



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 11.1.4**  
**Harbour East – Marine Drive Community Council**  
**November 10, 2016**

**TO:** Chair and Members of Harbour East – Marine Drive Community Council

**SUBMITTED BY:** ORIGINAL SIGNED  

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Bob Bjerke, Chief Planner and Director, Planning and Development

**DATE:** October 18, 2016

**SUBJECT:** **Case 20452: Development Agreement Discharge - Harbour Ridge Golf Club and Surrounding Properties, East Petpeswick**  

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**ORIGIN**

Application by Patrick O'Brien and Jo Ann Stone

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that Harbour East – Marine Drive Community Council:

1. Approve, by resolution, the proposed discharge agreement, which shall be substantially of the same form as set out in Attachment A of this report; and
2. Require the discharge agreement be signed by the property owners within 240 days, or any extension thereof granted by Council on request of the property owners, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.

**BACKGROUND**

Patrick O'Brien and Jo Ann Stone are applying to discharge the existing development agreement on lands in East Petpeswick, the location of the former Harbour Ridge Golf Club.

<b>Subject Site</b>	108 Harbour Ridge Drive, East Petpeswick (PID 40832800)  Also included under the development agreement are nine single unit dwelling lots with the following civic addresses (Maps 1 and 2): <ul style="list-style-type: none"> <li>• 843 East Petpeswick Road (PID 40863466)</li> <li>• 851 East Petpeswick Road (PID 40863474)</li> <li>• 855 East Petpeswick Road (PID 40863482)</li> <li>• 9 Harbour Ridge Drive (PID 40879611)</li> <li>• 22 Harbour Ridge Drive (PID 41032285)</li> <li>• 40 Harbour Ridge Drive (PID 41032293)</li> <li>• 58 Harbour Ridge Drive (PID 41032301)</li> <li>• 96 Harbour Ridge Drive (PID 41164005)</li> <li>• 103 Harbour Ridge Drive (PID 41164013)</li> </ul>
<b>Location</b>	Eastern Shore (West) Plan Area
<b>Regional Plan Designation</b>	Rural Commuter (RC)
<b>Community Plan Designation (Map 1)</b>	Mixed Use (MU) Designation under the Eastern Shore (West) Municipal Planning Strategy (Map 1)
<b>Zoning (Map 2)</b>	Fishing Village (FV) Zone and Mixed Use (MU) Zone under the Eastern Shore (West) Land Use By-law (Map 2)
<b>Size of Site</b>	66.04 ha (163.18 acres)
<b>Street Frontage</b>	32.30 m (105.98 ft.) on East Petpeswick Road
<b>Current Land Use(s)</b>	The site is no longer in operation, but contains facilities for the former Harbour Ridge Golf Club including a golf course, clubhouse, and restaurant
<b>Surrounding Use(s)</b>	<ul style="list-style-type: none"> <li>• Along Harbour Ridge Drive, the subject property abuts nine properties developed with single unit dwellings that fall under the existing development agreement (see Subject Site above);</li> <li>• To the north is a vacant parcel zoned Mixed Use (MU) and a property with a single unit dwelling at 839 East Petpeswick Road;</li> <li>• To the west across the road is a single unit dwelling (854 East Petpeswick Road);</li> <li>• To the south is a vacant parcel zoned Fishing Village (FV) and Mixed Use (MU) and several single unit dwellings are located along East Petpeswick Road.</li> </ul>

**Proposal Details**

The applicant has indicated they no longer wish to operate the golf course, and the land is currently up for sale. They wish to discharge the existing development agreement on the lands, which had permitted the use of the lands for a golf course. The discharge of the agreement would allow the property to be fully regulated under the zoning of the Eastern Shore (West) Land Use Bylaw (Attachment B) and would remove the development rights for a golf course. The golf course as it exists would become a non-conforming use and would not be permitted to expand or operate if discontinued for a six month period.

### **Existing Development Agreement**

The existing development agreement was approved by the former Marine Drive, Valley and Canal Community Council on December 6, 1999. Since that time, the agreement has permitted the use of the lands for a golf course, the Harbour Ridge Golf Club.

While the former golf course is located on the property defined as civic number 108 Harbour Ridge Drive (PID 40832800), nine (9) additional properties approved as residential lots also fall under the bounds of the development agreement (Maps 1 and 2). These residential lots were approved through a separate subdivision process in accordance with the underlying zone requirements after the Development Agreement was approved. The lots were created and developed with single unit dwellings constructed between 1999 and 2006. While the existing agreement anticipated the creation of these residential lots, it specifically does not regulate them. These residential lots are regulated by their underlying zones, Fishing Village (FV) or Mixed Use (MU) under the Eastern Shore (West) LUB.

### **Discharge of Development Agreements**

The *Halifax Regional Municipality Charter* provides Council with a mechanism to discharge development agreements. Part VIII, Clause 244, identifies that Council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with the concurrence of the property owner(s). The Charter does not require a public hearing for the discharge of an agreement or a portion thereof. A development agreement may be discharged by resolution of Community Council.

Given the number of signatories required to execute the proposed discharge agreement, staff have proposed an extended timeframe by which the owners must sign the document.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website. A public information meeting or a public hearing is not required, nor is it the practice to hold such meetings for the discharge of a development agreement. The decision to discharge a development agreement is made by resolution of Community Council.

Staff received written confirmation from the applicant that all property owners under the agreement had been notified of this application, and had indicated their willingness to sign the discharging agreement.

The proposed discharge will have no impact on local residents, property owners or other stakeholders as the existing zoning allows the existing building and land use.

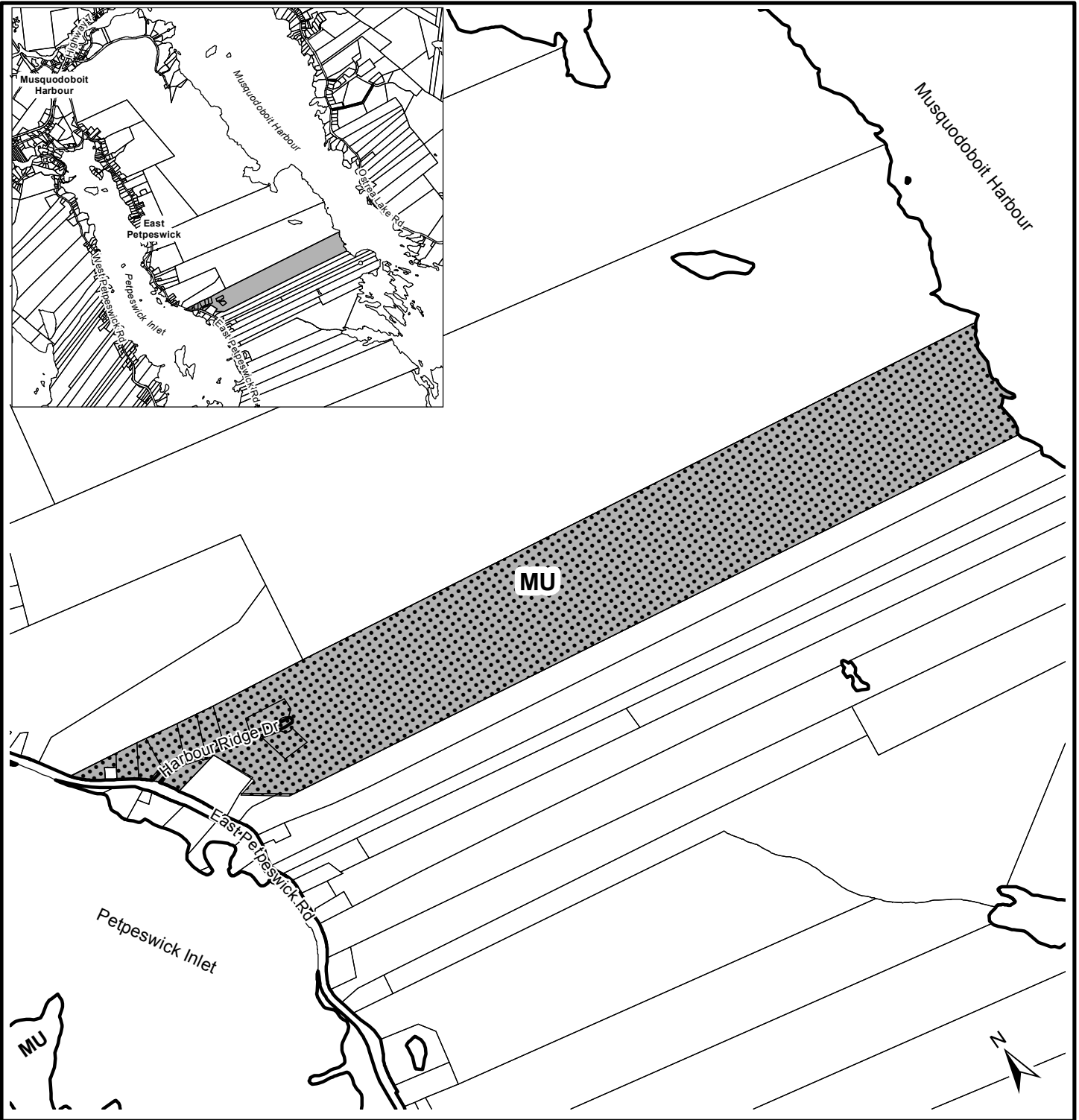
## **DISCUSSION**

Staff have reviewed the proposal relative to all relevant policies and advise that it is consistent with the intent of the MPS.

While residential dwelling properties were approved on the original lands, the terms of the development agreement were specific only to the golf course – no other development rights would be lost upon its discharge. The existing zoning on the properties in question remains the same, and development permits may be granted in keeping with the LUB. All of the properties under the agreement are within either the Fishing Village (FV) Zone or the Mixed Use (MU) Zone under the Eastern Shore (West) Land Use By-law (Map 2).

The proposed discharge would enable the subject property to be developed in accordance with the provisions of the existing underlying Fishing Village (FV) and Mixed Use (MU) Zones. Therefore, staff






**Map 1 - Generalized Future Land Use**

108 Harbour Ridge Drive,  
East Petpeswick

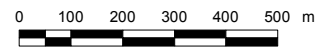
**HALIFAX**

 Area of Existing Development Agreement to be Discharged

Eastern Shore (West)  
Plan Area

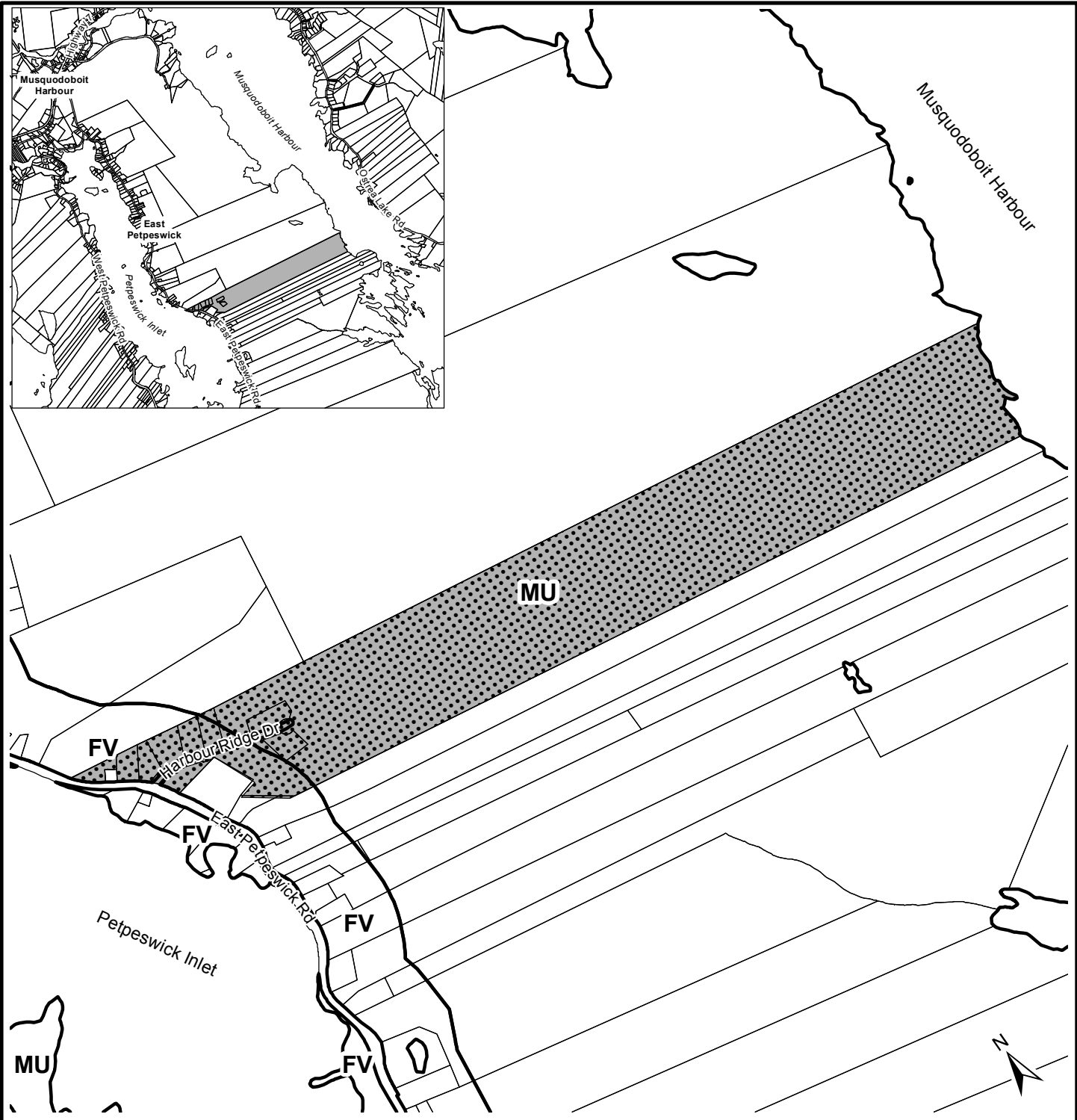
**Designation**

MU Mixed Use



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

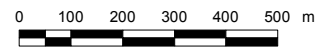
The accuracy of any representation on this plan is not guaranteed.




**Map 2 - Zoning and Notification**

108 Harbour Ridge Drive,  
East Petpeswick

**HALIFAX**



 Area of Existing Development Agreement to be Discharged

**Zone**

MU Mixed Use  
FV Fishing Village

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Eastern Shore (West)  
Plan Area

**ATTACHMENT A  
DISCHARGING DEVELOPMENT AGREEMENT**

THIS DISCHARGING AGREEMENT made this      day of **[Insert Month]**, 20\_\_\_,

BETWEEN:

**PATRICK O'BRIEN,**  
an individual, in the City of Toronto  
in the Province of Ontario

- and -

**JO ANN STONE,**  
an individual, in the City of Toronto  
in the Province of Ontario

- and -

**[INSERT NAME HERE],**  
an individual, in the Town of [insert town name]  
in the Province of Nova Scotia

- and -

**[INSERT NAME HERE],**  
an individual, in the Town of [insert town name]  
in the Province of Nova Scotia

- and -

**[INSERT NAME HERE],**  
an individual, in the Town of [insert town name]  
in the Province of Nova Scotia

- and -

**[INSERT NAME HERE],**  
an individual, in the Town of [insert town name]  
in the Province of Nova Scotia

- and -

**[INSERT NAME HERE],**  
an individual, in the Town of [insert town name]  
in the Province of Nova Scotia

- and -

**[INSERT NAME HERE],**  
an individual, in the Town of [insert town name]  
in the Province of Nova Scotia

- and -

**[INSERT NAME HERE],**

an individual, in the Town of [insert town name]  
in the Province of Nova Scotia

- and -

**[INSERT NAME HERE],**

an individual, in the Town of [insert town name]  
in the Province of Nova Scotia

- and -

**[INSERT NAME HERE],**

an individual, in the Town of [insert town name]  
in the Province of Nova Scotia  
(hereinafter jointly called the "Developers")

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY,**

a municipal body corporate, in the Province of Nova Scotia  
(hereinafter called the "Municipality")

OF THE SECOND PART

**WHEREAS** the Developers are the registered owners of certain lands located at 843, 851 and 855 East Petpeswick Road and 9, 22, 40, 58, 96 and 103, and 108 Harbour Ridge Drive, East Petpeswick and which said lands are more particularly described in Schedule A hereto (hereinafter jointly called the "Lands");

**AND WHEREAS** on December 6, 1999 the former Marine Drive, Valley and Canal Community Council approved an application to enter into a development agreement to allow for the construction of a golf course and associated uses on the Lands, which said development agreement was registered at the Registry of Deeds in Halifax as Document Number 6445 in Book Number 6528 at Pages 926 to 952 (hereinafter called the "Existing Agreement");

**AND WHEREAS** the Developers have requested that the Existing Agreement be discharged from the Lands;

**AND WHEREAS**, pursuant to the procedures and requirements contained in the *Halifax Regional Municipality Charter*, the Harbour East – Marine Drive Community Council of the Municipality approved this request by resolution at a meeting held on **[INSERT - date]**, referenced as Municipal Case Number 20452;

**THEREFORE** in consideration of the benefits accrued to each party from the covenants herein contained, the parties agree as follows:

1. The Existing Agreement is hereby discharged as it applies to the Lands and shall no longer have any force or effect.
2. Any future development of the Lands shall conform with all applicable provisions and



requirements of the Eastern Shore (West) Land Use By-law, as amended from time to time.

**IN WITNESS WHEREAS** the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

**SIGNED, SEALED AND DELIVERED** in the presence of:

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**(Insert Registered Owner Name)**

**SIGNED, SEALED AND DELIVERED** in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**(Insert Registered Owner Name)**

**SIGNED, SEALED AND DELIVERED** in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**(Insert Registered Owner Name)**

**SIGNED, SEALED AND DELIVERED** in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**(Insert Registered Owner Name)**

**SIGNED, SEALED AND DELIVERED** in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**(Insert Registered Owner Name)**

**SIGNED, SEALED AND DELIVERED** in the presence of:

\_\_\_\_\_  
Witness

**SIGNED, SEALED AND DELIVERED** in the presence of:

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**(Insert Registered Owner Name)**

**SIGNED, SEALED AND DELIVERED** in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**(Insert Registered Owner Name)**

**SIGNED, SEALED AND DELIVERED** in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**(Insert Registered Owner Name)**

**SIGNED, SEALED AND DELIVERED** in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**HALIFAX REGIONAL MUNICIPALITY**

**SIGNED, DELIVERED AND ATTESTED** to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

Per: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MUNICIPAL CLERK

\_\_\_\_\_  
Witness

**ATTACHMENT B:  
ZONE REQUIREMENTS  
Eastern Shore (West) Land Use By-law**

PART 6: MU (MIXED USE) ZONE

6.1 MU USES PERMITTED

No development permit shall be issued in any MU (Mixed Use) Zone except for the following:

Residential Uses

Single unit dwellings  
Two unit dwellings  
Senior citizen housing  
Existing multiple unit dwellings  
Mobile dwellings on individual lots  
Garden suites in conjunction with permitted single unit dwellings  
Daycare facilities  
Home business uses in conjunction with permitted dwellings  
Boat sheds

Commercial Uses

Antique shops  
Craft shops  
Commercial entertainment uses  
Convenience stores  
Bed and breakfasts  
Personal service shops  
Service shops  
Commercial schools  
Theatres and cinemas  
Trade contracting services and shops  
**(Deletion: MDVCCC-Jan 23/02;E-Feb 10/02)**  
Medical clinics  
Restaurants including full-service, drive-in and take-out  
Service stations and automobile repair outlets  
Bakeries  
Banks and financial institutions  
Offices  
Funeral parlours and undertaking establishments including crematoriums  
Garden centers  
Outdoor display court  
Photographic studios  
Retail stores  
Grocery stores  
Variety stores  
Research facilities

Printing establishments  
 Taxi and bus stations  
 Veterinary clinics  
 Warehousing and wholesaling  
 Manufacturing and assembly uses  
 Service industry uses  
 Utility and communication buildings or structures  
 Shipways, wharves and boathouses  
 Marinas and charter boat services  
 Wilderness and recreation outfitters  
 Composting operations  
 Existing kennels

**Commercial Accommodation Uses  
(MDVCCC-Jan 23/02;E-Feb 10/02)**

Resource and Traditional Uses

Agricultural uses  
 Forestry uses  
 Fishery support uses  
 Fish sheds and boat sheds  
 Existing fishery support uses larger than 3,000 ft<sup>2</sup> (278.7 m<sup>2</sup>)  
 Existing fishery uses  
 Extractive facilities  
 Hunting and fishing camps  
 Traditional uses

Community Uses

Institutional uses  
 Open space uses  
 Recreation uses  
 Private clubs and lodges

6.2 MU ZONE REQUIREMENTS

Where uses are permitted as Residential, Commercial, Resource and Traditional, and Community Uses (except open space uses) in any MU Zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	40,000 square feet (3716 m <sup>2</sup> )
Minimum frontage	150 feet (45.7 m) on collector roads, 100 feet (30.5 m) on local roads
Minimum waterfrontage lot width	100 feet (30.5 m)
Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	8 feet (2.4 m)
Maximum lot coverage	35 percent
Maximum height of main building	35 feet (10.7 m)

6.3 OTHER REQUIREMENTS: GARDEN SUITES

Where a garden suite is permitted in any MU Zone, the following shall apply:

- (a) A garden suite shall only be accessed by the driveway serving the main dwelling;
- (b) The gross floor area of a garden suite shall not exceed 650 square feet (60.4 m<sup>2</sup>) except where the garden suite and single unit dwelling area located on an area of land that is capable of meeting subdivision requirements and a preliminary subdivision examination has been completed in accordance with the municipal Subdivision By-law;
- (c) A mobile home shall not be permitted to be used as a garden suite;
- (d) A garden suite may be constructed as an upper level over an accessory building;
- (e) A garden suite or structure containing a garden suite shall not exceed two storeys in height; and
- (f) A garden suite shall be situated a minimum of sixteen (16) feet (4.9 m) from the main dwelling.

#### 6.4 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses in conjunction with a dwelling are permitted in any MU Zone the following shall apply:

- (a) Any lot that is used for such purposes shall be the principle residence of the operator of the business;
- (b) No more than twenty-five (25) percent of the total gross floor area of the dwelling unit shall be devoted to home business uses within the dwelling, and in no case shall the total gross floor area of structures devoted to home business uses exceed one thousand (1,000) square feet (92.9 m<sup>2</sup>);
- (c) One off-street parking space, other than that required for the dwelling, shall be provided for every three hundred (300) square feet (27.9 m<sup>2</sup>) of floor area devoted to any home business;
- (d) No materials or equipment shall be used except that which is reasonable consistent with that business and shall not be obnoxious or create a nuisance by virtue of noise, vibration, odour or glare;
- (e) No outdoor storage or outdoor display shall be permitted in any yard where such yard abuts any residential uses, except where a fence or a landscaped area providing a visual barrier and measuring at least six (6) feet (1.8 m) in height is provided;
- (f) No outdoor storage shall be permitted in any front yard;
- (g) No exterior alterations to any dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations; and
- (h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

#### 6.5 OTHER REQUIREMENTS: DAY CARE USES

Where day care facilities are permitted in any MU Zone, the following shall apply:

- (a) One off-street parking space shall be provided for every three hundred (300) square feet (27.9 m<sup>2</sup>) of floor area devoted to any day care facility.

#### 6.6 OTHER REQUIREMENTS: COMMERCIAL USES

Where uses are permitted as Commercial Uses in any MU Zone, the following shall apply:

- (a) The footprint of all buildings devoted to a commercial use shall not exceed five thousand (5,000) square feet (464.5 m<sup>2</sup>);
- (b) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened;
- (c) No outdoor storage shall be permitted in any front yard;
- (d) Except where a commercial use abuts another commercial use, no portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is erected; and
- (e) Within the front yard area, the first ten (10) feet (3.1 m) bordering the road right-of-way shall be landscaped. In the case of an existing building which is set back less than ten (10) feet (3.1 m) from the road right-of-way, this setback area shall be landscaped.

#### 6.7 OTHER REQUIREMENTS: MEDICAL CLINICS

Notwithstanding the provisions of Sections 6.2 and 6.6, where medical clinics are permitted in any MU Zone, the following shall apply:

- (a) No medical clinic shall be located less than thirty (30) feet (9.1 m) from any lot line nor less than fifty (50) feet (15.2 m) from any dwelling).

#### 6.8 OTHER REQUIREMENTS: MARINAS

Notwithstanding the provisions of Sections 6.2 and 6.6, where marinas are permitted in any MU Zone, the following shall apply:

- (a) The total floor area of all buildings devoted to a marina shall not exceed five thousand (5,000) square feet (464.5 m<sup>2</sup>); and
- (b) The total area devoted to outdoor storage of marine craft and equipment shall not exceed ten thousand (10,000) square feet (929 m<sup>2</sup>).

#### 6.9 OTHER REQUIREMENTS: AGRICULTURE USES

Notwithstanding the provisions of Section 6.2, where agricultural uses are permitted in any MU Zone, and where any barn, stable or other building intended for the keeping of domestic fowl or other animals is to be erected, no structure shall:

- (a) Be less than fifty (50) feet (15.2 m) from any side lot line;
- (b) Be less than three hundred (300) feet (91.4 m) from any residential dwelling or potable water supply except a dwelling or water supply on the same lot or directly related to the agricultural use; and
- (c) Be less than three hundred (300) feet (91.4 m) from any water course or water body.

#### 6.10 OTHER REQUIREMENTS: FISHERY SUPPORT USES

Notwithstanding the provisions of Section 6.2, where fishery support uses are permitted in any MU Zone, the following shall apply:

- (a) The combined gross floor area of all buildings directly related to a fishery support use, excluding a boat shed, shall not exceed three thousand (3,000) square feet (278.7 m<sup>2</sup>); and
- (b) All buildings shall be set back a minimum of eight (8) feet (2.4 m) from the rear and side lot lines, unless the lot line corresponds to the high water mark, in which case a setback shall not be required.

#### 6.11 OTHER REQUIREMENTS: FORESTRY USES

Notwithstanding the provisions of Section 6.2, where forestry uses are permitted in any MU Zone, the following shall apply:

- (a) The combined gross floor area of all buildings directly relating to a forestry use shall not exceed three thousand (3,000) square feet (278.7 m<sup>2</sup>); and
- (b) Any area devoted to open storage shall not be permitted within any required front yard or side yard and shall not exceed twenty-five (25) percent of the lot area.

#### 6.12 OTHER REQUIREMENTS: EXTRACTIVE FACILITIES

Notwithstanding the provisions of Section 6.2, where extractive facilities are permitted in any MU Zone, the following shall apply:

- (a) The combined gross floor area of all buildings and structures directly relating to an extractive facility shall not exceed three thousand (3,000) square feet (278.7 m<sup>2</sup>); and
- (b) No extractive facilities shall be located:
  - (i) less than one hundred (100) feet (30.5 m) from any lot line;
  - (ii) less than three hundred (300) feet (91.4 m) from any dwelling or potable water supply except a dwelling or supply on the same lot;
  - (iii) less than three hundred (300) feet (91.4 m) from any R-6 Zone; and
  - (iv) less than three hundred (300) feet (91.4 m) from any watercourse.

#### 6.13 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any MU Zone, no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard 30 feet (9.1 m)  
Minimum Rear or Side Yard 30 feet (9.1 m)

#### 6.14 EXEMPTION: OPEN SPACE USES

Notwithstanding the provisions of Section 4.1(a) where open spaces uses are permitted, and where such uses involve no buildings or structures, no development permit shall be required.

#### 6.15 OTHER REQUIREMENTS: TRADITIONAL USES

Where traditional uses are permitted in any MU Zone, the following shall apply:

- (a) Any materials associated with the traditional use shall be contained within a building or otherwise enclosed by a fence, vegetation or other means which provide a visual and physical barrier.

6.16 OTHER REQUIREMENTS: EXISTING KENNELS

Where an existing kennel is temporarily closed, destroyed or damaged, its operation may recommence or the building(s) may be rebuilt within twelve (12) months of the date of closure/destruction, subject to the following:

- (a) Any recommencement, reconstruction, repair or renovation of any building or structure used for the existing kennel shall not result in an increase of the existing floor area nor shall it result in any reduction of the existing setbacks from any property line; and
- (b) Any reconstruction of an enclosed outdoor exercise area or outdoor run shall incorporate the use of berms, opaque fencing or vegetation (or combination thereof) to screen the structure from adjacent properties.

6.17 OTHER REQUIREMENTS: FISH SHEDS AND BOAT SHEDS

Notwithstanding the provisions of Section 6.2, where fish sheds and boat sheds are permitted in any MU Zone, the following shall apply:

Minimum front or side yard 4 feet (1.2 m)  
Maximum lot coverage 50 percent



## PART 9: FV (FISHING VILLAGE) ZONE

### 9.1 FV USES PERMITTED

No development permit shall be issued in any FV (Fishing Village) Zone except for the following:

#### Fishery Related Uses

Fishing support uses  
Fish sheds and boat sheds  
Charter boat services

#### Residential Uses

Single unit dwellings  
Auxiliary dwelling units  
Mobile dwellings on individual lots  
Garden suites in conjunction with permitted dwellings  
Home business uses in conjunction with permitted dwellings

#### Commercial Uses

Personal service shops  
Bed and breakfast establishments  
Craft shops  
Antique shops  
Art studios  
Bakeries  
Wilderness and recreation outfitters  
Existing uses

#### Resource and Traditional Uses

Agricultural uses  
Forestry uses excluding permanent sawmills or industrial mills  
Traditional uses

#### Community Uses

Daycare facilities  
Open space uses  
Private clubs

### 9.2 FV ZONE REQUIREMENTS

In any FV Zone, where uses are permitted as Fishery Related Uses, no development permit shall be issued except in conformity with the following:

Minimum lot area	20,000 square feet (1858 m <sup>2</sup> )
Minimum frontage	100 feet (30.5 m)
Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	8 feet (2.4 m)
Maximum lot coverage	35 percent

Maximum height 35 feet (10.7 m)

9.3 FV ZONE REQUIREMENTS

In any FV Zone, where uses are permitted as Residential, Commercial, Resource, Traditional and Community Uses (excluding open space uses), no development permit shall be issued except in conformity with the following:

Minimum lot area	40,000 square feet (3716.1 m <sup>2</sup> )
Minimum frontage	100 feet (30.5 m)
Minimum front or flankage yard	30 feet (9.1 m)
Minimum rear or side yard	8 feet (2.4 m)
Maximum lot coverage	35 percent
Maximum height	35 feet (10.7 m)

9.4 OTHER REQUIREMENTS: FISHING SUPPORT USES AND CHARTER BOAT SERVICES

Notwithstanding the provisions of Section 9.2, where a fishing support use or charter boat service is permitted in any FV Zone, the following shall apply:

- (a) The combined gross floor area of all buildings directly related to a fishing support use (excluding a building used for boat storage) shall not exceed three thousand (3,000) square feet (278.7 m<sup>2</sup>); and
- (b) All buildings shall be set back a minimum of eight (8) feet (2.4 m<sup>2</sup>) from the rear and side lot lines, unless the lot line corresponds to the high water mark, in which case a setback shall not be required.

9.5 OTHER REQUIREMENTS: FISH SHEDS AND BOAT SHEDS

Notwithstanding the provisions of Section 9.2, where fish sheds and boat sheds are permitted in any FI Zone, the following shall apply:

Minimum front or side yard 4 feet (1.2 m)  
Maximum lot coverage 50 percent

9.6 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS

Where an auxiliary dwelling unit is permitted in any FV Zone, the provisions of Section 7.3 shall apply.

9.7 OTHER REQUIREMENTS: GARDEN SUITES

Where a garden suite is permitted in any FV Zone, the provisions of Section 7.4 shall apply.

9.8 OTHER REQUIREMENTS: HOME BUSINESS USES

Where a home business uses in conjunction with a dwelling is permitted in any FV Zone, the provisions of Section 7.5 shall apply.

9.9 OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS

Where a bed and breakfast establishment is permitted in any FV Zone, the provisions of Section 7.7 shall apply.

9.10 OTHER REQUIREMENTS: PERSONAL SERVICE SHOPS, CRAFT SHOPS, ANTIQUE SHOPS, ART STUDIOS, BAKERIES AND WILDERNESS AND RECREATION OUTFITTERS

Where a personal service shop, craft shop, antique shop, art studio, bakery or wilderness and recreation outfitter is permitted in any FV Zone, the provisions of Section 7.8 shall apply.

9.11 OTHER REQUIREMENTS: AGRICULTURAL USES

Where an agricultural use is permitted in any FV Zone, the provisions of Section 7.10 shall apply.

9.12 OTHER REQUIREMENTS: FORESTRY USES

Where a forestry use is permitted in any FV Zone, the provisions of Section 7.11 shall apply.

9.13 OTHER REQUIREMENTS: TRADITIONAL USES

Where a traditional use is permitted in any FV Zone, the provisions of Section 7.13 shall apply.

9.14 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where a day care facility is permitted in any FV Zone, the provisions of Section 7.14 shall apply.

9.15 OTHER REQUIREMENTS: OPEN SPACE USES

Where an open space use is permitted in any FV Zone, the provisions of Sections 7.16 and 7.17 shall apply.