

TABLE OF CONTENTS

PART 1: INTRODUCTION	1
1. Title	1
2. Purpose	1
3. Development Permit Applications	1
1. <i>Prescribed Information</i>	1
2. <i>Other Information</i>	1
3. <i>Signature for Applications</i>	2
4. By-law Enforcement	2
5. Effective Date of By-law	2
6. Zoning	2
1. <i>Zoning Classification</i>	2
2. <i>Zoning Map</i>	2
3. <i>Interpretation of Zoning Boundaries</i>	2
7. Certain Words	3
8. Permitted Uses	3
1. <i>Use Prohibited Unless Listed as a Permitted Use</i>	3
2. <i>Inclusion of Similar Uses</i>	3
9. Amendment of the By-law and Development Agreements	3
1. <i>When Considered</i>	3
2. <i>Application Procedures and Fees</i>	3
PART 2: DEFINITIONS	5
PART 3: GENERAL PROVISIONS	23
1. Development Permits	23
1. <i>Development Permit Needed</i>	23
2. <i>Licenses, Permits and Compliance with Other By-laws</i>	23
2. Permitted Uses	23
1. <i>Multiple Uses</i>	23
2. <i>Accessory Uses Permitted</i>	23
3. <i>Non-Conforming Uses</i>	23
4. <i>Changes to Non-Conforming Uses or Structures</i>	23
5. <i>Temporary/Special Uses and Structures</i>	24
6. <i>Swimming Pools (outdoor)</i>	24
7. <i>Fence Regulations</i>	24
8. <i>Truck, Bus and Coach Bodies</i>	24
9. <i>Public Uses and Utilities</i>	24
10. <i>Main Buildings With Walls of 20 feet (6.1 metres) or Less</i>	24
3. Lot, Yard and Other Development Standards	25
1. <i>Frontage on Street</i>	25
2. <i>One Main Building on a Lot</i>	25
3. <i>Building to Be Erected on a Lot</i>	25
4. <i>Existing Building/Use</i>	25

5.	<i>Existing Undersized Lots</i>	25
6.	<i>Reduced Lot Requirements</i>	25
7.	<i>Restoration to a Safe Condition</i>	26
8.	<i>Permitted Encroachments into Yards</i>	26
9.	<i>Height Regulations</i>	26
10.	<i>Illumination</i>	26
11.	<i>Corner Vision Triangle</i>	26
12.	<i>Flankage Yards</i>	27
13.	<i>Yard and Density Exceptions</i>	27
4.	Accessory Buildings, Structures, and Uses	27
1.	<i>Not for Human Habitation</i>	27
2.	<i>Yard Requirements</i>	27
3.	<i>Where Permitted</i>	27
4.	<i>Maximum Building Footprint</i>	27
5.	<i>Certain Structures Exempt</i>	28
5.	Parking and Loading Requirements	29
1.	<i>Off-Street Parking Design Standards</i>	29
2.	<i>Off-Street Parking Requirements</i>	29
3.	<i>Cash-In-Lieu of Required Parking</i>	32
4.	<i>Loading Spaces</i>	33
5.	<i>Vehicles Prohibited from Parking or Storage in Residential Zones</i>	33
6.	General Requirements for signs	33
1.	<i>Sign Requirements</i>	33
2.	<i>Number of Signs</i>	33
3.	<i>Signs Permitted In All Zones</i>	34
4.	<i>Signs Prohibited in All Zones</i>	34
7.	Additional Requirements for Signs	35
1.	<i>Signs in all Residential Zones</i>	35
2.	<i>Signs in the Downtown Commercial and Future Redevelopment Area Zones</i>	35
3.	<i>Signs in the Neighbourhood Commercial Zone</i>	37
4.	<i>Signs in the Highway Commercial, General Industry and Provincial Resource Zones</i>	37
5.	<i>Signs in the Institutional, Floodplain, and Recreational Zones</i>	38
8.	Canopies and Awnings	39
1.	<i>Development Permit Required</i>	39
2.	<i>Canopies or Awnings Which Extend Over the Public Right of Way</i>	39
3.	<i>Canopies or Awnings Incorporating Signage</i>	39
4.	<i>Maintenance and Repair</i>	39
9.	Home Occupations	39
1.	<i>Home Occupations Permitted</i>	39
2.	<i>Undesirable Home Occupations</i>	39
3.	<i>Regulations Respecting Home Occupations</i>	39
4.	<i>Bed and Breakfast Establishments</i>	40
5.	<i>Day Care Facilities</i>	40
PART 4: DEVELOPMENT AGREEMENTS		43
1.	Developments Subject to Development agreement	43

PART 5: RESIDENTIAL SINGLE UNIT (R1) ZONE	45
1. Permitted Uses	45
1. <i>Residential Uses</i>	45
2. <i>Non-Residential Uses</i>	45
3. <i>Uses Permitted by Development Agreement</i>	45
2. Zone Requirements	45
1. <i>Lot, Yard, and Height Requirements</i>	45
2. <i>Yard Requirements for Main Buildings over 25 feet (7.6 m) in Height</i>	45
3. <i>Municipal Water and Sewer Services</i>	46
4. <i>Conformance with Existing Setbacks</i>	46
PART 6: RESIDENTIAL TWO UNIT (R2) ZONE	47
1. Permitted Uses	47
1. <i>Residential Uses</i>	47
2. <i>Non-Residential Uses</i>	47
3. <i>Uses Permitted by Development Agreement</i>	47
2. Zone Requirements	47
1. <i>Lot, Yard, and Height Requirements</i>	47
2. <i>Conformance with Existing Setbacks</i>	48
PART 7: RESIDENTIAL MULTIPLE UNIT (R3) ZONE	49
1. Permitted Uses	49
1. <i>Residential Uses</i>	49
2. <i>Non-Residential Uses</i>	49
2. Zone Requirements	49
1. <i>Lot, Yard, and Height Requirements</i>	49
2. <i>New Multiple Unit Dwellings</i>	50
3. <i>Recreation Space Requirements</i>	50
4. <i>Yard Requirements for Main Buildings over 25 feet (7.6 m) in Height</i>	50
3. <i>Conformance with Existing Setbacks</i>	50
4. <i>Buffering</i>	50
PART 8: MOBILE HOME PARK (R-MHP) ZONE	51
1. Permitted Uses	51
1. <i>Residential Uses</i>	51
2. <i>Non-Residential Uses</i>	51
3. <i>Uses Permitted by Development Agreement</i>	51
2. Zone Requirements	51
1. <i>Lot, Yard, and Height Requirements</i>	51
2. <i>Permitted Location of Mobile Homes</i>	51
PART 9: DOWNTOWN COMMERCIAL (C1) ZONE	53
1. Permitted Uses	53
1. <i>General Retail Uses</i>	53
2. <i>Other Commercial Uses</i>	53

3.	<i>Non-Commercial Uses</i>	54
4.	<i>Uses Permitted by Development Agreement</i>	54
2.	Zone Requirements	54
1.	<i>Lot, Yard, and Height Requirements</i>	54
2.	<i>Abutting Residential Zones</i>	54
3.	<i>Change of Use</i>	55
4.	<i>Outdoor Storage and Display</i>	55
5.	<i>Corner Vision Triangle</i>	55
3.	Special Requirements – Foord Street	55
1.	<i>Off Street Parking</i>	55
3.	<i>Setback Requirements</i>	56
4.	<i>Residential Uses</i>	56
PART 10: NEIGHBOURHOOD COMMERCIAL (C2) ZONE		57
1.	Permitted Uses	57
1.	<i>Commercial Uses</i>	57
2.	<i>Non-Commercial Uses</i>	57
3.	<i>Uses Permitted by Development Agreement</i>	57
2.	Zone Requirements	57
1.	<i>Lot, Yard, and Height Requirements</i>	57
2.	<i>New Neighbourhood Commercial (C2) Uses</i>	57
3.	<i>Municipal Services</i>	57
4.	<i>Buffering</i>	58
PART 11: HIGHWAY COMMERCIAL (C3) ZONE		59
1.	Permitted Uses	59
1.	<i>Commercial Uses</i>	59
2.	<i>Non-Commercial Uses</i>	59
3.	<i>Uses Permitted by Development Agreement</i>	59
1.	<i>Lot, Yard, and Height Requirements</i>	61
2.	<i>Abutting Yard Requirements</i>	61
3.	<i>Outdoor Storage and Display</i>	61
4.	<i>Driveways</i>	61
5.	<i>Automobile Service Stations</i>	61
PART 11-A: HIGHWAY COMMERCIAL (C4) BUSINESS PARK ZONE		55
PART 12: FUTURE REDEVELOPMENT AREA (FRA) ZONE		67
1.	Permitted Uses	67
1.	<i>Permitted Uses</i>	67
2.	<i>Uses Permitted by Development Agreement</i>	67
PART 13: GENERAL INDUSTRY (M1) ZONE		69
1.	Permitted Uses	69
1.	<i>Industrial Uses</i>	69
2.	<i>Non-Industrial and Mixed Uses</i>	69

3.	<i>Obnoxious Industrial Uses Prohibited</i>	69
2.	Zone Requirements	69
1.	<i>Lot, Yard, and Height Requirements</i>	69
2.	<i>Abutting Yard Requirements</i>	70
3.	<i>Outdoor Storage and Display</i>	70
PART 14: PROVINCIAL RESOURCE (M2) ZONE		71
1.	Permitted Uses	71
1.	<i>Industrial (Mining) Uses</i>	71
2.	<i>Non-industrial Uses</i>	71
2.	Zone Requirements	71
1.	<i>Abutting Yard Requirements</i>	71
2.	<i>Outdoor Storage and Display</i>	71
PART 15: INSTITUTIONAL (I) ZONE		73
1.	Permitted Uses	73
1.	<i>Institutional Uses</i>	73
2.	<i>Non-Institutional Uses</i>	73
2.	Zone Requirements	73
1.	<i>Lot Requirements</i>	73
2.	<i>Outdoor Storage and Display</i>	74
3.	<i>Where Abutting a Residential Zone</i>	74
PART 16: RECREATION (P) ZONE		75
1.	Permitted Uses	75
1.	<i>Recreation Uses</i>	75
2.	<i>Non-Recreational Uses</i>	75
2.	Zone Requirements	75
1.	<i>Lot Requirements</i>	75
2.	<i>Outdoor Storage and Display</i>	75
3.	<i>Public Uses</i>	76
4.	<i>Where Abutting a Residential Zone</i>	76
PART 17: FLOODPLAIN (F) ZONE		77
1.	Permitted Uses	77
1.	<i>Floodplain Uses</i>	77
2.	<i>Uses Permitted by Development Agreement</i>	77

1

INTRODUCTION**1. TITLE**

This By-law shall be known as the Land Use By-law for the Town of Stellarton, or the short form, Stellarton Land Use By-law, and shall apply to all lands within the boundaries of the Town of Stellarton.

2. PURPOSE

The Town of Stellarton's Land Use By-law is adopted in accordance with the Province of Nova Scotia's *Municipal Government Act*. The Stellarton Land Use By-law is intended to implement the policies contained within the Town's Municipal Planning Strategy by establishing regulations with respect to the use and development of land. The *Municipal Government Act* also enables the Town of Stellarton to adopt a Subdivision By-law to control the division of land. These three documents provide the framework for planning and development in Stellarton.

3. DEVELOPMENT PERMIT APPLICATIONS**1. Prescribed Information**

- a) Every application for a development permit submitted to the Municipal Development Officer shall clearly state the following:
 - i) current and proposed use(s);
 - ii) the setbacks of existing or proposed buildings;
 - iii) the location and size of proposed signs;
 - iv) all other information necessary in order that the Municipal Development Officer can determine whether or not the application is in conformance with the requirement of this By-law.
- b) Development Permit Applications shall require plans in duplicate, drawn on an appropriate scale and showing:
 - i) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
 - ii) the proposed location, height and dimensions of the building, structure, or work in respect of which the permit is applied for;
 - iii) the location of every building or structure already erected on or partly on such lot, and the location of every building on adjacent lots;
 - iv) the proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping area; and
 - v) other such information as may be necessary to determine whether or not every such building, development reconstruction or redevelopment conforms with the requirements of this By-law.

2. Other Information

When the Development Officer is unable to determine whether the proposed development conforms to this By-law, and other By-laws and regulations in force which affect the proposed development, they may require the applicant to provide:

- a) The plans submitted under Section 3(1)(b) of this Part to be based upon an actual plan of survey prepared by a Nova Scotia Land Surveyor.
- b) Where a parking area with more than four (4) spaces is required under Part 3, Section 3(5) of this By-law, a sketch or plot plan of the property showing, with accurate dimensions, the

building location and the required parking spaces including loading spaces, driveways and ingress and egress points to public streets.

3. Signature for Applications

The development permit application shall be signed by the registered owner of the lot or by the owner's agent duly authorized thereunto in writing.

4. BY-LAW ENFORCEMENT

Stellarton Council shall be responsible for the enforcement of this By-law. The Municipal Development Officer shall be required to inform Council in writing of suspected violations of the provisions in the Land-Use By-law. Council shall, from time to time by resolution, adopt practices and procedures to guide the administration and enforcement of this By-law.

5. EFFECTIVE DATE OF BY-LAW

This By-law shall take effect on the date the Minister for Service Nova Scotia and Municipal Relations approves the document.

6. ZONING

1. Zoning Classification

This By-law applies to all lands located within the boundaries of the Town of Stellarton and for the purposes of this By-law, the Town of Stellarton is divided into specific zone classifications, the boundaries of which are shown on the Zoning Map. Such zones may be referred to by the appropriate symbols as follows:

ZONE CLASSIFICATION	SYMBOL
Residential Single Unit	R1
Residential Two Unit	R2
Residential Multiple Unit	R3
Mobile Home Park	RMHP
Downtown Commercial	C1
Neighbourhood Commercial	C2
Highway Commercial	C3
Highway Commercial Business Park	C4
Future Redevelopment Area	FRA
General Industry	M1
Provincial Resource	M2
Institutional	I
Recreation	P
Floodplain	F

2. Zoning Map

The map attached as "Schedule B" to this By-law is labelled as the Stellarton Land Use By-law Zoning Map and is hereby declared to form an integral part of this By-law.

3. Interpretation of Zoning Boundaries

Boundaries between zones shall be determined as follows:

- a) Where a zone boundary is indicated as following a street, railway right-of-way, electrical transmission line right-of-way or watercourse the boundary shall be the centre line of the right-of-way or the top of the bank of the watercourse;
- b) Where a zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;

- c) Where none of the above apply, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map.

7. CERTAIN WORDS

In this By-law, words used in the present tense include future, words in the singular number include the plural, words in the plural include the singular number, and the word 'used' includes 'arranged to be used', 'designed to be used' or 'intended to be used', and the word 'shall' is mandatory and not permissive.

8. PERMITTED USES

1. Use Prohibited Unless Listed as a Permitted Use

In this By-law, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.

2. Inclusion of Similar Uses

Where a permitted use within any zone is defined in Section 2.0 Definitions, the uses permitted within that zone shall include any similar uses which satisfy such definition, except where a definition specifically excludes any similar uses.

9. AMENDMENT OF THE BY-LAW AND DEVELOPMENT AGREEMENTS

1. When Considered

- a) Amendments to this By-law may be considered for the following, in conformity with the Municipal Planning Strategy:
- i) addition or deletion of a permitted use within a zone;
 - ii) amendment of the zone requirements of a zone;
 - iii) amendment of the general provisions of the By-law;
 - iv) amendment to the Zoning Map in Schedule A.
- b) Development agreements may be considered for the uses listed in Section 4.0 of this By-law, in conformity with the Municipal Planning Strategy.

2. Application Procedures and Fees

- a) Any person who wishes to obtain an amendment of this By-law or a development agreement shall submit an application in writing to the Clerk of the Town of Stellarton.
- b) The applicant shall deposit an amount sufficient to pay the cost of advertising required by the *Municipal Government Act*. The remaining portion of the deposit shall be returned to the applicant.
- c) Applications for development agreements will require a deposit sufficient to cover both the cost of advertising and registration of the development agreement as required by the *Municipal Government Act*. The portion of the remaining deposit shall be returned to the applicant.

2

DEFINITIONS

The purpose of this section is to define words, terms, and phrases which are necessary for the understanding, administration and enforcement of this By-law and which are not part of the common English language. To determine the meaning of words not defined in this section, reference shall be made to the following sources: The Zoning Dictionary and The Illustrated Book of Development Definitions. Words, terms and phrases neither defined in this section, nor in the reference sources cited shall be given their usual and customary meaning.

Accessory Building means a subordinate building or structure on the same lot as the main building and devoted exclusively to an accessory use. It does not include a building attached to the main building, swimming pool, or fence.

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

Act means the *Municipal Government Act*.

All Age Teen Club means a commercial establishment targeted towards teens but includes all ages and is primarily a dance or social club licensed and regulated by the Province of Nova Scotia pursuant to the *Theatre and Amusement Act* and regulations made thereto and does not include the licensed sale of alcoholic beverages.

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

Amenity Space means on-site outdoor space designed for active or passive recreational use.

Animal Hospital means a facility for the temporary treatment of animals or birds for monetary gain.

Assembly Use means a use involving the putting together of parts to make a product. The parts shall be pre-manufactured off-site and the assembly process shall not be deemed obnoxious.

Automobile Sales Establishment means a building or part of a building or a clearly defined space on a lot used for the retail sale of automobiles or trucks, automobile parts and accessories, and may include the servicing and repairing of motor vehicles.

Automobile Service Station means a building or a clearly defined space on a lot used for the sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing of motor vehicles and may include an automobile car wash or convenience store, or both, but does not include an automobile body shop.

Bank (Drive-thru) means an establishment with banking facilities for attracting and servicing prospective customers travelling in motor vehicles which are driven onto the site where such business is carried on, where normally the customer remains in the vehicle for service.

Bed and Breakfast Establishment means an owner occupied single unit dwelling in which the resident supplies, for compensation, rooms for the temporary accommodation of travelers and will be appropriately licensed under the *Tourist Accommodation Act* and regulations made thereto.

Boarding House means a single unit dwelling in which the resident supplies either room or room and board for compensation on a weekly or monthly basis, and which is not open to the traveling public.

Buffer Strip means a landscaped area intended to separate and/or wholly or partially obstruct the view of two adjacent land uses or properties from one another.

Buildable Area means the portion of a lot remaining after required yards have been provided.

Building Line means a line regulating the position of a building on a lot. The minimum building line is established by the depth of the yard required for the zone in which the lot is located, except where an existing building is located closer than the lot than the required depth. The latter is considered an established building line and is measured at the main wall of an existing main building.

Building means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment. This definition does not include a mobile/modular building with a main wall with a width of 20 feet or less.

Bulk Storage Facility means a lot used for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids (fuel oil), gases, minerals, pipes, gravel, fertilizers and grain, with or without buildings.

By-law means this By-law which is the Land Use By-law for the Town of Stellarton.

Carport means a building or structure which is without walls on at least two sides and is used for the parking and storage of a motor vehicle and for the purposes of this By-law a carport with an enclosed second storey which is attached to the main dwelling.

Cemetery means a burial place or ground other than a churchyard which may include a vault for the storage of remains and a chapel used for internment services.

Church means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, rectory, manse and daycare operated by the church.

Clinic means a building used for medical, dental, surgical or therapeutical treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor located in his or her residence.

Commercial Club means a club operated for gain other than a community centre.

Commercial means any use by which retail or wholesale trade is carried on, and may include other uses involving sale of goods, materials, and services.

Commercial Recreation means a building or lot or part thereof used solely for recreation or entertainment purposes for profit or gain, and may include such uses as dance halls, theatres, cinemas, billiards or pool halls, bowling alleys, miniature golf courses, bingo halls, campgrounds, and amusement arcades.

Commercial School means a school conducted for compensation and includes a privately operated secretarial school, language school, and driving school but does not include a daycare or university.

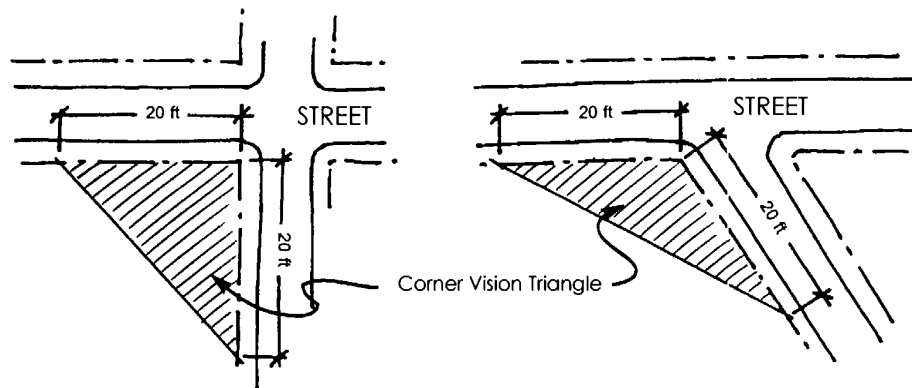
Commercial Uses Utilizing Heavy Equipment and/or Heavy Vehicles means a commercial use, that as part of its function, utilizes heavy equipment and/or vehicles which are stored on the same property such as: tractors, excavators, oil delivery trucks, transport trucks and/or trailers, dump trucks, buses, and cube vans. But shall not include panel vans, ambulances, hearses, or regular pick up trucks.

Community Centre means a building used for recreational, social, educational and cultural activities, owned and operated by a public or non-profit group or agency.

Construction Industry means any use primarily involving the erection, development, redevelopment, or rehabilitation of residential, commercial, institutional (non-residential) and industrial buildings and real estate and including road building and such uses are often characterized by the outdoor storage of equipment, machines, vehicles and building supplies.

Corner Vision Triangle means that area of a corner lot which is enclosed by a triangle, the apex of which is the intersection of the flanking lot line and the front lot line, two sides of which triangle are 20 feet (6 metres) in length measured from the abutting street line of each street a distance of 20 feet (6 metres) from their point of intersection.

Corner Vision Triangle



Cultural Use means any use of a building or land for uses such as theatres, auditoriums, art galleries, libraries, museums, meetings, conferences, and similar uses.

Custom Workshop means a building or part of a building used by a trade, craft or guild for the manufacture of custom ordered clothes or articles and includes upholstery, repair, refinishing of antiques and other art objects.

Day Care Facility means a premises where children are cared for on a temporary basis without overnight accommodation.

Deck means a structure abutting a dwelling with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

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

Development Officer means the development officer appointed by the Town of Stellarton in accordance with the Act and charged with the duty of administering the provisions of this By-law.

Development Permit means a permit other than a building permit issued by the Municipal Development Officer indicating that a proposed development complies with the provisions of a Land-Use By-law.

Dormitory means a building used as group living quarters for a student body as an accessory use for a college, university, boarding school or similar institutional use.

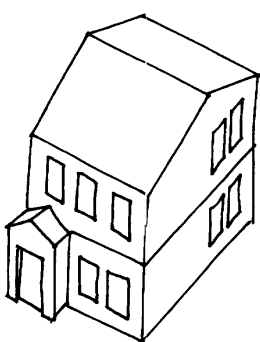
Dry Cleaning Depot means a business where clothes and other items are dropped off to be professionally cleaned which are then transported to another location for cleaning.

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

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

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

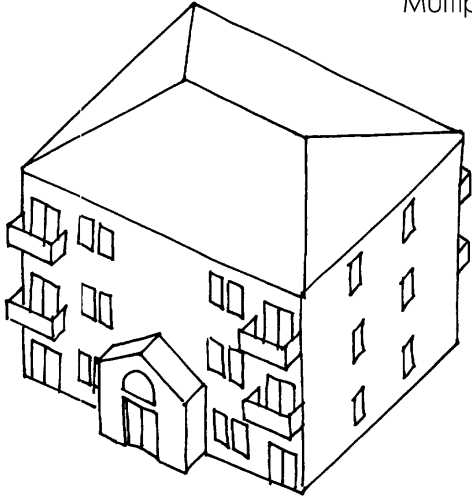
Dwelling, Duplex means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly from outside or through a common vestibule;



Duplex

Dwelling, Mobile Home means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly; and the foregoing shall include prefabricated dwellings having any main wall with a width of less than 20 feet (6.1 m). For the purposes of this section a 'main wall' is defined as one of the four longest walls of the building;

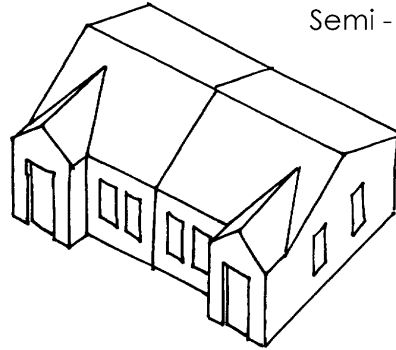
Multiple Unit



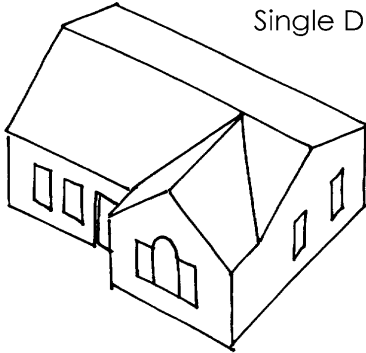
Dwelling, Multiple Unit means a building which contains three or more dwelling units which have a common entrance from the street level;

Dwelling, Semi-Detached means a building which is divided vertically into two dwelling units each of which has an independent entrance.

Semi - Detached



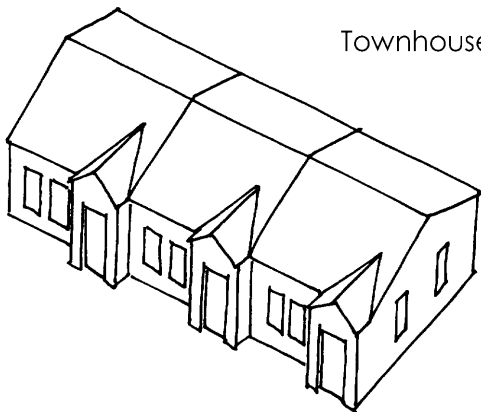
Single Detached



Dwelling, Single Detached means a completely detached building containing one dwelling unit. The structure is constructed wholly on the site from basic materials or from components transported to the site; which is not intended or designed to be removed from the site;

Dwelling, Townhouse or Row House means three or more dwelling units, each with a separate entrance, constructed side by side and separated by common vertical walls

Townhouse



Environmentally Sensitive Area means an area of land which is hazardous or unsuitable to develop because such land is on a floodplain, has steep slopes, is subject to flooding, erosion, or subsidence, or has other such physical limitations.

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.

Established Grade means, when used in reference to a building, the average elevation of all the finished surfaces of the ground adjoining each exterior wall of a building exclusive of any localized depression such as vehicle or pedestrian entrances.

Existing means in existence as of the effective date of this Land Use By-law.

Existing Multiple Residential Dwelling means a converted dwelling containing three or more dwelling units or apartment building containing three or more dwelling units in existence prior to the effective date of this by law. The existing residential multiple dwelling shall be determined to be in existence if verified by way of assessment records or other means as determined by the development officer.



Established Grade = average of Elevation A and Elevation B

*Elevation A = highest elevation of finished grade
Elevation B = lowest elevation of finished grade*

Fence means an artificially constructed barrier of any material or combination of materials (may include landscaping, berms, etc.) erected to enclose or screen areas of land, to prevent entrance, to confine, or to mark a boundary.

Fill means material deposited on a lot to alter the land level of the lot.

Floor Area means the total area of floor space contained within the exterior faces of the exterior walls of a building;

Floor Area, Gross Leasable means the total floor area within a building used or capable of being used for commercial purposes, such as sales, display, storage and offices, but excludes common areas such as washrooms, public walkways, malls, and common walls between stores.

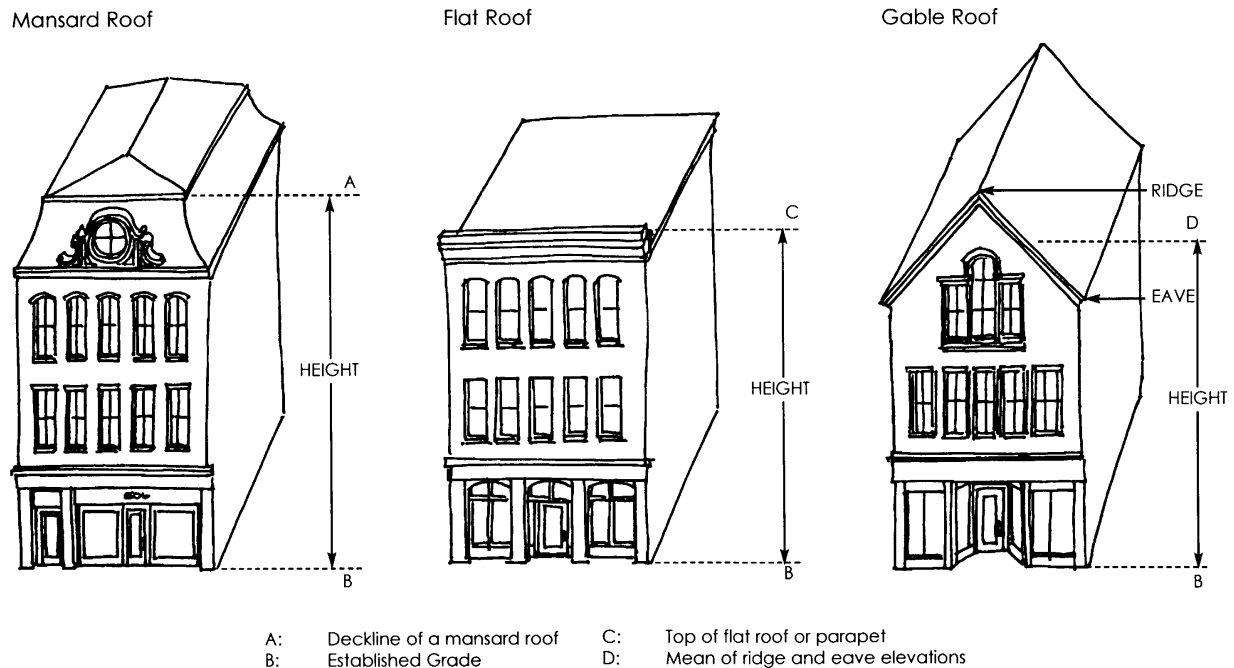
Floor Area, Gross means the total floor area exclusive of any unfinished basement or cellar, and any floor area used for building maintenance and service equipment, loading, or the storage or parking of motor vehicles;

Forestry Use means the general raising and harvesting of wood without limiting the generality of the foregoing shall include the leasing and cutting of fuel, wood, pulp wood, lumber, Christmas trees, and other products.

Garage means an enclosed or partially enclosed attached or detached accessory building, used for the storage or one or more vehicles, in which no business is conducted or services performed for profit unless otherwise permitted by this By-law.

Height means, when used with reference to a building, the vertical distance between the established grade and : the mean level between the eaves and the ridge of a gabled, hip, , gambrel or other such pitched roof, the highest point of the roof surface or the parapet of a flat roof (whichever is greater), or the deck line of a mansard roof, but shall not include any accessory

roof construction used as ornament or the mechanical operation of the building such as a
 C Illustration of Building Height Calculations



Hobby Farm means a parcel of land upon which the predominant activity is farming but that the income resulting from its operation is not the main source of income for the property owner.

Home Occupation means an accessory use of a dwelling for gainful employment involving the provision or sale of goods and/or services and includes: business or professional offices, domestic and household arts, custom workshops, food preparation services, residential day cares, pet grooming establishments, and personal service shops. This definition excludes auto repair, welding shops, as well as hobbies of an individual resident.

Hotel means a building or buildings used to accommodate the traveling public for compensation, by supplying them with sleeping accommodation and accessory services such as restaurants, cooking facilities and licensed liquor establishments.

Industry, Heavy means any use of land or building for the basic processing and manufacturing of large volumes of materials, predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light means any use of land or building for the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Institutional Use means any use of a building or land for non-commercial purposes by an organized body or society for promoting a particular objective. This may include a service having a health, educational or religious purpose such as those provided for at hospitals, residential care

facilities, museums, libraries, schools, universities, or churches; and includes the activities of those organizations incorporated under the *Societies Act*; and also includes those facilities providing emergency services such as police, fire and ambulance.

Kennel or Animal Care Service means a building or structure used for the enclosure of animals, birds, or livestock which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without care.

Landscaped Open Space means the area of a lot which is used for the growth and maintenance of grass, flowers, trees, shrubbery, natural vegetation, and including any surfaced walk, pool, or patio, but shall not include any access driveway, ramp, parking lot, or loading spaces.

Landscaping means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them.

Licensed Home for Special Care (See Special Care Facility)

Licensed Liquor Establishment means a liquor establishment licensed by the Nova Scotia Liquor Licensing Board under the *Liquor Control Act*. Such establishments shall include those licensed as a club, beverage room, lounge, tavern, or cabaret.

Loading Space means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise and/or materials are loaded or unloaded from the vehicles.

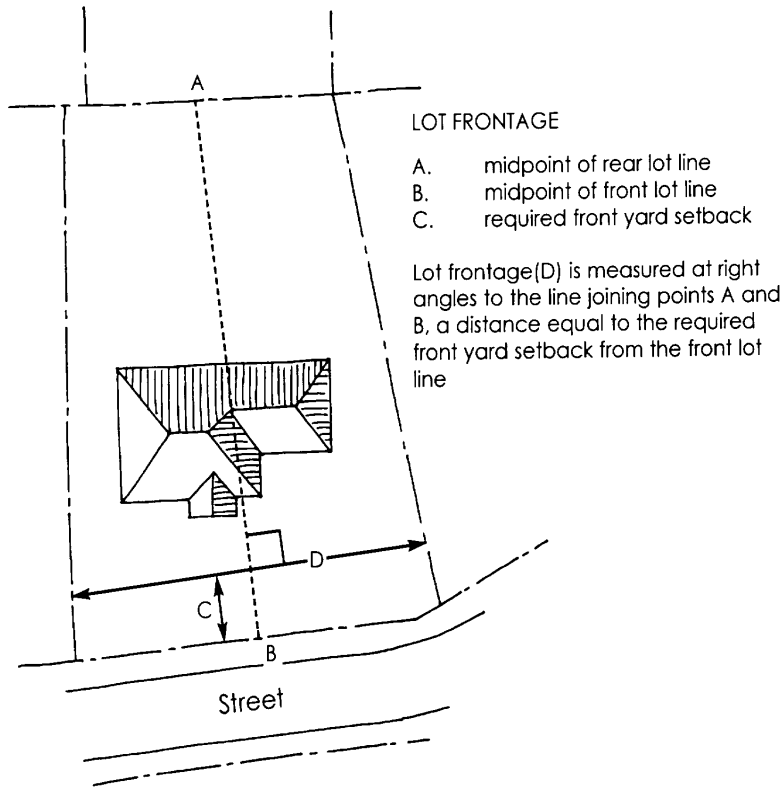
Lot means a parcel of land described in a deed or as shown on a registered plan of subdivision.

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

Lot Coverage means the percentage of the lot that is covered by buildings excluding projecting eaves, balconies and similar features.

Calculation of lot frontage for corner lots shall be the horizontal distance between the side lot line and the flanking lot line.

Lot Frontage means the length of a line joining the side lot lines and parallel to the front lot line. Calculation of Lot Frontage for irregularly shaped lots shall be the horizontal distance between the side lot lines as measured at a point, where a line drawn perpendicular to a line joining the midpoint of the rear lot line and the midpoint of the front lot line at a point equal to the required front yard. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.



Lot Line, Flanking means the side lot line which abuts the street on a corner lot.

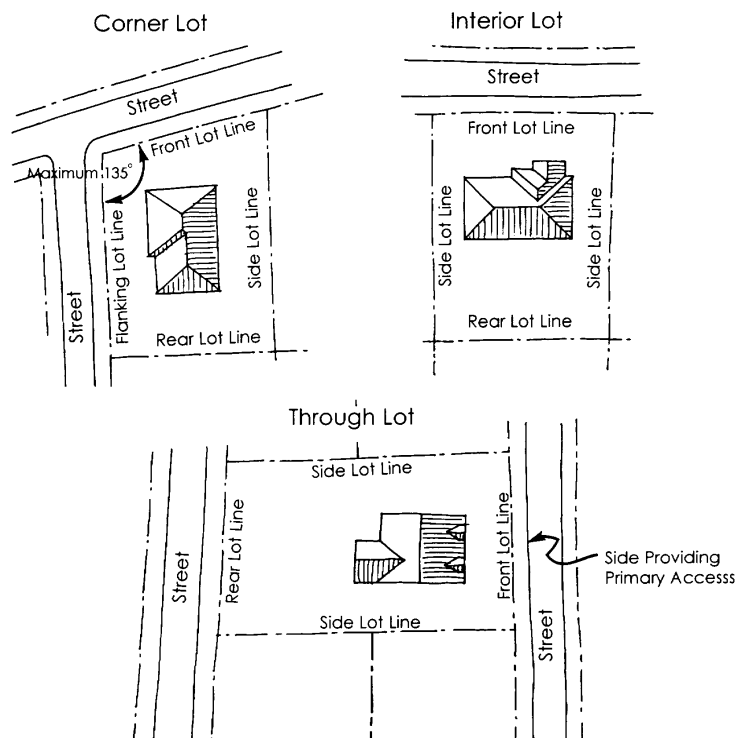
Lot Line, Front means the lot line dividing the lot from the street; in the case of a through lot, the lot line abutting the street providing the primary access.

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

Lot Line, Side means a lot line other than a front or rear lot line, which is not a flanking lot line.

Lot, Corner means a lot situated at the intersection of and abutting two or more streets, provided the angle of intersection of the two streets is no more than 135°. One street shall be deemed the front line and the other(s) shall be the flanking street(s) for the purpose of determining setback requirements.

Illustration of Lot and Lot Line Definitions



Lot, Interior means a lot situated between two lots and having access to one street.

Lot, Through means a lot bounded on two opposite sides by streets or highway provided, however, that if any lot qualifies as being both a Corner Lot and a Through Lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

Main Building means any building in which is carried on the principal purpose for which the lot is used.

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

Mobile Home Park means an establishment comprising land or premises under single ownership, designed and intended for use for ten or more mobile homes exclusively but does not include campgrounds designed for seasonal use.

Mobile Home Space or Lot means a parcel of land intended to be used by one mobile home.

Motel means a building or buildings used to accommodate the traveling public for compensation, by supplying them with sleeping accommodation and accessory services such as restaurants, cooking facilities and licensed liquor establishments.

Neighbourhood Commercial Use means any building or land used for commercial, retail, and service purpose, which is intended to serve the needs of the residential neighbourhood.

Nursery School or "Day Nursery" means the same as a **"Day Care Facility"**.

Nursing Care means the use of methods, procedures and techniques employed by persons with technical nursing training.

Nursing Home means a building in which accommodation is provided or is available to the aged, the disabled, or other persons requiring or receiving skilled nursing care and does not include a place maintained by a person to whom the residents are related by blood or marriage, nor shall it include a Senior's Residential Complex as defined in this By-law.

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

Office means a business or professional office where business may be transacted, a service performed or consultation given but does not include the manufacturing of any product or the on-site retailing or selling of goods.

Open Space, Natural means an area of land which is left in its natural biological state and topography.

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

Outdoor Storage means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, other than within a building.

Parking Area/Lot means an open area of land other than a street or an area within a structure for the parking of vehicles. Parking areas shall consist of parking spaces for individual vehicles, driveways or aisles for access to parking areas from a public street and for vehicle manoeuvring and loading spaces in specified circumstances (refer to Section 3.5 of this By-law).

Parking Space means an area, the minimum dimensions of which are indicated in the General Provisions Section, for the temporary parking or storage of motor vehicles, which has adequate access to permit ingress and egress of a motor vehicle from a street by means of driveways, aisles or manoeuvring areas.

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

Personal Care means the provision of room, board and supervision of, and assistance with, the daily activities of a person who is aged, disabled, or convalescing from illness or injury.

Personal Service Establishment means a commercial establishment in which persons are employed in furnishing services and administering to the individual and personal needs of a person. A personal service establishment shall include, but not be limited to, the premises of a barber, hairdresser, beautician, aesthetician, tailor, seamstress, shoemaker, and tanning salon, depots for collecting dry cleaning and laundry and similar uses, but excludes any manufacturing or fabrication of goods for sale and shall not include a massage or adult entertainment parlour.

Pet Grooming Establishment means a business which is associated with grooming of animals or birds.

Pet Shop means a business where animals or birds for use as pets are sold, kept for sale or groomed, but does not include a shop or place for the breeding or overnight boarding of pets.

Premises means an area of land with or without buildings or structures.

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

Public Authority means any board, Commission or Committee of the Town of Stellarton established or exercising any power or authority under the general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the municipality or a portion thereof and includes any committee or local authority established by the Town.

Public Building means a building of a public Authority, of the Government of Canada, of the Province of Nova Scotia, or of the Town.

Race Track means a track for the racing of animals or any form of motorized vehicles.

Recreation Facility means a place publicly or privately owned, designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities including but not limited to fitness centres, spas, gymnasiums, arenas, and swimming pools.

Recreation, Passive means space, which is designed to be used for relatively inactive pursuits such as trails, picnic areas, open space, conservation areas, and does not include uses requiring buildings or land intensive activities.

Recreational Use means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, and similar uses but does not include a track for the racing of animals or any form of motorized vehicles.

Recycling Depot means premises on which recoverable materials such as newspaper, glassware, plastics, and metal cans are separated prior to shipment but does not include any processing of the material or a salvage yard.

Registered Deed means a deed recorded at the registry of Deeds in Pictou, Nova Scotia.

Registered Plan means a subdivision or survey plan recorded at the Registry of Deeds in Pictou, Nova Scotia.

Restaurant means a building where food and drink is served to the public primarily for consumption within the building and may include a licensed eating establishment as defined by the *Liquor Control Act*.

Restaurant Take-out means a building where food and drink is served to the public for consumption exclusively off-site and not for consumption in parking areas adjacent to the building.

Restaurant, Drive-in means a building where food and drink is served to the public for consumption in parking areas appurtenant to the building whether or not facilities are provided for consumption within the building; commonly known as a fast food restaurant and may include a drive-thru car pick-up.

Retail Store means a building in which goods and merchandise, substances, food, articles or things are offered for sale to the ultimate consumer for personal or household uses.

Right-of-way means an area of land that is legally described in a registered deed for the provision of private or public access of passage.

Scrap Yard or Salvage Yard means a lot or premises for the storage or handling of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, vehicles, tires, metal, or other scrap material or salvage.

Screen means a physical obstruction between incompatible land uses; a screen may include one or a combination of retained vegetation, fences, walls, beams, and/or newly landscaped areas.

Senior's Residential Complex means a multiple unit building consisting of independent housekeeping units designed or intended to be occupied by senior citizens. A senior's residential complex shall have common facilities for dining, recreation, leisure and may also include services such as housekeeping, security, personal care, physiotherapy, and activity programs. Such a development will not be intended for use as, nor easily converted to, a multiple unit dwelling.

Separation Distance means that portion of a lot which is required to physically separate incompatible land uses. A separation distance is a horizontal distance and may include a required front, side and/or rear yard.

Service Industry means the processing of foodstuffs, a printing establishment, a laundry or dry cleaning establishment, a paint shop, equipment rental shop, photography studio, plumbing/electrical supply, sheet metal shop, autobody repair shop, and similar uses.

Service or Repair Shop means a building used for the sale or repair of household articles and may include appliance, electronic equipment and furniture repair shops but shall not include uses such as industrial, manufacturing or automobile service stations.

Service Station Canopy means a permanent roofed structure open on all sides, except where attached to a service station building, and used to provide shelter for service station fuel pumps.

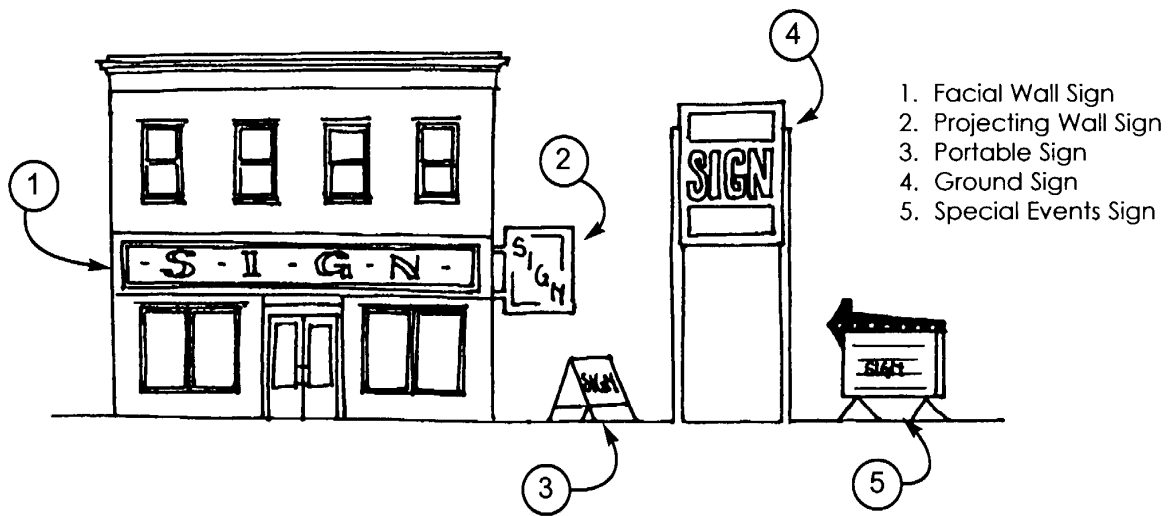
Setback means the distance between the property line and nearest wall of any building or structure and extending the full width or length of the lot, (see building line).

Sign Area means the area of the display surface, but not including any portion of the support structure, or:

- a) where a sign has more than two sides, or is conical, spherical, or tubular, sign area shall mean one half of the sum of the area of all display surfaces;
- b) where a sign has two sides, sign area shall mean one-half the sum of the area of all display surfaces;
- c) where a sign is composed of freestanding characters or shapes, sign area shall mean the area of the smallest quadrangle which encloses the characters or shapes comprising the sign.
- d) service station canopies are exempt from the provisions of this definition.

Sign means a structure, device, light or natural object including the ground itself, or any part, or any device attached, or painted or represented on which shall be used to advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "sign" does not include signs which are located inside of or on windows and glass doors of commercial activities.

Sign, Display Surface means that portion of a sign, including any trim and molding, which forms the surface upon which elements are organized, related, and composed to form a unit which conveys a message.



Sign, Facial Wall means a sign which is attached to and supported by a wall of a building.

Sign, Flashing means a sign which by means of electrical devices which gives the effect of an intermittent movement or changes to give two or more visual effects, or alternates with a lit and unlit effect.

Sign, Ground means a sign supported by one or more uprights, poles or braces placed in or upon the ground designed with the intent to be permanently affixed in one location.

Sign, Illuminated means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign.

Sign, Portable means a sign designed to be easily transported and which is not permanently affixed to the ground, including but not limited to sandwich board signs.

Sign, Projecting Wall means a sign which is supported by and projects from a wall of a building a minimum of 12 inches (30.5cm).

Sign, Roof means any sign erected upon, against, or directly above a roof, or on top of, or above the parapet of a building.

Sign, Special Event means a sign supported on a moveable structure or a banner which is displayed only on a temporary basis in conjunction with a special event, festival, holiday, business opening or closing.

Sign, Third Party means any sign intended to advertise a business which is at a different location than where the sign is located. For the purposes of this by-law, the business must be located in the same zone as the third party sign.

Special Care Facility means a building where accommodations and supervisory care or personal care are provided to four or more persons, including group homes, sheltered housing, foster homes, half-way houses, and may include incidental counselling and support services but shall

not include the provision of skilled nursing care. A special care facility does not include a place maintained by a person to whom the residents are related by blood or marriage.

Steep means a slope gradient of 20 percent or greater.

Storey means that portion of a building which is situated between the top of any floor and the top of the floor above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it. The first storey of a building means the uppermost storey having its floor level not more than 2 metres above established grade.

Strategy means the Municipal Planning Strategy for the Town of Stellarton.

Street Line means the boundary line of a right-of-way of a street.

Street means any road or highway owned and maintained, by the Province of Nova Scotia or the Town of Stellarton.

Street, Arterial means a roadway used primarily for through traffic to carry large volumes of all types of vehicular traffic moving at medium to high speeds. Arterials typically connect with collectors and other arterials, carrying through traffic between major land uses. The amount of direct access to adjacent development is limited on arterial roads. Generally, there are controlled pedestrian crossings on arterials and a clear separation between pedestrian and vehicular traffic.

Street, Collector means a roadway which provides land access and traffic movement with equal importance. Collectors typically carry traffic moving at moderate speeds, between local and arterials. Collectors also serve traffic from neighbourhood to neighbourhood and secondary traffic generators such as community centres, schools, and neighbourhood commercial uses. Generally, sidewalks separate vehicular and pedestrian traffic on collectors.

Street, Highway means a major transportation route (i.e. Trans-Canada Highway) under the jurisdiction of the Province.

Street, Local means a roadway whose primary function is to provide direct access to individual properties. Locals are typically designed to carry low traffic volumes, moving at slow speeds for short distances. They normally connect to other locals and collectors and serve residential land uses. Generally local streets do not have sidewalks, vehicular and pedestrian traffic share the same right-of-way.

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 include but are not limited to buildings, signs, pools and fences.

Studio means the working space of a creative person.

Swimming Pool means a water filled enclosure or structure, permanently constructed or portable, whether above ground or in-ground having a depth of more than 0.3 metres (1 foot) below the level of the surrounding land, used and maintained for swimming and bathing. This definition of swimming pool does not include reflecting pools and other such structures used as a part of the landscaping of a property. For the purposes of this By-law, Swimming pools shall not be considered to be an accessory structure.

Town means the Town of Stellarton.

Town Engineer means the Engineer appointed by the Town of Stellarton.

Traffic Authority means the Traffic Authority for the Town of Stellarton appointed by Council under the provisions of the *Motor Vehicle Act*.

Utility means any public or private system, works, plant, equipment or services which furnishes services at approved rates to or for the use of the general public, and is not considered obnoxious, as defined by this By-law.

Variance means a relaxation of the terms of the Land Use By-law, particularly in reference to yards, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement in the ordinance would result in unnecessary and undue hardship.

Verandah means a roofed or open structure, which may be glazed or screened, attached to a building.

Video Outlet/Rental Shop means a building or part thereof used for the sale, leasing or rental of video programs and videocassette recorders and related accessories.

Warehouse means a building used primarily for the storage and distribution of goods and materials and may include wholesale or retail activity, provided such activity is subordinate to the main use.

Watercourse means any lake, river, stream, natural drainage channel, bog, marsh or other body of water.

Wholesale Establishment means a building in which commodities in quantity are offered for sale chiefly to industrial, institutional, and commercial users or to retailers or other merchants mainly for resale or business use.

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

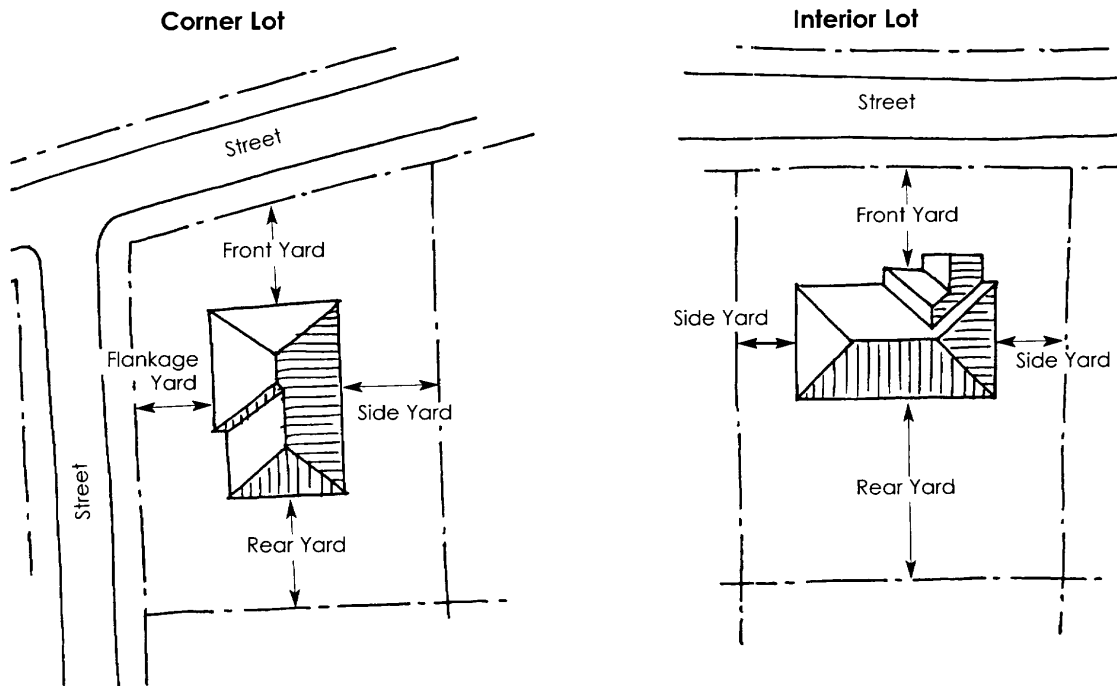
Yard, Abutting means a yard which is contiguous with or extends across one or more zone boundaries.

Yard, Flankage means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any main building or structure.

Yard, Front means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; and a 'minimum' front yard means the minimum depth allowed by this By-law for a front yard.

Yard, Rear means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and 'minimum' rear yard means the minimum depth allowed by this By-law for a rear yard.

Yard, Side means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and 'minimum' side yard means the minimum width allowed by this By-law for a side yard.



Youth Centre means a building or part of a building, which provides youth, oriented activities owned and/or operated by a community non-profit organization or as a private business in association with a community centre.

Zone means a designated area of land shown the Zoning Map accompanying this By-law.

3

GENERAL PROVISIONS**1. DEVELOPMENT PERMITS****1. Development Permit Needed**

- a) No building or structure shall hereafter be erected, or any increase/decrease made in the size or the volume of a building or structure, or the use of any building or land changed, unless a development permit has been issued by the Municipal Development Officer in accordance with the provisions of this By-law.
- b) No person shall move any building or structure within or into the area covered by this By-law without first obtaining a development permit from the Development Officer.
- c) Applications for development permits shall comply with the provisions set out in Part 1, Section 3.

2. Licenses, Permits and Compliance with Other By-laws

- a) Nothing in this By law exempts a person from complying with any other By law in force within the Town, or from obtaining the necessary permits or licenses required by any other by-law of the Town.
- b) Where the provisions of this By-law conflict with those of any other municipal or provincial legislation, the higher or more stringent regulations shall prevail.

2. PERMITTED USES**1. Multiple Uses**

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

2. Accessory Uses Permitted

Accessory uses shall be permitted for any use that conforms with the zone in which it is located as long as the accessory use is subordinate to and associated with the principal permitted use, and does not operate independently from the principal permitted use on the property.

3. Non-Conforming Uses

Any use of land, a building, or a structure that does not conform to the requirements of the By-law, or where construction has begun on such a use, building, or structure on or before the effective date of this By-law, said use, building or structure shall be subject to the provisions of the *Municipal Government Act* respecting non-conforming uses and structures.

4. Changes to Non-Conforming Uses or Structures

Notwithstanding Section 2(3) of this Part, the following may be considered by development agreement in accordance with Section 242 of the *Municipal Government Act*:

- a) the alteration of non-conforming structures or structures containing non-conforming uses;
- b) the rebuilding of a non-conforming structure or a structure containing a non-conforming use, after destruction;
- c) the recommencement of a non-conforming use of land or a structure after it has been discontinued;
- d) the change in use of a non-conforming structure to another use in the non-conforming structure;

- e) the change of use of a non-conforming use of land or a structure to another non-conforming use; and
- f) expansions to non-conforming uses

5. Temporary/Special Uses and Structures

Nothing in this By-law shall prevent the temporary use or erection of:

- a) a use or structure incidental to construction in progress (including scaffolding, offices which may include a mobile structure, sheds, work camps or similar uses) provided the use does not remain in place for more than 14 days after construction is completed or discontinued and provided a development permit has been issued;
- b) a use or structure erected for a special occasion or holiday such as midways, circuses, fairs, festivals, or special promotions provided that such uses remain in place no longer than 14 days. For these special uses no development permit shall be required.
- c) a sign, in accordance with Part 3, Sections 6 and 7 of this By-law.

6. Swimming Pools (outdoor)

- a) A swimming pool shall conform to the requirements of the Town of Stellarton's Swimming Pool By-law.
- b) A swimming pool, or the yard in which it is located, shall be enclosed by a fence or combination of buildings and fences. In the case of an in-ground pool, the fence shall be situated no closer than 4 feet (1.2 metres) from the inside edge of the pool.
- c) A fence enclosing a swimming pool shall have a minimum height of 5 feet (1.5 metres) and comply with the setback requirements as set out in Section 3(11) and Section 3(13) of this Part.
- d) In residential zones a swimming pool shall not be permitted in a required front yard.
- e) In commercial, institutional, or recreational zones, the minimum setback for a swimming pool from any lot line shall be 20 feet (6.1 metres), measured from the property line to the inside edge of the swimming pool.

7. Fence Regulations

- a) No development permit shall be required for a fence under 6 feet (1.8 metres) in height except where the fence is required in accordance with this By-law.
- b) No fence shall exceed 2 feet (0.6 metres) in height within a corner vision triangle, in accordance with Section 3(12) of this Part.

8. Truck, Bus and Coach Bodies

No truck, bus, coach, street car body, recreational trailer or vehicle, or structure of any kind whether or not same is mounted on wheels, other than a mobile home or dwelling unit erected and used in accordance with this and all other By-laws of the Town shall be used for human habitation within the Town.

9. Public Uses and Utilities

Nothing in this By-law shall prevent or restrict the use of land or the use, construction or reconstruction of any building or structure for the purpose of the provision of public services by the Town of Stellarton, utility company, or any department of the Provincial or Federal Governments.

10. Main Buildings With Walls of 20 feet (6.1 metres) or Less

No development permit shall be issued for any main building with a main wall of 20 feet (6.1 metres) or less with the exception of the (RMHP) Zone. For the purposes of this definition a main wall is defined as one of the four longest walls of the building.

3. LOT, YARD AND OTHER DEVELOPMENT STANDARDS

1. Frontage on Street

No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street.

2. One Main Building on a Lot

No person shall erect more than one (1) main building on a lot except for:

- a) buildings located in a Commercial, Industrial, Recreation, or Institutional Zone;
- b) mobile homes located in a Mobile Home Park Zone;
- c) multi-unit residential uses in the Residential Multiple Unit (R3) Zone.

3. Building to Be Erected on a Lot

No person shall:

- a) erect or use any building unless such building is erected on a lot;
- b) erect a building so that it crosses a lot line, as defined herein;
- c) erect a main building, whether prefabricated or otherwise, with a main wall of 20 feet (6.1 metres) or less.

4. Existing Building/Use

- a) A building which has been erected on or before the effective date of this By-law on a lot which does not meet the requirements of this By-law respecting lot area, frontage or setbacks (front yard, side yard, rear yard) may be enlarged, reconstructed, repaired or renovated provided:
 - i) the activity does not further reduce the setback that does not conform to this By-law; and
 - ii) all other applicable provisions of this By-law are satisfied.
- b) The use of an existing building erected on or before the effective date of this By-law and which does not meet the requirements of this By-law respecting lot area, frontage, setbacks, or parking may be changed to a use permitted in the zone in which the lot is located provided that all other applicable provisions in this By-law are satisfied.

5. Existing Undersized Lots

- a) Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels in existence prior to the adoption date of this By-Law, having less than the minimum frontage or area or both as required by this By-law, may be:
 - i) used for a purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied;
 - ii) increased in area or frontage or both, pursuant to the Town's Subdivision By-law.
- b) In addition to Section 3(5)(a), where such lots are increased in size but remain undersized, they are still deemed to be existing undersized lots.

6. Reduced Lot Requirements

- a) Where an undersized lot has been created through a plan of subdivision in accordance with the Town of Stellarton's Subdivision by-law and the Municipal Planning Strategy for the Town of Stellarton, these lots are deemed to be existing undersized lots.
- b) Notwithstanding anything else in this By-law, a development permit shall be issued for development on a lot created pursuant to the Municipal Planning Strategy and the Town's Subdivision By-law which permits the creation of a lot with less than the required minimum frontage and/or area provided:
 - i) neither reduction is less than 90% of the requirement set out in the By-law; and

- ii) all other provisions of this By-law are met.

7. Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure. In the case of a non-conforming use, Section 241(1)(b) of the *Municipal Government Act* shall prevail.

8. Permitted Encroachments into Yards

Except for accessory buildings, every part of any yard required by this By-law shall be open and unobstructed by any structure, except those structures listed in the following table, which shall be permitted to project for the specified distances into the yards indicated as follows:

TABLE 3.1
Permitted Encroachments into Yards

STRUCTURE	YARD PERMITTED	MAXIMUM PROJECTION
Belt courses, cornices, eaves, gutters, chimneys, sills, or pilasters	any yard	2 feet (0.6 m)
Window bays	any yard	3 feet (0.9 m), with a maximum width of 10 feet (3 m)
Steps, stairways	any yard	6 feet (1.8 m)
Porches (not exceeding 1 storey), uncovered decks, verandahs, balconies, terraces	any yard	8 feet (2.4 m) Including eaves and cornices to 4 feet (1.2 m) from the lot line
Carports, attached garages	rear, side	3 feet (0.9 m)
Structures necessary for barrier free access	any yard	to lot line

9. Height Regulations

- a) The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, emergency signal structures, flag poles, telephone or television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, light standards, satellite dishes, cupolas, or any mechanical or ornamental roof construction.
- b) The height of a building shall be determined by calculating the vertical distance of a building between the established grade and:
- i) the highest point of the roof or the parapet of a flat roof, whichever is the greater;
 - ii) the deckline of a mansard roof; or
 - iii) the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof.

10. Illumination

No person shall erect any illuminated sign or illuminate an area outside a building with outdoor lighting unless such illumination is directed away from adjoining properties and streets.

11. Corner Vision Triangle

- a) Notwithstanding anything else in this By-law, a fence, sign, hedge, shrub, bush, or tree or any structure or vegetation, shall not be erected or permitted to grow to a height exceeding 2 feet (0.6 metres) above grade in a corner vision triangle.
- b) Section 11(a) notwithstanding, in the Downtown Commercial (C1) Zone development exceeding 2 feet (0.6 metres) in height shall be permitted within the corner vision triangle.

- c) Section 11(a) notwithstanding, where turning lanes have been installed and cut through the intended corner vision triangle, development exceeding the height limitation of 2 feet (0.6 metres) shall be permitted.

12. Flankage Yards

Notwithstanding anything else in this By-law, no part of any building, accessory building, or swimming pool situated on a corner lot shall be closer to the right-of-way of the flanking street than 15 feet (4.6 metres). Buildings situated in the Downtown Commercial (C1) Zone shall be exempt from this requirement; that is, no front or flankage yard shall be required within that zone.

13. Yard and Density Exceptions

- a) Where a front, side, or rear yard are required in this By-law, and part of the area is usually covered by water, or is beyond the rim of a riverbank or watercourse, or between the top and toe of a cliff or embankment having a slope of 25 percent or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the rim of said riverbank or watercourse, or to the top or toe of said embankment if such area is closer than the lot lines.
- b) The areas mentioned above shall also be excluded for purposes of calculating permissible densities for multi-dwelling units and amenity space requirements.

4. ACCESSORY BUILDINGS, STRUCTURES, AND USES

1. Not for Human Habitation

An accessory building or structure shall not be used for human habitation or serve as a dwelling unit except where a dwelling is a permitted accessory use.

2. Yard Requirements

An accessory building, structure, or use shall not:

- a) be located within the required front yard of a lot;
- b) be built closer to a street than the required yard setback;
- c) be erected closer to the lot line of the flanking street than 4.6 metres (15 feet);
- d) be built within 6 feet (1.8 metres) of the main building;
- e) exceed 15 feet (4.6 metres) in height except in an Industrial or Highway Commercial Zone;
- f) be built closer than 4 feet (1.2 metres) to a lot line except that:
- i) common semi-detached garages may be centred on the mutual side lot line; and
 - ii) accessory buildings with no windows or openings on the side of the building which faces said lot line, may be located a minimum of 2 feet (0.6 metres) from said lot line in any residential zone;
- g) Where the provisions of this By-law conflict with those of any other municipal or provincial legislation, the higher or more stringent regulations shall prevail.

3. Where Permitted

An accessory building, structure, or use shall not:

- a) be permitted on a lot separate from the main building or use;
- b) be permitted if a main building or use is not on the lot;

4. Maximum Building Footprint

An accessory building or structure, shall not have a building footprint in excess of 750 square feet except in an Industrial or Highway Commercial Zone.

5. Certain Structures Exempt

Drop awnings, clothesline poles, garden trellises, sidewalks, curbs, bollards, and retaining walls shall be exempt from any requirements under this section.

5. PARKING AND LOADING REQUIREMENTS

1. Off-Street Parking Design Standards

- a) Every building or structure erected or enlarged shall provide off-street parking with unobstructed access to a public street.
- b) A private parking area shall be within 300 feet (91 metres) of the location which it is intended to serve.
- c) Parking and loading areas shall be located within the same zone as the use to which the parking and loading are accessory to.
- d) Parking areas shall consist of parking spaces for individual vehicles, loading spaces in specified circumstances, and driveways or aisles for access to parking spaces from a public street and for vehicle manoeuvring.
- e) Each parking space shall have an area of not less than 200 square feet (18.6 m²), and shall measure 10 feet (3 metres) by 20 feet (6.1 metres).
- f) Where parking facilities for more than 4 vehicles are required or proposed, the following shall apply:
 - i) the parking area shall be maintained with a stable, all weather, surface which is treated to prevent the raising of dust or loose particles;
 - ii) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
 - iii) driveways or approaches to a parking area shall be defined by a curb of concrete, rolled asphalt or wood and the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
 - iv) where it can be reasonably achieved, the location of approaches or driveways shall be no closer than 50 feet (15.2 metres) from the limits of the right of way of a street intersection;
 - v) the minimum width of a driveway or aisle in a parking area shall be 10 feet (3 metres) for one-way traffic and 20 feet (6.1 metres) for two-way traffic;
 - vi) from any one lot, there shall not be more than two exit ramps and two entrance ramps accessing any one public street
 - vii) in the Institutional (I), Recreation (P), Downtown Commercial (C1), Neighbourhood Commercial (C2) Zone, or any Residential Zone, the width of any ramp leading to a parking area shall not be less than 12 feet (3.7 metres) wide, measured at the curb, for one way traffic and not more than 25 feet (7.6 metres) wide, measured as aforesaid, for two-way traffic;

2. Off-Street Parking Requirements

- a) Parking for the physically challenged shall be provided at a ratio of 1 space for each 100 required parking spaces or part thereof.
- b) Parking requirements for mixed use developments shall be determined by calculating the sum of the parking requirements for each use.
- c) Parking spaces and areas shall be provided and maintained in conformity with the following:

TABLE 3.2
Parking Requirements for Residential Uses

Type of Building or Use	Parking Required
A residential dwelling containing not more than 2 dwelling units	1 space for each dwelling unit
Senior’s Residential Complex	1 space for each dwelling unit

All other residential dwellings

1.5 parking spaces for each dwelling unit

TABLE 3.3
Parking Requirements for Commercial Uses

Type of Building or Use	Parking Required
Auto Repair, service stations, car washes	4 parking spaces for each bay, or 7 waiting spaces per bay for an automatic car wash
Bed and breakfasts, boarding houses	1 parking space for each suite or rental unit These spaces must be in addition to those required by the other uses, where applicable.
Bowling alleys and curling rinks	6 parking spaces for every bowling lane or icesheet plus requirements for uses contained in the building
Day Care Centre	1 parking space for every 500 ft ² (46.4m ²) of floor area, in addition to those required by the residential unit if applicable
Funeral Homes	1 parking space for every 50 ft ² (4.7 m ²) of floor area for public seating. Minimum of 10 spaces
Hotels, motels, inns, tourist cabins	1 parking space for each suite or rental unit
Medical or dental practitioners offices or clinics	5 parking spaces for each practitioner
Offices	1 parking space for every 300 ft ² (28 m ²) of floor area
Personal Service Shops	2 parking spaces for each chair, or 1 parking space for each 300 ft ² (28 m ²) of floor area, whichever is greater
Restaurants	
Full Service and Licensed Liquor Establishments	1 space for every 4 seats provided, or 1 spaces per 50 ft ² (4.6 m ²) of floor area devoted to public use, whichever is greater
Drive In/Fast Food	1 space per 35 ft ² (3.25 m ²) of floor areas devoted to public use
Take Out	1 space per 60 ft ² (5.6 m ²) of floor are devoted to public use
Theatres	1 space for every 6 seats
Wholesale Establishments	1 parking space for every 1,000 ft ² (92.9 m ²) of floor area
Veterinary Clinic	1 parking space for every 300 ft ² (28 m ²) of floor area
All other commercial uses	1 parking space for every 300 ft ² (28 m ²) of floor area

TABLE 3.3
Parking Requirements for Institutional Uses

Type of Building or Use	Parking Required
Churches, church halls, auditoria, halls, and other places of assembly	1 parking space for every 5 seats or 10 ft (3 m) of bench seating, or where there is no fixed seating, 1 parking space for every 50 ft ² (4.7 m ²) of floor area for public use
Elementary schools	2 parking spaces for each teaching classroom
High schools/Colleges	4 parking spaces for each teaching classroom
Hospitals	1 parking space for every 2 beds, or for every 400 ft ² (37 m ²) of floor area, whichever is greater
Special Care Facilities	1 parking space for every 3 beds, or 1 space for every 500 ft ² (46.5 m ²), whichever is greater
Nursing Home	1 parking space for every 2 beds, or 1 space for every 400 ft ² (37 m ²) of floor area, whichever is greater

TABLE 3.4
Parking Requirements for Industrial Uses

Type of Building or Use	Parking Required
All Industrial uses	1 parking space for each 2000 ft ² (186 m ²) of floor area plus parking required for offices and other uses in the facility

3. Cash-In-Lieu of Required Parking

Notwithstanding the above parking requirements, Council may, within the Downtown Commercial (C1) Zone, accept cash-in-lieu of the required on-site parking. The cash-in-lieu contribution shall be calculated according to the following formula:

$$C = A \times P (X + Y) + Z$$

Where:

- C= cash-in-lieu;
- A= Number of parking spaces required by the Land Use By-law
- P= area needed for a parking space plus factor to allow vehicle turning and access room =320 sq. ft. ((200 sq. ft. (20 ft. by 10 ft.) +120 sq. ft. (60% of area of parking space))
- X= assessed value/square foot of the proponents land;
- Y= cost/square foot (to be determined by the proponent) for grading and surfacing the area to the standards set out in this by-law
- Z= cost of landscaping and maintaining the parking area for a five year period (to be calculated as 5% of the assessed value of the parking area).

Cash-in-lieu of the required on-site parking requirements shall be waived for new commercial developments or a change in commercial use for properties located in the "Downtown Commercial" (C1) Zone, which front on Foord Street between Acadia Avenue and Bridge Avenue. New residential development on the aforementioned properties will still be required to provide cash-in-lieu of the required on-site parking.

4. Loading Spaces

- a) In any zone, any building or structure, which entails the regular shipping, loading and unloading of persons animals, goods or materials shall be required to maintain on the same premises with every such building or structure, one (1) off-street loading space for standing loading and unloading for every 30,000 ft² (2790 m²) of building floor area, or fraction thereof, to a maximum requirement of 6 loading spaces.
- b) In any zone, any use of land which entails the regular shipping, loading and unloading of persons animals, goods or materials shall be required to maintain on the same site, one (1) off-street loading space for standing loading and unloading for every 30,000 ft² (2790 m²) of lot area, or fraction thereof, to a maximum requirement of 6 loading spaces.
- c) The provision of a loading space for any building with less than 1800 ft² (167 m²) shall be optional.
- d) Each loading space shall be at least 12 feet (3.7 metres) by 40 feet (12.2 metres) with a minimum height clearance of 14 feet (4.3 metres).
- e) No such loading spaces shall be located within any required front yard or be located within any yard which abuts a Residential or Recreational use.
- f) Loading space areas, including driveways leading thereto, shall be constructed and maintained with a stable all-weather surface which is treated to prevent the raising of dust or loose particles.
- g) Ingress and egress, to and from the required loading space areas shall be provided by means of unobstructed driveways with a minimum width of 10 feet (3 metres) for one-way traffic or a minimum width 20 feet (6.1 metres) for two-way traffic, to a maximum width of 25 feet (7.6 metres).

5. Vehicles Prohibited from Parking or Storage in Residential Zones

- a) Truck tractors and any vehicle or truck and trailer combination having a gross vehicle weight in excess of 24.6 imperial tons (25 000 kg) shall not be parked or stored within a residential zone.
- b) Clause 5(a) notwithstanding, school buses shall not be prohibited from parking in a residential zone.
- c) Vehicles loaded with materials considered to be obnoxious (including cargoes identified by labels as required by Federal Regulations under the *Transportation of Dangerous Goods Act*) shall not be parked or stored within a residential zone.

6. GENERAL REQUIREMENTS FOR SIGNS

1. Sign Requirements

All signs to be erected, replaced, or relocated in Stellarton shall be subject to the following requirements:

- a) Where sign requirements of the By-law are inconsistent with the regulations respecting advertising signs on or near public highways administered by the Province of Nova Scotia, the more restrictive regulations shall apply.
- b) No person shall erect, or enlarge a sign without first obtaining a development permit and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.
- c) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building code.
- d) All signs and all parts thereof, shall be kept in a good state of repair and maintenance.

2. Number of Signs

The following shall apply when calculating the total number of signs:

- a) window signs shall not be counted;
- b) signs permitted under Section 6(3) of this Part shall not be counted;

- c) canopies or awnings incorporating signage shall be counted, but the entire display surface of the canopy or awning shall be considered as one sign. This section shall also apply to service station canopies;
- d) when matter is displayed in a random manner without organized relationship or elements, or when there is reasonable doubt about the relationship of elements, then each element is considered to be a single sign;

3. Signs Permitted In All Zones

The following signs are permitted in all zones. No development permit shall be required for the following signs:

- a) Signs identifying the name and address of residential and non-residential buildings, and not more than 5 ft² (0.46 m²) in sign area;
- b) Signs regulating the property use, denoting on-premises traffic or parking, or other signs denoting the direction or function of various parts of a building, structure or lot provided such signs are less than 5 ft² (0.46 m²) in sign area;
- c) Real estate signs such as "For Sale" or "For Rent" not exceeding 5 ft² (0.46 m²) in sign area in a Residential Zone and 50 ft² (4.6 m²) in other zones, which advertise the sale, rental or lease of the premises;
- d) Signs erected by a governmental body or under the direction of such a body (e.g. traffic signs, railroad crossing, and safety signs);
- e) Memorial signs or tablets, signs denoting the date of erection of a structure, and the flag, pennant or insignia of any government;
- f) A sign having an area of not more than 100 ft² (9.3 m²), and which is incidental to construction and within the area designated for such purposes. Such signs must be removed within 30 days of completion of construction;
- g) Signs that constitute an integral part of a vending machine, telephone booth, devices that indicate time, date or weather conditions, or similar device whose principal function is not to convey an advertising message;
- h) Signs erected on public property or public right-of-way under the direction of Council provided that the sign(s):
 - i) is a directional or identification sign affecting public property;
 - ii) has the approval of the Traffic Authority;
 - iii) is in accordance with any provincial regulations respecting signs along roadways; and
 - iv) does not advertise a business or product, except for a sign located within or at the entrance to an approved business or industrial park, which may contain the names of businesses, organizations or occupants of that business or industrial park.

4. Signs Prohibited in All Zones

The following signs are prohibited in any zone:

- a) Signs which are attached directly to or painted upon a roof of a building;
- b) Any sign which constitutes a hazard to public safety or health;
- c) Signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets or roads, or driveways;
- d) Signs, which obstruct free access to or from a fire escape door, window, or other required exit-way;
- e) Any sign which advertises a business painted on or attached to or supported by a tree, stone, cliff, or other natural object;
- f) Any sign which advertises a business no longer in operation, or a product which is no longer sold;

- g) Signs not erected by a public authority which are located at or near sharp road curves or severe changes in grade;
- h) Signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE-WAY", "YIELD" or any singular words, phrases, symbols, lights, characters, or colours such as directional arrows in such a manner or location as to interfere with, mislead, or confuse traffic along a public road;
- i) Signs which incorporate string lights, other than temporary holiday decorations;
- j) Search lights, pennants, spinners, banners, and streamers except for occasions such as a grand opening, fairs, public festivals, exhibitions and similar occasions.

7. ADDITIONAL REQUIREMENTS FOR SIGNS

1. Signs in all Residential Zones

Unless otherwise regulated in this By-law, a development permit may be issued for a sign in the Residential Single Unit (R1), Residential Two Unit (R2), Residential Multiple Unit (R3), and Residential Mobile Home Park (RMHP) Zones provided:

- a) there is a maximum of one sign per property;
- b) the sign does not exceed 5 ft² (0.46m²) in sign area;
- c) in the case of a ground sign:
 - i) the sign has a maximum height of 6 feet (1.8 metres), measured from grade to the highest point of the sign;
 - ii) no portion of the sign (base, post, frame, or face) is located within 5 feet (1.5 metres) of any public right of way or common property line;
- d) in the case of subdivision/community entrance identification ground signs:
 - i) the sign consists only of the neighbourhood or subdivision name;
 - ii) notwithstanding Clause 7(1)(b), the sign does not exceed 50 ft² (4.7 m²) in sign area;
- e) clause 1(b) notwithstanding, a bed and breakfast may have a sign which does not exceed 10 ft² (0.9m²).

2. Signs in the Downtown Commercial and Future Redevelopment Area Zones

Unless otherwise regulated in this By-law, a development permit may be issued for a sign in the Downtown Commercial (C1) or Future Redevelopment Area (FRA) Zones provided:

- a) there is a maximum of 2 signs per business premise;
- b) all signs are located on the lot containing the business being advertised;
- c) on a property abutting a residential, institutional or recreational zone, the sign is not located within an abutting yard;
- d) in the case of a facial wall sign:
 - i) the sign does not extend beyond the extremities of the wall on which it is affixed; and
 - ii) the sign has no more than one message for each business premise in the building on which it is affixed where the building contains multiple occupancies;
- e) in the case of a projecting wall sign:
 - i) the sign does not project more than 6 feet (1.8 metres) from the wall on which it is attached;
 - ii) the sign does not project above the eaves, parapet, or roof line of a building;
 - iii) the sign, or any portion thereof, is not erected below a height of 10 feet (3 metres) above grade; and
 - iv) the sign has a maximum area of 20 ft² (1.5 m²);
- f) in the case of a ground sign or free standing sign:
 - i) the sign has a maximum height of 20 feet (6.1 metres), measured from grade to the highest part of the sign;
 - ii) the sign does not project beyond a property line or public right of way;
 - iii) there is a maximum of one ground sign permitted per lot;

iv) the sign has a maximum area of 50 ft² (4.6 m²);

- g) in the case of a portable sign:
 - i) there is a maximum of one portable sign permitted per business being advertised
 - ii) the sign must be temporary and displayed only during normal business hours;
 - iii) the sign must be placed directly in front of the business being advertised;
 - iv) the sign shall not obstruct the free flow of pedestrian traffic;
 - v) the sign has a maximum area of 10 ft² (0.9 m²);
- h) in the case of a special event sign:
 - i) the sign is situated on the same lot as the business it advertises;
 - ii) the sign is not utilized for more than 30 days; the minimum time-period between permits for temporary signs is 90 days.

3. Signs in the Neighbourhood Commercial Zone

Unless otherwise regulated in this By-law, a development permit may be issued for a sign in the Neighbourhood Commercial (C2) Zone provided:

- a) there is a maximum of 2 signs per business premise;
- b) all signs are located on the lot containing the business being advertised;
- c) on a property abutting a residential, institutional or recreational zone, the sign is not located within an abutting yard;
- d) in the case of a facial wall sign:
 - i) the sign does not extend beyond the extremities of the wall on which it is affixed;
 - ii) the sign has no more than one message for each business premise in the building on which it is affixed where the building contains multiple occupancies; and
 - iii) the sign does not have an area in excess of 10 percent of the area of the wall on which it is affixed;
- e) in the case of a projecting wall sign:
 - i) the sign does not project more than 6 feet (1.8 metres) from the wall on which it is attached;
 - ii) the sign does not project above the eaves, parapet, or roof line of a building;
 - iii) the sign, or any portion thereof, is not erected below a height of 10 feet (3 metres) above grade; and
 - iv) the sign has a maximum area of 20 ft² (1.5 m²);
- f) in the case of a ground sign or free standing sign:
 - i) the sign has a maximum height of 15 feet (4.6 metres), measured from grade to the highest part of the sign;
 - ii) the sign is not located within 5 feet (1.5 metres) of any public right of way or common property line;
 - iii) there is a maximum of one ground sign permitted per lot;
 - iv) the sign has a maximum area of 25 ft² (2.3 m²).

4. Signs in the Highway Commercial, Highway Commercial Business Park, General Industry and Provincial Resource Zones

Unless otherwise regulated in this By-law, a development permit may be issued for a sign in the Highway Commercial (C3), Highway Commercial Business Park (C4), General Industry (M1), and Provincial Resource (M2) Zones provided:

- a) there are no more than 3 signs per business
- b) all signs are located on the lot containing the business being advertised
- c) on a property abutting a residential, institutional or recreational zone, the sign is not located within an abutting yard;
- d) in the case of a facial wall sign:
 - i) the sign does not extend beyond the extremities of the wall on which it is affixed;
 - ii) the sign has no more than one message for each business premise in the building on which it is affixed where the building contains multiple occupancies; and

- iii) the sign does not cover more than 25 percent or 200 ft² (18.6 m²), whichever is less, of the area of the wall on which it is affixed;
- e) in the case of a projecting wall sign:
 - i) the sign does not project more than 6 feet (1.8 metres) from the wall on which it is attached;
 - ii) the sign does not project above the eaves, parapet, or roof line of a building;
 - iii) the sign, or any portion thereof, is not erected below a height of 10 feet (3 metres) above grade; and
 - iv) the sign has a maximum area of 20 ft² (1.5 m²);
- f) in the case of ground signs or free standing signs:
 - i) the sign has a maximum height of 35 feet (10.6 metres), measured from grade to the highest part of the sign;
 - ii) the sign is not located within 5 feet (1.5 metres) of any public right of way or common property line;
 - iii) there is a maximum of one ground sign permitted per lot;
 - iv) the sign has a maximum area of 250 ft² (23.3 m²);
 - v) notwithstanding (i) above, a free standing sign exceeding 35 feet may be constructed in the area bounded by the MacGregor Avenue, the municipal boundary, the Trans Canada Highway, Foord Street, and Lawrence Boulevard in the Stellarton Business Park, to a maximum height of eighty (80) feet, provided that all other regulations apply, and that the sign is in compliance with the provincial highway sign regulations.
- g) in the case of a special event sign:
 - i) the sign is not located within 5 feet (1.5 metres) of any public right of way or common property line;
 - ii) the sign is situated on the same lot as the business it advertises;
 - iii) the sign is not utilized for more than 30 days; the minimum time-period between permits for temporary signs is 90 days.

5. Signs in the Institutional, Floodplain, and Recreational Zones

Unless otherwise regulated in this By-law, a development permit may be issued for a sign in the Institutional (I) Floodplain (F) and Recreational (P) Zones, provided:

- a) there is a maximum of 2 signs per property;
- b) all signs are located on the lot containing the use being advertised;
- c) in the case of a facial wall sign:
 - i) the sign does not extend beyond the extremities of the wall on which it is affixed;
 - ii) the sign has no more than one message for each business premise in the building on which it is affixed where the building contains multiple occupancies; and
 - iii) the sign does not have an area in excess of 10 percent of the area of the wall on which it is affixed;
- d) in the case of a projecting wall sign:
 - i) the sign does not project more than 6 feet (1.8 metres) from the wall on which it is attached;
 - ii) the sign does not project above the eaves, parapet, or roof line of a building;
 - iii) the sign, or any portion thereof, is not erected below a height of 10 feet (3 metres) above grade; and
 - iv) the sign has a maximum area of 20 ft² (1.5 m²);
- e) in the case of ground signs or free standing signs:
 - i) the sign has a maximum height of 15 feet (4.6 metres), measured from grade to the highest part of the sign;
 - ii) the sign is not located within 5 feet (1.5 metres) of any public right of way or common property line;

- iii) there is a maximum of one ground sign permitted per lot;
- iv) the sign has a maximum area of 25 ft² (2.3 m²).

8. CANOPIES AND AWNINGS

1. Development Permit Required

A development permit may be issued for a canopy or awning provided that:

- a) the canopy or awning does not project out from the wall to which it is attached more than 4 feet (1.2 metres) for a stationary canopy or awning or a maximum of 8 feet (2.4 metres) for a retractable awning; and
- b) the canopy or awning, or any portion thereof, does not extend below a minimum height of 10 feet (3 metres) above the sidewalk or established grade for a stationary canopy or awning or a minimum height of 8 feet (2.4 metres) for a retractable awning.

2. Canopies or Awnings Which Extend Over the Public Right of Way

A development permit may be issued for a canopy or awning which extends over the public right of way provided that all the requirements of Section 8(1) of this part are met.

3. Canopies or Awnings Incorporating Signage

- a) A development permit may be issued for a canopy or awning incorporating signage provided that all the requirements of Sections 6 and 7 of this Part are satisfied.
- b) A canopy or awning incorporating signage is included in the calculation of the maximum permitted number of signs per lot, but the total display surface of the canopy or awning shall be considered as one sign. This section shall also apply to service station canopies.

4. Maintenance and Repair

All canopies and awnings, and all parts thereof, shall be kept in a good state of repair and maintenance.

9. HOME OCCUPATIONS

1. Home Occupations Permitted

Nothing in this By-law shall prevent the use of a single detached dwelling, or an accessory detached or attached building, for a home occupation in the R1, R2 and R3 Zones provided all applicable lot, yard, and height requirements are met in addition to meeting the requirements set out in this Section. These regulations shall not apply to the hobbies of an individual family member or other resident in the dwelling unit.

2. Undesirable Home Occupations

Auto repair shops, welding shops, auto-body shops, taxi or delivery operations that require ongoing vehicle maintenance, or anything that could be considered to be obnoxious shall not be considered to be a home occupation.

3. Regulations Respecting Home Occupations

A development permit may be issued for Home Occupations in the R1, R2 and R3 Zones provided that:

- a) the home occupation is wholly enclosed in a single dwelling residential building, attached accessory building, or detached accessory building;
- b) the home occupation is conducted by the person(s) living in the dwelling and may include no more than 2 employees in addition to the resident operator(s);

- c) the home occupation is clearly secondary to the main residential use and does not substantially change the residential character of the property;
- d) the exterior structural appearance of the building is not altered in a way that would significantly detract from its appearance as a residential dwelling except to meet fire, safety, structural safety, or health regulations;
- e) the home occupation is not likely to create a public nuisance in particular with regard to noise, traffic, an unsightly property, or parking;
- f) the business, or equipment used in it, is not obnoxious by virtue of noise, odor, dust, vibration, smoke, maintenance of automotive or mechanical equipment, or other emission;
- g) there is no outdoor storage or display of materials or equipment, including automotive vehicles or vehicle parts;
- h) there is no external display or advertising except in conformance with signage requirements as set out in Sections 6 and 7 of this Part;
- i) parking for the home occupation is provided on the same lot at the rate of 1 space for each 300 ft² (27.9m²) of floor area occupied by the home occupation, in addition to residential parking requirements; and
- j) the home occupation does not exceed 25% of the total floor area, that area being a portion of the residential dwelling unit (including an attached garage, unfinished basement or attic) to a maximum of 500 ft² (46.5m²).

4. Bed and Breakfast Establishments

A development permit may be issued for a bed and breakfast establishment in the Residential Single Unit (R1), Residential Two Unit (R2), and Residential Multiple Unit (R3) Zones provided:

- a) the bed and breakfast is in conformance with the regulations respecting home occupations as set out in subsection 9(3), excluding clauses (i) and (j);
- b) parking requirements as specified in section 5 of this part are met; and
- c) a maximum of three (3) bedrooms are used as sleeping accommodation for paying guests.

5. Day Care Facilities

A development permit may be issued for a day care facility in the R1, R2 and R3 Zones provided:

- a) the day care facility is in conformance with the regulations respecting home occupations as set out in subsection 9(3) excluding clauses (g), (i), and (j);
- b) the maximum number of children being cared for shall not exceed 14;
- c) the parking requirements set out in section 5 of this part are met; and
- d) a maximum of 50 percent of the dwelling may be devoted to day care use.

4

DEVELOPMENT AGREEMENTS**1. DEVELOPMENTS SUBJECT TO DEVELOPMENT AGREEMENT**

Pursuant to Section 225 of the *Municipal Government Act* the following developments shall be subject to development agreement:

1. innovative housing and site design projects in the Residential and Highway Commercial Business Park Designations as provided for in Policy R-8 of the Municipal Planning Strategy;
2. new multiple unit residential dwellings within the Residential, Downtown Commercial, Highway Commercial, Highway Commercial Business Park, and Future Redevelopment Area designations, as provided for in Policy R-5 of the Municipal Planning Strategy;
3. new multiple unit residential dwellings with commercial uses in the Downtown Commercial, Highway Commercial, Highway Commercial Business Park, and Future Redevelopment Area designations, as provided for in Policy C-4 of the Municipal Planning Strategy;
4. new senior's residential complexes within the Residential, Downtown Commercial, Highway Commercial, Highway Commercial Business Park, and Future Redevelopment Area designations, as provided for in Policy R-5 of the Municipal Planning Strategy;
5. new senior's residential complexes with commercial uses in the Downtown Commercial, Highway Commercial, Highway Commercial Business Park, and Future Redevelopment Area designations, as provided for in Policy C-4 of the Municipal Planning Strategy;
6. new neighbourhood commercial uses and expansions to existing neighbourhood commercial uses on lots within the Residential designation, as provided for in Policy C-9 of the Municipal Planning Strategy;
7. multiple unit dwellings and senior's residential complexes with or without commercial uses in the Neighbourhood Commercial (C2) zone, as provided for in Policy C-8 of the Municipal Planning Strategy;
8. the expansion of the existing dairy processing facility at 230 Foord Street, as provided for in Policy C-5 of the Municipal Planning Strategy;
9. new and expansions to existing sand, gravel and topsoil extraction operations in the Floodplain (F) Zone, subject to Policies F-3 and IM-11 of the Municipal Planning Strategy;
10. within all designations, alterations, excluding expansions; rebuilding; recommencement and change of use of non-conforming structures or non-conforming uses of land in accordance with Policy G-18 of the Municipal Planning Strategy;
11. certain developments within the Future Redevelopment Area (FRA) Zone as provided in Policy F-3 of the Municipal Planning Strategy;
12. developments exceeding 25,000 square feet of building floor area located in the C1 Zone on Foord Street (between Acadia Avenue and Bridge Avenue), subject to Policy C-3 of the Municipal Planning Strategy.

5

RESIDENTIAL SINGLE UNIT (R1) ZONE**1. PERMITTED USES**

No development permit shall be issued in a Residential Single Unit (R1) Zone except for one or more of the following uses:

1. Residential Uses

- single detached dwelling
- Licensed home for special care (to a maximum of four (4) single room occupants)

2. Non-Residential Uses

- agricultural uses, except feed lot operations, bulk storage, depots, chicken farms, and agribusiness uses such as a tannery, rendering plant, or equipment sale and rental
- animal hospitals and veterinary establishments
- home occupations (in accordance with Part 3, Section 9 of this By-law)
- Recreation (P) Zone uses subject to the requirements of the Recreation (P) Zone
- stables and kennels
- bed and breakfast establishments as home occupations with not more than three (3) rooms to let (in accordance with Part 3, Section 9 of this By-law)

3. Uses Permitted by Development Agreement

- multiple unit residential dwellings
- senior's residential complex
- innovative housing and site design developments

2. ZONE REQUIREMENTS**1. Lot, Yard, and Height Requirements**

TABLE 5.1
Residential Single Unit (R1) Zone Requirements

Minimum Lot Area	40 000 ft ² (3716 m ²)
Minimum Lot Frontage	100 feet (30.5 m)
Minimum Front Yard	30 feet (9.1 m)
Minimum Rear Yard	30 feet (9.1 m)
Minimum Side Yard	10 feet (3 m)
Minimum Side Yard (flankage)	15 feet (4.6 m)
Maximum Height	35 feet (10.7 m)

2. Yard Requirements for Main Buildings over 25 feet (7.6 m) in Height

The minimum side yard requirements set out in Table 5.1 notwithstanding, main buildings in excess of 25 feet (7.6 m) in height shall have a side yard setback equal to or greater than ½ the height of the main building.

3. Municipal Water and Sewer Services

- a) Where a lot in the Residential Single Unit (R1) Zone is serviced by municipal water and sewer, the property shall be subject to the requirements of the Residential Two Unit (R2) Zone as set out in Part 6 of this By-law.
- b) Development on lands within the Residential Single Unit (R1) Zone shall be permitted to utilize on-site water supply and sewage disposal facilities provided the minimum lot requirements, as specified by the Nova Scotia Department of the Environment, are met.

4. Conformance with Existing Setbacks

Notwithstanding anything else in this By-law; in the Residential Single Unit (R1) Zone, the minimum front and, where applicable, flankage yard setbacks from a public right of way shall be either:

- a) a distance equal to the average setback (front or flankage yard setback) of any main building(s) sharing a common street right-of-way and situated within 100 feet (30.5 metres) of the proposed structure; or
- b) the setback prescribed in accordance with the specific zone

6

RESIDENTIAL TWO UNIT (R2) ZONE**1. PERMITTED USES**

No development permit shall be issued in a Residential Two Unit (R2) Zone except for one or more of the following uses:

1. Residential Uses

- single detached dwellings
- semi-detached dwellings
- duplex dwellings
- two unit dwellings
- Licensed home for special care (to a maximum of four (4) single room occupants)

2. Non-Residential Uses

- home occupations (in accordance with Part 3, Section 9 of this By-law)
- Recreation (P) uses subject to the requirements of the Recreation (P) Zone
- boarding houses with not more than three rooms to let
- bed and breakfast establishments as home occupations with not more than three (3) rooms to let (in accordance with Part 3, Section 9 of this By-law)

3. Uses Permitted by Development Agreement

- multiple unit residential dwellings
- senior's residential complex
- innovative housing and site design developments

2. ZONE REQUIREMENTS**1. Lot, Yard, and Height Requirements**

TABLE 6.1
Residential Two Unit (R2) Zone Requirements

Minimum Lot Area	Single Detached/Converted	6000 ft ² (560 m ²)
	Semi-Detached	3000 ft ² (280 m ²)/unit
	Duplex	6000 ft ² (560 m ²)
Minimum Lot Frontage	Single Detached/Converted	60 feet (18.3 m)
	Semi-Detached	30 feet (9.1 m)
	Duplex	60 feet (18.3 m)
Minimum Front Yard		20 feet (6.1 m)
Minimum Rear Yard		20 feet (6.1 m)
Minimum Side Yard	Single Detached/Converted	6 feet (1.8 m)
	Semi-Detached (common wall)	nil
	Semi-Detached (outside wall)	6 feet (1.8 m)
	Duplex	6 feet (1.8 m)
Minimum Side Yard (Flankage)		15 feet (4.6 m)

Maximum Height	35 feet (10.7 m)
----------------	------------------

2. Conformance with Existing Setbacks

Notwithstanding anything else in this By-law; in the Residential Two Unit (R2) Zone, the minimum front and, where applicable, flankage yard setbacks from a public right of way shall be either:

- a) a distance equal to the average setback (front or flankage yard setback) of any main building(s) sharing a common street right-of-way and situated within 100 feet (30.5 metres) of the proposed structure; or
- b) the setback prescribed in accordance with Table 6.1.

7

RESIDENTIAL MULTIPLE UNIT (R3) ZONE**1. PERMITTED USES**

No development permit shall be issued in a Residential Multiple Unit (R3) Zone except for one or more of the following uses:

1. Residential Uses

- townhouses
- any uses permitted in the Residential Two Unit (R2) Zone subject to the requirements of the Residential Two Unit (R2) Zone
- existing multiple unit dwellings (three or more units)
- expansions to existing multiple unit dwellings
- expansions to existing seniors residential complexes

2. Non-Residential Uses

- home occupations (in accordance with Part 3, Section 9 of this By-law)
- bed and breakfast establishments as home occupations with not more than three (3) rooms to let (in accordance with Part 3, Section 9 of this By-law)

3. Uses Permitted by Development Agreement

- multiple unit residential dwellings
- senior's residential complex
- innovative housing and site design developments

2. ZONE REQUIREMENTS**1. Lot, Yard, and Height Requirements**

TABLE 7.1
Residential Multiple Unit (R3) Zone Requirements

Minimum Lot Area	Multiple Unit Dwellings	9000 ft ² (836 m ²) plus 1500 ft ² (139 m ²) for each unit in addition to three
	Townhouses	2500 ft ² (280 m ²)/unit
Minimum Lot Frontage	Multiple Unit Dwellings	90 feet (27.4 m)
	Townhouses	25 feet (7.6 m)/unit
Minimum Front Yard		20 feet (6.1 m)
Minimum Rear Yard		20 feet (6.1 m)
Minimum Side Yard	Multiple Unit Dwellings	20 feet (6.1 m)
	Townhouses (common wall)	nil
	Townhouses (outside wall)	10 feet (3 m)
Minimum Side Yard (flankage)		15 feet (4.6 m)
Maximum Height	Multiple Unit Dwellings	as per development agreement
	Townhouses	35 feet (10.7 m)

2. New Multiple Unit Dwellings

In accordance with Policy R-5 of the Municipal Planning Strategy, new multiple unit dwellings shall only be permitted by development agreement.

3. Recreation Space Requirements

TABLE 7.2
Residential Multiple Unit (R3) Zone Recreation
Space Requirements

One Bedroom or Bachelor Unit	200 ft ² (18.6 m ²)/unit
Two Bedroom Unit	575 ft ² (53.4 m ²)/unit
Three Bedrooms or More	950 ft ² (88.3 m ²)/unit

4. Yard Requirements for Main Buildings over 25 feet (7.6 m) in Height

The minimum side yard requirements set out in Table 7.1 notwithstanding, main buildings in excess of 25 feet (7.6 m) in height shall have a side yard setback equal to or greater than ½ the height of the main building.

3. Conformance with Existing Setbacks

Notwithstanding anything else in this By-law; in the Residential Multiple Unit (R3) Zone, the minimum front and, where applicable, flankage yard setbacks from a public right of way shall be either:

- a) a distance equal to the average setback (front or flankage yard setback) of any main building(s) sharing a common street right-of-way and situated within 100 feet (30.5 metres) of the proposed structure; or
- b) the setback prescribed in accordance with table 7.1.

4. Buffering

Parking and/or loading spaces, including driveways and access, shall not be permitted in the required yards except where a fence, berm, or landscaping forms an opaque visual buffer at least 6 feet (1.8 metres) in height and 6 feet in depth.

8

MOBILE HOME PARK (R-MHP) ZONE**1. PERMITTED USES**

No development permit shall be issued in a Mobile Home Park (R-MHP) Zone except for one or more of the following uses, in accordance with the Mobile Home Park By-law:

1. Residential Uses

- mobile homes
- mini homes
- mobile home park

2. Non-Residential Uses

- Recreation (P) Zone uses subject to the requirements of the Recreation (P) Zone
- mobile home park office
- mobile home sales structure
- home occupations (in accordance with Part 3, Section 9 of this By-law)

3. Uses Permitted by Development Agreement

- innovative housing and site design developments

2. ZONE REQUIREMENTS**1. Lot, Yard, and Height Requirements****TABLE 8.1**

Mobile Home Park (R-MHP) Zone Requirements

Minimum Lot Area	1 acre (4047 m ²)
Minimum Park Frontage	120 feet (36.6 m)

2. Permitted Location of Mobile Homes

No development permit shall be issued for a mobile home unless it is to be located in a mobile home park.

9

DOWNTOWN COMMERCIAL (C1) ZONE**1. PERMITTED USES**

No development permit shall be issued in a Downtown Commercial (C1) Zone except for one or more of the following uses:

1. General Retail Uses

Within the Downtown Commercial (C1) Zone permitted retail uses shall include but are not limited to the following:

- art gallery/studio
- bakery/bake shop
- banks and financial institutions
- convenience store
- department stores
- dressmaking/tailoring
- drugstore/pharmacy
- dry cleaners
- existing automobile sales and rental establishments
- existing licensed liquor establishments
- expansions to existing automobile sales and rental establishments (but limited to the existing frontage on Foord Street, for those in existence on Foord Street)
- florist
- general retail (excluding mobile home sales, automobile and other vehicle sales)
- grocery store
- hardware store
- home improvement store
- hotels and motels
- laundromat
- liquor stores
- office supply and equipment sales/service
- personal service shops
- pet grooming establishment
- photography studios
- postal or courier service
- printing establishments
- restaurants and associated outdoor cafes and eating areas
- retail garden centre
- service and repair shops (excluding automotive and small engine repair)
- theatres and cinemas
- video rental/sale

2. Other Commercial Uses

- bed and breakfast establishments
- boarding houses
- commercial schools
- commercial recreation uses
- day care centre

- tourist information centres
- health service office/clinics
- offices
- parking lots and parking structures
- taxi stands
- bus terminal
- veterinary clinics
- wholesale establishments not to exceed 5000 ft² (1524 m²)

3. Non-Commercial Uses

- existing multiple unit dwellings
- existing residential uses (subject to the requirements of the Residential Two Unit (R2) Zone)
- recreational facilities
- Recreation (P) Zone uses (subject to the requirements of the Recreation (P) Zone)
- existing dairy processing facility at 230 Foord Street
- Institutional uses as listed in the Institutional (I) Zone
- residential uses in commercial buildings

4. Uses Permitted by Development Agreement

- multiple unit residential dwellings (with or without commercial uses)
- senior's residential complexes (with or without commercial uses)
- the expansion of the existing dairy processing facility at 230 Foord Street

2. ZONE REQUIREMENTS

1. Lot, Yard, and Height Requirements

TABLE 9.1
Downtown Commercial (C1) Zone Requirements

Minimum Lot Area	3000 ft ² (279 m ²)
Minimum Lot Frontage	30 feet (9.1 m)
Minimum Front Yard	nil
Minimum Rear Yard	10 feet (3 m)
Minimum Side Yard	nil
Minimum Side Yard (flankage)	nil
Maximum Building Floor Area (<i>only applies to buildings fronting Foord Street between Acadia Avenue and Bridge Avenue – see sub-section 3.6 below</i>)	25 000 ft ² (2323 m ²)

2. Abutting Residential Zones

Notwithstanding the regulations set out in Table 9.1, where the side yard or the rear yard of a property in the Downtown Commercial (C1) Zone abuts a residential zone, then the minimum side or rear yard respectively shall be increased to half the height of the main wall of the building or 20 feet (6 metres) whichever is greater.

3. Change of Use

In the event that there is a change of use for an existing structure, the new use shall be exempt from additional parking requirements. However, where there is an increase in gross floor area associated with a change in use, additional parking or cash-in-lieu shall be required as per Part 3, Section 5 of this By-law.

4. Outdoor Storage and Display

- a) The outdoor storage and display of goods shall be permitted in a side and/or rear yard provided no outdoor storage or display of goods occurs in a yard required under Section 2(2) of this Part.
- b) The outdoor display of goods shall be permitted within any front yard and/or flankage yard, between May 1 and November 1 of any given year. Any such display occurring on a public sidewalk or right-of-way must be approved by the Town of Stellarton, or other appropriate authority, including the Department of Transportation and Public Works (in the case of Foord Street – Highway 374). No public display shall be permitted within 1.2 metres (4 feet) of the curb, in order to allow for pedestrian egress and sight lines for motorists.
- c) Outdoor cafes, patio decks and eating areas may be permitted in the C1 Zone, and when such an outdoor café, patio deck or eating area is occurring on a public sidewalk or right-of-way, it must be approved by the Town of Stellarton, or other appropriate authority, including the Department of Transportation and Public Works (if applicable in the case of Foord Street – Highway 374). No outdoor cafes or patio decks shall be permitted within 1.2 metres (4 feet) of the curb, in order to allow for pedestrian egress and sight lines for motorists.
- d) Any proposal for temporary and/or permanent build-outs or pedestrian passage ways over the carriageway (curb to curb roadway) on Foord Street must be approved by the Town's Traffic Authority, Town Engineer, and any other appropriate authority, including the Department of Transportation and Public Works (if applicable in the case of Foord Street – Highway 374). When such a proposal is made by anyone other than a public authority (or the provincial government) any resulting decrease in parking spaces must be offset through the Cash-in-lieu provisions outlined under Section 5.3 of this by-law.
- e) Signage (including any signage developed as part of a heritage or downtown revitalization program) must comply with the provisions of this by-law, and no signage may be erected on utility poles without the permission of the Department of Transportation and Public Works (in the case of Foord Street – Highway 374), and/or Nova Scotia Power Co. Inc.

5. Corner Vision Triangle

In accordance with Part 3, Section 3(11)(b) of this By-law, and unless otherwise prohibited by this By-law, structures in excess of 2 feet (0.6 m) shall be permitted within the corner vision triangle in the Downtown Commercial (C1) Zone.

3. SPECIAL REQUIREMENTS – FOORD STREET

1. Off Street Parking

For properties within the Downtown Commercial (C1) Zone and having frontage along Foord Street between Acadia Avenue and Bridge Street, off street parking shall only be permitted in the side and/or rear yards.

2. Commercial Parking Lots and Structures

For properties within the Downtown Commercial (C1) Zone and having frontage along Foord Street between Acadia Avenue and Bridge Street, parking lots and parking structures must be accessory to a permitted use and situated on the same property as that use.

3. Setback Requirements

Table 9.1 notwithstanding, on properties located within the Downtown Commercial (C1) Zone and having frontage along Foord Street between Acadia Avenue and Bridge Street, the front and, where applicable, flankage yard setbacks shall either ;

- a) match the setback of immediately adjacent buildings within the block face; or
- b) match the setback of the building sited closest to the front or flanking lot line where immediately adjacent buildings have different setbacks; or
- c) be no greater than 5 feet (1.5 metres).

4. Residential Uses

Residential uses shall be permitted on the upper and ground floors of buildings which have frontage on Foord Street between Acadia Avenue and Bridge Street, but shall not occupy any ground floor frontage facing Foord Street.

5. Parking

Parking requirements shall be waived for new commercial developments or a change in commercial use for properties located in the "Downtown Commercial" (C1) Zone, which front on Foord Street between Acadia Avenue and Bridge Avenue. Residential development on the aforementioned properties will still be required to provide off-street parking as per the requirements of Section 5.2 of this Land Use By-law.

6. Maximum Floor Area Over 25,000 Square Feet

For properties fronting Foord Street (between Acadia Avenue and Bridge Avenue) the maximum building floor area shall be 25,000 square feet, excepting that Council may entertain an application for a development agreement in this area for proposed developments exceeding 25,000 square feet subject to Policy C-3 of the Municipal Planning Strategy.

10

NEIGHBOURHOOD COMMERCIAL (C2) ZONE**1. PERMITTED USES**

No development permit shall be issued in a Neighbourhood Commercial (C2) Zone except for one or more of the following uses:

1. Commercial Uses

- variety/convenience stores
- personal service shops
- offices
- postal outlets
- health service office/clinics
- service and repair shops (excluding automotive and small engine repair)
- rental shops

2. Non-Commercial Uses

- residential uses in commercial buildings to a maximum of two units
- any use permitted in the Residential Two Unit (R2) Zone subject to the requirements of that Zone

3. Uses Permitted by Development Agreement

- multiple unit residential dwellings with or without commercial uses
- senior's residential complexes with or without commercial uses

2. ZONE REQUIREMENTS**1. Lot, Yard, and Height Requirements**

TABLE 10.1
Neighbourhood Commercial (C2) Zone Requirements

Minimum Lot Area	7500 ft ² (697 m ²)
Minimum Lot Frontage	75 feet (22.9 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard	15 feet (4.6 m)
Minimum Flankage Yard	15 feet (4.6 m)
Maximum Building Floor Area	1500 ft ² (139 m ²)

2. New Neighbourhood Commercial (C2) Uses

In accordance with Policy C-9 of the Municipal Planning Strategy, new Neighbourhood Commercial Uses shall only be permitted by development agreement.

3. Municipal Services

A development permit shall be issued in the Neighbourhood Commercial (C2) Zone only where Municipal Water and Sewer services are available.

4. Buffering

Parking and/or loading spaces, including driveways and access, shall not be permitted in the required yards except where a fence, berm, or landscaping forms an opaque visual buffer at least 6 feet (1.8 metres) in height and 6 feet in depth.

11

HIGHWAY COMMERCIAL (C3) ZONE**1. PERMITTED USES**

No development permit shall be issued in a Highway Commercial (C3) Zone except for one or more of the following uses:

1. Commercial Uses

- animal grooming
- assembly uses
- auto body shops
- automobile rentals
- automobile sales and service
- automobile service station
- bulk storage facilities
- commercial clubs
- commercial recreational uses
- commercial uses utilizing heavy equipment and/or heavy vehicles
- convention centre
- custom workshops
- carpentry shops
- Downtown Commercial (C1) Zone uses identified under Part 9, Section 1(1)
- drive-thru banking facilities
- existing licensed liquor establishments
- funeral parlours
- garden markets
- general retail
- licensed liquor establishments (accessory to a hotel or convention centre)
- rental shops
- small engine and equipment repair
- wholesale uses

2. Non-Commercial Uses

- recreation facilities
- Recreation (P) Zone uses (subject to the requirements of the Recreation (P) Zone)
- residential uses in commercial buildings (to a maximum of two units)
- existing residential uses (subject to the requirements of the Residential Two Unit (R2) Zone)
- industrial services
- Institutional (I) Zone uses (subject to the requirements of the Institutional (I) Zone)
- warehousing, storage, and distribution
- the existing Big 8 Beverages Bottling Plant located at 120 North Foord Street
- the existing Nova Scotia Power storage yard and offices
- the existing Nova Scotia Department of Mines Building

3. Uses Permitted by Development Agreement

- multiple unit residential dwellings (with or without commercial uses)
- senior's residential complexes (with or without commercial uses)

2. ZONE REQUIREMENTS

1. Lot, Yard, and Height Requirements

TABLE 11.1
Highway Commercial (C3) Zone Requirements

Minimum Lot Area	10000 ft ² (3048 m ²)
Minimum Lot Frontage	75 feet (9.1 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard	15 feet (4.6 m)
Minimum Side Yard (flankage)	20 feet (6.1 m)

2. Abutting Yard Requirements

Table 11.1 notwithstanding, where a yard on a lot located in a Highway Commercial (C3) Zone abuts any Residential, Institutional, or Recreation Zone, the following provisions shall apply:

- a) the minimum yard requirement for an abutting yard shall be:
 - i) 30 feet (9.1 metres); or
 - ii) 20 feet (6.1 metres) where a fence, berm, or landscaping forms an opaque visual buffer at least 6 feet (1.8 metres) in height.
- b) no parking or loading space shall be permitted within the required abutting yard;
- c) driveways and access to parking and loading areas is permitted in the required abutting yard; and
- d) any required abutting yard, exclusive of any driveways or access to parking or loading areas, shall be landscaped open space

3. Outdoor Storage and Display

- a) Outdoor storage or display is permitted within the rear or side yards and shall be limited to 25 percent lot coverage, except for the display of automobiles, watercraft, recreational vehicles, and other similar products which are permitted in rear, side and front yards with no limit of lot coverage.
- b) Outdoor storage and display (excluding automobiles, watercraft, recreational vehicles, and other similar products) shall be fenced or otherwise screened to minimize their visibility from adjoining properties or public areas including streets.
- c) No outdoor storage or display (including the display of automobiles, watercraft, recreational vehicles, and other similar products) shall be permitted in a required abutting yard.

4. Driveways

The minimum distance between driveways on the same property shall be 50 feet (15.2 metres).

5. Automobile Service Stations

The following requirements apply to automobile service stations where they are permitted by this By-law:

- a) no portion of any pump island shall be located closer than 20 feet (6.1 metres) from any street right-of-way
- b) the minimum height of any canopy or cover over a pump island shall be 14 feet (4.3 metres)
- c) no part of any canopy or cover over a pump island shall be closer than ten feet from any street right-of-way

HIGHWAY COMMERCIAL BUSINESS PARK (C4) ZONE

1. PERMITTED USES

No development permit shall be issued in a Highway Commercial Business Park (C4) Zone except for one or more of the following uses:

Commercial Uses

- animal grooming
- assembly uses
- auto body shops
- automobile rentals
- automobile sales and service
- automobile service station
- bulk storage facilities
- commercial clubs
- commercial recreational uses
- commercial uses utilizing heavy equipment and/or heavy vehicles
- convention centre
- custom workshops
- carpentry shops
- Downtown Commercial (C1) Zone uses identified under Part 9, Section 1(1)
- drive-thru banking facilities
- existing licensed liquor establishments
- funeral parlours
- garden markets
- general retail
- licensed liquor establishments (accessory to a hotel or convention centre)
- rental shops
- small engine and equipment repair
- wholesale uses

Non-Commercial Uses

- recreation facilities
- Recreation (P) Zone uses (subject to the requirements of the Recreation (P) Zone)
- residential uses in commercial buildings (to a maximum of two units)
- existing residential uses (subject to the requirements of the Residential Two Unit (R2) Zone)
- industrial services
- Institutional (I) Zone uses (subject to the requirements of the Institutional (I) Zone)
- warehousing, storage, and distribution
- uses permitted in the General Industry (M1) Zone, subject to the requirements of that Zone

Uses Permitted by Development Agreement

- multiple unit residential dwellings (with or without commercial uses)
- senior's residential complexes (with or without commercial uses)

2) **ZONE REQUIREMENTS**

Lot, Yard, and Height Requirements

TABLE 11.1
Highway Commercial (C3) Zone Requirements

Minimum Lot Area	10000 ft ² (3048 m ²)
Minimum Lot Frontage	75 feet (9.1 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard	15 feet (4.6 m)
Minimum Side Yard (flankage)	20 feet (6.1 m)

3. **Abutting Yard Requirements**

Table 11.1 notwithstanding, where a yard on a lot located in a Highway Commercial Business Park (C4) Zone abuts any Residential, Institutional, or Recreation Zone, the following provisions shall apply:

- e) the minimum yard requirement for an abutting yard shall be:
 - iii) 30 feet (9.1 metres); or
 - iv) 20 feet (6.1 metres) where a fence, berm, or landscaping forms an opaque visual buffer at least 6 feet (1.8 metres) in height.
- f) no parking or loading space shall be permitted within the required abutting yard;
- g) driveways and access to parking and loading areas is permitted in the required abutting yard; and
- h) any required abutting yard, exclusive of any driveways or access to parking or loading areas, shall be landscaped open space

4. **Outdoor Storage and Display**

- d) Outdoor storage or display is permitted within the rear or side yards and shall be limited to 25 percent lot coverage, except for the display of automobiles, watercraft, recreational vehicles, and other similar products which are permitted in rear, side and front yards with no limit of lot coverage.
- e) Outdoor storage and display (excluding automobiles, watercraft, recreational vehicles, and other similar products) shall be fenced or otherwise screened to minimize their visibility from adjoining properties or public areas including streets.
- f) No outdoor storage or display (including the display of automobiles, watercraft, recreational vehicles, and other similar products) shall be permitted in a required abutting yard.

5. **Driveways**

The minimum distance between driveways on the same property shall be 50 feet (15.2 metres).

6. **Automobile Service Stations**

The following requirements apply to automobile service stations where they are permitted by this By-law:

- d) no portion of any pump island shall be located closer than 20 feet (6.1 metres) from any street right-of-way
- e) the minimum height of any canopy or cover over a pump island shall be 14 feet (4.3 metres)
- f) no part of any canopy or cover over a pump island shall be closer than ten feet from any street right-of-way

12

FUTURE REDEVELOPMENT AREA (FRA) ZONE***1. PERMITTED USES***

No development permit shall be issued in a Future Redevelopment Area (FRA) Zone except for one or more of the following uses:

1. Permitted Uses

- uses permitted in the Residential Two Unit (R2) Zone (subject to the requirements of the Residential Two Unit (R2) Zone)
- uses permitted in the Recreation (P) Zone (subject to the requirements of the Recreation (P) Zone)
- uses permitted in the Institutional (I) Zone (subject to the requirements of the Institutional (I) Zone)
- the existing Nova Scotia Power Commission storage yard and offices (subject to the requirements of the Highway Commercial (C3) Zone)

2. Uses Permitted by Development Agreement

- uses permitted in the Downtown Commercial (C1) Zone
- multiple unit residential dwellings (with or without commercial uses)
- senior's residential complexes (with or without commercial uses)
- uses permitted in the Highway Commercial (C3) Zone
- light industrial uses

13

GENERAL INDUSTRY (M1) ZONE**1. PERMITTED USES**

No development permit shall be issued in a General Industry (M1) Zone except for one or more of the following uses:

1. Industrial Uses

- manufacturing, processing, assembly, and recycling
- parking and/or storage of industrial or heavy commercial vehicles, equipment, and similar goods
- railway uses
- recycling depot
- light industrial uses
- licensed liquor establishments
- communication industries
- research industries
- service industries
- warehousing, storage, and distribution

2. Non-Industrial and Mixed Uses

- a combination of permitted uses in the same building
- all age teen club
- commercial uses, accessory to a main use permitted in the General Industry (M1) Zone, and conducted on the same building or lot as the main use
- Institutional uses as listed in the Institutional (I) Zone (subject to the requirements of the Institutional (I) Zone)
- uses permitted in the Recreation (P) Zone (subject to the requirements of the Recreation (P) Zone)

3. Obnoxious Industrial Uses Prohibited

Sections 1(1) and 1(2) notwithstanding, no land shall be used and no building or structure shall be erected, altered, or used for any purpose which is obnoxious by reason of the emission of dust, smoke, odour, glare, noise, or vibration.

2. ZONE REQUIREMENTS**1. Lot, Yard, and Height Requirements**

TABLE 12.1
General Industry (M1) Zone Requirements

Minimum Lot Area	10000 ft ² (3048 m ²)
Minimum Lot Frontage	80 feet (24.4 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard	15 feet (4.6 m)
Minimum Side Yard (flankage)	20 feet (6.1 m)

2. Abutting Yard Requirements

Table 12.1 notwithstanding, where a yard on a lot located in a General Industry (M1) Zone abuts any Residential, Institutional, or Recreation Zone, the following provisions shall apply:

- a) the minimum yard requirement for an abutting yard shall be:
 - i) 30 feet (9.1 metres); or
 - ii) 20 feet (6.1 metres) where a fence, berm, or landscaping forms an opaque visual buffer at least 6 feet (1.8 metres) in height.
- b) no parking or loading space shall be permitted within a required abutting yard;
- c) driveways and access to parking and loading areas are permitted in a required abutting yard requirement; and
- d) any required abutting yard, exclusive of any driveways or access to parking or loading areas, shall be landscaped open space

3. Outdoor Storage and Display

- a) Outdoor storage or display shall be permitted within the rear or side yards and shall be limited to fifty (50) percent lot coverage.
- b) Outdoor storage and display shall be fenced or otherwise screened to minimize their visibility from adjoining properties or public areas including streets.
- c) No outdoor storage or display shall be permitted in a required abutting yard.

14

PROVINCIAL RESOURCE (M2) ZONE**1. PERMITTED USES**

No development permit shall be issued in a Provincial Resource (M2) Zone except for one or more of the following uses:

1. Industrial (Mining) Uses

- any opening or excavation in, or working of any coal or coal-bearing substance, and any ore body, coal deposit, stratum, soil, rock, bed of earth, clay, sand, gravel, or place where mining is or may be carried on
- all works, machinery, plant, latrines, washhouses, and other buildings and premises below or above ground belonging to or used in connection with the mine.

2. Non-industrial Uses

- Recreation (P) uses subject to the requirements of the Recreation (P) Zone

2. ZONE REQUIREMENTS**1. Abutting Yard Requirements**

Where a yard on a lot located in a Provincial Resource (M2) Zone abuts any Residential, Commercial, Institutional, or Recreation Zone, the following requirements shall apply:

- a) the minimum yard requirement for an abutting yard shall be 1000 feet (305 metres);
- b) a fence, berm, or landscaping shall form an opaque visual buffer at least 6 feet (1.8 metres) in height;
- c) no parking, loading, or driveways and access roads shall be permitted within a required abutting yard;
- d) any required abutting yard shall be landscaped open space.

2. Outdoor Storage and Display

- a) No outdoor storage or display shall be permitted within any required yard.
- b) Where permitted, outdoor storage areas shall be fenced or otherwise screened to minimize their visibility from adjoining properties or public areas including streets.

15

INSTITUTIONAL (I) ZONE**1. PERMITTED USES**

No development permit shall be issued in an Institutional (I) Zone except for one or more of the following uses:

1. Institutional Uses

- cemeteries
- colleges
- community centres
- cultural uses
- day care facilities
- dormitories
- fire stations
- food banks
- hospitals
- libraries
- museums
- nursing homes
- non-commercial schools
- places of worship and accessory residential uses
- police stations
- post offices
- private and public schools
- public buildings
- special care facilities
- universities

2. Non-Institutional Uses

- existing residential uses
- recreation facilities
- Recreation (P) uses subject to the requirements of the Recreation (P) Zone

2. ZONE REQUIREMENTS**1. Lot Requirements**

TABLE 15.1
Institutional Zone Lot Requirements

Minimum Lot Area	Serviced	5000 ft ² (465 m ²)
	Unserviced	30 000 ft ² (2787 m ²)
Minimum Lot Frontage		60 feet (18.3 m)
Minimum Front Yard		20 feet (6 m)
Minimum Rear Yard		20 feet (6 m)

Minimum Side Yard

15 feet (4.6 m) or half the
height of the main building,
whichever is greater

2. Outdoor Storage and Display

Notwithstanding Part 3, Section 2.5 Temporary/Special Uses, the outdoor storage or display of goods in the Institutional (I) Zone shall be prohibited except in conjunction with special events, sidewalk sales, or festivals, to a maximum period of thirty days for each calendar year.

3. Where Abutting a Residential Zone

Notwithstanding anything else in this Part, where a lot situated within the Institutional (I) Zone, abuts a residential zone the following standards shall apply:

- a) The minimum side and rear yard requirement for the abutting yard shall be 20 feet (6.1 metres) and all areas within the abutting yard shall be landscaped open space.
- b) No parking space or outdoor storage shall be permitted in a required abutting yard except where an opaque screen in the form of a fence and/or landscaping are provided, in which case no parking or outdoor storage shall be permitted within 6 feet (1.8 metres) of the abutting lot line.

16

RECREATION (P) ZONE**1. PERMITTED USES**

No development permit shall be issued in a Recreation (P) Zone except for one or more of the following uses:

1. Recreation Uses

- Cenotaphs
- conservation areas
- gazebos, pavilions, band shells
- fountains
- monuments
- parks
- picnic areas
- playgrounds, playing fields
- public and private recreation uses such as tennis courts, swimming pools, indoor and outdoor sports facilities, golf courses, arenas
- recreation facilities
- trails
- buildings, structures, and uses accessory to the foregoing

2. Non-Recreational Uses

- community centres
- commercial uses accessory to a Recreation (P) use

2. ZONE REQUIREMENTS**1. Lot Requirements**

TABLE 16.1
Recreation Zone Lot Requirements

Minimum Lot Area	Serviced	5000 ft ² (465 m ²)
	Unserviced	30 000 ft ² (2787 m ²)
Minimum Lot Frontage		60 feet (18.3 m)
Minimum Front Yard		20 feet (6 m)
Minimum Rear Yard		20 feet (6 m)
Minimum Side Yard		15 feet (4.6 m) or half the height of the main building, whichever is greater

2. Outdoor Storage and Display

Notwithstanding Part 3, Section 2.5 Temporary/Special Uses, the outdoor storage or display of goods in the Recreational (P) Zone shall be prohibited except in conjunction with special events, sidewalk sales, or festivals, to a maximum period of thirty days for each calendar year.

3. Public Uses

Notwithstanding anything else in this By-law, in the Recreation (P) Zone, nothing shall prevent the use of any land as a public park, community park, playground or prevent the erection of a monument, statue, cenotaph, bench, or a gazebo or other similar open air structure.

4. Where Abutting a Residential Zone

Notwithstanding anything else in this Part, where a lot situated within the Recreational (P) Zone, abuts a residential zone the following standards shall apply:

- a) the minimum side and rear yard requirement for the abutting yard shall be 20 feet (6.1 metres) and all areas within the abutting yard shall be landscaped open space; and
- b) no parking space or outdoor storage shall be permitted in a required abutting yard except where an opaque screen in the form of a fence and/or landscaping are provided, in which case no parking or outdoor storage shall be permitted within 6 feet (1.8 metres) of the abutting lot line.

17

FLOODPLAIN (F) ZONE**1. PERMITTED USES**

No development permit shall be issued in the Floodplain (F) Zone except for one or more of the following uses:

1. Floodplain Uses

- conservation areas
- passive recreational uses
- trails
- existing sand, gravel, and topsoil extraction operation

2. Uses Permitted by Development Agreement

- new and expansions to existing sand, gravel, and topsoil extraction operations, subject to the requirements outlined under Policy F-3 of the Municipal Planning Strategy

3. Placement of Off site Fill Prohibited

The placement of offsite fill is prohibited below the 1:20 year floodway

