

TOWN of SHELBURNE
Land Use By-Law

**TOWN OF SHEBURNE
LAND USE BYLAW**

ADOPTED BY TOWN COUNCIL SEPTEMBER 1, 1988

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS
ON
DECEMBER 12, 1988

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ACCURATE REFERENCE SHOULD BE MADE ONLY FROM THE OFFICIAL DOCUMENT

**THIS COPY IS
A REPRINT OF THE
TOWN OF SHELBURNE
LAND USE BY-LAW
WITH AMENDMENTS TO
June 19th 2023**

CONSOLIDATED EDITION

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

- 1.) Original Adoption Land Use By-law by Town Council on September 1, 1988.
- 2.) Amended, June 16, 1993. Amendments to the Industrial General (I-1) Zone and Schedule "B".
- 3.) Amended, November 1, 1995. Amendments to Schedules "A" and "B" regarding the Commercial General (C-1) Zone.
- 4.) Amended, June 29, 1998. Amendments to Schedules "A" and "B" regarding the Commercial General (C-1) Zone.
- 5.) Amended April 5, 2000. Amendments to the Commercial General (C-1) Zone and Schedule "A".
- 6.) Amended April 4, 2001. Amendment to the Industrial General (I-1) Zone.
- 7.) Amended October 3, 2001. Amendments to Schedules "A" and "B" regarding the Commercial General (C-1) Zone.
- 8.) Amended February 7, 2007. Amendment to Schedule "B" regarding re-zoning of land.
- 9.) Amended February 2, 2011. Amendments to General Provisions for All Zones.
- 10.) Amended July 4, 2012. Amendment to Historic Waterfront (H-W) Zone.
- 11.) Amended February 6, 2013. Amendments to the Commercial General (C-1) Zone.
- 12.) Amended May 21, 2014. Amendments to Schedule "A".
- 13.) Amended September 3, 2014. Amendments to the Commercial General (C-1) Zone.
- 14.) Amended September 2, 2015. Amendment to Schedule "B" regarding re-zoning of land.
- 15.) Amended September 12, 2017. Amendment to the Residential General (R-1) Zone.
- 16.) Amended July 18, 2018. Amendments to General Provisions for All Zones.
- 17.) Amended January 6th, 2020. Amendments to Part 5 re: Accessory Dwellings
- 18.) Amended May 18th, 2021. Amendments to Schedule "B" regarding zoning of land from Residential (R-1 General) and Commercial (C-1 Commercial) to fully Commercial (C-1 Commercial)
- 19.) Amended February 7th, 2022. Amendment to Schedule "B" regarding zoning of land.

20) Amended November 7th, 2022 . Amendment to Schedule B, regarding re-zoning of land.

21) Amended June 19th, 2023. Amendment to Part 2 Definitions, Part 6 Residential General (R-1) Zone Section 38, Part 7 Residential Mobile R-M) Zone Section 44, Schedule D under a new column Pocket Dwellings.

22) Amended February 5, 2025 to include new Residential Apartment Zone, Site Plan, Variance provisions and map amendments

LAND USE BY-LAW - TOWN OF SHELBURNE

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PART 1 - TITLE

1. This By-law shall be known and may be cited, as the Land Use By-law of the Town of Shelburne.

PART 2 - DEFINITIONS

2. (1) In this By-law words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular; and the word shall is mandatory and not permissive. All other words carry their customary meaning except for those as defined in this Section.
 - (2) (a) **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.
 - (b) **ACCESSORY USE** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
 - (c) **BED AND BREAKFAST ESTABLISHMENT** means a single detached dwelling where no more than five rooms are provided for overnight accommodation with breakfast to the travelling public for monetary gain and does not include facilities open to the general public such as meeting rooms, restaurants or entertainment facilities.
 - (d) **BOARDING OR ROOMING HOUSE** means a dwelling in which the proprietor supplies either room or room and board for monetary gain, to more than two but not more than five persons exclusive of the lessee or owner thereof or members of his family and which is not open to the general public.
 - (e) **BUILDING LINE** means any line regulating the position of a building or structure on a lot.
 - (f) **COMMERCIAL USE** means any retail, office or service enterprise that provides goods and/or services to the general public for monetary gain.
 - (g) **COUNCIL** means the Council of the Town of Shelburne.
 - (h) **CORNER VISION TRIANGLE** means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection, the distance required by this By-law, along each such street line and joining such points with a straight line. The triangular-shaped land between the intersecting lines and the straight line joining the points the required

distance along the street lines shall be known as the "corner vision triangle".

- (i) 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
- (j) DEVELOPMENT OFFICER means the officer of the Town of Shelburne from time to time charged by the municipality with the duty of administering the provisions of this By-law.
- (k) DWELLING means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units and shall not include a hotel, a motel or an apartment hotel.
 - (i) SINGLE DETACHED DWELLING means a completely detached dwelling containing one dwelling unit but does not include a mobile home.
 - (ii) SEMI-DETACHED DWELLING means a building which is divided vertically into two dwelling units each of which has an independent entrance
 - (iii) DUPLEX DWELLING means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly from outside or through a common vestibule.
 - (iv) 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
 - (v) APARTMENT CONVERSION means an existing building which has been converted from any other use to a use which contains three (3) or more dwelling units.
 - (vi) ROWHOUSE means a building divided vertically into three (3) or more dwelling units with each unit having a front and rear exit.
- (l) DWELLING UNIT means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building

- (m) ERECT means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- (n) EXISTING means existing as of the effective date of this By-law.
- (o) 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.
- (p) 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. 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.
- (q) 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 and includes the small scale manufacturing or assembling of crafts or other hand-made goods provided that such goods are also offered for sale on the premises.
- (r) INSTITUTION means a building or part of a building used by any governmental body or related service agency, and shall include government sponsored senior citizen housing facilities, or an organized body or society promoting a particular purpose with no intent of profit, but shall not include a utility or a private club.
- (s) LOADING SPACE means a vacant area of land provided and maintained on the same lot upon which the principal use is located and which is suitable for the temporary parking of at least one (1) commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicles.
- (t) LOT means any parcel of land described in a deed or as shown in a registered plan of subdivision.

- (i) 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.
- (ii) INTERIOR LOT means a lot situated between two lots and having access to one street.
- (iii) 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 By-law.
- (u) LOT AREA means the total horizontal area within the lot lines of a lot.
- (v) LOT FRONTAGE means the length of a line joining the side lot lines and parallel to the front lot line.
- (w) LOT LINE means a boundary line of a lot.
 - (i) FRONT LOTLINE means the line dividing the lot from the street and for purposes of this definition the term "street" shall include existing private roads and rights-of-way referred to in Section 13; 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.
 - (ii) REAR LOTLINE means the lot line furthest from or opposite to the front lot line.
 - (iii) SIDE LOT LINE means a lot line other than a front or rear lot line.
 - (iv) FLANKING LOTLINE means a side lot line which abuts the street on a corner lot.
- (x) MAIN BUILDING means the building in which is carried on the principal purpose for which the building lot is used.
- (y) 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.

- (z) **MOBILE HOME** means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, (except for minor and incidental unpacking and assembling operations), located on wheels, jacks or permanent foundation, and which may be connected to utilities and sanitary services. The foregoing shall not include prefabricated mini homes which are built to National Building Code Standards and are placed upon a permanent concrete foundation.
- (aa) **OBNOXIOUS** shall mean a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.
- (bb) **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.
- (cc) **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.
- (dd) **PARKING SPACE** means an area of not less than two hundred (200) square feet, measuring ten (10) feet by twenty (20) feet inclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
- (ee) **PUBLIC AUTHORITY** means any Board, Commission or Committee of the Town of Shelburne established by or exercising any power of authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the municipality or a portion thereof and includes any committee or local authority established by By-law of the town.
- (ff) **PRIMARY USE** means the use for which the zone has been created.
- (gg) **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.

- (hh) RETAIL ENTERPRISE means a business use involved with the selling of any goods, wares, merchandise, or product to the general public for monetary gain.
- (ii) SCRAP YARD 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.
- (jj) SERVICE ENTERPRISE means a business use involved with the provision of a personal service such as a repair shop, dry cleaning establishment, barber shop, or tailor, and shall include hotel and motel establishments, to the general public for monetary gain.
- (kk) 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.
- (ll) SIGN means any structure or device used, to advertise or otherwise draw attention to any commercial or industrial enterprise, any facility designed to serve the public, or to provide the public with information.
 - (i) GROUND SIGN means a sign supported by one or more uprights, poles, or braces placed in or upon the ground.
 - (ii) PROJECTING WALL SIGN means a sign which projects from and is supported by a wall of a building.
 - (iii) FACIAL WALL SIGN means a sign positioned flat against the wall to which it is attached.
 - (iv) ILLUMINATED SIGN means a sign which is illuminated by an artificial light source which forms part of or is internal to the sign itself.
- (mm) STREET LINE means the boundary line of the street.
- (nn) 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.
- (oo) TOWN means the Town of Shelburne.

- (pp) UTILITY means the electric power, telephone, cable television, water sewage and garbage treatment services for the Town of Shelburne.
- (qq) YARD means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. 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; a "minimum" front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.
- (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; and "minimum" rear yard means the minimum depth allowed by this By-law of a rear yard on a lot between the rear lot line and the nearest main 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; and "minimum" side yard means the minimum width allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.
- (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 and the nearest main wall of any building or structure.
- (rr) ZONE means a designated area of land shown on the Schedules of this By-law.
- (ss) POCKET COMMUNITY means four (4) or more buildings, which can contain up to two (2) dwellings each, located on one lot under one ownership. The number of dwellings per lot cannot exceed the equivalent of 6,400 square feet of land per single dwelling units or 3,600 square feet for two-dwelling buildings, per dwelling unit. Dwellings will all face towards the common area, NOT the abutting streets.

PART 3 - ZONES AND ZONING MAPS

Zones

3. For the purposes of this By-law, the Town of Shelburne is divided into the following zones, the boundaries of which are shown on the attached Schedule "B". Such zones may be referred to by the appropriate symbols:

Residential General	R-1
Residential Mobile Home	R-M
Commercial General	C-1
Industrial General	I-1
Historic Waterfront	H-W
Rural Undeveloped	R-U

Zoning Maps

4. Schedule "B" attached hereto may be cited as the "Zoning Map" and is hereby declared to form part of this By-law.

Zoning Map Amendment

5. Schedule "B" of this By-law, the Zoning Map, may be amended, in conformance with the Municipal Planning Strategy, to utilize any zone in this By-law.

PART 4 - INTERPRETATION

Symbols

6. The symbols used on Schedule "B" hereto attached, refer to the appropriate zones established by this By-law.

Interpretation of Zoning Boundaries

7. The extent and boundaries of all zones are shown on Schedule "B", hereto attached, and for all such zones the provisions of this By-law shall apply.
8. Boundaries between zones shall be determined as follows:
- (a) where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;
 - (b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;

- (c) 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;
- (d) 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.
- (e) Where none of the above apply, and where appropriate, the zone boundary shall be scaled from the Zoning Map, Schedule "B", hereto attached.

PART 5 - GENERAL PROVISIONS FOR ALL ZONES

These general provisions apply to all uses in all zones except where specifically indicated as otherwise.

Accessory Buildings

- 9. (1) Accessory buildings and structures shall be permitted in any zone within the Town of Shelburne but shall not:
 - (a) rescinded;
 - (b) be located within the front or side yard of a lot;
 - (c) in the case of a corner lot, be located closer to the flanking street than the main building;
 - (d) be built closer than two (2) feet from a lot line except that:
 - (i) common semi-detached garages may be centered on a mutual side lot line, and
 - (ii) 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;
 - (e) when used for the keeping of farm animals, be built closer than twenty (20) feet from a lot line;
 - (f) exceed fifteen (15) feet in height; and
 - (g) exceed six hundred (600) square feet in area.

- (2) Notwithstanding anything else in this By-law, awnings, clothes poles, flag poles, garden trellises, fences, and retaining walls shall be exempted from any of the requirements of subsection (1).

Accessory Dwellings

- 9A (1) Accessory dwellings shall meet the following requirements:
 - (a) Only one accessory dwelling shall be permitted on a lot.
 - (b) The accessory dwelling shall be subject to zone requirements for main buildings.
 - (c) Lot coverage shall not exceed 35 percent.
 - (d) The gross floor area of the accessory dwelling shall not exceed the gross floor area of the single-unit dwelling.

Accessory Uses Permitted

10. Where this By-law provides that any land may be used, or a building or structure may be erected or used for a purpose, the purpose shall include any accessory use.

Buildings to be Erected on a Lot

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

Buildings to be Moved

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

Frontage on a Street

13. 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.

Corner Vision Triangle

14. In the case of a corner lot, a fence, sign, hedge, shrub, or any other structure or vegetation shall not be erected or permitted to grow to a height of greater than two (2) feet above the grade of the streets that abut the lot for a distance of twenty (20) feet

along the street lines at their point of intersection including the triangular area of land formed inside the 20 foot distance.

Calculation of Lot Frontage

15. The following means shall be used for the purposes of determining lot frontage:
 - (a) 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;
 - (b) 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.

Existing Buildings with Non-Conforming Yards

16. Any building erected on or before the effective date of this By-law which is not in conformance with the Development Standard requirements as established in this By-law, 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 By-law are satisfied.

Existing Buildings

17. Any building erected on or before the effective date of this by-law 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 By-law, provided that all other applicable provisions of this By-law are satisfied.

Existing Undersized Lots

18. Any lot in existence on or before the effective date of this By-law, 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 By-law 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 By-law.

Front Yard for a Through Lot

19. In the case of a through lot, the front yard shall be deemed to be any yard which abuts either of the two opposite streets.

~~Exemption from Height Regulations~~

- ~~20. The height regulations of this By-law shall not apply to church spires or steeples, water reservoirs, elevator enclosures, silos, flag poles, television or radio antennae, ventilators, barns, chimneys or clock towers.~~

Temporary Development Permitted

21. Nothing in this By-law shall prevent the temporary development of a building or structure on its own or incidental to a main construction project provided the development is discontinued and removed within a period of 60 days or, when incidental to a main construction project, within 60 days following completion of the project.

Restoration to a Safe Condition

22. Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of non-conforming use, Sections 85 and 86 of the Planning Act shall prevail, except where a 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.

Truck, Bus and Coach Bodies

23. 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.

Parking Lots

24. Where parking facilities for more than four (4) vehicles are to be provided the following requirements shall be met:
 - (a) the parking area shall be maintained with a stable surface that is treated to prevent the rising of dust or loose particles;
 - (b) the lights used for illumination of the parking lot shall be so arranged as to divert the light away from adjacent streets, lots or buildings;

- (c) a structure not more than 50 square feet in area and 15 feet in height may be erected in the parking lot for the use of an attendant;
- (d) the parking lot shall be within 300 feet of the location it is intended to serve and shall be situated in the same zone;
- (e) no gasoline pumps or other service station equipment shall be located on the parking lot;
- (f) entrance and exit ramps shall not be closer than 50 feet to any corner or street intersection.

Compliance with Other Regulations

25. Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the Town or from obtaining any license, permission, permit, authority or approval required in any other By-law of the Town of Shelburne. Where the provisions of this By-law conflict with those of any other municipal or provincial requirements, the higher or more stringent regulations shall prevail.

Non-Conforming Uses

26. Any use of land or a building or structure erected on the land which had begun on or before the effective date of this By-law and which does not conform to the requirements of this By-law shall be subject to the provisions laid out in Sections 83 to 86 inclusive, of the Planning Act, except where and 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.

Developments Not Requiring a Development Permit

27. With the exception of the Historic Waterfront (H-W) Zone, no development permit shall be required where:
- (a) 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;
 - (b) a fence is proposed which does not exceed six (6) feet in height;
 - (c) a temporary building or structure is to be erected for a period not exceeding sixty (60) days;

- (d) signs of less than five (5) square feet in area are to be erected.

Multiple Uses

- 28. In any zone where more than one use is combined in any one building, the development standards for the primary use of the building shall apply.

One Main Building on a Lot

- 29. Except in the Commercial General (C-1), Industrial General (I-1) and the Historic Waterfront (H-W) Zone and within mobile home parks, no more than one main building shall be erected on a lot.

Loading Space Required

- 30. Any commercial or industrial use with a gross floor area of greater than 5,000 square feet shall be required to provide one off street loading space for every 30,000 square feet of gross floor area or fraction thereof, to a maximum of six (6) spaces. Such loading spaces shall be located at the side or rear of the building and where abutting a residential, institutional or park and recreational use, shall be screened from such uses through the use of a fence or vegetation which shall be a minimum of six (6) feet in height. This section does not apply to the Historic Waterfront Zone.

Signs General

- 31. (1) No person shall erect a sign greater than five (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 By-law are satisfied.
- (2) Notwithstanding subsection (1) every permanent sign to be erected in an H-W zone shall require a development permit. Temporary signs such as those advertising a building or land for sale shall fall under the requirements of subsection (1).
- (3) Every sign and all parts thereof shall be erected and maintained in conformance with the building, electrical, and fire prevention codes.

Signs Prohibited

- 32. (1) The following signs shall not be permitted in any zone within the Town of Shelburne:
 - (a) roof signs,

- (b) any sign or sign structure which constitutes a hazard to public health or safety,
 - (c) 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,
 - (d) any sign which obstructs the free use of any fire exit door, window, or other required exit way,
 - (e) 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,
 - (f) any sign which no longer advertises a bona fide business conducted or product sold,
 - (g) 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,
 - (h) signs painted on, attached to, or supported by a tree, stone, cliff or other natural object,
 - (i) signs not related to any business or use located on the lot or premises.
- (2) Notwithstanding subsection (1)(i), one ground sign may be erected for any one business on a lot not pertaining to the business provided that such signs are no larger than 20 square feet in area and are located on lots abutting the Sandy Point Road, King Street, or Ohio Road.

Facial Wall Signs

33. No facial wall sign shall:

- (a) cover more than one (1) square foot of area per lineal foot of wall on which the sign is affixed,
- (b) extend above the top or beyond the sides of the wall upon which it is affixed.

Projecting Wall Signs

34. No projecting wall sign shall:
- (a) exceed twenty (20) square feet in area,
 - (b) project more than six (6) feet from the wall to which it is attached,
 - (c) project over a public right-of-way,
 - (d) project above the roof line of the building to which it is attached, (e) be erected below a height of ten (10) feet or above a height of fifteen (15) feet above grade.

Ground Signs

35. No ground sign shall:
- (a) exceed 100 square feet in sign area where one side of the sign is used or 200 square feet where both sides of the sign are used,
 - (b) exceed a height of twenty (20) feet from grade level to the highest part of the sign and have not less than ten (10) feet clearance at ground level,
 - (c) extend or project beyond the property lines or over any driveway or parking space on the lot on which it is erected,
 - (d) be set back less than five (5) feet from any street line, common lot boundary, driveway, or parking area,
 - (e) have more than one sign on the supporting structure.

Parking Requirements

36. Unless otherwise specifically stated, one (1) parking space shall be provided for every dwelling unit and for every 300 gross square feet of non-residential floor area developed within the Town of Shelburne.

Keeping of Farm Animals

37. (1) The keeping of farm animals shall be limited to lots having a minimum area of 20,000 square feet and in no case shall there be more than one (1) animal unit permitted for every 20,000 square feet of land in the lot so used.
- (2) 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	Number Equal to One Animal Unit
Cattle	1
Horses	1
Sheep	1
Goats	1
Swine	1
Bees	1 hive
Fowl	3
Mink	3
Fox	3
Rabbit	3

37(A) In addition to the general variance provisions found in Section 235(1) of the Municipal Government Act and pursuant to Policy 45A of the Municipal Planning Strategy, and subject to the criteria under section 37(E) of this bylaw, the Development Officer may also grant a variance in the following areas:

- the number of parking spaces and loading spaces required,
- the ground area and height of a structure,
- the floor area occupied by a home based business.
- the height and area of a sign

37(B) Variance Application

Applicants for variance must provide a complete application, including:

1. Identify the property where the variance is proposed;
2. Describe the variance(s) requested;
3. How the requested variance (s) meets applicable criteria under s. 37E;
4. Payment of a fee for variance application as stated in the Town's Municipal User Fees Policy.

37 (C) Variance 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) meters. The notice shall:

- a) Identify the property where the variance is proposed;
- b) Describe the proposed variance; and
- c) Identify how landowners can provide comment.

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.

37 (D) 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) meters, in keeping with requirements in the MGA. The second notice shall:

- a) Describe the site plan approval granted;
- b) Identify the property where the site plan approval was granted; and
- c) Set out the right to appeal the decision of the development officer

37 (E) Criteria for Variance Approval

1. A variance will not be granted if the approval of the variance would be premature or inappropriate due to:
 - a. The potential financial impact on the town;
 - b. The adequacy of the sewer and water services;
 - c. The adequacy of the road network in, adjacent to, or leading to the development;
 - d. The potential for damage or destruction of historical buildings and sites; and
 - e. The bulk and scale in relation to the existing surrounding development
2. For variance to parking requirements, the Development Officer shall only consider a variance to parking requirements that would result in at least one of:
 - a. Improved internal traffic flow;
 - b. Increased traffic safety;
 - c. Providing space for stormwater management structures or landscaping;
 - d. The protection mature tree(s);
 - e. The protection of heritage structure(s);
 - f. Providing tree (s) to shade vehicles and pedestrians; and/or
 - g. Providing bicycle parking in lieu of 20% of the required parking or one tall, whichever is greater.

The development officer shall not approve a variance for parking for properties that are on or adjacent to streets with existing parking issues as identified by the Town.

3. The development officer shall have regard for the comments of assessed owners within 30 meters.

37 (F) Private Storage Uses

Private storage buildings including but not limited to private garages and private boathouses where there is no other main building on the lot, shall be permitted in any zone provided that:

- a) The applicable zone requirements of this By-Law are satisfied as if the private storage building is the main building on the lot; and
- b) The private storage building does not exceed 93 m² (1,001 ft²) in gross floor area.

PART 6 – RESIDENTIAL GENERAL (R-1) ZONE

R-1 Uses Permitted

38. No development permit shall be issued in a Residential General (R-1) Zone except for one or more of the following uses:

- Single detached dwellings
- Duplex and semi-detached dwellings
- Rowhouse dwellings (subject to the requirements of Section 43, not exceeding 6 units)
- Apartment buildings (not exceeding 6 units)
- Boarding houses, rooming houses and bed and breakfast establishments (subject to the requirements of Section 41)
- Home occupations (subject to the requirements of Section 42)
- Institutional uses
- Park and Recreational Uses
- Existing Commercial uses (as listed in Schedule "A")
- Existing mobile homes (as listed in Schedule "A").
- Pocket Community Dwellings (subjected to requirements of Section 43A)

Development Standards

39. No development permit shall be issued for use in a Residential General (R-1) zone except in conformance with the requirements set out in Schedule "D" of this By-law.

Special Requirements - Apartment Buildings

40. (1) In addition to all other requirements, where a proposed development is for an apartment building with six (6) units or less or for a conversion with six (6) units or less such development shall include tenant parking space at the side or rear of the building at a rate of one (1) space per unit.

40. a) Further, developments of 7 or more residential units shall provide accessible parking in accordance with the table below:

Number of Units	Minimum Number of Accessible Stalls
7-15	1
16-45	2
46-100	3
Every additional 100 units	+1

Accessible parking stall shall be at minimum 3.9m wide and 5.5m long.

Residential Apartment R-A Uses Permitted

40. b) No development permit shall be issued in a Residential Apartment (R-A) Zone except for one or more of the following uses:

- Single detached dwellings
- Duplex and semi-detached dwellings
- Rowhouse dwellings
- Apartment buildings
- Boarding Houses, rooming houses subject to the requirements of Section 41
- Institutional uses
- Park and recreational

40. c) No development permit shall be issued for a use in a Residential General (R-A) zone except in conformance with the requirements set out in Schedule "D" of this By-law.

40. d) No development permit shall be issued for proposed residential developments greater than 25 units per acre (62 units per hectare) or 35 feet in height.

Special Requirements

40. e) All apartments of 7 or more residential units must submit a site plan as outlined in section 66A Site Plan Process and section 66B Site Plan Submission Requirements, and receive approval, as outlined in section 66C Site Plan Criteria, prior to approval of a Development Permit.

40. f) All apartments of 7 or more residential units must be connected to the Town's water and sewer system, or have entered into an agreement, including cost sharing, with the Town to extend Town water and/or sewer as needed.

40. g) Buffering and fencing may be required as part of the site plan, at the discretion of the Development Officer, as stated in section 66C Site Plan Criteria.

Special Requirements - Boarding Houses, Rooming Houses and Bed & Breakfast Establishments

41. In addition to all other requirements, where a proposed development is for a boarding or rooming house or a bed and breakfast establishment, such development shall:

- (a) be located within a single detached dwelling;
- (b) provide guest parking at the side or rear of the house at a rate of one (1) space for each room available for rent,
- (c) be advertised by a sign no larger than five (5) square feet which is non-illuminated, and
- (d) conform to the requirements of the Provincial Fire Marshall where such requirements are more stringent.

Special Requirements - Home Occupations

42.. In addition to all other requirements, where a proposed development is for a home occupation, such development shall:

- (a) be located within a single detached dwelling **and/or accessory buildings,**
- (b) occupy no more than 25 percent of the gross floor area of the dwelling **and/or accessory buildings,**
- (c) have no outdoor storage of product or material associated with the business,
- (d) rescinded;

- (d) be owned and operated by the occupant of the dwelling,
- (e) have no more than one (1) additional employee associated with the business,
- (f) be advertised by a sign no larger than five (5) square feet in area which is non-illuminated,
- (g) have no more than one (1) commercial vehicle associated with the business parked at the dwelling overnight, and
- (h) notwithstanding Section 36, no offstreet parking shall be required. **(RC-Jul 05/17;E-Sep 12/17)**

Special Requirements - RowHouse

43. In addition to all other requirements, where a proposed development is for row houses, such development shall be limited to lots served by the municipal sanitary sewer system.

Special Requirements – Pocket Community

- 43A.** In addition to all other requirements, where a proposed development is for a pocket community, such development shall:

- (a) each cluster of dwellings shall have a common area to provide a sense of openness and function as a shared front yard
- (b) each dwelling unit shall be located no further than 10 feet from the common area
- (c) A cluster in a pocket community may not be subdivided
- (d) a system of continuous walkways, no less than four (4) feet wide, shall connect each dwelling to each other and to the common area, as well as to the parking area and to the property line that abuts an open public street bordering the development
- (e) each dwelling shall connect via continuous walkways being no less than 4 feet width
- (f) no part of any dwelling shall be further than 180 feet from the parking lot
- (g) no less than one (1) parking space per unit plus one (1) accessible parking space per four (4) dwellings located closest to the dwellings
- (h) the parking lot area, at the centre of the common space, shall allow for at least a twenty-five (25) foot wide opening for emergency vehicles to access the common space
- (i) attached garages are not permitted in pocket communities
- (j) if detached garages are provided, they must be designed similar to or compatible with the dwelling design(s)
- (k) community amenity buildings are permitted as an accessory building to serve the needs of the residents and their guests for incidental use and must be designed similar to or compatible with the dwelling design(s)
- (l) architectural requirements include:

- i. dwellings will be designed to have a cottage-like appearance, avoiding taller-than-wide designs
- ii. each dwelling must have a different appearance whether colour, materials or design
- iii. dwellings shall be clustered around and orientated towards the common frontal area
- iv. it is encouraged that dwellings have covered front porches at least 60 square feet (the porch does not contribute to the maximum floor area of the dwelling)

PART 7 – RESIDENTIAL MOBILE HOME (R-M) ZONE

R-M Uses Permitted

44. No development permit shall be issued in a Residential Mobile Home (R-M) Zone except for one or more of the following uses:
- Mobile homes (sited on individual lots)
 - Single detached dwellings
 - **Pocket Community** dwellings (subjected to requirements of Section 43A)

Development Standards

45. No development permit shall be issued for a use in a Residential Mobile Home (R-M) Zone except in conformance with the requirements set out in Schedule "D" of this By-law.

Special Requirements - Mobile Home Skirting

46. In addition to all other applicable requirements of this by-law, where a mobile home is placed permanently on a lot, and such mobile home is not placed on a concrete, concrete block or wooden foundation, the entire undercarriage shall be required to be skirted with a solid opaque material.

PART 8 – COMMERCIAL GENERAL (C-1) ZONE

C-1 Uses Permitted

47. No development permit shall be issued in a Commercial General (C-1) Zone except for one or more of the following uses
- Any retail, office, or service enterprise provided such uses are not obnoxious,

- Any use permitted in the R-1 Zone.
- Existing Industrial Use (listed in Schedule A), whether or not the lot is increased in size.
- Microbreweries
- Small scale manufacturing that is not obnoxious

Development Standards

48. No development permit shall be issued for a use in a Commercial General (C-1) Zone except in conformance with the requirements set out in Schedule "D" of this By-law.

Special Requirement - Parking Exemption

49. Notwithstanding the parking requirements set out in Section 36, where a proposed development is for a commercial use, Council may accept a cash payment in lieu of the developer providing the required parking spaces or a combination of parking spaces and cash for the balance of the required spaces. Such payment shall be at the option of the developer and shall be calculated in accordance with the following formula:

Amount of payment – $(A \times 200) \times B + (B \times 50)$

- A assessed value of the land per square foot.
 200 number of square feet in each parking space.
 B number of required parking spaces.
 50 cost of construction of one parking space (in dollars)

Special Requirement - Automobile Service Stations

50. Notwithstanding anything else in this By-law, where a proposed development is for an automobile service station, the following special provisions shall apply:
- (a) minimum lot frontage: 150 feet,
 - (b) no portion of any pump island shall be located closer than 20 feet from any street line
 - (c) minimum distance between entrance and exit driveways shall not be less than 30 feet,
 - (d) minimum distance from an entrance or exit driveway and a street intersection shall be 50 feet,
 - (e) minimum width of an entrance or exit driveway shall be 20 feet

PART 9 – INDUSTRIAL GENERAL (I-1) ZONE

I-1 Uses Permitted

51. No development permit shall be issued in an Industrial General (I-1) Zone except for one or more of the following uses:
- Any manufacturing assembly, processing, wholesaling, warehousing, utility, or salvage operation, which are not obnoxious,
 - Commercial uses permitted within the Commercial General (C-1) Zone subject to the Commercial General (C-1) Zone provisions.
 - Residential uses permitted in the Residential General (R-1) Zone subject to the Residential General (R-1) Zone provisions.

Development Standards

52. No development permit shall be issued for a use in an Industrial General (I-1) zone except in conformance with the requirements set out in Schedule "D" of this By-law.

Special Requirements - Abutting Residential Zones

53. Notwithstanding anything else in this By-law, where a proposed I-1 development immediately abuts or lies across the street from a R-1 or R-M Zone, the following special requirements shall apply:
- (a) a six foot opaque fence shall be provided along any lot line that abuts a residential zone with the exception that the fence not extend to within the feet of a street for reasons of vehicular safety and except where existing vegetation or natural landforms provide a screen such that the proposed development is not visible from adjacent residential properties.
 - (b) a ten foot landscaped buffer strip shall be provided along any lot line that abuts a street and a landscaped buffer strip means at a minimum a grassed area.
 - (c) signs shall be limited to a maximum area of 32 square feet and a ground sign shall not exceed a height of ten feet.
 - (d) any lighting on the property shall be deflected away from any abutting residential property .
 - (e) driveway accesses shall be restricted to two per street for every street; and

- (f) driveway accesses shall be clearly demarcated.

Special Requirement - Parking Spaces

- 54. Notwithstanding the parking requirements set out in Section 36, parking spaces for an industrial development shall be provided at a minimum rate of one (1) space for every 1,000 square feet of gross floor area up to a maximum of 20 spaces.

PART 10 - HISTORIC WATERFRONT (H-W) ZONE

H-W Uses Permitted

- 55. No development permit shall be issued in a Historic Waterfront (H-W) Zone except for one or more of the following uses:
 - Any use permitted in the R-1, and C-1 Zones as well as microbreweries provided such uses are not obnoxious.
 - Existing industrial uses (listed in Schedule A).

Development Standards

- 56. No development permit shall be issued for a use in a Historic Waterfront (H-W) Zone except in conformity with the following requirements:

Minimum Lot Area	4,200 square feet
Minimum Lot Frontage	60 feet
Minimum Front Yard	equal to or an average of each of the adjacent structures (where there are no adjacent structures - 5 feet)
Minimum Rear Yard	20 feet
Minimum Side Yard	10 feet each side
Maximum Lot Coverage	35%
Maximum Building Height	35 feet

Special Requirements – New Development or Redevelopment

- 57. (1) In addition to all other requirements, where a new development or redevelopment is proposed on a lot, any part of which is visually related to an existing historically significant building, designated pursuant to the Heritage Property Act, the major architectural features of the proposed development or redevelopment shall be similar to one of the buildings to which it is visually related with respect to:
 - (a) roof shape,

- (b) window, porch and door style,
 - (c) window area to wall area ratio
 - (d) building length to width ratio, and
 - (e) exterior cladding
- (2) For the purposes of this Section, visually related shall mean within 100 feet of a designated building, such distance to be measured from the extent of the lot boundaries on which the designated building is situated.

Special Requirement - Renovation of Existing Buildings

58. 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 by virtue of:
- (a) roof shape,
 - (b) window, porch and door style,
 - (c) window area to wall area ratio, and
 - (d) exterior cladding,
 - (e) for any portion of the building that is visible from the street.

Special Requirement - Open Storage

59. (1) No open storage shall be permitted in the front yard of any building.
- (2) Any area used for open storage shall be screened from the public view by means of an opaque wooden fence such that the material being stored is not visible from the ground level of any abutting yard or from the street.

Special Requirement - Signs

60. In addition to the requirements of Sections 31-35 of this By-law, any sign erected in a H-W Zone by any person or agency other than a government agency shall:
- (a) be constructed of wood,

- (b) be non-illuminated,
- (c) with reference to ground signs, be no higher than 15 feet at the highest point.

Special Requirement - Accessory Buildings

- 61. No accessory buildings shall be permitted in a H-W Zone which does not have a wood material exterior cladding

Special Requirement - Fences

- 62. All fences to be erected in the H-W Zone shall be constructed of wooden material and shall not exceed six (6) feet in height. Only fences identified in Schedule "C" of this By-law shall be permitted in the H-W Zone.

PART 11 – RURAL UNDEVELOPED (R-U) ZONE

R-U Uses Permitted

- 63. No development permit shall be issued in a Rural Undeveloped (R-U) Zone except for one or more of the following uses:
 - Any use permitted in the R-1 Zone,
 - Any use permitted in the R-M Zone,

Development Standards

- 64. No development permit shall be issued for a use in the Rural Undeveloped (R-U) Zone except in conformance with the requirements set out in Schedule "D" of this By-law.

PART 12 – ADMINISTRATION

Enforcement

- 65. This By-law shall be administered by the Development Officer for the Town of Shelburne.

Scope of Application

66. (1) Every application for a Development Permit shall be accompanied by two copies of a plan or sketch of the proposed development drawn to an appropriate scale and showing:
- (a) the true shape and dimensions of the lot to be used,
 - (b) the proposed location, dimensions and height of the building, structure or work to be developed on the lot,
 - (c) the location of every building or structure already erected on the lot and the location of every building on adjacent lots,
 - (d) the proposed location and dimensions of any parking spaces, loading spaces, driveways and landscaped areas,
 - (e) the proposed use of the lot and each building or structure to be developed, and
 - (f) any other information which the Development Officer deems necessary to determine whether or not the proposed development conforms with the requirements of this By-law.
- (2) Where the Development Officer is unable to determine whether the proposed development conforms to this By-law or other by-laws and regulations under his administration, he may require that the plan submitted under subsection (1) be based on an actual survey certified and stamped by a Nova Scotia Land Surveyor.

66. A. 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) meters. The notice shall:

- a) identify the property where the site plan is proposed;
- b) describe or show the proposed site plan; and
- c) identify how landowners can provide written comment

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.

66.B. 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) meters, in keeping with requirements in the MGA.

The second notice shall:

- a) identify the property where the site plan approval was granted;
- b) describe or show the site plan approval granted; and
- c) set out the right to appeal the decision of the development officer

Site Plan Submission Requirements

66.C. An application for site plan is not complete unless:

1. It contains three (3) copies of 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.
2. Payment of a fee for a site plan application as stated in the Town's Municipal User Fees Policy.

Site Plan Criteria

66.D. The Development Officer shall not approve a site plan unless it meets the criteria below. A site plan 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. Minimize undue erosion and/or sedimentation, and other negative impacts on neighbouring properties from grading or alteration in elevation or contour of the land,
5. Minimize visual and noise impacts on nearby properties, through landscaping, fencing or a combination of both;
6. 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;
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, unless exempt;
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;
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; and
15. Not be contrary to the intent of any policies in the MPS or requirements in the LUB.

In addition to the aforementioned criteria, the development officer shall have regard for the comments of assessed owners within 30 meters, including but not limited to buffering options.

Amendment to Schedule D Table 1

Apartment Residential (7+ units)*

Min Lot area	10,000 square feet
Min Frontage	60 feet
Min Front yard	20 feet or average of adjacent buildings

Min rear yard	20 feet
Min side yard	8 feet
Max Lot Coverage	50%
Max Height	35 feet

*for rowhouse, see rowhouse requirements

Signature of Applicant

67. The application shall be signed by the registered owner of the lot or by the owner's agent duly authorized in writing to act for the owner.

Expiration of Development Permit

68. Any Development Permit issued pursuant to this By-law 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.

No Exemption from Requirements

69. Every development shall be subject to the requirements of this By-law regardless of whether or not a permit is required to be issued.

Advertising Costs for Amendment

70. Where a proposed amendment to this By-law is requested by an individual, said individual shall deposit with the Clerk at the time of application, an amount established by the Clerk to be sufficient to pay the costs of all advertising required. If the amount paid is not sufficient to cover the costs incurred, then the applicant shall pay to the Clerk the additional amount required. If the amount paid is more than sufficient then the Clerk shall refund the excess amount.

Penalty

71. In the event of any contravention of the provisions of this By-law, the Town of Shelburne may take action as provided for in Sections 108, 109 and 110 of the Planning Act.

Effective Date

72. This By-law shall take effect when approved by the Minister of Municipal Affairs.

Harold Locke, Mayor

Sherry Doane, Town Clerk

TABLE 1: DEVELOPMENT STANDARDS FOR ALL USES WITHIN ANY ZONE -
MUNICIPAL SEWER SERVICES ARE AVAILABLE

	ROW HOUSES**	SEMI-DETACHED** DWELLINGS	MOBILE HOMES	ALL OTHER RESIDENTIAL USES	COMMERCIAL USES	INDUSTRIAL USES	INSTITUTIONAL USES	PARK AND RECREATIONAL USES (STRUCTURES OR BUILDINGS ONLY)	POCKET DWELLINGS
Minimum Lot Area	2400 Sq. ft. interior unit 3600 sq. ft. end unit	3600 sq. ft.	7200 sq. ft.	7200 sq. ft.	7200 sq. ft.	7200 sq. ft.	7200 sq. ft.	7200 sq. ft.	see definition Part 2
Minimum Lot Frontage	20 ft. interior 30 ft. end	30 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	see below ***
Minimum Front Yard	25 ft.	25 ft.	25 ft.	25 ft.	5 ft.	25 ft.	25 ft.	25 ft.	n/a
Minimum Rear Yard	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Side Yard i) one side	interior i) - ii) - End i)	-	10 ft.	8 ft.	10 ft. *	10 ft.	10 ft.	10 ft.	10 ft.
ii) other side	ii) 10 ft.	10 ft.	10 ft.	10 ft.	10 ft. *	10 ft.	10 ft.	10 ft.	10 ft.
Maximum Lot Coverage	35%	35%	35%	35%	-	35%	35%	35%	35%
Max. Building Height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.

*Can be reduced to zero if fire wall is built to National Fire Code Standards and the adjoining lot is also

**Standards apply to each unit.

***shared frontal common area no less than two (2) times the total dwelling square footage

TABLE 2: DEVELOPMENT STANDARDS FOR ALL USES WITHIN ANY ZONE - MUNICIPAL SEWER SERVICES ARE NOT AVAILABLE

	SEMI-DETACHED ** DWELLINGS	MOBILE HOMES	ALL OTHER RESIDENTIAL USES	COMMERCIAL USES	INDUSTRIAL USES	INSTITUTIONAL USES	PARK AND RECREATIONAL USES (STRUCTURES OR BUILDINGS)	POCKET DWELLINGS
Minimum Lot Area	14,400	28,800	28,800	-	28,800	28,800	28,800	see definition Part 2
Minimum Lot Frontage	60 ft.	120 ft.	120 ft.	-	120 ft.	120 ft.	120 ft.	see below ***
Minimum Front Yard	25 ft.	25 ft.	25 ft.	-	25 ft.	25 ft.	25 ft.	n/a
Minimum Rear Yard	20 ft.	20 ft.	20 ft.	-	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Side Yard i) one side	-	10 ft.	8 ft. 10 ft.	-	10 ft.	10 ft.	10 ft.	10 ft. 10 ft.
ii) other side	10 ft.	10 ft.			10 ft.	10 ft.	10 ft.	
Maximum Lot Coverage	35%	35%	35%	-	35%	35%	35%	35%
Max. Building Height	35 ft.	35 ft.	35 ft.	-	35 ft.	35 ft.	35 ft.	35 ft.

*Can be reduced to zero if fire wall is built to National Fire Code Standards and the adjoining lot is also **Standards apply to each unit.
 ***shared frontal common area no less than two (2) times the total dwelling square footage