

## **1PART 1 TITLE**

1. This By-law shall be known and may be cited as the 'Land Use By-law' for the Town of Port Hawkesbury.
2. This By-law shall apply to all lands within the Town boundaries of the Town of Port Hawkesbury.

## **PART 2 ADMINISTRATION**

### **Effective Date**

1. This By-law shall take effect when approved by the Minister of Municipal Affairs for the Province of Nova Scotia.

### **Prohibition**

2. Subject to the provisions of the *Municipal Government Act*, no development shall be carried out within the Plan Area except in accordance with this By-law.
3. For projects requiring a development permit by this By-law, development shall not be commenced or continued unless the owner has obtained a development permit to carry out the development.
4. No development permit shall be issued to erect more than one main building upon a lot, except in accordance with Part 6A, Section 19 of this By-law.

### **Development Officer**

5. The Council of the Town of Port Hawkesbury (hereinafter referred to as 'Council') which has adopted this Land Use By-law shall appoint a Development Officer who shall be responsible for the administration of this Land Use By-law and the issuing of development permits.
6. The Development Officer shall keep records of all applications received, permits and orders issued; inspections made, and shall retain copies of all papers and documents connected with the administration of this By-law, which shall form part of the public records of the Town of Port Hawkesbury.

### **Enforcement**

7. The Council, by any duly authorized officer or servant, shall have the right to enter at all reasonable times into or upon any property within the planning area for the purposes of an inspection necessary in connection with the administration of this Land Use By-law.

### **Permits**

8. Subject to the provisions of the *Municipal Government Act*,
  - a) Within fifteen (15) days of receiving an application for a development permit, the Development Officer shall inform the applicant whether or not the application is complete.
  - b) Within thirty (30) days of receiving a completed application, the Development Officer shall either grant the development permit, or inform the applicant of the reasons for not granting the permit.
9. Every development permit is valid:

- a) for twelve (12) months from the date of issuing the permit;
  - b) upon the permit being renewed for a further twelve (12) months if construction has begun; or
  - c) if not commenced within twelve (12) months and is still proposed, a new application is to be made.
10. An application for a development permit shall:
- a) be made in the form prescribed by the Town;
  - b) be signed by the owner or his/her agent;
  - c) state the intended use of the proposed development; and
  - d) provide any other information required by the Development Officer to determine whether the proposal meets the requirements of this By-law.
11. When necessary to complete the assessment of a proposed development, the Development Officer may require the applicant to submit, in duplicate, one or more of the following:
- a) a survey plan of the lot showing the dimensions of the lot; said plan to be made and certified by a registered land surveyor licensed to practice in Nova Scotia; and
  - b) the position, height, and horizontal dimensions of all structures existing on the lot.

**Penalty**

12. Any person in violation of the *Municipal Government Act* and provisions in force pursuant to the *Act* will be subject to the penalties established in the *Act*.

**Costs for Advertising**

13. Applications for an amendment to this By-law shall be accompanied by a deposit to the District Planning Commission an amount estimated by the Commission to be sufficient to pay the cost of advertising required by the *Municipal Government Act*. After the advertising has been complete, the applicant shall pay to the Commission any additional amount required to defray the cost of the advertising, or if there is a surplus, the Commission shall refund the excess.

**PART 3 ZONES AND ZONING MAPS**

**Zones**

1. For the purpose of this By-law, the Town of Port Hawkesbury is divided into the following zones, the boundaries of which are shown on the attached schedule. Such zones may be referred to by the appropriate symbols.

<b>Zone</b>	<b>Symbol</b>
Residential Single Unit	R-1
Residential Two Unit	R-2
Residential Multiple Unit	R-3
Mobile Home Park	R-4
Residential Rural	R-5
Commercial Neighbourhood	C-1
Granville Street/Waterfront Development	C-2
Commercial Highway	C-3
Commercial Restricted	C-4
Mixed Use	M-1
Industrial Waterfront	M-2
Industrial Extractive	M-3
Institutional	I
Recreation Open Space	O-1

**Zoning Map**

2. The schedule attached hereto may be cited as the ‘Zoning Map’ and is hereby declared to form part of the By-law.

**Zones not on Maps**

3. The zoning map of this By-law may be amended, in conformance with the Municipal Planning Strategy, to utilize 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 attached hereto, refer to the appropriate zones established by this By-law.

### **Interpretation of Zoning Boundaries**

2. The extent and boundaries of all zones are shown on the Zoning Map, attached hereto, and for all such zones the provisions of this By-law shall respectively apply.
3. Boundaries between zones shall be determined as follows:
  - a) where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;
  - b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
  - c) where a street, highway, railroad or railway right-of-way electrical transmission line right-of-way or watercourse is included on the zoning map, unless otherwise indicated, it shall be included in the zone of the adjoining property on either side thereof;
  - d) where a road, highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise; and
  - e) where none of the above provisions applies, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map.

### **Certain Words**

4. In this By-law, unless otherwise clearly indicated:
  - a) words used in the present tense include the future;
  - b) words in the singular number include the plural; words in the plural include the singular;
  - c) the word 'used' includes 'arranged', 'designed', or 'intended to be used'; and
  - d) the word 'shall' is mandatory and the word 'may' is permissive.

### **Permitted Uses**

5. For the purposes of this By-law, if a use is not listed as a permitted use in any zone, it shall be deemed to be a prohibited use in that zone.

### **Use of the Metric System**

6. Throughout this Land Use By-law, the metric system has been used followed by the approximate imperial system equivalent in square brackets. Should any case arise where there appears to be a discrepancy between the two figures, the metric figure shall prevail.

## **PART 5          DEVELOPMENT AGREEMENTS**

### **Developments to be considered by Development Agreement**

1. The following developments shall be permitted only by development agreement, in accordance with the *Municipal Government Act* and the Municipal Planning Strategy:
  - a) multiple unit dwellings over six (6) units according to Policy L-1.4.2;
  - b) new mobile home parks and expansions to existing mobile home parks according to Policy L-1.5.0; and
  - c) medical clinics and large home businesses according to Policy L-1.12.0.

### **Development Permits for Development Agreements**

2. A Development Permit may be issued for a development pursuant to the *Municipal Government Act* provided:
  - a) the appeal period has lapsed or any appeals that may have been lodged have been dealt with by the Nova Scotia Utility and Review Board; and
  - b) the development conforms to the terms of the development agreement.

## **PART 6 PROVISIONS FOR ALL ZONES**

### **A. General Provisions**

These general provisions apply to all uses in all zones except where a specific zone or use is otherwise exempt.

#### **Accessory Buildings**

1. a) Accessory uses, buildings and structures shall be permitted in any zone within the Town of Port Hawkesbury. Such uses, buildings or structures shall:
  - i) not be used for human habitation;
  - ii) within a residential zone, not be located within the front yard of the lot;
  - iii) within a non-residential zone, not be built closer to a street on which the main building fronts than the main building is to that street;
  - iv) on a corner lot, the building shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;
  - v) not be built closer than 2.50 m [8.2 ft.] to a lot line in a Residential Rural (R5) Zone and 1.25 m [4.1 ft.] in any other zone except that:
    - a) common semi-detached garages may be centered on the mutual side lot line;
    - b) accessory buildings with no windows or perforations on the side of the building which faces the said lot line may be located a minimum of 0.60 m [2.0 ft.] from the said lot line in any residential zone, except in a Residential Rural (R5) Zone; and
    - c) boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge or is in the water;
  - vi) not exceed 4.60 m [15.1 ft.] in height, except for accessory buildings not associated with a residential use in a Residential Rural (R5) Zone or accessory buildings in an Industrial (M1, M2, M3) Zone;
  - viii) not exceed 70.0 m<sup>2</sup> [753 ft.<sup>2</sup>] in total floor area, except in a Residential Rural (R5) or Industrial (M1, M2, or M3) Zone; and
  - ix) not be built within 1.80 m [5.9 ft.] of the main building.
- b) Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempt from any requirements under Subsection 1 of this Part.

#### **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 includes any use accessory thereof.

#### **Building to Be Erected On a Lot**

3. Any building or structure to be erected or used shall be erected upon a single lot.

#### **Building to Be Moved**

4. A development permit shall be required for every building to be moved within or into the area covered by this By-law.

### **Calculation of Lot Frontage for Corner Lots or Irregularly Shaped Lots**

5. The following means shall be used for the purposes of determining the lot frontage of corner lots or irregularly shaped lots:
  - a) in the case of a corner lot with a corner vision triangle, the exterior lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage;
  - b) in the case of irregularly shaped lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point along this equal to the minimum applicable front yard.

### **Corner Vision Triangle**

6. On a corner lot, any structure to be erected or vegetation shall not exceed a height of 0.60 m [2.0 ft.] above grade within the triangular area created by joining the distance of 6.10 m [20.0 ft.] measured from the intersection along the two street lines.

### **Existing Buildings**

7. 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 having less than the minimum setback or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:
  - a) the enlargement, reconstruction, repair or renovation does not further reduce the yard that does not conform to this By-law; and
  - b) all other applicable provisions of this By-law are satisfied.

### **Existing Lots**

8. 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 width, front yard, or area or any two or all of these is less than the requirements of this By-law provided that all other requirements of this By-law are satisfied.

### **Existing Undersized Lots**

9.
  - a) Notwithstanding anything else in this By-law, a lot in existence on the effective date of this By-law having less than the minimum frontage or area 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.
  - b) An existing lot having less than the minimum frontage or area required by this By-law may undergo a subdivision provided the undersized component is not further reduced and all other applicable provisions of this By-law are satisfied. Such lots shall continue to be considered existing undersized lots under this By-law.

### **Frontage on A Street**

10. A lot intended to be used or upon which a building or structure is to be erected; a development permit shall be issued only where the lot abuts and fronts upon a public street, except in the Industrial Waterfront (M3) Zone.

### **Front Yard for a Through Lot**

11. In the case of a through lot, the front yard shall be deemed to be any yard which abuts either of the two opposite public streets.

### **Height Regulations**

12. 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, clock towers and power transmitters.

### **Illumination**

13. Illuminated signs or lighting in an area outside any building shall be erected such that the illumination is directed away from adjoining properties and any adjacent streets.

### **Loading Spaces**

14.
  - a) Any building or structure to be erected or enlarged which involves the frequent shipping, loading or unloading of persons, animals or goods, shall maintain on the same premises with every such building, structure or use, one off-street space for standing, loading and unloading for every 2800.0 m<sup>2</sup> [30 139 ft<sup>2</sup>] or fraction thereof of building floor area used for any such purpose to a maximum of six loading spaces.
  - b) Each loading space shall be at least 3.65 m [12.0 ft.] by 12.20 [40.0 ft.] with a minimum of 4.25 m [14 ft.] height clearance.
  - c) A loading space for any building with less than 140.0 m<sup>2</sup> [1507 ft.<sup>2</sup>] shall be optional.
  - d) Loading spaces shall not be located within any required front yard or be located within any required yard which abuts a Residential, Open Space, or Institutional Zone.
  - e) Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated to prevent the raising of dust or loose particles.
  - f) Access to the loading space areas shall be provided by means of unobstructed driveways of a minimum width of 3.66 m [12.0 ft.] for one-way traffic or a minimum width of 7.32 m [24.0 ft.] for two-way traffic.

### **Maximum Permitted Projection into Required Yard**

15. Except for the portion of yard on which an accessory building is located, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky provided, however, that those structures listed in the following table shall be permitted to project into the specified yard for the specified distances indicated.

<b>Structure</b>	<b>Yard in Which Projection is Permitted</b>	<b>Maximum Projection From Main Wall Permitted</b>
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or canopies	Any yard	0.60 m [2.0 ft.]
Window bays	Front, rear and flanking yards only	1.00 m [3.3 ft.] and a maximum width of 3.05 m [10.0 ft.]
Fire escapes and exterior staircases	Rear and side yards only	1.50 m [4.9 ft.] and a maximum width of 3.05 m [10.0 feet]
Balconies	Front, rear and flanking yards only for single unit, semi-detached, duplex and triplex dwellings, any yard for other residential buildings	1.80 m [5.9 ft.]
Roofed porches not exceeding one storey in height; uncovered terraces	Rear and flanking yards only	2.50 m [8.2 ft.] including eaves and cornices
Handicap accesses	Any yard	To the lot line, provided any required access is not obstructed

### **Multiple Uses**

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

### **Non-Conforming Uses**

17. Non-conforming uses shall be subject to the applicable sections of the *Planning Act*.

### **Non-Developable Lots**

18. Notwithstanding the lot area and frontage requirements found elsewhere in this by-law, a development permit may be issued for any lot created pursuant to the subdivision by-law (lots with a maximum area of 5,000 sq. ft.), for uses that do not require on-site septic or sewer services, provided all other applicable requirements of this by-law are met.

### **One Main Building on a Lot**

19. No more than one main building shall be erected on a lot except for:
- buildings located in Commercial or Industrial Zones;
  - non-residential buildings located in a Residential Rural (R5) Zone;
  - grouped dwellings located in a Residential Multiple Unit (R3) Zone; and
  - mobile homes located in a Mobile Home Park (R4) Zone.

### Parking Requirements

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

Type of Building	Parking Required
a. A dwelling containing three (3) or fewer dwelling units	One (1) parking space for each dwelling unit
b. All other dwellings	One and one-half (1.5) parking space for each dwelling unit
c. Senior citizen housing	One (1) parking space for every one (1) dwelling unit
d. Churches, church halls, auditoria, restaurants, theatres, arenas, halls, stadia, private clubs, and other places of assembly	Where there are fixed seats one (1) parking space for every five seats, or 3.05 m [10.0 ft.] of bench space. Where there are no fixed seats, one (1) parking space for each 9.5 m <sup>2</sup> [102 ft <sup>2</sup> ] of floor area devoted to public use
e. Hospitals and nursing homes	One (1) parking space for every two (2) beds or each 38.0 m <sup>2</sup> [409 ft <sup>2</sup> ] of floor area, whichever is greater
f. Elementary schools	One and one-half (1.5) parking spaces for each teaching classroom
g. High schools	Four (4) parking spaces for each teaching classroom
h. Offices	One (1) parking space per 28.0 m <sup>2</sup> [301 ft <sup>2</sup> ] of gross floor area
i. Funeral homes	One (1) parking space for each five (5) seats capacity of the chapel, with a minimum of ten (10) parking spaces
j. Bowling alleys and curling rinks	One (1) parking space for each two (2) persons in the designed capacity of the establishment (designed capacity shall mean six (6) persons per bowling lane and eight (8) persons per curling sheet). For other permitted uses of the building, additional parking spaces shall be provided in accordance with the requirements set out in this By-law

k. Hotels and motels	One (1) parking space per suite or rental unit plus one (1) additional parking space for each 4.7 m <sup>2</sup> [51 ft <sup>2</sup> ] of floor area devoted to public use (taverns, restaurants or auditoria) exclusive of lobbies and halls
l. Shopping centres	Parking area to be three (3) times floor area, exclusive of common malls between stores
m. Retail Stores	One (1) space per 14.0 m <sup>2</sup> [150 ft <sup>2</sup> ] of floor area
n. All other commercial uses	One (1) parking space for each 28.0 m <sup>2</sup> [301 ft <sup>2</sup> ] of commercial floor area
o. Industrial uses	One (1) parking space for each 42.0 m <sup>2</sup> [452 ft <sup>2</sup> ] of gross floor area, for any office space included in the development parking shall be provided in accordance with the requirements set out in this By-law

### Parking Area Standards

21. 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 away from streets, adjacent lots and buildings;
  - c) a structure, not more than 4.60 m [15.1 ft.] in height and not more than 4.7 m<sup>2</sup> [51 ft<sup>2</sup>] in area may be erected in the parking area for the use of attendants;
  - d) the parking area shall be within 91.50 m [300.2 ft.] of the location which it is intended to serve, and shall be situated in the same zone;
  - e) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;
  - f) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
  - g) approaches or driveways to any parking area, other than that required for a single unit dwelling, semi-detached, or a duplex dwelling shall be defined by a curb of concrete or rolled asphalt and the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
  - h) the location of approaches or driveways shall be not closer than 15.25 m [50.0 ft.] from the limits of the right-of-way at a street intersection;
  - i) for commercial uses other than a shopping centre, a two way driveway shall be a minimum of 9.14 m [30.0 ft.] with a 4.57 m [15.0 ft.] radius;
  - j) for a shopping centre, a driveway shall be a minimum of 11.58 m [38.0 ft.] with two (2) exit lanes of 3.35 m [11.0 ft.] each and one (1) entry lane of 4.88 m [16.0 ft.]

- k) the width of a driveway leading to a parking area or an aisle in a parking area shall be a minimum of 3.66 m [12.0 ft.] for one way traffic or a minimum of 5.49 m [18.0 ft.] for two way traffic.

#### **Public Offices, Buildings and Utilities Permitted**

- 22. Public offices, buildings and utilities shall be permitted in any zone provided that such uses conform to the applicable requirements of the Institutional (I) Zone.

#### **Reduced Lot Requirements**

- 23. Notwithstanding the other requirements of this By-law and subject to the Subdivision By-law, an approval for a plan of subdivision may be granted and a development permit issued where:
  - a) an area of land contains more than one main building built or placed on the land prior to August 6, 1984 and the subdivision creates the same number of lots or fewer as there are main buildings provided that each proposed lot has a minimum frontage of 6.00 m [19.7 ft.];
  - b) a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent area of land and subdivision is to the extent necessary and practical to remove the encroachment; or
  - c) a maximum of two lots are created which do not meet but are at least 90% of the minimum required lot dimensions and/or lot areas in all zones except the Multiple Unit (R3) zone. Such lots shall be considered the same as existing undersized lots.

#### **Restoration to a Safe Condition**

- 24. Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use, the provisions of the *Municipal Government Act* shall prevail.

#### **Side Yards on Corner Lots**

- 25. Notwithstanding anything else in this By-law, on a corner lot in any zone, any part of a building or accessory building shall not be erected closer than 6.10 m [20.0 ft.] to the lot line of the flanking street.

#### **Swimming Pools**

- 26. All swimming pools to be erected shall conform to the Town's Swimming Pool By-law.

#### **Temporary Uses Permitted**

- 27. a) The use or erection of a building, structure, scaffold, or other temporary buildings or structures including a sales or rental office incidental to a construction project shall be permitted until the main construction has been finished or discontinued for a period of sixty (60) days or unless no development permit is in force. The temporary use shall be removed from the site within fourteen (14) days of the completion of the main project. A development permit shall be required for both the main construction project and the temporary use.
- b) Uses erected for special uses and holidays shall be permitted provided that no such use remains in place for more than thirty (30) consecutive days. The use shall be removed from the site

within seventy-two (72) hours of the completion of the event. A development permit shall be required.

### **Truck, Bus and Coach Bodies**

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

### **Yard and Density Exemption**

29. a) Where a front, side or rear yard is required by this Land Use By-law, and part of the area of the lot is:
- i) usually covered by water or marsh
  - ii) beyond the rim of a river bank or watercourse, or
  - iii) between the top and toe of a cliff or embankment having a slope of 30 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 said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of said cliff or embankment if such area is closer than the lot lines.
- b) The areas mentioned above shall be excluded for purposes of calculating permissible densities for townhouses and apartments.

### **Watercourses**

30. Only structures directly related to flood control and erosion abatement shall be erected on lands within 5.0 m [16.4 ft.] of the top of the bank of a watercourse or where a slope is greater than 15%. All other structures and buildings shall be prohibited.

## **B. SIGNS**

### **General**

1. a) Where this By-law is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Transportation and Communications, the more restrictive regulations shall apply.
- b) Unless otherwise stated in this By-law, all signs require a development permit. No permit to erect a sign shall be issued unless all the sign provisions of this By-Law are satisfied.

### **Safety and Maintenance**

2. a) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention codes.
- b) All signs and all parts thereof shall be kept in a good state of repair and maintenance.

### **Limit on Number of Signs**

3. a) For the purpose of this Section, where a multiple tenancy building is occupied by more than one business, each business area shall be considered as a separate premise.
- b) Further to Section 3(a), above, 'Business and Professional Offices' shall not be considered multiple tenancy buildings.
- c) Limits on the number of signs permitted on any premises at any one time are subject to the following:
  - i) a double-faced sign shall be considered as a single sign; and
  - ii) signs enumerated in Section 4 of this Part shall not be counted in calculating the total.

### **Signs Permitted in all Zones**

4. Notwithstanding signs which satisfy the provisions of Sections 6 through 9 of this Part, the following signs are permitted in all zones, and do not require a development permit:
  - a) Signs with the name and address of a resident, not more than 0.5 m<sup>2</sup> [5.4 ft<sup>2</sup>] in sign area;
  - b) 'No trespassing' signs or other such signs regulating the use of a property, not more than 0.2 m<sup>2</sup> [2.2 ft<sup>2</sup>] in sign area;
  - c) Real estate signs which advertise the sale, rental or lease of premises not exceeding 0.5 m<sup>2</sup> [5.4 ft<sup>2</sup>] in sign area in a residential zone and 1.4 m<sup>2</sup> [15 ft<sup>2</sup>] in all other zones;
  - d) Signs regulating or denoting on-premise traffic, parking or other signs denoting the direction or function of various parts of a building or premises, provided such signs are less than 0.5 m<sup>2</sup> [5.4 ft<sup>2</sup>] in area;
  - e) Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, school signs, or public election lists;
  - f) Memorial signs or tablets denoting the date of erection of a structure;
  - g) The flag, pennant, or insignia of any government, religious, charitable or fraternal organization;

- h) A temporary sign incidental to construction and within the area designated for such purposes having an area of not more than 4.7 m<sup>2</sup> [51 ft<sup>2</sup>]; and
- i) Signs which are affixed to the inside of a window and intended to be seen from the road.

### **Signs Prohibited in all Zones**

- 5. The following signs shall be prohibited in all zones within the Town of Port Hawkesbury:
  - a) Signs which incorporate any manner of flashing or moving illumination which varies in intensity or which varies in colour;
  - b) Signs which have any visible moving or revolving parts or visible mechanical movement of any description with the exception of electronic devices that indicate the time, date, weather conditions or special events through the use of moving illuminated letters;
  - c) Any sign or sign structure which constitutes a hazard to public safety or health;
  - d) 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 and roads;
  - d) Any sign which obstructs the free entrance or exit to a fire escape door, window or required exit;
  - e) Signs not erected by a public authority which make use of words such as ‘STOP’, ‘LOOK’, ‘ONE WAY’, ‘DANGER’, ‘YIELD’, or any similar words, phrases, symbols, lights, or characters in such manner as to interfere with, mislead, or confuse traffic along a public road;
  - f) Any sign which no longer advertises the business conducted or product sold;
  - g) Signs on public property or within a public right-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body and no sign located on public property or a public right-of-way shall bear any commercial advertising;
  - h) Signs not erected by a public authority which are located at or near sharp road curves or below the crest of a steep road grade;
  - i) Signs painted on, attached to, or supported by a utility pole or a natural object such as a tree, stone or cliff;
  - j) String lights, other than temporary special events decorations, which are unshielded from off the property on which they are located;
  - k) Searchlights, pennants, spinners, banners, and streamers except for occasions such as grand openings, fairs, public festivals, exhibitions and similar occasions;
  - l) Signs not related to any business or use located on the lot or premise;
  - m) Signs that extend beyond a property line or project over a public right-of-way, corner visions triangle, driveways or parking spaces;
  - n) Signs that are set back less than 1.50 m [4.9 ft.] from any street line; and
  - o) Signs that extend above or beyond the extremities of the wall in which they are attached, except for permitted roof or projecting wall signs.

### **Mobile Signs**

- 6. a) Notwithstanding any signage provision in this By-law, within any commercial or industrial zone, mobile signs shall be permitted only for business openings or for special occasions provided that:

- i) it is the only mobile sign on the lot;
  - ii) it will be located on the lot for a maximum period of thirty (30) consecutive days only;
  - iii) it has no moving parts or includes any flashing or unshielded lights; and
  - iv) it does not exceed 1.9 m<sup>2</sup> [20.5 ft<sup>2</sup>] in sign area.
- b) Any mobile sign shall not be permitted on a lot for more than three (3) thirty (30) day periods in any calendar year.

#### **All Residential Zones**

7. a) Signs shall be limited to one per lot, and shall advertise only the activity that is legal on the property.
- b) No sign shall exceed 0.5 m<sup>2</sup> [5.4 ft<sup>2</sup>] in sign area, or exceed 1.50 m [4.9 ft.] in height in the case of a freestanding sign.

#### **Commercial Neighbourhood (C1), Granville Street/Waterfront Development (C2) and Industrial Waterfront (M3) Zones**

8. a) Signs shall be limited to one (1) ground sign per lot and one (1) projecting wall sign for each business premise. Facial wall signs shall be subject to Section 8(c) and any such sign shall advertise only the activity that is legal on the property.
- b) Ground Signs
- i) One ground sign not exceeding 0.9 m<sup>2</sup> [9.7 ft<sup>2</sup>] in sign area on a single face sign or 1.9 m<sup>2</sup> [20.5 ft<sup>2</sup>] of sign area for both faces combined shall be permitted. Signs for more than one business occupying a single property shall be consolidated in a multiple occupancy ground sign.
  - ii) Ground signs shall not exceed a height of 3.05 m [10.0 ft.] from the grade level to the highest part of the sign.
- c) Facial Wall Signs
- i) The total facial wall sign area shall cover no more than five (5) per cent of the wall on which the sign is affixed with proportional allocation for each business premise in case of multiple occupancy buildings.
  - ii) In the case of multiple occupancy buildings, the number of facial wall signs shall be determined based on a formula of one (1) sign per business premise.
  - iii) In the case of business and professional offices, the number of facial wall signs shall be limited to one (1).

#### **Commercial Highway (C3) Zone and Commercial Restricted (C-4) Zone**

9. a) Signs shall be limited to one (1) ground and one (1) roof sign per lot. In addition, one (1) projecting wall sign shall be permitted for each business premise and facial wall signs shall be limited subject to Section 8(c) and any such sign shall advertise only an activity that is legal on the property.
- b) Ground Signs
- i) One ground sign not exceeding 6.5 m<sup>2</sup> [70 ft<sup>2</sup>] in sign area on a single face sign or 13.0 m<sup>2</sup> [140 ft<sup>2</sup>] of sign area for both faces combined shall be permitted. Signs for more than one

business occupying a single property shall be consolidated in a multiple occupancy ground sign.

- ii) Ground signs shall not exceed a height of 11.0 m [36.0 ft.] from the grade level to the highest part of the sign.

c) Roof Signs

No roof sign shall exceed more than 9.5 m<sup>2</sup> [102 ft<sup>2</sup>] in sign area, exceed 0.60 m [2.0 ft.] in height or extend beyond the lateral extremities of the roof upon which it is attached.

d) Projecting Wall Signs

No projecting wall sign shall exceed 1.9 m<sup>2</sup> [20.5 ft<sup>2</sup>] in sign area or project more than 1.80 m [5.9 ft.] from the wall upon which it is attached or be permitted to swing freely on its supports.

e) Facial Wall Signs

- i) The total facial wall sign area shall cover no more than ten (10) per cent of the wall on which the sign is affixed with proportional allocation for each business premise in case of multiple occupancy buildings.
- ii) In the case of multiple occupancy buildings, the number of facial wall signs shall be determined based on a formula of one (1) sign per business premise plus two (2) additional signs.
- iii) In the case of business and professional offices, the number of facial wall signs shall be limited to three (3).

**Mixed Use (M1) and Industrial Extractive (M2) Zones**

- 10. a) Signs shall be limited to one (1) ground sign per lot and one (1) projecting wall sign for each business premise, and facial wall signs shall be limited subject to Section 9(e) and any such signs shall only advertise the activity that is legal on the property.

b) Ground Signs

- i) One ground sign not exceeding 9.5 m<sup>2</sup> [102 ft<sup>2</sup>] in sign area on a single face sign or 18.6 m<sup>2</sup> [200 ft<sup>2</sup>] of sign area for both faces combined shall be permitted. Signs for more than one business occupying a single property shall be consolidated into a multiple occupancy ground sign.
- ii) Ground signs shall not exceed a height of 7.65 m [25.1 ft.] from the grade level to the highest part of the sign.

c) Roof Signs

No roof sign shall exceed more than 9.5 m<sup>2</sup> [102 ft<sup>2</sup>] in sign area or exceed 0.60 m [2.0 ft.] in height or extend beyond the lateral extremities of the roof upon which it is attached.

d) Projecting Wall Signs

No projecting wall sign shall exceed 1.9 m<sup>2</sup> [20.5 ft<sup>2</sup>] in sign area or project more than 1.80 m [5.9 ft.] from the wall upon which it is attached or be permitted to swing freely on its supports.

e) Facial Wall Signs

- i) The total facial wall sign area shall cover no more than fifteen (15) per cent of the wall on which the sign is affixed with proportional allocation for each business premise in case of multiple occupancy buildings.

- ii) In the case of multiple occupancy buildings, the number of facial wall signs shall be determined based on a formula of one (1) sign per business premise plus two (2) additional signs.
- iii) In the case of business and professional offices the number of facial wall signs shall be limited to three (3).

## **PART 7 GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES**

### **Home Occupations and Business/Professional Uses Permitted in Residential Zones**

1. Nothing in this By-law shall prevent the use of a dwelling in a Residential (R1, R2, R3, or R5) Zone for a home occupation or business/professional purpose, provided compliance with the following:
  - a) the dwelling is owned or occupied as a residence by the operator of the home occupation or business/professional use and the external appearance of the dwelling is not changed by the home occupation or business/professional use;
  - b) there shall not be more than one (1) assistant who is not a resident in the dwelling employed in the business or profession;
  - c) the home occupation shall not be obnoxious or dangerous by reason of emission of odour, smoke, dust, soot, dirt, noise, gas fumes, vibration, water carried waste or other offensive emission or refuse;
  - d) not more than twenty-five (25) percent of the total floor area of the dwelling is devoted to the home occupation or business/professional use, to a maximum of 37.5 m<sup>2</sup> [404 ft<sup>2</sup>];
  - e) home occupations shall be prohibited in accessory buildings within the R1 zone. In the R2, R3, or R5 zones, a home occupation shall not occupy more than fifty (50) percent of the total floor area of the accessory building;
  - f) one (1) off-street parking space, other than that required for the dwelling, shall be provided for every 18.5 m<sup>2</sup> [199 ft<sup>2</sup>] of floor space occupied by the business or professional use;
  - g) mechanical equipment is not used, except that reasonably consistent with the use of a dwelling;
  - h) outdoor storage or display shall not be permitted except that which is reasonably consistent with the use of a dwelling; and
  - i) a development permit for the home occupation has been issued by the Development Officer.

### **Conformity with Existing Setbacks**

2. Notwithstanding anything else in this By-law, proposed structures to be built between existing buildings within a distance of 61.00 m [200.1 ft.] and on the same block may be built with a setback equal to the average setback of the adjacent buildings. This depth shall not be less than 3.05 m [10.0 ft.] from the front lot line and need not be greater than the set-back regulations prescribed in the zone in which it is situated.

### **Parking of Commercial Motor Vehicles**

3.
  - a) For the purpose of this Part, 'Commercial Motor Vehicles' shall mean any motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, motor buses, tractors and taxicabs.
  - b) No commercial motor vehicle shall be parked or stored in a R1, R2, R3 or R4 Zone except for one (1) commercial vehicle not exceeding three-quarter (3/4) ton capacity and used by the owner or occupant of the lot.
  - c) Notwithstanding subsection (b) of this Section, no commercial motor vehicle shall be parked or stored on any vacant lot in a R1, R2, R3, or R4 Zone.

**Special Requirement: Frontage on Corner Lots**

4. The minimum frontage required for corner lots shall be 23.00 m [75.5 ft.].

**Special Requirement: Driveways on Corner Lots**

5. Notwithstanding anything else in this By-law, corner lots within a Residential Single Unit (R1) or Residential Two Unit (R2) Zone shall be permitted a maximum of two (2) driveways, subject to the approval of the Engineering and Works Department of the Town of Port Hawkesbury

## PART 8 RESIDENTIAL SINGLE UNIT (R1) ZONE

### R1 Uses Permitted

1. No development permit shall be issued in a Residential Single Unit (R1) Zone except for the following uses:
  - Single unit detached dwellings
  - Parks and community centres subject to the Open Space (O1) Zone requirements

### General Lot Requirements

2. In any Residential Single Unit (R1) Zone, no development permit shall be issued except in conformity with the following requirements:
  - a) Where municipal water and sewer services are available:

Minimum Lot Area	560.0 m <sup>2</sup> [6020 ft <sup>2</sup> ]
Minimum Lot Frontage	18.25 m [59.9 ft.]
Minimum Front Yard	7.65 m [25.1 ft.]
Minimum Side Yard	
i) one side	2.50 m [8.2 ft.]
ii) other side	3.05 m [10.0 ft.]
Minimum Rear Yard	7.65 m [25.1 ft.]
Maximum Height of Main Building	10.70 m [35.1 ft.]
Maximum Lot Coverage	35%

- b) Where municipal water and sewer services are not available:

Minimum Lot Area	1860.0 m <sup>2</sup> [20020 ft <sup>2</sup> ]
Minimum Lot Frontage	36.60 m [120.1 ft.]
Minimum Front Yard	7.65 m [25.1 ft.]
Minimum Side Yard	
i) one side	2.50 m [8.2 ft.]
ii) other side	3.05 m [10.0 ft.]
Minimum Rear Yard	10.70 m [35.1 ft.]
Maximum Height of Main Building	10.70 m [35.1 ft.]
Maximum Lot Coverage	35%

**Special Side Yard Requirement: Attached or Incorporated Garages**

3. Where a dwelling includes an attached garage or a garage incorporated into the unit, the side yard with the garage may be reduced and calculated by the following method:

minimum side yard requirement =  $0.61 \text{ m} + (0.61 \text{ m} * \text{number of stories of the dwelling})$   
 $[2 \text{ ft.} + (2 \text{ ft.} * \text{number of stories of the dwelling})]$

The other side yard shall be a minimum of 2.50 m [8.2 ft.].

## PART 9 RESIDENTIAL TWO UNIT (R2) ZONE

### R2 Uses Permitted

1. No development permit shall be issued in a Residential Two Unit (R2) Zone except for the following uses:
  - Single unit detached dwellings
  - Duplex dwellings
  - Semi-detached dwellings
  - Converted dwellings to a maximum of two (2) units
  - Boarding or rooming houses, to a maximum six (6) boarders/roomers
  - Bed and breakfast establishments, to a maximum of four (4) units
  - Parks and community centres subject to the Open Space (O1) Zone requirements

### General Lot Requirements

2. In any Residential Two Unit (R2) Zone, no development permit shall be issued except in conformity with the following requirements:
  - a) Where municipal water and sewer services are available:

	Detached Dwellings	Duplex Dwellings	Semi Detached Dwellings (For each dwelling unit)	Converted Dwellings, Boarding or Rooming Houses and Bed and Breakfast Establishments
Minimum Lot Area	560.0 m <sup>2</sup> [6020 ft <sup>2</sup> ]	560.0 m <sup>2</sup> [6020 ft <sup>2</sup> ]	280.0 m <sup>2</sup> [3014 ft <sup>2</sup> ]	560.0 m <sup>2</sup> [6020 ft <sup>2</sup> ] for the first 2 units or 3 guest rooms and 186.0 m <sup>2</sup> [2002 ft <sup>2</sup> ] for each guest room over 3
Minimum Lot Frontage	18.25 m [59.9 ft.]	18.25 m [59.9 ft.]	9.00 m [29.5 ft.]	18.25 m [59.9 ft.]
Minimum Front Yard	7.65 m [25.1 ft.]	7.65 m [25.1 ft.]	7.65 m [25.1 ft.]	6.10 m. [20.0 ft.]
Min. Side Yard				
i) one side	2.50 m [8.2 ft.]	1.25 m [4.1 ft.]	3.05 m [10.0 ft.]	1.25 m [4.1 ft.]
ii) other side	3.05 m [10.0 ft.]	3.05 m [10.0 ft.]	0 m [0 ft.]	3.05 m [10.0 ft.]
Minimum Rear Yard	7.65 m [25.1 ft.]	7.65 m [25.1 ft.]	7.65 m [25.1 ft.]	10.70 m [35.1 ft.]
Maximum Height of Main Building	10.70 m [35.1 ft.]	10.70 m [35.1 ft.]	10.70 m [35.1 ft.]	10.70 m [35.1 ft.]

Maximum Lot Coverage	35%	35%	35%	35%
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b) Where municipal water and sewer services are not available:

	Detached Dwelling	Duplex Dwelling	Semi Detached Dwelling (For each Dwelling unit)
Minimum Lot Area	1860.0 m <sup>2</sup> [20020 ft <sup>2</sup> ]	1860.0 m <sup>2</sup> [20020 ft <sup>2</sup> ]	930.0 m <sup>2</sup> [10010 ft <sup>2</sup> ]
Minimum Lot Frontage	36.60 m [120.1 ft.]	36.60 m [120.1 ft.]	18.25 m [59.9 ft.]
Minimum Front Yard	7.65 m [25.1 ft.]	7.65 m [25.1 ft.]	7.65 m [25.1 ft.]
Minimum Side Yard			
i) one side	2.50 m [8.2 ft.]	2.50 m [8.2 ft.]	3.05 m [10.0 ft.]
ii) other side	3.05 m [10.0 ft.]	3.05 m [10.0 ft.]	0 m [0 ft.]
Minimum Rear Yard	10.70 m [35.1 ft.]	10.70 m [35.1 ft.]	10.70 m [35.1 ft.]
Maximum Height of Main Building	10.70 m [35.1 ft.]	10.70 m [35.1 ft.]	10.70 m [35.1 ft.]
Maximum Lot Coverage	35%	35%	35%

### Accessory Apartments

3. Nothing in this By-law shall prevent the establishment of an accessory unit in a single unit dwelling in a Residential Two Unit (R2) Zone provided that:
  - a) the floor area does not exceed fifty (50) per cent of the gross floor area of the residence to a maximum of the gross floor area of the main floor;
  - b) there is a limit of one (1) accessory unit per dwelling;
  - c) one (1) additional parking space is provided;
  - d) all applicable provisions of the National Building Code are complied with; and
  - e) a development permit for the accessory unit has been issued.

### Special Side Yard Requirement: Attached and Incorporated Garages

4. Where a dwelling includes an attached garage or a garage incorporated into the unit, the side yard with the garage may be reduced and calculated by the following method:

minimum side yard requirement = 0.61 m + (0.61 m \* number of stories of the dwelling)

[2 ft. + (2 ft. \* number of stories of the dwelling)]

The other side yard shall be a minimum of 2.50 m [8.2 ft.].

### Special Requirements: Bed and Breakfast Establishments

5. In addition to all other requirements, the following provisions shall apply to bed and breakfast establishments in a Residential Two Unit (R2) Zone:
  - a) Additions - No addition or alteration may be undertaken except for the addition of dormers.
  - b) Parking - Parking shall be provided in the side or rear yard of the lot only (see Section 20 of Part 6A).

**PART 10 RESIDENTIAL MULTIPLE UNIT (R3) ZONE**

**R3 Uses Permitted**

1. No development permit shall be issued in a Residential Multiple Unit (R3) Zone except for one or more of the following uses:
  - Multiple unit dwellings with six (6) or fewer units
  - Row houses with six (6) or fewer units
  - Double duplex dwellings
  - Triplexes
  - Converted dwellings with three (3) or more but fewer than six (6) dwelling units

**General Lot Requirements**

2. In a Residential Multiple Unit (R3) Zone, no development permit shall be issued except in conformity with the following requirements:

	Triplex Dwellings	Row house Dwellings	Multiple Unit Dwellings and Double Duplexes	Converted Dwellings
Minimum Lot Area	605.0 m <sup>2</sup> [6512 ft <sup>2</sup> ]	280.0 m <sup>2</sup> [3014 ft <sup>2</sup> ] per unit	930.0 m <sup>2</sup> [10010 ft <sup>2</sup> ] for the first 4 units, plus 140.0 m <sup>2</sup> [1507 ft <sup>2</sup> ] for each additional unit	605.0 m <sup>2</sup> [6512 ft <sup>2</sup> ] for the first 3 units, plus 140.0 m <sup>2</sup> [1,507 ft <sup>2</sup> ] for each additional unit
Minimum Lot Frontage	20.00 m [65.6 ft.]	6.10 m [20.0 ft.] per unit	30.50 m [100.1 ft.]	20.00 m [65.6 ft.]
Minimum Front Yard	7.65 m [25.1 ft.]	7.65 m [25.1 ft.]	10.70 m [35.1 ft.]	7.65 m [25.1 ft.]
Minimum Side Yard:				
i) one side	4.60 m [15.1 ft.]	4.60 m [15.1 ft.]	4.60 m [15.1 ft.]	4.60 m [15.1 ft.]
ii) other side	4.60 m [15.1 ft.]	4.60 m [15.1 ft.]	4.60 m [15.1 ft.]	4.60 m [15.1 ft.]
Minimum Rear Yard	7.65 m [25.1 ft.]	7.65 m [25.1 ft.]	10.70 m [35.1 ft.]	7.65 m [25.1 ft.]
Maximum Height of Main Bldg.	10.70 m [35.1 ft.]	10.70 m [35.1 ft.]	10.70 m [35.1 ft.]	10.70 m [35.1 ft.]
Maximum Lot Coverage	35 %	35 %	35 %	35 %

**Special Requirements: Multiple Unit & Row House Dwellings**

3. Notwithstanding the R3 Zone requirements or anything else in this By-law, the following provisions shall apply to grouped multiple unit and row house dwellings:

- a) the minimum distance between grouped dwellings shall be 6.10 m [20.0 ft.] or half (1/2) the height of the higher of the two buildings, whichever is greater; and
- b) the maximum number of units in a row house dwelling shall be six (6).

**Special Requirements: Converted Dwellings**

- 4. In addition to all other requirements, the following provisions shall apply to converted dwellings in a Residential Multiple Unit (R3) Zone:
  - a) Additions - No additions or alterations may be undertaken which changes the roof line or increases the height (except for the addition of dormers), or extends into the required front or side yard of the lot (except for structures necessary for public safety purposes such as fire escapes).
  - b) Parking - Parking shall be provided in the side or rear yard of the lot only (see Section 20 of Part 6A).

**Municipal Water and Sewer Requirement**

- 5. A development permit shall be issued in a Residential Multiple Unit (R3) Zone only where municipal water and sewer services are available.

**PART 11 MOBILE HOME PARK (R4) ZONE**

**R4 Uses Permitted**

1. No development permit shall be issued in a Mobile Home Park (R4) Zone except for one or more of the following uses:
  - Mobile home parks
  - Recreational uses, park and playgrounds
  - Mobile home park offices
  - Structures related and incidental to the operation of the mobile home park such as laundry facilities and mail depots

**General Mobile Home Park Requirements**

2. In a Mobile Home Park (R4) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum lot area of mobile home park	2.02 ha [5 acres]
Minimum setback of mobile home park from lot line	6.10 m [20 ft.]
Minimum spacing between mobile homes	Subject to the National Building Code

**Municipal Water and Sewer Requirement**

3. A development permit shall be issued in a Mobile Home Park (R4) Zone only where municipal water and sewer services are available.
- 4.

**Skirting Requirement**

4. In the Mobile Home Park (R4) Zone, the entire undercarriage of a mobile home shall be skirted with an opaque material.

**Landscaping Requirement**

5. The mobile home park shall be provided with a landscaped strip or an opaque fence of a minimum height of 1.25 m [4.1 ft.]:
  - a) along any lot line that abuts a street, exclusive of driveway accesses; and
  - b) along any side or rear lot line.
6. Notwithstanding Section 5 of this Part, where a mobile home park is located on a corner lot, Part 6A, Section 6 shall prevail within 6.10 m [20 ft.] of the intersection.

## PART 12 RESIDENTIAL RURAL (R5) ZONE

### R5 Uses Permitted

1. No development permit shall be issued in a Residential Rural (R5) Zone, except for one or more of the following uses:

Single unit detached dwellings

- Boarding and rooming houses, to a maximum of six (6) units
- Bed and breakfast establishments, to a maximum of four (4) units
- Agricultural & forestry uses, except intensive livestock operations, fur farms and sawmills
- Apiaries and aviaries
- Animal kennels or stables
- Recreational uses
- Veterinary establishments

### General Lot Requirements

2. In a Residential Rural (R5) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	3720.0 m <sup>2</sup> [40042 ft <sup>2</sup> ]
Minimum Lot Frontage	61.00 m [200.1 ft.]
Minimum Front Yard	7.65 m [25.1 ft.]
Minimum Side Yard (both sides)	3.65 m [12.0 ft.]
Minimum Rear Yard	7.65 m [25.1 ft.]
Maximum Height of Main Building	10.70 m [35.1 ft.]
Maximum Lot Coverage	10%

### Accessory Apartments

3. Nothing in this By-law shall prevent the establishment of an accessory unit in a dwelling in a Residential Rural (R5) Zone provided that:
- a) the floor area does not exceed fifty (50) per cent of the gross floor area of the residence to a maximum of the floor area of the main floor;
  - b) there shall be a limit of one (1) accessory unit per dwelling;
  - c) an additional parking space shall be provided;
  - d) all applicable provisions of the National Building Code are complied with; and
  - e) a development permit for the accessory unit has been issued.

### Exceptions: Residential Development

4. Nothing in this By-law shall prevent the erection of a detached dwelling on a lot registered in the Registry Office prior to the effective date of this By-law provided that the provisions of Section 9 of Part 6A is satisfied.

**Special Requirements: Bed and Breakfast Establishments**

5. In addition to all other requirements, the following provisions shall apply to bed and breakfast establishments in a Residential Rural (R5) Zone:

- a) Additions – No addition or alteration may be undertaken except for the addition of dormers;
- b) Parking – Parking shall be provided in the side or rear yard of the lot only (see Section 20 of Part 6A).

**PART 13 GENERAL PROVISIONS FOR ALL COMMERCIAL ZONES****Abutting Zone Provisions**

1. Where a Commercial Zone abuts a Residential (R1, R2, R3 or R4), Open Space, or Institutional Zone, the following restrictions shall apply to the abutting yard within the Commercial Zone.
  - a) Minimum side yard requirement for the abutting side yard shall be 6.10 m [20.0 ft.].
  - b) No outdoor display or outdoor storage shall be permitted in an abutting yard in the Commercial Zone.
  - c) No parking space shall be permitted in an abutting yard within 6.10 m [20.0 ft.] of a side or rear lot line in the Commercial Zone.
  - d) In addition to the provisions of Part 6B of this By-law, signs located in an abutting yard shall be subject to the following requirements:
    - i) all signs shall be non-illuminated;
    - ii) only directional or business identification signs shall be permitted;
    - iii) the maximum sign area shall be 1.4 m<sup>2</sup> [15 ft<sup>2</sup>];
    - iv) the maximum height of a ground sign from the grade level to the highest part of the sign (including the sign structure) shall be 3.65 m [12.0 ft.]; and
    - v) all signs shall be set back at least 3.05 m [10.0 ft.] from the abutting property line.
  - e) A landscaped berm or an opaque fence of a minimum height of 1.80 m [5.9 ft.] that abuts the lot line and runs the full length of the lot line excluding any driveway accesses shall be provided along any side or rear lot line adjacent to the non-Commercial zone.

**Restrictions on Open Storage, Outdoor Display and Garbage Bins**

2.
  - a) Outdoor display or outdoor storage shall be permitted only within a Commercial Highway (C3) Zone.
  - b) Where a lot is to be used primarily for outdoor display or outdoor storage within a Commercial Highway (C3) Zone, the following restrictions shall apply:
    - i) outdoor storage shall not be permitted within any required front yard of a lot;
    - ii) outdoor display shall not be permitted within 3.05 m [10.0 ft.] of the lot line; and
    - iii) the area devoted to outdoor display or outdoor storage shall not exceed fifty (50) percent of the total lot area.
3. All garbage bins associated with a commercial use shall be screened by an opaque fence at a height adequate to visually screen the bin.

**Special Provisions: Automobile Service Stations**

4. Where an automobile service station is permitted, the following special provisions shall apply:
  - a) minimum lot frontage: 45.75 m [150.1 ft.];
  - b) no portion of any pump island shall be located closer than 6.10 m [20.0 ft.] from any street line;
  - c) the minimum distance between ramps or driveways shall not be less than 9.00 m [29.5 ft.];
  - d) the minimum distance from a ramp or driveway to a street intersection shall be 15.25 m [50.0 ft.];

- e) the minimum angle of intersection of a ramp to a street line shall be forty-five (45) degrees;
- f) the width of a ramp shall be a minimum of 6.10 m [ 20.0 ft.]; and a maximum of 7.65 m [25.1 ft.];
- g) a weather canopy for service station pump islands may be erected provided that no part of the canopy is located within 4.00 m [13.1 ft.] of the street or lot line and in no case shall the weather canopy extend beyond the front lot line;
- h) the minimum clearance between the established grade and the lowest point on the service station canopy is 4.25 m [13.9 ft.]; and
- i) the maximum height between the established grade and the highest point of the service station canopy shall not exceed 6.10 m [ 20.0 ft.].

## PART 14 COMMERCIAL NEIGHBOURHOOD (C1) ZONE

### C1 Uses Permitted

1. No development permit shall be issued in a Commercial Neighbourhood (C1) Zone except for the following uses:
  - Arts, crafts and antique shops
  - Bakeries
  - Convenience stores
  - Gift shops
  - Ice cream shops
  - Service and personal service shops
  - Dwelling units located over commercial establishments to a maximum of six (6) dwelling units for each store

### General Lot Requirements

2. In a Commercial Neighbourhood (C1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	560.0 m <sup>2</sup> [6020 ft <sup>2</sup> ]
Minimum Lot Frontage	18.25 m [59.9 ft.]
Minimum Front Yard	7.65 m [25.1 ft.]
Minimum Side Yard	
i) one side	4.60 m [15.1 ft.]
ii) other side	3.05 m [10.0 ft.]
Minimum Rear Yard	7.65 m [25.1 ft.]
Maximum Height of Main Building:	14.0 m [45.9 ft.]

### Maximum Floor Area

3. In a Commercial Neighbourhood (C1) Zone, the maximum amount of floor area permitted for non-residential purposes shall be 93.0 m<sup>2</sup> [1001.0 ft<sup>2</sup>] exclusive of utility and washrooms.

### Residential Uses above Commercial Uses

4. Residential units above the commercial use shall be subject to all applicable National Building Code requirements.

**PART 15 GRANVILLE STREET/WATERFRONT DEVELOPMENT (C2) ZONE**

**C2 Uses Permitted**

1. No Development permit shall be issued in a Granville Street/Waterfront Development (C2) Zone except for the following uses:
  - Banks and financial institutions
  - Bed and breakfast establishments (to a maximum of four units)
  - Business and professional offices
  - Dressmaking and tailoring shops
  - Existing residential uses
  - Hotels and motels
  - Marinas and boat clubs
  - Parking lots and parking structures
  - Pavilions and band shells
  - Residential dwellings including those located above a commercial use
  - Institutional uses subject to the Institutional (I) Zone requirements
  - Places of entertainment, recreation, and assembly which are conducted within wholly enclosed buildings
  - Photography studios
  - Private recreation centres
  - Public parks and recreation areas
  - Repair shops
  - Restaurants
  - Retail stores
  - Service and personal service shops
  - Wharves and docks

**General Lot Requirements**

2. In the Granville Street/Waterfront Development (C2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	465.0 m <sup>2</sup> [5005 ft <sup>2</sup> ]
Minimum Lot Frontage	15.25 m [50.0 ft.]
Minimum Front Yard	3.05 m [10.0 ft.]
Minimum Side Yard i) one side ii) other side	3.05 m [10.0 ft.] 1.80 m [5.9 ft.] (Can be reduced to 0.0 m [0.0 ft.] subject to appropriate National Building Code standards)
Minimum Rear Yard	3.05 m [10.0 ft.]
Maximum Height of Main Building	14.0 m [45.9 ft.]

**Special Exemption: Parking Requirements**

3. Notwithstanding the provisions of Section 20 of Part 6A, Council may, within the Granville Street/Waterfront Development (C2) Zone, accept cash-in-lieu of the required on-site parking or a

combination of parking spaces and cash for the balance of the required parking from the developer. The cash-in-lieu contribution shall be calculated with the following formula:

Developer's contribution =  $[S \times (L \times 280)] \times R \times 0.5$

S = structural cost of a single parking space to be set by Council by resolution on an annual basis.

L = current assessed value per square foot of land within the Granville Street/Waterfront Development Zone.

280 = number of square feet allotted to one parking space.

R = number of parking spaces for which payment in lieu is required by the developer.

0.5 = developer's share of the actual cost of parking spaces for which cash-in-lieu is desired.

**Special Requirement: Design Requirements**

4. In the Granville Street/Waterfront Development (C2) Zone, the following design requirements shall apply to the development of a new main building on a lot:
  - a) the building shall be constructed in a manner that its length is perpendicular to the front lot line;
  - b) the building's roof line shall be pitched with a minimum slope of ten (10) degrees;
  - c) dormers and gables shall be permitted; and
  - d) for rectangular window openings the height of the window sashes shall exceed the width of the window.

**Special Requirements: Bed and Breakfast Establishments**

5. In addition to all other requirements, the following provisions shall apply to bed and breakfast establishments in Granville Street/Waterfront Development (C2) Zone:
  - a) Additions – No addition or alteration may be undertaken except for the addition of dormers.
  - b) Parking – Parking shall be provided in the side or rear yard of the lot only (see also Section 20 of Part 6A).

## PART 16 COMMERCIAL HIGHWAY (C3) ZONE

### C3 Uses Permitted

1. No development permit shall be issued in a Commercial Highway (C3) Zone except for the following uses:
  - Animal hospitals and veterinary establishments
  - Automobile sales establishments
  - Automobile service stations including automobile washing establishments as an accessory use conducted on the same lot as the main building
  - Banks and financial institutions
  - Business and professional offices
  - Clubs
  - Dry cleaning and laundry distribution facilities
  - Food and grocery stores
  - Funeral monument sales and display establishments
  - Funeral parlours and undertaker establishments
  - Garden and nursery supplies and sales establishments
  - Hotels, motels and other tourist establishments
  - Indoor recreational establishments
  - Institutional uses subject to the Institutional (I) Zone requirements
  - Medical clinics
  - Printing establishments
  - Residential multiple-unit (over six units) by development agreement
  - Restaurants and drive-in restaurants
  - Retail lumber and home improvement supplies establishments
  - Retail sales establishments within wholly enclosed buildings
  - Sales and rental establishments for boats, trailers and snowmobiles
  - Shopping centres

### General Lot Requirements

2. In a Commercial Highway (C3) Zone, no development permit shall be issued except in conformity with the following requirements:
  - a) All uses except shopping centres:

Minimum Lot Area	2800.0 m <sup>2</sup> [30139 ft <sup>2</sup> ]
Minimum Lot Frontage	61.00 m [200.1 ft.]
Minimum Front Yard	7.62 m [25.0 ft.]
Minimum Side Yard (both sides)	6.10 m [20.0 ft.]
Minimum Rear Yard	12.20 m [40.0 ft.]
Maximum Height of Main Building	14.0 m [45.9 ft.]

- b) For shopping centres only:

Minimum Lot Area	7435.0 m <sup>2</sup> [80029 ft <sup>2</sup> ]
Minimum Lot Frontage	30.5 m [100 ft.]
Minimum Front Yard	7.62 m [25.0 ft.]
Minimum Side Yard	7.65 m [25.1 ft.]
Minimum Rear Yard	12.20 m [40.0 ft.]
Maximum Height of Main Building	14.0 m [45.9 ft.]

**Special Requirement: Driveways for Shopping Centres**

3. a) All access driveways or highway ramps for a shopping centre shall enter onto an arterial or collector road as shown on the Transportation Map, Map 1 of the Municipal Planning Strategy.
- b) The access driveway or highway ramp shall not be located within 36.60 m [120.1 ft.] of the closest boundary of a street intersection.

**PART 17      COMMERCIAL RESTRICTED (C-4) ZONE**

**C4 Uses Permitted**

1. No development permit shall be issued in a Commercial Restricted (C-4) Zone except for the following uses:
  - Telephone customer service call centers
  - Business and professional offices
  - Banks and financial institutions
  - Food and grocery stores
  - Hotels and motels
  - Places of entertainment, recreation and assembly
  - Shopping Centres

**General Lot Requirements**

2. In a Commercial Restricted (C4) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	2,800 m <sup>2</sup> (30,139 ft. <sup>2</sup> )
Minimum Lot Frontage	61.0 m (200.1 ft.)
Minimum Front Yard	12.2 m (40.0 ft.)
Minimum Side Yard (both sides)	6.10 m (20.0 ft.)
Minimum Rear Yard	12.2 m (40.0 ft.)
Maximum Height of Main Building	14.0 m (45.9 ft.)

**PART 18 GENERAL PROVISIONS FOR ALL INDUSTRIAL ZONES**

**Abutting Zone Provisions**

1. Where an Industrial Zone abuts a Residential (R1, R2, R3 or R4), Open Space, or Institutional Zone, the following restrictions shall apply to the abutting yard within the Industrial Zone.

a) For buildings 10.67 m [35 ft.] or less in height:

minimum side yard requirement	6.10 m [20.0 ft.]
minimum rear yard requirement	9.00 m [29.5 ft.]

b) For buildings greater than 10.67 m [35 ft.] in height

minimum side yard requirement	$6.10\text{ m} + (0.30\text{ m} * h)$ [20.0 ft. + (1 ft. * h)]
minimum rear yard requirement	$9.00\text{ m} + (0.30\text{ m} * h)$ [29.5 ft. + (1 ft. * h)]
where h = height of building	

c) Where outdoor display or outdoor storage is permitted on the lot, outdoor display or outdoor storage shall not be permitted in an abutting yard in the Industrial Zone.

d) Parking spaces shall not be permitted in an abutting yard within 6.10 m [20.0 ft.] of a side or rear lot line

e) Signs shall be regulated as provided in Part 6B of this By-law.

**Restrictions on Open Storage, Outdoor Display and Garbage bins**

2. In addition to clause c) of Section 1 of this Part, where outdoor display or outdoor storage is permitted, the following restrictions shall apply:

- a) outdoor storage or display shall not be permitted within the required front yard of a lot; and
- b) the area devoted to outdoor storage or display shall not exceed fifty (50) percent of the lot area.

3. All garbage bins associated with a commercial or industrial use shall be screened by an opaque fence at a height adequate to visually screen the bin.

**Special Provisions: Automobile Service Stations**

4. Where an automobile service station is permitted, the provisions of Part 13, Section 4 shall apply.

**Special Exemptions: Yards Adjacent to a Railway**

5. In an Industrial Zone, the yard requirement shall be waived for any yard which directly abuts a railway right-of-way.

## **PART 19 MIXED USE (M1) ZONE**

### **M1 Uses Permitted**

1. No development permit shall be issued in a Mixed Use (M1) Zone except for the following:
  - Animal hospitals, animal shelters and/or veterinary establishments
  - Any activity connected with the automotive trade or automotive repair service industry, including service stations; gas bars; automobile sales establishments; and automobile washing establishments; but not including automotive scrap yards
  - Any manufacturing, industrial, assembly or warehousing operation or recycling depot conducted and wholly contained within an enclosed building and which is not obnoxious by reason of sound, odor, dust, fumes or smoke or other obnoxious emission of refuse matter or water-carried waste or by reason of unsightly outdoor storage or the detonation of explosives
  - Banks and financial institutions
  - Breweries and distilleries
  - Building supply and equipment depots, but excluding the bulk storage of sand or gravel for resale
  - Business and professional offices
  - Clubs
  - Display courts including swimming pools, decorative foundations, prefabricated cottages, homes or mobile homes
  - Educational facilities whether public or private
  - Fuel storage depots
  - Funeral parlour and undertaker establishments
  - Hotels and motels
  - Institutional uses subject to the Institutional (I) Zone requirements
  - Medical clinics
  - Commercial parking lots and parking structures
  - Parks and Community centres subject to Open Space (O1) Zone requirements
  - Places of entertainment, recreation and assembly which are conducted within wholly enclosed buildings
  - Power, telephone or other utilities, radio transmitter tower
  - Printing establishments
  - Railway uses
  - Restaurants
  - Retail stores
  - Sales establishments, including wholesale, and leasing or rental establishments
  - Service industries, service establishments and personal service shops
  - Transportation depots

### **General Lot Requirements**

3. In an Industrial General (M1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	930.0 m <sup>2</sup> [10010 ft <sup>2</sup> ]
Minimum Lot Frontage	30.50 m [100.1 ft.]
Minimum Front Yard	9.00 m [29.5 ft.]
Minimum Side Yard	
i)    one side	4.60 m [15.1 ft.]
ii)   other side	3.05 m [10.0 ft.]
Minimum Rear Yard	7.65 m [25.1 ft.]
Maximum Height of Main Building	14.0 m [45.9 ft.]

**PART 20 INDUSTRIAL WATERFRONT (M2) ZONE**

**M2 Uses Permitted**

1. No development permit shall be issued in an Industrial Waterfront (M2) Zone except for one or more of the following uses:
  - Small craft servicing and supply facilities
  - Marinas, including boat rentals, excursions, fuels sales, and pump-out facilities
  - Marine railway facilities
  - Institutional uses, including floating museums, subject to the Institutional (I) zone requirements
  - Public buildings
  - Ship building and repair facilities
  - Ship chandelling and provisioning establishments
  - Storage buildings for commercial fishing gear
  - Wharves and docks
  - Wholesale fish establishments
  - Yacht display and sales establishments
  - Rail handling, storage and trans-shipment facilities

**General Lot Requirements**

2. In an Industrial Waterfront (M2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	560.0 m <sup>2</sup> [6020 ft <sup>2</sup> ]
Minimum Lot Frontage	18.25 m [59.9 ft.]
Minimum Front Yard	6.10 m [20.0 ft.].
Minimum Side Yard	3.05 m [10.0 ft.]
Maximum Height of Main Building	14.0 m [45.9 ft.]

**Special Requirements - Parking for Small Craft Service Facilities or Marinas**

3. One (1) parking space shall be provided for every two (2) boat slips.

**PART 21 INDUSTRIAL EXTRACTIVE (M3) ZONE**

**M3 Uses Permitted**

1. No development permit shall be issued in an Industrial Extractive (M3) Zone except for one of more of the following uses:
  - All uses permitted in the Mixed Use (M1) Zone, subject to the M1 zone requirements
  - Processing of mineral materials
  - Bulk storage facilities of sand and gravel
  - Facilities for the manufacturing of concrete and concrete products
  - Buildings or offices accessory to a permitted uses

**General Lot Requirements**

2. In an Industrial Extractive (M3) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	7435.0 m <sup>2</sup> [80029 ft <sup>2</sup> ]
Minimum Lot Frontage	91.50 m [300.2 ft.]
Minimum Front Yard	12.20 m [40.0 ft.]
Minimum Side Yard	12.20 m [40.0 ft.]
Minimum Rear Yard	12.20 m [40.0 ft.]
Maximum Height of Main Building	15.25 m [50.0 ft.]

*(Note: Minimum Lot Frontage in this case is not required to be public road frontage)*

## PART 22 INSTITUTIONAL (I) ZONE

### I Uses Permitted

1. No development permit shall be issued in Institutional (I) Zone except for the following uses:
  - Any use permitted in an Open Space (O1) Zone subject to the O1 Zone requirements
  - Churches, places of worship and religious institutions
  - Colleges, universities and schools
  - Day care centres
  - Fire and police stations
  - Government offices and facilities
  - Nursing homes and senior citizen housing subject to the Residential Multiple Unit (R3) Zone requirements
  - Hospitals
  - Libraries, museums and art galleries
  - Private clubs
  - Public utilities
  - Any institutional use which is incorporated under the *Societies Act Ch. 286, R.S.N.S. 1967*, or any other private statute of incorporation.

### General Lot Requirements

2. In an Institutional (I) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	930.0 m <sup>2</sup> [10010 ft <sup>2</sup> ]
Minimum Lot Frontage	30.50 m [100.1 ft.]
Minimum Front Yard	7.65 m [25.1 ft.]
Minimum Side Yard	4.60 m [15.1 ft.]
Minimum Rear Yard	10.70 m [35.1 ft.]
Maximum Height of Main Building	14.0 m [45.9 ft.]

### Landscaping Requirements

3. Where a yard within an Institutional (I) Zone abuts a Residential (R1, R2, R3 or R4) or Open Space Zone, fencing or landscaping at a height of 1.25 m [4.1 ft.] shall be provided.

**PART 23 RECREATION OPEN SPACE (O1) ZONE**

**O1 Uses Permitted**

1. No development permit shall be issued in a Recreation Open Space (O1) Zone except for the following uses:
  - Community and recreation centres
  - Community gardens and nurseries
  - Hiking trails
  - Marinas and boat clubs
  - Pavilions and band shells
  - Picnic areas
  - Parks and recreation areas
  - Buildings and structures accessory to the foregoing including a refreshment booth

**General Lot Requirements**

2. No development permit shall be issued in a Recreation Open Space (O1) Zone unless the minimum setback from any lot line for any main building is 9.00 m [29.5 ft.].

## PART 24 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, but does not include a building attached in any way to the main building, or a building located completely underground.
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. **Alter** means any change in the structural component of a building, or any change in the volume of a building or structure.
4. **Animal hospital** means the premises where medical treatment is provided to animals, with or without accommodations, but shall not include a kennel.
5. **Automobile service station** means a building, part of a building or a clearly defined space on a lot used for the retail sale of gasoline and lubricating oils and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles other than an automobile washing establishment or an automobile sales establishment.
6. **Automobile washing establishment** means a building or part thereof used for the operation of automobile washing equipment which is automatic or semi-automatic.
7. **Bed and breakfast establishment** means a single detached dwelling in which the resident of the dwelling supplies overnight accommodation with meals to the public for monetary gain and does not include facilities open to the general public such as meeting rooms, restaurants and entertainment facilities.
8. **Boarding or rooming house** means a dwelling in which the proprietor supplies either room or room and board for monetary gain, of more than two rooms exclusive of those of the lessee or owner thereof or family members and which is not open to the general public.
9. **Building** means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment. Any awning, bin, bunker, platform, vessel or vehicle used for any of the said purposes shall be deemed a building.
10. **Church** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, and day nursery operated by the church.
11. **Clinic** means a building or part of a building used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in a residence. A clinic shall not include overnight accommodation for the person receiving treatment.
12. **Community centre** means any tract of land, building or buildings, or any part of any building used for community activities whether used for commercial purposes or not, the control of which is vested in the municipality, a local board or agent thereof.
13. **Converted dwelling** means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.
14. **Corner vision triangle** means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection, the distance required by this By-law along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting

lines and the straight line joining the points the required distance along the street lines shall be known as the 'corner vision triangle'.

15. **Council** shall mean the Council of the Town of Port Hawkesbury.
16. **Day care centre** means a facility where three (3) or more pre-school children are cared for on a temporary daily basis without overnight accommodation and does not include a school.
17. **Development officer** means the officer of the Town of Port Hawkesbury with the duty of administering the provisions of the Land-Use By-law.
18. **Dry cleaning or laundry distribution establishment** means a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning and for the pressing and distribution of any such articles or goods which have been subjected to any such process.
19. **Dwelling, duplex** means a building that is divided horizontally into two (2) dwelling units each of which have an independent entrance either directly from outside the building or through a common vestibule.
20. **Dwelling, multiple-unit** means a building containing three (3) or more dwelling units which have a common entrance from the street level and shall include apartment buildings and condominiums.
21. **Dwelling, row house or townhouse** means a building that is divided vertically into three (3) or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
22. **Dwelling, semi-detached** means a building that is divided vertically into two dwelling units and sharing a common footer, each of which has an independent entrance.
23. **Dwelling, single unit detached** means a completely detached dwelling unit.
24. **Dwelling, triplex** means a building that is divided horizontally into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.
25. **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.
26. **Erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
27. **Established building line** means the average distance of the existing building from the street line of existing buildings in any block where more than half the frontage has been built upon at the effective date of this By-law.
28. **Existing** means existing as of the effective date of this By-law.
29. **Family** means:
  - a) an individual residing in one dwelling unit, or
  - b) a group of persons residing and living together in one dwelling unit,And includes - Domestic servants, non-paying guests and foster children, and not more than two (2) roomers or boarders living in the dwelling unit.

30. **Floodplain** means the area adjoining a river or stream which has been or may be hereafter covered by flood water.
31. **Floor area**
- a) Residential floor area means the total floor area contained within the outside walls of a building excluding any private garage, porch, verandah, sunroom, unfinished attic, or basement and cellar or other room which is not habitable during all the 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.
  - c) Gross floor area means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.
32. **Garage** means an structure principally used for storage or utility purposes attached to a dwelling by a common wall or roof and for the purposes of determining setbacks shall be considered part of the main building, unless otherwise exempt.
33. **Height** means the vertical distance of a building between the established grade and
- a) the highest point of the roof surface, of the parapet, or a flat roof; whichever is the greater
  - b) the deck line of a mansard roof; or
  - c) the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.
34. **Home occupation** means any secondary use of a dwelling by the occupant for gainful employment involving the provision or sale or rental of goods manufactured by the occupant, or services; or both goods and services.
35. **Hospital** means an institution providing medical treatment to persons.
36. **Hotel** means a building or buildings or part thereof on the same site used to accommodate the traveling public for monetary gain by supplying them with sleeping accommodations with or without meals but generally without private cooking facilities. Access to each unit is gained through a common area from inside the building.
37. **Institution** means a building or part of a building used for religious, educational, health and welfare purposes and includes places of worship, schools, public facilities and hospitals. There shall be no intent for profit.
38. **Kennel** means a building or structure where animals intended to be used or used as domestic household pets are kept or boarded.
39. **Landscaped berm** means a narrow strip of earth, with a stable slope on which there is a combination of trees, shrubs, flowers, grass or other horticultural elements designed to enhance the visual amenity of a property and to mitigate any objectionable aspects which may detrimentally affect adjacent land.
39. **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects which may detrimentally affect adjacent land.

40. **Loading space** means a vacant area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area:
- is suitable for the temporary parking of at least one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicles.
  - is not upon or partly upon any street or highway.
41. **Lot** means any parcel of land described in a deed or as shown in a registered plan of subdivision.
- 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.
  - Interior lot** means a lot situated between two lots and having access to one street.
  - Through lot** means a lot bounded on two opposite sides by streets or highway provided, however, that if any lot qualifies as being both a Corner Lot and Through Lot as herein before defined, such lot shall be deemed to be a Corner Lot for the purpose of this By-law.
42. **Lot area** means the total horizontal area within the lot lines of a lot.
43. **Lot depth** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel the lot depth shall be the length of a line joining the midpoints of the front and rear lot lines.
44. **Lot frontage** means the length of a line joining the side lot lines and parallel to the front lot line. (See calculation of lot frontage for irregularly shaped parcels in 'General Provisions', Part 6A.)
45. **Lot line** means a boundary line of a lot.
- Front lot line** means the line dividing the lot from the street; in the case of a corner lot the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line.
  - Rear lot line** means the lot line furthest from or opposite to the front lot line.
  - Side lot line** means a lot line other than a front or rear lot line.
  - Flanking lot line** means a side lot line which abuts the street on a corner lot.
46. **Main building** means the building in which is carried on the principal purpose for which the building lot is used.
47. **Main wall** means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof.
48. **Maximum lot coverage** means that percentage of the lot area covered by all building(s) above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.
49. **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, and the foregoing shall include mobile homes and modular dwellings having any main walls with a width of less than 6.10 m [20.0 ft.].

50. **Mobile Home Park** means an establishment comprising land on premises under single ownership designed and intended for residential use where residence is in mobile homes exclusively but does not include public camping grounds maintained by the Municipality or any department of the Provincial Government for seasonal use or a private campground for seasonal use.
51. **Motel** means a building or buildings or part thereof on the same site used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation, with or without meals. Each unit has an independent entrance from the outside of the building.
52. **Nursing home** means a building wherein nursing care, room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital. A nursing home shall be licensed under the *Homes of Special Care Act, R.S.N.S. 1989, Chapter 203*.
53. **Obnoxious use** shall mean 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 odor, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.
54. **Office** means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.
55. **Outdoor display** means an area of land where goods are displayed and available for sale to the general public from a retail outlet located on the same premises. Only products normally used outdoors may be displayed outdoors. Garden and building supplies may be permitted to be displayed outdoors.
56. **Outdoor storage** means the storage of any item located outside of a building not primarily for the encouragement of sale of the item but principally for storage purposes.
57. **Parking area** means an open area containing parking spaces, other than a street, for two 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 maneuvering areas where no parking or storage of motor vehicles is permitted.
58. **Parking space** means an area of not less than 18.5 m<sup>2</sup> [199 ft<sup>2</sup>], measuring 3.05 m [10.0 ft.] by 6.10 m [20.0 ft.] inclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
59. **Personal service shop** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.
60. **Private club** means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a fraternity or sorority house, and a labour union hall.
61. **Public authority** means any Board, Commission or Committee of the Town of Port Hawkesbury established by or exercising any power of authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the municipality or a portion thereof and includes any committee or local authority established by By-law of the Town.
62. **Public park** means a park owned or controlled by a Public Authority or by any Board, Commission or other Authority established under any statute of the Province of Nova Scotia.

63. **Recreational uses** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor or 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.
64. **Recycling depot** means premises on which recoverable materials such as paper, glass and metals are separated prior to shipment but does not include any processing of the material and does not include a scrap yard. All operations must be conducted within a wholly enclosed building and open display or storage is not permitted.
65. **Restaurant** means a building or part thereof where food and drink is served to the public for consumption within the building or for take-out but not for consumption in parking areas appurtenant to the building. Drive-through facilities may be included with the restaurant.
66. **Restaurant, drive-in** means a building or part thereof where food and drink is served to the public for consumption in parking areas appurtenant to the building whether or not facilities are provided for consumption within the building.
67. **Retail store** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.
68. **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. A scrap yard shall not include hazardous waste material storage or disposal site.
69. **Service shop** means a building or part thereof used for the sale or repair of household articles and shall include radio, television and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.
70. **Setback** means the distance between the street line and the nearest main wall of any building or structure and extending the full width or length of the lot.
71. **Setback, required** means the minimum setback as prescribed by the Land Use By-law.
72. **Shopping centre** means a commercial use of land containing a building or building complex on a lot designated, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants containing an interrelated group of commercial uses, distinguished from a business area comprising unrelated individual uses and characterized by the sharing of common parking areas and driveways.
73. **Sign** means a structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word 'sign' shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.
  - a) **Ground sign** means a sign supported by one or more uprights, poles or braces placed in or upon the ground.

- b) **Illuminated sign** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign.
  - c) **Projecting wall sign** means a sign which projects from and is supported by a wall of a building.
  - d) **Facial wall sign** means a sign which is attached to and supported by a wall of a building.
  - e) **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 multifaceted sign shall be counted separately and then totaled in calculating sign area. Three dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle or circle or semi-circle which can totally circumscribe the sign in the plane of its largest dimension.
  - f) **Number of signs** means a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
74. **Storey** means that portion of a building between any floor and the floor, ceiling, or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.80 m [5.9 ft.] above grade. Any portion of a storey exceeding 4.25 m [13.9 ft.] in height shall be deemed an additional storey for each 4.25 m [13.9 ft.] or fraction thereof.
75. **Street or road** means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Town of Port Hawkesbury.
76. **Street line** means the boundary line of a street.
77. **Structure** means anything that is erected, built, or constructed or parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs and also fences exceeding 1.80 m [5.9 ft.] in height.
78. **Tourist establishment** means a building or buildings which are used to accommodate the travelling public for gain or profit by supplying them with sleeping accommodation, with or without meals, and shall include a guest house, tourist cabins, a motel, an auto court, and a hotel.
79. **Town** shall mean the Town of Port Hawkesbury.
80. **Utility** means any public or private system, works, plan, equipment or services which furnish services at approved rates to or for the use of the general public.
81. **Yard** means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.
- a) **Front yard** means a yard extending across the full width of a lot between the front lot lined 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 main 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 main 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.
82. **Warehouse** means a building where wares or goods are stored but shall not include a retail store.
83. **Zone** means a designated area of land shown on the Schedules of this By-law.