KEPPOCH BEAVER MOUNTAIN PLAN AREA

Land Use By-Law

MUNICIPALITY OF THE COUNTY OF ANTIGONISH

Approved by Keppoch Beaver Mountain AAC January 29, 2007
Approved by Municipality of the County of Antigonish PAC February 20, 2007
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PART 1 – TITLE

This bylaw shall be known and may be cited as the “Land Use Bylaw” of the Keppoch Beaver Mountain Planning Area of the Municipality of the County of Antigonish. Hereafter referred to in this document as the “Keppoch Beaver Mountain Planning Area Land Use Bylaw” or “this Bylaw”. This Bylaw shall apply to all lands within the Planning Area.

PART 2 – ADMINISTRATION

Scope

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

Effective Date

2. This Bylaw shall take effect when approved by the Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia.

Prohibition

3. Subject to the provisions of the *Municipal Government Act,* no development shall be carried out within the Planning Area, except in accordance with this Bylaw.

4. No person shall commence or continue development for which a development permit is required by this Bylaw unless the owner has obtained a development permit to carry out the development.

Development Officer

5. The Council of the Municipality of the County of Antigonish (hereinafter referred to as “Council”) which has adopted this Bylaw shall appoint a municipal development officer who shall be responsible for the administration of the Bylaw and issuing of the municipal development permits.

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 the Bylaw, which shall form part of the public records of the Municipality of the County of Antigonish.

Enforcement

7. The Council, by 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 Bylaw.

Permits

8. Unless otherwise stated in this Bylaw, no person shall undertake a development without first obtaining a development permit from the Development Officer.

9. Every development permit is valid:
    a. upon the development being commenced within twelve (12) months from the date of issuing the permit;
    b. upon the permit being renewed for another twelve (12) months if construction has begun; or
    c. if not commenced within twelve (12) months and is still proposed, a new application is to be made.

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 Bylaw.

11. When necessary to complete the assessment of a proposed development, the Development Officer may require the applicant to submit copies in duplicate of one or more of the following:
    a. a survey plan of the lot showing the dimensions of the lot; said 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.

Penalty

12. Any person in violation of this Bylaw may be penalized through fines or imprisonment as provided for in the *Municipal Government Act*.

Costs for Advertising

13. Applications for an amendment to this Bylaw or a development agreement shall be accompanied by a deposit to the Eastern District Planning Commission an amount estimated by the Commission to be sufficient to pay the cost of advertising required by the *Municipal Government Act.* After the advertising has been complete, the applicant shall pay to the Commission any additional amount required to defray the cost of the advertising, or if there is a surplus, the Commission shall refund the excess.

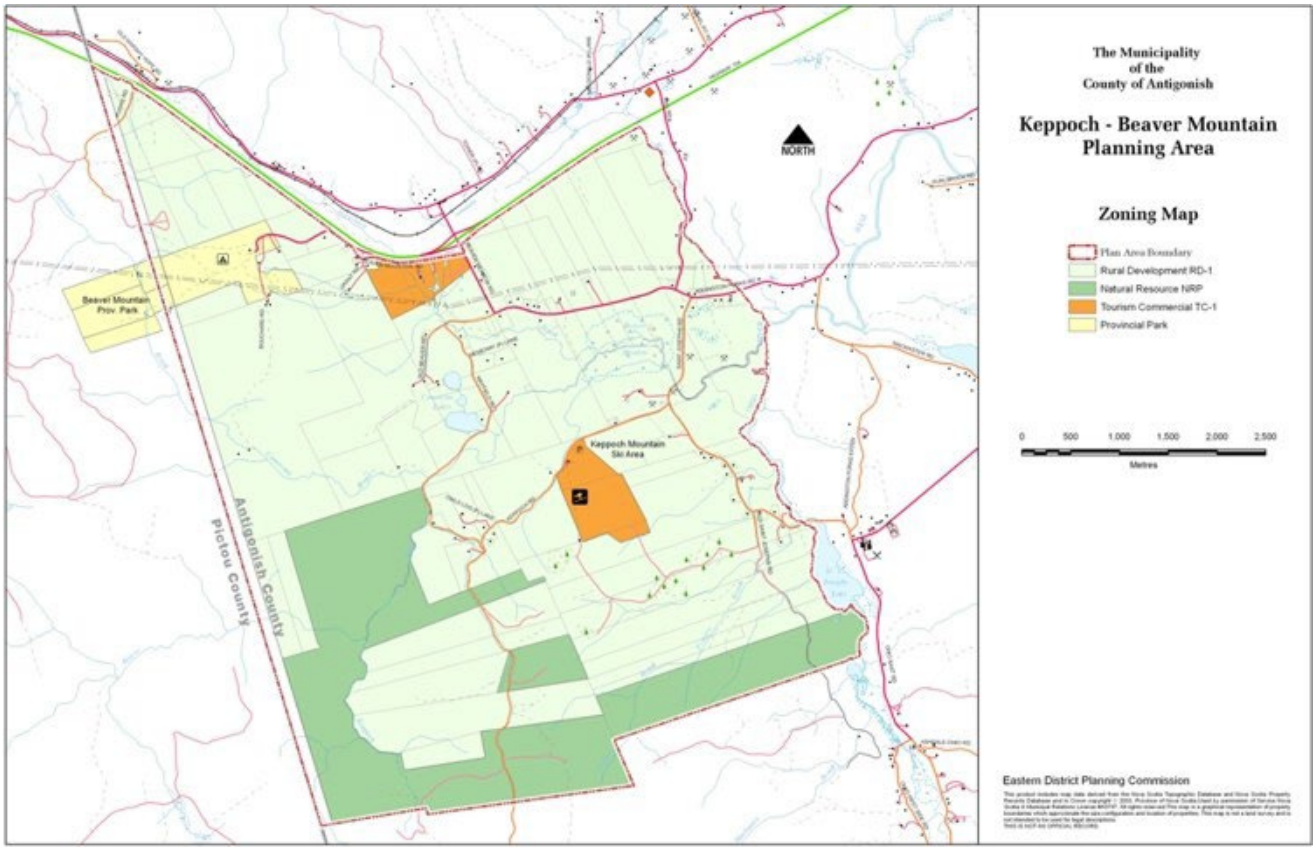
PART 3 – ZONES AND ZONING MAP

Zones

1. For the purpose of this Bylaw the Keppoch Beaver Mountain Planning Area is divided into the following zones, the boundaries of which are shown on the attached Schedule "A". Such zones may be referred to by the appropriate symbols.

Rural Development	RD - 1
Tourism Commercial	TC - 1
Natural Resource/Park	NRP

2. The Schedule "A" attached hereto may be cited as the "Zoning Map" and is hereby declared to form part of this Bylaw.



PART 4 – INTERPRETATION

Symbols

1. The symbols used on the Zoning Map attached hereto, refer to the appropriate zones established by this Bylaw.

Interpretation of Zoning Boundaries

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 Bylaw shall respectively apply.

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 center 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 street, highway, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the zoning map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in to general direction of the long division thereof shall be considered the boundary between the zones unless specifically indicated otherwise;
    e. where a zone boundary is indicated as approximately following a physical feature including a watershed, the zone boundary shall follow such physical features as determined by 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. In this Bylaw, words used in the present tense include future; words in the singular number include the plural except where otherwise clearly stated; words in the plural include the singular number; and the word “used” includes “arranged”, “designed or intended to be used”; the word “shall” is mandatory and the word “may” is permissive.

Permitted Uses

5. For the purposes of this Bylaw, 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.

Use of Metric System

6. Throughout this Bylaw, the metric system has been used followed by the approximate imperial system equivalent in brackets. Should any case arise where there appears to be a discrepancy between the two figures, the metric figure shall prevail.

PART 5 – GENERAL PROVISIONS FOR ALL ZONES

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

Accessory Buildings

1. Accessory uses, buildings and structures shall be permitted in any zone within the Keppoch Beaver Mountain Planning Area but shall not:
    a. be used for human habitation;
    b. be located within the required front or side yard of a lot;
    c. be built closer than 3 metres (10 feet) to any lot line
        i. common semi-detached garages may be centered on the mutual side lot line; and
        ii. accessory buildings with no windows or perforations on the side of the building which faces the said lot line, may be located a minimum of 0.6 metres (2 feet) from the said side or rear lot line in any residential zone.
        iii. boathouses and boat docks may be built to the lot line when the line corresponds to the water's edge or is in the water;
    d. be built within 1.8 metres (6 feet) of the main building;
    e. be considered an accessory building if attached to the main building in any way; and
    f. be considered an accessory structure if located completely underground.

2. Notwithstanding anything else in this Bylaw, drop awnings, clothesline poles, flag poles, garden trellises, fences and retaining walls shall be exempted from any requirements under Subsection 1 of this section.

Accessory Uses Permitted

3. Where this Bylaw 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 thereto. Accessory buildings shall be permitted in all zones.

Accessory Dwellings

3A. A single accessory dwelling per lot shall be permitted accessory to a single detached dwelling, duplex dwelling, or semi-detached dwelling where the main dwelling use is permitted in the applicable land use zone and subject to the following requirements:

	Secondary Suite	**Garden Suite**
Yard Setbacks	As per zone requirements for the main dwelling.	As per zone requirements for single-detached dwellings. Additionally garden suites shall not be built closer to the front lot line than the main dwelling.
Maximum accessory dwelling unit floor area including a habitable basement	50% of the gross floor area of the main dwelling.	80% of the gross floor area of the main dwelling. The floor area of any garage attached to or below the accessory dwelling unit does not count towards accessory dwelling unit floor area

Maximum Building Height	As per zone requirements for the main dwelling.

Building to be Erected on a Lot

4. No building shall be erected or used unless such building is erected upon a single lot.

Building to be Moved

5. No person shall move any building over 26.47 square metres (285 square feet), residential or otherwise, within or into the area covered by this Bylaw without obtaining a development permit from the Development Officer.

Calculation of Lot Frontage

6. The following means shall be used for the purposes of determining lot frontage:
    a. in the case of regularly shaped lots, lot frontage shall be measured as a straight line between the points where the two (2) side lot lines meet the front lot line;
    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, at a point equal to the minimum applicable front yard.

Existing Buildings

7. Where a building has been erected on or before the effective date of this Bylaw 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 Bylaw, 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 Bylaw; and
    b. all other applicable provisions of this Bylaw are satisfied.

Existing Lots

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

Existing Undersized Lots

9. Notwithstanding anything else in this Bylaw, a vacant lot held in separate ownership from adjoining parcels in existence prior to the effective date of this Bylaw, having less than the minimum frontage or area or both required by this Bylaw, may be used for a purpose permitted in the Zone in which the lot is located except for the use of kennels and a building may be erected on the lot provided that all other applicable provisions in this Bylaw are satisfied. In addition, where such lots are increased in size but remain undersized, they are deemed to be existing undersized lots.

Height Regulations

10. The height regulations of this Bylaw shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, chairlifts, television or radio antennae, skylights, barns, chimneys, clock towers, power transmissions, lookout towers, satellite discs, windmills, wind turbines, and solar collector devices.

Home Occupations

11. Nothing in this Bylaw shall prevent the use of a dwelling or accessory building in the Rural Development (RD-1) zone or Tourism Commercial (TC-1) zone for a home occupation including: personal service shops such as barber shops and beauty parlours; artisan workshops; artists' studios; woodworking; small scale agricultural produce sales operations; bed and breakfast establishments; neighbourhood convenience stores or professional offices; office for technicians such as plumbers and electricians and back yard mechanics who undertake minor repairs to motor vehicles and machines with small engines, i.e. lawnmowers, chain saws, outboard motors, provided that:

    a. the dwelling and accessory building is occupied as a residence by the operator of the home occupation;
    b. no more than twenty-five (25) percent of the total floor area of the dwelling is devoted to the professional or business use;
    c. no mechanical equipment is used externally except that reasonably consistent with the use of a dwelling, or accessory building.

Illumination

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

Licenses, Permits and Compliance with Other Bylaws

13. Nothing in this Bylaw shall exempt any person from complying with the requirements of the building bylaw or any other bylaw in force within the Municipality of the County of Antigonish or from obtaining any license, permission, permit, authority or approval required by any other bylaw of the Municipality.

Loading Space

14. All Loading spaces for developments located within the Rural Development (RD-1) zone or Tourism Commercial (TC-1) zone shall be located onsite, and shall not be dependent upon streets or neighbouring properties. In addition:
    a. Each loading space shall be at least 3.6 metres (12 feet) by 12 metres (40 feet) with a minimum of 4 metres (14 feet) in height clearance.
    b. No such loading space(s) shall be located within any required front yard.
    c. Notwithstanding anything in this section, an undersized vacant lot which is situated in the Rural Development (RD-1) zone or Tourism Commercial (TC-1) zone, which cannot comply with these loading standards, shall be allowed to be developed and the proposed development shall be exempted from this requirement.

Multiple Uses

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

Parking Area Standards

16. In any zone where parking facilities for more than four (4) vehicles are required or permitted:
    a. the parking area shall be situated in the same zone;
    b. when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated;
    c. the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
    d. in addition, the location of driveway approaches shall be no closer than 4.5 metres (15 feet) from the nearest limits of the right-of-way at a street intersection;
    e. entrance and exit accesses to parking areas shall not exceed two (2) in number and each access shall be a width of 7.7 metres (25 feet) at the street line and pavement

edge;

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 of 3 metres (10 feet) if for one-way traffic, and a minimum of 5.5 metres (18 feet) if for two-way traffic and the maximum width of a driveway shall be 7.6 metres (25 feet);
g. the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles; and
h. if lights are used for illumination of the parking lot, they shall be arranged so as to divert the light away from the street, adjacent lots of buildings.

Parking Standards for a Change of Use

17. Notwithstanding Section 17 of this part where a change of use is to occur to an existing commercial use and the new use is unable to comply with additional parking requirements, the additional parking requirements will be waived.

Parking Requirements

18. For every building or structure to be erected, enlarged, or changed in use off-street parking located within the same lot 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 each dwelling unit
b. Boarding and Bed and Breakfast establishments	One (1) parking space per two (2) boarders or overnight guests
c. Senior Citizen and Nursing homes	One (1) parking space for every three (3) beds
d. Places of worship and their halls, community halls, private clubs, sports fields and other places of assembly	Where there are fixed seats, one (1) parking space for every five (5) seats, or 3 metres (10 feet) of bench space. Where there are no fixed seats, one (1) parking space for each 30 square metres (100 square feet) of floor area devoted to public use
e. Elementary schools	One (1) and one-half (1.5) parking spaces for each teaching classroom
f. High schools	Four (4) parking spaces for each teaching classroom
g. Offices	One (1) parking space per 90 square metres (300 square feet) of gross floor area, but never less than one (1) parking space
h. Medical clinics or doctor's offices	One (1) parking space for each 45 square metres (150 square feet) of floor area
i. Tourist establishments	One (1) parking space per suite or rental unit plus one (1) additional parking space for each 15 square metres (50 square feet) of floor area devoted to public use exclusive of lobbies and halls

j. Restaurants	One (1) parking space for each 15 metres (50 square feet) of floor area devoted to public use
k. Retail stores	One (1) parking space per 45 square metres (150 square feet) of floor area
l. All other non-residential uses permitted by this Bylaw but not mentioned elsewhere	One (1) parking space for each 91 square metres (300 square feet) of floor area but never less than one (1) parking space

Permitted Encroachments in Yards

19. Except for accessory buildings, every part of any yard required by this Bylaw shall be open and unobstructed by any structure from the ground to the sky, provided that those structures listed in the following table shall be permitted into yards indicated as follows:

Structure	Yard in which Projection is Permitted	Maximum Permitted Projection from Main Wall
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters or canopies	Any yard	0.6 metres (2 feet)
Window bays	Front, rear and side yards only	0.9 metres (3 feet) and a maximum width of 3 metres (10 feet)
Fire escapes and exterior staircases	Rear and side yards only	1.8 metres (6 feet)
Balconies on single family, semi - detached, and duplex dwellings	Front, rear and flankage yards only	1.8 metres (6 feet)
Balconies on other residential buildings	Any yard	(1.8 metres) 6 feet
Roofed porches not exceeding one storey, uncovered terraces	Front, rear and flankage yards only	(2.5 metres) (8 feet) including eaves and cornices
Disabled access	Any yard	To the lot line, provided any required access is not obstructed

Public and Private Utilities

20. Public and private utilities shall be permitted in any zone except the Natural Resource/Park (NRP-1) zone provided that such uses conform to the applicable lot standards of that particular zone.

Public Uses Permitted

21. Government buildings and facilities (including fire and police stations) shall be permitted in any zone provided that such uses conform to the applicable lot standards of that particular zone.

Restoration to a Safe Condition

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

Side Yards on Corner Lots

23. Notwithstanding anything else in this Bylaw, on a corner lot in any zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than 7.6 metres (25 feet).

Signage

Signs Permitted

24. Notwithstanding anything else in this By-law or elsewhere, the following additional signs are permitted in the Tourism Commercial (TC-1) zone:
    a. signs identifying name and address of resident, and of not more than 0.6 square metres (2 square feet) in sign area;
    b. "No trespassing" signs or other such signs regulating the use of a property, and of not more than 0.6 square metres (2 square feet) in sign area;
    c. real estate signs not exceeding 1.5 square metres (5 square feet) in sign area in a residential zone and 4.5 square metres (15 square feet) in other zones, which advertise the sale, rental, or lease of the premises;
    d. signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premise provided that such signs are less than 1.5 square metres (5 square feet) in area;
    e. signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad-crossing signs, safety signs, signs identifying public schools, public election lists;
    f. memorial signs or tablets and signs denoting the date of erection of a structure;
    g. the flag, pennant, or insignia of any government or of any religious, charitable, or fraternal organization;
    h. a sign having an area of not more than 4.65 square metres (50 square feet) incidental to construction and within the area designated for such purposes.

Signs Prohibited

25. Notwithstanding anything else in this By-law or elsewhere, the following signs shall not be permitted in any zone:
    a. signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving part, visible revolving parts or visible mechanical movement of any description, or other apparent visible movement achieve by electrical pulsations or by actions of normal wind currents;
    b. any sign or sign structure which 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 driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads;
    d. any sign that obstructs free ingress to or egress from a fire escape door, window, or other required exit way;
    e. signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, fonts, or character in such manner as to interfere with, mislead, or confuse traffic along a public road;

f. any sign that no longer advertises a bona fide business conducted, or a product sold;
g. signs on public property or public right-of-way unless erected by a governmental body, or required to be so located by order of a governmental body or specially permitted by Council, but no sign located on public property or a public right-of-way shall bear any commercial advertisement;
h. signs not erected by a government body that are located at or near sharp road curves or below the crest of a steep road grade;
i. signs painted on, attached to, or supported by a tree, stone, cliff or other natural object;
j. string lights, other than temporary holiday decorations that are unshielded from the property on which they are located; and
k. searchlights, pennants, spinners, banners, and streamers except for occasions such as grand openings, county fairs, public festivals, exhibitions, temporary events and similar occasions.

Signage - Safety and Maintenance

26. 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 bylaws.

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

Street Frontage

28. 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, fronts upon a street or the lot is shown on an approved plan of subdivision.

Truck, Bus and Coach Bodies

29. No trucks, bus, coach or structure of any kind, other than a mobile home or dwelling unit erected and used in accordance with this and all other Bylaws of the Municipality, shall be used for human habitation within the Keppoch Beaver Mountain Planning Area, whether or not it is mounted on wheels.

Variance

30. Variance may be granted from the higher side yard requirement for a tourism commercial use abutting a residential use if abutting land owners are notified and are in agreement with the proposal, and provided it can be shown that there will be no negative effect on surrounding land or waterways, and provided further that all other requirements of this By-law are satisfied.

Watercourse and Wetland Buffers and Setbacks

31. General provisions, excluding agricultural activities which must adhere to the Nova Scotia Agriculture *Manure Management Guidelines*:

a. No development permit shall be issued for any development within 30.5 metres (100 feet) of the ordinary high water mark of any watercourse or wetland.
b. Within the 30.5 metres (100 feet) setback, no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted.
c. Where the average slopes within the 30.5 metres (100 feet) setback are greater than 20%, the setback shall be increased by 1 metre (3.28 feet) for each additional 2% of slope, to a maximum of 60 metres (196.85 feet).
d. Within the required setback pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 square metres (215.27 square feet) or a combination of an accessory structure and attached deck not exceeding 20 square metres (215.27 square feet),

fences, boardwalks, walkways and trails, docks, public roads, parks on public lands, boat ramps, fisheries uses, conservation uses, cairns, and historic sites and monuments.

32. Notwithstanding subsection (30), any existing structure located within this setback distance may be expanded, renovated or repaired provided that the work does not further reduce the existing setback.

33. Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of this bylaw, is such that no new main structure could be located on the lot, the setback distance may be reduced by way of a variance in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements.

34. Notwithstanding subsection (30), nothing in this bylaw shall prohibit the removal of windblown, diseased or dead trees deemed to be hazardous or unsafe.

35. Notwithstanding subsection (30), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist or landscape architect.

36. Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required setbacks, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

PART 6 – RURAL DEVELOPMENT (RD-1) ZONE

RD-1 Zone Permitted Uses

1. The following uses shall be permitted in the Rural Development (RD - 1) Zone:
   - Agricultural Uses
   - Arts and cultural centres
   - Automobile service and repair shops (excluding gasoline sales stations)
   - Bed and breakfast establishments
   - Boarding or Rooming Houses
   - Cairns
   - Chalet style cabins
   - Community Centres
   - Converted Dwellings to a maximum of two units
   - Day Care Centres
   - Duplex and semi-detached dwellings
   - Fire Halls
   - Greenhouses
   - Historic Sites and Monuments
   - Home occupations
   - Kennels
   - Medical clinics
   - Mobile and mini-homes on individual lots
   - Nursing Homes
   - Places of worship and Cemeteries
   - Public and Private Utilities
   - Schools and other similar institutional uses
   - Senior Citizens' Housing
   - Single Detached Dwellings
   - Small-scale forestry and related uses
   - Tourist and Guest Homes
   - Trails and Similar Public Uses

RD-1 Zone Lot Requirements

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

Standard	On-site Sewer or Water Services
Minimum Lot Area	2700 m²* (29 000ft²)
Minimum Lot Frontage	6.10 m (20ft)
Minimum Front Yard	7.65 m (25 ft)
Minimum Side Yard	6.10 m (10 ft)
Minimum Rear Yard	7.65 m (25 ft)
Maximum Height of Main Building	10.70 m (35.1 ft)
* Subject to the Nova Scotia Department of Environment and Labour standards, if applicable	

Special Requirement – Agricultural Guidelines

1. Agriculture and related uses are permitted in the Rural Development Zone in accordance with Nova Scotia Agriculture *Manure Management Guidelines.*

Special Requirement – Kennel Requirements

2. A Development Permit for a Kennel shall not be issued until a Kennel License is received from the Municipality.
3. Kennels shall only be permitted in the side yard and rear yard.
4. Notwithstanding Section 2 of this Part, the minimum lot area for a kennel in the Rural Development (RD - 1) Zone shall be 10 000 square metres (107 639 square feet).
5. Notwithstanding Section 2 of this Part, the minimum side yard and rear yard for a kennel in the Rural Development (RD - 1) Zone shall be 15.0 metres (50 feet).
6. Kennels with outdoor enclosures shall provide an acoustical buffer around side(s) of the enclosure that face the rear and or side lot lines abutting properties with residential dwellings that is comprised of:
    a. a 2.5-metre-wide staggered arrangement of coniferous trees with a minimum height of 2 metres planted at a rate of 1.5 meters on centre for the entire depth and area; or
    b. a 2.5-metre-wide earthen berm that has a minimum height of 2 metres at a distance of 3 to 5 metres from the outdoor enclosure's fencing; or
    c. a synthetic acoustical treatment designed for such a purpose, such as outdoor acoustic panels or blankets, installed in accordance with the manufacturer's specifications to the outdoor enclosure's fencing.

Special Requirement – Site Plan Approval Requirements

7. Development permit may be granted by site plan approval, but this approval does not include single family and two unit dwellings. The said site plan approval may also incorporate the issuance of variance(s). In addition to any other applicable requirements found elsewhere in this By-law, the following requirements shall apply to all uses subject to site plan approval:

Requirement	Standard
Location of off-street parking and loading spaces	Any parking lot designed for 5 or more spaces and any loading space shall be located such that the vehicles are not visible from the road
Driveway access to roads	There shall be adequate driveway access to allow two vehicles to pass each other simultaneously
Outdoor lighting	All parking areas and pedestrian walkways shall be provided with sufficient illumination to ensure the safety and convenience of people walking and driving in the area
Landscaping	At least 25% of the lot shall be landscaped using a variety of kinds and heights of vegetation, retaining existing vegetation where possible, and otherwise using walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements necessary to protect and minimize the land use impacts on adjoining lands
Storm Water Management	Land elevation may be graded or the contour altered to provide for the optimal management of storm and surface water. The use of water saving devices such as rain barrels may be encouraged to recycle storm water for hydrating plants.

A site plan and a legal undertaking signed by the proponent must be filed with the County and shall form part of the development permit.

The filed site plan has effect on a lot, regardless of a change of ownership, until discharged by the County.

A new lot or lots intended to carry out an approved site plan may be approved, where the resulting lot does not meet usual dimensional requirements, but reflects an improvement toward meeting required specifications.

A development permit may be issued to carry out a development permitted by a site plan.

PART 7 – TOURISM COMMERCIAL (TC-1) ZONE

TC-1 Zone Permitted Uses

1. The following uses shall be permitted in the Tourism Commercial (TC-1) Zone:

Bed and Breakfast establishments
Campgrounds
Chalet style cabins up to six units
Coffee shops
Craft and Gift shops
Existing Riverside Speedway race track
Historic Sites and Monuments
Public and Private Utilities
Recreational Uses
Residential uses
Restaurants
Retail uses associated with tourism and recreational activity
Single Family Dwellings
Ski hill and associated retail uses
Trails and similar uses

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

Minimum Lot Size Requirements for Single Unit Detached Dwellings in Utilizing On-site Sewage Disposal Systems*

Category	Depth of permeable soil (mm)	Lot area (m^2)	Lot Width (m)
1	greater than 900	2700	37
1	600 to 900	3150	37
1	greater than 600 on a waterfront lot	3716	45
2	300 to 600	4500	53
3	150 to 300	6800	60
4	less than 150	9000	76

Standard	On-site Sewer or Water Services
Minimum Lot Area	2700 m²* (29 000ft²)
Minimum Lot Frontage	61 m (200 ft)
Minimum Front Yard	15 m (50 ft)
Minimum Side Yard	15 m (50 ft)
Minimum Rear Yard	15 m (50 ft)
Maximum Height of Main Building	10.70 m (35.1 ft)

2. **Screening of Refuse Containers**

   In any commercial zone where refuse and recycling containers are located outside the building they shall be screened from an adjacent property and the street through the use of landscaping or opaque fencing.

3. **Special Requirement – Architectural Design Guidelines**

   In the Tourism Commercial (TC-1) Zone, architectural design guidelines in the ski resort style will be subject to planning staff review before a development permit is issued.

4. **Special Requirement – Site Plan Approval Requirements**

   Development permit may be granted by site plan approval, but this approval does not include single family and two unit dwellings. The said site plan approval may also incorporate the issuance of variance(s). In addition to any other applicable requirements found elsewhere in this By-law, the following requirements shall apply to all uses subject to site plan approval:

Requirement	Standard
Location of off-street parking and loading spaces	Any parking lot designed for 5 or more spaces and any loading space shall be located such that the vehicles are not visible from the road
Driveway access to roads	There shall be adequate driveway access to allow two vehicles to pass each other simultaneously
Outdoor lighting	All parking areas and pedestrian walkways shall be provided with sufficient illumination to ensure the safety and convenience of people walking and driving in the area
Landscaping	At least 25% of the lot shall be landscaped using a variety of kinds and heights of vegetation, retaining existing vegetation where possible, and otherwise using walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements necessary to protect and minimize the land use impacts on adjoining lands
Storm Water Management	Land elevation may be graded or the contour altered to provide for the optimal management of storm and surface water. The use of water saving devices such as rain barrels may be encouraged to recycle storm water for hydrating plants.

A site plan and a legal undertaking signed by the proponent must be filed with the County and shall form part of the development permit.

The filed site plan has effect on a lot, regardless of a change of ownership, until discharged by the County.

A new lot or lots intended to carry out an approved site plan may be approved, where the resulting lot does not meet usual dimensional requirements, but reflects an improvement toward meeting required specifications.

A development permit may be issued to carry out a development permitted by a site plan.

5. **Special Requirement – Setbacks from Wetlands and Watercourses**

   No development will be permitted in any zone within one hundred (100) feet of any wetland or watercourse, with the exception of crop farming; grazing; pastures; passive recreational facilities, and public or private parks involving no buildings.

6. **Signage**

Facial Wall Signs

No facial wall sign shall:

a. Cover more than 0.3 square metres (1 square foot) per lineal metre of the wall on which the sign is affixed with proportional allocation for each business premises in case of multiple occupancy buildings. In no case, however, shall the total area of the facial wall sign for each business premises exceed 30 square metres (100square feet);
b. extend above the top of the wall upon which it is placed;
c. extend beyond the extremities of the wall upon which it is attached.

Projecting Wall Signs

No projecting wall sign shall:

a. exceed 6 square metres (20 square feet) in sign area;
b. project more than 1.8 metres (6 feet) from the wall upon which it is attached;
c. project over a public right-of-way or day lighting triangle;
d. project above the eaves, parapet, or roof line of a building;
e. be permitted to swing freely on its support;
f. be erected below a height of 3 metres (10 feet) or above a height of 4.5 metres (15 feet) above grade;
g. have a sign face dimension which exceeds 1.5 metres (5 feet).

Ground Signs

No ground sign shall:

a. exceed 9.7 square metres (32 square feet) in sign area on a single face sign or 19.5 square metres (64 square feet) of sign area for both faces combined;
b. exceed a height of 6 metres (20 feet) from the grade level to the highest part of the sign;
c. extend beyond a property line or project over a public rights-of-way, other adjoining lands, or any driveway or parking space;
d. be set back less than 1.5 metres (5 feet) from any street line, common lot boundary, driveway, aisle or parking area;
e. have more than one sign on the supporting structure; exceed 3 metres (10 feet) for any sign face dimension.
f. exceed 3 metres (10 feet) for any sign face dimension

PART 8 – NATURAL RESOURCE/PARK (NRP) ZONE

NRP Permitted Uses

1. The following uses shall be permitted in the Natural Resource/Park Zone:

    Campgrounds
    Conservation related uses
    Forestry uses
    Historic Sites and Monuments
    Park Uses
    Public parks
    Recreational uses
    Trails and similar public uses
    Uses accessory to the foregoing uses

NRP General Lot Requirements

2. There are no lot requirements in the NRP Zone.

PART 9 – DEFINITIONS

ACCESSORY DWELLING means one dwelling unit accessory to a single detached dwelling; semi-detached dwelling; duplex; or townhouse, row house, or multiple unit dwelling with up to three units as an independent and separate unit which contains its own sleeping, living, cooking and sanitary facilities, and its own independent entrance.

i. Garden Suite Accessory Dwelling means one free-standing accessory dwelling unit subordinate to a single detached dwelling; semi-detached dwelling; duplex; or townhouse, row house, or multiple unit dwelling with up to three units on the same lot.
ii. Secondary Suite Accessory Dwelling means one self-contained accessory dwelling unit fully contained within and subordinate to a single detached dwelling; semi-detached dwelling; duplex; or townhouse, row house, or multiple unit dwelling with up to three units.

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 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.

ACT means the Nova Scotia Municipal Government Act, 1998.

AGRICULTURAL USE means the use of land and buildings for the production of food, fiber or flora or the breeding and handling of animals including fish stocks in fish ponds and includes retail or market outlets for the sale of perishable agriculture goods or for the handling of animals.

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

ARCHITECTURAL CONCEPT is the basic aesthetic idea of a building or group of buildings or structures, including the site and landscape development that produces its distinctive character.

ARCHITECTURAL CONTROL means public regulation of the design of private buildings to preserve, enhance or develop the character of a particular area.

ARTS AND CULTURAL CENTRE means a structure or complex of structures for housing the visual and/or performing arts.

AUTOMOBILE SERVICE AND REPAIR means the servicing and repair of automobiles, including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories.

BED AND BREAKFAST an establishment providing accommodation for the use of the traveling or vacationing public, containing up to four (4) bedrooms available for rent in a private home, ensuite, private or shared bathrooms, common living room, full or continental breakfast included in room rate.

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.

BOARDING OR ROOMING HOUSE means a dwelling in which the proprietor supplies either room or room and board for monetary gain, to more than three but not more than six bedrooms exclusive of the lessee or owner thereof or members of his family and which is not open to the general public.

CAIRN means a pyramid of rough stones erected as a memorial, sepulcher or landmark.

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.

CAMPSITE means any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

CEMETERY means property used for the interring of the dead.

CHALET means a structure for accommodation by the paying public located near a ski hill and designed in the ski resort style.

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.

CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing.

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.

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

DAY CARE CENTRE means a place where four or more preschool children are cared for on a temporary daily basis without overnight accommodation but does not include a school.

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

DEVELOPMENT OFFICER shall mean the Development Officer appointed by the Municipality of the County of Antigonish in accordance with the *Municipal Government Act*.

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, apartment hotel or a travel trailer.

DWELLING, SINGLE DETACHED means a building containing not more than one (1) dwelling unit.

DWELLING, MULTIPLE UNIT means a dwelling that contains three (3) or more dwelling units.

DWELLING, DUPLEX means a building containing not more than two (2) dwelling units placed one above the other.

DWELLING, SEMI-DETACHED means a dwelling unit which is one side of a building, which building is divided vertically by a wall extending ground to roof and which building is separated by open space from other buildings, and which dwelling unit has an independent entrance.

DWELLING UNIT means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

EXISTING means existing as of the effective date of this Bylaw.

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.

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 Bylaw 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.

GREENHOUSE means a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

HEIGHT means the vertical distance of a building between grade and:

a. the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
b. the deck line of a mansard roof; or
c. the main level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof;
d. but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola, or steeple.

HISTORIC SITE or **HISTORIC MONUMENT** means a place or structure of outstanding historical and cultural significance and designed as such by provincial or federal government.

HOTEL 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 meals but generally without private cooking facilities.

HOME OCCUPATION means an accessory use of a dwelling or secondary building for gainful employment involving the provision or sale of goods or services or both goods and services and includes a domestic or household art, a day care centre, a personal service shop, a catering establishment, an artisan work shop, a photographic studio, a professional office and an office for technicians such as plumbers, carpenters, electrics and other trade profession.

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

KENNEL means the use of land, a building, structure, outdoor enclosure, other facility or part thereof for a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised, trained at a facility specifically for training, sold, and/or boarded. This commercial establishment may include daily and overnight boarding, breeding facilities, daycare or combination thereof. A kennel does not include veterinary clinics, fosters of shelter/rescue animals, pet grooming businesses that do not provide any form of boarding or daycare and do not have an outdoor pet run or enclosure, and hobby or occasional breeders having no more than two litters of domestic animals bred per calendar year on the premises to be sold for commercial purposes and/or monetary gain.

LOT means any parcel of land described in a deed 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 bounded on two opposite sides by streets or highway provided, however, that if any lot qualifies as being both a Corner Lot and Through Lot as herein before defined, such lot shall be deemed to be a Corner Lot for the purpose of this Bylaw.

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

LOT FRONTAGE means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein equal in distance to the minimum applicable front yard. In the case of a corner lot with a daylighting triangle the exterior lot lines (street line) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

MAIN BUILDING means the building in which is carried on the principal purposes for which the lot is used.

MEDICAL CLINIC is a building that contains establishments dispensing health services.

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. A mini home has a prefabricated roof.

MOBILE HOME means any vehicle or similar structure, not including a travel trailer, containing one or more dwelling units, having no permanent foundation and supported by wheels, jacks or other similar supports, and used and designed or so constructed for occupancy, as a dwelling unit. For the purpose of this Bylaw, the removal of the wheels or the permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification. A mobile home does not have a prefabricated roof.

MOTEL shall mean the same as Hotel, but may include private cooking facilities.

MUNICIPALITY means the Municipality of the County of Antigonish.

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

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 but principally of or storage purposes.

PARKING SPACE means an area of not less than 48.8 square metres (160 square feet), measuring 2.4 metres (8 feet) by 6.1 metres (20 feet) exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.

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

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.

PLACE OF WORSHIP is a building dedicated to religious worship and includes an associated hall, auditorium, religious school, parish hall, and day nursery operated by the place of worship on the same lot or on an adjacent lot.

PLANNING AREA means the Keppoch Beaver Mountain 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 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.

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.

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 Bylaw 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.

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.

RESTAURANT or TAKE-OUT RESTAURANT means a building or part thereof where food and drink is served to the public for consumption within the building or for take-out and for consumption in parking areas appurtenant to the building.

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 mean adult retirement community, assisted living facility, congregate residences, continuing care retirement community, retirement community.

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.

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.

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.

SKI AREA means an area developed for snow skiing, with trails and lifts, and including ski rental and sales, instruction, and eating facilities.

SKI RESORT means a ski area that includes sales, rental and service of related equipment and accessories, eating places and accommodations.

SMALL SCALE FORESTRY means locally-owned, possibly family-run establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

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 and Public Works 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 COTTAGE OR CABIN an establishment providing accommodation for the use of the traveling or vacationing public, a free-standing unit with bed sitting room (linens supplied) and bathroom; may have kitchen facilities.

TOURIST OR GUEST HOME means a building used as a single family dwelling in which there are up to four (4) bedrooms available in a home, with ensuite or shared bathrooms, common living room, where breakfast may be available but is not included in the room rate. The house can also be rented as a whole unit as opposed to individual bedrooms/rental units, which would be the case in a bed and breakfast.

TRAIL means a linear tract of land used for walking, hiking, jogging, cycling or for the use of all terrain vehicles and snowmobiles.

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 community. 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.

WATERCOURSE means any natural or artificial river, channel, canal, lake, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

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 an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this Bylaw. In determining yard measurements, the minimum horizontal distance from the respective lot lines to the building shall be used.

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