

TABLE OF CONTENTS

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

7.	Restoration to a Safe Condition	26
8.	Permitted Encroachments in Yards	26
9.	Height Regulations	26
10.	Illumination	26
11.	Corner Vision Triangle	26
12.	Side Yards on Corner Lots	27
13.	Yard and Density Exceptions	27
4.	Accessory Buildings, Structures, and Uses	27
1.	Not for Human Habitation	27
2.	Yard Requirements	27
3.	Where Permitted	27
4.	Maximum Building Footprint	27
5.	Certain Structures Exempt	28
5.	Parking and Loading Requirements	28
1.	Off-Street Parking Design Standards	28
2.	Off-Street Parking Requirements	28
3.	Cash-In-Lieu of Required Parking	30
4.	Loading Spaces	30
5.	Parking and Storage of Commercial Vehicles in Residential Zones	31
6.	General Requirements for signs	32
1.	Sign Requirements	32
2.	Number of Signs	32
3.	Signs Permitted In All Zones	32
4.	Signs Prohibited in All Zones	33
7.	Additional Requirements for Signs	33
1.	Signs in all Residential Zones	33
2.	Signs in the Downtown Business Zone	33
3.	Signs in the Neighbourhood Commercial Zone	34
4.	Signs in the Highway Commercial, Business Park and Resource Industrial Zones	35
5.	Signs in the Institutional, and Recreational Zones	36
8.	Canopies and Awnings	36
1.	Development Permit Required	36
2.	Maintenance and Repair	36
3.	Canopies or Awnings Which Extend Over the Public Right of Way	37
4.	Canopies or Awnings Incorporating Signage	37
9.	Home Occupations	37
1.	Home Occupations Permitted	37
2.	Undesirable Home Occupations	37
3.	Regulations Respecting Home Occupations	37
4.	Bed and Breakfast Establishments	38
5.	Day Care Facilities	38
PART 4: DEVELOPMENT AGREEMENTS		41
<hr/>		
1.	Developments Subject to Development agreement	41
PART 5: RESIDENTIAL SINGLE UNIT (R1) ZONE		43
<hr/>		
1.	Permitted Uses	43
1.	Residential Uses	43

2.	<i>Non-Residential Uses</i>	43
3.	<i>Uses Permitted by Development Agreement</i>	43
2.	Zone Requirements	43
1.	<i>Lot, Yard, and Height Requirements</i>	43
2.	<i>Yard Requirements for Buildings over 25 feet (7.6 m) in Height</i>	43
3.	<i>Conformance with Existing Setbacks</i>	43
4.	<i>Municipal Services</i>	44
3.	Special Requirements – Flag lots	44
1.	<i>Lot, Yard, and Height Requirements</i>	44
2.	<i>Calculation of Lot and Yard Requirements</i>	44
3.	<i>Yard Requirements for Buildings over 25 feet (7.6 m) in Height</i>	44
PART 6: RESIDENTIAL TWO UNIT (R2) ZONE		45
1.	Permitted Uses	45
1.	<i>Residential Uses</i>	45
4.	<i>Non-Residential Uses</i>	45
5.	<i>Uses Permitted by Development Agreement</i>	45
2.	Zone Requirements	45
1.	<i>Lot, Yard, and Height Requirements</i>	45
2.	<i>Yard Requirements for Buildings over 25 feet (7.6 m) in Height</i>	46
3.	<i>Conformance with Existing Setbacks</i>	46
4.	<i>Municipal Services</i>	46
3.	Special Requirements – Flag lots	46
1.	<i>Lot, Yard, and Height Requirements</i>	46
2.	<i>Calculation of Lot and Yard Requirements</i>	46
3.	<i>Yard Requirements for Buildings over 25 feet (7.6 m) in Height</i>	46
4.	Special requirements – MINI-homes	46
1.	<i>Building Requirements</i>	46
PART 7: RESIDENTIAL MULTIPLE UNIT (R3) ZONE		49
1.	Permitted Uses	49
1.	<i>Residential Uses</i>	49
2.	<i>Non-Residential Uses</i>	49
3.	<i>Uses permitted by Development Agreement</i>	49
2.	Zone Requirements	49
1.	<i>Lot, Yard, and Height Requirements</i>	49
2.	<i>New Multiple Unit Dwellings</i>	50
3.	<i>Recreation Space Requirements</i>	50
4.	<i>Yard Requirements for buildings over 25 feet (7.6 m) in Height</i>	50
5.	<i>Conformance with Existing Setbacks</i>	50
6.	<i>Buffering</i>	50
PART 8: RURAL RESIDENTIAL (RR) ZONE		51
1.	Permitted Uses	51
1.	<i>Residential Uses</i>	51
2.	<i>Non-Residential Uses</i>	51
3.	<i>Uses Permitted by Development Agreement</i>	51
2.	Zone Requirements	51

1.	<i>Lot, Yard, and Height Requirements</i>	51
3.	Special Requirements – Flag lots	52
1.	<i>Lot, Yard, and Height Requirements</i>	52
2.	<i>Calculation of Lot and Yard Requirements for Flag Lots</i>	52
3.	<i>Yard Requirements for Buildings over 25 feet (7.6 m) in Height</i>	52
4.	Special requirements – Mini-Homes	52
1.	<i>Building Requirements</i>	52
PART 9: MOBILE HOME PARK (RMHP) ZONE		53
1.	Permitted Uses	53
1.	<i>Residential Uses</i>	53
2.	<i>Non-Residential Uses</i>	53
2.	Zone Requirements	53
1.	<i>Lot, Yard, and Height Requirements</i>	53
2.	<i>Permitted Location of Mobile Homes</i>	53
3.	<i>Signs</i>	53
4.	<i>Municipal Services</i>	53
PART 10: DOWNTOWN BUSINESS (C1) ZONE		55
1.	Permitted Uses	55
1.	<i>General Retail Uses</i>	55
2.	<i>Other-Commercial Uses</i>	55
3.	<i>Non-Commercial Uses</i>	56
4.	<i>Uses Permitted by Development Agreement</i>	56
2.	Zone Requirements	56
1.	<i>Lot, Yard, and Height Requirements</i>	56
2.	<i>Abutting Residential Zones</i>	56
3.	<i>Change of Use</i>	56
4.	<i>Outdoor Storage and Display</i>	57
5.	<i>Automobile Service Stations</i>	57
PART 11: NEIGHBOURHOOD COMMERCIAL (C2) ZONE		59
1.	Permitted Uses	59
1.	<i>Commercial Uses</i>	59
2.	<i>Non-Commercial Uses</i>	59
3.	<i>Uses Permitted by Development Agreement</i>	59
2.	Zone Requirements	59
1.	<i>Lot, Yard, and Height Requirements</i>	59
2.	<i>New Neighbourhood Commercial (C2) Uses</i>	59
3.	<i>Municipal Services</i>	59
4.	<i>Abutting Residential Zones</i>	60
PART 12: HIGHWAY COMMERCIAL (C3) ZONE		61
1.	Permitted Uses	61
1.	<i>Commercial Uses</i>	61
2.	<i>Non-Commercial Uses</i>	61
3.	<i>Uses Permitted by Development Agreement</i>	61
1.	<i>Lot, Yard, and Height Requirements</i>	Error! Bookmark not defined.

2.	<i>Abutting Yard Requirements</i>	62
3.	<i>Outdoor Storage and Display</i>	62
4.	<i>Automobile Service Stations</i>	62
PART 13: BUSINESS PARK (C4) ZONE		63
1.	Permitted Uses	63
1.	<i>Commercial Uses</i>	63
2.	<i>Non-Commercial Uses</i>	63
1.	<i>Lot, Yard, and Height Requirements</i>	63
2.	<i>Abutting Yard Requirements</i>	64
3.	<i>Automobile Service Stations</i>	64
PART 14: RESOURCE INDUSTRIAL (M1) ZONE		65
1.	Permitted Uses	65
1.	<i>Industrial Uses</i>	65
2.	<i>Non-Industrial and Mixed Uses</i>	65
2.	Zone Requirements	65
1.	<i>Abutting Yard Requirements</i>	65
2.	<i>Outdoor Storage and Display</i>	66
PART 15: INSTITUTIONAL (I) ZONE		69
1.	Permitted Uses	69
1.	<i>Institutional Uses</i>	69
2.	<i>Non-Institutional Uses</i>	69
3.	<i>Uses Permitted by Development Agreement</i>	69
2.	Zone Requirements	70
1.	<i>Lot Requirements</i>	70
2.	<i>Outdoor Storage and Display</i>	70
3.	<i>Where Abutting a Residential Zone</i>	70
PART 16: RECREATION (P) ZONE		71
1.	Permitted Uses	71
1.	<i>Recreation Uses</i>	71
2.	<i>Non-Recreational Uses</i>	71
2.	Zone Requirements	71
1.	<i>Lot Requirements</i>	71
2.	<i>Outdoor Storage and Display</i>	71
3.	<i>Public Uses</i>	72
4.	<i>Where Abutting a Residential Zone</i>	72

1

INTRODUCTION

1. TITLE

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

2. PURPOSE

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

3. DEVELOPMENT PERMIT APPLICATIONS

1. Prescribed Information

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

2. Other Information

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

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

3. Signature for Applications

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

4. BY-LAW ENFORCEMENT

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

5. EFFECTIVE DATE OF BY-LAW

This By-law shall take effect on the date the Minister of Municipal Affairs approves the document.

6. ZONING

1. Zoning Classification

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

ZONE CLASSIFICATION	SYMBOL
Residential Single Unit	R1
Residential Two Unit	R2
Residential Multiple Unit	R3
Rural Residential	RR
Mobile Home Park	RMHP
Downtown Business	C1
Neighbourhood Commercial	C2
Highway Commercial	C3
Business Park	C4
Resource Industrial	M1
Institutional	I
Recreation	P

2. Zoning Map

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

3. Interpretation of Zoning Boundaries

Boundaries between zones shall be determined as follows:

- a) Where a zone boundary is indicated as following a street, railway right-of-way, electrical transmission line right-of-way or watercourse the boundary shall be the centre line of the right-of-way or the top of the bank of the watercourse;
- b) Where a zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
- c) Where none of the above apply, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map.

7. CERTAIN WORDS

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

8. PERMITTED USES

1. Use Prohibited Unless Listed as a Permitted Use

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

2. Inclusion of Similar Uses

Where a permitted use within any zone is defined in Part 2: Definitions, the uses permitted within that zone shall include any similar uses which satisfy such definition, except where a definition specifically excludes any similar uses.

9. AMENDMENT OF THE BY-LAW AND DEVELOPMENT AGREEMENTS

1. When Considered

Amendments to this By-law may be considered for the following, in conformity with the Municipal Planning Strategy:

- a) addition or deletion of a permitted use within a zone;
- b) amendment of the zone requirements of a zone;
- c) amendment of the general provisions of the By-law;
- d) amendment to the Zoning Map.
- e) Development agreements may be considered for the uses listed in Part 4 of this By-law, in conformity with the Municipal Planning Strategy.

2. Application Procedures and Fees

Any person who wishes to obtain an amendment of this By-law or a development agreement shall submit an application in writing to the Clerk of the Town of Westville.

- a) The applicant shall deposit an amount sufficient to pay the cost of advertising required by the *Municipal Government Act*. The remaining portion of the deposit shall be returned to the applicant.
- b) Applications for development agreements will require a deposit sufficient to cover both the cost of advertising and registration of the development agreement as required by the *Municipal Government Act*. The portion of the remaining deposit shall be returned to the applicant.

2

DEFINITIONS

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

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

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

Act means the Municipal Government Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

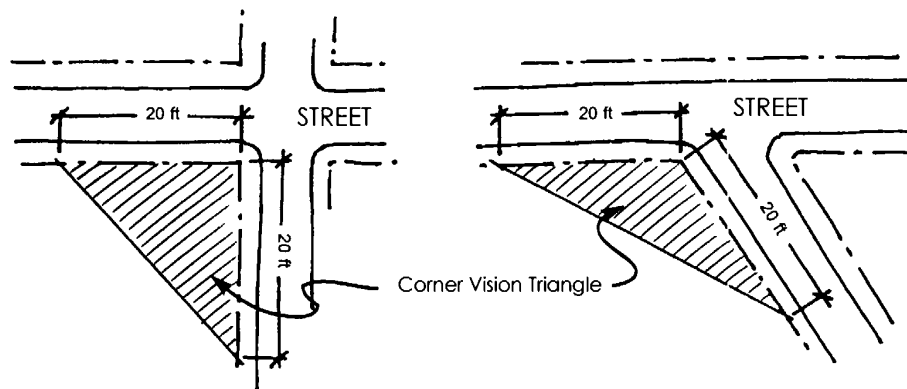
Commercial Uses Utilizing Heavy Equipment and/or Heavy Vehicles means a commercial use, that as part of its function, utilizes heavy equipment and/or vehicles which are stored on the same property such as: tractors, excavators, oil delivery trucks, transport trucks and/or trailers, dump trucks, buses,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

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

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

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

Corner Vision Triangle



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

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

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

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

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

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

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

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

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

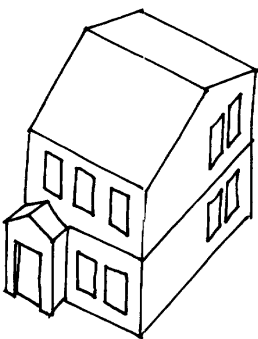
Dwelling Converted means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.

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

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

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

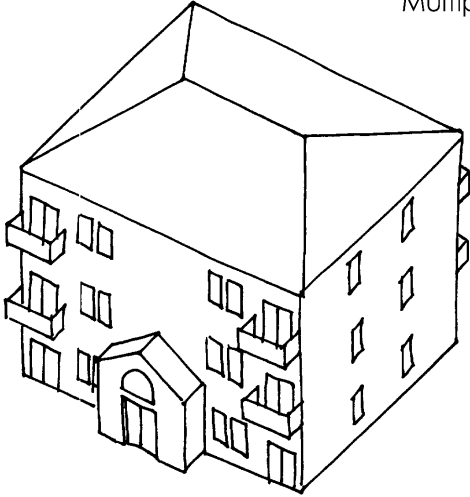
Dwelling, Mini-Home means a pre-manufactured home, transportable as a single unit to the site and containing CAN/CSA – A277-90 (or later) or CSA Z240 MH Series 92 (or later) Stamps; and has a length to width ratio of 3:1 or greater



Duplex

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

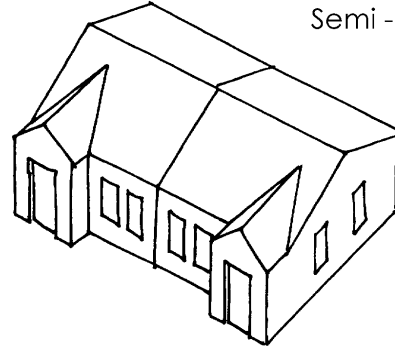
Multiple Unit



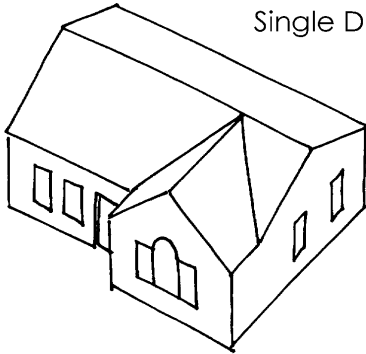
Dwelling, Multiple Unit means a building which contains three or more dwelling units which have a common entrance from the street level;

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

Semi - Detached



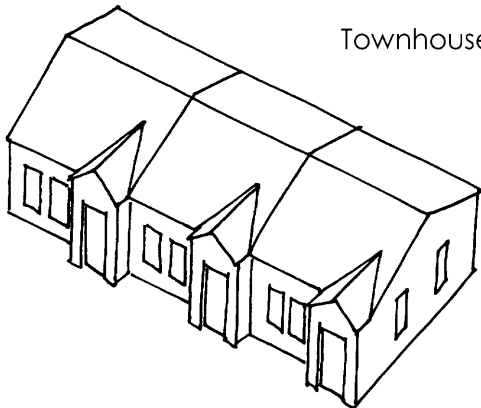
Single Detached



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

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

Townhouse



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

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

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

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

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



Established Grade = average of Elevation A and Elevation B

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

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

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

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

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

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

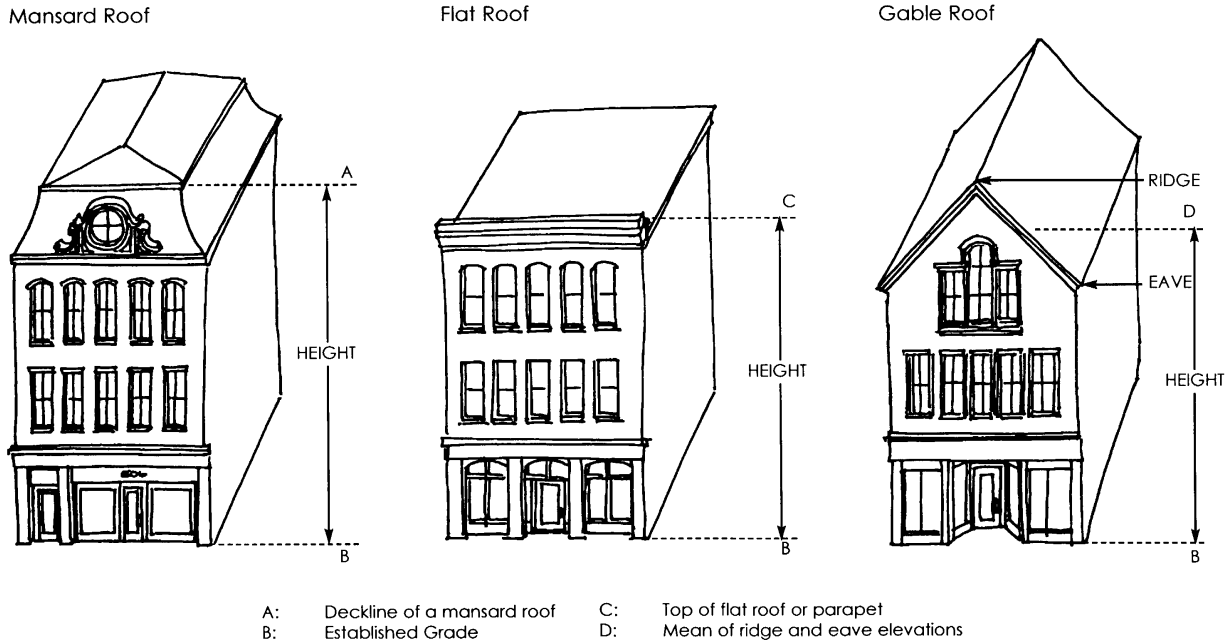
Forestry Uses means the general raising and harvesting of wood without limiting the generality of the foregoing shall include the leasing and cutting of fuel, wood, pulp wood, lumber, Christmas trees, and other products.

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

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

accessory roof construction used as ornament or the mechanical operation of the building such as a chimney, tower, cupola, steeple or antenna.

Illustration of Building Height Calculations



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

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

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

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

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

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

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

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

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

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

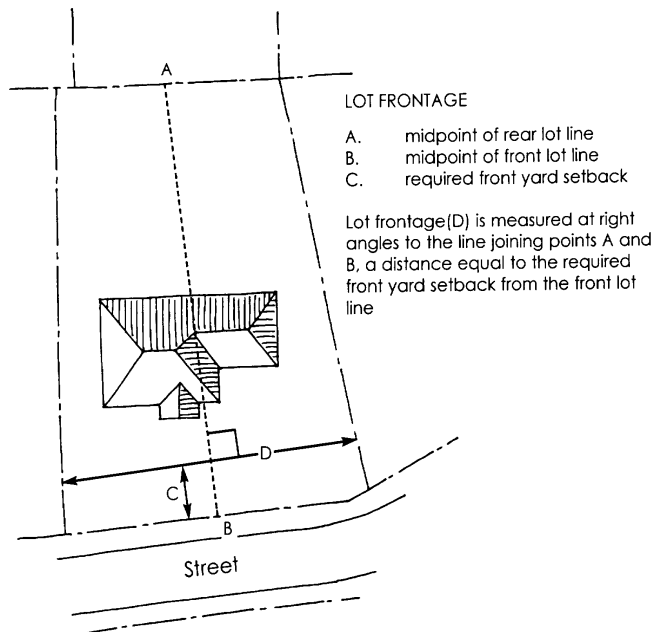
Licensed Liquor Establishment means a liquor establishment licensed by the Nova Scotia Liquor Licensing Board under the *Liquor Control Act*. Such establishments shall include those licensed as a club, beverage room, lounge, tavern, or cabaret.

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

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

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

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



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

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

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

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

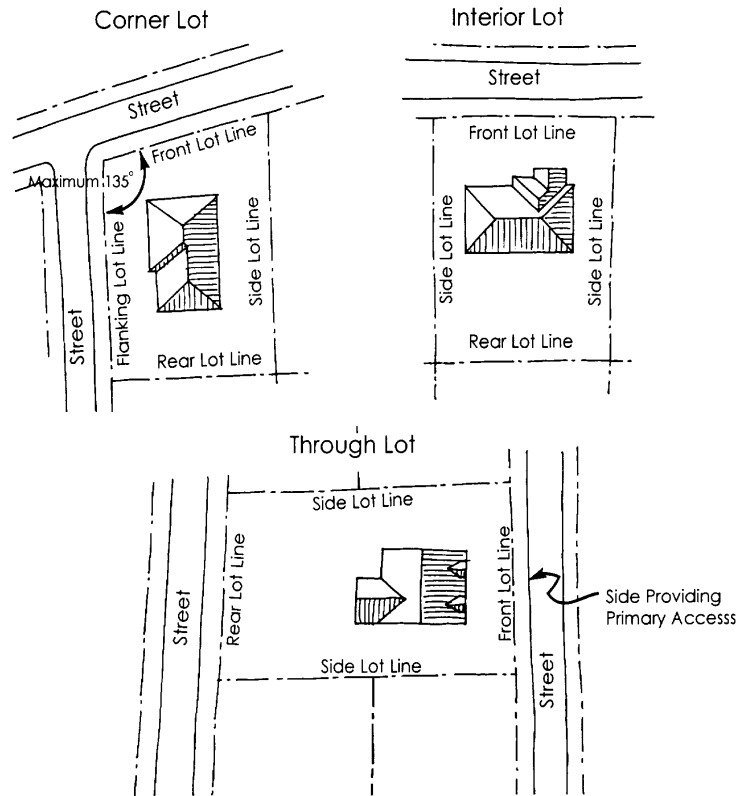
Lot Line, Side means a lot line other than a front or rear lot line, which is not a flanking lot line.

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

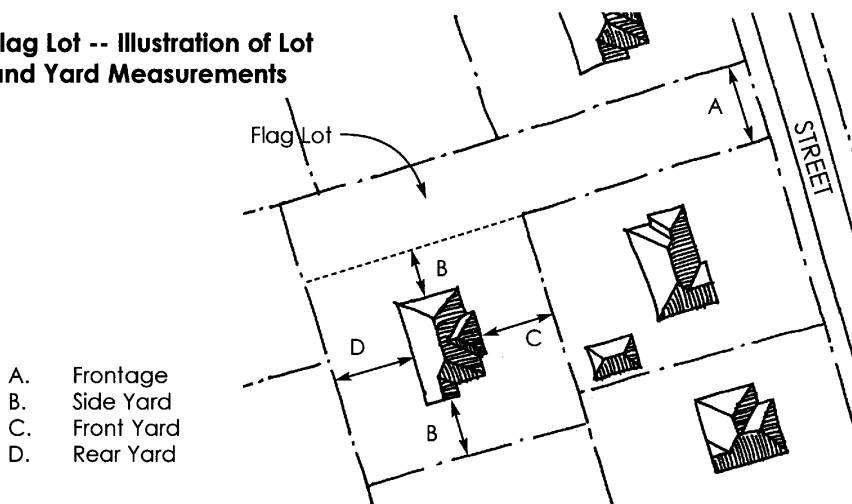
Lot, Interior means a lot situated between two lots and having access to one street.

Lot, Flag means a lot situated generally at the rear of another lot or lots and which is accessed by a narrow frontage from a public street

Illustration of Lot and Lot Line Definitions



Flag Lot -- Illustration of Lot and Yard Measurements



- A. Frontage
- B. Side Yard
- C. Front Yard
- D. Rear Yard

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

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

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

Mobile Home see **Dwelling, Mobile Home**

Mini-Home see **Dwelling, Mini Home**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sign, Menu Board means a permanently mounted sign displaying the bill of fare for a drive thru restaurant.



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

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

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

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

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

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

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

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

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

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

Special Care Facility means a building where accommodations and supervisory care or personal care are provided to four or more persons, including group homes, sheltered housing, foster homes, half-way houses, and may include incidental counselling and support services but shall not include the provision of skilled nursing care. A special care facility does not include a place maintained by a person to whom the residents are related by blood or marriage.

Steep means a slope gradient of 20 percent or greater.

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

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

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

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

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

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

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

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

Structure means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure; and include but are not limited to buildings, signs, pools and fences.

Studio means the working space of a creative person.

Swimming Pool means a water filled enclosure, permanently constructed or portable, whether above ground or in-ground, capable of holding water to a depth of more than 0.6 metres (2 feet) maintained or used, or which may be used for swimming or bathing, including reflecting pools and other such structures used as a part of the landscaping of a property, but excluding

existing natural bodies of water or streams. For the purposes of this By-law, swimming pools shall not be considered an accessory structure.

Town means the Town of Westville.

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

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

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

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

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

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

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

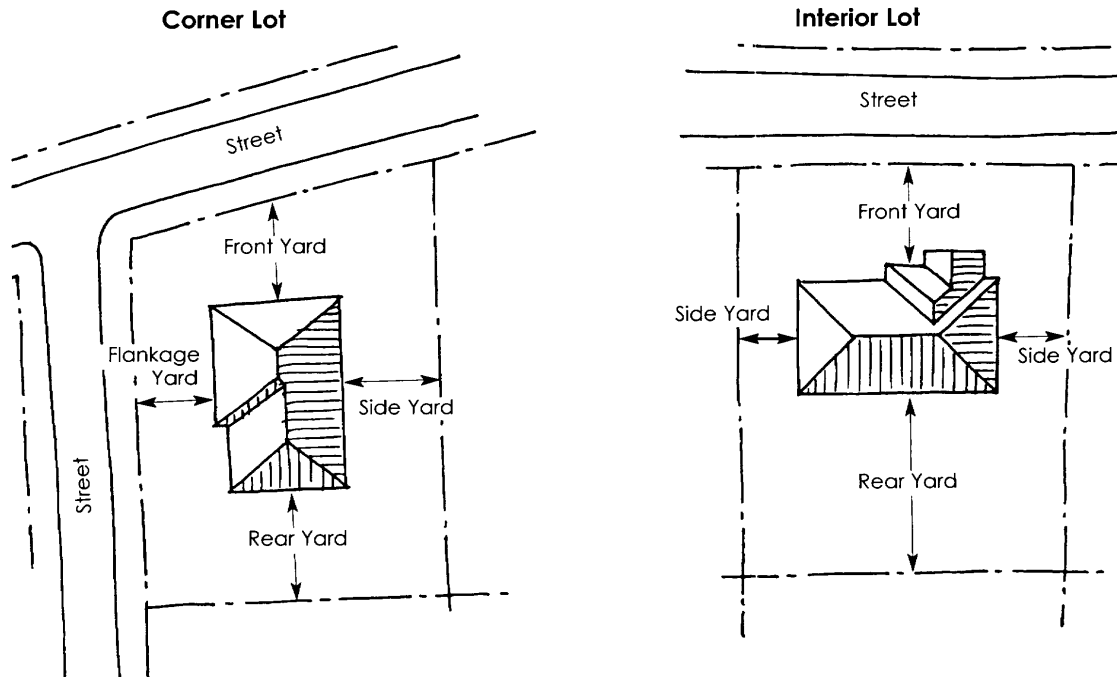
Watercourse means any lake, river, stream, natural drainage channel, bog, marsh or other body of water.

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

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

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

Illustration of Yard Definitions



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

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

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

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

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

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

3

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

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

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

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

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

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

2. Accessory Uses Permitted

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

3. Non-Conforming Uses

Any use of land, a building, or a structure that does not conform to the requirements of the By-law, or where construction has begun on a such a use, building, or structure on or before the effective date of this By-law, said use, building or structure shall be subject to the provisions of Sections 238 to 242 of the *Municipal Government Act* respecting non-conforming uses and structures.

4. Changes to Non-Conforming Uses or Structures

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

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

- e) the change of use of a non-conforming use of land or a structure to another non-conforming use; and
- f) expansions to non-conforming uses will not be permitted by development agreement

5. Temporary/Special Uses and Structures

Nothing in this By-law shall prevent the temporary use or erection of a building, structure or sign, including:

- a) a use or structure incidental to construction in progress (including scaffolding, offices which may include a mobile structure, sheds, work camps or similar uses) provided the use does not remain in place for more than 30 days after construction is completed or discontinued and provided a development permit has been issued;
- b) a use or structure erected for a special occasion or holiday such as midways, circuses, fairs, festivals, or special promotions provided that such uses remain in place no longer than fifteen (15) days. For these special uses no development permit shall be required.

6. Swimming Pools (outdoor)

- a) A swimming pool shall conform to the requirements of the Town of Westville's Swimming Pool By-law.
- b) A swimming pool, or the yard in which it is located, shall be enclosed by a fence or combination of buildings and fences. In the case of an in-ground pool, the fence shall not be situated within 4 feet (1.2 metres) of the inside edge of the pool.
- c) A fence enclosing a swimming pool shall have a minimum height of 5 feet (1.5 metres) and comply with the setback requirements as set out in Section 2(7) and Section 3(13) of this Part.
- d) In residential zones a swimming pool shall not be permitted in a required front yard.
- e) In commercial, institutional, or recreational zones, the minimum setback for a swimming pool from any lot line shall be 20 feet (6.1 metres), measured from the property line to the inside edge of the swimming pool.
- f) In the case of temporary and/or inflatable pools, the enclosure must be in place at all times during which the subject swimming pool is established on the property.

7. Fence Regulations

Fences shall be permitted in any zone within the Town and, unless otherwise provided for in this By-law, shall comply with the following:

- a) shall not exceed 6 feet (1.8 metres) in height, except in commercial and industrial zones where it shall not exceed 8 feet (2.4 metres) in height;
- b) for yards that abut a public street(s), fences shall not be located closer to the street(s) than the yard setbacks for the zone in which the fence is being erected, unless the fence does not exceed 4 feet (1.2 metres) in height;
- c) notwithstanding the above provisions fences shall not exceed 2 feet (0.6 metres) in height within a corner vision triangle, as provided for in Section 3 (12) of this Part.

8. Public Uses and Utilities

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

9. Truck, Bus and Coach Bodies

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

3. LOT, YARD AND OTHER DEVELOPMENT STANDARDS

1. Frontage on Street

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

2. One Main Building on a Lot

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

- a) buildings located in a Commercial, Industrial, Recreation, or Institutional Zone;
- b) non-residential buildings located in a Residential Suburban (R-1) Zone;
- c) existing and new multi-dwelling buildings located in a Residential Single-Dwelling (R-2) Zone;
- d) mobile homes located in a Mobile Home Park Zone.

3. Building to Be Erected on a Lot

No person shall:

- a) erect or use any building unless such building is erected on a lot;
- b) erect a building so that it crosses a lot line, as defined herein.

4. Existing Building/Use

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

5. Existing Undersized Lots

- a) Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels in existence prior to the adoption date of this By-Law, having less than the minimum frontage or area or both as required by this By-law, may be:
 - i) used for a purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied;
 - ii) increased in area or frontage or both, pursuant to section 19(a) of the Town's Subdivision By-law.
- b) In addition to Section 3(5)(a), where such lots are increased in size but remain undersized, they are still deemed to be existing undersized lots.

6. Conformance with Existing Setbacks in Residential Zones

- a) Notwithstanding anything else in this By-law; in any Residential Zone, setbacks from the public right of way shall be the greater of:
 - i) a distance equal to the average setback (front or flankage yard setback) of any adjacent buildings situated within 200 feet (61 metres) of the proposed structure; or
 - ii) 10 feet (3 metres)
- b) Where the setback requirement calculated in Clause a) is greater than the prescribed setbacks for the respective zone, the latter shall apply.

7. Restoration to a Safe Condition

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

8. Permitted Encroachments in Yards

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

TABLE 3.1
Permitted Encroachments in Yards

STRUCTURE	YARD PERMITTED	MAXIMUM PROJECTION
Belt courses, cornices, eaves, gutters, chimneys, sills, or pilasters	any yard	2 feet (0.6 m)
Window bays	any yard	3 feet (0.9 m) with a maximum width of 10 feet (3.0 m)
Steps, stairways	any yard	6 feet (1.8 m)
Porches (not exceeding 1 storey), uncovered decks, verandahs, balconies, terraces	any yard	8 feet (2.4 m) including eaves and cornices. No encroachment shall be permitted within 4 feet (1.2 m) of the lot line
Carports, attached garages	rear, side	3 feet (0.9 m)
Structures necessary for barrier free access	any yard	to lot line

9. Height Regulations

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

10. Illumination

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

11. Corner Vision Triangle

- a) Notwithstanding anything else in this By-law, on a corner lot, a fence, sign, hedge, shrub bush or tree or any structure or vegetation shall not be erected or permitted to grow to a height exceeding 2 feet (0.6 metres) above the grade level of the abutting streets in the triangular area measured along the abutting street line of each street, a distance of 20 feet (6.1 metres) from their point of intersection.
- b) Notwithstanding anything else in this section, where turning lanes have been installed and cut through the intended corner vision triangle, development exceeding the height limitation of two feet shall be permitted.

12. Side Yards on Corner Lots

Unless otherwise permitted by this By-law, no part of any building, accessory building, fence that exceeds 4 feet (1.2 metres) in height, or swimming pool situated on a corner lot shall be closer to the right-of-way of the flanking street than 15 feet (4.6 metres). Buildings situated in the General Commercial (C-1) Zone shall be exempt from this requirement; that is, no front or side yards shall be required within that zone.

13. Yard and Density Exceptions

- a) Where a front, side, or rear yard are required in this By-law, and part of the area is usually covered by water, or is beyond the rim of a riverbank or watercourse, or between the top and toe of a cliff or embankment having a slope of 30 percent or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the rim of said riverbank or watercourse, or to the top or toe of said embankment if such area is closer than the lot lines.
- b) The areas mentioned above shall also be excluded for purposes of calculating permissible densities for apartments and other multi-dwelling units.

4. ACCESSORY BUILDINGS, STRUCTURES, AND USES

1. Not for Human Habitation

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

2. Yard Requirements

An accessory building, structure, or use shall not

- a) be located within the required front yard of a lot;
- b) be built closer to a street than the required yard setback;
- c) be erected closer to the lot line of the flanking street than 15 feet (4.6 metres);
- d) be built within 6 feet (1.8 metres) of the main building;
- e) exceed 15 feet (4.6 metres) in height except in a Resource Industrial (M1), Highway Commercial (C3), Business Park (C4) or Rural Residential (RR) Zone
- f) be built closer than 4 feet (1.2 metres) to a lot line except that:
 - i) common semi-detached garages may be centred on the mutual side lot line; and
 - ii) in any residential zone except a Residential Suburban (R1) Zone, accessory buildings with no windows or openings on the side of the building which faces said lot line, may be located a minimum of 2 feet (0.6 metres) from said lot line
- g) have any eaves or cornice projecting within the setbacks prescribed in this section;
- h) cover more than ten percent of the lot except:
 - i) on an existing undersized lot in the Residential Single Unit (R1) Zone, where a maximum of 750 ft² (70 m²) in floor area may be permitted
 - ii) in the Resource Industrial (M1), Highway Commercial (C3), and Business Park (C4) Zones where there shall be no size restriction

3. Where Permitted

An accessory building, structure, or use shall not:

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

4. Maximum Building Footprint

An accessory building or structure, shall not have a building footprint in excess of 750 ft² (70 m²) except in an Industrial or Highway Commercial Zone.

5. Certain Structures Exempt

Drop awnings, clothes poles, garden trellises, and retaining walls shall be exempt from any requirements under this section.

5. PARKING AND LOADING REQUIREMENTS

1. Off-Street Parking Design Standards

- a) Every building or structure erected or enlarged shall provide off-street parking with unobstructed access to a public street.
- b) Off-street loading areas shall be located on the same property and within the same zone as the use to which the loading is accessory to.
- c) Off-street parking areas shall be:
 - i) Located on the same property and within the same zone as the use to which the parking is accessory to, or
 - ii) located within 300 feet (91 metres) of the use to which the parking is accessory to
- d) Clause 5(1)(c) shall not apply to the provision of off-street parking in the Downtown Business (C-1) Zone,
- e) Off-street areas shall consist of parking spaces for individual vehicles, loading spaces in specified circumstances, and driveways or aisles for access to parking spaces from a public street and for vehicle manoeuvring.
- f) Each parking space shall have an area of not less than 180 square feet (16.7 m²), and shall measure 9 feet (2.8 metres) by 20 feet (6.1 metres).
- g) Where off-street facilities for more than 4 vehicles are required or proposed, the following shall apply:
 - i) the parking area shall be maintained with a stable, all weather, surface which is treated to prevent the raising of dust or loose particles;
 - ii) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
 - iii) driveways or approaches to a parking area shall be defined by a curb of concrete, rolled asphalt or wood and the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
 - iv) where it can be reasonably achieved, the location of approached or driveways shall not be within 50 feet (15.2 metres) of a right of way of a street intersection;
 - v) the minimum width of a driveway or aisle in a parking area shall be 10 feet (3 metres) for one-way traffic and 20 feet (6.1 metres) for two-way traffic;
 - vi) there shall not be more than two exit ramps and two entrance ramps accessing any one public street
 - vii) in the Institutional (I), Recreation (P), Downtown Commercial (C1), Neighbourhood Commercial (C2) Zone, or any Residential Zone, the width of any ramp leading to a parking area shall not be less than 12 feet (3.7 metres) wide, measured at the curb, for one way traffic and not more than 25 feet (7.6 metres) wide, measured as aforesaid, for two-way traffic;

2. Off-Street Parking Requirements

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

TABLE 3.2
Parking Requirements for Residential Uses

Type of Building or Use	Parking Required
A residential dwelling containing not more than 2 dwelling units	2 space for each dwelling unit
Senior's Residential Complex	1 space for each dwelling unit
All other residential dwellings	1.5 parking spaces for each dwelling unit

TABLE 3.3
Parking Requirements for Commercial Uses

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

TABLE 3.3
Parking Requirements for Institutional Uses

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

TABLE 3.4
Parking Requirements for Industrial Uses

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

3. Cash-In-Lieu of Required Parking

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

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

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

4. Loading Spaces

- a) In any zone, any building or structure, which entails the regular shipping, loading and unloading of persons animals, goods or materials shall be required to maintain on the same

premises with every such building, structure or use, 1 off-street loading space for standing loading and unloading for every 30,000 ft² (2790 m²) of building floor area, or fraction thereof, to a maximum requirement of 6 loading spaces.

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

5. Parking and Storage of Commercial Vehicles in Residential Zones

- a) Parking or storage of vehicles used for a commercial purpose and exceeding 1 ton in rated capacity shall:
 - i) be prohibited within the Residential Single Unit (R1), Residential Multiple Unit (R3) Zone, or the Residential Mobile Home Park (RMHP) Zone;
 - ii) be permitted in the Residential Two Unit (R2) Zone, to a maximum of one vehicle per property; and
 - iii) be permitted to be parked or stored in the Rural Residential (RR) Zone, to a maximum of two vehicles per property.
- b) Vehicles loaded with materials considered to be obnoxious (including cargoes identified by labels as required by Federal Regulations under the Transportation of Dangerous Goods Act) shall not be parked or stored within any residential zone.

6. GENERAL REQUIREMENTS FOR SIGNS

1. Sign Requirements

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

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

2. Number of Signs

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

- a) window signs shall not be counted
- b) signs permitted under Section 6(3) of this Part shall not be counted
- c) canopies incorporating signage shall not be counted
- d) when matter is displayed in a random manner without organized relationship or elements, or when there is reasonable doubt about the relationship of elements, then each element is considered to be a single sign;

3. Signs Permitted In All Zones

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

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

4. Signs Prohibited in All Zones

The following signs are prohibited in any zone:

- a) Signs which are attached directly to or painted upon a roof of a building;
- b) Any sign which constitutes a hazard to public safety or health;
- c) Signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets or roads, or driveways;
- d) Signs, which obstruct free access to or from a fire escape door, window, or other required exit-way;
- e) Any sign which advertises a business painted on or attached to or supported by a tree, stone, cliff, or other natural object;
- f) Any sign which advertises a business no longer in operation, or a product which is no longer sold;
- g) Signs not erected by a public authority which are located at or near sharp road curves or severe changes in grade;
- h) Signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE-WAY", "YIELD" or any singular words, phrases, symbols, lights, characters, or colours such as directional arrows in such a manner or location as to interfere with, mislead, or confuse traffic along a public road;
- i) Signs which incorporate string lights, other than temporary holiday decorations; and
- j) Search lights, pennants, spinners, banners, and streamers except for occasions such as a grand opening, fairs, public festivals, exhibitions and similar occasions.

7. ADDITIONAL REQUIREMENTS FOR SIGNS

1. Signs in all Residential Zones

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

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

2. Signs in the Downtown Business Zone

Unless otherwise regulated in this By-law, a development permit may be issued for a sign in the Downtown Business (C1) Zone provided:

- a) there is a maximum of 2 signs per business premise, except where a business premise fronts onto two streets, in which case no more than 3 signs shall be permitted; where a business fronts onto three or more streets, no more than 9 signs shall be permitted;
- b) all signs are located on the lot containing the business being advertised;
- c) signs located on a property abutting a residential, institutional or recreational designation or use, shall not be located closer than 50 feet (15.2 metres) to the abutting property line;
- d) in the case of a facial wall sign:
 - i) the sign does not extend beyond the extremities of the wall on which it is affixed;
 - ii) the sign has no more than one message for each business premise in the building on which it is affixed where the building contains multiple occupancies; and

- iii) the sign does not have an area in excess of 10 percent of the area of the wall on which it is affixed.
- e) in the case of a projecting wall sign:
 - i) the sign does not project more than 6 feet (1.8 metres) from the wall on which it is attached;
 - ii) the sign does not project above the eaves, parapet, or roof line of a building;
 - iii) the sign, or any portion thereof, is not erected below a height of 10 feet (3 metres) above grade; and
 - iv) the sign has a maximum area of 20 ft² (1.5 m²).
- f) in the case of a ground sign or free standing sign:
 - i) the sign has a maximum height of 20 feet (6.1 metres), measured from grade to the highest part of the sign;
 - ii) the sign does not project beyond a property line or public right of way;
 - iii) there is a maximum of one ground sign permitted per lot;
 - iv) the sign has a maximum area of 50 ft² (4.6 m²);
- g) in the case of a portable sign:
 - i) there is a maximum of one portable sign permitted per business being advertised
 - ii) the sign must be temporary and displayed only during normal business hours;
 - iii) the sign must be placed directly in front of the business being advertised;
 - iv) the sign shall not obstruct the free flow of pedestrian traffic;
 - v) the sign has a maximum area of 10 ft² (0.9 m²);

3. Signs in the Neighbourhood Commercial Zone

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

- a) there is a maximum of 2 signs per business premise;
- b) all signs are located on the lot containing the business being advertised;
- c) in the case of a facial wall sign:
 - i) the sign does not extend beyond the extremities of the wall on which it is affixed;
 - ii) the sign has no more than one message for each business premise in the building on which it is affixed where the building contains multiple occupancies; and
 - iii) the sign does not have an area in excess of 10 percent of the area of the wall on which it is affixed.
- d) in the case of a projecting wall sign:
 - i) the sign does not project more than 6 feet (1.8 metres) from the wall on which it is attached;
 - ii) the sign does not project above the eaves, parapet, or roof line of a building;
 - iii) the sign, or any portion thereof, is not erected below a height of 10 feet (3 metres) above grade; and
 - iv) the sign has a maximum area of 20 ft² (1.5 m²).
- e) in the case of a ground sign or free standing sign:
 - i) the sign has a maximum height of 10 feet (3.1 metres), measured from grade to the highest part of the sign;
 - ii) the sign is not located within 10 feet (1.5 metres) of any public right of way or common property line;
 - iii) there is a maximum of one ground sign permitted per lot;
 - iv) the sign has a maximum area of 25 ft² (2.3 m²).

4. Signs in the Highway Commercial, Business Park and Resource Industrial Zones

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

- a) there are no more than 2 signs per business, except where a business premise fronts onto two or more streets, in which case no more than 3 signs shall be permitted;
- b) all signs are located on the lot containing the business being advertised;
- c) signs located on a property abutting a residential, institutional or recreational designation or use, shall not be located closer than 50 feet (15.2 metres) to the abutting property line
- d) in the case of a facial wall sign:
 - i) the sign does not extend beyond the extremities of the wall on which it is affixed;
 - ii) the sign has no more than one message for each business premise in the building on which it is affixed where the building contains multiple occupancies; and
 - iii) the sign does not cover more than 25 percent or 200 ft² (18.6 m²), whichever is less, of the area of the wall on which it is affixed
- e) in the case of a projecting wall sign:
 - i) the sign does not project more than 6 feet (1.8 metres) from the wall on which it is attached;
 - ii) the sign does not project above the eaves, parapet, or roof line of a building;
 - iii) the sign, or any portion thereof, is not erected below a height of 10 feet (3 metres) above grade; and
 - iv) the sign has a maximum area of 20 ft² (1.5 m²).
- f) in the case of ground signs or free standing signs:
 - i) the sign has a maximum height of 35 feet (10.6 metres), measured from grade to the highest part of the sign;
 - ii) the sign is not located within 10 feet (1.5 metres) of any public right of way or common property line;
 - iii) there is a maximum of one ground sign permitted per lot;
 - iv) the sign has a maximum area of 250 ft² (23.3 m²)
- g) in the case of a special event sign:
 - i) the sign has a maximum height of 10 feet (3 metres), measured from grade to the highest part of the sign;
 - ii) the sign has a maximum area of 35 ft² (3.25 m²);
 - iii) the sign is not located within 5 feet (1.5 metres) of any public right of way or common property line;
 - iv) the sign is situated on the same lot as the business it advertises; and
 - v) the sign is not utilized for more than 30 days; the minimum time-period between permits for temporary signs is 90 days.
- h) in the case of menu boards for drive thru-restaurants:
 - i) one (1) menu board is allowed per business. Such signs may be freestanding or wall mounted.
 - ii) the maximum aggregate area for a menu board shall not exceed 3.7 square metres (40 square feet).
 - iii) the maximum height shall not exceed 3.1 meters (10 feet) for free standing signs.
 - iv) the signs shall be located as to provide adequate queue storage and traffic circulation as determined by the Development Officer.
 - v) the sign shall not be readable from the public street right of way.
- i) in the case where a Highway Commercial (C3) zoned property has a minimum lot frontage of 700 ft.:
 - i) a maximum of two ground signs may be permitted per lot;
 - ii) one of the two permitted ground signs may have a maximum height of 18 metres (60 ft), measured from grade to the highest part of the sign,

- iii) the higher ground sign shall not be located within 15 meters (50 feet) of any public right of way or common property line,
- iv) the higher ground sign may have a maximum sign area of 74.3 sq. meters (800 ft²),
- v) one of the two permitted ground signs may have a maximum height of 7.6 meters (25 ft.), measured from grade to the highest part of the sign,
- vi) the lower ground sign shall not be located within 3 meters (10 ft) of any public right of way or common property line, and;
- vii) the lower ground sign shall have a maximum sign area of 15 sq meters (160 sq. ft.).

5. Signs in the Institutional, and Recreational Zones

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

- a) there is a maximum of 2 signs per property;
- b) all signs are located on the lot containing the use being advertised;
- c) in the case of a facial wall sign:
 - i) the sign does not extend beyond the extremities of the wall on which it is affixed;
 - ii) the sign has no more than one message for each business premise in the building on which it is affixed where the building contains multiple occupancies; and
 - iii) the sign does not have an area in excess of 10 percent of the area of the wall on which it is affixed.
- d) in the case of a projecting wall sign:
 - i) the sign does not project more than 6 feet (1.8 metres) from the wall on which it is attached;
 - ii) the sign does not project above the eaves, parapet, or roof line of a building;
 - iii) the sign, or any portion thereof, is not erected below a height of 10 feet (3 metres) above grade; and
 - iv) the sign has a maximum area of 20 ft² (1.5 m²).
- e) in the case of ground signs or free standing signs:
 - i) the sign has a maximum height of 25 feet (7.6 metres), measured from grade to the highest part of the sign;
 - ii) the sign is not located within 10 feet (1.5 metres) of any public right of way or common property line;
 - iii) there is a maximum of one ground sign permitted per lot;
 - iv) the sign has a maximum area of 25 ft² (2.3 m²)

8. CANOPIES AND AWNINGS

1. Development Permit Required

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

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

2. Maintenance and Repair

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

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

A development permit may be issued for a canopy or awning which extends over the public right of way provided that the requirements of Sections 8(1) and 8(2) of this part are met.

4. Canopies or Awnings Incorporating Signage

- a) A development permit may be issued for a canopy or awning incorporating signage provided that all applicable requirements of Sections 6 and 7 of this Part are satisfied.
- b) A canopy or awning incorporating signage shall be included in the calculation of the maximum permitted number of signs per lot or per premise.
- c) Pump island canopies incorporating signage shall be excluded in the calculation of the maximum permitted number of ground signs per lot per business.
- d) The maximum sign area on each façade of a pump island shall not exceed 140 sq. feet (13 sq. metres).

9. HOME OCCUPATIONS

1. Home Occupations Permitted

Nothing in this By-law shall prevent the use of a single detached dwelling, accessory building, or attached garage, for a home occupation provided that the building meets the setback, parking, and other applicable requirements of the relevant zone, in addition to meeting the following requirements for home occupations as set out in this Section. Further to the above, where a home occupation is proposed for an individual residential unit within an existing two-unit or three-unit residential building, additional provisions shall also apply as outlined below. These regulations shall not apply to the hobbies of an individual family member or other resident in the dwelling unit.

2. Undesirable Home Occupations

Home occupation shall not be considered to be auto repair shops, welding shops or anything that could be considered to be obnoxious.

3. Regulations Respecting Home Occupations

A development permits may be issued for a Home Occupation in the Residential Single Unit (R1), Residential Two Unit (R2), or Rural Residential (RR) Zone provided that:

- a) The business is wholly enclosed in a single dwelling residential building, accessory building, or attached garage which is located in a residential zone specified in the Land Use By-law,
- b) The business is operated solely by the person(s) living in the dwelling,
- c) The home occupation is clearly secondary to the main residential use and does not substantially change the residential character of the property
- d) The exterior structural appearance of the building is not altered in a way that would significantly detract from its appearance as a residential dwelling except to meet fire, safety, structural safety, or health regulations
- e) The home occupation is not likely to create a public nuisance in particular with regard to noise, traffic, or parking;
- f) The business, or equipment used in it, is not obnoxious by virtue of noise, odour, dust, vibration, smoke, or other emission
- g) There is no outdoor storage or display of materials or equipment;
- h) There is no external display or advertising other than one (1) ground sign limited to a total sign area of five (5) square feet,
- i) Parking for the home occupation is provided on the same lot at the rate of one (1) space for each three hundred (300) square feet of floor area occupied by the home occupation, in addition to the residential requirements in this By-law;

- j) The home occupation does not exceed 25% of the total floor area, that area being a portion of the residential dwelling unit (including an attached garage, unfinished basement or attic) to a maximum of 500 square feet;
- k) Where the business is proposed in an individual residential unit of a two or three unit residential building the following shall apply:
 - i) written consent of the property owner must be provided
 - ii) office uses as defined in the LUB only
 - iii) the business is operated solely by the resident of the dwelling

3. Bed and Breakfast Establishments

A development permit may be issued for a bed and breakfast establishment in a Residential Single Unit (R1), Residential Two Unit (R2), or Rural Residential (RR) Zone provided:

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

4. Day Care Facilities

A development permit may be issued for a day care facility in a Residential Single Unit (R1), Residential Two Unit (R2), or Rural Residential (RR) Zone provided:

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

4

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

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

1. innovative housing and site design projects in the Residential Designation as provided for in Policy R-11 of the Municipal Planning Strategy;
2. new, and expansions to existing, multiple unit residential dwellings within the Residential, Downtown Commercial, and Highway Commercial designations, as provided for in Policy R-10 of the Municipal Planning Strategy;
3. new, and expansions to existing, multiple unit residential dwellings with commercial uses in the Downtown Commercial, Highway Commercial, and Future Redevelopment Area designations, as provided for in Policy C-5 of the Municipal Planning Strategy;
4. new, and expansions to existing, senior's residential complexes within the Residential, Downtown Commercial, and Highway Commercial designations, as provided for in Policy R-5 of the Municipal Planning Strategy;
5. new, and expansions to existing, senior's residential complexes with commercial uses in the Downtown Commercial, and Highway Commercial designations, as provided for in Policy C-4 of the Municipal Planning Strategy;
6. new neighbourhood commercial uses and expansions to existing neighbourhood commercial uses on lots within the Residential designation, as provided for in Policy C-6 of the Municipal Planning Strategy;
7. new, and expansions to existing, multiple unit dwellings and senior's residential complexes with or without commercial uses in the Neighbourhood Commercial (C2) zone, as provided for in Policy C-8 of the Municipal Planning Strategy;
8. within all designations, alterations, excluding expansions; rebuilding; recommencement and change of use of non-conforming structures or non-conforming uses of land in accordance with Policy G-18 of the Municipal Planning Strategy;

5

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

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

1. Residential Uses

- single detached dwellings
- existing two unit dwellings
- bed and breakfast establishments with not more than three rooms to let
- boarding houses with not more than three rooms to let
- special care facilities to a maximum of ten residents with accessory residential uses, limited to one dwelling unit in the main building
- any structures and/or uses accessory to the foregoing

2. Non-Residential Uses

- home occupations
- uses permitted in the Recreation (P) Zone subject to the requirements of that zone
- any structures and/or uses accessory to the foregoing

3. Uses Permitted by Development Agreement

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

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

TABLE 5.1
Residential Single Unit (R1) Zone Requirements

Minimum Lot Area	6 000 ft ² (560 m ²)
Minimum Lot Frontage	60 feet (18.3 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard (interior)	10 feet (3 m)
Minimum Side Yard (flankage)	15 feet (4.6 m)
Maximum Height	35 feet (10.7 m)

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

The minimum side yard requirements set out in Table 6.1 notwithstanding, buildings in excess of twenty-five feet (7.6 m) in height shall have a side yard setback equal to or greater than ½ the height of the main building.

3. Conformance with Existing Setbacks

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

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

4. Municipal Services

A development permit shall only be issued in the Residential Single Unit (R1) Zone where the development is to be serviced by Municipal Water and Sewer.

3. SPECIAL REQUIREMENTS – FLAG LOTS

Section 2 of this Part notwithstanding, on a flag lot in the Residential Single Unit (R1) Zone, no development permit shall be issued except in conformance with the following requirements:

1. Lot, Yard, and Height Requirements

TABLE 5.2
Residential Single Unit (R-1) Zone Requirements
for Flag Lots

Minimum Lot Area	9000 ft ² (743 m ²)
Minimum Lot Frontage	50 feet (9.1 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard	10 feet (1.8 m)
Maximum Height	35 feet (10.7 m)

2. Calculation of Lot and Yard Requirements

Lot and yard requirements for flag lots shall be calculated as described in Part 2 Definitions of this by-law.

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

The minimum side yard requirements set out in Table 6.2 notwithstanding, buildings in excess of twenty-five feet (7.6 m) in height shall have a side yard setback equal to or greater than ½ the height of the main building.

6

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

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

1. Residential Uses

- single detached dwellings
- semi-detached dwellings
- duplex dwellings
- mini-homes
- two unit dwellings
- boarding houses with not more than three rooms to let
- bed and breakfast establishments with not more than three rooms to let
- special care facilities to a maximum of ten residents with accessory residential uses, limited to one dwelling unit in the main building
- any structures and/or uses accessory to the foregoing

4. Non-Residential Uses

- home occupations
- Recreation (P) uses subject to the requirements of the Recreation (P) Zone
- any structures and/or uses accessory to the foregoing

5. Uses Permitted by Development Agreement

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

2. ZONE REQUIREMENTS**1. Lot, Yard, and Height Requirements****TABLE 6.1**

Residential Two Unit (R2) Zone Requirements

Minimum Lot Area	Single Detached/Converted	6000 ft ² (560 m ²)
	Semi-Detached	3000 ft ² (280 m ²)/unit
	Duplex	6000 ft ² (560 m ²)
Minimum Lot Frontage	Single Detached/Converted	60 feet (18.3 m)
	Semi-Detached	30 feet (9.1 m)
	Duplex	60 feet (18.3 m)
Minimum Front Yard		20 feet (6.1 m)
Minimum Rear Yard		20 feet (6.1 m)
Minimum Side Yard	Single Detached/Converted	10 feet (3 m)
	Semi-Detached (common wall)	N/A
	Semi-Detached (outside wall)	10 feet (3 m)
	Duplex	10 feet (3 m)
Minimum Side Yard (flankage)		15 feet (4.6 m)
Maximum Height		35 feet (10.7 m)

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

The minimum side yard requirements set out in Table 6.1 notwithstanding, buildings in excess of twenty-five feet (7.6 m) in height shall have a side yard setback equal to or greater than $\frac{1}{2}$ the height of the main building.

3. Conformance with Existing Setbacks

In the Residential Two Unit (R2) Zone, the minimum front and, where applicable, flankage yard setbacks from a public right of way shall be either:

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

4. Municipal Services

A development permit shall only be issued in the Residential Two Unit (R2) Zone where the development is to be serviced by Municipal Water and Sewer.

3. SPECIAL REQUIREMENTS – FLAG LOTS

Section 2 of this Part notwithstanding, on a flag lot in the Residential Two Unit (R2) Zone, no development permit shall be issued except in conformance with the following requirements:

1. Lot, Yard, and Height Requirements

TABLE 6.2
Residential Two Unit (R2) Zone Requirements
for Flag Lots

Minimum Lot Area	9000 ft ² (743 m ²)
Minimum Lot Frontage	30 feet (9.1 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard	10 feet (1.8 m)
Maximum Height	35 feet (10.7 m)

2. Calculation of Lot and Yard Requirements

Lot and yard requirements for flag lots shall be calculated as described in Part 2 Definitions of this by-law.

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

The minimum side yard requirements set out in Table 6.2 notwithstanding, buildings in excess of twenty-five feet (7.6 m) in height shall have a side yard setback equal to or greater than $\frac{1}{2}$ the height of the main building.

4. SPECIAL REQUIREMENTS – MINI-HOMES

1. Building Requirements

In addition to the lot, yard, and height requirements set out in Section 2 and, where applicable, Section 3 of this Part, no development permit shall be issued for a mini-home in the Residential Two Unit (R2) Zone except in conformity with the following requirements:

- a) a mini-home shall be placed on a fixed masonry or cement foundation and in no instance shall the undercarriage of the mobile home be visible;
- b) a mini-home shall be oriented parallel to its frontage on an abutting street;
- c) a mini-home shall meet its definition in Part 2 of this Land Use By-law.

7

RESIDENTIAL MULTIPLE UNIT (R3) ZONE

1. PERMITTED USES

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

1. Residential Uses

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

2. Non-Residential Uses

- uses permitted in the Recreation (P) Zone subject to the requirements of the Recreation (P) Zone
- Special care facilities to a maximum of ten residents
- any structures and/or uses accessory to the foregoing

3. Uses permitted by Development Agreement

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

2. ZONE REQUIREMENTS

1. Lot, Yard, and Height Requirements

TABLE 7.1
Residential Multiple Unit (R3) Zone Requirements

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

2. New Multiple Unit Dwellings

In accordance with Policy R-10 of the Municipal Planning Strategy, new multiple unit dwellings shall only be permitted by development agreement.

3. Recreation Space Requirements

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

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

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

The minimum side yard requirements set out in Table 6.1 notwithstanding, buildings in excess of twenty-five (25) feet (7.6 m) in height shall have a side yard setback equal to or greater than ½ the height of the main building.

5. Conformance with Existing Setbacks

Notwithstanding anything else in this By-law; in the Residential Multiple Unit (R-3) Zone, the minimum front and, where applicable, flankage yard setbacks from a public right of way shall be either:

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

6. Buffering

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

8

RURAL RESIDENTIAL (RR) ZONE

1. PERMITTED USES

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

1. Residential Uses

- single detached dwellings
- existing two unit dwellings
- bed and breakfast establishments with not more than three rooms to let
- boarding houses with not more than three rooms to let
- special care facilities to a maximum of ten residents with accessory residential uses, limited to one dwelling unit in the main building
- any structures and/or uses accessory to the foregoing
- mini-homes

2. Non-Residential Uses

- home occupations
- animal hospitals and veterinary establishments
- agricultural uses, except feed lot operations, bulk storage, depots, commercial greenhouses, chicken farms, and agribusiness uses such as a tannery, rendering plant, or equipment sale and rental
- uses permitted in the Recreation (P) Zone subject to the requirements of the Recreation (P) Zone
- forestry uses
- stables and kennels
- any structures and/or uses accessory to the foregoing

3. Uses Permitted by Development Agreement

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

2. ZONE REQUIREMENTS

1. Lot, Yard, and Height Requirements

TABLE 8.1
Rural Residential (RR) Zone Requirements

Minimum Lot Area	40 000 ft ² (3716 m ²)
Minimum Lot Frontage	200 feet (61.0 m)
Minimum Front Yard	30 feet (9.1 m)
Minimum Rear Yard	30 feet (9.1 m)
Minimum Side Yard (interior)	10 feet (3 m)
Minimum Side Yard (flankage)	15 feet (4.6 m)
Maximum Height	35 feet (10.7 m)

3. SPECIAL REQUIREMENTS – FLAG LOTS

Section 2 of this Part notwithstanding, on a flag lot in the Rural Residential (RR) Zone, no development permit shall be issued except in conformance with the following requirements:

1. Lot, Yard, and Height Requirements

TABLE 8.3
Rural Residential (RR) Zone Requirements
for Flag Lots

Minimum Lot Area	43,000 ft ² (3995 m ²)
Minimum Lot Frontage	50 feet (9.1 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard	10 feet (1.8 m)
Maximum Height	35 feet (10.7 m)

2. Calculation of Lot and Yard Requirements for Flag Lots

Lot and yard requirements for flag lots shall be calculated as described in Part 2 Definitions of this by-law.

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

The minimum side yard requirements set out in Tables 8.1, 8.2, 8.3 notwithstanding, buildings in excess of twenty-five feet (7.6 m) in height shall have a side yard setback equal to or greater than ½ the height of the main building.

4. SPECIAL REQUIREMENTS – MINI-HOMES

1. Building Requirements

In addition to the lot, yard, and height requirements set out in Section 2 and, where applicable, Section 3 of this Part, no development permit shall be issued for a mobile home in the Rural Residential (RR) Zone except in conformity with the following requirements:

- a) a mini-home shall be placed on a fixed masonry or cement foundation and in no instance shall the undercarriage of the mobile home be visible;
- b) a mini-home shall be oriented parallel to its frontage on an abutting street;
- c) a mini-home shall meet its definition in Part 2 of this Land Use By-law.

9

MOBILE HOME PARK (RMHP) ZONE

1. PERMITTED USES

No development permit shall be issued in a Mobile Home Park (RMHP) Zone except for one or more of the following:

1. Residential Uses

- mobile homes
- mini-homes

2. Non-Residential Uses

- Recreation (P) uses subject to the requirements of the Recreation (P) Zone
- mobile/mini home park office
- mobile/mini home sales structure
- home occupations
- storage buildings
- common use buildings

2. ZONE REQUIREMENTS

1. Lot, Yard, and Height Requirements

TABLE 9.1

Mobile Home Park (RMHP) Zone Requirements

Minimum Lot Area	1 acre (4090 m ²)
Minimum Park Frontage	200 feet (61.0 m)

2. Permitted Location of Mobile Homes

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

3. Signs

Mobile home parks shall be permitted one ground sign to serve as an entrance and/or identification sign for the Park. Also, signs shall be permitted for a mobile home park offices and mobile home sales buildings as commercial uses. All signs shall be regulated as per the sign regulation in this Land Use By-law.

4. Municipal Services

A development permit shall only be issued in the Residential Mobile Home Park (RMHP) Zone where the development is to be serviced by Municipal Water and Sewer.

10

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

Permitted uses in the Downtown Business (C1) Zone shall include but not be limited to the following:

1. General Retail Uses

- art gallery/studio
- bakery/bake shop
- banks and financial institutions
- convenience store
- department stores
- dressmaking/tailoring
- drugstore/pharmacy
- dry cleaners
- florist
- general retail excluding mobile home sales, automobile sales, and other vehicle sales
- grocery stores
- hardware stores
- hotels and motels
- laundromat
- liquor stores
- office supply and equipment sales/service
- personal service shops
- pet grooming establishment
- photography studios
- postal or courier service
- printing establishments
- restaurants and associated outdoor cafes and eating areas
- retail garden centre
- video rental/sale

2. Other-Commercial Uses

- automobile service stations
- automobile body shop
- bed and breakfast establishments
- boarding and rooming houses
- commercial clubs
- commercial schools
- funeral parlours
- hotels, motels, inns, convention centres
- licensed liquor establishments (lounges, pubs, taverns, cabarets)
- offices
- parking lots and parking structures
- service and repair shops
- taxi stands
- theatres and cinemas
- tourist information centres

- bus terminal
- veterinary clinics
- wholesale establishments not to exceed 5000 ft² (1524 m²)

3. Non-Commercial Uses

- day care centre
- uses permitted in the Institutional (I) Zone
- recreational facilities
- existing multiple unit dwellings
- residential uses (maximum of two units) in commercial buildings
- existing residential uses subject to the requirements of the Residential Two Unit (R-2) Zone
- clinics
- uses permitted in the Recreation (P) zone subject to the requirements of the Recreation (P) Zone
- youth centre
- private clubs
- Light industrial uses (limited to firewood processing where the minimum lot size is 35,000 sq. ft)

4. Uses Permitted by Development Agreement

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

2. ZONE REQUIREMENTS

1. Lot, Yard, and Height Requirements

TABLE 10.1
Downtown Business (C1) Zone Requirements

Minimum Lot Area	3000 ft ² (279 m ²)
Minimum Lot Frontage	30 feet (9.1 m)
Minimum Front Yard	nil
Minimum Rear Yard	10 feet (3 m)
Minimum Side Yard (interior)	nil
Minimum Side Yard (flankage)	nil

2. Abutting Residential Zones

Notwithstanding the regulations set out in Table 10.1, where the interior side yard or the rear yard of a property in the Downtown Business (C1) Zone abuts a residential zone or use, the minimum interior side or rear yard respectively shall be 20 feet (6.1 metres) or, where an opaque fence at least 5 feet (1.5 metres) in height is built along the abutting lot line, the abutting yard requirement shall be 10 feet (3 metres).

3. Change of Use

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

4. Outdoor Storage and Display

- a) The outdoor storage and display of goods shall not be permitted except on a temporary basis and in conjunction with special events, sidewalk sales, or festivals;
- b) The outdoor storage and display of goods shall not occur for more than seven days in any one month period;
- c) Any outdoor storage or display accessory to an automobile body shop, including any vehicle, materials, or equipment, shall not be permitted;
- d) The outdoor storage of unprocessed and processed firewood shall be permitted.

5. Automobile Service Stations

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

- a) no portion of any pump island shall be located closer than 20 feet (6.1 metres) from any street right-of-way
- b) the minimum height of any canopy or cover over a pump island shall be 15 feet (4.6 metres)
- c) no part of any canopy or cover over a pump island shall be closer than 10 feet (3 metres) from any street right-of-way

6. Light industrial Uses (limited to firewood processing)

The following requirements apply to light industrial uses (limited to firewood processing)

- a) storage of unprocessed firewood shall not exceed 1000 sq. ft.
storage of unprocessed firewood shall be enclosed with secured fencing of a minimum height of 6 ft.

11

NEIGHBOURHOOD COMMERCIAL (C2) ZONE

1. PERMITTED USES

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

1. Commercial Uses

- offices
- personal service shops
- postal outlets
- service and repair shops (excluding automotive and small engine repair)
- take-out restaurants
- variety/convenience stores

2. Non-Commercial Uses

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

3. Uses Permitted by Development Agreement

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

2. ZONE REQUIREMENTS

1. Lot, Yard, and Height Requirements

TABLE 11.1

Neighbourhood Commercial (C2) Zone Requirements

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

2. New Neighbourhood Commercial (C2) Uses

In accordance with Policy C-16 of the Municipal Planning Strategy, new Neighbourhood Commercial Uses shall only be permitted by development agreement.

3. Municipal Services

A development permit shall only be issued in the Neighbourhood Commercial (C-2) Zone where the development is to be serviced by Municipal Water and Sewer.

4. Abutting Residential Zones

Notwithstanding the regulations set out in Table 11.1, where the interior side yard or the rear yard of a property in the Neighbourhood Commercial (C2) Zone abuts a residential zone or use, the minimum interior side or rear yard respectively shall be 20 feet (6.1 metres) or, where an opaque fence at least 5 feet (1.5 metres) in height is built along the abutting lot line, the abutting yard requirement shall be 10 feet (3 metres).

12

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

Permitted uses in the Highway Commercial (C3) Zone shall include but not be limited to the following:

1. Commercial Uses

- uses permitted in the Downtown Commercial (C1) Zone
- automobile body shops
- automobile rentals
- automobile sales and service
- bulk storage facilities
- commercial recreational uses
- commercial uses utilizing heavy equipment and/or heavy vehicles
- custom workshops
- general retail and rental shops
- automobile service station
- pet grooming establishment
- small engine and equipment repair
- wholesale uses
- warehousing, storage, and distribution

2. Non-Commercial Uses

- assembly uses
- uses permitted in the Recreation (P) Zone subject to the requirements of the Recreation (P) Zone
- residential uses in commercial buildings to a maximum of two units
- existing residential uses subject to the requirements of the Residential Two Unit (R2) Zone
- light industrial uses
- industrial services
- uses permitted in the Institutional (I) Zone subject to the requirements of the Institutional (I) Zone

3. Uses Permitted by Development Agreement

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

2. ZONE REQUIREMENTS**1. Lot, Yard, and Height Requirements****TABLE 12.1**

Highway Commercial (C3) Zone Requirements

Minimum Lot Area	Serviced with water and sewer	10,000 ft ² (3048 m ²)
	Unserviced	44,000 ft ² (4087.6 m ²)
Minimum Lot Frontage	Serviced with water and sewer	100 feet (30.5 m)
	Unserviced	200 feet (60.1 m)
Minimum Front Yard		20 feet (6.1 m)
Minimum Rear Yard		20 feet (6.1 m)
Minimum Side Yard (interior)		20 feet (6.1 m)
Minimum Side Yard (flankage)		20 feet (6.1 m)

2. Abutting Yard Requirements

Table 12.1 notwithstanding, where a yard on a lot located in a Highway Commercial (C-3) Zone abuts any Residential, Institutional, or Recreation Zone or use, the following provisions shall apply:

- a) the minimum yard requirement for an abutting yard shall be:
 - i) 30 feet (9.1 metres); or
 - ii) 15 feet (4.6 metres) where a fence, berm, or landscaping forms an opaque visual buffer at least 5 feet (1.5 metres) in height.
- b) no parking or loading space shall be permitted within the required abutting yard;
- c) driveways and access to parking and loading areas are permitted in the required abutting yard; and
- d) any required abutting yard, exclusive of any driveways or access to parking or loading areas, shall be landscaped open space

3. Outdoor Storage and Display

- a) Outdoor storage or display shall be permitted only within the rear or side yards and shall be limited to fifty percent lot coverage.
- b) Outdoor storage and display shall be fenced or otherwise screened to minimize their visibility from adjoining properties or public areas including streets.
- c) No outdoor storage or display shall be permitted within in a required abutting yard.
- d) Notwithstanding anything else in this Part, automobiles, watercraft, recreational vehicles, and other similar products, displayed for the purposes of sale or rent, shall be permitted within any yard abutting a public street within the Highway Commercial (C3) Zone.
- e) Any outdoor storage or display permitted under clause 2(3)(d) shall be exempt from the requirements set out in clauses 2(3)(a), 2(3)(b), and 2(3)(c).

4. Automobile Service Stations

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

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

5. Additional Yard Requirements for Loading/Unloading Facilities

Where a Highway Commercial Use requires tractor-trailer loading/unloading facilities as part of its operations, an additional yard area is required to ensure forward only access and egress as well as maneuvering space. A minimum 23,000 sq ft (2,090 sq. m) yard area shall be required in addition to existing lot and yard requirement set backs.

13

BUSINESS PARK (C4) ZONE**1. PERMITTED USES**

Permitted uses in the Business Park (C4) Zone shall include but not be limited to the following:

1. Commercial Uses

- offices
- automobile body shops
- automobile rentals
- automobile sales and service
- bulk storage facilities
- commercial recreational uses
- commercial clubs
- commercial uses utilizing heavy equipment and/or heavy vehicles
- custom workshops
- general retail and rental shops
- automobile service station
- veterinary clinic
- small engine and equipment repair
- wholesale uses

2. Non-Commercial Uses

- uses permitted in the Recreation (P) Zone subject to the requirements of the Recreation (P) Zone
- assembly uses
- service industries
- light industrial uses
- industrial services
- recycling depot
- uses permitted in the Institutional (I) Zone subject to the requirements of the Institutional (I) Zone

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

TABLE 13.1
Business Park (C4) Zone Requirements

Minimum Lot Area	10,000 ft ² (3048 m ²)
Minimum Lot Frontage	100 feet (30.5 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard (interior)	20 feet (6.1 m)
Minimum Side Yard (flankage)	20 feet (6.1 m)

2. Abutting Yard Requirements

Table 13.1 notwithstanding, where a yard on a lot located in a Business Park(C4) Zone abuts any Residential, Institutional, or Recreation Zone or use, the following provisions shall apply:

- a) the minimum yard requirement for an abutting yard shall be:
 - i) 30 feet (9.1 metres); or
 - ii) 15 feet (4.6 metres) where a fence, berm, or landscaping forms an opaque visual buffer at least 5 feet (1.5 metres) in height.
- b) no parking or loading space shall be permitted within the required abutting yard;
- c) driveways and access to parking and loading areas are permitted in the required abutting yard; and
- d) any required abutting yard, exclusive of any driveways or access to parking or loading areas, shall be landscaped open space

3. Automobile Service Stations

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

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

14

RESOURCE INDUSTRIAL (M1) ZONE**1. PERMITTED USES**

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

1. Industrial Uses

- any opening or excavation in, or working of any coal or coal bearing-substance, and any ore body, coal deposit, stratum, soil, rock, bed of earth, clay, sand, gravel, or place where mining is or may be carried on
- all works, machinery, plant, latrines, washhouses, and other buildings and premises below or above ground associated with the operation of a mine
- manufacturing, processing, assembly, and recycling
- parking and/or storage of industrial or heavy commercial vehicles, equipment, and similar goods
- forestry uses, including any structures or areas where timber is cut, sawed, planed, kiln dried, and may include outdoor storage of raw or finished lumber or products
- warehousing, storage, and distribution

2. Non-Industrial and Mixed Uses

- a combination of permitted uses in the same building
- commercial uses, accessory to a main use permitted in the Resource Industrial (M1) Zone, and conducted on the same building or lot as the main use
- Recreation (P) uses subject to the requirements of the Recreation (P) Zone

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

TABLE 14.1
Resource Industrial (M1) Zone Requirements

Minimum Lot Area	10000 ft² (929m²)
Minimum Lot Frontage	80 feet (24.4 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard	15 feet (4.6 m)
Minimum Side Yard (flankage)	20 feet (6.1 m)

2. Abutting Yard Requirements

Where a yard on a lot located in the Resource Industrial (M1) Zone abuts any Residential, Institutional, or Recreation Zone, the following provisions shall apply:

- a) the minimum yard requirement for an abutting yard shall be:
 - i) 50 feet (15.2 metres); or
 - ii) 30 feet (9.1 metres) where a fence, berm, or landscaping forms an opaque visual buffer at least 6 feet (1.8 metres) in height.
- b) no parking or loading space shall be permitted within an abutting yard requirement;

- c) driveways and access to parking and loading areas shall be permitted in the abutting yard requirement; and
- d) any abutting yard requirement, exclusive of any driveways or access to parking or loading areas, shall be landscaped open space

3. Outdoor Storage and Display

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

15

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

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

1. Institutional Uses

- cemeteries
- colleges/universities
- community centres
- cultural uses
- daycare facilities/nursery schools/early learning centres and accessory residential uses (limited to one residential unit)
- fire stations
- food banks
- hospitals
- libraries
- museums
- non-commercial schools
- places of worship and associated residential uses
- police stations
- post offices
- private clubs
- private recreational facilities
- private and public schools
- public buildings
- special care facilities with accessory residential uses, limited to one dwelling unit in the main building
- youth centres

2. Non-Institutional Uses

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

3. Uses Permitted by Development Agreement

- multiple unit residential dwellings and accessory structures/uses subject to the requirements as set out in the development agreement

2. ZONE REQUIREMENTS

1. Lot Requirements

TABLE 15.1
Institutional (I) Zone Lot Requirements

Minimum Lot Area	Serviced	6000 ft ² (557.5 m ²)
	Unserviced	20 000 ft ² (1858 m ²)
Minimum Lot Frontage	Serviced	60 feet (18.3 m)
	Unserviced	150 feet (45.7 m)
Minimum Front Yard		20 feet (6 m)
Minimum Rear Yard		20 feet (6 m)
Minimum Side Yard (interior)		15 feet (4.6 m) or half the height of the main building, whichever is greater
Minimum Side Yard (flankage)		15 feet (4.6 m)

2. Outdoor Storage and Display

Notwithstanding Part 3, Section 2(5) Temporary/Special Uses, the outdoor storage or display of goods in the Institutional (I) Zone shall be prohibited except in conjunction with special events, sidewalk sales, or festivals, to a maximum period of thirty days for each calendar year.

3. Where Abutting a Residential Zone

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

- a) The minimum side and rear yard requirement for the abutting yard shall be 20 feet (6.1 metres) and all areas within the abutting yard shall be landscaped open space.
- b) No parking space shall be permitted in a required abutting yard except where an opaque fence and/or landscaped buffer strip, having a minimum width of 6 feet (1.8 metres), is provided.

16

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

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

1. Recreation Uses

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

2. Non-Recreational Uses

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

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

TABLE 16.1
Recreation Zone Lot Requirements

Minimum Lot Area	nil
Minimum Lot Frontage	20 feet (6 m)
Minimum Front Yard	20 feet (6 m)
Minimum Rear Yard	20 feet (6 m)
Minimum Side Yard	15 feet (4.6 m) or half the height of the main building, whichever is greater

2. Outdoor Storage and Display

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

3. Public Uses

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

4. Where Abutting a Residential Zone

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

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

APPENDIX A

PERMIT APPLICATION FEE

At the time of application for approval of a Development Permit, the applicant shall submit to the development officer:

- a fee of \$25.00 per application for approval of a development permit.