

# WHYCOCOMAGH

## LAND USE BY-LAW

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### **PART 1 - TITLE**

1. This By-law shall be known and may be cited as the Whycocomagh Plan Area Land Use By-law and hereafter may be referred to as the Plan Area.
2. This By-law shall apply to all lands within the Whycocomagh Plan Area as shown in Schedule "A".

### **PART 2 – ADMINISTRATION**

#### ***Effective Date***

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

#### ***Prohibition***

2. 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. No development permit shall be issued to erect more than one main building upon a lot, except in accordance with Part 5, Section 21 of this By-law.

#### ***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 this 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 connected with the administration of this By-law, which shall form part of the public records of the Municipality of the County of Inverness.

#### ***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 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 *Municipal Government Act*,
  - (a) Within fifteen (15) days of receiving an application for a municipal development permit, the Municipal Development Officer shall inform the applicant whether the application is complete or not.
  - (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 a further twelve (12) months if construction has begun; and
- (c) if not commenced within twelve (12) months 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 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.

***Offence and Penalty***

12. Sections 505 to 508 of the *Municipal Government Act* state:

**505**

“(1) A person who

- (a) violates a provision of this Act or of an order, regulation or by-law in force in accordance with this Act;
- (b) fails to do anything required by an order, regulation or by-law in force in accordance with this Act;
- (c) permits anything to be done in violation of this Act or of an order, regulation or by-law in force in accordance with this Act, or
- (d) obstructs or hinders any person in the performance of their duties under this Act or under any order, regulation or by-law in force in accordance with this Act,

is guilty of an offence.

(2) Unless otherwise provided in a by-law, a person who commits an offence is liable, upon summary conviction, to a penalty of not less than one hundred dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of not more than two months.

(3) Every day during which an offence pursuant to subsection (1) continues is a separate offence.

**506**

A person who removes, defaces or makes illegible a notice or order posted pursuant to this Act is guilty of an offence and is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars and in default of payment, to imprisonment for a period of not more than ninety days.

***Cost of work is first lien*****507**

Where a council, village commission, committee or community council or the engineer, the administrator or another employee of a municipality lawfully causes work to be done pursuant to this Act, the cost of the work, with interest at the rate determined by the council, or by the village commission, by by-law, by policy, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done.

***Offence and penalty*****508**

Where no penalty is specified for the violation of this Act, a person who contravenes the provision is guilty of an offence and is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars and in default of payment, to imprisonment for a period of not more than ninety days”.

***Cost For Advertising***

13. Anyone applying for an amendment to this By-law shall deposit with the Municipal Clerk an amount estimated by the Clerk to be sufficient to pay the cost of advertising required by the *Municipal Government Act*. After the advertising has been completed, 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 same to the applicant.

**PART 3 - ZONES AND ZONING MAP*****Zones***

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

ZONE	SYMBOL
<a href="#">Residential Centre</a>	R-1
<a href="#">Residential Rural</a>	R-2
<a href="#">Mobile Home Park</a>	MHP
<a href="#">Commercial</a>	C-1
<a href="#">Commercial Tourist</a>	C-2
<a href="#">Open Space</a>	OS
<a href="#">Resource Industrial</a>	I-1
<a href="#">Industrial</a>	I-2

The zone boundaries are shown on Schedule “A”. The Schedule “A” 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 for the Plan Area.

## **PART 4 – INTERPRETATION**

### ***Symbols***

1. The symbols used on the Zoning Map, included herein, refer to the appropriate zones established by this By-law.

### ***Defined***

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

### ***Interpretation of Zoning Boundaries***

3. Boundaries between zones shall be determined as follows:

- (a) where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;
- (b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
- (c) where a street, highway, railroad or 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;
- (d) where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning map and serves a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise; and
- (e) where none of these above provisions applies, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map.

### ***Certain Words***

4. In this By-law, unless otherwise clearly indicated:

- (a) words used in the present tense include the future;
- (b) words in the singular number include the plural, words in the plural include the singular number;
- (c) words of the masculine gender shall include the feminine;
- (d) the word “used” includes “arranged”, “designed” or “intended to be used”;  
and
- (e) 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.

***Schedules, Figures and Appendices***

6. All Schedules, Figures and Appendices attached hereto or included herein form part of this By-law, unless otherwise indicated.

**PART 5 - GENERAL PROVISIONS FOR ALL ZONES**

***Accessory Buildings***

1. (1) Accessory uses, buildings and structures shall be permitted in any zone within the Whycomomagh Plan Area but shall not:

- (a) be used for human habitation;
- (b) be located within the required front yard of a lot;
- (c) be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot and 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 lot line;
- (d) be built closer than 10 feet to any lot line with the exception that:
  - (i) common garages for semi-detached dwellings may be centered on the mutual side of the lot line;
  - (ii) accessory buildings with no windows or perforations on the side of the building which faces the said lot line may be located a minimum of 2 feet from the said side or rear lot line in any residential zone; and
  - (iii) boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge or is in the water;
- (e) be built within 6 feet of the main building;
- (f) be considered an accessory building if attached to the main building in any way; and
- (g) be considered an accessory structure if located completely underground.

(2) 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 1 of this Section.

***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 accessory use. Accessory buildings shall be permitted in all zones.

***Building To Be Erected On A Lot***

3. No building or structure shall be erected or used unless the entire building or structure is erected upon a single lot.

***Building To Be Moved***

4. No building, residential or otherwise, shall be moved within or into the area covered by this By-law prior to obtaining a development permit from the Municipal Development Officer.

***Calculation Of Lot Frontage***

5. The following means shall be used for the purposes of determining lot frontage:

- (a) in the case of regularly shaped lots, 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, the 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***

6. Where a building has been erected on or before the effective date of this By-law on a lot having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:

- (a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this By-law; and
- (b) all other applicable provisions of this By-law are satisfied.

***Existing Lots***

7. 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***

8. 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 still remain undersized, they shall continue to be considered existing undersized lots.

***Frontage On Street***

9. 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 and fronts upon a public street, an existing private road as defined in the Municipal Subdivision Regulations or a private road shown on an approved plan of subdivision.

***Government Buildings and Facilities***

10. Government buildings and facilities shall be permitted in any zone provided that such use conforms to the applicable lot standards of that particular zone.

***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, cellular telephone transmitters, skylights, barns, chimneys, clock towers, power transmitters, lookout towers, satellite dishes, windmills, wind turbines and solar collector devices.

**Home Occupations**

12. Nothing in this By-law shall prevent the use of a dwelling or accessory building in any residential zone for a home occupation provided that:

- (a) the dwelling is occupied as a residence by the operator of the home occupation and the external appearance of the residence or accessory building is not changed by the home occupation;
- (b) there shall not be more than two (2) assistants who are not residents in the dwelling employed in the business or profession;
- (c) no more than twenty-five (25) percent of the total floor area of the dwelling or fifty (50) percent of the accessory building is devoted to the use;
- (d) one (1) off-street parking space, other than that required for the dwelling is provided for every 200 square feet of floor space occupied by home occupation;
- (e) there shall be no advertising other than one (1) of either a business identification plate, a facial wall sign or a ground sign which has a maximum sign area of 5 square feet and provided also that the provisions of Part 6 (Signs) of this By-law are satisfied;
- (f) no mechanical equipment is used externally except that reasonably consistent with the use of a dwelling or accessory building; and
- (g) there is no outdoor storage or outdoor display except that reasonably consistent with the use of a dwelling or accessory building.

**Illumination**

13. No sign shall be erected or illuminated 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 By-laws**

14. 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.

15. 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.

**Loading Space**

16. (a) In any zone, no building or structure for manufacturing or storage, warehouse, retail store, wholesale store, market, hospital, mortuary or other use involving the frequent shipping, loading or unloading of persons, animals or goods shall be erected or enlarged unless there is maintained on the same premises with every such building or structure one (1) off-street space for standing, loading and unloading for every 30,000 square feet or fraction thereof of building floor area used for any such purpose to a maximum of six (6) loading spaces.

(b) Each loading space shall be at least 12 feet by 40 feet with a minimum height clearance of 14 feet.

(c) No such loading space(s) shall be located within any required front yard.

(d) Notwithstanding anything in this Section, an existing vacant undersized lot which is situated in a commercial or industrial zone which cannot comply with these loading standards shall be allowed to be developed and the proposed

development shall be exempt from this requirement.

***Lots Adjacent to Watercourses***

17. Notwithstanding anything else in this By-law, lots not served by a public sewer system where any part of the lot is within 75 feet of a watercourse shall have a minimum area of 40,000 square feet and a minimum width of 150 feet.

***Multiple Uses***

18. Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict the higher or more stringent standard shall prevail.

***Non-Conforming Uses***

19. 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 subject to the provisions of Sections 238-242 of the *Municipal Government Act* (Non-conforming Use). Refer to Appendix "A" of this By-law.

***Non-Developable Lots***

20. Notwithstanding anything else in this By-law, the following uses shall be permitted in any zone on lots created pursuant to Section 22B of the Municipality of the County of Inverness Subdivision By-law:

- (a) monuments;
- (b) cairns; and
- (c) fish sheds.

***One Main Building On A Lot***

21. No more than one (1) main building shall be erected on a lot except:

- (a) in a Commercial, Open Space, Resource Industrial or Industrial zone;
- (b) in a Mobile Home Park zone; or
- (c) in a residential zone where it can be shown that the lot can be subdivided as to produce one main building on each lot pursuant to the subdivision by-law in effect at the date of application for the building permit.

***Outdoor Storage***

22. Outdoor storage shall not be permitted on a lot which contains a dwelling except that reasonably consistent with the use of a dwelling or accessory building.

***Parking Requirements***

23. For every building or structure to be erected, enlarged, or where a change of use is proposed requiring off-street parking, the required parking shall be located on the same lot as the use and shall provide unobstructed access to a public street and maintained in conformity with the following schedule:

Type of Building	Minimum Parking Required
Residential	
(a) Single detached, semi-detached, duplexes, residences in commercial buildings, multiple unit and converted dwellings up to and including four (4) dwelling units, bed & breakfast establishments	One (1) parking space per dwelling unit.
(b) Boarding houses	One (1) parking space per two (2) rooms available for rent.



Institutional	
(c) Hospitals and nursing homes	One (1) parking space per three (3) 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 for floor area devoted to public use (restaurants, taverns and lounges).
(i) Medical clinic or doctor's office	One (1) parking space for each 300 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. For other parts of the building, additional parking shall be provided in accordance with the requirements set out in this By-law for the uses to which the other parts of the building may be put.
(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 resource or industrial uses	One (1) parking space for each 400 square feet of gross floor area.
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**Parking Area Standards**

24. In any non-residential 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) driveways or approaches to any parking area 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 driveway approaches shall be no closer than 50 feet from the nearest limits of the right-of-way at a street intersection;
- (e) entrances and exits to parking areas shall not exceed two (2) in number and each shall be a maximum width of 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 10 feet for one-way traffic, a minimum of 18 feet for two-way traffic and the maximum width of a driveway shall be 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 and buildings.

**Parking Standards for a Change of Use**

25. Notwithstanding Section 23 of this Part, where a change of use is to occur to an existing commercial or industrial use and the new use is unable to comply with additional parking requirements, 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 to project into the required yard in accordance with the distances specified.

Structure	Yard in which Projection is Permitted	Maximum Projection From Main Wall Permitted
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or	Any yard	2 feet

canopies		
Window bays	Front, rear and flanking yards only	3 feet and a maximum width of 10 feet
Fire escapes and exterior staircases	Rear and side yards only	6 feet
Balconies	Any yard	6 feet
Open, roofed porches not exceeding one (1) storey in height; uncovered terraces	Front, rear and adjacent yards only	8 feet including eaves and cornices

***Public and Private Utilities***

27. Public and private utilities shall be permitted in any zone provided that such use conforms to the applicable lot standards of that particular zone in which the use is to occur. A development permit shall be required.

***Restoration To A Safe Condition***

28. Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use the provisions of the *Municipal Government Act, Section 238* shall prevail.

***Side Yards On Corner Lots***

29. 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 to the lot line of the flanking street than 25 feet.

***Temporary Uses and Structures Permitted***

30. Nothing in this By-law shall prevent uses and structures incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction provided a development permit has been issued for both the main construction project and the temporary use. The temporary use or structure shall be removed from the site within fourteen (14) days after completion of the construction project.

31. Nothing in this By-law shall prevent uses and structures erected for special occasions and holidays provided 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 of the completion of the special occasion or holiday.

***Truck, Bus and Coach Bodies***

32. No truck, bus or coach 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 Plan Area, whether or not the same is mounted on wheels.

***Undersized Lots Created on a Plan of Subdivision***

33. Notwithstanding anything else in this by-law, a lot approved on a plan of subdivision, pursuant to Section 279 of the *Municipal Government Act*, 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 and the *Municipal Government Act* are complied with. (Note: Section 279 of the *Municipal Government Act* allows for a relaxation of up to ninety (90) percent of the minimum requirements for lot frontages and lot area for not more than two lots in a subdivision.)

**PART 6 – SIGNS**

**General**

1. A development permit shall be required for all signs erected in the Plan Area. No development permit shall be issued unless all the sign provisions of this By-law are satisfied.
2. Only one ground sign shall be permitted on a lot in the Plan Area.

**Safety and Maintenance**

3. Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the National Building Code.
4. All signs and all parts thereof shall be kept in a good state of repair and maintenance.

**PART 7 - RESIDENTIAL CENTRE (R-1) ZONE**

**Uses Permitted**

1. No development permit shall be issued in a Residential Centre (R-1) Zone except for one or more of the following uses:
  - Single detached dwellings (including mobile homes not within a mobile home park)
  - Semi-detached and duplex dwellings
  - Converted and multiple unit dwellings (to a maximum of 4 dwelling units)
  - Boarding houses
  - Bed and breakfast establishments
  - Senior citizen and nursing homes providing special care
  - Recreational uses
  - Churches, cemeteries, schools and other institutional uses
  - Day care centres
  - Fire halls
  - Wharves and boathouses
  - Existing barns, stables and kennels
  - Existing commercial uses

**General Lot Requirements**

2. No development permit shall be issued except in conformity with the following:
  - (a) With municipal water and sewer services:

	Single Detached Dwelling, Mobile Homes, Boarding Houses	Duplex Dwelling	Semi Detached Dwelling	Converted and Multiple Unit Dwellings	Schools, day care centres and other institutional uses
Minimum Lot Area	7,500 ft <sup>2</sup>	7,500 ft <sup>2</sup>	4,000 ft <sup>2</sup> per dwelling	4,000 ft <sup>2</sup> per dwelling	7,500 ft <sup>2</sup>

			unit	unit	
Minimum Lot Frontage	75 ft.	75 ft.	37.5 ft. per dwelling unit	75 ft.	75 ft.
Minimum Front Yard	20 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Minimum Side Yard i) one side ii) other side	15 ft. 15 ft.	15 ft. 15 ft.	15 ft. 0 ft.	15 ft. 15 ft.	15 ft. 15 ft.
Minimum Rear Yard	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Maximum Height of Main Building	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.

(b) With water and on-site sewer:

Minimum Lot Area	12,000 ft <sup>2</sup>
Minimum Lot Frontage	75 ft.
Minimum Front Yard	20 ft.
Minimum Side Yard	15 ft.
Minimum Rear Yard	25 ft.
Maximum Height of Main Building	35 ft.

(c) With on-site water or on-site water and sewer:

Minimum Lot Area	40,000 ft <sup>2</sup>
Minimum Lot Frontage	100 ft.
Minimum Front Yard	25 ft.

Minimum Side Yard	25 ft.
Minimum Rear Yard	25 ft.
Maximum Height of Main Building	35 ft.

***Special Requirement - Lot Standard Exemption***

3. Notwithstanding anything else in this By-law, in the R-1 zone recreational uses shall be exempt from the lot standards in this By-law.

***Special Requirement - Setback from a Waterbody***

4. Notwithstanding anything else in this By-law, all developments in the R-1 Zone shall be set back a minimum distance of 25 feet from Whycomagh Bay and the Skye River. Wharves and boathouses will be permitted within this setback requirement where a property is adjacent to Whycomagh Bay.

***Special Requirement - Landscaping Adjacent to a Waterbody***

5. Notwithstanding anything else in this By-law, lots adjacent to a watercourse in the R-1 Zone shall be provided with a 20-foot treed buffer along the shoreline.

***Special Requirement - Skirting of Mobile Homes***

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

**PART 8 - RESIDENTIAL RURAL (R-2) ZONE**

***Uses Permitted***

1. No development permit shall be issued in a Residential Rural (R-2) Zone except for one or more of the following uses:

- Single detached dwellings (including mobile homes not within a mobile home park)
- Semi-detached and duplex dwellings
- Bed and breakfast establishments
- Cottages
- Recreational uses
- Churches and cemeteries
- Schools and day care centres
- Wharves and boathouses
- Golf driving ranges and related uses
- Existing forestry uses and agricultural uses

***General Lot Requirements***

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

Minimum Lot Area	40,000 ft <sup>2</sup>
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Minimum Lot Frontage	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	20 ft.
Minimum Rear Yard	25 ft.
Maximum Height of Main Building	35 ft.

**Special Requirement - Setback from a Waterbody**

3. Notwithstanding anything else in this By-law, in the R-2 zone, all developments shall be setback a minimum distance of 25 feet from Whycocomagh Bay and the Skye River. Wharves and boathouses will be permitted within the setback requirement, where a property is adjacent to Whycocomagh Bay.

**Special Requirement - Landscaping Adjacent to a Waterbody**

4. Notwithstanding anything else in this By-law, in the R-2 zone, lots adjacent to a watercourse shall be provided with a 20-foot treed buffer along the shoreline.

**Special Requirement - Skirting of Mobile Homes**

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

**PART 9 - 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:

- Mobile home park
- Mobile homes
- Recreational uses, parks and playgrounds
- Mobile home park administration offices
- Commercial establishments incidental to the operation of the mobile home park such as laundromats and convenience stores
- Maintenance equipment and storage facilities related and incidental to the operation of the mobile home park
- Wharves and boathouses

**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 <sup>2</sup>
Minimum Lot Frontage	100 ft.
Minimum Front Yard	20 ft.
Minimum Side Yard	15 ft.

Minimum Rear Yard	25 ft.
Minimum distance between mobile home units	30 ft.

***Special Requirement - Setback from a Waterbody***

3. Notwithstanding anything else in this By-law, in the MHP zone, all developments shall be setback a minimum distance of 50 feet from Whycocomagh Bay and the Skye River. Wharves and boathouses will be permitted within the setback requirement where a property is adjacent to Whycocomagh Bay.

***Special Requirement - Landscaping Adjacent to a Waterbody***

4. Notwithstanding anything else in this By-law, in the MHP zone, lots adjacent to a watercourse shall be provided with a 20-foot treed buffer along the shoreline.

***Special Requirement - Landscaping***

5. Where a mobile home park abuts any other use, a landscaped strip or an opaque fence of a minimum height of 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***

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

**PART 10 - COMMERCIAL (C-1) ZONE**

***Uses Permitted***

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

- New residential dwellings located in the same building as a commercial use
- Retail stores
- Professional offices including medical clinics
- Banks and financial institutions
- Personal service establishments
- Restaurants and take-out restaurants
- Beverage rooms or other drinking establishments
- Entertainment centres
- Automobile sales and service centres facilities (including car washes)
- Service shops
- Post offices, museums, libraries and other institutional uses
- Public parks and playgrounds
- Warehousing and storage facilities
- Private clubs

***General Lot Requirements***

2. In any Commercial (C-1) Zone, no development permit shall be issued except in conformity with the following:



(a) With municipal water and sewer services:

Minimum Lot Area	7,500 ft <sup>2</sup>
Minimum Lot Frontage	50 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	10 ft.
Minimum Rear Yard	25 ft.
Maximum Height of Main Building	35 ft.

(b) With water and on-site sewer:

Minimum Lot Area	12,000 ft <sup>2</sup>
Minimum Lot Frontage	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	10 ft.
Minimum Rear Yard	25 ft.
Maximum Height of Main Building	35 ft.

(c) With on-site water or on-site water and sewer:

Minimum Lot Area	40,000 ft <sup>2</sup>
Minimum Lot Frontage	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	10 ft.
Minimum Rear Yard	25 ft.
Maximum Height of Main Building	35 ft.

***Special Exemption: Front Yard Requirements***

3. Notwithstanding the lot standard requirements of this zone, new commercial development with frontage along Main Street shall be exempt from any front yard requirement.

***Special Exemption: Parking Requirements***

4. Notwithstanding parking standards in this By-law, new commercial developments which do not front the Trans-Canada Highway shall be exempt from on-site parking requirements. Where new commercial developments front on the Trans-Canada Highway, the parking requirements established in Part 5, Section 23 and 24 of this By-law shall apply.

***Special Requirement: Setback from a Water Body***

5. Notwithstanding anything else in this By-law, in the C-1 zone, all developments shall be setback a minimum distance of 50 feet from Whycocomagh Bay and the Skye River. Wharves and boathouses will be permitted within the setback requirement where a property is adjacent to Whycocomagh Bay.

***Special Requirement - Landscaping Adjacent to a Water Body***

6. Notwithstanding anything else in this By-law, in the C-1 zone, lots adjacent to a watercourse shall be provided with a 20-foot treed buffer along the shoreline.

***Special Requirement: Side Yard Requirements***

7. Notwithstanding any other requirement in this By-law, in the C-1 zone, where a motel, hotel, rental cabin and their associated uses abut any other use, a minimum side yard of 15 feet from the side lot lines shall apply.

***Special Requirement: Abutting Yard Requirements***

8. In the C-1 zone, where a commercial use abuts a lot with a residential use, the following requirements shall apply to the commercial use:

- (a) No outdoor storage or display shall be permitted in an abutting yard within 20 feet of a side or rear lot line;
- (b) No outdoor storage shall be permitted within the front yard;
- (c) No parking space shall be permitted in an abutting yard within 20 feet of a residential lot line;
- (d) A landscaped strip or an opaque fence of a minimum height of 4 feet shall be provided to screen any open storage from sight on abutting lots and streets.  
(Amended 22\09\96)

***Special Requirement: Side Yard Exemption***

9. Notwithstanding any other requirements in this By-law, in the C-1 zone, where two permitted C-1 uses are to be located on adjacent lots, they may share a common wall along the common side lot line. The minimum side yard shall be waived for the side of the building which is shared. All other requirements shall be met, including all applicable National Building Code requirements. (Amended September 1995.)

**PART 11 – COMMERCIAL TOURIST (C-2) ZONE**

***Uses Permitted***

1. No development permit shall be issued in a Commercial Tourist (C-2) Zone except for one or more of the following uses:

- a) Hotels, Motels and Tourist Inns (excluding tourist or guest homes containing up to six rental rooms)

- b) Tourist cabins
- c) Bed and Breakfast accommodations
- d) Restaurants, Dining Rooms, Coffee Shops, Gift Shops, Spas and Fitness Facilities, Laundry Facilities and residential uses accessory to the tourist commercial uses.

**General Lot Requirements:**

2. In a Commercial Tourist (C-2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	10,000 ft <sup>2</sup>
Minimum Lot Frontage	100 ft.
Minimum Front Yard	40 ft.
Minimum Side Yard	12 ft.
Minimum Rear Yard	30 ft.
Maximum Height of Main Building	20 ft.

**Special Requirement - Landscaping Adjacent to a Water Body**

3. Notwithstanding anything else in this By-law, in the C-2 zone, lots adjacent to a watercourse shall be provided with a 20-foot treed buffer along the shoreline.

**Special Requirement: Setback from a Water Body**

4. Notwithstanding anything else in this By-law, in the C-1 zone, all developments shall be setback a minimum distance of 50 feet from Whycocomagh Bay and the Skye River. Wharves and boathouses will be permitted within the setback requirement where a property is adjacent to Whycocomagh Bay.

**PART 12 - OPEN SPACE (OS) ZONE**

**Uses permitted**

1. No development permit shall be issued in an Open Space (OS) Zone except for one or more of the following uses:

- Recreational uses
- Accessory buildings to a beach including changing rooms and washrooms
- Boardwalks and nature interpretation stands
- Canteens
- Conservation projects
- Information stands
- Marina facilities

- Picnic areas and facilities

**General Lot Requirements**

2. There are no lot standards for permitted uses in the Open Space (OS) Zone.

**PART 13 - RESOURCE INDUSTRIAL (I-1) ZONE**

**Uses Permitted**

1. No development permit shall be issued in a Resource Industrial (I-1) Zone except for one or more of the following uses:

- Light industrial facilities
- Agricultural and related uses (except for kennels, mushroom farms, commercial slaughter houses and the keeping of pig, poultry, mink, fox and other fur bearing animals, regardless of their stage of development except that which is reasonably consistent with a residential use)
- Fishery and related uses (except for fish processing and reduction plants)
- Forestry and related uses (except for pulp and paper mills)
- Residential and commercial uses related to the above uses.

**General Lot Requirements**

2. In any Resource Industrial (I-1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	20,000 ft <sup>2</sup>
Minimum Lot Frontage	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	20 ft.
Minimum Rear Yard	25 ft.
Maximum Height of Main Building	35 ft.

**Special Requirement: Setback from a Water Body**

3. Notwithstanding anything else in this By-law, in the I-1 zone, all developments shall be set back a minimum distance of 50 feet from Whycocomagh Bay and the Skye River. Wharves and boathouses will be permitted within the setback requirement where a property is adjacent to Whycocomagh Bay.

**Special Requirement - Landscaping Adjacent to a Water Body**

4. Notwithstanding anything else in this By-law, in the I-1 zone, lots adjacent to a watercourse shall be provided with a 20-

foot treed buffer along the shoreline.

**Special Requirement: Setback Requirements**

5. Notwithstanding anything else in this By-law, in the I-1 zone, the following setback requirements shall apply:

- (a) Where an agricultural, fishery, forestry or their related uses abuts any other use, the development shall be setback a minimum 500 feet from the abutting lot line.
- (b) Where an industrial use abuts a non-industrial use, the development shall be setback a minimum 100 feet from the abutting lot line.

**Special Requirement: Abutting Yard Requirements**

6. In the I-1 zone, where a resource use abuts a residential or commercial use, the following requirements shall apply to the resource use:

- (a) No outdoor storage or display shall be permitted in an abutting yard within 20 feet of a side or rear lot line.
- (b) No outdoor storage shall be permitted within the front yard.
- (c) No parking space shall be permitted in an abutting yard within 20 feet of a side or rear lot line.

**PART 14 - INDUSTRIAL (I-2) ZONE**

**Uses Permitted**

1. No development permit shall be issued in an Industrial (I-2) Zone except for one or more of the following uses:

- Oil storage tanks and distribution facilities
- Light industrial facilities (excluding automotive scrap yards)
- Warehouses
- Trucking facilities
- Construction facilities
- Retail sales
- 

**General Lot Requirements**

2. In the Industrial (I-2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	20,000 ft <sup>2</sup>
Minimum Lot Frontage	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	20 ft.
Maximum Height of Main Building	35 ft.

***Special Requirement: Abutting Yard Requirements***

3. In the I-2 zone, where an industrial use abuts a non-industrial use, the following requirements shall apply to the industrial use:

- (a) No outdoor storage or display shall be permitted in an abutting yard within 20 feet of a side or rear lot line.
- (b) No outdoor storage shall be permitted within the front yard.
- (c) No parking space shall be permitted in an abutting yard within 20 feet of a side or rear lot line.
- (d) A landscaped strip or an opaque fence of a minimum height of 4 feet shall be provided running the full length of any side or rear lot line adjacent to the non-industrial use.

**PART 15 – DEFINITIONS**

For the purpose 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 a building and located on the same lot.

3. **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 includes 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.

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

5. **Automobile service centre** means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles and may include an automobile car wash but shall not include an automobile body or repair shop.

6. **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.

7. **Boarding house** means a dwelling in which the owner supplies either room or room and board, for monetary gain, of not more than (4) rooms exclusive of the area used by the owner and family and which is not open to the general public.

8. **Building** means any on-site constructed or off-site constructed (modular) 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, platform vessel or vehicle used for any of the said purposes shall be deemed a building.

9. **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.

10. **Community centre** means any tract of land, 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.

11. **Cottage** means a building or a structure in which there contains independent and separate housekeeping units, kitchen and sanitary facilities and in which occupancy shall be of a temporary nature only. Unless specifically permitted within a zone, cottages shall not be rented for monetary gain to the traveling public.

12. **Council** shall mean the Council of the Municipality of the County of Inverness.

13. **Day care centre** means a place where four (4) or more children are cared for on a temporary daily basis for monetary gain without overnight accommodation. A school shall not be considered a day care centre.

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

15. **Dwelling** means a building, occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one (1) or more dwelling units, but shall not include a hotel, motel or travel trailer.

16. **Dwelling, converted** means a building converted to contain a maximum of four (4) dwelling units.

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.

18. **Dwelling, multiple unit** means a dwelling which contains no more than four (4) dwelling units which have a common entrance from the street level.

19. **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.

20. **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 a mobile home.

21. **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.

22. **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.

23. **Existing** means existing as of the effective date of this By-law.

24. **Fishery use** means a use related to or supportive of the fishery, including general storage, docks, boat launches or repair facilities and which is not obnoxious by reason of sound, odour, dust, fumes or smoke or by reason of unsightly open storage. Fish processing or reduction plants shall not be considered a fishery use.

25. **Floor area**

(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 and furnace and utility rooms.

(c) **Gross floor area** means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building. For the purposes of this By-law, the walls of an inner court shall be deemed to be exterior walls.

26. **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.

27. **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; but shall not include any construction used as an ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola, or steeple.

28. **Home occupation** means a secondary use of a dwelling or accessory building for gainful employment involving the provision or sale of goods and/or services and includes, but not limited to, 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 trade professionals such as plumbers, carpenters and electricians.

29. **Hotel** means a building or buildings or part thereof on the same site used to accommodate the traveling public for monetary gain, by supplying them with sleeping 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.

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

31. **Landscaped strip** means land which shall be grassed (or other appropriate vegetation ground cover) and shall include trees or shrubs planted at a minimum rate of one (1) plant per each 6 feet of street frontage and are a minimum of 4 feet in height.

32. **Light industrial use** means the use of land, buildings or structures for manufacture, processing or repair which is not



offensive or dangerous by reason of emission of odour, smoke, dust, soot, dirt, noise, gas fumes, vibration, water carried waste, or other obnoxious emission or refuse. Automotive repair establishments shall be considered a light industrial use. Automotive scrap yards and retail stores shall not be considered a light industrial use for the purposes of this By-law.

33. **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 (1) commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking space shall not be for the purpose of sale or display;

(b) is not upon or partly upon any street; and

(c) has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas, no part of which shall be used for the temporary parking or storage of one (1) or more motor vehicles.

34. **Lot** means parcel of land described in a deed as a lot or as shown as an approved lot 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 highway provided. 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.

35. **Lot area** means the total horizontal area within the lot lines of a lot.

36. **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 day lighting 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.

37. **Lot line** means a boundary line of a lot.

(a) **Front lot line** means the line dividing the lot from the street; in the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot line are of equal length, the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from the street shall be deemed to be the front lot line.

(b) **Rear lot line** means the lot line farthest from or opposite to the front lot line.

(c) **Side lot line** means a lot line other than a front or rear lot line.

(d) **Flanking lot line** means a side lot line which abuts the street on a corner lot.

38. **Main building** means the building in which is carried on the principal purposes for which the lot is used.

39. **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 By-law, the removal of the wheels or the permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification.
40. **Mobile home park** means a lot on which spaces are provided for more than one mobile home but does not include a campground.
41. **Motel** means a building or buildings or part thereof on the same site used to accommodate the public for monetary gain, by supplying the traveling public with sleeping accommodations with or without meals. Each unit has an independent entrance from the outside of the building.
42. **Municipal Development Officer** shall mean the development officer appointed by the Municipality of the County of Inverness in accordance with the Planning Act.
43. **Municipality** means the Municipality of the County of Inverness.
44. **Nursing home** means a building wherein nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital and licensed under the Homes for Special Care Act, Chapter 203, R.S.N.S., 1989.
45. **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 retail selling of goods.
46. **Outdoor display** means an area of land where goods are displayed and which are available for sale to the general public from a retail outlet located on the same lot.
47. **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 for storage purposes.
48. **Parking space** means an area of not less than 160 square feet, measuring 8 feet by 20 feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
49. **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, laundromats, hairdressing shops, shoe repair shops and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.
50. **Private club** means a building or part of a building used as a meeting place for members of an organization and may include a lodge, labour union hall and a service club.
51. **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.
52. **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.
53. **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. Such uses shall not be for monetary gain. A track for the racing of animals or any form of motorized vehicles shall not be considered a recreational use.
54. **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 but not for consumption in parking areas belonging to the building.

55. **Retail store** means a building or part thereof in which goods, wares, merchandise, substances or articles are offered or kept for sale directly to the public.

56. **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.

57. **Setback** means the distance between the street line or high water mark and the nearest main wall of any building or structure and extending the full width or length of the lot.

58. **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 not 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 the number of single display surfaces or display devices 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, circle or semi-circle which can wholly be enclosed on the surface area of the sign. All visible faces of a multifaceted 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, circle or semi-circle which can totally enclosed in the sign in the plan of its largest dimension.

59. **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 six (6) feet above grade and provided also that any portion of a storey exceeding fourteen (14) feet in height shall be deemed an additional storey for each fourteen (14) feet or fraction thereof of such excess.

60. **Street** means a public road, accepted and maintained by the Province of Nova Scotia or the Municipality as a public thoroughfare.

61. **Street line** means the boundary line of a public street.

62. **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.

63. **Warehouse** means a building where wares or goods are stored and shall not include a retail store.

64. **Yard** means an open uncovered space on a lot belonging to a building (except a court) and unoccupied by buildings or structures except as specifically permitted 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; a “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; a “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.

65. **Zone** means a designated area of land shown on Schedule “A” of this By-law.