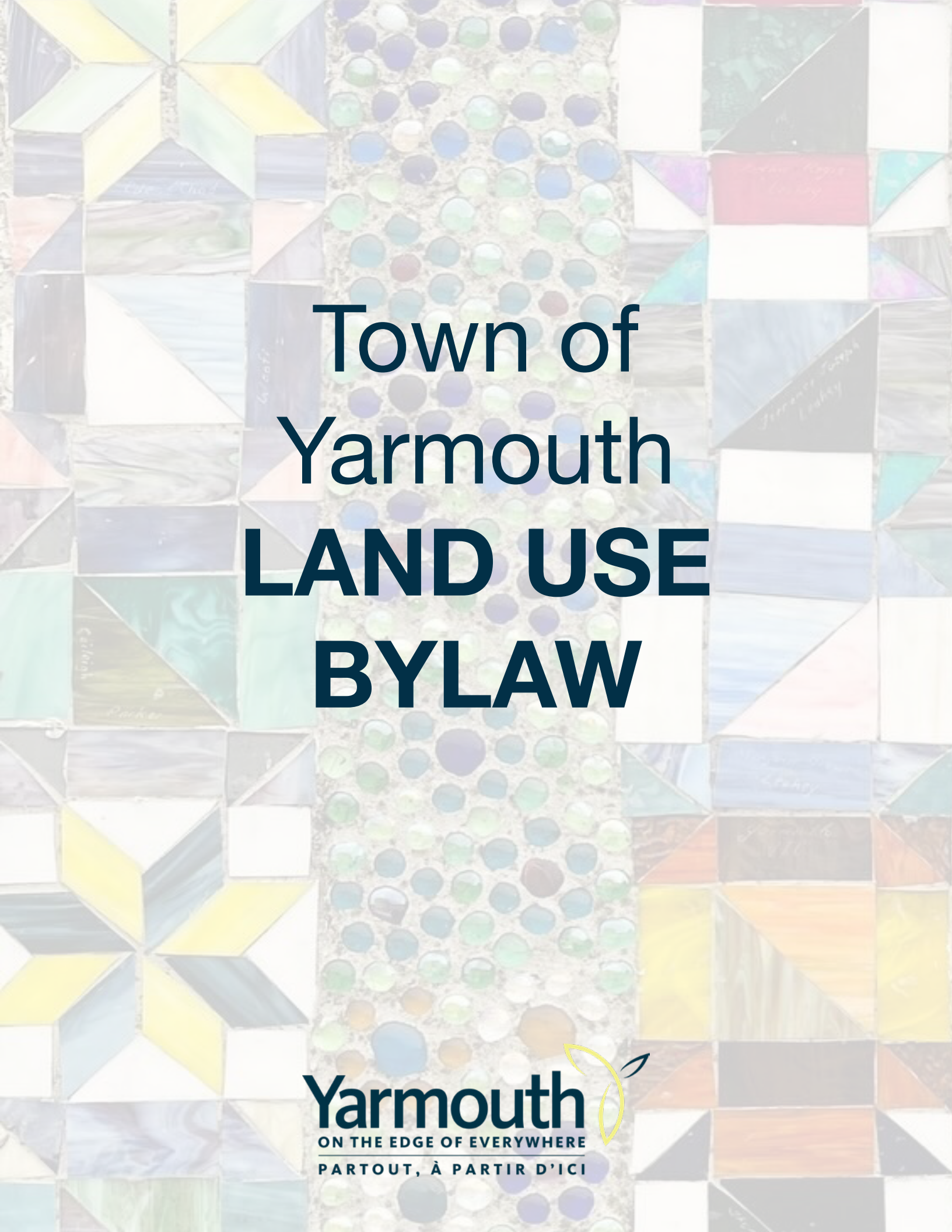




Town of Yarmouth **LAND USE BYLAW**



Town of Yarmouth Land Use Bylaw 2026
All rights reserved, 2026.

This document was originally prepared by UPLAND
Planning + Design Studio for the Town of Yarmouth.

Adopted: 2026.06.18

Approved: 2026.07.09

Effective Date: 2026.10.21

With amendment consolidations to: N/A

DOCUMENT STRUCTURE

1 PART

1.1 Section

1.1.1 Subsection

(a) Clause

(i) Subclause

CONVERSIONS

Metric		Imperial
1.0 centimetre (cm)	→	0.394 inches (in)
1.0 metre (m)	→	3.28 feet (ft)
1.0 square metre (m ²)	→	10.764 square feet (ft ²)
1.0 hectare (ha)	→	2.47 acres (ac)
1.0 litre (L)	→	0.264 US gallons (US gal)
1.0 litre (L)	→	0.220 Imperial gallons (imp gal)
1.0 cubic metre (m ³)	→	35.31 cubic feet (ft ³)

Imperial		Metric
1.0 inches (in)	→	2.54 centimetres (cm)
1.0 feet (ft)	→	0.305 metres (m)
1.0 square feet (ft ²)	→	0.093 square metres (m ²)
1.0 acres (ac)	→	0.405 hectares (ha)
1.0 US gallons (US gal)	→	3.789 litres (L)
1.0 Imperial gallons (imp gal)	→	4.546 litres (L)
1.0 cubic feet (ft ³)	→	0.0283 cubic metres (m ³)

Vertical elevation in Canadian Geodetic Vertical Datum of 2013 (CGVD2013) = CGVD1928 – 0.643 metres

Please note that this vertical conversion is relevant at a single survey monument (XXN9007) and at a single point in time. It should only be used for rough calculation. For precise conversion, please engage a Nova Scotia Land Surveyor.

AMENDMENTS

The Town will use the following practices when amending this Land Use Bylaw:

- The date, general nature of the change, and reference file or project will be noted in the changelog below.
- Deleted text will be replaced with the text, “DELETED” and the reference for the appropriate file number. Subsequent text will not be renumbered.
- Additions or substitutions will be flagged with the reference to the appropriate file number.
- If additions would normally require the renumbering of following text, the “highway interchange” system will instead be used. A capital letter will be added to the numbering to differentiate the new text from the previous numbering. For example, Subsection 1.1.2A would be used between Subsections 1.1.2 and 1.1.3.

File #	General Nature of Change	Date of First Public Hearing Notice	Effective Date

TABLE OF CONTENTS

Part 1	<i>Title, Purpose, Authority, Applicability, and Repeal.....</i>	<i>2</i>
1.1	Title	2
1.2	Purpose	2
1.3	Authority.....	2
1.4	Applicability	2
1.5	Effective Date and Repeal.....	2
Part 2	<i>Interpretation.....</i>	<i>3</i>
2.1	Certain Words.....	3
2.2	Conflict	3
2.3	Defined Uses	3
2.4	Defined Words	4
2.5	Zone Symbols	4
2.6	Interpretation of Zone Boundaries	4
2.7	Units of Measurement	5
2.8	Rounding	5
2.9	Severability.....	5
Part 3	<i>Administration and Permitting</i>	<i>6</i>
3.1	Administration of Land Use Bylaw	6
3.2	Compliance with Other Legislation	6
3.3	Development Permit Required	6
3.4	Development Not Requiring a Development Permit	6
3.5	No Exemption from Requirements	7
3.6	Development Permit Expiry	7
3.7	Development Permit Cancellation	7
3.8	Development Commenced.....	8
3.9	Development Permit Renewal	8
3.10	Development Permit not to be Issued in Certain Cases.....	8
3.11	Development Permit not to be Issued in Holding Areas	8
3.12	Restoration to a Safe Condition	9
3.13	Development Permit Application Requirements	9
3.14	Lot Plan Requirements	10
3.15	Additional Studies and Plans	11

3.16	Existing Structures, Uses, Lots, and Streets	11
3.17	Variances	12
3.18	Inspection	12
3.19	Enforcement and Penalty	12
Part 4	Zones	13
4.1	Zones and Overlays	13
4.2	Zoning and Overlay Maps.....	13
Part 5	General Development Provisions.....	14
5.1	Application of General Provisions	14
5.2	Accessory Buildings	14
5.3	Alteration of Land Levels and Topsoil Removal	15
5.4	Automobile, Truck, Bus and Coach Bodies	16
5.5	Buffers and Screening for Abutting Uses	16
5.6	Sewer Servicing Required	16
5.7	Corner Vision Triangle	17
5.8	Conformity with Existing Setbacks.....	17
5.9	Drive-Through Standards	17
5.10	Encroachment Permitted in Minimum Setbacks	18
5.11	Existing Undersized Lots.....	19
5.12	Fences.....	19
5.13	Fronting Upon a Street.....	19
5.14	Height Exceptions	20
5.15	Illumination	20
5.16	Multiple Main Buildings	20
5.17	Multiple Uses.....	20
5.18	Non-Conforming Structures, Non-Conforming Uses, and Existing Uses	21
5.19	Outdoor Furnaces	21
5.20	Outdoor Display	22
5.21	Outdoor Storage.....	22
5.22	Pedestrian Connections	23
5.23	Protected Street Views of Yarmouth's Harbour.....	23
5.24	Relaxations for Registered Heritage Properties	24
5.25	Setbacks on Closed or Unopened Streets.....	24

5.26	Setbacks from Rail and Harbour	24
5.27	Solid Waste Storage	24
5.28	Subdivision Along Party Walls.....	25
5.29	Minimum Main Building Width	25
Part 6	General Provisions for Land Use	26
6.1	Accessory Uses Permitted.....	26
6.2	Developments Considered by Development Agreement in All Zones	26
6.3	Prohibited Uses	26
6.4	Accessory Dwelling Units	26
6.5	Commercial Instruction of One or Two Students at a Time	27
6.6	Farm, Fish, and Forestry Stalls.....	27
6.7	Home Occupations	28
6.8	Home Offices.....	28
6.9	Lobster Trap Storage Facilities.....	29
6.10	Small Accessory Wind Turbine.....	29
6.11	Special Events	30
6.12	Temporary Construction Uses Permitted	30
Part 7	Housing 1 Zone (H-1).....	31
7.1	Zone Purpose.....	31
7.2	Permitted Main Uses	31
7.3	Uses Requiring Site Plan Approval	31
7.4	Uses Considered by Development Agreement	31
7.5	Zone Standards.....	32
Part 8	Housing 2 (H-2).....	33
8.1	Zone Purpose.....	33
8.2	Permitted Main Uses	33
8.3	Uses Requiring Site Plan Approval	33
8.4	Uses Considered by Development Agreement.....	34
8.5	Zone Standards.....	34
8.6	Landscaping	34
8.7	Amenity Space	35
Part 9	Housing 3 Zone (H-3).....	36
9.1	Zone Purpose.....	36

9.2	Permitted Main Uses	36
9.3	Uses Requiring Site Plan Approval	36
9.4	Uses Considered by Development Agreement	37
9.5	Zone Standards	37
9.6	Special Conditions – Land Lease Communities.....	37
9.7	Landscaping	38
9.8	Amenity Space	38
Part 10	Downtown Zone (DT).....	39
10.1	Zone Purpose.....	39
10.2	Permitted Main Uses	39
10.3	Uses Requiring Site Plan Approval	40
10.4	Uses Considered by Development Agreement	40
10.5	Zone Standards	41
10.6	Upper Floor Stepback Exceptions	41
10.7	Relaxation of Maximum Building Footprint	41
10.8	Special Conditions – Automobile Rentals	41
10.9	Special Conditions – Drive-through Windows	42
10.10	Special Conditions – Dwellings, Boarding and Rooming Houses, and Supportive Housing 42	
Part 11	Mixed Use 1 Zone (MU-1).....	43
11.1	Zone Purpose.....	43
11.2	Permitted Main Uses	43
11.3	Uses Requiring Site Plan Approval	44
11.4	Uses Considered by Development Agreement	44
11.5	Zone Standards	45
11.6	Maximum Streetline Setback.....	45
11.7	Upper Floor Stepback Exceptions	45
11.8	Special Conditions – Office Uses	45
Part 12	Mixed Use 2 Zone (MU-2).....	46
12.1	Zone Purpose.....	46
12.2	Permitted Main Uses	46
12.3	Uses Requiring Site Plan Approval	47
12.4	Uses Considered by Development Agreement	47

12.5	Zone Standards	48
12.6	Maximum Streetline Setback	48
12.7	Special Conditions – Automobile Fueling and Washing	48
Part 13	<i>Mixed Use 3 Zone (MU-3)</i>	49
13.1	Zone Purpose	49
13.2	Permitted Main Uses	49
13.3	Uses Requiring Site Plan Approval	50
13.4	Uses Considered by Development Agreement	50
13.5	Zone Standards	51
13.6	Special Conditions – Drive-through Uses	51
13.7	Special Conditions – Office Uses	51
Part 14	<i>Commercial Industrial Zone (CI-1)</i>	52
14.1	Zone Purpose	52
14.2	Permitted Main Uses	52
14.3	Uses Requiring Site Plan Approval	53
14.4	Uses Considered by Development Agreement	53
14.5	Zone Standards	54
14.6	Special Conditions – Automobile Fueling and Washing	54
Part 15	<i>Waterfront Commercial Industrial Zone (CI-2)</i>	55
15.1	Zone Purpose	55
15.2	Permitted Main Uses	55
15.3	Uses Requiring Site Plan Approval	56
15.4	Uses Considered by Development Agreement	56
15.5	Zone Standards	56
15.6	Special Conditions – Automobile Rentals	56
15.7	Special Conditions – Drive-through Uses	57
Part 16	<i>General Industrial Zone (M-1)</i>	58
16.1	Zone Purpose	58
16.2	Permitted Main Uses	58
16.3	Uses Requiring Site Plan Approval	59
16.4	Uses Considered by Development Agreement	59
16.5	Zone Standards	59
16.6	Special Conditions – Existing Uses	59

Part 17	<i>Waterfront Industrial Zone (M-2)</i>	60
17.1	Zone Purpose	60
17.2	Permitted Main Uses	60
17.3	Uses Requiring Site Plan Approval	60
17.4	Uses Considered by Development Agreement	61
17.5	Zone Standards	61
17.6	Special Conditions – Existing Uses	61
17.7	Subdivision of an Existing Industrial Building	61
Part 18	<i>Institutional Zone (I-1)</i>	62
18.1	Zone Purpose	62
18.2	Permitted Main Uses	62
18.3	Uses Requiring Site Plan Approval	63
18.4	Uses Considered by Development Agreement	63
18.5	Zone Standards	63
Part 19	<i>Hospital Campus Zone (HC)</i>	64
19.1	Zone Purpose	64
19.2	Permitted Main Uses	64
19.3	Uses Requiring Site Plan Approval	65
19.4	Uses Considered by Development Agreement	65
19.5	Zone Standards	65
Part 20	<i>Parks and Open Space Zone (O-1)</i>	66
20.1	Zone Purpose	66
20.2	Permitted Main Uses	66
20.3	Uses Requiring Site Plan Approval	66
20.4	Uses Considered by Development Agreement	66
20.5	Zone Standards	67
Part 21	<i>Flood and Environment Zone (O-2)</i>	68
21.1	Zone Purpose	68
21.2	Permitted Uses	68
21.3	Development Requirements	68
Part 22	<i>Waterfront Comprehensive Development Zone (WCD)</i>	69
22.1	Zone Purpose	69
22.2	Permitted Main Uses	69

22.3	Uses Considered by Development Agreement	70
22.4	Uses Requiring Site Plan Approval	70
22.5	Zone Standards	71
22.6	Relaxation of Maximum Building Footprint	71
22.7	Special Conditions – Outdoor Storage	71
22.8	Special Conditions – Existing Uses	71
Part 23	<i>Comprehensive Development Zone (CD)</i>	72
23.1	Zone Purpose	72
23.2	Permitted Main Uses	72
23.3	Uses Requiring Site Plan Approval	72
23.4	Uses Considered by Development Agreement	72
23.5	Zone Standards	73
23.6	Subdivision without Sewer	73
Part 24	<i>Environmental Controls</i>	74
24.1	Floodproofing	74
24.2	Coastal Planning Area	74
24.3	Watercourse Buffer (Incl. Lakes and Ocean)	75
24.4	Floodway Fringe Overlay	75
24.5	Upper Broad Brook Marsh	76
Part 25	<i>Architecturally Sensitive Area</i>	77
25.1	Applicability	77
25.2	Requirement for a Certificate of Appropriateness	77
25.3	Architecturally Sensitive Area Requirements	77
25.4	One Main Building Per Lot	77
25.5	Parking in Front and Flanking Yard	77
25.6	Prohibiting Lobster Trap Storage Facilities	77
25.7	Landscaping - Vegetation Retention	78
25.8	Screening of Refuse and Recycling Containers	78
25.9	Removal of Topsoil Prohibited	78
25.10	Restriction on Number of Driveways	78
Part 26	<i>Downtown Architectural Control</i>	79
26.1	Applicability	79
26.2	Exterior Cladding	79

26.3	Building Roof Design	79
26.4	Building Placement	80
26.5	Windows and Doors	80
26.6	Street-facing Façade	80
26.7	Miscellaneous Equipment Provisions.....	82
Part 27	<i>Forest Street Architectural Control</i>	83
27.1	Applicability	83
27.2	Lot Requirements.....	83
27.3	One Main Building Per Lot	83
27.4	Parking in Front and Flanking Yard	83
27.5	Landscaping - Vegetation Retention	83
27.6	Screening of Refuse and Recycling Containers	83
Part 28	<i>Parking and Loading Management.....</i>	84
28.1	Application of Automobile Parking Requirements	84
28.2	Standards for Automobile Parking Areas	84
28.3	Parking Exemptions in the Downtown (DT) and Mixed Use 3 (MU-3) Zones	85
28.4	Cash-In-Lieu Cash Equivalent for Automobile Parking Spaces.....	85
28.5	Offsite Automobile Parking.....	85
28.6	Loading Space Requirements	86
28.7	Bicycle Parking Requirements	87
28.8	Parking of Commercial Motor Vehicles in Residential Zones	88
Part 29	<i>Vehicular Access Control</i>	89
29.1	Applicability	89
29.2	Number of Vehicular Accesses from a Lot to a Street.....	89
29.3	Number of Accesses – Starrs Road and Haley Road	90
29.4	Additional Access Requirements in Mixed Use and Industrial Zones.....	91
29.5	Minimum Dimensions and Separation of Vehicular Accesses	91
29.6	Vehicular Access Separation from Intersections	92
29.7	Vehicular Access - Site Plan Approval Process for Wider Entranceways	92
Part 30	<i>Signage.....</i>	93
30.1	Signs Permitted in all Zones and Not Requiring a Development Permit	93
30.2	Signs Prohibited in all Zones	94
30.3	General Sign Requirements	95

30.4	Sign Standards in Residential Zones and the Comprehensive Development Zone	95
30.5	Flat Fixed Wall Signs in Non-residential Zones.....	96
30.6	Projecting Wall Signs in Non-residential Zones.....	96
30.7	Free Standing Signs in Non-residential Zones	97
30.8	Canopy and Awning Signs in Non-residential Zones	97
30.9	Temporary Signs in Non-residential Zones	98
30.10	Special Occasion Event Signage Requirements	98
30.11	Election Signs.....	99
30.12	Sponsorship Recognition Signs	99
Part 31	Site Plan Approval	101
31.1	Introduction to Site Plan Approval.....	101
31.2	Site Plan Approval Exemptions	101
31.3	Application Requirements and Process for Site Plan Approval	102
31.4	Site Plan Approval Evaluation Criteria	103
	Criteria for Considering Automobile Fueling and Washing	103
	Criteria for Considering Automobile Sales.....	103
	Criteria for Considering Daycare Centres	104
	Criteria for Considering Drive-Through Restaurants	104
	Criteria for Considering Dwellings and Supportive Housing.....	105
	Criteria for Considering Dwellings in the Comprehensive Development (CD) Zone	107
	Criteria for Considering Kennels	108
	Criteria for Considering Offsite Automobile Parking.....	109
	Criteria for Considering Places of Worship	109
	Criteria for Considering Wider Vehicular Access Points	110
	Criteria for Considering Adjustments to Maximum Streetline Setbacks.....	111
Part 32	Defined Land Uses	113
Part 33	Defined Words	124
Part 34	Schedules and Appendices	135
34.2	Schedule 'A' – Zoning Map	137
34.3	Schedule 'B' – Coastal Planning Area Map	141
34.4	Schedule 'C' – Floodway Fringe Map	145
34.5	Schedule 'D' – Upper Broad Brook Marsh Map	149
34.6	Schedule 'E' – Architectural Control Overlays Map	153
34.7	Schedule 'F' – Street Classification Map.....	157
34.8	Schedule 'G' – Development Control Overlays Map	161
34.9	Appendix 'A' – Airport Zoning Regulations Areas	165

PART 1 TITLE, PURPOSE, AUTHORITY, APPLICABILITY, AND REPEAL

1.1 Title

- 1.1.1 This Bylaw shall be known as the Town of Yarmouth Land Use Bylaw 2026.
- 1.1.2 This Bylaw may be referred to as the "Land Use Bylaw" or "Bylaw" when used in a self-referential manner within the text.

1.2 Purpose

- 1.2.1 The purpose of this Bylaw is to carry out the intent of the Municipal Planning Strategy for the Town of Yarmouth ("the Town"), and for that purpose this Bylaw, among other things:
 - (a) divides the Town into zones;
 - (b) prescribes and regulates for each zone the purposes for which land and buildings may be used;
 - (c) establishes standards for the dimensions of lots within each zone and the positioning of buildings and uses upon those lots;
 - (d) establishes the office of one or more Development Officers; and
 - (e) establishes a method of making decisions on applications for development permits, including the issuing of development permits and the review process for site plan approval.

1.3 Authority

- 1.3.1 This Bylaw is enabled by, and shall be applied in a manner consistent with, the *Municipal Government Act* R.S.N.S 1998, Chapter 18 ("Act"), as amended from time to time.

1.4 Applicability

- 1.4.1 This Bylaw shall apply to all lands within the Town.

1.5 Effective Date and Repeal

- 1.5.1 Upon adoption by Council and approval by the Minister of Municipal Affairs, this Bylaw shall take effect on the date a notice is published on the Town website or in a newspaper circulating in the Town, informing the public that the Land Use Bylaw is in effect.
- 1.5.2 The Town of Yarmouth Land Use By-law adopted June 9, 2016, as amended, is repealed as of the effective date of this Bylaw.

PART 2 INTERPRETATION

2.1 Certain Words

2.1.1 In this Bylaw:

- (a) the words "shall" and "must" mean mandatory compliance;
- (b) the word "may" is empowering and indicates permission, but not a requirement, to undertake an action;
- (c) the word "used" includes "arranged", "designed", or "intended to be used";
- (d) words used in the present tense include future tense;
- (e) words used in the plural include the singular, and words used in the singular include the plural; and
- (f) gendered words shall be interpreted to mean any gender.

2.2 Conflict

- 2.2.1 In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall prevail.
- 2.2.2 Colour coding throughout this Bylaw and the maps is for ease of reference only and the text of this Bylaw shall take priority.
- 2.2.3 In the case of any conflict between a number written in numerals and a number written in letters, the number written in letters shall take priority.
- 2.2.4 In the case of conflict between a written zone name and a zone symbol, the written zone name shall take priority.
- 2.2.5 In the case of conflict between regulations of this Bylaw or with other bylaws, regulations, or statutes, the more restrictive regulation shall take priority unless otherwise specified.

2.3 Defined Uses

- 2.3.1 For the purposes of this Bylaw, land uses shall have the meaning or meanings assigned to them in Part 32 – Defined Land Uses.
- 2.3.2 Defined uses are identified for convenience in the text of this Bylaw with capitalization and bolded formatting; however, an absence of appropriate formatting shall not be interpreted to mean an instance of a word is undefined.

2.4 Defined Words

- 2.4.1 For the purposes of this Bylaw, words shall have the meaning or meanings assigned to them in Part 32—Definitions.
- 2.4.2 Where a word is not defined in Part 32, the word shall have the meaning(s) as defined in the *Municipal Government Act* or the *Interpretation Act*.
- 2.4.3 Where a word is not defined under Subsection 2.4.1 or 2.4.2, the word shall have the meaning(s) as established in the most recent edition of the Oxford English Dictionary.

2.5 Zone Symbols

- 2.5.1 The zone symbols used on Schedule A – Zoning Map refer to the corresponding zones established by this Bylaw.

2.6 Interpretation of Zone Boundaries

- 2.6.1 Boundaries between zones shall be determined as follows:
 - (a) where a zone boundary is indicated as following a survey line as recorded at the Land Registration Office, the boundary shall follow that line;
 - (b) where a zone boundary is indicated as following a public street, private road, or controlled access highway, the centerline of the public street, private road, or controlled access highway as it existed on the effective date of this Bylaw shall be the boundary unless otherwise indicated;
 - (c) where a zone boundary is indicated as following a railway or utility right-of-way, the centerline of the right-of-way as it existed on the effective date of this Bylaw shall be the boundary unless otherwise indicated;
 - (d) where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines as they existed on the effective date of this Bylaw;
 - (e) where the zone boundary is indicated as following a physical feature, such as, but not limited to, topographic elevations, wetland boundaries, or agricultural soil classification, the Development Officer may interpret the boundary to align with a site-specific delineation completed by a qualified professional;
 - (f) where the zone boundary is indicated as following the shoreline of a watercourse, the ordinary high-water mark shall be the boundary and shall move to follow changes in the ordinary high-water mark caused by natural means or through human alteration of the landscape;
 - (g) where a zone boundary is indicated as following the limits of the Town, the limits shall be the boundary; and
 - (h) where none of the above provisions apply, the Development Officer shall scale the zone boundary from Schedule A – Zoning Map.

2.7 Units of Measurement

- 2.7.1 This Bylaw uses the metric system of measurement. Numerical measurements in this document may also be presented in other units; however, this is for convenience only. If a metric measurement conflicts with its conversion in another unit, the metric measurement shall take priority.

2.8 Rounding

- 2.8.1 Where this Bylaw regulates any measurement or quantity that can only occur in whole number values—such as, but not limited to, the number of parking spaces—rounding shall occur as follows:
- (a) all mathematical operations as set out in the applicable regulation shall be completed prior to rounding the final value;
 - (b) rounding shall be to the nearest whole number; and
 - (c) half values (*i.e.* 0.5) shall be rounded up.

2.9 Severability

- 2.9.1 If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Bylaw.

PART 3 ADMINISTRATION AND PERMITTING

3.1 Administration of Land Use Bylaw

- 3.1.1 Council shall appoint one or more Development Officer(s) for the Town.
- 3.1.2 The Development Officer shall be responsible for the administration of this Bylaw.
- 3.1.3 In the absence or incapacity of the Development Officer, the Acting Development Officer shall assume the responsibilities of the Development Officer.

3.2 Compliance with Other Legislation

- 3.2.1 Nothing in this Bylaw shall exempt any person from complying with the requirements of any other Bylaw in force within the Town, or from obtaining any license, permission, permit, authority, or approval required by any other bylaw of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- 3.2.2 Minimum lot sizes and some elements relating to lot configuration may be dependent upon approval by the provincial department responsible for the *Environment Act*, or successor legislation, and/or the department of public works.
- 3.2.3 Building heights in areas identified on Appendix 'A' may be regulated under the *Yarmouth Airport Zoning Regulations*.

3.3 Development Permit Required

- 3.3.1 Unless otherwise stated in this Bylaw, no person shall undertake a development without first obtaining a development permit from the Development Officer.
- 3.3.2 The Development Officer shall only issue a development permit in conformance with this Bylaw and any development agreement or approved site plan in effect on the site, except where a variance is granted or in the case of an existing non-conforming use or structure, in which case a development permit shall be issued in conformance with the Act.

3.4 Development Not Requiring a Development Permit

- 3.4.1 The following developments shall be exempt from requiring a development permit:
 - (a) Interior renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure.
 - (b) Except for Registered Heritage Properties or lands within an overlay identified on the Schedule 'E', the Architectural Control Overlays Map, exterior renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure.
 - (c) Temporary buildings or structures for special occasions and meeting the requirements of Section 6.11.
 - (d) Temporary buildings or structures incidental to construction and meeting the requirements of Section 6.12.
 - (e) Public and private utilities located within the street right-of-way.

- (f) Temporary greenhouses, cloches, crop hoops, or other such temporary crop structures.
 - (g) Level 1 and Level 2 electric vehicle charging stations accessory to a main use.
 - (h) Farm, fish, and forestry stalls meeting the requirements of 6.6.
 - (i) Personal offices or studios meeting the requirements of Section 6.8.
 - (j) The commercial teaching of one (1) or two (2) students at a time, meeting the requirements of Section 6.5.
 - (k) Any accessory building or structure with a footprint of 20.0 sq. metres (215 sq. feet) or less, provided all other requirements of this Bylaw are met.
 - (l) Telecommunications towers regulated by Industry Canada.
 - (m) Lobster trap storage facilities meeting the requirements of Section 6.9.
 - (n) Excavations or placements of less than 15.0 cubic metres (530 cubic feet) of fill.
 - (o) The removal of less than 15.0 cubic metres (530 cubic feet) of topsoil.
 - (p) Accessory solar collectors unless they are on a Registered Heritage Property or lands within an overlay identified on the Schedule 'E', the Architectural Control Overlays Map.
- 3.4.2 For greater clarity, a building permit or other form of license may still be required for developments that are exempt from requiring a development permit. Applicants should inquire with the Town prior to undertaking any development.

3.5 No Exemption from Requirements

- 3.5.1 Except for telecommunications towers regulated by Industry Canada, every development shall be subject to the requirements of this Bylaw whether or not a development permit is required.

3.6 Development Permit Expiry

- 3.6.1 A development permit for a change of use that does not involve the exterior alteration of the building or lot shall expire and no refund of application fees shall be given if the development has not commenced within one (1) year from the date of issue.
- 3.6.2 A development permit for all other purposes shall expire and no refund of application fees shall be given if the development has not commenced within two (2) years from the date of issue.

3.7 Development Permit Cancellation

- 3.7.1 The Development Officer may revoke a development permit where:
- (a) information provided on the application is found to be inaccurate;
 - (b) the development fails to comply with any permit conditions or requirements of a site plan approval or development agreement; or
 - (c) the permit was issued in error.

3.8 Development Commenced

- 3.8.1 Development shall be deemed to have commenced when the subject property has been altered in furtherance of an approved use or development.

3.9 Development Permit Renewal

- 3.9.1 The Development Officer shall, at the applicant's request and subject to the payment of applicable fees, renew a development permit for one (1) additional year if:
- (a) the development permit has not been renewed previously; and
 - (b) the Development Officer is satisfied the development permit is consistent with the current Land Use Bylaw and any proposed amendments to the Land Use Bylaw for which Council has provided public notification regarding their intent to adopt.

3.10 Development Permit not to be Issued in Certain Cases

- 3.10.1 Notwithstanding anything else in this Bylaw, the Development Officer may refuse to issue a development permit where the development is premature by reason of the proposal lacking:
- (a) appropriate emergency services access;
 - (b) adequate stormwater control;
 - (c) adequate sanitary sewer service;
 - (d) adequate water volume and pressure for domestic purposes and/or fire suppression; or
 - (e) safe ingress and egress.

3.11 Development Permit not to be Issued in Holding Areas

- 3.11.1 Pursuant to s.220(5)(n) of the *Municipal Government Act*, no development permit shall be issued for development on lands identified on Schedule 'G' as being within the Development Holding Areas Overlays, except for the following:
- (a) a change of use within existing buildings that does not alter servicing or lot access requirements;
 - (b) accessory buildings; or
 - (c) expansions or alterations to existing main buildings that do not alter servicing or lot access requirements.

3.12 Restoration to a Safe Condition

- 3.12.1 Nothing in this Bylaw shall prevent the restoration of any building or structure to a safe condition when so required by a municipal or provincial order issued against a property, provided in the case of a non-conforming use and/or non-conforming structure that the provisions of this Bylaw respecting non-conforming uses and/or non-conforming structures are satisfied.

3.13 Development Permit Application Requirements

- 3.13.1 Every application for a development permit must be made in writing on an approved application form and must include:
- (a) the signature of the registered landowner or their duly authorized agent;
 - (b) application fees in conformance with the fee schedule adopted by Council;
 - (c) a description of the proposed development;
 - (d) a lot plan (also known as a site plan), as detailed in Section 3.14; and
 - (e) any other information required by this Land Use Bylaw.
- 3.13.2 Applications for development permits involving development that alters existing drainage patterns, site grading, impervious surface coverage, or stormwater run-off characteristics shall include a site drainage or surface run-off plan, and further:
- (a) where required by the Town Engineer, and where the proposed drainage measures are limited to landscape design, grading, planting, or low-impact development features, the required plans may be prepared by a Landscape Architect licensed to practice in Nova Scotia or other qualified professional acceptable to the Town Engineer; and
 - (b) where required by the Town Engineer, where a development may create significant stormwater impacts on municipal infrastructure, adjacent properties, or environmentally sensitive areas, the applicant shall provide a stormwater management plan prepared and stamped by a Professional Engineer licensed to practice in Nova Scotia.

3.14 Lot Plan Requirements

- 3.14.1 Unless otherwise waived by the Development Officer, every application for a development permit shall be accompanied by a dimensioned lot plan (also known as a site plan) and showing:
- (a) the true shape and dimensions of all lots to be included in the application;
 - (b) the proposed location, height, and dimensions of the buildings, structures, uses, or work for which the permit is applied;
 - (c) the approximate location of any rights-of-way and easements within the subject property;
 - (d) the location of every building or structure existing or approved on such lot;
 - (e) the proposed location and dimensions of pedestrian walkways, parking spaces, loading spaces, and driveways;
 - (f) the proposed location of solid waste storage areas, snow storage, and landscaping areas, where applicable;
 - (g) for automobile fuelling uses, the location and dimensions of any fuel storage and of all fuel pumps or electrical vehicle charging stations;
 - (h) the approximate location of all watercourses on the property; and
 - (i) other such information as necessary to determine whether or not every development conforms to the requirements of this Bylaw.
- 3.14.2 Where the Development Officer or Town Engineer is unable to determine whether the proposed development conforms to this Bylaw or other Bylaws and regulations in force, they may require that the lot plan submitted under Section 3.14 shows:
- (a) the precise location of rights-of-way, easements, and watercourses;
 - (b) the location of any driveway accesses, buildings, permanent structures, wells, or septic fields located on abutting lots within 10.0 metres of any lot line shared between the subject lot the abutting lot;
 - (c) the location of existing and proposed walkways;
 - (d) the type and location of existing and proposed outdoor lighting;
 - (e) the type, location, and height of any existing and/or proposed retaining walls, fences, hedges, trees, shrubs, or groundcover, as well as any retained vegetation;
 - (f) the location and type of any amenity area or facilities provided for users of the development; and/or,
 - (g) existing and proposed service connections or on-site services.
- 3.14.3 Contrary to Subsection 3.14.1, a lot plan shall not be required for changes in the use of a building that do not alter the exterior of the building, change the parking requirements, or change landscaping and buffering requirements, unless specifically requested by the Development Officer.

3.15 Additional Studies and Plans

- 3.15.1 Where necessary to determine conformance with this Land Use Bylaw, the Development Officer may require the applicant to provide additional information at the necessary level of detail and prepared by the appropriate qualified professional at the applicant's cost. Such additional information may include, but is not limited to:
- (a) site survey and/or location certificate prepared and stamped by a Nova Scotia Land Surveyor;
 - (b) topography and soil conditions of the subject site;
 - (c) watercourse and/or wetland delineation study;
 - (d) rainwater management plan;
 - (e) floor plans and elevation drawings of any proposed structures;
 - (f) geotechnical study;
 - (g) site grading plan;
 - (h) traffic impact assessment or study;
 - (i) groundwater supply study;
 - (j) slope stability study; and/or
 - (k) any other information deemed necessary by the Development Officer or the Town Engineer.

3.16 Existing Structures, Uses, Lots, and Streets

- 3.16.1 A structure or use of land shall be deemed to exist on the effective date of this Bylaw if:
- (a) it has lawfully been constructed;
 - (b) it has lawfully commenced;
 - (c) it is lawfully under construction; or
 - (d) all required permits for its construction or uses were in force and effect, except that this shall not apply unless the construction or use is commenced within 12 months after the date of the latest issuance of the required permits.
- 3.16.2 For the purposes of this Bylaw, a lot shall be deemed to have existed on the effective date of this Bylaw if the final plan of subdivision was endorsed by the Development Officer.
- 3.16.3 A lot that is exempt from subdivision approval shall be deemed to exist on the date it is registered.
- 3.16.4 A public street or private road shall be deemed to exist on the effective date of this Bylaw if:
- (a) it has lawfully been constructed;
 - (b) it is lawfully under construction;
 - (c) it is shown on a tentative plan of subdivision approved by the Development Officer; or

- (d) it is shown on a preliminary plan of subdivision approved by the Development Officer, except that this shall not apply unless a tentative plan of subdivision is approved for the public street or private road within 24 months after the date the preliminary subdivision is approved.

3.17 Variances

- 3.17.1 In accordance with Section 235 of the *Municipal Government Act*, the Development Officer may grant a variance to relax:
 - (a) the percentage of land that may be built upon;
 - (b) the size or other requirements relating to yards;
 - (c) lot frontage;
 - (d) lot area;
 - (e) the location and number of parking spaces and loading spaces required;
 - (f) the ground area of a structure;
 - (g) the height of a structure; and/or
 - (h) the floor area occupied by a home occupation.
- 3.17.2 In accordance with the *Municipal Government Act*, the Development Officer must not grant a variance if:
 - (a) the variance violates the intent of the Land Use Bylaw;
 - (b) the difficulty experienced is general to properties in the area; or
 - (c) the difficulty experienced results from an intentional disregard for the requirements of this Land Use Bylaw.
- 3.17.3 The Development Officer must not vary the minimum watercourse buffer or the minimum coastal elevation.

3.18 Inspection

- 3.18.1 Subject to Section 267 of the *Municipal Government Act*, the Development Officer or authorized agent of the Development Officer:
 - (a) is authorized to enter, at all reasonable times, into or upon any property within the Town for the purpose of any inspections necessary to administer this Bylaw; and
 - (b) shall not enter any place actually being used as a dwelling without the consent of the occupier unless the entry is made in daylight hours and written notice of the entry has been given to the occupier at least twenty-four hours in advance of the entry.

3.19 Enforcement and Penalty

- 3.19.1 In the event of any contravention of the provisions of this Bylaw or of a development agreement or site plan approved under this Bylaw, the Town may act as provided for in Section 264, 265, and 266 of the *Municipal Government Act*.

PART 4 ZONES

4.1 Zones and Overlays

- 4.1.1 For the purposes of this Bylaw, the Town is divided into the following zones, the boundaries of which are shown on the attached Schedule 'A'. Such zones may be referred to by the appropriate symbols, and collections of zones may be referred to by their "zone category":

Zone Category	Zone Name	Zone Symbol
Residential Zones	Housing 1	H-1
	Housing 2	H-2
	Housing 3	H-3
Mixed Use Zones	Downtown Zone	DT
	Mixed Use 1 Zone	MU-1
	Mixed Use 2 Zone	MU-2
	Mixed Use 3 Zone	MU-3
Industrial Zones	Commercial Industrial Zone	CI-1
	Waterfront Commercial Industrial Zone	CI-2
	General Industrial Zone	M-1
	Waterfront Industrial Zone	M-2
Health and Institutions Zones	Institutional Zone	I-1
	Hospital Campus Zone	HC
Open Space Zones	Parks and Open Space Zone	O-1
	Flood and Environment Zone	O-2
Comprehensive Zones	Waterfront Comprehensive Development Zone	WCD
	Comprehensive Development Zone	CD

- 4.1.2 In addition to Subsection 4.1.1, this Bylaw contains the following overlays, shown on the appropriate schedules, which implement additional requirements beyond those created by the underlying zoning:

Overlay Name
Architecturally Sensitive Area Overlay
Downtown Architectural Control Overlay
Forest Street Architectural Control Area Overlay
Floodway Fringe Overlay
Upper Broad Brook Marsh Overlay

4.2 Zoning and Overlay Maps

- 4.2.1 Schedule 'A' attached hereto may be cited as the "Zoning Map".
- 4.2.2 Schedule 'B' attached hereto may be cited as the "Coastal Planning Area Map".
- 4.2.3 Schedule 'C' attached hereto may be cited as the "Floodway Fringe Map".
- 4.2.4 Schedule 'D' attached hereto may be cited as the "Upper Broad Brook Marsh Map".
- 4.2.5 Schedule 'E' attached hereto may be cited as the "Architectural Control Overlays Map".
- 4.2.6 The Zoning Maps and Overlay Maps shall form part of this Bylaw.

PART 5 GENERAL DEVELOPMENT PROVISIONS

5.1 Application of General Provisions

- 5.1.1 The provisions of this Part shall, unless otherwise specified, apply to all uses and zones and shall prevail over all zone requirements except where expressly stated otherwise.

5.2 Accessory Buildings

- 5.2.1 Buildings accessory to the main building on a lot shall be permitted, subject to the following requirements:
- (a) The accessory building shall meet the applicable setbacks, size, and height requirements of the applicable zone.
 - (b) Accessory buildings shall not be used for human habitation except as an approved Accessory Dwelling Unit.
 - (c) Unless otherwise provided for in this Bylaw, 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.
 - (d) Within the following zones an accessory building shall not have any building elevation with a length more than twice the length of its shortest building elevation:
 - (i) Housing 1 (H-1)
 - (ii) Housing 2 (H-2)
 - (iii) Housing 3 (H-3)
 - (iv) Mixed Use 3 (MU-3) Zone
- 5.2.2 Accessory buildings must not be located in the front yard unless they are in:
- (a) the General Industrial (M-1) Zone, Waterfront Industrial (M-2) Zone, Hospital Campus (HC) Zone, Institutional (I-1) Zone, or Parks and Open Space (O-1) Zone; or
 - (b) the Mixed Use 1 (MU-1) Zone, Mixed Use 2 (MU-2) Zone, or Commercial Industrial (CI-1) Zone and all walls facing a public street incorporate a minimum of forty percent (40%) of the wall face with design features of visual interest (windows, flower boxes, doors, shutters, canopies, etc.) so as to prevent a bare elevation; or
 - (c) the Residential Zones or the Mixed Use 3 (MU-3) Zone and:
 - (i) less than fifty percent (50%) of the footprint of the accessory building is within the front yard, up to a maximum of 20.0 sq. metres (215 sq. feet) of floor area within the front yard;
 - (ii) there is only one accessory building that extends into the front yard; and
 - (iii) the side and rear yards of the lot are not adequately sized and/or easily accessible for accessory buildings.

- 5.2.3 In addition to the other provisions of this Section, accessory buildings for a Land Lease Community shall meet the following requirements:
- (a) Each manufactured home shall be permitted one (1) accessory building that is:
 - (i) not more than 38.0 sq. metres (409 sq. feet) in area;
 - (ii) not located closer than the manufactured home to the internal driveway network of the land lease community;
 - (iii) is separated from all other buildings by a minimum of 1.2 metres (4.0 feet); and
 - (iv) does not count towards the total footprint of accessory buildings on the lot.
 - (b) Buildings accessory to the operations of the land lease community rather than the individual manufactured homes, such as, but not limited to, maintenance sheds, shall be permitted in addition to those permitted by clause (a) subject to the provisions of this Section.
- 5.2.4 Notwithstanding Clause 5.2.1(c) and the definition of “accessory building”, within the following zones an adjacent lot in the same ownership as the main use may be used for the erection of an accessory building in the same manner as if the lots were one lot provided that if the ownership of either lot changes, the accessory building shall be removed within one (1) year of the change in ownership unless a main building is constructed on the lot containing the accessory building:
- (a) Housing 1 (H-1)
 - (b) Housing 2 (H-2)
 - (c) Housing 3 (H-3)
 - (d) Mixed Use 1 (MU-1) Zone
 - (e) Mixed Use 3 (MU-3) Zone

5.3 Alteration of Land Levels and Topsoil Removal

- 5.3.1 All topsoil removal or excavation and filling activities for which a development permit is required shall be wholly contained within the property affected.
- 5.3.2 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.
- 5.3.3 No alteration in the level of land resulting from any topsoil removal or excavation or filling activities for the purposes of the preparation of land for development for which a development permit is required shall cause any water to be shed to an adjacent lot.
- 5.3.4 An approved site drainage plan may be required by the Development Officer prior to the granting of a development permit for topsoil removal or excavation and filling activities.
- 5.3.5 Notwithstanding anything else contained in this Section, water may be shed to any existing drainage ditch, culvert, watercourse, sewer drainage system or storm drainage system upon approval from the Town Engineer.

5.4 Automobile, Truck, Bus and Coach Bodies

- 5.4.1 Except for a recreational vehicle used for human habitation purposes less than thirty (30) days in a year, no automobile, truck, bus, coach body, transport trailer, plane, boat, mobile classroom, shipping or transport container, or similar structure, whether or not same is mounted on wheels or a foundation, shall be:
- (a) used for human habitation within any zone in the Town; or
 - (b) used as a main or accessory building within a Residential Zone.

5.5 Buffers and Screening for Abutting Uses

- 5.5.1 Buffering meeting the requirements of Subsection 5.5.2 must be provided on lands within the following zones that abut land in a Residential Zone:
- (a) Commercial Industrial (CI-1) Zone
 - (b) General Industrial (M-1) Zone
 - (c) Waterfront Industrial (M-2) Zone
- 5.5.2 Buffering provided for the purposes of Subsection 5.5.1 must, at a minimum, meet the following requirements:
- (a) a horizontal buffer of at least 6.0 metres (20 feet) shall be provided between all buildings (main and accessory) and the abutting lot line;
 - (b) no outdoor storage, outdoor display, parking, or loading area shall be permitted within the required buffer unless:
 - (i) an opaque fence a minimum of 1.8 metres (6.0 feet) high is erected along the entire length of any abutting lot line; or
 - (ii) a 3.0 metres (10 feet) wide landscaped strip with growth and/or landscaping not less than 1.8 metres (6 feet) in height is erected along the entire length of any abutting lot line; and
 - (iii) in the case of open storage or outdoor displays, the height of such does not exceed the height elevation of the opaque fence or growth and/or landscaping.

5.6 Sewer Servicing Required

- 5.6.1 Unless otherwise permitted in this Bylaw, new subdivisions of land shall only be permitted on lands serviced by Town sewer.
- 5.6.2 All development of plumbed main buildings shall be serviced by Town sewer except:
- (a) renovation to a building existing on the effective date of this Bylaw that does not result in a change of use or material change in intensity of use; or
 - (b) permitted development in the Comprehensive Development (CD) Zone on lots with no access to sewer, as determined by the Town.

5.7 Corner Vision Triangle

- 5.7.1 Except in the Downtown (DT) Zone, no fence, sign, vegetation, or structure shall be erected or permitted to grow within a corner vision triangle within the area 1.2 metres (4 feet) to 3.0 metres (10 feet) above the grade of the streets that create the corner vision triangle.

5.8 Conformity with Existing Setbacks

- 5.8.1 The Development Officer may approve a streetline setback less than the minimum streetline setback required in a zone if:
- (a) the proposed setback is not less than the smallest streetline setback of any main building within 60.0 metres (196 feet) on the same street and within the same zone as the proposed building; and
 - (b) the proposed setback is not less than 1.5 metres (5.0 feet).

5.9 Drive-Through Standards

- 5.9.1 Where a drive-through window is not otherwise prohibited, the following standards shall apply:
- (a) The drive-through entrance from a public street and the drive-through exit onto a public street shall conform with the driveway access requirements outlined in Part 29 of this Bylaw.
 - (b) The approach and driveway for the drive-through shall be defined by a concrete curb, asphalt curb or by painted lines from its entrance to the serving area or window.
 - (c) The approach and driveway for the drive-through shall be maintained with a stable surface of asphalt or concrete from its entrance abutting the street to its exit upon a street.
 - (d) The approach and driveway for the drive-through shall be designed for one way traffic with a minimum width of 3.0 metres (10 feet).
 - (e) Access points for stacking lanes shall be located, and stacking lanes shall have sufficient length, such that queued vehicles do not block traffic along public streets or the movement of other vehicles on site.
- 5.9.2 Where drive-through windows are permitted, in addition to the signs permitted pursuant to this Bylaw, two (2) menu drive-through signs per drive-through may be erected in the form of either free standing signs or facial wall signs without the issuance of a development permit, provided the signs:
- (a) each do not exceed sign area of 6.0 sq. metres (64 sq. feet);
 - (b) shall not have any portion of the sign (base, post, frame or face) located closer than 1.5 metres (5.0 feet) to any lot line;
 - (c) shall not have any portion (base, post, frame or face) of the sign exceeding 4.6 metres (15 feet) in height from grade level to the highest part of the sign; and,
 - (d) 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 0.3 metres (1.0 feet) from the supporting wall.

5.10 Encroachment Permitted in Minimum Setbacks

- 5.10.1 Except for as provided by Subsection 5.10.2, every part of any minimum yard setback required by this Bylaw shall be open and unobstructed by any structure from the ground to the sky.
- 5.10.2 The following structures may project into or be located in a required minimum yard setback in accordance with the distances set out in Table 5A below, but in no case shall project over the lot line:

Table 5A: Permitted Encroachments

Structure	Required Setback in which Projection is Permitted	Permitted Encroachment Distance
Balconies, decks, patios, steps, verandas, porches (open) not exceeding one storey in height; verandas (uncovered)	Front, rear, flanking	1.5 m
Canopies and awnings	Any	1.2 m for stationary, 1.8 m for retractable
Structures ensuring barrier-free access	Any	To lot line
Exterior Insulation retrofitted to an existing dwelling	Any	0.3 m
Fire escapes and exterior staircases	Any	To lot line
Residential garages and carports attached to the main dwelling	Side	To within 0.6 m of side lot line
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or similar architectural features	Any	0.6 m
Window and door bays	Any	1.0 m

- 5.10.3 Notwithstanding the prohibition on encroaching over a lot line in Subsection 5.10.2, canopies and awnings may project over a public right-of-way, provided:
- the canopy or awning is placed on the building a minimum height of 2.4 metres (8 feet) above the sidewalk or established grade; and
 - 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.

5.11 Existing Undersized Lots

- 5.11.1 Any lot legally in existence on the effective date of this Bylaw, having less than the minimum lot frontage or area required in the applicable zone, may be:
- (a) used for a purpose permitted in the zone on the lot and a building may be erected on such lot, provided that all other applicable provisions of this Bylaw are satisfied; and
 - (b) increased in area and/or frontage as a result of an approved plan of subdivision and still be considered an undersized lot for the purposes of this Bylaw.
- 5.11.2 Any lot legally created after the effective date of this Bylaw through a provision of the Act or Subdivision Bylaw that specifically relaxes or exempts subdivisions from compliance with Land Use Bylaw minimum lot area or minimum lot frontage requirements shall be considered an existing undersized lot under this Land Use Bylaw and may be developed as provided for by Subsection 5.11.1.

5.12 Fences

- 5.12.1 Fencing for correctional facilities, utility uses, airports, helidromes, and military uses shall be exempt from this Section.
- 5.12.2 Unless otherwise required by this Bylaw, fences in the front and flanking yard in Residential Zones and Mixed Use Zones shall not exceed 1.3 metres (4 feet) in height.
- 5.12.3 Except for fences regulated by Subsection 5.12.2 or as otherwise required by this Bylaw, fences shall not exceed 2.0 metres (6.5 feet) in height.
- 5.12.4 Fences within 3.0 metres (10 feet) of a front or flanking lot line shall not be electrified or utilize barbed wire.
- 5.12.5 Fence gates shall not swing open into the public right-of-way.

5.13 Fronting Upon a Street

- 5.13.1 Unless this Bylaw specifies otherwise, 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 private road lawfully existing on the effective date of this Bylaw or on a public street owned and maintained by the Town or by the Province of Nova Scotia with a street frontage of at least 6.0 metres (20.0 feet)
- 5.13.2 Notwithstanding Subsection 5.13.1, street frontage shall not be required on Baker's Island provided all lots, including the remainder, created on Baker's Island shall have water frontage of at least 6.0 metres (20.0 feet).
- 5.13.3 Notwithstanding Subsection 5.13.1, street frontage shall not be required in the Hospital Campus (HC) Zone.

5.14 Height Exceptions

- 5.14.1 Maximum height requirements in this Bylaw shall not apply to church spires, solar collectors, observation towers, silos, gondolas, water tanks, elevator enclosures, flag poles, television or radio antennae, ventilators, skylights, chimneys, clock towers, guard rails, telecommunication towers, and other similar structures.

5.15 Illumination

- 5.15.1 Exterior lighting on any lot shall be directed away from, and shall not cause glare on, adjoining properties or adjacent streets.
- 5.15.2 Renovations and all new development for dwellings of more than four (4) dwelling units on a lot and for all commercial, industrial, and institutional development shall meet the following design and performance standards:
- (a) Outdoor light fixtures shall be full cut-off such that they do not emit light above the horizontal plane.
 - (b) Except for as provided in clause (c), the colour temperature of outdoor light fixtures shall not be cooler than 3,000 Kelvin.
 - (c) Outdoor tennis courts, basketball courts, running tracks, sports fields, and other similar outdoor recreation facilities are not subject to standards for the colour temperature of outdoor light fixtures.

5.16 Multiple Main Buildings

- 5.16.1 Unless otherwise specified, multiple main buildings shall be permitted on a lot provided each building meets all applicable requirements of this Bylaw.

5.17 Multiple Uses

- 5.17.1 Where any land or building is used for more than one purpose, all provisions of this Bylaw 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.

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

- 5.18.1 Non-conforming structures are regulated by Sections 238 through 242 of the *Municipal Government Act*, except for the following relaxations:
- (a) A non-conforming structure that is unintentionally damaged or destroyed through no fault of the owner may be rebuilt, repaired, or renovated provided the structure:
 - (i) complies with the coastal planning area requirements of Section 24.2;
 - (ii) is otherwise substantially the same as it was before the damage or destruction; and
 - (iii) is used for a purpose permitted by the Land Use Bylaw.
 - (b) A non-conforming structure may be enlarged, reconstructed, repaired or renovated provided:
 - (i) if a building is non-conforming with the coastal planning area requirements of Section 24.2, any enlargement does not increase the volume of the building below the minimum coastal elevation;
 - (ii) 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 Bylaw;
 - (iii) the use conforms to the Land Use Bylaw; and,
 - (iv) all other applicable provisions of the Land Use Bylaw are satisfied.
 - (c) A structure containing a non-conforming use that is unintentionally damaged or destroyed through no fault of the owner may be rebuilt, repaired, or renovated within one (1) 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 Bylaw or otherwise has not changed its non-conforming use.
 - (d) A structure containing a non-conforming use may be expanded in compliance with this Bylaw provided the addition shall not at any time be used for the purpose of the non-conforming use.

5.19 Outdoor Furnaces

- 5.19.1 Notwithstanding anything else in this Bylaw, outdoor furnaces shall be in the rear yard and with a minimum setback of at least 60.0 metres (200 feet) from any side and rear lot line.
- 5.19.2 The chimney of an outdoor furnace shall be at least 1.8 metres (6 feet) above the peak of the roof of the structure that the furnace is intended to heat.

5.20 Outdoor Display

- 5.20.1 Except for special occasions or temporary use, outdoor display shall not be permitted except in the following zones categories, subject to the requirements of this Section:
- (a) Mixed Use Zones
 - (b) Industrial Zones
 - (c) Health and Institutional Zones
- 5.20.2 Within the following zones, new outdoor display shall only be permitted if it is accessory to a fish processing use, marine industry use, transportation use, or water access use:
- (a) Waterfront Commercial Industrial (CI-2) Zone
 - (b) Waterfront Comprehensive Development (WCD) Zone
 - (c) Waterfront Industrial (M-2) Zone
- 5.20.3 Outdoor display shall not be permitted within 1.5 metres (5 feet) of the front or flanking lot line.
- 5.20.4 Outdoor display must be accessory to the main use located on the same lot.

5.21 Outdoor Storage

- 5.21.1 Except for special occasions or temporary use, outdoor storage shall not be permitted except in the following zones or zone categories, subject to the requirements of this Section:
- (a) Mixed Use 1 (MU-1) Zone
 - (b) Mixed Use 2 (MU-2) Zone
 - (c) Industrial Zones
 - (d) Health and Institutional Zones
- 5.21.2 Within the following zones, new outdoor storage shall only be permitted if it is accessory to a fish processing use, marine industry use, transportation use, or water access use:
- (a) Waterfront Commercial Industrial (CI-2) Zone
 - (b) Waterfront Comprehensive Development (WCD) Zone
 - (c) Waterfront Industrial (M-2) Zone
- 5.21.3 Outdoor storage must be accessory to the main use located on the same lot.
- 5.21.4 Outdoor storage shall not be permitted in the front or flanking yard except in the Waterfront Commercial Industrial (CI-2) Zone and Waterfront Industrial (M-2) Zone.
- 5.21.5 Except in Industrial Zones, outdoor storage shall not be permitted within 3.0 metres (10 feet) of any lot line unless it is enclosed in an opaque fence at least 1.8 metres (6 feet) in height and 1.2 metres (4 feet) away from the lot line.

5.22 Pedestrian Connections

- 5.22.1 Within the Mixed Use 1 (MU-1) Zone and Mixed Use 2 (MU-2) Zone, pedestrian connections meeting the requirements of Subsection 5.22.2(a) shall be provided for new main buildings or when an existing main building is expanded by more than 10% of its gross floor area.
- 5.22.2 Pedestrian connections provided for the purpose of Subsection 5.22.1 shall:
- (a) connect the primary entrance(s) of the main building to the nearest street right-of-way and to any adjacent existing or planned active transportation route identified in a Town active transportation plan;
 - (b) provide a barrier-free (accessible) path of travel at least 1.5 metres (5 feet) in width;
 - (c) be paved with asphalt, concrete, or interlocking pavers; and
 - (d) be separated from automobile areas by physical barriers (curbing, planters, *etc.*) or by a grade differential between the pathway and the automobile area of 127 mm to 178 mm, except for portions of the pedestrian pathway crossing approximately perpendicular to an automobile circulation aisle.

5.23 Protected Street Views of Yarmouth's Harbour

- 5.23.1 No development shall be located within the western prolongation of both street lines of the following streets:
- (a) Lovitt Street - 13.72 m (45 ft) right-of-way
 - (b) Brown Street - 13.72 m (45 ft) right-of-way
 - (c) Central Street - 15.24 m (50 ft) right-of-way
- 5.23.2 The alteration of, addition to, or change in use of any existing structure shall be exempt from Subsection 5.23.1 provided such development does not protrude further into the western prolongation of said streets.



5.24 Relaxations for Registered Heritage Properties

- 5.24.1 A property or building that is a municipally, provincially, or federally registered heritage property shall be eligible for relaxations of Bylaw requirements as outlined in Table 5B, Heritage Incentives.

Table 5B: Heritage Incentives

Uses	Permitted Relaxation
All uses	The minimum number of parking spaces of Subsection 28.1.1 shall not apply
Home Occupations	The number of permitted on-site, non-resident employees increases by one (1).
Home Occupations – Tourist Accommodations	The number of rental units permitted as-of-right increases by two (2) units.
Home Occupations – Guest Homes	The number of bedrooms permitted as-of-right increases by two (2).

5.25 Setbacks on Closed or Unopened Streets

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

5.26 Setbacks from Rail and Harbour

- 5.26.1 Where a lot abuts a rail right-of-way or Yarmouth Harbour the minimum setback for industrial and transportation uses on the lot from the lot line(s) abutting the rail right-of-way or harbour shall be zero (0.0) metres.

5.27 Solid Waste Storage

- 5.27.1 Except for Dwellings with four (4) or fewer dwelling units on a lot, Supportive Housing with four (4) or fewer sleeping units, and developments approved by a site plan approval that otherwise regulates solid waste storage, storage areas for solid waste shall:
- accommodate the number of waste streams (e.g. garbage, recycling, organics, etc.) in effect in the Town at the time of permitting; and
 - be contained within a building; or
 - be located in a side or rear yard and screened from view from public streets and existing residential zones with:
 - existing vegetation and/or planted native vegetation sufficient to obscure the screened feature to a minimum height of 1.8 metres (6.0 feet);
 - natural embankments that, when combined with vegetation or fencing, reach a minimum height of 1.8 metres (6.0 feet); or
 - opaque architectural walls or fencing to a minimum height of 1.8 metres (6.0 feet).

5.28 Subdivision Along Party Walls

- 5.28.1 Notwithstanding the minimum lot frontage, minimum lot area, and minimum side setback requirements of the applicable zone, a lot may be subdivided to place attached, side-by-side dwelling units on their own lot, with a lot line running through the party wall, provided:
- (a) the lot frontage is at least 5.5 metres (18.5 feet) for each dwelling unit and the total combined area of the lots complies with the minimum lot frontage requirements of the applicable zone;
 - (b) the total combined area of the lots complies with the minimum lot area requirements of the applicable zone; and
 - (c) the total combined number of dwelling units in the dwelling does not exceed the maximum number of dwelling units on a lot outlined in the applicable zone, or eight (8) dwelling units, whichever is less.

5.29 Minimum Main Building Width

- 5.29.1 Except for a Manufactured Home in a Land Lease Community, no main building located within a residential zone shall have a width between any two (2) main walls of less than 6.1 metres (20 feet).
- 5.29.2 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.

PART 6 GENERAL PROVISIONS FOR LAND USE

6.1 Accessory Uses Permitted

- 6.1.1 Accessory Uses shall be permitted in all zones.
- 6.1.2 For greater certainty, the following uses may be considered accessory to any use:
 - (a) Solar panels for the provision of on-site energy or grid-tied solar panel systems that are intended to generate no more than a site's annual electricity needs on a "net" basis.
 - (b) Electric vehicle charging stations for use by residents, tenants, clients, or customers of the main use.

6.2 Developments Considered by Development Agreement in All Zones

- 6.2.1 In addition to the uses permitted and considered as listed in each zone, the following developments shall be permitted in all zones subject to a development agreement approved under the applicable listed Municipal Planning Strategy policy:
 - (a) Adaptive re-use of former institutional buildings in a manner not otherwise permitted by this Bylaw – Policy 5.7.5(i)
 - (b) Development on a registered heritage property in a manner not otherwise permitted by this Bylaw – Policy 5.7.5(h)
 - (c) Renewable energy projects, excluding solar and wind – Policy 5.5.7(l)

6.3 Prohibited Uses

- 6.3.1 The following uses are prohibited in all zones:
 - (a) Animal Operation

6.4 Accessory Dwelling Units

- 6.4.1 An Accessory Dwelling Unit shall be permitted accessory to another dwelling use subject to the requirements of Subsection 6.4.2:
- 6.4.2 Accessory Dwelling Units shall be subject to the following requirements:
 - (a) only one (1) Accessory Dwelling Unit shall be permitted on a lot;
 - (b) the Accessory Dwelling Unit shall not count towards the number of dwelling units permitted on the lot as regulated by this Land Use Bylaw, but shall count for all other purposes such as, but not limited to, inspections and servicing;
 - (c) the gross floor area of the Accessory Dwelling Unit shall not exceed 100.0 sq. metres (1,076 sq. feet) or 50% of the gross floor area of the primary dwelling, whichever is larger;

- (d) if the Accessory Dwelling Unit is combined with another accessory use, such as a detached garage, only floor area dedicated to the exclusive use of the Accessory Dwelling Unit shall be counted for the purposes of clause (c); and
- (e) if the Accessory Dwelling Unit is located in a separate building from the main dwelling:
 - (i) servicing for the Accessory Dwelling Unit shall be subject to approval by the Town Engineer;
 - (ii) the building must not exceed a height of 4.6 metres (15 feet) unless the Accessory Dwelling Unit is located above a garage, in which case the total height of the building shall not exceed 7.6 metres (25 feet);
 - (iii) the building containing the Accessory Dwelling Unit must be separated from the main dwelling by a minimum of 3.0 metres (10 feet);
 - (iv) the building containing the Accessory Dwelling Unit must not be located in the front or flankage yard; and
 - (v) the building containing the Accessory Dwelling Unit must be set back a minimum of 1.2 metres (4 feet) from all lot lines.

6.5 Commercial Instruction of One or Two Students at a Time

- 6.5.1 Nothing in this Bylaw shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit for the commercial instruction of two (2) students at a time provided:
 - (a) the instruction is carried out by a resident of the dwelling; and
 - (b) no alterations are made to the exterior of the dwelling except those consistent with the residential nature of the dwelling.
- 6.5.2 No development permit shall be required for the instruction of two (2) students at a time.

6.6 Farm, Fish, and Forestry Stalls

- 6.6.1 Nothing in this Bylaw shall prevent the direct sale of fish, seaweed, or other seafood; farm products such as, but not limited to, flowers, fruit, vegetables, honey, and preserves; and forestry products such as, but not limited to, Christmas trees, wreaths, and maple products by individuals or companies engaged in the harvesting of such, subject to the following provisions:
 - (a) any associated structures shall be limited to a maximum total footprint of 10.0 sq. metres (107 sq. feet) on a lot;
 - (b) associated structures shall meet zone requirements for minimum side and rear setbacks, but shall not be required to meet minimum streetline setbacks; and
 - (c) no development permit shall be required.

6.7 Home Occupations

- 6.7.1 The following uses shall be permitted as a **Home Occupation** within a dwelling unit or building accessory to a dwelling unit and subject to all requirements of this Section:
- (a) Animal Care
 - (b) Commercial School – 6 or fewer students
 - (c) Daycare Centre – 6 or fewer clients
 - (d) Guest Home – 6 or fewer bedrooms
 - (e) Media Production and Broadcasting
 - (f) Office
 - (g) Personal Service Shop
 - (h) Service and Repair Shop
 - (i) Tourist Accommodations – 1 or 2 rental units
 - (j) Workshops and Studios
- 6.7.2 The number of on-site staff who are not residents of the **Home Occupation** dwelling unit shall be limited to one (1), except for **Offices** which shall be limited to three (3).
- 6.7.3 Excluding **Tourist Accommodations**, **Guest Homes**, and **Daycare Centres** the combined floor area of the **Home Occupations** shall not exceed the equivalent of 25 percent of the gross floor area of the dwelling unit or 50.0 sq. metres, whichever is less.
- 6.7.4 Retail sales within a **Home Occupation** shall be limited to the sale of products made, assembled, refined, or repaired on the premises; and the sale of goods or materials associated with and secondary to the main business, such as the sale of shampoo by a hairdresser.
- 6.7.5 Outdoor display of goods permitted by Subsection 6.7.4 shall be limited to a single structure with a maximum footprint of 5.0 sq. metres (53 sq. feet) and a maximum height of 3.0 metres (9.8 feet).
- 6.7.6 Outdoor storage for **Home Occupations** shall be prohibited.
- 6.7.7 **Home Occupations** shall not create objectionable noise, vibration, glare, fumes, odours, dust, air pollutants, traffic generation, or electrical interference.

6.8 Home Offices

- 6.8.1 Nothing in this Bylaw shall prevent, and no development permit shall be required for, the use of a portion of any dwelling or building accessory to a dwelling as a personal office or studio for residents of the dwelling if the personal office or studio is not intended to be visited by members of the public.

6.9 Lobster Trap Storage Facilities

- 6.9.1 Except for the provisions of Part 25, nothing in this Bylaw shall prevent, and no development permit shall be required for, the storage of lobster traps, buoys, ropes, nets, and other similar gear associated with the lobster industry accessory to a dwelling, provided:
- (a) any outdoor storage shall be wholly enclosed within an opaque fence a minimum of 1.8 metres (6.0 feet) high;
 - (b) such gear shall not be stacked higher than any enclosing fence;
 - (c) any fence enclosing the outdoor storage shall not be located in the minimum front or flanking setback of the lot;
 - (d) any fence enclosing the open storage shall have a minimum side and rear setback of 0.6 metres (2.0 feet);
 - (e) the area devoted to outdoor storage shall not exceed fifty (50%) percent of the total lot area; and,
 - (f) outdoor storage shall be clean and void of any animal matter, bait, and any other similar items.

6.10 Small Accessory Wind Turbine

- 6.10.1 A maximum of one (1) small accessory wind turbine may be erected per lot in any zone provided:
- (a) the rotors are 1.0 metres (3 feet) or less in diameter;
 - (b) the lot has a minimum lot size of 1,800 sq. metres (19,375 sq. feet);
 - (c) the tower (including any portion thereof) shall not exceed 24.4 metres (80 feet) in height;
 - (d) the tower is located a minimum distance of at least 1.5 times the height of the tower away from any lot line;
 - (e) no portion (base, post, frame, rotors, guy wires, anchors or any other part thereof) of the small accessory wind turbine is located closer than 15.0 metres (49 feet) to any lot line;
 - (f) that no portion of the small accessory wind turbine is located within the front yard or flanking yard;
 - (g) 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;
 - (h) that all parts of the small accessory wind turbine shall be maintained and kept in a good state of repair; and,
 - (i) 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.

6.11 Special Events

- 6.11.1 Notwithstanding anything else in this Bylaw, 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 14 consecutive days.
- 6.11.2 Notwithstanding anything else in this Bylaw, a temporary building or structure may be erected or a temporary use of land may be established for a special sales occasion accessory to a permitted commercial use (except home occupations) provided no such building, structure, or use remains in place for more than 14 consecutive days. A maximum of two (2) special sales occasion per business premise shall be permitted per lot per calendar year.

6.12 Temporary Construction Uses Permitted

- 6.12.1 Nothing in this Bylaw shall prevent, and no development permit is required for temporary uses or temporary structures or portable equipment incidental to a main construction project provided that a development permit has been issued for the main construction project and the temporary use or equipment is discontinued and removed within 30 days following completion of the main construction project.

PART 7 HOUSING 1 ZONE (H-1)

7.1 Zone Purpose

- 7.1.1 The Housing 1 (H-1) Zone is intended to enable and encourage lower densities of residential development, light infill development, and supporting outdoor recreation uses in well-established neighbourhoods.

7.2 Permitted Main Uses

- 7.2.1 The following main uses are permitted in the Housing 1 (H-1) Zone subject to all applicable requirements of this Bylaw:
- (a) Academic School
 - (b) Boarding or Rooming House – Up to 4 sleeping units
 - (c) Community Centre
 - (d) Dwellings – 1 or 2 dwelling units on a lot
 - (e) Public Parks and Playgrounds
 - (f) Public Recreation
 - (g) Supportive Housing – 1 or 2 sleeping units
 - (h) Trails and Conservation
 - (i) Water Access

7.3 Uses Requiring Site Plan Approval

- 7.3.1 The following main uses are permitted in the Housing 1 (H-1) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:
- (a) Daycare Centre
 - (b) Dwellings – 3 or 4 dwelling units on a lot
 - (c) Manufactured Home
 - (d) Place of Worship
 - (e) Supportive Housing – 3 or 4 sleeping units

7.4 Uses Considered by Development Agreement

- 7.4.1 The following main uses shall be permitted in the Housing 1 (H-1) Zone where consistent with and enabled by an effective development agreement:
- (a) Boarding or Rooming House – More than 4 Sleeping Units – MPS Policy 5.2.9(j)
 - (b) Tourist Accommodations – MPS Policy 5.3.9(h)

7.5 Zone Standards

- 7.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Housing 1 (H-1) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	232.0
Min. Lot Frontage (m)	7.5
Min. Streetline Setback (m)	6.0
Min. Rear Yard Setback (m)	
▪ Main Building	6.0
▪ Accessory Building	0.6
Min. Side Yard Setback (m)	
▪ Main Building	1.8
▪ Accessory Building	0.6
Max. Building Height (m)	
▪ Main Building	11.0
▪ Accessory Building	4.6
Max. Number of Accessory Buildings	3
Max. Combined Footprint (m ²)	
▪ Main Buildings	n/a
▪ Accessory Buildings	185.0

PART 8 HOUSING 2 (H-2)

8.1 Zone Purpose

- 8.1.1 The Housing 2 (H-2) Zone is intended to enable and encourage medium densities of residential development and supporting outdoor recreation uses, especially along transit routes, around a wide range of institutions, and on underdeveloped land where the dominant character of the neighbourhood has not yet been established.

8.2 Permitted Main Uses

- 8.2.1 The following main uses are permitted in the Housing 2 (H-2) Zone subject to all applicable requirements of this Bylaw:
- (a) Academic School
 - (b) Boarding or Rooming House – Up to 8 sleeping units
 - (c) Community Centre
 - (d) Dwellings – Up to 4 dwelling units on a lot
 - (e) Public Parks and Playgrounds
 - (f) Public Recreation
 - (g) Supportive Housing – Up to 4 sleeping units
 - (h) Trails and Conservation
 - (i) Water Access

8.3 Uses Requiring Site Plan Approval

- 8.3.1 The following main uses are permitted in the Housing 2 (H-2) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:
- (a) Daycare Centre
 - (b) Dwellings – More than 4 dwelling units on a lot
 - (c) Manufactured Home
 - (d) Nursing Home
 - (e) Place of Worship
 - (f) Supportive Housing – 5 to 8 sleeping units

8.4 Uses Considered by Development Agreement

- 8.4.1 The following main uses shall be permitted in the Housing 2 (H-2) Zone where consistent with and enabled by an effective development agreement:
- (a) Boarding or Rooming House – More than 8 sleeping units – MPS Policy 5.2.9(j)
 - (b) Community-based Transitional Housing – MPS Policy 5.2.9(k)
 - (c) Supportive Housing – More than 8 sleeping units – MPS Policy 5.2.9(j)
 - (d) Tourist Accommodations – MPS Policy 5.3.9(h)

8.5 Zone Standards

- 8.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Housing 2 (H-2) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	232.0
Min. Lot Frontage (m)	6.0
Min. Streetline Setback (m)	3.0
Min. Rear Yard Setback (m)	
▪ Main Building	1.2
▪ Accessory Building	0.6
Min. Side Yard Setback (m)	
▪ Main Building	1.2
▪ Accessory Building	0.6
Max. Building Height (m)	
▪ Main Building	12.2
▪ Accessory Building	4.6
Max. Number of Accessory Buildings	3
Max. Combined Footprint (m ²)	
▪ Main Buildings	n/a
▪ Accessory Buildings	185.0

8.6 Landscaping

- 8.6.1 Within the Housing 2 (H-2) Zone, a minimum of 30 per cent of the area of a lot shall consist of permeable landscaping that is:
- (a) living, or derived from living organisms; and
 - (b) may include, but are not limited to, mulch, native grasses, plants, shrubs, sod, and trees.

8.7 Amenity Space

- 8.7.1 For Dwellings with more than four (4) dwelling units and Supportive Housing with more than four (4) sleeping units in the Housing 2 (H-2) Zone, amenity space shall be provided on the lot at the following minimum rate:
- (a) 5.0 square metres (54 square feet) per dwelling unit; or
 - (b) 1.6 square metres (18 square feet) per supportive housing sleeping unit.
- 8.7.2 Amenity space may be provided as private amenity space or common amenity space or combination of both.
- 8.7.3 Private amenity space shall be in the form of a balcony, deck, yard, or a patio and have no dimension of less than 1.5 metres (5.0 feet).
- 8.7.4 Common amenity space may be provided indoors or outdoors and shall be accessible to all dwelling units on a lot.

PART 9 HOUSING 3 ZONE (H-3)

9.1 Zone Purpose

- 9.1.1 The Housing 3 (H-3) Zone is intended to enable and encourage higher densities of residential development and community amenities, especially on larger parcels, areas located near major institutions, and areas in the vicinity of transit stops.

9.2 Permitted Main Uses

- 9.2.1 The following main uses are permitted in the Housing 3 (H-3) Zone subject to all applicable requirements of this Bylaw:
- (a) Academic School
 - (b) Boarding or Rooming House – Up to 8 sleeping units
 - (c) Community Centre
 - (d) Convenience Store
 - (e) Dwellings – Up to 8 dwelling units on a lot
 - (f) Public Parks and Playgrounds
 - (g) Public Recreation
 - (h) Supportive Housing – Up to 8 sleeping units
 - (i) Trails and Conservation
 - (j) Water Access

9.3 Uses Requiring Site Plan Approval

- 9.3.1 The following main uses are permitted in the Housing 3 (H-3) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:
- (a) Daycare Centre
 - (b) Dwellings – More than 8 dwelling units on a lot
 - (c) Manufactured Home
 - (d) Nursing Home
 - (e) Place of Worship
 - (f) Supportive Housing – 9 to 20 sleeping units

9.4 Uses Considered by Development Agreement

- 9.4.1 The following main uses shall be permitted in the Housing 3 (H-3) Zone where consistent with and enabled by an effective development agreement:
- (a) Boarding or Rooming House – More than 8 sleeping units – MPS Policy 5.2.9(j)
 - (b) Community-based Transitional Housing – MPS Policy 5.2.9(k)
 - (c) Land Lease Community – MPS Policy 5.2.9(g)
 - (d) Supportive Housing – More than 20 sleeping units – MPS Policy 5.2.9(j)
 - (e) Tourist Accommodations – MPS Policy 5.3.9(h)

9.5 Zone Standards

- 9.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Housing 3 (H-3) Zone except in conformance with an effective development agreement or with the following standards:

Standard	Dwellings with 1 or 2 Dwelling Units on a Lot	All Other Permitted Uses
Min. Lot Area (m ²)	232.0	500.0
Min. Lot Frontage (m)	6.0	6.0
Min. Streetline Setback (m)	3.0	3.0
Min. Rear Yard Setback (m)		
▪ Main Building	1.2	1.2
▪ Accessory Building	0.6	0.6
Min. Side Yard Setback (m)		
▪ Main Building	1.2	1.2
▪ Accessory Building	0.6	0.6
Max. Building Height (m)		
▪ Main Building	14.0	14.0
▪ Accessory Building	4.6	4.6
Max. Number of Accessory Buildings	3	3
Max. Combined Footprint (m ²)		
▪ Main Buildings	n/a	n/a
▪ Accessory Buildings	185.0	185.0

9.6 Special Conditions – Land Lease Communities

- 9.6.1 The following alterations to a land lease community shall not be considered an expansion of the land lease community and shall not require a development agreement:
- (a) the replacement of one manufactured home with another containing the same or fewer number of housekeeping units; and
 - (b) buildings accessory to the manufactured homes, as regulated under clause 5.2.3(a).

9.7 Landscaping

- 9.7.1 Within the Housing 3 (H-3) Zone, a minimum of 30 per cent of the area of a lot shall consist of permeable landscaping that is:
- (a) living, or derived from living organisms; and
 - (b) may include, but are not limited to, mulch, native grasses, plants, shrubs, sod, and trees.

9.8 Amenity Space

- 9.8.1 For Dwellings with more than eight (8) dwelling units and Supportive Housing with more than eight (8) sleeping units in the Housing 3 (H-3) Zone, amenity space shall be provided on the lot at the following minimum rate:
- (a) 5.0 square metres (54 square feet) per dwelling unit; or
 - (b) 1.6 square metres (18 square feet) per supportive housing sleeping unit.
- 9.8.2 Amenity space may be provided as private amenity space or common amenity space or combination of both.
- 9.8.3 Private amenity space shall be in the form of a balcony, deck, yard, or a patio and have no dimension of less than 1.5 metres (5.0 feet).
- 9.8.4 Common amenity space may be provided indoors or outdoors and shall be accessible to all dwelling units on a lot.

PART 10 DOWNTOWN ZONE (DT)

10.1 Zone Purpose

- 10.1.1 The purpose of the Downtown (DT) Zone is to:
- (a) further strengthen the character of downtown and encourage a mix of commercial uses that will draw people to the core of the town;
 - (b) expand the hours of vibrant activity within the downtown by enabling a critical mass of people to support businesses through the encouragement of residential uses on upper floors in the downtown.

10.2 Permitted Main Uses

- 10.2.1 The following main uses are permitted in the Downtown (DT) Zone subject to all applicable requirements of this Bylaw:
- (a) Animal Care
 - (b) Automobile Rental
 - (c) Banks and Financial Institutions
 - (d) Boarding or Rooming House – Up to 8 sleeping units
 - (e) Call Centre
 - (f) Commercial School
 - (g) Community Centre
 - (h) Convenience Store
 - (i) Craft Food and Beverage Production
 - (j) Cultivation and Processing
 - (k) Cultural Facilities
 - (l) Daycare Centre
 - (m) Drinking Establishment
 - (n) Dwellings
 - (o) Funeral Home
 - (p) Government Uses
 - (q) Indoor Commercial Recreation
 - (r) Interpretive Centre
 - (s) Marine Recreation Provider
 - (t) Media Production and Broadcasting
 - (u) Medical Clinic
 - (v) Office

- (w) Open Air Market
- (x) Parking Lot
- (y) Personal Service Shop
- (z) Post Office
- (aa) Private Club
- (bb) Public Parks and Playgrounds
- (cc) Public Recreation
- (dd) Restaurant
- (ee) Retail Store
- (ff) Service and Repair Shop
- (gg) Supportive Housing – Up to 20 sleeping units
- (hh) Tourist Accommodations
- (ii) Tour Operator
- (jj) Trails and Conservation
- (kk) Transportation Facilities
- (ll) Water Access
- (mm) Workshops and Studios

10.3 Uses Requiring Site Plan Approval

- 10.3.1 The following main uses are permitted in the Downtown (DT) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:
- None

10.4 Uses Considered by Development Agreement

- 10.4.1 The following main uses shall be permitted in the Downtown (DT) Zone where consistent with and enabled by an effective development agreement:
- (a) Boarding or Rooming House – More than 8 sleeping units – MPS Policy 5.2.9(j)
 - (b) Community-based Transitional Housing – MPS Policy 5.2.9(k)
 - (c) Supportive Housing – More than 20 sleeping units – MPS Policy 5.2.9(j)

10.5 Zone Standards

- 10.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Downtown (DT) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	0.0
Min. Lot Frontage (m)	6.0
Min. Streetline Setback (m)	0.0
Min. Rear Yard Setback (m)	
▪ Main Building	0.0
▪ Accessory Building	0.0
Min. Side Yard Setback (m)	
▪ Main Building	0.0
▪ Accessory Building	0.0
Max. Building Height (m)	
▪ Main Building	18.5
▪ Accessory Building	5.5
Min. Main Building Height (m)	4.5
Min. Main Building Stepback Above Fourth Storey (m)	3.0
Max. Number of Accessory Buildings	2
Max. Combined Footprint (m ²)	
▪ Main Buildings	2,000.0
▪ Accessory Buildings	280.0

10.6 Upper Floor Stepback Exceptions

- 10.6.1 Notwithstanding Subsection 10.5.1, the minimum stepback for main building floors above the fourth storey may be reduced to 0.0 metres for up to 25% of the building width facing a streetline.

10.7 Relaxation of Maximum Building Footprint

- 10.7.1 The maximum main building footprint in the Downtown (DT) Zone may be exceeded by development agreement, subject to MPS Policy 5.3.9(c).

10.8 Special Conditions – Automobile Rentals

- 10.8.1 Within the Downtown (DT) Zone, automobile rentals must meet the following conditions:
- the combined gross floor area of the use must not exceed 100.0 sq. metres (1,076 sq. feet);
 - the parking area for rental automobiles shall be limited to 10 spaces; and
 - the parking area for rental automobiles shall be separated from the streetline(s), where applicable, by a landscaped strip:
 - a minimum of 1.0 metres (3.5 feet) deep and extending the full width of the lot, excluding driveway accesses; and
 - containing landscaping not less than 1.0 metres (3.5 feet) in height.

10.9 Special Conditions – Drive-through Windows

- 10.9.1 Drive-through windows are not permitted within the Downtown (DT) Zone.

10.10 Special Conditions – Dwellings, Boarding and Rooming Houses, and Supportive Housing

- 10.10.1 Within the Downtown (DT) Zone, on lots that abut Main Street and are located between Forest Street and Glebe Street:

- (a) Except as otherwise provided in clauses (b) and (c), Dwellings, Boarding and Rooming Houses, and Supportive Housing shall not be permitted to occupy the ground level for the first 10.0 metres (33 feet) of a building's depth as measured from any exterior wall that is facing Main Street.
- (b) Residential entrances and lobbies may be permitted on the ground floor street frontage provided no more than 6.0 metres (19.5 feet) of the width of the building's ground level façade is dedicated to the residential entrances and lobbies.
- (c) Clause (a) shall not apply to any portions of the ground floor where another main building is located between the building and Main Street.



PART 11 MIXED USE 1 ZONE (MU-1)

11.1 Zone Purpose

- 11.1.1 The Mixed Use 1 (MU-1) Zone is intended to enable a mix of large-scale commercial, light industrial, and residential uses along with supporting institutions and community uses.

11.2 Permitted Main Uses

- 11.2.1 The following main uses are permitted in the Mixed Use 1 (MU-1) Zone subject to all applicable requirements of this Bylaw:

- (a) Animal Care
- (b) Automobile Rentals
- (c) Automobile Repair
- (d) Banks and Financial Institutions – Up to 20 m² GFA
- (e) Boarding or Rooming House
- (f) Building Supply and Lumber Yard
- (g) Call Centre
- (h) Commercial School
- (i) Community Centre
- (j) Convenience Store
- (k) Craft Food and Beverage Production
- (l) Cultivation and Processing
- (m) Cultural Facilities
- (n) Daycare Centre
- (o) Drinking Establishment
- (p) Emergency Services
- (q) Funeral Home
- (r) Garden and Nursery Sales and Supplies
- (s) Heavy Sales, Service, and Rentals
- (t) Indoor Commercial Recreation
- (u) Interpretive Centre
- (v) Large-scale Solar Collector System
- (w) Marine Recreation Provider
- (x) Medical Clinic
- (y) Media Production and Broadcasting

- (z) Office – Subject to Section 11.8
- (aa) Open Air Market
- (bb) Outdoor Commercial Recreation
- (cc) Parking Lot
- (dd) Personal Service Shop
- (ee) Post Office
- (ff) Private Club
- (gg) Public Parks and Playgrounds
- (hh) Public Recreation
- (ii) Restaurant – Eat-in and Take-out
- (jj) Retail Store
- (kk) Service and Repair Shop
- (ll) Tourist Accommodations
- (mm) Tour Operator
- (nn) Trails and Conservation
- (oo) Transportation Facilities
- (pp) Water Access
- (qq) Wholesale
- (rr) Workshops and Studios

11.3 Uses Requiring Site Plan Approval

11.3.1 The following main uses are permitted in the Mixed Use 1 (MU-1) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:

- (a) Automobile Fueling and Washing
- (b) Automobile Sales
- (c) Dwellings
- (d) Restaurant – Drive-through
- (e) Supportive Housing

11.4 Uses Considered by Development Agreement

11.4.1 The following main uses shall be permitted in the Mixed Use 1 (MU-1) Zone where consistent with and enabled by an effective development agreement:

- (a) Community-based Transitional Housing – MPS Policy 5.2.9(k)

11.5 Zone Standards

- 11.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Mixed Use 1 (MU-1) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	500.0
Min. Lot Frontage (m)	10.0
Min. Streetline Setback (m)	3.0
Max. Streetline Setback	See s.11.6
Min. Rear Yard Setback (m)	
▪ Main Building	9.2
▪ Accessory Building	0.0
Min. Side Yard Setback (m)	
▪ Main Building	6.0
▪ Accessory Building	6.0
Max. Building Height (m)	
▪ Main Building	18.5
▪ Accessory Building	7.6
Min. Main Building Stepback Above Fourth Storey (m)	3.0
Max. Combined Footprint (m ²)	
▪ Main Buildings	n/a
▪ Accessory Buildings	n/a

11.6 Maximum Streetline Setback

- 11.6.1 New main buildings in the Mixed Use 1 (MU-1) Zone shall have a maximum setback of 16.0 metres (52 feet) from one streetline unless:
- (a) another main building on the lot already meets the maximum streetline setback; or
 - (b) the maximum streetline setback is increased or waived by site plan approval.
- 11.6.2 The maximum streetline setback shall apply to 10.0 metres (33 feet) or 50% of the width of the building façade facing the streetline, whichever is less.

11.7 Upper Floor Stepback Exceptions

- 11.7.1 Notwithstanding Subsection 11.5.1, the stepback for main building floors above the fourth storey may be reduced to 0.0 metres for up to 25% of the building width facing a streetline.

11.8 Special Conditions – Office Uses

- 11.8.1 Office uses shall only be permitted on lands within the Office Use Permitted Overlay, as identified on Schedule 'G', the Development Controls Overlays.

PART 12 MIXED USE 2 ZONE (MU-2)

12.1 Zone Purpose

- 12.1.1 The Mixed Use 2 (MU-2) Zone is intended to accommodate areas where residential uses are still present, but where automotive-oriented commercial uses such as gas stations and drive-through restaurants have been developed—as well as future such areas—by permitting a wide range of commercial, medium-density residential, and supporting institutional and community uses at a limited scale.

12.2 Permitted Main Uses

- 12.2.1 The following main uses are permitted in the Mixed Use 2 (MU-2) Zone subject to all applicable requirements of this Bylaw:

- (a) Animal Care
- (b) Automobile Fueling and Washing
- (c) Automobile Rental
- (d) Automobile Repair
- (e) Banks and Financial Institutions – Up to 20 m² GFA
- (f) Boarding or Rooming House – Up to 8 sleeping units
- (g) Commercial School
- (h) Community Centre
- (i) Convenience Store
- (j) Craft Food and Beverage Production
- (k) Cultivation and Processing
- (l) Cultural Facilities
- (m) Daycare Centre
- (n) Drinking Establishment
- (o) Funeral Home
- (p) Indoor Commercial Recreation
- (q) Interpretive Centre
- (r) Marine Recreation Provider
- (s) Media Production and Broadcasting
- (t) Medical Clinic
- (u) Open Air Market
- (v) Parking Lot
- (w) Personal Service Shop

- (x) Post Office
- (y) Private Club
- (z) Public Parks and Playgrounds
- (aa) Public Recreation
- (bb) Restaurant
- (cc) Retail Store
- (dd) Service and Repair Shop
- (ee) Tourist Accommodations
- (ff) Tour Operator
- (gg) Trails and Conservation
- (hh) Transportation Facilities
- (ii) Water Access
- (jj) Wholesale
- (kk) Workshops and Studios

12.3 Uses Requiring Site Plan Approval

12.3.1 The following main uses are permitted in the Mixed Use 2 (MU-2) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:

- (a) Dwellings
- (b) Nursing Home
- (c) Supportive Housing

12.4 Uses Considered by Development Agreement

12.4.1 The following main uses shall be permitted in the Mixed Use 2 (MU-2) Zone where consistent with and enabled by an effective development agreement:

- (a) Boarding or Rooming House – More than 8 sleeping units – MPS Policy 5.2.9(j)
- (b) Community-based Transitional Housing – MPS Policy 5.2.9(k)

12.5 Zone Standards

- 12.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Mixed Use 2 (MU-2) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	500.0
Min. Lot Frontage (m)	7.5
Min. Streetline Setback (m)	3.0
Max. Streetline Setback	See s.12.5
Min. Rear Yard Setback (m)	
▪ Main Building on Lots Abutting H-1 or H-2 Zone	6.0
▪ Main Building on Other Lots	3.0
▪ Accessory Building	0.6
Min. Side Yard Setback (m)	
▪ Main Building	3.0
▪ Accessory Building	0.6
Max. Building Height (m)	
▪ Main Building	13.5
▪ Accessory Building	5.5
Max. Number of Accessory Buildings	n/a
Max. Combined Footprint (m ²)	
▪ Main Buildings	n/a
▪ Accessory Buildings	n/a

12.6 Maximum Streetline Setback

- 12.6.1 New main buildings in the Mixed Use 2 (MU-2) Zone shall have a maximum setback of 10.0 metres (33 feet) from one streetline unless:
- (a) another main building on the lot already meets the maximum streetline setback; or
 - (b) the maximum streetline setback is increased or waived by site plan approval.
- 12.6.2 The maximum streetline setback shall apply to 10.0 metres (33 feet) or 50% of the width of the building façade facing the streetline, whichever is less.

12.7 Special Conditions – Automobile Fueling and Washing

- 12.7.1 Within the Mixed Use 2 (MU-2) Zone, automobile fueling and washing uses must the following requirements:
- (a) No portion of any fuel pump island shall be located within 6.1 metres (20 feet) of any public street right-of-way or common lot boundary; and,
 - (b) A canopy erected for the purposes of sheltering fuel pump islands may be erected provided that no part of any canopy be located within 3.05 metres (10 feet) of any public street right-of-way or common lot boundary.

PART 13 MIXED USE 3 ZONE (MU-3)

13.1 Zone Purpose

- 13.1.1 The Mixed Use 3 (MU-3) Zone is intended to enable a mix of medium-density residential development, supporting institutional and community uses, as well as a limited range of commercial uses as a transition between neighbourhoods and commercial areas, as well as at local nodes that provide amenities to the surrounding neighbourhood.

13.2 Permitted Main Uses

- 13.2.1 The following main uses are permitted in the Mixed Use 3 (MU-3) Zone subject to all applicable requirements of this Bylaw:

- (a) Animal Care
- (b) Boarding or Rooming House – Up to 8 Sleeping Units
- (c) Indoor Commercial Recreation
- (d) Community Centre
- (e) Convenience Store
- (f) Cultivation and Processing
- (g) Cultural Facilities
- (h) Daycare Centre
- (i) Dwellings – Up to 4 dwelling units on a lot
- (j) Funeral Home
- (k) Interpretive Centre
- (l) Marine Recreation Provider
- (m) Media Production and Broadcasting
- (n) Medical Clinic
- (o) Office – Subject to Section 13.7
- (p) Open Air Market
- (q) Parking Lot
- (r) Personal Service Shop
- (s) Post Office
- (t) Public Parks and Playgrounds
- (u) Public Recreation
- (v) Restaurant
- (w) Retail Store
- (x) Service and Repair Shop

- (y) Supportive Housing – Up to 4 sleeping units
- (z) Trails and Conservation
- (aa) Tourist Accommodations
- (bb) Tour Operator
- (cc) Transportation Facilities
- (dd) Water Access
- (ee) Wholesale
- (ff) Workshops and Studios

13.3 Uses Requiring Site Plan Approval

13.3.1 The following main uses are permitted in the Mixed Use 3 (MU-3) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:

- (a) Dwellings – 5 to 8 dwelling units on a lot
- (b) Nursing Home
- (c) Supportive Housing – 5 to 8 sleeping units

13.4 Uses Considered by Development Agreement

13.4.1 The following main uses shall be permitted in the Mixed Use 3 (MU-3) Zone where consistent with and enabled by an effective development agreement:

- (a) Boarding or Rooming House – More than 8 sleeping units – MPS Policy 5.2.9(j)
- (b) Community-based Transitional Housing – MPS Policy 5.2.9(k)
- (c) Drinking Establishment – MPS Policy 5.3.9(k)
- (d) Dwellings – More than 8 dwelling units on a lot – MPS Policy 5.2.9(j)
- (e) Supportive Housing – More than 8 sleeping units – MPS Policy 5.2.9(j)

13.5 Zone Standards

- 13.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Mixed Use 3 (MU-3) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	464.0
Min. Lot Frontage (m)	6.0
Min. Streetline Setback (m)	3.0
Min. Rear Yard Setback (m)	
▪ Main Building	3.0
▪ Accessory Building	0.6
Min. Side Yard Setback (m)	
▪ Main Building	3.0
▪ Accessory Building	0.6
Max. Building Height (m)	
▪ Main Building	12.2
▪ Accessory Building	5.5
Max. Number of Accessory Buildings	2
Max. Combined Footprint (m ²)	
▪ Main Buildings	n/a
▪ Accessory Buildings	280.0

13.6 Special Conditions – Drive-through Uses

- 13.6.1 Drive-through windows are not permitted within the Mixed Use 3 (MU-3) Zone.

13.7 Special Conditions – Office Uses

- 13.7.1 Office uses shall only be permitted on lands within the Office Use Permitted Overlay, as identified on Schedule 'G', the Development Controls Overlays.

PART 14 COMMERCIAL INDUSTRIAL ZONE (CI-1)

14.1 Zone Purpose

- 14.1.1 The Commercial Industrial (CI-1) Zone is intended to accommodate a range of retail, wholesale, service, automobile-oriented, transportation, and light industrial uses that require significant lot area and frontage to function in a compatible fashion with their surroundings.

14.2 Permitted Main Uses

- 14.2.1 The following main uses are permitted in the Commercial Industrial (CI-1) Zone subject to all applicable requirements of this Bylaw:
- (a) Airports and Helidromes
 - (b) Animal Care
 - (c) Automobile Body Shop
 - (d) Automobile Fueling and Washing
 - (e) Automobile Rentals
 - (f) Automobile Repair
 - (g) Automobile Sales
 - (h) Building Supply and Lumber Yards
 - (i) Cannabis Production Facility
 - (j) Indoor Commercial Recreation
 - (k) Construction Trades and Contractors
 - (l) Craft Food and Beverage Production
 - (m) Cultivation and Processing
 - (n) Daycare Centre
 - (o) Drinking Establishment
 - (p) Emergency Services
 - (q) Garden and Nursery Sales and Supplies
 - (r) Heavy Sales, Service, and Rentals
 - (s) Interpretive Centre
 - (t) Light Industry
 - (u) Media Production and Broadcasting
 - (v) Open Air Market
 - (w) Outdoor Commercial Recreation
 - (x) Parking Lot

- (y) Public Parks and Playgrounds
- (z) Public Recreation
- (aa) Recycling Depot
- (bb) Restaurant
- (cc) Retail Store
- (dd) Commercial School
- (ee) Self-storage Facility
- (ff) Service and Repair Shop
- (gg) Large-scale Solar Collector System
- (hh) Tour Operator
- (ii) Transportation Facilities
- (jj) Trails and Conservation
- (kk) Warehousing and Logistics
- (ll) Water Access
- (mm) Wholesale
- (nn) Workshops and Studios

14.3 Uses Requiring Site Plan Approval

- 14.3.1 The following main uses are permitted in the Commercial Industrial (CI-1) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:

- (a) Kennel

14.4 Uses Considered by Development Agreement

- 14.4.1 The following main uses shall be permitted in the Commercial Industrial (CI-1) Zone where consistent with and enabled by an effective development agreement:

None

14.5 Zone Standards

- 14.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Commercial Industrial (CI-1) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	500.0
Min. Lot Frontage (m)	10.0
Min. Streetline Setback (m)	6.0
Min. Rear Yard Setback (m)	
▪ Main Building	6.0
▪ Accessory Building	6.0
Min. Side Yard Setback (m)	
▪ Main Building	6.0
▪ Accessory Building	6.0
Max. Building Height (m)	
▪ Main Building	12.2
▪ Accessory Building	12.2

14.6 Special Conditions – Automobile Fueling and Washing

- 14.6.1 Within the Commercial Industrial (CI-1) Zone, automobile fueling and washing uses must the following requirements:
- (a) No portion of any fuel pump island shall be located within 6.1 metres (20 feet) of any public street right-of-way or common lot boundary; and,
 - (b) A canopy erected for the purposes of sheltering fuel pump islands may be erected provided that no part of any canopy be located within 3.05 metres (10 feet) of any public street right-of-way or common lot boundary.

PART 15 WATERFRONT COMMERCIAL INDUSTRIAL ZONE (CI-2)

15.1 Zone Purpose

- 15.1.1 The area of the Yarmouth waterfront around the ferry terminal features a mix of industrial activity and commercial businesses that serve visitors and residents alike. The Waterfront Commercial Industrial (CI-2) Zone is intended to reflect the mix of waterfront industrial activity and commercial businesses that serve visitors and residents alike, and to encourage continued investment in the area surrounding the ferry terminal.

15.2 Permitted Main Uses

- 15.2.1 The following main uses are permitted in the Waterfront Commercial Industrial (CI-2) Zone subject to all applicable requirements of this Bylaw:

- (a) Automobile Rentals
- (b) Commercial School
- (c) Craft Food and Beverage Production
- (d) Cultural Facilities
- (e) Drinking Establishment
- (f) Interpretive Centre
- (g) Light Industry
- (h) Marina
- (i) Marine Industry
- (j) Marine Recreation Provider
- (k) Open Air Market
- (l) Parking Lot
- (m) Public Parks and Playgrounds
- (n) Restaurant
- (o) Retail Store
- (p) Tour Operator
- (q) Trails and Conservation
- (r) Transportation Facilities
- (s) Warehousing and Logistics
- (t) Water Access

15.3 Uses Requiring Site Plan Approval

- 15.3.1 The following main uses are permitted in the Waterfront Commercial Industrial (CI-2) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:

None

15.4 Uses Considered by Development Agreement

- 15.4.1 The following main uses shall be permitted in the Waterfront Commercial Industrial (CI-2) Zone where consistent with and enabled by an effective development agreement:

None

15.5 Zone Standards

- 15.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Waterfront Commercial Industrial (CI-2) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	900.0
Min. Lot Frontage (m)	6.0
Min. Streetline Setback (m)	2.0
Min. Rear Yard Setback (m)	
▪ Main Building	4.6
▪ Accessory Building	3.0
Min. Side Yard Setback (m)	
▪ Main Building	4.6
▪ Accessory Building	3.0
Max. Building Height (m)	
▪ Main Building	11.0
▪ Accessory Building	4.6

15.6 Special Conditions – Automobile Rentals

- 15.6.1 Within the Waterfront Commercial Industrial (CI-2) Zone, automobile rentals must meet the following conditions:

- the combined gross floor area of the use must not exceed 100.0 sq. metres (1,076 sq. feet);
- the parking area for rental automobiles shall be limited to 10 spaces; and
- the parking area for rental automobiles shall be separated from the streetline(s), where applicable, by a landscaped strip:
 - a minimum of 1.0 metres (3.5 feet) deep and extending the full width of the lot, excluding driveway accesses; and
 - containing landscaping not less than 1.0 metres (3.5 feet) in height.

15.7 Special Conditions – Drive-through Uses

- 15.7.1 Drive-through windows are not permitted within the Waterfront Commercial Industrial (CI-2) Zone.

PART 16 GENERAL INDUSTRIAL ZONE (M-1)

16.1 Zone Purpose

- 16.1.1 The General Industrial (M-1) Zone is intended to accommodate industrial and heavy commercial uses that require access to large areas of land and where the risk of land use conflict is high due to traffic, hours of operation, lighting, noise, or other reasons.

16.2 Permitted Main Uses

- 16.2.1 The following main uses are permitted in the General Industrial (M-1) Zone subject to all applicable requirements of this Bylaw:

- (a) Airports and Helidromes
- (b) Automobile Body Shop
- (c) Automobile Repair
- (d) Building Supply and Lumber Yard
- (e) Bulk Petroleum Storage Facility
- (f) Call Centre
- (g) Cannabis Production Facility
- (h) Indoor Commercial Recreation
- (i) Construction Trades and Contractors
- (j) Cultivation and Processing
- (k) Heavy Sales, Service, and Rentals
- (l) Kennel
- (m) Light Industry
- (n) Marine Industry
- (o) Parking Lot
- (p) Public Parks and Playgrounds
- (q) Recycling Depot
- (r) Restaurant – Take-out
- (s) Commercial School
- (t) Self-storage Facility
- (u) Service and Repair Shop
- (v) Large-scale Solar Collector System
- (w) Trails and Conservation
- (x) Transportation Facilities
- (y) Warehousing and Logistics
- (z) Water Access

- (aa) Wholesale
- (bb) Workshops and Studios

16.3 Uses Requiring Site Plan Approval

- 16.3.1 The following main uses are permitted in the General Industrial (M-1) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:

None

16.4 Uses Considered by Development Agreement

- 16.4.1 The following main uses shall be permitted in the General Industrial (M-1) Zone where consistent with and enabled by an effective development agreement:

- (a) Heavy Industry – MPS Policy 5.3.9(k)
- (b) Mineral-related Industries – MPS Policy 5.3.9(k)
- (c) Scrap Yard – MPS Policy 5.3.9(k)

16.5 Zone Standards

- 16.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the General Industrial (M-1) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	3,700.0
Min. Lot Frontage (m)	10.0
Min. Streetline Setback (m)	6.0
Min. Rear Yard Setback (m)	
▪ Main Building	3.0
▪ Accessory Building	3.0
Min. Side Yard Setback (m)	
▪ Main Building	3.0
▪ Accessory Building	3.0
Max. Building Height (m)	
▪ Main Building	n/a
▪ Accessory Building	n/a

16.6 Special Conditions – Existing Uses

- 16.6.1 Heavy industrial uses lawfully existing in the General Industrial (M-1) Zone on the effective date of this Bylaw are considered permitted uses and may be permitted to expand without the requirement for a development agreement, provided:

- (a) the nature of the use does not materially change; and
- (b) all other applicable requirements of this Bylaw are met.

PART 17 WATERFRONT INDUSTRIAL ZONE (M-2)

17.1 Zone Purpose

- 17.1.1 The Waterfront Industrial (M-2) Zone is intended to accommodate those areas of the town’s waterfront that are squarely industrial in nature (the “working waterfront”), featuring uses that directly depend on the water or are industries that serve boats and the fishery.

17.2 Permitted Main Uses

- 17.2.1 The following main uses are permitted in the Waterfront Industrial (M-2) Zone subject to all applicable requirements of this Bylaw:
- (a) Call Centre
 - (b) Commercial School
 - (c) Construction Trades and Contractors
 - (d) Dwelling – 1 dwelling unit per lot – PIDs 90193798 and 90193780
 - (e) Heavy Sales, Service, and Rentals
 - (f) Light Industry
 - (g) Marina
 - (h) Marine Industry
 - (i) Open Air Market
 - (j) Parking Lot
 - (k) Public Parks and Playgrounds
 - (l) Service and Repair Shop
 - (m) Trails and Conservation
 - (n) Transportation Facilities
 - (o) Warehousing and Logistics
 - (p) Water Access
 - (q) Wholesale
 - (r) Workshops and Studios

17.3 Uses Requiring Site Plan Approval

- 17.3.1 The following main uses are permitted in the Waterfront Industrial (M-2) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:
- None

17.4 Uses Considered by Development Agreement

17.4.1 The following main uses shall be permitted in the Waterfront Industrial (M-2) Zone where consistent with and enabled by an effective development agreement:

- (a) Fish Processing Facility – MPS Policy 5.3.9(k)
- (b) Heavy Industry – MPS Policy 5.3.9(k)

17.5 Zone Standards

17.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Waterfront Industrial (M-2) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	500.0
Min. Lot Frontage (m)	10.0
Min. Streetline Setback (m)	4.6
Min. Rear Yard Setback (m)	
▪ Main Building	3.0
▪ Accessory Building	3.0
Min. Side Yard Setback (m)	
▪ Main Building	3.0
▪ Accessory Building	3.0
Max. Building Height (m)	
▪ Main Building	12.2
▪ Accessory Building	6.1

17.6 Special Conditions – Existing Uses

17.6.1 Heavy industrial uses, fish processing uses, and bulk petroleum storage facilities lawfully existing in the Waterfront Industrial (M-2) Zone on the effective date of this Bylaw are considered permitted uses and may be permitted to expand without the requirement for a development agreement, provided:

- (a) the nature of the use does not materially change; and
- (b) all other applicable requirements of this Bylaw are met.

17.7 Subdivision of an Existing Industrial Building

17.7.1 Notwithstanding the minimum side setback requirements of the Waterfront Industrial (M-2) Zone, a lot in this zone may be subdivided to convert an existing industrial building to two or more industrial units on separate lots, with a lot line running along the party wall, provided all other zone standards are met.

PART 18 INSTITUTIONAL ZONE (I-1)

18.1 Zone Purpose

- 18.1.1 The Institutional (I-1) Zone is intended to recognize and encourage a wide range of institutional uses, as well as supportive commercial activities such as take-out restaurants.

18.2 Permitted Main Uses

- 18.2.1 The following main uses are permitted in the Institutional (I-1) Zone subject to all applicable requirements of this Bylaw:

- (a) Cemetery
- (b) Community Centre
- (c) Cultural Facilities
- (d) Daycare Centre
- (e) Emergency Services
- (f) Funeral Home
- (g) Government Uses
- (h) Hospital
- (i) Interpretive Centre
- (j) Marine Recreation Provider
- (k) Nursing Home
- (l) Open Air Market
- (m) Outdoor Commercial Recreation
- (n) Parking Lot
- (o) Place of Worship
- (p) Post Office
- (q) Private Club
- (r) Public Parks and Playgrounds
- (s) Public Recreation
- (t) Restaurant – Take-out
- (u) School
- (v) Trails and Conservation
- (w) Water Access

18.3 Uses Requiring Site Plan Approval

- 18.3.1 The following main uses are permitted in the Institutional (I-1) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:

None

18.4 Uses Considered by Development Agreement

- 18.4.1 The following main uses shall be permitted in the Institutional (I-1) Zone where consistent with and enabled by an effective development agreement:

- (a) Community-based Transitional Housing – MPS Policy 5.2.9(k)
- (b) Correctional Facility – MPS Policy 5.3.9(k)

18.5 Zone Standards

- 18.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Institutional (I-1) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	900.0
Min. Lot Frontage (m)	15.0
Min. Streetline Setback (m)	6.0
Min. Rear Yard Setback (m)	
▪ Main Building	9.0
▪ Accessory Building	0.6
Min. Side Yard Setback (m)	
▪ Main Building	4.6
▪ Accessory Building	0.6
Max. Building Height (m)	
▪ Main Building	14.0
▪ Accessory Building	7.6

PART 19 HOSPITAL CAMPUS ZONE (HC)

19.1 Zone Purpose

- 19.1.1 The Hospital Campus (HC) Zone is intended to accommodate health services and supporting institutions and small commercial uses, as well as the unique physical needs of health care infrastructure, such as taller building heights and uses spread across multiple lots.

19.2 Permitted Main Uses

- 19.2.1 The following main uses are permitted in the Hospital Campus (HC) Zone subject to all applicable requirements of this Bylaw:
- (a) Academic School
 - (b) Airports and Helidromes
 - (c) Community Centre
 - (d) Convenience Store
 - (e) Daycare Centre
 - (f) Emergency Services
 - (g) Funeral Home
 - (h) Government Uses
 - (i) Hospital
 - (j) Medical Clinic
 - (k) Nursing Home
 - (l) Open Air Market
 - (m) Parking Lot
 - (n) Place of Worship
 - (o) Post-secondary School
 - (p) Public Parks and Recreation
 - (q) Public Recreation
 - (r) Restaurant – Take-out
 - (s) Trails and Conservation
 - (t) Water Access

19.3 Uses Requiring Site Plan Approval

19.3.1 The following main uses are permitted in the Hospital Campus (HC) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:

- (a) Dwellings
- (b) Supportive Housing

19.4 Uses Considered by Development Agreement

19.4.1 The following main uses shall be permitted in the Hospital Campus (HC) Zone where consistent with and enabled by an effective development agreement:

- (a) Community-based Transitional Housing – MPS Policy 5.2.9(k)

19.5 Zone Standards

19.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Hospital Campus (HC) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	0.0
Min. Lot Frontage (m)	n/a
Min. Streetline Setback (m)	6.0
Min. Setback from Side and Rear Lot Lines Shared with Lots in Other Zones (m)	
▪ Main Building	4.6
▪ Accessory Building	4.6
Max. Building Height (m)	
▪ Main Building	20.0
▪ Accessory Building	5.5

PART 20 PARKS AND OPEN SPACE ZONE (O-1)

20.1 Zone Purpose

- 20.1.1 The Parks and Open Space (O-1) Zone is intended to specifically identifying public parks and open space properties and communicate the long-term intent to maintain them as such.

20.2 Permitted Main Uses

- 20.2.1 The following main uses are permitted in the Parks and Open Space (O-1) Zone subject to all applicable requirements of this Bylaw:
- (a) Community Centre
 - (b) Cultural Facilities
 - (c) Interpretive Centre
 - (d) Marina
 - (e) Marine Recreation Provider
 - (f) Open Air Market
 - (g) Parking Lot
 - (h) Public Parks and Playgrounds
 - (i) Public Recreation
 - (j) Restaurant – Take-out with a Maximum Gross Floor Area of 50.0 m²
 - (k) Trails and Conservation
 - (l) Water Access

20.3 Uses Requiring Site Plan Approval

- 20.3.1 The following main uses are permitted in the Parks and Open Space (O-1) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:
- None

20.4 Uses Considered by Development Agreement

- 20.4.1 The following main uses shall be permitted in the Parks and Open Space (O-1) Zone where consistent with and enabled by an effective development agreement:
- None

20.5 Zone Standards

- 20.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Parks and Open Space (O-1) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	0.0
Min. Lot Frontage (m)	6.0
Min. Streetline Setback (m)	0.0
Min. Rear Yard Setback (m)	
▪ Main Building	0.0
▪ Accessory Building	0.0
Min. Side Yard Setback (m)	
▪ Main Building	0.0
▪ Accessory Building	0.0
Max. Building Height (m)	
▪ Main Building	0.0
▪ Accessory Building	7.6

PART 21 FLOOD AND ENVIRONMENT ZONE (O-2)

21.1 Zone Purpose

- 21.1.1 The *Municipal Government Act* enables municipalities to limit or prohibit development on land that is subject to flooding, is low-lying or marshy, or is otherwise hazardous to development due to soil conditions. The Flood and Environment (O-2) Zone is intended to prohibit development except for passive recreation, conservation uses, and public infrastructure.

21.2 Permitted Uses

- 21.2.1 Within the Flood and Environment (O-2) Zone permitted uses shall be limited to:
- (a) Public Parks and Playgrounds
 - (b) Trails and Conservation
 - (c) Water Access

21.3 Development Requirements

- 21.3.1 Within the Flood and Environment (O-2) Zone:
- (a) buildings shall not be permitted;
 - (b) non-building structures associated with the above uses and with government infrastructure shall be permitted; and
 - (c) the removal or filling in of material, including topsoil, shall be strictly prohibited except in conjunction with:
 - (i) the construction of structures permitted by clause (b);
 - (ii) public works projects for flood control; or
 - (iii) wetland enhancement.

PART 22 WATERFRONT COMPREHENSIVE DEVELOPMENT ZONE (WCD)

22.1 Zone Purpose

- 22.1.1 The Waterfront Comprehensive Development (WCD) Zone is intended to reflect the mix of waterfront industrial activity and commercial businesses that serve visitors and residents alike, and to enable consideration of residential development, to encourage continued investment in Yarmouth's waterfront.

22.2 Permitted Main Uses

- 22.2.1 The following main uses are permitted in the Waterfront Comprehensive Development (WCD) Zone subject to all applicable requirements of this Bylaw:

- (a) Call Centre
- (b) Commercial School
- (c) Community Centre
- (d) Convenience Store
- (e) Craft Food and Beverage Production
- (f) Cultivation and Processing
- (g) Cultural Facilities
- (h) Daycare Centre
- (i) Drinking Establishment
- (j) Emergency Services
- (k) Heavy Sales, Service, and Rentals
- (l) Indoor Commercial Recreation
- (m) Interpretive Centre
- (n) Light Industry
- (o) Marina
- (p) Marine Industry
- (q) Marine Recreation Provider
- (r) Media Production and Broadcasting
- (s) Open Air Market
- (t) Parking Lot
- (u) Personal Service Shop
- (v) Post Office
- (w) Public Parks and Playgrounds

- (x) Public Recreation
- (y) Restaurant
- (z) Retail Store
- (aa) Service and Repair Shop
- (bb) Tourist Accommodations
- (cc) Trails and Conservation
- (dd) Transportation Facilities
- (ee) Warehousing and Logistics
- (ff) Water Access
- (gg) Wholesale
- (hh) Workshops and Studios

22.3 Uses Considered by Development Agreement

22.3.1 The following main uses shall be permitted in the Waterfront Comprehensive Development (WCD) Zone where consistent with and enabled by an effective development agreement:

- (a) Boarding or Rooming House – MPS Policy 5.4.4(e)
- (b) Dwellings – MPS Policy 5.4.4(e)
- (c) Nursing Homes – MPS Policy 5.4.4(e)
- (d) Supportive Housing – MPS Policy 5.4.4(e)

22.4 Uses Requiring Site Plan Approval

22.4.1 The following main uses are permitted in the Waterfront Comprehensive Development (WCD) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:

None

22.5 Zone Standards

- 22.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Waterfront Comprehensive Development (WCD) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	900.0
Min. Lot Frontage (m)	24.0
Min. Streetline Setback (m)	0.0
Min. Rear Yard Setback (m)	
▪ Main Building	4.6
▪ Accessory Building	3.0
Min. Side Yard Setback (m)	
▪ Main Building	4.6
▪ Accessory Building	3.0
Max. Building Height (m)	
▪ Main Building	11.0
▪ Accessory Building	4.6
Max. Combined Footprint (m ²)	
▪ Main Building	750.0
▪ Accessory Building	n/a

22.6 Relaxation of Maximum Building Footprint

- 22.6.1 The maximum main building footprint may be exceeded by development agreement enabled under Municipal Planning Strategy Policy 5.4.4(e).

22.7 Special Conditions – Outdoor Storage

- 22.7.1 New outdoor storage shall not be permitted in the Waterfront Comprehensive Development (WCD) Zone except in compliance with a development agreement enabled under Municipal Planning Strategy Policy 5.4.4(e).

22.8 Special Conditions – Existing Uses

- 22.8.1 Fish processing uses lawfully existing in the Waterfront Comprehensive Development (WCD) Zone on the effective date of this Bylaw are considered permitted uses and may be permitted to expand, provided:
- the nature of the use does not materially change; and
 - all other applicable requirements of this Bylaw are met.

PART 23 COMPREHENSIVE DEVELOPMENT ZONE (CD)

23.1 Zone Purpose

- 23.1.1 The Comprehensive Development (CD) Zone is intended to allow for limited interim use on large undeveloped tracts of land, while ensuring any substantive development of these lands is carried out in a comprehensive manner that plans appropriately for servicing and transportation connections.

23.2 Permitted Main Uses

- 23.2.1 The following main uses are permitted in the Comprehensive Development (CD) Zone subject to all applicable requirements of this Bylaw:
- (a) Low Impact Agriculture

23.3 Uses Requiring Site Plan Approval

- 23.3.1 The following main uses are permitted in the Comprehensive Development (CD) Zone subject to all applicable requirements of this Bylaw and an approved site plan meeting the requirements of Part 31:
- (a) Dwellings – 1 dwelling unit on a lot
 - (b) Dwellings – Up to 8 dwelling units on an existing sewer-serviced lot
 - (c) Manufactured Home

23.4 Uses Considered by Development Agreement

- 23.4.1 The following main uses shall be permitted in the Comprehensive Development (CD) Zone where consistent with and enabled by an effective development agreement:
- (a) Comprehensive Development – MPS Policy 5.8.1(c)

23.5 Zone Standards

- 23.5.1 Except as otherwise provided for in this Bylaw, no development permit shall be issued and no subdivision shall be granted in the Comprehensive Development (CD) Zone except in conformance with an effective development agreement or with the following standards:

Standard	All Permitted Uses
Min. Lot Area (m ²)	
▪ Sewer-serviced lot	750.0
▪ On-site services	25,000.0
Min. Lot Frontage (m)	120.0
Min. Streetline Setback (m)	6.0
Min. Rear Yard Setback (m)	
▪ Main Building	7.6
▪ Accessory Building	0.6
Min. Side Yard Setback (m)	
▪ Main Building	4.6
▪ Accessory Building	0.6
Max. Building Height (m)	
▪ Main Building	11.0
▪ Accessory Building	4.6

23.6 Subdivision without Sewer

- 23.6.1 In areas of the Comprehensive Development (CD) Zone with no access to sewer, as determined by the Town, subdivision of land shall be permitted provided the lots meet the minimum on-site services lot area of Subsection 23.5.1.

PART 24 ENVIRONMENTAL CONTROLS

24.1 Floodproofing

- 24.1.1 Where this Land Use Bylaw requires floodproofing, floodproofed developments shall meet the following requirements:
- (a) the opening elevation of all buildings shall be a minimum of 0.1 metres above the reference elevation;
 - (b) the placement of fill originating from off-site locations shall be limited to that required for flood proofing or flood risk management; and
 - (c) the location of any septic tanks or fuel tanks shall be located above the reference elevation.

24.2 Coastal Planning Area

- 24.2.1 Despite anything else in this Bylaw, the following uses shall not be permitted within the Coastal Planning Area, as identified on Schedule 'B':
- (a) Any use associated with the storage or production of bulk petroleum fuels or hazardous materials
 - (b) Community-based Transitional Housing
 - (c) Correctional Facility
 - (d) Hospital
 - (e) Nursing Home
 - (f) Supportive Housing
- 24.2.2 Within the Coastal Planning Area, as identified on Schedule 'B', development shall be prohibited below a vertical elevation of 4.23 metres relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD2013), except the following (subject to zone requirements and permitted uses):
- (a) Buildings accessory to any permitted use, with a maximum footprint of 20.0 sq. metres (215 sq. feet)
 - (b) Infrastructure developed by a government body
 - (c) Marina
 - (d) Marine Industry
 - (e) Marine Recreation Providers
 - (f) Parking structures accessory to a permitted use and floodproofed to a reference elevation of 4.23 metres CGVD2013
 - (g) Public Parks and Playgrounds
 - (h) Trails and Conservation
 - (i) Water Access

24.3 Watercourse Buffer (Incl. Lakes and Ocean)

- 24.3.1 All development, except for those developments listed in Subsection 24.3.2, shall be prohibited within 7.5 metres of the ordinary high-water mark of any watercourse.
- 24.3.2 Where permitted by the underlying zoning, the following developments shall be permitted within the watercourse buffer subject to all other applicable requirements of this Bylaw:
- (a) Boardwalks, walkways, and trails with a maximum width of 3.0 metres
 - (b) Boat houses, fishing gear sheds, docks, wharves, piers, and slipways
 - (c) Conservation uses
 - (d) Fishing uses
 - (e) Public parks
 - (f) Public streets and infrastructure
 - (g) Pumphouses
 - (h) Safety fences that do not exceed a height of 1.9 metres (6 feet)
 - (i) Scientific research structures
 - (j) Shoreline stabilization works
 - (k) Development along Water Street

24.4 Floodway Fringe Overlay

- 24.4.1 Within the Flood Fringe Overlay, as identified on Schedule 'C':
- (a) development shall be floodproofed (see Section 24.1) to a reference elevation of 17.36 metres relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD2013); and
 - (b) despite the uses permitted by underlying zoning, the following uses shall be prohibited:
 - (i) Any use associated with the storage or production of bulk petroleum fuels or hazardous materials
 - (ii) Community-based Transitional Housing
 - (iii) Correctional Facility
 - (iv) Hospital
 - (v) Nursing Home
 - (vi) Supportive Housing

24.5 Upper Broad Brook Marsh

- 24.5.1 Within the Upper Broad Brook Marsh, as identified on Schedule 'D', no development shall be located below an elevation of 28.96 metres relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD2013) unless a study stamped by a qualified engineer has identified such other development standards to ensure that the development will not be subject to flooding or subsidence.

PART 25 ARCHITECTURALLY SENSITIVE AREA

25.1 Applicability

- 25.1.1 This Part shall apply to lands within the Architecturally Sensitive Area Overlay, as shown on Schedule 'E', in addition to all other applicable requirements of this Bylaw.

25.2 Requirement for a Certificate of Appropriateness

- 25.2.1 Notwithstanding anything else in this Bylaw, no development permit shall be issued for any development located within the Architecturally Sensitive Area Overlay 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*.

25.3 Architecturally Sensitive Area Requirements

- 25.3.1 Notwithstanding anything else in this Bylaw, no development permit shall be issued in the Architecturally Sensitive Area Overlay except in conformity with the following:
- (a) Minimum lot area: 929.5 m² (10,000 ft²)
 - (b) Minimum lot frontage: 30.5 m (100 ft)
 - (c) Minimum front yard setback: 6.1 m (20 ft)
 - (d) Minimum rear yard setback: 6.1 m (20 ft)
 - (e) Minimum side yard setback: 3.0 m (10 ft)
 - (f) Minimum flanking yard setback: 4.6 m (15 ft)
 - (g) Maximum height of main building: 10.7 m (35 ft)
 - (h) Maximum lot coverage: 50%

25.4 One Main Building Per Lot

- 25.4.1 No more than one (1) main building shall be permitted on a lot except on lots within the Institutional (I-1) Zone.

25.5 Parking in Front and Flanking Yard

- 25.5.1 Automobile parking spaces for more than two (2) vehicles shall not be permitted in the front and flanking yards.

25.6 Prohibiting Lobster Trap Storage Facilities

- 25.6.1 Lobster trap storage facilities accessory to a dwelling shall not be permitted.

25.7 Landscaping - Vegetation Retention

- 25.7.1 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 twenty five (25%) percent of the lot area shall be landscaped.

25.8 Screening of Refuse and Recycling Containers

- 25.8.1 Refuse, compost and recycling containers shall 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.

25.9 Removal of Topsoil Prohibited

- 25.9.1 Whether in conjunction with a development or not, a development permit shall be required in order to remove any topsoil from the front or flanking yards.
- 25.9.2 Whether in conjunction with a development or not, topsoil and other vegetation matter shall not be removed from the front or flanking yard except for the purpose of:
- (a) gardening;
 - (b) walkways with a maximum width of 1.0 metres (3.0 feet);
 - (c) walkways leading from a street or driveway to an entrance staircase with a width not exceeding the width of the entrance stairway;
 - (d) driveways with a maximum width of 3.6 metres (12 feet);
 - (e) permitted buildings or structures; and
 - (f) at-grade patios.

25.10 Restriction on Number of Driveways

- 25.10.1 Unless otherwise permitted by the Town Engineer, no more than one (1) driveway shall be permitted per lot.

PART 26 DOWNTOWN ARCHITECTURAL CONTROL

26.1 Applicability

- 26.1.1 Within the Downtown Architectural Control Overlay, as shown on Schedule 'E', any new main building or any addition or exterior renovation to any main building shall conform to the standards of this Part in addition to all other applicable requirements of this Bylaw.

26.2 Exterior Cladding

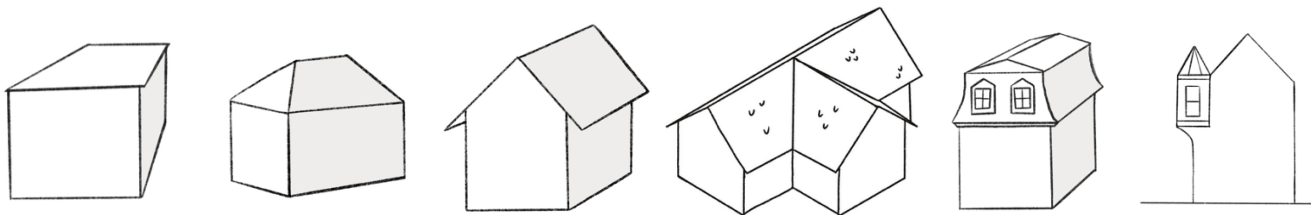
- 26.2.1 Cladding materials on the front and side facades shall be limited to the following materials:

- (a) clay or concrete brick;
- (b) tinted, textured concrete masonry units;
- (c) stone;
- (d) wood clapboard (horizontal or vertical boards including vertical board and batten)
- (e) wood shingles;
- (f) composite materials designed to look like any of the above; or,
- (g) a combination of material types as listed above.

26.3 Building Roof Design

- 26.3.1 Any new main building roof design and any renovation to alter the shape of any existing main building roof design shall be of one of the following types:

- (a) flat;
- (b) hip;
- (c) gable;
- (d) cross-gable;
- (e) mansard; or
- (f) turret.



26.4 Building Placement

- 26.4.1 For new main buildings the streetline setback on the first two storeys shall not exceed 3.0 metres (9.8 feet) for:
- (a) 75% of the building width on one street frontage; and
 - (b) where the lot is a corner lot, 25% of the building width on the second street frontage.

26.5 Windows and Doors

- 26.5.1 Main buildings with frontage on Main Street or Water Street must have at least one (1) pedestrian entrance that is oriented to Main Street or Water Street.
- 26.5.2 New main buildings with no frontage on Main Street or Water Street must have at least one (1) pedestrian entrance oriented to a streetline. This pedestrian entrance must be barrier free.
- 26.5.3 Split-level, raised, or sunken entrances along Main Street and Water Street shall be permitted only where it is required to accommodate existing grade.
- 26.5.4 Blank walls shall be prohibited on all street level walls that face a public street.
- 26.5.5 Above the first storey, windows on street-facing facades shall:
- (a) be vertically oriented; and,
 - (b) except for a window directly below and aligned with the peak of a gabled roof, shall be aligned above each other from storey to storey.

26.6 Street-facing Façade

- 26.6.1 Any street-facing façade shall be visually capped at the top by:
- (a) cornice detailing;
 - (b) a frieze board; and/or
 - (c) a roof fascia board.



26.6.2 Where a new main building or any addition to any main building creates a street-facing façade that is wider than it is tall, the façade shall be visually divided into individual bays that are taller than they are wide by means such as:

- (a) a change in materials
- (b) a change in plane (minor recess or protrusion); and/or
- (c) pilasters.



26.6.3 The ground floor of any street-facing façade shall be visually differentiated from upper floors by:

- (a) a change in materials;
- (b) a cornice line; and/or
- (c) awnings.



26.7 Miscellaneous Equipment Provisions

- 26.7.1 Vents larger than 250.0 sq. centimetres and HVAC equipment shall not be permitted on any façade fronting on Main Street or Water Street
- 26.7.2 Rooftop mechanical equipment shall be set back a minimum of 2.0 metres from the edge of any façade fronting on Main Street or Water Street.
- 26.7.3 Rooftop mechanical rooms, elevator penthouses, and stairway accesses shall be incorporated into a single rooftop structure that is stepped back a minimum of 2.0 metres the edge of any façade fronting on Main Street or Water Street.

PART 27 FOREST STREET ARCHITECTURAL CONTROL

27.1 Applicability

- 27.1.1 This Part shall apply to lands within the Forest Street Architectural Control Overlay, as shown on Schedule 'E', in addition to all other applicable requirements of this Bylaw.

27.2 Lot Requirements

- 27.2.1 Notwithstanding anything else in this Bylaw, no development permit shall be issued in the Forest Street Architectural Control Overlay except in conformity with the following:
- (a) Minimum lot area: 450.0 m² (4,843 ft²)
 - (b) Minimum lot frontage: 15.0 m (50 ft)
 - (c) Minimum streetline setback: 3.0 m (10 ft)
 - (d) Minimum rear yard setback: 6.0 m (20 ft)
 - (e) Minimum side yard setback: 3.0 m (10 ft)
 - (f) Maximum height of main building: 9.1 m (30 ft)
 - (g) Maximum lot coverage: 50%

27.3 One Main Building Per Lot

- 27.3.1 No more than one (1) main building shall be permitted on a lot except on lots within the Institutional (I-1) Zone.

27.4 Parking in Front and Flanking Yard

- 27.4.1 Automobile parking spaces for more than two (2) vehicles shall not be permitted in the front and flanking yards.

27.5 Landscaping - Vegetation Retention

- 27.5.1 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 twenty five (25%) percent of the lot area shall be landscaped.

27.6 Screening of Refuse and Recycling Containers

- 27.6.1 Refuse, compost and recycling containers shall 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.

PART 28 PARKING AND LOADING MANAGEMENT

28.1 Application of Automobile Parking Requirements

- 28.1.1 For every building or structure to be erected or enlarged, or for which an application for a development permit involving a change in use is made, off-street automobile parking located within the same lot as the use and having unobstructed access to a public street shall be provided and maintained in accordance with the following requirements:
- (a) Automobile parking shall be provided and maintained in conformity with Table 28A, below. If a use is not listed in the table below, no parking minimums shall apply.
 - (b) Where a lot contains more than one (1) use, the number of required automobile parking spaces shall be the sum of the number of parking spaces required for each use.
 - (c) Where the number of automobile parking spaces required includes a fraction or fractions of whole spaces, the number of spaces for all uses shall be totaled before any rounding, and then the total shall be rounded to the nearest whole number. Half spaces shall be rounded up.

Table 28A – Required Automobile Parking Spaces

Use	Required Number of Automobile Parking Spaces
Boarding or Rooming House	0.5 spaces per sleeping unit
Dwellings	1.0 spaces per dwelling unit

28.2 Standards for Automobile Parking Areas

- 28.2.1 The following standards shall apply to the development of any parking area, whether required or provided voluntarily, for more than four (4) vehicles:
- (a) The parking area shall be graveled, paved or constructed of an aggregate material clear of any topsoil so that it creates a stable surface. Notwithstanding, parking areas may use perforated surfaces, and include measures such as vegetative planting, turf pavers, a mixture of turf and concrete pavers or other "green" parking area development specifications provided that the parking area is stable and remains suitable for parking purposes at any time so as not to cause the creation of mud, surface puddles, or cause any depression, erosion or sedimentation issues that would create a nuisance to the user of the parking area and shall be clearly defined visually as a usable parking area;
 - (b) Parking spaces required under Section 28.1 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.
 - (c) When the parking is of a permanent hard surfacing, each parking space shall be demarcated and maintained as such.
 - (d) The lights used for illumination of the parking area shall be:

- (i) arranged so as to divert the light away from streets, adjacent lots and buildings; and
 - (ii) be full cut-off fixtures such that they do not emit any light above the bottom of the light fixture.
- (e) The parking area shall be treated to prevent the raising of dust or loose particles.

28.3 Parking Exemptions in the Downtown (DT) and Mixed Use 3 (MU-3) Zones

28.3.1 Within the Downtown (DT) and Mixed Use 3 (MU-3) Zones:

- (a) notwithstanding Subsection 28.1.1, automobile parking shall not be required for changes of use or renovations that do not increase the main building footprint; and
- (b) notwithstanding clause 28.2.1(b), parking spaces may be stacked.

28.4 Cash-In-Lieu Cash Equivalent for Automobile Parking Spaces

28.4.1 Notwithstanding any automobile parking requirements in this Bylaw, a developer may provide cash-in-lieu of any or all required automobile parking spaces where parking requirements cannot be met on-site. Registered not-for-profit developers are exempt from this requirement.

28.4.2 The cash-in-lieu contribution shall be calculated in accordance with the following formula:

Developer's Contribution = (a x 14.8 sq. meters x b) + (b x 50), where:

- a = Assessed value of land per square metre;
- 14.8 = The number of sq. metres in a parking area;
- b = The number of offset parking spaces;
- 50 = Cost of construction of one (1) parking space.

28.5 Offsite Automobile Parking

28.5.1 Automobile parking, whether required or provided voluntarily, may be located offsite and the parking area shall be deemed a permitted use in the zone in which it is located, provided:

- (a) the offsite parking area shall be located within 300 metres of the use(s) it is intended to serve;
- (b) the offsite parking area shall not be located in a Residential Zone unless all uses it is intended to serve are located in a Residential Zone; and
- (c) a site plan meeting the requirements of Part 31 is approved and registered for the lot(s) containing the offsite parking area and for each lot containing the use(s) the parking is intended to serve.

28.6 Loading Space Requirements

- 28.6.1 In the following zones, dwellings with more than 30 dwelling units, non-residential buildings with a gross floor area of greater than 2,000 sq. metres (21,527 sq. feet), or mixed use buildings where the non-residential component has a gross floor area of great than 2,000 sq. metres (21,527 sq. feet) must provide one (1) loading space meeting the requirements of Subsection 28.6.2:
- (a) Commercial Industrial (CI-1) Zone
 - (b) General Industrial (M-1) Zone
 - (c) Hospital Campus (HC) Zone
 - (d) Mixed Use 1 (MU-1) Zone
 - (e) Mixed Use 2 (MU-2) Zone
 - (f) Waterfront Commercial Industrial (CI-2) Zone
 - (g) Waterfront Industrial (M-2) Zone
- 28.6.2 Where the provision of a loading space or spaces is required by this Bylaw, the following standards shall apply:
- (a) the loading space shall be located on the same lot as the use and have an unobstructed access to a public street;
 - (b) the loading space shall be provided in addition to any required automobile parking spaces; and
 - (c) each loading space shall be no less than 44.6 sq. metres (480 sq. feet) in area and measure at least 3.6 metres (12 feet) by 12.2 metres (40 feet) with a minimum of 4.3 metres (14 feet) in height clearance.

28.7 Bicycle Parking Requirements

- 28.7.1 For every building or structure to be erected or enlarged, or for which an application for a development permit involving a change in use is made, off-street bicycle parking located within the same lot shall be provided and maintained in accordance with the following requirements and the standards of Subsections 28.7.2 and 28.7.4:
- (a) Bicycle parking shall be provided and maintained in conformity with Table 28B, below. If a use is not listed in the table below, no parking minimums shall apply.
 - (b) Where a lot contains more than one (1) use, the number of required bicycle parking spaces shall be the sum of the number of parking spaces required for each use.

Table 28B – Required Bicycle Parking Spaces

Use	Number of Spaces Required
Commercial Recreation – Indoor	Two (2) spaces
Commercial Recreation – Outdoor	Four (4) spaces
Community Centre	Four (4) spaces
Convenience Store	One (1) space
Craft Food & Beverage Production	One (1) space
Cultural Facilities	Two (2) spaces
Drinking Establishment	One (1) space
Dwelling – More than four (4) units on a lot	0.5 spaces per dwelling unit
Office	One (1) space
Personal Service Shop	One (1) space
Restaurant	One (1) space
Retail Store	One (1) space per 1,000 m ² or part thereof of GFA
Tourist Accommodations	Two (2) spaces

“GFA” = Gross Floor Area

- 28.7.2 Bicycle parking spaces provided for the purposes of fulfilling the requirements of Subsection 28.7.1 shall:
- (a) have a minimum width of 0.6 metres (2.0 feet) and a minimum length of 2.0 metres (7.0 feet);
 - (b) be free of obstructions to a height of 2.0 metres (7.0 feet);
 - (c) not obstruct vehicular or pedestrian circulation;
 - (d) be accessed by an access lane with a minimum unobstructed width of 1.2 metres (4.0 feet); and
 - (e) include an “inverted U” or “post-and-ring” bicycle rack that:
 - (i) is located on one side of the parking space and oriented parallel to the length of the parking space;
 - (ii) is permanently mounted into or onto the surface with the midline of the rack at the midline of the length of the parking space; and
 - (iii) is made of metal.

- 28.7.3 For greater clarity, one bicycle rack may be used to fulfill the rack requirements for two adjacent bicycle parking spaces by placing it on the shared border of the two spaces.
- 28.7.4 Except for spaces for dwellings, bicycle parking spaces provided for the purposes of Subsection 28.7.1 shall:
- (a) be accessible to the public; and
 - (b) be located between the main building and the front or flanking lot line.
- 28.7.5 Despite clause 28.7.4(b), where, in the opinion of the Development Officer, it is impossible to place bicycle parking spaces between the main building and the front or flanking lot line due to an existing building being located on or close to the lot line, the Development Officer may authorize the bicycle parking spaces to be located in another place on the lot accessible to the public. If no such location exists, the Development Officer may reduce the number of required bicycle parking spaces as provided for by the variance provisions of this Bylaw.

28.8 Parking of Commercial Motor Vehicles in Residential Zones

- 28.8.1 Except for those commercial motor vehicles permitted pursuant to Subsection 28.8.2, no motor vehicle used for commercial purposes, including—but not limited to—ambulances, hearses, motor buses, tractors, trailers, tractor/trailer combined, transport trucks, dump trucks, backhoes, front end loaders, construction vehicles, and other similar vehicles, whether or not same contains commercial licenses or signage, shall be parked overnight or kept on any Residential Zone.
- 28.8.2 The following commercial vehicles shall be permitted to be parked overnight in a Residential Zone shall be subject to conditions of Subsection (a) and no development permit shall be required:
- (a) one (1) commercial van not exceeding a gross vehicle weight of 5,443.2 kg (12,000 lbs) and one (1) commercial van not exceeding a gross vehicle weight of 6,804 kg (15,000 lbs); or
 - (b) one (1) vehicle permitted by clause (a) and one (1) enclosed cargo trailer with an internal storage area not exceeding 14.0 cubic metres (495 cu.ft).
- 28.8.3 The following provisions shall apply to commercial vehicles permitted in Residential Zones:
- (a) the commercial vehicle shall be personally used by a tenant, resident, or owner of the lot;
 - (b) the commercial vehicle shall not include an operating refrigeration unit; and
 - (c) the enclosed cargo trailer permitted by 28.8.2(b) shall not be parked in a front yard or on a lot with no main building.

PART 29 VEHICULAR ACCESS CONTROL

29.1 Applicability

- 29.1.1 Unless otherwise permitted by the Traffic Authority, the provisions of this Part shall apply to all development within the Town.

29.2 Number of Vehicular Accesses from a Lot to a Street

- 29.2.1 The maximum number of vehicular accesses from a lot to a public street shall be two (2), except:
- (a) for accesses to Starrs Road and Haley Road, which are regulated by Section 29.3;
 - (b) if a lot fronts on more than one street, two (2) accesses shall be permitted per frontage to a total maximum number of four (4) accesses per lot;
 - (c) additional accesses may be permitted with the approval from the Town Engineer and Traffic Authority;
 - (d) lots in the Commercial Industrial (CI-1) Zone may develop up to five (5) accesses if the lot meets all the following requirements:
 - (i) the lot is in the former Forest Street Industrial Park;
 - (ii) the lot fronts on more than one street;
 - (iii) the accesses are to collector or arterial streets, as designated on the Street Classification Map;
 - (iv) there are not more than three (3) accesses from the lot to any one street; and
 - (v) the lot has a total lot frontage exceeding 150 metres (492 feet); and
 - (e) lot consolidations approved by subdivision may maintain existing accesses provided:
 - (i) no alterations to the existing accesses are undertaken, except to reduce the number of accesses;
 - (ii) all existing accesses were developed and maintained in conformance with the standards of this Bylaw;
 - (iii) no more than three (3) accesses per frontage to a total maximum number of four (4) accesses per lot are maintained and provided the number of accesses per frontage shall not exceed one (1) for every 30 metres (98 feet) of street frontage or portion thereof; and
 - (f) all other requirements of this Land Use Bylaw are satisfied.

29.3 Number of Accesses – Starrs Road and Haley Road

- 29.3.1 Corner lots listed in Table 29A, whether consolidated, subdivided, or not, shall not be permitted to have a vehicular access on Starrs Road or Haley Road provided that vehicular access onto the applicable noted side street is possible. For the purposes of this provision:
- (a) the identified lots shall still be considered corner lots even if lands owned by the Town are located between the lot and the public street; and
 - (b) the required separation distance between a vehicular access and intersections or other vehicular accesses shall be waived along the side street provided the access is located as far as possible from any intersection.

Table 29A – Corner Lots with Access Restrictions

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.

- 29.3.2 Notwithstanding Subsection 29.3.1, existing vehicular accesses shall be permitted provided they are not altered or are altered or are altered to be closer in compliance with this Bylaw.
- 29.3.3 Except for corner lots regulated by Subsection 29.3.1, where there is a development that requires a new access onto Starrs Road or Haley Road, the following accesses to Starrs Road or Haley Road shall be permitted:
- (i) one (1) unshared access; or
 - (ii) one (1) unshared access and one (1) shared accesses; or
 - (iii) two (2) shared accesses.
- 29.3.4 An application for a shared access enabled by Subsection 29.3.1 shall be accompanied with a legal executed easement enabling both properties to have the rights of usage of said shared driveway entranceway.

29.4 Additional Access Requirements in Mixed Use and Industrial Zones

- 29.4.1 In addition to all other requirements of this Part, the following provisions shall apply to vehicular accesses in the Downtown (DT) Zone, Mixed Use 1 (MU-1) Zone, Mixed Use 2 (MU-2) Zone, Commercial Industrial (CI-1) Zone, Waterfront Commercial Industrial (CI-2) Zone, General Industrial (M-1) Zone, and Waterfront Industrial (M-2) Zone:
- (a) No vehicular access shall be located on a public street within 1.5 metres (5.0 feet) of an abutting side lot line. The change in use of any existing development shall be exempt provided the location of any existing accesses are not altered or are otherwise altered closer to compliance.
 - (b) Vehicular accesses 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.

29.5 Minimum Dimensions and Separation of Vehicular Accesses

- 29.5.1 The maximum width of any vehicular access shall be:
- (a) 13.0 metres (42.6 feet) for shared access on Starrs Road or Haley Road;
 - (b) 10.0 metres (32.8 feet) for two-way traffic elsewhere; and
 - (c) 5.0 metres (16.4 feet) for one-way traffic elsewhere.
- 29.5.2 The minimum width of any vehicular access shall be:
- (a) 6.0 metres (19.7 feet) for shared access on Starrs Road or Haley Road;
 - (b) 6.0 metres (19.7 feet) for two-way traffic elsewhere; and
 - (c) 3.0 metres (9.9 feet) for one-way traffic elsewhere.
- 29.5.3 The minimum separation distance between vehicular accesses for dwellings with more than four (4) dwelling units on a lot and for all non-residential development shall be:
- (a) 15.0 metres (49.2 feet) on Starrs Road and Haley Road, including from accesses on adjacent lots except that this may be reduced to enable the development of one (1) access in situations where the location of accesses on neighbouring lots would otherwise make the development of any access impossible; and
 - (b) 11.0 metres (36 feet) elsewhere.
- 29.5.4 Notwithstanding Subsections 29.5.1 through 29.5.3, the change in use of any existing development shall be exempt from access width and separation distance requirements provided the widths and separation distances of any existing accesses are not altered or are otherwise altered closer to compliance.

29.6 Vehicular Access Separation from Intersections

- 29.6.1 No vehicular access from a lot to a public street shall be located within the following distances of the limits of the rights-of-way at an intersection:
- (a) 7.6 metres (25 feet) on Water Street;
 - (b) 15.0 metres (49.2 ft.) on a local street elsewhere; or
 - (c) 46.0 metres (150.9 feet) on an arterial or collector street elsewhere, as designated on the Street Classification Map.
- 29.6.2 Where a lot cannot meet the distances required by Subsection 29.6.1, an access may be developed on the lower volume street at a location approved by the Town Engineer.
- 29.6.3 Notwithstanding Subsection 29.6.1, the change in use of any existing development shall be exempt from the separation distance from an intersection provided the location of any existing accesses are not altered or are otherwise altered closer to compliance with the required separation distance from intersections.

29.7 Vehicular Access - Site Plan Approval Process for Wider Entranceways

- 29.7.1 Notwithstanding Section 29.4, within the Mixed Use 1 (MU-1) Zone, the Commercial Industrial (CI-1) Zone and the General Industrial (M-1) Zone, the Development Officer shall approve, by way of a site plan approval process, vehicular accesses wider than 10.0 metres (32.8 feet) provided the matters outlined in Section 15.2 have been addressed.

PART 30 SIGNAGE

30.1 Signs Permitted in all Zones and Not Requiring a Development Permit

- 30.1.1 Unless otherwise prohibited by Section 30.2, the following signs shall be permitted in all zones without a development permit:
- (a) Signs of not more than 0.5 sq. metres (5.0 sq. feet) in area showing civic address and name of resident or building.
 - (b) Real estate signs not exceeding 0.5 sq. metres (5.0 sq. feet) in sign area in a Residential Zone and 1.4 sq. metres (15.0 sq. feet) in other zones, which advertise the sale, rental, open house or lease of the premises.
 - (c) 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 0.5 sq. metres (5.0 sq. feet) in area.
 - (d) Signs erected by a government authority or under their direction and bearing no commercial advertising.
 - (e) Memorial signs or tablets and signs denoting the date of erection of a structure provided such signs are less than 1.0 sq. metres (10.5 sq. feet).
 - (f) Election signs meeting the requirements of Section 30.11.
 - (g) The flag, pennant or insignia of any government or of any religious, charitable, security or fraternal organization.
 - (h) A sign incidental to construction or advertising a construction company and within the area of such construction.
 - (i) A sign which displays the words "open" or lists a business's hours of operation and bearing no other commercial messaging.
 - (j) Product display signage not exceeding 0.5 sq. metres (5.0 sq. feet) in area.
 - (k) Pricing signage for fuel pumps and electric vehicle charging stations.
 - (l) Cart corral signage.
 - (m) A free standing sign or flat fixed wall sign for a marina or water access use indicating off-site services and contact information associated with the needs of the marine transportation industry.
 - (n) Pictures and murals bearing no commercial advertising.
 - (o) Signs located within a wholly enclosed compound, fenced or otherwise, facing internally which are not visible from outside the enclosure.
 - (p) Special sale occasion signage provided all signs are removed within fourteen (14) consecutive days of the end of the sale occasion.

- (q) One (1) subdivision sign per residential or commercial/industrial subdivision identifying the community name, map of the area, and/or builder's name provided the sign does not exceed 3.0 sq. metres (32 sq. feet) in area and 3.0 metres (10 feet) in height and is not located closer than 1.5 metres (5.0 feet) from any front or flanking lot line.
- (r) Temporary off-site signage indicating that a business has moved and their new location provided all signs are removed within fourteen (14) consecutive days of the move.
- (s) Warning signs.

30.2 Signs Prohibited in all Zones

30.2.1 Despite anything in this Bylaw, including Section 30.1, the following signs shall be prohibited in all zones:

- (a) Any sign or sign structure that constitutes a hazard or hindrance to public safety or health.
- (b) Any sign that, in the opinion of the Traffic Authority, 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.
- (c) Any sign that obstructs free ingress to or egress from a fire escape door, window, or other required exit way.
- (d) Signs not erected by or under the direction of 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.
- (e) Signs that advertise a product, service, or business that is not available at that location, except for signs explicitly enabled by this Bylaw.
- (f) Signs on public property or on public right-of-ways unless:
 - (i) erected by a public authority;
 - (ii) erected with the permission of the owner of the property; or
 - (iii) the sign is a temporary sign in compliance with this Bylaw.
- (g) Roof signs, with the exception of painted signs affixed or painted directly on a roof which will be regulated as a flat fixed wall sign.
- (h) Signs mounted on trees.

30.3 General Sign Requirements

- 30.3.1 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 Public Works, or successor body, the more restrictive regulations shall apply.
- 30.3.2 No person shall erect or enlarge a sign without first obtaining a development permit from the Development Officer except for signs permitted pursuant to Section 30.1 and those signs that do not require a development permit as specified in various provisions of this Bylaw.
- 30.3.3 All signs and all parts thereof shall be maintained, kept in a good state of repair, and in like new condition.
- 30.3.4 Free standing signs advertising a business, product, or service that is not available at that location shall be permitted provided that the business, product, or service being advertised is directly abutting the property or directly abutting through a group of properties owned by a single property owner and provided the sign meets all the requirements of the zone. Should a property within the group come under other ownership, causing an interruption in the group of commonly owned properties, all off-site signage that does not meet this requirement shall be removed.
- 30.3.5 Notwithstanding anything else in this Bylaw, regulations related to the size or material of signs shall not apply to signs developed in accordance with any façade improvement program supported or administered by the Town.

30.4 Sign Standards in Residential Zones and the Comprehensive Development Zone

- 30.4.1 Within Residential Zones, and the Comprehensive Development (CD) Zone, a total of one (1) sign on a lot complying with the requirement of Table 30A shall be permitted. Temporary signs shall not be permitted.

Table 30A: Sign Requirements in Residential and CD Zones

Sign Type	Max. Dimensions	Location Requirements	Other Requirements
Flat Fixed Wall Sign	5% of the wall area to which sign is affixed	-	Must be wood or metal Shall not be illuminated
Projecting Wall Sign	0.5 m ² (5.0 sq.ft.) in area	Min. 2.2 m (7.5 ft) clearance between bottom of sign and surface of ground	Must be wood or metal Shall not be illuminated
Free Standing Sign	0.5 m ² (5.0 sq.ft.) in area 1.5 m (4.5 ft) in height	Min. 1.0 m (3.5 ft) setback from property lines	Must be wood or metal Shall not be illuminated
Canopy and Awning Sign	5% total of the wall area of the wall to which the sign is affixed	Min. 2.4 m (8.0 ft) clearance between bottom of sign and surface of ground	-

30.5 Flat Fixed Wall Signs in Non-residential Zones

- 30.5.1 Within all zones other than Residential Zones and the Comprehensive Development (CD) Zone, flat fixed wall signs shall:
- (a) not be limited in number;
 - (b) not exceed 15% total of the wall area of each wall to which signs are affixed;
 - (c) not extend beyond wall extremities; and
 - (d) not be permitted on walls facing a side or rear yard that abut an H-1, H-2, or H-3 Zone.



30.6 Projecting Wall Signs in Non-residential Zones

- 30.6.1 Within all zones other than Residential Zones and the Comprehensive Development (CD) Zone, projecting wall signs shall:
- (a) not exceed three (3) per building premise;
 - (b) not exceed the sign area limits in Table 30B;
 - (c) have a minimum clearance of 2.4 metres (8.0 feet) between the bottom of the sign and the surface of the ground; and
 - (d) within the Downtown (DT) Zone, Waterfront Comprehensive Development (WCD) Zone, and Waterfront Commercial Industrial (CI-2) Zone, must be made of wood, metal, or banner material.

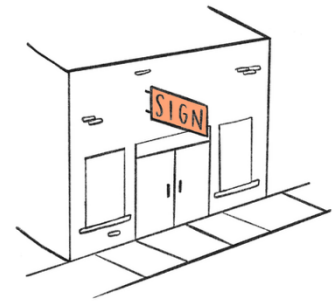


Table 30B: Projecting Sign Requirements

Standard	Zone											
	DT	MU-1	MU-2	MU-3	CI-1	CI-2	M-1	M-2	I-1	HC	O-1	WCD
Max. Sign Area (m ²)	1.1	4.0	4.0	1.1	4.0	1.1	4.0	4.0	4.0	4.0	4.0	1.1

30.7 Free Standing Signs in Non-residential Zones

30.7.1 Within all zones other than Residential Zones and the Comprehensive Development (CD) Zone, free standing signs shall:

- (a) not be permitted in yards that abut an H-1, H-2, or H-3 Zone; and
- (b) comply with the size, setback, and number limits of Table 30C.

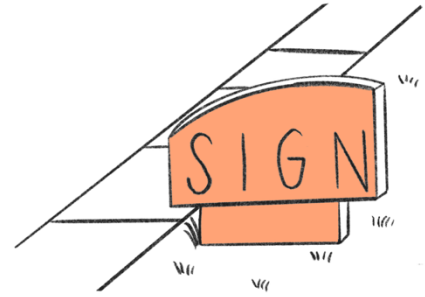


Table 30C: Free Standing Sign Requirements

Standard	Zone											
	DT	MU-1	MU-2	MU-3	CI-1	CI-2	M-1	M-2	I-1	HC	O-1	WCD
No. permitted per lot	1	n/a	n/a	1	n/a	1	n/a	n/a	2	2	1	1
No. permitted per street frontage	n/a	2	2	n/a	2	n/a	2	2	n/a	n/a	n/a	n/a
Max. Sign Area (m ²)	1.1	11.0	11.0	1.1	11.0	1.1	11.0	11.0	3.7	3.7	1.1	1.1
Max. Sign Height (m)	3.0	10.7	10.7	3.0	10.7	3.0	10.7	10.7	3.7	3.7	3.0	3.0
Min. Setback from Property Lines (m)	1.0	3.0	3.0	1.0	3.0	1.0	3.0	3.0	1.0	1.0	1.0	1.0

30.8 Canopy and Awning Signs in Non-residential Zones

30.8.1 Within all zones other than other than Residential Zones and the Comprehensive Development (CD) Zone, canopy and awning signs shall:

- (a) not be limited in number;
- (b) not cover more than a total of 15% of the wall area to which they are attached; and
- (c) have a minimum clearance of 2.4 metres (8.0 feet) between the bottom of the sign and the surface of the ground.



30.9 Temporary Signs in Non-residential Zones

30.9.1 Within all zones other than Residential Zones and the Comprehensive Development (CD) Zone, temporary signs shall:

- (a) be limited to one (1) per business premise;
- (b) not be permitted in yards that abut an H-1, H-2, or H-3 Zone;
- (c) be in front of the use or business for which it is advertising;
- (d) shall meet the size requirements of Table 30D; and
- (e) must be A-frame type and shall not be illuminated in the Downtown (DT) Zone, Waterfront Comprehensive Development (WCD) Zone, and Waterfront Commercial Industrial (CI-2) Zone.

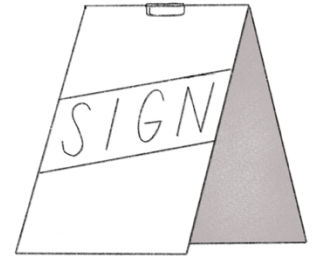


Table 30D: Temporary Sign Requirements

Standard	Zone											
	DT	MU-1	MU-2	MU-3	CI-1	CI-2	M-1	M-2	I-1	HC	O-1	WCD
Max. Sign Area (m ²)	0.5	3.7	3.7	0.5	3.7	0.5	3.7	3.7	3.7	3.7	1.1	0.5
Max. Sign Height (m)	1.0	2.4	2.4	1.0	2.4	1.0	2.4	2.4	2.4	2.4	1.4	1.0
Max. Sign Width (m)	0.6	n/a	n/a	0.6	n/a	0.6	n/a	n/a	n/a	n/a	n/a	0.6

30.9.2 Non-illuminated A-frame type signs not exceeding 0.5 sq. metres (5.0 sq. feet) in area and 1.0 metres (3.0 feet) in height shall not require a development permit.

30.10 Special Occasion Event Signage Requirements

30.10.1 Despite anything else in this Bylaw, 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 by registered not for profit societies or organizations without the issuance of a development permit in the form of any type of signage (those permitted as well as those not permitted by this Bylaw) provided:

- (a) the Town's permission is obtained if the signage is erected within any street right-of-way;
- (b) 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;
- (c) 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,
- (d) 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.

30.11 Election Signs

- 30.11.1 For the purposes of this Section, the candidate to whom an election sign relates or a private property owner of which an election sign was placed shall be deemed to have placed the election sign.
- 30.11.2 Election signs shall not be placed, and are thereby prohibited to be placed, on any public property within the limits of the Town.
- 30.11.3 Election signs shall be permitted to be placed on private property and/or residences within the limits of the Town, with the property owner's or resident's permission.
- 30.11.4 Election signs placed on privately-owned property and/or a person's residence shall be placed in a manner that does not impede traffic or driver and pedestrian visibility.
- 30.11.5 Election signs shall not remain in place for more than fourteen (14) days following an election for which the sign was erected.

30.12 Sponsorship Recognition Signs

- 30.12.1 Sponsorship recognition signs:
 - (a) may include donor's and sponsor's names and logos, but shall not advertise their products and services;
 - (b) may include any type and form of temporary or permanent signage (those defined and not defined by this Bylaw);
 - (c) are not special occasion event signs as regulated by Section 30.10.
- 30.12.2 Unless otherwise specified in Subsection 30.12.5, a sponsorship recognition sign may be permitted without the issuance of a Development Permit where the sign is located in the following zones:
 - (a) Health Campus (HC) Zone;
 - (b) Institutional (I-1) Zone;
 - (c) Parks and Open Space (O-1) Zone; or
 - (d) Flood and Environment (O-2) Zone
- 30.12.3 Unless otherwise specified in Subsection 30.12.5, a sponsorship recognition sign may be permitted without the issuance of a Development Permit where the sign is located on lands developed with or used for any of the following, and other similar, facilities developed, owned, or operated by a government authority, registered not for profit society or organization, or under their direction:
 - (a) arenas;
 - (b) entertainment centres;
 - (c) hospitals;
 - (d) housing complexes;
 - (e) fieldhouses;

- (f) outdoor recreation facilities including courts and fields;
- (g) outdoor stormwater facilities;
- (h) commemoration, heritage, and cultural buildings and landmarks;
- (i) stadiums;
- (j) schools;
- (k) parks and trails; or
- (l) performance art centres.

30.12.4 A sponsorship recognition sign may be permitted on a private property without the issuance of a Development Permit where the sign is erected in conjunction with:

- (a) a privately-owned Municipally Designated Heritage Property, or a property located within the Architecturally Sensitive Area Overlay, provided the sign does not exceed the size of the Municipal Heritage Designation plaque; and
- (b) any privately-owned and operated, permitted and approved **Outdoor Commercial Recreation** use provided the sign does not advertise gambling, alcohol, drugs or tobacco related companies, logos, and trademarks.

30.12.5 A sponsorship recognition sign:

- (a) shall only be erected on or at the facility or development that was sponsored by the individual(s) or company(s) recognized on the sponsorship recognition sign;
- (b) may be back lit or otherwise illuminated provided all other Land Use Bylaw requirements pertaining to Reduction of Light Pollution for the Dark Sky can be met;
- (c) may be located within the minimum yard setback areas;
- (d) shall not obstruct gates, trails, or access points;
- (e) shall comply with the corner vision triangle requirements of Section 5.7;
- (f) shall not include paper, cardboard, foam core, thin and flexible polyethylene resins, and other similar materials easily susceptible to weather elements; and
- (g) shall be properly anchored and maintained in a safe and clean condition.

PART 31 SITE PLAN APPROVAL

31.1 Introduction to Site Plan Approval

- 31.1.1 Some uses and site alterations are only permitted by site plan approval, as outlined elsewhere in this Bylaw. Such developments shall be subject to all applicable procedures and requirements of this Part.
- 31.1.2 Site plan approvals under this Bylaw are intended to be applied in a flexible manner through a negotiated process between the applicant and the Development Officer.
- 31.1.3 Section 31.4 contains criteria to be considered in addition to all other requirements of this Bylaw when approving development through the site plan approval process.
- 31.1.4 Development enabled by site plan approval shall reasonably meet all site planning criteria applicable to the specific type of development, as outlined in Section 31.4. For greater clarity, the application of the evaluation criteria may result in a site plan approval that is more stringent or less stringent than the otherwise applicable regulations of this Land Use Bylaw.
- 31.1.5 The Development Officer may waive the requirement for compliance with certain criteria if they are deemed irrelevant for the quality of the resulting development in the particular context of the application for site plan approval.

31.2 Site Plan Approval Exemptions

- 31.2.1 The following developments shall be exempt from site plan approval, provided all other requirements of this Bylaw are met:
 - (a) Interior building reconfigurations.
 - (b) Additions up to a cumulative 25.0 sq. metres (269.0 sq. feet) of gross floor area.
 - (c) Installation, replacement, or repair of building features and building repairs or additions that neither change the footprint of the building nor increase parking requirements.
 - (d) Accessory structures with a footprint of less than 25.0 sq. metres (269.0 sq. feet) on a property that is not subject to a previously approved site plan, or where accessory structures are not regulated on a previously approved site plan.
 - (e) Changes to signage on a property which is not subject to a previously approved site plan, or where signage was not regulated on a previously approved site plan.
 - (f) Temporary uses.

31.3 Application Requirements and Process for Site Plan Approval

- 31.3.1 In addition to the requirements of Section 3.13, and in lieu of the lot plan Section 3.14, applications for site plan approval shall be accompanied by:
- (a) an accurate and dimensioned site plan that includes all the following information, unless deemed by the Development Officer as not relevant to the proposal:
 - (i) physical characteristics of the proposed site, including lot dimensions, elevations, natural drainage, existing watercourses and shorelines, and any existing structures and vegetation;
 - (ii) the location of adjacent public streets and rights-of-way;
 - (iii) the proposed location, use, and dimensions of all buildings or structures to be constructed or utilized;
 - (iv) the proposed storm drainage management and sewer and water methods;
 - (v) the location and dimensions of any proposed streets, walkways, and active transportation routes;
 - (vi) the location and dimensions of proposed buffering, landscaping, screening, waste management areas, snow storage areas, exterior mechanical equipment, and driveway accesses; and
 - (vii) any other information necessary to confirm compliance with the evaluation criteria; and
 - (b) a written rationale addressing each of the applicable evaluation criteria.
- 31.3.2 The Development Officer shall review applications for site plan approval against all applicable regulations of this Land Use Bylaw and the evaluation criteria of this Part.
- 31.3.3 A site plan approval may utilize the variance provisions of this Land Use Bylaw as provided for in Section 3.17.
- 31.3.4 Where the Development Officer has granted approval of a site plan, notification of the approval shall be served upon all assessed property owners within 30 metres of the property subject to the site plan approval. Notification of a site plan approval shall:
- (a) describe the site plan approval;
 - (b) identify the property(s) subject to the site plan approval; and
 - (c) set out the right to appeal the decision of the Development Officer to Council.
- 31.3.5 Appeals of the Development Officer's decision regarding a site plan approval request shall be made to Council, as provided for by the *Municipal Government Act*.

31.4 Site Plan Approval Evaluation Criteria

Criteria for Considering Automobile Fueling and Washing

- 31.4.1 Where a zone permits Automobile Fueling and Washing by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:
- (a) Planting, Landscaping and Adverse Effect Mitigation
 - (i) Landscaping, fencing or similar visual barriers must be provided around structures, parking, open storage areas, and waste management facilities to enhance the overall visual amenity of the area.
 - (ii) Where possible, vegetation on-site must be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.
 - (iii) Mature trees on the lot must be preserved whenever possible.
 - (iv) Stormwater run-off from parking areas and other impervious surfaces must be addressed.
 - (b) Movement Through the Site
 - (i) Where a sidewalk, trail or similar walking paths are available abutting the subject property, the primary entrance(s) of the main building must be connected to such walking paths by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres (5.0 feet) in width and paved with asphalt, concrete, or interlocking pavers.
 - (ii) Other pedestrian walkways must be clearly delineated on the property and allow for efficient movement throughout the site.
 - (iii) Vehicle access and egress to and from the property must be clearly demarcated and designed with pedestrian safety in mind.
 - (iv) Vehicle circulation on-site must be designed to support efficient movement, enable emergency service access, and avoid obvious points of conflict.
 - (c) Exterior Lighting
 - (i) All exterior lighting shall be equipped with full cut-off light fixtures.
 - (ii) Exterior lighting shall not cause glare on adjacent properties or dwellings.

Criteria for Considering Automobile Sales

- 31.4.2 Where a zone permits Automobile Sales by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:
- (a) Planting, Landscaping and Adverse Effect Mitigation
 - (i) Landscaping, fencing or similar visual barriers must be provided around structures, parking, open storage areas, and waste management facilities to enhance the overall visual amenity of the area.

- (ii) Where possible, vegetation on-site must be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.
 - (iii) Mature trees on the lot must be preserved whenever possible.
 - (iv) Stormwater run-off from parking areas and other impervious surfaces must be addressed.
- (b) Movement Through the Site
- (i) Where a sidewalk, trail or similar walking paths are available abutting the subject property, the primary entrance(s) of the main building must be connected to such walking paths by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres (5.0 feet) in width and paved with asphalt, concrete, or interlocking pavers.
 - (ii) Other pedestrian walkways must be clearly delineated on the property and allow for efficient movement throughout the site.
 - (iii) Vehicle access and egress to and from the property must be clearly demarcated and designed with pedestrian safety in mind.
 - (iv) Vehicle circulation on-site must be designed to support efficient movement, enable emergency service access, and avoid obvious points of conflict.
- (c) Exterior Lighting
- (i) All exterior lighting shall be equipped with full cut-off light fixtures.
 - (ii) Exterior lighting shall not cause glare on adjacent properties or dwellings.

Criteria for Considering Daycare Centres

- 31.4.3 Where a zone permits a Daycare Centre by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:
- (a) Drop-off Areas
 - (i) Unless safe and adequate space is available on the adjacent street, areas for the drop-off and pick-up of daycare clients shall be located on the site in a manner that provides safe and adequate access and minimizes impacts on surrounding residential uses.
 - (b) Outdoor Play Areas
 - (i) Any outdoor play areas shall be located and fenced in a manner that provides safe containment of daycare clients and minimizes the impacts on surrounding residential uses.

Criteria for Considering Drive-Through Restaurants

- 31.4.4 Where a zone permits a Drive-through Restaurant uses by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:

- (a) Stacking Lanes
 - (i) Vehicle stacking lanes for the drive-through window(s) shall be of an adequate length to accommodate vehicular traffic fully within the stacking lane at all times.
 - (ii) Stacking lanes shall not be located between the building and a streetline, unless it is not possible to fully accommodate the requirements of clause (i) elsewhere on the site.
 - (iii) Stacking lanes shall be located and designed to avoid conflicts with pedestrians.
- (b) Speakers
 - (i) Speakers for communication between drivers and drive-through staff shall be located, oriented, and/or screened to minimize impacts of surrounding residential uses.
- (c) Exterior Lighting
 - (i) All exterior lighting shall be equipped with full cut-off light fixtures.
 - (ii) Exterior lighting shall not cause glare on adjacent properties or dwellings.
- (d) Planting, Landscaping and Adverse Effect Mitigation
 - (i) Landscaping, fencing or similar visual barriers must be provided around structures, parking, open storage areas, and waste management facilities to enhance the overall visual amenity of the area.
 - (ii) Where possible, vegetation on-site must be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.
 - (iii) Mature trees on the lot must be preserved whenever possible.
 - (iv) Stormwater run-off from parking areas and other impervious surfaces must be addressed.

Criteria for Considering Dwellings and Supportive Housing

31.4.5 Except in the Comprehensive Development (CD) Zone, where a zone permits **Dwellings** or **Supportive Housing** uses by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:

- (a) Density
 - (i) Within the Housing 2 (H-2) Zone, the combined number of dwelling units and supportive housing sleeping units on the lot shall not exceed 75 units per hectare.
 - (ii) Within the Housing 3 (H-3) Zone, the combined number of dwelling units and supportive housing sleeping units on the lot shall not exceed 125 units per hectare.

- (b) Planting, Landscaping and Adverse Effect Mitigation
 - (i) Landscaping, fencing or similar visual barriers must be provided around structures, parking, open storage areas, and waste management facilities to minimize visual impacts and privacy intrusion on surrounding residential properties to a reasonable extent.
 - (ii) Where possible, vegetation on-site must be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.
 - (iii) Mature trees on the lot must be preserved whenever possible.
 - (iv) Stormwater run-off from parking areas and other impervious surfaces must be addressed.
 - (v) A minimum of one (1) tree with a minimum caliper width of 60mm at a height of 1.5 metres (5 feet) shall be preserved or planted for every 150.0 sq. metres (1,615 sq. feet) of lot area unless, such trees would prevent or otherwise unreasonably prejudice the intended development.
- (c) Emergency Access
 - (i) Transportation networks internal to the lot (driveways, pedestrian pathways, etc.) must provide for adequate emergency access.
- (d) Movement Through the Site
 - (i) Where a sidewalk, trail or similar walking paths are available abutting the subject property, the primary entrance(s) of all dwelling units must be connected to such walking paths by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres (5.0 feet) in width and paved with asphalt, concrete, or interlocking pavers.
 - (ii) Other pedestrian walkways must be clearly delineated on the property and allow for efficient movement throughout the site.
 - (iii) Vehicle access and egress to and from the property must be clearly demarcated and designed with pedestrian safety in mind.
 - (iv) Vehicle circulation on-site must be designed to support efficient movement, enable emergency service access, and avoid obvious points of conflict.
- (e) Servicing and Utilities
 - (i) All HVAC equipment, generators, electric meters, fuel tanks, and gas meters must be enclosed within a building or screened from view of the street.
 - (ii) Enclosed facilities for solid waste shall be provided for the use of residents. These facilities shall accommodate the number of waste stream collection (e.g., garbage, compost, recycling) provided in the town at the time of site plan approval. These may be provided as a central collection point or, where appropriate, individual facilities for each dwelling unit. Adequate access shall be provided to the solid waste collection facilities.

- (f) Exterior Lighting
 - (i) All exterior lighting shall be equipped with full cut-off light fixtures.
 - (ii) Exterior lighting shall not cause glare on adjacent properties or dwellings.

Criteria for Considering Dwellings in the Comprehensive Development (CD) Zone

- 31.4.6 In the Comprehensive Development (CD) Zone the Development Officer shall approve a site plan for a single unit **Dwelling** where the requirements of this Land Use Bylaw and the following matters have been addressed:
- (a) The dwelling and any on-site septic system shall be located to avoid prejudicing the future development of the land as a serviced, comprehensive development.
- 31.4.7 In the Comprehensive Development (CD) Zone the Development Officer shall approve a site plan for **Dwellings** with up to eight (8) dwelling units on an existing sewer-serviced lot where the requirements of this Land Use Bylaw and the following matters have been addressed:
- (a) Consideration for Abutting Lots
 - (i) The layout of all buildings, site circulation, driveway accesses, and servicing locations shall not prejudice the efficient development of abutting undeveloped lots.
 - (b) Planting, Landscaping and Adverse Effect Mitigation
 - (i) Landscaping, fencing or similar visual barriers must be provided around structures, parking, open storage areas, and waste management facilities to minimize visual impacts and privacy intrusion on surrounding residential properties to a reasonable extent.
 - (ii) Where possible, vegetation on-site must be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.
 - (iii) Mature trees on the lot must be preserved whenever possible.
 - (iv) Stormwater run-off from parking areas and other impervious surfaces must be addressed.
 - (v) A minimum of one (1) tree with a minimum caliper width of 60mm at a height of 1.5 metres (5 feet) shall be preserved or planted for every 150.0 sq. metres (1,615 sq. feet) of lot area unless, such trees would prevent or otherwise unreasonably prejudice the intended development.
 - (c) Emergency Access
 - (i) Transportation networks internal to the lot (driveways, pedestrian pathways, etc.) must provide for adequate emergency access.
 - (d) Movement Through the Site

- (i) Where a sidewalk, trail or similar walking paths are available abutting the subject property, the primary entrance(s) of all dwelling units must be connected to such walking paths by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres (5.0 feet) in width and paved with asphalt, concrete, or interlocking pavers.
- (ii) Other pedestrian walkways must be clearly delineated on the property and allow for efficient movement throughout the site.
- (iii) Vehicle access and egress to and from the property must be clearly demarcated and designed with pedestrian safety in mind.
- (iv) Vehicle circulation on-site must be designed to support efficient movement, enable emergency service access, and avoid obvious points of conflict.
- (e) Servicing and Utilities
 - (i) All HVAC equipment, generators, electric meters, fuel tanks, and gas meters must be enclosed within a building or screened from view of the street.
 - (ii) Enclosed facilities for solid waste shall be provided for the use of residents. These facilities shall accommodate the number of waste stream collection (e.g., garbage, compost, recycling) provided in the town at the time of site plan approval. These may be provided as a central collection point or, where appropriate, individual facilities for each dwelling unit. Adequate access shall be provided to the solid waste collection facilities.

Criteria for Considering Kennels

- 31.4.8 Where this Bylaw permits a **Kennel** by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:
- (a) Setbacks
 - (i) The minimum main and accessory building setbacks from lot lines for the use shall be the greater of the zone requirements or 4.5 metres (15 feet).
 - (b) Animal Runs and Open-air Enclosures
 - (i) Any animal run or open-air enclosure shall be set back a minimum of 3.0 metres (10 feet) from all property lines.
 - (ii) Any animal run or open-air enclosure shall be sited in the location on the lot that provides for the least impact on surrounding uses.
 - (c) Exterior Lighting
 - (i) All exterior lighting shall be equipped with full cut-off light fixtures.
 - (ii) Exterior lighting shall not cause glare on adjacent properties or dwellings.

Criteria for Considering Offsite Automobile Parking

- 31.4.9 Where this Bylaw permits automobile parking areas to be located at an offsite location by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:
- (a) parking spaces shall be grouped into blocks of no more than eight (8) spaces and separated from adjacent blocks of spaces by drive aisles or vegetative landscaping no less than 1.0 metres (3.5 feet) wide;
 - (b) all sides of the parking area, except for access points, shall be landscaped with soft landscaping to a depth of no less than 1.0 metres (3.5 feet);
 - (c) for offsite parking areas larger than 24 parking spaces, each landscaped edge required by clause (b) shall include a minimum of one tree with a minimum caliper of 60.0 mm;
 - (d) signage shall be provided at the entrance to the parking area indicating the business(es) or use(s) served by the parking area and prohibiting parking by unrelated parties;
 - (e) where the parking area is for a residential use, each parking space shall be for the exclusive use of a specific dwelling unit and shall be individually signed or painted with the address or unit number of the dwelling unit;
 - (f) all exterior lighting shall be equipped with full cut-off light fixtures;
 - (g) exterior lighting shall not cause glare on adjacent properties or dwellings; and
 - (h) stormwater run-off from parking areas and other impervious surfaces must be addressed.

Criteria for Considering Places of Worship

- 31.4.10 Where this Bylaw permits a **Place of Worship** by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:
- (a) Planting, Landscaping and Adverse Effect Mitigation
 - (i) Landscaping, fencing or similar visual barriers must be provided around structures, parking, open storage areas, and waste management facilities to minimize visual impacts and privacy intrusion on surrounding residential properties to a reasonable extent.
 - (ii) Where possible, vegetation on-site must be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.
 - (iii) Mature trees on the lot must be preserved whenever possible.
 - (iv) Stormwater run-off from parking areas and other impervious surfaces must be addressed.

- (b) Parking Areas
 - (i) Parking areas shall be situated and screened in a manner that minimizes the impact of headlight glare and vehicle exhaust on abutting residential properties.
- (c) Movement Through the Site
 - (i) Where a sidewalk, trail or similar walking paths are available abutting the subject property, the primary of the building must be connected to such walking paths by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres (5.0 feet) in width and paved with asphalt, concrete, or interlocking pavers.
 - (ii) Other pedestrian walkways must be clearly delineated on the property and allow for efficient movement throughout the site.
 - (iii) Vehicle access and egress to and from the property must be clearly demarcated and designed with pedestrian safety in mind.
- (d) Exterior Lighting
 - (i) All exterior lighting shall be equipped with full cut-off light fixtures.
 - (ii) Exterior lighting shall not cause glare on adjacent properties or dwellings.

Criteria for Considering Wider Vehicular Access Points

- 31.4.11 Where this Bylaw permits wide vehicle entranceways by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:
- (a) the access 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;
 - (b) the access 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;
 - (c) the access width shall not exceed 14.0 metres (45.5 feet);
 - (d) 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 18.0 metres (59 feet) (the length of the concrete curb corridor may exceed this minimum requirement);
 - (e) a buffer strip shall be installed along both sides of the corridor, with a minimum width of 1.5 metres (5.0 feet) adjacent and parallel to the corridor curb. This buffer strip may consist of a landing having a minimum height of 100.0 millimetres (4.0 inches) or be landscaped with suitable materials;

- (f) signs, structures, hedges, shrubs, bushes, trees or other vegetation shall not be erected or permitted to grow to a height greater than 1.0 metres (3.0 feet) above grade of the street or entranceway included within the street line and the corridor curb for a distance of 7.6 metres (25 feet) from their point of intersection;
- (g) 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; and
- (h) all items identified on the site plan shall be maintained in a safe and tidy condition.

Criteria for Considering Adjustments to Maximum Streetline Setbacks

31.4.12 Where this Bylaw permits the maximum streetline setback to be increased or waived by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:

- (a) Design of Front and Flanking Yards
 - (i) parking spaces in the front and flanking yard (where applicable) shall be grouped into blocks of no more than eight (8) spaces and separated from adjacent blocks of spaces by drive aisles or vegetative landscaping no less than 1.0 metres (3.5 feet) wide;
 - (ii) all sides of parking areas in the front or flanking yard (where applicable), except for access points, shall be landscaped with soft landscaping to a depth of no less than 1.0 metres (3.5 feet);
 - (iii) if the front and flanking yards combined contain more than 24 parking spaces, each landscaped edge required by subclause (ii) shall include a minimum of one tree with a minimum caliper of 60.0 mm;
 - (iv) areas of the front and flanking (where applicable) yards not dedicated to parking areas or pedestrian walkways shall be landscaped with high quality hard and soft landscaping designed to provide public amenity, manage rainwater, and improve the aesthetics of the yard when viewed from the street.
- (b) Planting, Landscaping and Adverse Effect Mitigation
 - (i) Landscaping, fencing or similar visual barriers must be provided around structures, parking, open storage areas, and waste management facilities to enhance the overall visual amenity of the area.
 - (ii) Where possible, vegetation on-site must be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.
 - (iii) Mature trees on the lot must be preserved whenever possible.
 - (iv) Stormwater run-off from parking areas and other impervious surfaces must be addressed.

(c) Movement Through the Site

- (i) Where a sidewalk, trail or similar walking paths are available abutting the subject property, the primary entrance(s) of the main building must be connected to such walking paths by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres (5.0 feet) in width and paved with asphalt, concrete, or interlocking pavers.
- (ii) Other pedestrian walkways must be clearly delineated on the property and allow for efficient movement throughout the site.
- (iii) Vehicle access and egress to and from the property must be clearly demarcated and designed with pedestrian safety in mind.
- (iv) Vehicle circulation on-site must be designed to support efficient movement, enable emergency service access, and avoid obvious points of conflict.

PART 32 DEFINED LAND USES

- 32.1.1 Every definition of a use must be read to allow for all things necessary or customary for the use and includes ancillary functions, such as, but not limited to, reception and administration areas, storage areas, and amenity spaces.
- 32.1.2 The Development Officer may, in their sole discretion, interpret a defined use to include other similar uses, provided:
- (a) the similar uses are not defined within another use;
 - (b) the similar uses are not explicitly excluded from the defined use; and
 - (c) the similar uses are equal or less impactful to the surrounding area than the defined use in terms of scale, scope, noise, traffic generation, access requirements, servicing requirements, potential hazards, hours of operation, solid waste requirements, odour, light and dust emissions, and parking and loading requirements.
1. **Animal Care** means the use of land, buildings, or structures for the care of animals and includes veterinary care, grooming, and day care but does not include the breeding of animals or the overnight boarding except where incidental to veterinary procedures.
2. **Animal Operation** means any lot, building, structure, pen, or corral wherein any farm animals, livestock, or fur-bearing animals 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 nor the keeping of female fowl as an activity accessory to a permitted use of land.
3. **Automobile Body Shop** means the use of a building or premises primarily for the commercial repair of damage to the chassis and shell of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing, and similar activity.
4. **Automobile Fueling and Washing** means the use of building or part thereof or a clearly defined space on a lot used for washing of motor vehicles, and/or the retail sale of liquid or compressed gas automobile fuels and lubricating oils, and/or electric vehicle charging as a main use and may include a convenience store and/or the sale of automobile accessories and the minor servicing and minor repairing essential to the actual operation of motor vehicles but does not include an automobile repair shop, automobile sales, automobile rentals, or automobile body shop.
5. **Automobile Rental** means the use of land, buildings, or the part thereof for the rental of automobiles and may include facilities for the washing and grooming of the rental automobiles.

6. **Automobile Repair** means the use of a building or part thereof for the repair and service of motor vehicles and may include muffler, brake, radiator, engine, tire, glass replacement, wheel alignment, and other specialized activities directly related to the repair or alteration of motor vehicles, but shall not include paint and body repairs, the manufacture or fabrication of motor vehicle parts for the purpose of sale, or the retailing of gasoline or other fuels.
7. **Automobile Sales** means the use of land, buildings, or part thereof for the sale of new or used automobiles and may include facilities for the washing of automobiles for sale, but shall not include automobile washing for the general public or automobile repair unless such uses are otherwise permitted in the applicable zone.
8. **Banks and Financial Institutions** means the use of a building or part thereof where money is deposited, retained, loaned, exchanged, or managed, and includes, but not limited to, a bank, credit union, or trust company.
9. **Boarding or Rooming House** means a building in which the proprietor rents out two or more separate boarding house sleeping units but does not include rooms advertised to the travelling public.
10. **Building Supply and Lumber Yard** means the outdoor storage and display of lumber and other building supplies for sale. For greater clarity, retail or wholesale sale contained wholly within a building shall be considered as a retail store or wholesale use as the case may be.
11. **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 four thousand (4,000 l) 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.
12. **Call Centre** 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 centres, 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.
13. **Cannabis Production Facility** means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products including where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, but excluding industrial hemp and premises used for personal production permitted by federal legislation.
14. **Cemetery** means the use of land for the burial of the dead—whether human or animal—and related purposes, such as a columbaria and mausoleums, and excludes a crematorium use, which is included in the definition of funeral home.

15. **Community Centre** means any tract of land, or building(s), or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Town, a local board, service club, fraternal organization, recreation association, or registered community association.
16. **Community-based Transitional Housing** means a facility operated or licensed by Correctional Service Canada or Nova Scotia Corrections or successor bodies providing housing and support services for individuals transitioning from a corrections centre to the community.
17. **Construction Trade and Contractors** means the use of a building, land, or part thereof for offices and storage of materials, tools, and equipment 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.
18. **Convenience Store** means the use of a building or part thereof for small scale retail sales of ready-to-consume food, grocery basics, confectionary items, magazines, lottery products, and tobacco products.
19. **Craft Food and Beverage Production** means the use of a building or part thereof for the production of:
- (a) specialized food products intended for retail sale;
 - (b) not more than 150,000 hectolitres of beer, wine, mead, premixed cocktails, kombucha, or non-alcoholic beverages in a year; or
 - (c) not more than 75,000 litres of distilled spirits in a year;
- and may include public tasting and retail sales of the product but does not include a restaurant or drinking establishment unless those uses are permitted as a main use in the applicable zone.
20. **Cultivation and Processing** means a use enclosed within a building or greenhouse used to grow and process plant products, excluding cannabis production.
21. **Cultural Facilities** means the use of land, buildings, or part thereof, for the promotion of art, culture, and learning and without limiting the generality of the foregoing includes galleries, libraries, museums, performance arts theatres, visual arts centres, war memorials, cenotaphs, and other similar uses, but excludes drive-in theatres.
22. **Daycare Centre** means the use of a building or part thereof for the non-medical care of people without overnight accommodation, but does not include a school.

23. **Drinking Establishment** means the use of a building, land, or part thereof for the primary purpose of serving alcoholic beverages to the public in compliance with the *Liquor Control Act*, R.S., c. 260, s. 1, and may include the serving of food incidental to the sale of alcohol.
24. **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 includes small options homes but shall not include a hotel, a motel, an apartment hotel, or a manufactured home.
25. **Emergency Services** means the use of a building, land, or part thereof for the protection of public health, safety, and property and shall include, but is not limited to, fire stations, ambulance depots, emergency measures response centres, police stations, and search-and-rescue facilities, but does not include a correctional facility.
26. **Fish Processing Facility** means a building or part of a building used for processing any fish matter from raw organic materials which may create any obnoxious odors or waste materials and shall include fish processing, rockweed and seaweed processing, and any organic waste or composting types of activities and other similar types of uses including any salting, smoking or canning of fish products, but excludes warehousing and distribution of fish and food products.
27. **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.
28. **Funeral Home** means the use of a building or part thereof for the preparation, temporary display, and/or funeral ceremony of deceased persons or domestic pets and may include a crematorium.
29. **Garden and Nursery Sales and Supplies** means a building or structure and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements and that are sold at retail from such buildings or lot to the general public.
30. **Government Uses** means a municipal, provincial, or federal government office, courthouse, registry office, health clinic, welfare center, employment office, and other buildings required for other government service delivery including municipal servicing or a building of any government agency or crown corporation not otherwise captured by a defined use.
31. **Guest Home** means the use of a dwelling unit where the resident owner or resident occupant rents bedrooms without independent cooking facilities and with the provision of at least one meal per day to the travelling public for overnight accommodation. The guest home use shall not include facilities open to the general public such as meeting rooms, restaurants, or entertainment facilities.

32. **Heavy Industry** means the production, fabrication, assembly, processing, treatment, packaging, and/or manufacturing of finished or unfinished products, goods, and/or parts, with portions of the operation occurring outside of enclosed buildings and/or of a nature that due to dust, noise, odour, vibrations, or the production or handling of hazardous materials could create land use conflicts, but shall not include uses falling under the definition of marine industry, mineral-related industries, or scrap yard. Such use may include accessory retail or wholesale sales of items produced on-site.
33. **Heavy Sales, Service, and Rentals** means the use of a building or part thereof for the sale, rental, 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; commercial trucks; light construction equipment; land care equipment; and other similar uses; but shall not include manufacturing or industrial assembly.
34. **Home Occupation** means an accessory or secondary use conducted by a resident occupying the residential Dwelling in a portion of the Dwelling or a part of an accessory building on the same lot, for pursuits which are compatible with a domestic household. For the purpose of this Bylaw a Home Occupation shall be clearly incidental and secondary to the residential use.
35. **Indoor Commercial Recreation** means the use of a building or part thereof for commercial recreation or entertainment purposes and, without limiting the generality of the foregoing, may include such establishments as dance halls, cinemas, billiard or pool halls, rock climbing gyms, fitness gyms, bowling alleys, indoor miniature golf courses, commercial playgrounds, indoor shooting ranges, indoor paintball fields, and bingo halls.
36. **Interpretive Centre** means the use of a building or structure or part thereof to communicate to the public the historical, scientific, or cultural information about a location and/or to provide tourism and wayfinding information to the public.
37. **Kenel** means the use of a building, land, or part thereof for the keeping, breeding, or training of four (4) or more dogs exceeding the age of four (4) months.
38. **Land Lease Community** means the use of land in which individual home sites or pads are leased for occupancy by manufactured homes. This use may include shared services; amenities intended for the use of residents; and buildings and uses incidental to the operation of the community such as, but not limited to, management offices, maintenance equipment storage, and a dwelling for the site manager.
39. **Hospital** means a building or part of a building approved by the Minister in keeping with the *Hospitals Act*, R.S., c.208 s.1, or successor legislation, that is used for the treatment of persons afflicted with or suffering from sickness, disease or injury.

40. **Light Industry** means the production, fabrication, assembly, processing, treatment, packaging, and/or manufacturing of finished products, goods, and/or parts, with such activities occurring wholly within an enclosed building, excepting incidental outdoor storage, but shall not include uses falling under the definition of workshops and studios, marine industry, mineral-related industries, heavy industry, or scrap yard. Such use may include accessory retail sales of items produced on-site.
41. **Low Impact Agriculture** means the use of buildings, land, or part thereof for animal pasturing, on-farm crop processing and storage, and equipment storage in support of agricultural activities.
42. **Manufactured Home** means a detached building designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, that arrives at the site where it is to be occupied as one or two housekeeping units and ready for occupancy (except for minor and incidental unpacking and assembling operations), located on wheels, jacks, or permanent foundation, and which may be connected to utilities and a septic disposal system. The foregoing shall not include modular homes. For greater clarity, this definition shall include any constructed home that does not meet the National Building Code, including those colloquially known as "mobile homes", "mini homes", or "tiny homes", but shall not include a vehicle, boat, or aircraft.
43. **Marina** means an establishment or premise, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired, or kept for sale or rent and may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.
44. **Marine Industry** means the use of land, buildings, or part thereof for activities related to shipbuilding and repair, the commercial fishery, and the provisioning of ships and shall include, but is not limited to, boatyards, shipbuilding and repair, ship chandlery, and the storage of commercial fishing gear, but does not include a fish processing facility or a fish reduction plant.
45. **Marine Recreation Provider** means a commercial business use that, due to the nature of the use, relies on the sea or ocean as an integral part of its operation. This includes, but is not limited to, canoe and kayak rentals and jet ski rentals, but does not include uses related to the commercial fishing industry.
46. **Media Production and Broadcasting** means the use of a building or part thereof for the development of internet websites and/or the production and/or broadcasting of content for television, radio, digital video, podcasts, or internet websites, and similar uses.

47. **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, psychologists, psychiatrists, 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.
48. **Mineral-related Industries** means buildings, structures, land, or part thereof, used for mineral and aggregate processing, storage, and related uses including, but not limited to, asphalt processing, concrete batching and component manufacturing, sand pit operations, and mineral bulk storage.
49. **Nursing Home** means an extended or immediate care facility licensed under the *Homes for Special Care Act*, or successor legislation, to provide full time skilled nursing care to individuals who, by reason of age, chronic illness, or infirmity, are unable to care for themselves.
50. **Office** means the use of a building or part thereof to provide business or professional 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 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 business services, real estate and brokerage agencies, insurance and brokerage agencies, accountants, architects, engineers, lawyers, and travel agencies and other similar uses, but shall not include the manufacturing of any product or the retail selling of goods.
51. **Open Air 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 by three (3) or more vendors 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.

52. **Outdoor Commercial Recreation** means the use of land for commercial recreation or entertainment purposes together with necessary and accessory buildings and structures and, without limiting the generality of the foregoing, may include such establishments as golf courses, driving ranges, paintball fields, drive-in movie theatres, outdoor miniature golf courses, ropes courses, tennis clubs, summer camps, campgrounds, and RV parks; but does not include outdoor shooting ranges, tracks for the racing of animals or for the racing of any type of motor vehicle, or any use that is obnoxious. For greater clarity, and without limiting the generality of the foregoing, uses accessory to outdoor commercial recreation may include uses such as, but not limited to, eat-in and take-out restaurants; licensed liquor establishments; "pro shops" and other rental, maintenance, and retail sales of equipment related to the recreation activity; spas; child minding services; and staff accommodations.
53. **Parking Lot** means the use of land for a parking area.
54. **Parks and Playgrounds** means an area of land used for recreation with features including, but not limited to, greens, community gardens, walking paths, play structures, ponds, fountains, and dog parks, but does not include commercial playgrounds, which are covered by the definition of commercial recreation.
55. **Personal Service Shop** means the use of a building or part thereof to furnish services and otherwise administer to the individual and personal needs of persons and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, tattoo shops, 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 or the actual act of drycleaning.
56. **Place of Worship** means the use of land, a building, or part thereof for religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.
57. **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.
58. **Public Recreation** means the use of land, buildings, or parts thereof for tennis courts, lawn bowling greens, skating rinks, skateboard parks, athletic fields, band shells, pavilions, outdoor swimming pools, recreational boat launches, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including indoor commercial recreation or outdoor commercial recreation or a track for the racing of animals, or any form of motorized vehicles.
59. **Recycling Depot** means the use of a building or land in which domestic recoverable resources such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled to be taken to another site for processing. For greater clarity, this use does not include a salvage yard.

60. **Restaurant** means the use of land, a building, or part thereof where food and/or drink intended for immediate consumption is prepared and served to the public.
1. **Eat-in Restaurant** means a restaurant or part thereof where food and/or drink may be consumed within the building or on an attached, formalized outdoor space.
 2. **Take-out Restaurant** means a restaurant or part thereof that does not provide facilities for consumption of food or drink on the premises, or only provides informal, outdoor eating facilities such as picnic tables.
 3. **Drive-Through Restaurant** means a restaurant where facilities are available to accommodate a drive-through window service where food and/or beverages are served directly to customers located in automobiles for consumption either on- site or off-site.
61. **Retail Store** 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, and may include pharmacy sales as well as minor diagnostic and treatment services accessory to pharmacy sales.
62. **School** means:
1. **Academic School** means the use of a building or part thereof as an educational establishment, whether public or private, intended for the academic instruction of students up to the completion of Grade 12, and may include elementary schools, junior high schools, high schools, and consolidated schools, but does not include daycares as the main use.
 2. **Commercial School** means the use of a building or part thereof as an educational establishment, whether public or private, intended for instruction in extracurricular activities and/or vocational skills and shall include, but is not limited to, dance schools, music schools, sports schools, driving schools, culinary institutes, hair schools, computer schools, and other similar schools, but does not include post-secondary schools.
 3. **Post-secondary School** means the use of a building or part thereof as a degree- or diploma-granting public educational establishment intended for the academic instruction of students after the completion of Grade 12.
63. **Scrap Yard** means a lot or premises for the storage or handling of scrap material, whether or not the use is subject to salvage yard licensing requirements of the Province of Nova Scotia, 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.
64. **Self-storage Facility** means the use of a building, collection of buildings, or part thereof for individual, small, self-contained units that are leased or owned for the storage of business or household goods or contractor supplies.

65. **Service and Repair Shop** means the use of a building or part thereof for the service and 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.
66. **Supportive Housing** means a use where a building, or part of a building, or an arrangement of buildings provides living accommodations and on-site social, physical, or mental health supports to residents, but does not include a hospital, nursing home, community-based transitional housing, or the supervised administration of illegal substances.
67. **Tourist Accommodations** means the use of a building, buildings on the same lot, or part thereof used to accommodate the travelling public for gain or profit by supplying them with overnight sleeping accommodation with or without meals, with or without on-site administration, and with or without private cooking facilities, and may include, but is not limited to, hotels, motels, hostels, and cottage or cabin rentals, but does not include guest homes as defined in this Bylaw.
68. **Tour Operator** means any commercial establishment or business offering sightseeing tours or experiential tourism offerings including but not limited to cycling, walking, or watercraft tours, fishing excursions, and whale watching.
69. **Trails and Conservation Uses** means the use of land intended for the protection and preservation of water, soil, plants, and animals and for trails, boardwalks, floating docks, open space, interpretive panels or kiosks, washrooms, and any structure or building necessary for conservation purposes or scientific research related to the lands in question or to adjacent water bodies.
70. **Transportation Facilities** means the use of land, buildings, or part thereof for the transportation of passengers and related activities and includes bus stations, taxi stands, and railway stations, but does not include airports.
71. **Water Access** means the use of land or structures to provide watercraft access to marine or freshwater bodies and shall include, but is not limited to, wharves, docks, slipways, ramps, quays, and marine railroads.
72. **Warehousing and Logistics** 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.
73. **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.

74. **Workshops and Studios** means the use of a building or part thereof for the creation of products assembled or made by hand or by small custom production processes including (but not limited to) potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers, clothesmakers, shoemakers, antique refinishers, glass workers, stained glass workers, 3D printers, and sailmakers. This definition shall also include "maker spaces".

PART 33 DEFINED WORDS

1. **Accessory Building** means a subordinate building or structure on the same lot as the main building or main use and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.
2. **Accessory Dwelling Unit** means the use of a building or part of a building for a dwelling unit secondary and subservient to another dwelling unit on the lot
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, and includes ancillary functions, such as, but not limited to, reception and administration areas and storage areas.
4. **Alter** means any change in the structural component of a building, or any increase in the volume of a building or structure.
5. **Boarding House Sleeping Unit** means a habitable room or rooms that are part of a boarding house and contain sleeping quarters for the use of tenants which are rented individually, but do not contain a private washroom and kitchen within the unit.
6. **Building Elevation** means a flat scaled drawing of the front, rear or sides of a building.
7. **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.
8. **Candidate** means a person who has been nominated to run in a Municipal, Provincial or Federal election.
9. **Commercial** means any use by which retail or wholesale trade is carried on, and those other uses involving sale of goods, materials and services.
10. **Corner Vision Triangle** means that part of a corner lot adjacent to the intersection of the exterior lot lines measured 3.0 metres (10 feet) 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 shall be known as the "corner vision triangle".
11. **Cornice** means a horizontal decorative architectural element that "crowns" a building, door, window, or wall.
12. **Council** means the elected Council of the Town of Yarmouth.
13. **Department of Public Works** means the provincial department(s) responsible for the administration of regulations under the Public Highways Act and the Traffic Safety Act, or successor legislation.

14. **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.
15. **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, and for greater certainty includes:
- (a) an excavation or stockpile and the creation of either of them;
 - (b) a building or an addition to or replacement or repair of a building, and the construction or placing of any of them on, in, over, or under land;
 - (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; and
 - (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.
16. **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 Bylaw pursuant to the Town of Yarmouth Municipal Planning Strategy and the *Municipal Government Act*.
17. **Dwelling Unit** means one or more habitable rooms in a dwelling designed or intended for use by one or more individuals as an independent and separate household 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. Nothing in this definition shall exclude multiple kitchens or sanitary facilities in a dwelling unit.
18. **Election Sign** means any image, words, sign, picture, device, notice or visual medium, or any combination thereof, including, without limitation, any poster, placard, bulletin and banner which:
- (a) advertises, promotes, opposes or takes a position with respect to any candidate or political party in a Federal, Provincial or Municipal election or by-election, including an election of a local board or commission; or
 - (b) is intended to influence electors to vote for or against an issue associated with a candidate or political party in a Federal, Provincial or Municipal election or by-election; or
 - (c) is intended to influence electors to vote for or against any candidate or any question, law or Bylaw submitted to the electors.

19. **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.
20. **Footprint** means the total ground floor area of a building enclosed within the exterior faces of the exterior walls, and for the purpose of this definition the walls forming a courtyard shall be deemed to be exterior walls.
21. **Frieze Board** means a trim board that is located above the cladding on a façade and below the soffit of the roof.
22. **Gross Floor Area** means the sum of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level, and for the purpose of this definition, the walls forming a courtyard shall be deemed to be exterior walls.
23. **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 deckline of a mansard roof;
 - (c) the mean level between eaves and ridges or a gabled, hip, gambrel or other type of pitched roof; or
 - (d) the highest point on a non-roofed structure.
24. **Housekeeping Unit** means one or more habitable rooms in a manufactured home designed or intended for use by one or more individuals as an independent and separate household in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals.
25. **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.
26. **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.
27. **Level 1 Electric Vehicle Charging** means an electric vehicle charger that provides energy for the charging of an electric vehicle at a nominal 120 Volts of alternating current (AC).

28. **Level 2 Electric Vehicle Charging** means an electric vehicle charger that provides energy for the charging of an electric vehicle at a nominal 240 Volts of alternating current (AC).
29. **Level 3 Electric Vehicle Charging** means an electric vehicle charger that provides energy for the charging of an electric vehicle utilizing direct current (DC).
30. **Loading Space** means an unencumbered area of land 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.
31. **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
- 1. **Corner Lot** means a lot situated at the intersection of or otherwise abuts two or more streets.
 - 2. **Interior Lot** means a lot situated between two lots and having access to one street.
 - 3. **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 Bylaw.
32. **Lot Area** means the total horizontal area within the lot lines of a lot.
33. **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.
34. **Lot Frontage** means the horizontal distance between lot lines, measured perpendicularly to a line joining the midpoints of the front and rear lot lines (or front and flanking lot line on through lots with no rear lot line), and at a point equal in distance from the front lot line to the required streetline setback.

35. **Lot Line** means a boundary line of a lot; and
1. **Front Lot Line** means the line dividing the lot from the street. On lots with no street frontage, the front lot line shall mean the lot line which is closest and most parallel to the closest street. Where a corner lot is to be utilized for any residential or institutional use, 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, 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 Bylaw, and provided that no lot front or flanking lot line is less than fifty (50) percent of the minimum lot frontage prescribed for the zone in this Bylaw. 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.
 2. **Flanking Lot Line** means a lot line which abuts the street on a corner lot other than the front lot line.
 3. **Rear Lot Line** means the lot line furthest from or opposite to the front lot line
 4. **Side Lot Line** means any lot line other than a front, flanking, or rear lot line.
 5. **Streetline** means any front lot line or flanking lot line.
36. **Main Building** means the building designed for or used for the principal use on the lot.
37. **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 Bylaw, but shall not include any accessory use.
38. **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.
39. **Modular Home** means any dwelling constructed in accordance with the standards set out in the National Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.
40. **Nonconforming Use** means a use of land lawfully existing as defined in this Bylaw, which does not conform to the regulations of the zone in which it is now located.
41. **Nonconforming Structure** means a structure lawfully existing as defined in this Bylaw, which does not conform to the regulations of the zone in which it is now located.

42. **Obnoxious** means a use or activity 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.
43. **Opening Elevation** means the vertical elevation of the bottom edge of all perforations in a building's exterior envelope, and includes windows, doors, vents, and any other similar perforation but does not include sealed penetrations for pipes connected to enclosed infrastructure, such as sewer pipes connected to a septic tank or sanitary sewer network.
44. **Ordinary High-water Mark (OHWM)** means:
- (a) for non-tidal waters, the limit or edge of the bed of a body of water where the land has been covered by water so long as to wrest it from vegetation or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself; and
 - (b) for tidal waters, the mark on the seashore reached by the average of the mean high tides of the sea between the spring and neap tides in each quarter of a lunar revolution during the year excluding only extraordinary catastrophes or overflows.
45. **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.
46. **Outdoor Woodburning Furnace** means a furnace fueled by wood or wood products (such as, but not limited to, pellets) and which provides space heating to any structure other than the structure housing the outdoor furnace.
47. **Outdoor Storage** means storage exterior to a building of items such as merchandise, goods, inventory materials, or equipment and where such items are not intended for immediate sale; but does not include items ancillary to a residential use, such as, but not limited to, firewood for on-site consumption.
48. **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.
- 1. **Parking Space (Residential)** means an area of land in a residential area of not less than 14.8 sq. metres (160 sq. feet), measuring a minimum of 2.4 metres by 6.1 metres (8 x 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.

2. **Parking Space (Commercial)** means an area of land in a commercial or industrial area not less than 16.7 sq. metres (180 sq. feet), measuring a minimum of 2.7 metres by 6.1 metres (9 x 20 ft) 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.
49. **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.
50. **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.
51. **Pilaster** means a vertically-oriented, rectangular, column-like board or projection that is attached to a wall or flat surface.
52. **Place** means to attach, install, erect, build, construct, reconstruct, move display or affix. "Placed", "placement", and "placing" shall have a similar meaning.
53. **Primary Residence** is the dwelling where the occupant usually lives and is the address given for identification, bills, and tax documents.
54. **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 bylaw of the Town.
55. **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*.
56. **Setback** means the horizontal distance between the specified lot line and the nearest main wall of any building or structure and extending the full width or length of the lot.
57. **Sign** means a structure, device, light or natural object including the ground itself and any device attached thereto, painted or represented on it, that is intended to communicate a visual message to identify, advertise or attract attention to anything, capable of being viewed from off premises.
 1. **Free Standing Sign** means a sign supported by one or more uprights, poles or braces placed in or upon the ground.

2. **Projecting Wall Sign** means a sign which projects from and is supported by a wall of a building.
 3. **Flat Fixed Wall Sign** means a sign which is attached to and supported by a wall of a building.
 4. **Sponsorship Recognition Sign** means a sign that is intended to acknowledge donors and sponsors for their direct involvement in a community-oriented project or facility developed, owned, or operated by a government authority, registered not for profit society, or organization or under their direction.
 5. **Temporary Sign** means a sign which may be erected for a specified period of time and may include portable signs, banners, sandwich board signs and the like.
 6. **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.
 7. **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-faced sign, excluding the smallest face, shall be counted separately and then totaled in calculating sign area. Where signs are comprised of individual letters, the total area of letter surface shall be the sign area.
 8. **Number of Signs** a sign is a single display surface or device, but a series of related elements organized to convey a single message counts as one sign.
 9. **Product Display Sign** means a free standing sign which is advertising solely the product's name and/or price of the product. The product name may include a description of the product.
-
58. **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 and is exclusively devoted to reduce on-site consumption of utility power of any use or building located on the same lot.
 59. **Special Occasion** means a temporary, short-term use of land or buildings, by registered not for profit societies or organizations, for the purpose of fund raising, promotional activities, celebrations, or for entertainment or amusement. Special occasion shall also include community activities and events associated with traditional and religious holidays. Concession stands may be permitted that are subordinate (of lesser order or importance) to the main purpose of the temporary, short-term use.
 60. **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.

61. **Solar Collector System** means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.
1. **Accessory Solar Collector System** means a solar collector system designed and sized with a primary purpose to offset or meet the energy needs of other uses on the site. While such systems may generate, on an annual basis, a small monetary profit through programs such as net metering, such profits shall be secondary and incidental to the purpose of offsetting on-site energy needs.
 2. **Large-scale Solar Collector System** means a solar collector system designed and sized with a primary purpose to provide electricity or other forms of energy to the grid or other off-site uses.
62. **Stepback** means a specified horizontal recess above a specific floor of a building, which shall be unobstructed from the roof of that floor to the sky except as otherwise permitted.
63. **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 finished ceiling is at least 1.8 metres (6 feet) above grade. Provided also that any portion of a storey exceeding 4.3 metres (14 feet) in height shall be deemed an additional storey for each fourteen 4.3 metres (14 feet) or fraction thereof of such excess.
64. **Street** means the whole and entire right-of-way of every highway, road or lane, owned and maintained as a street by the Town of Yarmouth or by the Department of Transportation and Public Works, excluding designated controlled access highways pursuant to the *Public Highways Act, R.S., c. 371, s.1*. 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.
1. **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.
65. **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 1.8 metres (6 feet) in height.
66. **Supportive Housing Sleeping Unit** means a lockable room or rooms in a supportive housing use provided for the use of a single party and may or may not include an *en suite* washroom and/or kitchen facilities.

67. **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.
68. **Town** means, where the context dictates, either the body corporate of the Town of Yarmouth or the geographical area established as the Town of Yarmouth.
69. **Traffic Authority** means the person(s) appointed by the body having jurisdiction for a street to exercise the duties granted by an enactment to the traffic authority for that street.
70. **Watercourse** means the bed and shore of the ocean and of every river, stream, lake, creek, pond, lagoon or other natural body of water, and the water therein, within the jurisdiction of the Province, whether it contains water or not.
71. **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 Bylaw, and:
1. **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.
 2. **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.
 3. **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.
 4. **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.
72. **Zone** means a specified area of land as shown on Schedule 'A', the Zoning Map, of this Bylaw.

PART 34 SCHEDULES AND APPENDICES

- 34.1.1 All schedules and figures attached to this Bylaw form an official part of this Bylaw.
- 34.1.2 Any appendices attached to this Bylaw are for information purposes and may be changed by resolution of Council without formally amending this Bylaw.

34.2 Schedule 'A' – Zoning Map

TOWN
of
YARMOUTH



ZONING

Legend

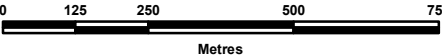
- Housing 1 (H-1)
- Housing 2 (H-2)
- Housing 3 (H-3)
- Downtown (DT)
- Mixed Use 1 (MU-1)
- Mixed Use 2 (MU-2)
- Mixed Use 3 (MU-3)
- Commercial Industrial (CI-1)
- Waterfront Commercial Industrial (CI-2)
- General Industrial (M-1)
- Waterfront Industrial (M-2)
- Institutional (I-1)
- Hospital Campus (HC)
- Parks and Open Space (O-1)
- Flood and Environment (O-2)
- Comprehensive Development (CD)
- Waterfront Comprehensive Development (WCD)

LAND USE BY-LAW
- SCHEDULE "A" -



TOWN OF YARMOUTH, PLANNING AND DEVELOPMENT DATE: October 21, 2026

NOTE: Information contained on this map is subject to change.



PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

ROAD MAPPING SOURCE:
(NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

ZONING MAPPING SOURCE:
TOWN OF YARMOUTH, PLANNING DEPARTMENT.
CURRENT LUB ZONING (OCTOBER 21, 2026).

WITH RESPECT TO THIS MAP, NEITHER THE TOWN OF YARMOUTH NOR ANY OF ITS EMPLOYEES, MAKES ANY WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, ARISING BY LAW OR OTHERWISE, INCLUDING BUT NOT LIMITED TO WARRANTIES OF EFFECTIVENESS, COMPLETENESS, ACCURACY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

34.3 **Schedule ‘B’ – Coastal Planning Area Map**

TOWN of YARMOUTH



Coastal Planning Area

Legend

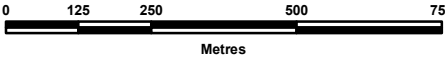
 Coastal Planning Area

LAND USE BY-LAW - SCHEDULE "B" -

TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

DATE: October 21, 2026

NOTE: Information contained on this map
is subject to change.



PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

ROAD MAPPING SOURCE:
(NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

ZONING MAPPING SOURCE:
TOWN OF YARMOUTH, PLANNING DEPARTMENT.
CURRENT LUB ZONING (APRIL 10, 2026).

WITH RESPECT TO THIS MAP, NEITHER THE TOWN OF YARMOUTH NOR ANY OF
ITS EMPLOYEES, MAKES ANY WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED,
ARISING BY LAW OR OTHERWISE, INCLUDING BUT NOT LIMITED TO WARRANTIES
OF EFFECTIVENESS, COMPLETENESS, ACCURACY, MERCHANTABILITY
OR FITNESS FOR A PARTICULAR PURPOSE.

C:\Projects\Planning\2026\000_New_Zoning_and_LUP\Shapfiles_From_UPLAND\New_Municipal_Planning_Strategy_Maps_11x17\Schedule_B_Coastal_Planning_Area_Map_11x17_October_09_2026.mxd

34.4 **Schedule ‘C’ – Floodway Fringe Map**

TOWN of YARMOUTH



Floodway Fringe Overlay

Legend

 Floodway Fringe Overlay

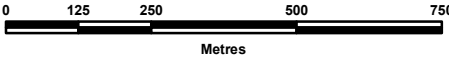
LAND USE BY-LAW - SCHEDULE "C" -



TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

DATE: October 21, 2026

NOTE: Information contained on this map
is subject to change.



PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

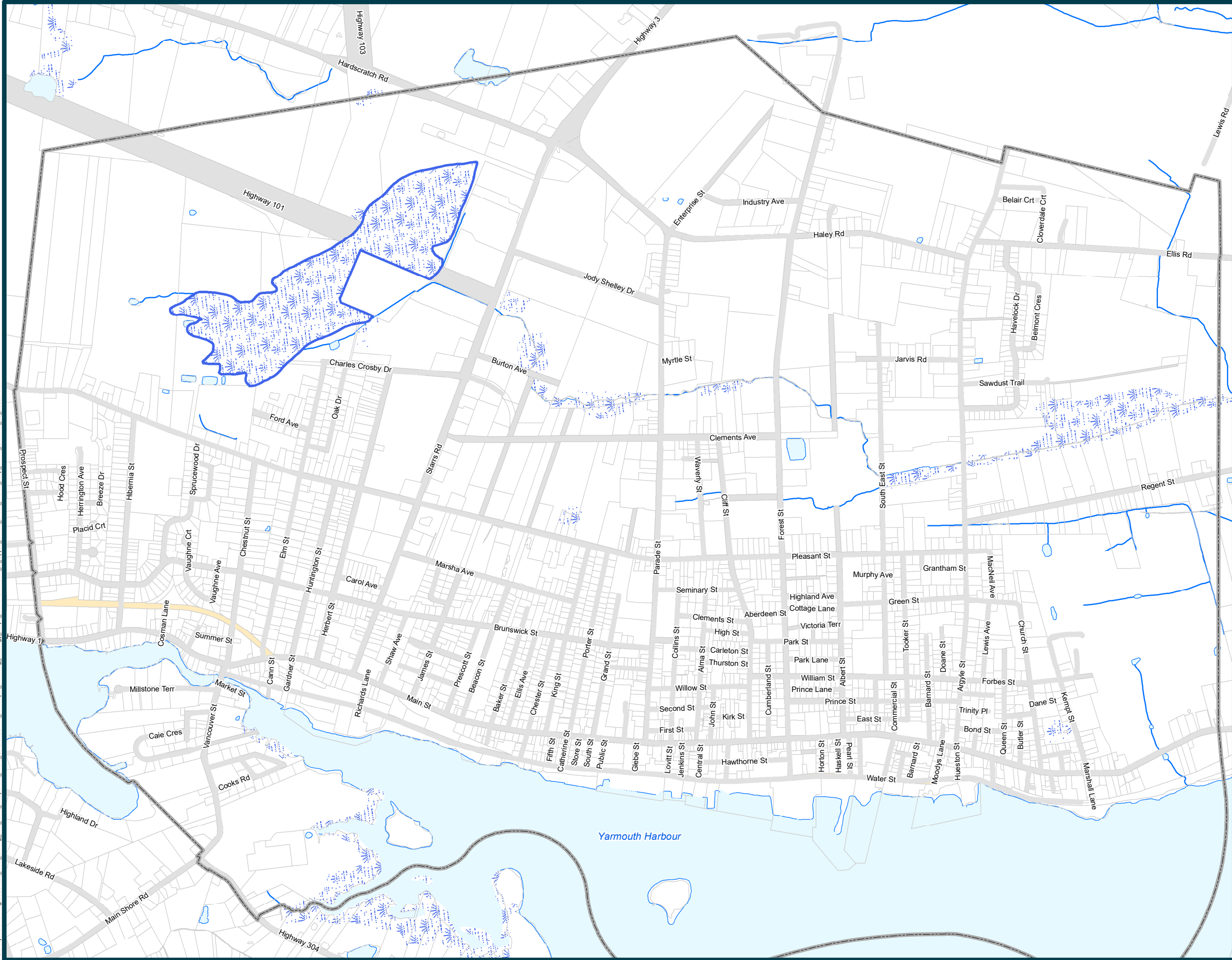
ROAD MAPPING SOURCE:
(NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

ZONING MAPPING SOURCE:
TOWN OF YARMOUTH, PLANNING DEPARTMENT.
CURRENT LUB ZONING (OCTOBER 21, 2026).

WITH RESPECT TO THIS MAP, NEITHER THE TOWN OF YARMOUTH NOR ANY OF
ITS EMPLOYEES, MAKES ANY WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED,
ARISING BY LAW OR OTHERWISE, INCLUDING BUT NOT LIMITED TO WARRANTIES
OF EFFECTIVENESS, COMPLETENESS, ACCURACY, MERCHANTABILITY
OR FITNESS FOR A PARTICULAR PURPOSE.

34.5 Schedule 'D' – Upper Broad Brook Marsh Map

C:\Projects\Planning\2026\000_New Zoning_and MPS_Shapefiles_From_UPLAND\New_Municipal_Planning_Strategy_Maps_11x17\Schedule_D_Upper_Broad_Brook_Marsh_Map_11x17_October_09_2026.mxd



TOWN of YARMOUTH



Upper Broad Brook Marsh

Legend

 Upper Broad Brook Marsh

LAND USE BY-LAW - SCHEDULE "D" -

TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

NOTE: Information contained on this map
is subject to change.

0 125 250 500 750
Metres

PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

ROAD MAPPING SOURCE:
(NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

ZONING MAPPING SOURCE:
TOWN OF YARMOUTH, PLANNING DEPARTMENT.
CURRENT LUB ZONING (OCTOBER 21, 2026).

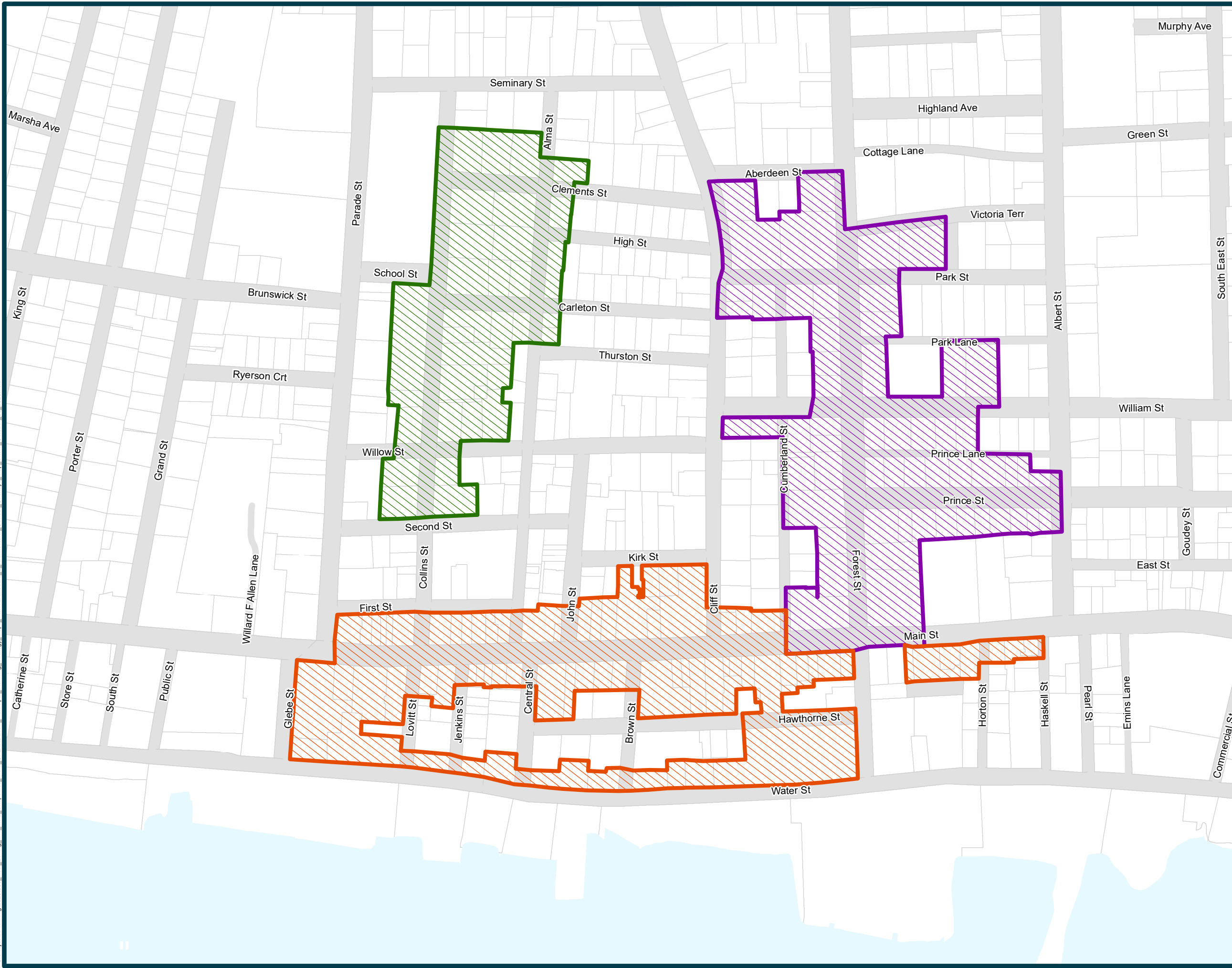
WITH RESPECT TO THIS MAP, NEITHER THE TOWN OF YARMOUTH NOR ANY OF
ITS EMPLOYEES, MAKES ANY WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED,
ARISING BY LAW OR OTHERWISE, INCLUDING BUT NOT LIMITED TO WARRANTIES
OF EFFECTIVENESS, COMPLETENESS, ACCURACY, MERCHANTABILITY
OR FITNESS FOR A PARTICULAR PURPOSE.



DATE: October 21, 2026

34.6 Schedule 'E' – Architectural Control Overlays Map

C:\Projects\Planning\2026\000_New_Zoning_and_MPIS_Shapfiles\From_UPLAND\New_Municipal_Planning_Strategy_Maps_11x17\Schedule E_Architectural_Control_Overlays_Map_11x17_October_09_2026.mxd



TOWN of YARMOUTH



ARCHITECTURAL CONTROL OVERLAYS

Legend

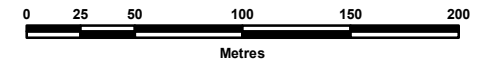
-  Architecturally Sensitive
-  Downtown Architectural Control Area
-  Forest Street Architectural Control Area

LAND USE BY-LAW - SCHEDULE "E" -



TOWN OF YARMOUTH, PLANNING AND DEVELOPMENT DATE: October 21, 2026

NOTE: Information contained on this map is subject to change.



PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 20 APRIL, 2026.

ROAD MAPPING SOURCE:
(NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 20 APRIL, 2026.

ZONING MAPPING SOURCE:
TOWN OF YARMOUTH, PLANNING DEPARTMENT.
CURRENT LUB ZONING (APRIL 10, 2026).

WITH RESPECT TO THIS MAP, NEITHER THE TOWN OF YARMOUTH NOR ANY OF ITS EMPLOYEES, MAKES ANY WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, ARISING BY LAW OR OTHERWISE, INCLUDING BUT NOT LIMITED TO WARRANTIES OF EFFECTIVENESS, COMPLETENESS, ACCURACY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

34.7 **Schedule ‘F’ – Street Classification Map**

TOWN of YARMOUTH



Street Classification

Legend

- Arterial
- Collector
- Local
- Active Transportation

LAND USE BY-LAW - SCHEDULE "F" -



TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT DATE: October 21, 2026

NOTE: Information contained on this map
is subject to change.

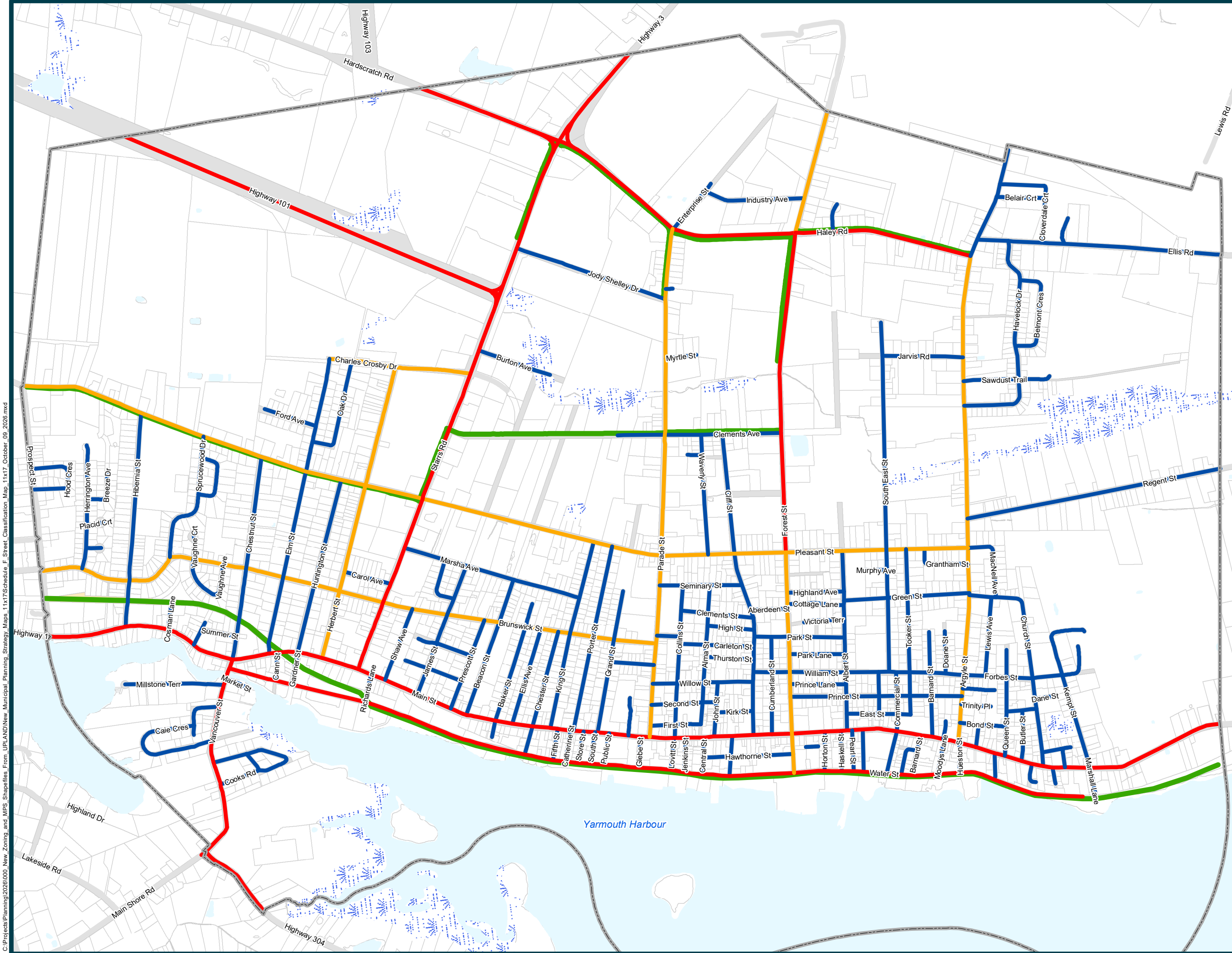
0 125 250 500 750
Metres

PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

ROAD MAPPING SOURCE:
(NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

ZONING MAPPING SOURCE:
TOWN OF YARMOUTH, PLANNING DEPARTMENT.
CURRENT LUB ZONING (OCTOBER 21, 2026).

WITH RESPECT TO THIS MAP, NEITHER THE TOWN OF YARMOUTH NOR ANY OF
ITS EMPLOYEES, MAKES ANY WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED,
ARISING BY LAW OR OTHERWISE, INCLUDING BUT NOT LIMITED TO WARRANTIES
OF EFFECTIVENESS, COMPLETENESS, ACCURACY, MERCHANTABILITY
OR FITNESS FOR A PARTICULAR PURPOSE.



C:\Projects\Planning\2026\000_New Zoning_and MPS_Shapes\Files_From_UPLAND\New Municipal_Planning_Strategy_Maps_11x17\Schedule_F_Street_Classification_Map_11x17_October_09_2026.mxd

34.8 Schedule ‘G’ – Development Control Overlays Map

TOWN of YARMOUTH



DEVELOPMENT CONTROL OVERLAYS

Legend

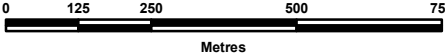
-  Development Holding Areas Overlay
-  Office Use Permitted Overlay

LAND USE BY-LAW - SCHEDULE "G" -

TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

DATE: October 21, 2026

NOTE: Information contained on this map
is subject to change.

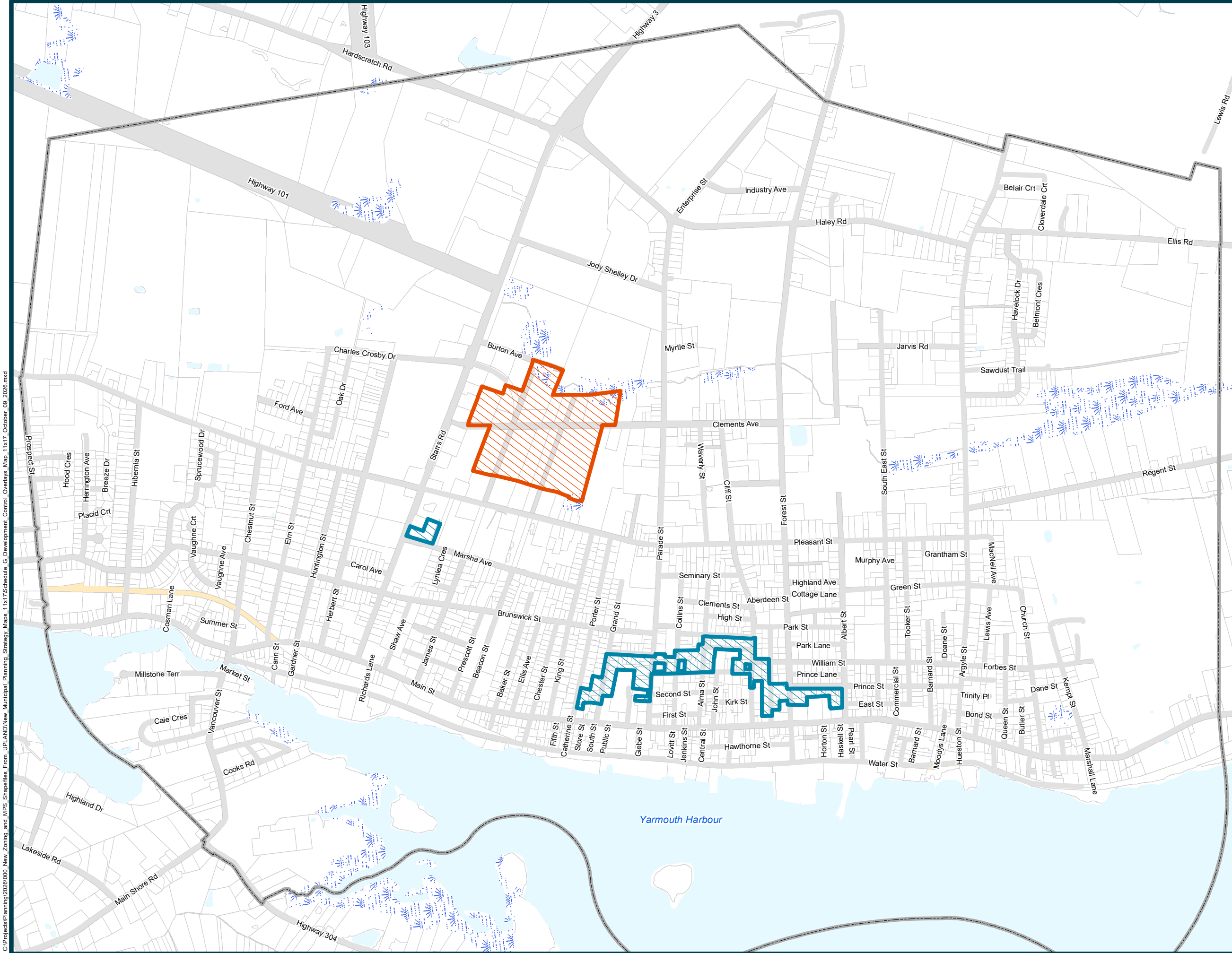


PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

ROAD MAPPING SOURCE:
(NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

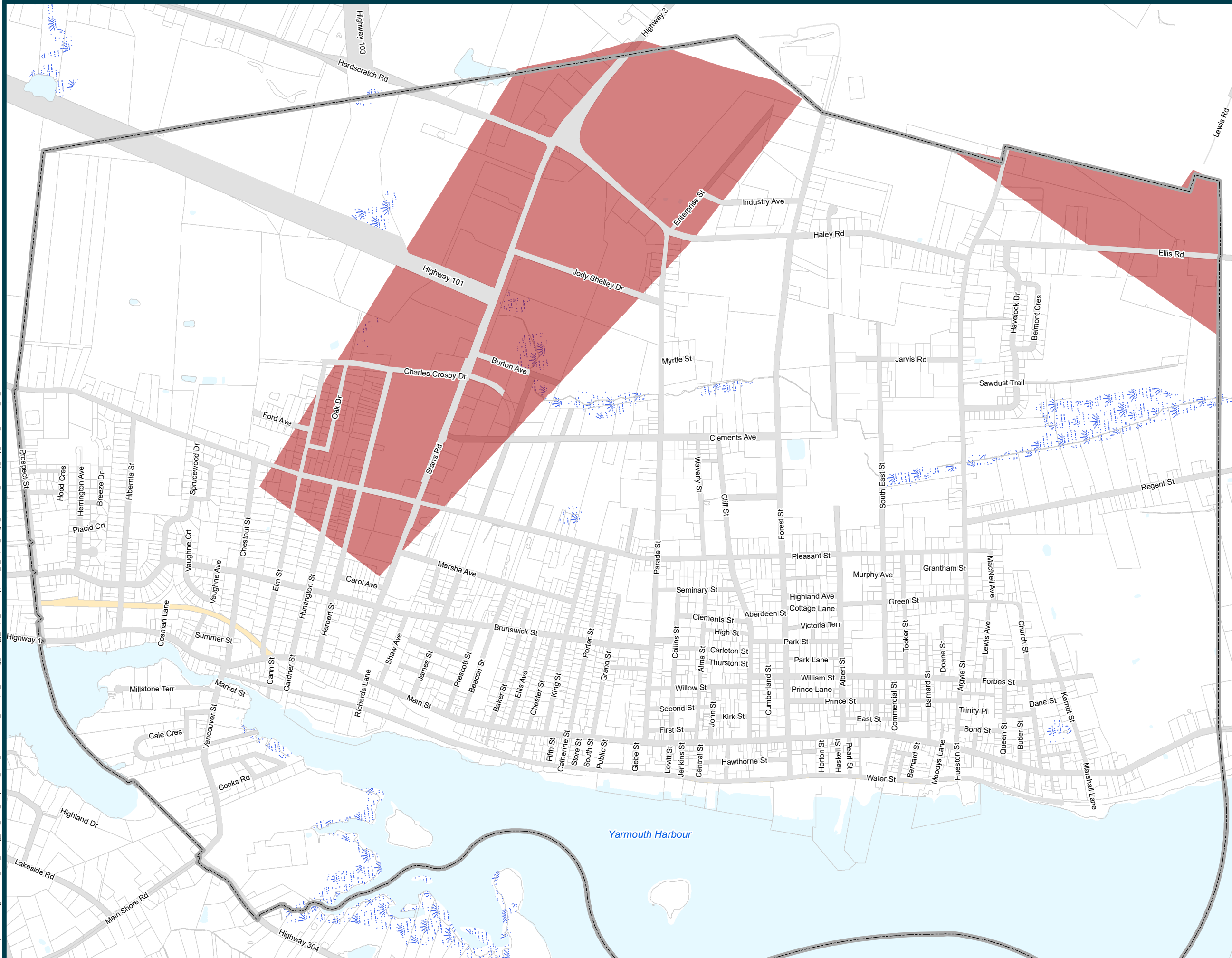
ZONING MAPPING SOURCE:
TOWN OF YARMOUTH, PLANNING DEPARTMENT.
CURRENT LUB ZONING (OCTOBER 21, 2026).

WITH RESPECT TO THIS MAP, NEITHER THE TOWN OF YARMOUTH NOR ANY OF
ITS EMPLOYEES, MAKES ANY WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED,
ARISING BY LAW OR OTHERWISE, INCLUDING BUT NOT LIMITED TO WARRANTIES
OF EFFECTIVENESS, COMPLETENESS, ACCURACY, MERCHANTABILITY
OR FITNESS FOR A PARTICULAR PURPOSE.



34.9 Appendix 'A' – Airport Zoning Regulations Areas

C:\Projects\Planning\2026\000_New Zoning_and_WPS_Shapefiles_From_UPLAND\New_Municipal_Planning_Strategy_Maps_11x17\Appendix_A_Airport_Height_Restriction_Overlay_Map_11x17_October_09_2026.mxd



TOWN of YARMOUTH



AIRPORT HEIGHT RESTRICTION OVERLAY

Legend

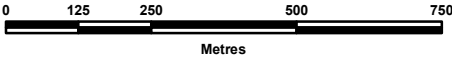
 Areas subject to Transport Canada airport zoning regulations

LAND USE BY-LAW - APPENDIX "A" -

TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

DATE: October 21, 2026

NOTE: Information contained on this map
is subject to change.



PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

ROAD MAPPING SOURCE:
(NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 1 AUGUST, 2026.

ZONING MAPPING SOURCE:
TOWN OF YARMOUTH, PLANNING DEPARTMENT.
CURRENT LUB ZONING (APRIL 10, 2026).

WITH RESPECT TO THIS MAP, NEITHER THE TOWN OF YARMOUTH NOR ANY OF
ITS EMPLOYEES, MAKES ANY WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED,
ARISING BY LAW OR OTHERWISE, INCLUDING BUT NOT LIMITED TO WARRANTIES
OF EFFECTIVENESS, COMPLETENESS, ACCURACY, MERCHANTABILITY
OR FITNESS FOR A PARTICULAR PURPOSE.

