

Town of Mahone Bay

Land Use Bylaw

2024.01.12 First Reading DRAFT

Credits

This Bylaw was initially prepared by UPLAND Planning and Design and the Town of Mahone Bay.



PLAN
MAHONE BAY

UPLAND

First Reading: XX
Second Reading: XX
Effective date: XX
With amendments to: N/A

Contents

| | | |
|-----------|--|-----------|
| 1. | Title and Purpose | 1 |
| 1.1. | Title | 1 |
| 1.2. | Purpose..... | 1 |
| 2. | Zones..... | 2 |
| 2.1. | Zones..... | 2 |
| 2.2. | Reference to Zone | 2 |
| 2.3. | Zoning Maps | 2 |
| 2.4. | Zones Not on the Maps..... | 2 |
| 2.5. | Interpretation of Zone Boundaries..... | 3 |
| 3. | Interpretation | 4 |
| 3.1. | Certain Words | 4 |
| 3.2. | Conflict..... | 4 |
| 3.3. | Definitions | 4 |
| 3.4. | Units of Measurement..... | 5 |
| 3.5. | Severability | 5 |
| 4. | Administration of this Bylaw | 6 |
| 4.1. | Administration of Bylaw | 6 |
| 4.2. | Right of Entry..... | 6 |
| 4.3. | Enforcement and Penalty..... | 6 |
| 4.4. | Compliance with Other Legislation..... | 6 |
| 4.5. | Restoration to a Safe Condition | 6 |
| 4.6. | Effective Date..... | 7 |
| 4.7. | Existing Structures and Uses | 7 |
| 4.8. | Repeal of Bylaw | 7 |
| 4.9. | Development Permit..... | 8 |
| 4.10. | Application Requirements..... | 9 |
| 4.11. | Variances..... | 11 |
| 4.12. | Site Plan Approval..... | 12 |
| 5. | General Provisions..... | 14 |
| 5.1. | Scope of General Provisions..... | 14 |
| 5.2. | Accessory Buildings and Structures..... | 14 |
| 5.3. | Accessory Dwellings | 15 |
| 5.4. | Accessory Uses..... | 15 |
| 5.5. | Adaptive Reuse of Former Institutional Buildings | 16 |
| 5.6. | Architectural Control | 16 |
| 5.7. | Automobile Body Shops and Automobile Repair Shops..... | 18 |
| 5.8. | Automobile Service Stations | 19 |
| 5.9. | Buildings or Structure to be Moved..... | 19 |
| 5.10. | Campgrounds | 19 |
| 5.11. | Cemeteries..... | 19 |
| 5.12. | Coastal Elevation..... | 20 |
| 5.13. | Conformity with Existing Setbacks | 20 |
| 5.14. | Commercial Livestock..... | 20 |
| 5.15. | Connection to Central Services | 21 |
| 5.16. | Conservation Uses | 21 |
| 5.17. | Construction Accessories | 21 |

2024.01.12 - DRAFT for First Reading

| | | |
|-----------|--|-----------|
| 5.18. | Converted Dwellings..... | 21 |
| 5.19. | Drive-through Uses..... | 21 |
| 5.20. | Electrical Vehicle Charging..... | 22 |
| 5.21. | Existing Lots Lacking Minimum Area | 22 |
| 5.22. | Fences | 23 |
| 5.23. | Flag Lots..... | 23 |
| 5.24. | Fronting on a Public Street..... | 24 |
| 5.25. | Habitation of Vehicles..... | 24 |
| 5.26. | Heavy Industrial Uses..... | 24 |
| 5.27. | Height Requirements | 25 |
| 5.28. | Heritage Incentives..... | 25 |
| 5.29. | Home Offices and Studios..... | 26 |
| 5.30. | Instruction of One or Two Students at a Time..... | 26 |
| 5.31. | Home-based Businesses | 26 |
| 5.32. | Illumination | 27 |
| 5.33. | Landscaping and Stormwater Management..... | 28 |
| 5.34. | Multiple Main Buildings | 28 |
| 5.35. | Multiple Uses | 28 |
| 5.36. | Non-conforming Uses..... | 28 |
| 5.37. | Non-conforming Structures..... | 29 |
| 5.38. | Parking and Loading..... | 29 |
| 5.39. | Parks and Playgrounds | 29 |
| 5.40. | Permitted Encroachments in Minimum Setbacks | 30 |
| 5.41. | Personal Storage Buildings..... | 30 |
| 5.42. | Public Utilities | 31 |
| 5.43. | Salvage Yards | 31 |
| 5.44. | Shipping Containers | 31 |
| 5.45. | Short-term Rentals | 32 |
| 5.46. | Side Yard Requirements - Exceptions | 32 |
| 5.47. | Signs and Advertising | 32 |
| 5.48. | Special Uses Permitted..... | 32 |
| 5.49. | Solar Collector Systems - Accessory | 33 |
| 5.50. | Tree Identification and Replacement | 33 |
| 5.51. | Urban Agriculture Uses | 34 |
| 5.52. | Visibility of Intersections..... | 35 |
| 5.53. | Watercourse Buffer | 35 |
| 5.54. | Watercourse Buffer Reduction | 36 |
| 5.55. | Wind Turbines | 36 |
| 5.56. | Wharves, Piers, and Other Coastal Access Uses | 37 |
| 5.57. | Wood-burning Furnaces and Waterstoves - Outdoor..... | 37 |
| 6. | Parking | 38 |
| 6.1. | Exemption from Parking Requirements | 38 |
| 6.2. | Minimum Number of Parking Spaces Requirements..... | 38 |
| 6.3. | Parking and Loading Exemption in the Commercial Core | 40 |
| 6.4. | Parking Location | 40 |
| 6.5. | Automobile Parking Area Standards..... | 41 |
| 6.6. | Loading Spaces..... | 42 |
| 6.7. | Commercial Vehicles in Residential Zones | 43 |
| 6.8. | Minimum Number of Bicycle Parking Spaces..... | 43 |
| 6.9. | Bicycle Parking Instead of Automobile Parking Spaces | 44 |
| 6.10. | Bicycle Parking Space Standards..... | 44 |

| | | |
|------------|--|-----------|
| 7. | Signs | 45 |
| 7.1. | Signage Provisions for All Zones | 45 |
| 7.2. | Signs Prohibited in All Zones | 46 |
| 7.3. | Signs Permitted in All Zones | 47 |
| 7.4. | Illumination | 48 |
| 7.5. | Non-commercial Signs | 48 |
| 7.6. | Ground Signs | 48 |
| 7.7. | Electronic Message Board and Changeable Copy Signs..... | 49 |
| 7.8. | Projecting Wall Signs..... | 49 |
| 7.9. | Wall Signs | 50 |
| 7.10. | Window Signs | 50 |
| 7.11. | Sandwich Board Signs..... | 50 |
| 7.12. | Off-Premise Signs | 50 |
| 7.13. | Signs in Residential Zones | 50 |
| 7.14. | Abutting Zone Requirements for Signs | 51 |
| 8. | Residential Zones | 52 |
| 8.1. | Special Requirements for Residential Zones | 52 |
| 8.2. | Permitted Uses in the Residential Zones | 53 |
| 8.3. | Residential Core Zone Development Standards..... | 56 |
| 8.4. | Residential General Zone Development Standards..... | 57 |
| 8.5. | Residential Multi-unit Zone Development Standards..... | 58 |
| 9. | Commercial Zones | 59 |
| 9.1. | Special Requirements for Commercial Zones..... | 59 |
| 9.2. | Permitted Uses in the Commercial Zones..... | 61 |
| 9.3. | Commercial Core Zone Development Standards..... | 66 |
| 9.4. | Commercial General Zone Development Standards | 67 |
| 10. | Industrial Zones | 68 |
| 10.1. | Special Requirements for Industrial Zones | 68 |
| 10.2. | Permitted Uses in the Industrial Zone | 69 |
| 10.3. | Industrial General Zone Development Standards..... | 72 |
| 11. | Unserviced Zones | 73 |
| 11.1. | Special Requirements for Unserviced Zones | 73 |
| 11.2. | Permitted Uses in the Unserviced Zones | 74 |
| 11.3. | Residential Unserviced Zone Development Standards..... | 76 |
| 12. | Open Shoreline Zone | 77 |
| 12.1. | Special Requirements for Open Shoreline Zone | 77 |
| 12.2. | Permitted Uses in the Open Shoreline Zone | 77 |
| 12.3. | Open Shoreline Zone Development Standards..... | 78 |
| 13. | Parks and Open Space Zone | 79 |
| 13.1. | Special Requirements for Parks and Open Space Zone | 79 |
| 13.2. | Permitted Uses in the Parks and Open Space Zone | 79 |
| 13.3. | Parks and Open Space Zone Development Standards | 80 |
| 14. | Institutional Zone..... | 81 |
| 14.1. | Special Requirements for Institutional Zone | 81 |
| 14.2. | Permitted Uses in the Institutional Zone | 81 |
| 14.3. | Institutional Zone Development Standards..... | 84 |

2024.01.12 - DRAFT for First Reading

15. Conservation Zone85
15.1. Conservation Zone..... 85

16. Site Plan Approval86
16.1. Commercial, Industrial, and Institutional Site Plan Criteria 86
16.2. Residential Site Plan Criteria..... 90
16.3. Parking Lots..... 93

17. Definitions 95

18. Schedules and Appendices122

Appendix 'A' - Areas of Increased Parking Requirements123

How to use this Land Use Bylaw

The Land Use Bylaw is a legal document that is adopted by Town Council for the purpose of managing growth in the Town. The Land Use Bylaw divides the Town into Zones, each of which has an associated set of rules and regulations.

If you wish to conduct development in Mahone Bay, please follow this generalized process:

1. Determine the property's land use zone

The Town of Mahone Bay is divided into land use zones, and each property has a designated zone or zones. Land use zones control development in an area to ensure future development is in keeping with the general area and to reduce potential conflicts with neighbouring uses. Refer to Schedule 'A', the Zoning Maps, to determine the use zone or zones applicable to your property.

Structures or uses that do not comply with this Bylaw, but legally existed on the day the Bylaw became effective, may continue their operation as a non-conforming structure or use. If a structure or use becomes non-conforming, there are provincial and municipal regulations that should be considered to ensure it can continue to operate. However, if a non-conforming use ceases to operate for one year, it will be subject to the new planning rules.

2. Find out if you need a development permit

By default, development in the town requires a "development permit". However, some uses or developments do not require a permit, as outlined in the applicable use sections of this Bylaw. If a development permit is not required, please be aware all regulation do still apply. You can find out more by contacting the Town.

3. Review the Rules for the land use zone

The Land Use Bylaw considers development either as a Permitted use, permitted through Site Plan Approval, or permitted through a Development Agreement. Permitted uses are those that are allowed if they meet all the requirements of the Land Use Bylaw. Site Plan Approval is a process through which an applicant must meet additional standards established within the Land Use Bylaw. Finally, Development Agreements are written legal agreements between Council and a property owner, allowing Council to have a finer-grained level of management over the proposed development, and to implement specific measures to mitigate potential impacts.

4. Review the general regulations and regulations for specific uses

In addition to the regulations for specific land use zones, there are regulations that apply to all development, such as **Overlays**, and regulations that apply only to specific uses.

Many uses and types of structures are defined within the Land Use Bylaw. Review the definitions to ensure any proposed development coincides with the definition.

1. Title and Purpose

1.1. Title

- 1.1.1. This Bylaw may be cited as the “Town of Mahone Bay Land Use Bylaw.”
- 1.1.2. This Bylaw shall apply to all the lands within the Town.

1.2. Purpose

- 1.2.1. The purpose of this Bylaw is to carry out the intent of the Municipal Planning Strategy in order to facilitate sustainable, efficient, and systematic development and use of land within the Town, and for that purpose the Bylaw, among other things:
 - (a) divides the Town into zones;
 - (b) prescribes and regulates for each zone the purposes for which land and buildings may be used;
 - (c) establishes standards for the dimensions of land within each zone and the positioning of buildings thereon;
 - (d) establishes the office of one or more Development Officers;
 - (e) establishes a method of making decisions on applications for development permits, including the issuing of development permits; and
 - (f) establishes a method for making decisions on applications for site plan approval.
- 1.2.2. This Bylaw shall be applied in a manner consistent with the Town’s Municipal Planning Strategy and the *Municipal Government Act* (“Act”), as amended from time to time.

2. Zones

2.1. Zones

2.1.1. For the purpose of this Bylaw, the Town is divided into the following zones, the boundaries of which are show on the attached Schedule 'A'. Such zones may be referred to by the appropriate symbols:

Table 2-1. Zone Names and Symbols.

| Zone Name | Zone Symbol |
|------------------------|--------------------|
| Commercial Core | CC |
| Commercial General | CG |
| Conservation | C |
| Industrial General | IG |
| Institutional | I |
| Open Shoreline | OS |
| Parks and Open Space | PO |
| Residential Core | RC |
| Residential General | RG |
| Residential Multi-Unit | RM |
| Residential Unserviced | RU |

2.2. Reference to Zone

2.2.1. The reference to a zone is deemed to include reference to the permitted uses, special requirements, and regulations of that particular zone.

2.3. Zoning Maps

2.3.1. Schedule 'A' attached hereto may be cited as the "Zoning Map".

2.3.2. The Zoning Map shall form part of this Bylaw.

2.4. Zones Not on the Maps

2.4.1. The Zoning Maps of this Bylaw may be amended, in conformance with the Municipal Planning Strategy, to utilize any zone in this Bylaw, regardless of whether or not such zone had previously appeared on the Zoning Maps.

2.5. Interpretation of Zone Boundaries

2.5.1. Boundaries between zones shall be determined as follows:

- (a) where a zone boundary is indicated as following a survey line as recorded at the Registry of Deeds, the boundary shall follow that line;
- (b) where a zone boundary is indicated as following a street, private road, or controlled access highway, the centreline of the street, private road, or controlled access highway shall be the boundary unless otherwise indicated;
- (c) where a zone boundary is indicated as following a railway or utility right-of-way, the centreline of the right-of-way shall be the boundary unless otherwise indicated;
- (d) where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
- (e) where the zone boundary is indicated as following the shoreline of a river, watercourse, lake or saltwater body, the mean high water mark shall be the boundary; and
- (f) where none of the above provisions apply, the Development Officer shall scale the zone boundary from the zoning map.

3. Interpretation

3.1. Certain Words

3.1.1. In this Bylaw:

- (a) the word "shall" means mandatory compliance;
- (b) the word "may" means discretionary compliance or a choice in applying a policy or regulation;
- (c) words used in the plural include the singular, and words in the singular include the plural; and
- (d) gendered words shall be interpreted to mean any gender.

3.1.2. Words not otherwise defined in this Bylaw shall have the meaning assigned to them in the Act.

3.2. Conflict

3.2.1. In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall take priority.

3.2.2. Colour coding throughout this Bylaw and the maps within is for ease of reference only and the text of the Bylaw shall take priority.

3.2.3. In case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall take priority.

3.2.4. In case of conflict between a written zone name and a zone symbol, the written zone name shall take priority.

3.3. Definitions

3.3.1. For the purpose of this Bylaw, words shall have their meaning or meanings assigned to them in the Part of this Land Use Bylaw titled, "Definitions." Where a word is not defined in "Definitions", the word shall have the meaning or meanings assigned by accepted English dictionaries.

3.4. Units of Measurement

- 3.4.1. This Land Use Bylaw uses the metric system of measurement. Numerical measurements in this Bylaw may also be presented in other units; however, this is for convenience only. If a metric measurement conflicts with its conversion in another unit, the metric measurement shall take priority.
- 3.4.2. Any application made under this Bylaw shall include measurements using the metric system.

3.5. Severability

If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Bylaw.

4. Administration of this Bylaw

4.1. Administration of Bylaw

- 4.1.1. Council shall appoint one (1) or more Development Officer(s) for the Town.
- 4.1.2. The Development Officer shall be responsible for the administration of this Bylaw.

4.2. Right of Entry

- 4.2.1. Subject to Section 267 of the *Municipal Government Act*, the *Development Officer* or authorized agent of the *Development Officer* is authorized to enter, at all reasonable times, into or upon any property within the *Municipality* for the purpose of any inspections necessary to administer this By-law.
- 4.2.2. Consistent with Section 267 of the *Municipal Government Act*, the Development Officer or authorized agent of the Development Officer shall not enter any place actually being used as a dwelling without the consent of the occupier unless the entry is made in daylight hours and written notice of the time of the entry has been given to the occupier at least twenty-four hours in advance of the entry.

4.3. Enforcement and Penalty

- 4.3.1. In the event of any contravention of the provisions of this Bylaw, the Town may act as provided in the *Municipal Government Act*.

4.4. Compliance with Other Legislation

- 4.4.1. Nothing in this Bylaw shall exempt any person from complying with the requirements of any other bylaw in force within the Town, or from obtaining any license, permission, permit, authority, or approval required by any other bylaw of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- 4.4.2. Where provisions in this Bylaw conflict with those of any other bylaw of the Town or regulation of the Province of Nova Scotia or the Government of Canada, the higher or more stringent provision shall prevail.

4.5. Restoration to a Safe Condition

- 4.5.1. Nothing in this Bylaw shall prevent the restoration of any building or structure to a safe condition, as determined by the Building Official.

4.6. Effective Date

- 4.6.1. This Bylaw shall come into force and take effect upon the date a notice is published in a newspaper, circulating in the Town, informing the public that the Bylaw is in effect.

4.7. Existing Structures and Uses

- 4.7.1. A structure or use of land shall be deemed to be existing on the effective date of this Bylaw if:
- (a) it has lawfully been constructed;
 - (b) it has lawfully commenced;
 - (c) it is lawfully under construction;
 - (d) all required permits for its construction or uses were in force and effect, except that this shall not apply unless the construction or use is commenced within 18 months after the date of the latest issuance of the required permits.
- 4.7.2. For the purposes determining existence under 4.7.1(d), development permits for structures or uses subject to an appeal of a variance or site plan approval shall be considered in effect as of the date the Development Officer initially granted the variance or site plan approval provided the appeal decision upholds the Development Officer's decision to grant the necessary variance or site plan approval.

4.8. Repeal of Bylaw

- 4.8.1. As of the effective date of this Land Use Bylaw, the Land Use Bylaw for the Town of Mahone Bay, passed and adopted June 10, 2008, as amended, is repealed.

4.9. Development Permit

- 4.9.1. Unless otherwise stated in this Bylaw, no person shall undertake a development within the Town without first obtaining a development permit from the Development Officer.
- 4.9.2. The Development Officer shall only issue a development permit in conformance with this Bylaw and any development agreement or site plan agreement in effect on the site, except where a variance is granted or in the case of an existing non-conforming use or structure, in which case a development permit shall be issued in conformance with the Act.
- 4.9.3. A development permit shall be effective for a period of 18 months and shall expire within 18 months from the date issued if the development has not commenced, and the Development Officer shall, at the applicant's request, renew a development permit for 18 months if:
 - (a) the development permit has not been renewed previously; and
 - (b) the Development Officer is satisfied that the development permit is consistent with the current Land Use Bylaw and any proposed amendments to the Land Use Bylaw for which Council has advertised their intent to adopt.
- 4.9.4. Notwithstanding Subsection 4.9.3, a development permit may be issued for a temporary period and may be renewed for a temporary period on a one-time-only basis to a maximum of six (6) months provided the Development Officer is satisfied that the development permit is consistent with the current Land Use Bylaw and any proposed amendments to the Land Use Bylaw for which Council has advertised their intent to adopt.
- 4.9.5. The Development Officer may revoke a development permit issued under this Bylaw where:
 - (a) information provided on the application is found to be inaccurate;
 - (b) the permit was issued in error; and/or
 - (c) the requirements of the permit are not met.
- 4.9.6. The Development Officer shall notify the applicant in writing of any refusal of a development permit.
- 4.9.7. Any decision of the Development Officer to revoke a development permit shall be given by written notice served by any method in which proof of delivery is provided and the revocation shall become effective upon the delivery of such notice.

4.10. Application Requirements

4.10.1. Every application for a development permit shall be made in writing on an approved form and shall include:

- (a) the signature of the registered land owner or their duly authorized agent;
- (b) application fees in conformance with the fee schedule prescribed by Council;
- (c) a statement of the proposed use of land;
- (d) a statement of the estimated commencement and completion date of development;
- (e) a plot plan, as detailed in Subsection 4.10.2;
- (f) a tree identification and retention plan if required by Section 5.50; and
- (g) any other information required by this Land Use Bylaw or the Development Officer.

Plot Plan Requirements

4.10.2. Plot plans prepared for a development permit application shall be drawn to an appropriate scale and showing information as required by the Development Officer, such as, but not limited to:

- (a) the true shape and dimensions of all lots for which development is proposed;
- (b) the location of every building or structure already erected on or partly erected on such lot;
- (c) the proposed location, height, and dimensions of any building, structure, or work for which the permit is applied;
- (d) identification of all abutting streets and private roads;
- (e) identification of rights-of-way and easements within the subject property;
- (f) the proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas;
- (g) a north arrow, scale, date of drawing, and identity of the drawing author; and
- (h) other such information as may be necessary to determine whether or not every such development conforms with the requirements of this Bylaw.

Additional Plan Information

4.10.3. Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw, they may require that the plot plan submitted under Subsection 4.10.2 shows:

- (a) the location of every building erected upon any abutting lot;
- (b) the location of all watercourses on or abutting the property;
- (c) existing and proposed services; and/or
- (d) a plan based upon a survey prepared by a Nova Scotia Land Surveyor.

Confirmation of Vertical Setbacks

4.10.4. Applications for development within the Coastal Flood Risk Area, as shown on Schedule 'D', Coastal Flood Risk Map, shall be accompanied by a letter or plan stamped by a Nova Scotia Land Surveyor confirming the development complies with the standards established in Section 5.12 of this Bylaw.

Additional Plans or Studies

4.10.5. Where necessary to determine conformance with this Land Use Bylaw, the Development Officer may require the applicant to provide additional information at the necessary level of detail and, if necessary, prepared by an appropriately qualified professional. Such additional information may include, but is not limited to:

- (a) site survey and/or plot plan prepared and stamped by a Nova Scotia Land Surveyor;
- (b) location certificate;
- (c) topography and soil conditions of the subject site;
- (d) watercourse delineation study;
- (e) stormwater management plan;
- (f) floor plans and elevation drawings of any proposed structures;
- (g) geotechnical study;
- (h) site grading plan;
- (i) traffic impact assessment or study;
- (j) groundwater supply study; and/or
- (k) any other information deemed necessary by the Development Officer.

4.11. Variances

4.11.1. Notwithstanding anything in this Bylaw, the Development Officer may grant a variance subject to the *Municipal Government Act*. Specifically, the Development Offer may vary:

- (a) the percentage of land that may be built upon;
- (b) the size or other requirements relating to yards;
- (c) lot frontage;
- (d) lot area;
- (e) the location and number of parking spaces and loading spaces required;
- (f) the ground area of a structure;
- (g) the height of a structure;
- (h) the floor area occupied by home-based businesses; and/or
- (i) the height and area of a sign.

4.11.2. In accordance with the requirements of the *Municipal Government Act*, the Development Officer shall not grant a variance if the:

- (a) variance violates the intent of the Land Use Bylaw;
- (b) difficulty experienced is general to properties in the area; or
- (c) difficulty experienced results from an intentional disregard for the requirements of the Land Use Bylaw.

4.11.3. The Development Officer shall not grant a variance that exceeds:

- (a) for yard setbacks, not including any watercourse or coastal setback or buffer, 50 percent of the zone requirements set out in this Bylaw; or
- (b) for all other types of variances outlined in Subsection 4.11.1, 25 percent of the zone requirements set out in this Bylaw.

4.11.4. Where the Development Officer has granted a variance of the requirements of this Bylaw, notification of the variance shall be served upon all assessed property owners within 30 metres of the property subject to the variance.

4.11.5. Notification of a variance shall:

- (a) describe the variance granted;
- (b) identify the property(s) subject to the variance; and
- (c) set out the right to appeal the decision of the Development Officer to Council.

4.11.6. Variance requests shall be made in writing on an approved form.

4.12. Site Plan Approval

- 4.12.1. Some zones in this Land Use Bylaw permit certain uses only by site plan approval. Unless specifically addressed in a different manner by the applicable criteria of Part 16, all other applicable criteria of this Land Use Bylaw shall still apply to any development proposed and undertaken through site plan approval.
- 4.12.2. For greater clarity, the provisions of Part 16 shall only apply to uses permitted by site plan approval.

Application Requirements

- 4.12.3. In addition to the requirements of Section 4.10, Application Requirements, applications for site plan approval shall meet the following requirements:
- (a) The plot plan shall be fully and accurately dimensioned and shall be made under the stamp of a professional architect, planner, engineer, or surveyor licensed to practice in Nova Scotia.
 - (b) The application shall be accompanied by a written rationale and any necessary supporting illustrations addressing each of the applicable criteria outlined in Part 16 of this Bylaw.
 - (c) The application shall be accompanied by a fee, in the amount prescribed by Council.

Site Plan Approval Review

- 4.12.4. The Development Officer shall review applications for new uses permitted by site plan approval, and amendments to existing site plan approvals, against all applicable criteria of this Land Use Bylaw and the applicable criteria in Part 16 of this Bylaw.

Notification

- 4.12.5. Where the Development Officer has granted a site plan approval, notification of the approval shall be served upon all assessed property owners within 30 metres of the property subject to the site plan approval. Notification of a site plan approval shall:
- (a) describe the site plan approval;
 - (b) identify the property(s) subject to the site plan approval; and
 - (c) set out the right to appeal the decision of the Development Officer to Council.

Appeal of Site Plan Approval

4.12.6. Appeals of the Development Officer's decision regarding a site plan approval request shall be made to Council, as provided for by the *Municipal Government Act*.

5. General Provisions

5.1. Scope of General Provisions

- 5.1.1. The provisions of this Part shall, unless otherwise specified in this Bylaw, apply to all uses and zones and shall prevail over all zone requirements except where expressly stated otherwise.

5.2. Accessory Buildings and Structures

- 5.2.1. Accessory buildings and structures shall be permitted in any zone, but shall not:
- (a) be used for human habitation except where an accessory dwelling is a permitted accessory use, and a permit has been issued for such use;
 - (b) be built within 1.5 metres of the main building, except that a fence or wall may join an accessory building or structure with a main building;
 - (c) be built closer than 1.2 metres to any rear or side lot line, excluding the Industrial General (IG) Zone which shall be subject to zone requirements for rear and side setbacks for accessory buildings and structures;
 - (d) exceed the height of the main building on the lot, unless otherwise specified in this Land Use Bylaw; and
 - (e) be considered an accessory structure if located completely underground.
- 5.2.2. Each accessory building and structure on a lot shall not have a gross floor area greater than 70 square metres, except in the Industrial General (IG) Zone.
- 5.2.3. The combined lot coverage for all accessory buildings and structures on a lot, which shall not include area dedicated to signs and/or fences, shall not exceed 10% of the total lot area.
- 5.2.4. Accessory buildings and structure shall comply with any other applicable requirements of this Bylaw.

5.2.5. Notwithstanding zone requirements in all zones except the Open Shoreline (OS) Zone:

- (a) Where approval has been granted by appropriate provincial and/or federal authorities, a personal storage building less than six (6) metres in height without plumbing and with a building footprint no greater than 20 square metres, wharves, and docks may be built across a lot line when said lot line corresponds to the water's edge.
- (b) Children's play structures, playground equipment, pet houses, clothes poles, garden trellises, solid waste receptacles, cold frames, pergolas, monuments, and interpretive displays shall be permitted to be located in any part of any yard except within the corner vision triangle of a lot and shall not require a development permit.

5.3. Accessory Dwellings

5.3.1. Accessory dwellings shall meet the following requirements:

- (a) Only one (1) accessory dwelling shall be permitted on a lot.
- (b) If the accessory dwelling is located in a separate building from the main dwelling:
 - i. the accessory dwelling shall be subject to the height requirements for accessory buildings and all other requirements for accessory buildings;
 - ii. the accessory dwelling shall be located in the side yard or rear yard; and
 - iii. windows and other perforations shall not be located on any elevations closer than 1.2 metres from any adjacent lot.
- (c) The gross floor area of the accessory dwelling shall not exceed 70 square metres.
- (d) Accessory dwellings shall not be used as short-term rentals.

5.4. Accessory Uses

5.4.1. Uses accessory to a permitted use shall be permitted in all zones and shall not require a development permit except where an accessory structure is used for human habitation.

5.5. Adaptive Reuse of Former Institutional Buildings

- 5.5.1. A former institutional building may assume a use not permitted by the land use zone in which building is located through a development agreement, in accordance with Policy 4-91 of the Municipal Planning Strategy.

5.6. Architectural Control

- 5.6.1. All development, including alterations and additions to existing structures, within the Architectural Control Overlay, as shown on Schedule 'B', shall meet the requirements of this Section.
- 5.6.2. Notwithstanding Subsection 5.6.1, the construction and alteration of accessory structures with a building footprint of 20.0 square metres or less in the Architectural Control Overlay shall be exempt from the requirements of this Section, except the provisions of Subsections 5.6.10, 5.6.11, and 5.6.12 shall apply.
- 5.6.3. Carports shall be prohibited in front and flankage yards in the Architectural Control Overlay.

Alterations and Additions in the Architectural Control Overlay

- 5.6.4. The requirements of this Section shall not apply to any alteration or addition to restore the appearance of an existing building or structure, within the Architectural Control Overlay, in a manner that is authentic to the period in which it was constructed provided the proposal is accompanied by appropriate and verified documentation, which may include, but is not limited to, photographs, original blueprints, sketches, or written documents, detailing the period-appropriate appearance of the building or structure.

Building Height

- 5.6.5. Every new main building in the Architectural Control Overlay shall have a minimum height of 6.0 metres, except within the Open Shoreline (OS) Zone where there shall be no minimum building height.

Building Proportions

- 5.6.6. Every new main building in the Architectural Control Overlay shall be rectangular in plan for its principal component.
- 5.6.7. Every new main building in the Architectural Control Overlay shall not in plan exceed a width-to-depth ratio or depth-to-width ratio of 3:1.

Exterior Siding and Cladding

- 5.6.8. Exterior siding and cladding that forms part of the public façade for main buildings shall:
- (a) be horizontal in orientation;
 - (b) have an exposed face width between 10.0 centimetres and 23.0 centimetres; and
 - (c) consist of wood shingles; wood siding; wood clapboard; or wood- or cellulose-composite panels, such as MDF or fibre-cement board, designed to mimic the appearance of traditional wood siding.
- 5.6.9. Exterior siding and cladding that forms part of the public façade for accessory buildings may include a combination of horizontal and vertical siding and cladding and shall consist of wood shingles; wood siding; wood clapboard; or wood- or cellulose-composite panels, such as MDF or fibre-cement board, designed to mimic the appearance of traditional wood siding.
- 5.6.10. The following external siding and cladding materials shall not be permitted in the Architectural Control Overlay:
- (a) unfinished concrete, except for foundation walls no greater than 0.6 metres above grade;
 - (b) unfinished plywood;
 - (c) particleboard, chipboard, or strand board;
 - (d) corrugated plastic, corrugated fiberglass, or corrugated metal;
 - (e) metal siding utilizing exposed fasteners.
- 5.6.11. Building mechanical and servicing equipment, including, but not limited to, air handling units, electrical equipment, and fuel tanks, shall not form part of the facade along the front lot line.
- 5.6.12. Within the Architectural Control Overlay accessory solar collector systems shall not be located on part of a structure that forms part of the public façade, except when integrated into roof cladding materials following the elevation and plane of the roof.

Chimneys

- 5.6.13. Notwithstanding Subsection 5.6.8 and Subsection 5.6.9, stone masonry materials, including, but not limited to, brick or other stonework, may be used for any chimney or detailing which form part of a building.

5.6.14. Nothing in this Section shall prevent a chimney from being constructed that complies with requirements and standards set out in the Fire Code, Building Code, or any other applicable building code and safety legislation.

Roof Style

5.6.15. Roofs within the Architectural Control Overlay shall not have a ratio of rise to run shallower than 2:12 on lands within the Commercial Core Zone or Commercial General Zone or Residential Multi-unit Zone, and not shallower than 6:12 on lands within any other zone.

Windows

5.6.16. Windows in the Architectural Control Overlay shall be rectangular and vertically oriented with a minimum width-to-height ratio 1:1.5 to a maximum width-to-height ratio of 1:2.

5.6.17. Notwithstanding 5.6.16, wider, horizontal window openings may be achieved by combining sash windows in a mullioned frame.

5.6.18. Notwithstanding 5.6.16, windows may deviate from being rectangular and vertically-oriented in the following situations:

- (a) Bathroom windows except those on the front principal façade.
- (b) Windows on the first storey level of commercial or industrial buildings.
- (c) Windows located directly below the gable peak of a roof.
- (d) Transom windows and piano windows that do not exceed a vertical dimension of 0.5 and shall be located directly above and joined with the transom that separates a window or door from the transom window or piano window.

Architectural Control Exemptions

5.6.19. Notwithstanding Subsection 5.6.1, Council may consider by development agreement, Indigenous developments or developments that do not meet the specific architectural design standards established for the Architectural Control Overlay, in accordance with Policy 4-77 or Policy 4-78 of the Municipal Planning Strategy.

5.7. Automobile Body Shops and Automobile Repair Shops

5.7.1. Outdoor storage for automobile body shops and automobile repair shops shall:

- (a) not be located in the front or flankage yard; and
- (b) be fully screened from view by an opaque wooden or wooden simulated fence a minimum of 2.0 metres in height.

5.8. Automobile Service Stations

5.8.1. Automobile service stations shall meet the following requirements:

- (a) the lot frontage shall be a minimum of 45.0 metres and shall directly abut a public street;
- (b) the main building shall have at least one façade parallel and adjacent to the front lot line;
- (c) no portion of any pump island shall be located closer than 6.0 metres from any street line; and
- (d) ingress and egress to and from any automobile service station shall be approved by the Town's Traffic Authority.

5.9. Buildings or Structure to be Moved

5.9.1. No person shall move any building within or into the area regulated by this Bylaw without first obtaining a development permit from the Development Officer.

5.10. Campgrounds

5.10.1. Campgrounds shall be prohibited.

5.11. Cemeteries

5.11.1. Cemetery uses existing on [adoption date] shall not be permitted to expand beyond the lot boundaries as they existed on [adoption date].

5.11.2. The development of new cemetery uses shall not be permitted, except in association with cemetery uses managed by the Town existing on [adoption date].

5.11.3. Accessory buildings and structures for a cemetery shall not exceed 6.0 metres in height and shall meet all other requirements for accessory buildings and structures.

5.12. Coastal Elevation

- 5.12.1. No building shall be constructed in any zone with the finished floor level of any habitable area located below a vertical elevation of 3.5 metres, relative to the Canadian Geodetic Vertical Datum of 2013.
- 5.12.2. Any development within the Flood Risk Area, identified on Schedule 'D', shall:
- (a) acknowledge the potential risks of developing in areas identified as being susceptible to sea level rise and storm surge by signing an indemnification agreement with the Town;
 - (b) locate all central mechanical systems, including, but not limited to, electrical panels, central water, and HVAC systems, above 3.5 metres (CGVD2013); and
 - (c) locate all areas that store hazardous materials and/or potential water pollutants, including, but not limited to, fuel storage tanks, above 3.5 metres (CGVD 2013) or include provisions, approved by a qualified professional at the applicant's cost, that include safety and containment provisions in the event of flooding.
- 5.12.3. Notwithstanding Subsection 5.12.1, existing buildings within the Flood Risk Area, identified on Schedule 'D', may be reconstructed, renovated, repaired, moved, or replaced provided that the work does not increase the floor area within the minimum coastal elevation or reduce the building's existing elevation and all other applicable requirements of this Bylaw are met.

5.13. Conformity with Existing Setbacks

- 5.13.1. The Development Officer may approve a front setback less than the minimum front setback required in a zone if:
- (a) the proposed setback is not less than the smallest front setback of any main building within 60.0 metres on the same street and within the same zone as the proposed building; and
 - (b) the proposed setback is not less than 1.5 metres.

5.14. Commercial Livestock

- 5.14.1. Commercial livestock operations shall be prohibited.

5.15. Connection to Central Services

5.15.1. New plumbed buildings shall be connected to public sewer systems where such services are available. Where service availability is disputed or unclear, the Town Engineer shall decide based on site conditions and available capacity prior to the issuance of a development permit.

5.16. Conservation Uses

5.16.1. Conservation uses shall be permitted in all zones and shall not require a development permit.

5.17. Construction Accessories

5.17.1. Nothing in this Bylaw shall prevent the use of land for the use or construction of temporary buildings or structures incidental to construction, such as, but not limited to, a mobile office, tool shed, site washrooms, or scaffold incidental to construction.

5.17.2. Temporary structures incidental to construction shall be removed no more than 60 days after the completion of construction and shall not require a development permit.

5.17.3. Temporary buildings incidental to construction shall be permitted, provided a temporary development permit has been issued by the Development Officer for each temporary building.

5.18. Converted Dwellings

5.18.1. A variance for a converted dwelling, or a dwelling that is being converted, that would extend the building closer to the front or flankage lot line, shall not be permitted.

5.18.2. The gross floor area of a converted dwelling, or a dwelling that is being converted, shall not be increased by more than 20 percent compared to the gross floor area on [adoption date].

5.18.3. The minimum gross floor area of each dwelling unit in a converted dwelling shall be 50.0 square metres and at least one dwelling unit in a converted dwelling shall have a gross floor area of at least 60.0 square metres.

5.19. Drive-through Uses

5.19.1. Drive-through uses shall be permitted, or not, as indicated in each zone's permitted use tables.

5.20. Electrical Vehicle Charging

- 5.20.1. Nothing in this Bylaw shall prevent the installation of a non-commercial electric vehicle charging station, including within the Architectural Control Overlay, where the station is for the exclusive domestic use of a dwelling unit, and shall not require a development permit.
- 5.20.2. Non-commercial electric vehicle charging stations that are not for the exclusive use of a dwelling unit shall be permitted as an accessory use in all zones and shall not require a development permit.
- 5.20.3. Commercial electric vehicle charging stations shall be permitted, or not, as indicated in each zone's permitted use tables.

5.21. Existing Lots Lacking Minimum Area

- 5.21.1. Notwithstanding minimum lot area requirements established elsewhere in this Bylaw, a lot which does not satisfy these minimum requirements for lot area may be used for a purpose permitted in the zone in which the lot is located, and a structure may be constructed on the lot, provided that all other applicable provisions of this Bylaw are satisfied, and the lot satisfies one or more of the following requirements:
 - (a) the lot was in existence on or before April 16, 1987; or
 - (b) the lot was created after April 16, 1987, but before [adoption date] through subdivision approval under any provision of the Subdivision Bylaw or by any division of land for which subdivision approval is not required.
- 5.21.2. Where specific area requirements are established for a use, structure, or building in this Land Use Bylaw, Subsection 5.21.1 shall not apply.

5.22. Fences

- 5.22.1. Fences shall be permitted in all zones and the maximum height of a fence shall be no greater than 2.0 metres and a development permit shall not be required.
- 5.22.2. Notwithstanding Subsection 5.22.1, fences in the Industrial General (IG) Zone may be permitted to a maximum height of 3.0 metres and a development permit shall not be required.
- 5.22.3. The use of barbed wire shall be prohibited except at the top of fences in the Industrial General (IG) Zone.
- 5.22.4. On a corner lot, no fence shall be erected or permitted to a height greater than 0.6 metres above grade within the corner vision triangle.

5.23. Flag Lots

- 5.23.1. Where a lot is considered a flag lot, and a use, listed as a Permitted Use in the zone in which the lot is located, is proposed, development approvals shall proceed through the Site Plan Approval process and shall meet the requirements of Subsection 5.23.2.
- 5.23.2. Where a lot is considered a flag lot, development shall be subject to the following requirements:
 - (a) the proposed use must be within the main portion of a flag lot; and
 - (b) minimum front setbacks shall be measured from the lot line on the main portion of the flag lot that is closest to parallel with the street on which the flag lot fronts.

5.24. Fronting on a Public Street

- 5.24.1. Unless otherwise permitted by this Bylaw, the Development Officer shall only issue a development permit if the lot intended for development abuts and fronts upon a public street.
- 5.24.2. Notwithstanding Subsection 5.24.1, a lot existing on [adoption date] which does not have frontage directly abutting a public street, but which has legal access to the either of a private road created before [adoption date] or a public street, by a right-of-way or easement of no less than 6.0 metres in width, may be used for a purpose permitted in the zone in which the lot is located, and a structure may be constructed on the lot, provided that all other applicable provisions of this Bylaw are satisfied.
- 5.24.3. Where a specific frontage requirement is established for a use, structure, or building in this Land Use Bylaw, Subsection 5.24.2 shall not apply.
- 5.24.4. Notwithstanding other regulations of this Bylaw, development fronting on private roads created after [adoption date] shall be prohibited.

5.25. Habitation of Vehicles

- 5.25.1. No automobile, truck, bus, coach, streetcar, recreational vehicle, trailer, camper, or other motor vehicle or part thereof, with or without wheels, shall be used for human habitation or for commercial occupancy, except where a permit has been issued for temporary vending under the *Temporary Vending Bylaw* and for which a development permit shall not be required.
- 5.25.2. Notwithstanding Subsection 5.25.1, recreational vehicles or campers may be used for human habitation provided that:
- (a) such vehicle is not connected to Town services;
 - (b) such use does not extend for longer than a total of 30 days within any calendar year;
 - (c) such use is not used or intended to be used by the travelling public;
 - (d) such use is not located in the minimum front or flankage yard setback; and
 - (e) such use occurs only on a property with an established main dwelling.

5.26. Heavy Industrial Uses

- 5.26.1. Heavy industrial uses shall be prohibited.

5.27. Height Requirements

5.27.1. The height requirements of this Bylaw shall not apply to church spires, water tanks, flag poles, television or radio antennae, ventilators, skylights, chimneys, clock towers, guard rails, cupolas, steeples, telecommunication towers, and any construction used for the mechanical operation of the building or structures such as a mechanical penthouse or elevator enclosures. For greater clarity, any construction used for the mechanical operation of a building or structure, such as a mechanical penthouse, shall not include any area dedicated to a use other than the mechanical operation of the building or structure.

5.28. Heritage Incentives

5.28.1. A property or building that is a municipally-, provincially-, or federally-registered heritage property shall be eligible for relaxations of Bylaw requirements as outlined in Table 5-1, Heritage Incentives.

Table 5-1. Heritage Incentives.

| Use | Permitted Relaxation |
|------------------------|---|
| (a) All uses | The minimum automobile parking space requirements of Part 6 shall not apply. |
| (b) Bed and Breakfast | The number of sleeping units permitted as-of-right increases by one (1) unit. |
| (c) Boarding House | The number of sleeping units permitted as-of-right increases by one (1) unit. |
| (d) Converted Dwelling | The number of dwelling units permitted as-of-right increases by one (1) unit. |

5.28.2. A municipally-registered heritage property or building may assume a use not permitted by the land use zone in which the property or building is located, but permitted within the designation in which the property or building is located, through a development agreement, in accordance with Policy 4-84 of the Municipal Planning Strategy.

5.29. Home Offices and Studios

- 5.29.1. Nothing in this Bylaw shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit as a personal office or studio for residents of the dwelling unit provided the personal office or studio is not intended to be visited by members of the public.
- 5.29.2. No development permit shall be required for a personal office or studio that has no visiting members of the public.

5.30. Instruction of One or Two Students at a Time

- 5.30.1. Nothing in this Bylaw shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit for the instruction of two (2) students at a time.
- 5.30.2. No development permit shall be required for the instruction of two (2) students at a time.

5.31. Home-based Businesses

Home-based Business in Accessory Buildings

- 5.31.1. Accessory buildings may be used to contain a home-based business provided the floor area of the business does not exceed the maximum area outlined in Subsection 5.31.4.

Home-based Businesses

- 5.31.2. Home-based businesses shall not emit gas, fumes, dust, or objectionable odour, or create noise, vibrations, or light that would be considered uncustomary in a residential neighbourhood.
- 5.31.3. No portion of a home-based business shall be located outside of a main dwelling or accessory building.

5.31.4. Home-based businesses shall meet the following requirements:

Table 5-2. Home-based businesses

| Regulation | Requirement |
|---|---|
| (a) Permitted uses in all zones | Art Gallery / Studio Business or Professional Office Commercial School – six (6) or fewer students Craft Product Workshop Day Care Centre Medical Clinic Personal Service Shops Animal Care - Pet Grooming Service and Repair Shop – excluding vehicle or small engine repair |
| (b) Maximum Floor Area of Home-based Business | 25 percent of the gross floor area of the dwelling unit or 50 square metres, whichever is less. For greater clarity, home-based businesses shall be conducted entirely indoors. |
| (c) Outdoor Storage and Display | Outdoor storage and display shall not be permitted. |
| (d) Retail Sales | Retail sales shall be limited to the sale of products made, assembled, refined, or repaired on the premises; and the sale of goods or materials associated with the business. |

Home-based Businesses Signage

5.31.5. Notwithstanding Part 7 of this Bylaw, Signage, home-based business shall be permitted a maximum of one (1) non-illuminated ground sign or one (1) non-illuminated wall sign, with a sign area no greater than 1.0 square metre.

5.32. Illumination

5.32.1. Exterior lighting on any lot shall be directed away from, and shall not cause glare on, adjoining properties or adjacent streets.

5.33. Landscaping and Stormwater Management

General Landscaping Requirements

- 5.33.1. The requirements of this Section shall apply to all development, except a change of use in a legally existing structure shall be exempt.
- 5.33.2. Any disturbed area of a site, which does not form part of a development, shall be restored at minimum with grass, ground covers, or nature meadow mixtures.
- 5.33.3. Any developed land not used for structures or devoted to a main use on the lot, parking and circulation areas, patios, outdoor storage and/or display, or urban agriculture, shall be landscaped with sod, trees, grasses, shrubs, flowers, creeping plants, street level rain gardens, and/or decorative pavers.
- 5.33.4. All landscaping required in this Land Use Bylaw shall be maintained in a healthy condition and shall be replaced if any required landscaping perishes.

Stormwater Management

- 5.33.5. Flat roofs and flat-roofed additions may be used as a rooftop garden.
- 5.33.6. Where in this Bylaw stable surfaces are required for means of transportation or parking or loading spaces, pervious pavement or pavers may be used.

5.34. Multiple Main Buildings

- 5.34.1. Unless otherwise prohibited in this Bylaw, any number of main buildings may be located on the same lot, subject to applicable zone requirements.

5.35. Multiple Uses

- 5.35.1. In any zone, where any land or building is used for more than one (1) purpose, all the provisions of this Bylaw relating to each use shall be satisfied. Where there is a conflict, such as in the case of lot area or lot frontage, the higher more stringent standard shall prevail.

5.36. Non-conforming Uses

- 5.36.1. Non-conforming uses shall be subject to the provisions for non-conforming uses of the *Municipal Government Act*, except a non-conforming use shall not be recommenced if discontinued for a continuous period of 12 months.

5.37. Non-conforming Structures

- 5.37.1. Notwithstanding lot area, lot frontage, and minimum setback requirements of this Bylaw, the use of a non-conforming structure may be changed to any other use permitted in that zone, provided all other requirements of this Bylaw are met.
- 5.37.2. Non-conforming structures may be replaced, reconstructed, enlarged, renovated, and/or repaired, provided:
- (a) any such construction does not further infringe on the Bylaw requirements(s) that created the non-conformity; and
 - (b) all other requirements of this Bylaw are met.

5.38. Parking and Loading

- 5.38.1. Parking and loading areas shall be provided in accordance with the applicable requirements of Part 6, Parking, of this Bylaw.

5.39. Parks and Playgrounds

- 5.39.1. Parks and playground uses shall be permitted in all zones and shall not require a development permit.

5.40. Permitted Encroachments in Minimum Setbacks

- 5.40.1. Every part of any minimum setback required by this Bylaw shall be open and unobstructed by any structure, except those structures permitted in a minimum setback in this Bylaw, from the ground to sky.
- 5.40.2. Notwithstanding zone requirements and Subsection 5.40.1, the following structures may project into or be located in a required minimum setback in accordance with the distances set out in Table 5-3, below:

Table 5-3. Permitted Setback Encroachment

| Structure | Required Setback in which Projection is Permitted | Permitted Encroachment Distance |
|---|--|--|
| (a) Barrier-free access (accessibility) structures | Any | To lot line |
| (b) Fire escapes | Rear and side | 1.5 m |
| (c) Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or similar architectural features | Any | 0.6 m |

5.41. Personal Storage Buildings

- 5.41.1. Where there is no other main building on a lot, a personal storage building less than 6.0 metres in height without plumbing and with a building footprint no greater than 20.0 square metres, but not including a shipping container, shall be permitted in any zone except the Open Shoreline (OS) Zone, provided the building is a minimum of 5.0 metres from the front lot line and that all other provisions of Section 5.2 of this Bylaw are satisfied as if the personal storage building were regarded as an accessory building or structure.

5.42. Public Utilities

- 5.42.1. Unless otherwise stated, any public utility that is essential for the actual provision of a service, but not including wind turbine generators, solar collector systems, and telecommunication towers, shall be permitted in any zone and shall be exempt from lot requirements, from setbacks, and the requirements of 5.24 related to road frontage. These utilities include, but are not limited to, telephone switching centres, electrical substations, sewage treatment facilities, and water supply facilities.
- 5.42.2. For greater clarity, uses not directly related to the provision of service shall not be included in the exemptions of this Section, and shall only be permitted in accordance with zone requirements. Such uses include, but are not limited to, administrative offices and maintenance depots.

5.43. Salvage Yards

- 5.43.1. Salvage yards shall not be permitted in any zone.

5.44. Shipping Containers

- 5.44.1. Shipping containers shall not be used for human habitation.
- 5.44.2. Notwithstanding Subsection 5.44.1, modified shipping containers may be integrated as building material into dwellings, except within the Architectural Control Overlay, indicated on Schedule 'B'.
- 5.44.3. Shipping containers shall not be used as accessory buildings or structures, with the following exceptions:
 - (a) Temporary storage for a period not exceeding a total of 60 days in a calendar year, for which a temporary development permit has been issued by the Development Officer.
 - (b) In the Industrial General (IG) Zone, where the container(s) are not located in any front, flanking, or side yard.
 - (c) Buildings or structures accessory to an emergency services use or a hospital.

5.45. Short-term Rentals

5.45.1. Short-term rentals in the Commercial Core Zone and Commercial General Zone shall:

- (a) require a development permit; and
- (b) shall not be permitted on the first floor.

5.45.2. Short-term rentals in all other zones, where permitted, shall be subject to the following requirements:

- (a) Short-term rentals shall require a development permit.
- (b) Short-term rentals shall be limited to one (1) unit per lot.
- (c) Short-term rentals shall not be permitted in an accessory dwelling.
- (d) Signage associated with a short-term rental shall not be permitted.
- (e) For this Subsection, where a lot contains a two-unit dwelling, triplex dwelling, or multi-unit dwelling, each individual dwelling shall be considered separate lots.
- (f) Short-term rentals shall only be permitted where proof of primary residency is provided to the Development Officer. Where there is more than one (1) dwelling on a lot, per Clause 5.45.2(e), the occupier of each dwelling unit shall be required to provide proof of primary residency.

5.46. Side Yard Requirements - Exceptions

5.46.1. Notwithstanding anything else in the Bylaw, where buildings on adjacent lots share a common fire wall, the applicable side setback requirements shall be waived.

5.47. Signs and Advertising

5.47.1. All signs shall be subject to the applicable requirements of Part 7, Signs, of this Bylaw.

5.48. Special Uses Permitted

5.48.1. Nothing in this Bylaw shall prevent the use of land or the construction of temporary buildings, structures or signs for special occasions and holidays not to exceed two (2) weeks in duration and no development permit shall be required for such temporary uses, provided that such uses or structures remain in place for no more than seven (7) days following the termination of the special occasion or holiday.

5.49. Solar Collector Systems - Accessory

- 5.49.1. Accessory solar collector systems shall be permitted in all zones and shall require an interconnection agreement prior to the issuance of a development permit.
- 5.49.2. Accessory solar collector systems may be mounted as free-standing structures or on buildings.
- 5.49.3. Accessory solar collector systems mounted on buildings may exceed the maximum building height in the zone by up to 2.0 metres.
- 5.49.4. Accessory solar collector systems mounted as free-standing structures shall:
 - (a) not exceed a height of 2.0 metres;
 - (b) not be located in any front or flankage yard; and
 - (c) not exceed a panel area of 5.0 square metres.

5.50. Tree Identification and Replacement

- 5.50.1. In any residential or unserviced zone, where a development with a lot coverage of greater than 20% is proposed, the applicant shall submit a tree identification and replacement plan, completed by a qualified professional, at the applicant's expense. Prior to the issuance of a development permit, the Town shall be satisfied the plan:
 - (a) identifies all trees on a plot plan with a diameter at breast height of 30 centimetres or greater that are to be removed or destroyed as a result of construction and development;
 - (b) outlines a replacement plan to replace each tree which has a diameter at breast height of 30 centimetres or greater, on the proposed lot, that are to be removed or destroyed as a result of construction and development, with a tree that has the potential to grow to a minimum of 30 centimetres in diameter at breast height; and
 - (c) if, in the opinion of the Development Officer, replanting trees is not possible on the site, for reasons including, but not limited to, lack of usable space on the lot, the Development Officer may require the planting of trees on another suitable location within the Town as identified by the Town Engineer.

5.51. Urban Agriculture Uses

Urban Agricultural Use Requirements

- 5.51.1. The sale of urban agricultural products grown or produced on-site, shall be permitted as an accessory use to an urban agricultural use.
- 5.51.2. Accessory structure associated with an urban agricultural use, such as, but not limited to, greenhouses, sales stands, and chicken coops, shall not exceed a height of 6.0 metres and shall be subject to all other accessory structure requirements of Section 5.2 and all other relevant zone restrictions for urban agricultural uses.

Keeping of Bees

- 5.51.3. The keeping of bees as an urban agriculture use shall be permitted provided all beehives are located at least 3.0 metres from any lot line and shall be located in the rear yard or a side yard that is not a flankage yard.

Keeping of Chickens and/or Meat Rabbits as an Accessory Use

- 5.51.4. The keeping of chickens and/or meat rabbits shall be permitted as an urban agriculture use shall be subject to the following requirements:
- (a) The number of chickens and/or meat rabbits permitted on a lot shall not exceed a combined total of six (6).
 - (b) The keeping of chickens and/or meat rabbits shall only be permitted where there is a main dwelling on the lot.
 - (c) Chickens shall be limited to laying hens.
 - (d) Chickens and meat rabbits shall be kept within an accessory structure subject to the provisions of Subsection 5.51.2 which shall be located in the rear yard or a side yard that is not a flankage yard, and shall not be permitted to run at large.

5.52. Visibility of Intersections

- 5.52.1. Notwithstanding anything else in this Bylaw, on a corner lot, no building, structure, fence, sign, hedge, shrub, bush, or tree, or any other structure or vegetation shall be erected or permitted to grow to a height greater than 0.6 metres above grade within the corner vision triangle.

5.53. Watercourse Buffer

- 5.53.1. All development, with the exception of those developments listed in Subsection 5.53.3, shall be prohibited within 10.0 horizontal metres of the ordinary high water mark of watercourses identified on Schedule 'C' of this Bylaw.
- 5.53.2. In relation to a development, no person shall alter land levels and no natural vegetation shall be removed within 10.0 horizontal metres of the ordinary high water mark of watercourses identified on Schedule 'C', except:
- (a) to the extent necessary to accommodate developments listed in Subsection 5.53.3; and
 - (b) removal of vegetation to a maximum of 25 percent of the water frontage to facilitate views.
- 5.53.3. Development permitted within the watercourse buffer (subject to zone requirements and other requirements of this Bylaw) are:
- (a) Accessory buildings or structures, personal storage buildings, docks, wharves, piers, and slipways.
 - (b) Boardwalks, walkways and trails with a maximum width of 3.0 metres.
 - (c) The removal of vegetation and alterations to grade necessary to erect erosion control and flood control measures above the ordinary high water mark. Where vegetation has been removed in excess of that permitted, natural vegetation shall be reinstated.
 - (d) The removal of windblown, diseased, or dead trees deemed to be hazardous or unsafe.
 - (e) The limbing of tree branches for improved view plane and ventilation.
 - (f) Safety fences that do not exceed a height of 2.0 metres.
 - (g) Public streets and public infrastructure.

5.53.4. Where the size and configuration of a lot created prior to [adoption date] is such that no main building could be located on the lot the Development Officer may reduce the zone standards for minimum setbacks to the extent necessary to accommodate a main building not exceeding a footprint of 100 square metres, provided:

- (a) the watercourse or shoreline buffer has already been reduced to the maximum amount possible through the use of Section 5.54; and
- (b) all other requirements of this Bylaw are met.

5.53.5. Existing buildings located within the watercourse buffer may be reconstructed, renovated, repaired, moved, or replaced provided the work does not increase the building's footprint within the buffer or reduce the depth of the shoreline buffer and all other applicable requirements of this Bylaw are met.

5.54. Watercourse Buffer Reduction

5.54.1. Notwithstanding Subsection 5.53.1 and Subsection 5.53.2, the Development Officer may issue a Development Permit for a development within the watercourse buffer provided a detailed study, including a plot plan, prepared by a qualified person clearly demonstrates:

- (a) the proposed development is at least 2.0 metres in elevation above the ordinary high watermark and conforms with the vertical coastal elevation requirements of Section 5.12 of this Bylaw;
- (b) the proposed development is set back a minimum of 4.0 horizontal metres from the ordinary high watermark; and
- (c) the reduction of the buffer area does not increase the hazard posed by erosion, as determined by a qualified professional.

5.55. Wind Turbines

5.55.1. Wind turbines with a production capacity greater than 0.01 megawatts (10 kilowatts) are prohibited.

5.55.2. Wind turbines with a production capacity of 0.01 megawatts (10 kilowatts) or less shall be permitted in the Residential Unserviced (RU) Zone subject to the following requirements:

- (a) the wind turbine height shall not exceed 7.0 metres;
- (b) wind turbines shall be limited to one (1) per lot; and
- (c) the wind turbine shall be a minimum of three (3) times the wind turbine height from any adjacent property lines or structure on the lot.

5.56. Wharves, Piers, and Other Coastal Access Uses

5.56.1. Wharves, piers, slipways, launching ramps and similar coastal access uses shall be permitted, without a development permit, in all zones.

5.57. Wood-burning Furnaces and Waterstoves - Outdoor

5.57.1. Outdoor waterstoves and outdoor wood-burning furnaces shall be prohibited in all zones.

6. Parking

6.1. Exemption from Parking Requirements

- 6.1.1. The requirements of this Part shall not apply to any land use that was legally in existence on the effective date of this Land Use Bylaw.
- 6.1.2. Where a change in use would require parking that could not be accommodated on the lot without the demolition, in whole or in part, of a main building legally existing on [adoption date] the Development Officer may consider a reduction in the number of parking spaces via the variance process as provided by Section 4.11.

6.2. Minimum Number of Parking Spaces Requirements

- 6.2.1. No development permit shall be issued for any development unless off-street parking, located within the same zone and within 100.0 metres of the location it is intended to serve, is provided. The parking shall be provided and maintained in conformity with Table 6-1.
- 6.2.2. Where a development proposes to provide any required number of automobile parking spaces off-site, the parking spaces shall be subject to the following requirements:
 - (a) Off-site parking shall not be permitted for a residential use;
 - (b) Off-site parking shall only be permitted where four (4) or more parking spaces are required.
 - (c) The Development Officer shall be satisfied the proposed off-site parking cannot be reasonably provided on the same lot that requires the parking for reasons including, but not limited to, lack of usable space on the lot for parking, inadequate or unsafe access/egress to the lot, the presence of mature trees, or threat of natural hazards.
 - (d) Off-site parking shall only be permitted as a Parking Lot use and shall require a development permit.
 - (e) Prior to the issuance of a development permit for a Parking Lot use for off-site parking, in addition to the requirements of Part 16, a parking easement must be registered with the Nova Scotia Land Registry, registering the automobile parking spaces for the exclusive use of the benefited premise. For greater clarity, an off-site parking area may be used to service multiple premises or lots.
 - (f) The parking easement may be released when:

- i. the parking requirement is met through an alternate proposal, or the required number of parking spaces has been reduced; or
- ii. the use that requires off-site parking permanently ceases to operate and is confirmed in writing to the Development Officer.

6.2.3. Where the number of required parking spaces that is required is not defined in Table 6-1, the Development Officer shall determine the minimum number of automobile parking spaces based on the needs of the proposed development.

Table 6-1. Minimum Automobile Parking Requirements

| Use | Parking Spaces Required |
|---|---|
| (a) Art Gallery / Studio | One (1) space |
| (b) Automobile Body or Repair Shop | Two (2) spaces per service bay |
| (c) Banks and Financial Institutions | One (1) space per 25 m ² GFA |
| (d) Bed and Breakfast | One (1) space per every sleeping unit |
| (e) Boarding House | One (1) space plus one (1) additional space per every three (3) sleeping units |
| (f) Business or Professional Office | One (1) space per 50 m ² GFA |
| (g) Commercial Recreation | One (1) space per 50 m ² GFA |
| (h) Convenience Store | Three (3) spaces |
| (i) Dwellings – Converted, Two-unit, Single-unit, Triplex | Two (2) spaces per dwelling unit if located within an area identified on Appendix 'A'; or One (1) space per dwelling unit otherwise. |
| (j) Dwellings – Multi-unit | 1.25 spaces per dwelling unit. |
| (k) Fixed-roof Overnight Accommodations | One (1) space per suite or rental unit. |
| (l) Funeral Home | One (1) space per 20 m ² GFA dedicated to public use |
| (m) Home-based Business | One (1) space |
| (n) Licensed Liquor Establishment | One (1) space per 25 m ² GFA |
| (o) Personal Service Shop | One (1) space per 50 m ² GFA |
| (q) Post Office | Four (4) spaces |
| (r) Private Club | One (1) space per 30 m ² GFA |

| | |
|--|---|
| (s) Restaurant – Drive-through, Eat-in | One (1) space per 20 m ² GFA |
| (t) Restaurant – Take-out | Three (3) spaces |
| (u) Retail Store | One (1) space per 30 m ² GFA |
| (v) School – Commercial | One (1) space per 50 m ² GFA |
| (w) Service and Repair Shop | Three (3) spaces |
| (x) Veterinary Clinic | Three (3) spaces |

6.2.4. Where a lot contains more than one (1) use, the number of required parking spaces shall be the sum of the number of parking spaces required for each use.

6.2.5. Where the number of automobile parking spaces required includes a fraction or fractions of whole spaces, the number of spaces for all uses shall be totaled before rounding, and then the total shall be rounded to the nearest whole number but shall not be zero (0). Half spaces shall be rounded down except where rounding would cause the number of required spaces to be zero (0).

6.2.6. Required automobile parking spaces shall be:

- (a) a minimum of 2.5 metres wide by 5.5 metres long for 90-degree spaces; and
- (b) a minimum of 3.6 metres wide by 5.7 metres long for angled spaces.

6.3. Parking and Loading Exemption in the Commercial Core

6.3.1. For all non-residential uses, the minimum parking requirements of Section 6.2 and the loading space requirements of Section 6.6 shall not apply to lands within the Commercial Core (CC) Zone.

6.4. Parking Location

6.4.1. Automobile parking spaces shall not be located in the front or flankage yard in the Commercial Core (CC) Zone or the Residential Multi-unit (RM) Zone.

6.4.2. No more than three (3) parking spaces shall be located in the front yard of any dwelling.

6.5. Automobile Parking Area Standards

- 6.5.1. Where parking facilities for more than four (4) automobiles are required or provided, the facilities shall meet the following requirements:
- (a) The parking area shall be maintained with a stable surface, including, but not limited to, asphalt, concrete, and permeable pavers, that is treated to prevent the raising of dust or loose particles.
 - (b) Any lights used for illumination of the parking lot shall be arranged as to divert light away from streets, adjacent lots and buildings.
 - (c) Any structure for the use of a parking attendant shall not be permitted.
 - (d) When the parking area is of permanent hard surface, each parking space and the direction of travel shall be clearly marked and maintained as such.
 - (e) All means of ingress and egress shall be approved by the Town's Traffic Authority.
 - (f) The width of a driveway leading to parking or loading areas or a driveway or aisle in a parking area, shall be a minimum of 3.0 metres for one-way traffic and a minimum of 6.0 metres for two-way traffic, and the maximum width of a driveway shall be 9.0 metres.

6.6. Loading Spaces

- 6.6.1. In every zone except the Commercial Core (CC) Zone, no person shall erect or use any building or structure for manufacturing, non-residential storage, warehouse, department store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary, or other use involving the frequent shipping, loading, or unloading of persons, animals or goods, unless there is maintained on the same premises one (1) off-street space of standing loading and unloading for every 2,700.0 square metres or fraction thereof of gross floor area used for any such purpose.
- 6.6.2. Each loading space shall be at least 4.0 metres wide by 12.0 metres long, with a minimum of 4.3 metres height clearance.
- 6.6.3. Notwithstanding Subsection 6.6.1, the provision of a loading space for any building or use with less than 300 square metres of gross floor area shall be optional.
- ~~6.6.4.~~ Loading spaces shall not be located within any required minimum front setback or be located within any yard that abuts the Residential Core (RC) Zone, the Residential General (RG) Zone, the Residential Multi-unit (RM) Zone, or the Conservation (C) Zone unless, in the opinion of the Development Officer, the minimum front setback or the rear yard that abuts the aforementioned zones is the only possible option due to the structure's placement on the lot or because of abutting zone restrictions.
- 6.6.5. Loading space areas, including driveways leading thereto, shall be constructed and maintained with a stable surface treated so as to prevent the raising of dust or loose particles.
- 6.6.6. Access and egress for the required loading space areas shall be provided by means of unobstructed driveways of a minimum wide of 3.0 metres for one-way traffic or a minimum of 6.0 metres for two-way traffic.

6.7. Commercial Vehicles in Residential Zones

- 6.7.1. Commercial vehicles parked overnight in the Residential Core (RC) Zone, the Residential General (RG) Zone, or the Residential Multi-unit (RM) Zone shall be subject to the following conditions and no development permit shall be required:
- (a) Not more than two (2) commercial vehicles, including taxis, shall be parked overnight per lot.
 - (b) The commercial vehicle shall be personally used by a tenant, resident, or owner of the lot.
 - (c)** The commercial vehicle shall not include an operating refrigeration unit.

6.8. Minimum Number of Bicycle Parking Spaces

- 6.8.1. Within the Commercial Core (CC) Zone, the Commercial General (CG) Zone, and the Institutional (I) Zone, for every building or structure to be erected or enlarged, or for any change of use, bicycle parking spaces shall be provided in accordance with Table 6-2, Minimum Bicycle Parking Requirements.

Table 6-2. Minimum Bicycle Parking Requirements

| Use | Bicycle Parking Spaces Required |
|---|---|
| (a) Business or Professional Office | Two (2) spaces |
| (b) Commercial Recreation | Two (2) spaces |
| (c) Convenience Store | Two (2) spaces |
| (d) Dwellings – Grouped, Multi-unit | One (1) space per every two (2) units |
| (e) Fixed-roof Overnight Accommodations | One (1) space per every 10 suites or rental unit. |
| (f) Personal Service Shop | Two (2) spaces |
| (g) Post Office | Two (2) spaces |
| (h) Private Club | Two (2) spaces |
| (i) Restaurant – Drive-through, Eat-in | Two (2) spaces |
| (j) Restaurant – Take-out | Two (2) spaces |
| (k) Retail Store | Two (2) spaces |
| (l) School – Commercial | Two (2) spaces |

6.9. Bicycle Parking Instead of Automobile Parking Spaces

- 6.9.1. The minimum number of automobile parking spaces required for a use, as outlined in Section 6.2, shall be reduced by one (1) for every four (4) bicycle parking spaces provided in excess of the requirements of Section 6.8 and that meets the standards of Section 6.10. This substitution shall not apply to single-unit dwellings, two-unit dwellings, triplex dwellings, or short-term rentals.
- 6.9.2. The maximum reduction of automobile parking spaces provided by Subsection 6.9.1 shall be limited to three (3) automobile parking spaces or 10 percent of the required automobile parking spaces, whichever is greater.

6.10. Bicycle Parking Space Standards

- 6.10.1. Each bicycle parking space provided shall:
- (a) be located between the main building and the front lot line unless the building is a grouped or multi-unit dwelling or unless, in the opinion of the Development Officer, this location is not possible due to the main building being located on or near the front lot line;
 - (b) be accessible to the public;
 - (c) have a minimum width of 0.6 metres and a minimum length of 2.0 metres;
 - (d) be free of obstructions to a height of 3.0 metres;
 - (e) be surfaced with asphalt, concrete, interlocking paving stones or with a stable surface treated so as to prevent the raising of dust or loose particles;
 - (f) not obstruct automobile or pedestrian circulation;
 - (g) be accessed by an access lane with a minimum unobstructed width of 1.2 metres;
 - (h) include an “inverted U” or “post-and-ring” bicycle rack that:
 - i. is located on one side of the parking space and oriented parallel to the length of the parking space;
 - ii. is permanently mounted into or onto the surface with the midline of the rack at the midline of the length of the parking space;
 - iii. is made of metal.
- 6.10.2. For greater clarity, one (1) bicycle rack may be used to fulfill the rack requirements for two (2) adjacent bicycle parking spaces by placing it on the shared border of the two (2) spaces.

7. Signs

7.1. Signage Provisions for All Zones

- 7.1.1. All signs and all parts thereof, including copy, framework, supports, background, and anchors shall be kept in a good state of repair and working order.
- 7.1.2. Any sign that no longer advertises a bona fide business conducted or a product sold are deemed to be obsolete and shall be removed once the use has been discontinued for a period exceeding 60 days. In the case of seasonal businesses, the use shall be considered discontinued on December 31st of a calendar year if the use was not operated in that calendar year.
- 7.1.3. Where this Part is inconsistent with the regulations made or administered by the Province of Nova Scotia respecting advertising signs on or near public highways, the more restrictive regulations shall apply.
- 7.1.4. No person shall erect or relocate any signs, except those permitted under Section 7.3, Signs Permitted in All Zones, without first obtaining a development permit from the Development Officer, and no development permit shall be issued to erect a sign unless all the provisions of this Bylaw are satisfied.
- 7.1.5. A development permit shall not be required for:
 - (a) a changeable copy sign with a valid development permit, where the changeable portion of the sign is altered so long as the sign or sign structure is not modified in any other way; or
 - (b) the repainting, cleaning, or repairing of a sign or sign structure, for which has a valid development permit, so long as the sign or sign structure is not modified in any other way. For greater clarity, this provision shall not apply where the repainting, cleaning, or repairing of a sign results in a wholly new business or organization being advertised.

7.2. Signs Prohibited in All Zones

7.2.1. Notwithstanding any other provision of this Bylaw, the following signs shall not be permitted in any zone:

- (a) signs or sign structures that constitutes a hazard to public health or safety;
- (b) signs that obstruct free ingress to or egress from a fire escape door, window or other required exit way;
- (c) signs that obstruct access to any fire hydrant or firefighting hose connection;
- (d) signs which have any visible moving part or mechanical movement of any description;
- (e) flashing or animated signs;
- (f) signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or other similar words, phrases, symbols, lights, or characters displayed in such a manner as to interfere with, mislead, or confuse traffic along a public road;
- (g) signs on public property or within a public right-of-way, unless erected by a government body or unless written permission to do so has been obtained from the governmental body and it conforms to any applicable policies;
- (h) signs painted on, attached to, or supported by a tree, stone, cliff, or other natural object;
- (i) signs that, by reason of size, location, content, colouring or manner of illumination, obstruct the vision of automobile drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads;
- (j) portable signs, except those permitted under Section 7.11, Sandwich Board Signs;
- (k) signs located on the roof of any structure; and
- (l) all signs that are not expressly permitted in this Bylaw.

7.3. Signs Permitted in All Zones

7.3.1. Notwithstanding any other provisions of this Bylaw, the following signs are permitted in all zones without the requirement for a development permit:

- (a) "No Trespassing" signs or other such signs regulating the use of a property, and of not more than 0.2 square metres in sign area.
- (b) Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, safety signs, signs identifying public schools, public election lists, signs giving legal notice, planning application signs, and public identification and information signs.
- (c) Election signs on private property.
- (d) Memorial signs or tablets and signs denoting the date of erection of a structure.
- (e) A maximum of two (2) real estate signs on a property, each one not exceeding 0.5 square metres in sign area, which advertise the sale, rental, or lease of the premise.
- (f) Signs identifying the name and occupation of the resident, and of not more than 0.2 square metres in sign area.
- (g) Signs bearing the name or civic number of a building, and of not more than 0.2 square metres in sign area.
- (h) Signs mounted on the interior surface of sporting facilities such as, but not limited to, signs mounted on baseball diamond fences.
- (i) Signs regulating or denoting on-premise traffic, or parking or other signs denoting the direction or function of various parts of a building or premise, provided that such signs are less than 0.5 square metres in sign area.
- (j) The flag, pennant, or insignia of any nation, province, or state or of any religious, charitable, or fraternal organization.
- (k) Interpretive panels describing the history, science, or cultural relevance of a location and bearing no commercial advertising.
- (l) A sign incidental to the construction of a residential, commercial, or industrial building, which is located on the same lot as the structure under construction. Such sign shall have a sign area of no more than six (6) square metres and shall be removed within sixty days following the completion of construction.

- (m) Temporary signs associated with a specific event and bearing no commercial advertising, which does not exceed 1.5 metres in sign area that is located on the lot which the event is taking place upon. Such signs shall not be placed more than 14 calendar days before an event and shall be removed within seven (7) of the event's conclusion.
- (n) Signs erected in compliance with any Town of Mahone Bay signage program and holding a valid permit as may be required by any bylaw or Council policy applicable to any such program.

7.4. Illumination

- 7.4.1. Signs, except within residential zones, may be internally illuminated or illuminated through the use of shielded downlighting, but such illumination shall not flash.
- 7.4.2. Any sign, or part thereof, which is illuminated, shall not project illumination onto adjacent properties.

7.5. Non-commercial Signs

- 7.5.1. Signs which are not associated with a special occasion and are not otherwise permitted by the Bylaw may be permitted in any zone, but:
 - (a) shall not exceed 1.0 square metre in sign area on each side;
 - (b) shall not display any commercial advertising; and
 - (c) shall require a temporary development permit issued by the Development Officer for which the sign may remain on display for a maximum of 30 days in a calendar year.

7.6. Ground Signs

- 7.6.1. Ground signs:
 - (a) shall not exceed a height of 6.0 metres, from grade to the highest part of the sign;
 - (b) shall not exceed 2.2 square metres in sign area for each side of the sign;
 - (c) shall not exceed the limit on the total area of all ground signs on a lot which is 0.09 square metres for each 0.3 metre of the front wall of the building in which the business is located;
 - (d) shall not project over a corner lot sight triangle or a lot line; and
 - (e) shall have a minimum setback of 1.0 metre between any supporting sign structure and lot lines.

7.7. Electronic Message Board and Changeable Copy Signs

- 7.7.1. Any permitted sign, or portion thereof, may be a changeable copy sign panel, subject to all applicable criteria for the type of permitted sign.
- 7.7.2. In the Commercial General (CG) Zone, a maximum of 25 percent of the permitted area for ground signs may be dedicated as an electronic message board sign, subject to all applicable criteria for ground signs and electrical message board signs.
- 7.7.3. Electronic message board shall:
- (a) display a black, non-illuminated screen outside of the business' normal operating hours;
 - (b) not flash or display animation;
 - (c) not exceed 1100 lumens; and
 - (d) not change messages more often than once every 10 seconds.

7.8. Projecting Wall Signs

- 7.8.1. A projecting wall sign shall not:
- (a) exceed 1.9 square metres in sign area for each side of the sign;
 - (b) project over a public street or highway beyond the curb line or highway shoulder at a height less than 4.15 metres;
 - (c) exceed the limit on the total area of all projecting wall signs on a lot which is 0.09 square metres for each 0.3 metres of the front wall of the building in which the business is located;
 - (d) project over a corner vision triangle;
 - (e) project above the eaves, parapet, or roof line of a building;
 - (f) be permitted to swing freely on its supports without the installation of a suitable catch, chain, or other control device; and
 - (g) be less than 2.5 metres above grade at its lowest point.
- 7.8.2. Where any projecting wall sign projects over any street or street right-of-way, a permit issued by the Town's Traffic Authority shall be required.

7.9. Wall Signs

7.9.1. Wall signs:

- (a) shall not exceed a sign area of 0.1 square metre per 0.3 lineal metre of the wall on which the sign is affixed. The total sign area for a wall sign shall not exceed 9.25 square metres, except in the case of multiple tenancy buildings, where the limit shall be 11.6 square metres.
- (b) shall not extend beyond the wall to which they are affixed.

7.10. Window Signs

7.10.1. Window signs:

- (a) shall not exceed 50 percent of the window's total area.

7.11. Sandwich Board Signs

7.11.1. In all zones except the Residential Core (RC) Zone, the Residential General (RG) Zone, or the Residential Multi-unit (RM) Zone, where sandwich board signs shall be prohibited, sandwich board signs shall be permitted without a development permit, provided:

- (a) such signs shall not exceed 1.2 metres in height and 1.0 metre in width;
- (b) the number of such signs shall not exceed one (1) per lot;
- (c) the sign shall not be located within the boundaries of a public street without a permit issued by the Town's Traffic Authority.

7.12. Off-Premise Signs

7.12.1. Except as provided for by Section 7.11, no sign shall be erected or used for commercial advertising except where the sign is located on the same lot as the establishment which it advertises.

7.13. Signs in Residential Zones

7.13.1. Other than those signs identified in Section 7.3, Signs Permitted in all Zones, no sign shall be located within any residential zone, unless:

- (a) the sign advertises a bona fide home-based business, per Section 5.31 of this Land Use Bylaw.

7.14. Abutting Zone Requirements for Signs

- 7.14.1. Where a commercial zone or an industrial zone abuts a residential zone, the Conservation (C) Zone, the Institutional (I) Zone, or the Parks and Open Space (PO) Zone, signs located in abutting yards shall be subject to the following requirements:
- (a) signs shall not be illuminated; and
 - (b) all signs shall be set back at least 3.0 metres from the abutting property lines.

8. Residential Zones

8.1. Special Requirements for Residential Zones

8.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Residential Core (RC) Zone, the Residential General (RG) Zone, and the Residential Multi-unit (RM) Zone shall be subject to the requirements of this Section.

Bed and Breakfasts

8.1.2. Bed and breakfast establishments shall meet the following requirements:

- (a) No structural alterations shall be made to increase the number of entrances in the front or side of the dwelling, except for those required by the Building Code.
- (b) Two (2) parking spaces shall be permitted in the front and flanking yard. All other parking shall be provided in the side or rear yard and shall be screened or fenced from abutting residential properties.

One Main Building on a Lot

8.1.3. Notwithstanding Section 5.34, only one main building shall be permitted on a lot, with the following exceptions, where the use is permitted in a zone:

- (a) nursing homes;
- (b) residential care facilities; and
- (c) grouped dwellings.

Mobile and Mini Homes

8.1.4. Mobile homes and mini homes, where permitted, shall:

- (a) be limited to one (1) mobile home or mini home per lot;
- (b) have a length to width ratio no greater than 1:3;
- (c) remove any towing apparatus before occupation; and
- (d) be placed on a permanent foundation or include visual skirting around the base of the dwelling to screen the area located from grade to the base of the structure.

Grouped Dwellings

8.1.5. Council shall require a shared servicing plan, prepared by a qualified professional, to ensure any shared services do not become the maintenance responsibility of the Town.

8.2. Permitted Uses in the Residential Zones

8.2.1. The following tables shall outline the permitted uses in the Residential Core (RC) Zone, the Residential General (RG) Zone, and the Residential Multi-unit (RM) Zone, subject to the following scheme:

- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
- (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
- (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the appropriate policy in the Municipal Planning Strategy.
- (d) Uses denoted with a "-" or not listed in the table shall not be permitted.

Residential Uses in the Residential Zones

| | RC | RG | RM |
|------------------------------|-----------|-----------|-----------|
| Accessory Dwelling | P | P | P |
| Bed and Breakfast | | | |
| » 6 or fewer sleeping units | P | P | P |
| » More than 6 sleeping units | - | DA | DA |
| Boarding House | | | |
| » 4 or fewer sleeping units | P | P | P |
| » More than 4 sleeping units | - | DA | DA |
| Converted Dwelling | | | |
| » 5 or fewer dwelling units | DA | P | P |
| » More than 5 dwelling units | - | DA | DA |
| Grouped Dwelling | | | |
| » 2 dwelling units | P | P | - |
| » 3 to 4 dwelling units | S | S | P |
| » 5 to 8 dwelling units | - | S | P |
| » 9 to 12 dwelling units | - | - | S |
| Home-based Business | P | P | P |
| Mini Home | P | P | - |
| Mobile Home | P | P | - |
| Multi-unit Dwelling | | | |
| » 4 dwelling units | P | P | P |
| » 5 to 8 dwelling units | - | P | P |
| » More than 8 dwelling units | - | - | S |
| Nursing Home | - | - | DA |
| Residential Care Facility | - | - | S |
| Two-unit Dwelling | P | P | - |
| Short-term Rental | P | P | P |
| Single-unit Dwelling | P | P | - |
| Small Options Home | P | P | - |
| Triplex Dwelling | P | P | P |

P = permitted | S = site plan | DA = development agreement

Other Uses in the Residential Zones

| | RC | RG | RM |
|-------------------------------|-----------|-----------|-----------|
| Emergency Services | - | - | P |
| Government Buildings and Uses | P | P | P |
| Parks and Playgrounds | P | P | P |
| Places of Workshop | P | P | P |
| Recreational Uses | P | P | P |
| School – Academic | P | P | P |
| Conservation Uses | P | P | P |
| Urban Agricultural Uses | P | P | P |

P = permitted | S = site plan | DA = development agreement

8.3. Residential Core Zone Development Standards

8.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Residential Core (RC) Zone unless the following requirements are met:

| Requirement | Grouped Dwelling | All Other Permitted Uses |
|------------------------------------|------------------|--------------------------|
| (a) Minimum Front/Flanking Setback | 4.5 m | 4.5 m |
| (b) Minimum Rear Setback | 4.5 m | 4.5 m |
| (c) Minimum Side Setback | 2.0 m | 2.0 m |
| (d) Maximum Structure Height | 13.5 m | 13.5 m |
| (e) Maximum Lot Coverage | 40% | 40% |

8.3.2. The following minimum standards shall apply to lots in the Residential Core (RC) Zone:

| Requirement | Grouped Dwelling | All Other Permitted Uses |
|--------------------------|---|---|
| (a) Minimum Lot Area | | |
| i. Serviced lot | 250.0 m ² /DU | 450.0 m ² |
| ii. Unserviced lot | Minimum required by NSE for septic approval | Minimum required by NSE for septic approval |
| (b) Minimum Lot Frontage | 12.0 m | 12.0 m |

NSE = Nova Scotia Department of Environment and Climate Change

DU = Dwelling Unit

8.4. Residential General Zone Development Standards

8.4.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Residential General (RG) Zone unless the following requirements are met:

| Requirement | Triplex, Multi-unit, Grouped Dwelling | All Other Permitted Uses |
|------------------------------------|---------------------------------------|--------------------------|
| (a) Minimum Front/Flanking Setback | 4.5 m | 4.5 m |
| (b) Minimum Rear Setback | 4.5 m | 4.5 m |
| (c) Minimum Side Setback | 3.0 m | 3.0 m |
| (d) Maximum Structure Height | 13.5 m | 13.5 m |
| (e) Maximum Lot Coverage | 40% | 40% |

8.4.2. The following minimum standards shall apply to lots in the Residential General (RG) Zone:

| Requirement | Triplex, Multi-unit, Grouped Dwelling | All Other Permitted Uses |
|--------------------------|--|--|
| (a) Minimum Lot Area | | |
| i. Serviced lot | 500.0 m ² total for first 3 DUs +165.0 m ² /DU thereafter | 500.0 m ² |
| ii. Unserviced lot | Minimum required by NSE for septic approval | Minimum required by NSE for septic approval |
| (b) Minimum Lot Frontage | 12.0 m | 12.0 m |

NSE = Nova Scotia Department of Environment and Climate Change

DU = Dwelling Unit

8.5. Residential Multi-unit Zone Development Standards

8.5.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Residential Multi-unit (RM) Zone unless the following requirements are met:

| Requirement | Triplex, Multi-unit, Grouped Dwelling; Residential Care Facilities | All Other Permitted Uses |
|------------------------------------|--|--------------------------|
| (a) Minimum Front/Flanking Setback | 5.0 m | 5.0 m |
| (b) Minimum Rear Setback | 5.0 m | 5.0 m |
| (c) Minimum Side Setback | 5.0 m | 3.0 m |
| (d) Maximum Structure Height | 13.5 m | 13.5 m |
| (e) Maximum Lot Coverage | 50% | 50% |

8.5.2. The following minimum standards shall apply to lots in Residential Multi-unit (RM) Zone:

| Requirement | Triplex, Multi-unit, Grouped Dwelling; Residential Care Facilities | All Other Permitted Uses |
|--------------------------|--|---|
| (a) Minimum Lot Area | | |
| i. Serviced lot | 400.0 m ² total for first 3 DUs + 125.0 m ² /DU thereafter | 400.0 m ² |
| ii. Unserviced lot | Minimum required by NSE for septic approval | Minimum required by NSE for septic approval |
| (b) Minimum Lot Frontage | 15.0 m | 12.0 m |

NSE = Nova Scotia Department of Environment and Climate Change

DU = Dwelling Unit

9. Commercial Zones

9.1. Special Requirements for Commercial Zones

9.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Commercial Core (CC) Zone and the Commercial General (CG) Zone shall be subject to the requirements of this Section.

Abutting Requirements

9.1.2. Where a commercial zone abuts a residential zone, the Conservation (C) Zone, the Institutional (I) Zone, the Open Shoreline (OS) Zone, or the Parks and Open Space (PO) Zone, the following restrictions shall apply to an abutting yard for commercial zones:

- (a) the minimum side and rear yard setbacks for main buildings and structures and uses, excluding fences, in an abutting yard shall be 6.0 metres;
- (b) the minimum side and rear yard setback for outdoor storage and outdoor display shall be 8.0 metres;
- (c) no parking, driveway or travel surfaces shall be permitted within the abutting yard setbacks;
- (d) side and rear yards shall be screened from view by an opaque wooden or simulated wooden fence with a maximum spacing of 5.0 centimetres between slats and a minimum of 2.0 metres high or by a mixture of coniferous and deciduous trees, to provide screening of the commercial use, parking and driveways, and outdoor storage.

Outdoor Storage and Display

9.1.3. Outdoor storage and display shall be prohibited in the front and flankage yards.

9.1.4. The combined total area of any outdoor storage and outdoor display shall not exceed 50 percent of the ground floor area of the main building or structure on the lot.

Awnings and Canopies

- 9.1.5. Notwithstanding other regulations of this Bylaw, an awning or canopy may be permitted within the Commercial Core (CC) Zone and the Commercial General (CG) Zone by development permit provided a permit has been issued by the Town for the awning or canopy, but the awning or canopy shall not:
- (a) project over a public street beyond the curb line or edge of the travelled way; or
 - (b) project over a public street below a height of 2.5 metres above grade.

Ground Floor Commercial Uses Required

- 9.1.6. In the Commercial Core (CC) Zone and Commercial General (CG) Zone, the following portions of any main building shall be retained for non-residential uses permitted in the zone:
- (a) at least 50% of the façade width on the building level closest in elevation to the street from which the building gains its principal access, and extending horizontally back from that street a minimum of 6 metres measured perpendicularly from the outside wall of that façade; and
 - (b) at least 50% of the floor area of the level closest in elevation to the street from which the building gains its principal access.
- 9.1.7. Within the Commercial Core (CC) Zone, sleeping units for fixed-roof overnight accommodation uses shall not be permitted within the area reserved for non-residential uses, as identified in Subsection 9.1.6.
- 9.1.8. Where multiple main buildings are located on a lot, the requirements of Subsection 9.1.6 shall only apply to the main building(s) located closest to the front lot line and the main building(s) located closest to the flankage lot line (where applicable).

Existing Residential Uses

- 9.1.9. Legally existing residential uses existing on [adoption date] in the commercial zones shall be considered fully conforming uses and shall be permitted to expand.

Density of Multi-unit and Grouped Dwellings

- 9.1.10. In the Commercial Core (CC) Zone and Commercial General (CG) Zone, multi-unit dwellings and grouped dwellings located in the rear yard of commercial buildings shall be permitted to a density of one dwelling unit per 125.0 square metres of total lot area.

9.2. Permitted Uses in the Commercial Zones

9.2.1. The following tables shall outline the permitted uses in the Commercial Core (CC) Zone and the Commercial General (CG) Zone, subject to the following scheme:

- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
- (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
- (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the appropriate policy in the Municipal Planning Strategy.
- (d) Uses denoted with a "-" or not listed in the table shall not be permitted.

Residential Uses in the Commercial Zones

| | CC | CG |
|---|-----------|-----------|
| Bed and Breakfast | | |
| » 6 or fewer sleeping units | P | P |
| » More than 6 sleeping units | DA | - |
| Boarding House | | |
| » 4 or fewer sleeping units | - | P |
| » More than 4 sleeping units | - | DA |
| Grouped Dwellings – in rear yard of a commercial building | S | S |
| Home-based Business | P | P |
| Multi-unit Dwelling | | |
| » In rear yard of a commercial building | S | S |
| » With no commercial use on the lot | DA | DA |
| » Within a commercial building | S | S |
| Nursing Home | DA | DA |
| Short-term Rental | P | P |
| Single-unit Dwelling – Existing | P | P |
| Single-unit Dwelling – within a commercial building | P | P |
| Two-unit Dwelling – within a commercial building | P | P |
| Triplex Dwelling – within a commercial building | P | P |

P = permitted | S = site plan | DA = development agreement

Commercial and Industrial Uses in the Commercial Zones

| | CC | CG |
|--|-----------|-----------|
| Animal Care | P | P |
| Animal Shelter | - | DA |
| Art Gallery / Studio | P | P |
| Automobile Body Shop | - | DA |
| Automobile Repair Shop | - | P |
| Automobile Sales | - | P |
| Automobile Service Station | - | P |
| Banks and Financial Institutions | | |
| » With drive-through | - | S |
| » Without drive-through | P | P |
| Boat and Marine Sales | DA | - |
| Business or Professional Office | P | P |
| Commercial Recreation | | |
| » Indoor | - | P |
| » Outdoor | - | P |
| Convenience Store | P | P |
| Craft Shop | P | P |
| Day Care Centre | P | P |
| Electric Vehicle Charging – Commercial | - | P |
| Farm Market | P | P |
| Fixed-roof Overnight Accommodation | P | P |
| Funeral Home | | |
| » Without crematorium | - | P |
| » With crematorium | - | DA |
| Garden Centre | - | S |
| Licensed Liquor Establishments | | |
| » GFA less than 111 m ² | S | S |
| » GFA 111 m ² or greater | DA | DA |
| Marina | DA | - |
| Marine Recreation Provider | S | S |

P = permitted | S = site plan | DA = development agreement

| | CC | CG |
|---|-----------|-----------|
| Personal Service Shop | P | P |
| Post Office | P | P |
| Radio and Television Stations | - | P |
| Restaurant | | |
| » Drive-through | - | S |
| » Eat-in | P | P |
| » Take-out | P | P |
| Retail Lumber and Home Improvement Yard | - | S |
| Retail Development | | |
| » Less than 300 m ² GFA | P | P |
| » 300 m ² or greater GFA | - | DA |
| Service and Repair Shop | P | P |
| Taxi and Bus Station | - | P |
| Veterinary Clinic | P | P |

P = permitted | S = site plan | DA = development agreement

Other Uses in the Commercial Zones

| | CC | CG |
|-------------------------------|-----------|-----------|
| Community Centre | - | P |
| Cultural Facilities | P | P |
| Emergency Services | P | P |
| Extended Care Facility | DA | P |
| Government Buildings and Uses | P | P |
| Hospital | - | P |
| Interpretive Centre | P | P |
| Medical Clinic | P | P |
| Commercial Parking Lot | - | S |
| Parks and Playgrounds | P | P |
| Places of Worship | P | P |
| Recreation Centre | - | P |
| Recreational Uses | P | P |
| School | | |
| » Academic | - | - |
| » Commercial | S | P |
| » Post-secondary | - | P |
| Conservation Uses | P | P |
| Urban Agricultural Uses | P | P |

P = permitted | S = site plan | DA = development agreement

9.3. Commercial Core Zone Development Standards

9.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Commercial Core (CC) Zone unless the following requirements are met:

| Requirement | All Permitted Uses |
|------------------------------------|--------------------|
| (a) Minimum Front Setback | 1.5 m |
| (b) Minimum Flanking Setback | 0.0 m |
| (c) Maximum Front/Flanking Setback | 3.0 m |
| (d) Minimum Rear Setback | 3.0 m |
| (e) Minimum Side Setback | 1.5 m |
| (f) Maximum Structure Height | 13.5 m |

9.3.2. The following minimum standards shall apply to lots in Commercial Core (CC) Zone:

| Requirement | All Permitted Uses |
|---|----------------------|
| (a) Minimum Lot Area i. Serviced lot | 375.0 m ² |
| (b) Minimum Lot Frontage | 6.0 m |

9.4. Commercial General Zone Development Standards

9.4.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Commercial General (CG) Zone unless the following requirements are met:

| Requirement | All Permitted Uses |
|------------------------------------|--------------------|
| (a) Minimum Front/Flanking Setback | 3.0 m |
| (b) Minimum Rear Setback | 3.0 m |
| (c) Minimum Side Setback | 1.5 m |
| (d) Maximum Structure Height | 13.5 m |

9.4.2. The following minimum standards shall apply to lots in Commercial General (CG) Zone:

| Requirement | All Permitted Uses |
|--------------------------|---|
| (a) Minimum Lot Area | |
| i. Serviced lot | 500.0 m ² |
| ii. Unserviced lot | Minimum required by NSE for septic approval |
| (b) Minimum Lot Frontage | 12.0 m |

NSE = Nova Scotia Department of Environment and Climate Change

10. Industrial Zones

10.1. Special Requirements for Industrial Zones

10.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Industrial General (IG) Zone shall be subject to the requirements of this Section.

Abutting Requirements

10.1.2. Where an industrial use abuts a residential zone, the Conservation (C) Zone, the Institutional (I) Zone, the Open Shoreline (OS) Zone, or the Parks and Open Space (PO) Zone, the following restrictions shall apply to an abutting yard for industrial zones:

- (a) the minimum side and rear yard setbacks for all buildings and structures and uses, excluding fences, in an abutting yard shall be 12.0 metres;
- (b) the minimum side and rear yard setback for outdoor storage and outdoor display in an abutting yard shall be 15.0 metres;
- (c) no parking, driveway or travel surface shall be permitted within the abutting yard setbacks;
- (d) side and rear yards shall be screened from view by an opaque fence a minimum of 2.0 metres high or by a mixture of coniferous and deciduous trees, to provide screening of the industrial use, parking and driveways, and outdoor storage.

Open Storage and Outdoor Display

10.1.3. The following restrictions shall apply to open storage and outdoor display in the Industrial General (IG) Zone:

- (a) open storage or outdoor display shall not be permitted within the required minimum front or flankage yard setback; and
- (b) the area devoted to open storage or outdoor display shall not exceed 50 percent of the lot area.

10.2. Permitted Uses in the Industrial Zone

10.2.1. The following tables shall outline the permitted uses in the Industrial General (IG) Zone subject to the following scheme:

- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
- (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
- (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the appropriate policy in the Municipal Planning Strategy.
- (d) Uses denoted with a "-" or not listed in the table shall not be permitted.

10.2.2. Notwithstanding Subsection 10.2.1, on PID 60419538 commercial and industrial uses identified as permitted or permitted by site plan approval in the following tables shall only be considered via development agreement, subject to the appropriate policy in the Municipal Planning Strategy.

Commercial and Industrial Uses in the Industrial Zones

| | IG |
|---|-----------|
| Animal Care | P |
| Automobile Body Shop | P |
| Automobile Repair Shop | P |
| Automobile Sales | P |
| Automobile Service Station | P |
| Boat and Marine Sales | P |
| Building Material and Equipment Depots | P |
| Electric Vehicle Charging – Commercial | P |
| Electricity Production Industries | P |
| Fishery Related Industries | P |
| Heavy Equipment Sales and Rentals | P |
| Light Manufacturing | P |
| Manufacturing | P |
| Marina | P |
| Micro-brewery | S |
| Micro-distillery | S |
| Post Office | P |
| Recycling Depot | P |
| Retail Lumber and Home Improvement Yard | P |
| Retail Store | P |
| Self-Storage Facility | P |
| Service and Repair Shop | P |

P = permitted | S = site plan | DA = development agreement

| | IG |
|-------------------------------------|----|
| Solar Collector System – Commercial | P |
| Taxi and Bus Station | P |
| Transportation Services | P |
| Warehouse | P |

P = permitted | S = site plan | DA = development agreement

Other Uses in the Industrial Zones

| | IG |
|--|----|
| Commercial Recreation, Outdoor | P |
| Emergency Services | P |
| Parks and Playgrounds | P |
| Government Buildings and Uses | P |
| Commercial Parking Lot | S |
| Recreation Centre | P |
| Recreational Uses | P |
| School | |
| » Post-Secondary, limited to trade schools | P |
| Conservation Uses | P |
| Urban Agricultural Uses | P |

P = permitted | S = site plan | DA = development agreement

10.3. Industrial General Zone Development Standards

10.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Industrial General (IG) Zone unless the following requirements are met:

| Requirement | All Permitted Uses |
|------------------------------------|--------------------|
| (a) Minimum Front/Flanking Setback | 5.0 m |
| (b) Minimum Rear Setback | |
| i. Main Structure | 4.5 m |
| ii. Accessory Structure | 4.5 m |
| (c) Minimum Side Setback | 4.5 m |
| (d) Maximum Structure Height | 13.5 m |

10.3.2. The following minimum standards shall apply to lots in Industrial General (IG) Zone:

| Requirement | All Permitted Uses |
|--------------------------|---|
| (a) Minimum Lot Area | |
| i. Serviced lot | 1,860.0 m ² |
| ii. Unserviced lot | Minimum required by NSE for septic approval |
| (b) Minimum Lot Frontage | 30.0 m |

NSE = Nova Scotia Department of Environment and Climate Change

11. Unserviced Zones

11.1. Special Requirements for Unserviced Zones

11.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Residential Unserviced (RU) Zone shall be subject to the requirements of this section.

Bed and Breakfasts

11.1.2. Bed and breakfast establishments shall meet the following requirements:

- (a) No structural alterations shall be made to increase the number of entrances in the front or side of the dwelling, except for those required by the Building Code.
- (b) Two (2) parking spaces shall be permitted in the front yard. All other parking shall be provided in the side or rear yard and shall be screened or fenced from abutting residential properties.

One Main Building on a Lot

11.1.3. Notwithstanding Section 5.34, only one main building shall be permitted on a lot, with the following exceptions, where the use is permitted in a zone:

- (a) Grouped dwellings

Forestry Uses

11.1.4. Forestry uses shall be subject to the following requirements:

- (a) A separation distance of 150.0 metres shall be required between any sawmill, shingle mill, or wood finishing mill adjacent to a residential or institutional use.
- (b) Outdoor storage relating to sawmills, shingle mills, or wood finishing mills shall be screened from view by fence a minimum 1.5 metres in height or vegetative screen, where the yard used for storage abuts a residential or institutional use
- (c) The maximum total area devoted to forestry uses (including indoor and outdoor areas) shall be 200.0 square metres.

Mobile Homes

11.1.5. Mobile homes, where permitted, shall:

- (a) be limited to a single mobile home per lot;
- (b) remove any towing apparatus before occupation; and
- (c) be placed on a permanent foundation to the satisfaction of the Building Official or include visual skirting around the base of the dwelling to screen the area located from grade to the base of the structure.

11.2. Permitted Uses in the Unserviced Zones

11.2.1. The following tables shall outline the permitted uses in the Residential Unserviced (RU) Zone subject to the following scheme:

- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
- (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
- (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the appropriate policy in the Municipal Planning Strategy.
- (d) Uses denoted with a "-" or not listed in the table shall not be permitted.

Residential Uses in the Unserviced Zones

| | RU |
|------------------------------|-----------|
| Accessory Dwelling | P |
| Bed and Breakfast | |
| » 4 or fewer sleeping units | P |
| » More than 4 sleeping units | - |
| Grouped Dwellings | DA |
| Home-based Business | P |
| Mini Home | P |
| Mobile Home | P |
| Short-term Rental | P |
| Single-unit Dwelling | P |
| Two-unit Dwelling | P |
| Small Options Home | P |

P = permitted | S = site plan | DA = development agreement

Commercial and Industrial Uses in the Unserviced Zones

| | RU |
|---------------|-----------|
| Forestry Uses | P |

P = permitted | S = site plan | DA = development agreement

Other Uses in the Unserviced Zones

| | RU |
|--------------------------------------|-----------|
| Agriculture-related Uses | DA |
| Conservation Use | P |
| Government Buildings and Uses | P |
| Hobby Livestock Building | P |
| Parks and Playgrounds | P |
| Solar Collector Systems – Commercial | DA |
| Urban Agricultural Uses | P |

P = permitted | S = site plan | DA = development agreement

11.3. Residential Unserviced Zone Development Standards

11.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Residential Unserviced (RU) Zone unless the following requirements are met:

| Requirement | All Permitted Uses |
|------------------------------------|--------------------|
| (a) Minimum Front/Flanking Setback | 5.0 m |
| (b) Minimum Rear Setback | 5.0 m |
| (c) Minimum Side Setback | 3.5 m |
| (d) Maximum Structure Height | 13.5 m |

11.3.2. The following minimum standards shall apply to lots in Residential Unserviced (RU) Zone:

| Requirement | Hobby Livestock Building | All Other Permitted Uses |
|--------------------------|--------------------------|---|
| (a) Minimum Lot Area | 10,000 m ² | Minimum required by NSE for septic approval |
| (b) Minimum Lot Frontage | 21.0 m | 21.0 m |

NSE = Nova Scotia Department of Environment and Climate Change

12. Open Shoreline Zone

12.1. Special Requirements for Open Shoreline Zone

12.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Open Shoreline (OS) Zone shall be subject to the requirements of this section.

Existing Residential Uses

12.1.2. Existing residential shall be considered non-conforming.

12.2. Permitted Uses in the Open Shoreline Zone

12.2.1. The following tables shall outline the permitted uses in the Open Shoreline (OS) Zone, subject to the following scheme:

- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
- (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
- (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the appropriate policy in the Municipal Planning Strategy.
- (d) Uses denoted with a "-" or not listed in the table shall not be permitted.

Residential Uses in the Open Shoreline Zone

| | OS |
|---------------------|----|
| Home-based Business | P |

P = permitted | S = site plan | DA = development agreement

Other Uses in the Open Shoreline Zone

| | OS |
|-----------------------|----|
| Parking Lot | S |
| Parks and Playgrounds | P |
| Conservation Uses | P |

P = permitted | S = site plan | DA = development agreement

12.3. Open Shoreline Zone Development Standards

12.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Open Shoreline (OS) Zone unless the following requirements are met:

| Requirement | Existing Dwellings | All Permitted Uses |
|---|--|--|
| (a) Minimum Lot Area i. Serviced lot ii. Unserviced lot | 650.0 m ² Minimum required by NSE for septic approval | 650.0 m ² Minimum required by NSE for septic approval |
| (b) Minimum Lot Frontage | 21.0 m | 21.0 m |
| (c) Minimum Front/Flanking Setback | 4.5 m | 1.5 m |
| (d) Minimum Rear Setback | 4.5 m | 1.5 m |
| (e) Minimum Side Setback | 2.0 m | 2.0 m |
| (f) Maximum Structure Height | 8.0 m | 1.0 m measured from the surface of the adjacent street |

NSE = Nova Scotia Department of Environment and Climate Change

13. Parks and Open Space Zone

13.1. Special Requirements for Parks and Open Space Zone

13.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Parks and Open Space (PO) Zone shall be subject to the requirements of this section.

13.2. Permitted Uses in the Parks and Open Space Zone

13.2.1. The following tables shall outline the permitted uses in the Parks and Open Space (PO) Zone, subject to the following scheme:

- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
- (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
- (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the applicable policy in the Municipal Planning Strategy.
- (d) Uses denoted with a "-" or not listed in the table shall not be permitted.

Residential Uses in the Parks and Open Space Zone

| | PO |
|---------------------|-----------|
| Home-based Business | P |

P = permitted | S = site plan | DA = development agreement

Other Uses in the Parks and Open Space Zone

| | PO |
|-------------------------------|-----------|
| Government Buildings and Uses | P |
| Parking Lot | S |
| Parks and Playgrounds | P |
| Recreational Uses | P |
| Conservation Uses | P |
| Urban Agricultural Uses | P |

P = permitted | S = site plan | DA = development agreement

13.3. Parks and Open Space Zone Development Standards

13.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Parks and Open Space (PO) Zone unless the following requirements are met:

| Requirement | All Permitted Uses |
|------------------------------------|---------------------------|
| (a) Minimum Front/Flanking Setback | 4.5 m |
| (b) Minimum Rear Setback | 4.5 m |
| (c) Minimum Side Setback | 3.5 m |
| (d) Maximum Structure Height | 10.0 m |

13.3.2. The following minimum standards shall apply to lots in the Parks and Open Space (OS) Zone:

| Requirement | All Permitted Uses |
|--------------------------|---|
| (a) Minimum Lot Area | |
| i. Serviced lot | 650.0 m ² |
| ii. Unserviced lot | Minimum required by NSE for septic approval |
| (b) Minimum Lot Frontage | 15.0 m |

NSE = Nova Scotia Department of Environment and Climate Change

14. Institutional Zone

14.1. Special Requirements for Institutional Zone

14.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Institutional (I) Zone shall be subject to the requirements of this section.

Existing Residential Uses

14.1.2. Existing residential shall be considered non-conforming.

Buildings on Abutting Lots

14.1.3. Notwithstanding other parts of this Bylaw, buildings on abutting lots within the Institutional (I) Zone, which are under the same ownership, may be joined or physically attached.

14.2. Permitted Uses in the Institutional Zone

14.2.1. The following tables shall outline the permitted uses in the Institutional (I) Zone subject to the following scheme:

- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
- (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
- (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the applicable policy in the Municipal Planning Strategy.
- (d) Uses denoted with a "-" or not listed in the table shall not be permitted.

Residential Uses in the Institutional Zone

| | I |
|-----------------------------|---|
| Home-based Business | P |
| Nursing Home | P |
| Residential Care Facilities | P |
| Small Options Home | P |

P = permitted | S = site plan | DA = development agreement

Commercial and Industrial Uses in the Institutional Zone

| | I |
|---|---|
| Business or Professional Office | P |
| Commercial Recreation - Outdoor | P |
| Day Care Centre | P |
| Restaurant | |
| » Drive-through | - |
| » Eat-in | - |
| » Take-out, less than 20 m ² GFA | P |
| » Take-out, 20 m ² GFA or more | - |

P = permitted | S = site plan | DA = development agreement

Other Uses in the Institutional Zone

| | I |
|-------------------------------|---|
| Cemetery | P |
| Community Centre | P |
| Cultural Facility | P |
| Emergency Services | P |
| Government Buildings and Uses | P |
| Hospital | P |
| Medical Clinic | P |
| Parking Lot | S |
| Private Club | P |
| Place of Worship | P |

P = permitted | S = site plan | DA = development agreement

| | I |
|-------------------------|---|
| Parks and Playgrounds | P |
| Recreation Centre | P |
| Recreational Uses | P |
| School | |
| » Academic | P |
| » Post-secondary | P |
| » Commercial | P |
| Conservation Uses | P |
| Urban Agricultural Uses | P |

P = permitted | S = site plan | DA = development agreement

14.3. Institutional Zone Development Standards

14.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Institutional (I) Zone unless the following requirements are met:

| Requirement | All Permitted Uses |
|------------------------------------|--------------------|
| (a) Minimum Front/Flanking Setback | 4.5 m |
| (b) Minimum Rear Setback | 4.5 m |
| (c) Minimum Side Setback | 3.5 m |
| (d) Maximum Structure Height | 13.5 m |

14.3.2. The following minimum standards shall apply to lots in the Institutional (I) Zone:

| Requirement | All Permitted Uses |
|--------------------------|------------------------------------|
| (a) Minimum Lot Area | |
| i. Serviced lot | 650.0 m ² |
| ii. Unserviced lot | Minimum required by NSE for septic |
| (b) Minimum Lot Frontage | 21.0 m |

NSE = Nova Scotia Department of Environment and Climate Change

15. Conservation Zone

15.1. Conservation Zone

Uses Permitted As-of-Right

15.1.1. The following uses shall be permitted in the Conservation (C) Zone, subject to all applicable requirements of this Bylaw:

- (a) Permanent or temporary structures owned or installed by the Town.

Development Standards

15.1.2. Except as otherwise permitted by this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Conservation (C) Zone unless the following requirements are met:

| Requirement | All Permitted Uses |
|------------------------------------|--------------------|
| (a) Minimum Lot Area | 0.0 m ² |
| (b) Minimum Lot Frontage | 0.0 m |
| (c) Minimum Front/Flanking Setback | 0.0 m |
| (d) Minimum Rear Setback | 0.0 m |
| (e) Minimum Side Setback | 0.0 m |
| (f) Maximum Structure Height | 10.0 m |

16. Site Plan Approval

16.1. Commercial, Industrial, and Institutional Site Plan Criteria

16.1.1. Where a zone permits a commercial, industrial, or institutional use by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:

Sewage Disposal

- (a) The authority having jurisdiction for sewage disposal shall approve either an on-site sewage disposal system, connection to the Town's central sewer, or a connection to a sewage disposal system satisfying the design and construction requirements of the Town Specifications adopted by Council.

Access to Town Streets

- (b) The Town Engineer shall approve any access to a public street, considering adequacy of sight distances, driveway entrances, traffic safety, and any other traffic concerns including pedestrian safety.

Easements

- (c) The location of all easements shall be identified on the site plan.

Emergency Services

- (d) The development shall have adequate emergency service access.
- (e) The development shall have adequate on-site potable water supply for fire suppression so as not to negatively impact the Town's water supply or adjacent properties.

Location of New Structure

- (f) New buildings and additions to existing buildings shall be located within the permissible building envelope with optimal separation from development on adjacent lots, while conforming with the current and historical streetscape; and no less than 10.0 horizontal metres from the ordinary high water mark of watercourses identified on Schedule 'C' of this Bylaw.
- (g) The main building shall have its primary façade and public entrance located facing the street.

Parking and Outdoor Storage

- (h) Required parking areas shall be located at the side or rear of any new building.
- (i) Individual parking spaces shall be delineated with painted lines or through the varying of surface materials.
- (j) Parking areas, driveways, and outdoor storage areas shall be surfaced with asphalt, concrete, bricks, decorative pavers, permeable pavers, or a combination of these materials.
- (k) Outdoor storage shall not be located in the front or flankage yards.
- (l) Parking and outdoor storage areas shall be screened from adjacent properties and from public streets by a fence at least 1.2 metres high or an equivalent combination of berms and landscaping.

Pedestrian Access

- (m) There shall be a clear and distinct separation of vehicular and pedestrian traffic to minimize potential conflicts.
- (n) The primary entrance(s) of all main buildings shall be connected to the nearest street right-of-way and to any adjacent active transportation route identified in a town active transportation plan by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres in width and paved with asphalt, concrete, or interlocking pavers and separated from automobile areas by physical barriers (curbing, planters, etc.) or by a grade differential between the pathway and the automobile area of 127 mm to 178 mm, except for portions of the pedestrian pathway crossing approximately perpendicular to an automobile circulation aisle.
- (o) Signage shall not obstruct pedestrian routes.

Servicing and Utilities

- (p) All utility equipment shall be enclosed within a building or screened from the street and adjacent properties.
- (q) Solid waste handling areas shall be located in the main building or screened from view with a wall of sufficient height to conceal solid waste receptacles.
- (r) Noise impacts on adjacent properties shall be reduced through the use and careful siting of physical noise buffers, including, but not limited to, berms and sound walls.

Landscaping and Vegetation

- (s) Where possible, vegetation on site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.
- (t) Areas not used for structures or dedicated to a main use, solid waste handling, outdoor storage, automobile parking and circulation, pedestrian walkways, outdoor eating areas, or drive-through infrastructure shall be landscaped. Such landscaping shall consist, at a minimum, a combination of sod, decorative grasses, trees, shrubs, flowers, mulch, fountains, ponds, and/or decorative pavers, and a minimum of 25 percent of the total land area shall be landscaped.
- (u) Landscaping, paving patterns, raised walkways, and/or other design treatments shall be used to differentiate pedestrian walkways to and from the building from driving surfaces.

Site Grading and Land Alterations

- (v) Measures including lot grading and stormwater management practices shall be integrated to adequately dispose, retain, and manage stormwater and surface water.
- (w) Other than the minimum infilling required for construction of wharves and bridges, land levels within 10.0 horizontal metres from the ordinary high water mark of watercourses identified on Schedule 'C' of this Bylaw or the ocean shall not be altered by the filling in of the land to a depth greater than 0.3 metres above the natural ground surface.

Exterior Lighting

- (x) All exterior lighting shall be equipped with full cut-off light fixtures
- (y) Exterior lighting shall not cause glare on adjacent properties.

Drive-through Uses

- (z) Where a drive-through forms part of the development:
 - i. Only one (1) drive-through service shall be permitted on a lot.
 - ii. When a drive-through service or drive-through restaurant is within 60.0 metres of a dwelling, any intercoms, speakers, and services windows shall be located in a manner so as to minimize noise along with the use and careful siting of physical noise buffers, including, but not limited to, berms and sound walls.
 - iii. Drive-through stacking lanes, and all associated entrances and exits to stacking lanes, shall be separated from parking areas, points of access, and the street using landscaped strips and islands.

- iv. Stacking lanes shall not be located closer to the front lot line than the main building.
- v. Entrances to stacking lanes shall be configured as to minimize conflict with vehicle access points from the street or on-site automobile parking.
- vi. Stacking lanes shall provide an adequate number of queuing spaces, determined by a qualified professional and confirmed by the Town's Traffic Authority, to accommodate peak demand for the proposed use.
- vii. Each space within a stacking lane shall be a minimum of 6.5 metres in length and 3.0 metres in width.
- viii. At least two (2) waste and recycling bin stations shall be placed outside a drive-through restaurant, with at least one in a visible/ accessible area near the drive-through lane.

Licensed Liquor Establishments

(aa) Where a licensed liquor establishment forms part of a development:

- i. Outdoor decks and patios shall be located and screened as appropriate to minimize their effect on adjacent uses and their visibility from any street.
- ii. Parking lots shall be screened from adjacent dwellings, academic schools, and places of worship by privacy fences.
- iii. Parking lots and driveways for the use of patrons shall not be located in any minimum setback that abuts a dwelling, academic school, or place of worship.

Micro-brewery and Micro Distillery

(bb) Where a micro-brewery or micro-distillery forms part of a development:

- i. Parking lots shall be screened from adjacent dwellings, academic schools, recreational uses, and places of worship by privacy fences.
- ii. Parking lots and driveways for the use of patrons shall not be located in any minimum setback that abuts a dwelling, recreational use, academic school, or place of worship.

16.1.2. The applicant shall enter into a written undertaking to carry out the terms of the site plan approval.

16.2. Residential Site Plan Criteria

16.2.1. Where a zone permits residential uses by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:

Sewage Disposal

- (a) The authority having jurisdiction for sewage disposal shall approve either an on-site sewage disposal system, connection to the Town's central sewer, or a connection to a sewage disposal system satisfying the design and construction requirements of the Town Specifications adopted by Council.

Access to Town Streets

- (b) The Town Engineer shall approve any access to a public street, considering adequacy of sight distances, driveway entrances, traffic safety, and any other traffic concerns including pedestrian safety.

Easements

- (c) The location of all easements shall be identified on the site plan.

Emergency Services

- (d) The development shall have adequate emergency service access.
- (e) The development shall have adequate on-site potable water supply for fire suppression and domestic supply, so as not to negatively impact the Town's water supply or adjacent properties.

Location of New Structure

- (f) New buildings and additions to existing buildings shall be located within the permissible building envelope with optimal separation from development on adjacent lots, while conforming with the current and historical streetscape; and no less than 10.0 horizontal metres from the ordinary high water mark of watercourses identified on Schedule 'C' of this Bylaw.
- (g) The main building(s) which is closest to the front lot line shall have its primary façade and public entrance located facing the street.
- (h) Any building with decks or balconies above a height of 2.0 metres shall not be permitted within 10.0 metres of any lot line adjacent to a single dwelling, double dwelling, or triplex dwelling existing at the time of the site plan approval application.

Parking and Outdoor Storage

- (i) Required parking areas shall be located at the rear of any new building, with the exception of grouped dwellings.
- (j) Individual parking spaces shall be delineated with painted lines or through the varying of surface materials.
- (k) Parking areas, driveways, and outdoor storage areas shall be surfaced with asphalt, concrete, bricks, decorative pavers, permeable pavers, or a combination of these materials.
- (l) Outdoor storage shall not be located in the front or flankage yards.
- (m) Parking and outdoor storage areas shall be screened from adjacent properties and from public streets by a fence at least 1.2 metres high or an equivalent combination of berms and landscaping.

Pedestrian Access

- (n) The primary entrance(s) of all dwelling units shall be connected to the nearest street right-of-way and to any adjacent active transportation route identified in a town active transportation plan by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres in width and paved with asphalt, concrete, or interlocking pavers and separated from automobile areas by physical barriers (curbing, planters, etc.) or by a grade differential between the pathway and the automobile area of 127 mm to 178 mm, except for portions of the pedestrian pathway crossing approximately perpendicular to an automobile circulation aisle.

Servicing and Utilities

- (o) All utility equipment shall be enclosed within a building or screened from the street.
- (p) Enclosed facilities for solid waste shall be provided for the use of residents. These facilities shall accommodate the number of waste stream collection (e.g., garbage, compost, recycling) provided in the town at the time of permitting. These may be provided as a central collection point or, where appropriate, individual facilities for each dwelling unit. Adequate access shall be provided to the solid waste collection facilities.

Landscaping and Vegetation

- (q) Where possible, vegetation on site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.
- (r) Areas not used for structures, solid waste handling, automobile parking and circulation, pedestrian walkways shall be landscaped. Such landscaping shall consist, at a minimum, a combination of sod, decorative grasses, trees, shrubs, flowers, mulch, fountains, ponds, and/or decorative pavers, and a minimum of 25 percent of the total land area shall be landscaped.

Site Grading and Land Alterations

- (s) Measures including lot grading and stormwater management practices to adequately dispose and retain storm and surface water.
- (t) Other than the minimum infilling required for construction of wharves and bridges, land levels within 10.0 horizontal metres from the ordinary high water mark of watercourses identified on Schedule 'C' of this Bylaw or the ocean shall not be altered by the filling in of the land to a depth greater than 0.3 metres above the natural ground surface.

Exterior Lighting

- (u) All exterior lighting shall be equipped with full cut-off light fixtures.
- (v) Exterior lighting shall not cause glare on adjacent properties or dwellings.

16.2.2. The applicant shall enter into a written undertaking to carry out the terms of the site plan approval.

16.3. Parking Lots

16.3.1. Where a zone permits parking lots as a main use by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:

Access to Town Streets

- (a) The Town Engineer shall approve any access to a public street, considering adequacy of sight distances, driveway entrances, traffic safety, and any other traffic concerns including pedestrian safety.
- (b) The number of vehicular access points shall be determined by the Town Engineer.
- (c) The Town Engineer shall determine the appropriate width for all vehicular accesses and driveways.
- (d) Pedestrian access points shall be separated from vehicular access points by a minimum of 2.0 metres.
- (e) A minimum of one (1) pedestrian access point shall be provided per street frontage.
- (f) Pedestrian access points shall be between 1.5 and 2.0 metres wide.

Easements

- (g) The location of all easements shall be identified on the site plan.

Parking Areas

- (h) All parking spaces and access aisles shall be surfaced with asphalt, concrete, bricks, decorative pavers, or a combination of these materials.
- (i) Individual parking spaces shall be delineated with painted lines or through the varying of surface materials.
- (j) Parking lots with more than 20 parking spaces shall be divided into separate parking areas, each of not more than 20 parking spaces, through the use of curbed and vegetated "landscaped islands" that are a minimum of 1.5 metres wide.
- (k) At least one (1) bicycle parking space meeting the standards of this Bylaw shall be provided for every 10 parking spaces.

Landscaping

- (l) Where possible, vegetation on site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.
- (m) Plant species used shall be salt-tolerant.
- (n) Landscaped areas shall provide visual interest through the mixing of plant species with different heights.

Perimeter

- (o) Parking lot edges adjacent to dwellings shall be screened by a privacy fence a minimum of 2.0 metres in height.
- (p) Except for access points, parking lot edges adjacent to streets shall be delineated with appropriately spaced shade trees, for which the Town Engineer shall approve the location and species of trees, interspersed with low shrubs, decorative planters, decorative walls/fences not exceeding 1.0 metre in height, or a combination of these treatments.

Site Grading and Land Alterations

- (q) Measures including lot grading and stormwater management practices to adequately dispose and retain storm and surface water.
- (r) Other than the minimum infilling required for construction of wharves and bridges, land levels within 10.0 horizontal metres from the ordinary high water mark of watercourses identified on Schedule 'C' of this Bylaw or the ocean shall not be altered by the filling in of the land to a depth greater than 0.3 metres above the natural ground surface.

Exterior Lighting

- (s) All exterior lighting shall be equipped with full cut-off light fixtures.
- (t) Exterior lighting shall not cause glare on adjacent properties.

16.3.2. The applicant shall enter into a written undertaking to carry out the terms of the site plan approval.

17. Definitions

A

Abattoir means the use of a building, structure, or part thereof, for slaughtering animals but does not include the slaughtering of game animals for personal use.

Accessory Building means a separate building located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.

Accessory Structure means a separate structure located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.

Accessory Use means a use subordinate and naturally incidental to a main use of land or building located on the same lot.

Adult Entertainment means premises providing services or entertainment intended to appeal to sexual appetites, such as adult cabarets, adult theatres, and massage parlours, but excludes the standalone retailing of adult material.

Affordable Housing means housing that costs less than 30% of before-tax household income. For the purposes of this definition, housing costs include the following:

For renters: rent and any payment for electricity, fuel, water, and other municipal services.

For owners: mortgage payments (principal and interest), property taxes, and any condominium fees along with payments for electricity, fuel, water, and other municipal services.

Agriculture-related Uses means the use of land, buildings, or structures for processing and storage of agricultural crops, the production of farm products, and the sale of farm products and agricultural products produced on the land, but does not include commercial livestock operations or abattoirs.

Animal Care means the use of buildings or structures for the care of domestic animals and includes veterinary care and grooming, but does not include the breeding of animals, animal day care, or overnight boarding. No outside area may be devoted to or used as part of an animal care use, including, but not limited to, kennels, fenced areas, or any other outdoor space.

Animal Shelter means a facility that holds or boards seized, surrendered, abandoned, or lost domestic pets (e.g., dogs, cats, birds), but does not include livestock. No outside area may be devoted to or used as part of an animal shelter use, including, but not limited to, kennels, fenced areas or any other outdoor space.

Art Gallery / Studio means a building, place, or area where paintings, sculptures, or other works of art are produced, exhibited, and/or sold.

Automobile Body Shop means a building or premises used primarily for the commercial repair of damage to the chassis of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing and similar activity.

Automobile Repair Shop means a building or part of a building used for the repair and service of motor vehicles and may include muffler, brake, radiator, engine, tire, glass replacement, wheel alignment, and other specialized activities directly related to the repair or alteration of motor vehicles, but shall not include paint and body repairs, the manufacture or fabrication of motor vehicle parts for the purpose of sale, or the retailing of gasoline or other fuels.

Automobile Service Station means a building or part of a building or a clearly defined space on a lot used for washing of motor vehicles and/or the retail sale of liquid or compressed gas automobile fuels and lubricating oils and may include the sale of automobile accessories and the minor servicing and minor repairing essential to the actual operation of motor vehicles but does not include an automobile repair shop, automobile sales, or automobile body shop.

Awning or Canopy means an overhead structure supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework, used to shelter a window or doorway.

B

Bed and Breakfast means a single unit dwelling in which there is a resident owner or resident manager who provides overnight accommodation to the travelling public and provides at least one meal (usually breakfast, but occasionally other meals as well) to overnight guests. The bed & breakfast use shall not include provision of meals to non-guests.

Boarding House means a dwelling in which the proprietor supplies either room or room and board for monetary gain and which is not open to the public.

Building means any structure, whether temporary or permanent, that is roofed and that is used for the shelter or accommodation of persons, animals, material, or equipment but does not include frames for sheltering crops.

Building and Construction Contractor means the use of buildings or land for the storage of materials and small tools in support of a building and construction-related trade such as, but not limited to, carpenters, electricians, masons, and plumbers, but does not include the storage of heavy equipment.

Building Official means the person or persons, or designate, appointed by Council from time to time to administer the *Building By-law*.

Business of Professional Office means the use of a building or portion of a building where business may be transacted, a service performed or consultation given, and includes, but is not limited to, offices, lawyers, architects, engineers, planners, accountants, real estate agents, and photographers but shall not include any place where manufacturing of any product or selling of goods is carried on.

C

Campground means the use of land, or part thereof, for providing an overnight camping experience to the travelling public in tents, yurts, bunkies, travel trailers, recreational vehicles, campers, and similar structures and/or vehicles.

Carport means a structure enclosed with canvas, tarping, or similar materials, or a roofed open-side structure, intended for the sheltering of automobiles from the elements and may include decorative screening.

Cemetery means the land used for the burial of the dead and related purposes, such as a columbaria and mausoleums, and excludes a crematorium use, which is included in the definition of funeral home.

Commercial Livestock Operation means an operation in which farm animals, including, but not limited to, horses, swine, fox, mink, fowl, emu, llama, roosters, and ruminants are kept in a building, feedlot, or other facility for feeding, breeding, milking, holding for riding, meat, fur, or egg production, but does not include a hobby livestock building or urban agricultural uses.

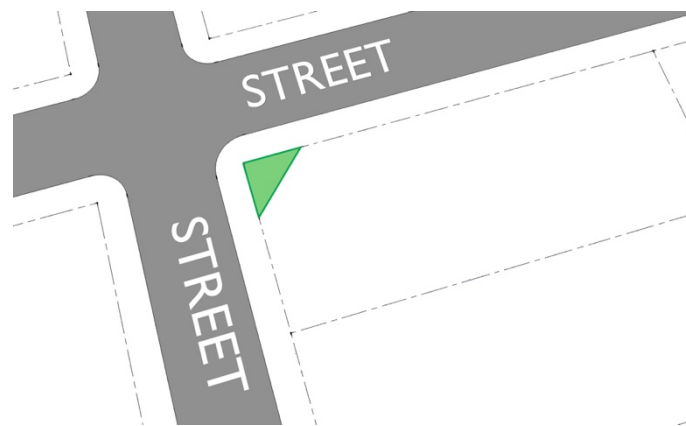
Commercial Recreation, Indoor means a building or part of a building used for commercial recreation or entertainment purposes and, without limiting the generality of the foregoing, may include such establishments as dance halls, cinemas, billiard or pool halls, bowling alleys, indoor miniature golf courses, indoor shooting ranges, indoor paintball fields, and bingo halls.

Commercial Recreation, Outdoor means the use of land for commercial recreation or entertainment purposes together with necessary and accessory buildings and structures and, without limiting the generality of the foregoing, may include such establishments as golf courses, driving ranges, paintball fields, drive-in movie theatres, outdoor miniature golf courses, ropes courses, tennis clubs, and summer camps, but does not include campgrounds, RV parks, outdoor shooting ranges, tracks for the racing of animals or for the racing of any type of motor vehicle, or any use that is obnoxious. For greater clarity, and without limiting the generality of the foregoing, uses accessory to outdoor commercial recreation may include uses such as, but not limited to, eat-in and take-out restaurants; "pro shops" and other rental, maintenance, and retail sales of equipment related to the recreation activity; spas; child minding services; and staff accommodations.

Conservation Use means the use of land intended for the protection and preservation of water, soil, plants, and animals.

Convenience Store means a building or part of a building used for the retail sale of a limited line of grocery and confectionary items, which serve the needs of the local neighbourhood.

Corner Vision Triangle means that triangular portion of a corner lot established by measuring along the street lines a distance of six (6) metres from their point of intersection and joining the points so established with a straight line, and includes the space situated vertically above said triangular area.



Council means the Council of the Town of Mahone Bay.

Craft Product means products assembled or made by hand or small custom production processes including but not limited to potters, pewterers, goldsmiths, silversmiths, jewelers, toy makers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained-glass workers, and caterers.

Craft Shop means a building or part of a building where craft products are offered for sale to the general public.

Cultural Facilities means the use of land, buildings, or part thereof, for the promotion of art, culture, and learning and without limiting the generality of the foregoing includes public art galleries, libraries, museums, theatres, visual arts centres, and other similar uses.

D

Day Care Centre means a place where people are cared for without overnight accommodation but does not include a school.

Development means any erection, construction, alteration, placement, replacement, location, relocation of, or addition to any structure and any change or alteration in the use made of land or structures.

Development Agreement means a legal agreement between Council and a property owner governing the use of the property owner's land, as enabled by the *Municipal Government Act* and Municipal Planning Strategy and registered on title.

Development Officer means the person or persons, or designate, appointed by Council from time to time to administer the Land Use Bylaw and Subdivision Bylaw.

Development Permit means the permit issued by the Development Officer certifying that a proposed development complies with the provisions of the Land Use Bylaw.

Dwelling means a building or a part of a building occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units, and shall include a modular home but shall not include a fixed-roof overnight accommodation, mobile home, mini home or recreational vehicle.

Dwelling, Accessory means a subservient dwelling either located within a single-unit dwelling or a two-unit dwelling or in a building on a lot with a single-unit dwelling, a two-unit dwelling, or a triplex dwelling.

Dwelling, Converted means a single-unit dwelling converted to contain a greater number of dwelling units than the dwelling contained prior to that conversion.

Dwellings, Grouped means two or more dwelling units contained in two or more dwellings located on a single lot.

Dwellings, Multi-unit means a dwelling containing four or more dwelling units, but does not include a converted dwelling or a dwelling that is part of grouped dwellings.

Dwelling, Single-unit means a dwelling containing one dwelling unit or one dwelling unit and an accessory dwelling.

Dwelling, Two-unit means a dwelling divided horizontally or vertically into two dwelling units, each of which has an independent entrance either directly or through a common vestibule.

Dwelling, Triplex means a dwelling divided horizontally or vertically into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.

Dwelling Unit ("DU") means one or more habitable rooms within a dwelling designed, occupied, or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.

E

Electrical Vehicle Charging means infrastructure that supplies energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles.

Electrical Vehicle Charging, Commercial means a building or part of a building or a clearly defined space on a lot used for the retail sale of energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles and may include the sale of automobile accessories and the minor servicing and minor repairing essential to the actual operation of motor vehicles but does not include an automobile repair shop, automobile sales, or automobile body shop

Electrical Vehicle Charging, Non-commercial means a premise with infrastructure that supplies energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles without charging a fee.

Emergency Services means a building or use of land for the protection of public health, safety, and property and shall include, but is not limited to, fire stations, ambulance depots, police stations, and search-and-rescue facilities, but does not include a correctional facility.

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

Existing means legally existing on the effective date of this Bylaw.

Extended Care Facility means a medical institution that provides prolonged care (as in cases of prolonged illness or rehabilitation from acute illness) or end-of-life (hospice) care.

F

Farm Market means the use of land, buildings, structures, or part thereof for the purpose of selling seasonal fresh produce, craft products, and ready-to-eat food by independent vendors.

Fishery Related Industries means the use of land, buildings, or part thereof in support of the fishery and without limiting the generality of the foregoing includes commercial storage of fishing vessels, gear, and other related materials; docks; boat launches; and repair facilities; but does not include fish processing.

Fishing Vessel means any watercraft engaged on a part-time or full-time basis for use in the commercial fishery.

Fixed-roof Overnight Accommodation means a building, buildings on the same lot, or part thereof used to accommodate the travelling public for gain or profit by supplying them with overnight sleeping accommodation, for a period of 30 days or less, with or without meals, with or without on-site administration, and with or without private cooking facilities, and may include, but is not limited to, hotels, motels, hostels, cottage or cabin rentals.

Footprint means the total ground floor area of a building enclosed within the exterior faces of the exterior main walls, and for the purpose of this definition, the walls forming a courtyard shall be deemed exterior main walls.

Forestry Uses means uses associated with the forestry industry, including sawmills, maple sugaring operations, Christmas tree u-picks, shingle mills, vehicle and equipment storage, maintenance buildings and yards, and retail and wholesale outlets for wood and wood products but shall not include uses for the production of pulp.

Funeral Home means a building used for the preparation, temporary display, and/or funeral ceremony of deceased persons and may include a crematorium.

G

Garden Centre means a building or structure and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements and that are sold at retail from such buildings or lot to the general public.

Grade means:

- (a) when used in reference to a building or structure, the average elevation of the finished surface of the ground where it meets the exterior of foundation of the building or structure, exclusive of any artificial embankment or entrenchment; or
- (b) when used in reference to a street, road, or highway, the elevation of the street, road, or highway established by the Town or other designated authority.

Gross Floor Area ("GFA") means the sum 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, and for the purpose of this definition, the walls forming a courtyard shall be deemed to be exterior walls.

H

Habitable Area means an enclosed area of a building designed and/or used for any purpose other than parking of vehicles (including boats), building access, or commercial/industrial storage.

Heavy Equipment Sales and Rentals means a building or part of a building or structure in which heavy equipment and machinery are offered or kept for sale, rent, lease or hire under agreement for compensation.

Height means the vertical distance on a building or structure between the established grade and:

- (a) the highest point of the roof surface or the parapet, whichever is greater, of a flat roof;
- (b) the deck line of a mansard roof;
- (c) the mean level between the eaves and ridges of gabled, hip, gambrel, or other type of pitched roof;

and excluding any construction used as ornament or for the mechanical operation of the building or structures, a mechanical penthouse, chimney, tower, cupola, or steeple.

Hobby Livestock Building means a building or structure for the shelter of horses, ponies, sheep, goats, fowl, cows, or swine and with a gross floor area not exceeding 200.0 square metres.

Home-based Business means a business activity that is accessory to a dwelling and involves the provision or sale of goods and/or services to the public and where the dwelling is the principal residence of the business operator.

Hospital means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury and may or may not include a medical clinic.



Interpretive Centre means the use of a building or part thereof to communicate to the public the historical, scientific, or cultural information about a location and/or to provide tourism and wayfinding information to the public.

Industrial Use means the use of a building or part thereof, or the use of land for the manufacturing, processing, fabrication or assembly of raw materials or goods, warehousing, or bulk storage of goods, equipment, and machine servicing and related accessory uses.

Heavy Industrial Use means the use of land or buildings for manufacturing, assembly, and/or processing and which use may be located in whole or in part to the exterior of the building and which use, by the nature of its operation may cause land use conflicts. This definition shall not include marine industrial uses but shall include, but is not limited to, explosives, petrochemical, coke, or paint plants; rendering or poultry plants; tanneries; abattoirs; refineries; or industrial cleaners.

J

K

Kennel means a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised and sold or kept for sale or a boarding, or animal day care.

L

Licensed Liquor Establishment means a cabaret, lounge, beverage room, and/or bar licensed under the Nova Scotia *Liquor Control Act* or successor legislation.

Lot means any parcel of land described in a deed or as shown on a registered plan of subdivision.

Corner Lot means a lot situated at the intersection of land abutting on two or more streets or private roads.

Flag Lot means a lot characterized by the main body of the lot generally to the rear of another lot and with access provided by a driveway that is part of the flag lot, and that runs beside the lot or lots between the main portion of the flag lot and the street or private road that provides access to the driveway. A lot shall not be considered a flag lot where the portion of the lot providing access via the street or private road is greater than 20 meters in width along its whole length.

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

Lot Coverage means the combined area of land covered by buildings and roofed structures on a lot, including land over which buildings project, but excluding any area below the eaves of the roof. Portions of a building which are not covered by a roof such as an unsheltered step, a veranda, or a deck, are excluded from the calculation for lot coverage.

Lot Depth means the average horizontal distance between the front lot line and the rear lot line.

Lot Frontage means the length of the straight line between the two points where the side lot lines intersect the front lot line along any public street or private road.

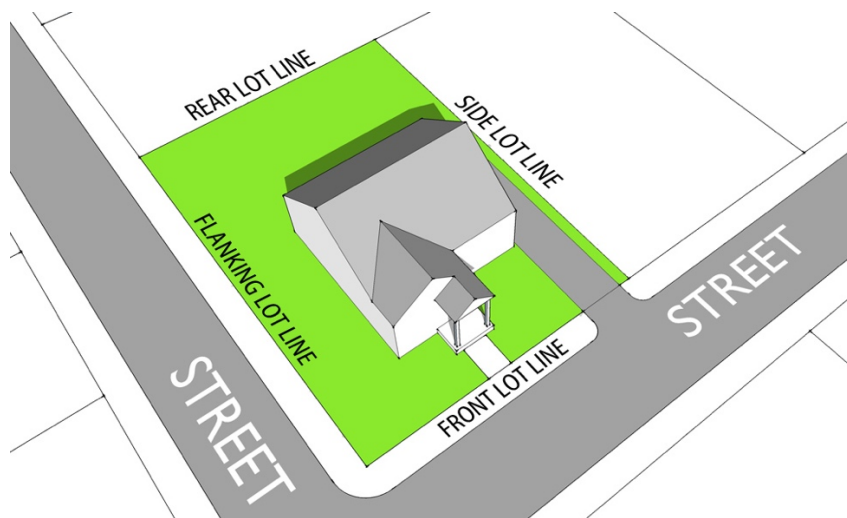
Lot Line means a boundary line of a lot.

Flankage Lot Line means a side lot line that abuts the street or private road on a corner lot.

Front Lot Line means the line dividing the lot from the street or private road. In the case of a corner lot or a lot with more than one line abutting a single street or private road the shorter boundary line abutting the street or private road shall be deemed the front lot line. In the case of a through lot the longer boundary dividing the lot from the street or private road shall be deemed to be the front lot line. In the case of a lot which does not abut a street or private road, the front lot line shall be determined by the orientation of the front door of the main building on the lot.

Rear Lot Line means the lot line furthest from or opposite to the front lot line.

Side Lot Line means a lot line other than a front, flankage, or rear lot line.



M

Main Building means the building designed or used for the principle use on the lot.

Main Wall means the exterior front, side, or rear wall of a building or structure, and includes but is not restricted to all structural members essential to the support of a fully or partially enclosed space or roof and any decks, bay windows, steps, porches, verandas, and balconies.

Manufacturing means the production and/or assembly and/or packaging of goods and/or materials, including processed food and/or drink not intended for immediate consumption but shall not include micro-brewery or micro distillery uses.

Manufacturing, Light means manufacturing where the use is conducted entirely within an enclosed building and the use is not obnoxious, and may include accessory retail or wholesale sales of products produced on-site.

Marina means a commercial establishment or premise, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired, or kept for sale or rent and may include the sale of fuel and incidental supplies for the boat owners, crews and guests

Marine Recreation Providers means a commercial business that, due to its nature of the use, relies on the sea or ocean as an integral part of its operation, including but not limited to boat tours, canoe and kayak rentals, jet ski rentals, but does not include uses related to the commercial fishing industry.

Medical Clinic means a building or part of a building where medical or therapeutic diagnosis and/or treatment services are provided to the general public but does not include a public or private hospital or a professional office located in the practitioner's home.

Micro-brewery means the use of a building or land for a craft brewery or cidery engaged in the production and packaging of less than 15,000 hectolitres of beer, cider, ale, or other related beverages per calendar year.

Micro-distillery means the use of a building or land for a craft distillery engaged in the production and packaging of less than 75,000 litres of liquor and spirits, other than beer, wine, or cider, per calendar year.

Mini Home means a detached single dwelling designed for transportation after fabrication that arrives at the site on a flatbed or other trailer where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations), which may be connected to utilities and a septic disposal system. The foregoing shall not include modular homes or mobile homes.

Mobile Home means a detached dwelling designed for transportation after fabrication on its own wheels that arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations), located on wheels, jacks, or permanent foundation, and which may be connected to utilities and a septic disposal system. The foregoing shall not include modular homes or mini homes.

Modular Home means any dwelling unit constructed in accordance with the standards set out in the National Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Municipal Government Act ("Act") means the *Municipal Government Act*, SNS 1998, Chapter 18 and amendments thereto.

Municipal Planning Strategy means the Municipal Planning Strategy of the Town of Mahone Bay.

N

Nursing Home means an extended or immediate care facility licensed under the *Homes for Special Care Act*, or successor legislation, to provide full time skilled nursing care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves.

O

Ordinary High Watermark means the highest level reached by a body of water that has been maintained for a sufficient period of time to leave evidence on the landscape. It may be indicated by the destruction of dry-land vegetation, the presence of marks on trees or debris deposits. It is usually the point at which natural vegetation shifts from predominantly water-dependent species to dry-land species.

Outdoor Display means the display of retail goods or materials intended for the immediate sale to the general public where such goods are not enclosed within a building.

Outdoor Storage means storage exterior to a building of items such as merchandise, goods, inventory materials, or equipment and where such items are not intended for immediate sale; but does not include items ancillary to a residential use, such as, but not limited to, firewood for on-site consumption.

Outdoor Waterstove/Wood-burning Furnace means any individual furnace located outdoors and outside the structure it serves that is designed to burn wood and wood products for the purpose of heating liquid and air which is piped into said structure.

P

Parks and Playgrounds means the use of land for passive recreation and landscaping features and shall include, but is not limited to, greens, walking paths, play structures, ponds, fountains, and dog parks.

Personal Service Shop 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 limit the generality of the foregoing may include such establishments as barber shops, beauty parlours, shoe shining shops, tattoo shops, and depots for collecting clothing and linens for dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale or the actual act of dry cleaning.

Personal Storage Building means an enclosed or partially enclosed structure for the storage of materials or goods in which no business, occupation, or service is conducted for profit.

Pet Grooming means a use wholly contained within a building or part of a building for the hygienic care and cleaning of domestic pets for which there is financial remuneration. No outside area may be devoted to or used as part of a pet grooming use, including, but not limited to, kennels, fenced areas or any other outdoor space.

Place of Worship means a place dedicated to religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.

Private Club means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a legion, a fraternity or sorority house, and a labour union hall.

Private Road means any road or throughfare accessible to motor vehicles which is not owned and maintained by the Town of Mahone Bay or the Nova Scotia Department of Public Works.

Public Façade means that part of the exterior of a building or structure which can be seen from public property such as streets, the harbour and public wharves

Public Road or Street means the whole and entire right-of-way of every highway, road or road allowance, vested in the Province of Nova Scotia or the Town, but does not include a controlled-access highway.

Q

Qualified Person means an individual who has undergone proper educational training and gained experience and expertise to become certified or recognized as able to practice in a particular profession in the province of Nova Scotia and, if required by applicable legislation, is a member in good standing in the professional body representing and/or regulating the profession in Nova Scotia.

R

Reconstruct when used with reference to a building or structure, means to build a wholly or substantially new building or structure in the same location as an existing building or structure, where the original existing building or structure has been wholly or partially removed and the resulting building or structure is of substantially the same dimensions and volumes as the original building or structure as demonstrated by photographs or measured drawings of the original structure.

Recreation Centre means a building or part of a building used for recreation facilities such as, but not limited to, indoor swimming pools, indoor ice arenas, indoor curling rinks, gymnasiums, weight rooms, and changing facilities.

Recreational Use means the use of land for tennis courts, lawn bowling greens, outdoor skating rinks, outdoor skateboard parks, athletic fields, band shells, pavilions, outdoor swimming pools, recreational boat launches, and non-commercial uses similar to the foregoing, together with necessary and accessory buildings and structures, but not including recreation centres or indoor commercial recreation or outdoor commercial recreation or a track for the racing of animals, or any form of motorized vehicles.

Recreational Vehicle ("RV") means a vehicle intended as temporary accommodation for travel, vacation, or recreational use. Such vehicles may include, but are not limited to, a motor home, fold-down camping trailer, truck camper, holiday trailer, or fifth wheel travel trailer, but does not include any vehicle that meets the definition of a derelict vehicle under the *Municipal Government Act*.

Recycling Depot means the use of a building or land in which domestic recoverable resources such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled to be taken to another site for processing. For greater clarity, this use does not include a salvage yard.

Repair when used with reference to a building or structure means to renovate or mend by replacing or repairing parts without altering the size or volume of the building or structure.

Replace when used with reference to a building or structure means to build a wholly or substantially new building or structure on a lot where the original building or structure has been partially or wholly demolished.

Residential Care Facility means a family home, group care facility, or similar facility for the non-medical care of more than four persons, but not exceeding nine persons, in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

Restaurant means a building or part thereof where food and/or drink intended for immediate consumption is prepared and served to the public.

Restaurant, Drive-through means a restaurant or part thereof where the intent is to provide food and/or drink to customers while they remain in their motor vehicles.

Restaurant, Eat-in means a restaurant or part thereof where food and/or drink may be consumed within the building or on an attached, formalized outdoor space.

Restaurant, Take-out means a restaurant or part thereof that does not provide facilities for consumption of food or drink on the premises, or only provides informal outdoor eating facilities such as picnic tables.

Retail Lumber and Home Improvement Yard means the outdoor storage and display of lumber and other building supplies for sale. For greater clarity, retail sale contained wholly within a building shall be considered as a retail store.

Retail Store means a building or part of a building in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the public at retail, but this definition does not include automobile sales, boat and marine sales, retail lumber and home improvement supplies, or heavy equipment sales and rentals.

S

Salvage Yard means the use of land for keeping or storing used bodies or parts of automobiles or any other type of used equipment, vehicles, machinery, or materials of any kind, regardless of whether such use occupies all or a part of the lot or lots upon which it is located, or whether it is a use operated for commercial or other purposes, or whether the use is subject to salvage yard licensing requirements of the Province of Nova Scotia.

School, Academic means an educational establishment, whether public or private, intended for the academic instruction of students up to the completion of Grade 12, and may include elementary schools, junior high schools, high schools, and consolidated schools, but does not include daycares as the main use.

School, Commercial means an educational establishment, whether public or private, intended for instruction in extracurricular activities and/or vocational skills and shall include, but is not limited to, dance schools, music schools, sports schools, driving schools, culinary institutes, cosmetology, computer schools, and other similar schools, but does not include post-secondary schools.

School, Post-secondary means a degree- or diploma-granting public educational establishment intended for the academic instruction of students after the completion of Grade 12.

Service and Repair Shop means a shop for servicing, repairing, installing, or renting things and equipment, including but not limiting the generality of the foregoing, the following: radio or television service or repair shops, locksmith shops, small appliance service or repair shops, small engine repair shops, household and carpenter tool service and repair shops, but shall not include industrial, manufacturing, or motor vehicle repair shops.

Setback means the horizontal distance between the specified lot line and the nearest main wall of any building or structure, excluding any encroachments permitted in this Bylaw, and extending the full width or length of the lot.

Setback, Flankage means the horizontal distance measured from the flankage lot line and the nearest main wall of any building or structure on the lot.

Setback, Front means the horizontal distance extending the full lot width, between the front lot line and the nearest main wall of any building or structure on the lot.

Setback, Rear means the horizontal distance extending across the full lot width, between the rear lot line and the nearest wall of any main building or structure on the lot.

Setback, Side means the horizontal distance between the front setback and rear setback, and between the side lot line and the nearest wall of any main structure on the lot.

Sign means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto or painted, projected, or represented thereon, which shall be used to identify, or advertise, 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 identification or advertisement.

Changeable Copy Sign means a section of an otherwise permanent sign that allows the message to be amended, updated, or otherwise modified using manual means.

Electronic Message Board Sign means a section of a permitted ground sign that allows the message to be amended, updated or otherwise modified using digital means including, but not limited to, light-emitting diode (LED) displays, liquid crystal diode (LCD) displays, or plasma displays.

Ground Sign means a sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure, and shall include commercial flag signs.

Projecting Wall Sign means a sign that is attached to and projects from a structure or building face.

Sandwich Board Sign means a sign consisting of two surfaces attached to each other at the top and designed so as to stand temporarily without foundation or other support on a lot or sidewalk without electric or other service connection.

Wall Sign means a sign attached to, painted on, or erected against a wall of a building, with the face horizontally parallel to the building or street.

Window Sign means a sign displayed inside of a window or glass door and is legible from off the premise.

Sign Area means the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose the surface area of the sign. Only one side of a multi-faced sign shall be used to determine sign area. The sign area of individual letters or figures that are attached or painted on a surface shall be the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose all of the letters, numbers or insignia.

Short-term Rental means the use of a dwelling unit where guest sleeping facilities are contained within one building on a lot, intended to provide accommodation to the traveling public, and where the facilities on the lot are only rented to one party at a time. The short-term rental may include the provision of private cooking facilities but shall not include facilities that are open to the general public such as meeting rooms, restaurants, or entertainment facilities.

Sleeping Unit means a lockable room or rooms provided for the use of a single party and may or may not include an en suite washroom and/or a fridge and microwave.

Small Option Home means a family home, group care facility, or similar facility for the non-medical care for up to four persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

Solar Collector System means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

Solar Collector System, Accessory means a solar collector system designed and sized with a primary purpose to offset or meet the energy needs of other uses on the site. While such systems may generate, on an annual basis, a small monetary profit through programs such as net metering, such profits shall be secondary and incidental to the purpose of offsetting on-site energy needs.

Solar Collector System, Commercial means a solar collector system designed and sized with a primary purpose to provide electricity or other forms of energy to the grid or other off-site uses.

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, and includes a building.

T

Town means, where the context dictates, either the Body Corporate of the Town of Mahone Bay, or the geographical area incorporated as the Town of Mahone Bay

Transportation Service means a building, structure, land, or part thereof used for the purpose of transporting any kind of item or thing by truck or other vehicle, including, but not limited to, loading facilities, storage, and maintenance facilities, but does not include the transport of people.

U

Urban Agriculture means the use of land and accessory buildings for agricultural activities on a hobbyist scale and shall include community gardens, small-scale bee keeping, and small-scale keeping of chickens and/or meat rabbits, but shall not include the keeping of any other livestock.

Use means the purpose for which any land, building, or structure is utilized.

V

Variance means a relaxation or reduction of the Land Use Bylaw requirements for a specific site, as stipulated in the *Municipal Government Act*.

Veterinary Clinic means indoor premises designed or used for the care, observation, and treatment of animals.

W

Watercourse means the bed and shore of a lake, river, stream, pond, wetland, or other natural body of water, and the water therein, but this definition does not include the ocean.

Warehouse means a building or part of a building where goods or wares are stored but shall not include a retail store or production or assembly of goods or materials.

Wind Turbine means a machine and supporting structure designed to convert wind energy into mechanical or electrical energy.

X

Y

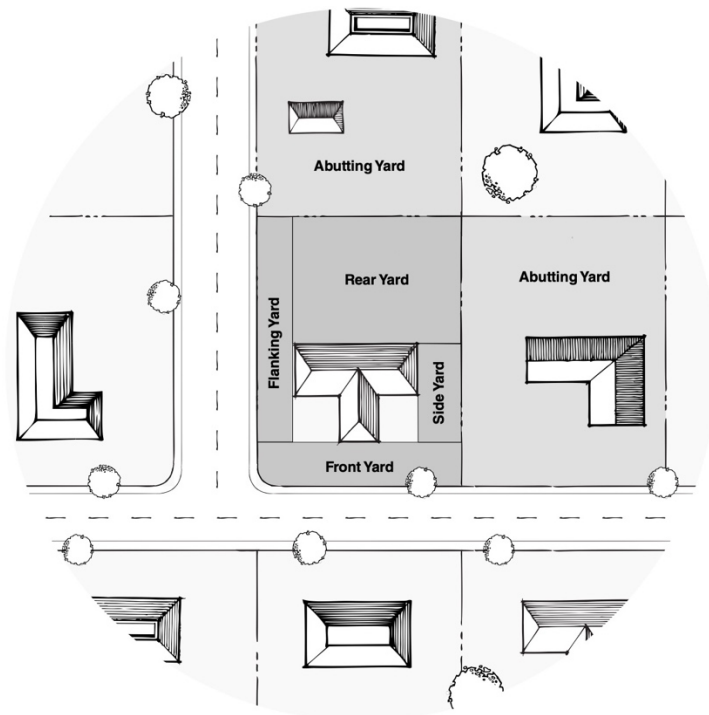
Yard means an open, uncovered space on a lot appurtenant to a building or structure or a specified land use, and in determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used; and for greater certainty:

Yard, Flankage means the area of land extending from the front yard to the rear yard and between the flankage lot line and the nearest main wall of any main building on the lot.

Yard, Front means the area extending across the full width of a lot between the front lot line and the nearest main wall of any main building on the lot.

Yard, Rear means the area extending across the full width of a lot between the rear lot line and the nearest main wall of any main building on the lot.

Yard, Side means the area of land extending from the front yard to the rear yard and between the side lot line and the nearest main wall of any main building on the lot.



Z

Zone means a specified area of land shown on Schedule 'A' of this Bylaw.

Summary of Amendments

| Council Adoption Date | Effective Date | Reference Number | File or Project | General Nature of the Change |
|-----------------------|----------------|------------------|-----------------|------------------------------|
| | | | | |

18. Schedules and Appendices

18.1.1. Schedules form an official part of this By-law.

18.1.2. Appendices may be changed by resolution of Council without formally amending this Bylaw.

Schedule 'A'

Zoning Maps

Schedule 'B'

Architectural Control Overlay

Schedule 'C'

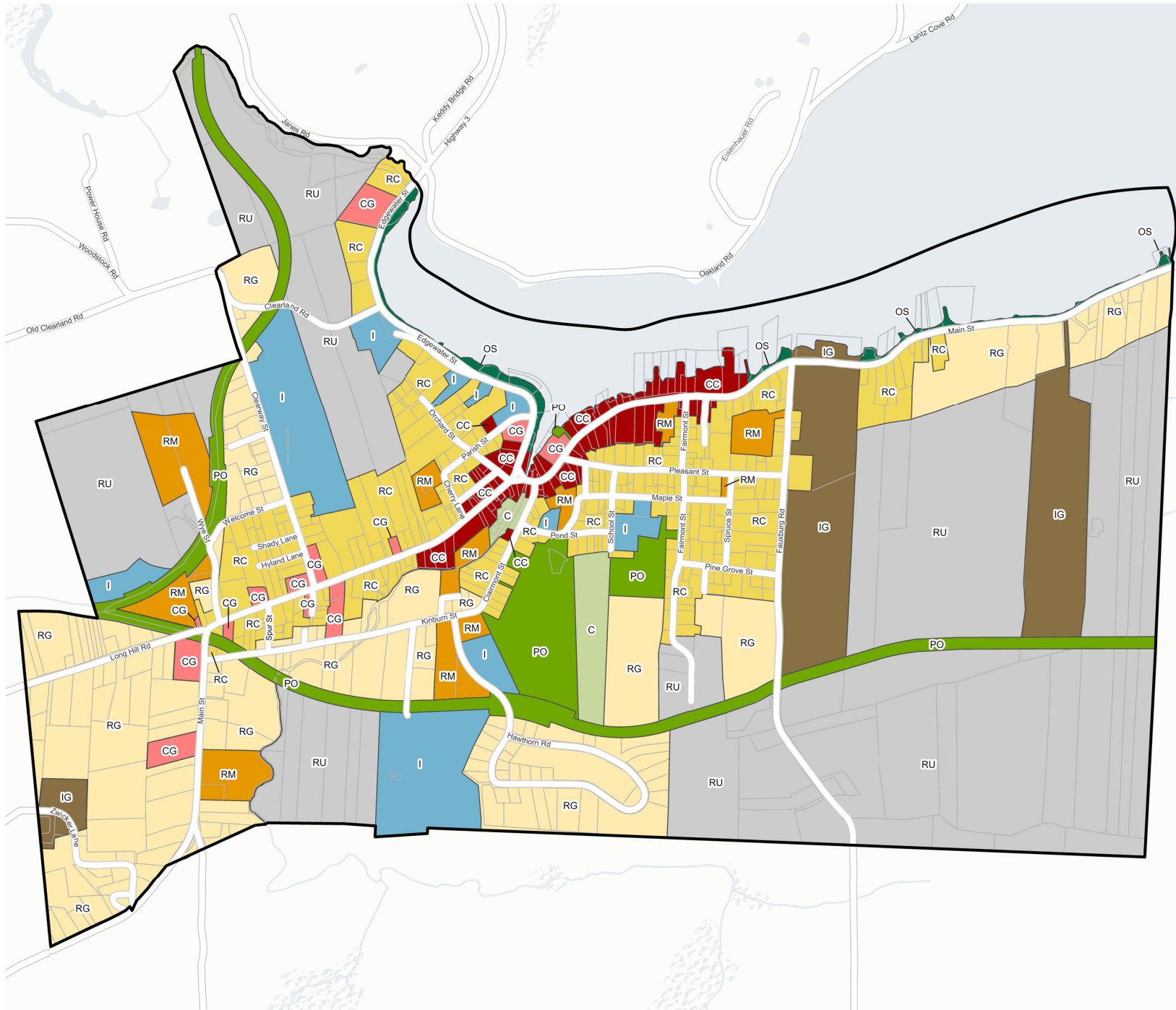
Watercourse and Waterbodies Map

Schedule 'D'

Coastal Flood Risk Map

Appendix 'A'

Areas of Increased Parking Requirements



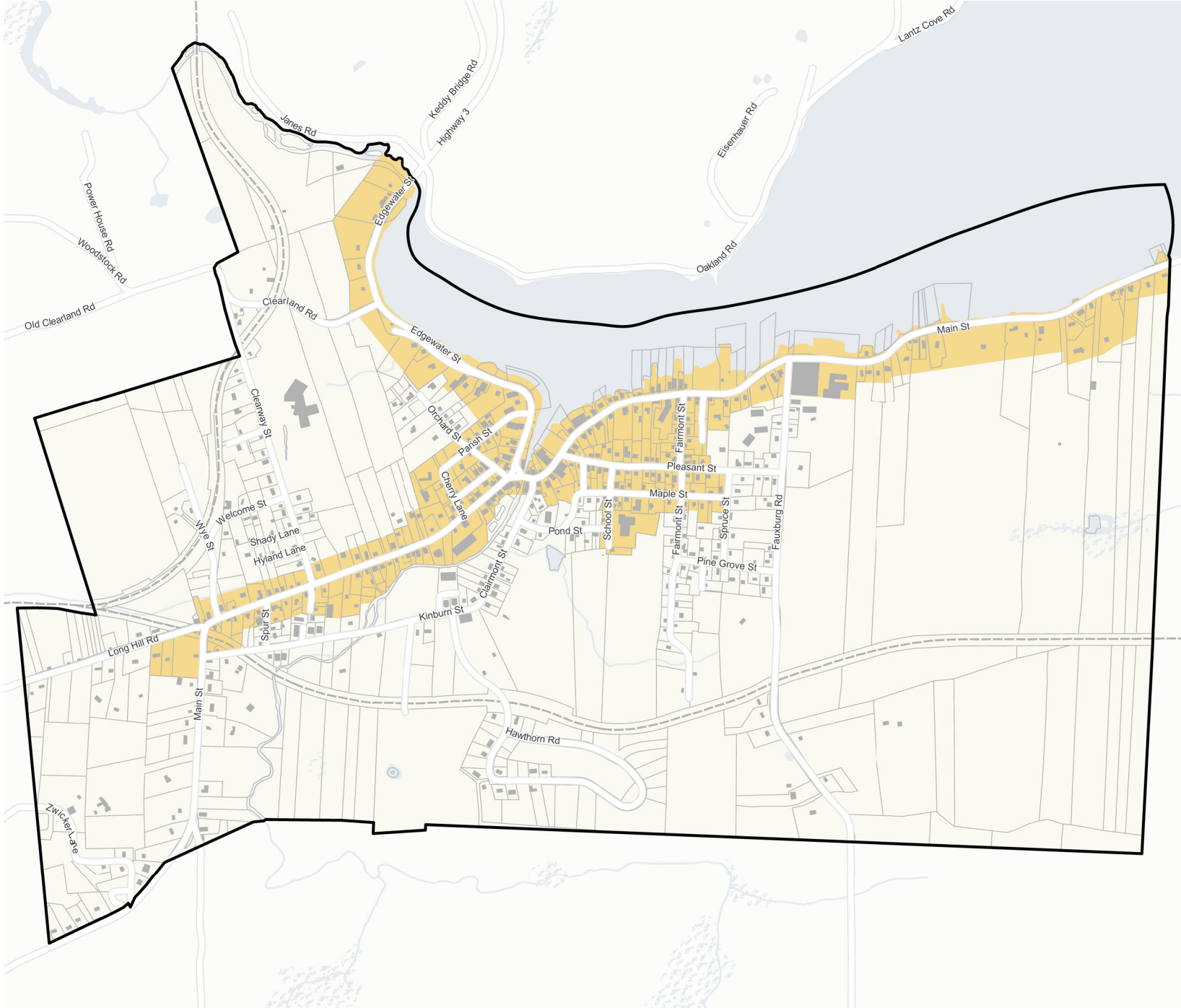
MAP
Zoning

| SCHEDULE | LAST UPDATED |
|----------|--------------|
| A | 2024-01-11 |

| NORTH | SCALE |
|-------|----------|
| | 1:14,000 |

LEGEND

| | | |
|--|----|------------------------|
| | CC | Commercial Core |
| | CG | Commercial General |
| | IG | Industrial General |
| | I | Institutional |
| | RC | Residential Core |
| | RM | Residential Multi-Unit |
| | RG | Residential General |
| | RU | Residential Unserved |
| | PO | Parks and Open Space |
| | OS | Open Shoreline |
| | C | Conservation |



MAP

Architectural Control Area

| SCHEDULE | LAST UPDATED |
|----------|--------------|
| B | 2024-01-11 |

| NORTH | SCALE |
|---|----------|
|  | 1:14,000 |

LEGEND


-  Architectural Control Area





MAP

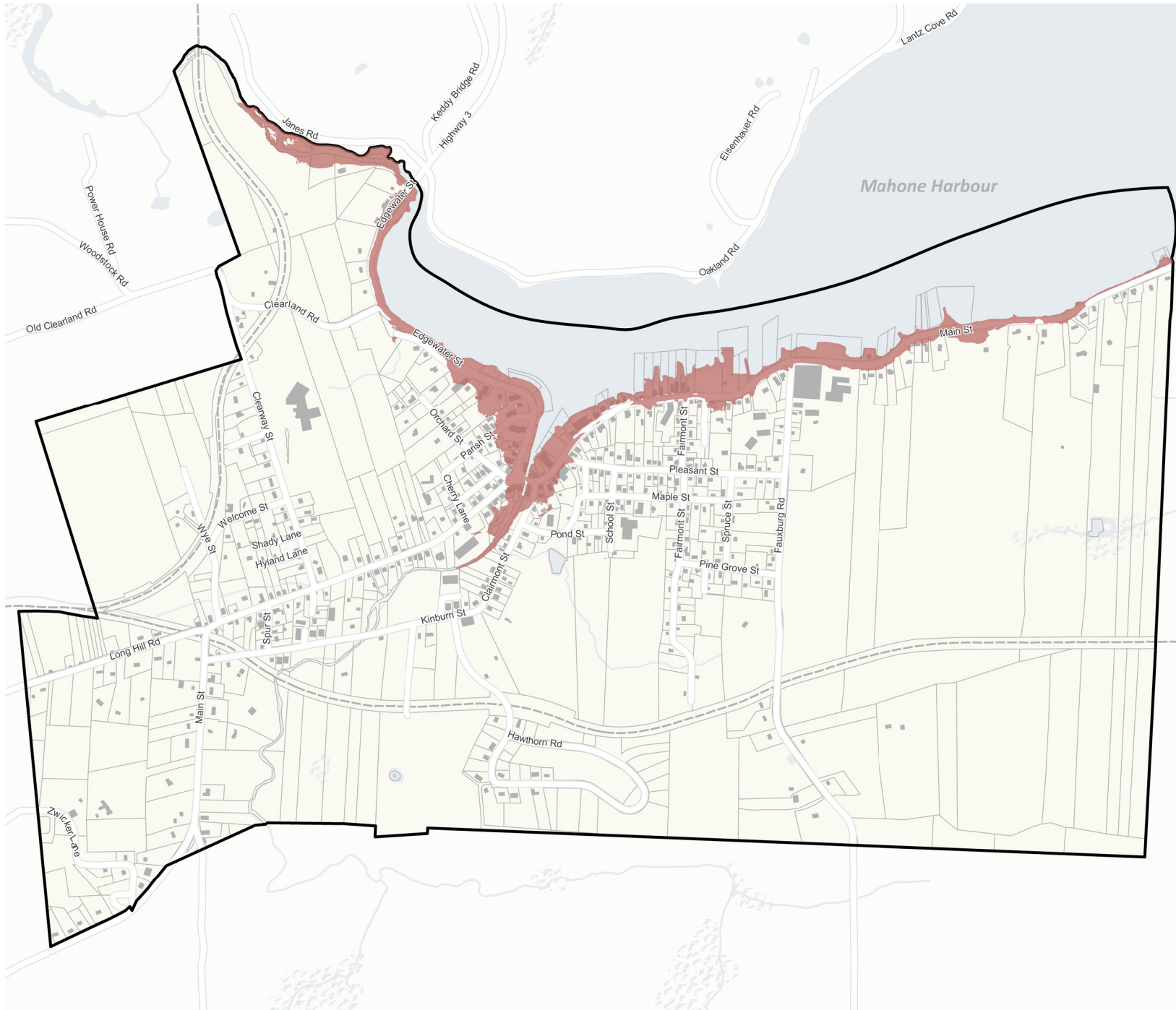
Watercourses

| SCHEDULE | LAST UPDATED |
|----------|--------------|
| C | 2024-01-11 |

| NORTH | SCALE |
|---|----------|
|  | 1:14,000 |

LEGEND

-  Watercourse
-  Waterbody



MAP

Coastal Flood Risk

| SCHEDULE | LAST UPDATED |
|----------|--------------|
| D | 2023-12-18 |

| NORTH | SCALE |
|---|----------|
|  | 1:14,000 |

LEGEND

| | |
|---|-----------------------|
|  | 0 metres - 3.5 metres |
|---|-----------------------|

Appendix 'A' - Areas of Increased Parking Requirements

- (a) Properties fronting on Longhill Road
- (b) Properties fronting on Clearland Road
- (c) Properties fronting on Hawthorne Road
- (d) Properties fronting on Aberdeen Lane
- (e) Properties fronting on Cherry Lane
- (f) Properties fronting on Garden Lane
- (g) Properties fronting on Hyland Lane
- (h) Properties fronting on Shady Lane
- (i) Properties fronting on Stovepipe Lane



prepared by
UPLAND

for

TOWN OF
Mahone Bay

