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1

INTRODUCTION**1. TITLE**

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

2. PURPOSE

The Town of Trenton's Land Use By-law is adopted in accordance with the Province of Nova Scotia's *Municipal Government Act*. The Trenton 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 Trenton to adopt a Subdivision By-law to control the division of land. These three documents provide the framework for planning and development in Trenton.

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

- a) Every application for a development permit submitted to the 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; and
 - 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 application 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 (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

Council shall be responsible for the enforcement of this By-law. The 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 of 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 Trenton and for the purposes of this By-law, the Town of Trenton 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	R-MHP
Main Street Commercial	C1
Neighbourhood Commercial	C2
General Industry	M
Airport	AP
Institutional	I
Recreation and Open Space	P1
Park	P2

2. Zoning Map

The map attached as "Schedule B" to this By-law is labelled as the Trenton 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; and
- 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 Part 2 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; and
 - iv) amendment to the Zoning Map in Schedule A.
- b) Development agreements may be considered for the uses listed in Part 4 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 Chief Administrative Officer of the Town of Trenton.
- 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.

Air Transportation and Service Industries means establishments engaged in the landing, and handling of aircraft, their passengers and freight; and services incidental to airport transport. For further clarification refer to Appendix A "Air Transportation and Service Industries" from the 1980 Standard Industrial Classification.

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.

Aviation Services means uses which provide support services to airport transport industries and passengers and includes airport administration services and passenger services aimed at the traveling public, provided such uses are accessory to air transportation industries.

Bed and Breakfast Establishment means a single unit dwelling in which the resident supplies, for compensation, rooms for the temporary accommodation of travelers and may be licensed by 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.

Business or Professional Office means a room 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.

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

Campground means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mobile home park.

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 interment 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.

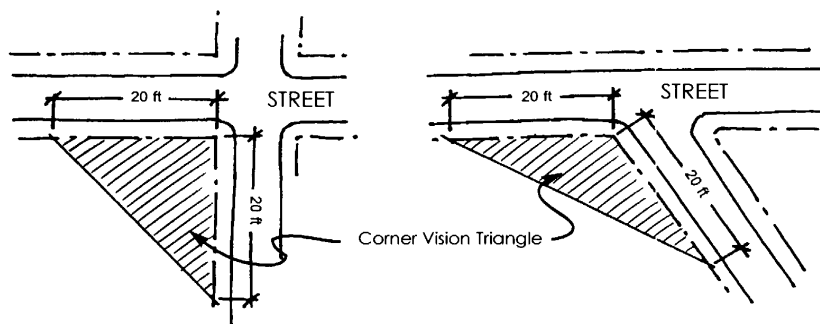
Commercial Uses Utilizing Heavy Equipment and/or Heavy Vehicles means a commercial use, that as part of its function, utilizes heavy equipment and/or vehicles which are stored on the same property such as: tractors, excavators, oil delivery trucks, transport trucks and/or trailers, dump trucks, buses, 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



Craft Shop means a building which is used for the retailing or wholesaling of arts and handicrafts.

Cultural use means any use of a building or land for uses such as theatres, auditoriums, art galleries, libraries, museums 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 place where 3 or more children are cared for on a temporary basis for compensation without overnight accommodation but does not include a school.

Day Care, Residential means a portion of a residential dwelling where 3 or more children are cared for on a temporary basis for compensation without overnight accommodation but does not include a school.

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 Trenton 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 Development Officer indicating that a proposed development complies with the provisions of the Land Use By-law.

Domestic and Household Arts includes dressmaking, tailoring, hairdressing, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, moulding, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys

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.

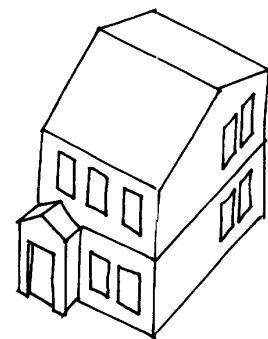
Dry Cleaning Depot means a business where clothes and other items are dropped off to be professionally cleaned which are then transported to another location for cleaning.

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;

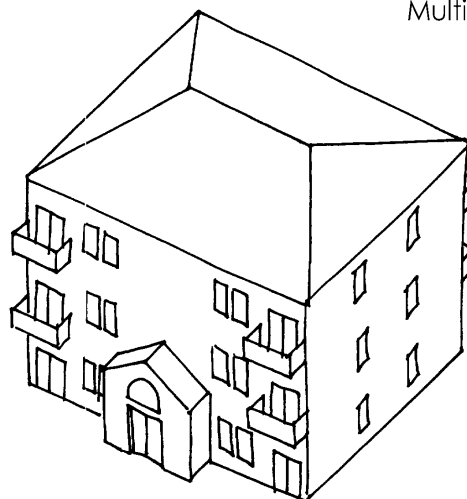


Duplex

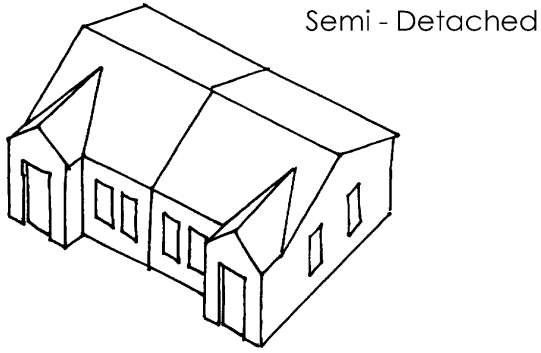
Dwelling, Mobile Home means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and 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.

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

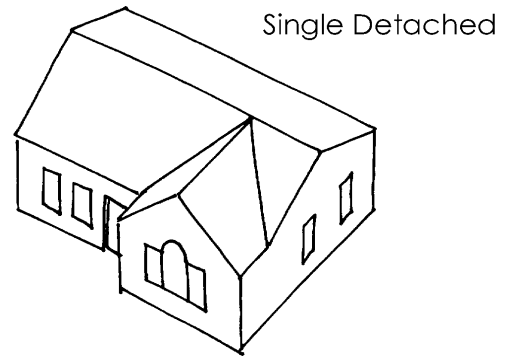
Dwelling, Semi-Detached means a building that is divided vertically into two dwelling units each of which has an independent entrance.



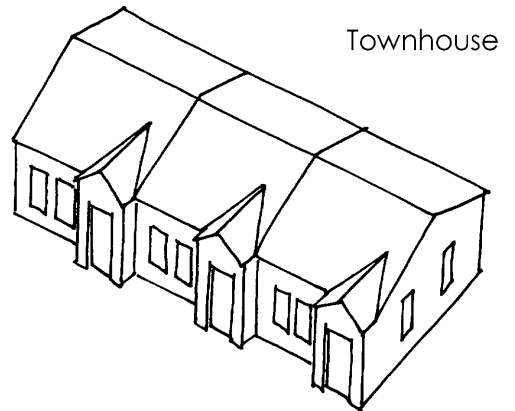
Multiple Unit



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.



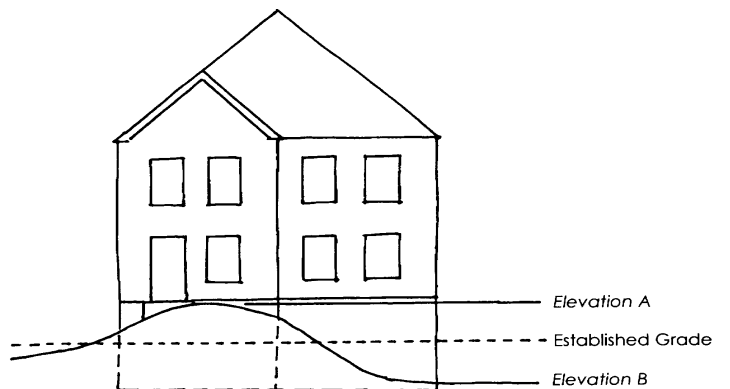
Environmental Feature means an area of land that is characterized as having either a hydrological feature or a steep slope or a combination of both and which may be subject to flooding, erosion or slope failure.

Enriched Seniors Residence means a residence providing accommodations for senior citizens, containing independent dwelling units, and associated with an adjacent nursing home that provides its services to the inhabitants of the residence.

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.



Established Grade = average of Elevation A and Elevation B

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

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.

Extractive Facilities means all buildings, aggregate plants, material storage areas and weigh scales associated with extractive uses but does not include structures or storage areas which are fundamental to the activities of mining or extraction that are regulated under the Provincial Pits and Quarries Act.

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.

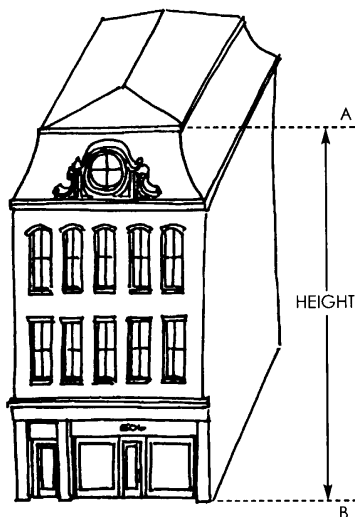
Floor Area, Gross means the total floor area exclusive of any unfinished basement or cellar, and any floor area used for building maintenance and service equipment, loading, or the storage or parking of motor vehicles.

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.

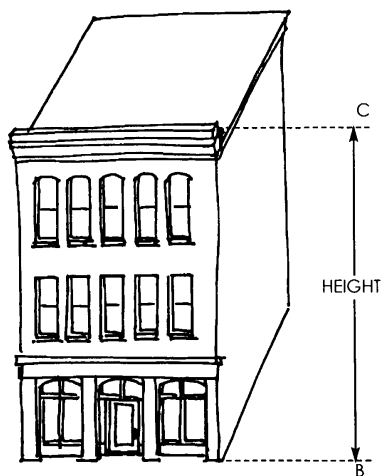
Height means, when used with reference to a building, the vertical distance between the established grade and the mean level between the eaves and the ridge of a gabled, hip, gambrel or other such pitched roof, the highest point of the roof surface or the parapet of a flat roof (whichever is greater), 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 chimney, tower, cupola, steeple or antenna.

Illustration of Building Height Calculations

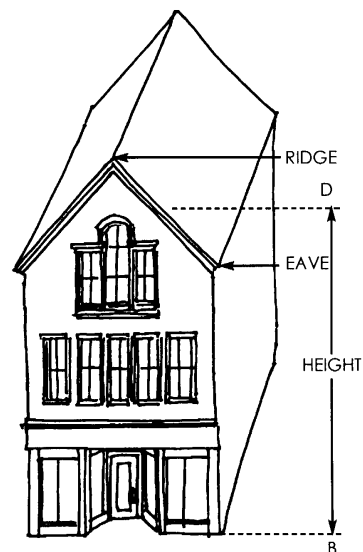
Mansard Roof



Flat Roof



Gable Roof



A: Decline of a mansard roof
B: Established Grade

C: Top of flat roof or parapet
D: Mean of ridge and eave elevations

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, and personal service shops. This definition excludes auto repair, welding shops, as well as hobbies of an individual resident.

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 or quasi-public 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 union activities, the activities of 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.

Livestock means farm animals kept for use, propagation, or for intended profit or gain and includes the following types of farm animals; cattle, horses, swine, goats, sheep, fowl, mink, rabbits, bees or any other domestic animal used for consumption.

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.

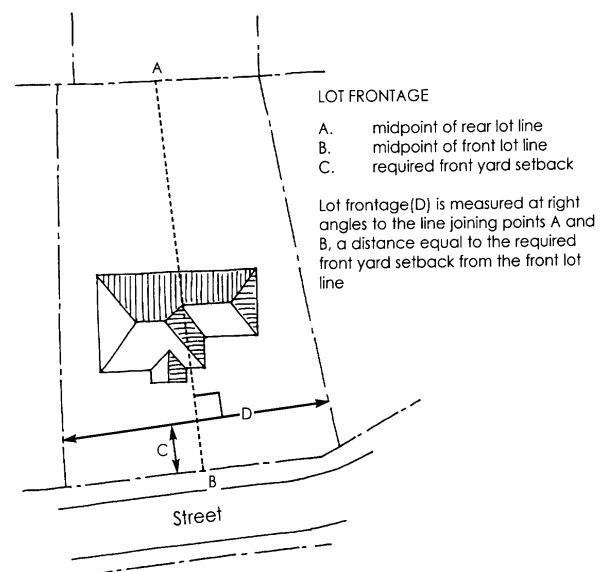
Lot Area means the total horizontal area within the lot lines of a lot.

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

Lot Line, Flanking means the side lot line that 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 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 mid-point of the rear lot line and the mid-point 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 to the building shall be used. Calculation of lot



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

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.

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.

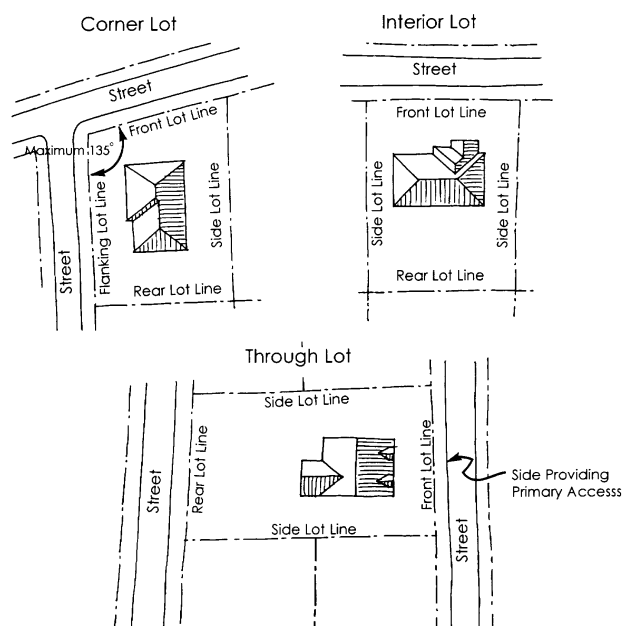
Mobile Home Space or Lot means a parcel of land intended to be used by one mobile home.

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.

Neighbourhood Park means a parcel of land intended, through design and function, to provide opportunities for passive or active recreational activities that serve the recreational needs of the immediate residential neighbourhood. Neighbourhood parks may include small scale public

Illustration of Lot and Lot Line Definitions



open spaces with playground equipment, hard surface courts and landscaped areas for passive recreational use, but shall not include major facilities such as playing fields, arenas, and swimming pools, and shall not exceed 1393.5 square metres (15,000 sq. ft) in lot area.

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 means an area of land used for passive or active recreational uses including such uses as, parks, playgrounds, ball fields, outdoor skating rinks, tennis courts, athletic fields, picnic areas but excluding enclosed structures.

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 that 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.

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, licensed massage therapist, 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 an adult entertainment parlour.

Pet Grooming Establishment means a business that 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 or Committee of the Town of Trenton 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.

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.

Secondary Commercial Use means any building or land used for commercial purpose which serves the motoring public, is a higher traffic generator, land intensive and not dependent on the pedestrian oriented environment and concentration of amenities in the Main Street Commercial core.

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, and 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 that 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, auto-body 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; and
- 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.

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 that conveys a message.



Sign, Facial Wall means a sign that 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 a 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 or premises licensed as a home for special care under the Homes for Special Care Act, R.S.N.S., 1989, Chapter 203, where accommodation and supervisory and/or personal care is provided or made available for more than three persons and includes a nursing and group home.

Steep means a slope gradient of 25 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 Trenton.

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 Trenton.

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 0.6 metres (2 feet) 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 Trenton.

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

Traffic Authority means the Traffic Authority for the Town of Trenton 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 that 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, municipalities 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 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 Sections 238 to 242 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

- a) a use incidental to a construction project provided that a development permit has been issued for the main construction project and the temporary use is discontinued and removed within 60 days following completion of the main construction project; or
- b) a use erected for a special occasion or holiday provided that no such use shall remain in place for more than 14 consecutive days and such use shall not require a development permit.

6. Swimming Pools (Outdoor)

- a) A swimming pool shall conform to the requirements of the Town of Trenton'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 2(7) 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.
- f) In the case of temporary and/or inflatable pools, the enclosure must be in place at all times during which the subject swimming pool is established on the property.

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.
- c) Fences which are required by this By-law for abutting yards shall be set back from any lot line by 0.6 metres (2 ft).

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 Trenton, 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 the Commercial, Institutional, Industrial, Airport, Multi-Unit (R3) Zone;
- b) mobile homes located in a Mobile Home Park 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; and
 - ii) increased in area or frontage or both, pursuant to Section 9(4) of 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) Notwithstanding anything else in this By-law, a development permit shall be issued for development on a lot created pursuant to the Town's Subdivision By-law, Section 9(5) 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. Conformity with Existing Setbacks

Notwithstanding the other requirements of this By-law, in any zone, a proposed structure to be built between existing buildings, within 61 metres (200 feet) of the proposed structure and on the same block, may be built with a setback equal to the average setback of adjacent buildings. This setback shall not be less than 3 metres (10 feet) from the front lot line.

8. 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.

9. 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	1.0 metre (3.3 ft) but can not be within 1.0 metres (3.3 ft) of the lot line
Steps, stairways	any yard	5 feet (1.5 m)
Porches (not exceeding 1 storey), uncovered decks, verandahs, balconies, terraces	any yard	8 feet (2.4 m) Including eaves and cornices to 3 feet (0.9m) 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

10. 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, wind power generator, solar collector, cupolas, or any mechanical or ornamental roof construction, however the maximum height of these structures shall not exceed 142 m (465 ft.) above sea level.
- 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 declivity of a mansard roof; or
 - iii) the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof.

11. 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.

12. Corner Vision Triangle

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 3 feet (0.9 metres) above grade in a corner vision triangle.

13. Flanking Yards

Notwithstanding anything else in this By-law, except for the C-1 Zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than 4.6 metres (15 ft).

14. 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.

15. Special Side Yard Requirements for Attached Garages

In any Residential (R-1, R-2, R-3) zone where a dwelling unit includes an attached garage or a garage is incorporated into the unit, the required minimum side yard shall be 0.9 metre (3 ft) for a one-storey building and an additional 0.6 metres (2 ft) for every additional storey.

16. Environmental Protection

Unless provided for in Part 4, Uses Permitted by Development Agreement, development permits shall only be issued for development within areas designated Environmental Features on the Environmental Features Map, Schedules "B" of the By-law, provided the following conditions are satisfied:

1. that the proposal is for a use permitted in the zone in which it is located;
2. that negative environmental impacts of the proposal are either non-existent or are found to be insignificant pursuant to Policy E-3 of the Strategy.

(Refer to environmental protection policies in the Strategy and Part 4(1)(7) of this By-law for information regarding development in areas designated as Environmental Features on the Environmental Features Map).

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

Accessory buildings, uses or structures shall be permitted in any zone, but shall not:

- i) be located within the required front yard of a lot;

- ii) be built closer than 1.8 metres (6 ft) to any lot line except for: common garages for semi-detached dwelling units may be centered on the mutual side lot line; or accessory buildings with no windows or perforations on the side of the building which faces the side or rear lot line, may be located a minimum of 0.6 metres (2 ft) from any lot line in any residential zone;
- iii) except for accessory buildings in an Industrial, Park or Airport Zone, exceed 4.6 metres (15 feet) in height;
- iv) except for accessory buildings in an Industrial, Park or Airport Zone, exceed 69.7 square metres (750 square feet) in total floor area for lots with an area of 697 square metres (7500 square feet) or less. In the case of lots with an area greater than 697 square metres (7500 square feet), accessory buildings shall not exceed the lesser of 92.9 square metres (1000 square feet) in total floor area or 10 % of the total lot area;
- v) be built within 1.8 metres (6 ft) of the main building and closer to the street than the main building is to the street; and
- vi) be considered accessory buildings or structures if attached to the main building in any way or if located completely underground.

3. 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 180 square feet (16.5 m²), and shall measure 9 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:
 - 1. the parking lot shall be constructed with a stable surface that is treated to prevent the raising of dust or loose particles;
 - 2. the lights used for illumination of the parking lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
 - 3. a structure, not more than 4.6 metres (15 ft) in height and not more than 4.6 square metres (50 sq. ft) in area may be erected in the parking lot for the use of attendants;
 - 4. when the parking lot is of a permanent hard surface, each parking space shall be clearly demarcated and maintained as such;
 - 5. approaches or driveways to any parking lot, other than that required for a single or two unit dwelling shall be defined by a curb of concrete or rolled asphalt and the limits of the parking lot shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
 - 6. the location of approaches or driveways shall not be closer than 15.2 metres (50 ft) from the limits of the right-of-way at a street intersection;

7. exit and entrance driveways to a parking lot shall not exceed 2 in number on any one street and each driveway shall be at least 6.1 metres (20 ft) and not greater than 7.6 metres (25 ft) in width. Where frontage exceeds 152 metres on one street, 3 driveways may be permitted on that street;
8. the width of a driveway leading to a parking lot, or of a driveway or aisle in a parking area, shall be a minimum of 3 metres (10 ft) for one-way traffic, and a minimum of 6.1 metres (20 ft) for two-way traffic, and the maximum width of a driveway shall be 7.6 metres (25 ft).
9. parking spaces for small cars may be permitted provided they do not exceed 25% of the total parking spaces provided and such spaces shall be a minimum of 2.5 metres (8.2 ft) by 4.5 metres (14.8 ft) in dimensions; and
10. no gasoline pump or other service station equipment shall be located or maintained on the parking lot.

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 station, car wash	4 parking spaces for each bay, or 7 waiting spaces per bay for an automatic car wash
Bed and breakfast, boarding house	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 alley and curling rink	6 parking spaces for every bowling lane or ice sheet 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 Home	1 parking space for every 50 ft ² (4.7 m ²) of floor area for public seating. Minimum of 10 spaces

Hotel, motel, inn, tourist cabin	1 parking space for each suite or rental unit
Medical or dental practitioners office or clinic	5 parking spaces for each practitioner
Office	1 parking space for every 300 ft ² (28 m ²) of floor area
Personal Service Shop	2 parking spaces for each chair, or 1 parking space for each 300 ft ² (28 m ²) of floor area, whichever is greater
Restaurant	
Full Service and Licensed Liquor Establishment	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
Theatre	1 space for every 6 seats
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 3.4
Parking Requirements for Institutional Uses

Type of Building or Use	Parking Required
Churche, church hall, auditorium, hall, 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 school	2 parking spaces for each teaching classroom
High school/College	4 parking spaces for each teaching classroom
Hospital	1 parking space for every 2 beds, or for every 400 ft ² (37 m ²) of floor area, whichever is greater
Special Care Facility	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 3.5
Parking Requirements for Industrial Uses

Type of Building or Use	Parking Required
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All Industrial uses

1 parking space for each 2000 ft² (186 m²) 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 Main Street 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 ftX1- ft.) +120 sq. ft. (60% of area of parking space));

X = assessed value/square foot of the proposed land;

Y = cost/square ft. (to be determined by the proponent) for grading and surfacing the area to the standards set out in the 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 requirement shall be waived for new commercial development or a change in commercial use for properties located in the Main Street Commercial (C1) Zone, which front onto Main Street between Caroline Street and Glass Street. Residential development on the aforementioned properties will still be required to provide cash-in-lieu of the required on-site parking.

4. Loading Spaces

1. In any zone, no person shall erect or use any building or structure for commercial or industrial purposes involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises with every such building, structure, or use one off-street space for standing, loading and unloading for every 2,787 square metres (30, 000 sq. ft) or fraction thereof of gross floor area used for any such purpose to a maximum of 6 loading spaces and satisfies the following requirements:
 - i) Each loading space shall be a minimum of 3.7 metres (12 ft) by 12.2 metres (40 ft) with a minimum of 4.3 metres (14 ft) in height clearance.
 - ii) A loading space is not required for any building less than 139.4 square metres (1500 sq. ft) in gross floor area.
 - iii) No loading space shall be located within any required front yard, and where abutting a residential, institutional, recreation open space or park use, shall be screened from such uses through the use of a fence or vegetation which shall be a minimum of 1.8 metres (6 ft) in height.

- iv) A loading space area, including driveways leading to the loading area, shall be constructed with a stable surface which is treated so as to prevent the raising of dust or loose particles.
 - v) Ingress and egress, to the required loading space area shall be provided by means of unobstructed driveways of a minimum width of 3 metres (10 ft) for one-way traffic or a minimum width of 6.1 metres (20 ft) for two-way traffic.
2. Notwithstanding section 5.4.1, an undersized vacant lot in the Mainstreet Commercial Zone which can not comply with the loading standards shall be exempt from the requirements.

6. GENERAL REQUIREMENTS FOR SIGNS

1. Where provisions in this By-law are inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Transportation and Public Works, the more restrictive regulations shall apply.
2. No person shall erect, repair or reinstall a sign, including canopies or awnings, without first obtaining a development permit from the Development Officer and no development permit shall be issued unless all the sign provisions of this By-law are satisfied.
3. Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention by-laws.

1. Signs Permitted In All Zones

The following additional signs are permitted in all zones and no development permit shall be required for their erection:

1. signs identifying the name and address of resident not more than 0.2 sq. metres (2.2 sq. ft) in sign area;
2. 'No Trespassing' signs or other such signs regulating the use of a property of not more than 0.2 sq. metres (2.2 sq. ft) in sign area;
3. real estate signs which advertise the sale, rental, or lease of the premises not exceeding 0.5 sq. metres (5.4 sq. ft) in sign area in a residential zone and 1.5 sq. metres (16.1 sq. ft) in sign area in other zones;
4. Signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premises of not more than 0.5 sq. metres (5.4 sq. ft) in sign area;
5. signs erected by a governmental body, or under the direction of such a body, including traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists, election signs, signs giving legal notices, public identification and informational directory signs identifying the names and locations of local businesses;
6. memorial signs or tablets and signs denoting the history of a site or a structure of not more than 0.5 sq. metres (5.4 sq. ft) in sign area;
7. the flag, pennant, or insignia of any government or of any religious, charitable, or fraternal organization;
8. a sign incidental to construction and within the area designated for such purposes and erected only during the period of construction not more than 3.0 sq. metres (32.3 sq. ft) in sign area;

9. church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street;
10. signs that constitute an integral part of a vending machine, telephone booth, devices that indicates the time, date, or weather conditions, or similar device whose principal function is not to convey an advertising message;
11. signs that convey the message that a business enterprise is open or closed or that a place of lodging has or does not have a vacancy and,
12. a neighbourhood or subdivision identification sign consisting of a sign, masonry wall, landscaping or other similar features shall be permitted in any residential zone, provided the legend of such sign or display consists only of the neighbourhood or subdivision name.

2. Signs Prohibited in All Zones

1. Signs which incorporate any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving part, visible revolving parts or visible mechanical movement of any description.
2. Signs attached directly to or painted upon the roof of a building.
3. Any sign or sign structure which constitutes a hazard to public safety or health.
4. Signs which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
5. Any sign, which obstructs free ingress to or egress from a fire escape door, window, or other required, exit way.
6. Signs not erected by a public authority which make use of words such as 'STOP', 'LOOK', 'ONE WAY', 'DANGER', 'YIELD', or any similar words, phrases, symbols, lights, or character in such manner as to interfere with, mislead, or confuse traffic along a street.
7. Signs on public property or public rights-of-way unless erected by a governmental body, or required to be so located by order of a governmental body or unless specifically permitted by a government authority.
8. Signs not erected by a government body, which are located at or near sharp road curves or below the crest of a steep road grade.
9. Signs painted on, attached to, or supported by a tree, stone, cliff or other natural object.
10. Signs not related to any business or use located on the lot or premises.
11. Signs, which advertise a business no longer in operation, or a product, which is no longer, sold.

3. Requirements for Signs

1. The total sign area for each business premise for all fascia and projecting signs shall not exceed 10 % of the area of the exterior wall upon which the sign is affixed. In the case of ground signs, the number of signs shall not exceed one per 15.2 metres (50 feet) of frontage to a maximum of two signs.
2. Signs shall not extend beyond the extremities or top of a wall upon which it is placed.
3. Signs shall not project or extend over a corner sight triangle, public right-of-way, driveway aisle or parking area.
4. Projecting wall signs shall not be erected above a height of 4.6 metres (15 feet) and below a height of 2.4 metres (8 feet) from grade. Ground signs shall not be erected above a height of 6.1 metres (20 feet) (refer to section 4.4.1.8 of this By-law for information on the erection of ground signs which do not meet these height requirements).

5. Unless otherwise indicated in this By-law, a temporary sign for a temporary use permitted under Part 3(5)(b) of this By-law may be allowed in any zone provided such signs do not contain any commercial message.

7. 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 7(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 or per premise.

4. Maintenance and Repair

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

8. HOME OCCUPATIONS

1. Home Occupations Permitted

1. Nothing in this By-law shall prevent the use of a single detached dwelling, accessory building, or attached garage in any residential zone for a home occupation provided that the building meets the setback, parking and other applicable requirements for home occupations as 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. A home occupation shall not be considered to be auto repair shops, welding shops or anything that could be considered to be obnoxious.

2. Regulations Respecting Home Occupations

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

1. the dwelling is occupied as a residence by the operator of the home occupation and the external appearance of the dwelling is not changed by the home occupation;
2. the home occupation is wholly contained within the residential dwelling unit, attached garage or accessory building
3. there are not more than two (2) assistant employees employed in the home occupation;
4. not more than twenty-five (25) per cent of the total floor area of the dwelling is devoted to the home occupation and in no case shall it exceed 74.3 sq. metres (800 square feet) of total floor area, including the area required for storage and business;

5. one off-street parking space, other than that required for the dwelling, is provided for every 27.9 square metres (300 square feet) of floor area, or portion thereof, is occupied by the home occupation and shall be located in the side or rear of the lot, but not within the required yard;
6. there is no advertising other than one non-illuminated business identification sign a maximum of 0.5 square metres (5 square feet) in area and attached to the main building;
7. no mechanical equipment is used except that reasonably consistent with the use of a dwelling; and
8. there is no outdoor storage or display.

3. Bed and Breakfast Establishments/Boarding Houses

The following provisions shall apply to boarding or rooming houses and bed and breakfast establishments in a R-2 or R-3 Zone:

1. the use is restricted to a single detached dwelling;
2. no addition or alteration shall be undertaken which changes the roof line or increases the height (except for the addition of dormers), or extends into the front or side yard of the lot (except for structures necessary for public safety purposes such as fire escapes);
3. advertising signs shall be limited to one per dwelling and shall not exceed 0.5 square metres (5 sq. ft) in area; and
4. additional off-street parking shall be provided at a rate of one space for each sleeping room and shall be located in the side or rear of the lot, but not within the required yard.

9. LANDSCAPING

The following requirements shall apply to permitted uses in any residential zone:

1. All areas within the required front, side, rear and flanking yards, excluding parking areas, shall be landscaped with grass, or other vegetative cover; and
2. Excluding parking areas in R-MHP Zones, areas for parking, vehicular access and manoeuvring within required front and flankage yards shall not exceed 33 % of the yard area with a maximum width of 6.1 metres (20 ft).

10. KEEPING OF ANIMALS

The following uses involving the keeping of animals shall not be permitted within any residential zone:

1. The keeping of livestock (as defined in Part 2 of this By-law); and
2. Businesses concerned with the breeding and/or boarding of house pets.

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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 Designation as provided for in **Policy R-25** of the Municipal Planning Strategy;
2. multiple unit dwellings of more than 5 dwelling units in an area designated General Residential and Secondary Commercial on the Future Land Use Map and in accordance with **Policy R-13** of the Strategy;
3. bed and breakfast establishments and boarding houses that rent more than five rooms in areas designated as General Residential and Secondary Commercial on the Future Land Use Map and in accordance with **Policy R-18** of the Strategy;
4. commercial development in the area designated as Secondary Commercial on the Future Land Use Map in accordance with **Policy C-9** of the Strategy;
5. heavy industrial uses that are considered obnoxious in areas designated Industrial on the Future Land Use Map in the Strategy and in accordance with **Policy M-6** in the Strategy;
6. airport related commercial or light industrial development in the area designated as Airport on the Future Land Use Map and in accordance with **Policy AP-5** and **Policy AP-6**;
7. development proposals (including the erection of a structure or altering of land levels with respect to development) in any area designated as an Environmental Features on the Environmental Features Maps of the Land Use By-law, and which have potential for significant environmental impacts as determined by **Policy E-3** in the Strategy.
8. the extension, enlargement, alteration, reconstruction, recommencement and change of use of non-conforming structures or uses of land within any designation and in accordance with **Policy G-18** of the Strategy;
9. the erection of ground signs which do not meet the height requirements set out in Section 3 of this By-law within any commercial or industrial designation on the Generalized Future Land Use Map and in accordance with **Policy IM-11** of the Municipal Planning Strategy.
10. comprehensive development districts in the Single Detached Residential Areas "A" and "B" of the Generalized Future Land Use Map and in accordance with **Policy R-25** of the Municipal Planning Strategy

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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

2. Non-Residential Uses

- licensed homes for special care (to a maximum of 4 (four) single room occupants)
- home occupations (in accordance with Part 3, Section 8 of this By-law)
- Recreation and Open Space (P1) Zone uses subject to the requirements of the Recreation and Open Space (P1) Zone.

3. Uses Permitted by Development Agreement

- 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	7500 ft ² (696.8m ²)
Minimum Lot Frontage	75 feet (22.9 m)
Minimum Front Yard	25 feet (7.6 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard (one side)	10 feet (3 m)
Minimum Side Yard (other side) every storey over one 10 feet (4.6 m)	3.0 m (10 ft) + 0.6 m (2 ft) for
Maximum Height	35 feet (10.7 m)

TABLE 5.2

Residential Single Unit (R1) Zone Requirements (Partially Unserviced or Unserviced)

Minimum Lot Area	1858 sq. m (20,000 sq. ft)
Minimum Lot Frontage	30.5 m (100 ft)
Minimum Front Yard	7.6 m (25 ft)
Minimum Rear Yard	6.1 m (20 ft)
Minimum Side Yard (one side)	3.0 m (10 ft)
Minimum Side Yard (other side) every storey over one	3.0 m (10 ft) + 0.6 m (2 ft) for
Maximum Height	10.7 m (35 ft)

3. PARKING

1. Refer to Part 3 (9), for Parking and Landscaping Requirements of this By-law.

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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
- converted two unit dwellings

2. Non-Residential Uses

- home occupations (in accordance with Part 3(8) of this By-law)
- licensed homes for special care (to a maximum of 4 (four) single room occupants)
- Recreation and Open Space (P2) Zone uses subject to the requirements of the Recreation and Open Space (P2) Zone
- Bed and Breakfast establishments with not more than two rooms to let
- boarding houses with not more than two rooms to let

3. Uses Permitted by Development Agreement

- multiple unit residential dwellings, 5 units or more
- 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	5000 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	50 feet (15.2 m)
	Semi-Detached	30 feet (9.1 m)
	Duplex	60 feet (18.3 m)
Minimum Front Yard	All types	20 feet (6.1 m)
Minimum Rear Yard	All types	20 feet (6.1 m)
Minimum Side Yard (one side)	Single Detached/Converted	6 feet (1.8 m)
	Semi-Detached (common wall)	nil
	Semi-Detached (outside wall)	10 feet (3 m)
	Duplex	10 feet (3 m)
Minimum Side Yard (other side)	Single Detached/Converted	6 feet (1.8 m)
	Semi-Detached (common wall)	nil
	Semi-Detached (outside wall)	10 feet (3 m)
	Duplex	10 feet (4.6 m)

Maximum Height	35 feet (10.7 m)
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TABLE 6.2
Residential Two Unit (R2) Zone Requirements (Partially Unserviced or Unserviced)

Minimum Lot Area	Single Detached	1858 sq. m (20,000 sq. ft)
Minimum Lot Frontage	Single Detached	30.5 m (100 ft)
Minimum Front Yard	Single Detached	6.1 m (20 ft)
Minimum Rear Yard	Single Detached	20 feet (6.1 m)
Minimum Side Yard (one side)	Single Detached	1.8 m (6 ft)
Minimum Side Yard (other side)		
Single Detached every storey over one		1.8 m (6 ft) + 0.6 m (2 ft) for
Maximum Height		35 feet (10.7 m)

3. SPECIAL REQUIREMENTS: LANDSCAPING

Where an R2 Zone abuts a R1 Zone the following requirements shall apply:

1. the minimum side and rear requirement for the abutting yard shall be 6.1 metres (20 ft); and
2. no parking space shall be permitted within a required yard, except where an opaque fence or landscaped buffer strip of a minimum height of 1.8 metres (6 feet) is provided.

4. PARKING

1. Refer to Part 3 (9), for Parking and Landscaping Requirements of this By-law.

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

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

1. Residential Uses

- townhouses/row houses (maximum of 5 units)
- triplex dwellings
- 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
- multi-unit dwellings (maximum of 5 units)
- converted dwellings or expansions to existing converted dwellings with more than 2 but not more than 5 units
- senior's residential complex

2. Non-Residential Uses

- home occupations (in accordance with Part 3(8)(1) of this By-law)
- bed and breakfasts with a maximum of five rooms to rent (subject to Part 3(8)(2) of this By-law)
- boarding houses with a maximum of five rooms to rent (subject to Part 3(8)(2) of this By-law)
- neighbourhood parks

3. Uses Permitted by Development Agreement

- multiple unit residential dwellings greater than five (5)
- innovative housing and site design developments

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

TABLE 7.1
Residential Multiple Unit (R3) Zone Requirements

	Triplex	Townhouse/Rowhouse	Multiple Unit	Converted
minimum lot area	557.4 sq. m (6000 sq. ft)	185.8 sq. m (2000 sq. ft) / unit	743.2 sq. m (8000 sq. ft) for first 4 units + 92.9 sq. m (1000 sq. ft) for each unit	185.8 sq. m (2000 sq. ft) / unit
minimum frontage	18.3 m (60 ft)	7.6 m (25 ft) /unit	24.4 m (80 ft)	6.1 m (20 ft) /unit
minimum front yard	6.1 m (20 ft)	6.1 m (20 ft)	6.1 m (20 ft)	6.1 m (20 ft)
minimum rear yard	6.1 m (20 ft)	6.1 m (20 ft)	6.1 m (20 ft)	6.1 m (20 ft)

minimum side yard	3.0 m (10 ft)	3.0 m (10 ft)	3.0 m (10 ft)	1.8 m (6 ft) + 0.6 m (2 ft) for every storey over one
maximum height	10.7 m (35 ft)	10.7 m (35 ft)	10.7 m (35 ft)	10.7 m (35 ft)

2. Recreation Space Requirements

All multiple unit dwellings with three or more dwelling units shall provide amenity areas in accordance with Table 7.2. An amenity area shall be a space set aside for recreational purposes such as communal play areas, recreational rooms, roof decks, balconies, swimming pools and tennis courts. Any area of the site to be used as an amenity area outside and not attached to the building shall not have a dimension of less than 9 metres (29.5 feet).

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

One Bedroom or Bachelor Unit	97 ft ² (9 m ²)/unit
Two Bedroom Unit	301 ft ² (28 m ²)/unit
Three Bedrooms or More	495 ft ² (46 m ²)/unit

3. 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.

4. Landscaping

The following additional landscaping requirements shall apply to all R3 Zone uses:

1. When an R3 Zone abuts a R1 or R2 Zone the following requirements apply:
 - i) the minimum side and rear requirement for the abutting yard shall be 6.1 metres (20 ft);
 - ii) no parking space shall be permitted within a required yard, except where an opaque fence or landscaped buffer strip of a minimum height of 1.8 metres (6 feet) is provided. (refer to fencing requirements in Section 3(2)(7), Part 3 of this By-law)
2. Outdoor garbage bins shall be screened by a 1.8 metre (6 feet) high opaque fence or landscaped buffer strip and shall not be located within the front yard.

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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

- neighbourhood parks
- neighbourhood convenience store, laundromat (subject to the Neighbourhood Commercial (C2) Zone requirements)
- mobile home park office
- mobile home sales structure
- home occupations in accordance with Part 3(8) 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	100 feet (30.5 m)
minimum distance of a mobile home dwelling from an external property line or street	6.1 m (20 ft)
minimum distance between mobile homes	6.1 m (20 ft)

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.

3. PARKING

1. Refer to Part 3 (9), for Parking and Landscaping Requirements of this By-law.

4. SPECIAL REQUIREMENTS: FENCING AND LANDSCAPING

When the Residential Mobile Home Park (R-MHP) Zone abuts another residential or institutional zone, opaque fencing and/or a landscaped buffer strip a minimum of 1.8 metres (6 ft) in height shall be provided along the side and rear lot lines (excluding access driveways) and all required yards shall be landscaped, with grass or other vegetative cover.

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COMPREHENSIVE DEVELOPMENT DISTRICT (CDD) (R) ZONE

1. PERMITTED USES

The following uses shall be permitted in the Comprehensive Development District (CDD) (R) Zone: in accordance with the development agreement.

- residential dwelling types subject to the (R2) Zone Lot, Yard and Height Requirements:
- single detached dwellings;
- semi-detached dwellings;
- duplex dwellings
- residential dwelling types subject to the (R3) Zone Lot, Yard and Height Requirements:
 - row houses
 - town houses
- accessory uses subject to the General Provisions, Section 4 Accessory Buildings, Structures and Uses
- recreational and open space uses accessory to the forgoing
- proposed developments meeting the eligibility requirements for a Comprehensive Development District as outlined in the Town's Municipal Planning Strategy;
- a development agreement that has been entered into with Council pursuant to Part 4, Subsection 1 of this By-law ;and
- proposed developments in conformance with the agreement entered into pursuant to this section

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

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

1. General Retail Uses

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

- art gallery/studio
- automotive service stations
- bakery/bake shop
- banks and financial institutions
- clinics
- convenience store
- department stores
- dressmaking/tailoring
- drugstore/pharmacy
- dry cleaners
- florist
- general retail
- 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 (all types)
- restaurants and associated outdoor cafes and eating areas
- 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

3. Non-Commercial Uses

- residential uses in association with commercial uses subject to (C1) Zone Requirements
- existing multiple unit dwellings
- existing residential uses subject to the (C1) Zone Requirements
- recreational facilities
- Recreation (P2) Zone uses subject to the requirements of the Recreation (P2) Zone
- Institutional uses as listed in the Institutional (I) Zone subject to the (C1) Zone requirements

2. ZONE REQUIREMENTS

1. Lot, Yard, and Height Requirements

TABLE 9.1
Main Street Commercial (C1) Zone Requirements

Minimum Lot Area	3000 ft ² (279 m ²)
Minimum Lot Frontage	30 feet (9.1 m)
Maximum Building Lot Coverage	50%
Maximum Building Height	35 feet (10.7 m)

2. Commercial Parking

Parking requirements shall be waived for new commercial developments or a change in commercial use for properties located in the "Main Street Commercial" (C1) Zone, which front on Main Street. Residential development on the aforementioned properties will still be required to provide off-street parking as per the requirements of Part 3(5) of this Land Use By-law.

3. Outdoor Storage

No outdoor storage shall be permitted in the Main Street Commercial (C1) Zone, except for the collection and storage of refuse, fuel storage and other similar objects. All outdoor storage shall be screened by an opaque fence or a landscaped buffer strip of a minimum height of 1.8 m (6 ft.).

4. Off Street Parking

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

5. Abutting Zone Requirements

Where a Commercial Zone abuts a Residential, Recreation and Open Space, Park, or Institutional Zone, the following standards shall apply to an abutting yard within the Commercial Zone:

- 1) the minimum side and rear yard requirement for the abutting yard shall be 6.1 m (20 ft) and all areas within the abutting yards, excluding areas for parking, shall be landscaped, with grass or other vegetative cover;
- 2) no open storage or outdoor display shall be permitted in an abutting yard in any Commercial (C1 or C2) Zone; and
- 3) no parking space shall be permitted in an abutting yard, except where an opaque fence or landscaped buffer strip of a minimum height of 1.8 m (6 ft) is provided.

6. Restriction on Commercial Use of Mobile Home

No development permit shall be granted in a Commercial (C1 or C2) Zone to permit the permanent commercial use of a mobile home.

7. Special Requirement for Automobile Service Stations

Where automobile service stations are permitted in a Commercial Zone, the following special requirements shall apply:

1. the lot frontage shall be a minimum of 45.7 m (150 ft), or in the case of a corner lot both the front and the flanking lines shall be a minimum of 30.5 m (100 ft);
2. no portion of any pump island shall be located closer than 6.1 m (20 ft) from any street line;
3. a service station canopy for sheltering pump islands may be erected provided that no part of the canopy is located within 3 m (10 ft) from any street line;
4. the minimum distance from an entrance or exit driveway to a street intersection shall be 15.2 m (50 ft);
5. the minimum angle of intersection of an entrance or exit driveway to a street line shall be 45 degrees and the maximum angle of intersection shall be ninety degrees;
6. the minimum width of a driveway shall be 7.6 m (25 ft);
7. the minimum distance between an entrance and exit driveway shall be not less than 9.1 m (30 ft); and
8. where the business operation includes an automobile washing establishment, separate driveways shall be provided for the washing establishments and no cleaning operations of any kind shall be carried on outside the building.

8. Residential Uses

The following requirements shall apply to residential uses permitted in the Main Street Commercial (C1) Zone:

1. the residential use shall have an external access separate from the commercial uses.
2. the residential use shall only be allowed in association with a (C1) Zone commercial use and it shall not exceed 20% of the gross leaseable floor area of the ground floor.

9. Outdoor Cafes and Eating Areas

Between May 1st and October 31st of any given year, outdoor cafes and eating areas, whether on private or public lands shall be permitted provided:

- a) When located on public property, permission of the appropriate governing Authority must be provided
- b) When located on public property, a minimum width of 4' (1.2 m) of pedestrian passageway is maintained for a suitable sidewalk or right of way, in a manner approved by the Authority

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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

- bakery shop
- craft stores
- drug stores
- food stores
- variety/convenience stores
- personal service shops
- offices
- postal outlets
- service and repair shops (excluding automotive and small engine repair)
- custom workshop (excluding customized automotive work)
- rental shops

2. Non-Commercial Uses

- residential uses in commercial buildings to a maximum of two units
- recreation and open spaces uses subject to the (P2) Zone requirements
- any use permitted in the Residential Two Unit (R2) Zone subject to the requirements of that Zone

2. ZONE REQUIREMENTS**1. Lot, Yard, and Height Requirements****TABLE 10.1**

Neighbourhood Commercial (C2) Zone Requirements

Minimum Lot Area	5000 ft ² (464 m ²)
Minimum Lot Frontage	50 feet (15.2 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard	6 feet (1.8 m) plus 2 feet (0.6m) for every story over one
Maximum Building Height	35 ft (10.7 m)

2. Parking

Refer to Part 3(5) of this By-law for parking requirements.

3. Maximum Floor Area Requirement for Commercial Uses

Due to the neighbourhood nature of C1 commercial uses, the gross leasable floor area for a building in the Neighbourhood Commercial Zone shall not exceed 139.4 sq. m (1500 sq. ft).

4. Abutting Zone Requirements

Where a Commercial Zone abuts a Residential, Recreation and Open Space, Park, or Institutional Zone, the following standards shall apply to an abutting yard within the Commercial Zone:

- 1) the minimum side and rear yard requirement for the abutting yard shall be 6.1 m (20 ft) and all areas within the abutting yards, excluding areas for parking, shall be landscaped, with grass or other vegetative cover;
- 2) no open storage or outdoor display shall be permitted in an abutting yard in any Commercial (C1 or C2) Zone; and
- 3) no parking space shall be permitted in an abutting yard, except where an opaque fence or landscaped buffer strip of a minimum height of 1.8 m (6 ft) is provided.

5. Restriction on Commercial Use of Mobile Home

No development permit shall be granted in a Commercial (C1 or C2) Zone to permit the permanent commercial use of a mobile home.

6. Outdoor Storage

No outdoor storage shall be permitted in the Neighbourhood Commercial (C2) Zone.

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AIRPORT (AP) ZONE**1. PERMITTED USES**

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

1. Airport Uses

- air transportation service industries
- aviation services
- bulk storage facilities maintained by the Town

2. ZONE REQUIREMENTS**Table 11.1**

The following requirements shall apply to all uses permitted in the Airport (AP) Zone:

Minimum Lot area	on site services: 1858 m ² (20,000 sq ft.) central services: 15.2 m (50 ft) on-site services: 30.5 m (100 ft)
Minimum Lot Frontage	on site services: 30.5 m (100 ft) central services: 15.2m (50 ft)
Minimum Front Yard	6.1 m (20 ft)
Minimum Rear Yard	6.1 m (20 ft)
Minimum Side Yard	3 m (10 ft)
Maximum Height	15.2 m (50 ft)

2. Parking

As specified in Part 3(5), the general provisions for parking.

3. SPECIAL REQUIREMENTS

1. Where a yard or lot located within the Airport (AP) Zone abuts any residential or institutional zone, the following standards shall apply:
 - i) the abutting side or rear yard shall be a minimum of 9.1 metres (30 ft);
 - ii) outdoor storage or display shall not be permitted in the required abutting yard; and
 - iii) abutting yards shall be visually screened by an opaque fence or landscaped buffer strip a minimum of 1.8 metres (6 ft) in height (refer to fencing requirements in Part 3 of this By-law);
2. The exterior surface of all exterior walls of any building constructed in the Airport (AP) Zone shall be compatible with the existing airport terminal building and may consist of one of the following materials: glass, stone or aggregate, pre-cast concrete, steel, brick, cast in place concrete, or wood.
3. Unserved development in this zone shall be limited to non-intensive airport related uses such as airport storage facilities.
4. The maximum number of signs for any building premise in the Airport (AP) Zone shall not exceed one (1) in number, except for buildings which have runway access, which are permitted to have two signs for each premise.
5. The following landscaping requirements apply to permitted uses within the Airport (AP) Zone:

-
- i) Yard areas not used for parking, maneuvering aisles, driveways, walkways, loading areas, refuse storage and outdoor storage shall be landscaped with grass or other appropriate vegetation; and
 - ii) All building fronts abutting a public road are required to have a minimum 1.8 metres (6 ft) width landscaped area adjacent to the building, excepting entrances to the building. One tree or shrub shall be planted per every 3.0 metres (10 ft) of frontage.
6. Outdoor storage areas shall not be permitted within the minimum front yard or flankage yard all shall not exceed 50 per cent lot coverage. All areas for outdoor storage and refuse containers shall be completely enclosed and screened from the view of any adjacent sites or streets by an opaque fence or landscaped buffer strip a minimum height of 1.8 metres (6 ft).
 7. Bulk storage of fuel in the Airport (AP) Zone is limited to a bulk storage facility maintained by the Town.
 8. Development permit applications for all proposals within the Airport (AP) Zone shall be referred to the Provincial Department of Environment and Labour for review and comment, for particular reference to the protection of groundwater resources.
 9. Once the airport service road is constructed, all airport development shall have direct access to a collector road.

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GENERAL INDUSTRIAL (M) ZONE**1. PERMITTED USES**

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

1. Industrial Uses

- manufacturing, assembling and processing plants that are not considered obnoxious (does not include uses such as those listed in Appendix 'A' of this By-law)
- wholesale trade and warehouse establishments
- recycling depots
- trucking and railway depots
- utilities
- construction industries
- communication industries
- research establishments
- business and professional offices
- retail trade establishments
- industrial service uses
- auto trade industries, including automobile service stations
- animal hospitals and kennels
- commercial uses accessory to the main use

2. Industrial Uses Prohibited

Any use that must be considered for environmental assessment under the Province's Environmental Assessment Act Regulations is not permitted in this zone.

3. Industrial Uses Permitted by Development Agreement

Heavy industrial uses that are considered obnoxious in areas designated industrial on the Future Land Use Map in the Strategy and in accordance with Policy IM-11 in the Strategy.

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

TABLE 12.1
General Industry (M) Zone Requirements

Minimum Lot Area m ²)	10000 ft ² (3048
Minimum Lot Frontage	50 feet (15.2 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard	10 feet (3 m)
Maximum Height	50 feet (15.2 m)

- (a) Notwithstanding the front, rear and side requirements outlined above, in cases where an industrial building or buildings, complexes, facilities, projects or area are

proposed to be connected over two or more premises, no minimum front yard, along the common property line, no minimum rear yard, along the common property line, no minimum side yard along common property line shall be required. In such cases, and in cases where an industrial building or buildings, complexes, facilities, projects or area (whether under single or multiple ownership) are, or are proposed to be connected over two or more premises, the cumulative area and frontage of the subject two or more premises may be used to calculate the minimum area and frontage requirements outlined above. Also in such cases, the minimum number of parking spaces required under part 3(5) General Provisions may be calculated cumulatively, provided that the subject properties allow right of shared parking, access and passage between them without impediment.

2. Parking

As specified in the General Provisions for parking in Part 3(5).

3. Special Requirements: Abutting Yards, Landscaping and Outdoor Storage and Display

1. Where a yard or lot located within an industrial zone abuts a non-industrial zone, the following standards shall apply:
 - i) the abutting side or rear yard shall be a minimum of 9.1 m (30 ft);
 - ii) outdoor storage or outdoor display shall not be permitted in the required abutting yard;
 - iii) abutting yards shall be screened by an opaque fence or landscaped buffer strip a minimum of 1.8 metres (6 feet) in height.
2. The following landscaping requirements apply to permitted uses within the General Industrial (M) Zone:
 - i) yard areas not used for parking, maneuvering aisles, driveways, walkways, loading areas, refuse storage and outdoor storage shall be landscaped with grass or other vegetative cover; and
 - ii) all building fronts are required to have a minimum 1.8 metres (6 ft) width landscaped area adjacent to the building, excepting entrances to the building. One tree or shrub shall be planted per every 3.0 metres (10 ft) of frontage.
3. Outdoor storage or display shall not be permitted within the required front or flankage yard of a lot and shall not exceed 50 percent lot coverage. All areas for outdoor storage, refuse and fuel tank storage shall be completely enclosed and visually screened by an opaque fence or landscaped buffer strip minimum of 1.8 metres (6 feet) in height.
4. Where service stations are permitted in an industrial zone, they shall conform to the special requirements set out in Part 9(7) of this By-law.

4. Creation of Lots Without Frontage

Within the General Industrial (M) Zone lots may be created without frontage provided that the industrial use maintains the minimum lot area of the General Industrial (M) Zone (10,000sq. ft./3048 sq. m) or more, and provided that there is sufficient parking within the designation and easement agreements to ensure access. Also in such cases, the minimum number of parking spaces required under section 3(5) of the General Provisions may be calculated cumulatively, provided that the subject properties allow right of shared parking, access and passage between them without impediment.

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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
- enriched seniors residence
- fire stations
- food banks
- government uses
- hospitals
- libraries
- museums
- nursing homes
- non-commercial schools
- places of worship and accessory residential uses
- police stations
- post offices
- private and public schools
- private recreational facilities and clubs
- public buildings
- special care facilities
- utilities

2. Non-Institutional Uses

- recreation facilities
- Recreation and Open Space (P2) uses subject to the requirements of the Recreation and Open Space (P2) Zone

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

TABLE 13-1
Institutional Zone Lot Requirements

Minimum Lot Area	6000 ft ² (557 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	10 feet (3 m)
Maximum Lot Area	50%
Maximum Height	35 feet (10.7 m)

2. Parking

Refer to Part 3(5) of this By-law for parking requirements.

3. Institutional (I) Zone Special Requirements

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

1. the minimum side and rear requirement for the abutting yard shall be 6.1 metres (20 ft) and all areas within the abutting yards shall be landscaped with grass or appropriate vegetative cover;
2. no parking space shall be permitted in an abutting yard, except where an opaque fence and / or landscaped buffer strip of a minimum height of 1.8 metres (6 ft) is provided (refer to fencing requirements in Part 3 of this By-law).

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PARK (P1) 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

- active and passive recreational uses and facilities
- conservation areas
- community gardens, nurseries
- cultural uses
- gazebos, pavilions, band shells
- monuments
- parks
- picnic areas
- playgrounds, playing fields
- trails
- recreational retail and rental shops
- buildings, structures, and uses accessory to the foregoing
- community facilities (subject to Special Premises Liquor Licensing)
-

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

TABLE 14.1
Park Zone Lot Requirements

Minimum Lot Area	Serviced	5000 ft ² (465 m ²)
	Un-serviced	20 000 ft ² (1858 m ²)
Minimum Lot Frontage		50 feet (15.2 m)
Minimum Front Yard		20 feet (6 m)
Minimum Rear Yard		20 feet (6 m)
Minimum Side Yard		10 feet (3 m)

2. Parking

Notwithstanding the parking requirements set out in Part 3 (5), General Provisions for parking, the following requirements apply to uses permitted in the Park (P1) Zone:

Athletic fields, outdoor swimming pools, fairgrounds, exhibition grounds, with no fixed seating	A minimum of twenty parking spaces
Tennis courts, bowling greens, with no fixed seating	Two (2) parking spaces for every court or bowling lane
Campgrounds, picnic grounds, with no fixed seating	One (1) parking space for every picnic site or camp

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RECREATION AND OPEN SPACE (P2) ZONE**1. PERMITTED USES**

No development permit shall be issued in a Recreation and Open Space (P2) Zone except for one or more of the following uses:

1. **Recreation Uses**
 - passive and active recreational facilities
 - conservation areas and related open space
 - historic sites and monuments
 - parks
 - picnic areas
 - playgrounds, playing fields
 - recreation facilities
 - buildings, structures, and uses accessory to the foregoing

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

TABLE 15.1
Recreation Zone Lot Requirements

Minimum Lot Area	6000 ft ² (557.4 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	10 feet (3 m)

2. Parking

Refer to Part 3(5) of this By-law, General Provisions for parking requirements.

