw.

Policy LNC -1 – Legal Non-Conforming

It shall be the policy of Council to relax provisions around Legal Non-Conforming structure and land uses including:

Allowing the recommencement of a non-conforming use of land after a period not exceeding 12 months;

Allowing non-conforming structures and uses to be rebuilt if damaged or destroyed;

Allowing existing non-conforming structures built before September 1, 1988 to be expanded and altered.

Site Specific Provisions

As a community with a long history, the Town has several legacy businesses that have operated for decades throughout the Town. These businesses have provided jobs and important services to residents and businesses throughout the region. The business have a limited impact on nearby residents, including noise. These properties are subject to the noise bylaw and other Town bylaws. The Town aims to work with businesses and local residents near the site specific properties to mitigate negative impacts of existing development. Future developments in site specific areas may be subject to additional requirements, such as site plan approval.

Policy LNC 2 – Site Specific Provisions

It shall be the policy of Council to have site specific provisions for existing uses on certain properties as outlined in the Land Use Bylaw, including the following PIDS:

PIDS 80144033, 80144041 (Huskilson Funeral Home)

PIDS 80143209, 80143092 (Harlow's Construction)

PID 80147002 (135 Ann Street)

PIDS 82570060, 80147168, 82569930 (Lou Acker's Machining and Repairs)

PID 80146897 (137 Hammond Street)

PIDS 80141351, 80141377 (Wildwood Motel)

PID 80146897 (60 Ann Street)

PID 80149040 (Hessel Handcrafted)

Huskilson Funeral Home

58 Bulkley Street

Located in a primarily residential area, the funeral home is a lower impact commercial use. The funeral home and related uses will be permitted to continue and expand within the Neighbourhood Commercial zone, in addition to permissions under the Neighbourhood Commercial zone.

PIDS 80144033, 80144041

Harlow's Construction

108 King Street

Located on King Street near the Shelburne Mall, the site contains the region's only concrete plant and is essential for the region's construction industry. The plant has been operating for decades, with slow some residential growth north and south of the site.

PID 80143209, 80143092

135 Ann Street

Currently used as a storage yard and warehouse, the large lot is surrounded by residential development. The current use will be permitted to continue and expand within the Neighbourhood Commercial zone, in addition to permissions under the Neighbourhood Commercial zone.

PID

Lou Ackers Machining and Repairs

83 John Street

The site has been home to a machinist shop for decades and has been in operation before the previous 1988 bylaw was passed, and has been grandfathered for many years, despite non-conforming setbacks and encroachment onto Clement's St. There have been concerns raised about the impacts on the neighbouring properties since the 1990's. The land will remain industrial, but future expansions may be subject to site plan approval.

PIDS 82570060, 80147168, 82569930

137 Hammond Street

This site has been used for small scale automotive repairs for decades, despite being in a primarily residential area, and was previously grandfathered. That use will be continued along with those permitted in the Neighbourhood Commercial zone.

PID 80146897

Wildwood Motel

242 Hammond Street; 41 Minto Street

The Wildwood Motel has been in operation for decades, with residential properties developing nearby. There are two buildings on two lots, 242 Hammond Street and 41 Minto Street, each with a drive up style motel. The property will be zoned Neighbourhood Commercial with the added permission to allow for the current number of rooms.

PIDS 80141351, 80141377

60 Ann Street

The property is used as a warehouse and has been for many decades. The property will be zoned Neighbourhood Commercial with the added permission for warehousing. It is relatively isolated from nearby residential properties, and is adjacent to the Shelburne Exhibition.

PID 80146897

Hessel Handcrafted

80 Hammond Street

The property was recently bought and rezoned under the previous MPS and LUB to allow for a restaurant on site. The site is on Hammond St at the corner of Thomas, with good separation from all but one neighbour.

PID 80149040

Administration

Objective: To ensure that all development is carried out in a safe and orderly manner

Institutional Zone (I-1)

There are several institutional land uses in Town that do not conform to other land use types, these range from a long-term care facility to schools to the wastewater treatment plant. The Institutional Zone is intended to provide significant flexibility to enable a wide range of public uses.

The Fire Hall and Community Centre, located at 63 King Street, is one example of an institutional use in Town. The Town has a volunteer Fire Department that operates one fire hall and is considering developing a training facility.

Adherence to the site plan process is recommended, but not required.

Policy – ADM 2 – Establishing Institutional Zone

It shall be the intention of Council to establish an Institutional Zone, permitted in any area designated 'Institutional' on the Future Land Use Map (Map A) and permitting any use related to a Public Service subject to the following criteria:

1. The proposed development must be in relation to a project that provides a public service and is owned or operated by: the Town of Shelburne; Government of Nova Scotia; Government of Canada or a Not For Profit that will provide service to local residents.

Generalized Future Land Use Map

The Generalized Future Land Use Map (GFLUM) outlines a proposed future zoning map. Where a landowner is seeking a rezoning under the land use bylaw, the GFLUM indicates if that rezoning will also require an amendment to this plan. The GFLUM designations are intended to help guide landowners and Town decisions about future rezoning and overall growth. The GFLUM also acts to define and protect the historic waterfront zone.

Policy – ADM 3 – Generalized Future Land Use Map

It shall be the policy of Council to use the Generalized Future Land Use Map A, as attached, to guide future land use bylaw amendments and amendments to this plan.

Development Officer

The development officer(s) are responsible for the issuance of development permits, site plan review and approval of proposed subdivisions. The development officer must follow the Land Use Bylaw and may use the Municipal Planning Strategy to better understand and interpret the Land Use Bylaw.

Policy ADM 4 – Development Officer

It shall be the policy of Council to appoint a Development Officer to administer the Land Use Bylaw and issue permits in accordance with the Land Use Bylaw.

Application Standards

Standardizing application standards helps applicants and the development officer to quickly understand what is needed and evaluate the application against the land use bylaw. These standards shall apply to all development, but different standards may apply to different types of development.

Policy ADM 5 – Application Standards

It shall be the policy of Council to state requirements when applying for development permit, variance, site plan, land use bylaw amendments in the Land Use Bylaw; for subdivision applications in the subdivision bylaw; and to require complete applications in keeping with the MGA s. 245.

Intermunicipal Collaboration

The Town is open to collaborative planning with the Municipality of the District of Shelburne (MoDS). The two organizations share a number of services and share many goals. Future collaboration on land use planning may result in new documents or amendments to this plan.

The Town is committed to engaging with the MoDS on planning matters, and will be providing notice of certain applications to the MoDS.

Policy ADM 6 - Intermunicipal Notice

It shall be the policy of Council to require the following notification standards when consulting with the Municipality of the District of Shelburne as required by the MGA:

Notification shall occur under the following circumstances:

- The creation or review of a Municipal Planning Strategy.
- The creation or review of a Land Use Bylaw.
- The creation or review of a Subdivision Bylaw.
- The preparation of amendments to a Municipal Planning Strategy, Land Use Bylaw, or draft a Development Agreement, where:

- the property is located within 500 metres of the Municipality Boundary, or
- the proposal is expected to have a direct impact on the infrastructure of the Municipality of the District of Shelburne.
- The preparation of amendments to a Municipal Planning Strategy or Land Use Bylaw, where the amendment is associated with the Statements of Provincial interest.

Notification shall be sent by regular mail or electronic mail to the Clerk of the adjacent municipality prior to any public notice starting the amendment or adoption process. The notice shall provide a general summary of the proposed work and provide an opportunity for the abutting municipality to submit comments on the proposal.

Comments received from the abutting municipality shall be considered at a Council meeting prior to Council giving first reading.

The notification and opportunity to submit comments prior to the date of the first reading shall be deemed as having solicited comments, regardless of whether a written response is received.

Development Standards

Development standards help ensure orderly, standardized development that is in keeping with the character of the Town. This character varies throughout Town, and as such development standards will vary. Along Water Street between George and King Streets, buildings are close together creating a street wall, with minimal space on any side of the buildings. This is a contrast to the residential areas of Town that have a somewhat rural character, with large open or wooded spaces with buildings clustered together. This development pattern has been noted in Shelburne since the 1980s. It should be noted that across Town there are lots that do not conform with the Town's development standards, these developments are grandfathered (legal non-conforming) lots.

Yardage, references to the minimum requirements for the front, side and rear yards. This helps promote similar development to that found in Town. Separation of buildings and land uses can help reduce conflicts between landowners. The standards are also intended to allow for recreational opportunities to occur on private land, typically in rear or side yards.

Building coverage is an important aspect when considering stormwater management. It is also one aspect, along with yardage, than helps maintain the nature of the community.

Under the Land Use Bylaw, the Town will have a building height maximum, that excludes mechanical and other elements (see definitions – Height). This height restriction reflects the overall nature of existing development and the character of the community. Buildings along Water Street are near or slightly taller than 35 feet, but the majority of the Town's buildings are below 10.5m in height. As of the time of writing, the Town's tallest fire rescue ladder is 35 feet, re-enforcing the height restriction.

It shall be the policy of Council to establish development standards in the Land Use Bylaw and Subdivision Bylaw, which shall set out requirements for matters including:

- Lot size and dimensions
- Yard requirements, including setbacks and frontage
- Height of structures
- Maximum lot coverage

These standards shall apply to all development but different standards may apply to different types of development.

Site Plans

The site plan process offers the Town a better tool for regulating larger, more complex and impactful developments. It also includes an opportunity for public engagement. This is balanced with minimizing the burden on applicants.

Site plans are to scale graphical representation of a site, similar to building 'blue prints', but for the site instead of the building. A site plan will include information on a variety of topics, from stormwater, to infrastructure and street connections.

Policy ADM 8 –Site Plan

It shall be the policy of Council to require site plans for certain developments as defined in the Land Use Bylaw. The Development Officer to use the following criteria when evaluating site plans:

The development must:

1. Minimize the negative impacts of the proposed development, including buildings and signs, on the surrounding neighbourhood, including noise, lighting, shadows, or other nuisance or inconvenience to occupants of nearby residences, specifically:
 - a. Outdoor lighting is designed to light the structure, driveways and pedestrian infrastructure, but not trespass onto adjacent properties;
 - b. Shadows cast on adjacent properties should be minimized;
 - c. Noise generators, such as building air handlers, drive through queues and industrial facilities shall be located and buffered in a manner to reduce the noise impacts on adjacent properties;
2. Comply with the Heritage Property Act, where applicable
3. Retain existing vegetation where possible to provide mature landscaping and minimize the impacts of development on the surrounding neighbourhood;
4. Outline the proposed landscaping, including trees, hedges, shrubs, ground cover, including species section for non-native plants, fences, walls, other landscaping features and must not plant species identified by the Province of Nova Scotia as invasive species, to reduce impacts on adjacent properties and create greenspaces;

5. Minimize undue erosion and/or sedimentation, and other negative impacts on neighbouring properties from grading or alteration in elevation or contour of the land,
6. Minimize visual and noise impacts on nearby properties, through landscaping, fencing or a combination of both;
7. Ensure parking and loading is either behind the building, or appropriately screened from the street with landscaping to minimize the impacts of traffic, noise, lighting, or other nuisances;
8. Site accessible parking close to a building entrance without any barriers and in keeping with the Exterior barrier-free path of travel in the Nova Scotia Building Accessibility Checklist;
9. Provide pedestrian access(es) to link public sidewalks, if any, and parking areas to entrances of all primary buildings;
10. Ensure safe traffic flow, including but not limited to the protection of sightlines at intersections and driveways;
11. Meet engineering standards of the Town, including for sewer, water and stormwater connections, which may be required;
12. Ensure proposed stormwater flows do not damage adjacent properties or Town infrastructure;
13. Ensure the storage of solid waste does not create a visual nuisance or excessive odour and is separated or screened from residential development and public areas;
14. For site plans that contain multiple buildings:
 - a. Must ensure access for emergency vehicles;
 - b. Buildings are to be of similar architectural style and appearance, particularly if the existing structure is a heritage building,
 - c. Include pedestrian connections between buildings
 - d. Provide separation between buildings that is at least half the height of the tallest building;
 - e. Signage may be required at the discretion of the Development Officer, to aid the navigation of residents and guests;
15. Mitigate the potential impacts of coastal and/or inland flooding if in a Coastal Flooding or Inland Flooding area as identified in the Land Use Bylaw;
16. Where application for site plan is made for an existing non-conforming building that is being expanded, the development officer may choose to accept existing frontage, setbacks, coverage and lot area instead of requiring a variance; and
17. Other criteria as stated in the Land Use Bylaw, including but not limited to signage and accessory building requirements.

Signs, Outdoor Storage, Accessory Buildings and Temporary Development

Smaller developments, such as signs, accessory buildings and temporary developments can negatively impact the surrounding neighbourhood and will be regulated in the Land Use Bylaw.

It shall be the policy of Council to regulate signs, outdoor storage, accessory buildings and temporary development in the Land Use Bylaw

These standards shall apply to all development but different standards may apply to different types of development.

Development Agreements

Certain uses are not permitted in any zone, however the Town would consider amendments to this plan, the Land Use Bylaw and a entering a Development Agreement, as outlined in sections 225A and 225B of the MGA, to consider permitting:

- Adult Entertainment, Casino; or
- Large scale commercial and/or industrial development with a proposed gross floor area of over 9,000m² (96,000 square feet)

Policy ADM 10 – Development Agreements

It shall be the policy of Council to require an amendments to this plan, the Land Use Bylaw, and entering into a Development Agreement in keeping with section 225A of the MGA for:

- Adult Entertainment, Casino; or
- Large scale commercial and/or industrial development with a proposed gross floor area of over 9,000m² (96,000 square feet)

Amendments to Land Use Bylaw

From time to time amendments to the Land Use Bylaw will be required. To guide those applications and considerations, the Town will have application requirements and amendment criteria, outlined below:

Policy ADM 11 – Land Use Bylaw Amendment Criteria

It shall be the policy of Council to follow these criteria when considering an amendment to the Land Use Bylaw. The proposed amendment must:

1. be consistent with the intent of this Municipal Planning Strategy;
2. not knowingly conflict with any Town or Provincial programs, bylaws, or regulations;
3. not be premature or inappropriate due to:
 - a. the ability of the Town to absorb public costs related to the proposal;
 - b. impacts on the Town's sanitary sewer system;
 - c. impacts the Town's stormwater systems, including ditches;
 - d. impacts on the Town's water system;

- e. impacts on streets nearby and leading to the proposed development, including active transportation;
- f. the adequacy of fire protection services;
- g. the adequacy and proximity of schools, recreation, parks and other community facilities;
- h. impacts on the Town's historic areas and/or heritage buildings
- i. Natural hazards, such as wetlands, steep slopes, areas at risk of erosion and/or prone to flooding, either overland or coastal;
- j. Compatibility of the proposed land use with adjacent land uses, including but not limited to the bulk and scale of the proposed development; and
- k. The potential odour, noise, visual and/or pollution related impacts on nearby landowners.

Policy ADM 12 – Municipal Planning Strategy and/or Land Use Bylaw Amendment Application

It shall be the policy of Council to require the following from applicants, other than the Town, when considering a Land Use Bylaw Amendment:

Scale drawings prepared by a licensed surveyor or Professional Engineer that indicate the:

- a. Physical characteristics of the proposed site, including lot dimensions, elevations, natural drainage, existing watercourses and shorelines, existing structures and vegetation;
- b. Registered heritage structures on or adjacent to the site;
- c. Adjacent streets, rights-of-way and easements;
- d. Proposed location and use of all buildings, signs and structures to be constructed, including external lighting;
- e. Proposed solid waste storage
- f. Proposed stormwater management;
- g. Proposed Town sewer and water connections;
- h. Proposed streets, driveways, parking lots, walkways, active transportation routes; and
- i. Proposed landscaping, fencing and other site features.

A preliminary meeting with the Development Officer to review the proposed application, which the Development Officer may waive;

Applicant must adhere to the Town's Planning Public Engagement Policy.

Amendments to the Historic Waterfront zone require comment from the Heritage Advisory Committee.

Payment of a fee for land use bylaw amendment application as stated in the Town's Municipal User Fees.

At the discretion of the Development Officer, the applicant may be required to provide a:

Flood Study – A study prepared by a qualified professional that outlines the potential flood risk, Coastal and/or inland, and proposed mitigation measures;

Traffic Impact Study – A study prepared by a qualified professional that outlines the impact of the proposed amendments on the local and major streets in Town, potentially including active transportation;

Water, Wastewater and/or Stormwater Study – A study prepared by a qualified professional that outlines the impacts on the local Water, Wastewater and/or Stormwater systems in the Town.

Variations

The variance process creates flexibility to vary/change certain aspects of the Land Use Bylaw, including: yards, parking, setback, area and lot coverage requirements.

The variance process will include public engagement similar to a site plan approval, where nearby landowners will be asked for written input and made aware of the right to appeal variations under the MGA.

Variations may also be subject to approval criteria under the Land Use Bylaw. These criteria are intended to guide the Development Officer and offer greater certainty for applicants and members of the public regarding variations.

Policy ADM 13 –Variations

It shall be the policy of Council to enable the Development Officer to grant variations subject to criteria in the Land Use Bylaw, regarding:

- Setbacks and yard sizes;
- Frontage;
- Parking and loading spaces;
- Percentage of land that may be built upon; and
- Height and area of a sign.

Severability & Compliance with Other Legislation

If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Bylaw.

Nothing in this Bylaw shall exempt any person from complying with the requirements of any other bylaw in force within the Town, or from obtaining any license, permission, permit, authority, or approval required by any other bylaw of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada.

Where the provisions in this Bylaw conflict with those of any other bylaw of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada, the more stringent provision shall prevail.

Previous Bylaws Repealed

Upon this bylaw coming into force, the Municipal Planning Strategy and Land Use Bylaw passed December 12, 1988 are hereby repealed and no longer in force.

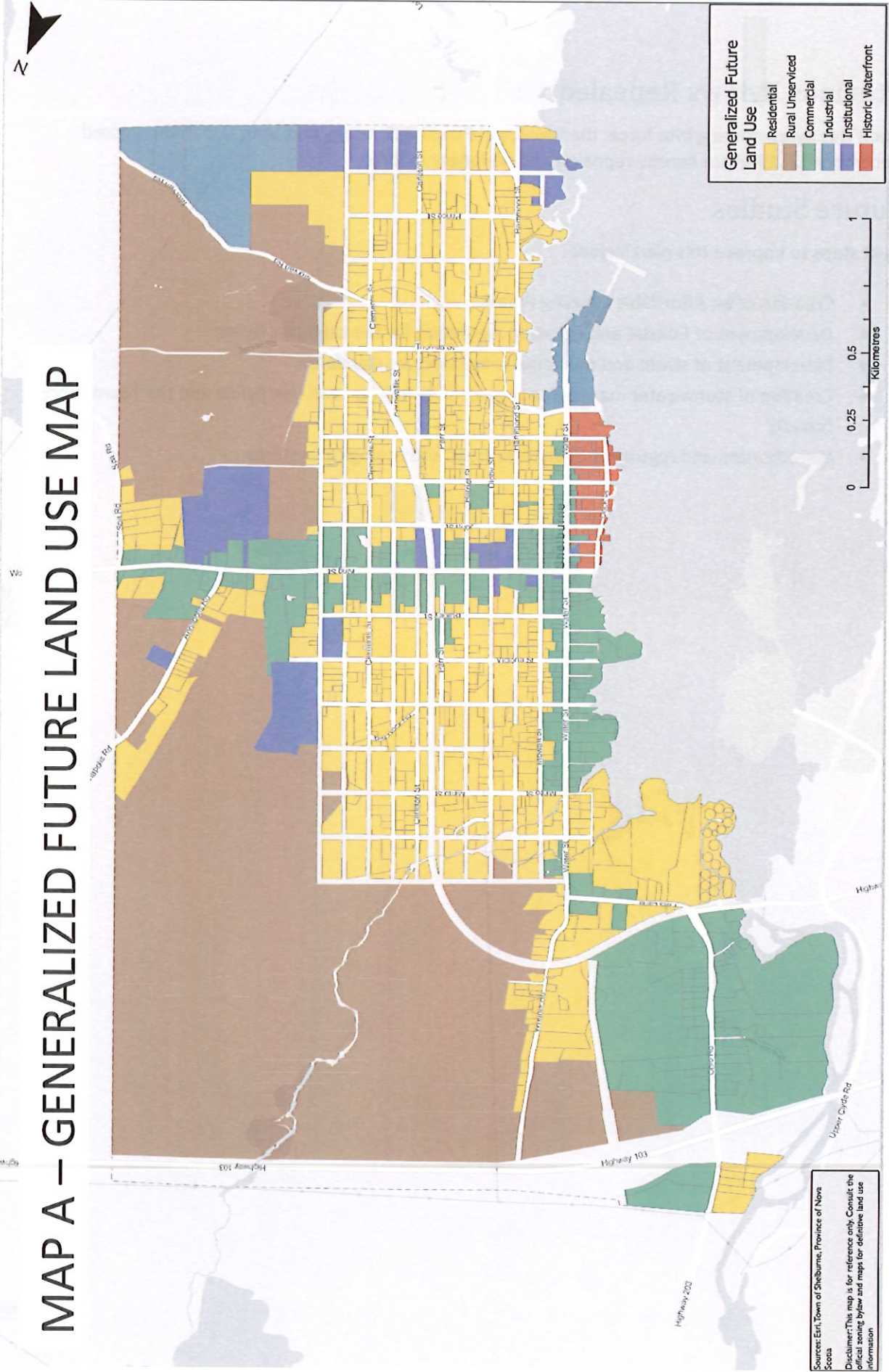
Future Studies

Next steps to improve this plan include:

- Creation of an Affordable Housing Policy
- Development of Coastal and Flooding regulation for the Land Use Bylaw
- Development of street and municipal infrastructure standards
- Creation of stormwater management guidelines for the Land Use Bylaw and the Town more broadly
- Identification and regulation of mature trees and ecological systems

Map A – Generalized Future Land Use Map (GFLUM)

MAP A – GENERALIZED FUTURE LAND USE MAP

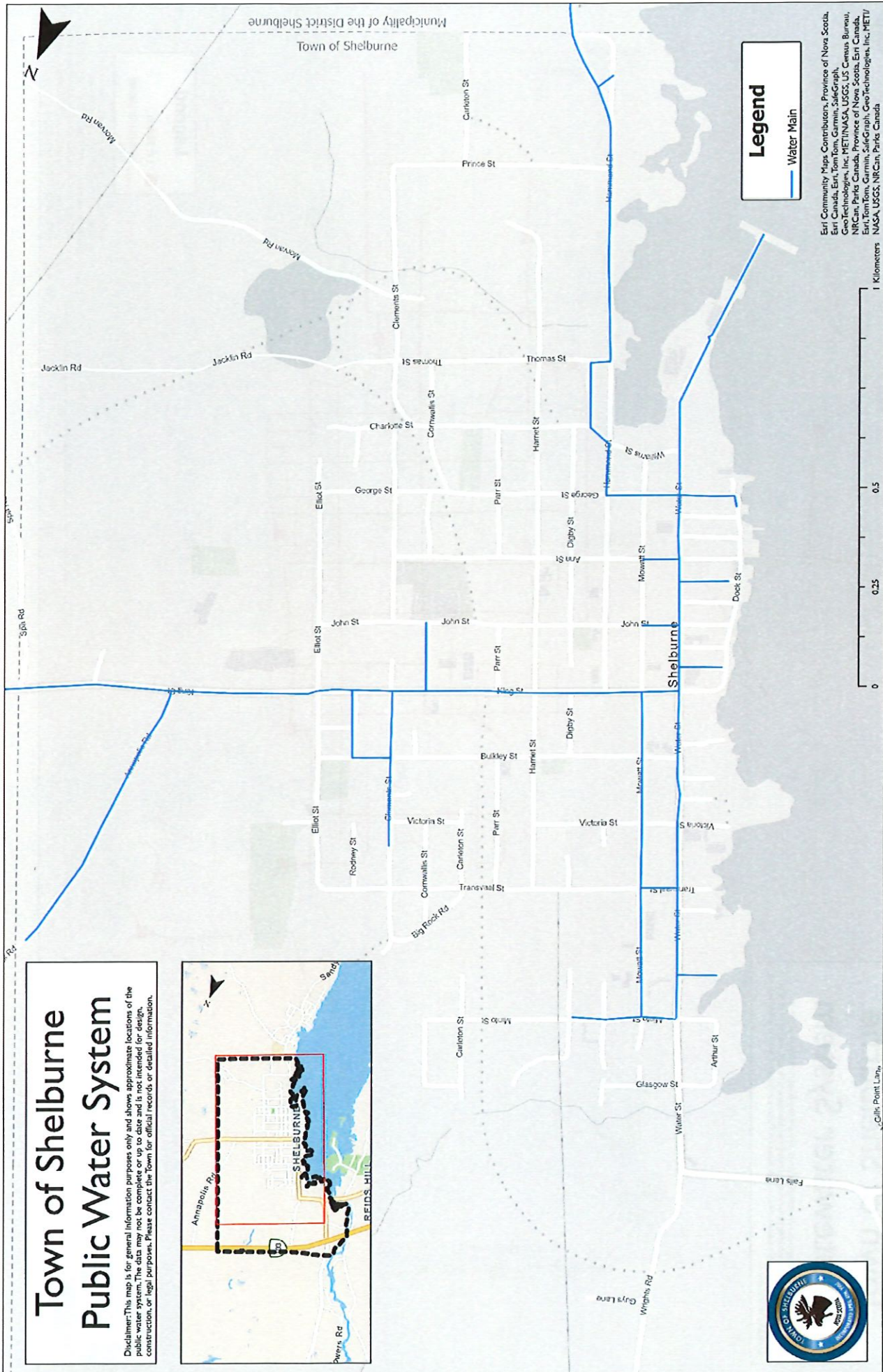


Source: Eri, Town of Shelburne, Province of Nova Scotia
 Disclaimer: This map is for reference only. Consult the official zoning bylaw and maps for definitive land use information.

Map B – Water System Map

Town of Shelburne Public Water System

Disclaimer: This map is for general information purposes only and shows approximate locations of the public water system. The data may not be complete or up to date and is not intended for design, construction or legal purposes. Please contact the town for official records or detailed information.

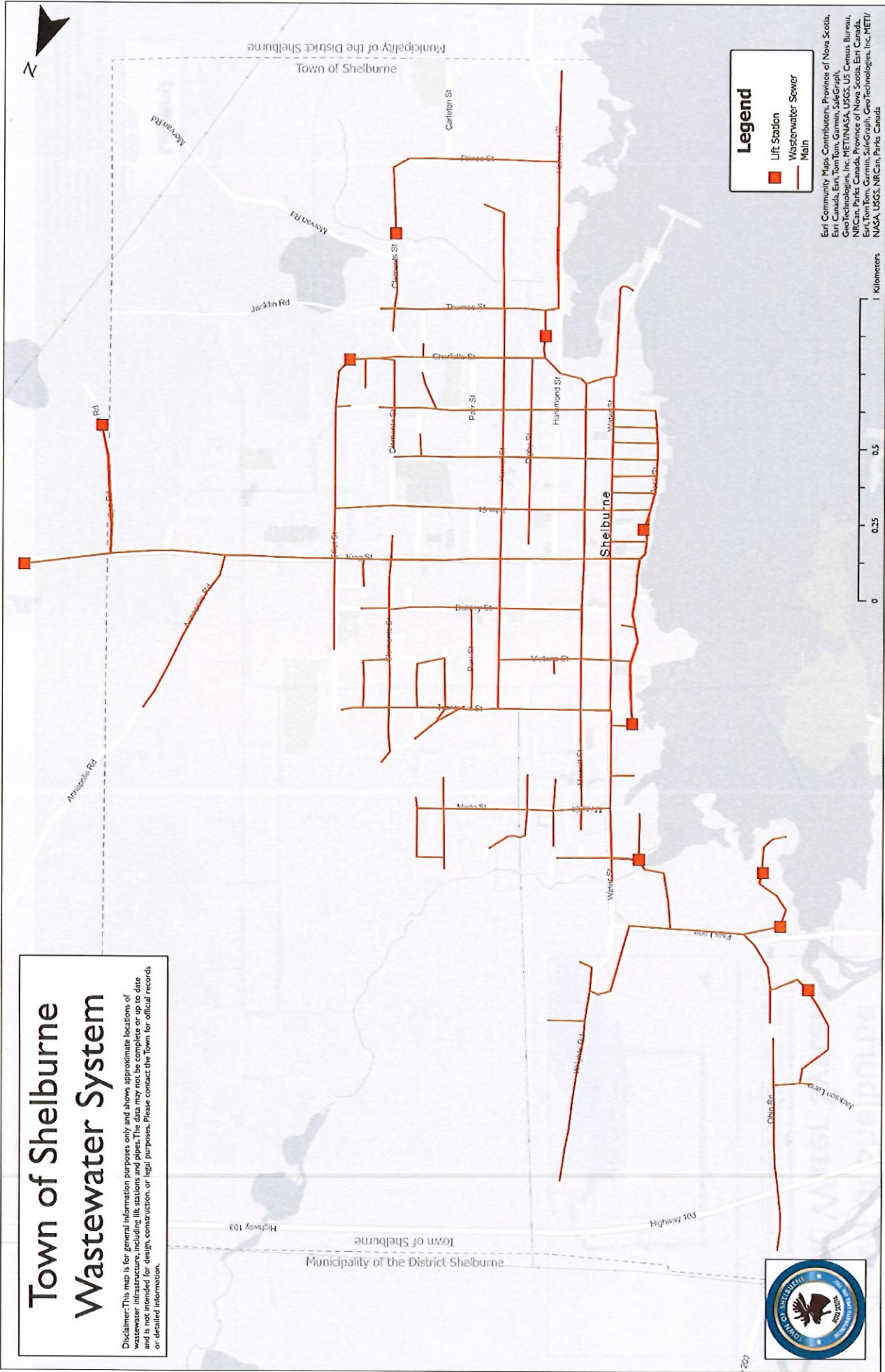


Esri, Community Maps, Contributors, Province of Nova Scotia, Esri, Canada, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METINASA, USGS, US Census Bureau, NRCan, Parks Canada, Province of Nova Scotia, Esri, Canada, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/USGS, USGS, NRCan, Parks Canada

Map C – Sewer System Map

Town of Shelburne Wastewater System

Disclaimer: This map is for general information purposes only and shows approximate locations of wastewater infrastructure, including lift stations and pipes. The data may not be complete or up to date and is not intended for design, construction, or legal purposes. Please contact the Town for official records or detailed information.



Earl Community Maps Contributors: Province of Nova Scotia, Esri Canada, Esri, TomTom, Garmin, USGS, US Census Bureau, GeoTechnologies, Inc. METI/NASA, USGS, US Census Bureau, NRCCan, Parks Canada, Province of Nova Scotia, Esri Canada, Esri, TomTom, Garmin, SiveGraph, GeoTechnologies, Inc. METI/NASA, USGS, NRCCan, Parks Canada.

Town of Shelburne

Land Use Bylaw

2026

First Reading: March 2, 2026
Second Reading: *March 18, 2026 (pending)*
Provincial Approval: *(pending)*

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Definitions

This bylaw uses the metric system of measurement. Numerical measurements in this document may also be presented in other units; however, this is for convenience only. Conversions to other units are approximate and rounding has been applied in a manner that provides a margin of error to ensure compliance with the official metric measurements. If a metric measurement conflicts with its conversion in another unit, the metric measurement shall take priority.

ACTIVE TRANSPORTATION means any mode of travel that uses human power to get from one place to another, such as walking, biking, or using a wheelchair.

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use, but does not include a building attached in any way to the main building, or a building located completely underground. Accessory buildings include ground mounted solar panels.

ADJACENT means a property that is connects in a contiguous fashion, and includes property directly across a right of way.

APPLICANT means a person or entity who has applied for: MPS or LUB amendment, site plan, development permit or subdivision approval.

AUTOMOTIVE SERVICE include commercial services that are oriented towards automobiles, including gas stations, automotive and/or RV repair centers, car and/or RV dealerships, And includes boat storage and sales.

ARTISAN WORKSHOP means a workspace used to create works of art or items for sale in limited quantities, displaying works or items of art and selling art or items made on site

BUILDING means an enclosed structure.

COMMERCIAL USE means any retail, food establishment, office, automotive service and/or personal service that provides goods and/or services to the general public for monetary gain and any medical service.

COUNCIL means the Council of the Town of Shelburne.

CRAFT FOOD AND BEVERAGE PRODUCTION means the production of small batch food and beverages, for sale on or off site, but does not include industrial production that would unduly impact adjacent landowners.

DEVELOPMENT includes any erection, construction, alteration, replacement or relocation of or addition to any structure and any change or alteration in the use made of land, or structures.

DEVELOPMENT OFFICER means the officer(s) of the Town of Shelburne from time to time charged by the municipality with the duty of administering the provisions of the Land Use Bylaw and issuing permits in keeping with the Land Use Bylaw.

DRIVE THROUGH means a commercial use that operates an access for members of the public to receive goods and/or services without leaving their vehicle.

DWELLING or RESIDENTIAL UNIT 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 an apartment hotel.

SINGLE DETACHED DWELLING means a completely detached dwelling containing one dwelling unit including a Modular Home but does not include a Manufactured Home.

DUPLEX DWELLING means a building that is divided into two dwelling units each of which has an independent entrance either directly from outside or through a common vestibule.

APARTMENT BUILDING means a building containing three (3) or more dwelling units which may or may not have a common entrance from the street level and the occupants of which have common use of certain areas of the building.

ROW HOUSE means a building divided vertically into three (3) or more dwelling units with each unit having a front and rear exit.

EXISTING means existing as of the effective date of this Bylaw.

FOOD ESTABLISHMENT means a business selling food prepared on site and includes:

TAKE OUT means a business selling food prepared on site for consumption off site, but does not include drive throughs.

RESTAURANT means a business selling food prepared on site for consumption on site.

DRIVE THROUGH RESTAURANT means a commercial use that operates an access for members of the public to buy prepared food without leaving their vehicle.

CRAFT FOOD AND BEVERAGE PRODUCTION means the production of small batch food and beverages, for sale on or off site, but does not include industrial production that would unduly impact adjacent landowner.

GROSS FLOOR AREA means the total of the floor areas of the building above and below grade measured using the outside dimensions of the building.

HEIGHT means the vertical distance of a building between the average building grade and;

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

but shall not include any construction used as ornament or for the mechanical operation of the building, water reservoirs, a mechanical penthouse, chimney, flag poll, solar panels/power collection or steeple.

HOME OCCUPATION means an accessory use of a dwelling for gainful employment involving the provision or sale of goods or services or both goods and services.

HOMELESS SHELTER means a structure(s) used to provide temporarily housing to persons who are not paying any rent, who are not related and/or are housed on an interim, temporary or undefined period. A Homeless Shelter may or may not include other services such as provision of food, social services or other basic needs.

HOTEL means traditional tourist accommodation for overnight accommodation for the travelling public and may include facilities open to the general public such as meeting rooms, restaurants or entertainment facilities.

INDUSTRIAL USE means manufacturing plants, distribution of goods or services, administration of business activities, research and development facilities, warehousing, shipping, stockpiling of raw materials, storage, repair and maintenance of equipment including vehicles and boards and includes open storage of material, including bulk materials such as gravel. This includes electrical production that is intended to be a net producer of electricity, exceeding on-site consumption by more than 50%, such as solar farms.

INSTITUTIONAL USE means a building or part of a building used by any governmental body or a not-for profit entity, and shall include government sponsored senior citizen housing facilities, or an organized body or society promoting a particular purpose with no intent of profit, or places of worship. Institutional use does not include Homeless Shelters.

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

CORNER LOT means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.

INTERIOR LOT means a lot situated between two lots and having access to one street.

THROUGH LOT means a lot bounded on two opposite sides by streets or highway provided, however, that if any lot qualifies as being both a Corner Lot and Through Lot as hereinbefore defined, such lot shall be deemed to be a Corner Lot for the purpose of this Bylaw.

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

LOT FRONTAGE means the length of a line joining the side lot lines and parallel to the front lot line and faces a public street.

LOT LINE means a boundary line of a lot.

FRONT LOT LINE means the line dividing the lot from the street and for purposes of this definition the term "street" shall include existing private road; in the case of a corner lot the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line.

REAR LOT LINE means the lot line furthest from or opposite to the front lot line.

SIDE LOT LINE means a lot line other than a front or rear lot line.

FLANKING LOT LINE means a side lot line which abuts the street on a corner lot.

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

MAXIMUM LOT COVERAGE means that percentage of the lot area covered by all building above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level.

MANUFACTURED HOME means a transportable, single- or multiple-section dwelling unit certified by an accredited certification body as complying with the CSA Z240 MH Series, Manufactured Homes, at the time of manufacture, before it is placed on the site. The building may be on a temporary foundation, piers or a permanent foundation.

MODULAR HOME means a finished section or sections of a complete dwelling unit built in a factory for transport to the site for installation and certified to CSA A277, Procedures for the Factory Certification of Buildings, or CSA Z240 MH Series, Manufactured Homes, by an accredited certification body at the time of manufacture, before it is permanently installed on site.

MEDICAL SERVICES includes clinics, pharmacies, dentist and optometrists offices, physiotherapy and other medical and para-medical services.

MGA means the Municipal Government Act.

NOT FOR PROFIT mean an entity organized and operated exclusively for social welfare, civic improvement, pleasure, recreation, or any other purpose except profit (for example, a club, society, or association) and is considered a not for profit by the Canadian Revenue Agency.

OFFICE means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

OWNER means a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession, or other person having the care or control of any land or building in the event of the absence or disability of the person having the title thereof.

PARKING SPACE means an area of not less than fifteen (15) square metres, measuring not less than 2.6 metres by 5.5 metres, that can be independently accessed by a vehicle for the temporary parking or storage of motor vehicles.

PERSONAL SERVICES means a business use involved with the provision of a service such as a repair shop, dry cleaning establishment, barber shop, or tailor, open to the general public for monetary gain.

PUBLIC SERVICE means any Board, Provincial or Federal Government, the Town of Shelburne, or a registered Not For Profit providing a services to the Town's residents.

PUBLIC UTILITIES means any building or structure related to the operations of Watermains, Sewermains, Stormwater management, street and traffic control infrastructure, including lift stations, water towers, treatment plans and pumps.

RECREATIONAL USES means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.

REGISTERED HERITAGE PROPERTY/STRUCTURE means a property and/or structure that is Municipality and/or Provincially Registered under the Heritage Property Act.

RECREATIONAL VECHILE or RV means a vehicle or trailer built to the CSA Z241 standard and intended for seasonal residential use.

RECREATIONAL USES means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.

RETAIL means a business use involved with the selling of any goods, wares, merchandise, or product to the general public for monetary gain and does not include Automotive Services such as gas stations or car dealerships.

SCRAPYARD means a lot or premises for the storage or handling of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, vehicles, tires, metal or other scrap material or salvage.

SMALL OPTION HOMES means a residential building that is used as a community home regulated by the Nova Scotia Homes for Special Care Act, in which no more than four residents are supported by qualified staff through a combination of live-in and shift models.

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

STREET LINE means the boundary line of the street.

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

SEWERLINE means a sewer pipe or line intended to service a single building, also known as a 'lateral'.

SEWERMAIN means a sewer pipe intended to service multiple buildings.

STORMWATER means water that originates from precipitation, including rain and melted snow, falling on the ground or roof of a building.

TOWN means the Town of Shelburne, Nova Scotia.

YARD means an open, uncovered space on a lot adjunct to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this Bylaw. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.

(i) **FRONT YARD** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot;

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

(iii) **SIDE YARD** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot;

(iv) **FLANKING YARD** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flanking lot line

WATERLINE means a potable water pipe or line intended to support limited development, that cannot support a hydrant and generally less than 150mm in diameter.

WATERMAIN means a large potable water pipe capable of supporting a fire hydrant and generally greater than 150mm in diameter.

VISTOR ACCOMODATIONS mean Bed and breakfasts, hotels, motels and short term-rentals, for overnight accommodation for the travelling public and does not include facilities open to the general public such as meeting rooms, restaurants or entertainment facilities.

1. Administration

1.1. The Town of Shelburne Shall appoint a Development Officer(s) to administer this bylaw.

1.2. Developments Not Requiring a Development Permit

- 1.2.1. With the exception of the Historic Waterfront (H-W) Zone, no development permit shall be required where:
- 1.2.2. the development undertaken involves an interior or exterior renovation which will not change the shape of the building, add more units to the building, or involve a change in use of the building;
- 1.2.3. a fence is proposed which does not exceed six (6) feet in height;
- 1.2.4. a temporary building or structure subject to the restrictions in this bylaw;
- 1.2.5. Buildings or structures used for Public Services and/or Public Utility in the Institutional I-1 zone;
- 1.2.6. signs of less than five (5) square feet in area are to be erected.

1.3. Miscellaneous Minor Structures

1.3.1. No development permit shall be required for miscellaneous structures such as buildings under 20m² (215ft²) in gross floor area, retaining walls, awnings, clothes poles, flag poles, garden trellises, and retaining walls, pergolas, children's play structures, tree houses, cold frames, garden trellises, clothes line poles, flag poles and dog houses, monuments and interpretive displays, provided the corner vision triangle requirements of this bylaw are met.

1.4. Permit Expiration, Renewal and Revocation

- 1.4.1. Any Development Permit issued pursuant to this Bylaw shall be in force for a period of one year from the date of issuance. If no development has commenced within that time period, the permit shall expire.
- 1.4.2. An applicant may apply to have a Development Permit extended beyond one year at the discretion of the Development Officer.
- 1.4.3. Where a permit has been approved based on inaccurate information provided by the applicant, the permit is revoked and no longer valid.
- 1.4.4. Where a property is subject to application for permit or other approval under this bylaw, but is not in compliance with another Town bylaw or policy, including but not limited to the Dangerous or Unsightly Premises Policy, the Development Officer may refuse to issue a permit or approval until the property is in compliance with the Town bylaw or policy.
- 1.4.5. Where a permit has been issued, but the applicant is not adhering with the terms of the development permit, site plan, variance and/or is proceeding with construction and/or development on the property in a manner that is contrary to this or other Town bylaws or policies, the Development Officer may revoke the development permit.

- 1.4.5.1. The Development Officer must provide a written notice not less than 7 days prior to the revocation of the permit or other approval, to the applicant, noting the deficiencies with this or other Town bylaws or polices, and stating a date when the permit will be revoked if the applicant remains in non-compliance with this or other Town bylaws or polices.

1.5. Temporary Development

- 1.5.1. Temporary developments and/or structures related to active construction of an approved development or building are permissible without a development permit.
- 1.5.2. Where not construction related, temporary developments are permissible without a development permit for up to 60 consecutive days, not exceeding 120 days per year, provided the temporary use complies with this bylaw, including but not limited to land use and setbacks, and other Town bylaws and policies.
- 1.5.3. No temporary development is permitted in relation to a visitor accommodation, other than construction.

1.6. Buildings to be Moved

No person shall move any building within or into the Town of Shelburne without first obtaining a development permit from the Development Officer.

1.7. Severability

If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Bylaw.

1.8. Compliance with Other Legislation

- 1.8.1. Nothing in this Bylaw shall exempt any person from complying with the requirements of any other bylaw in force within the Town, or from obtaining any license, permission, permit, authority, or approval required by any other bylaw of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- 1.8.2. Where the provisions in this Bylaw conflict with those of any other bylaw of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada, the higher or more stringent provision shall prevail.

1.9. Buildings to be Erected on a Lot

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

1.10. Enforcement & Penalty

In the event of any violation of the provisions of this Bylaw, the Town may act in accordance with the Municipal Government Act.

2. Applicable to All Zones

2.1. Sight Triangle

In the case of a corner lot, any structure, including but not limited to: a fence, sign, hedge, shrub, or vegetation shall not be erected or permitted to grow to a height of greater than 0.5 metres (2 feet) above the grade of the streets that abut the lot for a distance of 6 metres (20 feet) along the street lines at their point of intersection including the triangular area of land formed inside the 6 metre (20 foot) distance.

2.2. Vehicle storage and use

2.2.1. No truck, bus or coach bodies, or similar structure of any kind not originally designed for housing purposes, shall be used for human habitation or as an accessory use within the Town of Shelburne.

2.2.2. Recreational Vehicles built to the CSA Z241 or similar standard, built for seasonal/periodic residential use, are not permitted to be used as dwellings or permanent human habitation.

2.2.2.1. No more than two RV's may be stored on a single lot for period greater than 30 days, unless in the C-1 General Commercial, M-1 Industrial, R-U Rural Unserviced or I-1 Institutional zones.

2.2.3. Vehicles that are not in regularly use, meaning used at least once per month, must not be stored in the front yard, unless screened from the street.

2.3. Water, Sewer, Stormwater

2.3.1. Notwithstanding anything else in this bylaw, where the development officer is aware of capacity constraints on sewer, water or stormwater systems that are required to support for the proposed development, the development officer may refuse the application.

2.3.2. All water, wastewater and stormwater connections must follow the Town's Engineering Standards, unless exempted by the Town Engineer.

2.3.3. All restaurants, breweries, bakeries, other food establishments, craft food and beverage production must provide and maintain a grease catcher on the sanitary sewer line to reduce the impacts on wastewater system.

2.3.3.1. The Town Engineer may exempt, in writing, a proposed development from the requirement for a grease catcher where in the opinion of the Town Engineer, the grease catcher is not warranted.

2.4. Active Transportation

2.4.1. No development may block or sever a sidewalk or active transportation route.

2.4.2. Where development is proposed adjacent to a lot with a sidewalk or active transportation route the proposed development shall be configured in a manner to allow future extension of the sidewalk or active transportation route.

3. Lots and Frontage

3.1. Frontage on a Street

No development permit shall be issued unless the lot intended to be used or upon which the building or structure is to be erected, abuts and fronts upon a public street or an existing private road, or has access to a public street by an existing right-of-way.

3.2. Calculation of Lot Frontage

The following means shall be used for the purposes of determining lot frontage:

- 3.2.1. in the case of regularly shaped lots, lot frontage shall be measured as a straight line between the points where the two (2) side lot lines meet the front lot line;
- 3.2.2. in the case of irregularly shaped lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point equal to the minimum applicable front yard.

3.3. Existing Undersized Lots

- 3.3.1. Any lot in existence on or before September 1, 1988, having less than the required minimum lot frontage or area, may be used for a purpose permitted in the zone in which it is located, and a building may be erected on the lot, provided that all other applicable provisions of this Bylaw are satisfied. In addition, such existing undersized lots may be increased in area and/or frontage as a result of a subdivision and still be considered an undersized lot under this Bylaw.
- 3.3.2. Notwithstanding anything in this bylaw, no permit or variance may be issued that expands the area, including existing building area encroaching on adjacent lots, of a building(s) beyond the total area of lot it the building is situated on.

4. Coastal Protection and Inland Flooding

- 4.1. For the purposes of this Bylaw, the Coastal Protection and Inland Flooding Area shall be the lands identified on Map 3, the Coastal Protection and Inland Flooding Area Map, attached to this bylaw. The map is based on the Government of Nova Scotia's Worst Case Flooding in 2100.
- 4.2. In addition to other application requirements the Development Officer may require a site plan or survey drawing for applications within the Coastal Protection and Inland Flooding Area Map 3, to be prepared by a qualified professional at the applicant's expense and to indicate:
 - 4.2.1. the precise distance between proposed buildings and the top of bank, or the ordinary high water mark if the top of bank is not evident; and/or
 - 4.2.2. the elevation, relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD2013), of proposed building footings; and/or
 - 4.2.3. the elevation, relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD2013), of the finished floor level of any habitable areas of the building.

- 4.3. Unless otherwise specified, all vertical elevations in this Section are in relation to Canadian Geodetic Vertical Datum of 2013 (CGVD2013).

5. Signs

- 5.1. No person shall erect a permanent sign, in place for 60 or more days, greater than 0.5 M² (5 square feet) in any zone without first obtaining a development permit from the Development Officer and no permit shall be issued unless all of the sign provisions of this Bylaw are satisfied.

5.2. Signs in the Historic Waterfront Zone

In addition to any other requirement any sign erected in a H-W Zone by any person or agency other than a government agency shall be constructed of wood, or have a wood appearance and shall require a development permit.

5.3. Signs Prohibited

- 5.3.1. The following signs shall not be permitted in any zone within the Town of Shelburne:
- 5.3.1.1. Roof signs;
 - 5.3.1.2. Any sign or sign structure which constitutes a hazard to public health or safety,
 - 5.3.1.3. signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers on a public roadway or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on a public roadway;
 - 5.3.1.4. Any sign which obstructs the free use of any fire exit door, window, or other required exit way, any sign not erected by a public authority which makes use of words such as "stop", "look", "one way", "danger", "yield", or any similar words, phrases, symbols or lights, which may interfere with, confuse, or mislead traffic along a public roadway,
 - 5.3.1.5. Any sign which no longer advertises a bona fide business conducted or product sold,
 - 5.3.1.6. signs erected on public property or a public right-of-way unless erected or authorized to be erected by a governmental body, and in no case shall a sign be located on public property or in a public right-of-way bear any commercial advertising, signs painted on, attached to, or supported by a tree, stone, cliff or other natural object, signs not related to any business or use located on the lot or premises.

5.4. Facial Wall Signs

No facial wall sign shall cover more than one (1) square metre of area per lineal metre of wall on which the sign is affixed, extend above the top or beyond the sides of the wall upon which it is affixed.

5.5. Projecting Wall Signs

- 5.5.1. No projecting wall sign shall:

- 5.5.1.1. Exceed 1.5m² (20 square feet) in area,
- 5.5.1.2. project more than 1.5 metres (5 feet) from the wall to which it is attached.
- 5.5.1.3. project above the roof line of the building to which it is attached,
- 5.5.1.4. be erected below a height of 3 metres (10 feet) or above a height of 4.5 metres (15 feet) above grade.

5.6. Ground Signs

5.6.1. No ground sign shall:

- 5.6.1.1. exceed 9.0 m² (100 square feet) in sign area where one side of the sign is used or 18.0 m² (200 square feet) where both sides of the sign are used;
- 5.6.1.2. exceed a height of 6 metres (20 feet) from grade level to the highest part of the sign;
- 5.6.1.3. extend or project beyond the property lines or over any driveway or parking space on the lot on which it is erected,
- 5.6.1.4. be set back less than 1.5 metres (5 feet) from any street line, common lot boundary, driveway, or parking area,
- 5.6.1.5. have more than one sign on the supporting structure.

6. Accessory Buildings

6.1. Accessory buildings and structures shall be permitted in any zone within the Town of Shelburne but shall not:

- 6.1.1. Be located within the front yard of a lot;
- 6.1.2. In the case of a corner lot, be located closer to the flanking street than the main building;
- 6.1.3. be built closer than two (2) feet from a lot line except that:
 - 6.1.3.1. common semi-detached garages may be centered on a mutual side lot line, and
 - 6.1.3.2. boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge or is in the water;
- 6.1.4. Exceed 4.5m (15 feet) in height or the height of the main building;
- 6.1.5. Exceed 55m² (600 square feet) in area;
- 6.1.6. Result in a total area for all accessory buildings that is greater than 60% of the main buildings gross floor area; and
- 6.1.7. In the case of a Home Based Business in an accessory structure, only one accessory structure per lot may be used for a Home Based Business.

6.2. Fences

- 6.2.1. Development permits are required for opaque fences over 1.8M (6 feet) and open fences over 2.4M (8 feet). Fences may be located adjacent to the property line. The development officer will have regard for the existing character of the neighbourhood and use of fencing in determining if a permit should be issued.
- 6.2.2. Fences in the Historic Waterfront must be made of wood or a material with wood appearance and be under 1.8m (6 feet).

6.3. Outdoor Storage

- 6.3.1. Outdoor storage of wood material is allowed in in the front, side or flanking yard of the H-W Historic Waterfront, R-1 Single Unit Residential, R-2 Residential General and R-3 Residential Apartment, and the C-2 Neighbourhood Commercial Zones provided:
- 6.3.1.1. The material or goods are wood or primarily wood in construction; and
 - 6.3.1.2. The material or goods are kept in an orderly pile.
- 6.3.2. In the H-W Historic Waterfront, R-1 Single Unit Residential, R-2 Residential General and R-3 Residential Apartment, and the C-2 Neighbourhood Commercial Zones:
- 6.3.2.1. Other than wood material, no outdoor storage of goods or materials is permitted in the front yard including the storage of RVs and boats.
 - 6.3.2.2. Outdoor storage of goods or materials is permitted in side and flanking yards provided there is screening from the street, including RVs and boats.
- 6.3.3. Outdoor storage is permitted in any yard of the R-U Rural Unserviced, M-1 Industrial, C-1 Commercial General or I-1 Institutional zones.

7. Parking and Loading Areas

7.1. Residential Vehicle Requirements

Parking for residential units in any zone is 1 vehicle parking stall per residential unit.

7.2. Accessible Parking

Accessibility parking stalls will be required from all developments in keeping with the following chart:

Number of parking spaces	Number of accessible parking stalls required
2 to 10	1
11 to 35	2
36 to 50	3
51 to 99	4
100	5
each additional set of up to 50 spaces that is in excess of 100 spaces	1 additional space

7.2.1. An accessible parking space must meet all of the following requirements:

7.2.1.1. it must be designed to include a barrier-free path of travel that extends to the entrance of the parking area and meets all of the following requirements:

7.2.1.2. it must have vertically oriented signage that features a colour contrast at every point on it where a pedestrian crosses traffic;

7.2.1.3. it must have an average illumination of 50 lux and every part of it must have an illumination of at least 10 lux,

7.2.1.4. if it requires a curb ramp, the curb ramp must have tactile attention indicators and colour contrasting elements,

- 7.2.1.5. if it is on a hardened surface, such as concrete or asphalt, it must have pavement markings;
- 7.2.1.6. it must be at least 2.6 M wide;
- 7.2.1.7. it must be accessible by an access aisle that is at least 2.0 M wide and that is shared by no more than 1 adjacent parking space;
- 7.2.1.8. it must be clearly marked with the International Symbol of Access or the Dynamic Symbol of Access;
- 7.2.1.9. it must be identified by a sign located at least 1500 mm above ground level.

7.3. Commercial and Industrial Vehicle Parking Requirements

The chart below states the minimum required parking based on non-residential land use:

Use	Minimum Vehicle Parking Requirement
Visitor Accommodations or Hotel	1 space per room
Restaurants, Lounges, Bars	1 space for 25m ² (269 sq ft) of gross floor area
Retail up to 100m ² (1076 square feet), Micro-Breweries, Personnel Services, Take Outs, Craft Food and Beverage	1 space per 35m ² (377sq ft) of gross floor area
Auditoriums, Cinemas, Theaters, Places of Worship, Funeral Homes	1 space for 40m ² (437 sq ft) of gross floor area
Retail over 100m ² (1076 square feet), Medical Services, Offices, Artisan Workshop, Drive Through Restaurants, Home Occupation	1 space for 45m ² (484 sq ft) of gross floor area
Automotive Services, all other non-residential uses	1 space for 50m ² (539 sq ft) of gross floor area
Industrial	1 space per 100m ² (2,153 sq ft) or 1 space per 3 employees
Warehouse, laydown yard, storage	1 space per 250m ² (2691 sq ft)

7.4. Historic Waterfront Parking Requirements

Notwithstanding the parking requirements above, in the Historic Waterfront H-W zone, only one accessible parking stall, or cash-in-lieu, is required per property, except for visitor accommodations of 5 or more units which will require 2 accessible parking stalls.

7.5. Bike Parking in Lieu of Parking

7.5.1. An applicant that is required to provide vehicle parking, may choose to provide bicycle parking in lieu, where the two bicycle parking stalls are provided for every vehicle stall required, up to a maximum in lieu substitution of 20% of the vehicle parking requirement. Bicycle parking may not be used in substitution of accessible parking.

7.5.2. Bike parking must be 0.6M by 1.8M per bicycle parking stall. Bicycle parking stall must be at the same grade or have ramp access to a street and have a method for securing a bicycle (bike rack).

7.5.3. Bicycle parking is permitted in any yard.

7.6. Cash in Lieu of Parking

7.6.1. At the Development Officers discretion, and with the consent of the landowner, the landowner may pay cash-in-lieu of vehicle and/or accessible parking instead of provisions of part or all of the vehicle, bicycle and/or accessible parking that would otherwise be required. Cash in lieu for shall be calculated:

7.6.1.1. For Vehicle Parking

$$V-CIL = N \times A (L + C)$$

V-CIL - Required Cash-in-lieu of vehicle parking payment

NV - Number of required vehicular parking spaces

A - Area occupied by one parking space in m²

L - Land values per m², based on assessed or sale price of the lot or nearby properties.

C - Cost of construction parking including grading and surfacing per m², as determined by the Town Engineer

7.6.1.2. For Accessible Parking

$$A-CIL = NA \times (A+AA) \times (L + C)$$

A-CIL = Required Cash-in-lieu of accessible parking payment

NA = Number of required vehicular parking spaces

AA = Accessible stall aisle

A = Area occupied by one parking space in m²

L = Land values per m², based on assessed or sale price of the lot or nearby properties.

C = Cost of construction parking including grading and surfacing per m², as determined by the Town Engineer

7.7. Parking lot design requirements

7.7.1. All parking lots/stalls shall:

7.7.1.1. Be located within 100m (328 feet) of the location it is intended to serve;

7.7.1.2. Not locate entrance and exit ramps closer than 15m (50 feet) to any corner or street intersection.

7.7.2. For parking lots of 4 or more parking stalls

7.7.2.1. the parking area shall be maintained with a stable surface that is treated to prevent the rising of dust or loose particles.

7.8. Loading areas

7.8.1. Any commercial or industrial use with a gross floor area of greater than 500 m² (5380 square feet) shall be required to provide one off street loading space for every 2,500 m² (26,900 square feet) of gross floor area or fraction thereof, to a maximum of five (5) spaces.

7.8.2. Such loading spaces shall be located at the side or rear of the building and where abutting a zone other than an industrial or commercial zone, shall be screened from such uses through the use of a fence or vegetation. This section does not apply to the Historic Waterfront Zone.

8. Affordable Housing

- 8.1. The Town of Shelburne defines Affordable Housing based on the average gross incomes, multiplied by 30%, to determine maximum affordable rental rates. Rental rates may be below those identified and be considered affordable housing. Applications supported by the Provincial or Federal Government may use their own definition of affordable housing and be considered affordable housing under this bylaw.
- 8.2. For a Studio or One bedroom unit, affordable rent shall less than be determined by:
 - 8.2.1. The averaging of the incomes of: a person working Minimum wage at 40 hours per week; the Town's Low Income Property Tax Exemption; and median income for a single person household.
 - 8.2.2. For a Two bedroom unit affordable rent shall be determined by:
 - 8.2.3. The averaging of the incomes of: a person working Minimum wage at 40 hours per week; the Town's Low Income Property Tax Exemption; and median income for a single parent household.
 - 8.2.4. For a Three or more bedroom unit affordable rent shall be determined by:
 - 8.2.5. The averaging of the incomes of: a person working Minimum wage at 40 hours per week; the Town's Low Income Property Tax Exemption; and median household income.
 - 8.2.6. The current calculation can be found in the Town's Affordable Housing Policy.

8.3. Affordable Housing Bonus Density

Where at least 10% of proposed units meet the Town's definition of Affordable housing, and where there is an agreement in place, with the Town, the Federal government, Provincial governments, or registered Charity, to ensure affordability for 20 or more years, the maximum density in the R-3 Residential Apartment zone may be increased for that site to 75 units per Hectare (30 units per acre).

8.4. Small Option Homes

Small option homes licensed under the Homes for Special Care Act are a permitted use in all residential dwellings and as uses where residential uses are permitted zones.

8.5. Homeless Shelters

- 8.5.1. Homeless Shelters are permitted, subject to site plan approval in the C-1 and I-1; with the added site plan criteria:
 - 8.5.1.1. The proposed shelter must take steps to minimize impacts on nearby residents
 - 8.5.1.2. The Development Officer will have regard for any agreements with government, charities supporting the proposed shelter, or lack of external agreements.

9. Zone Designations

9.1.1. For the purposes of this Bylaw, the Town of Shelburne is divided into the following zones, the boundaries of which are shown on Map 1 – Zoning Map. Such zones may be referred to by the appropriate symbols:

Commercial General C-1

Neighbourhood Commercial C-2

Residential Single Unit R-1

Residential General R-2

Residential Apartment R-3

Historic Waterfront H-W

Rural Undeveloped R-U

Industrial General M-1

Institutional I-1

9.1.2. Map 1 – Zoning Map is a part of this bylaw and may be cited as the "Zoning Map" and is hereby declared to form part of this Bylaw. Map 1 – Zoning Map may only be amended in keeping with the criteria in the Municipal Planning Strategy.

9.2. Interpretation of Zoning Boundaries

9.2.1. The extent and boundaries of all zones are shown on Map 1 – Zoning Map - hereto attached, and for all such zones the provisions of this Bylaw shall apply. Boundaries between zones shall be determined as follows:

9.2.1.1. where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;

9.2.1.2. where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;

9.2.1.3. where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way or water-course is included on a zoning map, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;

9.2.1.4. where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on a zoning map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse shall be considered the boundary between zones unless specifically indicated as otherwise.

9.2.2. Where none of the above apply, and where appropriate, the zone boundary shall be scaled from the Zoning Map, Map 1, attached.

9.3.General Commercial C-1

9.3.1.The following developments are permitted as-of-right by development permit in the General Commercial C-1 Zone, subject the requirements of this bylaw:

- 9.3.1.1. Any Commercial Use up to 2,500m² (26,000 sq ft), and uses permitted in General Residential R-2, excluding:
- 9.3.1.2. Adult entertainment and/or casinos;
- 9.3.1.3. Drive Throughs or Drive Throughs Restaurants;

9.3.2.The following developments are permitted by site plan approval in the General Commercial C-1 Zone, subject the requirements of this bylaw:

- 9.3.2.1. Any Commercial Use, including Drive Throughs or Drive Through Restaurants, up to 9,000m² (96,000 sq ft), excluding adult entertainment and/or casinos.

9.4.Neighbourhood Commercial C-2

9.4.1.The following developments are permitted as-of-right by development permit in the Neighbourhood Commercial C-2 Zone, subject the requirements of this bylaw:

- 9.4.1.1. Office
- 9.4.1.2. Artisan workshop and/or gallery
- 9.4.1.3. Personnel Services
- 9.4.1.4. Medical Services
- 9.4.1.5. Craft Food and Beverage Production
- 9.4.1.6. Residential uses permitted in Residential R-2
- 9.4.1.7. Retail - up to 100 m² (1076 square feet)
- 9.4.1.8. Take Out food establishment,
- 9.4.1.9. Visitor Accommodations, up to 4 units

9.5.Home Based Businesses

9.5.1.The following developments are permitted as-of-right by development permit in the R-1 Single Unit Residential and R-2 General Residential zone with the following permitted uses, limited to 25% of gross floor area of the primary residence and not in any case exceeding 100 m² (1076 square feet) per lot:

- 9.5.1.1. Artisan workshop and/or gallery
- 9.5.1.2. Personnel services
- 9.5.1.3. Clinics/medical services
- 9.5.1.4. Craft Food and Beverage Production
- 9.5.1.5. Visitor Accommodations, up to 2 units

9.5.2.Additionally, Home Based Businesses shall:

- 9.5.2.1. Not have signage larger than five (5) square feet and shall not be illuminated, unless permitted under the land use bylaw;
- 9.5.2.2. Not have more than one (1) additional employee on-site; and
- 9.5.2.3. Not have more than two vehicles associated with the business parked at the residence overnight.
- 9.5.2.4. Be owned and operated by the occupant of the residence, except for Visitor Accommodations.

- 9.5.2.5. Visitor Accommodations may be operated by a non-occupant owner. Where the owner does not occupy the dwelling:
 - 9.5.2.5.1. the use shall be limited to one (1) Visitor Accommodation unit; and
 - 9.5.2.5.2. the floor area limitations set out in Section 9.5.1 shall not apply.

9.6. Residential Single Unit R-1

9.6.1. The following developments are permitted as-of-right by development permit in the Residential Single Unit R-1 Zone, subject the requirements of this bylaw:

- 9.6.1.1. Manufactured Home
- 9.6.1.2. Single detached dwelling
- 9.6.1.3. Home based business
- 9.6.1.4. Accessory buildings
- 9.6.1.5. Institutional uses
- 9.6.1.6. Park and Recreational Uses

9.7. Residential General R-2

9.7.1. The following developments are permitted as-of-right by development permit in the Residential General R-2 Zone, subject the requirements of this bylaw:

- 9.7.1.1. Single detached dwellings, up to 4 units per lot
- 9.7.1.2. Duplex and semi-detached dwellings, up to 4 units per lot (2 buildings with 2 units)
- 9.7.1.3. Rowhouse and Apartment buildings, up to 4 units per lot
- 9.7.1.4. Home Based Businesses
- 9.7.1.5. Accessory buildings
- 9.7.1.6. Institutional uses
- 9.7.1.7. Park and Recreational Uses

9.7.2. The following developments are permitted by site plan approval in the Residential General R-2 Zone, subject the requirements of this bylaw:

- 9.7.2.1. Single detached dwellings, up to 6 units per lot
- 9.7.2.2. Duplex and semi-detached dwellings, up to 6 units
- 9.7.2.3. Rowhouse and Apartments up to 6 units

9.8. Residential Apartment R-3

9.8.1. The following developments are permitted as-of-right by development permit in the Residential Apartment R-3 Zone, subject the requirements of this bylaw:

- 9.8.1.1. Single detached dwellings, up to 4 units per lot
- 9.8.1.2. Duplex and semi-detached dwellings, up to 4 units, two buildings, per lot
- 9.8.1.3. Rowhouse and Apartment buildings, up to 6 units in one building, per lot
- 9.8.1.4. Boarding or Rooming House, up to 6 rooms
- 9.8.1.5. Accessory buildings
- 9.8.1.6. Institutional uses
- 9.8.1.7. Park and Recreational Uses

9.8.2. The following developments are permitted by site plan approval in the Residential Apartment R-3 Zone, subject the requirements of this bylaw:

- 9.8.2.1. Single detached dwellings, 5 or more units per lot
- 9.8.2.2. Duplex and semi-detached dwellings, 6 or more units per lot

- 9.8.2.3. Apartments and Rowhouse up 65 units per Hectare (26 units per acre)
- 9.8.2.4. Permitted commercial uses in Neighbourhood Commercial C-2, except for visitor accommodation; and retail space limited to 100 m² (1076 square feet) or the ground floor of an apartment building of 4 or more units.
- 9.8.3. Developments of 7 or more residential units must be connected to the Town's water system or have entered into an agreement to connect to the Town's water system prior to site plan approval.

9.9. Rural Unserved R-U

- 9.9.1. The following developments are permitted as-of-right by development permit in the Rural Unserved R-U Zone, subject the requirements of this bylaw:
 - 9.9.1.1. Single detached dwellings, up to 4 units per lot
 - 9.9.1.2. Duplex and semi-detached dwellings, up to 4 units per lot
 - 9.9.1.3. Accessory buildings
 - 9.9.1.4. Institutional uses
 - 9.9.1.5. Park and Recreational Uses
 - 9.9.1.6. Permitted commercial uses in Neighbourhood Commercial C-2

9.10. Historic Waterfront H-W

- 9.10.1. The following developments are permitted as-of-right by development permit in the Historic Waterfront H-W Zone, subject the requirements of this bylaw:
 - 9.10.1.1. Craft Food and Beverage Production
 - 9.10.1.2. Retail
 - 9.10.1.3. Restaurants, bars, take out establishments
 - 9.10.1.4. Office
 - 9.10.1.5. Artisan workshop, museum and/or gallery
 - 9.10.1.6. Personnel services
 - 9.10.1.7. Medical Services
 - 9.10.1.8. Hotels and visitor accommodations up to 10 rooms
 - 9.10.1.9. Residential uses permitted in R-2
- 9.10.2. Where any application is made for development permit in the H-W zone or for a Registered Heritage property, the Development Officer may at their discretion request the Heritage Advisory Committee provide comment.

New Development

- 9.10.3. In addition to all other requirements, new development, buildings and/or structures are proposed within the H-W Zone, the new development new development, buildings and/or structures shall be visually similar to any substantially intact pre-1900 building located within 50 metres (165 feet) with respect to:
 - 9.10.3.1. architectural style;
 - 9.10.3.2. building length to width ratio;
 - 9.10.3.3. height;
 - 9.10.3.4. roof shape;
 - 9.10.3.5. appearance of exterior cladding and roof materials;
 - 9.10.3.6. architectural details and trim;
 - 9.10.3.7. shape, size and placement of porches, doors and windows; and
 - 9.10.3.8. window area to wall area ratio.

9.10.4. For the purposes of this section, distance to the similar intact pre-1900 buildings will be measured from the extent of the lot boundaries on which the designated building is situated.

Redevelopment and Renovation

9.10.5. In addition to all other requirements, where a renovation is proposed for a building located within the H-W Zone, which has not been designated pursuant to the Heritage Property Act, such renovation shall not change the established character of the building, including:

- 9.10.5.1. architectural style;
- 9.10.5.2. building length to width ratio;
- 9.10.5.3. height;
- 9.10.5.4. roof shape;
- 9.10.5.5. appearance of exterior cladding and roof materials;
- 9.10.5.6. architectural details and trim;
- 9.10.5.7. shape, size and placement of porches, doors and windows; and
- 9.10.5.8. window area to wall area ratio.

Accessory Uses and Buildings

9.10.6. In addition to all other requirements, where an accessory building or structure is proposed for a building located within the H-W Zone, that accessory building or structure shall not change the established character of the building, including:

- 9.10.6.1. architectural style;
- 9.10.6.2. building length to width ratio;
- 9.10.6.3. height, which must be less than the main building;
- 9.10.6.4. roof shape;
- 9.10.6.5. appearance of exterior cladding and roof materials;
- 9.10.6.6. architectural details and trim;
- 9.10.6.7. shape, size and placement of porches, doors and windows; and
- 9.10.6.8. window area to wall area ratio.

9.10.7. All fences to be erected - in the H-W Zone shall be constructed of wooden appearing material and shall not exceed six (6) feet in height.

9.11. Industrial M-1

9.11.1. The following developments are permitted as-of-right by development permit in the Industrial M-1 Zone, subject the requirements of this bylaw:

- 9.11.1.1. Any industrial or permitted commercial uses in the General commercial C-1 zone, up to 9,000m² (96,000sq ft), including wind turbines that comply with the Province's Minimum Planning Regulations maximum wind turbine setback requirement, excluding:
 - 9.11.1.2. Chemical plants or Refineries;
 - 9.11.1.3. Scrapyards; and/or
 - 9.11.1.4. Residential Uses

9.12. Institutional I-1

9.12.1. Any uses related to a Public Service, including Institutional Uses, Medical Services related accessory uses and Public Utilities are permitted in the Institutional zone.

9.13. Agriculture Uses and Keeping of Animals

9.13.1. Agricultural uses are permitted in the Rural Unserviced R-U, Residential General R-2, Neighbourhood Commercial C-2, and Industrial M-1, subject to the following restrictions:

9.13.2. For lots less than 1850m² (19,900 sq ft), a maximum of 3 chickens and/or 1 beehive is permitted. The keeping of larger animals found in the chart below, is prohibited on smaller lots.

9.13.3. For lots greater than 1850m² (19,900 sq ft), the keeping of larger farm animals shall be limited to one (1) animal unit permitted for every 1850m² (19,900 sq ft) of land in the lot so used.

9.13.4. For the purpose of this Section, one (1) animal unit means one or more farm animals or combinations of farm animals as specified in the following table:

Type of Animal	One Animal Unit
Cattle	1
Horses	1
Sheep	1
Swine	1
Fowl	6

10. Non-Conforming Uses

10.1. Non-Conforming Uses

10.1.1. Any use of land or a building or structure erected on the land which had begun on or September 1, 1988 and which does not conform to the requirements of this Bylaw and the building or structure is destroyed partially or totally by fire, it may be reconstructed or repaired and the non-conforming use may continue to the extent that it had existed prior to the fire.

10.1.2. Any use of land or a building or structure erected on the land which had begun started on September 1, 1988 which is not in conformance with this bylaw, may be enlarged, renovated, reconstructed or repaired provided that such enlargement, renovation, reconstruction or repair does not further reduce or impair the required development standard, and provided that all other applicable provisions of this Bylaw are satisfied.

10.1.3. Where a building or use is to be enlarged, renovated, reconstructed or repaired, and those alterations would be subject to site plan approval, the landowner must make application for site plan.

10.2. Discontinuance of Non-Conforming Uses

Any non-conforming use of land or a building or structure erected on said land that is not active for 12 or more months will no longer be deemed a non-conforming use and will be required to conform to the bylaw, excluding site specific provisions.

10.3. Existing Buildings

Any building erected on or before September 1, 1988, may be changed to a use permitted in the zone in which it is located even though the lot frontage, front yard or lot area, or all of these, is less than the Development Standard requirements as established in this Bylaw, provided that all other applicable provisions of this Bylaw are satisfied.

10.4. Existing Buildings with Non-Conforming Yards

Any building erected on or before September 1, 1988 which is not in conformance with the Development Standard requirements as established in this Bylaw, may be enlarged, renovated, reconstructed or repaired provided that such enlargement, renovation, reconstruction or repair does not further reduce or impair the required development standard, and provided that all other applicable provisions of this Bylaw are satisfied.

10.5. Site Specific Provisions

- 10.5.1. **Huskilson Funeral Home** - In addition to the permitted uses under C-2 Neighbourhood Commercial for PIDS 80144033, 80144041, Funeral Home and related uses are permitted, subject to other requirements in this bylaw.
- 10.5.2. **Harlow's Construction** – In addition to permitted uses under C-1 Commercial General for PID 80143209, Open Storage, Concrete Plant and related uses are permitted, subject to other requirements in this bylaw; for PID 80143092, 80143316 and 80143308, open storage is permitted subject to other requirements in this bylaw.
- 10.5.3. **135 Ann Street** – In addition to the permitted uses under C-2 Neighbourhood Commercial for PIDS 80147002 Warehouse and related uses are permitted, subject to other requirements in this bylaw.
- 10.5.4. **Lou Acker's Machining and Repairs** – In addition to the requirements under the M-1 Industrial Zone for PIDS 82570060, 80147168, 82569930 all industrial uses are subject to site plan approval, with other uses subject to other requirements in this bylaw.
- 10.5.5. **137 Hammond Street**– In addition to the permitted uses under C-2 Neighbourhood Commercial for PID 80146897 Automotive Repair is permitted, subject to other requirements in this bylaw.
- 10.5.6. **Wildwood Motel** – In addition to the permitted uses under the C-2 Neighbourhood Commercial Zone for PID 80141351 up to 15 Visitor Accommodations units are permitted, subject to other requirements in this bylaw; and for PID 80141377 up to 6 Visitor Accommodations units are permitted, subject to other requirements in this bylaw.
- 10.5.7. **60 Ann Street** – In addition to the permitted uses under C-2 Neighbourhood Commercial for PID 80146897 Warehouse and related uses are permitted, subject to other requirements in this bylaw.
- 10.5.8. **Hessel Handcrafted** – In addition to the permitted uses under C-2 Neighbourhood Commercial for PID 80149040 restaurant is permitted, subject to other requirements in this bylaw.

11. Variance

In addition to the general variance provisions found in Section 235(1) of the MGA and pursuant to Policy to the MPS, and subject to the criteria of this bylaw, the Development Officer may also grant a variance in the following areas:

- 11.1.1. the number of parking spaces, including accessible, vehicular and loading spaces required;
- 11.1.2. the ground area of a structure, including accessory structure;
- 11.1.3. the floor area occupied by a home based business; and/or
- 11.1.4. the height and area of a sign.

11.2. Variance Application

Applicants for variance must provide a complete application, including:

- 11.2.1. The civic address and Property Identification Number (PID);
- 11.2.2. The name and signature of the registered Owner or their duly appointed agent;
- 11.2.3. Describe the variance(s) requested and relation to other applications, such as development permit application;
- 11.2.4. How the requested variance(s) meets applicable criteria under this bylaw;
- 11.2.5. Payment of a fee for variance application as stated in the Town's Municipal User Fees Policy.

11.3. Variance Public Notice

At least seven days prior to approval of the variance, the Development Officer shall notify and provide opportunity for written comment to all assessed owners within thirty (30) metres. The notice shall:

- 11.3.1. Identify the property where the variance is proposed;
- 11.3.2. Describe the proposed variance; and
- 11.3.3. Identify how landowners can provide comment.

- 11.3.4. Alternatively, where the Applicant has provided evidence of providing notice in compliance with the above, with written comments are directed to the Town, the Development Officer may determine the requirement for notice under this section has been met.

11.4. Variance Approval Notice

Within seven days of approving a variance, the Development Officer shall give notice in writing of the variance granted to every assessed owner whose property is within thirty (30) metres, in keeping with requirements in the MGA. The second notice shall:

- 11.4.1. Describe the variance approval granted;
- 11.4.2. Identify the property where the variance approval was granted; and
- 11.4.3. Set out the right to appeal the decision of the development officer

11.5. Criteria for Variance Approval

A variance will not be granted if the approval of the variance would be premature or inappropriate due to:

- 11.5.1. The potential financial impact on the town;
- 11.5.2. The adequacy of the sewer and water services;
- 11.5.3. The adequacy of the road network in, adjacent to, or leading to the development;
- 11.5.4. The potential for damage or destruction of historical buildings and sites;
- 11.5.5. The bulk and scale in relation to the existing surrounding development;

- 11.5.6. For variance to parking requirements, the Development Officer shall only consider a variance to parking requirements that would result in at least one of:
 - 11.5.6.1. Improved internal traffic flow;
 - 11.5.6.2. Increased traffic safety;
 - 11.5.6.3. Providing space for stormwater management structures or landscaping;
 - 11.5.6.4. The protection mature tree(s);
 - 11.5.6.5. The protection of Registered Heritage structure(s);
 - 11.5.6.6. Provision of Affordable Housing; and/or
 - 11.5.6.7. Providing tree (s) to shade vehicles and pedestrians.

- 11.5.7. The development officer shall have regard for the comments of assessed owners within 30 metres.

12. Site plan

12.1. Site Plan Application Requirements

An application for site plan is not complete unless:

- 12.1.1. The applicant meets with the Development Officer prior to submission of the information below, unless the meeting requirement is waived by the Development Officer,
- 12.1.2. It contains all the information and requirements of a development permit application;
- 12.1.3. It contains three (3) copies of scale drawings prepared by a licensed surveyor or Professional Engineer that indicate the:
 - 12.1.3.1. Physical characteristics of the proposed site, including lot dimensions, elevations, natural drainage, existing watercourses and shorelines, existing structures and vegetation;
 - 12.1.3.2. Registered heritage structures on or adjacent to the site;
 - 12.1.3.3. Adjacent streets, rights-of-way and easements;
 - 12.1.3.4. Proposed location and use of all buildings, signs and structures to be constructed, including external lighting;
 - 12.1.3.5. Proposed solid waste storage
 - 12.1.3.6. Proposed stormwater management;
 - 12.1.3.7. Proposed Town sewer and water connections;
 - 12.1.3.8. Proposed streets, driveways, parking lots, walkways, active transportation routes; and
 - 12.1.3.9. Proposed landscaping, fencing and other site features.
- 12.1.4. Payment of a fee for a site plan application as stated in the Town's Municipal User Fees Policy.

- 12.1.5. All required information will be confirmed by the development officer within 14 days of receiving a signed application, in keeping with the MGA.
- 12.2. Additionally, the Development Officer may require additional detailed information, where the proposed development may have significant impact the Town's water, wastewater, stormwater or traffic, provided at the Applicants expense, including but not limit to:
- 12.2.1.1. Water and/or wastewater capacity study;
 - 12.2.1.2. Traffic impact assessment or study; and/or
 - 12.2.1.3. Any other information deemed necessary by the Development Officer,
- 12.3. The Development Officer may, at their discretion, not accept an application that is materially similar to an application that was refused in the past 6 months.

12.4. Site Plan Public Notice

At least seven days prior to approval, the Development Officer shall notify and provide opportunity for written comment to all assessed owners within thirty (30) metres. The notice shall:

- 12.4.1. identify the property where the site plan is proposed;
 - 12.4.2. describe or show the proposed site plan; and
 - 12.4.3. identify how landowners can provide written comment
- 12.4.4. Alternatively, where the Applicant has provided evidence of providing notice in compliance with the above, with comments are directed to the Town, the development officer may determine the requirement for notice under this section has been met.

12.5. Site Plan Criteria

The Development Officer shall not approve a site plan unless it meets the criteria below. A site plan must:

- 12.5.1. Minimize the negative impacts of the proposed development, including buildings and signs, on the surrounding neighbourhood, including noise, lighting, shadows, or other nuisance or inconvenience to occupants of nearby residences, specifically:
 - 12.5.1.1. Outdoor lighting is designed to light the structure, driveways and pedestrian infrastructure, but not trespass onto adjacent properties;
 - 12.5.1.2. Shadows cast on adjacent properties should be minimized;
 - 12.5.1.3. Noise generators, such as building air handlers, drive through queues and industrial facilities shall be located and buffered in a manner to reduce the noise impacts on adjacent properties;
- 12.5.2. Comply with the Heritage Property Act, where applicable
- 12.5.3. Retain existing vegetation where possible to provide mature landscaping and minimize the impacts of development on the surrounding neighbourhood;
- 12.5.4. Outline the proposed landscaping, including trees, hedges, shrubs, ground cover, including species section for non-native plants, fences, walls, other landscaping features and must not plant species identified by the Province of Nova Scotia as invasive species, to reduce impacts on adjacent properties and create greenspaces;
- 12.5.5. Minimize undue erosion and/or sedimentation, and other negative impacts on neighbouring properties from grading or alteration in elevation or contour of the land,

- 12.5.6. Minimize visual and noise impacts on nearby properties, through landscaping, fencing or a combination of both;
- 12.5.7. Ensure parking and loading is either behind the building, or appropriately screened from the street with landscaping to minimize the impacts of traffic, noise, lighting, or other nuisances;
- 12.5.8. Site accessible parking close to a building entrance without any barriers and in keeping with the Exterior barrier-free path of travel in the Nova Scotia Building Accessibility Checklist;
- 12.5.9. Provide Active Transportation access(es) to link public sidewalks, if any, and parking areas to entrances of all primary buildings;
- 12.5.10. Ensure safe traffic flow, including but not limited to the protection of sightlines at intersections and driveways;
- 12.5.11. Meet engineering standards of the Town, including for sewer, water and stormwater connections, which may be required;
- 12.5.12. Ensure proposed stormwater flows do not damage adjacent properties or Town infrastructure;
- 12.5.13. Ensure the storage of solid waste does not create a visual nuisance or excessive odour and is separated or screened from residential development and public areas;
- 12.5.14. For site plans that contain multiple buildings:
 - 12.5.14.1. Must ensure access for emergency vehicles;
 - 12.5.14.2. Buildings are to be of similar architectural style and appearance, particularly if the existing structure is a Registered Heritage structure,
 - 12.5.14.3. Include pedestrian connections between buildings
 - 12.5.14.4. Provide separation between buildings that is at least half the height of the tallest building;
 - 12.5.14.5. Signage may be required at the discretion of the Development Officer, to aid the navigation of residents and guests;
- 12.5.15. Mitigate the potential impacts of coastal and/or inland flooding if in a Coastal Flooding or Inland Flooding area as identified in the Land Use Bylaw; and
- 12.5.16. Where application for site plan is made for an existing non-conforming building that is being expanded, the development officer may choose to accept existing frontage, setbacks, coverage and lot area instead of requiring a variance.

12.6. Site Plan Appeal Notice

Within seven days of approving a site plan, the Development Officer shall give notice in writing of the site plan granted to every assessed owner whose property is within thirty (30) metres, in keeping with requirements in the MGA. The second notice shall:

- 12.6.1. identify the property where the site plan approval was granted;
- 12.6.2. describe or show the site plan approval granted; and
- 12.6.3. set out the right to appeal the decision of the development officer

12.7. Site Plan Amendment Process

A landowner subject to an approved site plan may make application to amend said site plan. The amendment process is the same as an application process, except the Development Officer may choose to waive the Site Plan Public Notice.

12.8. Site Plan Discharge

- 12.8.1. A landowner subject to an approved site plan may make application to discharge the site-plan, in whole or in part, by making application to the Development Officer stating the rationale for the proposed site plan discharge.
- 12.8.2. The Development Officer may not discharge a site plan where the existing development is required to have a site plan for that type and/or size of development under this bylaw.

13. Development Permits

13.1. Application

All persons seeking a development permit must file a complete a Development Permit application with the Development Officer. The application must at minimum include:

- 13.1.1. The civic address and Property Identification Number (PID);
 - 13.1.2. The name and signature of the registered Owner or their duly appointed agent;
 - 13.1.3. Outline of the proposed use/development, including information outlined this bylaw including but not limited to proposed height, setbacks, land use(s), and provision of parking;
 - 13.1.4. Payment of a fee for a development permit application as stated in the Town's Municipal User Fees Policy.
- 13.2. Additionally, the Development Officer may require additional detailed information, provided at the Applicants expense, including but not limit to:
- 13.2.1.1. Site survey and/or site plan prepared and stamped by a Nova Scotia Land Surveyor;
 - 13.2.1.2. Location certificate;
 - 13.2.1.3. Topography and soil conditions of the subject site;
 - 13.2.1.4. Watercourse delineation study;
 - 13.2.1.5. If part or all of the proposed development is in the Coastal Protection and Inland Flooding zone as identified on Map 3, a site plan or survey drawing to be prepared in keeping with this bylaw,
 - 13.2.1.6. Stormwater management plan;
 - 13.2.1.7. Water and/or wastewater capacity study;
 - 13.2.1.8. Floor plans and elevation drawings of any proposed structures;
 - 13.2.1.9. Geotechnical study;
 - 13.2.1.10. Site grading plan;
 - 13.2.1.11. Traffic impact assessment or study; and/or
 - 13.2.1.12. Any other information deemed necessary by the Development Officer.
- 13.3. All required information will be requested by the development officer within 14 days of receiving a signed application, in keeping with the MGA.
- 13.4. The Development Officer may, at their discretion, not accept an application that is materially similar to an application that was refused in the past 6 months.

14. Previous Bylaws Repealed

Upon this bylaw coming into force, the Municipal Planning Strategy and Land Use Bylaw passed December 12, 1988 are hereby repealed and no longer in force.

15. Lot Standards

15.1. Town Sewer is Available

	Residential Single Unit (R-1)	Residential General (R-2)	Residential Apartment (R-3)	Historic Waterfront (H-W)	Commercial General (C-1)	Neighbourhood Commercial (C-2)	Industrial (M-1)	Institutional (I-1)
Minimum Lot Area	350M ² (3750 sq ft)	700M ² (7500 sq ft)	700M ² (7500 sq ft)	350M ² (3750 sq ft)	700M ² (7500 sq ft)	700M ² (7500 sq ft)	700M ² (7500 sq ft)	-
Minimum Lot Frontage	10 metres (33 feet)	15 metres (50 feet)	15 metres (50 feet)	10 metres (33 feet)	15 metres (50 feet)	15 metres (50 feet)	15 metres (50 feet)	-
Minimum Front yard	3 metres (10 feet)	3 metres (10 feet)	3 metres (10 feet)	equal to or an average of each of the adjacent structures (where there are no adjacent structures – 1.5m (5 feet))	1.5 metres (5 feet)	1.5 metres (5 feet)	3 metres (10 feet)	-
Minimum Rear yard	6 metres (20 feet)	6 metres (20 feet)	6 metres (20 feet)	1.5 metres (5 feet)	3 metres (10 feet)	6 metres (20 feet)	6 metres (20 feet)	-
Side Yards	1.5 metres (5 feet)	3 metres (10 feet)	3 metres (10 feet)	1.5 metres (5 feet)*	1.5 metres (5 feet)*	3 metres (10 feet)	3 metres (10 feet)	-
Maximum Lot Coverage	35%	35%	50%	50%	0%	35%	35%	-
Maximum Building Height	10.5 metres (35 ft)	10.5 metres (35 ft)	10.5 metres (35 ft)	10.5 metres (35 ft)	10.5 metres (35 ft)	10.5 metres (35 ft)	10.5 metres (35 ft)	10.5 metres (35 ft)

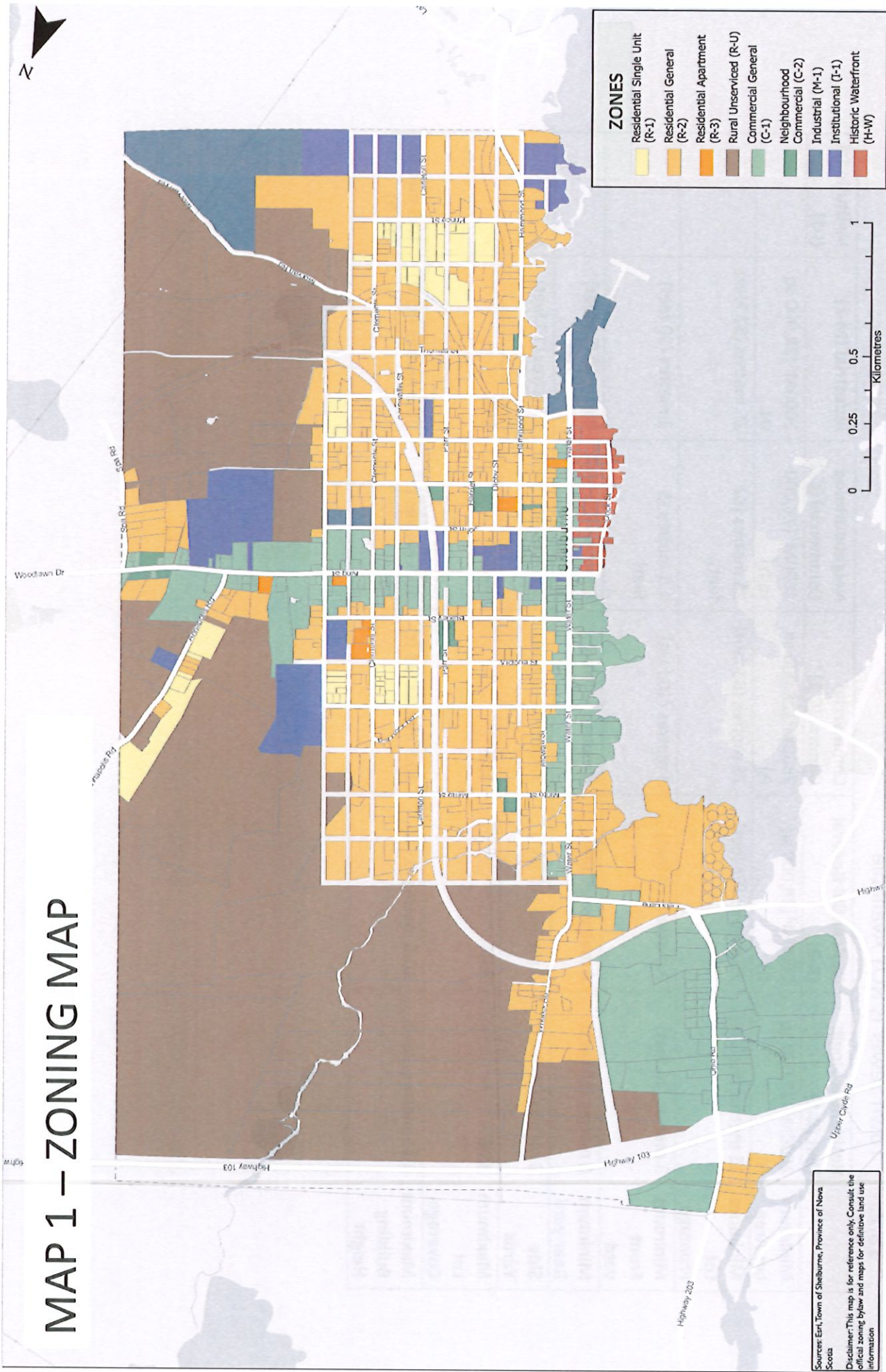
*where Fire Code requirements for fire walls are met, the minimum is reduced to zero metres (0 feet).

15.2. Town Sewer is NOT Available

	Residential Single Unit (R-1)	Residential General (R-2)	Commercial General (C-1)	Neighbourhood Commercial (C-2)	Industrial (M-1)	Institutional (I-1)
Minimum Lot Area	2600M ² (28,000 sq ft)	2600M ² (28,000 sq ft)	2600M ² (28,000 sq ft)	2600M ² (28,000 sq ft)	2600M ² (28,000 sq ft)	-
Minimum Lot Frontage	15 metres (50 feet)	25 metres (82 feet)	25 metres (82 feet)	25 metres (82 feet)	25 metres (82 feet)	-
Minimum Front yard	3 metres (10 feet)	3 metres (10 feet)	3 metres (10 feet)	1.5 metres (5 feet)	3 metres (10 feet)	-
Minimum Rear yard	6 metres (20 feet)	6 metres (20 feet)	6 metres (20 feet)	6 metres (20 feet)	6 metres (20 feet)	-
Side Yards	3 metres (10 feet)	3 metres (10 feet)	3 metres (10 feet)	3 metres (10 feet)	3 metres (10 feet)	-
Maximum Lot Coverage	35%	35%	35%	35%	35%	-
Maximum Building Height	10.5 metres (35 ft)	10.5 metres (35 ft)	10.5 metres (35 ft)	10.5 metres (35 ft)	10.5 metres (35 ft)	10.5 metres (35 ft)

MAP 1 – Zoning Map

MAP 1 – ZONING MAP



Source: Eri, Town of Shelburne, Province of Nova Scotia
 Disclaimer: This map is for reference only. Consult the official zoning bylaw and maps for definitive land use information.

Town of Shelburne Subdivision Bylaw

2026

First Reading: March 2, 2026

Second Reading: *March 18, 2026 (pending)*

Provincial Approval: *(pending)*

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This By-Law may be cited as the "Subdivision By-Law" for the Town of Shelburne and shall apply to all lands within the Town.

This bylaw uses the metric system of measurement. Numerical measurements in this document may also be presented in other units; however, this is for convenience only. Conversions to other units are approximate and rounding has been applied in a manner that provides a margin of error to ensure compliance with the official metric measurements. If a metric measurement conflicts with its conversion in another unit, the metric measurement shall take priority.

Definitions

In this By-Law:

ACTIVE TRANSPORTATION means any mode of travel that uses human power to get from one place to another, such as walking, biking, or using a wheelchair.

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use, but does not include a building attached in any way to the main building, or a building located completely underground. Accessory buildings include ground mounted solar panels.

ADJACENT means a property that is connects in a contiguous fashion, and includes property directly across a right of way.

APPLICANT means a person or entity who has applied for: MPS or LUB amendment, site plan, development permit or subdivision approval.

AREA OF LAND means any existing lot or parcel as described by its boundaries.

BUILDING means an enclosed structure.

COUNCIL means the Council of the Town of Shelburne.

DEVELOPMENT includes any erection, construction, alteration, replacement or relocation of or addition to any structure and any change or alteration in the use made of land, or structures.

DEVELOPMENT OFFICER means the officer(s) of the Town of Shelburne from time to time charged by the municipality with the duty of administering the provisions of the Land Use Bylaw and issuing permits in keeping with the Land Use Bylaw.

DRIVE THROUGH means a commercial use that operates an access for members of the public to receive goods and/or services without leaving their vehicle.

DWELLING or RESIDENTIAL UNIT 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 an apartment hotel.

SINGLE DETACHED DWELLING means a completely detached dwelling containing one dwelling unit including a Modular Home but does not include a Manufactured Home.

DUPLEX DWELLING means a building that is divided into two dwelling units each of which has an independent entrance either directly from outside or through a common vestibule.

APARTMENT BUILDING means a building containing three (3) or more dwelling units which may or may not have a common entrance from the street level and the occupants of which have common use of certain areas of the building.

ROW HOUSE means a building divided vertically into three (3) or more dwelling units with each unit having a front and rear exit.

EXISTING means existing as of the effective date of this Bylaw.

GROSS FLOOR AREA means the total of the floor areas of the building above and below grade measured using the outside dimensions of the building.

HEIGHT means the vertical distance of a building between the average building grade and;

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

but shall not include any construction used as ornament or for the mechanical operation of the building, water reservoirs, a mechanical penthouse, chimney, flag poll, solar panels/power collection or steeple.

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

CORNER LOT means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.

INTERIOR LOT means a lot situated between two lots and having access to one street.

THROUGH LOT means a lot bounded on two opposite sides by streets or highway provided, however, that if any lot qualifies as being both a Corner Lot and Through Lot as hereinbefore defined, such lot shall be deemed to be a Corner Lot for the purpose of this Bylaw.

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

LOT FRONTAGE means the length of a line joining the side lot lines and parallel to the front lot line and faces a public street.

LOT LINE means a boundary line of a lot.

FRONT LOT LINE means the line dividing the lot from the street and for purposes of this definition the term "street" shall include existing private road; in the case of a corner lot the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line.

REAR LOT LINE means the lot line furthest from or opposite to the front lot line.

SIDE LOT LINE means a lot line other than a front or rear lot line.

FLANKING LOT LINE means a side lot line which abuts the street on a corner lot.

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

MAXIMUM LOT COVERAGE means that percentage of the lot area covered by all building above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level.

MGA or Act means the Municipal Government Act.

NOTIFIED ENTITIES means any organization that is notified of a subdivision application

OWNER means a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession, or other person having the care or control of any land or building in the event of the absence or disability of the person having the title thereof.

PUBLIC SERVICE means any Board, Provincial or Federal Government, the Town of Shelburne, or a registered Not For Profit providing a services to the Town's residents.

PUBLIC UTILITIES means any building or structure related to the operations of Watermains, Sewermains, Stormwater management, street and traffic control infrastructure, including lift stations, water towers, treatment plans and pumps.

PROVINCE means His Majesty the King in right of the Province of Nova Scotia;

REGISTRY OF DEEDS means the office of the registrar of deeds for the registration district in which the area of land being subdivided is located;

REGISTERED HERITAGE PROPERTY/STRUCTURE means a property and/or structure that is Municipality and/or Provincially Registered under the Heritage Property Act.

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

STREET LINE means the boundary line of the street.

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

SUBDIVIDER means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent;

SUBDIVISION means the division of any area of land into two or more parcels, and includes a resubdivision or a consolidation of two or more parcels;

SEWERLINE means a sewer pipe or line intended to service a single building, also known as a 'lateral'.

SEWERMAIN means a sewer pipe intended to service multiple buildings.

STORMWATER means water that originates from precipitation, including rain and melted snow, falling on the ground or roof of a building.

TOWN means the Town of Shelburne, Nova Scotia.

YARD means an open, uncovered space on a lot adjunct to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this Bylaw. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.

(i) **FRONT YARD** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot;

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

(iii) **SIDE YARD** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot;

(iv) **FLANKING YARD** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flanking lot line

WATERLINE means a potable water pipe or line intended to support limited development, that cannot support a hydrant and generally less than 150mm in diameter.

WATERMAIN means a large potable water pipe capable of supporting a fire hydrant and generally greater than 150mm in diameter.

1. General Provisions

- 1.1. Application for approval of a plan of subdivision shall be made to the Development Officer in the form specified in schedule "A" of this By-Law.
- 1.2. The Development Officer shall forward a copy of the plan of subdivision to the following Notified Entities:
 - 1.2.1. in areas not served by a central sewer, the Department of the Environment of the Province to determine compliance with the Regulations Respecting Subdivision of Land to be Served by On-site Sewage Disposal Systems;
 - 1.2.2. in areas served by a central sewer, the authority having jurisdiction for central sewers;
 - 1.2.3. the authority having jurisdiction for public streets; and
 - 1.2.4. any other entity that may be impacted by the proposed subdivision including but not limited to agency of the Province or the Municipality which the Development Officer deems necessary.
- 1.3. Any agency which has been forwarded a copy of the plan of subdivision pursuant to this section shall forward a written report of their assessments or recommendations to the Development Officer.
- 1.4. Approval of a plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Communications or of any other agency of the Province or the Municipality unless the plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province including any applicable requirements for lot area and lot frontage contained in a land use By-Law.

2. Application for Subdivision

- 2.1. The Development Officer may waive the requirement that tentative application and plan of subdivision be submitted where:
 - 2.1.1. lots abut an existing public street except where lots are created without minimum frontage pursuant the land use bylaw;
 - 2.1.2. a central water or sewer system is not being installed; and
 - 2.1.3. all lots to be served by on-site sewage disposal systems
 - 2.1.3.1. are 9890 square meters (100,000 square feet) or more in area;
 - 2.1.3.2. have been evaluated by an authorized person of the Department of the Environment and the Development Officer has been informed in writing by the authorized person that the information already provided by the subdivider is satisfactory; or
 - 2.1.3.3. do not require an assessment under the On-site Sewage Disposal Systems Regulations
- 2.2. At the time of final application, the subdivider shall submit to the Development Officer:
 - 2.2.1. All material required under the Subdivision Regulations, the Land Use Bylaw and this bylaw;

2.2.2. Final Plans of subdivision submitted to the Development Officer include twelve (12) copies of:

- 2.2.2.1. drawn to a scale or scales sufficient for clarity of all particulars of the final plan of subdivision;
- 2.2.2.2. certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested and any proposed street and road have been surveyed in the manner required by the Land Surveyors Act and its regulations, except for a final plan of subdivision prepared pursuant the Provincial Subdivision Regulations; and
- 2.2.2.3. folded to approximately 20x30 centimetres (8x12 inches) with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of subdivision.

2.3. Final plans of subdivision shall show the following:

- 2.3.1. the words "PLAN OF SUBDIVISION" located in the title block;
- 2.3.2. a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
- 2.3.3. the name of the subdivision, if any, and the name of the owner of the area of land;
- 2.3.4. if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the registry of deeds;
- 2.3.5. the unique parcel identifier (PID) of all areas of land being subdivided;
- 2.3.6. the civic number of main buildings on the area of land being subdivided;
- 2.3.7. the names of all owners or the identifiers of all properties abutting the proposed subdivision;
- 2.3.8. a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
- 2.3.9. the shape, dimensions, and area of the proposed lots;
- 2.3.10. each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;
- 2.3.11. no duplication of lot identifiers;
- 2.3.12. the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- 2.3.13. the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- 2.3.14. the geographical and mathematical location of all buildings within 3 metres (9.8 feet) of a proposed boundary;
- 2.3.15. the location of existing and proposed public streets, private roads, and Schedule "B" roads;

- 2.3.16. the name of existing and proposed public streets (and the public street number) private roads, and Schedule "B" roads as issued pursuant to the civic addressing system;
- 2.3.17. the width and location of railroads and railway rights-of-way;
- 2.3.18. the general location of watercourses, wetlands, or prominent rock formations;
- 2.3.19. the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
- 2.3.20. where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
- 2.3.21. the north point;
- 2.3.22. the date on which the plan of subdivision was drawn and the date of any revisions;
- 2.3.23. the scale to which the plan of subdivision is drawn; and

2.4. FOR TENTATIVE PLANS OF SUBDIVISION:

2.4.1. The subdivider proposing to subdivide an area of land shall submit to the Development Officer:

- 2.4.1.1. Eight (8) copies of the tentative plan of the proposed subdivision meeting the requirements of of this By-Law. Tentative plans of subdivision submitted to the Development Officer shall be
- 2.4.1.2. drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision;
- 2.4.1.3. based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed; and
- 2.4.1.4. folded to approximately 20/30 cm (8x12 in.) with the face of the folded print being the title block which is located in the lower right-hand corner of the tentative plan of subdivision.

2.5. (2) Tentative plans of subdivision shall show the following:

- 2.5.1. the words "PLAN OF SUBDIVISION" located in the title block;
- 2.5.2. the words "TENTATIVE PLAN" located above the title block;
- 2.5.3. a clear space for stamping being a minimum of 225 square centimeters (36 square inches) with a minimum width of 8 centimeters (3 inches);
- 2.5.4. the name of the subdivision, if any, and the name of the owner of the area of land;
- 2.5.5. if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Registry of Deeds;
- 2.5.6. where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) of all areas of land being subdivided, or where this property mapping does not exist the assessment account number may be shown;
- 2.5.7. where a civic addressing system is in place, the civic number of main building on the area of land being subdivided;
- 2.5.8. the names of all owners or the identifiers of all properties abutting the proposed subdivision;

- 2.5.9. a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
 - 2.5.10. the shape, dimensions, and area of the lots being created;
 - 2.5.11. each lot being approved identified by a number, except in cases where a parcel is being added to or subtracted by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;
 - 2.5.12. no duplication of lot identifiers;
 - 2.5.13. the boundaries of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
 - 2.5.14. the location of existing building within 10 meters (32.8 feet) of a property boundary;
 - 2.5.15. the location of existing and proposed public streets;
 - 2.5.16. the name of existing and proposed public streets (and the public street number);
 - 2.5.17. the width and location of railroads;
 - 2.5.18. the location of any watercourse, prominent rock formation, march, or swamp which might affect the layout or provision of public streets or private roads and services to the area where the subdivision is to be located;
 - 2.5.19. the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
 - 2.5.20. where applicable, a notation stating the lots are serviced by a public sewer and/or water system;
 - 2.5.21. the north point;
 - 2.5.22. the date on which the plan of subdivision was drawn and the date of any revisions;
 - 2.5.23. the scale to which the plan of subdivision is drawn; and
 - 2.5.24. any other information necessary to determine whether or not the plan of subdivision conforms to this By-Law or the Land Use Bylaw.
- 2.6. The Development Officer will notify the Subdivider if the application package is insufficient, including an outline of the missing components, within 14 days of filing.

3. Lot and Subdivision Requirements

- 3.1. All lots shall abut a public street or if on an island the Development Officer may approve a subdivision on an island which does not contain a public street provided each lot has water frontage of 6 meters (19.7 feet) or more.
- 3.2. All lots shall meet the requirements for minimum lot area of minimum lot frontage contained in the Town's Land Use By-Law, unless a variance has been issued or those minimums do not apply under the Land Use Bylaw.
- 3.3. Notwithstanding anything else in this bylaw the Development Officer may approve a subdivision altering the boundaries of two or more areas of land where:
 - 3.3.1. no additional lots are created
 - 3.3.2. each resulting lot meets the requirements of the land use bylaw

- 3.4. Where an area of land contained more than one main building built or placed on the land prior to August 6, 1984, the Development Officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a central sewer and has minimum frontage of 6 meters (19.7 feet).
- 3.5. A plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Communications of any other agency of the Province or the Municipality unless the repeal of the plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to the law of the Province.
- 3.6. A subdivision may not be approved if:
 - 3.6.1. Proposed new lots share a sewer or water connection, unless the shared service are in a registered easement enabling access for maintenance in a manner acceptable to the Town Engineer; and/or
 - 3.6.2. Proposed lots have a width or depth of less than 6 meters (19.7 feet).

4. Public Streets

- 4.1. All current and proposed public streets shall be
 - 4.1.1. Shown on a final plan of subdivision;
 - 4.1.2. Designed in accordance with "Specifications for Subdivision Roads in Urban and Rural Areas" prepared by the Department of Transportation and Communications of the Province, or specifications adopted by the Town; and
- 4.2. The specifications referred to above may be waived or varied in accordance in writing by the Town Engineer
- 4.3. Where a plan of subdivision shows a proposed lot abutting an existing public street, the authority having jurisdiction shall verify that the street is a public street.

5. New Street Set Aside

- 5.1. For subdivisions fronting onto Ohio Road, Wrights Road, Annapolis Road or Morven Road:
 - 5.1.1. Applicants for subdivision of 3 or more lots must provide space and/or land for a new street to allow for future access to the rear of the lot.
 - 5.1.2. Where there is an existing street or right of way in the name of the Town within 250m (800 ft) that extends beyond the proposed subdivision and could, in the opinion of the Development Officer, allow access, no set aside for future streets is required.
- 5.2. The minimum right-of-way of a proposed public street shall be 15 meters (49.2 feet)
- 5.3. Where a new street is proposed, including the opening for use of a previously unused street right of way, the application must also include a plan showing:
 - 5.3.1. centerline profiles of proposed public streets.
 - 5.3.2. contours at 2 meter (5 foot) intervals, and drainage patterns,

- 5.3.3. the width and location of proposed public streets and their intersection with existing public streets, and
- 5.3.4. the location of existing and proposed central sewer and water systems and proposed connections thereto.

6. Subdivision Approval

6.1. TENTATIVE PLAN OF SUBDIVISION

The following information shall be stamped or written and completed by the Development Officer on any tentative plan of subdivision which is approved together with any other information necessary for the tentative plan to proceed to the final plan stage.

- 6.1.1. "this tentative plan of subdivision is approved for lots Such approval lapses if the lots are not shown on a final plan of subdivision approved within two years of the date of the approval of the tentative plan.";
- 6.1.2. the date of the approval of the tentative plan; and
- 6.1.3. "this tentative plan of subdivision shall not the filed in the registry of deeds as no subdivision takes effect until a final plan of subdivision is endorsed by the Development Officer and filed in the registry of deeds."

6.2. FINAL PLAN OF SUBDIVISION

The following information shall be stamped or written and completed by the Development Officer on any final plan of subdivision which is endorsed:

- 6.2.1. "This final plan of subdivision is approved for Lots "and;
 - 6.2.2. where applicable, the classification of each lot within one of the classes A, B, C, or D, including the definition of such class, specified in Schedule "A" to the Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems or a note stating that the lots have not been assessed pursuant to clause 2(1)(c) of said regulations;
- 6.3. The Development Officer shall forward to the registry of deeds one (1) endorsed copy of the final plan of subdivision and a notice of approval in the form specified in Schedule "B" of this By-Law.
 - 6.4. The Development Officer shall forward a copy of the approved tentative plan of subdivision to the subdivider and the surveyor.
 - 6.5. The Development Officer shall forward an endorsed copy of the final plan of subdivision to the subdivider and the surveyor.
 - 6.6. Where the Development Officer refuses to approve a tentative plan or a final plan the Development Officer shall give notice of the refusal to all Notified Entities.
 - 6.7. Where the Development Officer refuses to approve a tentative plan or final plan the Development Officer shall notify the subdivider pursuant to the Act, give reasons for refusal, and advise the subdivider of the appeal provisions the Act.

7. Repealing Plan of Subdivision

- 7.1. Any person requesting the repeal of a plan of subdivision shall submit to the Development Officer an application in the form specified in Schedule "C".
- 7.2. The Development Officer shall comply with the notification and approval provisions of the Act which apply to the repeal of a plan of subdivision.
- 7.3. When the Development Officer is satisfied that an application for repeal is complete, the Development Officer may forward a copy to any agency who provided an assessment or recommendations on the original plan of subdivision.
- 7.4. Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any building code regulations, Land Use By-Law, or Sewage Disposal Regulations unless the violation can be rectified by the approval of a new plan of subdivision filed at the Registry of Deeds on the same day as the repeal is filed.
- 7.5. The Development Officer shall forward to the Registry of Deeds the repeal in the form specified in Schedule "E" for a plan.
- 7.6. The Development Officer shall forward a copy of the repeal of Subdivision to:
 - 7.6.1.the subdivider, and
 - 7.6.2.any agency who provided an assessment or recommendations on the original plan of subdivision.
- 7.7. Where the Development Officer refuses to repeal a plan of subdivision, the Development Officer shall give notice of the refusal to all agencies which were forwarded the application for repeal.
- 7.8. Where the Development Officer refuses to repeal a plan of subdivision, the Development Officer shall notify the subdivider, give reasons for refusal, and advise the subdivider of the appeal under the Act.

8. Previous Bylaw Repealed

- 8.1. The Subdivision Bylaw for the Town of Shelburne, approved June 1, 2011, is hereby repealed.

Schedule A – Application

Schedule "A" - Application for Subdivision Approval

FOR OFFICE USE ONLY File No: _____	SCHEDULE "A"																																								
SUBDIVIDER REL[AT]ED INFORMATION NAME OF LAND OWNER(S) ADDRESS OF LAND OWNER(S) POSTAL CODE PHONE NO. SUBDIVISION NAME (IF DIFFERENT FROM OWNER) DOCUMENTS TO BE RETURNED TO CORRESPONDENCE TO BE DIRECTED TO																																									
LAND TO BE SUBDIVIDED LOCATION MUNICIPALITY PARCEL IDENTIFIER TYPE OF APPLICATION <input type="checkbox"/> Preliminary (Optional) <input type="checkbox"/> Concept <input type="checkbox"/> Tentative (Optional) <input type="checkbox"/> Final <input type="checkbox"/> Instrument FEES ATTACHED <input type="checkbox"/> YES <input type="checkbox"/> NO TYPE OF DEVELOPMENT PROPOSED <input type="checkbox"/> Single unit dwelling <input type="checkbox"/> Other (specify) APPROVAL REQUESTED FOR LOT(S) # ASSESSMENT REQUESTED FROM DEPT OF ENVIRONMENT <input type="checkbox"/> Yes <input type="checkbox"/> No IS THERE A REMAINDER LOT? <input type="checkbox"/> Yes <input type="checkbox"/> No																																									
CERTIFICATION - ON-SITE SYSTEM NOT REQUIRED (unserved areas) I certify that _____ (is, are) being subdivided for a purpose (_____) (to) being approved and/or remainder to (specify purpose) which will not require the installation of an on-site sewage disposal system. SIGNATURE _____																																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">WATER SERVICES</th> <th style="text-align: center;">Existing</th> <th style="text-align: center;">Proposed</th> </tr> </thead> <tbody> <tr> <td>CENTRAL SYSTEM</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>DRILLED WELL</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>DUGWELL</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>OTHER (SPECIFY) _____</td> <td></td> <td></td> </tr> </tbody> </table>	WATER SERVICES	Existing	Proposed	CENTRAL SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>	DRILLED WELL	<input type="checkbox"/>	<input type="checkbox"/>	DUGWELL	<input type="checkbox"/>	<input type="checkbox"/>	OTHER (SPECIFY) _____			<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">SEWER SERVICES</th> <th style="text-align: center;">Existing</th> <th style="text-align: center;">Proposed</th> </tr> </thead> <tbody> <tr> <td>CENTRAL SYSTEM</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>ON-SITE</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table>	SEWER SERVICES	Existing	Proposed	CENTRAL SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>	ON-SITE	<input type="checkbox"/>	<input type="checkbox"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">ACCESS</th> <th style="text-align: center;">Existing</th> <th style="text-align: center;">Proposed</th> </tr> </thead> <tbody> <tr> <td>MUNICIPAL PUBLIC STREET</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>PROVINCIAL PUBLIC STREET</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>PRIVATE ROAD</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>OTHER (SPECIFY) _____</td> <td></td> <td></td> </tr> </tbody> </table>	ACCESS	Existing	Proposed	MUNICIPAL PUBLIC STREET	<input type="checkbox"/>	<input type="checkbox"/>	PROVINCIAL PUBLIC STREET	<input type="checkbox"/>	<input type="checkbox"/>	PRIVATE ROAD	<input type="checkbox"/>	<input type="checkbox"/>	OTHER (SPECIFY) _____		
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PRIVATE ROAD	<input type="checkbox"/>	<input type="checkbox"/>																																							
OTHER (SPECIFY) _____																																									
I certify that I am the owner or am acting with the owner's written consent (Pertains only to final and instrument applications.) SIGNATURE OF SUBDIVIDER DATE _____																																									

Schedule B – Notice of Approval Form

**Schedule "C" - Notice of Approval of a Plan of Subdivision
in accordance with subsections 285(3) and 285(4) of the
*Municipal Government Act***

Name of Owner(s) _____
Name of Subdivision _____
Location _____
Date of Approval _____ For Lot(s) _____
Surveyor _____ Date of Plan _____

Dated this ____ day of _____
_____, _____
(DATE) (YEAR) Development Officer

Plan of Subdivision filed in the registry of deeds as Plan # _____

Dated this ____ day of _____
_____, _____
(DATE) (YEAR)

This plan of subdivision may also contain information regarding the lots approved on this plan with respect to one or more of the following:

1. The lots' eligibility for on-site sewage disposal systems.
2. The availability of central sewer and water systems.
3. Information indicating whether or not the lots abut a public street or private road.

Schedule C – Subdivision Repeal Application Form

Schedule "E1" - Application for Repeal of a Subdivision

Plan of Subdivision or Instrument of Subdivision File Number _____

APPLICANT RELATED INFORMATION

Name of Land Owner(s) _____ Phone _____
Address of Land Owner(s) _____ Postal Code _____
Documents To Be Returned To _____
Correspondence To Be Directed To _____

INFORMATION RELATED TO THE SUBDIVISION SOUGHT TO BE REPEALED

Name of applicant for subdivision approval _____
Location _____ Municipality _____

The subdivision was approved on the _____ day of _____, _____
(YEAR)

and is filed in the Registry of Deeds at _____ in the Municipality of _____ the County of as # _____

Lot(s) # was/were approved and repeal is sought for approval of Lot(s) # _____

Registration fee submitted.

**Certification of Facts
(Reasons For Repeal)**
(If more space required, attach additional sheet)

Owner's Certificate

I certify that the information in this application is true and complete, that I am applying for repeal of this subdivision with the full knowledge and consent of all persons with legal interest, including mortgagees, in the lands affected by the repeal and that these persons have co-signed this application.

Signature of owner/agent _____ Date _____

Co-Signer _____ Date _____

Schedule D – Subdivision Consolidation Application Form

SCHEDULE "E1"

APPLICATION FOR REPEAL OF A SUBDIVISION TO CONSOLIDATE TWO OR MORE PARCELS (subsection 79(2) of the *Provincial Subdivision Regulations*)

Plan of Subdivision: or Instrument of Subdivision:

APPLICANT-RELATED INFORMATION

Name of land owner(s): Phone:
Address:
Postal Code:
Documents to be returned to:
Correspondence to be directed to:

SUBDIVISION-RELATED INFORMATION

Name of applicant for subdivision approval:
Location of subdivision:

The subdivision was approved on _____ (day/month/year), and filed in the Registry of Deeds at _____, in the
Municipality of _____, in the County of _____ as # _____.

Lot(s) # _____, were approved and repeal is sought for lot(s) # _____.

Registration fee submitted:

CERTIFICATION OF FACTS (Reason for repeal)

(If more space is required, attach an additional sheet.)

OWNER'S CERTIFICATE

I certify that the information is [in] this application is true and complete and to my knowledge no deed to effect the consolidation of the lots mentioned exists.

(print name)

(signature of owner/agent)

(date)

Schedule E – Subdivision Repeal Approval Form

Schedule "F" - Repeal of a Subdivision

Plan of Subdivision or Instrument of Subdivision

Name of Owner(s)

Name of Subdivision

Location

Being Registration # _____ Date of Approval of the Subdivision _____ at the registry of deeds.

THIS SUBDIVISION IS REPEALED

Entire Plan or Instrument or Only Lots # _____

Dated at _____ in the _____, Province of Nova Scotia, this _____ day of _____
(DATE YEAR)

Development Officer

Please note: Any lot or parcel created by this repeal may not be eligible for development.



COUNCIL REPORT - FOR DECISION

Subject: Municipal User Fees Update
Date: February 9, 2026
Authority: MGA S. 172, 211 & 220
Council Dates: March 18, 2026
Notice Date: March 2, 2026
Prepared by: Mike Kahn, Director of Planning and Development
Daniel MacKay, HR & Admin Coordinator

Document #	Daw-047
Rec'd by	JD
Date	Mar. 17/26
COPIES TO:	
Council	<input checked="" type="checkbox"/>
Agenda	<input checked="" type="checkbox"/>
Committee	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

Purpose:

The purpose of this report is to present Council with proposed amendments to the Municipal User Fees Policy related to Planning and Development fees. The proposed changes are intended to align the Town's fee structure with other municipalities, clarify applicable fees for applicants, and partially offset the administrative costs associated with reviewing and processing applications.

The proposed amendments reflect the expanding range of applications now administered by the Town and the proposed updates to the Town's planning documents, including Development Permits, Site Plan Approvals, Variances.

Background:

Section 220 of the Municipal Government Act authorizes municipalities to establish and charge fees for services, activities, and approvals provided by the Town. This authority includes fees related to planning, development, building, and other regulatory applications.

In recent years, the Town has expanded and formalized several application and permitting processes, including Development Permits, Building Permits, Site Plan Approvals, Variances, and Vending-related approvals. While some of these applications are currently subject to fees under the Municipal User Fees Policy, others are not or no longer align with current practices.

Many Nova Scotia municipalities require the payment of fees for planning, development, and regulatory applications in order to partially defray administrative costs and ensure applicants demonstrate intent to proceed. A review of comparable municipalities shows that application and permit fees vary by municipality and by type of approval; however, modest fees for planning and development-related applications are standard practice.

Application and permit fees are intended to partially offset the administrative cost of processing applications and to ensure that requests submitted to the Town represent a bona fide intent to proceed. The proposed fees are not intended to recover the full cost associated with application review or administration.

Analysis:

Staff undertook a comparative review of planning, development and regulatory application fees across Nova Scotia municipalities to assess how the Town of Shelburne's current and proposed fees align with prevailing municipal practice.

Fees are charged to help offset costs in administering processes used to ensure compliance with Town bylaws. The fees often don't cover the complete cost of reviewing an application as many municipalities see it as advantageous to have lower permit fees. The other main reason to have fees is to ensure the applicant is making a genuine application.

The proposed fees below vary between being slightly below or slightly higher than the averages found when looking at select municipalities, see chart below.

Planning & Development Fees Analysis

Item	Current Fee	Averages from Appendix B	Proposed Fee (vs. average)
Planning			
Municipal Planning Strategy Amendment	\$300	\$697.73	\$800 (+13%)
Land Use Bylaw Amendment	\$300	\$689.58	\$600 (-14%)
Development			
Site Plan Application	\$100	\$125	\$150 (+17%)
Variance Application	\$0	\$61.73	\$100 (+62%)
Development Permit Application	\$50	\$32.93	\$50 (+33%)

The Town's planning fees are aligned with the proposed planning documents, see Council Report on Planning Documents from February 2, 2026, in that Land Use Bylaw amendments are expected to be used more and will have a markedly different process than a Municipal Planning Strategy amendment.

For Site plan approvals, the fee is slightly higher reflecting the increased public engagement that takes place under the Town's planning documents compared to other municipalities that only issue a single notice to adjacent landowners, the Town issues two; one prior to approval and one following approval outlining the right to appeal.

Variance applications are expected to be common, and previously had no fee, so the fee has been kept below the average. While the development permit fee may seem high, \$50 is aligned with most municipalities, with none charging more, but some charging less.

More information can be found in Appendix B.

Options

	Pros	Cons
Approve the updated Municipal User Fees (Recommended) - Approve Fees as outlined	<ul style="list-style-type: none">• Modernized fees in keeping with nearby municipalities• May result in slightly increased revenue	<ul style="list-style-type: none">• Increased costs to those undertaking development
Postpone Changing Fees	<ul style="list-style-type: none">• Maintains lower fees• Allows for public engagement/further review	<ul style="list-style-type: none">• Fees may not reflect current best practice
Do not increase Fees	<ul style="list-style-type: none">• Maintains lower fees	<ul style="list-style-type: none">• Delays implementation and continues reliance on outdated fees

Recommendation

THAT Council approve the updated Municipal User Fees Policy as outlined in Appendix “A” and adopt the amendments to the Municipal User Fees Policy effective April 1, 2026.

Appendix A – Proposed Municipal User Fees (see following pages)

TOWN OF SHELBURNE

Municipal User Fees Policy

Policy

Title and Purpose

- 1.0 This Policy shall be referred to as the "Municipal User Fees Policy."
- 2.0 The purpose of this Policy is to provide a convenient place to set out and amend the fees the Town of Shelburne charges for certain applications, permits, licenses, rentals, and services.
- 3.0 This Policy applies except to the extent of any conflict with applicable provincial legislation, and, where the fee amounts in this Policy differ from those set out in a By-Law, Recorded Resolution, Policy or Resolution of the Town of Shelburne in effect on the effective date of this Policy.
- 4.0 By-Law Penalties for infractions are not listed under this Policy.

Fees

5.0 The fees to be paid to the Town of Shelburne for each of the following Administrative/Finance Services, Dog Fees, Cemetery Fees, Sewer Fees, Water Fees, Development Permits, Public Works Fees, Rental Fees, and Vending Fees are set in, or amended to, the respective amounts shown in sections 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8 and 5.9.

5.1 Administration/Finance Services

The following table applies to Administration and Finance Services currently offered at the Town Hall.

Description	Fee Amount
Photocopies	\$0.50/copy (Plus HST)
Tax Certificates	\$50
Mortgage Company Listing	\$50/name

5.2 Dog Fees

The following table applies to Dog owners within the Town of Shelburne under the Dog By-Law.

Description	Fee Amount
Tags – Male & Spayed Female	\$10 / year
Tags – Un-Spayed Female	\$10 / year

Description	Fee Amount
Service Dog Tag	\$0
Replacement Tag	\$10

5.3 Cemetery Fees

The following table applies to the Town Cemetery as referred to in the Cemetery By-Law. Fees are double for non-residents.

Description	Fee Amount
Resident Single Grave Lot	\$180.00 (Plus HST)
Non-Resident Single Grave Lot	\$360.00 (Plus HST)
Columbaria – Niche for Town Resident	\$575.00 (Inc. HST)
Columbaria – Niche for Non-Resident	\$1,150.00 (Inc. HST)

5.4 Public Sewer Fees

SET BY COUNCIL ANNUALLY

The following table applies to the Public Sewer as referred to in the Public Sewer By-Law. For construction of new connections to wastewater facilities or storm water systems, refer to the Local Improvement By-Law.

Description	Fee Amount
Wastewater Hook-Up (Residential)	\$400.00
Wastewater Hook-Up (Commercial)	\$1,000.00
Annual Charge	\$260.00/unit

5.5 Solid Waste Fee

SET BY COUNCIL ANNUALLY

Description	Fee Amount
Solid Waste Fee	\$276.47/unit

5.6 Water Fees

The following table applies to the Water Utility for the Town of Shelburne as referred to in Water Utility Distribution Policy and set as per UARB rates & regulations. For construction of new water lines in currently unserved areas, refer to the Local Improvement By-Law.

Description	Fee Amount
Water Hook-Up	\$100.00
Reconnection Charge (due to suspension)	\$50.00
Reconnection outside of regular working hours	\$200.00
Disconnection for an extended period of time	\$50.00
Disconnection for an extended period of time outside of regular working hours	\$200.00
Water Haulers	\$8.32/per cubic meter (with a minimum charge of \$50.00)

5.7 Development Permits

The following table applies to the Community & Economic Development Department for the Town of Shelburne as referred to in the Land-Use By-Law.

Description	Fee Amount
Application for a Development Permit	\$50.00
Zoning / Comfort Letters	\$50.00
Municipal Planning Strategy Amendment	\$800.00
Land Use By-Law Amendment	\$600.00
Site Plan Application	\$150.00
Variance Application	\$100.00

5.8 Public Works

Description	Fee Amount
Camera Use (w/operator) 8am-4pm	\$200/hr

5.9 Building Rentals

The following table refers to rates set in the Town of Shelburne's Community Centre and Guild Hall Rental Policies.

Description	Fee Amount
Community Centre – Meeting Room A (General)	\$100.00 (Plus HST)
Community Centre – Meeting Room A (Non-Profit)	\$0
Community Centre – Meeting Room B (General)	\$75.00 (Plus HST)
Community Centre – Meeting Room B (Non-Profit)	\$0
Community Centre – Auditorium (Commercial or Gov't Organization)	\$200.00 (Plus HST) (Plus \$200.00 damage deposit)
Community Centre – Auditorium (Personal Event – Wedding/Dance/Birthday)	\$400.00 (Plus HST) (Plus \$400.00 damage deposit)
Community Centre – Auditorium (Non-Profit)	\$0 (Plus \$200.00 damage deposit)
Fireman / Ladies Aux. Rental	\$0 (Plus \$200.00 damage deposit)
Event Catered by Ladies Aux. Rental	\$0 (Plus \$150.00 damage deposit) or \$100.00 plus HST if Bar Service required (Damage Deposit of \$350.00)
Guild Hall Wedding Rental	\$500.00 (Plus HST) (Plus \$500.00 damage deposit)
Guild Hall Commercial Rental	\$100.00 (Plus HST) (Plus \$100.00 damage deposit)
Guild Hall Non-Profit Rental	\$0
Guild Hall Market Seasonal Rental	\$400.00 (includes electricity)

5.10 Vending

The following table refers to rates set in the Town of Shelburne's Vending By-law.

Description	Fee Amount
Door-to-Door / Auctioneer vending license	\$50.00/year
Stationary location vending license	\$200.00/year
Auto-Dealing (Non-Commercial Tax Properties)	\$2,500.00/year
Lost or Stolen license replacement	\$25.00

Executive Coordinator's Notation for Official Policy Book

Date of Passage of Original Policy: April 9th, 2018

Date of Passage of Current Policy: April 1, 2026

I certify that this Policy was adopted by Council as indicated above.

Robin Smith, Executive Coordinator

Date

APPENDIX "B" - Nova Scotia Municipal Fee Comparison

Municipality	Dev. Agreement	Dev. Permit	LUB Amendment	MPS Amendment	Subdivision (final)	Variance	Site Plan
MOD Barrington	NA	\$15.00	NA	NA	NA	NA	NA
MOD Digby	\$1,000.00	NA	\$500.00	\$500.00	\$350.00	\$25.00	NA
MOD Lunenburg	\$525.00	\$26.00	\$525.00	\$525.00	\$105.00	\$79.00	NA
MOD Shelburne	NA	\$25.00	\$300.00	\$300.00	\$175.00	\$50.00	NA
MOD Yarmouth	\$100.00	\$20.00	NA	NA	\$250.00	\$100.00	NA
Region of Queens	\$850.00	\$10.00	\$750.00	\$750.00	\$100.00	\$25.00	NA
Town Of Berwick	\$400.00	\$20.00	\$500.00	\$500.00	\$150.00	\$50.00	NA
Town of Bridgewater	\$1,200.00	\$50.00	\$1,200.00	\$1,200.00	\$100.00	\$50.00	\$100.00
Town of Digby	\$700.00	\$50.00	\$500.00	\$1,000.00	\$350.00	\$125.00	NA
Town of Mahone Bay	\$400.00	\$50.00	\$400.00	\$400.00	\$250.00	NA	NA
Town of Port Hawkesbury	NA	\$20.00	NA	NA	NA	NA	NA
Town of Shelburne	\$300.00	\$50.00	\$300.00	\$300.00	NA	NA	NA
Town of Stewiacke	NA	\$50.00	\$200.00	\$200.00	\$125.00	\$100.00	NA
Town of Wolfville	\$2,000.00	\$50.00	\$2,000.00	\$2,000.00	\$100.00	NA	\$150.00
Town of Yarmouth	\$100.00	NA	NA	NA	\$100.00	\$50.00	NA
West Hants	\$1,100.00	\$25.00	\$1,100.00	NA	NA	\$25.00	NA
Average	\$722.92	\$32.93	\$689.58	\$697.73	\$179.58	\$61.73	\$125.00



COUNCIL REPORT - FOR DECISION

Subject: Vending Bylaw Amendments
Date: March 16th, 2026
Authority: NA
Council Dates: March 18th, 2026
Prepared by: Mike Kahn, Director of Planning and Development
 Dana Nash, Bylaw Officer

Document # D26-048	
Rec'd by JD	
Date Mar. 17/26	
COPIES TO:	
Council	✓
Agenda	✓
Committee	

Purpose:

Council had previously directed staff to work towards all fees be contained in the Town's Municipal User Fee Policy. The Vending Bylaw will need to be amended to enable this change, and while the bylaw is under amendment several other amendments were proposed by the Events Committee, namely to enable the Town to charge vending fees at certain events with the fees being forwarded to the Events Committee to offset some of the costs related to putting on events. Other amendments were made for clarity and to better align the fees with other municipalities fees.

Analysis:

The proposed changes will align the Vending bylaw with the direction of Council and best practice from other municipalities. A comparison of fees can be found in Appendix B.

The proposed changes to reduce the number of exempt vendors at special events is intended to help provide funding to run the events the vendors benefit from. The fees are comparable to other events

The Town will also be amending the Vending bylaw to clarify that vendors on private property are not subject to the Vending Bylaw but are subject to the Land Use Bylaw and potentially the commercial tax rate.

Next Steps

Place notice of bylaw amendment 14 days prior to second reading.

Prepare for second reading of the vending bylaw amendments and the update to the Municipal User Fees on April 7, 2026.

Financials

The overall impact on the town is expected to be minor. The new fees for special events will generate new additional revenue for the Events Committee, while the remaining fee increases are modest and are not anticipated to have any significant impact on the Town's budget.

Options

	Pros	Cons
Option 1 - Amend the bylaw and fees as proposed	<ul style="list-style-type: none"> • Provides funding to events committee • Centralized 	<ul style="list-style-type: none"> • May upset some vendors who are now subject to the vending fee
Option 2 - Do not amend the bylaw and fees	Maintains status quo	<ul style="list-style-type: none"> • Does not provide funding to events committee • Does not centralize fees in User Fee Policy.

Recommendation

THAT Council read the Vending Bylaw as attached Appendix A for the first time, and

THAT Council provide notice of policy amendment to the Municipal User Fees Policy to include vending fees.

Appendix A-Proposed Vending Bylaw Amendments



TOWN OF SHELBURNE

VENDING BY-LAW

THIS BY-LAW SHALL REPEAL AND SUPERCEDE ANY AND ALL PREVIOUS REGULATIONS AND/OR BY-LAWS HELD BY THE TOWN OF SHELBURNE REGARDING THE VENDING OF GOODS AND SERVICES.

Short Title

1. This By-Law shall be cited as **“Vending By-Law”**.

Interpretation

2. In this By-Law unless the context otherwise indicates:
 - (a) **“Council”** means the Mayor and Town Councillors;
 - (b) **“Special event”** means a recurring annual event coordinated under a single organizing group;
 - (c) **“license”** means document issued and authorized by Town of Shelburne staff which permits the specific person or organization to carry on trade on lands owned by the Town of Shelburne;
 - (d) **“market”** means a regular seasonal vending location, with multiple vendors, coordinated under a single organizing group;
 - (e) **“premises”** means any place of business, or place to which the public has access;
 - (f) **“staff”** means Town of Shelburne staff who are authorized to issue, enforce or verify licenses;
 - (g) **“vend”** means to provide for sale goods or services.

Licensing Requirements

3. All persons wishing to provide for sale goods or services within the Town of Shelburne are required to obtain a license in accordance with this By-Law; it is an offence to operate without a license. Authorized Town of Shelburne staff will issue licenses under this By-Law upon compliance with all requirements and payment of the fees prescribed herein. A license issued under this By-Law may be suspended or revoked by the staff if the holder thereof is guilty of an offence against this By-Law.
 - 3.1 Every license issued under this By-Law shall remain in force unless revoked or suspended under the provisions of this By-Law. Every license shall expire on April 1, calendar year. Every license issued shall be signed by Town staff and shall bear the date of issuance.
 - 3.2 A License is issued to a specific person, business, or organization and may only be used by the one it is issued to. It cannot be transferred or assignment to anyone or other entity.
 - 3.3 A license authorizes a trade or business to be conducted in the location specified and approved in the application; being granted a license does not confer permission to conduct business on private property within Town. Vending on a roadway or sidewalk is not permitted except when authorized by Town staff or Council.
 - 3.4 Town of Shelburne staff will notify the holder of the license of any cancellation or revocation via mail or email to the address provided on the application.
 - 3.5 A revoked or cancelled license can be appealed to Council. The licensee must provide written notice of intention to appeal the cancellation/revocation to Town staff within 30 days of the cancellation/revocation being received.
 - 3.6 Every license under this By-Law shall be on display while the person, business or organization is engaged in the trade, calling or activity for which they are licensed.
 - 3.8 Where it appears to the Council that it is in the public interest to do so, Council may, by motion, instruct Town staff to cancel any license issued under this By-Law.

Obtaining a License

4. Every application for a license under this By-Law shall be made in writing and be accompanied by the fee under the Municipal User Fee Policy.

4.1 The application shall require, but not be limited to, the following information and identification:

- Full name and address of applicant; individual, business, organization
- Whether applicant is a resident of the Town of Shelburne
- Name of trade or activity applicant is engaged in
- Type of goods and services being sold
- Location(s)/site(s) where activity will be conducted, including ~~“door to door”~~
- Photo identification (this identification will be photocopied and kept on file)
- Such information that staff deem to be required to issue a license
- Permission to conduct business on public or private land

4.2 It shall be an offence for any applicant to make false statements in their application and will result in immediate cancellation/revocation of the license.

4.3 Display of false license shall be an offence to this By-Law.

General Conditions

5. It shall be an offence for anyone licensed under this By-Law to:

- a. Provide for sale any goods or services between the hours of 11:00 pm and 730am, excepting on Friday and Saturday when such is permitted until 1:00 am the following day;
- b. Provide for sale any goods or services in front of a commercial property without the prior written consent of the person occupying or using said commercial property;
- c. Leave any premises unattended when open for business;
- d. Sell food or beverages for immediate consumption unless they have available for public use their own or public waste receptacles and recycling receptacles;
- e. Leave any location without first picking up, removing and disposing of all garbage and refuse remaining from sales made by them;
- f. Sell anything other than the type of goods or services for which they are licensed.
- g. Cry their wares or otherwise cause any sound to be made to the disturbance of the public;
- h. Obstruct use of a sidewalk or roadway;

- i. Obstruct access to a property.

Conditions on Sales on Sidewalks

6. In addition to the general conditions outlined in this policy it shall be an offence for anyone licensed under this By-Law providing for sale any goods or services on a sidewalk to:
 - a. Conduct business within five (5) feet of an entrance to any building;
 - b. Conduct business within twenty-five (25) feet of any driveway entrance to a police or fire station or within five (5) feet of any other driveway.
 - c. Conduct business within ten (10) feet of the crosswalk at any intersection.

Licensing Fees, Special Events and Exemptions

- 6.1 Fees are outlined in the Municipal User Fees Policy, and are not refundable.
- 6.2 Only Special event, as defined in the schedule "A", require a vending permits for each special event, regardless of if the applicant holds a annual, monthly or weekly vending permit.
- 6.3 Events listed in schedule "B" are exempt from requiring a Vending permit.
- 6.4 Council may by motion, add or remove organizations from either schedule "A" or "B", and will provide notice in writing to the organization of any changes to their event status.

Penalties

7. Applicants who are found to be in violation of the provisions of this By-Law may be held liable, and, on the discretion of Town staff, may:
 - can have their license revoked by the Town of Shelburne
 - be served with a Summary Offence Ticket
 - not be issued subsequent licenses within the Town of Shelburne
 - be barred from applying for a license within the Town of Shelburne for a fixed period of time
 - may be interrupted in their activity and required to cease trade
 - may be reported to the RCMP for activities which are in violation of the Criminal Code of Canada

EXEMPTIONS

8. The provisions of this by-law shall not apply to:
 - a. The sale of any goods to wholesalers or retailers resident within the Town;

- b. Any sheriff, bailiff or other officers of the law selling under legal process;
- c. Any sales benefiting a registered non-profit or any other cause deemed by motion of Council to be benevolent.
- d. Home-based sales involving private residence, invitation-only events and activities;
- e. Sale of used goods by individuals at their private residences (e.g. yard sales).

BY-LAW ENFORCEMENT

- 9. It shall be the duty of any By-Law Enforcement Officer and of any Special Constable appointed for the Town of Shelburne under the Nova Scotia Police Act, to report all violations of this By-Law and to enforce them under the Municipal Government Act, Section 505.

THIS IS TO CERTIFY that the By-Law of which the foregoing is a true copy and was duly passed at duly called meeting of the Council of the Town of Shelburne, held on the ____ day of _____, 2025.

GIVEN under the hand of the Clerk- CAO and the corporate seal of the said Town this _____ day of _____, 2015. 2025.

Mayor, ~~Karen Mattatall~~ Stanley Jacklin

~~Town Clerk, Lauren Robinson~~ CAO, Sarah Mattatall

SCHEDULE A

Town of Shelburne Special Events requiring Special Event Permit

The following events organized by the Shelburne Events Committee require a special event permit:

Dock Street days

Pumpkin Regetta

Miracle on Dock Street

SCHEDULE B

Town of Shelburne Special Events Not requiring Special Event Permit

Event	Group/Individual	Sale of
Town-Wide Yard Sale		Arts and Crafts products
Guild Hall Summer Arts Series		Arts
Farmers Market at Guild Hall		Agricultural and food products, arts and crafts, misc goods.