

Lawrencetown Water Supply Area

Land Use By-law



Effective Date: June 5, 2008

**LAWRENCETOWN WATER SUPPLY AREA
LAND USE BY-LAW**

PART 1	Title, Introduction and Purpose	1
PART 2	Definitions.....	2
PART 3	Administration	8
PART 4	Zones, Zoning Map and Municipal Planning Strategy Designations	12
PART 5	Interpretation	13
PART 6	Development Agreements.....	14
PART 7	General Provisions For All Zones	15
PART 8	Prohibited Uses In All Zones	23
PART 9	Lawrencetown Water Supply (LWS-1) Zone.....	24
PART 10	Lawrencetown Water Supply (LWS-2) Zone.....	25
PART 11	Lawrencetown Water Supply (LWS-3) Zone.....	26
PART 12	Lawrencetown Buffer (LB-4) Zone	27
PART 13	Lawrencetown General (LG-5) Zone	28
Schedule A: The Zoning Map		

PART 1: TITLE, INTRODUCTION AND PURPOSE

- 1.1 This By-law shall be known as the "Lawrencetown Water Supply Area Land Use By-law" for the Municipality of the County of Annapolis, referred to hereinafter as the Municipality, and this By-law shall apply to all the lands within the Lawrencetown Water Supply Area, hereinafter referred to as the Planning Area or the Lawrencetown Water Supply Planning Area, as defined by the Zoning Map, Schedule "A".
 - 1.2 The Lawrencetown Water Supply Area Land Use By-law is adopted in accordance with the *Municipal Government Act*. The purpose of the Lawrencetown Water Supply Area Land Use By-law is to carry out the water supply well field protection and land use development policies found in the Lawrencetown Water Supply Area Municipal Planning Strategy and to establish regulations with respect to the use and development of land. The *Municipal Government Act* also enables the Municipality of the County of Annapolis to adopt a Subdivision By-law to control the division of land. These three documents provide the framework for water supply well field protection and land development within the Lawrencetown Water Supply Planning Area.
 - 1.3 Regulations and standards that apply to development of or on a property are contained within this By-law as follows:
 - the Zoning Map (Schedule "A") to determine in which zone the property is located;
 - the requirements respecting the particular zone in which the property is located (Parts 9 through 13);
 - the general provisions section which applies to all zones (Part 7);
 - the prohibited uses for all zones regulations (Part 8);
 - the definitions section to determine how specific developments or lot conditions are defined or applied to a development (Part 2);
 - the administration section to define permit requirements (Part 3);
 - throughout this Land Use By-law there are a number of "Notes to Readers"; these are for information and clarification purposes only, and do not form part of this By-law; and
 - property boundaries, shown on the Zoning Map (Schedule A); are continuously subject to change due to approvals of applications for subdivision of land and thus are included for information and clarification purposes only, and do not form part of this By-law.
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PART 2: DEFINITIONS

For the purpose of this By-law, all words shall carry their customary meaning except for those defined in this PART.

1. ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building, devoted exclusively to an accessory use.
 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. ALTER means any change in the structural component/increase in volume of a building or structure or a change in the use of land, a building or structure.
 4. ARTIST WORKSHOP means an accessory use of a residential dwelling for the production of artist's works/products including the exhibition/display and retail sales of paintings, sculpture or other works of art.
 5. ATTACHED means a building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with an adjacent or abutting building.
 6. BUILDING means any structure, including appurtenant structures such as a carport, deck, balcony or verandah, temporary or permanent, used or built for the accommodation or enclosure of persons, animals, materials or equipment.
 7. BUSINESS OFFICE means an accessory use of a residential dwelling where business may be transacted, a service performed or consultation given by, all of which may be performed either on-site or off-site, excluding the on-site manufacturing or selling of any obnoxious products or goods.
 8. BY-LAW means this By-law, which is the Lawrencetown Water Supply Area Land Use By-law for the Municipality of the County of Annapolis.
 9. CLERK means Municipal Clerk for Municipality of the County of Annapolis.
 10. CRAFT WORKSHOP means an accessory use of a residential dwelling for the production of handicrafts, toys, garden or household ornaments or personal effects from dressmaking/tailoring, leather-working, pottery/ceramic-making, wood-working, quilting, crocheting, knitting, needlepoint, weaving or sewing including the exhibition/display and retail sales of such items.
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11. COUNSELLING OFFICE means an accessory use of a residential dwelling for the provision of counseling/consultation services intended to administer to the individual and personal needs of human beings such as counseling/consultation in career counseling, marriage, family or individual counseling, credit and debit counseling, diet control counseling or mental health services, including the retail sales of products/goods incidental or related to the consultation given.
 12. DEVELOPMENT includes any erection, construction, reconstruction, enlargement, alteration, location, placement, replacement, or relocation of, or addition to, a structure and a change, conversion or alteration in the use made of land, buildings or structures.
 13. DEVELOPMENT OFFICER means the Development Officer for Municipality of the County of Annapolis appointed to administer this By-law.
 14. DOMESTIC AND HOUSEHOLD ARTS means an accessory use of a residential dwelling for the provision of dressmaking/tailoring, leather-working or sewing services.
 15. DWELLING means a building or a portion thereof occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing a dwelling unit and does not include a recreation vehicle.
 - a. DWELLING UNIT means one or more habitable rooms designed, occupied or intended to be used by one or more individuals as a separate and independent housekeeping place in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals. For the purposes of this By-law, sanitary facilities may either be located within the dwelling or external of the dwelling within an accessory building.
 - b. DWELLING, DOUBLE/APARTMENT means a building which is constructed wholly on the site from basic materials, not intended or designed to be removed from the site and that is divided horizontally into two dwelling units, each of which has independent entrances either directly to the outside or through a common vestibule.
 - c. DWELLING, DUPLEX OR SEMI-DETACHED means a building which is constructed wholly on the site from basic materials, not intended or designed to be removed from the site and that is divided vertically into two dwelling units, each of which has independent entrances to a front and/or rear yard, constructed side by side and separated by common vertical walls.
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- d. DWELLING, SINGLE DETACHED means a building consisting of one dwelling unit which is constructed wholly on the site from basic materials, not intended or designed to be removed from the site, and is free standing, separate and detached from other main buildings or structures; or a building consisting of one dwelling unit which is relocated to the site or constructed from components transported to the site and includes prefabricated homes, manufactured homes, mini homes and mobile homes.
16. ERECT means to build, place, locate, 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, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
17. EXISTING means legally existing as of the effective date of this By-law.
18. HOME OCCUPATION means the accessory use of a residential dwelling by the occupant of the residential dwelling for gainful employment involving the production, sale or provision of goods and/or services, where applicable, by the occupant of the residential dwelling on a small scale.
19. HOME INSTRUCTION STUDIO means an accessory use of a residential dwelling for the instruction in painting, sculpturing, moulding, dance or music including instruction in handicraft production, dressmaking/tailoring, leather-working, pottery/ceramic-making, wood-working, quilting, crocheting, knitting, needlepoint, weaving or sewing or computer/electronics repair/operation.
20. HOUSEHOLD ARTICLE REPAIR SHOP means an accessory use of a residential dwelling by the occupant of the residential dwelling for the repair of household articles such as electronic home entertainment equipment, computers, televisions or household appliances.
21. LANDSCAPING means any combination of natural living trees, shrubs, flowers or grass designed to screen between properties, to enhance a property's visual amenity or to provide sedimentation and/ or erosion control.
22. LOT means any parcel of land described in deed by its boundary lines.
23. LOT AREA means the total horizontal area within the lot lines of a lot. Minimum lot area means the smallest allowable lot area.
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24. LOT COVERAGE means the percentage of the lot that is covered by a building also known as ground floor area. Maximum lot coverage means the largest allowable area that can be covered by a main building on a lot.
25. LOT FRONTAGE means the length of a line between and joining the two side lot lines measured at the front of the lot parallel to the front lot line.
26. LOT LINE means a boundary line of a lot.
- a. FRONT LOT LINE means the lot line dividing the lot from the street.
 - i. For a corner lot, the front lot line shall be the lot line abutting the street providing the primary access.
 - ii. For a through lot, the front lot line shall be lot line abutting the street providing the primary access.
 - iii. For a lot with no street frontage, the lot line which most closely parallels the nearest street line or right-of-way where primary access is provided.
 - b. REAR LOT LINE means the lot line furthest from or opposite the front lot line.
 - c. SIDE LOT LINE means a lot line other than a front or rear lot line.
27. MAIN BUILDING means the building where the principal lot use is carried out.
28. MUNICIPALITY means the **Municipality of the County of Annapolis**.
29. OBNOXIOUS means a use that by its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of unsightly storage of goods, wares, materials, salvage, refuse, waste or other material.
30. PASSIVE RECREATION USES means the use of land for day use parks, playgrounds, trails, open space and similar uses to the foregoing, together with any necessary and accessory buildings and structures, excluding buildings, structures or facilities for the overnight accommodation or enclosure of persons or animals.
31. PERSON includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee or agent and the heirs, executors or other legal representatives to whom the context applies according to law.
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32. PERSONAL SERVICE/GROOMING CLINIC/SHOP means an accessory use of a residential dwelling for the provision of services intended to administer to the individual and personal medical/dental needs or personal grooming needs of human beings such as a dentist, chiropractor, denturist, chiropodist, optometrist, physician, occupational therapist, message therapist or holistic or homeopathic health services practitioner, beauty parlour or a hairdressing salon including the retail sales of products/goods incidental or related to the personal service clinic or personal grooming shop.
 33. PROFESSIONAL OFFICE means an accessory use of a residential dwelling where business may be transacted, a service performed or consultation given, either on-site or off-site, by a professional such as a lawyer, architect, land use planner, engineer, surveyor, accountant or similar profession, including the retail sales of products/goods incidental or related to the service performed or consultation given.
 34. PLANNING AREA means all the lands within Lawrencetown Water Supply Planning Area, as defined by the Zoning Map, Schedule "A".
 35. PRIVATE ROAD means a private road as defined in the Subdivision By-law for the Municipality of the County of Annapolis.
 36. PUBLIC AUTHORITY means any person or committee of the Municipality appointed or established to exercise any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the Municipality or a portion thereof and includes any committee or authority established by a By-law of the Municipality, and any governmental body.
 37. PUBLIC STREET OR ROAD means a public street or highway as defined in the Subdivision By-law for the Municipality of the County of Annapolis.
 38. STRATEGY means the Lawrencetown Water Supply Area Municipal Planning Strategy.
 39. STREET LINE means the boundary line of a provincial or municipal public street or highway or private road.
 40. 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.
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41. TRAIL means the recreational use of land for hiking, walking, cross-country skiing or horseback riding, or other similar forms of non-motorized travel, together with any necessary and accessory structures such as boardwalks, raised footpaths and footbridges.
 42. UTILITY means any public or private system, works, plant equipment or service that is regulated by the Nova Scotia Utility and Review Board and furnishes services at approved rates to or for the use of the general public.
 43. WATER FEATURE means any lake, pond, river, stream, ocean, and wetland area such as a bog, fen, marsh, swamp or any other body of water and includes a watercourse.
 44. WELL FIELD means an area of land that surrounds a well head derived from where the water is pumped from a well that passes through the surface and subsurface land surrounding the well.
 45. YARD means an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures between the nearest wall of any main building on the lot and its respective lot line. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.
 - a. YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building on the lot. *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 wall of any main building on the lot.
 - b. 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 on the lot. *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 wall of any main building on the lot.
 - c. 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 on the lot. *Minimum Side Yard* means the minimum width allowed by this By-law of a side yard on a lot between the side lot line and the nearest wall of any main building on the lot.
 46. ZONE means a designated area of land shown on the Zoning Map (Schedule "A") for which specific development control regulations are applied.
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PART 3: ADMINISTRATION

3.1 The Development Officer shall administer this By-law.

DEVELOPMENT PERMIT

- 3.2
- (a) Unless otherwise stated in this By-law, no person shall undertake a development on a lot within the Planning Area without first obtaining a development permit from the Development Officer.
 - (b) The Development Officer shall only issue a development permit in conformance with this By-law or an approved development agreement except where a variance is granted or in the case of non-conforming use or structure in which case a permit shall be granted in conformance with the *Municipal Government Act*.
 - (c) A development permit issued under this By-law shall automatically lapse, and become null and void, if the development to which it relates has not commenced within 12 months of the permit approval date.
 - (d) The Development Officer may revoke a development permit issued under this By-law where the Development Officer is satisfied that the development permit was issued under false or mistaken information or if the information provided on the development permit application is found to be inaccurate.
 - (e) Notwithstanding that a development may not require a development permit; the development is not exempt from compliance with all other requirements of this By-law, unless otherwise stated in this By-law.

NO DEVELOPMENT PERMIT REQUIRED

- 3.3 Unless otherwise stated in this By-law, subject to Part 3 (2) (e), no development permit shall be required for:
- (a) fences, or decks and patios less than 0.61 m. (2 ft.) above grade;
 - (b) swimming pools or the erection of a fence accessory to a swimming pool as required by the Swimming Pool Fencing By-law;
 - (c) a development that involves the interior or exterior renovation of a building or structure that will not change the shape of the building/structure or increase its volume or footprint, will not add more dwelling units or otherwise intensify the use of the building, or will not involve a change in the use of the building;
 - (d) the erection of specific residential accessory structures, such as a handicap access ramp, children's play structures, pit privies, a clothes or flag pole, dog houses, gazebos or garden trellis, home use fuel
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- wood storage sheds, home use satellite receiving dish or communication/receiving antenna or home use wind turbines as per Part 7.23 (d) of this By-law;
- (e) the development of a government owned, operated and maintained water extraction, treatment, retention and distribution uses or storm water management facilities or roads or bridges; and
 - (f) accessory buildings or structures under 19.97 square metres (215 sq. ft.) in total floor area as per Part 7.23 (c) of this By-law.

APPLICATION FOR DEVELOPMENT PERMIT

- 3.4 (a) Every application for a development permit shall be accompanied by a sketch or site plan drawn to an appropriate scale, showing:
- (i) the shape and dimensions of the lot to be used;
 - (ii) the proposed use and distance from the lot boundaries and the dimensions of the building or structure proposed to be erected;
 - (iii) the distance from the proposed building or structure to any existing building or structure already located on the lot;
 - (iv) the proposed location of any driveway, ingress and egress points and landscaped area;
 - (v) the existing use and proposed use of the lot;
 - (vi) the use or proposed use of and the use or proposed use of every existing or proposed building or structure;
 - (vii) where applicable, a vegetative cover plan identifying the type and percentage of existing natural living vegetation on the property within the water feature setback;
 - (viii) where applicable, a vegetative cover plan identifying the type and percentage of proposed natural living vegetation to be planted on the property within the water feature setback;
 - (ix) where applicable, a slope analysis plan and/or a site grading and/or drainage plan; and
 - (x) any other information which the Development Officer deems necessary to determine whether or not the proposed development conforms with the requirements of this By-law.
- (b) Where the Development Officer is unable to determine if the proposed development conforms to this By-law, the Development Officer may require that the plans submitted under Part 3.4(a) be based upon an actual plan of survey certified/stamped by Nova Scotia Land Surveyor.
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SIGNATURE FOR APPLICATIONS

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

APPLICATION FEE

- 3.6 Every application for a development permit, a land use by-law amendment, a development agreement, an amendment to an existing development agreement, site plan approval or a variance shall be accompanied by a form of payment acceptable to the Municipality in the amount specified by Municipal Council, as amended from time to time.

ADVERTISING AND NOTIFICATION COSTS

- 3.7 (a) Where an application to amend this By-law or to enter into a development agreement or to amend an existing development agreement is made, the applicant shall deposit with the Clerk, at the time of application, an amount established by the Clerk to be sufficient to pay the costs of all advertising and notification required.
- (b) If the amount paid is not sufficient to cover the costs incurred, the applicant shall pay to the Clerk the additional amount required.
- (c) If the amount paid is more than sufficient, the Clerk shall refund the excess amount.
- (d) Where Council decides not to proceed with the application, the deposit shall be returned to the applicant, less the cost of any incurred advertising or notification cost.
- (e) Where the applicant withdraws the application, the deposit shall be returned to the applicant, less the cost of any incurred advertising or notification cost.

USE OF THE METRIC SYSTEM

- 3.8 Throughout this By-law the metric system of measurement has been used followed by the approximate Imperial equivalents in brackets. Should any case arise in which there appears to be a discrepancy between the two figures, the metric figure shall prevail.
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NOTICE TO PROPERTY OWNERS

- 3.9 (a) When an application has been received to amend this By-law for a site-specific purpose, enter into a development agreement, or amend an existing development agreement, all property owners within 100 metres (328 feet) of the subject property shall be notified of the application by the Clerk.
- (b) The notification set out in Part 3.9 (a) shall be in addition to the advertisement for the public meeting or the public hearing required by the *Municipal Government Act* and shall be delivered to all affected property owners by regular mail or personal service prior to the public meeting held in conjunction with the Planning Advisory Committee meeting.

EFFECTIVE DATE OF BY-LAW

- 3.10 In accordance with Section 208 (10) of the *Municipal Government Act* this By-law shall take effect on the date of publication, hereinafter referred to as the effective date of the Lawrencetown Water Supply Area Land Use By-law.

NOTES TO READER

Sections 208 (9) & (10) of the *Municipal Government Act* sets out that for the purposes of the *Act*, planning documents come into effect upon the date a notification is published in a newspaper circulating in the Municipality informing the public that the municipal planning strategy and its implementing land use by-law is in effect. This date is called the effective date.

The date of publication of the Lawrencetown Water Supply Area Municipal Planning Strategy and the Lawrencetown Water Supply Area Land Use By-law coming into effect is the 5th day of June, 2008, hereinafter referred to as the effective date.

It should also be noted that while some uses may be prohibited or not be permitted to be developed in a specific zoning or not permitted or prohibited anywhere within the Planning Area; this plan and by-law governs the use of land only for a small portion of the Municipality as a whole and while the majority of the Municipality is not regulated through land use planning; those prohibited or non-permitted uses would be thusly permitted as unregulated uses elsewhere in un-zoned areas of the Municipality.

PART 4: ZONES, ZONING MAPS AND MUNICIPAL PLANNING STRATEGY DESIGNATIONS

ZONES

- 4.1 For the purpose of this By-law, the Lawrencetown Water Supply Planning Area is divided into the zones, indicated in the list below, the boundaries of which are shown on the attached Zoning Map, Schedule "A". Such zones may be referred to by the corresponding symbols indicated opposite the zone name as shown below.

ZONES	SYMBOL
Lawrencetown Water Supply	LWS-1
Lawrencetown Water Supply	LWS-2
Lawrencetown Water Supply	LWS-3
Lawrencetown Buffer	LB-4
Lawrencetown General	LG-5

ZONING MAP

- 4.2 Schedule "A" is the "Zoning Map" and forms part of this By-law. However, property boundaries, also known as lot lines, shown on the Zoning Map (Schedule A) are continuously subject to change due to approvals of applications for subdivision of land and thus are included for information and clarification purposes only, and do not form part of this By-law.

ZONES NOT ON THE MAP

- 4.3 The Zoning Map of this By-law may be amended, in conformance with the Lawrencetown Water Supply Area Municipal Planning Strategy, to use any zone in this By-law, regardless of whether or not such a zone had previously appeared on the Zoning Map.

MUNICIPAL PLANNING STRATEGY DESIGNATIONS

- 4.4 References in this By-law to areas designated on the Future Land Use Map in the Lawrencetown Water Supply Area Municipal Planning Strategy are indicated by the identifier "MPS FLUM Lawrencetown Water Supply Area".

PART 5: INTERPRETATION

INTERPRETATION OF ZONE BOUNDARIES AND SYMBOLS

- 5.1 The symbols used on the Zoning Map refer to the corresponding zones established in this By-law. The extent and boundaries of zones are shown on the Zoning Map and the requirements of this By-law shall apply to all zones. The boundaries between zones shall be determined as follows:
- (a) where a zone boundary is indicated as following a provincial or municipal public street or highway or private road the boundary shall be the centre line of such unless otherwise indicated;
 - (b) where a zone boundary is indicated as approximately following lot lines the boundary shall follow the lot lines;
 - (c) where a railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse shown on the Zoning Map serves as a zone boundary the centre line of the right-of-way or watercourse shall be considered the boundary between the zones unless otherwise indicated;
 - (d) where none of the above apply, and where appropriate, the zone boundary shall be scaled from the Zoning Map;

INTERPRETATION OF CERTAIN WORDS

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

PERMITTED USES

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

SCHEDULES

- 5.4 All schedules attached hereto or included herein form an official part of this By-law. Parts identified as "Notes to Readers"; are for information or clarification purposes only, and do not form an official part of this By-law.
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PART 6: DEVELOPMENT AGREEMENTS

DEVELOPMENTS TO BE CONSIDERED BY DEVELOPMENT AGREEMENT

- 6.1 The following developments may be considered only by Development Agreement, in accordance with the *Municipal Government Act* and the Lawrencetown Water Supply Area Municipal Planning Strategy.

Type of Development	Governing MPS Policy
<p>The development of single unit detached residential dwellings in the Lawrencetown Water Supply (LWS-3) Zone provided that the application for the development agreement includes a hydrogeological study conducted by a qualified hydrogeologist that identifies all possible impacts of the development on the quality and quantity of the groundwater within the Lawrencetown Water Supply Planning Area, and where appropriate, the hydrogeological study shall prescribe design, construction and ongoing operational standards directed at mitigating the risk of contamination and degradation of the groundwater resource</p>	<p>2.3.2</p>

DEVELOPMENT PERMITS FOR DEVELOPMENT AGREEMENTS

- 6.2 A development permit may be issued for a development listed in Part 6.1, pursuant to the *Municipal Government Act*, provided:
- (a) the development agreement has been approved by Municipal Council;
 - (b) the appeal period has lapsed or any appeals that may have been lodged have been dealt with by the Nova Scotia Utility and Review Board and the ruling was in favour of the development; and
 - (c) the development conforms to the terms and conditions of the development agreement.
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PART 7: GENERAL PROVISIONS FOR ALL ZONES**LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS**

- 7.1 Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law of the Municipality or from obtaining any license, permission, permit or approval required by this or any other By-law of the Municipality or any regulation of the Province of Nova Scotia or the Government of Canada.

Where the requirements in this By-law conflict with those of any other By-law of the Municipality, or regulation of the Province of Nova Scotia or the Government of Canada, the higher or more stringent provision shall prevail.

FRONTAGE ON STREET

- 7.2 No development permit shall be issued unless the lot intended to be used or upon which the building or structure is to be erected abuts and fronts upon a municipal or provincial public street or highway or private road, except in relation to the development of the specific uses or special circumstances set out in Parts 7.6, 7.13, 7.14, 7.21, 9.1 (i), 10.1 (i), 11.1 (i), (ii) & (iii), 12.1 (iii), (iv) & (v) and 13.2 (ii), (iii), & (iv) of this By-law.

MULTIPLE USES

- 7.3 Where any land, building or structure is used for more than one purpose the requirements of this By-law shall be interpreted so that the highest or most restrictive of each standard required for each single use included in the development will be required.

RESTORATION TO A SAFE CONDITION

- 7.4 Nothing in this By-law shall prevent the restoration to a safe condition of any building or structure, except in the case of a non-conforming use where the provisions of the *Municipal Government Act* shall prevail.

BUILDING TO BE MOVED

- 7.5 Unless otherwise provided for in this By-law, no building or structure shall be moved into or within the Lawrencetown Water Supply Planning Area without first obtaining a development permit.
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WATER FEATURE & WELL HEAD PROTECTION

- 7.6 (a) Notwithstanding anything else in this By-law, except for government owned, operated and maintained water supply related extraction, retention, treatment and distribution facilities, including structures or facilities for the display and interpretation of the waterworks and its groundwater management plan and protection strategy, storm water management facilities, roads, bridges, public passive recreation uses and passive recreation uses, no building or structure shall be erected within 30 metres (98.4 feet) of any production or monitoring well head or the edge of the shoreline of any water feature.
- (b) For the purposes of landscaping, buffering, sedimentation and/or erosion control, in connection with a development, except in relation to the development of those governmental uses exempted in Part 7.6 (a), an area of existing natural living vegetation surrounding a production or monitoring well head or a water feature shall be retained on the property a distance of 30 metres (98.4 feet) back from the edge of the shoreline of the water feature or well head.

For the purposes of subsection (b) of this Part, the minimum natural living vegetative cover to be retained on the lot within the water feature setback shall be determined on the basis of the following table:

% Slope	Natural Vegetative Cover (%)	Minimum % trees	Minimum % shrubs	Minimum % grasses
0 - 2	60	30	30	30
2 - 5	75	40	40	40
5+	90	60	60	60

- (c) For the purposes of landscaping, buffering, sedimentation and/or erosion control, in connection with a development, excepting the development of those governmental uses exempted in Part 7.6 (a), where the natural living vegetation within the well head or water feature setback on the lot has been removed or previously disturbed, an area of natural living vegetation shall be planted on the property a distance of 30 metres (98.4 feet) back from the edge of the shoreline of a water feature or well head.

For the purposes of this subsection (c) of this Part, the minimum natural living vegetative cover to be planted on the lot within the water feature setback shall be determined on the basis of the following table:

% Slope	Vegetative Cover (%)	Minimum % Trees	Minimum % Shrubs	Minimum % Grasses
0 - 2	60	25	25	25
2 - 5	75	25	40	25
5+	90	25	50	15

Note: At the time of planting, natural living trees shall be a minimum of 1 metre (3.3 feet) in height, and natural living shrubs shall be a minimum of 0.5 metres (1.64 feet) in height.

- (d) In relation to a development, except in relation to the development of those governmental uses exempted in Part 7.6 (a), no person shall alter land levels, excavate land, fill in land, place fill or remove soil from any land within 30 metres (98.4 feet) of any production or monitoring well head or the edge of the shoreline of any water feature.
- (e) Notwithstanding Part 7.6 (d), where the natural living vegetation within the well head or water feature setback on the lot has been removed or previously disturbed and the reinstatement of the natural living vegetation, as set out in Part 7.6 (c), necessitates the placing of soil or fill on the property within a well head or water feature setback, no person shall place soil or fill on any lands within a protected well head or water feature setback without first submitting a site grading and drainage plan and receiving approval for such from the Municipality.
- (f) Where applicable, the well head or water feature setback distance requirement of Part 7.6 (a) may overlap and include any applicable minimum front, rear or side yard distance requirement. However, the requirements set out in Parts 7.6 (a) to and including (e) of this By-law shall apply to the applicable overlapped or included yard of the lot.

EROSION AND SEDIMENTATION CONTROL

- 7.7 Erosion and sedimentation controls shall be required to be implemented during the construction of any development on all lands within the Planning Area, except in relation to the development of those governmental uses exempted in Part 7.6 (a). Erosion and sedimentation controls shall include the control, disposal or runoff of water containing suspended material or other harmful substances with the use of siltation fences, sedimentation ponds, diversion ditches, silt curtains, sedimentation blankets, slope stabilization and the like, in accordance with the Nova Scotia Department of Environment and Labour Erosion and Sedimentation Control Handbook for Construction Sites.

ALTERING OF LEVELS OF LAND

- 7.8 In addition to Parts 7.6 (d) & (e), in relation to a development, except in relation to the development of those governmental uses exempted in Part 7.6 (a), no person shall alter land levels, excavate land, fill in land, place fill or remove soil on or from any land outside of a protected well head or water feature setback on a lot within the Planning Area without first submitting a site grading and drainage plan and receiving approval from the Municipality.

BUILDINGS TO BE ERECTED ON A LOT

- 7.9 No person shall erect more than one (1) main building or structure on a lot or develop more than one main use of a lot except for:
- (a) developments related to government owned, operated and maintained water extraction, treatment, retention and distribution uses
 - (b) developments related to government owned, operated and maintained storm water management facilities and public passive recreation uses;
 - (c) developments related to public or private utilities or municipal service facilities; or
 - (d) permitted uses in the Lawrencetown General (LG-5) Zone.

TEMPORARY CONSTRUCTION OR SPECIAL USES

- 7.10 The temporary use of land or the temporary erection of a building or structure, incidental to construction shall be permitted provided that a development permit has been issued for the main construction project and the temporary building, structure or use does not remain in place for more than thirty (30) days after the main construction project is completed or discontinued for a period of sixty (60) days. However, no temporary buildings or structures related to special occasions such as, but not limited to, midways, fairs, garden parties, concerts or festivals shall be permitted to be erected in any zone.

CALCULATION OF LOT FRONTAGE

- 7.11 Lot frontage shall be determined by the following: in the case of regularly shaped lots, lot frontage shall be measured as a straight line between the points where the side lot lines meet the front lot line; or, 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 front yard.
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EXISTING LOTS WITH UNDERSIZED LOT FRONTAGE

- 7.12 Notwithstanding the minimum lot frontage requirements of this By-law, a lot in existence on or before the effective date of this By-law having some frontage along a provincial or municipal street or highway or private road, but less than the minimum lot frontage 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 requirements of this By-law are satisfied.

EXISTING LOTS LACKING STREET FRONTAGE

- 7.13 Notwithstanding the minimum lot frontage requirements of this By-law, a lot in existence on or before the effective date of this By-law, which lacks frontage along a provincial or municipal street or highway or private road 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 all other applicable requirements of this By-law are satisfied.

SUBDIVISION AND ZERO LOT FRONTAGE LOTS

- 7.14 Notwithstanding the minimum lot frontage requirements of this By-law, a lot created pursuant to Section 27 of the Subdivision By-law for the Municipality of Annapolis County which does not abut a municipal or public street or highway or private road 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 all other applicable requirements of this By-law are satisfied.

EXISTING UNDERSIZED LOTS

- 7.15 Notwithstanding the minimum lot area requirements of this By-law, a lot in existence on or before the effective date of this By-law, having less than the minimum lot area required by this By-law, may be used for a purpose permitted in the zone it is located and a building may be erected on said lot provided that all other requirements of this By-law are satisfied, and the maximum lot coverage requirement in the Lawrencetown Buffer (LB-4) Zone does not apply. Additionally, where the lot lines of an existing undersized lot are altered so as to increase the lot frontage or area, but still remains undersized in terms of the required lot frontage or area requirements applicable to the zone the lot is located within, the new so created lot shall still be considered an existing undersized lot for the purposes of this By-law.
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SIDE YARD WAIVER

- 7.16 Notwithstanding the minimum lots side yard setback requirements of this By-law, where buildings on adjacent lots share a common wall, the applicable side yard requirement shall be zero.

SUBDIVISION AND DEVELOPMENT COMPONENT BOUNDARY ALTERING

- 7.17 Notwithstanding the minimum lot area and minimum lot frontage requirements of this By-law, development permits shall be issued for development on lots created pursuant to the Subdivision By-law, where the boundaries of two or more existing lots are altered to the extent necessary and practical to remove a development component encroachment of a permanent nature, such as a structure, driveway, well or septic tank that is encroaching in or upon an immediately adjacent area of land provided no additional lots are created and all other applicable requirements of this By-law are satisfied.

SIDE YARDS ON CORNER LOTS

- 7.18 Notwithstanding the minimum side yard requirements of this By-law, on a corner lot, except for government owned, operated and maintained water supply related uses, water extraction, water treatment, water retention, water distribution uses, storm water management facilities, public utilities, municipal service facilities, public passive recreation uses and private utilities, no main building or accessory building or structure shall be erected closer to the flanking street than the minimum front yard applicable to that zone.

SUBDIVISION AND REDUCED LOT FRONTAGE OR AREA REQUIREMENTS

- 7.19 Notwithstanding the minimum lot area and frontage requirements of this By-law development permits shall be issued for development on lots created pursuant to the Subdivision By-law, where the lot created has less than the required frontage and/or lot area provided that neither reduction is less than ninety percent (90%) of the required minimums for lot area and frontage for that zone and all other applicable requirements of this By-law are satisfied.

SUBDIVISION AND ALTERING BOUNDARIES OF EXISTING LOTS

- 7.20 Notwithstanding the minimum lot area and frontage requirements of this By-law, development permits shall be issued for development on lots created pursuant to the Subdivision By-law, where the boundaries of two or more existing lots are altered provided no additional lots are created and the lot frontage and/or area has not been reduced and all other applicable requirements of this By-law are satisfied.
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ROAD FRONTAGE REQUIREMENT WAIVER AND SPECIAL USES

7.21 The use of land buildings or structures developed for government owned, operated and maintained water supply related uses, water extraction, water treatment, water retention, water distribution uses, including structures or facilities for the display and interpretation of the waterworks and its groundwater management plan and protection strategy, government owned, operated and maintained storm water management facilities, public utilities, municipal service facilities and private utilities shall be permitted to be developed on a lot with or without frontage on a municipal or provincial public street or highway or private road.

HOME OCCUPATIONS

7.22 In the Lawrencetown Buffer (LB-4) Zone, nothing in this By-law shall prevent the use of a residential dwelling for a home occupation provided that:

- (a) home occupations are limited to: artist workshops, business offices, craft workshops, counseling offices, domestic and household arts, home instruction studios, household article repair shops, personal grooming shops, personal service clinics or professional offices;
 - (b) home occupations are operated by the occupant of the residential dwelling located on the lot;
 - (c) the home occupation shall be wholly contained within the residential dwelling on the lot and not more than twenty-five (25%) percent of the ground floor area of the residential dwelling on the lot shall be devoted to, or for the use of, the home occupation;
 - (d) an accessory building, located on the same lot as the main residential dwelling and home occupation, may be used for storage purposes accessory to the operation of the home occupation; and
 - (e) there is no outdoor storage on the lot the main residential dwelling and home occupation is located
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ACCESSORY USES, BUILDINGS AND STRUCTURES

- 7.23 (a) An accessory building or structure shall be permitted in any zone and may be used as an accessory use to the main building or use, but it shall not be used for human habitation unless otherwise provided in this By-law.
- (b) Unless otherwise provided in this By-law, no accessory building or structure shall be constructed on a lot prior to the time of construction of the main building on the lot to which it is accessory or prior to the establishment of the main use of the land where no main building is to be built on the lot.
- (c) Unless otherwise provided in this By-law, no development permit shall be required for accessory buildings or structures under 19.97 square metres (215 sq. ft.) in total floor area.
- (d) Unless otherwise provided in this By-law, handicap access ramps, pit privies, flag and clothesline poles, garden trellises, fences, open-sided home use fuel wood storage structures, and home use satellite receiving dishes or communication/receiving antennas shall be exempt from Parts 12.2 or 13.3 requirements and no development permit shall be required.
- (e) In the Lawrencetown General (LG-5 Zone), an accessory building/structure shall be exempt from requirements of Part 7.23 (b) and 13.3 of this By-law.
- (f) Unless otherwise provided in this By-law, in the Lawrencetown Buffer (LB-4) Zone, residential accessory buildings or structures shall be exempt from the requirements of Part 12.2 of this By-law, but shall not:
- (i) be located within 1.5 metres (4.91 ft.) of a property boundary
 - (ii) be located within 1.5 metres (4.91 ft.) of another residential accessory building or structure on the lot;
 - (iii) be located within 3 m. (10 ft.) of the residential dwelling on the lot; and
 - (iv) exceed the total floor area of the residential dwelling on the lot and where there is more than one accessory building or structure on a lot, the total floor area of all accessory buildings and structures shall not exceed the total floor area of the residential dwelling on the lot.
- (g) In the Lawrencetown Buffer (LB-4) Zone, an outdoor fuel or oil storage tank and its associated support structure is considered a residential accessory structure and subject to the requirements of 7.23 (f). However, the minimum distance from the residential dwelling to an outdoor fuel or oil storage tank and its associated support structure shall be reduced to 0.2 metres (0.6 ft.) where special outdoor fuel or oil storage tank provisions are provided, such as the use of a double wall outdoor fuel or oil storage tank or the provision of an outdoor fuel or oil storage tank containment structure capable of containing the full volume of the fuel or oil storage tank.
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PART 8: PROHIBITED USES IN ALL ZONES**ANIMAL RACING TRACKS PROHIBITED**

- 8.1 Notwithstanding anything else in this By-law, the development of commercial uses, facilities or operations involving tracks, roads, trails, stadiums, arenas or any other such form of sporting facility for the racing of animals is prohibited in all zones in the Lawrencetown Water Supply Planning Area.

MOTORIZED VEHICLE VENUES PROHIBITED

- 8.2 Notwithstanding anything else in this By-law, the development commercial uses, facilities or operations involving tracks, roads, trails, stadiums, arenas or any other such form of sporting facility for motorized vehicles including, but not limited to, automobiles, motorcycles, snowmobiles, or all terrain vehicles is prohibited in all zones in the Lawrencetown Water Supply Planning Area.

USES OR FACILITIES FOR MOTORIZED VEHICLES PROHIBITED

- 8.3 Notwithstanding anything else in this By-law, the development of commercial or industrial uses, facilities or operations involving any activity connected with wholesale, retail or consignment sale or resale, construction, building, maintenance or repair of all forms of motorized vehicles, whether the motorized vehicle is intended for use and required to be licensed for use on public roads or highways or whether the motorized vehicle is considered a recreational type of vehicle, and as such, is not intended for use on public roads or highways or is not required to be licensed for use, is prohibited in all zones in the Lawrencetown Water Supply Planning Area.

PUBLIC AND PRIVATE UTILITIES AND MUNICIPAL SERVICE FACILITIES

- 8.4 Public or private utilities and municipal service facilities such as, sewage pumping stations and public transit facilities shall be prohibited in the LWS-1 Zone, LWS-2 Zone, LWS-3 Zone, the LB-4 Zone and the well head and water feature setback, as set out in Part 7.6, and public or private utilities and municipal service facilities such as, sewage treatment plants, waste disposal facilities, landfills, construction debris disposal sites and facilities and solid waste transfer stations shall be prohibited in all zones in the Lawrencetown Water Supply Planning Area.
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PART 9: LAWRENCETOWN WATER SUPPLY (LWS-1) ZONE

LWS-1 USES PERMITTED

9.1 The following listed uses shall be permitted in a Lawrencetown Water Supply (LWS-1) Zone:

- (i) government owned, operated and maintained water supply related uses, water extraction, water treatment, water retention, water distribution uses, including structures or facilities for the display and interpretation of the waterworks and its groundwater management plan and protection strategy

LWS-1 ZONE REQUIREMENTS

9.2 No development permit shall be issued in a Lawrencetown Water Supply (LWS-1) Zone unless in conformity with the following requirements:

Minimum Lot Area	no requirement
Minimum Lot Frontage	no requirement
Minimum Front Yard	no requirement
Minimum Side Yard	no requirement
Minimum Rear Yard	no requirement

PART 10: LAWRENCETOWN WATER SUPPLY (LWS-2) ZONE

LWS-2 USES PERMITTED

10.1 The following listed uses shall be permitted in a Lawrencetown Water Supply (LWS-2) Zone:

- (i) government owned, operated and maintained water supply related uses, water extraction, water treatment, water retention, water distribution uses, including structures or facilities for the display and interpretation of the waterworks and its groundwater management plan and protection strategy

LWS-2 ZONE REQUIREMENTS

10.2 No development permit shall be issued in a Lawrencetown Water Supply (LWS-2) Zone unless in conformity with the following requirements:

Minimum Lot Area	no requirement
Minimum Lot Frontage	no requirement
Minimum Front Yard	no requirement
Minimum Side Yard	no requirement
Minimum Rear Yard	no requirement

PART 11: LAWRENCETOWN WATER SUPPLY (LWS-3) ZONE

LWS-3 USES PERMITTED

11.1 The following uses shall be permitted in Lawrencetown Water Supply (LWS-3) Zone:

- (i) public passive recreation uses
- (ii) public or private utilities and municipal service facilities (see Part 8.4)
- (iii) government owned, operated and maintained water supply related uses, water extraction, water treatment, water retention, water distribution uses, and storm water management facilities
- (iv) * single unit residential dwellings - as per Part 6.1 & Part 11.3

LWS-3 ZONE REQUIREMENTS

11.2 No development permit shall be issued in a Lawrencetown Water Supply (LWS-3) Zone unless in conformity with the following requirements:

Minimum Lot Area	no requirement
Minimum Lot Frontage	no requirement
Minimum Front Yard	no requirement
Minimum Side Yard	no requirement
Minimum Rear Yard	no requirement

LWS-3 ZONE REQUIREMENTS

11.3 No development permit shall be issued in a Lawrencetown Water Supply (LWS-3) Zone unless in conformity with the following requirements:

Minimum Lot Area	10, 117.5 sq. m. (2.5 acres)
Minimum Lot Frontage	76.0 metres (249.34 feet)
Minimum Front Yard	20.0 metres (65.6 feet)
Minimum Side Yard	20.0 metres (65.6 feet)
Minimum Rear Yard	20.0 metres (65.6 feet)
Maximum Lot Coverage of Main Building	3.0%

PART 12: LAWRENCETOWN BUFFER (LB-4) ZONE

LB-4 USES PERMITTED

12.1 The following uses shall be permitted in Lawrencetown Buffer (LB-4) Zone:

- (i) single detached dwellings
- (ii) double/apartment or duplex or semi-detached dwellings
- (iii) * passive recreation uses
- (iv) * public or private utilities and municipal service facilities (see Part 8.4)
- (v) * government owned, operated and maintained water supply related uses, water extraction, water treatment, water retention, water distribution uses, including structures or facilities for the display and interpretation of the waterworks and its groundwater management plan and protection strategy, storm water management facilities and public passive recreation uses

* denotes Part 12.3 applies

LB-4 ZONE REQUIREMENTS

12.2 No development permit shall be issued in a Lawrencetown Buffer (LB-4) Zone unless in conformity with the following requirements:

Minimum Lot Area	10, 117.5 sq. m. (2.5 acres)
Minimum Lot Frontage	76.0 metres (249.34 feet)
Minimum Front Yard	20.0 metres (65.6 feet)
Minimum Side Yard	20.0 metres (65.6 feet)
Minimum Rear Yard	20.0 metres (65.6 feet)
Maximum Lot Coverage of Main Building	3.0%

LB-4 ZONE REQUIREMENTS

12.3 No development permit shall be issued in a Lawrencetown Buffer (LB-4) Zone unless in conformity with the following requirements:

Minimum Lot Area	no requirement
Minimum Lot Frontage	no requirement
Minimum Front Yard	no requirement
Minimum Side Yard	no requirement
Minimum Rear Yard	no requirement

PART 13: LAWRENCETOWN GENERAL (LG-5) ZONE**LG-5 USES PROHIBITED**

13.1 Unless otherwise permitted in this By-law, the following uses shall be prohibited in Lawrencetown General (LG-5) Zone:

- (i) Gas Stations
 - (ii) Car Wash and Detailing Shops
 - (iii) Bulk Chemical Production, Storage and/or Distribution Facilities
 - (iv) Salt Storage Facilities
 - (v) Laundry and Dry Cleaning Establishments
 - (vi) Landfills and Construction and Demolition Debris Disposal Sites
 - (vii) Recycling Storage and/or Processing Facilities
 - (viii) Scrap Metal and Salvage Storage and/or Processing Facilities
 - (ix) Salvage Yards
 - (x) Septic Disposal Service Facilities
 - (xi) Commercial Composting Facilities
 - (xii) Fertilizer, Herbicide or Pesticide Production, Mixing, Blending, Storage and/or Distribution Facilities
 - (xiii) Petroleum Fuels or Solvents Production, Storage and/or Distribution Facilities
 - (xiv) Main or Accessory Buildings or Structures Related to Surface, Subsurface, Aggregate or Sand Extraction, Quarrying, Mining, Processing or Storage Facilities, Operations, or Industries
 - (xv) Soil Mixing, Blending or Storage Operations or Facilities
 - (xvi) Cold Storage Facilities
 - (xvii) Warehouse or Wholesale Storage and/or Distribution Facilities
 - (xviii) Machine Shops and Metal Working Shops
 - (xix) Furniture Manufacturing, Restoration or Repair Facilities
 - (xx) Transport and Trucking Facilities
 - (xxi) Funeral Homes, Cemeteries and Crematoria Facilities
 - (xxii) Animal Burial Facilities
 - (xxiii) Golf Courses and Golf Driving Ranges
 - (xxiv) Asphalt, Paint or Cement Plants
 - (xxv) Facilities for the Manufacture, Processing or Reprocessing of Radioactive Materials or Other Dangerous Goods
 - (xxvi) Heavy Water Plants
 - (xxvii) Pulp and Paper Mill
 - (xxviii) Oil Refineries
 - (xxix) Metal Smelters
 - (xxx) Ferro-alloy Plants
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- (xxxi) Non-ferrous Metal Smelters
- (xxxii) Abattoirs, Dismembering or Rendering Plants
- (xxxiii) Facilities for the Treatment of Timber Resources
- (xxxiv) Fishmeal Production Operations, Plants or Facilities
- (xxxv) Electricity Production Facilities, except for Wind energy or Solar Energy Production Facilities
- (xxxvi) Uses prohibited as per Part 8 of this By-law

LG-5 USES PERMITTED

13.2 The following uses shall be permitted in Lawrencetown General (LG-5) Zone:

- (i) All other uses, except those listed as prohibited uses in this By-law
- (ii) * public passive recreation uses * **denotes Part 13.4 applies**
- (iii) * public or private utilities and municipal service facilities
- (iv) * government owned, operated and maintained water supply related uses, water extraction, water treatment, water retention, water distribution uses, including structures or facilities for the display and interpretation of the waterworks and its groundwater management plan and protection strategy and storm water management facilities

LG-5 ZONE REQUIREMENTS

13.3 No development permit shall be issued in a Lawrencetown General (LG-5) Zone unless in conformity with the following requirements:

Minimum Lot Area	10, 117.5 sq. m. (2.5 acres)
Minimum Lot Frontage	76.0 metres (249.34 feet)
Minimum Front Yard	20.0 metres (65.6 feet)
Minimum Side Yard	20.0 metres (65.6 feet)
Minimum Rear Yard	20.0 metres (65.6 feet)

LG-5 ZONE REQUIREMENTS

13.4 No development permit shall be issued in a Lawrencetown General (LG-5) Zone unless in conformity with the following requirements:

Minimum Lot Area	no requirement
Minimum Lot Frontage	no requirement
Minimum Front Yard	no requirement
Minimum Side Yard	no requirement
Minimum Rear Yard	no requirement
