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PART 1: TITLE

- 1.1. This By-law shall be known and may be cited as the “Land Use By-law” of the Central Antigonish Planning Area of the Municipality of the County of Antigonish, and will be referred to hereafter as the Central Antigonish Land Use By-law and this By-law shall apply to all lands within the planning area boundary, as illustrated on the Zoning Map.

PART 2: ADMINISTRATION

Effective Date

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

Prohibition

- 2.2. Subject to the provisions of the *Municipal Government Act*, no development shall be carried out within the Plan Area except in accordance with this By-law.
- 2.3. For projects requiring a development permit as per this By-law, development shall not be commenced or continued unless the owner has obtained a development permit to carry out the development.
- 2.4. No development permit shall be issued to erect more than one main building upon a lot, except in accordance with Part 6A, Section 23 of this By-law.

Development Officer

- 2.5. The Council of the Municipality of the County of Antigonish (hereinafter referred to as 'Council'), which has adopted this Land Use By-law shall appoint a Development Officer who shall be responsible for the administration of this Land Use By-law and the issuing of development permits.
- 2.6. 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 Antigonish.

Enforcement

- 2.7. Council, through any duly authorized officer or servant, shall have the right to enter at all reasonable times into, or upon, any property within the planning area for the purposes of an inspection necessary in connection with the administration of this Land Use By-law.

Permits

- 2.8. Subject to the provisions of the *Municipal Government Act*,
 - a. within fifteen (15) days of receiving an application for a development permit, the Development Officer shall inform the applicant whether or not the application is complete.
 - b. within thirty (30) days of receiving a completed application, the Development Officer shall either grant the development permit, or inform the applicant of the reasons for not granting the permit.
- 2.9. Every development permit is valid:
 - a. for twelve (12) months from the date of issuing the permit; or,
 - b. upon the permit being renewed for a further twelve (12) months if construction has begun.

If the development has not commenced within twelve (12) months and is still proposed, a new development permit application is required.

- 2.10. An application for a development permit shall:
- a. be made in the form prescribed by the Municipality;
 - b. be signed by the owner or his/her agent;
 - c. state the intended use of the proposed development; and
 - d. provide any other information required by the Development Officer to determine whether the proposal meets the requirements of this By-law.
- 2.11. When necessary to complete the assessment of a proposed development, the Development Officer may require the applicant to submit, in duplicate, one or more of the following:
- a. a survey plan of the lot showing the dimensions of the lot. This plan to be made and certified by a registered Land Surveyor licensed to practice in Nova Scotia; and,
 - b. the position, height, and horizontal dimensions of all structures existing on the lot.

Amendment of By-law

- 2.12. The following procedure shall apply when amending the By-law:
- a. any person who wishes to obtain an amendment to this By-law shall submit an application in writing to the Clerk of the Municipality of the County of Antigonish.
 - b. the application shall state an address for service.
 - c. the applicant shall pay for the costs for advertising as set out in Section 15 of this Part.

Notice to Property Owners

- 2.13.
- a. When an application has been received to amend the By-law, all affected property owners on abutting lots to the subject property shall be notified by the Commission of the public hearing.
 - b. This notification of affected property owners set out in clause (a) shall be in addition to the advertisements for the public hearing as required in the *Municipal Government Act*, and shall be delivered to all affected property owners by mail prior to the hearing.

Penalty

- 2.14. Any person in violation of the *Municipal Government Act* and provisions in force pursuant to the *Act*, including any order, regulation, by-law, plan, strategy or policy will be subject to the penalties established in the *Act*.

Costs for Advertising

- 2.15. Applications for an amendment to this By-law shall be accompanied by a deposit to the Eastern District Planning Commission, of an amount estimated by the Commission, to be sufficient to pay the cost of advertising required by the *Municipal Government Act*. After the advertising of an application has been complete, the applicant shall pay to the

Commission any additional amount owing to cover the cost of the advertising, or if the cost of advertising does not exceed the deposited amount, the Commission shall refund the deposited monies remaining.

PART 3: ZONES AND ZONING MAPS

Zones

- 3.1. For the purpose of this By-law, the Central Antigonish County Plan Area is divided into the following zones, the boundaries of which are shown on the attached schedule. Such zones may be referred to by the appropriate symbols.

| Zone | Symbol |
|--|---------------|
| Hamlet Residential | HR-1 |
| Hamlet Multiple Unit Residential | HR-2 |
| Hamlet Mini Home Park | HMHP-1 |
| Hamlet Commercial | HC-1 |
| Hamlet Highway Commercial | HHC-1 |
| Hamlet Industrial | HI-1 |
| Rural Development | RD-1 |
| Rural Commercial | RC-1 |
| Rural Industrial | RI-1 |
| Rural Comprehensive Development District | RCDD-1 |
| Tourist Commercial | TC-1 |

Zoning Map

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

Zones Not on the Map

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

Schedule “B”

- 3.4. *The Lower South River Source Water Protection Plan (2007)* is attached as Schedule “B” for convenience only and does not constitute an official part of the By-law.

PART 4: INTERPRETATION

Symbols

- 4.1. The symbols used on the Zoning Map attached hereto, refer to the appropriate zones established by this By-law.

Interpretation of Zoning Boundaries

- 4.2. The extent and boundaries of all zones are shown on the Zoning Map, attached hereto, and for all such zones the provisions of this By-law shall respectively apply.
- 4.3. 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 lines;
 - c. where a street, highway, railroad or railway right-of-way electrical transmission line right-of-way or watercourse is included on the zoning map, unless otherwise indicated, it shall be included in the zone of the adjoining property on either side thereof;
 - d. where a road, highway, railroad or railway right-of-way, 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 division thereof shall be considered the boundary between zones unless specifically indicated otherwise; and
 - e. where a zone boundary is indicated as approximately following a physical feature such as a watershed, the zone boundary shall follow such physical feature as determined by a field survey; and
 - f. where none of the above provisions applies, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map.

Certain Words

- 4.4. In this By-law, unless otherwise clearly indicated:
- a. words used in the present tense include the future;
 - b. words in the singular number include the plural; words in the plural include the singular;
 - c. the word 'used' includes 'arranged', 'designed', or 'intended to be used'; and
 - d. the word 'shall' is mandatory and the word 'may' is permissive.

All other words carry their customary meaning except for those defined in Part 19 of this By-law, entitled "Definitions".

Permitted Uses

- 4.5. 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.

- 4.6. Where a permitted use within any zone is defined in Part 19 (“Definitions”), the uses permitted within that zone include any similar uses which satisfy such definition except where a definition excludes any similar uses.

PART 5: DEVELOPMENT AGREEMENT

Development to be Considered by Development Agreement

- 5.1. The following developments shall be permitted only by development agreement, in accordance with the *Municipal Government Act* and the Municipal Planning Strategy:
- a. rural industrial uses subject to Policy L-2.2
 - b. tourist cabins and guest homes totaling six (6) or more accommodation units and campgrounds according to Policy L-4.4;
 - c. multiple unit residential uses with six (6) or more dwelling units Policy L-10.5;
 - d. new mobile home parks and expansions to existing mobile home parks according to Policy L-11.2 and;
 - e. ~~new hamlet industrial uses and expansion to existing hamlet industrial developments according Policy 14.2.~~

Development Permits for Development Agreement

- 5.2. A Development Permit may be issued for a development pursuant to the *Municipal Government Act* provided:
- a. the appeal period has lapsed or any appeals that may have been lodged have been dealt with by the Nova Scotia Utility and Review Board; and
 - b. the development conforms to the terms of the development agreement.

PART 6: GENERAL PROVISIONS FOR ALL ZONES

A. GENERAL PROVISIONS

These general provisions apply to all uses in all zones except where a specific zone or use is otherwise exempt.

Accessory Buildings

- 6.A.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 in the Rural Development (RD-1) and Hamlet Residential (HR-1) Zones, where they will be referred to as “garden suites”, and shall meet the Building Code regulations;
 - b. in areas serviced with municipal sewer services, exceed 83.6 square metres (900 sq. feet) in total floor area;
 - c. be located in the front yard of the lot with the exception of seasonal roadside stands, parking area booths and school bus shelters;
 - d. be located a minimum of 0.6 metres (2 feet) from said lot line in any zone, except for seasonal roadside stands, accessory buildings with no windows or perforations on the side of the building facing the abutting lot line;
 - e. on a corner lot, be located in the rear yard or in the side yard that is adjacent to the flanking street; and
 - f. be built closer to a street than the main building on a parcel that is in a non-residential zone.
- 6.A.2. Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempt from any requirements under Section 6.A.1.

Accessory Uses Permitted

- 6.A.3. 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.

Building to Be Erected On a Lot

- 6.A.4. Any building or structure to be erected or used shall be erected upon a single lot.

Building to Be Moved

- 6.A.5. A development permit shall be required for every building to be moved within or into the area covered by this By-law.

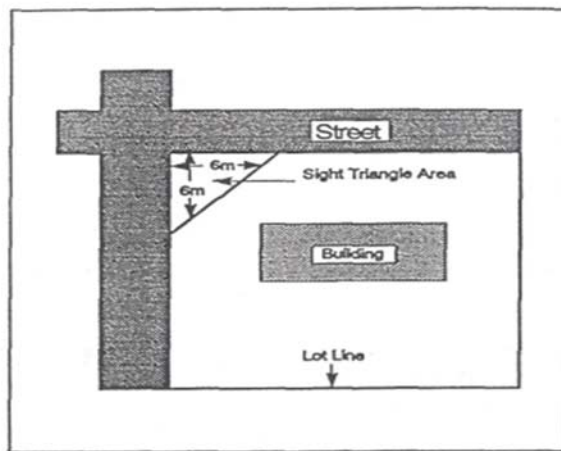
Calculation of Lot Frontage for Corner Lots or Irregularly Shaped Lots

- 6.A.6. The following means shall be used for the purposes of determining the lot frontage of corner lots or irregularly shaped lots:
- a. in the case of a corner lot the lot frontage shall be measured to the point of intersection of the extension of the sideline of the street rights-of-way;

- b. in the case of irregularly shaped lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line (i.e. line b in Figure A), at a point along this line equal to the minimum applicable front yard.

Corner Vision Triangle

- 6.A.7. On a corner lot, any structure to be erected shall not exceed a height of 0.6 metres (2 feet) above grade within the triangular area created by joining the distance of 6.1 metres (20 feet) measured from the intersection along the two street lines. This restriction shall also apply to vegetation established within this triangle, which shall be maintained so as not to exceed the noted maximum height.



Conformity with Existing Setbacks

- 6.A.8. Notwithstanding anything else in this By-law, in any Hamlet Residential Zone, structures built between existing buildings within 61 metres (200 feet) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than 3 metres (10 feet) from the front lot line and need be no greater than setback regulations prescribed in the zone in which the structure is situated.

Existing Buildings

- 6.A.9. 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 yard that does not conform to this By-law; and
 - b. all other applicable provisions of this By-law are satisfied.

Existing Lots

- 6.A.10. 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 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.

Existing Undersized Lots

6.A.11.

- a. Notwithstanding anything else in this By-law, a lot in existence 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.
- b. An existing lot having less than the minimum frontage or area required by this By-law may undergo a subdivision provided the undersized component is not further reduced and all other applicable provisions of this By-law are satisfied. Such lots shall continue to be considered existing undersized lots under this By-law.

Frontage on a Public Street, Private Road or Right-of-Way Easement

6.A.12. No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts the following:

- a. a public street, including streets owned but not maintained by the Province or Municipality.
- b. an approved proposed private road as defined in the Subdivision By-law for the Municipality of the County of Antigonish, provided that, where a lot is created pursuant to the Subdivision Regulations, a development permit may be issued if the lot has a minimum of 6 metres (19.7 feet) of frontage on a public or private road as defined herein, or if the lot abuts a right-of-way of 6 metres (19.7 feet) leading to such a public or approved private road.
- c. a right-of-way serving a lot created pursuant to the Subdivision By-law of the Municipality of the County of Antigonish.

Front Yard for a Through Lot

6.A.13. In the case of a through lot, the front yard shall be deemed to be any yard that abuts either of the two opposite public streets.

Height Regulations

6.A.14. The height regulations of this By-law shall not apply to wind turbines, church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers and power transmitters.

6.A.15. The height of a building shall be determined by calculating the vertical distance of a building between the established (average) grade and:

- a. the highest point of the roof or the parapet, whichever is the greater, of a flat roof; or
- b. the highest point of the ridge of a gabled, hip, gambrel, mansard or other type of pitched roof.

Illumination

6.A.16. Illuminated signs or lighting in an area outside any building shall be erected such that the illumination is directed away from adjoining properties and any adjacent streets.

Licenses, Permits, and Compliance with Other By-laws

6.A.17.

- a. Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the Planning Area or from obtaining any license, permission, permit, authority or approval required in any other By-law of the Municipality of the County of Antigonish or statute and regulation of the Province of Nova Scotia.
- b. Where the provisions of the By-law conflict with those of any other municipal or provincial requirements, the more stringent regulations shall prevail.

Loading Spaces

6.A.18.

- a. Any building or structure to be erected or enlarged which involves the frequent shipping, loading or unloading of persons, animals or goods, shall maintain on the same premises with every such building, structure or use, one off-street space for standing, loading and unloading for every 2 800 square metres (30,139 sq. feet) or fraction thereof of building floor area used for any such purpose to a maximum of six loading spaces.
- b. Each loading space shall be at least 3.65 metres (12 feet) by 12.2 metres (40 feet) with a minimum of 4.25 metres (14 feet) height clearance.
- c. A loading space for any building with less than 140 square metres (1,507 sq. feet) shall be optional.
- d. Loading spaces shall not be located within any required front yard or be located within any required yard that abuts a Hamlet Residential Zone.
- e. Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface that is treated to prevent the raising of dust or loose particles.
- f. All loading spaces shall have adequate access to permit ingress and egress of a commercial motor vehicle from a road or highway by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one (1) or more motor vehicles.

Multiple Uses

6.A.19. 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 a conflict, such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

Non-Conforming Uses

6.A.20. Non-conforming uses shall be subject to the applicable sections of the *Municipal Government Act*.

Non-Developable Lots

6.A.21. Notwithstanding the lot area and frontage requirements found elsewhere in this By-law, a development permit may be issued for any lot created pursuant to the Subdivision By-law (lots with a maximum area of 465 square metres; 5,000 square feet), for uses that do not require on-site septic or sewer services, provided all other applicable requirements of this by-law are met.

One Main Building on a Lot

- 6.A.22. No more than one main building shall be erected on a lot except for:
- a. buildings located in the Rural Commercial (RC-1), Rural Industrial (RI-1), Hamlet Highway Commercial (HC-1) or Industrial (I-1) Zones;
 - b. non-residential buildings located in Rural Development (RD-1) and Tourist Commercial (TC-1) Zones;
 - c. grouped dwellings located in a Hamlet Multiple Unit Residential (HR-2) Zone;
 - d. mini homes located in a Hamlet Mini Home Park (HMHP-1) Zone;
 - e. agricultural, forestry or fishery related buildings in all zones where these uses are permitted;
 - f. notwithstanding Section 6.A.22(b) of this By-law, two main dwellings may be erected on one lot capable of meeting subdivision requirements of the Antigonish Subdivision By-law in the Rural Development (RD-1) Zone.

Parking Requirements

- 6.A.23.
- a. 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 |
|---|--|
| a. A dwelling containing two (2) or fewer dwelling units | One (1) parking space for every dwelling unit |
| b. All other dwellings | One and one-half (1.5) parking space for every dwelling unit |
| c. Senior citizen housing | One (1) parking space for every one (1) dwelling unit |
| d. Churches, church halls, auditoria, restaurants, theatres, arenas, halls, stadia, private clubs, and other places of assembly | Where there are fixed seats one (1) parking space for every five seats, or 3.05 m. (10 ft.) of bench space. Where there are no fixed seats, one (1) parking space for each 9.5 sq. m. (102 sq. ft.) of floor area devoted to public use. |
| e. Hospitals and nursing homes | One (1) parking space for every two (2) beds or each 38.0 sq. m. (409 sq. ft.) of floor area, whichever is greater |

| | |
|-------------------------------------|---|
| f. Elementary schools | One and one-half (1.5) parking spaces for every teaching classroom |
| g. High schools | Four (4) parking spaces for every teaching classroom |
| h. Offices | One (1) parking space for every 28 sq. m. (301 sq. ft.) of gross floor area |
| i. Funeral homes | One (1) parking space for every five (5) seats capacity of the chapel, with a minimum of ten (10) parking spaces |
| j. Bowling alleys and curling rinks | One (1) parking space for every two (2) persons in the designed capacity of the establishment (designed capacity shall mean six (6) persons per bowling lane and eight (8) persons per curling sheet). For other permitted uses of the building, additional parking spaces shall be provided in accordance with the requirements set out in this By-law |
| k. Hotels and motels | One (1) parking space per suite or rental unit plus one (1) additional parking space for every 4.7 sq. m. (51 sq. ft.) of floor area devoted to public use (taverns, restaurants or auditoria) exclusive of lobbies and halls |
| l. Shopping centres | Parking area to be three (3) times floor area, exclusive of common malls between stores |
| m. Retail Stores | One (1) space per 14 sq. m. (150 sq. ft.) of floor area |
| n. All other commercial uses | One (1) parking space for every 28.0 sq. m. (301 sq. ft.) of commercial floor area |
| o. Industrial uses | One (1) parking space for every 42.0 sq. m. (452 sq. ft.) of gross floor area, for any office space included in the development parking shall be provided in accordance with the requirements set out in this By-law |

Parking Area Standards

6.A.24. 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. the lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light from streets, adjacent lots and/or buildings;
- c. the parking lot shall be within 91.4 metres (300 feet) of the location that it is intended to serve, and shall be situated in the same zone;
- d. when the parking area is of permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;
- e. entrance and exit ramps to the parking area shall not exceed two (2) in number for an interior lot and shall not exceed four (4) in number for a corner lot and each

ramp shall be a width of 7.6 metres (25 feet) at the street line and edge of pavement;

- f. 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 width of 3.1 metres (10 feet) if for one way traffic, and a minimum width of 6.2 metres (20 feet) if for two-way traffic, and the maximum width of a driveway shall be 7.6 metres (25 feet) ; and,
- g. dimensions of parking space shall be nine 2.7 metres (9 feet) by 6.1 metres (20 feet).

Public Offices and Buildings Permitted

6.A.25. Public offices and buildings shall be permitted in any zone provided that such uses conform to the applicable lot standards of that particular zone.

Reduced Lot Requirements

6.A.26. Notwithstanding the other requirements of this By-law and subject to the Subdivision By-law, a lot approval in accordance with Section 271(3) 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.

Restoration to a Safe Condition

6.A.27. Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use, the provisions of the *Municipal Government Act* shall prevail.

Side Yards on Corner Lots

6.A.28. Notwithstanding anything else in this By-law, on a corner lot in any zone, any part of a building or accessory building shall not be erected closer than 6.1 metres (20 feet) to the lot line of the flanking street.

Side Yard Waiver

6.A.29. Notwithstanding anything else in this By-law, where buildings on adjacent lots share a common wall, the applicable side yard requirements shall be zero.

Special Uses Permitted

6.A.30. Nothing in this By-law shall prevent uses erected for special occasions and holidays provided only that no such use remains in place for more than fourteen (14) consecutive days. A development permit shall not be required for the special use.

Temporary Uses Permitted

6.A.31. Nothing in this By-law shall prevent the temporary use of a building or structure incidental to a main construction project provided the use is discontinued and removed sixty (60) days following completion of the main construction project. A development permit shall not be required for the temporary use.

Truck, Bus and Coach Bodies

6.A.32. No truck, 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 County shall be used for human habitation within the Planning Area, whether or not same is mounted on wheels.

Utilities

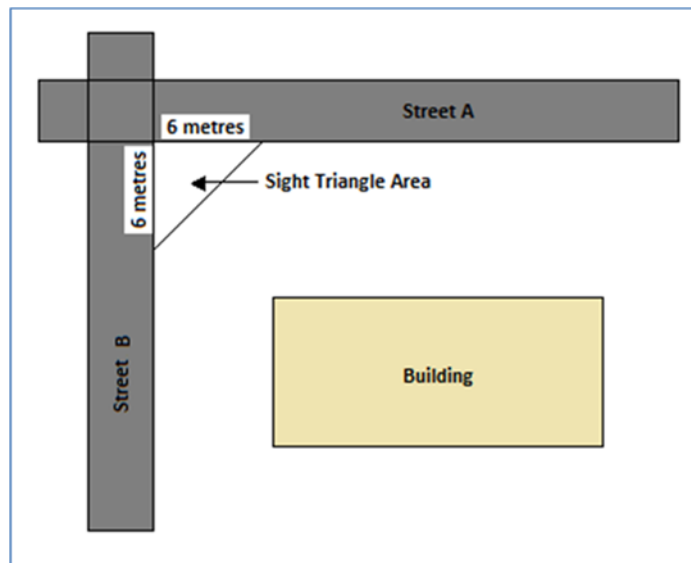
6.A.33. Unless otherwise stated, the equipment, transmission lines or similar uses required for the maintenance and operation of utilities shall be permitted in any zone.

Visibility at Road and Driveway Intersections

6.A.34.

a. On a corner lot, no fence, sign, hedge, shrub, bush, or tree or any other structure or vegetation shall be erected or permitted to grow to a height greater than 0.9 metres (3 feet) above the grade of the abutting roads within the sight triangular area unless the structure or vegetation is of such construction that it will permit ready vision across the sight triangle area;

b. For the purposes of subsection 34(a), the sight triangle area shall be the triangular area formed on a corner lot by the two lot lines that abut a road and a straight line that intersects them at a distance of 6 metres (20 feet) from the corner where the two lot lines meet.



c. For driveways on a corner lot, no fence, sign, hedge, shrub, bush, or tree or any other structure or vegetation shall be erected or permitted to grow to a height greater than 0.9 metres (3 feet) above the grade of the abutting roads within a visibility triangle area of 4.5 metres (15 feet) unless the structure or vegetation is of such construction that it will permit ready vision across the visibility triangle area.

Watercourses – Lot Size and Separation Distance

6.A.35.

- a. Notwithstanding anything else in this By-law, the minimum area for a lot not served by a Municipal sewer system where any part of the lot is within 23 metres (75 feet) of any watercourse shall be as required by the On-site Sewage Disposal Regulations, but in no case be less than 3,716 square metres (40,000 square feet).
- b. No structure shall be located within 15.2 metres (50 feet), or a 2.4 metre (8 foot) elevation (the more stringent of the two shall apply) of the ordinary high water mark of any watercourse, except for structures related to water treatment and distribution uses, fishery related uses and boat building (including the repair and storage of boats).

- c. An additional 1 metre (3 foot) elevation, or 3 metre (10 foot) setback (the more stringent of the two shall apply) shall be added to the setback of sub-clause 37(b) for each additional 2% slope increase from the ordinary high water mark to a maximum of an additional 18.3 metres (60 feet) being added to the setback from any watercourse.

Watercourses- Coastal Development

6.A.36. Subject to Section 35(a) and 35(c):

- a. Any new dwellings or accessory buildings which abut a coastal body of water shall be set back a minimum of 15.2 metres (50 feet) from the inner edge of the coastal feature, or a 2.4 metre (8 foot) elevation (the greater of the two) from the ordinary high water mark.
- b. All development on coastal lots in existence on the effective date of this By-law having less than the 15.2 metre (50 foot) minimum setback from a coastal body of water 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 provisions of the By-law are satisfied.
- c. If over fifty percent (50%) of a dwelling or accessory building has been destroyed due to erosion or coastal forces, the owner will be required to rebuild in accordance with the coastal setbacks described above.

Wind Turbine Development

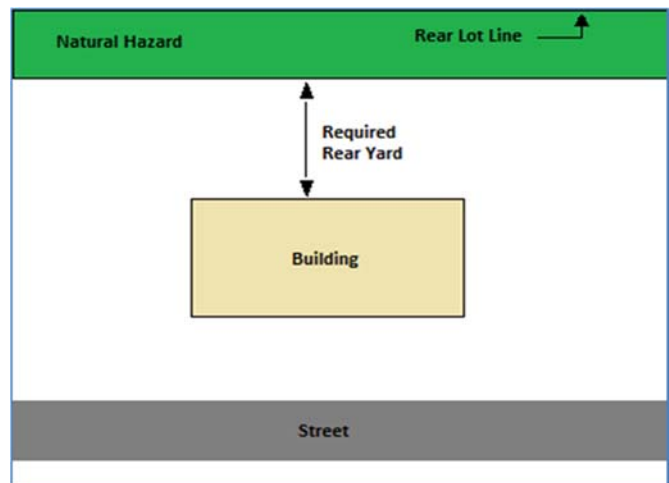
6.A.37. Except where otherwise specified, wind turbine development shall be subject to the policies and regulations contained in the Municipal Planning Strategy and Land Use By-law for the County of Antigonish Concerning the Regulation of Wind Turbine Development.

Yard Requirements Concerning Natural Hazards

6.A.38. Where a front, side or rear yard is required by this By-law and part of the area of the lot:

- a. is usually covered by water or marsh,
- b. is beyond the rim of a riverbank or watercourse, or
- c. is between the top and toe of a cliff or embankment having a slope of 15 percent or more from the horizontal,

the required yard shall be measured from the nearest wall of the main building or structure on the lot to the edge of the area covered by water or marsh, or to the rim of the riverbank or watercourse, or to the top of the cliff if such 'edge' is closer than the lot line.



Placement of Mini Homes on a Lot

6.A.39. In all zones in which mini homes are permitted on individual lots, the following shall apply:

- a. the front door of the mini home shall face parallel to the street.

This requirement applies only if the mini home still meets all other zone requirements.

B. SIGNS

General

6.B.1.

- a. Where this part of the Land Use By-law may be inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Transportation, the more restrictive regulations shall apply.
- b. 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.
- c. An indoor sign shall not be considered a sign for the purposes of this By-law.

Safety and Maintenance

6.B.2.

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

Limit on Number of Signs

6.B.3.

- a. 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 a separate premise.
- b. Further to sub-clause 6.B.3(a) above, 'Business and Professional Offices' shall not be considered multiple tenancy buildings.
- c. Limits on the number of signs permitted on any premises at any one time are subject to the following:
 - i. a double-faced sign shall be considered as a single sign; and
 - ii. signs enumerated in Section 4 of this Part shall not be counted in calculating the total.

Signs Permitted in All Zones

6.B.4. No permit shall be required for the following:

- a. Signs identifying the name and address of a resident that are not more than 0.2 square metres (2 square feet);
- b. "No Trespassing" signs or other such signs regulating the use of property that are not more than 0.2 square metres (2 square feet) in sign area;
- c. Real estate signs not exceeding 0.5 square metres (5.4 square feet) in sign area in a residential zone and 1.5 square metres (16 square feet) in other zones, which advertise the sale, rental or lease of the premises;

- d. Signs regulating or denoting on-premise traffic, or parking or other signs denoting the direction or function of various parts of a building or premise provided that such sign area is less than 0.9 square metres (10 square feet) in area;
- e. Signs erected by a government 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 and public election lists;
- f. Memorial signs and tablets and signs denoting the date of erection of a structure;
- g. The flag, pennant, or banner of any government, or of any religious, charitable or fraternal organization where it is erected on the same lot as the use to which it relates;
- h. A sign having an area of not more than 4.6 square metres (50 square feet) that are incidental to construction and within the area designated for such purposes;
- i. Signs on mailboxes or newspaper tubes;
- j. Bulletin boards, identification signs, and directional signs associated with a religious institution;
- k. Signs that constitute an integral part of a vending machine, telephone booth, devices that indicate the time, date or weather conditions, or similar device whose principal function is not to convey an advertising message; and
- l. Signs that convey the message that a business enterprise is open or closed or that a place of lodging has or does not have a vacancy.

Signs Prohibited in All Zones

6.B.5. The following signs shall not be permitted in any zone:

- a. signs that incorporate, in any manner, any flashing or moving illumination, including that which varies in colour, and signs that have any visible moving part with the exception of electronic message boards with sign areas less than 1.4 square metres (15 square feet), located a minimum of 4.6 metres (15 feet) from the travelled way;
- b. any sign or sign structure that constitutes a hazard to public safety or health;
- c. signs which, by reason of size, location, content, colouring or manner of illumination, obstruct the vision of drivers either when leaving a roadway or when leaving a driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets or property;
- d. any sign that obstructs access to or egress from a fire escape door, window or other required exit way;
- e. signs that make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse traffic by virtue of the sign's proximity to the street;
- f. any sign that no longer advertises a *bona fide* business conducted or product sold;
- g. signs on public property or public right-of-way, unless specially permitted by the Council and approved by the provincial authority where applicable;

- h. searchlights, pennants, spinners and streamers except for occasions such as public festivals, exhibitions and similar occasions.

All Hamlet Residential Zones and Rural Development

6.B.6.

- a. Signs shall be limited to one per lot, and shall advertise only the use or activity that is permitted by the By-law on the property.
- b. No sign shall exceed 0.5 square metres (5.4 square feet) in sign area, or exceed 1.5 metres (4.9 feet) in height in the case of a freestanding sign.

Hamlet Commercial (HC-1), Hamlet Industrial (HI-1) and Tourist Commercial (TC-1) Zones

6.B.7.

- a. Signs shall be limited to one (1) ground sign per lot and one (1) projecting wall sign for each business premise. Fascia signs shall be subject to Section 7(c) and any such sign shall advertise only the use or activity that is permitted by the By-law on the property.
- b. Ground Signs:
 - i. one ground sign not exceeding 0.9 square metres (9.7 square feet) in sign area on a single face sign or 1.9 square metres (20.5 square feet) of sign area for both faces combined shall be permitted. Signs for more than one business occupying a single property shall be consolidated in a multiple occupancy ground sign.
 - ii. ground signs shall not exceed a height of 3.05 metres (10 feet) from the grade level to the highest part of the sign.
- c. Fascia Signs
 - i. the total fascia sign area shall cover no more than five percent (5%) of the wall on which the sign is affixed with proportional allocation for each business premise in case of multiple occupancy buildings.
 - ii. in the case of multiple occupancy buildings, the number of fascia signs shall be determined based on a formula of one (1) sign per business premise.
 - iii. in the case of business and professional offices, the number of fascia signs shall be limited to one (1).

Hamlet Highway Commercial (HHC-1) Zone

6.B.8.

- a. Signs shall be limited to one (1) ground and one (1) roof sign per lot. In addition, one (1) projecting wall sign shall be permitted for each business premise and facial wall signs shall be limited subject to sub-section 8(c) and any such sign shall advertise only an activity that is legal on the property.
- b. Ground Signs:
 - i. one ground sign not exceeding 6.5 square metres (70 square feet) in sign area for a single fascia sign or 13.0 square metres (140 square feet) of sign area for multiple fascia signs combined shall be permitted. Signs for more than one

business occupying a single property shall be consolidated in a multiple occupancy ground sign.

- ii. ground signs shall not exceed a height of 10.7 metres (35 feet) from the grade level to the highest part of the sign.

c. Roof Signs

- i. No roof sign shall exceed more than 9.5 square metres (102 square feet) in sign area, exceed 0.6 metres (2 feet) in height or extend beyond the lateral extremities of the roof upon which it is attached.

d. Projecting Signs

- i. No projecting sign shall exceed 1.9 square metres (20.5 square feet) in sign area or project more than 1.8 metres (5.9 feet) from the wall upon which it is attached or be permitted to swing freely on its supports.

e. Fascia Signs:

- i. the total fascia sign area shall cover no more than ten percent (10%) of the wall on which the sign is affixed with proportional allocation for each business premise in case of multiple occupancy buildings.
- ii. in the case of multiple occupancy buildings, the number of fascia signs shall be determined based on a formula of one (1) sign per business premise plus two (2) additional signs.
- iii. in the case of business and professional offices, the number of fascia signs shall be limited to three (3).

PART 7: GENERAL PROVISIONS – HOME OCCUPATIONS

- 7.1. Nothing in this By-law shall prevent the use of a single detached dwelling or accessory building in the Hamlet Residential or Rural Development (HR-1 or RD-1) Zones for a home occupation or business/professional purpose, provided compliance with the following:
- a. the dwelling is owned or occupied as a residence by the operator of the home occupation or business/professional use and the external appearance of the dwelling is not changed by the home occupation or business/professional use;
 - b. there shall not be more than two (2) assistants who are not residents in the dwelling employed in the business or profession;
 - c. no more than fifty percent (50%) of the total floor area of the dwelling or fifty percent (50%) of an accessory building is devoted to the use;
 - d. one (1) off-street parking space, other than that required for the dwelling, is provided for every 18.5 square metres (200 square feet) of floor space occupied by the business or professional use;
 - e. the home occupation shall not be obnoxious or dangerous by reason of emission of odour, smoke, dust, soot, dirt, noise, gas fumes, vibration, water-carried waste or other offensive emission or refuse;
 - f. mechanical equipment is not used, except for that which is reasonably consistent with the use of a dwelling;
 - g. open storage and outdoor display shall not be permitted;
 - h. a development permit for the home occupation has been issued by the Development Officer.
- 7.2. Automobile sales shall be permitted as a home occupation in the Rural Development (RD-1) Zone subject to the provisions of Section 7.1. There shall be a maximum of twelve (12) vehicles for sale at any one time and buffering of at least 1.5 metres (5 feet) must be present and maintained along all lots lines that abut an existing residential use. No storage or parking of cars that are for sale will be permitted in the front yard.

PART 8: RURAL DEVELOPMENT ZONE (RD-1)

RD-1 Uses Permitted

- 8.1. No development permit shall be issued in a Rural Development (RD-1) zone except for one or more of the following uses:
- a. Agricultural uses, including intensive livestock operations
 - b. Bed and breakfast establishments
 - c. Boarding homes
 - d. Community and activity centres
 - e. Converted dwellings
 - f. Day care centres
 - g. Duplexes
 - h. Existing Tourist Commercial uses
 - i. Fishing and fishing-related uses
 - j. Forestry and forestry-related uses
 - k. Funeral homes
 - l. Garden suites
 - m. Greenhouses
 - n. Institutional uses
 - o. Open space uses
 - p. Medical Clinics
 - q. Mini homes
 - r. Museums
 - s. Recreational uses
 - t. Semi-detached dwellings
 - u. Senior housing
 - v. Single detached dwellings

RD-1 Zone Lot Requirements

- 8.2. In any Rural Development (RD-1) zone, no development permit shall be issued except in conformity with the following requirements:

| Standard | Un-serviced | Sewer Service |
|---|------------------------------|----------------------------|
| Minimum Lot Area | 2694 sq. m (29,000 sq. ft.)* | 697 sq. m. (7,500 sq. ft.) |
| Minimum Lot Frontage | 6.1 m. (20ft.) | 22.9 m. (75ft.) |
| Minimum Front Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Minimum Side Yard | 1.2 m. (4ft.) | 1.2 m. (4ft.) |
| Minimum Rear Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Maximum Height | 10.7 m. (35ft.) | 10.7 m. (35ft.) |
| *Subject to Department of Environment Regulations | | |

Accessory Apartments

- 8.3. Nothing in this by-law shall prevent the establishment of an accessory apartment unit in a single detached dwelling in the Rural Development (RD-1) Zone provided that:
- a. the floor area does not exceed fifty percent (50%) of the gross floor area of the residence to a maximum of the gross floor area of the main floor;
 - b. there is a limit of one (1) accessory apartment per lot;
 - c. one (1) additional parking space is provided;
 - d. all applicable provisions of the National Building Code are complied with; and
 - e. a development permit for the accessory unit has been issued.

Garden Suites

- 8.4. Garden suites shall be permitted in the Rural Development (RD-1) Zone provided that they meet all lot requirements for main dwellings as specified in Section 8.2.

Bed and Breakfast Establishments

- 8.5. Bed and Breakfast Establishments shall be limited to a maximum of five (5) guest rooms.

Boarding Homes

- 8.6. Boarding Homes shall be limited to a maximum of five (5) lodging rooms.

Salvage Yards

- 8.7. Any expansion or enlargement of an existing salvage yard shall be permitted, but is limited to the existing lot size. No consolidation of land or relocation to another lot shall be permitted for expansion purposes. All permits as required by the Department of Environment shall be obtained before a development permit is issued.

Intensive Livestock Operations

- 8.8. Agriculture and related uses are permitted in the Rural Development Zone in accordance with Nova Scotia Agriculture Manure Management Guidelines.
- 8.9. The minimum side yard for an intensive livestock operation in the RD-1 Zone shall be 152.4 metres (500 feet), while the minimum front yard setback shall be 45.7 metres (150 feet).

Special Provision – Expansion of Tourist Development

- 8.10 Any expansion or enlargement of existing tourist cabins, tourist cottages or guest homes shall be permitted by rezoning to the Tourist Commercial (TC-1) zone or through a Development Agreement.

PART 9: RURAL INDUSTRIAL (RI-1) ZONE

RI-1 Uses Permitted

- 9.1. No development permit shall be issued in a Rural Industrial (RI-1) zone except for one or more of the following uses:
- a. Construction operations
 - b. Exterior storage and display courts
 - c. Light industrial manufacturing and assembly
 - d. Professional offices
 - e. Dwelling units
 - f. Leasing or rental of commercial equipment
 - g. Scrap yards or automobile salvage facilities
 - h. Transportation depots
 - i. Warehousing and storage facilities, including recycling depots
 - j. Wholesale or retail sales

RI-1 Uses Permitted Subject to Development Agreement

- 9.2. Notwithstanding Section 9.1, new scrap yards or automobile salvage facilities in the RI-1 Zone shall only be permitted by Development Agreement as specified in Policy L-2.2 of the Municipal Planning Strategy.

RI-1 Zone Lot Requirements

- 9.3. In any Rural Industrial (RI-1) zone, no development permit shall be issued except in conformity with the following requirements:

| Standard | Unserviced | Sewer |
|---|--------------------------------|-----------------------------|
| Minimum Lot Area | 2 694 sq. m. (29,000 sq. ft.)* | 929 sq. m. (10,000 sq. ft.) |
| Minimum Lot Frontage | 6.1 m. (20ft.) | 30.5 m. (100ft.) |
| Minimum Front Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Minimum Side Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Minimum Rear Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Maximum Height | 10.7 m. (35ft.) | 10.7 m. (35ft.) |
| *Subject to Department of Environment Regulations | | |

Landscaping

- 9.4. Where a new rural industrial use abuts existing non-industrial use or zone, landscaping buffer no less than 1.5 metres (5 feet) high and at least 6.1 metres (20 feet) wide shall be required along the shared lot line(s).

Open Storage

- 9.5. The outdoor storage of waste, equipment or goods not for sale shall not occur in the front yard of any property or side or rear yard where the property abuts an existing residential use unless such waste, equipment or goods is wholly contained within a fenced and screened storage area and not visible from any public road or adjacent non-industrial lot.

Fuel Storage

- 9.6. The storage of gas and fuel for company use shall only be permitted in above ground tanks which can be monitored for leaks and other potential problems. There shall also be setbacks from property lines of 4 metres (13.1 feet) when abutting a residential property.

PART 10: RURAL COMMERCIAL (RC-1) ZONE

RC-1 Uses Permitted

- 10.1. No development permit shall be issued in a Rural Commercial (RC-1) zone except for one or more of the following uses:
- a. Automobile service centres
 - b. Automobile sales
 - c. Banks and other financial institutions
 - d. Business and professional offices
 - e. Country market
 - f. Convenience stores
 - g. Day care centres
 - h. Leasing or rental of commercial equipment
 - i. Automobile fuel stations
 - j. Retail stores
 - k. Recycling depots
 - l. Restaurants and licensed establishments
 - m. Residential units within a commercial building
 - n. Veterinary clinics

RC-1 Zone Lot Requirements

- 10.2. In any Rural Commercial (RC-1) zone, no development permit shall be issued except in conformity with the following requirements:

| Standard | Un-serviced | Sewer Service |
|---|---------------------------------|----------------------------|
| Minimum Lot Area | 2 694 sq. m. (29,000 sq. ft.) * | 694 sq. m. (7,500 sq. ft.) |
| Minimum Lot Frontage | 6.1 m. (20ft.) | 30.5 m. (100ft.) |
| Minimum Front Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Minimum Side Yard | 3.0 m. (10ft.) | 3.0 m. (10ft.) |
| Minimum Rear Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Maximum Height | 10.7 m. (35ft.) | 10.7 m. (35ft.) |
| *Subject to Department of Environment Regulations | | |

Automobile Service Stations

- 10.3. Notwithstanding Section 10.2, where an automobile service station is proposed, the following special provisions shall apply:
- a. Minimum lot frontage of 45.75 metres (150 feet);
 - b. No portion of any pump island shall be located closer than 6.1 metres (20 feet) from any street line;
 - c. The minimum distance between ramps or driveways shall not be less than 9 metres (29.5 feet);

- d. A weather canopy for service station pump islands may be erected provided that no part of the canopy is located within 4 metres (13.1 feet) of the street or lot line and in no case shall the weather canopy extend beyond the front lot line.

Landscaping

- a. Where a new rural commercial use abuts a hamlet residential zone, a visual barrier no less than 1.5 metres (5 feet) high is required along the shared lot line(s), which must be maintained for the life of the development.

Open Storage

- b. No open storage is permitted in the abutting side yard or rear yard of a rural commercial zone which abuts a hamlet residential zone unless there is a visual barrier no less than 1.5 metres (5 feet) high, which must be maintained for the life of the development.

Recycling Depots

- c. Where a new or expanded recycling depot is located, a visual barrier no less than 1.5 metres (5 feet) high, which must be maintained for the life of the development, is required along all lot lines and no storage will be permitted in the front yard.

Residential Uses in a Commercial Building

- d. Notwithstanding anything else in this By-law, residential uses will be permitted within commercial buildings in the Rural Commercial (RC-1) Zone, although the residential use shall not be located on the ground level at the front of the building.

PART 11: TOURIST COMMERCIAL (TC-1) ZONE

TC-1 Uses Permitted

- 11.1. No development permit shall be issued in a Tourist Commercial (TC-1) zone except for one or more of the following uses:
- a. Campgrounds
 - b. Single-detached dwellings
 - c. Tourist cabins or cottages
 - d. Tourist and guest homes
 - e. Uses associated with tourism

TC-1 Uses Permitted Subject to Development Agreement

- 11.2. Notwithstanding Section 11.1:
- a. Campgrounds shall only be permitted in a TC-1 Zone by Development Agreement as specified by Policy L-4.4 of the Municipal Planning Strategy.
 - b. Tourist cabins or cottages totaling six (6) or more accommodation units shall only be permitted in a TC-1 Zone by Development Agreement as specified by Policy L-4.5 of the Municipal Planning Strategy.

TC-1 Zone Lot Requirements

- 11.3. In any Tourist Commercial (TC-1) zone, no development permit shall be issued except in conformity with the following requirements:

| Standard | Un-serviced | Sewer Service |
|---|--------------------------------|---------------------------|
| Minimum Lot Area | 2 694 sq. m. (29,000 sq. ft.)* | 697 sq. m. (7500 sq. ft.) |
| Minimum Lot Frontage | 6.1 m. (20ft.) | 22.9 m. (75ft.) |
| Minimum Front Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Minimum Side Yard | 1.2 m. (4ft.) | 1.2 m. (4ft.) |
| Minimum Rear Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Maximum Height | 10.7 m. (35ft.) | 10.7 m (35ft.) |
| *Subject to Department of Environment Regulations | | |

Coastal Setback

- 11.4. A setback of 15 metres (49 feet) from the inner edge of the coastal feature or a 2.4 metre elevation (8 feet) from the shoreline, whichever is the greater, shall be required for all dwellings and accessory buildings that abut a coastal body of water.
- 11.5. All coastal lots in existence on the effective date of this By-law having less than the 15 metres (49 foot) minimum setback from a coastal body of water 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 the provisions of Part 11 Section 3 above can be met and all other provisions of the By-law are satisfied.
- 11.6. If over fifty percent (50%) of a dwelling or accessory building has been destroyed due to erosion or coastal forces, the owner will be required to rebuild in compliance with the coastal setbacks described above.

Landscaping

- 11.7. Where a new tourist commercial use abuts a residential use, a visual barrier no less than 1.5 metres (5 feet) high, which must be maintained for the life of the development, is required along all shared lot lines.

PART 12: RURAL COMPREHENSIVE DEVELOPMENT DISTRICT (RCDD-1) ZONE

RCDD-1 Zone Uses Permitted

- 12.1 No Development Permit shall be issued in a Rural Comprehensive Development District (RCDD-1) Zone except for one or more of the following uses:
- a. Duplexes
 - b. Garden suites
 - c. Mini homes
 - d. Recreational uses
 - e. Semi-detached dwellings
 - f. Senior assisted living and retirement housing
 - g. Single detached dwellings

RCDD-1 Zone Lot Requirements

- 12.2 In any Rural Comprehensive Development District (RCDD-1) zone, no development permit shall be issued except in conformity with the following requirements:

| Standard | Un-serviced | Sewer Service |
|---|-----------------------------|----------------------------|
| Minimum Lot Area | 2694 sq.m (29,000 sq. ft.)* | 697 sq. m. (7,500 sq. ft.) |
| Minimum Lot Frontage | 6.1 m. (20ft.) | 22.9 m. (75ft.) |
| Minimum Front Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Minimum Side Yard | 1.2 m. (4ft.) | 1.2 m. (4ft.) |
| Minimum Rear Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Maximum Height | 10.7 m. (35ft.) | 10.7 m. (35ft.) |
| *Subject to Department of Environment Regulations | | |

Special Provision- Uses Permitted by Development Agreement

- 12.3 Subject to Policy L-6.2, Policy L-6.3 and Policy I-1.10 all residential uses and ancillary commercial and institutional uses are permitted in the RCDD-1 Zone according to the development agreement provisions of the *Municipal Government Act*.

PART 13: HAMLET RESIDENTIAL (HR-1) ZONE

HR-1 Uses Permitted

- 13.1. No development permit shall be issued in a Hamlet Residential (HR-1) zone except for one or more of the following uses:
- a. Existing agricultural uses, except intensive livestock operations
 - b. Bed and breakfast establishments
 - c. Boarding homes
 - d. Day care centres
 - e. Religious Institutions and cemeteries
 - f. Medical Clinics
 - g. Converted dwellings
 - h. Community and activity centres
 - i. Duplexes
 - j. Funeral homes
 - k. Garden Suites
 - l. Institutional uses
 - m. Mini homes
 - n. Museums
 - o. Recreational uses
 - p. Senior assisted living and retirement housing
 - q. Single detached dwellings
 - r. Semi-detached dwellings

HR-1 Zone Lot Requirements

- 13.2. In any Hamlet Residential (HR-1) zone, no development permit shall be issued except in conformity with the following requirements:
- a. For all uses except semi-detached dwellings, duplexes and agricultural uses:

| Standard | |
|-------------------------|---------------------------|
| Minimum Lot Area | 697 sq. m. (7500 sq. ft.) |
| Minimum Lot Frontage | 22.9 m. (75ft.) |
| Minimum Front Yard | 7.6 m. (25ft.) |
| Minimum Side Yard | 1.2 m. (4ft.) |
| Minimum Rear Yard | 7.6 m. (25ft.) |
| Maximum Building Height | 10.7 m. (35ft.) |

- b. For semi-detached dwellings and duplexes:

| Standard | |
|----------------------|---|
| Minimum Lot Area | 465 sq. m. (5000 sq. ft.) per dwelling unit |
| Minimum Lot Frontage | 12 m. (40ft.) per dwelling unit |
| Minimum Front Yard | 7.6 m. (25ft.) |
| Minimum Side Yard | 1.2 m. (4ft.) |

| | |
|-------------------------|-----------------|
| Minimum Rear Yard | 7.6 m. (25ft.) |
| Maximum Building Height | 10.7 m. (35ft.) |

c. For agricultural uses:

| Standard | |
|-------------------------|-------------------------------|
| Minimum Lot Area | 4 645 sq. m. (50,000 sq. ft.) |
| Minimum Lot Frontage | 30.5 m (100ft.) |
| Minimum Front Yard | 36.6 m. (120ft.) |
| Minimum Side Yard | 12.2 m. (40ft.) |
| Minimum Rear Yard | 12.2 m. (40ft.) |
| Maximum Building Height | 10.7 m. (35ft.) |

Accessory Apartments

- 13.3. Nothing in this by-law shall prevent the establishment of an accessory apartment unit in a single detached dwelling in the Hamlet Residential (HR-1) Zone provided that:
- a. the floor area of the accessory apartment does not exceed fifty percent (50%) of the gross floor area of the residence, and does not exceed the gross floor area of the main floor;
 - b. there is a limit of one (1) accessory apartment per lot;
 - c. one (1) additional parking space is provided for the accessory apartment;
 - d. all applicable provisions of the National Building Code are complied with; and,
 - e. a development permit for the accessory unit has been issued.

Garden Suites

- 13.4. Garden suites shall be permitted in the Hamlet Residential (HR-1) Zone provided that they meet all lot requirements for main dwellings as specified in Section 13.2.

Bed and Breakfast Establishments

- 13.5. In addition to all other requirements of this by-law, the following shall apply to bed and breakfast establishments:
- a. a maximum of five (5) guest accommodation rooms shall be permitted.

Boarding Homes

- 13.6. In addition to all other requirements of this By-law, the following shall apply to boarding homes:
- a. a maximum of five (5) lodging units shall be permitted.

Converted Dwellings

- 13.7. Notwithstanding anything else in this By-law, a single detached dwelling may be converted to two dwelling units provided that:
- a. no exterior alteration is made to the dwelling that would increase the overall size of the structure except additions necessary to comply with the Building Code; and
 - b. the existing roof lines are maintained on the dwelling.

Placement of Mini Homes on a Lot

13.8 In all zones in which mini homes are permitted on individual lots, the following shall apply:

- a. the front door of the mini home shall face parallel to the street.

This requirement applies only if the mini home meets all other zone requirements.

PART 14: HAMLET MULTIPLE UNIT RESIDENTIAL (HR-2) ZONE

HR-2 Uses Permitted

- 14.1. No development permit shall be issued in a Hamlet Multiple Unit Residential (HR-2) Zone except for one or more of the following uses:
- a. Bed and breakfasts
 - b. Boarding homes
 - c. Converted dwellings
 - d. Community and activity centres
 - e. Day care centres
 - f. Duplexes
 - g. Funeral homes
 - h. Garden suites
 - i. Grouped dwellings
 - j. Institutional uses
 - k. Medical clinics
 - l. Mini homes
 - m. Multiple unit dwellings
 - n. Museums
 - o. Recreational uses
 - p. Religious Institutions and cemeteries
 - q. Senior assisted living and retirement housing
 - r. Single detached dwellings
 - s. Semi-detached dwellings
 - t. Townhouses or row houses

HR-2 Uses Permitted Subject to Development Agreement

- 14.2. Notwithstanding Section 14.1, the following shall only be permitted by Development Agreement as specified in Policy L-10.5 of the Municipal Planning Strategy:
- a. grouped dwellings with six (6) or more units;
 - b. multiple unit dwellings with six (6) or more units;
 - c. townhouses or row houses with six (6) or more units; and,
 - d. converted dwellings with six (6) or more units.

HR-2 Zone Lot Requirements

- 14.3. In any Hamlet Multiple Unit Residential (HR-2) zone, no development permit shall be issued except in conformity with the following requirements:

| Standard | Multiple Unit (Sewer) | Townhouses (Sewer) |
|----------------------|---|--|
| Minimum Lot Area | 929 sq. m. (10,000sq. ft.) for the first 3 units – 93 sq. m. (1000sq. ft.) per additional unit | 307 sq. m. (3,300sq. ft.) per dwelling unit |
| Minimum Lot Frontage | 30.5 m. (100ft.) | 6.1 m. (20ft.) per unit, plus 6.1 m. (20ft.) |
| Minimum Front Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |

| | | |
|-------------------|------------------|----------------|
| Minimum Side Yard | 1.2 m. (4ft.) | 1.2 m. (4ft.) |
| Minimum Rear Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Maximum Height | 10.7 m. (35ft..) | 10.7 m (35ft.) |

Amenity Space

14.4. Amenity space of no less than 4.6 sq. m. (50 sq. ft.) per unit must be provided for a multiple unit residential building.

Converted Dwellings

- 14.5. A single detached dwelling may be converted to three or more dwelling units provided that:
- a. no exterior alteration is made to the dwelling that would increase the overall size of the structure except additions necessary to comply with the Building Code; and
 - b. the existing roof lines are maintained on the dwelling; and,
 - c. a Development Agreement is obtained for dwellings converted to contain six (6) or more units.

Landscaping

14.6. A visual barrier no less than 1.5 metres (5 feet) high must be established and maintained in perpetuity along any HR-2 boundary that abuts an existing residential use in either the Hamlet Residential (HR-1) or the Rural Development (RD-1) Zone.

Multiple Unit and Row Housing

14.7. Notwithstanding Section 14.3, the minimum distance between grouped dwellings shall be 6.1 metres (20 feet) or half the height of the tallest of the grouped dwellings, whichever is greater.

PART 15: HAMLET MINI HOME PARK (HMHP-1) ZONE

HMHP-1 Uses Permitted

- 15.1. No development permit shall be issued in a Hamlet Mini Home Park (HMHP-1) zone except for one or more of the following uses:
- a. Mini home park
 - b. Mini home park administration offices
 - c. Public recreational uses including parks and playgrounds
 - d. Maintenance equipment and storage facilities related and incidental to the operation of the park

HMHP-1 Uses Permitted Subject to Development Agreement

- 15.2. Notwithstanding Section 15.1, new mini home parks or expansion to an existing mini home park in an HMHP-1 Zone shall only be permitted by Development Agreement as specified in Policy L-11.2 of the Municipal Planning Strategy.

HMHP-1 Zone Lot Requirements

- 15.3. In any Hamlet Mini Home Park (HMHP-1) zone, no development permit shall be issued except in conformity with the following requirements:

| Standard | Sewer |
|----------------------|---------------------------------------|
| Minimum Lot Area | 0.81 hectares (2 acres) |
| Minimum Lot Frontage | 30.5 m. (100ft.) |
| Minimum Front Yard | 7.6 m. (25ft.) |
| Minimum Side Yard | 3.0 m. (10ft.) |
| Minimum Rear Yard | 7.6 m. (25ft.) |
| Maximum Spacing | Subject to the National Building Code |

Landscaping

- 15.4. A mini home park shall have a visual barrier with a minimum height of 1.5 metres (5 feet), maintained in perpetuity, along:
- a. any lot line that abuts a street, exclusive of a driveway access; and,
 - b. any side or rear lot line.

Skirting Requirement

- 15.5. The entire undercarriage of a mini home shall be skirted with an opaque material.

PART 16: HAMLET COMMERCIAL (HC-1) ZONE

HC-1 Uses Permitted

- 16.1. No development permit shall be issued in a Hamlet Commercial (HC-1) zone except for one or more of the following uses:
- a. Automobile service centres
 - b. Automobile sales or rentals
 - c. Banks and other financial institutions
 - d. Business and professional offices
 - e. Country market
 - f. Convenience stores
 - g. Day care centres
 - h. Gasoline and diesel stations
 - i. General merchandise stores
 - j. Grocery stores
 - k. Liquor stores
 - l. Recycling depots
 - m. Restaurants and licensed establishments
 - n. Residential units within a commercial building
 - o. Veterinary clinics

HC-1 Zone Lot Requirements

- 16.2. In any Hamlet Commercial (HC-1) zone, no development permit shall be issued except in conformity with the following requirements:

| Standard | Sewer |
|----------------------|---------------------------|
| Minimum Lot Area | 697 sq. m. (7500 sq. ft.) |
| Minimum Lot Frontage | 22.9 m. (75ft.) |
| Minimum Front Yard | 12.2 m. (40ft.) |
| Minimum Side Yard | 3.0 m. (10ft.) |
| Minimum Rear Yard | 7.6 m. (25ft.) |
| Maximum Height | 10.7 m. (35ft.) |

Automobile Service Stations

- 16.3. Notwithstanding Section 16.2, the following special provisions shall apply to automobile service stations:
- a. Minimum lot frontage of 45.75 metres (150 feet) ;
 - b. No portion of any pump island shall be located closer than 6.1 metres (20 feet) from any street line;
 - c. The minimum distance between ramps or driveways shall not be less than 9 metres (29.5 feet) ;

- d. A weather canopy for service station pump islands may be erected provided that no part of the canopy is located within 4 metres (13.1 feet) of the street or lot line, and in no case shall the weather canopy extend beyond the front lot line.

Garbage Bins

- 16.4. Preferably, garbage and recycling should be stored inside of a building, whether the main building or an accessory building. Where this is not possible, all garbage and recycling bins associated with a commercial use shall be screened by an opaque visual barrier at a height adequate to visually screen the bin from all adjacent properties and roadways.

Landscaping

- 16.5. Where a new hamlet commercial use abuts a hamlet residential use, a visual barrier no less than 1.5 metres (5 feet) high is required along the shared lot line(s) and must be maintained in perpetuity.

Open Storage

- 16.6. No open storage is permitted in the side yard or rear yard of a hamlet commercial zone that abuts a hamlet residential zone unless there is a maintained visual barrier of a least 1.5 metres (5 feet) present.

Recycling Depots

- 16.7. Where a new or expanded recycling depot is located, a visual barrier at least 1.5 metres (5 feet) high must be installed and maintained along all rear and side lot lines, and no storage will be permitted in the front yard.

Residential Uses in a Commercial Building

- 16.8. Residential dwelling units will be permitted within commercial buildings in the Hamlet Commercial (HC-1) Zone, provided that the dwelling units shall not be located on the ground level at the front of the building.

PART 17: HAMLET HIGHWAY COMMERCIAL (HHC-1) ZONE

HHC-1 Uses Permitted

- 17.1. No development permit shall be issued in a Hamlet Highway Commercial (HHC-1) zone except for one or more of the following uses:
- a. Automobile sales or rentals
 - b. Automobile service centres
 - c. Display courts including prefabrication homes and mobile homes
 - d. Dwelling units
 - e. Convenience stores
 - f. Hotels, motels or tourist inns
 - g. Laundromats
 - h. Machinery and commercial equipment leasing or rental businesses
 - i. Restaurants and licensed establishments
 - j. Retail stores
 - k. Veterinary clinics
 - l. Visitor information centres
- 17.2. In any Hamlet Highway Commercial (HHC-1) zone, no development permit shall be issued except in conformity with the following requirements:

| Standard | Sewer |
|----------------------|------------------------------|
| Minimum Lot Area | 3 716 sq. m. (40000 sq. ft.) |
| Minimum Lot Frontage | 45.7 m. (150ft.) |
| Minimum Front Yard | 12.2 m. (40ft.) |
| Minimum Side Yard | 6.1 m. (20ft.) |
| Minimum Rear Yard | 12.2 m. (40ft.) |
| Maximum Height | 10.7 m. (35ft.) |

Special Provision - Road Access

- 17.3. Notwithstanding Section 17.2, driveway accesses onto Highway 104 shall conform to the access standards expressed in the Department of Transportation’s Access Management Strategy for Highway 104.

Special Provision – Site Plan Approval

- 17.4. No development permit for new structures or additions shall be issued in a HHC-1 Zone unless a Site Plan has been approved by the Development Officer.
- 17.5. The following evaluation criteria shall apply to any development undertaken pursuant to Section 17.4:
- a. A visual barrier no less than 1.5 metres (5 feet) high, and a landscaped buffer no less than 3 metres (10 feet) wide be established and maintained in perpetuity along the common lot line where the commercial use abuts an existing residential use or the new Highway 104 By-pass right-of-way;

- b. a landscape strip of no less than 3.0 metres (10 feet) is required along the entire frontage of the property, save and except the location of a driveway not exceeding 6.1 metres (20 feet) in width;
 - c. existing vegetation, wherever possible and deemed practical, is to be retained;
 - d. outdoor storage of equipment or material that is not for sale shall not be located in the front yard of any property, and shall be wholly contained within a fenced and screened storage area and shall not be visible from any public road or adjacent lot;
 - e. loading facilities are to be located at the rear of the main structure and screened from any adjacent residential uses or roadways;
 - f. off-street parking and loading spaces will not be permitted between the front façade of a building and any street line;
 - g. walkways within the development be laid out in such a manner to effectively connect internal uses and off-site sidewalks or paths. Such walkways shall be barrier-free;
 - h. the type and location of outdoor lighting is designed as full cut-off in order to provide light for the structure, driveways and any pedestrian access required to maintain safe access, with no light directed at or spilled onto neighbouring properties or into the night sky;
 - i. storm and surface water management plans are to be provided;
- 17.6. A Site Plan prepared in accordance with Sections 17.4 and 17.5 shall indicate:
- a. the location of proposed structures on the site;
 - b. the location of proposed off-street parking or loading facilities;
 - c. the location and width of proposed driveway accesses to public roads;
 - d. the type, location and height of any retaining walls, fences, hedges, trees, shrubs or groundcover as well as any retained natural vegetation;
 - e. any proposed grade alteration and/or any storm or surface water control infrastructure;
 - f. the location of proposed walkways and the type of surfacing material;
 - g. the type and location of proposed outdoor lighting;
 - h. the location and type of any facilities and enclosures for the storage of garbage, recycling and other waste materials;
 - i. the location of proposed easements;
 - j. the type, number and size of proposed signs and sign structures.
- 17.7. A separate site plan shall show all existing structures, parking, loading facilities, driveway accesses, grades, storm or surface water control infrastructure, walkways, easements, outdoor lighting, signs and sign structures.

Automobile Service Stations

- 17.8. Notwithstanding Section 17.2, the following special provisions shall apply to automobile service station uses:
- a. Minimum lot frontage of 45.75 metres (150 feet);
 - b. No portion of any pump island shall be located closer than 6.1 metres (20 feet) from any street line;
 - c. The minimum distance between ramps or driveways shall not be less than 9 metres (29.5 feet) ;
 - d. A weather canopy for service station pump islands may be erected provided that no part of the canopy is located within 4 metres (13.1 feet) of the street or lot line and in no case shall the weather canopy extend beyond the front lot line.

Waste Bins

- 17.9. All garbage and recycling bins associated with a commercial use shall be stored indoors, within an accessory structure, or wholly screened by an opaque visual barrier so as to not be seen from any adjacent non-commercial properties or roadways.

Gas stations and Car Washes

- 17.10. No new gas stations or car washes will be permitted within the Lower South River Water Protection Boundary.

Landscaping

- 17.11. Where a new hamlet highway commercial use abuts a hamlet residential use (HR-1, HR-2 or HMHP-1), a visual barrier no less than 1.5 metres (5 feet) high is required along the shared lot line(s) and must be maintained in perpetuity.

Open Storage

- 17.12. No open storage is permitted in the side yard or rear yard of a hamlet commercial zone that abuts a hamlet residential zone unless there is a buffer of a least 1.5 metres (5 feet) present. This buffer must be maintained for the life of the development.

Recycling Depots

- 17.13. Any expansions to existing recycling depots shall require a buffer strip at least 1.5 metres (5 feet) wide along all lot lines and no storage shall be permitted in the front yard.

Residential Uses in a Commercial Building

- 17.14. Notwithstanding Section 17.1 of this By-law, dwelling units will be permitted within commercial buildings in the hamlet highway commercial (HHC-1) zone provided that the residential use shall not be located on the ground level at the front of the building.

PART 18: HAMLET INDUSTRIAL (HI-1) ZONE

HI-1 Uses Permitted

- 18.1. No development permit shall be issued in a Hamlet Industrial (HI-1) zone except for one or more of the following uses:
- a. Building supply, lumber outfits and equipment depots excluding bulk storage of sand or gravel; subject to Section 18.2
 - b. Construction operations and rentals, subject to Section 18.2
 - c. Display courts including swimming pools, decorative foundations, pre-fabricated homes
 - d. Light industrial manufacturing and assembly, subject to Section 18.2
 - e. Professional offices
 - f. Rental or leasing of commercial equipment
 - g. Transportation depots, subject to Section 18.2
 - h. Warehousing, storage facilities and recycling depots, subject to Section 18.2
 - i. Wholesale or retail sales

HI-1 Uses Permitted Subject to Development Agreement

~~18.2. Notwithstanding Section 18.1, new industrial developments or expansion to existing industrial developments in the HI-1 Zone shall only be permitted by Development Agreement as specified in Policy L-14.2 of the Municipal Planning Strategy.~~

18.2. Notwithstanding Section 18.1, new industrial developments or expansion to existing industrial developments in the HI-1 Zone shall only be permitted by the Development Officer after receiving an approval from the Director of Public Works (or designate) to ensure compliance with the Lower South River Source Water Protection Plan. Should an approval from Public Works not be given, no permits will be issued for the development.

HI-1 Zone Lot Requirements

18.3. In any Hamlet Industrial (HI-1) zone, no development permit shall be issued except in conformity with the following requirements:

| Standard | |
|--------------------------|---------------------------------------|
| Minimum Lot Area | 4 645 sq. m (50,000 sq. ft.) |
| Minimum Lot Frontage | 30.5 m (100ft.) |
| Minimum Front Yard | 7.6 m. (25ft.) |
| Minimum Side Yard | 3.0 m. (10ft.) |
| Minimum Rear Yard | 7.6 m. (25ft.) |
| Maximum Height | 10.7 m. (35ft.) |
| Maximum Building Spacing | Subject to the National Building Code |

Fuel Storage

18.4. Storage of gas and fuel for company use shall only be permitted in above ground tanks which can be monitored for leaks and other potential problems. There shall also be setbacks from property lines of 3 metres (10 feet) when abutting a residential property.

PART 19: DEFINITIONS

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use, but does not include a building attached in any way to the main building or a building located completely underground.

ACCESSORY DWELLING UNIT means a self-contained living unit created within or detached from a single-family dwelling.

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.

ACCOMMODATION UNIT (TOURIST) means one tourist cottage or one sleeping room in a tourist and guest home as defined in the Land Use By-law.

ACT means the Nova Scotia *Municipal Government Act*, 1998.

AGRICULTURAL USE means a use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce.

ALTER means to change a structural component of a building, or to increase or decrease the volume of a building or structure.

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, diesel and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles. An automobile service station may include an automobile car wash and/or convenience store.

BED AND BREAKFAST means a “roofed accommodation” as described in section 2 (f) of the Nova Scotia Tourist Accommodations Act; 1994-1995.

BOARDING HOUSE means a dwelling in which the proprietor supplies either room or room and board for monetary gain, of more than two rooms exclusive of those of the lessee or owner thereof or family members and which is not open to the general public.

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.

CAMPGROUND means a plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.

CAMPING UNIT means any tent, trailer, cabin, lean-to, recreation vehicle or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

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.

COASTAL FEATURE means any terrestrial landform directly influenced by the sea, including beaches, barrier islands, dunes and salt marshes.

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.

CONVERTED DWELLING means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.

COUNCIL shall mean the Council of the Municipality of the County of Antigonish.

DAY CARE CENTRE means a facility where three (3) or more pre-school children are cared for on a temporary daily basis without overnight accommodation and does not include a school.

DEVELOPMENT shall include the 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.

DEVELOPMENT OFFICER means the officer of the County of Antigonish with the duty of administering the provisions of the Land Use By-law.

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, but shall not include a hotel, a motel, or a travel trailer.

- a. **Single Detached Dwelling** means a building containing not more than one (1) dwelling unit.
- b. **Duplex Dwelling** means a building that is divided horizontally into two (2) dwelling units, each of which have an independent entrance either directly from outside the building or through a common vestibule.
- c. **Multiple Unit Dwelling** means a building containing three (3) or more dwelling units which have a common entrance from the street level and shall include apartment buildings and condominiums.
- d. **Row House or Townhouse Dwelling** means a building that is divided vertically into three (3) or more dwelling units, each of which has independent entrances to a front yard immediately abutting the front walls of each dwelling unit.
- e. **Semi-Detached Dwelling** means a building that is divided vertically into two dwelling units and sharing a common foundation. Each unit shall have an independent entrance.

DWELLING UNIT means one or more habitable rooms intended for use by one or more individuals as an independent and separate housekeeping establishment. A dwelling unit shall include both kitchen and sanitary facilities provided for the exclusive use of the individual or individuals within that unit, and shall also include a private entrance from outside the building or from a common hallway or stairway inside the building.

ERECT means to build, construct, reconstruct, alter or relocate and without limiting the generality if the forgoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

EXISTING means a structure or use in operation or existence as of the effective date of this By-law.

FLOOR AREA means:

- a. With reference to a dwelling means the maximum floor area contained within the outside walls excluding any private garage, porch, verandah, sun room, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
- b. 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 malls between stores.

GARDEN SUITE or “GRANNY FLAT” means a physically separate dwelling unit placed on a residential lot that already has an existing dwelling sited on it. They are intended to be a temporary use on the lot to be removed once the unit is no longer needed by the family member.

GROUPED DWELLINGS means two or more permanent dwelling units, which are contained within two or more buildings located on the same lot.

HEIGHT The height of a building shall be determined by calculating the vertical distance of a building between the established (average) grade and

- a. the highest point of the roof or the parapet, whichever is the greater, of a flat roof;
- b. the highest point of the ridge of a gabled, hip, gambrel, mansard or other type of pitched roof;
- c. but shall not include any construction used as an ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

HOME OCCUPATION means any secondary use of a dwelling or accessory building by the occupant for gainful employment involving the provision or sale or rental of goods manufactured by the occupant or services or both good and services.

HOTEL means a building or buildings or part thereof on the same site used to accommodate the traveling public for monetary gain by supplying them with sleeping accommodations with or without meals but generally without private cooking facilities. Access to each unit is gained through a common area from inside the building.

INDUSTRIAL means a use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

INSTITUTION means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent or profit such as schools, places of worship, community centres, hospitals, homes for special care, senior citizen homes and government buildings but shall not include a private club.

INTENSIVE LIVESTOCK OPERATION means a commercial operation in which animals or fowl are confined to feedlots or buildings for feeding, breeding, or milking for eventual sale or egg production.

KENNEL means a building where domestic household animals and birds are kept, boarded and/or bred.

LANDSCAPING means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, grading, screening or other architectural elements, all

of which is designed to enhance the visual amenity of a property or to provide a screen or barrier to mitigate any objectionable aspects that may detrimentally affect adjacent land.

LOADING SPACE means a vacant area of land provided and maintained upon the same lot or lots upon which the principle use is located and which area:

- a. is suitable for the temporary parking of at least one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicles;
- b. is not upon or partly upon any street or highway.

LOT means any parcel of land described in a deep or as shown in a registered plan of subdivision.

- a. **Corner lot** means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.
- b. **Interior lot** means a lot situated between two lots and having access to one street.
- c. **Through lot** means a lot, which is not a corner lot, with frontage on more than one street.

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

LOT DEPTH means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel the lot depth shall be the length of a line joining the midpoints of the front and rear lot lines.

LOT FRONTAGE means the length of a line joining the side lot lines and parallel to the front lot line. (see calculation of lot frontage for irregularly shaped parcels in 'General Provisions', Part 6).

LOT LINE means a boundary line of a lot.

- a. **Front lot line** means the line dividing the lot from the street; in the case of a corner lot the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line.
- b. **Rear lot line** means the lot line furthest from or opposite to the front lot line.
- c. **Side lot line** means a lot line other than a front or rear lot line.
- d. **Flanking lot line** means a side lot line which abuts the street on a corner lot.

MAIN BUILDING means the building in which the principal purpose for which the building lot is used.

MAIN WALL means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof.

MANUFACTURING means the production, compounding, processing, packaging, crafting, bottling, packing or assembling of raw or semi-processed or fully-processed goods or materials, and shall include a recycling operation completely contained within a building.

MINI HOME means a detached dwelling designed for transportation after fabrication whether on its own wheels or on a flatbed or other trailer and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations), located on wheels, jacks or permanent foundation, and which may be connected to utilities and sanitary services, and the foregoing shall include mini homes and modular dwellings having any main walls with a width of less than 6.1 m [20 ft.].

MINI HOME PARK means an establishment comprising land on premises under single ownership designed and intended for residential use where residence is in mini homes exclusively, but does not include public or private seasonal camping grounds.

MOTEL means a building or buildings or part thereof on the same site used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation, with or without means. Each unit has an independent entrance from the outside of the building.

MULTIPLE UNIT DWELLING see “Dwelling, Multiple Unit”

MUNICIPALITY means the Municipality of the County of Antigonish.

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.

OBNOXIOUS USE means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

OPEN SPACE means uses related primarily to the outdoor enjoyment of lands, including recreational uses, accessory buildings to a beach including change rooms and washrooms, boardwalks and nature interpretation stands, canteens, conservation projects, information stands, marina facilities and picnic areas and facilities.

ORDINARY HIGH WATER MARK means:

- a. For non-tidal waters, the limit or edge of the bed of a body of water where the land has been covered by water so long as to wrest it from vegetation or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself; and
- b. For tidal waters, the mark on the seashore reached by the average of the mean high tides of the sea between the spring and neap tides in each quarter of a lunar revolution during the year excluding only extraordinary catastrophes or overflows.

OUTDOOR DISPLAY means an area of land where goods are displayed and which are available for sale to the general public from a retail outlet located on the same lot.

OUTDOOR STORAGE means the storage of any item located outside of a building not primarily for the encouragement of sale of the item or of similar items at that location, but primarily for storage purposes.

PARKING SPACE means an area of not less than one hundred eighty (180) square feet, measuring nine (9) by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.

PERSON means 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.

PERSONAL SERVICE ESTABLISHMENT means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.

PLANNING AREA means the Central Antigonish Planning Area.

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.

PUBLIC AND PRIVATE UTILITIES means a closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

PUBLIC PARK means a park owned or controlled by a Public Authority or by any Board, Commission or other Authority established under any statute of the Province of Nova Scotia.

REAR YARD - see Yard, Rear

RECREATIONAL USES means the public use of land for parks, playgrounds, tennis courts, the existing race track, indoor or outdoor ice skating rinks, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps and similar uses to the foregoing, together with the necessary accessory buildings and structures, but not including a track for the racing of animals or any form of motorized vehicles.

RECYCLING DEPOT means premises on which recoverable materials, such as paper, glass and metals are separated prior to shipment, but does not include any processing of the material and does not include a scrap yard.

RENTAL ESTABLISHMENT means a business that has equipment or goods for rent.

RELIGIOUS INSTITUTION means a building dedicated to religious worship and includes a church hall, auditorium, synagogue, mosque, temple, parish hall, Sunday school and day nursery operated by the church.

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.

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.

SCHOOL means any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

SENIOR CITIZENS' HOUSING means multifamily housing designed for older people. This type of housing can also refer to an adult retirement community, assisted living facility, congregate residences or continuing care retirement facility.

SERVICE SHOP means a building or part thereof used for the repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.

SETBACK means the distance between a street line, watercourse or natural feature and the nearest main wall of any building or structure and extending the full width or length of the lot.

SHORELINE means the ordinary high water mark of a coastal or other body of water.

SIDE YARD - see Yard, Side

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 thereon, 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 "sign" shall include signs that are affixed to the inside of windows and glass doors and is intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this Bylaw.

- 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 that is attached to and supported by 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 that 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 plan of its largest dimension.

STOREY means the portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 metres (6 feet) above grade and provided also that any portion of a storey exceeding 4.3 metres (14 feet) in height shall be deemed an additional storey for each 4.3 metres (14 feet) or fraction thereof of such excess.

STREET means a road, accepted and maintained by the Department of Transportation as a public thoroughfare.

STREET LINE means the boundary line of a street.

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 1.8 metres (6 feet) in height.

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.

TOURIST COTTAGE OR CABIN means an establishment providing accommodation for the use of the traveling or vacationing public, a free-standing unit containing less than 93 square metres (1,000 square feet) of livable indoor floor space, which includes a bed, sitting room (linens supplied) and bathroom; may have kitchen facilities.

TRANSPORTATION DEPOT means a place where trucks, buses and other vehicles are housed and maintained

UTILITY- see Public and Private Utilities

VARIANCE means a departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements and lot size that, if applied to a specific lot, would significantly interfere with the use of the property. Granting of the variance may result in benefits to the applicant or the community as a whole. Examples include protecting environmentally sensitive areas by allowing a building to be built closer to a side or front yard line than the ordinance provides, reducing the size of parking spaces to provide more parking for an existing use, and increasing setbacks on one side and encroaching on another to provide more light and air to an adjacent building.

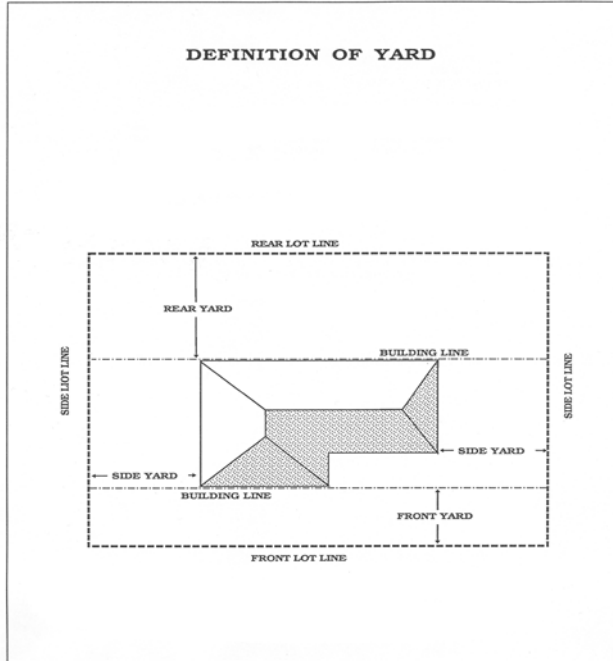
WAREHOUSE means a building used primarily for the storage of goods and materials.

WATERCOURSE means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water, and the water therein, including ground water, within the jurisdiction of the Province, whether it contains water or not.

WETLAND means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

YARD means the 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 Bylaw. In determining yard measurements, the minimum horizontal distance from the respective lot lines to the building shall be used.

- a. **Front Yard** means a yard 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.



- b. **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.
- c. **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 Bylaw 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.

ZONE means a designated area of land shown on Schedule “A” of this Bylaw.