



**Municipality of the
District of Clare**



LAND USE BYLAW

CHAPTER 1 SCOPE	1	4.13 PERMITTED NUMBER OF MAIN BUILDINGS ON A LOT	27
CHAPTER 2 DEFINITIONS	3	4.14 SECONDARY SUITES	27
CHAPTER 3 ADMINISTRATION AND INTERPRETATION	19	4.15 HOUSEHOLD LIVESTOCK	28
3.1 ADMINISTRATION	20	4.16 MANURE STORAGE	28
3.2 COMPLIANCE WITH OTHER BYLAWS	20	4.17 SMALL OPTION HOMES	28
3.3 INTERPRETATION OF ZONE BOUNDARIES AND SYMBOLS	20	4.18 RECREATIONAL VEHICLE PARKING SITES	28
3.4 INTERPRETATION OF CERTAIN WORDS	20	4.19 ILLUMINATION	28
3.5 PERMITTED USES	20	4.20 PERMITTED ENCROACHMENTS IN YARDS	28
3.6 DEVELOPMENT PERMIT	20	4.21 HOME BASED BUSINESS REQUIREMENTS	28
3.7 NO DEVELOPMENT PERMIT REQUIRED	21	4.22 WATERCOURSE AND DRINKING WATER PROTECTION	29
3.8 APPLICATION FOR DEVELOPMENT PERMIT	22	4.23 COASTAL PROTECTION	29
3.9 SIGNATURE FOR APPLICATIONS	22	4.24 PARKS, PLAYGROUNDS & TRAILS	29
3.10 APPLICATION FEE	22	4.25 PUBLIC/PRIVATE UTILITIES & SERVICE FACILITIES	30
3.11 EFFECTIVE DATE OF BYLAW	23	4.26 WIND TURBINES	30
		4.27 UNSUITABLE HABITATION	30
CHAPTER 4 GENERAL PROVISIONS	24	CHAPTER 5 DEVELOPMENT ZONES	32
4.1 MULTIPLE USES	25	5.1 ZONES ESTABLISHED	33
4.2 MULTIPLE BUILDINGS ON A LOT	25	5.2 PERMITTED LAND USES	34
4.3 ACCESSORY USES PERMITTED	25	5.3 ZONE PROVISIONS	37
4.4 ACCESSORY BUILDINGS AND STRUCTURES	25	5.4 MEASURING STANDARD LOT AND BUILDING DIMENSIONS	38
4.5 TEMPORARY CONSTRUCTION USES	25	5.5 RESIDENTIAL ZONE	40
4.6 NON-CONFORMING USES AND STRUCTURES	25	5.6 AGRICULTURAL ZONE	42
4.7 RESTORATION TO A SAFE CONDITION	26	5.7 MIXED USE ZONE	50
4.8 STREET FRONTAGE	26	5.7 INDUSTRIAL ZONE	52
4.9 EXISTING UNDERSIZED LOTS	26	5.8 PARK AND INSTITUTIONAL ZONE	54
4.10 SIDE YARD WAIVER	26		
4.11 CONFORMITY WITH EXISTING SETBACKS	27	APPENDIX A	
4.12 REDUCED REQUIREMENTS - LOT FRONTAGE	27	ZONING MAPS	

A scenic view of a suspension bridge, likely the Bix Creek Creek Bridge, spanning a body of water. The bridge is seen through tall, green grass in the foreground. The sky is blue with scattered white clouds. The bridge has two tall towers and a network of cables supporting the deck. The water is calm, and the overall scene is peaceful.

CHAPTER 1

SCOPE



DRAFT

1.1 TITLE, INTRODUCTION AND PURPOSE

The Land Use Bylaw regulates the use, conservation, and development of land, habitat, buildings, and signs in pursuit of the objectives of Clare's Municipal Planning Strategy (MPS). The Land Use Bylaw (LUB) governs what may occur on a piece of property depending on its zoning.

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

This Land Use Bylaw is a tool to maintain and enhance the quality of life of residents by providing opportunities to attain individual and community aspirations; conserve and enhance the environmental quality in Clare; and foster planned, efficient, economical and beneficial development that provides a diversity of choice, lifestyle, and environment.

1. This Bylaw shall be known as the "Municipality of the District of Clare Land Use Bylaw" and shall apply to all the lands within the Municipality of Clare, hereinafter referred to as the Planning Area, as defined by the Zoning Map (Appendix A).
2. The purpose of this Land Use Bylaw is to carry out and implement the land use development policies contained within the MPS in accordance with the **Municipal Government Act** (MGA). The MGA also enables the Municipality to adopt a Subdivision Bylaw to control the division of land. These three documents provide the

framework for planning and development in the Planning Area.

3. The regulations and standards contained within this Bylaw, below, that apply to the development and use of property are as follows:
 - Part 2: The definitions section to determine how specific developments or lot conditions are defined or applied to a development
 - Part 3: The administration and interpretation section to define permit requirements
 - Part 4: The general provisions, which apply to all zones
 - Part 5: The requirements applicable in each zone created by this Bylaw
 - Appendix A: The Zoning Map illustrating where each zone is to be applied within the Planning Area.
4. Property boundaries as shown on the Zoning Map (Appendix A) are continuously subject to change due to approvals of applications for subdivision of land. They are included for information and clarification purposes only, and do not form part of this Bylaw.

CHAPTER 2

DEFINITIONS



DRAFT

2.1 DEFINITIONS

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

ABUTTING means to share one or more common lot lines or a common point along a lot line.

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

ACCESSORY USE means a use, other than human habitation, of land or a building or structure which is not the main or secondary use of the land, building or structure on a lot, and which is naturally or customarily incidental and complementary to the main use of the land or to the main use being conducted in the main building or structure on the lot.

AGRICULTURAL USE means a use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, aquaculture, floriculture, horticulture, animal and poultry husbandry, riding stables, and petting farms and the necessary accessory uses for packing, storing, or treating the produce, as well as the sale of goods and services produced on the farm property.

AGRICULTURAL-RELATED INDUSTRY means a commercial or industrial use involving the sale, processing, sorting, grading, packaging, inspection, storage, distribution, or transportation of agricultural crops, products, and livestock, as well as the manufacturing and production of livestock feeds, soil additives and amenders, fertilizer, herbicide, or

pesticide and the stockpiling of bulk materials used in the production process. Facilities for the slaughtering and/or processing of agricultural livestock, excluding a rendering plant, shall also be included along with their necessary accessory uses and buildings.

AGRICULTURAL-RELATED USE means an agriculture-related ancillary use such as, but not limited to, microbreweries, cideries, wineries, and distilleries; animal rescue and rehabilitation centres; agricultural exhibitions; farm markets; garden centres; gardening and agricultural clubs; equine farms involving services such as, but not limited to breeding, studding, training, boarding or riding lessons; and agricultural institutions such as schools, research, and extension offices.

AGRITAINMENT USE means an agricultural-themed entertainment use such as, but not limited to, guest ranching/farm operations, petting farms or zoos, hayrides, u-picks, pumpkin patches, hedge or corn mazes, riding and walking trails, farm tours, workshop or farm demonstrations, garden centres, farm markets, museums, and other indoor or outdoor entertainment uses based on agricultural topics and/or using agricultural props.

ALTER means any change in the structural component of a building or any increase in the volume of a building or structure and may also refer to a change in use.

ANIMAL RESCUE AND REHABILITATION CENTRE means the use of land, buildings, and structures where temporary care, treatment, and rehabilitation of injured, sick, displaced, or orphaned agricultural, domestic, or native wildlife with the goal of returning/placing

DRAFT

a healthy animal in a permanent off-site placement or back to the wild, not including permanent boarding facilities.

ATTACHED means a building, otherwise complete, that has a division wall or walls shared with an abutting building, which provides structural support to one or both buildings or is required to completely enclose one or both buildings.

AUTO BODY SHOP means a building or a clearly defined space on a lot used for the storage, repair, and servicing of motor vehicles including body repair, painting and engine rebuilding but does not include an automobile service station or an automobile sales establishment.

AUTOMOTIVE IMPOUND YARD means a lot used for the confiscation and storage of automotive vehicles, including boats, and recreational campers, along with a accessory uses or structures, but does not include the storing of vehicles for the salvaging of parts or scraps.

AUTOMOTIVE SALES AND RENTALS means a lot and or building used for the sale or rental of new or used automotive vehicles, including boats and recreational trailers.

BED AND BREAKFAST ESTABLISHMENT means a single-unit residential dwelling, licensed under the *Tourist Accommodation Registration Act* and Regulations, in which the operator supplies, for compensation, rooms that are rented or hired out to accommodate the traveling public for sleeping purposes and where a general kitchen and dining room are provided within the building for the purpose of serving meals only to overnight guests.

BOARDING OR ROOMING HOUSE means a single-unit residential dwelling in which the operator supplies either room or room and board for compensation on a weekly or monthly basis, and which is not open to the public, but does not include a dwelling-group care facility.

BUFFERING/BUFFER STRIP means a treed or landscaped area intended to separate and screen the view of abutting land uses or properties from each other.

BUILDING means any temporary or permanent main or accessory structure used or built for the accommodation or enclosure of persons, animals, materials, or equipment. For the purposes of this definition, any awning, bin, fabricated container structure ("TEU"), platform, vessel, or vehicle used for any of the said purposes shall be deemed a building.

BUILDING INSPECTOR means the building inspector appointed by the Municipality of Clare.

BUILDING LINE means any line regulating the position of a building on a lot.

BUSINESS AND PROFESSIONAL OFFICES means a building or part of a building where business may be transacted, a service performed, management and general supervisory functions performed, or consultation given by, but not limited to administrators, lawyers, architects, planners, engineers, accountants, private consultants and similar professions, but shall not include veterinary clinics or the manufacturing of any product or the on-site retailing or selling of goods.



DRAFT

BYLAW means this Bylaw, which is the Land Use Bylaw for the Clare Planning Area of the Municipality of Clare.

CAMPGROUND means an area of land for the temporary accommodation and access to facilities for people using travel trailers, motorized motorhomes, tents, cabins, cottages or to park a recreational vehicle that is licensed under the *Tourist Accommodation Registration Act* and Regulations, and may include accessory buildings, structures, and uses, but does not include a mobile home park.

CEMETERY means land or buildings used for the interment of the dead, either human or pets, and may include a burial ground, a mausoleum vault or a columbarium for the storage of remains or ashes, a chapel for interment services, open spaces and memorial parks.

CLINIC means a building or part of a building used by a medical practitioner for the medical, dental, surgical, or therapeutic treatment of human patients, including the retail sales of products/goods related to the clinic, but does not include an overnight facility.

CLUB means:

1. **CLUB, COMMERCIAL** means the use of a building for a meeting place primarily operated for monetary gain.
2. **CLUB, PRIVATE** means the use of a building for a meeting place for members of an organization, collegial group, lodge or labour union hall.

CONTINUING CARE RESIDENTIAL COMMUNITY means a group of buildings, services and amenity areas that offers multiple levels of

care (independent living, assisted living, skilled nursing care, long term care facilities) housed in different areas in the same location and operates as one integrated facility and may include the provision of residential services (meals, housekeeping, laundry), social and recreational services, health services, personal care, and nursing care to individuals or couples who require assistance with daily living.

COMMERCIAL RECREATIONAL CENTRE

means a building or lot or part of a building or lot used for commercial recreation or entertainment purposes such as but not limited to arcades and game rooms, billiard or pool halls, bingo halls, botanical and zoological exhibits, bowling alleys, cinemas or theatres, dance halls, golf courses and driving ranges, miniature golf courses, and sporting venues, such as hockey and skating rinks, soccer and baseball fields, and running tracks and similar uses to the foregoing, together with necessary and accessory buildings and structures. Unless otherwise stated in this Bylaw casinos, adult entertainment uses, and tracks for the racing of animals or any form of motorized vehicles are not included as a commercial recreational centre.

COMMERCIAL EDUCATIONAL & LEARNING CENTRE

means a learning or educational centre conducted for monetary compensation and includes a privately operated school, college, or university as well as similar uses such as but not limited to a language and driving school but does not include daycares.

COMMERCIAL MEETING SPACE means a space, spaces, or a building available for lease for weddings or similar gatherings, and for special events including the temporary sale of

DRAFT

goods and/or services for a prescribed period of time not exceeding one year.

COMMUNITY CENTRE means any building or part thereof used for community activities, whether used for commercial purposes or not, the control of which belongs to the Municipality, a local board or agent thereof, or a non-profit organization.

CONSTRUCTION INDUSTRY means a use primarily involving the construction, manufacturing, development, redevelopment, or rehabilitation of buildings and real estate, including roadbuilding.

COTTAGE means a structure having a roof supported by columns or walls, built, constructed, placed or located on a lot and used for human habitation, typically intended for temporary or seasonal, that is rustic in nature and may lack an on-site sewage disposal system, a piped-in water supply or grey water disposal system.

COURT means an open uncovered and unoccupied space appurtenant to a building and bounded on two or more sides by walls of a building.

CULTURAL CENTRE means a museum, theater, art center, music hall, or other cultural or arts facility, the control of which belongs to a government body, a local board or agent thereof, or a non-profit group.

DAY CARE means:

- 1. DAY CARE CENTRE, NON-RESIDENTIAL** means a place where three or more children or adult seniors are cared for on a temporary daily basis for compensation without overnight accommodation but

does not include a school.

- 2. DAY CARE CENTRE, RESIDENTIAL** means that portion of a residential dwelling that is used to accommodate more than three but fewer than seven children or adult seniors who are cared for on a temporary basis for compensation without overnight accommodation.

DEVELOPMENT means to build, place, locate, relocate, construct, reconstruct, replace, enlarge or add to, alter, convert, or alter any building, structure, land, or land use and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, or filling; structurally altering any existing building or structure by an addition, deletion, enlargement, or extension.

DEVELOPMENT OFFICER is the person or persons appointed to administer this Bylaw.

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

- 1. DWELLING UNIT** means one or more habitable rooms designed, occupied or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.



DRAFT

2. **DWELLING, SINGLE-UNIT** means a residential building consisting of one dwelling unit that is fully located on a lot, and, unless otherwise stated in this Bylaw, includes mobile and tiny homes.
3. **DWELLING, TWO-UNIT** means a residential building that is divided into two dwelling units, each of which has independent entrances either directly to the outside or through a common entrance from the street level.
4. **DWELLING, MANUFACTURED** means a transportable, single or multiple-section dwelling unit certified by the Canadian Standards Association, prior to the placement on a site, as being compliant with the CAN/CSA-Z240 Series Standard at the time of manufacture.
5. **DWELLING, MOBILE HOME** means a building that is constructed to the CAN/CSA-Z240 Series Standard, is transported in one or more sections, that is built on permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities.
6. **DWELLING, MULTI-UNIT** means a residential building located on a single lot containing three or more dwelling units, which have individual entrances or a common entrance from the street level
7. **DWELLING, SECONDARY SUITE** means a dwelling unit located on the same lot as a single-detached residential structure either within, attached to, or separate from the first residential structure that is clearly secondary or subordinate to the single-detached structure and shall include but not be limited to dwelling units commonly

referred to as basement apartments, in-law suites, granny flats.

EXISTING means legally existing as of the effective date of this Bylaw.

EXTRACTIVE-RELATED FACILITIES means the use of and structures related to, associated with and/or fundamental to the operation of an extractive surface, or underground mine, pit, quarry or drill site, including those lands, buildings and structures related to, associated with and/or fundamental to the storage, washing, crushing, sifting, reducing, leaching, weighing, processing, distribution and/or sale of such extracted materials, including but not limited to, sand, gravel, oil and natural gas, minerals, stone, rock or clay.

FARM MARKET means an indoor or outdoor market at which local farmers, producers, and growers can sell processed or unprocessed agricultural products directly to customers and may include other local vendors selling products such as goods created in an art or craft workshop.

FIRST STOREY means the uppermost storey having first floor level not more than 2.0 m (6.6 ft) above grade.

FLOOR AREA means:

1. **WITH REFERENCE TO A DWELLING** means the maximum area contained within the outside walls excluding any attached garage, porch, verandah, unfinished attic or basement or other room not habitable at all seasons of the year
2. **WITH REFERENCE TO A DWELLING UNIT** where more than one unit is contained within a dwelling, means the maximum floor area contained within the finished

DRAFT

wall surfaces of an individual dwelling unit, excluding closets, built-in cabinets and storage areas, and balconies.

3. **FLOOR AREA, COMMERCIAL** means the total usable floor area within a building used for commercial purposes but excludes furnace and utility rooms, washrooms and excluding, in the case of shopping malls, common hallways between stores.
4. **FLOOR AREA, GROSS** means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be considered to be exterior walls.
5. **FLOOR AREA, GROUND** means the maximum area contained within the outside walls of the ground floor of a building excluding any attached garage, porch, verandah, or other room not habitable at all seasons of the year.

FORESTRY USE means:

1. **FORESTRY USE, PRIMARY OPERATION** means the use of land for silviculture, cultivation, harvesting, or gathering of trees for the purpose of fuel wood, construction lumber, pulpwood, or other forest products and any uses associated with it, including accessory structures, but shall not include the manufacturing or processing of such wood products.
2. **FORESTRY USE, SECONDARY OPERATION** means the use of land, buildings, or structures for the processing of harvested

or gathered trees for the production of wood products such as fuel, construction lumber and products, and pulpwood for paper manufacturing.

GARDEN CENTRE means a building or outdoor area in which gardening equipment and planting materials comprises the major portion of goods offered or kept for sale directly to the public at retail value.

HABITABLE BUILDING means structure having a roof supported by columns or walls, built, constructed, placed, or located on a lot, designed and used for the accommodation, enclosure or assembly of human beings, regardless of whether the structure is intended for seasonal or permanent use, or whether or not the structure is used for overnight accommodation, including residential, commercial, institutional, industrial, and recreational buildings, but not including a camp, a tent, or a recreational vehicle and also not including accessory buildings or structures such as sheds and storage areas.

HEIGHT means, when used with reference to a building, the vertical distance between the established grade and the highest point of the building proper, exclusive of any accessory roof construction such as a chimney, tower, cupola or steeple.

HISTORICAL SITES AND INTERPRETATION CENTRES means a property or building that is protected by a government body for a historical, environmental, or cultural reason including the use of a lot or building to provide interpretation of the place of interest through a variety of media as well as an accessory structure or uses.



DRAFT

HOME BASED BUSINESS means an accessory use of a residential dwelling by a primary occupant for gainful employment involving the production, sale, or provision of goods and/or services.

HOTEL, MOTEL OR TOURIST ESTABLISHMENT means a building or buildings that are used to accommodate the traveling public for gain or profit by supplying them with sleeping accommodation, with or without meals, and shall include a guest house, cabins, a motel, a tourist home, a hotel, and an inn but shall not include a campground.

HOBBY FARM means a small-scale farm that is primarily worked for pleasure rather than profit. Owners of hobby farms typically do not rely on the farm for income; instead, they engage in farming activities as a leisure pursuit, which may include raising animals or growing crops for personal use.

INDUSTRIAL WORKSHOP means the use of a building for a sheet metal, welding, metal working, or machine shop, including the accessory display and sale of manufacture items and products.

HOUSEHOLD LIVESTOCK means agricultural animals such as horses, cows, goats, sheep, and pigs as well as egg-laying fowl and rabbits that may be kept in limited numbers on a residential property.

INDUSTRY means:

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

2. **INDUSTRY, LIGHT** means a use engaged in the manufacturing, predominantly from previously prepared materials, finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage/sales/distribution such machine, metal working, sheet metal, and welding shops or commercial soil mixing operations and composting operations, as well as industries that use chemicals on an industrial scale such as dry cleaning shops and laundromats.

INSTRUCTION STUDIO means the use of a building for the purposes of providing instruction in painting, sculpturing, moulding, yoga, dance or music including instruction in handicraft production, dressmaking/tailoring, leatherworking, pottery/ceramic-making, woodworking, quilting, crocheting, knitting, needlepoint, weaving or sewing or computer/electronics operation.

INSTITUTION OR INSTITUTIONAL USE means the use of land or building by any governmental body or agency to provide service on behalf of government, and shall include an organized body or society promoting a particular purpose with no intent of profit, such as but not limited to community centre, cultural centres, food banks, public educational and learning centres such as but not limited to schools, colleges and universities and visitor or information centres, but shall not include a utility, a club, commercial community centre, commercial school or place of worship.

KENNEL, ANIMAL DAY CARE, OR ANIMAL GROOMING SALON means any facility or operation for the purposes of accommodating, breeding, sale, or grooming

DRAFT

of animals and may include provisions for daytime and overnight accommodation of animals including any outdoor facilities such as pens, runs and enclosures.

LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features.

LICENSED LIQUOR ESTABLISHMENT means an establishment licensed by the Nova Scotia Utility and Review Board under the *Liquor Control Act*, R.S.N.S., 1989, Ch 260.

LOADING SPACE means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.

LOT means a parcel of land described in a deed or shown on an approved, registered plan of subdivision.

1. **LOT, CORNER** means a lot situated at the intersection of and abutting on two or more streets; or upon two parts of the same street forming an interior angle of less than 130 degrees.
2. **LOT, FLAG** means a lot characterized by its location of the main body of the lot generally at the rear of another lot, or otherwise separated from the street or roadway that provides access, and by a narrower prolongation extending from the main portion of the lot to the said street or roadway. A flag lot generally resembles a flag on a pole in the case of a rectangular layout, or the main body of the lot with an

umbilical prolongation providing access in the case of such a lot having irregular boundaries.

3. **LOT, INTERIOR** means a lot situated between two lots and having access to one street
4. **LOT, THROUGH** means a lot bounded on two opposite sides by streets or a highway provided, however, that if any lot qualifies as both a corner lot and a through lot as herein before defined, such lots shall be deemed to be a corner lot for the purpose of this Bylaw
5. **LOT AREA** means the total horizontal area within the lot lines of a lot
6. **LOT COVERAGE** means the percentage of the lot that is covered by buildings excluding projecting eaves, balconies, and similar features
7. **LOT FRONTAGE** means the length of a line joining the side lot lines and parallel to the front lot line.

LOT LINE means a boundary line of a lot

1. **LOT LINE, FRONT** means the lot line dividing the lot from the street or, in the case of a corner lot, the shorter lot line abutting the street, or, in the case of a through lot, the lot line abutting the street providing the primary access or, in the case of a lot with no street frontage, the lot line that most closely parallels the nearest street line where access is provided.
2. **LOT LINE, REAR** means the lot line furthest from or opposite the front lot line.
3. **LOT LINE, SIDE** means a lot line other than a front or rear lot line.



DRAFT

4. LOT LINE, FLANKAGE means a side lot line that abuts the street on a corner lot.

MAIN BUILDING means a building in which the principal use or purpose of the lot is located.

MEDICAL PRACTITIONER includes, but is not limited to, a chiropodist, chiropractor, dentist, denturist, doctor, osteopath, optometrist, physician, or holistic or homeopathic health services practitioner, but does not include a veterinarian.

MICROBREWERY means a craft brewery or cidery engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, cider, or other related beverages.

MICRODISTILLERY means a craft distillery or winery engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than beer or wine.

MUNICIPALITY means the Municipality of the District of Clare.

OBNOXIOUS USE means a use that, from its nature or operation creates a nuisance or is offensive by the creation of noise, vibration, the emission of gas, fumes, dust or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter waste or other material.

OUTDOOR DISPLAY means an area of land where goods are displayed that are available for sale to the general public from a retail outlet located on the same lot.

OUTDOOR STORAGE means items such as merchandise, goods, inventory materials, or equipment that are not intended for

immediate sale and the are stored by being located on a lot exterior to a building.

PARK & RECREATIONAL USES means the use of land for parks, playgrounds, open space recreation, community gardens, open space conservation, tennis courts, lawn bowling greens, indoor and outdoor public skating rinks, and athletic fields, band shells or pavilions, and similar uses to the foregoing, together with necessary and accessory buildings and structures, excluding a track for the racing of animals, or any form of motorized vehicles, except where permitted.

- 1. PARK, ACTIVE** means a park and/or recreation use involving the construction of buildings and/or infrastructure, and/or the preparation of land for a sport or recreational activity, but shall not include public trails.
- 2. PARK, PASSIVE** means a park and/or recreation use that does not require prepared facilities like sports fields or structures, but which may mean public trails including benches, signage, and fencing and gates required to support the use of trails.

PARKING AREA OR PARKING LOT means an open area of land other than a street or an area within a structure for the parking of vehicles.

PARKING SPACE means an area of land for the temporary parking or storage of motor vehicles.

PERSON includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee or agent and

DRAFT

the heirs, executors or other legal assigns, wards and representatives to whom the context applies according to law.

PERSONAL SERVICE SHOP means a building or part of a building used to meet the individual and personal needs of human beings, and without limiting the generality of the foregoing, may include a barber shops, beauty parlours, automatic laundry shops, hairdressing shops, clothing and shoe repair or maintenance, and depots for collecting dry cleaning and laundry, including the retail sales of products/goods incidental or related to the personal service shop.

PLACE OF WORSHIP means a community service building or complex of buildings dedicated to religious worship or institutions including but not limited to churches, chapels, temples, synagogues, mosques, convents, and monasteries. A hall, administration office, residency for the clergy, cemetery, and day nursery operation for the congregation are considered accessory uses.

PLANNING AREA means all the lands within the Clare Planning Area, as defined by the Zoning Map (Appendix A).

PREMISES means an area of land with or without buildings or structures.

PRIVATE OR PUBLIC ROAD/STREET/HIGHWAY means any road, street or highway defined by the Clare Subdivision Bylaw.

PRODUCE STAND means a single-storey moveable structure with a floor area less than 4.65 m², or wagon-top sales area used for the marketing, retailing, or distributing of agricultural products grown or harvested by a primary resident of the property on which the

produce stand is located.

PUBLIC AUTHORITY means any Commission or Committee of the Municipality of Clare established or exercising any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the Municipality or a portion thereof and includes any committee or local authority established by a bylaw of the Municipality, and any governmental body.

PUBLIC RECREATIONAL CENTRE means a building or lot or part of a building or lot owned and operated by a public authority for recreation or entertainment purposes such as dance halls, bowling alleys, golf courses, golf driving ranges, miniature golf courses, roller skating rinks, botanical and zoological exhibits, and sporting venues such as hockey and skating rinks, soccer, and baseball fields, and running tracks and similar uses to the foregoing, together with necessary and accessory buildings and structures.

RECREATIONAL VEHICLE means a vehicular, portable unit designed for travel, camping or recreational use, including a Class A, Class B, and Class C motor home, a travel trailer, a fifth wheel recreational vehicle, a folding or pop-up tent trailer, or a pick-up camper.

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

REPAIR SHOP means the use of a building for the installation or repair of office and household articles such as furniture,



DRAFT

appliances, computers, electronics, and entertainment equipment, including the accessory display and sale of such items repaired.

RESIDENTIAL CARE COMMUNITY means an individual building or a group of buildings, services and amenity areas that are regulated under the Nova Scotia *Homes for Special Care Act* or *Health Authorities Act* and offer multiple levels of care or treatment, such as but not limited to assisted living, independent living, group homes, senior homes, skilled nursing care, hospice, and long term care facilities and may be operated as a standalone service or as integrated multi-service facility. These services may include the accessory uses and services such as the serving of meals, housekeeping, social and recreational services, health services, personal care and nursing care.

RESTAURANT means a building or part thereof where food and drink are served to the public for consumption within the building.

RESTAURANT, DRIVE-IN OR TAKE-OUT means a restaurant that does not necessarily provide facilities for consumption thereof on the premises other than parking areas.

RETAIL STORE means a building or part thereof in which new or used merchandise or things are offered or kept for sale directly to the public at retail cost and may include the rental of merchandise, articles or goods.

SCRAP YARD OR SALVAGE YARD means an area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include wastepaper, rags, bones, used bicycles, vehicles, tires, appliances, metals, or other scrap material or salvage, but shall not

include a hazardous waste material storage or disposal site or recycling depot.

SCREENING means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden.

SEPARATION DISTANCE means a horizontally measured portion of a lot which is required to physically separate incompatible land uses.

SERVICE SHOP means the processing of milk and dairy products for sale, bakery, butcher shop, not including the slaughtering of animals, paint shop, printing establishment, photography studio or photographic processing lab, laundry or dry-cleaning establishment, upholstery shop, high pressure wash facilities, and carpet or house cleaning establishment.

SERVICE STATION means the use of a building for the sale of automotive fuels, electricity, lubricating oils, and/or the accessory sale of automotive accessories, servicing and repair of motor vehicles, a car wash, convenience store, and/or restaurant but shall not include an auto body shop, unless otherwise stated in this Bylaw.

SETBACK means the distance between the lot line or a watercourse and the nearest main wall of the main building or structure on the lot. Where a setback or setbacks from a building or a lot line overlaps with a setback from a watercourse, the larger setback shall apply.

SHOPPING CENTRE OR MALL means a building on a lot designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants containing a group of commercial uses and distinguished from a business area comprising unrelated individual

DRAFT

owned uses and characterized by sharing of common parking area and driveways.

SHORT-TERM RENTAL means a dwelling unit or part thereof that is used mainly for the reception of the traveling or vacationing public and is provided as temporary accommodation for compensation for a period of 28 days or less.

SIGN means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, that shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot.

1. **SIGN, DIRECTORY** means a sign erected or authorized to be erected by Council that may be erected on public property listing the names and locations of local businesses.
2. **SIGN, GROUND** means a sign supported by one or more uprights, poles or braces placed in or upon the ground, and shall include temporary or portable signs.
3. **SIGN, ILLUMINATED** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such a sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.
4. **SIGN, PROJECTING WALL** means a sign that projects from and is supported by a wall of a building and on which the face is not approximately parallel to the supporting wall and can include an awning or canopy structure where such a structure is used as a sign.
5. **SIGN, FACIAL WALL** means a sign that is attached directly to or painted upon a building wall and where the face is approximately parallel to the wall.
6. **SIGN, SIGN AREA** means the area of the smallest geometrical figure that can wholly enclose the surface area of the sign. All faces of a multi-faced sign shall be counted separately and totalled in calculating sign area.
7. **SIGN, PORTABLE OR MOBILE** means a sign designed to be carried, pulled, pushed, or hauled and which is not permanently fixed in one location.
8. **SIGNS, NUMBER OF** means a single display surface or display device containing elements organized, related, and composed to form a unit; and when matter is displayed in a random manner without organized relationship of elements, or when there is reasonable doubt about the relationship of elements, then each element is considered to be a single sign.
9. **SIGNS, OFF PREMISE (OFF-SITE)** means a freestanding ground sign or facial wall sign (commonly referred to as a "billboard") erected on a lot by someone other than the person or company wishing to advertise a product or service the display of which has no direct relationship to the business or use on the lot.



DRAFT

SMALL OPTION HOMES means a residential building that is used as a community home regulated by the Nova Scotia *Homes for Special Care Act*, in which no more than four residents are supported by qualified staff through a combination of live-in and shift models.

SOLAR POWER means the use of the sun's energy either directly as thermal energy (heat) or through the use of photovoltaic cells in solar panels and transparent photovoltaic glass to generate electricity.

- 1. SOLAR, GROUND MOUNTED** means a solar power solution that can be easily implemented in a yard or field where the panels are installed directly on the ground.
- 2. SOLAR, ROOF TOP** is a photovoltaic system that has its electricity generating solar panels mounted on the rooftop of a building or structure.

STOREY means that portion of a building situated between the top of any floor and the top of the floor next above it and, if there is no floor above it, that portion between the top of such floor and the ceiling above it and shall not include any building level below grade or that rise less than 1.5 m (4.9 ft) above grade.

STRATEGY means the Clare Municipal Planning Strategy (MPS).

STREET LINE means the boundary line of a street or road.

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.

TAXICAB OPERATIONS means the use of a building or land to park commercial vehicles

used in the transportation of humans, as well as the administration of a taxicab operation through the housing of communication equipment to connect clients and drivers.

TINY HOME means a dwelling unit that is 37.0 m² or less in floor area as outlined in the Nova Scotia Building Code Regulations.

TRAIL means a path or lane cleared of vegetation and other obstructions to facilitate its use for non-motorized transportation, such as but not limited to hiking, walking, cross-country skiing, or horseback riding together with any necessary and accessory structures such as barriers, boardwalks, gates, signage, and bridges.

TRAIL, MULTI-USE means a trail that in addition to non-motorized travel permits limited for forms of motorized travel including all-terrain vehicles, off-road motorcycles, and snowmobiles, together with any necessary and accessory structures such as barriers, gates, signage, and bridges.

TRAILERS means vehicles designed for the transport of goods or materials, typically towed by a motor vehicle.

UTILITY means any public or private system, works, plant equipment, or services that provides services at approved rates to or for the use of the general public.

VETERINARY CLINIC/ANIMAL HOSPITAL means a facility for the medical care and treatment of animals including provisions for their overnight accommodation and includes any associated outdoor facilities such as kennels, pens, runs and enclosures.

VARIANCE means a change to a standard in this Bylaw or a development agreement pursuant to the bylaw that may be approved

DRAFT

by the Development Officer as provided in Section 235 of the MGA.

WAREHOUSE AND DISTRIBUTION CENTRE

means a building used primarily for the storage and distribution of goods and materials and may include wholesale or retail activity, provided such activity is subordinate to the main warehousing use.

WASTE TRANSFER AND PROCESSING means a building or lot used for the holding, process, or disposing of waste such as but not limited to landfills, solid waste transfer stations, and construction debris disposal sites.

WATERCOURSE means a lake, river, stream, ocean, wetland, or other body of water.

1. **WATERCOURSE, COASTAL** means any body of water that is primarily fed by the Atlantic Ocean, or an extension of the Atlantic Ocean.
2. **WATERCOURSE, INLAND** means any body of water that is primarily fed by an underground spring or by precipitation and runoff, such as a lake, river, pond, or stream.

WHOLESALE ESTABLISHMENT means a building in which commodities in quantity are offered for sale chiefly to industrial, institutional and commercial uses or to retailers or other merchants mainly for resale or business use.

WIND TURBINE means a structure or device that produces power by capturing the kinetic energy in surface winds created by the sun and converting it into energy in the form of electricity and includes the tower, rotor blades, and the foundation, and includes:

1. **WIND TURBINE, MINI** means a roof mounted turbine or a free-standing turbine with a wind turbine height of 10.6 m (34.8 ft) or less
2. **WIND TURBINE, SMALL SCALE** means a wind turbine height greater than 10.6 m (34.8 ft) but less than 47.2 m (154.8 ft).
3. **WIND TURBINE, LARGE-SCALE** means a wind turbine height greater than 47.2 m (154.8 ft).
4. **WIND TURBINE HEIGHT** means the total vertical height of the entire wind turbine structure being the sum of the height of the support foundation above grade, measured at the base of the tower, the turbine tower itself, and the highest vertical extension of the wind turbine rotor blades, generally expressed as half of the rotor blade sweep or diameter.

WORKSHOP means a building, structure, or part of a building or structure used for the manufacturing or repairing of goods, including:

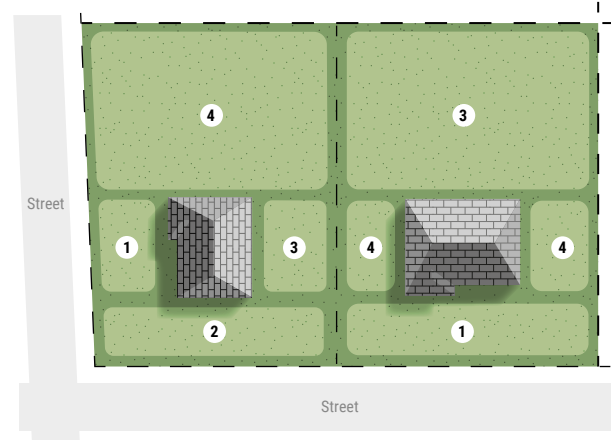
1. **WORKSHOP, ARTIST** means the use of a building for the production of artist's works/products including the exhibition/display and retail sales of works/products, such as paintings, sculptures, or other works of art.
2. **WORKSHOP, CRAFT** means the use of a building for the production or repair of handicrafts, toys, garden, or household art, ornaments or personal effects from dressmaking/tailoring, leatherworking, jewelry-making, pottery/ceramic-making, wood-working, quilting, crocheting, knitting, needlepoint, weaving, or sewing, including

the exhibition/display and retail sales of such products.

- 3. WORKSHOP, CUSTOM** means a building, or part thereof, used by a trade, craft, or guilds person, such as but not limited to, a carpenter, plumber, electrical contractor, or smith. It can include the manufacturing or repairs of small quantities of articles and goods, but excluding motor vehicles or their parts or accessories, and the accessory sale of their products or work.

YARD means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this Bylaw.

- 1. YARD, ABUTTING** means a yard that is contiguous with or extends across one or more zone boundaries and can extend across all or part of a side, rear or front yard.
- 2. YARD, FLANKAGE** means the side yard of a corner lot that extends from the front yard to the rear yard between the FLANKAGE lot line and the nearest wall of any main building or structure.
- 3. YARD, FRONT** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot; and a minimum front yard means the minimum depth allowed by this Bylaw of a front yard on a lot between the front lot line and the nearest wall of any main building or structure on the lot.



- | | |
|--------------------|-------------|
| ① FRONT YARD | ③ BACK YARD |
| ② STREET SIDE YARD | ④ SIDE YARD |

- 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 a minimum rear yard means the minimum depth allowed by this Bylaw of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
- 5. YARD, SIDE** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any main building or structure on the lot; and a minimum side yard means the minimum width allowed by this Bylaw of a side yard on a lot between the side lot line and the nearest wall of any main building or structure on the lot.

ZONE means a designated area of land shown on the Zoning Map (Appendix A).



CHAPTER 3

ADMINISTRATION AND INTERPRETATION



DRAFT

3.1 ADMINISTRATION

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

3.2 COMPLIANCE WITH OTHER BYLAWS

No part of this Bylaw exempts individuals from adhering to the requirements of other municipal bylaws or from obtaining necessary licenses, permits, or approvals as mandated by this or any other municipal Bylaw, or by Provincial or Federal regulations. In cases where there is a conflict between these provisions and any other municipal bylaw or Provincial or Federal regulation, the stricter or more rigorous regulation will take precedence.

3.3 INTERPRETATION OF ZONE BOUNDARIES AND SYMBOLS

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

1. Where a zone boundary is indicated as following private or public street, road, or highway the boundary shall be the centre line of such unless otherwise indicated;
2. Where a zone boundary is indicated as approximately following lot lines the boundary shall follow the lot lines;

3. Where a watercourse, railroad, railway or transmission line right-of-way is shown on the Zoning Map as a zone boundary, the centre line of the right-of-way or watercourse shall be considered the boundary between the zones unless otherwise indicated; and

4. Where none of the above apply, and where appropriate, the zone boundary shall be scaled from the Zoning Maps.

3.4 INTERPRETATION OF CERTAIN WORDS

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

3.5 PERMITTED USES

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

3.6 DEVELOPMENT PERMIT

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

DRAFT

Development Officer subject to the following:

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

3.7 NO DEVELOPMENT PERMIT REQUIRED

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

1. A development that involves a non-structural change to the interior or exterior of a building/structure that will not change its shape, increase its volume or footprint, and will not change the use of the building/structure including the addition of more dwelling units;
2. An accessibility ramp, bus shelter, children's play structures, clothesline or flag pole, decks and patios less than 0.6 m (1.9 ft) above grade, fences and retaining walls, home use sending/receiving antenna or dish, landscaping structures such as a gazebo, garden trellis, pedestrian footbridge, wading, reflecting or fish ponds, outdoor fire pits, fireplaces, barbeques, chimneys, wood stoves or furnaces, swimming pools,
3. Temporary vehicle tent, and an outdoor supplementary power generator including internal combustion engine generator, roof mounted mini scale wind turbines, and ground or roof mounted solar panels;



DRAFT

4. Forestry, agricultural, or fishery uses not including any building/structure required with such a use; and
5. A temporary use of land as well as construction or placement of temporary structures for said use, including but not limited to, signs, displays, yard sales, flea markets, fairs, concerts, or festivals provided that such uses remain in place no longer than fifteen consecutive days.
5. Where applicable, a vegetative cover or soil retention plan; and
6. Any other information that the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.

3.8 APPLICATION FOR DEVELOPMENT PERMIT

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

1. The true shape and dimensions of the lot to be used;
2. The location, height, dimensions, and proposed use of the building/structure or land use proposed to be developed on the lot;
3. The location of every building or structure already on the lot, and if required the approximate location of buildings on abutting lots;
4. The proposed location and dimensions of any parking spaces, loading spaces, driveways, power lines, access points, to a public or private street(s) and road(s) and if required landscaped areas;

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

3.9 SIGNATURE FOR APPLICATIONS

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

3.10 APPLICATION FEE

Every application for a planning strategy amendment, development permit, variance, site plan approval, development agreement or LUB amendment shall be accompanied by a form of payment acceptable to the Municipality in the amount specified by Municipal Council, and in accordance with the Municipal Fees Policy.

DRAFT

Where an application to amend this Bylaw or to enter into a development agreement is made, the applicant shall deposit with the Municipal Clerk for Clare, an amount established by the Council to be sufficient to pay the costs of all advertising and notification required. If the amount paid is not sufficient to cover the costs incurred, then the applicant shall pay to the Municipality the additional amount required. If the amount paid is more than sufficient, then the Municipality shall refund the excess amount.

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

3.11 EFFECTIVE DATE OF BYLAW

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



CHAPTER 4

GENERAL PROVISIONS

DRAFT**4.1 MULTIPLE USES**

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

4.2 MULTIPLE BUILDINGS ON A LOT

More than one main building may be permitted on a lot by site plan approval.

4.3 ACCESSORY USES PERMITTED

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

4.4 ACCESSORY BUILDINGS AND STRUCTURES

Accessory buildings or structures shall be permitted in any zone in the Clare Planning Area and may be used as an accessory use but shall not:

1. Be used for human habitation, unless permitted by Section 4.14;
2. Be located in the minimum front or flankage yard(s) of a lot in a Mixed Use Zone;
3. Shall not exceed the lesser of two storeys or the maximum zone height, with the exception of permitted wind turbine;
4. Be built closer than 1.2 m (3.9 ft) to a lot line, unless otherwise provided for in this

Bylaw;

5. Be built within 1.8 m (5.9 ft) of the main building or 1.2 m (3.9 ft) of another accessory building or structure on the same lot except that a double wall outdoor fuel or oil storage tank or an outdoor fuel or oil storage tank containment structure capable of containing the full volume of the fuel or oil storage tank shall be considered an accessory structure in the Industrial (I) Zone, and may be located within 0.2 m (0.6 ft) of the main building;
6. Be considered an accessory building if attached to the main building by a shared structural wall.

4.5 TEMPORARY CONSTRUCTION USES

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

4.6 NON-CONFORMING USES AND STRUCTURES

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



DRAFT

and structures, unless otherwise stated in this Bylaw.

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

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

4.7 RESTORATION TO A SAFE CONDITION

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

4.8 STREET FRONTAGE

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

Lots existing on or before the effective date that do not meet the street frontage requirements of this Bylaw may be developed, provided all other applicable requirements of this Bylaw are met and, in the case of a

lot with no street frontage, an approved legal right-of-way has been granted to allow access to the lot. Where the lot lines of an existing lot that lacks street frontage are altered, but the lot still does not meet the street frontage requirement, this regulation shall still apply.

4.9 EXISTING UNDERSIZED LOTS

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

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

4.10 SIDE YARD WAIVER

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

DRAFT**4.11 CONFORMITY WITH EXISTING SETBACKS**

Where a main building is proposed to be built or expanded between main buildings on adjacent lots, the proposed or expanded building may be built with a front yard setback equal to the average established front yard setback of the main buildings located on the adjacent lots within 100.0 m (328.1 ft) of the proposed development, but the minimum front yard setback shall not be less than of 3.0 m (3.2 ft).

4.12 REDUCED LOT FRONTAGE REQUIREMENTS

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

1. A lot along a public or private street, road, or highway containing two or more main buildings is subdivided such that the normal lot area and frontage requirements cannot be met, provided that each new lot and the remainder lot contain at least one main building or structure and a minimum of 6.1 m (20 ft) of lot frontage, and all other applicable requirements of this Bylaw are satisfied;
2. A flag lot is created that has a minimum of 12.2 m (40 ft) of lot frontage and all other applicable requirements of this Bylaw are satisfied;
3. Where a lot is created for a park and recreation use, in which the control and/or operation is vested in a public authority or agency thereof, that has a minimum road frontage of 6.1 m (20 ft);

4. Two lots are created that have less than the required frontage and/or lot area provided that neither reduction is less than 90% of the required minimums for that zone; and
5. Where the land being subdivided is to address a development component of a permanent nature, such as mature trees, a driveway, well, or septic tank that is encroaching in or upon an immediately abutting lot, and all other applicable requirements of this Bylaw are satisfied.

4.13 PERMITTED NUMBER OF MAIN BUILDINGS ON A LOT

No person shall erect more than one main building in the Rural or Mixed Use Zones. Where more than one main building is permitted to be located on a lot, the setback requirements set out in the respective zone shall apply to all main buildings, and a minimum of 6.0 m (20 ft) shall be required between main buildings, unless otherwise provided for in this Bylaw.

4.14 SECONDARY SUITES

A dwelling unit in the form of a secondary suite, inside or attached to a single-detached residential building or in the form of a separate structure located in the backyard of a single-detached residential building shall be permitted provided:

1. There shall be no more than one secondary suite with a maximum gross floor area of 80 m²
2. The height of any separate structure containing a secondary suite shall not exceed the height of the main building.



DRAFT

3. All setback requirements applicable to the main use are met.

4.15 HOUSEHOLD LIVESTOCK

Household livestock operations are permitted in R Zones provided:

1. Notwithstanding subsections 1 and 2 of this Section, guinea fowl shall be prohibited in any mixed use zones and the number of animals on lots in the Residential (R) Zone shall not be restricted;
2. Multiple adjacent lots held in common ownership may be considered as one lot for the purpose of calculating lot area and setback requirements of this Section;

4.16 MANURE STORAGE

All animal housing and manure storage facilities must be set back a minimum of 50.0 m (164 ft) from any watercourse or wetland, any drilled well intended to provide potable water for human consumption, or any off-site dwelling.

4.17 SMALL OPTION HOMES

Small option homes licensed under the *Homes for Special Care Act* are a permitted use in all residential dwellings and as uses in all residential zones.

4.18 RECREATIONAL VEHICLE PARKING SITES

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

1. Be surfaced with a stable surface such as, but not limited to, gravel, brick, paving stones, asphalt, or concrete;
2. Any accessory building, structure, or additions must meet the requirements of the National Building Code and all other applicable requirements of this Bylaw;

4.19 ILLUMINATION

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

4.20 PERMITTED ENCROACHMENTS IN YARDS

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

1. 0.9 m (3 ft) for window bays, eaves, cantilevers, gutters, and chimneys;
2. 3.0 m (9.8 ft) for balconies, roofed porches, sun decks, terraces, awnings, patios, decks, carports, and exterior staircases; and
3. to the lot line for fire escapes and accessibility access ramps.

4.21 HOME BASED BUSINESS REQUIREMENTS

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

DRAFT

1. The home based business is primarily operated by the occupant(s) of the main residential dwelling or a dwelling unit located on the same lot;
2. One off-street parking space is provided by the home based business and is dedicated solely to customer/client use;
3. There is no accessory outdoor storage or display within the front or side yards; and
4. The home based business does not make use of equipment that is obnoxious by virtue of dust, odour, smoke, noise, or other emissions.

4.22 WATERCOURSE PROTECTION

No excavation, infilling, construction, tree, stump and other vegetation removal, or any alteration of any kind other than maintenance as may be necessary to maintain vegetation and preserve the water's edge shall be permitted within 20.1 m (66 ft) of the mean ordinary high water mark of any river, brook, stream, wetland, or other inland watercourse except for parks, trails, boardwalks, boathouses; pedestrian or vehicular bridges; interpretive signage associated with the foregoing; and buildings and structures related to public parks and trails located within the protected area; public water, wastewater, and stormwater services; wharves; marinas; boating clubs; ship chandlery offices; marine fueling stations; fishery and marine-related uses; boat construction; building and repair facilities; and boat and marine sales, service and rental facilities.

4.23 COASTAL PROTECTION

No excavation, infilling, construction, tree, stump and other vegetation removal, or any alteration of any kind other than maintenance as may be necessary to maintain vegetation and preserve the water's edge shall be permitted within 30.5 m (100 ft) of the mean ordinary high water mark, including beaches, dunes, salt marshes, and areas with high erosion potential, except for: parks, trails, boardwalks; pedestrian or vehicular bridges; boathouses; interpretive signage associated with the foregoing; and buildings and structures related to public parks and trails located within the protected area.

4.24 PARKS, PLAYGROUNDS & TRAILS

Notwithstanding anything else in this Bylaw, parks and recreation uses, where the control and/or operation is vested in a public authority or agency thereof, are permitted in all zones in the planning areas, including within a watercourse, wetland, or coastal setback and no municipal development permit is required for their development or the development of any ancillary structures or buildings associated with the operation and maintenance of any such park and recreation use.



DRAFT

4.25 PUBLIC/PRIVATE UTILITIES & SERVICE FACILITIES

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

4.26 WIND TURBINES

1. Mini and small-scale wind turbines shall be considered an accessory structure and shall meet the following requirements:
 - a. A maximum of one mini-scale or roof mounted wind turbine is permitted on all lots, except in a Rural (R), and Industrial (I), Zones where the limit shall be no more than three mini or roof mounted wind turbines permitted on a lot;
 - b. Small-scale wind turbines are only permitted in the Rural (R), Industrial (Ind) Zone and shall not exceed a maximum of one small-scale wind turbine; and
 - c. A wind turbine may not be built closer than two times the total wind turbine height to any lot line, public or private road, street, or highway, or an existing main building, with the exception of roof mounted wind turbines.

2. Large-scale wind turbines shall be permitted by development agreement as outlined in the Municipal Planning Strategy.

4.27 UNSUITABLE HABITATION

No Automobile, truck, bus, coach, recreational vehicle, unfinished shipping container, beached vessel or any prefabricated structure not purpose built for residential occupancy or not built to the requirement of the NS building codes, shall be used for human habitation within the Municipality of Clare, whether or not same is mounted on wheels.

DRAFT

A watercolor illustration of a vibrant street scene. In the foreground, there are three buildings. The building on the left is pink with a yellow awning. The middle building is blue with a multi-colored striped awning. The building on the right is orange with a red and white striped awning. The buildings have various windows and doors, some with people visible inside. In the background, there are large, stylized trees in shades of pink, red, and blue. The overall style is soft and artistic, with visible brushstrokes and a pastel color palette.

CHAPTER 5

DEVELOPMENT ZONES



DRAFT

5.1 ZONES ESTABLISHED

The District of Clare is divided into the following zones, which are also referred to by specified shortforms. Each land use zone permits specified uses of as-of-right and prohibits all other uses, except such uses as may be permitted by site plan approval or development agreement.

5.1.1 LAND USE ZONES

Land Use Designation	Shortform	Zone
Residential	R	Residential
Agricultural	AG	Agricultural
Mixed Use	MX	Mixed Use
Industrial	I	Industrial
Park and Institutional	PI	Park and Institutional

5.2 PERMITTED LAND USES

DRAFT

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

Land Use	R	AG	MX	I	PI
Residential					
Single-Unit Dwellings	R	AG			
Two-Unit Dwellings	R	AG	MX		
Multi-Unit Dwellings	R		MX		
Existing Dwellings	R	AG	MX	I	PI
Boarding or Rooming Houses	R	AG	MX		
Cottage	R	AG			
Residential Care Community	R	AG	MX		
Home Occupations (Section 4.21)	R	AG	MX		PI
Land Lease Communities	R		MX		
Agricultural					
Agricultural Uses & Related Use		AG			
Agricultural-related Industries		AG		I	
Agritainment Uses		AG			
Animal Rescue & Rehabilitation		AG			
Farm Residences		AG			
Primary Forestry Use	R	AG	MX	I	
Commercial					
Auctioneering Establishment			MX	I	
Automotive & Autobody Repair				I	
Automotive Sales & Rental			MX	I	
Banks & Financial Institutions			MX		
Bars, Pubs, & Taprooms			MX		
Bed & Breakfast Operations		AG	MX		
Building Supplies			MX	I	
Call & Data Processing Centres			MX	I	
Campgrounds & RV Parks		AG			
Carwash Facilities			MX	I	
Clubs (Commercial & Private)			MX	I	
Commercial Art Galleries			MX		
Commercial Daycare Centres			MX		
Commercial Meeting Space			MX	I	
Commercial Recreation Centres			MX	I	
Commercial Schools, Training & Educational Facilities			MX	I	
Construction & Landscaping Industry				I	
Counselling Offices			MX		PI
Display Courts			MX	I	
Existing Hotels & Motels		AG	MX	I	PI
Farm Markets	R	AG	MX		PI

*by site plan approval only



DRAFT

Land Use	R	AG	MX	I	PI
Fitness Centres	R		MX	I	
Funeral Homes	R		MX		
Hotel, Motel & Tourist Establishments	R		MX		
Instruction Studios			MX		
Kennels & Animal Day Cares				I	
Licensed Liquor Establishment			MX		
Medical Offices & Clinics			MX	I	PI
Microbreweries, Microdistilleries & Wineries			MX	I	
Offices			MX	I	
Parking Area & Structures			MX	I	PI
Personal Service Shops			MX		
Repair Shops			MX	I	
Rental Shops			MX	I	
Restaurants			MX		
Retail Stores			MX		
Self-Storage Facilities	R*		MX*	I	
Service Industries			MX*		
Service Station			MX*	I	
Shopping Centre or Mall			MX*		
Recycling Depots			MX	I	
Taxicab Operation & Dispatch			MX	I	
Tracks & Facilities for Racing Animals or Motorized Vehicles			MX	I	
Private Utilities & Services			MX	I	PI
Veterinary Offices & Clinics			MX		
Wholesale Establishments			MX	I	
Workshops (Arts, Craft, & Custom)	R		MX	I	
Industrial					
Accessory Commercial Uses				I	
Abattoirs & Agricultural Processing Facilities				I	
Automotive Impound Facilities				I	
Batching Plants				I	
Breweries & Distilleries				I	
Bulk & Cold Storage Facilities				I	
Commercial Cannabis Facilities				I	
Construction Debris Disposal Sites				I	
Commercial Greenhouses				I	
Excavation Operations				I	
Extractive-Related Facilities				I	
Fuel Depots				I	

DRAFT

Land Use	R	AG	MX	I	PI
Heavy Industrial Uses				I	
Light Industrial Uses				I	
Scrap & Salvage Yards				I	
Secondary Forestry Uses				I	
Truck Transport Operations				I	
Warehouse, Depots, Storage & Distribution Facilities				I	
Waste Disposal Facilities				I	
Waste Transfer & Processing Facility				I	
Institutional					
Accessory Commercial & Retail	R		MX		PI
Cemeteries	R				PI
Community Centres			MX	I	PI
Courthouse	R		MX	I	PI
Fire & Emergency Services	R		MX	I	PI
Hospital			MX	I	PI
Institutional Uses	R		MX	I	PI
Library	R		MX		PI
Museums	R		MX		PI
Places of Worship	R		MX		PI
Post Office	R		MX		PI
Public Utilities & Facilities	R	AG	MX	I	PI
Public Schools, Training & Educational Facilities	R		MX	I	PI
Research & Development Centres			MX	I	PI
Transit & Taxi Stations/Stops	R*		MX	I	PI
Recreational and Parks					
Conservation & Compatible Uses	R		MX	I	PI
Docks, Marinas & Wharves	R		MX	I	PI
Firing Range & Shooting Club	R		MX		PI
Golf Courses & Driving Ranges	R		MX		PI
Historical Sites & Interpretation Centres	R		MX		PI
Parks & Recreation Uses	R		MX	I	PI
Public Campground	R		MX	I	PI
Public Recreation Facility	R		MX	I	PI
Recreational Vehicle Parking Sites	R			I	PI

*by site plan approval only



DRAFT

5.3 ZONE PROVISIONS

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

		Water & Waste-water Status	Minimum Lot Area	Minimum Lot Frontage	Minimum Yard Requirements			Maximum Building Height
Zone	Land Use				Front & Flankage	Side	Rear	
			A, B**	E, F**	H, L**	K, M**	I, J**	C**
R	Residential	Municipal*	930 m ² (10,010 ft ²)	30.5 m (100 ft)	7.6 m (25 ft)	3.0 m (10 ft)	7.6 m (25 ft)	18.3 m (60 ft)
		On-site	4,047 m ² (43,562 ft ²)	36.6 m (120 ft)	7.6 m (25 ft)	3.0 m (10 ft)	7.6 m (25 ft)	
AG	Agricultural	On-site	4,047 m ² (43,561 ft ²)	36.6 m (120 ft)	15.2 m (50 ft)	4.6 m (15 ft)	7.6 m (25 ft)	
MX	Mixed Zone	Municipal*	930 m ² (10,010 ft ²)	30.5 m (100 ft)	3.0 m (10 ft)	3.0 m (10 ft)	7.6 m (25 ft)	
		On-site	2,700 m ² (2,906 ft ²)	36.6 m (120 ft)	7.6 m (25 ft)	3.0 m (10 ft)	7.6 m (25 ft)	
I	Industrial	N/A	4,047 m ² (43,562 ft ²)	45.7 m (150 ft)	15.2 m (50 ft)	15.2 m (50 ft)	15.2 m (50 ft)	
PI	Institutional	Municipal*	930 m ² (10,010 ft ²)	24.4 m (80 ft)	3.0 m (10 ft)	1.2 m (4 ft)	7.6 m (25 ft)	
		On-site	2,700 m ² (2,906 ft ²)	36.6 m (120 ft)	7.6 m (25 ft)	3.0 m (10 ft)	7.6 m (25 ft)	

*
**

Municipal wastewater services are available.
See Figure 1 for measurement of relevant dimensions.

DRAFT

5.4 MEASURING STANDARD LOT AND BUILDING DIMENSIONS

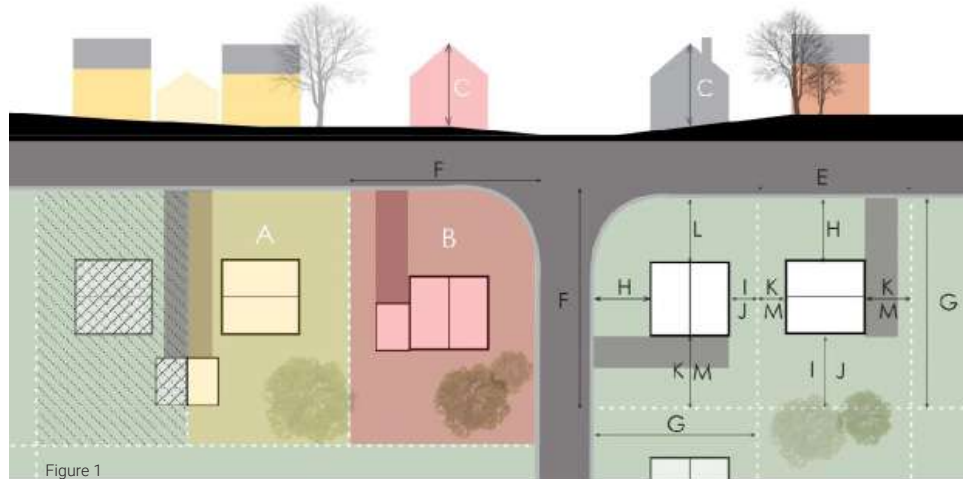
Figure 1 is provided as a guide to the application of the yard dimensions for each zone in this Bylaw. Users should note the following:

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

DRAFT



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

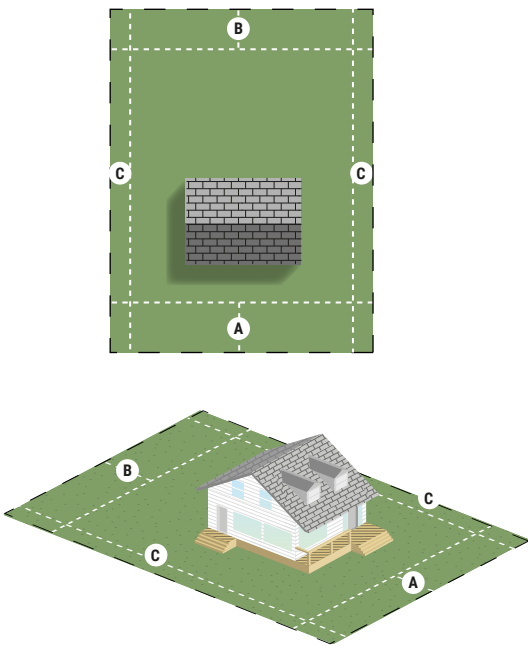


A	Minimum Lot Area (Interior Lot)	Total horizontal area within the lot lines of a lot, or the combined total horizontal area within the boundary lines of all part lots associated with a semi-detached dwelling or townhouse dwelling
B	Minimum Lot Area (Corner Lot)	Same as A but usually a larger area for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

DRAFT

5.5 RESIDENTIAL ZONE

RESIDENTIAL ZONE (R)



MUNICIPAL WASTEWATER

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	4.6 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	1.2 M
	HEIGHT (MAX)	10.6 M

ON SITE SERVICES

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	7.6 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	3 M
	HEIGHT (MAX)	10.6 M





DRAFT

5.5.1 Residential (R) Zone Special Requirements

5.5.2.1 R Abutting Yard Requirements

Where a Residential (R) Zone abuts an Agricultural (AG) Zone, Local Industrial (I) Zone, or Mixed Use (MX) Zone, the following restrictions shall apply to the abutting yard within the R Zone:

1. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 30.5 m (100 ft) for the AG Zone and 22.9 m (75.1 ft) for all other zones;
2. Where the abutting yard follows a side yard, the minimum abutting yard setback shall be measured from the front lot line to the rear lot line, the minimum required abutting yard setback shall be 22.9 m (75.1 ft); and
3. No building in excess of 20.0 m² (215.3 ft²) of total floor area shall be permitted to be developed in a required abutting yard.

5.5.2 Residential Zone Requirements (R)

5.5.2.1 R general standards

Where a Residential (R) Zone is established, the following standards shall apply to all lots and structures within the R Zone:

1. Where a lot is to be severed along any public road in a Residential (R) Zone, the following restrictions shall apply:
2. Where the existing parcel of land from which the lot is severed has a frontage, the minimum frontage shall be 21.92 m (72 ft).

3. Where the lot to be severed is concerned, it must conform to the requirements imposed by this Bylaw

5.5.2.2 Subdivision in Residential (R) Zones

In the Residential (R) Zone, a lot existing on the date of adoption may be divided once during that calendar year into no more than two lots.

5.5.2.3 Farm Supportive Uses in Residential (R) Zones of this Bylaw

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

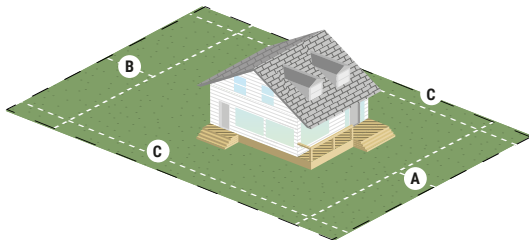
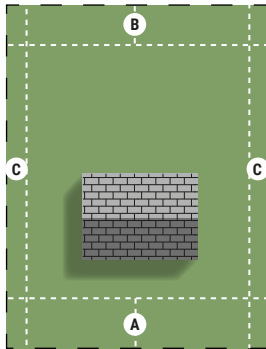
5.5.2.4 Prohibition of top soil removal Except by Development Agreement in R Zones

The removal of topsoil as sod, peat, or turf within the Residential (R) Zone shall only be permitted by development agreement in accordance with MPS Policy with reasonable exceptions for the sale of plants with root balls, not including turf, and excavations associated with the construction of permitted building/structures and infrastructure such as roads and driveways.

5.6 AGRICULTURAL (AG)

DRAFT

AGRICULTURAL (AG)



YARD REQUIREMENT

FRONT YARD (MIN)	A
REAR YARD (MIN)	B
SIDE YARD (MIN)	C
FLANKAGE YARD (MIN)	





DRAFT

5.6.1 Abutting Yard Requirements

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

1. Where the abutting yard follows a rear yard, the minimum required abutting yard setback shall be 22.9 m (75.1 ft), unless a high opaque vegetation buffer such as, but not limited to, hedges or a forested section is left between the lots, in which case the minimum rear yard setback shall be 15.2 m (50 ft);
2. Where the abutting yard follows a side yard, the minimum required abutting yard setback shall be 22.9 m (75.1 ft), unless a high opaque vegetation buffer such as, but not limited to, hedges or a forested section is left between the lots, in which case the minimum rear yard setback shall be 15.2 m (50 ft);
3. No buildings or structures used for the housing of agricultural animals and manure storage facilities shall be permitted to be developed in a required abutting yard;
4. No buildings or structures used for the housing of agricultural animals and manure storage facilities shall be permitted to be developed within 50.0 m (164 ft) from any watercourse or off-site residential dwelling; and
5. A yard variance may be granted for the expansion of an existing building or structure used for the housing of agricultural animals if the Development Officer deems it appropriate.

5.6.2 Commercial Livestock Operations Setbacks

No building or structure housing a commercial livestock operation, manure storage facility for a commercial livestock operation, burial site or incinerator for the disposal of dead animals, and structures for the containment of animal waste shall be located within:

1. 50.3 m (165 ft) of the front or flankage yard;
2. 50.3 m (165 ft) of the side and rear yards for the first 102.1 m (335 ft) of side yard depth of an adjacent property, other than another livestock farm or another property that is part of the farm under consideration in which case the distance shall be 3.0 m (10 ft) (Figure A);
3. 26.0 m (86.4 ft) of the side and rear yards for the next 152.4 m (500 ft) of side yard depth or part thereof (Figure B);
4. 7.6 m (25 ft) of the side and rear yards for any remaining side yard depth (Figure C and F);
5. No open storage shall be permitted within the yard area;
6. The side or rear yard setback for any commercial livestock operation must maintain a minimum setback of 50.3 m (165 ft) from any existing dwelling or seasonal dwelling (Figure E);
7. 100.0 m (328 ft) of a water well or watercourse (Figure D); or
8. 20.1 m (66 ft) of a wetland (Figure E).
9. Mink farms are required to use buffering and distancing to minimize land use

DRAFT

conflicts due to smells, noise, or other nuisance activities as set by the Municipality.

5.6.3 Preservation of Agricultural Soils

All developments, at the discretion of the municipality, are required to establish that the development does not infringe on the ability to restore viable agricultural uses to established agricultural soils, as defined by the Canadian Land Inventory Classification system.

5.6.4 Special Yard Requirements for commercial livestock operations on Through Lots

Where a commercial livestock operation intends to occupy a through lot, the minimum front and side yards requirements in Section 5.3 shall apply to both frontages.

See Figure G for setback requirements for through lots.

5.6.5 Special Exemption for Dwellings with commercial livestock operations

A dwelling on the same lot as a commercial livestock operation shall be exempt from the provisions and requirements of this By-law.



DRAFT

Figure A
Lot with only first
102.1 m side yard
depth

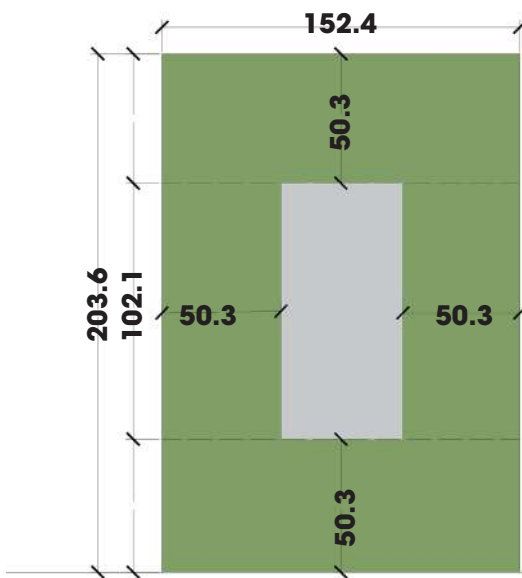
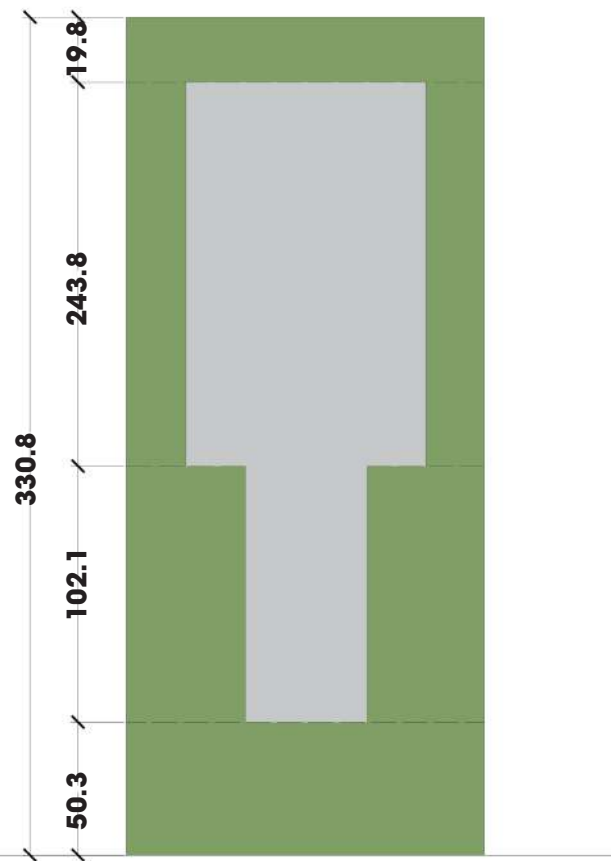


Figure B
Lot with next
152.4 m side yard
depth



 Development Area
All measurements are in metres

DRAFT

Figure C

Lot with remainder
side yard depth

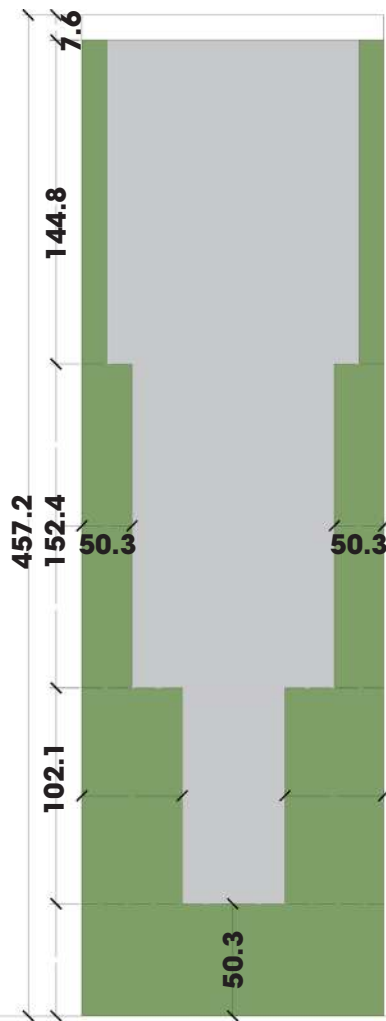


Figure D

Lot with
watercourse

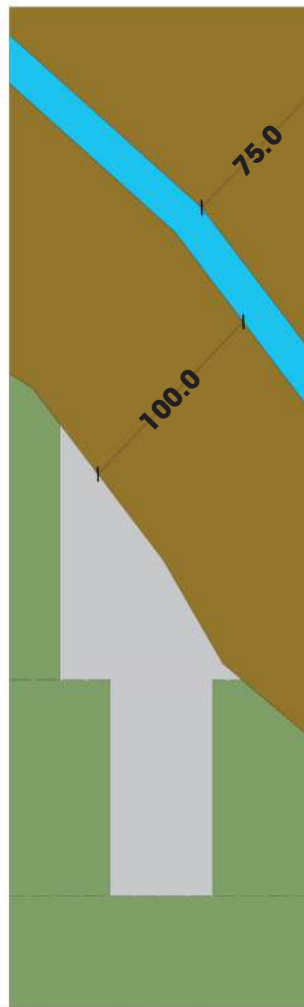
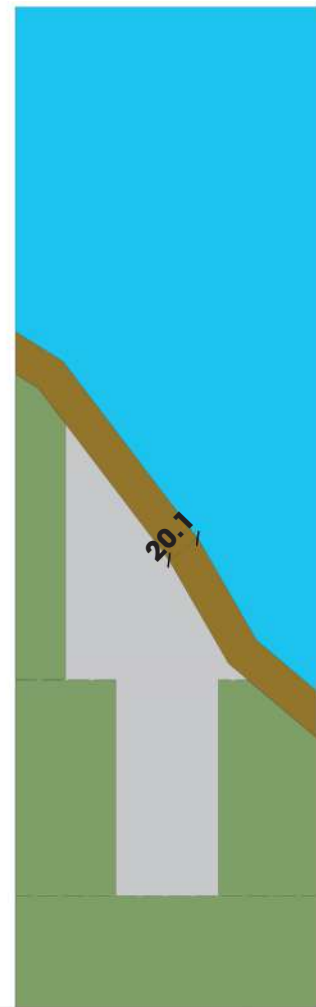


Figure D1

Lot with wetlands

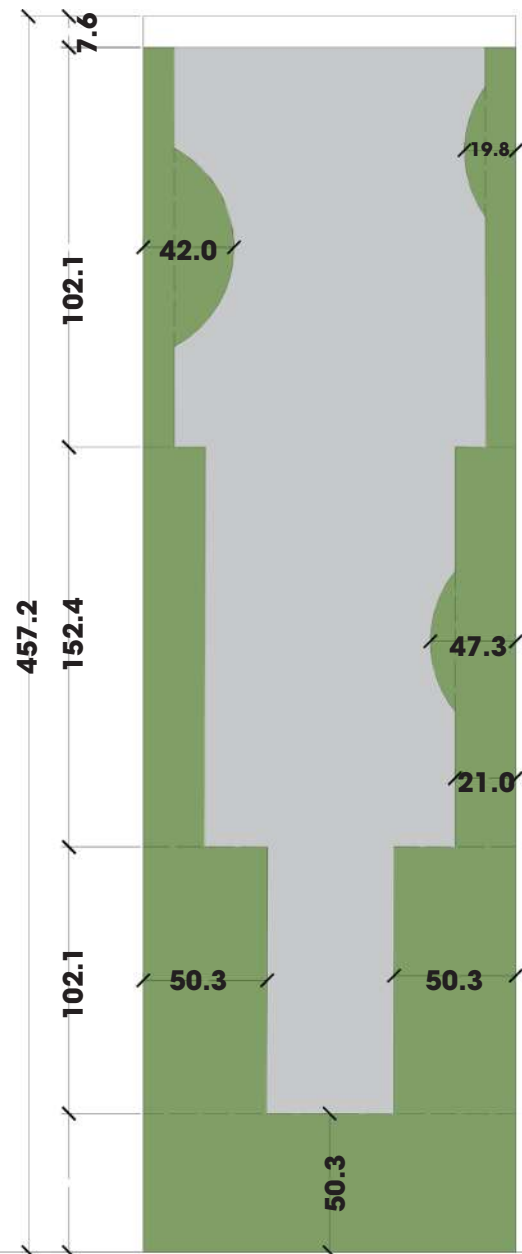


Development Area
All measurements are in metres

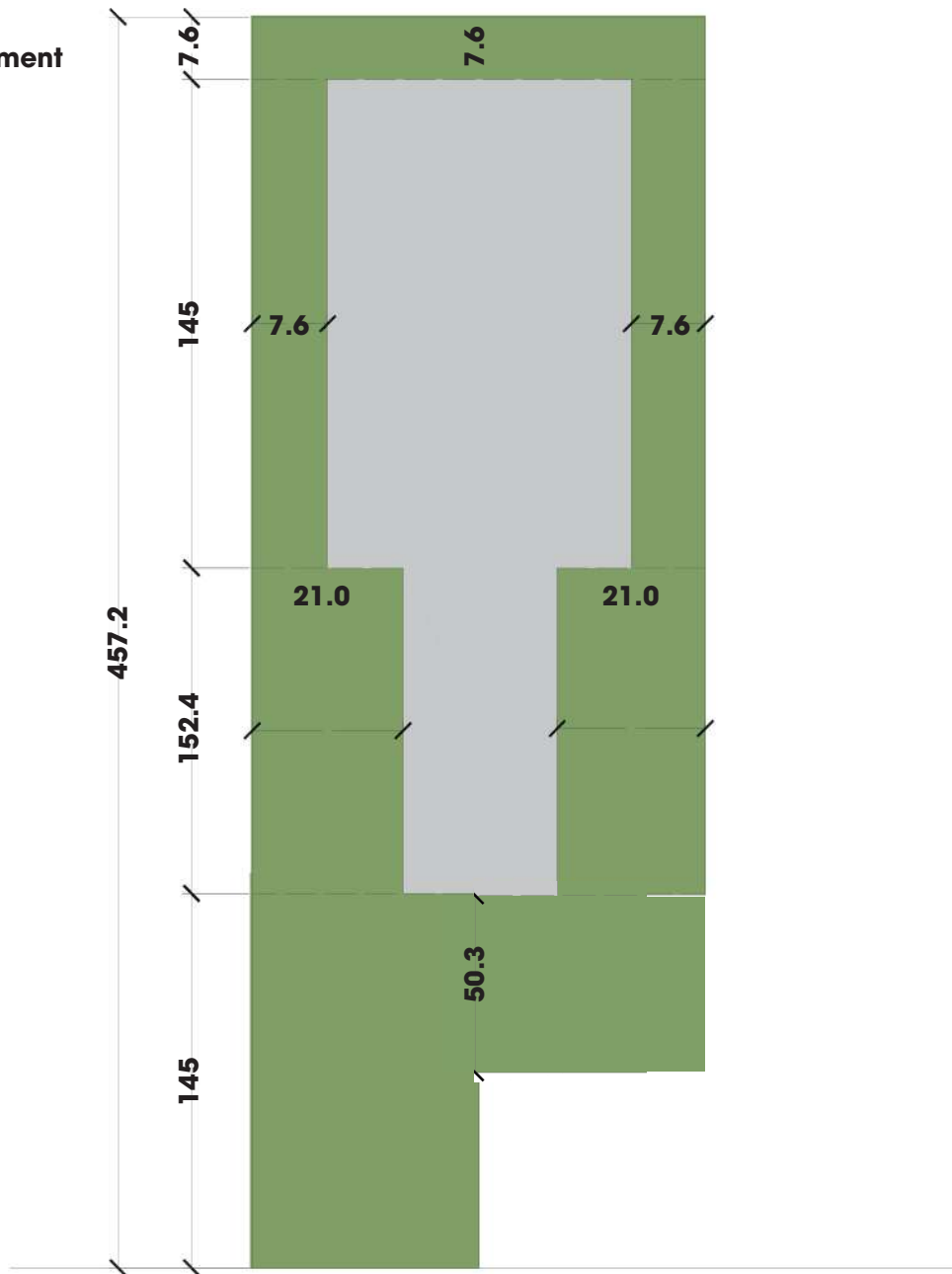


DRAFT

Figure E
Special minimum
separation
distance
requirements
(existing
dwellings)



Development Area
All measurements are in metres

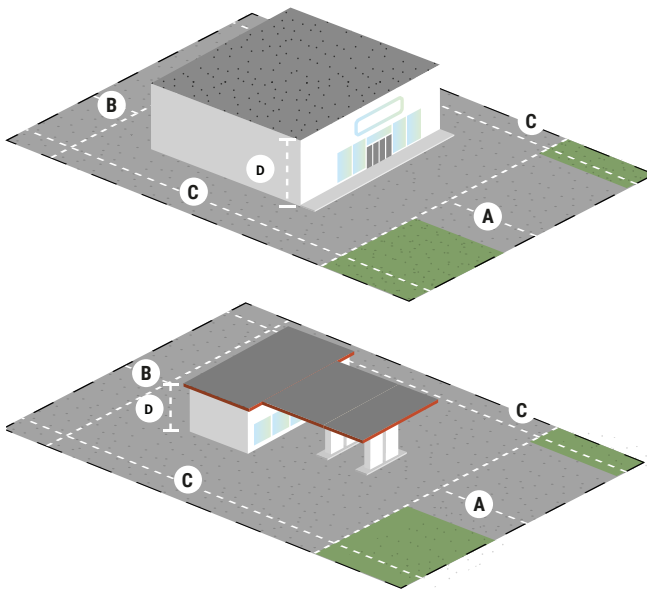
DRAFT**Figure F****Flag lot
requirement
(61 m)**

Development Area
All measurements are in metres

DRAFT

5.7 MIXED USE ZONE

MX - MIXED USE ZONE



MUNICIPAL WASTEWATER

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	3 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	1.2 M
D	HEIGHT (MAX)	18.3 M

ON SITE SERVICES

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	7.6 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	3 M
D	HEIGHT (MAX)	18.3 M





DRAFT

5.7.1 MIXED USE (MX) ZONE SPECIAL REQUIREMENTS

5.7.1.1 MX Mixed Use Development

The development of new residential units within the MX – Mixed Use is permitted only within a mixed use residential/commercial or office building where the first or ground floor is dedicated to commercial/business/office uses and the remaining upper stories contain the residential dwelling(s).

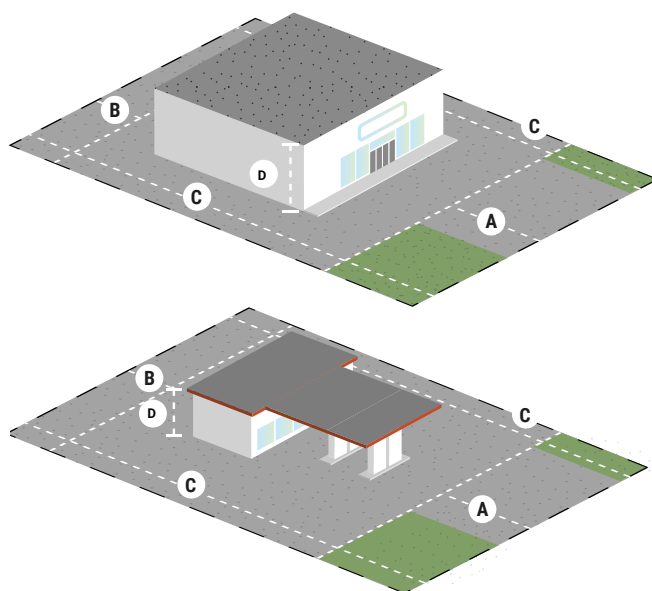
5.7.1.2 MX Abutting Yard Requirements

1. Where a Mixed Use (MX) Zone abuts another zone, the following restrictions shall apply to the abutting yard within the MX Zone:
2. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 22.9 m (75.1 ft) unless a 2.0 m (6.5 ft) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the rear yard setback may be 15.2 m (50 ft);
3. Where the abutting yard follows a side yard, the minimum side yard setback shall be 22.9 m (75.1 ft) for the R Zone and 15.2 m (50 ft) for all other zones, unless a 2.0 m (6.5 ft) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the side yard setback may be 7.6 m (25 ft); and
4. No building in excess of 20.0 m² (215.2 ft²) of total floor area shall be permitted to be developed in a required abutting yard.

DRAFT

5.8 INDUSTRIAL ZONE (I)

INDUSTRIAL (I)



MUNICIPAL WASTEWATER

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	3 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	1.2 M
D	HEIGHT (MAX)	10.6 M

ON SITE SERVICES

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	7.6 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	3 M
D	HEIGHT (MAX)	10.6 M





DRAFT

5.8.1 INDUSTRIAL (I) ZONE SPECIAL REQUIREMENTS

5.8.1.1 / Abutting Yard Requirements

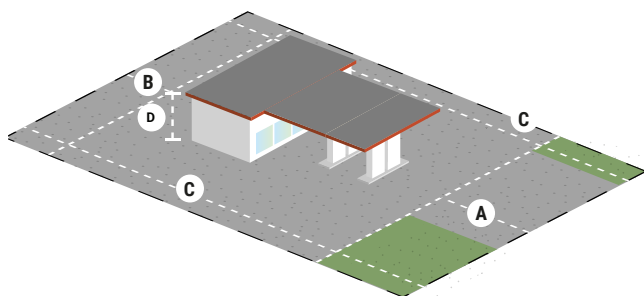
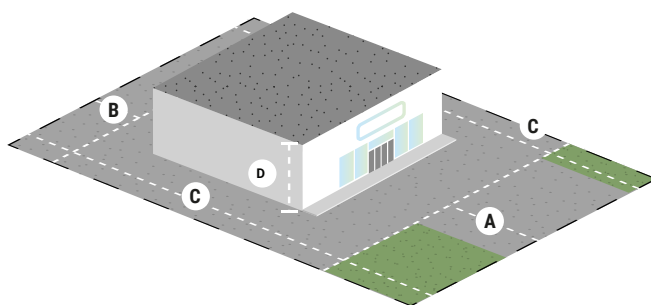
Where an industrial (I) Zone abuts another zone, the following restrictions shall apply to the abutting yard within the I Zone:

1. Where the abutting yard follows a rear and side yard, the minimum rear yard setback shall be 22.9 m (75.1 ft) for the R Zone and 22.9 m (75.1 ft) for all other zones, unless a 2.0 m (6.5 ft) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the rear yard setback shall be 15.2 m (50 ft);
2. No building in excess of 20.0 m² (215.2 ft²) of total floor area shall be permitted to be developed in a required abutting yard;
3. No outdoor storage or display area shall be permitted in a required abutting yard;
4. No parking space shall be permitted in a required abutting yard within 6.1 m (20 ft) of a side or rear lot line however, this may be reduced to 1.5 m (5 ft) where a 2.0 m (6.5 ft) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lot; and
5. No signs located in an abutting yard shall be illuminated and only directional or business identification signs shall be permitted.

DRAFT

5.9 PARK AND INSTITUTIONAL ZONE (PI)

PI – PARK AND INSTITUTIONAL ZONE



MUNICIPAL WASTEWATER

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	3 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	1.2 M
D	HEIGHT (MAX)	10.6 M

ON SITE SERVICES

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	7.6 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	3 M
D	HEIGHT (MAX)	10.6 M





DRAFT

5.9.1 PARK AND INSTITUTIONAL (PI) ZONE SPECIAL REQUIREMENTS

5.9.1.1 PI Abutting Yard Requirements

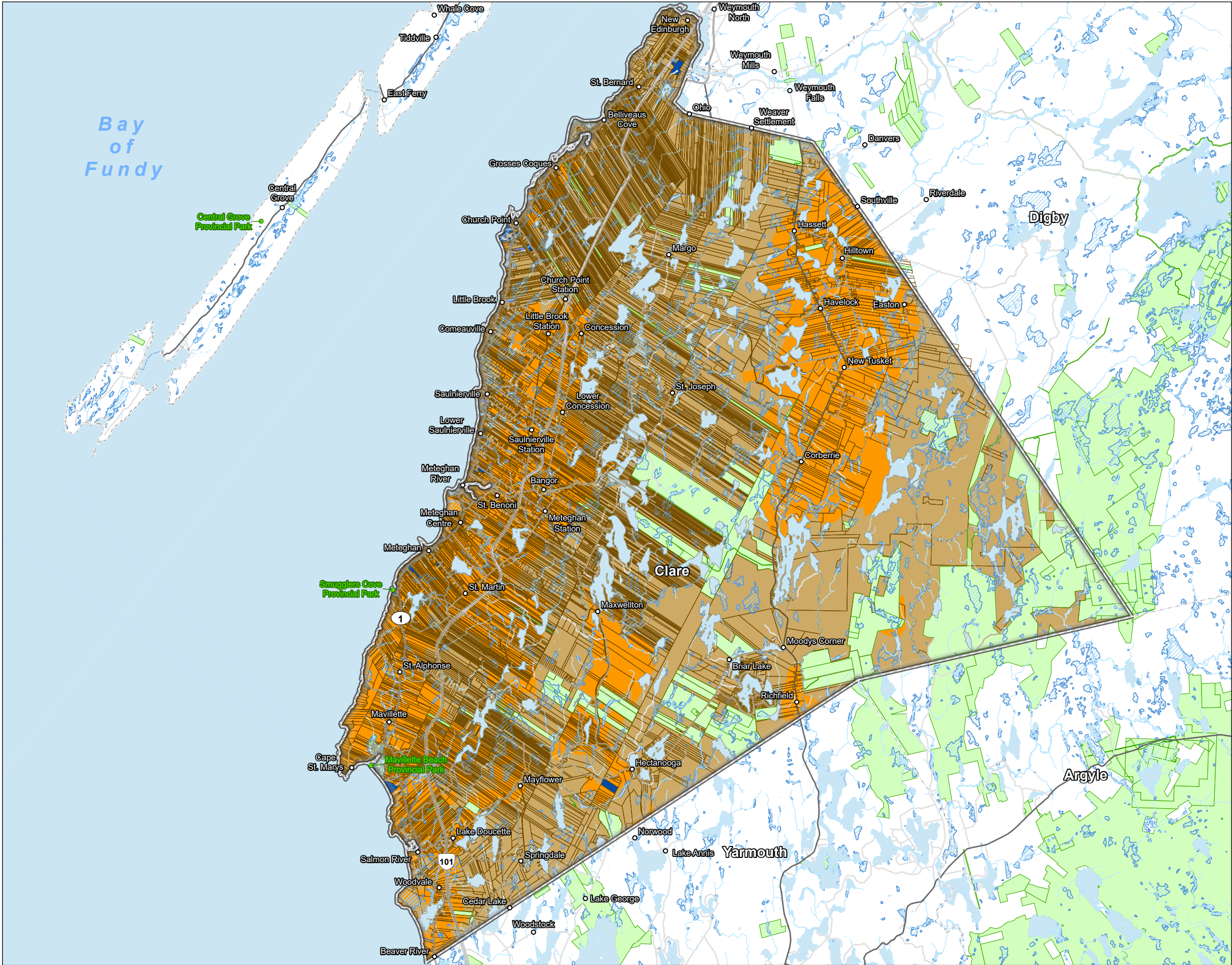
Where a Institutional (PI) Zone abuts an Residential (R) Zone, a Local Industrial Park (I) Zone, the following restrictions shall apply to the abutting yard within the PI Zone:

1. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 22.9 m (75.1 ft) for the R Zone and 15.2 m (50 ft) for the Local Industrial (I) Zone;
2. Where the abutting yard follows a side yard, the minimum abutting yard setback shall be measured from the front lot line to the rear lot line, the minimum required abutting yard setback shall be 15.2 m (50 ft); and
3. No accessory building in excess of 20.0 m² (215.2 ft²) of total floor area shall be permitted to be developed in a required abutting yard.



APPENDIX A

\\Ca0213-pj\ssd\1\work_group\1214\active\1XXX - Other PCs\1604xxxx\160401883\gis\mapping\aprx\160401883\District_of_Clare_LandUse.aprx - Other PCs\1604xxxx\160401883\gis\mapping\aprx\160401883\District_of_Clare_LandUse.aprx Revised: 2025-12-04 By: acuff



Legend

Land Use

- Residential (R)
- Mixed Use (MX)
- Industrial (I)
- Park and Institutional (PI)
- Agriculture (AG)

Administration

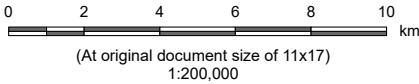
- Community
- Provincial Park
- Property Boundary
- Municipal Boundary
- Municipal District Boundary
- Crown Land

Transportation

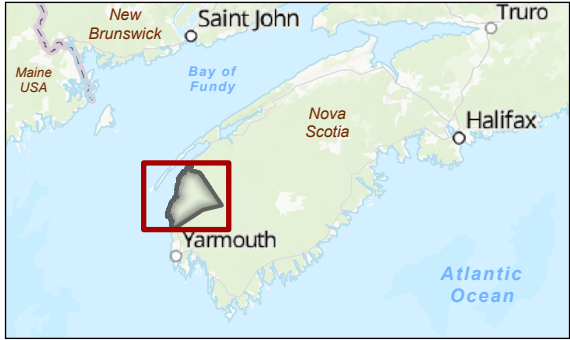
- Highway
- Arterial Road
- Collector Road
- Local Road
- Ferry Crossing Route

Topographic Features

- Watercourse
- Waterbody
- Wetland



- Notes**
- Coordinate System: NAD 1983 CSRS UTM Zone 20N
 - Data Sources: Nova Scotia Department of Environment and Climate Change; Department of Natural Resources and Renewables; Agriculture and Agri-Food Canada
 - Background: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, USGS



Project Location Municipality of the District of Clare, Nova Scotia
Canada

Prepared by AC on 2025-08-22

Client/Project Municipality of the District of Shelburne and
Municipality of the District of Clare, Nova Scotia
Joint Municipal Plan and Land Use By-law Review

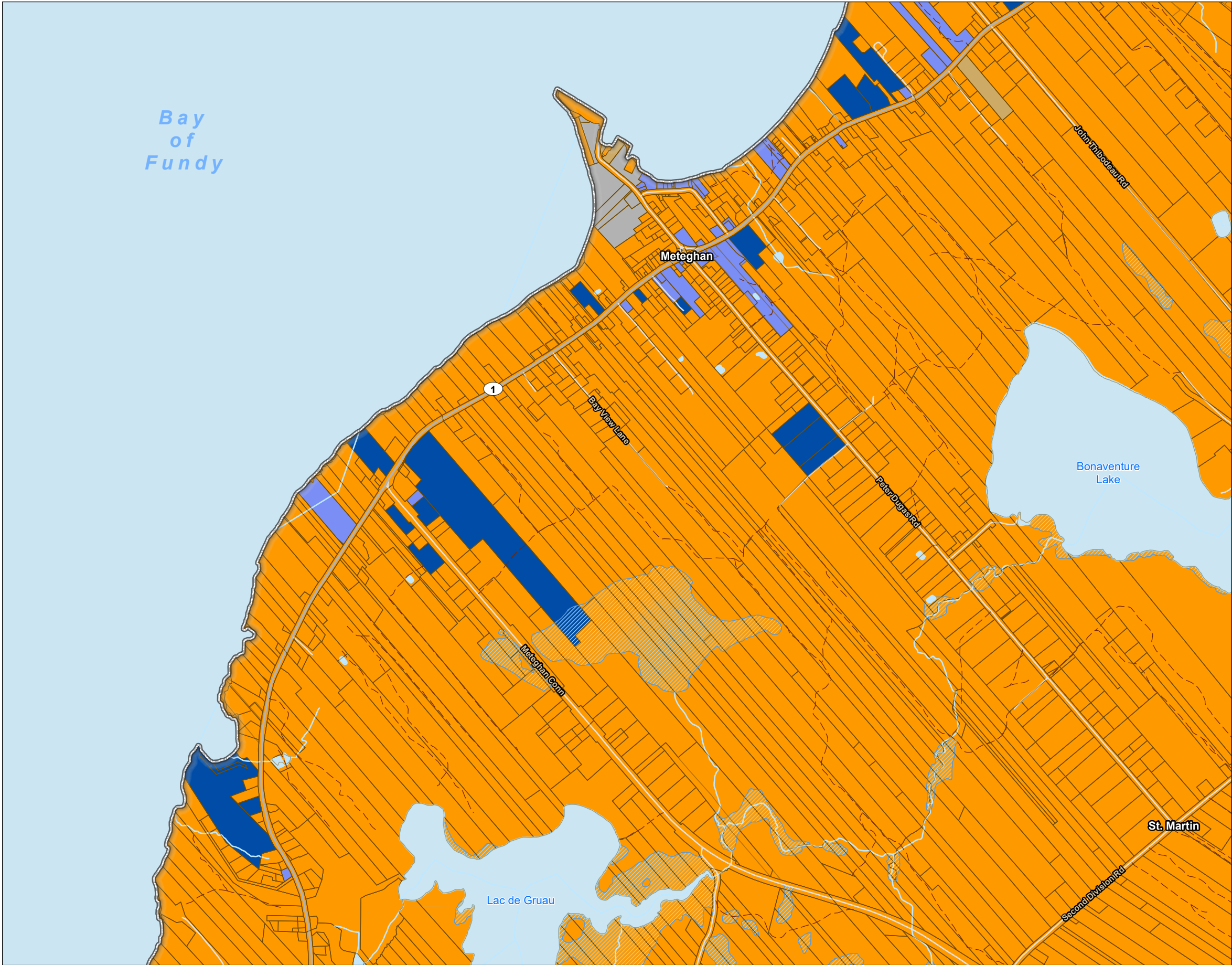
160401883

Figure No.
1

Title
**Municipality of the District of Clare - Land Use By-law
Schedule A - Land Use Map**

DRAFT

\\Ca0213-ppfsa01\work_group\1214\active\1XXXX - Other PCs\1604xxxx\160401883\gis\mapping\aprx\160401883_District_of_Clare_LandUse.aprx Revised: 2025-12-04 By: acuff



Legend

Land Use

- Residential (R)
- Mixed Use (MX)
- Industrial (I)
- Park and Institutional (PI)
- Agriculture (AG)

Administration

- Property Boundary
- Municipal Boundary
- Municipal District Boundary

Transportation

- Arterial Road
- Local Road
- Resource Road / Trail

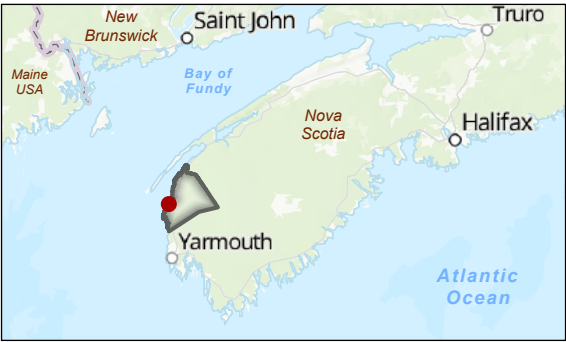
Topographic Features

- Watercourse
- Waterbody
- Wetland



0 100 200 300 400 500 Meters
(At original document size of 11x17)
1:15,000

- Notes**
- Coordinate System: NAD 1983 CSRS UTM Zone 20N
 - Data Sources: Nova Scotia Department of Environment and Climate Change; Department of Natural Resources and Renewables; Agriculture and Agri-Food Canada
 - Background: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, USGS



Project Location
Municipality of the District of Clare, Nova Scotia
Canada

Client/Project
Municipality of the District of Shelburne and
Municipality of the District of Clare, Nova Scotia
Joint Municipal Plan and Land Use By-law Review

Prepared by AC on 2025-08-22

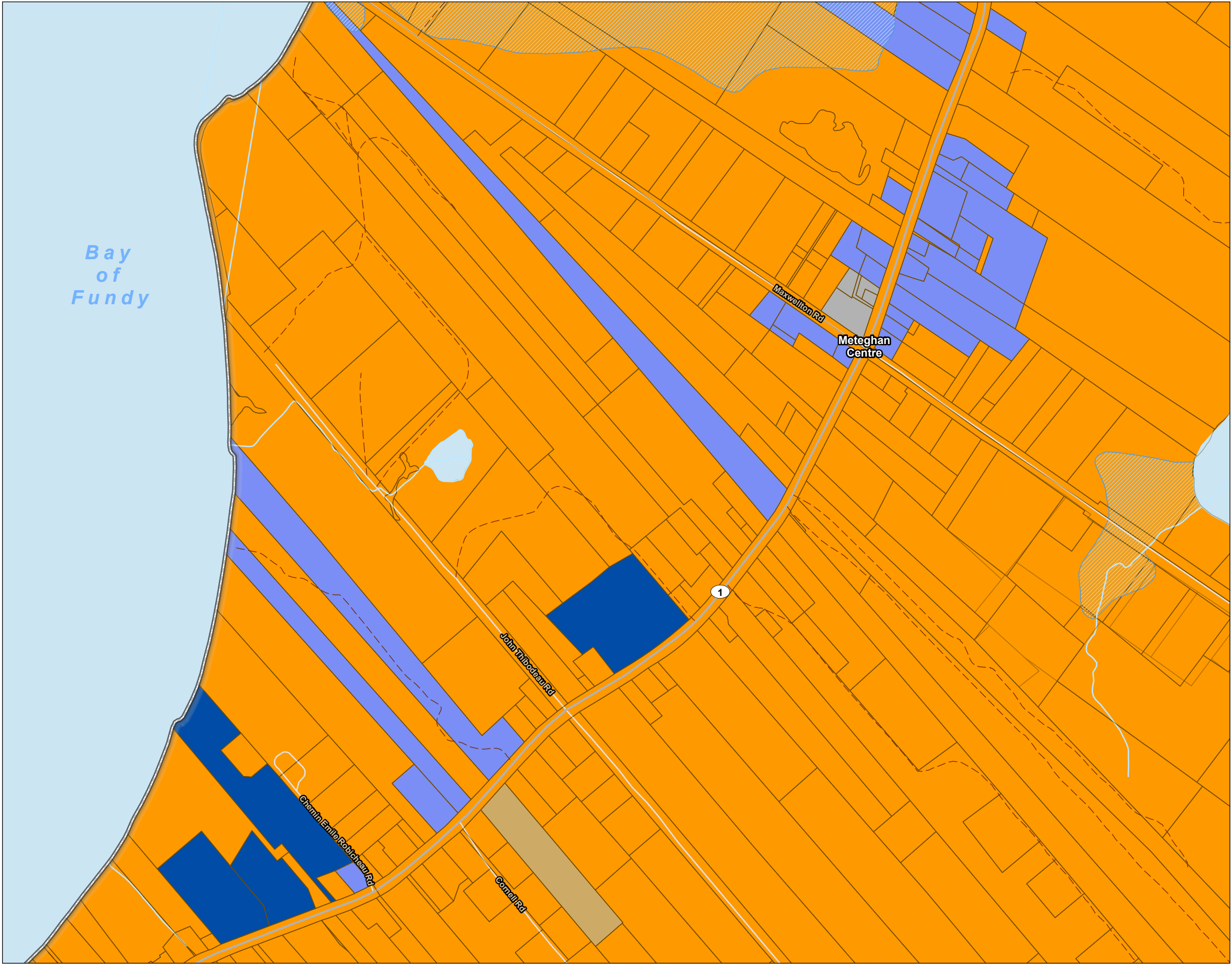
160401883

Figure No.
2

Title
**Municipality of the District of Clare Land Use By-law
Schedule A - Land Use Map - Meteghan**

DRAFT

I:\Ca02\13-pp\ss01\work_group\12\4\active\1\XXX - Other PCs\1604xxxx\160401883\gis\mapping\aprx\160401883_District_of_Clare_LandUse.aprx Revised: 2025-12-04 By: acuff



Legend

Land Use

- Residential (R)
- Mixed Use (MX)
- Industrial (I)
- Park and Institutional (PI)
- Agriculture (AG)

Administration

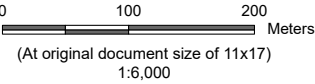
- Property Boundary
- Municipal Boundary
- Municipal District Boundary

Transportation

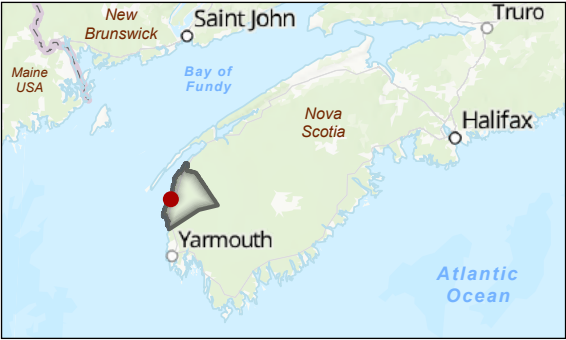
- Arterial Road
- Local Road
- Resource Road / Trail

Topographic Features

- Watercourse
- Waterbody
- Wetland



- Notes
- 1. Coordinate System: NAD 1983 CSRS UTM Zone 20N
 - 2. Data Sources: Nova Scotia Department of Environment and Climate Change; Department of Natural Resources and Renewables; Agriculture and Agri-Food Canada
 - 3. Background: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, USGS



Project Location
Municipality of the District of Clare, Nova Scotia
Canada

Client/Project
Municipality of the District of Shelburne and
Municipality of the District of Clare, Nova Scotia
Joint Municipal Plan and Land Use By-law Review

Prepared by AC on 2025-08-22

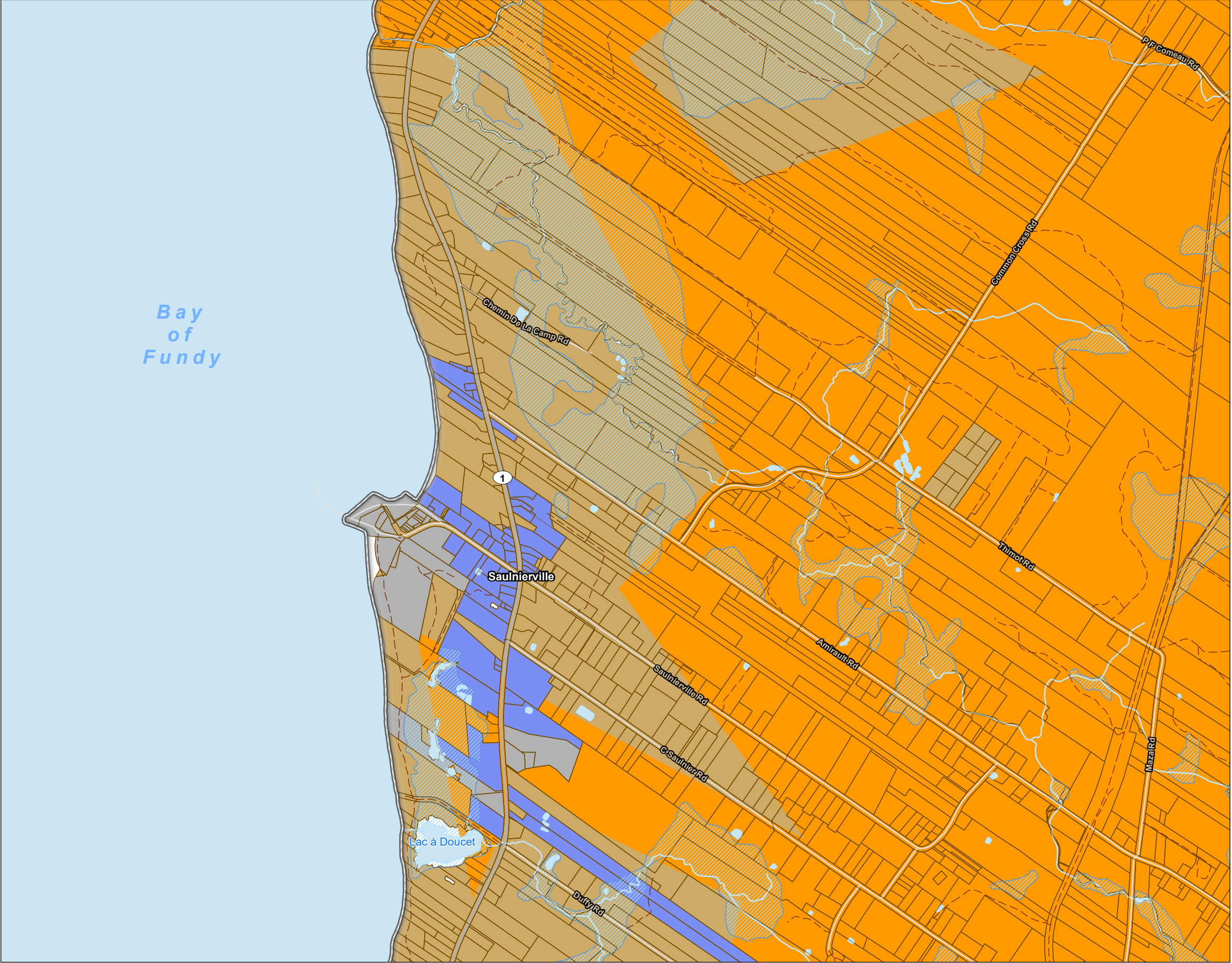
160401883

Figure No.
3

Title
**Municipality of the District of Clare Land Use By-law
Schedule A - Land Use Map - Meteghan Centre**

DRAFT

I:\Ca02\13-pp\ss01\work_group\12\4\active\1XXX - Other PCs\1604xxxx\160401883\gis\mapping\aprx\160401883_District_of_Clare_LandUse.aprx Revised: 2025-12-04 By: acuff



Legend

Land Use

Residential (R)

Mixed Use (MX)

Industrial (I)

Agriculture (AG)

Administration

Property Boundary

Municipal Boundary

Municipal District Boundary

Transportation

Arterial Road

Local Road

Resource Road / Trail

Topographic Features

Watercourse

Waterbody

Wetland

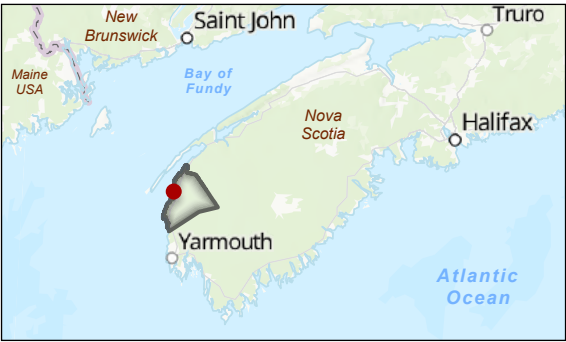
0100200300400500

Meters

(At original document size of 11x17)

1:15,000

Notes
1. Coordinate System: NAD 1983 CSRS UTM Zone 20N
2. Data Sources: Nova Scotia Department of Environment and Climate Change; Department of Natural Resources and Renewables; Agriculture and Agri-Food Canada
3. Background: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, USGS



Project Location

Municipality of the District of Clare, Nova Scotia
Canada

Client/Project

Municipality of the District of Shelburne and
Municipality of the District of Clare, Nova Scotia
Joint Municipal Plan and Land Use By-law Review

160401883

Figure No.

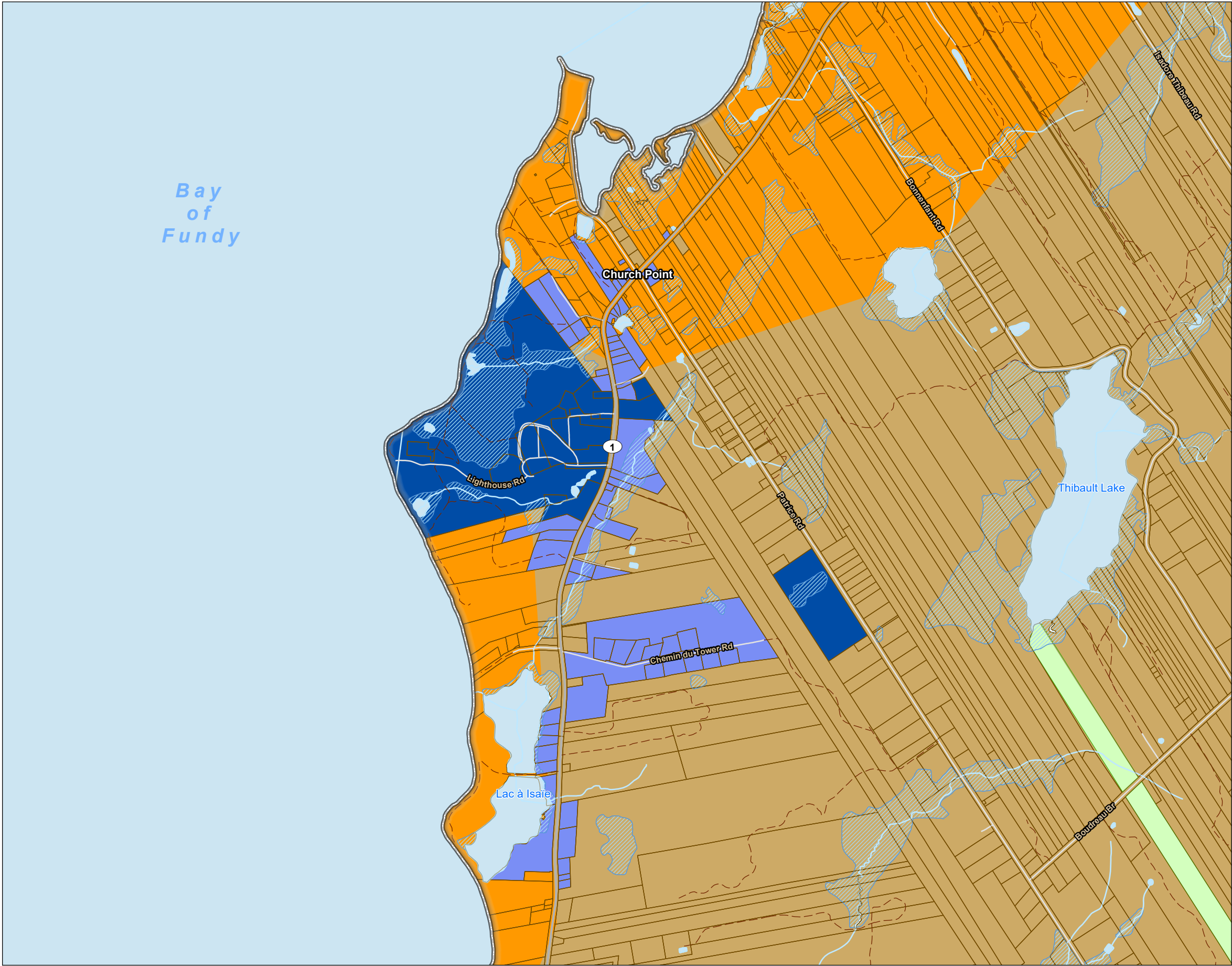
4

Title

**Municipality of the District of Clare Land Use By-law
Schedule A - Land Use Map - Saulnierville**

DRAFT

I:\Ca02\13-pp\ss01\work_group\12\4\active\1\XXX - Other PCs\1604xxxxx\160401883\gis\mapping\aprx\160401883_District_of_Clare_LandUse.aprx Revised: 2025-12-04 By: acuff



Legend

Land Use

- Residential (R)
- Mixed Use (MX)
- Park and Institutional (PI)
- Agriculture (AG)

Administration

- Property Boundary
- Municipal Boundary
- Municipal District Boundary
- Crown Land

Transportation

- Arterial Road
- Local Road
- Resource Road / Trail

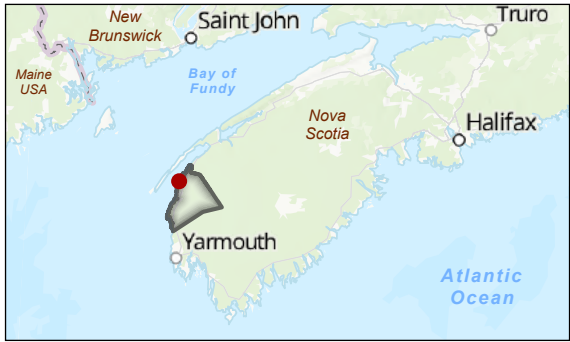
Topographic Features

- Watercourse
- Waterbody
- Wetland



0 100 200 300 400 500 Meters
(At original document size of 11x17)
1:15,000

Notes
1. Coordinate System: NAD 1983 CSRS UTM Zone 20N
2. Data Sources: Nova Scotia Department of Environment and Climate Change; Department of Natural Resources and Renewables; Agriculture and Agri-Food Canada
3. Background: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, USGS



Project Location Municipality of the District of Clare, Nova Scotia
Canada

Client/Project Municipality of the District of Shelburne and
Municipality of the District of Clare, Nova Scotia
Joint Municipal Plan and Land Use By-law Review

Figure No.
5

Title
**Municipality of the District of Clare Land Use By-law
Schedule A - Land Use Map - Church Point**

DRAFT



**Municipality of the
District of Clare**

