



Peggy's Cove

Land Use Bylaw

2023.08.23 DRAFT for Public Hearing



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With Amendments To: N/A

SUMMARY OF AMENDMENTS

Description	Effective Date

GUIDE TO THIS LAND USE BYLAW

THIS PART IS FOR BASIC INFORMATION PURPOSES ONLY AND DOES NOT FORM AN OFFICIAL PART OF THE LAND USE BYLAW

This Land Use Bylaw controls development in Peggy's Cove. It is a legal document. The wording used in the document must be very exact, sometimes at the expense of easy reading.

This guide gives a plain explanation for figuring out what you can do on your land in Peggy's Cove, and how to get a development permit. Depending on the scope of your development, you may want to hire a professional to help you with the process. This could include a building contractor, planner, architect, surveyor, or engineer, depending on your development.

If you are doing any form of development in Peggy's Cove you will need to meet the rules in this Land Use Bylaw. You will also likely need a development permit from the Peggy's Cove Commission. Please note that the definition of "development" is relatively broad:

"Development means to erect, construct, expand, alter, relocate or reconstruct a building, structure or sign; any significant permanent change or alteration to land levels; and any change or alteration in the use made of land or structures."

1. **Check if a development permit is required:** Developments listed in Section 5.2 do not require a development permit. However, all development must still comply with this Land Use Bylaw, whether or not a permit is required.

You may also need to get other permits or approvals from Halifax Regional Municipality, utility companies, the Province, or the Federal Government. For example, you may need a building permit, driveway access permit, electrical permit, septic permit, wetland alteration permit, environmental assessment, business license, or more. The Land Use Bylaw does not regulate these matters; please reach out to the appropriate body to determine what permits they require.

2. **If you are subdividing land (creating or joining lots or adjusting lot lines):** The primary document for regulating subdivision is the Halifax Regional Subdivision By-law, which does apply to Peggy's Cove. However, Part 6 of this Land Use Bylaw includes lot standards applicable within Peggy's Cove, which are in addition to the Subdivision By-law. Halifax Regional Municipality administers the Halifax Regional Subdivision By-law. Please contact Halifax Regional Municipality for information on applying for land subdivision.

3. **If you are changing what types of activities happen on your property (the “use”):** Check Schedule ‘A’, the Zoning Map, to determine the use zone that applies to your property, or the area of your property where you want to do this development. Then check Table ‘7.B’ to see if the use you want is permitted in that use zone. Be aware that there may be special conditions outlined in Part 7 that affect your wanted use. An “accessory use” of the land may be permitted, but it must be secondary to another, “main” use on the land. For example, this Land Use Bylaw allows for home-based businesses that are secondary, or accessory, to a home.
4. **If you are altering the land; building a driveway, walkway, or other similar change to the landscape; renovating; or moving, building, or demolishing a building or structure (such as fence or deck):** Check Part 8 for the requirements for buildings, structures, architecture, and site design.
5. **If you are installing or modifying a sign:** Check Part 9 for signage requirements.
6. **If you are hosting a special event:** Check Section 7.13 for the requirements for special events. To be clear, an activity only needs to be considered under the special event provisions if it does not otherwise have a development permit for the use and any associated structures. For example, an outdoor theatre festival that needed a temporary stage could be permitted as a special event, while plays held in a building with a development permit for an assembly use or cultural use would simply be considered part of that use.
7. **If a development permit is required and you meet the requirements of this Land Use Bylaw:** Check Part 5 for the process and for the required information you must provide to apply for a development permit.
8. **If you cannot meet the requirements of the Land Use Bylaw:** It may be possible to apply to change the Land Use Bylaw to accommodate your proposal. This may involve changing the text of the Bylaw and/or “rezoning” your property by changing the Zoning Map. Check Section 10.7 to see the criteria the Peggy’s Cove Commission will use to assess your request. If you think you have a strong case for meeting those criteria, apply to the Commission as outlined in Section 10.3.
9. **If you do not understand a word or the precise way it is used in this Land Use Bylaw:** Check Part 11, Definitions.

PLEASE NOTE: This Bylaw uses the term “Perseveration Area” to refer to the whole of Peggy’s Cove, including both the developed community and the conservation lands outside of the developed area. This is necessary in order to align with the *Peggy’s Cove Commission Act*. This may cause some confusion due to the common use of the term to refer just to the conservation lands.

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1 TITLE, AUTHORITY, & APPLICATION

1.1 Title

- 1.1.1 This Bylaw is the Peggy's Cove Land Use Bylaw, and may be cited as the "Land Use Bylaw" or "LUB".
- 1.1.2 This Land Use Bylaw may also be cited as "Bylaw" when used in a self-referential manner within the text.

1.2 Authority

- 1.2.1 This Bylaw is passed under the authority of the *Peggy's Cove Commission Act*. R.S., c. 339, s. 1

1.3 Application

- 1.3.1 This Bylaw applies to the Peggy's Cove Preservation Area as designated by the Governor in Council in accordance with the *Peggy's Cove Commission Act*.

2 PURPOSE & INTENT

2.1 Purpose

2.1.1 The purpose of this Bylaw is to carry out the Intent, as identified in Section 2.2, for Peggy's Cove by regulating the standards for lots; the use of land, buildings, and structures; and the height, bulk, location, size, spacing, and character of buildings.

2.2 Intent

2.2.1 The Intent to be carried out by this Bylaw is to ensure Peggy's Cove is a world-class fishing village, where people feel proud to live, families thrive, residents benefit financially from hosting the world, the authentic beauty of the community is evident, and in particular the following qualities are established and maintained:

- (a) the undeveloped lands along the Peggy's Cove Parkway (Route 333) are preserved as natural areas with human activities limited to passive recreation and scientific endeavors;
- (b) the community has a strong residential base, where residential uses are widely permitted, and where areas within the developed portion of the Peggy's Cove but not fronting on Peggy's Point Road are primarily residential in nature;
- (c) fishing industry uses are prioritized around the Cove itself, and uses that would encourage the conversion of existing fishing industry properties away from fishing purposes are not permitted;
- (d) public facilities and other community uses are considered throughout the developed portion of the Peggy's Cove, but do not overwhelm the character of the community;
- (e) stand-alone commercial uses are permitted along Peggy's Point Road, but are limited in scale and do not become the dominant land use within the community;
- (f) the small scale of buildings, the rugged natural landscape, and the irregular placement of buildings upon the landscape are preserved;
- (g) the architectural style of renovations and new buildings respects the fishing village vernacular, but is not necessarily identical to it;
- (h) development regulations help prevent nuisances and protect the quality of life for residents; and
- (i) development processes are clear, fair, and transparent.

3 INTERPRETATION

3.1 Certain Words

3.1.1 In this Bylaw:

- (a) the words “must” and “will” mean the imperative or mandatory compliance;
- (b) the word “may” means discretionary compliance or a choice in applying a regulation;
- (c) the word “should” indicates a preference, but not obligation;
- (d) words used in the plural include the singular, and words in the singular include the plural; and
- (e) gendered words will be interpreted to mean any gender.

3.2 Conflict

3.2.1 In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text will take priority.

3.2.2 Colour coding throughout this Bylaw and the Zoning Map is for ease of reference only and the text of the Bylaw will take priority.

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

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

3.3 Definitions

3.3.1 For the purposes of this Bylaw, words have the meaning or meanings assigned to them in Part 11 - Definitions. Where a word is not defined in Part 11 the word has the meaning assigned to it in the *Peggy’s Cove Commission Act* or the *Interpretation Act*. Where a word is not defined in Part 11 or either of the Acts, the word has the meaning or meanings assigned by the most recent edition of the *Oxford English Dictionary*.

3.4 Units of Measurement

- 3.4.1 This Bylaw uses the metric system of measurement.
- 3.4.2 Numerical measurements in this document may also be presented in other units; however, this is for convenience only.
- 3.4.3 If a metric measurement conflicts with its conversion in another unit, the metric measurement will take priority.

3.5 Interpretation of Use Zone Boundaries

- 3.5.1 Boundaries between use zones are 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 follows that line;
 - (b) where a zone boundary is indicated as following a street, private road, pathway, or controlled access highway the centerline of the street, private road, pathway, or controlled access highway as it existed on the effective date of this Bylaw is the boundary unless otherwise indicated;
 - (c) where a zone boundary is indicated as following a utility right-of-way, the centerline of the right-of-way as it existed on the effective date of this Bylaw is the boundary unless otherwise indicated;
 - (d) where the zone boundary is indicated as approximately following lot lines, the boundary follows 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 is the boundary and the zone boundary will follow any changes in mean high water mark; and
 - (f) where none of the above provisions apply, the Development Officer will scale the zone boundary from the zoning map.

3.6 Severability

- 3.6.1 If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions of this Bylaw.

3.7 Voting

3.7.1 For the purposes of this Bylaw:

- (a) a quorum is at least two thirds of the voting members of the Commission;
- (b) Commission decision-making is by majority vote; and
- (c) a tied vote is considered defeated.

4 ADMINISTRATION

4.1 Development Officer

- 4.1.1 The Commission must appoint a Development Officer, who is responsible for:
- (a) issuing development permits in compliance with this Bylaw;
 - (b) reporting to the Commission the case facts on any appeal of the Development Officer's decision to refuse or grant a variance or to refuse a development permit; and
 - (c) notifying the applicable property owner(s) of a violation of this Bylaw.
- 4.1.2 The Development Officer is considered the "building inspector" for the purpose of the *Peggy's Cove Commission Act*.

4.2 Licenses, Permits and Compliance with Other Bylaws

- 4.2.1 Nothing in this Bylaw exempts any person from complying with the requirements of the Building Bylaw for Halifax Regional Municipality or any other bylaw in force within the Preservation Area, or to obtain any license, permission, permit, authority, or approval required by any other bylaw of Halifax Regional Municipality, or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- 4.2.2 The more stringent requirement applies if the provisions in this Bylaw conflict with those of any other municipal, provincial, or federal regulations, bylaws, or codes.

4.3 Restoration to a Safe Condition

- 4.3.1 The requirements of this Bylaw may be waived by the Development Officer to the degree necessary to enable the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a building containing a non-conforming use, the provisions of Section 13 of the *Peggy's Cove Commission Act* will prevail.

4.4 Failure to Comply

- 4.4.1 Any person who violates a provision of this Bylaw is subject to prosecution as provided for under Section 15 of the *Peggy's Cove Commission Act*.

4.5 Effective Date and Repeal

- 4.5.1 This Bylaw takes effect when approved by the Minister responsible for the Act.
- 4.5.2 The Peggy's Cove Land Use Bylaw approved by the Peggy's Cove Commission on November 23, 1993, as amended, is hereby repealed.

4.6 Existing Structures and Uses

- 4.6.1 A structure or use of land is deemed to exist on the effective date of this Bylaw if:
 - (a) it has lawfully been constructed;
 - (b) it has lawfully commenced;
 - (c) it is lawfully under construction and is completed within a reasonable time; or
 - (d) all required permits for its construction or uses were in force and effect, except that this will no longer apply if the construction or use is not commenced within 12 months after the date of the latest issuance of the development and building (as applicable) permits and construction is not completed within a reasonable time.
- 4.6.2 For the purposes of this Section, the Development Officer may consider a structure or use of land to be lawful if the Development Officer is satisfied a development permit could have been issued for the use or structure under the terms of the Land Use Bylaw in effect at the time the use commenced or the structure was built.

5 DEVELOPMENT PERMITTING

5.1 Development Permit Required

5.1.1 Unless otherwise stated in this Bylaw, no person is permitted to undertake a development within the Preservation Area without first obtaining a development permit from the Development Officer.

5.2 Developments not Requiring a Development Permit

5.2.1 The following developments do not require a development permit:

- (a) Interior renovations 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) Replacement or repair of exterior materials on a structure using like materials
- (c) Replacement of roofing materials or exterior cladding with materials meeting the requirements of Section 8.8 or Section 8.9
- (d) Replacement or repair of driveways and parking areas with the same grade as existing
- (e) Painting, except where painting would create a new sign that requires a development permit
- (f) Signs smaller than 0.2 square metres in area, where signs are permitted
- (g) Fences and retaining walls less than 1.0 metre in height
- (h) Miscellaneous minor structures such as children's play structures, cold frames, garden trellises, clothes line poles, chicken coops, dog houses, and other similar structures
- (i) Accessory sheds and greenhouses with footprints that do not exceed 10.0 square metres
- (j) Decks and patios with surface areas that do not exceed 5.0 square metres
- (k) Special events meeting the requirements of Section 7.13
- (l) Temporary construction uses meeting the requirements of Section 7.14
- (m) Public and private utilities located within the street right-of-way
- (n) The making of a garden
- (o) Personal offices or studios meeting the requirements of Section 7.6
- (p) The instruction of one or two students at a time, meeting the requirements of Section 7.7

- (q) Signs permitted throughout the Preservation Area, as listed in Subsection 9.1.2 and 9.1.3
- (r) Outdoor commercial display meeting the requirements of Section 7.9
- (s) Storage of fishing vessels, gear, and related materials
- (t) Yard sales meeting the requirements of Clause 7.16.1(b)

5.3 No Exemption from Requirements

5.3.1 Every development is subject to the requirements of this Bylaw whether or not a Development Permit is required.

5.4 Form of Application

5.4.1 Applications for development permits must be made to the Development Officer in writing on an approved form and must, at a minimum, include:

- (a) the PID(s) of the lot(s) for which the permit is being applied;
- (b) the name of the property owner(s);
- (c) the applicant's name and contact information;
- (d) the signature of the property owner(s) or authorized agent;
- (e) a description of the existing use(s) of the land;
- (f) a description of any proposed new or changed use(s) of the land, if applicable;
- (g) a site plan, as detailed in Section 5.5;
- (h) floor plans and elevation drawings of any new proposed buildings; and
- (i) elevation drawings if the development involves alterations to existing buildings that would alter the roof pitch, building dimensions, or window dimensions.

5.5 Site Plan

- 5.5.1 Every application for a development permit must 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 and dimensions of all structures on the lot;
 - (d) the location of rights-of-way and easements within the subject property;
 - (e) the location and dimensions of all decks and patios on the lot;
 - (f) the proposed location and dimensions of parking spaces, loading spaces, driveways, solid waste storage areas, decks, patios, and landscaping areas, where applicable; and
 - (g) the location of all watercourses on the property.

5.6 Additional Site Plan Information

- 5.6.1 Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw, they may require that the plan submitted under Section 5.5 shows:
- (a) the location of every building erected upon any abutting lot;
 - (b) existing and proposed services; and/or
 - (c) a plan based upon a survey prepared by a Nova Scotia Land Surveyor.

5.7 Additional Studies and Plans

- 5.7.1 Where necessary to determine conformance with this Land Use Bylaw, 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) site grading plan; and/or
 - (g) any other information deemed necessary by the Development Officer.

5.8 Variance

5.8.1 The Development Officer may grant a variance in one or more of the following Land Use Bylaw requirements to the minimum degree necessary to alleviate site-specific hardships:

- (a) size or other requirements relating to setbacks;
- (b) lot frontage or lot area, or both, if
 - i. the lot existed on the effective date of the bylaw, or
 - ii. a variance was granted for the lot at the time of subdivision approval;
- (c) footprint and height of a structure;
- (d) floor area occupied by a home-based business;
- (e) height and area of a sign.

5.8.2 A variance must not be granted where:

- (a) the variance violates the intent of this Land Use Bylaw;
- (b) the difficulty experienced is general to properties in the area; or
- (c) the difficulty experienced results from an intentional disregard for the requirements of this Land Use Bylaw.

5.8.3 Development for which a variance has been granted must not commence until the expiry of the appeal period if no appeal is filed, as outlined in Subsection 5.10.3, or until an appeal is heard by the Commission and the Commission issues a decision upholding the variance.

5.9 Notice of Decision

5.9.1 The Development Officer must notify the applicant in writing of their decision to approve or deny a variance or development permit.

5.9.2 If the Development Officer denies a variance or development permit, the written notification must include the reason for denial and identify the applicant's right to appeal as provided for in Section 5.10.

5.9.3 The Development Officer should provide a notice of decision within 30 days of receiving a complete development permit application.

5.9.4 The Development Officer must issue notification, in writing, to all assessed property owners within the Peggy's Cove Preservation Area within seven (7) days of any decision to approve a variance and such notice must identify the property owner's right to appeal as provided for in Section 5.10.

5.10 Appeal

- 5.10.1 Applicants who are denied a variance or development permit may appeal the Development Officer's decision to the Commission.
- 5.10.2 Property owners within the Peggy's Cove Preservation Area may appeal the Development Officer's decision to approve a variance to the Commission.
- 5.10.3 Applicants or property owners wishing to appeal the Development Officer's decision must provide written application to the Commission within 14 days of the date the Development Officer's notice of decision is issued.
- 5.10.4 An application for appeal of the Development Officer's decision must include a rationale that outlines the basis for challenging the Development Officer's decision.
- 5.10.5 The Commission must notify the Development Officer of the application to appeal and the Development Officer must subsequently provide a report to the Commission, and copied to the appellant, outlining the facts of the development permit application and permit denial or variance approval or denial. The Development Officer should provide the report to the Commission and appellant within 30 days of being notified of the application to appeal.
- 5.10.6 The Commission must hold a hearing in which the Development Officer and the appellant or their designate are invited to speak.
- 5.10.7 The hearing should be held at the next regularly-scheduled Commission meeting following Commission receipt of the Development Officer's report, or at a special Commission meeting held no later than 30 days following Commission receipt of the Development Officer's report.
- 5.10.8 Notification of the hearing must be provided to the Development Officer and the appellant a minimum of seven (7) days prior to the hearing.
- 5.10.9 Following the hearing, the Commission must review the application and must make any decision the Development Officer could have made.
- 5.10.10 The Commission's review and decision regarding the appeal should occur on the same day as the hearing.
- 5.10.11 The Commission must notify, in writing, the Development Officer and the appellant of their decision and if the decision includes the issuing of a development permit the Development Officer must issue such permit.

6 LOT & SUBDIVISION STANDARDS

6.1 Minimum Lot Standards

- 6.1.1 Subject to the *On-site Sewage Disposal Regulations*, the minimum lot area for subdivision is 230 square metres.
- 6.1.2 The minimum lot frontage for subdivision is:
- (a) 61 metres for lots fronting on Route 333;
 - (b) 61 metres in the Core Zone; and
 - (c) 6.1 metres elsewhere.
- 6.1.3 For greater clarity, these provisions are for the creation of new lots or the adjustment of existing lots and the Development Officer may issue a development permit for development on existing lots not meeting these standards.

6.2 Creation of Undersized Lots

- 6.2.1 Contrary to Section 6.1, the creation of undersized lots may be permitted as provided for by Section 40(1) of the Halifax Regional Subdivision By-law.
- 6.2.2 Contrary to Section 6.1, up to two lots with no frontage may be created from an area of land as provided for by Section 38 of the Halifax Regional Subdivision By-law.
- 6.2.3 Contrary to Section 6.1, the creation of an undersized lot may be permitted to enable the removal of an encroachment as provided for by Section 42 of the Halifax Regional Subdivision By-law.
- 6.2.4 Contrary to Section 6.1, the creation of an undersized lot may be permitted if:
- (a) it does not contain an on-site sewage disposal system or any part of an on-site sewage disposal system;
 - (b) it borders the ocean; and
 - (c) it is located in the Fishing Industry Zone.

6.3 Enlargement of Non-standard Lots

6.3.1 Contrary to Section 6.1, an existing lot that does not meet the requirements of this Bylaw may be increased in lot area and/or frontage as a result of an approved plan of subdivision and if the lot after enlargement still does not comply with this Bylaw the lot will continue to be considered an existing non-standard lot.

6.4 Subdivision without Frontage on a Public Road

6.4.1 Subdivision of land fronting on Rocky Road or Church Road is permitted, subject to all applicable requirements of this Bylaw.

7 LAND USE

7.1 Use Zones and Zone Purpose

- 7.1.1 The main uses permitted on land within Peggy's Cove are governed by use zones, the boundaries of which are shown on Schedule 'A', the Zoning Map.
- 7.1.2 The use zones, use zone symbols, and zone purpose of each use zone are outlined in Table 7.A.

Table 7.A: Use Zones

Use Zone Name	Symbol	Zone Purpose
Residential Zone	R	To prioritize and promote residential uses and associated community amenities.
Core Zone	COR	To enable a mix of residential, commercial, and community amenity uses that serve both the residents of Peggy's Cove and visitors to the community.
Service and Facilities Zone	S	To enable and preserve community and public uses and amenities.
Fishing Industry Zone	F	To protect and promote the commercial fishing industry.
Conservation Zone	CON	To strongly protect the integrity of high-value natural areas.

7.2 Permitted Main Uses

- 7.2.1 Table 7.B identifies the main uses of land permitted in each use zone, subject to the following scheme:
- (a) Main uses denoted with a "P" are permitted, subject to all requirements of this Bylaw and to any sections noted in the "Special Req's" column.
 - (b) Main uses denoted with a "-" or not listed in the table are not permitted.
- 7.2.2 Multiple main uses are permitted on a lot if each main use meets all applicable requirements of this Bylaw.

7.3 Multiple Use Zones

- 7.3.1 If a lot contains multiple use zones:
- (a) main uses are only permitted on the portions of the lot within a use zone that would permit the main use (as outlined in Table 7.B); and
 - (b) accessory uses are only permitted on the portions of the lot within a use zone that would permit the main use (as outlined in Table 7.B) to which they are accessory.

Table 7.B: Permitted Main Uses

	R	COR	S	F	CON	Special Req's
Accommodations	-	P	-	-	-	Subsection 7.4.3 & 7.4.4
Assembly Uses	-	P	P	-	-	Subsection 7.4.4 & 7.4.7
Cultural Facilities	-	P	P	P	-	Subsection 7.4.4 & 7.4.7
Daycare Centres	P	P	P	-	-	
Dwellings	P	P	-	P	-	Subsection 7.4.1
Fish Processing	-	-	-	P	-	Subsection 7.4.2
Fishing Related Industry	P	P	P	P	-	
Galleries	-	P	P	-	-	Subsection 7.4.4, 7.4.7, & 7.4.9
Interpretive Centres	-	P	P	-	-	Subsection 7.4.4
Marine Recreation Providers	-	P	-	P	-	
Medical Facilities	-	P	-	-	-	
Offices	-	P	P	-	-	Subsection 7.4.3 & 7.4.4
Parking Lots	-	P	P	-	P	Subsection 7.4.5
Parks and Playgrounds	P	P	P	P	-	
Personal Service Shops	-	P	-	-	-	Subsections 7.4.3, 7.4.4, & 7.4.7
Places of Worship	-	P	P	-	-	
Post Offices	-	P	P	-	-	
Restaurants	-	P	-	-	-	Subsections 7.4.3, 7.4.4, & 7.4.7
Retail Sales	-	P	-	P	-	Subsections 7.4.3, 7.4.4, 7.4.6, & 7.4.7
Schools	-	P	P	P	-	Subsection 7.4.8
Trails and Conservation Uses	P	P	P	P	P	
Water Access	P	P	P	P	-	
Workshops	-	P	-	P	-	Subsection 7.4.7

7.4 Special Use Requirements

- 7.4.1 Dwelling uses permitted in the Fishing Industry Zone are limited to existing dwellings.
- 7.4.2 Fish processing must not involve reduction.
- 7.4.3 The total combined commercial floor area of all offices, personal service shops, restaurants, accommodations, and retail sales on a lot, excluding floor area dedicated to a home-based business, is not permitted to exceed:
- (a) 200 square metres if the lot contains a dwelling; or
 - (b) 100 square metres if the lot does not contain a dwelling.
- 7.4.4 In addition to Subsection 7.4.3, the total combined commercial floor area of all offices, personal service shops, restaurants, accommodations, retail sales, assembly uses, cultural facilities, galleries, and interpretive centres, excluding floor area dedicated to a home-based business, on a lot is not permitted to exceed 300 square metres.
- 7.4.5 Parking lots in the Conservation Zone must:
- (a) be surfaced with gravel or permeable grid pavers;
 - (b) not exceed 250 square metres in area, exclusive of the driveway connection between the lot and the road but inclusive of circulation aisles; and
 - (c) be limited to the following locations:
 - i. one parking lot each on PIDs 40228363 and 40066938; and
 - ii. seven parking lots on PID 40038655.
- 7.4.6 Retail sales in the Fishing Industry Zone are limited to the sale of fishing gear and the sale of fishery products.
- 7.4.7 Assembly uses, cultural facilities, galleries, personal service shops, restaurants, retail sales, and workshops are not permitted to be open to the public outside the hours of 7:00 a.m. to 9:30 p.m., except in conjunction with a special event that meets the requirements of Section 7.13.
- 7.4.8 Schools in the Fishing Industry Zone are limited to vocational schools teaching skills related to the commercial fishery.
- 7.4.9 Despite the definition of gallery, galleries on PIDs 40038333 and 40038259 may include the on-site sale of art and craft as an accessory use.

7.5 Accessory Uses – General

7.5.1 Uses accessory to main uses are permitted in all use zones, subject to any additional requirements that apply to specific accessory uses in Sections 7.6 through 7.10, as applicable.

7.6 Accessory Uses – Personal Office or Studio

7.6.1 Nothing in this Bylaw may prevent, and no development permit is required for, the use of a portion of any dwelling or building accessory to a dwelling as a 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.

7.7 Accessory Uses – Instruction of One or Two Students at a Time

7.7.1 Nothing in this Bylaw may prevent, and no development permit is required for, the use of a portion of any dwelling or building accessory to a dwelling for the instruction of one or two students at a time.

7.8 Accessory Uses – Home-based Businesses

- 7.8.1 Home-based businesses are permitted accessory to a dwelling use, subject to the following requirements:
- (a) The owner of the business must have their primary place of residence in the dwelling.
 - (b) No more than two (2) non-resident, on-site employees are permitted at one time.
 - (c) The following uses are permitted as a home-based business:
 - i. Accommodations
 - ii. Day care centres
 - iii. Offices
 - iv. On-site preparation of food for off-site catering
 - v. Personal service shops
 - vi. Repair shops, excluding automobile repair shops
 - vii. Restaurant, take-out only
 - viii. Studios for the practice or instruction of fine arts, commercial arts, or crafts
 - ix. Tailoring and/or commercial sewing
 - x. Workshops

- (d) A home-based business may include more than one of the uses permitted in clause (c) at one time, but the provisions of this section will apply to the whole home-based business. For example, the combined floor area of all the uses in the home-based business cannot exceed the floor area permitted by clause (g).
- (e) Retail sales of products is permitted if the retail sales are confined within a building and either:
 - i. the products are made, refinished, or repaired on the premises; or
 - ii. the sale is directly associated with and accessory to the primary business, such as the sale of shampoo by a hairdresser.
- (f) Home-based businesses are not permitted within accessory buildings in the Fishing Industry Zone unless there is an existing dwelling on the lot within the Fishing Industry Zone.
- (g) Except for accommodation uses, the maximum total commercial floor area of the home-based business must not exceed the equivalent of 25% of the gross floor area of the dwelling or 50.0 square metres, whichever is less.
- (h) Accommodation uses as a home-based business are limited to a maximum of four (4) guest rooms.
- (i) Accommodation uses as a home-based business are not permitted in more than two buildings (main or accessory) on a lot.
- (j) Accessory buildings used for home-based businesses must be fully enclosed and must meet the architectural requirements for both main and accessory buildings found in Sections 8.6 through 8.9.

7.9 Accessory Uses – Outdoor Commercial Display

- 7.9.1 Outdoor commercial display is permitted accessory to an enclosed business, except home-based businesses, provided such display is confined to an area not larger than 2.0 square metres.

7.10 Accessory Uses – Ground-mount Solar Panels

- 7.10.1 Ground-mount solar panels are permitted accessory to a main use, subject to the following provisions:
- (a) the maximum surface area of the panels on a lot is 15 square metres; and
 - (b) the maximum height of the panels is 2 metres.

7.11 Commercial Motor Vehicles

- 7.11.1 No more than two (2) commercial vehicles are permitted to be kept on a lot in the Residential Zone.
- 7.11.2 Commercial motor vehicles kept on a lot in the Residential Zone must not exceed a registered weight of 4.5 tonnes.
- 7.11.3 For greater clarity, the parking of commercial vehicles in the Residential Zone is not permitted to include an actively-serving food truck.

7.12 Non-conforming Uses

- 7.12.1 Non-conforming uses are subject to the *Peggy's Cove Commission Act*.
- 7.12.2 Further to the *Peggy's Cove Commission Act*, a non-conforming use is considered "discontinued" if the use ceases operation for a continuous period of six months. Seasonal businesses will be considered to have ceased operation as of December 31st if they did not operate within the previous 12 months. For greater clarity, uses that are not operating due to a state of emergency, or similar directive, issued by the Government of Nova Scotia or the Government of Canada are not considered to have ceased operation.
- 7.12.3 Requests to change one non-conforming use to a similar non-conforming use, as provided for by the *Act*, must be made in writing to the Commission prior to application for a development permit.
- 7.12.4 The Commission must decide to allow or deny the change of non-conforming use. In making their decision, the Commission should consider the qualities of the proposed use compared to the existing non-conforming use in terms of:
 - (a) noise;
 - (b) odour;
 - (c) vehicular and pedestrian traffic;
 - (d) waste generation;
 - (e) hours of operation;
 - (f) light emission;
 - (g) servicing requirements; and
 - (h) any other qualities deemed relevant by the Commission.
- 7.12.5 The Commission must notify the Development Officer and the applicant of their decision in writing.

7.12.6 If the Commission allows for the change of non-conforming use, the Development Officer must grant a development permit contrary to Section 7.2 provided all other requirements of this Bylaw are met. The new use will continue to be considered "non-conforming" for the purposes of the *Peggy's Cove Commission Act* and this Bylaw.

7.12.7 This Bylaw does not provide for appeal of the Commission's decision on a change of non-conforming use to a similar non-conforming use.

7.13 Special Events

7.13.1 The temporary use of land for the celebration of holiday events, markets, or special community events is permitted in all use zones except the Conservation Zone, subject to the following requirements:

- (a) No development permit is required, but written notice of the event must be provided to the Commission at least five (5) days prior to the event.
- (b) Stages, tents, awnings, portable washrooms, bleachers, and other similar structures are permitted accessory to the use, but no such structure is permitted to remain in place for more than seven (7) consecutive days.
- (c) Up to two (2) food trucks are permitted accessory to the use.
- (d) The maximum duration of an event is five (5) consecutive days.
- (e) The maximum number of special events per lot is two (2) per year. For greater clarity, an event held over multiple days is only considered to be a single event if those days are consecutive.
- (f) The commercial provision of wedding facilities is not considered a special community event.

7.14 Temporary Construction Uses

7.14.1 Nothing in this Bylaw may prevent the use of land for temporary buildings or structures that are accessory to construction in progress, such as a tool or maintenance shed or scaffold, provided that the construction complies with this Bylaw.

7.14.2 For greater clarity, a mobile home or a sales or rental office is not considered a temporary construction use.

7.15 Utility Uses

- 7.15.1 Unless otherwise stated, a utility that is essential for the actual provision of a service, including but not limited to public or private sewer collection and treatment facilities; water supply and distribution facilities; and facilities for the distribution of electrical power, telephone, internet, and cable television is permitted in any use zone.
- 7.15.2 Utility uses not essential for the direct provision of services are permitted or not as outlined in Table 7.B. This includes uses such as, but not limited to, utility offices and maintenance workshops.

7.16 Vending

- 7.16.1 Vending is prohibited, except:
- (a) food trucks accessory to an event, as permitted in Subsection 7.13.1; and
 - (b) three (3) yard sales per lot per year, each limited to two (2) continuous days in length.

8 FORM

8.1 Building Standards

8.1.1 Buildings must meet the standards of Table 8.A.

Table 8.A: Building Standards

Requirement	Main Buildings	Accessory Buildings
(a) Maximum height		
(i) Fishing Industry Zone	6.1 m	6.1 m
(ii) All other zones	7.6 m	7.1 m
(b) Minimum setback from lot lines	1.0 m	1.0 m
(c) Maximum footprint		
(i) If front lot line setback < 6 m	140 m ²	30 m ²
(ii) If front lot line setback > 6 m	140 m ²	70 m ²
(d) Maximum number of buildings on a lot	3	5
(e) Maximum total combined footprint on a lot	300 m ²	200 m ²
(f) Minimum separation distance between buildings on the same lot	5.0 m	2.0 m from main buildings; 1.0 m from accessory buildings

8.1.2 Despite clause 8.A(b), there is no minimum setback from lot lines bordering the ocean in the Fishing Industry Zone.

8.1.3 Despite clause 8.A(f), there is no minimum separation distance between buildings in the Fishing Industry Zone.

8.1.4 For the purposes of clause 8.A(d), an existing building that crosses lot lines will be counted towards each lot's maximum number of buildings.

8.2 Building to be Moved

8.2.1 Buildings, residential or otherwise, must not be moved within or into the Preservation Area unless a development permit for the relocation of the building has been granted or the building is a development that does not require a development permit, as outlined in Section 5.2.

8.3 Non-conforming Structures

- 8.3.1 Any structure that exists, as defined by Section 4.6, on the effective date of this Bylaw but does not conform with the requirements of this Bylaw is considered a non-conforming structure.
- 8.3.2 Non-conforming structures may be replaced, reconstructed, enlarged, renovated, and/or repaired, provided:
 - (a) any such construction does not further infringe on the Bylaw requirement(s) that created the non-conformity; and
 - (b) all other requirements of this Bylaw are met.

8.4 Site Design – Grade Alteration and Excavation Materials

- 8.4.1 Alteration of the granite bedrock is not permitted, except for the development of public roads.
- 8.4.2 Alteration of topsoil or the filling of land is not permitted except for the following purposes:
 - (a) the construction of a driveway or parking area provided no cut or fill exceeds 0.60 metres in depth;
 - (b) the construction of a structure;
 - (c) the construction of climate adaptation or flood control measures;
 - (d) the construction of a disposal bed for an onsite sewer system; or
 - (e) the construction of garden beds.
- 8.4.3 No fill or excavation material is permitted to be placed on exposed granite rock, wetland, swamp, or bog except what is necessary for the construction of a driveway or structure, subject to all applicable Provincial and Federal approvals.

8.5 Site Design – Driveways and Parking Areas

8.5.1 Driveway widths must not exceed:

- (a) 3.7 metres in the Residential Zone and Fishing Industry Zone; and
- (b) 6.1 metres in the Core Zone and Service and Facilities Zone.

8.5.2 The number of driveways on a lot must not exceed two (2).

8.5.3 Parking areas in the Residential Zone and Core Zone must not exceed 60 square metres per lot, excluding the driveway.

8.6 Architectural Design – Building Proportions

8.6.1 The proportions of any new building or alteration or expansion to an existing building must be rectangular in plan for the principal component.

8.7 Architectural Design – Windows

8.7.1 Windows on main buildings and accessory buildings are subject to the following requirements:

- (a) Windows must be single- or double-hung.
- (b) Contrary to clause (a), casement, awning, and fixed window types are permitted provided muntins are used to provide a window profile similar to a single-hung window with a central meeting rail (check rail).
- (c) Windows must be rectangular and vertically oriented with a minimum width to height ratio 1:1.5 to a maximum width to height ratio of 1:2.
- (d) Wider, horizontal window openings may be achieved by combining sash windows in a mullioned frame.
- (e) Contrary to clause (c), windows may deviate from being rectangular and vertically-oriented in the following situations:
 - i. Bathroom windows except those on the front principal façade.
 - ii. Windows on the first storey level of commercial or industrial buildings.
 - iii. Windows located directly below the gable peak of a roof.

8.7.2 Windows located within doors are subject to the provisions of Subsection 8.7.1 unless the window has an area of less than 1.0 square metre.

8.8 Architectural Design – Roofs

- 8.8.1 Roofs for main buildings and accessory buildings must be one of, or a combination of, the following types:
- (a) Hipped
 - (b) Gabled
- 8.8.2 Dormers are permitted.
- 8.8.3 Roofs for main buildings and accessory buildings must have a slope between 1:12 and 12:12.
- 8.8.4 Roof materials must be:
- (a) asphalt shingles;
 - (b) rolled asphalt;
 - (c) solar photovoltaic shingles;
 - (d) standing seam metal; or
 - (e) wood shingles.

8.9 Architectural Design – Exterior Materials

- 8.9.1 Exterior materials for main and accessory buildings must meet the following requirements:
- (a) Exterior wall cladding must be:
 - i. wood shingled siding or narrow horizontal smooth clapboard wood siding;
 - ii. wood- or cellulose-composite panels, such as MDF and fibre-cement board, designed to mimic the appearance of traditional wood siding; or
 - iii. vinyl siding designed to mimic the appearance of wood shingles.
 - (b) Vinyl siding that does not mimic wood shingles, metal siding, stucco, brick, stone, and other wall cladding materials that do not meet clause (a) are prohibited. For greater clarity, this does not apply to roofs, foundations, or chimneys.
 - (c) Cladding and trim must match on all sides of the building.
 - (d) Building corners must have cornerboards or butted shingles.
 - (e) Solar panels on roofs are permitted.

8.10 Exterior Lighting

8.10.1 Exterior lighting fixtures in the Core Zone and Service and Facilities Zone must be full cutoff fixtures.

8.11 Fences

8.11.1 Fences greater than 2.0 metres in height are not permitted.

8.12 Decks

8.12.1 The total combined maximum surface area of decks and patios on a lot is:

- (a) 75.0 square metres in the Residential Zone; and
- (b) 100.0 square metres in the Core Zone.

8.12.2 Decks and patios must be set back from property lines a minimum of 1.0 metres.

8.13 Drive-through Windows

8.13.1 Drive-through windows are prohibited.

8.14 Solid Waste Storage

8.14.1 Facilities for storing solid waste (garbage, recycling, and compost) in the Core Zone and Service and Facilities Zone must be enclosed within a building or fully screened from the view of dwellings and public streets by an opaque fence.

9 SIGNAGE

9.1 General

- 9.1.1 Contrary to anything else in this Bylaw, the following signs are prohibited throughout the Preservation Area:
- (a) Signs outside of the Core Zone or Fishing Industry Zone that are not listed in Subsection 9.1.2 or 9.1.3
 - (b) Internally-illuminated signs
 - (c) Roof signs
 - (d) Mobile signs
 - (e) Any sign or sign structure that constitutes a hazard to public safety or health
 - (f) Any privately-owned directional or advertising sign located off the lot of the business establishment to which it refers, except that any business establishment not having direct access to a public street is permitted, subject to the agreement of the applicable landowner, one sign at the entrance to the access road or driveway that connects such property to a public street, and that sign will constitute the free-standing sign permitted for that business
 - (g) Any sign that by reason of size, location, content, or colouring obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on a public street
 - (h) Any sign not erected for traffic control purposes that makes use of words such as "STOP," "LOOK," "ONE WAY," "DANGER," "YIELD," or any similar words, phrases, symbols or characters used in a manner which may mislead, confuse, or interfere with traffic
 - (i) Any sign on public property or a public right-of-way not erected by a government body, unless required or specifically permitted by the Province of Nova Scotia or other applicable public body
 - (j) Any sign not erected by a government body that is located at or near a sharp road curve or below the crest of a hill
 - (k) Any sign painted on a tree, stone, cliff, or other natural object

9.1.2 Unless prohibited by Subsection 9.1.1, the following signs are permitted throughout the Preservation Area, except the Conservation Zone, and do not require a development permit:

- (a) Signs of not more than 0.20 square metres in area identifying the name and address of a resident or residents on the lot
- (b) Signs of not more than 0.50 square metres advertising a home-based business on the lot
- (c) Signs of not more than 0.50 square metres in area advertising the availability for sale or rent the property on which the sign is located
- (d) The flag, pennant, or insignia of any government, or of any religious, charitable, or fraternal organization
- (e) Church identification signs and church directional signs
- (f) One menu board of not more than 0.40 square metres in area per restaurant use on the lot

9.1.3 Unless prohibited by Subsection 9.1.1, the following signs are permitted throughout the Preservation Area, including the Conservation Zone, and do not require a development permit:

- (a) Signs of not more than 0.20 square metres in area regulating the use of a property such as a "No Trespassing" sign or similar warning sign
- (b) Signs of not more than 0.50 square metres in area regulating or denoting on-premises traffic or parking, or other signs denoting the direction or function of various parts of a building or premises
- (c) Signs erected by a government body or under the direction of such a body and bearing no commercial advertising, such as traffic signs, safety signs, and interpretative or informational signs
- (d) Memorial signs or tablets and signs denoting the date of erection of a structure

9.2 Signage in the Core Zone and Fishing Industry Zone

- 9.2.1 In addition to the provisions of Subsection 9.1.2 and 9.1.3, and subject to the provisions of Subsection 9.1.1, the following signs are permitted in the Core Zone and Fishing Industry Zone:
- (a) Two façade-mounted wall signs per main building, each of which meets all the following provisions:
 - i. the maximum sign area is 1.1 square metres; and
 - ii. the maximum sign width is fifty percent of the width of the wall on which it is mounted.
 - (b) One additional façade-mounted wall sign per lot, with a maximum sign area of 0.5 square metres.
 - (c) Two projecting wall signs per main building, each of which meets all the following provisions:
 - i. the maximum sign area is 1.1 square metres;
 - ii. the maximum length of any sign dimension is 1.5 metres;
 - iii. the minimum distance between grade and the bottom of the sign is 2.5 metres; and
 - iv. the sign must not extend beyond a property line or project over a public right-of-way or any driveway or parking space.
 - (d) One free-standing sign, per lot, that meets all the following provisions:
 - i. the maximum sign area is 1.4 square metres;
 - ii. the maximum length of any sign dimension is 1.5 metres;
 - iii. the maximum height from grade to the highest part of the sign is 1.5 metres;
 - iv. the sign must not extend beyond a property line or project over a public right-of-way or any driveway or parking space;
 - v. the sign must be set back a minimum of 1.5 metres from any property line; and
 - vi. the sign must not present more than two visible faces.
- 9.2.2 Signage in the Core Zone and Fishing Industry Zone may be illuminated but such illumination must:
- i. be provided by an external, full cutoff light fixture; and
 - ii. be turned off outside of business hours.

10 AMENDMENTS & REVIEW

10.1 Amending this Bylaw

- 10.1.1 The Commission may amend the text or schedules of this Bylaw in a manner consistent with the *Peggy's Cove Commission Act*.
- 10.1.2 Amendments to this Bylaw may arise:
- (a) as initiated by the Commission in response to a request by a property owner or member of the public;
 - (b) as initiated by the Commission in response to an identified deficiency or need within the Bylaw;
 - (c) as initiated by the Commission as part of regular review under Section 10.2; or
 - (d) by repeal of a portion or all of the Bylaw by the Minister responsible for the *Peggy's Cove Commission Act*, as provided for under Section 8(2) of the Act.
- 10.1.3 The Commission is not obligated to initiate a process to consider amendments to this Bylaw in response to a request by a property owner or member of the public; however, such requests should be considered except where:
- (a) a similar request has been considered and denied within the last twelve (12) months and the facts of the request have not materially changed; or
 - (b) the request is on the face of it clearly contrary to the Intent in Part 2.

10.2 Regular Review of this Bylaw

- 10.2.1 The Commission should, within five (5) years of adopting this Bylaw, initiate a housekeeping review to identify and correct any typographical errors, errors in drafting, or deficiencies within the Bylaw.
- 10.2.2 The Commission should, within ten (10) years of adopting this Bylaw, initiate a comprehensive review to reassess the Intent in Part 2 and update any other parts of the Bylaw to align with changes to the Intent, if any.

10.3 Application for Amendment

10.3.1 Applications to amend this Land Use Bylaw must be made in writing to the Commission and must include:

- (a) a general description of the requested amendments;
- (b) identification of the specific property or properties (if any) to which the amendments would apply;
- (c) a description of any proposed development that would be enabled by the amendments; and
- (d) the signature and contact information for the applicant.

10.4 Additional Information Required

10.4.1 The Commission may, at any time prior to approving draft amendments to this Bylaw, require the applicant to provide additional information, prepared by the appropriate professional at the applicant's cost, to aid in evaluation of the criteria outline in Section 10.7. Such additional information may include, but is not limited to:

- (a) site plan;
- (b) site survey or location certificate;
- (c) watercourse delineation study;
- (d) stormwater management plan;
- (e) floor plans and elevation drawings;
- (f) site grading plan;
- (g) traffic impact assessment or study;
- (h) environmental study;
- (i) cultural resource assessment; and/or
- (j) heritage study.

10.5 Process for Making Amendments

- 10.5.1 The Commission must undertake, at a minimum, the following steps to amend this Land Use Bylaw:
- (a) A successful motion to initiate the process to consider amendments to this Bylaw and to establish the methods of public engagement.
 - (b) Any applicable preliminary public engagement outlined in Subsection 10.6.2 and Subsection 10.6.3.
 - (c) Preparation of drafts of the amendment(s).
 - (d) A vote to approve the draft amendment(s) and set the date for the Public Hearing.
 - (e) The Public Hearing as outlined in Subsection 10.6.1.
 - (f) A vote to adopt the amendment(s).
 - (g) Submission and filing of the amended Bylaw in compliance with the *Peggy's Cove Commission Act*.
- 10.5.2 Amendments to this Bylaw take effect when approved by the Minister responsible for the Act.
- 10.5.3 Substantial changes to proposed amendments occurring after the Public Hearing will require a new Public Hearing meeting the requirements of Subsection 10.6.1.

10.6 Public Engagement

- 10.6.1 The process to amend this Bylaw must include a Public Hearing following approval of the amendments but prior to adoption of the amendments. In holding a Public Hearing, the Commission must:
- (a) provide notification of the Public Hearing at least 21 calendar days in advance in a form of media that is reasonably accessible and available to all property owners within the Preservation Area;
 - (b) make the proposed amendments available for inspection by the public at all times during regular business hours for a minimum of 21 calendar days in advance of the Public Hearing;
 - (c) provide for written submissions and verbal presentations to the Commission; and,
 - (d) keep meeting notes of verbal presentations and a copy of all written submissions as part of the Commission records.
- 10.6.2 The process to amend the Intent in Part 2 of this Bylaw must, in addition to the Public Hearing, include preliminary engagement consisting of, at a minimum, a public meeting to review the current Intent and the community's vision for the future.
- 10.6.3 The Commission may establish additional preliminary engagement for any amendments to this Bylaw as warranted by the scope and potential community impact of the amendments. Additional preliminary engagement may include, but is not limited to:
- (a) public meetings;
 - (b) surveys;
 - (c) stakeholder interviews;
 - (d) design charrettes;
 - (e) information booths;
 - (f) advertising and communications materials; or,
 - (g) any combination of the above.

10.7 Criteria for Evaluating Proposed Amendments

10.7.1 The Commission should, in evaluating proposed amendments to this Land Use Bylaw, consider whether any development enabled by the proposed amendment:

- (a) is consistent with the Intent, as outlined in Part 2;
- (b) can be adequately serviced with potable water and appropriate sewage disposal;
- (c) can be adequately protected by available fire services;
- (d) would create traffic hazards or unacceptable congestion on road, cycling, and pedestrian networks;
- (e) would create a new, or worsen a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
- (f) would increase site-specific climate change risks;
- (g) would create flooding or serious drainage issues, including within the proposal site and in nearby areas;
- (h) would impact cultural sites, registered heritage buildings, or known habitat for species at risk;
- (i) would enable the expansion or evolution into a standalone commercial use of a home-based business that has proven to be compatible with the Intent, outlined in Part 2, and the general character of the community; and,
- (j) if an amendment to the Zoning Map is proposed, aligns with the Zone Purpose, as outlined in Table 7.A.

10.8 Appeal of Amendment Decision

10.8.1 This Bylaw does not provide for appeal of the Commission's decision regarding amendments to this Bylaw.

11 DEFINITIONS

Act means the *Peggy's Cove Commission Act*. R.S., c. 339, s. 1., unless otherwise specified.

Accessory Building means a subordinate building on the same lot, or adjacent lot, as the main building and devoted exclusively to an accessory use, but does not include a building attached in any way to the main building.

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

Accommodations means the use of a building, or part thereof, for the commercial provision of temporary accommodations for the travelling public, and may include the service of food to guests but may not include food service for non-guests.

Alter means any change to structural components or increase in the volume of a building or structure.

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, but does not include a commercial wedding venue.

Building means a structure, whether temporary or permanent, that is roofed and that is used for the shelter or accommodation of persons, animals, material, or equipment.

Commercial Floor Area means the total floor area used for commercial purposes, measured from the inside face of exterior and interior walls, as applicable, and including storage areas, commercial kitchens, and any hallways or washrooms intended for public uses, but excluding utility rooms. Where a commercial use includes commercial outdoor seating spaces the area of the smallest polygon that can encompass the commercial outdoor seating spaces will be included in the commercial floor area. Outdoor seating spaces separated by a horizontal distance of more than 5.0 metres will each be considered their own area and subject to individual polygons for the purpose of calculating commercial floor area.

Commercial Vehicle means a motor vehicle designed or primarily used for commercial purposes, such as, but not limited to, a bus, taxicab, truck tractor or trailer, or grader.

Commission means the Peggy's Cove Commission established under the *Peggy's Cove Commission Act*.

Craft Product means products assembled or made by hand or small custom production processes including but not limited to potters, pewterers, goldsmiths, silversmiths, jewelers, toy makers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, and caterers.

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

Cutoff Angle means the angle, measured up from the nadir (*i.e.* straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) of a light fixture is not visible.

Daycare Centre means a place where humans are cared for without overnight accommodation, but does not include a school.

Deck means an unenclosed platform raised above finished grade, but does not include any associated stairs or ramps, or water access structures.

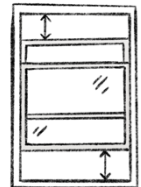
Development means to erect, construct, expand, alter, or relocate or reconstruct a building, structure, or sign; any significant permanent change or alteration to land levels; and any change or alteration in the use made of land or structures.

Development Officer means the person or persons appointed by the Commission to administer this Bylaw.

Dormer means a roofed structure, containing a window, that projects above the plane of a pitched roof.



Dormer



Double-hung Window

Double-hung Window means a window that has two sashes that can slide up and down.

Drive-through Window means a structure or window within a structure, along with associated travel and stacking lanes, for the purposes of providing goods or services to customers who remain within their automobile, but does not include a facility for paying for commercial parking.

Dwelling means the use of a building or part of a building to provide a home or residence for one or more persons and containing one or more dwelling units, but does not include an accommodations use.

Dwelling Unit means one or more habitable rooms within a dwelling designed, occupied, or intended for use by one or more persons as an independent and separate housekeeping establishment in which kitchen, sleeping, and sanitary facilities are provided for the exclusive use of such persons.

Erect means to build, construct, alter, or relocate and, without limiting the generality of the foregoing, is taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally altering any existing building or structure by an addition, deletion, enlargement, or extension but does not include work done in connection with the subdivision approval process or the temporary storage of fill.

Established Grade means:

- (a) when used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building, exclusive of any artificial embankment or entrenchment; or
- (b) when used in reference to a structure that is not a building, the average elevation of the fished grade of the ground immediately surrounding such structures, exclusive of any artificial embankments or entrenchment.

Fish Processing means the use of land, structures, or part thereof for the cleaning, filleting, curing, icing, packing, canning, freezing, salting, cooking, pickling, grading, or preparing fish, crustaceans, mollusks, seaweed, and sea salt for market, but does not include reduction.

Fishery Product means fresh or processed fish, crustaceans, mollusks, seaweed, or sea salt, not intended for immediate consumption, along with subsidiary food products or culinary tools intended to assist in their consumption, such as, but not limited to, seafood sauces and oyster knives.

Fishing Related Industry means the use of land, buildings, or part thereof in support of the commercial fishery and without limiting the generality of the foregoing includes commercial storage of fishing vessels, gear, and other related materials; docks; boat launches; and repair facilities; but does not include fish processing.

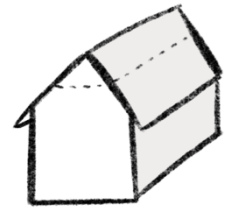
Food Truck means the vending, with or without on-site preparation, of food products from a vehicle or former vehicle body or trailer.

Footprint means the total area contained within the outside walls of the first floor of a building above the established grade.

Front Lot Line means the lot line dividing the lot from the street or private road. In the case of a corner lot or a lot with more than one line abutting a single street or private road the shorter boundary line abutting the street or private road will be deemed the front lot line. In the case of a through lot the longer boundary dividing the lot from the street or private road will be deemed to be the front lot line. In the case of a lot that does not abut a street or private road the lot line that is most closely opposite and parallel to the principal entrance to the main building will be deemed the front lot line.

Full Cutoff Light Fixture means a light fixture in which zero light intensity is emitted above a cutoff angle of 90 degrees and no more than 10% of the lumens emitted by the light fixture are emitted between a cutoff angle of 80 degrees and 90 degrees.

Gabled Roof means a roof that slopes downward in two parts at an angle from a central ridge so as to leave a vertical, triangular gable at each end.

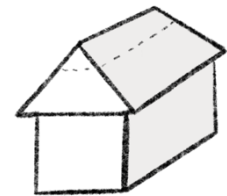


Gabled Roof Example

Gallery means the use of land, buildings, or part thereof for the display of art and craft and may include the display of art or craft that is for sale but may not include on-site sales, which falls under the definition of retail sales.

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

Height means the vertical distance between established grade and the highest point on a non-roofed structure or the mean level between the eaves and ridges of a roofed structure.



Hipped Roof Example

Hipped Roof means a roof that slopes upwards to a peak or ridge from all sides of the perimeter of the building.

Interpretive Centre means the use of a building 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, and may include grounds keeping and maintenance facilities as an accessory use.

Lot means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the 16th day of April, 1987, or is described in a plan and deed pursuant to the *Land Titles Clarification Act*, or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County.

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

Lot Frontage means the length of the front lot line.

Lot Line means a boundary or exterior line of a lot.

Main Building(s) means the building or buildings in which the primary use or uses of land are carried out and in the case of commercial businesses, except for home-based businesses, includes all buildings open to the general public.

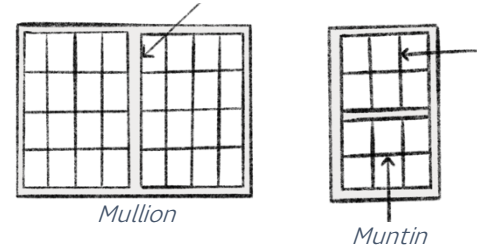
Marine Recreation Provider means a commercial recreation business that, due to its nature of the use, relies on the sea or ocean as an integral part of its operation, including but not limited to boat tours, deep sea fishing tours, and canoe and kayak rentals, but does not include uses related to the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

Market means the use of land, buildings, structures, or part thereof for the purpose of selling seasonal fresh produce, meat, fish, craft products, and ready-to-eat food by three or more independent vendors.

Medical Facility means the use of a building or part of a building where medical or therapeutic diagnosis and/or treatment services are provided to the general public, but does not include a public or private hospital or a professional office located in the practitioner's home.

Mobile Home means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, that arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations), located on wheels, jacks, or permanent foundation, and which may be connected to utilities and a septic disposal system.

Mullion means a heavy vertical or horizontal bar or rigid support between adjacent window openings.



Muntin means a narrow vertical or horizontal bar or rigid support between adjacent panes of glass within a window.

Office means the use of a building or portion of a building where business may be transacted, a service performed or consultation given, such as, but not limited to, offices for lawyers, architects, engineers, planners, accountants, real estate agents, therapists, psychologists, and photographers but does not include any place where manufacturing of any product or selling of goods is carried on.

Outdoor Commercial Display means a display of goods on a lot for the purpose of encouraging the purchase of the display items or items similar to the display items.

Parking Lot means the use of land to temporarily park automobiles and may include facilities for the control of automobile admittance and exit and may include the provision of parking spaces on a commercial basis.

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

Patio means an at-grade surface paved with asphalt, bricks, concrete pavers, hard-packed gravel, or similar hard surfaces but does not include pathways with a width of less than 1.5 metres, driveways, or parking lots.

Personal Service Shop means the use of a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and may include, but is not limited to, 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 or the boarding or care of animals.

Place of Worship means a place dedicated to 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.

Post Office means the use of a building or part thereof for the collection and delivery of post, and may include the retail sale of stamps, packaging, and other materials related to preparing post for shipment.

Preservation Area means the Peggy's Cove Preservation Area as designated by the Governor in Council pursuant to the *Peggy's Cove Commission Act*.

Repair Shop means the use of a building or part thereof for servicing, repairing, installing, or renting things and equipment, including but not limited to, the following: radio or television service or repair shops, locksmith shops, small appliance service or repair shops, small engine repair shops, household and carpenter tool service and repair shops, but does not include industrial, manufacturing, or motor vehicle repair shops.

Reduction means the use of a building or part of a building where offal including the whole or parts of an animal or a combination thereof is rendered into meal, fertilizer, or any other byproduct.

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

Retail Sales means the use of a building or part of a building in which goods, wares, merchandise, materials, ingredients, 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, display courts, retail lumber and home improvement yards, or heavy equipment sales and rentals.

Private Road means any road that is not owned by Halifax Regional Municipality or the Crown and for the purposes of this Bylaw this definition includes deeded rights-of-way.

School means an educational establishment, whether public or private, intended for:

- (a) the academic instruction of students up to the completion of Grade 12;
- (b) instruction in extracurricular activities and/or vocational skills; or
- (c) degree- or diploma-granting academic instruction of students after the completion of Grade 12.

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.

Sign means any structure, device, light, painting, or other representation or natural object that is used to identify, advertise, or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which displays or includes any letter work, model, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "sign" that is affixed to the inside of a window or glass door.

Façade-mounted Wall Sign means a sign attached to, painted on, or erected against a wall of a building, with the face horizontally parallel to the building or structure wall.

Free-standing Sign means a sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Menu Board means a façade-mounted wall sign that displays or contains a restaurant menu.

Mobile Sign means a sign that is not permanently affixed to the ground or a building.

Projecting Sign means a sign that is attached to and projects from a structure or building face, and includes signs painted on or attached to awnings or canopies.

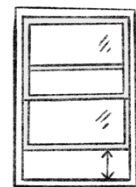
Roof Sign means a sign attached to the roof of a building or structure or projecting above the fascia board of a building or structure.

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 multifaced sign is used to determine sign area. The sign area of individual letters or figures that are attached or painted on a surface is the area of the smallest triangle, rectangle, circle, or semicircle that can wholly enclose all the letters, numbers, or insignia.

Single-hung Window means a window with two sashes, the top of which is fixed in place and the bottom of which can slide up and down.

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

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 buildings, walls, decks, signs, and fences but does not include a vehicle.



Single-hung Window

Trails and Conservation Uses means the use of land for recreational trails, land conservation, and/or the study of local ecosystems.

Utility Room means a room or portion of a room where facilities and infrastructure for the operation of the building are contained, such as, but not limited to, water heaters, furnaces, electrical panels, hydronic pumps, meters, well pumps, water treatment systems, alarm panels, and heating fuel tanks. Where a room contains other uses, only the floor area dedicated to the utility infrastructure may be considered as the “utility room”.

Vending means the sale, offering for sale, or provision for promotional purposes, outside of an enclosed building, on public or private property, of food, beverages, or merchandise, but does not include such uses when part of a market or when meeting the definition and requirements of this Bylaw for outdoor commercial display.

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

Workshop means the use of a building or part thereof for the creation of craft products. This definition also includes “maker spaces”.

Yard Sale means the sale of household goods, craft products, or baked goods on a temporary basis from residential or institutional premises and includes any such sale traditionally known as “garage sale”, “rummage sale”, or “tea and sale”.

SCHEDULE 'A' – ZONING MAP



Cove inset map

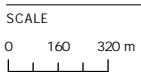
MAP

Peggy's Cove Zoning [DRAFT]

SCHEDULE
A

LAST UPDATED
7/26/2023

DATA SOURCE
Prov. of NS



PROJ.
NAD83 CSRS
UTM 20 N



LEGEND

- R Residential Zone
- COR Core Zone
- S Service and Facilities Zone
- F Fishing Industry Zone
- CON Conservation Zone



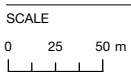
MAP

Peggy's Cove Zoning - Cove Inset [DRAFT]

SCHEDULE
A

LAST UPDATED
7/26/2023

DATA SOURCE
Prov. of NS



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NAD83 CSRS
UTM 20 N



LEGEND

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