

Town of Shelburne Land Use Bylaw

2026

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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 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.

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 plants 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 VEHICLE 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 services 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. Roofsigns;
 - 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 Unserviced R-U

- 9.9.1. The following developments are permitted as-of-right by development permit in the Rural Unserviced 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, opens 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



