Municipality of the
District of Clare

Stantec



LAND USE BYLAW

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CHAPTER 1

SCOPE

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1.1 TITLE, INTRODUCTION AND PURPOSE

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

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

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

- The Bylaw shall be known as the "Municipality of the District of Clare Land Use Bylaw" and shall apply to all the lands within the Municipality of Clare, hereinafter referred to as the Planning Area, as defined by the Zoning Map (Appendix A).
- The purpose of this Land Use Bylaw is to carry out and implement the land use development policies contained within the District of Clare MPS in accordance with the *Municipal Government Act*. The *Municipal Government Act* also enables the Municipality to adopt a Subdivision Bylaw to control the division of land. These three documents provide the framework for planning and development in the Planning Area.
- The regulations and standards contained within this Bylaw that apply to the development and use of land within the Planning Area are presented, below, as follows:
  - Part 2: The definitions section to determine how specific developments or lot conditions are defined or applied to a development
  - Part 3: The administration and interpretation section to define permit requirements
  - Part 4: The general provisions, which apply to all zones
  - Part 5: The requirements applicable in each zone created by this Bylaw
  - Appendix A: The Zoning Map illustrating where each zone is to be applied within the Planning Area.
- Property boundaries as shown on the Zoning Map (Appendix A) are continuously subject to change due to approvals of applications for subdivision of land. They are included for information and clarification purposes only and do not form part of this Bylaw.

CHAPTER 2

DEFINITIONS

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2.1 DEFINITIONS

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

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

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

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

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

AGRICULTURAL-RELATED INDUSTRY means a commercial or industrial use involving the sale, processing, sorting, grading, packaging, inspection, storage, distribution, or transportation of agricultural crops, products, and livestock, as well as the manufacturing and production of livestock feeds, soil additives and amenders, fertilizer, herbicide, or pesticide and the stockpiling of bulk materials used in the production process. Facilities for the slaughtering and/or processing of agricultural livestock, excluding a rendering plant, shall also be included along with their necessary accessory uses and buildings.

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

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

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

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

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

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

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

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

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

BARELAND CONDOMINIUM means a condominium development in which the condominium units consist of parcels of land, and common elements and unit boundaries are established in accordance with the applicable provincial condominium legislation.

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

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

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

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

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

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

BUSINESS AND PROFESSIONAL OFFICES means a building or part of a building where business may be transacted, a service performed, management and general supervisory functions performed,

or consultation given by, but not limited to administrators, lawyers, architects, planners, engineers, accountants, private consultants, and similar professions, but shall not include veterinary clinics or the manufacturing of any product or the on-site retailing or selling of goods.

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

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

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

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

CLUB means:

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

CONTINUING CARE RESIDENTIAL COMMUNITY means a group of buildings, services, and amenity areas that offers multiple levels of care (independent living, assisted living, skilled nursing care, long term care facilities) housed in different areas in the same location and operates as one integrated facility and may include the provision of residential services (meals, housekeeping, laundry), social and recreational services, health services, and personal care and nursing care to individuals or couples who require assistance with daily living.

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

COMMERCIAL EDUCATIONAL & LEARNING CENTRE means a learning or educational centre conducted for monetary compensation and includes a privately operated school,

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college, or university as well as similar uses such as but not limited to a language or driving school but does not include daycares.

COMMERCIAL MEETING SPACE means a space, spaces, or a building available for lease for weddings or similar gatherings and for special events including the temporary sale of goods and/or services for a prescribed period of time not exceeding one year.

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

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

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

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

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

DAY CARE means:

1. **DAY CARE CENTRE, NON-RESIDENTIAL** means a place where three or more children or adult seniors are cared for on a temporary daily basis for compensation without overnight accommodation but does not include a school.
2. **DAY CARE CENTRE, RESIDENTIAL** means that portion of a residential dwelling that is used to accommodate more than three but fewer than seven children or adult seniors who are cared for on a temporary basis for compensation without overnight accommodation.

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

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

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

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1. **DWELLING UNIT** means one or more habitable rooms designed, occupied or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.
2. **DWELLING, SINGLE-UNIT** means a residential building consisting of one dwelling unit that is fully located on a lot and, unless otherwise stated in this Bylaw, includes mobile and tiny homes.
3. **DWELLING, TWO-UNIT** means a residential building that is divided into two dwelling units, each of which has independent entrances either directly to the outside or through a common entrance from the street level.
4. **DWELLING, MANUFACTURED** means a transportable, single- or multiple-section dwelling unit that, prior to its placement on a site, is constructed so as to meet the requirements of the Building Code in effect at the time of its manufacture.
5. **DWELLING, MOBILE HOME** means a building that is transported in one or more sections, that is built on permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities.
6. **DWELLING, MULTI-UNIT** means a residential building located on a single lot containing three or more dwelling units, which have individual entrances or a common entrance from the street level
7. **DWELLING, SECONDARY SUITE** means a dwelling unit located on the same lot as a single-detached owner-occupied residential structure either within, attached to, or separate from the first residential structure that is clearly secondary or subordinate to the single-detached structure and shall include but not be limited to dwelling units commonly referred to as basement apartments, in-law suites, granny flats.

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

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

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

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

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FLOOR AREA means:

1. **WITH REFERENCE TO A DWELLING** means the maximum area contained within the outside walls excluding any attached garage, porch, veranda, unfinished attic or basement, or other room not habitable at all seasons of the year
2. **WITH REFERENCE TO A DWELLING UNIT** where more than one unit is contained within a dwelling, means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit, excluding closets, built-in cabinets and storage areas, and balconies.
3. **FLOOR AREA, COMMERCIAL** means the total usable floor area within a building used for commercial purposes but excludes furnace and utility rooms, washrooms and, in the case of shopping malls, common hallways between stores.
4. **FLOOR AREA, GROSS** means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and, for the purpose of this clause, the walls of an inner court shall be considered to be exterior walls.
5. **FLOOR AREA, GROUND** means the maximum area contained within the outside walls of the ground floor of a building excluding any attached garage, porch, veranda, or other room not habitable at all seasons of the year.

FORESTRY USE means:

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

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

HABITABLE BUILDING means structure having a roof supported by columns or walls, built, constructed, placed, or located on a lot, designed and used for the accommodation, enclosure or assembly of human beings, regardless of whether the structure is intended for seasonal or permanent use, or whether or not the structure is used for overnight accommodation, including residential, commercial, institutional, industrial, and recreational buildings, but

not including a camp or a tent, and also not including accessory buildings or structures such as sheds and storage areas.

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

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

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

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

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

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

INDUSTRY means:

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

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

INSTITUTION OR INSTITUTIONAL USE means the use of land or buildings by any governmental body or agency to provide

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service on behalf of government and shall include an organized body or society promoting a particular purpose with no intent of profit, such as but not limited to community and cultural centres; food banks; public educational and learning centres such as but not limited to schools, colleges, and universities and visitor information centres,and universities and visitor or information centres, but shall not include a utility, a club, commercial community centre, commercial school, or place of worship.

KENNEL, ANIMAL DAY CARE, OR ANIMAL GROOMING SALON means any facility or operation for the purposes of accommodating, breeding, sale, or grooming of animals and may include provisions for daytime and overnight accommodation of animals including any outdoor facilities such as pens, runs, and enclosures.

LAND-LEASE COMMUNITY means any lot, piece, or parcel of land on which three (3) or more occupied manufactured homes are located and where the owner of the manufactured home leases the land on which the manufactured home is placed and includes any building, structure, or enclosure used or intended for use as part of the equipment of such land-lease community

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

LICENSED LIQUOR ESTABLISHMENT means an establishment licensed by the Nova Scotia Utility and Review Board under the *Liquor Control Act*.

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

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

1. **LOT, CORNER** means a lot situated at the intersection of and abutting on two or more streets; or on two parts of the same street forming an interior angle of less than 130 degrees.
2. **LOT, FLAG** means a lot configured such that the main body of the lot is at the rear of another lot and is accessed via a narrower prolongation to a street or roadway. A flag lot generally resembles a flag on a pole in the case of a rectangular layout, or the main body of the lot with an umbilical prolongation providing access in the case of such a lot having irregular boundaries.
3. **LOT, INTERIOR** means a lot situated between two lots and having access to one street.
4. **LOT, THROUGH** means a lot bounded on two opposite sides by streets or a highway provided, however, that if any lot qualifies as both a corner lot and a through lot as herein before defined, such lots shall be deemed to be a corner

lot for the purpose of this Bylaw.

5. **LOT AREA** means the total horizontal area within the lot lines of a lot.
6. **LOT COVERAGE** means the percentage of the lot that is covered by buildings excluding projecting eaves, balconies and similar features
7. **LOT FRONTAGE** means the length of a line joining the side lot lines and parallel to the front lot line.

LOT LINE means a boundary line of a lot.

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

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

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

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

MICRODISTILLERY means a craft distillery or winery engaged in the production and packaging of liquor and spirits, other than beer or wine, in small quantities (as defined by the National Building Code).

MUNICIPALITY means the Municipality of the District of Clare.

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

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

OUTDOOR STORAGE means items such as merchandise, goods, inventory materials, or equipment that are not intended for immediate sale and that are stored by being located on a lot exterior to a building.

PARK & RECREATIONAL USES means the use of land for parks, playgrounds, open space recreation, community gardens, open space conservation, tennis courts, lawn bowling greens, indoor and outdoor public skating rinks and athletic fields, band shells or

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pavilions, and similar uses to the foregoing, together with necessary and accessory buildings and structures, excluding a track for the racing of animals, or any form of motorized vehicles, except where permitted.

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

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

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

PERSON includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee or agent and the heirs, executors, or other legal assigns, wards, and representatives to whom the context applies according to law.

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

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

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

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

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

PRODUCE STAND means a single-storey moveable structure with a floor area less than 4.65 m^2 (50.1 ft^2) or wagon-top sales area used for the marketing, retailing, or distributing of agricultural products grown or harvested by a primary resident of the property on which the produce stand is located.

PUBLIC AUTHORITY means any committee, commission, or authority established by a municipal, provincial, of fereral body having jurisdiciton in Clare.

PUBLIC RECREATIONAL CENTRE means a building or lot or part of a building or lot

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

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

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

REPAIR SHOP means the use of a building for the installation or repair of office and household articles such as furniture, appliances, computers, electronics, and entertainment equipment, including the accessory display and sale of such items repaired.

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

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

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

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

SCRAP YARD OR SALVAGE YARD means an area of land used for the storage, handling, or processing of or sale of scrap material and including, without limiting the generality of the foregoing, wastepaper, rags, bones, used bicycles, vehicles, tires, appliances, metals, or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site or recycling depot.

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

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

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

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

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

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

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

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

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

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

STRATEGY means the Clare Municipal Planning Strategy (MPS).

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

STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.

TAXICAB OPERATIONS means the use of a building to administer an operation to assign vehicles to transport clients and may include parking for taxi vehicles.

TINY HOME means a dwelling unit that is 37.0 m^2 (398.3 ft^2) or less in floor area as outlined in the Building Code.

TRAIL means a path or lane cleared of vegetation and other obstructions to facilitate

its use for non-motorized transportation, such as but not limited to hiking, walking, cross-country skiing, or horseback riding together with any necessary and accessory structures such as barriers, boardwalks, gates, signage, and bridges.

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

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

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

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

VARIANCE means a change to a standard in this Bylaw that may be approved by the Development Officer as provided in Sections 235 and 236 of the *Municipal Government Act*.

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

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

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

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

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

WIND TURBINE shall be categorized by the vertical height of the entire wind turbine structure being the sum of the height of the support foundation above grade, measured at the base of the tower, the turbine tower itself and the highest vertical extension of the turbine rotor blades, generally expressed as half of the rotor blade sweep or diameter as follows:

1. **WIND TURBINE, MINI** means a roof-mounted turbine or a free-standing turbine with a wind turbine height of 10.6 m (34.8 ft) or less
2. **WIND TURBINE, SMALL SCALE** means a wind turbine height greater than 10.6 m (34.8 ft) but less than 47.2 m (154.8 ft).

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3. **WIND TURBINE, LARGE-SCALE** means a wind turbine height greater than 47.2 m (154.8 ft).

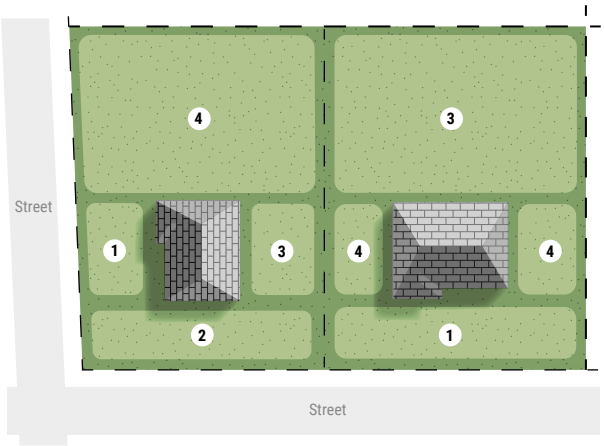
WORKSHOP means a building, structure, or part of a building or structure used for the manufacturing or repairing of goods, including:

1. **WORKSHOP, ARTIST** means the use of a building for the production of artist's works/products including the exhibition/display and retail sales of works/products, such as paintings, sculptures, or other works of art.
2. **WORKSHOP, CRAFT** means the use of a building for the production or repair of handicrafts, toys, garden, or household art, ornaments, or personal effects from dressmaking/tailoring, leather working, jewelry-making, pottery/ceramic-making, wood-working, quilting, crocheting, knitting, needlepoint, weaving, or sewing, including the exhibition/display and retail sales of such products.
3. **WORKSHOP, CUSTOM** means a building, or part thereof, used by a trade, craft, or guilds person, such as but not limited to, a carpenter, plumber, electrical contractor, or smith. It can include the manufacturing or repairs of small quantities of articles and goods, but excluding motor vehicles or their parts or accessories and the accessory sale of their products or work.

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

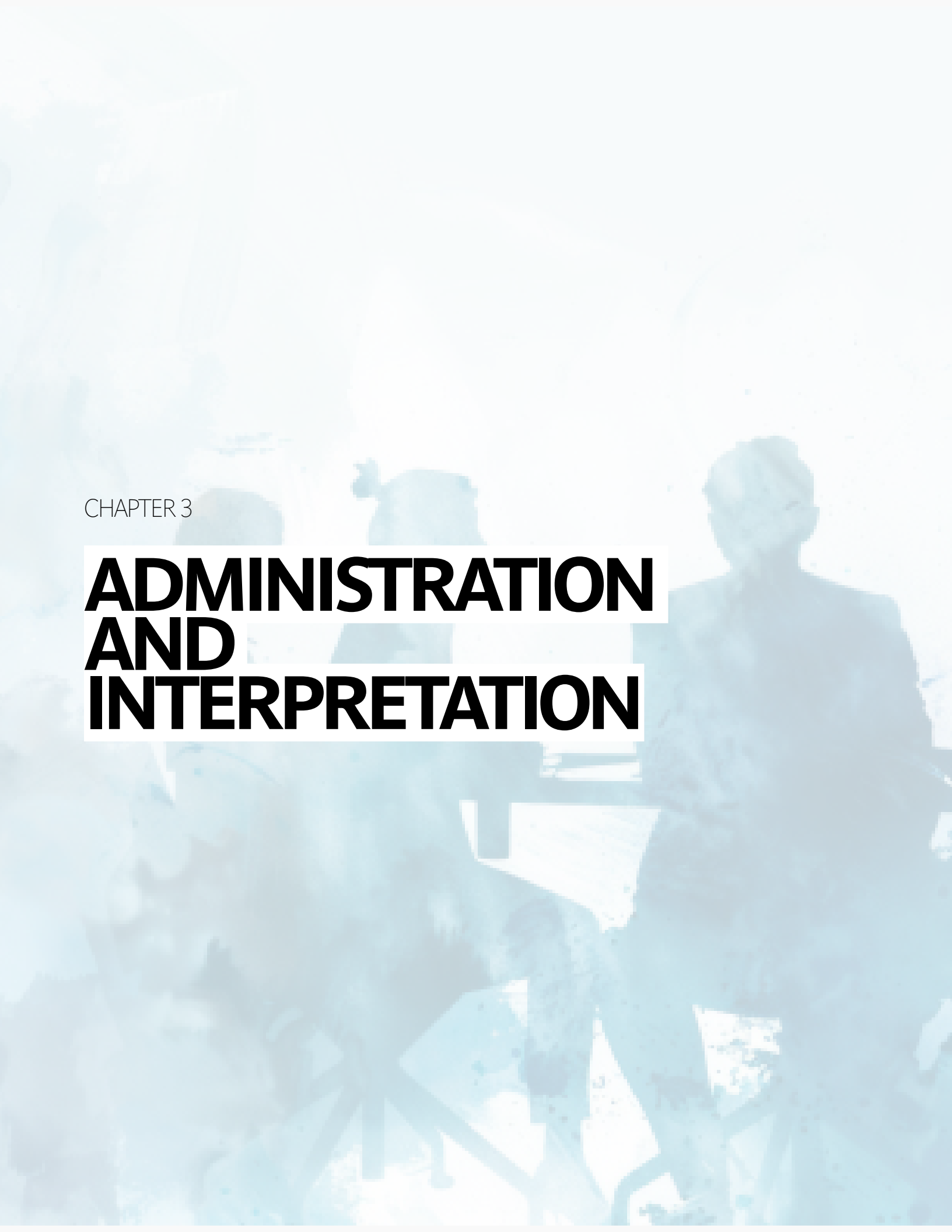
1. **YARD, ABUTTING** means a yard that is contiguous with or extends across one or more zone boundaries and can extend across all or part of a side, rear, or front yard.
2. **YARD, FLANKAGE** means the side yard of a corner lot that extends from the front yard to the rear yard between the flankage lot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

between the side lot line and the nearest wall of any main building or structure on the lot.



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

ZONE means a designated area of land shown on the Zoning Map (Appendix A) subject to specifications concerning its use and related standards contained in this Bylaw.



CHAPTER 3

ADMINISTRATION AND INTERPRETATION

3.1 ADMINISTRATION

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

3.2 COMPLIANCE WITH OTHER BYLAWS

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

3.3 INTERPRETATION OF ZONE BOUNDARIES AND SYMBOLS

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

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

2. Where a zone boundary is indicated as approximately following lot lines the boundary shall follow the lot lines;

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

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

3.4 INTERPRETATION OF CERTAIN WORDS

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

3.5 PERMITTED USES

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

3.6 DEVELOPMENT PERMIT

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

1. The development permit meets the requirements of this Bylaw, an approved development agreement, or a site plan approval agreement except where a variance is granted or if the

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use or structure is non- conforming in which case a permit shall be granted according to the *Municipal Government Act*;

2. A development permit will only be issued for a building/structure that is placed fully within a lot so that it does not cross any lot lines, except where a building is divided into two or more separate units by a wall or walls that shall be aligned on top of a property line that divides the land associated with each unit such that each unit may be acquired, owned and sold by a separate owner. This provision does not prevent development associated with condominium units, including bareland condominiums, where unit boundaries and common elements are established pursuant to provincial condominium legislation.;

3. A development permit issued under this Bylaw shall automatically lapse and become null and void if the development to which it relates has not started within 12 months of the permit approval date or the development has not been completed within two years of starting the development;

4. The Development Officer may revoke a development permit issued under this Bylaw where the Development Officer is satisfied that the permit was issued under false or mistaken information or if the information provided on the application is found to be inaccurate; and

5. Notwithstanding that a development permit may not be required, the development is not exempt from meeting the requirements of this Bylaw.

3.7 NO DEVELOPMENT PERMIT REQUIRED

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

1. A development that involves a non-structural change to the interior or exterior of a building/structure that will not change its shape, increase its volume or footprint and will not change the use of the building/structure;

2. An accessibility ramp; bus shelter; children's play structure; clothesline; flag pole; deck or patio less than 0.6 m (1.9 ft) above grade; fence or retaining wall; home use sending/receiving antenna or dish; a landscaping structure such as a garden trellis, pedestrian footbridge, wading, reflecting, or fish pond; an outdoor fire pit, fireplaces, barbeque, chimney, wood stove, greenhouse under 20 m² (215.2 ft²), or furnace; or a swimming pool;

3. Temporary vehicle tent and an outdoor supplementary power generator including an internal combustion engine generator, roof-mounted mini scale wind turbines, and ground or roof-mounted solar panels;

4. Forestry, agricultural, or fishery uses not including any building/structure required with such a use; and

5. Accessory buildings that are standalone, not attached to a structure, and not exceeding 20 m² (215.2 ft²) in gross floor area, may be erected without a Development Permit, provided the accessory building contains no plumbing, cooking, or sanitary facilities; is not designed, intended, or used for human habitation, lodging, or as a dwelling unit in any way; and is used for non-commercial accessory purposes only. All accessory buildings, including those 20 m² (215.2 ft²) or less in gross floor area, must respect all applicable yard and setback requirements of this Bylaw.

3.8 APPLICATION FOR DEVELOPMENT PERMIT

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

1. The true shape and dimensions of the lot to be used;

2. The location, height, dimensions, and proposed use of the building/structure or land use proposed to be developed on the lot;

3. The location of every building or structure already on the lot and, if required, the approximate location of buildings on abutting lots;

4. The proposed location and dimensions of any parking spaces, loading spaces, driveways, power lines, access points to a public or private street(s) or road(s), and, if required, landscaped areas;

5. Where applicable, a vegetative cover or soil retention plan; and

6. Any other information that the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.

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

3.9 VARIANCES

Unless otherwise stated in this Bylaw, the Development Officer may grant a variance in accordance with Sections 235 and 236 of the *Municipal Government Act*, subject to the following:

1. A variance may only be granted for the matters permitted under Section 235 of the *Municipal Government Act*;

2. The Development Officer shall issue notice of any variance granted or refused in accordance with the notice and appeal procedures prescribed in Section 236 of the *Municipal Government Act*;

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3. A variance shall not be issued for any development located on, over, or within a watercourse or waterbody, including structures or uses extending into or over water;

4. A variance granted under this Bylaw shall automatically lapse and become null and void if the development to which it relates has not commenced within 12 months of the variance approval date; and

5. Notwithstanding the approval of a variance, such approval is specific to the individual lot or development for which it is granted. All other provisions of this Bylaw remain in full force and effect and continue to apply to all other lands, unless expressly varied pursuant to the authority of this Section.

3.10 DEVELOPMENT AGREEMENTS

Unless otherwise stated in this Bylaw, development agreements shall be negotiated, considered, and entered into in accordance with the applicable provisions of the *Municipal Government Act*, including but not limited to Sections 225 through 230, as amended from time to time, subject to the following:

1. A Development Agreement may only be considered for the matters enabled by the *Municipal Government Act*;

2. Council shall carry out all notice, public hearing, and approval procedures for a Development Agreement in accordance with the requirements prescribed in the *Municipal Government Act*;

3. A Development Agreement shall not permit any development that is prohibited under this Bylaw or the *Municipal Government Act*;

4. A Development Agreement shall be registered in accordance with the *Municipal Government Act* and shall not take effect until such registration has occurred;

5. A Development Agreement may be discharged, amended, or repealed only in accordance with the requirements of Sections 229 and 230 of the *Municipal Government Act*; and

6. Notwithstanding the approval of a Development Agreement, such approval is specific to the lot or development for which it is granted. All other provisions of this Bylaw remain in full force and effect and continue to apply to all other lands unless expressly varied or regulated through a Development Agreement executed and registered pursuant to the *Municipal Government Act*.

3.11 SIGNATURE FOR APPLICATIONS

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

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3.12 APPLICATION FEE

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

Notwithstanding the above, for a grace period of no less than two (2) years from the date of approval of this Planning Strategy, no fees shall be charged for applications related to planning strategy amendments and/or variances.

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

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

3.13 EFFECTIVE DATE OF BYLAW

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

CHAPTER 4

GENERAL PROVISIONS

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4.1 MULTIPLE USES

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

4.2 MULTIPLE BUILDINGS ON A LOT

More than one main building may be permitted on a lot by site plan approval and shall be subject to Section 4.14, Standards for Multiple Main Buildings on a Lot.

4.3 ACCESSORY USES PERMITTED

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

4.4 ACCESSORY BUILDINGS AND STRUCTURES

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

1. Be used for human habitation, unless permitted by Section 4.14;
2. Be located in the minimum front or flankage yard(s) of a lot in a Mixed Use (MX) Zone;
3. Shall not exceed the lesser of two storeys or the maximum zone height, with the exception of a permitted wind turbine;
4. Be built closer than 1.2 m (3.9 ft) to a lot line, unless otherwise provided for in this Bylaw;
5. Be built within 1.8 m (5.9 ft) of the main building or 1.2 m (3.9 ft) of another accessory building or structure on the same lot except that a double wall outdoor fuel or oil storage tank or an outdoor fuel or oil storage tank containment structure capable of containing the full volume of the fuel or oil storage tank shall be considered an accessory structure in the Rural (RU) and Industrial (I) Zones and may be located within 0.2 m (0.6 ft) of the main building;
6. Be considered an accessory building if attached to the main building by a shared structural wall.

4.5 TEMPORARY CONSTRUCTION USES

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

4.6 NON-CONFORMING USES AND STRUCTURES

Any legal use of land or the development of a building or structure completed or approved

before the effective date of this Bylaw that does not meet the requirements of this Bylaw or the uses permitted within the zone in which the lot is located, shall be subject to the Section 238(1) of the *Municipal Government Act* provisions respecting non-conforming uses and structures, unless otherwise stated in this Bylaw.

A property, building, or structure that does not meet current lot size, frontage, or setback rules may still be expanded, rebuilt, repaired, or renovated, as long as the work does not make those issues worse and all other bylaw requirements are met.

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

4.7 RESTORATION TO A SAFE CONDITION

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

4.8 STREET FRONTAGE

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

4.9 EXISTING UNDERSIZED LOTS

Even if a lot does not meet the minimum lot size required by this bylaw, it may still be used and developed as long as it legally existed on or before the bylaw came into force, the use is permitted in the zone, and all other bylaw requirements are met.

If the lot's boundaries are changed to increase its size or frontage but it is still smaller than the minimum required, these same rules continue to apply.

Buildings on older, undersized lots can still be used for permitted uses, even if they don't meet today's lot size or setback rules—so long as the lot existed before this bylaw and all other rules are followed.

4.10 SIDE YARD WAIVER

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

4.11 CONFORMITY WITH EXISTING SETBACKS

Where a main building is proposed between existing main buildings on adjacent lots, or an existing main building is proposed to be expanded, the required front yard setback may be reduced to match the average front yard setback of the main buildings on adjacent lots located within 100.0m (328.1 ft) of the proposed development. Despite the above, the front yard setback shall not be less than 3.0 m (9.8 ft).

4.12 REDUCED LOT FRONTAGE REQUIREMENTS

Notwithstanding the minimum lot area and lot frontage requirements of this Bylaw, development permits shall be issued for lots

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created pursuant to the Subdivision Bylaw, where:

1. A lot along a public or private street, road, or highway containing two or more main buildings is subdivided such that the normal lot area and frontage requirements cannot be met, provided that each new lot and the remainder lot contain at least one main building or structure and a minimum of 6.1 m (20.0 ft) of lot frontage and all other applicable requirements of this Bylaw are satisfied;
2. A flag lot is created that has a minimum of 12.2 m (40.0 ft) of lot frontage and all other applicable requirements of this Bylaw are satisfied;
3. Where a lot is created for a park and recreation use, in which the control and/or operation is vested in a public authority or agency thereof, that has a minimum road frontage of 6.1 m (20.0 ft);
4. Two lots are created that have less than the required frontage and/or lot area provided that neither reduction is less than 90% of the required minimums for that zone; and
5. Where the land being subdivided is to address a development component of a permanent nature, such as mature trees, a driveway, well, or septic tank that is encroaching in or upon an immediately abutting lot and all other applicable requirements of this Bylaw are satisfied.

4.13 BUILDING HEIGHT

1. The height of a main or accessory building shall not exceed 11 m (36.0 feet) as specified in Section 5.3 of this Bylaw, except by site plan approval or through a Development Agreement.
2. Notwithstanding the above, this height limit shall not apply to buildings or structures customarily associated with agricultural uses, including barns, silos, and other farm buildings, or to church spires, steeples, bell towers, or similar architectural features, provided such structures otherwise comply with the provisions of this Bylaw and the Building Code.

4.14 STANDARDS FOR MULTIPLE MAIN BUILDINGS ON A LOT

More than one main building may be permitted on a lot, subject to the provisions of this Bylaw. Where multiple main buildings are permitted, all applicable zone requirements, including setbacks, lot coverage, and building height, shall apply to each main building.

A minimum separation distance of 6.1 m (20.0 ft) shall be maintained between main buildings on the same lot, unless otherwise specified in this Bylaw or approved through site plan approval or development agreement, where applicable.

4.15 SECONDARY SUITES

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

1. A maximum of two secondary suites shall be permitted on a lot, one located within the main building (basement suite) and one located in a detached structure.
2. There shall be no more than one detached secondary suite with a maximum gross floor area of 80 m^2 (861ft^2)
3. The height of any separate structure containing a secondary suite shall not exceed the height of the main building.
4. All setback requirements applicable to the main use are met.

4.16 HOBBY FARMS

Hobby farms shall be permitted in any zone subject to the following:

1. A hobby farm must be contained within the limits of the property by means of fencing, enclosures, or buildings;
2. No building or structure, except fencing, shall be located within:
    a. 9.1 m (29.6 ft) of an adjacent property or road; and,
    b. 15.3 m (50.2 ft)of any water well;
3. Any manure produced on the property shall be stored in a suitable location on the property or removed, and if stored on site, shall be:
    a. An additional 9.1 m (29.6 ft) from boundary of the hobby farm to any adjacent property or road;
    b. 30.5 m (100 ft) from a watercourse or wetland;
    c. 15.3 m (50 ft) from any drilled water well; and
    d. 30.5 m (100 ft) from any dug well.

4.17 MANURE STORAGE

All animal housing and manure storage facilities must be set back a minimum of 50.0 m (164.0 ft) from any watercourse or wetland, any drilled well intended to provide potable water for human consumption, or any off-site dwelling.

4.18 SMALL OPTION HOMES

Small option homes licensed under the *Homes for Special Care Act are a permitted use in all residential dwellings and shall be permitted as stand-alone uses in all Residential (R) Zones.*

4.19 RECREATIONAL VEHICLE PARKING CAMPGROUND SITES

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

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

4.20 ILLUMINATION

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

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private streets, roads, or highways.

4.21 PERMITTED ENCROACHMENTS IN YARDS

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

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

4.22 HOME BASED BUSINESS REQUIREMENTS

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

1. The home based business is primarily operated by the occupant(s) of the main residential dwelling or a dwelling unit located on the same lot;
2. One off-street parking space is provided by the home based business and is dedicated solely to customer/client use;
3. Any outdoor storage associated with a home-based business is permitted, provided it is maintained in accordance with By-Law No. 14 *Dangerous and Unsightly Premises*, as amended from time to time.
4. The home based business does not make use of equipment that is obnoxious by virtue of dust, odour, smoke, or other emissions.

4.23 WATERCOURSE PROTECTION

No excavation, infilling, construction, tree, stump and other vegetation removal, or any alteration of any kind other than maintenance as may be necessary to maintain vegetation and preserve the shoreline shall be permitted within 15.2 m (50 feet) of the edge (mean ordinary high water mark) of any coastal or interior watercourse, except for wharves, marinas, boardwalks, pedestrian or vehicular bridges, and buildings and structures related to boating clubs, boathouses, ship chandlery offices, marine fuelling stations, fishery and marine-related uses, boat construction, building and repair facilities, boat and marine sales, service and rental facilities, and any other uses so exempted in this Bylaw. The watercourse setback distance is defined as being part of any side, rear, or front yard requirements.

4.24 PARKS, PLAYGROUNDS & TRAILS

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

4.25 PUBLIC/PRIVATE UTILITIES & SERVICE FACILITIES

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

4.26 WIND TURBINES

1. Mini and small-scale wind turbines shall be considered accessory structures and shall meet the following requirements:
    a. Mini-scale and roof-mounted wind turbines: three mini-scale or roof-mounted wind turbine are permitted as-of-right on any lot. Additional mini-scale or roof-mounted wind turbines may be permitted by site plan approval, provided all setback and safety standards in this Bylaw are met.;
    b. Small-scale wind turbines: one small-scale wind turbine is permitted on a lot in the Rural (RU) Zone or the Industrial (I) Zone. Additional small-scale wind turbines may be permitted by site plan approval, subject to compliance with the setback and safety standards in this Bylaw.
    c. A wind turbine may not be built closer than two times the total wind turbine height to any lot line, public or private road, street, or highway, or an existing main building, with the exception of roof-mounted wind turbines.
2. Large-scale wind turbines shall be permitted by development agreement as outlined in the Municipal Planning Strategy.

4.27 UNSUITABLE HABITATION

No automobile, truck, bus or coach body, whether or not same is mounted on wheels, or beached vessel shall be used for human habitation within the Municipality except for recreational vehicles and travel trailers, provided these:

1. Are located on the RV owner's land or with written permission from the landowner.
2. Have not been modified without proper permitting.



CHAPTER 5

DEVELOPMENT ZONES

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5.1 ZONES ESTABLISHED

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

5.1.1 LAND USE ZONES

Land Use Designation	Shortform	Zone
Residential	R	Residential
Rural	RU	Rural
Mixed Use	MX	Mixed Use
Industrial	I	Industrial
Park and Institutional	PI	Park and Institutional

5.2 PERMITTED LAND USES

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

Land Use	R	RU	MX	I	PI
Residential					
Single-Unit Dwellings	R	RU	MX		
Two-Unit Dwellings	R	RU	MX		
Multi-Unit Dwellings	R		MX		
Condominium Dwelling	R**		MX**		
Existing Dwellings	R	RU	MX	I	PI
Secondary Dwelling Units	R	RU	MX		
Small Option Homes	R	RU	MX	I	PI
Boarding or Rooming Houses	R	RU	MX		
Cottage	R	RU			
Residential Care Community	R	RU	MX		
Home Occupations (Section 4.22)	R	RU	MX		PI
Land Lease Communities	R	RU	MX		
Mini-home Park	R**	RU	MX**		
Bareland Condominium	R**	RU	MX**		
Agricultural					
Agricultural Uses & Related Use		RU			
Agricultural-related Industries		RU		I	
Agritainment Uses		RU			
Animal Rescue & Rehabilitation		RU			
Farm Residences		RU			
Primary Forestry Use	R	RU	MX	I	
Commercial					
Auctioneering Establishment			MX	I	
Automotive & Autobody Repair		RU		I	
Automotive Sales & Rental		RU	MX	I	
Banks & Financial Institutions			MX		
Bars, Pubs, & Taprooms			MX		
Bed & Breakfast Operations	R	RU	MX		
Building Supplies		RU	MX	I	
Call & Data Processing Centres			MX	I	
Campgrounds & RV Parks		RU			
Carwash Facilities			MX	I	
Clubs (Commercial & Private)			MX	I	
Commercial Art Galleries	R	RU	MX		
Commercial Daycare Centres	R	RU	MX		
Commercial Meeting Space			MX	I	
Commercial Recreation Centres			MX	I	
Commercial Schools, Training & Educational Facilities			MX	I	
Construction & Landscaping Industry		RU		I	
Counselling Offices	R	RU	MX		PI

*by site plan approval only
**by development agreement

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

*by site plan approval only
**by development agreement

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

*by site plan approval only
**by development agreement

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5.3 ZONE PROVISIONS

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

		Water & Waste-water Status	Minimum Lot Area****	Minimum Lot Frontage	Minimum Yard Requirements			Maximum Building Height
					Front & Flankage	Side	Rear	
Zone	Land Use		A, B**	E, F**	H, L**	K, M**	I, J**	
R	Residential	Municipal*	930 m^2 (10,010 ft^2)	15.2 m (50 ft)	7.6 m (25 ft)	3.0 m (10 ft)	7.6 m (25 ft)	11 m (36 ft)***
		On-site	4,047 m^2 (43,562 ft^2)	15.2 m (50 ft)	7.6 m (25 ft)	3.0 m (10 ft)	7.6 m (25 ft)	
RU	Rural	On-site	4,047 m^2 (43,561 ft^2)	15.2 m (50 ft)	7.6 m (25 ft)	3.0 m (10 ft)	7.6 m (25 ft)	
MX	Mixed Zone	Municipal*	930 m^2 (10,010 ft^2)	15.2 m (50 ft)	3.0 m (10 ft)	3.0 m (10 ft)	7.6 m (25 ft)	
		On-site	2,700 m^2 (29,063 ft^2)	15.2 m (50 ft)	7.6 m (25 ft)	3.0 m (10 ft)	7.6 m (25 ft)	
I	Industrial	Municipal* or On-site	4,047 m^2 (43,562 ft^2)	30.5 m (100 ft)	15.2 m (50 ft)	15.2 m (50 ft)	15.2 m (50 ft)	
PI	Park and Institutional	Municipal*	930 m^2 (10,010 ft^2)	30.5 m (100 ft)	3.0 m (10 ft)	3.0 m (10 ft)	7.6 m (25 ft)	
		On-site	2,700 m^2 (29,063 ft^2)	30.5 m (100 ft)	7.6 m (25 ft)	3.0 m (10 ft)	7.6 m (25 ft)	

* Municipal wastewater services are available.
** See Figure 1 for measurement of relevant dimensions.
*** Height above 11 m may be permitted pursuant to Section 4.13
**** A reduced lot area may be approved by the Nova Scotia Department of Environment and Climate Change as per a Qualified Person Report process.

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5.4 MEASURING STANDARD LOT AND BUILDING DIMENSIONS

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

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

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Lot Area
Built Area

Built area/ Lot area x100% = D (lot coverage)



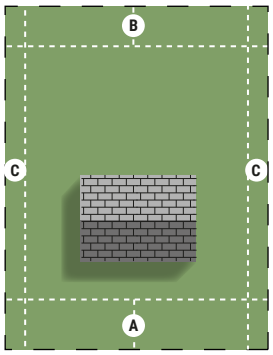
Figure 1

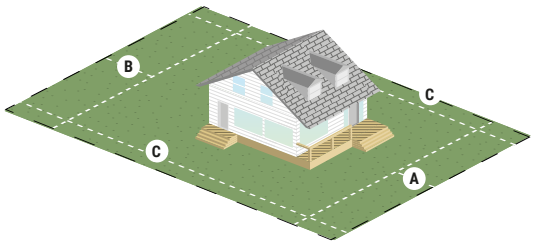
A	Minimum Lot Area (Interior Lot)	Total horizontal area within the lot lines of a lot, or the combined total horizontal area within the boundary lines of all part lots associated with a semi-detached dwelling or townhouse dwelling
B	Minimum Lot Area (Corner Lot)	Same as A but usually a larger area for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

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5.5 RESIDENTIAL (R) ZONE

RESIDENTIAL (R) ZONE





MUNICIPAL WASTEWATER

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	7.6 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	3 M
	HEIGHT (MAX)	11 M

ON SITE SERVICES

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	7.6 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	3 M
	HEIGHT (MAX)	11 M



5.5.1 Residential (R) Zone Requirements

5.5.1.1 Abutting Yard Requirements

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

1. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 7.6m (25 ft) for all other zones;
2. Where the abutting yard follows a side yard, the minimum abutting yard setback shall be measured from the front lot line to the rear lot line, the minimum required abutting yard setback shall be 3m (10ft); and
3. No building in excess of 20.0 m^2 (215.3 ft^2)of total floor area shall be permitted to be developed in a required abutting yard.

5.5.2 Residential (R) Zone Special Requirements

5.5.2.1 Requirements for Severed Lots

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

1. Where a lot is to be severed along any public road in a Residential (R) Zone, the following restrictions shall apply:
2. Where the existing parcel of land from which the lot is severed has a frontage, the minimum frontage shall be 30.5 m or 37 m with on-site services

5.5.2.2 Abutting Yard Requirements

Where a Rural (RU) Zone lot abuts any other zone, the following restrictions shall apply to the abutting yard(s) within the Rural (RU) Zone:

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

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

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

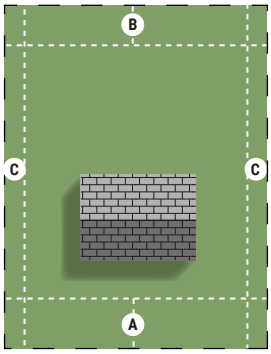
5.5.2.4 Prohibition of Top Soil Removal Except by Development Agreement in Residential (R) Zones

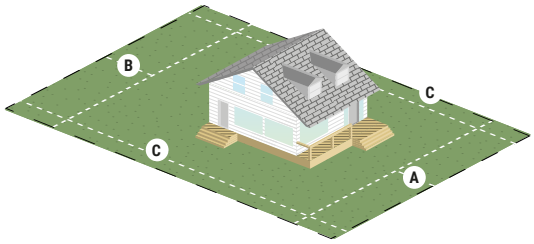
1. The removal of topsoil, including sod, peat, or turf, for commercial purposes within a Residential (R) Zone shall be prohibited except where permitted by development agreement in accordance with the Municipal Planning Strategy.
2. This provision is intended to prevent the large-scale or commercial stripping of topsoil that may result in erosion, environmental degradation, and loss of soil productivity, and is not intended to restrict normal residential activities or site development.
3. Accordingly, the following activities shall be permitted and shall not be considered topsoil removal for the purposes of this section:
    a. gardening, landscaping, grading, and yard maintenance on a residential lot;
    b. the planting, removal, sale, or relocation of plants and trees with root balls, excluding turf;
    c. excavations and site work associated with the construction, placement, or alteration of permitted buildings and structures; and
    d. excavations required for infrastructure, including but not limited to roads, driveways, utilities, and servicing works.

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5.6 RURAL (RU) ZONE

RURAL (RU) ZONE





MUNICIPAL WASTEWATER

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	7.6 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	3 M
	HEIGHT (MAX)	11 M

ON SITE SERVICES

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	7.6 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	3 M
	HEIGHT (MAX)	11 M



1. Where the abutting yard follows a rear yard, the minimum required abutting yard setback shall be 30.5 m (100.1 ft), unless a high opaque vegetation buffer such as, but not limited to, hedges or a forested section is left between the lots, in which case the minimum rear yard setback shall be 15.2 m (49.9 ft);
2. Where the abutting yard follows a side yard, the minimum required abutting yard setback shall be 30.5 m (100.1 ft), unless a high opaque vegetation buffer such as, but not limited to, hedges or a forested section is left between the lots, in which case the minimum rear yard setback shall be 15.2 m (49.9 ft);
3. No buildings or structures used for the housing of agricultural animals and manure storage facilities shall be permitted to be developed in a required abutting yard;
4. No buildings or structures used for the housing of agricultural animals and manure storage facilities shall be permitted to be developed within 50.0 m (164.0 ft) from any watercourse or off-site residential dwelling; and
5. A yard variance may be granted for the expansion of an existing building or structure used for the housing of agricultural animals if the Development Officer deems it appropriate.

5.5.2 Commercial Livestock Operations Setbacks

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

1. 50.0 m (164.0 ft) of the front or flankage lot line;
2. 50.0 m (164.0 ft) of the side and rear lot lines for the first 100.0 m (328.0 ft) from the , other than another livestock farm or another property that is part of the farm under consideration in which case the distance shall be 3.0 m (9.8 ft) (Figure A);
3. 26.0 m (86.4 ft)of the side and rear lot lines for the next 152.4 m (500.0 ft) of side yard depth or part thereof (Figure A);
4. 7.6 m (24.9 ft) of the side and rear yards for any remaining side yard depth (Figure A);
5. 50.0 m (164.0 ft) of any existing dwelling or seasonal dwelling located on any adjacent lot that is deemed not to be part of the subject farm operation
6. 20.0 m (65.6 ft) of an inland or coastal watercourse;
7. Any minimum setback required to comply with the Nova Scotia Well Construction Regulations, made under the *Environment Act*.

5.5.3 Preservation of Agricultural Soils

All developments, at the discretion of the municipality, are required to establish that the development does not infringe on the ability to restore viable agricultural uses to established

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agricultural soils, as defined by the Canadian Land Inventory Classification system.

5.5.3.1 Prohibition of Top Soil Removal Except by Development Agreement in Rural (RU) Zones

1. The removal of topsoil, including sod, peat, or turf, for commercial purposes within a Rural (RU) Zone shall be prohibited except where permitted by development agreement in accordance with the Municipal Planning Strategy.
2. This provision is intended to prevent the large-scale or commercial stripping of topsoil that may result in erosion, environmental degradation, and loss of soil productivity, and is not intended to restrict normal activities or site development.
3. Accordingly, the following activities shall be permitted and shall not be considered topsoil removal for the purposes of this section:
    a. gardening, landscaping, grading, and yard maintenance on a lot;
    b. the planting, removal, sale, or relocation of plants and trees with root balls, excluding turf;
    c. excavations and site work associated with the construction, placement, or alteration of permitted buildings and structures; and
    d. excavations required for infrastructure, including but not limited to roads, driveways, utilities, and servicing works

(As per Amendment No. 4 to the Ministerial Approval, dated 22nd September, 2026).

5.5.4 Special Yard Requirements for Commercial Livestock Operations on Through Lots

Where a commercial livestock operation intends to occupy a through lot, the minimum front and side yard requirements in Section 5.5.2 shall apply to both frontages.

5.5.5 Special Exemption for Dwellings with Commercial Livestock Operations

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

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Figure A

Lot with only first 102.1 m side yard depth

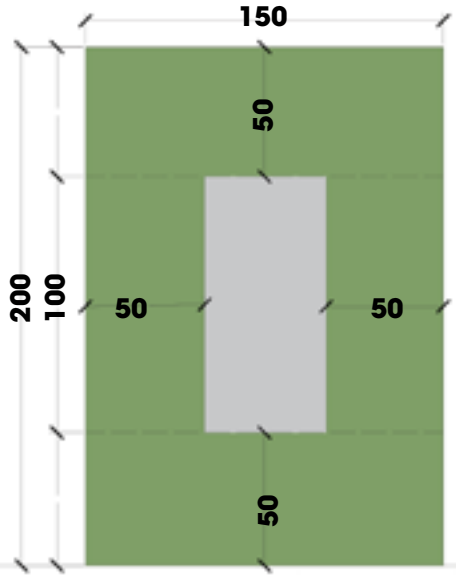
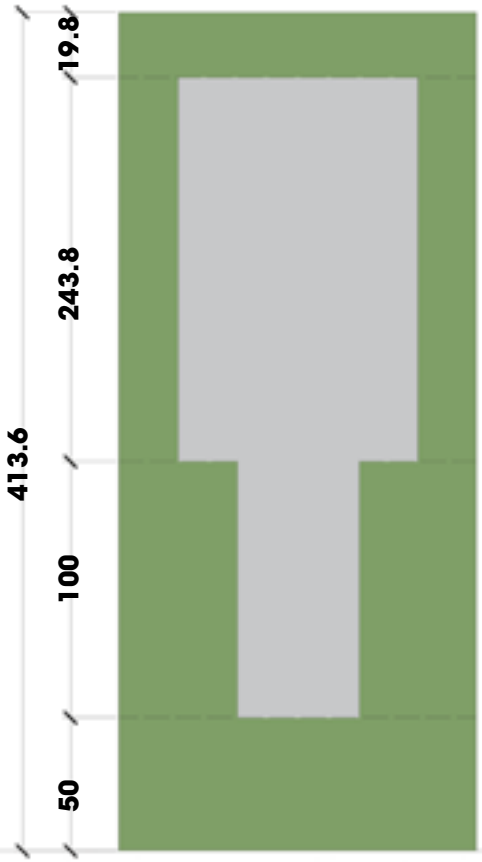


Figure B

Lot with next 152.4 m side yard depth



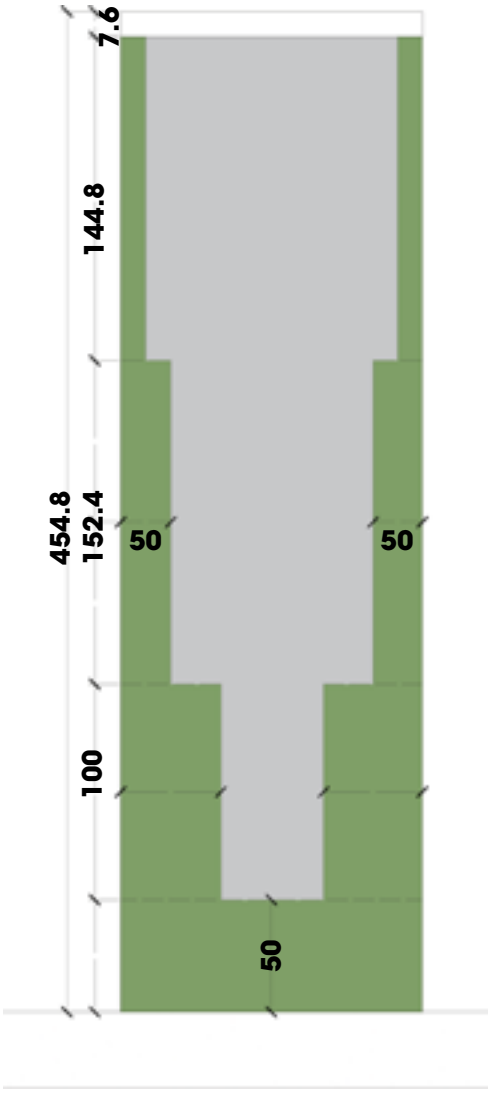
Development Area

All measurements are in metres

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Figure C

Lot with remainder side yard depth

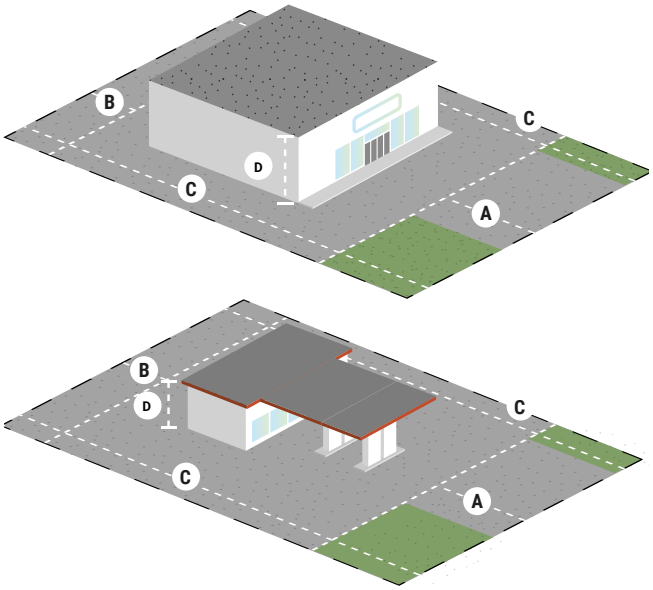


Development Area
All measurements are in metres

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5.7 MIXED USE (MX) ZONE

MX - MIXED USE (MX) ZONE





MUNICIPAL WASTEWATER

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	3 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	3 M
D	HEIGHT (MAX)	11 M

ON SITE SERVICES

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	7.6 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	3 M
D	HEIGHT (MAX)	11 M

5.7.1 MIXED USE (MX) ZONE SPECIAL REQUIREMENTS

5.7.1.1 Mixed Used Residential Development

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

5.7.1.2 Abutting Yard Requirements

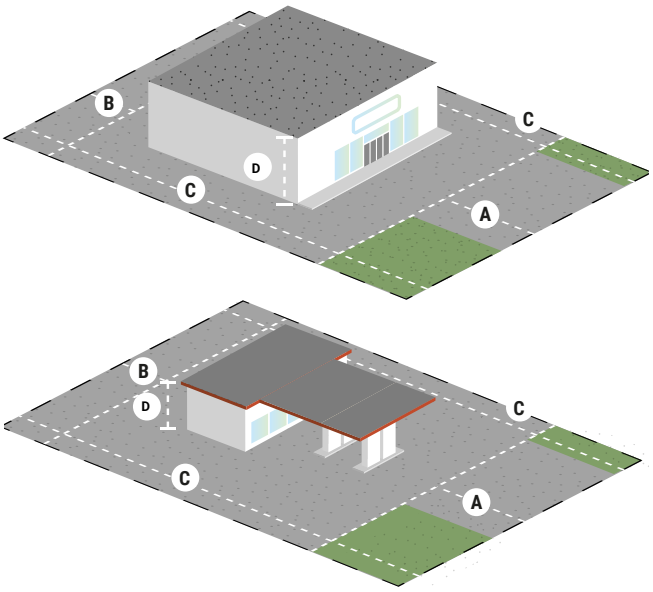
Where a Mixed Use (MX) Zone abuts another zone, the following restrictions shall apply to the abutting yard within the Mixed Use (MX) Zone:

1. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 7.6 m (25 ft);
2. Where the abutting yard follows a side yard, the minimum side yard setback shall be 3m (10 ft); and
3. No building in excess of 20.0 m^2 (215.2 ft^2) of total floor area shall be permitted to be developed in a required abutting yard.

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5.8 INDUSTRIAL (I) ZONE

INDUSTRIAL (I)





MUNICIPAL WASTEWATER

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	15.2 M
B	REAR YARD (MIN)	15.2 M
C	SIDE YARD (MIN)	15.2 M
D	HEIGHT (MAX)	11 M

ON SITE SERVICES

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	15.2 M
B	REAR YARD (MIN)	15.2 M
C	SIDE YARD (MIN)	15.2 M
D	HEIGHT (MAX)	11 M

5.8.1 INDUSTRIAL (I) ZONE SPECIAL REQUIREMENTS

5.8.1.1 I Abutting Yard Requirements

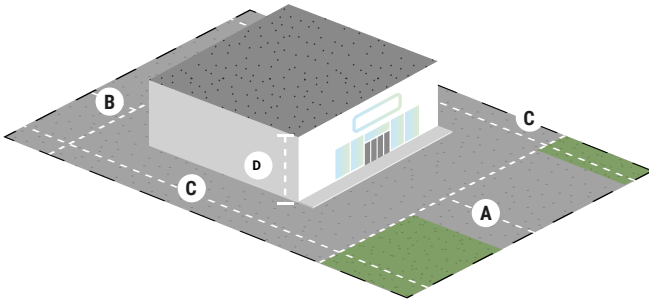
Where an industrial (I) Zone abuts another zone, the following restrictions shall apply to the abutting yard within the I Zone:

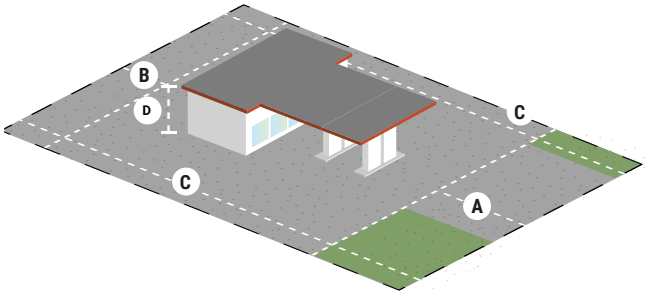
1. Where the abutting yard follows a rear and side yard, the minimum rear yard setback shall be 30.5 m (100.1 ft) for the Residential (R) Zone and 30.5 m (100.1 ft) for all other zones, unless a 2.0 m (6.5 ft) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the rear yard setback shall be 15.2 m (49.9 ft);
2. No building in excess of 20 m^2 (215.2 ft^2) of total floor area shall be permitted to be developed in a required abutting yard;
3. No outdoor storage or display area shall be permitted in a required abutting yard; and
4. No parking space shall be permitted in a required abutting yard within 6.1 m (20.0 ft) of a side or rear lot line however, this may be reduced to 1.5 m (4.9 ft) where a 2.0 m (6.5 ft) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lot.

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5.9 PARK AND INSTITUTIONAL (PI) ZONE

PI – PARK AND INSTITUTIONAL ZONE







MUNICIPAL WASTEWATER

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	3 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	1.2 M
D	HEIGHT (MAX)	11 M

ON SITE SERVICES

	YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)	7.6 M
B	REAR YARD (MIN)	7.6 M
C	SIDE YARD (MIN)	3 M
D	HEIGHT (MAX)	11 M

5.9.1 PARK AND INSTITUTIONAL (PI) ZONE SPECIAL REQUIREMENTS

5.9.1.1 Abutting Yard Requirements

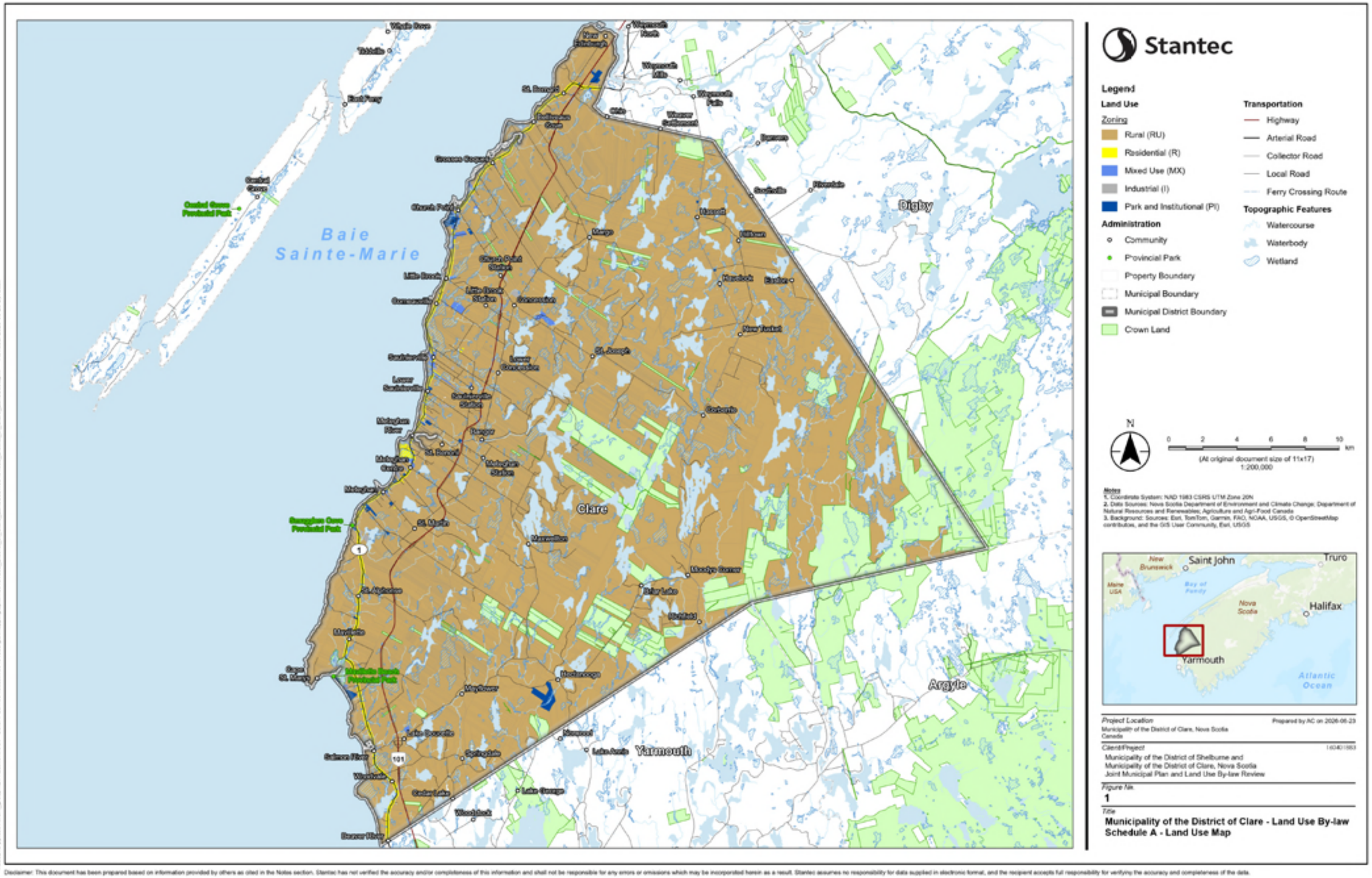
Where an Park and Institutional (PI) Zone abuts an Residential (R) Zone, an Industrial Park (I) Zone, the following restrictions shall apply to the abutting yard within the PI Zone:

1. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 30.5 m (100.1 ft) for the Residential (R) Zone and 15.2 m (49.9 ft) for the Industrial (I) Zone;
2. Where the abutting yard follows a side yard, the minimum abutting yard setback shall be measured from the front lot line to the rear lot line, the minimum required abutting yard setback shall be 15.2 m (49.9 ft); and
3. No accessory building in excess of 20 m^2 (215.2 ft^2) of total floor area shall be permitted to be developed in a required abutting yard.

APPENDIX A

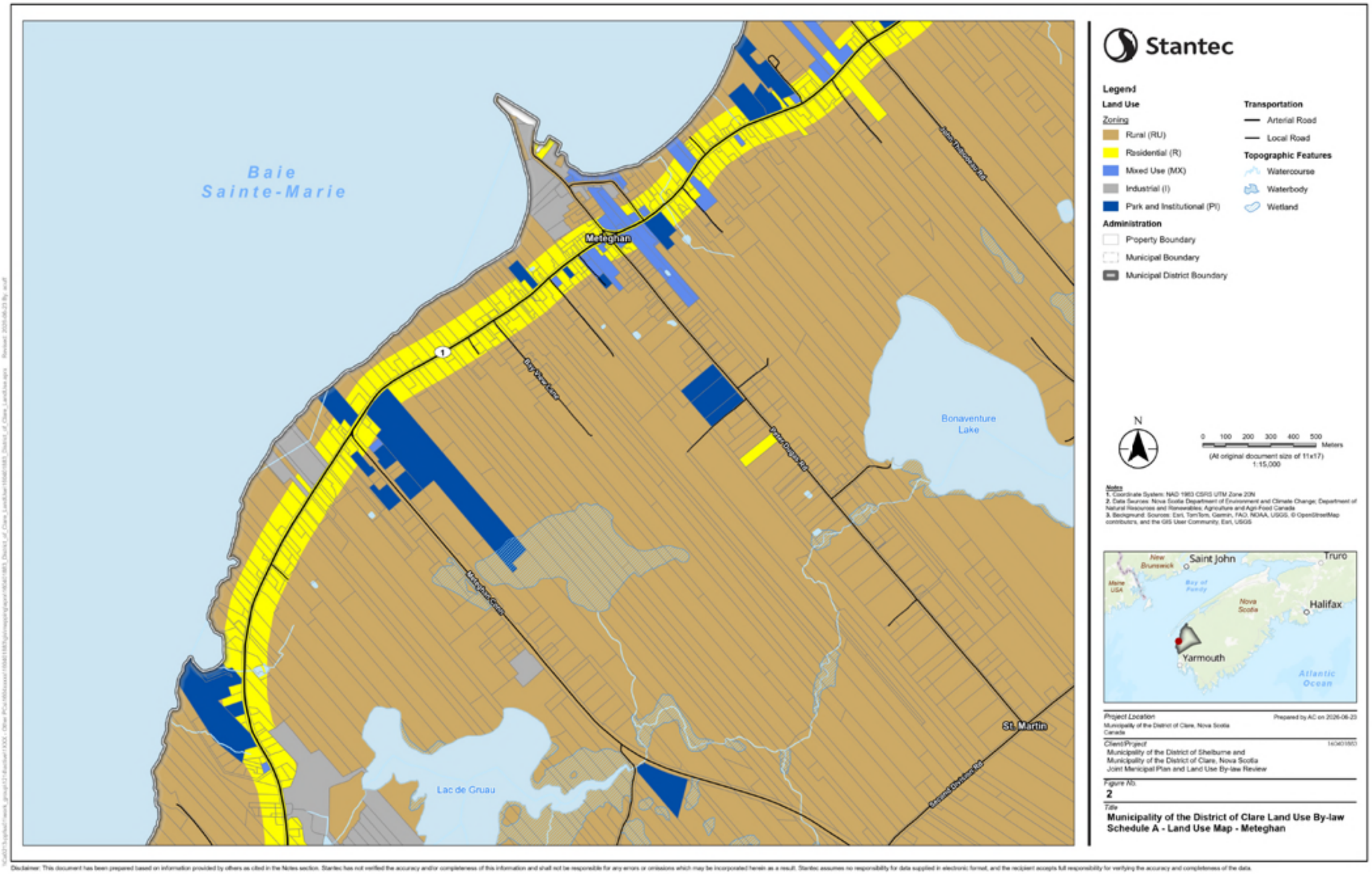
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ZONING MAP



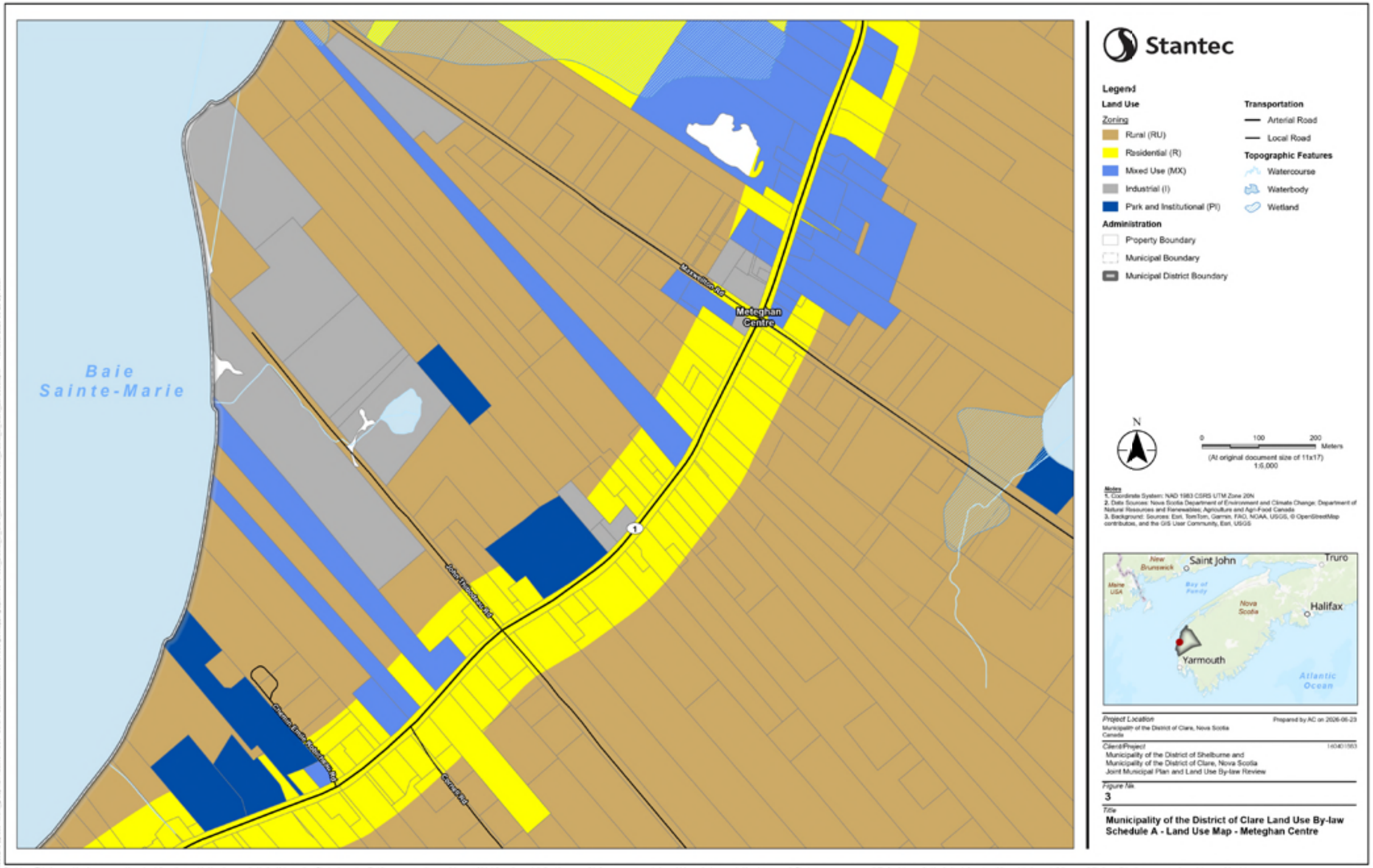
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ZONING MAP



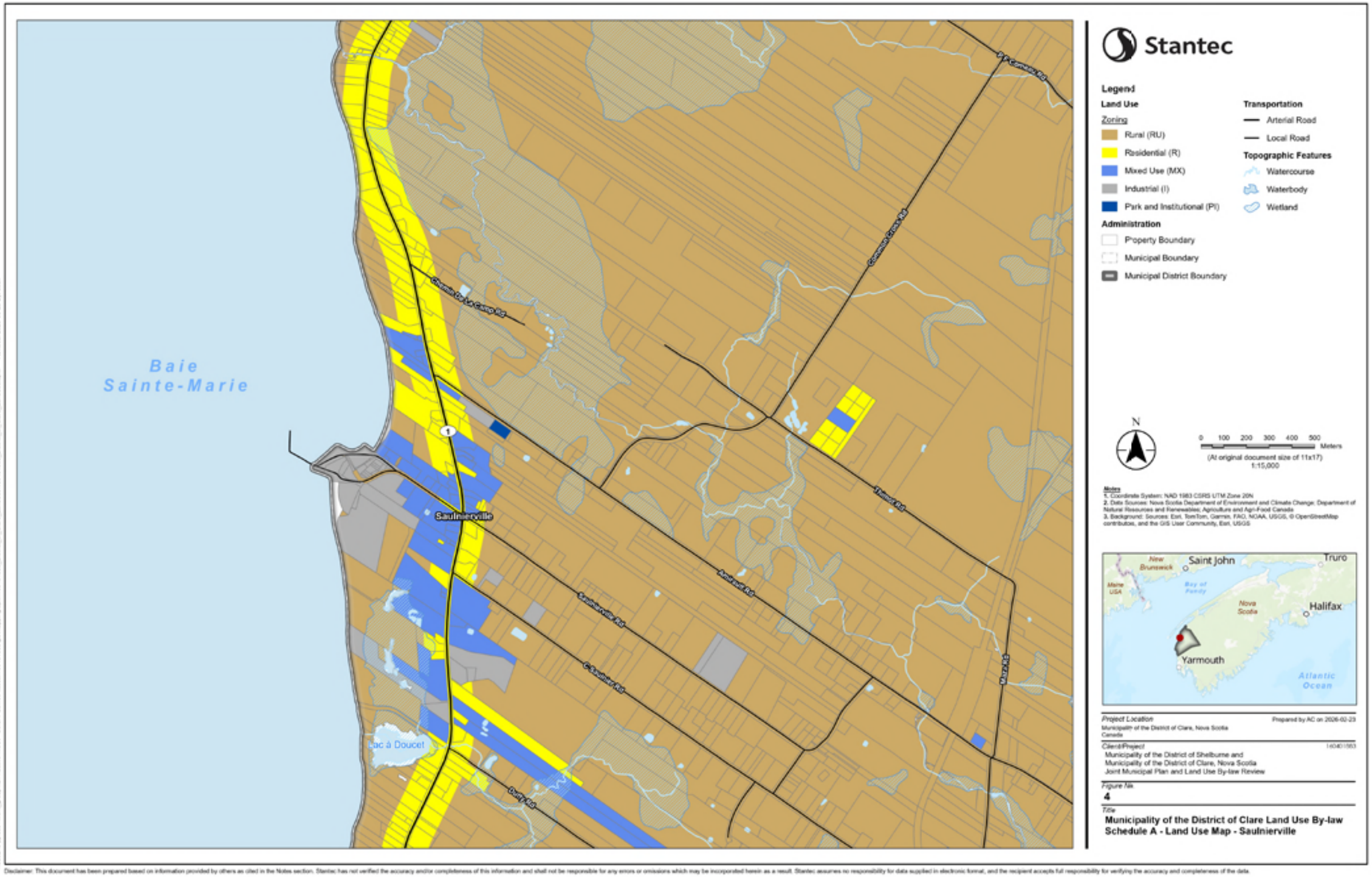
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ZONING MAP



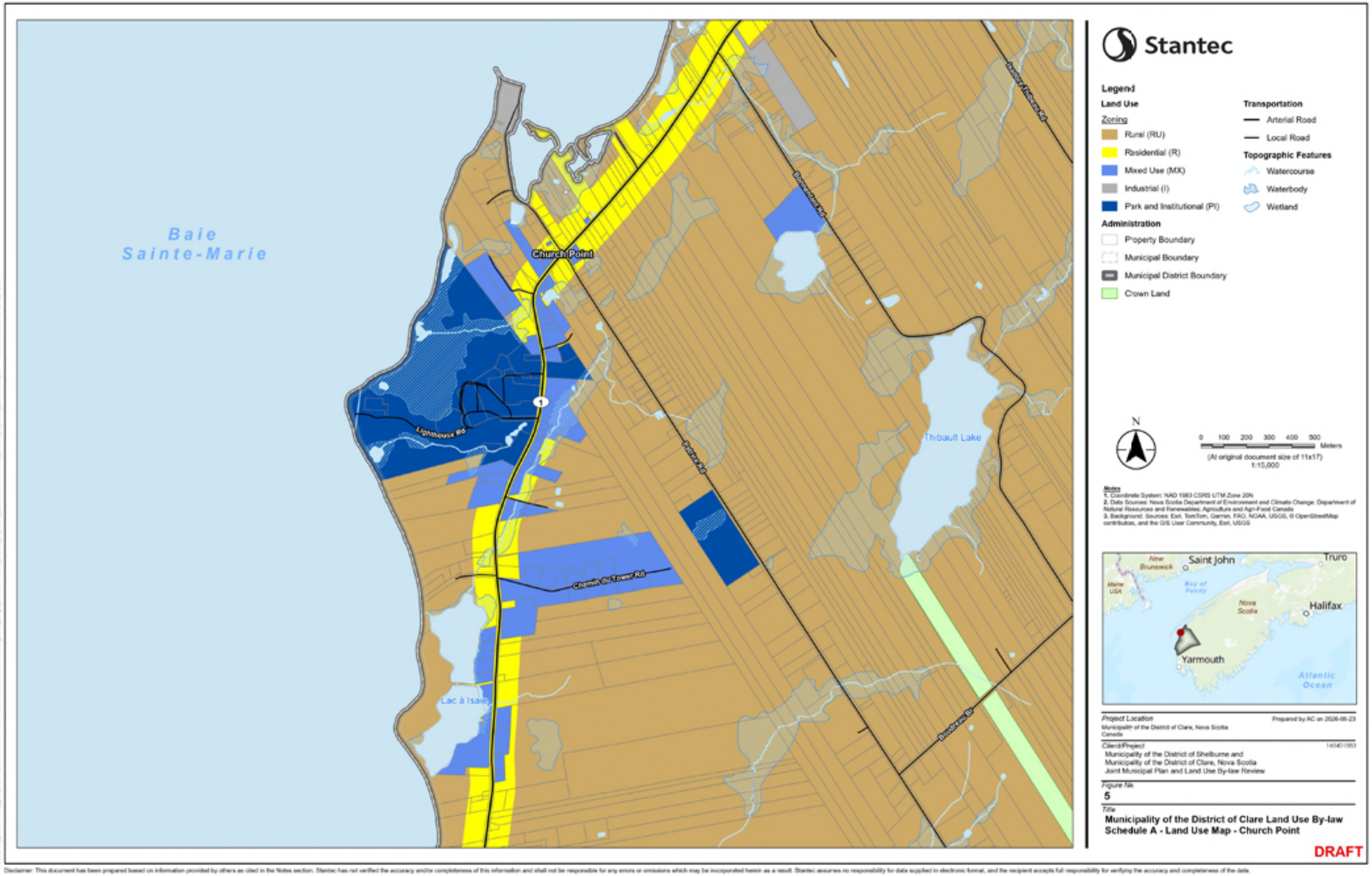
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ZONING MAP



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ZONING MAP


Baie
Sainte-Marie
Church Point
Lighthouse Rd
Chemin du Tower Rd
Lac à Isaac
Thibault Lake
Belliveau Rd
Boudreau Rd
Doucet Rd
Stantec
Legend
Land Use
Zoning
Rural (RU)
Residential (R)
Mixed Use (MX)
Industrial (I)
Park and Institutional (PI)
Administration
Property Boundary
Municipal Boundary
Municipal District Boundary
Crown Land
Transportation
Arterial Road
Local Road
Topographic Features
Watercourse
Waterbody
Wetland
N
0 100 200 300 400 500
Meters
(At original document size of 11x17)
1:15,000
Notes
1. Coordinate System: NAD 1983 CSRS UTM Zone 20N
2. Data Sources: Nova Scotia Department of Environment and Climate Change; Department of Natural Resources and Renewables; Agriculture and Agri-Food Canada
3. Background: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, USGS
New Brunswick
Saint John
Truro
Maine USA
Bay of Fundy
Nova Scotia
Halifax
Yarmouth
Atlantic Ocean
Project Location
Municipality of the District of Clare, Nova Scotia
Canada
Prepared by AC on 2026-06-23
Client/Project
Municipality of the District of Shelburne and
Municipality of the District of Clare, Nova Scotia
Joint Municipal Plan and Land Use By-law Review
160401593
Figure No.
5
Title
Municipality of the District of Clare Land Use By-law
Schedule A - Land Use Map - Church Point
DRAFT
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Municipality of the
District of Clare

Stantec

THIS IS TO CERTIFY that the Land Use By-Law, of which the forgoing is a true copy, was passed by the majority of the whole of Council at a duly called Council Meeting of the Municipality of the District of Clare held on July 22, 2026.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the Municipality of the District of Clare this 30th day of July, 2026.



Stéphane Cyr,
Chief Administrative Officer

Chief Administrative Officer's Annotation for Official By-Law Book	
Date of First Reading	June 17, 2026
Date of First Publication	June 29, 2026
Date of Hearing of Public Objections	July 15, 2026
Date of Second Reading and Enactment	July 22, 2026
Date Sent to Nova Scotia Department of Municipal Affairs	July 30, 2026
Date of Ministerial Approval	September 22, 2026
Date of Final Publication Following Ministerial Approval	November 2, 2026