

LAND USE BY-LAW

2021



Navigating the
Future, Together.

TOWN OF LUNENBURG LAND USE BY-LAW, 2021

First Reading: June 22, 2021

Second Reading: July 27, 2021

Approved by the Minister of Municipal Affairs: September 1, 2021

Notice of Effect: September 22, 2021

With Amendments to:

Changelog

| Reference Code | File or Application Number | Council Adoption Date | Enacted Date | General Description of Change |
|----------------|----------------------------|-----------------------|-------------------|-------------------------------------|
| CHG001 | 2023-LUB-003 | October 24, 2023 | November 15, 2023 | Replace Schedule “C” Use Zoning Map |
| CHG002 | 2023-LUB-001 | October 24, 2023 | November 15, 2023 | Add 7.8.30. Off-Site Signage |



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1 Title, Purpose, & Authority

1.1. Title

- 1.1.1. This By-law is the Town of Lunenburg Land Use By-law, and may be cited as the “Land Use By-law” or “LUB”.
- 1.1.2. This Land Use By-law may also be cited as “By-law” when used in a self-referential manner within the text.

1.2. Purpose

- 1.2.1. The purpose of this By-law is to carry out the intent of the Municipal Planning Strategy of the Town of Lunenburg by regulating the use of land, buildings, and structures and by regulating the height, bulk, location, size, spacing and character of buildings and structures within the Town of Lunenburg.

1.3. Authority

- 1.3.1. This By-law is passed under the authority of the *Municipal Government Act*.



2 Interpretation

2.1. Certain Words

2.1.1. In this By-law:

- (a) the word “shall” means mandatory compliance;
- (b) the word “may” means discretionary compliance or a choice in applying a policy or regulation;
- (c) words used in the plural include the singular, and words in the singular include the plural; and
- (d) gendered words shall be interpreted to mean any gender.

2.1.2. Words not otherwise defined in this By-law shall have the meaning assigned to them in the *Municipal Government Act*.

2.2. Conflict

2.2.1. In the case of any conflict between the text of this By-law and any maps or drawings used to illustrate any aspect of this By-law, the text shall take priority.

2.2.2. Colour coding throughout this By-law and the Zoning Maps is for ease of reference only and the text of the By-law shall take priority.

2.2.3. In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall take priority.

2.2.4. In the case of conflict between a written zone name and a zone symbol, the written zone name shall take priority.

2.3. Definitions

2.3.1. For the purposes of this By-law, words shall have the meaning or meanings assigned to them in Part 8 - Definitions. Where a word is not defined in Part 8 the word shall have the meaning or meanings assigned by accepted English dictionaries.



2.4. Units of Measurement

2.4.1. This By-law uses the metric system of measurement. Numerical measurements in this document may also be presented in other units; however, this is for convenience only. Conversions to other units are approximate and rounding has been applied in a manner that provides a margin of error to ensure compliance with the official metric measurements. If a metric measurement conflicts with its conversion in another unit, the metric measurement shall take priority.

2.5. Interpretation of Zone Boundaries

2.5.1. Boundaries between zones shall be determined as follows:

- (a) where a zone boundary is indicated as following a boundary survey line as recorded at the Registry of Deeds or Land Registration Office, the boundary shall follow that line;
- (b) where a zone boundary is indicated as following a street, private road, or controlled access highway the centerline of the street, private road, or controlled access highway shall be the boundary unless otherwise indicated;
- (c) where a zone boundary is indicated as following a railway or utility right-of-way, the centerline of the right-of-way shall be the boundary unless otherwise indicated;
- (d) where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
- (e) where the zone boundary is indicated as following the shoreline of a river, watercourse, lake or salt water body, the mean high water mark shall be the boundary and the zone boundary shall follow any changes in mean high water mark; and
- (f) where none of the above provisions apply, the Development Officer shall scale the zone boundary from the zoning map.

2.6. Severability

2.6.1. If any provision of this By-law is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this By-law.



3 Administration

3.1. Administration of By-law

- 3.1.1. Council shall appoint one or more Development Officer(s) for the Town.
- 3.1.2. The Development Officer shall be responsible for the administration of this By-law.

3.2. Inspection

- 3.2.1. The Development Officer or designate is authorized to enter, at all reasonable times, into or upon any property within the Town for the purpose of any inspections necessary to administer this By-law.

3.3. Enforcement & Penalty

- 3.3.1. In the event of any violation of the provisions of this By-law, the Town may act in accordance with the *Municipal Government Act*.

3.4. Compliance with Other Legislation

- 3.4.1. Nothing in this By-law shall exempt any person from complying with the requirements of any other by-law in force within the Town, or from obtaining any license, permission, permit, authority, or approval required by any other by-law of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- 3.4.2. Where the provisions in this By-law conflict with those of any other by-law of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada, the higher or more stringent provision shall prevail.

3.5. Restoration to a Safe Condition

- 3.5.1. Nothing in this By-law shall prevent the restoration of any building or structure to a safe condition, as determined by the Town's Building Official.

3.6. Effective Date

- 3.6.1. Upon adoption by the Council of the Town of Lunenburg and approval by the Minister of Municipal Affairs, this By-law shall take effect on the date a notice is published in a newspaper, circulating in the Town, informing the public that the Land Use By-law is in effect.



3.7. Existing Structures and Uses

- 3.7.1. A structure or use of land shall be deemed to exist on the effective date of this By-law if:
- (a) it has lawfully been constructed;
 - (b) it has lawfully commenced;
 - (c) it is lawfully under construction; or
 - (d) all required permits for its construction or uses were in force and effect, except that this shall no longer apply if the construction or use is not commenced within 12 months after the date of the latest issuance of the required permits.

3.8. Repeal of By-law

- 3.8.1. The Town of Lunenburg Land-Use By-Law adopted by Council for the Town of Lunenburg on August 29, 2012, as amended, is hereby repealed.




4 Permitting & Application Process

4.1. Development Permit Required

- 4.1.1. Unless otherwise stated in this By-law, no person shall undertake a development within the Town without first obtaining a development permit from the Development Officer.

4.2. Developments Not Requiring a Permit

- 4.2.1. Subject to Section 4.3, the following developments shall not require a Development Permit:
 - (a) Interior renovations or alterations to a structure that do not result in a change in the number of dwelling units or a change in use of the structure.
 - (b) Exterior renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure, except within the Architectural Control Area as shown on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map.
 - (c) Signs smaller than 0.2 square metres (2.2 square feet) in sign area, where signs are permitted.
 - (d) Temporary uses meeting the requirements of Section 6.8.
 - (e) Public and private utilities located within the street right-of-way.
 - (f) Temporary cloches, crop hoops, or other such temporary crop structures.
 - (g) Farm, fish, and forest sales meeting the requirements of Section 6.9.
 - (h) The making of a domestic garden.
 - (i) Personal offices or studios meeting the requirements of Subsection 6.10.1.
 - (j) The teaching of one student at a time, meeting the requirements of Subsection 6.10.3.
 - (k) Signs permitted in all Form Zones, as listed in Subsection 7.8.5.
 - (l) Minor structures such as retaining walls, children's play structures, hot tubs, cold frames, garden trellises, clothesline poles, dog houses, propane cylinders, and heat pumps.
 - (m) Vending activities as outlined in Schedule 'G', Vending.



4.2.2. For greater clarity, a building permit and/or Certificate of Appropriateness may still be required for developments that are exempt from requiring a development permit. Applicants are responsible for inquiring with the Town prior to undertaking any development.

4.3. No Exemption from Requirements

4.3.1. Every development shall be subject to the requirements of this By-law whether or not a Development Permit is required.

4.4. Development Permit in Conformance with By-law or Development Agreement

4.4.1. The Development Officer shall only issue a development permit in conformance with this By-law or a registered development agreement, except where a variance is granted or in the case of an existing non-conforming use or structure, in which case a development permit shall be issued in conformance with the Act.

4.5. Certificate of Appropriateness

4.5.1. The Development Officer shall not issue a development permit if the applicant has not yet obtained a Certificate of Appropriateness if required by the *Heritage Conservation District Bylaw*.

4.6. Development Permit Duration, Revocation, and Renewal

4.6.1. A development permit shall expire within the following time periods from the date issued if the development has not commenced:

- (a) Two years for industrial uses.
- (b) One year for all other uses.

4.6.2. The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate or the permit was issued in error.



4.7. Application Requirements

- 4.7.1. Every application for a development permit shall be made in writing on an approved form and shall include:
- (a) the signature of the applicant;
 - (b) application fees in conformance with the fee schedule adopted by resolution of Council;
 - (c) a statement of the proposed use of the land;
 - (d) a site plan, as detailed in Subsection 4.7.2; and
 - (e) any other information required by this Land Use By-law.

Plan Requirements

- 4.7.2. Every application for a development permit shall be accompanied by a plan of the proposed development, drawn to an appropriate scale and showing:
- (a) the true shape and dimensions of all lots to be used;
 - (b) the proposed location, height and dimensions of the building, structure, or work for which the permit is applied;
 - (c) the location of rights-of-way and easements within the subject property;
 - (d) the proposed location and dimensions of parking spaces, loading spaces, driveways, solid waste storage areas, and landscaping areas where applicable;
 - (e) the location of all watercourses on the property; and
 - (f) other such information as requested by the Development Officer to determine whether or not the development conforms to the requirements of this By-law.

Additional Plan Information

- 4.7.3. Where the Development Officer is unable to determine whether the proposed development conforms to this By-law or other by-laws and regulations in force, they may require that the plan submitted under Subsection 4.7.2 shows:
- (a) the location of every building or structure already erected on or partly erected on such lot;
 - (b) the location of every building erected upon any abutting lot;
 - (c) existing and proposed services; and/or
 - (d) a plan based upon a survey prepared by a Nova Scotia Land Surveyor.




Additional Studies and Plans

- 4.7.4. Where necessary to determine conformance with this Land Use By-law, the Development Officer may require the applicant to provide additional information at the necessary level of detail and, if necessary, prepared by the appropriate professional. Such additional information may include, but is not limited to:
- (a) site survey and/or site plan prepared and stamped by a Nova Scotia Land Surveyor;
 - (b) location certificate;
 - (c) topography and soil conditions of the subject site;
 - (d) watercourse delineation study;
 - (e) stormwater management plan;
 - (f) floor plans and elevation drawings of any proposed structures;
 - (g) geotechnical study;
 - (h) site grading plan;
 - (i) traffic impact assessment or study;
 - (j) groundwater supply study; and/or
 - (k) any other information deemed necessary by the Development Officer.

4.8. Variances

- 4.8.1. Notwithstanding anything in this By-law, the Development Officer may grant a variance subject to Section 235 of the *Municipal Government Act*. Specifically, the Development Officer may vary:
- (a) percentage of land that may be built upon;
 - (b) size or other requirements relating to yards;
 - (c) lot frontage or lot area, or both, if
 - i. the lot existed on the effective date of the By-law, or
 - ii. a variance was granted for the lot at the time of subdivision approval;
 - (d) location and number of parking spaces and loading spaces required;
 - (e) ground area of a structure;
 - (f) height of a structure;
 - (g) floor area occupied by a home-based business; and/or
 - (h) height and area of a sign.

- 
- 4.8.2. In accordance with Section 235 of the *Municipal Government Act*, the Development Officer shall not grant a variance if the:
- (a) variance violates the intent of the Land Use By-law;
 - (b) difficulty experienced is general to properties in the area; or
 - (c) difficulty experienced results from an intentional disregard for the requirements of the Land Use By-law.
- 4.8.3. Where the Development Officer has granted a variance in the requirements of this By-law, notification of the variance shall be served upon assessed property owners of all properties that lie within 30 metres (100 feet) of the property subject to the variance.
- 4.8.4. Notification of a variance shall:
- (a) describe the variance granted;
 - (b) identify the property(s) subject to the variance; and
 - (c) set out the right to appeal the decision of the Development Officer to Council.
- 4.8.5. A sign in a form established by the Town and containing the above information shall also be posted by the applicant on the property subject to the variance.
- 4.8.6. Variance requests shall be accompanied by fee paid to the Development Officer, at the time of application, in an amount established by Council sufficient to pay the costs associated with giving notice of variances as required by the Act.



5 Lot & Subdivision Standards

5.1. Lot Zones

5.1.1. The subdivision of land and the creation of new streets within the Town of Lunenburg is governed by lot zones, the boundaries of which are shown on Schedule 'B', the Lot Zoning Map. Such zones may be referenced by the appropriate symbols:

| Lot Zone Name | Lot Zone Symbol |
|---------------|-----------------|
| Lot Zone 1 | LZ1 |
| Lot Zone 2 | LZ2 |
| Lot Zone 3 | LZ3 |
| Lot Zone 4 | LZ4 |

5.2. Lot Standards

5.2.1. The subdivision of land within the Town shall comply with Table 1, Lot Subdivision Standards.

Table 1: Lot Subdivision Standards

| | LZ1 | LZ2 | LZ3 | LZ4 |
|----------------------|--|--|--|---|
| Minimum Lot Area | 110 m ² (1,185 ft ²) | 370 m ² (3,983 ft ²) | 330 m ² (3,553 ft ²) | 37 m ² (399 ft ²) |
| Maximum Lot Area | 465 m ² (5,005 ft ²) | - | - | - |
| Minimum Lot Frontage | 6 m (20 ft) | 12 m (40 ft) | 12 m (40 ft) | 6 m (20 ft) |
| Maximum Lot Frontage | 40 m (131 ft) | - | - | - |

5.2.1. Notwithstanding Subsection 5.2.1, the Nova Scotia Department of Environment and Climate Change may require larger minimum lot sizes for unserviced lots.



Existing Undersized Lots

- 5.2.2. Notwithstanding the minimum lot area and minimum lot frontage requirements of Table 1, any undersized lot legally in existence may be increased in area and/or frontage as a result of an approved plan of subdivision and a municipal development permit may be issued in accordance with this By-law. For greater clarity, this provision does not exempt lots from the maximum lot area or maximum lot frontage requirements of Table 1.

Existing Oversized Lots

- 5.2.3. Notwithstanding the maximum lot area and lot frontage requirements of Table 1, a legally existing oversized lot may be reduced in lot area and/or lot frontage requirements as a result of an approved plan of subdivision and a municipal development permit may be issued in accordance with this By-law. For greater clarity, this provision does not exempt lots from the minimum lot area or minimum lot frontage requirements of Table 1.

Subdivision By-law Exceptions

- 5.2.4. Notwithstanding the requirements of Section 5.2, lots may be subdivided using the provisions of Sections 5.3, 5.4, 5.5, and 5.6 of the Subdivision By-law and a development permit may be issued for development on these lots in compliance with all other requirements of this Land Use By-law.

Subdivision for Dwelling Party Walls

- 5.2.5. Notwithstanding the minimum lot frontage and area requirements of Subsection 5.2.1 a lot may be subdivided to place attached, side-by-side dwelling units on their own lot, with a lot line running along the party wall, provided:
- (a) the lot frontage is at least 6 metres (20 feet) for each dwelling unit and the total combined area of the lots complies with the minimum and maximum lot frontage requirements of Subsection 5.2.1;
 - (b) the total combined number of dwelling units in the dwelling does not exceed the maximum number of dwelling units on a lot outlined in Section 6.2, or six (6) dwelling units, whichever is less; and
 - (c) the total combined area of the lots complies with the minimum and maximum lot area requirements of Subsection 5.2.1.

5.3. Flag Lots

- 5.3.1. The creation of flag lots shall not be permitted.



6 Land Uses & Required Bicycle Parking

6.1. Use Zones

6.1.1. The uses permitted on land within the Town of Lunenburg are governed by land use zones, the boundaries of which are shown on Schedule 'C', the Use Zoning Map. Such zones may be referenced by the appropriate symbols:

| Use Zone Name | Use Zone Symbol |
|-------------------------------------|-----------------|
| Lower Density Residential Use Zone | RL |
| Medium Density Residential Use Zone | RM |
| Higher Density Residential Use Zone | RH |
| Commercial Mixed Use Zone | CM |
| General Commercial Use Zone | CG |
| Waterfront Use Zone | W |
| Industrial Use Zone | M |
| Marine Industrial Use Zone | MM |
| Rural Use Zone | RUR |
| Institutional Use Zone | INS |
| Parks and Recreation Use Zone | PR |

6.2. Tables of Permitted Uses

6.2.1. The following tables outline the permitted uses in each use zone, subject to the following scheme:

- (a) Uses denoted with a "P" are permitted subject to all requirements of this By-law, and to any sections noted in the "Special Req's" column.
- (b) Dwelling uses denoted with a numeral are permitted up to the number of dwelling units identified by the numeral and subject to all requirements of this By-law. Dwelling uses with a 'P' are not limited in the number of permitted dwelling units. Accessory dwellings shall not be counted for the purposes of determining the number of dwelling units.
- (c) Uses denoted with a "DA" are permitted by development agreement, subject to the Municipal Planning Strategy Policies noted in the "Special Req's" column.
- (d) Uses denoted with a "-" or not listed in the table are not permitted.



Residential Uses

| | RL | RM | RH | CM | CG | W | M | MM | RUR | INS | PR | Special Req's |
|---------------------------|----|----|----|----|----|---|---|----|-----|-----|----|----------------------|
| Accessory Dwelling | P | P | P | - | P | - | - | - | P | - | - | subs. 6.4.1 to 6.4.4 |
| Bed & Breakfast | P | P | P | - | P | - | - | - | P | - | - | subs. 6.4.5 to 6.4.7 |
| Dwelling | 2 | 4 | P | P | P | - | - | - | P | - | - | subs. 6.4.8 |
| Nursing Homes | - | - | P | P | - | - | - | - | - | P | - | |
| Residential Care Facility | - | P | P | P | P | - | - | - | - | P | - | |
| Rooming Houses | - | P | P | P | P | - | - | - | - | - | - | |
| Small Options Home | P | P | P | - | P | - | - | - | P | - | - | |

Institutional Uses

| | RL | RM | RH | CM | CG | W | M | MM | RUR | INS | PR | Special Req's |
|--------------------------|----|----|----|----|----|---|---|----|-----|-----|----|---------------|
| Assembly Uses | - | - | - | P | P | - | - | - | - | P | P | |
| Cultural Facilities | - | - | - | P | P | P | - | - | - | P | - | |
| Emergency Services | - | - | - | P | - | - | P | P | - | P | - | |
| Government Uses | - | - | - | P | P | P | P | P | - | P | P | |
| Interpretive Centres | - | - | - | P | P | P | - | - | - | P | P | |
| Hospitals | - | - | - | - | - | - | - | - | - | P | - | |
| Medical Clinics | - | - | - | P | P | - | - | - | - | P | - | |
| Schools – Academic | - | - | - | P | P | - | - | - | - | P | - | |
| Schools – Post-secondary | - | - | - | P | P | - | - | - | - | P | - | |
| Religious Institutions | - | - | - | P | P | - | - | - | - | P | - | |



Commercial Uses

| | RL | RM | RH | CM | CG | W | M | MM | RUR | INS | PR | Special Req's |
|--|----|----|----|----|----|---|---|----|-----|-----|----|-------------------------|
| Accommodations | - | - | - | P | P | - | - | - | - | - | - | |
| Adult Entertainment | - | - | - | - | - | - | P | - | - | - | - | |
| Animal Care | - | - | - | P | P | - | - | - | P | - | - | |
| Automobile Body Shop | - | - | - | - | - | - | P | - | - | - | - | |
| Automobile Fueling and Washing | - | - | - | P | - | - | P | - | - | - | - | |
| Automobile Repair | - | - | - | P | - | - | P | - | - | - | - | |
| Automobile Sales | - | - | - | P | - | - | P | - | - | - | - | |
| Banks and Financial Institutions | - | - | - | P | P | - | - | - | - | - | - | |
| Commercial Clubs | - | - | - | P | P | - | - | - | - | - | - | |
| Commercial Recreation – Outdoor | - | - | - | - | - | - | - | - | P | - | P | |
| Commercial Recreation – Indoor | - | - | - | P | P | - | P | - | - | - | - | |
| Craft Food and Beverage Production | - | - | - | P | P | P | P | P | P | - | - | |
| Electric Vehicle Charging – Commercial | - | - | - | P | - | - | P | - | - | - | - | |
| Farmers' Markets | - | - | - | P | P | P | - | - | - | P | - | |
| Funeral Homes | - | - | - | P | P | - | - | - | - | - | - | |
| Home-based Business | P | P | P | P | P | - | - | - | P | - | - | subs. 6.4.9 |
| Kennel | - | - | - | - | - | - | P | - | P | - | - | |
| Licensed Liquor Establishments | - | - | - | P | P | P | - | - | - | - | - | |
| Marinas | - | - | - | - | - | P | - | P | - | - | - | |
| Marine Recreation Providers | - | - | - | - | - | P | - | P | - | - | P | |
| Offices | - | - | - | P | P | P | P | P | - | P | - | |
| Personal Service Shops | - | - | - | P | P | - | - | - | - | - | - | |
| Private Clubs | - | - | - | P | P | - | - | - | - | P | - | |
| Restaurants – Eat-in | - | - | - | P | P | P | P | - | - | P | - | |
| Restaurants – Take-out | - | - | - | P | P | P | P | - | - | P | P | |
| Retail Stores | - | - | - | P | P | P | P | P | - | - | - | subs. 6.4.10 |
| Schools – Commercial | - | - | - | P | P | - | - | - | - | P | - | |
| Self-storage Facilities | - | - | - | - | - | - | P | - | - | - | - | |
| Short-term Rental | P | P | P | P | P | - | - | - | P | - | - | subs. 6.4.11 and 6.4.12 |
| Wholesale | - | - | - | - | - | - | P | P | - | - | - | |
| Workshops | - | - | - | P | P | P | P | P | - | P | - | |



Industrial Uses

| | RL | RM | RH | CM | CG | W | M | MM | RUR | INS | PR | Special Req's |
|--------------------------------------|----|----|----|----|----|---|----|----|-----|-----|----|-----------------|
| Building Supply and Equipment Depots | - | - | - | - | - | - | P | - | - | - | - | |
| Heavy Industrial | - | - | - | - | - | - | DA | DA | - | - | - | MPS Policy 4-17 |
| Light Industrial | - | - | - | P | P | P | P | P | - | - | - | |
| Marine Industrial | - | - | - | - | - | P | P | P | - | - | - | |
| Recycling Depots | - | - | - | - | - | - | P | - | - | - | - | |
| Scrap Yards | - | - | - | - | - | - | P | - | - | - | - | |
| Transportation and Logistics | - | - | - | - | - | - | P | P | - | - | - | |
| Warehousing | - | - | - | - | - | - | P | P | - | - | - | |

Other Uses

| | RL | RM | RH | CM | CG | W | M | MM | RUR | INS | PR | Special Req's |
|---|----|----|----|----|----|---|---|----|-----|-----|----|------------------------|
| Agricultural Uses | - | - | - | - | - | - | - | - | P | - | - | |
| Cemeteries | - | - | - | - | - | - | - | - | P | P | P | |
| Daycare Centres | - | - | P | P | P | - | - | - | P | P | - | |
| Forestry Uses | - | - | - | - | - | - | - | - | P | - | - | |
| Parking Structures & Surface Parking Lots | - | - | - | P | - | - | P | P | - | P | - | |
| Parks and Playgrounds | P | P | P | P | P | P | P | P | P | P | P | |
| Public Recreation | - | - | - | P | - | P | - | - | P | P | P | |
| Public Transportation | - | - | - | P | P | - | P | - | - | P | - | |
| Solar Collector Systems – Large-scale | - | - | - | - | - | - | P | - | P | - | - | |
| Trails and Conservation | P | P | P | P | P | P | P | P | P | P | P | |
| Urban Agriculture | P | P | P | P | P | - | - | - | P | P | P | subs. 6.4.13 to 6.4.15 |
| Water Access | P | P | P | P | P | P | P | P | P | P | P | |



6.3. Existing Uses

- 6.3.1. The existing uses listed in Schedule 'A', Existing Uses are considered permitted.

6.4. Special Use Requirements

Accessory Dwellings

- 6.4.1. Accessory dwellings may be permitted within the main building or within a detached accessory building, but the total number of accessory dwellings shall be limited to one per lot.
- 6.4.2. The building footprint of a detached accessory dwelling shall not exceed 60 square metres or 40% of the building footprint of the main dwelling, whichever is larger.
- 6.4.3. Detached accessory dwellings shall not be located in the front yard.
- 6.4.4. Detached accessory dwellings shall meet form zone requirements for accessory buildings.

Bed and Breakfasts

- 6.4.5. Bed and breakfast uses shall not serve food to non-guests unless a restaurant is a permitted use in the applicable use zone.
- 6.4.6. Bed and breakfast uses shall be limited in size to six (6) sleeping units in the Lower Density Residential Use Zone, Medium Density Residential Use Zone, and Rural Use Zone.
- 6.4.7. Notwithstanding Subsection 6.4.6, larger bed and breakfast uses may be permitted by development agreements subject to Municipal Planning Strategy Policy 4-10.

Dwellings

- 6.4.8. Within the Commercial Mixed Use Zone, dwelling units shall be prohibited on the ground floor within 15 metres (50 feet) of the front lot line. For greater clarity, uses accessory to dwellings, such as residential lobbies and amenity space, may be permitted on the ground floor.



Home-based Businesses

- 6.4.9. Home-based business shall meet the following requirements:
- (a) The dwelling must be the place of primary residence of the owner of the business.
 - (b) The business shall not employ on-site at one time more than two (2) persons whose primary residence is not the dwelling on the lot.
 - (c) The business must be located in the dwelling or in an accessory building.
 - (d) The following uses shall be permitted as a home-based business:
 - i. Business offices or professional offices
 - ii. Craft workshops and craft shops
 - iii. Personal service shops
 - iv. Tailoring and/or commercial sewing
 - v. Studios for the practice or instruction of fine arts, commercial arts or crafts
 - vi. Repair shops, excluding vehicle or small engine repair shops
 - vii. Day care centres
 - viii. Taxicab operations
 - ix. On-site preparation of food for off-site (catering)
 - (e) More than one of the uses permitted in clause (d) may be located on the site at one time, but multiple uses shall be considered as one home-based business for the purposes of compliance with this subsection.
 - (f) Retail sales of products shall be limited to the sale of products made, refinished, or repaired on the premises and products associated with the business.
 - (g) The business shall occupy an area equivalent to no more than 25% the gross floor area of the dwelling or 47 square metres (505 square feet), whichever is less.
 - (h) No more than two (2) commercial vehicles, including taxicabs, related to the business use may be kept upon or operated from the lot on which the business is located.



Retail Stores

- 6.4.10. Within the Industrial Use Zone and Marine Industrial Use Zone, retail stores shall:
- (a) be related to another use on the lot; and
 - (b) not exceed 25 percent of the gross floor area on the lot.

Short-term Rentals

- 6.4.11. Only one short-term rental shall be permitted on a lot.
- 6.4.12. Short-term rentals shall not be permitted in accessory dwellings or accessory buildings.

Urban Agriculture

- 6.4.13. The keeping of chickens as an urban agriculture use shall be subject to the following requirements:
- (a) Roosters shall be prohibited.
 - (b) The number of hens permitted shall be:
 - i. five (5) or fewer on lots 1,000 square metres (10,764 square feet) in area or smaller; and
 - ii. ten (10) or fewer on lots larger than 1,000 square metres (10,764 square feet).
 - (c) The chickens shall be kept within an enclosure and not permitted to run at large.
 - (d) Coops shall meet form zone requirements for accessory buildings.
- 6.4.14. The keeping of bees as an urban agriculture use shall be subject to the following requirements:
- (a) All hives shall be located at least 3.0 metres (10 feet) from any lot line, unless they are located on a rooftop at a height of 3.0 metres (10 feet) or higher.
 - (b) All hives and colonies shall be registered with the Nova Scotia Department of Agriculture.
- 6.4.15. Community gardens shall include a clearly-defined area for solid waste and compost.



6.5. Adaptive Re-use

- 6.5.1. Adaptive re-use of former institutional buildings and properties for a use not otherwise permitted in the applicable use zone may be permitted by development agreement, subject to Municipal Planning Strategy Policy 4-12.

6.6. Non-conforming Uses

- 6.6.1. A non-conforming use shall not be recommenced if discontinued for a continuous period of 12 months.
- 6.6.2. A non-conforming use may be expanded or converted to another non-conforming use by development agreement as provided for by Municipal Planning Strategy Policy 4-24.

6.7. Accessory Uses

- 6.7.1. Uses accessory to a main use shall be permitted in all use zones.

Electric Vehicle Charging – Accessory

- 6.7.2. Nothing in this By-law shall prevent the installation of an electric vehicle charging station where the station is for the exclusive domestic use of a dwelling.
- 6.7.3. Charging stations for electric vehicles that are not for the exclusive use of a dwelling shall be permitted as an accessory use in all use zones except the Lower Density Residential Use Zone.
- 6.7.4. Electric vehicle charging stations operated on a commercial basis shall be permitted, or not, as indicated in each use zone's permitted uses table.

Solar Collector Systems – Accessory

- 6.7.5. On-building solar collector systems shall be permitted as an accessory use in all use zones.
- 6.7.6. On-building solar collector systems shall be exempt from building height requirements.
- 6.7.7. Off-building solar collector systems may be permitted as an accessory use to a maximum panel area of 4 square metres (43 square feet) and subject to the form requirements for accessory buildings.



Wind Turbines – Accessory

- 6.7.8. Wind turbines shall be permitted as an accessory use in all use zones.
- 6.7.9. Notwithstanding form zone requirements, wind turbines shall not exceed a height of 9 metres (29 feet) or a nameplate generation capacity of 10 kW.

Residential Storage Buildings

- 6.7.10. Storage buildings associated with a residential use, including but not limited to garages and boathouses, may be permitted as the main use on a lot subject to the following requirements:
 - (a) In the General Commercial Use Zone the storage building must be within 30 metres (98 feet) of a lot with a dwelling on it held in the same ownership.
 - (b) In all other use zones the storage building must be on a lot abutting a lot with a dwelling on it held in the same ownership.
 - (c) The applicable form zone requirements of this By-law must be satisfied as if the storage building were regarded as the main building on the lot.
 - (d) Notwithstanding form zone requirements, the storage building shall:
 - i. not exceed 37 square metres (398 square feet) in building footprint; and
 - ii. not exceed 8 metres (26 feet) in height.

6.8. Temporary Uses

Temporary Uses Incidental to Constructions

- 6.8.1. This By-law does not apply to the use of land or the erection of temporary buildings or structures incidental to construction.
- 6.8.2. A development permit is not required for land uses or temporary buildings or structures incidental to construction if a development permit has been issued or is not required by this By-law for the development being constructed.
- 6.8.3. Any land uses or temporary buildings or structures incidental to construction must be terminated or removed:
 - (a) after the completion of the development being constructed; or
 - (b) if construction has not completed within two (2) years of commencement, Council may, by resolution, order the termination or removal of the temporary land use or buildings or structures.



Temporary Uses for Special Occasions and Holidays

- 6.8.4. This By-law does not apply to the use of land or the erection of temporary buildings or structures for special occasions and holidays.
- 6.8.5. A development permit is not required for the use of land or the erection of temporary buildings or structures for special occasions and holidays.
- 6.8.6. Any land uses or temporary buildings or structures for special occasions and holidays must be terminated or removed within two (2) days after the end of the special occasion or holiday.

6.9. Farm, Fish, and Forest Sales from a Stand or Parked Motor Vehicle

- 6.9.1. Outdoor sales from a stand or parked motor vehicle of fresh flowers, fruit, and vegetables; products from the sea; and forestry products such as, but not limited to, Christmas trees, wreaths, and maple products is allowed in the Mixed Use Zone, General Commercial Use Zone, Waterfront Use Zone, and Rural Use Zone without the requirement for a development permit, subject to the *Vending By-law*.
- 6.9.2. Stands shall not exceed a footprint of 10 square metres (107 square feet).
- 6.9.3. Outdoor sales from a stand or parked motor vehicle shall not be located within the streetright-of-way.

6.10. Home Occupations

Personal Office or Studio

- 6.10.1. Nothing in this By-law shall prevent the use of a portion of any dwelling or building accessory to a dwelling as personal office or studio for residents of the dwelling if the personal office or studio is not intended to be visited by members of the public.
- 6.10.2. No development permit is required for a personal office or studio.

Instruction of One Student at a Time

- 6.10.3. Nothing in this By-law shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit for the instruction of one student at a time.
- 6.10.4. No development permit is required for the instruction of one student at a time.



6.11. Obnoxious Uses

6.11.1. Obnoxious uses shall not be permitted except heavy industrial uses where the Use Zone permits the heavy industrial use by development agreement and subject to any terms in the development agreement to manage or control the obnoxious effects of the use.

6.12. Vending

6.12.1. Vending shall comply with the *Vending By-law* and with Schedule 'G', Vending, of this Land Use By-law.

6.12.2. Where the *Vending By-law* references a section of this Land Use By-law that reference shall be considered as a reference to the section with the same name within Schedule 'G', Vending, of this Land Use By-law.

6.13. Minimum Bicycle Parking Requirements by Use

6.13.1. No development permit shall be issued for any development unless bicycle parking is provided and maintained in conformity with Table 3 and the standards of this Section.

Table 3: Minimum Bicycle Parking Requirements

| Use | Bicycle Parking Spaces Required |
|--|---|
| Accommodations | Two (2) spaces |
| Assembly Uses | One (1) space per 200 m ² (2,153 ft ²) GFA |
| Cultural Facilities and Interpretive Centres | Two (2) spaces |
| Dwellings with More than Two (2) Units | 0.5 spaces per dwelling unit |
| Office | One (1) space |
| Personal Service Shop | One (1) space |
| Retail Store | One (1) space |

6.13.2. If a lot contains more than one main use the minimum bicycle parking requirements of Table 3 for each use shall be summed to determine the total number of required spaces.

6.13.3. The minimum bicycle parking requirements of Table 3 shall not apply to existing buildings within the Heritage Conservation District, as identified on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, of this By-law.



Bicycle Parking Space Dimensions

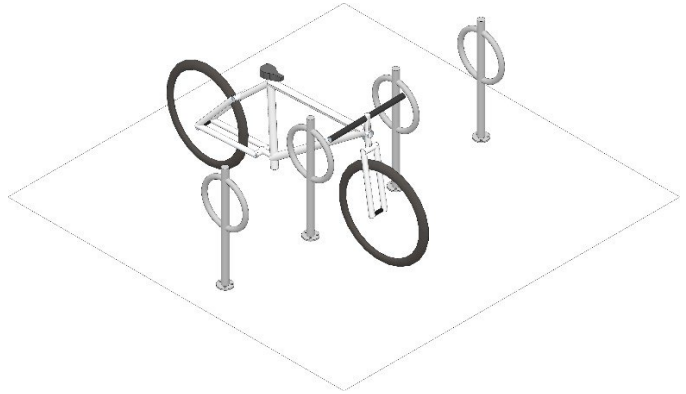
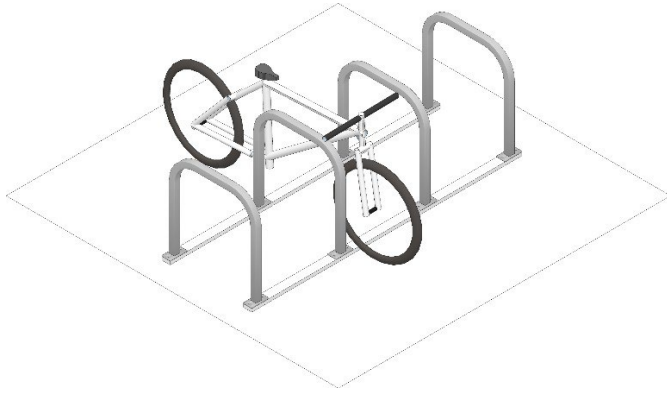
- 6.13.4. Bicycle parking spaces provided for the purposes of fulfilling the requirements of Subsection 6.13.1 shall:
- (a) have a minimum width of 0.6 metres (2 feet) and a minimum length of 2 metres (6.6 feet);
 - (b) be free of obstructions to a height of 2 metres (6.6 feet);
 - (c) not obstruct vehicular or pedestrian circulation;
 - (d) be accessed by an access lane with a minimum unobstructed width of 1.2 metres (4 feet); and
 - (e) include an “inverted U” or “post-and-ring” bicycle rack that:
 - i. is located on one side of the parking space and oriented parallel to the length of the parking space;
 - ii. is permanently mounted into or onto the surface with the midline of the rack at the midline of the length of the parking space; and
 - iii. is made of metal.
- 6.13.5. For greater clarity, one bicycle rack may be used to fulfill the rack requirements for two adjacent bicycle parking spaces by placing it on the shared border of the two spaces.

Bicycle Parking Location

- 6.13.6. Bicycle parking spaces provided for the purposes of Subsection 6.13.1 shall:
- (a) be accessible to the public; and
 - (b) be located between the main building and the front lot line unless, in the opinion of the Development Officer, this location is impossible due to an existing main building being located on or near to the front lot line.
- 6.13.7. The requirements of Subsection 6.13.6 shall not apply to bicycle parking spaces for dwellings.



Inverted "U" and Post-and-Ring bicycle Racks





7 Form

7.1. Form Zones

7.1.1. The forms of buildings within the Town of Lunenburg are governed by form zones, the boundaries of which are shown on Schedule 'D', the Form Zoning Map. The zones may be referenced by their corresponding symbol:

| Form Zone Name | Form Zone Symbol |
|-------------------------------|------------------|
| Old Town 1 Form Zone | OT1 |
| Old Town 2 Form Zone | OT2 |
| Old Town/New Town 1 Form Zone | ONT1 |
| Old Town/New Town 2 Form Zone | ONT2 |
| New Town 1 Form Zone | NT1 |
| Main Street Form Zone | MST |
| Marine Form Zone | MA |
| Community Form Zone | CTY |
| Industry Form Zone | IN |
| Rural Form Zone | RF |
| Shoreline Form Zone | S |

7.2. General Form Requirements

Servicing

7.2.1. Plumbed development in all form zones except the Rural Form Zone shall be serviced by the Town sewer and water systems where these services are available. If availability is disputed or unclear the Town Engineer shall be solely responsible for making a determination.

7.2.2. Notwithstanding Subsection 7.2.1, the Town Engineer may permit industrial uses to utilize private treatment and disposal systems if the effluent waste stream would not be appropriate for the Town sewer system.

Corner Vision Triangle

7.2.3. Notwithstanding any other provision of this By-law any vegetation or building or structure including, but not limited to, fences and signs are not permitted to exceed 1.0 metres (3.2 feet) in height above the grade of the abutting streets in a corner vision triangle except in the Heritage Conservation District, as identified on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map. This provision shall not apply above a height of 2.4 metres (7.9 feet).



Fences

- 7.2.4. Notwithstanding minimum setbacks, fences and walls 1.8 metres (5.9 feet) or less in height in any form zone, and fences of any height in the Industry Form Zone, may be erected along property lines.
- 7.2.5. Fences or walls greater than 1.8 metres (5.9 feet) in height shall not be permitted within the Old Town 1 Form Zone, Old Town 2 Form Zone, or Old Town/New Town 1 Form Zone.
- 7.2.6. The use of barbed wire or other sharp-edged materials is prohibited except at the top of fences or walls over 2 metres (6.6 feet) high (where permitted) or fences or walls associated with agricultural uses in the Rural Form Zone and Industry Form Zone.

Exterior Lighting

- 7.2.7. Exterior lighting on any lot shall be directed away from abutting properties and streets.

Canopies and Covered Ways

- 7.2.8. No canopy or covered way shall be erected so that any portion of the structure protrudes below a height of 2.5 metres (8.2 feet) above grade, or the height required by Town snow removal equipment, whichever is greater, but this shall not apply where such structures project entirely over private property and are situated so as to present no hazard to public safety.

Balconies, Extended Dormers, Exterior Staircases and Fire Escapes

- 7.2.9. In any form zone where setback or yard requirements are 0 metres, balconies, extended dormers, exterior staircases and fire escapes added to buildings existing on July 27, 2021 shall be permitted to project over abutting property lines provided an easement permitting the encroachment is registered on the abutting property prior to the application for a development permit.



Flood Risk Area Development Standards

- 7.2.10. New development within the Flood Risk Areas as shown on Schedule 'E', the Flood Risk Area Map, are required to sign a "Flood Risk Area Development Undertaking Form" acknowledging recognition of risks and responsibility for damages in the event of a flood and confirming that:
- (a) The finished floor elevation of habitable areas is no lower than 3.2 metres CGVD2013.
 - (b) Storage areas for hazardous materials and potential water pollutants, such as fuel oil, are located at an elevation no lower than 3.2 metres CGVD2013 or are designed by a Professional Engineer for safety and containment in the event of a flooding event.
 - (c) Consideration has given to the placement of flood-vulnerable mechanical and electrical equipment.

Take-Out Windows

- 7.2.11. "Take-out" windows enabling walk-up service from private property or the public sidewalk shall be permitted in all form zones.

Drive Through Facilities

- 7.2.12. Drive through facilities shall be prohibited in all form zones except the Main Street Form Zone.

Waste Receptacles

- 7.2.13. Any premises that offer prepared food to be taken and eaten outside the main building shall provide outdoor receptacles for waste.

Shipping Containers

- 7.2.14. Shipping containers shall not be permitted as accessory buildings except in the Marine Form Zone, Community Form Zone, Industry Form Zone, and Rural Form Zone.
- 7.2.15. In the Rural Form Zone the total length of shipping containers used as accessory buildings on the lot shall not exceed 12.2 metres (40 feet).

7.3. Architectural Control Area

New Buildings

- 7.3.1. In addition to all requirements governing land use and building form, new buildings within the Architectural Control Area, as shown Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:
- (a) architectural style;
 - (b) building length to width ratio;
 - (c) height;
 - (d) roof shape;
 - (e) appearance of exterior cladding and roof materials;
 - (f) architectural details and trim;
 - (g) shape and size of porches, doors and windows;
 - (h) window area to wall area ratio; and
 - (i) location, type, bulk and appearance of chimneys.
- 7.3.2. New buildings located on corner lots may use either street as the street on which they front.

Additions and Alterations to Existing Buildings

- 7.3.3. In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, shall be similar to the main building with respect to Clauses (a) to (i) inclusive of Subsection 7.31. above, and the total building footprint of all additions approved after June 13, 1996 shall not exceed 25% of the building footprint existing prior to June 13, 1996.



7.4. Number of Main Buildings on a Lot

- 7.4.1. In all form zones except those specified in Subsections 7.4.2 and 7.4.3, below, only one main building shall be permitted on a lot.
- 7.4.2. Within the Marine Form Zone, Industry Form Zone, and Shoreline Form Zone, there shall be no limit on the number of main buildings on a lot.
- 7.4.3. Within the Old Town/New Town 2, New Town 1, and Main Street Form Zones, multiple main buildings shall be permitted on a lot, subject to the following requirements:
 - (a) The maximum front and flankage setbacks of Subsection 7.5.1 shall only apply to the main building that is closest to the front lot line.
 - (b) The streetwall and stepback requirements of Subsections 7.7.2 and 7.7.3 shall only apply to the main building that is closest to the front lot line.
 - (c) Notwithstanding the requirements of Clause 7.9.4(f), all surface parking shall be located to the rear of the main building that is closest to the front lot line.
 - (d) The minimum separation distance between main buildings shall be 2.5 metres (8.2 feet).
 - (e) All main buildings shall be connected to each-other and to the front lot line by means of a network of pedestrian walkways meeting the standards of Subsection 7.9.1.
 - (f) At least one tree with a minimum caliper of 50 mm shall be planted, or one existing tree with a minimum caliper of 150mm shall be preserved, for every 20 square metres (215 square feet) of lot area not covered by buildings. For greater clarity, the trees may be grouped together.

7.5. Setbacks

Main Building Setbacks

- 7.5.1. Main buildings constructed or enlarged within the Town shall comply with the following setbacks:

Table 5: Main Building Setbacks

| Form Zone | Min. Front / Flankage Setback | Max. Front / Flankage Setback | Min. Side Setback | Min. Rear Setback |
|---------------------|-------------------------------|-------------------------------|-------------------|--------------------|
| Old Town 1 | 0 m (0 ft) | 4 m (13 ft) | 0 m (0 ft) | 1.5 m (5 ft) |
| Old Town 2 | 0 m (0 ft) | 4 m (13 ft) | 1.2 m (4 ft) | 3.5 m (11.5 ft) |
| Old Town/New Town 1 | 0 m (0 ft) | 6 m (19.5 ft) | 2.4 m (8 ft) | 6 m (20 ft) |
| Old Town/New Town 2 | 6 m (20 ft) | 10 m (32 ft) | 2.4 m (8 ft) | 6 m (20 ft) |
| New Town 1 | 6 m (20 ft) | 10 m (32 ft) | 2.4 m (8 ft) | 4 m (13.5 ft) |
| Main Street | 1.5 m (5 ft) | 4 m (13 ft) | 2.4 m (8 ft) | 6 m (20 ft) |
| Marine | 0 m (0 ft) | - | 0 m (0 ft) | 0 m (0 ft) |
| Community | 6 m (20 ft) | - | 4.5 m (15 ft) | 7.5 m (25 ft) |
| Industry | 12 m (40 ft) | - | 6 m (20 ft) | 12 m (40 ft) |
| Rural | 6 m (20 ft) | - | 2.4 m (8 ft) | 6 m (20 ft) |
| Shoreline | 0 m (0 ft) | - | 1.2 m (4 ft) | 0 m (0 ft) |

- 7.5.2. The maximum front and flankage setbacks shall not apply for enlargements of existing buildings.
- 7.5.3. The minimum rear and side setback requirements are waived for any setback that directly abuts a harbour shoreline in the Industry and Marine Form Zones.
- 7.5.4. Notwithstanding minimum side setback requirements the party wall of attached, side-by-side dwelling units may be centred on mutual side lot lines.

Accessory Building Setbacks

- 7.5.5. Accessory buildings constructed or enlarged within the Town shall comply with the following setbacks:

Table 6: Accessory Building Setbacks

| Form Zone | Min. Front/ Flankage Setback | Min. Side Setback | Min. Rear Setback |
|---------------------|------------------------------------|----------------------|----------------------|
| Old Town 1 | 0 m (0 ft) | 1.2 m (4 ft) | 1.2 m (4 ft) |
| Old Town 2 | 0 m (0 ft) | 1.2 m (4 ft) | 1.2 m (4 ft) |
| Old Town/New Town 1 | 0 m (0 ft) | 1.2 m (4 ft) | 1.2 m (4 ft) |
| Old Town/New Town 2 | 6 m (20 ft) | 1.2 m (4 ft) | 1.2 m (4 ft) |
| New Town 1 | 6 m (20 ft) | 1.2 m (4 ft) | 1.2 m (4 ft) |
| Main Street | 0 m (0 ft) | 1.2 m (4 ft) | 1.2 m (4 ft) |
| Marine | 0 m (0 ft) | 0 m (0 ft) | 0 m (0 ft) |
| Community | 6 m (20 ft) | 1.2 m (4 ft) | 1.2 m (4 ft) |
| Industry | 12 m (40 ft) | 6 m (20 ft) | 6 m (20 ft) |
| Rural | 6 m (20 ft) | 1.2 m (4 ft) | 1.2 m (4 ft) |
| Shoreline | 0 m (0 ft) | 1.2 m (4 ft) | 0 m (0 ft) |

- 7.5.6. Accessory buildings shall be located on the same lot as the main use.
- 7.5.7. Accessory buildings shall not be located in the front or flankage yard.
- 7.5.8. Notwithstanding Subsection 7.5.5, an accessory building less than 16 square metres (172 square feet) in gross floor area may have a minimum rear and/or side yard of not less than 1.0 metre (3.3 feet).
- 7.5.9. Notwithstanding minimum side setbacks, the party wall of a semi-detached garage may be centred on a mutual side lot line.
- 7.5.10. Notwithstanding minimum side and rear setbacks, boat houses, docks, wharves, or piers may be built across the lot line corresponding to the water's edge.

7.5.11. Notwithstanding Subsection 7.5.5, accessory buildings legally existing on July 27, 2021 with less than the required setback may be replaced or rebuilt in the same location provided the undersized setback is not further reduced.

Encroachment into Setbacks

7.5.12. Notwithstanding Subsections 7.5.1 and 7.5.5 the follow encroachments into minimum required setbacks shall be permitted:

Table 7: Permitted Encroachments

| Feature | Required Setback in which Encroachment is Permitted | Permitted Encroachment Distance |
|---|---|---------------------------------|
| Balconies, decks (> 0.3 m high), patios, steps, verandas, porches (open) not exceeding one storey in height, terraces (uncovered) | Front, rear and flankage | 2.5 m (8.2 ft) |
| Barrier free access structures | Any | To lot line |
| Carports | Side | 0.6 m (1.9 ft) from lot line |
| Decks less than 0.3 metres (0.98 ft) high | Any | To lot line |
| Exterior insulation retrofitted to an existing building | Any | 0.3 m (0.98 ft) |
| Fire escapes and exterior staircases | Rear and side | 1.5 m (4.9 ft) |
| Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or similar architectural features | Any | 0.6 m (1.9 ft) |
| Window bays up to 3 metres (9.8 ft) wide | Front, rear and flankage | 1 m (3.2 ft) |
| Lunenburg Bump | Front | To lot line |

7.6. Site Design

7.6.1. Development within the Town shall comply with the following site design requirements:

Table 8: Site Design Requirements

| Form Zone | Maximum Lot Coverage | Outdoor Storage Permitted | Outdoor Display Permitted |
|---------------------|----------------------|---------------------------|---------------------------|
| Old Town 1 | 100% | Yes | Yes |
| Old Town 2 | 50% | No | No |
| Old Town/New Town 1 | 40% | No | No |
| Old Town/New Town 2 | 40% | No | No |
| New Town 1 | 40% | No | No |
| Main Street | 100% | Yes | Yes |
| Marine | 100% | Yes | Yes |
| Community | - | Yes | Yes |
| Industry | 100% | Yes | Yes |
| Rural | 40% | Yes | Yes |
| Shoreline | - | Yes | Yes |

Abutting Zone Requirements

7.6.2. Where a yard or lot located within the Industry Form Zone abuts any other zone, the following restrictions apply to the abutting yard within the Industry Form Zone:

- (a) the minimum setback required for the abutting yard shall be 6 metres (20 feet);
- (b) the required abutting setback shall be planted with a mix of coniferous and deciduous trees;
- (c) no open storage or permanent outdoor display is permitted in the abutting yard in the Industry Form Zone; and
- (d) no parking space is permitted in an abutting yard within 3 metres (10 feet) of a side or rear lot line.

Outdoor Storage

7.6.3. The following requirements apply to outdoor storage, where permitted:

- (a) Outdoor storage is not permitted within the required minimum front or flankage setback of a lot.
- (b) All outdoor storage in the front, flankage, and side yards shall be screened or be within a solid enclosure.
- (c) The area devoted to outdoor storage shall not exceed 50% of the lot area.



7.7. Building Form

Main Building Form

- 7.7.1. Main buildings constructed in the Main Street Form Zone shall be oriented with their primary façade and main entrance approximately parallel to the front lot line. Where there is more than one main building on a lot, this requirement shall only apply to the one closest to the front lot line.
- 7.7.2. Main buildings constructed or enlarged within the Town shall comply with the following building form requirements:

Table 9: Main Building Form Requirements

| Form Zone | Max. Height | Min. Height | Min. Ground Floor Height | Min. Streetwall Height | Max. Streetwall Height | Min. Stepback Above Streetwall | Max. Building Footprint |
|---------------------|-------------------|-----------------|--------------------------|------------------------|------------------------|--------------------------------|---|
| Old Town 1 | 10.5 m (34 ft) | 6 m (20 ft) | - | - | - | - | - |
| Old Town 2 | 10.5 m (34 ft) | - | - | - | - | - | - |
| Old Town/New Town 1 | 10.5 m (34 ft) | - | - | - | - | - | - |
| Old Town/New Town 2 | 10.5 m (34 ft) | - | - | - | - | - | - |
| New Town 1 | 19.5 m (63 ft) | - | - | - | - | - | 1,500 m ² (16,145 ft ²) |
| Main Street | 20.5 m (67 ft) | 10 m (33 ft) | 4 m (13.2 ft) | 10 m (33 ft) | 16 m (52 ft) | 3 m (10 ft) | 3,000 m ² (32,291 ft ²) |
| Marine | 19.5 m (63 ft) | - | - | - | - | - | - |
| Community | 10.5 m (34 ft) | - | - | - | - | - | - |
| Industry | 13.5 m (44 ft) | - | - | - | - | - | - |
| Rural | 10.5 m (34 ft) | - | - | - | - | - | - |
| Shoreline | 8 m (26 ft) | - | - | - | - | - | 47 m ² (505 ft ²) |

Streetwall Width

- 7.7.3. Main buildings constructed in the Main Street Form Zone shall have a streetwall width a minimum of 40 metres (132 feet) or 60% of the lot frontage, whichever is less.

Accessory Building Form

- 7.7.4. Accessory buildings constructed or enlarged within the Town shall comply with the following building form requirements:

Table 10: Accessory Building Form Requirements

| Form Zone | Maximum Height |
|---------------------|----------------|
| Old Town 1 | 8 m (26 ft) |
| Old Town 2 | 8 m (26 ft) |
| Old Town/New Town 1 | 8 m (26 ft) |
| Old Town/New Town 2 | 8 m (26 ft) |
| New Town 1 | 8 m (26 ft) |
| Main Street | 8 m (26 ft) |
| Marine | 8 m (26 ft) |
| Community | 8 m (26 ft) |
| Industry | 8 m (26 ft) |
| Rural | 8 m (26 ft) |
| Shoreline | 8 m (26 ft) |

Height Exemptions

- 7.7.5. Notwithstanding Subsections 7.7.2 and 7.7.4 minimum and maximum height requirements shall not apply to church spires, water tanks, elevator enclosures, flag poles, television or radio antennae, ventilators, skylights, chimneys, clock towers, guard rails, and telecommunication towers.

7.8. Signage

Permits Required for Signs

- 7.8.1. Except as specifically exempted in this part, the erection or placement of a sign requires a development permit.
- 7.8.2. Signs require a Certificate of Appropriateness prior to issuance of a development permit if the property is a registered municipal heritage property or if it is in the Heritage Conservation District, as identified on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map.



Counting Signs


- 7.8.3. A sign is a single display surface or device, but a series of related elements organized to convey a single message counts as one sign.


Prohibited Signs

- 7.8.4. The following signs shall be prohibited:
- (a) Signs that incorporate any flashing or moving illumination, except for menu board signs.
 - (b) Signs that incorporate illumination that varies in intensity or colour, including flashing lights, except for menu board signs.
 - (c) Roof signs.
 - (d) Signs that are a hazard to public health or safety.
 - (e) Signs that obstruct drivers' vision or any traffic sign or traffic control device.
 - (f) Signs that obstruct the use of a fire escape door, windows, or other required exit.
 - (g) Signs that make use of such words as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any other similar words, phrases, or symbols so as to interfere with or confuse traffic.
 - (h) Signs that advertise a product, service, or business that is not available at that location.
 - (i) Signs on public property or public right-of-way, unless:
 - i. erected by a public authority;
 - ii. erected with the permission of the owner of the property; or
 - iii. the sign is a portable sign in compliance with this By-law.
 - (j) Signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object.

Signs Permitted in all Form Zones

- 7.8.5. The following signs are permitted in all form zones and a development permit is not required:
- (a) Signs identifying the name and address of a private residence or the name of the resident, and not more than 0.2 square metres (2.15 square feet) in sign area.

- 
- (b) "No trespassing" signs or other such signs regulating the use of a property, and not more than 0.2 square metres (2.15 square feet) in sign area.
 - (c) Real estate signs, not exceeding 1.5 square metres (16 square feet) in sign area in the Rural, Marine, and Industrial Form Zones and 0.5 square metres (5.3 square feet) in sign area other zones, which advertise the sale, rental or lease of the premises.
 - (d) Signs regulating or denoting on-premises traffic or parking, or other signs denoting the direction or function of various parts of a building or premise provided that the signs are less than 0.5 square metres (5.3 square feet) in area.
 - (e) Signs erected by a government body, or under the direction or authority of such a body, such as, but not limited to, traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists and signs, public interpretive signs, and commercial direction signs forming part of a direction sign program for the Town.
 - (f) Memorial signs or tablets and signs denoting the historical significance and date of erection of a structure.
 - (g) The flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization.
 - (h) A sign having an area of not more than 4.5 square metres (48.4 square feet) incidental to construction and located on the same site as the building under construction.
 - (i) Signs associated with a Federal, Provincial or Municipal election.
 - (j) One sign for each street frontage of a lot to be subdivided, each with a maximum area of 3.0 square metres (32 square feet) and a maximum height of 5.0 metres (16.4 feet) advertising a subdivision, and located within the area of the plan of subdivision.
 - (k) One sign for each street frontage of a lot to be developed, each with a maximum area of 3.0 square metres (32 square feet) and a maximum height of 5.0 metres (16.4 feet), advertising a dwelling development of more than six dwelling units, and located on the parcel to be developed.
 - (l) Signs (including banners) indicating "open", "closed", "sale" or similar terms for any business.
 - (m) Temporary signs in windows advertising sales and bargains that are displayed for two weeks or less.
 - (n) Temporary community special event signs that are displayed for the duration of the event and removed within one week of the event's conclusion.

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- (o) Notices attached to a community bulletin board if a development permit has been issued for the community bulletin board.
 - (p) Advertising signs on Town-owned recreation lands which reflect a significant support of the recreation facility by the advertiser if approved by both the Town Council and any operator of the facility.

Changeable Copy Signs

7.8.6. Changeable copy signs are not permitted in the Old Town 1 Form Zone.

Ground Signs

7.8.7. In the Main Street and Industry Form Zones ground signs shall:

- (a) not exceed 10 square metres (107 square feet) in sign area; and
- (b) not exceed 6 metres (19.6 feet) in height.

7.8.8. In all other form zones, ground signs shall:

- (a) not exceed 2.4 square metres (25.8 square feet) in sign area; and
- (b) not exceed 3 metres (9.8 feet) in height.

7.8.9. Ground signs shall not extend into:

- (a) an adjacent property;
- (b) a driveway;
- (c) a parking space;
- (d) a corner vision triangle; or
- (e) a street or other public right-of-way.

7.8.10. There shall only be one ground sign on a property, except in the Main Street Form Zone where two shall be permitted.

7.8.11. Ground signs in the Main Street Form Zone and Community Form Zone may be digital, in whole or in part, subject to the following requirements:

- (a) The content of the digital sign shall not change more frequently than once every 30 seconds.
- (b) The digital sign shall not cause glare on adjacent roadways or on other lots.

7.8.12. Ground signs may have an additional signage area of not more than 1.0 square metres (10.7 square feet) to denote the price of fuel.



Menu Signs

- 7.8.13. Within the Main Street Form Zone two menu signs shall be permitted in conjunction with a drive-through facility and such signs shall not count towards the number of ground signs permitted on the lot.

Projecting Signs

- 7.8.14. No projecting sign shall:
- (a) exceed 2 square metres (21.5 square feet) in sign area;
 - (b) project over a public street beyond the curb line;
 - (c) project above the eaves, parapet or roof line of a building;
 - (d) be erected at less than a height of 2.4 metres (7.9 feet) above grade, measured from the lowest point on the sign; or
 - (e) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device.

Wall Signs

- 7.8.15. Wall signs shall not extend above the wall or beyond the extremities of the wall on which it is placed.
- 7.8.16. In all form zones except the Main Street Form Zone:
- (a) no wall sign may cover more than 5% of the area of the wall on which it is placed;
 - (b) the total area of a wall covered by wall signs may not exceed 9 square metres (96.8 square feet).
- 7.8.17. In the Main Street Form Zone:
- (a) no wall sign may cover more than 10% of the area of the wall on which it is placed; and
 - (b) the total area of a wall covered by wall signs may not exceed 37 square metres (398 square feet).
- 7.8.18. In this Section, the length of a wall is measured from the extremities of the building.
- 7.8.19. In this Section, the area of a wall is measured by multiplying the length of the wall by the height of the wall, measured from ground level at the centre of the wall to a line level with the eaves, the lowest point of a mansard roof or the base of the parapet.



Portable Signs

- 7.8.20. Portable signs are only permitted in the Old Town 1 and Main Street Form Zones.
- 7.8.21. A portable sign must be located in front of the premises in which the business the sign is intended to advertise is located.
- 7.8.22. A portable sign shall not be located on a sidewalk or other property of the Town unless the owner of the sign executes an indemnity agreement with the Town undertaking to indemnify the Town, its employees, officers and agents and the Mayor and councillors against any claim of any kind made against any of them and relating in any way to the sign, and agreeing that any portable sign may be removed by the Town if any provision of this Section is violated.
- 7.8.23. A portable sign on a sidewalk must not interfere with pedestrian traffic or drivers' vision.
- 7.8.24. A portable sign on a sidewalk shall be positioned so as to leave at least 1.0 metres (3.3 feet) between the sign and the curb.
- 7.8.25. There shall not be more than one portable sign per business.
- 7.8.26. In the Old Town 1 Form Zone a portable sign may not exceed 1.0 square metres (3.3 feet) in sign area, be more than 0.8 metres (2.6 feet) wide, or be more than 1.4 metres (4.5 feet) high.
- 7.8.27. In the Main Street Form Zone, a portable sign may not exceed 1.2 square metres (12.9 square feet) in sign area, be more than 1.0 metres (3.2 feet) wide, or be more than 1.4 metres (4.5 feet) high.

Window Signs


- 7.8.28. No more than 25% of the glass area of any window may be covered by anything affixed directly to the glass, whether inside or out.

Community Bulletin Board

- 7.8.29. That portion of a community bulletin board intended for the posting of notices by the general public may not exceed 2.0 square metres (21.5 square feet).

Off-site Signage

- 7.8.30. Notwithstanding anything contained in Subsection 7.8.4(h), 7.8.7, 7.8.8, 7.8.9 and 7.8.10, a maximum of one (1) off-site ground sign in addition to the number of ground signs permitted on a lot by this By-law may be erected



adjacent to a public street for landlocked properties that are served by a legal right-of-way easement from a public street to their property to advertise a product, service, or business use located on the property served by said easement, subject to the issuance of a municipal development permit and provided:

- (a) the off-site sign has a minimum setback of 1.5 metres (5.0 feet) from any public street;
- (b) the off-site sign is wholly contained within the legal right-of-way easement or is otherwise wholly contained within a setback of 3 metres (9.8 feet) from the legal easement;
- (c) the off-site sign does not exceed 5 square metres (53.8 square feet) in sign area;
- (d) the off-site sign does not exceed 6 metres (19.6 feet) in height;
- (e) written permission from the property owner is obtained; and
- (f) the off-site sign does not extend into a corner vision triangle. (CHG002)


7.9. Parking and Access Design

Pedestrian Access

- 7.9.1. New main buildings in all form zones except the Rural Form Zone shall have a pedestrian access connecting the primary entrance to the front lot line and meeting the following requirements:
- (a) The pedestrian access shall be at least 1.0 metres (3.3 feet) wide.
 - (b) The pedestrian access shall be surfaced with asphalt, concrete, bricks, flagstone, or pavers.
 - (c) The pedestrian access shall be separated from vehicular traffic by means of:
 - i. a difference in grade of no less than 0.15 metres (0.5 feet);
 - ii. a vegetated area not less than 0.5 metres (1.7 feet) wide; or
 - iii. through the use of protective barriers such as, but not limited to, curbs, planters, or Jersey barriers.

Vehicular Access

- 7.9.2. Within the Main Street Form Zone, no more than one driveway access and curb cut shall be permitted per lot on each road frontage unless spaced more




than 18 metres (60 feet) apart. This distance may be reduced to 15 metres (50 feet) on large lots with 30 metres (99 feet) or more lot frontage subject to approval of the Town Engineer.

- 7.9.3. Except in the Industry Form Zone and Marine Form Zone, driveways shall not exceed a width of 10 metres (32.8 metres) at the property line.

Surface Parking Areas

- 7.9.4. Surface parking areas for four (4) or more automobiles shall meet the following requirements:
- (a) All parking spaces shall have an unobstructed access on a public street or unobstructed access to a driveway or aisle that leads to a public street.
 - (b) The parking area shall be maintained with a stable surface sufficient to support a vehicle without undue deformation or damage of the surface, such as rutting, and does not allow the raising of dust or loose particles. Acceptable stable parking surfaces include but are not limited to asphalt or concrete paving (pervious or impervious), brick pavers, compacted granular surfaces, and structural landscape systems such as driveable grass or grassgrid.
 - (c) Any lights used for illumination of the parking area shall be arranged as to divert the light away from streets, and abutting lots.
 - (d) For any parking area containing more than six (6) parking spaces, any ingress or egress driveways shall not be closer than 10 metres (32.8 feet) to the centreline of any street intersection.
 - (e) The maximum continuous length of a parking row shall be 18 parking spaces. Parking rows longer than 18 parking spaces shall be divided into segments not longer than 18 parking spaces by landscaped islands that:
 - i. are the full depth of the parking row (5.8 metres min.) and a minimum of 1.8 metres wide; and
 - ii. contain a minimum of one deciduous tree (50mm caliper) and eight shrubs (min 60cm high) or to meet the requirements of a stormwater island.
 - (f) Except in the Community Form Zone, only the first three (3) parking spaces shall be permitted to locate in the front yard or flankage yard (combined) and all other spaces shall be located in the side and/or rear yards. Where, in the opinion of the Development Officer, it would be impossible to locate automobile parking in the rear or side yards due to the placement of existing buildings spaces may be located in the front and/or flankage yard to the extent necessary and a landscaped strip



shall be provided along the front and/or flankage property line (excepting access points) and the strip shall:

- i. be a minimum depth of 1.5 metres (5 feet);
- ii. contain a minimum of one tree (50mm minimum caliper) for every 3 metres of strip length; and
- iii. incorporate additional vegetation as may be required by the Development Officer to screen the parked cars without obstructing views.

Structured Parking in Main Street and Old Town 1 Form Zones

- 7.9.5. All new structured parking developed in the Main Street and Old Town 1 Form Zones shall meet the following requirements:
- (a) At least the front 5 metres (16.5 feet) of the ground floor of the structure shall be dedicated to uses other than parking, such as, but not limited to, commercial storefronts or residential lobbies.
 - (b) Notwithstanding Clause (a), a parking garage entry up to 6 metres (19.6 feet) wide is permitted on the ground floor frontage. However, where possible, parking garage entries should exit from the rear or side of a building.
 - (c) Parking garage entries that cross a sidewalk must be designed for safe passage of pedestrians.
 - (d) Parking stalls shall supply electric vehicle charging in the following ratios (with fractions rounded down):
 - i. 50% of the stalls shall include Level 1 (120v) charging plugs.
 - ii. 10% of the stalls shall include Level 2 (240v) charging plugs.

Parking in the Community Form Zone

- 7.9.6. Automobile parking areas in the Community Form Zone must be visually screened from abutting properties not located in the same zone by means of a fence or hedge or combination of at least 1.5 metres (5 feet) in height.

7.10. Non-conforming Structures

- 7.10.1. Non-conforming structures shall be permitted to expand provided the expansion does not further increase the non-conformity.
- 7.10.2. A non-conforming structure may be rebuilt, replaced, or repaired, if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage

8 Definitions

A

Accessory Building means a separate building located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.

Accessory Dwelling means the use of a building or part of a building for a dwelling unit subservient to another dwelling unit on the lot.

Accessory Structure means a separate structure located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.

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

Accommodations means the use of a building, buildings on the same lot, or part thereof used to accommodate the travelling public for gain or profit by supplying them with overnight sleeping accommodation with or without meals, with or without on-site administration, and with or without private cooking facilities, and may include, but is not limited to, hotels, motels, hostels, and cottage or cabin rentals.

Act means, unless otherwise specified, the *Municipal Government Act* of the Province of Nova Scotia.

Agricultural Uses means the use of land, buildings, or structures to raise crops or livestock and includes the sale of agricultural products produced on the land.

Animal Care means the use of land, buildings, or structures for the care of animals and includes veterinary care, grooming, and day care but does not include the breeding of animals or overnight boarding.

Assembly Uses means the use of a building or part thereof for public assembly such as, but not limited to, community halls, gymnasiums, and auditoria.

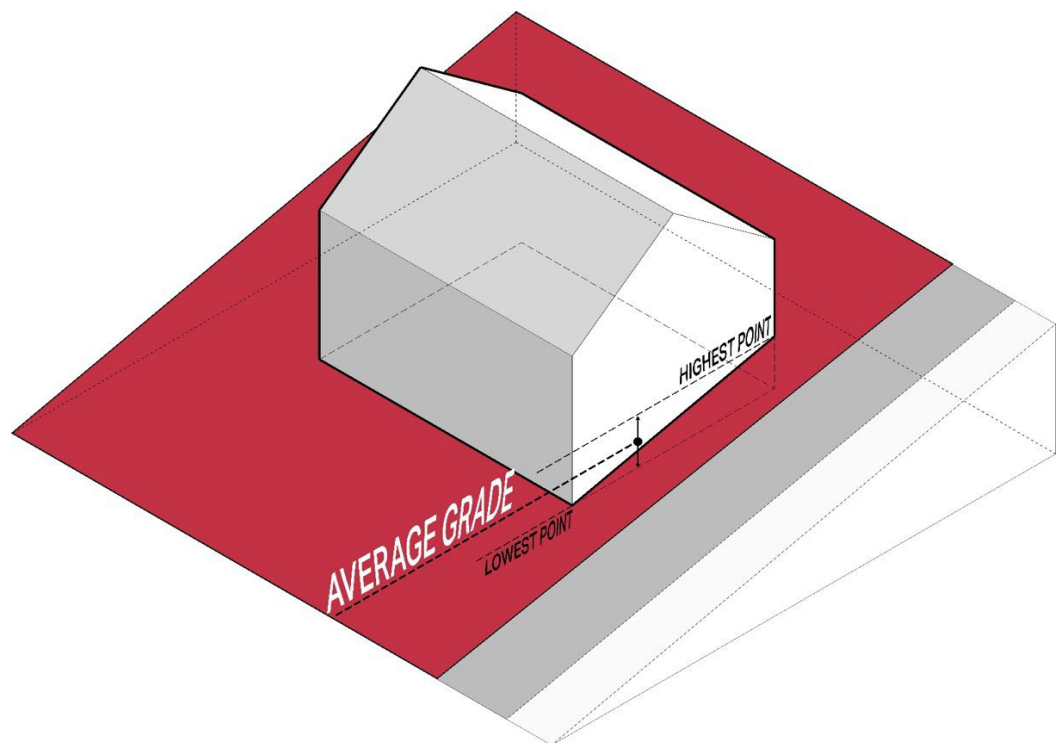
Automobile Body Shop means the use of a building or premises primarily for the commercial repair of damage to the chassis and shell of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing and similar activity.



Automobile Fueling and Washing means the use of building or part thereof or a clearly defined space on a lot used for washing of motor vehicles and/or the retail sale of liquid or compressed gas automobile fuels and lubricating oils and may include the sale of automobile accessories and the minor servicing and minor repairing essential to the actual operation of motor vehicles but does not include an automobile repair shop, automobile sales, or automobile body shop.

Automobile Repair means the use of a building or part thereof for the repair and service of motor vehicles and may include muffler, brake, radiator, engine, tire, glass replacement, wheel alignment, and other specialized activities directly related to the repair or alteration of motor vehicles, but shall not include paint and body repairs, the manufacture or fabrication of motor vehicle parts for the purpose of sale, or the retailing of gasoline or other fuels.

Average Grade means the average elevation of the finished surface of the ground, excluding any artificial embankment or entrenchment, where it meets the exterior at the front of the building, or, in the case of a structure other than a building, the finished surface of the ground immediately surrounding the structure, excluding any artificial embankment or entrenchment.

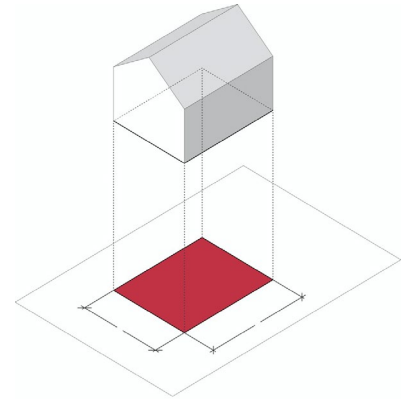


B

Bed and Breakfast means a single-unit dwelling in which there is a resident owner or resident manager who provides overnight accommodation to the travelling public and provides at least one meal (usually breakfast, but occasionally other meals as well) to overnight guests. The bed & breakfast use shall not include provision of meals to non-guests.

Building means any structure, whether temporary or permanent, that is roofed and that is used for the shelter or accommodation of persons, animals, material, or equipment but does not include frames for sheltering crops.

Building Footprint means the total ground floor area of a building enclosed within the exterior faces of the exterior walls, and for the purpose of this definition the walls forming a courtyard shall be deemed to be exterior walls.



Building Official means the person or persons appointed by Council from time to time to administer the *Building By-law*.

Building Supply and Equipment Depot means the use of buildings or land for the storage of materials and equipment in support of a building and construction-related trade such as, but not limited to, carpenters, electricians, masons, landscapers, and plumbers.

C

Cemetery means the use of land for the burial of the dead and related purposes, such as a columbaria and mausoleums, and excludes a crematorium use, which is included in the definition of funeral home.

Chicken means a member of the animal species *Gallus gallus domesticus*.

Craft Food and Beverage Production means the use of a building or part thereof for the production of:

- (a) specialized food products intended for retail sale;
- (b) not more than 150,000 hectolitres of beer, wine, mead, pre-mixed cocktails, kombucha, or non-alcoholic beverages in a year; or
- (c) not more than 75,000 litres of distilled spirits in a year;



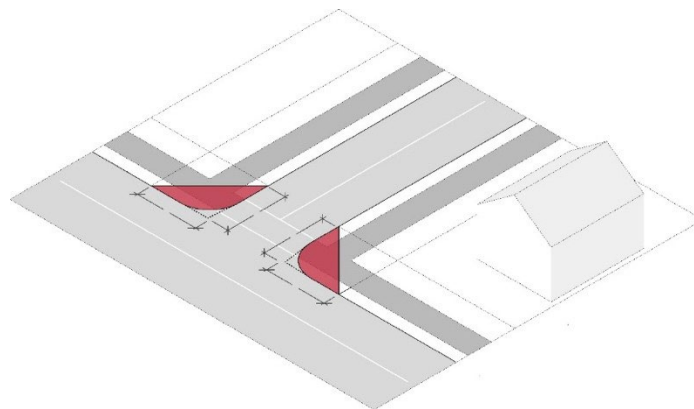
and may include public tasting and retail sales of the product but does not include a restaurant or licensed liquor establishment unless those uses are permitted as a main use in the applicable use zone.

Commercial Club means the use of a building in a manner that is restricted to members and their guests, operated for gain.

Commercial Recreation, Indoor means the use of a building or part thereof for commercial recreation or entertainment purposes and, without limiting the generality of the foregoing, may include such establishments as dance halls, cinemas, billiard or pool halls, rock climbing gyms, fitness gyms, bowling alleys, indoor miniature golf courses, indoor shooting ranges, indoor paintball fields, and bingo halls.

Commercial Recreation, Outdoor means the use of land for commercial recreation or entertainment purposes together with necessary and accessory buildings and structures and, without limiting the generality of the foregoing, may include such establishments as golf courses, driving ranges, paintball fields, drive-in movie theatres, outdoor miniature golf courses, ropes courses, tennis clubs, and summer camps, campgrounds, and RV parks; but does not include outdoor shooting ranges, tracks for the racing of animals or for the racing of any type of motor vehicle, or any use that is obnoxious. For greater clarity, and without limiting the generality of the foregoing, uses accessory to outdoor commercial recreation may include uses such as, but not limited to, eat-in and take-out restaurants; licensed liquor establishments; “pro shops” and other rental, maintenance, and retail sales of equipment related to the recreation activity; spas; child minding services; and staff accommodations.

Corner Vision Triangle means that part of a corner lot adjacent to the intersection of the streets forming the corner, bounded by the streets and a line joining the points on each street line 3 metres from the intersection.



Council means the elected Council of the Town of Lunenburg.

Cultural Facilities means the use of land, buildings, or part thereof, for the promotion of art, culture, and learning and without limiting the generality of the foregoing includes public art galleries, libraries, museums, performance arts theatres, visual arts centres, and other similar uses.



D

Daycare Centre means the use of a building or part thereof for the care of people without overnight accommodation, but does not include a school.

Development Officer means the person or persons appointed by Council from time to time to administer the Land Use By-law and Subdivision By-law.

Dwelling means a building or a part of a building occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units.

Dwelling Unit (“DU”) means one or more habitable rooms within a dwelling 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.

E

Electric Vehicle Charging, Commercial means infrastructure that supplies energy for the charging of electric vehicles, such as plug-in electric and hybrid vehicles, for remuneration. For greater clarity, electric vehicle charging provided for free as a service to customers of a main use of land, such as accommodations or a retail shop, is not considered “commercial”.

Emergency Services means the use of a building or land for the protection of public health, safety, and property and shall include, but is not limited to, fire stations, ambulance depots, police stations, and search-and-rescue facilities, but does not include a correctional facility.

F

Farmers’ Market means the use of land, buildings, structures, or part thereof by five or more vendors where the greater part of the goods for sale are products of the farm, the forest, or the sea, whether in their natural form or processed by the vendor, and the remainder of the goods are craft products produced by the vendors or their immediate families.

Forestry Uses means the use of land or buildings for commercial silviculture and the production of timber or pulp and uses associated with the forestry industry, including saw mills, maple sugaring operations, Christmas tree u-picks, shingle mills, forestry vehicle and equipment storage, maintenance buildings and yards, and wholesale outlets for wood and wood products.



Funeral Home means the use of a building or part thereof for the preparation, temporary display, and/or funeral ceremony of deceased persons or domestic pets and may include a crematorium.

G

Gross Floor Area (“GFA”) means the maximum area contained within the outside walls of the building, excluding garages, porches, verandahs, sunrooms, unfinished attics or basements, any detached building, and any room not habitable at all seasons of the year. For commercial and industrial uses the area dedicated to washrooms and furnace rooms shall be excluded from the gross floor area measurement.

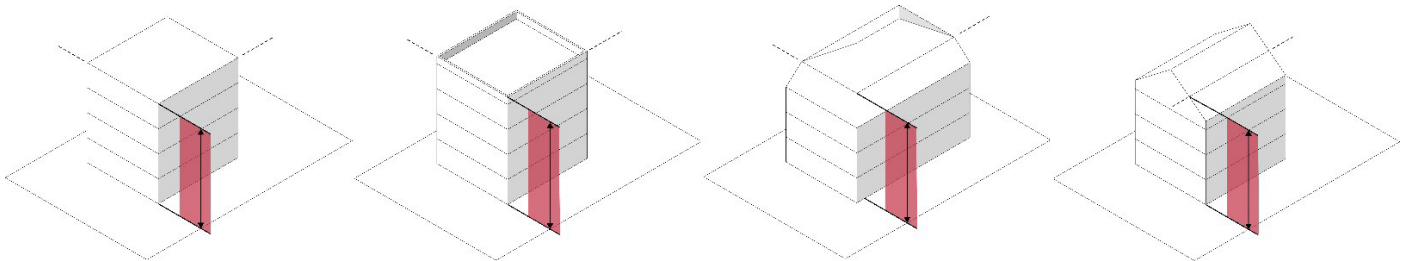
H

Habitable Area means an enclosed area of a building designed and/or used for the purposes of human habitation or care but shall not include parking areas or building access areas, such as lobbies.

Heavy Industrial means the use of land or buildings for manufacturing, assembly, and/or processing and which use may be located in whole or in part to the exterior of the building and which use, by the nature of its operation may cause land use conflicts. This definition shall not include marine industrial uses but shall include, but is not limited to, explosives, petrochemical, coke, or paint plants; rendering or poultry plants; tanneries; abattoirs; refineries; or industrial cleaners.

Height means the vertical distance from average grade to the referenced point.

Building Height means the height measured to the highest point of the roof surface on a flat roof without a parapet; the highest point on the parapet around a flat roof, if there is one; the decline of a mansard roof; the midpoint between the eaves and ridges of other roof types, measured to the highest gable.





Ground Floor Height means the height measured to the bottom of the slab or floor joists of the second floor of a multi-story building or to the bottom of the ceiling joists in a one-story building. In the case of one-story buildings with cathedral ceilings, ground floor height shall be measured to the mid-point between the lowest and highest points on the interior of the finished ceiling.

Structure Height means the height measured to the highest point on any non-building structure.

Home-based Business means a business activity that is accessory to a dwelling and involves the provision or sale of goods and/or services to the public and where the dwelling is the principal residence of the business operator.

I

Interpretive Centre means the use of a building or structure or part thereof to communicate to the public the historical, scientific, or cultural information about a location and/or to provide tourism and wayfinding information to the public.

J

K

Kennel means the use of land, a building, or part thereof for a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised and sold, and/or boarded.

L

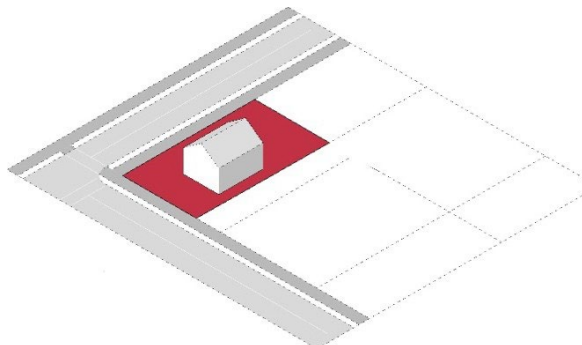
Licensed Liquor Establishment means the use of land, a building, or part thereof for a cabaret, lounge, beverage room, and/or bar licensed under the Nova Scotia *Liquor Control Act* or successor legislation.

Light Industrial means the use of a building for machining, manufacturing, assembly, and/or processing and such use shall be wholly contained within the building and shall not include explosives, petrochemical, coke, or paint plants; rendering or poultry plants; tanneries; abattoirs; refineries; or industrial cleaners.

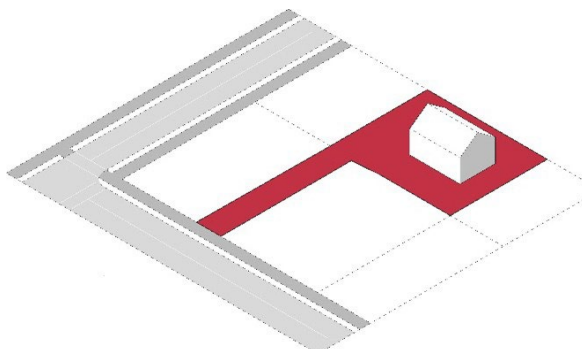
Lot means any parcel of land described in a deed or as shown on a registered plan of subdivision.



Corner Lot means a lot situated at the intersection of land abutting on two or more streets or private roads.



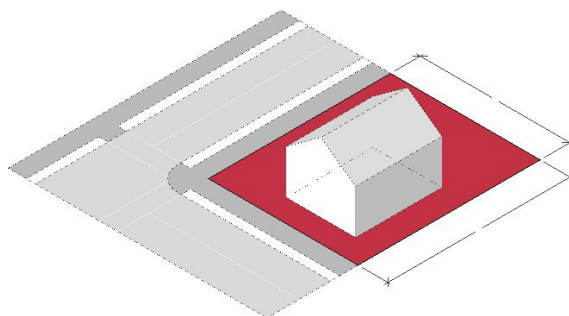
Flag Lot means a lot characterized by the main body of the lot generally to the rear of another lot and with lot frontage provided by a prolongation or “pole” with a width less than the minimum lot frontage permitted in the applicable lot zone and that extends from the main body of the lot to a public or private road.



Serviced Lot means a lot that is serviced by a municipal sewer system, or is in the process of tentative subdivision approval and has been identified for connection to a municipal sewer system, and may or may not include municipal water services.

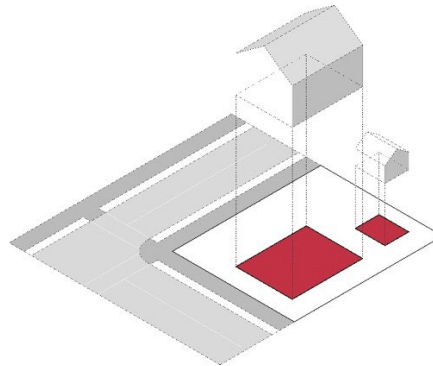
Unserviced Lot means a lot that is not serviced by a municipal sewer system.

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

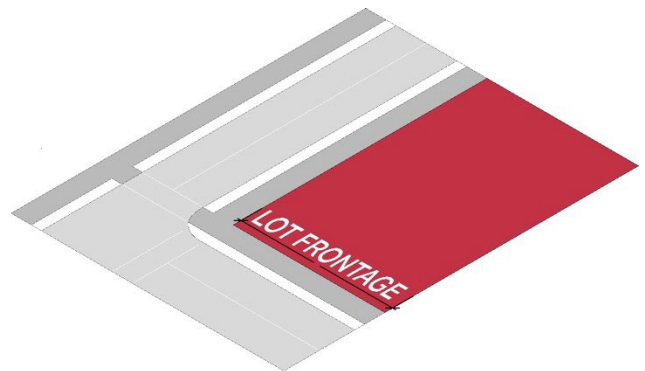




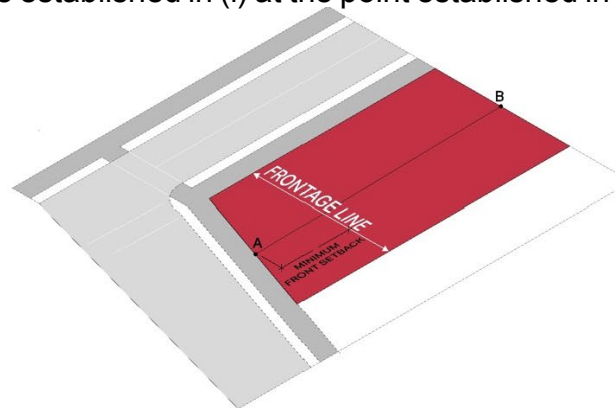
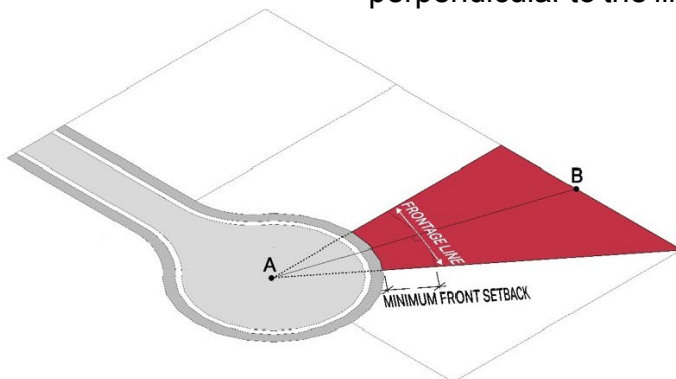
Lot Coverage means the percentage of the lot area covered by buildings and roofed structures, and for the purpose of this definition cantilevers shall be counted.



Lot Frontage means the length of the straight line between the two points where the side lot lines intersect the front lot line along any public street or private road. Where the front lot line is not straight or where it meets one or more side lot lines at an angle of less than 80 degrees or more than 100 degrees,



- i. establish a line joining the midpoint of the front lot line with the midpoint of the rear lot line or, in the case of a triangular lot, with the apex of the triangle formed by the side lot lines;
- ii. establish the point on the line established in (i) that is the distance of the minimum front setback required in the applicable zone from the street; and
- iii. measure the distance between the side lot lines along the line perpendicular to the line established in (i) at the point established in (iii).





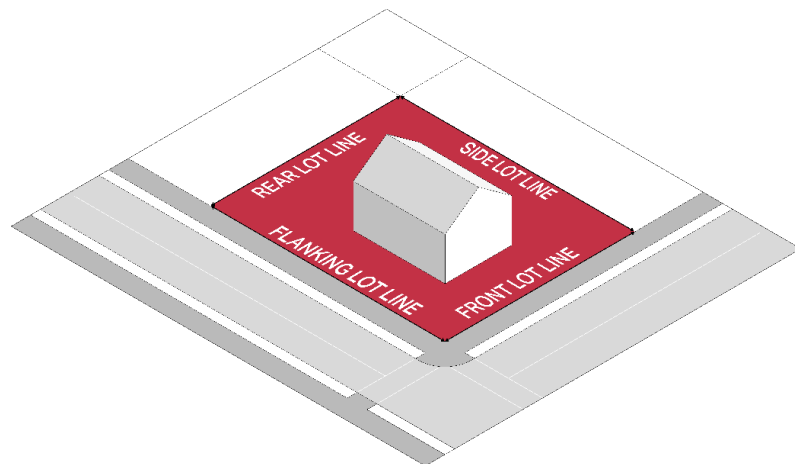
Lot Line means a boundary line of a lot.

Flankage Lot Line means any lot line that abuts a street or private road but is not a front lot line.

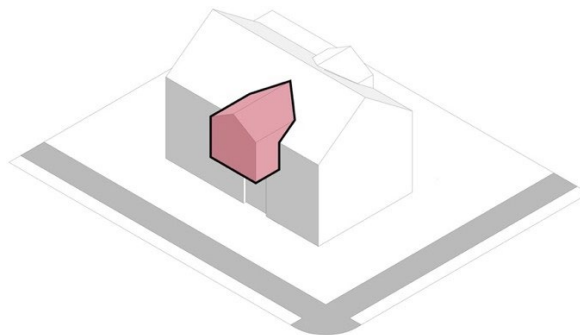
Front Lot Line means the line dividing the lot from the street or private road. In the case of a corner lot or a through lot that has not been built upon, it may be any boundary dividing the lot from a street, but where the lot has been built upon it is the boundary dividing the lot from the street that is faced by the main pedestrian entry to the building on the lot. In the case of an island lot with no street or private road on the island the front lot line shall be the lot line dividing the lot from the water and where multiple lot lines abut the water the developer may choose which is designated as the front lot line. In the case of a lot with no frontage on a street or private road it may be any lot line.

Rear Lot Line means the lot line that is not a flankage lot line and is farthest from or opposite to the front lot line.

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



Lunenburg Bump means a dormer that cantilevers over the front door of a building.





M

Main Building means the building designed or used for the principle use on the lot.

Marina means a facility where boats may be docked or moored and where fuel and other marine supplies are sold to the boating public.

Marine Industrial means the use of land, buildings, or part thereof for activities related to shipbuilding and repair, the commercial fishery, and the provisioning of ships and shall include, but is not limited to, boatyards, fish processing, shipbuilding and repair, ship chandlery, and the storage of commercial fishing gear.

Marine Recreation Provider means the use of land, buildings, or structures for a commercial business that, due to its nature of the use, relies on the sea or ocean as an integral part of its operation, including but not limited to boat tours, canoe and kayak rentals, and jet ski rentals, but does not include uses related to the commercial fishing industry.

Medical Clinic means the use of a building or part thereof where medical or therapeutic diagnosis and/or treatment services are provided to the general public, but does not include a public or private hospital.

Municipal Planning Strategy (“MPS”) means the Municipal Planning Strategy of the Town of Lunenburg.

N

Nursing Home means the use of a building or part thereof for an extended or immediate care facility licensed under the *Homes for Special Care Act*, or successor legislation, to provide full time skilled nursing care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves.

O

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

Outdoor Display means the display of retail goods or materials intended for the immediate sale to the general public where such goods are not enclosed within a building.



Outdoor Storage means storage exterior to a building of items such as merchandise, goods, inventory materials, or equipment and where such items are not intended for immediate sale; but does not include items ancillary to a residential use, such as, but not limited to, firewood for on-site consumption.

P

Parks and Playgrounds means the use of land for passive recreation and landscaping features and shall include, but is not limited to, greens, community gardens, walking paths, play structures, ponds, fountains, and dog parks.

Personal Service Shop means the use of a building or part thereof in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limit the generality of the foregoing may include such establishments as barber shops, beauty parlours, shoe shining shops, tattoo shops, and depots for collecting clothing and linens for dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale or the actual act of dry cleaning.

Private Club means the use of a building or part thereof for a meeting place for members of an organization and may include a lodge, a legion, a fraternity or sorority house, and a labour union hall.

Private Road means any road that is not owned by the Town of Lunenburg or the Crown.

Public Road or Street means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Town, but does not include a controlled-access highway.

Public Recreation means the use of land, buildings, or parts thereof for tennis courts, lawn bowling greens, skating rinks, skateboard parks, athletic fields, band shells, pavilions, outdoor swimming pools, recreational boat launches, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including indoor commercial recreation or outdoor commercial recreation or a track for the racing of animals, or any form of motorized vehicles.

Public Transportation means the use of land, buildings, or part thereof for the transportation of passengers and related activities and includes bus stations, taxi stands, and railway stations but does not include airports.



Q
R

Recycling Depot means the use of a building or land in which domestic recoverable resources such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled to be taken to another site for processing. For greater clarity, this use does not include a salvage yard.

Religious Institutions means the use of land, a building, or part thereof for religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.

Residential Care Facility means the use of a building or part thereof as a family home, group care facility, or similar facility for the non-medical care of more than six persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

Restaurant means the use of land, a building, or part thereof where food and/or drink intended for immediate consumption is prepared and served to the public.

Restaurant, Eat-in means a restaurant or part thereof where food and/or drink may be consumed within the building or on an attached, formalized outdoor space.

Restaurant, Take-out means a restaurant or part thereof that does not provide facilities for consumption of food or drink on the premises, or only provides informal, outdoor eating facilities such as picnic tables.

Retail Store means the use of a building or part thereof in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the public at retail, but this definition does not include automobile sales, boat and marine sales, or heavy equipment sales and rentals.

Rooming House means a dwelling in which the proprietor lives on-premises and supplies room for monetary gain to no more than six roomers for rental periods of 30 days or more.

S

School, Academic means the use of a building or part thereof as an educational establishment, whether public or private, intended for the academic instruction of students up to the completion of Grade 12, and may include elementary schools, junior high schools, high schools, and consolidated schools, but does not include daycares as the main use.

School, Commercial means the use of a building or part thereof as an educational establishment, whether public or private, intended for instruction in extracurricular activities and/or vocational skills and shall include, but is not limited to, dance schools, music schools, sports schools, driving schools, culinary institutes, hair schools, computer schools, and other similar schools, but does not include post-secondary schools.

School, Post-secondary means the use of a building or part thereof as a degree- or diploma-granting public educational establishment intended for the academic instruction of students after the completion of Grade 12.

Scrap Yard means the use of land for keeping or storing used bodies or parts of automobiles or any other type of used equipment, vehicles, machinery, or materials of any kind, regardless of whether such use occupies all or a part of the lot or lots upon which it is located, or whether it is a use operated for commercial or other purposes, or whether the use is subject to salvage yard licensing requirements of the Province of Nova Scotia.

Self-storage Facility means the use of a building, collection of buildings, or part thereof for individual, small, self-contained units that are leased or owned for the storage of business or household goods or contractor supplies.

Setback means the horizontal distance between the specified lot line and the nearest main wall of any building or structure and extending the full width or length of the lot.

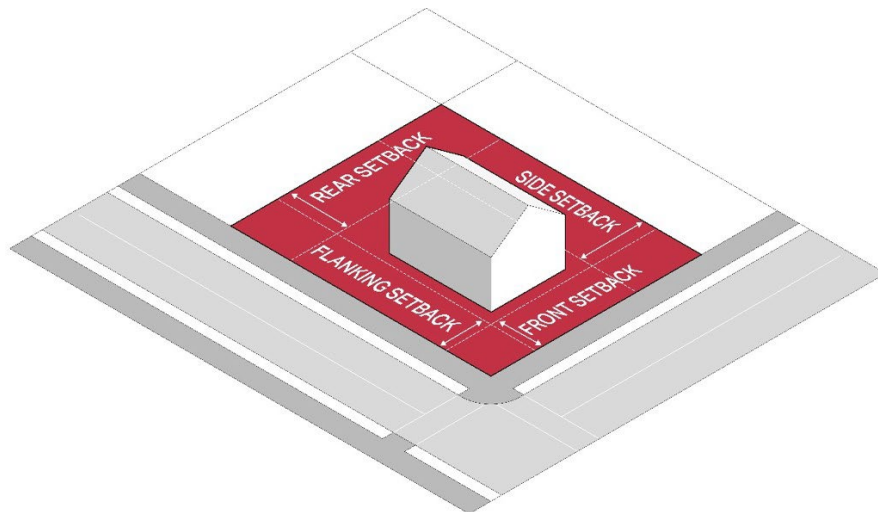
Setback, Flankage means the horizontal distance measured from the flankage lot line and the nearest main wall of any building or structure on the lot.

Setback, Front means the horizontal distance extending the full lot width, between the front lot line and the nearest main wall of any building or structure on the lot. On a flag lot the front setback shall be measured to the lot line of the main body of the lot that is closest to parallel with the street or public road.

Setback, Rear means the horizontal distance extending across the full lot width, between the rear lot line and the nearest wall of any main building or structure on the lot.



Setback, Side means the horizontal distance between the front setback and rear setback, and between the side lot line and the nearest wall of any main structure on the lot.



Shipping Container means an article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation and includes, but is not limited to, intermodal freight containers (sea containers) and the body of transport trailers or straight truck boxes, but does not include a motor vehicle.

Short-term Rental means the use of a dwelling unit or part thereof for commercial overnight accommodations for consecutive periods of 30 days or less per party and may include the rental of the entire dwelling unit to one party or to multiple parties.

Sign means any structure or device used to advertise or draw attention to any product, place, person, business, institution, organization, or event, including any directional or way finding purpose and that is intended to be seen from off the premises or from a parking lot. For greater clarity, signs not located such that they are visible from off the premises or from a parking lot are not considered signs for the purpose of this By-law and are not subject to the signage requirements of this By-law.

Changeable Copy Sign means a sign on which half or more of the information intended to be conveyed may be changed by changing individual pre-fabricated letters or words.

Ground Sign means a sign permanently affixed in or to the ground.

Portable Sign means a ground sign that is not permanently affixed, and includes signs such as sandwich board signs.

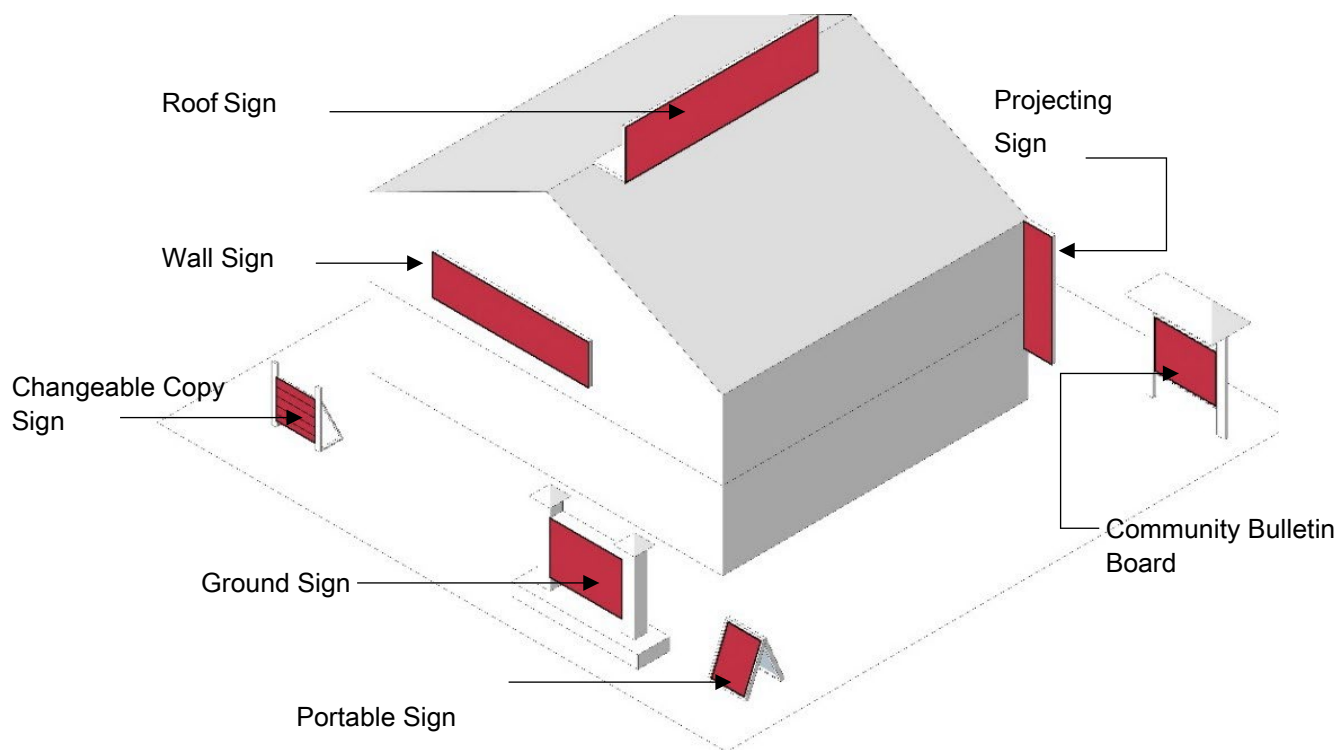


Projecting Sign means a sign projecting outward from a wall, supported by a bracket or other structure attached to the wall. A sign mounted on or that forms part of a canopy or awning is a projecting sign.

Roof Sign means a sign affixed to or supported by the roof of any structure.

Wall Sign means a sign attached directly to or painted on a window or wall, and includes flags and banners and signs indicating whether the premises are open for business.

Community Bulletin Board means a sign where all or part of the sign is intended for the posting of notices by the general public.



Sign Area means the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose the surface area of the sign. Only one side of a multi-faced sign shall be used to determine sign area. The sign area of individual letters or figures that are attached or painted on a surface shall be the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose all of the letters, numbers or insignia.



Small Options Home means the use of a building or part thereof for a family home, group care facility, or similar facility for the non-medical care for not more than six persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

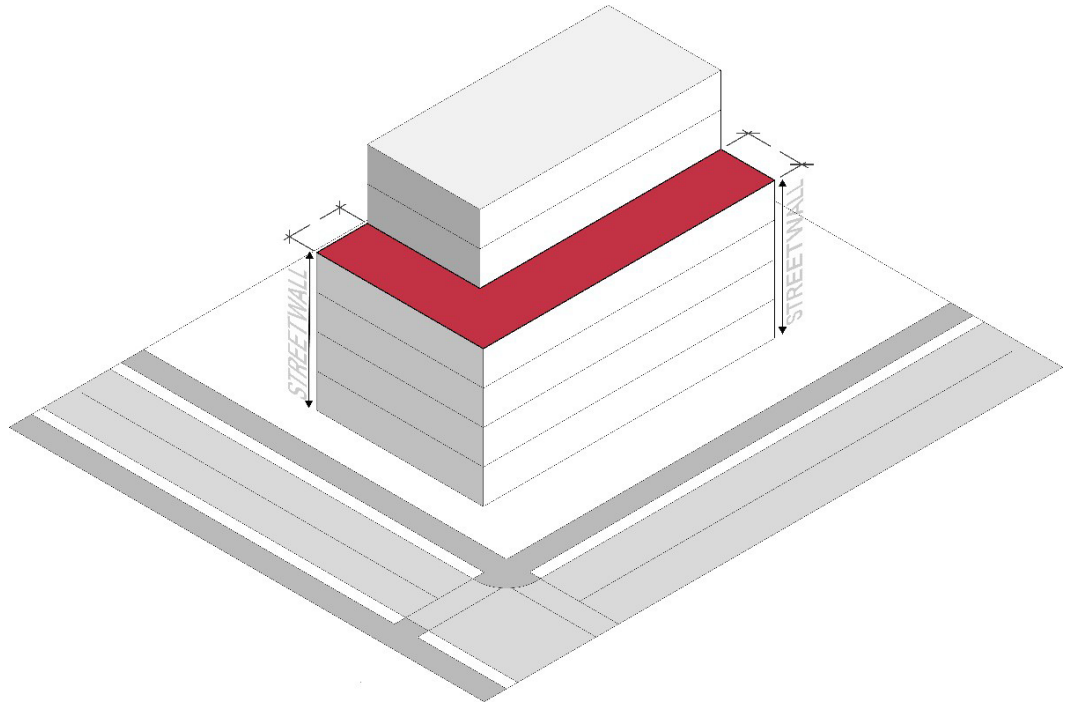
Solar Collector System means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

Solar Collector System, Accessory means a solar collector system designed and sized with a primary purpose to offset or meet the energy needs of other uses on the site. While such systems may generate, on an annual basis, a small monetary profit through programs such as net metering, such profits shall be secondary and incidental to the purpose of offsetting on-site energy needs,

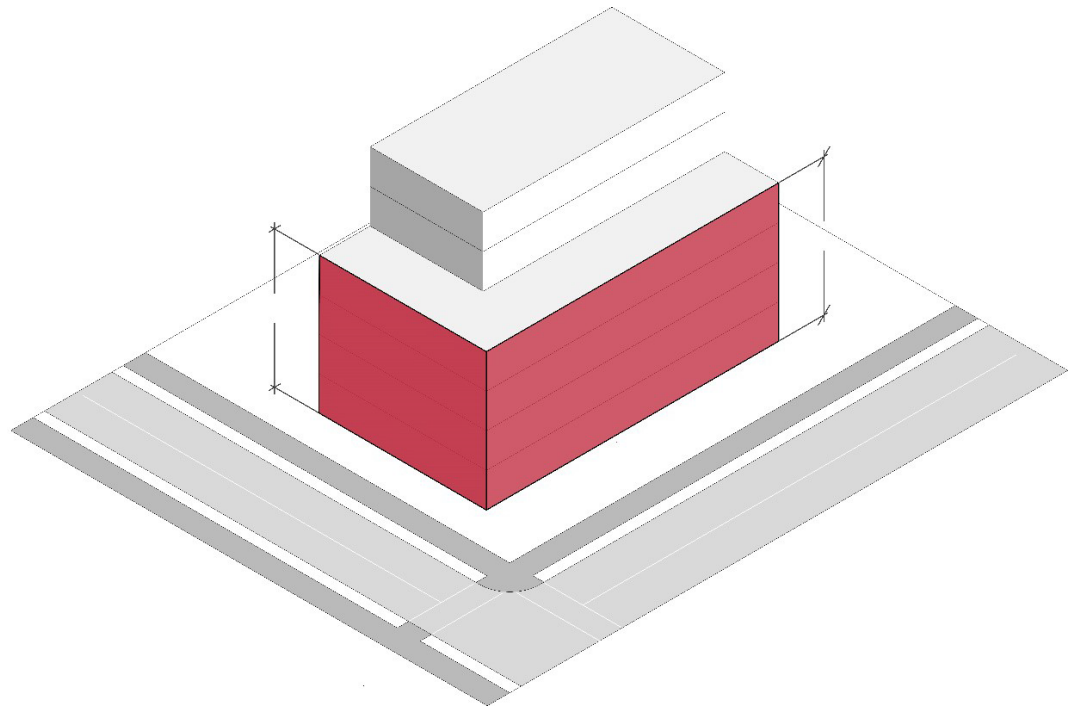
Solar Collector System, Large-scale means a solar collector system designed and sized with a primary purpose to provide electricity or other forms of energy to the grid or other off-site uses.



Stepback means the horizontal distance measured between the top of the streetwall and the main face of building floors above the streetwall.



Streetwall means the wall of a building facing a streetline that is below the height of a specified stepback, which does not include minor recesses for elements such as doorways or protrusions for elements such as bay windows.





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, and includes a building, but shall exclude fences less than 1.8 metres in height.

Structured Parking means a structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, is entirely covered, and has a parking surface at least 2.4 metres below grade.

T

Town means, where the context dictates, either the Body Corporate of the Town of Lunenburg, or the geographical area incorporated as the Town of Lunenburg.

Transportation and Logistics means the use of a building, structure, land, or part thereof used for the purpose of transporting any kind of item or thing by truck or other vehicle, including, but not limited to, loading facilities, storage, and maintenance facilities, but does not include the transport of people.

U

Urban Agriculture means the use of land and accessory buildings for agricultural activities on a hobbyist or very small commercial scale and shall include community gardens, small-scale bee keeping, and small-scale keeping of chickens and/or rabbits, but shall not include the keeping of any other livestock, the keeping of which is covered by the definition of agricultural uses.

V

Variance means a relaxation or reduction of the Land Use By-law requirements for a specific site, as stipulated in Section 235-237 of the *Municipal Government Act*.

W

Warehousing means the use of a building or part thereof for the storage of commercial or industrial wares or goods, excluding retail stores and self-storage facilities.



Water Access means the use of land or structures to provide watercraft access to marine or fresh water bodies and shall include, but is not limited to, wharves, docks, slipways, ramps, quays, and marine railroads.

Watercourse means the bed and shore of a lake, river, stream, pond, ocean or other natural body of water, and the water therein.

Wind Turbine means a machine and supporting structure designed to convert wind energy into mechanical or electrical energy.

Workshop means the use of a building or part thereof for the creation of products assembled or made by hand or by small custom production processes including (but not limited to) potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers, clothesmakers, shoemakers, antique refinishers, glass workers, stained glass workers and sailmakers. This definition shall also include “maker spaces”.

X

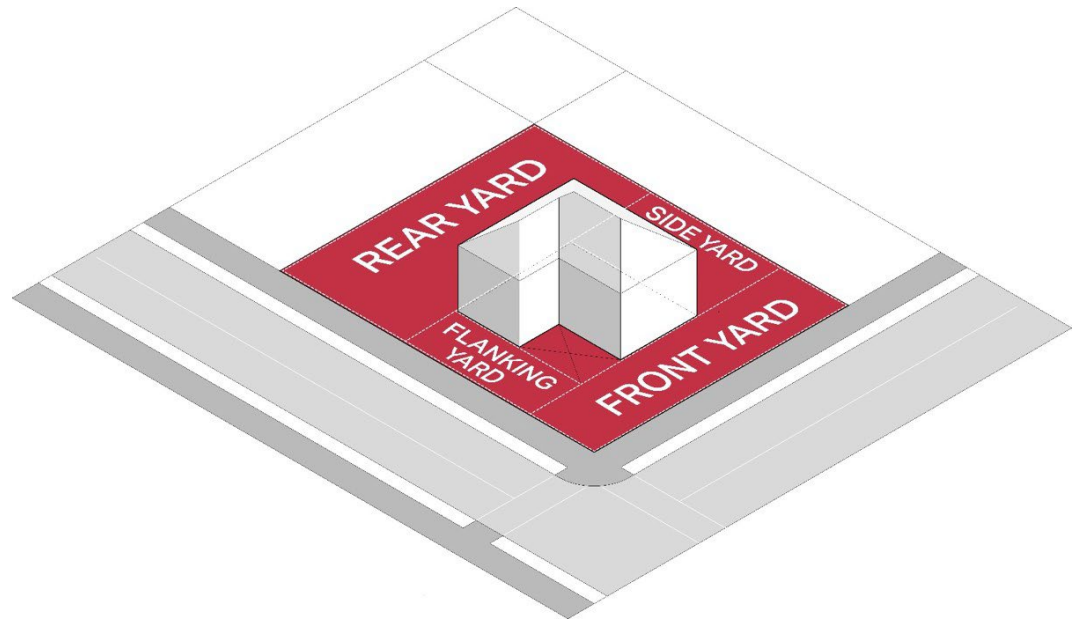
Y

Yard, Flankage means the area of land extending from the front yard to the rear yard and between the flankage lot line and the nearest main wall of any main building on the lot.

Yard, Front means the area extending across the full width of a lot between the front lot line and the nearest main wall of any main building on the lot.

Yard, Rear means the area extending across the full width of a lot between the rear lot line and the nearest main wall of any main building on the lot.

Yard, Side means the area of land extending from the front yard to the nearest main wall of any main building on the lot.



Z



Schedules

Schedule 'A' – Existing Uses

Schedule 'B' – Lot Zoning Map

Schedule 'C' – Use Zoning Map

Schedule 'D' – Form Zoning Map

Schedule 'E' – Flood Risk Area Map

Schedule 'F' – Heritage Conservation District and Architectural Control Area Map

Schedule 'G' – Vending



Schedule 'A' – Existing Uses

| Civic Address | Existing Use |
|---------------------|--|
| 11 York Street | Commercial storage |
| 162 Townsend Street | Residential storage |
| 166 Townsend Street | Residential storage |
| 18 Lower Street | Use of 450 square feet of the property for outdoor sales and display Use of 528 square feet of the basement level floor of the dwelling for the creation, painting and retail sale of wooden toys Use of two signs, each a maximum of 5 square feet in area |
| 186 Fox Street | Dwelling (4 units) |
| 195 Green Street | Retail florist |
| 200 Montage Street | Dwelling (1 unit) |
| 205 Pelham Street | Law office, retail store |
| 220 Montague Street | Accommodations (3 sleeping units) |
| 23 James Road | Dwelling (14 units) |
| 268 Montage Street | Dwelling (1 unit) |
| 272 Montage Street | Dwelling (3 units) |
| 30-36 Broad Street | Dwelling (8 units) |
| 34 Linden Avenue | Use of 100 square feet of the property for outdoor sales and display Use of 518 square feet of the ground floor of the dwelling for the retail sale of quilts, quilt-related craft and art goods, and handmade hooked rugs Use of three signs: one 25 square foot quilt hung on the dwelling; one 13.6 square foot ground sign; and one 3.5 square foot flat fixed wall sign |
| 41 James Road | Dwelling (14 units) |
| 49 Tannery Road | Dwelling (1 unit) |
| 57 Tannery Road | Dwelling (1 unit) |
| 58 Hall Street | Emergency Services – EHS ambulance station |
| 60 Dufferin Street | Part-time upholstery business in accessory building |
| 61 Tannery Road | Dwelling (1 unit) |
| 62 Duke Street | Dwelling (4 units) |
| 74 York Street | Dwelling (6 units) |
| 78 Lawrence Street | Retail shoe store |







MAP
Lot Zoning Map

SCHEDULE
B

LAST UPDATED
2021/07/27

NORTH


SCALE
1:10,000

- LEGEND
-  LZ1 Lot Zone 1
 -  LZ2 Lot Zone 2
 -  LZ3 Lot Zone 3
 -  LZ4 Lot Zone 4





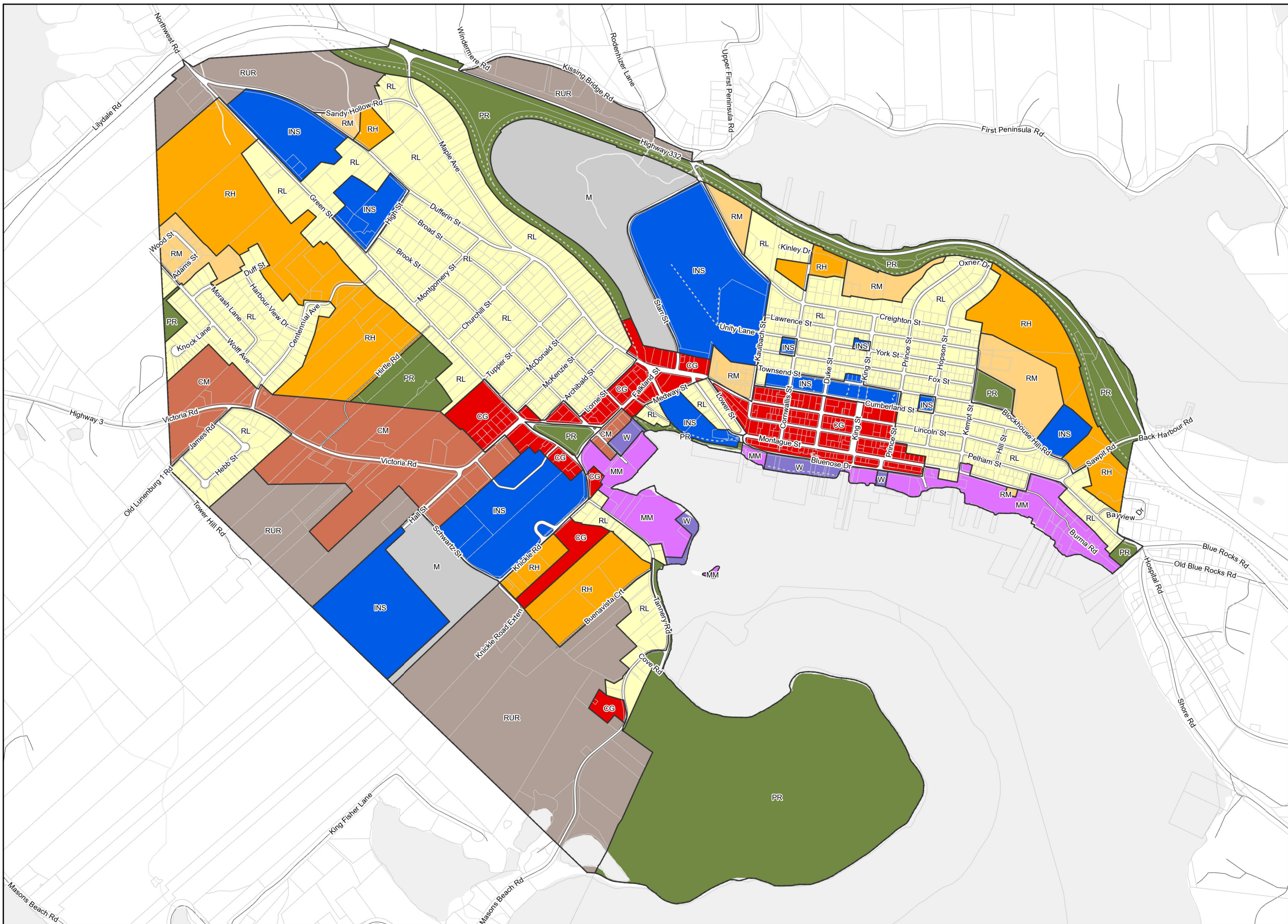
MAP
Use Zoning Map

| SCHEDULE | LAST UPDATED |
|----------|--------------|
| C | 2023-10-26 |

| NORTH | SCALE |
|-------|----------|
| | 1:10,000 |

LEGEND

- RL Lower Density Residential
- RM Medium Density Residential
- RH Higher Density Residential
- CM Commercial Mixed Use
- CG General Commercial
- W Waterfront
- M Industrial
- MM Marine Industrial
- RUR Rural
- INS Institutional
- PR Parks and Recreation





MAP

Form Zoning Map

SCHEDULE

D

LAST UPDATED

2021/07/27

NORTH

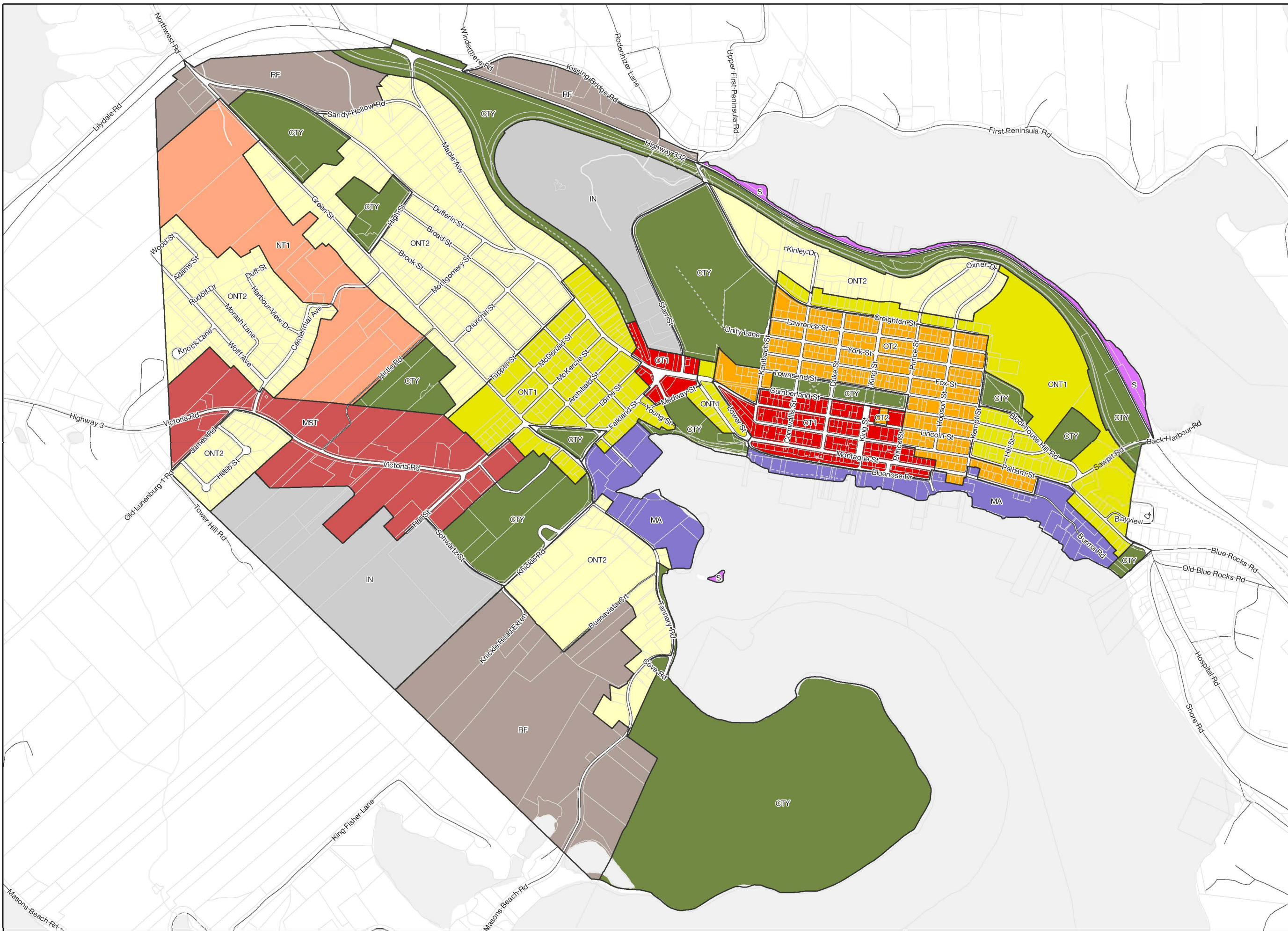


SCALE

1:10,000

LEGEND

- OT1 Old Town 1
- OT2 Old Town 2
- ONT1 Old Town/
New Town 1
- ONT2 Old Town/
New Town 2
- NT1 New Town 1
- MST Main Street
- MA Marine
- CTY Community
- IN Industry
- RF Rural
- S Shoreline





MAP

Flood Risk Area Map

SCHEDULE

E

LAST UPDATED

2021.07.27

NORTH




SCALE

1:10,000

LEGEND

 Flood Risk Area

 Town of Lunenburg



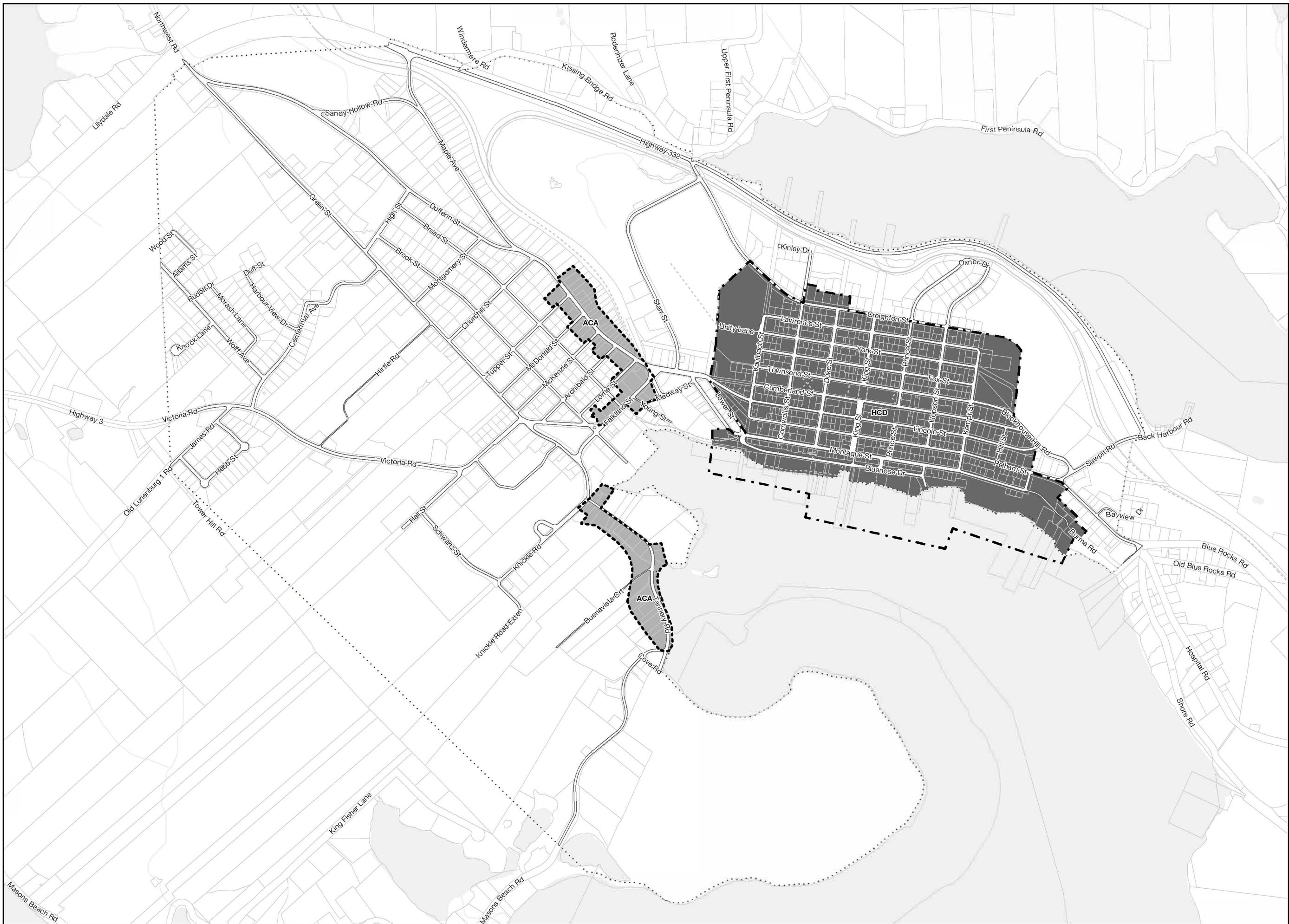


MAP
Heritage Conservation District and Architectural Control Area Map

| SCHEDULE | LAST UPDATED |
|----------|--------------|
| F | 2021.07.27 |

| NORTH | SCALE |
|-------|----------|
| ↑ | 1:10,000 |

- LEGEND
- HCD Heritage Conservation District
 - ACA Architectural Control Area
 - Town of Lunenburg





Schedule 'G' – Vending

The provisions of this Schedule shall apply to vending activities in the Town, subject to the *Vending By-law*.

Outdoor Vending

Outdoor vending activities are prohibited in all use zones except those in which they are specifically permitted.

Yard Sales

- (a) Yard sales are permitted in any use zone provided that:
 - i. articles for sale may include only the tangible personal property of the residents conducting the sale and may not include goods acquired for resale;
 - ii. only two yard sales may take place on any property during each calendar year; and
 - iii. yard sales may be conducted only on Saturdays from 8 am to 10 pm and on Sundays from 12 noon to 10 pm.
- (b) No development permit is required for yard sales permitted under clause (a).

Transient Vending

Transient vending is permitted in any use zone and does not require a development permit, but is subject to the Town of Lunenburg *Vending By-law*.


Vending at Group Fund Raising Events by Community or Religious Not-for-Profit Groups

No development permit is required for vending activities associated with fund raising by community or religious not-for-profit groups from the Town of Lunenburg.

Outdoor Sales of Prepared Food

Outdoor sales of prepared food shall be prohibited except for:

- (a) those uses specifically authorized by this by-law;
- (b) outdoor food sales in a restaurant;
- (c) outdoor food sales by Transient Vendors authorized under the Town of Lunenburg Vending By-law;

- 
- (d) outdoor food sales in the General Commercial Use Zone or Commercial Mixed Use Zone; and
 - (e) outdoor food sales at Craft Markets and Farmers' Markets.

Walking Tours

Walking Tours shall be permitted in all zones and shall not require a development permit but shall be subject to the Town of Lunenburg *Vending By-law*.

Flea Markets

- (a) Flea markets organized and operated by community or religious not-for-profit groups from the Town of Lunenburg for the purposes of fund raising are permitted in any use zone other than the Lower Density Residential Use Zone, Medium Density Residential Use Zone, or Higher Density Residential Use Zone.
- (b) Flea markets not otherwise permitted by Clause (a) are prohibited in all use zones.
- (c) A development permit is not required any flea market permitted by Clause (a)

Mobile Canteens

Mobile canteens are permitted in the following use zones and do not require a development permit but are subject to the *Vending By-law*:

- (a) Commercial Mixed Use Zone