TOWN OF MAHONE BAY

LAND USE BY-LAW

In effect from 10 June 2008

This CONSOLIDATED EDITION is prepared for convenience only. For complete reference, please consult the original documents. This CONSOLIDATED EDITION has the following history:

1) In effect 10 June 2008 Adopted by Town Council 13 May, reviewed by the Provincial Director of Planning, and duly advertised on 10 June 2008.

2) Amended 24 November 2009 At Schedule “A” to change the zoning of the land at 19 Aberdeen Road from Residential to Commercial.

3) Amended 2 November 2010 At Clause 4.5.16(e) by increasing to four rooms.

4) Amended 23 August 2011 At Clause 5.2.1(b) by including the use of two existing shipping containers for storage.

5) Amended 17 April 2013 At section 4.4.4, to describe a dwelling as a main dwelling.

6) Amended 17 April 2013 At section 4.5.1 to require a development permit for an accessory structure to be used for human habitation.

7) Amended 17 April 2013 At Section 4.5.2, to add requirements for accessory structures that are to be used for human habitation

8) Amended 17 April 2013 At Section 4.5.16 delete “ii) and iii)”

9) Amended 17 April 2013 At Section 15 DEFINITIONS, add a definition for LOT COVERAGE.

10) Amended 7 August 2013 At Section 4.4.16 by-law amendment with respect to farm animals

11) Amended 11 March 2014 At Section 13.2 Parking Exemption

12) Amended 15 October 2014 At Section 7.3.1 to add and delete permitted uses

13) Amended 15 October 2014 At Section 7.3.2 to add a maximum front yard standard

14) Amended 15 October 2014 At Section 7.3.4 to reduce the Main Street floor area commercial use requirement to fifty per cent (50%), and to specify no expansion of existing residential uses in this zone
15) Amended 27 April 2016  
At Section 5.2.1 to establish that Tourist homes are permitted in the Residential (R) Zone. At Section 5.2.4 to state the special requirements for Tourist homes. At Section 7.2.1 to add Tourist Establishments. At Section 7.3.1 to add Tourist establishments to the list of permitted uses in the Harbourfront Commercial zone. At Section 7.4 to change tourist accommodation to tourist establishments (housekeeping). At Part 15 to amend the definition of Dwelling, to clarify the meaning of Tourist establishment and to define Tourist home.

16) Amended 17 August 2017  
To add Pet Grooming as a permitted Small Scale Business Use.

17) Amended 17 August 2017  
To remove tables listing Development Agreements in Effect and Registered Heritage Properties from the Land Use By-law. Information instead will be available on request from the town instead.

Italicised words are defined in Section 15
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PART 1 TITLE AND PURPOSE

1.1 This By-law shall be known and may be cited as the Land Use By-law of the Town of Mahone Bay.

1.2 The purpose of this by-law is to carry out the purpose and intent of the Municipal Planning Strategy of the Town of Mahone Bay (referred to as the ‘Planning Strategy’), in accordance with the provisions of the Nova Scotia Municipal Government Act (MGA), Chapter 18, Statutes of Nova Scotia 1998, as amended, by regulating the use of land and the location, size, spacing, character and use of buildings and structures within the Town.

1.3 This by-law shall apply to the area of land shown specifically on Schedule "A" consisting of the whole of the Town of Mahone Bay.

1.4 This by-law does not exempt any person from complying with the requirements of other laws, by-laws or regulations in force within the Town of Mahone Bay or from obtaining any license, permission, permit, authority or approval required thereunder.

PART 2 ADMINISTRATION

2.1 DEVELOPMENT OFFICER
This By-law shall be administered by the Development Officer appointed by the Council of the Town of Mahone Bay and the Development Officer shall issue development permits under this By-law.

2.2 ACTING DEVELOPMENT OFFICER
In the absence or incapacity of the Development Officer, the acting Development Officer appointed by Council shall act in the Development Officer's stead.

2.3 DEVELOPMENT PERMIT REQUIRED
The owner of a property shall not undertake, or cause or permit to be undertaken, any development thereon unless a development permit has been issued therefore by the Development Officer and the permit is in force.

2.4 NO PERMIT REQUIRED
Notwithstanding Section 2.3, no development permit is required in relation to a particular development when such an exception is clearly stated elsewhere in this By-law.

2.5 APPLICATION AND FEE
Every developer wishing to obtain a development permit shall submit an application for such development permit to the Development Officer in the form prescribed from time to time by Council and accompanied by the required fee set from time to time by Council.

2.6 CONTENTS OF APPLICATIONS
Every application for a development permit shall be accompanied by a plan drawn to an appropriate scale and showing:
2.7 SURVEY OF LANDS
Where the Development Officer is unable to determine whether the proposed development conforms to this by-law and other by-laws and regulations in force which affect the proposed development, the Development Officer may require that the plans submitted under Section 2.6 be based upon a survey plan prepared by a Nova Scotia Land Surveyor.

2.8 CONTENTS OF APPLICATION
The application shall be signed by the owner of the lot, or by his agent, and shall set forth in detail the current and proposed use of the lot and each building or structure, or part thereof, together with all information necessary to determine whether or not the proposed development conforms with the requirements of this by-law.

2.9 RIGHT OF ENTRY
In accordance with Sections 267 and 503 of the Municipal Government Act, the Development Officer may enter at all reasonable times into or upon any property within the area to which this Land Use By-law applies for the purpose of any inspection necessary in connection with the administration of the Land Use By-law.

2.10 ISSUANCE OF DEVELOPMENT PERMIT
No development permit shall be issued by the Development Officer unless the proposed development meets the requirements of the Land Use By-law, the terms of a development agreement or the requirements of an approved site plan as provided for by the Municipal Government Act.

2.11 DEVIATIONS
No developer shall deviate, or allow deviations to be made, from the description of the proposed development which is contained in the development permit, unless the developer has obtained a New development permit or an amended development permit from the Development Officer.
2.12 LAPSE OF PERMITS

Every development permit issued under this By-law and every development permit issued under any previous Land Use By-law shall automatically lapse, and become null and void, if the development to which it relates has not commenced and eighteen months have passed since its issuance.

2.13 AMEND OR RE-ISSUE

When so requested by the developer, the Development Officer may make minor amendments to or may re-issue a development permit which has not lapsed by making an appropriate notation thereon provided that the amended or re-issued permit conforms with the Land Use By-law requirements in effect on the date of the minor amendment or re-issuance.

2.14 REVOCATION OF PERMITS

The Development Officer may revoke any development permit issued under this Land Use By-law or any previous Land Use By-law where:

a) the requirements of the permit are not met; or
b) the issuance of the permit was based on incorrect information; or
c) the permit was issued in error

2.15 DECISION IN WRITING

Any decision of the Development Officer to refuse issuance of a development permit shall be given by written notice served by ordinary mail whereas any decision to revoke a development permit shall be given by written notice served by any method in which proof of delivery is provided and the revocation shall become effective upon the delivery of such notice.

2.16 VIOLATIONS

In the event of any alleged contravention of the provisions of this By-law, the Town of Mahone Bay may take action as outlined in Sections 266, 505, 506 and 508 of the Municipal Government Act, as amended from time to time.

2.17 EFFECTIVE DATE

This By-law shall take effect upon publication of a notice in the newspaper as required by the Municipal Government Act whereupon any applicable previous Land Use By-law is automatically repealed.

2.18 NOTICE OF AMENDMENT OR AGREEMENT

Where the Council has given notice of its intention to adopt an amendment to Schedule "A", (Zoning Map) which is not general in scope but which is in direct response to a specific development proposal, or has given notice of its intention either to enter into a development agreement or to amend a development agreement, the Council shall serve notice of the proposed amendment or development agreement upon assessed property owners whose property lies within 30 metres (98 ft..) of the property which is the subject of the proposed amendment or development agreement. Such notice shall:

(a) set forth a synopsis of the proposed amendment or development agreement;
(b) state the date, time, and place set for the public hearing on the amendment or development agreement;
(c) be served by ordinary mail; and
(d) be sent to the address or addresses maintained in the assessment list.

A notice containing the same information shall also be posted on the property which is the subject of the proposed amendment or development agreement.
2.19 **COST OF ADVERTISING, NOTICE, AND REGISTRATION**
An applicant for an amendment to this By-law or for a development agreement or an amendment thereto shall deposit with the Clerk of the Town of Mahone Bay an amount estimated by the Clerk to be sufficient to pay the cost of advertising and notices required by the Municipal Government Act and, after the advertising has been completed, the applicant shall pay to the Clerk any additional amount required to defray the cost of advertising, notices, and filing at the Registry of Deeds or, if there is a surplus, the Clerk shall refund it to the applicant.

2.20 **NOTICE OF VARIANCE OR SITE PLAN APPROVAL**
Where a variance from the requirements of this by-law has been granted or refused, or a site plan approval has been granted or refused, the Development Officer shall give notice to the persons entitled, and in the manner prescribed by Sections 232-237 of the Municipal Government Act, such notice to be served by ordinary mail. Specifically, the Development Officer shall serve notice of the minor variance or site plan approval upon assessed property owners whose property lies within 30 metres (98 feet) of the property which is the subject of the proposed site plan or variance and such notice shall:

a) describe the variance or site plan approval;

b) identify the property where the variance or site plan approval is granted;

c) set out the right to appeal the variance or site plan approval to the Council; and

d) be sent to the address or addresses maintained in the assessment list; and

e) be posted on the property which is the subject of the proposed variance or site plan approval.

2.21 **COST OF NOTICE OF VARIANCE OR SITE PLAN APPROVAL**
The Town of Mahone Bay may recover from the applicant the cost of giving notices referred to in Subsection 2.20.

2.22 **APPLICATION FEES**
An application for a development permit, a development agreement, an amendment to the Land Use By-law or the Municipal Planning Strategy, a site plan, or a variance, shall be accompanied by the fees prescribed by Council from time to time.
PART 3 INTERPRETATION OF ZONES, MAPS, SYMBOLS AND WORDS

3.1 ZONES
For the purposes of this By-law, the Town of Mahone Bay is divided into the following zones, the boundaries of which are shown on the attached Schedule "A", titled “Zoning Map”, which forms part of this By-law and on which these zones are also referred to by symbols as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>R</td>
</tr>
<tr>
<td>Residential Unserviced</td>
<td>RU</td>
</tr>
<tr>
<td>Commercial</td>
<td>C</td>
</tr>
<tr>
<td>Harbourfront Commercial</td>
<td>HC</td>
</tr>
<tr>
<td>Restricted Commercial</td>
<td>RC</td>
</tr>
<tr>
<td>Commercial Shoreline</td>
<td>CS</td>
</tr>
<tr>
<td>Industrial</td>
<td>ID</td>
</tr>
<tr>
<td>Institutional</td>
<td>IN</td>
</tr>
<tr>
<td>Park</td>
<td>P</td>
</tr>
<tr>
<td>Open Shoreline</td>
<td>OS</td>
</tr>
</tbody>
</table>

3.2 REFERENCES ARE INCLUSIVE
In this by-law, reference to a zone is deemed to include reference to the permitted uses, special requirements, and regulations of that particular zone.

3.3 INTERPRETATION OF ZONE BOUNDARIES
The boundaries of zones shall be as shown on Schedule "A" and shall be more precisely located as follows:

a) where a zone boundary is shown within the boundaries of a street or highway the boundary shall be the centre line of such street or highway as shown;

b) where a zone boundary approximately follows property lines the boundary shall follow such property lines;

c) where a street, highway or watercourse is shown on Schedule "A" it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;

d) Subject to clause (e) below, where an electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long
axis thereof shall be considered the boundary between zones unless specifically indicated otherwise;

e) where a zone boundary is indicated as following the shoreline of a harbour the boundary shall follow the actual Mean High Water line including wharves, piers, breakwaters and infilling; and where the zone boundary is indicated as extending seaward of the Mean High Water Line, the zone boundary shall follow the actual Mean High Water Line included between the extensions shown on the Zoning Map; and

f) where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule "A".

3.4 INTERPRETATION OF CERTAIN WORDS
In this By-law, words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular; and the word "used" includes "arranged", "designed or intended to be used"; the word "shall" is mandatory and not permissive. All other words and phrases carry their customary meaning except for those defined in Part 15 of this By-law, titled ‘Definitions’.

3.5 STANDARDS OF MEASUREMENT
The metric system of measurement is used throughout this By-law and in all cases represents the required standard. Imperial measurements are approximate and for convenience only, and are not to be regarded as precise.
PART 4  GENERAL PROVISIONS FOR ALL ZONES

4.1 APPLICATION
The provisions of Part 4 General Provisions for All Zones shall apply to all zones and prevail over all zone requirements except where a zone requirement expressly waives a specific section or specific sections of Part 4.

4.2 PARKING AND LOADING
Parking and loading areas shall be provided in accordance with the applicable requirements of Parts 12 and 13 of this by-law.

4.3 SIGNS
All signs shall be subject to the applicable requirements of Part 14 of this by-law.

4.4 RESTRICTIONS AND PROHIBITIONS

4.4.1 Permitted Uses - Prohibited Uses
For the purposes of this by-law, if a development is not listed as permitted in any zone or if it is not accessory to a permitted development in a particular zone, it shall be deemed to be prohibited in that zone, subject to the non-conforming use provisions of the Municipal Government Act.

4.4.2 Structure To Be Moved
No structure, residential or otherwise shall be moved within or into the area covered by this by-law without obtaining a development permit from the Development Officer.

4.4.3 Watercourse Protection

.1 No structure shall be built within 8 Metres (26 feet) of the protected watercourses shown on Municipal Planning Strategy Map 1.

.2 Within 8 Metres (26 feet) of these watercourses, no person shall alter land levels in relation to a development.

.3 The Development Officer may grant a variance from the restrictions in subsections (.1) and (.2) above, and for such purposes the intent of this section of the By-law, in accordance with the Planning Strategy, is:

a) To prevent degradation of the water table recharge areas and flood plains, which would interfere with their functions of allowing water to enter into the ground, and providing for flood damage reduction both on the site and downstream;
b) To prevent the degradation of the natural habitat for plants and animals in and near the watercourses;
c) To allow for the stabilizing and maintenance of an existing structure; and

d) To allow the Development Officer to consult with the appropriate Provincial authority having jurisdiction on the proposed development and any accompanying infilling.
4.4.4 **One Dwelling Per Minimum Size Lot**
More than one main *dwelling* may be built on a lot only where the lot has sufficient area and *frontage* to enable the lot to be subdivided into two or more lots which meet all applicable *zone* requirements and where the *dwellings* are located on the lot in such a way that new lots may be created around them which meet all applicable area, setback, *yard*, and *frontage* or highway access requirements.

4.4.5 **Existing Uses**
Land *uses* which existed on the effective date of this by-law, and which would not otherwise be permitted in the *zone* shall be shown in the list of *uses* permitted in the *zone*, but shall not be changed to another *use* not permitted in the *zone* or expanded except by development agreement in accordance with Municipal Planning Strategy Policy 4.11.14

4.4.6 **Residential Conversions**
Where permitted in this by-law, conversion of *buildings* to *dwellings* containing one or more *dwelling* units shall be subject to the following requirements:

a) each *dwelling* unit shall be self-contained and shall have separate cooking and sanitary facilities;

b) off-street *parking space* shall be provided according to the requirements of Part 13;

c) the maximum number of *dwelling* units per lot shall be four (4); and

d) each *dwelling* unit shall have a minimum of 93 sq. metres (1,000 sq. ft.) of lot area.

4.4.7 **Illumination**
Outdoor lighting fixtures, including illuminated *signs*, shall use the lowest possible intensity consistent with safety, shall use fixtures which eliminate glare and in particular shall not project any glare or direct illumination onto adjacent properties.

4.4.8 **Wind Turbines**
.1 Wind turbines having a production capacity greater than 0.01 megawatts (10 kilowatts) are prohibited.

.2 Wind turbines having a production capacity of 0.01 megawatts (10 kilowatts) or less are permitted in any *zone* subject to the following requirements:

a) Maximum tower *height* 30 metres (100 feet);

b) Minimum distance from the tower to adjacent property lines and all residences is 2.5 times the maximum *height* of the *structure* (including rotor blades);

c) the lower 3 metres (10 feet) of the tower and all supports must be secured so as to prevent climbing by unauthorised people; and

d) the sound level generated by the installation must not exceed the ambient sound level by more than 3dB(A) measured at the nearest property line under any normal operating condition, and the application for a Development Permit must include sufficient information to determine that the installation will achieve this standard.
4.4.9 **Telecommunications Towers**

No *person* shall construct or use any telecommunications tower or antenna any part of which is more than 14 metres (45 feet) above the ground surface.

4.4.10 **Architectural Control Areas**

.1 **New Structures**

Within areas designated as Architectural Control Areas on Map 2, the Land Use Designation Map of the Municipal Planning Strategy all *structures* shall be similar to pre-1919 *structures* within Mahone Bay, with respect to:

(a) *building* length to width ratio;
(b) *height*;
(c) architectural style;
(d) *roof style*;
(e) the appearance of exterior cladding and roofing materials;
(f) architectural details and trim;
(g) the shape and size of porches, doors and windows;
(h) the window area to wall area ratio; and
(i) location, type, bulk and appearance of chimneys.

.2 **Additions and Alterations to Established Structures**

As an exception to the requirements of paragraph 4.4.10 above, alterations to a *public facade* of a pre-1919 *structure* within the Designated Architectural Control Area shall maintain the established character of the *building* and shall be both similar to and consistent with the *existing* elements set out in Subsection 4.4.10.1 (c) to (i) above, unless such change is intended to restore the pre-1919 character as documented by photographs, sketches, or written descriptions or measurements. Alterations to the *public facade* of a post-1919 *structure* shall maintain the established character of the *building* and shall be both similar to and consistent with the *existing* elements set out in Subsection 4.4.10.1 (c) to (i) above, unless such change is intended to create a pre-1919 character in these elements.

.3 **Small Accessory Structures**

Construction and alterations of *accessory structures* of less than 20 sq. metres (216 square feet) need not satisfy the requirements of paragraphs 4.4.10.1 and 4.4.10.2 above.

4.4.11 **Habitation of Vehicles**

No automobile, truck, bus, coach, street car, recreational vehicle, trailer, camper, or other motor vehicle or part thereof, with or without wheels, and no shipping container shall be used for human habitation or for commercial occupancy except in accordance with Sections 4.4.12 and 4.5.6 below.

4.4.12 **Exception to Habitation of Vehicles**

Despite the provisions of Section 4.4.11(Habitation of Vehicles), recreational vehicles or campers may be used for human habitation provided that:

(a) such *vehicle* is not directly connected to Town services (i.e., sewer, water or power);
(b) such *use* does not extend for longer than a thirty-day period within any calendar year; and
(c) such *use* occurs only on a property with an established main *dwelling*. 
4.13 **Storage in Vehicles**
No automobile, truck, bus, coach, street car, recreational vehicle, trailer, camper, or other motor vehicle or part thereof, with or without wheels, and no shipping container, shall be used for the purpose of storage or shelter of goods of any description on an ongoing basis.

4.14 **Multiple Land Use**
Where any lot is to be used for more than one purpose, all provisions of this by-law relating to each use shall be satisfied. Where there is any conflict, as in the case of lot size or lot frontage, the more stringent standard shall prevail.

4.15 **Multiple Uses In A Building**
Where any main building is to be used for more than one purpose and applicable zone requirements are in conflict, the more restrictive zone requirements shall apply.

4.16 **Farm Animals**
No lot in any zone shall be used for the rearing or keeping of a farm animal, except that a maximum of six (6) laying hens and one (1) rabbit may be reared or kept on a lot in the Residential Unserviced (RU) Zone subject to the following requirements:

a) The minimum lot area for the keeping of laying hens and rabbits shall be 3716.1 sq. m (40,000 square feet);

b) Laying hens and rabbits shall be confined using a structure or enclosure subject to the requirements of 4.4.16(c);

c) No development permit for shall be issued for any structure or enclosure to be used for the shelter, confinement or keeping of laying hens or rabbits within 8 metres (26 feet) of the boundary of an abutting lot;

d) No lot on which laying hens or rabbits are reared or kept shall be used for the sale of animal products.

4.17 **Corner Vision Triangle**
On a corner lot or lot abutting the entrance or exit to a public parking lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be constructed or permitted to grow to a height greater than 0.6 metres (2 ft.) above grade of the streets that abut the lot within the corner vision triangle.

4.18 **Parking of Commercial Motor Vehicles**
No more than two (2) commercial motor vehicles shall be operated from a lot in any Residential (R) zone and these vehicles shall be operated by the occupant of the lot.

4.19 **Wood Furnaces**
In addition to the requirements of 4.5.2 (Accessory Structures), outdoor wood furnaces shall:

a) be located a minimum of 45 metres (150 feet) from any lot line and 90 metres (300 feet) from dwellings on adjacent lots;

b) be kept locked when unattended; and

c) not have a chimney height lower than the eaves of the building which it serves, but in any case not lower than 5 metres (16 feet), regardless of the provisions of Section 4.5.14 (Height Regulations).
4.5 WAIVERS AND EXEMPTIONS

4.5.1 Accessory Uses
No development permit shall be required for any use which is accessory to a permitted use, except where an accessory structure is to be used for human habitation.

4.5.2 Accessory Structures
Accessory structures shall be permitted in any zone but:

a) shall not be built closer than 1.2 metres (4 feet) to any rear or side lot line except that:
   i) common semi-detached garages may be centred on the mutual side lot line; and
   ii) accessory buildings with no windows or perforations on the side of the building which faces the said lot line, may be located a minimum of 0.6 metres (2 feet) from the said lot line; and
   iii) with the consent of the property owner below the high water mark, fishing gear sheds, boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge;

b) shall not be located or built within 1.5 metres (5 feet) of the main building, except that a fence or wall may join an accessory structure with a main building; and

c) shall not exceed the height of the main building or a gross floor area of 70 square metres (750 square feet) except in an Industrial (ID) zone.

d) shall not exceed a lot coverage for all accessory for all accessory structures of 10% of the lot area; and

e) when used for human habitation, shall meet the following additional requirements:
   i) The total number of residential units on the lot (main building and accessory structure) shall not exceed four:
   ii) The use shall meet all requirements for access and parking in the zone and such access and parking shall be buffered from adjacent properties;
   iii) Windows and other perforations shall not be located on any elevations closer than 3.5 metres from any adjacent lot;
   iv) In the architectural control area, accessory structures shall meet the design requirements of paragraph 4.4.10;
   v) No sign shall be permitted other than that which is permitted in the zone;
   vi) The accessory structure shall meet all provisions of the National Building Code for human habitation, shall meet the provisions of paragraph 4.4.11 in the Land Use By-law regarding habitation of vehicles, and not be a mobile home as defined in paragraph 15.44 of the Land Use By-law;
   vii) All small scale business uses shall meet the requirements of paragraph 4.5.16 of the Land Use By-law;
viii) The accessory structure shall conform to R Zone standards for single-unit dwellings with the exception of maximum height, which shall be 8 metres (26 ft.);
ix) The minimum lot area shall be 325 square metres (3,500 sq. ft.) per unit.”

4.5.3 Minor Accessory Structures
No development permit shall be required for miscellaneous minor accessory structures such as, by way of example but not to limit the generality of the foregoing: retaining walls; children's play structures; cold frames; garden trellises; clothesline poles; pet houses; monuments; and interpretive displays.

4.5.4 Fences
.1 Fences 2 metres (6 feet) or less in height are minor accessory structures for which no development permit is required.

.2 Fences greater than 2 metres (6 feet) in height but less than 3 metres (10 feet) in height are accessory structures subject to the requirements of Subsection 4.5.2 (accessory structures).

.3 Fences 3 metres (10 feet) or greater in height are structures subject to the applicable yard requirements of the zone in which they are located.

4.5.5 Private Storage
Where there is no other main building on the lot, private storage buildings, including but not limited to private garages, private boathouses, and fishing gear sheds, shall be permitted in any zone except the Open Shoreline (OS) Zone, provided that the provisions of Section 4.5.2 (Accessory Structure) of this by-law are satisfied as if the private storage building were regarded as an accessory structure.

4.5.6 Construction Accessories
Nothing in this by-law shall prevent the use of land or the use or construction of temporary structures incidental to construction, such as but not limited to, a construction camp, tool shed, scaffold, sales office or rental office incidental to construction and no development permit for such temporary uses or structures shall be required, provided that a development permit for the main structure under construction has been issued and the temporary use or structure is on the same lot as the main structure. Such temporary use shall be terminated no more than sixty (60) days after the completion of the construction of the main structure.

4.5.7 Special Occasions
.1 Nothing in this by-law shall prevent the use of land or the construction of temporary buildings, structures or signs for special occasions and holidays not to exceed two weeks in duration and no development permit shall be required for such temporary uses, provided that such uses or structures remain in place for no more than seven (7) days following the termination of the special occasion or holiday.

.2 Nothing in this by-law shall prevent the use of land, the use of structures, or the construction of signs during and for the purposes of municipal, provincial or federal election campaigns provided such uses are terminated and such signs are removed within seven (7) days following the election.

4.5.8 Yard Sales
Nothing in this by-law shall prevent retail sales events accessory to residential uses provided that:
(a) articles for sale shall include only the tangible personal property of the residents conducting the sale;
(b) there shall be no more than four such retail sales events on any property during each year;
(c) no such retail sales event shall last longer than four consecutive days; and
(d) retail sales shall be conducted only during daylight hours between sunrise and sunset.

4.5.9 Uses Permitted In All Zones
Public streets, utility facilities, parks and playgrounds shall be permitted in any zone.

4.5.10 Lots Lacking Minimum Area Or Frontage
Notwithstanding minimum lot area and frontage requirements established elsewhere in this By-law, a lot which does not satisfy these minimum requirements for lot area, lot frontage, or both may be used for a purpose permitted in the zone in which the lot is located, and a structure may be constructed on the lot, provided that all other applicable provisions of this By-law except for the minimum lot area and frontage requirement, are satisfied and the lot satisfies one or more of the following requirements:

a) The lot was in existence on or before 16 April, 1987 (see Municipal Government Act Section 291); or
b) The lot has been created after 16 April, 1987 through subdivision approval under any provision of the Subdivision By-law or by any division of land for which subdivision approval is not required; or
c) The lot has access by means of a right-of-way no less than 6 metres (20 feet) wide.

4.5.11 Conformity with Existing Setbacks
Notwithstanding setback requirements established elsewhere in this by-law, a building to be constructed between existing buildings, may be built with a front yard equal to or greater than the average front yard of any immediately adjacent buildings on either side, provided that the proposed building shall not be less than 1.5 metres (5 feet) from the front lot line and further provided that the immediately adjacent buildings are within 60 metres (200 feet) of the building to be constructed.

4.5.12 Existing Structures
Where a structure which is not a sign has been constructed with less than the minimum yard or other open space required by this by-law or on a lot having less than the minimum area or frontage, the structure may be used as permitted in the zone in which the structure is located and, provided that the application for a development permit is supported by a location certificate or survey plan showing the structure in relation to the boundaries of the property, the structure may be:

a) enlarged, reconstructed, repaired, renovated, or replaced by a new structure, provided that the structure shall not thereby be permitted to extend or increase any existing encroachment into the minimum front, flankage, side or rear yard required in that zone except by the operation of Subsection 4.5.18 (Variance); and
b) relocated, provided no encroachment into the minimum front, flankage side, or rear yard required in that zone shall be permitted except by the operation of Subsection 4.5.18 (Variance).
4.5.13 Restoration to a Safe Condition
Nothing in this by-law shall prevent the strengthening or restoring to a safe condition of any structure, provided in the case of a non-conforming use the provisions of the Municipal Government Act shall prevail.

4.5.14 Height Regulations
The height regulations of this by-law shall not apply to spires on a church, public utility water tanks, flagpoles, or chimneys.

4.5.15 Awnings
An awning may be permitted to overhang a public street but shall not:
(a) project over a Public street beyond the curb line or edge of the travelled way; or
(b) project over a Public street below a height of 2.5 metres (8 feet) above grade.

4.5.16 Small Scale Business Uses Permitted
In all zones, any lot used for residential purposes may be used for small scale business purposes provided that all of the following requirements are satisfied:

a) the business shall be located in a single-unit dwelling or in an accessory building on the same lot as the residential use;

b) the owner of the business shall live in the main residence on the property;

c) subject to limitations on the uses permitted in particular zones as specified elsewhere in this Bylaw, the business use shall fall within one of the following types of uses:
   i) Offices
   ii) Boarding or Rooming Houses
   iii) Craft workshops
   iv) Guest houses subject to Clause (xii) below
   v) Personal service shops
   vi) Studios for the practice or instruction of fine arts or crafts
   vii) Repair Shops, excluding small engine repair
   viii) Residential Day care centres
   ix) Taxicab Operations
   x) Catering
   xi) Pet Grooming;

d) retail sales shall be limited to: the sale of products made, assembled, refinished, or repaired on the premises; and the sale of any goods or materials used in any of the processes involved in the primary business use;

e) the business use shall occupy a total of no more than 46 sq. m. (500 sq. ft.) or 25 percent of the floor area of the dwelling, whichever is less, except for Guest houses and boarding houses, where the maximum size of the business shall be four (4) rooms.
f) one (1) off-street parking space shall be provided for every 23 square metres (250 sq. ft.) of gross floor area occupied by the business, in addition to the space required for the residence itself;

g) signs shall not be illuminated and shall satisfy Subsection 14.2.7 (Commercial Signs);

h) the use shall not emit noise, odour, dust, light, or radiation that would be a nuisance or is uncustomary in a residential neighbourhood and, on the lot, there shall be no open storage or outdoor display of materials or products related to the business use;

i) no more than two (2) commercial vehicles including taxicabs related to the business use shall be kept upon or operated from the lot on which the business is located;

j) the use shall not include an animal shelter, animal hospital, or the commercial breeding or boarding of animals;

k) the exterior appearance of the building is not substantially altered; and

l) Guest houses shall conform to the following requirements
   (i) no more than two (2) double-occupancy rental rooms are available in an accessory structure; and
   (ii) an accessory structure used as part of a guest house shall not be considered to be a main building on the property; and
   (iii) exterior additions to accessory structures may increase the total floor area of the building by no more than 10%.

m) Pet Grooming shall conform to the following requirements
   (i) No outside area shall be devoted to or used as part of the business, this includes kennels, fenced areas or any other outdoor space
   (ii) Pet Grooming specifically excludes boarding or breeding of animals, including the temporary accommodation of animals or pets for financial compensation

4.5.17 Common Lot Line

Adjoining buildings which are structurally attached to each other in accordance with the Fire Code and the National Building Code may be built to the common lot line.

4.5.18 Variance From Minimum Requirements

In accordance with the Planning Strategy, the Development Officer may grant a variance from the requirements of this by-law for the number of parking or loading spaces required, the ground area and height of a structure, the floor area occupied by a home-based business, and the height and area of a sign. In accordance with the provisions of Section 235 of the MGA the Development Officer may grant a variance from the requirements of this By-law for the percentage of land that may be built upon, size or other requirements relating to yards, lot
area, and the lot *frontage*. In considering these variances, the intent of the Land Use By-law is to carry out the policies expressed in the Planning Strategy.

4.5.19 Site Plans

Where listed as a permitted *use* within a *zone*, the specified *developments* may be allowed through the site planning process in accordance with Municipal Planning Strategy Policy 6.2.6, subject to the following conditions, in addition to all other applicable requirements of this by-law:

a) approval by the authority having jurisdiction for sewage disposal either by an on-site sewage disposal system, or by connection to the Town central sewer, or by connection to a sewage disposal system satisfying the design and construction requirements of the Town Specifications adopted by Council;

b) where there are more than three (3) *dwelling* s using a road for access to a public highway, the design of the road satisfies the requirements of the Town Specifications;

c) approval by the Town Engineer for access to any *public street*, considering adequacy of sight distances, driveway entrances, traffic safety, and any other traffic concerns, including pedestrian safety;

d) a density of no more than 15 *dwelling* units per hectare (6 per acre) on the site;

e) approval by the Development Officer of a site plan, where the following matters are addressed:

i) new *buildings* and additions to *existing buildings* shall be located within the permissible *building* envelope with optimum separations from *development* on adjacent lots, while conforming with the current and historical streetscape, and no less than 8 metres (26 feet) from any watercourse (as defined by the *Environment Act*);

ii) any new *building* with a footprint (ground floor area) greater than 1500 sq. ft. shall have varied massing comprised of a main *building* form with added wings, ells, porches, etc., joined to the main *building* form under varied roof lines. The composition of these features shall have the effect of breaking up the overall visual mass of the *building* into smaller components, reducing apparent bulk, adding visual interest, and creating an intimate scale;

iii) vegetation on the site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive areas such as watercourses and steep slopes, except where its removal is essential for construction of the *development*;

iv) landscaping consisting of a combination of trees, shrubs, plants or grass shall be provided, or retained as found on the site, in the front, side and rear *yards*, exclusive of parking, driveways and pedestrian walkways, and a minimum of 25% of the total land area shall be so landscaped;
v) parking areas shall be designed with pedestrian walkways to facilitate safe access between building(s) and vehicle parking and maneuvering areas;

vi) driveways, parking areas, and any outside storage areas shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties;

vii) parking areas and any outside storage areas shall be screened from adjacent properties and from the public street by a fence at least four feet high or an equivalent combination of berms or landscaping;

viii) measures including lot grading shall be shown to adequately dispose of storm and surface water;

ix) other than the minimum infilling required for construction of wharves and bridges, land levels within 8 metres (26 feet) of any watercourse (as defined by the Environment Act) shall not be altered by the filling in of land to a depth greater than 0.3 metres (one foot) above the natural ground surface unless a variance has been issued under Section 4.4.3 and 4.5.17;

x) outdoor lighting fixtures shall be identified on the plan, shall use the lowest possible wattage consistent with safety, shall use fixtures which eliminate glare and in particular shall not project any glare or direct illumination onto adjacent properties;

xi) all buildings and all other structures, lawns, trees, shrubs, parking areas, lighting systems, and other landscaping elements shall be maintained in a tidy, attractive and useable state free of unkempt matter of any kind; and the development shall not generate emissions such as noise, dust, radiation, odours, liquids, or light to the air, water, or ground so as to create a recognized health or safety hazard, or to create a nuisance to the adjacent properties;

xii) the development provides adequate fire vehicle access and adequate on-site fire protection measures such as water supply; and

xiii) the applicant shall enter into a written undertaking to carry out the terms of the site plan.
PART 5 RESIDENTIAL (R) ZONE

5.1 GENERAL REQUIREMENTS FOR RESIDENTIAL ZONES

5.1.1 Application
The provisions of this part shall apply to the Residential (R) zone and other zones as specified in this by-law.

5.1.2 Commercial Vehicles
No more than two (2) commercial motor vehicles shall be operated from a lot in any Residential (R) zone and these vehicles shall be operated by none other than an occupant of the lot.

5.2 RESIDENTIAL (R) ZONE

5.2.1 Permitted Developments

a) Developments Permitted subject to R Zone Standards
   i) Single Unit Dwellings
   ii) Two Unit Dwellings
   iii) Parks, playgrounds and open spaces

b) Existing Land Uses Permitted Subject to R Zone Standards
   multi-unit residential 144 Main St.
   multi-unit residential 150 Main St.
   multi-unit residential 350 Main St.
   multi-unit residential 33 Cherry Lane
   multi-unit residential 35 Cherry Lane
   multi-unit residential 19 Orchard St.
   multi-unit residential 68 Spruce St.
   plumbing and heating business 40 Welcome St.
   industrial storage including the use of two existing shipping containers for storage

   b) Existing Land Uses Permitted Subject to R Zone Standards
      multi-unit residential 144 Main St.
      multi-unit residential 150 Main St.
      multi-unit residential 350 Main St.
      multi-unit residential 33 Cherry Lane
      multi-unit residential 35 Cherry Lane
      multi-unit residential 19 Orchard St.
      multi-unit residential 68 Spruce St.
      plumbing and heating business 40 Welcome St.
      industrial storage including the use of two existing shipping containers for storage

   c) Developments Permitted Subject to Other Requirements of this by-law
      i) Residential conversions containing a maximum of four (4) dwelling units, subject to the requirements of Subsection 4.4.6 (Residential conversion);

      ii) Small Scale Business uses subject to the requirements of Subsection 4.5.16(Small Scale Business);
iii) Residential developments in accordance with Section 4.5.19 (site plans);

iv) Structures within the Architectural Control Area are subject to the requirements of Subsection 4.4.10 (Architectural Control).

v) Tourist homes subject to the requirements of Subsection 5.2.4

d) Developments Permitted by Development Agreement

i) Any form of residential development not otherwise permitted in accordance with Municipal Planning Strategy Policy 4.1.4

ii) In the Commercial Development Agreement area, any development permitted in the Restricted Commercial Zone in accordance with Municipal Planning Strategy Policies 4.1.5 and 4.3.14.

iii) Institutional developments in accordance with Municipal Planning Strategy Policy 4.1.6

iv) Expansion or change to a similar use of any existing land use listed in 5.2.1(b) above in accordance with Municipal Planning Strategy Policy 4.11.14.

5.2.2 R Zone Standards

All structures shall conform with the following standards except that two dwelling units forming a two-unit dwelling may be built to the common side or rear lot line.

<table>
<thead>
<tr>
<th>Minimum Front Yard</th>
<th>Single-Unit Dwelling</th>
<th>All other structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.5 metres (15 ft.)</td>
<td></td>
<td>4.5 metres (15 ft.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Rear Yard</th>
<th>Single-Unit Dwelling</th>
<th>All other structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.5 metres (15 ft.)</td>
<td></td>
<td>4.5 metres (15 ft.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Side Yard</th>
<th>Single-Unit Dwelling</th>
<th>All other structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.5 metres (12 ft.)</td>
<td></td>
<td>3.5 metres (12 ft.)</td>
</tr>
<tr>
<td>1.2 metres (4 ft.)</td>
<td></td>
<td>3.5 metres (12 ft.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Flankage Yard</th>
<th>Single-Unit Dwelling</th>
<th>All other structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.5 metres (15 ft.)</td>
<td></td>
<td>4.5 metres (15 ft.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Height of buildings</th>
<th>Single-Unit Dwelling</th>
<th>All other structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.5 metres (45 ft)</td>
<td></td>
<td>13.5 metres (45 ft)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum distance between main buildings on adjacent lots</th>
<th>Single-Unit Dwelling</th>
<th>All other structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.5 m. (15 ft.)</td>
<td></td>
<td>4.5 m. (15 ft.)</td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>
5.2.3 **R Zone Lot Sizes (for new lots)**
The following minimums apply to new lots where the *On-site Sewage Disposal Regulations* do not apply.

<table>
<thead>
<tr>
<th></th>
<th>Two unit dwellings</th>
<th>All other structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>325 sq. metres (3,500 sq.ft.) per dwelling unit</td>
<td>650 sq. metres (7,000 sq.ft.)</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>10.5 m. (35 ft.) per dwelling unit</td>
<td>21 metres (70 ft.)</td>
</tr>
</tbody>
</table>

5.2.4 **Special Requirements – Tourist homes**
No development permit shall be issued for a *Tourist home* unless the lot, on which the *Tourist home* is located,

.1) comprises no more than three (3) self-contained units in the main dwelling and no more than one (1) self-contained unit in one (1) accessory structure per lot;

.2) contains one (1) parking space for each unit;

.3) contains no commercial signs;

.4) is at minimum 100 metres from a lot on which a Tourist home is operating with a development permit.”
PART 6  RESIDENTIAL UNSERVICED (RU) ZONE

6.1  GENERAL REQUIREMENTS FOR RESIDENTIAL UNSERVICED ZONES

6.1.1  Application

The provisions of this part shall apply to the Residential Unserviced Zone and to other zones as specified in this by-law.

6.2  RESIDENTIAL UNSERVICED (RU) ZONE

6.2.1  Special Requirements - Commercial, Industrial and Institutional Developments in RU Zone

Commercial, Industrial and Institutional developments are permitted in the RU Zone provided that, on each lot so used:

i) The use is permitted in the Commercial Zone by Subsection 7.2.1(a), the Institutional Zone by subsection 10.2.1(a) or the Industrial zone by subsection 8.2.1(a);

i) The maximum total indoor floor area occupied by such uses is 70 sq. metres (750 square feet); and

ii) The maximum total area devoted to such uses (including indoor and outdoor areas) is 204 sq. metres (2200 square feet).

iii) Clauses (i) and (ii) notwithstanding, fixed roof accommodations shall not exceed three guest rooms with associated dining facilities.

iv) Parking and loading spaces must be provided on the lot in accordance with the requirements of Parts 12 and 13.

6.2.2  Permitted Developments

a) Developments Permitted

i) Single Unit Dwellings

ii) Two Unit Dwellings

iii) Group homes

iv) Parks, playgrounds

v) Forestry uses including the growing, sale and primary processing of forestry products at the harvest site.

vi) Commercial, industrial and institutional uses, subject to the requirements of Subsection 6.2.1.

vii) Structures in accordance with the standards of Subsection 6.2.3, excluding mobile homes
b) Developments Permitted Subject to Other Requirements of this by-law

i) Residential conversions containing a maximum of four (4) dwelling units, subject to the requirements of Subsection 4.4.6 (Residential conversions);

ii) Residential developments in accordance with Section 4.5.19 (site plans);

iii) Expansion of Commercial, Industrial and Institutional developments beyond the limits set in Section 6.2.1 in accordance with Section 4.5.19 (site plans).

iv) Structures and enclosures for the rearing or keeping of laying hens and rabbits subject to the requirements of section 4.4.16.

(c) Developments Permitted by Development Agreement

i) Institutional developments in accordance with Municipal Planning Strategy Policy 4.2.6

6.2.3 RU Zone Standards

Unless otherwise specified in this by-law, all structures shall conform with the following standards:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Front Yard</td>
<td>4.5 metres (15 ft.)</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>4.5 metres (15 ft.)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td></td>
</tr>
<tr>
<td>One side</td>
<td>3.5 metres (12 ft.)</td>
</tr>
<tr>
<td>Other side</td>
<td>1.2 metres (4 ft.)</td>
</tr>
<tr>
<td>Minimum Flankage Yard</td>
<td>4.5 metres (15 ft.)</td>
</tr>
<tr>
<td>Maximum Height of buildings</td>
<td>13.5 metres (45 ft)</td>
</tr>
<tr>
<td>Minimum distance between main buildings on adjacent lots</td>
<td>4.5 m. (15 ft.)</td>
</tr>
<tr>
<td>Maximum number of dwellings on each lot</td>
<td>4</td>
</tr>
</tbody>
</table>

6.2.4 RU Zone Lot Sizes

The following minimums apply to new lots where the On-site Sewage Disposal Regulations do not apply

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>744 sq. metres (7,000 sq. ft.)</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>21 metres (70 ft.)</td>
</tr>
</tbody>
</table>
PART 7 COMMERCIAL ZONES

7.1 GENERAL REQUIREMENTS FOR COMMERCIAL ZONES

7.1.1 Abutting Zone Requirements
Where any commercial zone abuts a Residential (R), Residential Unserviced (RU), Institutional (I), or Park (P) zone, the following restrictions shall apply to the minimum required abutting yard within the commercial zone (as shown in tables 7.2.2 and 7.3.2):
(a) No outdoor display shall be permitted
(b) No parking space shall be permitted
(c) The required abutting yard shall be fenced or planted with a mix of coniferous and deciduous trees to provide screening of the commercial use.
(d) No illuminated sign shall be permitted.

7.1.2 Open Storage and Outdoor Display
.1 No open storage shall be permitted in the Commercial (C) and Restricted Commercial (RC) zones;
.2 Screened or enclosed storage is not permitted within the front yard;
.3 The area devoted to screened or enclosed storage shall not exceed fifty percent (50%) of the ground floor area of the main building on the lot.
7.2 COMMERCIAL (C) ZONE

7.2.1 Permitted Developments

(a) Developments Permitted Subject to Commercial (C) Zone Standards (Subsection 7.2.2)

all uses permitted in the Institutional Zone by Subsection 10.2.1(a)
Automobile sales and repair
animal hospitals and clinics
business and professional offices
craft workshops
dwelling units to a maximum of four dwelling units in a building
food preparation, retail sales and service
funeral homes
gardens and nurseries
hotels
nursing homes
marinas
medical and dental clinics
parking lots
personal service shops
Pet Grooming
places of entertainment, recreation and assembly
retail sales and service excluding parking structures
schools and child care facilities
structures subject to the requirements of Subsection 4.4.9 Architectural Control
studios for the practice or instruction of fine arts and crafts
taxi and bus stations
tourist establishments
wharves and similar water access structures

(b) Existing land Uses Permitted Subject to C Zone standards (Subsection 7.2.2)

existing multi-unit residential uses of three (3) or more dwelling units existing on 1 October 2001, as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nine units over ground floor commercial</td>
<td>544 Main Street</td>
</tr>
</tbody>
</table>

(c) Developments Permitted only Subject to Other Requirements of this By-Law

(i) premises licensed under the Liquor Control Act (other than restaurants) in accordance with Section 7.2.2, the Commercial (C) zone standards and Section 7.2.4, Special Requirements - Liquor License.

(ii) structures within the Architectural Control Area are subject to the requirements of Subsection 4.4.10 (Architectural Control)

(d) Developments Permitted only by Development Agreement

(i) light industrial uses in accordance with Municipal Planning Strategy Policy 4.3.6 and 4.4.5.

(ii) Adult entertainment in accordance with Municipal Planning Strategy Policy 4.3.5
(iii) retail developments in excess of 280 square metres (3,000 square feet) in accordance with Municipal Planning Strategy Policy 4.3.3.
(iv) premises licensed under the Liquor Control Act in excess of 112 square metres (1,200 square feet) in accordance with Municipal Planning Strategy Policy 4.3.4.

7.2.2 Commercial (C) Zone Standards

<table>
<thead>
<tr>
<th>Minimum Front Yard</th>
<th>1.5 metres (5 ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Rear Yard</td>
<td>3 metres (10 ft.)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>1.5 metres (5 ft.)</td>
</tr>
<tr>
<td>Minimum Flankage Yard</td>
<td>0</td>
</tr>
<tr>
<td>Maximum Height of Building</td>
<td>14 metres (45 ft.)</td>
</tr>
</tbody>
</table>

7.2.3 Commercial (C) Zone Lot Sizes
The following minimums apply to new lots where the On-site Sewage Disposal Regulations do not apply

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>sq. metres (4,000 sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Frontage</td>
<td>6 metres (20 ft.)</td>
</tr>
</tbody>
</table>

7.2.4 Special Requirements - Liquor License
No development permit shall be issued for any premises licensed under the Liquor Control Act (other than restaurants) which has a floor area in excess of 112 sq. metres, (1200 sq. ft.), exclusive of washrooms, storage areas and administrative offices except in accordance with Clause 7.2.1(d)(iv) (development agreement).

7.2.5 Special Requirements - Adult Entertainment
No development permit shall be issued for any adult entertainment except in accordance with Clause 7.2.1(d)(ii) (development agreement).
7.3 HARBOURFRONT COMMERCIAL (HC) ZONE

7.3.1 Permitted Developments

(a) Developments Permitted Subject to HC Zone standards (Subsection 7.3.2)

- animal hospitals and clinics
- business and professional offices
- craft workshops
- dwelling units subject to Subsection 7.3.4, special requirements
- food preparation, retail sales and service
- funeral homes
- gardens and nurseries
- hotels
- libraries, museums and public art galleries
- marinas
- medical and dental clinics
- parks
- personal service shops
- Pet Grooming
- places of entertainment, recreation and assembly, excluding adult entertainment
- retail sales and service excluding parking structures
- retail stores up to a 280 sq. metres (3,000 sq. ft.) footprint
- studios for the practice or instruction of fine arts and crafts
- structures subject to the requirements of Subsection 4.4.9 Architectural Control
- tourist establishments
- wharves and similar water access structures

(b) Existing land Uses Permitted Subject to HC Zone standards (Subsection 7.3.2)

Existing multi-unit residential uses of three (3) or more dwelling units existing on 1 October 2001, as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seven units over ground floor commercial</td>
<td>575 Main Street</td>
</tr>
<tr>
<td>Three units</td>
<td>601 Main Street</td>
</tr>
<tr>
<td>Three units with ground floor commercial</td>
<td>621 Main Street</td>
</tr>
</tbody>
</table>

(c) Developments Permitted Subject to Other Requirements of this By-Law

(i) premises licensed under the Liquor Control Act (other than restaurants) in accordance with Section 7.3.2, the Harbourfront Commercial (HC) zone standards and Section 7.3.5, Special Requirements - Liquor License;

(ii) structures within the Architectural Control Area are subject to the requirements of Subsection 4.4.10 (Architectural Control)

(d) Developments Permitted by Development Agreement

(i) light industrial uses in accordance with Municipal Planning Strategy Policies 4.3.11 and 4.4.5;

(ii) retail developments in excess of 280 square metres (3,000 square feet) in accordance with Municipal Planning Strategy Policy 4.3.9;
(iii) premises licensed under the Liquor Control Act in excess of 112 square metres (1,200 square feet) in accordance with Municipal Planning Strategy Policy 4.3.10;

(iv) Any form of residential developments not otherwise permitted, in accordance with Municipal Planning Strategy Policies 4.5.4 and 4.3.13.

7.3.2 Harbourfront Commercial (HC) Zone Standards

<table>
<thead>
<tr>
<th>Minimum Front Yard</th>
<th>1.5 metres (5 ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Front Yard</td>
<td>3 metres (10 ft.)</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>3 metres (10 ft.)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>1.5 metres (5 ft.)</td>
</tr>
<tr>
<td>Minimum Flankage Yard</td>
<td>0</td>
</tr>
<tr>
<td>Maximum Height of Building</td>
<td>14 metres (45 ft.)</td>
</tr>
</tbody>
</table>

7.3.3 Harbourfront Commercial (HC) Zone Lot Sizes

The following minimums apply to new lots where the On-site Sewage Disposal Regulations do not apply

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>sq. metres (4,000 sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Frontage</td>
<td>6 metres (20 ft.)</td>
</tr>
</tbody>
</table>

7.3.4 Special Requirements - Residential Developments

.1 No development permit shall be issued for new residential uses or the expansion of existing residential uses in any structure unless a minimum of fifty per cent (50%) of the Main Street level floor is reserved for other uses permitted in the Harbourfront Commercial Zone by Subsection 7.3.1 and these other uses occupy no less than 50% Main Street frontage of the building.

.2 No development permit shall be issued for more than four dwelling units in a building in the Harbourfront Commercial Zone without a development agreement under Paragraph 7.3.1(d).

7.3.5 Special Requirements - Liquor License

No development permit shall be issued for any premises licensed under the Liquor Control Act (other than restaurants) which has a floor area in excess of 112 sq. metres, (1200 sq. ft.), exclusive of washrooms, storage areas and administrative offices except in accordance with Clause 7.3.1(d)(iii) (development agreement).
7.4 RESTRICTED COMMERCIAL (RC) ZONE

7.4.1 Permitted Developments

(a) Developments Permitted Subject to RC Zone standards (Subsection 7.4.2)
- all uses permitted in the Institutional Zone by Subsection 15.2.1(a)
- All uses permitted in the Residential Zone by Subsection 5.2.1(a)
- art and craft shops and associated workshops
- restaurants
- personal service shops
- business and professional offices
- tourist establishments
- medical and veterinary clinics
- structures subject to the requirements of Subsection 4.4.9 Architectural Control

(b) Developments Permitted Subject to Other Requirements of this by-law

i) Residential conversions containing a maximum of four (4) dwelling units, subject to the requirements of Subsection 4.4.5;

ii) Small Scale Business uses subject to the requirements of Subsection 4.5.16;

iii) Residential developments in accordance with Section 4.5.19 (site plans);

iv) Structures within the Architectural Control Area are subject to the requirements of Subsection 4.4.10 Architectural Control.

(c) Developments Permitted by Development Agreement

(i) Any form of residential development not otherwise permitted in accordance with Municipal Planning Strategy Policy 4.1.5.

7.4.2 RC Zone Standards

All structures shall conform with the following standards except that two dwelling units forming a two-unit dwelling may be built to the common side or rear lot line.

<table>
<thead>
<tr>
<th></th>
<th>Single-Unit Dwelling</th>
<th>All other structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Front Yard</td>
<td>4.5 metres (15 ft.)</td>
<td>4.5 metres (15 ft.)</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>4.5 metres (15 ft.)</td>
<td>4.5 metres (15 ft.)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One side</td>
<td>3.5 metres (12 ft.)</td>
<td>3.5 metres (12 ft.)</td>
</tr>
<tr>
<td>Other side</td>
<td>1.2 metres (4 ft.)</td>
<td>3.5 metres (12 ft.)</td>
</tr>
<tr>
<td>Minimum Flankage Yard</td>
<td>4.5 metres (15 ft.)</td>
<td>4.5 metres (15 ft.)</td>
</tr>
<tr>
<td>Maximum Height of buildings</td>
<td>13.5 metres (45 ft)</td>
<td>13.5 metres (45 ft)</td>
</tr>
</tbody>
</table>
Minimum distance between main buildings on adjacent lots | 4.5 metres (15 ft) | 4.5 metres (15 ft)
---|---|---
Maximum number of dwellings on each lot | 1 | 2

### 7.4.3 RC Zone Lot Sizes (for new lots)

The following minimums apply to new lots where the *On-site Sewage Disposal Regulations* do not apply

<table>
<thead>
<tr>
<th></th>
<th>Two unit dwellings</th>
<th>All other structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>325 sq. metres (3,500 sq. ft.) per dwelling unit</td>
<td>650 sq. metres (7,000 sq. ft.)</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>10.5 m. (35 ft.) per dwelling unit</td>
<td>21 metres (70 ft.)</td>
</tr>
</tbody>
</table>
7.5 COMMERCIAL SHORELINE (CS) ZONE

7.5.1 Permitted Developments

(a) Developments Permitted Subject to Commercial Shoreline (CS) Zone Standards, Section 15.2
all uses permitted within the Harbourfront Commercial (HC) zone within the one (1) existing
commercial structure located at 8 Edgewater Drive, (P.I.D.60420023, Assessment Account 03969533)
gazebos and bandstands to a maximum area of 38 sq. metres (409 sq. ft.)
parks, playgrounds, open spaces and sports fields
parking lots
wharves, piers, slipways, launching ramps and similar water access structures and uses

(b) Developments Permitted Subject to Other Requirements of this By-law
structures within the Architectural Control Area are subject to the requirements of Subsection 4.4.10
Architectural Control

(c) Developments Permitted by Development Agreement
new commercial developments and additions to existing commercial developments in accordance with

7.5.2 Commercial Shoreline (CS) Zone Standards

All structures shall conform with the following standards

<table>
<thead>
<tr>
<th>Minimum Front Yard</th>
<th>1.5 metres (5 ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Rear Yard</td>
<td>3 metres (10 ft.)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>1.5 metres (5 ft.)</td>
</tr>
<tr>
<td>Minimum Flankage Yard</td>
<td>0</td>
</tr>
<tr>
<td>Maximum Height of Building</td>
<td>8 metres (26 ft.)</td>
</tr>
</tbody>
</table>

7.5.3 Commercial Shoreline (CS) Zone Lot Sizes (for new lots)
The following minimums apply to new lots where the On-site Sewage Disposal Regulations do not apply

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>375 sq. metres (4,000 sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Frontage</td>
<td>10 metres (33 ft.)</td>
</tr>
</tbody>
</table>
PART 8 INDUSTRIAL ZONES

8.1 GENERAL PROVISIONS FOR INDUSTRIAL ZONES

8.1.2 Abutting Zone Requirements
Where an industrial zone abuts a Residential (R), Residential Unserviced (RU), Park (P), or Open Shoreline (OS) zone, the following restrictions shall apply to an abutting yard within the industrial zone (as shown in table 8.2.2):

(a) No open storage or outdoor display shall be permitted in an abutting yard in the Industrial (ID) zone.

(b) No parking space shall be permitted in an abutting yard within 1.5 metres (5 ft.) of the abutting lot line.

(c) views from abutting properties shall be screened by a fence, by the shape of the ground or by vegetation.

8.1.3 Open storage and Outdoor Display in the Industrial Zones

Open storage shall not be permitted within the required minimum front or flankage yard of a lot.
8.2 INDUSTRIAL (ID) ZONE

8.2.1 Permitted Developments
(a) Developments Permitted Subject to Industrial (ID) Zone Standards  (Section 8.2.2)
all uses permitted in the Commercial (C) zone by subsection 7.2.1(a)
all uses permitted in the Institutional (IN) Zone by Subsection 10.2.1(a)
Any research, manufacturing, assembling, storage, or processing development which does not require an environmental assessment report under the Environmental Assessment Regulations or an approval under the Activities Designation Regulations made under the Environment Act
any activity connected with the automotive trade including auto sales, motor vehicle repair shops and auto body repair shops
any activity connected with the marine trades, including but not limited to boat and marine storage, repair, sales and supplies
building supply and equipment depots
parking lots

b) Developments Permitted Subject to Other Requirements of this By-law
structures within the Architectural Control Area are subject to the requirements of Subsection 4.4.10
Architectural Control

(c) Developments Permitted by Development Agreement
(i) industrial developments which are not otherwise permitted, in accordance with Municipal Planning Strategy Policy 4.4.3

8.2.2 Industrial (ID) Zone Standards

<table>
<thead>
<tr>
<th>Minimum Front Yard</th>
<th>4.5 metres (15 ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Rear Yard</td>
<td>4.5 metres (15 ft.)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>3.5 metres (12 ft.)</td>
</tr>
<tr>
<td></td>
<td>1.2 metres (4 ft.)</td>
</tr>
<tr>
<td>Minimum Flankage Yard</td>
<td>4.5 metres (15 ft.)</td>
</tr>
<tr>
<td>Maximum Height of buildings</td>
<td>13.5 metres (45 ft)</td>
</tr>
<tr>
<td>Minimum distance between main buildings on adjacent lots</td>
<td>4.5 m. (15 ft.)</td>
</tr>
<tr>
<td>Maximum number of dwellings on each lot</td>
<td>4</td>
</tr>
</tbody>
</table>

8.2.3 Industrial (ID) Zone Lot Sizes
The following minimums apply to new lots where the On-site Sewage Disposal Regulations do not apply

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>1860 sq. metres (20,000 sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Frontage</td>
<td>30 metres (100 ft.)</td>
</tr>
</tbody>
</table>
PART 9  OPEN SHORELINE (OS) ZONE

9.1  Permitted Developments

(a)  Developments Permitted Subject to Open Shoreline (OS) Zone Standards (Section 9.2)
marine-related commercial uses within the boathouse existing at 995 Main Street
parks, playgrounds, and open spaces
parking lots
wharves, piers, slipways, launching ramps and similar water access uses
alterations to existing structures subject to the requirements of Subsection 4.4.10 Architectural Control

(b)  Developments Permitted Subject to Other Requirements of this By-law
one single unit dwelling on the property located at 781 Main Street in accordance with Part 5,
Residential (R) Zone.

(c)  Developments Permitted only by Development Agreement
Residential uses in the existing boathouse at 995 Main Street in accordance with Municipal Planning
Strategy Policy 4.6.5.

(d)  structures within the Architectural Control Area are subject to the requirements of Subsection 4.4.10
Architectural Control

9.2  Open Shoreline (OS) Zone Standards
All structures shall conform with the following standards

<table>
<thead>
<tr>
<th></th>
<th>Dwellings</th>
<th>Other Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Front Yard</td>
<td>4.5 metres (15 ft.)</td>
<td>1.5 metres (5 ft.)</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>4.5 metres (15 ft.)</td>
<td>1.5 metres (5 ft.)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One side</td>
<td>3.5 metres (12 ft.)</td>
<td>1.5 metres (5 ft.)</td>
</tr>
<tr>
<td>Other side</td>
<td>1.2 metres (4 ft.)</td>
<td></td>
</tr>
<tr>
<td>Minimum Flankage Yard</td>
<td>4.5 metres (15 ft.)</td>
<td>1.5 metres (5 ft.)</td>
</tr>
<tr>
<td>Maximum Height of Buildings</td>
<td>8 metres (26 ft.)</td>
<td>1 meter (3 ft.) see 9.4 below</td>
</tr>
</tbody>
</table>

9.3  Open Shoreline (OS) Zone Lot Sizes

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>650 sq. m. (7,000 sq. ft.)</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>21 m. (70 ft.)</td>
</tr>
</tbody>
</table>

9.4  Special Requirements
The maximum height of 1 metre (3 ft.) shown in table 9.2 shall be measured from the surface of the adjacent Street.
PART 10  INSTITUTIONAL (IN) ZONES

10.1  GENERAL REQUIREMENTS FOR INSTITUTIONAL ZONES

10.1.1  Application

The provisions of this Part shall apply to the Institutional Zone and to other zones as specified in this by-law.

10.1.2  Special Requirement - Attached Buildings

Notwithstanding the setback requirements of Subsection 10.2.2, buildings on abutting lots may be joined or physically attached to each other.
10.2 INSTITUTIONAL (IN) ZONE

10.2.1 Permitted Developments

a) Developments Permitted Subject to IN Zone Standards (Subsection 10.2.2)
   - Ambulance and Emergency Response Services, including fire departments
   - Business and professional offices
   - Cemeteries
   - Churches, mosques and other places of worship, including associated meeting halls
   - Day care centres and Nursery Schools
   - Community centres
   - Educational facilities
   - Government facilities
   - Hospitals
   - Libraries, Museums and Public Art Galleries
   - Medical and dental clinics
   - Non-profit community and Fraternal organisations
   - Parks
   - Nursing homes, and associated assisted living facilities
   - Rectories, Manses, and staff residences associated with the uses listed in this paragraph.
   - Sewage, water treatment, gas supply and electric facilities

b) Developments Permitted Subject to Other Requirements of this By-law
   - Structures within the Architectural Control Area are subject to the requirements of Subsection 4.4.10
   - Architectural Control

c) Developments Permitted only by Development Agreement
   - In the Old School Development Agreement Area, in accordance with Municipal Planning Strategy Policy 4.7.5, the following developments are permitted:
     - Tourist establishments
     - Offices
     - Studios and galleries
     - Theatres
     - Craft workshops
     - Restaurants
     - Health services
     - Dwelling units
     - Community centres

10.2.2 Zone Standards

<table>
<thead>
<tr>
<th>Minimum Front Yard</th>
<th>4.5 metres (15 ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Rear Yard</td>
<td>4.5 metres (15 ft.)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td></td>
</tr>
<tr>
<td>One side</td>
<td>3.5 metres (12 ft.)</td>
</tr>
<tr>
<td>Other side</td>
<td>1.2 metres (4 ft.)</td>
</tr>
<tr>
<td>Minimum Flankage Yard</td>
<td>4.5 metres (15 ft.)</td>
</tr>
</tbody>
</table>
Maximum *Height of buildings* | 13.5 metres (45 ft)
---|---
Minimum distance between main *buildings* on adjacent lots | 4.5 m. (15 ft.)
Maximum number of *dwellings* on each lot | 4

10.2.3 **IN Zone Lot Sizes (for new lots)**

The following minimums apply to new lots where the *On-site Sewage Disposal Regulations* do not apply

| Minimum Lot Area with Central Sewer | 650 sq. m. (7,000 sq. ft.) |
| Minimum Lot *Frontage* | 21 m. (70 ft.) |
PART 11  PARK (P) ZONE

11.1  Permitted Developments

(a) Developments Permitted Subject to Park (P) Zone Standards, Section 11.2

pavilions, band shells

parks, playgrounds, open spaces and sports fields

recreational uses and facilities

11.2  Park (P) Zone Standards

<table>
<thead>
<tr>
<th>Minimum Front Yard</th>
<th>4.5 metres (15 ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Rear Yard</td>
<td>4.5 metres (15 ft.)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>3.5 metres (12 ft.)</td>
</tr>
<tr>
<td></td>
<td>1.2 metres (4 ft.)</td>
</tr>
<tr>
<td>Minimum Flankage Yard</td>
<td>4.5 metres (15 ft.)</td>
</tr>
<tr>
<td>Maximum Height of buildings</td>
<td>10 metres (33 ft)</td>
</tr>
<tr>
<td>Minimum distance between main buildings on adjacent lots</td>
<td>4.5 m. (15 ft.)</td>
</tr>
</tbody>
</table>

11.3  Park (P) Zone Lot Sizes

The following minimums apply to new lots where the On-site Sewage Disposal Regulations do not apply

<table>
<thead>
<tr>
<th>Minimum Lot Area with Central Sewer</th>
<th>650 sq. m. (7,000 sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Frontage</td>
<td>21 m. (70 ft.)</td>
</tr>
</tbody>
</table>
PART 12  REQUIREMENTS FOR LOADING AREAS

12.1  Number and Layout of Loading Spaces

   No person shall construct any structure for manufacturing, storage, warehouse, department store, retail store, wholesale store or outlet, market, freight or passenger terminal, hotel, hospital, or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods unless:

   (a) there is maintained on the same lot one (1) off-street space for standing, loading, and unloading for every 2700 sq. metres (30,000 sq.ft.) or fraction thereof of floor area used for any such purpose, and

   (b) each loading space measures at least 4 metres (13 ft.) in width by 12 metres (40 ft.) in length with a minimum height clearance of 4.3 metres (14 ft.), and

   (c) loading spaces, including driveways leading thereto, shall be treated or surfaced to prevent the raising of dust or loose particles, and

   (d) the width of any access road to a loading space shall be a minimum of 3.5 metres (12 ft.) for one-way traffic or 7.5 metres (25 ft.) for two-way traffic.
PART 13  REQUIREMENTS AND STANDARDS FOR PARKING AREAS

13.1 Application
The requirements of this part shall apply to all zones unless otherwise specified.

13.2 Parking Exemption
(a) The requirements of Section 13.3 shall not apply to land use or building which exists on the effective date of this Land use By-law.
(b) The requirements of Section 13.3 shall not apply to any "change of use" when such "change of use" does not also change the category to a higher-number category as shown in Section 13.3 or increase the total number or required parking spaces. If a portion of a lot or building is changed to a higher-number category, parking requirements shall apply only to that portion which has changed to a higher-number category.
(c) Notwithstanding 13.2 (b), where a "change of use includes the expansion or enlargement of an existing structure or use, the expansion of the use or structure shall be subject to the requirements of Section 13.3.

13.3 Number of Parking Spaces Required
No development permit shall be issued for any development unless off-street parking shall be provided and maintained in conformity with the following schedule. All calculations are to be rounded up to the nearest whole parking space:

<table>
<thead>
<tr>
<th>Category (1)</th>
<th>Parking Required (3 m. x 6 m. spaces)</th>
</tr>
</thead>
<tbody>
<tr>
<td>hospitals and <em>nursing homes</em></td>
<td>one half (1/2) space per bed or 37 sq. metres (400 sq. ft.) of floor area</td>
</tr>
<tr>
<td>warehouses</td>
<td>one third (1/3) space per 92.5 square metres (1000 sq. ft.) of floor area</td>
</tr>
<tr>
<td>industries</td>
<td>one tenth (1/10) space per 9.25 sq. metres (100 sq. ft.) of floor area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category (2)</th>
<th>Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>residential <em>buildings</em></td>
<td>one and one-half (1 1/2) spaces per unit</td>
</tr>
<tr>
<td>senior citizens housing</td>
<td>one (1) space per unit</td>
</tr>
<tr>
<td><em>hotels, motels</em> and other accommodation for travellers</td>
<td>one and one-half (1 1/2) spaces per rental unit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category (3)</th>
<th>Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>elementary and middle schools</td>
<td>two (2) spaces per classroom</td>
</tr>
<tr>
<td>high schools</td>
<td>four (4) spaces per classroom</td>
</tr>
<tr>
<td>bowling alley and curling rinks</td>
<td>one half (1/2) space per person of design capacity</td>
</tr>
<tr>
<td>Category (4)</td>
<td>Parking Required</td>
</tr>
<tr>
<td>--------------</td>
<td>------------------</td>
</tr>
<tr>
<td><em>offices and all other commercial uses</em></td>
<td>one half (1/2) space per 9.25 sq. metres (100 sq. ft.) of floor area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category (5)</th>
<th>Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>churches, funeral homes, restaurants, beverage rooms, lounges and other places of assembly</em></td>
<td>one half (1/2) space per fixed seat or three (3) spaces per 9.25 sq. metres (100 sq. ft.) of floor area devoted to public use.</td>
</tr>
</tbody>
</table>

**13.4 Parking Location**

Required parking shall be located on the same lot as the *use*.

**13.5 Cash In Lieu**

*Council* may accept cash in lieu of providing the required parking, as set out in Section 13.3, to a maximum of two *parking spaces* and in accordance with *Council’s* policies on parking areas according to the following formula:

\[
\text{amount of payment} = (a \times 19 \text{ sq. metres}) \times b + (b \times $1,500)
\]

- \(a\) = assessed value of the land per square metre
- \(19\) = number of square metres in each *parking space*
- \(b\) = number of required *parking spaces*
- \($1,500\) = cost of constructing *parking space* (in dollars)

**13.6 Standards for Parking Areas**

Where off-street parking is required and more than four (4) spaces are provided, no development permit shall be issued except in conformity with the following requirements:

(a) the parking area shall be treated or surfaced to prevent the raising of dust;

(b) outdoor lighting fixtures, including illuminated *signs*, shall use the lowest possible intensity consistent with safety, shall use fixtures which eliminate glare and in particular shall not project any glare or direct illumination onto adjacent properties, including the street;

(c) each *parking space* and the direction of travel in each traffic lane shall be clearly marked and maintained where a permanent hard surface is provided;

(d) no highway access shall be within 15 metres (50 ft.) of the limits of the right-of-way of the nearest highway intersection;

(e) the width of any access to a parking area and of any traffic lane in a parking area, shall be a minimum width of 3 metres (10 ft.) if for one-way traffic, and a minimum width of 6 metres (20 ft.) if for two-way traffic.
PART 14 SIGNS

14.1 GENERAL REQUIREMENTS FOR SIGNS

14.1.1 Development Permit Required

The public display of signs is a development for which a development permit is required, except for those signs described in Paragraph 14.1.2 below.

14.1.2 Signs for Which No Development Permit is Required

The following signs are permitted in all zones, without any requirement for a development permit:

a) Signs identifying name and occupation of the resident, and of not more than 0.2 square metres (2 sq. ft.) in sign area;

b) Signs bearing the name or civic number of the building not exceeding 0.2 square metres (2 sq. ft);

c) "No trespassing" signs or other such signs regulating the use of a property, and of not more than 0.2 square metres (2 sq. ft.) in sign area;

d) Signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premises provided that such signs are less than 0.5 square metres (5 sq. ft.) in area;

e) Memorial signs or tablets and signs denoting the historical significance and date of construction of a structure;

f) Indoor signs which are installed wholly within the exterior walls of a building;

g) A maximum of two real estate signs on any property, each one not exceeding 0.5 square metres (5 sq. ft.) in sign area in any residential zone and 1.5 square metres (16 sq. ft.) in other zones, which advertises the sale, rental or lease of the property on which they are located;

h) Signs installed by a government body, or under the direction or authority of such a body, and bearing no commercial advertising, such as but not limited to traffic signs, safety signs, signs identifying public schools, public election lists, and festival signs;

i) A sign having an area of not more than 6 square metres (65 sq. ft.) incidental to construction and located on the same site as the building under construction. Such signs shall not remain in place for more than sixty (60) days following completion of construction;

j) The flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization;

k) Signs associated with a specific event and bearing no commercial advertising, which do not exceed 1.5 square metres (16 square feet) in area and which are displayed within 30 days of the event.
14.1.3 Signs Prohibited in All Zones

Despite all other provisions of this by-law the following signs shall not be installed or used in any zone:

a) signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour, and signs which have any visible moving part or mechanical movement of any description;

b) signs which constitute a hazard to public safety;

c) signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers or obstruct the effectiveness of any traffic sign or traffic control device on public streets;

d) signs which obstruct the use of a fire escape or other required exit;

e) signs which make use of such words as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any other similar words, phrases, or symbols so as to interfere with or confuse drivers on a public street;

f) signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object;

g) portable signs, except those permitted under Paragraph 14.2.5 below;

h) all signs not specifically permitted in this by-law.

14.1.4 Illumination

Outdoor lighting fixtures, including illuminated signs, shall use the lowest possible intensity consistent with safety, shall use fixtures which eliminate glare and in particular shall not project any glare or direct illumination onto adjacent properties.

14.1.5 Non-commercial Signs

Signs which are not associated with a special occasion and are not otherwise permitted by this by-law may be permitted in any zone but:

a) shall not exceed 1 square metre (10.8 square feet) in sign area on each side;

b) shall not display any commercial advertising; and

c) shall not remain on display for more than thirty days in a calendar year.

14.2 SIZE AND LOCATION OF COMMERCIAL SIGNS

The following requirements shall apply to all commercial advertising signs unless otherwise specified elsewhere in this By-law.
14.2.1 **Ground Signs**

No ground *sign* shall:

a) exceed 2.2 square metres (24 sq. ft.) in *sign* area on each side;

b) exceed a *height* of 6.0 metres (20 ft.) from *grade* to the highest part of the *sign*;

c) extend across any property boundary line unless the application for a development permit is signed by all the affected property *owners*;

d) exceed the limit on the total area of all ground *signs* on a lot which is 0.09 sq. m. (one sq. ft.) for each 0.3 metre (lineal foot) of the front wall of the *building* in which the business is located.

14.2.2 **Projecting Wall Signs**

No projecting wall *sign* shall:

a) exceed 1.9 square metres (20 sq. ft.) in *sign* area on each side;

b) project over a *public street* or highway beyond the curb line or highway shoulder at a *height* of less that 4.15 meters (13.6 ft);

c) project above the eaves, parapet or roof line of a *building*;

d) be installed below a *height* of 2.5 metres (8 ft.) above *grade*, unless the *sign* projects entirely above private property;

e) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device;

f) exceed the limit on the total area of all projecting wall *signs* on a lot which is 0.09 sq. m. (one sq. ft.) for each 0.3 metre (lineal foot) of the front wall of the building in which the business is located;

14.2.3 **Flat Fixed Wall Signs**

No flat fixed wall *sign* shall:

(a) cover more than 0.1 sq. metre (1 sq. ft.) per lineal foot of the wall of the side of the *building* on which the *sign* is affixed. The total area of flat fixed wall *signs* for each *building* shall not exceed 9.25 sq. metres (100 sq.ft.) except in the case of multiple occupancy *buildings*, where the limit is 125 square feet.

(b) extend above the top of the wall upon which it is placed;

(c) extend beyond the extremities of the wall upon which it is attached.
14.2.4 **Window Signs**

No window *sign*, or group of window *signs* affixed to one (1) window shall exceed 50% of the window's area.

14.2.5 **Portable Signs**

No portable *sign* shall:

a) exceed 1.1 sq. metres (12 sq. ft.) in area on each side;

b) be located within the boundaries of a *public street* without a permit issued under the Streets and Sidewalks By-law, and where such permit has been issued no Development Permit is required;

c) remain on display during the close of business.

14.2.6 **Off-premises Advertising**

No *sign* shall be installed or used for commercial advertising except where the *sign* is located either:

(a) on the same lot as the establishment which it advertises; or

(b) on the same lot as the dealer for the product which it advertises; or

(c) on a *public street* as permitted by the Streets and Sidewalks By-law; or

(d) affixed to a *building* in the Commercial zone which is used for commercial purposes but does not satisfy Clause (a) or (b) above, in which case there shall be no more than two such *signs* on any wall of the *building* to a maximum total of 1.0 sq. m. (10 sq. ft.) on each wall, which *sign* area shall be counted as part of the limits established by 14.2.3

14.2.7 **Commercial Signs Within Residential Zones**

Other than those *signs* for which no Development Permit is required under Subsection 14.1.2, no *sign* shall be used for commercial advertising within any residential *zone* unless:

a) with the exception of properties fronting on Main Street or Edgewater Drive, there shall not be more than one *sign* on the lot which shall not exceed 1 sq. metre (10 sq. ft.) on each side.

b) for properties fronting on Main Street or Edgewater Drive, there shall not be more than one *sign* for each business on the lot and no *sign* shall exceed 1.5 sq. metres (16 sq. ft.) on each side.
PART 15 DEFINITIONS

15.0 For the purposes of this by-law all words shall carry their customary meaning except for those words and phrases defined in Part 16.

15.1 ACCESSORY STRUCTURE - See STRUCTURE

15.2 ACCESSORY USE - See USE

15.3 ADULT ENTERTAINMENT means providing services appealing to or designed to appeal to erotic or sexual appetites or inclinations and for greater certainty in this context:

“Providing” includes furnishing, performing, soliciting, or giving;

“Services” include activities, facilities, performances, exhibitions, viewing and encounters;

“Services appealing to or designed to appeal to erotic or sexual appetites or inclinations” includes:

(i) services of which a principal feature or characteristic is the nudity or partial nudity of any person, where ‘partial nudity’ means less than completely and opaquely covered: human genitals; human pubic region; human buttocks; and female breast below a point immediately above the top of the areola and

(ii) services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or any picture, symbol or representation having a like meaning or implication is used in any advertisement.

15.4 BOATHOUSE means a structure, whether permanent or temporary, which is roofed, which does not contain toilet, washroom, bathroom, shower room or kitchen facilities and which is used for the shelter or storage of boats, watercraft and associated marine accessories and equipment, but not for the accommodation of persons or animals, or for commercial purposes and does not include a garage.

15.5 BODY SHOP - see SHOP.

15.6 BUILDING means a structure, whether permanent or temporary, which is roofed and which is used for the shelter or accommodation of persons, animals, materials or equipment and includes any addition, porch, deck, veranda, steps, or other structure attached thereto or located or built within 1.5 metres (5 feet) thereof, and for greater certainty:

i) MAIN BUILDING means the building in which is carried on the principal purpose for which the building lot is used.

ii) ACCESSORY BUILDING see ACCESSORY STRUCTURE

15.7 CATERING means preparing food and serving it to customers elsewhere.

15.8 CHURCH means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall, or day nursery operated in conjunction with a Church.

15.9 CLINIC means a place for giving medical treatment or advice other than a hospital or an office located in a dwelling.
15.10 COMMUNITY CENTRE means any tract of land, or building or buildings, or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in a government body such as Town Council, or in a local incorporated non-profit organization.

15.11 CORNER LOT - See LOT.

15.12 CORNER VISION TRIANGLE means that triangular portion of a corner lot established by measuring along the street lines a distance of 6 metres (20 ft.) from their point of intersection and joining the points so established with a straight line, and includes the space situated vertically above said triangular area.

15.13 COUNCIL means the Council of the Town of Mahone Bay.

15.14 CRAFT
   i) CRAFT PRODUCTS means products made by hand or small custom production processes by potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leatherworkers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, sailmakers, and similar skilled craftspersons.
   ii) CRAFT WORKSHOP means a building or part of a building where craft products are made by hand or small production processes.

15.15 DAY CARE CENTRE
   i) RESIDENTIAL DAY CARE means a part of a dwelling where the owner or occupier of the dwelling provides accommodation and care, for financial remuneration, to eight (8) or fewer persons, without providing overnight accommodation.
   ii) COMMERCIAL DAY CARE CENTRE means a facility other than a Residential Day Care Centre, located in a building or part of a building, where persons are accommodated and cared for, for financial remuneration, without providing overnight accommodation.

15.16 DEVELOPMENT includes any erection, construction, alteration, replacement or relocation of or addition to any structure and any change or alteration in the use made of land or structures.

15.17 DEVELOPMENT OFFICER means the person appointed by Council under the authority of the Municipal Government to administer the provisions of the Land Use By-law.

15.18 DEVELOPMENT PERMIT means the permit issued by the Development Officer certifying that a proposed development complies with the provisions of the Land Use By-law.

15.19 DEVELOPER means any person, incorporated body, partnership or other legal entity which undertakes a development.
15.20 DWELLING means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units and does not include accommodations for the travelling public, with the exception of Guest houses and Tourist homes, and for greater certainty:

i) SINGLE UNIT DWELLING means a completely detached dwelling other than a mobile home, and which contains one dwelling unit.

15.21 DWELLING UNIT means one or more habitable rooms that may be used by one or more individuals as an independent and separate housekeeping establishment in which kitchen and sanitary facilities (lavatory, washroom, bathroom) are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

15.22 EXISTING means in existence on the effective date of this By-law.

15.23 FARM ANIMAL means any animal commonly bred on a farm, including but not limited to: horses, cattle, sheep, goats, swine, fowl, mink, fox, rabbits, donkeys, emu, llama.

15.24 FIXED WALL SIGN - See SIGN.

15.25 FLANKAGE YARD - See YARD.

15.26 FRONTAGE - See LOT FRONTAGE.

15.27 GRADE means, with reference to a building or structure, the average elevation of the finished surface of the ground where it meets the exterior of the foundation of the building or structure, exclusive of any artificial embankment or entrenchment, and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Town or other designated authority.

15.28 GROUND SIGN - See SIGN

15.29 GROUP HOME means a family home, group care facility, or similar facility for 24 hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or protection of the individual, where the number of residents does not exceed nine (9) excluding staff.

15.30 GUEST HOUSE means a part of a dwelling where the resident owner or resident occupant provides accommodation, with or without meals, to the travelling public for financial remuneration and does not include facilities open to the general public such as meeting rooms, restaurants, or entertainment facilities.

15.31 HEIGHT means the vertical distance on a building between the established grade and
a. the highest point of the roof surface or the parapet, whichever is the greater, 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;
and excluding any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola, or steeple.
15.32 HOTEL means a *building* or establishment which provides accommodation for the travelling public for financial remuneration and may include other facilities including meeting rooms, *restaurants*, and entertainment facilities and which is open to the general public and for greater certainty:

i) MOTEL means a type of hotel which is characterized by separate outside entrances to individual sleeping accommodations and close-by parking.

15.33 INDUSTRIAL USE means the *use* of land or *structures* for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods, equipment and machine servicing, and related *accessory uses*.

15.34 INSTITUTION means a *building* or part of a *building* used by an organized body or society for promoting a particular purpose with no intent of profit, such as churches, *community centres*, hospitals, homes for special care, and fraternal organisations.

15.35 KITCHEN means a room in a *building* containing any two of the following:

i) cooking facilities such as cooking stove, cooking range or countertop stove with or without oven;

ii) food storage facilities such as a pantry or refrigerator

iii) dish washing facilities such as a sink;

and for greater clarity, any *building* containing two or more of the above elements is deemed to include a kitchen.

15.36 LOADING SPACE means an area of not less than 48 square metres (520 sq. ft.) measuring at least 4 metres (13 ft.) by 12 metres (40 ft.) for the temporary parking of commercial motor vehicles while merchandise or materials are being loaded or unloaded and which has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas, but which is not used for sales or display.

15.37 LOT means any parcel of land as described by its boundaries, and for greater certainty:

i) CORNER LOT means a lot situated at the intersection of and abutting on two or more streets.

ii) INTERIOR LOT means a lot situated between two lots and having access to one street.

iii) THROUGH LOT means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a *Corner lot* and a *Through Lot* as hereinbefore defined, such lot shall be deemed to be a *Corner lot* for the purpose of this by-law.

iv) ABUTTING LOT means a lot having one or more boundaries coincident with one or more zone boundaries.

15.38 LOT AREA means the total plane horizontal area within the lot lines of a lot.

15.38A LOT COVERAGE means the combined area of land covered by buildings on a lot, including land over which buildings project, but excluding any area below the eaves of the roof. Portions of a building which are not covered by a roof such as unsheltered step, veranda or deck, are excluded from the combined area.
15.39 LOT FRONTAGE means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point thereon equal in distance to the minimum applicable front yard.

15.40 LOT LINE means a boundary line of a lot, and for greater certainty:

i) FRONT LOT LINE means the line dividing the lot from the street. In the case of a corner lot, either boundary line abutting the street may be regarded as the front lot line. In the case of a through lot the longer boundary dividing the lot from the street shall be deemed to be the front lot line and the opposite, shorter boundary shall be deemed to be the rear lot line, and where such lot lines are of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction. In the case of a lot which does not abut a street the front lot line shall be determined by the orientation of the main building on the lot.

ii) REAR LOT LINE means the lot line furthest from or opposite to the front lot line.

iii) SIDE LOT LINE means a lot line other than a front or rear lot line.

iv) FLANKAGE LOT LINE means a side lot line which abuts the street on a corner lot.

15.41 MAIN WALL means the exterior front, side or rear wall of a building, and includes but is not restricted to all structural members essential to the support of a fully or partially enclosed space or roof and any decks, bay windows, porches, steps, verandas, and balconies.

15.42 MAIN BUILDING - see BUILDING

15.43 MARINA means a building, structure or place, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired or kept for sale or rent, and may include other services such as but not limited to the sale of marine fuels and lubricants.

15.44 MOBILE HOME means a prefabricated detached dwelling designed for transportation on its own chassis and wheels to a site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking or assembly operations). A mobile home shall be considered to be a mobile home whether or not the chassis or wheels are removed.

15.45 MOTEL see HOTEL

15.46 MUNICIPAL GOVERNMENT ACT means the Act respecting Municipal Government, R.S.N.S. 1998, Chapter 18 as amended from time to time.

15.47 NURSING HOME means a building wherein nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.

15.48 OFFICE means a room or rooms where business may be transacted, a service performed or consultation given, and includes, but is not limited to the following: physicians, surgeons, dentists, lawyers, architects, engineers,
accountants, real estate agents, insurance agents, photographers, optometrists, chiropractors, eye specialists and similar uses, and may include retail sales or dispensing of goods associated with and incidental to the main use.

15.49 OPEN STORAGE means the storage of any items outside a building, not primarily for the encouragement of sale of the item or of similar items, but principally for storage purposes.

15.50 OUTDOOR DISPLAY means a display of goods on a lot for the purpose of encouraging the purchase of the display items, or items similar to the display items.

15.51 OWNER includes a person controlling the property under consideration, and also includes prima facie the assessed owner of the property whose name appears on the assessment roll prepared in accordance with the Assessment Act.

15.52 PARK means an open area devoted to passive recreational uses or conservation uses and which may include ornamental gardens and lawns, outdoor furniture, accessory structures and children's playgrounds.

15.53 PARKING LOT means an open area other than a street containing parking spaces for five or more motor vehicles, available for public use or as an accommodation for clients, customers or residents.

15.54 PARKING SPACE means an area of not less than 19 square metres (200 square feet), measuring 3 metres (10 feet) by 6 metres (20 feet) exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or manoeuvring areas.

15.55 PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

15.56 PERSONAL SERVICE SHOP means a business which tends to the grooming or health of persons or the maintenance or repair of personal wardrobe articles and accessories, and without limiting the generality of the foregoing may include barber shops, beauty parlours, hairdressing shops, shoe repair and shoe shining shops, but excludes any manufacturing or fabrication of goods for sale and excludes adult entertainment.

15.56a PET GROOMING means a building or part of a building used for the hygienic care and cleaning of domestic pets and for which there is financial remuneration. This includes the retail sale of any products used in pet grooming services, but does not include boarding, breeding or the provision of medical procedures.

15.57 PLANNING STRATEGY means the Municipal Planning Strategy of the Town of Mahone Bay.

15.58 PRIVATE STORAGE BUILDING means an enclosed or partially enclosed structure for the storage of materials or goods in which no business, occupation, or service is conducted for profit.

15.59 PUBLIC FACADE means that part of the exterior of a structure which can be seen from public property such as streets, the harbour and public wharves.

15.60 PUBLIC STREET means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Town of Mahone Bay.
15.61 RECONSTRUCT when used with reference to a building or structure means to build a wholly or substantially new structure in the same location as an existing structure, where the original existing structure has been wholly or partially removed and the resulting structure is of substantially the same dimensions and volume as the original structure as demonstrated by photographs or measured drawings of the original structure.

15.62 RECREATION means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, picnic areas, outdoor swimming areas, day camps, and non-commercial uses similar to the foregoing, together with necessary and accessory buildings and structures, but not including a shooting range, or a track for the racing of animals or any form of motorized vehicles.

15.63 REPAIR when used with reference to a building or structure means to renovate or mend by replacing or repairing parts without altering the size or volume of the structure.

15.64 REPAIR SHOP - See SHOP

15.65 RESIDENTIAL CONVERSION means the conversion of any structure to contain more dwelling units than it contained before the conversion.

15.66 REPLACE when used with reference to a building or structure, means to build a wholly or substantially new structure on a lot where the original structure has been partially or wholly demolished.

15.67 RESIDENTIAL DAY CARE CENTRE - See DAY CARE.

15.68 RESTAURANT means a building or part thereof where food and drink is prepared and served to the public for consumption on the premises or off the premises.

15.69 SHOP means any building or part thereof used for sales or repair of articles, and for greater certainty:

i) BODY SHOP means a building or part of a building or a clearly defined space on a lot where motor vehicle bodies are repaired and does not include a service station or automobile sales;

ii) REPAIR SHOP means any building or part thereof used for the repair of household articles and shall include radio, television, and appliance repair shops, plumbing repair shops, electrical repair shops, furniture repair shops, shoe repair shops but shall not include industrial or manufacturing, motor vehicle repair shops or auto body repair shops.

15.70 SIGN means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto or painted or represented thereon, which shall be used to identify, or advertise, any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an identification or advertisement. A sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign, and for greater certainty:
i) COMMUNITY EVENT BANNER means a banner which advertises or promotes a community event and which bears no commercial advertising other than the name or logo of a commercial sponsor of the event.;

ii) FIXED WALL SIGN means a sign which is attached directly to or painted upon a building wall, and which does not extend therefrom, and does not extend above the roof line;

iii) GROUND SIGN means a sign supported by one or more uprights or braces placed in or upon the ground;

iv) PORTABLE SIGN means a ground sign which is not permanently affixed in the ground;

v) PROJECTING WALL SIGN means a sign which projects from and is supported by a wall of a building;

vii) SIGN AREA means the area of the smallest triangle, rectangle or circle or semi-circle which can wholly enclose the surface area of the sign; and

viii) WINDOW SIGN means a sign which is displayed inside of a window or glass door and is legible from off the premises or from a parking lot.

15.71 STUDIO means a building or part thereof used as a workroom for the study, execution or instruction of any fine or commercial art, or craft, including photography, music, visual arts and commercial design.

15.72 STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and for greater certainty:

i) ACCESSORY STRUCTURE means a subordinate structure on the same lot as the main building, devoted to an accessory use.

15.73 TOURIST ESTABLISHMENT means a building or buildings used to accommodate the travelling public for gain or profit by supplying them with sleeping accommodations with or without meals, for periods of thirty (30) days or less, including but not limited to a guest house, tourist cabins, a tourist home, a motel, an auto court, and a hotel.

15.73A TOURIST HOME means a dwelling functioning in a commercial capacity as self-catering accommodation for the travelling public and does not include facilities open to the general public such as meeting rooms, restaurants, or entertainment facilities.

15.74 TOWN means the Town of Mahone Bay.

15.75 USE means the purpose for which any land, building or structure is used, and also means the purpose for which any land, building or structure is designed, arranged, or intended or the purpose for which any land, building or structure is occupied or maintained or leased, and for further certainty:

i) ACCESSORY USE means a use subordinate and naturally, customarily and normally incidental to, and exclusively devoted to, a main use of land or building and located on the same lot.
ii) **AGRICULTURAL USE** means the utilizing of land, *buildings* or *structures* to raise crops or animals or fowl and includes the harboring or keeping of any one or more of the following livestock regardless of its stage of development: horse, pony, pig, cow, bull, goose, duck, hen, rooster, sheep, goat or similar livestock.

iii) **CHANGE IN USE** means any alteration in the use made of the whole or any part of a parcel of land, a *building* or a *structure*.

iv) **FORESTRY USE** means the use of land, *buildings*, or *structures* to raise trees.

v) **NON-CONFORMING USE** means a prior *existing* use for which a development permit cannot be issued, as described in Sections 238-242 of the Municipal Government Act.

15.76 **WIDTH** means a horizontal distance measured parallel with the lot *frontage*.

15.77 **YARD** means an open, uncovered space on a lot appurtenant to a *structure* or a specified land use, and in determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used; and for greater certainty:

i) **FLANKAGE YARD** means the side yard on a *corner lot*, which side yard extends from the front yard to the rear yard between the flankage lot line and the main wall of any *building* or *structure*.

ii) **FRONT YARD** means a yard extending across the full *width* of a lot between the front lot line and the nearest main wall of any *building* or *structure* on the lot; and "minimum" front yard means the minimum depth of a front yard between the front lot line and the main wall of any *building* or *structure*.

iii) **REAR YARD** means a yard extending across the full *width* of a lot between the rear lot line and the nearest main wall of any main *building* or *structure* on the lot; and "minimum" rear yard means the minimum depth of a rear yard on a lot between the rear lot line and the main wall of any *building* or *structure*.

iv) **SIDE YARD** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest main wall of any *building* or *structure* on a lot; and "minimum" side yard means the minimum *width* of a side yard between a side lot line and the main wall of any *building* or *structure*.

v) **ABUTTING YARD** means a yard which includes or touches a *zone* boundary.

15.78 **ZONE** means a specified area of land shown on Schedule "A" of this by-law and more particularly referred to in Part 3 of this by-law.
| Listings of Development Agreements in Effect and Registered Heritage Properties are available on the Town website or upon request from Town Hall. |