

PORT HASTINGS PLAN AREA

MUNICIPALITY OF THE COUNTY OF INVERNESS

LAND USE BY-LAW

This document has been prepared for convenience only and includes the Ministerial modifications that accompanied the approval of the Minister of Municipal Affairs on December 9, 1997. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

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PART 1 - TITLE

1. This By-law shall be known and may be cited as the Port Hastings Plan Area Land Use By-law.
2. This By-law shall apply to all lands within the Port Hastings Plan Area as shown on Map 1.

PART 2 - ADMINISTRATION

Effective Date

1. This By-law shall take effect when approved by the Minister of Municipal Affairs for the Province of Nova Scotia.

Prohibition

2. Subject to the provisions of the Planning Act, no development shall be carried out within the Plan Area except in accordance with this By-law.
3. No person shall commence or continue development for which a development permit is required by this By-law unless the owner has obtained a development permit to carry out the development.
4. Except when located in a Mobile Home Park, Mixed Use or Industrial Zone and unless otherwise stated in this By-law, no development permit shall be issued to erect more than one main building upon a lot.

Development Officer

5. The Council of the Municipality of the County of Inverness (hereinafter referred to as 'Council'), which has adopted this Land Use By-law, shall appoint a Municipal Development Officer who shall be responsible for the administration of the Land Use By-law and the issuing of municipal development permits.
6. The Municipal Development Officer shall keep records of all applications received, permits and orders issued, inspections made, and shall retain copies of all papers and documents pertaining with the administration of this By-law, which shall form part of the public records of the Municipality.

Enforcement

7. The Council, by any duly authorized office or servant, shall have the right to enter at all reasonable times into or upon any property within the Plan Area for the purposes of an inspection necessary in connection with the administration of this Land Use By-law.

Permits

8. Subject to the provisions of the Planning Act,
 - (a) Within fifteen (15) days of receiving an application for a municipal development permit, the Municipal Development Officer shall inform the applicant whether or not the application is complete.

- (b) Within thirty (30) days of receiving a completed application, the Municipal Development Officer shall either grant the municipal development permit, or inform the applicant of the reasons for not granting the permit.
9. Every development permit is valid:
- (a) for twelve (12) months from the date of issuing the permit;
 - (b) upon the permit being renewed for another twelve (12) months, if construction has commenced, upon application to the Municipal Development Officer; and
 - (c) if not commenced within twelve (12) months and the construction is still proposed, a new application to be made to the Municipal Development Officer.
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 an authorized agent;
 - (c) state the intended use of the proposed development; and
 - (d) provide any other information required by the Municipal Development Officer to determine whether the proposal meets the requirements of this By-law.
11. When deemed necessary to complete the assessment of the proposed development, the Municipal 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.
12. Subject to the Rules of Natural Justice, the Development Officer may revoke a development permit where there is violation of:
- (a) any condition under which the permit was issued; or
 - (b) any provisions of this By-law.

Penalty

13. Any person in violation of the Planning Act and provisions in force pursuant to the Act will be subject to the penalties established in the Act.

Costs for Advertising

14. Anyone applying for an amendment to this By-law shall deposit with the Clerk an amount estimated by the Clerk to be sufficient to pay the cost of advertising required by the Planning Act. Upon completion of the advertisements, the applicant shall pay to the Clerk any additional amount required to defray the cost of the advertising, or if there is a surplus, the Clerk shall refund the excess to the applicant.

PART 3 - ZONES AND ZONING MAP

Zones

1. For the purpose of this By-law, the Port Hastings Plan Area is divided into the following zones which may be referred to by the appropriate symbols.

| Part | Zone | Symbol | Page |
|------|-------------------------|--------|------|
| 8 | Residential | R-1 | 21 |
| 9 | Future Residential | R-2 | 23 |
| 10 | Mobile Home Park | MHP | 24 |
| 11 | Rural Mixed Use | RM-1 | 25 |
| 12 | Mixed Use | C-1 | 27 |
| 13 | Marine Industrial | M-1 | 30 |
| 14 | Recreational Open Space | O-1 | 31 |
| 15 | Conservation Open Space | O-2 | 32 |

The zone boundaries are shown on Schedule C. The Schedule C included may be cited as the 'Zoning Map' and is hereby declared to form part of this By-law.

Zones Not On Maps

2. 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 zone had previously appeared on any zoning map.

PART 4 - INTERPRETATION

Symbols

1. The symbols used on the Schedule C, refer to the appropriate zones established by this By-law.

Defined

2. The extent and boundaries of all zones are shown on Schedule C, included herein and for such zones the provisions of this By-law shall respectively apply.

Interpretation of Zone Boundaries

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

Certain Words

4. Unless otherwise clearly indicated, the following shall apply:
 - words used in the present tense include the future;
 - words in the singular number include the plural, words in the plural number include the singular;
 - the words 'used' includes 'arranged', 'designed' or 'intended to be used'; and
 - the word 'shall' is mandatory and the word 'may' is permissive.

Permitted Uses

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.

PART 5 - GENERAL PROVISIONS FOR ALL ZONES

Accessory Buildings

1. (a) Accessory uses, buildings and structures shall be permitted in any zone within the Port Hastings Plan Area but shall:
 - (i) not be used for human habitation (except where a dwelling is a permitted accessory use);
 - (ii) within a residential zone, not be located within the required front yard of a lot;
 - (iii) within a non-residential zone, not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot.
 - (iv) where an accessory building is built on a corner lot, it shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;
 - (v) not be built closer than 10 feet to any lot line in a Rural Mixed Use (RM-1) Zone and 4 feet in any other zone except that:
- (b) common semi-detached garages may be centered on the mutual side lot line; and
- (c) 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 2 feet from the said side or rear lot line in any residential zone.
 - (i) except for non-residential accessory buildings in Rural Mixed Use (RM-1) Zone or accessory buildings in an industrial zone, not exceed 15 feet in height;
 - (ii) not exceed 750 square feet in total floor area;
 - (iii) not be built within 6 feet of the main building;
 - (iv) not be considered an accessory building if attached to the main building in any way; and
 - (v) not be considered an accessory structure if located completely underground.
- (d) Notwithstanding anything else in this By-law, drop awnings, clothesline poles, flag poles, garden trellises, fences and retaining walls shall be exempted from any requirements under Subsection (a) of this Section and Section 26.
- (e) Notwithstanding anything else in this By-law, horse stables or barns containing 5000 square feet of floor area or less shall be permitted in the Rural Mixed Use Zone (RM-1) provided that such use is located a minimum distance of 100 feet from any residential building. Kennels shall be prohibited in all zones.

Accessory Uses Permitted

2. 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 thereto. Accessory buildings shall be permitted in all zones.

Building to be Erected on a Lot

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

Building to be Moved

4. A development permit issued by the Municipal Development Officer shall be required for any building, residential or otherwise, being moved within or into the area covered by this By-law.

Calculation of Lot Frontage

5. The following means shall be used for the purposes of determining lot frontage:
 - (a) in the case of a regularly shaped lot, the lot frontage shall be measured as a straight line between the points where the two side lot lines meet the front lot line;
 - (b) in the case of a corner lot, the lot frontage shall be measured as the horizontal distance between the side lot line and the flanking lot line; and
 - (c) in the case of irregularly shaped lots and flag lots, the lot frontage shall be deemed to be the horizontal distance between the side lot lines measured perpendicularly to the 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.

Conformity With Existing Setbacks

6. Notwithstanding anything else in this By-law, in any Residential Zone, structures built within 200 feet of existing buildings and on the same block, may be built with a setback equal to the average setback of the adjacent buildings, but this depth need not be greater than setback requirements prescribed in the zone.

Existing Buildings

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

Existing Lots

8. 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 frontage, front yard, or area required or any two or all of these is less than the requirements of this By-law provided that all other requirements of this By-law are satisfied.

Existing Undersized Lots

9. Notwithstanding anything else in this By-law, a vacant lot in existence prior to the effective date of this By-law, having less than the minimum frontage or area or both 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. In addition,

where such lots are increased in size but remain undersized, they shall continue to be considered existing undersized lots.

Frontage on Street

10. With the exception of the Marine Industrial M-1 Zone, 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, or fronts upon a public street or on a lot shown on an approved plan of subdivision.

Height Regulations

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

Home Occupations

13. Nothing in this By-law shall prevent the use of a dwelling or an accessory building in any residential zone for home occupations including confectionery stores, professional offices and personal service uses provided that:
 - (a) the dwelling and accessory building is owned or occupied as a residence by the operator;
 - (b) the external appearance of the building is not changed by the business or professional use;
 - (c) there shall not be more than two (2) assistants who are not residents of the dwelling employed in the business or profession;
 - (d) no more than fifty (50) percent of the total floor area of the dwelling building is devoted to the home occupation;
 - (e) one off-street parking space, other than that required for the dwelling, is provided for every 200 square feet of floor space occupied by the business or professional use;
 - (f) there shall be no advertising other than a business identification plate or sign which has a maximum sign area of 5 square feet, attached to the main building and provided also that the signage provisions in Part 6 are satisfied;
 - (g) no mechanical equipment is used except that reasonably consistent with the use of a dwelling or accessory building; and
 - (h) no open storage or outdoor display shall be permitted except that which is reasonably consistent with the use of a dwelling or accessory building.
14. Home occupations within an accessory building shall only be permitted in the RM-1 zone. Within this zone, up to 100% of the accessory building may be devoted to the home occupation. A business identification plate or sign with a maximum area of 5 square feet may be attached to the accessory building, providing the signage provision in Part 6 are satisfied.

Illumination

15. All illuminated signs and other illuminated devices outside any building shall be erected such that illumination is directed away from adjoining properties and any adjacent streets.

Licenses, Permits and Compliance with Other By-laws

16. Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-law in force within the Municipality of the County of Inverness or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Municipality or statute or regulation of the Province of Nova Scotia.
17. No building or structure shall hereafter be erected or altered or the use of any building changed unless a development permit has been issued and no development permit shall be issued unless all the provisions of this By-law are satisfied.
18. Where the provisions in this By-law conflict with those of any other municipal or provincial requirements, the higher or more stringent regulations shall prevail.

Loading Spaces

19. (a) For every building or structure to be erected or enlarged involving the frequent shipping, loading or unloading of persons, animals, goods or materials, there shall be maintained on the same premises with every such building, structure or use one off-street space for standing, loading and unloading for every 30,000 ft² or fraction thereof of the building floor area to a maximum of six (6) loading spaces.
 - (b) No loading space shall be required for buildings with a floor area of less than 3,000ft².
 - (c) Each loading space shall be at least 12 ft. by 40 ft. with a minimum of 14 ft. in height clearance.
 - (d) No such loading space shall be located within any required front yard.
 - (e) Notwithstanding anything in this section, an existing undersized vacant lot which is situated in a commercial or industrial zone which cannot comply with the loading standards shall be allowed to develop and the proposed development shall be exempt from the loading space requirement.

Multiple Uses

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

Non-Conforming Uses

21. Non-conforming uses shall be subject to the appropriate sections of the Planning Act. Any use of land or a building or structure erected on the land which had begun on or before the effective date of this By-law and which does not conform to the requirements of this By-law shall be considered a non-conforming use.

One Main Building on a Lot

22. No more than one (1) main building shall be erected on a lot except for buildings located in MHP, RM-1, C-1 and M-1 zones.

Parking Requirements

23. For every building or structure to be erected or enlarged, off street parking shall be located on the same lot as the use and unobstructed access to a street shall be provided and maintained in conformity with the following chart:

| Type of Building | Minimum Parking Required |
|---|--|
| Residential | |
| (a) Dwellings with up to and including four (4) dwelling units, residences in commercial buildings, bed & breakfast establishments | one (1) parking space per dwelling unit |
| (b) Boarding houses | one (1) parking space per two (2) rooms available for rent |
| (c) Multiple-unit dwellings and grouped dwellings with more than four (4) dwelling units | one and one half (1.5) spaces per dwelling unit |
| Institutional | |
| (c) Hospitals and nursing homes | one (1) parking space per two (2) beds |
| (d) Churches, theatres, auditoria and other places of assembly where there are fixed seats, one (1) parking space for every five (5) seats or 10 feet of bench space; where there are no fixed seats, | one (1) parking space for each 100 square feet of floor area devoted to public use |
| (e) Elementary schools | one and one-half (1 ½) parking spaces for each teaching classroom |
| (f) High schools | four (4) parking spaces for each teaching classroom |
| Commercial | |
| (g) Restaurants, taverns and lounges | one (1) parking space for each 50 square feet of floor area devoted to public use |
| (h) Hotels and motels | one (1) parking space per suite or rental unit, plus one (1) parking space for each 50 square feet of floor area devoted to public use (restaurants, taverns or lounges) |
| (i) Medical clinics, doctor's offices, professional and business offices | one (1) parking space for each 150 square feet of floor area but never less than one (1) parking space |
| (j) Funeral homes | one (1) parking space for each 50 square feet of floor area in assembly room |
| (k) Bowling alleys and curling rinks | three (3) parking spaces for each bowling lane and four (4) parking spaces for each curling sheet, plus one (1) parking space for each 50 square feet for floor area devoted to public use (restaurants, taverns or lounges) |
| (l) All other commercial uses | one (1) parking space for each 300 square feet of floor area but never less than one (1) parking space |
| Industrial | |
| (m) All industrial uses | one (1) parking space for each 400 square feet of gross floor area |

Parking Area Standards

24. In any zone where parking facilities for more than four (4) vehicles are required or permitted:
- (a) the parking area shall be situated on the same lot as the use it is to serve;
 - (b) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated;
 - (c) approaches or driveways to any parking area, other than that required for a single family dwelling, semi-detached, or a duplex dwelling shall be defined by a curb of concrete or rolled asphalt and the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
 - (d) the location of approaches or driveways shall be no closer than 15 metres (50 feet) from the limits of the right-of-way at a street intersection;
 - (e) entrance and exit ramps to parking areas shall not exceed two (2) in number and each ramp shall be a maximum width of 7.6 metres (25 feet) at the street line and pavement edge;
 - (f) the width of a driveway leading to a parking area or an aisle in a parking area shall be a minimum of 3.6 metres (12 feet) for one way traffic or a minimum of 5.5 metres (18 feet) for two way traffic;
 - (g) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
 - (h) no parking stall or aisle giving direct access to a parking stall shall be located closer than 4.0 metres (10 feet) from any lot line adjacent to a roadway;
 - (i) no parking stall or aisle giving direct access to a parking stall shall be closer than 3.0 metres (10 feet) from any side or rear lot line for a non-residential use where it abuts a residential or open space use or zone in the RM-1, C-1 and M-1 zones;
 - (j) parking areas adjacent to residential or open space uses must be screened from those uses with a visual barrier, such as a wood-board fence or an architectural wall. Visual barriers must comply with the requirements noted in Section 5.36 and 5.37 of this By-law; and,
 - (k) if lights are used for illumination of the parking lot, they shall be so designed and arranged so as to eliminate light spillage onto the street, adjacent lots and buildings. Light fixtures are to be dark-sky compliant (full cut-off).

Parking Standards for a Change of Use

25. Notwithstanding Section 23 of this part, where a change of use is to occur in a building existing on the effective date of this By-law and the new use is unable to comply with additional parking spaces, the additional parking requirements shall be waived.

Permitted Encroachments in Yards

26. Except for accessory buildings, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky. The 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 | 2 feet |
| Window bays | Front, rear and flankage yards only | 3 feet and a maximum width of 10 feet |
| Fire escapes or exterior staircases | Rear and side yards only | 6 feet |
| Balconies | Any yard | 6 feet |
| Open, roofed porches not exceeding one (1) storey in height or uncovered terraces | Front, rear and flankage yards only | 8 feet including eaves and cornices |
| Handicap access | Any yard | To the lot line |

Public Uses Permitted

27. Government offices and buildings shall be permitted in any zone provided that such uses conform to the applicable lot requirements of that particular zone.

Public and Private Utilities

28. Unless otherwise stated, any utility, including but not limited to facilities for sewer collection and treatment, water supply and distribution, transportation, electrical power, telephone transmission and cable television transmission shall be permitted in any zone. Utilities shall be exempt from the lot standards of the By-law.

Restoration to a Safe Condition

29. Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of a non-conforming use the provisions of the Planning Act shall prevail.

Side Yards on Corner Lots

30. Notwithstanding anything else in this By-law, on a corner lot in any zone, no part of any building or accessory building shall be erected closer than 25 feet to the flanking lot line.

Subdivision of an Existing Lot with Existing Main Buildings

31. Notwithstanding the lot area and frontage requirements of this By-law, where an existing lot containing two or more main buildings is being subdivided into the same number of lots as there

are main buildings, the minimum dimension for a lot area shall be approximately equal for each main building and the minimum dimension for lot frontage shall be twenty (20) feet for each lot containing a main building.

32. Lots created from an existing lot containing two or more main buildings are deemed to be existing undersized lots and may be used for a purpose permitted in the zone in which the lots are located and structures may be erected on such lots, provided the requirements of this Land Use By-law are met.

Temporary Uses and Structures Permitted

33. Nothing in this By-law shall prevent the temporary use of a structure or building incidental to a construction project such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction provided that a development permit has been issued for both the main construction project and the temporary use. The temporary use shall be removed from the site within fourteen (14) days of the completion of the main construction project.
34. Nothing in the By-law shall prevent structures from being erected for special uses and holidays provided only that no such use remains in place more than fourteen (14) consecutive days. A development permit shall be required. The uses or structures must be removed within seventy-two (72) hours following the completion of the special occasion or holiday.

Truck, Bus and Coach Bodies

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

Visual Barriers

36. Where in any zone a visual barrier is required to be provided and maintained, such barrier shall act as a screen between uses and be constructed to a minimum height of 1.8 metres (6 feet) and shall consist of the following:
 - (a) A wall or fence; or,
 - (b) Trees or shrubs (provided however that there is a reserved width of planting that is appropriate for healthy plant growth so that the vegetation achieves a minimum height of 1.8 metres (6 feet) and is continuously un-pierced within three years of planting); or,
 - (c) Earth berms; or,
 - (d) Any combination of the above.
37. Notwithstanding Section 5.36, no visual barrier shall exceed 0.9 metres (3 feet) in height within the required front yard of a lot, within 4.5 metres (15 feet) of any driveway entrance, or within 6.1 metres (20 feet) of an intersection for corner lots.

Setbacks from Railways

38. All new dwellings, new lodging houses and new residential care facilities on lots abutting a railway right-of-way shall be subject to the following regulations:
- (a) A minimum setback of 15 metres (50 feet) from the lot line of the railway right-of-way for a Principal or Secondary Line shall be required together with a berm, fence or combination of a berm and fence along such lot line.
 - (b) Where a fence is used, it shall be of solid construction (i.e. wood board) and no less than 1.8 metres (6 feet) in height.
 - (c) At such time as minimum noise and vibration standards are established by Provincial or Local Government, such standards shall be used in combination with this section of this By-law and the most restrictive regulation shall apply.
 - (d) Where a railway right-of-way has been declared redundant by the respective railway company, the requirements of clause (a) shall not apply.

Outdoor Amenity Areas

39. An outdoor amenity area shall be provided for all multiple-unit dwelling and grouped dwelling developments that contain more than either 20 residents or 20 dwelling units and provide a minimum of 2.0 square metres (22 square feet) of common outdoor amenity space at ground level for either each resident or each dwelling unit.
- (a) Notwithstanding the above, each development shall have a minimum of 20.0 square metres (215 square feet) of outdoor amenity area.
 - (b) Design criteria for outdoor amenity spaces are as follows:
 - (i) Provide a balance of sun, shade and shelter from the wind;
 - (ii) Locate away from loading or service areas of the building;
 - (iii) Provide a barrier-free pedestrian access to the amenity area, ensuring safety from vehicular traffic, connecting to all ground-level entrances;
 - (iv) Provide a variety of seating arrangements and activities;
 - (v) Provide adequate site lighting; and,
 - (vi) Provide a usable configuration for the amenity space.

Outdoor Storage

40. Where a non-residential use abuts a residential use or zone in the RM-1, C-1 and M-1 Zones, the following shall apply to the non-residential use:
- (a) No outdoor storage or display shall be permitted within 6.0 metres (20 feet) of a rear or side lot line abutting a residential use or zone;
 - (b) No outdoor storage shall be permitted in the front yard; and,
 - (c) A visual barrier, in accordance with Section 5.36 and 5.37, is required along any lot line abutting a residential use.

Visitor Parking Requirements

41. Visitor parking for multiple-unit and grouped dwellings shall be required as follows:
 - (a) 15 percent of the required parking spaces for multiple-unit and grouped dwellings containing 5 to 60 dwelling units must be signed for visitor use; and,
 - (b) 20 percent of the required parking spaces for multiple-unit and grouped dwellings containing more than 60 dwelling units must be signed for visitor use.

PART 6 - SIGNS

General

1. (a) Where this Part is 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 sign shall be erected without obtaining a development permit from the Municipal Development Officer and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.
- (c) Signs permitted pursuant to Section 4 of this Part shall not require a development permit.
- (d) No development permit is required for temporary signs provided they are on display for a period not exceeding thirty (30) days

Safety and Maintenance

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 By-laws.
- (b) All signs and all parts thereof shall be kept in a good state of repair and maintenance.

Limit on Number of Signs

3. (a) Notwithstanding anything else in this By-law or elsewhere, not more than two (2) signs may be erected on any premises at any one time provided that:
 - (i) a double-faced sign shall count as a single sign;
 - (ii) signs enumerated in Section 4 of this part shall not be counted in calculating the total;
 - (iii) no more than one ground sign shall be permitted on any one lot except in the case of a service station located on a corner lot where a maximum of two ground signs shall be permitted and a limit of three signs in total may be erected on a corner service station lot;
 - (iv) no more than one facial wall sign shall be permitted for each business premise;
 - (v) no more than one projecting wall sign shall be permitted for each business premise; and
 - (vi) each business premise shall not have both a projecting wall sign and a facial wall sign.
- (b) For the purposes of this section, where a multiple tenancy building is occupied by more than one business, each business area shall be considered as separate premises.

Signs Permitted in All Zones

4. Notwithstanding signs which satisfy the provisions of Sections 6, 7, 8, and 9 of this Part, the following signs are permitted in all zones:
 - (a) Signs identifying the name and the address of resident, and of not more than 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 2 square feet in sign area;
- (c) Real estate signs not exceeding 5 square feet in sign area in a residential zone and 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 of function of various parts of a building or premise provided that such signs are less than 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, or 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; and
- (h) A sign having an area of not more than 50 square feet incidental to construction and within the area designated for such purposes.

Signs Prohibited in All Zones

- 5. Notwithstanding signs which do not conform with the provisions of Sections 6, 7, 8 and 9 of this Part, the following signs shall not be permitted in any zone:
 - (a) Signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in color and signs which have any visible moving part, visible revolving parts or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsations or by actions of normal wind currents;
 - (b) Roof signs;
 - (c) Any sign or sign structure which constitutes a hazard to public safety or health;
 - (d) Signs which by reason of size, location, content, coloring or manner of illumination obstruct the vision of drivers, either when leaving a roadway or effectiveness of any traffic sign or control device on public streets and roads;
 - (e) Any sign which obstructs free ingress to or egress from a fire escape door, window, or other required exit way;
 - (f) Signs not erected by a public authority which make use of words such as 'STOP', 'LOOK', 'ONE WAY', 'DANGER', 'YIELD', or any similar words, phrases, symbols, lights, or characters in such manner as to interfere with, mislead, or confuse traffic along a public road;
 - (g) Any sign which no longer advertises a bona fide business conducted, or a product sold;
 - (h) Signs on public property or public right-of-way unless erected by a governmental body, or unless required to be so located by order of a governmental body or unless specially permitted by Council, but no sign located on public property or a public right-of-way shall bear any commercial advertising;
 - (i) Signs not erected by a public authority which are located at or near sharp road curves or below the crest of a steep road grade;

- (j) Signs painted on, attached to, or supported by a tree, stone, cliff or other natural objects;
- (k) String lights, other than temporary holiday decorations, which are unshielded from off the property on which they are located;
- (l) Searchlights, pennants, spinners, banners, and streamers except for occasions such a grand openings, county fairs, public festivals, exhibitions, and similar occasions; and
- (m) Signs not related to any business or use located on the lot or premises.

Facial Wall Signs

- 6. Notwithstanding Section 9 of this Part, no facial sign shall:
 - (a) cover more than 1 square foot per 1 foot of the wall length 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 facial wall sign for each business premises exceed 100 square feet;
 - (b) extend above the top of the wall upon which it is placed; and
 - (c) extend beyond the extremities of the wall upon which it is attached.

Projecting Wall Signs

- 7. Notwithstanding Section 9 of this Part, no projecting wall sign shall:
 - (a) exceed 20 square feet in sign area;
 - (b) project more than 6 feet from the wall upon which it is attached;
 - (c) project over a public right-of-way;
 - (d) project above the eaves, parapet, or roof line of a building;
 - (e) be erected below a height of 10 feet or above a height of 15 feet above grade; and
 - (f) have a sign face dimension which exceeds 5 feet.

Ground Signs

- 8. Notwithstanding Section 9 of this Part, no ground sign shall:
 - (a) exceed 25 square feet in sign area on a single face sign or 50 square feet of sign area for both faces combined;
 - (b) exceed a height of 15 feet from the grade level to the highest part of the sign;
 - (c) extend beyond a property line or project over a public right-of way, adjoining lands, or any driveway or parking space;
 - (d) be set back less than 5 feet from any street line, common lot boundary, driveway, aisle or parking area;
 - (e) have more than one sign on the supporting structure; and
 - (f) exceed 10 feet for any sign face dimension.

Signs in a Residential Zone

9. Unless otherwise specifically indicated in this By-law, no sign in any Residential Zone shall exceed 5 square feet in sign area or be employed for commercial advertising not located on the property or exceed 5 feet in height in the case of a ground sign.

PART 7 - DEVELOPMENT AGREEMENTS

1. Pursuant to the appropriate sections of the *Municipal Government Act*, the following developments shall be subject to a Development Agreement.
 - (a) within the Mixed Use designation, buildings in excess of 929 square metres (10 000 square feet), and new hotels or motels in excess of thirty five rental rooms, as provided for in Policy 2.3 of the Municipal Planning Strategy;
 - (b) within the Residential designation, lands along Highway No. 19, uses permitted in the Mixed Use (C-1) zone, as provided for in Policy 2.6 of the Municipal Planning Strategy;
 - (c) the conversion of existing government facilities and utilities within R-1 or RM-1 zones to uses permitted in the Mixed Use (C-1) zone, as provided for in Policy 2.8 of the Municipal Planning Strategy.
2. Pursuant to Section 231 of the Municipal Government Act, the following developments shall be subject to Site Plan Approval:
 - (a) Multiple-unit and grouped residential dwellings.
3. The following evaluation criteria shall apply to any development undertaken pursuant to Part 7, Section (2):
 - (a) Any development must be in compliance with the requirements of the general regulations and applicable zone, as found in the Land Use By-law; and,
 - (b) Storm and surface water protection plans must be provided.
4. Notwithstanding Part 7, Section (2), the Development Officer may vary the following provisions of the Land Use By-law through Site Plan Approval:
 - (a) The minimum required front yard setback;
 - (b) The minimum required number of off-street parking spaces; and,
 - (c) Visual barrier requirements.
5. A site plan prepared in accordance with Part 7, Section (2) shall include the following, drawn to scale:
 - (a) The location of existing (to remain) and proposed structures on the site;
 - (b) The location of existing (to remain) and proposed off-street parking and loading facilities;
 - (c) The location and width of existing (to remain) and proposed driveway accesses to public or private 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 existing (to remain) and proposed grade alteration and storm surface water control infrastructure;
 - (f) The location of existing (to remain) and proposed walkways, noting the width and surface materials;
 - (g) The type and location of existing (to remain) and 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 and type of any amenity area or facilities provided for users of the development;
 - (j) The location of existing and proposed easements on the subject property;
 - (k) The type, number and size of any existing (to remain) and proposed signs and sign structures; and,
 - (l) Any provisions for the maintenance of any of the items referred to in this subsection.
6. The process for granting Site Plan Approval follows the same process as that used for a variance, subject to Section 236 of the Municipal Government Act.

PART 8 - RESIDENTIAL ONE (R-1) ZONE

Uses Permitted

1. No development permit shall be issued in a Residential One (R-1) zone except for the following uses:
 - (a) Single detached dwellings, including mobile homes
 - (b) Semi-detached and duplex dwellings
 - (c) Single detached dwellings with one (1) basement apartment
 - (d) Converted dwellings to a maximum of four dwelling units
 - (e) Boarding or rooming houses (to a maximum of four dwelling units)
 - (f) Bed and breakfast establishments
 - (g) Day care centres
 - (h) Parks and community centres subject to the requirements of Part 15 of this By-law.
 - (i) Senior citizen homes
 - (j) Existing cemeteries
 - (k) Institutional uses
 - (l) Existing Multiple-Unit Dwellings

General Lot Requirements

2. In any Residential One (R-1) zone, no development permit shall be issued except in conformity with the following requirements:
 - (a) with sewer services:

| | |
|---|--|
| Minimum Lot Area | 697 square metres (7 500 square feet) |
| Minimum Lot Frontage | 23 metres (75 feet) [11.5 metres (37.5 feet) for each unit of a semi-detached dwelling] |
| Minimum Front Yard; Minimum Flanking Yard | 7.6 metres (25 feet) |
| Minimum Side Yard | 3 metres (10 feet) [for a semi-detached dwelling, no setback shall be required along the property line shared by the attached dwellings] |
| Minimum Rear Yard | 7.6 metres (25 feet) |
| Maximum Height, Main Building | 10.5 metres (35 feet) |

(b) without sewer services:

| | | |
|--|---|--|
| | Single detached dwellings, institutional uses, bed and breakfast establishments, day care centres | Duplex dwellings, semi-detached dwellings (for each dwelling unit) |
| Minimum Lot Area | 1 858 square metres (20 000 square feet) | 1 394 square metres (15 000 square feet) |
| Minimum Lot Frontage | 30 metres (100 feet) | 23 metres (75 feet) [11.5 metres (37.5 feet) for each unit of a semi-detached dwelling] |
| Minimum Front Yard; Minimum Flanking Yard | 7.6 metres (25 feet) | 7.6 metres (25 feet) |
| Minimum Side Yard | 3.0 metres (10 feet) | 3.0 metres (10 feet) [for a semi-detached dwelling, no setback shall be required along the property line shared by the attached dwellings] |
| Minimum Rear Yard | 7.6 metres (25 feet) | 7.6 metres (25 feet) |
| Maximum Height of Main Building | 10.5 metres (35 feet) | 10.5 metres (35 feet) |

Special Requirement - Lakes, Streams or Other Water Bodies

- In addition to all other requirements of this By-law, all buildings shall be set back 15 metres (50 feet) from any lake, stream or other waterbody.

Special Requirement - Skirting of Mobile Homes

- In the Residential One (R-1) Zone, the entire undercarriage of a mobile home shall be skirted with an opaque material.

Special Requirement - Home Occupation

- Notwithstanding Part 5 (13) h, for larger home businesses located on the same or adjacent lot as the residence, no more than 50% lot coverage or a maximum of 12 vehicles for an automobile sale and service use shall be permitted. The lots being used for the home occupation shall front on Highway 4.

PART 9 - RESIDENTIAL FUTURE (R-2) ZONE

Uses Permitted

1. No development permit shall be issued in a Residential Future (R-2) zone, except for the following uses:
 - (a) Single detached dwellings, including mobile homes
 - (b) Bed and breakfast establishments
 - (c) Parks and community centres subject to requirements of Part 15 of this By-law
 - (d) Institutional Uses

General Lot Requirements

2. In any Residential Future (R-2) zone, no development permit shall be issued except in conformity with the following requirements:

| | |
|---------------------------------|------------------------|
| Minimum lot area | 40 000 ft ² |
| Minimum lot frontage | 150 ft. |
| Minimum front yard | 40 ft. |
| Minimum side yard | 30 ft. |
| Minimum rear yard | 40 ft. |
| Maximum height of main building | 35 ft. |

Special Requirements - Lakes, Streams or Other Waterbodies

3. In addition to all other requirements of this By-law, all buildings shall be set back 50 feet from lakes, streams or other waterbodies.

Special Requirement - Skirting of Mobile Homes

4. In the Residential Future (R-2) Zone, the entire undercarriage of a mobile home shall be skirted with an opaque material.

PART 10 - MOBILE HOME PARK (MHP) ZONE

Uses Permitted

1. No development permit shall be issued in a Mobile Home Park (MHP) Zone except for one or more of the following uses:
 - (a) Mobile home park
 - (b) Recreational uses, parks and playgrounds subject to Part 15 of this By-law
 - (c) Mobile home park administration offices
 - (d) Commercial establishments incidental to the operation of the mobile home park such as Laundromats and convenience stores
 - (e) Maintenance equipment and storage facilities related and incidental to the operation of the mobile home park

General Lot Requirements

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

| | |
|-----------------------------------|---------------------------------------|
| Minimum Lot Area | 40 000 ft ² |
| Minimum Lot Frontage | 100 ft. |
| Minimum Front Yard | 20 ft. |
| Minimum Side Yard | 15 ft. |
| Minimum Rear Yard | 25 ft. |
| Separation Distance between Units | Subject to the National Building Code |

Special Requirement - Landscaping

3. Where a mobile home park abuts any other use, a landscaped strip or an opaque fence of a minimum height of four (4) feet that abuts the lot line and runs the full length of the lot line excluding any driveway accesses shall be provided:
 - (a) along any lot line that abuts a street; and
 - (b) along any side or rear lot line adjacent to the mobile home park.

Special Requirement - Skirting of Mobile Homes

4. In the Mobile Home Park (MHP) Zone, the entire undercarriage of a mobile home shall be skirted with an opaque material.

PART 11 - RURAL MIXED USE (RM-1) ZONE

Uses Permitted

1. No development permit shall be issued in a Rural Mixed Use (RM-1) zone except for the following uses:
 - (a) Single detached dwellings, including mobile homes
 - (b) Boarding or rooming houses (to a maximum of four dwelling units)
 - (c) Bed and breakfast establishments
 - (d) Parks and community centres subject to requirements of Part 15 of this By-law
 - (e) Agricultural and related uses (except for kennels, mushroom farms, commercial slaughter houses, the keeping of fur bearing animals except that which is consistent with a residential use)
 - (f) Forestry and related uses (except for pulp and paper mills)
 - (g) Animal hospitals
 - (h) Retail shops, subject to the requirements of Part 12 of this By-law
 - (i) Business and professional offices, subject to the requirements of Part 12 of this By-law
 - (j) Banks and financial institutions, subject to the requirements of Part 12 of this By-law
 - (k) Personal service establishments, subject to the requirements of Part 12 of this By-law
 - (l) Funeral homes, subject to the requirements of Part 12 of this By-law
 - (m) Institutional uses including cemeteries
 - (n) Stables and barns

General Lot Requirements

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

| | |
|---------------------------------|------------------------|
| Minimum lot area | 20 000 ft ² |
| Minimum lot frontage | 200 ft. |
| Minimum front yard | 50 ft. |
| Minimum side yard | 30 ft. |
| Minimum rear yard | 40 ft. |
| Maximum height of main building | 35 ft. |
| Setback from waterbody | 50 ft. |

Special Requirement - Minimum lot size

3. In conformance with the Subdivision By-law, lots within 72 feet of a watercourse are required to have a minimum area of 40 000 ft².

Special Requirement - Stables or Barns

4. In addition to all other requirements, the following provisions shall apply to stables and barns in the Rural Mixed Use (RM-1) zone:
 - (a) The stable or barn may not exceed 5000 square feet in floor area.
 - (b) The stable or barn is setback from any adjacent residential building a minimum of 100 feet.

Special Requirement - Lakes, Streams or Other Waterbodies

5. In addition to all other requirements of this By-law, all buildings shall be set back 50 feet from any lake, stream or other waterbody.

Special Requirement - Skirting of Mobile Homes

6. In the Rural Mixed Use (RM-1) Zone, the entire undercarriage of a mobile home shall be skirted with an opaque material.

PART 12 - MIXED USE (C-1) ZONE

Uses Permitted

1. No development permit shall be issued in a Mixed Use (C-1) zone except for the following uses:
 - (a) Retail shops
 - (b) Business or professional offices
 - (c) Single detached dwellings, including mobile homes subject to special provision
 - (d) Restaurant and drive-in restaurants
 - (e) Entertainment centres
 - (f) Bank and financial institutions
 - (g) Personal service establishments
 - (h) Taverns or lounges
 - (i) Hotels, motels and other tourist establishments
 - (j) Automobile service stations and car washes
 - (k) Automobile sales and service establishments
 - (l) Funeral homes
 - (m) Public parks subject to the requirements of Part 15 of this By-law
 - (n) Boat, trailer, snowmobile and bicycle sales, service and rental establishments
 - (o) Garden and nursery sales and supplies establishments
 - (p) Warehousing or manufacturing facilities that do not involve the storage or production of toxic wastes or chemicals
 - (q) Municipal public works depots
 - (r) Building materials sales and supply establishments
 - (s) Trucking sales and services facilities
 - (t) Service industries
 - (u) Recycling facilities
 - (v) Multiple-Unit Dwellings and Grouped Dwellings, subject to special provisions
 - (w) Dwellings Units, subject to special provisions

General Lot Requirements

2. In any Mixed Use (C-1) zone, no development permit shall be issued except in conformity with the following requirements:
 - (a) Commercial uses, Multiple-Unit Dwellings, and Grouped Dwellings with sewer services:

| | |
|------------------|---------------------------------------|
| Minimum lot area | 697 square metres (7 500 square feet) |
|------------------|---------------------------------------|

| | |
|---|-----------------------|
| Minimum lot frontage | 15 metres (50 feet) |
| Minimum front yard; Minimum Flanking Yard | 7.6 metres (25 feet) |
| Minimum side yard | 3.0 metres (10 feet) |
| Maximum height of main building | 10.5 metres (35 feet) |

(b) Commercial uses without sewer services:

| | |
|---------------------------------|--|
| Minimum lot area | 1 858 square metres (20 000 square feet) |
| Minimum lot frontage | 30 metres (100 feet) |
| Minimum front yard | 12 metres (40 feet) |
| Minimum side yard | 3.0 metres (10 feet) |
| Minimum Flanking Yard | 7.6 metres (25 feet) |
| Maximum height of main building | 10.5 metres (35 feet) |

(c) All industrial uses:

| | |
|---------------------------------|--|
| Minimum lot area | 3 716 square metres (40 000 square feet) |
| Minimum lot frontage | 30 metres (100 feet) |
| Minimum front yard | 15 metres (50 feet) |
| Minimum side yard | 7.6 metres (25 feet) |
| Minimum Flanking Yard | 7.6 metres (25 feet) |
| Maximum height of main building | 10.5 metres (35 feet) |

Special Requirement - Single detached dwellings

3. In addition to all other requirements of this By-law, a single-detached dwelling must be accessory to another permitted non-residential mixed-use use that is located on the same lot.

Special Requirement - Lakes, Streams or Other Waterbodies

4. In addition to all other requirements of this By-law, all buildings shall be set back 15 metres (50 feet) from any lake, stream or other waterbody.

Special Requirement - Screening of Refuse and Recycling Bins

5. In addition to all other requirements of this By-law, any refuse or recycling collection bin located on any lot within the C-1 zone must be screened from public view.

Special Requirement – Multiple-Unit Dwellings and Grouped Dwellings

6. Notwithstanding Section 12.1(v), multiple-unit dwellings and grouped dwellings shall only be permitted on lots where municipal water and sewer services are available.
7. Multiple-unit dwellings and grouped dwellings shall be subject to Site Plan Approval, as outlined in Section 7 of this By-law.
- 7A. Notwithstanding the requirements of Section 12.2 (a), the minimum distance between the buildings of a grouped dwelling shall be 6.1 metres [20.0 feet] or half (1/2) the height of the higher of the buildings, whichever is greater.

Special Requirement – Dwelling Units

8. Notwithstanding Section 12.1. (w), dwelling units that are an accessory use shall not be permitted on the ground floor of a building.

PART 13 - MARINE INDUSTRIAL (M-1) ZONE

Uses Permitted

1. No development permit shall be issued in a Marine Industrial (M-1) zone except for the following uses:
 - (a) Fishing and other marine related uses
 - (b) Offshore oil exploration facilities
 - (c) Shipping facilities
 - (d) Existing cemeteries

General Lot Requirements

2. In any Marine Industrial (M-1) zone, no development permit shall be issued except in conformity with the following requirement:

| | |
|---------------------------------|---------|
| Maximum height of main building | 25 feet |
|---------------------------------|---------|

Special Requirement - Lakes, Streams or Other Waterbodies

3. In addition to all other requirements of this By-law, all buildings shall be set back 50 feet from any lake, stream or other waterbody.

PART 14 - RECREATIONAL OPEN SPACE (O-1) ZONE

Uses Permitted

1. No development permit shall be issued in a Recreational Open Space (O-1) zone except for the following uses:
 - (a) Parks, playgrounds and picnic areas
 - (b) Baseball diamonds, indoor and outdoor rinks
 - (c) Athletic fields, tennis courts and golf courses
 - (d) Swimming pools
 - (e) Marinas
 - (f) Community centres
 - (g) Building associated with and clearly subsidiary to any of the above uses.

General Lot Requirements

2. For community centres and public recreational facilities only:

| | |
|----------------------|------------------------|
| Minimum lot area | 10 000 ft ² |
| Minimum lot frontage | 100 feet |
| Minimum front yard | 30 feet |
| Minimum side yard | 15 feet |

PART 15 - CONSERVATION OPEN SPACE (O-2) ZONE

Uses Permitted

1. No development permit shall be issued in a Conservation Open Space (O-2) zone except for the following uses:
 - (a) Conservation related uses
 - (b) Passive recreational activities such as fishing, bird watching and similar ecology oriented educational activities
 - (c) Public and private parks involving no buildings

General Lot Requirements

2. There are no minimum lot standards for permitted uses within the Conservation Open Space (O-2) zone.

PART 16 - DEFINITIONS

For the purposes of this By-law, all words shall carry their customary meaning except for those defined in this Part. The words and terms listed below shall have the meanings as defined herein.

1. **Accessory building** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use but does not include a building attached in any way to the main building, or a building located completely underground.
2. **Accessory use** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
3. **Act** shall mean the Planning Act, R.S.N.S., 1989, Chapter 346 and amendments thereto.
4. **Agricultural use** means the use of land, buildings or structures for the production of crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture and include the sale of produce grown or raised on the premises. An agricultural use shall not include a kennel; mushroom farm and the keeping or harbouring of any of the following livestock regardless of its stage of development: pig, poultry, mink, fox and other fur bearing animals except that which is reasonably consistent with a residential use. Commercial slaughter houses shall not be considered an agricultural use.
5. **Alter** means to change a structural component of a building, or to increase or decrease the volume of a building or structure.
6. **Animal hospital** means the premises where animals, birds, or other livestock are treated or treated and kept for monetary gain.
7. **Automobile service station** means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles and may include an automobile car wash but shall not include an automobile body or repair shop.
8. **Bed and breakfast establishment** means a single detached dwelling in which the owner supplies for monetary gain not more than four (4) rooms intended to be rented to the general public and where the stay of the guest is of a transient nature. It shall not include facilities open to the general public. Any dining area within the building is for the purpose of serving meals only to the guests.
9. **Boarding house** means a dwelling, in which the proprietor supplies either room or room and board for monetary gain, having not more than four (4) rooms available for rent exclusive of those of the lessee or owner thereof or members of his family and which is not open to the general public.
10. **Building** means any structure whether constructed on-site or off-site (modular), temporary or permanent and used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment. Any tent, awning, bin, bunker, or platform vessel or vehicle used for any of the said purposes shall be deemed a building.
11. **Church** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall, and day nursery operated by the church.
12. **Community centre** means any tract of land, or building or buildings, or 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.

13. **Council** shall mean the Council of the Municipality of the County of Inverness.
14. **Day nursery** means a place where four or more preschool children are cared for on a temporary daily basis for monetary gain without overnight accommodation but does not include a school. A school shall not be considered a day nursery.
15. **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.
16. **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.
17. **Dwelling, duplex** means a building containing not more than two (2) dwelling units placed one above the other. Each unit has an independent entrance either directly from outside or through a common vestibule.
- 17A. **Dwelling, grouped** means a type of multiple-unit dwelling consisting of more than four (4) dwelling units that are contained within two (2) or more buildings located on the same lot.
- 17B. **Dwelling, multiple-unit** means a dwelling that contains more than four (4) dwelling units.
18. **Dwelling, semi-detached** means a dwelling which is divided vertically by a wall into two (2) dwelling units each of which has an independent entrance.
19. **Dwelling, single detached** means a building containing not more than one (1) dwelling unit. For the purposes of this By-law, a mobile home not within a mobile home park shall be regarded as a single detached dwelling and subject to the regulations pertaining to a single detached dwelling in addition to any regulations applicable to the mobile home.
20. **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.
21. **Entertainment centre** means a leisure facility operated as a business for monetary gain, including, but not limited to a movie theatre, dinner theatre, bowling alley, billiard/pool hall or amusement arcade. With the exception of a dinner theatre, the sale of beer, wine or liquor shall not be permitted.
22. **Existing** means lawfully existing as of the effective date of this By-law.
23. **Floor area**
 - (a) With reference to a dwelling means the maximum floor area contained within the outside walls excluding any private garage, porch, verandah, sunroom, 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.
24. **Forestry use** means any activity related to the commercial harvesting of trees. This includes, but is not limited to the following: tree removal and reforestation, sawmills, chipping and storage sheds for wood. Pulp and paper mills shall not be considered a forestry use.

25. **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 deckline of a mansard roof; or
 - (c) the main level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola, or steeple.
26. **Home occupation** means an accessory use of a dwelling for employment involving the provision or sale of goods or services or both goods and services and includes neighborhood confectioneries and dairies.
27. **Hotel** means a building or buildings or part thereof on the same site used to accommodate the travelling public for monetary gain, by supplying them with sleeping accommodation with or without meals but generally without private cooking facilities. Access to each unit is gained through a common area from inside the building.
28. **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, churches, community centres, hospitals, homes for special care, senior citizen homes and government buildings but shall not include a private club.
29. **Loading space** means a vacant area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area:
- (a) is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display.
 - (b) is not upon or partly upon any street, or highway; and
 - (c) has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas, not part of which shall be used for the temporary parking or storage of one or more motor vehicles.
30. **Lot** means parcel of land described in a deed or as shown on a registered plan of subdivision.
- (a) **Corner lot** means a lot situated at the intersection of and abutting on two (2) 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 (2) lots and having access to one street.
 - (c) **Through lot** means a lot bounded on two (2) opposite sides by streets or highways. If any lot qualifies as being both a corner and through lot as defined above, such lot shall be deemed to be a corner lot for the purpose of this By-law.
31. **Lot area** means the total horizontal area within the lot lines of a lot.
32. **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.

33. **Main building** means the building in which is carried on the principal purposes for which the lot is used.
34. **Mobile Home** means a building originally pre-fabricated as a place for someone to reside designed for transportation on public roads after fabrication with primarily one main modular part, arriving at the site ready for occupancy as a residence except for:
- unpacking;
 - assembly;
 - the typical site work;
 - foundation connections;
 - water and sanitary sewer connections; and
 - utility connections;
- and having an average width of 14.0 feet or greater and less than 20 feet when assembled. A mobile home used as an addition to another building (whether to increase the number of dwelling units or just increase floor area) is still a mobile home. For purposes of clarification, a mobile home shall include, but not be limited to, a mini home or modular home which meets the above specifications, but shall not include a recreational vehicle designed for travel on public roads for purposes of camping or recreational use.
35. **Motel** shall mean a building or buildings or part thereof on the same site used to accommodate the public for monetary gain, by supplying the travelling public with sleeping accommodations with or without meals. Each unit has an independent entrance from the outside of the building.
36. **Municipal development officer** means the officer of the Municipality of the County of Inverness from time to time charged by the Municipality with the duty of administering the provisions of the Land Use Bylaw in accordance with the Planning Act.
37. **Parking space** means an area of not less than one hundred and sixty (160) square feet, measuring eight (8) feet by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
38. **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 parlors, 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.
39. **Private club** means a building or part of a building used as a meeting place for members or an organization and may include a lodge, a fraternity, or sorority house, and a labour union hall.
40. **Private park** means a park other than a public park.
41. **Private road** means a private road shown on an approved plan of subdivision.
42. **Professional office** means a room or rooms, 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.

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43. **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.
44. **Recreational use** means the use of land for parks, playgrounds, tennis courts, indoor or outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses to the foregoing, together with necessary and accessory buildings and structures. A track for the racing of animals or any form of motorized vehicles shall not be considered a recreational use.
45. **Restaurant** means a building or part thereof where food and drink is served to the public for consumption within the building or for takeout but not for consumption in parking areas appurtenant to the building.
46. **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.
47. **Service shop** means a building or part thereof used for the sale or 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.
48. **Setback** means the distance between the street line and the nearest main wall of any building or structure and extending the full width or length of the lot.
49. **Sign** means a structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented 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 which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.
- (a) **Ground Sign** means a sign supported by one or more uprights, poles or braces placed in or upon the ground.
- (b) **Illuminated Sign** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign.
- (c) **Projecting Wall Sign** means a sign which projects from and is supported by a wall of a building.
- (d) **Facial Wall Sign** means a sign which is attached to and supported by wall of a building.
- (e) **Number of Signs** means a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- (f) **Sign Area** means the area of the smallest triangle, rectangle, or circle or semi-circle which can wholly enclose the surface area of the sign. All visible faces of a multifaced 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.

50. **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 story unless its ceiling is at least six (6) feet above grade and provided also that any portion of a story exceeding fourteen (14) feet in height shall be deemed an additional story for each fourteen (14) feet or fraction thereof of such excess.
51. **Street** means road, accepted and maintained by the Department of Transportation as a public thoroughfare.
52. **Street line** means the boundary line of a street.
53. **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, and signs and also fences exceeding six (6) feet in height.
54. **Warehouse** means a building where wares or goods are stored but shall not include a retail store.
55. **Yard** means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines to the building shall be used.
 - (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 By-law of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.
56. **Zone** means a designated area of land shown on the Schedule C of this By-law.