

Municipality of the District of Barrington

Land Use Bylaw

11/25/2013

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PART 1 TITLE AND PURPOSE

- 1.1** This By-law shall be known and may be cited as the "Land Use By-law" of the Municipality of Barrington and shall apply to all lands located within the municipal boundaries
- 1.2** The purpose of this by-law is to carry out the intent of the land development policies found in the Municipal Planning Strategy (Strategy) and to establish a fair and systematic means of development control for the Municipality. This land use by-law is established in accordance with the provisions of section 219 of the Municipal Government Act, by regulating the use of land and the location, size, spacing, character and use of buildings and structures within the Municipality of Barrington.

PART 2 ADMINISTRATION

2.1 DEVELOPMENT OFFICER

This By-law shall be administered by the Development Officer of the Municipality of Barrington and the Development Officer shall issue development permits under this By-law.

2.2 DEVELOPMENT PERMIT REQUIRED

No building or structure shall hereafter be erected or altered, nor the use of any building, structure or lot hereafter be changed unless a development permit has been issued and no development permit shall be issued unless all the provisions and requirements of this By-law are satisfied.

2.3 CONTENTS OF APPLICATION

Every application for a development permit shall be accompanied by plans drawn to an appropriate scale and showing:

- a) the true shape and dimensions of the lot to be used and upon which it is proposed to construct or locate any building or structure; and
- b) the proposed use, location, height and dimensions of any building or structure in respect of which the permit is applied for; and this information shall include measurements of the lot frontage, front, side and rear yards; and
- c) the location of every building or structure already constructed or partly constructed on such lot, and the location of every building or structure existing upon abutting lots; and
- d) the proposed location and dimensions of parking areas, parking spaces, loading spaces, driveways, curbs, landscaping and fencing; and
- e) other such information as may be necessary to determine whether or not the proposed development conforms with the requirements of this By-law.

2.4 SURVEY OF LANDS

Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Development Officer may require that the plan submitted under Section 2.3 be based upon an actual survey certified and stamped by a Nova Scotia Land Surveyor.

2.5 SIGNATURE FOR APPLICATION

The application shall be signed by the registered owner of the lot or by the owner's agent duly authorized thereupon in writing and shall set forth in detail the current and proposed use of the lot and each building or structure, or part of each building or structure, together with all information necessary to determine whether or not every such proposed use of land, building or structure conforms with the requirements of this By-law.

2.6 LAPSE OF DEVELOPMENT PERMIT

Any development permit issued under this or any previous Land Use By-Law automatically lapse and becomes null and void if the development to which it relates has not commenced and one year has elapsed since its issuance.

2.7 REVOCATION OF PERMITS

The Development Officer may revoke any development permit issued under this Land Use By-Law or any previous Land Use By-Law where

- a) the requirements of the permit are not met
- b) the issuance of the permit was based on incorrect information or
- c) the permit was issued in error

2.8 DECISION IN WRITING

Any decision of the Development Officer to refuse to issue a development permit shall be given by written notice served by ordinary mail.

2.9 VIOLATIONS

In the event of an offence or failure to comply with a requirement of this Land Use By-Law the provisions of Section 266 of the Municipal Government Act apply.

2.10 EFFECTIVE DATE

This Land Use By-Law came into effect on.....acknowledged by the Minister of Service Nova Scotia and Municipal Relations, whereupon any pervious land use by-law is repealed.

PART 3 INTERPRETATION OF MAPS AND TEXT

3.1 Zones

For the purpose of this By-law, the Municipality of Barrington is divided into the following zones, the boundaries of which are shown on the attached Schedule "A". Such zones are also referred to by the symbols as follows:

Residential General	RG
Commercial General	CG
Group Commercial	GC
Business Park	BP
Mixed Use	MU
Residential Restricted	RR
Rural Development	RD
Residential Island	RI
Industrial Marine	IM
Recreation	REC
Coastal Wetlands	CW

3.2 ZONING MAPS

Schedule "A" attached hereto is the Zoning Map which forms part of this By-law.

Other Schedules:

Schedule "I"	Site Plan Approval Application
Schedule "J"	Existing Heavy Industrial uses in RD, and industrial uses in RG, CG and MU Zones requiring development agreements.

The symbols used on the Zoning Maps refer to the corresponding zones established by this By-law.

3.3 ZONING BOUNDARIES

The extent and boundaries of all zones are shown on the Zoning Map attached hereto and the provisions of this By-law shall apply to all zones.

3.4 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between zones as shown on Schedule A and shall be determined as follows:

- a) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
- b) where a zone boundary is indicated as following a road, the boundary shall be the centre line of such road;
- c) where a road, abandoned railway right-of-way, electrical transmission line right-of-way or watercourse is included on the Zoning Map, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;
- d) where an abandoned railway right-of-way, electrical transmission line right-of-way or watercourse is included on the Zoning Map and serves as 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;
- e) where a zone boundary is shown following the coastal shoreline the boundary shall follow the actual high water level;
- f) where a zone boundary is indicated as following the limits of the Municipality, the limits shall be the municipal boundary;
- g) where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map.

3.5 ZONES NOT ON ZONING MAP

Schedules of this By-law may be amended in conformity with the Municipal Planning Strategy to utilize any zone in this By-law regardless of whether or not such zone had previously appeared on the schedules.

3.6 CERTAIN WORDS

In this By-law, words used in the present tense include future; words in the singular number include the plural, words in the plural include the singular number; and the word "used" includes "arranged, designed or intended to be used"; and the word "shall" is mandatory and not permissive.

PART 4 GENERAL PROVISIONS FOR ALL ZONES

4.1 PERMITTED AND PROHIBITED USES

For the purposes of this by-law if a use is not listed as a permitted use in a zone, or if it is not accessory to a permitted use within the zone it shall be deemed to be a prohibited use in that zone, except where the use is a nonconforming use under Section 238 of the Municipal Government Act.

These general provisions apply to all zones except where a specific zone or use is specifically exempted.

4.2 ACCESSORY BUILDINGS AND STRUCTURES

Accessory buildings and structures shall be permitted in any zone, but shall not:

- a) be used for human habitation except where a dwelling or tourist cabin is a permitted accessory use;
- b) be built closer to the front, rear or side lot line than the minimum distance required by this By-law for the main building;
- c) except for seasonal roadside stands, be built closer to the front, rear or side lot line than the existing building is to the said line in cases where the front, rear or side yard is non-conforming.
- d) notwithstanding the foregoing, the minimum side and rear yard requirements for an accessory building, except those used for home occupations referred to in Section 18.11, may be reduced to a minimum of 2 feet provided there are no windows or perforations on the side of the building which faces the lot line.

4.3. ACCESSORY USES PERMITTED

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 accessory use.

4.4. AUTOMOBILE, TRUCK, BUS, COACH BODY AND BEACHED VESSEL

No automobile, truck, bus or coach body, whether or not the same is mounted on wheels, or beached vessel, shall be used for human habitation within the Municipality. A Development Permit shall be required for seasonal recreational vehicles, such as a travel trailer or motor home, located on a vacant lot.

4.5 BUILDING TO BE MOVED

No building shall be moved within or into the area covered by this By-law without first obtaining a development permit.

4.6 CORNER VISION TRIANGLE

On a corner lot in any zone, outdoor display or outdoor storage, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or established or permitted to grow to a height greater than 0.61 metres above grade of the roads that abut the lot within the triangular area included within the street lines for a distance of 6 metres from their point of intersection.

4.7 EXISTING BUILDINGS WITH NON-CONFORMING YARDS

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 front 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, 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.

4.8 EXISTING LOTS

4.8.1 Notwithstanding anything else in this By-law, the use of a building or structure existing on a lot on the effective date of this By-law may be changed to a use permitted in the zone in which the lot is located where the lot area, frontage, front yard, rear yard or side yards, or all of these are less than that required by this By-law provided all other applicable provisions of this By-law are satisfied. The lot may also be rezoned subject to meeting all other applicable provisions of the Strategy and By-law.

4.8.2 Notwithstanding anything else in this By-law, an existing vacant lot having less than the minimum lot area or frontage 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 or structure may be erected on the lot provided that all other applicable provisions in this By-law are satisfied. The lot may also be rezoned subject to meeting all other applicable provisions of the Strategy and By-law.

4.8.3 Any existing undersized lot which is increased in area or frontage or both, but still remains undersized, shall be considered an existing undersized lot.

4.9 EXISTING MAIN BUILDINGS

Notwithstanding anything else in this By-law, in any zone, where lots containing at least one existing main building are to be created from an existing area of land containing two or more such buildings, the following requirements may apply:

- a) any one or all minimum yard requirements may be waived where they cannot otherwise be met; and
- b) the minimum lot frontage requirement may be waived where it cannot otherwise be met provided that the lot frontage shall not be less than 6 metres; or the lot is served by an existing right-of-way and where a new right-of-way is created, it shall have a minimum width of 6 metres; and
- c) where it cannot be met, the minimum lot area requirement for a lot with an existing building located on it, may be waived where the lot is located on a road served by a municipal sewer system; and
- d) all other applicable provisions of this By-law are satisfied.

4.10 FRONTAGE ON A PUBLIC ROAD

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 and fronts upon a public road unless otherwise provided for in a particular zone.

4.11 HEIGHT REQUIREMENTS

The height requirements of this By-law shall not apply to wind turbine generators, church spires, water tanks and towers, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, drive-in theatre screens, ice plants, satellite dishes and communication towers.

4.12 LOTS DEEMED TO MEET MINIMUM LOT AREA REQUIREMENT

A development permit may be issued where development is to be served by an on-site sewage disposal system on lots having less than the minimum lot area required by this By-law in any zone provided that the lots have been approved pursuant to Section 5.04 of the Subdivision By-law and provided that all other provisions and requirements of this By-law are satisfied.

4.13 MULTIPLE USES

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.

4.14 NON-CONFORMING USES

Non-conforming uses shall be subject to the Municipal Government Act.

4.15 REDUCTION IN LOT AREA AND FRONTAGE

Notwithstanding the minimum lot area and frontage requirements of Part 18 (1) through (10) of this By-law, where a maximum of two lots are created pursuant to Section 5.06 of the Subdivision By-law, a development permit may be issued for

development where:

- a) the lot area and frontage or both are not less than 90% of the minimum required by this By-law where the lots are served by a municipal sewer system; or
- b) the lot frontage is not less than 90% of the minimum required by this By-law where the lots are served by on-site sewage disposal systems; and
- c) provided, in all cases, that all other applicable provisions and requirements of this By-law are satisfied.

4.16 REMOVAL OF ENCROACHMENTS

Notwithstanding anything else in this By-law, where a permanent development component such as a building, structure, well, on-site sewage disposal system or driveway encroaching in or upon one or more immediately adjacent lots is removed, any minimum lot requirement may be waived where they cannot otherwise be met to enable subdivision approval and a development permit shall be issued for development on the lots affected by the subdivision provided that all other applicable provisions and requirements of this By-law are satisfied.

4.17 RESTORATION TO A SAFE CONDITION

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 non-conforming use that the provisions of the Municipal Government Act shall prevail.

4.18 SIDE YARDS ON CORNER LOT

Except where this By-law provides for a higher or more stringent requirement, on a corner lot in any zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking road than 7.6 metres.

4.19 SPECIAL OCCASION USES PERMITTED

Nothing in this By-law shall prevent uses erected for special occasions and holidays provided only that no such use remains in place for more than 14 consecutive days. A development permit shall not be required for a special occasion use.

4.20 TEMPORARY USES PERMITTED

Nothing in this By-law shall prevent the temporary use of a building, structure or portable equipment incidental to a main construction project provided that a development permit has been issued for the main construction project and the temporary use is discontinued and removed 30 days following completion of the main construction project; and no development permit shall be reissued for a temporary use unless the main construction project is substantially in progress.

4.21 YARD REQUIREMENTS MEASURED FROM WATERCOURSES, SWAMPS AND SLOPES

Where in the By-law, a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse or between the top and toe of a cliff or embankment having a slope of thirty percent (30%) or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of said cliff or embankment if such area is closer than the lot line.

4.22 RIPARIAN BUFFERS

- 4.22.1 In all zones where development is undertaken on a lot which borders a watercourse or the ocean, an undisturbed buffer of 12 metres is required to be maintained between the high water mark on either side of a watercourse and any structure or developed portion of the lot. Infilling or removal of material is not permitted within the buffer except for minimal disturbance incidental to a permitted undertaking. In the watercourse buffer area the natural flora and fauna is to remain substantially undisturbed except for penetrations for wharves and boat launches. Moderate thinning of tree cover in the buffer area to enable views is permitted and good ecological practices designed to minimize disturbance of natural shoreline areas are encouraged when undertaking all activities within the buffer and all developments on properties abutting watercourses in the Municipality.
- 4.22.2 On any lot subject to the requirements of Section 4.22.1 the required buffer supersedes any minimum yard requirement which may be less than the required buffer.

PART 5 RESIDENTIAL GENERAL (RG) ZONE

5.1 PERMITTED DEVELOPMENTS

No development permit shall be issued for any use in the Residential General (RG) Zone except for one or more of the following uses:

- All residential uses
- Guest homes
- Boarding houses
- Commercial uses as conditional uses in existing fraternal centres
- Fraternal centres
- Institutional uses
- Public parks and recreational uses
- Private recreational clubs
- Agricultural uses except fox, mink farms and piggery operations
- Medical clinics
- Government buildings
- Utilities excluding wind farms
- Existing industrial uses listed in Schedule "J" of the By-law and their change in use
- New light industrial uses and the expansion beyond existing property boundary lines of existing industrial uses including the change in use of existing industrial uses by development agreement
- Existing commercial uses
- New commercial uses in an existing building

5.2 DEVELOPMENTS PERMITTED SUBJECT TO OTHER REQUIREMENTS OF THIS BY-LAW

- Small Scale WTG (Part 16)
- Commercial expansions, lot consolidations and the construction of new commercial buildings by development agreement in accordance with Policies RG-5 and IMP-13 to IMP-17 inclusive.

5.3 ZONE STANDARDS

The minimum zone standards for permitted uses in the RG Zone are set out in Part 18 of this Bylaw.

PART 6 COMMERCIAL GENERAL (CG) ZONE

6.1 PERMITTED DEVELOPMENTS:

No development permit shall be issued for any use in the Commercial General (CG) Zone except for one or more of the following uses:

- Adult commercial day care centres
- Automobile sales establishments
- Automobile service stations
- Automobile washing establishments
- Bakeries
- Banks and financial institutions
- Building supply dealers
- Bus depots
- Business and professional offices
- Cable television and radio stations
- Commercial day care centres
- Custom workshops
- Dressmaking and tailoring
- Funeral parlours and undertaking establishments
- Garden and nursery sales and supplies
- Greenhouses
- Indoor recreation facilities including premises for billiards, bowling, cinema, video arcades, interactive recreational simulators
- Lounges, taverns and cabarets subject to Policy CG-4
- Medical clinics
- Outdoor commercial displays
- Parking lots and parking structures
- Photography studios
- Plazas and strip malls
- Printing establishments
- Public and private parks
- Repair shops
- Restaurants (eat-in, take-out, drive through)
- Retail stores
- Service shops
- Tourist accommodations
- Veterinary clinics
- Warehousing as an accessory use if conducted on the same lot as the main building
- Any residential use permitted in the Residential General (RG) zone

- Boarding homes
- Dwelling units located in the same building as any commercial use
- Guest homes
- All institutional uses
- Existing Light Industrial uses
- Fraternal centres
- Private recreational clubs
- Utilities

6.2 DEVELOPMENTS PERMITTED SUBJECT TO OTHER REQUIREMENTS OF THIS BY-LAW

- Small Scale WTG (Part 16)
- Expansions to existing Industrial Uses

6.3 ZONE STANDARDS

The minimum zone standards for permitted uses in the CG Zone are set out in Part 18 of this Bylaw.

PART 7 GROUP COMMERCIAL (GC) ZONE

7.1 PERMITTED DEVELOPMENTS:

No development permit shall be issued for any use in the Group Commercial (GC) Zone unless a Development Agreement has been issued.

7.2 DEVELOPMENTS PERMITTED SUBJECT TO OTHER REQUIREMENTS OF THIS BY-LAW

To permit a broad range of commercial and residential uses (similar to the commercial uses permitted in the Commercial General zone) in existing or new buildings with the exception of industrial uses.

7.3 ZONE STANDARDS

To permit commercial and residential uses in existing structures but to limit the ability to replace or enlarge structures or develop new structures on lots within this zone except by development agreement in accordance with policy RG-4 and RG-5, and IMP-13 to IMP-17 inclusive.

PART 8 BUSINESS PARK (BP) ZONE

8.1 PERMITTED DEVELOPMENTS:

No development permit shall be issued for any use in the Business Park (BP) Zone except for one or more of the following uses:

- Light Industrial uses
- Business and professional offices
- Call centres
- Commercial uses
- Emergency services
- Government buildings and offices
- Community colleges
- Utilities excluding sewage lagoons

8.2 DEVELOPMENTS PERMITTED SUBJECT TO OTHER REQUIREMENTS OF THIS BY-LAW:

- Small Scale WTG (Part 16)

The following uses are permitted by Development Agreement in accordance with Strategy Policies BP-4, BP-5 and BP-6, and IMP-13 to IMP-17 inclusive.

- Food processing operations
- Laboratories
- heavy equipment repair operations
- Recycling depots
- Service industries

8.3 ZONE STANDARDS

The minimum zone standards for permitted uses in the BP Zone are set out in Part 18 of this Bylaw.

PART 9 MIXED USE (MU) ZONE

9.1 PERMITTED DEVELOPMENTS:

No development permit shall be issued for any use in the Mixed Use (MU) Zone except for one or more of the following uses:

- Agricultural uses except for farming operations
- All Commercial uses permitted in the CG Zone
- Light Industrial uses
- All residential uses
- Recreational uses
- Existing Industrial uses located on the same lot as a residential use
- Institutional uses
- Utilities

9.2 DEVELOPMENTS PERMITTED SUBJECT TO OTHER REQUIREMENTS OF THIS BY-LAW:

- Small Scale WTG (Part 16)
- Heavy Industrial uses identified in Strategy Policy MU-4 subject to a development agreement

9.3 ZONE STANDARDS

The minimum zone standards for permitted uses in the MU Zone are set out in Part 18 of this Bylaw.

PART 10 RESIDENTIAL RESTRICTED (RR) ZONE

10.1 PERMITTED DEVELOPMENTS:

No development permit shall be issued for any use in the Residential Restricted (RR) Zone except for one or more of the following uses:

- All residential uses
- Institutional uses
- Recreational uses

10.2 DEVELOPMENTS PERMITTED SUBJECT TO OTHER REQUIREMENTS OF THIS BY-LAW:

- Small Scale WTG (Part 16)

10.3 ZONE STANDARDS

The minimum zone standards for permitted uses in the RR Zone are set out in Part 18 of this Bylaw.

PART 11 RURAL DEVELOPMENT (RD) ZONE

11.1 PERMITTED DEVELOPMENTS:

No development permit shall be issued for any use in the Rural Development (RR) Zone except for one or more of the following uses:

- Adult commercial day care centres
- All agricultural uses except fur farms
- All forestry uses
- All institutional uses
- All residential uses
- Automobile sales establishments
- Automobile service stations
- Automobile washing establishments
- Bakeries
- Banks and financial institutions
- Boarding homes
- Building supply dealers
- Bus depots
- Business and professional offices
- Cable television and radio stations
- Commercial day care centres
- Communications facilities and structures
- Custom workshops
- Dressmaking and tailoring
- Dwelling units located in the same building as any commercial use permitted in the RD Zone
- Fraternal centres
- Funeral parlours and undertaking establishments
- Garden and nursery sales and supplies
- Greenhouses
- Group dwellings
- Guest homes
- Homes for special care
- Indoor recreation facilities including premises for billiards, bowling, cinema, video arcades, interactive recreational simulators
- Land lease communities
- Lobster pounds
- Lounges, taverns and cabarets subject to Policy RD-3
- Marinas
- Municipally owned sewage treatment plants
- Medical clinics

- Outdoor aquaculture operations
- Outdoor commercial displays
- Parking lots and parking structures
- Photography studios
- Printing establishments
- Private boathouses, haulouts, storage buildings and wharfs
- Private recreational clubs
- Public and private parks
- Recycling depots
- Repair shops
- Restaurants (eat-in, take-out, drive through)
- Retail stores
- Service shops
- Shopping centres
- Tourist accommodations
- Veterinary clinics
- Warehousing, wholesale and distribution uses
- Utilities

11.2 DEVELOPMENTS PERMITTED SUBJECT TO OTHER REQUIREMENTS OF THIS BY-LAW:

- All WTGs (Part 16)

11.3 DEVELOPMENTS PERMITTED SUBJECT TO DEVELOPMENT AGREEMENTS:

The following uses require development agreements:

- Large Scale WTG (Part 16)
- Intensive Livestock operations
- Fur farms and expansions to existing fur farms
- Fish reduction plants
- Fish composting operations
- Motor vehicle race tracks
- Scrap yards and salvage yards
- Boat shops

11.4 ZONE STANDARDS

The minimum zone standards for permitted uses in the RD Zone are set out in Part 18 of this Bylaw.

PART 12 RESIDENTIAL ISLAND (RI) ZONE

12.1 PERMITTED DEVELOPMENTS:

No development permit shall be issued for any use in the Residential Island (RI) Zone except for one or more of the following uses:

- Residential uses
- Institutional uses
- Recreation uses
- Existing uses

12.2 DEVELOPMENTS PERMITTED SUBJECT TO OTHER REQUIREMENTS OF THIS BY-LAW:

12.3 ZONE STANDARDS

The minimum zone standards for permitted uses in the RI Zone are set out in Part 18 of this Bylaw.

PART 13 INDUSTRIAL MARINE (IM) ZONE

13.1 PERMITTED DEVELOPMENTS:

No development permit shall be issued for any use in the Industrial Marine (IM) Zone except for one or more of the following uses:

- Any fish or fish food processing, aquaculture, freezing, and warehousing operation conducted and wholly contained within an enclosed building except fish reduction plants and fish composing operations
- Boat construction and repair shops
- Bulk petroleum storage
- Business offices accessory to any main use permitted in the IM Zone
- Commercial boat and marine supply and sales
- Federal and Provincial government fishery and marine related buildings and structures
- Fisher's clubs
- Fishery and marine related equipment storage buildings
- Fishery and marine related museums
- Lobster pounds and lobster storage facilities
- Marinas
- Marine railway facilities
- Outdoor aquaculture Outdoor storage
- Parking lots
- Private boathouses, haulouts, storage buildings and wharfs
- Public wharfs
- Recreational boat sales, service and rentals
- Residential, institutional and commercial uses only in the Woods Harbour Industrial Marine (IM) Zone subject to the requirements of the Mixed Use (MU) Zone
- Restaurants
- Retail and wholesale sport fishing equipment and supplies
- Service Industries
- Sport fishing outfitters
- Utilities

13.2 DEVELOPMENTS PERMITTED SUBJECT TO OTHER REQUIREMENTS OF THIS BY-LAW:

13.3 ZONE STANDARDS

The minimum zone standards for permitted uses in the IM Zone are set out in Part 18 of this Bylaw.

PART 14 RECREATION (REC) ZONE

14.1 PERMITTED DEVELOPMENTS:

No development permit shall be issued for any use in the Recreation (REC) Zone except for one or more of the following uses:

- Recreation Facilities and Uses
- Sports Fields
- Parks and Playgrounds
- Trails
- Community Gardens

14.2 DEVELOPMENTS PERMITTED SUBJECT TO OTHER REQUIREMENTS OF THIS BY-LAW

- Small Scale WTG (Part 16)

14.3 ZONE STANDARDS

In the interest of protecting and preserving public space and facilities, the Municipal Development Officer shall be granted the authority to regulate the zoning standards for recreational uses on a case-by-case basis. Prior to making application for a recreational use, it shall be a requirement of the Municipality to meet with the Development Officer.

PART 15 COASTAL WETLANDS (CW) ZONE

15.1 PERMITTED DEVELOPMENTS:

No development permit shall be issued for any use in the Coastal Wetlands (CW) Zone except for one or more of the following uses:

- Recreation Facilities and Uses
- Sports Fields
- Parks and Playgrounds
- Trails
- Community Gardens

15.2 DEVELOPMENTS PERMITTED SUBJECT TO OTHER REQUIREMENTS OF THIS BY-LAW

15.3 ZONE STANDARDS

In the interest of protecting and preserving environmentally sensitive areas, the Municipal Development Officer shall be granted the authority to regulate the zoning standards for passive and active recreational uses in the CW zone on a case-by-case basis. Prior to making application for a recreational use in the CW zone, it shall be a requirement of the Municipality to meet with the Development Officer.

PART 16 WIND TURBINE GENERATORS

16.1 LARGE SCALE WTG

- 16.1.1 In accordance with Municipal Planning Strategy Policy WTG-3 a Development Agreement is required for large scale WTG development. (Large Scale WTG developments are governed by Policies WTG-5, WTG-6, WTG-8 and WTG-10 in the Municipal Planning Strategy).
- 16.1.2 Large Scale WTG are permitted in the Rural Development (RD) Zone.

16.2 SMALL SCALE WTG

- 16.2.1 In accordance with Municipal Planning Strategy Policy WTG-4, a Site Plan Approval is required for Small Scale WTG development. Small Scale WTG developments are required to adhere to the provisions of this section. (See also Policies WTG-5, WTG-6, WTG-8 and WTG-11 in the Municipal Planning Strategy).
- 16.2.2 Small Scale WTG are required to be setback not less than 1.25 times the total height of the WTG property boundary lines of a different land owner.
- 16.2.3 The required separation distance between Small Scale WTG and habitable dwellings shall be not less than five (5) times the total height of the WTG.
- 16.2.4 Small Scale WTG are permitted in all zones except the Coastal Wetlands (CW), Residential Island (RI) and Group Commercial (GC) Zones.

16.3 MICRO SCALE WTG

- 16.3.1 In accordance with Municipal Planning Strategy Policy WTG-7 a development permit is required for the use of Micro Scale WTG.
- 16.3.2 Micro Scale WTG are required to be setback not less than 1.25 times the total height of the WTG from property boundary lines.
- 16.3.3 Micro Scale WTG are permitted in all zones except the Coastal Wetlands (CW) Zone and the Residential Island (RI) Zone.

16.4 GENERAL PROVISIONS FOR ALL WIND TURBINE GENERATORS

- 16.4.1 No advertising other than the manufacturer's name is permitted on any WTG structures.
- 16.4.2 Wind Turbine Generators shall be required to be decommissioned and all structures removed from the site within two (2) years of cessation of electrical power generation on the site.
- 16.4.3 More than one WTG is permitted on a lot provided all requirements of the Land Use By-law are satisfied.

16.5 WAIVERS FOR WTG

- 16.5.1 In accordance with Municipal Planning Strategy Policy WTG-5 any required setback or separation distance which cannot be satisfied shall be waived for the siting of a WTG and a Development Permit shall be issued for its use where a registered legal agreement is obtained by the developer for the siting of the WTG from the owners of all affected adjacent properties within the required yard setback or separation distance.

- 16.5.2 In accordance with Municipal Planning Strategy Policy WTG-6 the required separation distance from a habitable dwelling for the siting of a WTG shall be waived and a Development Permit shall be issued for its use where the WTG is situated on the same lot as the habitable dwelling.

PART 17 PARKING AND LOADING SPACES

17.1 PARKING REQUIREMENTS

For every building or structure to be erected or enlarged, used or where there is a change in use to a building or structure, off-street parking located in the same zone and on the same lot as the use and having unobstructed access to a public road, private road or "K" road shall be provided and maintained in conformity with the following Schedule:

- a) **Dwellings containing not more than 3 dwelling units:** 1 parking space per dwelling unit.
- b) **All other dwellings:** 1.5 parking spaces per dwelling unit.
- c) **Boarding homes, guest homes:** 1 parking space for each bed.
- d) **Auditoriums, theatres, arenas, halls, stadiums, private clubs and other places of assembly:** 1 parking space per 100 sq. ft. of gross floor area devoted to public use, excluding hallways, aisles, vestibules, washrooms and closets.
- e) **Outdoor tennis courts:** minimum of 10 parking spaces.
- f) **Ball fields, outdoor skating rinks:** minimum of 20 parking spaces.
- g) **Churches, church halls:** 1 parking space per 100 sq. ft. of gross floor area used for devotional purposes.
- h) **Hospitals and homes for special care:** 1 parking space for each 2 beds or each 400 sq. ft. of gross floor area, whichever is greater.
 - i) **Hotels, staff houses, motels, tourist cabins, resorts:** 1 parking space per suite or rental unit plus 1 additional parking space for each 50 sq. ft. of floor area devoted to public use (including restaurants, dining rooms and auditoria) exclusive of lobbies and halls.
 - ii) **Campgrounds:** 1 parking space per rental unit.
- j) **Restaurants, lounges:** 1 parking space for each 75 sq. ft. of gross commercial floor area excluding vestibules, washrooms and closets.
- k) **Senior citizen apartments:** 1 parking space for every 2 dwelling units.
- l) **Offices (including Home Occupations):** 1 parking space per 300 sq. ft. of gross floor area.
- m) **Shopping centres:** parking area to be 3 times commercial floor area exclusive of common malls between stores.
- n) **Funeral homes:** 1 parking space per 5 seat capacity of the chapel with a minimum of 10 parking spaces.

- o) **Bowling lanes and curling rinks:** 1 parking space for each 2 persons in the designed capacity of the establishment (designed capacity shall mean 6 persons per bowling lane and 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 use to which the other parts of the building may be used.
- p) **All other commercial uses:** 1 parking space per 300 sq. ft. of commercial floor area.
- q) **Elementary schools:** 1.5 parking spaces per teaching classroom.
- r) **High schools:** 6 parking spaces per teaching classroom.
- s) **Furniture stores:** 1 parking space per 500 sq. ft. of commercial floor area.
- t) **Industrial uses:** 1 parking space per 450 sq. ft. of gross floor area.

17.2 PARKING SPACE AND AREA STANDARDS

- a) A parking space shall be a minimum of 160 square feet in area measuring 8 feet by 20 feet exclusive of driveways or manoeuvring aisles.
- b) Where parking facilities for more than 4 vehicles are required or permitted, the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.
- c) Notwithstanding the requirement of clause 1 that off-street parking be provided in the same zone, where an existing developed lot in any zone is not capable of providing some or all the required number of parking spaces for the intended use of the building, such spaces shall be permitted in another zone provided the nearest portion be within 300 feet of the location which it is intended to serve and provided that all other parking requirements applicable to the existing developed lot zone category are satisfied. In cases where the parking area is immediately adjacent the existing developed lot, the applicable side or rear yard separation distance for parking is waived.

17.3 VARIANCE OF PARKING REQUIREMENTS

In accordance with Municipal Planning Strategy Policy 15.2.4.1 the Development Officer may vary the parking requirements for multi-unit residential developments where deemed appropriate.

17.4 LOADING SPACE STANDARDS

- a) In any zone where commercial or industrial uses are permitted, no person shall erect or use any building or structure for commercial or industrial purposes 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 square feet or fraction thereof of building floor area used for any such purpose to a maximum of 6 loading spaces.

- b) A loading space shall be a minimum of 480 square feet in area measuring 12 feet by 40 feet with a minimum of 14 feet in height clearance.
- c) A loading space or spaces shall be located on the same lot and in the same zone as the use and have unobstructed access to a public road or private road.
- d) The provision of a loading space for any building with less than 1500 square feet shall be optional.
- e) No loading space shall be located within any required front yard of a lot.
- f) Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- g) Ingress and egress to and from a required loading space shall be provided by means of unobstructed driveways with a minimum width of 10 feet for one-way traffic and a minimum width of 20 feet for two-way traffic.

PART 18 – ZONE STANDARDS

The following zone standards shall apply to uses permitted in the various zones established in this By-law.

18.1 Residential uses permitted in the RG, RR, RI, MU, RD and CG Zones where connecting to on-site sewage disposal systems:

a) Residential uses containing not more than two dwelling units except semi-detached dwellings:

- Lot Area* - 29,063 sq. ft.
- 40,000 sq. ft. where the on-site sewage disposal system is located within 197 ft. of a lake, river, stream, or ocean
- Lot Frontage - 121 ft.
- Front Yard - 25 ft.
- Rear Yard - 25 ft.
- Side Yards - 6 ft. on one side and 10 ft. on the other side
- Maximum height of main building is 35 feet.

b) Semi-Detached Dwellings:

- Lot Area* - 29,063 sq. ft. per dwelling unit
- 40,000 sq. ft. per dwelling unit where the on-site sewage disposal system is located within 197 ft. of a lake, river, stream, or ocean
- Lot Frontage - 121 ft. per unit
- Front Yard - 25 ft.
- Rear Yard - 25 ft.
- Side Yards - 6 ft. on one side and 10 ft. on the other side
- Maximum height of main building is 35 feet.

c) Residential uses containing more than two dwelling units, grouped dwellings, homes for special care:

- Lot Area* - 29,063 sq. ft.
- 40,000 sq. ft. where the on-site sewage disposal system is located within 197 ft. of a lake, river, stream, or ocean.
- Lot Frontage - 121 ft
- Front Yard - 25 ft.
- Rear Yard - 25 ft.
- Side Yards - 15 ft. on both sides
- Maximum height of main building is 35 feet

d) Mobile Home Parks:

- Lot Area* - 29,063 sq. ft.
- 40,000 sq. ft. where the on-site sewage disposal system is located within 197 ft. of a lake, river, stream, or ocean
- Lot Frontage - 121 ft.

*** The Department of Environment may require larger lot sizes than those listed here for on-site sewage disposal systems.**

18.2 Residential uses permitted in the RG, RR, RI, MU and CG Zones where connecting to municipal sewer:

a) Residential uses containing not more than two dwelling units except semi-detached dwellings:

- Lot Area - 10,000 sq. ft.
- Lot Frontage - 75 ft.
- Front Yard - 25 ft.
- Rear Yard - 25 ft.
- Side Yards - 6 ft. on one side and 10 ft. on the other side
- Maximum height of main building is 35 feet.

b) Semi-Detached Dwellings:

- Lot Area - 7,500 sq. ft. per dwelling unit
- Lot Frontage - 40 ft. per unit
- Front Yard - 25 ft.
- Rear Yard - 25 ft.
- Side Yards - 6 ft. on one side and 10 ft. on the other side
- Maximum height of main building is 35 feet.

c) Maisonettes, Townhouses, Triplexes:

- Lot Area - 3,300 sq. ft. per unit
- Lot Frontage - 25 ft.
- Front Yard - 25 ft.
- Rear Yard - 25 ft.
- Side Yard - 15 ft. on both sides
- Maximum height of main building is 35 feet.

d) Apartments, Double Duplexes, Group Dwellings, Homes for Special Care:

- Lot Area - 10,000 sq. ft. for first 4 units and 1,000 sq. ft. per additional unit
- Lot Frontage - 100 ft.
- Front Yard - 25 ft.
- Rear Yard - 25 ft.
- Side Yards - 15 ft. on both sides
- Maximum height of main building is 35 ft

e) Apartments in the CG Zone greater than 35 feet in height:

- Lot Area -10,000 sq. ft. for first 4 units and 1,00 sq. ft. per additional unit
- Lot Frontage -100 ft.
- Front Yard - 45 ft.
- Rear Yard -25 ft.
- Side Yard -45 ft. where abutting R1 Zone
- 20 ft. on both sides
- 45 ft. where abutting R1 Zone
- Maximum height of main building is 70 feet.

f) Mobile Home Parks:

- Lot Area - 10,000 sq.ft.
- Lot Frontage - 75 ft.
- Maximum height of main buildings is 35 feet.

18.3 Commercial uses permitted in the BP, CG, MU, RD and IM Zones where connecting to on-site sewage disposal systems:

a) Commercial uses except shopping centres in the RD Zone:

- Lot Area* - 29,063 sq. ft.
- 40,000 sq. ft. where the on-site sewage disposal system is located 197 ft. of a lake, river, stream or ocean
- Lot Frontage - 121 ft.
- Front Yard - 25 ft.
- Rear Yard - 25 ft.
- Side Yards - 20 ft. on both sides.
- Maximum height of main building is 35 feet.

b) Shopping centres permitted in the RD Zone:

- Lot Area* - 1 acre
- Lot Frontage - 200 ft.
- Front Yard - 40 ft.
- Rear Yard - 40 ft.
- Side Yards - 30 ft on both sides
- Maximum height of main building is 35 feet.

***The Department of Environment may require larger lot sizes than those listed here for on-site sewage disposal systems.**

18.4 Commercial uses permitted in the BP, CG, MU and IM Zones where connecting to municipal sewer:

- Lot Area - 10,000 sq. ft.
- Lot Frontage - 100 ft.
- Front Yard - 25 ft.
- Rear Yard - 25 ft.
- Side Yards - 20 ft. on both sides
- Maximum height of main building is 35 feet.

18.4(a) Commercial uses permitted in the CG Zone greater than 35 feet in height and where connecting to municipal sewer:

- Lot Area - 15,000 sq. ft.
- Lot Frontage - 100 ft.
- Front Yard - 45 ft.
- Rear Yard - 25 ft.
- 45 ft. where abutting R1 Zone
- Side Yards - 20 ft. on both sides
- 45 ft. where abutting R1 Zone
- Maximum height of main building is 70 feet.

18.5 Industrial uses permitted in the MU, RD and IM Zones where connecting to on-site sewage disposal systems:

a) Industrial uses in the RD Zone except fish reduction plants:

Lot Area*	- 1 acre
Lot Frontage	- 150 ft.
Front Yard	- 40 ft.
Rear Yard	- 40 ft.
Side Yards	- 30 ft. on both sides

b) Industrial Uses permitted in the MU and IM Zones:

Lot Area*	- 29,063 sq. ft. - 40,000 sq. ft. where the on-site sewage disposal system is located within 197 ft. of a lake, river, stream or ocean
Lot Frontage	- 121 ft.
Front Yard	- 25 ft.
Rear Yard	- 25 ft.
Side Yards	- 30 ft. on both sides

***The Department of Environment may require larger lot sizes than those listed here for on-site sewage disposal systems**

18.6 Industrial uses permitted in the MU and IM Zones where connecting to municipal sewer:

Lot Area	- 10,000 sq. ft.
Lot Frontage	- 100 ft.
Front Yard	- 25 ft.
Rear Yard	- 25 ft.
Side Yards	- 30 ft. on both sides

18.7 Fox, mink and Piggery Operations permitted in the MU and RD Zones:

Lot Area*	- 10 acres
Lot Frontage	- No requirement
Front Yard	- 150 ft.
Rear Yard	- 200 ft.
Side Yards	- 200 ft. on both sides
Maximum height of main building is 35 feet.	

18.8 All other uses permitted in any zone where connecting to on-site sewage disposal systems:

Lot Area*	- 29,063 sq. ft.
	- 40,000 sq. ft. where the on-site sewage disposal system is located within 197 ft. of lake, river, stream or ocean
Lot Frontage	- 121 ft.
Front Yard	- 25 ft.
Rear Yard	- 25 ft.
Side Yards	- 15 ft. on both sides
Maximum height of main building is 35 feet.	

***The Department of Environment may require larger lot sizes than those listed here for on-site sewage disposal systems.**

18.9 All other uses permitted in any zone where connecting to municipal sewer:

Lot Area	- 10,000 sq. ft.
Lot Frontage	- 100 ft.
Front Yard	- 25 ft.
Rear Yard	- 25 ft.
Side Yards	- 15 ft. on both sides
Maximum height of main building is 35 feet.	

18.10 Special Uses where permitted in a zone and which are not to be connected to an on-site sewage disposal system or municipal sewer and the lot is created pursuant to Section 5.07 of the Subdivision By-law or is an existing lot less than 20,000 square feet in area:

Lot Frontage	- 20 ft.
Water Frontage	- 20 ft.
Front Yard	- 25 ft.
Rear Yard	- 25 ft.
Side Yards	- 10 ft. on both sides
Maximum height of main building is 35 feet	

18.11 Home occupations shall be permitted in any dwelling or accessory building thereof provided:

- a) the dwelling is occupied as a residence and the external appearance of the dwelling is not changed by the home occupation;
- b) adequate screening is provided adjacent to a residential use.
- c) not more than 25% of the total floor area of the dwelling is devoted to the home occupation;
- d) the combined floor area of the dwelling and the accessory building used for a home occupation and the floor area used in an accessory building where the dwelling is not used for a home occupation shall be a maximum of 600 square feet where:

PART 19 – DEFINITIONS

In this By-law, all words shall carry their customary meaning except for those defined in this Part.

Accessory Building means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.

Accessory Use means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or buildings and located on the same lot.

Act means the **Municipal Government Act, Chapter 18, Statutes of Nova Scotia, 1998** and amendments thereto.

Alter means any change in the structural component of a building, or any increase in the volume of a building or structure.

Automobile Service Station 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 gasolines and may include the sale of automobile accessories and the servicing and minor repairing of motor vehicles and may include an automobile carwash or convenience store, or both.

Basement or Cellar means that portion of a building below the ground floor which is all or partly underground and which has at least ½ its height from ground floor to the first floor joists above established grade.

Boarding or Rooming House means a dwelling in which the proprietor supplies either room or room and board for compensation for more than 2 but not more than 12 bedrooms exclusive of the lessee or owner and family and which is not open to the general public.

Building means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment and includes any awning, bin, bunk, platform, travel trailer, vessel or vehicle used for any of the said purposes.

Building Line means any line regulating the position of a building or structure on a lot.

Camp means a land and building complex designed or used for group sport, recreational or cultural activities which may have facilities for sleeping and the preparation and serving of food, operated on a temporary or seasonal basis by a church, service club, YMCA, youth club such as the Girl Guides and Scouts and organizations of a similar nature.

Campground means an area of land under single ownership used or intended to be used for the temporary or seasonal accommodation (rental sites) of travel trailers, motor homes, tents and tent trailers used for travel, recreation and vacation purposes but does not include a camp or mobile home park herein defined.

Centre, Adult Commercial Day Care means a building or part of a building where adults are cared for, without providing overnight accommodation, operated with a view toward financial profit and possibly employing persons; but does not include an adult day care centre

Centre, Adult Day Care means that portion of a residence wherein the owner or occupier of the residence or an institutional use such as a church, church hall or community hall provides accommodation to adults, without overnight accommodations, but does not include an adult commercial day care centre.

Clinic means a building or part of a building used for the medical, dental, surgical or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his/her residence.

Commercial Building means a building from which one or more businesses are carried on.

Commercial Group Buildings means two or more abutting commercial buildings each of which is separately owned and located on a separate lot and which have separate entrances and loading spaces and characterized by the sharing of common parking areas and driveways.

Commercial Group Facilities means two or more individual group commercial buildings characterized by the sharing of common parking areas and driveways.

Corner Vision Triangle means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection, the distance required by this By-law, along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting lines and the straight line joining the points the required distance along the street lines shall be known as the "corner vision triangle".

Council means the Council of the Municipality of the District of Barrington.

Custom Workshop means a building or part of a building used by a trade, craft, or guild for the manufacture in small quantities of made-to-measure clothes or articles and shall include upholstery, repair, refinishing of antiques, and other art objects but shall not include metal spinning, woodworking or furniture manufacturing.

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

Development Officer means the development officer appointed by the Municipality in accordance with the **Act** and charged with the duty of administering the provisions of this By-law.

Dwelling means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons containing one or more dwelling units and shall not include a hotel, motel, apartment hotel or travel trailer.

Dwelling, Apartment means a building containing 4 or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use in common, certain areas of the building.

Dwelling, Converted means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.

Dwelling, Duplex means a building that is divided horizontally into 2 dwelling units each of which has an independent entrance either directly or through a common vestibule.

Dwelling, Group means 2 or more dwellings located on a lot under one ownership but shall not include a mobile home park.

Dwelling, Semi-Detached means a building that is divided vertically into 2 dwelling units each of which has an independent entrance.

Dwelling, Single Detached means a completely detached dwelling unit and shall include a cabin or cottage.

Dwelling, Townhouse means a building that is divided vertically into 3 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.

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.

Erect means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining, or structurally altering any existing building or structure by any addition, deletion, enlargement or extension.

Established Grade means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building exclusive of any artificial embankment or entrenchment or when used with reference to a structure which is not a building shall mean the average elevation of the finished grade of the ground immediately surrounding such structures exclusive of any artificial embankment or entrenchment.

Existing means legally existing as of the effective date of this By-law.

Floor Area, Net Commercial means the total floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms and common malls between stores.

Floor Area, Dwelling means the total floor area contained within the outside walls of a building excluding any private garage, porch, verandah, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.

Floor Area, Dwelling Unit where more than one unit is contained within a building, 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.

Fox or Mink Ranch means any operation where one or more males and females of either species, unless such are neutered or spayed, are confined to an enclosed structure for feeding, breeding or holding for production purposes or for pelts or for future sale.

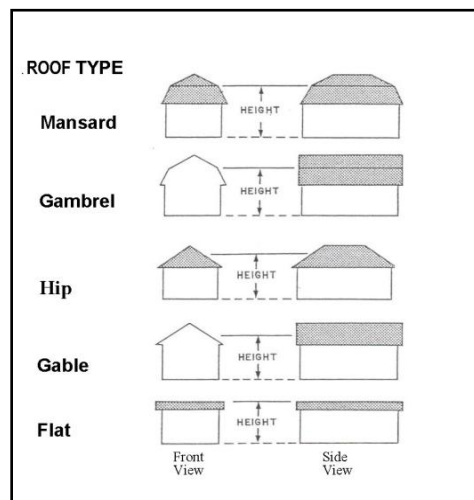
Fraternal Centre means a building or part of a building used as a meeting place for members of an organization and, without limiting the generality of the foregoing, may include the Legion, Lions Club, Kiwanis, Independent Order of Odd Fellows, Women's Institute, Freemasons, Imperial Order Daughters of Empire, a labour union hall and fishers clubs.

Guest Home or Bed and Breakfast Establishment means a dwelling in where the proprietor supplies either room or room and board for compensation on a temporary basis and which is open to the travelling public.

Height means the vertical distance of a building between the established 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 mean 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 the mechanical operation of the building, a mechanical penthouse, chimney, tower, copular or steeple.

**Figure 1
Building Height**



This illustration is for reference only, and does not form part of this By-Law

Homes for Special Care means a building or part of a building wherein care, supervision and programs are provided to persons who are physically, mentally or socially handicapped and without limiting the generality of the foregoing, shall include homes for the aged, licensed nursing homes, residential care facilities, regional rehabilitation centres, Oadult residential centres, community based residential facilities or facilities of a similar nature as may be defined by the Nova Scotia Homes for Special Care Act.

Home Occupation means an accessory use of a dwelling or an accessory building thereof for gainful employment and may include any commercial use, manufacturing, assembly processing or repair work operation, business or professional offices.

Hostel means a building or buildings or part thereof used to accommodate the travelling public by supplying them with sleeping accommodation with or without meals and which is characterized by common cooking and washroom facilities.

Hotel or Motel means a building or buildings or part thereof used to accommodate the travelling public for compensation by supplying them with sleeping accommodation with or without meals but without private cooking facilities.

Industry, Heavy means a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light means a use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Institutional Use means a building or part of a building used as an auditorium, church and other religious institution including cemeteries; public art galleries, community centres, government buildings (federal, provincial and municipal excluding provincial liquor stores), hospitals, libraries, museums, homes for special care, schools, sports complex, post offices, fire stations and uses of a similar nature.

"K" Road means a public road owned but not maintained by the Province and identified in Appendix "A" of the Subdivision By-law.

Loading Space means an area of land provided and maintained upon the same lot or lots upon which the main 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) does not include any portion of a public or private road right-of-way;
- c) has adequate access to permit ingress and egress by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.

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

Lot Area means the total horizontal area within the lot lines of a lot.

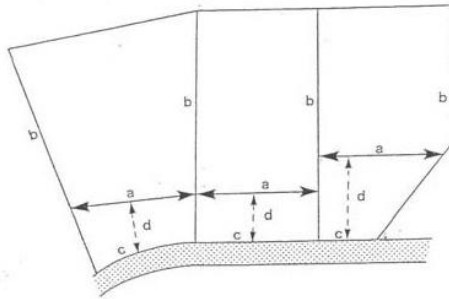
Lot Depth means the horizontal distance between the front and rear lot lines; where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.

Lot Frontage means:

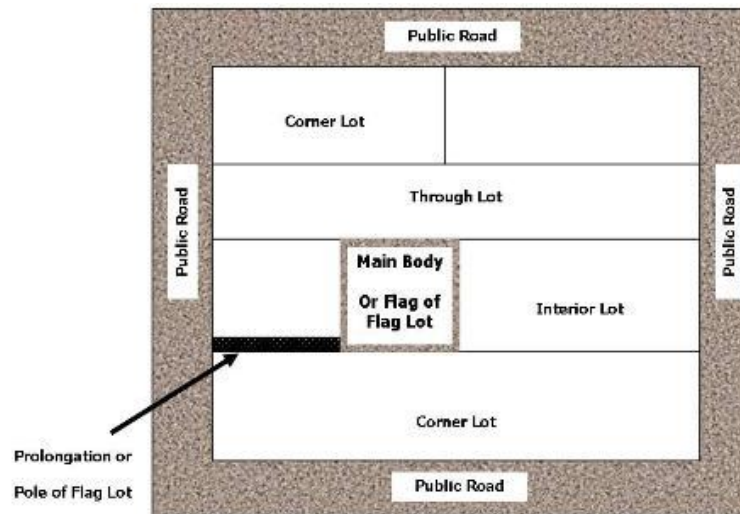
- a) the length of a straight line (a) measured between the side lot lines (b) which is, as close as practicable, parallel to the front lot line (c) and which is at a depth equal to or greater than the minimum required front yard (d); and
- b) where there is a curve in the road, straight line (a) shall be measured between points on the side lot lines (b) which points are at a depth equal to or greater than the minimum required front yard (d) and, in no case, shall any point along line (a) be less than the minimum required front yard (d).
- c) in the case of an existing undersized lot, the length of straight line (a) shall be measured, as close as practicable, to the minimum required lot frontage as determined by clause (a) or (b) except:
 - i) where straight line (a) is equal in length at every point between the side lot lines, the depth of straight line (a) need be no greater than the minimum required front yard (d); or

- ii) where the depth of the front yard as determined by straight line (a) would not permit development, the depth of straight line (a) may be reduced to the extent necessary and practical to permit the development. In no case shall the depth be less than the minimum required front yard.

**Figure 2
Lot Frontage**



**Figure 3
Lot Types**



This illustration is for reference only, and does not form part of this By-Law

Lot, Corner means a lot situated at the intersection of and abutting on two or more public roads, private roads, "K" roads or any combination thereof. The shorter lot line shall be deemed the front lot line of the said lot.

Lot, Flag means a lot which generally resembles a flag on a pole where the pole, a narrow prolongation to serve as an access corridor extending from a public road, private road or "K" road to the flag or main body of the lot which is generally located at the rear of another lot.

Lot, Interior means a lot situated between two lots and having access to one public road, private road, "K" road or right-of-way.

Lot, Island or Waterfront means a lot which does not abut or have access to a public road, private road, "K" road or right-of-way.

Lot, Through means a lot bounded on two opposite sides by a public road, private road or "K" road provided, however, that if any lot qualifies as being both corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

Lot Line means a boundary line of a lot.

Lot Line, Flanking means a side lot line which abuts the public road, private road or "K" road on a corner lot.

Lot Line, Front means the line dividing the lot from a public road, private road or "K" road measured between the side lot lines. Where a lot is served by a right-of-way, any one boundary line may serve as a front lot line.

- a. In the case of a corner lot, the shorter boundary line abutting a public road, private road or "K" road shall be deemed the front lot line and the longer boundary line shall be deemed the flankage lot line and where such lot lines are of equal length, the front lot line shall be either of the lot lines.
- b. In the case of a through lot, any boundary line dividing the lot from a public road, private road or "K" road shall be deemed the front lot line.

Lot Line, Rear means the lot line furthest from or opposite to the front lot line.

Lot Line, Side means a lot line other than a front or rear lot line.

Main Building means any building in which is carried on the principal purpose for which the lot is used.

Main Wall means the exterior front, side or rear wall of a building, and all structural members essential to the support of a full or partially enclosed space or roof.

Mobile Home Or Mini Home means a vehicular portable single detached dwelling build in compliance to the Canadian Standards Association (CSA) Z240 set of standards and for the purpose of this By-law shall include any mobile home which was not built to the aforementioned standards but shall not include a travel trailer, recreational vehicle, school bus, trailer otherwise designed or a multi-sectional modular home.

Mobile Home Park means a lot or area of land on which spaces are provided for 4 or more mobile homes and includes any service building and service uses as part of the equipment of the mobile home parks but does not include a travel trailer park, campground or group dwellings.

Motor Home means a recreational vehicle, having its own motive power, designed to be used as a temporary or seasonal dwelling and designed to be driven on public streets and highways and which may be placed on a site for a temporary period.

Multi-Sectional Modular Home means a vehicular portable dwelling composed of two or more sections designed for transportation in separate loads after fabrication, to a site and coupled together mechanically and electrically to form a single structure but does not include a mobile home or mini home.

Municipality shall mean the Municipality of the District of Barrington.

Nursery, Commercial Day means a building or part of a building, where preschool-aged children are cared for, without providing overnight accommodation, operated with a view toward financial profit and possibly employing persons; but does not include a day nursery.

Nursery, Day means that portion of a residence wherein the owner or occupier of the residence or an institutional use such as a church, church hall or community hall provides accommodation to 3 or more preschool-aged children, without providing overnight accommodation, but does not include a commercial day nursery.

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

Outdoor Commercial 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.

Parking Lot means an open area of land other than a street or an area within a structure for the parking of motor vehicles.

Parking Space means an area of land for the temporary parking of motor vehicles exclusive of driveways, aisles or manoeuvring areas.

Personal Service Shop 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 includes barber shops, beauty salons, automatic laundry shops, hairdressing shops, shoe repair shops and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.

Hog Operation means an operation where more than 6 pigs are confined within an enclosed structure for feeding, breeding or holding for production purposes or for future sale.

Private Recreational Club means a building or part of a building or an area of land used as a meeting place for members of an organization and, without limiting the generality of the foregoing, may include a curling club, golf club, tennis club, yacht club, lawn bowling club, rod and gun club, antique automobile club and a health fitness club.

Private Road means any road which is not public shown on a plan of subdivision which:

- a) extends to and has access to a public road and where not totally located within the area of land being subdivided, the private road shall have an easement for right-of-way and access which has been clearly granted by deed, registered in the Registry of Deeds for the County of Shelburne; and
- b) includes any private road approved by the Department of Transportation and shown on an approved plan of subdivision prior to the first day of August, 1987 and filed in the Registry of Deeds;

Private Storage Building means an enclosed or partially enclosed structure for the storage of boats, vehicles, other equipment and materials in which no business, occupation or service is conducted for profit.

Public Garage means a building or place other than a private garage where motor vehicles are kept or stored for remuneration or repair, or a building or place used as a motor vehicle repair shop which does not include any automatic car washing establishment, a motor vehicle sales establishment or an automobile service station

Public Road includes any road owned and maintained by the Municipality or the Province; and

- a) municipal public road means any road owned and maintained by the Municipality;
- b) provincial public road means any road owned and maintained by the Department of Transportation and Infrastructure Renewal excluding designated controlled access highways pursuant to Section 20 of the **Public Highways Act**.

Recreational Use means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses but not including a track for the racing of animals, or any form of motorized vehicles.

Recycling Depot means premises on which recoverable materials such as newspaper, glassware, metal cans and plastics are separated prior to shipment but does not include any processing of the material or a salvage yard.

Restaurant means a building or part thereof where food and/or drink is served to the public for consumption entirely within the building.

Restaurant, Drive-In means a building where food and drink is served to the public for consumption in parking areas appurtenant to the building whether or not facilities are provided for consumption within the building.

Resort means the use of lands, buildings and structures that accommodate guests throughout all or part of the year and which provides sleeping accommodations, facilities for cooking and serving of meals or individual cooking facilities for guests, recreation features and activities such as golfing, tennis, lawn bowling, marinas, health spa, swimming pools, angling and other watersport activities, hunting and recreational shooting, cross-country skiing, sightseeing, camping, hiking, indoor recreational activities and other features or activities of a similar nature, gift and craft shops and the furnishing of equipment, supplies or services to guests in connection with any of the foregoing features and activities and may include accommodations for the operator and staff.

Retail Store means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value.

Right-of-way means an easement for access extending to and having access to a public road, "K" road or water frontage.

Salvage Yard means an area of land or lot including any building or structure used for the receipt, storage, sale, re-sale and processing of waste or surplus automobile, transportation vehicles or industrial equipment, including any parts or pieces that have been removed, but does not include a salvage yard or recycling depot.

Scrap Yard means a lot or premises for the storage or handling of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, tires, metal or other scrap material but does not include a salvage yard or recycling depot.

Service Industries includes the processing of milk and dairy products, a bakery, a public garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a paint shop, plumbing shop, sheet metal shop and similar uses.

Service Shop means a building or part thereof used for the sale or repair of household articles and may include radio, television and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.

Shopping Centre means a development used or intended to be used primarily for the purpose of retail trade and resulting or intended to result in a total of 50,000 square feet or more of:

- a) new retail floor space, or
- b) new and existing related floor space where the new floor space exceeds 10,000 square feet, including common areas and related office and warehouse space, but excluding parking areas.

Storey means that 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 6 feet above grade. Any portion of a storey exceeding 14 feet in height shall be deemed an additional storey for each 14 feet or fraction thereof.

Storey, Half means the portion of a building located wholly or partly within a sloping roof having a floor area of not less than one-third or more than two-thirds of the floor area of the storey next below, sidewalls not less than 4 feet in height and a ceiling with a minimum height of 7½ feet over an area equal to at least 50 percent of its floor area.

Strategy means the Municipal Planning Strategy of the Municipality of the District of Barrington.

Street Line means the boundary line of a public road, private road or "K" road.

Strip Mall or Plaza means a group of commercial uses which have been designed and developed as a continuous unit, and characterized by shared parking and by the absence of a common interior walkway.

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 6 feet in height.

Subdivision By-law means the Subdivision By-law of the Municipality of the District of Barrington.

Tourist Cabin means a building used to accommodate the travelling public for gain or profit with or without separate kitchen facilities and having separate entrance from outside the building but does not include a travel trailer

Tourist Accommodation means a building or buildings, structures or use of land which is used to accommodate the travelling public for gain or profit by supplying them with sleeping accommodation (rental units or sites) with or without meals and shall include hotels, motels, guest homes, resorts, tourist cabins, hostels and campgrounds.

Travel Trailer means a trailer that is used or intended to be used for short term or seasonal occupancy and is or is intended to be located or parked on a site for a temporary or seasonal period.

Travel Trailer Park means an establishment comprising land or premises under single ownership used or intended to be used for the parking of travel trailers on a temporary or seasonal basis, such as for a day, a week or for a season.

Utility means any public or private system, work, plant, equipment or services which furnishes services at approved rates to or for the use of the general public.

Warehouse means a building used for the storage, wholesaling and distribution of goods and materials but shall not include a retail store.

Water Frontage means the distance measured as a straight line, between the two points where the side lot lines of a lot meet a watercourse.

Wind Turbine Generators (WTG):

- a. **Array** means two or more wind turbine generators located on the same lot.
- b. **Blade** means an element of a WTG rotor which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.
- c. **Blade Clearance** means, in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.
- d. **Habitable Dwelling** means a structure designed as a dwelling to accommodate people including residences, cottages and cabins, but not including accessory structures such as sheds and storage buildings or storage areas.
- e. **Horizontal Axis Rotor** means a wind energy conversion system, typical of conventional or traditional windmills.
- f. **Kilowatt or KW** means a measure of power for electrical current.

- g. **Large Scale WTG** means a wind turbine generator greater than 60 metres in total height or an array of wind turbine generators greater than 60 metres in total height.
- h. **Megawatt or MW** means a measure of power for electrical current.
- i. **Micro Scale WTG** means a wind turbine generator or an array of wind turbine generators that have a combined total power generating nameplate capacity no greater than 10 KW and a total height not greater than 20 metres.
- j. **Nameplate Capacity** means the manufacturer's maximum rated output of the wind turbine generator found on the nacelle of the wind turbine generator.
- k. **Rotor's Arc** means the largest circumferential path travelled by a WTG blade.
- l. **Small Scale WTG** means a wind turbine generator greater than 20 metres in total height and not more than 60 metres in total height or an array of wind turbine 20 metres in total height and not more than 60 metres in total height that have a combined total power generating nameplate capacity greater than 10 KW and not more than 1 MW.
- m. **Separation Distance** means the straight line linear measurement distance measured from the base of the wind turbine generator tower to any specified structure, road or natural feature.
- n. **Setback** means the straight line linear measurement distance measured from the base of the wind turbine generator tower to the property line.
- o. **Total Height** means the height from grade to the highest vertical extension of a WTG. In the case of a WTG with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.
- p. **Tower** means the structure which supports the rotor above grade.
- q. **Vertical Axis Rotor** means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.
- r. **Wind Farm or Wind Park** means more than one WTG located on a lot.
- s. **Wind Turbine Generator (WTG)** means a structure designed to convert wind energy into mechanical or electrical energy.

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.

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 main wall of any main building or structure.

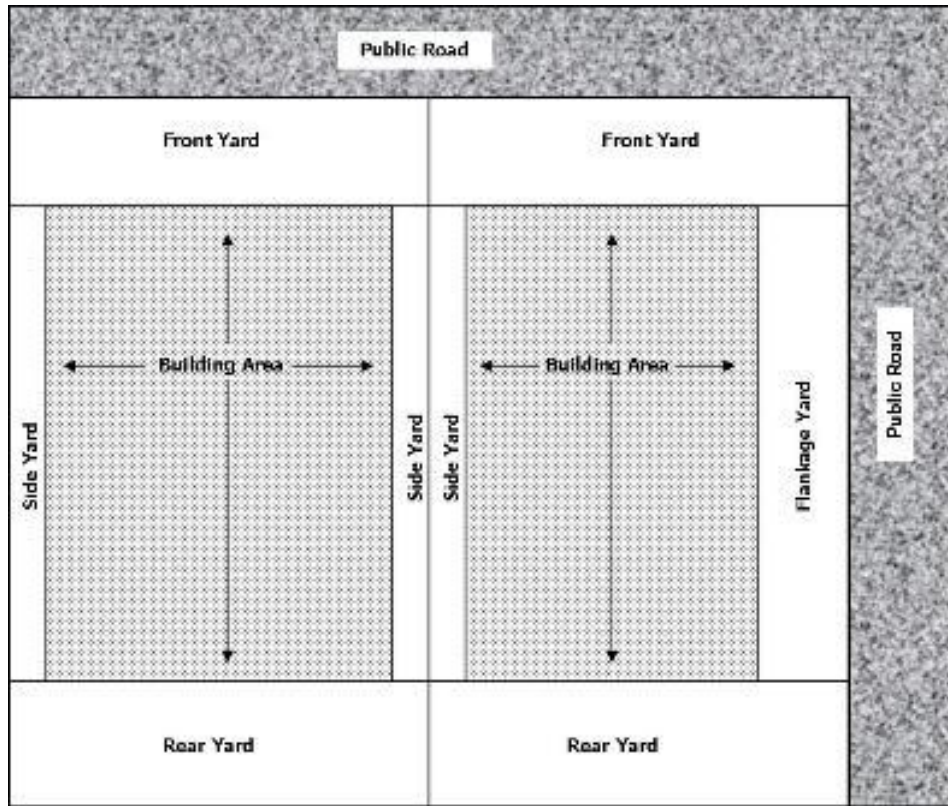
Yard, Front means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; and "minimum" front yard means the minimum depth or such greater depth required by this By-law of a front yard on a lot at which the minimum lot frontage requirement is met between the front lot line and the nearest main wall of any main building or structure on the lot. Any one boundary line of a lot served by a right-of-way may serve as a front lot line for the purpose of calculating the minimum front yard and other applicable yard requirements. (Refer to Definitions 55 and 63 and Figures 3 and 4).

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 "minimum" rear yard means the minimum depth required 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.

Yard, Side means a yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest wall of any main building or structure on the lot; and "minimum" side yard means the minimum width required 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.

Zone means a designated area of land shown on the Schedules of this By-law.

Figure 4
Required Yards



This illustration is for reference only, and does not form part of this By-Law

SCHEDULE "I" - SITE PLAN APPROVAL

Site Plan Information

Item	Description
Site Plan	Provide an accurate scaled Site Plan showing the following: <ul style="list-style-type: none"> a) proposed location of wind turbine(s) and related structure(s), as well as location of all existing structures on the lot b) existing and proposed utility lines c) existing and proposed roads showing access to the lot and access to proposed structures on the lot d) noise levels at property boundary lines e) all property lines and distances of all proposed structures to the property lines f) type, size and location of any proposed fencing g) proposed landscaping
Manufacturer's Details	<ul style="list-style-type: none"> a) height of turbine and rotor a) the turbine rated output in Kilowatts b) sound characteristics of turbine(s) c) engineering approval for foundations, towers and support structures d) safety features of turbine(s) and structures
Visual Representation	Provide a visual representation of the proposed WTG installation including scale elevations and proportions of wind turbines, photographs and/or digital representations showing placement and landscaping
Decommissioning/Reclamation	Provide a plan for decommissioning and reclamation of the land
Safety Analysis	Provide a report on how human safety will be protected
Application	Complete the 'Application for Site-plan Approval'

Site Plan Approval Application



**Municipality of the District of Barrington
Site-plan Approval Application**

(Office use) File No. _____ Date Received _____

Property Information:

Property PID _____ Civic Address _____
Owner Name: _____
Address: _____
Telephone: _____ E-mail: _____

Applicant Name: _____
Applicant Address: _____
Telephone: _____ E-mail: _____

Contact Person/Agent: _____
Address: _____
Telephone: _____ E-mail: _____

Description of Proposal: (use additional sheet if necessary)

Applicant Signature: _____ Date: _____

(Office Use) Application Complete Date: _____

Site-plan Approved

Refused Signature: _____ Date: _____

SCHEDULE "J"

The following existing heavy industrial uses in the Rural Development (RD) Zone, and existing industrial uses in the General Commercial (GC), Mixed Use (MU) and Residential General (RG) Zones require development agreements for their expansion beyond their existing lot boundaries or change of use (These lists were compiled from the 1996 Assessment Roll of the Shelburne-Queen Region in September, 1996):

List "A"
Existing Industrial Use on Their Own Lot

Land Use	District Number	Assessment Account
Bulk Fuel Storage (RG)	6	148377
Fish Reduction Plant	6	1609467
Sawmill (RG)	6	4203895
Trucking Company (RG)	6	4203887
Contractor Equipment Storage (CG)	7	4359135
Metal Fabrication (CG)	7	4373472
Warehousing (CG)	7	2633531

List "B"
**Existing Industrial Uses on Same Lot
 As Existing Residential Use**

Land Use	District Number	Assessment Account
Boat Building Shop (MU)	1	461873
Fish Processing (MU)	1	6426042
Fish Processing (MU)	1	6371019
Lobster Crates, Traps & Bows Manufacturing (MU)	1	5485126
Welding Shop (MU)	1	1749188
Concrete Fabrication	2	281921
Fish Processing	2	4211537
Machine Shop	2	00281921
Boat Building	3	146528
Excavation Contractor	3	1810944
Construction Company	3	3509664
Fishing Business	3	4227085
Fish Processing	3	1023748
Repair Shop	3	2346907
Welding Shop	3	4499735
Boat Shop	4	3523543

Municipality of the District of Barrington

Construction Equipment	4	3516881
Contractor Storage and Rental Equipment	4	1988425
Electrical Contracting	4	3153428
Fish Building	4	2346494
Fish Plant & Tool Plant	4	48704
Fish Buildings	4	2843447
Fish Buildings	4	4825675
Fish Buildings	4	461563
Fish Buildings	4	2111225
Fish Plant	4	3525171
Fish Building	4	4658027
Fish Processing	4	3509737
Fish Processing	4	3515443
Fish Processing	4	4315243
Fish Processing	4	4657802
Boat Building	5	148369
Wire Trap Manufacturing	5	139157
General Contracting	5	3519945
Canoe Making (RG)	6	3496384
Carpentry Shop	6	5363373
Electrical Contracting	6	2419157
Electrical Contracting	6	1241257
Heating Installation and repairs (RG)	6	3815919
Masonry	6	4184432
Plumbing Services	6	461148
Plumbing Services (RG)	6	1241001
Sawmill	6	146749
Trucking Company (RG)	6	710202
Boat Building Shop	7	2987171
Carpentry Shop	7	4352475
Fish Processing	7	148059
Lobster Pound	7	966274
Trucking Company	7	3510069