

# Towns of New Glasgow, Pictou, Stellarton, Trenton and Westville (Common) Land Use By-law



## Preface

This document constitutes the Towns of New Glasgow, Pictou, Stellarton, Trenton and Westville (Common) Land Use By-Law (“LUB”) of Pictou County Nova Scotia (“the Towns”). This LUB updates and replaces the five LUBs and is adopted pursuant to the *Municipal Government Act* of Nova Scotia (“MGA”). This LUB, along with the Subdivision By-Law (“SDB”), the Inter-municipal Planning Strategy (“IPS”) and the Secondary Planning Strategies (“SPS”) form the “Planning Documents” as defined in s. 191(n) MGA.

An SPS will be adopted by each municipal unit to address land Use and land Development matters specific to each Town. The five SPS documents will also form part of the IPS, but each may be amended from time to time by its parent municipal unit.

This LUB is intended to add to and not to conflict with or subtract from, the requirements contained in valid Federal and Provincial laws and regulations in force from time to time and shall be interpreted accordingly.

Any capitalized word herein is defined.

For ease of reference throughout, Pictou County means the geographic area comprising the Towns and the Municipality of the County of Pictou and is not a reference to the Municipality of the County of Pictou.

## Certification

We certify that the following LAND USE BY-LAW was duly adopted by the Councils of the Towns of Pictou County at duly called meetings and was published as indicated below.

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Lisa MacDonald, CAO/Town Clerk  
Town of New Glasgow

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Scott Conrod, CAO/Town Clerk  
Town of Pictou

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Joyce Eaton, Town Clerk  
Town of Stellarton

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Cathy MacGillivray, CAO/Town Clerk  
Town of Trenton

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Kelly Rice, CAO/Town Clerk  
Town Westville

Municipality	Date of First Reading	Date of Public Participation Meeting	Date of Public Hearing	Date of Second Reading	Date of Ministerial Approval	Notice of Effective Date
Town of New Glasgow	Dec 15/14	Dec 4/14	June 15/15	June 15/15	Aug 10/16	Aug 22/16
Town of Pictou	Jan 19/15	Nov 27/14	Apr 30/15	Nov 16/15	Aug 10/16	Aug 22/16
Town of Stellarton	Jan 12/15	Nov 26/14	Feb 9/15	Oct 19/15	Aug 10/16	Aug 22/16
Town of Trenton	Nov 17/15	Dec 2/14	Dec 8/15	Dec 8/15	Aug 10/16	Aug 22/16
Town of Westville	Feb 23/15	Nov 26/14	Mar 23/15	Feb 22/16	Aug 10/16	Aug 22/16

Office Consolidations include Ministerial Amendments to the original and will be revised from time to time as required by future amendments. Office Consolidations are prepared for ease of reference only; refer to original documents for accuracy, available at the Towns.

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## **Part 1: Introduction**

### **1. Effective Date**

This By-Law shall take effect when the Notice of Effective Date has been published, whereupon any applicable previous Land Use By-Law (LUB) is repealed.

### **2. Title**

This By-Law may be cited as the “Land Use By-Law” (LUB) for the Towns, and applies to all lands within the Towns.

### **3. Purpose**

This By-Law is enacted to carry out the purpose and intent of the Inter-Municipal Planning Strategy (IPS) and Secondary Planning Strategies (SPS) for the Towns, which can also be referred to as the “Municipal Planning Strategy” (MPS), in accordance with the sections 215, 216, and 219 of the *Municipal Government Act*, 1998, c. 18 (MGA), by regulating Structure Use, location, size, spacing and character, as well as certain provisions of the Subdivision By-Law (SUB).

## **Part 2: Interpretation and Definitions**

### **4. Interpretation**

In this By-Law, tense and numbers are interchangeable, gender is neutral and interpretation shall be in accordance with the *Interpretation Act*, R.S., c. I-23. Linear and area measurements are shown in metric with rounded imperial conversions. The imperial conversions are intended as a convenience, and the Development Officer shall interpret the requirements when necessary.

#### **List of Abbreviations**

DA	Development Agreement
GFLUM	Generalized Future Land Use Map
IPS	Inter-Municipal Planning Strategy
LUB	Land Use By-Law
MGA	Municipal Government Act of Nova Scotia
NBCC	National Building Code of Canada
SDB	Subdivision By-Law
SPA	Site Plan Approval
CD	Commercial Designation
SPS	Secondary Planning Strategy
RD	Residential Designation

### **5. Definitions**

In this By-Law, section 5 definitions apply to the MPS and abbreviation or technical standard shall be interpreted by reference to The Zoning Dictionary and The Illustrated Book of Development Definitions as applicable.

In this By-Law:

- 5.1. **Accessory Building** means a subordinate Building on the Main Building Lot, incidental to and exclusively for the main Use, and does not include a Building attached to the Main Building, a Swimming Pool, or a Fence.
- 5.2. **Accessory Structure** means a subordinate Structure on the Main Building Lot, incidental to and exclusively for the main Use.
- 5.3. **Accessory Use** means a subordinate Use on the Main Building Lot, incidental to and exclusively for the main Use.



- 5.4. **Accommodations** mean Buildings or portions thereof in which rooms are regularly provided for compensation for tourist Use and which are not used by the owner as a family Dwelling, including without limitation, Hotels and Motels and not including Multiple Unit Dwellings, Bed and Breakfast establishments, lodging houses, apartment Buildings, Community Homes or special care homes.
- 5.5. **Adult Entertainment Use (including Adult Cabarets)** means any establishment or Retail business that offers goods, services, or entertainment to the public intended to deliver sexual stimulation, or is reasonably intended to appeal to erotic appetites. It includes, without limitation, entertainment characterized by the display of the nude or semi-nude human body in a sexual manner. Such entertainment is commonly promoted using adjectives or terms such as "nude", "topless", "adult", "sexy", "exotic", and so on. It includes, without limitation, Massage Parlours, video stores that primarily sell adult movie titles, adult book stores, and stores that primarily sell goods and supplies that purport to aid or enhance the sexual experience.
- 5.6. **All Age Teen Club** means a Commercial establishment primarily targeting teenagers and operating as a dance or social club licensed per the *Theatres and Amusements Act*. R.S., c. 466 and which does not involve the licensed sale of alcoholic beverages.
- 5.7. **Alter** means to structurally change a Building including, without limitation, volume change.
- 5.8. **Amenity Space** means an area situate within a residential Development site for recreational purposes including, without limitation, Landscaped areas, patios, private space, Verandahs, balconies, communal Lounges, Swimming Pools, play areas and similar Uses, but not including, Parking Lots, aisles, access driveways or any area occupied at grade by a Building service area.
- 5.9. **Animal** means any non-human Animal, including birds and fish used for agricultural purposes and household pets.
- 5.10. **Animal Clinic** means an Animal hospital in which the Use is confined to providing care to outpatients with no overnight lodging of Animals.
- 5.11. **Animal Hospital** means an establishment providing surgical or medical treatment or examination of domestic pets entirely within a Building and may include:
- 5.11.1. the premises where Animals are treated or kept;
  - 5.11.2. a Building or part of a Building used as the premises of a Veterinary Surgeon where domestic Animals are treated but shall not include an Animal shelter or Kennel;
  - 5.11.3. a facility in which the practice conducted includes the confinement as well as the treatment of patients;
  - 5.11.4. a Building or Structure in which facilities are provided for the prevention, cure and alleviation of disease and injury to Animals and in conjunction with which there may be shelter provided, within the Building or Structure, during the period of treatment;

- 5.11.5. a Building where one or more licensed veterinarians and any associated staff provide medical, surgical, grooming, boarding or similar services solely for household pets;
- 5.11.6. a place where Animals or pets are given medical or surgical treatment, which may include short-time boarding of Animals incidental to such hospital Use; and
- 5.11.7. a Building or part thereof used by veterinarians primarily for the purpose of the consultation, diagnosis and Office treatment of household pets, but shall not include long-term boarding facilities.
- 5.12. **Artwork** means the graphic display of a painting, mural or the like with an artistic theme that is not a Sign, and shall not include displays featuring a logo, emblem, company brand or other advertising message in relation to a Commercial enterprise, industry or business.
- 5.13. **Automobile Rental Establishment** means a Building or part thereof and may include a defined space on a Lot used for vehicle rental, but shall not include the servicing or repair of automobiles.
- 5.14. **Automobile Sales Establishment** means a Building or part thereof and may include a defined space on a Lot used for vehicle sales and may include the servicing and repairing of Motor Vehicles.
- 5.15. **Automobile Service Station** means a Building or a clearly defined space on a Lot used for the sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing of Motor Vehicles and may include an automobile Car Wash or Convenience Store, or both, but does not include an automobile body shop.
- 5.16. **Bank (Drive-through)** means an establishment with banking facilities for attracting and servicing prospective customers travelling in Motor Vehicles which are driven onto the site where such business is carried on, where normally the customer remains in the vehicle for service.
- 5.17. **Bed and Breakfast** means an owner-occupied single unit Dwelling in which the resident owner supplies rooms for compensation for tourist Use and which is licensed per the *Tourist Accommodations Act*. 1994-95, c. 9.
- 5.18. **Berm** means a raised area of land to Screen a Use from abutting Uses.
- 5.19. **Blade Clearance** means the distance from grade to the bottom of the Rotor's Arc on a Wind Turbine.
- 5.20. **Boarding House** means a single unit Dwelling in which the resident supplies weekly or monthly room only or room and board for compensation, and which is not open to the traveling public.
- 5.21. **Buffer Strip** means a Landscaped area that wholly or partially separates adjacent land Uses.

- 5.22. **Building** means any Temporary or permanent Structure used for shelter, Accommodation or enclosure of Persons, Animals, material or equipment, and which does not include a mobile/modular Building with a Main Wall width of 6 metres or less.
- 5.23. **Building Height** means the vertical distance between the Established Grade and the greater of the mean level between the eaves and the ridge of a Gabled, hip, gambrel or other Pitched roof, and the highest point of the roof surface or the parapet of a flat roof, or the Deck line of a mansard roof, but does not include any ornamental accessory roof construction or mechanical Building operation such as a chimney, Tower, cupola, steeple or antenna.

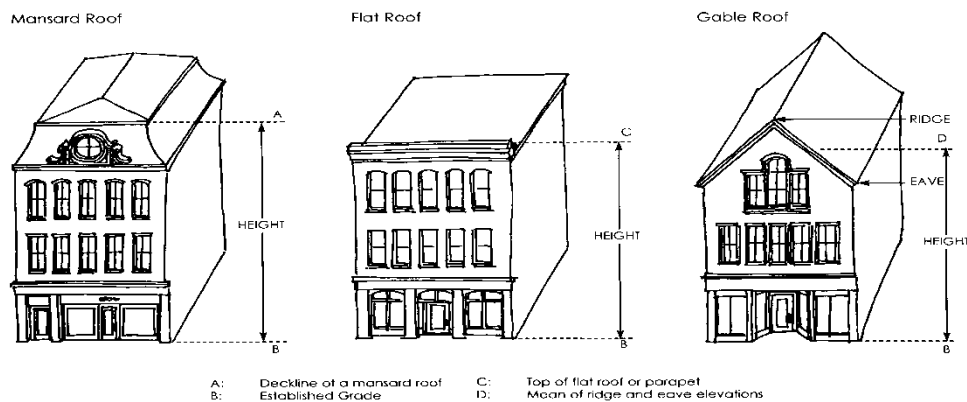
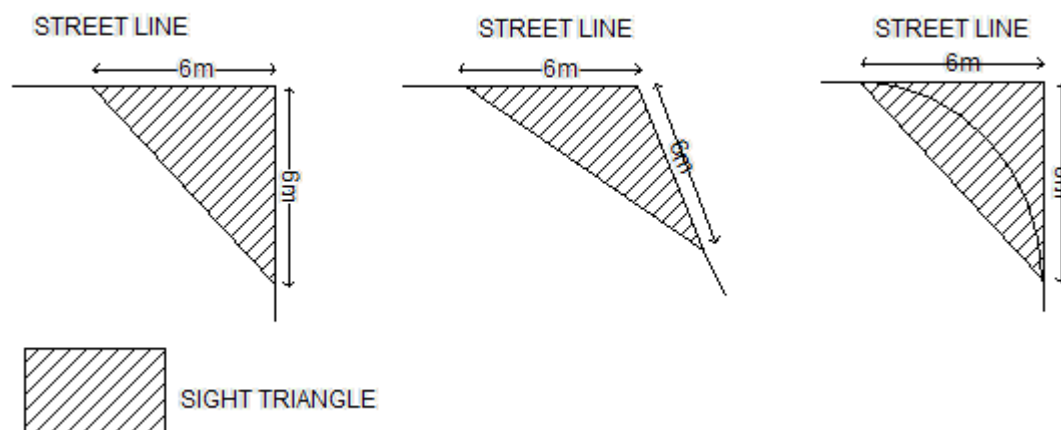


Illustration of Building Height Calculations

- 5.24. **Building Line** means a line regulating Lot position of a Building. The minimum Building Line is established by the requisite Yard depth for the Lot Zone, except where an existing Building is located closer on the Lot than the required depth, the latter which is considered an established Building Line and is measured at the Main Wall of an existing Main Building.
- 5.25. **Bulk Storage Facility** means a Lot used for large-quantity Outdoor Storage or tank storage of raw materials or industrial goods such as liquids (fuel oil), gases, minerals, pipes, gravel, fertilizers and grain, with or without Buildings.
- 5.26. **Cabaret** means a Commercial establishment that features live entertainment and sells liquor by the glass, and beer and wine by the glass, open bottle or other container, as per the licensing requirements of the *Liquor Control Act, R.S., c. 260*.
- 5.27. **Café** means an establishment primarily serving light meals.
- 5.28. **Campground** means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes, but does not include a mobile home park.
- 5.29. **Carport** means a Building or Structure which is without walls on at least two sides and is used for the parking and storage of a Motor Vehicle and for the purposes of this By-Law a Carport with an enclosed second storey which is attached to the main Dwelling.
- 5.30. **Car Wash** means any establishment or business that offers fixed-site car-cleaning services or equipment that is part of a Structure and does not include a mobile Car Wash.

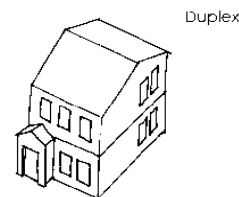
- 5.31. **Cemetery** means a burial place or ground other than a churchyard that may include a vault for the storage of remains and a chapel used for internment services.
- 5.32. **Church** means a Building for religious worship and includes a Church hall, Church auditorium, Sunday school, parish hall, rectory, manse and Church-operated daycare.
- 5.33. **Clinic** means a Building used for medical, dental, surgical or therapeutic treatment of human patients that does not include overnight facilities and does not include a professional Office of a doctor located in his or her residence.
- 5.34. **Climbing Apparatus** means the ladder located on a Wind Turbine used for climbing and maintenance.
- 5.35. **Commercial** means any Use for Retail or wholesale trade or sale of goods, materials, and services.
- 5.36. **Commercial Club** means a club operated for gain other than a Community Centre.
- 5.37. **Commercial Recreation** means a Building or Lot or part thereof used solely for recreation or entertainment purposes for profit or gain, and may include such Uses as dance halls, theatres, cinemas, billiards or pool halls, bowling alleys, miniature golf courses, bingo halls, Campgrounds, and amusement arcades.
- 5.38. **Community Centre** means a Building used for recreational, social, educational and cultural activities, owned and operated by a public or non-profit group or agency.
- 5.39. **Community Garden** means a piece of land utilized by a non-profit society or group for the purposes of producing food and flowers for the personal Use of the society or group members, or for the purposes of a community education program that encourages the involvement of schools, youth groups and citizens.
- 5.40. **Community Home** means a community based group living arrangement, in a single housekeeping unit, for up to a maximum of seven (7) individuals, exclusive of staff and/ or receiving family, with special needs that is developed for the well-being of its residents through self-help, professional care, guidance and supervision, and may include congregate housing. A Community Home is licensed, funded or approved by the Province of Nova Scotia.
- 5.41. **Convenience Stores** means a store and associated Uses that serve the need of the surrounding area and shall include, but not be limited to, items of merchandise which constitute the main feature of the following types of stores: general stores, food stores, hardware stores, sporting goods stores, delicatessens and drug stores, provided that all such items are new Retail merchandise and that such business is conducted within a wholly enclosed Building, but may not include a Restaurant.
- 5.42. **Corner Vision Triangle** means the area of a Corner Lot enclosed by a triangle, the apex of which is the intersection of the flanking Lot line and the front Lot line, two sides of which

triangle are 6 metres in length measured from the abutting Street Line of each Street a distance of 6 metres from their intersection point.



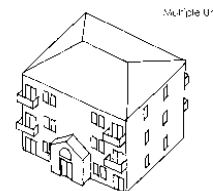
- 5.43. **Cottage** means a freestanding rental unit for the Use of the traveling or vacationing public, containing a maximum of three Bedrooms, a bathroom, a kitchen and/or living room.
- 5.44. **Council** means the Councils of the Towns.
- 5.45. **Country Inn** means a Building, originally built as a single family Dwelling, that may have historical and/or architectural significance, and which is converted to a Tourist Establishment with 4 or more rooms for rent for overnight sleeping Accommodations for the traveling public. This type of inn may also include a Restaurant and/or residential accommodation for the owner or caretaker.
- 5.46. **Court** means an open, uncovered and unoccupied space appurtenant to a Building and bounded on two or more sides by Building Walls.
- 5.47. **Cultural Use** means any Use of a Building or land for Uses such as theatres, auditoriums, art galleries, libraries, museums, meetings, conferences, and similar Uses.
- 5.48. **Custom Workshop** means a Building or part of a Building used by a trade, craft or guild for the manufacture of custom ordered clothes or articles and includes upholstering, repair, refinishing of antiques and other art objects.
- 5.49. **Day Care** means the activity as defined under the *Day Care Act* in a place where six or fewer preschool children or eight or fewer school age children, including the children of the caregiver, are cared for on a temporary basis for compensation without overnight accommodation, but does not include a school.
- 5.50. **Day Care, Residential** means the activity as defined under the *Day Care Act* in a place where seven or more preschool children or nine or more school age children are cared for on a temporary basis for compensation without overnight accommodation, but does not include a school.
- 5.51. **Deck** means a Dwelling-abutting Structure without roof or walls excepting visual partitions and railings constructed on piers or a foundation above-grade for outdoor living area Use.

- 5.52. **Decommissioning** means Wind Turbine removal following at least one year of inactivity.
- 5.53. **Development** includes any Erection, construction, Alteration, replacement, relocation or addition to any Structure and any change or Alteration in the Use made of land or Structures.
- 5.54. **Development Agreement** means an agreement pursuant to the MGA and an application to address any Structure Erection, construction, Alteration, replacement, relocation or addition and any land or Structure Use Alteration.
- 5.55. **Development Permit** means a Development Officer-issued permit other than a Building permit indicating proposed Development LUB compliance.
- 5.56. **Development Officer(s)** means the municipal Development Officer(s) appointed by the Town in accordance with the Municipal Government Act and charged with the duty of administering the provisions of this By-Law.
- 5.57. **Dormitory** means a Building used as group living quarters for a student body as an Accessory Use for a college, university, boarding school or similar Institutional Use.
- 5.58. **Dry Cleaning Depot** means a business where clothes and other items are dropped off to be professionally cleaned which are then transported to another location for cleaning.
- 5.59. **Dwelling** means a Building occupied or with capacity for home, residence, or sleeping occupancy by one or more Persons, containing one or more Dwelling Units, and does not include a Hotel, Motel, Apartment Hotel or a Travel Trailer.
- 5.60. **Dwelling, Converted** means a Building converted to house more Dwelling Units than the original Dwelling.
- 5.61. **Dwelling, Duplex** means a Building divided horizontally into two Dwelling Units each with a separate entrance from outside or from a common vestibule.
- 5.62. **Dwelling, Existing Multiple Residential** means a Converted Dwelling or apartment Building containing three or more Dwelling Units existing prior to January 1, 2000 as Development Officer-verified by assessment record or otherwise.
- 5.63. **Dwelling, Group Care Facility** means a Building provincially or federally licensed for the housing and treatment of Persons, including hospitals, Nursing Homes, or other establishment providing special care for physically or mentally ill or otherwise disabled Persons.
- 5.64. **Dwelling, Mini Home** means a pre-manufactured home with length-to-width ratio of 3:1 or greater, transportable as a single unit to the site and containing CAN/CSA – A277-90 or later or CSA Z240 MH Series 92 or subsequent certification.



5.65. **Dwelling, Mobile Home** means a pre-manufactured home designed for transportation after fabrication by its own wheels or on a flatbed or other trailer, including prefabricated Dwellings having any Main Wall with a width of less than 6.1 metres.

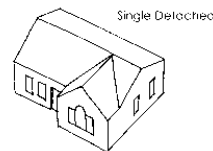
5.66. **Dwelling, Multiple** means a Building comprising three or more residential Dwelling Units, and may include a Townhouse, and/or more than one residential Dwelling on a Lot.



5.67. **Dwelling, Existing Mobile Home** means a Mobile Home Dwelling existing prior to January 1, 2000, as Development Officer-verified by assessment record or otherwise.

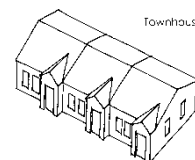
5.68. **Dwelling, Semi-detached** means a partially detached Building containing two Dwelling Units, and may contain one Secondary Suite per NBCC provisions, and which is constructed wholly on site from transported materials and not to be removed.

5.69. **Dwelling, Single Detached** means a completely detached Building containing one Dwelling Unit, and may contain one Secondary Suite per NBCC provisions, and which is constructed wholly on site from transported materials and not to be removed.



5.70. **Dwelling, Two Unit** means a Building that is divided into two Dwelling Units, and may include a Duplex, semi-detached, or detached Dwelling with a subsidiary apartment unit, and may contain one Secondary Suite if located on an individual Lot, per NBCC.

5.71. **Dwelling, Townhouse** means three or more Dwelling Units, each with a separate entrance, constructed side by side and separated by common vertical walls, and may contain one Secondary Suite if located on an individual Lot, per NBCC.



5.72. **Dwelling Unit** means one or more habitable rooms for Use by Person(s) as an independent housekeeping establishment with separate kitchen and sanitary facilities for exclusive Use by such Person(s), and with separate entrance from outside or from a common vestibule.

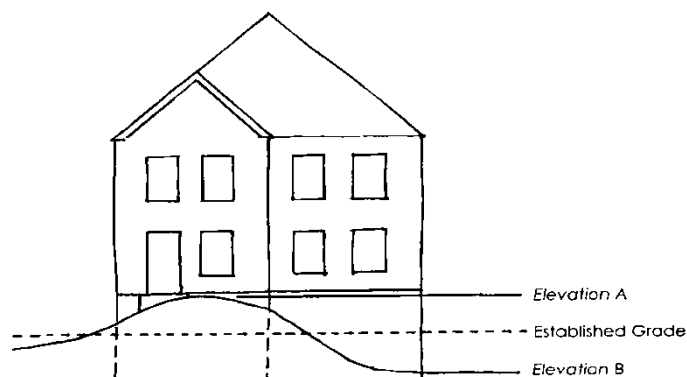
5.73. **Enriched Seniors Residence** means a residence providing accommodations for senior citizens, containing independent Dwelling units, and associated with an adjacent nursing home that provides its services to the inhabitants of the residence.

5.74. **Erect** means to build, construct, reconstruct, Alter or relocate and, without limitation, includes preliminary operations such as excavating, grading, piling, cribbing, Filling or draining, or existing Building structural Alteration by addition, deletion, enlargement or extension.



5.75. **Established Grade** means the average elevation of all finished ground surfaces adjoining each exterior Building wall exclusive of any localized depression such as vehicle or pedestrian entrance.

5.76. **Fence** means a constructed barrier of any material or combination thereof, and may include Landscaping, Berms, or the like, to enclose or Screen, to prevent entrance, to confine, or to mark a boundary.



**Established Grade** = average of Elevation A and Elevation B

*Elevation A = highest elevation of finished grade  
Elevation B = lowest elevation of finished grade*

5.77. **Fenestration** means the form and placement of windows on Building elevations.

5.78. **Fill** means deposited material on a Lot to Alter land level.

5.79. **Finance Company** means a Person or entity providing non-depository financial services, where the primary business is the buying or selling of mortgages, conditional sales agreements, lien notes, or other obligations regarding property, or advancing or lending money and providing security for the repayment thereof a mortgage or chattel. This definition excludes a Person or entity whose primary business involves only providing consultative services related to the financial matters outlined above, or brokering such matters, in a business or professional Office.

5.80. **Financial Institution** means an investment banking firm, brokerage firm or any entity that obtains its funds mainly through deposits from the public, and includes all institutions considered registered banks under the *Bank Act*, savings and loan associations, credit unions, and the like.

5.81. **Fishery Use** means a Use supportive of the fishery, including general storage, docks, boat launches and sales of fish.

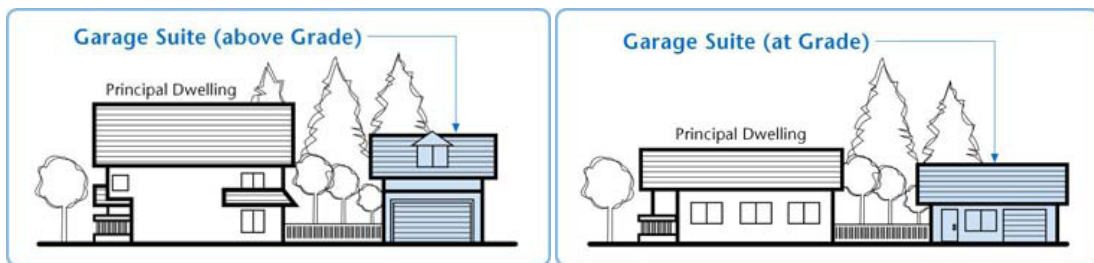
5.82. **Flood Proofing** means a measure or combination of structural and non-structural measures incorporated into the design of a Structure that reduces or eliminates the risk of flood damage, usually to a defined elevation. The prescribed method of Flood Proofing is through the permanent placing of Fill, or elevation of the Structure, or having the sills of all windows and doors through the foundation walls above the specified level.

5.83. **Floodway** means the inner portion of a flood risk area where the risk of flooding is greatest, on average once in twenty years, and where flood depths and velocities are greatest.

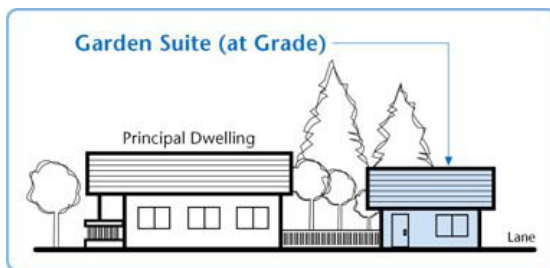
5.84. **Floodway Fringe** means the outer portion of a flood risk area where the risk of flooding is moderate and floods on average once in one hundred years.



- 5.85. **Floor Area** means the floor space occupied by a Use.
- 5.86. **Floor Area, Gross** means the Floor Area, in addition to the area used for Building maintenance and service equipment, loading, or vehicle parking and storage, excluding any unfinished basement or cellar.
- 5.87. **Gable** means the triangular section of a wall at the end of a Pitched roof formed between the eaves.
- 5.88. **Garage** means an enclosed or partially enclosed attached or detached Accessory Building for vehicle storage, involving no business or service provision for profit, subject to other provision herein.
- 5.89. **Garage Suite** means a Secondary Suite within or attached to a detached Garage on a site with a Single Detached house, with separate cooking, sleeping, and bathroom facilities, and with a separate entrance from the vehicle entrance to the Garage, by a common indoor landing or directly from the Structure. A Garage Suite precludes the existence of any additional Secondary Suites. Mini-homes, mobile homes and similar Structures cannot be used as a Garage Suite.



- 5.90. **Garden Suite** means a single-storey Secondary Suite that is accessory to, but detached from, the principal Single Detached house, with separate cooking, sleeping and bathroom facilities. A Garden Suite precludes the existence of any additional Secondary Suites. Mini-homes, mobile homes and similar Structures cannot be used as a Garden Suite.



- 5.91. **Grade Level** means the site elevation prior to any Development.
- 5.92. **Heavy Equipment Commercial Use** means a Commercial Use with on-property storage of heavy equipment and/or vehicles including tractors, excavators, delivery trucks, transport trucks and/or trailers, dump trucks, buses, and cube vans, and excluding panel vans, ambulances, hearses and pick-up trucks.

- 5.93. **Heritage Structure** means a Structure situate on a property registered municipally with the Heritage Advisory Committee or provincially in the Heritage Property Program per the *Heritage Property Act*. R.S., c. 199.
- 5.94. **Highway** means, per the *Motor Vehicle Act*, R.S., c. 293:
- 5.94.1. a public Highway, Street, lane, road, alley, park, beach or place including the bridges thereon, and
  - 5.94.2. private property that is designed to be and is accessible to the general public for the operation of a motor vehicle.
- 5.95. **Home Occupation** means an Accessory Use of a Dwelling for income from sale of goods and/or services including: business or professional Offices, domestic and household arts, Custom Workshops, food preparation services, Residential Day Cares, Pet Grooming establishments, and Personal Service shops, and excluding auto repair, welding, mechanical repair or the like, and resident hobbies.
- 5.96. **Hostel** means a Building that may be owner-occupied with individual rooms or Dormitory-style housing for the travelling public with common domiciliary facilities for the Use, and does not include a Group Care Facility Dwelling, Hotel, Motel, Bed and Breakfast or Country Inn.
- 5.97. **Hotel** means a Building for housing the traveling public for compensation, with provision of sleeping lodging and accessory services including Restaurants, cooking facilities and Licensed Liquor Establishments.
- 5.98. **Industrial Services** means businesses that service the industrial sector.
- 5.99. **Industry, Heavy** means any land or Building Use for large-volume material processing and manufacture, primarily from extracted or raw materials, or a Use for manufacturing process storage of hazardous or Obnoxious materials.
- 5.100. **Industry, Light** means any Use of land or Building for the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, recycling, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- 5.101. **Institutional Use** means any Building or land Use for non-Commercial purposes by an organized body, including health, educational, religious or other servicing by hospitals, Residential Care Facilities, museums, libraries, Schools, universities, Churches, registered societies per the *Societies Act*. R.S., c. 435, and police, fire and ambulance emergency servicing.
- 5.102. **Intensive Livestock Operation** means a livestock operation comprising five or more Animal Units of Agricultural Animals, Animal Unit calculations per the below chart, with non-listed Animals to be categorized according to approximate body weight equivalent as a mature Animal:

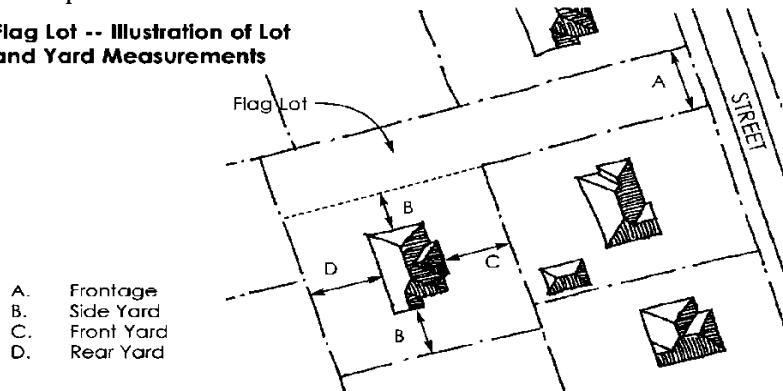
**Animal Units:**

<b>Type of Animal</b>	<b>Number Equal to One Animal Unit</b>
Cattle, Horses	1
Sheep, Goats, Ponies	2
Chickens, Ducks, Pheasants	10
Swine	2
Turkeys, Geese, Mink, Foxes	10
Rabbits	10

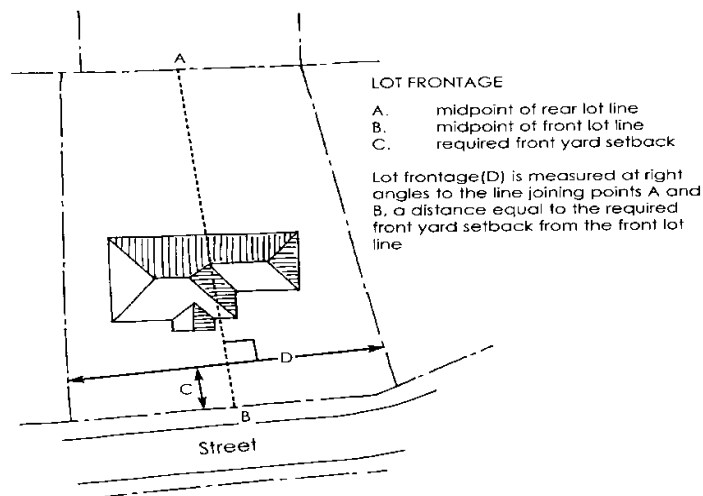
- 5.103.  **kennel** means an enclosed Structure for Animals kept for Commercial breeding or showing, for Commercial boarding with or without care, or for general care, including, without limitation, pet daycare, boarding, training, grooming and like servicing, but not including Animal Hospitals.
- 5.104.  **Landscaped Open Space** 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 between them but shall not include any access driveway, ramp, Parking Lot, or Loading Spaces.
- 5.105.  **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticulture, decorative stonework, Paving, Screening or other architectural element designed for aesthetic or Screening (see definition of Screen) purposes.
- 5.106.  **Licensed Liquor Establishment** means a Nova Scotia Liquor Licensing Board licensed establishment per the *Liquor Control Act*, R.S., c. 260.
- 5.107.  **Loading Space** means a land area for temporary parking of a Commercial Motor Vehicle for on and off-loading of merchandise and materials, with criteria as follows:
- 5.107.1. no other Use shall be permitted;
  - 5.107.2. no Street, Highway or road shall be used;
  - 5.107.3. adequate space shall exist for vehicle maneuvering and ingress and egress by a driveway to a public road, Street or Highway; and
  - 5.107.4. smaller vehicles to heavy trucks shall be accommodated.
- 5.108.  **Lot** means a parcel of land with a deed description (Schedule A) or as shown on a Registered Plan of Subdivision.
- 5.109.  **Lot Area** means the total horizontal area within the Lot lines of a Lot.
- 5.110.  **Lot, Corner** means a Lot situate at the intersection of and abutting two or more Streets, provided the angle of intersection is no more than 135°, with one Street deemed the front line and the other(s) the flanking Street(s) for Setback requirement determination.

- 5.111. **Lot, Coverage** means the percentage of the Lot that is covered by Buildings excluding projecting eaves, balconies and similar features.
- 5.112. **Lot, Flag** means a Lot situate at the rear of another Lot(s) and accessed by a narrow frontage from a public Street.

**Flag Lot -- Illustration of Lot and Yard Measurements**

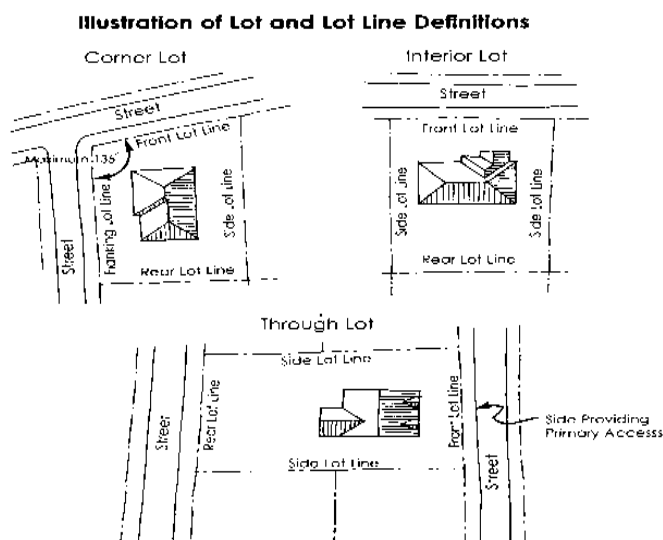


- 5.113. **Lot, Frontage** means the length of a line joining the side Lot lines and parallel to the front Lot line. Calculation of Lot Frontage for irregularly shaped Lots shall be the horizontal distance between the side Lot lines as measured at a point, where a line drawn perpendicular to a line joining the midpoint of the rear Lot line and the midpoint of the front Lot line at a point equal to the required Front Yard. In determining Yard measurements the minimum horizontal distance from the respective Lot lines shall be used. Calculation of Lot Frontage for Corner Lots shall be the horizontal distance between the side Lot line and the flanking Lot line.



- 5.114. **Lot Lines** mean the boundaries of a Lot as specified.
- 5.115. **Lot line, Flanking** means the Side Lot Line which abuts the Street on a Corner Lot.
- 5.116. **Lot line, Interior** means a Lot Line situated between two Lots and having access to one Street.
- 5.117. **Lot line, Rear** means the Lot Line furthest from or opposite to the Front Lot Line.

- 5.118. **Lot line, Side** means a Lot Line other than a Front or Rear Lot Line, which is not a Flanking Lot Line.



- 5.119. **Lounge** means a Commercial establishment as licensed per the *Liquor Control Act*, R.S., c. 260.
- 5.120. **Main Building** means any Building in which is carried on the principal Lot Use(s).
- 5.121. **Main Wall** means the exterior front, side or rear wall of a Building and all supporting structural units.
- 5.122. **Massage Parlour** means any establishment in which massage, body rub, alcohol rub, bath or the like is provided, offered, advertised, or solicited by Persons but does not include any premises providing medical or therapeutic treatment under supervision or direction of a physician, chiropractor, osteopath, physiotherapist, or registered massage therapist.
- 5.123. **Mini Home Park** means land or premises under single ownership, used exclusively for mobile homes and mini-homes, but does not include seasonal Use Campgrounds.
- 5.124. **Motor Vehicle** has the same meaning as in the *Motor Vehicle Act*, R.S., c. 293 of Nova Scotia or successor legislation as may be enacted from time to time, regardless of registration status.
- 5.125. **Motel/Hotel** means roofed accommodation as defined in the *Tourist Accommodations Act*, 1994-95, c. 9.
- 5.126. **Neighbourhood Commercial Use** means any Building or land used for commerce, Retail, and service provision for residential Commercial need.

- 5.127. **Non-conforming Structure** means a Structure that does not meet the applicable requirements of a land-use by-law.
- 5.128. **Non-conforming Use of Land** means a Use of land that is not permitted in the Zone.
- 5.129. **Non-conforming Use in a Structure** means a Use in a Structure that is not permitted in the Zone in which the Structure is located.
- 5.130. **Nursing Home** means a Building providing accommodation to the aged, the disabled, or others requiring nursing care and does not include a place maintained by an individual to whom the residents are related by blood or marriage, or a Seniors Residential Complex.
- 5.131. **Obnoxious** means a Use that creates a nuisance by emitting noise, vibration, gas, fumes, dust, oil or objectionable odour, or by unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or like material.
- 5.132. **Office** means a business or professional establishment for business transacting, service provision or consultation, and does not include product manufacture or on-site Retailing.
- 5.133. **Original Structure** means a Structure or portion of a Structure that was in existence at the time it was first occupied for its intended Use. Additions that are consistent with the Original Structure in terms of architectural style, materials, and construction may be considered part of the 'Original Structure' provided they are in existence on the effective date of this By-Law.
- 5.134. **Outdoor Furnace** means an outdoor wood-burning appliance, a solid fuel burning appliance or a biofuel burning appliance that meets National or Provincial standards and is used for the space heating of any Building, the heating of water or other similar purposes.
- 5.135. **Outdoor Display** means the display of merchandise, goods, inventory, materials or equipment not within a Building.
- 5.136. **Outdoor Storage** means the storage of merchandise, goods, inventory, materials or equipment not within a Building.
- 5.137. **Parking Area/Lot** means an open area of land other than a Street or an area within a Structure for the parking of vehicles. Parking Areas shall consist of Parking Spaces for individual vehicles, driveways or aisles for access to Parking Areas from a public Street and for vehicle manoeuvring and Loading Spaces in specified circumstances (refer to section 22 of this By-Law).
- 5.138. **Parking Space** means an area of dimensions per this By-Law for temporary parking or storage of Motor Vehicles.
- 5.139. **Parking Structure** means an enclosed or partially enclosed, possibly multi-storey Structure, or space in a Structure used for the storage of automobiles and may include a parking Structure operated as a Commercial for-profit venture.

- 5.140. **Parts Assembly Use** means a Use involving the putting together of parts to make a product. The parts shall be pre-manufactured off-site and the assembly process shall not be deemed Obnoxious.
- 5.141. **Passive Recreation** means leisure activities using space such as trails, picnic areas, open space, conservation areas, and does not include Uses requiring Buildings or land-intensive activities.
- 5.142. **Paved** means an area whereon the surface has been permanently hardened by application of asphalt, concrete, or by similar means, but shall not include a surface composed solely of gravel, sand, or soil, whether completed or not, and shall not include a surface temporarily hardened by application of a stabilizing agent such as oil, ashes, cinders, or a combination thereof.
- 5.143. **Person** includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee, or agent, and its heirs, executors, successors, assigns or other legal representatives.
- 5.144. **Personal Care** means the provision of room, board and supervision of, and assistance with, the daily activities of an individual who is aged, disabled, or convalescing from illness or injury.
- 5.145. **Personal Service** includes servicing by a barber, hairdresser, beautician, aesthetician, tailor, seamstress, shoemaker, in a tanning salon or depot for Dry Cleaning and laundry collection, and excludes servicing in a Massage Parlour or other Adult Entertainment establishment, and goods manufacture or fabrication for sale.
- 5.146. **Pet Grooming** means a business of grooming canine and feline pets.
- 5.147. **Pitch** means the slope of a roof.
- 5.148. **Porch** means an exterior Building addition forming a covered entrance.
- 5.149. **Private Club** means a meeting place for members of an organization such as fraternity, labour union hall, lodge, service club or sorority.
- 5.150. **Professional Architect** means a registered member, in good standing, of the Nova Scotia Association of Architects.
- 5.151. **Professional Engineer** means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia.
- 5.152. **Professional Surveyor** means a registered member, in good standing, of the Association of Nova Scotia Land Surveyors.
- 5.153. **Professional Use** means a building or part thereof in which the principal or main Use is the provision of professional services to the public, and may include, but not be limited to, medical, legal, accounting, engineering, or other similar professionals, but may not include an Obnoxious Use.



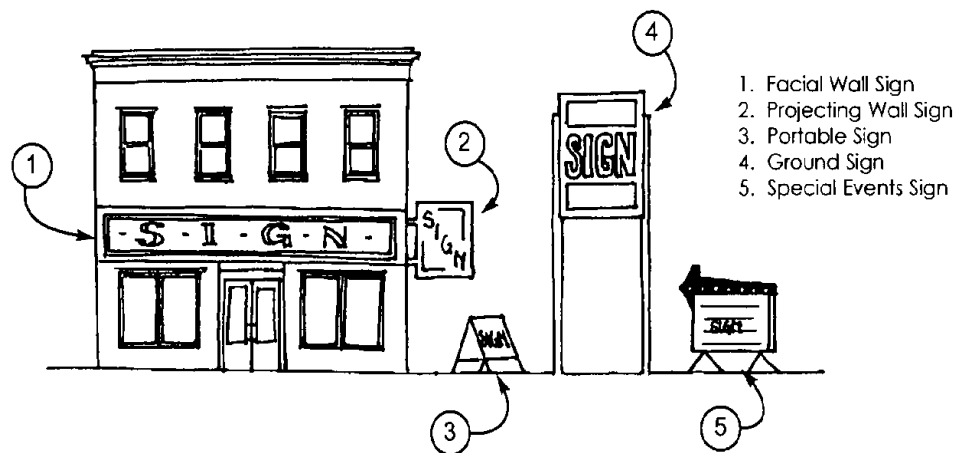
- 5.154. **Public Building** means a Building of the Government of Canada, the Province of Nova Scotia, a Town, a municipality or by a municipal enterprise.
- 5.155. **Recreation, Active** means space designated for leisure Use, usually of a formal nature and often used with equipment at prescribed places, sites or fields.
- 5.156. **Recreation Facility** means a place publicly or privately owned, designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities including but not limited to fitness centres, spas, gymnasiums, arenas, and Swimming Pools.
- 5.157. **Recreational Use** means land Use for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, Swimming Pools, day camps, and like Uses but does not include a track for the racing of Animals or Motor Vehicles.
- 5.158. **Recycling Centre** means a Resource Recovery Fund Board (RRFB) licensed “Enviro-Depot” premises on which recoverable and regulated materials such as newspaper, glassware, plastics, and metal cans and like materials are redeemed.
- 5.159. **Recycling Depot** means premises on which recoverable materials such as newspaper, glassware, plastics, and metal cans are separated stored, Warehoused or distributed prior to shipment but does not include material processing or a salvage Yard.
- 5.160. **Reflecting Pool** means a man-made body of water or other such Structure used as part of the Landscaping of a property, and is not intended for swimming, bathing, or other similar human recreational aquatic activity.
- 5.161. **Registered Deed** means a deed registered at the Nova Scotia Land Registry.
- 5.162. **Registered Plan** means a subdivision or survey plan on a parcel register at the Nova Scotia Land Registry.
- 5.163. **Rental Shop** means a Building or area of land where small scale residential, Commercial and industrial equipment is kept for rental to individuals for residential property needs and includes lawn & garden tools, floor & carpet cleaning equipment, painting & decorating equipment, moving tools, plumbing tools and masonry tools.
- 5.164. **Repair (or Service) Shop** means a Building or portion thereof used for the mechanical repair of goods excluding Motor Vehicles.
- 5.165. **Residential Care Facility** means any Building providing temporary or permanent housing and Personal Care to four or more Persons, and includes Residential Day Care congregate housing and sheltered housing.
- 5.166. **Restaurant** means a Building in which food and drink is served to the public.
- 5.167. **Restaurant, Drive-in** means a Building where food and drink is served to the public for consumption in Parking Areas appurtenant to the Building, and whether or not facilities are



provided for consumption within the Building. This is commonly known as a **fast food Restaurant** and may include a drive-through car pick-up.

- 5.168. **Restaurant Take-out** means a Building where food and drink is served to the public for consumption exclusively off-site and not for consumption in Parking Areas adjacent to the Building.
- 5.169. **Retail** means the sale of goods and merchandise, to the public for Personal or household Use.
- 5.170. **Right-of-way** means an area of land for private or public access of passage and may also be established by easement or license agreement as the context requires.
- 5.171. **Roof Line** means roof profile, form and height.
- 5.172. **Rotor Arc** means the circumferential path traveled by the Wind Turbine blade.
- 5.173. **School, Commercial** means a school operated by an individual or company for gain or profit, providing instruction in a primary or secondary educational Use within the curricula of the Province of Nova Scotia. It may also offer instruction in a specific trade, skill or service such as secretarial skills, vocational skills, aviation, banking, Commercial arts, automobile driving, language, modelling, business, hairdressing, beauty, culture, dancing and music schools.
- 5.174. **School, Public** means an educational Use or Building operated by a public authority, such as a school board, or provincial or federal authority.
- 5.175. **School, Private** means an educational Use or Building operated by a private individual or company, for Commercial gain.
- 5.176. **Screen** means a physical obstruction between incompatible land Uses, and may include one or a combination of retained vegetation, Fences, walls, beams, and/or newly Landscaped areas.
- 5.177. **Secondary Suite** means a self-contained Dwelling Unit with a prescribed Floor Area located in a Building or portion of a Building of only residential occupancy that contains only one other Dwelling Unit and common spaces, and where both Dwelling Units are on an individual Lot or parcel, such as within an individual detached Dwelling, Semi-detached Dwelling, freehold row Dwelling, or Townhouse. A Secondary Suite may not exceed 80% of the Floor Area of the principal suite, or 80 square metres, whichever is greater, as defined under NBCC.
- 5.178. **Seniors Residential Complex** means a multiple-unit Building not subject to use conversion, comprising independent housekeeping units for senior citizen occupancy, with common facilities for dining, recreation, leisure and which may include housekeeping, security, Personal Care, physiotherapy, and activity programs.

- 5.179. **Separation Distance** means the horizontal distance, which may include a required Front, Side and/or Rear Yard on a Lot physically separating incompatible land Uses.
- 5.180. **Service Station Canopy** means a permanent roofed Structure open on all sides, except the side where attached to a service station to provide shelter for fuel pump customers.
- 5.181. **Setback** means the distance between the property line and nearest Building wall and extending the full Lot width or length.
- 5.182. **Shopping Centre** means a collection of independent Retail stores, services, and Offices housed in a Building(s) usually constructed and maintained by a single management unit and with common services, parking, internal vehicle circulation, and access roads.
- 5.183. **Sign** means a Structure, device, light or natural object including the ground itself, or attachment thereto, used to advertise any object, product, place, activity, or Person, or which displays any letter, work, model, number, banner, flag, pennant, insignia, device or representation to so advertise, and which is visible off-premises or from a parking Lot, and does not include representations located inside of or on windows and glass doors of Commercial Uses.



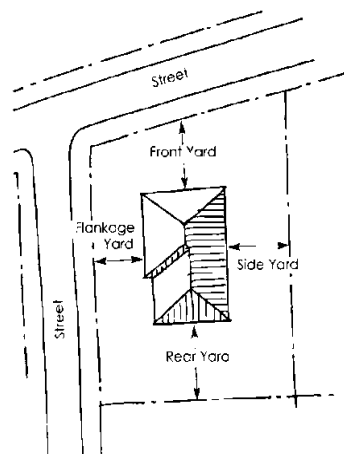
- 5.184. Sign Area means:
- 5.184.1. the area of the display surface not including the support Structure; or
  - 5.184.2. where a Sign has two or more sides, or is conical, spherical, or tubular, Sign Area shall mean one half of all display surface area; or
  - 5.184.3. where a Sign comprises freestanding characters or shapes, Sign Area shall mean the area of the smallest quadrangle enclosing the composing characters or shapes;
- Service Station Canopies are exempt from provisions of this definition.**
- 5.185. **Sign, Directory** means a Sign Erected or authorized to be Erected by Council that may be Erected on public property listing the names and/or locations of local businesses.

- 5.186. **Sign, Display Surface** means that portion of a Sign, including any trim and moulding, which forms the surface upon which elements are organized, related, and composed to form a unit that conveys a message.
- 5.187. **Sign, Facial Wall** means a Sign attached to and supported by a Building wall.
- 5.188. **Sign, Flashing** means a Sign, which by means of electrical devices gives the effect of an intermittent movement or changes to give two or more visual effects, or alternates with a lit and unlit effect.
- 5.189. **Sign, Ground** means a permanently affixed Sign supported by one or more uprights, poles or braces placed in or upon the ground.
- 5.190. **Sign, Illuminated** means a Sign providing artificial light directly, or through any transparent or translucent material, from a connected source, or by a light directed at the Sign, and may include a Light Emitting Diode (LED).
- 5.191. **Sign, Menu Board** means a permanently mounted Sign displaying drive-through Restaurant bills of fare, and may comprise separate components.
- 5.192. **Sign, Portable** means a Sign not permanently affixed to the ground, including sandwich board Signs.
- 5.193. **Sign, Projecting Wall** means a Sign supported by and projecting a minimum of 30.5cm from a Building wall.
- 5.194. **Sign, Roof** means any Sign Erected upon, against, or directly above a roof, or on top of, or above the parapet of a Building.
- 5.195. **Sign, Special Event** means a Sign supported on a moveable Structure or a banner displayed temporarily and concurrent with a special event, festival, holiday, business opening or closing.
- 5.196. **Sign, Third Party** means any Sign advertising a business at an off-site location within the Zone.
- 5.197. **Sign, Temporary** means a Sign that may be Erected for a specified period of time and may include portable Signs, banners, constructions Signs, and the like.
- 5.198. **Special Care Facility** means a Building in which housing and Personal Care are provided and in which incidental counselling and support services may be provided to four or more Persons, including group homes, sheltered housing, foster homes, half-way houses, and which does not include nursing care or establishments maintained by a Person to whom the residents are related by blood or marriage.
- 5.199. **Street** means any road, Highway, boulevard, square or other improved thoroughfare that is owned and maintained, by the Province of Nova Scotia or the Town.

- 5.200. **Street, Arterial** means a roadway used primarily for through traffic to carry large volumes of all types of vehicular traffic moving at medium to high speeds. Arterials typically connect with collectors and other arterials, carrying through traffic between major land Uses. The amount of direct access to adjacent Development is limited on arterial roads. Generally, there are controlled pedestrian crossings on arterials and a clear separation between pedestrian and vehicular traffic.
- 5.201. **Street, Collector** means a roadway providing land access and traffic movement in equal measure, carrying moderate speed traffic between local and arterial roadways.
- 5.202. **Street, Local** means a roadway whose primary function is to provide direct access to individual properties. Locals are typically designed to carry low traffic volumes, moving at slow speeds for short distances. They normally connect to other locals and collectors and serve residential land Uses. Generally Local Streets do not have sidewalks, vehicular and pedestrian traffic share the same Right-of-way.
- 5.203. **Street Line** means the boundary line of a roadway, including sidewalks.
- 5.204. **Structure** means an Erection built or constructed of joined parts or affixed to or supported by soil or by any other Structure including, without limitation, Buildings, Signs, Swimming Pools and Fences.
- 5.205. **Studio** means the working space of a Person producing Artwork or other creative enterprise.
- 5.206. **Subject Property** means the Lot and all Structures with contents that are the subject of review.
- 5.207. **Swimming Pool** means a permanent or portable water-filled Structure, above ground or in-ground, with a minimum depth of 0.6 metres below surrounding land level, used for swimming and bathing, and does not include Reflecting Pools or other Landscaping features, and is not an Accessory Structure.
- 5.208. **Telecommunication** means any facility, apparatus or related Tower, antennae, Building or equipment with capacity for or connected with Telecommunications, including a transmission facility, and excluding amateur or shortwave radio and residential or small Commercial television or radio reception equipment such as satellite dishes.
- 5.209. **Temporary Building/Structure** means a Structure without any foundation or footings and which is removed when the designated time period, activity, or Use for which the Temporary Building/Structure was Erected has passed.
- 5.210. **Temporary Use** means a Use established for a fixed time period to be discontinued upon the expiration.
- 5.211. **Tourist/Guest Home** means an establishment providing Accommodation for the Use of the travelling or vacationing public, with a maximum of four rental units (bedrooms) and a common living room in a private home that may provide breakfast for compensation.

- 5.212. **Tourist Establishment** means a Building used to accommodate the travelling public by provision of sleeping Accommodation for compensation.
- 5.213. **Tower** means any Structure that supports antennae, including self-supporting lattice Towers, guy Towers, or monopole Towers, and includes radio and television transmission Towers, microwave Towers, common-carrier Towers, cellular telephone Towers or personal communications services Towers.
- 5.214. **Town** means the municipalities of the Towns of New Glasgow, Pictou, Stellarton, Trenton and Westville, or their municipal enterprises, as applicable.
- 5.215. **Town Engineer** means the Person appointed by the applicable Town, with powers pursuant to the MGA.
- 5.216. **Traffic Authority** means the Local Traffic Authority for the applicable Town, appointed per the *Motor Vehicle Act*, R.S., c. 293.
- 5.217. **Turbine, Large Scale Wind (LWT)** means a Wind Turbine providing power to the local Utility grid, with a minimum power generation capacity of 100 kilowatts, and a maximum height of 150 metres.
- 5.218. **Turbine, Mini Wind (MWT)** means a Wind Turbine providing supplemental power to a home or business, with a maximum power generation capacity of 10 kilowatts, and a maximum height of 22.9 metres.
- 5.219. **Turbine, Small Scale Wind (SWT)** means a Wind Turbine providing on-site power to a home or business, with a power generation capacity between 11 and 99 kilowatts, inclusive, and a maximum height of 52 metres, which may also be used for net metering.
- 5.220. **Use** means that for which land or Structures are purposed.
- 5.221. **Utility** means any public or private system, works, plant, equipment providing servicing for public Use at approved rates, and which is not Obnoxious.
- 5.222. **Variance** means a relaxation of LUB terms, as particularized in the MGA.
- 5.223. **Verandah** means a roofed or open Structure that may be glazed or Screened and that is attached to a Building.
- 5.224. **Video Outlet** means a Building or portion thereof used for video and related accessory sale, lease or rental.
- 5.225. **Warehouse** 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 Use.
- 5.226. **Watercourse** means as defined in the *Environment Act*, SNS 1994-95, c. 1 and includes the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural water body and any water therein, whether it contains water or not, and all ground water.

- 5.227. **Wetland** means as defined in the *Environment Act*, SNS 1994-95, c. 1 and includes a marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the surface or that is saturated with water, and sustains aquatic processes.
- 5.228. **Wholesale Establishment** means a Building in which quantity commodities are sold to industrial, Institutional, and Commercial users or to retailers or other merchants for resale or business Use.
- 5.229. **Wind Test Tower** means a temporary Tower and mechanical device used to measure wind dynamics for potential Wind Turbine locations.
- 5.230. **Wind Turbine** means a mechanical Structure that converts kinetic wind energy into electrical power.
- 5.231. **Wind Turbine Development** means a collection of two or more Wind Turbines with placement over a specified area with connection to the local Utility grid.
- 5.232. **Wind Turbine Height** means the measurement of a Wind Turbine from grade to the highest point of the Rotor's Arc.
- 5.233. **Yard** means an open uncovered space on a Lot appurtenant to a Building and unoccupied by Structures, with measurements to be obtained by minimum horizontal distance from the respective Lot lines to the Building, and does not include a Court.
- 5.234. **Yard, Abutting** means a Yard contiguous with or extending across Zone boundaries.
- 5.235. **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 Building or Structure Main Wall.



- 5.236. **Yard, Front** means a Yard extending the full width of a Lot between the front Lot line and the nearest Building or Structure wall on the Lot.
- 5.237. **Yard, Minimum** means the smallest permitted Yard.

- 5.238. **Yard, Rear** means a Yard extending the full width of a Lot between the rear Lot line and the nearest Main Building or Structure wall on the Lot.
- 5.239. **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 Building or Structure wall on the Lot.
- 5.240. **Youth Centre** means a Building or part of a Building, which provides youth-oriented activities owned and/or operated by a community non-profit organization or as a private business in association with a Community Centre.
- 5.241. **Zone** means land as designated on the Zoning Map attached hereto and forming part of this By-Law, and land created by harbour or coastal infill beyond Zoning Map boundaries shall have the same zoning as immediately adjacent lands.

### **Part 3: Administration**

#### **6. Development Officer**

Development Officers shall be appointed pursuant to the MGA to issue Development Permits and carry out such duties as are prescribed by legislation or by this By-Law and shall perform such other duties as Council may direct.

#### **7. Development Permit**

7.1. No Development shall be undertaken without an issued Development Permit, unless otherwise set out in this LUB, or applicable legislation.

7.2. Every Development Permit is valid for twenty-four months from the date issue.

7.3. Development Permits shall be:

7.3.1. MGA and LUB compliant; and

7.3.2. granted pursuant to section 235 of the MGA, respecting Variances and the time for appeal has lapsed and there is disposition of any appeal, pursuant to section 237 of the MGA.

#### **8. Deviations**

8.1. No developer shall deviate, or permit deviations to be made from the Development Permit except for minor revisions or Alterations that do not contradict the Development Permit, unless such revisions or Alterations are acceptable by the Development Officer, who shall make determinations in this regard.

8.2. A Development Permit may be renewed for an additional twenty-four month period provided:

8.2.1. no prior renewals have been issued; and

8.2.2. continued MGA and LUB compliance.

#### **9. Right of Entry**

Duly authorized municipal employees shall have the right of entry for inspection purposes, pursuant to the MGA.

#### **10. Lapse of Permits**

A Development shall commence from the date of Permit issued under this or any previous LUB, but approval shall automatically lapse, and become null and void, if the Development to which it relates has not commenced and one year has elapsed since it issuance.



**11. Revocation of Permits**

A Development Permit, where the permit was issued on mistaken or false information may be revoked when issued. Revocation shall be in writing and served in accordance with notice provisions of the MGA.

**12. Refusal of Permits**

Development Permit refusal shall be in writing and served in accordance with notice provisions of the MGA.

**13. Violations**

Violations shall be addressed per sections 266 and 267 of the MGA, or any other applicable legislation.

**14. Application for Development Permits**

**14.1. Contents of Application**

Development Permit applications shall be authorized in writing by the Lot owner or agent, with attached plan to applicable scale, or information otherwise acceptable to the Development Officer, as showing:

- 14.1.1. the accurate shape and dimension of the Lot or property to be used for Development;
- 14.1.2. proposed Use, location, height, and dimensions of the subject Structure, including measurements of the Lot Frontage, Front, Side and Rear Yards;
- 14.1.3. location of existing Structure already constructed, or partly constructed on such Lot and the location of every Building or Structure existing upon abutting Lots or properties;
- 14.1.4. the proposed location and dimensions of Parking Areas, Parking Spaces, Loading Spaces, driveways, curbs, Landscaping; and
- 14.1.5. other information as may be required to determine compliance.

**14.2. Survey of Lands**

Where the Development Officer is unable to determine whether the proposed Development conforms to legislation, a survey by a Professional Surveyor may be required with the application.

**15. Planning Advisory Committee**

A Council may appoint a Planning Advisory Committee pursuant to section 200 of the MGA to advise on the preparation or amendment of planning documents or planning matters in general.

**16. General By-Law Provisions**

16.1. Notices of applications for SPA or Variances

Notices respecting SPA or Variance applications shall be provided to property owners within 60 metres (200 feet) of the Subject Property. Such notice shall:

- 16.1.1. describe the proposed Variance or Development;
- 16.1.2. provide the date, time and place for the public hearing, if applicable; and
- 16.1.3. be served in accordance with MGA notice provisions.

16.2. Cost of Advertising for SPA or Variance applications

All fees, including without limitation, applications, amendments and notice fees, shall be in accordance with policy per MGA 49(1) (c).

## **Part 4: Interpretation of Maps and Text**

### **17. Zone Classification**

For the purpose of this By-Law, the Towns are divided into Zone classifications, the boundaries of which are indicated on the Zoning Map by symbols as follows:

**Table 1 - Zone Classifications**

<b>ZONE CLASSIFICATION</b>	<b>SYMBOL</b>
Rural Residential	RR
Residential Single Unit	R1
Residential Two Unit	R2
Residential Multiple Unit	R3
Residential Mini Home Park	R5
Downtown Core	C1
Downtown Commercial	C1-A
Neighbourhood Commercial	C2
Highway Commercial	C3
Commercial Business Park	C4
Westside Plaza Commercial	C5
Future Redevelopment Area	FRA
Light Industrial	M1
Provincial Resource	M2
General Industry	M3
Institutional	I
Recreation	P
Floodplain	F
Waterfront	W
Water Supply	WS
Airport	AP

### **18. Zoning Map**

Schedule A forms part of this By-Law.

### **19. Interpretation of Zoning Boundaries**

19.1. Boundaries between Zones, as shown on Schedule A, shall be determined as follows:

19.1.1. for a Street, railway Right-of-way, electrical transmission line Right-of-way or Watercourse, the boundary shall be the centre line of the Street, Right-of-way or the top of the bank of the Watercourse;

19.1.2. for Lot lines, the boundary shall follow the Lot lines;

- 19.1.3. where a Street, Highway, railroad or rail right-of- way, electrical transmission line Right-of-way, Watercourse or other linear feature is included on Schedule A and serves as a boundary between two or more Zones, a line midway on such Right-of-way, Watercourse or other linear feature, and extending in the general direction of the long division thereof, shall be considered the boundary between Zones unless specifically indicated otherwise; and
- 19.1.4. where the Zone boundary is indicated as following the shoreline of a river or bay, the boundary shall follow the actual shoreline, including wharves and piers.

**20. Zones not on Zoning Map**

Schedule A may be amended provided that the amendment conforms to the Generalized Future Land Use Map (GFLUM) and the MPS.

## **Part 5: All Zones**

### **21. General**

#### **21.1. Permitted and Prohibited Uses**

In this By-Law any Use not listed as a permitted Use in a Zone is prohibited in that Zone excepting where the Use is nonconforming per section 238 of the MGA, or as per section 21.5 of this By-Law.

#### **21.2. Licenses, Permits and Compliance with other By-Laws**

This By-Law is intended to add to, and not to conflict with or subtract from, the requirements contained in valid provincial or federal legislation and regulations in force from time to time and shall be interpreted accordingly.

#### **21.3. Multiple Land or Building Uses**

In any Zone permitting multiple Uses, provisions regulating all Uses shall apply, and adherence to the most stringent standard shall apply.

#### **21.4. Existing Non-conforming Uses, Structures or Land**

Any Non-conforming Building, Structure or land Use, including where construction has commenced on such Use as of the effective date of this By-Law, shall be subject to the MGA provision respecting Non-conforming Uses.

#### **21.5. Changes to Non-conforming Uses, Structures or Land**

21.5.1. Notwithstanding section 21.4, DA (Policy G-18) and SPA (Policy IM-23) applications (where enabled, see section 31) may be considered, subject to the MGA provision respecting Non-conforming Uses, for the following:

- a. Non-conforming Structure or Structure Use Alteration;
- b. Non-conforming Structure or Structure Use rebuilding after destruction;
- c. Non-conforming Structure or Structure Use recommencement after discontinuation;
- d. Non-conforming Structure change in Use;
- e. Non-conforming Structure change in Use to a Non-conforming Use; and
- f. Non-conforming Use expansions.

21.5.2. Notwithstanding anything else in the By-Law, the Use of a Building may be changed to a Use permitted on the Lot by this By-Law where the Lot Frontage, any Yard, or Lot Area required or all of these is less than the requirements of the By-Law, provided that the Building was existing on or before the effective date of this By-Law and that all other requirements of the By-Law are satisfied.

21.5.3. Where a Building has been Erected on or before the effective date of the By-Law, on a Lot which has less than the Minimum Yard or Yards required by this By-Law, the Building may be enlarged, reconstructed, repaired, or renovated provided that:

- a. the enlargement, reconstruction, repair, or renovation does not further reduce any Yard that does not comply to this By-Law and for enlargement or reconstruction the Minimum Yard requirement shall be 1.2 metres (4 feet); and
- b. all other applicable provisions of the By-Law are satisfied.

21.5.4. Notwithstanding anything else in this By-Law, an existing undersized Lot described in a deed on or before the effective date of this By-Law, having less than the minimum frontage or area required by this By-Law, may be used for a purpose permitted in the Zone in which the Lot is located and a Building may be Erected, enlarged, reconstructed, repaired, or renovated provided that all other applicable provisions in this By-Law are satisfied.

21.5.5. For the purpose of this section, an undersized Lot which has had its frontage or area increased yet still remains undersized shall be considered an existing undersized Lot.

#### 21.6. Temporary Uses Permitted

21.6.1. Nothing in this By-Law shall prevent the Use of land or the Use or Erection of Temporary Buildings or Structures incidental to construction, including but not limited to: a construction camp, tool shed, scaffold, or a sales or rental Office incidental to construction. No Development Permit for such Temporary Uses, Buildings or Structures shall be required, provided that a Development Permit for the Main Buildings has been issued. Such Temporary Use shall be terminated no more than 60 days after the completion of the construction of the main Structure.

21.6.2. Nothing in this By-Law shall prevent the Use of land or the Erection of Temporary Buildings, Structures or Signs for special occasions and holidays and no Development Permit shall be required for such Temporary Uses, provided that such Use of Buildings, Structure or Sign remains in place no more than fourteen consecutive days.

21.6.3. Temporary Signs shall be permitted in accordance with section 23.14 herein.

#### 21.7. Outdoor Swimming Pools and Reflecting Pools

21.7.1. Swimming Pools shall comply with the requirements of the Swimming Pool By-Law for the applicable Town.

21.7.2. In addition, no Development Permit shall be issued for an outdoor Swimming Pool unless the pool conforms to the following requirements:

- a. a Swimming Pool, or the Yard in which it is located, shall be enclosed by a Fence or combination of Buildings and Fences, and for in-ground Swimming Pools, the Fence shall be situate no closer than 1.2 metres (4 feet) from the inside edge of the Swimming Pool;
- b. the enclosure shall:

- i. completely enclose the Swimming Pool or Yard in which it is situate;
  - ii. create a barrier a minimum of 1.5 metres (5 feet) from the ground to the top of the Fence, gate, or enclosing Structure; and
  - iii. have no opening greater than 10 cm (4 inches) in any part of the Fence, gate, or enclosing Structure;
- c. Swimming Pools shall comply with the Setback requirements per section 21.25 and section 21.26 of this By-Law as well as Table 2: Permitted Encroachments in Yards;
- d. a Swimming Pool shall not be permitted in a required Front Yard in residential Zones;
- e. in Commercial, Institutional (I) or Recreation (P) Zones, the minimum Setback from any Lot line shall be 6.1 metres (20 feet), measured from the property line to the inside edge of the Swimming Pool; and
- f. unobstructed public access to a Swimming Pool is not permitted, and access shall be limited via:
- i. a self-closing and self-latching gate a minimum of 1.5 metres (5 feet) in height;
  - ii. a main enclosing or partially-enclosing Building; or
  - iii. an Accessory enclosing or partially-enclosing Building provided unobstructed access through the Structure is not permitted.

21.7.3. Reflecting pools shall not require a Development Permit.

#### 21.8. Fence Regulations

No Development Permit shall be required for a Fence up to 1.8 metres (6 feet) in height on a residential property, or in a residential Zone, provided the following requirements are met:

- 21.8.1. Fences shall have a maximum height of 3.6 metres (12 feet), except in a Residential Zone where the maximum height shall be 1.8 metres (6 feet). Fences under 2.4 metres (8 feet) on a non-residential property in a non-residential Zone do not require a Development Permit;
- 21.8.2. no Fence shall exceed 0.6 metres (2 feet) in height within a Corner Vision Triangle;
- 21.8.3. Fences within 1.8 metres (6 feet) of a Lot line abutting a Street shall have a maximum height of 1.2 metres (4 feet);
- 21.8.4. electrified Fences are permitted only with an agricultural Use;
- 21.8.5. Fences with supporting Structures shall be constructed with the supporting parts facing away from any abutting public Right-of-way; and
- 21.8.6. barbed wire Fences are permitted only with a permitted non-residential Use.

#### 21.9. Truck, Bus and Coach Bodies

No truck, bus, coach, Street car body, Recreational trailer or vehicle, or Structure of any kind whether or not wheel-mounted, excepting a Mobile Home or Dwelling Unit compliant with municipal legislation, shall be used for human habitation.

21.10. Public Uses and Utilities

This By-Law shall not regulate Use, or construction or reconstruction of any Building or Structure for public service provision by the Towns, a Utility or Provincial or Federal Governments.

21.11. Main Building with Walls of 6.1 Metres (20 feet) or Less

No Development Permit shall be issued for any Main Building with a Main Wall of 6.1 metres (20 feet) or less excepting the Residential Mini Home Park (R5) Zone, or kiosks or other like Structures in any Zone.

21.12. Structure to be Moved

No Person shall move a Structure within or into the area covered by this By-Law without obtaining a Development Permit from the Development Officer.

21.13. Outdoor Furnaces

Outdoor Furnaces shall comply with the requirements of the related by-law for the applicable Town.

21.14. Yard and Garage Sales

21.14.1. Yard and Garage sales are permitted in any Zone without a Development Permit, provided the following requirements are met:

- a. the Yard or Garage sale is conducted by:
  - i. an owner/resident of the property; or
  - ii. a non-profit group, community association, or like group with owner's permission;
- b. a Yard or Garage sale may occur for a maximum of six days per year per property; and
- c. a Yard or Garage sale may run for a maximum of three consecutive days.

21.14.2. Signage advertising a Yard or Garage sale may be posted no more than 48 hours prior to the sale, and must be removed within 48 hours of the sale.

21.15. Street Frontage

21.15.1. Development Permits may be issued only if the Subject Property abuts and fronts a public Street except where permitted otherwise.

21.15.2. Notwithstanding, an existing habitable single Dwelling Unit on a Lot without frontage, but with public Street access may be added to provided:



- a. compliance with remaining LUB provisions;
- b. volume additions are limited to existing Structure height;
- c. the subject Structure is an existing Non-conforming Structure on an existing Non-conforming Lot with legal access but no frontage;
- d. the Building footprint is not increased by more than 30%;
- e. the Floor Area of the existing Dwelling is not increased by more than 30%; and
- f. no additional Dwelling Units are created.

21.16. One Main Building on a Lot

No Person shall Erect more than one Main Building on a Lot excepting:

- 21.16.1. Buildings located in a Commercial, Industrial, Recreation, or Institutional Zone;
- 21.16.2. Mini Homes located in a Mini Home Park Zone;
- 21.16.3. multi-unit residential Uses in the Residential Multiple Unit (R3) Zone; and
- 21.16.4. Garden Suites and/or Garage Suites where permitted in the applicable Zone.

21.17. Building to Be Erected on a Lot

All Buildings Erected must not cross a Lot line excepting Townhouses and Semi-detached Dwellings.

21.18. Existing Building or Use

- 21.18.1. A Building existing prior to the effective date of this By-Law on a Lot that is not LUB compliant in relation to Lot Area, frontage or Setbacks (Front Yard, Side Yard, Rear Yard) may be enlarged, reconstructed, repaired or renovated provided:
  - a. no further Setback reductions; and
  - b. compliance with remaining LUB provisions.
- 21.18.2. An existing Building Use that is not LUB compliant in relation to Lot Area, frontage, Setbacks, or parking may be changed to a permitted Use in its Zone location provided compliance with remaining LUB provisions.

21.19. Existing Undersized Lots and Flag Lots

- 21.19.1. Notwithstanding other provision herein, a vacant Lot with a different owner from adjoining existing parcels that do not meet minimum frontage and/or area requirements may be:
  - a. used for a Zone permitted Use in which the Lot is located and a Development Permit may be issued and a Building may be Erected on the Lot provided compliance with remaining LUB provisions; or
  - b. increased in area and/or frontage per the SDB.

21.19.2. In addition to section 21.20.1, where such Lots are increased in size but remain undersized, they remain existing undersized Lots.

21.20. Reduced Lot Requirements

21.20.1. Creation of an undersized Lot through a Registered Plan and consistent with MPS shall be deemed an existing undersized Lot.

21.20.2. Notwithstanding other provision herein, a Development Permit shall be issued for Development on a Lot created per MPS and LUB proposing a Lot with less than the required minimum frontage and/or area provided:

- a. neither reduction is less than 90% of LUB requirement; and
- b. compliance with remaining LUB provisions.

21.21. Restoration to a Safe Condition

Building or Structure restoration to a safe condition shall be permitted, and for Non-conforming Uses, section 241(1) MGA applies.

21.22. Permitted Encroachments into Yards

Excepting Accessory Buildings, required Yards shall be open and unobstructed by any Structure, tabled as follows:

**Table 2 – Permitted Encroachments into Yards**

<b>STRUCTURE</b>	<b>YARD PERMITTED</b>	<b>MAXIMUM PROJECTION</b>
Belt courses, cornices, eaves, gutters, chimneys, sills, or pilasters	any Yard	0.6 m (2 ft)
Window bays	any Yard	0.9 m (3 ft), with a maximum width of 3 m (10 ft)
Steps, stairways	any Yard	1.8 m (6 ft)
Porches (not exceeding 1 storey), uncovered Decks, Verandahs, balconies, terraces	any Yard	2.4 m (8 ft) Including eaves and cornices to 1.2 m (4 ft) from the Lot line
Carports, attached Garages	Rear, Side	0.9 m (3 ft)
Structures necessary for barrier free access	any Yard	to Lot Line
Fire exit, exterior staircase	Rear, Side	1.5 m (5 ft) over a maximum width of 3 m (10 ft)
Swimming Pools	Rear, Side (but not flankage)	Within 1 m (3 ft) of a property line

21.23. Height Regulations

21.23.1. Church spires, water tanks, elevator enclosures, silos, emergency signal Structures, flag poles, telephone or television or radio antennae, Telecommunications Towers, Wind

Turbines (per section 26 of this By-Law), ventilators, skylights, barns, chimneys, clock Towers, light standards, satellite dishes, cupolas, or any mechanical or ornamental roof construction, or statues or works of art are excepted from height regulations herein.

21.23.2. Building Height shall be determined by calculating the vertical distance of a Building between the Established Garage and:

- a. the highest point of the roof or the parapet of a flat roof;
- b. the Deck line of a mansard roof; or
- c. the mean level between eaves and ridges of a Gabled, hip, gambrel or other type of Pitched roof.

21.24. Illumination

21.24.1. All outdoor lighting, including Illuminated Signs shall direct an area outside a Building with illumination away from adjoining properties and Streets and shall not shine above the horizontal. All outdoor lighting fixtures in or abutting a Residential Zone or Designation shall be dark sky complementary fixtures that do not permit light to shine above the horizontal.

21.24.2. Signage within or abutting a Residential Zone shall:

- a. only be illuminated during regular business hours; and
- b. not be indirectly illuminated by spot lights directed towards a property within the Residential Zone or Designation.

21.25. Corner Vision Triangle

21.25.1. Notwithstanding other provision herein, a Fence, Sign, hedge, shrub, bush, or tree or any Structure or vegetation, shall not be Erected or permitted to grow to a height exceeding 0.6 metres above grade, as applicable.

21.25.2. Section 21.26 notwithstanding, in the Downtown Core (C1) and Downtown Commercial (C1-A) Zone, Development exceeding 0.6 metres (2 feet) in height shall be permitted within the Corner Vision Triangle.

21.25.3. Section 21.26 notwithstanding, where turning lanes have been installed and cut through the intended Corner Vision Triangle, Development exceeding the height limitation of 0.6 metres (2 feet) shall be permitted.

21.26. Flankage Yards

Notwithstanding other provision herein, no part of any Building, Accessory Building, or Swimming Pool situate on a Corner Lot shall be closer than 4.6 metres (15 feet) to the Right-of-way of the flanking Street. Buildings situate in the Downtown Core (C1) or Downtown Commercial (C1-A) Zones shall be exempt from Front or Flankage Yard requirements.

21.27. Yard and Density Exceptions

21.27.1. Where a Front, Side, or Rear Yard are required, and part of the area is usually covered by water, or is beyond the rim of a riverbank or Watercourse, or between the top and toe of a cliff or embankment having a slope of 25% or more from the horizontal, then the required Yard shall be measured from the nearest Main Wall of the Main Building or Structure on the Lot to the rim of said riverbank or Watercourse, or to the top or toe of said embankment, if such area is closer than the Lot lines.

21.27.2. Such areas shall also be excluded from permissible density calculations for Multiple Dwelling Units and Amenity Space requirements.

21.28. Altering of Land Levels in Relation to Development

Where an approved Subdivision Drainage and Grading Plan, as required under the SUB, is in effect, any proposed Development on Subject Property shall comply with the Approved Subdivision Drainage and Grading Plan.

21.29. Accessory Buildings and Structures not for Human Habitation

An Accessory Structure shall not be used as a Dwelling Unit except where a Dwelling is a permitted Accessory Use, such as a Garage Suite or Garden Suite.

21.30. Yard Requirements for Accessory Buildings, Structures and Uses

An Accessory Building, Structure or Use shall not:

21.30.1. be located within the required Front Yard of a Lot;

21.30.2. be built closer to a Street than the required Yard Setback;

21.30.3. be Erected closer than 4.6 metres (15 feet) to the Lot line of the flanking Street;

21.30.4. be built within 1.8 metres (6 feet) of the Main Building;

21.30.5. exceed 4.6 metres (15 feet) in height except in an Industrial or Highway Commercial Zone, or in the case of a Garage Suite shall not exceed 5.5 metres (18 feet), and maintain a minimum Setback distance of 1.8 metres (6 feet) from any Lot line;

21.30.6. be built closer than 1.2 metres (4 feet) to a Lot line except that:

- a. common semi-detached Garages may be centred on the mutual side Lot line; and
- b. Accessory Buildings with no windows or openings on the side of the Building facing said Lot line may be located a minimum of 0.6 metres (2 feet) from said Lot line in any Residential Zone; and
- c. consist of a Motor Vehicle, trailer, shipping container, mobile Office, mobile classroom, or like vehicle or Structure or portion thereof in any Residential Zone whether wheel-mounted or on a foundation.

21.31. Accessory Structures and Uses

An Accessory Structure or Use shall not be permitted:

21.31.1. on a Lot separate from the Main Building or Use; or

21.31.2. if a Main Building or Use is not on the Lot.

21.32. Maximum Building Footprint for Accessory Structures and Uses

An Accessory Structure shall not have a Building footprint in excess of 70 square metres (753 square feet) except in an Industrial (M1, M2, M3), Highway Commercial (C3) or Commercial Business Park (C4) Zone, or for Lots with an area greater than 700 square metres (7,534 square feet) Accessory Buildings shall not exceed the lesser of 93 square metres (1,000 square feet) in total Floor Area or 10% of the total Lot Area.

21.33. Certain Structures Exempt

Drop awnings, clothesline poles, garden trellises, sidewalks, curbs, bollards, and retaining walls are not Accessory Buildings and Structures.

**22. Parking and Loading**

22.1. Off-Street Parking Design Standards

22.1.1. Every Building or Structure Erected or enlarged shall provide off-street parking with unobstructed public Street access.

22.1.2. The parking requirement for multiple Use Development shall be the total calculated parking requirements for each individual land Use.

22.1.3. For an existing Use expansion, only new usable Floor Area or new seating capacity shall be included in the parking calculations for a Development proposal.

22.1.4. Where a parking calculation results in a fraction, the required Parking Spaces shall be rounded up to the next whole number.

22.1.5. A private Parking Area shall be located within 91 metres (300 feet) of the serviced location.

22.1.6. Parking and loading Areas shall be located within the same Zone as the Use to which such areas are accessory.

22.1.7. Parking Areas shall consist of Parking Spaces for individual vehicles, Loading Spaces where specified, and driveways or aisles for Parking Space access and vehicle maneuvering.

22.1.8. Each Parking Space shall have a minimum area of 16.7 square metres (180 square feet), and shall measure 2.7 metres (9 feet) by 6.1 metres (20 feet).

22.1.9. Proposed parking facilities for more than four vehicles are subject to criteria as follows:

- a. the Parking Area shall be maintained with a stable all-weather surface to prevent particulate material, and a Professional Engineer-approved surface storm water system;
- b. no gasoline pumps or other service station equipment shall be located or maintained on the parking Lot;
- c. driveways or approaches to a Parking Area shall be defined by a curb of concrete, rolled asphalt or wood and the limits of the Parking Area shall be defined by a Fence, curb or other suitable aesthetic obstruction;
- d. where feasible, the location of approaches or driveways shall be a minimum of 15.2 metres (50 feet) from the limits of the Right-of-way of a Street intersection;
- e. the minimum width of a driveway or aisle in a Parking Area shall be 3 metres (10 feet) for one-way traffic and 6.1 metres (20 feet) for two-way traffic;
- f. from any one Lot, there shall be a maximum of two exit ramps and two entrance ramps accessing any one public Street;
- g. in the Institutional (I), Recreation (P), Downtown Commercial (C1), Neighbourhood Commercial (C2) Zone, or any Residential Zone, the width of any ramp leading to a Parking Area shall have a minimum width of 3.7 metres (12 feet) for one way traffic and a maximum width of 7.6 metres (25 feet) for two-way traffic;
- h. a Landscaped strip at least 3 metres (10 feet) wide shall be provided and maintained between the Parking Area and any abutting public Right-of-way, excepting any driveways or pedestrian walkways; and
- i. parking Lots with 40 or more spaces shall be engineer reviewed and shall include 30 square metres (320 square feet) of Landscaped area, and no bay of Parking Spaces may extend for more than 55 metres (180 feet) without Landscaping.

22.1.10. Where multiple Parking Spaces are required those spaces shall not directly access a public Street.

## 22.2. Off-Street Parking Requirements

22.2.1. Parking Space for the physically challenged shall be provided as per the requirements of the Nova Scotia Building Code Act Regulations. The minimum dimensions for accessible Parking Spaces shall be 3.7 metres (12 feet) x 6 metres (20 feet), and shall be located closest to an accessible barrier-free entrance, have a slip-resistant and level surface, and be identified as reserved for the Use of Persons with physical challenges.

## 22.3. Parking Stalls

**Table 3 – Designated Parking Stalls**

NUMBER OF PARKING STALLS	NUMBER OF DESIGNATED STALLS REQUIRED FOR WHEELCHAIRS
2 - 15	1
16 - 45	2
46 - 100	3
101 - 200	4
201 - 300	5
301 - 400	6
401 - 500	7
501 - 900	8
901 - 1 300	9
1 301 - 1 700	10
each increment of up to 400 stalls in excess of 1,700	one additional space

*Where on-site parking is provided, parking stalls for use by disabled Persons shall be provided*

*(a) as designated by Table 3.8.2.2. as contained within the 2010 NBCC,*

*(b) one parking stall for disabled Persons shall be provided for each viewing position required in assembly occupancies in Sentence 3.8.2.1.(3) as contained within the 2010 (NBCC) or*

*(c) one parking stall for each barrier free residential suite.*

- 22.3.1. The parking requirement for mixed Use Development shall be the total calculated parking requirements for each Use.
- 22.3.2. Parking Spaces shall be in accordance with Tables 3 to 6 and the definition as follows shall apply:

**Place of Assembly** means the occupancy or Use of a Building, or part thereof, by a gathering of Persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink, as defined under the NBCC.

In the event of conflict between specific Use and Place of Assembly parking requirements, specific Use shall prevail.

**Table 4 – Parking Requirements for Residential Uses**

<b>TYPE OF BUILDING OR USE</b>	<b>PARKING REQUIRED</b>
A residential Dwelling containing not more than 2 Dwelling Units	1.5 Parking Spaces for each Dwelling Unit
Seniors Residential Complex, Garage Suite, Garden Suite	1 Parking Space for each Dwelling Unit
All other residential Dwellings	1.25 Parking Spaces for each Dwelling Unit
Home Occupation	1 Parking Space per every 27.9 m <sup>2</sup> (300 ft <sup>2</sup> ) of Floor Area, in addition to the residential Use requirements plus one additional Parking Space if Retail is involved

**Table 5 – Parking Requirements for Commercial Uses**

<b>TYPE OF BUILDING OR USE</b>	<b>PARKING REQUIRED</b>
Auto Repair, service stations, Car Washes	4 Parking Spaces for each bay, or 7 waiting spaces per bay for an automatic Car Wash
Beverage Room, Lounge, Cabaret	1 Parking Space for every 9.3 m <sup>2</sup> (100 ft <sup>2</sup> ) of Floor Area
Bed and Breakfasts, Boarding Houses	1 Parking Space for each suite or rental unit in addition to those required by the other Uses, where applicable
Bowling alleys and curling rinks	6 Parking Spaces for every bowling lane or ice sheet plus requirements for Uses contained in the Building
Day Care Centre	1 Parking Space for every 46.4 m <sup>2</sup> (500 ft <sup>2</sup> ) of Floor Area, in addition to those required by the residential unit if applicable
Funeral Homes	1 Parking Space for every 4.7 m <sup>2</sup> (50 ft <sup>2</sup> ) of Floor Area for public seating. Minimum of 10 spaces
Hotels, Motels, inns, lodging house, tourist cabins or other similar Accommodations	1 Parking Space for each suite or rental unit
Medical or dental practitioners, Offices or Clinics	The greater of 5 Parking Spaces for each practitioner or 1 Parking Space for every 18.6 m <sup>2</sup> (200 ft <sup>2</sup> ) of Floor Area
Offices	1 Parking Space for every 28 m <sup>2</sup> (300 ft <sup>2</sup> ) of Floor Area
Personal Service Shops	The greater of 2 Parking Spaces for each chair, or 1 Parking Space for each 28 m <sup>2</sup> (300 ft <sup>2</sup> ) of Floor Area



<b>TYPE OF BUILDING OR USE</b>	<b>PARKING REQUIRED</b>
Retail	1 Parking Space for every 28 m <sup>2</sup> (300 ft <sup>2</sup> ) of Floor Area
Restaurants: Establishments	
Full Service and Licensed Liquor	The greater of 1 Parking Space for every 4 seats provided, or 1 Parking Space per 4.6 m <sup>2</sup> (50 ft <sup>2</sup> ) of Floor Area devoted to public Use
Drive In/Fast Food	1 Parking Space per 3.3 m <sup>2</sup> (35 ft <sup>2</sup> ) of Floor Areas devoted to public Use
Take Out	1 Parking Space per 5.6 m <sup>2</sup> (60 ft <sup>2</sup> ) of floor are devoted to public Use
Theatres	1 Parking Space for every 6 seats
Wholesale Establishments	1 Parking Space for every 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) of Floor Area
Veterinary clinic, Animal Hospital	1 Parking Space for every 28 m <sup>2</sup> (300 ft <sup>2</sup> ) of Floor Area
All other Commercial Uses	1 Parking Space for every 28 m <sup>2</sup> (300 ft <sup>2</sup> ) of Floor Area

**Table 6 - Parking Requirements for Institutional Uses**

<b>TYPE OF BUILDING OR USE</b>	<b>PARKING REQUIRED</b>
Churches, Church halls, auditoria, halls, and other place of assembly	1 Parking Space for every 5 seats or 3 m of bench seating, or where there is no fixed seating, 1 Parking Space for every 4.7 m <sup>2</sup> (50 ft <sup>2</sup> ) of Floor Area for public Use
Elementary Schools	2 Parking Spaces for each teaching classroom
High schools/Colleges	4 Parking Spaces for each teaching classroom
Hospitals	The greater of 1 Parking Space for every 2 beds, or for every 37 m <sup>2</sup> (400 ft <sup>2</sup> ) of Floor Area
Special Care Facilities	The greater of 1 Parking Space for every 3 beds, or 1 Parking Space for every 46.5 m <sup>2</sup> (500 ft <sup>2</sup> )
Nursing Home	The greater of 1 Parking Space for every 2 beds, or 1 Parking Space for every 37 m <sup>2</sup> (400 ft <sup>2</sup> ) of Floor Area

**Table 7 – Parking Requirements for Industrial Uses**

<b>TYPE OF BUILDING OR USE</b>	<b>PARKING REQUIRED</b>
All Industrial Uses	1 Parking Space for each 186 m <sup>2</sup> (2,000 ft <sup>2</sup> ) of Floor Area plus parking required for Offices and other Uses in the facility

22.4. Cash-in-Lieu of Required Parking

22.4.1. Notwithstanding other provision herein, cash-in-lieu of on-site parking may be accepted within the Downtown Commercial (C1-A) Zone, calculated according to the following formula:

$$C = A \times P (X + Y) + Z$$

Where:

C= cash-in-lieu;

A= number of Parking Spaces required by the LUB;

P= area needed for a Parking Space plus factor to allow vehicle turning and access room = 29.7 m<sup>2</sup> (300 ft<sup>2</sup>) [(18.6 m<sup>2</sup> (200 ft<sup>2</sup>) (6 m (20 ft) X 3 m (10 ft)) +11.1 m<sup>2</sup> (120 ft<sup>2</sup>) (60% of area of Parking Space)];

X= assessed value/square foot of the proponents land;

Y= cost/square metre (to be determined by the proponent) for grading and surfacing the area to LUB standards; and

Z= cost of Landscaping and maintaining the Parking Area for a five year period (to be calculated as 5% of the assessed value of the Parking Area).

22.4.2. Cash-in-lieu shall be waived for new Commercial Developments or a change in Commercial Use of Downtown Core (C1) Zone properties, but cash-in-lieu shall be required for new residential Development.

22.5. Loading Spaces

22.5.1. In any Zone, any Structure associated with regular shipping, loading and unloading of Persons, Animals, goods or materials shall be required to maintain on-premises one off-street Loading Space for standing loading and unloading for every 2790 square metres (30,000 square feet), or fraction in accordance, of Building Floor Area to a maximum requirement of six (6) Loading Spaces.

22.5.2. In any Zone, any land Use involving regular shipping, loading and unloading of Persons Animals, goods or materials shall be required to maintain on-premises one off-street Loading Space for standing loading and unloading for every 2790 square metres (30,000 square feet), or fraction in accordance, of Lot Area to a maximum requirement of six (6) Loading Spaces.

22.5.3. The provision of a Loading Space for any Building with less than 167 square metres (1,800 square feet) shall be optional.

- 22.5.4. Each Loading Space shall measure a minimum of 3.7 metres (12 feet) by 12.2 metres (45 feet) with a minimum height clearance of 4.3 metres (14 feet).
- 22.5.5. No Loading Space shall be located within any Front Yard or any Yard that abuts a Residential or Recreational Use.
- 22.5.6. Loading Space areas, including access driveways, shall be constructed and maintained with a stable all-weather surface that is treated to prevent the particulate material.
- 22.5.7. Loading Space ingress and egress shall be provided by unobstructed driveway(s) with a minimum width of 3 metres for one-way traffic and a maximum width of 7.6 metres (25 feet).
- 22.5.8. Notwithstanding section 22.5.1 to 22.5.7, reuse of existing Buildings in the Downtown Core (C1) or Downtown Commercial (C1-A) Zones shall not require Development of any new off-street Loading Space.
- 22.6. Vehicles Prohibited from Parking or Storage in Residential Zones
- 22.6.1. No Commercial Motor Vehicle shall be kept in a residential Zone except for one (1) Commercial vehicle not exceeding 4,500 kg (10,000 lbs.) GVW (gross vehicle weight) and owned by the owner or occupant of the Lot.
- 22.6.2. Vehicles loaded with Obnoxious materials, including cargoes identified by labels as required under the *Transportation of Dangerous Goods Act*. 1992 c. 34 shall not be parked or stored within a Residential Zone.
- 22.7. Approval of Traffic Authority
- Traffic Authority approval is required prior to Development Permit issuance for the following:
- 22.7.1. applications for Commercial, Industrial, Institutional and Recreational Uses (exempting Home Occupations);
- 22.7.2. Development on corner properties and flanking Streets, where a minimum of 15.2 metres (50 feet) is required between an approach or driveway and the limits of the Right-of-way of a Street intersection;
- 22.7.3. applications for multi-unit residential Uses, or where Development Agreements are otherwise required by MPS, where new or additional parking and/or access provisions are required; and
- 22.7.4. where public and/or private Parking Areas are required for more than twelve Motor Vehicles (exempting Home Occupations).

22.8. Vehicle Queuing for Drive-through Uses and Facilities

- 22.8.1. Businesses providing drive-through services including, without limitation, banks, automatic Car Wash facilities, and Restaurants, shall provide queuing for Motor Vehicle queuing per Table 8 or as otherwise required by the Traffic Authority.
- 22.8.2. All Motor Vehicle queuing shall have no other purpose and shall not interfere with any other Motor Vehicle movement on site including parking stalls, aisles, access and egress to and from the site.

**Table 8 – Vehicle Queuing Requirements**

USE	QUEUING REQUIREMENT
Fast Food Restaurant Drive-Through	Queuing for 4 cars between the order board and the pick-up window and for 6 cars behind the order board, with total queuing length not less than 61 m (200 ft)
Coffee shop Drive-Through	Queuing for 4 cars between the order board and the pick-up window and for 10 cars behind the order board, and Traffic Authority may require a traffic impact statement
Bank Drive-Through	Queuing for 5 cars
Car Wash	Queuing for 3 cars beyond service bay/stall

23. Signage

23.1. General

All Erected, replaced, enlarged or relocated signage shall be subject to a Development Permit, and all Signs shall be maintained in good repair.

23.2. Number of Signs

In calculating Sign numbers:

- 23.2.1. window Signs shall not be counted;
- 23.2.2. section 23.14.1 permitted Signs shall not be counted;
- 23.2.3. canopies or awnings, including Service Station Canopies, incorporating signage shall be counted, but the entire display surface of the canopy or awning shall be considered as one Sign; and
- 23.2.4. random display without organized relationship of elements shall be counted with each element to be considered a Sign.

23.3. Signs Permitted in all Zones

Signs that are permitted in all Zones include:

- 23.3.1. Signs not exceeding 0.5 square metres (5 square feet) in Sign Area denoting name and address of Residential and non-residential Buildings;
  - 23.3.2. Signs not exceeding 0.5 square metres (5 square feet) in Sign Area regulating property Use, denoting on-premises traffic or parking, or the direction or function of various parts of a Building, Structure or Lot;
  - 23.3.3. real estate Signs not exceeding 0.5 square metres (5 square feet) in Sign Area in a Residential Zone and 4.6 square metres (50 square feet) in other Zones, advertising premises sale, rental or lease;
  - 23.3.4. government Signs, including without limitation, traffic, railway crossing, and safety Signs;
  - 23.3.5. memorial Signs or tablets, Signs denoting the date of Erection of a Structure, and the flag, pennant or insignia of any government;
  - 23.3.6. Signs not exceeding 9.3 square metres (100 square feet) in Sign Area that are incidental to construction and within the designated construction area, provided removal within 30 days of construction completion;
  - 23.3.7. vending machine and telephone booth Signs, Signs or devices denoting time, date or weather conditions, or like Signs that are not of primary advertising function;
  - 23.3.8. Signs on public property or public Right-of-way under municipal direction provided such Sign:
    - a. is a directional or identification Sign affecting public property;
    - b. is provincially compliant; and
    - c. does not advertise a business or product, excepting Signs at approved business or industrial park entrances naming businesses, organizations or occupants thereof; and
  - 23.3.9. federal, provincial or municipal election Signs for the campaign duration, provided legislative compliance.
- 23.4. Signs Prohibited in all Zones
- Signs that are prohibited in all Zones include:
- 23.4.1. Signs directly attached to or painted upon a Building roof;
  - 23.4.2. Signs compromising public safety or health;
  - 23.4.3. Signs obstructing traffic Signs, control devices or driver vision on public roadways or driveways due to size, location, content, colouring, or manner of illumination;
  - 23.4.4. Signs obstructing fire escape door, window, or other required exit-way access;

- 23.4.5. business advertisement Signs painted on or attached to or supported by a tree, stone, cliff, or other natural object;
- 23.4.6. Signs advertising non-operational businesses or obsolete products;
- 23.4.7. Signs not Erected by a municipality located at or near sharp road curves or severe grade changes;
- 23.4.8. Signs not Erected by a municipality denoting “STOP”, “LOOK”, “ONE-WAY”, “YIELD” or any singular words, phrases, symbols, lights, characters, or colours such as directional arrows that interfere with, mislead, or confuse public road traffic;
- 23.4.9. Signs using string lights, other than temporary holiday decorations; and
- 23.4.10. Search lights, pennants, spinners, banners, and streamers excepting for grand openings, fairs, public festivals, exhibitions and like events.

### 23.5. Signs in Residential Zones

Except where other provision herein, a Sign in the Residential Single Unit (R1), Residential Two Unit (R2), Residential Multiple Unit (R3), and Residential Mini Home Park (R5) Zones is permitted provided:

#### 23.5.1. General:

- a. one Sign maximum per property; and
- b. Sign Area not exceeding 0.6 square metres (6.5 square feet);

#### 23.5.2. Ground Signs:

- a. maximum height of 1.8 metres (6 feet), measured from grade to the highest point of the Sign; and
- b. no Sign portion (base, post, frame, or face) is located within 1.5 metres (5 feet) of any public Right-of-way or common property line;

#### 23.5.3. Subdivision/community entrance identification Ground Signs:

- a. the Sign denotes only the neighbourhood or subdivision name; and
- b. notwithstanding section 23.5.1 (b), Sign Area not exceeding 4.6 square metres (50 square feet); and

#### 23.5.4. notwithstanding section 23.5.1 (b), Bed and Breakfast may have a Sign not exceeding 0.9 square metres (10 square feet).

23.6. Signs in the Downtown Core (C1), Downtown Commercial (C1-A) and Future Redevelopment Area (FRA) Zones

Except where other provision are set out herein a Sign in the Downtown Core (C1) and Downtown Commercial (C1-A) or Future Redevelopment Area (FRA) Zones is permitted provided:

23.6.1. General:

- a. two Sign maximum per business;
- b. Sign is located on the Lot containing the advertised business; and
- c. where a property abuts a Residential, Institutional (I) or Recreation (P) Zone, the Sign is not located within an abutting Yard;

23.6.2. Facial Wall Signs:

- a. no Sign extension is permitted beyond the extremities of the wall on which it is affixed; and
- b. one Sign maximum per business for multiple occupancy Buildings;

23.6.3. Projecting Wall Signs:

- a. no Sign extension more than 1.8 metres (6 feet) from the wall on which it is affixed;
- b. no Sign extension above the eaves, parapet, or Building Roof Line;
- c. no Sign Erection below a height of 3 metres (10 feet) above grade; and
- d. maximum Sign Area of 1.5 square metres (16 square feet);

23.6.4. Ground Signs or free standing Signs:

- a. maximum height of 6.1 metres (20 feet), measured from grade to the highest part of the Sign;
- b. no Sign extension beyond a common property line or public Right-of-way;
- c. one Sign maximum per Lot; and
- d. maximum Sign Area of 4.6 square metres (50 square feet);

23.6.5. Portable Signs:

- a. one Portable Sign maximum per advertised business;
- b. temporary status with normal business hour display only;
- c. direct placement in front of advertised business;
- d. no pedestrian traffic obstruction; and
- e. maximum Sign Area of 0.9 square metres (10 square feet).

23.7. Signs in Neighbourhood Commercial (C2) Zone

Except where other provision herein, a Sign in the Neighbourhood Commercial (C2) Zone is permitted provided:

23.7.1. General:

- a. two Sign maximum per business;
- b. Sign is located on the Lot containing the advertised business; and
- c. where a property abuts a Residential, Institutional (I) or Recreation (P) Zone, the Sign is not located within an abutting Yard;

23.7.2. Facial Wall Signs:

- a. no Sign extension beyond the extremities of the wall on which it is affixed;
- b. one Sign maximum per business for multiple occupancy Buildings; and
- c. Sign Area maximum of 10% of the wall area on which it is affixed;

23.7.3. Projecting Wall Signs:

- a. no Sign extension more than 1.8 metres (6 feet) from the wall on which it is affixed;
- b. no Sign extension above the eaves, parapet, or Building Roof Line;
- c. no Sign Erection below a height of 3 metres (10 feet) above grade; and
- d. maximum Sign Area of 1.5 square metres (16 square feet);

23.7.4. Ground Signs or free standing Signs:

- a. maximum height of 4.6 metres (15 feet), measured from grade to the highest part of the Sign;
- b. no Sign location within 1.5 metres (5 feet) of any public Right-of-way or common property line;
- c. one Sign maximum per Lot; and
- d. maximum Sign Area of 2.3 square metres (25 feet).

23.8. Signs in Highway Commercial (C3), Commercial Business Park (C4), Light Industrial (M1), General Industrial (M3) and Provincial Resource (M2) Zones

Except where other provision herein, a Sign in the Highway Commercial (C3), Commercial Business Park (C4), Light Industrial (M1), General Industrial (M3) or Provincial Resource (M2) Zones is permitted provided:

23.8.1. General:

- a. three Sign maximum per business;
- b. Sign is located on the Lot containing the advertised business; and
- c. on a property abutting a Residential, Institutional (I) or Recreation (P) Zone, the Sign is not located within an abutting Yard;

23.8.2. Facial Wall Signs shall not be limited, provided:

- a. maximum coverage of 0.3 square metres (3.2 square feet) per lineal foot of the wall on which it is affixed; and
- b. three Sign maximum per business for multiple occupancy Buildings;



23.8.3. Commercial Buildings, whether separate or attached to a Shopping Centre, with a minimum Gross Floor Area of 2,787 square metres (30,000 square feet), 75% of which is occupied by the main business occupant:

- a. three Sign maximum displaying main occupant name, with remainder limited to advertising available subordinate services, goods, occupants, or the like in the Building, with a one Sign maximum for each service, good, occupant, or like;
- b. where attached to a Shopping Centre, section limitations apply only to the subject Commercial Building, not to the attached Shopping Centre;
- c. no Sign extension beyond the extremities of the wall on which it is affixed; and
- d. no Sign projection more than 0.3 metres (1 foot) from the supporting wall;

23.8.4. Projecting Wall Signs:

- a. no Sign extension more than 1.8 metres (6 feet) from the wall on which it is affixed;
- b. no Sign extension above the eaves, parapet, or Building Roof Line;
- c. no Sign Erection below a height of 3 metres (10 feet) above grade; and
- d. maximum Sign Area of 1.5 square metres (16 square feet);

23.8.5. Ground Signs or free standing Signs to a maximum height of 10.6 metres (3.5 feet):

- a. the height measurement taken from grade to the highest part of Sign or Sign fixture;
- b. no Sign location within 1.5 metres (5 feet) of any public Right-of-way or common property line;
- c. one Sign maximum per Lot; and
- d. maximum Sign Area of 23.3 square metres (250 square feet);

23.8.6. Ground Signs or free standing Signs to a maximum height of 18.3 metres (60 feet):

Notwithstanding other provisions set out herein in this section, a Ground Sign with a maximum of four Sign faces with Sign Area not exceeding 18.6 square metres (200 square feet) per face, 37.2 square metres (400 square feet) for two faces combined, 55.8 square metres (600 square feet) for three faces combined, or 74.4 square metres (800 square feet) for four faces combined, may be permitted provided:

- a. the height measurement taken from grade to the highest part of Sign or Sign fixture;
- b. no Sign portion (base, post, frame, or face) is located within 7.6 metres (25 feet) to any public Right-of-way or common Lot boundary; and
- c. for Illuminated Signs, maximum Sign Area of 14 square metres (150 square feet) and maximum height of 10.7 metres (35 feet) for the illuminated portion;

23.8.7. Ground Signs or Free Standing Signs to a Maximum Height of 24.4 metres (80 feet):

Notwithstanding other provision in this section, a Ground Sign to a maximum of 24.4 metres (80 feet) may be permitted in Highway Commercial (C3) or Commercial Business Park (C4) Zones provided that no Sign portion (base, post, frame, or face) is located within 15.2 metres (50 feet) of any public Right-of-way, common Lot boundary, or abutting Residential or Institutional Zone or Use, and provided Provincial compliance and subject to remaining municipal regulations, per Schedule E.

23.8.8. Illuminated Signs, maximum Sign Area of 14 square metres (150 square feet) and maximum height of 10.7 metres (35 feet) for the illuminated portion.

23.9. Signs in the Institutional (I), Floodplain (F), and Recreation (P) Zones

Except where other provision herein, a Sign in the Institutional (I), Floodplain (F) and Recreation (P) Zones, is permitted provided:

23.9.1. General:

- a. two Sign maximum per property; and
- b. Sign is located on the Lot containing the advertised Uses;

23.9.2. Facial Wall Signs:

- a. no Sign extension beyond the extremities of the wall on which it is affixed;
- b. one Sign maximum per business for multiple occupancy Buildings; and
- c. Sign Area is a maximum of 10% of the wall area on which it is affixed;

23.9.3. Projecting Wall Signs:

- a. no Sign extension more than 1.8 metres (6 feet) from the wall on which it is affixed;
- b. no Sign extension above the eaves, parapet, or Building Roof Line;
- c. no Sign Erection below a height of 3 metres (10 feet) above grade; and
- d. maximum Sign Area of 1.5 square metres (16 square feet);

23.9.4. Ground Signs or free standing Signs:

- a. maximum height of 4.6 metres (15 feet), measured from grade to the highest part of the Sign;
- b. no Sign location within 1.5 metres (5 feet) of any public Right-of-way or common property line;
- c. one Sign maximum per Lot; and
- d. maximum Sign Area of 2.3 square metres (25 square feet).

23.10. Ground Signs in the Westside Plaza (C5) Zone

23.10.1. There shall be two Ground Signs maximum per Lot irrespective of the number of businesses on any Lot that fronts on two Streets, provided:

- a. no Sign location within 1.5 metres (5 feet) of any public Right-of-way or common property Lot boundary, excepting within the George Street and Abercrombie Road Corner Vision Triangle where no Setback is required, provided Corner Vision Triangle requirement compliance from the point of intersection of the flanking Lot line and front Lot line;
- b. whole containment of the Sign (base, post, frame, or face) on the Subject Property;

- c. two Sign face maximum with Sign Area not exceeding 9.3 square metres (100 square feet) per face, and 18.6 square metres (200 square feet) for two faces combined;
- d. maximum height of 7.6 metres (25 feet) measured from grade to the highest part of the Sign, with a one Sign maximum; and
- e. Sign standard compliance.

23.11. Murals and Artwork in the Downtown Core (C1) and Downtown Commercial (C1-A) Zones

Notwithstanding other provision herein, Artwork developed for display in the Downtown Core (C1) or Downtown Commercial (C1-A) Zones is subject to approval by Council or a designated body.

23.12. Menu Board Signs for Drive-through Restaurants and Cafes

23.12.1. Two freestanding or wall mounted Menu Board Signs per business are permitted, with maximum Sign Area of 3.7 square metres (40 square feet) per Sign, and a maximum height of 3.1 metres (10 feet).

23.12.2. The Development Officer shall designate Sign location to provide adequate queue storage and traffic circulation.

23.12.3. The Sign shall not be decipherable from the public Street Right-of-way.

23.13. Third Party Signs

One Third Party Sign per business is permitted provided:

23.13.1. Sign Area maximum of 1.2 square metres (13 square feet);

23.13.2. Sign location within 130 metres (426 feet) of the subject business;

23.13.3. maximum height of 3 metres (10 feet);

23.13.4. no Sign location within 1.5 metres (5 feet) from any common Lot boundary or Street Right-of-way; and

23.13.5. notwithstanding the above, signage shall be subject to any approved Signage By-Laws.

23.14. Special Event Signs

23.14.1. Special Event Signs are exempt from the total number of permitted Signs on a Lot.

23.14.2. Special Event Signs including banners, Signs supported on a moveable Structure, trailer or wheel-mounted shall be permitted only on a temporary basis in a Commercial or Industrial Zone concurrent to an opening or closing, festival, holiday, exhibition, or special event and provided:

- a. Compliance with remaining LUB provisions;

- b. a 30 day maximum duration;
- c. Setback requirement of 1.5 metres (5 feet) from any property line, driveway, Corner Vision Triangle, Parking Area or Street Line;
- d. maximum height of 3 m (10 feet) from Grade Level to its highest part;
- e. maximum Sign Area of 3.25 square metres (35 square feet);
- f. Sign location on same Lot as subject business; and
- g. notwithstanding, banner Signs allowing free flow of air shall be permitted for a maximum of 14 days for community events, but not for Commercial sales by non-profit organizations over or adjacent to the public Right-of way except with Town approval. There shall be a maximum of one Sign per special event per year, with the Town to Erect and remove.

23.15. Special Sign Requirements in the Waterfront (W) Zone

Waterfront (W) Zone Development Sign materials shall be limited to wood, stone, wrought iron, simulated wood, or a combination thereof, with a maximum height of 4.6 metres (15 feet), and signage shall be policy compliant, with design aesthetic to be prioritized.

23.16. Canopies and Awnings

23.16.1. A canopy or awning is permitted provided:

- a. no canopy or awning extension more than 1.2 metres (4 feet) for a stationary canopy or awning, or 2.4 metres (8 feet) for a retractable canopy or awning, from the wall on which it is affixed; and
- b. no canopy or awning below a height of 3 metres (10 feet) above grade for a stationary canopy or awning, or 2.4 metres (8 feet) for a retractable canopy or awning.

23.16.2. A canopy or awning extending over the public Right-of-way is permitted provided section 23.16.1 compliance.

23.16.3. A Development Permit may be issued for a canopy or awning incorporating signage provided section 23.2 to 23.2.4 compliance.

23.16.4. Canopy or awning signage and Service Station Canopy signage, are included in the maximum permitted number of Signs per Lot, with the canopy or awning total display surface as one Sign.

23.16.5. All canopies and awnings shall be maintained in good repair.

23.16.6. Signage by-law govern where in effect, notwithstanding section 23.

**24. Development in Areas Prone to Subsidence**

24.1. Applications for Development on subsidence-prone lands, as defined in the applicable SPS, noted on the map attached hereto as Schedule B, must be compliant, where such

Development is intended for human occupancy. A geo-technical report by a licensed Professional Engineer must accompany any application for a Development Permit in subsidence-prone areas, as defined in the applicable SPS, and on approval, Development must follow all geo-technical report recommendations per Schedule B.

- 24.2. Notwithstanding section 24.1, a geo-technical report will not be required where:
- 24.2.1. there is an existing Development on a property mapped in Schedule B, and there are no proposed changes of Use, or additions to the existing Structure(s), or an increase in bulk or density of the existing Use; or
  - 24.2.2. the application is for any Accessory Building(s) or a Building or Structure not for human habitation or occupancy.

## **25. Environmental Protection**

Subject to where a SPA is required, Development Permits within areas designated Environmental Features on the Environmental Features Map attached as Schedule C, shall be issued only on satisfaction of criteria as follows:

- 25.1.1. the proposal is for a permitted Use in the subject Zone; and
- 25.1.2. proposal compliance with applicable SPS.

## **26. Wind Energy**

Applications for Development related to wind energy are subject to all provisions in this section.

- 26.1. General
- 26.1.1. Except where other provision herein, manufacturer's specifications shall accompany all Development applications for MWT, SWT, and LWTs.
  - 26.1.2. Wind Energy Development shall not be exempt from Non-conforming, Nova Scotia Energy, Nova Scotia Natural Resources, Transport Canada, NAV Canada, Nova Scotia Power Inc. and all other applicable department approvals.
  - 26.1.3. Wind Turbines shall be separated by a minimum distance equal to the height of the tallest Turbine on any property.
  - 26.1.4. Any Climbing Wind Apparatus shall be a minimum of 3 metres (10 feet) above grade.
  - 26.1.5. Wind Turbines exceeding 6 metres (20 feet) shall not be mounted on or attached to any other Structure.
  - 26.1.6. Wind Turbines with a maximum height of 6 metres may be permitted as Accessory Structures and may be mounted on or attached to another Structure, provided Professional Engineer certification of installation and operation.

26.1.7. Excepting MTWs, Fencing shall be required and:

- a. completely enclose the Structure(s);
- b. have a minimum height of 1.8 metres (6 feet);
- c. have no opening exceeding 38 millimetres (0.23 inches);
- d. not be electrified or incorporate barbed wire or like sharp materials unless they are situate a minimum of 1.8 metres (6 feet) above grade; and
- e. Fencing gates shall be self-closing and securely locked, and be located a minimum of 1.2 metres (4 feet) so that it prevents unauthorized access.

26.1.8. For SWTs and LWTs, a Professional Engineer stamped drawing shall be submitted for the construction of Structure.

26.2. Mini Wind Turbines

Except where other provision herein, MWTs shall be permitted in Commercial Business Park (C4), Light Industrial (M1), Provincial Resource (M2), General Industry (M3) and Water Supply (WS) Zones and shall:

26.2.1. have a maximum power output of 10 Kw;

26.2.2. have a Setback minimum from adjoining Property Lines of 1.25 times Wind Turbine Height; and

26.2.3. notwithstanding other provision herein, have a maximum Wind Turbine Height of 22.9 metres (75 feet).

26.3. Small Scale Wind Turbines

Except where other provision herein, SWTs shall be permitted in Commercial Business Park (C4), Light Industrial (M1), Provincial Resource (M2), General Industry (M3) and Water Supply (WS) Zones, and shall:

26.3.1. have a maximum power output of 100 kilowatts;

26.3.2. be limited to one SWT per property;

26.3.3. notwithstanding other provision herein, have a maximum Wind Turbine Height of 52 metres (170 feet);

26.3.4. have a Setback minimum from adjoining Property Lines of 1.5 times the Wind Turbine Height; and

26.3.5. be required as per section 26.1.4 with a locking portal around the facility's Tower base, or the Tower Climbing Apparatus shall be at least 3 metres (10 feet) from the ground or otherwise not climbable.

26.4. Large Scale Wind Turbines

Except where other provision herein, LWTs shall be permitted in the RR and WS Zones subject to DA (Policy WE-1).

All LWT Development Permit applications shall include the following:

- 26.4.1. a detailed site plan prepared by Professional Surveyor;
- 26.4.2. no LWT location within four times the height of the Wind Turbine measured from grade to the highest point of the Rotor's Arc from property lines;
- 26.4.3. for Wind Turbine Development, a professional area impact study to determine Setback, with a minimum of 2.5 times the turbine height, measured from grade to the highest point of the Rotor's Arc;
- 26.4.4. 7.6 metre (25 foot) Minimum Blade Clearance;
- 26.4.5. no signage excepting owner or manufacturer identification, not exceeding 5% of the total surface area of the Wind Turbine;
- 26.4.6. underground location of all Utility lines; and
- 26.4.7. operator status report detailing future site plans upon Wind Turbine or Wind Farm power production discontinuance for a minimum of one year, with the applicable Town retaining discretion for Decommissioning and site restoration at the cost of the developer.

## **27. Home Occupations**

In Residential Single Unit (R1), Residential Two Unit (R2), Residential Multiple Unit (R3), Residential Rural (RR), Residential Mini Home Park (R5), Waterfront (W) Zones, any Single Detached Dwellings or accessory detached or attached Buildings, may be used for a Home Occupation provided:

- 27.1. applicable Lot, Yard and height requirements of the subject Building are met;
- 27.2. the occupation is that of a Dwelling resident(s) with a maximum of three people, including the owner(s) being employed by the business;
- 27.3. the occupation shall be located wholly within a single Dwelling residential Building, attached Accessory Building, Two Unit Dwelling, or detached Accessory Building;
- 27.4. the Dwelling is occupied as a residence by the Home Occupation owner and the exterior appearance of the Dwelling is not Altered by the Home Occupation Use, except to meet fire, safety, NBCC and/or health regulations;
- 27.5. the occupation shall not involve Obnoxious emissions;
- 27.6. no advertising other than a wooden or simulated wood Sign identifying the Home Occupation which has a maximum Sign Area of 0.5 square metres (5 square feet) and which

is a Facial Wall Sign or projecting Sign attached to the Main Building or attached Garage, or a Ground Sign;

- 27.7. no Outdoor Storage or Display of materials or equipment, including automotive vehicles or vehicle parts;
- 27.8. parking for the Home Occupation is provided on the same Lot per Parking Space for each 27.9 square metres (300 square feet) of Floor Area occupied by the Home Occupation, in addition to residential parking requirements; and
- 27.9. the occupation does not exceed 25% of the total Floor Area, that includes the Main Building, an attached Garage, detached Accessory Building, unfinished basement or attic, to a maximum of 46.5 square metres (500 square feet).

## **28. Bed & Breakfast Establishments**

Bed & Breakfast Uses shall be permitted in the Rural Residential (RR), Residential Single Unit (R1), Residential Two Unit (R2) and Residential Multiple Unit (R3) Zones provided:

- 28.1. the Bed and Breakfast is compliant with Home Occupation requirements as set out in section 27, excepting clauses 27.8 and 27.9;
- 28.2. parking requirements under section 22 are met; and
- 28.3. there is a maximum of four Bedrooms for guest sleeping Accommodation.

## **29. Day Care Facilities**

Day Care Uses will be permitted within the Rural Residential (RR), Residential Single Unit (R1) and Residential Two Unit (R2) and Residential Multiple Unit (R3) Zones provided:

- 29.1. the Day Care facility is compliant with Home Occupation requirements as set out in section 27, excepting clauses 27.6, 27.8 and 27.9;
- 29.2. is compliant with applicable provincial legislation;
- 29.3. parking requirements under section 22 are met; and
- 29.4. no more than 50% of the Dwelling is devoted to Day Care Use.

## **30. Garden Suites and Garage Suites**

### **30.1. Permitted Uses As-of-Right**

Garden Suites and Garage Suites are permitted as-of-right in Zones R2 and R3 provided:

- 30.1.1. Fenestration areas exceeding 1.1 square metres (12 square feet) must face the main Dwelling or flanking Street;



- 30.1.2. windows must be offset by placement of Accessory Buildings and Landscaping to ensure neighbouring Yard privacy;
- 30.1.3. Garage Suites above grade may not have balconies or Decks facing abutting residential property;
- 30.1.4. Garage or Garden Suite Roof Decks are not permitted;
- 30.1.5. minimum 4 metre (13 foot) Separation Distance between a main Dwelling and a Garage or Garden Suite;
- 30.1.6. an occupancy permit for the main Dwelling on the Lot must precede Garage Suite or Garden Suite Development Permits;
- 30.1.7. minimum 1.2 metre (4 foot) Setback for any Garden Suite or Garage Suite;
- 30.1.8. minimum 557 square metre (6,000 square foot) Lot Area including the main Dwelling and the Garden Suite or Garage Suite; and
- 30.1.9. maximum of one Garden Suite or Garage Suite per Lot.

## **31. Site Plans**

Site-plan Approvals shall be subject to part VIII MGA.

### **31.1. Uses and Areas Subject to Site Plan Approval**

The following Uses and areas shall be subject to site plan approval:

- 31.1.1. New, and expansions to Commercial, Industrial, Institutional (I), Recreation (P) and mixed Uses in the C1-A, C2, C3, C4, C5, M1, M2, I, P, and FRA Zones where listed as permitted Uses in the applicable Zone, and there are proposed provisions for parking, off-street loading, and/or new Development; as per Policy IM-23;
- 31.1.2. New, or expansions to multi-unit residential Development in the Residential Multiple Unit (R3) Zone; and
- 31.1.3. New, or expansions to existing multi-unit residential Developments in any residential Zone, excepting 31.1.2 above, to a maximum of four Dwelling Units per Development, and subject to the Lot, Yard, Height, and Open Space Requirements of the Residential Multiple Unit (R3) Zone as per Policy RD-10.

### **31.2. Matters Subject to Site Plan Approval Review**

Matters as follows shall be subject to site plan approval (as per Policy IM-26):

- 31.2.1. Structure location on the Lot;

- 31.2.2. off-street loading and parking facility location;
- 31.2.3. location, number and width of driveway accesses to Streets;
- 31.2.4. type, location and height of walls, Fences, hedges, trees, shrubs, ground cover or like Landscaping elements to minimize adjacent residential land impact;
- 31.2.5. existing vegetation retention;
- 31.2.6. walkway location, including surface material and pedestrian access;
- 31.2.7. outdoor lighting type and location;
- 31.2.8. solid waste storage facility location;
- 31.2.9. easement location;
- 31.2.10. land elevation grading and storm and surface water management;
- 31.2.11. signage particulars, including type, location, number and size; and
- 31.2.12. maintenance of items 31.2.1 through 31.1.11, above.

31.3. Site Plan Approval Variances (per Policy IM-28)

The Development Officer may grant a Variance for a Use subject to site plan approval to a maximum of 10% from the minimum requirement of the following:

- 31.3.1. Lot Area;
- 31.3.2. Yard; and
- 31.3.3. Parking Space.

31.4. Criteria for Considering Site Plan Approval

Site plan approval criteria for Development Officer consideration includes (per Policy IM-27):

- 31.4.1. Zone, LUB and SUB compliance (excepting Variance considerations per section 27.3);
- 31.4.2. abutting land Uses compatibility;
- 31.4.3. Traffic Authority, Town Engineer, or Planner comment; and
- 31.4.4. Policy IM-11.

31.5. Notification Area

The Development Officer shall notify all property owners within 60 metres (200 feet) of the boundary of the Subject Property upon site plan approval application, per the MGA notification requirements for Variances, and the applicant must place a Development Officer approved Sign/placard on the Subject Property for public notification of application details. Site plan appeals are governed by MGA Variance appeal provisions (per Policy IM-25).

31.6. Application Requirements (per Policy IM-24)

Site plan approval application requisites include:

- 31.6.1. a signed application by owner or agent thereof;
- 31.6.2. a detailed site plan per section 31.2;
- 31.6.3. Building elevation and/or Building façade drawings if required by Development Officer; and
- 31.6.4. Floor plan, if required by Development Officer.

31.7. Discharge of Site Plan (per Policy IM-30)

The Development Officer may wholly or partially discharge a site plan, with the concurrence of the property owner(s) per Part VIII MGA.

**32. Development Agreements**

Developments as follows shall be subject to Development Agreement per section 225 MGA:

- 32.1. innovative housing and site design projects in the Residential and Commercial Business Park designations per IPS Policy RD-11 except where permitted by site plan approval;
- 32.2. new multiple-unit residential Dwellings, or new Developments within the Residential, Downtown Commercial, Highway Commercial, Commercial Business Park, and Future Redevelopment Area designations, per IPS Policy RD-9, except where permitted by site plan approval;
- 32.3. new residential Developments of single, double and/or multiple Dwelling Units within the Residential, Downtown Commercial, Highway Commercial, Commercial Business Park, and Future Redevelopment Area designations, per IPS Policy RD-5 and may include Garage Suites or Garden Suites, except where permitted by site plan approval;
- 32.4. new multiple unit residential Dwellings with Commercial Uses in the Downtown Commercial, Highway Commercial, Commercial Business Park, and Future Redevelopment Area designations, per IPS Policy CD-21 except where permitted by site plan approval;
- 32.5. new Seniors Residential Complexes in the Residential, Downtown Commercial, Highway Commercial, Commercial Business Park, and Future Redevelopment Area designations, per IPS Policy RD-22, except where permitted by site plan approval;

- 32.6. new Seniors Residential Complexes with Commercial Uses in the Downtown Commercial, Highway Commercial, Commercial Business Park, and Future Redevelopment Area designations, per IPS Policy CD-22, except where permitted by site plan approval;
- 32.7. new Neighbourhood Commercial Uses and expansions to existing Neighbourhood Commercial Uses on Lots within the Residential designation, per IPS Policy CD-11, except where permitted by site plan approval;
- 32.8. Multiple Unit Dwellings and Seniors Residential Complexes with or without Commercial Uses in the Neighbourhood Commercial (C2) Zone, per IPS Policy CD-22, except where permitted by site plan approval;
- 32.9. new and expansions to existing sand, gravel and topsoil extraction operations in the Floodplain (F) Zone, subject to MPS Policies F-3 and IM-11;
- 32.10. Alterations, excluding expansions, in all Designations, and rebuilding, recommencement and change of Use of Non-conforming Structures or land Uses per IPS Policy G-18;
- 32.11. Developments in the Future Redevelopment Area (FRA) Zone per IPS Policy FRA-1;
- 32.12. Developments exceeding 2322 square metres (25,000 square feet) of Building Floor Area located in the Downtown Core (C1) Zone on Foord Street (between Acadia Avenue and Bridge Avenue), subject to SPS Policy # as particularized in the applicable SPS; and
- 32.13. Light Industrial Uses associated with Commercial Developments (subject to Policy CD-4).

## **Part 6: Residential Zones**

### **33. Residential Single Unit Dwelling (R1) Zone**

#### **33.1. Permitted Uses**

##### **33.1.1. As-of-Right**

- a. Residential Uses
  - i. Single Detached Dwelling
  - ii. existing Two Unit, Semi-detached or Duplex Dwellings
  - iii. existing Multiple Unit Dwellings
  - iv. Nursing Home
- b. Non-Residential Uses
  - i. Hobby Farms (but not feed Lot operations, Bulk Storage, depots, chicken/pork farms, and agribusiness Uses such as a tannery, rendering plant, or equipment sale and rental)
  - ii. Day Care
  - iii. Home Occupations
  - iv. Recreational Uses subject to Recreation (P) Zone requirements
  - v. stables and Kennels
  - vi. Bed and Breakfast establishments as Home Occupations with a maximum of four rooms to let
  - vii. Boarding House establishments as Home Occupations with a maximum of three rooms to let
- c. Mini Home Dwellings as of right in Westville subject to Residential Mini Home Park (R5) Zone requirements

##### **33.1.2. Development Agreement**

- a. multiple unit residential Dwellings subject to Policy RD-9
- b. innovative housing and site design Developments subject to Policy RD-11
- c. two unit residential Dwellings subject to Policy RD-5
- d. Garden Suites (only on a Lot containing a Single Detached Dwelling) subject to Policy RD-5
- e. Garage Suites (only on a Lot containing a Single Detached Dwelling) subject to Policy RD-5

33.2. Standard Requirements

33.2.1. Lot, Yard and Height

**Table 9 – Residential Single Unit (R1) Zone Requirements  
(no central water or sanitary sewer)**

Minimum Lot Area	3716 m <sup>2</sup> (40,000 ft <sup>2</sup> )
Minimum Lot Frontage	30.5 m (100 ft)
Minimum Front Yard	9.1 m (30 ft)
Minimum Rear Yard	9.1 m (30 ft)
Minimum Side Yard	3 m (10 ft)
Minimum Side Yard (flankage)	4.6 m (15 ft)
Maximum Height	10.7 m (35 ft)

**Table 9A – Residential Single Unit (R1) Zone Requirements  
(with central water and sanitary sewer)**

Minimum Lot Area	929 m <sup>2</sup> (10,000 ft <sup>2</sup> )
Minimum Lot Frontage	30.5 m (100 ft)
Minimum Front Yard	9.1 m (30 ft)
Minimum Rear Yard	9.1 m (30 ft)
Minimum Side Yard	3 m (10 ft)
Minimum Side Yard (flankage)	4.6 m (15 ft)
Maximum Height	10.7 m (35 ft)

33.2.2. Main Buildings over 7.6 metres (25 feet) in Height

- a. Table 9 or 9A Minimum Side Yard requirements, as applicable; and
- b. a Side Yard Setback equal to or greater than half the Main Building Height.

33.2.3. Municipal Water and Sewer Services

- a. Development shall not be permitted to use on-site water and waste water servicing, where municipal servicing is available in the Zone; and
- b. notwithstanding section 33.2.3 (a), Development shall be permitted to use on-site water and waste water servicing provided all minimum Lot requirements with Nova Scotia Environment (NSE) are met.

33.2.4. Conformance with Existing Setbacks

Notwithstanding other provision herein, minimum Front and, where applicable, Flankage Yard Setbacks from a public Right-of-way shall be:

- a. uniform to adjacent Structures; and
- b. subject to Zone Setback requirements in Table 9 or 9A, as applicable.

### **34. Hobby Farms**

The occupants of a property with a main Dwelling in the R1 Zone shall be permitted to keep ungulates for Use as pets or other non-Commercial purposes (including a hobby farm), provided that the following conditions are met:

- 34.1. an enclosed Structure is constructed for the sheltering of the Animal(s), and said Structure is an Accessory Use on a residential Lot with a main Dwelling situate;
- 34.2. the Structure outlined in (1) shall not be located in the Front Yard and shall have a minimum Setback distance of 30.5 metre (100 foot) from the Rear and Side Yard Lot Lines;
- 34.3. said Structure shall not cover more than fifty (50) percent of the available rear Yard;
- 34.4. a minimum Lot size of 1 hectare (2.5 acres) shall be required for the first Animal, and an additional 0.2 hectare (1/2 acre) for each additional Animal; and
- 34.5. an existing Accessory Building that does not conform to the Setback and coverage requirements outlined in sub-sections 34.2 and 34.3 may be used for the sheltering of the Animal(s) provided the Structure is not situated within 15.2 metres (50 feet) of any property line.

### **35. Garden Plots**

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items, shall be prohibited.

## **36. Residential Two Unit (R2) Zone**

### **36.1. Permitted Uses**

#### **36.1.1. As-of-Right**

- a. Residential Uses
  - i. Single Detached Dwellings
  - ii. Semi-detached Dwellings
  - iii. Duplex Dwellings
  - iv. Two Unit Dwellings
  - v. existing Multiple Unit Dwellings
  - vi. Garage Suites (only on a Lot containing a Single Detached Dwelling subject to Part 5, 30.1)
  - vii. Garden Suites (only on a Lot containing a Single Detached Dwelling subject to Part 5, 30.1)
  - viii. Nursing Home
  - ix. Group Care Facility Dwelling (to a maximum of four single room occupants)
  - x. Community Home
- b. Non-Residential Uses
  - i. Home Occupations
  - ii. Recreation Uses subject to the requirements of the Recreation (P) Zone
  - iii. Boarding Houses with a maximum of three rooms to let
  - iv. Day Care
  - v. Bed and Breakfast establishments as Home Occupations with a maximum of four rooms to let (subject to section 28)
- c. Mini Home Dwellings as of right in Westville subject to Residential Mini Home Park (R5) Zone requirements

#### **36.1.2. Development Agreement**

- a. multiple unit residential Dwellings subject to Policy RD-9
- b. innovative housing and site design Developments subject to Policy RD-11

#### **36.1.3. Site Plan Approval**

- a. New or expansions to existing multiple unit residential Developments or Seniors Residential Complexes, provided the total number of Dwelling Units does not exceed four, and is subject to Residential Multiple Unit (R3) Zone Lot, Yard, Height, and Open Space Requirements, subject to Policy IM-23.
- b. Commercial and/or residential Uses on Lots in the Highway Commercial designation on the GFLUM subject to Policy IM-23.



36.2. Standard Requirements

36.2.1. Lot, Yard and Height

**Table 10 – Residential Two Unit (R2) Zone Requirements**

Minimum Lot Area	Single Detached/Converted	464.5 m <sup>2</sup> (5,000 ft <sup>2</sup> )
	Semi-Detached	280 m <sup>2</sup> (3,000 ft <sup>2</sup> )/unit
	Duplex	560 m <sup>2</sup> (6,000 ft <sup>2</sup> )
Minimum Lot Frontage	Single Detached/Converted	15.24 m (50 ft)
	Semi-Detached	9.1 m (30 ft)
	Duplex	18.3 m (60 ft)
Minimum Front Yard		6.1 m (20 ft)
Minimum Rear Yard		6.1 m (20 ft)
Minimum Side Yard	Single Detached/Converted	1.2 m (4 ft)/ 2.4 m (8 ft)
	Semi-Detached (common wall)	nil
	Semi-Detached (outside wall)	1.8 m (6 ft)
	Duplex	1.8 m (6 ft)
Minimum Side Yard	Flankage	4.6 m (15 ft)
Maximum Height		10.7 m (35 ft)

**Table 10A – Residential Two Unit (R2) Zone Requirements (with central water and no sanitary sewer)**

Minimum Lot Area	3716 m <sup>2</sup> (40,000 ft <sup>2</sup> )
Minimum Lot Frontage	61 m (200 ft)
Minimum Front Yard	9.1 m (30 ft)
Minimum Rear Yard	9.1 m (30 ft)
Minimum Side Yard	3 m (10 ft)
Minimum Side Yard (flankage)	4.6 m (15 ft)
Maximum Height	10.7 m (35 ft)

Notwithstanding the above, all permitted Uses in the Brady Subdivision – Lots 76-F, 77-GHI, 78-JKL, 79-M and Lot 80 on Brady Court, and Lots 81, 82-A, 83-B and 84 on Norma Street Extension shall be subject to requirements as follows:

**Table 11 – Brady Subdivision, Brady Court and Norma Street Extension Zone Requirements**

Minimum Lot Area	464.5 m <sup>2</sup> (5,000 ft <sup>2</sup> )
Minimum Lot Frontage	21.3 m (70 ft)
Minimum Front Yard	4.6 m (15 ft)
Minimum Rear Yard	6.1 m (20 ft)
Minimum Side Yard	one side 1.2 m (4 ft)
	3.7 m (12 ft)
Maximum Height	10.7 m (35 ft)

36.2.2. Municipal Water and Sewer Services

Development shall not be permitted to use on-site water and waste water servicing, where municipal servicing is available in the Zone.

36.2.3. Conformance with Existing Setbacks

Notwithstanding other provision herein, minimum Front and, where applicable, Flankage Yard Setbacks from a public Right-of-way shall be:

- a. uniform to adjacent Structures; and
- b. subject to Zone Setback requirements in Table 10, 10A or 11, as applicable.

36.2.4. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items, shall be prohibited.

36.3. Additional Requirements

36.3.1. Structural Alterations: Existing Multiple Residential Dwellings and Boarding Houses

- a. The exterior Structure of an existing Converted Dwelling or Boarding House may not be Altered by height, Roof Line, in Dwelling Units, or other exterior change to compromise residential appearance, except as required by legislation or code.
- b. All other Existing Multiple Residential Dwellings may be Altered provided compliance with legislation or code, no additional Dwelling Units are created, and required Yards and height restrictions are maintained.

36.3.2. Existing Multiple Residential Dwelling and Boarding Houses

**Table 12 - Existing Multiple Residential Dwelling and Boarding Houses**

Minimum Front Yard	6.1 m (20 ft)	
Minimum Rear Yard	6.1 m (20 ft)	
Minimum Side Yard	minor	1.8 m (6 ft)
	major	3 m (10 ft) or ½ the height of the Main Building
Maximum Height	10.7 m (35 ft)	

36.3.3. Expansions to Number of Residential Units for Existing Multiple Residential Dwellings by Development Agreement

Expansion proposals to Existing Multiple Residential Dwellings and Converted Dwellings with three or more units shall be considered by Development Agreement, except where permitted by site plan approval (subject to IPS Policy IM-23 and Policy RD-9).

36.3.4. Abutting Yard

Notwithstanding Table 12, where an Existing Multiple Residential Dwelling abuts a single detached, semi-detached or Duplex Dwelling:

- a. the Abutting Yard shall have a 6.1 metre (20 foot) minimum;
- b. Parking Space or Outdoor Storage shall be prohibited within the Abutting Yard;
- c. driveways and access to Parking and Outdoor Storage shall be permitted in the Abutting Yard; and
- d. there shall be no expansion of existing Structures, storage, or parking Uses encroaching on an Abutting Yard.

36.3.5. Parking for Existing Multiple Unit Dwellings

- a. Parking Areas for existing Multiple Unit Dwellings shall only be permitted in the required Rear and Side Yards of the Lot and shall be otherwise compliant with this By-Law.
- b. Parking Areas shall be provided in accordance with the requirements and standards as outlined in section 22 of this By-Law.

36.3.6. Existing Mobile Home Dwellings

Notwithstanding other provision herein, Existing Mobile Home Dwellings may be replaced, but no additional Mobile Home Dwellings shall be allowed.

36.3.7. Boarders and Lodgers

In addition to residential Use requirements, three leased rooms in a Dwelling Unit shall be permitted provided there is one available Parking Space per room located in the Side or Rear Yards.

36.3.8. Offsetting Side Yards

All subdivision plans shall require the 2.4 metre (8 foot) major Side Yard to be offset by the 1.2 metre (4 foot) minor Side Yard on the adjacent property line, where possible, with adjacent 1.2 metre (4 foot) Side Yards permitted only where a Corner Lot abuts an Interior Lot.

### **37. Residential Multiple Unit (R3) Zone**

#### **37.1. Permitted Uses**

##### **37.1.1. As-of-Right**

- a. Residential Uses
  - i. Townhouses
  - ii. existing Multiple Unit Dwellings
  - iii. any Uses permitted in the Residential Two Unit (R2) Zone subject to Residential Two Unit (R2) Zone requirements
  - iv. Multiple Unit Dwellings
  - v. Seniors Residential Complex
- b. Non-Residential Uses
  - i. Home Occupations
  - ii. Day Care
  - iii. Bed and Breakfast establishments as Home Occupations with a maximum of four rooms to let (subject to section 28)
- c. Mini Home Dwellings as of right in Westville subject to Residential Mini Home Park (R5) Zone requirements

##### **37.1.2. Development Agreement**

Innovative housing and site design Developments shall be subject to Policy RD-11

##### **37.1.3. New Multiple-Unit Dwellings**

##### **37.1.4. Development Agreement**

- a. multiple unit residential Dwellings subject to Policy RD-9
- b. innovative housing and site design Developments subject to Policy RD-11

##### **37.1.5. Site Plan Approval**

- a. New or expansions to existing multiple unit residential Developments or Seniors Residential Complexes, provided the total number of Dwelling Units does not exceed four, and is subject to Residential Multiple Unit (R3) Zone Lot, Yard, Height, and Open Space Requirements, subject to Policy IM-23.
- b. Commercial and/or residential Uses on Lots in the Highway Commercial designation on the GFLUM subject to Policy IM-23.

37.2. Standard Requirements

37.2.1. Lot, Yard, and Height

**Table 13 – Residential Multiple Unit (R3) Zone Requirements**

Minimum Lot Area	Multiple Unit Dwellings	836 m <sup>2</sup> (9,000 ft <sup>2</sup> ) plus 139 m <sup>2</sup> (1,500 ft <sup>2</sup> ) for each unit in addition to 3
	Townhouses	280 m <sup>2</sup> (3,000 ft <sup>2</sup> )/unit
Minimum Lot Frontage	Multiple Unit Dwellings	27.4 m (90 ft)
	Townhouses	7.6 m (25 ft)/unit
Minimum Front Yard		6.1 m (20 ft)
Minimum Rear Yard		6.1 m (20 ft)
Minimum Side Yard	Multiple Unit Dwellings	6.1 m (20 ft)
	Townhouses (common wall)	nil
	Townhouses (outside wall)	3 m (10 ft)
Minimum Side Yard	Flankage	4.6 m (15 ft)
Maximum Height	Multiple Unit Dwellings	10.7 m (35 ft)
	Townhouses	10.7 m (35 ft)

37.2.2. Main Buildings over 7.6 metres (25 feet) in Height

- a. Table 13 Minimum Side Yard requirements; and
- b. a Side Yard Setback equal to or greater than half the Main Building Height.

37.2.3. Conformance with Existing Setbacks

Notwithstanding other provision herein, minimum Front and, where applicable, Flankage Yard Setbacks from a public Right-of-way shall be:

- a. uniform to adjacent Structures; and
- b. subject to Zone Setback requirements in Table 13.

37.2.4. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items, shall be prohibited.

37.3. Additional Requirements

37.3.1. Recreation Space

**Table 14 – Residential Multiple Unit (R3) Recreation Space Requirements**

One Bedroom or Bachelor Unit	18.6 m <sup>2</sup> (200 ft <sup>2</sup> )/unit
Two Bedroom Unit	53.4 m <sup>2</sup> (575 ft <sup>2</sup> )/unit
Three Bedrooms or More	88.3 m <sup>2</sup> (950 ft <sup>2</sup> )/unit

37.3.2. Buffering

Parking and/or Loading Spaces, including driveways and access, shall be prohibited in the required Yards except where a Fence, Berm, or Landscaping forms an opaque visual buffer a minimum of 1.8 metres (6 feet) in height and 1.8 metres (6 feet) in depth.

37.3.3. Abutting Yard

Notwithstanding Table 14, where an Existing Multiple Residential Dwelling abuts a single detached, semi-detached or Duplex Dwelling:

- a. the Abutting Yard shall have a 6.1 metre (20 foot) minimum;
- b. Parking Space or Outdoor Storage shall be prohibited within the Abutting Yard;
- c. driveways and access to Parking and Outdoor Storage shall be permitted in the Abutting Yard; and
- d. there shall be no expansion of existing Structures, storage, or parking Uses encroaching on an Abutting Yard.

37.3.4. Parking for Existing Multiple Residential Dwellings

- a. Parking Areas for existing Multiple Residential Dwellings shall only be permitted in the required Rear and Side Yards of the Lot and shall be otherwise compliant with this By-Law.
- b. Parking Areas shall be provided in accordance with the requirements and standards as outlined in section 22 of this By-Law.

37.3.5. Existing Mobile Home Dwellings

Notwithstanding other provision herein, Existing Mobile Home Dwellings may be replaced, but no additional mobile Dwellings shall be allowed.

37.3.6. Boarders and Lodgers

In addition to residential Use requirements, three leased rooms in a Dwelling Unit shall be permitted provided there is one available Parking Space per room located in the Side or Rear Yards.

## **38. Rural Residential (RR) Development**

### **38.1. Permitted Uses**

#### **38.1.1. As-of-Right**

- a. Residential Uses
  - i. Single Detached Dwellings
  - ii. Two Unit Dwellings
  - iii. Bed and Breakfast establishments with a maximum of four rooms to let (subject to section 28)
  - iv. Boarding Houses with a maximum of three rooms to let
  - v. Special Care Facilities or Group Care Facility Dwellings (to a maximum of ten residents with Accessory residential Uses, limited to one Dwelling Unit in the Main Building)
  - vi. any Accessory Structures and/or Uses
- b. Non-Residential Uses
  - i. Home Occupations
  - ii. Animal hospitals, Animal care, Clinics and shelters, agricultural Uses
  - iii. Recreation (P) Zone Uses subject to Recreation (P) Zone requirements
  - iv. forestry Uses
  - v. Kennels and stables
  - vi. any Accessory Structures and/or Uses
- c. Mini Home Dwellings as of right in Westville subject to Residential Mini Home Park (R5) Zone requirements

#### **38.1.2. Development Agreement**

- a. multiple unit residential Dwellings subject to Policy RD-9
- b. innovative housing and site design Developments subject to Policy RD-11

#### **38.1.3. Site Plan Approval**

- a. New or expansions to existing multiple unit residential Developments or Seniors Residential Complexes, provided the total number of Dwelling Units does not exceed four, and is subject to Residential Multiple Unit (R3) Zone Lot, Yard, Height, and Open Space Requirements, subject to Policy IM-23
- b. Commercial and/or residential Uses on Lots in the Highway Commercial designation on the GFLUM, subject to Policy IM-23
- c. Multiple Unit Residential Dwellings, subject to Policy IM-23
- d. Seniors Residential Complexes, subject to Policy IM-23
- e. innovative housing and site design Developments, subject to IPS Policy RD-11

## 38.2. Standard Requirements

### 38.2.1. Lot, Yard and Height

**Table 15 - Rural Residential (RR) Zone Requirements**

Minimum Lot Area	3716 m <sup>2</sup> (40,000 ft <sup>2</sup> )
Minimum Lot Frontage	61 m (200 ft)
Minimum Front Yard	9.1 m (30 ft)
Minimum Rear Yard	9.1 m (30 ft)
Minimum Side Yard	3 m (10 ft)
Minimum Side Yard (flankage)	4.6 m (15 ft)
Maximum Height	10.7 m (35 ft)

**Table 15A - Rural (RR) Zone Requirements (with central water and sanitary sewer)**

Minimum Lot Area	929 m <sup>2</sup> (10,000 ft <sup>2</sup> )
Minimum Lot Frontage	30.5 m (100 ft)
Minimum Front Yard	9.1 m (30 ft)
Minimum Rear Yard	9.1 m (30 ft)
Minimum Side Yard	3 m (10 ft)
Minimum Side Yard (flankage)	4.6 m (15 ft)
Maximum Height	10.7 m (35 ft)

### 38.2.2. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items, shall be prohibited.

## 38.3. Additional Requirements

### 38.3.1. Flag Lots: Lot, Yard and Height

**Table 16 - Rural Residential (RR) Zone Requirements (for Flag Lots)**

Minimum Lot Area	3995 m <sup>2</sup> (43,000 ft <sup>2</sup> )
Minimum Lot Frontage	9.1 m (30 ft)
Minimum Front Yard	6.1 m (20 ft)
Minimum Rear Yard	6.1 m (20 ft)
Minimum Side Yard	1.8 m (6 ft)
Maximum Height	10.7 m (35 ft)

### 38.3.2. Main Buildings over 7.6 metres (25 feet) in Height

- a. Table 15, 15A or 16, as applicable, Minimum Side Yard requirements; and
- b. a Side Yard Setback equal to or greater than half the Main Building Height.



38.3.3. Conformance with Existing Setbacks

Notwithstanding other provision herein, minimum Front and, where applicable, Flankage Yard Setbacks from a public Right-of-way shall be:

- a. uniform to adjacent Structures; and
- b. subject to Zone Setback requirements in Table 15, 15A or 16, as applicable.

### **39. Residential Mini Home Park (R5) Zone**

#### **39.1. Permitted Uses**

##### **39.1.1. As-of-Right**

###### **a. Residential Uses**

- i. Existing Mobile Home Dwellings
- ii. Existing Mobile Home Park
- iii. Mini-Home Dwellings (Subject to Residential Single Unit (R2) Zone Requirements)
- iv. Mini Home Park
- v. Residential Single Unit (R1) Zone Uses subject to Residential Single Unit (R1) Zone requirements
- vi. Residential Two Unit (R2) Zone Uses subject to Residential Two Unit (R2) Zone requirements
- vii. Residential Multiple Unit (R3) Zone Uses subject to Residential Multiple Unit (R3) Zone requirements
- viii. Rural Residential (RR) Zone Uses subject to Rural Residential (RR) Zone requirements

###### **b. Non-Residential Uses**

- i. Recreation (P) Zone Uses subject to Recreation (P) Zone requirements
- ii. Mini Home Park Office
- iii. Mini Home sales Structure
- iv. Home Occupations

##### **39.1.2. Development Agreement**

- a. multiple unit residential Dwellings subject to Policy RD-9
- b. Seniors Residential Complexes subject to Policy RD-9
- c. innovative housing and site design Developments subject to Policy RD-11

##### **39.1.3. Site Plan Approval**

- a. New or expansions to existing multiple unit residential Developments or Seniors Residential Complexes, provided the total number of Dwelling Units does not exceed four, and is subject to Residential Multiple Unit (R3) Zone Lot, Yard, Height, and Open Space Requirements, subject to Policy IM-23.
- b. Commercial and/or residential Uses on Lots in the Highway Commercial designation on the GFLUM subject to Policy IM-23.
  - i. Multiple Unit Residential Dwellings, subject to Policy IM-23
  - ii. Seniors Residential Complexes, subject to Policy IM-23
  - iii. innovative housing and site design Developments, subject to Policy RD-11

39.2. Standard Requirements

39.2.1. Lot, Yard and Height

**Table 17 – Residential Mini Home Park (R5) Zone Requirements**

Minimum Lot Area	4047 m <sup>2</sup> (1 acre)
Minimum Park Frontage	36.6 m (120 ft)

39.2.2. Permitted Location of Mobile Homes

A Mobile Home shall only be permitted within a Mini Home Park with the exception of the Town Westville.

39.2.3. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items, shall be prohibited.

39.3. Additional Requirements

39.3.1. Building Requirements

In addition to all Lot, Yard, height and all Zone requirements, Mini Homes in Rural Residential (RR) Zones are subject to additional Building requirements as follows:

- a. fixed foundation with undercarriage not visible, NBCC compliant;
- b. orientation is parallel to Lot Frontage; and
- c. compliance with section 5.48 of Part 2 of this By-Law.

## **Part 7: Commercial Zones**

### **40. Downtown Core (C1) Zone**

#### 40.1. Permitted Uses

##### 40.1.1. As-of-Right

- a. General Retail Uses
  - i. All Age Teen Clubs
  - ii. Animal grooming
  - iii. art gallery/Studio
  - iv. bakery/bake shop
  - v. banks and Financial Institutions
  - vi. Bed and Breakfast establishments
  - vii. Boarding Houses
  - viii. Cafes
  - ix. Clinics
  - x. Commercial Clubs
  - xi. Commercial Schools
  - xii. Commercial Recreation Uses
  - xiii. convention centre
  - xiv. Convenience Store
  - xv. cultural Uses
  - xvi. Day Care
  - xvii. Day Care (residential)
  - xviii. department stores
  - xix. dressmaking/tailoring
  - xx. drugstore/pharmacy
  - xxi. dry cleaners
  - xxii. Dry Cleaning Depots
  - xxiii. existing Automobile Service Stations
  - xxiv. existing Automobile and marine Sales and Rental Establishments
  - xxv. existing Licensed Liquor Establishments
  - xxvi. florist
  - xxvii. funeral parlours
  - xxviii. grocery store
  - xxix. hardware store
  - xxx. home improvement store
  - xxxi. Hotels and Motels
  - xxxii. Laundromat
  - xxxiii. Licensed Liquor Establishments (except for “Cabaret licenses”, per the Liquor Control Act R.S., c. 260 and Adult Cabarets, Adult Entertainment and Massage Parlour Uses)
  - xxxiv. liquor stores
  - xxxv. Office supply and equipment sales/service
  - xxxvi. Personal Service establishments
  - xxxvii. Pet Grooming establishment
  - xxxviii. photography Studios

- xxxix. postal or courier service
  - xl. printing establishments
  - xli. Private Clubs
  - xlii. Recreation Facilities
  - xliii. Restaurants and associated outdoor Cafes and eating areas
  - xliv. Retail garden centre
  - xlv. Service and Repair Shops (excluding automotive and small engine repair)
  - xlvi. theatres and cinemas
  - xlvii. Video Outlet stores
- b. Other Commercial Uses
- i. Bed and Breakfast establishments
  - ii. Boarding Houses
  - iii. bus terminal
  - iv. clinics
  - v. Commercial Schools
  - vi. Commercial Recreation Uses
  - vii. Day Care
  - viii. Day Care (Residential)
  - ix. health service Office
  - x. Offices
  - xi. parking Lots and parking Structures
  - xii. Recycling Centres
  - xiii. taxi stands
  - xiv. tourist information services and centres
- c. Non-Commercial Uses
- i. Existing Multiple Residential Dwellings
  - ii. Existing Residential Two Unit (R2) Zone Uses subject to the requirements of that Zone
  - iii. Recreation (P) Zone Uses subject to the requirements of that Zone
  - iv. Institutional Zone Uses subject to the requirements of that Zone
  - v. Residential Uses in Commercial Buildings

#### 40.1.2. Development Agreement

- a. Multiple Unit Residential Dwellings (without Commercial Uses subject to Policy CD-22)
- b. expansion of existing dairy processing facility at 230 Foord Street (as per relevant SPS)
- c. Light Industrial Uses associated with Commercial Developments (subject to Policy CD-4)
- d. Multiple Unit Residential Dwellings (without Commercial Uses subject to Policy CD-22)
- e. Multiple Unit Residential Dwellings (with Commercial Uses subject to Policy CD-21)

40.2. Standard Requirements

40.2.1. Lot, Yard and Height

**Table 18 - Downtown Core (C1) Zone Requirements**

Minimum Lot Area	279 m <sup>2</sup> (3,000 ft <sup>2</sup> )
Minimum Lot Frontage	9.1 m (30 ft)
Minimum Front Yard	Nil
Minimum Rear Yard	1.2 m (4 ft)
Minimum Side Yard	nil
Minimum Side Yard (Flankage)	nil

40.2.2. Setback

In addition to Table 18 requirements, Front and, where applicable, Flankage Yard Setbacks shall:

- a. match that of immediately adjacent Buildings within the block face, where possible; or
- b. match that of the Building sited closest to the front or flanking Lot line where immediately adjacent Buildings have different Setbacks, where possible; or
- c. have a minimum Setback of 1.5 metres (5 feet).

40.2.3. Garden Plots

Public lands may be used for flower gardens, as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items shall be prohibited.

40.2.4. Abutting Residential Zones

Notwithstanding Table 18, where the Side Yard or Rear Yard of a property in the Downtown Core (C1) Zone abuts a residential Zone, then the Minimum Side or Rear Yard, as applicable, shall be the greater of 6 metres (20 feet) or ½ the height of the Main Wall of the Building.

40.2.5. Change of Use

An existing Structure change of Use shall be exempt from additional parking requirements, except where there is an increase in Gross Floor Area, in which case additional parking or cash-in-lieu shall be required.

40.2.6. Outdoor Loading and Display

The Outdoor Loading or display of goods shall be permitted in any Yard, sidewalk or public Right-of-way directly fronting the subject business, temporarily or concurrent to Special Events, sidewalk sales, or festivals, provided that a pedestrian passageway with minimum width of 1.2 metres (4 feet) is maintained over any public Right-of-way, and does not include outdoor Cafes and eating areas, such eating areas which shall be permitted on public property with consent of the appropriate authority, provided a minimum width requirement outlined by the Traffic Authority or Town Engineer for pedestrian passageways are met.

40.2.7. Corner Vision Triangle

Unless otherwise provided, Structures exceeding 0.6 metres shall be permitted within the Corner Vision Triangle.

40.2.8. Front Façade

All Buildings in the Zone must contain a front Building façade comprising a doorway, window, or both.

40.3. Additional Requirements

40.3.1. Off Street Parking

Off street parking shall only be permitted in the Side and/or Rear Yards, and shall have a minimum Setback of 6 metres (20 feet) from the front Lot line.

40.3.2. Commercial Parking Lots and Structures

Frontage parking Lots and parking Structures must be accessory to a permitted Use and situate on the same property as that Use.

40.3.3. Residential Uses

- a. Residential Uses shall be permitted on the upper and ground floors of Buildings, but no residential Use shall occupy the first 9.1m (30 feet) or less of depth of a Building fronting on those Streets indicated in Schedule G.
- b. Other residential Uses may be permitted through Development Agreement as outlined in this By-Law.

40.3.4. Parking

Parking requirements shall be waived for new Commercial Developments or changes in Commercial Use.

40.3.5. Downtown New Glasgow Architectural Guidelines

Any application for façades or awnings in Buildings classified in the Town of New Glasgow Architectural Guidelines (prepared by MacFawn & Rogers Architects, 1989) as:

- a. landmark;
- b. landmark complementary;
- c. compatible Buildings with significant features; and
- d. compatible Buildings;

must adhere to the Provost Street Precinct and Archimedes Street Guidelines. Subject Properties (see Schedule D) and new Development shall be subject to the Provost Street Guidelines 1 through 6 (pp. 27-29), including renovations or construction involving windows and doors, heads and sills, awnings, Signs, and façade materials. Applications shall be directed to the Development Officer, and approved by New Glasgow Town Council.



## 41. Downtown Commercial (C1-A) Zone

### 41.1. Permitted Uses

#### 41.1.1. As-of-Right

- a. General Retail Uses
  - i. All Age Teen Clubs
  - ii. Animal grooming
  - iii. Automobile Sales and Rental Establishments
  - iv. banks and Financial Institutions
  - v. Bed and Breakfast Establishments
  - vi. Boarding Houses
  - vii. Cafes
  - viii. Clinics
  - ix. Commercial Schools
  - x. Commercial Clubs
  - xi. Commercial Recreation Uses
  - xii. convention centre
  - xiii. Cultural Uses
  - xiv. Custom Workshops
  - xv. Day Care (Residential)
  - xvi. department stores
  - xvii. dressmaking - tailoring
  - xviii. dry cleaners and laundromat establishments
  - xix. Dry Cleaning and laundromat Depot
  - xx. existing residential Uses
  - xxi. Finance Companies
  - xxii. funeral parlours
  - xxiii. Hotels and Motels
  - xxiv. Institutional Zone Uses
  - xxv. liquor stores
  - xxvi. Licensed Liquor Establishments (except for “Cabaret licenses”, per the Liquor Control Act R.S., c. 260 and Adult Cabarets, Adult Entertainment and Massage Parlour Uses)
  - xxvii. Offices
  - xxviii. marina sales Uses
  - xxix. marina related gas stations
  - xxx. parking Lots and parking Structures
  - xxxi. Personal Service shops
  - xxxii. photography Studios
  - xxxiii. post Office
  - xxxiv. printing establishments
  - xxxv. Private Clubs
  - xxxvi. Recreation Facilities
  - xxxvii. Recycling Centres
  - xxxviii. Rental Shops
  - xxxix. Residential Uses in Commercial Buildings
  - xl. Restaurants and associated outdoor Cafes and eating areas

- xli. Service and Repair Shops (except Auto Repair without Outdoor Storage)
- xlii. supermarkets/grocery stores
- xliii. taxi stands
- xliv. theatres and cinemas
- xlv. tourist information centres
- xlvi. Video Outlet stores
- xlvii. Wholesale Establishments

41.1.2. Development Agreement

- a. multiple unit residential Dwellings (without Commercial Uses subject to Policy CD-22)
- b. Seniors Residential Complexes (without Commercial Uses subject to Policy CD-22)
- c. Light Industrial Uses associated with Commercial Developments (subject to Policy CD-4)

41.1.3. Site Plan Approval

Applications for new, and expansions to Commercial, Industrial, Institutional (I), Recreation (P) and mixed Uses in the Downtown Commercial (C1-A) Zone, Neighbourhood Commercial (C2) Zone, Highway Commercial (C3) Zone, Commercial Business Park (C4) Zone, Light Industry (M1) Zone, Provincial Resource (M2), and Future Redevelopment Area (FRA) Zone will be accepted, provided:

- a. such Use(s) are listed as permitted Uses in the applicable Zone; and
- b. the proposal includes provisions for parking, off-street loading, and/or new Development or expansions.

The above shall be subject to Policy(s) IM-23 through IM-30.

41.2. Standard Requirements

41.2.1. Lot, Yard and Height

**Table 19 – Downtown Commercial (C1-A) Zone Requirements**

Minimum Lot Area	279 m <sup>2</sup> (3,000 ft <sup>2</sup> )
Minimum Lot Frontage	9.1 m (30 ft)
Minimum Front Yard	Nil
Minimum Rear Yard	1.2 m (4 ft)
Minimum Side Yard	nil
Minimum Side Yard (Flankage)	nil

41.2.2. Garden Plots

Public lands may be used for flower gardens or, as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items shall be prohibited.

41.2.3. Change of Use

An existing Structure change of Use shall be exempt from additional parking requirements, except where there is an increase in Gross Floor Area, in which case additional parking or cash-in-lieu shall be required.

41.2.4. Outdoor Loading and Display

The Outdoor Loading or display of goods shall be permitted in any Yard, sidewalk or public Right-of-way directly fronting the subject business, temporarily or concurrent to Special Events, sidewalk sales, or festivals, provided that a pedestrian passageway with minimum width of 1.2 metres (4 feet) is maintained over any public Right-of-way, and does not include outdoor Cafes and eating areas, such eating areas which shall be permitted on public property with consent of the appropriate authority, provided minimum width requirements for pedestrian passageways are met.

41.3. Additional Requirements

41.3.1. Permitted Encroachments over a Public Right-of-way

In addition to the requirements of section 23.16, canopies and awnings not being used as Signs are permitted to encroach over a public Right-of-way to a maximum projection of 1.8 metres (6 feet) from the Main Wall.

41.3.2. Downtown New Glasgow Architectural Guidelines

Any application for façades or awnings in Buildings classified in the Town of New Glasgow Architectural Guidelines (prepared by MacFawn & Rogers Architects, 1989) as:

- a. landmark;
- b. landmark complementary;

must adhere to the Provost Street Precinct and Archimedes Street Guidelines. Subject Properties (see Schedule D) and new Development shall be subject to the Provost Street Guidelines 1 through 6 (pp. 27-29), including renovations or construction involving windows and doors, heads and sills, awnings, Signs, and façade materials. Applications shall be directed to the Development Officer, and approved by New Glasgow Town Council.

## **42. Neighbourhood Commercial (C2) Zone**

### **42.1. Permitted Uses**

#### **42.1.1. As-of-Right**

- a. Commercial Uses
  - i. Clinics and medical Offices
  - ii. Convenience Stores
  - iii. Personal Service establishments
  - iv. Offices
  - v. postal outlets
  - vi. professional Offices
  - vii. Service and Repair Shops (excluding automotive and small engine repair)
  - viii. Rental Shops
  - ix. variety stores
- b. Non-Commercial Uses
  - i. residential Uses in Commercial Buildings to a maximum of two units
  - ii. any Use permitted in the Residential Two Unit (R2) Zone subject to Zone requirements

#### **42.1.2. Development Agreement**

- a. multiple unit residential Dwellings (with or without Commercial Uses subject to Policy CD-22)
- b. Seniors Residential Complexes (with or without Commercial Uses subject to Policy CD-22)

#### **42.1.3. Site Plan Approval**

Applications for new, and expansions to Commercial, Industrial, Institutional (I), Recreation (P) and mixed Uses in the Downtown Commercial (C1-A) Zone, Neighbourhood Commercial (C2) Zone, Highway Commercial (C3) Zone, Commercial Business Park (C4) Zone, Light Industry (M1) Zone, Provincial Resource (M2), and Future Redevelopment Area (FRA) Zone will be accepted, provided:

- a. such Use(s) are listed as permitted Uses in the applicable Zone; and
- b. the proposal includes provisions for parking, off-street loading, and/or new Development or expansions.

The above shall be subject to Policies IM-23 through IM-30.

## 42.2. Standard Requirements

### 42.2.1. Lot, Yard and Height

**Table 20 – Neighbourhood Commercial (C2) Zone Requirements**

Minimum Lot Area	212 m <sup>2</sup> (7,500 ft <sup>2</sup> )
Minimum Lot Frontage	22.9 m (75 ft)
Minimum Front Yard	6.1 m (20 ft)
Minimum Rear Yard	6.1 m (20 ft)
Minimum Side Yard	4.6 m (15 ft)
Minimum Side Yard (Flankage)	4.6 m (15 ft)
Maximum Building Floor Area	42 m <sup>2</sup> (1,500 ft <sup>2</sup> )

### 42.2.2. Municipal Services

Development Permits shall be issued only where municipal water and sewer servicing is available.

### 42.2.3. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items shall be prohibited.

## 42.3. Additional Requirements

### 42.3.1. Buffering

Parking and/or Loading Spaces, including driveways and access, shall be prohibited in the required Yards except where a Fence, Berm, or Landscaping forms an opaque visual buffer a minimum of 1.8 metres (6 feet) in height and 1.8 metres (6 feet) in depth.

### 43. Highway Commercial (C3) Zone

#### 43.1. Permitted Uses

##### 43.1.1. As-of-Right

###### a. Commercial Uses

- i. All Age Teen Clubs
- ii. Animal grooming
- iii. assembly Uses
- iv. auto body shops
- v. Automobile Rental Establishments
- vi. Automobile Sales Establishments
- vii. Automobile Service Stations
- viii. Banking facilities (Drive-through)
- ix. Bed & Breakfast establishments
- x. Boarding Houses
- xi. Bulk Storage Facilities
- xii. bus station
- xiii. Cafes
- xiv. carpentry shops
- xv. Clinics and medical Offices
- xvi. Commercial Clubs
- xvii. Commercial Recreational Uses
- xviii. Commercial Schools
- xix. Commercial Uses utilizing Heavy Equipment and/or heavy vehicles
- xx. Convenience Stores
- xxi. convention centre
- xxii. cultural Uses
- xxiii. Custom Workshops
- xxiv. Day Care
- xxv. Day Care (Residential)
- xxvi. department stores
- xxvii. Downtown Core (C1) and Downtown Commercial (C1-A) Zone Uses
- xxviii. dry cleaning
- xxix. dressmaking, tailoring
- xxx. existing banks and Financial Institutions (limited to existing Floor Area)
- xxxi. Finance Companies
- xxxii. funeral parlours
- xxxiii. garden markets
- xxxiv. general Retail
- xxxv. Hotels
- xxxvi. laundromats
- xxxvii. Licensed Liquor Establishments (except for “Cabaret licenses” per the Liquor Control Act. R.S., c. 260 and Adult Cabarets, Adult Entertainment and Massage Parlour Uses)
- xxxviii. Motels
- xxxix. Offices
- xl. Parking Lots and Parking Structures

- xli. Personal Service establishments
- xlii. pharmacies
- xlili. photography Studios
- xliv. postal services
- xlv. printing establishments
- xlvi. Private Clubs
- xlvii. Restaurants and associated outdoor Cafes and eating areas
- xlviii. Rental Shops
- xliv. Retail Uses
  - l. Service and Repair Shops (including cars, trucks, boats, etc.)
  - li. small engine and equipment repair
  - lii. supermarkets and grocery stores
  - liii. taxi stands
  - liv. theatres and cinemas
  - lv. tourist information centres
  - lvi. variety stores
  - lvii. Video Outlet stores
  - lviii. wholesale Uses
- b. Non-Commercial Uses
  - i. existing residential Uses subject to Residential Two Unit (R2) Zone requirements
  - ii. Industrial Services
  - iii. Institutional (I) Zone Uses subject to the requirements of the Institutional (I) Zone
  - iv. Recreation Facilities and Uses
  - v. Recreation (P) Zone Uses subject to the requirements of the Recreation (P) Zone
  - vi. Recycling Centre
  - vii. Repair Shops
  - viii. residential Uses in Commercial Buildings
  - ix. warehousing, storage, and distribution (but shall not include any Recycling Depot, recycling operation, waste management operation, or other similar Use)
  - x. the existing Big 8 Beverages Bottling Plant located at 120 North Foord Street
  - xi. the existing Nova Scotia Power storage Yard and Offices
  - xii. the former Nova Scotia Department of Mines Building (NSTIR)

#### 43.1.2. Development Agreement

- a. multiple unit residential Dwellings (without Commercial Uses subject to Policy CD-22)
- b. Seniors Residential Complexes (without Commercial Uses subject to Policy CD-22)

#### 43.1.3. Site Plan Approval

Applications for new, and expansions to Commercial, Industrial, Institutional (I), Recreation (P) and mixed Uses in the Downtown Commercial (C1-A) Zone, Neighbourhood Commercial (C2) Zone, Highway Commercial (C3) Zone, Commercial

Business Park (C4) Zone, Light Industry (M1) Zone, Provincial Resource (M2), Zone will be accepted, provided:

- a. such Use(s) are listed as permitted Uses in the applicable Zone; and
- b. the proposal includes provisions for parking, off-street loading, and/or new Development or expansions.

The above shall be subject to Policy(s) IM-23 through IM-30.

43.2. Standard Requirements

43.2.1. Lot, Yard and Height

**Table 21 – Highway Commercial (C3) Zone Requirements**

Minimum Lot Area	929 m <sup>2</sup> (10,000 ft <sup>2</sup> )
Minimum Lot Frontage	22.9 m (75 ft)
Minimum Front Yard	6.1 m (20 ft)
Minimum Rear Yard	6.1 m (20 ft)
Minimum Side Yard	4.6 m (15 ft)
Minimum Side Yard (Flankage)	6.1 m (20 ft)

Notwithstanding Table 21, lots created in the Highway Commercial (C3) Zone within the Town of Pictou may be approved subject to requirements as follows:

- a. Lots without frontage shall be permitted provided sufficient parking in the designation and easement agreements to ensure unimpeded access, right of shared parking and passage; and
- b. Minimum Parking Spaces required per section 22 may be calculated cumulatively, provided 43.3.6 (a) (ii) compliance.

43.2.2. Flag Lots: Lot, Yard and Height

**Table 222 – Highway Commercial (C3) Zone Requirements (for Flag Lots)**

Minimum Lot Area	929 m <sup>2</sup> (10,000 ft <sup>2</sup> )
Minimum Lot Frontage	9.1 m (30 ft)
Minimum Front Yard	6.1 m (20 ft)
Minimum Rear Yard	6.1 m (20 ft)
Minimum Side Yard	1.8 m (15 ft)

43.3. Additional Requirements

43.3.1. Abutting Yard

Notwithstanding Table 21 or 22, as applicable, where a Yard abuts any Residential, Institutional, or Recreation Zone, the following restrictions shall apply to the Subject Lot:



- a. 9.1 metres (30 feet) minimum or 6.1 metres (20 feet) where a Fence, Berm, or Landscaping forms an opaque visual buffer a minimum 1.8 metres (6 feet) in height;
- b. Parking and Loading Spaces shall be prohibited within the Abutting Yard;
- c. driveways and access to Parking and Loading Spaces shall be permitted in the required Abutting Yard; and
- d. any required Abutting Yard, excepting Driveways or access to Parking and Loading Spaces, shall be Landscaped Open Space.

#### 43.3.2. Outdoor Loading and Display

- a. Outdoor Loading or Display to a maximum of 25% Lot Coverage shall be permitted within the Rear or Side Yards, excepting Motor Vehicle, watercraft, recreational vehicles, and like products that are permitted in Rear, Side and Front Yards with no Lot Coverage, and shall be Fenced or otherwise Screened to buffer adjacent properties.
- b. No Outdoor Loading or Display of any kind shall be permitted in a required Abutting Yard.

#### 43.3.3. Driveways

Driveways on the same property shall be spaced a minimum of 15.2 metres (50 feet) apart.

#### 43.3.4. Service Stations

Service Stations shall be subject to the following:

- a. pump islands shall be a minimum of 6.1 metres (20 feet) from any Street Right-of-way;
- b. any pump island canopy or cover shall be a minimum height of 4.3 metres (14 feet); and
- c. any pump island canopy or cover shall be a minimum of 3 metres (10 feet) from any Street Right-of-way.

#### 43.3.5. Landscaping – Street Frontages

- a. Highway Commercial or Shopping Centre Commercial Use Development shall have a grassed buffer (minimum 2 metres (6 feet) wide) of coniferous or deciduous trees (minimum 1.2 metres (4 feet) wide and maximum 3.7 metres (12 feet) high), or of shrubs (minimum 0.6 metres (2 feet) wide and maximum 3.7 metres (12 feet) high), planted with an average maximum spacing of 5 metres (16.4 feet), along the Street frontage on the property to be Developed, and such buffer may be interrupted by driveways and accesses. The Corner Vision Triangle must be maintained, and the buffer shall be in addition to area within the Street Right-of-way.
- b. The required trees shall have maximum growth capacity of 3.7 metres (12 feet), and shall be well-maintained.

- c. Buffer and Screening requirements shall not apply to expansions in Gross Commercial Floor Area to a maximum of 25% for existing Commercial Uses.
- d. Garbage containers, recycling bins and garbage compactors shall be enclosed by a 2 metre (6 foot) high opaque Fence to buffer public Streets and adjacent properties.

43.3.6. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items shall be prohibited.

#### 44. Commercial Business Park (C4) Zones

##### 44.1. Permitted Uses

###### 44.1.1. As-of-Right

###### a. Commercial Uses

- i. All Age Teen Clubs
- ii. Animal grooming
- iii. assembly Uses
- iv. auto body shops
- v. Automobile Rental Establishments
- vi. Automobile Sales Establishments
- vii. Automobile Service Stations
- viii. Banking facilities (Drive-through)
- ix. Bulk Storage Facilities
- x. bus stations
- xi. Cafes
- xii. Clinics and medical Offices
- xiii. Commercial Clubs
- xiv. Commercial Recreational Uses
- xv. Commercial Schools
- xvi. Commercial Uses for Heavy Equipment and/or heavy vehicles
- xvii. Convenience Stores
- xviii. convention centre
- xix. cultural Uses
- xx. Custom Workshops
- xxi. Daycare Residential
- xxii. department stores
- xxiii. Downtown Core (C1) and Downtown Commercial (C1) Zone Uses
- xxiv. dry cleaning
- xxv. dressmaking, tailoring
- xxvi. existing banks and Financial Institutions (limited to existing Floor Area)
- xxvii. Finance Companies
- xxviii. funeral parlours
- xxix. garden markets
- xxx. general Retail
- xxxi. Hotels
- xxxii. laundromats
- xxxiii. Licensed Liquor Establishments (except for “Cabaret licenses”, per the Liquor Control Act. R.S., c. 260 and Adult Cabarets, Adult Entertainment and Massage Parlour Uses)
- xxxiv. Motels
- xxxv. Offices
- xxxvi. Personal Services
- xxxvii. pharmacies
- xxxviii. photography Studios
- xxxix. postal services
- xl. printing establishments

- xli. Private Clubs
- xlii. Restaurants and associated outdoor Cafes and eating areas
- xliii. Rental Shops
- xliv. Retail Uses
- xlv. Small engine and equipment repair
- xlvi. supermarkets and grocery stores
- xlvii. taxi stands
- xlviii. theatres and cinemas
- xlix. tourist information centres
  - l. variety stores
  - li. Video Outlet stores
  - lii. wholesale Uses
- b. Non-Commercial Uses
  - i. existing residential Uses subject to the requirements of the Residential Two Unit (R2) Zone
  - ii. Industrial Services
  - iii. Institutional (I) Zone Uses subject to the requirements of the Institutional (I) Zone
  - iv. Recreation Facilities
  - v. Recreation (P) Zone Uses subject to the requirements of the Recreation (P) Zone
  - vi. Recycling Depot
  - vii. Recycling Centre
  - viii. residential Uses in Commercial Buildings
  - ix. warehousing, storage, and distribution, waste management operation, or other similar Use

#### 44.1.2. Development Agreement

- a. multiple unit residential Dwellings (without Commercial Uses subject to Policy CD-22)
- b. Seniors Residential Complexes (without Commercial Uses subject to Policy CD-22)

#### 44.1.3. Site Plan Approval

Applications for new, and expansions to Commercial, Industrial, Institutional (I), Recreation (P) and mixed Uses in the Downtown Commercial (C1-A) Zone, Neighbourhood Commercial (C2) Zone, Highway Commercial (C3) Zone, Commercial Business Park (C4) Zone, Light Industry (M1) Zone, Provincial Resource (M2) and Future Redevelopment Area (FRA) Zone will be accepted, provided:

- a. such Use(s) are listed as permitted Uses in the applicable Zone; and
- b. the proposal includes provisions for parking, off-street loading, and/or new Development or expansions.

The above shall be subject to Policy(s) IM-23 through IM-30.

## 44.2. Standard Requirements

### 44.2.1. Lot, Yard and Height

**Table 23 – Commercial Business Park (C4) Zone Requirements**

Minimum Lot Area	929 m <sup>2</sup> (10,000 ft <sup>2</sup> )
Minimum Lot Frontage	22.9 m (75 ft)
Minimum Front Yard	6.1 m (20 ft)
Minimum Rear Yard	6.1 m (20 ft)
Minimum Side Yard	4.6 m (15 ft)
Minimum Side Yard (Flankage)	6.1 m (20 ft)

Notwithstanding Table 23, lots created in the Commercial Business Park (C4) Zone within the Town of Pictou may be approved subject to requirements as follows:

- a. Lots without frontage shall be permitted provided sufficient parking in the designation and easement agreements to ensure unimpeded access, right of shared parking and passage.
- b. Minimum Parking Spaces required per section 22 may be calculated cumulatively, provided 43.3.6 (a) (ii) compliance.

### 44.2.2. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items shall be prohibited.

## 44.3. Additional Requirements

### 44.3.1. Abutting Yard

Notwithstanding Table 23, where a Yard on a Lot abuts any Residential, Institutional (I), or Recreation (P) Zone:

- a. the Abutting Yard shall be a minimum of 9.1 metres (30 feet) or 6.1 metres (20 feet) where a Fence, Berm, or Landscaping forms an opaque visual buffer a minimum 1.8 metres (6 feet) in height;
- b. Parking and Loading Spaces shall be prohibited within the Abutting Yard;
- c. driveways and access to Parking and Loading Spaces shall be permitted in the Abutting Yard; and
- d. any Abutting Yard, excepting Driveways or access to Parking and Loading Spaces, shall be Landscaped Open Space.

### 44.3.2. Outdoor Loading and Display

- a. Outdoor Loading or Display to a maximum of 25% Lot Coverage shall be permitted within the Rear or Side Yards, excepting Motor Vehicle, watercraft, recreational

vehicles, and like products that are permitted in Rear, Side and Front Yards with no Lot Coverage, and shall be Fenced or otherwise Screened to buffer adjacent properties.

- b. No Outdoor Loading or Display of any kind shall be permitted in a required Abutting Yard.

#### 44.3.3. Driveways

Driveways on the same property shall be spaced a minimum of 15.2 metres (50 feet) apart.

#### 44.3.4. Service Stations

Service Stations shall be subject to the following:

- a. pump islands shall be a minimum of 6.1 metres (20 feet) from any Street Right-of-way;
- b. any pump island canopy or cover shall be a minimum height of 4.3 metres (14 feet); and
- c. any pump island canopy or cover shall be a minimum of 3 metres (10 feet) from any Street Right-of-way.

#### 44.3.5. Landscaping – Street Frontages

- a. Shopping Centre Commercial Use Development shall have a grassed buffer (minimum 2 metres (6 feet)) of coniferous or deciduous trees (minimum 1.2 metres (4 feet) and maximum 3.7 metres (12 feet) high), or of shrubs (minimum 0.6 metres (2 feet) and maximum 3.7 metres (12 feet)), planted with an average maximum spacing of 5 metres (16.4 feet), along the Street frontage on the property to be Developed, and such buffer may be interrupted by driveways and accesses. The Corner Vision Triangle must be maintained, and the buffer shall be in addition to area within the Street Right-of-way.
- b. The required trees shall have maximum growth capacity of 3.7 metres (12 feet), and shall be well-maintained.
- c. Buffer and Screening requirements shall not apply to expansions in Gross Commercial Floor Area to a maximum of 25% for existing Commercial Uses.
- d. Garbage containers, recycling bins and garbage compactors shall be enclosed by a 2 metre (6 foot) high opaque Fence to buffer public Streets and adjacent properties.

#### 44.3.6. Creation of Lots without Frontage

- a. Lots without frontage shall be permitted only for Shopping Centres provided:
  - i. minimum Lot area of 40,470 square metres (10 acres); and
  - ii. sufficient parking in the designation and easement agreements to ensure unimpeded access, right of shared parking and passage.

- b. Minimum Parking Spaces required per section 22 may be calculated cumulatively, provided 43.3.6 (a) (ii) compliance.

44.3.7. Area and Frontage

Notwithstanding Table 23, Structures and/or areas to be connected over two or more Lots shall have no minimum Front, Rear or Side Yards along the common property line, and the cumulative area and frontage of the Subject Properties may be used to calculate the minimum area and frontage requirements. Minimum Parking Spaces required per section 22 may be calculated cumulatively, provided that the Subject Properties permit unimpeded right of shared parking, access and passage.

**45. Westside Plaza Commercial (C5) Zone**

45.1. Permitted Uses

45.1.1. As-of-Right

- a. banks and Financial Institutions
- b. Finance Companies
- c. Commercial Schools
- d. Offices
- e. grocery stores
- f. liquor Stores
- g. Retail Stores
- h. Restaurants
- i. pharmacies
- j. Rental Shops
- k. Pet Grooming
- l. service and Personal Service Shops
- m. Institutional Uses subject to Institutional (I) Zone requirements
- n. Uses permitted by Development Agreement (see applicable SPS)

45.2. Standard Requirements

45.2.1. Lot, Yard and Height

**Table 24 – Westside Plaza Commercial (C5) Zone Requirements**

Minimum Lot Area	930 m <sup>2</sup> (10,000 ft <sup>2</sup> )
Minimum Lot Frontage	30.5 m (100 ft)
Minimum Front Yard	9.1 m (30 ft)
Minimum Rear Yard	9.1 m (30 ft)
Minimum Side Yard	4.6 m (15 ft)

45.2.2. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items shall be prohibited.

45.3. Additional Requirements

45.3.1. Outdoor Loading, Display and Site Maintenance

- a. Subject to SPA or DA provisions, Outdoor Storage or Display to a maximum of 25% Lot Coverage shall be permitted within the Rear Yard, excepting gardening, Yard, Landscaping and like goods and wares display intended for sale, and shall be Fenced or otherwise Screened to buffer adjacent properties.



- b. Garbage containers, recycling bins and garbage compactors shall be enclosed by a 2 metre (6 foot) high opaque Fence to buffer public Streets and adjacent properties.

#### 45.3.2. Abutting Yard

Subject to SPA or DA provisions and notwithstanding Table 24, where a Yard on a Lot abuts any Residential Zone or Residential Use:

- a. 6.1 metre (20 foot) Setback, with Screening by Landscaping with appropriate ground cover, shrubs, bushes, trees or other plants, or Fencing, or a combination thereof;
- b. Parking and Loading Spaces shall be prohibited within the Abutting Yard; and
- c. no new Outdoor Storage shall be permitted in an Abutting Yard.

#### 45.3.3. Landscaping – Street Frontages

Subject to SPA or DA provisions(as per Policy IM-23 (SPA) or SPS policy re: DA):

- a. Development shall have a grassed buffer (minimum 2 metres (6 feet) wide) of coniferous or deciduous trees (minimum 1.2 metres (4 feet) and maximum 3.7 metres (12 feet) high), or of shrubs (minimum 0.6 metres (2 feet) and maximum 3.7 metres (12 feet) high), planted with an average maximum spacing of 5 metres (16.4 feet), along the Street frontage on the property to be Developed, and such buffer may be interrupted by driveways and accesses. The Corner Vision Triangle must be maintained, and the buffer shall be in addition to area within the Street Right-of-way; and
- b. The required trees shall have maximum growth capacity of 3.7 metres (12 feet), and shall be well-maintained.

#### 45.3.4. Traffic, Parking, Loading and Associated Buffering

Subject to SPA or DA provisions (as per Policy IM-23 (SPA) or SPS policy re: DA):

- a. Parking and Loading Space provision shall be per section 22 herein, subject to Traffic Authority direction; and
- b. loading areas abutting Company Street and Bell Street must provide a visual buffer of coniferous or deciduous trees (minimum 1.2 metres (4 feet) and maximum 3.7 metres (12 feet) high), and may be interrupted by driveways and accesses.

#### 45.3.5. Performance Standards

- a. New or revised access or egress for vehicular traffic will be permitted only with a positive report by the Traffic Authority and Town Engineer, who may require a traffic impact study prior to approval.
- b. Proposals for increased Floor Area or for change or intensification of Use that would result in a net increase of Parking Spaces required per section 22 will be permitted only with a positive report by the Traffic Authority and Town Engineer.



## **Part 8: Future Redevelopment Area (FRA) Zone**

### **46. Future Redevelopment Area (FRA) Zone**

#### 46.1. Permitted Uses

##### 46.1.1. As-of-Right

- a. Residential Two Unit (R2) Zone permitted Uses
- b. Neighbourhood Commercial (C2) Zone permitted Uses subject to the requirements of that Zone
- c. Recreation (P) Zone permitted Uses subject to the requirements of that Zone
- d. Institutional (I) Zone permitted Uses subject to the requirements of that Zone
- e. existing Nova Scotia Power Corporation (Stellarton) storage Yard and Offices subject to Highway Commercial (C3) Zone requirements

##### 46.1.2. Development Agreement as per SPS Policy

- a. Downtown Commercial (C1) Zone permitted Uses
- b. multiple unit residential Dwellings (with or without Commercial Uses subject to Policy CD-22)
- c. Seniors Residential Complexes (with or without Commercial Uses subject to Policy CD-22)
- d. Highway Commercial (C3) Zone permitted Uses
- e. Light Industrial Uses and existing industrial Use expansions
- f. Commercial and industrial Uses related to the riverfront, including, without limitation, marinas, boat launch facilities, boat Building, boat repair facilities, marine assembly shops and Light Industrial Uses

##### 46.1.3. Site Plan Approval

Applications for new, and expansions to Commercial, Industrial, Institutional (I), Recreation (P) and mixed Uses in the Downtown Commercial (C1-A) Zone, Neighbourhood Commercial (C2) Zone, Highway Commercial (C3) Zone, Commercial Business Park (C4) Zone, Light Industry (M1) Zone, Provincial Resource (M2) Zone, Zone will be accepted, provided:

- a. such Use(s) are listed as permitted Uses in the applicable Zone; and
- b. the proposal includes provisions for parking, off-street loading, and/or new Development or expansions;

The above shall be subject to IPS Policy IM-23 through IM-30.

#### 46.2. Standard Requirements

##### 46.2.1. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive

agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items shall be prohibited.

## **Part 9: Industrial Zones**

### **47. Light Industrial (M1) Zones**

#### 47.1. Permitted Uses

##### 47.1.1. As-of-Right

- a. Industrial Uses
  - i. communication industries
  - ii. Licensed Liquor Establishments
  - iii. manufacturing, processing, and recycling
  - iv. parking and/or storage of industrial or heavy Commercial vehicles, equipment, and similar goods
  - v. Parts Assembly
  - vi. railway Uses
  - vii. Recycling Depot
  - viii. research industries
  - ix. service industries
  - x. warehousing, storage and distribution
  
- b. Non-Industrial and Mixed Uses
  - i. All Age Teen Club
  - ii. Animal Clinic, grooming, shelter or hospital
  - iii. automobile body shops
  - iv. Automobile Rental Establishments
  - v. Bulk Storage Facilities
  - vi. Cafes
  - vii. Commercial Recreational
  - viii. community clubs
  - ix. community Recreational Uses
  - x. Commercial Uses, accessory to a main Use permitted in the Light Industrial (M1) Zone, and conducted in the same Building or Lot as the main Use
  - xi. Custom Workshops
  - xii. carpentry shops
  - xiii. Institutional (I) Zone permitted Uses
  - xiv. Kennels
  - xv. Offices
  - xvi. Rental Shops
  - xvii. Recreation (P) Zone permitted Uses
  - xviii. Restaurant
  - xix. Retail Uses
  - xx. small engine and equipment repair
  - xxi. wholesale Uses

##### 47.1.2. Site Plan Approval

Applications for new, and expansions to Commercial, Industrial, Institutional (I), Recreation (P) and mixed Uses in the Downtown Commercial (C1-A) Zone,

Neighbourhood Commercial (C2) Zone, Highway Commercial (C3) Zone, Commercial Business Park (C4) Zone, Light Industry (M1) Zone, Provincial Resource (M2) Zone and Future Redevelopment (FRA) Zone will be accepted, provided:

- a. such Use(s) are listed as permitted Uses in the applicable Zone; and
- b. the proposal includes provisions for parking, off-street loading, and/or new Development or expansions.

The above shall be subject to Policies IM-23 through IM-30.

#### 47.2. Prohibited Uses

47.2.1. Uses subject to environmental assessment (per *Environment Act*. 1994-95, c. 1):

47.2.2. industries, including, without limitation:

- a. radioactive material or other dangerous goods manufacture, processing or reprocessing facilities
- b. heavy water plant
- c. pulp and paper mill
- d. petrochemical plant
- e. cement plant
- f. oil refinery
- g. metal smelter
- h. ferro-alloy plant
- i. non-ferrous metal smelter
- j. rendering plant
- k. Bulk Storage Facilities with capacity exceeding 5000 cubic metres for liquid or gas storage such as hydrocarbons or chemicals
- l. timber resource treatment facilities
- m. fish meal production facilities
- n. electricity production industries with a minimum production rating of 10 megawatts
- o. extractive facilities

#### 47.3. Standard Requirements

47.3.1. Lot, Yard and Height

**Table 25 – Light Industrial (M1) Zone Requirements**

Minimum Lot Area	929 m <sup>2</sup> (10,000 ft <sup>2</sup> )
Minimum Lot Frontage	24.4 m (80 ft)
Minimum Front Yard	6.1 m (20 ft)
Minimum Rear Yard	6.1 m (20 ft)
Minimum Side Yard	4.6 m (15 ft)
Minimum Side Yard (Flankage)	6.1 m (20 ft)

47.3.2. Abutting Yard

Notwithstanding Table 25, where an Industrial or Commercial Use abuts any Residential, Institutional (I), or Recreation (P) Zone, the following restrictions shall apply to the subject Lot:

- a. 9.1 metres (30 feet) Minimum Yard or 6.1 metres (20 feet) Minimum Yard where a Fence, Berm, or Landscaping forms an opaque visual buffer a minimum 1.8 metres (6 feet) in height;
- b. Parking and Loading Spaces shall be prohibited within the Abutting Yard;
- c. driveways and access to Parking and Loading Spaces shall be permitted in the Abutting Yard; and
- d. any required Abutting Yard, excepting Driveways or access to Parking and Loading Spaces, shall be Landscaped Open Space.

47.3.3. Outdoor Loading and Display

- a. Outdoor Loading or Display to a maximum of 50% Lot Coverage shall be permitted within the Rear or Side Yards, and shall be Fenced or otherwise Screened to buffer adjacent properties.
- b. No Outdoor Storage or Display of any kind shall be permitted in a required Abutting Yard.

47.3.4. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items shall be prohibited.

47.3.5. Buffering

Parking and/or Loading Spaces, including driveways and access, shall be prohibited in the required Yards except where a Fence, Berm, or Landscaping forms an opaque visual buffer a minimum of 1.8 metres (6 feet) in height and 1.8 metres (6 feet) in depth.

47.4. Additional Requirements

47.4.1. Obnoxious Industrial Uses, Salvage Yards and Scrap Metal Operations

These Uses and operations are subject to additional restrictions as follows:

- a. NSE compliance;
- b. no salvage Yard shall be located within 15.2 metres (50 feet) of any existing residential Use or Zone;
- c. no such Use shall be located on a Lot less than 20,234 square metres (5 acres) in area;
- d. a visual Screen and Buffer Strip at least 15.2 metres (50 feet) in width shall separate adjacent Uses, and Street or road rights-of-way; and
- e. Use shall not involve Obnoxious emissions.



## 48. Provincial Resource (M2) Zone

### 48.1. Permitted Uses

#### 48.1.1. As-of-Right

##### a. Industrial Uses

- i. opening, excavating, or working of any coal or coal-bearing substance in any ore body, coal deposit, stratum, soil, rock, earth bed, clay, sand, gravel or like mining area
- ii. all works, machinery, plant, latrines, washhouses, and other Buildings and premises below or above ground accessory to or otherwise connected with the mine
- iii. forestry Uses

##### b. Non-industrial Uses

- i. Permitted Recreation (P) Zone Uses subject to the requirements of that Zone

#### 48.1.2. Site Plan Approval

New, and expansions to Commercial, Industrial, Institutional (I), Recreation (P) and mixed Uses in the Downtown Commercial (C1-A) Zone, Neighbourhood Commercial (C2) Zone, Highway Commercial (C3) Zone, Commercial Business Park (C4) Zone, Light Industry (M1) Zone, Provincial Resource (M2) Zone where:

- a. such Use(s) are listed as permitted Uses in the applicable Zone; and
- b. the proposal includes provisions for parking, off-street loading, and/or new Development or expansions.

The above shall be subject to Policy IM-23 through IM-30.

### 48.2. Prohibited Uses

48.2.1. Uses subject to environmental assessment (per *Environment Act*, 1994-95, c. 1).

48.2.2. Industries including, without limitation:

- a. radioactive material or other dangerous goods manufacture, processing or reprocessing facilities
- b. heavy water plant
- c. pulp and paper mill
- d. petrochemical plant
- e. cement plant
- f. oil refinery
- g. metal smelter
- h. ferro-alloy plant
- i. non-ferrous metal smelter
- j. dismembering-rendering plant

- k. Bulk Storage Facilities with capacity exceeding 5000 cubic metres for liquid or gas storage such as hydrocarbons or chemicals
- l. timber resource treatment facilities
- m. fish meal production facilities
- n. electricity production industries with a minimum production rating of 10 megawatts
- o. extractive facilities

#### 48.3. Standard Requirements

##### 48.3.1. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items shall be prohibited.

#### 48.4. Additional Requirements

##### 48.4.1. Abutting Yard

Where a Yard abuts any Residential, Institutional (I), or Recreation (P) Zone, the following restrictions shall apply to the subject Lot:

- a. 305 metres (1000 feet) minimum Setback where a Fence, Berm, or Landscaping forms an opaque visual buffer a minimum 1.8 metres (6 feet) in height;
- b. Parking and Loading Spaces shall be prohibited within the Abutting Yard;
- c. driveways and access roads shall be prohibited in the Abutting Yard; and
- d. any Abutting Yard shall be Landscaped Open Space.

##### 48.4.2. Outdoor Storage and Display

Where permitted, Outdoor Storage areas shall be Fenced or otherwise Screened to buffer adjacent properties or public areas.

## 49. General Industrial (M3) Zone

### 49.1. Permitted Uses

#### 49.1.1. As-of-Right

##### a. Industrial Uses

- i. auto trade industries, including Automobile Service Stations
- ii. Animal hospitals and Kennels
- iii. business and professional Offices
- iv. communication industries
- v. construction industries
- vi. Industrial Service Uses
- vii. Commercial Uses accessory to the main Use
- viii. manufacturing, assembling and processing plants that are not Obnoxious
- ix. power plants
- x. Recycling Centres and/or Recycling Depots
- xi. research establishments
- xii. Retail trade establishments
- xiii. trucking and railway depots
- xiv. permitted Light Industry (M1) Zone Uses, subject to Light Industry (M1) Zone requirements
- xv. utilities
- xvi. wholesale trade and Warehouse establishments

#### 49.1.2. Development Agreement

Obnoxious Heavy Industrial Uses in areas designated industrial on the GFLUM that are Policy IM-12 compliant.

#### 49.1.3. Site Plan Approval

New, and expansions to Commercial, Industrial, Institutional (I), Recreation (P) and mixed Uses in the Downtown Commercial (C1-A) Zone, Neighbourhood Commercial (C2) Zone, Highway Commercial (C3) Zone, Commercial Business Park (C4) Zone, Light Industry (M1) Zone, Provincial Resource (M2) Zone, and Future Redevelopment (FRA) Zone where:

- a. such Use(s) are listed as permitted Uses in the applicable Zone; and
- b. the proposal includes provisions for parking, off-street loading, and/or new Development or expansions.

The above shall be subject to Policy IM-23 through IM-30.

### 49.2. Prohibited Uses

#### 49.2.1. Uses subject to environmental assessment per the *Environment Act*. 1994-95, c. 1.

49.2.2. Obnoxious industries are not permitted in the Provincial Zone, including, without limitation:

- a. radioactive material or other dangerous goods manufacture, processing or reprocessing facilities
- b. heavy water plant
- c. pulp and paper mill
- d. petrochemical plant
- e. cement plant
- f. oil refinery
- g. metal smelter
- h. ferro-alloy plant
- i. non-ferrous metal smelter
- j. dismembering-rendering plant
- k. Bulk Storage Facilities with capacity exceeding 5000 cubic metres for liquid or gas storage such as hydrocarbons or chemicals
- l. timber resource treatment facilities
- m. fish meal production facilities
- n. electricity production industries with a minimum production rating of 10 megawatts
- o. extractive facilities

49.3. Standard Requirements

49.3.1. Lot, Yard, and Height

**Table 26 – General Industry (M3) Zone Requirements**

Minimum Lot Area	929 m <sup>2</sup> (10,000 ft <sup>2</sup> )
Minimum Lot Frontage	24.4 m (80 ft)
Minimum Front Yard	6.1 m (20 ft)
Minimum Rear Yard	6.1 m (20 ft)
Minimum Side Yard	4.6 m (15 ft)
Minimum Height	15.2 m (50 ft)

49.4. Additional Requirements

49.4.1. Area and Frontage

Notwithstanding Table 26, Front, Rear and Side Yard requirements, Industrial Building(s), complexes, facilities, projects or areas to be connected over two or more premises shall have no minimum Front, Rear or Side Yards along the common property line, and the cumulative area and frontage of the Subject Properties may be used to calculate the minimum area and frontage requirements. Minimum Parking Spaces required per section 22 may be calculated cumulatively, provided that the Subject Properties permit unimpeded right of shared parking, access and passage.

49.4.2. Abutting Yards and Landscaping

- a. Yards or Lots located within an industrial Zone that abuts a non-industrial Zone shall be subject to criteria as follows:
  - i. minimum Abutting Side or Rear Yard of 9.1 metres (30 feet);
  - ii. no Outdoor Storage in the required Abutting Yard; and
  - iii. Screening of the Abutting Yard by an opaque Fence or Landscaped Buffer Strip with minimum height of 1.8 metres (6 feet).
- b. Permitted Uses are subject to Landscaping requirements as follows:
  - i. Yard areas, excepting parking, maneuvering aisles, driveways, walkways, loading areas, refuse and other Outdoor Storage areas, shall be Landscaped with grass or other vegetative cover; and
  - ii. Building fronts shall have a Landscaped area adjacent to the Building with minimum width of 1.8 metres (6 feet), with one tree or shrub placed every 3 metres (10 feet) of frontage, excepting Building entrances.

49.4.3. Outdoor Storage and Display

- a. Outdoor Storage or display to a maximum of 50% Lot Coverage shall be permitted within the Rear or Side Yards, and shall be wholly enclosed and Screened by an opaque Fence or Landscaped Buffer Strip with a minimum height of 1.8 metres (6 feet).
- b. Permitted Service Stations shall conform to the special requirements set out in Part 7 provision 43.3.4 herein.

49.4.4. Creation of Lots Without Frontage

- a. Lots without frontage shall be permitted provided:
  - i. the industrial Use maintains the minimum Lot Area of the General Industrial (M3) Zone of 929 square metres (10,000 square feet); and
  - ii. sufficient parking in the designation and easement agreements to ensure unimpeded access, right of shared parking and passage.
- b. Minimum Parking Spaces required per section 22 may be calculated cumulatively, provided 49.4.4 (a) (ii) compliance.

## **Part 10: Institutional (I) Zone**

### **50. Institutional (I) Zone**

#### **50.1. Permitted Uses**

##### **50.1.1. As-of-Right**

###### **a. Institutional Uses**

- i. ambulance services
- ii. Cemeteries
- iii. Churches or other places of worship
- iv. Clinics and medical Offices
- v. colleges
- vi. Commercial Schools
- vii. Community Centres
- viii. Community Gardens
- ix. Community Homes
- x. cultural Uses
- xi. Day Care
- xii. Day Care (Residential)
- xiii. Dormitories (except in the C1 and C1-A Zones in Trenton)
- xiv. Enriched Seniors Residences
- xv. fire stations
- xvi. food banks
- xvii. hospitals
- xviii. libraries
- xix. museums
- xx. Nursing Homes
- xxi. Personal Care
- xxii. police stations
- xxiii. post Offices
- xxiv. Private and Public Schools
- xxv. Public Buildings
- xxvi. Residential Care Facilities
- xxvii. senior citizen housing
- xxviii. Seniors Residential Complexes
- xxix. Special Care Facilities
- xxx. Universities

###### **b. Non-Institutional Uses**

- i. existing residential Uses subject to Residential Two Unit (R2) Zone requirements
- ii. Recreational Uses subject to Recreation (P) Zone requirements

##### **50.1.2. Site Plan Approval**

New, and expansions to Commercial, Industrial, Institutional (I), Recreation (P) and mixed Uses in the Downtown Commercial (C1-A) Zone, Neighbourhood Commercial

(C2) Zone, Highway Commercial (C3) Zone, Commercial Business Park (C4) Zone, Light Industry (M1) Zone, Provincial Resource (M2) Zone, and Future Redevelopment (FRA) Zone where:

- a. such Use(s) are listed as permitted Uses in the applicable Zone; and
- b. the proposal includes provisions for parking, off-street loading, and/or new Development or expansions.

The above shall be subject to Policy IM-23 through IM-30.

## 50.2. Standard Requirements

### 50.2.1. Yard, Lot and Height

**Table 27 - Institutional (I) Zone Lot Requirements**

Minimum Lot Area	Serviced	465 m <sup>2</sup> (5,000 ft <sup>2</sup> )
	Unserviced	2787 m <sup>2</sup> (30,000 ft <sup>2</sup> )
Minimum Lot Frontage		18.3 m (60 ft)
Minimum Front Yard		6 m (20 ft)
Minimum Rear Yard		6 m (20 ft)
Minimum Side Yard		Greater of 4.6 m (15 ft) or ½ Main Building Height

### 50.2.2. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items shall be prohibited.

## 50.3. Additional Requirements

### 50.3.1. Outdoor Storage and Display

Notwithstanding section 21.6, Outdoor Storage or Display shall be prohibited except concurrent to special events, sidewalk sales, or festivals, to a maximum period of 30 days per calendar year.

### 50.3.2. Where Abutting a Residential Zone

Lots abutting a residential Zone are subject to criteria as follows:

- a. the Abutting Yard shall have a Minimum Side and Rear Yard of 6.1 metres (20 feet) and all areas within the Abutting Yard shall be Landscaped Open Space; and
- b. Parking Spaces and Outdoor Storage shall be prohibited in a required Abutting Yard except where opaque Screening by Fencing and/or Landscaping are provided, in which case Parking Spaces or Outdoor Storage shall be prohibited within 1.8 metres (6 feet) of the abutting Lot line.

50.3.3. Parking and Loading

- a. Parking Areas for Uses shall be permitted in the side or Rear Yards of a Lot as of right, and in the Front Yard of a Lot, between the front Lot line and the Main Building, provided Landscaping by grassed material and tree/shrub planting is provided in an area along the front Lot line for a minimum depth of 3 metres (10 feet).
- b. Required Loading Spaces shall be permitted only in the Rear Yard of the Lot.
- c. Parking and Loading Spaces shall be provided per section 22, unless otherwise directed by the Traffic Authority.



## **Part 11: Recreation (P) Zone**

### **51. Recreation (P) Zone**

#### **51.1. Permitted Uses**

##### **51.1.1. As-of-Right**

###### **a. Recreation Uses**

- i. cenotaphs
- ii. Cafes
- iii. Commercial Recreation Uses
- iv. conservation areas
- v. Day Care
- vi. Day Care (Residential)
- vii. gazebos, pavilions, band shells
- viii. fairgrounds and exhibition sites
- ix. fountains
- x. monuments
- xi. parks
- xii. picnic areas
- xiii. playgrounds, playing fields
- xiv. public and private Recreation Uses such as tennis courts, Swimming Pools, indoor and outdoor sports facilities, golf courses, bowling greens, archery ranges, riding stables, arenas
- xv. Recreation Facilities
- xvi. recreational Retail and Rental Shops
- xvii. stadiums
- xviii. trails
- xix. Structures and Uses accessory to the foregoing

###### **b. Non-Recreational Uses**

- i. Community Centres
- ii. Commercial Uses accessory to a Recreation (P) Use

##### **51.1.2. Site Plan Approval**

New, and expansions to Commercial, Industrial, Institutional (I), Recreation (P) and mixed Uses in the Downtown Commercial (C1-A) Zone, Neighbourhood Commercial (C2) Zone, Highway Commercial (C3) Zone, Commercial Business Park (C4) Zone, Light Industry (M1) Zone, Provincial Resource (M2) Zone, Institutional (I) Zone, Recreation (P) Zone, and Future Redevelopment (FRA) Zone where such Use(s) are:

- a. listed as permitted Uses in the applicable Zone; and
- b. the proposal includes provisions for parking, off-street loading, and/or new Development or expansions.

The above shall be subject to Policy IM-23 through IM-30.

51.2. Standard Requirements

51.2.1. Yard, Lot and Height

**Table 28 – Recreation (P) Zone Lot Requirements**

Minimum Lot Area	Serviced	465 m <sup>2</sup> (5,000 ft <sup>2</sup> )
	Unserviced	2787 m <sup>2</sup> (30,000 ft <sup>2</sup> )
Minimum Lot Frontage		18.3 m (60 ft)
Minimum Front Yard		6 m (20 ft)
Minimum Rear Yard		6 m (20 ft)
Minimum Side Yard		Greater of 4.6 m (15 ft) or ½ Main Building Height

51.2.2. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items shall be prohibited.

51.3. Additional Requirements

51.3.1. Outdoor Storage and Display

Notwithstanding section 21.6, Outdoor Storage or Display shall be prohibited except concurrent to special events, sidewalk sales, or festivals, to a maximum period of 30 days per calendar year.

51.3.2. Where Abutting a Residential Zone

Lots abutting a residential Zone are subject to criteria as follows:

- a. the Abutting Yard shall have a Minimum Side and Rear Yard of 6.1 metres (20 feet) and all areas within the Abutting Yard shall be Landscaped Open Space; and
- b. Parking Spaces and Outdoor Storage shall be prohibited in a required Abutting Yard except where opaque Screening by Fencing and/or Landscaping are provided, in which case Parking Spaces or Outdoor Storage shall be prohibited within 1.8 metres (6 feet) of the abutting Lot line.

## **Part 12: Floodplain (F) Zone**

### **52. Floodplain (F) Zone**

#### **52.1. Permitted Uses**

##### **52.1.1. As-of-Right**

- a. Floodplain Uses
  - i. conservation areas
  - ii. Passive Recreational Uses
  - iii. trails
  - iv. existing sand, gravel, and topsoil extraction operations

##### **52.1.2. Development Agreement**

- a. new and expansions to existing sand, gravel, and topsoil extraction operations, subject to MPS Policy F-3
- b. Recreation and tourism-related Uses subject to MPS Policy F-4

#### **52.2. Placement of Off-site Fill**

##### **52.2.1. Placement of Off-site Fill**

- a. Based on the Joint Canada/Nova Scotia Flood Plain Mapping of the East River Floodways (circa 1980), expansions to existing uses located within the floodway fringe (1:100 year) are permitted (but not in the floodway (1:20 year)), provided it is flood-proofed, and in compliance with the Statement of Provincial Interest outlined in the MGA.
- b. Off-site Fill placement is prohibited within the 1:20 year Floodway.

## **Part 13: Waterfront (W) Zone**

### **53. Waterfront (W) Zone**

#### **53.1. Permitted Uses**

##### **53.1.1. As-of-right**

##### **a. General Waterfront Uses**

- i. Bed and Breakfast establishments to a maximum of four rooms to let (subject to section 28)
- ii. business, Professional and government Offices and facilities
- iii. Fishery industry
- iv. Cafes
- v. Commercial Recreation
- vi. Community Gardens
- vii. Cottages
- viii. Country Inns
- ix. entertainment
- x. existing mixed Commercial/residential Offices and facilities
- xi. existing multiple unit Dwellings
- xii. existing Single Detached Dwellings
- xiii. Hostels
- xiv. inns
- xv. Lounges, beverage rooms, pubs
- xvi. Recreational
- xvii. Restaurants
- xviii. Retail stores
- xix. Tourist or Guest Home Establishment

##### **53.1.2. Development Agreement**

- a. multi-unit Dwellings per Pictou SPS Policy P-W-6
- b. new Custom Workshops, Hotels, Shopping Centers, mixed residential/Commercial/Office Developments and multi-unit residential Developments per Pictou SPS Policy P-W-3
- c. expansion of existing Multiple Unit Dwellings per Pictou SPS Policy P-W-5
- d. mixed Use residential/Office and Commercial Developments per Pictou SPS Policy P-W-4

- 53.2. Uses Exempt from Zone Requirements include public walkways, public parks, public utilities, Parking Lots and Parking Structures, marinas, and municipally owned or controlled

53.3. Standard Requirements

53.3.1. Lot, Yard and Height

**Table 29 – Waterfront (W) Zone Requirements**

Minimum Lot Area	278 m <sup>2</sup> (3,000 ft <sup>2</sup> )
Minimum Lot Frontage	9.1 m (30 ft)
Minimum Front Yard	3 m (10 ft)
Maximum Height of Main Building	10.7 m (35 ft)

53.3.2. Garden Plots

Public lands may be used for flower gardens as a main or Accessory Use. Such Use requires written consent of the applicable public owner. Forestry Use, intensive agricultural Use, keeping of livestock, deer Fences, flagging, chairs and like items, shall be prohibited.

53.4. Additional Requirements

53.4.1. Signs

In addition to general signage requirements herein, the following shall apply:

- a. Erected Signs shall have a consistent and aesthetic construction of wood, stone, wrought iron, simulated wood, or a combination thereof; and
- b. Signs shall have a 4.6 metre (15 foot) maximum height.

53.4.2. Outdoor Storage and Display

In addition to general Outdoor Storage or Display requirements herein, and excepting Town Outdoor Storage or Display, Outdoor Storage or Display shall be:

- a. prohibited in any Building Front Yard;
- b. Screened by opaque wooden Fencing preventing ground level visibility from any adjacent Yard or from a public Street; and
- c. prohibited except concurrent to special events, sidewalk sales, or festivals, to a maximum period of 30 days per calendar year, notwithstanding section 21.6.

53.4.3. Building Appearance

Any Building, including Accessory Buildings, shall have a consistent and aesthetic exterior, with wood, brick, and/or stone or imitation finish.

53.4.4. Landscaping

New Structures or Buildings that front on Caladh or the Jitney Trail shall provide Front Yard Landscaping a minimum height of 1.5 metres (5 feet) placed every five linear metres of frontage combined with additional plantings.

53.4.5. Parking Exemption

Permitted new or expansions to Commercial or Institutional Developments for properties fronting on the following Streets shall be exempt from off-street parking:

- a. Water Street (between Willow Street and Coleraine Street)
- b. Market Street
- c. Caladh Avenue
- d. George Street
- e. Coleraine Street
- f. Front Street (to Welsford Street)
- g. Creighton Street
- h. Depot Street
- i. Commercial Street
- j. Kempt Street

## **Part 14: Water Supply (WS) Zone**

### **54. Water Supply (WS) Zone**

#### 54.1. Permitted Uses

##### 54.1.1. As-of-Right

- a. Conservation-related Uses
- b. non-Intensive agricultural Uses, excluding all Buildings but small Accessory Buildings or Structures
- c. Passive Recreation
- d. public utilities
- e. public walking trails
- f. Single Detached Dwellings

#### 54.2. Standard Requirements

##### 54.2.1. Lot, Yard and Height

**Table 30 – Water Supply (WS) Zone Requirements**

Minimum Lot Area	0.8 ha (2 acres)
Minimum Lot Frontage	46 m (150 ft)
Minimum Front Yard	10 m (32 ft)
Minimum Side Yard	3 m (10 ft)
Minimum Rear Yard	10 m (32 ft)
Maximum Building Height	10.7 m (35 ft)

## **Part 15: Airport (AP) Zone**

### **55. Airport (AP) Zone**

#### 55.1. Permitted Uses

##### 55.1.1. As-of-Right

- a. airport Uses
  - i. air transportation service industries
  - ii. aviation services
  - iii. Bulk Storage Facilities

#### 55.2. Standard Requirements

##### 55.2.1. Lot, Yard and Height

**Table 31 – Airport (AP) Zone Requirements**

Minimum Lot Area	on-site services	1858 m <sup>2</sup> (20,000 ft <sup>2</sup> )
	central services	15.2 m (50 ft)
Minimum Lot Frontage	on-site services	30.5 m (100 ft)
	central services	15.2 m (50 ft)
Minimum Front Yard		6.1 m (20 ft)
Minimum Rear Yard		6.1 m (20 ft)
Minimum Side Yard		3 m (10 ft)
Maximum Height		15.2 m (50 ft)

#### 55.3. Additional Requirements

##### 55.3.1. Where Abutting a Residential or Institutional (I) Zone

Lots abutting a residential or Institutional (I) Zone are subject to criteria as follows:

- a. the Abutting Yard shall have a Minimum Side or Rear Yard of 9.1 metres (30 feet); and
- b. Outdoor Storage shall be prohibited in the required Abutting Yard.

##### 55.3.2. Signs

There shall be a maximum of one Sign per Building, excepting maximum two Signs per Building where Building has runway access.

##### 55.3.3. Building Appearance

Building exterior wall surfaces shall be compatible with the existing airport terminal Building and comprise glass, stone, aggregate, pre-cast concrete, steel, brick, cast in place concrete, or wood.



55.3.4. Landscaping

- a. Yard areas not used for parking, maneuvering aisles, driveways, walkways, loading areas, refuse storage and Outdoor Storage shall be Landscaped with grass or other appropriate vegetation; and
- b. All Building fronts abutting a public road shall have a minimum 1.8 metres (6 feet) width Landscaped area adjacent to the Building with one tree or shrub planted per 3 metres (10 feet) of frontage, excepting Building entrances.

55.3.5. Outdoor Storage and Display

Outdoor Storage or Display shall not exceed 50% Lot Coverage, shall not be permitted within the required Front or Flankage Yard, and all Outdoor Storage areas, including refuse storage, shall be wholly enclosed and Screened by an opaque Fence or Landscaped Buffer Strip with a minimum height of 1.8 metres (6 feet).

55.3.6. Other

- a. Development Permit applications shall be subject to NSE review and comment, particularly for groundwater resource protection.
- b. Bulk fuel storage shall be in a Bulk Storage Facility.
- c. All airport Development shall have direct Collector road access.
- d. Unserviced Zone Development shall be limited to non-intensive airport Uses.

## **Part 16: Schedules**

### **56. Schedule A – Zone Maps**

- 56.1.1. Schedule A-1 – Town of New Glasgow
- 56.1.2. Schedule A-2 – Town of Pictou
- 56.1.3. Schedule A-3 – Town of Stellarton
- 56.1.4. Schedule A-4 – Town of Trenton
- 56.1.5. Schedule A-5 – Town of Westville

### **57. Schedule B – Subsidence Prone Lands**

- 57.1.1. Schedule B-1 – Town of Stellarton
- 57.1.2. Schedule B-2 – Town of Westville
- 57.1.3. Schedule B-3 – Requirements for Geo-Technical Report

### **58. Schedule C – Environmental Features**

- 58.1. Schedule C – Environmental Features (Town of Trenton)

### **59. Schedule D – Architectural Guidelines**

- 59.1. Schedule D – Town of New Glasgow Architectural Guidelines
  - 59.1.1. Schedule D-1 – Provost Street Precinct and Archimedes Street Subject Properties
  - 59.1.2. Schedule D-2 – Provost Street Guidelines 1 through 6

### **60. Schedule E – Grounds Signs Max 24.4m (80 ft) in Height**

**Schedule B-3**  
**Requirements for a Geotechnical Report**

**Mining Impact Assessment**

Geotechnical Reports for lands impacted by abandoned underground coal mine workings must be prepared to include a mining site assessment. This typically is a desk study which includes a field visit with no intrusive site work. At a minimum, it should address the following:

- **Field Visit** – Visual inspection of the property (lands and structures) and adjacent lands.
- **Background Information** – Review relevant information on abandoned mine workings in that locality and appropriate technical reference information.
- **Mining Factor** – Describe strata section, mine workings details (seam by seam), mine water and potential development of surface subsidence.
- **Site Factor** – Outline site characteristics (i.e., site geology, topography, drainage).
- **Structure Factor** – Discuss the type and condition of existing and proposed structures and their expected response to potential mining subsidence.
- **Time Factor** – Discuss timing and duration of mine workings, any previous subsidence events, scheduling of proposed developments on the lands and any other relevant time information.
- **Qualitative Preliminary Risk Assessment** – Assessment of potential hazards (i.e., associated with both subsidence ground movement and possible release of mine water and/or gases); potential severity and probability of occurrence for sinkhole and sag subsidence for all workings; summarize risks.
- **Assessment of Mitigation Measures** – Summary of previous or existing mitigation measures and outcome; assess need for future mitigation, type and extent required to reduce subsidence to acceptable levels.
- **Summary & Findings** – Outline work done, principal conclusions and recommended way to proceed to incur least risk of potential abandoned mine subsidence effects with and without mitigation measures, further studies and design requirements.
- **Geotechnical Reports Recommendations** – The measures specified in a Geotechnical Report, can and will be taken to ensure the development and its associated land uses incur least risk of adverse effects and are able to safely withstand the hazard. As such, a Geotechnical Report should recommend how from a mining perspective the land may be used safely for the intended development over its projected life, taking into account adjacent land uses.
- **Approval of Development - Safety Matters** – Where a Geotechnical Report concludes that land subject to mine subsidence may be used safely for the use intended, development approval will be conditional on implementation of all conditions contained in the report respecting siting, structural design, maintenance or planting of vegetation, placement of fill, etc., and on the

landowner agreeing to covenant with the municipality, within the land title, to use the land only in the manner determined in the report.

Mine subsidence can cause conditions which are very hazardous. Consider signage noting dangers of entering any area that is suspicious or that has been designated or fenced off as a subsidence hazard area. If you suspect mine subsidence on your land please call your local planning office.

### **Development Permit Checklist Yes/No Comment**

Is the proposed development located within an area in the Map attached to this schedule (or Integrated Land Use Zoning Map) designated by NSDNR as being mined by underground workings?

Has the property owner been notified of the potential underground mining?

Has a Geotechnical Report been conducted for this property?

Has a mining impact assessment been included in the Geotechnical Report?

Has the developer incorporated the recommendations of the Geotechnical Report into the plans for the development?

Is there any indication of previous ground movement on the property, either visual, anecdotal or in the Geotechnical Report?

Have potential mining subsidence effects been adequately dealt with in the application?

### **Suggested Prevention and Control Measures of Areas Deemed Prone to Mine Subsidence Damage to Structures**

Additional aspects for engineers to consider in Geotechnical Reports relating to mitigation measures follow. These are only suggestions and are not intended to provide a complete engineering guideline (AECOM, 2011).

#### **Design Philosophies**

In general there are three main philosophies in design of structures to mitigate subsidence effects on structures in areas prone to coal mine subsidence, which include:

- (1) building structures to resist subsidence ground movement effects, or
- (2) building in flexibility to accommodate ground movement due to subsidence; or
- (3) relocate the structure to a more stable area where there will be little or no subsidence impacts (Peng, 1992).

#### **Specific Design Measures**

In order to aid stakeholders in Nova Scotia in their professional consideration of abandoned coal mine subsidence, the following list of scientific references is offered as a guide on general philosophies pertaining to the design of structures in areas with potential for mine subsidence:

- **Fill shallow underground workings** with cement grout or backfill for local abatement of potential subsidence.
- **Place Structure on pile foundations** based on solid ground beneath the mine workings to avoid subsidence impacts.
- **Make Structure strong** to resist any subsidence effects.
- **Make the structure flexible** to accommodate subsidence effects with minimum damage.
- **Locate/relocate structure on solid pillars** of unworked coal to avoid/minimize subsidence risk.
- **Orientate the Structure** with respect to likely subsidence movements to minimize impact.
- **Use flexible joints** in pipes, cables, etc. to accommodate subsidence movement and avoid damage.
- **Make the structure relatively small**, less than 30m (98 ft) across, not more than three stories high and using a slab on-grade foundation.
- **Trenches filled with suitable compressible granular material** are installed outside the perimeter of concrete foundations to compensate and relieve compressive strain on foundation footing and walls. Properly designed exterior trenches are required for both the length and width of the structure.
- **Reinforced concrete anchoring slabs** installed on top of a flexible foundation in buildings subject to large horizontal strain (either along the short or long axis of the structure) resist failure because the strain is not transferred to the structure. The reinforced concrete slab (80 to 120 mm (30.15 in to 4.72 in) thick) with tension reinforcing bars placed on a layer of poly liner over 150 mm (5.9 in) of sand performs as a ridged structure and horizontal and vertical forces are dissipated in the flexible sand layer.
- **Slotting** should be made along the interior walls or along the lines where height or shape or both change. The height in each unit separated by the slot should be uniform. The idea is to divide a complex structure into separate independent sub-units. Temporary walls or posts should be erected on both sides of the slot.
- **Leveling by underpinning and pinning** is accomplished by installing and using hydraulic or screw jacks at strategic points around the base or foundation of a structure to be impacted by coal mining subsidence. These are then used to adjust and maintain the structure level as it subsides. It is especially useful when predicted subsidence exposes the structure to sloping and/or curvature impacts.
- **Leveling with springs** is utilized in order to keep houses level during underpinning. Springs are installed at the places where ground steps are likely to occur. Several groups of springs installed under the floor joist may be needed.

- **Reinforcing with tension rod or tension cable** can be used to tighten a house structure at the roof beam or floor joist levels. The tension rods and cables must be firmly tightened at the ends and supported at regular intervals. Steel tension rods and cables are designed to resist and compensate for the effects of curvature and tensile strain on the walls of a structure.
- **Wall shoring and internal bracing** is utilized as a method to prevent and compensate for toppling and collapse of or tilting of masonry walls. Interior wall bracing is designed to maintain the stability of the interior load bearing walls.
- **Reinforced concrete beams** when surface deformations are extreme. Reinforced concrete beams may be installed around the house structure at the basement level. Reinforced concrete beams are excellent for resisting horizontal strain and negative curvature, and if beams are installed at the floor joist or roof beam level, they can also cope with the problems associated with positive curvature.
- **Foundation bracing beams** can be installed to reduce the transversal moment of a longitudinal wall, especially if the building does not have transversal walls or the distance longitudinal walls are large. Transverse reinforced concrete bracing beams resist transversal moments due to subsidence.