

Baddeck

Municipality of the County of Victoria

Land Use By-law



First Reading – August 17, 2009

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BADDECK LAND USE BY-LAW

PART 1 - TITLE

This By-law shall be known and may be cited, as the “Land Use By-law” of the Baddeck Planning Area hereafter referred to as the “Planning Area” and shall apply to all lands as shown in Schedule “A” including the boundaries of the Village of Baddeck and Kidston Island within the Municipality of the County of Victoria.

PART 2 - ADMINISTRATION

Scope

1. This By-law applies to all development within the Planning Area and without restricting the generality of the foregoing shall apply to any erection, construction, addition, material alteration, replacement, or relocation of or to any building or structure, and any change or alteration in the use made of land, buildings, or structure.

Effective Date

2. This By-law shall take effect when approved by the Minister of Service Nova Scotia and Municipal Relations.

Prohibition

3. Subject to the provisions of the *Municipal Government Act*, no development shall be carried out within the Planning Area, except in accordance with this By-law.
4. No person shall commence or continue development for which a Development Permit is required by this By-law unless the owner has obtained a Development Permit to carry out the development.

Development Officer

5. A Development Officer shall be appointed by the Municipality of the County of Victoria, who shall grant Development Permits in accordance with the By-law.
6. The Development Officer shall keep records of all applications received, permits and orders issued, inspections made, and shall retain copies of all papers and documents connected with the administration of this By-law, which shall form part of the public records of the Municipality of the County of Victoria.

Cost of Advertising

7. Pursuant to the *Municipal Government Act*, anyone applying for an amendment to the Land Use By-law or applying for a Development Agreement shall deposit with the Clerk an amount estimated by the Clerk to be sufficient to pay the cost of the required advertising and after the advertising has been completed, the applicant shall pay to the

Clerk any additional amount required to defray the cost of advertising or, if there is a surplus, the Clerk shall refund it to the applicant.

Repeal

8. The Baddeck Land Use By-law as adopted by Council on February 14, 1984 and approved by the Minister of Municipal Affairs on June 8, 1984 and all amendments thereto is hereby repealed.

PART 3 - ZONES AND ZONING MAP

Zones

1. For the purpose of this By-law the Planning Area is divided into the following zones, the boundaries of which are shown on the attached Schedule “A”. Such zones may be referred to by the appropriate symbols.

Zone Designations

Residential Urban	(R-1)
Residential Multi-Family	(R-2)
Mobile Home Park	(MHP)
Commercial Business District	(C-1)
General Commercial	(C-2)
Tourist Commercial	(C-3)
Waterfront Commercial	(C-4)
Conservation Open Space	(O-1)

The Schedule “A” attached hereto may be cited as the “Zoning Map” and is hereby declared to form part of this By-law.

Zones not on Map

2. The Zoning Map of this By-law may be amended, in conformance with the Municipal Planning Strategy, to use any zone in this By-law, regardless of whether or not such zone had previously appeared on any zoning map.

PART 4 - INTERPRETATION

Symbols

1. The symbols used on the Schedule “A” Zoning Map, attached hereto, refer to the appropriate zones established by this By-law.

Defined

2. The extent and boundaries of all zones are shown on Schedule “A” attached hereto, and for such zones the provisions of this By-law shall respectively apply.

Interpretation of Zoning Boundaries

3. Boundaries between zones shall be determined as follows:
 - (a) where a zone boundary is indicated as following a street or highway the boundary shall be the centre line of such street or highway;
 - (b) where a zone boundary is indicated as approximately following lot lines the boundary shall follow such lot sizes;
 - (c) where a street, highway, railroad, or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the zoning maps, it shall unless otherwise indicated be included in the zone of the adjoining property on either side thereof;
 - (d) where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning map 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 division thereof shall be considered the boundary between zones unless specifically indicated otherwise;
 - (e) where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule "A".

Permitted Use

4. For the purposes of this By-law, if a use is not listed as a permitted use in any zone, it shall be deemed to be a prohibited use in that zone.

PART 5 - GENERAL PROVISIONS FOR ALL ZONES

Scope

1. No structure shall hereafter be erected or altered, or the use of any building changed, unless a Development Permit has been issued and no Development Permit shall be issued unless all the provisions of this By-law are satisfied.

Frontage on Street

2. No Development Permit shall be issued unless the lot or parcel or land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street or private road with the exception of lots which are listed in Appendix "A" of this Land Use By-law which lots shall be entitled to a Development Permit if all other provisions of the Land Use By-law are complied with.

Reduced Lot Frontage

3. Notwithstanding anything else in this By-law for an existing area of land having a frontage of between eighty (80) and one hundred and nineteen (119) feet, the minimum lot frontage shall be reduced to twenty (20) feet for one lot only, provided that each lot created is served with central sewer and water services. Each such lot may be used for any purpose permitted in the zone in which it is located and a

building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

Licenses, Permits, and Compliance with Other By-laws

4. Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-law in force within the Planning Area or from obtaining any license, permission, permit, authority, or approval required by any other By-law of the Municipality or the Village Commission. Where the provisions in this By-law conflict with those of any other municipal or provincial requirements, the higher or more stringent regulations shall prevail.

Accessory Uses and Structures

5. Where this By-law provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose includes any use accessory thereof.

Non-Conforming Uses

6. Non-conforming uses shall be subject to the provisions of the *Municipal Government Act* of Nova Scotia.

Existing Undersized Lots

7. Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels on the effective date of this By-law, having less than the minimum frontage or area required by this By-law, may be used for a purpose permitted in the Zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied.

Existing Buildings

8. Where a building has been erected on or before the effective date of this By-law on a lot having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this By-law the building may be enlarged, reconstructed, repaired or renovated provided that:
 - (a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this By-law; and
 - (b) all other applicable provisions of this By-law are satisfied.

Existing Lots

9. Notwithstanding anything else in this By-law, the use of a building existing on a lot on the effective date of this By-law may be changed to a use permitted on the lot where the lot width, front yard, or area required or any two or all of these is less than the requirements of this By-law provided that all other requirements of this By-law are satisfied.

Height Regulations

10. The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys or clock towers.

Conformity with Existing Setbacks

11. Notwithstanding anything else in the By-law, in any Residential Zone, structures built between existing buildings within two hundred (200) feet on the same block may be built with a setback of the adjacent buildings, but this depth need not be greater than the minimum setback requirements prescribed in the zone in which it is situated.

Temporary Uses and Structures

12. (1) Nothing in this By-law shall prevent uses incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction in progress until such construction has been finished or discontinued for a period of sixty days provided a Development Permit has been obtained.
- (2) Nothing in this By-law shall prevent structures erected for special occasions, festivals and holidays provided that no such use remains in place more than 14 consecutive days. A Development Permit shall not be required.

Building to be Moved

13. No person shall move any building, residential or otherwise, within or into the Planning Area covered by this By-law without obtaining a Development Permit from the Development Officer.

Restoration to a Safe Conditions

14. Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of a non-conforming use the provisions of the *Municipal Government Act* of Nova Scotia shall prevail.

Building to be Erected on a Lot

15. No person shall erect or use any building unless such building is erected upon a single lot.

Multiple Uses

16. Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

Truck, Bus and Coach Bodies

17. No trucks, bus, coach, or street car body, or structure of any kind other than a mobile home or dwelling unit erected and used in accordance with this and all other By-laws of the Municipality of the County of Victoria shall be used for human habitation within the Baddeck Planning Area whether or not same is mounted on wheels.

One Main Building on a Lot

18. No person shall erect more than one (1) main building on a lot except for:
- (a) buildings located in Commercial Business District (C-1), Commercial Tourist (C-3) or Industrial (1-1) zones;
 - (b) non-residential buildings located in a Residential Rural (R-2) Zone;
 - (c) grouped dwellings in the Residential Multiple Unit (R-2) zone;
 - (d) mobile homes in the Mobile Home Park (MHP) zone; and,
 - (e) Tourist cottages and cabins in the Residential Urban (R-1) zone.

Accessory Buildings

19. (1) Accessory uses, buildings and structures shall be permitted in any zone within the Planning Area but shall not:
- (a) be used for human habitation except where a dwelling is a permitted accessory use;
 - (b) be located within the required front yard of a lot;
 - (c) be built closer to the side lot line than the minimum distance required by this By-law for the main building on the lot. Where an accessory building is built on a corner lot, it shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;
 - (d) be built closer than 10 feet to a lot line in a Residential Rural (R-2) Zone and 4 feet in any other zone except that:
 - i) common semi-detached garages may be centered on the mutual side lot line;
 - 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 two (2) feet from the said lot line in any residential zone, except a Residential Rural (R-2) Zone;
 - iii) boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge;
 - (e) except for non-residential accessory buildings in a Residential Rural (R-2) Zone or accessory buildings in an Industrial (1-1) Zone, exceed fifteen (15) feet in height;
 - (f) except in a Residential Rural (R-2) or Industrial (1-1) Zone, exceed ten percent (10%) of the area of the lot or 600 square feet in total whichever is greater;
 - (g) be built within eight (8) feet of the main building.
- (2) Notwithstanding anything else in this By-law, drop awnings, clothesline poles, flag poles, garden trellises, fences and retaining walls shall be exempt from any requirements under Subsection 1.

Illumination

20. No person shall erect any sign or illuminate in an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

Loading Spaces

21. (1) In any zone, no person shall erect or use any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods unless they are maintained on the same premises with every such building, structure or use, one off-street space for standing loading and unloading for every eight thousand (8,000) square feet or fraction thereof of building floor area used for any such purpose, to a maximum of two (2) loading spaces.
- (2) Each loading space shall be at least twelve (12) feet by forty (40) feet with a minimum of fourteen (14) feet in height clearance.
- (3) No such loading space(s) shall be located within any required front yard.
- (4) Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- (5) Ingress and egress, to and from the required loading space areas shall be provided by means of unobstructed driveways of a minimum width of ten (10) feet if for one-way traffic or a minimum width of twenty (20) feet if for two-way traffic.
- (6) Notwithstanding anything in this section, an undersized vacant lot which is situated in the Commercial Business District (C-1) General Commercial (C-2), Tourist Commercial (C-3) and Waterfront Commercial (C-4) zones, which cannot comply with the loading standards shall be exempted from that requirement.

Parking Requirements

22. For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:

Type of Building	Parking Required
Residential	
(a) Single detached, semidetached, duplex residences in commercial buildings	one (1) parking space per dwelling unit
(b) Multiple unit and converted dwellings up to three (3) dwelling units	one (1) parking space per dwelling unit
(c) Multiple unit and converted dwellings with four (4) or more dwelling units	1 ¼ parking spaces per dwelling unit
(d) Boarding homes	one (1) parking space per two (2) rooms

Institutional	
(a) Hospital and nursing homes	one (1) per three (3) beds
(b) Churches, theatres, auditoria, and other places of assembly	where there are fixed seats, one (1) parking space for every five (5) seats or ten (10) feet of bench space; where there are no fixed seats, one (1) parking space for each 100 sq. ft. of floor area devoted to public use
(c) Elementary schools	1.5 parking spaces for each teaching classroom
(d) High schools	four (4) parking spaces for each teaching classroom
Commercial	
(a) Restaurants, night clubs, tavern, and lounges	one (1) parking space for each 50 sq. ft. of floor area devoted to public use
(b) Hotels, motels	one (1) parking space per suite or rental unit
(c) Offices	one (1) parking space for each 300 sq. ft. of floor area but never less than one (1) parking space
(d) Medical clinic or doctor's office	one (1) parking space for each 150 sq. ft. of floor area
(e) Funeral homes	one (1) parking space for each 50 sq. ft. of floor area in assembly room
(f) Bowling alleys and curling rinks	Three (3) parking spaces per bowling lane and four (4) per curling sheets. In other parts of the building, additional parking spaces shall be provided in accordance with the requirements set out in this By-law for the use to which the other parts of the building may be put.
(g) All other commercial uses	one (1) parking space for each 300 sq. ft. of floor area but never less than one (1) parking space

Standards for Parking Areas

23. Where parking facilities for more than four (4) vehicles are required or permitted:

- (a) The parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;

- (b) If lights are used for illumination of the parking lot or parking station, they shall be so arranged as to divert the light away from street, adjacent lots and buildings;
- (c) The parking area shall be within three hundred (300) feet of the location which it is intended to serve provided the parking area is located in the same zone;
- (d) When the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;
- (e) Approaches or driveways to any parking area, other than that required for a single detached dwelling, semi-detached, or a duplex dwelling shall be defined and the limits of the parking area shall be defined by a suitable obstruction designed to provide a neat appearance;
- (f) In addition the location of approaches or driveways shall be not closer than fifty (50) feet from the limits of the right-of-way at a street intersection;
- (g) Entrance and exit ramps to parking areas shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet.
- (h) The width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum of ten (10) feet if for one-way traffic, and a minimum of eighteen (18) feet if for two-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet.

Calculation of Lot Frontage for Irregularly Shaped Lots

24. In the case of irregularly shaped lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines. This distance shall be measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point along this line equal to the minimum applicable front yard.

Maximum Permitted Projection Into Required Yard

25. Except for accessory buildings, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky provided, however, that those structures listed in the following table shall be permitted to project into a yard for the specified distances indicated as follows:

Structure	Yard in Which Projection Is Permitted	Maximum Projection From Main Wall Permitted
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or canopies	Any yard	24 inches
Window Bays	Front, rear and flankage yards only	3 feet and a maximum width of 10 feet
Fire escapes and exterior staircases	Rear and side yards only	5 feet over a maximum width of 10 feet
Balconies	Front, rear and flankage	6 feet

	yards only for single family semi-detached, duplex, and triplex dwellings, any yard for other residential	
Open, roofed porches not exceeding one storey in height; uncovered terraces	Front, rear and flankage yards only	8 feet including eaves and cornices

Home Occupations

26. Nothing in this By-law shall prevent the use of a dwelling in any zone for a home occupation (which shall include a domestic and household art, day nurseries, a personal service shop, a barber shop, a beauty parlour, and an office for technicians such as plumbers, electricians, and other building trades) provided that:

- (a) The dwelling is occupied as a residence by the user and the external appearance of the dwelling is not changed by the home occupation;
- (b) There shall not be more than two (2) assistants who are not residents in the dwelling employed in the home occupation;
- (c) Not more than fifty (50) percent of the total floor area of the dwelling is devoted to the professional or business use;
- (d) One off-street parking space, other than that required for the dwelling, is provided for every two hundred (200) square feet of floor space occupied by the business or professional use;
- (e) There shall be no advertising other than a business identification plate or sign which has a maximum sign area of five (5) square feet and which is attached to the main building and also a ground sign of three (3) square feet and provided also that the provisions of Part 6 are satisfied;
- (f) No mechanical equipment is used except that reasonably consistent with the use of a dwelling; and
- (g) No open storage or outdoor display shall be permitted.

Public Uses Permitted

27. Government buildings and facilities (Municipal, Provincial and Federal) shall be permitted in any zone provided that such use conforms with the applicable lot standards of that particular zone. However, these uses will not be permitted in a Mobile Home Park (MHP) zone.

Public and Private Utilities

28. Public and Private Utilities shall be permitted in any zone provided that such use conforms with the applicable lot standards of that particular zone.

Stables, Barns, Kennels and Chicken Coops

29. No new stables, animal barns, commercial kennels and chicken coops will be permitted in any zone within the Plan Area. Any stables, barns, kennels and chicken coops which are in existence prior to this document, shall be considered a legal non-conforming use.

Change of Use: Parking and Loading Requirements

30. Notwithstanding Sections 21 and 22 of this By-law, where an existing undersized lot is to be used for a Commercial (C-1) use and the new use is unable to comply with the additional parking and loading requirements, the additional parking or loading requirements shall be waived.

Boat Docks and Boat Houses

31. Notwithstanding anything in this By-law, in any zone, boat docks and boat houses may be built to the water's edge, where such property abuts the Bras d'Or Lakes.

Architectural Control Area

32. (1) Any new main building or addition/alteration to an existing building with in an Architectural Control Area (Commercial Business District (C-1), General Commercial (C-2), Tourist Commercial (C-3) and Waterfront Commercial (C-4) Zones) shall be evaluated prior to the issuance of a Development Permit to ensure the development is similar to adjacent buildings with respect to:

- (a) architectural style
- (b) building length to width ratios
- (c) height
- (d) roof shape
- (e) appearance of exterior cladding and roof materials
- (f) architectural details and trim
- (g) shape and size of porches, doors, and windows
- (h) window to wall area ratios
- (i) location, type, and appearance of chimneys
- (j) siting of buildings, parking, outdoor storage.

(2) Where a property within an Architectural Control Area abuts a residential use, the following restrictions shall apply to the abutting yard within the Architectural Control Area:

- (a) Minimum side yard requirement for the abutting side yard shall be 6.10 m (20.0 ft.)
- (b) No outdoor storage or outdoor display is permitted
- (c) No parking space shall be permitted in an abutting yard within 6.10 m [20.0 ft.] of a side or rear lot line in the Commercial Zone.

- (d) A landscaped berm or an opaque fence of a minimum height of 1.80 m [5.9 ft.] that abuts the lot line and runs the full length of the lot line excluding any driveway accesses shall be provided along any side or rear lot line adjacent to the non-Commercial zone.

Reduced Lot Requirements

- 33. Notwithstanding anything else in the By-law, a lot approved in accordance with Part IX, Section 279 of the *Municipal Government Act* and having less than the minimum lot area or lot frontage required by this By-law may be used for any purpose permitted in the zone in which the lot is located provided that all other applicable provisions in this By-law are satisfied. Section 279 of the *Municipal Government Act* allows for relaxation of the minimum requirements for lot frontage and lot area for not more than two lots, provided the lot area and lot dimensions are no less than ninety (90) percent of the required minimums.

PART 6 - SIGNS

General

- 1. (1) Where this Part 9 inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Transportation and Communications, the more restrictive regulations shall apply.
- (2) No person shall erect a sign without first obtaining a permit from the Development Officer and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.

Safety and Maintenance

- 2. (1) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention by-laws.
- (2) All signs and all parts thereof, shall be kept in a good state of repair and maintenance.

Limit on Number of Signs

- 3. (1) For the purpose of this section, where a multiple tenancy building is occupied by more than one business, each business area shall be considered as separate premises.
- (2) Notwithstanding anything else in this By-law or elsewhere, not more than two (2) signs may be erected on any premises at any one time provided that:
 - (a) a double-faced sign shall count as a single sign;
 - (b) signs enumerated in Section 4 clauses “a” to “h” inclusive, “Signs permitted in all Zones” shall not be counted in calculating the total;

- (c) not more than one (1) ground sign shall be permitted on any one lot except in the case of a service station located on a corner lot where a maximum of two (2) ground signs shall be permitted and a limit of three (3) signs in total may be erected on a corner service station lot;
- (d) not more than two (2) facial wall signs shall be permitted for each business premises; and
- (e) not more than one (1) projecting wall sign shall be permitted for each business premises.

Signs Permitted in all Zones

- 4. Notwithstanding signs which satisfy the provisions of sections 6, 7, 8, and 9 of this Part, the following additional signs are permitted in all zones.
 - (a) Signs identifying name and address of resident, and of not more than two (2) square feet in sign area;
 - (b) “No trespassing” signs or other such signs regulating the use of a property, and of not more than two (2) square feet in sign area;
 - (c) Real estate signs not exceeding five (5) square feet in sign area in a residential zone and fifteen (15) square feet in other zones, which advertise the sale, rental, or lease of the premises;
 - (d) Signs regulating or denoting on-premises traffic, or parking or other her signs denoting the direction or function of various parts of a building or premise provided that such signs are less than five (5) square feet in area;
 - (e) Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists;
 - (f) Memorial signs or tablets and signs denoting the date of erection of a structure;
 - (g) The flag, pennant, or insignia of any government or of any religious, charitable, or fraternal organization;
 - (h) A sign having an area of not more than fifty (50) square feet incidental to construction and within the area designated for such purposes.

Signs Prohibited in all Zones

- 5. Notwithstanding signs which do not conform with the provisions of sections 6, 7, 8 and 9 of this Part, the following signs shall not be permitted 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, visible revolving parts or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsations or by actions of normal wind currents;
 - (b) Roof signs;
 - (c) Any sign or sign structure which constitutes a hazard to public safety or health;

- (d) Signs which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads;
- (e) Any sign which obstructs free ingress to or egress from a fire escape door, window, or other required exit way;
- (f) Signs not erected by a public authority which make use of words such as “STOP”, “LOOK”, “ONE WAY”, “DANGER”, “YIELD”, or any similar words, phrases, symbols, figures, or character in such manner as to interfere with, mislead, or confuse traffic along a public road;
- (g) Any sign which no longer advertises a bona fide business conducted, or a product sold;
- (h) Signs on public property or public right-of-way unless erected by a governmental body, or required to be so located by order of a governmental body or specially permitted by Council, but no sign located on public property or a public right-of-way shall bear any commercial advertisement;
- (i) Signs not erected by a government body which are located at or near sharp road curves or below the crest of a steep road grade;
- (j) Signs painted on, attached to, or supported by a tree, stone, cliff or other natural object;
- (k) String lights, other than temporary holiday decorations which are unshielded from the property on which they are located;
- (l) Searchlights, pennants, spinners, banners, and streamers except for occasions such as grand openings, county fairs, public festivals, exhibitions, and similar occasions;
- (m) Signs not related to any business or use located on the lot or premises.

Facial Wall Signs

6. Notwithstanding Section 9 of this Part, no facial wall sign shall:
 - (a) Cover more than one (1) square foot per lineal foot of the wall on which the sign is affixed with proportional allocation for each business premises in case of multiple occupancy buildings. In no case, however, shall the total area of the facial wall sign for each business premises exceed one hundred (100) 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.

Projecting Wall Signs

7. Notwithstanding Section 9 of this Part, no projecting wall sign shall:
 - (a) exceed twenty (20) square feet in sign area;
 - (b) project more than six (6) feet from the wall upon which it is attached;
 - (c) project over a public right-of-way or daylighting triangle;

- (d) project above the eaves, parapet, or roof line of a building;
- (e) be permitted to swing freely on its support;
- (f) be erected below a height of ten (10) feet or above a height of fifteen (15) feet above grade;
- (g) have a sign face dimension which exceeds five (5) feet.

Ground Signs

8. Notwithstanding Section 9 of this Part, no ground sign shall:
- (a) exceed thirty-two (32) square feet in sign area on a single face sign or sixty-four (64) square feet of sign area for both faces combined;
 - (b) exceed a height of twenty (20) feet from the grade level to the highest part of the sign;
 - (c) extend beyond a property line or project over a public right-of-ways, other adjoining lands, or any driveway or parking space;
 - (d) be set back less than five (5) feet from any street line, common lot boundary, driveway, aisle or parking area;
 - (e) have more than one sign on the supporting structure; exceed ten (10) feet for any sign face dimension.
 - (f) Exceed ten (10) feet for any sign face dimension.

Signs in a Residential Zone

9. Unless otherwise specifically indicated in this By-law, no sign in any Residential Zone shall exceed two (2) square feet in sign area or be employed for commercial advertising or exceed five (5) feet in height in the case of a ground sign.

Temporary Signs

10. Unless otherwise specifically indicated elsewhere in this By-law no portable illuminated sign located on a wheeled structure shall be permitted in any Zone within the Planning Area. However, a portable wooden structured sign (not on wheels) containing less than six square feet of sign area shall be permitted in the C-1 and C-2 commercial zones.

PART 7 - RESIDENTIAL URBAN (R-1) ZONE

R-1 Uses Permitted

1. No Development Permit shall be issued in a Residential Urban (R-1) Zone except for one or more of the following uses:
 - Residential Dwellings:
 - Single Detached Dwellings
 - Duplex and Semi-detached Dwellings
 - Triplexes (new or converted)
 - Mobile Homes
 - Boarding Homes
 - Cemeteries
 - Churches
 - Day Nurseries
 - Emergency Measures Facilities in accordance with Special Provisions
 - Institutional uses including Schools, Hospitals and Museums
 - Nursing Homes providing special care
 - Public recreational facilities including tot lots, parks and playgrounds
 - Professional Offices not exceeding 465 square metres (5,000 square feet) Commercial Floor Area (subject to Part 15)
 - Senior Citizen Clubs
 - Senior Citizen Homes
 - Tourist and Guest Homes (Bed and Breakfasts)
 - Tourist Cottages and Cabins
 - Existing commercial uses as listed in Appendix “B” of this By-law

R-1 Zone Requirements

2. In any Residential Urban (R-1) Zone, no Development Permit shall be issued except in conformity with the following requirements;

	Sewer Services	Onsite Services
Minimum Lot Area	6,000 sq. ft	Subject to Department of Environment Requirements
Minimum Lot Frontage	60 feet	60 feet
Minimum Front Yard	20 feet	20 feet
Minimum Rear Yard	20 feet	20 feet

Minimum Side Yard	8 feet one side	8 feet one side
	4 feet other side	4 feet other side
Height of any Building	25 feet	25 feet

Special Requirements - Churches, Schools, Hospitals and Senior Citizen Homes

3. Where churches, hospitals, professional offices between 232 square metres (2,500 square feet) and 465 square metres (5,000 square feet), and senior citizen homes are located in a Residential Urban (R-1) zone, the following special provisions apply:

Minimum Lot Area	1 858 sq. m. (20,000 sq. ft.)
Minimum Lot Frontage	30.5 metres (100 feet)
Minimum Front Yard	6.1 metres (20 feet)
Minimum Rear Yard	6.1 metres (20 feet)
Minimum Side Yard (Both Sides)	3 metres (10 feet)

Converted Dwelling - Special Requirements

4. No development permit shall be issued for a converted dwelling unless the conversion is undertaken without any addition or exterior alterations however, modifications required to meet fire safety requirements shall be permitted.

Emergency Measures Facilities - Special Requirements

5. No development permit shall be issued for an emergency measures facility (Fire Stations, Police Stations or Ambulance Bases) unless the proposed facility is located on a property with frontage on Margaree Road, Highway 205, or the Shore Road.

Site Plan Approval

6. Notwithstanding Section 4, all Tourist Cottage and Cabin Developments, Converted Dwellings and/or Bed and Breakfast (Tourist and Guest Homes) requiring modifications to a building are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:
- (a) individual parking spaces must be arranged so that each space has access to and from a public street or lane way unobstructed by any other parking space;
 - (b) parking shall be buffered from adjacent R-1 uses;
 - (c) a minimum of 100 sq ft of usable landscape space per unit shall be provided on the same lot;
 - (d) all of the items required by this policy shall be adequately maintained.

Application for site plan approval shall be accompanied by a plan or sketch of sufficient detail to address all of the matters identified above.

Architectural Guidelines

7. Alteration to the exterior of buildings referred to in Section 5 shall be in keeping with the existing structure.

Variance

8. Notwithstanding the height requirements set out in this zone, the Development Officer may grant a variance from the maximum height of any Building, provided there is no intentional disregard for this Bylaw or for the intent of the Bylaw and consideration is given to the site lines from buildings located on abutting properties and in no case will the variance be greater than 40%.
9. Where a variance is granted or refused the appeal and the notice provisions of the *Municipal Government Act* shall be complied with and the applicant shall pay to the Commission the costs of notifying affected land owners.

Tourist or Guest Homes

10. Notwithstanding Section 1, Tourist or guest homes are permitted provided that:
 - (a) the dwelling contains not more than six sleeping rooms which are rented to the traveling public;
 - (b) the dwelling is used as a residence by the operator of the tourist or guest home;
 - (c) one off-street parking space is provided for each sleeping room; and
 - (d) there shall be no advertising other than a business identification plate or sign which has a maximum sign area of five (5) square feet and which is attached to the main building and also a ground sign of three (3) square feet and provided also that the provisions of Part 6 are satisfied.
 - (e) In the event that a new Bed and Breakfast (Tourist or Guest Home) use exceeds the sixteen hundred (1,600) square feet in floor area, or covers more than thirty (30) percent of the lot area the new Bed and Breakfast (Tourist or Guest Home) use or addition to an existing use shall only be permitted by Development Agreement as specified in Policies 1.19 and 1.21 of the Municipal Planning Strategy.
 - (f) In accordance with Policy 1.21 of the Municipal Planning Strategy any development which consists of an addition to an existing Bed and Breakfast (Tourist or Guest Home) use that results in the building or buildings on the lot exceeding sixteen hundred (1,600) square feet in area or covering more than thirty (30) percent of the lot shall be subject to a Development Agreement unless the proposed addition does not exceed twenty thousand (\$20,000) dollars in construction value in which case the addition shall be permitted.

Tourist Cottages and Cabins

11. Notwithstanding Section 1, tourist cottages and cabins are permitted provided that:
 - a) Not more than five (5) tourist cabins are on a lot;

- b) The minimum lot size for a tourist cabin development shall be 40,000 square feet (3 716 square metres) or where applicable meet the requirements of the Provincial On-Site Sewage Disposal Systems Regulations, but in no case be less than 40, 000 square feet (3 716 square metres);
- c) A setback of 20 feet (6 metres) is maintained between any tourist cottage or cabin and all lot lines; and,
- d) In the event that a new or expanded tourist cottage or cabin development contains six (6) or more cabins or cottages, such a use shall only be permitted by Development Agreement as specified in Policies 1.20 and 1.21 of the Municipal Planning Strategy.

PART 8 - RESIDENTIAL MULTI-FAMILY (R-2) ZONE

R-2 Uses Permitted

1. No development permit shall be issued in a Residential Multi-Family (R-2 Zone) except for one or more of the following uses:
 - All uses permitted in the R-1 Zone subject to the R-1 Zone requirements
 - Townhouses
 - Multiple unit dwellings or converted dwellings containing four or more dwelling units

R-2 Zone Requirements

2. In any Residential Multi-Family (R-2) Zone, no Development Permit shall be issued except in conformity with the following requirements:

	Town Houses	Multiple Unit Dwellings
Minimum Lot Area	3,000 sq. ft. / dwelling unit	9,000 sq. ft. for the first 4 dwelling units 1,500 sq. ft. each additional unit
Minimum Lot Frontage	100 ft.	100 ft.
Minimum Front Yard	25 ft.	25 ft.
Minimum Rear Yard	25 ft.	25 ft.
Minimum Side Yard (Both Sides)	15 ft.	15 ft.
Maximum Height of Building	35 ft	40 ft.

Services Required

3. No Development Permit shall be issued for a permitted uses in the Residential Multiple Unit (R-2) Zone unless the use is located on a street served by the Village central water and sewer systems.

Landscaped Space - Multiple Unit Dwellings

4. Notwithstanding anything else in this By-law no Development Permit shall be issued for a Multiple Unit dwelling unless usable landscaped space is provided on the same lot at the standard of fifty (50) square feet for each dwelling unit.

Converted Dwellings (4 or more dwelling units)

5. Converted dwellings are subject to the requirements as stated in Sections 2, 5, and 6 of Part 7 of this By-law.

Site Plan Approval

6. All Converted Dwellings or Bed and Breakfast (Tourist and Guest Homes) requiring modifications to a building are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:
 - (a) individual parking spaces must be arranged so that each space has access to and from a public street or lane way unobstructed by any other parking space;
 - (b) parking shall be buffered from adjacent R-1 uses;
 - (c) a minimum of 100 sq ft of usable landscape space per unit shall be provided on the same lot;
 - (d) all of the items required by this policy shall be adequately maintained.

Application for site plan approval shall be accompanied by a plan or sketch of sufficient detail to address all of the matters identified above.

Architectural Guidelines

7. Alteration to the exterior of buildings referred to in Section 3 shall be in keeping with the existing structure.

PART 9 - MOBILE HOME PARK (MHP) ZONE

MHP Uses Permitted

1. No development permit shall be issued in a Mobile Home Park (MHP) Zone except for one or more of the following uses:
 - Mobile Home Park
 - Mobile Home
 - Public Recreational Uses such as parks and playgrounds
 - Mobile Home Park Offices
 - Maintenance equipment and storage facilities related and incidental to the operation of the Park.

General Lot Requirements

2. In any Residential Mobile Home Park (MHP) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	40,000 sq. ft.
Minimum Lot Frontage	100 ft.
Minimum Front Yard	20 ft.
Minimum Side Yard	10 ft.
Minimum Rear Yard	20 ft.

PART 10 - COMMERCIAL BUSINESS DISTRICT (C-1) ZONE

C-1 Uses Permitted

1. No Development Permit shall be issued in a Commercial Business District (C-1) Zone except for one or more of the following uses:

- Automobile service stations including a car wash and/or convenience store
- Automobile sales, service and leasing facilities
- Bakeries
- Bank and financial institutions
- Beverage rooms or lounges
- Building Supply outlets
- Bus terminals, Taxi stands and Freight offices
- Business and professional offices
- Churches and cemeteries
- Commercial schools
- Community Centres
- Dry cleaners and Laundromats
- Grocery, Retail and Convenience Stores
- Hotels, motels and associated uses
- Medical clinics
- Museums and Interpretive Centres
- Parking lots
- Places of entertainment
- Private Clubs
- Radio and television stations and equipment facilities
- Repair shops
- Restaurants and take-out restaurants
- Existing residential uses as identified in Appendix "C" in this By-law which shall be subject to the (R-1) zone requirements
- New residential uses contained within the same building as a commercial use subject to the requirements of Section 4 of this Part.

C-1 Zone Requirements

2. In any Commercial Business District (C-1) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	4,000 sq. ft.
Minimum Lot Frontage	40 feet

Parking Requirements - Commercial Uses

3. Notwithstanding Part 5, Section 22, Commercial businesses located in the Commercial Business District (C-1) Zone shall be exempted from the parking requirement of the Section with the exception of the following: Grocery stores, Building Supply outlets, Hotels, Motels, Beverage Room, and Lounges, which shall be subject to the requirements of Part 5, Section 22.

Residential Uses within Commercial Buildings

4. Notwithstanding anything else in this By-law, residential uses will be permitted within commercial buildings in the Commercial Business District (C-1) zone provided that the following are complied with:
 - (a) On a floor level having street entrance onto Chebucto Street up to twenty five (25) percent of the total floor area at that level will be allowed for a residential use, provided the space is located at the rear of the building opposite the Chebucto Street entrance;
 - (b) All other levels of the building will be permitted one hundred (100) percent of either commercial or residential space. If a building fronts on an adjacent street running perpendicular to Chebucto Street, and in the C-1 zone one level of that building must be identified as the main level which will be limited to a maximum twenty-five (25) percent of the total floor area for a residential space while the remaining levels will be permitted one hundred (100) percent of either commercial or residential space. In the case of a corner lot off Chebucto Street, the Chebucto Street level shall be the main level which will only be permitted twenty-five (25) percent of residential floor space allotted opposite the street entrance. All other levels of this building will be permitted one hundred (100) percent commercial or residential floor space.

Special Requirements: Abutting Yard Requirements

5. Notwithstanding anything else in this By-law, where a yard or lot located within a Commercial Business District (C-1) zone, abuts a Residential Urban (R-1) or Residential Multiple Unit (R-2) zone, the following restrictions shall apply:
 - (a) No outdoor display shall be permitted in an abutting yard within ten (10) feet of the side or rear lot line;
 - (b) No parking space shall be permitted in an abutting yard within ten (10) feet of the side or rear lot line.

Special Requirements: Automobile Service Stations

6. For automobile service stations in the (C-1) zone, the following provisions apply:
 - (a) minimum required lot frontage shall be one hundred and fifty (150) feet;
 - (b) no portion of any pump island shall be located closer than twenty (20) feet from any street line;
 - (c) minimum distance between entrance and exit driveways shall not be less than thirty (30) feet;
 - (d) minimum distance from a entrance and a exit driveway and a street intersection shall be fifty (50) feet;
 - (e) the minimum width of a ramp shall be twenty-five (25) feet.

Architectural Guidelines

7. Alteration to the exterior of buildings shall be in consideration of Part 5 Section 32.

PART 11 - GENERAL COMMERCIAL (C-2) ZONE

C-2 Uses Permitted

1. No development permit shall be issued in a General Commercial (C-2) Zone except for one or more of the following uses:
 - Retail Stores
 - Restaurants or Take-out Restaurants
 - Professional Offices
 - Automobile Service Stations including a Car Wash and/or Convenience Stores
 - Display courts featuring uses similar to the following: swimming pools, prefabricated cottages, mobile homes, boats, etc.
 - Private Clubs
 - Garden Nursery Sales and Supplies
 - Grocery Stores
 - Indoor/outdoor Commercial Recreational Establishments
 - Laundromats
 - Animal Hospitals and Veterinary facilities
 - Funeral Homes
 - Recreational Facilities
 - Repair Shop

C-2 Zone Requirements

2. In a General Commercial C-2 zone, no Development Permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	10,000 sq. ft.
Minimum Lot Frontage	100 feet
Minimum Front Yard	20 feet
Minimum Rear Yard	20 feet
Minimum Side Yard	8 feet
Maximum Height	35 feet

Architectural Guidelines

4. Alteration to the exterior of buildings shall be in consideration of Part 5 Section 32.

PART 12 - TOURIST COMMERCIAL (C-3) ZONE

C-3 Uses Permitted

1. No Development Permit shall be issued in a Tourist Commercial (C-3) Zone except for one or more of the following uses:
 - Hotels, Motels and Tourist Resorts
 - Tourist Cabins
 - Tourist Inns, excluding tourist or guest homes containing up to six rental rooms
 - Restaurants, Dining Rooms, Coffee Shops, Gift Shops, Spas and Fitness Facilities, Laundry Facilities and residential uses accessory to the tourist commercial uses

C-3 Zone Requirements

2. In a Commercial Tourist (C-3) Zone no Development Permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	20,000 sq. ft.
Minimum Frontage	100 feet
Minimum Front Yard	40 feet
Minimum Rear Yard	30 feet
Minimum Side Yard	12 feet

Special Provision

3. Notwithstanding Section 1:
 - (e) In the event that a new Tourist Commercial (C-3) use exceeds the sixteen hundred (1,600) square feet in floor area, or covers more than thirty (30) percent of the lot area the new (C-3) use or addition to an existing use shall only be permitted by Development Agreement as specified in Policies 2.22 and 2.23 of the Municipal Planning Strategy.
 - (f) In accordance with Policy 2.22 of the Municipal Planning Strategy any development which consists of an addition to an existing Tourist Commercial (C-3) use that results in the building or buildings on the lot exceeding sixteen hundred (1,600) square feet in area or covering more than thirty (30) percent of the lot shall be subject to a Development Agreement unless the proposed addition does not exceed twenty thousand (\$20,000) dollars in construction value in which case the addition shall be permitted.

Architectural Guidelines

4. Alteration to the exterior of buildings shall be in consideration of Part 5 Section 32.

PART 13 – WATERFRONT COMMERCIAL (C-4) ZONE

C-4 Uses Permitted

1. No Development Permit shall be issued in a Waterfront Commercial (C-4) Zone except for one or more of the following uses:

- Marina and marina facilities
- Museums, artisan workshops, galleries, interpretive centres, with or without an associated retail use
- Picnic areas and facilities
- Recreational uses
- Restaurants (including licensed lounges)
- Retail stores and kiosks (that are golf, recreation or tourism related)
- Yacht Club and associate uses
- Yacht and equipment sales, services and leasing facilities.

C-4 Zone Requirements

2. In any Waterfront Commercial (C-4) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	4,000 sq. ft.
Minimum Lot Frontage	40 feet

Parking Requirements - Commercial Uses

3. Notwithstanding Part 5, Section 22, Commercial businesses located in the Waterfront Commercial (C-4) Zone shall be exempted from the parking requirements of the Section with the exception of the following: Building Supply outlets, Beverage Room, and Lounges, which shall be subject to the requirements of Part 5, Section 22.

Residential Uses Within Commercial Buildings

4. Notwithstanding anything else in this By-law, residential uses will be permitted within commercial buildings in the Waterfront Commercial (C-4) zone provided that the following are complied with:

- (a) On a floor level having street entrance onto Chebucto Street up to twenty five (25) percent of the total floor area at that level will be allowed for a residential use, provided the space is located at the rear of the building opposite the Chebucto Street entrance;
- (b) All other levels of the building will be permitted one hundred (100) percent of either commercial or residential space. If a building fronts on an adjacent street running perpendicular to Chebucto Street, and in the C-1 zone one level of that building must be identified as the main level which will be limited to a maximum twenty-five (25) percent of the total floor area for a residential space while the remaining levels will be permitted one hundred (100) percent of either

commercial or residential space. In the case of a corner lot off Chebucto Street, the Chebucto Street level shall be the main level which will only be permitted twenty-five (25) percent of residential floor space allotted opposite the street entrance. All other levels of this building will be permitted one hundred (100) percent commercial or residential floor space.

Special Requirements: Abutting Yard Requirements

5. Notwithstanding anything else in this By-law, where a yard or lot located within a Waterfront Commercial (C-4) zone, abuts a Residential Urban (R-1) or Residential Multiple Unit (R-2) zone, the following restrictions shall apply:
 - (a) No outdoor display shall be permitted in an abutting yard within ten (10) feet of the side or rear lot line;
 - (b) No parking space shall be permitted in an abutting yard within ten (10) feet of the side or rear lot line.

Architectural Guidelines

6. Alteration to the exterior of buildings shall be in consideration of Part 5 Section 33.

PART 14 – CONSERVATION OPEN SPACE (O-1) ZONE

O-1 Uses Permitted

1. No Development Permit shall be issued in a Waterfront Commercial (C-4) Zone except for one or more of the following uses:
 - Boardwalks
 - Nature interpretation stands
 - Conservation projects
 - Walking or hiking trails
 - Beach and accessory uses
 - Washroom facilities

O-1 Zone Requirements

There are no lot standards for these permitted uses in the Conservation Open Space (O-1) zone.

PART 15 - DEVELOPMENT AGREEMENTS

Pursuant to the Municipal Government Act, the following developments shall be subject to a Development Agreement:

- a) Tourist and Guest Homes (Bed and Breakfast) uses that exceed a total maximum square footage and/or a maximum lot coverage and that exceed \$20,000 in construction value will be considered by Development Agreement as provided for in Policy 1.19 and 1.21;
- b) Tourist and Guest Homes (Bed and Breakfast) uses that exceed six (6) sleeping rooms for overnight accommodation will be considered by Development Agreement as provided for in Policies 1.20 and 1.21;
- c) Tourist Commercial uses that exceed a total maximum square footage and/or a maximum lot coverage and that exceed \$20,000 in construction value will be considered by Development Agreement as provided for in Policies 2.22 and 2.23;
- d) Tourist and Guest homes (Bed and Breakfasts) of six (6) or more sleeping rooms in areas zoned Commercial Tourist (C-3) as provided for in Policy 2.27 of this Strategy;
- e) In the event that buildings or facilities used by public or private utilities are disposed of, the reuse of these properties for a new commercial use by Development Agreement provided for in Policy 5.11; and,
- f) Professional offices that are more than 232 square metres (2,500 square feet) but less than 465 square metres (5,000 square feet) of gross floor area in the Residential General (R-1) zone as provided for in Policies 1.3A and 1.3B of this Strategy.

PART 16 - DEFINITIONS

The words and terms listed below shall have the meanings as defined herein.

1. **ACCESSORY BUILDING** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.
2. **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.
3. **ACT** shall mean the *Municipal Government Act*.
4. **ALTER** means to change a structural component of a building, or to increase or decrease the volume of a building or structure.
5. **APARTMENT BUILDING** means a building containing four or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use in common certain areas of the building.
6. **AUTOMOBILE SERVICE STATION** means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles and may include an automobile car wash and/or convenience store.
7. **BED AND BREAKFAST** (See Tourist and Guest Home).
8. **BOARDING OR ROOMING HOUSE** means a dwelling in which the proprietor supplies either room or room and board for monetary gain, to more than three but not more than six bedrooms exclusive of the lessee or owner thereof or members of his family and which is not open to the general public.
9. **BOAT HOUSES** means a building used for the storage of boats and boating equipment, no part of which shall be used for residential or commercial purposes and therefore shall not be permitted sanitary or water connections.
10. **BUILDING** means any structure whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment. Any tent, awning, bin, bunker, or platform vessel or vehicle used for any of the said purposes shall be deemed a building.
11. **CLINIC** means a building or part of a building used for medical, dental, surgical or therapeutic treatment of human beings but does not include a public or private hospital or a professional office of a doctor located in his residence.
12. **CHURCH** means a building dedicated to religious worship and includes a church hall, auditorium, Sunday School, parish hall, and day nursery operated by the church.
13. **COMMERCIAL FLOOR AREA** means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common walls between stores.

14. COMMUNITY CENTRE means any 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 the Municipality, a local board or agent thereof, or a non-profit organization.
15. DAY NURSERY means a place where four or more preschool children are cared for on a temporary daily basis without overnight accommodation but does not include a school.
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.
17. DEVELOPMENT OFFICER shall mean the Development Officer appointed by the Municipality of the County of Victoria in accordance with the *Act*.
18. DWELLING means a building or portion thereof occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units, but shall not include a hotel, a motel, apartment hotel or a travel trailer.
19. DWELLING, SINGLE DETACHED means a building containing not more than one (1) dwelling unit.
20. DWELLING, MULTI-UNIT means a dwelling which contains 4 or more dwelling units.
21. DWELLING, DUPLEX means a building containing not more than two (2) dwelling units placed one above the other.
22. DWELLING, CONVERTED means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.
23. DWELLING, TOWN HOUSE means three (3) or more dwelling units constructed side by side and separated by common vertical walls.
24. DWELLING UNIT means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities 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.
25. EXISTING means lawfully existing as of the effective date of this By-law.
26. FRONT YARD means a yard facing the principle entrance of the building extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a “minimum” front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.
27. HEIGHT means the vertical distance of a building between the average elevation of the finished grade of the ground immediately surrounding the structure exclusive of any artificial embankment or entrenchment 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 main level between eaves: and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.
28. HOME OCCUPATION means an accessory use of a dwelling for gainful employment involving the provision or sale of goods or services or both goods and service and shall include a domestic and household art, a day care centre, a personal service shop, a barber shop, a beauty parlour, an artisan work shop, a professional office and an office for technicians such as plumbers, electricians, and other building trades.
 29. HOTEL means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation with or without meals but generally without private cooking facilities.
 30. INSTITUTION means a building or part of a building used for a purpose by an organized body or society for promoting a particular purpose with no intent of profit but shall not include a private club.
 31. LOT means parcel of land described in a deed or as shown on a registered plan of subdivision.
 32. LOT FRONTAGE means the length of a line joining the side lot lines and parallel to the front lot line.
 33. CORNER LOT means a lot situated at the intersection of and abutting on two or more streets. The lot line facing the main entrance of the building shall be deemed the front lot line of the said lot.
 34. MAIN BUILDING means the building in which is carried on the principal purposes for which the lot is used.
 35. MOBILE HOME means any vehicle or similar structure, not a travel trailer, having a minimum floor area of 450 square feet, containing one or more dwelling units, having no permanent foundation, and supported by wheels, jacks or other similar supports, and used and designed or so constructed for year-round occupancy, as a dwelling unit. For the purpose of this By-law, the removal of the wheels or the permanent or semi-permanent attachment of a foundation to said mobile home shall not change the classification.
 36. MOTEL shall mean the same as Hotel.
 37. NURSING HOME means a building wherein nursing care room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.

38. PARKING SPACE means an area of not less than one hundred sixty (160) square feet, measuring eight (8) feet by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
39. PERSON includes an individual, association, firm, partnership, corporation, 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.
40. PRIVATE CLUB means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a fraternity, or sorority house, and a labour union hall.
41. PRIVATE ROAD means any road which is not public as defined by the *Victoria County Subdivision By-law*.
42. PROFESSIONAL OFFICE means a building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retailing or selling of goods.
43. REAR YARD means a yard extending across the full Width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and “minimum” rear yard means the minimum depth allowed by this By-law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.
44. REPAIR SHOP means a building used for the repair and servicing of household articles, industrial equipment, machinery, automobiles or similar items for monetary gain.
45. RECREATIONAL USES means the public use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, and similar uses to the foregoing, together with necessary accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.
46. RESTAURANT OR TAKE-OUT RESTAURANT means a building or part thereof where food and drink is served to the public for consumption within the building or for take-out and for consumption in parking areas appurtenant to the building.
47. RETAIL STORE means a building or part thereof in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the public at retail.
48. 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 wall of any building or structure on the lot; and “minimum” side yard means the minimum depth allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.
49. SIGN means a structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereof, which shall be used to justify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity,

profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "signs shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.

- a. Ground Sign means a sign supported by one or more uprights, poles or braces placed in or upon the ground.
 - b. Illuminated Sign means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign.
 - c. Projecting Wall Sign means a sign which projects from and is supported by a wall of a building.
 - d. Facial Wall Sign means a sign which is attached to and supported by a wall of a building.
 - e. Number of Signs means 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.
 - f. 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. All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area. Three dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle or circle or semi-circle which can totally circumscribe the sign in the plane of its largest dimension.
50. STREET means a road, accepted and maintained by the Department of Transportation and Communications as a public thoroughfare.
 51. STREET LINE means the boundary line of a street.
 52. STRUCTURE means anything that is erected, built or constructed or parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, and signs and also fences exceeding six (6) feet in height.
 53. TOURIST COTTAGE OR CABIN means an establishment providing accommodation for the use of the travelling or vacationing public; a free-standing unit containing less than 93 square metres (1,000 square feet) of livable indoor floor space, including a bed, sitting room (linens supplied) and bathroom, and may include kitchen facilities.

54. TOURIST AND GUEST HOME means a building used as a single family dwelling in which there are not more than six (6) sleeping rooms intended to be rented to the general public and where the stay of the guests is of a transient nature.
55. YARD means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines to the building shall be used.
56. ZONE means a designated area of land shown on Schedule "A", Zoning Map of this By-law.

APPENDIX “A” - Properties without a Public Street Frontage

In accordance with Policy 1.5 of the Municipal Planning Strategy for the Planning Area, lots existing on the effective date of this by-law and which have no street frontage on a public street are entitled to have a development permit issued for a proposed development on the lot which complies with all other provisions of the Land Use By-law.

APPENDIX “B” – Non Residential Uses Permitted In the Residential Urban (R-1) Zone

In accordance With Policies 1.4, 2.28, 2.29, and 2.30 and 3.2 of the Baddeck Municipal Planning Strategy, the following existing uses shall be permitted uses in the (R-1) zone.

1. Tourist cottages located at 10 Kennedy Drive off of High Street (PID 85099851)
2. Professional offices located at 65 High Street (PID 85022390)
3. Dentist’s office located at 7 Duntulm Street (PID 85022226)
4. Funeral Home located at 43 Queen Street (PID 85022119)
5. Masonic Lodge located 24 Grant Street (PID 85109338)
6. Broadwater Inn 980 Highway 205 (PID 85103307 and 85065019)
7. Ambulance Base, 27 Big Baddeck Road (PID 85069102)
8. Baddeck Veterinary Clinic Limited, 157 Big Baddeck Road (PID 85084994)
9. Autobody Shop and Sales, 173 Big Baddeck Road (PID 85142537)
10. RCMP Detachment, 16 Hillcrest Drive (PID 85067502)

APPENDIX “C” - Existing Single Detached Dwellings Permitted In the Commercial Business District (C-1) Zone

In accordance with Policy 2.3 of the Baddeck Planning Area Municipal Planning Strategy, the following single detached dwellings shall be considered permitted uses in the C-1 zone.

Property Owner	Street Address	LRIS No.
1. Mary Dunlop	552 Chebucto Street	85019362
2. Gail MacNeil	516 Chebucto Street	85019248
3. Mary Ann Doherty	9 Cameron Street	85019867
4. Sheila MacDonald	11 Cameron Street	85019875
5. Connie Johnson	498 Chebucto Streey	85019123
6. Wilfred Asaph	12 Prince Street	85019792
7. Colin Smith	38 Twining Street	85019412
8. Amy Thibideau	Twining Street	85019420
9. Graeme Bethune	96 Chebucto Street	85018729
10. Richard King	459 Chebucto Street	85068336
11. Carl Hamm	497 Chebucto Street	85019040
12. Presbyterian Manse	523 Chebucto Street	85019180
13. Harry Nicholson	28 Twining Street	85019446