

St. Peter's

LAND USE BY-LAW

SEPTEMBER 2007

**LAND USE BY-LAW
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PART 1 - TITLE

This By-law shall be known and may be cited, as the Land Use By-law of the St. Peter's Plan Area of the Municipality of the County of Richmond and referred to hereafter as the St. Peter's Plan Area Land Use By-law and this By-law shall apply to all lands within the Plan Area, as illustrated on the Zoning maps.

PART 2 - ADMINISTRATION

Effective Date

1. This By-law shall take effect when approved by the Minister of Municipal Affairs for the Province of Nova Scotia.

Prohibition

2. Subject to the provisions of the *Municipal Government Act*, no development shall be carried out within the Plan Area, except in accordance with this By-law.
3. No person shall commence or continue development for which a development permit is required by this By-law unless the owner has obtained a development permit to carry out the development.

Development Officer

4. The Council of the Municipality of the County of Richmond (hereinafter referred to as "Council") which has adopted a Land Use By-law shall appoint a Municipal Development Officer who shall be responsible for the administration of this Land Use By-law and the issuing of municipal development permits.
5. The Development Officer shall keep records of all applications received, permits and orders issued; inspections made, and shall retain copies of all papers and documents connected with the administration of this By-law, which shall form part of the public records of the Municipality of the County of Richmond.

Enforcement

6. The Council, by any duly authorized office or servant, shall have the right to enter at all reasonable times into or upon any property within the Plan Area for the purposes of an inspection necessary in connection with the administration of this Land Use By-law.

Permits

7. Subject to the provisions of the *Municipal Government Act*, when
 - (a) within fifteen days of receiving an application for a municipal development permit, the municipal development officer shall inform the applicant whether or not his/her application is complete.

- (b) within thirty days of receiving a completed application, the municipal development officer shall either grant the municipal development permit, or inform the applicant of the reasons for not granting the permit.
8. Every development permit is valid:
- (a) upon the development being commenced within twelve (12) months from the date of issuing the permit;
 - (b) upon the permit being renewed for another twelve (12) months if not commenced upon application to the Development Officer; and
 - (c) if not commenced within twelve months a new application is to be made to the

Development Officer

9. An application for a development permit shall:
- (a) be made in the form prescribed by the Municipality;
 - (b) be signed by the owner or his/her agent;
 - (c) state the intended use of the proposed development; and
 - (d) provide any other information required by the Development Officer to determine whether the proposal meets the requirements of this By-law.
10. When deemed necessary to complete the assessment of the proposed development, the Development Officer may require the applicant to submit copies in duplicate of one or more of the following:
- (a) a survey plan of the lot showing the dimensions of the lot; said plan to be made and certified by a registered land surveyor licensed to practice in Nova Scotia; and
 - (b) the position, height, and horizontal dimensions of all structures existing on the lot.

Penalty

11. The *Municipal Government Act* states:

- “(1) A person who
- (a) violates any provision of this Act;
 - (b) violates any provision of any order, regulation, By-law, plan, strategy, or policy in force pursuant to this Act;

- (c) fails to do any act or thing required to be done by an order, regulation, By-law, plan, strategy or policy in force pursuant to this Act;
- (d) suffers or permits any act or thing to be done in violation of any provision of any order, regulation, By-law, plan, strategy or land use policy in force pursuant to this Act; or
- (e) obstructs or hinders any person in the performance of his duties under this Act or under any order, regulation, By-law, plan, strategy or policy in force pursuant to this Act, is guilty of an offense and liable on summary conviction to a fine not exceeding one thousand dollars and in default of payment to imprisonment for a term not exceeding two months and in the case of a continuing offense to a further fine not exceeding two hundred and fifty dollars for each day during which the offense continues and in default of payment to imprisonment for a term not exceeding ten days.

Costs for Advertising

12. Anyone applying for an amendment to this By-law shall deposit with the clerk an amount estimated by the clerk to be sufficient to pay the cost of advertising required by the *Municipal Government Act*. After the advertising has been completed, the applicant shall pay to the clerk any additional amount required defraying the cost of the advertising, or if there is a surplus, the clerk shall refund the same to the applicant.

PART 3 - ZONES AND ZONING MAP

Zones

1. For the purpose of this By-law, the St. Peter's Plan Area is divided into the following zones which may be referred to by the appropriate symbols.
 - Residential Village (R-1) Zone
 - Residential Rural (R-2) Zone
 - Rural Commercial (RC-1) Zone
 - Residential Multiple Unit (R-3) Zone
 - Mini Home Park (MHP) Zone
 - Downtown Commercial (C-1) Zone
 - Mixed Use (C-2) Zone
 - Open Space (OS) Zone

The zone boundaries are shown on Schedule "A", which may be cited as the Zoning Map and are hereby declared to form part of this By-law.

Zones not on Maps

2. The zoning map of this By-law may be amended, in conformance with the Municipal Planning Strategy, to utilize any zone in this By-law, regardless of whether or not such zone had previously appeared on any zoning map.

PART 4 - INTERPRETATION

Symbols

1. The symbols used on Schedule “A”, included herein, refer to the appropriate zones established by this By-law.

Defined

2. The extent and boundaries of all zones are shown on Schedule “A”, included herein, and for such zones the provisions of this By-law shall respectively apply.

Interpretation of Zoning Boundaries

3. Boundaries between zones shall be determined as follows:
 - (a) where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;
 - (b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
 - (c) where a street, highway, electrical transmission line right-of-way, or watercourse is included on the zoning maps, it shall, unless otherwise indicated, be included in the zone on the adjoining property on either side thereof;
 - (d) where an electrical transmission line right-of-way or watercourse is included on the zoning map and serves a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise; and
 - (e) where none of these above provisions applies, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map Schedule “A”.

Interpretation of Certain Words

4. In this By-law, words used in the present tense include future; words in the singular number include the plural except where otherwise clearly indicated; words in the plural include the singular number; and the word “used” includes “arranged”, “designed or intended to be used”; the word “shall” is mandatory and the word “may” permissive. All other words carry their customary meaning except for those defined in Part 16 of this By-law, entitled “Definitions”.

Permitted Uses

5. For the purposes of this By-law, if a use is not listed as a permitted use in any zone, it shall be deemed to be a prohibited use in that zone.

PART 5 - GENERAL PROVISIONS FOR ALL ZONES

Scope

1. No building or structure shall hereafter be erected or altered or the use of any building changed, unless a development permit has been issued and no development permit shall be issued unless all the provisions of this By-law are satisfied.

Frontage on Street

2. No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected, abuts, fronts upon a public street, or the lot is shown on an approved plan of subdivision.

Licenses, Permits and Compliance with other By-laws

3. Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-law in force within the Municipality of the County of Richmond or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Municipality.

Accessory Uses Permitted

4. Where this By-law provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose includes any use accessory thereto. Accessory buildings shall be permitted in all zones.

Non-Conforming Uses

5. Any use of land or a building or structure erected on the land which had begun on or before the effective date of this By-law and which does not conform to the requirements of this By-law shall be subject to the provisions laid out in Sections 238 to 242 of the *Municipal Government Act*.

Existing Undersized Lots

6. Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels in existence prior to the effective date of this By-law, having less than the minimum frontage or area or both required by this By-law, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied. In addition, where such lots are increased in size but remain undersized, they are deemed to be existing undersized lots.

Undersized Lots Created on a Plan of Subdivision

7. Notwithstanding anything else in this By-law, a lot approved on a plan of subdivision, pursuant to the *Municipal Government Act*, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this By-law and the *Municipal Government Act* are complied with.

One Additional Lot without Frontage

- 7.1 Notwithstanding the frontage requirements found elsewhere in this By-law, an area of land existing at the effective date of this By-law shall be eligible for one additional lot where:
- (a) each lot has a minimum of 6.1 metres (20 feet) of frontage on a public or private street; or
 - (b) each lot is served by an easement for right-of-way and access which has been clearly granted by deed, registered in the Registry of Deeds for this Municipality, with a minimum width of 6.1 metres (20 feet), and where the portion of that right-of-way easement crosses the railway right-of-way, a license for right-of-way and access from the railway shall be sufficient.

Existing Buildings

8. Where a building has been erected on or before the effective date of this By-law on a lot having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:
- (a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this By-law; and
 - (b) all other applicable provisions of this By-law are satisfied.

Existing Lots

9. Notwithstanding anything else in this By-law, the use of a building existing on a lot on the effective date of this By-law may be changed to a use permitted on the lot where the lot frontage, front yard, or area required or any two or all of these is less than the requirements of this By-law provided that all other requirements of this By-law are satisfied.

Height Regulations

10. The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, skylights, barns, chimneys, clock towers, power transmissions, lookout towers, satellite discs, windmills, wind turbines, and solar collector devices.

Temporary Uses and Structures Permitted

11. Nothing in this By-law shall prevent uses and structures incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction providing that the uses or structures are removed from the site within 14 days after completion of the construction project and provided a development permit has been issued.

12. Nothing in this By-law shall prevent uses and structures erected for special occasions and holidays provided only that no such use remains in place more than 14 consecutive days.

Building to be Moved

13. No person shall move any building, residential or otherwise, within or into the area covered by this By-law without obtaining a development permit from the Development Officer.

Restoration to a Safe Condition

14. Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of a non-conforming use the provisions of Sections 238 to 242 of the *Municipal Government Act* of Nova Scotia shall prevail.

Calculation of Lot Frontage

15. The following means shall be used for the purposes of determining lot frontage:
- (a) in the case of regularly shaped lots, lot frontage shall be measured as a straight line between the points where the two (2) side lot lines meet the front lot line;
 - (b) in the case of irregularly shaped lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point equal to the minimum applicable front yard.
 - (c) in the case of an island, lot frontage shall mean the distance measured as a straight line, between the two points where the side lot lines of a lot meet the navigable watercourse, and shall also be deemed to be the water frontage.

Permitted Encroachments in Yards

16. Except for accessory buildings, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky, provided that those structures listed in the following table shall be permitted into yards indicated as follows:

Structure	Yard in Which Projection is Permitted	Maximum Projection From Main Wall Permitted
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or canopies	Any yard	24 inches
Window bays	Front, rear and flankage yards only	3 feet and a maximum width of 10 feet
Fire escapes and exterior	Rear and side yards only	6 feet

staircases		
Balconies	Any yard	6 feet
Open, roofed porches not exceeding one storey in height; uncovered terraces	Front, rear and flankage yards only	8 feet including eaves and cornices

Public Uses Permitted

17. Government buildings and facilities shall be permitted in any zone except the Open Space zone provided that such use conforms to the applicable lot standards of that particular zone.

Multiple Uses

18. Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict, such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

Truck, Bus and Coach Bodies

19. No trucks, bus or coach body, or structure of any kind, other than a mini home or dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation within the St. Peter’s Plan Area, whether or not same is mounted on wheels.

Building to be Erected on a Lot

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

One Main Building on a Lot

21. No person shall erect more than one (1) main building on a lot except for:
- (a) Buildings located in a Downtown Commercial, or Rural Commercial Zone, but not including residential structures;
 - (b) Buildings located in a Mixed Use Zone;
 - (c) Single unit dwellings (to a maximum of two) located in a Residential Village, Rural Residential Zone or Mixed Use;
 - (d) Accessory buildings; and
 - (e) Mini homes in a Mini Home Park Zone

Accessory Buildings

22. (1) Accessory uses, buildings and structures shall be permitted in any zone within the St. Peter’s Plan Area but shall not:

- (a) be used for human habitation;
 - (b) be located within the required front or side yard of a lot;
 - (c) be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot. Where an accessory building is built on a corner lot, it shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;
 - (d) be built closer than 10 feet to any lot line
 - (i) common semi-detached garages may be centered on the mutual side lot line;
 - (ii) accessory buildings with no windows or perforations on the side of the building which faces the said lot line, may be located a minimum of 2 feet from the said side or rear lot line in any residential zone; and
 - (iii) boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge or is in the water.
 - (e) exceed 750 square feet in total floor area;
 - (f) be built within 6 feet of the main building;
 - (g) be considered an accessory building if attached to the main building in any way; and
 - (h) be considered an accessory structure if located completely underground.
- (2) Notwithstanding anything else in this By-law, drop awnings, clothesline poles, flag poles, monuments, interpretive displays, recycling bins, garden trellises, children's play structures, fences and retaining walls shall be exempted from any requirements under subsection 1 of this Section and Section 16.

Illumination

23. No person shall erect any sign or illuminate in an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

Loading Space

24. For every building or structure to be erected or enlarged, or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods, unless there is maintained on the same premises with every such building, structure or use one off-street space for standing, loading, and unloading for every 30,000 sq. ft. or fraction thereof of building floor area used for any such purpose to a maximum of six (6) loading spaces:
- (a) Each loading space shall be at least 12 feet by 40 feet with a minimum of 14 feet in height clearance.
 - (b) No such loading space(s) shall be located within any required front yard.
 - (c) Notwithstanding anything in this section, an undersized vacant lot which is situated in a commercial, mixed use or business park zone, which cannot comply with these loading standards, shall be allowed to be developed and the proposed development shall be exempted from this requirement.

Parking Requirements

25. For every building or structure to be erected, enlarged, or where a change of use is to occur, off-street parking located within the same lot as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following Schedule:

Type of Building	Minimum Parking Required
Residential	
(a) Single detached, semi-detached, duplex residences in commercial buildings and multi-family and converted dwellings up to four (4) dwelling units	one (1) parking space per dwelling unit
(b) Boarding and Tourist Homes	one (1) parking space per two (2) boarders or overnight guests
(c) Multiple family and converted dwellings containing five (4) or more dwelling units	one and one-quarter (1 1/4) parking spaces per dwelling unit
Institutional	
(d) Hospitals and nursing homes	one (1) parking space per three (3) beds

(e) Churches, theatres, auditoria, and other places of assembly	where there are fixed seats, one (1) parking space for every five (5) seats or ten (10) feet of bench space; where there are no fixed seats, one (1) parking space for each 200 square feet of floor area devoted to public use.
(f) Schools	One and one-half (1 1/2) parking spaces for each teaching classroom
Commercial	
(g) Restaurants, taverns, and lounges	one (1) parking space for each fifty (50) square feet of floor area devoted to public use
(h) Hotels, motels	one (1) parking space per suite or rental unit
(i) Medical clinic or doctor's office	one (1) parking space for each 300 square feet of floor area but never less than one (1) parking space
(j) Funeral homes	one (1) parking space for each fifty (50) square feet of floor area in assembly room
(k) Bowling alleys and curling rinks	One (1) parking space for each two (2) persons in the designed capacity of the establishment (designed capacity means six (6) persons per bowling lane and eight (8) persons per curling sheet). In other parts of the building, additional parking spaces shall be provided in accordance with the requirements set out in this By-law for the uses to which the other parts of the building may be put.
(l) All other commercial uses	one (1) parking space for each three hundred (300) square feet of floor area but never less than one (1) parking space

Parking Standards for a Change of Use

26. Notwithstanding Section 25 of this part, where a change of use is to occur to an existing commercial or business park use and the new use is unable to comply with additional parking requirements, the additional parking requirements will be waived.

Standards for Parking Areas

27. In any Downtown Commercial, Mixed Use or Business Park zone, where parking facilities for more than four (4) vehicles are required or permitted:

- (a) the parking area shall be situated in the same zone;
- (b) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated;
- (c) driveway approaches to any parking area, other than that required for a single family dwelling, semi-detached, or a duplex dwelling shall be defined by a curb of concrete or rolled asphalt and the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
- (d) in addition, the location of driveway approaches shall be no closer than fifteen (15) feet from the nearest limits of the right-of-way at a street intersection;
- (e) entrances and exits to parking areas shall not exceed two (2) in number and each shall be a width of twenty-five (25) feet at the street line and pavement edge;
- (f) the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum of ten (10) feet if for one-way traffic, and a minimum of eighteen (18) feet if for two-way traffic and the maximum width of a driveway shall be twenty-five (25) feet;
- (g) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles; and
- (h) if lights are used for illumination of the parking lot, they shall be so arranged as to divert the light away from the street, adjacent lots and buildings.

Home Occupations

28. Nothing in this By-law shall prevent the use of a dwelling or accessory building in any residential zone for business or professional purposes, or for a home occupation, provided that:

- (a) the dwelling and accessory building is occupied as a residence by the operator of the home occupation and the external appearance of the residence or accessory building is not changed by the home occupation;
- (b) there shall not be more than two (2) assistants who are not residents in the dwelling employed in the business or profession;
- (c) no more than twenty-five (25) percent of the total floor area of the dwelling or fifty (50) percent of an accessory building is devoted to the use;

- (d) one off-street parking space, other than that required for the dwelling is provided for every 200 square feet of floor space occupied by the business or professional use;
- (e) there shall be no advertising other than one of either a business identification plate, sign or ground sign which has a maximum sign area of five (5) square feet, provided that the provisions of Part 6 are also satisfied;
- (f) no mechanical equipment is used externally except that reasonably consistent with the use of a dwelling, or accessory building; and
- (g) no open storage or outdoor display shall be permitted.

Public and Private Utilities

29. Public and Private Utilities including water towers shall be permitted in any zone provided that such use conforms to the applicable lot standards of that particular zone in which the use is to occur.

Minimum Area for Lots Adjacent to Watercourses

30. Notwithstanding anything else in this By-law, the minimum areas for a lot not served by a public sewer system where any part of the lot is within seventy-five (75) feet of a watercourse shall be 40,000 square feet.

Reduced Lot Requirements

31. Notwithstanding anything else in this By-law, a lot approved in accordance with Part IX, Section 279 of the *Municipal Government Act* and having less than the minimum lot area or lot frontage required by this By-law may be used for any purpose permitted in the zone in which the lot is located provided that all other applicable provisions in this By-law are satisfied. Section 279 of the *Municipal Government Act* allows for a relaxation of the minimum requirements for lot frontage and lot area for not more than two lots, provided the lot area and lot dimensions are no less than ninety (90) percent of the required minimums.

PART 6 - SIGNS

General

1. No person shall erect a sign in the St. Peter's Plan Area without first obtaining a development permit from the Development Officer.

Safety and Maintenance

2. Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the Building By-law.
3. All signs and all parts thereof shall be kept in a good state of repair and maintenance.

PART 7 - RESIDENTIAL VILLAGE (R-1) ZONE

1. No development permit shall be issued in a Residential Village (R-1) zone except for one or more of the following uses:
 - Agricultural uses
 - Bed and breakfast establishments
 - Boarding houses
 - Churches and cemeteries
 - Clinics
 - Dwellings, multiple unit (both new & conversion) to a maximum of three (3) dwelling units
 - Dwellings, semi-detached and duplex
 - Dwellings, single detached
 - Dwellings, single detached with an apartment unit
 - Funeral homes, existing
 - Mini homes
 - Museums
 - Nursing homes
 - Public recreational uses
 - Schools
 - Warehouses, existing
 - Wharves and boathouses

General Lot Requirements

2. In any Residential Village (R-1) Zone, no development permit shall be issued except in conformity with the following:

	Single detached dwellings, mini homes, duplex dwellings, single detached dwellings with an apartment unit, boarding homes, museums:	Semi detached dwellings
Minimum lot area	5,000 sq. ft.	2,500 sq. ft. per dwelling unit
Minimum lot frontage	50 ft.	50 ft.
Minimum front yard	20 ft.	20 ft.
Minimum side yard i. one side ii. other side	8 ft. 10 ft.	10 ft. and 0 ft. from the side being common with another dwelling unit

Minimum rear yard	25 ft.	25 ft.
Maximum height of main building	35 ft.	35 ft.

	Multiple unit dwellings including up to 3 dwelling units	Schools, nursing homes, churches and cemeteries
Minimum lot area	2,500 sq. ft. per dwelling unit	7,000 sq. ft.
Minimum lot frontage	50 ft.	70 ft.
Minimum front yard	20 ft.	25 ft.
Minimum side yard with another dwelling unit	10 ft. and 0 ft. from the side being common	10 ft.
Minimum rear yard	25 ft.	25 ft.
Maximum height of main building	35 ft.	35 ft.

Special Requirement - Conversion of Dwelling

3. Notwithstanding anything else in this By-law, a single detached dwelling may be converted to two or three dwelling units provided that:
- (a) no exterior alteration is made to the dwelling that would increase the overall size of the structure except additions necessary to comply with the Municipal Building By-law; and
 - (b) the existing roof lines are maintained on the dwelling.

Special Requirement - Setback from a Water body

4. Notwithstanding anything else in this By-law, all structures shall be set back a minimum distance of fifty (50) feet from the high water mark of the Bras d'Or Lakes and St. Peter's Bay with the exception of wharves and boathouses.

Special Requirement - Agricultural Use

5. Notwithstanding anything else in this By-law, accessory structures related to an agricultural use shall not be less than 200 feet from the front property line.

PART 8 - RESIDENTIAL RURAL (R-2) ZONE

1. No development permit shall be issued in a Residential Rural (R-2) Zone except for one or more of the following uses:
 - Bed and breakfast establishments
 - Boarding houses
 - Campgrounds, public and private
 - Churches and cemeteries
 - Cottages and rental cottages
 - Day care centres
 - Dwellings, single detached
 - Dwellings, semi-detached and duplex
 - Dwellings, single detached with an apartment unit
 - Farms and agricultural uses
 - Kennels
 - Mini homes
 - Public recreational uses including public beaches
 - Wharves and boathouses

General Lot Requirements

2. In any Residential Rural (R-2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	29, 063 sq. ft.*
Minimum Lot Frontage	20 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	25 ft.
Maximum Height of Main Building	35 ft.
Minimum Rear Yard	25 ft.

* *Subject to the Department of Environment Regulations*

Special Requirement - Setback from a Water body

3. Notwithstanding anything else in this By-law, all structures shall be set back a minimum distance of fifty (50) feet from the high water mark of the Bras d'Or Lakes and St. Peter's Bay with the exception of wharves and boathouses.

PART 9 - RURAL COMMERCIAL (RC-1) ZONE

1. No development permit shall be issued in a Rural Commercial (RC-1) zone except for one or more of the following uses:
 - All uses permitted in the Residential Rural (R-2) Zone
 - Auto body shops
 - Building supplies and lumber outfits
 - Convenience stores
 - Craft shops
 - Light industrial fabrication and sales
 - Sawmills
 - Trucking facilities
 - Warehousing and storage facilities

General Lot Requirements

2. In any Rural Commercial (RC-1) zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	29, 063 sq. ft.*
Minimum Lot Frontage	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	25 ft.
Maximum Height of Main Building	35 ft.
Minimum Rear Yard	25 ft.

* *Subject to the Department of Environment Regulations*

Special Requirement - Abutting Yard Requirements

3. Where a yard or lot located within a Rural Commercial (RC-1) zone abuts a residential use, the following restrictions shall apply:
 - (a) No structure, open storage or display shall be permitted in an abutting yard within 20 feet of a side or rear lot line.
 - (b) No parking space shall be permitted in an abutting yard within 20 feet of a side or rear lot line.

PART 10 - RESIDENTIAL MULTIPLE UNIT (R3) ZONE

1. No development permit shall be issued in a Residential Multiple Unit (R3) Zone except for one or more of the following:
 - Dwellings, converted which exceed three units in total
 - Dwellings, multiple-unit which exceed three units in total
 - Dwellings, townhouse or row house
 - Public recreational uses
 - Wharves and boathouses

General Lot Requirements

2. In any Residential Multiple Unit (R3) Zone, no development permit shall be issued except in conformity with the following requirements:

	Converted or multiple unit dwelling	Row or town houses
Minimum lot area	10,000 sq. ft.	3,000 sq. ft. per dwelling unit
Minimum lot frontage	100 ft.	20 ft. per dwelling unit
Minimum front yard	25 ft.	20 ft.
Minimum side yard	20 ft.	10 ft. and 0 ft. from the side being common with another dwelling unit
Minimum rear yard	25 ft.	25 ft.
Maximum height of main building	35 ft.	35 ft.

Special Requirement - Setback from a Water body

3. Notwithstanding anything else in this By-law, all structures shall be set back a minimum distance of fifty (50) feet from the high water mark of the Bras d’Or Lakes and St. Peter’s Bay with the exception of wharves and boathouses.

PART 11 - MINI HOME PARK (MHP) ZONE

1. No development permit shall be issued in a Mini Home Park (MHP) Zone except for one or more of the following uses:
 - Maintenance equipment and storage facilities related and incidental to the operation of the park
 - Mini homes
 - Mini Home Park
 - Mini home park offices and mini home sales
 - Public recreational uses including parks and playgrounds
 - Wharves and boathouses

General Lot Requirements

2. In any Mini Home Park (MHP) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	40,000 sq.ft.
Minimum Lot Frontage	100 ft.
Minimum Front Yard	20 ft.
Minimum Side Yard	10 ft.
Minimum Rear Yard	20 ft.

Special Requirement - Setback from a Water body

3. Notwithstanding anything else in this By-law, all structures shall be set back a minimum distance of fifty (50) feet from the high water mark of the Bras d'Or Lakes and St. Peter's Bay with the exception of wharves and boathouses.

Conformity with the Richmond County Mini Home Park By-law

4. Nothing in this By-law shall exempt any person from complying with the provisions of the Municipality of the County of Richmond Mini Home Park By-law.

PART 12 - DOWNTOWN COMMERCIAL (C-1) ZONE

1. No development permit shall be issued in a Downtown Commercial (C-1) Zone except for one or more of the following uses:
 - Automobile sales and services
 - Automobile service centres
 - Banks and other financial institutions
 - Beverage rooms and lounges
 - Clinics
 - Daycare centres
 - Entertainment centres
 - Existing residential dwellings
 - Fire Station and Hall
 - Fitness centres
 - Funeral homes
 - Garden and nursery sales and supplies
 - Laundromats
 - Libraries
 - Light industrial fabrication and sales
 - Liquor stores
 - Motels, hotels or tourist inns and associated uses (i.e. dining rooms, lounges)
 - Museums
 - Personal service establishments
 - Post offices
 - Private clubs
 - Professional offices
 - Public recreational uses
 - Restaurants and take-out restaurants
 - Residential dwellings located in the same building as a commercial use
 - Retail stores
 - Warehousing and storage facilities
 - Building supplies and lumber outfits
 - Bus depots

2. In the Downtown Commercial (C-1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	5,000 sq. ft.
Minimum Lot Frontage:	50 ft.

Minimum Front Yard:	0 ft.
Minimum Side Yard:	4 ft.
Maximum Height of Main Bldg.:	35 ft.

Special Requirement - Abutting Yard Requirements

3. No structures, open storage or display shall be permitted in an abutting yard within 20 feet of a side or rear lot line where a yard or lot located within the Downtown Commercial (C-1) Zone abuts a Residential use.

4. Notwithstanding anything else in this By-law, residential uses will be permitted within commercial buildings in the Downtown Commercial (C-1) Zone provided that the residential use shall not be located on the ground level at the front of the building if located in the C-1 zone along Grenville Street. All other levels of the building will be permitted one hundred (100) percent of either commercial or residential space. If a building fronts any other street in the plan area and is zoned Downtown Commercial (C-1), residential uses will be allowed anywhere in the building as long as a commercial use is present within the building.

PART 13 - MIXED USE (C-2) ZONE

1. No development permit shall be issued in a Mixed Use (C-2) zone except for one or more of the following uses:
 - All uses permitted in the Residential Village (R-1) Zone
 - All uses permitted in the Residential Multiple Unit (R-3) Zone
 - Automobile service centres
 - Banks and financial institutions
 - Bowling Alleys
 - Campgrounds, public and private
 - Daycare centres
 - Entertainment centres
 - Fitness centres
 - Motels, hotels or tourist inns and associated uses (i.e. dining rooms, lounges)
 - Nature interpretation and information stands
 - Personal service establishments
 - Private clubs
 - Professional offices
 - Restaurants and take-out restaurants
 - Retail stores
 - Tourist information centres
 - Warehousing and storage facilities

General Lot Requirements

2. In the Mixed Use (C-2) zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Frontage	50 ft.
Minimum Lot Area	5,000 sq. ft.
Minimum Front Yard	20 ft.
Minimum Side Yard	10 ft.
Maximum Height of Main Building	35 ft.

Special Requirement - Lot Standards Exemptions

3. Notwithstanding the lot standards of this zone, all proposed new developments or expansion to existing buildings in the Mixed Use (C-2) zone will be exempt from the

front and rear yard lot requirements provided the property is located on the north side of Route 4, between the highway boundary and the Bras d'Or Lake.

Special Requirement - Abutting Yard Requirements

4. No commercial structures, open storage or display shall be permitted in an abutting yard within 20 feet of a side or rear lot line where a yard or lot located within the Mixed Use (C-2) Zone abuts a Residential use.

PART 14 - OPEN SPACE (OS) ZONE

1. No development permit shall be issued in an Open Space (OS) Zone except for one or more of the following uses:
 - Accessory buildings to a beach including changing rooms and washrooms
 - Boardwalk and nature interpretation stands
 - Canteens
 - Conservation projects
 - Information stands
 - Marina facilities
 - Picnic areas and facilities
 - Public recreational uses including a public beach

General Lot Requirements

2. There are no lot standards for these permitted uses in the Open Space (OS) Zone.

PART 15 - DEFINITIONS

The words and terms listed below shall have the meanings as defined herein.

The words and terms listed below shall have the meanings as defined herein.

1. **Accessory building** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use but does not include a building attached in any way to the main building, or a building located completely underground.
2. **Accessory use** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
3. **Act** shall mean the *Municipal Government Act*, being Chapter 18 of the Statutes of Nova Scotia, 1989, Part 8 and amendments thereto.
4. **Agricultural use** means any building use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises, but shall not include a commercial slaughter house or fur farm.
5. **Alter** means to change a structural component of a building, or to increase or decrease the volume of a building or structure.
6. **Auto body shop** means a building or structure used for the painting or repairing of the exterior and/or undercarriage of motor vehicle bodies and in conjunction with which there may be towing service and motor vehicle rentals for customers while the motor vehicle is under repair.
7. **Automobile service centre** means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles and may include an automobile car wash.
8. **Bed and Breakfast establishment** means a dwelling in which the resident supplies, for compensation, not more than four (4) bedrooms for the temporary accommodation of travelers.
9. **Beverage room** means premises licensed as a beverage room by the Liquor License Board of Nova Scotia.
10. **Boat house** means a building used for the storage of boats and boating equipment.
11. **Building** means any on-site constructed or off-site constructed (modular) structure whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment. Any bin, bunker, or platform vessel or vehicle used for any of the said purposes shall be deemed a building.

12. ***Building supplies and lumber outlet*** means a building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvement.
13. ***Bus Depot*** means any premises for the housing or parking of motor-driven buses and the loading and unloading of passengers.
14. ***Campground*** means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mini home park..
15. ***Church*** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, and day nursery operated by the church.
16. ***Clinic*** means a building used for medical, dental, surgical or therapeutic treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor located in his or her residence.
17. ***Community centre*** means any tract of land, building or buildings, or part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the municipality, a local board or agent thereof, or a non-profit organization.
18. ***Conservation*** means the protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use.
19. ***Corner lot*** means a lot situated at the intersection of and abutting on two or more streets. The lot line facing the main entrance of the building shall be deemed the front lot line of the said lot.
20. ***Council*** shall mean the Council of the Municipality of the County of Richmond.
21. ***Craft shop*** means a building or part of a building where craft products are offered for sale, and may include a craft workshop.
22. ***Day care centre*** means a place where four or more preschool children are cared for on a temporary daily basis without overnight accommodation but does not include a school.
23. ***Development*** includes any erection, construction, alteration, replacement or relocation of or addition to, any structure and any change or alteration in the use made of land, or structures.
24. ***Development officer*** shall mean the development officer appointed by the Municipality of the County of Richmond in accordance with the *Municipal Government Act*.
25. ***Dwelling*** means a building occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units, but shall not include a hotel, a motel, apartment hotel or a travel trailer.
26. ***Dwelling, converted*** means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.

27. **Dwelling, duplex** means a building containing not more than two (2) dwelling units placed one above the other.
28. **Dwelling multiple- unit** means a dwelling which contains 3 or more dwelling units.
29. **Dwelling, semi-detached** means a building that is divided vertically into two dwelling units each of which has an independent entrance.
30. **Dwelling, single detached** means a building containing not more than one (1) dwelling unit.
31. **Dwelling, townhouse or row house** means a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
32. **Dwelling unit** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.
33. **Entertainment centre** means a leisure facility operated either as a business for profit or as a non-profit recreation establishment, including, but not limited to, a motion picture theatre, dinner theatre, public or youth center, bowling alley, billiard/pool hall or amusement arcade, in which, with the exception of a dinner theatre, the sale of beer, wine or liquor is not permitted.
34. **Existing** means existing as of the effective date of this By-law.
35. **Fitness centre** means a building in which facilities are provided for recreational athletic activities including but not limited to body-building and exercise classes, and shall include associated facilities such as a sauna, swimming pool and solarium.
36. **Floor area**
 - (a) **With reference to a dwelling** means the maximum floor area contained within the outside walls excluding any private garage, porch, verandah, sun room, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
 - (b) **Commercial floor area** means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common malls between stores.
37. **Front yard** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a "minimum" front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.
38. **Height** means the vertical distance of a building between grade and:
 - (a) The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
 - (b) The deck line of a mansard roof; or

- (c) The main level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola, or steeple.
39. **Hotel** means a building or buildings or part thereof on the same site used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation with or without meals but generally without private cooking facilities.
40. **Home occupation** means an accessory use of a dwelling or secondary building for gainful employment involving the provision or sale of goods and/or services.
41. **Institution** means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent for profit such as schools, churches, community centres, hospitals, nursing home, senior citizen homes and government buildings but shall not include a private club.
42. **Library** means a building containing printed and pictorial material for public use for purposes of study, reference and recreation.
43. **Kennel** means a building or structure used for the enclosure of more than two dogs which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without veterinary care.
44. **Loading space** means a vacant area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area:
- (a) is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display.
 - (b) is not upon or partly upon any street, or highway; and
 - (c) has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.
45. **Light industrial fabrication and sales** means the use of land, buildings or structures for manufacturing, processing, repair or sale of goods which is not offensive or dangerous by reason of emission of odour, smoke, dust, soot, dirt, noise, gas fumes, vibration, water carried waste, or other obnoxious emission or refuse, including, but not limited to automotive repair establishments, but not automotive scrapyards or retail stores. Light industrial use may also include the sale, rental or warehousing of related goods and storage of related light machinery and equipment.
46. **Lot** means a parcel of land described in a deed as a lot or as shown as an approved lot on a registered plan of subdivision.
47. **Lot area** means the total horizontal area within the lot lines of a lot.
48. **Lot frontage** means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein equal in distance to the minimum applicable front yard. In the case of a corner

lot with a day lighting triangle the exterior lot lines (street line) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

49. **Lounge** means premises licensed as a lounge by the Liquor License Board of Nova Scotia.
50. **Main building** means the building in which is carried on the principal purposes for which the lot is used.
51. **Marina facility** means a building, structure or place containing docking and boat service facilities including food and beverage service, and located on a navigable waterway, and where facilities for the sale of marine fuels and lubricants may be provided.
52. **Mini home** means a detached dwelling designed for transportation after fabrication whether on its own wheels or on a flatbed or other trailer and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations), located on wheels, jacks or permanent foundation, and which may be connected to utilities and sanitary services. A mini home has a prefabricated roof.
53. **Mini Home Park** means a lot on which spaces are provided for more than one mini home but does not include a campground.
54. **Motel** shall mean the same as hotel.
55. **Municipality** means the Municipality of the County of Richmond.
56. **Museum** means an institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of historical interest.
57. **Nursing home** means a building wherein nursing care room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.
58. **Office** means a room or rooms, building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.
59. **Outdoor storage** means the storage of any item located outside of a building not primarily for the encouragement of sale of the item or of similar items but principally for storage purposes.
60. **Parking space** means an area of not less than one hundred and sixty (160) square feet, measuring eight (8) feet by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
61. **Personal service establishment** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry, but excludes light industrial fabrication and sales.

62. **Private club** means a building or part of a building used as a meeting place for members or an organization and may include a lodge, a fraternity or sorority house, and a labour union hall.
63. **Professional office** means a building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retailing or selling of goods.
64. **Public park** means a park owned or controlled by a public authority or by any board, commission or other authority established under any statute of the province of Nova Scotia.
65. **Public recreational uses** means the use of land for parks, playgrounds, tennis courts, indoor or outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.
66. **Rear yard** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and "minimum" rear yard means the minimum depth allowed by this By-law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.
67. **Restaurant or take-out restaurant** means a building or part thereof where food and drink is served to the public for consumption within the building or for takeout.
68. **Retail store** means a building or part thereof in which goods, food, wares, merchandise, substances, articles or things are offered or kept for sale or rental directly to the public at retail, including limited storage sufficient only to service such a store.
69. **Service shop** means a building or part thereof used for the sale or repair of household articles and shall include radio, television, appliance and motor vehicle repair shops but shall not include industrial or manufacturing shops.
70. **Setback** means the distance between the street line and the nearest main wall of any building or structure and extending the full width or length of the lot.
71. *Setback, required* means the minimum setback as prescribed by the Land Use By-law.
72. **Sewer system** means all pipes, mains, equipment, buildings for collecting, pumping or treatment of wastewater and operated by the Village Services Commission of the Village of St. Peter's.
73. **Side yard** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and minimum side yard means the minimum depth allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.
74. **Sign** means a 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 justify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag,

pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "sign" shall not include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.

- (a) **Ground sign** means a sign supported by one or more uprights, poles or braces placed in or upon the ground.
 - (b) **Illuminated sign** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign.
 - (c) **Projecting wall sign** means a sign which projects from and is supported by a wall of a building.
 - (d) **Facial wall sign** means a sign which is attached to and supported by a wall of a building.
 - (e) **Number of signs** means a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
 - (f) **Sign area** means the area of the smallest triangle, rectangle, or circle or semi-circle which can wholly enclose the surface area of the sign. All visible faces of a multifaceted sign shall be counted separately and then totaled in calculating sign area. Three dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle, or circle or semi-circle which can totally circumscribe the sign in the plan of its largest dimension.
75. **Storey** means the portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least six (6) feet above grade and provided also that any portion of a storey exceeding fourteen (14) feet in height shall be deemed an additional storey for each fourteen (14) feet or fraction thereof of such excess.
76. **Street** means a public road, accepted and maintained by the Department of Transportation and Communications as a public thoroughfare.
77. **Street line** means the boundary line of a public street.
78. **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, and signs and also fences exceeding six (6) feet in height.
79. **Tourist information centre** means a building or booth where tourist information is provided to the traveling public.
80. **Warehouse** means a building used primarily for the storage of goods and materials.

81. ***Yard*** means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines to the building shall be used.
82. ***Zone*** means a designated area of land shown on Schedule “A” or Schedule “B” of this By-law.

APPENDIX “A”

In accordance with Policy 2.3 Chapter 2 of the St. Peter’s Municipal Planning Strategy, the following residential uses which existed on the effective date of this By-law are permitted uses in the C-1 zone.

75057844
75057877
75054148
75052852
75052845
75086082
75110445
75057828
75057794
75057786
75059873
75086074
75057810
75093583
75053574
75053512
75110619
75059899
75053595
75053397
75053462
75053538
75053561
75061705

APPENDIX “B”

In accordance with Policy 3.2 Chapter 3 of the St. Peter’s Municipal Planning Strategy, the following residential uses which existed on the effective date of this By-law are permitted uses in the Business Park (I-1) zone.

75059709

75057711

75061465