



Town of Antigonish

# Land Use By-law

This is to certify that the Land Use By-law, of which this is a true copy, was adopted by by-law, which was passed by the majority of the whole of Municipal Council at a duly called Council meeting of the Town of Antigonish on the:

20th day of January 2020.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the Municipality this:

23rd day of January 2020.

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Mr. Jeffrey Lawrence, Chief Administrative Officer

This is to certify that the land use by-law, of which this is a true copy, was duly amended at a duly called meeting of Municipal Council of the Town of Antigonish held on the:

18th day of February 2020

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this:

19th day of February 2020

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Mr. Jeffrey Lawrence, Chief Administrative Officer

Ministerial Approval – 14th day of April 2020

Effective Sate – 7th day of May 2020

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# Part 1: Administration

## 1.1 Title

- a) This By-law shall be known and may be cited as the 'Land Use By-law for the Town of Antigonish'.

## 1.2 Validity

- a) This By-law shall apply to all lands within the boundaries of the Town of Antigonish.
- b) This By-law shall take effect when approved and advertised pursuant to legal requirements of the *Municipal Government Act*.
- c) When coming into effect, this by-law shall repeal all previous versions of land use by-laws for the Town of Antigonish as well as variances granted thereto.

## 1.3 Prohibition

- a) No development shall be carried out within the Town of Antigonish except in accordance with this By-law.
- b) For projects requiring a development permit by this By-law, development shall not be commenced or continued unless the owner has obtained a development permit to carry out the development.

## 1.4 Development Officer

- a) The Council of the Town of Antigonish (hereinafter referred to as 'Council') shall appoint a Development Officer who shall be responsible for the administration of this Land Use By-law and the issuing of development permits.
- b) The Development Officer shall keep digital records of all applications received, permits and orders issued, inspections made, and shall retain digital copies of all papers and documents connected with the administration of this By-law, which shall form part of the public records of the Town of Antigonish.

## 1.5 Development Permits

- a) No person shall undertake a development within the Town of Antigonish without first obtaining a development permit from the Development Officer.
- b) The Development Officer shall only issue development permits in conformance with this by-law, except if specifically authorized otherwise by higher level legislation (e.g. Provincial Acts).
- c) Within fourteen (14) days of receiving an application for a development permit, the Development Officer shall inform the applicant whether or not the application is complete.
- d) Within thirty (30) days of receiving a completed application, the Development Officer shall either grant the development permit, or inform the applicant of the reasons for not granting the permit.
- e) Every development permit is valid:
  - i. for twelve (12) months from the date of issuing the permit;
  - ii. upon the permit being renewed for a further twelve (12) months if construction has begun; or
  - iii. if not commenced within twelve (12) months and is still proposed, a new application is to be made.
- f) A development permit shall pertain to one lot only and may allow for a single development, more than one development, or elements of a particular development as specified by the development permit.
- g) A development permit may be withheld if the applicant cannot obtain a Municipal Servicing Permit and/or Electrical Permit.

## 1.6 Developments exempt from requirements under this by-law

Notwithstanding anything else in this by-law, a development permit shall not be required for the following:

- a) Any accessory building or structure having less than 9 m<sup>2</sup> of gross floor area;
- b) Fences under 2 metres in height, excluding chain-link fences in residential zones as regulated in Section 7.3.9 of this By-law;
- c) Decks under 0.6 metre in height;
- d) Flag poles, clothes poles and clothes lines;
- e) Drop awnings, garden trellises, retaining walls;
- f) Exterior renovations which do not involve a change in building height or footprint except in zones or under development agreements which contain Design Guidelines and/or requirements; and
- g) Interior renovations which do not involve a change of use or change in gross floor area.

## 1.7 Application for Development Permits

- a) An application for a development permit shall:
  - i. be made in the form prescribed by the Town;
  - ii. be signed by the property owner or his/her agent;
  - iii. state the intended use of the proposed development; and
  - iv. provide any other information required by the Development Officer to determine whether the proposal meets the requirements of this By-law.
- b) The application shall contain any other information the Development Officer deems necessary to determine whether the proposed development conforms to the requirements of this By-law.
- c) The Development Officer may require any of the following:
  - i. A sketch or plan drawn to the appropriate scale and showing any of the following:
    1. The true shape and dimension of the lot to be used.
    2. The proposed location, height and dimensions of any building, structure or work in respect of which the permit is applied for, along with measurements of the lot frontage and yard setbacks.
    3. The location of every building or structure already constructed, or partly constructed, on such lot, and the location of every building or structure existing upon abutting lots.
    4. The external elevations of proposed or existing buildings
    5. The proposed location and dimensions of parking areas, parking spaces, loading spaces, driveways, curbs, landscaping and fencing.
    6. The location of natural features, such as watercourses, wetlands, and slope by topography. Professional wetland delineation may be requested.
    7. Proposed locations and entrance sizes of utility laterals for water, sewer and storm water management
    8. Connections to the Town's electric utility including existing and proposed power poles on the subject property
    9. Such other information as may be necessary to determine whether or not the proposed development conforms with the requirements of this By-law.
  - ii. Where 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 that the plans submitted under item (i.) of this clause be based upon actual survey by a licensed Nova Scotia Land Surveyor, at the cost of the applicant.

## 1.8 Development through Site Plan Approval

- a) This By-law states the types of land uses that are subject to Site Plan Approval through permitted use tables for each zone.
- b) Notwithstanding anything else in this By-law, the following developments shall be exempt from the Site Plan Approval procedure:
  - i. Changes of use, interior building reconfigurations or additions of up to a gross floor area of 75 m<sup>2</sup> that do not trigger increasing parking requirements;
  - ii. Installation, replacement or repair of building features and building repairs or additions that neither change the footprint of the building nor increase parking requirements;
  - iii. Accessory structures excluding Accessory Dwelling Units on a property where no site plan approval is currently applicable, or where Accessory Structures are not indicated on an existing site plan approval;
  - iv. Signage on a property where no site plan approval is currently applicable, or where signage is not indicated on an existing site plan approval;
  - v. Temporary Uses;
- c) The Development Officer may vary only the following provisions of this By-law through Site Plan Approval:
  - i. Yard requirements, lot frontage and/or lot area; building footprint; floor area occupied by a home-based business;
  - ii. Lot coverage;
  - iii. The number of loading spaces.
  - iv. The type, location, number, and size of signs or sign structures.
- d) If varied, signs or sign structures must not negatively alter the appearance of the streetscape or neighbourhood. Where signage requirements are varied by site plan approval, the signage must be drawn to scale on the site plan. The Development Officer may also require signage elevations to scale showing the front, side and rear elevations where the requirements of this Bylaw are varied.
- e) Every application for a site plan approval must have regard for the following matters, which shall constitute criteria that the Development Officer will evaluate prior to granting Site Plan Approval:
  - i. The location of new structures, signage and parking on the lot shall minimize negative impacts to the surrounding area, including lighting, fumes, or other nuisances to neighbouring lots;
  - ii. Where necessary, open storage including refuse containers are buffered with an opaque fence or hedge sufficient to screen the storage area from adjacent properties and the street;
  - iii. For residential developments outdoor storage of solid waste shall only be located in side or rear yards and bins shall be screened, so as to not be visible from any street or adjacent property.
  - iv. Landscaping or similar visual barriers shall be provided around structures on the site and any parking areas to minimize the visual and environmental impacts on the surrounding area;
  - v. Native trees of at least 1.5m height are planted at a rate of 1 tree per 50m<sup>2</sup> of landscaped area and all efforts shall be made to retain mature trees on the lot;
  - vi. All proposed driveway accesses are of an appropriate width to allow for the safe and efficient movement of vehicles to and from the site;
  - vii. The site design promotes active transportation and all walkways are surfaced with a paving material such as brick, cobblestone, concrete, or any other suitable material to clearly delineate pedestrian walkways from parking, loading and vehicle circulation areas;
  - viii. Active transportation infrastructure is integrated with existing sidewalks and pathways;
  - ix. Any alteration of land shall include measures to avoid negative impacts on the natural function of any watercourse or wetland including fill, sedimentation and erosion;
  - x. Where necessary, the site plan identifies measures for the effective drainage of stormwater;

- f) The Development Officer may, if they deem necessary, consult with the Traffic Authority to require a traffic impact analysis pertaining to a site plan application, to be completed by a Licensed Engineer.
- g) The Development Officer may request any of the following items drawn to scale on the site plan:
  - i. Any information that may be requested as part of an application for a development permit;
  - ii. The type, location and height of any retaining walls, fences, hedges, trees, shrubs or groundcover, as well as any retained natural vegetation;
  - iii. Any existing and proposed grade alteration and storm surface water control infrastructure;
  - iv. The location of existing and proposed walkways, noting the width and surface materials;
  - v. The type and location of existing and proposed outdoor lighting;
  - vi. The location and type of any facilities and enclosures for the storage of garbage, recycling and other waste materials;
  - vii. The location and type of any amenity area or facilities provided for users of the development;
  - viii. The location of existing and proposed easements on the subject property;
- h) All required landscaping must be maintained in healthy condition. Any required soft landscaping that dies must be replaced within one year or at the beginning of the next growing season, whichever is sooner.
- i) Prior to issuing development permits, the Development Officer shall be provided with a letter provided by the applicant indicating that the applicant and/or owner agrees to carry out the terms of the site plan.

## 1.9 Development through Development Agreement

- a) This By-law states the types of land uses that may be permitted by Development Agreement through permitted use tables for each zone.
- b) Apart from development agreement types specifically mentioned in certain zones, the following development agreements may be considered in any zone except for the High Risk Floodplain (HF) Zone:
  - i. Accessory Buildings or Structures in excess of Land Use By-law Requirements;
  - ii. Alternative Heritage Developments;
  - iii. The expansion of legal nonconforming uses of land, nonconforming structures;
  - iv. The development of uses that are permitted within the zone and designation on an abutting property;
  - v. The development of uses that are extensions of development agreements in effect on an abutting property within the same designation.
- c) The Municipal Planning Strategy shall establish all policies and conditions for development agreements enabled in this Land Use By-law.

## 1.10 Application Fees

Every application for a development permit, subdivision, variance, site plan approval, *Municipal Planning Strategy* and/or *Land Use By-law* amendment(s), and development agreement shall be subject to the fees as determined by the fee schedule of the Planning Authority, as updated over time.

## 1.11 Penalty

Any person in violation of the *Municipal Government Act* and provisions in force pursuant to the *Act* will be subject to the penalties established in the *Act*.

## 1.12 Costs for Advertising

Applications for an amendment to this By-law shall be accompanied by a deposit to the Planning Authority in an amount estimated by the Commission to be sufficient to pay the cost of advertising required by the *Municipal*

*Government Act.* After the advertising has been complete, the applicant shall pay to the Planning Authority any additional amount required to cover the cost of the advertising, or if there is a surplus, the Planning Authority shall refund the excess.

## Part 2: Establishment of Zones

### 2.1 Zones

The Town of Antigonish shall be divided into zones, the extent and boundaries of which are shown on the Zoning Map, which is found in Schedule A of this By-law. The provisions of this By-law shall apply to all such zones.

### 2.2 Zone Symbols

Zones	Symbol	Colour
<b>Residential Zones</b>		
<b>Residential Neighbourhood</b>	RN-1	
<b>Higher Order Residential Neighbourhood</b>	RN-2	
<b>Manufactured Home Residential</b>	MH	
<b>Mixed Use Zones</b>		
<b>Downtown Mixed Use</b>	MU-1	
<b>James Street Mixed Use</b>	MU-2	
<b>Mixed Use Centre</b>	MC	
<b>Comprehensive Development District</b>	CDD	
<b>Commercial Zones</b>		
<b>Industrial Commercial</b>	C-1	
<b>Community Use Zones</b>		
<b>Institutional</b>	I	
<b>University Institutional</b>	UI	
<b>Open Space</b>	OS	
<b>Environmental Zones</b>		
<b>High Risk Floodplain</b>	HF	
<b>Overlay Zones</b>		
<b>Old Town Overlay</b>	OT	
<b>Moderate Risk Floodplain Overlay</b>	MF	
<b>Water Supply Overlay</b>	WS	

## 2.3 Zoning Map

The Schedule A attached hereto may be cited as the 'Zoning Map' and is hereby declared to form part of the By-law.

## 2.4 Zones not on Maps

The zoning map of this By-law may be amended, in conformance with the *Municipal Planning Strategy*, to utilize any zone in this By-law, regardless of whether or not such zone had previously appeared on any zoning map.

## 2.5 Interpretation of Zoning Boundaries

Boundaries between zones shall be determined as follows:

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

## Part 3: Definitions

For the purpose of this Bylaw, all words shall carry their customary meaning except for those defined in this section. Where a proposed use has an operation similar in nature and intensity to a defined use, the defined use and associated regulations may be used at the discretion of the Development Officer. Drawings are for illustrative purposes only. The text definition shall prevail in any conflict between a drawing and the text definition.

**Abut or Abutting** means having a common border in at least one point, or being separated from such a common border only by a right-of-way.

**Accessory Building** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use. This use may include an accessory dwelling unit where permitted.

**Accessory Dwelling Unit** means one dwelling unit accessory to a single unit dwelling, semi-detached dwelling or accommodations, bed and breakfast intended as an independent and separate unit which contains its own sleeping, living, cooking and sanitary facilities, and its own independent entrance. Accessory dwellings may be contained within the primary single unit dwelling or located in a detached structure.

**Accessory Dwelling Unit, Garage Suite** means one accessory dwelling unit built above a detached garage and located behind the primary single unit dwelling or bed and breakfast.

**Accessory Dwelling Unit, Garden Suite** means one free-standing, single-story accessory dwelling unit located in the rear yard of the primary single unit dwelling or bed and breakfast.

**Accessory Dwelling Unit, Secondary Suite** means one self-contained accessory dwelling unit fully contained within and subordinate to a single unit dwelling or bed and breakfast.

**Accessory Use** means a subordinate use(s) which take place on the same site as the principal use, and is clearly secondary and incidental to the principal use.

**Accommodations, Bed and Breakfast** means a dwelling where the owner or manager is a resident on the property and provides accommodation and meals to the travelling public for financial remuneration. A bed and breakfast shall contain a maximum of 4 sleeping units (bedrooms) and a common area, but does not include lodging homes.

**Accommodations, General** means a building, or portion thereof, where 3 or more sleeping units (bedrooms) are used to accommodate the travelling public for financial remuneration and may include facilities such as meeting rooms, restaurants, entertainment facilities and accessory licensed liquor establishments. This use shall include hotels, motels, inns or cottages but does not include bed and breakfasts or lodging homes.

**Act** means the *Municipal Government Act*, 1998, c. 18, s.1. and amendments thereto.

**Agricultural Use** means the use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing, or treating the produce.

**Amenity Area** means an area capable of being used for active or passive recreation and enjoyment of the occupants of a residential development. An amenity area may include landscaped areas, patios, verandahs, balconies, communal lounges, swimming pools, sport courts, play areas, and other similar features, and does not include the building's service areas, parking lots, aisles, or access driveways.

**Amenity Area, Common Outdoor** means an amenity area located outside a structure including open landscaped areas, building rooftops, patios, terraces, swimming pools, tennis courts, and other similar features.

**Amenity Area, Private Outdoor** means an amenity area located outside a structure which is accessory to a dwelling unit such as a patio, backyard and balconies and does not include walkways, play areas, or other communal areas.

**Animal Hospitals & Veterinary Offices** means an establishment primarily used for the care and treatment of domestic animals where the veterinary services primarily involve in-patient care and major medical procedures involving hospitalization for extended periods of time. Any outdoor runs for animals shall be enclosed and opaque from abutting residential properties. The accessory use of animal crematoriums is permitted. Animal Hospitals & Veterinary Offices shall not be an objectionable use as defined in this Bylaw.

**Articulated Division** means the changes in the depth of the surface of a building face or facade such as attached columns, recessed windows or window bays or protruded building face components. Articulation gives texture to a building surface. Vertical articulation can be used to divide a facade into pieces that appear to be separate buildings or can simply be ornamental.

**Automobile Dealers & Rentals** means an establishment primarily engaged in retailing or renting new and used automobiles, commercial vehicles, motorcycles, watercraft, off-road vehicles, and recreational vehicles.

**Automobile Service Station** means an establishment primarily engaged in the retail sale of fuel, oil, gasoline, and automobile related products and may include a car wash or a convenience retail store. This use does not include automobile vehicle repairs and maintenance.

**Automobile Vehicle Repairs & Maintenance** means an establishment primarily engaged in providing motor vehicle repair and maintenance for automobiles, commercial vehicles, motorcycles, watercraft, off-road vehicles, and recreational vehicles and includes oil change and lubrication shops, autobody shops, tire repair shops and rustproofing/undercoating.

**Balconies & Attached Decks** means an unroofed elevated platform projecting from the wall of a building that may be semi-enclosed by a railing or a parapet, but where the structure remains open to the outside elements.

**Bank & Financial Institutions** means an establishment primarily engaged in providing financial services to the public. Typical uses include, but are not limited to, banks, trust companies, finance companies, mortgage companies, insurance companies, or investment companies.

**Basement** means a storey or storeys of a building located below the ground floor.

**Brewery, Distillery & Winery** means a facility used for the fermenting, brewing, or distilling of beverage alcohols and includes facilities on the same lot where the beverage alcohols may be blended, mixed, stored or packaged, and may include accessory sales, tours, tasting rooms and customer seating areas.

**Building** means any structure, whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, material, vehicles, activity, or equipment. Any tent, awning, deck, patio or platform, vessel or vehicle used for any of the said purposes shall be deemed to be a building.

**Building Line** means any line regulating the position of a building or structure on a lot.

**Build-to Plane** means the vertical plane that extends upward two storeys from a line drawn parallel to the Front Lot Line at the distance equal to the front yard setback.

**Bulk Storage Facility** means a place 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.

**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 retaining or selling of goods.

**Business Support Services & Printing** means an establishment that provides support services to businesses that are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, the provision of office maintenance or custodial services, the provision of office security, and the sale, rental, repair, or servicing of office equipment, furniture, and machines. Typical uses, include but are not limited to, printing establishments, film-processing establishments, janitorial firms, call centre, and office equipment sales and repair establishments.

**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 manufactured home community.

**Car Wash** means establishment primarily dedicated to the washing and/or waxing of motor vehicles.

**Carriage Court Development** means up to six carriage court rowhouses fronting on street and up to six carriage court rowhouses in the rear of one lot all sharing one common driveway in the middle of the development.

**Carriage Court Row House** means a building that is divided vertically into 3 or more separate Dwelling Units, each with its own private entrance and 1 parking space accessed from a shared central drive in a carriage court.

**Commercial Club** means any club operated for financial gain.

**Commercial Parking Lot** means an open area, other than a street or lane or parking structure, used for the parking of motor vehicles and available for public and/or private use whether or not for compensation. A commercial parking lot shall include 3 or more parking spaces together with aisles and shall have principal access to a street and where the use of parking constitutes the main use of the lot.

**Commercial School** means a school conducted for compensation and includes a secretarial school, language school, and driving school but does not include a day care or university;

**Commercial Vehicle** means a vehicle, other than an automobile (truck), that is used for an activity that has as its main purpose financial gain, and which vehicle has a specified load capacity of over 908 kg.

**Community Centre** means a facility used for recreational, social, educational, and cultural activities by the community. The community centre may be used for commercial purposes and may be controlled by the Municipality, a local board, a non-profit group or any similar organization. Bingo halls are permitted as an accessory use to a community centre.

**Construct** means to build, erect, reconstruct, alter, relocate, or place any building or structure and shall include any preliminary physical operation prior to construction such as excavating, grading, piling, cribbing, filling, or draining.

**Convenience Stores** means an establishment where food, tobacco, drugs, periodicals, or similar items of household convenience are kept for retail sale to residents of the immediate neighbourhood.

**Council** means the Council of the Town of Antigonish.

**Cultural Institution** means a facility which is available to the public for the purpose of assembly, instruction, culture or community activity. Typical uses, include but are not limited to, auditoriums, libraries, museums, theatres, and publicly owned art galleries.

**Day Care, General** means a facility located in any portion of a non-residential dwelling where children are accommodated on a temporary daily basis for compensation without overnight accommodation. This use shall not include educational services use as defined in this By-law.

**Decorative Features** means architecturally ornamental or decorative features attached to or protruding from an exterior wall or roof, including but not limited to cornices, eaves, belt courses, sills, lintels, bay windows, gutters, chimneys, pilasters, canopies, or similar permanent features.

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

**Development Agreement** means an agreement made pursuant to the provisions of the *Municipal Government Act*.

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

**Development Permit** means a permit issued by the development officer which indicates that a proposed development complies with the provisions of the Land Use By-law.

**Drinking Establishment** means premises that serve alcoholic beverages with or without food.

**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, and shall not include a hotel, a motel, apartment hotel, a travel trailer or a motor home.

**Dwelling Unit** means 1 or more habitable rooms intended for use by 1 or more individuals as an independent and separate housekeeping establishment which contains its own sleeping, living, cooking and sanitary facilities for the exclusive use of such individual(s).

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

**Dwelling, Duplex** means a building consisting of 2 dwelling units.

**Dwelling, Triplex** means a building consisting of 3 dwelling units.

**Dwelling, Fourplex** means a building consisting of 4 dwelling units.

**Dwelling, Lodging Home**, means a dwelling unit with a set of living quarters containing 5 or more lodging units, which is not open to the travelling public, and which does not include a home for special care or General Accommodations.

**Dwelling, Manufactured Home**, means a dwelling unit manufactured in a factory and designed for transportation after fabrication, whether on its own wheels or a trailer, which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor unpacking and assembling operations to place the building on an acceptable foundation), and having a width or depth of not more than 6 m. A manufactured home is capable of being connected to municipal water and sewer services and is equipped for year-round occupancy. A manufactured home attached to another building is still a manufactured home.

**Dwelling, Multi-Unit** means a building consisting of 5 or more dwelling units which share facilities such as amenity areas, parking and driveways.

**Dwelling, Semi-detached** means a dwelling unit attached on one side of the building and used or intended to be used by 1 household.

**Dwelling, Single Unit** means a detached dwelling unit used or intended to be used by 1 household.

**Dwelling, Townhouse** means a dwelling that is divided vertically into 3 or more separate Dwelling Units, each with its own private entrance. Each Dwelling Unit is located on a separate lot and has legal frontage on a public right-of-way.

**Dwelling, Townhouse, Stacked** means a building that is divided vertically into 3 or more separate Dwellings sharing their side walls. Each Dwelling is located on a separate lot, has legal frontage on a public right-of-way and may have two or three vertically stacked dwelling units.

**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 addition, deletion, enlargement, or extension.

**Equipment and Machinery Park** means a lot where commercial vehicles or machines such as diggers, backhoes and similar are parked. This may include the open storage of equipment accessory to such vehicles or machines.

**Established Grade** means the average elevation of the finished grade of the ground where it meets the exterior of the front of a building or structure exclusive of any artificial embankment or entrenchment. When used with reference to a street, road, or highway, means the elevation of the street, road, or highway established by the designated traffic authority.

**Existing** means existing as of the effective date of this By-law. The effective date is the date on which this By-law first came into effect by means of the advertising pursuant to the Act.

**Façade** means an exterior wall of a building which faces a street. On corner lots, the primary façade is that which fronts on the major street.

**Façade Transparency** means the linear percentage of a building façade that is visually permeable.

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

**Fire Escapes & Exterior Staircases** means an exit stairway located on an outside wall of a building.

**Floor Area** means the combined area of all horizontal space contained within the outside walls of a building.

**Floor Area, Ground** means the total floor area of a building storey closest to grade level.

**Gross Floor Area** means for **commercial uses** the total floor area within a building used or capable of being used for commercial purposes but excludes washrooms, furnace and utility rooms, and common halls between stores.

**Gross Floor Area** means for **residential uses** the total floor area excluding any private garage, porch, verandah, sunroom, unfinished attic, mezzanine, or basement and cellar or other room which is not furnished or temperature controlled during all the seasons of the year.

**Floor Area Ratio** means the maximum gross floor area of the main buildings or dwellings on a lot expressed as a percentage of the lot area, and for the purposes of this definition, the maximum floor area ratio in each zone shall apply only to that portion of such lot which is located within said zone unless specifically stated otherwise in this Bylaw.

**Funeral Services** means establishments primarily engaged in preparing the dead for burial or interment, conducting funerals, operating sites or structures reserved for the interment of human or pet remains, and cremating the dead.

**Gambling Industries** means an establishment primarily engaged in operating gambling facilities or providing gambling services. Typical uses, include but are not limited to, casinos, bingo halls, video gaming terminals, lotteries and off-track betting.

**Government Offices & Facilities** means facility where Crown Corporation, Municipal, Provincial or Federal government provides services directly to the public. Typical uses include, but are not limited to, taxation offices, courthouses, post office, employment offices, and social service offices. This use does not include emergency service facilities and education services.

**Ground Floor** means the first floor of building above the established grade.

**Group Home** see Special Care.

**Group Home, Day Program** means day programs, where attendants learn basic academic and life skills where there is a maximum of 8 attendants, not including staff, and hours of operation are limited to regular office hours.

**Hard Surface** means any surface on a lot that is impervious to water and shall include buildings, asphalt, and monolithic concrete surfaces.

**Health Care Services** means an establishment primarily engaged in providing outpatient health care to the public without overnight accommodation. Typical uses include, but are not limited to, medical professionals such as dentists, chiropractors, osteopaths, physicians or occupational therapists.

**Height** means the vertical distance between the established grade and the highest point of the roof and shall not include any accessory roof construction used as an ornament or the mechanical operation of the building such as a mechanical penthouse, a chimney, tower, cupola, steeple, antenna, or solar panels.

**Home-Based Business** means business or professional use operating as an accessory use to a dwelling in a main building, which is contained inside that dwelling and operated by the dwelling's usual resident(s).

**Hospital** means an establishment primarily engaged in providing in-patient and outpatient health care to the public. Typical uses include, but are not limited to, community health centres and full service hospitals.

**Industrial Use, General** means the use of land, buildings, or structures for the manufacturing, processing, fabricating, or assembly of raw materials or goods, warehousing or bulk storage of goods, and related accessory uses.

**Industrial Use, Noxious** means a use of land, buildings, or structures for the manufacturing, processing, fabricating, or assembly of raw materials or goods, warehousing, transportation or bulk storage of goods, and related accessory uses. The use 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. Any use related to goods which are potentially dangerous would fall into this category.

**Institutional Use** means a use put to a building or land used by an organized body or society for non-profit purposes, including but not limited to office and professional services and retail or rental uses.

**Kennel** means any structure or premises in which domestic pets are boarded, groomed or trained for commercial gain. Animal shelters, such as those operated by municipalities or the SPCA, shall be deemed to fall within this category. The temporary shelter of up to 3 domestic animals within a private residence shall not be deemed a kennel.

**Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, pavers, 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 interaction between them. This does not include gravelled surfaces.

**Legal nonconforming** means not meeting the applicable requirements of this Land Use By-law but existing and lawfully permitted at the date of the first publication of the notice of intention to adopt this Land Use By-law.

**Loading Space** means an area of land provided and maintained upon the same lot or lots upon which the principal use is located and which:

- Is suitable for the temporary parking of 1 commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;

- Is not upon or partly upon any public right-of-way; and
- Has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas, or similar areas, no part of which shall be used for the parking or storage of 1 or more motor vehicles.

**Lodging Home** see Dwelling, Lodging Home

**Lodging Unit** means one or more rooms, provided in return for remuneration, used or designed to be used for sleeping accommodations. Lodging units may contain cooking or sanitary facilities, but not both.

**Lot** means any parcel of land described in a deed, or any parcel of land as shown on an approved plan of subdivision filed in the Registry of Deeds, or any parcel of land as described in a deed by means of Section 268(2) of the *Municipal Government Act*.

**Lot, Corner** means a lot situated at the intersection of, and abutting on 2 or more streets.

**Lot, Flag** means an existing lot which cannot contain a circle beginning at the front lot line with a diameter equal to the minimum lot frontage or cannot fit a straight line, to be located entirely on the lot, which would connect the centre point of the front lot line to the centre point of the rear lot line.

**Lot, Landlocked** means a buildable lot which has no street frontage.

**Lot, Through** means a lot bounded on 2 opposite sides by a street. For lots which qualify as both a corner and a through lot, the lot shall be deemed to be a corner lot.

**Lot, Undersized** means a lot where the lot width and/or area is less than the zone requirements of this Bylaw.

**Lot Area** means the total horizontal area within the lot lines of a lot. For split-zoned lots, the lot area is not synonymous with the calculated zone area on a lot.

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

**Lot Frontage** means the distance between the side lot lines of a lot measured along the street(s) or highway(s) the lot fronts on.

**Lot Line** means a boundary of an exterior line of a lot.

**Lot Line, Flankage** means a side lot line of a corner lot that abuts the public right-of-way.

**Lot Line, Front** means the line dividing the lot from the street and includes the following variation:

- For a lot that does not abut a public street but has a boundary abutting a private road or a right-of-way easement, that boundary shall be deemed to be the front lot line;
- For a corner lot, 1 of the boundary lines abutting the street shall be deemed the front lot line, and the other line shall be deemed to be the flankage lot line. The shorter boundary line abutting the street shall be deemed the front lot line. If both lines are equal, either line shall be deemed the front lot line; and
- For a through lot, the lot line abutting the street providing the primary access to the lot shall be deemed the front lot line.

**Lot Line, Rear** means the lot line farthest from the front lot line.

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

**Low Impact Development Techniques (LID)** means design strategies that manage runoff on site and is comprised of distributed, small scale structural practices that mimic natural or predevelopment hydrology through the processes of infiltration, evapotranspiration, harvesting, filtration and detention of stormwater.

**Main Building** means the building where the principal purposes for which the building lot is used is carried out.

**Manufactured Home** see Dwelling, Manufactured Home.

**Manufactured Home Community** means an establishment comprising land or premises under single ownership, designed, and intended for the use of 3 or more manufactured homes for residential dwelling purposes. This use does not include campgrounds.

**Medical 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.

**Mixed-use Building** means a building consisting of both commercial and residential uses.

**Mobile Home** see Manufactured Home.

**Municipal Government Act (MGA)** means the *Municipal Government Act* (MGA). Statutes of Nova Scotia, 1998, the enabling legislation for municipal planning in Nova Scotia.

**Objectional or Obnoxious** means a use that, 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 & Professional Services** means an establishment primarily used for the provision of professional services. Typical uses include, but are not limited to, offices of lawyers, accountants, financial advisers, engineers, architects, and photographers. This use does not include banks & financial institutions, business support services & printing, health care services, or government offices & facilities.

**Off-Site Fill** means fill that is imported from outside an area subject to the risk of flooding.

**Open Space** means an area of land used for parks, playgrounds, ball fields, outdoor skating rinks, tennis courts, athletic fields, picnic areas and similar uses but excluding enclosed structures.

**Outdoor Display** means a display of goods which are available for sale to the general public. Such goods include, but are not limited to, cars, trucks, vans, motorcycles, swimming pools, decorative fountains, prefab cottages, barbeques, lawn furniture, wood furnaces, and homes.

**Outdoor Market** means a structure erected on a lot on a seasonal basis for the purpose of selling garden plants, produce, and other related horticultural items, and shall exclude tractor trailers, construction trailers, travel trailers, and converted mini-homes.

**Outdoor Storage** means the storage of inventory, materials or equipment or other items that are not intended for immediate sale, by locating them in a yard.

**Ordinary High Water Mark** means the limit or edge of a body of water where the land has been covered by water so long as to wrest it from vegetation or to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself.

**Park** means a parcel of land intended through design and function to provide opportunities for either active or passive recreational pursuits. This use may include playground equipment, hard-surfaced courts, and landscaped areas for passive recreational activities, but shall not include major facilities such sport stadiums, arenas, or swimming pools.

**Park, Private** means a park other than a public park.

**Park, Public** means a park owned or controlled by a Public Authority or by any board, commission, or other authority established under any statute of the Province of Nova Scotia.

**Parking Lot** means an open area, other than a street, containing parking spaces for 2 or more motor vehicles, available for public use or as an accommodation for clients, customers, or residents and has access to a street by means of driveways, aisles, or maneuvering areas where no parking or storage of motor vehicles is permitted.

**Parking Lot, Private** means a parking lot located on privately held land and which is intended to be used for long term parking under lease or similar arrangement.

**Parking Space/Stall** means an area where the parking is parallel to the aisle exclusive of driveways or aisles for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering 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 Services** means an establishment primarily engaged in furnishing services and administering to the individual and personal needs of the persons. Typical uses include, but are not limited to, barber shops, beauty parlours, tattoo parlours, hairdressing shops, shoe repair, pet care services, coin operated laundry facilities, linen and uniform supply facilities, and depots for collecting dry cleaning and laundry. This use excludes any manufacturing or fabrication of goods for sale.

**Place of Worship** means a building dedicated to religious worship and may include a Sunday school, parish hall, meeting hall, church hall or auditorium, and day nursery operated by the place of worship. Typical uses include, but are not limited to, a church, synagogue, monasteries, mosque or temple.

**Planning Authority** means the Town of Antigonish or any entity authorized by the Town of Antigonish to perform land use planning on the Town's behalf in accordance with the provisions of the *Municipal Government Act*.

**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.

**Private Road** means any street or road which is not owned and maintained by the Nova Scotia Transportation and Infrastructure Renewal or the Town of Antigonish but the right-of-way of the road was shown on an approved plan of subdivision.

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

**Public Area** means parks, playgrounds, trails, paths and other areas where the public is directly or indirectly invited to visit or permitted to congregate.

**Public Authority** means the Town of Antigonish, as well as any Board, Commission, Committee or Institution established wholly or partially by or for the Town of Antigonish which exercises any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the Town or a portion thereof and includes any committee or local authority established by By-law of the municipality.

**Recreation Facility, Indoors** means a wholly enclosed facility for sports and active recreation where patrons are predominately participants and any spectators are incidental and attend on a non-recurring basis. Typical uses include, but are not limited to, gymnasiums, indoor rock climbing facilities, athletic clubs, indoor mini-golf, health and fitness clubs, recreational courses or training, curling, roller-skating rinks, hockey rinks, swimming pools, indoor ranges, and racquet clubs.

**Recreation Facility, Outdoors** means an outdoor facility available to the general public for sports and active recreation. Typical uses, include but are not limited to, sports fields, outdoor tennis courts, un-enclosed ice surfaces or rinks, outdoor mini-golf, athletic fields, boating facilities, outdoor swimming pools, bowling greens, archery ranges, riding stables, and fitness trails.

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

**Renovations** means the repair, strengthening, and restoration of a building to a good and safe condition but shall not include its replacement.

**Repair & Maintenance** means an establishment primarily used for servicing, repairing or installing articles and equipment such as computers, cell phones, household tools, garden tools, carpenter tools, locks and keys, radios, televisions, furniture, footwear, leather goods, garments, watches, jewelry musical instruments, sport or recreational equipment and small appliances. This use does not include automobile service station, automobile vehicle repairs & maintenance and home based automobile vehicle repairs & maintenance.

**Restaurant, Drive-Through** means a building, or part thereof, where food and drink is prepared and sold to the public where the intent is to provide, either completely or in part, services or products to customers while they remain in their motor vehicles.

**Restaurant, Full & Limited Services** means a building or part thereof where food and drink is prepared and sold to the public for consumption within the building or attached outdoor café or patio. This use may or may not serve alcoholic beverages as per the provincial liquor licensing regulations.

**Restaurant, Take-out** means a building, or part thereof where food and drink is prepared and sold to the public for consumption and which does not provide facilities for consumption on the premises.

**Retailers & Rental Services** means an establishment primarily used for sale or lease of goods, wares, merchandise, substances, articles, or things directly to the public. This use does not include the use of automobile service stations or automobile dealers & rentals.

**Right-of-Way Easement**, as shown on an approved plan of subdivision pursuant to the *Subdivision Bylaw*, means an easement that extends to and abuts a public street, reserved for right-of-way and access.

**Rooming House** see Dwelling, Lodging Home.

**Salvage Yard** means an area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include waste paper, rags, bones, used bicycles, vehicles, tires, metals or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site or recycling depot.

**Screening** means the use of a physical obstruction intended to separate areas or functions which detract from the appearance of the street scene and/or the view from the surrounding areas. A screen may include retained vegetation, fences, walls, berms, and/or newly landscaped areas.

**Senior Citizen Housing** means multiple-unit housing designed for occupation by senior citizens, and constructed and maintained by a public housing authority.

**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 street line, side lot line, or rear lot line and the nearest main wall of any building or structure and extending the full width or length of the lot.

**Shipping Container** means one or more structures designed and intended for transport which have been made immobile. A shipping container which has been altered or incorporated as construction material in the design of a building prepared by an architect or engineer is not a shipping container for the purposes of this by-law.

**Sign** means a structure or natural object including the ground itself, which is used to advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, groups, profession, or which displays

or includes any letter, work, number, banner, flag or pennant, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off of the premises or from a parking lot.

**Sign, Area** means the area of the smallest triangle, rectangle, circle or semi-circle which can wholly enclose the face of the sign; and both faces of a double-faced sign are counted separately and then totalled in calculating sign area and three dimensional signs are treated as dual-faced signs, such that the total area is twice the area of the smallest triangle, rectangle or circle or semi-circle which can totally circumscribe the sign in the plane of its largest dimension.

**Sign, Billboard** means a large ground sign or facial wall sign which is not related to any business on the lot or premises but does not include electronic message board signs with a total message face of less than 1.4 m<sup>2</sup>.

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

**Sign, Ground** means a sign supported by one or more uprights, poles or braces placed in or upon the ground.

**Sign, Illuminating** 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, Mobile** means any sign fixed to a wheel structure or designed to be moveable without being detached from a structure or permanent base.

**Sign, Projecting Wall** means a sign which projects from and is supported by a wall of a building.

**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, Sandwich** means a two-sided A-frame style self-supporting sign which is not permanently affixed to the ground and designed to be moveable.

**Sign, Temporary** means a temporary portable sign or flush mounted banner located on a lot for a specific number of days within any 12 month period and which are permitted with the issuance of a development permit.

**Special Care (Residential Care Facility, Home for Special Care or Group Home)** means a community-based group living arrangement, in a single unit, for 3 or more individuals, exclusive of staff and/or receiving family, with physical and/or intellectual disabilities, that is developed for the well-being of its residents through self-help, professional care, guidance and supervision unavailable in the residents' own family, an independent living situation, or facility. Where a single unit is located in a detached dwelling and consists of 3 or fewer individuals, excluding staff whether residents or not, the use is a single unit dwelling.

**Special Care (Nursing Home)** means a building wherein nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons. This use does not include a hospital.

**Sport Arenas & Spectator Facilities** means a facility where patrons are predominately spectators such as rink, arena, automotive race track, horse race track, or sports stadium.

**Solar Farms** means an installation on an area of land in which a large number of solar panels are set up in order to generate electricity.

**Stepback** means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified.

**Storey** means that portion of a building that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it, provided that any portion of building partly below grade level shall not be deemed to be a storey unless its ceiling is at least 1.8 m above grade.

**Storey, First** means the uppermost storey having its floor level not more than 2 m above established grade.

**Strategy** means the *Municipal Planning Strategy* for the Town of Antigonish.

**Street** means the area between the boundary lines of the publicly owned right-of-way.

**Street Facing Facade** means all the wall planes of a “V” as seen from one side or view that are at an angle of 45 degrees or less from a street lot line which is not a controlled access highway.

**Street Line** means the dividing line between a lot and a street.

**Streetwall** means a string of elements which may include buildings, landscaping, or other objects, which gives the impression of a continuous wall along the edge of a street.

**Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil, a foundation or by any other structure.

**Studio** means a building or part thereof used as a workroom for the study, execution, or instruction of any fine or commercial art or craft, including photography, music, visual arts, and commercial design.

**Temporary Commercial Use** means a commercial use such as a flea market, farmers market, or craft market which is to be located on a property for a specific number of days within any 12-month period, and which are permitted with the issuance of a development permit and any permit may be re-issued upon request, subject to review by the Development Officer.

**Transparency** means the degree of visibility through a building facade through the use of windows or similar features.

**Transport Structure, Immobile** means one or more structures designed and intended for transport which have been made immobile through the removal of all wheel, axle and suspension components, as well as any and all components related to refrigeration, if so equipped.

**Transportation & Warehousing** means either a:

- Use of land primarily engaged in using a fleet of vehicles for the delivery of goods or services. Typical uses include, but are not limited to, taxi services, bus services, and bus lines.
- Wholly enclosed building where wares and goods are stored but shall not include a retail store.

**Town** means the Town of Antigonish.

**Ungulate** means hoofed animals, including ruminants, swine, horses, or any other split or single hoofed animals.

**Urban Cottage** means a single detached dwelling within an urban cottage development.

**Urban Cottage Development** means a development of single detached dwelling units clustered around a common open space on one single lot.

**Utility** means any public or private system, works, plant, equipment or service which furnishes services at approved rates to or for the use of the general public.

**Verandah** means unenclosed porch where the front and side of the structure remain open to the outside elements.

**Vision Triangle** means a triangular area of a corner lot adjacent to the intersection of 2 streets. The area is determined by measuring from the intersection the distance required for minimum yard setbacks along each street line and joining such points with a straight line. The triangle shaped area between the intersecting lines and the straight line shall be known as the ‘vision triangle’.

**Waste Management, Material Recovery Facility** means solid waste reduction, reuse, recovery, or processing facility of materials such as paper, ferrous and non-ferrous metals (excluding motor vehicles), glass, certain forms

of plastic, rubber, building materials, oil, food wastes, yard wastes, clothing, and white goods into useable products.

**Waste Management, Medical Waste Disposal Services** means a wholly enclosed building receiving biomedical waste, where said waste is temporarily stored, sorted, bulked, thermally treated and transferred off-site for further processing, recycling, and disposal. The origin of the waste shall not include waste generated by hospitals.

**Waste Management, Recycling Depot** means a wholly enclosed building used for the collection, sorting, and temporary storage of discarded recyclable or reusable materials. Outdoor storage and parking of commercial vehicles is prohibited except when materials are being loaded for removal.

**Watercourse** means any river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch, or other natural body of water within the Town.

**Window Bays** means a window that protrudes from the rest of the building usually polygonal or square.

**Work-Live Unit** means a dwelling unit and a commercial unit where:

- No more than 3 people engaged in any of the following uses: general retailers & rental services, office & professional services, person care services, the making, processing and assembly of products on a small scale; and
- At least 1 person working in the building resides in the dwelling unit where the commercial use is carried out.

**Veterinary Clinic** means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pen runs and enclosures;

**Yard** means an open, uncovered space on a lot unoccupied by buildings or structures. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

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

**Yard, Flankage** means a yard that extends across a lot between the flankage lot line and the nearest main wall of any building or structure on the lot.

**Yard, Front** means a yard that extends across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot.

**Yard, Minimum** means the smallest yard permitted by this Bylaw.

**Yard, Rear** means a yard that extends across the full width of lot between the rear lot line and the nearest main wall of any main building on the lot.

**Yard, Required** means the area between a front, side, rear, or flanking lot line and a line parallel to the respective lot line set back a distance equal to the applicable yard setback.

**Yard, Side** means a yard that extends across a lot between the side lot line and the nearest main wall of any building or structure on the lot.

**Zone** means a designated area of land covering all or part of a lot shown on the Schedules of this By-law.

# Part 4: General Provisions

The provisions of this Part shall apply to all development permits within the Town of Antigonish:

## 4.1 Licenses, Permits, and Compliance with Other By-laws

Nothing in this By-law shall exempt any person from complying with the requirements of any Municipal By-law or regulation or from obtaining any license, permit, authority or approval required by any statute and/or regulation of the Province of Nova Scotia or Government of Canada. Where the provisions in this By-law conflict with those of any other statutory requirement, the higher or more stringent regulations shall prevail.

## 4.2 Buildings to be on a Single Lot

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

## 4.3 One Main Building on a Lot

No person shall erect more than 1 main building on a lot except where provided in this By-law.

## 4.4 Multiple Uses

Where any land or building is used for more than one purpose, all provisions of this By-law with respect to each use shall be satisfied. Where there are conflicting requirements the more stringent standard shall apply.

## 4.5 Accessory Uses Permitted

Where this By-law provides that any land, building, or structure may be erected or used for a purpose, the purpose includes any accessory use which is customarily ancillary to said purpose.

## 4.6 Accessory Structures

- a) Unless otherwise specified under this By-law, accessory structures shall be permitted in all zones, but shall not:
  - i. Be required to follow the general requirements for main buildings on the lot pertaining to the zone;
  - ii. Be used for human habitation except where permitted as an Accessory Dwelling Unit according to the requirements of this Bylaw;
  - iii. Be located within the front yard of a lot;
  - iv. Be built closer to the front lot line or side yard line than the minimum distance required by this By-law for the main building on the lot;
  - v. Exceed 5 m in height in a Residential Neighbourhood Zone where the main building has a height less than 5 m; and
  - vi. Exceed 6.5 m in height in a Residential Neighbourhood Zone where the main building has a height greater than 5 m.
- b) Unless otherwise specified under this By-law, accessory structures shall:
  - i. Be located in the same zone as the main structure or use that it is intended to serve, or an abutting zone in which the main structure or use is permitted;
  - ii. Be located on the same lot as the main structure or use;
  - iii. Be under common ownership with the main structure or use that it is intended to serve; and

- iv. Have a ground floor area which does not exceed 10% of the lot area to a maximum of 93 m<sup>2</sup> (all accessory buildings combined).
- c) Shipping containers shall not be permitted as accessory structures in residential neighbourhood zones and shall be limited to 3 structures per lot in all other zones.
- d) Outdoor swimming pools with a depth of more than 0.61m shall be considered an accessory structure and shall not be located within 2.4 m of any property line and shall be enclosed by a fence with a minimum height of 1.2 m and a self-locking door.
- e) When the main building or structure on a lot is demolished, the accessory structure becomes the main building on the lot and needs to comply with all requirements of the particular zone.

## 4.7 Existing Undersized Lots

An existing lot which is not a flag lot or landlocked lot and having less than the minimum frontage and/or lot area required under this By-law:

- a) May be used for a purpose permitted in that particular zone provided all other applicable provisions of this By-law are satisfied;
- b) May undergo a consolidation or subdivision as long as the non-conformity with the By-law is not increased.

## 4.8 Existing Flag Lots and Landlocked Lots

Further to Section 4.7 flag lots and landlocked lots may not be used for purposes requiring Site Plan Approval and may only be used for a purpose permitted in that zone if the lot frontage or the access easement has a minimum width of 6 m and all other applicable provisions of the By-law are satisfied.

## 4.9 Nonconforming Uses and Structures

Legal nonconforming uses and structures shall benefit from the following relaxations permitted by the Act:

- a) A nonconforming structure may be fully repaired or replaced if it is destroyed or substantially damaged, provided that there is no increase in the non-conformity of the building;
- b) Nonconforming structures may be altered, extended or enlarged up to 25% of its original gross floor area, provided all other applicable provisions under this By-law are met. Developments in the High Risk Floodplain (HF) Zone are excluded from this relaxation.
- c) A nonconforming use in a structure may be extended throughout the existing structure;
- d) A nonconforming use may be recommenced if discontinued for a period of up to 1 year;

## 4.10 Solar Panels

- a) Solar panels attached to a structure shall be permitted in all zones and they shall not be considered as part of the height calculation for the building in which they are attached;
- b) Solar panels not attached to a structure shall be considered an accessory structure.

## 4.11 Height Regulations

The height regulations of this By-law shall not apply to church spires, elevator enclosures, water tanks, lightning rods, silos, television or radio antennae, skylights, cupolas, ventilators, mechanical penthouses, clock towers, wind test towers, solar panels, or chimneys.

## 4.12 Conformity with Existing Setbacks

Structures built between existing buildings may be built with a setback equal to the average setback of the adjacent buildings within 60 m on the same block. However, this depth shall be no greater than maximum setback requirements prescribed in the zone in which it is situated.

## 4.13 Building to be Moved

No person shall remove any building or structure within or into the area covered by this By-law without first obtaining a development permit, with the exception of structures exempt from development permits.

## 4.14 Temporary Uses Permitted

- a) Unless otherwise specified under this By-law, a temporary use of land or the use or erection of a temporary building or structure which is accessory to construction in progress including, but not limited to, a work camp or construction camp, sales or rental office, tool or maintenance shed, or scaffold shall be a permitted use in all zones provided:
  - i. A development permit has been issued;
  - ii. Temporary structures shall be considered permitted accessory uses until construction has been completed or discontinued for a period of 60 days;
  - iii. Existing manufactured home dwellings already on the lot may be considered a permitted temporary accessory structure only while a new dwelling is being constructed or for 1 year, whichever is less; and
  - iv. All other applicable provisions under this By-law are met.
- b) Unless otherwise specified in this By-law, a temporary use of land or the use or erection of a temporary building or structure for a special occasion or holiday shall be permitted provided that:
  - i. No such use remains in place more than 14 consecutive days.

## 4.15 Vehicle Bodies

No truck, bus, coach, motor home, shipping container, or structure of any kind other than a manufactured 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, whether or not the same is mounted on wheels.

## 4.16 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 provided every effort is made to stay within, or as close to, the bounds of this By-law as is reasonable.

## 4.17 Permitted Encroachments in Yards

Except for accessory structures and accessory dwelling units, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky provided, except for the following structures which may project into required yards in accordance with the following:

Table 1

Structure	Permitted Yard	Maximum Permitted Projection into Yard
Accessibility Features (ramps, handrails etc.)	Any Yard	Any projection (within the lot)
Decorative Features (sills, belt courses, cornices, eaves, gutters, chimneys, pilasters)	Any Yard	0.6 m
Canopies	Any Yard	2.4 m
Window Bays	Front, Rear, and Flankage Yards. Side Yards of at least 3.0 m.	1.2 m and a maximum width of 3.6 m
Fire Escapes and Exterior Staircases	Rear and Side Yards	1.5 m and a maximum width of 4.0 m
Balconies and Attached Decks	Any yard	2.2 m projection up to a minimum setback of 0.8 m from the property line
Verandah (not exceeding 1 storey in height)	Front and Rear Yards	2.4 m including eaves and cornices

#### 4.18 Public Uses Permitted

The provisions of this By-law shall not apply to the use of any land or to the erection of any building or structure by a public authority provided that:

- a) The public authority follows all rules pertaining to Environmental zones;
- b) No goods, materials or equipment shall be stored in the open in a Residential Neighbourhood Zone; and
- c) Any building erected or any lot used in a Residential Neighbourhood Zone under the authority of this paragraph shall be designed and maintained in a manner that is in general harmony with the surrounding buildings and properties.

#### 4.19 Illumination

No person shall erect any sign or illuminate an area outside any building unless such illumination is directed away from adjoining properties and has a minimum effect on the transportation network.

#### 4.20 No Structures Adjacent to Watercourses

Notwithstanding any other provisions in this By-law, no structure or accessory structure shall be erected within 4.5 m of the ordinary high water mark of a watercourse.

#### 4.21 No Structures Adjacent to Railway

Notwithstanding any other provisions in this By-law, no dwelling or accessory dwelling shall be erected within 15 meters from the railway right-of-way.

## 4.22 Variances

The Development Officer may grant a variance to the following requirements of this By-law:

- a) Yard requirements, lot frontage and/or lot area; ground floor area and height; and floor area occupied by a home-based business;
- b) Lot coverage, including permitting pervious hard surfaces;
- c) Number of loading spaces, and the height and area of a sign.

## 4.23 Vision Triangle

- a) On a corner lot, where setbacks are required from front and flanking lot lines, no structure or vegetation shall be erected or permitted to grow to a height greater than 0.6 m above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 m from their point of intersection.

## 4.24 Lodging Homes

The development of new Lodging Homes shall be prohibited in all zones of the Town of Antigonish.

# Part 5: Signs

## 5.1 General

- a) The sign regulations under this Bylaw shall apply to all new and existing signs.
- b) Where this By-law is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia, the more restrictive regulations shall apply.
- c) Unless otherwise stated in this By-law, all signs require a development permit. No permit to erect, alter, relocate, or replace any sign except in conformity with the sign regulations, and only after first obtaining a development permit or a sign permit unless otherwise permitted in this Bylaw.
- d) Signs shall be located on the same lot as the premise to which the sign relates or on an adjoining lot over which the land use from the main lot, including accessory uses, extends unless otherwise permitted.
- e) Sign height is to be measured from established grade to the highest part of the sign or supporting structure.
- f) No sign shall be permitted where such sign will reduce the number of available parking spaces required pursuant to this Bylaw unless otherwise noted.
- g) 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 codes.

## 5.2 Safety and Maintenance

- a) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention requirements in the Town.
- b) All signs and all parts thereof shall be kept in a good state of repair and maintenance.

## 5.3 Limit on Number of Signs

- a) For the purpose of permitting projecting wall signs and ground signs under this Section, where a multiple tenancy building is occupied by more than one business, each business area shall be considered as a separate premise.
- b) Limits on the number of signs permitted on any premises at any one time are subject to the following:
  - i. a double-faced sign shall be considered as a single sign; and
  - ii. signs enumerated in Section 5.4 of this Part shall not be counted in calculating the total.

## 5.4 Signs Permitted in All Zones

Notwithstanding any other provision in this Bylaw, the following signs are permitted in all zones, and do not require a development permit:

- a) Signs identifying the name and address of a resident, and of not more than 0.2 m<sup>2</sup> in sign area.
- b) "No Trespassing" signs or other such signs regulating the use of a property, and of not more than 0.2 m<sup>2</sup> in sign area.
- c) Real estate signs not exceeding 0.5 m<sup>2</sup> in sign area in a Residential Neighbourhood Zone and 1.5 m<sup>2</sup> in other zones, which advertise the sale, rental or lease of the premises.
- d) Signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premise provided that such signs are less than 1.0 m<sup>2</sup> in area.

- e) Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists.
- f) Memorial signs or tablets and signs denoting the date of erection of a structure.
- g) The flag, pennant, or banner of any government, or of any religious, charitable or fraternal organization where it is erected on the same lot as the use to which it relates.
- h) A sign having an area of not more than 4.6 m<sup>2</sup> incidental to construction and within the area designated for such purposes.

## 5.5 Signs Prohibited in All Zones

Notwithstanding any other provisions in this Bylaw, the following signs shall not be permitted, or erected, in any Zone:

- a) Signs which incorporate in any manner any flashing or moving illumination or which varies in colour and signs which have any visible moving part with the exception of electronic message boards with sign areas less than 1.4 m<sup>2</sup> located a minimum of 4.5 m from the travelled way.
- b) Any sign or sign structure which constitutes a hazard to public safety or health.
- c) Signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers, 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.
- d) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way.
- e) Signs which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights or characters in such manner as to interfere with, mislead, or confuse pedestrian, bicycle, or vehicular traffic by virtue of the sign's proximity to the street.
- f) Any sign, sign support, structure, or base, which no longer advertises a bona fide business conducted, or a product sold.
- g) Signs on public property or public right-of-way, unless specially permitted by the Council and approved by the provincial authority where applicable.
- h) Signs painted on, attached to, or supported by a tree, stone, cliff or other natural object.
- i) Searchlights, pennants, spinners and streamers except for occasions such as public festivals, exhibitions and similar occasions.
- j) Billboard signs
- k) Mobile signs except for a period of not more than 14 days for the purpose of advertising a special occasion, given that there is only one mobile sign on the lot at any time and it does not exceed 1.9 m<sup>2</sup> in sign area.
- l) Any sign which advertises a use, commercial or otherwise, which is not located on the same lot as the use.

## 5.6 Signs in Residential Neighbourhood Zones

- a) Signs shall be limited to one per lot, and shall advertise only the activity that is legal on the property.
- b) No sign shall exceed 0.5 m<sup>2</sup> in sign area, or exceed 1.5 m in height in the case of a freestanding sign.

## 5.7 Roof and Facial Wall Signs

Roof signs which are designed by, and installed under the supervision of, a professional engineer as well as facial wall signs may be permitted subject to the following requirements:

- a) In the Mixed Use (MU-1, MU-2, MC) Zones, any combination of roof and facial wall signs shall not exceed 10% of the area of the supporting wall oriented in the same direction as the sign;
- b) In the Industrial Commercial (C-1) Zone, any combination of roof and facial wall signs shall not exceed 20% of the area of the supporting wall oriented in the same direction as the sign;
- c) In the Community Use (I, UI, and OS) Zones, any combination of roof and facial wall signs shall not exceed 15% of the area of the supporting wall oriented in the same direction as the sign;
- d) No facial wall sign shall extend beyond the extremities of the wall upon which it is attached nor shall any roof sign extend beyond the extremities of the roof to which it is attached;
- e) No facial wall sign shall project out more than 0.3 m from the supporting wall.

## 5.8 Projecting Wall Signs

Projecting wall signs shall be permitted in the Downtown Mixed Use (MU-1), the James Street Mixed Use (MU-2), and the Industrial Commercial (C-1) Zone subject to the following provisions:

- a) The maximum area for the sign shall not exceed 0.95 m<sup>2</sup>;
- b) The sign shall not project more than 1.2 m from the wall upon which it is attached;
- c) No sign shall project over a public right-of-way unless the owner provides, and maintains, a minimum of \$2,000,000 liability insurance which indemnifies the Town safe and harmless in the event that a claim related to the sign should occur;
- d) No sign shall project into the vision triangle;
- e) The sign shall not project above the eaves, parapet or roof line of a building;
- f) The sign shall be securely attached to the building and shall not be permitted to swing freely on its support;
- g) The sign shall not be located closer than 4 m to another projecting wall sign;
- h) The sign shall not be built from glass or plastic; and
- i) No portion of the sign shall be below 3 m above grade nor above 4.5 m above grade.

## 5.9 Ground Signs

- a) Ground signs may be permitted subject to the following requirements:

Table 2

Zone in which sign is permitted	Maximum sign area on any side	Maximum Height
MU-1, MC, MU-2	4 m <sup>2</sup>	6 m
C-1	7 m <sup>2</sup>	10 m
OS (excepting arenas)	4 m <sup>2</sup>	6 m
OS (arenas)	9.5 m <sup>2</sup>	6 m

- b) No ground sign shall extend beyond a property line or project over into any public right-of-way, adjoining property, vision triangles, or any driveway or parking area.
- c) No sign shall be set back less than 1.5 m from a street line where the right-of-way of the street is 15 m or less; a setback is not required for streets with a right-of-way greater than 15 m.
- d) Not more than one ground sign shall be permitted on any one lot except in the following situations:
  - i. where a lot fronts on two streets the maximum number of ground signs shall be 2.
  - ii. where a lot has a frontage in excess of 60 m, 2 ground signs shall be permitted so long as they are located at least 30 m apart.
- e) Ground signs in any Mixed Use (MU-1, MU-2, MC) Zone shall not be internally illuminated.

- f) Where signs are to be externally illuminated, care shall be taken so as not to create light pollution either disturbing adjacent properties or vehicular traffic on any adjacent public right-of-way.

## 5.10 Electronic Signage

Within the Downtown Mixed Use (MU-1) and the James Street Mixed Use (MU-2) Zones, the following shall apply with respect to Electronic Signage:

- a) The area of electronic signage, whether comprising the entire sign, or part of a larger sign as may be permitted in the zone, shall be deemed to be the electronic panel only;
- b) The electronic signage panel shall be limited to 0.25 m<sup>2</sup> in area;
- c) There shall be no more than one electronic sign per retailer;
- d) The minimum interval between abrupt changing of messages shall be 30 seconds;
- e) Notwithstanding clause (b) herein, the following applies with respect to gas retailers:
  - i. Gas retailers may display gas prices on signs of up to 0.35 m<sup>2</sup>;
  - ii. Separate signs may be used for each grade of gas; and
  - iii. The sum of all such signs may not exceed permitted maximums for the zone.

# Part 6: Parking space supply

## 6.1 Motor Vehicle Parking Supply Requirements

- a) No Development Permit shall be issued unless the development is in compliance with the parking requirements of this Part.
- b) Mixed Use Zones and the High Risk Floodplain Zone are exempt from requirements regarding the supply of minimum parking space amounts for motorized vehicles.
- c) For the purpose of calculating parking supply, no space shall be deemed to contribute to parking supply where it can be blocked by another parked car;
- d) For any building to be erected or enlarged in a Residential Neighbourhood Zone, off-street parking shall be provided in conformity with the following requirements:

Table 3

USE	Parking requirement
Dwelling Unit (any type)	1 parking space per unit plus 0.25 spaces for each bedroom over one in the unit plus 0.25 visitor parking spaces per unit
Accommodations, Bed and Breakfast	1 space plus 1 parking space per bedroom used for rental purposes.
Work-Live Unit	1 space in addition to residential dwelling requirements
Special Care (Residential Care Facility, Home for Special Care or Group Home)	1 parking space plus ½ space for each client bedroom
Schools	1.5 parking space per classroom
Any use not specified above	1 parking space per 50m <sup>2</sup> of gross floor area.

- e) For any building to be erected or enlarged in Commercial or Community Use Zones, off street parking shall be provided in conformity with the following requirements:

Table 4

USE	PARKING REQUIREMENT
Retail Stores	1 space for each 30m <sup>2</sup> of gross floor area
Auditoriums, theatres, arenas, halls, stadiums and similar sporting, educational and recreational venues	Where there are fixed seats, 1 parking space for every 5 seats, or 3.05 m of bench space.  Where there are no fixed seats, 1 parking space for each 9.3 m <sup>2</sup> of floor area devoted to public use.
Religious Institutions	Where there are fixed seats, 1 parking space for every 10 seats, or 6.1 m of bench space.  Where there are no fixed seats, 1 parking space for each 30m <sup>2</sup> of gross floor

USE	PARKING REQUIREMENT
	area
Drinking Establishment	1 space for each 30m <sup>2</sup> of gross floor area
Hotel	1 space per suite or rental unit plus requirements for restaurants or other facilities contained on-premise
Bowling Alleys and Curling Rinks	1 parking space for each 2 persons in the designed capacity of the establishment (design capacity shall mean 6 persons per bowling lane and 8 persons per curling sheet). In other part of the building additional parking spaces shall be provided in accordance with the requirements set out in this Bylaw for the use to which the other parts of the building may be used.
Office; Financial Institution	1 space for each 30m <sup>2</sup> of gross floor area
Restaurant	1 space for each 30m <sup>2</sup> of gross floor area
Community recreation	1 space for every 30m <sup>2</sup> of gross floor area
Any use not specified above	1 space for each 50m <sup>2</sup> of gross floor area

## 6.2 Location of parking

- a) No more than 30% of the front yard surface area may be used for parking in residential zones except in Townhouse, Urban Cottage and Carriage Court Developments.
- b) No parking shall be located within the front yard in any Mixed-Use Zone and no parking area shall be placed within 0.4 m of any lot line.

## 6.3 Parking Area Standards for more than 6 Spaces

Where parking facilities for more than 6 vehicles are required or permitted, excepting parking areas operated by the Town, the following applies:

- a) The parking area shall be maintained with a stable surface sufficient to support a vehicle without undue deformation or damage of the surface, such as rutting, and does not allow the raising of dust or loose particles.
- b) Acceptable stable parking surfaces include, but are not limited to:
  - i. Asphalt or concrete paving (pervious or impervious);
  - ii. Brick or stone pavers
  - iii. Compacted granular surfaces; and
  - iv. Structural landscape systems such as driveable grass or grass grids.
- c) Each parking space shall be clearly demarcated and maintained as such.
- d) The edges of parking areas shall be clearly delineated from landscaped and pedestrian areas.
- e) Individual parking stalls shall be a minimum dimension of 2.5 m by 5 m exclusive of driveways or aisles.
- f) Accessible parking stalls shall follow the dimensions prescribed by the Nova Scotia Building Code Act and its subordinate regulations.
- g) The parking area and walkways thereto shall be properly illuminated for safe and effective circulation of automobile, pedestrian, and bicycle traffic at night.
- h) Any lights used for illumination of the parking lot shall be so arranged as to divert the light away from adjacent transportation network and residential buildings.

- i) The parking area shall be situated on the same lot as the use it is intended to serve, unless parking rights on another lot are agreed in writing and are registered against the property record of that other lot.
- j) No gasoline pumps or other service station equipment shall be located or maintained on the parking lot, with the exception of electric vehicle charging stations.
- k) The approaches or driveways to a parking area shall not be closer than 12 m from the limits of the right-of-way at a street intersection.
- l) Adequate drainage facilities shall be provided to prevent flooding of adjacent properties.
- m) The width of a driveway leading to a parking or loading area shall be a minimum width of 3 m for one-way traffic, and a minimum width of 4 m for two-way traffic; and the maximum width of a driveway shall be 7.5 m.
- n) The minimum distance between driveways shall be 7 m with no more than 2 driveways per street frontage.
- o) All parking lots shall be separated from each street line by a 1 m wide landscaped strip, exclusive of driveway accesses.

## 6.4 Electric Vehicle Charging Stations

- a) Electric vehicle charging stations are permitted in all parking areas.
- b) Where at least 20 parking spaces are provided in association with any multi-unit dwelling, office, hotel, or mixed-use building, wiring conduits allowing the future installation of electric vehicle charging infrastructure shall be provided for every tenth parking space.
- c) Where 100 or more parking spaces are provided on a lot, at least 2 electric vehicle charging stations must be provided.

## 6.5 Bicycle Parking Supply Requirements

- a) For every structure or addition to be erected within Residential Higher Order Neighbourhood (RN-2), Mixed-Use (MU-1, MU-2, MC) and General Commercial Zones (GC), on-site bicycle parking shall be provided in accordance with Table 5:

Table 5

Land Use	Minimum Bicycle Parking Requirement
Multiple-unit dwellings without private garages; townhouses without private garages; carriage court developments	<ul style="list-style-type: none"> <li>• 7 to 12 units: 6 spaces</li> <li>• Per additional unit over 12 units: 0.5 spaces per unit</li> </ul>
Any other use	2 spaces per 1,500 m <sup>2</sup> of gross floor area (portions thereof are rounded down)

- b) If required bicycle parking is not visible from the street, wayfinding signage must be posted, in a location visible from the building's front entrance, to indicate where the bicycle parking is located.
- c) All required or provided bicycle parking must be designed to be tamper-resistant. All bicycle parking must be firmly secured to the ground, floor, or wall with security nuts, or embedded in concrete.
- d) All required or provided bicycle parking must be located on a hard surface and in a well-lit area.
- e) A minimum of 1.8 m in length must be provided for each bicycle parking space, plus adequate maneuvering space so that each bicycle can get in and out.
- f) Racks that park one bicycle, roughly centred on each side of the rack, must comply with the following regulations:

- i. A minimum clearance of 0.6 m from walls, parking space, and other obstructions;
  - ii. A minimum spacing of 0.9 m from between racks on the same aisles;
  - iii. A minimum spacing of 1.2 m between racks on different aisles.
- g) Permitted bicycle parking types are:
  - i. Inverted U (at least 0.9 m high);
  - ii. Post-and-ring;
  - iii. Vertical (wall-mounted);
  - iv. Two-tier (with lift-assist); and
  - v. Similar systems.

## 6.6 Residential Neighbourhood Zone Parking Requirements

In addition to all other applicable requirements in Part 7 of this Bylaw, within residential zones, the following shall apply:

- a) Driveways intended for residential buildings, which are not governed under development agreement or site plan control, shall follow a standard format as follows:
  - i. A single driveway entrance from the public right-of-way shall be permitted per lot frontage;
  - ii. The driveway shall be no wider than 6.5 m and shall run perpendicular to the street;
  - iii. The driveway shall be located to one side of the lot;
  - iv. A landscaped strip of a minimum of 0.4 m shall run between the driveway and the adjacent lot line.
- b) Within the front yard of a lot, parking spaces are only permitted within the confines of the driveway and must be arranged in such a way that vehicles are parked perpendicularly to the street.
- c) No vehicle may be parked on land that is not part of a driveway or dedicated parking area.

## 6.7 Parking and Loading Requirements for Change of Use

Notwithstanding anything else in this Part, where an existing building on an existing lot is to be used for a new use and the new use is unable to comply with the additional parking and loading requirements, the additional parking and/or loading requirements shall be waived.

# Part 7: Residential Neighbourhood Zones

## 7.1 Residential Neighbourhood Zones

Residential Neighbourhood (RN-1)

Higher Order Residential Neighbourhood (RN-2)

Manufactured Home Residential (MH)

## 7.2 Residential Neighbourhood Zones Permitted Uses

- a) Table 6 summarizes the uses permitted in all Residential Neighbourhood Zones. For conditions associated with the uses, see the specific section referencing that zone.
- b) If a use is not listed in Table 6 as being permitted in a zone, the use is prohibited in that zone.
- c) No development permit shall be issued for a use permitted in Table 6 unless the use complies with all provisions of this Bylaw, including any additional restrictions or prohibitions.

Table 6

Residential Neighbourhood Zones	RN-1	RN-2	MH
Accessory Dwelling Unit	SP	SP	-
Accommodations, Bed & Breakfast	P	P	-
Carriage Court Development	DA	SP	-
Urban Cottage Development	DA	SP	-
Dwelling, Single-Unit	P	P	-
Dwelling, Two-Unit	P	P	-
Dwelling, Triplex or Fourplex	SP	P	-
Dwelling, Lodging Home	-	-	-
Dwelling, Multi-Unit (Up to 6 Units)	DA	SP	-
Dwelling, Multi-Unit (over 6 Units)	-	DA	-
Dwelling, Townhouse	DA	SP	-
Dwelling, Townhouse, Stacked	-	DA	-
Existing Campgrounds	-	P	-
Home for Special Care	P	P	-

<b>Residential Neighbourhood Zones</b>	<b>RN-1</b>	<b>RN-2</b>	<b>MH</b>
Home-Based Business	P	P	-
Work - Live Unit	SP	SP	-
Convenience Stores	-	DA	-
Office & Professional Services	-	DA	-
Religious Institutions	SP	SP	-
Schools	SP	SP	-
Recreational Uses, Parks, Playgrounds (permitted under provisions of OS Zone)	P	P	P
Dwelling, Manufactured Home	-	-	P
Manufactured Home Community / Expansion of Manufactured Home Community	-	-	DA
<b>P – permitted as-of-right through development permit</b> <b>SP – permitted by Site Plan Approval</b> <b>DA – Permitted to apply to Council for a development agreement; other restrictions may apply</b>			

## 7.3 General Provisions for Residential Neighbourhood Zones

The provisions of this Part shall apply to all development permits within Residential Neighbourhood Zones:

### 7.3.1 Architectural Requirements in the Old Town

Buildings that simultaneously fall into a Residential Neighbourhood Zone and in the extent of the ‘Old Town’ overlay zone shall comply with the following architectural requirements:

- a) Minimum roof pitch - 8/12
- b) Windows shall be oriented vertically with a minimum height to width ratio of 1.6
- c) Minimum 9 cm mouldings around windows and doors
- d) Buildings shall be a minimum of a storey and 1/2 in height
- e) New buildings shall not differ in height by more than one storey from adjacent buildings.

### 7.3.2 Home-Based Businesses

- a) Only the following commercial uses are permitted in a home occupation accessory to a dwelling unit by the dwelling’s occupant(s):
  - i. Studios;
  - ii. Daycares;
  - iii. Offices;
  - iv. Medical clinics;
  - v. Personal services;

- b) 50 m<sup>2</sup> of total floor area, up to a maximum of 10% of the total floor area may be used for home-occupation purposes;
- c) The business shall be located wholly within a main building on the lot;
- d) The operators of a business within a home occupation unit shall reside in the unit;
- e) No employees may be hired for a home-based business;
- f) The external appearance of the dwelling shall not be changed by the commercial use except for signage that is permitted according to Section 5 of this By-law;
- g) No open storage or outdoor display associated with the business shall be permitted;
- h) No home-based business shall emit noise, smoke, odour, dust, toxic fumes, or light that would be a nuisance or is uncustomary in a residential neighbourhood.
- i) No home-based business shall engage in on-site retail of goods or products as part of its business model, unless the product is essential for rendering a medical or personal service.
- j) In the case of a daycare, no more than 10 children may attend the daycare.

### 7.3.3 Site Plan Approval Requirements for Work-Live Units

A site plan approval application may be considered for Work-Live Units in the RN-1 Zone provided that the following conditions and the conditions in Table 7 are met.

Table 7

	Work-Live Units
Minimum Lot Area	500 m <sup>2</sup>
Maximum Ground Floor Area	225 m <sup>2</sup>
Maximum Number of Dwelling Units	1
Maximum Hard Surface Coverage	50% (notwithstanding general zone requirements)

- a) Only the following commercial uses are permitted in a work-live unit:
  - i. Studios;
  - ii. Daycares;
  - iii. Offices;
  - iv. Medical clinics;
  - v. Personal services; and
- b) A maximum of 50% of the total floor area or 100 m<sup>2</sup> of a work-live unit may be used for commercial purposes;
- c) The commercial portion of a work-live unit shall be located and accessible at the ground floor;
- d) No open storage or outdoor display associated with the business shall be permitted;
- e) No work-live unit shall emit noise, smoke, odour, dust, toxic fumes, or light that would be a nuisance or is uncustomary in a residential neighbourhood.
- f) No Work-Live Unit shall engage in on-site retail of goods or products as part of its business model, unless the product is essential for rendering a medical or personal service.
- g) In the case of a daycare, no more than 10 children may attend the daycare.

### 7.3.4 Accessory Dwelling Units

- a) One accessory dwelling unit (one Secondary, Garden or Garage Suite) shall be permitted as an accessory use to a Single Unit, Semi-detached Dwelling or Work-Live Unit in an RN-1 or RN-2 zone subject to the following requirements:
- i. On lots that exceed the minimum lot frontage of the zone by a factor of 1.8 or more, accessory dwelling units shall have a water and sewer laterals independent of the main building.
  - ii. Accessory dwelling units are not subject to the requirements of accessory buildings.
  - iii. Where permitted in this Bylaw, accessory dwelling units must comply with the requirements shown in Table 8.

Table 8

	Secondary Suite	Garage Suite	Garden Suite
Maximum number of bedrooms	2	2	2
Minimum Lot Area	As per zone requirements	600 m <sup>2</sup>	600 m <sup>2</sup>
Yard Setbacks	As per zone requirements Additionally, garage suites and garden suites must not be built closer to the front lot line than the main dwelling.		
Maximum accessory dwelling unit floor area including a habitable basement	80% of the gross floor area of the main dwelling up to 80 m <sup>2</sup>	80% of the gross floor area of the main dwelling up to 95 m <sup>2</sup>	80% of the gross floor area of the main dwelling up to 95 m <sup>2</sup>
Maximum Building Height	As per zone requirements	Equal to the height of the main dwelling up to 9 m	Equal to the height of the main dwelling up to 6.5 m
Minimum Setback from other Buildings	2 m from non-habitable structures on the same lot		
	3 m from all other structures		
Design Requirements			
Accessory Dwelling Unit Exterior	Must match the main dwelling in building material type, cladding colour, roof type, and roof pitch.		
Accessory Dwelling Unit Entrance, Main Windows, and Entry	Must be designed to integrate into the main dwelling.	Must be oriented towards the main dwelling, flankage yard, or front yard.	

### 7.3.5 Bed & Breakfast Establishments

Bed & Breakfast Accommodation Uses in a Residential Neighbourhood Zone shall meet the following requirements:

- a) There shall be an owner or manager who is a resident on the property;

- b) No more than 4 rental rooms shall be permitted;
- c) No more than 1 dormitory room with an occupant load of 3 or 4 persons shall be permitted.

#### **7.3.6 Parking of Commercial Vehicles**

- a) Not more than 1 commercial vehicle shall be kept on a developed lot in any Residential Neighbourhood zone, such commercial vehicle shall not exceed a gross vehicle weight of 5,440 kg, and such vehicle shall be owned or operated by the registered owner of the lot and shall be parked on such lot;
- b) No commercial motor vehicle shall be kept or parked on any vacant lot in any Residential Neighbourhood Zone.

#### **7.3.7 Farm Animals**

No lot in any Residential Neighbourhood Zone or designation shall be used for the rearing of farm animals, except for a maximum of 4 laying hens contained within the lot.

#### **7.3.8 Additions and Alterations to Existing Buildings**

Additions made to existing buildings shall use consistent roof styles, windows, and cladding materials as the existing structure.

#### **7.3.9 Chain-link Fences Prohibited**

Chain-link fences shall not be permitted in front yards or flankage yards of any Residential Neighbourhood Zone.

#### **7.3.10 Exterior Solid-Fuel Burning Prohibited**

Wood Doctors or other exterior solid-fuel burning appliances shall not be permitted in any Residential Neighbourhood Zone.

#### **7.3.11 Group Home Day Programs**

Where Group Homes are permitted in Residential Neighbourhood Zones, Day Programs, where attendees learn basic academic and life skills, shall be permitted as an accessory use to Group Homes subject to the following conditions:

- a) There shall be a maximum of 8 attendees, not including staff;
- b) Hours of operation shall be limited to regular office hours;
- c) Where there is to be an addition to a house for the purpose of establishing a Day Program, it shall be no more than 50 m<sup>2</sup> and shall feature side yards of no less than 4 m and rear yards of no less than 8 m.

## 7.4 Residential Neighbourhood (RN-1) Zone

A permitted use in the Residential Neighbourhood (RN-1) Zone shall meet the following requirements:

### 7.4.1 General Zone Requirements

Table 9

	General Requirements	Semi-Detached Dwellings and Townhouses	Triplex and Fourplexes
Minimum Lot Area	460 m <sup>2</sup>	275 m <sup>2</sup> per dwelling	500 m <sup>2</sup>
Minimum Lot Frontage	12 m	9 m per dwelling	12 m
Minimum Front Yard	4 m	4 m	4 m
Minimum Rear Yard	8 m	8 m	8 m
Minimum Side Yard	1.8 m	Common wall: 0 m	1.8 m
		Detached wall: 1.8 m	
Maximum Hard Surface Coverage on Lot	40%		50%
Minimum Flankage Yard	4 m		
Maximum Building Height	11 m		

### 7.4.2 Site Plan Approval Requirements for Triplexes and Fourplexes

Triplexes and Fourplexes (3 or 4 dwelling units in one building) shall be permitted by Site Plan Approval subject to the following:

- a) Triplexes and Fourplexes must be designed to fit or complement the character of adjacent dwellings, and:
  - i. Street Wall: the building shall be set at street line, and each street-facing façade shall have articulation. This may be achieved through porches, bay windows, recessed entrances, changes in materials, or other architectural details as determined by the Development Officer;
  - ii. Lighting: lighting shall be artfully used to illuminate building architecture, and pedestrian linkages shall be appropriately lit;

### 7.4.3 Developments in proximity to watercourses and railways

Developments in proximity to watercourses and railways shall follow sections 4.20 and 4.21 of this by-law.

## 7.5 Higher-Order Residential Neighbourhood (RN-2) Zone

A permitted use in the Higher-Order Residential Neighbourhood (RN-2) Zone shall meet the following requirements:

### 7.5.1 General Zone Requirements

Table 10

	Up to four dwelling units	Five or six dwelling units	Semi-Detached Dwellings and Townhouses
Minimum Lot Area	500 m <sup>2</sup>	600 m <sup>2</sup>	275 m <sup>2</sup> per dwelling
Minimum Lot Frontage	15 m	30 m	9 m per dwelling
Minimum Front Yard	3 m	3 m	4 m
Minimum Rear Yard	6 m	6 m	8 m
Minimum Side yard	1.8 m	5 m	Common wall: 0 m Detached wall: 1.8 m
Maximum Number of Dwelling Units	4	6	6
Minimum Flankage Yard	3 m		
Maximum Building Height	12 m		
Maximum Hard Surface Coverage on Lot	50%		

### 7.5.2 Number of Buildings on a Lot

Notwithstanding any other provision in this By-law, up to 3 buildings may be permitted on a lot in the Higher Order Residential (RN-2) Zone, except for Carriage Court and Urban Cottage Developments, in which case this provision may be exceeded.

### 7.4.4 Developments in proximity to watercourses and railways

Developments in proximity to watercourses and railways shall follow sections 4.20 and 4.21 of this by-law.

### 7.5.3 Multi-Unit Dwelling Design Requirements

- a) Multi-Unit Dwellings must be designed to fit or complement the character of adjacent dwellings, and:
  - i. Street Wall: the building shall be set at street line, and each street-facing façade shall have articulation. This may be achieved through porches, bay windows, recessed entrances, changes in materials, or other architectural details as determined by the Development Officer.
  - ii. Lighting: lighting shall be artfully used to illuminate building architecture;
  - iii. Landscaping: Landscaping shall be appropriate to minimize negative impacts to neighbouring lots.

- b) Amenity areas shall be provided for multi-unit residential buildings in accordance with Table 11.

Table 11

	Minimum Amenity Area Requirements
Between 5 and 8 Units	10m <sup>2</sup> per unit
9 or more Units	10 m <sup>2</sup> per unit, with at least 50 m <sup>2</sup> of common outdoor amenity area
20 or more Units	10 m <sup>2</sup> per unit, with at least 100 m <sup>2</sup> of common outdoor amenity area

- c) Common outdoor amenity areas shall not:
- i. Be divided into more than two pieces, and each area shall have a minimum width of 1.5 m.
  - ii. Be located in the front yard.
- d) Amenity areas near steep slopes, parking areas, and other hazards will be designed, landscaped, or fenced to mitigate the risk of injury and maintain pleasant use.
- e) Outdoor amenity areas will be sufficient in size and shape to serve as a useable outdoor living space, having a minimum area of 3 m<sup>2</sup>. Useable outdoor living space shall have a seating area and may include but is not limited to:
- iii. Communal gardens;
  - iv. Outdoor cooking facilities;
  - v. Playgrounds;
  - vi. Leisure facilities such as swimming pools, tennis courts or lawn bowls.
- f) Amenity areas shall be located on the same lot as the use for which it is provided.
- g) Required outdoor communal amenity areas shall be permitted to encroach into a required side or rear yard, but not within 1.5 m or any exterior lot line.
- h) Amenity area requirements for Multi-Unit Dwellings may be reduced or waived at the discretion of the Development Officer if a project is within an accessible 400 m route to a public open space.

### 7.5.5 Urban Cottage Development through Site Plan Approval

Urban Cottages shall be permitted by Site Plan Approval provided the following requirements and all other requirements of this Bylaw are met:

- a) Notwithstanding the General Lot requirements of the zone, the following requirements are satisfied:

Table 12

Minimum Lot Area	1,080 m <sup>2</sup>
Minimum Lot Frontage	18 m
Minimum Side Yard	3 m
Maximum Number of Dwelling Units	1 unit per 270 m <sup>2</sup> of lot area, to a maximum of 14 units per lot

Minimum number of Dwelling Units	4
Minimum Unit Size	60 m <sup>2</sup>
Maximum Hard Surface Coverage on Lot	50%

#### 7.5.6 Urban Cottage Development Site Design Requirements

- a) Urban cottage developments shall consist of single detached dwelling units under 100 m<sup>2</sup> of interior ground floor area each (excluding porches) with cottages (units) having a pitched roof, and porch.
- b) Each cottage has a maximum height of 8 m, is a detached unit, with second stories where provided built into the pitch of the roof.
- c) For every 15 m of lot frontage, one cottage shall be placed within 5 m from the front lot line to maintain the streetscape of the street; no parking is permitted within this front yard.
- d) Cottage units are arranged around one or more central common outdoor areas, accessible by walking paths and provided at a rate of at least 25m<sup>2</sup> per unit.
- e) At least two sides of the common outdoor amenity area shall have cottages fronting along its perimeter.
- f) Each cottage unit shall be located within 35 m of a common amenity space.
- g) A system of interior walkways shall connect each cottage to each other, to common areas, to the parking area, and to the sidewalks abutting any public streets bordering the cottage housing development.
- h) No part of any building in the development can be more than 45 m from fire department vehicle access, as measured by a clear path along the ground.
- i) All dwellings in the cottage housing development shall be at least 3 m apart.

#### 7.5.7 Urban Cottage Development Architectural Requirements

- a) Units will be designed to have cottage-like appearance:
  - i. Each urban cottage must have a different appearance than abutting units
  - ii. Urban cottage units must not exceed a 1:4 width to length ratio.
  - iii. Urban cottage units shall have a maximum roof pitch between 8:12 to 16:12.
  - iv. Urban cottage units shall have covered front porches at least 6 m<sup>2</sup> in area oriented toward a common open space.
- b) Each unit abutting a public street shall have a façade, secondary entrance, porch, bay window, or other architectural enhancement oriented to the public street.

#### 7.5.8 Existing Single Unit Dwellings Permitted in Urban Cottage Development

An existing detached single unit dwelling that is incorporated into a cottage housing development as a residence shall be permitted to remain on a site used for a cottage housing development. It shall count as one cottage unit unless the existing dwelling exceeds a ground floor area of 120 m<sup>2</sup> then it shall count as two urban cottage units.

#### 7.5.9 Urban Cottage Development Garage & Parking Design Requirements

- a) Garages are not permitted to be attached to an urban cottage.
- b) Parking stalls shall be clustered in parking lot(s) or no more than 5 contiguous stalls and hidden from the street.
- c) If garages are provided, they must have a design similar to, or compatible with urban cottages.

#### 7.5.10 Urban Cottage Development Community Amenity Buildings Permitted

- a) Community amenity buildings are permitted in urban cottage housing developments to serve the needs of residents and their guests.
- b) Community amenity buildings shall be clearly incidental in use and size to dwelling units.
- c) Community amenity buildings shall be no more than 6 m in height.

#### 7.5.11 No Subdivision within an Urban Cottage Development

For the purposes of the subdivision by-law, urban cottage developments may not be subdivided as they are deemed not to meet the frontage requirement contained therein.

#### 7.5.12 Carriage Court Development through Site Plan Approval

Carriage Court Developments shall be permitted by Site Plan Approval provided the following requirements and all other requirements of this Bylaw are met:

- a) Notwithstanding the General Lot requirements of the zone, the requirements in Table 13 are satisfied:

Table 13

Minimum Lot Area	1,500 m <sup>2</sup>
Minimum Lot Frontage	30 m
Minimum Side Yard	3 m
Maximum Number of Dwelling Units	1 unit per 220 m <sup>2</sup> of lot area, to a maximum of 12 units per lot
Minimum number of Dwelling Units	6
Minimum Unit Size	110 m <sup>2</sup>
Maximum Hard Surface Coverage on Lot	50%
Maximum Building Height	11 m

#### 7.5.14 Carriage Court Development Site Design Requirements

- a) Each carriage court row house (further referred to as row house) shall have a private garage or driveway facing the carriage court. Parking shall not be permitted in any other location.
- b) Each row house shall have a private front yard of at least 2 m.
- c) A system of interior and exterior walkways shall connect each row house unit to the sidewalks abutting any public streets bordering the row house development.
- d) Each row house unit shall have a walkway directly connected to a sidewalk or walkway on the site.
- e) No part of any building in the development can be more than 45 m from fire department vehicle access, as measured by a clear path along the ground.
- f) The carriage court driveway shall be at least 6 m wide, not including walkways and front lawns.

#### 7.5.15 Carriage Court Development Architectural Requirements

Units will be designed to be complementary to the neighbourhood in which it is located, and:

- a) Street Wall: street-facing façades of row houses shall have articulation. This may be achieved through porches, bay windows, recessed entrances, changes in materials, or other architectural details;
- b) Lighting: lighting shall be artfully used to illuminate building architecture;
- c) Landscaping: Parking areas shall meet the requirements of Part 6 and pedestrian walkways shall be pleasant and appropriately lit.

**7.5.16 No Subdivision within a Carriage Court Development**

For the purposes of the subdivision by-law, carriage court developments may not be subdivided as they are deemed not to meet the frontage requirement contained therein.

**7.5.17 Townhouse Development through Site Plan Approval**

A site plan approval application for the development of townhouses may be considered provided the following requirements and all other requirements of this Bylaw are met:

- a) The following requirements are satisfied:

*Table 14*

	<b>Townhouse</b>
Minimum Lot Area	500 m <sup>2</sup>
Minimum Lot Frontage	6 m per unit
Minimum Lot Area per Dwelling Unit	150 m <sup>2</sup>
Minimum Side Yard	Detached: 3 m
	Common wall: 0 m
Minimum Flankage Yard	5 m
Maximum Number of Dwellings Units in one building	6
Maximum Hard Surface Coverage on Lot	50%
Maximum Building Height	11 m

**7.5.18 Townhouse Development Site Design Requirements**

- a) Townhouse Units shall meet the following requirements:
  - i. No more than one dwelling unit per Townhouse per lot is permitted.
  - ii. Each ground-level townhouse unit shall have a walkway directly connected to a sidewalk.
  - iii. Driveways and front yards abutting units shall be twinned in order to provide larger front yard areas suitable for planting.
  - iv. Attached garages shall be an integral part of the building. If provided, an attached garage must not be wider than half of the townhouse units width and must not project more than 1 m from the front elevation of the building.
- b) Townhouse buildings must incorporate at least one of the following features on each of the front elevations:

- i. A change in depth of at least 0.9 m projecting or setback from the adjacent façade, at least 3.5 m in width, along the wall. No wall shall be without a change of plane.
- ii. At least one architectural projection per unit that shall project at least 0.6 m from the façade, such as covered porches, bay windows, and other such features. Such projections should be significant architectural features, spanning the full height of a one storey building, and a minimum of one half of the height of a two storey or taller building.

**7.5.19 Stacked Townhouses by Development Agreement**

Stacked Townhouses by development agreement shall comply with the following:

*Table 15*

	<b>Stacked Townhouse</b>
Minimum Lot Area	800 m <sup>2</sup>
Minimum Lot Frontage	7 m per ground floor unit
Minimum Lot Area per Dwelling Unit	180 m <sup>2</sup>
Minimum Side Yard	Detached: 3 m
	Common wall: 0 m
Minimum Flankage Yard	5 m
Maximum Number of Dwellings Units in one building	12
Maximum Hard Surface Coverage on Lot	50%
Maximum Building Height	11 m

## 7.6 Manufactured Home Residential (MH)

No development permit shall be issued in the Manufactured Home Residential (MH) Zone except in conformity with the following requirements:

- i. Expansions (additional Manufactured Home Dwelling Units) to or a complete redevelopment of an existing manufactured home community shall be considered only through development agreement and subject to provisions in Table 16:

### 7.6.1 General Zone Requirements

Table 16

Minimum Lot Area	6,000 m <sup>2</sup>
Minimum Lot Frontage	50 m
Minimum distance from Abutting Uses / Zones	6 m

### 7.6.2 Recreation / Amenity Space

Recreation and/or amenity space for the use of residents shall be provided at an amount equal to 5% of the lot area.

### 7.6.3 Parking and Landscaping Requirements

- a) Opaque fencing or evergreen vegetation of a minimum height of 1.8 m shall be provided:
  - i. Along any lot line that abuts a street, exclusive of driveway accesses; and
  - ii. Along any side yard, rear yard, or flanking yard lot line where the Manufactured Home Community abuts a Residential, Mixed-Use, Institutional, or Open Space Zone.

### 7.6.4 Developments in proximity to watercourses and railways

Developments in proximity to watercourses and railways shall follow sections 4.20 and 4.21 of this by-law.

# Part 8: Mixed Use Zones

## 8.1 Mixed Use Zones

- Downtown Mixed Use (MU-1)
- James Street Mixed User (MU-2)
- Mixed Use Centre (MC)
- Comprehensive Development District (CDD)

## 8.2 Mixed Use Zones Permitted Uses

- a) Table 17 summarizes the uses permitted in all Mixed Use Zones. For conditions associated with the uses, see the specific section referencing that zone.
- b) If a use is not listed in Table 17 as being permitted in a zone, the use is prohibited in that zone.
- c) No development permit shall be issued for a use permitted in Table 17 unless the use complies with all provisions of this Bylaw, including any additional restrictions or prohibitions.

Table 17

Mixed Use Zones	MU-1	MU-2	MC	CDD
Accommodations, Bed & Breakfast	P	P	P	Commercial and Residential Uses permitted through development agreement only.
Accommodations, General	SP	SP	DA	
Animal Hospital & Veterinary Offices	P	P	P	
Art Galleries, Artisan Workshops (including sales areas)	P	P	P	
Bank & Financial Institution	P	P	P	
Brewery, Distillery & Winery	SP	SP	SP	
Business Support Services & Printing	P	P	P	
Cinema	SP	SP	-	
Community Centres and Libraries	P	P	P	
Daycare, General	SP	SP	P	
Drinking Establishment	P	P	-	
Dwelling, Multi-Unit	SP	SP	SP	
Dwelling, Single-Unit	-	-	P	
Dwelling, Townhouse	-	-	SP	
Dwelling, Two-Unit	-	-	P	
Carriage Court Development	-	-	DA	

Mixed Use Zones	MU-1	MU-2	MC	CDD
Urban Cottage Development	-	-	DA	
Educational Services	SP	SP	SP	
Farm Market	SP	SP	SP	
Fitness Centre	P	P	P	
Funeral Services	SP	SP	SP	
Gambling Industries	DA	DA	DA	
Government Offices & Facilities	SP	SP	SP	
Health Care Services	P	P	SP	
Group Homes	SP	SP	SP	
Home-Based Business	P	P	P	
Work-Live Unit	SP	SP	P	
Museums	P	P	P	
Offices & Professional Services	P	P	P	
Personal Care Services	P	P	P	
Recreation Facility, Indoor	P	P	P	
Restaurant, Full & Limited Service	P	P	SP	
Restaurant, Take-Out	P	P	P	
Retailers and Rental Services	P	P	P	
Religious Institutions (subject to the requirements of the I Zone)	P	P	P	
Special Care (Nursing Home)	SP	SP	SP	
Tradesperson & Craftsperson Businesses and Offices	P	P	P	
Recreational Uses, Parks, Playgrounds (subject to the requirements of the OS Zone)	P	P	P	
<b>P – Permitted as-of-right through a development permit</b> <b>SP – Permitted by Site Plan Approval.</b> <b>DA – Permitted to apply to Council for a development agreement; other restrictions may apply.</b>				

## 8.3 General Provisions for Mixed Use Zones

The provisions of this Part shall apply to all development permits within Mixed Use Zones:

### 8.3.1 Amenity Area Requirements

- i) Amenity areas shall be provided for multi-unit residential buildings in accordance with Table 18 (for greater clarity: mixed-use buildings shall be exempt from this requirement).

Table 18

	Minimum Amenity Area Requirements
Between 5 and 8 Units	10m <sup>2</sup> per unit
9 or more Units	10 m <sup>2</sup> per unit, with at least 50 m <sup>2</sup> of common outdoor amenity area
20 or more Units	10 m <sup>2</sup> per unit, with at least 100 m <sup>2</sup> of common outdoor amenity area

- j) Common outdoor amenity areas shall not:
  - vii. Be divided into more than two pieces, and each area shall have a minimum width of 1.5 m.
  - viii. Be located in the front yard.
- k) Amenity areas near steep slopes, parking areas, and other hazards will be designed, landscaped, or fenced to mitigate the risk of injury and maintain pleasant use.
- l) Outdoor amenity areas will be sufficient in size and shape to serve as a useable outdoor living space, having a minimum area of 3 m<sup>2</sup>. Useable outdoor living space shall have a seating area and may include but is not limited to:
  - ix. Communal gardens;
  - x. Outdoor cooking facilities;
  - xi. Playgrounds;
  - xii. Leisure facilities such as swimming pools, tennis courts or lawn bowls.
- m) Amenity areas shall be located on the same lot as the use for which it is provided.
- n) Required outdoor communal amenity areas shall be permitted to encroach into a required side or rear yard, but not within 1.5 m or any exterior lot line.
- o) Amenity area requirements for Multi-Unit Dwellings may be reduced or waived at the discretion of the Development Officer if a project is within an accessible 400 m route to a public open space.

### 8.3.2 Landscaping Requirements

All properties shall be landscaped according to the following requirements:

- a) All disturbed area of the site shall be landscaped with grass or perennial ground cover.
- b) All trees greater than 15 cm in diameter (measured at 8 cm from the base) should be preserved wherever possible.
- c) All lots abutting Residential Neighbourhood Zones shall have a vegetated buffer along rear and side yards.
- d) Existing landscaping, such as trees and shrubs, may be counted toward the calculation of any landscaping requirements in this part. To be counted, existing landscaping must:
  - i. Be adequately protected from damage during development; and
  - ii. Remain intact following the completion of a development project.

### 8.3.3 Outdoor Lighting

Driveways, walkways, parking areas, circulation roads, and service areas shall be clearly delineated by lighting fixtures that shall be installed to direct light away from adjacent streets and residential areas.

### 8.3.4 Outdoor Storage & Solid Waste Storage

- a) Outdoor storage of solid waste shall only be located in side or rear yards, and bins shall be screened by a 1.8 m opaque fence, or otherwise be enclosed by a structure, so as to not be visible from any street or adjacent property.
- b) Outdoor storage of goods and materials shall be subject to the following requirements:
  - i. Open storage shall be permitted in the rear yard only.
  - ii. Open storage that abuts a public right-of-way shall be buffered along the abutting property line corresponding to the extent of the storage area with an opaque fence a minimum of 1.8 m in height or a vegetated buffer sufficient to screen the storage area.
  - iii. Open storage shall be secured against wildlife access.

### 8.3.5 Number of Buildings on a Lot

Notwithstanding any other provision in this Bylaw, up to 3 buildings may be permitted on a lot in any Mixed Use (MU) Zone provided that all other requirements of this Bylaw are met.

### 8.3.6 Development Agreements in MU Zones

A development agreement in any MU Zone may be considered for proposals which are unable to meet any of the requirements of the Zone.

## 8.4 Downtown Mixed Use (MU-1)

A permitted use in the Downtown Mixed Use (MU-1) Zone shall meet the following requirements:

### 8.4.1 General Zone Requirements

Table 19

	Mixed-Use Building	General Commercial Building & General Zone Requirements	Multi-Unit Residential Building (only permitted as Courtyard Development)
Maximum Gross Floor Area	2,400 m <sup>2</sup>	1400 m <sup>2</sup>	1,400 m <sup>2</sup>
Minimum Lot Area	200 m <sup>2</sup>		
Minimum Lot Frontage	7.5 m		
Minimum Front Yard	0 m		
Maximum Front Yard	2 m		
Minimum Flankage Yard	0 m		
Minimum Side Yard	0 m		
Minimum Rear Yard	6 m		
Maximum Lot Coverage	100%		

#### 8.4.2 Design requirements

- a) Building Height and Rhythm
  - i. The minimum building height at the build-to-plane shall be 6 m;
  - ii. The maximum height for mixed-use buildings shall be 15 m and 12 m for all other buildings;
  - iii. Where neighbouring structures are two or more storeys in height, a new building shall continue and reflect the abutting building's established patterns relating to floor elevation and window placement.
- b) Building Façades:
  - i. Dwelling units and bed and breakfast accommodation may be located in the basement level, on upper levels and on street level at the rear. However, not more than 50% of the floor area at the street level may be used for dwelling units or bed and breakfast accommodation. The remaining 50%, which fronts on the street, shall be used for other uses permitted in the zone.
  - ii. Building façades shall occupy at least 50% of the build-to plane along the front lot line and at least 25% of the build-to plane along a flanking lot line.
  - iii. Where a building exceeds 9 m, the remaining height shall be stepped back a minimum of 3 m from the façade or developed within the attic of a pitched roof.
  - iv. No curtain wall or window wall systems shall be applied to more than 50% of any building elevation;
- c) Street-Facing Façade Fenestration:
  - i. First storey windows shall:
    - a. Account for at least 50% of the front façade's wall surface on the first storey;
    - b. Be of clear or marginally tinted glass and shall not be reflective;
    - c. Not feature obstructions such as signage in more than 25% of any window;
    - d. Feature sills which are no higher than 1 m above the interior floor level.
  - ii. Upper storey windows shall:
    - a. Account for at least 20% of the front façade's wall surface on the remaining storeys;
    - b. Where rectilinear, feature a minimum height to width ratio of 1.6;
    - c. Be distributed so as to complement horizontal and vertical façade articulation;
    - d. Be articulated either by recession from the façade or by framing with elements such as arches, hoods, wide trim boards, decorative lintels, pediments, sills, and other similar features.
- d) Building Articulation:
  - i. Buildings with a continuous street-facing façade of 20 m or greater shall have articulated division of the façade at a rate of every 7 m to break up the apparent mass of the building; this may be achieved through one or a combination of the following:
    - a. Pilasters;
    - b. Projection or recession of the façade;
    - c. Variation of texture or materials;
    - d. Variation in roof lines;
    - e. Design so as to suggest connection of multiple buildings
    - f. Addition of elements such as awnings, balconies, and framed entrances.
  - ii. Articulated divisions such as pilasters, window framing, and entablatures shall be of a complementary proportion to the building itself.
- e) Primary Entranceways:
  - i. Primary entranceways shall be oriented to the street and shall be emphasized through the use of one or a combination of the following:
    - a. Projection;

- b. Recession
  - c. Framing elements, such as pilasters, entablatures, roofs, awnings, or other similar features.
- f) Corner Buildings:
  - i. Buildings located on corners shall be permitted to use one or more of the following treatments:
    - a. Step-back provisions are not required within 9 m of the corner of the property;
    - b. A bevel may be created at the corner, given that it features a primary entrance.
- g) Screening of utilities:
  - i. Utilities such as vents, mechanical rooms/equipment, and elevator penthouses should be integrated with the architectural treatment of the roof, be located so as to be inconspicuous from any sidewalk, or be screened with materials and finishes compatible with the buildings design;
  - ii. Piping/vents for functional services (i.e. plumbing and heating) should be located away from or screened from streets and abutting properties zone Open Space (OS) or other public areas.
- h) Below-Grade Parking Entries:
  - i. Entryways to below-grade parking should be an integral and consistent part of the building mass. Garages should be integrated within the building by topping with a habitable second storey, or recessed into the structure.
- i) Building Materials and Colours:
  - i. The following exterior cladding materials are prohibited:
    - a. Plywood;
    - b. Concrete Block with block length, width or height of more than 0.5m;
  - ii. Building materials shall be of high quality and shall include one or more of the following:
    - a. Clapboard, shingles, board and batten siding or wood or composite materials including vinyl;
    - b. Brick, stone, tile, and like products;
    - c. Parge Coat;
    - d. Metal, ceramic, or composite material tiles.
  - iii. Character of building materials shall extend to landscaping elements.
  - iv. On walls which are not abutting a front lot line, materials and detailing may be relaxed but should be complementary to the primary material.
  - v. Vibrant colour palettes and the use of complementary colours are encouraged.
- j) Outdoor Lighting:
  - i. Exterior lighting shall be sufficient to illuminate the building façade and the main entrance to the building, including the pedestrian public right-of-way at the front lot line of the site;
  - ii. Exterior lighting shall provide safety and convenience for both pedestrians and vehicles accessing all public areas of the site.

#### **8.4.3 Court Yard Developments**

Where 50% or more of the build-to plane are occupied by building(s) on the lot, additional buildings may be permitted subject to the following:

- a) buildings shall be set back at least 25m from the front lot line; and,
- b) buildings must follow design requirements regarding 'Building Height and Rhythm', 'Building Articulation and 'Screening of Utilities' of Sub-Section 8.4.2, but shall be exempt from all other requirements of that Sub-Section.

#### 8.4.4 Narrow Streets

Development permit applications respecting corner lots which border a street right of way measuring less than 15.2 m in width are subject to approval by the Traffic Authority.

#### 8.4.5 Developments in proximity to watercourses and railways

Developments in proximity to watercourses and railways shall follow sections 4.20 and 4.21 of this by-law.

## 8.5 James Street Mixed Use (MU-2)

A permitted use in the James Street Mixed Use (MU-2) Zone shall meet the following requirements:

### 8.5.1 General Zone Provisions

Table 20

	General Requirements
Maximum Ground Floor Area	1250 m <sup>2</sup>
Minimum Lot Area	1500 m <sup>2</sup>
Minimum Lot Frontage	20 m
Minimum Front Yard	0 m
Maximum Front Yard	4 m
Minimum Flankage Yard	0 m
Minimum Side Yard	3 m
Minimum Rear Yard	10 m
Maximum Lot Coverage	80%

### 8.5.2 Design requirements

- a) Building Height and Rhythm
  - i. The maximum height for mixed-use buildings shall be 15 m and 12 m for all other buildings;
  - ii. Where neighbouring structures are two or more storeys in height, a new building shall continue and reflect the abutting building's established patterns relating to floor elevation and window placement.
- b) Building Façades:
  - i. Dwelling units and bed and breakfast accommodation may be located in the basement level, on upper levels and on street level at the rear. However, not more than 50% of the floor area at the street level may be used for dwelling units or bed and breakfast accommodation. The remaining 50%, which fronts on the street, shall be used for other uses permitted in the zone.
  - ii. Building façades shall occupy at least 50% of the build-to plane along the front lot line and at least 25% of the build-to plane along a flanking lot line.

- iii. Where a building exceeds 9 m, the remaining height shall be stepped back a minimum of 3 m from the façade or developed within the attic of a pitched roof.
- c) Street-Facing Façade Fenestration:
  - i. First storey windows shall:
    - a. Account for at least 50% of the front façade's wall surface on the first storey;
    - b. Be of clear or marginally tinted glass and shall not be reflective;
    - c. Not feature obstructions such as signage in more than 25% of any window;
  - ii. Upper storey windows shall:
    - a. Account for at least 20% of the front façade's wall surface on the remaining storeys;
    - b. Be distributed so as to complement horizontal and vertical façade articulation;
- d) Articulations:
  - i. Buildings with a continuous street-facing façade of 20 m or greater shall have articulated division of the façade at a rate of every 7 m to break up the apparent mass of the building; this may be achieved through one or a combination of the following:
    - a. Pilasters;
    - b. Projection or recession of the façade;
    - c. Variation of texture or materials;
    - d. Variation in roof lines;
    - e. Addition of elements such as awnings, balconies, and framed entrances.
- e) Roofs:
  - i. Large buildings with a footprint greater than 370 m<sup>2</sup> shall have flat roofs or variations in pitched roofs. Required variations in the roof line may be satisfied using gables, turrets, roof projections, or similar architectural features.
- f) Pedestrian Access:
  - i. The main entrance(s) of ground floor units of any building shall face the front lot line. Main entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies.
  - ii. Access to the main entrance(s) shall connect directly to the nearest public right-of-way via a pedestrian walkaway, paved with hard materials.
  - iii. It is recommended that main building entrances are covered with a canopy, awning, recess, or similar device to provide pedestrian weather protection.
- g) Screening of utilities:
  - i. Utilities such as vents, mechanical rooms/equipment, and elevator penthouses should be integrated with the architectural treatment of the roof, be located so as to be inconspicuous from the opposite sidewalk, or be screened with materials and finishes compatible with the buildings design;
  - ii. Piping/vents for functional services (i.e. plumbing and heating) should be located away from or screened from streets and abutting properties zoned Open Space (OS) or other public areas.
- h) Below-Grade Parking Entries:
  - i. Entryways to below-grade parking should be an integral and consistent part of the building mass. Garages should be integrated within the building by topping with a habitable second storey, or recessing it into the structure.
- i) Building Materials and Colours:
  - i. The following exterior cladding materials are prohibited:
    - a. Plywood;
    - b. Concrete Block with block length, width or height of more than 0.5m;

### 8.5.3 Court Yard Developments

Where 50% or more of the build-to plane are occupied by building(s) on the lot, additional buildings may be permitted subject to the following:

- a) buildings shall be set back at least 25m from the front lot line; and,
- b) buildings must follow design requirements regarding 'Building Height and Rhythm', 'Building Articulation', 'Roofs' and 'Screening of Utilities' of Sub-Section **Error! Reference source not found.**, but shall be exempt from all other requirements of that Sub-Section.

### 8.5.4 Developments in proximity to watercourses and railways

Developments in proximity to watercourses and railways shall follow sections 4.20 and 4.21 of this by-law.

## 8.6 Mixed Use Centre (MC) Zone

A permitted use in the Mixed Use Centre (MC) Zone shall meet the following requirements:

### 8.6.1 General Zone Provisions

Table 21

	Mixed-Use Building	General Commercial	Residential
Maximum Ground Floor Area	1450 m <sup>2</sup>	400 m <sup>2</sup>	850 m <sup>2</sup>
Minimum Lot Frontage	20 m	12 m	12 m
Minimum Lot Area	800 m <sup>2</sup>		
Minimum Front Yard	0 m		
Maximum Front Yard	6 m		
Minimum Rear Yard	6 m		
Minimum Side Yard	3 m		
Minimum Flankage Yard	0 m		
Maximum Building Height	11 m		
Maximum Hard Surface Coverage on Lot	60%		

### **8.6.2 Built Form Provisions**

- a) Where a building exceeds 9 m, the remaining height shall be stepped back a minimum of 3 m from the façade or developed within the attic of a pitched roof.
- b) Street-Facing Façade Fenestration:
  - i. No curtain wall or window wall systems shall be applied to more than 50% of any building elevation;
  - ii. First storey windows shall:
    - a. Account for at least 30% of the front façade's wall surface on the first storey;
    - b. Be of clear or marginally tinted glass and shall not be reflective;
    - c. Not feature obstructions such as signage in more than 25% of any window;
    - d. Feature a trim with a minimum width of 8 cm.
  - iii. Upper storey windows shall:
    - a. Account for at least 10% of the front façade's wall surface on the remaining storeys;
    - b. Where rectilinear, feature minimum height to width ratio of 1:6;
    - c. Be distributed so as to complement horizontal and vertical façade articulation;
    - d. Feature a trim with a minimum width of 8 cm.
- c) Pedestrian Access:
  - i. The main entrance(s) of ground floor units of any building shall face the front lot line.
  - ii. Access to the main entrance(s) shall connect directly to the nearest public right-of-way via a pedestrian walkaway, paved with hard materials.
- d) Screening of utilities:
  - i. Utilities such as vents, mechanical rooms/equipment, and elevator penthouses should be integrated with the architectural treatment of the roof, be located so as to be inconspicuous from the opposite sidewalk, or be screened with materials and finishes compatible with the buildings design;
  - ii. Piping/vents for functional services (i.e. plumbing and heating) should be located away from or screened from streets and abutting properties.
- e) Building Materials and Colours:
  - i. The following exterior cladding materials are prohibited:
    - a. Plywood;
    - b. Concrete Block with block length, width or height of more than 0.5m;

### **8.6.3 Developments in proximity to watercourses and railways**

Developments in proximity to watercourses and railways shall follow sections 4.20 and 4.21 of this by-law.

## **8.7 Comprehensive Development District (CDD)**

### **8.7.1 Development Permitted through Development Agreement**

No development permit shall be issued in any Comprehensive Development District (CDD) Zone except in accordance with a development agreement approved pursuant to policies contained in the MPS.

# Part 9: Commercial Zones

## 9.1. Commercial Zones

Industrial Commercial (C-1)

## 9.2. Commercial Zones Permitted Uses

- a) Table 22 summarizes the uses permitted in all Commercial Zones. For conditions associated with the uses, see the specific section referencing that zone.
- b) If a use is not listed in Table 22 as being permitted in a zone, the use is prohibited in that zone.
- c) No development permit shall be issued for a use permitted in Table 22 unless the use complies with all provisions of this Bylaw, including any additional restrictions or prohibitions.

Table 22

Commercial Uses	Industrial Commercial (C-1) Zone
Animal Hospital & Veterinary Offices	SP
Automobile Dealer & Rentals	P
Automobile Service Station	P
Automobile Vehicle Repair & Maintenance	P
Brewery, Distillery & Winery	P
Business Support Services & Printing	P
Car Wash	P
Commercial Parking Lots	SP
Equipment and Machinery Parks	SP
Garden and Nursery Sales and Supplies	P
Greenhouses and Indoor Farming Operations	P
Kennel	DA
Lumber Yards	P
Recreational Vehicle Sales and Rentals	P
Restaurant, Drive-Through	SP
Restaurant, Full & Limited Service	P
Retailers and Rental Services	P
Self-Storage Facility	P
Tradesperson & Craftsperson Businesses and Offices	P
Warehousing Operations	SP

Waste Management Services	DA
Open Space (OS) Zone Uses subject to the requirements of that zone.	P
<b>P – Permitted as-of-right through a development permit</b> <b>SP – Permitted by Site Plan Approval.</b> <b>DA – Permitted to apply to Council for a development agreement; other restrictions may apply.</b>	

## 9.3. Industrial Commercial (C-1) Zone

A permitted use in the Industrial Commercial (C-1) Zone shall meet the following requirements:

### 9.3.1 General Zone Requirements

Table 23

Minimum Lot Area	550 m <sup>2</sup>
Minimum Lot Frontage	18 m
Minimum Front Yard	6 m
Minimum Rear Yard	10 m
Minimum Side Yard	4.5 m
Minimum Flankage Yard	5 m
Maximum Building Height	11 m
Maximum Lot Coverage	40%

### 9.3.2 Number of Buildings on a Lot

Notwithstanding any other provision in this By-law, multiple buildings may be permitted on a lot in the Commercial Industrial (C-1) Zone provided that all other requirements of this Bylaw are met.

### 9.3.3 Landscaping Requirements

Landscaping in all commercial zones shall meet the following requirements:

- a) All disturbed areas of the site shall be landscaped with grass or perennial ground cover;
- b) All trees greater than 15 cm diameter (measured at 8 cm from the base) should be preserved wherever possible;
- c) Required landscaped areas shall be planted with a minimum of one evergreen and/or densely twigged deciduous shrub or tree planted with a maximum spacing of 5 m apart in the area. If dense vegetation exists on the site, this may be retained to meet this requirement.
- d) Fences longer than 8 m and facing the street shall be landscaped at the base with trees or shrubs planted in a minimum 1 m wide planting area with the planted area facing the public right-of-way or abutting properties.

### **9.3.4 Abutting Zone Provisions**

Where a Commercial Zone abuts a Residential (RN-1, RN-2) Mixed Use (MU-1, MU-2, MC), Open Space, or Institutional Zone, the following provisions shall apply:

- a) The following restrictions shall apply to the abutting yard within the Commercial Zone:
  - i. Minimum side yard requirement for the abutting side yard shall be 6 m.
  - ii. No outdoor display or outdoor storage shall be permitted in an abutting yard.
  - iii. No parking space shall be permitted in an abutting yard within 6 m of a side or rear lot line in the Commercial Zone.
  - iv. A landscaped berm or an opaque fence of a minimum height of 1.5 m that abuts the lot line and runs the full length of the lot line excluding any driveway accesses shall be provided along any side or rear lot line adjacent to the non-Commercial zone.
  - v. Operations or processes which generate considerable noise, dust, vibration or odour shall be located as far as practicably possible from an abutting lot line and shall be buffered from the abutting use
  - vi. Surface water run-off shall be redirected away from adjacent properties using appropriate water management infrastructure.
  - vii. Outdoor storage and activities located in an abutting yard shall be screened
- b) In addition to the provisions in Part 5 of this Bylaw, the following restrictions shall apply to signs located in an abutting yard within the Commercial Zone:
  - i. All signs shall be non-illuminated.
  - ii. The maximum sign area shall be 1.5 m<sup>2</sup>.
  - iii. The maximum height of a ground sign from the grade level to the highest part of the sign (including the sign structure) shall be 3.5 m.
  - iv. All signs shall be set back at least 3 m from the abutting property line.
  - v. All obsolete signs, sign structures, and sign bases shall be removed.

### **9.3.5 Open Storage and Outdoor Displays**

- a) Where a lot is to be used primarily for open display or outdoor storage within a Commercial Zone, the following restrictions shall apply:
  - i. Open storage areas shall feature a well maintained surface with no unstable or exposed soils.
  - ii. Outdoor display shall not be permitted within 3 m of any lot line.
  - iii. Outdoor display or areas must be landscaped and maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.
- b) All garbage bins associated with a commercial use shall be screened by an opaque fence at a height adequate to visually screen the bin.

### **9.3.6 Outdoor Lighting**

- a) Accesses, parking areas, circulation roads, and service areas shall be clearly delineated by lighting fixtures that shall be installed so as to reflect light away from adjacent streets and residential areas.
- b) Lighting shall not be directed on to abutting properties so as to be a nuisance;

### **9.3.7 Automobile Service Station Requirements**

Where an automobile service station is permitted, the following special provisions shall apply:

- a) Minimum lot frontage: 45 m;
- b) No portion of any pump island shall be located closer than 6 m from any street line, except an overhead canopy;
- c) The minimum distance between access driveways shall not be less than 9 m;

- d) The minimum distance from a driveway to a street intersection shall be 15 m;
- e) The angle of intersection of a driveway to a street line shall be between 60 and 120 degrees;
- f) The width of a ramp shall be a minimum of 6 m and a maximum of 7.5 m;
- g) Dedicated bays, separate from service bays, must be provided for any car wash facilities;
- h) A weather canopy for service station pump islands may be erected provided that no part of the canopy is located within 4 m of the street or lot line and in no case shall the weather canopy extend beyond the front lot line;
- i) The minimum clearance between the established grade and the lowest point on the service station canopy is 4 m; and
- j) The maximum height between the established grade and the highest point of the service station canopy shall not exceed 6 m.

### **9.3.8 Car Wash Requirements**

The following requirements shall apply to car washes:

- a) In the General Commercial (GC) Zone, the car wash must be located in a partially enclosed, or fully enclosed permanent structure.
- b) All car wash bays or automated car washes must include an oil/water separator.

### **9.3.9 Loading Space Requirements**

- a) Any building or structure to be erected or enlarged which involves the frequent shipping, loading or unloading of persons, animals or goods, shall maintain on the same premises with every such building, structure or use, one off-street space for standing, loading and unloading for every 280 m<sup>2</sup> or fraction thereof of building floor area used for any such purpose to a maximum of six loading spaces.
- b) Each loading space shall be at least 3.65 m by 12 m with a minimum of 4.25 m height clearance.
- c) A loading space for any building with less than 140 m<sup>2</sup> shall be optional.
- d) Loading spaces shall not be located within any required front yard or be located within any required yard which abuts a Residential, Open Space, or Institutional Zone.
- e) Except as otherwise required in this by-law, a landscaped strip measuring at least 1 m in width shall separate loading areas from side and rear lot lines.
- f) Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated to prevent the raising of dust or loose particles.
- g) Access to the loading space areas shall be provided by means of unobstructed driveways of a minimum width of 3.5 m for one-way traffic or a minimum width of 7.3 m for two-way traffic.

### **9.3.10 Vacant or Brownfield Lots**

Vacant lots, where not comprised of undisturbed, existing trees, shrubs, or other vegetation, shall feature well-maintained landscaping throughout.

### **9.3.11 Developments in proximity to watercourses and railways**

Developments in proximity to watercourses and railways shall follow sections 4.20 and 4.21 of this by-law.

### **9.3.12 Parking Area Requirements**

- a) In addition to meeting requirements of Part 6 in this Bylaw, parking areas shall conform with the following provisions:
  - i. Except as may otherwise be required in this by-law, a landscaped strip measuring at least 1 m in width shall separate parking areas from front, side and rear lot lines;
  - ii. Lots shall be limited to two accesses (driveways) per road frontage, provided they are separated from each other by a minimum of 12 m (otherwise only one driveway shall be permitted);

# Part 10: Community Use Zones

## 10.1 Community Use Zones

Institutional (I) Zone

University Institutional (UI) Zone

Open Space (OS) Zone

## 10.2 Community Use Zones Permitted Uses

- a) Table 24 summarizes the uses permitted in all Community Use Zones. For conditions associated with the uses, see the specific section referencing that zone.
- b) If a use is not listed in Table 24 as being permitted in a zone, the use is prohibited in that zone.
- c) No development permit shall be issued for a use permitted in Table 24 unless the use complies with all provisions of this Bylaw, including any additional restrictions or prohibitions.

Table 24

Community Uses	Institutional (I) Zone	University Institutional (UI) Zone	Open Space (OS) Zone
Art Centre, gallery, Museum	P	P	-
Band Shells	-	-	P
Cemetery	P	-	P
Commercial Club	P	P	-
Community Centre	P	P	P
Community Gardens	P	P	P
Educational Services (Except University)	P	-	-
Emergency Services	P	-	-
Funeral Services	P	-	-
Government Offices and Facilities	P	P	-
Health Care Services	P	P	-
Hospitals	P	-	-
Libraries	P	P	-
Memorials	P	P	P
Municipal Utilities and	P	P	P

Community Uses	Institutional (I) Zone	University Institutional (UI) Zone	Open Space (OS) Zone
Infrastructure			
Offices & Professional Services	P	P	-
Park, Private	SP	P	P
Park, Public	P	P	P
Recreation Facility, Indoors	P	P	-
Recreation Facility, Outdoors	P	P	P
Religious Institution	P	P	-
Restaurant, Full & Limited Service	P	P	DA
Retailers (not-for-profit)	P	P	-
Special Care (Nursing Home, Residential Care Facility)	SP	-	-
Special Care (Home for Special Care or Group Home)	P	-	-
University, Associated Structure/Use	-	P	-
Additional uses permitted in the Mixed Use Zones	DA	DA	-
<b>P – Permitted as-of-right through a development permit</b> <b>SP – Permitted by Site Plan Approval.</b> <b>DA – Permitted to apply to Council for a development agreement; other restrictions may apply.</b>			

## 10.3 General Provisions for Community Use Zones

The provisions of this Part shall apply to all development permits within Community Use Zones:

### 10.2.1 Landscaping Requirements

Development in all Community Use Zones shall be landscaped according to the following requirements:

- a) All disturbed area of the site shall be landscaped with grass or perennial ground cover.
- b) All trees greater than 15 cm in diameter (measured at 8 cm from the base) should be preserved wherever possible.
- c) All lots abutting Residential Neighbourhood Zones shall have a vegetated buffer along rear and side yards.

- d) Existing landscaping, such as trees and shrubs, may be counted toward the calculation of any landscaping requirements in this part. To be counted, existing landscaping must:
  - i. Be adequately protected from damage during development; and
  - ii. Remain intact following the completion of a development project.

**10.2.2 Prohibited Exterior Cladding Materials**

- a) Excluding single-unit dwellings, the following exterior cladding materials are prohibited in any Community Use Zone:
  - i. Vinyl on alterations or additions of buildings constructed before the coming into force date of this By-law;
  - ii. Plastic;
  - iii. Plywood;
  - iv. Concrete Block; and
  - v. Darkly tinted or mirrored glass, except spandrel glass panels.

**10.2.3 Outdoor Lighting**

- a) Driveways, walkways, parking areas, circulation roads, and service areas shall be clearly delineated by lighting fixtures that shall be installed so as to direct light away from adjacent streets and residential areas.
- b) Lighting shall not be directed on to abutting properties so as to be a nuisance.

**10.2.4 Outdoor Storage**

Outdoor storage of goods and materials shall be subject to the following requirements:

- a) Open storage shall be permitted in side and rear yards only.
- b) Open storage that abuts a public right-of-way shall be buffered along the abutting property line corresponding to the extent of the storage area with an opaque fence a minimum of 1.8 m in height or a vegetated buffer sufficient to screen the storage area.

## 10.4 Institutional (I)

A permitted use in the Institutional (I) Zone shall meet the following requirements:

**10.3.1 General Zone Requirements**

In the, a development permit may be issued provided the following requirements and all other requirements of this Bylaw are met:

- a) Where an Institutional Use abuts a Residential Neighbourhood Zone there shall be no parking, structures, or outdoor storage within any yard abutting a Residential Neighbourhood Zone for a distance of 6 m from the abutting property line.
- b) The requirements below are satisfied:

*Table 25*

Minimum Lot Area	500 m <sup>2</sup>
Minimum Lot Frontage	15 m
Minimum Front Yard	4 m

Minimum Rear Yard	6 m
Minimum Side Yard	4 m
Minimum Flankage Yard	6 m
Maximum Building Height	16 m
Maximum Lot Coverage	65%

### 10.3.2 Number of Buildings on a Single Lot

Notwithstanding any other provision in this Bylaw, up to 3 buildings may be permitted on a single lot in the Institutional (I) Zone provided that all other requirements of this Bylaw are met.

### 10.3.3 Developments in proximity to watercourses and railways

Developments in proximity to watercourses and railways shall follow sections 4.20 and 4.21 of this by-law.

## 10.5 University Institutional (UI)

A permitted use in the University Institutional (UI) Zone shall meet the following requirements:

### 10.4.1 General Zone Requirements

*Table 26*

Minimum Lot Area	900 m <sup>2</sup>
Minimum Lot Frontage	30 m
Minimum Front Yard	4 m
Minimum Rear Yard	12 m
Minimum Side Yard	4 m
Minimum Flankage Yard	4 m
Maximum Building Height	16 m
Maximum Lot Coverage	65%

### 10.4.2 Number of Buildings on a Lot

Notwithstanding any other provision in this Bylaw, multiple buildings may be permitted on a lot in the University Institutional (UI) Zone provided that all other requirements of this Bylaw are met.

### 10.4.3 Alternative Parking Requirements through Development Agreement

Land uses in the University Institutional (UI) Zone that fulfill all requirements of the Land Use By-law except for minimum parking requirements may be permitted by Development Agreement, subject to policies of the Municipal Planning Strategy.

## 10.6 Open Space (OS)

A permitted use in the Open Space (OS) Zone shall meet the following requirements:

### 10.5.1 General Zone Requirements

Table 27

Minimum Lot Frontage	15 m
Minimum Front Yard	7 m
Minimum Rear Yard	10 m
Minimum Side Yard	5 m
Minimum Flankage Yard	6 m
Maximum Building Height	10 m
Maximum Lot Coverage	20%

### 10.5.2 Playgrounds and Neighbourhood Parks

Development permits for neighbourhood parks, gazebos, playgrounds, and trails and walkways may be issued where the lot does not have the required minimum lot area and/or minimum lot frontage.

### 10.5.3 Developments in proximity to watercourses and railways

Developments in proximity to watercourses and railways shall follow sections 4.20 and 4.21 of this by-law.

# Part 11: Environmental Zones

## 11.1 Environmental Zones

High Risk Floodplain (HF) Zone

Moderate Risk Floodplain Overlay (MF) Zone (applied in conjunction with underlying zone)

Water Supply Overlay (WS) Zone (applied in conjunction with underlying zone)

## 11.2 High Risk Floodplain (HF) Zone

- Table 28 summarizes the uses permitted in the High Risk Floodplain (HF) Zone. For conditions associated with the uses, see the specific section referencing that zone.
- If a use is not listed in Table 28 as being permitted in a zone, the use is prohibited in that zone.
- No development permit shall be issued for a use permitted in Table 28 unless the use complies with all provisions of this Bylaw, including any additional restrictions or prohibitions.

Table 28

Environmental Zone Uses	High Risk Floodplain (HF) Zone
Agricultural Uses	P
Conservation Related Uses	P
Passive and Seasonal Recreation Uses	P
Public or Private Parks	SP
Public Work Structures	P
Municipal Supply and Drainage Facilities	P
<b>P – Permitted as-of-right through a development permit</b> <b>SP – Permitted by Site Plan Approval.</b> <b>DA – Permitted to apply to Council for a development agreement; other restrictions may apply.</b>	

### 11.2.1 General Zone Requirements

In the High Risk Floodplain (HF) Zone, the following lot provisions must be met for the creation of new lots:

Table 29

	General Zone Requirements	Municipal Supply and Drainage Facilities
Minimum Lot Area	925 m <sup>2</sup>	92 m <sup>2</sup>
Minimum Lot Frontage	30 m	N/A

### **11.2.2 Permanent Structure**

No permanent structures shall be permitted in a High Risk Floodplain (HF) Zone except for Public Works structures associated with the provision of piped services or flood control.

### **11.2.3 No Disturbance to Bank of Watercourse**

Notwithstanding any part of this section, no alteration of land levels (filling-in nor excavation) shall occur within 30 m of the Ordinary High Water Mark of a watercourse, except where required for the erection of Public Works structures.

### **11.2.4 No Off-Site Fill**

The filling off any soil that did not originate from the High-Risk Floodplain on the same lot is prohibited.

## **11.3 Moderate Risk Floodplain Overlay Zone (MF)**

### **11.3.1 General Zone Requirements**

In the Moderate Risk Floodplain (MF) Overlay Zone only those uses are permitted which are allowed in both the underlying zone and in the Moderate Risk Floodplain (MF) Overlay Zone. In case of any conflicting requirements between the MF and underlying zone, the more stringent standard shall apply.

### **11.3.2 Restrictions on Permitted Uses**

In the Moderate Risk Floodplain (MF) Overlay Zone, permitted uses shall include all uses permitted in the underlying zone with the following exceptions:

- a) Residential institutions, high importance institutions or post-disaster buildings (such as hospitals), senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary; and
- b) Any use associated with the warehousing or the production of hazardous materials.

### **11.3.3 Floodproofing**

All new main and accessory buildings in the MF Overlay Zone, except for public works structures, must be flood proofed in accordance with the following requirements. No development permit shall be issued, with the exception of Public Works structures, for reconstruction or additions to existing main buildings or construction of permitted main buildings unless the following requirements are met:

- a) Basements shall not be permitted;
- b) Minimum height of the finished floor elevation shall be equal to 0.1 m above the established 1:100 year flood elevation indicated on mapping prepared by CBCL in 2019. The flood elevation shall be established by using the transect mapping of the study (Schedule D of the Municipal Planning Strategy);
- c) There shall not be any filling in of land in areas displayed as Floodway Fringe with the exception of fill placed to aid in floodproofing - which fill shall extend 5 feet from the structure and therefrom slope back to original grade so as to minimize loss of flood storage capacity;
- d) Fill material used shall not consist of waste products or refuse, such as auto bodies, garbage, or wood fibre waste; and
- e) After the footing stage of construction, the property owner shall provide the Development Officer with a location certificate prepared by a Professional Surveyor showing the slab elevation.

#### 11.3.4 Setbacks

No development permit shall be issued for a permanent building within 30 m of the normal high water mark of a watercourse with the exception of Public Works structures.

## 11.4 Water Supply (WS) Overlay Zone

### 11.4.1 General Zone Requirements

In the Water Supply (WS) Overlay Zone, only those uses are permitted which are allowed in both the underlying zone and in the Water Supply Overlay Zone. In case of any conflicting requirements between the WS and underlying zone, the more stringent standard shall apply.

Table 30

	Requirement
Minimum Lot Area	929 m <sup>2</sup>
Minimum Lot Frontage	15 m

### 11.4.2 Permitted Uses

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

- a) Accessory uses in accordance with Section 4.5
- b) Conservation related projects that do not require a permanent structure;
- c) Existing single detached dwellings;
- d) Existing uses;
- e) Public Works associated with water supply monitoring;
- f) Recreational uses that do not require a permanent structure.

## Part 12: Old Town (OT) Overlay Zone

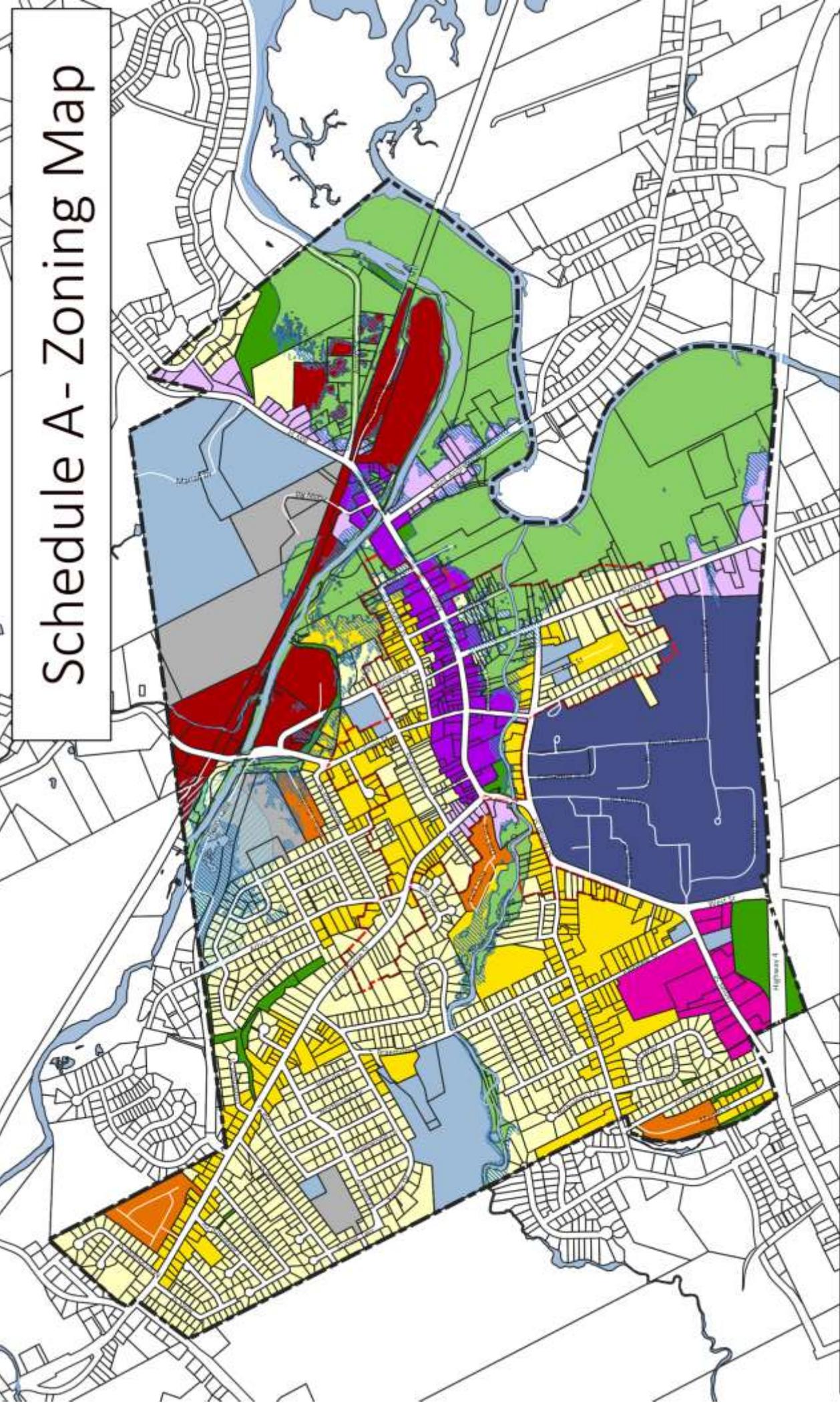
### 12.1.1 General Zone Requirements

In the Old Town (OT) Overlay Zone, only uses permitted in the underlying zone shall be permitted.

### 12.1.2 Permitted Uses

In addition to 12.1.1, the development of Infill Lots by development agreement shall be permitted subject to applicable policies and conditions in the Municipal Planning Strategy.

# Schedule A- Zoning Map



## Zones

- Residential Neighbourhood (RN-1)
- Higher Order Residential Neighbourhood (RN-2)
- Manufactured Home Residential (MH)
- Downtown Mixed Use (MU-1)
- James Street Mixed Use (MU-2)
- Comprehensive Development District (CDD)
- Commercial Industrial (C-1)
- Institutional (I)
- University Institutional (UI)
- Open Space (OS)
- Mixed Use Centre (MC)

## Overlay Zones

- High Risk Floodplain (HF)
- Old Town Overlay (OT)
- Water Supply Overlay (WS)
- Moderate Risk Floodplain Overlay (MF)

