

Town of Yarmouth - Land Use By-law

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I, JEFF GUSHUE, Clerk and Chief Administrative Officer of the Town of Yarmouth, do hereby certify that the foregoing is a true copy of the revised Land Use By-law of the Town of Yarmouth.

GIVEN UNTO the hand of the Town Clerk/Chief Administrative Officer and the Corporate seal of the Town this 10th day of January A.D.,2008

Jeff Gushue
Town Clerk/Chief Administrative Officer

Town of Yarmouth - Land Use By-law
Preamble

Persons referring to this By-law for information on the standards for development should first refer to the provisions respecting the particular zone in which the property is located. If the zone is not known, consult the Zoning Map (Schedule "A") which forms part of this By-law. Secondly, persons should determine if the proposed development satisfies the general requirements of the Land Use By-law. It should be noted that this By-law is subject to amendment from time to time. Reference should also be made to the definitions outlined in Part 30 of this By-law.

Part 1 - Title and Application

1.1 Title and Application

This By-law shall be known and may be cited as the "Land Use By-law" of the Town of Yarmouth and shall apply to all those lands located within the boundaries of the Town of Yarmouth.

Part 2 - Zones and Zoning Map

2.1 Zones

For the purposes of this By-law, the Town of Yarmouth is divided into the following zones and areas, the boundaries of which are shown on the Zoning Map (Schedule "A") and other applicable schedules attached. Such zones and areas may be referred to by their appropriate symbols:

Low Density Residential	R-1
Medium Density Residential	R-2
High Density Residential	R-3
Mobile Home Park	R-M
Residential Holding	R-H
Downtown Commercial	C-1
General Commercial	C-2
General Commercial Mainstreet	C-2M
Secondary Commercial	C-3
Local Commercial	C-4
Commercial Industrial	CI-4
Waterfront Commercial Industrial	WCI-5
Commercial Holding	C-H
General Industrial	M-1
Waterfront Industrial	M-2
Open Space	O-1
Flood plain	O-2
Environmentally Sensitive	E-S
Architecturally Sensitive Area	A-S
Institutional	I-1
Business Floating	B-F

2.2 Zoning Map and Schedules

Schedule "A" attached hereto may be cited as the Zoning Map. The Zoning Map and all other Schedules and Appendixes attached hereto are hereby declared to form a part of this By-law.

Part 3 - Interpretation

3.1 Symbols

The symbols used on the Zoning Map (Schedule "A") attached hereto, refer to the appropriate zones established by this By-law.

3.2 Defined

The extent and boundaries of zones are shown on the Zoning Map, (Schedule "A") attached hereto, and for all such zones, the respective provisions of this By-law shall apply.

3.3 Interpretation of Zoning Boundaries

Boundaries between zones shall be determined as follows:

- (1) Where a zone boundary is indicated as following a street or highway, the boundary shall be the center line of such a street or highway;
- (2) Where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
- (3) Where a street, highway or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the Zoning Map, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;
- (4) Where a railroad right-of-way, electrical transmission line right-of-way or watercourse is included on the Zoning Maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise;
- (5) Where a zone boundary is indicated as following the limits of the Town, the limits shall be the boundary; or,
- (6) Where none of the preceding provisions apply, and where appropriate, the zone boundary shall be scaled from the Zoning Map (Schedule "A").

3.4 Certain Words

In this By-law, unless clearly indicated otherwise, words used in the present tense include future, words in the singular number include the plural, words in the plural include the singular number,

words in the masculine include the feminine, and the word "used" includes "arranged", "designed or intended to be used", and the word "shall" is mandatory and not permissive.

3.5 Permitted Uses

In this By-law, any use not listed under "Permitted Uses" in a particular zone is prohibited.

3.6 Explanatory Notes

Throughout this By-law are explanatory notes enclosed within a box. These notes are for information purposes only and do not form part of this By-law.

3.7 Metric Dimensions

All units of measure contained in this By-law are metric standards. All imperial measurements in parenthesis are approximate equivalents only and are provided for the convenience of the reader.

Part 4 - Administration

4.1 Enforcement

This By-law shall be administered by the Development Officer.

4.2 Scope of Application

Every application for a development permit shall be accompanied by plans drawn to an appropriate scale showing:

- (1) The true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
- (2) The proposed location, height and dimensions of the building, structure, or work in respect of which the permit is applied for;
- (3) The location of every building or structure already erected on or partly on such lot;
- (4) The proposed location and dimensions of parking spaces, loading spaces, accesses to any public streets or rights-of-ways, driveways and landscaped areas; and,
- (5) 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.

4.3 Survey Necessary

Where the Development Officer is unable to determine whether the proposed development conforms to this By-law and its provisions which affect the proposed development, he may require that the plans submitted under Part 4.2 be based on a current survey by a Nova Scotia Land Surveyor.

4.4 Signature for Application

The application shall be signed and dated by the registered owner or by the owner's duly authorized agent. The application shall set forth in detail the current and proposed use of the lot and each building or structure together with all information necessary to determine whether or not every such existing or proposed use of land, building or structure conforms with the requirements of this By-law.

4.5 Expiration of Development Permit

Any development permit issued shall expire six (6) months from the date of issue, should no development begin within the aforementioned time period.

4.6 Revocation of a Development Permit

The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate. Any revocation shall be sent by regular mail and becomes effective three (3) days after the mailing date.

4.7 Amendments to By-law, Application for Development Agreement or Amendment to Development Agreement

(1) Any person who wishes to amend or revise this By-law or who wishes to make application to enter into a development agreement or amend a development agreement shall submit an application in writing to the Town of Yarmouth.

(2) The application shall state an address for service.

(3) The applicant shall deposit with the Town an amount estimated by the Clerk to be sufficient to pay the cost of advertising required by the Municipal Government Act. Where Council decides not to proceed with the application, the deposit shall be returned to the applicant.

(4) After the relevant notice and advertising required pursuant to the Municipal Government Act has been completed, the applicant shall pay to the Clerk any additional amount necessary to defray the cost of advertising or if there is a surplus, the Clerk shall refund the same to the applicant.

4.8 Notification to Property Owners

When an application has been received to amend this By-law for a site specific purpose or to enter into a development agreement or amend a development agreement, all property owners within 30 meters (100 ft.) of the subject property shall be notified of the application and the date of the public hearing by regular mail, seven days prior to the public hearing.

4.9 Date of By-law

This By-law shall take effect on the date of publication of the notice of approval pursuant to Section 208 of the Municipal Government Act.

Part 5 - General Provisions for All Zones

These general provisions apply to all zones except where a particular zone or use is specified.

5.1 Scope

(1) No building or structure shall hereafter be erected or altered, nor the use of any building, structure or lot hereafter be changed unless a development permit has been issued and no development permit shall be issued unless all the provisions of this By-law are satisfied.

(2) Unless otherwise stated in this By-law, no person shall undertake a development on a lot in the Town of Yarmouth without first obtaining a development permit from the Development Officer.

(3) Any person who violates a provision of this By-law shall be subject to prosecution as provided for under the Municipal Government Act.

5.2 Fronts Upon a 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 owned and maintained by the Town of Yarmouth or by the Province of Nova Scotia with a street frontage of at least 6m (19.7 ft.), except where the lot or parcel is located on Baker's Island. All lots, including the remainder, created on Baker's Island, shall have water frontage of at least 6m (19.7 ft.).

5.3 Licenses, Permits and Compliance with Other By-laws

Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-law in force within the Town, or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Town of Yarmouth. Where the provisions of the By-law conflict with those of any other Municipal or Provincial requirements, the higher or more stringent regulations shall prevail.

5.4 Non-Conforming Structures, Non-Conforming Uses and Existing Uses

(1) Non-conforming structures shall be subject to Sections 238, 239, 240, 241 and 242 of the Municipal Government Act.

(2) Non-conforming uses and existing uses shall be listed and regulated pursuant to Schedule "C" of this By-law.

5.5 Variations Regarding Non-Conforming Structures and Uses

(1) Notwithstanding Part 5.4, a non-conforming structure which is unintentionally damaged or destroyed through no fault of the owner may be rebuilt, repaired or renovated provided the structure is substantially the same as it was before the damage or destruction and used for a purpose permitted by the Land Use By-law.

(2) Notwithstanding Part 5.4, a non-conforming structure may be enlarged, reconstructed, repaired or renovated provided:

- a. the enlargement, reconstruction, repair, or renovation does not further reduce the front yard, side yard, rear yard, or separation distance that does not conform to this By-law;
- b. the use conforms with the Land Use By-law; and,
- c. all other applicable provisions of the Land Use By-law are satisfied.

(3) Notwithstanding Part 5.4, a structure containing a non-conforming use which is unintentionally damaged or destroyed through no fault of the owner may be rebuilt, repaired, or renovated within one year of the date of the damage or destruction provided the structure is substantially the same as it was before the damage or destruction and used for a purpose permitted by the Land Use By-law or otherwise has not changed its non-conforming use.

(4) Notwithstanding Part 5.4, a structure containing a non-conforming use may be expanded in compliance with this by-law provided the addition shall not at any time be used for the purpose of the non-conforming use.

5.6 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of a non-conforming use and/or non-conforming structure that the provisions of this By-law respecting non-conforming uses and/or non-conforming structures are satisfied.

5.7 Existing Lots: Change In Use To A Permitted Use

(1) Notwithstanding anything else in this By-law, the use of a main building existing on a lot on the effective date of this By-law may be changed to a use permitted on the lot by this By-law where the lot frontage, lot area, front yard, flanking yard, rear yard or side yards or all of these are less than the requirements; provided the yards which do not conform are not further reduced; and, provided all other requirements of the Land Use By-law are satisfied.

(2) Notwithstanding anything else in this By-law, the use of land existing on a lot on the effective date of this by-law may be changed to a use permitted by the Land Use By-law where the lot frontage or lot area or both are less than the requirements and provided all other requirements of the Land Use By-law are satisfied.

(3) For the purpose of this section, any existing undersized lot which is increased in area or frontage or both, but still remains undersized shall still be considered an existing lot. Additionally, any lot which is decreased in area or frontage or both but still satisfies the minimum lot area or lot frontage requirements shall still be considered an existing lot.

<p>Explanatory Note: For greater certainty, Part 5.7 shall not apply to rezonings or development agreement applications.”</p>
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5.8 Waiver of Lot Area and Lot Frontage Requirements:

Notwithstanding anything else in this By-law, a lot approved in accordance with any one of the following or a combination thereof may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued provided that all other applicable provisions in this By-law are satisfied

(1) A lot approved in accordance with Section 6(4) of the Town's Subdivision By-law which allows the creation of lots that have less than the required frontage or area or both provided neither is less than 90% of the requirements for frontage and area as set out in this By-law.

(2) A lot approved in accordance with Section 6(5) of the Town's Subdivision By-law which allows the alteration of lot boundaries where:

- a.** no additional lots are created;
- b.** each lot meets the minimum dimensions for frontage as set out in this By-law, or has not had its frontage, if any, reduced; and,
- c.** each lot meets the minimum dimensions for lot area as set out in this By-law, or has not had its area reduced.

(3) A lot approved in accordance with Section 6(6) of the Town's Subdivision By-law which allows the subdivision of lands where a development component of a permanent nature such as a building, structure, well, on-site sewage disposal system or driveway is encroaching in or upon an immediately adjacent area of land, to the extent necessary and practical to remove the encroachment.

(4) A lot approved in accordance with Section 6(7) of the Town's Subdivision By-law which allows the subdivision of lands with two (2) or more main buildings where:

- a.** each resulting lot has a main building on it if required by the Land Use By-law and if such building contains a building drainage system as defined under the Nova Scotia Regulations Respecting On-site Disposal Systems of the Department of Environment, each lot shall be served by its own on-site sewage disposal system, or if such building is tied to the Town's system, each building shall be serviced with its own municipal sewer and water connection, or a combination thereof;

b. each resulting lot complies with the minimum lot frontage and area requirements of the Land Use By-law; and,

c. the common lot line or lines between the resulting lots shall, if possible, comply with the minimum yard requirements of the Land Use By-law.

5.9 Height Requirements

The height requirements of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, cupolas, chimneys, clock towers, drive-in theatre screens, water towers or satellite dishes.

5.10 Temporary Uses Permitted

Nothing in this By-law shall prevent the temporary use of a building or structure incidental to a construction project provided a development permit has been issued for the main construction project and the use is discontinued and removed within thirty (30) days following completion of the main construction project.

5.11 Special Occasions and Special Sales Occasion

(1) Notwithstanding anything else in this By-law, a temporary building or structure may be erected or a temporary use of land may be established for a special occasion or holiday provided no such building, structure or use remains in place for more than fourteen (14) consecutive days.

(2) Notwithstanding anything else in this By-law, a temporary building or structure may be erected or a temporary use of land may be established for a special sales occasion in any commercial zone provided no such building, structure or use remains in place for more than fourteen (14) consecutive days. A maximum of two (2) special sales occasion per business premise shall be permitted per lot per calendar year.

5.12 Building to be Moved

No building shall be moved without the owner first obtaining a development permit to locate the building.

5.13 Unsightly, Unsafe or Dangerous Condition

Nothing in this By-law shall prevent the application of any Provincial regulation or Town By-law with respect to unsightly, unsafe or dangerous premises.

5.14 Illumination

No person shall illuminate an area outside of any building or structure unless the illumination is directed away from any nearby properties located within the residential designation.

5.15 Multiple Uses

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

5.16 Automobile, Truck, Bus and Coach Bodies

No automobile, truck, bus, coach body, transport container or similar structure shall be used for human habitation within the Town, whether or not same is mounted on wheels. However, a recreational vehicle may be sited on a lot and used for human habitation purposes provided such use does not exceed thirty (30) days.

5.17 Fences

(1) Except where fencing is required by any other part of this By-law, no fence shall exceed a maximum height of 3m (9.8 ft.) and where any fence abuts a street, such fence:

- a. shall not incorporate or use any barbed wire; and,
- b. shall not utilize any gate unless it swings inward so as not to interfere with the street travel surface.

(2) Except where fencing is required by any part of this By-law, no development permit shall be required for a fence.

5.18 Street Classifications

For the purpose of this By-law, streets within the Town shall be classified as shown on Schedule "E" - Street Classification Map of this By-law. Any streets not identified on Schedule "E" shall be deemed to be "Local Streets".

5.19 Access From a Lot to a Street - General

The following standards shall apply to any vehicular access or entranceway from a lot to a public street:

(1) Maximum number of accesses shall be two, except in the case where a lot fronts on more than one street, where two accesses shall be permitted per frontage, to a total maximum number of four accesses per lot. Notwithstanding, lot consolidations approved by subdivision may maintain existing entranceways provided:

- a. no alterations to the existing entranceways are undertaken or are otherwise altered closer to compliance;
- b. all existing entranceways are developed and maintained in conformance with the standards of this By-law;

- c. no more than three (3) entranceways per frontage to a total maximum number of four (4) accesses per lot are maintained and provided the number of entrances per frontage shall not exceed one for every 30m (98.4 ft.) of street frontage or portion thereof; and,
- d. all other requirements of this Land Use By-law are satisfied.

(2) Maximum width of any access for two-way traffic shall be 10m (32.8 ft.) and 5m (16.4 ft.) for one-way traffic. The minimum width of any access for two-way traffic shall be 6.1m (20 ft.) feet and 3.1m (10 ft.) for one-way traffic. The change in use of any existing development shall be exempt provided the widths of any existing entranceways are not altered or are otherwise altered closer to compliance;

(3) Minimum separation distance between accesses shall be 12.2m (40ft.). The change in use of any existing development shall be exempt provided the location of any existing entranceways are not altered or are otherwise altered closer to compliance. Notwithstanding, where the use is a side by side residential dwelling, and there is no vehicle access of at least a width of 3.05m (10ft.) to the side yard, the minimum separation distance between accesses shall be 5.8m (19ft);

(4) No access shall be located on a local street within 15.3m (50.2 ft.) of the limits of the rights-of-way at an intersection. No access shall be located on a collector or arterial street within 46m (150.9ft.) of the limits of the rights-of-way at an intersection. Notwithstanding, if these separation distances can not be met, an entranceway may be developed along the side lot line farthest from the limits of the rights-of-way at an intersection provided no other access from a lot to the street is available. The change in use of any existing development shall be exempt provided the location of any existing entranceways are not altered or are otherwise altered closer to compliance with the provisions of this by-law;

(5) Notwithstanding Part 5.19(1), lots greater than 8.1 hectares (20 acres) located within the General Commercial (C-2) zone which abut three (3) or more streets may develop a maximum of five (5) entranceways provided none of the entranceways are located on local streets as designated on the Street Classification Map and provided all other requirements of this By-law are satisfied.

5.20 Access Management Provisions – Starrs Road and Haley Road

The following standards shall apply to any vehicular access or entranceway from a lot to Starrs Road and/or Haley Road:

(1) Notwithstanding Part 5.19(1), where there is a development that requires a new access onto Starrs Road or Haley Road, a maximum of one (1) driveway entranceway shall be permitted onto Starrs Road or Haley Road provided all other requirements of this by-law are satisfied. Existing driveways entrances shall be considered as “existing” rather than “non-conforming” and may be relocated, altered or changed in compliance or otherwise altered closer to compliance with the provisions of this by-law.

(2) Notwithstanding Part 5.19(1), Part 5.20(1) and Part 5.21(1), in addition to the one (1) driveway entranceway permitted pursuant to Part 5.20(1), a maximum of one (1) shared driveway entranceway may be developed per lot or may otherwise develop a maximum of two (2) shared driveway entranceways with no unshared driveway entranceway enabled pursuant to Part 5.20(1). Shared driveway entranceways shall

have a minimum width of not less than 6.1 m (20 ft.) and a maximum width not in excess of 13m (42.65ft.) even though said driveway entranceway width transcends a property boundary line. An application for a shared driveway shall be accompanied with a legal executed easement enabling both properties to have the rights of usage of said shared driveway entranceway.

(3) Where there is a development of a new entranceway onto either Starrs Road or Haley Road such entranceway shall be a minimum of at least 15 m (49.2 ft.) away from any existing driveway entrance along the same side of the street even though said minimum separation distance transcend property boundary lines provided that at least one entranceway from the lot to any street is available. Where none is available, this separation distance may be reduced in such a fashion to provide at least one (1) entranceway with the maximum separation distance available.

(4) The following corner lots, whether subdivided, consolidated or not, but remains a corner lot shall not have any driveway entrances onto either Starrs Road or Haley Road as the case may be, provided the lot has at least one (1) driveway entranceway along another street. The separation distance from the intersection or from another existing driveway entrance shall be waived provided said entranceway is along the lot line furthest from the intersection. This provision shall only apply when a new “main” building is being developed. The alteration of, addition to, renovation to or change in use to any existing “main” building; the construction of a new “accessory” building or the alteration of, addition to, or renovation to any existing “accessory” building; or, any change to the use of land shall be exempted from this requirement provided the existing driveway entrances are not altered in any fashion or otherwise altered closer to compliance with the provisions of this by-law. In addition, if any of the following lots are abutting lands of the Town of Yarmouth located between the lot and the public street and as of a result are not truly corner lots, they shall be considered corner lots pursuant to this provision.

PID	Civic Address	Access Condition
90202680	68 Starrs Road	Access onto Starrs Road prohibited provided access onto Pleasant Street is available.
90219460	70 Starrs Road	Access onto Starrs Road prohibited provided access onto Pleasant Street is available.
90219015	67 Starrs Road	Access onto Starrs Road prohibited provided access onto Pleasant Street is available.
90203175	31 Starrs Road	Access onto Starrs Road prohibited provided access onto Brunswick Street is available.

90203159	27 Starrs Road	Access onto Starrs Road prohibited provided access onto Brunswick Street is available.
90202870	93 Brunswick Street	Access onto Starrs Road prohibited provided access onto Brunswick Street is available.
90219072	95 Starrs Road	Access onto Starrs Road prohibited provided access onto Charles Crosby Drive is available.
90219080	103 Starrs Road	Access onto Starrs Road prohibited provided access onto Charles Crosby Drive is available.
90219445	96 Starrs Road	Access onto Starrs Road prohibited provided access onto Charles Crosby Drive is available.
90219247	146 Starrs Road	Access onto Starrs Road prohibited provided access onto Hardscratch Road is available.
90292517	123 Starrs Road	Access onto Starrs Road prohibited provided access onto Haley Road is available.
90218389	131 Haley Road	Access onto Haley Road prohibited provided access onto Enterprise Street is available.
90218280	127 Parade Street	Access onto Haley Road prohibited provided access onto Parade Street is available.”

5.21 Access From a Lot to a Street - Commercial and Industrial Developments

In addition to the general standards outlined in Part 5.19, the following standards shall apply to any vehicular access or entranceway from a lot to a public street within any commercial (C-1, C-2, C-3, C-4, WCI-5 or CI-4) zone or within any industrial (M-1 or M-2) zone:

(1) No access shall be located on a public street within 1.5m (4.9 ft.) of an abutting side lot line. The change in use of any existing development shall be exempt provided the location of any existing entranceways are not altered or are otherwise altered closer to compliance;

(2) Entranceways shall be defined by a curb of concrete, rolled asphalt, open ditch, vegetation or other means so as to provide a definition between the street and the lot along the entire length of any lot line abutting a street. The change in use of any existing development shall be exempt provided the existing entranceways are not altered or are otherwise altered closer to compliance.

5.22 Access From a Lot to a Street - Site Plan Approval Process for Wider Entranceways

Notwithstanding Part 5.19(2), within the General Commercial (C-2) zone, the Commercial Industrial (CI-4) zone and the General Industrial (M-1) zone, the development officer shall approve, by way of a site plan approval process, entranceways wider than 10m (32.8 ft.) provided the following matters have been addressed:

- (1) the entranceway shall be located in such a fashion to facilitate the safe and efficient movement of traffic to and from the site and be located in such a fashion to minimize potential conflict with pedestrian and vehicle safety;
- (2) the entranceway shall have a sufficient width to facilitate the safe and efficient movement of traffic to and from the site and be designed in such a fashion to minimize potential conflict with pedestrian and vehicle safety;
- (3) the entranceway width shall not exceed 14m (45.9 ft.);
- (4) a concrete curb shall be placed along its entire length, incorporating a corridor for vehicle traffic onto the site for a distance equal to 1/3 of the yard set-back to a maximum depth of 18.3m (60 ft.) (the length of the concrete curb corridor may exceed this minimum requirement);
- (5) the installation of a buffer strip along both sides of the corridor having a minimum width of 1.5m (4.9 ft.) adjacent and parallel to the corridor curb. This buffer strip may consist of a landing having a minimum height of 10 cm. (3.9 inches) or be landscaped with suitable materials;
- (6) signs, structures, hedges, shrubs, bushes, trees or other vegetation shall not be erected or permitted to grow to a height greater than 1m (3.3 ft.) above grade of the street or entranceway included within the street line and the corridor curb for a distance of 7.6m (25 ft.) from their point of intersection;
- (7) the site plan approval process shall consider the use and function of the property, the types of vehicles used, the size of the lot, the type and width of the street, the siting of the building and loading facilities in relation to the street and pedestrian and vehicle safety;
- (8) all items identified on the site plan shall be maintained in a safe and tidy condition.

5.23 Access From a Lot to a Street - Water Street

Notwithstanding Part 5.19(4), no access on Water Street may be located no closer than 7.6m (25 ft.) of the limits of the rights-of-way at an intersection;

5.24 Perpendicular Parking Permitted - Water Street

Lands directly abutting Water Street may develop perpendicular parking along Water Street provided:

- (1) No access to a parking space shall be permitted within 7.6m (25 ft.) of the limits of the rights-of-way at an intersection;
- (2) Perpendicular parking areas shall have a minimum of three (3) parking spaces and a maximum of six (6) parking spaces;
- (3) The access points as well as the limits of the parking areas used for perpendicular parking shall be defined by a curb of concrete or rolled asphalt;
- (4) The minimum separation distance between perpendicular parking areas shall be 6.1m (20 ft.)
- (5) The parking space shall be a minimum of 2.7m (8.9 ft.) wide by 5.5m (18 ft.) long perpendicular to the street and may, upon approval of the traffic authority and town engineer, encroach on the public street right-of-way a maximum of 1m (3.3 ft.).
- (6) When the parking area is of a permanent hard surfacing, each parking space shall be demarcated and maintained as such.
- (7) The change in use of any existing development shall be exempt from this requirement provided the location of any existing perpendicular parking areas are not altered in any fashion.

5.25 Set-Backs on Closed or Unopened Streets

For the purpose of determining the set-backs from a closed or unopened street, the set-backs shall be calculated as if the street was open.

5.26 Calculation of the Number of Parking Spaces

When calculating the number of parking spaces, the number shall be rounded to the highest whole number. When there are multiple commercial, industrial and/or institutional uses (non-dwelling units) on the same lot that are occupied at different times, the parking requirements shall be satisfied based upon the uses that exist from time to time during the day.

5.27 Standards for Parking Areas

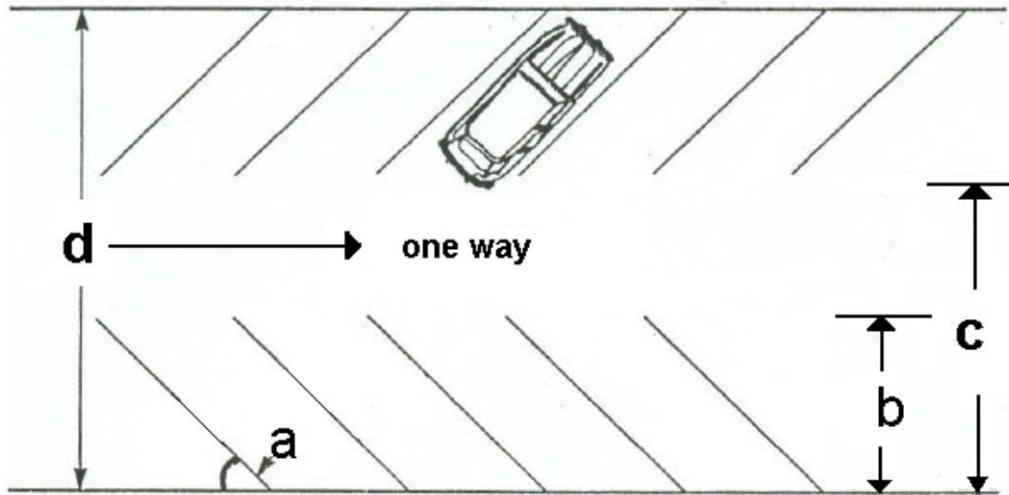
The following standards shall apply to the development of any parking area:

- (1) The parking area shall be gravelled, paved or constructed of an aggregate material clear of any topsoil so that it creates a stable surface. The parking area shall be treated to prevent the raising of dust or loose particles;
- (2) Required parking spaces shall not be obstructed. Each parking space shall have direct and unobstructed access to a public street and be directly accessible without removing any other vehicle, item or debris of any kind;
- (3) When the parking is of a permanent hard surfacing, each parking space shall be demarcated and maintained as such;
- (4) The lights used for illumination of the parking area shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (5) Unless otherwise specified, the parking area shall be within 92m (301.8 ft.) of the location which it is intended to serve and shall be situated in the same zone.

Notwithstanding, Downtown Commercial (C-1) zoned properties immediately abutting Water Street may satisfy their parking requirements by creating parking spaces within the Waterfront Commercial Industrial (WCI-5) zone provided the parking area is located within 92m (301.8 ft.) of the location which it is intended to serve.

5.28 Design Standards for Parking Areas

- 1) A required parking space used for residential purposes shall consist of an area of not less than 14.86m^2 (160 ft.^2) measuring 2.44m (8 ft.) by 6.1m (20 ft.) exclusive of driveways or aisles.
- 2) A required parking space used for commercial and/or industrial purposes shall consist of an area of not less than 16.72m^2 (180 ft.^2) measuring 2.74m (9 ft.) by 6.1m (20 ft.) exclusive of driveways or aisles.
- 3) Parking areas shall be designed in such a fashion to be consistent with the following minimum design standards:



Parking Angle in (Degrees)	Depth of Stall	Overall Depth Parking on One Side	Overall Depth Parking on Two Sides
(a)	(b)	(c)	(d)
○ 45°	5.49 m (18 ft.)	8.53m (28 ft.)	13.41m (44 ft.)
60°	5.79m (19 ft.)	10.36m (34 ft.)	15.85m (52 ft.)
90°	6.1m (20 ft.)	12.19m (40 ft.)	18.29m (60 ft.)

Explanatory Note: The parking angle of 90° may be used for two (2) way traffic within a parking area.

Explanatory Note: The minimum dimensions of a parking space as outlined in this Part shall override any other dimension mentioned or otherwise referred to in this By-law provided all other applicable provisions are satisfied.

5.29 Standards for Loading Spaces - General Provisions

Where the provision of a loading space or spaces is required by this By-law, the following standards shall apply:

- (1) The loading space must be located on the same lot as the use and have an unobstructed access to a public street;
- (2) The loading space shall be provided in addition to any required parking spaces;
- (3) Each loading space shall be no less than 44.6m² (480 ft.²) and measure at least 3.6m (12 ft.) by 12.2 m (40 ft.) with a minimum of 4.3m (14 ft.) in height clearance; and,
- (4) Loading spaces shall be provided at the side or rear of the building.

5.30 Alterations to the Level of Land

Alterations to the level of land resulting from any excavation or filling activity, for purposes of the preparation of land for development or in conjunction with any permitted development which involves the removal or addition of more than 15.3m³ (20yd³) of material from the site shall require a development permit prior to commencement and shall comply with the following:

- (1) All excavation and filling activities for which a development permit is required shall be wholly contained within the property affected;
- (2) No filling operation for which a development permit is required shall utilize domestic garbage, fish or animal wastes, organic materials or any waste construction material except for aggregate and materials derived from aggregate such as pavement, brick and concrete;
- (3) No alteration in the level of land resulting from any excavation or filling activities for the purposes of the preparation of land for development for which a development permit is required shall deliberately cause any water to be shed to an adjacent property.
- (4) Notwithstanding anything else contained in this Part, water may be shed to any existing drainage ditch, culvert, watercourse, sewer drainage system or storm drainage system upon approval from the Town Engineer.

5.31 Permitted Encroachments in Yards

Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky, however, those structures listed in the following table shall be permitted to project for the specified distance into required yards, provided such encroachment does not encroach closer than one (1) foot (0.3 meters) to any common lot boundary or street right-of-way:

Table of Permitted Encroachments into Required Yards

Structure	Yard in which Projection is Permitted	Maximum Projection into Required Yard From Main Wall Permitted	
Sills, Belt Courses, Cornices, Eaves, Gutters, Chimneys or Pilasters	Any Required Yard	0.6 meters	(2 Feet)
Window and Door Bays	Any Required Yard	0.9 meters	(3 Feet)

Open or Roofed Fire Escapes and Exterior Staircase	Required Side or Rear Yards	1.5 meters	(5 Feet including eaves and cornices)
Open or Roofed Veranda, Balconies or Decks;	Required Front, Rear and Flanking Yards Only	1.5 meters including eaves and cornices	(5 Feet including eaves and cornices)
Open Wheelchair Ramps	Any Required Yard	1.5 meters	(5 Feet)
Open Decks, Walkways, Steps or Terraces not exceeding 0.3m (1 ft.) in height from grade and no development permit shall be required	Any Required Yard	any distance	

For greater certainty, the "Required Yard" shall be as specified in each zone. Location of existing walls (established set-back) shall not be used to determine the maximum projection into yard.

5.32 Miscellaneous Structures Less Than Fifteen (15) Square Feet

Notwithstanding anything else in this By-law, no development permit shall be required for miscellaneous structures less than 1.4m² (15 ft.²) in area such as clothes poles, flag poles, garden trellises, arbors, pergolas, gazebos, fences, playground equipment, monuments, interpretative displays, satellite dishes less than 1.0 meters (3 ft.) in diameter, retaining walls, children's play structures, pet houses, bus shelters, refuse garbage receptacles, green carts, outdoor storage units and other similar structures. These miscellaneous structures shall be permitted to be located in any part of any yard except within the corner vision triangle of any corner lot.

5.33 Satellite Dishes With a Diameter Greater Than Three (3) Feet

No development permit shall be issued for a satellite dish with a diameter greater than 1.0 meters (3 ft.) unless it satisfies the following:

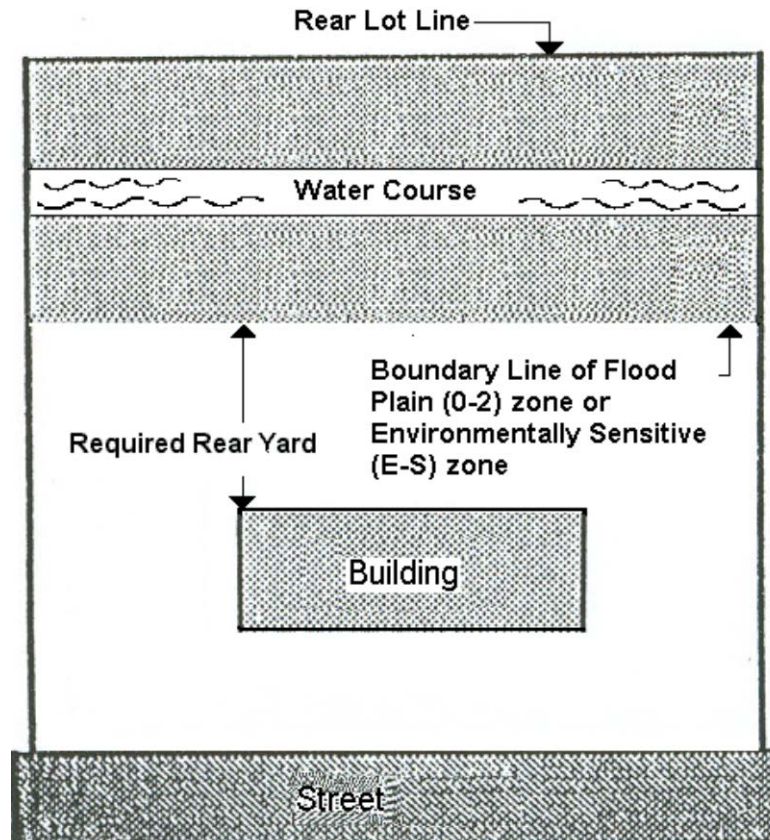
- (1) Shall not be located closer nor have any portion thereof located closer than 0.6 m (2 feet) to any common lot boundary;
- (2) Shall not be located in the front yard; and,
- (3) Shall not be located within 4.5 meters (15 ft.) of a flanking yard lot line.

5.34 Canopies and Awnings - General Encroachment

Notwithstanding Part 5.31, a canopy or awning which is attached to the building shall be permitted to encroach no more than 1.2 meters (4 ft.) for a stationary canopy or awning to a maximum of 1.8 meters (6 ft.) for a retractable canopy or awning from the building face into the required yard or over the street line. Such canopy or awning shall be at least 2.4 meters (8 ft.) above the sidewalk or the established grade. In the case of extending over a street line or other public area, the owner shall sign an indemnity in favour of and in form satisfactory to the Town for the defence and indemnification of any claims arising out of or in relation to the canopy or awning.

5.35 Adjacent Yard Requirements: Floodplain (O-2) Zone & Environmentally Sensitive (E-S) Zone

Notwithstanding anything else in this By-law, no development permit shall be issued for any building or structure on lands located adjacent to the Floodplain (O-2) zone or the Environmentally Sensitive (E-S) zone unless the required yard set-back is measured from the nearest main wall of any building or structure to the boundary line of the Floodplain (O-2) zone or the Environmentally Sensitive (E-S) zone.



5.36 Broad Brook Upper Marsh

(1) Schedule "B" of this By-law identifies the Upper Marsh of Broad Brook. No development permit shall be issued for any permitted use on lands located within the marsh lands identified on Schedule "B" unless the minimum elevation at building grade exceeds 28.96m (95 ft) above mean sea level. In addition, any use including, but not limited to, accessory uses, outdoor storage or displays and parking lots on lands located within Upper Marsh as identified on Schedule "B" shall also be established on a grade that exceeds 28.96m (95 ft.) above mean sea level.

(2) Notwithstanding anything contained in this part, a Municipal development permit may be issued for development within "Upper Marsh" which does not conform with the minimum elevations prescribed above provided that a study by a qualified engineer has identified such other development standards to ensure that the development will not be subject to flooding or subsidence.

5.37 Accessory Uses Permitted

Where this By-law provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose shall include any accessory use. In determining what constitutes an accessory use, the definition as outlined in Part 30 of this By-law shall be the primary consideration, however, any proposed accessory use shall not exceed fifty (50) percent of the total floor area of a building or structure and in the case of accessory uses not contained within a building or structure, the accessory use shall not occupy or utilize an amount greater than fifty (50) percent of the total lot area. In addition, the following secondary guidelines may be considered:

- (1) that the proposed accessory use should not generate an excess of fifty (50) percent of the gross revenues generated by the main use; and,
- (2) that the proposed accessory use should not directly employ more than fifty (50) percent of the total number employed by the main use. However, the "main use" employees may also be employed by the accessory use.

5.38 Seasonal Retail Trade

No development permit shall be issued for a seasonal retail trade use unless it conforms with the following requirements:

- (1) That the lot is situated in a commercial zone pursuant to the Zoning Map, Schedule "A", of this By-law;
- (2) That the lot satisfies lot access and egress standards and parking area standards pursuant to this By-law;
- (3) That such seasonal retail trade shall not operate from any building as defined by this By-law, unless sanitary sewer and water services are available on the site.
- (4) That such seasonal retail trade shall not exceed a time period of six (6) months in any calendar year, whether or not said use is used consecutively.
- (5) That such seasonal retail trade operation shall not be located closer than 1.5 meters (5 ft.) to any common lot boundary or street right-of-way;
- (6) That no signage or other advertising shall be done for the seasonal retail trade use other than the following:
 - (a) one (1) identification sign or plate with a maximum area of 2m² (21.53ft²) which shall be attached to the seasonal retail trade operation; and/or,
 - (b) any permitted stand alone ground, facial wall and/or canopy signage or in combination with any permitted existing ground, facial wall and/or canopy signage subject to Part 6.7 of this By-law; and/or,
 - (c) two (2) banner type signs located on the same lot as the use subject to Part 6.7 of this By-law.
- (7) That all other provisions of this By-law are satisfied.

5.39 Agricultural Uses Prohibited

The following uses shall be deemed prohibited within the Town of Yarmouth:

- * Storage of Human and Animal Waste;
- * Fox and Mink Farms;
- * Furs and Skins Ranch Farms;
- * Farm Animal Breeding, including Poultry Farms;
- * Turkey, Game Bird, Chicken Farms and Chick Hatcheries;
- * Cattle, Pig or other Livestock Farms;
- * Dairy Farms;
- * Poultry and Egg Farms;
- * Sheep and Goat Farms
- * Horse Farms;
- * Slaughter Houses;
- * Feed Lots;
- * Beekeeping or Beeswax Farms;
- * Honey and Other Apiary Product Farms; and,
- * Kennels (boarding or breeding facilities) of any kind.

5.40 Automatic Zoning for Newly Created Land Abutting Yarmouth's Harbour

(1) Notwithstanding anything else in this By-law, those lands above the high water mark created by infilling activities shall be zoned automatically according to the zone of the directly abutting land and such zoning shall be intended to extend along the prolongation of the property's side lot line so that the boundaries of such zones run perpendicular to the land abutting Yarmouth harbour.

(2) Notwithstanding anything else in this By-law, a development permit may be issued for development situated on lands above the high water mark created by infilling activities which are automatically zoned pursuant to Policy 7.28 of the Municipal Planning Strategy, provided all other relevant provisions of this By-law are satisfied.

5.41 Municipal Water & Sewer Services

(1) Notwithstanding anything else in this By-law, pursuant to Infrastructure Policy 6.2 of the Municipal Planning Strategy, development is not permitted on lots which are not serviced or are not capable of being serviced by Town sewer and water services except for those properties located within the Residential Holding (R-H) zone pursuant to Residential Policy 1.17.

(2) Pursuant to Infrastructure Policy 6.2 of the Municipal Planning Strategy, all main buildings except those listed below shall be serviced with Town sewer and water services, excluding those properties located within the Residential Holding (R-H) zone, which enables the use of on-site services pursuant to Residential Policy 1.17.

The following main buildings shall be exempt from this provision.

- * building(s) located on cemeteries.
- * places of entertainment, recreation, fitness and assembly uses provided there is at least one (1) building containing sewer and water services on the same lot.
- * fishery and/or marine-related industry uses provided there is at least one (1) building containing sewer and water services on the same lot.

- * exhibition and/or fair uses provided there is at least one (1) building containing sewer and water services on the same lot.
- * public and/or private marinas.
- * public and/or private wharves.
- * public and/or private parks.
- * parking lots and/or parking structures.

5.42 No Accessory Building Before Main Building or Main Use

Unless otherwise provided for in this By-law, no accessory building or structure shall be constructed or placed on a lot prior to the time of construction or placement of the main building or main use to which it is accessory.

5.43 Outdoor Furnaces

Notwithstanding anything else in this By-law, outdoor furnaces, whether contained within an accessory building or not, shall be located in the rear yard and maintain a minimum yard set-back of at least two hundred (200) feet from any common lot boundary. In addition, the chimney of the outdoor furnace shall be at least six (6) feet above the peak of the roof of the structure that the furnace is intended to heat.

5.44 Restrictions on Open Storage or Outdoor Displays

No open storage or outdoor displays shall be permitted in any zone except for those zones which explicitly permit open storage or outdoor displays.

5.45 Canopies and Awnings

A canopy or awning which is attached to the building shall be permitted in any commercial or industrial zones provided:

- (1) the length of the canopy or awning does not extend beyond the length of the building face;
- (2) the canopy or awning does not project out more than 1.2 meters (4 ft.) for a stationary canopy or awning or 1.8 meters (6 ft.) for a retractable canopy or awning over a public sidewalk;
- (3) the canopy or awning is placed on the building a minimum height of 2.4 meters (8 ft.) above the sidewalk or established grade;
- (4) the canopy or awning shall be attached to the building face in a secure manner without the use of guy wires.

5.46 Drive-Thru Standards and Drive-In Standards

Drive-thrus and Drive-ins for any use shall be prohibited unless otherwise explicitly permitted by this by-law.

Where a zone permits the establishment of a drive-thru, the following standards shall apply:

- (1) The drive-thru entrance from a public street and the drive-thru exit onto a public street shall conform with the driveway access requirements outlined in Part 5 of this by-law;
- (2) The approach and driveway for the drive-thru shall be defined by a concrete curb, asphalt curb or by painted lines from its entrance to the serving area or window;

- (3) The approach and driveway for the drive-thru shall be maintained with a stable surface of asphalt or concrete from its entrance abutting the street to its exit upon a street;
- (4) The approach and driveway for the drive-thru shall be designed for one way traffic with a minimum width of 3.1m (10.2 ft);
- (5) The driveway leading to the serving area or window shall be sufficient to hold six (6) parking stalls, each having a minimum depth of 6.1 meters (20 ft.).

5.47 Small Accessory Wind Turbine

A maximum of one (1) small accessory wind turbine may be erected per lot in any zone provided:

- (1) that the rotors are one (1) metre (3.28 ft.) or less in diameter;
- (2) that the lot has a minimum lot size of 1,858m² (20,000 sq. ft.);
- (3) that the tower (including any portion thereof) shall not exceed 24.38m (80 ft.) in height. For the sake of clarity, small accessory wind turbines shall not be exempted pursuant to Part 5.9 of this By-law.
- (4) that the tower is located a minimum distance of at least 1.5 times the height of the tower away from any common lot boundary;
- (5) that no portion (base, post, frame, rotors, guy wires, anchors or any other part thereof) of the small accessory wind turbine is located closer than 15.24m (50 ft.) to any common lot boundary;
- (6) that no portion of the small accessory wind turbine is located within the front yard or flanking yard;
- (7) that no commercial signage of any kind shall be attached or otherwise placed on any part of the small accessory wind turbine, except for the name of the turbine and safety related information;
- (8) that all parts of the small accessory wind turbine shall be maintained and kept in a good state of repair; and,
- (9) that any small accessory wind turbine which has not operated on a functional basis for a period of six (6) consecutive months shall be deemed abandoned and the property owner shall remove the turbine and all parts thereof within thirty (30) days from the date of abandonment.

5.48 Public and Private Trails, Public and Private Walkways and Public Streets

Pursuant to Implementation Policy 7.36 of the Municipal Planning Strategy, public and private trails, public and private walkways, and public streets complete with accessory structures such as, but not limited to, benches, garbage and recycling facilities, lights, washroom facilities, wayfinding signage, and similar related structures shall be deemed a permitted use in any zone. The use of any public and private trails; and, public and private walkways shall be limited to non-motorized equipment unless otherwise explicitly enabled through the approval of the Town's Traffic Authority.

5.49 Community Markets

Where a zone permits the establishment of a community market, the following standards shall apply:

- (1) shall not be located closer than 3m (10ft.) to any public street (open or closed);

- (2) shall not be located closer than 3m (10ft.) to any abutting property boundary line;
- (3) the driveway entrances shall conform with the requirements of Part 5 of this by-law;
- (4) open storage shall be strictly prohibited;
- (5) the area of the community market not wholly enclosed within a building (open displays) shall not exceed twenty five (25%) percent of the total lot area;
- (6) community markets not wholly enclosed within a building shall be exempt from any requirements requiring municipal water and/or sewer services or any on-site water and/or sewer services;
- (7) height of any structure or apparatus of any community market not wholly enclosed within a building shall be limited to the maximum height of 4.57m (15ft.);
- (8) shall provide and maintain one (1) on-site parking space 2.4m by 6.1m (8ft. by 20ft.) for each 46.45m² (500 ft.²) of gross floor area or fraction thereof of community market area;
- (9) notwithstanding Part 6 of this By-law, on-site signage shall be permitted without the issuance of a municipal development permit provided no sign is located closer than 1.5m (5ft.) to any property boundary line. Off-site signage shall be strictly prohibited unless otherwise permitted pursuant to Part 6 of this By-law; and,
- (10) all structures, signage and items associated with the community market not wholly enclosed within a building shall be removed from the site when the community market is not operational.

5.50 Regulating the Removal of Top-Soil

- (1) Unless regulated or prohibited by this by-law, no more than 15.3 cubic meters (20 cubic yards) of top-soil shall be removed from any lot that is not in conjunction with a permitted development. Such removal shall not require a Municipal Development Permit.
- (2) Unless regulated or prohibited by this by-law, the removal of more than 15.3 cubic meters (20 cubic yards) of top-soil shall only be permitted if required to accommodate the construction of a permitted development. If any top-soil is removed from any lot, the removal shall comply with the following:
 - (A) the removal of any top-soil shall require a Municipal Development Permit and shall be wholly contained within the property affected;
 - (B) the removal of any top-soil shall not deliberately cause any water to be shed to any adjacent property. Notwithstanding, water may be shed to any existing drainage ditch, culvert, watercourse, sewer drainage system or storm drainage system upon the approval of the Town Engineer; and,
 - (C) the lot shall be reclaimed in-kind by a layer of top-soil a minimum of 10.16cm (4 inches) in depth and sodded or a layer of top-soil a minimum of 10.16cm (4 inches) in depth and seeded to support a vegetated landscape in a suitable fashion that is in keeping with the general appearance of the neighbourhood.

5.51 Live Adult Entertainment Uses by Development Agreement

Notwithstanding anything else in this By-law, pursuant to Implementation Policy 7.38 of the Municipal Planning Strategy, live adult entertainment uses whether as a main use or as an accessory use shall be strictly prohibited in all zones except those zones which explicitly (specifically) enable the establishment of the use by Development Agreement

Part 6 – Signs

6.1 General

The following general standards shall apply:

- (1) Where this Part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Transportation and Infrastructure Renewal, the more restrictive regulations shall apply.
- (2) No person shall erect or enlarge a sign without first obtaining a Development Permit from the Development Officer except for signs permitted pursuant to Part 6.2 which shall not require a Development Permit and those signs explicitly stating that no Development Permit is required in various provisions of this By-law.
- (3) No permit to erect or enlarge a sign shall be issued unless all the sign provisions of this By-law are satisfied.
- (4) Any type of sign not listed as a permitted sign is prohibited.
- (5) Any reference to “per business premise” in various provisions of this Part 6 – Signs, shall refer directly and solely to one (1) specific business premise so that the limitation of the number of signs for any particular business does not exceed the intended amount of signs for any one (1) business. Therefore, one (1) business cannot take advantage of another business premise’s allowable number of signs, even if that business premise does not take advantage of all the signs afforded to it by this By-law.
- (6) Any sign erected within a public right-of-way shall require prior approval or consent of Council, excluding signs explicitly permitted within the public right-of-way by this By-law.
- (7) Any sign, including but not limited to projecting wall signs, canopy signs and kiosk signs, that encroach upon or otherwise are located within a street right-of-way shall not be issued a Municipal Development Permit unless an indemnity in favour of the Town is signed by the sign owner and submitted to the Development Officer in a form as specified by the Town for the defence and indemnification of any claims arising out of or in relation to the sign. Special event signage and any other signs not requiring a Municipal Development Permit shall be exempt from this provision.

6.2 Signs Permitted in all Zones

The following signs shall be permitted in all zones:

- (1) Signs identifying the name and address of the resident provided no such sign shall exceed 0.5m^2 (5ft.^2) in area, exceed 1.5m (5ft.) in height, or be located within 1.5m (5ft.) of any street right-of-way or common lot boundary;
- (2) Real estate signs not exceeding 0.5m^2 (5ft.^2) in sign area in a residential zone and 1.4m^2 (15ft.^2) in other zones, which advertise the sale, rental or lease of the premises and which are located on the lot or premise which they advertise;

(3) Signs regulating or denoting on-premises traffic or parking, or other signs denoting the direction, function or features of buildings or parts of a building or premise provided such signs are less than 0.5m² (5ft.²) in area and do not have any portion of the sign higher than 1.2m (4ft.) above grade;

(4) Signs erected by a Municipal, Provincial or Federal Governmental body, the Traffic Authority, or under the direction of such a body including, but not limited to, traffic signs, directional signs, railroad crossing signs, ATV crossing signs, trail signs, interpretative signs, safety signs, signs identifying public schools, public election lists, election signs, signs giving public notice, public identification signs, informational signs, non-profit organization signage, special event signage and other similar signage;

(5) Memorial signs or tablets and signs denoting the date of erection of a structure provided such signs are less than 1.0m² (10.76ft.²);

(6) The flag, pennant or insignia of any government or of any religious, charitable or fraternal organization;

(7) Signs on mail boxes or newspaper tubes advertising only the owner of the premise or the service provider such as Canada Post or the newspaper company provided such signs are less than 0.5m² (5ft.²);

(8) Signs erected for the purposes of campaigning during a Municipal, Provincial or Federal election;

(9) Signs that constitute an integral part of a vending machine, ATM machine, telephone booth, devices that indicate the time, date, or weather conditions, or similar devices whose principal function is not to convey an advertising message;

(10) Security identification signs identifying the name of the on-site security provider provided such signs do not exceed 0.5m² (5ft.²) in area and 1.5m (5ft.) in height;

(11) Signs affixed to the inside of windows and glass doors which are intended to be seen from outside any building or structure provided the signs are directly related to the business or use located on the lot or premise and do not include any reference to any business or use not related to the lot or premise except for public events and/or institutional signage related to not-for-profit public information announcements;

(12) Signs located within a wholly enclosed compound, fenced or otherwise, facing internally which are not visible from outside the enclosure.

6.3 Signs Prohibited in all Zones

The following signs shall be prohibited in all zones:

(1) Signs which incorporate in any manner any flash or illumination which varies in intensity or colour other than temporary Christmas lights. Notwithstanding, in any commercial or industrial zone, a property may erect signage that flashes or changes in intensity or colour provided the sign area that flashes or varies in intensity or colour does not exceed 4.66m² (50ft²) in area and provided the property in which the sign is located does not directly abut a residential (R-1, R-2, R-3, R-M or R-H) zoned property located within the Residential Designation;

- (2) Any sign or sign structure which constitutes a hazard or hindrance to public safety or health;
- (3) Any sign which by reason of size, location, content, colouring or manner of illumination obstructs the vision of drivers, either when leaving a roadway or driveway, or obstructs or detracts from visibility or effectiveness of any traffic sign or control device on public streets;
- (4) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;
- (5) Signs not erected by a public authority which make use of words such as "stop", "look", "one way", "danger", "yield" or any similar words, phrases, symbols, lights or characters in such manner as to interfere with, mislead or confuse traffic along a street;
- (6) Signs not related to any business or use located on the lot or premise except subject to Part 6.8, Part 6.10, and Part 6.11 of this By-law;
- (7) Signs on public property or on public right-of-ways unless erected by a Municipal, Provincial or Federal Governmental body or under the direction of such a body, excluding signs explicitly enabled within the public street right-of-way by this By-law;
- (8) Signs of no historical significance which no longer advertise a product, service or business are deemed to be obsolete signs and shall be removed by the owner or occupant of the property upon which they are located and such removal shall take place within thirty (30) days from the date of discontinuance of the product, service or business. Notwithstanding, seasonal retail trade signage shall not be considered obsolete signage pursuant to this By-law and may continue to exist;
- (9) Signs greater than 1.2m (4ft.) in height located within any corner vision triangle as prescribed in each zone; and,
- (10) Roof signs.

6.4 Signs Incidental to Construction – Identifying New Development

Notwithstanding anything else in this By-law, signage may be erected incidental to any construction or redevelopment project advertising the use or construction companies undertaking the development provided a valid Municipal Development Permit was issued for the development or is otherwise not required for the development and provided that any such sign:

- (1) shall not have more than two (2) sign faces and shall not exceed 4.66m² (50ft.²) of sign area for a single face or 9.29m² (100ft.²) for two (2) faces combined;
- (2) shall be located on the construction site lot;
- (3) shall not exceed a height of 3.66m (12ft.) from grade level to the highest part of the sign;
- (4) shall be removed within thirty (30) days of completion of the construction project; and,
- (5) shall not, in any residential (R-1, R-2, R-3, R-M or R-H) zoned areas, be illuminated in any fashion whether by an interior or exterior lighting source.

6.5 Signs in Residential Zones

Notwithstanding anything contained in Part 6.2 and 6.4 of this By-law, signage within any residential zones shall be strictly prohibited except for the following:

(1) Non-Residential Use (Home Based Businesses) Facial Wall Signs:

Non-residential uses (Home Based Businesses) shall be permitted to erect one (1) facial wall sign with a maximum area of 0.9m^2 (10ft.^2) provided:

- (a) The sign shall not extend above the top of the wall nor beyond the extremities of the wall upon which it is attached;
- (b) The sign shall not project out further than 0.3m (1ft.) from the supporting wall;
- (c) The sign is firmly attached to the main building or an accessory building;
- (d) The sign is maintained and kept in a safe condition; and,
- (e) The sign be non-illuminated except by an exterior lighting source directed exclusively upon the sign.

(2) Non-Residential Use (Home Based Businesses) Projecting Wall Signs:

Non-residential uses (Home Based Businesses) shall be permitted to erect one (1) projecting wall sign with a maximum area of 0.9m^2 (10ft.^2) per face provided:

- (a) The sign shall be constructed entirely of wood or metal and shall not include any glass or plastic;
- (b) The sign shall be permanently attached to the building face in a secure manner without the use of guy wires;
- (c) The sign shall be secured in such a manner as not to be completely free swinging;
- (d) No portion of the sign shall extend beyond the face of the building for a distance of more than 1.2m (4 ft.);
- (e) The lowest portion of the sign or fixture shall be at least 2.4m (8 ft.) above any street right-of way if located above a street right-of-way;
- (f) The highest portion of the sign or fixture shall not exceed 6.1m (20 ft.) above building grade;
- (g) The sign is firmly attached to the main building or an accessory building;

(h) The sign is maintained and kept in a safe condition; and,

(i) The sign be non-illuminated except by an exterior lighting source directed exclusively upon the sign.

(3) Guest Home (Bed and Breakfast) Ground Signs:

Notwithstanding anything else in this By-law, Guest Homes (Bed and Breakfast) may erect one (1) business identification ground sign in addition to the non-residential use signs provided pursuant to Part 6.5(1) and Part 6.5(2) provided such sign:

(a) shall not have more than two (2) sign faces and shall not exceed 1.86m^2 (20ft.^2) of sign area for a single face or 3.72m^2 (40ft.^2) for two (2) faces combined;

(b) shall not exceed a height of 3.66m (12ft.) from grade level to the highest part of the sign;

(c) shall not have any portion (base, post, frame or face) located closer than 1.5m (5 ft.) to any public street right-of-way or common lot boundary; and,

(d) shall be non-illuminated except by an exterior lighting source directed exclusively upon the sign.

(4) Subdivision Entrance (Community) Ground Signs:

Subdivision entrance or community identification ground signs consisting only of the subdivision name or the community's name which may incorporate a map of the area and the owners or builder's name shall be permitted to be erected at the entrance provided such sign shall not:

(a) have more than two (2) sign faces and shall not exceed 4.66m^2 (50ft.^2) of sign area for a single face or 9.29m^2 (100ft.^2) for two (2) faces combined;

(b) exceed a height of 3.66m (12ft.) from grade level to the highest part of the sign; and,

(c) have any portion (base, post, frame or face) located closer than 1.5m (5ft.) to any public street right-of-way or common lot boundary.

6.6 Signs in Institutional (I-1), Open Space (O-1) and (O-2) Floodplain Zones:

The following signs shall be permitted within the Institutional (I-1), Open Space (O-1) and the Floodplain (O-2) zone, provided all requirements of this By-law are satisfied:

(1) Facial Wall Sign:

A maximum of three (3) facial wall signs may be erected per business premises per building wall elevation provided no sign shall:

- (a) cover more than 1m^2 (10.76ft.^2) per linear metre (3.28 linear feet) of the wall upon which the sign is affixed;
- (b) extend above the top of the wall nor beyond the extremities of the wall upon which it is attached; and,
- (c) project out further than 0.3m (1ft.) from the supporting wall.

(2) Ground Sign:

A maximum of two (2) ground signs may be erected per lot provided such sign shall not:

- (a) have more than two (2) sign faces and shall not exceed 4.66m^2 (50ft.^2) of sign area for a single face or 9.29m^2 (100ft.^2) for two (2) faces combined;
- (b) exceed a height of 3.66m (12ft.) from grade level to the highest part of the sign; and,
- (c) have any portion (base, post, frame or face) located closer than 1.5m (5ft.) to any public street right-of-way or common lot boundary.

(3) Banner Sign:

A maximum of two (2) banner signs per main building per lot may be erected provided such sign shall not:

- (a) have more than two (2) sign faces and shall not exceed 4.66m² (50ft.²) of sign area for a single face or 9.29m² (100ft.²) for two (2) faces combined;
- (b) exceed a height of 3.66m (12ft.) from grade level to the highest part of the sign; and,
- (c) have any portion (base, post, frame or face) located closer than 1.5m (5ft.) to any public street right-of-way or common lot boundary.

6.7 Signs in Commercial and Industrial Zones:

The following signs shall be permitted within any commercial or industrial zone provided all requirements of the By-law are satisfied:

(1) General Provision - Abutting a Residential Designation:

Where a Commercial or Industrial zone abuts a Residential (R-1, R-2, R-3, R-M or R-H), Institutional (I-1), or an Open Space (O-1) zone within the Residential Designation, signs located in the abutting commercial or industrial yard shall not be located closer than 6.1m (20ft.) to the abutting property line.

(2) Building or Location Identification Facial Wall Signs:

A maximum of two (2) building or location identification facial wall signs may be erected per wall elevation provided no sign shall:

- (a) cover more than 1m² (10.76ft.²) per linear metre (3.28 linear feet) of the wall upon which the sign is affixed;
- (b) extend above the top of the wall nor beyond the extremities of the wall upon which it is attached;
- (c) project out further than 0.3m (1ft.) from the supporting wall; and,
- (d) refer in any manner to the businesses or uses located on the lot and shall be distinct and separate from any reference to said businesses or uses unless the sign is a directory sign, in which case only the names of the businesses may be placed on the sign.

(3) Facial Wall Signs:

A maximum of three (3) facial wall signs may be erected per business premise per building wall elevation provided no sign shall:

- (a) cover more than 1m^2 (10.76ft.^2) per linear metre (3.28 linear feet) of the wall upon which the sign is affixed;
- (b) extend above the top of the wall nor beyond the extremities of the wall upon which it is attached; and,
- (c) project out further than 0.3m (1ft.) from the supporting wall.

(4) Ground Signs equal to or exceeding 2m^2 (21.5ft.^2) in Area:

The maximum number of ground signs equal to or exceeding 2m^2 (21.5ft.^2) in area permitted on any lot which fronts on one (1) open street shall be one (1) per main building to a maximum of two (2) per lot irrespective of the number of businesses, premises or buildings on the lot. The maximum number of ground signs equal to or exceeding 2m^2 (21.5ft.^2) in area permitted on any lot which fronts on two (2) open streets shall be two (2), irrespective of either the number of buildings or the number of business premises on the lot. For the purpose of this part, any closed or unopened street shall be deemed not to be a street for the purpose of calculating the number of ground signs. A ground sign equal to or exceeding 2m^2 (21.5ft.^2) in area erected on a lot shall not:

- (a) have more than four (4) sign faces and shall not exceed 18.6m^2 (200ft.^2) of sign area for a single (1) face, 37.2m^2 (400ft.^2) for two (2) faces combined, 55.8m^2 (600ft.^2) for three (3) faces combined, or 74.4m^2 (800ft.^2) for four (4) faces combined;
- (b) exceed a height of 10.67m (35ft.) from grade level to the highest part of any portion (base, post, frame, structure or face) of the sign; and,
- (c) have any portion (base, post, frame, structure or face) located closer than 1.5m (5ft.) to any public street right-of-way or common lot boundary.

(5) Ground Signs less than 2m^2 (21.5ft.^2) in Area:

The maximum number of ground signs less than 2m^2 (21.5ft.^2) in area permitted on any lot which fronts on one (1) open street shall be one (1) per main building to a maximum of two (2) per lot irrespective of the number of businesses, premises or buildings on the lot.

The maximum number of ground signs less than 2m^2 (21.5ft.^2) in area permitted on any lot which fronts on two (2) open streets shall be two (2), irrespective of either the number of buildings or the number of business premises on the lot. For the purpose of this part, any closed or unopened street shall be deemed not to be a street for the purpose of calculating the number of ground signs. A ground sign less than 2m^2 (21.5ft.^2) in area erected on a lot shall not:

(a) have more than four (4) sign faces and shall not exceed 2m^2 (21.5ft.^2) of sign area for a single face; 4m^2 (43.1ft.^2) for two (2) faces combined; 6m^2 (64.6ft.^2) for three (3) faces combined; or 8m^2 (86.1ft.^2) for four (4) faces combined;

(b) exceed a height of 4m (13.12ft.) from grade level to the highest part of any portion (base, post, frame, structure or face) of the sign; and,

(c) be located within the corner vision triangle unless all portions (base, post, frame, structure and face) of the sign are less than 1.2m (4ft.) in height.

(6) Temporary Ground Signs Permitted:

A maximum of one (1) temporary ground sign in addition to the number of ground signs permitted by this By-law may be erected annually per business premise per lot for periods not exceeding thirty (30) days for special promotions or sales provided the sign shall not:

(a) have more than four (4) sign faces and shall not exceed 4.65m^2 (50ft.^2) of sign area for a single face; 9.29m^2 (100ft.^2) for two (2) faces combined; 13.94m^2 (150ft.^2) for three (3) faces combined or 18.58m^2 (200ft.^2) for four (4) faces combined.

(b) exceed a height of 4m (13.12ft.) from grade level to the highest part of any portion (base, post, frame, structure or face) of the sign; and,

(c) be located within the corner vision triangle unless all portions (base, post, frame, structure and face) of the sign are less than 1.2m (4ft.) in height.

(7) Projecting Wall Signs:

A maximum of three (3) projecting wall signs may be erected per business premise per building wall elevation provided the sign shall:

(a) not have more than two (2) sign faces and shall not exceed 1.1m^2 (12ft.^2) of sign area for a single face or 2.2m^2 (24ft.^2) for both faces combined;

- (b) not have any portion of the sign or sign structure extending beyond the face of the building for a distance of more than 1.2m (4ft.) from the supporting wall;
- (c) not have any portion of the sign lower than 2.4m (8 ft.) above the level of any street right-of way if located above a street right-of-way;
- (d) be permanently attached to the building face in a secure manner without the use of guy wires; and.
- (e) be secured in such a manner as not to be completely free swinging.

(8) Canopies or Awning Signs

A maximum of three (3) canopy or awning signs may be erected per business premise per building wall elevation provided no sign shall:

- (a) exceed more than 1m^2 (10.76ft.²) per linear metre (3.28 linear feet) of canopy or awning upon which the sign is affixed;
- (b) extend or project further than 0.3 m (1ft.) from the supporting canopy or awning; and,
- (c) have any portion of the sign or fixture lower than 2.4m (8ft.) above the level of the street or building grade.

(9) Kiosk Signs: C-1, C-2M, WCI-5 and C-3 Zones:

In the Downtown Commercial (C-1) zone, the General Commercial Mainstreet (C-2M) zone, the Waterfront Commercial Industrial (WCI-5) zone and the Secondary Commercial (C-3) zone a maximum of one (1) kiosk sign per business premise per lot may be erected provided:

- (a) the sign must be non-permanent, temporary and be displayed only during normal business hours;
- (b) the sign shall be placed directly in front of the business it advertises and be located immediately adjacent to either the curb or the building so as not to interfere with the sidewalk travel surface;
- (c) the sign shall not have more than four (4) sign faces and shall not exceed 2m^2 (21.5ft.²) of sign area for a single (1) face, 4m^2 (43ft.²) for two (2) faces combined, 6m^2 (64.5ft.²) for three (3) faces combined, or 8m^2 (86ft.²) for four (4) faces combined; and,

(d) the maximum number of kiosk signs permitted in front of one (1) building shall be three (3).

(10) Banner Signs:

A maximum of three (3) banner signs may be erected per business premise per building wall elevation if located on a wall of a building and/or a maximum of three (3) banner signs may be erected per business premise if not located on a wall of a building provided:

(a) each sign shall not have more than two (2) sign faces and shall not exceed 4.66m^2 (50ft.^2) of sign area for a single face or 9.29m^2 (100ft.^2) for two (2) faces combined;

(b) each sign shall not exceed a height of 3.66m (12ft.) from grade level to the highest part of the sign; and,

(c) each sign shall not have any portion (base, post, frame or face) located closer than 1.5m (5ft.) to any public right-of-way or common lot boundary.

(11) Product Display Signage not Exceeding 0.5m^2 (5.4ft.^2) in Area:

Notwithstanding anything else in this By-law, in addition to signage permitted by this Part, small facial wall signs and small ground signs used for product display price signage not exceeding 0.5m^2 (5.4ft.^2) in area may be erected without a Municipal Development Permit.

(12) Special Signage Requirements - Automobile Service Stations:

The following special signage requirements shall apply to automobile service stations:

(1) Notwithstanding anything else in this By-law, poster style signs may be attached to the pylons supporting the canopy sheltering the pump station or on the pump station themselves without a Municipal Development Permit provided the total sign area does not exceed 1m^2 (10.76ft.^2) per linear metre 1m (3.28 linear feet) of the shortest length of the canopy; and,

(2) Notwithstanding anything else in this By-law, one (1) additional ground sign denoting only the business name and the price of gas/diesel may be erected without a Municipal Development Permit provided the sign shall not:

(a) have more than four (4) sign faces and shall not exceed 4m^2 (43.1ft.^2) of sign area for a single face; 8m^2 (86.1ft.^2) for two (2) faces combined; 12m^2 (129.2ft.^2) for three (3) faces combined or 16m^2 (172.2ft.^2) for four (4) faces combined;

(b) exceed a height of 3.66m (12ft.) from grade level to the highest part of the sign; and,

(c) have any portion (base, post, frame or face) located closer than 1.5m (5ft.) to any public street right-of-way.

(13) Special Signage Requirements - Propane and Natural Gas Sales:

Notwithstanding anything else in this By-law, one (1) additional ground sign may be attached to propane tanks and/or natural gas tanks (one (1) sign per propane/natural gas tank) denoting only the business name and the price of the propane or natural gas without a Municipal Development Permit provided the sign:

(1) shall not have more than four (4) sign faces and shall not exceed 4m^2 (43.1ft.^2) of sign area for a single face; 8m^2 (86.1ft.^2) for two (2) faces combined; 12m^2 (129.2ft.^2) for three (3) faces combined or 16m^2 (172.2ft.^2) for four (4) faces combined; and,

(2) shall not have any portion (base, post, frame or face of the sign (excluding the propane or natural gas structure)) exceed a height of 6m (19.7ft.) from grade level to the highest part of the sign.

(14) Special Signage Requirements – Light Pole Ground Signs:

Notwithstanding anything else in this By-law, a maximum of two (2) light pole ground signs, in addition to the ground signs permitted by other sections of this by-law, may be attached to the light pole without a Municipal Development Permit provided the sign:

(1) shall not have more than two (2) sign faces and shall not exceed 1.5m^2 (16.1ft.^2) in sign area for a single face or 3.0m^2 (32.3ft.^2) for both faces combined; and,

(2) shall not have any portion (base, post, frame or face of the sign (excluding the light pole structure)) exceed a height of 6m (19.7ft.) from grade level to the highest part of the sign.

(15) Special Signage Requirements – Fence Ground Signs:

Notwithstanding anything else in this By-law, a maximum of three (3) fence ground signs (banner or rigid type) per fence elevation, in addition to the ground signs and banner signs permitted by other sections of this by-law, may be erected within the General Commercial (C-2) zone, the General Commercial Mainstreet (C-2M) zone and the Commercial Industrial (CI-4) zone without a Municipal Development Permit provided the sign:

- (1) shall not have more than two (2) sign faces and shall not exceed 4.65m^2 (50ft^2) of sign area for a single face or 9.3m^2 (100ft^2) for both faces combined;
- (2) shall not cover more than 1m^2 (10.76ft^2) per linear metre (3.28 linear feet) of the wall fence elevation upon which the sign is affixed;
- (3) shall not exceed a height of 3.1 m (10ft.) from grade level to the highest part of the sign; and,
- (4) shall not have any portion of the frame or face of the sign (excluding the fence structure) located closer than 1.5m (5ft.) to any public street right-of-way.

(16) Special Signage Requirements – Cart Corral Signage:

Notwithstanding anything else in this By-law, cart corral signage may be erected on any cart corral without a Municipal Development Permit provided the sign:

- (1) shall not have more than two (2) sign faces and shall not exceed 4.65m^2 (50ft^2) of sign area for a single face or 9.3m^2 (100ft^2) for both faces combined;
- (2) shall not exceed a combined sign area exceeding 9.3m^2 (100ft^2) per cart corral;
- (3) shall not exceed a height of 4m (13.1ft.) from grade level to the highest part of the sign; and,
- (4) shall not have any portion of the frame or face of the sign (excluding the cart corral structure) located closer than 1.5m (5ft.) to any public street right-of-way.

(17) Off-site Ground Signage Permitted – Commercial or Industrial Uses

Notwithstanding anything else in this By-law, any commercial or industrial use may erect a maximum of one (1) off-site ground sign on a maximum of one (1) directly abutting lot provided:

- (1) the sign is a permitted sign pursuant to this By-law;
- (2) the sign is located in the same zone as the business or use it advertises;
- (3) the business or use that the sign advertises directly abuts the lot that the sign is located; and,
- (4) all provisions related to ground signs are satisfied. For the sake of clarity, this provision shall not increase the size or number of signs permitted by this By-law.

(18) Special Signage Requirements: Menu Board Drive-Thru Signs:

In addition to the signs permitted pursuant to this By-law, two (2) menu drive-thru signs per drive-thru may be erected in the form of either ground signs or facial wall signs without the issuance of a Municipal Development Permit provided the signs:

- (1) shall only have one (1) sign face and shall not exceed 6m^2 (64.6ft.^2) in area;
- (2) shall not have any portion of the sign (base, post, frame or face) located closer than 1.5m (5ft.) to any public street right-of-way or common lot boundary;
- (3) shall not have any portion (base, post, frame or face) of the sign exceeding 4.6m (15ft.) in height from grade level to the highest part of the sign; and,
- (4) in the case of a facial wall sign, the sign shall not extend above the top of the wall or beyond the extremities of the wall upon which it is attached nor project out further than 0.3m (1ft.) from the supporting wall.

6.8 Off-site Signage Permitted – Open House Real Estate Signs:

Notwithstanding anything else in this By-law, a maximum of two (2) off-site open house real estate signs, advertising a particular property for sale during an open house viewing, may be erected within the public street right-of-way or on private property without the issuance of a Municipal Development Permit provided the signs:

- (1) shall not have more than two (2) sign faces and shall not exceed 1m^2 (10.7ft.^2) of sign area for a single face or 2m^2 (21.5ft.^2) for both faces combined;
- (2) shall not have any portion (base, post, frame or face) of the sign exceeding 2m (6.5ft.) in height from grade level to the highest part of the sign; and,

(3) shall not be erected prior to twenty four (24) hours before the open house and shall be removed within twenty four (24) hours of the closing of the open house. Town retains the right to remove any real estate signs located on any street right-of-way if, in the opinion of the Town's Traffic Authority, the sign creates a hazard for the travelling public.

6.9 Special Signage Requirements: Wharf and Marina Signage

In addition to the signs permitted by this By-law, private and public wharves and marinas may erect signage in the form of either ground signs or facial wall signs which may include off-site services and contact information associated with the needs of the marine transportation industry without the issuance of a Municipal Development Permit provided the signs:

(1) shall not have more than two (2) sign faces and shall not exceed 2m^2 (21.5ft.²) of sign area for a single face or 4m^2 (43ft.²) for two (2) faces combined;

(2) shall not have any portion (base, post, frame or face) of the sign exceeding 4.6m (15ft.) in height from grade level or deck level to the highest part of the sign; and,

(3) in the case of a facial wall sign, the sign shall not extend above the top of the wall or beyond the extremities of the wall upon which it is attached nor project out further than 0.3m (1ft.) from the supporting wall.

6.10 Special Occasion Event Signage Requirements:

Notwithstanding anything else in this By-law, on-site or off-site special occasion event signage which may include the name(s) or logo(s) of the special occasion event sponsor(s) may be erected without the issuance of a Municipal Development Permit in the form of any type of signage (those permitted as well as those not permitted by this By-law) provided:

(1) Council's permission is obtained if the signage is erected within any street right-of-way with the exception of a maximum of one (1) banner sign per special occasion event stretching over a public street right-of-way or along any public street right-of-way with approval from the Town's Traffic Authority;

(2) Council's permission is obtained if the signage is erected within any street right-of-way with the exception of banner signs attached to ornamental street light poles located within the Central Business District Designation with approval from the Town's Traffic Authority;

(3) that the sponsorship signage shall not include any other message or convey any other information other than the business's name or logo, organization's name or logo and/or person's name;

(4) the sponsorship signage may be on the same sign as the special occasion event signage or otherwise be on a separate sign but be adjacent to the special occasion event signage in such a fashion as to be clearly part of the overall promotion of the special occasion event; and,

(5) that the special occasion event signage and any associated sponsorship signage shall not be erected for a period of time exceeding sixty (60) days per special occasion event and shall be immediately removed upon the completion of the special occasion event. Notwithstanding, Council's approval may be obtained for a special event signage and any associated sponsorship signage for period of time exceeding sixty (60) days.

6.11 Special Occasion Event Signage on Established Signs

Notwithstanding anything else in this By-law, established signs may post special occasion event signage pertaining to any special event occasion and may increase the sign area strictly for the special occasion event information provided such signage shall not be erected for a period of time exceeding sixty (60) days per special occasion event. Notwithstanding, Council's approval may be obtained for a special event signage and any associated sponsorship signage for period of time exceeding sixty (60) days. No Municipal Development Permit shall be required for special occasion event signage on established signs.

Part 7 – General Provisions for All Residential Zones

7.1 Accessory Buildings - Lots Less Than Ten Thousand (10,000) Square Feet

A maximum of one (1) accessory building may be erected or placed on a residential zoned lot with an area less than 929m² (10,000 ft.²) in area provided:

- (1) it shall not be used for human habitation;
- (2) it shall not be located in the front yard;
- (3) it shall not be located closer than 4.6m (15 ft.) to any public street (open or closed);
- (4) it shall not be located closer than 0.6m (2 ft.) to any side yard lot line;
- (5) it shall not be located closer than 0.6m (2 ft.) to any rear yard lot line;
- (6) it shall not exceed 4.6m (15 ft.) in height;
- (7) it shall not exceed 69.8m² (750 ft.²) in floor area or ten (10) percent of the total lot area, whichever is the lesser;
- (8) it shall not be located closer than 1.8m (6 ft.) to any main building; and,
- (9) it shall not have any building elevation more than twice the length of its shortest building elevation.

7.2 Accessory Buildings - Lots With Ten Thousand (10,000) or More Square Feet

One accessory building to a maximum of two (2) accessory buildings may be erected or placed on a residential zoned lot with an area of 929m² (10,000 ft.²) or more in area provided:

- (1) each building shall not be used for human habitation;
- (2) each building shall not be located in the front yard;
- (3) each building shall not be located closer than 4.6m (15 ft.) to any public street (open or closed);
- (4) each building shall not be located closer than 0.6m (2 ft.) to any side yard lot line;
- (5) each building shall not be located closer than 0.6m (2 ft.) to any rear yard lot line;
- (6) each building shall not exceed 4.6m (15 ft.) in height;

(7) they shall not exceed a combined floor area of 139.4m² (1500 ft.²) or ten (10) percent of the total lot area, whichever is the lesser;

(8) each building shall not be built within 1.8m (6 ft.) of any main or accessory building; and,

(9) each building shall not have any building elevation more than twice the length of its shortest building elevation.

7.3 Visibility at Street Intersections - Corner Vision Triangle

On a corner lot in a residential zone, a fence, sign, hedge, shrub, bush, tree, or any structure or vegetation shall not be erected or permitted to grow to a height greater than 1.2m (4 ft.) above the grade of streets which abut the lot within the triangular area included within both road lines for a distance of 3m (10 ft.) from their point of intersection.

7.4 Uses Permitted by Development Agreement

Municipal Planning Strategy Residential Policy 1.11 provides that the following uses may be considered for development in the residential designation by development agreement:

(1) New multiple unit dwellings (apartments, townhouses, group dwellings) containing more than four (4) units per lot (High Density Residential (R-3) uses), located within the Residential designation provided they are located on a collector or arterial classified street provided they are not located within the Architecturally Sensitive (A-S) area and provided the High Density Residential (R-3) requirements contained in the Land Use By-law with respect to lot area, lot frontage, yard set-backs and maximum height are satisfied;

(2) Expansions to existing apartment buildings or townhouses containing more than four (4) units per lot (High Density Residential (R-3) uses) located within the Residential designation provided they are located on a collector or arterial classified street provided they are not located within the Architecturally Sensitive (A-S) area and provided the High Density Residential (R-3) requirements contained in the Land Use By-law with respect to lot area, lot frontage, yard setbacks and maximum height are satisfied;

(3) Expansions to existing mobile home parks beyond the limits of lands zoned Mobile Home Park (R-M);

(4) Boarding and rooming houses with more than three (3) rental rooms provided one (1) on-site parking space for each room, suite or rental accommodation is provided at the side or rear of the main building. For Senior Citizen's boarding and rooming houses with more than three (3) rental rooms, one (1) on-site parking space for every two (2) rooms, suites or rental accommodations, or fraction thereof, shall be provided at the side or rear of the main building;

(5) Nursing homes, group homes and adult day centers;

(6) Institutional (I-1) uses on a lot less than 2323.8m² (25,000 ft.²) which exceeds 371.8m² (4,000 ft.²) or more of gross floor area exclusive of vestibules, washrooms and closets subject to the Institutional (I-1) zone requirements;

(7) Group dwellings for Medium Density (R-2) uses provided the zone requirements as specified in the Land Use By-law for the R-2 zone are satisfied, provided they are not located within the Architecturally Sensitive (A-S) area and provided the development is located on a collector or arterial classified street;

(8) Hostel developments within the residential designation subject to the following performance standards:

- a) maximum number of bedrooms used for hostel purposes shall be five (5);
- b) maximum number of beds used for hostel purposes shall be twelve (12). For the purpose of this Part, beds shall be counted as single beds and each level of bunk or stacked bed shall be counted as individual beds;
- c) minimum lot area for a hostel use shall be 10,000 square feet;
- d) dwelling must be occupied as a residence by the operator of the hostel;
- e) no open storage or outdoor display other than that which is consistent with a residential dwelling shall be permitted;
- f) no additions or exterior alterations to the hostel shall be undertaken except for modifications necessary to meet fire safety standards;
- g) that the lot or parcel of land intended to be used as a hostel abuts either a collector or an arterial classified street.

7.5 Uses Permitted by Development Agreement for Registered Heritage Properties:

Municipal Planning Strategy Residential Policy 1.14 provides that the following tourism related uses may be considered for development in the residential designation for registered heritage properties by development agreement:

- (1) Coffee and Tea Shops;
- (2) Antique Shops;
- (3) Art Galleries; and,
- (4) Inns immediately abutting the Central Business District.

7.6 Non-Residential Uses Permitted

The following non-residential uses shall be permitted within any residential zones:

- (1) Guest Homes (maximum of six (6) rental bedrooms);
- (2) Day Nurseries;
- (3) Domestic and Household Arts;
- (4) Home Based Offices;
- (5) Mobile Home Based Businesses;
- (6) Lobster Trap Storage Facilities; and,
- (7) Home Based Aesthetic Practice; and,
- (8) Internet Web Site Development.

7.7 Non-Residential Uses: General Requirements

The following general requirements shall apply to the operation of non-residential uses within all residential zones:

- (1) A dwelling must be occupied as a residence by the user, only two (2) non-residential uses per dwelling unit may be established and only two (2) assistants who are not residents of the dwelling may be employed per non-residential use;
- (2) Excluding guest homes, not more than twenty-five (25) percent of the total floor area of the dwelling shall be devoted to the non-residential use, or in the case of an accessory building, not more than 37.2m² (400 ft.²) of the accessory building or a combination thereof;
- (3) No open storage or outdoor displays shall be permitted except for lobster trap storage facilities provided:
 - a) The open storage shall be wholly enclosed within a 1.8m (6 ft.) high opaque fence;
 - b) The height of the open storage shall not exceed the height elevation of the opaque fence;
 - c) The opaque fence enclosing the open storage shall not be located in the required front yard of the lot;
 - d) The opaque fence enclosing the open storage shall not be located in the required flanking yard of a corner lot;
 - e) The opaque fence enclosing the open storage shall not be permitted within 0.6m (2 ft.) of any common lot boundary;
 - f) The area devoted to open storage shall not exceed fifty (50) percent of the total lot area; and,

g) The open storage shall be clean and void of any animal matter, bait and any other similar items.

(4) No mechanical equipment shall be used except that which is reasonably consistent with the use of the dwelling or for use by a professional person; and,

(5) No alterations shall be made which would change the residential appearance of the dwelling.

7.8 Non-Residential Uses: Special Restriction

Any non-residential use that creates objectionable noise, vibration, glare, fumes, odours, dust, air pollutants, traffic generation, or electrical interference shall be prohibited.

7.9 Non-Residential Uses: Parking Requirements

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure, on-site parking shall be provided and maintained on the same lot as the use in conformity with the following schedule:

Guest Homes	one (1) parking space for each rental room, suite or accommodation in addition to parking space required for the occupant and each additional use pursuant to this By-law
Day Nurseries, Domestic and Household Arts; Home Based Offices; Mobile Home Based Businesses; Home Based Aesthetic Practices; Internet Web Site Development; and, Lobster Trap Storage Facilities	exempt from any additional parking requirements except those parking spaces required for the occupant and each additional use pursuant to this By-law.

7.10 Non-Residential Uses: Parking Restrictions

All on-site parking for non-residential uses shall be located at the side or rear of the main building. Notwithstanding, on a corner lot, on-site parking for non-residential uses may be located in the front yard provided:

- (1) that they are not located closer than 6.1 m (20ft.) to any front lot line;
- (2) that they are not located closer to the flanking lot line than any main wall of any main building located on the same lot;
- (3) that the driveway entrance conforms with Part 5.19 and Part 5.20 of this by-law;
- (4) that the parking area conforms with Part 5.27 and Part 5.28 of this by-law; and,
- (5) that all other applicable by-law provisions are satisfied. In the case of a conflict, the higher or more stringent requirement shall prevail.

7.11 Parking of Commercial Motor Vehicles

No motor vehicle used for commercial purposes such as ambulances, hearses, motor buses, tractors, trailers or tractor/trailer combined, vans exceeding a gross vehicle weight of 2,268 kg. (5,000 pounds), transport trucks, dump trucks, backhoes, front end loaders, construction vehicles and other similar vehicles, whether or not same contains commercial licences or signage shall be parked or kept on any residential zoned lot or along any residential zoned street. The maximum number of commercial vans not exceeding a gross vehicle weight of 2,268 kg. (5,000 pounds) which may be parked or kept on any residential zoned lot shall be one (1) provided the vehicle is owned or operated by the occupant and parked or kept at the side or rear of the main building. Commercial vans not exceeding a gross vehicle weight of 2,268 kg. (5,000 pounds) parked or kept on any residential zoned street shall not be regulated pursuant to this By-law.

7.12 Minimum Main Building Width - Architectural Design Features

Except for in the Mobile Home Park (R-M) zone, no main building located within the R-1, R-2, R-3, and R-H zones shall have a width between any two (2) main walls of less than 6.1m (20 ft.) For the purpose of this Part, a main wall is any exterior wall of the building running a linear distance of fifty (50) percent or more of the overall length or width of the building.

7.13 Transportation Vehicles and/or Shipping Containers Use Prohibited

(a) No automobile, recreational trailer, camper, truck, bus, coach body, truck body, mobile classroom, mobile storage compartment, tractor, trailer, or tractor trailer combined, including any plane, train, boat, construction vehicle, shipping container, transport vehicle, transport container, cargo container or any other similar type of structure or enclosure shall be used as a main or accessory building in any residential (R-1, R-2, R-3 and/or R-H) zone, whether or not same is mounted on wheels or on a foundation.

(b) Notwithstanding Part 7.13(a), a recreational trailer may be sited on a lot and used for human habitation purposes provided the use does not exceed thirty (30) days in any calendar year.

Part 8 - Low Density Residential (R-1) Zone

8.1 R-1 Zone Permitted Uses

(A) A maximum of one of the following uses shall be permitted in the Low Density Residential (R-1) zone:

- * Single Detached Dwellings;
- * Two (2) unit Dwellings;
- * Semi-detached Dwellings characterized by not more than one shared property line with a maximum of one (1) unit per lot;

(B) Parking lots within 100 m (328 ft.) of the location it is intended to serve (excluding parking lot structures), private parks, private gardens and residential care facilities shall be permitted in the Low Density Residential (R-1) zone as stand alone, in combination with each other or in combination with any use outlined above pursuant to Part 8.1(A).

8.2 Zone Requirements

In a Low Density Residential (R-1) zone, no development permit shall be issued except in conformity with following:

	Single Detached and two (2) unit Dwellings	Semi-Detached Dwelling
Minimum lot area	464.5m ² (5000 ft. ²)	371.6m ² (4000 ft. ²) for one (1) dwelling unit per lot
Minimum lot frontage	15.24m (50 ft.)	12.2m (40 ft.) per lot
Minimum front yard	6.1m (20 ft.)	6.1m (20 ft.)
Minimum flanking yard	4.6m (15 ft.)	4.6m (15 ft.)
Minimum rear yard	6.1m (20 ft.)	6.1m (20 ft.)
Minimum side yard:		
One side	1.8m (6 ft.)	3m (10 ft.) on exterior yard only
Other side	3m (10 ft.)	
Maximum Height of Main Building	10.67 m (35 ft.)	10.67 m (35 ft.)

8.3 Parking Requirements: R-1 Zones

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure, one (1) on-site parking space shall be provided and maintained for each dwelling unit located on the same lot as the use having unobstructed access to a public street.

8.4 One Main Building: R-1 Zones

No person shall erect more than one (1) main building on a lot in the Low Density Residential (R-1) zone.

8.5 Conformity with Existing Setbacks: R-1 Zones

Notwithstanding anything else in this Part, any structure built between existing buildings may be built with a setback equal to the average setback of the adjacent buildings within two hundred (200) feet (61.0 meters) on the same block, but this depth shall not be less than five (5) feet (1.5 meters) from the front lot line.

8.6 Parking Lots

In a Low Density Residential (R-1) zone, no development permit shall be issued for a lot solely containing a parking lot unless all parking spaces have a minimum set-back of 6.1m (20 ft.) from any common lot line, except those lot lines directly abutting a street. Parking spaces may be developed within the minimum set-back of 6.1m (20 ft.) provided a 1.8m (6 ft.) high opaque fence is erected along the entire length of the parking area between the parking area and the common lot line boundary.

Part 9 - Medium Density Residential (R-2) Zone

9.1 R-2 Zone Permitted Uses

A maximum of one of the following uses shall be permitted in the Medium Density Residential (R-2) zone:

- * All R-1 permitted uses subject to the R-1 zone requirements;
- * Semi Detached Dwellings characterized by not more than one (1) shared property line with a maximum of two (2) units per lot;
- * Three (3) Unit Dwellings;
- * Four (4) Unit Dwellings.

9.2 R-2 Zone Requirements

In the Medium Density Residential (R-2) zone, no development permit shall be issued except in conformity with the following:

	Three Unit Dwellings	Four Unit Dwellings	Semi-detached
Minimum Lot Area	929m ² (10,000 ft. ²)	1114.8m ² (12,000 ft. ²)	557.4m ² (6,000 ft. ²) for two (2) dwelling units per lot
Minimum Lot Frontage	19.8m (65 ft.)	27.4m (90 ft.)	15.25m (50 ft.) per lot
Minimum Front Yard	7.6m (25 ft.)	7.6m (25 ft.)	7.6m (25 ft.)
Minimum Flanking Yard	6.1m (20 ft.)	6.1m (20 ft.)	6.1m (20 ft.)
Minimum Rear Yard	7.6m (25 ft.)	7.6m (25 ft.)	7.6m (25 ft.)
Minimum Side Yards	4.6m (15 ft.)	4.6m (15 ft.)	4.6m (15 ft.) on exterior yards only
Maximum Height of Main Building	10.67m (35 ft.)	10.67m (35 ft.)	10.67m (35 ft.)

9.3 R-2 Zone Requirements - Mainstreet Lots

Notwithstanding Part 9.2, for those lots abutting Main Street in the Medium Density Residential R-2 zone, no development permit shall be issued except in conformity with the following:

	Triplex (3 Units)	Apartments (4 Units)	Semi-detached
Minimum Lot Area	557.4m ² (6000 ft. ²)	743.2m ² (8000 ft. ²)	557.4m ² (6,000 ft. ²) for two (2) dwelling units per lot
Minimum Lot Frontage	15.24m (50 ft.)	15.24 m (50 ft.)	15.24m (50 ft.) per lot
Minimum Front Yard	3m (10 ft.)	3m (10 ft.)	3m (10 ft.)
Minimum Flanking Yard	4.6m (15 ft.)	4.6m (15 ft.)	4.6m (15 ft.)
Minimum Rear Yard	6.1m (20 ft.)	6.1m (20 ft.)	6.1m (20 ft.)
Minimum Side Yard	3m (10 ft.)	3m (10 ft.)	3m (10 ft.) on exterior yards only
Maximum Height of Main Building	10.67m (35 ft.)	10.67m (35 ft.)	10.67m (35 ft.)

9.4 One Main Building

No person shall erect more than one main building on a lot in the Medium Density Residential (R-2) zone.

9.5 R-2 Zone Group Dwelling Requirements - Development Agreement

Municipal Planning Strategy Policy 1.11 provides that group dwellings up to a maximum of four (4) units per lot, may be considered for development in the residential designation for Medium Density Residential (R-2) uses by development agreement. However, such developments shall conform with the following requirements:

1. Minimum lot frontage to be 30.5m (100 ft.);
2. Minimum lot area to be 1114.8m² (12,000 ft.²);
3. Minimum front yard setback to be 7.62m (25 ft.);

4. Minimum side yard setback to be 4.6m (15 ft.) or one-half (1/2) the height of the tallest building, whichever is greater;
5. Minimum flanking yard setback to be 6.1 m (20 ft.);
6. Minimum rear yard setback to be 7.62 m (25 ft.);
7. Maximum height of main buildings to be 10.67 m (35 ft.);
8. Minimum distance between buildings shall be 6.1m (20 ft.);

9.6 R-2 Zone - Parking Requirements

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure in the Medium Density Residential (R-2) zone, one (1) on-site parking space shall be provided and maintained for each dwelling unit located on the same lot as the use having unobstructed access to a public street.

Part 10 - High Density Residential (R-3) Zone

10.1 R-3 Zone Permitted Uses

All existing apartment buildings containing more than four (4) dwelling units shall be considered permitted uses within the High Density Residential (R-3) zone. Any new High Density Residential (R-3) use, any increase in the number of dwelling units within an existing building or any expansion to an existing building in the High Density Residential (R-3) zone shall only be considered by Development Agreement provided it abuts a collector or arterial street subject to the High Density Residential (R-3) zone requirements. In addition, any property zoned High Density Residential (R-3) may be used for any Medium Density Residential (R-2) use subject to the Medium Density Residential (R-2) zone requirements.

10.2 R-3 Zone Requirement - Development Agreement For Five (5) Units and Six (6) Units

Municipal Planning Strategy Policy 1.11 provides that five (5) units and six (6) units may be considered for development in the Residential Designation by Development Agreement. Developments shall conform to the following minimum lot area and minimum lot frontage requirements. Developments shall conform, if feasible, to the minimum yard set-back and maximum height requirements. However, through the Development Agreement process, the minimum yard set-backs and maximum height restrictions may be waived. Any proposed subdivision of land shall not cause any existing High Density (R-3) zoned property to have any yard set-back further reduced from these minimum yard set-back standards.

Minimum Lot Area	1207.7m ² (13,000 ft. ²) for five units
Minimum Lot Area	1300.6m ² (14,000 ft. ²) for six units
Minimum Lot Frontage	27.4m (90 ft.)
Minimum Front Yard	7.6m (25 ft.)
Minimum Flanking Yard	7.6m (25 ft.)
Minimum Rear Yard	7.6m (25 ft.)
Minimum Side Yard	4.6m (15 ft.) or one-half (½) the height, whichever is greater
Maximum Height of Main Building	13.72m (45 ft.)

10.3 R-3 Zone Requirements - Development Agreement For More Than Six (6) Units

Municipal Planning Strategy Policy 1.11 provides that dwellings containing more than six (6) units may be considered for development in the Residential Designation by Development Agreement. Developments shall conform to the following minimum lot area and minimum lot frontage requirements. Developments shall conform, if feasible, to the minimum yard set-back and maximum height requirements. However, through the Development Agreement process, the minimum yard set-backs and maximum height restrictions may be waived. Any proposed subdivision of land shall not cause any existing High Density (R-3) zoned property to have any yard set-back further reduced from these minimum yard set-back standards.

Minimum Lot area	1300.6m ² (14,000 ft. ²) for the first six dwelling units plus 92.9m ² (1000 ft. ²) for each additional unit
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Minimum Lot Frontage	30.5m (100 ft.)
Minimum Front Yard	7.6m (25 ft.)
Minimum Flanking Yard	7.6m (25 ft.)
Minimum Rear Yard	7.6m (25 ft.)
Minimum Side Yard	4.6m (15 ft.) or one-half (½) the height, whichever is greater
Maximum Height of Main Building	13.72m (45 ft.)

10.4 R-3 Zone Parking Requirements

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use (increase in the number of dwelling units) to a building or structure in the High Density Residential (R-3) zone, on-site parking shall be provided and maintained on the same lot as the use in conformity with the following schedule:

Use	Parking Requirement
Multiple Unit Senior Citizens' Dwellings	One (1) parking space for every two (2) dwelling units or fraction thereof
All Other Construction	One and One-half (1 ½) parking spaces per dwelling unit or fraction thereof

10.5 R-3 Zone Group Dwelling Requirements - Development Agreement

Municipal Planning Strategy Policy 1.11 provides that group dwellings may be considered for development in the residential designation for High Density Residential (R-3) uses by development agreement. However, such developments shall conform with the following requirements:

1. Minimum lot frontage to be 30.5m (100 ft.);
2. Minimum lot area to be 1207.7m² (13,000 ft²) and shall have an additional 92.9m² (1,000 ft.²) for each additional unit in excess of five (5) units;
3. Minimum front yard setback to be 7.62m (25 ft.);
4. Minimum side yard setback to be 4.6m (15 ft.) or one-half (1/2) the height of the tallest building, whichever is greater;
5. Minimum flanking yard setback to be 6.1 m (20 ft.);
6. Minimum rear yard setback to be 7.62 m (25 ft.);
7. Maximum height of main buildings to be 10.67 m (35 ft.);
8. Minimum distance between buildings shall be 6.1m (20 ft.)

Part 11 - Mobile Home Park (R-M) Zone

11.1 Permitted Uses

In the Mobile Home Park (R-M) zone, no development permit shall be issued except for the following uses:

- * Mobile Home Dwelling Units;
- * Mobile Home Park;
- * Mobile Home Park Offices;
- * Maintenance Equipment storage related and incidental to the operation of the park; and,
- * Recreational uses, parks and playgrounds related and incidental to the operation of the park.

11.2 R-M Zone Requirements

In the Mobile Home Park (R-M) zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	7432m ² (80,000 ft. ²)
Minimum Lot Frontage	121.9m (400 ft.)
Minimum Front Yard	12.2m (40 ft.)
Minimum Flanking Yard	6.1m (20 ft.)
Minimum Side Yard	6.1m (20 ft.)
Minimum Rear Yard	12.2m (40 ft.)
Maximum Height of Main Building	6.1m (20 ft.)

11.3 Main Buildings - Group Dwellings

Nothing in this By-law shall prohibit the construction or placement of more than one (1) mobile home dwelling unit on a lot in the Mobile Home Park (R-M) zone provided a minimum separation distance of ten (10) feet is provided and maintained between each mobile home dwelling unit.

11.4 Accessory Buildings

A maximum of one (1) accessory building per mobile home dwelling unit (main building) may be erected or placed on a Mobile Home Park (R-M) zoned lot provided:

- (1) it shall not be used for human habitation;
- (2) it shall not be located in the required front yard;
- (3) it shall not be located in the required flanking yard;
- (4) it shall not be located in the required rear yard;
- (5) it shall not be located in the required side yard;
- (6) it shall not be located closer than the mobile home dwelling unit (main building) to any public or private street;
- (7) it shall not be located closer than 1.2m (4 ft.) to any other main or accessory building;
- (8) it shall not exceed 4.6m (15 ft.) in height; and
- (9) it shall not exceed 37.16m² (400 ft.²) in floor area.

11.5 R-M Zone Parking Requirements

For every building or structure to be erected, occupied or enlarged, or where there is a change in use to a building or structure in the Mobile Home Park (R-M) zone, one (1) on-site parking space shall be provided and maintained for each dwelling unit located on the same lot as the use having unobstructed access to a public street.

Part 12 - Residential Holding (R-H) Zone

12.1 R-H Zone Permitted Uses

(A) A maximum of one of the following uses shall be permitted in the Residential Holding (R-H) zone:

- * Single Detached Dwellings;
- * Two (2) Unit Dwellings;
- * Semi-Detached Dwellings characterized by not more than one shared property line with a maximum of one (1) unit per lot;

(B) In addition to the uses permitted by Part 12.1(A), agricultural uses except those prohibited by Part 5.39 of this by-law may be established in conjunction with any permitted use or as a stand alone use subject to the Residential Holding (R-H) zone requirements.

12.2 R-H Zone Requirements - Unserviced Lots

In a Residential Holding (R-H) zone, no development permit shall be issued except in conformity with the following:

	Single & Two Unit Dwelling	Semi-Detached Dwelling
Minimum Lot Area	7432m ² (80,000 ft. ²)	7432 m ² (80,000 ft. ²) for one (1) dwelling unit per lot
Minimum Lot Frontage	121.9m (400 ft.)	121.9m (400 ft.) per lot
Minimum Front Yard	7.6m (25 ft.)	7.6m (25 ft.)
Minimum Flanking Yard	6.1m (20 ft.)	6.1m (20 ft.)
Minimum Side Yard	3.05m (10 ft.)	3.05m (10 ft.)
Minimum Rear Yard	7.6m (25 ft.)	7.6m (25 ft.)
Maximum Height of Main Building	10.7m (35 ft.)	10.7m (35 ft.)

12.3 R-H Zone Requirements - Serviced Lots

Notwithstanding anything contained in Part 12.2, the following standards shall apply to Residential Holding (R-H) lots fronting on existing public streets with adequate municipal sewer and municipal water facilities:

	Single Detached Dwelling	Two Unit Dwelling	Semi-Detached Dwelling
Minimum Lot Area	464.5m ² (5000 ft. ²)	557.4m ² (6000 ft. ²)	371.6m ² (4000 ft. ²) for one (1) dwelling unit per lot
Minimum Lot Frontage	15.3m (50 ft.)	15.3m (50 ft.)	12.19m (40 ft.) per dwelling unit
Minimum Front Yard	6.1m (20 ft.)	6.1m (20 ft.)	6.1m (20 ft.)
Minimum Flanking Yard	4.6m (15 ft.)	4.6m (15 ft.)	4.6m (15 ft.)
Minimum Rear Yard	6.1m (20 ft.)	6.1m (20 ft.)	6.1m (20 ft.)
Minimum Side Yard			
One Side	1.8m (6 ft.)	3m (10 ft.) on both sides	3m (10 ft.) on exterior yard only
Other Side	3m (10 ft.)		
Maximum Height	10.7m (35 ft.)	10.7m (35 ft.)	10.7m (35 ft.)

12.4 R-H Zone Parking Requirements

For every building or structure to be erected, occupied or enlarged, or where there is a change in use to a building or structure in the Residential Holding (R-H) zone, one (1) on-site parking space shall be provided and maintained for each dwelling unit located on the same lot as the use having unobstructed access to a public street.

12.5 Non-Residential Use Permitted

In the Residential Holding (R-H) zone, Commercial U-Fish Farms and accessory uses may be deemed a permitted non-residential use provided:

- (1) the lot meets the minimum lot area of 7432 m² (80,000 ft.²);
- (2) ten (10) on-site parking spaces are provided and maintained on the same lot as the use located at the side or rear of the main building having unobstructed access to a public street;

(3) the U-Fish Ponds satisfy the following set-back requirements:

Minimum Front Yard	30.5m (100 ft.)
Minimum Flanking Yard	30.5m (100 ft.)
Minimum Rear Yard	30.5m (100 ft.)
Minimum Side Yards	15.3m (50 ft.)

(4) the U-Fish ponds are wholly enclosed within a fence not less than 1.5m (5 ft.) in height above grade and the bottom of such fence shall not be more than 7.6 cm. (3 in.) above grade. Where the fence is constructed of wood, the pickets or boards shall be upright and shall not have any space more than 7.6 cm. (3 in.) in width. Where such fence is constructed of materials other than wood, there shall be no opening in the fence greater than 58 cm.² (9 in.²);

(5) the area devoted to the U-Fish ponds do not exceed fifty (50) percent of the total lot area; and,

(6) all other relevant requirements for "non-residential uses" as identified in Part 7 of this By-law are satisfied.

12.6 One Main Building

No person shall erect more than one (1) main building on a lot in the Residential Holding (R-H) zone.

Part 13 - General Provisions for C-1, C-2, C-2M and C-3 Commercial Zones

13.1 Commercial Development Abutting Non-Commercial Uses

Where a Commercial (C-1, C-2, C-2M or C-3) zone abuts a Residential, Open Space or Institutional zone located within the Residential generalized future land use designation, the following restrictions shall apply:

- (1) The minimum required abutting yard set-back for any main or accessory building shall be 6.1m (20 ft.);
- (2) No open storage, outdoor display, parking or loading area shall be permitted within the required abutting yard set-back except where a 1.8m (6 ft.) high opaque fence or a 3.0m (10 ft.) wide landscaped strip with growth and/or landscaping not less than 1.8m (6 ft.) in height is erected along the entire length of any abutting lot line and provided, in the case of open storage or outdoor displays, that the height of such does not exceed the height elevation of the opaque fence or growth and/or landscaping.
- (3) In the case of providing a landscaped strip, such strip shall be open and unobstructed by any building, parking, loading area, signage, open storage or outdoor display.

13.2 Restrictions on Open Storage or Outdoor Displays

The following restrictions shall apply to open storage and outdoor displays in Commercial (C-1, C-2, C-2M or C-3) zones:

- (1) Except in a General Commercial (C-2) zone or the General Commercial Mainstreet (C-2M) zone, no open storage or outdoor display shall be permitted except for special occasions or temporary uses.
- (2) Where a lot is to be used for open storage or outdoor display within a General Commercial (C-2) zone, or the General Commercial Mainstreet (C-2M) zone, the following restrictions shall apply:
 - a. No open storage shall be permitted in the front yard or flanking yard of any lot within the General Commercial (C-2) zone of the General Commercial Mainstreet (C-2M) zone.
 - b. No outdoor display shall be permitted within 1.5m (5 ft.) of the front or flanking lot line.
 - c. The area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the total lot area.
 - d. The open storage and/or outdoor display shall be accessory to the main use located on the same lot.

13.3 Special Requirements - Automobile Service Stations

Where automobile service stations are permitted in a commercial zone, the following special provisions shall apply:

- (1) No portion of any pump island shall be located within 6.1m (20 ft.) of any public street right-of-way or common lot boundary; and,
- (2) A canopy erected for the purposes of sheltering pump islands may be erected provided that no part of any canopy be located within 3m (10 ft.) of any public street right-of-way or common lot boundary.

13.4 Multiple Main Buildings

In any Commercial (C-1, C-2, C-2M, C-3) zone, nothing in this By-law shall prohibit the development of more than one (1) main building on a lot provided:

- (1) That the minimum separation distance between main buildings shall be waived (no requirement) in the C-1 zone, 6.1m (20 ft.) in the C-2 zone and C-2M zone and 3m (10 ft.) in the C-3 zone.
- (2) That all parking and loading requirements for each main building and/or use are satisfied; and,
- (3) That all other requirements of this By-law are satisfied.

13.5 Accessory Buildings

Nothing in this By-law shall prohibit the construction or erection of two (2) accessory buildings for a single-occupancy building to a maximum of one (1) accessory building per business premise for a multiple-occupancy building within a Commercial (C-1, C-2, C-2M or C-3) zone, provided the accessory building(s) satisfies the following:

- (1) shall not be used for human habitation;
- (2) shall not be located in the front yard;
- (3) shall not be located in the required flanking yard;
- (4) shall not be located closer than 0.6m (2 ft.) to any common lot boundary or street right-of-way, except in the General Commercial (C-2) zone, where it shall not be located closer than 3.0m (10 ft.) to any common lot boundary or street right-of-way. Notwithstanding the above,

the two (2) foot set-back requirement may be waived in the Downtown Commercial (C-1) zone;

(5) shall not be located closer than 1.8m (6 ft.) to any other main or accessory building;

(6) shall not exceed 4.57m (15 ft.) in height;

(7) the total square footage for all accessory buildings shall not exceed ten (10) percent of the total lot area to a maximum of 278.7m² (3000 ft.²) in gross floor area per lot; and,

(8) shall satisfy all other requirements of this By-law.

13.6 Larger Accessory Buildings in the C-2 Zone

Notwithstanding Part 13.5, nothing in this By-law shall prohibit the construction or erection of two (2) accessory buildings for a single-occupancy building to a maximum of one (1) accessory building per business premise for a multiple-occupancy building within the General Commercial (C-2) zone provided the accessory building(s) satisfies the following:

(1) shall not be used for human habitation;

(2) shall not be located in the front yard;

(3) shall not be located in the required flanking yard;

(4) shall not be located closer than twenty (20) feet to any common lot boundary or street right-of-way;

(5) shall not be located closer than ten (10) feet to any other main or accessory building;

(6) shall not exceed twenty five (25) feet in height;

(7) the total square footage for all accessory buildings shall not exceed ten (10) percent of the total lot area to a maximum of 8,000 square feet in gross floor area;

(8) the total gross floor area of all accessory buildings shall not exceed fifty (50) percent of the total gross floor area of the main building; and,

(9) shall satisfy all other requirements of this By-law.

Part 14 - Downtown Commercial (C-1) Zone

14.1 C-1 Zone Permitted Uses

In the Downtown Commercial (C-1) zone, no development permit shall be issued except for one or more of the following uses:

- * Retail Shops;
- * Community Markets;
- * Convenience Stores and Grocery Stores;
- * Wholesale Shops;
- * Light Service Shops;
- * Personal Service Shops;
- * Business Offices;
- * Professional Offices;
- * Internet Web Site Development;
- * Municipal, Provincial and Federal Government Offices;
- * Public Parks;
- * Call Centers;
- * Banks and Financial Institutions;
- * Hotels, Motels and Hostels;
- * Institutional Uses;
- * Medical Clinic;
- * Parking Lots and Parking Structures;
- * Places of Entertainment, Recreation, Fitness and Assembly within wholly enclosed buildings;
- * Taxi and Bus Stations;
- * Taverns, Lounges and Cabarets;
- * Radio Stations;
- * Restaurants;
- * Light Service Industries Within Wholly-enclosed Buildings;
- * Live-in Art Gallery Studios;
- * Laundromats; and,
- * Residential dwelling units up to a maximum of eight (8) units per lot provided they are not located at street level.

14.2 Maximum Permitted Height

In the Downtown Commercial (C-1) zone, no development permit shall be issued for any building or structure greater than 15.24m (50 ft.) in height.

14.3 Uses Permitted by Development Agreement

In the Downtown Commercial (C-1) zone, Municipal Planning Strategy Commercial Policies 2.1.10 and 2.1.11 provide that the following uses may be considered for development only by Development Agreement:

(1) New residential developments containing more than eight (8) units provided they are not located at street level or otherwise located directly abutting the soft line boundary of the Residential Designation in which case residential units may be permitted at street level;

(2) Any new building within the C-1 zone which exceeds 1,393.5m² (15,000 ft.²) of gross commercial floor area or where an addition to an existing building creates more than 1,393.5m² (15,000 ft.²) in gross commercial floor area, otherwise, the alteration of, renovation to or change in commercial use of any existing building shall be exempt from this requirement.

14.4 General Restriction - Live-in Art Gallery Studios

In the Downtown Commercial (C-1) zone, the following general restrictions shall apply to the operation of a Live-in Art Gallery Studio use :

(1) That the commercial component of the Live-in Art Gallery Studio shall be anterior in respect to the residential component of the Live-in Art Gallery Studio and shall not be considered a dwelling unit pursuant to this part; and,

(2) Provided all other requirements of this By-law are satisfied.

14.5 C-1 Zone Parking Requirements - Commercial Uses

Where any addition to an existing building with a gross commercial floor area of less than 929m² (10,000 ft.²) or the construction of a new building or buildings creates more than 929m² (10,000 ft.²) in gross commercial floor area per lot, one (1) off street parking space shall be provided and maintained having unobstructed access to a public street for each 32.52 m² (350 ft.²) or fraction thereof, of gross floor commercial area in excess of 929m² (10,000 ft.²) or otherwise pay the cash-in-lieu cash equivalent. Where the addition is to an existing building exceeding 929m² (10,000 ft.²) in gross commercial floor area, one (1) off street parking space shall be provided and maintained having unobstructed access to a public street for each 32.52 m² (350 ft.²) or fraction thereof of gross commercial floor area of the addition or otherwise pay the cash-in-lieu cash equivalent. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

14.6 C-1 Zone Parking Requirements - Residential Uses

Where any addition to an existing building or structure or the construction of a new building or structure creates a new dwelling unit or otherwise expands an existing dwelling, one (1) off-street parking space for each newly created or expanded dwelling unit shall be provided and maintained having unobstructed access to a public street or otherwise pay the cash-in-lieu cash equivalent. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

14.7 Parking and Loading Spaces Prohibited

In the Downtown Commercial (C-1) zone, the development of parking spaces and loading spaces in the front yard and flanking yard of any lot abutting Main Street, Water Street or John Street shall be strictly prohibited. This provision shall only apply when a new “main” building is being developed. The alteration of, addition to, renovation to or change in use to any existing “main” building; the construction of a new “accessory” building or the alteration of, addition to, or renovation to any existing “accessory” building; or, any change to the use of land shall be exempted from this requirement.

14.8 Cash-In-Lieu Cash Equivalent for Parking Spaces

Notwithstanding any parking requirements of the Downtown Commercial (C-1) zone, the developer may provide cash-in-lieu of required off street parking, or a combination of parking spaces and cash for the balance of the required parking. The cash-in-lieu contribution shall be calculated in accordance with the following formula:

Developer’s Contribution = (a x 18.5 square meters x b) + (b x 50), where:

a = Assessed value of land per square metre;

18.5 = The number of square metres in a parking area;

b = The number of required parking spaces;

50 = Cost of construction of one (1) parking space.

14.9 Visibility at Street Intersections – Corner Vision Triangle

On a corner lot in the Downtown Commercial (C-1) zone, a fence, sign, hedge, shrub, bush, tree or any structure shall not be erected or permitted to grow to a height of greater than 1.2m (4 ft.) above the grade of the streets that abut the lot within the triangular area included within both street lines for a distance of 3.0m (10 ft.) from their point of intersection. This provision shall not apply above the height of 2.44m (8 ft.) above grade of the street at the point of intersection.

**Part 15 – General Commercial (C-2) Zone
- General Commercial Mainstreet (C-2M) Zone**

15.1 C-2 Zone Uses Permitted

In the General Commercial (C-2) zone, no development permit shall be issued except for one or more of the following uses:

- * Retail Shops;
- * Community Markets;
- * Convenience Stores and Grocery Stores;
- * Light Service Industries Within Wholly Enclosed Buildings;
- * Light Service Shops;
- * Personal Service Shops;
- * Internet Web Site Development;
- * Heavy Service Shops;
- * Restaurants (eat-in, drive-in or drive-thru);
- * Taverns, Lounges and Cabarets;
- * Hotels, Motels and Hostels;
- * Wholesale, Distribution and Warehousing;
- * Automobile Sales Establishments;
- * Automobile Service Stations;
- * Car Wash Facilities (drive-in or drive-thru);
- * Cable Television Studios;
- * Parking Lots and Parking Structures;
- * Places of Entertainment, Recreation, Fitness and Assembly within wholly enclosed buildings;
- * Veterinarian Clinics within wholly enclosed single-occupancy buildings;
- * Taxi and Bus Stations;
- * Emergency Response Centers;
- * Public Utility Offices and Work yards;
- * Private Utility Offices and Work Yards;
- * Laundromats; and,
- * Banks and Financial Institutions with 200 square feet or less in commercial floor area per lot.

15.2 C-2M Zone Uses Permitted

In the General Commercial Mainstreet (C-2M) zone, no development permit shall be issued except for one or more of the following uses:

- * All General Commercial (C-2) uses.
- * Residential dwelling units up to a maximum of four (4) units per lot.

15.3 C-2 Zone Requirements

In the General Commercial (C-2) zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	2788.5m ² (30,000 ft. ²)
Minimum Lot Frontage	53.4m (175 ft.)
Minimum Front Yard	18.3m (60 ft.)
Minimum Rear Yard	9.2m (30 ft.)
Minimum Side Yard	6.1m (20 ft.)
Minimum Flanking Yard	18.3m (60 ft.)
Maximum Height of Main Building	10.7m (35 ft.)

15.4 Special Set-back Requirements – C-2 Zone

No building shall be located closer than sixty (60) feet to any public right-of-way or street, whether deemed open (maintained) or closed (not maintained). In the case of any C-2 use in excess of fifty thousand (50,000) square feet in gross floor area, the minimum set-back shall be two hundred (200) feet from any public right-of-way or street, whether deemed open (maintained) or closed (not maintained).

15.5 C-2M Zone Requirements

In the General Commercial Mainstreet (C-2M) zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	2044.9 m ² (22,000 ft. ²)
Minimum Lot Frontage	45.7m (150 ft.)
Minimum Front Yard	7.6m (25 ft.)
Minimum Rear Yard	7.6m (25 ft.)
Minimum Side Yard	6.1m (20 ft.)
Minimum Flanking Yard	7.6m (25 ft.)
Maximum Height of Main Building	10.7m (35 ft.)

15.6 Special Set-Backs – C-2M Zone

No building shall be located closer than twenty five (25) feet to any public right-of-way or street, whether deemed open (maintained) or closed (not maintained). In the case of any C-2M use in excess of twenty five thousand (25,000) square feet, the minimum set-back shall be fifty (50) feet from any public right-of-way or street, whether deemed open (maintained) or closed (not maintained).

15.7 C-2 Uses Permitted by Development Agreement

1) Municipal Planning Strategy Commercial Policy 2.2.11 provides that any permitted General Commercial (C-2) use which exceeds 4645.8m² (50,000 ft.²) or more in gross commercial floor area or where an addition to an existing building creates more than 4645.8m² (50,000 ft.²) in gross commercial floor area may be considered only by Development Agreement pursuant to Section 225 of the Municipal Government Act subject to a traffic study and subject to general conformity with criteria contained in Implementation Policy 7.8 and 7.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

(2) Municipal Planning Strategy Commercial Policy 2.2.11(B) provides that live adult entertainment uses may be considered only by Development Agreement in the General Commercial (C-2) zone pursuant to Section 225 of the Municipal Government Act subject to general conformity with the criteria contained in the Municipal Planning Strategy.

15.8 C-2M Uses Permitted by Development Agreement – MainStreet

(1) Municipal Planning Strategy Commercial Policy 2.2.12 provides that any permitted General Commercial Mainstreet (C-2M) use which exceeds 2322.5m² (25,000 ft.²) or more in gross commercial floor area or where an addition to an existing building creates more than 2322.5m² (25,000 ft.²) in commercial floor area may be considered only by development agreement pursuant to Section 225 of the Municipal Government Act subject to a traffic study and subject to general conformity with criteria contained in Implementation Policy 7.8 and 7.9. The alteration of, renovation to, or change in use within any existing building shall be exempt from this requirement.

(2) Municipal Planning Strategy Commercial Policy 2.2.16 provides that Council may consider High Density Residential (R-3) uses (more than four (4) units) on any storey on any property designated General Commercial and Zoned General Commercial Mainstreet (C-2M) enabling them to intermix with General Commercial Mainstreet (C-2M) uses by development agreement pursuant to Section 225 of the Municipal Government Act.

15.9 C-2 and C-2M Zone Screening Requirements

Where a General Commercial (C-2) or a General Commercial Mainstreet (C-2M) zone abuts a Low Density Residential (R-1) or a Medium Density Residential (R-2) zone within the Residential designation, opaque fencing no less than 1.8m (6 ft.) in height or a 3.0m (10 ft.) wide landscaped strip with a growth and/or landscaped screen not less than 1.8m (6 ft.) in height is erected along the entire length of the abutting lot line. In the case of providing a landscaped strip, such strip shall be open and unobstructed by any building, parking, loading area, open storage or outdoor display.

15.10 C-2 and C-2M Zone Parking Requirements

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure in the General Commercial (C-2) or in the General Commercial Mainstreet (C-2M) zone, on-site parking shall be provided and maintained on the same lot as the use having unobstructed access to a public street in conformity with the following schedule. For the sake of clarity, in a multiple-occupancy building, each type of occupancy shall satisfy the parking requirements for each type of use except for those exceeding 4645m² (50,000 ft.²) of gross commercial floor area per lot.

USE

PARKING REQUIREMENTS

Auditoriums, Theaters, Arenas, Halls,
Stadiums and other Places of Assembly

One (1) parking space for each 9.3m² (100 ft.²) or fraction thereof of gross floor area excluding vestibules, washrooms, closets and storage areas.

C-2 or C-2M uses with 4645m² (50,000 ft.²) or more of gross commercial floor area per lot

Four (4) parking spaces for each 92.9m² (1,000 ft.²) or fraction thereof of commercial floor area excluding common mall area between stores, vestibules, washrooms, closets and storage areas. Warehousing space shall provide one (1) parking space for each 46.2 m² (500 ft.²) or fraction thereof of gross floor area.

Hotels, Motels, Hostels and any Tourist Accommodation

One (1) parking space per suite or rental unit plus one (1) additional parking space for each 9.3m² (100 ft.²) or fraction thereof of floor area devoted to public use (including any associated taverns, restaurants or auditoriums) excluding public vestibules, public lobbies, public washrooms, public hallways and storage areas.

Restaurants, Taverns, Lounges, Cabarets

One (1) parking space for each 7.0m² (75 ft.²) or fraction thereof of gross commercial floor area excluding vestibules, washrooms, closets and storage areas.

Warehouse, Warehousing and Storage Uses

One (1) parking space for each 46.2m² (500 ft.²) or fraction thereof of gross floor area.

Retail Shops and other Commercial Uses

One (1) parking space for each 32.52 m² (350 ft.²) or fraction thereof of gross commercial floor area, excluding vestibules, washrooms, closets and storage areas.

Any structure containing not more than four (4) dwelling units

One (1) parking space for each dwelling unit.

Any structure containing five (5) or more residential dwelling units

One and one-half (1 ½) parking spaces for each dwelling unit.

Bowling Alleys and Curling Rinks

Three (3) parking spaces for each bowling lane and four (4) parking spaces for each curling sheet.

15.11 Loading Space Requirements

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure in the General Commercial (C-2) or General Commercial Mainstreet (C-2M) zone, one (1) on-site loading space shall be provided and maintained for every 1859.0m² (20,000 ft.²) or fraction thereof of gross commercial floor area excluding hallways, aisles, vestibules, washrooms and closets to a maximum of six (6) loading spaces per lot.

15.12 Visibility at Street Intersections – Corner Vision Triangle

On a corner lot in the General Commercial (C-2) or General Commercial Mainstreet (C-2M) zone, a fence, sign, hedge, shrub, bush, tree or any structure or vegetation shall not be erected or permitted to grow to a height of greater than 1.2m (4 ft.) above the grade of the streets that abut the lot within the triangular area included within both street lines for a distance of 6.1m (20 ft.) from their point of intersection.

15.13 Drive-thrus

Any use in the General Commercial (C-2) zone or the General Commercial Mainstreet (C-2M) zone may develop drive-thrus provided all requirements of this Land Use By-law are satisfied.

Part 16 – Secondary Commercial (C-3) Zone

16.1 C-3 Zone Uses Permitted

In the Secondary Commercial (C-3) zone, no development permit shall be issued except for one or more of the following uses:

- * Retail Shops;
- * Community Markets;
- * Wholesale Shops;
- * Convenience and Grocery Stores;
- * Restaurants (eat-in, drive-in or drive-thru);
- * Institutional Uses;
- * Medical Clinics;
- * Light Service Shops;
- * Light Service Industries within wholly enclosed buildings;
- * Personal Service Shops;
- * Internet Web Site Development;
- * Places of Recreation, Fitness and Assembly within wholly enclosed buildings;
- * Public Parks;
- * Hotels, Motels and Hostels;
- * Automobile Service Stations;
- * Taxi and Bus Stations;
- * Parking Lots and Parking Structures;
- * Residential Dwelling Units up to a maximum of four (4) units per lot;
- * Laundromats; and,
- * Accessory uses excluding taverns, lounges and cabarets.

16.2 C-3 Zone Requirements

In the Secondary Commercial (C-3) zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	464.5m ² (5,000 ft. ²)
Minimum Lot Frontage	12.2m (40 ft.)
Minimum Front Yard	3.0m (10 ft.)
Minimum Rear Yard	3.0m (10 ft.)
Minimum Flanking Yard	3.0m (10 ft.)
Maximum Height of Main Building	10.7m (35 ft.)

16.3 Uses Permitted by Development Agreement

The following uses shall only be considered by development agreement in the Secondary Commercial (C-3) zone:

(1) Notwithstanding anything else in this Part, Commercial Policy 2.3.6 of the Municipal Planning Strategy provides that any new commercial activity within the C-3 zone which exceeds 371.6m² (4,000 ft.²) of gross commercial floor area or where an addition to an existing building creates more than 371.6m² (4,000 ft.²) of gross commercial floor area may be considered only by development agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation Policy 7.8 and 7.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

(2) Notwithstanding anything else in this Part, Commercial Policy 2.3.7 of the Municipal Planning Strategy provides that taverns, lounges and cabarets with a maximum area of 92.9m² (1,000 ft.²) may be considered for development only in the south end Secondary Commercial (C-3) zone (Argyle, Main Streets intersection area) by development agreement.

16.4 Parking Requirements – Commercial Uses

In the Secondary Commercial (C-3) zone, one (1) on-site parking space located on the same lot as the use and having unobstructed access to a public street shall be provided for each 37.2m² (400 ft.²), or fraction thereof, of commercial floor area for any new building or for any addition to any existing building. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

16.5 Parking Requirements – Residential Uses

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure in the Secondary Commercial (C-3) zone for residential purposes, one (1) on-site parking space shall be provided and maintained for each dwelling unit located on the same lot as the use and having unobstructed access to a public street.

16.6 Loading Spaces – Commercial Uses

In the Secondary Commercial (C-3) zone, one (1) on-site loading space shall be provided for each 1859m² (20,000 ft.²), or fraction thereof, of commercial floor area. The provision of such space shall be optional for buildings with less than 92.9 m² (1,000 ft.²) of gross commercial floor area. The alteration of or change in use of any existing building shall be exempt from this requirement.

16.7 Visibility at Street Intersections – Corner Vision Triangle

On a corner lot in the Secondary Commercial (C-3) zone, a fence, sign, hedge, shrub, bush, tree or any structure shall not be erected or permitted to grow to a height of greater than 1.2m (4 ft.) above the grade of the streets that abut the lot within the triangular area included within both street lines for a distance of 3.0m (10 ft.) from their point of intersection. This provision shall not apply above the height of 3.0m (10 ft.) above grade of the street at the point of intersection.

Part 17 – Local Commercial C-4 Zone

17.1 C-4 Zone Permitted Uses

No development permit shall be issued in the Local Commercial (C-4) zone except for one or more of the following uses.

- * Residential Dwelling Units up to a Maximum of Two (2) Units Per Lot.
- * Convenience Stores up to 500 Square Feet of Gross Commercial Floor Area;
- * Personal Service Shops up to 500 Square Feet of Gross Commercial Floor Area.

17.2 C-4 Zone Requirements

Minimum Lot Area	743.2m ² (8000 ft. ²)
Minimum Lot Frontage	18.3m (60 ft.)
Minimum Front Yard Set-back	6.1m (20 ft.)
Minimum Rear Yard Set-back	6.1m (20 ft.)
Minimum Side Yard Set-back	3m (10 ft.) on both sides
Minimum Flanking Yard Set-back	4.6m (15 feet)
Maximum Height of Main Building	10.67m (35 feet)

17.3 Parking Requirements – Residential Uses

For every building or structure to be erected, occupied or enlarged or where there is a change in use to a building or structure in the C-4 zone for residential purposes, one (1) on-site parking space shall be provided and maintained for each dwelling unit located on the same lot as the use having unobstructed access to a public street.

17.4 Parking Requirements – Commercial Uses

In the Local Commercial (C-4) zone, one (1) on-site parking space located on the same lot as the use having unobstructed access to a public street shall be provided for each two hundred (200) square feet or fraction thereof of commercial floor area.

17.5 Accessory Building

Nothing in this By-law shall prohibit the construction or erection of two (2) accessory buildings in any Local Commercial (C-4) zone provided that the accessory building(s) satisfies the following:

- (1) shall not be used for human habitation;
- (2) shall not be located in the front yard;
- (3) shall not be located in the required flanking yard;
- (4) shall not be located closer than two (2) feet to any common lot boundary or street right-of-way;

(5) shall not be located closer than six (6) feet to any other main or accessory building;

(6) the total square footage for all accessory buildings shall not exceed ten (10) percent of the total lot area to a maximum of 140 m.² (1,500 ft.²) in gross floor area; and,

(7) shall satisfy all other requirements of this By-law.

Part 18 – General Provisions for all Commercial Industrial Zones

18.1 Commercial Industrial Developments Abutting Residential Designation

Where a Commercial Industrial (CI-4) or Waterfront Commercial Industrial (WCI-5) zone abuts a Residential, Open Space or Institutional zone within the Residential Generalized Future Land Use Map designation, the following restrictions shall apply:

(1) The minimum required abutting yard set-back for any main or accessory building shall be 6.1m (20 ft.) or as otherwise required pursuant to the zone requirements, whichever is greater;

(2) No open storage, outdoor display, parking or loading area shall be permitted within the required abutting yard set-back except where a 1.8m (6 ft.) high opaque fence or a 3.0m (10 ft.) wide landscaped strip with a growth and/or landscaping not less than 1.8m (6 ft.) in height is erected along the entire length of any abutting lot line and provided, in the case of open storage or outdoor displays, that the height of such does not exceed the height elevation of the opaque fence or growth and/or landscaping.

(3) In the case of providing a landscaped strip, such strip shall be open and unobstructed by any building, parking, loading area, signage, open storage or outdoor display.

18.2 Visibility at Street Intersections – Corner Vision Triangle

On a corner lot in the Commercial Industrial (CI-4) zone or Waterfront Commercial Industrial (WCI-5) zone, a fence, sign, hedge, shrub, bush, tree, or any structure shall not be erected or permitted to grow to a height greater than 1.2m (4 ft.) above the grade of the streets that abut the lot within the triangular area included within both street lines for a distance of 7.6m (25 ft.) from their point of intersection.

18.3 CI-4 and WCI-5 Zone Parking Requirements

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure in the Commercial Industrial (CI-4) or in the Waterfront Commercial Industrial (WCI-5) zone, on-site parking shall be provided and maintained on the same lot as the use having unobstructed access to a public street in conformity with the following schedule. For the sake of clarity, in a multiple-occupancy building, each type of occupancy shall satisfy the parking requirements for each type of use except those exceeding 4645 m.² (50,000 ft.²) of gross commercial floor area per lot.

USE

PARKING REQUIREMENTS

Auditoriums, Theaters, Arenas, Halls,
Stadiums and other Places of Assembly

One (1) parking space for each 9.3m^2 (100ft.^2) or fraction thereof of gross floor area excluding vestibules, washrooms, closets and storage areas.

Hotels, Motels, Hostels and any Tourist
Accommodation

One (1) parking space per suite or rental unit plus one (1) additional parking space for each 9.3m^2 (100ft.^2) or fraction thereof of floor area devoted to public use (including any associated taverns, restaurants or auditoriums) excluding public vestibules, public lobbies, public washrooms, public hallways and storage areas.

Restaurants, Taverns, Lounges, Cabarets

One (1) parking space for each 7.0m^2 (75ft.^2) or fraction thereof of gross commercial floor area excluding vestibules, washrooms, closets and storage areas.

Warehouse, Warehousing and Storage Uses

One (1) parking space for each 46.2m^2 (500ft.^2) or fraction thereof of gross floor area.

Retail Shops and other Commercial Uses

One (1) parking space for each 32.52m^2 (350ft.^2) or fraction thereof of gross commercial floor area, excluding vestibules, washrooms, closets and storage areas.

CI-4 or WCI-5 Uses With 4645m^2 ($50,000\text{ft.}^2$) or More of Gross Commercial Floor Area Per Lot.

Four (4) parking spaces for each 92.9m^2 ($1,000\text{ft.}^2$) or fraction thereof of commercial floor area excluding common mall area between stores, vestibules, washrooms, closets and storage areas. Warehousing space shall provide one (1) parking space for each 46.2m^2 (500ft.^2) or fraction thereof of gross floor area.

Residential Dwelling Units

One (1) on-site parking space shall be provided and maintained for each dwelling unit.

18.4 Loading Space Requirement

For every building or structure to be erected, occupied or enlarged, or where there is a change in use to a building or structure in the Waterfront Commercial Industrial (WCI-5) zone or Commercial Industrial (CI-4) zone, on-site loading space shall be located on the same lot as the use and have unobstructed access to a public street and shall be maintained at a ratio of one (1) loading space for each 1859m² (20,000 ft.²) of gross floor area, or fraction thereof, to a maximum of six (6) loading spaces excluding hallways, aisles, vestibules, washrooms and closets..

18.5 Multiple Buildings on a Lot

In either the Commercial Industrial (CI-4) zone or Waterfront Commercial Industrial (WCI-5) zone, nothing in this By-law shall prohibit the construction of more than one (1) main building on a lot provided:

- (1) That the minimum separation distance between main buildings shall be 6.1m (20 ft.);
- (2) That all parking and loading requirements for each main building and/or use(s) are satisfied; and,
- (3) That all other requirements of this By-law are satisfied.

18.6 Accessory Buildings

Nothing in this By-law shall prohibit the construction or erection of more than one (1) accessory building on a lot in the Commercial Industrial (CI-4) zone or Waterfront Commercial Industrial (WCI-5) zone provided that the accessory building(s):

- (1) Shall not be used for human habitation;
- (2) Shall not be located in the front yard;
- (3) Shall not be located in the required flanking yard as specified in the zone requirements for each zone;
- (4) Shall not be located closer than 3.0m (10 ft.) to any common lot boundary or closer than 6.0m (20 ft.) to any public right-of-way;
- (5) Shall not exceed 4.57m (15 ft.) in height;
- (6) Shall not be located closer than 1.8m (6 ft.) to any other main or accessory building;

(7) The total square footage for all accessory buildings shall not exceed ten (10) percent of the total lot area to a maximum of 278.7 m.² (3,000 ft.²) in gross floor area per lot; and,

(8) Shall satisfy all other requirements of this By-law.

18.7 Larger Accessory Buildings in the CI-4 Zone

Notwithstanding Part 18.6, nothing in this By-law shall prohibit the construction or erection of more than one (1) accessory building on a lot in the Commercial Industrial (CI-4) zone provided the accessory building(s) satisfies the following:

(1) shall not be used for human habitation;

(2) shall not be located in the front yard;

(3) shall not be located in the required flanking yard;

(4) shall not be located closer than twenty (20) feet to any common lot boundary or street right-of-way;

(5) shall not be located closer than ten (10) feet to any other main or accessory building;

(6) shall not exceed twenty five (25) feet in height;

(7) the total square footage for all accessory buildings shall not exceed ten (10) percent of the total lot area to a maximum of 8,000 square feet in gross floor area;

(8) the total gross floor area of all accessory buildings shall not exceed fifty (50) percent of the total gross floor area of the main building; and,

(9) shall satisfy all other requirements of this By-law.

18.8 Special Requirement - Commercial Drive-Thru Restaurants

In the Commercial Industrial (CI-4) or the Waterfront Commercial Industrial (WCI-5) zone, nothing in this By-law shall prohibit the development of a drive-thru restaurant on a lot provided that:

(1) All special requirements pertaining to Part 5.46 are satisfied; and,

(2) All other requirements of this By-law are satisfied.

Part 19 - Commercial Industrial (CI-4) Zone

19.1 CI-4 Uses Permitted

In the Commercial Industrial (CI-4) zone, no development permit shall be issued except for one or more of the following uses:

- * Retail Shops;
- * Community Markets;
- * Convenience Stores and Grocery Stores;
- * Wholesale Shops;
- * Light Service Shops;
- * Personal Service Shops;
- * Internet Web Site Development;
- * Heavy Service Shops;
- * Restaurants (eat-in, drive-in, drive-thru);
- * Automobile Sales Establishments;
- * Automobile Service Stations;
- * Car Wash Facilities (drive-in or drive-thru);
- * Wholesale, Distribution and Warehousing;
- * Any Manufacturing or Industrial Assembly operations conducted and contained within wholly-enclosed buildings and which are not obnoxious by reason of sound, odor, dust, fumes or smoke or other obnoxious emissions or refuse matters or water-carried wastes or by reason of unsightly open storage;
- * Light Industries;
- * Light Service Industries;
- * Fishery-related or Marine-related Industry excluding any Fish or Food processing;
- * Transportation Facilities and uses including airports;
- * Institutional uses;
- * Exhibitions and Fairs;
- * Public Utility Offices and Work Yards;
- * Private Utility Offices and Work Yards;
- * Building Supply and Equipment Depots excluding the bulk storage of sand or gravel;
- * Taxi and Bus Stations;
- * Places of Entertainment, Recreation, Fitness and Assembly within wholly enclosed buildings;
- * Sports Complexes;
- * Emergency Response Centers;
- * Laundromats;
- * Taverns, Lounges and Cabarets; and,
- * Parking Lots and Parking Structures

19.2 CI-4 Zone Requirements

In the Commercial Industrial (CI-4) zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	2788.5 m. ² (30,000 ft. ²)
Minimum Lot Frontage	45.8m (150 ft.)
Minimum Front Yard	12.2m (40 ft.)
Minimum Rear Yard	9.1m (30 ft.)

Minimum Side Yards	6.1m (20 ft.)
Minimum Flanking Yard	12.2m (40 ft.)
Maximum Height	10.7m (35 ft.)

19.3 CI-4 Uses Permitted by Development Agreement

Municipal Planning Strategy Commercial Industrial Policy 3.2.4 provides that any permitted Commercial Industrial (CI-4) use which exceeds 4645 m.² (50,000 ft.²) or more in gross commercial floor area or where an addition to an existing building creates more than 4645m² (50,000 ft.²) in gross commercial floor area may be considered only by development agreement pursuant to Section 225 of the Municipal Government Act subject to a traffic study and subject to general conformity with criteria contained in Implementation Policy 7.8 and 7.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

19.4 Special Requirements - Automobile Service Stations

Nothing in this By-law shall prohibit the development of an automobile service station on a lot in the Commercial Industrial (CI-4) zone provided that:

- (1) All special requirements pertaining to Part 13.3 are satisfied; and,
- (2) All other requirements of this By-law are satisfied.

19.5 Restrictions on Open Storage or Outdoor Displays

The following restrictions shall apply to open storage and outdoor displays in the Commercial Industrial (CI-4) zone:

1. No open storage shall be permitted in the front yard or flanking yard of any lot;
2. No outdoor display shall be permitted within 1.5m (5 ft.) of the front or flanking lot line;
3. The area devoted to open storage or outdoor displays shall not exceed fifty (50) percent of the total lot area;
4. The open storage and/or outdoor display shall be accessory to the main use located on the same lot.

19.6 Drive-thrus

Any use in the Commercial Industrial (CI-4) zone may develop drive-thrus provided all requirements of this Land Use By-law are satisfied.

Part 20 - Waterfront Commercial Industrial (WCI-5) Zone

20.1 WCI-5 Uses Permitted

In the Waterfront Commercial Industrial (WCI-5) zone, no development permit shall be issued except for one or more of the following uses:

- * Retail Shops;
- * Community Markets;
- * Convenience Stores and Grocery Stores;
- * Wholesale Shops;
- * Light Service Shops;
- * Personal Service Shops;
- * Heavy Service Shops;
- * Business Offices;
- * Professional Offices;
- * Internet Web Site Development;
- * Call Centers;
- * Institutional uses;
- * Hotels, Motel and Hostels;
- * Residential dwelling units up to a maximum of eight (8) units per lot;
- * Restaurants;
- * Taverns, Lounges and Cabarets;
- * Places of Entertainment, Recreation, Fitness and Assembly (indoor or outdoor);
- * Parking Lots Excluding Parking Structures;
- * Public Marinas and Wharves (excluding open storage or outdoor displays);
- * Private Marinas and Wharves (excluding open storage or outdoor displays);
- * Marine Fuelling Facilities (excluding bulk petroleum plants);
- * Ferry Terminals;
- * Light Industries;
- * Light Service Industries;
- * Fishing and Marine-Related Industries excluding new Fish or Food Processing;
- * Existing Fish or Food Processing;
- * Any Manufacturing or Industrial Assembly operations conducted and contained within wholly-enclosed buildings and which are not obnoxious by reason of sound, odor, dust, fumes or smoke or other obnoxious emissions or refuse matters or water-carried wastes or by reason of unsightly open storage.

20.2 WCI-5 Zone Requirements

In the Waterfront Commercial Industrial (WCI-5) zone, no Development Permit shall be issued except in conformity with the following:

Minimum Lot Area	929.5 m ² (10,000 ft. ²)
Minimum Lot Frontage	24.4m (80 ft.)
Minimum Front Yard	Waived
Minimum Rear Yard	4.6m (15 ft.)
Minimum Side Yards	4.6m (15 ft.)

Minimum Flanking Yard	4.6m (15 ft.)
Maximum Height of Main Building	10.7m (35 ft.)

20.3 Yards Abutting Harbour

In a Waterfront Commercial Industrial (WCI-5) zone, the minimum rear yard setback may be waived where it directly abuts the Yarmouth Harbour.

20.4 WCI-5 Uses Permitted by Development Agreement

(A) Waterfront Commercial Industrial Policy 3.3.3 of the Municipal Planning Strategy provides that any new commercial or industrial activities which exceeds fifteen thousand (15,000) square feet of gross commercial floor area or where an addition to an existing building creates more than 15,000 square feet in gross commercial floor area may be considered only by development agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation Policy 7.8 and 7.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

(B) Waterfront Commercial Industrial Policy 3.3.8 of the Municipal Planning Strategy provides that residential uses containing more than eight (8) dwelling units per lot may be considered for development in the Waterfront Commercial Industrial (WCI-5) zone only by Development Agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation Policy 7.8.

20.5 Protected Street Views of Yarmouth's Harbour

No development shall be located within the western prolongation of both street lines of the following streets. The alteration of, addition to or change in use of any existing structure shall be exempt from this requirement provided such development does not protrude further into the western prolongation of said streets.

- Brown Street- 13.72m (45 ft.) right-of-way
- Central Street - 15.24m (50 ft.) right-of-way
- Lovitt Street - 13.72m (45 ft.) right-of-way

20.6 Street Displays

Notwithstanding anything else in this By-law, outdoor displays within street right-of-ways located within the Waterfront Commercial Industrial (WCI-5) zone may be permitted without a municipal development permit provided all other requirements of the Town's by-laws are satisfied.

20.7 Restriction on New Open Storage and Outdoor Display

No new open storage or outdoor displays shall be permitted within the Waterfront Commercial Industrial (WCI-5) zone except for commercial retail outdoor displays which are temporary in nature and open storage and/or outdoor displays strictly accessory to a traditional fishing and marine-related industry.

20.8 Restriction on Existing Open Storage and Outdoor Display

The following restrictions shall apply to existing open storage and outdoor display and those permitted by Part 20.7:

- (1) Open storage or outdoor displays shall not be permitted closer than twenty (20) feet to any public right-of-way;
- (2) The area devoted to open storage or outdoor displays shall not exceed fifty (50) percent of the lot area.
- (3) The open storage or outdoor display shall be accessory to the main use located on the same lot.

20.9 Existing Fish and Food Processing Plants - Special Provision

Notwithstanding anything in this Part, Municipal Planning Strategy Industrial Policy 3.3.6 provides that existing fish and food processing plants located within the Waterfront Commercial Industrial (WCI-5) zone may expand beyond the limits of their current boundaries provided such lands are consolidated with their existing lands.

Part 21 - Commercial Holding (C-H) Zone

21.1 Zone Prohibition of Development

In the Commercial Holding (C-H) zone, no development permit shall be issued for any development due to the prohibitive cost and prematurity of the provision of municipal sewer and water services.

21.2 Preparing Land for Development

Notwithstanding Part 5.2, Part 21.1 and Part 21.4, a development permit may be issued for the alteration of land within the Commercial Holding (C-H) zone for the purposes of preparing land for development subject to the provisions of Part 5.30.

21.3 Existing Residential Uses - Commercial Holding (C-H) Zone

Notwithstanding Part 21.1, a development permit may be issued for existing residential uses subject to the Low Density Residential (R-1) zone requirements and subject to general provisions for all residential zones provided the lot is serviced with municipal sewer and water services and conforms with Part 21.4 or otherwise has not had its lot area or lot frontage reduced.

21.4 C-H Zone Requirements

In the Commercial Holding (C-H) zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	30,000 sq. ft.
Minimum Lot Frontage	175 ft.
Minimum Front Yard	60 ft.
Minimum Rear Yard	30 ft.
Minimum Side Yard	20 ft.
Minimum Flanking Yard	60 ft.
Maximum Height	35 ft.

Part 22 - General Provisions for All Industrial Zones

22.1 Industrial Development Abutting Non-Industrial Uses

Where an Industrial (M-1 or M-2) zone abuts a Residential, Open Space or Institutional zone within the Residential Generalized Future Land Use Map designation, the following restrictions shall apply:

- (1) The minimum required abutting yard set-back for any main building or accessory building shall be 61m (20 ft.);
- (2) No open storage, outdoor display, parking or loading area shall be permitted within the required abutting yard set-back except where a 1.8m (6 ft.) high opaque fence or a 3.0m (10 ft.) wide landscaped strip with growth and/or landscaping not less than 1.8m (6 ft.) in height is erected along the entire length of any abutting lot line and provided, in the case of open storage or outdoor displays, that the height of such does not exceed the height elevation of the opaque fence or growth and/or landscaping; and,
- (3) In the case of providing a landscaped strip, such strip shall be open and unobstructed by any building, parking, loading area, signage, open storage or outdoor displays.

22.2 Visibility at Street Intersections - Corner Vision Triangle

On a corner lot in an Industrial (M-1 or M-2) zone, a fence, sign, hedge, shrub, bush, tree or any structure or vegetation shall not be erected or permitted to grow to a height greater than 1.2m (4 ft.) above the grade of the streets that abut the lot within the triangular area included within both street lines for a distance of 6.1m (20 ft.) from their point of intersection.

22.3 M-1 and M-2 Zone Parking Requirements

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure in the General Industrial (M-1) or in the Waterfront Industrial (M-2) zone, on-site parking shall be provided and maintained on the same lot as the use having unobstructed access to a public street in conformity with the following schedule. For the sake of clarity, in a multiple-occupancy building, each type of occupancy shall satisfy the parking requirements for each type of use.

USE	PARKING REQUIREMENTS
Manufacturing Areas of the Use	One (1) parking space for each 92.9 m ² (1000 ft. ²) or fraction thereof of gross floor area, excluding hallways, vestibules, lobbies, washrooms, closets and storage areas.
Warehousing Areas, Distribution Areas and Storage Areas of the Use	One (1) parking space for each 92.9 m ² (1000 ft. ²) or fraction thereof of gross floor area excluding hallways, aisles, vestibules, lobbies, washrooms and closets.

All other Industrial Uses

One (1) parking space for each 46.5 m² (500 ft.²) or fraction thereof of gross commercial floor area, excluding hallways, aisles vestibules, lobbies, washrooms, closets and storage areas.

22.4 Loading Space Requirements

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure in an Industrial (M-1 or M-2) zone, on-site loading spaces having unobstructed access to a public street shall be provided and maintained at a ratio of one (1) loading space for every 1859 m² (20,000 ft.²) or fraction thereof, of gross floor area, excluding hallways, aisles, vestibules, washrooms and closets to a maximum of six (6) loading spaces.

22.5 Multiple Buildings on a Lot

Nothing in this By-law shall prohibit the construction of more than one (1) main building on any lot in an Industrial (M-1 or M-2) zone provided:

- (1) That the minimum separation distance between main buildings shall be 6.1m (20 ft.);
- (2) That all parking and loading requirements for each main building and/or use are satisfied; and,
- (3) That all other requirements of this By-law are satisfied.

22.6 Accessory Buildings

Nothing in this by-law shall prohibit the construction or erection of more than one (1) accessory building on a lot in the Industrial (M-1 or M-2) zone, provided that the accessory building(s):

- (1) Shall not be used for human habitation;
- (2) Shall not be located in the front yard;
- (3) Shall not be located in the required flanking yard as specified in the zone requirements for each zone;
- (4) Shall not be located closer than 3.0m (10 ft.) to any common lot boundary or public right-of-way;
- (5) Shall not exceed 6.1m (20 ft.) in height;
- (6) Shall not be located closer than 1.8m (6 ft.) to any building or structure; and,
- (7) Shall satisfy all other requirements of this By-law.

Part 23 - General Industrial (M-1) Zone

23.1 M-1 Uses Permitted

In a General Industrial (M-1) zone, no development permit shall be issued except for one or more of the following uses:

- * Light Industries;
- * Light Service Shops;
- * Internet Web Site Development;
- * Heavy Service Shops;
- * Light Service Industries;
- * Heavy Service Industries;
- * Transportation Facilities and uses including airports;
- * Bulk Petroleum Storage Facilities;
- * Fishery or Marine-related Industries excluding any Fish or Food processing;
- * Public Utility Offices and Work Yards;
- * Private Utility Offices and Work Yards;
- * Construction Trade and Contractor Work Yards;
- * Building Supply and Equipment Depots excluding the bulk storage of Sand or Gravel;
- * Wholesale Shops;
- * Warehousing and Distribution;
- * Existing Heavy Industries;
- * Commercial Uses and Business Offices accessory to a permitted industrial use;
- * Parking Lots and Parking Structures;
- * Call Centers with five thousand (5,000) or more square feet of gross floor area;
- * Public and Private Parks;
- * Places of recreation, fitness and assembly within wholly enclosed buildings;
- * Institutional Uses; and,
- * Any Manufacturing or Industrial Assembly operations other than a heavy industry use which are not obnoxious by reason of sound, odor, dust, fumes or smoke or other obnoxious emissions or refuse matters of water-carried wastes or by reason of unsightly open storage;

23.2 M-1 Zone Requirements

In a General Industrial (M-1) zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	3718.0m ² (40,000 ft.2)
Minimum Lot Frontage	45.7m (150 ft.)
Minimum Front Yard	12.2m (40 ft.)
Minimum Rear Yard	12.2m (40 ft.)
Minimum Side Yards	6.1m (20 ft.)
Minimum Flanking Yard	9.1m (30 ft.)
Maximum Height of Main Building	10.7m (35 ft.)

23.3 Uses Permitted by Development Agreement

Notwithstanding anything else in this Part, the Municipal Planning Strategy's Industrial Policy 4.10 provides that the following uses may be considered for development in the General Industrial (M-1) zone by development agreement:

- * Scrap, Salvage and/or Junk Yards;
- * Sand and Gravel Storage and/or Processing Plants;
- * Ready Mix Concrete Plants;
- * Asphalt Concrete / Paving Plants; and,
- * Heavy Industry Uses.

23.4 Restrictions on Open Storage and Outdoor Displays

The following restrictions shall apply to open storage and outdoor displays in the General Industrial (M-1) zone:

- (1) No open storage or outdoor display shall be permitted within 3.0m (10 ft.) of any lot line except where a 1.8m (6 ft.) high opaque fence is erected along the entire length of the lot line and provided the height of the open storage or outdoor display does not exceed the height elevation of the opaque fence;
- (2) The area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the total lot area; and,
- (3) The open storage and/or outdoor displays shall be accessory to the main use located on the same lot.
- (4) No open storage shall be permitted in the front yard or flanking yard of any lot.

Part 24 - Waterfront Industrial (M-2) Zone

24.1 M-2 Uses Permitted

No development permit shall be issued in a Waterfront Industrial (M-2) zone except for one or more of the following uses:

- * All uses permitted in the General Industrial (M-1) zone, excluding Bulk Petroleum Storage Facilities;
- * Existing Bulk Petroleum Storage Facilities;
- * Public and Private Wharves excluding open storage and outdoor displays;
- * Existing Fish and Food Processing;
- * Converted Group Industrial Building;
- * Public Sanitary Sewer Treatment Facilities.

24.2 M-2 Zone Requirements

In a Waterfront Industrial (M-2) zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	1858.00m ² (20,000 ft. ²)
Minimum Lot Frontage	30.5m (100 ft.)
Minimum Front Yard	4.6m (15 ft.)
Minimum Rear Yard	4.6m (15 ft.)
Minimum Side Yards	4.6m (15 ft.)
Minimum Flanking Yard	4.6m (15 ft.)
Maximum Height of Main Building	10.7m (35 ft.)

24.3 Uses Permitted by Development Agreement

Notwithstanding anything else in this Part, the Municipal Planning Strategy's Industrial Policy 4.11 provides that the following uses may be considered for development in the Waterfront Industrial (M-2) zone by development agreement.

- * Heavy Industry uses;
- * Fish and Food Processing Facilities subject to the General Industrial (M-1) zone minimum frontage and area requirements; and,
- * New Outdoor Storage or Outdoor Displays whether as a main use or as an accessory use, excluding open storage and/or outdoor displays strictly accessory to a traditional fishing and marine-related industry use. In addition, any expansion to existing open storage or outdoor displays beyond the limits that the use legally occupies may only be considered by development agreement.

24.4 Converted Group Industrial Building

Notwithstanding anything else in this By-law, a converted group industrial building may be created by means of subdivision waiving the internal side yards provided each lot satisfies all requirements of this By-law and conforms with the following requirements:

Minimum Lot Area	929m ² (10,000 ft. ²)
Minimum Lot Frontage	18.29m (60 ft.)
Minimum Front Yard 4.57m	(15 ft.)
Minimum External Side Yards	4.57m (15 ft.)
Minimum Internal Side Yards	waived
Minimum Rear Yard	4.57m (15 ft.)
Minimum Flanking Yard	4.57m (15 ft.)
Maximum Height of Main Building	10.67m (35 ft.)

24.5 Yards Abutting Harbour

In a Waterfront Industrial (M-2) zone, the minimum rear yard setback may be waived where it directly abuts the Yarmouth Harbour.

24.6 Restriction on New Open Storage and Outdoor Display

No new open storage or outdoor displays shall be permitted within the Waterfront Industrial (M-2) zone except for those open storage and/or outdoor displays strictly accessory to a traditional fishing and marine-related industry.

24.7 Restriction on Existing Open Storage and Outdoor Display

The following restrictions shall apply to existing open storage and outdoor displays and those permitted pursuant to Part 24.6:

1. Where a yard within the Waterfront Industrial (M-2) zone abuts a residential (R-1, R-2, R-2M, R-3 or R-M) zone within the residential generalized future land use designation, the open storage or outdoor display shall be wholly enclosed within a 1.8m (6 ft.) high opaque fence. In addition, the height of the open storage or outdoor display shall not exceed the height elevation of the opaque fence.

2. Open storage or outdoor displays shall not be permitted closer than 3.0m (10 ft.) to any public right-of-way;
3. The area devoted to open storage or outdoor displays shall not exceed fifty (50) percent of the lot area.
4. The open storage or outdoor display shall be accessory to the main use located on the same lot.

24.8 Existing Fish and Food Processing Plants - Special Provision

Notwithstanding anything in this Part, Municipal Planning Strategy Industrial Policy 4.22 provides that existing fish and food processing plants located within the Waterfront Industrial (M-2) zone may expand beyond the limits of their current boundaries provided such lands are consolidated with their existing lands.

Part 25 - Open Space (O-1) Zone

25.1 O-1 Uses Permitted

In an Open Space (O-1) zone, no development permit shall be issued except for one or more of the following uses:

- * Public Parks;
- * Public Parking Lots;
- * Public Recreation Centers and Facilities; and,
- * Accessory Buildings or Structures including refreshment booths or canteen / lunchroom pavilions.

Part 26 - Architecturally Sensitive (A-S) Area

26.1 (A-S) Uses Permitted

The uses permitted throughout the Architecturally Sensitive (A-S) area as shown on the Architecturally Sensitive Areas Map (Schedule "D"), shall be as described in each particular zone as shown on the Zoning Map (Schedule "A") of this By-law.

26.2 Requirement for a Certificate of Appropriateness

Notwithstanding anything else in this By-law, no development permit shall be issued for any development located within the Architecturally Sensitive (A-S) area unless a Certificate of Appropriateness has been issued or the development is otherwise exempt from the requirements of obtaining a Certificate of Appropriateness pursuant to the Collins Heritage Conservation District Plan and By-law.

26.3 Architecturally Sensitive (A-S) Area Requirements

Notwithstanding anything else in this By-law, no development permit shall be issued in the Architecturally Sensitive (A-S) area except in conformity with the following:

Minimum Lot Area	929.5m ² (10,000 ft. ²)
Minimum Lot Frontage	30.5m (100 ft.)
Minimum Front Yard	6.1m (20 ft.)
Minimum Rear Yard	6.1m (20 ft.)
Minimum Side Yard	3.0m (10 ft.)
Minimum Flanking Yard	4.6m (15 ft.)
Maximum Height of Main Building	10.7m (35 ft.)

26.4 Conformity with Existing Set-backs

Notwithstanding anything else in this By-law, the front yard and flanking yard set-backs of any new building or structure shall not vary by more than ten (10) percent from the average of those buildings or structures fronting along the same street or shall otherwise conform with the requirements of the Collins Heritage Conservation District By-law.

26.5 One Main Building Per Lot

(1) Notwithstanding anything else in this By-law, no person shall erect more than one (1) main building on a lot in the Architecturally Sensitive (A-S) area.

(2) Notwithstanding the above, lots located within the Architecturally Sensitive (A-S) area and zoned Institutional (I-1) or zoned Business Floating (B-F) may develop more than one (1) main building per lot provided all other applicable provisions of this by-law are satisfied.

26.6 Signage Requirements

No development permit for any type of sign shall be issued unless such sign conforms with the requirements of the Collins Heritage Conservation District By-law.

26.7 Fencing Requirements

No development permit for any type of fence shall be issued unless such fence conforms with the requirements of the Collins Heritage Conservation By-law.

26.8 Accessory Buildings and Structures

No development permit for any type of accessory building or structure shall be issued unless such accessory building or structure conforms with the requirements of the Collins Heritage Conservation District By-law.

26.9 Zoning Requirements

Any development requirement not specifically identified in this Part or in the Collins Heritage Conservation District By-law shall be regulated pursuant to the zone requirements of the particular zone in which the development is located.

26.10 Compliance With Other By-laws

Where provisions of this By-law conflicts with any other Municipal and/or Provincial requirements, in particular, the Collins Heritage Conservation District By-law, the higher or more stringent regulations shall prevail.

26.11 Parking Prohibited in Front Yard

In conjunction with a development, no development permit shall be issued for any parking space located within either the front or flanking yard in the Architecturally Sensitive (A-S) area.

26.12 Maximum Lot Coverage

In conjunction with a development, building footprint area shall not exceed fifty (50) percent of the total lot area in the Architecturally Sensitive (A-S) area.

26.13 Prohibiting Lobster Trap Storage Facilities as a Permitted Non-Residential Use

Notwithstanding Part 7.6, no development permit shall be issued for a lobster trap storage facility as a non-residential use in the Residential Designation located within the Architecturally Sensitive (A-S) area.

26.14 Landscaping - Vegetation Retention

In conjunction with a development, areas of the lot not comprised of building, parking areas, loading areas, driveways or walkways shall be landscaped and a minimum of 25% of the lot area shall be landscaped in the Architecturally Sensitive (A-S) area.

26.15 Screening of Refuse and Recycling Containers

In conjunction with a development, refuse, compost and recycling containers may only be located in the side or rear yard and shall be screened by lattice or other wooden screening so that it is not visible from the street in the Architecturally Sensitive (A-S) area.

26.16 Removal of Topsoil Prohibited

A) Whether in conjunction with a development or not, a municipal development permit shall be required in order to remove any topsoil from the front or flanking yards of any lot located in the Architecturally Sensitive (A-S) area.

B) Whether in conjunction with a development or not, topsoil and other vegetation matter shall not be removed from the front or flanking yards in the Architecturally Sensitive (A-S) area except for the purpose of gardening, walkways with a maximum width of three (3) feet, driveways with a maximum width of twelve (12) feet, permitted buildings or structures and at-grade patios provided the minimum required front yard and minimum required flanking yard remains in a vegetated state. Notwithstanding, a walkway leading from a street or driveway to an entrance staircase may have a maximum width equal to the entrance staircase width.

26.17 Restriction on Number of Driveways

In conjunction with a development, no development permit shall be issued for more than one (1) driveway per lot within the Architecturally Sensitive (A-S) area.

Part 27 - Floodplain (O-2) Zone

27.1 Development Prohibited

No municipal development permit shall be issued for any use within the Floodplain (O-2) zone.

27.2 Passive Recreational Uses Permitted

Notwithstanding anything else in this Part, those passive recreational uses, which do not require the construction or placement of any building, shall be considered a permitted use. In addition, public works projects associated with flood control shall be deemed a permitted use within the Floodplain (O-2) zone.

27.3 Removal of Top-Soil Prohibited

The removal or excavation of top-soil within the Floodplain (O-2) zone shall be strictly prohibited whether in conjunction with a development or not. Notwithstanding, those public works projects associated with flood control; those developments to create uses permitted within the Floodplain (O-2)) zone; and, those activities associated with environment enhancement of the wet-lands shall be exempt from this provision.

27.4 Removal or filling in of Material Prohibited

The removal or filling in of material within the Floodplain (O-2) zone shall be strictly prohibited whether in conjunction with a development or not. Notwithstanding, those public works projects associated with flood control; those developments to create uses permitted within the Floodplain (O-2)) zone; and, those activities associated with environment enhancement of the wet-lands shall be exempt from this provision.

Part 28 - Environmentally Sensitive (E-S) Zone

28.1 Development Prohibited

No municipal development permit shall be issued for any use within the Environmentally Sensitive (E-S) zone.

28.2 Uses Permitted

(A) Notwithstanding anything else in this Part, those passive recreational uses and wetland conservation related projects which do not require the construction or placement of any building shall be considered a permitted use in the Environmentally Sensitive (E-S) zone.

(B) Notwithstanding anything else in this Part, public works projects, including road construction, which may include placement of a building or structure, strictly for flood-proofing related developments, enhancement to the watershed system and/or to improve surface run-off conditions shall be considered a permitted use in the Environmentally Sensitive (E-S) zone.

28.3 Removal of Top-Soil Prohibited

The removal or excavation of top-soil within the Environmentally Sensitive (E-S) zone shall be strictly prohibited whether in conjunction with a development or not. Notwithstanding, those public works projects associated with flood control; those developments to create uses permitted within the Environmentally Sensitive (E-S) zone; and, those activities associated with environment enhancement of the wetlands shall be exempt from this provision.

Part 29 - Institutional (I-1) Zone

29.1 I-1 Uses Permitted

In an Institutional (I-1) zone, no development permit shall be issued except for one or more of the following uses;

- * Churches;
- * Colleges, Universities, Schools and other Educational Facilities;
- * Libraries, Museums and Art Galleries;
- * Private Clubs and Fraternal Organizations;
- * Any institutional use which is incorporated under the Societies Act Ch. 435, R.S.N.S. 1989;
- * Fire Stations;
- * Funeral Homes;
- * Arts and Community Centers;
- * Community Markets;
- * Golf Courses;
- * Cemeteries;
- * Hospitals;
- * Existing Utilities such as Power, Telephone and Gas Company offices and work yards;
- * Municipal, Provincial and Federal Government Offices;
- * Public Recreational Facilities;
- * Day Nurseries;
- * Temporary Call Centers; and,
- * Governmental Institutional Facilities.

29.2 Institutional (I-1) Zone Requirements

In an Institutional (I-1) zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	929.5m ² (10,000 ft. ²)
Minimum Lot Frontage	30m (100 ft)
Minimum Front Yard	6.1m (20 ft.)
Minimum Rear Yard	9.1m (30 ft.)
Minimum Side yards	4.6m (15 ft.) or one-half (1/2) the height of the main building, whichever is greater
Flanking Yard	6.1m (20 ft.)

Maximum Height of Main Building 13.7m (45 ft.)

29.3 Uses Permitted by Development Agreement

The following uses shall be considered by Development Agreement in the Institutional (I-I) zone:

(1) Notwithstanding anything else in this Part, Residential Policy 1.11(6) of the Municipal Planning Strategy provides that any Institutional (I-I) use that is to be developed on a lot less than 2323.8m² (25,000 ft.²) and exceed 371.8m² (4,000 ft.²) or more of gross floor area exclusive of vestibules, washrooms and closets shall only be considered by Development Agreement.

(2) Notwithstanding anything else in this Part, Residential Policy 1.11(9) of the Municipal Planning Strategy provides that "Dinner Theatre Productions" may be considered by Development Agreement in the Institutional (I-1) zone.

29.4 Restrictions on Open Storage and Outdoor Displays

The following restrictions shall apply to open storage and outdoor displays in the Institutional (I-1) zone:

(1) No open storage and/or outdoor displays shall be permitted within 3.0m (10 ft.) of any lot line except where a 1.8m (6 ft.) high opaque fence is erected along the entire length of the lot line and provided the height of the open storage and/or outdoor display does not exceed the height elevation of the opaque fence;

(2) The area devoted to open storage and/or outdoor displays shall not exceed fifty (50) percent of the entire lot area;

(3) The open storage and/or outdoor display shall be accessory to the main use located on the same lot; and,

(4) The open storage and/or outdoor display shall not be permitted within the front yard or the flanking yard.

29.5 Parking Requirements

For every building or structure to be erected, occupied or enlarged or where there is a change in use in the Institutional (I-1) zone, one (1) on-site parking space shall be provided and maintained for every 27.9m² (300 ft.²) or fraction thereof of gross floor area excluding hallways, aisles, vestibules, washrooms, closets and storage areas.

29.6 Loading Space Requirements

For every building or structure to be erected, occupied or enlarged or where there is a change in use to a building or structure in an Institutional (I-1) zone, on-site loading spaces located on the same lot as the use and having unobstructed access to a public street shall be provided and maintained at a ratio of one (1) loading space for every 929.5m² (10,000 ft.²) or fraction thereof of gross floor area to a maximum of four (4) loading spaces. The provision of such space shall be optional for buildings with less than 92.9m² (1,000 ft.²) of gross floor area.

29.7 Visibility at Street Intersections - Corner Vision Triangle

On a corner lot in an Institutional (I-1) zone, a fence, sign, hedge, shrub, bush, tree or any structure shall not be erected or permitted to grow to a height greater than 1.2m (4 ft.) above the grade of the street that abuts the lot within the triangular area included within both street lines for a distance of 6.1m (20 ft.) from their point of intersection.

29.8 Multiple Main Buildings

Nothing in this By-law shall prohibit the development of more than one (1) main building on a lot in any Institutional (I-1) zone provided:

- (1) that the minimum separation distance between main buildings shall be 6.1m (20 ft.);
- (2) that all parking and loading requirements for each main building and/or use are satisfied; and,
- (3) that all other requirements of this By-law are satisfied.

29.9 Accessory Building

Nothing in this By-law shall prohibit the construction or erection of two (2) accessory buildings in any Institutional (I-1) zone provided that the accessory building(s) satisfies the following:

- (1) shall not be used for human habitation;
- (2) shall not be located in the front yard;
- (3) shall not be located in the required flanking yard;
- (4) shall not be located closer than 0.6m (2 ft.) to any common lot boundary or street right-of-way;
- (5) shall not be located closer than 1.83m (6 ft.) to any main or accessory building;
- (6) shall not exceed 4.6m (15ft.) in height;
- (7) shall not have any building elevation more than twice the length of its shortest building elevation;
- (8) the total square footage for all accessory buildings shall not exceed ten (10) percent of the total lot area to a maximum of 139.35 m² (1500 ft.²) in gross floor area; and,
- (9) shall satisfy all other requirements of this By-law.

29.10 Variations Regarding Height Requirements for Non-Conforming Structures Within any Institutional (I-1) Zone

Notwithstanding Part 5.4, a non-conforming structure within the Institutional (I-1) zone may expand upwards provided that:

1. The expansion does not further increase the height beyond the height of the existing building;
2. The use conforms with the Land Use By-law; and,
3. All other applicable provisions of this By-law are satisfied.

Part 30 - Business Floating (B-F) Zone

30.1 B-F Zone Permitted Uses

In the Business Floating (B-F) zone, no development permit shall be issued except for one or more of the following uses:

- * Personal Service Shops;
- * Business Offices;
- * Professional Offices;
- * Internet Web Site Development;
- * Municipal, Provincial and Federal Government Offices;
- * Public Parks;
- * Institutional Uses;
- * Day Nurseries;
- * Medical Clinics;
- * Guest Homes (Maximum of six (6) rental bedrooms or suites);
- * Coffee and Tea Shops (Eat in only - inside or outside eating);
- * Antique Shops;
- * Art Galleries;
- * Inns with Function Room Facilities (Maximum of eight (8) bedrooms or suites);
- * Convention Centres;
- * Restaurants (Eat in only - inside or outside eating);
- * Residential dwelling units up to a maximum of four (4) units per lot.

30.2 Zone Requirements

In a Business Floating (B-F) zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	750.0 m ² (8,000 ft. ²)
Minimum Lot Frontage	21.3 m (70 ft.)
Minimum Front Yard	6.1 m (20 ft.)
Minimum Flanking Yard	4.6 m (15 ft.)
Minimum Rear Yard	6.1 m (20 ft.)
Minimum Side Yard	3.0 m (10 ft.)
Maximum Height of Main Building	10.7 m (35 ft.)

30.3 Parking Requirements: B-F Zone

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure in the Business Floating (B-F) zone, on-site parking shall be provided and maintained on the same lot as the use having unobstructed access to a public street in conformity with the following schedule. For the sake of clarity, in a multiple-occupancy building, each type of occupancy shall satisfy the parking requirements for each type of use. Where there is multiple use of the same space, the parking requirements shall be based on the highest parking requirement use. Notwithstanding, the on-site parking requirement may be satisfied with off-site parking provided the parking area is within 92 m (301.8 ft.) of the location it is intended to serve; provided the parking area is located within the same zone; and provided a copy of the parking space easement recorded at the Land Registry Office in favour of the property it is intended to serve is filed with the development officer.

USE

PARKING REQUIREMENTS

Function Room and Convention Facility	One (1) parking space for each 14 m ² (150 ft. ²) or fraction thereof of gross floor area excluding vestibules, washrooms, closets and storage areas.
Guest Homes and Inns	One (1) parking space per suite or rental unit plus one (1) additional parking space for staff plus one (1) additional parking space for each 14 m ² (150 ft. ²) or fraction thereof of floor area devoted to public use excluding public vestibules, public lobbies, public washrooms, public hallways and storage areas.
Restaurants	One (1) parking space for each 14 m ² (150 ft. ²) or fraction thereof of gross commercial floor area excluding vestibules, washrooms, closets and storage areas.
All other Commercial/Institutional Uses	One (1) parking space for each 32.52 m ² (350 ft. ²) or fraction thereof of gross commercial floor area, excluding vestibules, washrooms, closets and storage areas.
Residential dwelling units.	One (1) parking space for each dwelling unit.

30.4 Parking Lots

In a Business Floating (B-F) zone, no development permit shall be issued for any parking space (required or not) unless all parking spaces have a minimum set-back of 2 m (6.6 ft.) from any common lot line abutting any residentially (R-1, R-2, R-3) zoned property. All parking spaces shall be screened from any public view along any public street either by fencing or by other landscaping means to soften the visual impact of the parking areas from any public street.

30.5 Parking in Front Yard Prohibited

In a Business Floating (B-F), no parking space (required or not) shall be located in the front yard, flanking yard or otherwise located between any main building and any public street.

30.6 Loading Space Requirements - Commercial Uses Only

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure other than for residential uses, business offices or professional offices in the Business Floating (B-F) zone, one (1) on-site loading space shall be provided and maintained for every 1858.0 m² (20,000 ft.²) or fraction thereof of gross commercial floor area excluding hallways, aisles, vestibules, washrooms and closets. The provision of such space shall be optional for buildings with less than 464.5 m² (5,000 ft.²) of gross commercial floor area.

30.7 Visibility at Street Intersections - Corner Vision Triangle

On a corner lot in the Business Floating (B-F) zone, a fence, sign, hedge, shrub, bush, tree or any structure or vegetation shall not be erected or permitted to grow to a height of greater than 1.2 m (4 ft.) above the grade of the street that abut the lot within the triangular area included within both street lines for a distance of 6.1 m (20 ft.) from their point of intersection.

30.8 Multiple Main Buildings B-F Zones

Nothing in this By-law shall prohibit the construction of more than one (1) main building on any lot in the Business Floating (B-F) zone provided:

- (1) That the minimum separation distance between main buildings shall be 6.1 m (20 ft.) or is otherwise an existing building as defined in this By-law;
- (2) That all parking and loading space requirements for each main building and/or use are satisfied; and,
- (3) That all other requirements of this By-law are satisfied.

30.9 Accessory Buildings B-F Zones

A maximum of two (2) accessory buildings may be erected or placed on a Business Floating (B-F) zoned lot provided:

- (1) They shall not be used for human habitation;
- (2) They shall not be located in the front yard;
- (3) They shall not be located closer than 4.6 m (15 ft.) to any public street (open or closed);
- (4) They shall not be located closer than 0.6 m (2 ft.) to any side yard lot line;
- (5) They shall not be located closer than 0.6 m (2 ft.) to any rear yard lot line;
- (6) They shall not exceed 4.6 m (15 ft.) in height;
- (7) They shall not exceed a combined floor area of 140 m² (1507 ft.²) or ten (10) percent of the total lot area, whichever is the lesser.
- (8) They shall not be located closer than 1.8 m (6 ft.) to any main building or accessory building;
- (9) They shall not have any building elevation more than twice the length of its shortest building elevation; and,
- (10) They shall be strictly used exclusively for accessory uses to the main uses located on the same lot.

30.10 Restriction on Open Storage, Outdoor Displays and Utility Structures B-F Zones

The following restrictions shall apply to open storage and outdoor displays in the Business Floating (B-F) zone:

- (1) No outdoor displays shall be permitted.
- (2) Any open storage including any garbage, recycling or compost receptacles and utility structures including but not limited to fuel tanks, air conditioning units, compressors, transformers, heat pumps, propane tanks, power generators and similar devices shall:
 - a) Be wholly enclosed within a 1.8 m (6 ft.) high opaque fence or otherwise be screened from public view from any public street with sufficient landscaping materials;
 - b) Not exceed the height elevation of the opaque fence or the landscaping material as the case maybe;
 - c) Not be located in the front yard, flanking yard or otherwise located between any main building and any public street.;
 - d) Not be located closer than 2 m (6.6 ft.) from any common lot line abutting any residentially (R-1, R-2, R-3) zoned property;
 - e) Be strictly accessory to the main use located on the same lot;
 - f) Not exceed ten (10) percent of the total lot area; and ,
 - g) Be clean and maintained in a tidy state at all times.

30.11 Special Architectural Restrictions B-F zone

No exterior alterations to any existing main building shall be made which would change the “residential” appearance of the building. Construction of any new building within the Business Floating (B-F) zone shall have the appearance of a “residential” structure rather than a “commercial” structure in such a fashion to be compatible with the adjacent and nearby residential properties.

30.12 Minimum Main Building Width - Architectural Design Features

No main building located within the Business Floating (B-F) zone shall have a width between any two (2) main walls of less than 6.1 m (20 ft.). For the purpose of this Part, a main wall is any exterior wall of the building running a linear distance of fifty (50) percent or more of the overall length or width of the building.

30.13 Parking of Commercial Motor Vehicles

No motor vehicle used for commercial purposes such as ambulances, hearses, motor buses, tractors, trailers or tractor/trailer combined, vans exceeding a gross vehicle weight of 2,268 kg. (5,000 pounds), transport trucks, dump trucks, backhoes, front end loaders, construction vehicles and other similar vehicles, whether or not same contains commercial licences or signage shall be parked or

kept on any Business Floating (B-F) zoned lot or along any Business Floating (B-F) zoned street. The maximum number of commercial vans not exceeding a gross vehicle weight of 2,268 kg. (5,000 pounds) which may be parked or kept on any Business Floating (B-F) zoned lot shall be one (1) provided the vehicle is owned or operated by the occupant and parked or kept at the side or rear of the main building. Commercial vans not exceeding a gross vehicle weight of 2,268 kg. (5,000 pounds) parked or kept on any Business Floating (B-F) zoned street shall not be regulated pursuant to this By-law.

30.14 Transportation Vehicles and/or Shipping Containers Use Prohibited

(a) No automobile, recreational trailer, camper, truck, bus, coach body, truck body, mobile classroom, mobile storage compartment, tractor, trailer, or tractor trailer combined, including any plane, train, boat, construction vehicle, shipping container, transport vehicle, transport container, cargo container or any other similar type of structure or enclosure shall be used as a main or accessory building in any Business Floating (B-F) zone, whether or not same is mounted on wheels or on a foundation.

(b) Notwithstanding Part 30.14(a), a recreational trailer may be sited on a lot and used for human habitation purposes provided the use does not exceed thirty (30) days in any calendar year.

30.15 Drive-thrus

Drive-thrus shall be prohibited in the Business Floating (B-F) zone.

30.16 Signage

The following signage restrictions shall apply in the Business Floating (B-F) zone.

(1) The signage provisions of Part 6 of this By-law shall not apply in the Business Floating (B-F) zone. Any sign not permitted within the Business Floating (B-F) zone shall be prohibited. No sign within the Business Floating (B-F) zone shall be internally illuminated but may be externally illuminated provided such illumination is exclusively focused solely upon the sign. All signs shall be done in a tasteful manner and have colours that compliment and are compatible with the colour scheme of the main building. Off-site signage shall be strictly prohibited.

(2) The following signs shall be permitted within any Business Floating (B-F) zone provided all other requirements of this By-law are satisfied:

(2.1) Ground Signs:

A maximum of one ground sign per main building may be permitted to be erected in the Business Floating (B-F) zone provided such sign shall not:

(a) Not have more than four (4) sign faces and shall not exceed 4 m² (43.1 ft.²) of sign area for a single face; 8 m² (86.1 ft.²) for two (2) faces combined; 12 m² (129.2 ft.²) for three (3) faces combined; or 16 m² (172.2 ft.²) for four (4) faces combined;

(b) Not exceed a height of 3 m (9.8 ft.) from grade level to the highest part of any portion (base, post, frame, structure or face) of the sign;

(c) Not have any portion (base, post, frame, structure and face) located closer than 1.5 m (5 ft.) to any public right-of-way or common lot boundary; and,

(d) Not be located within the corner vision triangle unless all portions (base, post, frame, structure and face) of the sign are less than 1.2 m (4 ft.) in height;

(2.2) Facial Wall Signs

A maximum of one (1) facial wall sign may be erected per building elevation provided no sign shall:

(a) Exceed 8 m² (86.1 ft. ft.²) of sign area;

(b) Extend above the top of the wall nor beyond the extremities of the wall upon which it is attached; and,

(c) Project out further than 0.3 (1 ft.) from the supporting wall.

(2.3) Canopies and Awning Signs

A maximum of one (1) canopy or awning sign may be erected per building elevation provided no sign shall:

(a) Exceed 4 m² (43.06 ft.²) of sign area;

(b) Extend above the top or bottom of the canopy or awning upon which it is attached;

(c) Extend beyond the extremities of the canopy or awning upon which it is attached; and,

(d) Extend or project further than 0.3 m (1ft.) from the supporting canopy or awning.

(2.4) Other signs permitted

In addition to the signs permitted pursuant to this Part, the following signs shall be permitted:

(a) Signs regulating or denoting on-premise traffic or parking, or other signs denoting the direction, function or feature of buildings or parts of a building or premise (including security signs) provided such signs are less than 0.5 m² (5 ft.²);

(b) Memorial signs or tablets and signs denoting the date or erection of a structure provided such signs are less than 0.5 m² (5 ft.²);

(c) Flag, pennant or insignia of any government or of any religious, charitable or fraternal organization.

30.17 Conflict with Architecturally Sensitive (A-S) Area

Where there is a conflict between the provisions of the Business Floating (B-F) zone and the Architecturally Sensitive (A-S) area, the higher or more stringent regulation shall prevail.

Part 31 - Definitions

For the Purpose of this By-law, all words shall carry their customary meaning except for those defined hereafter.

- 1. Abutting Yard** means the required minimum yard set back measured from the abutting lot line as prescribed in the Land Use By-law, unless otherwise stated.
- 2. Accessory Building** means a subordinate building or structure on the same lot as the main building or use devoted exclusively to an accessory use.
- 3. Accessory Use** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
- 4. Adult Day Center** means that portion of a residence wherein the owner or occupier of the residence provides temporary care on a daily basis for adults attaining the age of eighteen (18) years without overnight accommodations.
- 5. Adult Entertainment Uses** means a massage parlour, sex-aid shop, an adult book store or an adult cabaret.
- 6. Alter** means any change in the structural component of a building, or any increase in the volume of a building or structure.
- 7. Annually** means once per calendar year.
- 8. Apartment Building** means a building containing four or more dwelling units which have a common entrance from the street level but does not include converted dwellings.
- 9. Automobile Service Stations or Service Station** means a building or part of a building or a clearly defined space on a lot used for the retail sale of gasolines and lubricating oils and may include the sale of automobile accessories and the servicing and repairing of motor vehicles and may include a car wash, convenience store and automobile body shop within wholly enclosed buildings.
- 10. Boarding or Rooming House** means a dwelling unit in which the proprietor supplies rooms with or without meals but without private cooking facilities for monetary gain exclusive of rooms, if any, of the lessee or owner or members of his/her family and which is not open to the general public.
- 11. Building** means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment. Any bin, bunker, platform, vessel or vehicle used for the said purposes shall be deemed a building.
- 12. Building Elevation** means a flat scaled drawing of the front, rear or sides of a building.
- 13. Building Line** means any line regulating the position of a building or structure on a lot.
- 14. Building Supply and Equipment Depots** means any track of land, building or part of a building in which building or construction, equipment and home improvement materials are offered or kept for sale at retail or wholesale and may include the fabrication of certain materials related to home furnishing and home improvement.
- 15. Bulk Petroleum Storage Facility** means one or more above ground storage tanks or underground storage tanks, including any appurtenances having a capacity of more than 4,000 litres where petroleum products are stored in bulk for subsequent transmission to other facilities and are regulated as a "bulk plant" by the Province of Nova Scotia, but does not include a service station or a gas bar.
- 16. Business Office** means a building or part of a building primarily engaged in providing business services in which one or more persons are employed in the management, direction or conducting of a business or where persons and their staff serve clients who seek advise or consultation and includes

any room or rooms where business may be transacted, a service performed or consultation given and includes, but is not limited to, such uses as business services, real estate and brokerage agencies, insurance and brokerage agencies and travel agencies and other similar uses, but shall not include the manufacturing of any product or the retail selling of goods. A business office shall include those uses defined as a “professional office” and vice versa.

17. Call Center means a building or part of a building engaged primarily in the service transaction, electronically or through a communication medium and without limiting the generality of the foregoing, may include such establishments as credit card information centers, virtual banking services, on-line services, retail operational services, travel services and telephone solicitation services, but shall not include any walk-in or off-street traffic or any retail or manufacturing of goods for sale; and,

i) **Call Center** means a call center which remains in one location for at least twelve consecutive months.

ii) **Temporary Call Center** means a call center which remains in one location for a period not exceeding twelve consecutive months.

18. Church means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall and may include living quarters for the Clergy operated by the church.

19. Coffee and Tea Shop means an establishment which sells coffee, tea, biscuits, squares, sandwiches, desserts and other similar items.

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

21. Commercial Accommodation means any motel or hotel operated within a commercial zone on a full-time permanent basis but shall not include any guest home, boarding or rooming house, nursing home or bed and breakfast operations.

22 (A). Community Center means any tract of land or building or any part of any building used for community activities whether used for commercial purposes or not, the control of which is vested in the municipality or agent thereof, or a non-profit organization.

22 (B). Community Market means a building or part of a building or a clearly defined space on a lot used only once or twice during any week of any year at any one (1) location to accommodate the retail sales of produce from the land or sea including but not limited to fruits, vegetables, eggs, cheese, honey, jams, cider, milk, juices, cooked or uncooked poultry, meat or fish, cut flowers, bedding out plants, shrubs and trees and shall also include the retail sales of arts and crafts handicrafts, baked goods and yard sales items including but not limited to antiques and second hand goods.

23. Construction Trade and Contractors means a building or part of a building housing construction trade related offices related to one or more of the following: general contractors, plumbing, electrical, mechanical, excavating and/or landscaping businesses exclusively devoted to the physical development of land and/or structure(s), including the preparation of land for development, and may include accessory design, drafting and estimating services but does not include a professional office exclusively devoted to the design, drafting or estimating thereof nor does it include any storage of any demolition debris, construction waste or waste of any kind.

24. Convenience Store means a building which is used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary items, grocery items and a delicatessen or snack bar.

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

26. Converted Group Industrial Building means a building originally built and designed as a single industrial building existing as of the date of this By-law which has been converted into two or more industrial units, which are separately owned and located on a separate lot, divided vertically by a solid common wall extending from the base of the foundation to the roof line with independent

entrances and loading spaces which may be characterized by the sharing of common parking areas and driveways.

27. Corner Vision Triangle means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection, the distance required by this By-law, along each such street line and joining such points with a straight line. The triangular-shaped land between the intersecting lines and the straight line joining the points, the required distance along the street lines, shall be known as the "corner vision triangle" as applied to various sections of this Land Use By-law under the terminology of "visibility at street intersections".

28. Council means the Council of the Town of Yarmouth.

29. Day Nursery means a building or part of a building or other place, whether known as day nursery, kindergarten, play school, or by any other name which, for compensation or otherwise, receives four or more children under eighteen years of age for temporary care on a daily basis without overnight accommodation.

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

31. Development Agreement means an agreement made pursuant to the provisions of the Municipal Government Act, the Yarmouth Municipal Planning Strategy and this Land Use By-law.

32. Development Officer means the Officer of the Town of Yarmouth from time to time charged by the Town with the duty of administering the provisions of the Land Use By-law pursuant to the Town of Yarmouth Municipal Planning Strategy and the Municipal Government Act.

33. Domestic and Household Arts includes the sale, instruction or participation in music, dancing, arts and crafts, weaving, painting, sculpturing, moulding or otherwise making or repairing sporting equipment, musical instruments, garden or household equipment, household articles such as small appliances or furniture items, articles of clothing, personal effects or toys. Uses shall not include the making or repairing of motorized vehicles or parts, industrial manufacturing or repairs nor shall it include the sale of goods other than those made or repaired on the site.

34. Double Cart Corral means two single cart corrals placed back to back occupying two (2) parking spaces for a maximum dimension of ten (10) feet wide by forty (40) feet long.

35. Drive-In Restaurant means a place where food and drink is served to the public, and which does not necessarily provide facilities for consumption thereof on the premises other than parking area, also includes drive-thru restaurants.

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

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

38. 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.

39. Emergency Response Center means a building or part of a building where emergency vehicles are housed until dispatched, which may include accessory overnight accommodations (sleeping quarters) for personnel directly related to this use and without limiting the generality of the foregoing may include such establishments as ambulance response centers, police response centers, emergency measures response centers, fire response centers and search and rescue response centers.

40. Erect means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to 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.

- 41. Established Building Line** means the average distance of the existing building from the street line to existing buildings in any block where more than half the frontage has been built upon at the effective date of this By-law.
- 42. Existing** means existing as of the effective date of this By-law.
- 43. Feed Lots** means any lot, building, structure, pen or corral wherein any animals or livestock are maintained primarily for the purpose of feeding, breeding, raising or holding for shipment to market but shall not include areas of land used solely for grazing purposes.
- 44. Fish and Food Processing Facility** means a building or part of a building used for processing any fish or food processing matter from raw organic materials which may create any obnoxious odors or waste materials and shall include fish processing, rockweed and seaweed processing, animal meat matter processing and any organic waste or composting types of activities and other similar types of uses including any salting, smoking or canning of fish or meat products, but excludes warehousing and distribution of fish and food products.
- 45. Fish Reduction Plant** means a building or part of a building where fish offal, whole or parts of fish or any combination thereof is rendered into fish meal, fertilizer, slurry or other by-product but shall not include a fish plant.
- 46. Fishing and Marine Related Industries** means a building or yard or part thereof used in the fishing industry and includes the maintenance and repair of fishing vessels, fishing tackle, traps and other equipment as well as support industries to the fishing industry, but excludes fish and food processing plants and/or fish reduction plants.
- 47. Floor Area:**
- A) With Reference to a Dwelling** means the maximum usable floor area contained within the outside walls excluding any private garage, porch, verandah, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year;
 - B) With Reference to an Accessory Building** means the maximum usable floor area contained within the outside walls and shall include the combined floor area of any floors, loft or mezzanine.
 - C) Commercial Floor Area** means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms.
 - D) Gross Commercial Floor Area** means the aggregate of the usable floor areas of a building above or below grade, measured between the interior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building, and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls. Gross floor areas shall mean the same as gross commercial floor area.
 - E) Usable Floor Area** shall be defined as a floor area with a minimum height clearance of at least 1.22 m (4 ft.).
 - F) With Reference to a Home Occupation** (non-residential use) means the percentage as specified in the By-law of the dwelling's usable floor area contained within the outside walls above or below grade.
- 48. Governmental Institutional Facility** means a building or part of a building owned, operated or occupied by a Federal, Provincial or Municipal Government or an agent thereof to provide governmental services and without limiting the generality of the foregoing, may include hospitals, nursing homes, homes for special care, rehabilitation centers, residential care facilities, public works facilities, public recreational facilities, educational facilities, juvenile detention facilities, correctional facilities, custodial care facilities, customs and custom compounds, military and civil defense facilities, naval dockyards, court houses, police stations, emergency protection facilities and dispatch centers, fire stations and other similar uses but shall not include any Federal, Provincial or Municipal

Government office as a main use, any manufacturing or industrial operations, any composting and/or recycling operation or any waste facility or depot or other similar uses.

49. Group Dwelling means two or more buildings each containing one or more dwelling units located on a lot.

50. Group Home means a single housekeeping unit in a residential dwelling in which more than three (3) residents live together under supervision, in accordance with Provincial requirements. The home shall be licensed or approved by the Province. "Residents" for the purpose of this definition shall be defined as to exclude staff or visiting family.

51. Guest House or Bed and Breakfast means a dwelling where the property owner supplies either room or room and board for monetary gain where not more than six (6) rooms are so used and which is open to the travelling public.

52. Heavy Industry means a building or part of a building engaged in the basic process and manufacturing of materials or products predominately from extracted or raw materials, of finished or unfinished products or components, including processing, fabrication, assembly, treatment, packaging, incidental storage and other similar activities, including the sale and distribution of such products or components but shall not include any manufacturing process or storage of any potentially hazardous or commonly recognized offensive materials, activities or conditions.

53. Heavy Service Industry means a building or part of a building engaged in the following activities: the processing of milk and dairy products, a recycling center, the shredding and/or sorting of materials, a bakery, a candy factory, a public or private garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a painting shop including a decal shop, a plumbing shop, a sheet metal shop, a glass making, glass blowing, glass repair and glass fabrication shop, a metal fabrication shop, a sign shop, a wood, lumber and furniture manufacturing shop, a door and window manufacturing shop, a building material manufacturing shop, a plastic fabrication shop and similar uses and includes the designing and manufacturing aspects as well as the accessory retail sales of such items.

54. Heavy Service Shop means a building or part of a building, used for the sale or repair of any of the following: automotive parts and accessories, industrial supplies, tires, including vulcanizing or retreading, batteries, brakes or radiators, automotive ignitions, exhaust or electrical systems, snowmobiles, outboard motors, marine parts and accessories, furnaces or oil burners, water or air coolers or domestic water heaters and other similar uses, but shall not include manufacturing or industrial assembly. Heavy service shop also includes an establishment for the renting and selling of automobiles, trucks, light construction equipment or lawn care equipment or any other like articles.

55. Height means the vertical distance of a building between the established grade and:

A) The highest point of the roof surface of the parapet, or a flat roof, whichever is the greater;

B) The declivity of a mansard roof; or

C) The mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

56. Home Based Aesthetic Practices means a home based business catering to personal beautification serving to beautify the body by improving the appearance of a physical feature and shall be conducted entirely within a dwelling or an accessory building to a dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Home based aesthetic practices shall not include the retail sale of any products. Services include personal services such as skin analyzing, skin care, facials, waxing, manicures, pedicures, massage treatments, spa treatments, body treatments, foot reflexology treatments, body polishes, body wraps, spray tanning treatments, eyelash tinting, makeup artistry, microdermabrasion,

aromatherapy, or electrolysis, and other similar treatments, but shall not include the use of any tanning beds or tanning booths and similar equipment or any hair styling and/or hair cutting services such as barber shops and hair salons and similar uses, or any medical or therapeutic treatment of humans under the supervision or direction of a physician, chiropractor, osteopath, physiotherapist or nurse licensed and/or registered under the laws of the Province of Nova Scotia.

57. Home Based Office means any office conducted entirely within a dwelling or an accessory building to a dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, where business may be transacted, a service performed, compensation given, but shall not include the manufacturing of any product or the retail selling of goods and shall not include such uses as clinics, doctor's offices, medical offices, hospitals, medical or care facilities, personal service shops, commercial service shops, repair shops, barber shops, beauty shops, restaurants, veterinarian offices, veterinarian clinics, kennels, animal nurseries and other similar types of uses.

58. Hospital means a building or part of a building approved by the Minister in keeping with the Hospitals Act, R.S.N.S., 1967, Chapter 249 that is used for the treatment of persons afflicted with or suffering from sickness, disease or injury.

59. Hostel means a building or buildings or part thereof used to accommodate the traveling public by supplying them with sleeping accommodations with or without meals and which is characterized by common cooking and washroom facilities which provides rental dormitory bed spaces to individuals and/or groups of the travelling public.

60. Hotel or Motel means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation with or without meals and with or without private cooking facilities.

61. Inn means a registered heritage property or part thereof used to accommodate the travelling public for monetary gain by supplying them with room or room and board on a temporary basis where not more than eight (8) rooms or rental suites are provided and may include the rental of room(s) as a function room facility for special occasions.

62. Institution means the use of land, buildings or structures used by a body, whether public or private, that operates for a particular purpose with no intent of profit and without limiting the generality of the foregoing, includes those uses permitted in the Institutional (I-1) zone.

63A. Insurance and Brokerage Agency means a business office conducted within a building or part of a building wherein agents or brokers are primarily engaged in the selling of insurance and pension products and other similar items.

63B. Internet Web Site Development means a building or part of a building in which persons are employed in providing services for the design, development and maintenance of internet based web sites. For the purpose of this By-law this use shall be a separate and distinct use from a business office use or a professional office use.

64. Landscaped Strip means a strip of landscaping that is defined by a depth or width which is free or unoccupied of any building, structure, open storage, outdoor displays, signage, parking or loading areas, or any other obstruction other than landscaping features.

65. Landscaping means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving screening or other architectural elements all of which are designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent lands.

66. Light Industry means a building or part of a building housing a use primarily engaged in the manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products or components, but excludes any type of heavy industry use.

67. Light Service Industry means a building or part of a building comprising an area of 278.7m² (3,000 ft.) or less engaged in the following activities: a bakery, a candy factory, a public or private garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a painting shop including a decal shop, a plumbing shop, a sheet metal shop, a glass making, glass blowing, glass repair and glass fabrication shop, a metal fabrication shop, a sign shop, a wood, lumber and furniture manufacturing shop, a door and window manufacturing shop, a building material manufacturing shop, a plastic fabrication shop and similar uses and includes the designing and manufacturing aspects as well as the accessory retail sales of such items.

68. Light Service Shop means a building or part of a building, used for the sale or repair of household articles and shall include the repair or servicing of communication parts & accessories, electronic devices, television sets, radios, home security systems, satellite systems, computers, furniture, appliance repair shops and other similar uses, but shall not include manufacturing, industrial assembly or motor vehicle repair shops.

69(A) Live Adult Entertainment means any premises or part thereof, whether public, semi-public, or private, wherein is provided the opportunity to feel, handle, touch, be in the presence of, or be entertained by the nude body of another person, or to observe, or view any such activity. For the purpose of this by-law, "Live Adult Entertainment" shall include any services appealing to or designed to appeal to erotic or sexual appetites or inclinations, and includes massage parlours. Such services shall include, but not limited to, services of which a principle feature or characteristic is the nudity or partial nudity of any person. For the purpose of this clause "partial nudity" shall mean less than completed cover or opaquely covered human genitals, human pubic region, human buttocks, or female breast below a point immediately above the top of the areola. Nothing in the definition of "Live Adult Entertainment" shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theatre, concert hall, fine arts academy, school, institution of higher education, or other similar establishments as a form of expression of opinion or the communication of ideas or information.

69(B). Live-in Art Gallery Studio means a building or part of a building used to produce artist's products including the display and retail sales of artist supplies and products with an accessory residential use solely to be occupied as a residence by the user.

70. Loading Space means an unencumbered area of land 3.66m (12 ft.) by 12.19m (40 ft.) with a minimum height clearance of 4.27m (14 ft.) provided and maintained on the same lot upon which the principal use is located and which area:

- A) Is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;
- B) Is not upon or partly upon any street or highway; and
- C) Has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.

71. Lobster Trap Storage Facilities means a lot or part of a lot used for the open storage of lobster traps, buoys, ropes, nets, and other similar gear associated with the lobster industry.

72. Lot means any parcel of land described in a deed as a lot or as shown as an approved lot on a registered plan of subdivision; and

- A) **Corner Lot** means a lot situated at the intersection of or otherwise abuts two or more streets. Where a corner lot is to be utilized for any residential or institutional use in the R-1, R-2, R-3, R-H, or an I-1 zone, the shorter lot line shall be deemed the front lot line of said lot. Where a corner lot is to be utilized for any commercial or industrial use in the C-1, C-2, C-2M, C-3, CI-4, WCI-5, C-H or M-1 or M-2 zone, the shorter lot line may be deemed the flanking lot line rather than the front lot line provided that at least one lot line is equal to the minimum lot frontage prescribed for the zone in this By-law, and provided that no lot line be less than fifty (50) percent of the minimum lot frontage prescribed for the zone in this By-law;

- B) Interior Lot means a lot situated between two lots and having access to one street;
- C) Through Lot means a lot bounded on two opposite sides by streets or highway or otherwise abuts two different streets provided however, that if any lot qualifies as being both a corner lot and through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

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

74. Lot Depth means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the midpoints of the front and rear lot lines.

75. Lot Frontage means the length of a straight line joining the side lot lines where the side lot lines meet the street.

76. Lot Line means a boundary line of a lot; and

A) Front Lot Line means the line dividing the lot from the street. Where a corner lot is to be utilized for any residential or institutional use in the R-1, R-2, R-3, R-H, or an I-1 zone, the shorter lot line shall be deemed the front lot line of said lot. Where a corner lot is to be utilized for any commercial or industrial use in the C-1, C-2, C-2M, C-3, CI-4, WCI-5, C-H or M-1 or M-2 zone, the shorter lot line may be deemed the flanking lot line rather than the front lot line provided that at least one lot line is equal to the minimum lot frontage prescribed for the zone in this By-law, and provided that no lot line be less than fifty (50) percent of the minimum lot frontage prescribed for the zone in this By-law. Where such lot lines are of equal length, the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line;

B) Rear Lot Line means the lot line furthest from or opposite to the front lot line;

C) Side Lot Line means the lot line other than a front or rear lot line;

D) Flanking Lot Line means a lot line which abuts the street on a corner lot other than the front lot line.

77. Main Building means the building in which is carried on the principle purpose for which the building lot is used.

78. Main Use means the principal or primary purpose for which any building, structure or land or any part thereof is designed, utilized, arranged, or intended, or for which it may be constructed, used, occupied or maintained under this By-law, but shall not include any accessory use.

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

80. Massage Parlour means any premises or part thereof, by whatever name designated, where a massage, body rub, alcohol rub, bath or similar activity is performed, offered, advertised or solicited by members of the opposite sex in pursuance of a trade, calling, business or occupation or which is equipped or arranged so as to provide such activity, but does not include any premises or part thereof where treatment is routinely offered or performed for the purpose of medical or therapeutic treatment and is performed or offered by or under the supervision or direction of a physician, chiropractor, osteopath, physiotherapist, or nurse licensed or registered under the laws of the Province of Nova Scotia.

81. Medical Clinic means a building or part of a building wherein a private practice offers consultation, diagnosis and treatment of patients by one or more legally qualified physicians, dentists, surgeons, optometrists, chiropodists, chiropractors, drugless practitioners, alternative medical practitioners or therapeutic practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery nor public or private hospital or a professional office of a single practitioner located in his residence.

82. Mobile Home or Mini Home means a single or multiple section mobile home structure 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 unpackaging and assembly; and the foregoing shall include pre-fab dwellings having any main wall with a width of less than 6.1m (20 ft.). For the purpose of this section, a main wall is any exterior wall of the building running a linear distance of fifty (50) percent or more of the overall length or width of the building.

83. Mobile-Home Based Business means a commercial use which provides full or part-time employment for one or more person(s), which use is located in a residence occupied by the operator of that business and where such business provides public transactions entirely at another location, characterized primarily with non-public activities (no traffic at residence other than incidental bill payments) and without limiting the generality of the foregoing, may include door to door sales, door to door service, internet services, computer services, telephone services, video & audio services, personal grooming services, pet grooming services, household repair services and travelling vendors but shall exclude any manufacturing or fabrication of goods for sale other than those items that may be manufactured or fabricated as a domestic and household arts operation.

84. Mobile Home Park means an establishment comprising of land or premises designed and intended for residential use where residence is in mobile homes exclusively but does not include public parks or public or private camping grounds.

85. Multiple Section Mobile Home means a sectional structure composed of separate mobile home units, each towable on their own chassis, which when towed to the site are coupled together mechanically and electrically to form a single structure.

86. Nursing Home means a building or place or part of a building or place in which accommodation is provided or is available to persons requiring or receiving skilled nursing care in accordance with Provincial requirements. The nursing home shall be licensed or approved by the Province. "Residents" for the purpose of this definition shall be defined as to exclude staff or visiting family.

87. 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.

88. Off-Site Parking Space means an open or covered area containing parking spaces, other than a street, for one or more motor vehicles, exclusively devoted to an off-site use of land or building.

89. Office means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

90. Open Air Market means an occasional or periodic market held in an open area, building or portion thereof where groups of individuals offer goods and services for sale to the public. The following activities shall be permitted: retail sale of food, clothing, arts & crafts, second hand items, plants and products of a similar nature.

91. 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.

92. Outdoor Furnace means a furnace which provides heat to any structure other than that which houses the outdoor furnace.

93. Parking Area means an area of land, other than a street, containing parking spaces for two or more motor vehicles, and includes an area of land which permits ingress or egress of motor vehicles to a street by means of on-site driveways, parking aisles or maneuvering areas exclusive of any parking spaces. A parking area shall be designed and maintained so that no parking or maneuvering incidental to parking shall be on any street and no parking shall be located within the entrance to a parking space.

94(i) Parking Space (Residential) means an area of land in a residential area of not less than one hundred and sixty (160) square feet, measuring eight (8) feet by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate

access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas.

94(ii) Parking Space (Commercial) means an area of land in a commercial or industrial area of not less than one hundred and eighty (180) square feet, measuring nine (9) feet by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas.

95. Parking Structure means a structure built above or below grade to accommodate the parking of motor vehicles and shall exclude wharves, platforms or other similar structures used to accommodate the parking of motor vehicles at grade level.

96. Passive Recreation Uses means the use of lands for parks, playgrounds, tennis courts, lawn bowling, athletic fields, picnic areas, outdoor swimming areas and similar uses to the foregoing.

97. Perpendicular Parking Space means an area not less than 16.7m² (180 ft.²), measuring 2.8m (9 ft.) by 6.1m (20 ft.) and located at ninety (90) degrees (right angles) to the street and each parking space shall be demarcated and maintained as such.

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

99. Personal Service Shop means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, including a person's household pet and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry but excludes any manufacturing or fabrication of goods for sale.

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

101. Private Garage means an enclosed or partially-enclosed structure for the storage of one or more vehicles, in which no business, occupation or service is conducted for profit.

102. Private Off-site Parking Space means an open or covered area containing a parking space used exclusively for private purposes for an off-site use of land or building but shall not include any public spaces located on land under public ownership.

103. Private Parks and Gardens means a use of land used to plant and grow a variety of vegetation, including plants, vegetables, shrubbery, trees and other similar species and shall not be used for any monetary gain or profit. Said use shall include accessory structures such as storage sheds, benches, garden trellises, pergolas, gazebos and other similar structures.

104. Professional Office means a building or part of a building primarily engaged in providing professional services in which one or more persons are employed in the management, direction or conducting of a professional business or where persons and their staff serve clients who seek advice or consultation and includes any room or rooms where business may be transacted, a service performed or consultation given and includes, but is not limited to, such uses as professional services, accountants, architects, engineers and lawyers and other similar uses, but shall not include the manufacturing of any product or the retail selling of goods. A professional office shall include those uses defined as a "business office" and vice versa.

105. Public Authority means any Board, Commission or Committee of the Town of Yarmouth established or exercising any power of authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the Town or a portion thereof that includes any committee or local authority established by a By-law of the Town.

106. Public Park means a park owned or controlled by a Public Authority or by any Board, Commission or other authority established under any statute of the Province of Nova Scotia, or under any By-law of the Town of Yarmouth.

- 107. Real Estate and Brokerage Agency** means a business and professional office conducted within a building or part of a building wherein agents primarily engage in the buying or selling of real estate, and shall include the managing and appraising of real estate.
- 108. Recreational Uses** means the non-commercial use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centers and similar uses to the foregoing, together with accessory buildings and structures, but not including a track for the racing of animals or any form of motorized vehicles.
- 109. Recycling Plant** means a building or part of a building wherein recovered or recoverable resource materials; such as newspapers, magazines, books and other paper products, glass, metal cans, and other recovered or recoverable materials are recycled or reprocessed within wholly enclosed buildings and shall include warehousing and distribution, but shall not include a salvage yard.
- 110. Registered Heritage Property** means a building or lot which is designated with a heritage value in a registry of heritage properties at the provincial or municipal level and shall include all those properties located within a Heritage Conservation District pursuant to the Heritage Property Act.
- 111. Residential Care Facility** means a single housekeeping unit in a residential dwelling where accommodations and supervisory care or personal care are provided to four or less residents in accordance with provincial requirements. The home shall be licensed or approved by the province. "Residents" for the purpose of this definition shall be defined as to exclude staff or visiting family. A residential care facility does not include a place maintained by a person to whom the residents are related by blood or marriage, a nursing home, a group home, a boarding or rooming house, a correction facility or a hospital.
- 112. Restaurant** means a building or part thereof where food and/or beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot or adjacent to the lot such as, but not limited to , a public sidewalk location. As an accessory use, take-out service of food and/or beverages for off-site consumption may be provided for walk-in consumers or for take-out delivery to an off-site location for off-site consumption. **Drive-In Restaurant** means a restaurant where facilities are available to serve food and/or beverages directly to customers for consumption in a parked automobile located in a parking area located on-site or off-site in an area designed for that purpose. **Drive-thru Restaurant** means a restaurant where facilities are available to accommodate a drive-thru window service where food and/or beverages are served directly to customers located in automobiles for consumption either on-site or off-site.
- 113. Retail Shop** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.
- 114. Scrap 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.
- 115. Seasonal Retail Trade** means a commercial use of a seasonal or part time nature involving the sale of goods which is operated during a time frame of less than six (6) months from the beginning date to the end date in any calendar year. Any use which operates six (6) months or longer in any calendar year shall be deemed permanent and not a seasonal retail trade use.
- 116. Semi-Detached Dwelling** means a building that is divided vertically by a property line approved by subdivision into two dwelling units each of which has an independent entrance.
- 117. Senior** means a person who has attained the age of 58 years.
- 118. Service Industries** includes the processing of milk and dairy products, a bakery, a public garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a painting shop, plumbing shop, sheet metal shop and similar uses.

119. Service Shop means a building or part of a building wherein the primary use is the installation, repair or servicing of electronic devices, television sets, radios, home security systems, satellite services, furniture and similar articles/goods; and includes the accessory retail sales of similar items but shall not include manufacturing, industrial assembly or motor vehicle repair shops.

120. Setback means the distance between the limits or boundary of a public right-of-way or a common lot boundary and the nearest main wall of the building or structure and extending the full width or length of the lot.

121. Sewage Treatment Facility means a building, buildings or portion thereof which provide the collection, treatment and disposal of sewage from domestic, commercial and/or industrial uses.

122(A). Shopping Center means a commercial development used primarily for the purposes of retail trade with 4645m² (50,000 ft.²) or more of gross commercial floor area, designed, developed, operated or controlled by a single owner or tenant, or a group of owners or tenants characterized by the sharing of common parking areas.

122(B). Side by Side Residential Dwelling means a building that is divided vertically into two (2) or more dwelling units located on one (1) lot, each of which has an independent entrance either directly from the outside of the building or through a common vestibule.

123. Sign means a structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from outside. The word sign shall include signs which are visible through windows and glass doors and are intended to be seen from outside. No other indoor sign shall be deemed a sign within this By-law and the word sign shall not include the flag of any Government; and

A) Identification Sign means a sign which is limited to conveying the name, street and building number of a use or the name and graphic representation of the location of or direction to the use;

B) Ground Sign means a sign supported by one or more uprights, poles or braces placed in or upon the ground;

C) Illuminated Sign 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 focussed upon or chiefly directed at the surface of the sign;

D) Projecting Wall Sign means a sign which projects from and is supported by a wall of a building;

E) Facial Wall Sign means a sign which is attached to and supported by a wall of a building;

F) Kiosk Sign means any self supporting, free standing sign not permanently attached to the ground or to a building and which is located within a street right-of-way placed on the sidewalk or edge of the street so as not to interfere with the street or sidewalk travelling surface.;

G) Roof Signs means a sign which is located on or projects above the roof line of a building and is fastened or secured in any manner to the roof;

H) Sign Area means the area of the smallest triangle, rectangle, circle or semi-circle which can wholly enclose the surface area of the sign. All visible faces of a multi-faceted sign shall be counted separately and then totalled in calculating sign area. Where signs are comprised of individual letters, the total area of letter surface shall be the sign area. Three-dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle or circle or semi-circle which can totally circumscribe the sign in the plane of its largest dimension;

I) Number of Signs means a sign shall consist of a single-display surface or display devise containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

- J) Product Display Ground Sign** means a ground sign which is advertising solely the products name and/or price of the product. The product name may include a description of the product.
- 124. Single Cart Corral** Means an enclosure solely devoted to the storage of shopping carts occupying one (1) parking space for a maximum dimension of ten (10) feet wide by twenty (20) feet long.
- 125. Single Detached Dwelling** means a completely detached dwelling unit.
- 126. Small Accessory Wind Turbines** means a wind energy conversion system which may consist of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100 kw/1 mw and is exclusively devoted to reduce on-site consumption of utility power of any use or building located on the same lot.
- 127. Special Occasion** means a special event organized and operated by a non-profit registered society to bring attention to its cause and fund raising activities. Special occasion shall also include community activities and events associated with traditional and religious holidays but shall not include any special sales or promotions of any for profit organization or business.
- 128. Special Sale Occasion** means a special sale or promotion organized and operated by a for profit organization or business to bring attention to its sale and product line for commercial retail purposes.
- 129. Storey** means that portion of a building between any floor and the floor, ceiling or roof above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8m (6 ft.) above grade. Provided also that any portion of a storey exceeding 4.3m (14 ft.) in height shall be deemed an additional storey for each fourteen 4.3m (14 ft.) or fraction thereof of such excess.
- 130. Street** means the whole and entire right-of-way of every highway, road or lane, owned and maintained as a street by the Department of Transportation and Public Works excluding designated controlled access highways pursuant to Section 20 of the Public Highways Act, or by the Town of Yarmouth. Any road allowance or right-of-way which is not maintained by either the Department of Transportation and Public Works or the Town of Yarmouth shall not be considered a street. Closed or Unopened Street means the whole and entire right-of-way of every parcel, highway, road or lane owned by the Department of Transportation and Public Works or by the Town of Yarmouth which is no longer or has never been maintained as a street by either the Department of Transportation and Public Works or the Town of Yarmouth.
- 131. 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. A structure shall include buildings, walls and signs and also fences exceeding 1.8m (6 ft.) in height.
- 132. Temporary Use** means the use of land or building existing or continuing for a limited time not to exceed thirty (30) days in any calendar year.
- 133. Tourist Establishment** means a building or buildings which are used to accommodate the travelling public for gain or profit by supplying them with sleeping accommodation with or without meals, and shall include a guest house, tourist cabins, a motel, a hotel or an auto court.
- 134. Town** shall mean the Town of Yarmouth.
- 135. Townhouse Dwelling** means a building that is divided vertically or vertically and horizontally into three (3) or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
- 136. Triplex Dwelling** means a building that is divided horizontally into three (3) dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- 137. Ufish Farms** means fish ponds and accessory structures used to raise aquatic plants or animals (such as fish or shellfish) for the purpose of selling or for providing recreational fishing entertainment but shall not include hatcheries, fish plants, fish reduction plants or the processing of fish or fish by-products in any fashion.

138. Veterinarian Clinic means a building or part of a building housing a facility for the medical treatment and care of animals and includes provisions for their overnight accommodations and may include an outside exercise play area provided it is wholly enclosed within a 1.8m (6ft.) high opaque fence but shall not include any boarding (kennel operation) or breeding facilities.

139. Warehouse and Distribution means a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles but shall not include facilities for wholesale or retail, commercial trade or fuel storage facilities.

140. Wholesale Shop means a building or part of a building in which goods, wares, merchandise, substances, articles or other similar items are offered or kept for sale at wholesale value, deriving the largest portion of its gross margin from sales to retailers, industrial, institutional, farm or professional business uses; or to other wholesalers rather than from sales to household consumers or private users.

141. 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 elsewhere in this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used: and

A) Front Yard 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; a "minimum" or "required" front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot. In the case of a through lot, the front yard may be deemed to be any yard which abuts either street;

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

C) Side Yard 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" or "required" side yard means the minimum width allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall on any main building or structure on the lot;

D) Flanking Yard means the side yard of a corner lot which extends from the front yard to the rear yard between the flanking lot line and the nearest main wall of any building or structure on a lot, and "minimum" or "required" flanking yard means the minimum width allowed by this By-law between a flanking lot line and the nearest main wall on any main building or structure on the lot.

142. Zone means a specified area of land as shown on a Schedule of this By-law.

SCHEDULE "A"
Zoning

SCHEDULE "B"
Street Classification

SCHEDULE "C"
Existing Uses and Non-Conforming Uses

(1) The following uses have been identified as being "existing permitted uses" and may be expanded, repaired and rebuilt subject to the zone requirements in which they are situated, provided they shall not be expanded beyond the boundaries of the lot as the lot exists as of the effective date of this By-law.

Existing Commercial Uses Within the Residential Designation

103 Argyle Street (PID #90301185) Grocery/Convenience Store
80 Brunswick Street (PID #90204389) Bowling Alley
148 Main Street (PID #90196585) Grocery/Convenience Store/Meat Market
509 Main Street (PID #90198169) Service Station/Auto Repair Shop

Existing Residential Uses Within the Commercial Designation

69 Clement Av. (PID #90218645) Single Detached Dwelling in C-H zone
72 Clement Av. (PID #90289596) Single Detached Dwelling in C-H zone
19/23 Cliff Street (PID #90208984) Residential units at street level (C-1)
7 Jenkins Street (PID #90195082) Residential units at street level (C-1)
98/100 Main Street (PID #90196700) Rooming House
216 Main Street (PID #90238197) Rooming House no commercial at street level
218 Main Street (PID #90196445) Eight units - no commercial at street level
19/21 First Street (PID #90207614) Residential unit at street level (C-1)

Existing Uses Within the Commercial Designation

77 Parade Street (PID #9031303) Delmar Construction Trade & Contractors Office

Existing Fish & Food Processing Plants Uses Within the Industrial Designation or the Commercial Industrial Designation

14/18 Water Street (including water lot) (PID #90243478) Fish Plant & Warehouse
26 Water Street (PID #90194036) IMO Foods - Fish Plant & Warehouse
35 Water Street (PID #90194465) Fish Plant & Warehouse
112 Water Street (PID #90193814) Scotia Garden Seafoods - Fish Plant & Warehouse

(2) The following non-residential home based businesses in the following table shall be permitted to exist and be treated as “existing permitted uses” provided that they continue to satisfy all applicable non-residential use requirements as outlined in Part 7 of this By-law.

Existing Within the Residential Designation (Home Based Business Uses)

28 Brunswick Street (H.B.B. Personal Service) (PID #90206020)	Denture Lab
46 Hibernia Street (PID #90199977)	Marine Motor Repair Shop
644 Main Street (H.B.B. Personal Service) (PID #90192790)	Beauty Salon
679 Main Street (H.B.B. Personal Service) (PID #90198664)	Beauty Salon
12 Parade Street (H.B.B. Medical Clinic) (PID #90207085)	Medical Office
67 Vancouver Street (H.B.B. Service Shop) (PID #90193301)	Machine Shop

(3) The following uses have been identified as being non-conforming and will be regulated subject to the Municipal Government Act and Part 5.4 and 5.5 of this By-law.

Non-Conforming Within the Residential Designation (Accessory Buildings)

6 Church Street (PID #90213455)	Accessory Building - No Main Building
12 Porters Lane (PID #90194267)	Accessory Building - No Main Building
4 McConnell Cres. (PID #90213505)	Accessory Building - No Main Building
25 Moody's Lane (PID #90197542)	Accessory Building - No Main Building

Non-Conforming Within the Residential Designation (Commercial Uses)

65 Kempt Street (PID #90213935)	Auto Body Shop
20 Main Street (PID #90197146)	Warehouse
470-472 Main Street (PID #90195959)	Senior's Lodge
508-510 Main Street (PID #90195785)	Business and Professional Office
228 Pleasant Street (PID #90203340)	Warehouse
13 Prince Street (PID #90291907)	Warehouse
15 Regent Street (PID #90214602)	Construction and Excavation Company

Non-Conforming Office & Financial Institution Uses Within the Commercial Designation

605/607 Main Street (PID #90198383)	Non-conforming Office Building
55 Starr's Road (PID #90203233)	Non-conforming Office Building
514 Water Street (PID #90193673)	Non-conforming Office Building
79B Starrs Road (PID #90243486)	Citi Financial Institution

Non-Conforming Office Within the Industrial Designation

187 Pleasant Street (PID #90248576)	Gateway Realty Property Management Office
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Non-Conforming Within the Commercial Designation (Warehousing)

6 Central Street (PID #90195041)	Warehouse
15 Hawthorne Street (PID #90194820)	Warehouse
9 Lovitt Street (PID #90195124)	Warehouse
83 Water Street (PID #90195017)	Warehouse
87 Water Street (PID #90195025)	Warehouse

Non-Conforming Within the Commercial Designation (Institutional/Government Office)

248 Pleasant Street (PID #90203274)..... Non Conforming Institutional/Government Office

Non-Conforming Within the Residential Designation (Commercial Vehicles Parked in Residential Areas)

16 Haskell Street (PID #90194655)..... Cosman’s Commercial Trucks
397 Pleasant Street (PID #90220526).....W.L. Nelson Trucks
28/30 East Street (PID #90211178)..... Commercial Transport Tractor
108 Parade Street (PID #90218553).....Commercial Trailer (Vachon Cakes)

Non-Conforming Roof Signs

2 Cann Street (PID #90195504).....Snack Place Restaurant
103 Argyle Street (PID #90301185).....Larry’s Kwik Way Convenience Store

Non-Conforming Off-Site Signs

585 Main Street (PID #90198359).....for Capri Motel (corner Herbert & Main)
493 Main Street (PID #90198136)..... for Midtown Motel (corner Baker & Main)
608-612 Main Street (PID #90195587) for Milton Laundromat
5 Collins Street (Collins Street parking lot) (PID #90207622)for Yarmouth County Museum

Non-Conforming Within the Residential Designation (Residential Uses)

470 Main Street (PID #90195959) Rooming House
216 Main Street (PID #90238197 Rooming House
23 Parade Street (PID #90207176) Rooming House
5 Cann Street (PID #90195488) Rooming House
2 Clements Street (PID #90253345) Rooming House
35 Alma Street (PID #90208034)Two (2) main buildings in R-1 zone
594/596 Main Street and 7 Cann Street (PID #90195637)Two (2) main buildings in R-1 zone
17 Porter Street (PID #90206210)Two (2) main buildings in R-1 zone
28 Willow Street (PID #90207895)Two (2) main buildings in R-1 zone
17/19 Seminary Street (PID #90207465 and 90290925) 4 units in R-1 zone
(unconventional dwelling)

SCHEDULE "D"
Sensitive Areas

SCHEDULE "E"
Street Classification Map