

ANTIGONISH COUNTY PLANNING AREA
LAND USE BY-LAW

Adopted by Municipal Council on May 30, 1996

Signed by Minister on August 1, 1996

Amendments:

June, 2000	(Schedule B addition)
October, 2001	(Part 5 Section 10(b) & 10(c))
June, 2003	(Part 7(3))
April, 2004	(Deleted Special Requirements-Grouped Dwellings from R-2)
April, 2005	(Map Amendment - R-1 to R-2 Rezoning)
April 2005	(Map Amendment - R-1 and RD-1 to F-1 Rezoning)
October, 2005	(Definition of Institutional Use)
March, 2005	(Amendment Part 4-A regarding Development Agreements; Add R-2 Townhouse Lot Requirements)
July, 2006	(Amendment to Part 8, R-1 Zone permitted uses; Part 4-A regarding business and professional office and floor area)
May, 2008	(Addition Part 5 Section 19(d); Part 11 Section 1)
June, 2009	(Addition Part 12 Section 1)
September, 2010	(Addition Parts 6, 12, 13 and Definitions, regarding gateway and local commercial development)

LAST REVISED: September 2010

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Appendix 1 Non-conforming Uses and Structures

HOW TO USE THIS BY-LAW

To obtain information on developments permitted on a lot and on the requirements for a development permit refer to the following:

1. Part 2 Administration and Part 4 Interpretation for general information
2. The Zoning Map (Schedule "A" of this By-law). Once the applicable zone is known, use the zone heading found in the Table of Contents of this By-law to locate the zone requirements.
3. Part 5 General Provisions for All Zones.
4. Part 18 Definitions to see if any special definitions apply to development on the lot.

Part 1 Title

1. This By-law shall be known as the Land Use By-law for the Antigonish County Planning Area and shall apply to all lands within the planning areas as shown in Schedule "A".

Part 2 Administration

Enforcement

- (1) This By-law shall be administered by the development officer.

Development Permit

- (2)
 - (a) Unless otherwise stated in this By-law, no person shall undertake a development on a lot within the Planning Area without first obtaining a development permit from the development officer.
 - (b) The development officer shall only issue development permits in conformance with this By-law except in the case of non-conforming uses and structures and minor variances.
 - (c) The development officer shall issue development permits for non-conforming uses and structures and minor variances in conformance with the Act.

Application for a Development Permit

- (3)
 - (a) Every application for a development permit shall be accompanied by a sketch or plan(s), in duplicate, drawn to an appropriate scale and showing:
 - (i) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
 - (ii) the location, height and dimensions of the building, structure, or work proposed to be erected;
 - (iii) the location of every building or structure already erected on the lot and the general location of buildings on abutting lots;
 - (iv) the proposed location and dimensions of any parking spaces, loading spaces, driveways and landscaped areas;
 - (v) the proposed use of the lot and each building or structure to be developed; and
 - (vi) any other information which the development officer deems necessary to determine whether or not the proposed development conforms with the requirements of this By-law.
 - (b) Where the development officer is unable to determine whether the proposed development conforms with this By-law, the development officer may require that the plans submitted under clause (a) be based upon an actual survey certified and stamped by a Nova Scotia Land Surveyor.

Signature of Applicant

- (4) The application for a development permit shall be signed by the registered owner of the lot or by the owner's agent, duly authorized in writing to act for the owner.

Advertising Costs

- (5) (a) Where an application to amend this By-law is made, the applicant shall deposit the clerk at the time of application, an amount established by the clerk to be sufficient to pay the costs of all advertising required.
- (b) If the amount paid under clause (a) is not sufficient to cover the costs incurred, the applicant shall pay to the clerk the additional amount required.
- (c) If the amount paid under clause (a) is more than sufficient, the clerk shall refund the excess amount.

Amendment of By-law

- (6) The following procedure shall apply when amending the By-law:
 - (a) Any person who wishes to obtain an amendment to this By-law shall submit an application in writing to the Clerk of the Municipality of the County of Antigonish.
 - (b) The application shall state an address for service.
 - (c) The applicant pays for the advertising as set out in Section 5 of this Part.

Notice to Property Owners

- (7) (a) When an application has been received to amend the By-law, all affected property owners on abutting lots to the subject property shall be notified by the clerk.
- (b) This notification of affected property owners set out in clause (a) shall be in addition to the advertisements for the public hearing, and shall be delivered to all affected property owners by mail prior to the hearing.
- (c) The applicant shall deposit with the clerk at the time of the application or request an amount set out by the clerk to be sufficient to pay the costs of notifying affected property owners as set out in clause (a).
- (d) If the amount paid by the applicant as set out in clause (c) is not sufficient to cover the costs of notifying affected property owners, the applicant shall pay to the clerk the additional amount required; or, if the amount paid is more than sufficient, the clerk shall refund the excess amount.

Effective Date

- (8) This By-law shall take effect when approved by the Minister of Municipal Affairs.

Part 3 Zones and Zoning Map(s)

Zones

- (1) For the purposes of this By-law, the Planning Area is divided into the following zones, the boundaries of which are shown on the attached Schedule “A”. Such zones may be referred to by the corresponding symbols shown opposite them.

Zones	Symbol
Residential	R-1
Residential Multi-Unit	R-2
Mobile Home Park	MH-1
Rural Development	RD-1
Gateway Commercial	GC-1
Local Commercial	LC-1
Industrial	I-1
Landfill	I-2
Floodplain	F-1
Water Supply	WS-1

Zoning Map

- (2) Schedule “A” is the Zoning Map which forms part of this By-law.

Zones Not On the Map

- (3) The Zoning Map of this By-law may be amended, in conformance with the Strategy, to use any zone in this By-law, regardless of whether or not such zone had previously appeared on any Zoning Map.

Part 4 Interpretation

Symbols

- (1) The symbols used on the Zoning Map refer to the corresponding zones established by this By-law.

Interpretation of Zoning Boundaries

- (2)
 - (a) The extent and boundaries of zones are shown on the Zoning Map and the provisions of this By-law shall apply to all zones.
 - (b) Boundaries between zones shall be determined as follows:
 - (i) where a zone boundary is indicated as following a street, the boundary shall be the centre line of the street unless otherwise indicated;
 - (ii) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
 - (iii) where a railway right-of-way, electrical transmission line right-of-way or watercourse shown on the Zoning Map serves as a zone boundary, a line midway between the outside limits of the right-of-way or the centre line of the watercourse shall be considered the boundary between the zones unless otherwise indicated;
 - (iv) where none of the above apply, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map.

Certain Words

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

Permitted Uses

- (4)
 - (a) In this By-law, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.
 - (b) Where a permitted use within any zone is defined in Part 18 Definitions, the uses permitted within that zone include any similar uses which satisfy such definition except where a definition specifically excludes any similar uses.

Schedules

- (5) The Schedule and Figures attached hereto or included herein form part of this By-law.

PART 4-A

Developments to be considered by Development Agreement

1. The following developments shall be permitted by development agreement only, in accordance with the Municipal Government Act, 1998, c.18, s. 1 and the Municipal Planning Strategy:
 - a) Multiple unit dwellings within a residential designation with five (5) or more units according to Policy 28(e). (Amendment was approved March 21, 2006)
 - b) Business and professional offices that are 2,500 square feet or more of floor area. (Amendment approved July 18, 2006).

Part 5 General Provisions for all Zones

These provisions apply to all uses in all zones except where a specific zone or use is specifically exempted.

Accessory Buildings, Structures and Uses

- (1) Accessory uses, buildings and structures shall be permitted in any zone within the Planning Area subject to the following:
 - (a) shall not be used for human habitation except where a dwelling is a permitted accessory use;
 - (b) shall not be located in the front yard of the lot with the exception of seasonal roadside stands, parking area booths and school bus shelters;
 - (c) except for seasonal roadside stands, accessory buildings with no windows or perforations on the side of the building which faces the said lot line, shall be located a minimum of two (2) feet [0.6 meters] from the abutting lot line in any zone.
 - (d) Notwithstanding anything else in this By-law, drop awnings, washing lines, flag poles, garden trellises and retaining walls shall be exempted from any requirements under clauses (a), (b) and (c).

Accessory Uses Permitted

- (2) 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.

Building to be Erected on a Lot

- (3) No building shall be erected or used unless it is erected on a single lot.

Building to be Moved

- (4) No person shall move any building, residential or otherwise within or into the area covered by this By-law without obtaining a development permit from the Development Officer.

Calculation of Lot Frontage for Corner Lot and Irregularly Shaped Lots

- (5) (a) Lot frontage for a corner lot shall be the horizontal distance between the side lot line and the flanking lot line.
- (b) Lot frontage for an irregularly shaped lot shall be the horizontal distance between the side lot lines as measured at a point, where a line (i.e. line a in Figure A) drawn perpendicular to a line joining the mid-point of the rear lot line and the mid-point of the front lot line (i.e. line b in Figure A), at a point equal to the required front yard.
- (c) Lot frontage for a three-sided lot shall be the distance between a line perpendicular to a line joining the middle point of the front lot line to the opening of the triangle formed by the side lot lines on a line perpendicular (See Figure B)

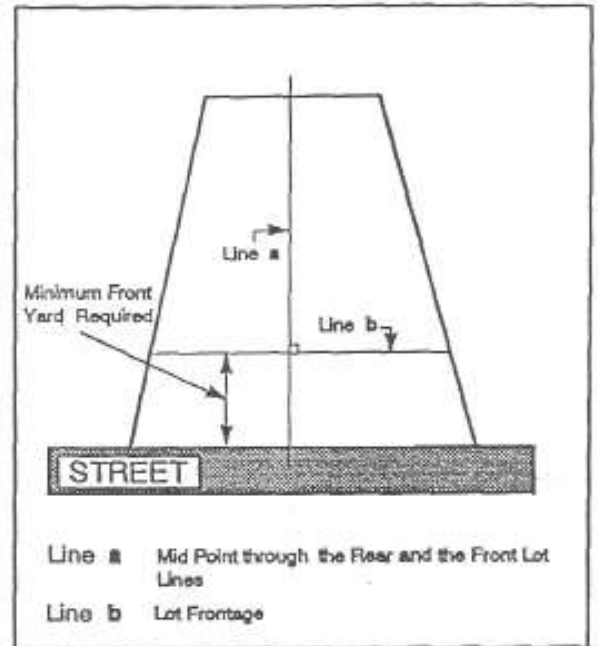


Figure A Calculation of Frontage for Irregularly Shaped Lots

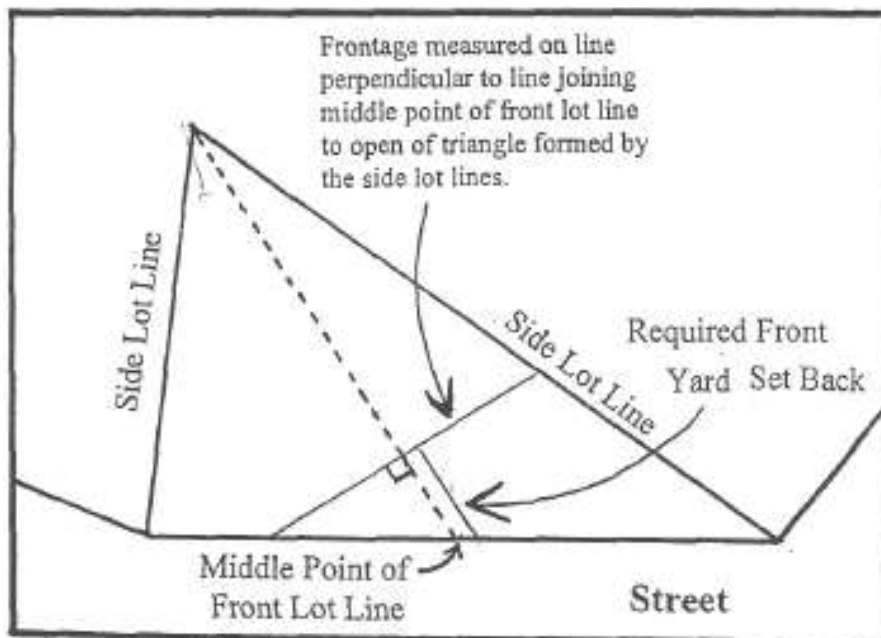


Figure B Calculation of Frontage for Three Sided Lot

Conformity with Existing Setbacks

- (6) Notwithstanding anything else in this By-law, in any Residential Zone, structures built between existing buildings within two hundred (200) feet [61 m] on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than ten (10) feet [3 m] from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

Encroachments

- (7) Notwithstanding anything else in this By-law, a development permit may be issued for development on an undersized lot created as a result of an encroachment of a development component of a permanent nature such as a structure, driveway, well or on-site sewage disposal system, provided that all other applicable provisions of this By-law are met.

Existing Buildings

- (8) Where a building has been erected on or before the effective date of this By-law on a lot having less than the minimum frontage or area, or both required by this By-law, or having less than the minimum front yard or side yard or rear yard or separation distance required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that the following:
- (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; and
 - (b) all other applicable provisions of this By-law are satisfied.

Existing Lots

- (9) (a) Notwithstanding anything else in this By-law, the use of a building existing on a lot on the effective date of this By-law may be changed to a use permitted on the lot where the lot area or frontage or both is less than that required by this By-law provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding anything else in this By-law, an existing vacant lot having less than the minimum frontage or area or both required by this By-law, may be used for a purpose permitted in the zone in which the lot is located, and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied.
- (c) An existing undersized lot may be increased in area or frontage, or both, and still remain an existing undersized lot if after the increase the lot still remains undersized.

Frontage on Street (Sections 10(b) and 10(c) have been amended - October, 2001)

- (10) 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 the following:

- (a) a public road;
- (b) an existing private road as defined in the Provincial Subdivision Regulations or a private road as may be defined in a Subdivision By-law that may be adopted by the Municipality of the County of Antigonish. Provided that, where a lot is created pursuant to Section 8 of the Provincial Subdivision Regulations or pursuant to a comparable provision of a Subdivision By-law that may be adopted by the municipality of the County of Antigonish, a development permit may be issued if the lot has a minimum of 6 metres (19.7 feet) of frontage on a public or private road as defined herein, or if the lot abuts a right-of-way of 6 metres (19.7 feet) leading to such a public or private road.
- (c) a right-of-way serving a lot created pursuant to Section 8 of the Provincial Subdivision Regulations or subsequent section of the Subdivision By-law of the Municipality of the County of Antigonish.

Government Buildings and Facilities

- (11) (a) Government buildings and facilities shall be permitted in all zones except the Floodplain (F-1) Zone and subject to the requirements of that particular zone.
- (b) Notwithstanding clause (a), water and sewage distribution facilities and public works associated with flood control shall be permitted in all zones.

Gravel Pits

- (12) (a) Uses associated with gravel pits shall be permitted in all zones and shall be subject to the requirements of the Industrial (I-1) Zone.

Height Requirements

- (13) (a) The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys or clock towers, drive-in theatre screens, water towers satellite dishes and telecommunication towers.
- (b) The height of a building shall be determined by calculating the vertical distance of a building between the established grade and
 - (i) The highest point of the roof or the parapet, whichever is the greater, of a flat roof;
 - (ii) The deckline of a mansard roof; or
 - (iii) The main level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof (see Figure C)

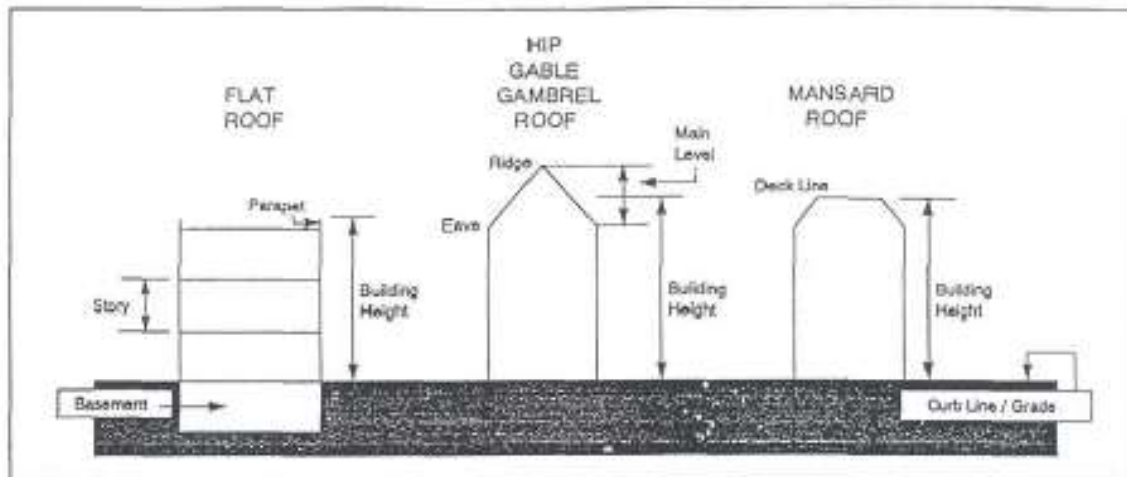


Figure C Height of Buildings

Licences, Permits, and Compliance with Other By-laws

- (14) (a) Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the Planning Area or from obtaining any license, permission, permit, authority or approval required in any other By-law of the Municipality of the County of Antigonish or statute and regulation of the Province of Nova Scotia.
- (b) 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.

Loading Spaces

- (15) (a) Any commercial or industrial use in the Rural Development (RD-1), Water Supply (WS-1), Commercial (C-1), Highway Commercial (HC-1) and Industrial (I-1) Zones with a gross floor area greater than five thousand (5,000) square feet [465 m²] shall have one off-road loading space for every thirty thousand (30,000) square feet [2790 m²] of gross floor area or fraction thereof, to a maximum of 6 spaces.
- (b) Such loading space shall be located at the side or rear of the building and shall be suitable for the temporary parking of one (1) commercial motor vehicle while merchandise or material is being loaded or unloaded from such vehicle and such parking shall not be for the purpose of sale or display.
- (c) Where a loading space abuts a residential or institutional use, it shall be screened from such uses through the use of a fence or vegetation which shall be a minimum of six (6) feet [1.8 m] in height.
- (d) All loading spaces shall have adequate access to permit ingress and egress of a commercial motor vehicle from a road or highway by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one (1) or more motor vehicles.

Lot Size for Lots Adjacent to a Watercourse

- (16) Notwithstanding anything else in this By-law, unserviced lots, any part of which is within seventy-five (75) feet [22.8 meters] of a watercourse, shall have a minimum area of forty thousand (40,000) ft² [3716 m²].

Multiple Use

- (17) (a) In any zone, 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.
- (b) Where there is conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

Non-Conforming Buildings, Structures and Uses

- (18) Any use of land or a building or structure constructed or where construction has begun on a building or structure on or before the effective date of this By-law that does not conform to the requirements of this By-law shall be subject to the provisions of the Planning Act respecting non-conforming uses and structures (Appendix 1).

One Main Building on a Lot

- (19) No person shall erect more than one (1) main building on a lot except for:
- (a) buildings located in the Commercial (C-1), Highway Commercial (HC-1), Industrial (I-1), Landfill (I-2) or Mobile Home Park (MH-1) Zones.
- (b) grouped dwellings in Residential Multi-Unit (R-2) Zone.
- (c) agricultural, forestry or fishery related buildings in all zones where these uses are permitted.
- (d) garden suites in Rural Development (RD-1) Zone.

Parking Area Standards

- (20) Where parking facilities for more than four (4) vehicles are required or permitted:
- (a) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
- (b) the lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light from streets, adjacent lots and/or buildings;
- (c) The parking lot shall be within three hundred (300) feet [91.4 meters] of the location which it is intended to serve, and shall be situated in the same zone;
- (d) when the parking area is of permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;

- (e) entrance and exit ramps to the parking area shall not exceed two (2) in number for an interior lot and shall not exceed four (4) in number for a corner lot and each ramp shall be a width of twenty-five (25) feet [7.6 meters] at the street line and edge of pavement;
- (f) the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum width of ten (10) feet [3.1 meters] if for one way traffic, and a minimum width of twenty (20) feet [6.2 m] if for two-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet [7.6 meters];
- (g) dimensions of parking space shall be nine (9) feet [2.7 meters] by twenty (20) feet [6.1 meters].

Parking Requirements

- (21) (a) For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:

Type of Building	Parking Spaces Required
(i) A dwelling containing up to two (2) dwelling units.	One (1) parking space for each dwelling unit.
(ii) All other dwellings.	One and one-half (1.5) spaces for each dwelling unit.
(iii) Churches, church halls, auditoriums, theatres, arenas, halls, stadia, private clubs, and other places of assembly.	Where there are fixed seats, one (1) parking space for every five (5) seats, or ten (10) feet [3 m] of bench space. Where there are no fixed seats, one (1) parking space for each one hundred (100) square feet [9.3 sq. meters] of floor area devoted to public use.
(iv) Hospitals and nursing homes.	One (1) parking space for each two (2) beds or each four hundred (400) square feet [37.2 sq. meters] of floor area, whichever is greater.
(v) Senior Citizen apartment.	One (1) parking space for every two (2) dwelling units.
(vi) Hotels, staff houses, motels, tourist cabins or boarding house.	One (1) parking space per suite available for occupancy.
(vii) Funeral homes.	One (1) parking space for every 50 ft ² [4.6 m ²] of floor area in an assembly room.
(viii) Bowling alleys and curling rinks.	Three (3) parking spaces for each bowling lane and four (4) parking spaces per curling sheet. In other parts of the building, additional parking spaces shall be provided in accordance with the requirements set out in this By-law for the use to which the other parts of the building may be used.
(ix) Elementary schools.	One and one-half (1.5) parking space for each teaching classroom.

(x) High Schools.	Four (4) parking spaces for each teaching classroom.
(xi) All other Commercial uses.	One (1) parking space for each two hundred (200) ft ² [28 m ²] of floor area (Unless specified).
(xii) Industrial Uses.	One parking space for each 450 ft ² [41.8 m ²] of gross floor area.

- (b) Where a building or structure is being enlarged, the parking requirements shall be based only on the enlargement and not the entire building.

Reduced Lot Requirements

- (22) Notwithstanding anything else in this By-law, a lot approved in accordance with Section 107 of the Act and having less than the minimum lot area or lot frontage required by this By-law may be used for any purpose permitted in the zone in which the lot is located provided that all other applicable provisions in this By-law are satisfied.

Restoration to a Safe Condition

- (23) 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 non-conforming use that the provisions of The Planning Act shall prevail.

Side Yard Waiver

- (24) Notwithstanding anything else in this By-law, where buildings on adjacent lots share a common wall, the applicable side yard requirements shall be zero.

Side Yards on Corner Lots

- (25) Notwithstanding anything else in this By-law, on a corner lot in any zone, no part of any building or accessory building shall be erected any closer to the lot line of the flanking street than twenty-five (25) feet [7.6 meters].

Special Uses Permitted

- (26) Nothing in this By-law shall prevent uses erected for special occasions and holidays provided only that no such use remains in place for more than fourteen (14) consecutive days. A development permit shall not be required for the special use.

Subdivision: Minimum Yards Waiver

- (27) Notwithstanding anything else in this By-law, in any Zone where lots containing at least one existing main building are to be created from an existing area of land containing two (2) or more such buildings, the following requirements shall apply:
- (a) any one or all minimum yard requirements may be waived where they cannot otherwise be met; and
 - (b) a development permit shall be granted provided that all other applicable provisions, including minimum lot area, of this By-law are met.

Swimming Pools

- (28) Swimming Pools shall be subject to the Swimming Pool By-law of the Municipality of the County of Antigonish.

Temporary Uses Permitted

- (29) Nothing in this By-law shall prevent the temporary use of a building or structure incidental to a main construction project provided the use is discontinued and removed sixty (60) days following completion of the main construction project. A development permit shall not be required for the temporary use.

Through Lot: Front Yard

- (30) In the case of a through lot, the front yard shall be deemed to be any yard which abuts either of the two opposite streets.

Utilities

- (31) Unless otherwise stated, the equipment, transmission lines or similar uses to the foregoing of utilities shall be permitted in any zone.

Visibility at Road Intersections

- (32) (a) On a corner lot, no fence, sign, hedge, shrub, bush, or tree or any other structure or vegetation shall be erected or permitted to grow to a height greater than three feet [0.9 m] above grade of the abutting roads within the sight triangular area unless the structure or vegetation is of such construction that it will permit ready vision across the sight triangle area;
- (b) For the purposes of clause (a) the sight triangle area shall be the triangular area formed on a corner lot by the 2 lot lines that abut a road and a straight line which intersects them at a distance of twenty feet [6 m] from the corner where the 2 lot lines meet (See Figure D).

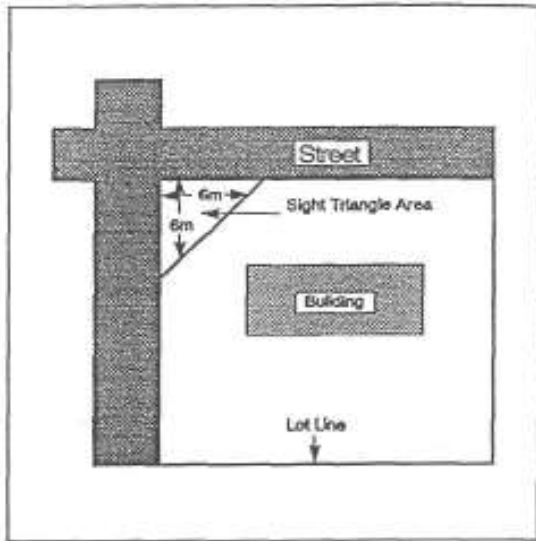


Figure D Visibility at Street Intersection

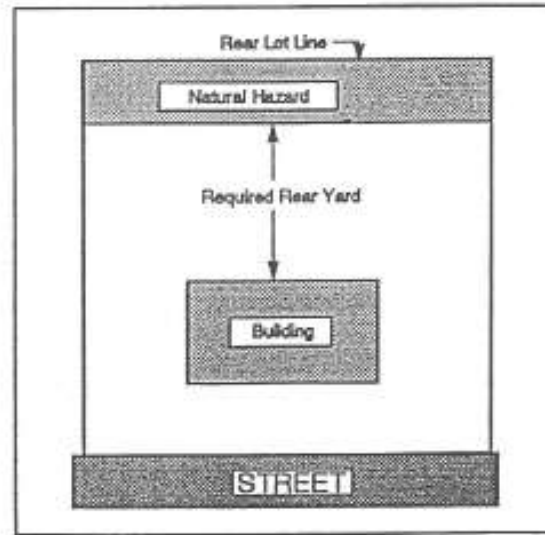


Figure E Yard Requirements Concerning Natural Hazards

Watercourses: Lot and Structure Separation Distances

- (33) (b) No structure shall be located within 50 ft [15m] of any watercourse except for structures related to water treatment and distribution uses, fishery related uses and boat building (including the repair and storage of boats).

Yard Requirements Concerning Natural Hazards

- (34) Where a front, side or rear yard is required by this By-law and part of the area of the lot:
- (a) is usually covered by water or marsh,
 - (b) is beyond the rim of a riverbank or watercourse, or
 - (c) is between the top and toe of a cliff or embankment having a slope of 15 percent or more from the horizontal;

the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the area covered by water or marsh, or to the rim of the riverbank or watercourse, or to the top of the cliff if such 'edge' is closer than the lot line (See Figure E).

Part 6 Signs

General

- (1) a) 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, the more restrictive regulations shall apply.
- b) No person shall erect a sign without first obtaining a permit from the development officer and no permit to erect a sign shall be issued unless all the sign provisions of this By-Law are satisfied.
- c) An indoor sign shall not be considered a sign for the purposes of this By-law.

Signs Permitted in All Zones

- (2) No permit shall be required for the following:
 - (a) Signs identifying the name and address of a resident, and of not more than two (2) square feet [0.2 square meters];
 - (b) “No Trespassing” signs or other such signs regulating the use of property, and of not more than two (2) square feet [0.2 square meters] in sign area;
 - (c) Real estate signs not exceeding five (5) square feet [0.5 square meters] in sign area in a residential zone and sixteen (16) square feet [1.5 square meters] in other zones, which advertise the sale, rental or lease of the premises;
 - (d) Signs regulating or denoting on-premise traffic, or parking or other signs denoting the direction or function of various parts of a building or premise provided that such sign area is less than ten (10) square feet [0.9 square meters] in area;
 - (e) Signs erected by a government body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools and public election lists;
 - (f) Memorial signs and tablets and signs denoting the date of erection of a structure;
 - (g) The flag, pennant, or banner of any government, or of any religious, charitable or fraternal organization where it is erected on the same lot as the use to which it relates;
 - (h) A sign having an area of not more than fifty (50) square feet [4.6 square meters] incidental to construction and within the area designated for such purposes;
 - (i) Signs on mailboxes or newspaper tubes;
 - (j) Church bulletin boards, church identification signs, and church directional signs;
 - (k) Signs that constitute an integral part of a vending machine, telephone booth, devices that indicate the time, date or weather conditions, or similar device whose principal function is not to convey an advertising message; and
 - (l) Signs that convey the message that a business enterprise is open or closed or that a place of lodging has or does not have a vacancy.

Signs Prohibited in All Zones

- (3) The following signs shall not be permitted in any zone:
- (a) Signs which incorporate in any manner any flashing or moving illumination or which varies in colour and signs which have any visible moving part with the exception of electronic message boards with sign areas less than fifteen (15) square feet [1.4 square meters], located a minimum of fifteen (15) feet [4.6 meters] from the travelled way;
 - (b) Any sign or sign structure which constitutes a hazard to public safety or health;
 - (c) Signs which by reason of size, location, content, colouring or manner of illumination, obstruct the vision of drivers either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets or property;
 - (d) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;
 - (e) Signs which make use of words such as “STOP”, “LOOK”, “ONE WAY”, “DANGER”, “YIELD”, or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse traffic by virtue of the sign’s proximity to the street;
 - (f) Any sign which no longer advertises a bona fide business conducted, or product sold;
 - (g) Signs on public property or public right-of-way, unless specially permitted by the Council and approved by the provincial authority where applicable;
 - (h) Searchlights, pennants, spinners and streamers except for occasions such as public festivals, exhibitions and similar occasions;
 - (i) Signs not related to any business or use located on the lot or premises (Amended by Council September 2010)

Ground Signs

- (4) No ground sign shall:
- (a) Extend beyond a property line or project over public rights-of-way, other adjoining lands, driveway or parking space;
 - (b) Be setback less than five (5) feet [1.5 meters] from any street line, common lot boundary, driveway or parking area.
 - (c) Not more than one ground sign shall be permitted on any one lot except in the following situations:
 - (i) Where a lot fronts on two streets, the maximum number of ground signs shall be two (2), one on each street frontage.
 - (ii) Where a lot has a street frontage in excess of three hundred (300) feet [91.5 meters], two (2) ground signs shall be permitted so long as they are located at least one hundred and fifty (150) feet [45.7 meters] apart.

- (d) Exceed in size:
 - (i) One hundred (100) square feet [9.29 square meters] in sign area in a Commercial (C-1) Zone;
 - (ii) Two hundred (200) square feet [18.6 square meters] in sign area in a Highway Commercial (HC-1) Zone;
 - (iii) One hundred (100) square feet [9.29 square meters] in sign area in a Rural Development (RD-1) Zone.
- (e) Exceed sixteen (16) feet [4.9 meters] in height measured from the base to the tip of the sign. (Amended by Council September 2010)

Part 7 General Provisions - Home Occupations in Residential Dwellings

A home occupation in a dwelling or accessory building shall be permitted in all zones where residential dwelling units are a permitted use provided that:

- (1) In the Residential (R-1) Zone:
 - (a) The dwelling is occupied as a residence;
 - (b) The external appearance of the dwelling and accessory building is not changed by the occupation;
 - (c) There shall be no more than two (2) assistants who are not residents of the dwelling employed in the home occupation;
 - (d) If the dwelling is used, not more than twenty-five (25) percent of the total floor area is devoted to the home occupation;
 - (e) If an accessory building is used for the home occupation, it shall not have a floor space greater than five hundred (500) square feet [152.4 square meters];
 - (f) The operation shall not be obnoxious by reason of sound, odour, dust, fumes or smoke, or other obnoxious emission or refuse matter or water carried waste;
 - (g) Outdoor storage is permitted in the rear yard provided it is screened by the dwelling, the accessory building, an opaque fence, natural landforms, existing or planted vegetation, or combination thereof so as not to be visible from abutting uses or from the nearest public or private road;
 - (h) There is to be no outdoor display of the home occupation;
 - (i) There shall be no advertising of a home occupation other than one non-illuminous sign which has a maximum sign area of four (4) square feet [0.4 square meters] and which is attached to the main building and follows the regulations of signage set out in Part 6 of this By-law;
 - (j) The operator of the home occupation shall provide one off-street parking space, other than that required for the dwelling, for every two hundred and fifty (250) square feet [23.23 square meters] of floor space occupied by business use in the dwelling and/or accessory buildings. Parking lots for four (4) or more vehicles shall follow the regulations set out in Part 5, sections 20 & 21 of this By-law.
- (2) In all other zones where dwelling units are permitted:
 - (a) The dwelling is occupied as a residence;
 - (b) Any alteration to the external appearance of the dwelling or accessory building
 - (i) is of the same architectural style of the existing structure in terms of siding, window type, roof material and type, or any building material thereof, so as to be indistinguishable from the existing structure; and
 - (ii) does not add more than five hundred (500) square feet [46.5 m²] to the existing dwelling or accessory building;
 - (c) There shall not be more than five (5) assistants who are not residents of the dwelling employed in the home occupation;

- (d) If the dwelling is used, not more than fifty (50) percent of the total floor area is devoted to the home occupation;
 - (e) If an accessory building is used for the home occupation, it shall not have a floor space greater than two thousand (2,000) square feet [609.6 square meters];
 - (f) The operation shall not be obnoxious by reason of sound, odour, dust, fumes or smoke, or other obnoxious emissions or refuse matters or water carried waste;
 - (g) Outdoor storage is permitted in the rear yard provided it is screened by the dwelling, the accessory building, an opaque fence, natural landforms, existing or planted vegetation, or combination thereof so as not to be visible from abutting uses or from the nearest public or private road;
 - (h) There is to be no outdoor display of the home occupation;
 - (i) There shall be no advertising of a home occupation other than one sign, either a wall sign or a ground sign, which has a maximum area of twenty (20) square feet [1.85 square meters] and follows the regulations on signage in Part 6 of this By-law;
 - (j) The operator of the home occupation shall provide one off-street parking space, other than that required for the dwelling, for every two hundred and fifty (250) square feet [23.23 square meters] of floor space occupied by the business in the dwelling and/or accessory buildings. Parking lots for four (4) or more vehicles shall follow the regulations set out in Part 5, sections 20 & 21 of this By-law.
 - (k) In the Water Supply (WS-1) Zone, automobile maintenance/repair, dry cleaning establishments and photography studios shall not be permitted as Home Occupations.
- (3) Automobile sales is permitted as a home occupation in the Rural Development (RD-1) Zone subject to the provisions of Part 7 (2) of this by-law and a maximum of twelve (12) vehicles for sale. (Amendment to add Part 7(3) was passed June 17, 2003)

Part 8 Residential (R-1) Zone

R-1 Zone Permitted Uses

- (1) The following uses shall be permitted in the Residential (R-1) Zone:
- Single Detached Dwellings
 - Mobile Homes on individual lots
 - Semi-detached Dwellings
 - Duplex Dwellings
 - Converted Dwellings to a maximum of two units
 - Bed & Breakfasts
 - Boarding Houses and Guest Homes
 - Day Nurseries
 - Senior Citizens’ Housing
 - Institutional Uses
 - Nursing Homes
 - Recreational Uses
 - Agricultural Uses, excluding intensive livestock operations
 - Business and professional offices that are less than 2,500 square feet of floor area

R-1 Zone Lot Requirements

- (2) No development permit shall be issued for a Residential (R-1) Zone except in accordance with the following requirements:
- (a) For all uses except: Semi-detached Dwellings, Agricultural uses, Forestry and related Uses;

	Serviced (Water & Sewer)	One Service	Unserviced
Minimum Lot Frontage	50 ft. [15.2 m]	72 ft. [21.9m]	100 ft. [30.5 m]
Minimum Lot Area	5,000 ft ² [464.5m ²]	12,000 ft ² [1114.8m ²]	20,000 ft ² [1858m ²]
Minimum Front Yard	25 ft. [7.6 m]	25 ft. [7.6 m]	25 ft. [7.6m]
Minimum Rear Yard	25 ft [7.6 m]	25 ft. [7.6 m]	25 ft. [7.6 m]
Minimum Side Yard	4 ft. [1.2 m]	4 ft. [1.2 m]	8 ft. [2.4 m]
Maximum Height	35 ft. [10.7 m]	35 ft. [10.7 m]	35 ft. [10.7 m]

(b) For semi-detached dwellings:

Minimum Lot Frontage	40 ft [12.2m] per dwelling unit	72 ft. [21.9m] per dwelling unit	100 ft. [30.5m] per dwelling unit
Minimum Lot Area	4,000 ft ² [371.6m ²] per dwelling unit	12,000 ft ² [1114.8 m ²] per dwelling unit	20,000 ft ² [1858 m ²] per dwelling unit
Minimum Front Yard	25 ft. [7.6 m]	25 ft. [7.6 m]	25 ft. [7.6 m]
Minimum Side Yard	4 ft./0 [1.2 m/0]	4 ft./0 [1.2 m/0]	4 ft./0 [1.2 m/0]
Maximum Height	35 ft. [10.7 m]	35 ft. [10.7 m]	35 ft. [10.7 m]

(c) Agricultural uses, Forestry and related uses in a R-1 Zone:

	Serviced (Water and Sewer)	Partial or No Service
Minimum Lot Frontage	50 ft. [15.2 m]	100 ft. [30.5 m]
Minimum Lot Area	5000 ft ² [464.5 m ²]	20 000 ft. ² [1 858 m ²]
Minimum Front Yard	25 ft. [7.6 m]	25 ft. [7.6 m]
Minimum Rear Yard	25 ft. [7.6 m]	25 ft. [7.6 m]
Minimum Side Yard	20 ft. [6.1 m]	20 ft. [6.1 m]
Maximum Height	35 ft. [10.7 m]	35 ft. [10.7 m]

Special Requirement - Converted Dwellings

(3) No development permit shall be issued for a converted dwelling unless the conversion is undertaken without addition or exterior alteration. However, modification to meet the fire safety requirements shall be permitted.

Part 9 Residential Multi-Unit (R-2) Zone

R-2 Zone Permitted Uses

- (1) The following uses shall be permitted in the Residential Multi-Unit (R-2) Zone:
- Multi-Unit Residential Buildings
 - Grouped Dwellings including Garden Suites
 - All uses permitted in the Residential (R-1) Zone except agricultural uses, subject to the requirements of the R-1 Zone

R-2 Zone Lot Requirements

- (2) No development permit shall be issued for a Residential Multi-Unit (R-2) Zone except in accordance with the following requirements:

	Serviced (Water and Sewer)	Partial or No Service
Minimum Lot Frontage	80 ft. [24.4 m]	80 ft. [24.4 m]
Minimum Lot Area	10,000 ft ² [929 m ²] for first three units; 1,000 ft ² [92.9m ²] for each additional unit.	40,000 ft ² [3,716 m ²] for first four units; 5,000 ft ² [464.5 m ²] for each additional unit.
Minimum Front Yard	25 ft. [7.6 m]	25 ft. [7.6 m]
Minimum Rear Yard	25 ft. [7.6 m]	25 ft. [7.6 m]
Minimum Side Yard	4 ft. [1.2 m]	8 ft. [2.4 m]
Semi-detached Side Yard	4 ft./0 [1.2 m/0]	8 ft./0 [2.4 m/0]
Maximum Height	35 ft. [10.7 m]	35 ft. [10.7 m]

Rowhouse or Townhouse Dwellings

Minimum Lot Frontage	20 ft. [6.1 m]
Minimum Lot Area	2,000 sq. ft. [186 sq. m]
Minimum Front Yard	25 ft. [7.6 m]
Minimum Rear Yard	25 ft. [7.6 m]
Minimum Side Yard	4 ft. [1.2 m]
Maximum Height	35 ft. [10.7 m]

(Amendment to add was approved March 21, 2006)

Special Requirement - Landscaping

- (3) (a) Landscaping of not less than five (5) feet [1.5 m] in height must be maintained along any R-2 boundary that abuts an existing residential, recreational or institutional use.
- (b) Notwithstanding section (a), landscaping provisions are not required for garden suites.

Special Requirement - Amenity Space

- (4) (a) Amenity space of 50 ft² [4.6 m²] per unit must be provided on the same lot as the multi-unit residential building.
- (5) ~~No development permit shall be issued for grouped dwellings unless the lot can be subdivided with each dwelling on a lot meeting the requirements of the R-1 Zone where the dwelling contains not more than two units or the R-2 Zone where the dwelling contains more than two units. (Amendment to delete was approved April 27, 2004)~~

Part 10 Mobile Home Park (MH-1) Zone

MH-1 Zone Permitted Uses

- (1) The following uses shall be permitted in the Mobile Home Park (MH-1) Zone:
- Mobile Home Parks
 - Mobile Home Park Offices, maintenance equipment storage related and incidental to the operation of the park
 - Recreational Uses

MH-1 Zone Lot Requirements

- (2) No development permit shall be issued for a Mobile Home Park (MH-1) Zone except in accordance with the following requirements:
- Minimum Lot Frontage 100 ft. [30.5 m]
 - Minimum Lot Area 2.5 acres [1.01 ha.]
 - Minimum Front Yard 25 ft. [7.6 m]
 - Minimum Rear Yard 20 ft. [6.1 m]
 - Minimum Side Yard 10 ft. [3 m]

Special Requirement - Landscaping

- (3) Landscaping of not less than five (5) feet [1.2 meters] in height must be maintained along any MH-1 Zone boundary that abuts an existing residential, recreational or institutional use or public roadway.

Note: See also the Municipality of the County of Antigonish Mobile Home Parks By-law.

Part 11 Rural Development (RD-1) Zone

RD-1 Zone Permitted Uses

- (1) The following uses shall be permitted in the Rural Development (RD-1) Zone:
- All uses permitted in the Residential (R-1) Zone, subject to RD-1 requirements
 - Business and Professional Offices
 - Greenhouses
 - Repair Shops, including autobody shops
 - Agricultural uses including intensive livestock operations
 - Forestry and related uses
 - Fishery and related uses
 - Garden suites

RD-1 Zone Lot Requirements

- (2) No development permit shall be issued for a Rural Development (RD-1) Zone except in accordance with the following requirements:

	Serviced (Water & Sewer)	One Service	Unserviced
Minimum Lot Frontage	50 ft. [15.2 m]	72 ft. [21.9 m]	100 ft. [30.5 m]
Minimum Lot Area	5000 ft ² [464.5 m ²]	12000 ft ² [1114.8 m ²]	20000 ft ² [1858 m ²]
Minimum Front Yard	25 ft. [7.6 m]	25 ft. [7.6m]	25 ft. [7.6 m]
Minimum Rear Yard	25 ft. [7.6 m]	25 ft. [7.6 m]	25 ft. [7.6 m]
Minimum Side Yard	4 ft. [1.2 m]	4 ft. [1.2 m]	8 ft. [2.4 m]
Semi-detached Side Yard	4 ft. /0 [1.2 m /0]	4 ft./0 [1.2 m/0]	8 ft./0 [2.4 m/0]
Maximum Height	35 ft. [10.7 m]	35 ft. [10.7 m]	35 ft. [10.7 m]

Special Requirement - Intensive Livestock Operations

- (3) (a) The minimum side yard for an intensive livestock operation in the RD-1 Zone shall be 500 feet [152.4 meters].
- (b) The minimum front yard for an intensive livestock operation in the RD-1 Zone shall be 150 feet [45.7 meters].

Special Requirement - Forestry and Related Uses

- (4) The minimum side yard for a forestry related use shall be 100 feet [30.5 meters]

GC-1 Permitted Uses

- 1) No Development Permit shall be issued in a Gateway Commercial (GC-1) Zone except for one or more of the following uses:
- animal hospitals and veterinary establishments
 - automobile sales and service establishments
 - boat, trailer and snowmobile sales and rentals
 - building supplies, agriculture supplies and lumber outlets
 - business and professional offices
 - churches and religious institutions
 - clubs (whether fraternal or for profit)
 - commercial schools
 - display courts (including swimming pools, prefabricated cottages and mini homes)
 - existing residential uses.
 - Farm markets
 - funeral homes
 - garden and nursery supplies (including greenhouses)
 - hotels and motels
 - indoor recreation establishments
 - institutional uses
 - licensed liquor establishments
 - medical clinics
 - personal service shops
 - restaurants
 - retail stores
 - taxi and bus stations
 - tourist establishments (including visitor information centres)

GC-1 Zone Lot Requirements

- 2) In any Gateway Commercial (GC-1) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Serviced (Sewer and water)

- Minimum Lot Frontage 150 ft [45.7 m]
- Minimum Lot Area 40,000 ft² [3,716 m²]
- Minimum Front Yard 10 ft [3.0 m]
- Minimum Rear Yard 40 ft [12.2 m]
- Minimum Side Yard 10 ft [3.0 m]
- Maximum Height 35 ft [10.7 m]

Special Provisions- Road Access

- 3) Notwithstanding the frontage requirements expressed in Subsection (2), driveway access to any road in the GC-1 Zone shall conform to the access standards expressed in the Department of Transportation's Access Management Strategy for Highway 104.

Special Provision- Site Plan Approval

- 4) No development permit for new structures or additions shall be issued in a GC-1 Zone unless a Site Plan has been approved by the Development Officer.
- 5) The following evaluation criteria shall apply to any development undertaken pursuant to Section (4):
 - a) That landscaping of not less than five (5) feet [1.5 m] in height and a twenty (20) foot [6.1 m] wide grassy landscaped buffer be installed and maintained along the common lot line where the commercial use abuts an existing residential use or the new Highway 104 right-of-way;
 - b) a planting strip of not less than 10 feet [3.0 m] is provided along the entire frontage of the property save and except the location of a driveway not exceeding 20 feet [6.1 m] in width;
 - c) that the existing vegetation, where possible and deemed practical, be retained so as to lessen and reduce any adverse impact on abutting properties or the surrounding neighbourhood;
 - d) that natural and landscaped buffering be installed where the commercial use abuts the Highway 104 By-pass so as to maintain the visual integrity of the landscape for passing motorists;
 - e) that any outdoor storage of equipment or material not for sale not be located in the front yard of any property and otherwise shall be contained within a fenced and screened storage area and shall not be visible from any public road or adjacent lot;
 - f) that loading facilities are located at the rear of the main structure;
 - g) that the parking and loading facilities are designed so as to minimize any adverse impact on surrounding properties;
 - h) that the main building, where possible, is located at the front of the lot;
 - i) that the proposed walkways and other pedestrian access be located and designed so as to encourage pedestrian traffic flow from other properties and be laid out to effectively connect with off-site sidewalks or paths;
 - j) that the type and location of outdoor lighting is designed to light the structure, driveways and any pedestrian access with minimum light directed at or spilled onto neighbouring properties;
 - k) that storm and surface water protection plans are provided;
 - l) any other evaluation criteria as may be specified in any gateway strategy Council adopts and which applies to the given area.

- 6) A Site Plan prepared in accordance with Sections (4) and (5) shall indicate:
 - a) the location of existing or proposed structures on the site;
 - b) the location of existing or proposed off-street parking or loading facilities;
 - c) the location and width of existing and proposed driveway accesses to public roads;
 - d) the type, location and height of any walls, fences, hedges, trees, shrubs or groundcover as well as any retained natural vegetation;
 - e) any existing and proposed grade alteration and/or any storm or surface water control infrastructure;
 - f) the location of existing and proposed walkways and the type of surfacing material;
 - g) the type and location of existing and proposed outdoor lighting;
 - h) the location and type of any facilities and enclosures for the storage of garbage and other waste materials;
 - i) the location of existing and proposed easements;
 - j) the type, number and size of existing and proposed signs and sign structures.
- 7) The process for granting the Site Plan Approval follows the same process as the Variance Procedure subject to Section 236 of the *Municipal Government Act*.

Part 13 Local Commercial (LC-2) Zone

(As amended by Council September 2010)

C-2 Zone Permitted Uses

1) No Development Permit shall be issued in a Local Commercial (LC-2) Zone except for one or more of the following uses:

- animal hospitals and veterinary establishments
- banks and financial institutions
- bed and breakfast establishments
- boarding houses and guest houses
- boat, trailer and snowmobile sales and rentals
- building supplies and lumber outlets
- business and professional offices
- campgrounds
- churches and religious institutions
- clubs (whether fraternal or for profit)
- commercial schools
- display courts (including swimming pools, prefabricated cottages and mini homes)
- existing automobile sales and automobile service establishments
- funeral homes
- garden and nursery supplies (including greenhouses)
- hotels and motels
- indoor recreation establishments
- institutional uses
- licensed liquor establishments
- medical clinics
- personal service shops
- restaurants
- residential uses within the same building as ground level commercial uses
- retail stores
- taxi and bus stations
- tourist establishments
- warehousing and distribution facilities
- uses permitted in the Residential (R-1) Zone, subject to the requirements of the R-1 Zone

LC-2 Zone Lot Requirements

2) In any General Commercial (LC-2) Zone, no Development Permit shall be issued except in conformity with the following requirements:

	Serviced (sewer and water)	One service	Unserviced
Minimum Lot Frontage	50 ft [15.2 m]	72 ft [21.9 m]	100 ft [30.5 m]
Minimum Lot Area	5,000 ft ² [464.5 m ²]	12,000 ft ² [1114.8 m ²]	20,000ft ² [1,858 m ²]
Minimum Front Yard	N/A	N/A	N/A
Minimum Rear Yard	20 ft [6.1 m]	20 ft [6.1 m]	20 ft [6.1 m]
Minimum Side Yard	4 ft [1.2 m]	4 ft [1.2 m]	4 ft [1.2 m]
Maximum Height	35 ft [10.7 m]	35 ft [10.7 m]	35 ft [10.7 m]

Special Provision- New Automobile Sales and Service Establishments

3) New automobile sales and service establishments shall be permitted subject to the requirements of the Development Agreement Provisions of the Municipal Government Act and Policies 9(h) and 28(b) of the Municipal Planning Strategy.

Special Provision- Landscaping

Where a new commercial use abuts an existing residential use, landscaping of not less than five (5) feet [1.5 m] in height along the shared boundary shall be maintained.

Part 14 Industrial (I-1) Zone

I-1 Permitted Uses

- (1) The following uses shall be permitted in the I-1 Zone:
- Salvage and scrap yards
 - Industries related to road construction
 - Light manufacturing, assembly, repair, warehousing and processing operations
 - Recycling Depots
 - Trucking and Railway Depots
 - Commercial Uses accessory to the Industrial Use
 - Buildings associated with Utilities
 - Agricultural and related uses
 - Forestry and related uses
 - Fishery and Related Uses
 - Uses permitted in the R-1 Zone, subject to I-1 Zone requirements
 - Uses permitted in the C-1 Zone, subject to I-1 Zone requirements

I-1 Zone Lot Requirements

- (2) No development permit shall be issued for a Industrial (I-1) Zone except in accordance with the following requirements:

	Serviced (Water & Sewer)	One Service	Unserviced
Minimum Lot Frontage	50 ft. [30.5 m]	72 ft. [21.9 m]	100 ft. [30.5 m]
Minimum Lot Area	5000 ft ² [464.5 m ²]	12000 ft ² [1114.8 m ²]	40,000 ft ² [3,716 m ²]
Minimum Front Yard	30 ft. [9.1 m]	30 ft. [9.1 m]	30 ft. [9.1 m]
Minimum Rear Yard	30 ft. [9.1 m]	30 ft. [9.1 m]	30 ft. [9.1 m]
Minimum Side Yard	20 ft. [6.1 m]	20 ft. [6.1 m]	20 ft. [6.1 m]

Special Requirement - Abutting Uses

- (3) Where an Industrial (I-1) Zone abuts an existing residential, institutional, or recreational use, the following standards shall apply:
- (a) The industrial use including enclosed storage shall have a minimum side yard of thirty-five (35) feet [10.7 meters].
 - (b) Open storage shall be confined to the rear yard not less than fifty (50) feet [15 meters] from the abutting boundary.
 - (c) Landscaping of not less than five (5) feet [1.5 meters] in height must be maintained on the shared boundary.

Part 15 Landfill (I-2) Zone

I-2 Zone Permitted Uses

- (1) The following uses shall be permitted in the I-2 Zone:
- Landfill

Part 16 Floodplain (F-1) Zone

F-1 Zone Permitted Uses

- (1) The following uses shall be permitted in the F-1 Zone:
- Water and Sewage Facilities
 - Public works associated with flood control
 - Open air structures and uses
 - Temporary structures associated with recreational and agricultural uses placed on the floodplain after the danger of flooding has elapsed
 - Single detached dwellings within the floodway fringe, subject to floodproofing requirements
 - Conservation related projects that do not require a permanent structure
 - Recreational Uses that do not require a permanent structure
 - Agricultural Uses that do not require a permanent structure
 - Existing Uses (as listed in Schedule “D” of this By-law)

F-1 Zone Lot Requirements

- (2) No development permit shall be issued for a Floodplain (F-1) Zone except in accordance with the following requirements:
- (a) For all uses except water and sewage facilities and public works associated with flood control:
- Minimum Lot Frontage 50 ft.
 - Minimum Lot Area 5 000 ft² [929 m²]
 - Minimum Front Yard NA
 - Minimum Rear Yard NA
 - Minimum Side Yard NA
 - Maximum Height NA
- (b) Water and sewage facilities and public works associated with flood control:
- Minimum Lot Area 1000 ft²

Special Requirement - Placement of fill in the floodway fringe

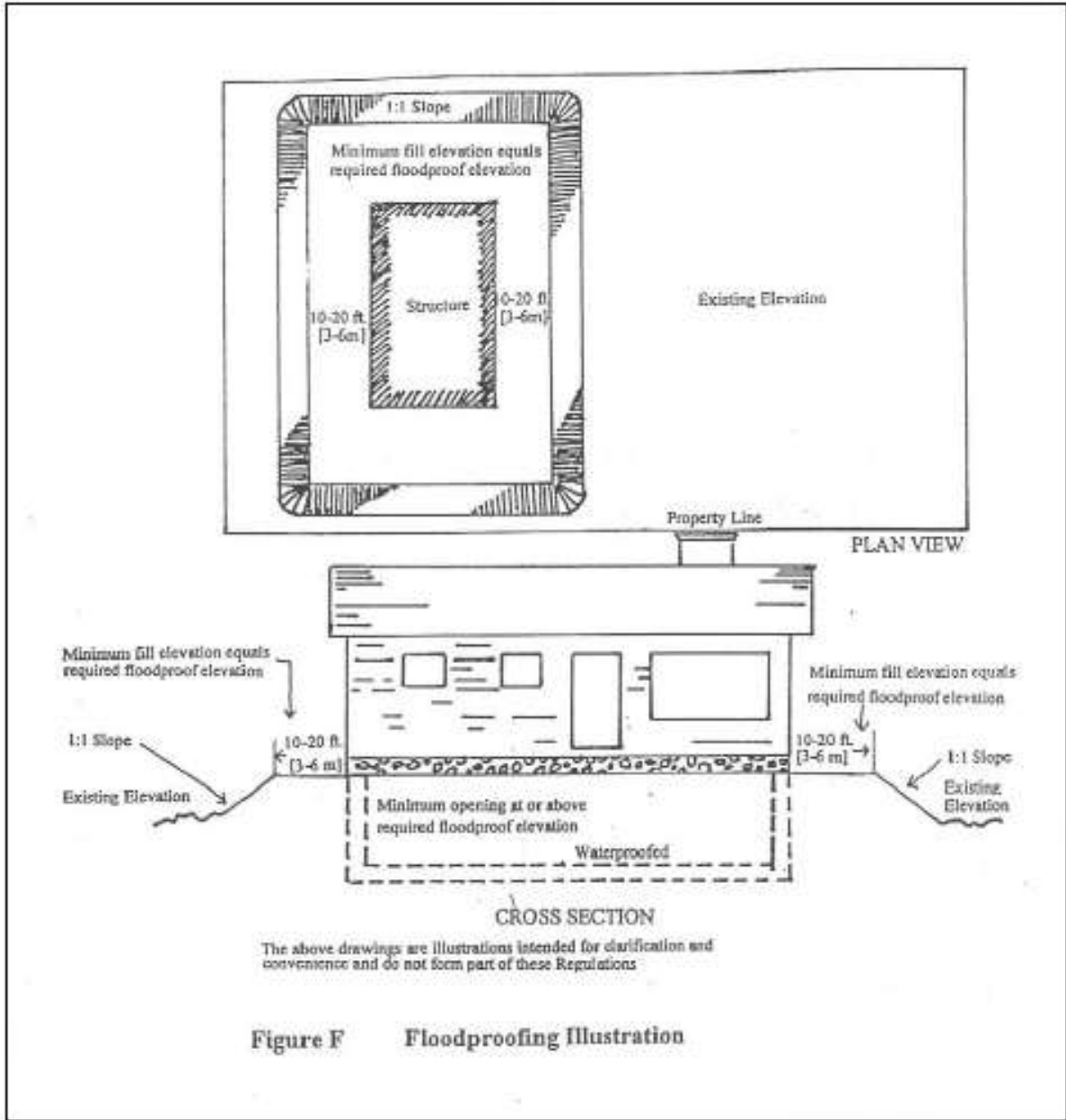
- (3) In the floodway fringe of the Floodplain (F-1) Zone no placement of off-site fill shall be permitted except that required to meet the floodproofing standards set out in the By-law.

Special Requirement - Floodproofing

- (4) No development permit shall be issued for the development of a structure in the floodway fringe of the Floodplain (F-1) Zone, as indicated in Schedule A “Zoning Maps” of this By-law, unless it is floodproofed to the required floodproof elevation specified for that location.

Special Requirement - Floodproofing Standards

- (5) No development permit shall be issued for development in the floodway fringe of the Floodplain (F-1) Zone, as indicated in Schedule “A “ Zoning Maps of this By-law, unless:
- (a) any enclosed portion of a structure which is at or below the required floodproof elevation shall conform to the following requirements as illustrated in Figure F (Floodproofing Illustration) of this By-law.
 - (i) there shall be no openings in the external wall of the structure (eg. windows and doors) below the required floodproof elevation;
 - (ii) fill, where permitted by this By-law, shall be placed around the perimeter of the structure to a height not less than the required floodproof elevation, for a distance of not less than 10 feet [3 m] and not greater than 20 feet [6 m] perpendicular to the perimeter of the structure; and
 - (iii) the perimeter of the fill shall be stabilized by:
 - (1) fill at a slope of 1 to 1; or
 - (2) such other floodproofing measures as determined by a qualified professional.
 - (iv) Foundation walls, subgrade floors and footings shall be waterproofed as per requirements contained in the National Building Code.
 - (b) Prior to obtaining a development permit, the applicant shall provide the Development Officer with verification from a qualified professional that the proposed structure meets the floodproofing requirements as set out in the By-law.
 - (c) Notwithstanding subsection (a) and (b), no floodproofing shall be required for properties where a study by a qualified professional shows the property is no longer within the 1:100 year floodplain.



Part 17 Water Supply (WS-1) Zone

WS-1 Permitted Uses

- (1) The following uses shall be permitted in the WS-1 Zone:
- Water Supply, Treatment and Distribution Uses
 - Forestry Uses, except for processing
 - Uses permitted in Residential (R-1) Zone, subject to WS-1 requirements
 - Existing uses (as listed in Schedule “C” of this By-law)

WS-1 Zone Lot Requirements

(2) No development permit shall be issued for a Water Supply (WS-1) Zone except in accordance with the following requirements:

(a) For all uses except Water Supply, Treatment and Distribution Uses

	Serviced (Water and Sewer)	One Service	Partial or No Service
Minimum Lot Frontage	50 ft. [30.5 m]	72 ft. [21.9m]	100 ft. [30.5 m]
Minimum Lot Area	5000 ft ² [464.5 m ²]	12 000 ft ² [1114.8 m ²]	40 000 ft ² [3716 m ²]
Minimum Front Yard	25 ft. [7.6 m]	25 ft [9.1 m]	25 ft. [7.6 m]
Minimum Rear Yard	25 ft. [7.6m]	25 ft [9.1m]	25 ft. [7.6 m]
Minimum Side Yard	4 ft. [1.2 m]	4 ft [1.2m]	20 ft. [6.1 m]
Semi-detached Side Yard	4 ft./0 [1.2 m/0]	4 ft/0 [1.2 m/0]	20 ft./0 [6.1 m/0]
Maximum Height	35 ft. [10.7 m]	35 ft [10.7 m]	35 ft. [10.7 m]

b) Water Supply, Treatment and Distribution Uses

- Minimum Lot Frontage NA
- Minimum Lot Area 1000 ft² [92.9 m²]
- Minimum Front Yard NA
- Minimum Rear Yard NA
- Minimum Side Yard NA
- Maximum Height NA

Part 18 Definitions

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

- 1 **Accessory Building** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.
- 2 **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.
- 3 **Agricultural Use** means a use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce.
- 4 **Alter** means any change of a structural component of a building, or any increase in the volume of a building or structure.
- 5 **Amenity Space** means on site outdoor space designed for active or passive recreational use.
- 6 **Automobile Service Station** means a building or a clearly defined space on a lot used for the sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing of motor vehicles and may include an automobile car wash, convenience store and body shop.
- 7 **Bed and Breakfast Establishment** means a dwelling where no more than five (5) rooms are provided for temporary overnight accommodation with breakfast to the travelling public for compensation and does not include facilities open to the general public such as meeting rooms, restaurants or entertainment facilities.
- 8 **Boarding House or Guest Home** means a dwelling in which the resident supplies either room or room and board for compensation for not more than 2 bedrooms exclusive of the resident and family and which is not open to the general public .
- 9 **Building** means any structure whether temporary or permanent, used or built for shelter, accommodation or enclosure of persons, animals, material or equipment.
- 10 **Campground** means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mobile home park.
- 11 **Commercial School** means a school conducted for compensation and includes a secretarial school, language school and driving school but does not include a day nursery or university.
- 12 **Commercial Use** means any retail, office or service enterprise that provides goods and/or services to the general public for compensation.
- 13 **Converted Dwelling** means an existing single detached dwelling converted to contain a greater number of dwelling units than the building contained prior to that conversion.
- 14 **Council** shall mean the Council of the Municipality of the County of Antigonish.
- 15 **Day Nursery** means a place where three or more pre-school children are cared for on a temporary basis without overnight accommodation, but does not include a school.
- 16 **Development Officer** means the officer of the Municipality of the County of Antigonish from time to time charged by the municipality with the duty of administering the provisions of the Land-Use By-law.

- 17 **Domestic and Household Arts** includes, dressmaking, tailoring, hairdressing, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, moulding, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys.
- 18 **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, an apartment hotel or a travel trailer.
- 19 **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.
- 20 **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, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

- 21 **Established Grade** means:
- (i) when used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building exclusive of any artificial embankment or entrenchment, or
 - (ii) when used in reference to a structure which is not a building, the average elevation of the finished grade of the ground immediately surrounding such structures exclusive of any artificial embankment or entrenchment

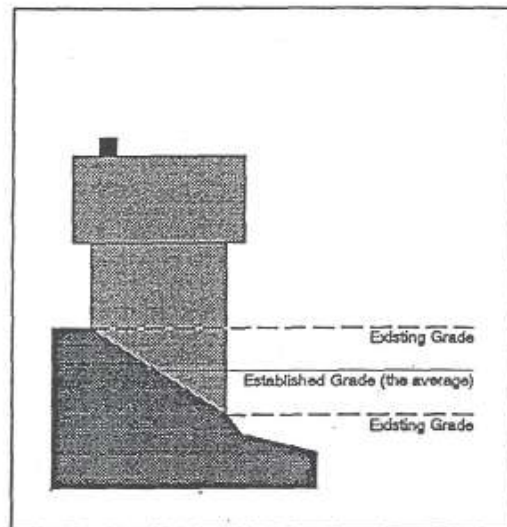


Figure G Established Grade of a Building

- 22 **Existing** means legally existing as of the effective date of this By-law.
- 22A **Farm Market** means a building in which farm produce comprises the major portion of goods offered or kept for sale directly to the public at retail value. (Amended by Council September 2010)
- 23 **Fill** means material deposited on a lot to alter the land level of the lot.
- 24 **Fishery Use** means a use supportive of the fisher, including general storage, docks, boat launches and repair facilities.
- 25 **Floodway** means the part of the flood risk area as defined in the Canada-Nova Scotia Flood Damage Reduction Program (1984) over which flood waters flow on average once every twenty (20) years, or there is a 5% chance of flooding each year.

- 26 **Floodway Fringe** means the part of the flood risk area as defined in the Canada-Nova Scotia Flood Damage Reduction Program (1984) over which flood waters flow on an average once every one hundred (100) years, or there is a 1% chance of flooding each year.
- 27 **Floor Area**
- (a) With reference to a dwelling means the total 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) Commercial Floor Area means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common malls between stores.
- 28 **Forestry Use** means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, shingle mills, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.
- 29 **Garden Suite** is a physically separate dwelling unit placed on a residential lot that already has an existing dwelling sited on it. They are intended to be a temporary use on the lot to be removed once the unit is no longer needed by the parent.
- 30 **Grouped Dwellings** means two (2) or more dwelling units which are contained within two (2) or more buildings located on the same lot.
- 31 **Home Occupation** means an accessory use of a dwelling or accessory building for gainful employment including but not limited to a small business, an office and a domestic and household arts.
- 32 **Industrial Use** means a use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.
- 33 **Institutional Use** means an organization which is incorporated under the Societies Act, R.S.N.S. 1989, Chapter 435, or any other non-profit organization incorporated by or pursuant to statute. “any organization which is incorporated under the Societies Act, R.S.N.S. 1989, Chapter 435, or any other non-profit organization Incorporated by or pursuant to statute for whom the use of land, buildings or structure for religious, charitable, educational, health or welfare purposes, including churches, places of worship, public or private schools and nursery schools is permitted”. (Amended October, 2005).
- 34 **Intensive livestock operation** means an operation consisting of only one type of livestock in which a minimum of thirty (30) animal units are confined to feedlots or structures or poultry facilities for feeding, breeding, milking, or holding for eventual sale or egg production. The following chart shall be used for calculation of total animal units:

ANIMAL UNITS OF PRODUCTION

Column 1 On Farm for Complete Year		Column II Marketed During Year	
Type of livestock	Number Equal to one Animal Unit	Type of Livestock	Number equal to one Animal Unit
Dairy Cow (plus calf)	1	Beef Cows (400-1000 lbs)	2
Beef Cow (plus calf)	1	Beef Feeders (gain 400-750 lbs)	3
Bull	1	Beef Feeders (gain 750-1100 lbs)	2
Horse	1	Hogs (gain 40-200 lbs)	15
Sheep (plus lambs)	4	Broiler Chickens or Roasters (4-5 lbs)	1000
Sows (plus litter to weaning)	4	Turkey Broilers (11-12 lbs)	300
Female Mink (plus associated males and kits)	100	Heavy Turkey Hens (19-20 lbs)	150
Foxes	40	Heavy Turkey Toms (30-32 lbs)	100
Laying Hens	125	Veal Calves (gain 90-300lbs)	40
Female Rabbits (plus associated males)	40	Pullets	300

- 35 **Kennel** means a building or premise where domestic household animals and birds are boarded for breeding or otherwise.
- 36 **Landscaping** means any combination of trees, shrubs, flowers 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 as a screen between abutting uses in order to mitigate objectionable features between them.
- 37 **Loading Space** means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.
- 38 **Lot** means any parcel of land described in a deed as a lot or as shown in a registered plan of subdivision.

- (a) Corner Lot means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.
- (b) Interior Lot means a lot situated between two lots and having access to one street.
- (c) Through Lot means a lot, which is not a corner lot, with frontage on more than one street.

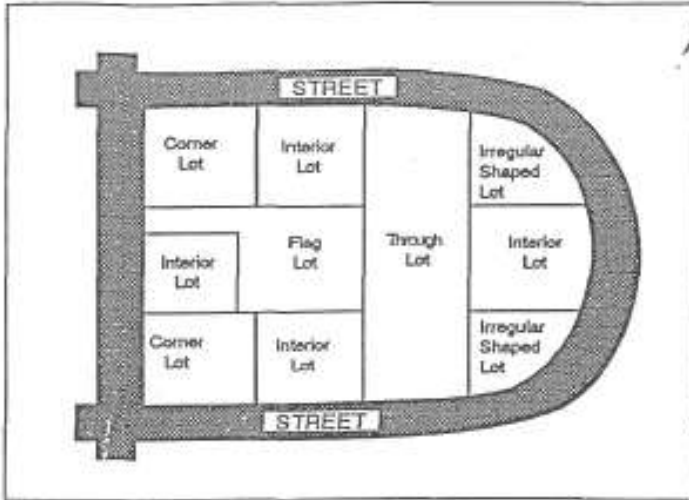


Figure H Lot Types

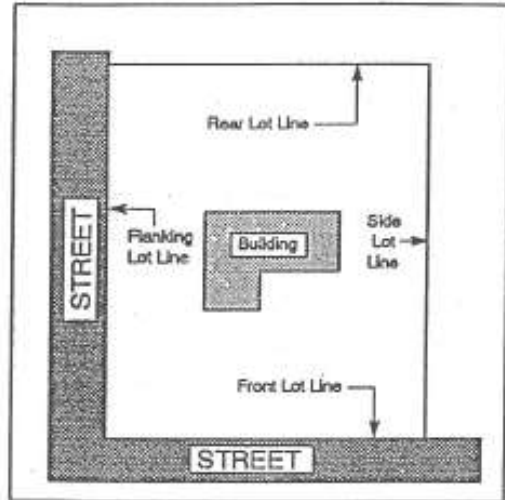


Figure I Lot Lines

- 39 **Lot Area** means the total horizontal area within the lot lines of the lot.
- 40 **Lot Frontage** means the length of a line joining the side lot lines and parallel to the front lot line.
- 41 **Lot Line** means a boundary line of a lot.
 - (a) Front Lot Line means the lot line dividing the lot from the street.
 - (b) Rear Lot Line means the lot line furthest from or opposite to the front lot line.
 - (c) Side Lot Line means a lot line other than a front or a rear lot line.
 - (d) Flanking Lot Line means a side lot line which abuts a street on a corner lot.
- 42 **Main Building** means the building in which is carried on the principal purpose for which the building lot is used.
- 43 **Main Wall** means the exterior front, side or rear wall of a building and all structural members essential to the support of a full or partially enclosed space or roof.
- 44 **Mobile Home** means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, (except for minor and incidental unpacking and assembling operations), located on wheels, jacks or permanent foundation, and which may be connected to utilities and sanitary services. For the purpose of this By-law the removal of the wheels or the permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification.
- 45 **Mobile Home Park** means a lot on which spaces are provided for more than one mobile home dwelling unit but does not include a campground.

- 46 **Motel/Hotel** means a building or buildings used to accommodate the travelling public for compensation, by supplying them with sleeping accommodation and accessory services such as restaurants, cooking facilities and licensed liquor establishments.
- 47 **Multi-Unit Dwelling** means a building which contains three or more dwelling units which may or may not have a common entrance from the street level.
- 48 **Nursing Home** means a building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and licensed under the *Homes for Special Care Act, R.S.N.S., 1989, Chapter 203*, but does not include a hospital.
- 49 **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 material.
- 50 **Office** means a room where business may be transacted, a service performed or consultation given but shall not include any place where the manufacturing of any product or the retail selling of goods is conducted.
- 51 **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.
- 52 **Outdoor Storage** means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.
- 53 **Parking Area** means an open area containing parking spaces, other than a street, for two (2) or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted.
- 54 **Parking Space** means an area of land for the temporary parking or storage of motor vehicles.
- 55 **Person** includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee, or agent, and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.
- 56 **Personal Service Shop** means a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and includes barber shops, automatic laundry shops, hairdressing shops, depots for collecting dry cleaning and laundry and similar uses, but excludes any manufacturing or fabrication of goods for sale.
- 57 **Recreational Uses** means the use of land for parks, trails, 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 necessary and accessory buildings and structures, but not including a track for the racing of animals or any form of motorized vehicles.
- 58 **Recycling Depot** means premises on which recoverable materials such as newspaper, glassware and metal cans are separated prior to shipment but does not include any processing of the material or a salvage yard.
- 59 **Retail Shop or Store** means a building in which goods and merchandise, substances, articles or things are offered for sale to the ultimate consumer for personal or household consumption.

- 60 **Road** means a strip of cleared land for the passage from place to place of vehicles, riders and pedestrians.
- (a) **Private Road** means any street or road which is not public, shown on a plan of subdivision approved on or after the first day of August, 1987 and
- (i) extends to and has access to a public street or highway and where not totally located within the area of land proposed to be subdivided, it shall be an easement for right-of-way and access which has been clearly granted by deed, registered in the Registry of Deeds for this Municipality;
 - (ii) has a minimum width of sixty-six (66) feet [20 m]; and
 - (iii) has had the intersection with the public street or highway approved by the Department of Transportation and Communications;
- and includes any private road approved by the Department of Transportation and Communications and shown on an approved plan of subdivision prior to the first day of August, 1987 and filed in the Registry of Deeds for this Municipality.
- (b) **Public Road** means any road owned and maintained by the Department of Transportation and Communications or Municipality of the County of Antigonish but does not include designated controlled access highways pursuant to Section 20 of the Public Highways Act.
- 61 **Road Line** means the boundary line of the public road.
- 62 **Salvage Yard or 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.
- 63 **Screening** means the method by which the view of one site from another adjacent site is shielded, concealed or hidden.
- 64 **Semi-Detached Dwelling** means a building that is divided vertically into two dwelling units each of which has an independent entrance.
- 65 **Senior Citizen Housing** means multiple unit housing designed for occupation by senior citizens, and constructed and maintained by a public housing authority or non-profit organization.
- 66 **Service Shop** means a building used for the sale or repair of household articles and may include radio, television and appliance repair shops but does not include industrial, manufacturing and motor vehicle repair shops.
- 67 **Sign** means a structure or natural object including the ground itself, which is used to advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, groups, profession, or which displays or includes any letter, work, number, banner, flag or pennant, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off of the premises or from a parking lot.
- (a) **Ground Sign** means a sign supported by one or more uprights, poles or braces placed in or upon the ground.
- 68 **Sign Area** means the area of the smallest triangle, rectangle, or circle or semi-circle which can wholly enclose the surface area of the sign. All visible faces of a multifaced sign shall be counted separately and then added together in calculating sign area.
- 69 **Single Detached Dwelling** means a detached dwelling containing one unit.

- 70 **Street Line** means the boundary line of a public street.
- 71 **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.
- 72 **Utility** means any public or private system, works, plant, equipment, lines or services which furnish services at approved rates to or for the use of the general public.
- 73 **Veterinary Establishment** means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pen runs and enclosures.
- 74 **Yard** means an open, uncovered space on a lot adjacent to a building 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 is 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” 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 building or structure on the lot.
- (b) Rear Yard means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and “minimum” rear yard means the minimum depth allowed by this By-law 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” 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 of any building or structure on the lot.
- (d) Flankage Yard means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure; and minimum flankage yard means the minimum width allowed by this By-law of a flankage yard on a lot between the street line and the nearest main wall of any building or structure on the lot.

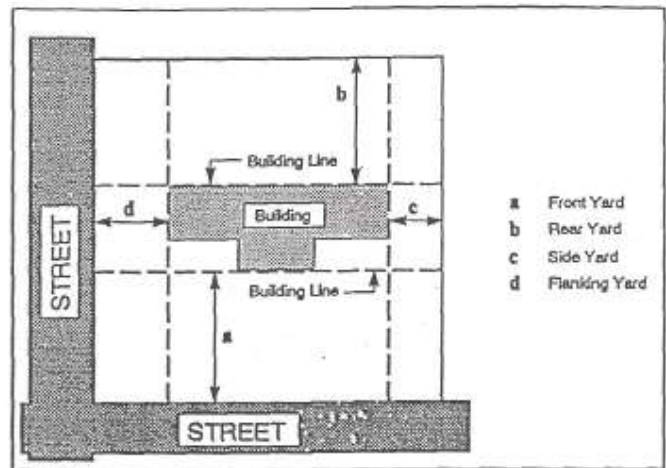


Figure J Yards

- 75 **Zone** means a specified area of land shown on the Schedule “A” of this By-law.

SCHEDULE "B"

Existing Residential Uses permitted in the Highway Commercial (HC-1) Zone (Text amendment to include Harry and Jenny MacDonald in Schedule B was made in June, 2000)

LRIS ASSES. ACCT. NO.	NAME & MAILING ADDRESS	PROPERTY ADDRESS & DESCRIPTION	PLANNING DESCRIPTION
01210517 01216333	Mary & Walter DeWolfe 2805 Post Rd. Antigonish, NS B2G 2K7	Lot-Dwell-Bldg-Post Rd.	Existing Single Detached Dwelling
01210400 02115573	Joan Dillon 212 Post Rd. Antigonish, NS B2G 2K5	Lot & Dwelling & Building Post Rd.	Existing Single Detached Dwelling
01313808 00257826	William M. Beaton 262 Post Rd. Antigonish, NS B2G 2K7	Land & Dwelling & Building Post Rd.	Existing Single Detached Dwelling
01210475 01308076	Jackie Doyle 242 Post Rd. Antigonish, NS B2G 2K7	Lot-Dwelling-Building Post Rd.	Existing Single Detached Dwelling
01210384 02682222	Dougald MacDonald 202 Post Road Antigonish, NS B2G 2K5	Lot & Dwelling & Shed Post Rd.	Existing Single Detached Dwelling
01210426 02694131	Paul Joseph MacDonald 218 Post Rd. Antigonish, NS B2G 2K5	Lot-Dwell Post Rd.	Existing Single Detached Dwelling
01210392 00743887	Donna Darlene Chisholm 204 Post Rd. Antigonish, NS B2G 2K5	Land & Dwelling 204 Post Rd.	Existing Single Detached Dwelling
01248335 00253294	Oasis Motel (1981) Ltd. c/o Leonard & Josephine Rhynold P.O. Box 1448 Antigonish, NS B2G 2L7	Lot & Dwelling & Building & Swimming Pool	Existing Single Detached Dwelling
01248202 01339729	James Fraser Dunn R.R.#7 Stn Main Antigonish, NS B2G 2L4	Land-Dwelling Lwr South River	Existing Single Detached Dwelling
01248285 05012376	Alex & Joan Wright South River, R.R.#7 Antigonish, NS B2G 2L4	Land & Dwelling South River	Existing Single Detached Dwelling
10015402 00743771	Gammon Contractors Ltd. P.O. Box 1462 Stn Main Antigonish, NS B2G 2L7	Land-Dwelling Post Road	Existing Single Detached Dwelling
01210285 05110181	G. Cusack Enterprises Ltd.112 Post Rd. Antigonish, NS B2G 2K5	Lot & Dwell & Office	Existing Single Detached Dwelling
01210251 01477374	The President of Lethbridge Stake c/o LDS Church Tax DIV 50 East North Temple St. Salt Lake City UT USA	Land & Dwelling & Church Post Rd.	Existing Single Detached Dwelling

01210145 00740063	Anastasia N. Chisholm 82 Post Rd. Antigonish, NS B2G 2K4	Lot-Land-Dwell Post Rd.	Existing Single Detached Dwelling
01210137 04478096	Ada Susan Sullivan 78 Post Rd. Antigonish, NS B2G 2K4	Lot-Dwell-Bldgs Post Rd.	Existing Single Detached Dwelling
01299882 01210079 04980115	Ann MacPherson 98 Post Rd. Antigonish, NS B2G 2K4	Lot Dwell Bldg Post Rd.	Existing Single Detached Dwelling
10006732 01210087 01947478	Aloma Hawley P.O. Box 1838 Stn Main Antigonish, NS B2G 2M5	Lot-Dwell Post Rd.	Existing Single Detached Dwelling
01210061 02964899	Marie MacPherson 98 Post Rd. Antigonish, NS B2G 2K5	Lot-Dwell Post Rd.	Existing Single Detached Dwelling
01210103 00337323	Malcolm & Doris Black 81 Post Rd. Antigonish, NS B2G 2K3	Lot & Dwelling & Garage Re: Nova Construction Post Rd.	Existing Single Detached Dwelling
01210095 04491025	Helen Sutherland 3122 Highway 104 Antigonish, NS B2G 2K3	Lot, Dwelling & Garage 3122 Post Rd.	Existing Single Detached Dwelling
no P.I.D. 07135580	Ann Marie MacPherson 98C Post Rd. Antigonish, NS B2G 2K5	Lot & Mini Home on lands of Alma Hawley Post Rd.	Existing Single Detached Dwelling
10016764 07132727	Harry and Jenny MacDonald 2947 Post Rd. Antigonish, NS B2G 2K5	Lot & Dwelling & building Post Rd.	Existing Single Detached Dwelling

SCHEDULE "C"

Existing Uses permitted in the Water Supply (WS-1) Zone

LRIS ASSESS. ACCT. NO.	NAME & MAILING ADDRESS	PROPERTY ADDRESS & DESCRIPTION	PLANNING DESCRIPTION
01281344 02663481	Issam Kadray 64 Donaldson Ave. Halifax, NS B3M 3B5	Lot-apt bldg 82 Arbor Drive Extension	Existing multi-unit apt bldg
01300664 26633503	Michael & Ann Ross R.R. #3 Merigomish, NS B0K 1G0	Lot & apt bldg 80 Arbor Drive	Existing multi-unit apt bldg
01300656 02663511	1799630 Nova Scotia Ltd. 38 Highland Dr. Antigonish, NS B2G 1P1	lot & apt bldgs 78 Arbor Drive	Existing multi-unit apt bldg
01208875 02796902	Donald MacIsaac Box 6 Walk 3 Antigonish, NS B2G 2K9	Land & dwelling & bldg Sylvan Valley	Existing industrial/commercial use

SCHEDULE "D"

Existing Uses permitted in the Floodplain (F-1) Zone

LRIS ASSESS. ACCT. NO.	NAME & MAILING ADDRESS	PROPERTY ADDRESS & DESCRIPTION	PLANNING DESCRIPTION
01302546 02322846	Joseph Kell 162 Old South River Rd. Antigonish, B2G 2H7	lot & dwelling South River Rd.	existing single detached dwelling
01213123 02322935	Neil & Dianne Kell 178 Old South River Rd Ant., B2G 2H7	lot-dwell South River Road	existing single detached dwelling
01248590 00824585	Braemore Co-op Ltd. P.O. Box 1146 Antigonish, NS B2G 2L7	land & building & gas bar Church St. Ext.	existing commercial use
01230994 00098663	Antigonish Golf Club P.O. Box 1341 Stn Main Ant., B2G 2L7	lot, land buildings & golf club Cloverville Rd.	existing commercial/recreational use
01208909 04770617	Harry Vromans P.O. Box 1653 Stn Main Antigonish, B2G 2L8	land & dwelling Sylvan Valley	existing single detached dwelling
01207919 05557275	Michael Burke RR 2 Stn Main Antigonish, NS B2G 2K9	lot & dwelling Sylvan Valley	existing single detached dwelling
01209832 03252981	Mary Arlene Manser RR#2 Somers Rd. Ant. B2G 2K9	lot, dwelling & garage Somers Rd.	existing single detached dwelling
01210335 02660229	Albert MacDonald 168 Post Rd. Antigonish, NS B2G 2K5	land & dwelling Post Rd.	existing single detached dwelling
01213180 03443256	John K. Farrell 117 Old South River Rd. Antigonish, B2G 2H2	land & dwelling 117 South River Rd.	existing single detached dwelling
10009611 00824585	Braemore Co-op P.O. Box 1146 Antigonish, NS B2G 2L7	land & building & gas bar Church St. Ext.	existing commercial use
01302512 02677199	Daniel A. & Katherine MacDonald RR#2 Ant. B2G 2K9	lot-dwell-Brierly Brook	existing single detached dwelling
01009892 03707504	Isaac Pelly Box 8 Golf Club Rd. Antigonish, NS B2G 1Y6	land & u/c dwelling & bldg. Cloverville Rd.	existing single detached dwelling
01231018 03707415	Clarence Pelly 195 Golf Club Rd. Antigonish, NS B2G 1Y5	lot & dwelling & shed Cloverville Rd.	existing single detached dwelling
01231026 03707717	Mrs. Vera E. Pelly Box 3A Golf Club Rd. Antigonish, B2G 1Y5	land & dwelling re: Clarence Pelly Cloverville Rd.	existing single detached dwelling
10014769 07131771	Evelyn Cooke 94 Arbor Dr. Antigonish, NS B2G 2P4	lot & dwelling 94 Arbor Dr. Ext.	existing single detached dwelling
01294297 06121918	Evelyn Cooke 94 Arbor Dr. Ext. Antigonish, NS B2G 2P4	Lot 1-Arbor Dr. Ext. & dwelling re-Jovin Enterprise Ltd.	existing single detached dwelling
01300086 03705692	Don & Catherine Ross Greenwold Dr. Ant., B2G 2H8	land & dwelling Greenwold	existing single detached dwelling
01212976 03705706	Russell & Mary Pellerin 8 Greenwold Dr. Antigonish, NS B2G 2H8	lot-dwell Greenwold	existing single detached dwelling

01212968 04352815	Paul & Teri Arsenault 4 Greenwold Dr. Antigonish, NS B2G 2H8	land & dwelling lot 1-21,500 s/f Greenwold	existing single detached dwelling
01295781 05763304	Robert & Carol Kell 113 Old South River Rd. Antigonish, NS B2G 2H2	land & u/c dwelling South River Rd.	existing single detached dwelling
01213164 02668718	Alice & Archibald Chisholm 105 Old South River Rd. Antigonish, NS B2G 2H2	lot, dwelling, garage 105 South River Rd.	existing single detached dwelling
01209022 01339656	Brian & Yvonne Lynch 190 Highland Drive Antigonish, NS B2G 1P7	lot, dwelling, pottery studio & 2 apts.	existing single detached dwelling and studio and apts.
01213131 01931202	Homer Hassin 108 Greenwold Drive Antigonish, NS B2G 2P1	land, dwelling & pool South River Road	existing single detached dwelling
01213115 02417332	Anthony P. Lamers 110 Greenwold Dr. Antigonish, NS B2G 2P1	land & dwelling & buildings Greenwold	existing single detached dwelling and buildings
01248715 03455483	Anthony & John Jr. Corsten RR#4 Stn Main Antigonish, NS B2G 2L2	land & buildings Willowdale Lane	existing buildings
01248731 00742155	Don Chisholm Est. c/o Roderick Chisholm 154 St. Ninian St. Antigonish, B2G 1Z1	lot & mobile home 1968 (12x40) Maritimer Willowdale Lane	existing single detached dwelling
no P.I.D. 02418665	Chalmers & Marie MacLeod P.O. Box 1064 Antigonish, NS B2G 2S3	lot, land, dwelling & garage South River Rd.	existing single detached dwelling
01210244 02797224	Margaret MacIsaac 25 MacIsaac Rd. Antigonish, NS B2G 2J8	land, dwelling & barn Brierly Brook	existing single detached dwelling
01208875 02796902	Donald MacIsaac Box 6 Walk 3 Antigonish, NS B2G 2K9	land & dwelling & building Sylvan Valley	existing single detached dwelling and building
01300029 00474916	Sean & Jacqueline Briand 97 Old South River Rd. Antigonish, NS B2G 2H2	lot-dwell South River Road	existing single detached dwelling
01298728 02322994	Nancy E. Chisholm 5 Willowdale Lane Antigonish, NS B2G 2J1	lot dwell garage	existing single detached dwelling
01248681 04536444	Lawrence & Joanne MacKenzie 45 Willowdale Lane Antigonish, NS B2G 2J1	land, dwell & bldgs South River Rd. Re: Mrs. Taylor	existing single detached dwelling

APPENDIX 1

Non-conforming Uses and Structures

Planning Act, Chapter 346 of the Revised Statutes, 1989

Non-conforming use

- 90 (1) Subject to this Act, a non-conforming structure or a non-conforming use of land or a structure, existing at the date of the first publication of the notice of intention to adopt a land use by-law or amend a land use by-law, may continue to exist.

Existing Use

- (2) For the purpose of subsection (1), a non-conforming structure or a non-conforming use of land or a structure shall be deemed existing if
- (a) the non-conforming structure, or structure containing the non-conforming use, was lawfully under construction; or
 - (b) the permit for its construction or use was in force and effect, except that this clause shall not apply unless the construction or use is commenced within twelve months after the date of the issuance of the permit within a reasonable time.

Cancellation of permit

- 91 (1) A council may cancel any permit issued by the municipality in the circumstance of clause (b) of subsection (2) of Section 90, where the construction or use has not been commenced, and shall pay to the person on whose behalf the permit was obtained such reasonable expenses for the preparation of plans and promotion of the development as may be agreed upon by the parties.

Arbitration

- (2) In the event the parties are unable to agree upon the amount to be paid, the person on whose behalf the permit was obtained may, by written notice, require that the municipality submit the claim to arbitration.

Arbitrator

- (3) The arbitration shall be by one arbitrator appointed by the parties, or appointed by the Minister if they are unable to agree.

Restriction of non-conforming use

- 92 (1) No increase in volume of or any addition to a structure shall, except as required by an enactment, be made while a non-conforming use therein is continued, but such use may be extended throughout the structure.

No extension of non-conforming use

- (2) For greater certainty, no extension of a non-conforming use not contained within a structure shall be made beyond the limits that the use occupies.

Change in use

- (3) A non-conforming use shall not be changed to any other use unless the use is permitted for that property by the land use by-law.

Change of occupant

- (4) A change of tenant, occupant or owner of any land or structure shall not of itself be deemed to affect the use of the land or structure for the purposes of this Section.

Repair or maintenance

- (5) Subject to Section 93, this Act does not preclude the repair or maintenance of a structure.

Destruction or damage

- 93 (1) If a non-conforming structure or a structure containing a non-conforming use is destroyed or damaged by fire or otherwise
 - (a) to an extent of less than seventy-five per cent of the market value of the structure, it may be rebuilt, repaired or re-occupied if the structure is substantially the same as it was before the destruction or damage and it is used for the same non-conforming use; or
 - (b) to an extent of seventy-five per cent or more of the market value of the structure, it shall not be rebuilt, repaired or re-occupied except in conformity with the requirements of the land use by-law applicable to the property.

Discontinuance

- (2) A non-conforming use of land or a structure shall not be recommenced if it has been discontinued for a continuous period of six months, and in such event the land or structure shall not thereafter be used except in conformity with the requirements of the land use by-law applicable to the property.

Variation of Section 92 or 93 restrictions

- 94 (1) A municipal planning strategy may provide for the variation of the provisions of Section 92 or 93, but no variation shall increase the restrictions in Sections 92 and 93.

Policies

- (2) The policies adopted pursuant to subsection (1) may provide for
 - (a) the extension, enlargement or alteration of non-conforming structures or structures containing non-conforming uses;
 - (b) the extension of a non-conforming use of land;
 - (c) the rebuilding of a non-conforming structure, or structures containing a non-conforming use, after destruction;
 - (d) the recommencement of a non-conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months;
 - (e) the change in use of a non-conforming structure, or of a non-conforming use of land or a structure to another non-conforming use.

Implementation

- (3) The policies adopted pursuant to this Section may be carried out through the land use by-law, or by development agreement and where the council has provided for the latter, Section 73 to 80 apply mutatis mutandis to any agreement entered into pursuant to this Section.

