

# **PEGGY'S COVE COMMISSION**

PEGGY'S COVE LAND USE BYLAW

**1993**

*Amended in 2003*

## PEGGY'S COVE COMMISSION

### PEGGY'S COVE LAND USE BYLAW

A Bylaw to regulate the erection and use of buildings and structures, and to control the architectural design, character and appearance of buildings and structures within the Peggy's Cove Preservation Area.

The **Peggy's Cove Commission Act**, Chapter 339 of the Statutes of Nova Scotia, 1989, provides in Section 7 that:

- “(2) The Commission may make by-laws, the provisions of which may be shown in plan form,
  - (a) designating districts of the Area within which it is lawful to erect, construct, alter, reconstruct, repair or maintain designated types of buildings or to carry on designated businesses, trades or callings;
  - (b) designating districts of the Area within which it is unlawful to erect, construct, alter, reconstruct, repair or maintain designated types of buildings or to carry on designated businesses, trades or callings;
  - (c) designating the purposes for which buildings may not be used, occupied, erected, constructed, altered, reconstructed or repaired, or land use, or designating the class of use which only is permitted;
  - (d) controlling the architectural design, character or appearance of any or all buildings proposed to be erected within the area;”

**Exhibit 'C'**

**PEGGY'S COVE LAND USE BYLAW**

**PEGGY'S COVE COMMISSION**

THIS IS TO CERTIFY that the Bylaw, of which the attached is a true copy, was made by the Peggy's Cove Commission at a duly called meeting of the Commission on the 23<sup>rd</sup> day of November 1993.

Given under the hand of the Chairman of the Peggy's Cove Commission this 30<sup>th</sup> day of *November*, 1993

\_\_\_\_\_  
Karl W. Webb  
Chairman, Peggy's Cove Commission

DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM

Approved this \_\_\_\_\_ 28<sup>th</sup> \_\_\_\_\_ day  
of \_\_\_\_\_ *February* \_\_\_\_\_ 19 \_\_ 94 \_\_

\_\_\_\_\_  
Ross Bragg  
Minister of Economic Development and Tourism

**PEGGY'S COVE LAND USE BYLAW**

**PEGGY'S COVE COMMISSION**

Moved by Commissioner Manuel, seconded by Commissioner Camp that the Peggy's Cove Land Use Bylaw be approved.

Motion carried.

I, Paul Christian, Secretary of the Peggy's Cove Commission, do certify that the foregoing is a true copy of a motion passed at a duly called meeting of the Peggy's Cove Commission duly convened and held on the 23<sup>rd</sup> day of November A.D. 1993.

Dated at *Halifax*, Nova Scotia,  
This 30<sup>th</sup> day of *November* A.D. 1993.

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# **1 TITLE AND APPLICATION**

## **1.1 Title**

This Bylaw shall be cited as the **Peggy's Cove Land Use Bylaw**.

## **1.2 Application of Bylaw**

This Bylaw applies to the Peggy's Cove Preservation Area as designated by the Governor in Council pursuant to the Peggy's Cove Commission Act, and shown on Map 1.

# **2 ADMINISTRATION**

## **2.1 Enforcement**

This Bylaw shall be administered by the Peggy's Cove Commission.

## **2.2 Development Approval**

- (a) No development shall be permitted unless approved in writing by the Peggy's Cove Commission and the Commission shall not approve a development unless the provisions of this Bylaw are satisfied;
- (b) Upon approving or refusing to approve a development the Commission shall advise the proponent and Halifax County Municipality (Building Inspection) of its decision;
- (c) The Commission's approval of a development shall be in force for a period of one year from the date of approval and may be renewed upon request, subject to review by the Commission, provided that the request is received before the expiry date of the current approval.

## **2.3 Scope of Request for Approval**

Every request for approval of a development shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing how the proposed development conforms with the requirements of this Bylaw.

## **2.4 Signature for Request for Approval**

The request for approval shall be signed by the registered owner of the lot or by the owner's agent, duly authorized in writing and shall set forth in detail the current and proposed use of the lot and each building or structure, or part of each building or structure, together with all information necessary to determine whether or not every such proposed use of land, building or

structure conforms with the requirements of this Bylaw.

## **2.5 Failure to Comply**

Any person who violates a provision of this Bylaw shall be subject to prosecution as provided for under Section 15 of the Peggy's Cove Commission Act, which is included in this Bylaw as **Appendix "A"**.

## **2.6 Licenses, Permits and Compliance with Other Bylaws**

- (a) Nothing in this Bylaw shall exempt any person from complying with the requirements of the Building Bylaw for Halifax County Municipality or any other bylaw in force within the Preservation Area, or to obtain any license, permission, permit, authority, or approval required by any other bylaw of Halifax County Municipality, or statute and regulation of the Province of Nova Scotia;
- (b) Where the provisions in this Bylaw conflict with those of any other municipal or provincial regulations, bylaws, or codes the more stringent requirements shall prevail.

## **2.7 Date of Bylaw**

This Bylaw shall take effect when approved by the Minister responsible for the administration of Peggy's Cove Commission Act.

# **3 INTERPRETATION OF ZONES, MAPS AND SYMBOLS AND CERTAIN WORDS**

## **3.1 Zones**

For the purposes of this Bylaw, the Peggy's Cove Preservation Area is divided into the following zones as shown on the accompanying Zoning Maps (Maps 2 and 3). Such zones may be referred to by the following symbols and titles:

Symbol	Zone Title
R	Residential Zone
F	Fishing Industry Zone
C	Commercial Zone
P	Public Facilities Zone
Cn	Conservation Zone

### 3.2 Zoning Maps

Maps 2 and 3 are the **Peggy’s Cove Zoning Maps** which form part of this Bylaw.

### 3.3 Symbols

The symbols used on the Zoning Maps refer to the corresponding zones established by the Bylaw.

### 3.4 Interpretation of Zoning Boundaries

Boundaries between zones shall be determined as follows:

- (a) where a zone boundary is indicated as following a road, the boundary shall be the centre line of such road;
- (b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
- (c) where a zone boundary is indicated as following the shoreline, the boundary shall follow the mean high water line;
- (d) where none of the above provisions apply, and where appropriate the zone boundary shall be scaled from the Zoning Map (Map 3).

### 3.5 Certain Words

In this Bylaw, words used in the present tense include the future, words in the singular number include the plural, words in the plural include the singular number, and the word ‘used’ includes ‘arranged to be used,’ ‘designed to be used’ or ‘intended to be used,’ and the word ‘shall’ is mandatory and not permissive.



### **3.6 Permitted Uses**

- (a) In this Bylaw, any use not listed as permitted use in a zone is prohibited in that zone unless otherwise indicated.
- (b) Where a permitted use within any zone is defined in **Section 12 Definitions**, the uses permitted within that zone include any similar uses which satisfy such definition except where a definition specifically excludes any similar uses.

### **3.7 Prior Existing Buildings and/or Uses**

Certain buildings and/or uses of land in existence prior to the effective date of this Bylaw are listed on **Schedule "A"** which forms part of this Bylaw and may be cited as the **List of Prior Existing Buildings and/or Uses**.

## **4 GENERAL PROVISIONS FOR ALL ZONES**

### **4.1 Accessory Buildings**

An accessory building or structure shall be permitted in any zone, provided there are no more than two (2) accessory buildings or structures per lot and no accessory building or structure:

- (a) be used for human habitation except for the temporary accommodation of private guests;
- (b) exceed 22 feet in height;
- (c) exceed 320 square feet if located less than 20 feet from a public road; or
- (d) exceed 750 square feet if located more than 20 feet from a public road.

### **4.2 Accessory Uses Permitted**

Where this Bylaw provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose includes any accessory use.

#### **4.3 Building to be Moved**

No building, residential or otherwise, shall be moved within or into the Preservation Area unless approval has been obtained from the Peggy's Cove Commission.

#### **4.4 Building Size**

Any one building shall not exceed a total ground floor area of 1500 square feet (140 m<sup>2</sup>).

#### **4.5 Existing Buildings or Uses**

A building or use which was in existence on or before the effective date of this Bylaw and which is still in existence and which would not be permitted as a new building or use in the zone in which it is located shall be regarded as a conforming building or use for the purposes of this Bylaw provided that it is listed in the **Permitted Uses** section of the zone in which it is located and identified on **Schedule 'A,' List of Prior Existing Buildings and/or Uses**.

#### **4.6 Fences and Miscellaneous Minor Structures**

- (a) No approval shall be required for fences less than three (3) feet three (3) inches (1m) in height, and no fence exceeding a height of six (6) feet six (6) inches (2m) shall be approved by the Commission.
- (b) No approval shall be required for miscellaneous minor structures such as retaining walls, children's play structures, cold frames, garden trellises, clothes line poles, dog houses, etc., provided that the provisions of **Section 10.10, Accessory Buildings and Structures** are satisfied.

#### **4.7 Manufactured Homes**

Manufactured homes, including house trailers and mobile homes are not permitted within the Preservation Area.

#### **4.8 Nonconforming Buildings and Nonconforming Uses**

Nonconforming buildings and nonconforming uses shall be subject to Section 13 of the Peggy's Cove Commission Act, which is included in this Bylaw as **Appendix "B."**

#### **4.9 Restoration to a Safe Condition**

Nothing in this Bylaw shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a nonconforming building or use, the provisions of Section 13 of the Peggy's Cove Commission Act (attached as Appendix "B") shall prevail.

#### **4.10 Special Events**

Nothing in this Bylaw shall prohibit the construction, in a R(Residential), F(Fishing Industry), or P(Public) Zone, of temporary structures for entertainment purposes including stages, tents, awnings, portable washrooms, bleachers or other similar structures used in the celebration of holiday, or special community events. The approval of the Commission is not required for any construction subject to this section provided notice of the construction shall be given to the Chair of the Peggy's Cove Commission at least 5 days prior to the construction and no such structure remains in place for more than 7 consecutive days.

#### **4.11 Temporary Construction Uses Permitted**

Nothing in this Bylaw shall prevent the use of land or the use or erection of a temporary road, building or structure that is accessory to construction in progress, such as a tool or maintenance shed or scaffold, provided that the temporary construction use has been approved by the Commission, excepting that a mobile home or a sales or rental office shall not be permitted for these purposes.

#### **4.12 Utilities**

Unless otherwise stated, a utility that is essential for the actual provision of a service, including but not limited to a public or private sewer collection and treatment facility, a water supply and distribution facility, and facilities for the distribution of electrical power, telephone and cable television shall be permitted in any zone.

#### **4.13 Vehicle Bodies**

No marine vessel, truck, bus, or other vehicle shall be used for human habitation, or used as a commercial building.

#### **4.14 Driveways**

- (a) For lots located in R(Residential) Zone or F(Fishing Industry) Zone, no driveway shall exceed 12 feet in width and no more than one driveway per lot shall be connected to a public road.

- (b) For lots located in C(Commercial )Zone or P(Public Facilities) Zone no driveway shall exceed 20 feet in width.

#### **4.15 Altering Land Levels**

No person shall alter land levels (the excavation or filling-in of land) except for the following purposes:

- (a) the construction of a driveway provided no cut or fill exceeds two feet in depth;
- (b) the construction of a structure;
- (c) the construction of a disposal bed for an onsite sewer system; or
- (d) the construction of garden beds.

#### **4.16 Excavation Material**

No fill or excavation material shall be placed on exposed granite rock, wetland, swamp or bog except what is necessary for the construction of a driveway or structure.

#### **4.17 Parking Areas**

In a R(Residential) Zone a parking area shall not exceed 400 square feet, excluding the driveway.

### **5 R(RESIDENTIAL) ZONE**

#### **5.1 Home Occupations Permitted in the R(Residential) Zone**

- (a) Nothing in this Bylaw shall prevent the use of a dwelling in the **R(Residential) Zone** for a home occupation provided that:
  - (i) the dwelling is occupied as a residence by the operator of the home occupation and the external appearance of the dwelling is not changed by the home occupation;
  - (ii) there are not more than 2 assistant employees employed in the home occupation;
  - (iii) not more than 25 percent of the total floor area of the dwelling, excluding basement, is devoted to the home occupation;

- (iv) a minimum of 2 customer parking spaces are provided on the lot;
  - (v) retail sales of products shall be limited to the sale of products made, refinished, or repaired on the premises;
  - (vi) the use shall not emit any noise, odour, dust or light that would be a nuisance, and there shall be no open storage or outdoor display of materials or products related to the home occupation;
  - (vii) there is not more than one non-illuminated business sign attached to the building of not more than 5 square feet (0.46m<sup>2</sup>) in area.
- (b) For the purposes of Clause (a) a home occupation includes the following types of uses:
- business or professional offices
  - craft workshops
  - related to the fishing industry
  - repair shops
  - residential day care centres or nursery schools
  - studios for the practice or instruction of fine arts, commercial arts or crafts
  - tailoring, dressmaking

## **5.2 Parking of Commercial Motor Vehicles**

No more than 2 commercial vehicles shall be kept on any lot in the R(Residential) Zone and no such commercial vehicle shall exceed a registered weight of 5 tons (4.5 tonnes).

## **5.3 Special Requirements for Bed and Breakfast Establishments**

A bed and breakfast establishment shall be permitted within the **R(Residential) Zone** provided that:

- (a) the single unit dwelling is occupied as a residence by the operator of the business;
- (b) it contains not more than four (4) rental units;
- (c) the provisions of **Section 11** signs are satisfied.

## **5.4 R(Residential) Zone Permitted Uses**

The following uses shall be permitted in the **R(Residential) Zone**:

- bed and breakfast establishments
- converted dwellings (to a maximum of 2 dwelling units)
- single family dwellings
- St. John's Anglican Church
- St. John's Community Hall
- storage and maintenance of fishing nets, or equipment related to the fishing industry
- the Studio Gallery/Bed and Breakfast (located on property identification number 40038564).

## **6 F(FISHING INDUSTRY) ZONE**

### **6.1 F(Fishing Industry) Zone Permitted Uses**

The following uses shall be permitted in the **F(Fishing Industry) Zone**:

- (a) Fishing Uses
  - boat and equipment storage, manufacturing, maintenance and repair directly related to the fishing industry
  - fish houses and sheds
  - fish processing operations which do not involve reduction
- (b) Commercial Uses
  - fish and shellfish wholesale and retail stores
  - wholesale and retail supplies sales directly related to the fishing industry
- (c) Residential Uses
  - single unit dwellings

## **7 C(COMMERCIAL) ZONE**

### **7.1 C(Commercial) Zone Permitted Uses**

The following uses shall be permitted in the **C(Commercial) Zone**

- (a) Commercial Uses
  - business and professional offices
  - convenience stores

- food stores
- restaurants
- retail stores
- service and personal service shops
- souvenir and gift shops
- galleries
- the Sou-Wester Gift & Restaurant Ltd. (Located on property identification number 40038630)

(b) Residential Uses

- all uses permitted in the **R(Residential ) Zone**

**7.2 Outdoor Storage**

No outdoor storage shall be permitted in the **C(Commercial) Zone**, except for the storage and maintenance of fishing nets, or equipment related to the fishing industry.

**8 P(PUBLIC FACILITIES) ZONE**

**8.1 P(Public Facilities) Zone Permitted Uses**

The following uses shall be permitted in the **P(Public Facilities) Zone**:

- interpretive signage
- lighthouse
- museum or gallery
- postal facility
- public parking lot
- public washrooms
- visitors' centre

**8.2 Outdoor Storage**

No outdoor storage shall be permitted in the **P(Public Facilities) Zone**.

**9 CN (CONSERVATION) ZONE**

**9.1 Cn (Conservation) Zone Permitted Uses**

No approval shall be given by the Peggy's Cove Commission for any development in the **Cn (Conservation) Zone**, except by specific amendment to this bylaw.

## **10 ARCHITECTURAL DESIGN**

### **10.1 General Provisions**

- (a) The provisions of this Section apply to the external appearance of any proposed new structure, and to the alteration, reconstruction, or expansion of any existing structure.
- (b) Any new structure and any alteration to an existing structure, shall be of wood frame construction, except for specialized structures, such as water cisterns, that for valid technical reasons require alternate construction methods.

### **10.2 Architectural Style**

All structures shall be of a style which is consistent with that of the existing traditional architecture of Peggy's Cove; i.e., houses, accessory buildings, fish stores, and wharf structures which are reminiscent of those built during the 19<sup>th</sup> and early 20<sup>th</sup> centuries and exhibit characteristics of the Cape Cod cottage style or modified versions thereof; the semi-flat roofed "Newfoundland" style or modified versions thereof; and the modified Victorian style, all of which exist in Peggy's Cove.

### **10.3 Maximum Building Footprint**

Any one structure shall not exceed a total ground floor area (building footprint) of 1500 square feet (140 m<sup>2</sup>).

### **10.4 Proportions**

The proportions of any new structure or alteration or expansion to an existing structure shall be rectangular in plan for the principle components, and shall not exceed a height of two stories as measured from the ground floor level. For structures erected on sloping terrain or having a partially exposed foundation or basement, the height of the structure shall not exceed two and one-half stories, or a maximum overall height, inclusive of the highest point of the roof, of 35 feet (10.67m).

### **10.5 Roofs**

The roof pitches for principle roof areas for structures of permitted architectural styles shall be as follows:



		Min.	Max.
(i)	Residential		
	Cape Cod	10:12	12:12
	Modified Cape Cod	10:12	12:12
	Victorian	10:12	12:12
	Cottage Style	3:12	10:12
	Two Storey Traditional		
	-hipped roof	8:12	10:12
	-gabled roof	5:12	10:12
(ii)	Fishing Industry		
	Cape Cod	10:12	12:12
	Newfoundland Flat Pitch	1:12	3:12
(iii)	Commercial	10:12	12:12
(iv)	Accessory Building	complementary to main building roof pitches.	

## 10.6 Windows

Window type and proportions:

- (a) Traditional double-hung, vertical slider, one unit wide to two units high preferred;
- (b) Three-sided bay windows of 45 degree side lites or 60 degree side lites shall be permitted, but contemporary bow-style windows shall not be permitted;
- (c) Casement and large flat glazed windows shall be permitted where complementary to the overall design of the building;
- (d) Skylights shall not be permitted.

## 10.7 Exterior Materials

Exterior materials permitted for new structures shall include: wood shingled siding, shingles laid 4" to 5" to weather smooth face out; or narrow horizontal smooth clapboard wood siding, 4" to 5" to weather; or narrow horizontal vinyl siding; with painted corner boards, traditional eaves and cornice construction with painted soffit and fascia boards; asphalt or traditional wood shingle roofs, 5" to 6" to weather; rolled or synthetic membrane roofing for semi-flat roof pitches; brick chimneys; and concrete, stone or stone-faced exposed foundation walls. Where alterations are made

to existing structures, exterior siding materials shall match existing siding in terms of size, texture and colour.

## **10.8 Colours**

Colours for the exterior of new structures or for the refinishing of existing structures shall be similar to the traditional colours found in Peggy's Cove. Use of primary or fluorescent colours shall not be permitted.

## **10.9 Decoration**

Decorative elements applied to the exterior surfaces of new or existing structures shall not be permitted unless they are integral to the basic architectural style of the structure.

## **10.10 Accessory Buildings and Structures**

- (a) Accessory buildings, lean-to sheds, solarium spaces, porches, verandas, and fences, etc., shall be designed in the same architectural style as the main building and finished with the same or related exterior siding and roofing materials;
- (b) Accessory buildings of a portable nature, such as metal storage sheds, shall not be permitted;
- (c) Satellite dishes shall only be permitted where they are located and screened from public visibility.

## **10.11 Architectural Design Guidelines**

Architectural Design Guidelines for Peggy's Cove, containing explanatory information on the traditional architecture of the Cove, shall be made available by the Commission to assist people proposing new or altered structures within the Preservation Area.

# **11 SIGNS**

## **11.1 General Provisions**

- (a) Where this Bylaw is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Department of Transportation and Communications, the more restrictive provision shall apply.
- (b) Except as provided by Sections 11.4 and 11.12, no sign shall be erected without the approval of the Peggy's Cove Commission.

## **11.2 Safety and Maintenance**

All signs and all parts thereof shall be kept in a good state of maintenance and repair.

## **11.3 Number of Signs**

Not more than two signs may be erected on any premises at any one time provided that:

- (a) a double-faced sign shall count as one sign;
- (b) signs enumerated in Section 11.4 shall not be counted in calculating the total;
- (c) not more than one free-standing sign shall be permitted on any one lot;
- (d) not more than one facade-mounted wall sign shall be permitted for each business premises;
- (e) not more than one projecting wall sign shall be permitted for each business premises; and
- (f) one business premises shall not have both a projecting wall sign and a facade-mounted wall sign.

## **11.4 Permitted Signs**

Notwithstanding anything else in Section 11 of this Bylaw, the following signs are permitted in all zones and do not require the approval of the Commission for their erection:

- (a) signs of not more than two square feet in area (0.19m<sup>2</sup>) identifying the name and address of a resident or residents;
- (b) signs of not more than two square feet in area (0.19m<sup>2</sup>) regulating the use of a property such as a “No Trespassing” sign or similar warning sign;
- (c) signs of not more than five square feet in area (0.46m<sup>2</sup>) advertising the availability of the property on which it is located for sale or rent, or some similar real estate purpose;
- (d) signs of not more than five (5) square feet in area (0.46m<sup>2</sup>)

regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premises;

- (e) signs erected by a government body or under the direction of such a body and bearing no commercial advertising, such as traffic signs, safety signs, and interpretative or informational signs;
- (f) memorial signs or tablets and signs denoting the date of erection of a structure;
- (g) the flag, pennant, or insignia of any government, or of any religious, charitable, or fraternal organization;
- (h) signs on mail boxes;
- (i) church identification signs and church directional signs.

### **11.5 Prohibited Signs**

Notwithstanding signs that satisfy the provisions of Section 11.7, 11.8 and 11.9, the following signs are not permitted in any zone:

- (a) internally illuminated signs;
- (b) roof signs;
- (c) mobile signs;
- (d) billboard signs;
- (e) any sign or sign structure that constitutes a hazard to public safety or health;
- (f) any privately owned directional or advertising sign located off the lot of the business establishment to which it refers, except that any business establishment not having direct access to a public road shall be permitted one sign at the entrance to the access road that connects such property to a public road, and that sign shall constitute one of the two signs permitted for that business;
- (g) any sign that by reason of size, location, content, or colouring obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on a public road;

- (h) within the right of way of a public road, any sign not erected by a public authority that makes use of words such as “STOP,” “LOOK,” “ONE WAY,” “DANGER,” “YIELD,” or any similar words, phrases, symbols or characters used in a manner which may mislead, confuse or interfere with traffic;
- (i) any sign on public property or a public right-of-way not erected by a government body, unless required or specifically permitted by the Province of Nova Scotia;
- (j) any sign not erected by a government body that is located at or near a sharp road curve or below the crest of a hill;
- (k) any sign painted on a tree, stone, cliff or other natural object.

#### **11.6 Total Sign Area**

The total area permitted shall be considered to be the area of the smallest rectangle, triangle, ellipse or circle which can totally circumscribe the sign in the plane of its largest dimension. In the case of free-standing signs, total sign area shall be defined as the height from grade to the top of the sign times the width of the sign for the outside edges of the posts, or sides of the sign panel, whichever is greater.

#### **11.7 Facade-Mounted Wall Signs**

No facade-mounted wall sign shall:

- (a) exceed twelve square feet (1.11m<sup>2</sup>) in total sign area;
- (b) have a width greater than fifty percent of the wall on which it is mounted.

#### **11.8 Projecting Wall Signs**

No projecting wall sign shall:

- (a) exceed twelve square feet (1.11m<sup>2</sup>) in total sign area;
- (b) exceed five feet (1.52m) in any one dimension;
- (c) have a distance between grade and the bottom of the sign of less than eight (8) feet (2.44m);
- (d) extend beyond a property line or project over a public right-of-way, other adjoining lands, or any driveway or parking space;

- (e) be set back less than five feet (1.52m) from any street line, common lot boundary, driveway or parking area.

### **11.9 Free-Standing Signs**

No free-standing sign shall:

- (a) exceed fifteen square feet (1.39m<sup>2</sup>) in total sign area;
- (b) exceed a height of five feet (1.52m) from the grade level to the highest part of the sign;
- (c) extend beyond a property line or project over a public right-of-way, other adjoining lands, or any driveway or parking space;
- (d) be set back less than five feet (1.52m) from any street line, common lot boundary, driveway, or parking area;
- (e) exceed five feet (1.52m) for any sign dimension;
- (f) present more than two visible faces.

### **11.10 Permitted Sign Materials**

All signs shall give the appearance of being constructed wholly of wood, except that sign faces may be constructed of fibre-reinforced plastic, provided it has a matte finish and other features of the sign construction support the intention of “having the appearance of being constructed wholly of wood.”

### **11.11 Prohibited Sign Materials**

Notwithstanding the necessity of metal and hardware in the construction and affixing of signs, the following materials shall not be permitted within the Preservation Area:

- (a) sheet metal sign boxes; and
- (b) plastic sign faces, including plexiglass, lexan, and styrene.

### **11.12 Existing Signs**

Notwithstanding anything else in this Bylaw, the signs identified on **Schedule ‘B,’ List of Prior Existing Signs**, attached to and forming part of this Bylaw, are deemed to be permitted signs to the extent to which they are in existence on the effective date of this Bylaw, and any normal maintenance or replacement with an identical sign shall be permitted. Any

other replacement or alteration may only be considered in accordance with the provisions of this Bylaw.

## 12 DEFINITIONS

In this Bylaw all words carry their customary meaning except for those words defined as follows:

- (a) **ACCESSORY BUILDING** means a subordinate building or structure on the same lot, or adjacent lot, as the main building and devoted exclusively to an accessory use, but does not include a building attached in any way to the main building.
- (b) **ACCESSORY USE** means a use subordinate and naturally, customarily, and normally incidental to and dependent upon a main use of land or building and located on the same lot.
- (c) **ALTER** means any change to structural components or increase in the volume of a building or structure.
- (d) **BED AND BREAKFAST ESTABLISHMENT** means a single unit dwelling in which the resident supplies, for compensation, either room, or room and breakfast, for the temporary accommodation of “travellers”.
- (e) **BUILDING** means any structure, whether temporary or permanent, used or built for shelter, accommodation, or enclosure of persons, animals, materials or equipment and includes any vessel or container used for any of the foregoing purposes.
- (f) **COMMISSION** means the Peggy’s Cove Commission established under the Peggy’s Cove Commission Act.
- (g) **DEVELOPMENT** means to erect, construct, expand, alter, relocate or reconstruct a building, structure or sign; any significant permanent change or alteration to land levels, and any change or alteration in the use made of land or structures.
- (h) **DWELLING**
  - (i) **Dwelling** means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons and containing one or more dwelling units but shall not include a hotel, a motel, apartment hotel, or hostel.
  - (ii) **Dwelling Unit** means one or more habitable rooms

designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which kitchen, sleeping, and sanitary facilities are provided for the exclusive use of such persons.

- (iii) **Dwelling, Single Unit** means a completely detached building containing one dwelling unit.
- (iv) **Dwelling, Converted** means a building converted to contain not more than two dwelling units.
- (i) **ERECT** means to build, construct, alter, or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally altering any existing building or structure by an addition, deletion, enlargement, or extension but does not include work done in connection with the subdivision approval process or the temporary storage of fill.
- (j) **EXISTING** means legally existing as of the effective date of this Bylaw.
- (k) **FLOOR AREA, DWELLING** means the total area contained within the outside walls of a building excluding any private garage, porch, verandah, sunroom, unfinished attic, or basement and cellar or other room which is not habitable during all the seasons of the year.
- (l) **GROUND FLOOR AREA** means the total area contained within the outside walls of the first floor of a building above the established grade.
- (m) **HOME OCCUPATION** means an accessory use of a dwelling for gainful employment and includes a business or professional office, a craft workshop, a home occupation related to the fishing industry, a repair shop, a residential day care centre or nursery school, a studio for the practice or instruction of fine arts, commercial arts or crafts, and tailoring or dressmaking;
  - (i) **HEIGHT** means the vertically measured distance of a building between the lowest grade of the land and the highest point of the roof structure.
- (n) **INTERPRETIVE SIGNAGE** means signage providing information to the public concerning points and facts of interest relevant to the Preservation Area, and containing no commercial advertising.



- (o) **LOT** means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the 16<sup>th</sup> day of April, 1987, or is described in a plan and deed pursuant to the Land Titles Clarification Act, or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County
- (p) **LOT LINE** means a boundary or exterior line of a lot.
- (q) **MANUFACTURED HOME** means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, located on wheels, jacks, or permanent foundation, and which may be connected to utilities and sanitary services, and the foregoing shall include mobile homes and modular dwellings having any main walls with a width of less than twenty (20) feet (6.1m).
- (r) **PRESERVATION AREA** means the Peggy's Cove Preservation Area as designated by the Governor in Council pursuant to the Peggy's Cove Commission Act.
- (s) **SIGN** means any structure, device, light, painting, or other representation or natural object that is used to identify, advertise, or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which displays or includes any letter work, model, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "sign" that is affixed to the inside of a window or glass door.
- (t) **STRUCTURE** means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes buildings, walls, signs, and fences.

## **SCHEDULE 'A'**

### **LIST OF PRIOR EXISTING BUILDINGS AND/OR USES**

1. **The Studio Gallery/Bed and Breakfast** (located on property identification number 40038564).
2. **The Sou'Wester Gift & Restaurant Ltd.** (Located on property identification number 40038630).

## **SCHEDULE 'B'**

### **LIST OF PRIOR EXISTING SIGNS**

#### **The Sou'Wester Restaurant & Gift Shop**

1. Two identical projecting wall signs, approximately 30" x 36," painted plywood cut-outs of a fisherman's head, in profile, wearing a sou'wester and bearing the words "The Sou'Wester," attached to the western facade of the Sou'Wester Restaurant and Gift Shop above the main doors.
2. Two identical facade-mounted wall signs, approximately 24" x 15," painted plywood cut-outs of a fisherman's head in profile, wearing a sou'wester and bearing the words "The Sou'Wester," located on either side of the main doors on the western facade of the Sou'Wester Restaurant and Gift Shop.
3. Two identical facade-mounted wall signs, approximately 32" x 48," bearing a photo-enlarged restaurant menu, black lettering on white background, one located to the right of the main doors on the western facade, the other located by the entrance on the southern facade of the Sou'Wester Restaurant and Gift Shop.
4. One free-standing sign, 4' x 8' painted sheet of plywood reading "The Sou'Wester Restaurant & Gift Shop," located on the left-hand side of the road as visitors approach the Sou'Wester.
5. Two free-standing signs carried one above the other on the same structural frame, located on the Lighthouse side of the road approaching the Sou'Wester parking lot. The lower sign is 4' x 4' painted plywood containing information regarding free parking provided to visitors. The upper sign is 3' x 4' painted plywood, providing information about visiting the post office located in the Peggy's Cove Lighthouse.

#### **The Peggy's Cove Gift Shop**

6. One facade-mounted wall sign, 4' x 8' painted sheet of plywood, depicting a scene of the Cove and bearing the words "Peggy's Cove Gift Shop" and "Handicrafts, Gifts, Souvenirs," located on the eastern facade of the shop.

### **Beale's Bailiwick**

7. One facade-mounted wall sign, approximately 1' x 8' painted plywood reading "Beale's Bailiwick Ltd.," located about the entrance door to the shop.
8. Double-faced free-standing carved wooden sign, approximately 4' x 8' a painted scene of the Cove surmounted by the words "Beale's Bailiwick" below which, on the same structure, are five smaller double-faced signs indicating a number of the product lines available on the premises, located in front and to the north of the shop.

### **The Studio Gallery/Bed & Breakfast**

9. One facade-mounted wall sign, approximately 16" x 24' reading "Studio Gallery/ Bed & Breakfast," attached to the front of a deck on the Cove facade of the premises.
10. One facade-mounted wall sign, approximately 1' x 2' reading "Studio Gallery," located on the approach road facade of the premises.
11. One facade-mounted wall sign, approximately 8" x 8' reading "Bed & Breakfast," located on the approach road facade of the premises.
12. A bank of four signs carried on one free-standing structure, all on painted plywood, approximately 4' x 3' each, two containing advertising for and directions to the Bed & Breakfast, the other two containing advertising for the Bed & Breakfast, the other two containing similar information for the Studio Gallery, located at the south-west corner of the intersection of Church Road with the Peggy's Cove Road.

### **The Driftwood Souvenir & Gift Shop**

13. One double-faced free-standing sign, 4' x 8' painted sheet of plywood, bearing the wording "Welcome to Driftwood Souvenir and Gift Shop," "Butterflies our Specialty" (including various small removable signs suspended from the main sign), located close to the Peggy's Cove Road in the parking area in front of the premises.

## Appendix 'A'

### Section 15, Peggy's Cove Commission Act, RSNS 1989, c339.

- 15 (1) In the event of any contravention of or failure to comply with the provisions of this Act or a by-law made pursuant to this Act, the Commission may bring, in the Trial Division of the Supreme Court, an action or other legal proceeding in respect thereof for any or all of the remedies provided by this Section.
- (2) The Court or a judge thereof may hear and determine the same at any time, and in addition to any other remedy or relief, may:
- (a) make orders, restraining the continuance or repetition of such contravention or failure and the new or further contravention or failure in respect of the same land, building or structure;
  - (b) make orders directing the removal or destruction of the building or structure, or the part thereof, that is in contravention of or fails to comply with the by-laws and authorizing the Commission or its agents, if any such order is not complied with, to enter upon the land and premises with necessary workers and equipment and to remove and destroy the building or structure or part thereof at the expense of the owner;
  - (c) make such further order as to the recovery of the expense of any such removal and destruction, and to enforce the by-law, and as to costs as the Court or a judge deems proper,

and any such order may be interlocutory, interim or final.

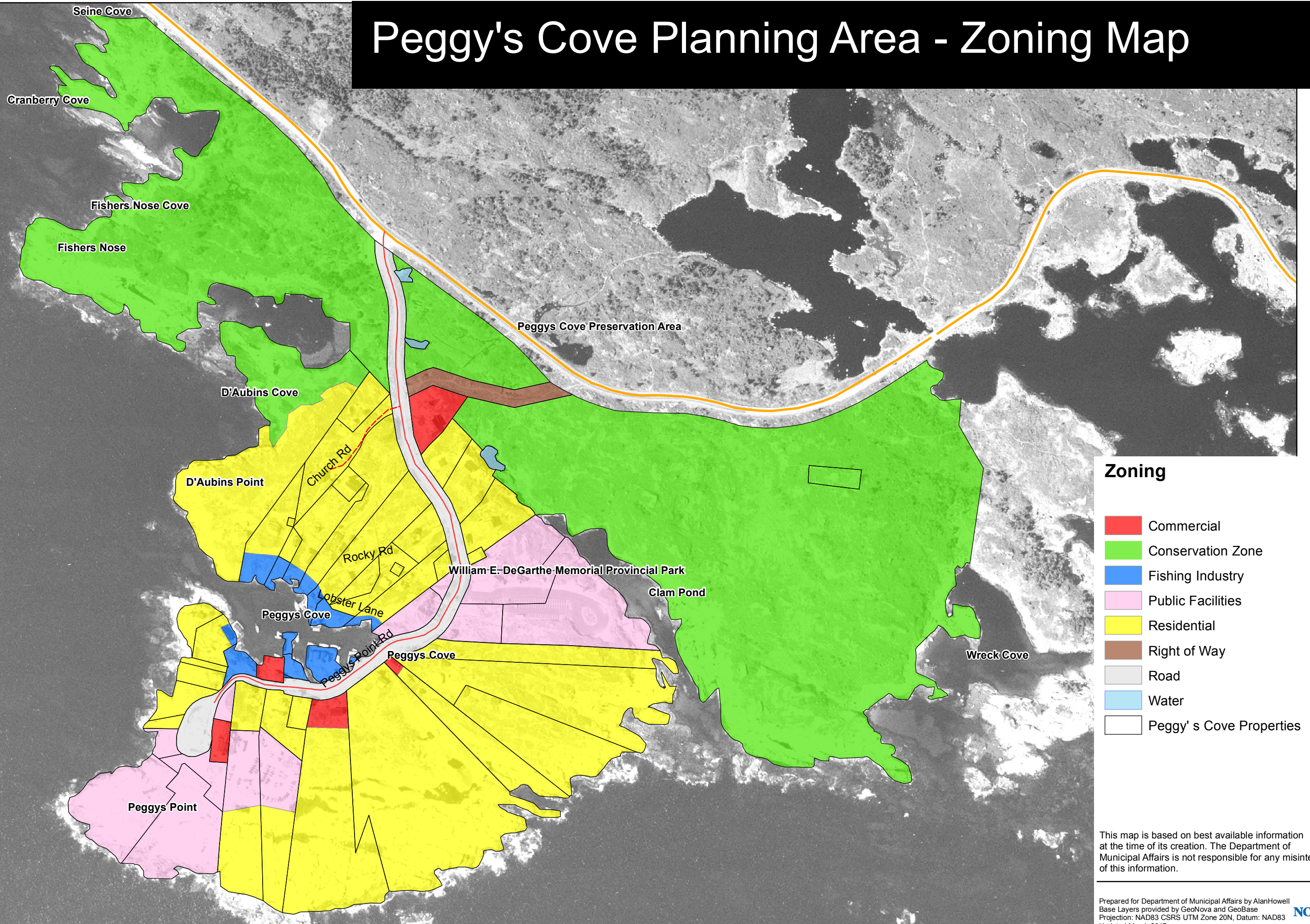
- (3) In the event of a new or continuing offence by the same person against the by-law after such action or other legal proceeding has been commenced, it is not necessary to bring any other action or proceeding but the action or proceeding already begun and any pleading therein may be amended from time to time and at any time before final judgement so as to include such new or continuing offenses, and the Court or judge shall hear, deal with and determine the whole matter of such violations.
- (4) Where the owner of any building or structure in respect of which any such contravention or failure to comply is taking place or has taken place cannot be found, the Commission may post or cause to be posted upon such building or structure a notice of such contravention or failure to comply and of the intention to take action or proceedings in respect thereof and after the expiration of ten days from the first day of such posting an action or proceeding in respect thereof may be had and taken ex parte and the last person appearing in the records of the office of the Registrar of Deeds for the Registration District of the County of Halifax, as the owner thereof, may be named as the defendant. 1962, c.10, s. 14; 1972, c.2, s.9.

## Appendix 'B'

### Section 13, Peggy's Cove Commission Act, RSNS 1989, c 339.

- 13
- (1) For the purposes of this Section, a by-law is deemed to be made by the Commission when it is filed in the office of the Registrar of Deeds pursuant to Section 11.
  - (2) Any building lawfully under construction at the time when a by-law is made by the commission is, for the purpose of that by-law, deemed to be a building existing at the time of the making of the by-law.
  - (3) The lawful use of premises existing at the date of the making of the by-law by the Commission, although such use does not conform to the provisions of the by-law, may be continued, but, if such non-conforming use is discontinued, any future use of those premises shall be in conformity with the provisions of the by-law.
  - (4) The lawful use of a building existing at the time of the making of a by-law by the Commission, although such use does not conform to the provisions of the by-law, may be extended throughout the building, but no structural alterations except those required by statute or by-law shall be made therein while such use continues.
  - (5) Where no structural alterations are made in a building of a non-conforming use, such use may be changed to a use of similar character, with the consent of the Commission.
  - (6) A change of tenants or occupants of any premises or building shall not be deemed to affect the use of the premises or building within the meaning of this section.
  - (7) If any building, that is by this Act deemed to be a building existing at the time of a by-law of the Commission, is damaged or destroyed by fire or other causes to an extent of more than fifty per cent of the value of the building above its foundations and if at the time of its damage or destruction the use thereof is not in conformity with the provisions of the by-law, the non-conforming use shall not be continued in respect of the building upon its repair, rebuilding or reconstruction without the approval of the Commission. 1962, c.10, s.12(part).

# Peggy's Cove Planning Area - Zoning Map



## Zoning

- Commercial
- Conservation Zone
- Fishing Industry
- Public Facilities
- Residential
- Right of Way
- Road
- Water
- Peggy's Cove Properties

This map is based on best available information at the time of its creation. The Department of Municipal Affairs is not responsible for any misinterpretations of this information.