



Municipality of the
District of Clare



LAND USE BYLAW

TABLE OF CONTENT

CHAPTER 1		
SCOPE	1	
1.1 TITLE, INTRODUCTION AND PURPOSE	2	
CHAPTER 2		
DEFINITIONS	3	
2.1 DEFINITIONS	4	
CHAPTER 3		
ADMINISTRATION AND INTERPRETATION	20	
3.1 ADMINISTRATION	21	
3.2 COMPLIANCE WITH OTHER BYLAWS	21	
3.3 INTERPRETATION OF ZONE BOUNDARIES AND SYMBOLS	21	
3.4 INTERPRETATION OF CERTAIN WORDS	21	
3.5 PERMITTED USES	21	
3.6 DEVELOPMENT PERMIT	21	
3.7 NO DEVELOPMENT PERMIT REQUIRED	22	
3.8 APPLICATION FOR DEVELOPMENT PERMIT	23	
3.9 VARIANCES	23	
3.10 DEVELOPMENT AGREEMENTS	24	
3.11 SIGNATURE FOR APPLICATIONS	24	
3.12 APPLICATION FEE	24	
3.13 EFFECTIVE DATE OF BYLAW	25	
CHAPTER 4		
GENERAL PROVISIONS	26	
4.1 MULTIPLE USES	27	
4.2 MULTIPLE BUILDINGS ON A LOT	27	
4.3 ACCESSORY USES PERMITTED	27	
4.4 ACCESSORY BUILDINGS AND STRUCTURES	27	
4.5 TEMPORARY CONSTRUCTION USES	27	
4.6 NON-CONFORMING USES AND STRUCTURES	27	
4.7 RESTORATION TO A SAFE CONDITION	28	
4.8 STREET FRONTAGE	28	
4.9 EXISTING UNDERSIZED LOTS	28	
4.10 SIDE YARD WAIVER	29	
4.11 CONFORMITY WITH EXISTING SETBACKS	29	
4.12 REDUCED LOT FRONTAGE REQUIREMENTS	29	
4.13 BUILDING HEIGHT	29	
CHAPTER 5		
DEVELOPMENT ZONES	33	
5.1 ZONES ESTABLISHED	34	
5.1.1 LAND USE ZONES	34	
5.2 PERMITTED LAND USES	35	
5.3 ZONE PROVISIONS	38	
5.4 MEASURING STANDARD LOT AND BUILDING DIMENSIONS	39	
5.5 RESIDENTIAL (R) ZONE	41	
5.6 AGRICULTURAL (AG) ZONE	43	
5.7 MIXED USE (MX) ZONE	51	
5.8 INDUSTRIAL (I) ZONE	53	
5.9 PARK AND INSTITUTIONAL (PI) ZONE	55	
APPENDIX A		
ZONING MAPS		



CHAPTER 1

SCOPE



DRAFT

1.1 TITLE, INTRODUCTION AND PURPOSE

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

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

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

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

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

CHAPTER 2

DEFINITIONS



DRAFT

2.1 DEFINITIONS

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

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

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

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

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

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

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

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

DRAFT

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

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

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

AUTOMOTIVE IMPOUND YARD means a lot used for the confiscation and storage of automotive vehicles, including boats and recreational campers, along with 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.

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 Clare.

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

BUSINESS AND PROFESSIONAL OFFICES

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



DRAFT

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

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

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

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

CLUB means:

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

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

care (independent living, assisted living, skilled nursing care, long term care facilities) housed in different areas in the same location and operates as one integrated facility and may include the provision of residential services (meals, housekeeping, laundry), social and recreational services, health services, 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

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

DRAFT

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

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

CONSTRUCTION INDUSTRY means a use primarily involving the construction, manufacturing, development, redevelopment, or rehabilitation of buildings and real estate, including 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 or a travel trailer or other recreation vehicle.

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



DRAFT

2. **DWELLING, SINGLE-UNIT** means a residential building consisting of one dwelling unit that is fully located on a lot and, unless otherwise stated in this Bylaw, includes mobile and tiny homes.
3. **DWELLING, TWO-UNIT** means a residential building that is divided into two dwelling units, each of which has independent entrances either directly to the outside or through a common entrance from the street level.
4. **DWELLING, MANUFACTURED** means a transportable, single- or multiple-section dwelling unit 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.

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

DRAFT

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

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



DRAFT

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.

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

residential property.

INDUSTRY means:

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

2. INDUSTRY, LIGHT means a use engaged in the manufacturing, predominantly from previously prepared materials, finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage/sales/distribution such 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 service on behalf of government and shall include an organized body or society promoting a particular purpose with no

DRAFT

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.



DRAFT

6. **LOT COVERAGE** means the percentage of the lot that is covered by buildings excluding projecting eaves, balconies and similar features
7. **LOT FRONTRAGE** 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 the creation of noise, 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

DRAFT

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 Clare Planning Area, as defined by the Zoning Map (Appendix A).

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

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

PRODUCE STAND means a single-storey moveable structure with a floor area less than 4.65 m² (50.1 ft²) 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, or federal body having jurisdiction in Clare.

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



DRAFT

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.

DRAFT

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.

SIGN means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, that shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry,

or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement and which is intended to be seen from off the premises or from a parking lot.

1. **SIGN, DIRECTORY** means a sign erected on public property listing the names and locations of local businesses.
2. **SIGN, GROUND** means a sign supported by one or more uprights, poles, or braces placed in or upon the ground and shall include temporary or portable signs.
3. **SIGN, ILLUMINATED** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such a sign, or a sign illuminated by a light focused on or chiefly directed at the surface of the sign.
4. **SIGN, PROJECTING WALL** means a sign that projects from and is supported by a wall of a building and on which the face is not approximately parallel to the supporting wall and can include an awning or canopy structure where such a structure is used as a sign.
5. **SIGN, FACIAL WALL** means a sign that is attached directly to or painted on a building wall and where the face is approximately parallel to the wall.
6. **SIGN, SIGN AREA** means the area of the



DRAFT

smallest geometrical figure that can wholly enclose the surface area of the sign. All faces of a multi-faced sign shall be counted separately and totalled in calculating sign area.

7. **SIGN, PORTABLE OR MOBILE** means a sign designed to be carried, pulled, pushed, or hauled that is not permanently fixed in one location.
8. **SIGNS, NUMBER OF** means a single display surface or display device containing elements organized, related, and composed to form a unit, and when matter is displayed in a random manner without organized relationship of elements, or when there is reasonable doubt about the relationship of elements, then each element is considered to be a single sign.
9. **SIGNS, OFF PREMISE (OFF-SITE)** means a freestanding ground sign or facial wall sign (commonly referred to as a "billboard") erected on a lot by an entity other than the person or company wishing to advertise a product or service the display of which has no direct relationship to the business or use on the lot.

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 m² (398.3 ft²) 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

DRAFT

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 or by precipitation and runoff, 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



DRAFT

(34.8 ft) but less than 47.2 m (154.8 ft).

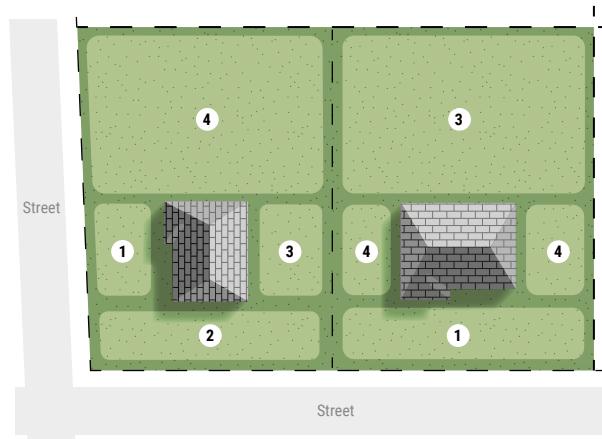
3. **WIND TURBINE, LARGE-SCALE** means a wind turbine height greater than 47.2 m (154.8 ft).

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.

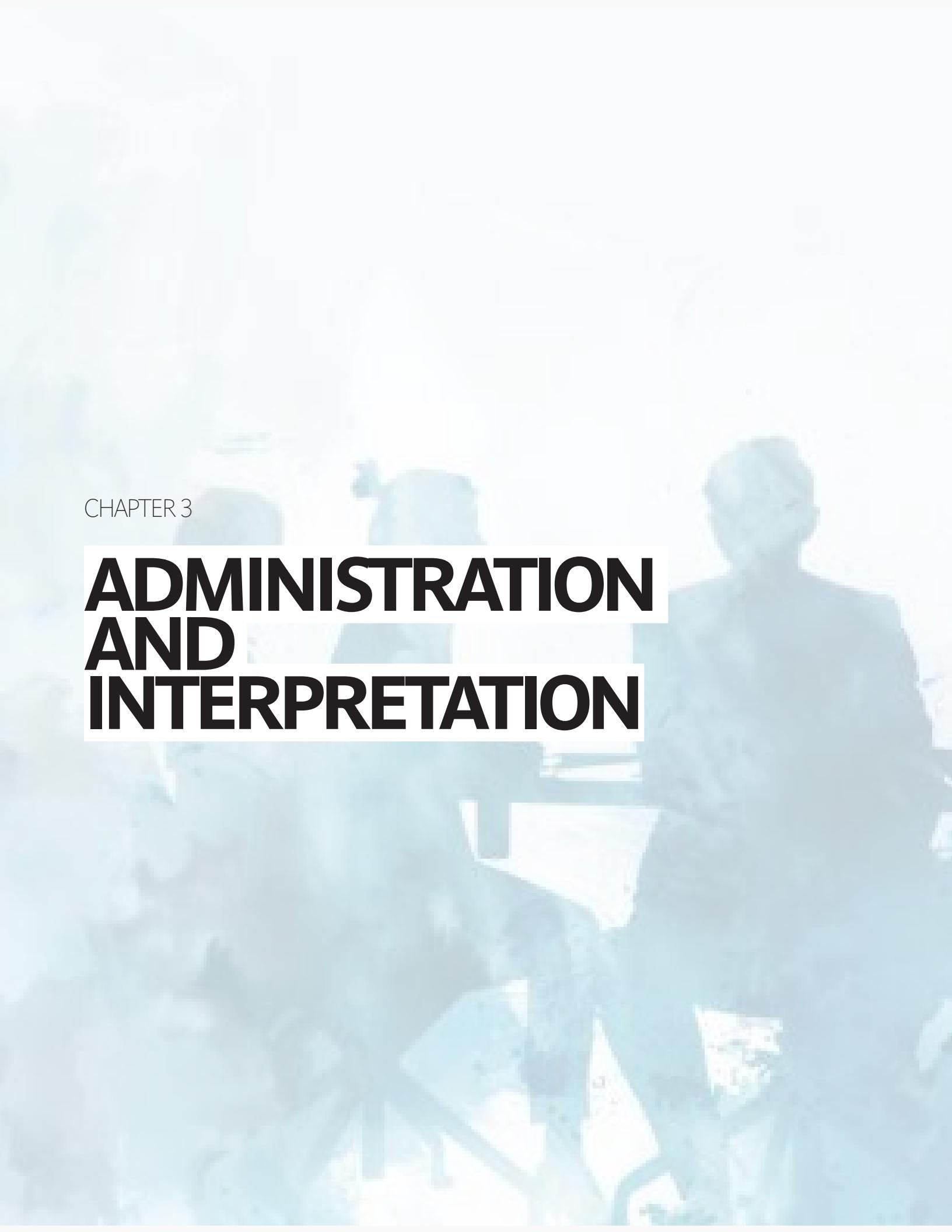
1. **YARD, ABUTTING** means a yard that is contiguous with or extends across one or more zone boundaries and can extend across all or part of a side, rear, or front yard.
2. **YARD, FLANKAGE** means the side yard of a corner lot that extends from the front yard to the rear yard between the flankage lot 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

DRAFT

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

the lot, and a minimum side yard means the minimum width allowed by this Bylaw of a side yard on a lot between the side lot line and the nearest wall of any main building or structure on the lot.

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



CHAPTER 3

ADMINISTRATION AND INTERPRETATION



DRAFT

3.1 ADMINISTRATION

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

3.2 COMPLIANCE WITH OTHER BYLAWS

No part of this Bylaw exempts 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; singular number include the plural and vice versa; the word "used" includes "arranged to be used," "designed to be used," and "intended to be used"; and the word "shall" is mandatory.

3.5 PERMITTED USES

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

3.6 DEVELOPMENT PERMIT

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

DRAFT

where a variance is granted or if the use or structure is non-conforming in which case a permit shall be granted according to the *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;
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 gazebo, garden trellis, pedestrian footbridge, wading, reflecting, or fish pond; an outdoor fire pit, fireplaces, barbeque, chimney, wood stove, or furnace; or a swimming pool;
3. Temporary vehicle tent and an outdoor supplementary power generator including internal combustion engine generator, roof mounted mini scale wind turbines, and ground or roof mounted solar panels;
4. Forestry, agricultural, or fishery uses not including any building/structure required with such a use; and
5. A temporary use of land as well as



DRAFT

construction or placement of temporary structures for said use, including but not limited to, signs, displays, yard sales, flea markets, fairs, concerts, or festivals provided that such uses remain in place no longer than fifteen consecutive days.

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 under Section 3.6 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*;
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

DRAFT

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 under Sections 225 through 230 of 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 of the property to act for or on behalf of the registered owners.

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



DRAFT

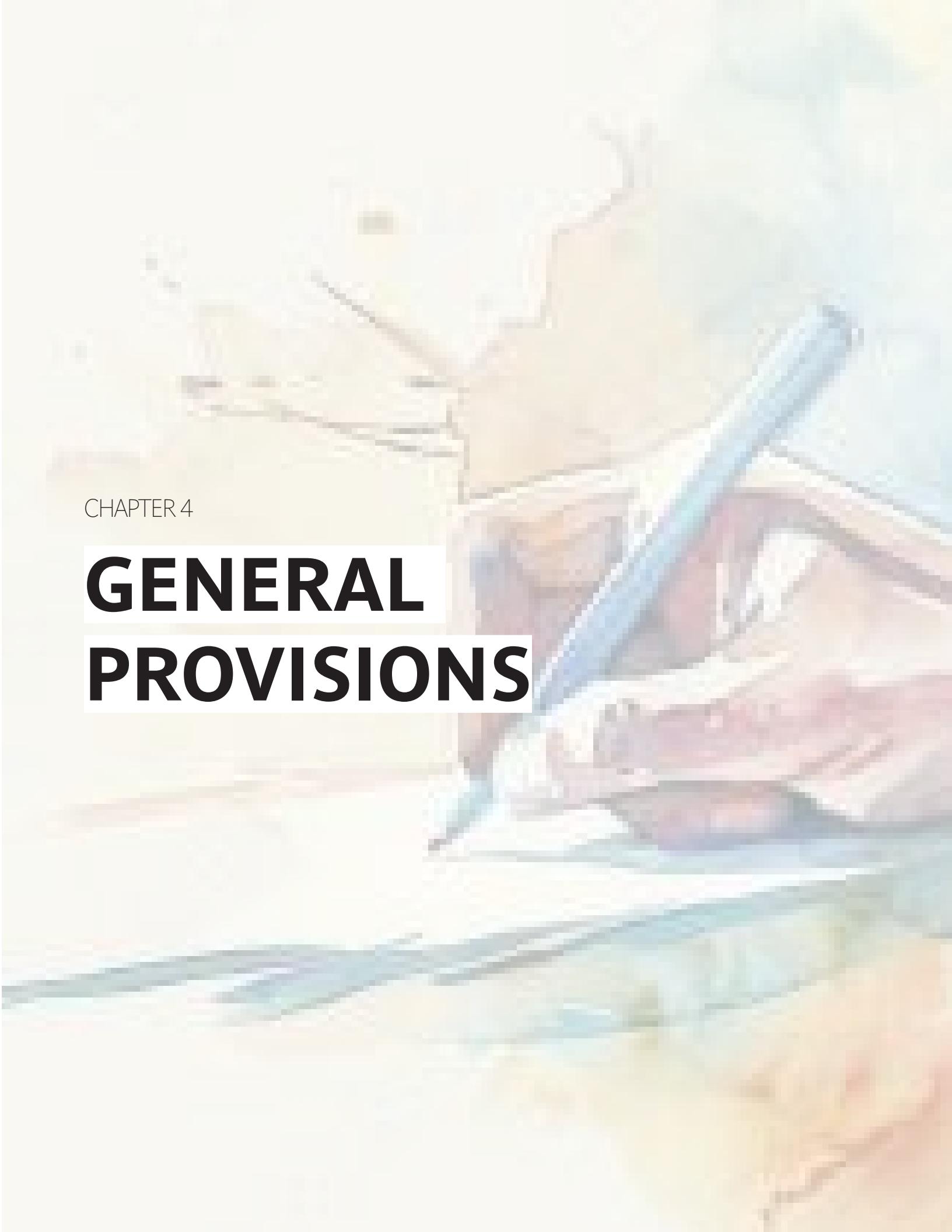
by a form of payment acceptable to the Municipality in the amount specified by Municipal Council and in accordance with the Municipal Fees Policy.

Where an application to amend this Bylaw 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 the Council to be sufficient to pay the costs of all advertising and notification required. If the amount paid is not sufficient to cover the costs incurred, then the applicant shall pay to the Municipality the additional amount required. If the amount paid is more than sufficient, then the Municipality shall refund the excess amount.

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

3.13 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

DRAFT

4.1 MULTIPLE USES

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

4.2 MULTIPLE BUILDINGS ON A LOT

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

4.3 ACCESSORY USES PERMITTED

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

4.4 ACCESSORY BUILDINGS AND STRUCTURES

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

1. Be used for human habitation, unless permitted by Section 4.14;
2. Be located in the minimum front or flankage yard(s) of a lot in a Mixed Use (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 Agricultural (AG) 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



DRAFT

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 *Municipal Government Act* provisions respecting non-conforming uses and structures, unless otherwise stated in this Bylaw.

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

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

4.7 RESTORATION TO A SAFE CONDITION

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

4.8 STREET FRONTAGE

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

this Bylaw.

Lots existing on or before the effective date that do not meet the street frontage requirements of this Bylaw may be developed, provided all other applicable requirements of this Bylaw are met and, in the case of a lot with no street frontage, an approved legal right-of-way has been granted to allow access to the lot. Where the lot lines of an existing lot that lacks street frontage are altered, but the lot still does not meet the street frontage requirement, this regulation shall still apply.

4.9 EXISTING UNDERSIZED LOTS

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

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

DRAFT

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

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.

4.14 PERMITTED NUMBER OF MAIN BUILDINGS ON A LOT

Where more than one main building is permitted to be located on a lot, the setback requirements set out in the respective zone shall apply to all main buildings and a minimum of 6.1 m (20.0 ft) shall be required between main buildings, unless otherwise provided for in this Bylaw.



DRAFT

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. There shall be no more than one secondary suite with a maximum gross floor area of 80 m² (861ft²)
2. The height of any separate structure containing a secondary suite shall not exceed the height of the main building.
3. 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. b. 50 m (164 ft) from a watercourse or wetland;
- c. c. 50 m (164 ft) from any drilled water well; and
- d. 50 m (164 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

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

4.19 RECREATIONAL VEHICLE PARKING SITES

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

1. Be surfaced with a stable surface such as, but not limited to, gravel, brick, paving stones, asphalt, or concrete;
2. Any accessory building, structure, or 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 private streets, roads, or highways.

DRAFT

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. There is no accessory outdoor storage or display within the front or side yards; and
4. The home based business does not make use of equipment that is obnoxious by virtue of dust, odour, smoke, noise, or other emissions.

4.23 WATERCOURSE PROTECTION

No excavation, infilling, construction, or any other alteration, except for maintenance undertaken to improve the health of vegetation and preserve the water's edge, shall be permitted within 20.0 m (65.6 ft) of the mean ordinary high-water mark of any river, brook, stream, wetland, or other inland watercourse, except for parks, trails, boardwalks, boathouses, and pedestrian or vehicular bridges; interpretive signage associated with the foregoing; and buildings and structures related to public parks and trails located within the protected area; public water, wastewater and stormwater services; wharves; marinas; boating clubs; ship chandlery offices; marine fueling stations; fishery and marine-related uses; boat construction; building and repair facilities; and boat and marine sales, service and rental facilities.

4.24 COASTAL PROTECTION

No excavation, infilling, construction, tree, stump, and other vegetation removal, or any alteration of any kind other than maintenance as may be necessary to maintain vegetation and preserve the water's edge shall be permitted within 30.5 m (100.1 ft) of the mean ordinary high water mark, including beaches, dunes, salt marshes, and areas with high erosion potential, except for: parks, trails, boardwalks; pedestrian or vehicular bridges; boathouses; interpretive signage associated with the foregoing; and buildings and structures related to public parks and trails located within the protected area.



DRAFT

4.25 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.

4.26 PUBLIC/PRIVATE UTILITIES & SERVICE FACILITIES

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

4.27 WIND TURBINES

1. Mini and small-scale wind turbines shall be considered accessory structures and shall meet the following requirements:
 - a. A maximum of one mini-scale or roof mounted wind turbine is permitted on

any lot;

- b. A maximum of one small-scale wind turbine is permitted on a lot in an Agricultural (AG) or an Industrial (I) Zone, and
- c. A wind turbine may not be built closer than two times the total wind turbine height to any lot line, public or private road, street, or highway, or an existing main building, with the exception of roof mounted wind turbines.

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

4.28 UNSUITABLE HABITATION

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



CHAPTER 5

DEVELOPMENT ZONES



DRAFT

5.1 ZONES ESTABLISHED

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

5.1.1 LAND USE ZONES

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

5.2 PERMITTED LAND USES

DRAFT

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

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

*by site plan approval only

**by development agreement



DRAFT

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

*by site plan approval only

**by development agreement

DRAFT

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

*by site plan approval only

**by development agreement



DRAFT

5.3 ZONE PROVISIONS

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

		Water & Waste-water Status	Minimum Lot Area	Minimum Lot Frontage	Minimum Yard Requirements			Maximum Building Height
					Front & Flankage	Side	Rear	
Zone	Land Use		A, B**	E, F**	H, L**	K, M**	I, J**	C**
R	Residential	Municipal*	930 m ² (10,010 ft ²)	30.5 m (100 ft)	7.6 m (25 ft)	3.0 m (10 ft)	7.6 m (25 ft)	11 m (36 ft)***
		On-site	4,047 m ² (43,562 ft ²)	37 m (121 ft)	7.6 m (25 ft)	3.0 m (10 ft)	7.6 m (25 ft)	
AG	Agricultural	On-site	4,047 m ² (43,561 ft ²)	37 m (121 ft)	15.2 m (50 ft)	4.6 m (15 ft)	7.6 m (25 ft)	11 m (36 ft)***
MX	Mixed Zone	Municipal*	930 m ² (10,010 ft ²)	30.5 m (100 ft)	3.0 m (10 ft)	3.0 m (10 ft)	7.6 m (25 ft)	
		On-site	2,700 m ² (2,906 ft ²)	37 m (121 ft)	7.6 m (25 ft)	3.0 m (10 ft)	7.6 m (25 ft)	11 m (36 ft)***
I	Industrial	N/A	4,047 m ² (43,562 ft ²)	45.7 m (150 ft)	15.2 m (50 ft)	15.2 m (50 ft)	15.2 m (50 ft)	
PI	Institutional	Municipal*	930 m ² (10,010 ft ²)	24.4 m (80 ft)	3.0 m (10 ft)	1.2 m (4 ft)	7.6 m (25 ft)	11 m (36 ft)***
		On-site	2,700 m ² (2,906 ft ²)	37 m (121 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

DRAFT

5.4 MEASURING STANDARD LOT AND BUILDING DIMENSIONS

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

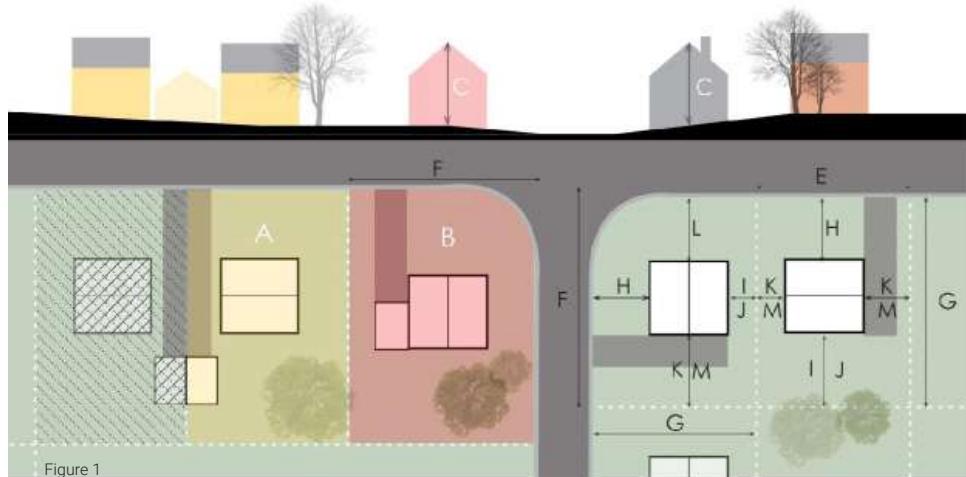
- 1. Larger Lot Sizes (A, B)** may be required in accordance with Provincial Regulations for On-Site Sewage Disposal Systems.
- 2. Lot Frontage (E, F)** for regular-shaped lots shall be measured as a straight line between the points where the two side lot lines meet the front lot line. In the case of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



DRAFT

Lot Area
Built Area

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

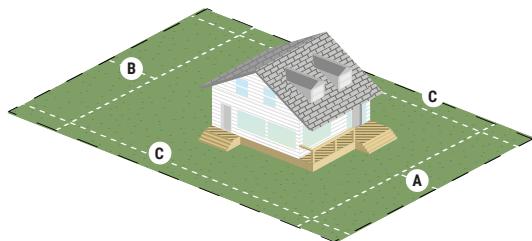
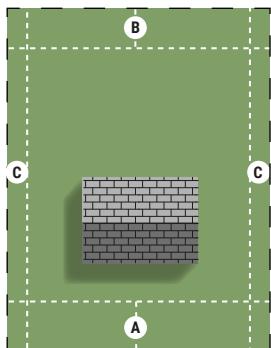


A Minimum Lot Area (Interior Lot)	Total horizontal area within the lot lines of a lot, or the combined total horizontal area within the boundary lines of all part lots associated with a semi-detached dwelling or townhouse dwelling
B Minimum Lot Area (Corner Lot)	Same as A but usually a larger area for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

DRAFT

5.5 RESIDENTIAL (R) ZONE

RESIDENTIAL (R) ZONE (R)



MUNICIPAL WASTEWATER

YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)
B	REAR YARD (MIN)
C	SIDE YARD (MIN)
	HEIGHT (MAX)

ON SITE SERVICES

YARD REQUIREMENT	
A	FRONT & FLANKAGE YARD (MIN)
B	REAR YARD (MIN)
C	SIDE YARD (MIN)
	HEIGHT (MAX)





DRAFT

5.5.1 Residential (R) Zone Special Requirements

5.5.2.1 R Abutting Yard Requirements

Where a Residential (R) Zone abuts an Agricultural (AG) Zone, 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 30.5 m (100.1 ft) for the AG Zone and 30.5 m (100.1 ft) for all other zones;
2. Where the abutting yard follows a side yard, the minimum abutting yard setback shall be measured from the front lot line to the rear lot line, the minimum required abutting yard setback shall be 30.5 m (100.1 ft); and
3. No building in excess of 20.0 m² (215.3 ft²) of total floor area shall be permitted to be developed in a required abutting yard.

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

5.5.2.2 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.

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

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

5.5.2 Residential (R) Zone Requirements

5.5.2.1 Residential (R) Zone General Standards

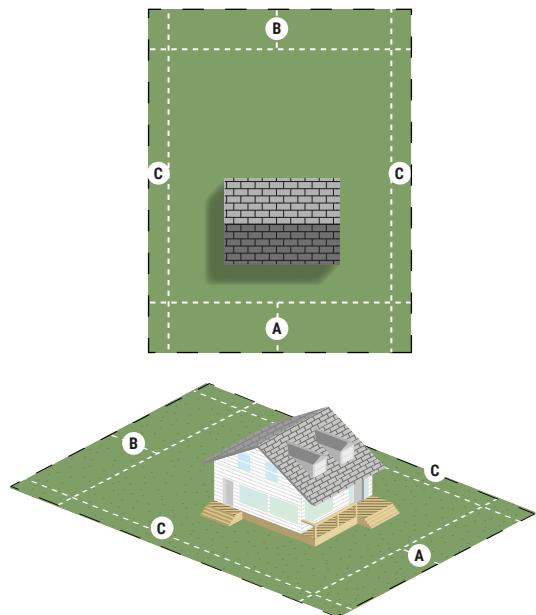
Where a Residential (R) Zone is established, the following standards shall apply to all lots and structures within the Residential (R) Zone:

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

DRAFT

5.6 AGRICULTURAL (AG) ZONE

AGRICULTURAL (AG)



MUNICIPAL WASTEWATER

YARD REQUIREMENT

Ⓐ FRONT & FLANKAGE YARD (MIN)	15.2 M
Ⓑ REAR YARD (MIN)	7.6 M
Ⓒ SIDE YARD (MIN)	4.6 M
HEIGHT (MAX)	11 M

ON SITE SERVICES

YARD REQUIREMENT

Ⓐ FRONT & FLANKAGE YARD (MIN)	15.2 M
Ⓑ REAR YARD (MIN)	7.6 M
Ⓒ SIDE YARD (MIN)	4.6 M
HEIGHT (MAX)	11 M





DRAFT

3. 5.6.1 Abutting Yard Requirements

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

1. Where the abutting yard follows a rear yard, the minimum required abutting yard setback shall be 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.

5.6.2 Commercial Livestock Operations Setbacks

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

1. 50.0 m (164.0 ft) of the front or flankage yard;
2. 50.3 m (165 ft) of the side and rear yards for the first 102.1 m (334.9 ft) of side yard depth of an adjacent property, other than another livestock farm or another property that is part of the farm under consideration in which case the distance shall be 3.0 m (9.8 ft) (Figure A);
3. 26.0 m (86.4 ft) of the side and rear yards for the next 152.4 m (500.0 ft) of side yard depth or part thereof (Figure B);
4. 7.6 m (24.9 ft) of the side and rear yards for any remaining side yard depth (Figure C and F);
5. No open storage shall be permitted within the yard area;
6. The side or rear yard setback for any commercial livestock operation must maintain a minimum setback of 50.3 m (165 ft) from any existing dwelling or seasonal dwelling (Figure E);
7. Refer to of the Nova Scotia Well Construction Regulations, made under

DRAFT

the *Environment Act*, for all required minimum setback distances from water wells;

8. 20.1 m (65.9 ft) of a wetland (Figure E).
9. Mink farms are required to use buffering and distancing to minimize land use conflicts due to smells, noise, or other nuisance activities as set by the Municipality.

5.6.3 Preservation of Agricultural Soils

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

5.6.4 Special Yard Requirements for Commercial Livestock Operations on Through Lots

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

See Figure G for setback requirements for through lots.

5.6.5 Special Exemption for Dwellings with Commercial Livestock Operations

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



DRAFT

Figure A

**Lot with only first
102.1 m side yard
depth**

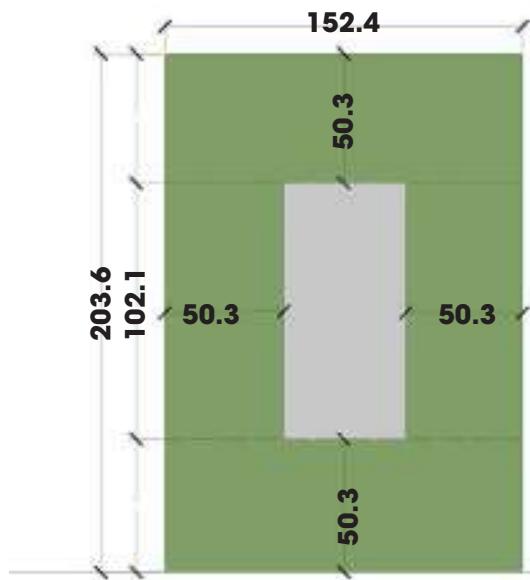
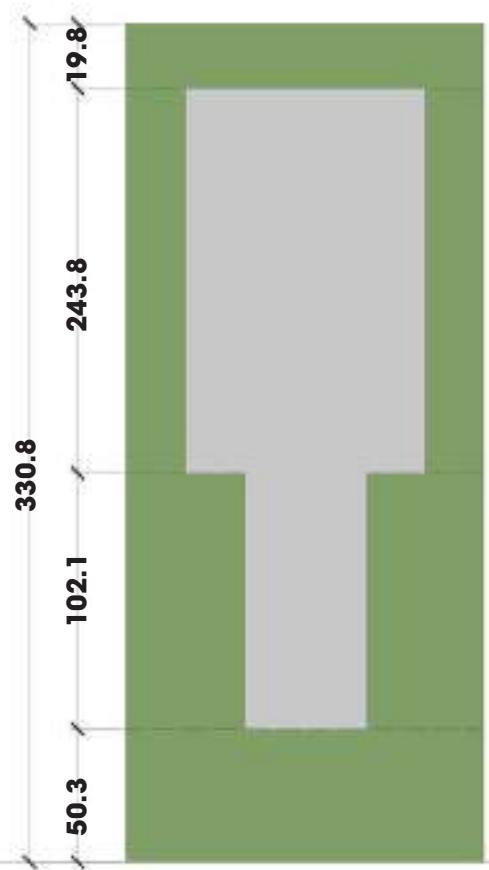


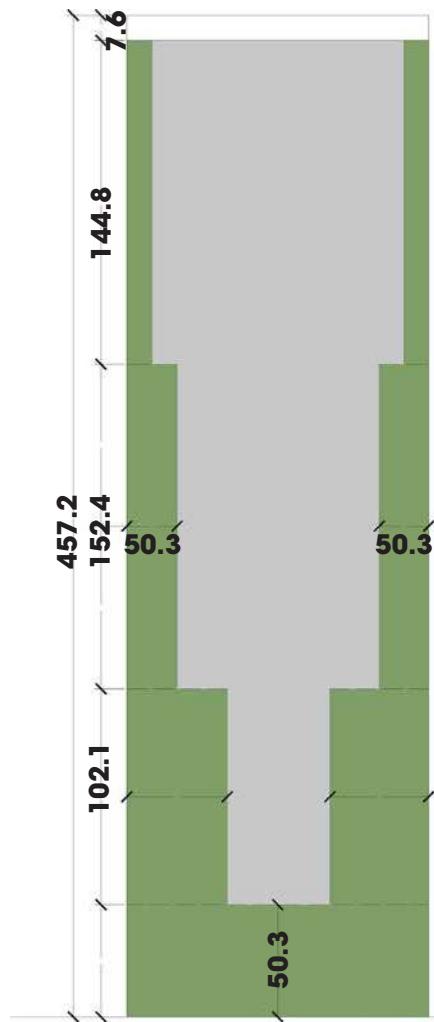
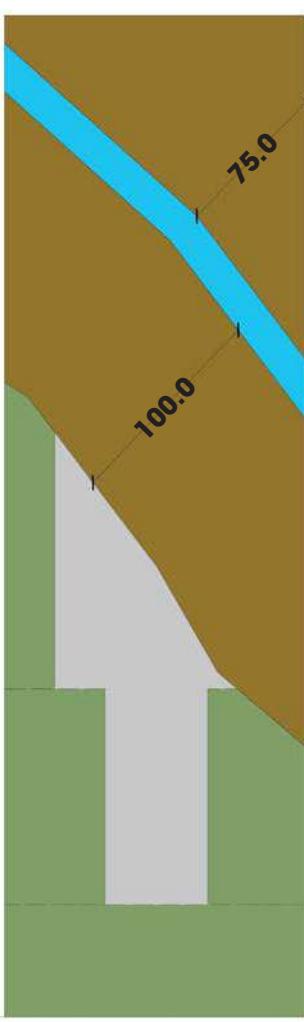
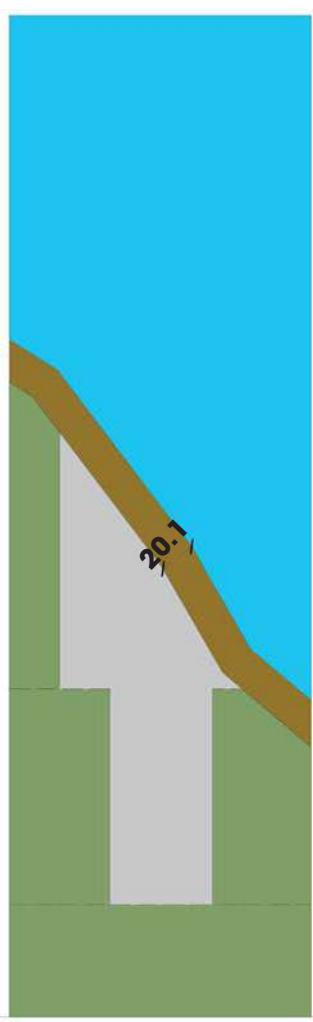
Figure B

**Lot with next
152.4 m side yard
depth**



Development Area
All measurements are in metres

DRAFT

Figure C**Lot with remainder side yard depth****Figure D****Lot with watercourse****Figure D1****Lot with wetlands** Development Area

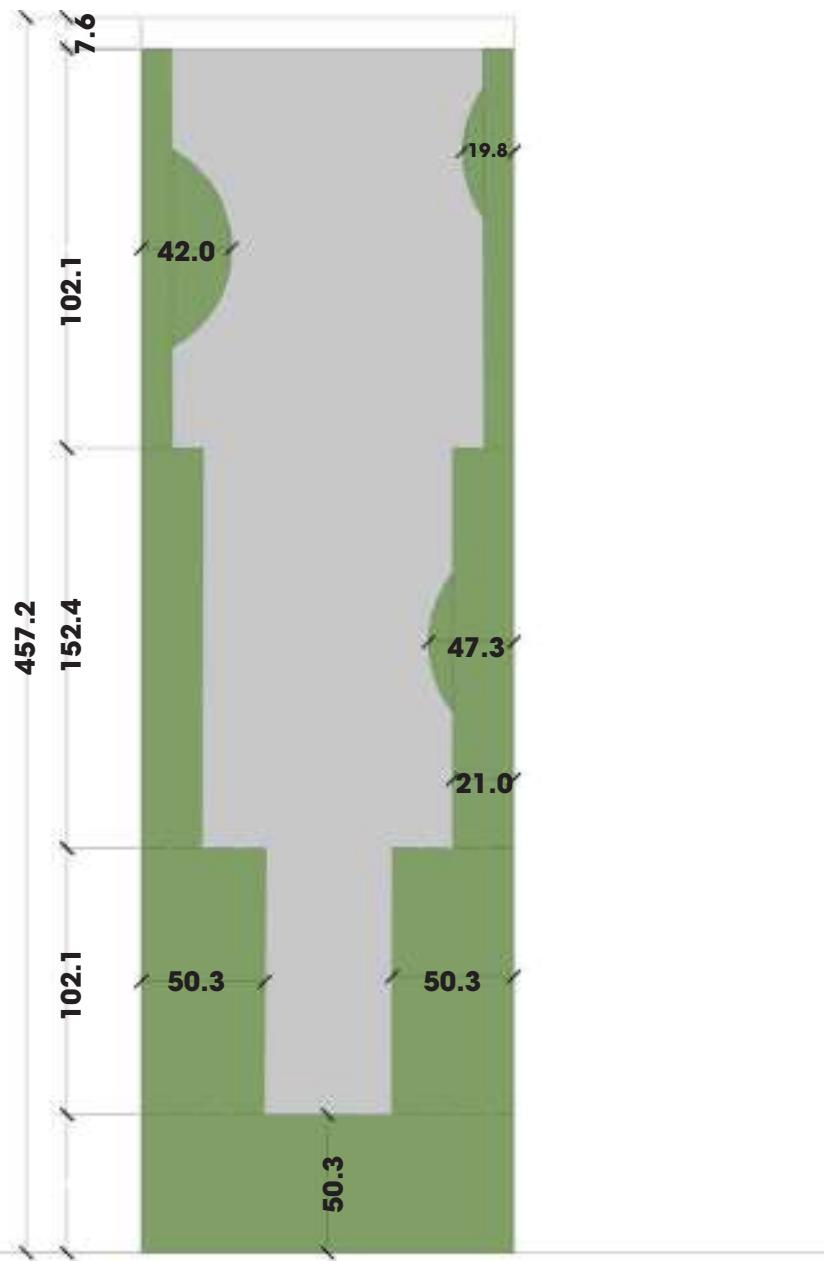
All measurements are in metres



DRAFT

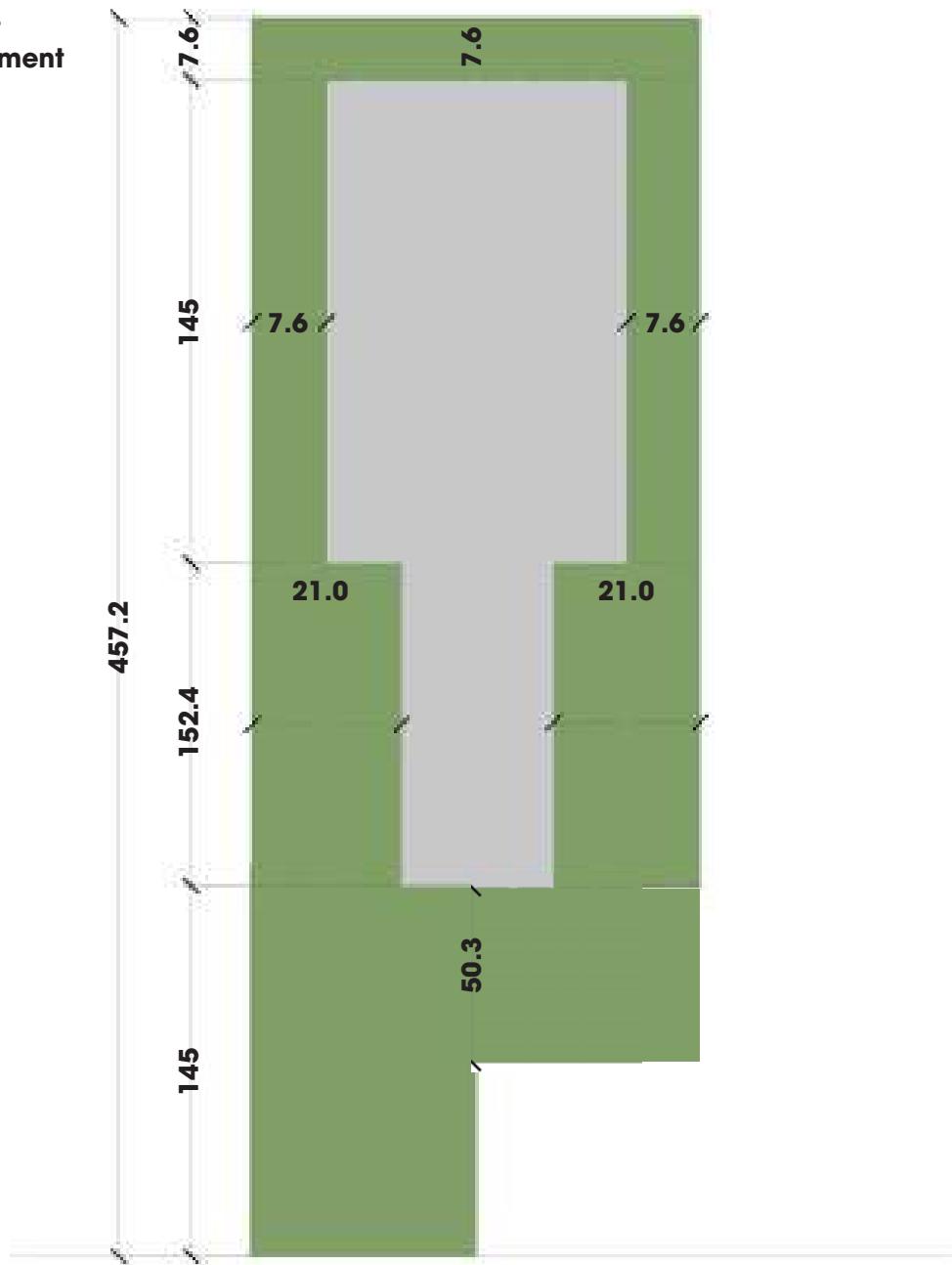
Figure H

Special minimum separation distance requirements (existing dwellings)



■ Development Area
All measurements are in metres

DRAFT

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

■ Development Area

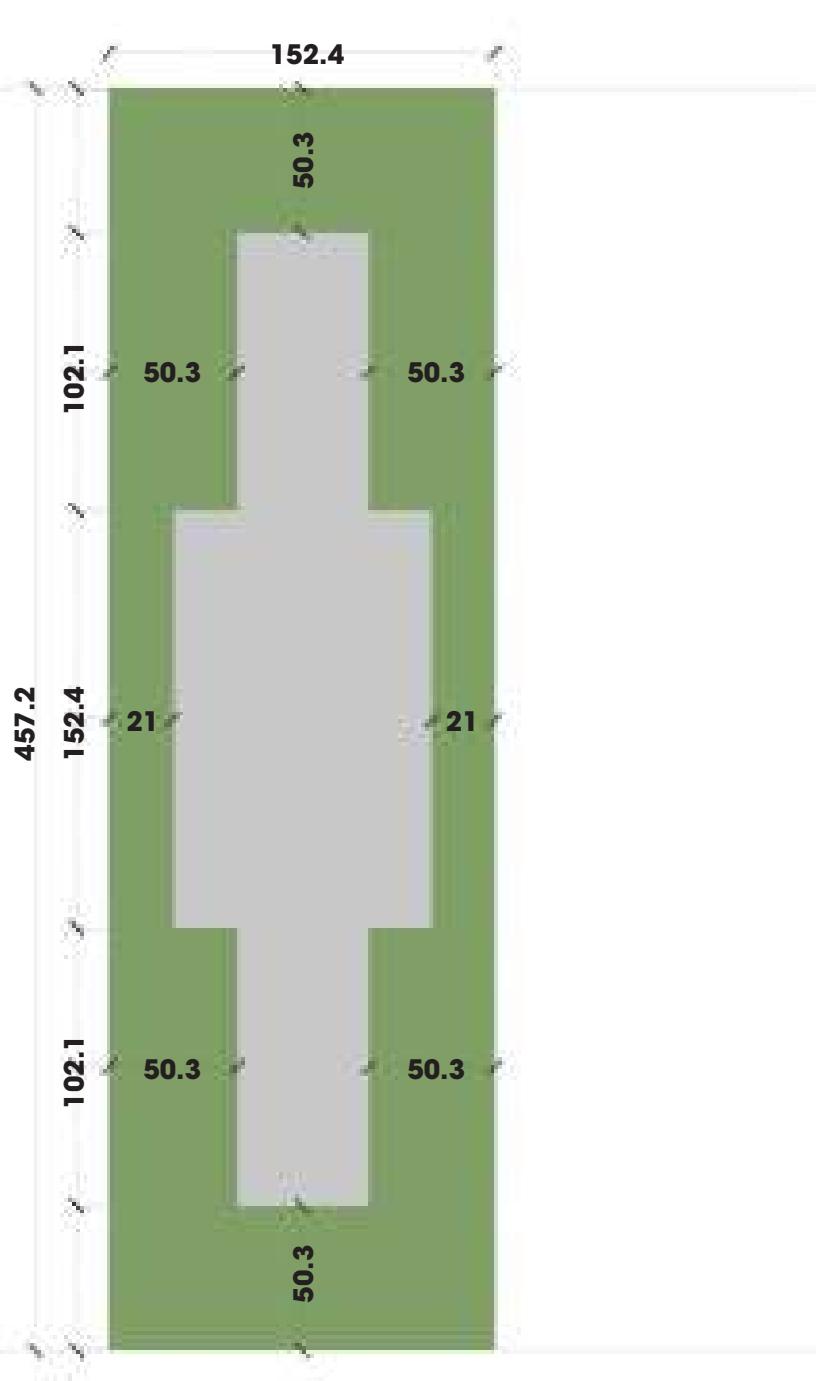
All measurements are in metres



DRAFT

Figure G

Spacial yard requirements for through lots

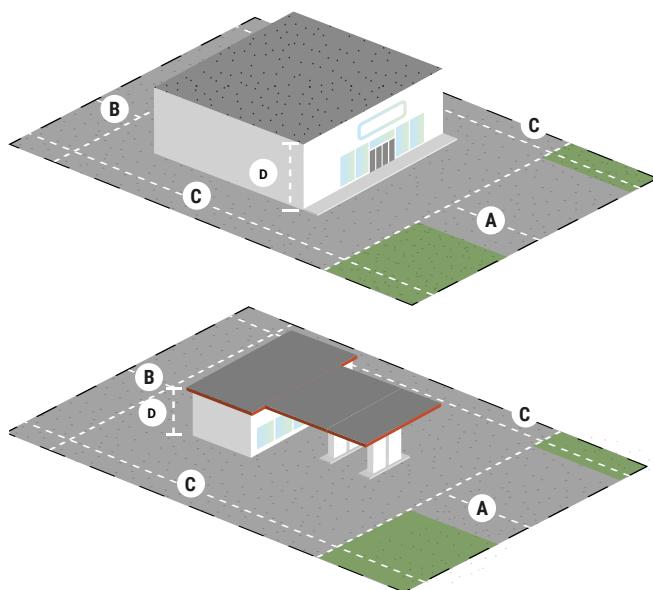


Development Area
All measurements are in metres

DRAFT

5.7 MIXED USE (MX) ZONE

MX - MIXED USE (MX) ZONE



MUNICIPAL WASTEWATER

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

ON SITE SERVICES

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





DRAFT

5.7.1 MIXED USE (MX) ZONE SPECIAL REQUIREMENTS

5.7.1.1 MX Mixed Use Development

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

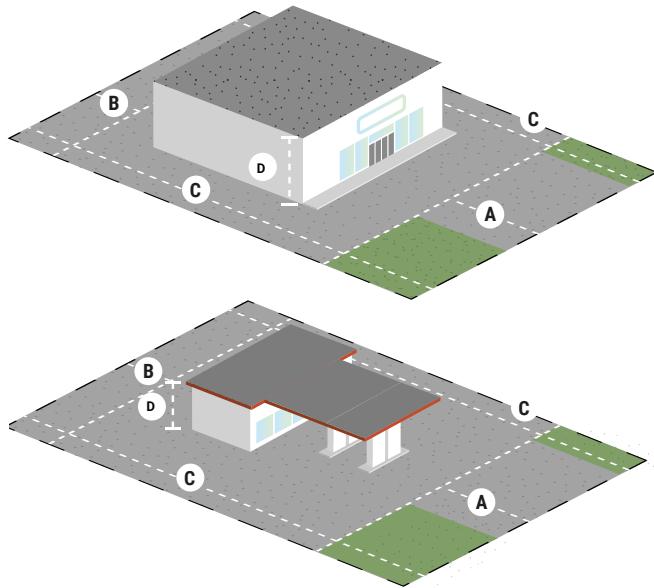
5.7.1.2 MX Abutting Yard Requirements

1. Where a Mixed Use (MX) Zone abuts another zone, the following restrictions shall apply to the abutting yard within the Mixed Use (MX) Zone;
2. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 30.5 m (100.1 ft) unless a 2.0 m (6.5 ft) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the rear yard setback may be 15.2 m (49.9 ft);
3. Where the abutting yard follows a side yard, the minimum side yard setback shall be 30.5 m (100.1 ft) for the Residential (R) Zone and 15.2 m (49.9 ft) for all other zones, unless a 2.0 m (6.5 ft) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the side yard setback may be 7.6 m (24.9 ft); and
4. No building in excess of 20.0 m² (215.2 ft²) of total floor area shall be permitted to be developed in a required abutting yard.

DRAFT

5.8 INDUSTRIAL (I) ZONE

INDUSTRIAL (I)



MUNICIPAL WASTEWATER

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

ON SITE SERVICES

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





DRAFT

5.8.1 INDUSTRIAL (I) ZONE SPECIAL REQUIREMENTS

5.8.1.1 *Abutting Yard Requirements*

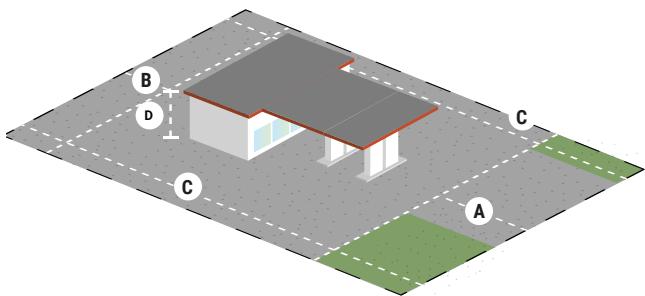
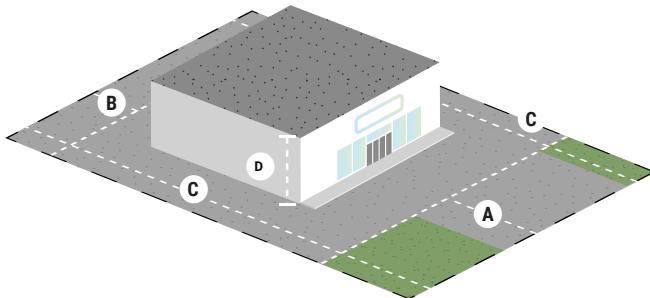
Where an industrial (I) Zone abuts another zone, the following restrictions shall apply to the abutting yard within the I Zone:

1. Where the abutting yard follows a rear and side yard, the minimum rear yard setback shall be 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 20.0 m² (215.2 ft²) of total floor area shall be permitted to be developed in a required abutting yard;
3. No outdoor storage or display area shall be permitted in a required abutting yard;
4. No parking space shall be permitted in a required abutting yard within 6.1 m (20.0 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; and
5. No signs located in an abutting yard shall be illuminated and only directional or business identification signs shall be permitted.

DRAFT

5.9 PARK AND INSTITUTIONAL (PI) ZONE

PI – PARK AND INSTITUTIONAL ZONE



MUNICIPAL WASTEWATER

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

ON SITE SERVICES

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





DRAFT

5.9.1 PARK AND INSTITUTIONAL (PI) ZONE SPECIAL REQUIREMENTS

5.9.1.1 *PI Abutting Yard Requirements*

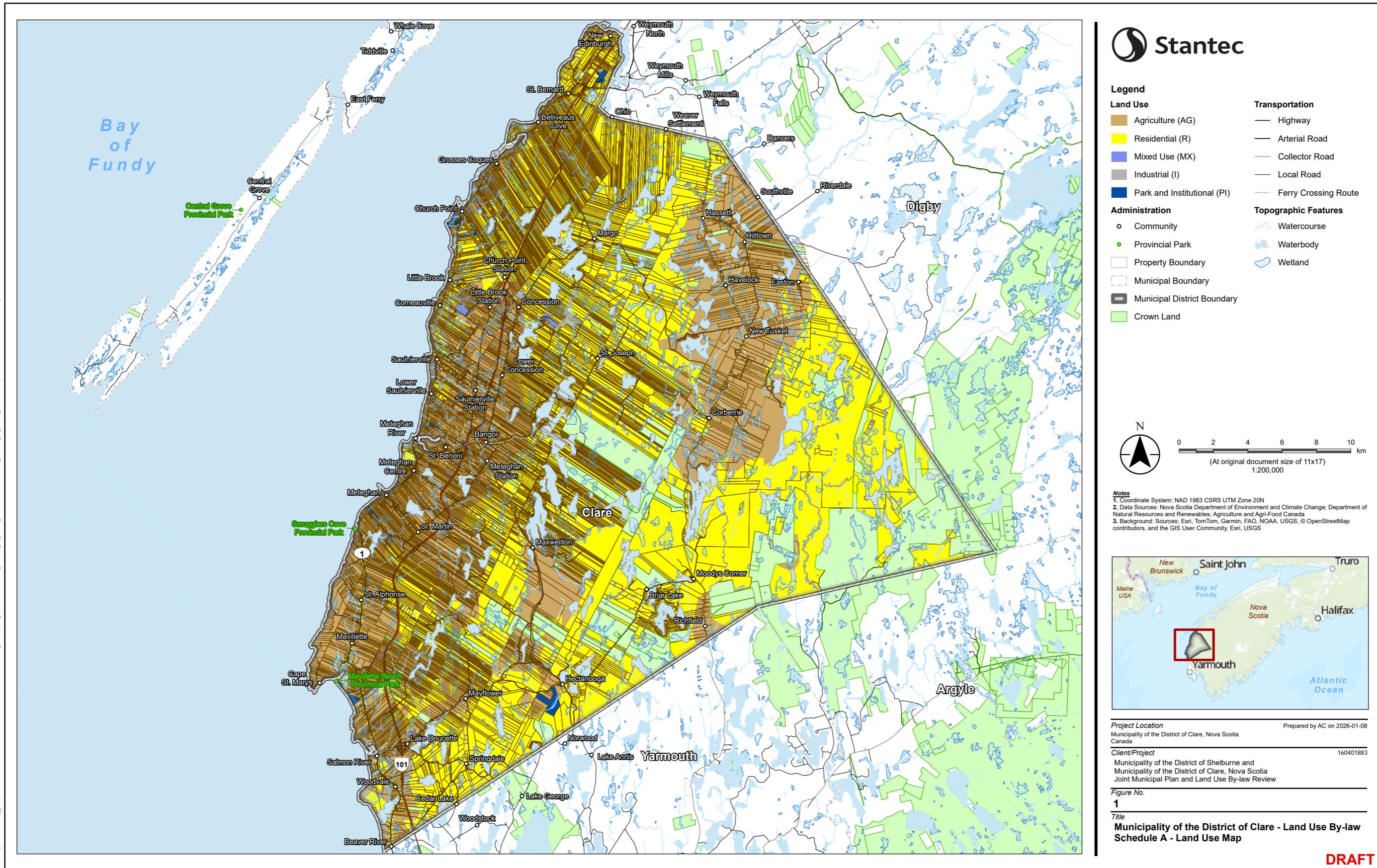
Where an Institutional (PI) Zone abuts an Residential (R) Zone, an Industrial Park (I) Zone, the following restrictions shall apply to the abutting yard within the PI Zone:

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 20.0 m² (215.2 ft²) of total floor area shall be permitted to be developed in a required abutting yard.

APPENDIX A

**DRAFT**

ZONING MAP



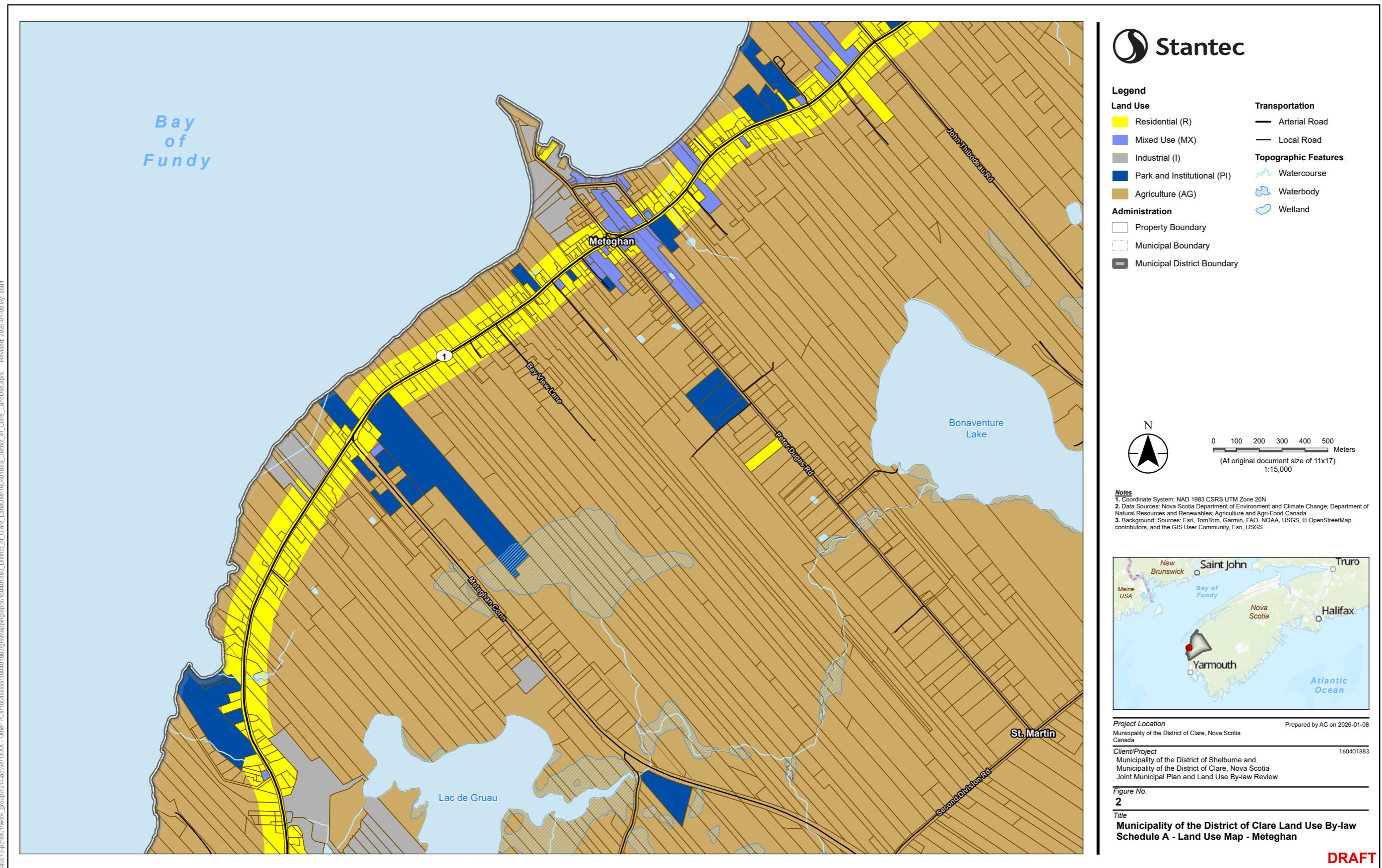
\Ca0213\p0\sd1\work\group124\active\1XXX - Other PCs\1604xxxxxx160401883\gismapping\japan160401883_District_of_Clare_LandUse.aprx

Revised: 2026-01-08 By: acuff



DRAFT

ZONING MAP



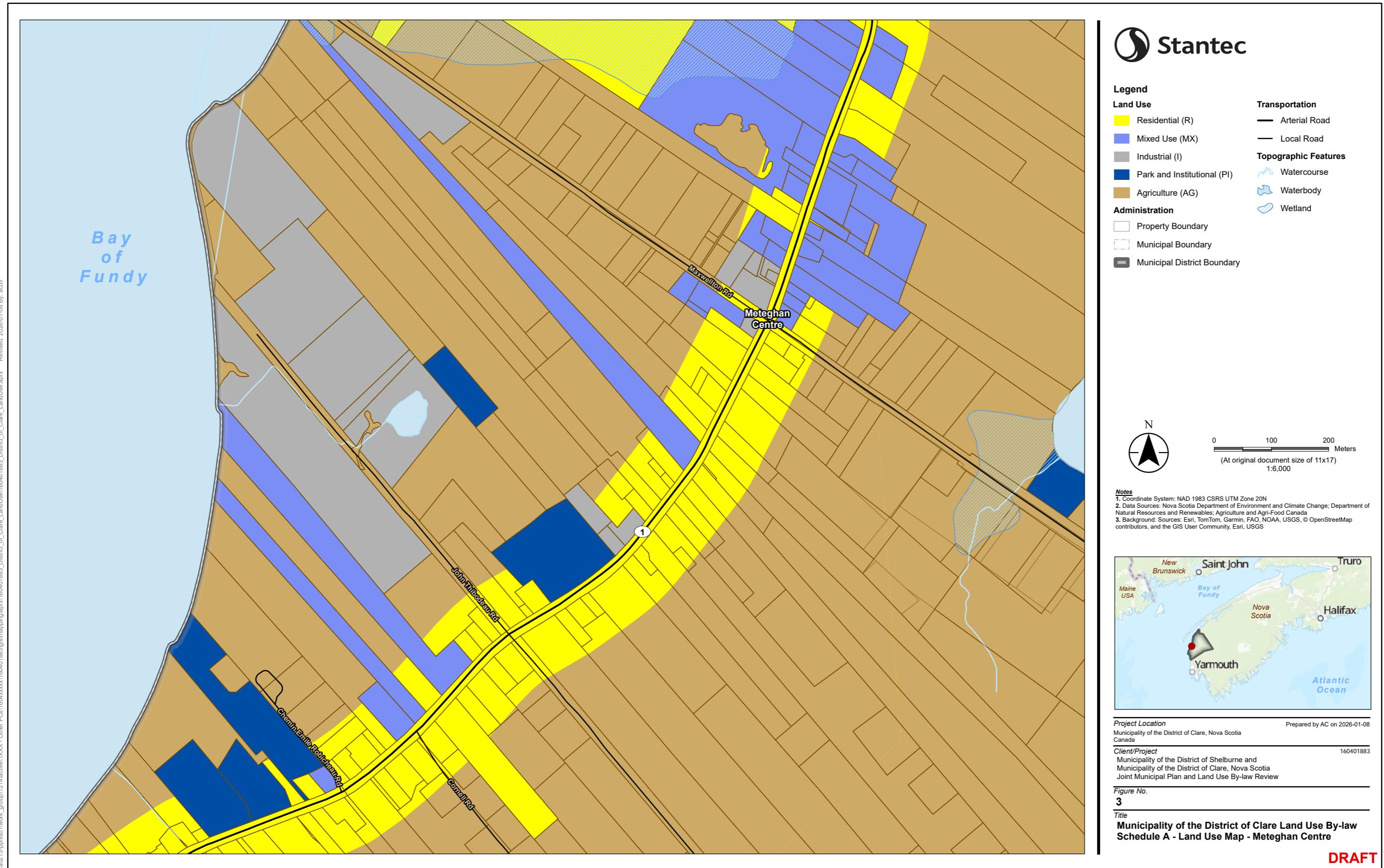
\\Can213\pfsd1\work_group1\1214\active\1XXX - Other_PCs\16040000\160401883\gis\mapping\gpx\160401883.gpx

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.



DRAFT

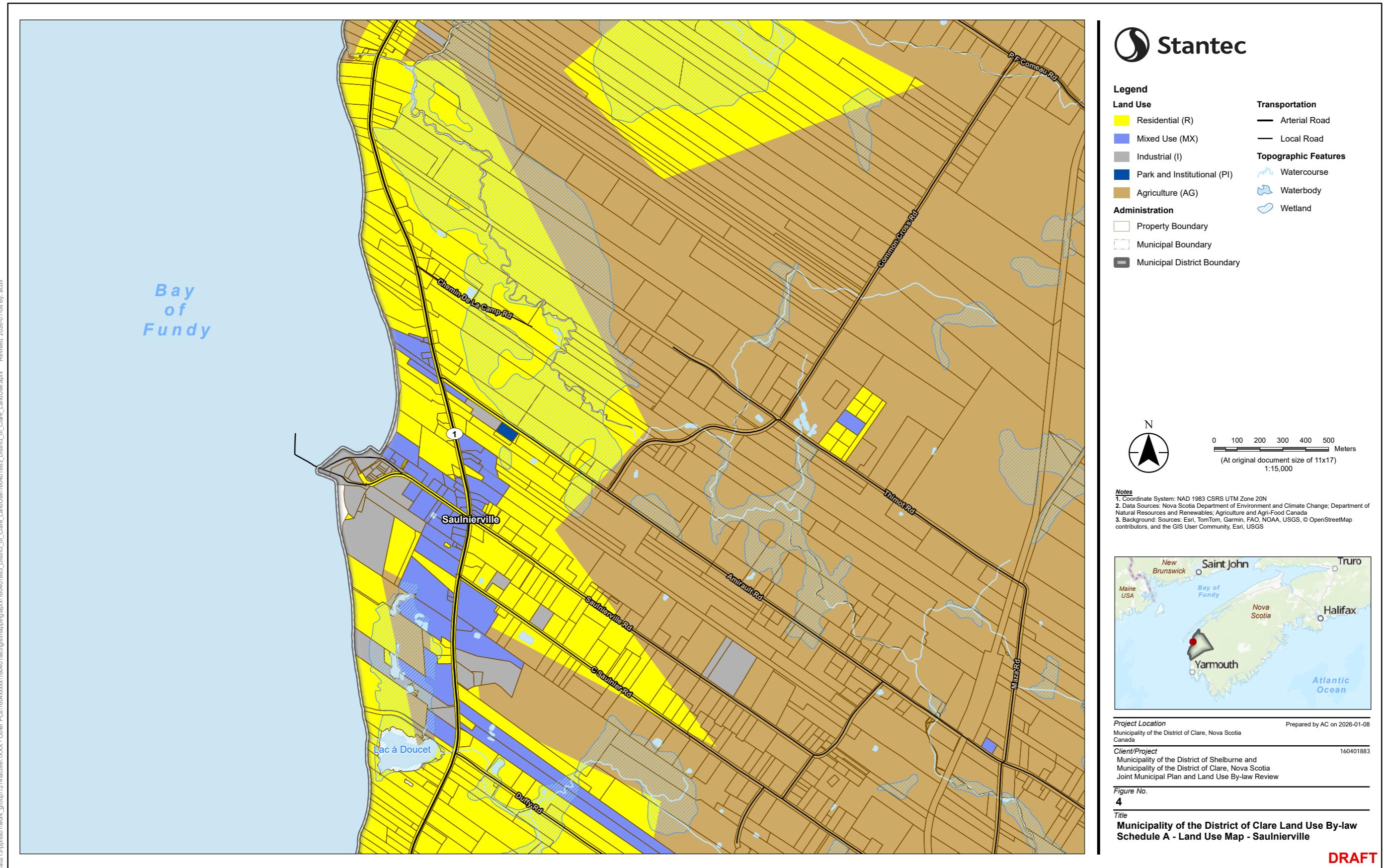
ZONING MAP





DRAFT

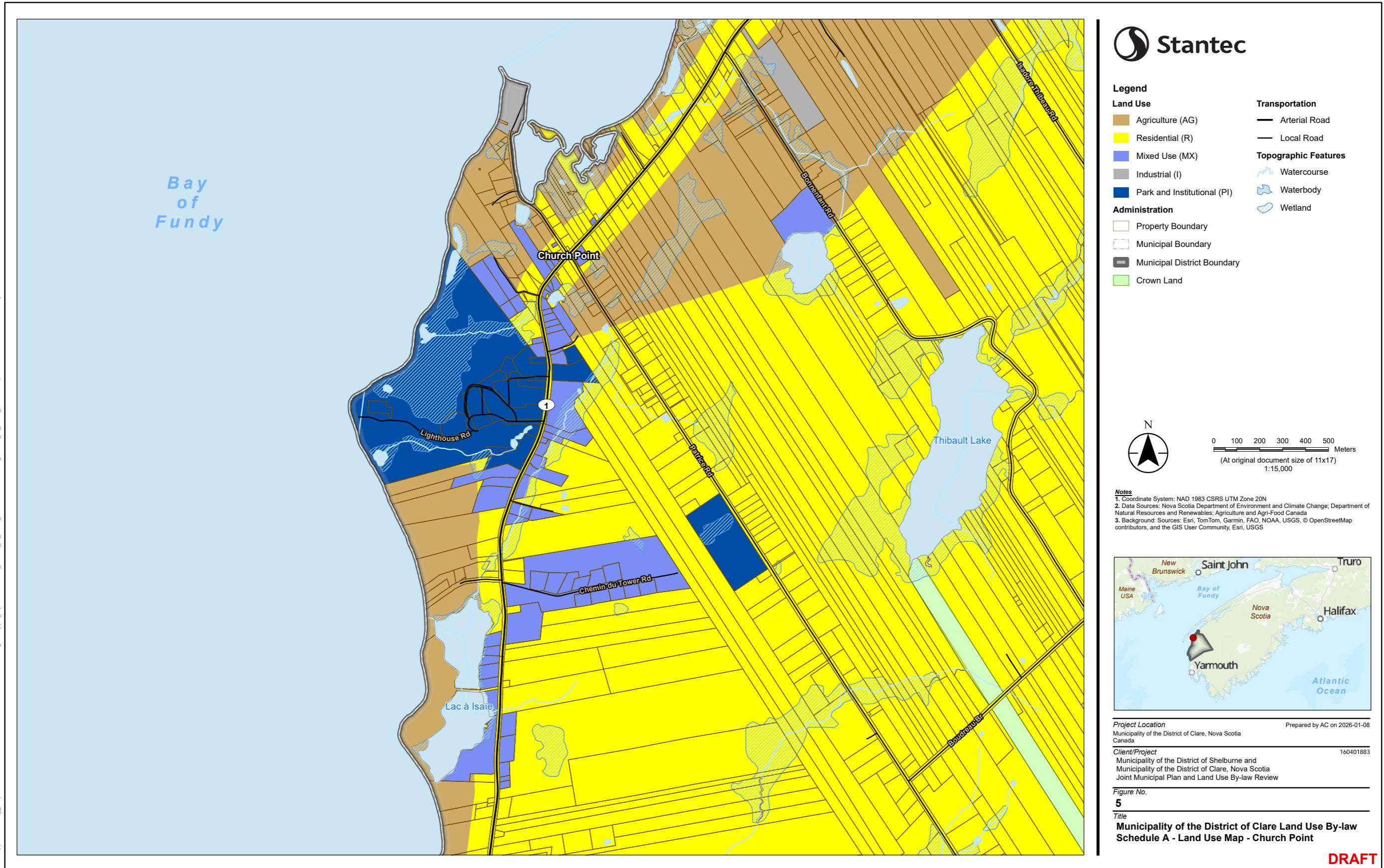
ZONING MAP





ZONING MAP

DRAFT



Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.



**Municipality of the
District of Clare**

