

Town of Yarmouth Land Use By-law

June 2016

I, JEFF GUSHUE, Clerk and Chief Administrative Officer of the Town of Yarmouth, do hereby certify that the foregoing is a true copy of the revised Land Use By-law of the Town of Yarmouth. GIVEN UNTO the hand of the Town Clerk/Chief Administrative Officer and the Corporate seal of the Town this 9th day of June, AD, 2016.



Jeff Gushue

Town Clerk/Chief Administrative Officer



Town of Yarmouth
New Land Use By-law

Adopted by Council on June 9, 2016
Effective August 23rd, 2016

I acknowledge receipt of this Land Use By-law, adopted at a meeting of the Town Council of the Town of Yarmouth, held on June 9, 2016.

Pursuant to Section 208 of the Municipal Government Act, I have reviewed the documents and have determined that the documents do not fall within any of the categories requiring approval listed in Subsection 208(3); therefore, the documents are not subject to the approval of the Minister of Municipal Affairs.



Andrew Paton
Acting Provincial Director of Planning

Dated: August 16, 2016

**AMENDMENTS AFTER
THE REVISED MUNICIPAL PLANNING STRATEGY (MPS) AND LAND USE BY-LAW (LUB)
Effective August 23, 2016**

<u>Effective Date</u>	<u>Description</u>
January 3 rd , 2017	LUB amendment to permit art studios in the Medium Residential Main Street (R-2M) zone with the addition of Woodworking and Handcrafts in the definition of Art Studio Establishment. (AM2016-006)
January 3 rd , 2017	LUB amendment to allow additional accesses with the recommendation and support of the Town Engineer and Traffic Authority. (AM2016-007)
March 7 th , 2017	LUB amendment to permit the use of Portable Open Air Cinema (Theatre) in the Commercial Industrial (CI-4) zone and at 5 Hardscratch Road. The use of the equipment and concession stand will require a Special Occasion Permit at the time, but will call for a change in the definition of "Special Occasion" in the LUB in order to allow this. (AM2016-008)
May 2 nd , 2017	MPS and LUB amendment to permit up to eight (8) units in total where the approval is by the Site Planning process. Where the total number of units exceeds eight (8) or the number of buildings exceeds four (4) the approval process is by Development Agreement. The approval process followed must be by mutual agreement so this does not prevent the Development Officer from requiring that the approval for a proposal that is lower than these limits proceed by Development Agreement. (AM2016-009)
May 10 th , 2017	LUB amendment to permit the establishment of a Microbrewery at 270 Main Street and the establishment of Microbreweries, Microwineries and Microdistilleries to locate anywhere in the Downtown Commercial (C-1) zone. (AM2017-001)
May 10 th , 2017	LUB amendment to rezone the Town owned property located at 28 Jarvis Road from Comprehensive Development (CD) to Open Space (O1). (AM2017-002)
July 4 th , 2017	LUB amendment to rezone 29 Starrs Road from Open Space (O1) to General Commercial (C-2). (AM2017-003)
August 9 th , 2017	LUB amendment to permit onsite construction of one (1) bedroom two (2) unit buildings (mini homes) in the East Side Village Mobile Home Park on Argyle Street and Ellis Road. (AM2017-005)
August 9 th , 2017	LUB amendment to remove Section 6.6(1)(a) which only allows one sided signs and replacing it with a new Section 6.6(1)(a) which will allow multisided signs. (AM2017-006)
August 9 th , 2017	LUB amendment to permit the building for accessory use to be constructed on the vacant lot under conditions. The conditions being that the accessory use be removed if either of the lots changes ownership unless a building for a permitted use is constructed on the lot housing the accessory use. (AM2017-007)

August 9 th , 2017	LUB amendment to clarify the setback from flanking streets in the General Commercial (C-2) zone. (AM2017-008)
August 9 th , 2017	LUB amendment to provide clarity with respect to permitting more than one (1) kitchen in a dwelling unit. (AM2017-009)
August 9 th , 2017	LUB amendment to remove the requirements for Mandatory Bicycle Parking Units but facilitating their construction if users so wish to add them to their dwelling units. (AM2017-010)
August 9 th , 2017	LUB amendment to the setback for accessory buildings where existing buildings are less than 4.6m (15ft) from the street. (AM2017-011)
October 17 th , 2017	LUB amendment to rezone vacant properties located at 1 Haskell Street and 2 Pearl Street from Low Density Residential (R-1) to Waterfront Industrial (M-2). (AM2017-014)
January 9 th , 2018	MPS and LUB amendment to permit cash-in-lieu for residential parking. (AM2017-012)
January 9 th , 2018	MPS and LUB amendment to permit the use of the building at 2 Herbert Street and the adjacent property at 6 Herbert Street as a Food Bank operation. (AM2017-013)
April 4 th , 2018:	LUB amendment to the Community Centre definition to permit the private sector to provide an arts & community centre facility in addition to government and non-profit organizations. (AM2017-016)
April 4 th , 2018:	LUB amendment definition of Seasonal Retail Trade to include recreational activities. (AM2017-017)
April 4 th , 2018:	LUB amendment to change five hundred square feet (500 ft ²) to one thousand square feet (1,000 ft ²) and that manufacturing be added to the stated uses to the Commercial Industrial (CI-4) and Waterfront Commercial Industrial (WCI-5) zone parking requirements in order to mirror the existing general provisions in all industrial zones policy. (AM2017-018)
April 4 th , 2018:	LUB amendment to change the use of the word “secondary” in order to provide clarity to the intent of Policy 19.3. (AM2017-20)
April 4 th , 2018:	LUB amendment to approve the addition of Section 5.59 Criteria for Site Plan Approvals to Part 5 – General Provisions for all zones. (AM2017-021)
April 4 th , 2018:	LUB amendment to permit commercial flag signs in all zones with the exception of those listed in the Downtown Commercial and the Residential Sign Provision tables. (AM2018-001)
June 12 th , 2018:	LUB amendment to permit accessory buildings in the front yard within Institutional zones. (AM2017-019)
June 12 th , 2018:	LUB amendment to rezone 112 Parade Street to Medium Density Residential (R-2). (AM2018-002)

June 12 th , 2018:	LUB amendment to allow accessory buildings in the front and flanking yard within General Commercial (C-2) and Commercial Industrial (CI-4) zones. (AM2018-004)
July 10 th , 2018:	LUB amendment to reinstate the Standards for Parking Areas and delete the redundant section for Site Plan Approval in the Comprehensive Development (CD) zone. (AM2018-005)
July 24 th , 2018:	MPS and LUB amendment for Various Cross-Reference Corrections and Minor Conflicts. (AM2017-022)
August 28 th , 2018:	MPS and LUB amendment for Permanent Locations for Food Trucks. (AM2018-003)
December 11 th , 2018:	LUB amendment to allow for more than two (2) accessory buildings on a residential zoned lot used for group dwellings. (AM2018-008)
December 25 th , 2018	MPS and LUB amendment to create a new zone entitled Mixed Residential Development Park (MR) zone in the Land Use By-law to replace the Mobile Home Park (R-M) zone and apply it to the current Mobile Home Park on Argyle Street and some adjacent properties to permit residential development including apartments and townhouse dwelling with up to eight (8) dwelling units. (AM2018-006)
April 3 rd , 2019	MPS and LUB amendment to encourage the private sector to assemble at least two (2) parcels of adjacent land in the Comprehensive Development (CD) Zone in order to plan land development projects comprehensively using a larger number of permitted uses with approval by the Site Plan Approval process. Also, to permit development by using the Group Dwelling approach as well as individual apartment buildings on separate lots. (AM2018-009)
April 11 th , 2019	LUB amendment to exempt Fishery and/or marine-related uses from the requirement that “there is at least one (1) building containing sewer & water services on the same lot.” (AM2019-001)
May 15 th , 2019	MPS and LUB amendment to permit Recreational Cannabis Industry as a Cultivation and Processing of Agricultural Products Use in all Industrial Zones (CI-4 & M-1) (AM2018-007)
October 9 th , 2019	LUB amendment to rezone the Town owned property located at 28 Jarvis Road from Open Space (O-1) to Comprehensive Development (CD). (AM2019-008)
January 15 th , 2020	MPS and LUB amendment to protect and enhance the working waterfront. (AM2019-003)

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Schedule "A" Zoning Map

Schedule "B" Upper Broad Brook Marsh Map

Schedule "C" Existing Uses and Non-Conforming Uses

Schedule "D" Architecturally Sensitive Areas Map

Schedule "E" Street Classification Map

Schedule "F" Urban Design Form Based Code Map

Schedule "G" Climate Change Storm Surge and Sea-Level Rise
Sensitive Area Map and its accompanying Maps:

Map A, Map B, Map C and Map D

Town of Yarmouth - Land Use By-law

Preamble

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

Part 1 - Title and Application

1.1 Title and Application

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

1.2 Purpose and Scope

The purpose of this Bylaw is to carry out the purpose and intent of the Municipal Planning Strategy for the Town of Yarmouth in accordance with the provisions of the *Municipal Government Act* (R.S.N.S. 1998, Chapter 18 as amended) by regulating the use of land and the location, size, spacing, character and use of buildings and structures within the Town of Yarmouth. Further, this Bylaw does not exempt any person from complying with the requirements of other bylaws or regulations in force within the Town of Yarmouth, including the Subdivision By-Law and Building Code, and from obtaining any license, permission, permit, authority or approval required thereunder.

Part 2 - Zones and Zoning Map

2.1 Zones

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

Low Density Residential	R-1
Architecturally Sensitive Area	A-S
Medium Density Residential	R-2
Medium Density Residential	R-2M
High Density Residential	R-3
Mixed Residential Development Park	MR
Comprehensive Development	CD
Residential Holding	R-H
Downtown Commercial	C-1
Downtown Transition	DTZ
General Commercial	C-2
General Commercial Main Street	C-2M
Secondary Commercial	C-3
Local Commercial	C-4
Commercial Holding	C-H
Commercial Industrial	CI-4
Waterfront Commercial Industrial	WCI-5
General Industrial	M-1
Waterfront Industrial	M-2
Waterfront Mixed Use	WMU
Open Space	O-1
Flood plain	O-2
Environmentally Sensitive	E-S
Institutional	I-1
Health Campus	HC
Climate Change Storm Surge and Sea-level Rise Sensitive Area	

Climate Change Storm Surge and Sea-Level Rise Sensitive Area Map and its Accompanying Maps: Map A, Map B, Map C and Map D

2.2 Zoning Map and Schedules

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

Part 3 - Interpretation

3.1 Symbols

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

3.2 Defined

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

3.3 Interpretation of Zoning Boundaries

Boundaries between zones shall be determined as follows:

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

3.4 Certain Words

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

3.5 Permitted Uses

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

3.6 Explanatory Notes

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

3.7 Metric Dimensions

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

Part 4 - Administration

4.1 Enforcement

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

4.2 Scope of Application

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

- (1)** The true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
- (2)** The proposed location, height and dimensions of the building, structure, or work in respect of which the permit is applied for;
- (3)** The location of every building or structure already erected on or partly on such lot;
- (4)** The proposed location and dimensions of parking spaces, loading spaces, accesses to any public streets or rights-of-ways, driveways and landscaped areas; and,
- (5)** Other such information as may be necessary to determine whether or not every such building, development, reconstruction or redevelopment conforms to the requirements of this By-law.

4.3 Survey Necessary

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

4.4 Signature for Application

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

4.5 Expiration of Development Permit

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

4.6 Revocation of a Development Permit

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

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

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

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

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

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

4.8 Notification to Property Owners

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

4.9 Date of By-law

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

Part 5 - General Provisions for All Zones

NOTE

Besides these general policies, readers are also directed to Part 35, which contains supplemental regulations pertaining to Climate Change adaptation for certain areas adjacent to Yarmouth Harbour. See Table 11.1 of the MPS for a list of those areas.

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

5.1 Scope

- (1)** No building or structure shall hereafter be erected or altered, nor the use of any building, structure or lot hereafter be changed unless a Development Permit has been issued and no Development Permit shall be issued unless all the provisions of this By-law are satisfied.
- (2)** Unless otherwise stated in this By-law, no person shall undertake a development on a lot in the Town of Yarmouth without first obtaining a Development Permit from the Development Officer.
- (3)** Any person who violates a provision of this By-law shall be subject to prosecution as provided for under the Municipal Government Act.

5.2 Fronts Upon a Street

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

5.3 Licenses, Permits and Compliance with Other By-laws

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

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

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

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

5.5 Variations Regarding Non-Conforming Structures and Uses

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

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

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

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

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

5.6 Restoration to a Safe Condition

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

5.7 Existing Lots: Change In Use To A Permitted Use

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

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

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

5.8 Waiver of Lot Area and Lot Frontage Requirements:

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

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

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

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

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

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

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

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

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

5.9 Height Requirements

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

5.10 Temporary Uses Permitted

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

5.11 Special Occasions and Special Sales Occasion

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

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

5.12 Building to be Moved

No building shall be moved without the owner first obtaining a Development Permit to locate the building.

5.13 Unsightly, Unsafe or Dangerous Condition

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

5.14 Illumination

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

5.15 Multiple Uses

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

5.16 Automobile, Truck, Bus and Coach Bodies

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

5.17 Fences

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

- a) shall not incorporate or use any barbed wire; and,

b) shall not utilize any gate unless it swings inward so as not to interfere with the street travel surface.

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

5.18 Street Classifications

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

5.19 Access From a Lot to a Street - General

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

(1) Maximum number of accesses shall be two (2), except in the case where a lot fronts on more than one (1) street, where two (2) accesses shall be permitted per frontage, to a total maximum number of four (4) accesses per lot. Notwithstanding, additional accesses may be permitted to establish with approval from the Town Engineer and Traffic Authority. Also, lot consolidations approved by subdivision may maintain existing entranceways provided:

a) no alterations to the existing entranceways are undertaken or are otherwise altered closer to compliance;

b) all existing entranceways are developed and maintained in conformance with the standards of this By-law;

c) no more than three (3) entranceways per frontage to a total maximum number of four (4) accesses per lot are maintained and provided the number of entrances per frontage shall not exceed one (1) for every 30m (98.4 ft.) of street frontage or portion thereof; and,

d) all other requirements of this Land Use By-law are satisfied.

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

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

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

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

(6) Notwithstanding Part 5.19(1), properties zoned Commercial Industrial (CI-4) in the former Forest Street Industrial Park, excluding lands zoned Commercial Industrial (CI-4) in the Starrs Road, Hardscratch Road and Haley Road area, may develop a maximum of three (3) accesses along a "collector" or "arterial" classified street with a lot frontage exceeding 152.4m (500 ft.) in length to a total maximum number of five (5) accesses per lot where the lot fronts on more than one (1) street provided all other requirements of this By-law are satisfied.

5.20 Access Management Provisions – Starrs Road and Haley Road

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

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

(2) Notwithstanding Part 5.19(1), Part 5.20(1) and Part 5.21(1), in addition to the one (1) driveway entranceway permitted pursuant to Part 5.20(1), a maximum of one (1) shared

driveway entranceway may be developed per lot or may otherwise develop a maximum of two (2) shared driveway entranceways with no unshared driveway entranceway enabled pursuant to Part 5.20(1). Shared driveway entranceways shall have a minimum width of not less than 6.1m (20 ft.) and a maximum width not in excess of 13m (42.65ft.) even though said driveway entranceway width transcends a property boundary line. An application for a shared driveway shall be accompanied with a legal executed easement enabling both properties to have the rights of usage of said shared driveway entranceway.

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

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

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

90219015	67 Starrs Road	Access onto Starrs Road prohibited provided access onto Pleasant Street is available.
90203175	31 Starrs Road	Access onto Starrs Road prohibited provided access onto Brunswick Street is available.
90203159	27 Starrs Road	Access onto Starrs Road prohibited provided access onto Brunswick Street is available.
90202870	93 Brunswick Street	Access onto Starrs Road prohibited provided access onto Brunswick Street is available.
90219072	95 Starrs Road	Access onto Starrs Road prohibited provided access onto Charles Crosby Drive is available.
90219080	103 Starrs Road	Access onto Starrs Road prohibited provided access onto Charles Crosby Drive is available.
90219445	96 Starrs Road	Access onto Starrs Road prohibited provided access onto Charles Crosby Drive is available.

90219247	146 Starrs Road	Access onto Starrs Road prohibited provided access onto Hardscratch Road is available.
90292517	123 Starrs Road	Access onto Starrs Road prohibited provided access onto Haley Road is available.
90218389	131 Haley Road	Access onto Haley Road prohibited provided access onto Enterprise Street is available.
90218280	127 Parade Street	Access onto Haley Road prohibited provided access onto Parade Street is available."

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

In addition to the general standards outlined in Part 5.19, the following standards shall apply to any vehicular access or entranceway from a lot to a public street within any commercial zone or within any industrial zone:

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

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

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

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

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

5.23 Access From a Lot to a Street - Water Street

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

5.24 Set-Backs on Closed or Unopened Streets

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

5.25 Standards for Parking Areas

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

- (1)** 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;
- (2)** Required parking spaces shall not be obstructed. Each parking space shall have direct and unobstructed access to a public street and be directly accessible without removing any other vehicle, item or debris of any kind;
- (3)** When the parking is of a permanent hard surfacing, each parking space shall be demarcated and maintained as such;
- (4)** The lights used for illumination of the parking area shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (5)** The parking area shall be treated to prevent the raising of dust or loose particles;
- (6)** Unless otherwise specified, the parking area shall be within 92m (301.8 ft.) of the location it is intended to serve and be in either a commercial or industrial zoned area if serving a commercial or industrial use; and,
- (7)** When calculating the number of parking spaces, the number shall be rounded to the highest whole number. When there are multiple industrial and/or institutional uses (non-dwelling units) on the same lot that are occupied at different times, the parking requirements shall be satisfied based upon the uses that exist from time to time during the day.

5.26 Cash-In-Lieu Cash Equivalent for Parking Spaces

Notwithstanding any other parking requirements in this By-law, a developer may provide cash-in-lieu of required off street parking for residential parking spaces or a combination of parking spaces and cash for the balance of the required parking where parking requirements cannot be

met on-site. Cash-in-lieu cannot be used to displace required existing parking although these spaces can be relocated on the same property.

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

Developer's Contribution = $(a \times 14.8 \text{ square meters} \times b) + (b \times 50)$, where:

a = Assessed value of land per square metre;

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

b = The number of required parking spaces;

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

5.27 Guidelines for Loading Spaces - General Provisions

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

- (1)** The loading space must be located on the same lot as the use and have an unobstructed access to a public street;
- (2)** The loading space shall be provided in addition to any required parking spaces;
- (3)** Each loading space shall be no less than 44.6m² (480 ft²) and measure at least 3.6m (12 ft.) by 12.2m (40 ft.) with a minimum of 4.3m (14 ft.) in height clearance.

5.28 Alterations to the Level of Land

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

- (1)** All excavation and filling activities for which a Development Permit is required shall be wholly contained within the property affected;
- (2)** No filling operation for which a Development Permit is required shall utilize domestic garbage, fish or animal wastes, organic materials or any waste construction material except for aggregate and materials derived from aggregate such as pavement, brick and concrete;
- (3)** No alteration in the level of land resulting from any excavation or filling activities for the purposes of the preparation of land for development for which a Development Permit is required shall deliberately cause any water to be shed to an adjacent property;

(4) An approved site drainage plan may be required by the Development Officer prior to the granting of a Development Permit;

(5) Notwithstanding anything else contained in this Part, water may be shed to any existing drainage ditch, culvert, watercourse, sewer drainage system or storm drainage system upon approval from the Town Engineer.

5.29 Permitted Encroachments in Yards

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

Table of Permitted Encroachments into Required Yards

Structure	Yard in which Projection is Permitted	Maximum Projection into Required Yard From Main Wall Permitted	
Sills, Belt Courses, Cornices, Eaves, Gutters, Chimneys or Pilasters	Any Required Yard	0.6 meters	(2 feet)
Window and Door Bays	Any Required Yard	0.9 meters	(3 feet)
Open or Roofed Fire Escapes and Exterior Staircase	Required Side or Rear Yards	1.5 meters	(5 feet including eaves and cornices)
Open or Roofed Veranda, Balconies or Decks;	Required Front, Rear and Flanking Yards Only	1.5 meters including eaves and cornices	(5 feet including eaves and cornices)
Open Wheelchair Ramps	Any Required Yard	1.5 meters	(5 feet)
Open Decks, Walkways, Steps or Terraces not exceeding 0.3m (1 ft.) in height from grade and no Development Permit shall be required	Any Required Yard	any distance	

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

5.30 Miscellaneous Structures Less Than Fifteen (15) Square Feet

Notwithstanding anything else in this By-law, no Development Permit shall be required for miscellaneous structures less than 1.4m² (15 ft²) in area such as clothes poles, flag poles, garden trellises, arbors, pergolas, gazebos, fences, playground equipment, monuments, interpretative displays, satellite dishes less than 1m (3 ft) in diameter, retaining walls, children's play structures, pet houses, bus shelters, refuse garbage receptacles, green carts, outdoor storage units and other similar structures. These miscellaneous structures shall be permitted to be located in any part of any yard except within the corner vision triangle of any corner lot.

5.31 Satellite Dishes With a Diameter Greater Than 1 Metre (3 Feet)

No Development Permit shall be issued for a satellite dish with a diameter greater than 1m (3 ft) unless it satisfies the following:

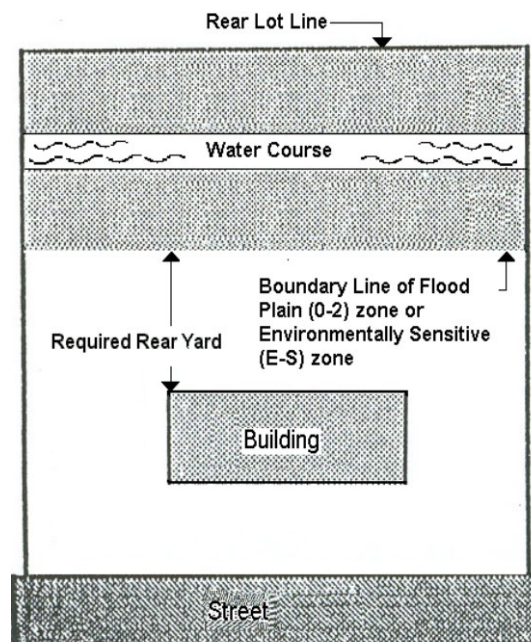
- (1) Shall not be located closer nor have any portion thereof located closer than 0.6m (2 ft) to any common lot boundary;
- (2) Shall not be located in the front yard; and,
- (3) Shall not be located within 4.5m (15 ft) of a flanking yard lot line.

5.32 Canopies and Awnings - General Encroachment

Notwithstanding Part 5.29, a canopy or awning which is attached to the building shall be permitted to encroach no more than 1.2m (4 ft) for a stationary canopy or awning to a maximum of 1.8m (6 ft) for a retractable canopy or awning from the building face into the required yard or over the street line. Such canopy or awning shall be at least 2.4m (8 ft) above the sidewalk or the established grade. In the case of extending over a street line or other public area, the owner shall sign an indemnity in favour of and in form satisfactory to the Town for the defence and indemnification of any claims arising out of or in relation to the canopy or awning.

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

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



5.34 Elevation Requirements: Floodplain (O-2) Zone

Notwithstanding anything else in this By-law, no Development Permit shall be issued for any residential building or dwelling on lands located adjacent to the Floodplain (O-2) zone unless the bottom floor elevation exceeds 18m (59 feet) above mean sea level.

5.35 Broad Brook Upper Marsh

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

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

5.36 Accessory Uses Permitted

Where this By-law provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose shall include any accessory use. In determining what

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

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

5.37 Seasonal Retail Trade

No Development Permit shall be issued for a seasonal retail trade use unless it conforms to the following requirements:

- (1) That the lot is not situated in a Residential, Floodplain or Environmentally Sensitive Zone, with the exception of the Medium Density Residential Main Street Zone (R-2M), pursuant to the Zoning Map, Schedule "A" of this By-law;
- (2) That the lot satisfies lot access and egress standards pursuant to this By-law;
- (3) That such seasonal retail trade operation shall not exceed a time period of nine (9) months in any calendar year, whether or not said use is used consecutively, and shall be removed from the lot for the remainder period of said calendar year;
- (4) That such seasonal retail trade operation shall not be located closer than 1.5m (5 ft) to any common lot boundary or street right-of-way;
- (5) That for the purpose of signage, the seasonal retail trade use shall be treated as a main use and be afforded the same signage as a business premise in keeping with this By-law;
- (6) That there is no open storage associated with the seasonal retail trade use and that any outdoor displays are accessory to the seasonal retail trade use and conforms to the outdoor display provisions of the zone in which they are located pursuant to this By-law; and,
- (7) That all other provisions of this By-law are satisfied.

5.38 Agricultural Uses Prohibited

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

- * Storage of Human and Animal Waste;
- * Fox and Mink Farms;
- * Furs and Skins Ranch Farms;
- * Farm Animal Breeding, including Poultry Farms;
- * Turkey, Game Bird, Chicken Farms and Chick Hatcheries;
- * Cattle, Pig or other Livestock Farms;
- * Dairy Farms;
- * Poultry and Egg Farms;
- * Sheep and Goat Farms
- * Horse Farms;
- * Slaughter Houses; and,
- * Feed Lots.

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

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

(2) Notwithstanding anything else in this By-law, a Development Permit may be issued for development situated on lands above the high water mark created by infilling activities which are automatically zoned pursuant to Policy 10.29 of the Municipal Planning Strategy, provided all other relevant provisions of this By-law are satisfied.

5.40 Municipal Water & Sewer Services

(1) Notwithstanding anything else in this By-law, pursuant to Infrastructure Policy 6.2 of the Municipal Planning Strategy, development is not permitted on lots which are not serviced or are not capable of being serviced by Town sewer and water services except for those properties located within the Residential Holding (R-H) and Comprehensive Development (CD) zones pursuant to Residential Policy Policy 4.12.

(2) Pursuant to Infrastructure Policy 9.2 of the Municipal Planning Strategy, all main buildings except those listed below shall be serviced with Town sewer and water services, excluding those properties located within the Residential Holding (R-H) and Comprehensive Development (CD) zones, which enables the use of on-site services pursuant to Residential Policy 4.12.

The following main buildings shall be exempt from this provision.

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

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

5.41 No Accessory Building Before Main Building or Main Use

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

5.42 Outdoor Furnaces

Notwithstanding anything else in this By-law, outdoor furnaces, whether contained within an accessory building or not, shall be located in the rear yard and maintain a minimum yard set-back of at least 60m (200 feet) from any common lot boundary. In addition, the chimney of the outdoor furnace shall be at least 1.8m (6 feet) above the peak of the roof of the structure that the furnace is intended to heat.

5.43 Restrictions on Open Storage or Outdoor Displays

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

5.44 Canopies and Awnings

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

- (1) the length of the canopy or awning does not extend beyond the length of the building face;
- (2) the canopy or awning does not project out more than 1.2m (4 ft) for a stationary canopy or awning or 1.8m (6 ft) for a retractable canopy or awning over a public sidewalk;
- (3) the canopy or awning is placed on the building a minimum height of 2.4m (8 ft) above the sidewalk or established grade;

(4) the canopy or awning shall be attached to the building face in a secure manner without the use of guy wires.

5.45 Drive-Thru Standards and Drive-In Standards

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

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

- (1) The drive-thru entrance from a public street and the drive-thru exit onto a public street shall conform with the driveway access requirements outlined in Part 5 of this by-law;
- (2) The approach and driveway for the drive-thru shall be defined by a concrete curb, asphalt curb or by painted lines from its entrance to the serving area or window;
- (3) The approach and driveway for the drive-thru shall be maintained with a stable surface of asphalt or concrete from its entrance abutting the street to its exit upon a street;
- (4) The approach and driveway for the drive-thru shall be designed for one way traffic with a minimum width of 3.1m (10.2 ft);
- (5) The driveway leading to the serving area or window shall be sufficient to hold six (6) parking stalls, each having a minimum depth of 6.1m (20 ft).
- (6) Notwithstanding the above, Seasonal retail uses and food trucks shall be permitted to operate a drive-thru, provided:
 - (a) they are located in a zone where a drive-thru is permitted,
 - (b) the drive-thru does not include any permanent infrastructure,
 - (c) the approach has enough space to permit one way traffic (6.1m (20ft)), and
 - (d) shall operate in such a manner as to limit traffic disruptions.

5.46 Small Accessory Wind Turbine

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

- (1) that the rotors are one (1) metre (3.28 ft) or less in diameter;

- (2) that the lot has a minimum lot size of 1,858m² (20,000 ft²);
- (3) that the tower (including any portion thereof) shall not exceed 24.38m (80 ft) in height. For the sake of clarity, small accessory wind turbines shall not be exempted pursuant to Part 5.9 of this By-law.
- (4) that the tower is located a minimum distance of at least 1.5 times the height of the tower away from any common lot boundary;
- (5) that no portion (base, post, frame, rotors, guy wires, anchors or any other part thereof) of the small accessory wind turbine is located closer than 15.24m (50 ft) to any common lot boundary;
- (6) that no portion of the small accessory wind turbine is located within the front yard or flanking yard;
- (7) that no commercial signage of any kind shall be attached or otherwise placed on any part of the small accessory wind turbine, except for the name of the turbine and safety related information;
- (8) that all parts of the small accessory wind turbine shall be maintained and kept in a good state of repair; and,
- (9) that any small accessory wind turbine which has not operated on a functional basis for a period of six (6) consecutive months shall be deemed abandoned and the property owner shall remove the turbine and all parts thereof within thirty (30) days from the date of abandonment.

5.47 Public and Private Trails, Public and Private Walkways and Public Streets

Pursuant to Implementation Policy 10.37 of the Municipal Planning Strategy, public and private trails, public and private walkways, and public streets complete with accessory structures such as, but not limited to, benches, garbage and recycling facilities, lights, washroom facilities, wayfinding signage, and similar related structures shall be deemed a permitted use in any zone. The use of any public and private trails; and, public and private walkways shall be limited to non-motorized equipment unless otherwise explicitly enabled through the approval of the Town's Traffic Authority.

5.48 Community Markets

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

- (1) shall not be located closer than 3.05m (10ft) to any public street (open or closed);
- (2) shall not be located closer than 3.05m (10ft) to any abutting property boundary line;

- (3)** the driveway entrances shall conform with the requirements of Part 5 of this By-law;
- (4)** open storage shall be strictly prohibited;
- (5)** the area of the community market not wholly enclosed within a building (open displays) shall not exceed twenty five (25%) percent of the total lot area;
- (6)** community markets not wholly enclosed within a building shall be exempt from any requirements requiring municipal water and/or sewer services or any on-site water and/or sewer services;
- (7)** height of any structure or apparatus of any community market not wholly enclosed within a building shall be limited to the maximum height of 4.57m (15ft);
- (8)** notwithstanding Part 6 of this By-law, on-site signage shall be permitted without the issuance of a municipal Development Permit provided no sign is located closer than 1.5m (5ft) to any property boundary line. Off-site signage shall be strictly prohibited unless otherwise permitted pursuant to Part 6 of this By-law; and,
- (9)** all temporary structures, signage and items associated with the community market not wholly enclosed within a building shall be removed from the site when the community market is not operational.

5.49 Regulating the Removal of Top-Soil

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

5.50 Live Adult Entertainment Uses by Development Agreement

Notwithstanding anything else in this By-law, pursuant to Implementation Policy 7.39 of the Municipal Planning Strategy, live adult entertainment uses whether as a main use or as an accessory use shall be strictly prohibited in all zones except those zones which explicitly (specifically) enable the establishment of the use by Development Agreement.

5.51 Non-Residential (Home Based Businesses) Located Outside of the Residential Designation

The following non-residential (home based business) uses shall be permitted in any residential dwelling unit outside of the Residential Designation in the Downtown Commercial (C-I) zone, the Secondary Commercial (C-3) zone, the Local Commercial (C-4), the Waterfront Commercial Industrial (WCI-5) zone, the Commercial Holding (C-H) zone and the Downtown Transition (DTZ) zone:

- (1) Nurseries;
- (2) Domestic and Household Arts;
- (3) Home Based Offices;
- (4) Mobile-Home Based Businesses;
- (5) Home Based Aesthetic Practices; and,
- (6) Internet Web Site Development.

5.52 Non-Residential (Home Based Businesses) Located Outside of the Residential Designation: General Requirements

The following general requirements shall apply to the operation of non-residential (home based business) uses located outside of the Residential Designation in the Downtown Commercial (C-I) zone, the General Commercial Main Street (C-2M) zone, the Secondary Commercial (C-3) zone, the Local Commercial (C-4), the Waterfront Commercial Industrial (WCI-5) zone, the Commercial Holding (C-H) zone and the Downtown Transition (DTZ) zone:

- (1) A dwelling must be occupied as a residence by the user, only two (2) non-residential uses per dwelling unit may be established and only two (2) assistants who are not residents of the dwelling may be employed per non-residential use;
- (2) The non-residential (home based business) shall be located inside a residential dwelling unit and not more than twenty-five (25%) percent of the total gross floor area of the dwelling unit shall be devoted to the non-residential use(s);
- (3) No open storage or outdoor displays associated with the nonresidential (home base business) use shall be permitted; and,

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

5.53 Non-Residential (Home Based Businesses) Located Outside of the Residential Designation: Special Restriction

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

5.54 Non-Residential (Home Based Businesses) Located Outside of the Residential Designation: Signage

Non-residential (home based businesses) located outside of the Residential Designation shall be treated, for the purpose of signage, according to their zone requirements and their signage shall be regulated accordingly.

5.55 Uses Permitted by Development Agreement

Municipal Planning Strategy Implementation Policy 7.42 enables convenience stores, personal service shops and restaurants (eat-in, take out only) uses up to a maximum combined area of 278.7m² (3,000ft²) may be considered within any designation by Development Agreement pursuant to Section 225 of the Municipal Government Act.

5.56 Urban Beekeeping

Notwithstanding anything contained in Part 5.37, Urban Beekeeping may be established in any zone provided:

- (1) That the bee hive is located in the rear yard or is otherwise located on a rooftop of a building. Notwithstanding, if located on a vacant lot, the beehive shall be located at least 12.2m (40 ft) from any abutting public street boundary line;
- (2) That the bee hive is located a minimum of 6.1m (20 ft) from any abutting public street boundary line if not located on a rooftop of a building;
- (3) That the bee hive is located a minimum of 3.05m (10 ft) from any abutting property boundary line if not located on a rooftop of a building;
- (4) That the maximum number of bee hives shall not exceed four (4) per lot;
- (5) That a warning sign is placed upon entry to the property or, in the case of being located on a rooftop, upon entry to the rooftop (such sign shall be exempt from Part 6 of this By-law);

- (6) That a flight path fence, hedge or other suitable enclosure with a minimum height of 1.83m (6 ft) surrounds or otherwise encloses the bee hive from any abutting property lines. Notwithstanding, if the bee hive is not wholly enclosed, the fence, hedge or other suitable enclosure shall run parallel to any abutting property line and extend at least 3.05m (10 ft) beyond the hive in both directions (this provision shall not apply where the hives are located on a rooftop); and,
- (7) That an on-site water source is provided within 3.05m (10 ft) of the bee hive.

5.57 Urban Beekeeping Hives not defined as Buildings

Notwithstanding anything else in this By-law, the bee hives associated with an urban beekeeping use shall not be deemed a building whether as "main" buildings or "accessory" buildings and shall not be regulated as such.

5.58 Kennels

- (1) Kennels may be established in the following zones: General Commercial (C-2), General Industrial (M-1), Water Industrial (M-2) and Waterfront Commercial Industrial (WCI-5) provided:
 - a) Any kennel intended for the keeping of animals must maintain a minimum setback of 4.5m (15 ft) from any abutting property line;
 - b) Any animal run or open air enclosure must maintain a minimum setback of 3.05m (10 ft) from any and all abutting property lines; and
 - c) Any kennel must maintain a minimum distance of 15m (50 ft.) from any neighbouring dwelling.
- (2) Kennels shall be permitted in the Downtown Commercial (C-1) and Secondary Commercial (C-3) zones by Development Agreement pursuant to the policies listed in 5.13 and 5.50.

5.59 Criteria for Site Plan Approvals

(1) Conditions of Permit Approval

Where the developer chooses to proceed by the site plan approval process, as permitted within this By-law, the following conditions shall apply and the development shall be subject to the approval of the Development Officer for the Town of Yarmouth.

(2) Evaluation Criteria for Site Plan Approval

The following evaluation criteria shall apply to any development undertaken pursuant to section 5.59 (1):

- a) that the proposed development is located on the property so as to minimize any adverse impact on the surrounding neighbourhood;
- b) that the site plan clearly indicates how the proposed development will respond to the area statement of community interest for the zone;
- c) that the site plan clearly shows how users of the proposed development will access existing transportation options, sustainable and car oriented, with consideration to the statement of community interest for the proposed area;
- d) that the site plan clearly demonstrates how the new development will respect the existing architecture of the area and is compatible with adjacent properties;
- e) that the existing vegetation, where possible and deemed practical, be retained so as to lessen or reduce any adverse impact on abutting properties or the surrounding neighbourhood; and,
- f) that storm and surface water management plans are provided.

(3) Site Plan Application – A Site Plan prepared in accordance with 5.59 (1) shall indicate:

- a) physical characteristics of the proposed site, including lot dimension, elevations, natural drainage, existing watercourses and shorelines and any existing structures and vegetation;
- b) adjacent public streets and rights-of-way;
- c) existing municipal sewer and water facilities as well as any other public utility facility;
- d) proposed location and use of all buildings or structures to be constructed or utilized;
- e) proposed storm drainage management and sewer and water requirements, any proposed streets, walkways, active transportation routes;
- f) proposed buffering, landscaping, screening and access controls to reduce potential incompatibility with adjacent and nearby uses;
- g) proposed plan of subdivision in accordance with the Subdivision By-law; and
- h) proposed exterior architecture to demonstrate compatibility and respect for existing architecture of the area, where applicable.

(4) Site Plan Process

The process for granting Site Plan Approval follows the same process as the Variance procedure subject to Section 236 of the Municipal Government Act.

Part 6 – Signs

6.1 General

The following general standards shall apply:

- (1)** Where this Part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Transportation and Infrastructure Renewal, the more restrictive regulations shall apply;
- (2)** No person shall erect or enlarge a sign without first obtaining a Development Permit from the Development Officer except for signs permitted pursuant to Part 6.2 which shall not require a Development Permit and those signs explicitly stating that no Development Permit is required in various provisions of this By-law;
- (3)** No permit to erect or enlarge a sign shall be issued unless all the sign provisions of this By-law are satisfied;
- (4)** Any sign, including but not limited to projecting wall signs, canopy signs and temporary signs, that encroach upon or otherwise are located within a street right-of-way shall not be issued a Municipal Development Permit unless an indemnity in favour of the Town is signed by the sign owner. Special event signage and any other signs not requiring a Municipal Development Permit shall be exempt from this provision;
- (5)** Signs erected on a Municipal Heritage property or in the Heritage Conservation District shall require a Certificate of Appropriateness from the Town's Heritage Officer prior to approval;
- (6)** All signs and all parts thereof shall be maintained, kept in a good state of repair, and in like new condition;
- (7)** 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 doesn't meet this requirement shall be removed; and,
- (8)** Notwithstanding anything else in this By-law, should a sign be approved by the Yarmouth Façade Improvement Society, regulations pertaining to the size and material of a sign shall not apply.

6.2 Signs Permitted in all Zones Not Requiring a Development Permit

The following signs shall be permitted in all zones without a Development Permit:

- (1)** Signs of not more than 0.5m² (5ft²) in area showing civic address and name of resident or building;
- (2)** Real estate signs not exceeding 0.5m² (5ft²) in sign area in a residential zone and 1.4m² (15ft²) in other zones, which advertise the sale, rental, open house or lease of the premises;
- (3)** Signs regulating or denoting on-premises traffic or parking, or other signs denoting the direction, function or features of buildings or parts of a building or premise provided such signs are less than 0.5m² (5ft²) in area;
- (4)** Signs erected by a government authority or under their direction and bearing no commercial advertising;
- (5)** Memorial signs or tablets and signs denoting the date of erection of a structure provided such signs are less than 1.0m² (10.76ft²);
- (6)** The flag, pennant or insignia of any government or of any religious, charitable, security or fraternal organization. In addition, flags which advertise a business on premise shall be permitted provided the business is not located in any of the zones outlined in the Downtown Commercial and Residential Sign Provision Tables;
- (7)** Signs erected for the purposes of campaigning during a Municipal, Provincial or Federal election;
- (8)** A sign incidental to construction or advertising a construction company and within the area of such construction;
- (9)** A sign which displays the words “open” or lists a business’s hours of operation;
- (10)** Product Display Signage not Exceeding 0.5m² (5.4ft²) in Area;
- (11)** Automobile service stations poster style signs attached to the pylons supporting the canopy sheltering at the pump station or on the pump station themselves and not withstanding anything else in this By-law, one (1) additional ground sign denoting only the business name and the price of gas/diesel may be erected provided the ground sign complies with the free standing sign dimensions and conditions of the zone;
- (12)** One (1) additional free standing sign may be attached to propane tanks and/or natural gas tanks (one (1) sign per propane/natural gas tank) denoting only the business name and the price of the propane or natural gas;
- (13)** Any light pole located on a property may have a light pole free standing sign, in addition to the free standing signs permitted by other sections of this By-Law;

(14) Cart corral signage;

(15) Private and public wharves and marinas free standing signs or flat fixed wall signs indicating off-site services and contact information associated with the needs of the marine transportation industry;

(16) No more than 25% of the glass area of any window may be covered by posters of papers affixed directly to the glass, whether inside or out;

(17) Pictures and murals;

(18) Signs located within a wholly enclosed compound, fenced or otherwise, facing internally which are not visible from outside the enclosure and up to three (3) free standing signs per fence wall facing externally per business premise provided they meet the dimensions and conditions of the zone;

(19) Special Sale Occasion Signage provided all signs are removed within fourteen (14) consecutive days of the end of the sale occasion; and

(20) 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.

6.3 Signs Prohibited in all Zones

The following signs shall be prohibited in all zones:

(1) Any sign or sign structure which constitutes a hazard or hindrance to public safety or health;

(2) Any sign that 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;

(3) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;

(4) Signs not erected by a public authority which make use of words such as "stop", "look", "one way", "danger", "yield" or any similar words, phrases, symbols, lights or characters in such manner as to interfere with, mislead or confuse traffic along a street;

(5) Signs that advertise a product, service or business that is not available at that location, except for signs explicitly enabled by this By-law;

- (6) 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 By-law;
- (7) Signs with more than two faces; and
- (8) 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.

6.4 Signs in Residential Zones

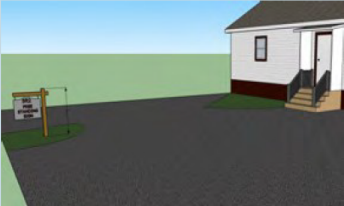
Notwithstanding anything contained in Part 6.2 of this By-law, signage within any residential zones shall be strictly prohibited except for the following:

- (1) Medium Density Residential Zone Main Street (R-2M) Zone Signage** according to the Downtown Commercial – Sign Provision table shall be permitted in the Medium Density Residential Zone Main Street (R-2M) Zone.

Residential (non-residential uses) – Sign Provision
(only **one (1)** of the following will be permitted per home based business)

Shall apply to
the following zones:

	CD	C-4		
R-1	R-2	R-3	R-H	

Sign Type	Permitted	Dimensions	Conditions	Application
Flat Fixed Wall Sign <i>means a sign which is attached to and supported by a wall of a building.</i> * Clarity Note: flat fixed signs should project no less than 1ft from the wall. Signs that project a greater distance may be considered a canopy awning sign and then must meet the associated requirements.	One (1) may be erected.	May cover up to 5% area of the wall upon which the sign is affixed.	Must be non-illuminate. Be constructed of a wood or metal material.	
Free Standing Sign <i>means a sign supported by one or more uprights, poles or braces placed in or upon the ground.</i>	One (1) may be erected.	May have two (2) sign faces with a max sign area of .5m ² (5ft ²) (single face). May have a height of up to 1.5m (5ft). <i>from grade level to the highest part of the sign.</i>	Must be non-illuminate. Be constructed of a wood or metal material. May be located as close as 1m (3.3ft) from any public street right-of-way or common lot boundary.	
Projecting Wall Sign <i>means a sign which projects from and is supported by a wall of a building.</i>	One (1) may be erected.	May have two (2) sign faces with a max sign area of .5m ² (5ft ²) (single face).	Must be non-illuminate. Be constructed of a wood or metal material. May have any portion located as low as 1.6m (6ft). <i>above the level of any street right-of-way if located above a street right-of-way.</i>	
Canopy and Awning Sign <i>means a sign that is incorporated into the material of an awning or canopy.</i>	One (1) may be erected.	May cover up to 5% of the wall upon which the awning/canopy is affixed. May project a maximum of 0.3m (1ft) from supporting awning/canopy.	May have any portion located as low as 2.4m (8ft) <i>above the level of any street right-of-way if located above a street right-of-way.</i> Awnings/Canopies will be constructed of vinyl laminated polyester reinforced fabric or woven fabric, woven acrylic canvas.	
Subdivision Entrance (Community Sign) <i>means an identification free standing sign consisting of community name, map of area and/or builders name.</i>	One (1) may be erected per subdivision.	May have two (2) sign faces with a max sign area of 3m ² (32ft ²). May have a height of 3m (10ft) <i>from grade level to the highest part of the sign.</i>	May be located as close as 1.5m (5ft) from any public street right-of-way. May not be located in a corner lot corner vision triangle* *Corner Vision Triangle means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection, the distance required by this By- law, along each such street line and joining such points with a straight line.	

6.5 Signs in Environmentally Sensitive (E-S), Open Space (O-1) and (O-2) Floodplain Zones:

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

Parks and Public Spaces – Sign Provision				Shall apply to the following zones:	O-1	O-2	E-S
Sign Type	Permitted	Dimensions	Conditions	Application			
Free Standing Sign <i>means a sign supported by one or more uprights, poles or braces placed in or upon the ground.</i>	Up to one (1) may be erected per lot.	May have two (2) sign faces with a max sign area of 1.1m ² (12ft ²) (single face). May have a height of up to 3m (10ft) from grade level to the highest part of the sign.	May be located as close as 1m (3.3ft) from any public street right-of-way.				
Temporary Sign <i>means a sign which may be erected for a specified period of time and may include portable signs, banners, construction signs and the like.</i> ** Sandwich board temporary signs do not require a Development Permit provided they meet the following specifications of the Parks and Public Spaces Sign provisions table.	Up to one (1) portable sign per lot.	May have two (2) sign faces with a max sign area of 1.1m ² (12ft ²) (single). May not exceed a height of 1.4m ² (4.5ft ²).	May be permitted to occupy a parking space. May not include any illumination or be located in a rear or side yard that abuts a residential zone. May not be located on a sidewalk or other property of the Town unless the owner of the sign executes an indemnity agreement.				

*** Advertising or signage for a Seasonal Retail Trade Use, in addition to the other signs permitted in the zone in which the use is located, are permitted to erect flat fixed wall signs for the entire space available on the unit, provided the use is not located in a main building.

6.6 Signs in Commercial and Industrial Zones:

The following signs shall be permitted within the General Commercial (C-2), General Commercial Main Street (C-2M), Commercial Industrial (CI-4), General Industrial (M-1) and Waterfront Industrial (M-2) zones provided all requirements of the By-law are satisfied:

Commercial & Industrial – Sign Provision			Shall apply to the following zones:	C-2	C-2M	C-H	CI-4	M-2	M-1
Sign Type	Permitted	Dimensions	Conditions	Application					
Flat Fixed Wall Sign <i>means a sign which is attached to and supported by a wall of a building.</i> * Clarity Note: flat fixed signs should project no less than 1ft from the wall. Signs that project a greater distance may be considered a canopy awning sign and then must meet the associated requirements.	May cover up to 15% of the area per wall elevation with flat fixed wall signs.	15% of the area of the wall to which the sign/signs are affixed.	May face any yard provided it is not located in a rear and/or side yard that abuts a residential designation.						
Free Standing Sign <i>means a sign supported by one or more uprights, poles or braces placed in or upon the ground.</i>	Up to two (2) may be erected per lot. ** lots abutting two (2) public streets may erect up to four (4) per lot.	May have two (2) sign faces with a max sign area of 11 m ² (118ft ²) (single face). May have a height of up to 10.7m (35ft) from grade level to the highest part of the sign	May be located as close as 50% of the height of the sign from front or flanking lot line and 30% of the height of the sign from side or rear property line. May face any yard provided it is not abutting a residential designation.						
Projecting Wall Sign <i>means a sign which projects from and is supported by a wall of a building.</i>	Up to (3) may be erected per business premises per building wall elevation.	May have two (2) sign faces with a max sign area of 4m ² (43.1ft ²) (singleface).	May have any portion located as low as 2.4m (8ft.) <i>Above the level of any street right-of-way if located above a street right-of-way.</i>						
Temporary Signs <i>means a sign which may be erected for a specified period of time and may include portable signs, banners and the like.</i> ** Sandwich board temporary signs do not require a Development Permit provided they meet the following specifications of the Commercial Industrial Sign provisions table.	Up to one (1) temporary sign per business premise.	May have two (2) sign faces with a max sign area of 3.7m ² (40ft ²) (single). May not exceed a height of 2.4m (8ft.).	May be permitted to occupy a parking space. May only be located in front of the lot for which it is advertising. May not be located in a rear or side yard that abuts a residential designation. May not be located on a sidewalk or other property of the Town unless the owner of the sign executes an indemnity agreement.	 					
Canopy and Awning Sign <i>means a sign that is incorporated into the material of an awning or canopy.</i>	May cover up to 15% of the area per wall elevation with canopy/awning signs.	May cover up to 15% of the wall upon which the awning/ canopy is affixed. May project a maximum of 0.3 m (1 ft) from supporting awning/canopy.	May have any portion located as low as 2.4m (8 ft.) <i>Above the level of any street right-of-way if located above a street right-of-way.</i>						

***Advertising or signage for a Seasonal Retail Trade Use, in addition to the other signs permitted in the zone in which the use is located, are permitted to erect flat fixed wall signs for the entire space available on the unit, provided the use is not located in a main building.

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

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

- a) Notwithstanding Section 6.3(7) may have multiple sign faces with a maximum sign area of 6m² (64.6ft²) (single face).
- b) shall not have any portion of the sign (base, post, frame or face) located closer than 1.5m (5ft) to any public street right-of-way or common lot boundary;
- c) shall not have any portion (base, post, frame or face) of the sign exceeding 4.6m (15 ft) 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 0.3m (1ft) from the supporting wall.

6.7 Special Occasion Event Signage Requirements:

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

- (1) Council's permission is obtained if the signage is erected within any street right-of-way with the exception of a maximum of one (1) banner sign per special occasion event stretching over a public street right-of-way or along any public street right-of-way with approval from the Town's Traffic Authority;
- (2) Council's permission is obtained if the signage is erected within any street right-of-way with the exception of banner signs attached to ornamental street light poles located within the Central Business District Designation with approval from the Town's Traffic Authority;
- (3) that the sponsorship signage shall not include any other message or convey any other information other than the business's name or logo, organization's name or logo and/or person's name;
- (4) the sponsorship signage may be on the same sign as the special occasion event signage or otherwise be on a separate sign but be adjacent to the special occasion

event signage in such a fashion as to be clearly part of the overall promotion of the special occasion event; and,

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

6.9 Signs in Institutional (I-1) & Health Campus (HC) Zone

The following signs shall be permitted within the Institutional (I-1) and Health Campus (HC), provided all requirements of this By-law are satisfied:

Shall apply to
the following zones:

H-C

I-1

Institutional and Health Campus – Sign Provision

Sign Type	Permitted	Dimensions	Conditions	Application
Flat Fixed Wall Sign <i>means a sign which is attached to and supported by a wall of a building.</i> * Clarity Note: flat fixed signs should project no less than 1ft from the wall. Signs that project a greater distance may be considered a canopy awning sign and then must meet the associated requirements.	May cover up to 15% of the area per wall elevation with flat fixed wall signs.	May cover up to 15% area of the wall upon which the sign is affixed.	May face any yard provided it is not located in a rear and/or side yard that abuts a residential designation.	
Free Standing Sign <i>means a sign supported by one or more uprights, poles or braces placed in or upon the ground.</i>	Up to two (2) may be erected per lot.	May have two (2) sign faces with a max sign area of 3.7m ² (40ft ²) (single face). May have a height of up to 3.7m (12ft) from grade level to the highest part of the sign.	May be located as close as 1m (3.3ft) from any public street right-of-way.	 
Projecting Wall Sign <i>means a sign which projects from and is supported by a wall of a building.</i>	Up to three (3) may be erected per business premise per building wall elevation.	May have two (2) sign faces with a max sign area of 4m ² (43.1ft ²) (single face).	May have any portion located as low as 2.4m (8ft). <i>above the level of any street right-of-way if located above a street right-of-way.</i>	
Temporary Signs <i>means a sign which may be erected for a specified period of time and may include portable signs, banners and the like.</i> ** Sandwich board temporary signs do not require a Development Permit provided they meet the following specifications of the Institutional and Health Campus Sign provisions table.	Up to one (1) temporary sign per business premise.	May have two (2) sign faces with a max sign area of 3.7m ² (40ft ²) (single). May not exceed a height of 2.4m (8ft).	May be permitted to occupy a parking space. May not be located in a rear or side yard that abuts a residential designation. May not be located on a sidewalk or other property of the Town unless the owner of the sign executes an indemnity agreement.	 
Canopy and Awning Sign <i>means a sign that is incorporated into the material of an awning or canopy.</i>	May cover up to 15% of the area per wall elevation with canopy/awning signs.	May cover up to 15% of the wall upon which the awning/canopy is affixed. May project a maximum of 0.3m (1ft) from supporting awning/canopy.	May have any portion located as low as 2.4m (8ft). <i>above the level of any street right-of-way if located above a street right-of-way.</i> Awnings/Canopies will be constructed of vinyl laminated polyester reinforced fabric or woven fabric, woven acrylic canvas.	

***Advertising or signage for a Seasonal Retail Trade Use, in addition to the other signs permitted in the zone in which the use is located, are permitted to erect flat fixed wall signs for the entire space available on the unit, provided the use is not located in a main building.

6.10 Signs in the Downtown Commercial (C-1), Waterfront Commercial Industrial (WC1-5), Downtown Transition Zone (DTZ), Secondary Commercial (C-3), and Medium Density Residential Main Street (R-2M) Zones

The following signs shall be permitted in the Downtown Commercial (C-1), Waterfront Commercial Industrial (WC1-5), Downtown Transition (DTZ), Secondary Commercial (C-3), and Medium Density Residential Main Street (R-2M) zones provided all requirements of this By-law are satisfied:

Downtown Commercial – Sign Provision

Shall apply to the following zones:

C-1

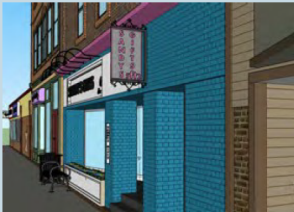
C-3

DTZ

R-2M

WCI-5

WMU

Sign Type	Permitted	Dimensions	Conditions	Application
Flat Fixed Wall Sign <i>means a sign which is attached to and supported by a wall of a building.</i> * Clarity Note: flat fixed signs should project no less than 1ft from the wall. Signs that project a greater distance may be considered a canopy awning sign and then must meet the associated requirements.	May cover up to 15% of the area per wall elevation with flat fixed wall signs.	15% of the area of the wall to which the sign/signs are affixed. May not be located closer than 1m (3.2ft) to another sign on the same wall.	Lighted signs may face any yard provided it is not located in a rear and/or side yard that abuts a residential designation. May not extend beyond extremities of the wall on which it is placed. Should be constructed of mainly wood and metal materials.	
Free Standing Sign <i>means a sign supported by one or more uprights, poles or braces placed in or upon the ground.</i>	Up to one (1) may be erected per lot.	May have two (2) sign faces with a max sign area of 1.1m ² (12ft ²) (single face). May have a height of up to 3m (10ft) from grade level to the highest part of the sign.	May be located as close as 1m (3.3ft) from any public street right-of-way. Lighted signs may face any yard provided it is not located in a rear and/or side yard that abuts a residential designation.	
Projecting Wall Sign <i>means a sign which projects from and is supported by a wall of a building.</i>	Up to three (3) may be erected per business premise per building wall elevation.	May have two (2) sign faces with a max sign area of 1.1m ² (12ft ²) (single face).	May have any portion located as low as 2.4m (8ft.) above the level of any street right-of-way if located above a street right-of-way. Should be constructed of mainly wood and metal materials and may not be printed on plastic backs.	
Temporary Signs <i>means a sign which may be erected for a specified period of time and may include portable signs, banners and the like.</i> ** Sandwich board temporary signs do not require a Development Permit provided they meet the following specifications of the Downtown Commercial Sign provisions table.	Up to one (1) sandwich board sign per business premise.	May have two (2) sign faces with a max sign area of .5m ² (6ft. ²) (single). May not exceed a height of 1m (3ft). May not exceed a width of .6m (2ft).	Only sandwich board signage permitted. May not include any illumination. May not be located on a sidewalk or other property of the Town unless the owner of the sign executes an indemnity agreement.	
Canopy and Awning Sign <i>means a sign that is incorporated into the material of an awning or canopy.</i>	May cover up to 15% of the area per wall elevation with canopy /awning signs.	May cover up to 15% of the wall upon which the awning/canopy is affixed. May project a maximum of 0.3 m (1ft) from supporting awning/canopy.	May have any portion located as low as 2.4m (8ft.) above the level of any street right-of-way if located above a street right-of-way. Awnings/Canopies will be constructed of vinyl laminated polyester reinforced fabric or woven fabric, woven acrylic canvas.	
Projecting Banner Sign <i>means a sign composed of lightweight material and fastened to at least two (2) edges of its surface.</i>	Up to three (3) may be erected per business premise per building wall elevation.	May project a maximum of 1.2m (4ft.) from the building wall to which it is attached.	May have any portion located as low as 2.4m (8ft) above the level of any street right-of-way if located above a street right-of-way. Must be constructed of vinyl laminated polyester reinforced fabric or woven fabric, woven acrylic canvas. May not extend beyond extremities of the wall on which it is placed.	

***Advertising or signage for a Seasonal Retail Trade Use, in addition to the other signs permitted in the zone in which the use is located, are permitted to erect flat fixed wall signs for the entire space available on the unit, provided the use is not located in a main building.

6.11 Off-site Window Display Signage in Downtown Commercial (C-1) zone

Notwithstanding Part 6.2 and Part 6.3 of this By-law, off-site window display signs may include advertising of the sign manufacturer and/or photo/image designer, whom may be located outside of the Downtown Commercial (C-1) zone, the Downtown Transition Zone (DTZ) or the Waterfront Commercial Industrial (WCI-5) zone, provided the maximum sign area of the signage manufacturer and/or photo/image designer does not exceed a sign area of 0.2m^2 (2.15 ft^2) per off-site window display sign.

- (1)** the off-site window display signs are located internally and not externally or are otherwise affixed to the glass portion of the window;
- (2)** the off-site window display signs advertise a use that is lawfully existing within the Downtown Commercial (C-1) zone, the Downtown Transition Zone (DTZ) or the Waterfront Commercial Industrial (WCI-5) zone;
- (3)** the off-site window display signs are located in a vacant storefront window at street level (first floor); and,
- (4)** a Municipal Development Permit is issued for the erection of the off-site window display signs.

Part 7 – General Provisions for All Residential Zones

7.1 Accessory Buildings – Lots Less Than Ten Thousand (10,000 ft²) Square Feet

- (1)** A maximum of two (2) accessory buildings may be erected or placed on a residential zoned lot with an area less than 929 m² (10,000 ft²) in area provided:
- a)** each building shall not be located in the front yard;
 - b)** each building shall not be located closer than 4.6m (15 ft) to any public street (open or closed) except where the main building is located closer than 4.6m (15ft) to any public street. In this event the accessory building may be placed so that it aligns with the main building;
 - c)** each building shall not be located closer than 0.6m (2 ft) to any side yard lot line;
 - d)** each building shall not be located closer than 0.6m (2 ft) to any rear yard lot line;
 - e)** each building shall not exceed 4.6m (15 ft) in height;
 - f)** they shall not exceed a total combined floor area of more than 139.4 m² (1500 ft²) or twenty (20%) percent of the lot area, whichever is the lesser;
 - g)** each building shall not be built within 1.2m (4 ft) of any main building or any accessory building; and,
 - h)** each building shall not have any building elevation more than twice the length of its shortest building elevation.
- (2)** Notwithstanding 7.1 up to one (1) accessory building may be erected, converted or placed on a residential zoned lot for use as a secondary home, rental unit or guest suite.
- (3)** Notwithstanding the definitions in Part 37, for the purposes of this section an adjacent lot in the same ownership may be used for the erection of an accessory building in the same manner as if the property or properties were one (1) property. If the ownership of either property changes then the accessory building shall be removed within one (1) year of the change in ownership unless a permitted use is constructed on the property containing the accessory use.

** Clarity Note: secondary homes, rental units or guest suites shall be considered dwelling units and may not exceed the permitted number of units for the residential zone.*

7.2 Accessory Buildings – Lots With Ten Thousand (10,000 sq. ft.) or More Square Feet

- (1)** A maximum of two (2) accessory buildings may be erected or placed on a residential zoned lot with an area of 929 m² (10,000 sq. ft.) or more in area provided:
- a)** each building shall not be located in the front yard;
 - b)** each building shall not be located closer than 4.6m (15 ft) to any public street (open or closed);
 - c)** each building shall not be located closer than 0.6m (2 ft) to any side yard lot line;
 - d)** each building shall not be located closer than 0.6m (2 ft) to any rear yard lot line;
 - e)** each building shall not exceed 4.6m (15 ft) in height;
 - f)** they shall not exceed a total combined floor area of more than 185.8 m² (2,000 ft²);
 - g)** each building shall not be built within 1.2m (4 ft) of any main building or any accessory building; and,
 - h)** each building shall not have any building elevation more than twice the length of its shortest building elevation.
- (2)** Notwithstanding 7.2 up to one (1) accessory building may be erected, converted or placed on a residential zoned lot for use as a secondary home, rental unit or guest suite.
- (3)** Notwithstanding the definitions in Part 37, for the purposes of this section an adjacent lot in the same ownership may be used for the erection of an accessory building in the same manner as if the property or properties were one (1) property. If the ownership of either property changes then the accessory building shall be removed within one (1) year of the change in ownership unless a permitted use is constructed on the property containing the accessory use.
- (4)** a) Not withstanding 7.2, for group dwellings, up to one (1) accessory building may be erected or placed on a Residential zoned lot for each main building plus one (1) additional accessory maintenance building for the lot provided all other requirements except as noted in 4 b), following, are met;
- b) Not withstanding 7.2 (1) f), for group dwellings, each accessory building related to a main building shall not exceed 69.7 m² (750 ft²) in area and the accessory maintenance building for the lot shall not exceed 116.1 m² (1,250 ft²) in area.

** Clarity Note: secondary homes, rental units or guest suites shall be considered dwelling units and may not exceed the permitted number of units for the residential zone.*

7.3 Visibility at Street Intersections - Corner Vision Triangle

On a corner lot in a residential zone, a fence, sign, hedge, shrub, bush, tree, or any structure or vegetation shall not be erected or permitted to grow to a height greater than 1.2m (4 ft) above the grade of streets which abut the lot within the triangular area included within both road lines for a distance of 3.05m (10 ft) from their point of intersection.

7.4 Uses Permitted by Development Agreement

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

- (1)** New multiple unit dwellings (apartments, townhouses, group dwellings) containing more than six (6) units per lot (High Density Residential (R-3) uses), located within the Residential designation provided they are located on a collector or arterial classified street provided they are not located within the Architecturally Sensitive (A-S) area and provided the High Density Residential (R-3) requirements contained in the Land Use By-law with respect to lot area, lot frontage, yard set-backs and maximum height are satisfied;
- (2)** Expansions to existing apartment buildings or townhouses containing more than six (6) units per lot (High Density Residential (R-3) uses) located within the Residential designation provided they are located on a collector or arterial classified street provided they are not located within the Architecturally Sensitive (A-S) area and provided the High Density Residential (R-3) requirements contained in the Land Use By-law with respect to lot area, lot frontage, yard setbacks and maximum height are satisfied;
- (3)** Expansions to existing mobile home parks beyond the limits of lands zoned Mobile Home Park (R-M);
- (4)** Boarding and rooming houses with more than three (3) rental rooms provided one (1) on-site parking space for each room, suite or rental accommodation is provided at the side or rear of the main building. For Senior Citizen's boarding and rooming houses with more than three (3) rental rooms, one (1) on-site parking space for every two (2) rooms, suites or rental accommodations, or fraction thereof, shall be provided at the side or rear of the main building;
- (5)** Nursing homes, group homes and adult day centres;
- (6) (A)** Institutional (I-1) uses on a lot less than 2323.8m² (25,000 ft²) which exceeds 371.8m² (4,000 ft²) or more of gross floor area exclusive of vestibules, washrooms and closets subject to the Institutional (I-1) zone requirements;

(6) (B) Notwithstanding section 7.4 (6)(A) existing institutional buildings no longer required for that use may be repurposed by Development Agreement, subject to the following:

- a) The use is consistent with the Municipal Planning Strategy;
- b) The use is compatible with adjacent and nearby land uses considering the proposed use and issues such as traffic, parking, and storage;
- c) Adequate screening is provided considering nearby uses exterior lighting is designed to minimize impact on adjacent area;
- d) The proposal encourages the use of active transportation; and,
- e) The Town's infrastructure is sufficient to meet the needs of the use.

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

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

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

7.5 Zone Change Concurrent with Development Agreement

Where any project which is approved by Development Agreement results in a non-conforming use for a property Council may, in order to make the project conforming, rezone the property concurrent with the approval of the Development Agreement.

7.6 Residential Uses Permitted by Site Plan Approval

Municipal Planning Strategy Residential Policy 4.16 provides that the following residential related uses may be considered for development by Site Plan approval:

- (1)** Expansions to existing mobile home parks beyond the limits of lands zoned Mobile Home Park (R-M);
- (2)** Boarding and rooming houses with more than three (3) rental rooms provided one (1) on-site parking space for each room, suite or rental accommodation is provided at the side or rear of the main building. For senior citizen's boarding and rooming houses with more than three (3) rental rooms, one (1) on-site parking space for every two (2) persons, suites or rental accommodations, or fraction thereof, shall be provided at the side or rear of the main building;
- (3)** Nursing homes, group homes and adult day centers; and,
- (4)** New Institutional (I-1) uses that are to be developed on lots less than 2323.8 m² (25,000 ft²) and less than 371.8 m² (4,000 ft²) or more of gross floor area exclusive of vestibules, washrooms and closets;
- (5)** Hostel developments within the residential designation subject to certain performance standards set out in MPS Policy 4.16.

7.7 Uses Permitted by Development Agreement for Registered Heritage Properties

Municipal Planning Strategy Residential Policy 4.21 provides that the following may be considered for development in the residential designation for registered heritage properties by Development Agreement:

- (1)** Coffee and Tea Shops;
- (2)** Antique Shops;
- (3)** Art Galleries;
- (4)** Inns immediately abutting the Central Business District; and
- (5)** Doctor's offices and medical clinics.

7.8 Non-Residential Uses Permitted:

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

- (1)** Guest Homes (maximum of six (6) rental bedrooms);

- (2) Nurseries;
- (3) Domestic and Household Arts;
- (4) Home Based Offices;
- (5) Mobile Home Based Businesses;
- (6) Lobster Trap Storage Facilities;
- (7) Home Based Aesthetic Practice; and,
- (8) Internet Web Site Development.

7.9 Non-Residential Uses: General Requirements

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

- (1) A dwelling must be occupied as a residence by the user, only two (2) non-residential uses per dwelling unit may be established and only two (2) assistants who are not residents of the dwelling may be employed per non-residential use;
- (2) Excluding guest homes, not more than twenty-five (25) percent of the total floor area of the dwelling shall be devoted to the non-residential use, or in the case of an accessory building, not more than 37.2 m² (400 ft²) of the accessory building or a combination thereof;
 - a) Notwithstanding Part 7.8(2), the establishment of Home Based Aesthetic Practices as a non-residential use shall be limited to a maximum gross floor area of 37.2 m² (400 ft²) of the dwelling, or in the case of an accessory building, not more than 37.2m² (400 ft²) of the accessory building.
- (3) No open storage or outdoor displays shall be permitted except for lobster trap storage facilities provided:
 - a) The open storage shall be wholly enclosed within a 1.8 m (6 ft) high opaque fence;
 - b) The height of the open storage shall not exceed the height elevation of the opaque fence;
 - c) The opaque fence enclosing the open storage shall not be located in the required front yard of the lot;

- d) The opaque fence enclosing the open storage shall not be located in the required flanking yard of a corner lot;
- e) The opaque fence enclosing the open storage shall not be permitted within 0.6 m (2 ft) of any common lot boundary;

f) The area devoted to open storage shall not exceed fifty (50%) percent of the total lot area; and,

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

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

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

7.10 Non-Residential Uses: Special Restriction

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

7.11 Parking of Commercial Motor Vehicles

- (1) No motor vehicle used for commercial purposes such as ambulances, hearses, motor buses, tractors, trailers (*except enclosed cargo trailers as referenced in 4 (c) below*), tractor/trailer combined, transport trucks, dumptrucks, backhoes, front end loaders, construction vehicles, and other similar vehicles, whether or not same contains commercial licenses or signage, shall be parked or kept on any residentially zoned lot or along any residentially zoned street.
- (2) No commercial vans exceeding a gross vehicle weight of 6,804 kgs (15,000 lbs), whether or not same contains commercial licenses or signage, shall be parked or kept on any residentially zoned lot.
- (3) No commercial vans exceeding a gross vehicle weight of 5,443.2 kgs (12,000 lbs), whether or not same contains commercial licenses or signage, shall be parked or kept on any residentially zoned street.
- (4) Commercial vans parked or kept on a residentially zoned property shall comply with the following:

- a) a maximum of two (2) commercial vans not exceeding a gross vehicle weight of 5,443.2 kgs (12,000 lbs) each may be parked on a residentially zoned property; or,
- b) a maximum of one (1) commercial van having a gross vehicle weight greater than 5,443.2 kgs (12,000 lbs) but less than 6,804 kgs (15,000 lbs) in addition to a maximum of one (1) commercial van not exceeding a gross vehicle weight of 5,443.2 kgs (12,000 lbs) may be parked on a residentially zoned property; or,
- c) a maximum of one commercial van of either weight as noted in (b), above and (1) enclosed cargo trailer with an internal storage area not exceeding 14.0 m³ (495 ft³) may be parked on a residentially zoned property.

provided they are not parked or kept in the front yard of the lot as defined in this By-law. In addition, said vehicles shall not be parked or kept on any vacant undeveloped residentially zoned lot.

7.12 Minimum Main Building Width - Architectural Design Features

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

7.13 Transportation Vehicles and/or Shipping Containers Use Prohibited

- (1) No automobile, recreational trailer, camper, truck, bus, coach body, truck body, mobile classroom, mobile storage compartment, tractor, trailer, or tractor trailer combined, including any plane, train, boat, construction vehicle, shipping container, transport vehicle, transport container, cargo container or any other similar type of structure or enclosure shall be used as a main or accessory building in any residential zone, whether or not same is mounted on wheels or on a foundation.
- (2) Notwithstanding Part 7.13(1), a recreational trailer may be sited on a lot and used for human habitation purposes provided the use does not exceed thirty (30) days in any calendar year.

7.14 Parking

Except for R-3 Zones, for every building or structure to be erected, occupied or enlarged, or where there is a change in use to a building or structure in any residential zone, including the Downtown Transition (DTZ) zone, one (1) on-site parking space shall be provided and

maintained for each dwelling unit located on the same lot as the use having unobstructed access to a public street.

For any new dwelling unit to be created in any zone, one (1) on-site covered and secure bicycle parking unit with a capacity to contain a minimum of two (2) adult bicycles, may be placed in the required yard. Units that are integral to the dwelling shall not be considered part of the dwelling and units that are separate from the dwelling unit will not be considered a building.

** Clarification Note: Units that are integral to the dwelling shall not be considered part of the dwelling and may be placed in the required yard.*

** Clarification Note 2: the sheltered bicycle parking will not be considered a building.*

7.15 Infill Development

Pursuant to Section 5.7 of this By-law, Council is interested in encouraging infill in existing residential areas. Development Permits may be issued for proposals which meet the land use requirements within the zone through the Site Plan Approval process. Site plans shall show how the development:

- respects the architecture of the area;
- is compatible with adjacent properties;
- is in scale with the buildings in the area, including setback, main floor elevation, roofline and height;
- supports the urban character of the area;
- encourages walking, biking and/or the use of transit;
- has no parking in the front yard;
- has landscaping elements that are visually appealing and assist in water run-off control; and,
- proposes to construct site grading that limits water run-off onto adjacent properties to current levels.

Notwithstanding any other side yard requirements in the residential zones, the following side yard requirements shall apply:

Side Yards	
Lot Frontage	Total Side Yard**
50 feet and under	10 feet
50 feet to 60 feet	12 feet
Over 60 feet	16 feet

** Both side yards added together except for semi-detached dwellings (common shared property line designed for individual ownership) in which case the minimum side yards shall each be one-half of the requirement noted above.

Part 8 - Architecturally Sensitive (A-S) Area

8.1 (A-S) Uses Permitted

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

8.2 Requirement for a Certificate of Appropriateness

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

8.3 Architecturally Sensitive (A-S) Area Requirements

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

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

8.4 Conformity with Existing Set-backs

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

8.5 One Main Building Per Lot

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

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

8.6 Signage Requirements

No Development Permit for any type of sign shall be issued unless such sign conforms to the requirements of the Collins Heritage Conservation District By-law.

8.7 Fencing Requirements

No Development Permit for any type of fence shall be issued unless such fence conforms to the requirements of the Collins Heritage Conservation By-law.

8.8 Accessory Buildings and Structures

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

8.9 Zoning Requirements

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

8.10 Compliance With Other By-laws

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

8.11 Parking Prohibited in Front Yard

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

8.12 Maximum Lot Coverage

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

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

Notwithstanding Part 7.7, no Development Permit shall be issued for a lobster trap storage facility as a non-residential use in the Residential Designation located within the Architecturally Sensitive (A-S) area.

8.14 Landscaping - Vegetation Retention

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

8.15 Screening of Refuse and Recycling Containers

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

8.16 Removal of Topsoil Prohibited

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

(2) Whether in conjunction with a development or not, topsoil and other vegetation matter shall not be removed from the front or flanking yards in the Architecturally Sensitive (A-S) area except for the purpose of gardening, walkways with a maximum width of 1 m (3 ft), driveways with a maximum width of 3.6 m (12 ft), permitted buildings or structures and at-grade patios provided the minimum required front yard and minimum required flanking yard remains in a vegetated state. Notwithstanding, a

walkway leading from a street or driveway to an entrance staircase may have a maximum width equal to the entrance staircase width.

8.17 Restriction on Number of Driveways

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

Part 9 - Low Density Residential (R-1) Zone

9.1 R-1 Zone Permitted Uses

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

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

(2) Parking lots within 100 m (328 ft) of the location it is intended to serve (excluding parking lot structures), private parks, private gardens and residential care facilities shall be permitted in the Low Density Residential (R-1) zone as stand alone, in combination with each other or in combination with any use outlined above pursuant to Part 9.1 (1).

9.2 Zone Requirements

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

	Single Detached and two (2) unit Dwellings	Semi-Detached Dwelling
Minimum lot area	464.5 m ² (5000 ft ²)	371.6m ² (4000 ft ²) for one (1) dwelling unit per lot
Minimum lot frontage	15.24 m (50 ft)	12.2 m (40 ft) per lot
Minimum front yard	6.1 m (20 ft)	6.1 m (20 ft)
Minimum flanking yard	4.6 m (15 ft)	4.6 m (15 ft)
Minimum rear yard	6.1 m (20 ft)	6.1 m (20 ft)
Minimum side yard:		
One side	1.8 m (6 ft)	3.05 m (10 ft) on exterior yard only
Other side	3.05 m (10 ft)	
Maximum Height of Main Building	10.67 m (35 ft)	10.67 m (35 ft)

9.3 One Main Building: R-1 Zones

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

9.4 Conformity with Existing Setbacks: R-1 Zones

Notwithstanding anything else in this Part, any structure built between existing buildings may be built with a setback equal to the average setback of the adjacent buildings within 61 m (200 ft) on the same block, but this depth shall not be less than 1.5 m (5 ft) from the front lot line.

9.5 Parking Lots

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

Part 10 - Medium Density Residential (R-2) Zone

10.1 R-2 Zone Permitted Uses

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

- * All R-1 permitted uses subject to the R-1 zone requirements;
- * Semi Detached Dwellings characterized by not more than one (1) shared property line with a maximum of two (2) units per lot;
- * Three (3) Unit Dwellings; and,
- * Multiple dwellings up to six (6) Units.

10.2 R-2 Zone Requirements

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

Minimum Lot Area

	First 2 units	Additional 3 to 6 units
Minimum lot area required	2,500 ft ² per unit	2,000 ft ² per unit

	Three Unit Dwellings	Four to Six Unit Dwellings	Semi-detached
Minimum Lot Frontage	19.8 m (65 ft)	27.4 m (90 ft)	15.25 m (50 ft) per lot
Minimum Front Yard	7.6 m (25 ft)	7.6 m (25 ft)	7.6 m (25 ft)
Minimum Flanking Yard	6.1 m (20 ft)	6.1 m (20 ft)	6.1 m (20 ft)
Minimum Rear Yard	7.6 m (25 ft)	7.6 m (25 ft)	7.6 m (25 ft)
Minimum Side Yards	4.6 m (15 ft)	4.6 m (15 ft)	4.6 m (15 ft) on exterior yards only
Maximum Height of Main Building	10.67 m (35 ft)	10.67 m (35 ft)	10.67 m (35 ft)

10.3 R-2 Zone Group Dwelling Requirements

Medium Density Residential (R-2) uses may proceed by Site Plan Approval or Development Agreement. However, such developments, proceeding through Site Plan Approval, shall conform to all of the following requirements:

- (1)** Minimum lot frontage to be 30.5 m (100 ft);
- (2)** Minimum lot area to be 1114.8 m² (12,000 ft²);
- (3)** Minimum front yard setback to be 7.62 m (25 ft);
- (4)** Minimum side yard setback to be 4.6 m (15 ft) or one-half (1/2) the height of the tallest building, whichever is greater;
- (5)** Minimum flanking yard setback to be 6.1 m (20 ft);
- (6)** Minimum rear yard setback to be 7.62 m (25 ft);
- (7)** Maximum height of main buildings to be 10.67 m (35 ft); and,
- (8)** Minimum distance between buildings shall be 6.1 m (20 ft);
- (9)** Complies with the infilling in Existing Residential Areas statement of the Municipal Planning Strategy;
- (10)** Priority access shall be given to resident and pedestrian foot and bicycle traffic; and,
- (11)** Required vehicle parking shall be located in the rear or side yards.

Part 11 - Medium Density Residential Zone Main Street (R-2M) Zone

11.1 R-2M Zone Permitted Uses

The properties in the R-2 zone that front on Main Street, Cann Street and Garden Street shall be referred to as the R-2M zone.

11.2 In the R-2M zone, no Development Permit shall be issued except for one or more of the following uses:

- All R-2 permitted uses;

Explanatory Note: lesser requirements of the R-2M zone shall apply

- Guest Homes (maximum of six (6) rental bedrooms);
- Nurseries;
- Coffee and Tea Shops;
- Restaurants (maximum floor area 279 m² (3,000 ft²);
- Laundromats;
- Art Galleries;
- Antique Shops;
- Inns with Function Room Facilities (Maximum eight (8) bedrooms or suites);
- Personal Service Shops;
- Arts and Community Centres;
- Churches;
- Institutional Uses;
- Public Parks; and,
- Retail Shops (maximum floor area 279 m² (3,000 ft²); and,
- Art Studios

11.3 R-2M Zone Requirements

In the Medium Density Residential Main Street (R-2M) zone, no Development Permit shall be issued except in conformity with the following:

	Triplex (3 Units)	Apartments (4 Units)	Semi-detached
Minimum Lot Area	557.4 m ² (6000 ft ²)	743.2 m ² (8000 ft ²)	557.4 m ² (6,000 ft ²) for two (2) dwelling units per lot
Minimum Lot Frontage	15.24 m (50 ft)	15.24 m (50 ft)	15.24 m (50 ft) per lot
Minimum Front Yard	3.05 m (10 ft)	3.05 m (10 ft)	3.05 m (10 ft)

	Triplex (3 Units)	Apartments (4 Units)	Semi-detached
Minimum Flanking Yard	4.6 m (15 ft)	4.6 m (15 ft)	4.6 m (15 ft)
Minimum Rear Yard	6.1 m (20 ft)	6.1 m (20 ft)	6.1 m (20 ft)
Minimum Side Yard	3.05 m (10 ft)	3.05 m (10 ft)	3.05 m (10 ft) on exterior yards only
Maximum Height of Main Building	10.67 m (35 ft)	10.67 m (35 ft)	10.67 m (35 ft)

11.4 Multiple Main Buildings

In the Medium Density Residential Main Street (R-2M) zone, nothing in this By-law shall prohibit the development of more than one (1) main building on a lot provided:

- (1) That all parking and loading requirements for each main building and/or use are satisfied; and
- (2) That all other requirements of this By-law are satisfied.

11.5 R-2M Zone Group Dwelling Requirements

Medium Density Residential Main Street (R-2M) uses may proceed by Site Plan Approval or Development Agreement. However, such developments, proceeding through Site Plan Approval, shall conform to all of the following requirements:

- (1) Minimum lot frontage to be 30.5 m (100 ft.);
- (2) Minimum lot area to be 1114.8 m² (12,000 ft²);
- (3) Minimum front yard setback to be 7.62 m (25 ft);
- (4) Minimum side yard setback to be 4.6 m (15 ft) or one-half (1/2) the height of the tallest building, whichever is greater;
- (5) Minimum flanking yard setback to be 6.1 m (20 ft);
- (6) Minimum rear yard setback to be 7.62 m (25 ft);
- (7) Maximum height of main buildings to be 10.67 m (35 ft); and,
- (8) Minimum distance between buildings shall be 6.1 m (20 ft);
- (9) Complies with the Infilling in Existing Residential Areas statement of the Municipal Planning Strategy;
- (10) Priority access shall be given to resident and pedestrian foot and bicycle traffic; and,
- (11) Required vehicle parking shall be located in the rear or side yards.

Part 12 - High Density Residential (R-3) Zone

12.1 R-3 Zone Permitted Uses

All existing apartment buildings containing more than six (6) dwelling units shall be considered permitted uses within the High Density Residential (R-3) zone. Any new High Density Residential (R-3) use, any increase in the number of dwelling units within an existing building, or any expansion to an existing building shall be considered by site plan approval and rezoning or by Development Agreement decided by applicant, subject to the High Density Residential (R-3) zone requirements. In addition, any property zoned High Density Residential (R-3) may be used for any Medium Density Residential (R-2) use subject to the Medium Density Residential (R-2) zone requirements.

12.2 Zone Requirement - For more than Eight (8) Units

Municipal Planning Strategy Policy 4.18 provides that more than eight (8) units must be considered for development in the Residential Designation by Development Agreement. High Density Residential Developments containing eight (8) units or less in the High Density Residential Zone (R-3) may choose to proceed through Site Plan approval or Development Agreement. Developments shall conform to the following minimum lot area and minimum lot frontage requirements. Developments shall conform, if feasible, to the minimum yard set-back and maximum height requirements. However, through the Development Agreement process, the minimum yard set-backs and maximum height restrictions may be waived. Any proposed subdivision of land shall not cause any existing High Density (R-3) zoned property to have any yard set-back further reduced from these minimum yard set-back standards.

	First two (2) units	Additional three (3) to six (6) units	Each additional unit over six (6) units
Minimum lot area required per unit	3,000	2,000	1,000

Minimum Lot Frontage	27.4 m	90 ft
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Minimum Front Yard	7.6 m	25 ft
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Minimum Flanking Yard	7.6 m	25 ft
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Minimum Rear Yard	7.6 m	25 ft
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Minimum Side Yard	4.6 m	15 ft
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or one-half (½) the height, whichever is greater

Maximum Height of Main Building	13.72m	45 ft.
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12.3 Zone Parking Requirements

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

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

12.4 Zone Group Dwelling Requirements - Development Agreement

Municipal Planning Strategy Policy 4.18 provides that group dwellings, containing up to eight (8) units, may be considered for development in the residential designation for High Density Residential (R-3) uses by Site Plan Approval or by Development Agreement. However, such developments, proceeding through Site Plan Approval shall conform to all of the following requirements:

- (1) Minimum lot frontage to be 30.5 m (100 ft);
- (2) Minimum lot area to be 1207.7 m² (13,000 ft²) for the first five (5) units and an additional 92.9 m² (1,000 ft²) for each additional unit in excess of five (5) units;
- (3) Minimum front yard setback to be 7.62 m (25 ft);
- (4) Minimum side yard setback to be 4.6 m (15 ft) or one-half (1/2) the height of the tallest building, whichever is greater;
- (5) Minimum flanking yard setback to be 6.1 m (20 ft);
- (6) Minimum rear yard setback to be 7.62 m (25 ft);
- (7) Maximum height of main buildings to be 10.67 m (35 ft); and,
- (8) Minimum distance between buildings shall be 6.1 m (20 ft)
- (9) Complies with the infilling in Existing Residential Areas statement of the Municipal Planning Strategy;
- (10) Priority access shall be given to resident and pedestrian foot and bicycle traffic; and,
- (11) Required vehicle parking shall be located in the rear or side yards.

Part 13 - Mixed Residential Development Park (MR) Zone

13.1 Permitted Uses

In the Mixed Residential Development Park (MR) Zone, no Development Permit shall be issued except for the following uses:

- * Single Detached Dwellings;
- * Two (2) Unit Dwellings;
- * Semi-Detached Dwellings characterized by not more than one (1) shared property line with a maximum of one (1) unit per lot;
- * Apartment Buildings with up to eight (8) dwelling units;
- * Townhouse Dwellings with up to eight (8) dwelling units;
- * Mobile Home Dwelling Units containing no more than two (2) units;
- * Mini Home Dwelling Units containing no more than two (2) units;
- * Mobile Home Park Offices;
- * Maintenance Equipment storage related and incidental to the operation of the park; and,
- * Recreational uses, parks and playgrounds related and incidental to the operation of the park.

13.2 MR Zone Requirements

In the Mixed Residential Development (MR) Zone, no Development Permit shall be issued except in conformity with the following:

For Group Dwellings:

Minimum Lot Area	4,047 m ² (43,560 ft ²)
Minimum Lot Frontage	30.5 m (100 ft)
Minimum Front Yard	6.1 m (20 ft)
Minimum Flanking Yard	6.1 m (20 ft)
Minimum Rear Yard	6.1 m (20 ft)

For one (1) Building on an approved lot:

Minimum Lot Area and frontage shall meet the following requirements:

For Single Detached Dwellings, two (2) unit dwellings, and semi-detached dwellings – As stated in the Low Density Residential (R-1) Zone;

For Apartments (more than two (2) units) – As stated in the High Density Residential (R-3) Zone;

For all uses:	Minimum Front Yard	6.1 m (20 ft)
	Minimum Flanking Yard	6.1 m (20 ft)
	Minimum Rear Yard	6.1 m (20 ft)

13.3 Main Buildings - Group Dwellings

Nothing in this By-law shall prohibit the construction or placement of more than one (1) dwelling unit on a lot in the Mixed Residential Development Park (MR) Zone provided a minimum separation distance of 3.05 m (10 ft) is provided and maintained between each building.

13.4 Accessory Buildings

A maximum of one (1) accessory building per dwelling unit (main building) may be erected or placed on a Mixed Residential Development Park (MR) zoned lot provided:

- (1) it shall not be used for human habitation;
- (2) it shall not be located in the required front yard;
- (3) it shall not be located in the required flanking yard;
- (4) it shall not be located closer than the main building to any public or private street;
- (5) it shall not be located closer than 1.2 m (4 ft) to any other main or accessory building;
- (6) it shall not exceed 4.6 m (15 ft) in height; and
- (7) it shall not exceed 37.16 m² (400 ft²) in floor area.

13.5 Site Plan Approval

Development on any area in excess of 4,047 m² (43,560 ft²) in size shall proceed by site plan approval.

Part 14 – Comprehensive Development (CD) Zone

14.1 CD Zone Permitted Uses

- (1) Where the lot is less than two (2) hectares in size:
- * Single Detached Dwellings;
 - * Two (2) Unit Dwellings;
 - * Semi-Detached Dwellings characterized by not more than one shared property line with a maximum of one (1) unit per lot; and,
 - * Apartment buildings with six (6) units or less on serviced lots only.
- (2) Pursuant to MPS Policy (4.1 and 10.11), and where property or assembled property is two (2) hectares in size or greater in size:
- * Single Detached Dwellings;
 - * Two (2) Unit Dwellings;
 - * Semi-Detached Dwellings characterized by not more than one shared property line with a maximum of one (1) unit per lot;
 - * Local commercial (C-4);
 - * Mobile Homes (R-M) or Tiny Homes provided the number of units does not exceed twenty (20%) percent of the total number of units; and
 - * Apartment buildings and Group Dwellings.

As decided by the applicant, approval may proceed by Site Plan Approval or by Development Agreement.

- (3) An assembly of land with a total area of two (2) hectares or more that is located on both sides or divided by a Town Street or a Town owned right-of-way meets the requirements of this zone.

14.2 Comprehensive Development (CD) Zone Requirements - Unserviced Lots

In a Comprehensive Development (CD) zone, no Development Permit shall be issued except in conformity with the following:

	Single & Two (2) Unit Dwelling	Semi-Detached Dwelling
Minimum Lot Area	7432 m ² (80,000 ft ²)	7432 m ² (80,000 ft ²) for one (1) dwelling unit per lot
Minimum Lot Frontage	121.9 m (400 ft)	121.9 m (400 ft) per lot
Minimum Front Yard	7.6 m (25 ft)	7.6 m (25 ft)

	Single & Two (2) Unit Dwelling	Semi-Detached Dwelling
Minimum Flanking Yard	6.1 m (20 ft)	6.1 m (20 ft)
Minimum Side Yard	3.05 m (10 ft)	3.05 m (10 ft)
Minimum Rear Yard	7.6 m (25 ft)	7.6 m (25 ft)
Maximum Height of Main Building	10.7 m (35 ft)	10.7 m (35 ft)

14.3 Comprehensive Development (CD) Zone - Serviced Lots

Notwithstanding anything contained in Part 14.2, the following standards shall apply to Comprehensive Development (CD) lots fronting on public streets and with adequate municipal sewer and municipal water facilities:

	Single Detached Dwelling	Two Unit Dwelling	Semi-Detached Dwelling
Minimum Lot Area	464.5 m ² (5000 ft ²)	557.4 m ² (6000 ft ²)	371.6 m ² (4000 ft ²) for one (1) dwelling unit per lot
Minimum Lot Frontage	15.3 m (50 ft)	15.3 m (50 ft)	12.19 m (40 ft) per dwelling unit
Minimum Front Yard	6.1 m (20 ft)	6.1 m (20 ft)	6.1 m (20 ft)
Minimum Flanking Yard	4.6 m (15 ft)	4.6 m (15 ft)	4.6 m (15 ft)
Minimum Rear Yard	6.1 m (20 ft)	6.1 m (20 ft)	6.1 m (20 ft)
Minimum Side Yard			
One Side	1.8 m (6 ft)	3.05 m (10 ft) on both sides	3.05 m (10 ft) on exterior yard only
Other Side	3.05 m (10 ft)		
Maximum Height	10.7 m (35 ft)	10.7 m (35 ft)	10.7 m (35 ft)

14.4 CD Zone Requirement - For more than Two (2) Units

Developments shall conform to the following minimum lot area and minimum lot frontage requirements.

	First two (2) units	Additional three (3) to six (6) units	Each additional unit over six (6) units
Minimum lot area required per unit	3,000	2,000	1,000

Minimum Lot Frontage	27.4 m (90 ft)
Minimum Front Yard	7.6 m (25 ft)
Minimum Flanking Yard	7.6 m (25 ft)
Minimum Rear Yard	7.6 m (25 ft)
Minimum Side Yard	4.6 m (15 ft) or one-half (½) the height, whichever is greater
Maximum Height of Main Building	13.72 m (45 ft)

Notwithstanding 14.1 to 14.4, for an assembled property more than five (5) hectares in size, permitted under the Site Plan Approval process, the required dimensions and lot areas as listed may be reduced by ten (10) percent.

14.5 One (1) Main Building

No person shall erect more than one (1) main building on a lot in the Comprehensive Development (CD) zone, except for Group Dwellings or Tiny Homes.

14.6 Site Plan Process

The process for granting Site Plan Approval follows the same process as the Variance procedure subject to Section 236 of the Municipal Government Act.

Part 15 Residential Holding (R-H) Zone

15.1 R-H Zone Permitted Uses

- (1) A maximum of one of the following uses shall be permitted in the Residential Holding (R-H) zone:
- * Single Detached Dwellings;
 - * Two (2) Unit Dwellings; and,
 - * Semi-Detached Dwellings characterized by not more than one (1) shared property line with a maximum of one (1) unit per lot;
- (2) In addition to the uses permitted by Part 15.1(A), agricultural uses except those prohibited by Part 5.37 of this By-law may be established in conjunction with any permitted use or as a stand alone use.

15.2 R-H Zone Requirements - Unserved Lots

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

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

15.3 R-H Zone Requirements - Served Lots

Notwithstanding anything contained in Part 15.2, the following standards shall apply to Residential Holding (R-H) lots fronting on existing public streets with adequate municipal sewer and municipal water facilities:

	Single Detached Dwelling	Two Unit Dwelling	Semi-Detached Dwelling
Minimum Lot Area	464.5 m ² (5000 ft ²)	557.4 m ² (6000 ft ²)	371.6 m ² (4000 ft ²) for one (1) dwelling unit per lot
Minimum Lot Frontage	15.3 m (50 ft)	15.3 m (50 ft)	12.19 m (40 ft) per dwelling unit
Minimum Front Yard	6.1 m (20 ft)	6.1 m (20 ft)	6.1 m (20 ft)
Minimum Flanking Yard	4.6 m (15 ft)	4.6 m (15 ft)	4.6 m (15 ft)
Minimum Rear Yard	6.1 m (20 ft)	6.1 m (20 ft)	6.1 m (20 ft)
Minimum Side Yard			
One Side	1.8 m (6 ft)	3.05 m (10 ft) on both sides	3.05 m (10 ft) on exterior yard only
Other Side	3.05 m (10 ft)		
Maximum Height	10.7 m (35 ft)	10.7 m (35 ft)	10.7 m (35 ft)

15.4 One Main Building

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

Part 16 - General Provisions for C-1, C-2, C-2M and C-3 Commercial Zones

16.1 Commercial Development Abutting Non-Commercial Uses

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

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

16.2 Restrictions on Open Storage or Outdoor Displays

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

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

- d) The open storage and/or outdoor display shall be accessory to the main use located on the same lot.

16.3 Special Requirements - Automobile Service Stations

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

- (1) No portion of any pump island shall be located within 6.1 m (20 ft) of any public street right-of-way or common lot boundary; and,
- (2) A canopy erected for the purposes of sheltering pump islands may be erected provided that no part of any canopy be located within 3.05 m (10 ft) of any public street right-of-way or common lot boundary.

16.4 Multiple Main Buildings

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

- (1) That the minimum separation distance between main buildings shall be waived (no requirement) in the C-1 zone, 6.1 m (20 ft) in the C-2 zone and C-2M zone and 3.05 m (10 ft) in the C-3 zone;
- (2) That all parking and loading requirements for each main building and/or use are satisfied; and,
- (3) That all other requirements of this By-law are satisfied.

16.5 Accessory Buildings

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

- (1) shall not be used for human habitation;
- (2) shall not be located in the front yard, with the exception of properties in the General Commercial (C-2) zone which abut Starrs Road. Accessory buildings located in the front yard shall meet the following requirements:

- a) Exterior walls facing a public street must incorporate a minimum of forty percent (40%) of the wall face with design features of visual interest (windows, flower boxes, doors, shutters, canopie, etc.) so as to prevent a bare elevation;
- b) May be constructed at the street line but shall not be set back more than thirty feet (30ft.) from the street line subject to site plan approval.

(3) shall not be located in the required flanking yard, with the exception of properties in the General Commercial (C-2) zone which abut Starrs Road. Accessory buildings located in the flanking yard shall meet the following requirements:

- a) Exterior walls facing a public street must 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;
- b) May be constructed at the street line but shall not be set back more than thirty feet (30ft.) from the street line subject to site plan approval.

(4) shall not be located closer than 0.6 m (2 ft) to any common lot boundary or street right-of-way, except in the General Commercial (C-2) zone, where it shall not be located closer than 3.0 m (10 ft) to any common lot boundary or street right-of-way, notwithstanding policies 16.5(2) and 16.5(3). Notwithstanding the above, the two (2) foot set-back requirement may be waived in the Downtown Commercial (C-1) zone;

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

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

(7) the total square footage for all accessory buildings shall not exceed ten (10 %) percent of the total lot area to a maximum of 278.7 m² (3000 ft²) in gross floor area per lot; and,

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

16.6 Larger Accessory Buildings in the C-2 Zone

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

(1) shall not be used for human habitation;

- (2)** shall not be located in the front yard;
- (3)** shall not be located in the required flanking yard;
- (4)** shall not be located closer than 6.5 m (20 ft) to any common lot boundary or street right-of-way;
- (5)** shall not be located closer than 3.05m (10 ft) to any other main or accessory building;
- (6)** shall not exceed 7.6 m (25 ft) in height;
- (7)** the total square footage for all accessory buildings shall not exceed ten (10%) percent of the total lot area to a maximum of 743 m² (8,000 ft²) in gross floor area;
- (8)** the total gross floor area of all accessory buildings shall not exceed fifty (50%) percent of the total gross floor area of the main building; and,
- (9)** shall satisfy all other requirements of this By-law.

Part 17 - Downtown Commercial (C-1) Zone

17.1 C-1 Zone Permitted Uses

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

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

17.2 Residential Units at Street Level

Notwithstanding Part 17.1, residential dwellings units up to a maximum of eight (8) units per lot may establish residential dwelling units at street level south of Forest Street or north of Grand/South Street.”

17.3 Residential Units at Street Level

Notwithstanding Part 17.1(1), residential dwellings units up to a maximum of eight (8) units per lot may establish residential dwelling units at street level by Site Plan Approval provided they meet the following requirements:

1. The dwelling unit does not front on Main Street;
2. The entrance to the dwelling unit is removed or set back from the public space (sidewalk & street) through the use of a change in grade, steps, planters, etc.; and,
3. Windows that view into living quarters are not located at street level or are screened in some manner to prevent the general public from viewing the interior of the home (tinted glass, window decals, etc.).

17.4 Maximum Permitted Height

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

17.5 Uses Permitted by Development Agreement

In the Downtown Commercial (C-1) zone, Municipal Planning Strategy Commercial Policies 5.11 and 5.12 provide that the following uses may be considered for development only by Development Agreement:

- (1) New residential developments containing more than eight (8) units provided they are not located at street level; or otherwise located directly abutting the soft line boundary of the Residential Designation in which case residential units may be permitted at street level; or otherwise located south of Forest Street or north of Grand/South Street in which case residential units may be permitted at street level.
- (2) Any new building within the C-1 zone which exceeds 1,393.5 m² (15,000 ft²) of gross commercial floor area or where an addition to an existing building creates more than 1,393.5 m² (15,000 ft²) in gross commercial floor area, otherwise, the alteration of, renovation to or change in commercial use of any existing building shall be exempt from this requirement.
- (3) Any alteration, change in use, addition or new building within the C-1 zone for the purpose of establishing a kennel, for day-boarding and training facilities, provided the lot does not directly abut the residential designation.

17.6 General Restriction - Live-in Art Gallery Studios

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

- (1)** That the commercial component of the Live-in Art Gallery Studio shall be anterior in respect to the residential component of the Live-in Art Gallery Studio and shall not be considered a dwelling unit pursuant to this part; and,
- (2)** Provided all other requirements of this By-law are satisfied.

17.7 C-1 Zone Parking Requirements - Residential Uses

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

17.8 Parking and Loading Spaces Prohibited

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

17.9 Urban Design Standards – Form Based Planning Codes

In the Downtown Commercial (C-1) zone in the Urban Design Area as identified in Schedule “F”, Urban Design Form Based Code Map, any new main building or any addition to any main building shall conform to the Urban Design Standards Form Based Planning Codes set out in Parts 17.11 through 17. 18 of this By-law.

17.10 Urban Design Standards – Exterior Materials

Any exterior siding materials on any new main building; any exterior siding materials on any addition to any main building; or any change or alteration in the exterior siding materials of any existing main building located within the Urban Design Area as identified on Schedule “F”,

Urban Design Form Based Code Map, that are visible from any public or semi-public area, including but not limited to streets, public property, public and private parking lots or any area outside a building that is considered to be in the public realm or otherwise accessible to the public shall be made in such a fashion to look similar in nature to the materials outlined below. The use of metal siding or vinyl siding or the use of any siding material that looks like metal or vinyl shall be strictly prohibited. Metal roofs, metal doors or windows, and/or vinyl doors or windows shall be permitted.

Siding materials shall be limited to the following materials or otherwise be made to look similar to the following materials:

- * brick or composite material to look like brick;
- * tinted, textured, concrete masonry units or composite material to look like concrete masonry units;
- * sandstone and other native stone or composite material to look like stone;
- * wood clapboard (horizontal or vertical boards including vertical board and batten) or shingles or composite material to look like wood clapboard or shingles; or,
- * a combination of material types as listed above.

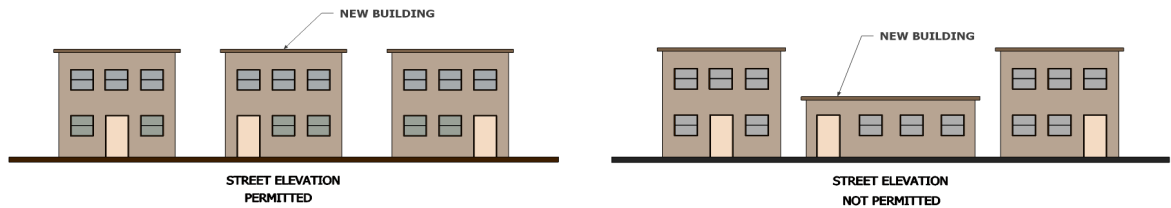
The following list of prohibited material is not an all inclusive list but rather a list of materials that indicates those siding materials and similar types of siding materials that shall be prohibited:

- * plywood, chip-board, oriented strand board (OSB), fiberboard, particle board and similar types of materials;
- * gravel aggregate materials and similar types of materials;
- * stucco materials and similar types of materials;
- * smooth-faced concrete block and similar types of materials;
- * tilt-up concrete panels and similar types of materials;
- * pre-fabricated steel panels, metal panels, or aluminum panels and similar types of materials;
- * plastic siding and similar types of materials;
- * vinyl siding and similar types of materials;
- * darkly tinted or mirrored glass and similar types of materials;
- * glass block and similar types of materials; and
- * concrete block and similar types of materials.

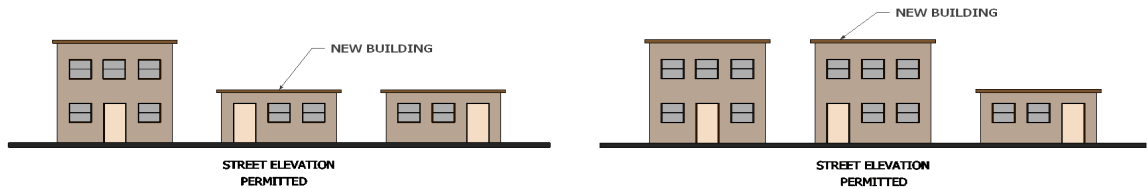
17.11 Building Height

The following building height requirements shall apply within the Urban Design Area as identified on Schedule “F”, Urban Design Form Based Code Map:

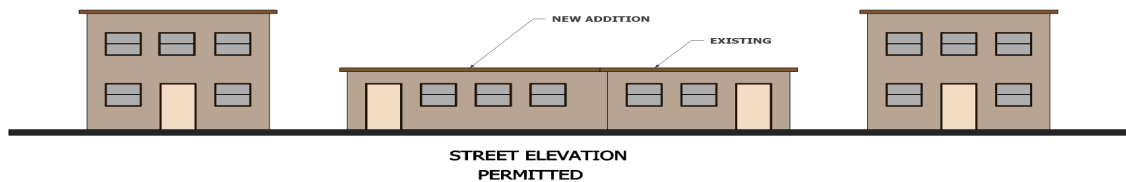
- (1) All new main buildings and any addition to any main building shall be a minimum of two (2) storeys in height if both of the directly abutting neighbouring buildings facing the same street are two (2) storeys or more.



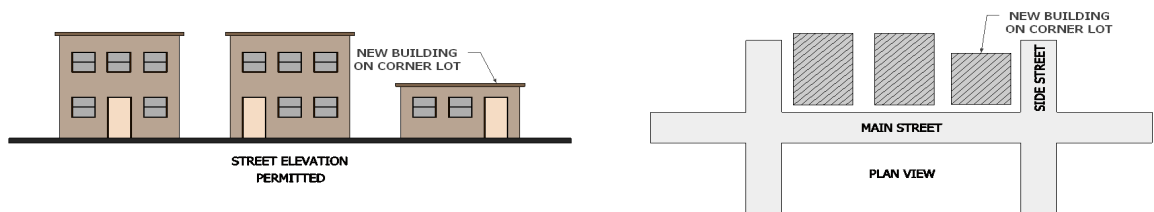
- (2) All new main building and any addition to any main building may be one (1) storey if one (1) of the directly abutting neighbouring buildings facing the same street is one (1) storey in height.



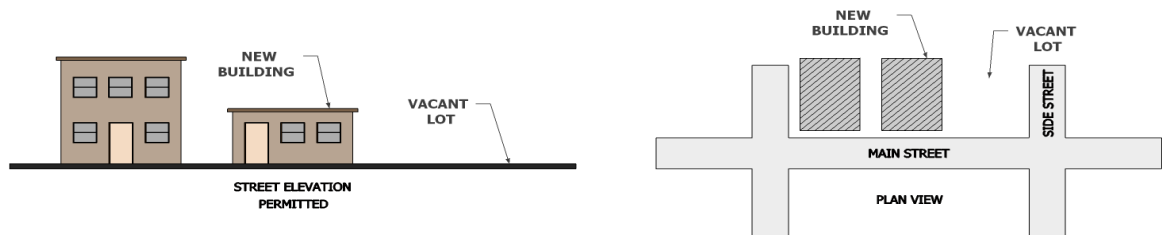
- (3) If the development is an addition to an existing one (1) storey main building, the addition's height may match the existing height of the existing main building.



- (4) If the development is located at a corner of a street intersection of either an open or closed street, the height may be one (1) storey or more.



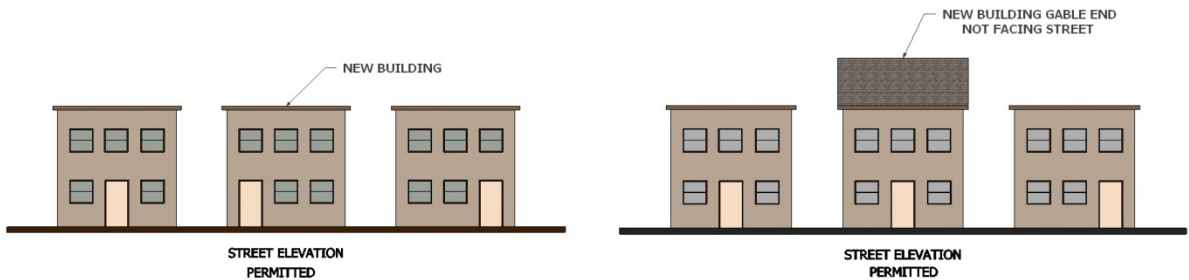
- (5) If the development is located immediately abutting a vacant lot along Main Street, the height may be one (1) storey or more.



17.12 Building Roof Design

The following building roof design requirements shall apply within the Urban Design Area as identified on Schedule “F”, Urban Design Form Based Code Map:

- (1) Any new main building roof design and any renovation to any existing main building roof design shall incorporate a flat roof, hip roof or gable roof design. All roofs shall be designed in such a fashion as to provide a horizontal roof edge along Main Street. In the case of a gable roof design, the gable end shall not face Main Street. Notwithstanding, a roof parapet extending above the roof peak is considered appropriate provided the top horizontal roof edge of the parapet matches the height or cornice line of one (1) of the immediately abutting main buildings, should there be one.

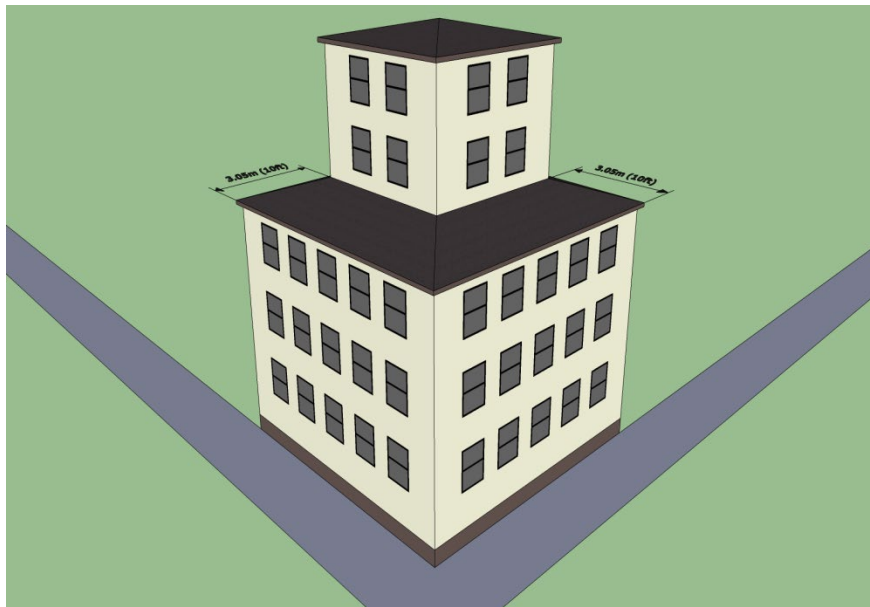


- (2) Notwithstanding subsection (1) above, gable end roof designs facing Main Street may be used provided the height of the eaves along the front facade from grade level to the eave, matches on both sides of the front (Main Street) facade elevation and are connected by a horizontal cornice line that matches the height or cornice line of one (1) of the immediately abutting main buildings, should there be one.

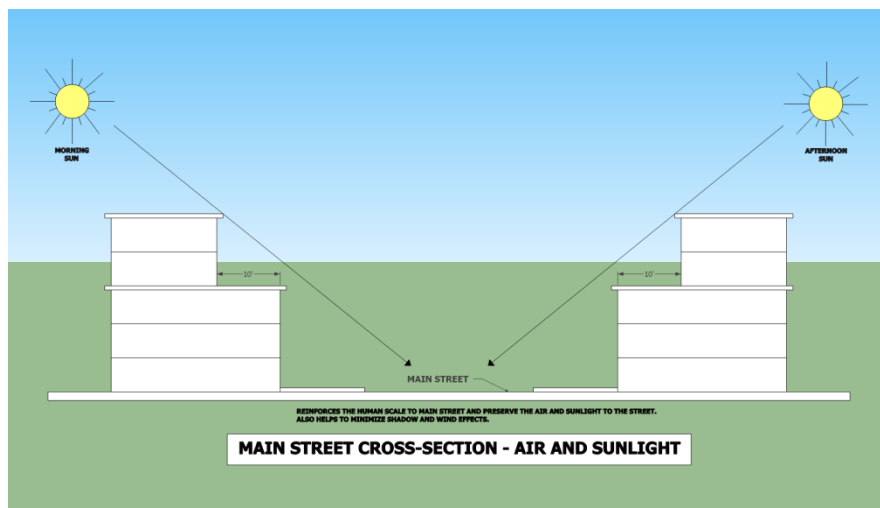


17.13 Building Height Set-back above Three (3) Storeys

In the Urban Design Area as identified on Schedule “F”, Urban Design Form Based Code Map, all new main buildings and any addition to any main building greater than three (3) storeys in height shall have the fourth (4th) storey and any consecutive storeys above the fourth (4th) storey stepped back from the front wall or flanking wall of the building a distance of at least 3.05 m (10 ft). Notwithstanding, a one (1) storey cupola, turret, steeple, belfry, spire, tower or other similar architectural features may be developed on either side (not both) or in the centre of the building’s facade elevation provided it’s length along the building’s facade does not exceed twenty five (25%) percent of the length or width of the building’s facade along the street.



Set-back Third Storey and Higher Diagram



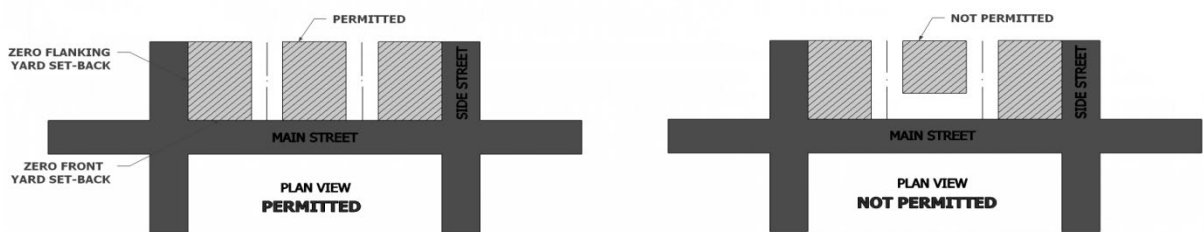
Set-back Third Storey and Higher Diagram

Note: Upper level set-backs, otherwise known as step-backs, are a useful design solution to maintain a consistent street wall and help to minimize the visual presence of upper levels, as well as reducing their impact on sunlight penetration to street level.

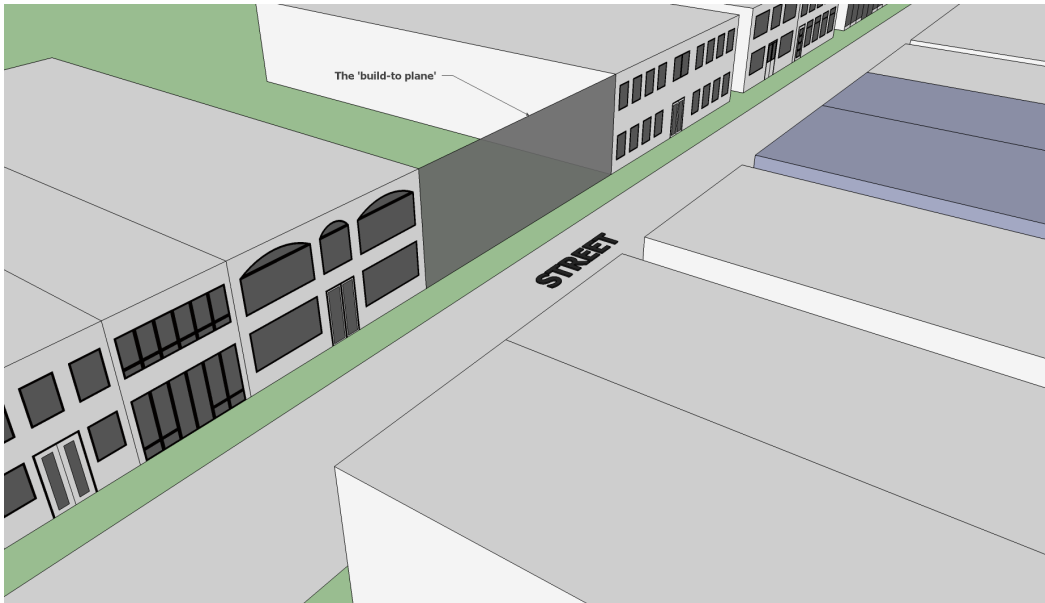
17.14 Building Placement

The following building placement requirements shall apply within the Urban Design Area as identified on Schedule “F”, Urban Design Form Based Code Map:

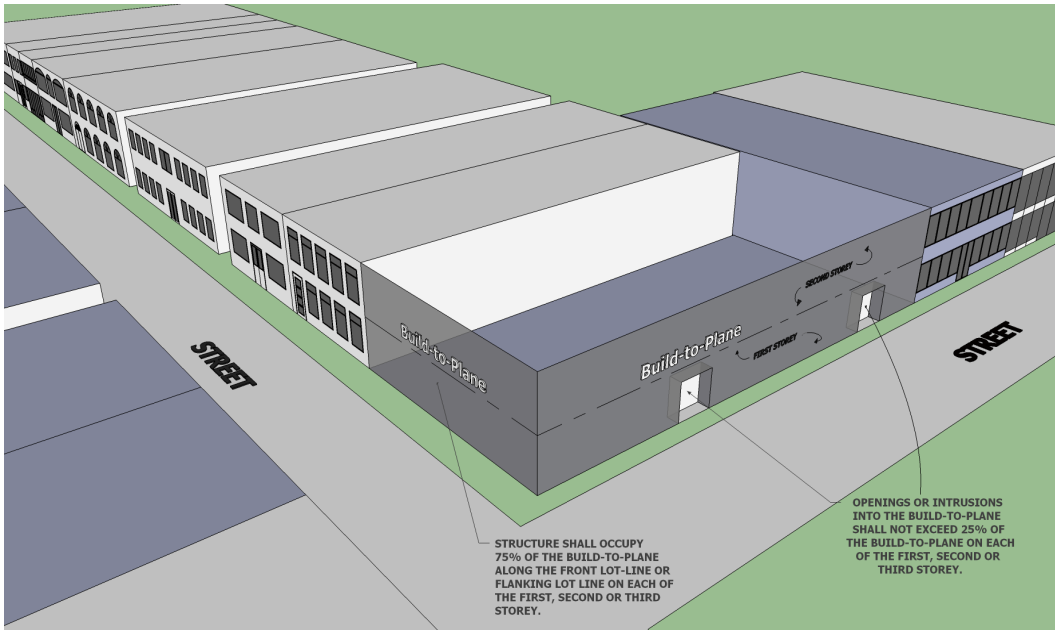
- (1) All new main buildings and any addition to any main building shall have a zero (0) front yard set-back and a zero (0) flanking yard set-back.



- (2) Notwithstanding subsection (1) of this Part, all new main buildings and any addition to any main building may match or otherwise have a smaller front yard set-back and/or a smaller flanking yard set-back than the front yard set-back and flanking yard set-backs of directly abutting neighbouring buildings facing the same street.
- (3) All new main buildings and any addition to any main building shall have each storey (up to the third storey) occupy at least seventy five (75%) percent of the build-to plane. The build-to plane is a vertical plane that extends upwards on a per storey bases from grade level of the front lot line or flanking lot line to the top of the first, second or third storey level, as the case may be.



Build-to Plane Diagram



Build-to Plane Diagram

17.15 Building Orientation - Windows and Doors

The following building orientation (windows and doors) requirements shall apply within the Urban Design Area as identified on Schedule “F”, Urban Design Form Based Code Map:

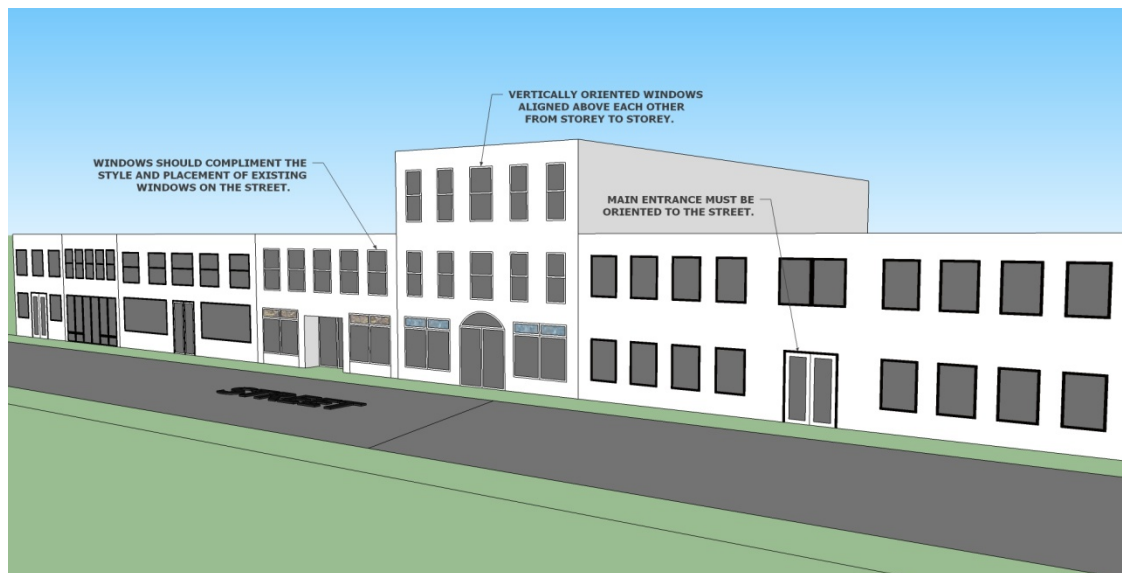
- (1) All new main buildings and any addition to any main building shall feature at least one (1) pedestrian entrance that is oriented to Main Street. This pedestrian entrance shall be barrier free and located at the same grade as the sidewalk. Split-level, raised

or sunken entrances along Main Street shall be permitted only where it is required to accommodate existing grade.

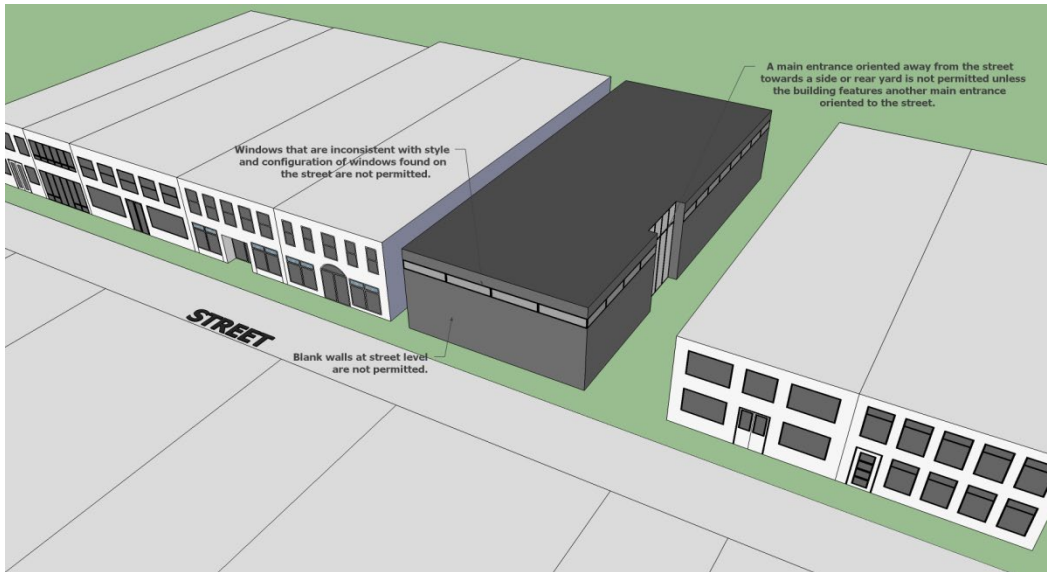
a) All new entrances and alterations to entrances shall be designed in such a manner as to extend the public realm (sidewalk) area by incorporating such features as:

- I. The primary facade be facing the street and not have opaque or reflective glazing;
- II. The entrance may be recessed from the sidewalk by up to 10 feet;
- III. A bulkhead may be used to transition between the opening(s) and the adjacent grade; and,
- IV. Awnings shall be located at least 2.4m (8ft) above the adjacent sidewalk and may project for the width of the sidewalk to a maximum encroachment of 1.2m (4ft) for a stationary awning and 1.8m (6ft) for a retractable awning.

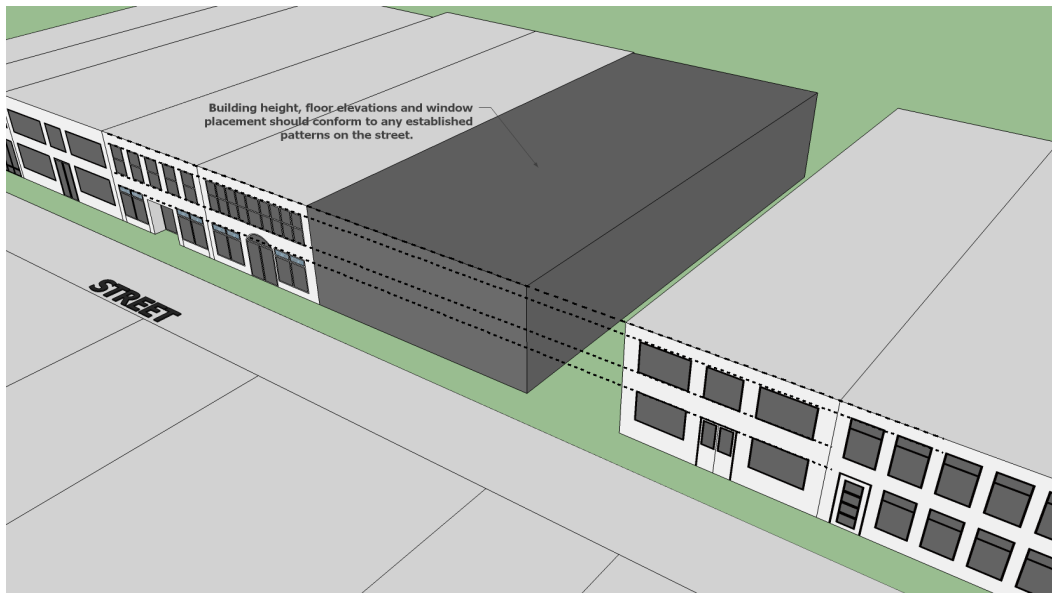
(2) All new main buildings and any addition to any main building shall not incorporate “blank” walls at street level. All new main buildings and any addition to any main building shall incorporate facade design features such as windows that are consistent with the style, configuration and rhythm pattern of windows located on directly abutting neighbouring buildings facing the same street. New windows shall reinforce any established width to height ratios or any established pattern in terms of window placement, both in relation to grade and in relation to other windows that are exhibited by neighbouring structures along the same street. Above the first storey, windows shall be vertically oriented and aligned above each other from storey to storey.



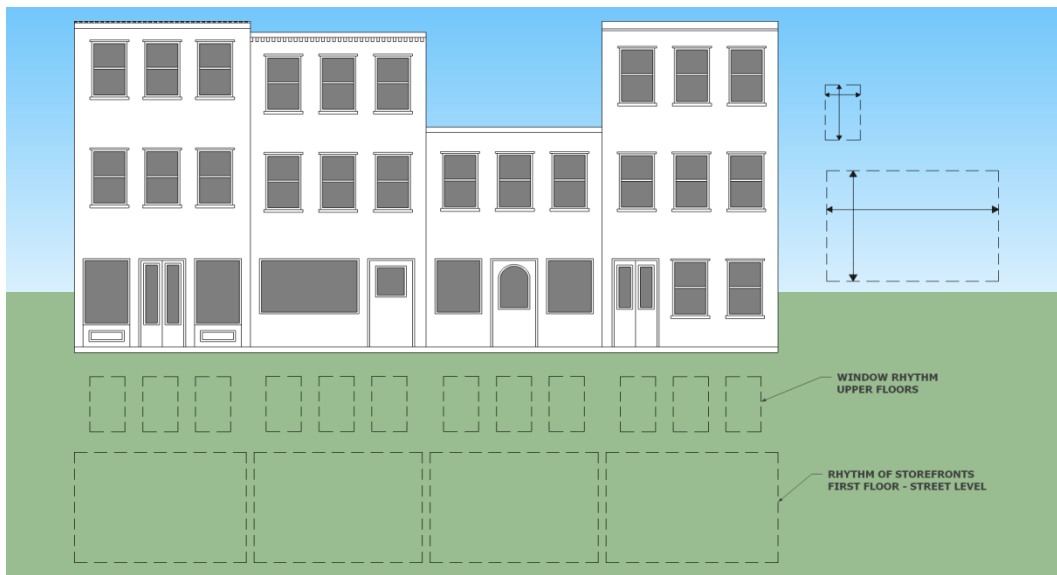
Window and Door Placements Diagram



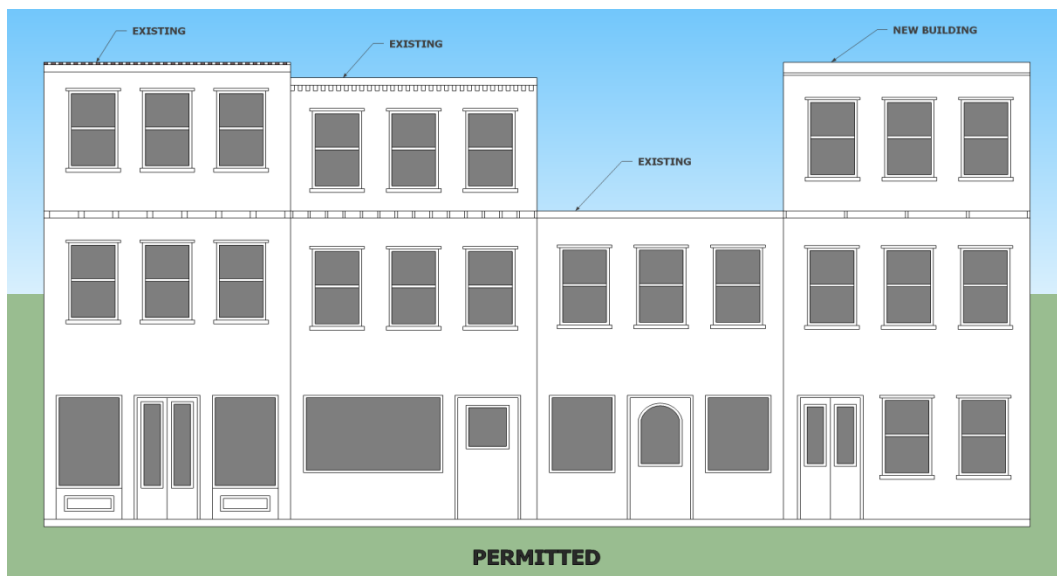
Window and Door Placements Diagram



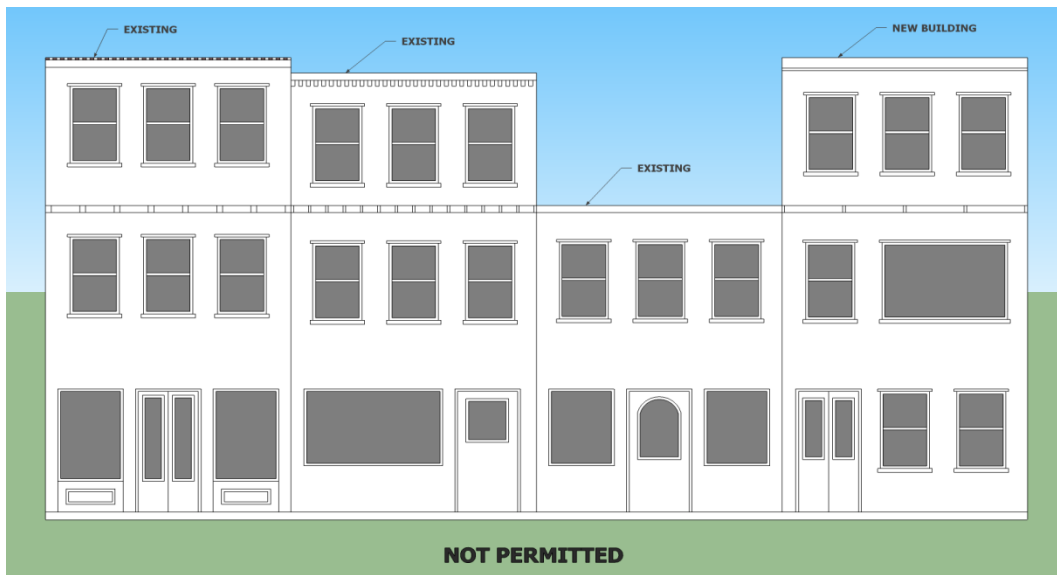
Window and Door Placements Diagram



Window and Door Placements Diagram



Window Orientation Diagram



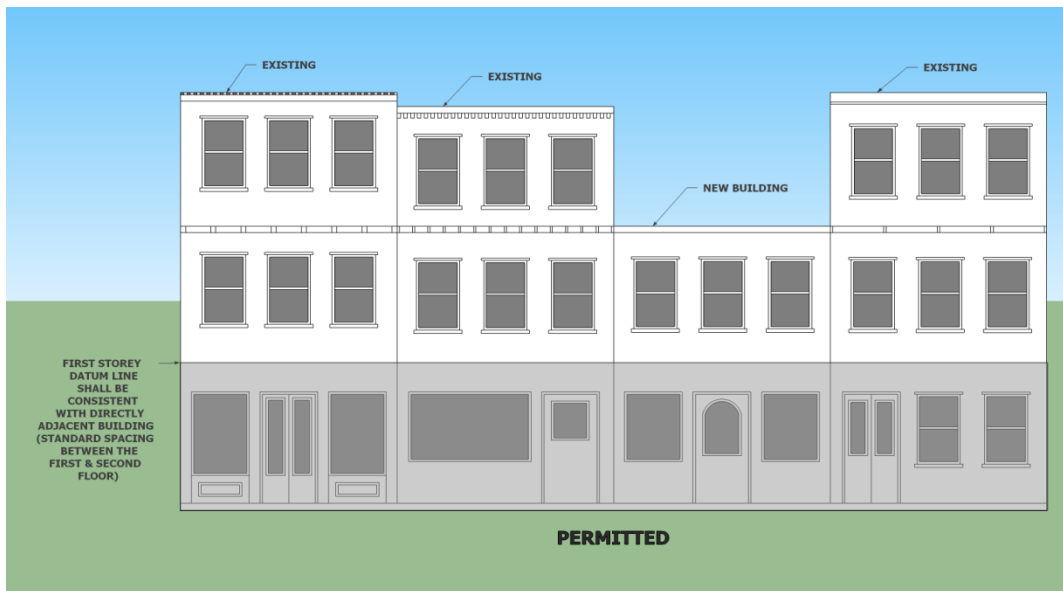
Window Orientation Diagram

- (3)** Any change or alteration in the exterior appearance of any existing building located within the Urban Design Area as identified on Schedule “F”, Urban Design Form Based Code Map, shall be in compliance or otherwise be closer to compliance with subsection (1) and subsection (2) of this Part.

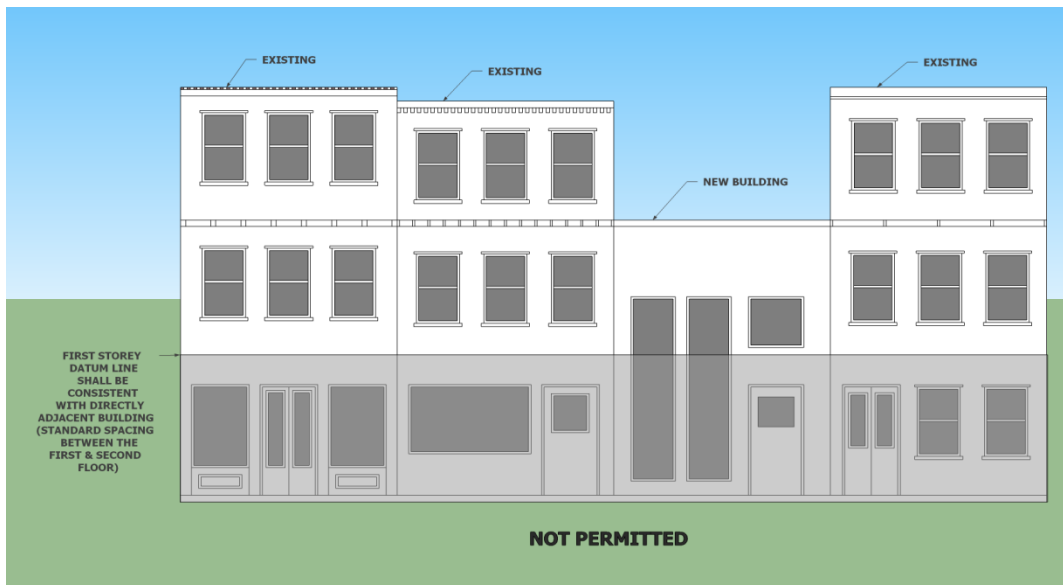
17.16 Building Form

The following building form requirements shall apply within the Urban Design Area as identified on Schedule “F”, Urban Design Form Based Code Map:

- (1)** Where a new main building or any addition to a main building directly abuts two (2) neighbouring buildings on either side, the new infill development’s first storey datum line (the height of intermediate cornice line or frieze board or separation space between the first and second storey) shall match or otherwise be consistent with the immediately abutting neighbouring buildings.

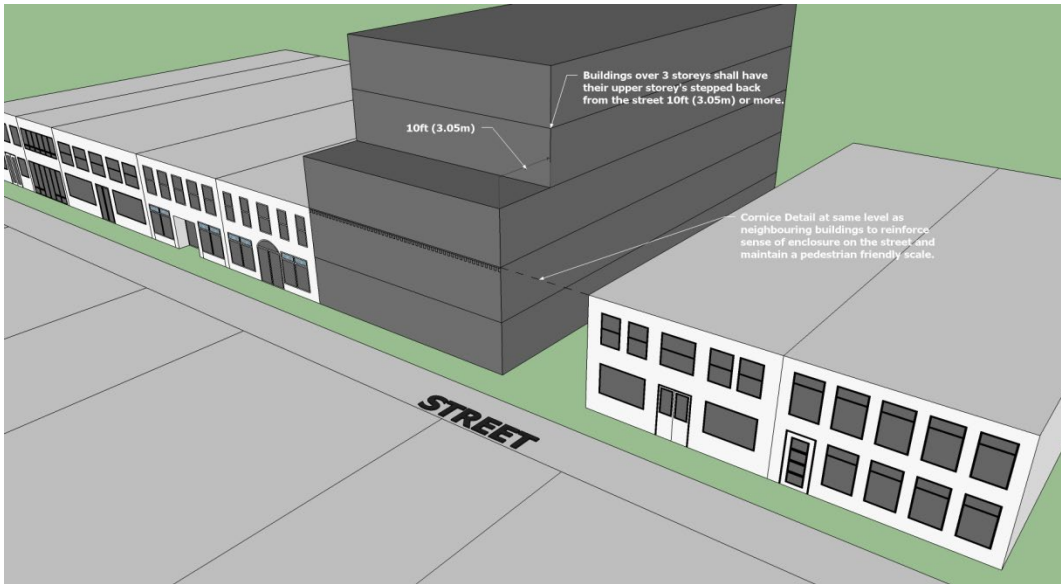


First Storey Datum Line Diagram



First Storey Datum Line Diagram

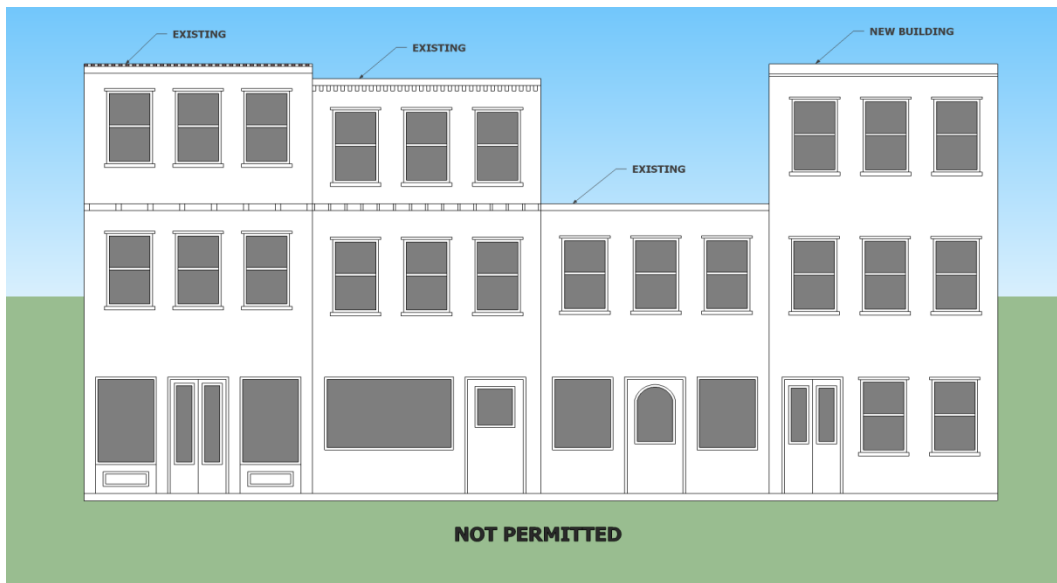
- (2) Where a new main building or any addition to any main building exceeds the height of neighbouring buildings a cornice detail shall be incorporated into the building's facade to reinforce any established standard with respect to building height as represented by the directly abutting neighbouring buildings facing Main Street. The cornice detail line shall be extended from the abutting buildings through the new facade. The building's cornice detail (top of the building or otherwise a horizontal facade member) shall be distinct and defined by either a horizontal projection or a series of projections from the plane of the wall surface; a contrasting change in colour; or, a change in pattern or texture from the wall surface.



Cornice Detail Line Diagram



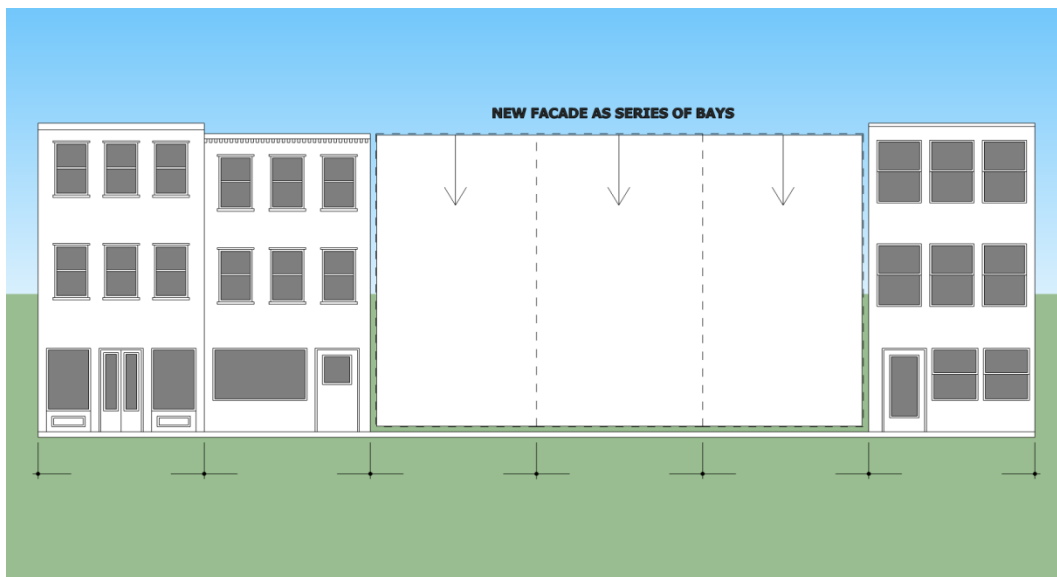
Cornice Detail Line Diagram



Cornice Detail Line Diagram

Note: The cornice is the topmost projecting part of a façade, typically detailed with a decorative moulding. The cornice line is the extended horizontal definition of the building that indicates where the façade ends and the roof begins. When abutting buildings have a continuous cornice line they result in a harmonious street wall. The maintenance of the cornice height creates a consistent street wall height and reinforces the “frame” of the public street.

- (3) Where a new main building or any addition to any main building creates a longitudinal form in relationship to immediately abutting buildings facing Main Street, the building’s façade shall be broken into vertical bays of similar shape and style to those abutting buildings facing Main Street in order to maintain the street wall rhythm.



Vertical Bay Diagram – Maintain Street Rhythm

Note: The idea of rhythm on a building's facade or along a street wall makes reference to the recurrence at regular intervals of vertical design elements that help structure their visual character and definition. It creates a rhythm for the street that speaks to a certain scale and helps maintain a consistency as one travels along the street.

(4) Any change or alteration in the exterior appearance of any existing building located within the Urban Design Area as identified on Schedule "F", Urban Design Form Based Code Map, shall be in compliance or otherwise be closer to compliance with subsection (1), subsection (2) and subsection (3) of this Part.

17.17 Miscellaneous Equipment, Storage, Parking and Loading Provisions

The following provisions shall apply within the Urban Design Area as identified on Schedule "F", Urban Design Form Based Code Map:

- (1) Parking areas or entrances, loading areas or entrances, storage areas or entrances to storage areas, delivery areas or entrances and garbage/recycling pick-up areas or entrances shall not be prominently placed along Main Street.
- (2) Heating, venting, air conditioning vents or equipment and similar items shall not be prominently displayed along Main Street.
- (3) Utilities such as but not limited to telephone, power, cable, satellite dishes and similar items shall not be prominently displayed along Main Street.
- (4) Roof top mechanical equipment shall not be prominently displayed along Main Street and shall be integrated into the architectural design of the building. Mechanical rooms, elevators and stairway head-houses (penthouse) should be incorporated into a single well-designed roof top structure that is set-back (step-back) from the built-to plane along Main Street.

17.18 Waiver of Urban Design Standards (Form Based Planning Codes) by Development Agreement

In the Downtown Commercial (C-1) zone, Municipal Planning Strategy Commercial Policy 5.24 and 5.25 enables developments that do not meet the Urban Design Standards (Form Based Planning Codes) to be considered by Development Agreement.

Part 18 Downtown Transition Zone (DTZ)

18.1 Permitted Uses

In the Downtown Transition Zone (DTZ), no Development Permit shall be issued except for one or more of the following uses:

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

18.2 Zone Requirements

In a Downtown Transition Zone (DTZ) zone, no Development Permit shall be issued except in conformity with the following:

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

18.3 Parking Lots

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

18.4 Parking in Front Yard Prohibited

In a Downtown Transition Zone (DTZ), no parking space (required or not) shall be located in the front yard, flanking yard or otherwise located between any main building and any public street.

18.5 Visibility at Street Intersections - Corner Vision Triangle

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

18.6 Multiple Main Buildings

Nothing in this By-law shall prohibit the construction of more than one (1) main building on any lot in the Downtown Transition Zone (DTZ) provided:

- (1) That the minimum separation distance between main buildings shall be 6.1 m (20 ft) or is otherwise an existing building as defined in this By-law;
- (2) That all other requirements of this By-law are satisfied.

18.7 Accessory Buildings DTZ Zones

A maximum of two (2) accessory buildings may be erected or placed on a Downtown Transition Zone (DTZ) zoned lot provided:

- (1) They shall not be used for human habitation;
- (2) They shall not be located in the front yard;
- (3) They shall not be located closer than 4.6 m (15 ft) to any public street (open or closed);

- (4)** They shall not be located closer than 0.6 m (2 ft) to any side yard lot line;
- (5)** They shall not be located closer than 0.6 m (2 ft) to any rear yard lot line;
- (6)** They shall not exceed 4.6 m (15 ft) in height;
- (7)** They shall not exceed a combined floor area of 140 m² (1507 ft²) or ten (10%) percent of the total lot area, whichever is the lesser.
- (8)** They shall not be located closer than 1.8 m (6 ft) to any main building or accessory building;
- (9)** They shall not have any building elevation more than twice the length of its shortest building elevation; and,
- (10)** They shall be strictly used exclusively for accessory uses to the main uses located on the same lot.

18.8 Restriction on Open Storage, Outdoor Displays and Utility Structures

The following restrictions shall apply to open storage and outdoor displays in the Downtown Transition Zone (DTZ):

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

g) Be clean and maintained in a tidy state at all times.

18.9 Special Architectural Restrictions DTZ zone

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

18.10 Minimum Main Building Width - Architectural Design Features

No main building located within the Downtown Transition Zone (DTZ) shall have a width between any two (2) main walls of less than 6.1 m (20 ft). For the purpose of this Part, a main wall is any exterior wall of the building running a linear distance of fifty (50%) percent or more of the overall length or width of the building.

18.11 Parking of Commercial Motor Vehicles

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

18.12 Transportation Vehicles and/or Shipping Containers Use Prohibited

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

(2) Notwithstanding Part 18.12 (1), a recreational trailer may be sited on a lot and used for human habitation purposes provided the use does not exceed thirty (30) days in any calendar year.

18.13 Drive-thrus Prohibited

Drive-thrus shall be prohibited in the Downtown Transition Zone (DTZ).

18.14 Conflict with Architecturally Sensitive (A-S) Area

Where there is a conflict between the provisions of the Downtown Transition Zone (DTZ) and the Architecturally Sensitive (A-S) area, the higher or more stringent regulation shall prevail.

Part 19– General Commercial (C-2) Zone

19.1 C-2 Zone Uses Permitted

In the General Commercial (C-2) zone, no Development Permit shall be issued except for one (1) or more of the following uses:

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

19.2 C-2 Zone Requirements

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

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

19.3 Special Set-Back Requirements – C-2 Zone

Any permitted C-2 use with an area of ten thousand (10,000 ft²) square feet or less in gross floor area may be constructed at the street line for front and flanking yards but shall not be set back more than thirty feet (30 ft) from the street line, subject to site plan approval.

For any permitted C-2 use with an area of ten thousand (10,000 ft²) square feet or less in gross floor area, the minimum permitted Lot Area shall be 1858.00 m² (20,000 ft²). The minimum side yard shall be 4.6 m (15 ft). All other lot requirements are unchanged.

19.4 C-2 Uses Permitted by Development Agreement

- (1) Municipal Planning Strategy Commercial Policy 5.36 provides that any permitted General Commercial (C-2) use which exceeds 4645.8 m² (50,000 ft²) or more in gross commercial floor area or where an addition to an existing building creates more than 4645.8 m² (50,000 ft²) in gross commercial floor area may be considered only by Development Agreement pursuant to Section 225 of the Municipal Government Act subject to a traffic study and subject to general conformity with criteria contained in Implementation Policies 10.8 and 10.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.
- (2) Municipal Planning Strategy Commercial Policy 5.36(B) provides that live adult entertainment uses may be considered only by Development Agreement in the General Commercial (C-2) zone pursuant to Section 225 of the Municipal Government Act subject to general conformity with the criteria contained in the Municipal Planning Strategy.

19.5 C-2 Zone Screening Requirements

Where a General Commercial (C-2) zone abuts a Low Density Residential (R-1) or a Medium Density Residential (R-2) zone within the Residential designation, opaque fencing no less than 1.8 m (6 ft) in height or a 3.05 m (10 ft) wide landscaped strip with a growth and/or landscaped screen not less than 1.8 m (6 ft) in height is erected along the entire length of the abutting lot line. In the case of providing a landscaped strip, such strip shall be open and unobstructed by any building, parking, loading area, open storage or outdoor display.

19.6 Loading Space Requirements

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure in the General Commercial (C-2) zone, one (1) on-site loading space shall be provided and maintained for every 1859.0 m² (20,000 ft²) or fraction thereof of gross commercial floor area excluding hallways, aisles, vestibules, washrooms and closets to a maximum of six (6) loading spaces per lot.

19.7 Visibility at Street Intersections – Corner Vision Triangle

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

19.8 Drive-thrus

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

Part 20 – General Commercial Main Street (C-2M) Zone

20.1 C-2M Zone Uses Permitted

In the General Commercial Main Street (C-2M) zone, no Development Permit shall be issued except for one or more of the following uses:

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

20.2 C-2M Zone Requirements

In the General Commercial Main Street (C-2M) zone, no Development Permit shall be issued except in conformity with the following:

Maximum Height of Main Building	10.7 m (35 ft)
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20.3 Special Set-Backs – C-2M Zone

No building shall be located closer than 7.6 m (25 ft) to any public right-of-way or street, whether deemed open (maintained) or closed (not maintained). In the case of any C-2M use in excess of 2322 m² (25,000 ft²), the minimum set-back shall be 15.2 m (50 ft) from any public right-of-way or street, whether deemed open (maintained) or closed (not maintained).

20.4 C-2M Uses Permitted by Development Agreement – Main Street

(1) Municipal Planning Strategy Commercial Policy 5.34 provides that any permitted General Commercial Main Street (C-2M) use which exceeds 2322.5 m² (25,000 ft²) or more in gross commercial floor area or where an addition to an existing building creates more than 2322.5 m² (25,000 ft²) in commercial floor area may be considered only by development agreement pursuant to Section 225 of the Municipal Government Act subject to a traffic study and subject to general conformity with criteria contained in Implementation Policies 10.8 and 10.9. The alteration of, renovation to, or change in use within any existing building shall be exempt from this requirement.

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

20.5 C-2M Zone Screening Requirements

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

20.6 Loading Space Requirements

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure in the General Commercial Main Street (C-2M) zone, one (1) on-site loading space shall be provided and maintained for every 1859.0 m² (20,000 ft²) or fraction thereof of gross commercial floor area excluding hallways, aisles, vestibules, washrooms and closets to a maximum of six (6) loading spaces per lot.

20.7 Visibility at Street Intersections – Corner Vision Triangle

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

20.8 Drive-thrus

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

Part 21 – Secondary Commercial (C-3) Zone

21.1 C-3 Zone Uses Permitted

In the Secondary Commercial (C-3) zone, no Development Permit shall be issued except for one (1) or more of the following uses:

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

21.2 C-3 Zone Requirements

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

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

21.3 Uses Permitted by Development Agreement

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

(1) Notwithstanding anything else in this Part, Commercial Policy 2.3.6 of the Municipal Planning Strategy provides that any new commercial activity within the C-3 zone which exceeds 371.6 m² (4,000 ft²) of gross commercial floor area or where an addition to an existing building creates more than 371.6 m² (4,000 ft²) of gross commercial floor area may be considered only by Development Agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation Policy 7.8 and 7.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

(2) Notwithstanding anything else in this Part, Commercial Policy 2.3.7 of the Municipal Planning Strategy provides that taverns, lounges and cabarets with a maximum area of 92.9 m² (1,000 ft²) may be considered for development only in the south end Secondary Commercial (C-3) zone (Argyle, Main Streets intersection area) by Development Agreement.

(3) Any alteration, change in use, addition or new building within the C-3 zone for the purpose of establishing a kennel, for day-boarding and training facilities.

21.4 Parking Requirements – Residential Uses

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

21.5 Visibility at Street Intersections – Corner Vision Triangle

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

21.6 High Density Residential Developments by Development Agreement

Notwithstanding anything else in this Part, Policy 5.50 of the Municipal Planning Strategy, provides that High Density Residential developments (R-3 uses) containing more than six (6) units per lot may be considered by Development Agreement in the Secondary Commercial Designation.

Part 22– Local Commercial C-4 Zone

22.1 C-4 Zone Permitted Uses

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

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

22.2 C-4 Zone Requirements

In the Local Commercial (C-4) zone, no Development Permit shall be issued except in conformity with the following:

Minimum Lot Area	743.2 m ² (8000 ft ²)
Minimum Lot Frontage	18.3 m (60 ft)
Minimum Front Yard Set-back	6.1 m (20 ft)
Minimum Rear Yard Set-back	6.1 m (20 ft)
Minimum Side Yard Set-back	3.05 m (10 ft) on both sides
Minimum Flanking Yard Set-back	4.6 m (15 ft)
Maximum Height of Main Building	10.67 m (35 ft)

22.3 Parking Requirements – Residential Uses

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

22.4 Accessory Building

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

- (1)** shall not be used for human habitation;
- (2)** shall not be located in the front yard;
- (3)** shall not be located in the required flanking yard;
- (4)** shall not be located closer than 0.6 m (2 ft) to any common lot boundary or street right-of-way;
- (5)** shall not be located closer than 1.8 m (6 ft) to any other main or accessory building;
- (6)** the total square footage for all accessory buildings shall not exceed ten (10%) percent of the total lot area to a maximum of 140 m² (1,500 ft²) in gross floor area; and,
- (7)** shall satisfy all other requirements of this By-law.

Part 23 - Commercial Holding (C-H) Zone

23.1 Zone Prohibition of Development

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

23.2 Preparing Land for Development

Notwithstanding Part 5.2, Part 21.1 and Part 21.4 of this By-law, a Development Permit may be issued for the alteration of land within the Commercial Holding (C-H) zone for the purposes of preparing land for development subject to the provisions of Part 5.27.

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

Notwithstanding Part 21.1, a Development Permit may be issued for existing residential uses subject to the Low Density Residential (R-1) zone requirements and subject to general provisions for all residential zones provided the lot is serviced with municipal sewer and water services and conforms to Part 23.4 or otherwise has not had its lot area or lot frontage reduced.

23.4 C-H Zone Requirements

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

Minimum Lot Area	2787 m ²	30,000 ft ²
Minimum Lot Frontage	53.3 m	175 ft
Minimum Front Yard	18.2 m	60 ft
Minimum Rear Yard	9.1 m	30 ft
Minimum Side Yard	6.1 m	20 ft
Minimum Flanking Yard	18.2 m	60 ft
Maximum Height	10.6 m	35 ft

23.5 Comprehensive Developments in C-H Zone

Notwithstanding Sections 23.1 through 23.4, large mixed use development may be permitted in the C-H zone by Development Agreement or site plan in accordance with the requirements of the CD Comprehensive Development Zone, pursuant to Section 4.19 of the Municipal Planning Strategy. Regulations pertaining to residential uses in a mixed-use development shall be the same as those for areas zoned CD - Comprehensive Development.

Part 24 - General Provisions for All Industrial Zones

24.1 Industrial Development Abutting Non-Industrial Uses

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

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

24.2 Visibility at Street Intersections - Corner Vision Triangle

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

24.3 M-1 and M-2 Zone Parking Requirements

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

USE**PARKING REQUIREMENTS**

Manufacturing Areas of the Use

One (1) parking space for each 92.9 m² (1000 ft²) or fraction thereof of gross floor area, excluding hallways, vestibules, lobbies, washrooms, closets and storage areas.

Warehousing Areas, Distribution Areas and Storage Areas of the Use

One (1) parking space for each 92.9 m² (1000 ft²) or fraction thereof of gross floor area excluding hallways, aisles, vestibules, lobbies, washrooms and closets.

All other Industrial Uses

One (1) parking space for each 46.5 m² (500 ft²) or fraction thereof of gross commercial floor area, excluding hallways, aisles vestibules, lobbies, washrooms, closets and storage areas.

24.4 Loading Space Requirements

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure in an Industrial (M-1 or M-2) zone, on-site loading spaces having unobstructed access to a public street shall be provided and maintained at a ratio of one (1) loading space for every 1859 m² (20,000 ft²) or fraction thereof, of gross floor area, excluding hallways, aisles, vestibules, washrooms and closets to a maximum of six (6) loading spaces.

24.5 Multiple Buildings on a Lot

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

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

24.6 Accessory Buildings

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

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

Part 25– General Provisions for all Commercial Industrial Zones

25.1 Commercial Industrial Developments Abutting Residential Designation

Where a Commercial Industrial (CI-4), Waterfront Commercial Industrial (WCI-5), General Industrial (M-1), Waterfront Industrial (M-2), or Waterfront Comprehensive Development (WCD) zone abuts a Residential, Open Space or Institutional zone within the Residential Generalized Future Land Use Map designation, the following restrictions shall apply:

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

25.2 Visibility at Street Intersections – Corner Vision Triangle

On a corner lot in the Commercial Industrial (CI-4), Waterfront Commercial Industrial (WCI-5), General Industrial (M-1), Waterfront Industrial (M-2), or Waterfront Comprehensive Development (WCD) zone, a fence, sign, hedge, shrub, bush, tree, or any structure shall not be erected or permitted to grow to a height greater than 1.2 m (4 ft) above the grade of the streets that abut the lot within the triangular area included within both street lines for a distance of 7.6 m (25 ft) from their point of intersection.

25.3 CI-4 and WCI-5 Zone Parking Requirements

For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure in the Commercial Industrial (CI-4), Waterfront Commercial Industrial (WCI-5), General Industrial (M-1), Waterfront Industrial (M-2), or Waterfront Comprehensive Development (WCD) Zone on-site parking shall be provided and maintained on the same lot as the use having unobstructed access to a public street in conformity with the following schedule. For the sake of clarity, in a multiple-occupancy building, each type of occupancy shall satisfy the parking requirements for each type of use except those exceeding 4645 m² (50,000 ft²) of gross commercial floor area per lot.

USE	PARKING REQUIREMENTS
Auditoriums, Theaters, Arenas, Halls, Stadiums and other Places of Assembly	One (1) parking space for each 9.3 m ² (100 ft ²) or fraction thereof of gross floor area excluding vestibules, washrooms, closets and storage areas.
Hotels, Motels, Hostels and any Tourist Accommodation	One (1) parking space per suite or rental unit plus one (1) additional parking space for each 9.3 m ² (100 ft ²) or fraction thereof of floor area devoted to public use (including any associated taverns, restaurants or auditoriums) excluding public vestibules, public lobbies, public washrooms, public hallways and storage areas.
Restaurants, Taverns, Lounges, Cabarets	One (1) parking space for each 7.0 m ² (75 ft ²) or fraction thereof of gross commercial floor area excluding vestibules, washrooms, closets and storage areas.
Manufacturing, Warehouse, Warehousing and Storage Uses	One (1) parking space for each 92.9 m ² (1000 ft ²) or fraction thereof of gross floor area.
Retail Shops and other Commercial Uses	One (1) parking space for each 32.52 m ² (350 ft ²) or fraction thereof of gross commercial floor area, excluding vestibules, washrooms, closets and storage areas.
CI-4 or WCI-5 Uses With 4645 m ² (50,000 ft ²) or More of Gross Commercial Floor Area Per Lot.	Four (4) parking spaces for each 92.9 m ² (1,000 ft ²) or fraction thereof of commercial floor area excluding common mall area between stores, vestibules, washrooms, closets and storage areas. Warehousing space shall provide one (1) parking space for each 46.2 m ² (500 ft ²) or fraction thereof of gross floor area.

25.4 Loading Space Requirement

For every building or structure to be erected, occupied or enlarged, or where there is a change in use to a building or structure in the Waterfront Commercial Industrial (WCI-5), General Industrial (M-1), Waterfront Industrial (M-2), Waterfront Comprehensive Development (WCD) or Commercial Industrial (CI-4) zone, on-site loading space shall be located on the same lot as the use and have unobstructed access to a public street and shall be maintained at a ratio of one (1) loading space for each 1859 m² (20,000 ft²) of gross floor area, or fraction thereof, to a maximum of six (6) loading spaces excluding hallways, aisles, vestibules, washrooms and closets..

25.5 Multiple Buildings on a Lot

In either the Commercial Industrial (CI-4), Waterfront Commercial Industrial (WCI-5), General Industrial (M-1), Waterfront Industrial (M-2), or Waterfront Comprehensive Development (WCD) zone, nothing in this By-law shall prohibit the construction of more than one (1) main building on a lot provided:

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

25.6 Accessory Buildings

Nothing in this By-law shall prohibit the construction or erection of more than one (1) accessory building on a lot in the Commercial Industrial (CI-4), Waterfront Commercial Industrial (WCI-5), General Industrial (M-1), Waterfront Industrial (M-2), and Waterfront Comprehensive Development (WCD) zone provided that the accessory building(s):

- (1) Shall not be used for human habitation;
- (2) Shall not be located in the front yard, with the exception of properties in the Commercial Industrial (CI-4) zone which abut Starrs Road. Accessory buildings located in the front yard shall meet the following requirements;
 - a) Exterior walls facing a public street must 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;

- b) May be constructed at the street line but shall not be set back more than thirty feet (30ft.) from the street line subject to site plan approval.

(3) Shall not be located in the required flanking yard as specified in the zone requirements for each zone, except for properties in the Commercial Industrial (CI-4) zone which abut Starrs Road. Accessory buildings located in the flanking yard shall meet the following requirements:

- a) Exterior walls facing a public street must incorporate a minimum of forty percent (40%) of the wall face with design features of visual interest (windows, flower boxes, doors, shutters, canopies, etc.) to prevent a bare elevation;
- b) May be constructed at the street line but shall not be set back more than thirty feet (30ft.) from the street line subject to site plan approval.

(4) Shall not be located closer than 3.0 m (10 ft) to any common lot boundary or closer than 6.1 m (20 ft) to any public right-of-way, notwithstanding above policies 25.6(2) and 25.6(3);

(5) Shall not exceed 4.57 m (15 ft) in height;

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

(7) The total square footage for all accessory buildings shall not exceed ten (10%) percent of the total lot area to a maximum of 278.7 m² (3,000 ft²) in gross floor area per lot; and,

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

25.7 Larger Accessory Buildings in the CI-4 Zone

Notwithstanding Part 25.6, nothing in this By-law shall prohibit the construction or erection of more than one (1) accessory building on a lot in the Commercial Industrial (CI-4) zone provided the accessory building(s) satisfies the following:

- (1)** shall not be used for human habitation;
- (2)** shall not be located in the front yard;
- (3)** shall not be located in the required flanking yard;
- (4)** shall not be located closer than 6.1 m (20 ft) to any common lot boundary or street right-of-way;

(5) shall not be located closer than 3.05 m (10 ft) to any other main or accessory building;

(6) shall not exceed 7.6 m (25 ft) in height;

(7) the total square footage for all accessory buildings shall not exceed ten (10%) percent of the total lot area to a maximum of 743 m² (8,000 ft²) in gross floor area;

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

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

25.8 Special Requirement - Commercial Drive-Thru Restaurants

In the Commercial Industrial (CI-4), Waterfront Commercial Industrial (WCI-5), General Industrial (M-1), Waterfront Industrial (M-2), or Waterfront Comprehensive Development (WCD) zone, nothing in this By-law shall prohibit the development of a drive-thru restaurant on a lot provided that:

(1) All special requirements pertaining to Part 5.44 are satisfied; and,

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

Part 26 - Commercial Industrial (CI-4) Zone

26.1 CI-4 Uses Permitted

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

- * Retail Shops;
- * Community Markets;
- * Convenience Stores and Grocery Stores;
- * Wholesale Shops;
- * Light Service Shops;
- * Personal Service Shops;
- * Internet Web Site Development;
- * Heavy Service Shops;
- * Restaurants (eat-in, drive-in, drive-thru);
- * Automobile Sales Establishments;
- * Automobile Service Stations;
- * Car Wash Facilities (drive-in or drive-thru);
- * Wholesale, Distribution and Warehousing;
- * Any Manufacturing or Industrial Assembly operations conducted and contained within wholly-enclosed buildings and which are not obnoxious by reason of sound, odor, dust, fumes or smoke or other obnoxious emissions or refuse matters or water-carried wastes or by reason of unsightly open storage;
- * Light Industries;
- * Light Service Industries;
- * Fishery-related or Marine-related Industry excluding any use which focuses primarily on Fish or Food processing of raw unprocessed product;
- * Transportation Facilities and uses including airports;
- * Institutional uses;
- * Exhibitions and Fairs;
- * Public Utility Offices and Work Yards;
- * Private Utility Offices and Work Yards;
- * Building Supply and Equipment Depots excluding the bulk storage of sand or gravel;
- * Taxi and Bus Stations;
- * Places of Entertainment, Recreation, Fitness and Assembly within wholly enclosed buildings;
- * Sports Complexes;
- * Emergency Response Centres;
- * Laundromats;
- * Parking Lots and Parking Structures;
- * Taverns, Lounges and Cabarets only in the Hardscratch, Starrs Road and Haley Road Commercial Industrial (CI-4) zone. For clarity, Taverns, Lounges and Cabarets uses shall be strictly prohibited in the Forest Street Commercial Industrial (CI-4) zoned (former Forest Street Industrial Park) area;

- * Cultivating and processing; and,
- * Open Air Cinema (theatre).

26.2 (A) CI-4 Zone Requirements

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

Minimum Lot Area	2788.5 m ² (30,000 ft ²)
Minimum Lot Frontage	45.8 m (150 ft)
Minimum Front Yard	12.2 m (40 ft)
Minimum Rear Yard	9.1 m (30 ft)
Minimum Side Yards	6.1 m (20 ft)
Minimum Flanking Yard	12.2 m (40 ft)
Maximum Height	10.7 m (35 ft)

26.2 (B) CI-4 Zone Requirements – Starrs Road and Haley Road

Notwithstanding Section 26.2 (A), the minimum permitted lot area for CI-4 lots facing Haley Road and Starrs Road shall be 1858.00 m² (20,000 ft²). The minimum side yard shall be 4.6 m (15 ft). All other lot requirements are unchanged.

26.3 CI-4 Uses Permitted by Development Agreement

Municipal Planning Strategy Commercial Industrial Policy 3.2.4 provides that any permitted Commercial Industrial (CI-4) use which exceeds 4645 m² (50,000 ft²) or more in gross commercial floor area or where an addition to an existing building creates more than 4645 m² (50,000 ft²) in gross commercial floor area may be considered only by Development Agreement pursuant to Section 225 of the Municipal Government Act subject to a traffic study and subject to general conformity with criteria contained in Policies 9.8 and 9.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

26.4 Special Requirements - Automobile Service Stations

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

- (1) All special requirements pertaining to Part 16.3 are satisfied; and,
- (2) All other requirements of this By-law are satisfied.

26.5 Restrictions on Open Storage or Outdoor Displays

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

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

26.6 Drive-thrus

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

26.7 Open Storage and Outdoor Displays Prohibited

Notwithstanding anything else in this part, open storage and outdoor displays associated with marihuana shall be strictly prohibited.

Part 27 - Waterfront Commercial Industrial (WCI-5) Zone

27.1 WCI-5 Uses Permitted

- * Water Dependent Uses;
- * Existing Restaurants;
- * Seasonal Events;
- * Seasonal Retail Uses; and,
- * All Commercial, including Retail and Offices, which are accessory to permitted uses.

27.2 WCI-5 Zone Requirements

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

Minimum Lot Area	929.5 m ²	10,000 ft ²
Minimum Lot Frontage	24.4 m	80 ft
Minimum Front Yard	<i>Waived</i>	
Minimum Rear Yard	4.6 m	15 ft
Minimum Side Yards	4.6 m	15 ft
Minimum Flanking Yard	4.6 m	15 ft
Maximum Height of Main Building	10.7 m	35 ft

27.3 Yards Abutting Harbour

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

27.4 WCI-5 Uses Permitted by Development Agreement

- (1) Waterfront Commercial Industrial Policy 6.13 of the Municipal Planning Strategy provides that any new commercial or industrial activities which exceeds fifteen thousand (15,000 ft²) square feet of gross commercial floor area or where an addition to an existing building creates more than fifteen thousand (15,000 ft²) square feet in gross commercial floor area may be considered only by Development

Agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation Policies 9.8 and 9.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

(2) All uses permitted in the Downtown Commercial Zone (C-1) except Hotels, Motels, and Residential Uses by Development Agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in implementation policy 8.9 and further provided that:

- The use would not negatively impact on an existing water dependent use;
- The use would not prevent a water dependent use from expanding;
- The use would not remove existing public access to the waterfront; and,
- The use will not reduce current berthing space.

27.5 Protected Street Views of Yarmouth's Harbour

No development shall be located within the western prolongation of both street lines of the following streets:

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

The alteration of, addition to or change in use of any existing structure shall be exempt from this requirement provided such development does not protrude further into the western prolongation of said streets.

27.6 Street Displays

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

27.7 Restriction on New Open Storage and Outdoor Display

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

27.8 Restriction on Existing Open Storage and Outdoor Display

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

- (1)** Open storage or outdoor displays shall not be permitted closer than 6.1 m (20 ft) to any public right-of-way;
- (2)** The area devoted to open storage or outdoor displays shall not exceed fifty (50%) percent of the lot area.
- (3)** The open storage or outdoor display shall be accessory to the main use located on the same lot.

27.9 Existing Fish and Food Processing Plants - Special Provision

Notwithstanding anything in this Part, Municipal Planning Strategy Industrial Policy 6.15 provides that existing fish and food processing plants located within the Waterfront Commercial Industrial (WCI-5) zone may expand beyond the limits of their current boundaries provided such lands are consolidated with their existing lands.

Part 28 - General Industrial (M-1) Zone

28.1 M-1 Uses Permitted

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

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

28.2 M-1 Zone Requirements

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

Minimum Lot Area	3718.0 m ²	40,000 ft ²
Minimum Lot Frontage	45.7 m	150 ft
Minimum Front Yard	12.2 m	40 ft
Minimum Rear Yard	12.2 m	40 ft
Minimum Side Yards	6.1 m	20 ft

Minimum Flanking Yard	9.1 m	30 ft
Maximum Height of Main Building	10.7 m	35 ft

28.3 Uses Permitted by Development Agreement

Notwithstanding anything else in this Part, the Municipal Planning Strategy's Industrial Policy 7.13 provides that the following uses may be considered for development in the General Industrial (M-1) zone by Development Agreement:

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

28.4 Restrictions on Open Storage and Outdoor Displays

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

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

28.5 Open Storage and Outdoor Displays Prohibited

Notwithstanding anything else in this part, open storage and outdoor displays associated with marihuana shall be strictly prohibited.

Part 29 - Waterfront Industrial (M-2) Zone

29.1 M-2 Uses Permitted

- * Water Dependent Uses;
- * Existing Bulk Petroleum Storage Facilities;
- * Public Sanitary Sewer Treatment Facilities;
- * Seasonal Events;
- * Seasinak Retauk Uses; and,
- * All Commercial, including Retail and Offices, which are accessory to permitted uses.

29.2 Notwithstanding 29.1, above, in order to be permitted, new ocean related development projects requiring waterfront land and access must demonstrate that:

- * The use would not negatively impact on an existing water dependent use;
- * The use would not prevent a water dependent use from expanding;
- * The use would not remove existing public access to the waterfront; and,
- * The use will not reduce current berthing space.

29.3 M-2 Zone Requirements

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

Minimum Lot Area	1858.00 m ²	20,000 ft ²
Minimum Lot Frontage	30.5 m	100 ft
Minimum Front Yard	4.6 m	15 ft
Minimum Rear Yard	4.6 m	15 ft
Minimum Side Yards	4.6 m	15 ft
Minimum Flanking Yard	4.6 m	15 ft
Maximum Height of Main Building	12.2m	40 ft

29.4 Uses Permitted by Development Agreement

Notwithstanding anything else in this Part, the Municipal Planning Strategy's Industrial Policy 7.7 provides that the following uses may be considered for development in the Waterfront Industrial (M-2) zone by Development Agreement.

- * Heavy Industry uses;

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

29.5 Converted Group Industrial Building

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

Minimum Lot Area	929 m ²	10,000 ft ²
Minimum Lot Frontage	18.29 m	60 ft
Minimum Front Yard	4.57 m	15 ft
Minimum External Side Yards	4.57 m	15 ft
Minimum Internal Side Yards	<i>waived</i>	
Minimum Flanking Yard	4.57 m	15 ft
Maximum Height of Main Building	10.67 m	35 ft

29.6 Yards Abutting Harbour

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

29.7 Restriction on New Open Storage and Outdoor Display

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

29.8 Restriction on Existing Open Storage and Outdoor Display

The following restrictions shall apply to existing open storage and outdoor displays and those permitted pursuant to Part 29.7:

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

(2) Open storage or outdoor displays shall not be permitted closer than 3.0 m (10 ft) to any public right-of-way;

(3) The area devoted to open storage or outdoor displays shall not exceed fifty (50%) percent of the lot area.

(4) The open storage or outdoor display shall be accessory to the main use located on the same lot.

29.9 Existing Fish and Food Processing Plants - Special Provision

Notwithstanding anything in this Part, Municipal Planning Strategy Industrial Policy 7.21 provides that existing fish and food processing plants located within the Waterfront Industrial (M-2) zone may expand beyond the limits of their current boundaries provided such lands are consolidated with their existing lands.

Part 30 – Waterfront Comprehensive Development Zone (WCD)

30.1 WCD Uses Permitted

In the Waterfront Comprehensive Development (WCD) zone, no Development Permit shall be issued except for one or more of the following uses:

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

30.2 WCD Zone Requirements

In the WCD zone, no Development Permit shall be issued except in conformity with the following:

Minimum Lot Area	929.5 m ² (10,000 ft ²)
Minimum Lot Frontage	24.4 m (80 ft)
Minimum Front Yard	Waived
Minimum Rear Yard	4.6 m (15 ft)
Minimum Side Yards	4.6 m (15 ft)
Minimum Flanking Yard	4.6 m (15 ft)
Maximum Height of Main Building	10.7 m (35 ft)

30.3 Yards Abutting Harbour

In a WCD zone, the minimum rear yard setback may be waived where it directly abuts the Yarmouth Harbour.

30.4 WCD Zone Uses Permitted by Development Agreement

Notwithstanding the permitted uses in 30.1 the following uses shall be considered by Development Agreement provided the development is in keeping with the Statement of Interest for the Waterfront Mixed Use Area outlined in the Municipal Planning Strategy:

(1) New commercial or industrial activities which exceeds 1393.5 m² (15,000 ft²) of gross commercial floor area or where an addition to an existing building creates more than 1393.5 m² (15,000 ft²) in gross commercial floor area may be considered only by Development Agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation Policy 10.9 and 10.8. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

(2) Residential uses containing more than eight (8) dwelling units per lot may be considered for development in the Waterfront Commercial Industrial (WCI-5) zone only by Development Agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation Policy 10.8. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement and there shall be no limit on the number of dwelling units permitted.

30.5 Restriction on New Open Storage and Outdoor Display

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

30.6 Restriction on Existing Open Storage and Outdoor Display

The following restrictions shall apply to existing open storage and outdoor display and those permitted by Part 30.5:

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

Part 31 Open Space (O-1) Zone

31.1 O-1 Uses Permitted

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

- * Public Parks;
- * Public Parking Lots;
- * Public Recreation Centres and Facilities;
- * Accessory Buildings or Structures including refreshment booths or canteen / lunchroom pavilions;
- * Active transportation facilities; and
- * Institutional Uses (as permitted in the Institutional (I-1) Zone) in existing buildings.

Part 32 - Floodplain (O-2) Zone

32.1 Development Prohibited

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

32.2 Passive Recreational Uses Permitted

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

32.3 Removal of Top-Soil Prohibited

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

32.4 Removal or filling in of Material Prohibited

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

Part 33 - Environmentally Sensitive (E-S) Zone

33.1 Development Prohibited

No Municipal Development Permit shall be issued for any use within the Environmentally Sensitive (E-S) zone.

33.2 Uses Permitted

- (1)** Notwithstanding anything else in this Part, those passive recreational uses, active transportation and wetland conservation related projects which do not require the construction or placement of any building shall be considered a permitted use in the Environmentally Sensitive (E-S) zone.
- (2)** Notwithstanding anything else in this Part, public works projects, including road construction, which may include placement of a building or structure, strictly for flood-proofing related developments, enhancement to the watershed system and/or to improve surface run-off conditions shall be considered a permitted use in the Environmentally Sensitive (E-S) zone.

33.3 Removal of Top-Soil Prohibited

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

Part 34 - Institutional (I-1) Zone

34.1 I-1 Uses Permitted

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

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

34.2 Notwithstanding Section 34.1, above, any institutional use as listed in the Institutional (I-1) zone may make its facilities available for a use not permitted in the zone in which it is located for a community, commercial, or light industrial use provided that:

- (1) the use is not obnoxious;
- (2) the use does not generate excess traffic or any on-street parking;
- (3) the use is contained solely within an existing building and does not result in the expansion of an existing building;
- (4) the use does not require outside storage;
- (5) the use does not display a sign inconsistent with the zone in which it is located;

- (6) the Traffic Authority has provided a report stating compliance with 34.2(2), above, and
- (7) the Development Officer has issued a permit for the proposed use.

34.3 Institutional (I-1) Zone Requirements

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

Minimum Lot Area	929.5 m ²	10,000 ft ²
Minimum Lot Frontage	30 m	100 ft
Minimum Front Yard	6.1 m	20 ft
Minimum Rear Yard	9.1 m	30 ft
Minimum Side yards	4.6 m	15 ft
<i>or one-half (1/2) the height of the main building, whichever is greater</i>		
Flanking Yard	6.1 m	20 ft
Maximum Height of Main Building	13.7 m	45 ft

34.4 Uses Permitted by Development Agreement

The following uses shall be considered by Development Agreement in the Institutional (I-1) zone:

- (1) Notwithstanding anything else in this Part, Residential Policy 1.11(6) of the Municipal Planning Strategy provides that any Institutional (I-1) use that is to be developed on a lot less than 2323.8 m² (25,000 ft²) and exceeding 371.8 m² (4,000 ft²) or more of gross floor area exclusive of vestibules, washrooms and closets shall only be considered by Development Agreement.
- (2) Notwithstanding anything else in this Part, Residential Policy 1.11(9) of the Municipal Planning Strategy provides that "Dinner Theatre Productions" may be considered by Development Agreement in the Institutional (I-1) zone.

34.5 Restrictions on Open Storage and Outdoor Displays

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

- (1) No open storage and/or outdoor displays shall be permitted within 3.05 m (10 ft) of any lot line except where a 1.8 m (6 ft) high opaque fence is erected along the entire

length of the lot line and provided the height of the open storage and/or outdoor display does not exceed the height elevation of the opaque fence;

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

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

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

34.6 Parking Requirements

For every building or structure to be erected, occupied or enlarged or where there is a change in use in the Institutional (I-1) zone, one (1) on-site or off-site parking space shall be provided and maintained for every 27.9 m² (300 ft²) or fraction thereof of gross floor area excluding hallways, aisles, vestibules, washrooms, closets and storage areas. Off-site parking must be located within 100 meters (318 feet) of the main permitted use.

34.7 Visibility at Street Intersections - Corner Vision Triangle

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

34.8 Multiple Main Buildings

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

(1) that the minimum separation distance between main buildings shall be 6.1 m (20 ft);

(2) that all parking and loading requirements for each main building and/or use are satisfied; and,

(3) that all other requirements of this By-law are satisfied.

34.9 Accessory Building

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

- (1) shall not be used for human habitation;
- (2) shall not be located in the required front yard;
- (3) shall not be located in the required flanking yard;
- (4) shall not be located closer than 0.6 m (2 ft) to any common lot boundary or street right-of-way;
- (5) shall not be located closer than 1.83 m (6 ft) to any main or accessory building;
- (6) shall not exceed 4.6 m (15 ft) in height;
- (7) shall not have any building elevation more than twice the length of its shortest building elevation;
- (8) the total square footage for all accessory buildings shall not exceed ten (10) percent of the total lot area to a maximum of 139.35 m² (1500 ft²) in gross floor area; and,
- (9) shall satisfy all other requirements of this By-law.

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

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

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

Part 35 – Health Campus (HC) Zone

35.1 HC Uses Permitted

In a Health Campus (HC) zone, no Development Permit shall be issued except for one (1) or more of the following uses:

- * Adult Day Centre;
- * Assisted Living Housing;
- * Churches;
- * Colleges, Universities, Schools and other Educational Facilities;
- * Community Centre (including Arts Centres);
- * Community Market;
- * Day Nursery;
- * Fitness Centre;
- * Funeral Home;
- * Governmental Institutional Facilities;
- * Group Home;
- * Hospital;
- * Medical Clinic;
- * Nursing Home;
- * Open Air Market;
- * Passive Recreation Uses;
- * Private Parks and Gardens;
- * Public Park;
- * Recreational Uses;
- * Residential Care Facility; and,
- * Uses accessory to any of the foregoing uses.

35.2 HC Zone Requirements

In a Health Campus (HC) zone, no Development Permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	929.5 m ²	10,000 ft ²
Minimum Front Yard	6.1 m	20 ft
Minimum Rear Yard	9.1 m	30 ft
Minimum Side Yards	4.6 m	15 ft
<i>or one-half (1/2) the height of the main building, whichever is greater</i>		
Flanking Yard	6.1 m	20 ft
Maximum Height of Main Building	13.7 m	45 ft

35.3 Parking

For every building or structure to be erected, occupied or enlarged in the Health Campus (HC) zone, the Development Officer shall require a site plan and written confirmation from an applicant demonstrating how the proposed parking will meet the needs of any associated use. Acquiring shared parking and access agreements shall be the responsibility of the applicant.

35.4 Multiple Main Buildings

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

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

35.5 Yard Exemptions

Notwithstanding section 31.2, on a common property line between two abutting HC zoned properties, minimum yard requirements may be reduced to zero (0 ft) feet.

35.6 Restrictions on Open Storage and Outdoor Displays

The following restrictions shall apply to open storage and outdoor displays in the Health Campus (HC) zone:

- (1) No open storage and/or outdoor displays shall be permitted within 3.05 m (10 ft) of any lot line except where a 1.8 m (6 ft) high opaque fence is erected along the entire length of the lot line and provided the height of the open storage and/or outdoor display does not exceed the height elevation of the opaque fence;
- (2) The area devoted to open storage and/or outdoor displays shall not exceed fifty (50%) percent of the entire lot area;
- (3) The open storage and/or outdoor display shall be accessory to the main use located on the same lot; and,
- (4) The open storage and/or outdoor display shall not be permitted within the front yard or the flanking yard.

35.7 Visibility at Street Intersections - Corner Vision Triangle

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

35.8 Accessory Buildings

Nothing in this By-law shall prohibit the construction or erection of accessory buildings in any Health Campus (HC) zone provided that the accessory building(s) satisfies the following:

- (1)** shall not be used for human habitation;
- (2)** shall comply with yard requirements that are applicable to main buildings;
- (3)** shall not exceed 4.6 m (15 ft) in height;
- (4)** shall not be built within 1.2 m (4 ft) of any building on the lot;
- (5)** Notwithstanding Part (2) above, shall not be located closer than 0.6 m (2 ft) to any lot boundary; and,
- (6)** shall satisfy all other requirements of this By-law.

Part 36 – Climate Change Storm Surge and Sea-level Rise Sensitive Area

36.1 Minimum Climate Change Building Grade Elevation and Set-Backs

Pursuant to Policy 9.4 of the Municipal Planning Strategy, the following minimum climate change-related building grade elevations and minimum separation standards from the ordinary high water mark shall apply in the Climate Change Storm Surge and Sea-level Rise Sensitive Area as shown on the Climate Change Storm Surge and Sea-level Rise Sensitive Area Map (Schedule “G”). The change in use of any building shall be exempt from this requirement provided there are no additions and provided the development does not include any storage of any hazardous materials.

Main Buildings (Non-Water Dependent Buildings)

Time Period:	Minimum Building Grade Elevation (CGVD28)	Minimum Separation Standards from the Ordinary High Water Mark:
Present - 2050	4.8 m / 15.7 ft	7.6 m / 25 ft
2051 - 2100	5.4 m / 17.7 ft	7.6 m / 25 ft

Accessory Buildings (Non-Water Dependent Buildings)

Time Period:	Minimum Building Grade Elevation (CGVD28)	Minimum Separation Standards from the Ordinary High Water Mark:
Present - 2050	4.6 m / 15 ft	3.05 m / 10 ft
2051 - 2100	5.2 m / 17 ft	3.05 m / 10 ft

Main Buildings (Water Dependent Buildings)

Time Period:	Minimum Building Grade Elevation (CGVD28)	Minimum Separation Standards from the Ordinary High Water Mark:
Present - 2050	4.6 m / 15 ft	Waived
2051 - 2100	5.2 m / 17 ft	Waived

Accessory Buildings (Water Dependent Buildings)

Time Period:	Minimum Building Grade Elevation (CGVD28)	Minimum Separation Standards from the Ordinary High Water Mark:
Present - 2050	4.4 m / 14.4 ft	Waived
2051 - 2100	5.0 m / 16.4 ft	Waived

Note: CGVD28 = Canadian Geodetic Vertical Datum of 1928. Until 2013 this was the standard geodetic vertical datum as maintained by Natural Resources Canada (NRCan). In that year NRCan established a new datum (CGVD2013); however NRCan advises it will continue to publish heights at benchmarks in CGVD28 for the foreseeable future.

36.2 Minimum Climate Change Building Grade Elevation for New Non-water Dependent Buildings Greater than 185.8 m² (2,000 ft²) Abutting Water Street

Any new non-water dependent main building greater than 185.8 m² (2,000 ft²) in gross floor area abutting Water Street in the Climate Change Storm Surge and Sea-level Rise Sensitive Area as shown on the Climate Change Storm Surge and Sea-level Rise Sensitive Area Map shall have a building grade elevation equal to or greater than the directly abutting Water Street elevation. For clarity, this provision shall only apply to those lots directly abutting Water Street and the elevation level may be determined by the average elevation along the lineal length of Water Street that directly abuts the property. Where there is a conflict between this Part and Part 36.1, the higher or more stringent requirement shall prevail.

36.3 Raising the Minimum Building Grade Elevation

Buildings may be raised or elevated to the required minimum climate change building grade elevations as outlined in Parts 36.1 and 36.2 by the use of piers, posts, foundations and similar devices and may have parking areas, loading areas, storage areas (excluding the storage of hazardous materials) and entranceways (including staircases, elevators and similar devices) located below the required minimum building grade elevation. Any other type of occupancy or use not explicitly permitted below the minimum climate change building grade elevation shall be prohibited.

36.4 Minimum Hazardous Materials Grade Elevation and Minimum Separation Standards from the Ordinary High Water Mark

- (1) Underground storage of hazardous materials shall be strictly prohibited in the Climate Change Storm Surge Sea-Level Rise Sensitive Area as shown on the Climate Change Storm Surge and Sea-level Rise Sensitive Area Map. Existing underground

storage of hazardous materials may continue to exist and be maintained provided their storage capacity shall not, at any time, be increased.

- (2) Pursuant to Policy 9.4 of the Municipal Planning Strategy, the following hazardous materials minimum grade elevations and minimum separation standards from the ordinary High Water Mark (HWM), whether contained in a building or not, shall apply in the Climate Change Storm Surge and Sea-Level Rise Sensitive Area as shown on the Climate Change Storm Surge and Sea-level Rise Sensitive Area Map:

Hazardous Materials (Oil, Gas, Propane, etc.) whether contained in a building or not (Non Water Dependent)

Time Period:	Minimum Grade Elevation (CGVD28)	Minimum Separation Standards from the Ordinary High Water Mark
Present - 2050	4.8 m / 15.7 ft	6.1 m / 20ft
2051 - 2100	5.4 m / 17.7 ft	6.1 m / 20ft

Hazardous Materials (Oil, Gas, Propane, etc.) whether contained in a building or not (Water Dependent)

Time Period:	Minimum Grade Elevation (CGVD28)	Minimum Separation Standards from the Ordinary High Water Mark
Present - 2050	4.8 m / 15.7 ft	Waived
2051 - 2100	5.4 m / 17.7 ft	Waived

36.5 Minimum Wharf Grade Elevation

Pursuant to Policy 9.4 of the Municipal Planning Strategy, the following minimum wharf grade elevations shall apply in the Climate Change Storm Surge and Sea-level Rise Sensitive Area as shown on the Climate Change Storm Surge and Sea-level Rise Sensitive Area Map. For clarity, this provision shall apply to any new wharf or any addition to any existing wharf but shall not prevent any existing wharf from being repaired; however, any existing wharf that is being totally replaced shall conform with these minimum requirements.

Time Period:	Minimum Wharf Elevation (CGVD28)
Present - 2050	4.4 m / 14.4 ft
2051 - 2100	5.0 m / 16.4 ft

36.6 “Existing” Wharf Elevation

Notwithstanding the requirements of Part 36.5, the minimum wharf elevations may be waived for additions onto any existing wharf provided a study (a storm surge/sea-level rise vulnerability assessment) by a qualified engineer identifies such other development standards that ensures that the development will not be subject to flooding or subsidence caused by climate change is undertaken, submitted to the Town for approval and implemented as part of the development’s requirements.

36.7 “Existing” Building Grade Elevation and Minimum Separation Standards from the Ordinary High Water Mark

Notwithstanding the requirements of Parts 36.1 and 36.2, the minimum building grade elevations and Minimum Separation Standards from the ordinary High Water Mark (HWM) may be waived for additions to any building provided a study (a storm surge/sea-level rise vulnerability assessment) by a qualified engineer identifies such other development standards that ensures that the development will not be subject to flooding or subsidence caused by climate change is undertaken, submitted to the Town for approval and implemented as part of the development’s requirements. The change in use of any building shall be exempt from this requirement provided there are no additions and provided the development does not include the storage of any hazardous materials. Any storage of any new hazardous materials whether contained in a new building, an existing building or outside any building shall be required to meet the minimum grade elevations and Minimum Separation Standards from the ordinary High Water Mark (HWM) as prescribed in this By-law.

36.8 Minimum Climate Change Building Grade Elevations and Minimum Separation Standards Exempted from Variance Provisions of Municipal Government Act

For the purpose of this By-law, the minimum climate change building grade elevations and minimum separation standards from the ordinary High Water Mark (HWM) as laid out in this Part shall not be subject to variance procedures of the Municipal Government Act. Therefore, these minimum standards cannot be reduced through the variance procedures of the Municipal Government Act.

36.9 Minimum Climate Change Building Grade Elevations – Slab on Grade or Higher

Any building located in the Climate Change Storm Surge and Sea Level Rise Sensitive Area shall be constructed with a slab on grade construction or a higher floor elevation above the minimum climate change building grade elevation. Any basement or sub-basement construction (other than foundation supports for upper levels) or any floor elevation below the minimum climate change building grade elevation shall be prohibited within the Climate Change Storm Surge and Sea Level Rise Sensitive Area.

36.10 Bulk Petroleum Storage Facilities, Service Stations and Gas Bars

1. Notwithstanding anything else in this By-law the following list of uses shall be prohibited in the Climate Change Storm Surge and Sea Level Rise Sensitive Area as shown on the Climate Change Storm Surge and Sea Level Rise Sensitive Area Map, Schedule “G”:
 - * Bulk Petroleum Storage Facilities;
 - * Service Stations; and,
 - * Gas Bars.
2. Notwithstanding Part 36.10(1) above, service stations and gas bars that are solely for the use of water dependent buildings or water dependent uses may be located in the Climate Change Storm Surge and Sea Level Rise Sensitive Area as shown on the Climate Change Storm Surge and Sea Level Rise Sensitive Area Map, Schedule “G” provided all other requirements of this By-law are satisfied.

36.11 The Higher or More Stringent Requirement Shall Prevail

Where any provision of the Land Use By-law conflicts with any provision governing the “Climate Change Storm Surge and Sea Level Rise Sensitive Area”, the higher or more stringent provision shall prevail.

Part 37 - Definitions

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

1. **Abutting Yard** means the required minimum yard set back measured from the abutting lot line as prescribed in the Land Use By-law, unless otherwise stated.
2. **Accessory Building** means a subordinate building or structure on the same lot as the main building or use devoted exclusively to an accessory use.
3. **Accessory Use** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
4. **Adult Day Centre** means that portion of a residence wherein the owner or occupier of the residence provides temporary care on a daily basis for adults attaining the age of eighteen (18 yrs) years without overnight accommodations.
5. **Adult Entertainment Uses** means a massage parlour, sex-aid shop, an adult book store or an adult cabaret.
6. **Alter** means any change in the structural component of a building, or any increase in the volume of a building or structure.
7. **Annually** means once per calendar year.
8. **Apartment Building** means a building containing four (4) or more dwelling units which have a common entrance from the street level but does not include converted dwellings.
9. **Assisted Living Housing** means housing intended for both independent and semi-independent living in the form of either congregate housing, dwelling units, sleeping units, or any combination thereof, within which is provided for the exclusive use of the occupants, their families and guests, daily common meal preparation using commercial cooking facilities, dining area and laundry facilities. Assisted living housing may or may not accommodate health services such as nursing care, home support, rehabilitative and transportation services.
10. **Art Studio Establishment** means part of building engaged in the sale, instruction, creation and participation in music, dancing, arts and crafts, weaving, painting, sculpturing, molding or other act to which art is the final product (e.g. photographers, ceramics, pottery, glaziers, and tailors).
11. **Automobile Service Stations or Service Station** means a building or part of a building or a clearly defined space on a lot used for the retail sale of gasolines and lubricating oils and may include the sale of automobile accessories and the servicing and repairing of motor vehicles and may include a car wash, convenience store and automobile body shop within wholly enclosed buildings.
12. **Boarding or Rooming House** means a dwelling unit in which the proprietor supplies rooms with or without meals but without private cooking facilities for monetary gain exclusive of rooms, if any, of the lessee or owner or members of his/her family and which is not open to the general public.
13. **Brewery** means a manufacturing plant capable of producing large quantities of beer where the primary function is to sell packaged beer to the general public through retail liquor stores or for export.
14. **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.

- 15. Building Elevation** means a flat scaled drawing of the front, rear or sides of a building.
- 16. Building Line** means any line regulating the position of a building or structure on a lot.
- 17. Building Supply and Equipment Depots** means any track of land, building or part of a building in which building or construction, equipment and home improvement materials are offered or kept for sale at retail or wholesale and may include the fabrication of certain materials related to home furnishing and home improvement.
- 18. 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.
- 19. Business Office** means a building or part of a building primarily engaged in providing business services in which one or more persons are employed in the management, direction or conducting of a business or where persons and their staff serve clients who seek advise or consultation and includes any room or rooms where business may be transacted, a service performed or consultation given and includes, but is not limited to, such uses as business services, real estate and brokerage agencies, insurance and brokerage agencies and travel agencies and other similar uses, but shall not include the manufacturing of any product or the retail selling of goods. A business office shall include those uses defined as a “professional office” and vice versa.
- 20. 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:
- (A) Call Centre** means a call centre which remains in one location for at least twelve consecutive months.
- (B) Temporary Call Centre** means a call centre which remains in one location for a period not exceeding twelve consecutive months.
- 21. Church** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall and may include living quarters for the Clergy operated by the church.
- 22. Coffee and Tea Shop** means an establishment which sells coffee, tea, biscuits, squares, sandwiches, desserts and other similar items.
- 23. Commercial** means any use by which retail or wholesale trade is carried on, and those other uses involving sale of goods, materials and services.
- 24. Commercial Accommodation** means any motel or hotel operated within a commercial zone on a full-time permanent basis but shall not include any guest home, boarding or rooming house, nursing home or bed and breakfast operations.
- 25. Commercial Van** means a commercial van or a commercial truck whether or not same contains commercial licenses or signage and excludes ambulances, hearses, motor buses, tractors, trailers, tractor/trailer combined, transport trucks, dump trucks, backhoes, front end loaders, construction vehicles, and other similar vehicles.

- 26. Arts and Community Centre** means any tract of land or building or any part of any building used for art or community related activities such as but not limited to classes, performances, and or functions whether used for commercial purposes or not.
- 27. Community Market** means a building or part of a building or a clearly defined space on a lot used only once or twice during any week of any year at any one (1) location to accommodate the retail sales of produce from the land or sea including but not limited to fruits, vegetables, eggs, cheese, honey, jams, cider, milk, juices, cooked or uncooked poultry, meat or fish, cut flowers, bedding out plants, shrubs and trees and shall also include the retail sales of arts and crafts handicrafts, baked goods and yard sales items including but not limited to antiques and second hand goods.
- 28. Construction Trade and Contractors** means a building or part of a building housing construction trade related offices related to one or more of the following: general contractors, plumbing, electrical, mechanical, excavating and/or landscaping businesses exclusively devoted to the physical development of land and/or structure(s), including the preparation of land for development, and may include accessory design, drafting and estimating services but does not include a professional office exclusively devoted to the design, drafting or estimating thereof nor does it include any storage of any demolition debris, construction waste or waste of any kind.
- 29. Convenience Store** means a building which is used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary items, grocery items and a delicatessen or snack bar.
- 30. Converted Dwelling** means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.
- 31. Converted Group Industrial Building** means a building originally built and designed as a single industrial building existing as of the date of this By-law which has been converted into two or more industrial units, which are separately owned and located on a separate lot, divided vertically by a solid common wall extending from the base of the foundation to the roof line with independent entrances and loading spaces which may be characterized by the sharing of common parking areas and driveways.
- 32. Corner Vision Triangle** means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection, the distance required by this By-law, along each such street line and joining such points with a straight line. The triangular-shaped land between the intersecting lines and the straight line joining the points, the required distance along the street lines, shall be known as the "corner vision triangle" as applied to various sections of this Land Use By-law under the terminology of "visibility at street intersections".
- 33. Council** means the Council of the Town of Yarmouth.
- 34. 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.
- 35. 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.
- 36. Development Officer** means the Officer of the Town of Yarmouth from time to time charged by the Town with the duty of administering the provisions of the Land Use By-law pursuant to the Town of Yarmouth Municipal Planning Strategy and the Municipal Government Act.

- 37. Distillery** means a manufacturing plant or establishment where distilling, especially the distilling of liquors, is done. Distillation is a process of separating the component or substances from a liquid mixture by selective evaporation and condensation.
- 38. Domestic and Household Arts** includes the sale, instruction or participation in music, dancing, arts and crafts, weaving, painting, sculpturing, moulding or otherwise making or repairing sporting equipment, musical instruments, garden or household equipment, household articles such as small appliances or furniture items, articles of clothing, personal effects or toys. Uses shall not include the making or repairing of motorized vehicles or parts, industrial manufacturing or repairs nor shall it include the sale of goods other than those made or repaired on the site.
- 39. Double Cart Corral** means two single cart corrals placed back to back occupying two (2) parking spaces for a maximum dimension of 3.05 m (10 ft) wide by 12.2 m (40 ft) long.
- 40. Drive-In Restaurant** means a place where food and drink is served to the public, and which does not necessarily provide facilities for consumption thereof on the premises other than parking area, also includes drive-thru restaurants.
- 41. Duplex** means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly from outside the building or through a common vestibule.
- 42. Dwelling** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units and shall not include a hotel, a motel or an apartment hotel.
- 43. Dwelling Unit** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building. Nothing in this definition shall exclude multiple kitchens or sanitary facilities in a dwelling unit.
- 44. Emergency Response Centre** means a building or part of a building where emergency vehicles are housed until dispatched, which may include accessory overnight accommodations (sleeping quarters) for personnel directly related to this use and without limiting the generality of foregoing may include such establishments as ambulance response centres, police response centres, emergency measures response centres, fire response centres and search and rescue response centres.
- 45. 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.
- 46. Established Building Line** means the average distance of the existing building from the street line to existing buildings in any block where more than half the frontage has been built upon at the effective date of this By-law.
- 47. Existing** means existing as of the effective date of this By-law.
- 48. Feed Lots** means any lot, building, structure, pen or corral wherein any animals or livestock are maintained primarily for the purpose of feeding, breeding, raising or holding for shipment to market but shall not include areas of land used solely for grazing purposes.
- 49. Fish and Food Processing Facility** means a building or part of a building used for processing any fish or food processing matter from raw organic materials which may create any

obnoxious odors or waste materials and shall include fish processing, rockweed and seaweed processing, animal meat matter processing and any organic waste or composting types of activities and other similar types of uses including any salting, smoking or canning of fish or meat products, but excludes warehousing and distribution of fish and food products.

50. 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.

51. Fishing and Marine Related Industries means a building or yard or part thereof used in the fishing industry and includes the maintenance and repair of fishing vessels, fishing tackle, traps and other equipment as well as support industries to the fishing industry, but excludes fish and food processing plants and/or fish reduction plants.

52. Fitness Centre means an establishment used for the purpose of a gymnasium, sauna, swimming-pool and other sports-related recreational activities and services.

53. Floor Area:

(A) **With Reference to a Dwelling** means the maximum usable floor area contained within the outside walls excluding any private garage, porch, verandah, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year;

(B) **With Reference to an Accessory Building** means the maximum usable floor area contained within the outside walls and shall include the combined floor area of any floors, loft or mezzanine.

(C) **Commercial Floor Area** means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms.

(D) **Gross Commercial Floor Area** means the aggregate of the usable floor areas of a building above or below grade, measured between the interior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building, and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls. Gross floor areas shall mean the same as gross commercial floor area.

(E) **Usable Floor Area** shall be defined as a floor area with a minimum height clearance of at least 1.22 m (4 ft).

(F) **With Reference to a Home Occupation** (non-residential use) means the percentage as specified in the By-law of the dwelling's usable floor area contained within the outside walls above or below grade.

54. Food Trucks means any mobile motor vehicle, trailer, or similar structure designed for preparing and offering food that is situated on a single commercial property twelve (12) months out of the year. Food trucks are required to obtain both a Development Permit as well as a Vendors Permit in the Town of Yarmouth.

55. Governmental Institutional Facility means a building or part of a building owned, operated or occupied by a Federal, Provincial or Municipal Government or an agent thereof to provide governmental services and without limiting the generality of the foregoing, may include hospitals, nursing homes, homes for special care, rehabilitation centres, residential care facilities, public works facilities, public recreational facilities, educational facilities, juvenile detention facilities, correctional facilities, custodial care facilities, customs and custom compounds, military and civil defense facilities, naval dockyards, court houses, police stations, emergency protection facilities and dispatch centres, fire stations and other similar

uses but shall not include any Federal, Provincial or Municipal Government office as a main use, any manufacturing or industrial operations, any composting and/or recycling operation or any waste facility or depot or other similar uses.

- 56. Group Dwelling** means two or more buildings each containing one or more dwelling units located on a lot.
- 57. Group Home** means a single housekeeping unit in a residential dwelling in which more than three (3) residents live together under supervision, in accordance with Provincial requirements. The home shall be licensed or approved by the Province. "Residents" for the purpose of this definition shall be defined as to exclude staff or visiting family.
- 58. Guest House or Bed and Breakfast** means a dwelling where the property owner supplies either room or room and board for monetary gain where not more than six (6) rooms are so used and which is open to the travelling public.
- 59. Hazardous Materials** means any material that, because of its quantity, concentration, or physical or chemical characteristics, may pose a real hazard to human health or the environment and includes any industrial by-product, especially from the manufacture of chemicals, that is destructive to the environment or dangerous to the health of humans, plants or animals. It shall include any item or agent (biological, chemical, physical) which has the potential to cause harm to humans, animals, or the environment, either by itself or through interactions with other factors and shall include any substance or chemical which is a health hazard, physical hazard or a risk to public safety or the environment. It includes, but not limited to, all materials listed in the Canadian Workplace Hazardous Materials Information System (WHMIS).
- 60. Heavy Industry** means a building or part of a building engaged in the basic process and manufacturing of materials or products predominately from extracted or raw materials, of finished or unfinished products or components, including processing, fabrication, assembly, treatment, packaging, incidental storage and other similar activities, including the sale and distribution of such products or components but shall not include any manufacturing process or storage of any potentially hazardous or commonly recognized offensive materials, activities or conditions.
- 61. Heavy Service Industry** means a building or part of a building engaged in the following activities: the processing of milk and dairy products, a recycling centre, the shredding and/or sorting of materials, a bakery, a candy factory, a public or private garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a painting shop including a decal shop, a plumbing shop, a sheet metal shop, a glass making, glass blowing, glass repair and glass fabrication shop, a metal fabrication shop, a sign shop, a wood, lumber and furniture manufacturing shop, a door and window manufacturing shop, a building material manufacturing shop, a plastic fabrication shop and similar uses and includes the designing and manufacturing aspects as well as the accessory retail sales of such items.
- 62. Heavy Service Shop** means a building or part of a building, used for the sale or repair of any of the following: automotive parts and accessories, industrial supplies, tires, including vulcanizing or retreading, batteries, brakes or radiators, automotive ignitions, exhaust or electrical systems, snowmobiles, outboard motors, marine parts and accessories, furnaces or oil burners, water or air coolers or domestic water heaters and other similar uses, but shall not include manufacturing or industrial assembly. Heavy service shop also includes an

establishment for the renting and selling of automobiles, trucks, light construction equipment or lawn care equipment or any other like articles.

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

- i) The highest point of the roof surface of the parapet, or a flat roof, whichever is the greater;
- ii) The deckline of a mansard roof; or
- iii) The mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

64. High Water Mark (HWM) means the ordinary high water mark, the visible high water mark of any lake, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks, both in vegetation and in the nature of the soil itself. Typical features may include a natural line or "mark" impressed on the bank or shore, indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics. For the purpose of the Land Use By-law the High Water Mark (HWM) shall be as defined by a Nova Scotia Land Surveyor in keeping with the definition of "ordinary high water mark" pursuant to the Nova Scotia Land Surveyors Regulations as outlined below:

"ordinary high water mark" means the limit or edge of a body of water where the land has been covered by water so long as to wrest it from vegetation or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself; (Nova Scotia Land Surveyors Regulations).

65. Home Based Aesthetic Practices means a home based business catering to personal beautification serving to beautify the body by improving the appearance of a physical feature and shall be conducted entirely within a dwelling or an accessory building to a dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Home based aesthetic practices shall not include the retail sale of any products. Services include personal services such as hair styling, hair treatments and/or hair cutting services such as barber shops and hair salons, skin analyzing, skin care, facials, waxing, manicures, pedicures, massage and acupuncture treatments, spa treatments, body treatments, foot reflexology treatments, body polishes, body wraps, spray tanning treatments, eyelash tinting, makeup artistry, microdermabrasion, aromatherapy, or electrolysis, and other similar treatments, but shall not include the use of any tanning beds or tanning booths and similar equipment, or any medical or therapeutic treatment of humans under the supervision or direction of a physician, and excludes the services of a chiropractor, osteopath, orthopedic practitioner, cosmetic surgery practitioner, physiotherapist, naturopathy practitioner, dietician/nutritionist practitioner, herbalist practitioner, Chinese medical practitioner, rehabilitation practitioner, eating disorder therapist, ultrasound technologist, speech language pathologist, audiologist, or nurse practitioner, whether or not licensed or registered under the laws of the Province of Nova Scotia.

66. Home Based Office means any office conducted entirely within a dwelling or an accessory building to a dwelling and carried on by the inhabitants thereof, which is clearly incidental

and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, where business may be transacted, a service performed, compensation given, but shall not include the manufacturing of any product or the retail selling of goods and shall not include such uses as clinics, doctor's offices, medical offices, hospitals, medical or care facilities, personal service shops, commercial service shops, repair shops, barber shops, beauty shops, restaurants, veterinarian offices, veterinarian clinics, kennels, animal nurseries and other similar types of uses.

- 67. Hospital** means a building or part of a building approved by the Minister in keeping with the Hospitals Act, R.S.N.S., 1967, Chapter 249 that is used for the treatment of persons afflicted with or suffering from sickness, disease or injury.
- 68. Hostel** means a building or buildings or part thereof used to accommodate the traveling public by supplying them with sleeping accommodations with or without meals and which is characterized by common cooking and washroom facilities which provides rental dormitory bed spaces to individuals and/or groups of the travelling public.
- 69. Hotel or Motel** means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation with or without meals and with or without private cooking facilities.
- 70. Inn** means a registered heritage property or part thereof used to accommodate the travelling public for monetary gain by supplying them with room or room and board on a temporary basis where not more than eight (8) rooms or rental suites are provided and may include the rental of room(s) as a function room facility for special occasions.
- 71. Institution** means the use of land, buildings or structures used by a body, whether public or private, that operates for a particular purpose with no intent of profit and without limiting the generality of the foregoing, includes those uses permitted in the Institutional (I-1) zone.
- 72. Insurance and Brokerage Agency** means a business office conducted within a building or part of a building wherein agents or brokers are primarily engaged in the selling of insurance and pension products and other similar items.
- 73. Internet Web Site Development** means a building or part of a building in which persons are employed in providing services for the design, development and maintenance of internet based web sites. For the purpose of this By-law this use shall be a separate and distinct use from a business office use or a professional office use.
- 74. Kennels** means the keeping, breeding or training of four (4) or more dogs exceeding the age of four (4) months.
- 75. 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.
- 76. 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.
- 77. Light Industry** means a building or part of a building housing a use primarily engaged in the manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products or components, but excludes any type of heavy industry use.

- 78. Light Service Industry** means a building or part of a building comprising an area of 278.7 m² (3,000 ft²) or less engaged in the following activities: a bakery, a candy factory, a public or private garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a painting shop including a decal shop, a plumbing shop, a sheet metal shop, a glass making, glass blowing, glass repair and glass fabrication shop, a metal fabrication shop, a sign shop, a wood, lumber and furniture manufacturing shop, a door and window manufacturing shop, a building material manufacturing shop, a plastic fabrication shop and similar uses and includes the designing and manufacturing aspects as well as the accessory retail sales of such items.
- 79. Light Service Shop** means a building or part of a building, used for the sale or repair of household articles and shall include the repair or servicing of communication parts & accessories, electronic devices, television sets, radios, home security systems, satellite systems, computers, furniture, appliance repair shops and other similar uses, but shall not include manufacturing, industrial assembly or motor vehicle repair shops.
- 80. Live Adult Entertainment** means any premises or part thereof, whether public, semi-public, or private, wherein is provided the opportunity to feel, handle, touch, be in the presence of, or be entertained by the nude body of another person, or to observe, or view any such activity. For the purpose of this by-law, "Live Adult Entertainment" shall include any services appealing to or designed to appeal to erotic or sexual appetites or inclinations, and includes massage parlours. Such services shall include, but not limited to, services of which a principle feature or characteristic is the nudity or partial nudity of any person. For the purpose of this clause "partial nudity" shall mean less than completed cover or opaquely covered human genitals, human pubic region, human buttocks, or female breast below a point immediately above the top of the areola. Nothing in the definition of "Live Adult Entertainment" shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theatre, concert hall, fine arts academy, school, institution of higher education, or other similar establishments as a form of expression of opinion or the communication of ideas or information.
- 81. Live-in Art Gallery Studio** means a building or part of a building used to produce artist's products including the display and retail sales of artist supplies and products with an accessory residential use solely to be occupied as a residence by the user.
- 82. Loading Space** means an unencumbered area of land 3.66 m (12 ft) by 12.19 m (40 ft) with a minimum height clearance of 4.27 m (14 ft) provided and maintained on the same lot upon which the principal use is located and which area:
- (A) Is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;
 - (B) Is not upon or partly upon any street or highway; and
 - (C) Has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.
- 83. Lobster Trap Storage Facilities** means a lot or part of a lot used for the open storage of lobster traps, buoys, ropes, nets, and other similar gear associated with the lobster industry.
- 84. Lot** means any parcel of land described in a deed as a lot or as shown as an approved lot on a registered plan of subdivision; and

- (A) **Corner Lot** means a lot situated at the intersection of or otherwise abuts two or more streets. Where a corner lot is to be utilized for any residential or institutional use, 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 By-law, and provided that no lot line be less than fifty (50) percent of the minimum lot frontage prescribed for the zone in this By-law;
- (B) **Interior Lot** means a lot situated between two lots and having access to one street;
- (C) **Through Lot** means a lot bounded on two opposite sides by streets or highway or otherwise abuts two different streets provided however, that if any lot qualifies as being both a corner lot and through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.
- 85. Lot Area** means the total horizontal area within the lot lines of a lot.
- 86. 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.
- 87. Lot Frontage** means the length of a straight line joining the side lot lines where the side lot lines meet the street.
- 88. Lot Line** means a boundary line of a lot; and
- (A) **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 in the R-1, R-2, R-3, R-H, CD or an I-1 zone, the shorter lot line shall be deemed the front lot line of said lot. Where a corner lot is to be utilized for any commercial or industrial use in the C-1, C-2, C-2M, C-3, CI-4, CI-5, C-H or M-1 or M-2 zone, the shorter lot line may be deemed the flanking lot line rather than the front lot line provided that at least one lot line is equal to the minimum lot frontage prescribed for the zone in this By-law, and provided that no lot line be less than fifty (50%) percent of the minimum lot frontage prescribed for the zone in this By-law. Where such lot lines are of equal length, the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line;
- (B) **Rear Lot Line** means the lot line furthest from or opposite to the front lot line;
- (C) **Side Lot Line** means the lot line other than a front or rear lot line;
- (D) **Flanking Lot Line** means a lot line which abuts the street on a corner lot other than the front lot line.
- 89. Main Building** means the building in which is carried on the principle purpose for which the building lot is used.
- 90. Main Use** means the principal or primary purpose for which any building, structure or land or any part thereof is designed, utilized, arranged, or intended, or for which it may be constructed, used, occupied or maintained under this By-law, but shall not include any accessory use.
- 91. 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.

- 92. Massage Parlour** means any premises or part thereof, by whatever name designated, where a massage, body rub, alcohol rub, bath or similar activity is performed, offered, advertised or solicited by members of the opposite sex in pursuance of a trade, calling, business or occupation or which is equipped or arranged so as to provide such activity, but does not include any premises or part thereof where treatment is routinely offered or performed for the purpose of medical or therapeutic treatment and is performed or offered by or under the supervision or direction of a physician, chiropractor, osteopath, physiotherapist, or nurse licensed or registered under the laws of the Province of Nova Scotia.
- 93. Medical Clinic** means a building or part of a building wherein a private practice offers consultation, diagnosis and treatment of patients by one or more legally qualified physicians, dentists, surgeons, optometrists, chiropodists, chiropractors, drugless practitioners, alternative medical practitioners or therapeutic practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery nor public or private hospital or a professional office of a single practitioner located in his residence.
- 94. Cultivation and Processing** means a use enclosed within a building or greenhouse used to grow, and process a plant product, including but not limited to marijuana. This use shall operate in a manner appropriate for the zone it is permitted, so as to minimize and prevent any negative impact on surrounding properties by sound, odor, dust, fumes or smoke.
- 95. Microbrewery** means a small-scale brewery which typically produces limited quantities of specialty beers, and may sell beverages.
- 96. Microwinery** means a small winery that does not have its own vineyard to produce wine. Their production is on a small scale and usually for local consumption.
- 97. Microdistillery** means a small, often boutique-style distillery established to produce beverage grade spirit alcohol in relatively small quantities, usually done in single batches.
- 98. (A) Minimum Climate Change Building Grade Elevation** (Minimum Building Grade Elevation) means the lowest point of elevation measure in Canadian Geodetic Vertical Datum (CGVD28) of the finished surface of the ground abutting the exterior wall of any building along the periphery of the entire exterior of the building.
- 98. (B) Minimum Climate Change Grade Elevation (Minimum Grade Elevation for the storage of hazardous materials only)** means the lowest point of elevation measure in Canadian Geodetic Vertical Datum (CGVD28) of any container containing any hazardous materials.
- 98. (C) Minimum Wharf Grade Elevation** means the lowest point of elevation measure in Canadian Geodetic Vertical Datum (CGVD28) of the finished surface of the wharf's decking throughout the entire wharf structure.
- 99. (A) Mobile Home** means a single or multiple section mobile home structure designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpackaging and assembly; and the foregoing shall include pre-fab dwellings having any main wall with a width of less than 6.1m (20 ft.). For the purpose of this section, a main wall is any exterior wall of the building running a linear distance of fifty (50%) percent or more of the overall length or width of the building.
- 99. (B) Mini Home** means a single or two (2) unit dwelling, built on site, having any main wall with a width of less than 6.1m (20ft.). 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.

- 100. Mobile-Home Based Business** means a commercial use which provides full or part-time employment for one or more person(s), which use is located in a residence occupied by the operator of that business and where such business provides public transactions entirely at another location, characterized primarily with non-public activities (no traffic at residence other than incidental bill payments) and without limiting the generality of the foregoing, may include door to door sales, door to door service, internet services, computer services, telephone services, video & audio services, personal grooming services, pet grooming services, household repair services, travelling vendors and food catering services but shall exclude any manufacturing or fabrication of goods for sale other than those items that may be manufactured or fabricated as a domestic and household arts operation or for a food catering service.
- 101. Mobile Home Park** means an establishment comprising of land or premises designed and intended for residential use where residence is in mobile homes exclusively but does not include public parks or public or private camping grounds.
- 102. Multiple Section Mobile Home** means a sectional structure composed of separate mobile home units, each towable on their own chassis, which when towed to the site are coupled together mechanically and electrically to form a single structure.
- 103. Nursery** means a building or part of a building or other place, whether known as ~~day~~ nursery, kindergarten, play school, or by any other name which, for compensation or otherwise, receives four or more children under eighteen years of age for temporary care including overnight accommodation.
- 104. Nursing Home** means a building or place or part of a building or place in which accommodation is provided or is available to persons requiring or receiving skilled nursing care in accordance with Provincial requirements. The nursing home shall be licensed or approved by the Province. "Residents" for the purpose of this definition shall be defined as to exclude staff or visiting family.
- 105. Obnoxious Use** means a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gas, fumes, dust, oil or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials.
- 106. Off-Site Parking Space** means an open or covered area containing parking spaces, other than a street, for one or more motor vehicles, exclusively devoted to an off-site use of land or building.
- 107. Office** means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.
- 108. Open Air Cinema (Theatre)** means the presentation of a movie, sporting event, or similar events on an outdoor screen which may or may not be viewed from a vehicle.
- 109. Open Air Market** means an occasional or periodic market held in an open area, building or portion thereof where groups of individuals offer goods and services for sale to the public. The following activities shall be permitted: retail sale of food, clothing, arts & crafts, second hand items, plants and products of a similar nature.
- 110. 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.

- 111. Outdoor Furnace** means a furnace which provides heat to any structure other than that which houses the outdoor furnace.
- 112. 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.
- 113.(A) Parking Space (Residential)** means an area of land in a residential area of not less than 14.8m² (160 square feet), measuring 2.4 m by 6.1 m (8 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.
- 113.(B) Parking Space (Commercial)** means an area of land in a commercial or industrial area of not less than 16.7 m² (180 ft²), measuring 2.7 m by 6.1 m (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.
- 114. 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.
- 115. Passive Recreation Uses** means the use of lands for parks, playgrounds, tennis courts, lawn bowling, athletic fields, picnic areas, outdoor swimming areas and similar uses to the foregoing.
- 116. Perpendicular Parking Space** means an area not less than 16.7 m² (180 ft²), measuring 2.7 m by 6.1 m (9 x 20 feet) and located at ninety (90°) degrees (right angles) to the street and each parking space shall be demarcated and maintained as such.
- 117. 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.
- 118. Personal Service Shop** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, including a person's household pet and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry but excludes any manufacturing or fabrication of goods for sale.
- 119. Primary Facade** means the exterior outward face of a building. The facade of interest is that surface that serves as the front of that building and faces a building's primary street. Front facades shall incorporate an entrance to the building and other elements of visual interest such as windows, dormers, canopies, awnings, flower boxes, shutters, etc.
- 120. 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.
- 121. Private Garage** means an enclosed or partially-enclosed structure for the storage of one or more vehicles, in which no business, occupation or service is conducted for profit.

- 122. Private Off-site Parking Space** means an open or covered area containing a parking space used exclusively for private purposes for an off-site use of land or building but shall not include any public spaces located on land under public ownership.
- 123. Private Parks and Gardens** means a use of land used to plant and grow a variety of vegetation, including plants, vegetables, shrubbery, trees and other similar species and shall not be used for any monetary gain or profit. Said use shall include accessory structures such as storage sheds, benches, garden trellises, pergolas, gazebos and other similar structures.
- 124. Professional Office** means a building or part of a building primarily engaged in providing professional services in which one or more persons are employed in the management, direction or conducting of a professional business or where persons and their staff serve clients who seek advice or consultation and includes any room or rooms where business may be transacted, a service performed or consultation given and includes, but is not limited to, such uses as professional services, accountants, architects, engineers and lawyers and other similar uses, but shall not include the manufacturing of any product or the retail selling of goods. A professional office shall include those uses defined as a “business office” and vice versa.
- 125. Public Authority** means any Board, Commission or Committee of the Town of Yarmouth established or exercising any power of authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the Town or a portion thereof that includes any committee or local authority established by a By-law of the Town.
- 126. Public Park** means a park owned or controlled by a Public Authority or by any Board, Commission or other authority established under any statute of the Province of Nova Scotia, or under any By-law of the Town of Yarmouth.
- 127. Real Estate and Brokerage Agency** means a business and professional office conducted within a building or part of a building wherein agents primarily engage in the buying or selling of real estate, and shall include the managing and appraising of real estate.
- 128. Recreational Uses** means the non-commercial use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses to the foregoing, together with accessory buildings and structures, but not including a track for the racing of animals or any form of motorized vehicles.
- 129. Recycling Plant** means a building or part of a building wherein recovered or recoverable resource materials; such as newspapers, magazines, books and other paper products, glass, metal cans, and other recovered or recoverable materials are recycled or reprocessed within wholly enclosed buildings and shall include warehousing and distribution, but shall not include a salvage yard.
- 130. 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.
- 131. Residential Care Facility** means a single housekeeping unit in a residential dwelling where accommodations and supervisory care or personal care are provided to four or less residents in accordance with provincial requirements. The home shall be licensed or approved by the province. "Residents" for the purpose of this definition shall be defined as to exclude staff or visiting family. A residential care facility does not include a place

maintained by a person to whom the residents are related by blood or marriage, a nursing home, a group home, a boarding or rooming house, a correction facility or a hospital.

132. Restaurant means a building or part thereof where food and/or beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot or adjacent to the lot such as, but not limited to , a public sidewalk location. As an accessory use, take-out service of food and/or beverages for off-site consumption may be provided for walk-in consumers or for take-out delivery to an off-site location for off-site consumption.

133. (A) Drive-In Restaurant means a restaurant where facilities are available to serve food and/or beverages directly to customers for consumption in a parked automobile located in a parking area located on-site or off-site in an area designed for that purpose.

133.(B) Drive-thru Restaurant means a restaurant where facilities are available to accommodate a drive-thru window service where food and/or beverages are served directly to customers located in automobiles for consumption either on-site or off-site.

134.Retail Shop means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.

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

136.Seasonal Retail Trade means a commercial use of a seasonal or part time nature involving the sale of goods or a recreational activity which is operated during a time frame of no more than nine (9) months from the beginning date to the end date in any calendar year. Any use which operates longer than nine (9) months in any calendar year shall be deemed permanent and not a seasonal retail trade use.

137.Semi-Detached Dwelling means a building that is divided vertically by a property line approved by subdivision into two dwelling units each of which has an independent entrance.

138.Senior means a person who has attained the age of fifty-eight (58 yrs) years.

139.Service Industries includes the processing of milk and dairy products, a bakery, a public garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a painting shop, plumbing shop, sheet metal shop and similar uses.

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

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

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

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

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

143. 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:

(A) Free Standing Sign means a sign supported by one or more uprights, poles or braces placed in or upon the ground;

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

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

(D) Flat Fixed Wall Sign means a sign which is attached to and supported by a wall of a building;

(E) 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;

(F) 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;

(G) Sign Area means the area of the smallest triangle, rectangle, circle or semi-circle which can wholly enclose the surface area of the sign. All visible faces of a multi-faceted sign shall be counted separately and then totaled in calculating sign area. Where signs are comprised of individual letters, the total area of letter surface shall be the sign area;

(H) 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; and,

(I) Product Display Ground Sign means a free standing sign which is advertising solely the products name and/or price of the product. The product name may include a description of the product.

144. Single Cart Corral Means an enclosure solely devoted to the storage of shopping carts occupying one (1) parking space for a maximum dimension of 18.5 m² (200 ft²), measuring 3.05 m wide by 6.1 m long (10 x 20 ft).

145. Single Detached Dwelling means a completely detached dwelling unit.

146. Small Accessory Wind Turbines means a wind energy conversion system which may consist of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100 kw/1 mw and is exclusively devoted to reduce on-site consumption of utility power of any use or building located on the same lot.

147. 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.

- 148. 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.
- 149. Storey** means that portion of a building between any floor and the floor, ceiling or roof above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 m (6 ft) above grade. Provided also that any portion of a storey exceeding 4.3 m (14 ft) in height shall be deemed an additional storey for each fourteen 4.3 m (14 ft) or fraction thereof of such excess.
- 150. Street** means the whole and entire right-of-way of every highway, road or lane, owned and maintained as a street by the Department of Transportation and Public Works excluding designated controlled access highways pursuant to Section 20 of the Public Highways Act, or by the Town of Yarmouth. Any road allowance or right-of-way which is not maintained by either the Department of Transportation and Public Works or the Town of Yarmouth shall not be considered a street. Closed or Unopened Street means the whole and entire right-of-way of every parcel, highway, road or lane owned by the Department of Transportation and Public Works or by the Town of Yarmouth which is no longer or has never been maintained as a street by either the Department of Transportation and Public Works or the Town of Yarmouth.
- 151. 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 m (6 ft) in height.
- 152. 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.
- 153. Tiny Home** means a single-family home with a ground floor area of less than seven hundred (700 ft²) square feet. It can be built independently and in remote locations but may also be found in a community setting with shared communal spaces, services and utilities.
- 154. Tiny Community** shall be defined as a number of single-dwellings grouped on a property with shared facilities such as, but not limited to, laundry, kitchen, garden, storage, services and utilities, and social meeting space. Tiny communities are often managed through a co-op or condominium model however they can also function as private family homes or rental units.
- 155. Tourist Establishment** means a building or buildings which are used to accommodate the travelling public for gain or profit by supplying them with sleeping accommodation with or without meals, and shall include a guest house, tourist cabins, a motel, a hotel or an auto court.
- 156. Town** shall mean the Town of Yarmouth.
- 157. Townhouse Dwelling** means a building that is divided vertically or vertically and horizontally into three (3) or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
- 158. Triplex Dwelling** means a building that is divided horizontally into three (3) dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- 159. Ufish Farms** means fish ponds and accessory structures used to raise aquatic plants or animals (such as fish or shellfish) for the purpose of selling or for providing recreational fishing entertainment but shall not include hatcheries, fish plants, fish reduction plants or the processing of fish or fish by-products in any fashion.

160. Urban Beekeeping means a business or hobby, where honey bees are kept for the purpose of honey production or beeswax production whether for domestic or commercial purposes.

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

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

163. Water Dependent Use: Any use or activity that:

- Must physically be located in, on, over, or adjacent to water in order to conduct its primary purpose; or
- Is directly related to the above in a supportive service or commercial activity including ocean research and development; or
- Supports traditional working waterfront activities that enhance historic preservation.

For clarity this includes marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat building facilities, machine shops, water-based recreational uses, navigation aids, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water, museums and historic buildings, and ocean research and development facilities. This does not include restaurants, hotels, motels and residential uses.

164. 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.

165. Winery means a manufacturing plant or viticultural area that is dedicated to wine making. A winery could include: vineyards to produce grapes, warehouses to store the produced wine, and tasting rooms to let consumers taste its wine.

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

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

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

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

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

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

SCHEDULE "A"
Zoning

ZONING MAP

Low Density Residential	R-1
Medium Density Residential	R-2
High Density Residential	R-3
Medium Density Residential Main St	R-2M
Residential Holding	R-H
Mixed Residential Development Park	MR
Downtown Commercial	C-1
General Commercial	C-2
General Commercial Main street	C-2M
Secondary Commercial	C-3
Local Commercial	C-4
Commercial Holding	C-H
Comprehensive Development	CD
Commercial Industrial	CI-4
Downtown Transit Zone	DTZ
Environmentally Sensitive	E-S
Health Campus	HC
Institutional	I-1
General Industrial	M-1
Waterfront Industrial	M-2
Open Space	O-1
Floodplain	O-2
Waterfront - Commercial Industrial	WCI-5
Waterfront Comprehensive Development	WCD

LAND USE BY-LAW - SCHEDULE "A" -

TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

DATE: JANUARY 16, 2020



PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST. CURRENT TO 19 DECEMBER, 2019.

ROAD MAPPING SOURCE:
(NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST. CURRENT TO 19 DECEMBER, 2019.

ZONING MAPPING SOURCE:
TOWN OF YARMOUTH, PLANNING DEPARTMENT. CURRENT LUB ZONING (JANUARY 16, 2020).

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NOTE: Information contained on this map
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SCHEDULE "B"
Upper Broad Brook Marsh Map

TOWN
of
YARMOUTH



UPPER BROAD BROOK
MARSH MAP

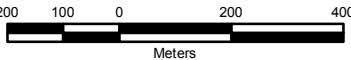
Upper Marsh



LAND USE BY-LAW
- SCHEDULE "B" -

TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

DATE: JUNE 21, 2016

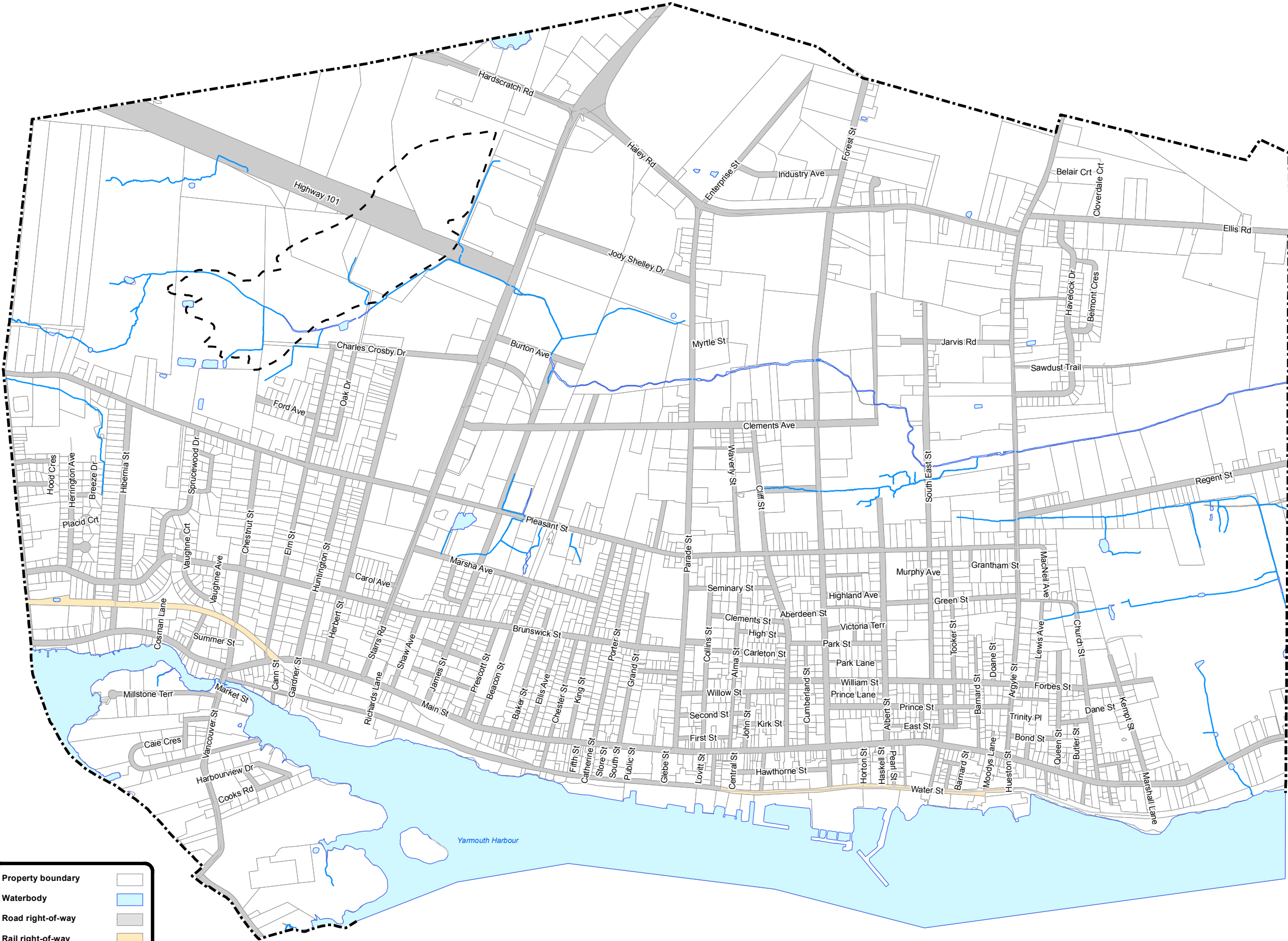


PROPERTY BOUNDARY MAPPING SOURCE:
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CURRENT TO 16 MARCH, 2016.

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



Property boundary

Waterbody

Road right-of-way

Rail right-of-way

Hydrology

Town boundary

SCHEDULE "C"
Existing Uses and Non-Conforming Uses

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

Existing Commercial Uses Within the Residential Designation

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

Existing Residential Uses Within the Commercial Designation

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

Existing Uses Within the Commercial Designation

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

Existing Bulk Petroleum Storage Facilities, Service Stations and Gas Bars within the Climate Change Storm Surge and Sea Level Rise Sensitive Area as shown on the Climate Change Storm Surge and Sea Level Rise Sensitive Area Map, Schedule "G"

166 Water Street (PID #90193756).....Suncor Energy Bulk Plant

632 Main Street (PID#90315847, #90315839,
#90315854 and #90192824).....Main Street Irving Service Station and Gas Bar

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

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

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

Existing Within the Residential Designation (Home Based Business Uses)

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

(C) The following uses have been identified as being non-conforming and will be regulated subject to the Municipal Government Act and Part 5.4 and 5.5 of this By-law.

Non-Conforming Within the Residential Designation (Accessory Buildings)

6 Church Street (PID #90213455).....	Accessory Building - No Main Building
12 Porters Lane (PID #90194267)	Accessory Building - No Main Building
4 McConnell Cres. (PID #90213505).....	Accessory Building - No Main Building
25 Moody's Lane (PID #90197542)	Accessory Building - No Main Building

Non-Conforming Within the Residential Designation (Commercial Uses)

65 Kempt Street (PID #90213935)	Auto Body Shop
20 Main Street (PID #90197146).....	Warehouse
508-510 Main Street (PID #90195785)	Business and Professional Office
228 Pleasant Street (PID #90203340)	Warehouse
13 Prince Street (PID #90291907)	Warehouse
15 Regent Street (PID #90214602).....	Construction and Excavation Company

Non-Conforming Office & Financial Institution Uses Within the Commercial Designation

605/607 Main Street (PID #90198383)	Non-conforming Office Building
55 Starr's Road (PID #90203233)	Non-conforming Office Building
514 Water Street (PID #90193673)	Non-conforming Office Building

Non-Conforming Office Within the Industrial Designation

187 Pleasant Street (PID #90248576).....	Gateway Realty Property Management Office
--	---

Non-Conforming Within the Commercial Designation (Warehousing)

15 Hawthorne Street (PID #90194820)	Warehouse
9 Lovitt Street (PID #90195124)	Warehouse

Non-Conforming Within the Commercial Designation (Institutional/Government Office)

Non-Conforming Within the Residential Designation (Commercial Vehicles Parked in Residential Areas)

Non-Conforming Roof Signs

Non-Conforming Off-Site Signs

Non-Conforming Within the Residential Designation (Residential Uses)

175

SCHEDULE "D"
Sensitive Areas

TOWN
of
YARMOUTH



ARCHITECTURALLY SENSITIVE
AREAS MAP

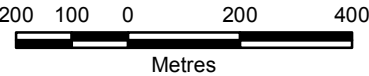
Architecturally Sensitive Area
(adopted on July 10, 2008)



LAND USE BY-LAW
- SCHEDULE "D" -

TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

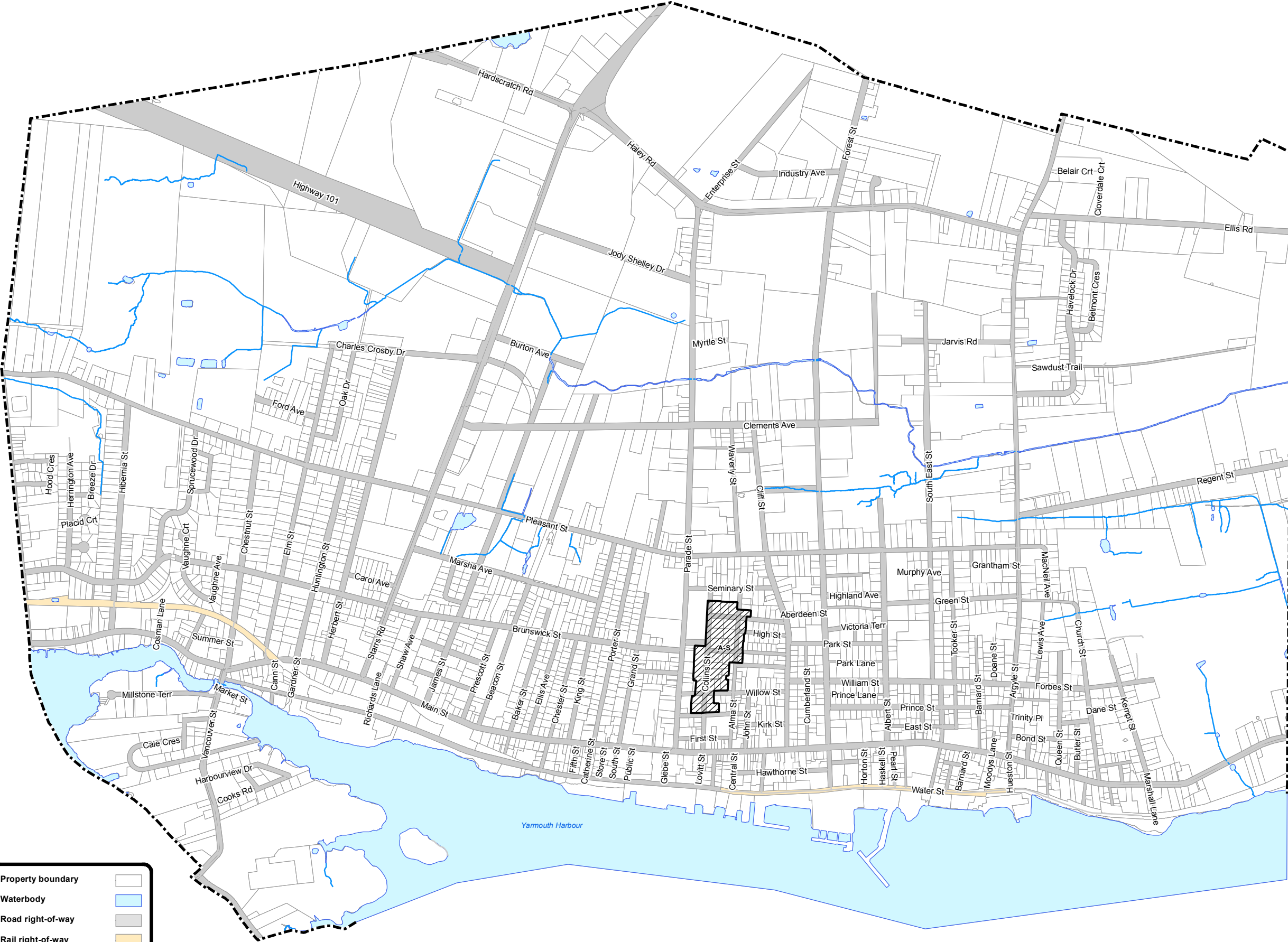
DATE: JUNE 21, 2016



PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 20 MAY, 2016.

ROAD MAPPING SOURCE:
(NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST. CURRENT TO 15 JULY 2013.

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- Property boundary
- Waterbody
- Road right-of-way
- Rail right-of-way
- Hydrology
- Town boundary

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

SCHEDULE "E"
Street Classification Map

TOWN
of
YARMOUTH



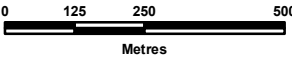
STREET CLASSIFICATION MAP

- LOCAL
COLLECTOR
ARTERIAL
ACTIVE
TRANSPORTATION
PATHS

LAND USE BY-LAW
- SCHEDULE "E" -

TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

DATE: JUNE 21, 2016



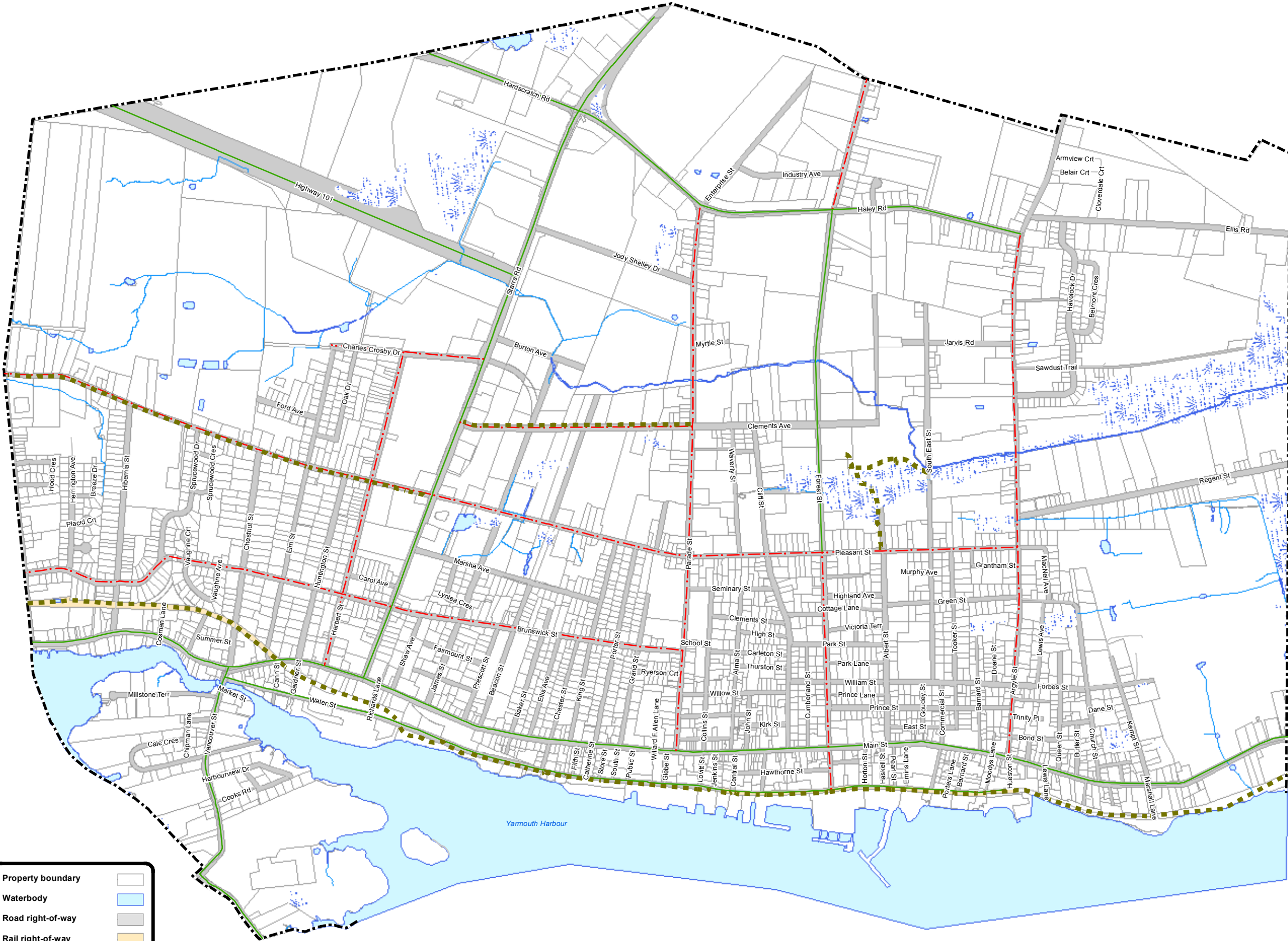
PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 15 SEPTEMBER 2012.

TOPOGRAPHIC MAPPING SOURCE:
(1:2 000) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
COMPILED FROM AERIAL PHOTOGRAPHY FLOWN ON APRIL 22, 2006.

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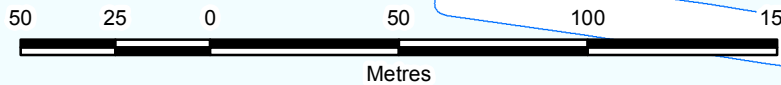
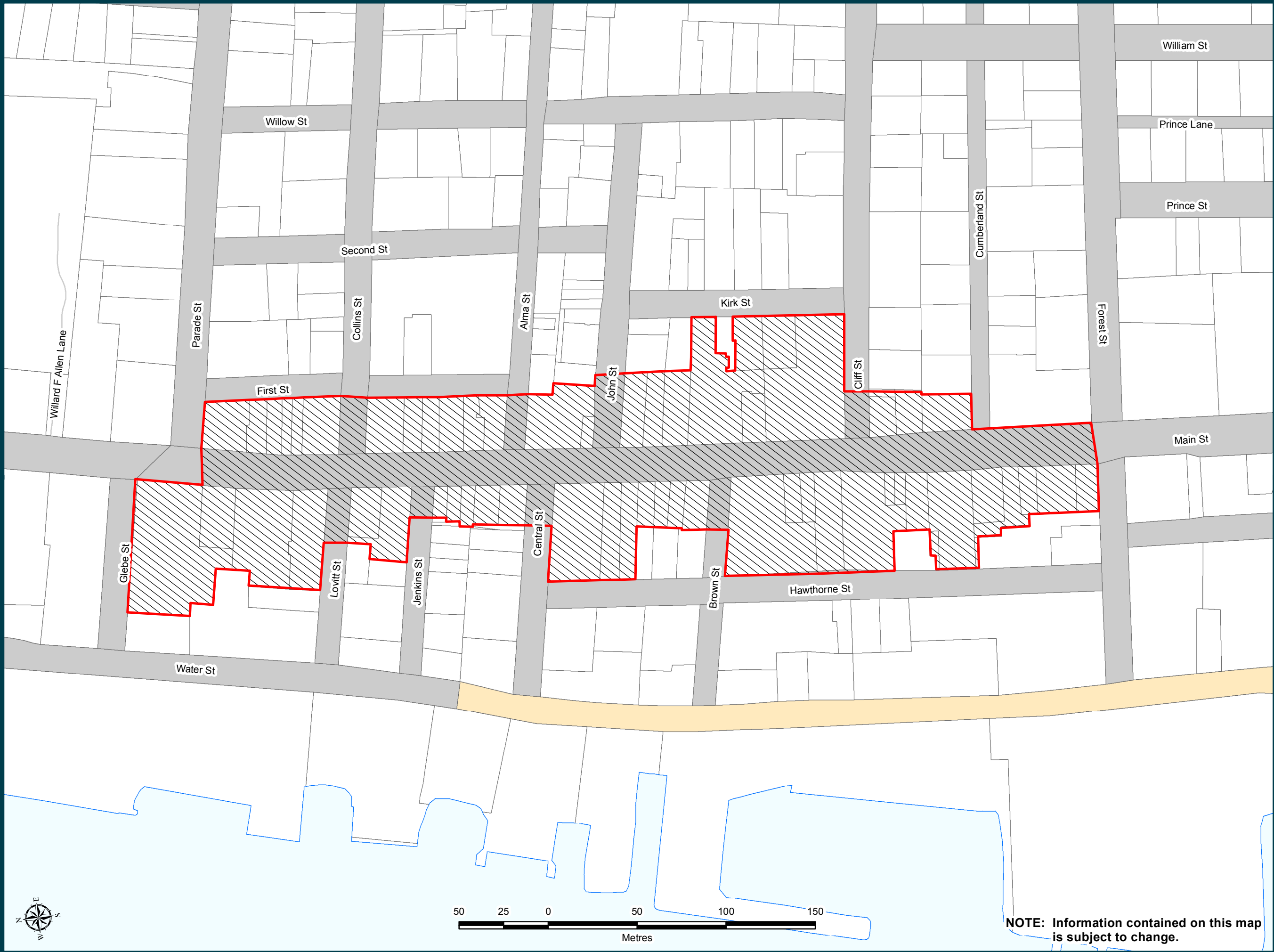
NOTE: Information contained on this map
is subject to change.



- Property boundary
Waterbody
Road right-of-way
Rail right-of-way
Hydrology
Town boundary

SCHEDULE "F"
Urban Design Form Based Code Map

C:\Projects\Planning\Maps\Urban Design Form Based Code Map - Schedule F\Urban_Design_Area_July_24_2018.mxd



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

Town of Yarmouth

URBAN DESIGN FORM BASED CODE MAP

Key

Urban Design Area 



Date: July 24, 2018

LAND USE BY-LAW - SCHEDULE "F" -

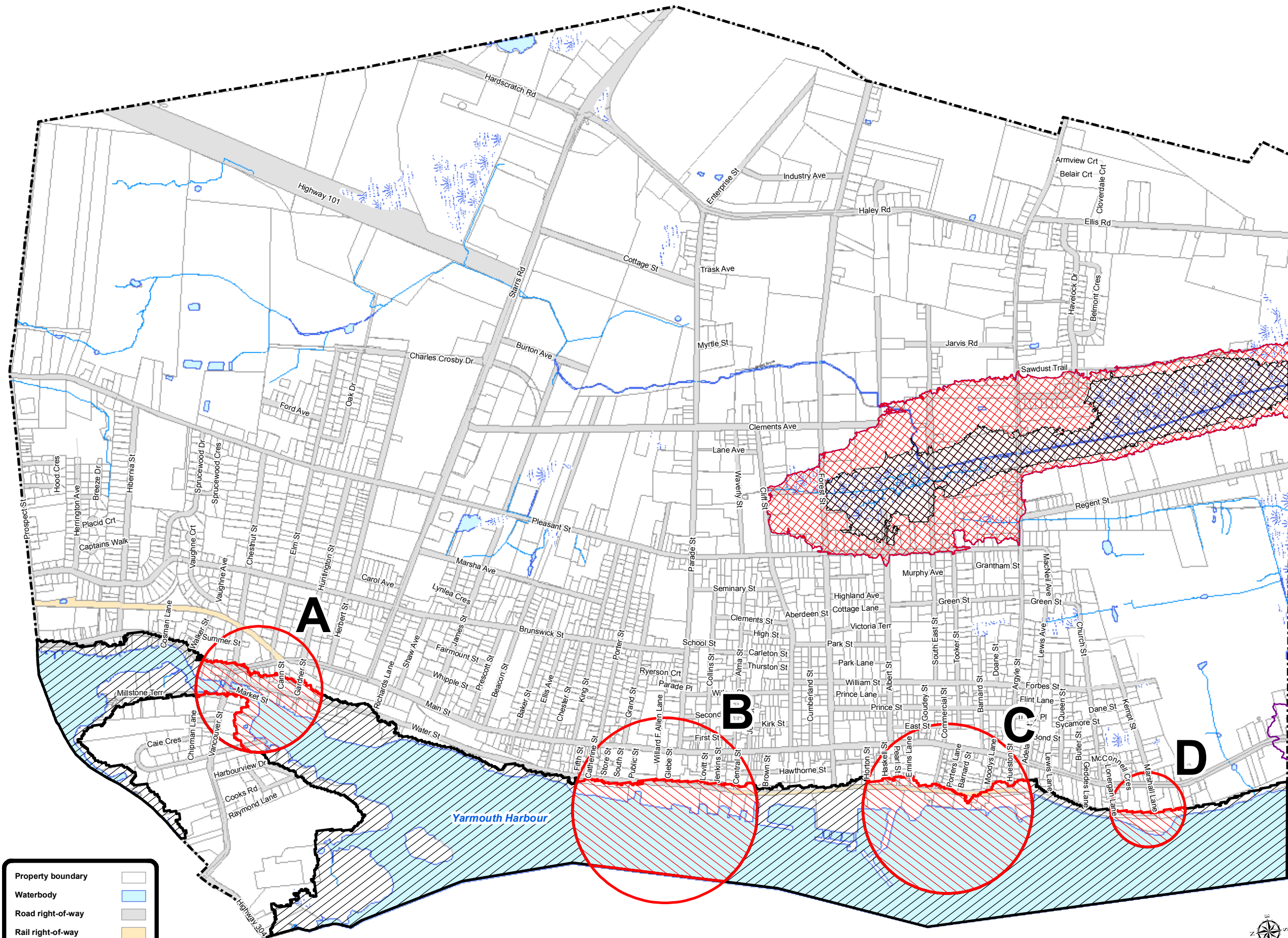
PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 22 JULY, 2018.

ROAD MAPPING SOURCE:
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CURRENT TO 15 JULY, 2013.

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SCHEDULE "G"
Climate Change Storm Surge and Sea-Level Rise Sensitive Area Map
and accompanying maps of
Extreme Sensitive Areas: Map A, Map B, Map C and Map D

C:\Projects\Planning\Maps\2016 MPS review\Climate change storm surge and sea level rise sensitive area map Schedule G.mxd



Property boundary

Waterbody

Road right-of-way

Rail right-of-way

Hydrology

Town boundary

TOWN
of
YARMOUTH

Yarmouth

ON THE EDGE OF EVERYWHERE

CLIMATE CHANGE
STORM SURGE AND
SEA-LEVEL RISE
SENSITIVE AREA MAP

Key

Climate Change
Storm Surge and Sea-Level
Rise Sensitive Area

Extreme Sensitive Areas

No Building

No Basement (Slab Only)

LAND USE BY-LAW
- SCHEDULE "G" -

DATE: JUNE 21, 2016

TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

0100200400600

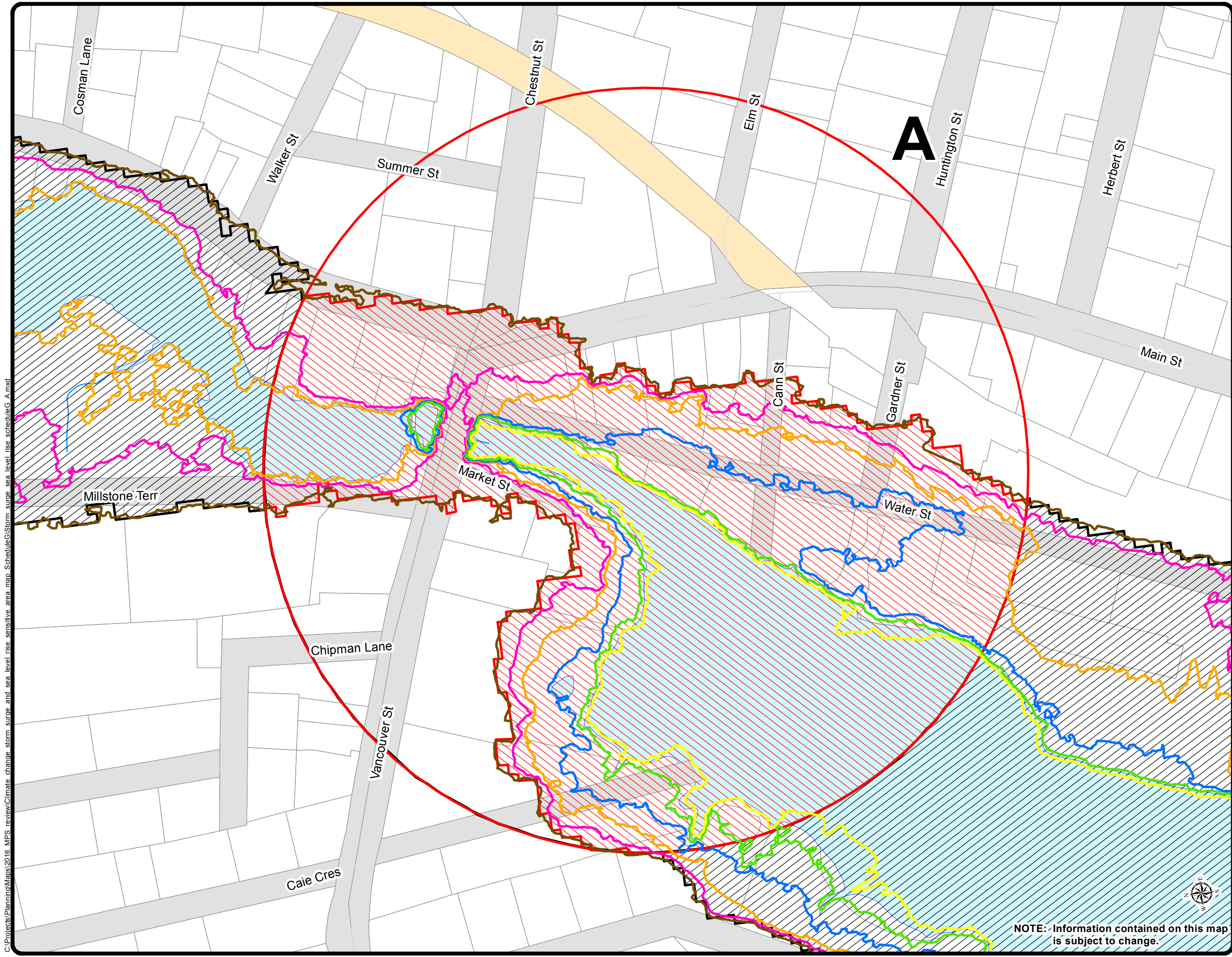
Metres

PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 20 MAY, 2016.

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CURRENT TO 15 JUNE, 2013.

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is subject to change.



TOWN
of
YARMOUTH

Yarmouth
ON THE EDGE OF EVERYWHERE

CLIMATE CHANGE
STORM SURGE AND
SEA-LEVEL RISE
SENSITIVE AREA
MAP "A"

Key

Climate Change Storm Surge and Sea-Level Rise Sensitive Area

Extreme Sensitive Areas

1 m Contour

2 m Contour

3 m Contour

4 m Contour

5 m Contour

6 m Contour

LAND USE BY-LAW
- SCHEDULE "G" -

DATE: JUNE 22, 2016
TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

0 12.5 25 50 75 100
Metres

PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 20 MAY, 2016.

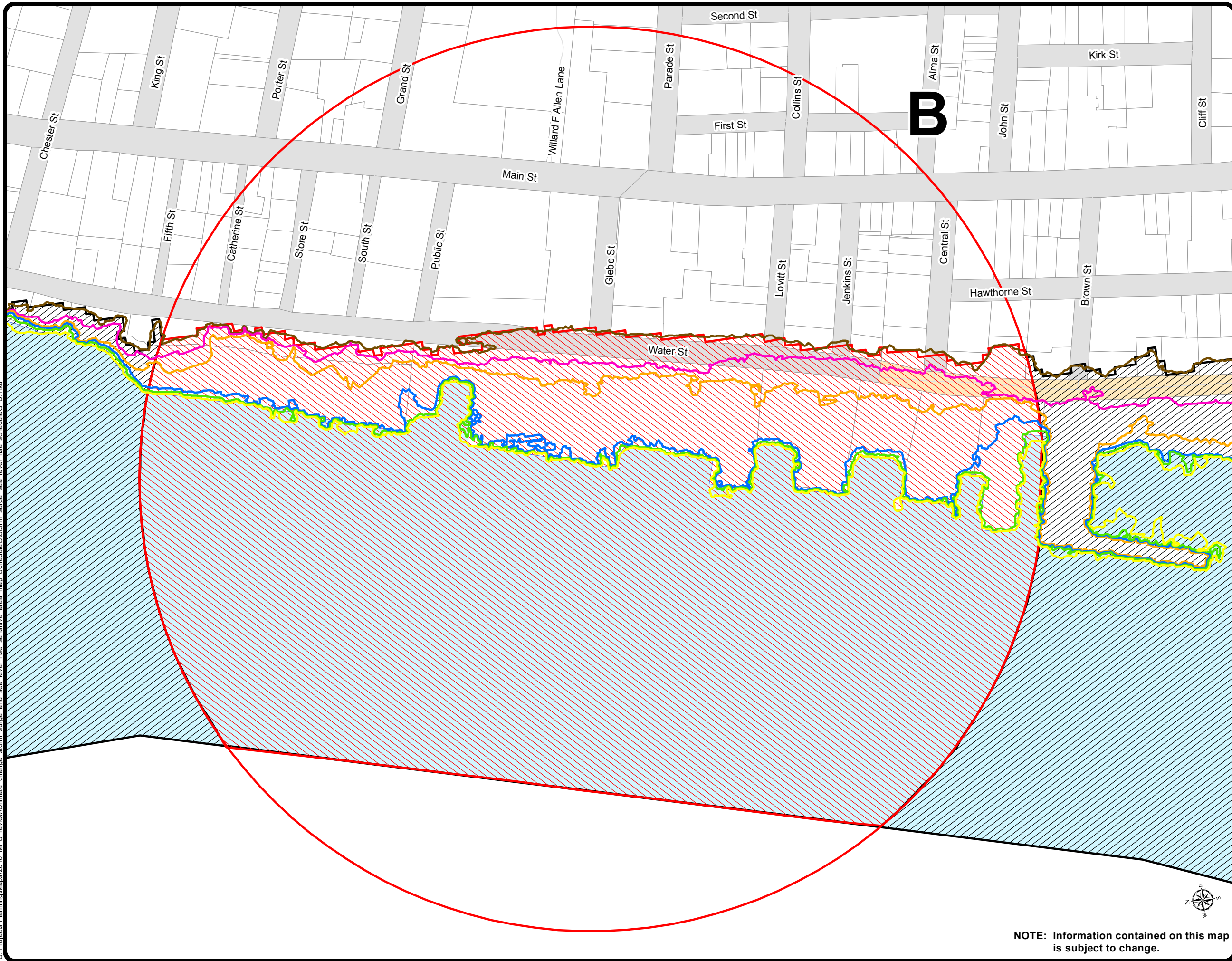
LIDAR PROVIDED BY TIM WEBSTER
APPLIED GEOMATICS RESEARCH GROUP (AGRG)

ROAD MAPPING SOURCE:
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CURRENT TO 15 JUNE 2012.

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

C:\Projects\Planning\Maps\2016 MPS review\Climate change storm surge and sea level rise sensitive area map Schedule G\Storm surge sea level rise schedule G B.mxd



TOWN
of
YARMOUTH

Yarmouth
ON THE EDGE OF EVERYWHERE

CLIMATE CHANGE
STORM SURGE AND
SEA-LEVEL RISE
SENSITIVE AREA
MAP "B"

Key

Climate Change
Storm Surge and Sea-Level
Rise Sensitive Area

Extreme Sensitive Areas

1 m Contour

2 m Contour

3 m Contour

4 m Contour

5 m Contour

6 m Contour

LAND USE BY-LAW
- SCHEDULE "G" -

DATE: JUNE 22, 2016

TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

0 12.5 25 50 75 100

Metres

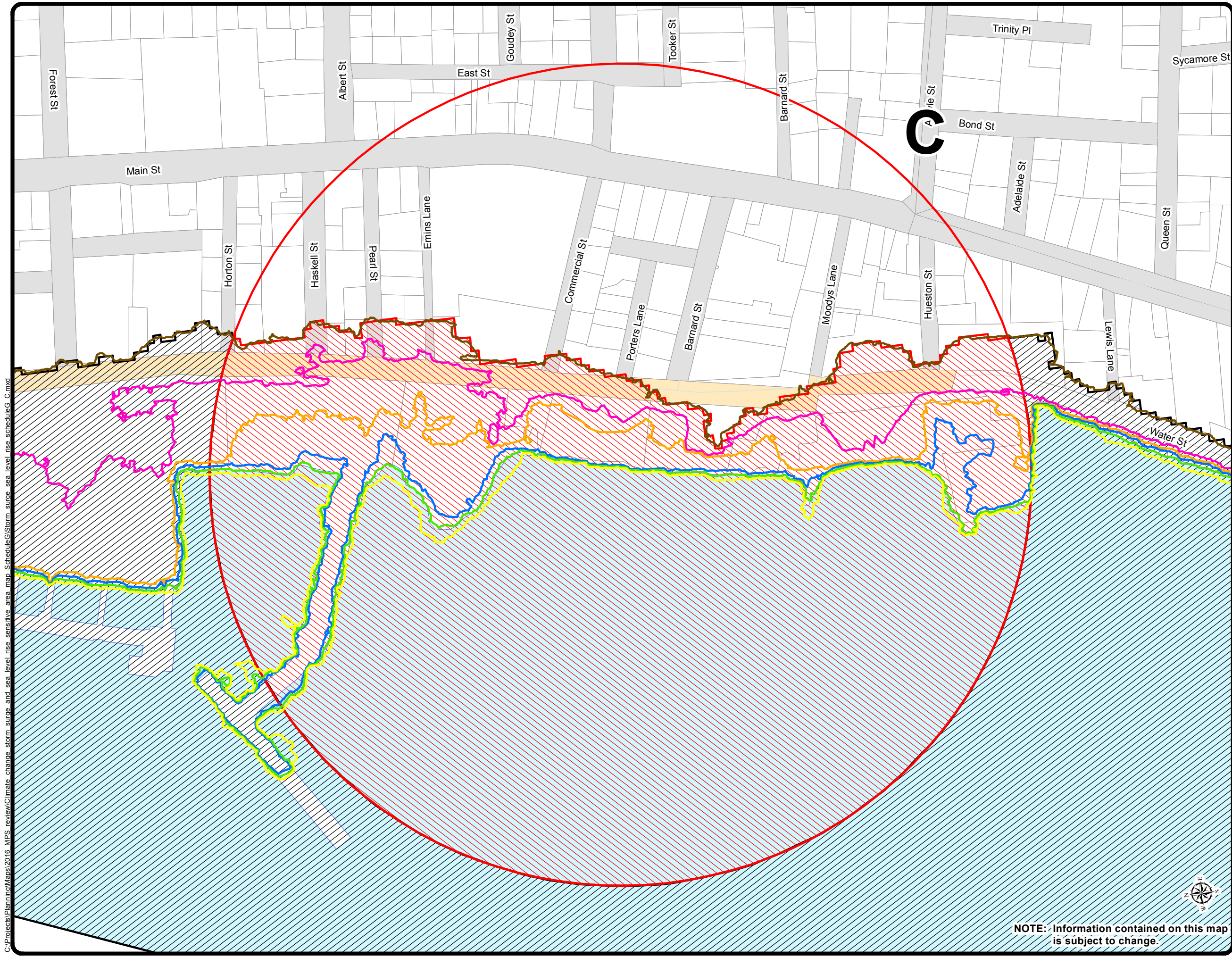
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**TOWN
of
YARMOUTH**

Yarmouth
ON THE EDGE OF EVERYWHERE

**CLIMATE CHANGE
STORM SURGE AND
SEA-LEVEL RISE
SENSITIVE AREA
MAP "C"**

- Key**
- Climate Change Storm Surge and Sea-Level Rise Sensitive Area
 - Extreme Sensitive Areas
 - 1 m Contour
 - 2 m Contour
 - 3 m Contour
 - 4 m Contour
 - 5 m Contour
 - 6 m Contour

**LAND USE BY-LAW
- SCHEDULE "G" -**

DATE: JUNE 22, 2016

TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

0 12.5 25 50 75 100
Metres

PROPERTY BOUNDARY MAPPING SOURCE:
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is subject to change.**

 Climate Change
Storm Surge and Sea-Level
Rise Sensitive Area

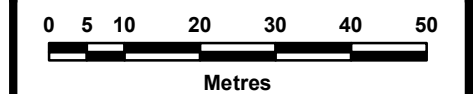
 Extreme Sensitive Areas

-  1 m Contour
 2 m Contour
 3 m Contour
 4 m Contour
 5 m Contour
 6 m Contour

**LAND USE BY-LAW
- SCHEDULE "G" -**

DATE: JUNE 22, 2016

TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT



PROPERTY BOUNDARY MAPPING SOURCE:
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CURRENT TO 20 MAY, 2016.

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D

Kempt St

McConnell Cres

Main St

Lonergan Lane

Marshall Lane

Water St

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