

COUNTY *of* ANNAPOLIS

NATURALLY ROOTED

# Annapolis County Land Use Bylaw

EFFECTIVE DATE: April 23, 2024



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## Part 1 TITLE, INTRODUCTION AND PURPOSE

The Land Use Bylaw regulates the use, conservation, and development of land, habitat, buildings, and signs in pursuit of the objectives of Annapolis County's Municipal Planning Strategy (MPS). The Land Use Bylaw (LUB) serves as a regulatory document that governs what may occur on a piece of property depending on that property's zoning. It provides each parcel in the County with a specific land use designation that defines the specific types of uses that can occur on that parcel.

The intent and goal of a land use bylaw is to ensure orderly, efficient, and sustainable development that maintains a high quality of life and protects the public good while ensuring proper development and economic opportunity through clearly defined rules and regulations.

Land use bylaws are a tool used to maintain and enhance the quality of life of residents by providing opportunities to attain individual and community aspirations; conserve and enhance the environmental quality in Annapolis County; and foster planned, efficient, economical and beneficial development that provides a diversity of choice, lifestyle, and environment.

1. This Bylaw shall be known and may be cited as the "Annapolis County Land Use Bylaw" for the Municipality of the County of Annapolis and shall apply to all the lands within the Municipality of the County of Annapolis, hereinafter referred to as the Planning Area, as defined by the Zoning Map (**Appendix A**).
2. The purpose of this Land Use Bylaw is to carry out and implement the land use development policies contained within the Annapolis County Municipal Planning Strategy in accordance with the *Municipal Government Act* (MGA). The MGA also enables the Municipality of the County of Annapolis to adopt a Subdivision Bylaw to control the division of land. These three documents provide the framework for planning and development in the Planning Area.
3. The regulations and standards contained within this Bylaw that apply to the development and use of property are as follows:
  - Zoning Map (**Appendix A**) to determine which zone the property is located
  - The definitions section to determine how specific developments or lot conditions are defined or applied to a development (Part 2)
  - The administration and interpretation section to define permit requirements (Part 3)
  - The general provisions section, which applies to all zones (Part 4)
  - The requirements respecting the particular zone in which the property is located (Part 5)
4. Property boundaries as shown on the Zoning Map (**Appendix A**) are continuously subject to change due to approvals of applications for subdivision of land. They are included for information and clarification purposes only, and do not form part of this Bylaw.

## Part 2 DEFINITIONS

For the purpose of this Bylaw, all words shall carry their customary meaning in the English dictionary except for those defined in this PART.

1. **ABUTTING** means to share one or more common lot lines or a common point along a lot line.
2. **ACCESSORY BUILDING** means a subordinate building or structure devoted exclusively to an accessory use on the same lot as the main building.
3. **ACCESSORY USE** means a use subordinate and normally incidental to a use of land or building and located on the same lot.
4. **AGRICULTURAL USE** means a use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, aquaculture, floriculture, horticulture, animal and poultry husbandry, riding stables, and petting farms and the necessary accessory uses for packing, storing, or treating the produce, as well as the sale of goods and services produced on the farm property.
5. **AGRICULTURAL-RELATED INDUSTRY** means a commercial or industrial use involving the sale, processing, sorting, grading, packaging, inspection, storage, distribution, or transportation of agricultural crops, products, and livestock, as well as the manufacturing and production of livestock feeds, soil additives and amenders, fertilizer, herbicide, or pesticide and the stockpiling of bulk materials used in the production process. Facilities for the slaughtering and/or processing of agricultural livestock, excluding a rendering plant, shall also be included along with their necessary accessory uses and buildings.
6. **AGRICULTURAL-RELATED USE** means an agriculture-related ancillary use such as, but not limited to, microbreweries, cideries, wineries, and distilleries; animal rescue and rehabilitation centres; agricultural exhibitions; farm markets; garden centres; gardening and agricultural clubs; equine farms involving services such as, but not limited to breeding, studing, training, boarding or riding lessons; and agricultural institutions such as schools, research, and extension offices.
7. **AGRITAINMENT USE** means an agricultural-themed entertainment use such as, but not limited to, guest ranching/farm operations, petting farms or zoos, hayrides, u-picks, pumpkin patches, hedge or corn mazes, riding and walking trails, farm tours, workshop or farm demonstrations, garden centres, farm markets, museums, and other indoor or outdoor entertainment uses based on agricultural topics and/or using agricultural props.
8. **ALTER** means any change in the structural component of a building or any increase in the volume of a building or structure and may also refer to a change in use.
9. **ANIMAL RESCUE AND REHABILITATION CENTRE** means the use of land, buildings, and structures where temporary care, treatment, and rehabilitation of injured, sick, displaced, or orphaned agricultural, domestic, or native wildlife with the goal of returning/placing a healthy animal in a permanent off-site placement or back to the wild, not including permanent boarding facilities.
10. **ATTACHED** means a building, otherwise complete, that has a division wall or walls shared with an abutting building, which provides structural support to one or both buildings or is required to completely enclose one or both buildings.

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11. AUTO BODY SHOP means a building or a clearly defined space on a lot used for the storage, repair, and servicing of motor vehicles including body repair, painting and engine rebuilding but does not include an automobile service station or an automobile sales establishment.
12. AUTOMOTIVE IMPOUND YARD means a lot used for the confiscation and storage of automotive vehicles, including boats, and recreational campers, along with an accessory uses or structures, but does not include the storing of vehicles for the salvaging of parts or scraps.
13. AUTOMOTIVE SALES AND RENTALS means a lot and or building used for the sale or rental of new or used automotive vehicles, including boats and recreational trailers.
14. BED AND BREAKFAST ESTABLISHMENT means a single-unit residential dwelling, licensed under the *Tourist Accommodation Registration Act and Regulations*, in which the operator supplies, for compensation, rooms that are rented or hired out to accommodate the traveling public for sleeping purposes and where a general kitchen and dining room are provided within the building for the purpose of serving meals only to overnight guests.
15. BOARDING OR ROOMING HOUSE means a single-unit residential dwelling in which the operator supplies either room or room and board for compensation on a weekly or monthly basis, and which is not open to the public, but does not include a dwelling-group care facility.
16. BUFFERING / BUFFER STRIP means a treed or landscaped area intended to separate and screen the view of abutting land uses or properties from each other.
17. BUILDING means any temporary or permanent main or accessory structure used or built for the accommodation or enclosure of persons, animals, materials or equipment.
18. BUILDING INSPECTOR means the building inspector of the Municipality of the County of Annapolis.
19. BUILDING LINE means any line regulating the position of a building on a lot.
20. BUSINESS AND PROFESSIONAL OFFICES means a building or part of a building where business may be transacted, a service performed, management and general supervisory functions performed, or consultation given by, but not limited to administrators, lawyers, architects, planners, engineers, accountants, private consultants and similar professions, but shall not include veterinary clinics or the manufacturing of any product or the on-site retailing or selling of goods.
21. BYLAW means this Bylaw, which is the Land Use Bylaw for the Annapolis County Planning Area of the Municipality of the County of Annapolis.
22. CAMPGROUND means an area of land for the temporary accommodation and access to facilities for people using travel trailers, motorized motorhomes, tents, cabins, cottages or to park a recreational vehicle that is licensed under the *Tourist Accommodation Registration Act and Regulations*, and may include accessory buildings, structures, and uses, but does not include a mobile home park.
23. CEMETERY means land or buildings used for the interment of the dead, either human or pets, and may include a burial ground, a mausoleum vault or a columbarium for the storage of remains or ashes, a chapel for interment services, open spaces and memorial parks.

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24. CLINIC means a building or part of a building used by a medical practitioner for the medical, dental, surgical, or therapeutic treatment of human patients, patients, including the retail sales of products/goods related to the clinic, but does not include an overnight facility.
25. CLUB means:
- a) CLUB, COMMERCIAL means the use of a building for a meeting place primarily operated for monetary gain.
  - b) CLUB, PRIVATE means the use of a building for a meeting place for members of an organization, fraternal group, lodge or labour union hall.
26. CONTINUING CARE RESIDENTIAL COMMUNITY means a group of buildings, services and amenity areas that offers multiple levels of care (independent living, assisted living, skilled nursing care, long term care facilities) housed in different areas in the same location and operates as one integrated facility and may include the provision of residential services (meals, housekeeping, laundry), social and recreational services, health services, personal care, and nursing care to individuals or couples who require assistance with daily living.
27. COMMERCIAL RECREATIONAL CENTRE means a building or lot or part of a building or lot used for commercial recreation or entertainment purposes such as but not limited to arcades and game rooms, billiard or pool halls, bingo halls, botanical and zoological exhibits, bowling alleys, cinemas or theatres, dance halls, golf courses and driving ranges, miniature golf courses, and sporting venues, such as hockey and skating rinks, soccer and baseball fields, and running tracks and similar uses to the foregoing, together with necessary and accessory buildings and structures. Unless otherwise stated in this bylaw casinos, adult entertainment uses, and tracks for the racing of animals or any form of motorized vehicles are not included as a commercial recreational centre.
28. COMMERCIAL EDUCATIONAL & LEARNING CENTRE means a learning or educational center conducted for monetary compensation and includes a privately operated school, college, or university as well as similar uses such as but not limited to a language and driving school but does not include daycares.
29. COMMERCIAL MEETING SPACE means a space, spaces, or a building available for lease for weddings or similar gatherings, and for special events including the temporary sale of goods and/or services for a prescribed period of time not exceeding one year.
30. COMMUNITY CENTRE means any building or part thereof used for community activities, whether used for commercial purposes or not, the control of which belongs to the Municipality, a local board or agent thereof, or a non-profit organization.
31. CONSTRUCTION INDUSTRY means a use primarily involving the construction, manufacturing, development, redevelopment, or rehabilitation of buildings and real estate, including roadbuilding.
32. COTTAGE means a structure having a roof supported by columns or walls, built, constructed, placed or located on a lot and used for human habitation, typically intended for temporary or seasonal, that is rustic in nature and may lack an on-site sewage disposal system, a piped-in water supply or grey water disposal system.

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33. COURT means an open uncovered and unoccupied space appurtenant to a building and bounded on two or more sides by walls of a building.
34. CULTURAL CENTRE means a museum, theater, art center, music hall, or other cultural or arts facility, the control of which belongs to a government body, a local board or agent thereof, or a non-profit group.
35. DAY CARE means:
- a. DAY CARE CENTRE, NON-RESIDENTIAL means a place where three or more children or adult seniors are cared for on a temporary daily basis for compensation without overnight accommodation but does not include a school.
  - b. DAY CARE CENTRE, RESIDENTIAL means that portion of a residential dwelling which is used to accommodate more than three but fewer than seven children or adult seniors who are cared for on a temporary basis for compensation without overnight accommodation.
36. DEVELOPMENT means to build, place, locate, relocate, construct, reconstruct, replace, enlarge or add to, alter, convert, or alter any building, structure, land, or land use and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, or filling; structurally altering any existing building or structure by an addition, deletion, enlargement, or extension.
37. DEVELOPMENT OFFICER is the person or persons appointed to administer this Bylaw.
38. DWELLING means a building or a portion thereof, 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 or motel or apartment hotel or a travel trailer or other recreation vehicle.
- a. DWELLING UNIT means one or more habitable rooms designed, occupied or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.
  - b. DWELLING, SINGLE-UNIT means a residential building consisting of one dwelling unit that is fully located on a lot, and, unless otherwise stated in this Bylaw, includes mobile and tiny homes.
  - c. DWELLING, TWO-UNIT means a residential building that is divided into two dwelling units, each of which has independent entrances either directly to the outside or through a common entrance from the street level.
  - d. DWELLING, MULTI-UNIT means a residential building located on a single lot containing three or more dwelling units, which have individual entrances or a common entrance from the street level
  - e. DWELLING, SECONDARY SUITE means a single-unit dwelling accessory to the main residential use, either attached or located within the main residential building or located within an accessory structure, often referred to as an in-law suite, basement apartment, or backyard suite.

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39. EXISTING means legally existing as of the effective date of this Bylaw.
40. EXTRACTIVE-RELATED FACILITIES means the use of and structures related to, associated with and/or fundamental to the operation of an extractive surface, or underground mine, pit, quarry or drill site, including those lands, buildings and structures related to, associated with and/or fundamental to the storage, washing, crushing, sifting, reducing, leaching, weighing, processing, distribution and/or sale of such extracted materials, including but not limited to, sand, gravel, oil and natural gas, minerals, stone, rock or clay.
41. FARM MARKET means an indoor or outdoor market at which local farmers, producers, and growers can sell processed or unprocessed agricultural products directly to customers and may include other local vendors selling products such as goods created in an art or craft workshop.
42. FIRST STOREY means the uppermost storey having first floor level not more than 2.0 m (6.5 feet) above grade.
43. FLOOR AREA means:
- a. WITH REFERENCE TO A DWELLING means the maximum area contained within the outside walls excluding any attached garage, porch, verandah, unfinished attic or basement or other room not habitable at all seasons of the year
  - b. WITH REFERENCE TO A DWELLING UNIT where more than one unit is contained within a dwelling, means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit, excluding closets, built-in cabinets and storage areas, and balconies.
  - c. FLOOR AREA, COMMERCIAL means the total usable floor area within a building used for commercial purposes but excludes furnace and utility rooms, washrooms and excluding, in the case of shopping malls, common hallways between stores.
  - d. FLOOR AREA, GROSS means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be considered to be exterior walls.
  - e. FLOOR AREA, GROUND means the maximum area contained within the outside walls of the ground floor of a building excluding any attached garage, porch, verandah, or other room not habitable at all seasons of the year.
44. FORESTRY USE means:
- a. FORESTRY USE, PRIMARY OPERATION means the use of land for silviculture, cultivation, harvesting, or gathering of trees for the purpose of fuel wood, construction lumber, pulpwood, or other forest products and any uses associated with it, including accessory structures, but shall not include the manufacturing or processing of such wood products.
  - b. FORESTRY USE, SECONDARY OPERATION means the use of land, buildings, or structures for the processing of harvested or gathered trees for the production of wood products such as fuel, construction lumber and products, and pulpwood for paper manufacturing.

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45. GARDEN CENTRE means a building or outdoor area in which gardening equipment and planting materials comprises the major portion of goods offered or kept for sale directly to the public at retail value.
46. HABITABLE BUILDING means structure having a roof supported by columns or walls, built, constructed, placed, or located on a lot, designed and used for the accommodation, enclosure or assembly of human beings, regardless of whether the structure is intended for seasonal or permanent use, or whether or not the structure is used for overnight accommodation, including residential, commercial, institutional, industrial, and recreational buildings, but not including a camp, a tent, or a recreational vehicle and also not including accessory buildings or structures such as sheds and storage areas.
47. HEIGHT means, when used with reference to a building, the vertical distance between the established grade and the highest point of the building proper, exclusive of any accessory roof construction such as a chimney, tower, cupola or steeple.
48. HISTORICAL SITES AND INTERPRETATION CENTRES means a property or building that is protected by a government body for a historical, environmental, or cultural reason including the use of a lot or building to provide interpretation of the place of interest through a variety of media as well as an accessory structure or uses.
49. HOME OCCUPATION means an accessory use of a residential dwelling by a primary occupant for gainful employment involving the production, sale, or provision of goods and/or services.
50. HOTEL / MOTEL / TOURIST ESTABLISHMENT means a building or buildings which are used to accommodate the traveling public for gain or profit by supplying them with sleeping accommodation, with or without meals, and shall include a guest house, cabins, a motel, a tourist home, a hotel, and an inn but shall not include a campground.
51. INDUSTRIAL WORKSHOP means the use of a building for a sheet metal, welding, metal working, or machine shop, including the accessory display and sale of manufacture items and products.
52. HOUSEHOLD LIVESTOCK means agricultural animals such as such as horses, cows, goats, sheep, and pigs as well as egg-laying fowl and rabbits that may be kept in limited numbers on a residential property.
53. INDUSTRY means:
  - a. INDUSTRY, HEAVY means a use engaged in the basic processing, manufacturing, and storage of materials or products predominately from extracted or raw materials, or that potentially involve hazardous or commonly recognized offensive conditions.
  - b. INDUSTRY, LIGHT means a use engaged in the manufacturing, predominantly from previously prepared materials, finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage/sales/distribution such machine, metal working, sheet metal, and welding shops or commercial soil mixing operations and composting operations, as well as industries that use chemicals on an industrial scale such as dry cleaning shops and laundromats.

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54. **INSTRUCTION STUDIO** means the use of a building for the purposes of providing instruction in painting, sculpturing, moulding, yoga, dance or music including instruction in handicraft production, dressmaking/tailoring, leatherworking, pottery/ceramic-making, woodworking, quilting, crocheting, knitting, needlepoint, weaving or sewing or computer/electronics operation.
55. **INSTITUTION OR INSTITUTIONAL USE** means the use of land or building by any governmental body or agency to provide service on behalf of government, and shall include an organized body or society promoting a particular purpose with no intent of profit, such as but not limited to community centre, cultural centres, food banks, public educational and learning centres such as but not limited to schools, colleges and universities and visitor or information centres, but shall not include a utility, a club, commercial community centre, commercial school or place of worship.
56. **KENNEL / ANIMAL DAY CARE / ANIMAL GROOMING SALON** means any facility or operation for the purposes of accommodating, breeding, sale, or grooming of animals and may include provisions for daytime and overnight accommodation of animals including any outdoor facilities such as pens, runs and enclosures.
57. **LANDSCAPING** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features.
58. **LICENSED LIQUOR ESTABLISHMENT** means an establishment licensed by the Nova Scotia Utility and Review Board under the *Liquor Control Act*, R.S.N.S., 1989, Ch 260.
59. **LOADING SPACE** means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.
60. **LOT** means a parcel of land described in a deed or shown on an approved, registered plan of subdivision.
- a. **LOT, CORNER** means a lot situated at the intersection of and abutting on two or more streets; or upon two parts of the same street forming an interior angle of less than 130 degrees.
  - b. **LOT, FLAG** means a lot characterized by its location of the main body of the lot generally at the rear of another lot, or otherwise separated from the street or roadway which provides access, and by a narrower prolongation extending from the main portion of the lot to the said street or roadway. A flag lot generally resembles a flag on a pole in the case of a rectangular layout, or the main body of the lot with an umbilical prolongation providing access in the case of such a lot having irregular boundaries.
  - c. **LOT, INTERIOR** means a lot situated between two lots and having access to one street
  - d. **LOT, THROUGH** means a lot bounded on two opposite sides by streets or a highway provided, however, that if any lot qualifies as both a corner lot and a through lot as herein before defined, such lots shall be deemed to be a corner lot for the purpose of this Bylaw
  - e. **LOT AREA** means the total horizontal area within the lot lines of a lot

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- f. LOT COVERAGE means the percentage of the lot that is covered by buildings excluding projecting eaves, balconies, and similar features
  - g. LOT FRONTAGE means the length of a line joining the side lot lines and parallel to the front lot line
61. LOT LINE means a boundary line of a lot
- a. LOT LINE, FRONT means the lot line dividing the lot from the street or, in the case of a corner lot, the shorter lot line abutting the street, or, in the case of a through lot, the lot line abutting the street providing the primary access or, in the case of a lot with no street frontage, the lot line which most closely parallels the nearest street line where access is provided.
  - b. LOT LINE, REAR means the lot line furthest from or opposite the front lot line.
  - c. LOT LINE, SIDE means a lot line other than a front or rear lot line.
  - d. LOT LINE, FLANKAGE means a side lot line which abuts the street on a corner lot.
62. MAIN BUILDING means a building in which the principal use or purpose of the lot is located.
63. MEDICAL PRACTITIONER includes, but is not limited to, a chiroprapist, chiropractor, dentist, denturist, doctor, osteopath, optometrist, physician, or holistic or homeopathic health services practitioner, but does not include a veterinarian.
64. MICROBREWERY means a craft brewery or cidery engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, cider, or other related beverages.
65. MICRODISTILLERY means a craft distillery or winery engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than beer or wine.
66. MUNICIPALITY means the Municipality of the County of Annapolis.
67. OBNOXIOUS USE means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise, vibration, the emission of gas, fumes, dust or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter waste or other material.
68. OUTDOOR DISPLAY means an area of land where goods are displayed, and which are available for sale to the general public from a retail outlet located on the same lot.
69. OUTDOOR STORAGE means items such as merchandise, goods, inventory materials or equipment which items are not intended for immediate sale and which are stored by being located on a lot exterior to a building.
70. PARK & RECREATIONAL USES means the use of land for parks, playgrounds, open space recreation, community gardens, open space conservation, tennis courts, lawn bowling greens, indoor and outdoor public skating rinks, and athletic fields, band shells or pavilions, and similar uses to the foregoing, together with necessary and accessory buildings and structures, excluding a track for the racing of animals, or any form of motorized vehicles, except where permitted.

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- a. PARK, ACTIVE means a park and/or recreation use involving the construction of buildings and/or infrastructure, and/or the preparation of land for a sport or recreational activity, but shall not include public trails.
  - b. PARK, PASSIVE means a park and/or recreation use that does not require prepared facilities like sports fields or structures, but which may mean public trails including benches, signage, and fencing and gates required to support the use of trails.
71. PARKING AREA OR PARKING LOT means an open area of land other than a street or an area within a structure for the parking of vehicles.
  72. PARKING SPACE means an area of land for the temporary parking or storage of motor vehicles.
  73. PERSON includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee or agent and the heirs, executors or other legal assigns, wards and representatives to whom the context applies according to law.
  74. PERSONAL SERVICE SHOP means a building or part of a building used to meet the individual and personal needs of human beings, and without limiting the generality of the foregoing, may include a barber shops, beauty parlours, automatic laundry shops, hairdressing shops, clothing and shoe repair or maintenance, and depots for collecting dry cleaning and laundry, including the retail sales of products/goods incidental or related to the personal service shop.
  75. PLACE OF WORSHIP means a community service building or complex of buildings dedicated to religious worship or institutions including but not limited to churches, chapels, temples, synagogues, mosques, convents, and monasteries. A hall, administration office, residency for the clergy, cemetery, and day nursery operation for the congregation are considered accessory uses.
  76. PLANNING AREA means all the lands within the Annapolis County Planning Area, as defined by the Zoning Map (**Appendix A**).
  77. PREMISES means an area of land with or without buildings or structures.
  78. PRIVATE OR PUBLIC ROAD/STREET/HIGHWAY means any road, street or highway defined by the Annapolis County Subdivision Bylaw.
  79. PRODUCE STAND means a single-storey moveable structure with a floor area less than 4.65 m<sup>2</sup> (50.1 ft<sup>2</sup>), or wagon-top sales area used for the marketing, retailing, or distributing of agricultural products grown or harvested by a primary resident of the property on which the produce stand is located.
  80. PUBLIC AUTHORITY means any Commission or Committee of the Municipality of the County of Annapolis established or exercising any power or 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 a Bylaw of the Municipality, and any governmental body.
  81. PUBLIC RECREATIONAL CENTRE means a building or lot or part of a building or lot owned and operated by a public authority for recreation or entertainment purposes such as dance halls, bowling alleys, golf courses, golf driving ranges, miniature golf courses, roller skating rinks, botanical and

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zoological exhibits, and sporting venues such as hockey and skating rinks, soccer, and baseball fields, and running tracks and similar uses to the foregoing, together with necessary and accessory buildings and structures.

82. RECREATIONAL VEHICLE means a vehicular, portable unit designed for travel, camping or recreational use, including a Class A, Class B, and Class C motor home, a travel trailer, a fifth wheel recreational vehicle, a folding or pop-up tent trailer, or a pick-up camper.
83. RECYCLING DEPOT means a premises on which recoverable materials such as newspaper, glassware, plastic, and metal cans are separated and stored prior to shipment but does not include any processing of the material or a salvage yard.
84. REPAIR SHOP means the use of a building for the installation or repair of office and household articles such as furniture, appliances, computers, electronics, and entertainment equipment, including the accessory display and sale of such items repaired.
85. RESIDENTIAL CARE COMMUNITY means an individual building or a group of buildings, services and amenity areas that are regulated under the *Nova Scotia Homes for Special Care Act* or *Health Authorities Act* and offer multiple levels of care or treatment, such as but not limited to assisted living, independent living, group homes, senior homes, skilled nursing care, hospice, and long term care facilities and may be operated as a standalone service or as integrated multi-service facility. These services may include the accessory uses and services such as the serving of meals, housekeeping, social and recreational services, health services, personal care and nursing care.
86. RESTAURANT means a building or part thereof where food and drink are served to the public for consumption within the building. RESTAURANT, DRIVE-IN OR TAKE-OUT means a restaurant that does not necessarily provide facilities for consumption thereof on the premises other than parking areas.
87. RETAIL STORE means a building or part thereof in which new or used merchandise or things are offered or kept for sale directly to the public at retail cost and may include the rental of merchandise, articles or goods.
88. SCRAP YARD OR SALVAGE YARD means an area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include wastepaper, rags, bones, used bicycles, vehicles, tires, appliances, metals, or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site or recycling depot.
89. SCREENING means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden.
90. SEPARATION DISTANCE means a horizontally measured portion of a lot which is required to physically separate incompatible land uses.
91. SERVICE SHOP means the processing of milk and dairy products for sale, bakery, butcher shop, not including the slaughtering of animals, paint shop, printing establishment, photography studio or photographic processing lab, laundry or dry-cleaning establishment, upholstery shop, high pressure wash facilities, and carpet or house cleaning establishment.

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92. SERVICE STATION means the use of a building for the sale of automotive fuels, electricity, lubricating oils, and/or the accessory sale of automotive accessories, servicing and repair of motor vehicles, a car wash, convenience store, and/or restaurant but shall not include an auto body shop, unless otherwise stated in this Bylaw.
93. SETBACK means the distance between the lot line and the nearest main wall of the main building or structure on the lot.
94. SHOPPING CENTRE OR MALL means a building on a lot designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants containing a group of commercial uses and distinguished from a business area comprising unrelated individual owned uses and characterized by sharing of common parking area and driveways.
95. SHORT-TERM RENTAL means a dwelling unit or part thereof that is used mainly for the reception of the traveling or vacationing public and is provided as temporary accommodation for compensation for a period of 28 days or less.
96. SIGN means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot.
- a. SIGN, DIRECTORY means a sign erected or authorized to be erected by Council that may be erected on public property listing the names and locations of local businesses.
  - b. SIGN, GROUND means a sign supported by one or more uprights, poles or braces placed in or upon the ground, and shall include temporary or portable signs.
  - c. SIGN, ILLUMINATED means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such a sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.
  - d. SIGN, PROJECTING WALL means a sign which projects from and is supported by a wall of a building and on which the face is not approximately parallel to the supporting wall and can include an awning or canopy structure where such a structure is used as a sign.
  - e. SIGN, FACIAL WALL means a sign which is attached directly to or painted upon a building wall and where the face is approximately parallel to the wall.
  - f. SIGN, SIGN AREA means the area of the smallest geometrical figure which can wholly enclose the surface area of the sign. All faces of a multi-faced sign shall be counted separately and totalled in calculating sign area.
  - g. SIGN, PORTABLE OR MOBILE means a sign designed to be carried, pulled, pushed, or hauled and which is not permanently fixed in one location.

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- h. SIGNS, NUMBER OF means a single display surface or display device containing elements organized, related, and composed to form a unit; and when matter is displayed in a random manner without organized relationship of elements, or when there is reasonable doubt about the relationship of elements, then each element is considered to be a single sign.
  - i. SIGNS, OFF PREMISE (OFF-SITE) means a freestanding ground sign or facial wall sign (commonly referred to as a "billboard") erected on a lot by someone other than the person or company wishing to advertise a product or service the display of which has no direct relationship to the business or use on the lot.
97. 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.
98. SOLAR POWER means the use of the sun's energy either directly as thermal energy (heat) or through the use of photovoltaic cells in solar panels and transparent photovoltaic glass to generate electricity.
- a. SOLAR, GROUND MOUNTED means a solar power solution that can be easily implemented in a yard or field where the panels are installed directly on the ground.
  - b. SOLAR, ROOF TOP is a photovoltaic system that has its electricity generating solar panels mounted on the rooftop of a building or structure.
99. STOREY means that portion of a building situated between the top of any floor and the top of the floor next above it and, if there is no floor above it, that portion between the top of such floor and the ceiling above it and shall not include any building level below grade or that rise less than 1.5 m (5 feet) above grade.
100. STRATEGY means the Annapolis County Municipal Planning Strategy (MPS).
101. STREET LINE means the boundary line of a street or road.
102. 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.
103. TAXICAB OPERATIONS means the use of a building or land to park commercial vehicles used in the transportation of humans, as well as the administration of a taxicab operation through the housing of communication equipment to connect clients and drivers.
104. TINY HOME means a dwelling unit that is 37.0 m<sup>2</sup> (398.3 ft<sup>2</sup>) or less in floor area as outlined in the *Nova Scotia Building Code Regulations*.
105. TRAIL means a path or lane cleared of vegetation and other obstructions to facilitate its use for non-motorized transportation, such as but not limited to hiking, walking, cross-country skiing, or horseback riding together with any necessary and accessory structures such as barriers, boardwalks, gates, signage, and bridges.
106. TRAIL, MULTI-USE means a trail that in addition to non-motorized travel permits limited forms of motorized travel including all-terrain vehicles, off-road motorcycles, and snowmobiles, together with

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any necessary and accessory structures such as barriers, gates, signage, and bridges.

107. **UTILITY** means any public or private system, works, plant equipment or services which provides services at approved rates to or for the use of the general public.
108. **VETERINARY CLINIC / ANIMAL HOSPITAL** means a facility for the medical care and treatment of animals including provisions for their overnight accommodation and includes any associated outdoor facilities such as kennels, pens, runs and enclosures.
109. **VARIANCE** means a change to a standard in this Bylaw or a development agreement pursuant to the Bylaw that may be approved by the Development Officer as provided in Section 235 of the MGA.
110. **WAREHOUSE AND DISTRIBUTION CENTRE** means a building used primarily for the storage and distribution of goods and materials and may include wholesale or retail activity, provided such activity is subordinate to the main warehousing use.
111. **WASTE TRANSFER AND PROCESSING** means a building or lot used for the holding, process, or disposing of waste such as but not limited to landfills, solid waste transfer stations and construction debris disposal sites.
112. **WATERCOURSE** means a lake, river, stream, ocean, wetland, or other body of water.
- a. **WATERCOURSE, COASTAL** means any body of water that is primarily fed by the Atlantic Ocean, or an extension of the Atlantic Ocean such as the Annapolis Basin or Bay of Fundy.
  - b. **WATERCOURSE, INTERIOR** means any body of water that is primarily fed by an underground spring or by precipitation and runoff, such as a lake, river, pond, or stream.
113. **WHOLESALE ESTABLISHMENT** means a building in which commodities in quantity are offered for sale chiefly to industrial, institutional and commercial uses or to retailers or other merchants mainly for resale or business use.
114. **WIND TURBINE** means a structure or device that produces power by capturing the kinetic energy in surface winds created by the sun and converting it into energy in the form of electricity and includes the tower, rotor blades, and the foundation, and includes:
- a. **WIND TURBINE, MINI** means a roof mounted turbine or a free-standing turbine with a wind turbine height of 10.6 m (35 feet) or less
  - b. **WIND TURBINE, SMALL SCALE** means a wind turbine height greater than 10.6 m (35 feet) but less than 47.2 m (155 feet)
  - c. **WIND TURBINE, LARGE-SCALE** means a wind turbine height greater than 47.2 m (155 feet).
115. **WIND TURBINE HEIGHT** means the total vertical height of the entire wind turbine structure being the sum of the height of the support foundation above grade, measured at the base of the tower, the turbine tower itself, and the highest vertical extension of the wind turbine rotor blades, generally expressed as half of the rotor blade sweep or diameter.
116. **WORKSHOP** means a building, structure, or part of a building or structure used for the manufacturing or repairing of goods, including:

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- a. WORKSHOP, ARTIST means the use of a building for the production of artist's works/products including the exhibition/display and retail sales of works/products, such as paintings, sculptures, or other works of art.
  - b. WORKSHOP, CRAFT means the use of a building for the production or repair of handicrafts, toys, garden, or household art, ornaments or personal effects from dressmaking/tailoring, leatherworking, jewelry-making, pottery/ceramic-making, wood-working, quilting, crocheting, knitting, needlepoint, weaving, or sewing, including the exhibition/display and retail sales of such products.
  - c. WORKSHOP, CUSTOM means a building, or part thereof, used by a trade, craft, or guilds person, such as but not limited to, a carpenter, plumber, electrical contractor, or smith. It can include the manufacturing or repairs of small quantities of articles and goods, but excluding motor vehicles or their parts or accessories, and the accessory sale of their products or work.
117. 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 Bylaw.
- a. YARD, ABUTTING means a yard which is contiguous with or extends across one or more zone boundaries and can extend across all or part of a side, rear or front yard.
  - b. YARD, FLANKAGE means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the FLANKAGE lot line and the nearest wall of any main building or structure.
  - c. YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot; and a minimum front yard means the minimum depth allowed by this Bylaw of a front yard on a lot between the front lot line and the nearest wall of any main building or structure on the lot.
  - d. YARD, REAR means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and a minimum rear yard means the minimum depth allowed by this Bylaw of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
  - e. YARD, SIDE means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any main building or structure on the lot; and a minimum side yard means the minimum width allowed by this Bylaw of a side yard on a lot between the side lot line and the nearest wall of any main building or structure on the lot.
118. ZONE means a designated area of land shown on the Zoning Map (**Appendix A**).

## Part 3 ADMINISTRATION AND INTERPRETATION

### SECTION 3.1 ADMINISTRATION

This Bylaw shall be administered by the Development Officer(s).

### SECTION 3.2 COMPLIANCE WITH OTHER BYLAWS

Nothing in this Bylaw shall exempt a person from complying with the requirements of any other Bylaw of the Municipality or from obtaining any license, permit or approval required by this or any other Bylaw of the Municipality or any regulation of the Province or the Government of Canada. Where these provisions conflict with those of any other Bylaw of the Municipality or a regulation of the Province or the Government of Canada, the higher or more stringent regulation shall prevail.

### SECTION 3.3 INTERPRETATION OF ZONE BOUNDARIES AND SYMBOLS

The symbols used on the Zoning Maps refer to the corresponding zones established in this Bylaw. The requirements of this Bylaw shall apply to all zones and the boundaries between and extent of the zones shall be determined as follows:

1. Where a zone boundary is indicated as following private or public street, road, or highway the boundary shall be the centre line of such unless otherwise indicated;
2. Where a zone boundary is indicated as approximately following lot lines the boundary shall follow the lot lines;
3. Where a watercourse, railroad, railway or transmission line right-of-way is shown on the Zoning Map as a zone boundary, the centre line of the right-of-way or watercourse shall be considered the boundary between the zones unless otherwise indicated; and
4. Where none of the above apply, and where appropriate, the zone boundary shall be scaled from the Zoning Maps.

### SECTION 3.4 INTERPRETATION OF CERTAIN WORDS

In this Bylaw, words used in the present tense include the future tense; singular number include the plural; and vice versa; the word "used" includes "arranged to be used," "designed to be used," and "intended to be used," and the word "shall" is mandatory.

### SECTION 3.5 PERMITTED USES

In this Bylaw, any use not listed as a permitted use in a zone is considered prohibited unless otherwise indicated. Where a permitted use is defined in this Bylaw, the uses permitted include *any similar* uses that satisfy such definition, except where a definition specifically excludes any similar use.

## SECTION 3.6 DEVELOPMENT PERMIT

Unless otherwise stated in this Bylaw, no person shall undertake a development on a lot within the Planning Area without first obtaining a development permit from the Development Officer subject to the following:

1. The development permit meets the requirements of this Bylaw, an approved development agreement or by site-plan approval except where a variance is granted or if the use or structure is non-conforming in which case a permit shall be granted according to the MGA;
2. A development permit will only be issued for a building/structure that is placed fully within a lot so that it does not cross any lot lines, except where a building is divided into two or more separate units by a wall or walls that shall be aligned on top of a property line that divides the land associated with each unit such that each unit may be acquired, owned, and sold by a separate owner;
3. A development permit issued under this Bylaw shall automatically lapse, and become null and void, if the development to which it relates has not started within 12 months of the permit approval date or the development has not been completed within two years of starting the development;
4. The Development Officer may revoke a development permit issued under this Bylaw where the Development Officer is satisfied that the permit was issued under false or mistaken information or if the information provided on the application is found to be inaccurate; and
5. Notwithstanding that a development permit may not be required, the development is not exempt from meeting the requirements of this Bylaw.

## SECTION 3.7 NO DEVELOPMENT PERMIT REQUIRED

Unless otherwise stated in this Bylaw, no municipal development permit shall be required for:

1. A development that involves a non-structural change to the interior or exterior of a building/structure that will not change its shape, increase its volume or footprint, and will not change the use of the building/structure including the addition of more dwelling units;
2. An accessory building with a gross floor area of 20.0 m<sup>2</sup> (215 ft<sup>2</sup>) or less, accessibility ramp, bus shelter, children's play structures, clothesline or flag pole, decks and patios less than 0.6 m (2 feet) above grade, fences and retaining wall, home use sending/receiving antenna or dish, landscaping structures such as a gazebo, garden trellis, pedestrian footbridge, wading, reflecting or fish ponds, outdoor fire pits, fireplaces, barbecues, chimneys, wood stoves or furnaces, swimming pools, temporary vehicle tent, and an outdoor supplementary power generator including internal combustion engine generator, roof mounted mini scale wind turbines, and ground or roof mounted solar panels;
3. Forestry, agricultural, or fishery uses not including any building/structure required with such a use; and
4. A temporary use of land as well as construction or placement of temporary structures for said use, including but not limited to, signs, displays, yard sales, flea markets, fairs, concerts, or festivals provided that such uses remain in place no longer than fifteen consecutive days.

## SECTION 3.8 APPLICATION FOR DEVELOPMENT PERMIT

Every application for a development permit submitted to the Development Officer shall be accompanied by a sketch or site plans, drawn to an appropriate scale, showing:

1. The true shape and dimensions of the lot to be used;
2. The location, height, dimensions, and proposed use of the building/structure or land use proposed to be developed on the lot;
3. The location of every building or structure already on the lot, and if required the approximate location of buildings on abutting lots;
4. The proposed location and dimensions of any parking spaces, loading spaces, driveways, access points to a public or private street(s) and road(s) and if required landscaped areas;
5. Where applicable, a vegetative cover or soil retention plan; and
6. Any other information that the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.

Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw, the Development Officer may require that the plans submitted under **SECTION 3.6** be based on an actual plan of survey certified and stamped by a Nova Scotia Land Surveyor.

## SECTION 3.9 SIGNATURE FOR APPLICATIONS

The application for a development permit shall be signed by all registered owners of the property or by the owner's agent, duly authorized in writing by the registered owner of the property to act for or on behalf of the registered owners.

## SECTION 3.10 APPLICATION FEE

Every application for a planning strategy amendment, development permit, variance, site plan approval, development agreement or LUB amendment shall be accompanied by a form of payment acceptable to the Municipality in the amount specified by Municipal Council. Where an application to amend this Bylaw or to enter into a development agreement is made, the applicant shall deposit with the Municipal Clerk for Annapolis County, an amount established by the Clerk to be sufficient to pay the costs of all advertising and notification 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.

Where Council decides not to proceed with the application, development permit, or variance or it is withdrawn by the applicant, or rejected by the Development Officer, the deposit shall be returned to the applicant, less the cost of any incurred advertising or notification cost to date.

## SECTION 3.11 EFFECTIVE DATE OF BYLAW

This Bylaw shall take effect when approved by the Minister assigned under the MGA and notification is provided in a newspaper circulating in the Municipality.

## Part 4 GENERAL PROVISIONS

### SECTION 4.1 MULTIPLE USES

Where any land or building is used for more than one purpose, the requirements of this Bylaw shall be interpreted so that the highest or most restrictive standard required for a use is applied to all uses.

### SECTION 4.2 MULTIPLE BUILDINGS ON A LOT

More than one main building may be permitted on a lot by site plan approval in accordance with **MPS Policy 6.2.1.7** and the evaluative criteria set out in MPS Policy 7.3.4.1.

### SECTION 4.3 ACCESSORY USES PERMITTED

Where this Bylaw provides that any land, building, or structure may be used for a purpose, the purpose is deemed to include any accessory or ancillary uses, buildings or structures, subject to the requirements of this Bylaw.

### SECTION 4.4 ACCESSORY BUILDINGS AND STRUCTURES

An accessory building or structure shall be permitted in any zone in the Annapolis County Planning Area and may be used as an accessory use but shall not:

1. Be used for human habitation, unless permitted by **Section 4.14**;
2. Be located in the minimum front or flankage yard(s) of a lot in the R1 or R2 Zones;
3. Exceed two storeys or the maximum zone height, with the exception of permitted wind turbines;
4. Be built closer than 1.2 m (4 feet) to a lot line, unless otherwise provided for in this Bylaw;
5. Be built within 1.8 m (6 feet) of the main building or 1.2 m (4 feet) of another accessory building or structure on the same lot except that a double wall outdoor fuel or oil storage tank or an outdoor fuel or oil storage tank containment structure capable of containing the full volume of the fuel or oil storage tank shall be considered an accessory structure in the LCR1, LCR2, LCR3, LCR4, GW3, and GW4 Zones, and may be located within 0.2 m (0.6 feet) of the main building;
6. Be permitted on a separate lot in the R1 or R2 Zones;
7. Be considered an accessory building if attached to the main building by a shared structural wall, although it may be attached to a main building on the same lot by an open or enclosed walkway or breezeway; and
8. Be constructed prior to the time of construction of the main building or establishment of the main use except in the MX Zone.

### SECTION 4.5 TEMPORARY CONSTRUCTION USES

The temporary construction, use, or placement of a building/structure incidental to construction is permitted in all zones provided a development permit has been issued for the main construction project and the temporary building/structure does not remain for more than 90 days after the construction is completed. Temporary construction uses include but are not limited to, a work or construction camp or a worker's trailer, sales or rental office, tool or maintenance shed, fencing, and scaffolding.

## SECTION 4.6 NON-CONFORMING USES AND STRUCTURES

Any legal use of land or the development of a building/structure completed or approved before the effective date of this Bylaw that does not meet the requirements of this Bylaw or the uses permitted within the zone in which the lot is located, shall be subject to the MGA provisions respecting non-conforming uses and structures, unless otherwise stated in this Bylaw.

A non-conforming land use, building, or structure that does not meet the lot area, frontage, or setback requirements, may be enlarged, reconstructed, repaired, or renovated provided the development does not further reduce any non-conforming setbacks, lot area, or ground cover requirements and all other applicable requirements of this Bylaw are satisfied.

The use of a non-conforming building/structure or land may be changed to a use permitted in the zone in which the lot is located, maintaining non-conforming setbacks, lot area, or ground cover requirements, provided all other applicable requirements of this Bylaw are met.

## SECTION 4.7 RESTORATION TO A SAFE CONDITION

Nothing in this Bylaw shall prevent the restoration to a safe condition of any building or structure as outlined within the MGA.

## SECTION 4.8 STREET FRONTAGE

No development permit shall be issued for a lot that does not abut and front on a public or private street, road, or highway, unless the lot was in existence on or before the effective date of this Bylaw.

Lots existing on or before the effective date that do not meet the street frontage requirements of this Bylaw may be developed, provided all other applicable requirements of this Bylaw are met and, in the case of a no-frontage lot, an approved right-of-way has been granted to allow access to the lot. Where the lot lines of an existing lot that lacks street frontage are altered, but the lot still does not meet the street frontage requirement, this regulation shall still apply.

## SECTION 4.9 EXISTING UNDERSIZED LOTS

Notwithstanding the area requirements of this Bylaw, a lot in existence on or before the effective date of this Bylaw, having less than the minimum area required by this Bylaw, may be used for a purpose permitted in the zone in which the lot is located and a developed permit shall be granted for a permitted use on the lot provided that all other applicable requirements of this Bylaw are satisfied. Where the lot lines of existing undersized lots are altered so as to increase the area or frontage of the lot, but the lot remains an existing undersized lot, this regulation shall still apply.

Where a building or structure is located on an undersized lot in existence on or before the effective date of this bylaw and fails to meet the requirements of this Bylaw regarding area, frontage, or setbacks requirements, the building/structure may be used for any use permitted in the zone in which the lot is located, provided that all other applicable requirements of this Bylaw are met.

## SECTION 4.10 SIDE YARD WAIVER

Notwithstanding the minimum side yard requirements of this Bylaw, where main or accessory buildings or structures on abutting lots share a common wall, the applicable side yard requirement shall be zero.

## SECTION 4.11 CONFORMITY WITH EXISTING SETBACKS

Where a main building is proposed to be built or expanded between main buildings on adjacent lots, the proposed or expanded building may be built with a front yard setback equal to the average established front yard setback of the main buildings located on the adjacent lots within 100.0 m (328 feet) of the proposed development, but the minimum front yard setback shall not be less than of 3.0 m (10 feet).

## SECTION 4.12 REDUCED REQUIREMENTS - LOT FRONTAGE

Notwithstanding the minimum lot area and lot frontage requirements of this Bylaw, development permits shall be issued for lots created pursuant to the Subdivision Bylaw, where:

1. A lot along a public or private street, road, or highway containing two or more main buildings is subdivided such that the normal lot area and frontage requirements cannot be met, provided that each new lot and the remainder lot contain at least one main building or structure and a minimum of 6.1 metres (20 feet) of lot frontage, and all other applicable requirements of this Bylaw are satisfied;
2. A flag lot is created that has a minimum of 12.2 m (40 feet) of lot frontage and all other applicable requirements of this Bylaw are satisfied;
3. Where a lot is created for a park and recreation use, in which the control and/or operation is vested in a public authority or agency thereof, that has a minimum road frontage of 6.1 metres (20 feet);
4. Two lots are created that have less than the required frontage and/or lot area provided that neither reduction is less than ninety percent (90%) of the required minimums for that zone; and
5. Where the land being subdivided is to address a development component of a permanent nature, such as mature trees, a driveway, well, or septic tank that is encroaching in or upon an immediately abutting lot, and all other applicable requirements of this Bylaw are satisfied.

## SECTION 4.13 PERMITTED NUMBER OF MAIN BUILDINGS ON A LOT

No person shall erect more than one main building in the R1, LCR1, LCR2, LCR3, and GW3 Zones. Where more than one main building is permitted to be located on a lot, the setback requirements set out in the respective zone shall apply to all main buildings, and a minimum of 3.0 m (10 feet) shall be required between main buildings, unless otherwise provided for in this Bylaw.

## SECTION 4.14 SECONDARY SUITES

A dwelling unit in the form of a secondary suite, inside or attached to the main residential building or in the form of a separate backyard structure, shall be permitted as an accessory use to a single or two-unit residential dwelling in the MX, R1, R2, AG, LCR2, LCR4, GW4, and GW5 Zones and must meet the main use setback requirements for the zone in which the lot is located. A lot may have a maximum of one secondary suite with a maximum gross floor area of 80 m<sup>2</sup> (860 ft<sup>2</sup>).

## SECTION 4.15 HOUSEHOLD LIVESTOCK

Household livestock operations are permitted in R1 and R2 Zones provided:

1. No more than 25 egg laying fowl and/or rabbits shall be permitted in the R1 Zone.
2. No more than 100 egg laying fowl, 25 rabbits; and a combination of three cows, horses, goats, sheep, or pigs for each acre of R2 Zoned land.
3. Notwithstanding subsections 1 and 2 of this Section, guinea fowl shall be prohibited in R1 and R2 Zones and the number of animals on lots in the Agricultural (AG) Zone shall not be restricted;
4. Multiple adjacent lots held in common ownership may be considered as one lot for the purpose of calculating lot area and setback requirements of this Section;
5. All animal housing and manure storage facilities shall comply with the minimum setback requirements of the applicable zone for lot lines for main buildings;
6. Notwithstanding subsection 5 of this Section, all animal housing and manure storage facilities must meet any regulations for accessory structures that are more stringent than those for main buildings;
7. All animal housing and manure storage facilities must be set back a minimum of 50.0 m (165 feet) from any watercourse;
8. All animal housing and manure storage facilities shall be set back a minimum of 50.0 m (165 feet) from any off-site dwelling; and
9. Livestock shall be confined to a barn, feedlot, pasture, or other facility for feeding, breeding, milking, or holding for personal use, riding, sale, or egg production within a fence compliant with the Annapolis County Livestock at Large Bylaw and shall not be permitted to run at large.

## SECTION 4.16 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 in all residential zones.

## SECTION 4.17 SHORT TERM RENTALS

The owner of a residential structure shall be permitted to provide a maximum of one short-term rental unit within said residential structure at any time.

## SECTION 4.18 RECREATIONAL VEHICLE PARKING SITES

Recreational vehicle parking sites, where permitted, shall meet the following requirements:

1. Compliance with the specifications for a permitted main use for the zone in which the parking site is located;
2. Be surfaced with a stable surface such as, but not limited to, gravel, brick, paving stones, asphalt, or concrete;
3. Any accessory building, structure, or additions must meet the requirements of the *National Building Code* and all other applicable requirements of this Bylaw;

4. Number no greater than two parking sites per lot in the MX Zone and no greater than one parking site per lot in all other zones; and
5. Only one recreation vehicle shall be permitted on each parking site.

### SECTION 4.19 ILLUMINATION

Lights used for illumination shall be arranged in such a manner as to divert the light away from any abutting properties or public and private streets, roads, or highways.

### SECTION 4.20 SIGNS

A development permit is required for all signs exceeding 0.9 m<sup>2</sup> (10 ft<sup>2</sup>). No sign within the Planning Area is permitted to have flashing lights; moving parts; project beyond a property line; be placed on public property or a public right-of-way without first receiving permission from the governing public authority; obstruct the line of sight or travel for drivers and cyclists, such as being located in a corner sight triangle; are designed in a way which could interfere, misled, or confuse traffic by using words, phrases, or designs that resemble governmental authority traffic signs; or obstruct a fire escape or other required exit-way.

### SECTION 4.21 PERMITTED ENCROACHMENTS IN YARDS

The following structures may be located in or may project from a main wall of a main building into a yard setback required by this Bylaw subject to the following maximum distances;

1. 0.9 m (3 feet) for window bays, eaves, cantilevers, gutters, and chimneys;
2. 3.0 m (10 feet) for balconies, roofed porches, sun decks, terraces, awnings, patios, decks, carports, and exterior staircases; and
3. to the lot line for fire escapes and accessibility access ramps.

### SECTION 4.22 HOME OCCUPATION REQUIREMENTS

Nothing in this Bylaw shall prevent the use of a residential dwelling or its accessory buildings as a home occupation provided that the residential dwelling or residential dwelling unit is a permitted use in that zone, and:

1. Home occupations are limited to a business or professional office, counseling office, instruction studio, service shop, repair shop, personal service shop, post office, clinic, residential day care centre, taxicab operation, workshops, and sales of products produced onsite;
2. Home occupations are primarily operated by the occupant(s) of the main residential dwelling or dwelling unit located on the same lot and does not exceed 25% of the total ground floor area of the dwelling;
3. One off-street parking space is provided by the home occupation and is dedicated solely to customer/client use;
4. There is no accessory outdoor storage or display within the front or side yards; and
5. That the home occupation does not make use of equipment that is obnoxious by virtue of dust, odour, smoke, noise, or other emissions.

## SECTION 4.23 WATERCOURSE PROTECTION

No excavation, infilling, construction, tree, stump and other vegetation removal, or any alteration of any kind other than maintenance as may be necessary to maintain vegetation and preserve the shoreline shall be permitted within 15.2 m (50 feet) of the edge (mean ordinary high water mark) of any watercourse, except for wharves, marinas, boardwalks, pedestrian or vehicular bridges, and buildings and structures related to boating clubs, ship chandlery offices, marine fuelling stations, fishery and marine-related uses, boat construction, building and repair facilities, boat and marine sales, service and rental facilities, and any other uses so exempted in this Bylaw. The watercourse setback distance is defined as being part of any side, rear, or front yard requirements.

## SECTION 4.24 PARKS, PLAYGROUNDS & TRAILS

Notwithstanding anything else in this Bylaw, parks and recreation uses, where the control and/or operation is vested in a public authority or agency thereof, are considered permitted uses in all zones in the Planning Area or within a watercourse setback and no municipal development permit is required for their development or their ancillary structures or buildings.

## SECTION 4.25 PUBLIC/PRIVATE UTILITIES & SERVICE FACILITIES

Public or private utilities and municipal service facilities may be located in any zone in the Planning Area or within a watercourse setback and no zone standard shall apply with the exception of uses such as waste disposal facilities, landfills, solid waste transfer stations, and construction debris disposal sites, which are only permitted in select zones and must meet the zone requirements of this Bylaw. A development permit shall be required for the development or redevelopment of any government owned, operated or maintained utility or municipal service facility, owned or operated by an inter-municipal corporation.

## SECTION 4.26 WIND TURBINES

Mini and small-scale wind turbines shall be considered an accessory structure and shall meet the following requirements:

1. A maximum of one mini-scale or roof mounted wind turbine is permitted on all lots, except in a Mixed Use (MX), Agricultural (AG), Local Industrial (M1), and Business Park (M2) Zones where the limit shall be no more than three mini or roof mounted wind turbines permitted on a lot;
2. Small-scale wind turbines are only permitted in the Mixed Use (MX), Agricultural (AG), Local Industrial (M1), and Business Park (M2) Zone and shall not exceed a maximum of one small-scale wind turbine; and
3. A wind turbine may not be built closer than two times the total wind turbine height to any lot line, public or private road, street, or highway, or an existing main building, with the exception of roof mounted wind turbines.

Large-scale wind turbines shall be permitted by development agreement, in accordance with **MPS Policy 4.4.8** and the evaluative criteria set out in **MPS Policy 7.3.4.1** of the Annapolis County Municipal Planning Strategy, only within a designated Wind Resource Area as indicated on the Zoning Map (**Appendix A**) but shall not:

1. Be built closer than two times the total wind turbine height to any lot line, building, public or private road, street, or highway, or within 1,000 m (3,280 feet) of a residential building;
2. Display any commercial advertising or signage;
3. Be provided with artificial lighting except for lighting that is required to meet a Provincial or Federal regulation; and
4. Be finished in anything other than a non-reflective white, grey or light blue matte finish or any other color or combination of color that is required to meet a Provincial or Federal regulation.

### SECTION 4.27 UNSUITABLE HABITATION

Trucks, trailers, buses, coach bodies, unfinished shipping containers, or other similar structures shall not be used for human habitation unless otherwise permitted in this Bylaw.

### SECTION 4.28 AGRICULTURAL MARSHLAND REQUIREMENTS

Areas identified as protected marshland on the zoning map must meet the following requirements:

1. Development is not permitted unless enabled under the *Agricultural Marshland Conservation Act*. Residential institutions and any use associated with the warehousing, or the production of hazardous materials shall not be permitted.
2. The placement of off-site fill must be limited to that required for floodproofing or flood risk management. No unnecessary infilling or alteration of topography shall impede drainage or flow of flood water or reduce flood water storage capacity.
3. All permitted new buildings and additions in the marshlands shall implement adequate flood-resistant building techniques to be floodproofed, as designed by an engineer licensed to practice in Nova Scotia.

## Part 5 ZONES

### SECTION 5.1 ZONES ESTABLISHED

Annapolis County is generally divided into the following zones, which are also referred to by the appropriate shortforms. Each land use zone has certain land uses that are permitted outright, others are conditional upon approval, and some are prohibited.

#### 5.1.1 LAND USE ZONES

Land Use Category	Shortform	Zone
Mixed Use	<b>MX</b>	Mixed
Residential	<b>R1</b>	Low Density Residential
	<b>R2</b>	Multi-Unit Residential
Agricultural	<b>AG</b>	Agriculture
Commercial	<b>C1</b>	Local Commercial
	<b>C2</b>	Highway Commercial
Industrial	<b>M1</b>	Local Industrial
	<b>M2</b>	Industrial/Business Park
Institutional	<b>I1</b>	Institutional
Parks & Recreation	<b>PR</b>	Parks and Recreation
	<b>NP</b>	Nature Park

#### 5.1.2 WATER SUPPLY PROTECTION ZONES

Land Use Category	Shortform	Zone
Lake Cady	<b>LCR1</b>	Lake Cady Lakeside Residential
	<b>LCR2</b>	Lake Cady Residential Low Density
	<b>LCR3</b>	Lake Cady Residential
	<b>LCR4</b>	Lake Cady Rural Residential
Lawrencetown & Margaretsville	<b>GW1</b>	Well Head 1
	<b>GW2</b>	Well Head 2
	<b>GW3</b>	Groundwater Supply
	<b>GW4</b>	Groundwater Buffer
	<b>GW5</b>	Groundwater General

SECTION 5.2 PERMITTED LAND USES

5.2.1 LAND USE ZONES AND USES

The following land uses are permitted in the zones indicated by the shortform to their right and are subject to all other requirements of this Bylaw.

5.2.1.1 General

Land Use	MX	R1	R2	AG	C1	C2	M1	M2	I1	PR	NP
<b>Residential</b>											
Single-Unit Dwellings	MX	R1	R2	AG	C1 <sup>2</sup>						
Two-Unit Dwellings	MX	R1	R2	AG	C1 <sup>2</sup>						
Multi-Unit Dwellings			R2		C1 <sup>2</sup>	C2 <sup>2</sup>					
Existing Dwellings	MX	R1	R2	AG	C1	C2	M1	M2	I1	PR	NP
Boarding or Rooming Houses	MX		R2								
Cottage	MX	R1	R2	AG							
Residential Care Community	MX	R1	R2		C1	C2					
Home Occupations (Section 4.22)	MX	R1	R2	AG	C1	C2			I1		
Land Lease Communities	MX <sup>1</sup>										
<b>Agricultural</b>											
Agricultural Uses & Related Use	MX			AG							
Agricultural-related Industries	MX			AG				M2			
Agritainment Uses	MX			AG							
Animal Rescue & Rehabilitation	MX			AG							
Farm Residences	MX			AG							
Primary Forestry Use	MX	R1	R2	AG	C1	C2	M1	M2			
<b>Commercial</b>											
Auctioneering Establishment	MX				C1	C2		M2			
Automotive & Autobody Repair	MX						M1	M2			
Automotive Sales & Rental	MX					C2		M2			
Banks & Financial Institutions					C1	C2					
Bars, Pubs, & Taprooms					C1	C2					
Bed & Breakfast Operations	MX	R1	R2	AG	C1	C2					
Building Supplies	MX					C2	M1	M2			
Call & Data Processing Centres						C2		M2			
Campgrounds & RV Parks	MX										
Carwash Facilities	MX				C1			M2			
Clubs (Commercial & Private)	MX				C1	C2		M2			
Commercial Art Galleries	MX				C1	C2					
Commercial Daycare Centres	MX				C1	C2					
Commercial Meeting Space	MX				C1	C2		M2			
Commercial Recreation Centres	MX				C1	C2		M2			
Commercial Schools, Training & Educational Facilities	MX					C2	M1	M2			
Construction & Landscaping Industry	MX					C2	M1	M2			
Counselling Offices	MX			AG	C1	C2			I1		
Display Courts	MX				C1	C2		M2			
Existing Hotels & Motels	MX	R1	R2		C1	C2					
Farm Markets	MX	R1	R2	AG	C1	C2			I1	PR	

## ANNAPOLIS COUNTY LAND USE BYLAW

Land Use	MX	R1	R2	AG	C1	C2	M1	M2	I1	PR	NP
Fitness Centres	MX		R2		C1	C2		M2			
Funeral Homes	MX				C1	C2					
Hotel, Motel & Tourist Establishments	MX				C1	C2					
Instruction Studios	MX				C1	C2					
Kennels & Animal Day Cares	MX			AG				M2			
Licensed Liquor Establishment	MX				C1	C2					
Medical Offices & Clinics	MX	R1	R2		C1	C2			I1		
Microbreweries, Microdistilleries & Wineries	MX			AG	C1	C2	M1	M2			
Offices	MX				C1	C2		M2			
Parking Area & Structures	MX				C1	C2	M1	M2	I1	PR	NP
Personal Service Shops	MX				C1	C2					
Repair Shops	MX			AG	C1	C2		M2			
Rental Shops	MX				C1	C2		M2			
Restaurants	MX			AG	C1	C2					
Retail Stores	MX				C1	C2					
Self-Storage Facilities	MX				C1	C2		M2			
Service Industries	MX				C1	C2					
Service Station	MX					C2	M1	M2			
Shopping Centre or Mall						C2					
Recycling Depots	MX				C1	C2		M2			
Taxicab Operation & Dispatch	MX				C1	C2		M2			
Private Utilities & Services	MX	R1	R2	AG	C1	C2	M1	M2	I1	PR	
Veterinary Offices & Clinics	MX			AG	C1	C2					
Wholesale Establishments	MX					C2		M2			
Workshops (Arts, Craft, & Custom)	MX			AG	C1	C2		M2			
<b>Industrial</b>											
Accessory Commercial Uses	MX						M1	M2			
Abattoirs & Agricultural Processing Facilities	MX			AG			M1				
Automotive Impound Facilities	MX						M1				
Batching Plants							M1				
Breweries & Distilleries								M2			
Bulk & Cold Storage Facilities								M2			
Commercial Cannabis Facilities							M1				
Construction Debris Disposal Sites							M1 <sup>1</sup>				
Commercial Greenhouses	MX			AG			M1				
Excavation Operations	MX						M1				
Extractive-Related Facilities							M1				
Fuel Depots							M1	M2			
Heavy Industrial Uses							M1	M2			
Light Industrial Uses	MX						M1	M2			
Scrap & Salvage Yards							M1				
Secondary Forestry Uses	MX						M1	M2			
Truck Transport Operations	MX							M2			
Warehouse, Depots, Storage & Distribution Facilities	MX						M1	M2			
Waste Disposal Facilities							M1 <sup>1</sup>				

## ANNAPOLIS COUNTY LAND USE BYLAW

Land Use	MX	R1	R2	AG	C1	C2	M1	M2	I1	PR	NP
Waste Transfer & Processing Facility							M1 <sup>1</sup>				
<b>Institutional</b>											
Accessory Commercial & Retail	MX				C1	C2			I1	PR	
Cemeteries	MX								I1		
Community Centres	MX	R1	R2		C1	C2			I1	PR	
Courthouse	MX				C1	C2			I1		
Fire & Emergency Services	MX					C2		M2	I1		
Hospital	MX					C2			I1		
Institutional Uses	MX	R1	R2		C1	C2		M2	I1	PR	
Library	MX					C2			I1	PR	
Museums	MX					C2			I1	PR	
Places of Worship	MX				C1	C2			I1		
Post Office	MX				C1	C2			I1		
Public Utilities & Facilities	MX	R1	R2	AG	C1	C2	M1	M2	I1	PR	
Public Schools, Training & Educational Facilities					C1	C2			I1	PR	
Research & Development Centres	MX				C1	C2			I1	PR	
Transit & Taxi Stations/Stops	MX	R1	R2		C1	C2		M2	I1	PR	
<b>Recreational</b>											
Conservation & Compatible Uses	MX	R1	R2	AG	C1	C2	M1	M2	I1	PR	NP
Docks, Marinas & Wharves	MX	R1	R2	AG	C1	C2	M1	M2	I1	PR	NP
Firing Range & Shooting Club	MX <sup>1</sup>									PR	
Golf Courses & Driving Ranges	MX				C1	C2				PR	
Historical Sites & Interpretation Centres	MX	R1	R2		C1	C2			I1	PR	NP
Parks & Recreation Uses	MX	R1	R2	AG	C1	C2		M2	I1	PR	NP
Public Campground	MX			AG				M2	I1	PR	NP
Public Recreation Facility	MX		R2		C1	C2		M2	I1	PR	
Recreational Vehicle Parking Sites	MX			AG				M2	I1	PR	
Tracks & Facilities for Racing Animals or Motorized Vehicles	MX <sup>1</sup>									PR	

### 5.2.1.2 Water Supply Protection

Land Use	Lake Cady				Lawrencetown & Margaretsville				
	LCR1	LCR2	LCR3	LCR4	GW1	GW2	GW3	GW4	GW5
<b>Residential</b>									
Single-Unit Dwellings	LCR1	LCR2	LCR3	LCR4			GW3 <sup>1</sup>	GW4	GW5
Two-Unit Dwelling		LCR2 <sup>1</sup>		LCR4 <sup>1</sup>			GW3 <sup>1</sup>	GW4	GW5
Home Occupations	LCR1	LCR2	LCR3	LCR4			GW3	GW4	GW5
Existing Agricultural & Forestry Uses	LCR1	LCR2	LCR3	LCR4				GW4	GW5
<b>Institutional</b>									
Water Supply Infrastructure	LCR1	LCR2	LCR3	LCR4	GW1	GW2	GW3	GW4	GW5
Passive Public Parks & Recreation		LCR2	LCR3	LCR4			GW3	GW4	GW5
Public Trails		LCR2	LCR3	LCR4	GW1	GW2	GW3	GW4	GW5
All Uses Not Prohibited									GW5

**Notes:** See **Section 5.3 Zone Provisions** for lot size, setback, coverage, and height specifications.

1. By Development Agreement or Site-Plan Approval only.
2. Ground floor must be designated for a permitted commercial use.

# ANNAPOLIS COUNTY LAND USE BYLAW

## SECTION 5.3 ZONE PROVISIONS

### 5.3.1.1 General

The following building height and yard requirements shall apply in the zones listed:

Zone	Land Use	Water & Waste-water Status	Minimum Lot Area	Minimum Lot Frontage	Minimum Yard Requirements			Maximum Building Height
					Front & Flankage	Side	Rear	
			A, B**	E, F**	H, L**	K, M**	I, J**	C**
MX	Mixed Use	N/A	2,700 m <sup>2</sup> 29,063 ft <sup>2</sup>	36.6 m 120 ft.	7.6 m 25 ft.	3.0 m 10 ft.	7.6 m 25 ft.	10.6 m 35 ft.
R1	Low Density Residential	Municipal*	465 m <sup>2</sup> 5,005 ft <sup>2</sup>	24.4 m 80 ft.	4.6 m 15 ft.	1.2 m 4 ft.	7.6 m 25 ft.	10.6 m 35 ft.
		On-site	2,700 m <sup>2</sup> 29,063 ft <sup>2</sup>	30.5 m 100 ft.	7.6 m 25 ft.	3.0 m 10 ft.	7.6 m 25 ft.	
R2	Multi-unit Residential	Municipal*	930 m <sup>2</sup> 10,010 ft <sup>2</sup>	30.5 m 100 ft.	7.6 m 25 ft.	3.0 m 10 ft.	7.6 m 25 ft.	18.3 m 60 ft.
		On-site	4,047 m <sup>2</sup> 43,600 ft <sup>2</sup>	36.6 m 120 ft.	7.6 m 25 ft.	3.0 m 10 ft.	7.6 m 25 ft.	
AG	Agricultural	N/A	20,234 m <sup>2</sup> 5 acres	45.7 m 150 ft.	7.6 m 25 ft.	7.6 m 25 ft.	7.6 m 25 ft.	15.2 m 50 ft.
C1	Local Commercial	Municipal*	930 m <sup>2</sup> 10,010 ft <sup>2</sup>	24.4 m 80 ft.	3.0 m 10 ft.	1.2 m 4 ft.	7.6 m 25 ft.	10.6 m 35 ft.
		On-site	2,700 m <sup>2</sup> 29,063 ft <sup>2</sup>	36.6 m 120 ft.	7.6 m 25 ft.	3.0 m 10 ft.	7.6 m 25 ft.	
C2	Highway Commercial	Municipal*	930 m <sup>2</sup> 10,010 ft <sup>2</sup>	30.5 m 100 ft.	3.0 m 10 ft.	3.0 m 10 ft.	7.6 m 25 ft.	18.3 m 60 ft.
		On-site	2,700 m <sup>2</sup> 29,063 ft <sup>2</sup>	36.6 m 120 ft.	7.6 m 25 ft.	3.0 m 10 ft.	7.6 m 25 ft.	
M1	Local Industrial	N/A	4,047 m <sup>2</sup> 43,600 ft <sup>2</sup>	45.7 m 150 ft.	15.2 m 50 ft.	15.2 m 50 ft.	15.2 m 50 ft.	15.2 m 50 ft.
M2	Industrial/ Business Park	Municipal*	2,700 m <sup>2</sup> 29,063 ft <sup>2</sup>	30.5 m 100 ft.	7.6 m 25 ft.	15.2 m 50 ft.	15.2 m 50 ft.	15.2 m 50 ft.
		On-site	4,047 m <sup>2</sup> 43,600 ft <sup>2</sup>	45.7 m 150 ft.	7.6 m 25 ft.	15.2 m 50 ft.	15.2 m 50 ft.	
I1	Institutional	Municipal*	930 m <sup>2</sup> 10,010 ft <sup>2</sup>	24.4 m 80 ft.	3.0 m 10 ft.	1.2 m 4 ft.	7.6 m 25 ft.	10.6 m 35 ft.
		On-site	2,700 m <sup>2</sup> 29,063 ft <sup>2</sup>	37 m 120 ft.	7.6 m 25 ft.	3.0 m 10 ft.	7.6 m 25 ft.	
PR	Parks and Recreation	N/A	2,700 m <sup>2</sup> 29,063 ft <sup>2</sup>	30.5 m 100 ft.	15.2 m 49.9 ft.	7.6 m 25 ft.	7.6 m 25 ft.	15.2 m 50 ft.
NP	Nature Park	N/A	N/A	N/A	N/A	N/A	N/A	N/A

\* Both municipal water and wastewater services are available

\*\* See **Figure 1** for measurement of relevant dimensions.

# ANNAPOLIS COUNTY LAND USE BYLAW

## 5.3.1.2 Water Supply Protection

Zone	Land Use	Minimum Lot Area	Minimum Lot Frontage	Minimum Yard Requirements			Maximum Lot Coverage	Maximum Building Height
				Front Yard	Side Yard	Rear Yard		
		A, B**	E, F**	H**	K, M**	I, J**	D**	C**
<b>LCR1</b>	Lake Cady Low Density	4,047 m <sup>2</sup> 1.0 ac	45.7 m 150 ft.	7.6 m 25 ft.	7.6 m 25 ft.	7.6 m 25 ft.	5.0%	7.6 m 25 ft.
<b>LCR2</b>	Lake Cady Lakeside Residential	2.0 Ha 4.94 ac	45.7 m 150 ft.	19.8 m 65 ft.	7.6 m 25 ft.	15.2 m 50 ft.	2.5%	6.1 m 20 ft.
<b>LCR3</b>	Lake Cady Residential	2.0 Ha 4.94 ac	89.9 m 295 ft.	29.0 m 95 ft.	19.8 m 65 ft.	19.8 m 65 ft.	1.0%	10.6 m 35 ft.
<b>LCR4</b>	Lake Cady Rural Residential	1.2 Ha 2.97 ac	59.4 m 195 ft.	19.8 m 65 ft.	10.6 m 35 ft.	19.8 m 65 ft.	2.0%	6.1 m 20 ft.
<b>GW1</b>	Well Head 1	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>GW2</b>	Well Head 2	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>GW3</b>	Groundwater Supply	10,117.5 m <sup>2</sup> 2.5 ac	76.2 m 250 ft.	19.8 m 65 ft.	19.8 m 65 ft.	19.8 m 65 ft.	3.0%	N/A
<b>GW4</b>	Groundwater Buffer	10,117.5 m <sup>2</sup> 2.5 ac	76.2 m 250 ft.	19.8 m 65 ft.	19.8 m 65 ft.	19.8 m 65 ft.	3.0%	N/A
<b>GW5</b>	Groundwater General	10,117.5 m <sup>2</sup> 2.5 ac	76.2 m 250 ft.	19.8 m 65 ft.	19.8 m 65 ft.	19.8 m 65 ft.	N/A	N/A

\*\* See Figure 1 for measurement of relevant dimensions.

## 5.3.2 MEASURING STANDARD LOT AND BUILDING DIMENSIONS

Figure 1 is provided as a guide to the application of the yard dimensions for each zone in this Bylaw. Users should note the following:

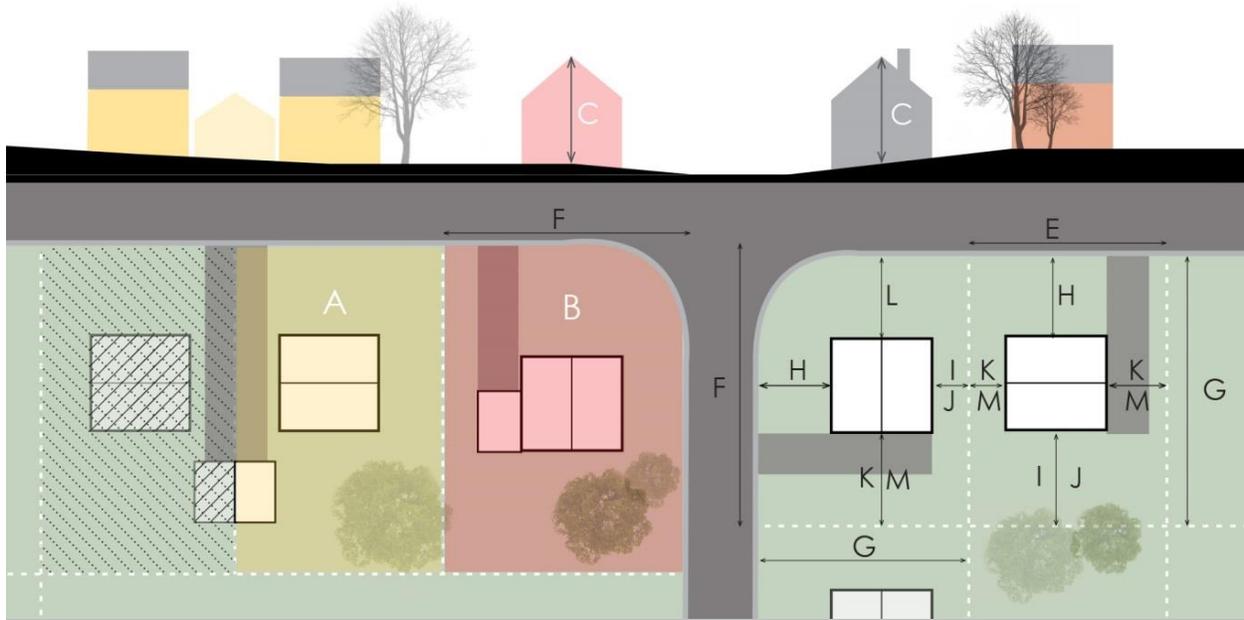
- Larger Lot Sizes (A, B)** may be required in accordance with Provincial Regulations for On-Site Sewage Disposal Systems.
- Lot Frontage (E, F)** for regular-shaped lots shall be measured as a straight line between the points where the two side lot lines meet the front lot line. In the case of irregularly 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 required front yard.
- Height (C)** is measured from the mean grade of the lot on which a structure is erected to the highest point on that structure (excluding architectural features such as, but not limited to, chimneys, skylights, and towers incorporated with places of worship)
- All Yard standards (H, I, J, K, L, and M)** are measured from the pertinent lot line to the nearest main wall of the building or structure. Larger yard setbacks may be required in accordance with the Provincial Building Code.

# ANNAPOLIS COUNTY LAND USE BYLAW

**Figure 1 Measuring Standard Lot and Building Dimensions**

-  Lot Area
-  Built Area

$$\text{Built area} / \text{Lot area} \times 100\% = D \text{ (lot coverage)}$$



<b>A</b>	Minimum Lot Area (Interior Lot)	Total horizontal area within the lot lines of a lot, or the combined total horizontal area within the boundary lines of all part lots associated with a semi-detached dwelling or townhouse dwelling
<b>B</b>	Minimum Lot Area (Corner Lot)	Same as A but usually a larger area for a lot situated at the intersection abutting two or more streets
<b>C</b>	Maximum Height	Maximum vertical distance measured from the mean grade to the highest point on a building or structure, including the highest point of any roof or surface
<b>D</b>	Maximum Lot Coverage	Percentage of lot area covered by the main building above established grade, not including accessory structures, uncovered swimming pools, unenclosed porches, patios, sun decks, and above ground pool decks
<b>E</b>	Minimum Lot Frontage (Interior Lot)	Horizontal distance between the side lot lines of an interior lot as measured along the front lot line
<b>F</b>	Minimum Lot Frontage (Corner Lot)	Horizontal distance between the side lot line and a hypothetical point of intersection of the front and flankage lot lines of a corner lot determined by extension of a straight line
<b>G</b>	Minimum Lot Depth	Horizontal distance between the front and rear lot lines of a lot when these lines are parallel, or the length of a straight line joining the middle of the front lot line with the middle of the rear lot line when the front and rear lot lines are not parallel
<b>H</b>	Minimum Front Yard	Minimum distance between the front lot line and the nearest main wall of any main building on the lot
<b>I</b>	Minimum Rear Yard	Minimum distance between the rear lot line and nearest main wall of any main building or main structure on the lot
<b>J</b>	Minimum Rear Yard abutting Residential	Same as I but usually a greater distance applied to non-residential structures on properties abutting residential zones
<b>K</b>	Minimum Side Yard	Minimum distance between the side lot line and nearest main wall of any main building or main structure on the lot
<b>L</b>	Minimum Flankage Yard (Corner Lot)	Minimum distance between side yard of a corner lot that abuts a street
<b>M</b>	Minimum Side Yard abutting Residential	Same as K but usually a greater distance applied to non-residential structures on properties abutting residential zones

## SECTION 5.4 LAND USE ZONE SPECIFIC REQUIREMENTS

This section summarizes special requirements applicable in each zone. These might include landscaping requirements, parking standards, increased separation distances where a non-residential zone abuts a residential zone, provisions for site plan approval or development agreements, etc.

## SECTION 5.5 MX – MIXED USE SPECIAL REQUIREMENTS

### 5.5.1.1 MX Site Plan Approval

The development of new Land Lease Communities, firing ranges and shooting clubs, tracks and facilities for the racing of motorized vehicles or animals, and new permitted commercial or industrial uses in excess of 465.0 m<sup>2</sup> (5,000 ft<sup>2</sup>) of gross floor area or the expansion of an existing commercial or industrial uses which when expanded will be in excess of 465.0 m<sup>2</sup> (5,000 ft<sup>2</sup>) of gross floor area in the Mixed Use (MX) Zone shall be permitted by site-plan approval in accordance with the evaluative criteria set out in **MPS Policy 7.3.4.1** of the Annapolis County Municipal Planning Strategy.

### 5.5.1.2 MX Abutting Yard Requirements

Where a General Mixed Use (MX) Zone abuts an Agricultural (AG) Zone, Highway Commercial (C2) Zone, Local Industrial (M1) Zone, or Industrial/Business Park (M2) Zone, the following restrictions shall apply to the abutting yard(s) within the General Mixed Use (MX) Zone:

1. Where the abutting yard follows a rear yard, the minimum required abutting yard setback shall be 15.2 m (50 feet);
2. Where the abutting yard follows a side yard, the minimum required abutting yard setback shall be 15.2 m (50 feet); and
3. No buildings or structures shall be permitted to be developed in a required abutting yard.

## 5.5.2 R1 – LOW DENSITY RESIDENTIAL SPECIAL REQUIREMENTS

### 5.5.2.1 R1 Abutting Yard Requirements

Where a Low Density Residential (R1) Zone abuts an Agricultural (AG) Zone, Highway Commercial (C2) Zone, Local Industrial (M1), Zone, or Industrial/Business Park (M2) Zone, the following restrictions shall apply to the abutting yard(s) within the Low Density Residential (R1) Zone:

1. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 22.9 m (75 feet) for the AG Zone and 15.2 m (50 feet) for all other zones;
2. Where the abutting yard follows a side yard, the minimum abutting yard setback shall be measured from the front lot line to the rear lot line, and the minimum required abutting yard setback shall be 15.2 m (50 feet); and
3. No buildings or structures shall be permitted to be developed in a required abutting yard.

## 5.5.3 R2 – MULTI-UNIT RESIDENTIAL SPECIAL REQUIREMENTS

### 5.5.3.1 R2 Abutting Yard Requirements

Where a Multi-unit Residential (R2) Zone abuts an Agricultural (AG) Zone, Local Industrial (M1) Zone, or Industrial/Business Park (M2) Zone, the following restrictions shall apply to the abutting yard within the R2 Zone:

1. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 30.5 m (100 feet) for the AG Zone and 22.9 m (75 feet) for all other zones;
2. Where the abutting yard follows a side yard, the minimum abutting yard setback shall be measured from the front lot line to the rear lot line, the minimum required abutting yard setback shall be 22.9 m (75 feet); and
3. No building in excess of 20.0 m<sup>2</sup> (215 ft<sup>2</sup>) of total floor area shall be permitted to be developed in a required abutting yard.

### 5.5.4 AG – AGRICULTURAL SPECIAL REQUIREMENTS

#### 5.5.4.1 AG Existing Non-Farm Residential Uses

In the Agricultural (AG) Zone, the expansion or replacement of existing non-farm-related residential uses is permitted provided that the expansion or replacement does not result in the creation of more than two residential dwelling units in the non-farm-related residential dwelling.

#### 5.5.4.2 Subdivision in Agricultural Zones

In the Agricultural (AG) Zone, a lot existing on January 1 may be divided once during that calendar year into no more than two lots.

#### 5.5.4.3 AG Farm Supportive Uses

In the Agricultural (AG) Zone, farm supportive commercial or industrial uses are permitted provided that at least 75% of their operation is related to the sale, processing, sorting, grading, packaging, inspection, storage, retailing, and transport of agricultural goods or the servicing of agricultural operations.

#### 5.5.4.4 AG Prohibited Uses Except by Development Agreement

The removal of topsoil as sod, peat, or turf within the Agricultural (AG) Zone shall only be permitted by development agreement in accordance with **MPS Policy 4.4.8** and the evaluative criteria set out in **MPS Policy 7.3.4.1** of the Annapolis County Municipal Planning Strategy, with reasonable exceptions for the sale of plants with root balls, not including turf, and excavations associated with the construction of permitted building/structures and infrastructure such as roads and driveways.

#### 5.5.4.5 AG Abutting Yard Requirements

Where an Agricultural (AG) Zone abuts any other zone, the following restrictions shall apply to the abutting yard(s) within the Agricultural (AG) Zone:

1. Where the abutting yard follows a rear yard, the minimum required abutting yard setback shall be 22.9 m (75 feet), unless a high opaque vegetation buffer such as, but not limited to, hedges or a forested section is left between the lots, in which case the minimum rear yard setback shall be 15.2 m (50 feet);
2. Where the abutting yard follows a side yard, the minimum required abutting yard setback shall be 22.9 m (75 feet), unless a high opaque vegetation buffer such as, but not limited to, hedges or a forested section is left between the lots, in which case the minimum rear yard setback shall be 15.2 m (50 feet);
3. No buildings or structures used for the housing of agricultural animals and manure storage facilities shall be permitted to be developed in a required abutting yard;

4. No buildings or structures used for the housing of agricultural animals and manure storage facilities shall be permitted to be developed within 50.0 m (165 feet) from any watercourse or off-site residential dwelling; and
5. A yard variance may be granted for the expansion of an existing building or structure used for the housing of agricultural animals if the Development Officer deems it appropriate.

### 5.5.5 C1 – LOCAL COMMERCIAL SPECIAL REQUIREMENTS

#### 5.5.5.1 C1 Residential & Commercial Mixed-Use Development

The development of new residential units within the Local Commercial (C1) Zone are permitted only within a mixed use residential and commercial building where the first or ground floor is dedicated to a permitted commercial, business, or office uses and the remaining upper stories contain the residential dwelling(s).

#### 5.5.5.2 C1 Abutting Yard Requirements

Where a Local Commercial (C1) Zone abuts an Agricultural (AG) Zone, a Local Industrial Park (M1) Zone, or an Industrial/Business Park (M2) Zone the following restrictions shall apply to the abutting yard within the C1 Zone:

1. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 22.9 m (75 feet) for the AG Zone and 15.2 m (50 feet) for the Local Industrial (M1) Zone and Industrial/Business Park (M2) Zone;
2. Where the abutting yard follows a side yard, the minimum abutting yard setback shall be measured from the front lot line to the rear lot line, the minimum required abutting yard setback shall be 15.2 m (50 feet); and
3. No accessory building in excess of 20.0 m<sup>2</sup> (215 ft<sup>2</sup>) of total floor area shall be permitted to be developed in a required abutting yard.

### 5.5.6 C2 – HIGHWAY COMMERCIAL SPECIAL REQUIREMENTS

#### 5.5.6.1 C2 Residential & Commercial Mixed-Use Development

The development of new residential units within the Highway Commercial (C2) Zone are permitted only within a mixed use residential/commercial or office building where the first or ground floor is dedicated to commercial/business/office uses and the remaining upper stories contain the residential dwelling(s). Residential uses are permitted to locate in existing commercial building(s) providing the residential use(s) is not located on the first or ground floor of the existing building(s) or structure(s).

#### 5.5.6.2 C2 Abutting Yard Requirements

Where a Highway Commercial (C2) Zone abuts another zone, with the exception of a Local Commercial (C1) Zone, the following restrictions shall apply to the abutting yard within the C2 Zone:

1. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 22.9 m (75 feet) for the AG Zone and 22.9 m (75 feet) for all other zones, unless a 2.0 m (6.5 feet) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the rear yard setback shall be 15.2 m (50 feet);

2. Where the abutting yard follows a side yard, the minimum side yard setback shall be 22.9 m (75 feet) for the AG Zone and 15.2 m (50 feet) for all other zones, unless a 2.0 m (6.5 feet) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the side yard setback shall be 7.6 m (25 feet) ; and
3. No building in excess of 20.0 m<sup>2</sup> (215 ft<sup>2</sup>) of total floor area shall be permitted to be developed in a required abutting yard.

### 5.5.7 M1 – LOCAL INDUSTRIAL SPECIAL REQUIREMENTS

#### 5.5.7.1 M1 Uses By Development Agreement

The development of a new construction debris disposal site, waste transfer and process facility, or a waste disposal facility or the expansion of an existing construction debris disposal site, waste transfer and process facility or a waste disposal facility in the Local Industrial (M1) Zone may be considered by development agreement in accordance with **MPS Policy 4.6.7** and the evaluative criteria set out in **MPS Policy 7.3.4.1** of the Annapolis County Municipal Planning Strategy.

#### 5.5.7.2 M1 Abutting Yard Requirements

Where a Local Industrial (M1) Zone abuts another zone, the following restrictions shall apply to the abutting yard within the M1 Zone:

1. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 22.9 m (75 feet) for the AG Zone and 22.9 m (75 feet) for all other zones, unless a 2.0 m (6.5 feet) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the rear yard setback shall be 15.2 m (50 feet);
2. Where the abutting yard follows a side yard, the minimum side yard setback shall be 22.9 m (75 feet) for the AG Zone and 22.9 m (75 feet) for all other zones, unless a 2.0 m (6.5 feet) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the side yard setback shall be 15.2 m (50 feet);
3. No building in excess of 20.0 m<sup>2</sup> (215 ft<sup>2</sup>) of total floor area shall be permitted to be developed in a required abutting yard;
4. No outdoor storage or display area shall be permitted in a required abutting yard;
5. No parking space shall be permitted in a required abutting yard within 6.1 m (20 feet) of a side or rear lot line however, this may be reduced to 1.5 m (5 feet) where a 2.0 m (6.5 feet) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lot; and
6. No signs located in an abutting yard shall be illuminated and only directional or business identification signs shall be permitted.

### 5.5.8 M2 – INDUSTRIAL/BUSINESS PARK SPECIAL REQUIREMENTS

#### 5.5.8.1 M2 Abutting Yard Requirements

Where a Industrial/Business Park (M2) Zone abuts another zone, with the exception of a Local Industrial (M1) Zone, the following restrictions shall apply to the abutting yard within the M2 Zone:

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1. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 22.9 m (75 feet) for the AG Zone and 22.9 m (75 feet) for all other zones, unless a 2.0 m (6.5 feet) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the rear yard setback shall be 15.2 m (50 feet);
2. Where the abutting yard follows a side yard, the minimum side yard setback shall be 22.9 m (75 feet) for the AG Zone and 22.9 m (75 feet) for all other zones, unless a 2.0 m (6.5 feet) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the side yard setback shall be 15.2 m (50 feet);
3. No building in excess of 20.0 m<sup>2</sup> (215 ft<sup>2</sup>) of total floor area shall be permitted to be developed in a required abutting yard;
4. No outdoor storage or display area shall be permitted in a required abutting yard;
5. No parking space shall be permitted in a required abutting yard within 6.1 m (20 feet) of a side or rear lot line however, this may be reduced to 1.5 m (5 feet) where a 2.0 m (6.5 feet) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lot; and
6. No signs located in an abutting yard shall be illuminated and only directional or business identification signs shall be permitted.

### 5.5.9 I1 – INSTITUTIONAL SPECIAL REQUIREMENTS

#### 5.5.9.1 Re-use of Places of Worship

The re-use of former places of worship for residential, commercial, and alternative institutional uses may be considered within the Institutional (I1) Zone by site plan approval in accordance with **MPS Policy 4.7.3** and the evaluative criteria set out in **MPS Policy 7.3.4.1** of the Annapolis County Municipal Planning Strategy.

### 5.5.10 LCR AND GW – WATER SUPPLY PROTECTION REQUIREMENTS

#### 5.5.10.1 GW – Well Head and Watercourse Protection

No excavation, infilling, construction, tree, stump, or other vegetation removal, or any alteration of any kind shall be permitted within 30.4 m (100 feet) of any production or monitoring well head in a GW1 Zone or the edge of the shoreline of any watercourse within the LCR1, LCR2, LCR3, LCR4, GW1, GW2, GW3, GW4, and GW5 Zones, except for government owned, operated, and maintained water supply related extraction, retention, treatment, and distribution facilities, including structures or facilities for the display and interpretation of the waterworks and its groundwater management plan and protection strategy, storm water management facilities, roads, bridges, and passive recreation uses.

#### 5.5.10.2 LCR and GW – Uses Prohibited in Water Supply Protection Zones

Notwithstanding any other provision in this Bylaw, the following uses shall be prohibited within the LCR1, LCR2, LCR3, LCR4, GW1, GW2, GW3, GW4, and GW5 Zones:

1. Gas Stations;
2. Car Wash and Detailing Shops;
3. Facilities or operations involving tracks, roads, trails, stadiums, arenas, or any other such form of

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- sporting facility for the racing of animals;
4. Facilities or operations involving tracks, roads, trails, stadiums, arenas, or any other such form of sporting facility for motorized vehicles including, but not limited to, automobiles, motorcycles, snowmobiles, or all terrain vehicles is prohibited;
  5. Facilities or operations involving any activity connected with wholesale, retail, or consignment sale or resale, construction, building, maintenance, or repair of all forms of motorized vehicles, whether the motorized vehicle is intended for use and required to be licensed for use on public roads or highways or whether the motorized vehicle is considered a recreational type of vehicle;
  6. Bulk Chemical Production, Storage and/or Distribution Facilities;
  7. Salt Storage Facilities;
  8. Laundry and Dry Cleaning Establishments;
  9. Landfills and Construction and Demolition Debris Disposal Sites;
  10. Recycling Storage and/or Processing Facilities;
  11. Scrap Metal and Salvage Storage and/or Processing Facilities;
  12. Salvage Yards;
  13. Septic Disposal Service Facilities;
  14. Commercial Composting Facilities;
  15. Fertilizer, Herbicide or Pesticide Production, Mixing, Blending, Storage and/or Distribution Facilities;
  16. Petroleum Fuels or Solvents Production, Storage and/or Distribution Facilities;
  17. Main or Accessory Buildings or Structures Related to Surface, Subsurface, Aggregate or Sand Extraction, Quarrying, Mining, Processing or Storage Facilities, Operations, or Industries;
  18. Soil Mixing, Blending or Storage Operations or Facilities;
  19. Cold Storage Facilities;
  20. Warehouse or Wholesale Storage and/or Distribution Facilities;
  21. Machine Shops and Metal Working Shops;
  22. Furniture Manufacturing, Restoration or Repair Facilities;
  23. Transport and Trucking Facilities;
  24. Funeral Homes, Cemeteries and Crematoria Facilities;
  25. Animal Burial Facilities;
  26. Golf Courses and Golf Driving Ranges;

27. Asphalt, Paint or Cement Plants;
28. Facilities for the Manufacture, Processing or Reprocessing of Radioactive Materials or Other Dangerous Goods;
29. Heavy Water Plants;
30. Pulp and Paper Mill;
31. Oil Refineries;
32. Metal Smelters;
33. Ferro-alloy Plants;
34. Non-ferrous Metal Smelters;
35. Abattoirs, Dismembering or Rendering Plants;
36. Facilities for the Treatment of Timber Resources;
37. Fishmeal Production Operations, Plants or Facilities;
38. Electricity Production Facilities, except for Wind energy or Solar Energy Production Facilities;
39. Home occupations involving any of the foregoing uses; and
40. Any other use similar to the foregoing that may present a threat to the quality of water supplied to the public whether as a primary or an accessory use or a home occupation.

### **5.5.10.3 LCR and GW – Public and Private Utilities and Municipal Service Facilities**

Public or private utilities and service facilities provided by the Municipality such as, but not limited to, parks, playgrounds, or passive recreation uses; sewage treatment plants; pumping stations; public transit facilities; and solid waste transfer stations shall be permitted in any zone, but shall not be permitted within the GW1 Zone or any watercourse setback within the LCR1, LCR2, LCR3, LCR4, GW1, GW2, GW3, GW4, and GW5 Zones, except for government owned, operated, and maintained water supply related extraction, retention, treatment, and distribution facilities; and municipal parks, playgrounds, or passive recreation uses specifically permitted in each zone.

### **5.5.10.4 LCR and GW – Erosion and Sedimentation Control**

Erosion and sedimentation controls shall be required to be implemented during the construction of any development on lands within the LCR1, LCR2, LCR3, LCR4, GW1, GW2, GW3, GW4, and GW5 Zones. Erosion and sedimentation controls shall include the control, disposal, or runoff of water containing suspended material or other harmful substances with the use of siltation fences, sedimentation ponds, diversion ditches, silt curtains, sedimentation blankets, slope stabilization and the like, in accordance with the Nova Scotia Department of Environment and Climate Change Erosion and Sedimentation Control Handbook for Construction Sites.

### **5.5.10.5 LCR and GW – Altering Levels of Land**

No person shall alter land levels, excavate land, fill in land, place fill, or remove soil on or from any land outside of a protected well head in a GW1 Zone or watercourse setback within the LCR1, LCR2, LCR3,

LCR4, GW1, GW2, GW3, GW4, and GW5 Zones without first submitting a site grading and drainage plan and receiving approval from the Municipality.

### **5.5.10.6 LCR – Lake Cady Christmas Tree Operations**

Christmas tree growing operations and all accessory buildings or structures shall not be permitted within 200 metres (655 feet) of the edge of the shoreline of any watercourse in the Lake Cady Residential Low Density (LCR1), Lake Cady Lakeside Residential (LCR2), or the Lake Cady Rural Residential (LCR3) Zones.

**Appendix A Zoning Map**





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