

# PORT HOOD

## LAND USE BY-LAW



As adopted by Council of the Municipality of the County of Inverness on October 19, 2017;

As amended by decision of the Minister of Municipal Affairs on January 25, 2018;

As amended by Council of the Municipality of the County of Inverness on May 07, 2018 ([staff report](#)).

Amended January 08, 2024 as per footnote in Part 10: Residential Multiple Family (R-3) zone.

As amended by Council of the Municipality of the County of Inverness on October 17, 2024.

- This page is intentionally left blank -

For questions about this By-law, please contact the



**Eastern District Planning Commission**

32 Paint St., Unit 4

Port Hawkesbury, Nova Scotia B9A 3J8

Ph: (902) 625-5361

Fax: (902) 625-1559

Toll Free: 888-625-5361

# CONTENTS

PART 1: TITLE .....	9
PART 2: ADMINISTRATION.....	9
Effective Date .....	9
Prohibition .....	9
Development Officer .....	9
Enforcement .....	10
Permits.....	10
Penalty .....	11
Costs for Advertising .....	11
PART 3: ZONES & ZONING MAP.....	11
Zones.....	11
Zoning Map .....	12
Zones not on Maps .....	12
PART 4: INTERPRETATION .....	12
Symbols.....	12
Defined .....	12
Interpretation of Zoning Boundaries.....	12
Certain Words .....	13
Permitted Uses.....	13
PART 5: DEVELOPMENT AGREEMENTS .....	14
Development Permits for Development Agreements .....	14

PART 6: GENERAL PROVISIONS FOR ALL ZONES .....15

    Accessory Buildings .....15

    Accessory Uses Permitted .....16

    Building to be Erected on a Single Lot.....16

    Building to be Moved .....16

    Calculation of Lot Frontage.....16

    Existing Buildings.....16

    Existing Lots.....17

    Existing Undersized Lots .....17

    Frontage on Street .....17

    Height Regulations .....17

    Home Occupations .....17

    Illumination.....18

    Licenses, Permits and Compliance with Other By-Laws.....18

    Loading Space.....18

    Multiple Uses .....19

    Non-Conforming Uses .....19

    One Main Building on a Lot .....19

    Parking Area Standards .....20

    Parking Standards for a Change of Use .....20

    Parking Requirements .....20

    Permitted Encroachments in Yards.....22

    Public and Private Utilities.....23

Public Uses Permitted.....23

Restoration to a Safe Condition .....23

Side Yards on Corner Lots .....24

Temporary Uses and Structures Permitted .....24

Truck, Bus and Coach Bodies .....24

Lots within the Well Head Protection Area .....24

One Additional Lot without frontage .....25

PART 7: SIGNS .....25

    General .....25

    Safety and Maintenance.....26

    Signs Prohibited in All Zones.....26

PART 8: RESIDENTIAL URBAN (R-1) ZONE .....27

    General Lot Requirements.....27

    Special Requirement - Conversion of Dwelling.....29

    Special Requirement - Lots within the Well Head Protection Area .....29

PART 9: RESIDENTIAL RURAL (R-2) ZONE .....30

    General Lot Requirements.....31

    Special Requirement - Lots within the Well Head Protection Area .....31

PART 10: RESIDENTIAL MULTIPLE FAMILY (R-3) ZONE .....32

    General Lot Requirements.....32

    Special Requirement - Scale and Bulk .....33

    Special Requirement - Active Transportation.....33

    Special Requirement - Lots within the Well Head Protection Area .....33

PART 11: MOBILE HOME PARK (MHP) ZONE.....34

General Lot Requirements.....34

Special Requirement - Lots within the Well Head Protection Area .....34

PART 12: MIXED USE COMMERCIAL (C-1) ZONE .....35

General Lot Requirements.....36

Central Water and Sewer Requirement .....36

Special Requirement: Abutting Yard Requirements .....36

Special Requirement - Architectural Design.....36

Special Requirement - Site Design .....37

Special Requirement - Lots within the Well Head Protection Area .....37

PART 13: COMMERCIAL HIGHWAY (C-2) ZONE .....38

General Lot Requirements.....38

Special Requirement - Architectural Design.....39

Special Requirement - Site Design .....39

Special Requirement - Lots within the Well Head Protection Area .....40

PART 14: HARBOURFRONT DEVELOPMENT (C-3) ZONE .....41

General Lot Requirements.....41

Special Requirement - Lots within the Well Head Protection Area .....42

PART 15: COMMERCIAL GENERAL (C-4) ZONE .....43

General Lot Requirements.....43

Special Requirement - Lots within the Well Head Protection Area .....44

PART 16: MARINE INDUSTRIAL (M-1) ZONE.....45

General Lot Requirements.....45

Special Requirements: Abutting Yard Requirements.....45

Special Requirement - Lots within the Well Head Protection Area .....46

PART 18: OPEN SPACE (O-1) ZONE.....47

    General Lot Requirements.....47

PART 19: DEFINITIONS.....48

# PART 1: TITLE

This By-law shall be known and may be cited, as the 'Land Use By-law' of the Port Hood Planning Area of the Municipality of the County of Inverness and referred to hereafter as the *Port Hood Land Use By-law* and this By-law shall apply to all lands within the Port Hood Planning Area.

# PART 2: ADMINISTRATION

## EFFECTIVE DATE

1. This By-law shall take effect when approved by the Minister of Municipal Affairs and shall replace the Port Hood – Land Use By-law adopted in 1998 and the amendments thereto.

## 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. No development for which a development permit is required by this By-law shall commence or continue unless a development permit has been obtained to carry out the development.
4. Except when located in any Industrial Zone and unless otherwise stated in this By-law, no development permit shall be issued to erect more than one main building upon a lot.

## DEVELOPMENT OFFICER

5. The Council of the Municipality of the County of Inverness (herein after referred to as “Council”) which has adopted this Land Use By-law shall appoint a municipal development officer who shall be responsible for the administration of this Land Use By-law and the issuing of municipal 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 Municipality of the County of Inverness.

## ENFORCEMENT

7. The Council, by any duly authorized office 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 days of receiving an application for a municipal development permit, the municipal development officer shall inform the applicant whether or not the application is complete.
  - b) Within thirty days of receiving a completed application, the municipal development officer shall either grant the municipal 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 Municipality;
  - 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 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. Anyone applying for an amendment to this By-law or a Development Agreement under the provisions of this By-law shall deposit with the Clerk (or his or her representative) an amount estimated by the Clerk to be sufficient to pay the cost of advertising required by the *Municipal Government Act*. After the advertising has been completed, the applicant shall pay to the Clerk any additional amount required to defray the cost of the advertising, or if there is a surplus, the Clerk shall refund the excess.

# PART 3: ZONES & ZONING MAP

**ZONES**

- 1. For the purpose of this By-law, the Port Hood Planning Area is divided into the following zones which may be referred to by the appropriate symbols.

<b>Zone</b>	<b>Symbol</b>
Residential Urban	R-1
Residential Rural	R-2
Residential Multiple Family	R-3
Mobile Home Park	MHP
Mixed Use Commercial	C-1
Commercial Highway	C-2
Harbourfront Development	C-3
Commercial General	C-4
Marine Industrial	M-1
Open Space	O-1

## ZONING MAP

2. The zone boundaries are shown on the Zoning Map included at the end of this By-law. The Zoning Map is hereby declared to form part of this By-law.

## ZONES NOT ON MAPS

3. The Zoning Map of this By-law may be amended, in conformance with the *Port Hood Secondary Planning Strategy*, to utilize any zone in this By-law, regardless of whether or not such zone had previously appeared on the Zoning Map.

# PART 4: INTERPRETATION

## SYMBOLS

1. The symbols used on the Zoning Map, included herein, refer to the appropriate zones established by this By-law.

## DEFINED

2. The extent and boundaries of all zones are shown on the Zoning Map, included herein, and for such zones the provisions of this By-law shall respectively apply.

## INTERPRETATION OF ZONING BOUNDARIES

3. Boundaries between zones shall be determined as follows:
4. where a zone boundary is indicated as following a street or highway, the boundary shall be the center line of such street or highway;
5. where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot sizes;
6. where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the zoning maps, it shall, unless otherwise

indicated, be included in the zone on the adjoining property on either side thereof;

7. where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning map and serves 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
8. where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map.

## **CERTAIN WORDS**

9. In this By-law, unless otherwise clearly indicated:
10. words used in the present tense include the future;
11. words in the singular number include the plural, words in the plural include the singular number;
12. the word 'used' includes 'arranged', 'designed', or 'intended to be used'; and
13. the word 'shall' is mandatory and the word 'may' is permissive.

## **PERMITTED USES**

14. 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.

# PART 5: DEVELOPMENT AGREEMENTS

1. Pursuant to the applicable sections of the *Municipal Government Act*, and Policies A-5 through Policy A-7 of the Secondary Planning Strategy, the following developments shall be subject to a Development Agreement:
2. On properties outside the commercial designations and fronting on or having access to Highway 19, the following and similar types of uses may be permitted by Development Agreement: service station and car wash, restaurant and take out restaurant, neighbourhood convenience store (not permitted as a home occupation) craft or gift shop, campground and associated uses, hotel, motel and associated uses, and a laundromat, by Development Agreement as provided for in Policy C-18 and C-19 of the Secondary Planning Strategy.
3. On all lands zoned Residential Urban (R-1) or Residential Rural (R-2), the following and similar types of uses may be permitted: tourist cabins and tourist cabin establishments, by Development Agreement as provided for in Policy R-16 and R-17 of the Secondary Planning Strategy.
4. On all lands designated as Rural Residential and zoned Residential Rural (R-2), the following and similar types of uses may be permitted: light industrial fabrication and sales, warehousing and storage facilities, recycling depots, retail sales related to a light industry, building materials supply and sales, and construction and trucking facilities, by Development Agreement as provided for in Policy I-5 through Policy I-8 of the Secondary Planning Strategy.

## DEVELOPMENT PERMITS FOR DEVELOPMENT AGREEMENTS

5. A development permit may be issued for a development permitted by Development Agreement pursuant to the *Municipal Government Act* provided:
6. 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
7. the development conforms with the terms of the Development Agreement.

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

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

## **ACCESSORY BUILDINGS**

1. Accessory uses, buildings and structures shall be permitted in any zone within the Port Hood Planning Area but shall not:
2. be used for human habitation except for one additional dwelling unit permitted per property;
3. be located within the required front or side yard of a lot;
4. be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot. Where an accessory building is built on a corner lot, it shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;
5. be built closer than 10 feet to any lot line with the following exceptions:
6. common semi-detached garages may be centred on the mutual side lot line;
7. 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 0.6 meters (2 feet) from said side or rear lot line in any residential zone; and
8. boathouses and boat docks may be built to the lot line when the line corresponds to the water's edge or is in the water.
9. exceed 70 square metres (750 square feet) in total floor area or ten percent (10%) of the total lot area in total floor area, whichever is the greater amount;
10. be built within 1.8 metres (6 feet) of the main building;
11. be considered an accessory building if structurally attached to the main building in any way; and

12. be considered an accessory structure if located completely underground.
13. Notwithstanding anything else in this By-law, drop awnings, clothesline poles, flag poles, garden trellises, fences and retaining walls shall be exempted from any requirements under Subsection 1 of this Section.

## **ACCESSORY USES PERMITTED**

14. 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 thereto. Accessory buildings shall be permitted in all zones.

## **BUILDING TO BE ERECTED ON A SINGLE LOT**

15. No building shall be erected or used unless such building is erected upon a single lot.

## **BUILDING TO BE MOVED**

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

## **CALCULATION OF LOT FRONTAGE**

17. The following means shall be used for the purposes of determining lot frontage:
18. in the case of regularly shaped lots, lot frontage shall be measured as a straight line between the points where the two (2) side lot lines meet the front lot line;
19. 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 equal to the minimum applicable front yard.

## **EXISTING BUILDINGS**

20. 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:
21. the enlargement, reconstruction, repair or renovation does not further reduce the yard that does not conform to this by-law; and
22. all other applicable provisions of this By-law are satisfied.

## **EXISTING LOTS**

23. 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 frontage, front yard, or area required 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**

24. Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels in existence prior to the effective date of this By-law, having less than the minimum frontage or area or both required by this By-law, may be used for a purpose permitted in the Zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied. In addition, where such lots are increased in size but remain undersized, they are deemed to be existing undersized lots.

## **FRONTAGE ON STREET**

25. No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected, abuts, and fronts upon a public street or an approved private road that is shown on an approved plan of subdivision, or is otherwise shown on an approved plan of subdivision.

## **HEIGHT REGULATIONS**

26. The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, skylights, barns, chimneys, clock towers, power transmissions, lookout towers, satellite discs, and solar collector devices.

## **HOME OCCUPATIONS**

27. Nothing in this By-law, except the Well Head Protection Area provisions (Part 6, Subsections 72-78 of this By-law ) shall prevent the use of a dwelling or accessory building in any residential zone for a home occupation including: personal service shops such as barber shops and beauty parlours; photo studios; day cares; artisan workshops; bed and breakfast establishments; neighbourhood confectionary stores; professional

offices; offices for technicians and tradespeople such as plumbers and electricians; and back yard mechanics who undertake minor repairs to motor vehicles and machines with small engines, (e.g. lawnmowers, chain saws, outboard motors, etc.) provided that:

28. a development permit for the home occupation has been issued by the Development Officer;
29. the dwelling contains a dwelling unit in conformance with the National Building Code and is occupied as a residence by the operator of the home occupation;
30. there shall be no more than two (2) assistants who are not residents in the dwelling employed on the premises in the business or profession;
31. one off-street parking space, other than that required for the dwelling is provided for every 18.6 square metres (200 square feet) of floor space occupied by the business or professional use;
32. one off-street parking space, other than that required for the dwelling, is provided for every two overnight commercial guests in a bed and breakfast establishment;
33. the home occupation shall not be obnoxious or dangerous by reason of emission of noise, odour, smoke, fumes, dust, soot, vibration, or any other substance except that which is reasonably consistent with the use of a dwelling or accessory building;
34. no mechanical equipment is used externally except that which is reasonably consistent with the use of a dwelling or accessory building; and
35. no open storage or outdoor display shall be permitted except that which is reasonably consistent with the use of a dwelling or accessory building.

## **ILLUMINATION**

36. No person shall erect any sign or illuminate in an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

## **LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS**

37. Nothing in this By-law shall exempt any person from complying with the requirements of any other by-law in force within the Municipality of the County of Inverness or from obtaining any license, permission, permit, authority or approval required by any other by-law of the Municipality.

## **LOADING SPACE**

38. For every building or structure to be erected or enlarged, or structure for manufacturing, storage, warehouse, department store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent

shipping, loading or unloading of persons, animals, or goods, unless there is maintained on the same premises with every such building, structure or use one off street space for standing, loading and unloading for every 0.27 hectares (30,000 square feet) or fraction thereof building floor area used for any such purpose to a maximum of six (6) loading spaces meeting the following requirements:

39. Each loading space shall be at least 3.7 metres (12 feet) by 12.2 metres (40 feet) with a minimum of 4.3 metres (14 feet) in height clearance.
40. No such loading space(s) shall be located within any required front yard.
41. Notwithstanding anything in this section, an undersized vacant lot which is situated in a commercial, waterfront or industrial zone, which cannot comply with these loading standards shall be allowed to be developed and the proposed development shall be exempted from this requirement.

## **MULTIPLE USES**

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

## **NON-CONFORMING USES**

43. Any use of land or a building or structure erected on the land which had begun on or before the effective date of this By-law and which does not conform to the requirements of this By-law shall be subject to the provisions laid out in Sections of the *Municipal Government Act*.

## **ONE MAIN BUILDING ON A LOT**

44. No person shall erect more than one (1) main building on a lot except for:
45. buildings located in an Industrial Zone;
46. buildings located in the Mixed Use Commercial (C-1) and Commercial Highway Zone (C-2);
47. accessory buildings;
48. mobile homes in the Mobile Home Park (MHP) zone;
49. cottage establishments in any zone in which they are permitted;
50. any development permitted by Development Agreement.

## **PARKING AREA STANDARDS**

51. In any commercial, waterfront, or industrial zone, where parking facilities for more than four (4) vehicles are required or permitted:
52. the parking area shall be situated in the same zone;
53. when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated;
54. driveway approaches to any parking area, other than that required for a single family 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;
55. in addition, the location of driveway approaches shall be no closer than 4.6 metres (15 feet) from the nearest limits of the right-of-way at a street intersection;
56. entrance and exit ramps to parking areas shall not exceed two (2) in number and each ramp shall be a width of 7.6 metres (25 feet) at the street line and pavement edge;
57. the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum of 3 metres (10 feet) if for one-way traffic, and a minimum of 5.5 metres (18 feet) if for two-way traffic and the maximum width of a driveway shall be 7.6 metres (25 feet);
58. the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles; and
59. if lights are used for illumination of the parking lot, they shall be so arranged as to divert the light away from the street, adjacent lots, or buildings.

## **PARKING STANDARDS FOR A CHANGE OF USE**

60. Notwithstanding Section 19 of this part, where a change of use is to occur to an existing commercial or industrial use and the new use is unable to comply with additional parking requirements, the additional parking requirements will be waived.

## **PARKING REQUIREMENTS**

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

<b>Type of Building</b>	<b>Parking Required</b>
a. A dwelling containing four (4) or fewer dwelling units	One (1) parking space for each dwelling unit
b. Boarding and Bed and Breakfast establishments	One (1) parking space per two (2) boarders or overnight guests
c. Multiple family and converted dwellings containing greater than four (4) dwelling units	One and one quarter (1.25) parking space for every one (1) dwelling unit
d. Hospitals and nursing homes	One (1) parking space for every three (3) beds
e. Churches, church halls, auditoria, 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 metres (10 feet) of bench space  Where there are no fixed seats, one (1) parking space for each 9.3 metres (100 square feet) of floor area devoted to public use
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 27.9 square metres (300 square feet) of gross floor area, but never less than one (1) parking space
i. Medical clinics or doctor's offices	One (1) parking space for each 13.9 square metres (150 square feet) of floor area

j.	Funeral homes	One (1) parking space for each 4.6 square metres (50 square feet) of floor area in assembly room
k.	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
l.	Hotels, motels and other tourist establishments	One (1) parking space per suite or rental unit plus one (1) additional parking space for each 4.6 square metres (50 square feet) of floor area devoted to public use (taverns, restaurants or auditoria) exclusive of lobbies and halls
m.	Restaurants, taverns and lounges	One (1) parking space for each 4.6 square metres (50 square feet) of floor area devoted to public use
n.	Retail stores	One (1) parking space per 13.9 square metres (150 square feet) of floor area
o.	All other non-residential uses permitted by this By-law but not mentioned elsewhere	One (1) parking space for each 27.9 square metres (300 square feet) of floor area but never less than one (1) parking space

## PERMITTED ENCROACHMENTS IN YARDS

62. Except for accessory buildings, 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 that those structures listed in the following table shall be permitted into yards indicated as follows:

Structure	Yard in which Projection is Permitted	Maximum Permitted Projection from Main Wall
Sills, belt courses, cornices,	Any yard	0.6 metres (2 feet)

eaves, gutters, chimneys, pilasters or canopies		
Window bays	Front, rear and flankage yards only	0.9 metres (3 feet) and a maximum width of 3 metres (10 feet)
Fire escapes and exterior staircases	Rear and side yards only	1.8 metres (6 feet)
Balconies on single family, semi - detached, duplex and triplex dwellings	Front, rear and flankage yards only	1.8 metres (6 feet)
Balconies on other residential buildings	Any yard	1.8 metres (6 feet)
Roofed porches not exceeding one storey, uncovered terraces	Front, rear and flankage yards only	2.4 metres (8 feet) including eaves and cornices
Handicap access	Any yard	To the lot line, provided any required access in not obstructed

## PUBLIC AND PRIVATE UTILITIES

63. Public and private utilities shall be permitted in any zone provided that any building required for such use conforms to the applicable lot standards of that particular zone and the requirements of other municipal policy document or By-law that may apply.

64. Wind turbines are limited to a height of six metres (19.7 feet).

## PUBLIC USES PERMITTED

65. Government buildings and facilities (including fire and police stations) shall be permitted in any zone (except the Open Space (O-1) Zone) provided that such use conforms to the applicable lot standards of that particular zone and the requirements of other municipal policy document or By-law that may apply.

## RESTORATION TO A SAFE CONDITION

66. Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of

any building or structure, provided in the case of a non-conforming use the provisions of the *Municipal Government Act* shall prevail.

## **SIDE YARDS ON CORNER LOTS**

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

## **TEMPORARY USES AND STRUCTURES PERMITTED**

68. Nothing in this By-law shall prevent uses and structures incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction providing that the uses or structures are removed from the site within fourteen (14) days after completion of the construction project and provided a development permit has been issued.
69. Nothing in this By-law shall prevent uses and structures erected for special occasions and holidays provided only that no such use remains in place more than fourteen (14) consecutive days. A development permit shall not be required for such uses and structures.
70. Nothing in this Bylaw shall prevent uses and structures erected for the sole purpose of selling seasonal fishery or agriculture related produce or products at the place of residence, provided that no such use remains in place for more than thirty (30) consecutive days beyond the closing of the fishery or agriculture seasons. A development permit shall be required for such uses.

## **TRUCK, BUS AND COACH BODIES**

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

## **LOTS WITHIN THE WELL HEAD PROTECTION AREA**

72. Notwithstanding any other part of this By-law, areas within the Well Head Protection Area as identified on the Zoning Map shall be restricted from the following uses:

73. no new development permits shall be issued for senior citizen homes, nursing homes, churches, cemeteries, community centres, schools or other institutional uses;
74. no new development permits shall be issued unless the lot is located on a section of street which is serviced by a central sewer system;
75. the installation of new underground petroleum storage tanks, or above ground storage tanks in excess of 757 litres (200 gallons) shall be prohibited; but shall not include the replacement of existing tanks;
76. the commercial storage of pesticides, biocides, paints or other hazardous liquids shall be prohibited;
77. the storage of fuel trucks or trailers shall be prohibited; and
78. the operation of a home occupation involving the application of rust inhibitors or similar petroleum based compounds or finishes shall be prohibited.

### **ONE ADDITIONAL LOT WITHOUT FRONTAGE**

79. In addition to the frontage requirements found elsewhere in this By-law, an area of land existing at the effective date of this By-law shall be eligible for one additional lot where:
80. each lot has a minimum of 6.1 metres (20 feet) of frontage on a public or private street;  
or
81. each lot is served by an easement for right-of-way and access which has been clearly granted by deed, registered in the Registry of Deeds for this Municipality, with a minimum width of 6.1 metres (20 feet), and where the portion of that right-of-way easement crosses the railway right-of-way, a license for right-of-way and access from the railway shall be sufficient.

## **PART 7: SIGNS**

### **GENERAL**

1. No person shall erect a sign without first obtaining a development permit from the Development Officer and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.
2. Where this part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Transportation Infrastructure Renewal the more restrictive regulations shall apply.
3. Nothing in this By-law shall exempt any person from complying with any Nova Scotia

Transportation and Infrastructure Renewal requirements related to signage or from obtaining any license, permission, permit, authority or approval required by Nova Scotia Transportation and Infrastructure Renewal regarding signage.

## **SAFETY AND MAINTENANCE**

4. All signs and all decorative or structural parts thereof constructed in the Planning Area shall be kept in a good state of repair and maintenance such that all text remains legible, all images remain identifiable, and no part becomes visibly damaged or perforated by rust or any other form of weathering or decay.

## **SIGNS PROHIBITED IN ALL ZONES**

5. The following signs shall not be permitted in any zone in the Planning Area:
6. New signs erected subsequent to the adoption of this By-law which incorporate in any manner any flashing or moving illumination which varies in intensity or colour or which include any visible moving part or visible mechanical movement of any description(including apparent visible movement achieved by electrical pulsations or any digital or LED technology);
7. Any sign or sign structure which constitutes a hazard to public safety or health;
8. Signs which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers, either when leaving a roadway or effectiveness of any traffic sign or control device on public streets and roads;
9. Any sign which obstructs free ingress to or egress from a fire escape door, window, or other required exit way;
10. 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;
11. Any sign which no longer advertises a bona fide business conducted, or a product sold;
12. Signs on public property or public right-of-way unless erected by a governmental body, or unless required to be so located by order of a governmental body or unless specially permitted by Council;
13. Signs not erected by a public authority or governmental body which are located at or near sharp road curves or below the crest of a steep road grade; and
14. Signs painted on, attached to, or supported by a tree, stone, cliff or other natural object;

# **PART 8: RESIDENTIAL URBAN (R-1) ZONE**

1. No development permit shall be issued in a Residential Urban (R-1) zone except for one or more of the following uses:
  - Single detached dwellings
  - Semi-detached and duplex dwellings
  - Single detached dwellings with one (1) apartment unit
  - Multiple unit dwellings (new and converted) to a maximum of four (4) dwelling units
  - Boarding homes
  - Day care centres
  - Senior citizen homes
  - Nursing homes providing special care
  - Churches and cemeteries
  - Schools and other institutional uses
  - Parks and community centres - exempt from the lot standards in this By-law
  - Recreational facilities including beaches - exempt from the lot standards of this By-law
  - Mini and mobile homes
2. On properties outside the commercial designations and fronting on or having access to Highway 19, the following and similar types of uses may be permitted by Development Agreement: service station and car wash, restaurant and take out restaurant, neighbourhood convenience store (not permitted as a home occupation) craft or gift shop, campground and associated uses, hotel, motel and associated uses, and a laundromat.
3. On all lands zoned Residential Urban (R-1) or Residential Rural (R-2), the following and similar types of uses may be permitted by Development Agreement: tourist cabins and tourist cabin establishments.

## **GENERAL LOT REQUIREMENTS**

4. In any Residential Urban (R-1) zone, no development permit shall be issued except in conformity with the following:

5. With Municipal Water and Sewer Service

	<b>Single detached dwelling</b>	<b>Duplex dwelling, single detached dwelling with an apartment unit</b>	<b>Semi-detached dwelling</b>	<b>Multiple family dwelling (up to four [4] dwelling units)</b>	<b>Other permitted uses</b>
<b>Minimum lot area</b>	464.5 m <sup>2</sup> (5,000 ft <sup>2</sup> )	650.3 m <sup>2</sup> (7,000 ft <sup>2</sup> )	371.6 m <sup>2</sup> (4,000 ft <sup>2</sup> ) per dwelling unit	371.6 m <sup>2</sup> (4,000 ft <sup>2</sup> ) per dwelling unit	650.3 m <sup>2</sup> (7,000 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	6.1 m (20 ft.)	6.1 m (20 ft.)	6.1 m (20 ft.)	6.1 m (20 ft.)	6.1 m (20 ft.)
<b>Minimum front yard</b>	6.1 m (20 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)
<b>Minimum side yard</b>	3 m (10 ft.)	3 m (10 ft.)	3 m (10 ft.)	3 m (10 ft.)	3 m (10 ft.)
<b>Minimum rear yard</b>	7.6 m (25 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)
<b>Maximum height of main building</b>	10.7 m (35 ft.)	10.7 m (35 ft.)	10.7 m (35 ft.)	10.7 m (35 ft.)	10.7 m (35 ft.)

6. Without Municipal Water and Sewer Service

<b>Minimum lot area</b>	0.27 hectares (29,000 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	6.1 m (20 ft.)
<b>Minimum front yard</b>	7.6 m (25 ft.)

<b>Minimum side yard</b>	7.6 m (25 ft.)
<b>Minimum rear yard</b>	7.6 m (25 ft.)
<b>Maximum height of main building</b>	10.7 m (35 ft.)

**SPECIAL REQUIREMENT - CONVERSION OF DWELLING**

- 7. A single detached dwelling may be converted to two or more dwellings provided:
- 8. no exterior alteration is made to the dwelling that would increase the overall size of the structure except additions necessary to comply with the Municipal Building By-law;
- 9. the existing roof lines are maintained on the dwelling.

**SPECIAL REQUIREMENT - LOTS WITHIN THE WELL HEAD PROTECTION AREA**

- 10. All lots that lie within both the Residential Urban (R-1) zone and the Well Head Protection Area as shown on the Zoning Map shall be subject to all requirements of Part 6, Subsections 72-78 of this By-law related to the Well Head Protection Area.

# **PART 9: RESIDENTIAL RURAL (R-2) ZONE**

1. No development permit shall be issued in a Residential Rural (R-2) zone except for one or more of the following uses:
  - Single detached dwellings
  - Semi-detached and duplex dwellings
  - Single detached dwellings with one (1) apartment unit
  - Mini and Mobile homes
  - Day care centres
  - Churches and cemeteries
  - Schools and other similar institutional uses
  - Post offices
  - Community centres
  - Recreational facilities including beaches - exempt from the lot standards of this By-law
  - Farms and agricultural uses
  - Forestry uses
2. On properties outside the commercial designations and fronting on or having access to Highway 19, the following and similar types of uses may be permitted by Development Agreement: service station and car wash, restaurant and take out restaurant, neighbourhood convenience store (not permitted as a home occupation) craft or gift shop, campground and associated uses, hotel, motel and associated uses, and a laundromat.
3. On all lands zoned Residential Urban (R-1) or Residential Rural (R-2), the following and similar types of uses may be permitted by Development Agreement: tourist cabins and tourist cabin establishments.
4. On all lands designated as Rural Residential and zoned Residential Rural (R-2), the following and similar types of uses may be permitted: light industrial fabrication and sales, warehousing and storage facilities, recycling depots, retail sales related to a light industry, building materials supply and sales, and construction and trucking facilities, by

Development Agreement.

## GENERAL LOT REQUIREMENTS

5. In any Residential Rural (R-2) zone, no development permit shall be issued except in conformity with the following requirements:
6. For all uses except farm and agricultural uses:

<b>Minimum lot area</b>	0.27 hectares (29,000 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	6.1 m (20 ft.)
<b>Minimum front yard</b>	7.6 m (25 ft.)
<b>Minimum side yard</b>	7.6 m (25 ft.)
<b>Maximum height of main building</b>	10.7 m (35 ft.)
<b>Minimum rear yard</b>	7.6 m (25 ft.)

7. where any farm or agricultural use is permitted in the R-2 zone the following requirements shall apply:

<b>Minimum lot area</b>	0.46 hectares (50,000 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	45.7 m (150 ft.)
<b>Minimum front or flankage yard</b>	9.1 m (30 ft.)
<b>Minimum rear or side yard</b>	6.1 m (20 ft.)

## SPECIAL REQUIREMENT - LOTS WITHIN THE WELL HEAD PROTECTION AREA

8. All lots that lie within both the Residential Rural (R-2) zone and the Well Head Protection Area as shown on the Zoning Map shall be subject to all requirements of Part 6, Subsections 72-78 of this By-law related to the Well Head Protection Area.

# PART 10: RESIDENTIAL MULTIPLE FAMILY (R-3) ZONE

1. No development permit shall be issued in a Residential Multiple Family (R-3) zone except for one or more of the following:
  - All R-1 Residential Urban uses subject to the R-1 standards set out this By-law.
  - Multiple family dwellings which exceed four (4) units in total
  - Converted dwellings which exceed four (4) units in total
  - Row or town houses which exceed four (4) units in total

## GENERAL LOT REQUIREMENTS

2. In any Residential Multiple Family (R-3) zone, no development permit shall be issued except in conformity with the following requirements:

	<b>Converted dwelling or multiple family dwelling</b>	<b>Row or town houses</b>
<b>Minimum lot area</b>	0.037 hectares (4,000 ft <sup>2</sup> ) per dwelling unit*	0.093 hectares (10,000 ft <sup>2</sup> ) per building block
<b>Minimum lot frontage</b>	30.5 metres (100 ft.)	30.5 metres (100 ft.) per building block
<b>Minimum front yard</b>	7.6 m (25 ft.)	7.6 m (25 ft.)
<b>Minimum side yard</b>	7.6 m (25 ft.)	3 metres (10 ft.) at each end unit of the building
<b>Minimum rear yard</b>	7.6 m (25 ft.)	7.6 m (25 ft.)

<b>Maximum height of main building</b>	10.7 m (35 ft.)	10.7 m (35 ft.)
--	-----------------	-----------------

*\* The approved document had a typo of 0.37 hectares which has been corrected to the actual metric equivalent of 4,000 ft<sup>2</sup>.*

### **SPECIAL REQUIREMENT - SCALE AND BULK**

- Multiple family dwellings which exceed four (4) units in total, converted dwellings which exceed four (4) units in total, or row or town houses which exceed four (4) units in total shall be compatible in terms of scale and bulk of the building with adjacent land uses.

### **SPECIAL REQUIREMENT - ACTIVE TRANSPORTATION**

- Multiple family dwellings which exceed four (4) units in total, converted dwellings which exceed four (4) units in total, or row or town houses which exceed four (4) units in total shall feature an active transportation connection from the main entrance of the building to any public sidewalk or trail that is located adjacent to the property on which the dwelling is located.

### **SPECIAL REQUIREMENT - LOTS WITHIN THE WELL HEAD PROTECTION AREA**

3. All lots that lie within both the Residential Multiple Family (R-3) zone and the Well Head Protection Area as shown on the Zoning Map shall be subject to all requirements of Part 6, Subsections 72-78 of this By-law related to the Well Head Protection Area.

# PART 11: MOBILE HOME PARK (MHP) ZONE

1. No development permit shall be issued in a Residential Mobile Home Park (MHP) zone except for one or more of the following uses:
  - Mobile Home Park
  - Mini and Mobile Homes
  - Recreational uses, parks and playgrounds
  - Mobile Home Park offices
  - Maintenance equipment and storage facilities accessory to the operation of the park

## GENERAL LOT REQUIREMENTS

2. In any Residential Mobile Home Park (MHP) zone, no development permit shall be issued except in conformity with the following requirements:

<b>Minimum lot area</b>	0.37 hectares (40,000 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	30.5 metres (100 ft.)
<b>Minimum front yard</b>	6.1 m (20 ft.)
<b>Minimum side yard</b>	3 metres (10 ft.)
<b>Minimum rear yard</b>	6.1 m (20 ft.)

## SPECIAL REQUIREMENT - LOTS WITHIN THE WELL HEAD PROTECTION AREA

3. All lots that lie within both the Residential Mobile Home Park (MHP) zone and the Well Head Protection Area as shown on the Zoning Map shall be subject to all requirements of Part 6, Subsections 72-78 of this By-law related to the Well Head Protection Area.

# **PART 12: MIXED USE COMMERCIAL (C-1) ZONE**

1. No development permit shall be issued in a Mixed Use Commercial (C-1) zone except for one or more of the following uses:
  - Single detached dwellings
  - Semi-detached and duplex dwellings
  - Single detached dwellings with one (1) apartment unit
  - Multiple unit dwellings (new and converted) to a maximum of four (4) dwelling units
  - Residential dwellings located in the same building as a commercial use
  - Boarding homes
  - Day care centres
  - Senior citizen homes
  - Nursing homes providing special care
  - Retail shops
  - Business or professional offices
  - Restaurants
  - Banks and financial institutions
  - Personal service establishments
  - Beverage rooms and lounges
  - Entertainment centres
  - Motels, hotels and other tourist establishments
  - Automobile sales and services, including service stations and car washes
  - Post offices
  - Funeral homes
  - Parks
  - Bicycle sales, service and rental establishments
  - Warehousing and storage facilities where accessory to a permitted use
  - Existing recycling depots
  - Garden and nursery sales and supplies establishments
  - Museums

- Libraries

## GENERAL LOT REQUIREMENTS

2. In any Mixed Used Commercial (C-1) zone, no development permit shall be issued except in conformity with the following requirements:

<b>Minimum lot area</b>	0.046 hectares (5,000 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	15.2 metres (50 ft.)
<b>Minimum front yard</b>	4.6 metres (15 ft.)
<b>Minimum side yard</b>	1.5 metres (5 ft.)
<b>Maximum height of main building</b>	10.7 metres (35 ft.)

## CENTRAL WATER AND SEWER REQUIREMENT

3. A development permit shall only be issued in the Mixed Use Commercial (C-1) zone where central water and sewer services are available.

## SPECIAL REQUIREMENT: ABUTTING YARD REQUIREMENTS

4. Where a commercial use in a Mixed Use Commercial (C-1) Zone abuts a Residential Urban (R-1) or Residential Multiple Family (R-3) Zone, the following requirements shall apply:
5. No open storage or display shall be permitted in an abutting yard within 20 feet of a side or rear lot line.
6. No parking space shall be permitted in an abutting yard within 20 feet of a side or rear lot line.

## SPECIAL REQUIREMENT - ARCHITECTURAL DESIGN

7. New commercial uses in a Mixed Use Commercial (C-1) zone shall comply with the following architectural design requirements:
8. Buildings shall feature a main façade that faces the street the property fronts on;
9. Buildings shall feature a main entrance on the main façade that faces the street the

property fronts on. This main entrance shall be emphasized by building form, signage, or other physical means such as awnings or decking. The main entrance shall be weather protected by means of an inset doorway, awning, roof, or porch;

10. Buildings shall not feature windowless walls that face any street the property fronts on;
11. Buildings shall feature a horizontal window-to-wall proportion of 30% or greater on any ground-level wall that faces any street the property fronts on. This proportion shall be measured from wall corners to window units (outermost edge of window units to be installed), and;
12. Exterior window units shall be vertically oriented (i.e. taller than they are wide) on any wall that faces any street the property fronts on. This proportion shall be measured from the outermost edges of window units to be installed and is exclusive of any other decorative window trim.

### **SPECIAL REQUIREMENT - SITE DESIGN**

13. New commercial uses in a Mixed Use Commercial (C-1) zone shall comply with the following site design requirements:
14. Barrier-free pedestrian links at least 1.5 metres (5 feet) wide shall be provided between entrances and parking areas;
15. Barrier-free pedestrian links at least 1.5 (5 feet) metres wide shall be provided between entrances and any existing adjacent public pedestrian cross-walks or other public pedestrian links. These pedestrian links shall be at least 1.5 metres (5 feet) wide;
16. The majority of the total number of required on-site parking spots shall be located in the side or rear yard of the property, and;
17. Exterior services such as garbage storage, loading areas, and material storage shall be located behind the main building and screened from sight from adjacent streets or residential properties except for any opening required for human or vehicular access. Screening may be provided in the form of accessory buildings, main building massing, vegetation, or fencing.

### **SPECIAL REQUIREMENT - LOTS WITHIN THE WELL HEAD PROTECTION AREA**

18. All lots that lie within both the Mixed Use Commercial (C-1) zone and the Well Head Protection Area as shown on the Zoning Map shall be subject to all requirements of Part 6, Subsections 72-78 of this By-law related to the Well Head Protection Area.

# PART 13: COMMERCIAL HIGHWAY (C-2) ZONE

1. No development permit shall be issued in a Commercial Highway (C-2) zone except for one or more of the following uses:
  - Retail shops including gift shops
  - Restaurants
  - Business or professional offices
  - Entertainment centres
  - Banks and financial institutions
  - Personal service establishments
  - Licensed Establishments accessory to hotels, motels and other tourist establishments
  - Parks
  - Residential dwellings associated with the commercial uses as listed in this zone.
  - Drive through restaurants
  - Grocery stores
  - Department stores
  - Hotels, motels and other tourist establishments
  - Museums
  - Building supply depots including fabrication facilities
  - Gas stations
  - Service stations
  - Automobile sales
  - Farmers or artisans markets

## GENERAL LOT REQUIREMENTS

2. In the Commercial Highway (C-2) zone, no development permit shall be issued except in conformity with the following requirements:
3. With Municipal Water and Sewer Service

<b>Minimum lot area</b>	0.046 hectares (5,000 ft <sup>2</sup> )
-------------------------	---

<b>Minimum lot frontage</b>	15.2 metres (50 ft.)
<b>Minimum front yard</b>	6.1 m (20 ft.)
<b>Minimum side yard</b>	3 metres (10 ft.)
<b>Maximum height of main building</b>	10.7 metres (35 ft.)

4. Without Municipal Water or Sewer

<b>Minimum lot area</b>	0.27 hectares (29,000 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	30.5 metres (100 ft.)
<b>Minimum front yard</b>	7.6 metres (25 ft.)
<b>Minimum side yard</b>	3 metres (10 ft.)
<b>Maximum height of main building</b>	10.7 metres (35 ft.)

### SPECIAL REQUIREMENT - ARCHITECTURAL DESIGN

5. New commercial uses in a Commercial Highway (C-2) zone shall comply with the following architectural design requirements:
6. Buildings shall feature a main façade that faces Route 19. If the subject property does not front on Route 19, the main façade shall face the street the property fronts on;
7. Buildings shall feature a main entrance on the main façade that faces Route 19. If the subject property does not front on Route 19, the main entrance shall face the street the property fronts on. This main entrance shall be emphasized by building form, signage, or other physical means such as awnings or decking. The main entrance shall be weather protected by means of an inset doorway, awning, roof, or porch;
8. Buildings shall not feature windowless walls that face any street the property fronts on;
9. Buildings shall feature a horizontal window-to-wall proportion of 30% or greater on any ground-level wall that faces any street the property fronts on. This proportion shall be measured from wall corners to window units (outermost edge of window units to be installed), and;
10. Exterior window units shall be vertically oriented (i.e. taller than they are wide) on any wall that faces any street the property fronts on. This proportion shall be measured from the outermost edges of window units to be installed and is exclusive of any other decorative window trim.

### SPECIAL REQUIREMENT - SITE DESIGN

11. New commercial uses in a Commercial Highway (C-2) zone shall comply with the following site design requirements:
12. Barrier-free pedestrian links at least 1.5 metres (5 feet) wide shall be provided between entrances and parking areas;
13. Barrier-free pedestrian links at least 1.5 (5 feet) metres wide shall be provided between entrances and any existing adjacent public pedestrian cross-walks or other public pedestrian links. These pedestrian links shall be at least 1.5 metres (5 feet) wide;
14. The majority of the total number of required on-site parking spots shall be located in the side or rear yard of the property, and;
15. Exterior services such as garbage storage, loading areas, and material storage shall be located behind the main building and screened from sight from adjacent streets or residential properties except for any opening required for human or vehicular access. Screening may be provided in the form of accessory buildings, main building massing, vegetation, or fencing.

#### **SPECIAL REQUIREMENT - LOTS WITHIN THE WELL HEAD PROTECTION AREA**

16. All lots that lie within both the Commercial Highway (C-2) zone and the Well Head Protection Area as shown on the Zoning Map shall be subject to all requirements of Part 6, Subsections 72-78 of this By-law related to the Well Head Protection Area.

# PART 14: HARBOURFRONT DEVELOPMENT (C-3) ZONE

1. No development permit shall be issued in a Harbourfront Development (C-3) zone except for one or more of the following uses:
  - Wharves
  - Marinas and other marine related uses
  - Beaches and facilities
  - Motels, hotels and other tourist establishments
  - Restaurants

## GENERAL LOT REQUIREMENTS

2. In any Harbourfront Development (C-3) zone, no development permit shall be issued, except in conformity with the following requirements:
3. With Municipal Water and Sewer Services

<b>Minimum lot area</b>	0.046 hectares (5,000 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	15.2 m (50 ft.)
<b>Minimum front yard</b>	7.6 m (25 ft.)
<b>Minimum side yard</b>	3 m (10 ft.)
<b>Minimum rear yard</b>	7.6 m (25 ft.)
<b>Maximum height of main building</b>	10.7 m (35 ft.)

4. Without Municipal Water and Sewer

<b>Minimum lot area</b>	0.27 hectares (29,000 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	30.5 m (100 ft.)

<b>Minimum front yard</b>	7.6 m (25 ft.)
<b>Minimum side yard</b>	3 m (10 ft.)
<b>Minimum rear yard</b>	7.6 m (25 ft.)
<b>Maximum height of main building</b>	10.7 m (35 ft.)

**SPECIAL REQUIREMENT - LOTS WITHIN THE WELL HEAD PROTECTION AREA**

5. All lots that lie within both the Harbourfront Development (C-3) zone and the Well Head Protection Area as shown on the Zoning Map shall be subject to all requirements of Part 6, Subsections 72-78 of this By-law related to the Well Head Protection Area.

# PART 15: COMMERCIAL GENERAL (C-4) ZONE

1. No development permit shall be issued in a Commercial General (C-4) zone except for one or more of the following uses:
  - Funeral homes
  - Neighbourhood stores
  - Liquor stores
  - Automobile service stations
  - Automobile parts sales
  - Trucking and construction depots
  - Hardware stores
  - Warehousing and storage facilities
  - Medical centres which includes such uses as drug store, hairdresser, professional offices
  - Tourist cabins and cottages
  - Existing residential dwellings located on the same lot as the commercial use.

## GENERAL LOT REQUIREMENTS

2. In any Commercial General (C-4) zone, no development permit shall be issued except in conformity with the following requirements:
3. With Municipal Water and Sewer Services

<b>Minimum lot area</b>	0.046 hectares (5,000 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	15.2 m (50 ft.)
<b>Minimum front yard</b>	7.6 m (25 ft.)
<b>Minimum side yard</b>	3 m (10 ft.)
<b>Minimum rear yard</b>	7.6 m (25 ft.)
<b>Maximum height of main building</b>	10.7 m (35 ft.)

4. Without Municipal Water and Sewer Services

<b>Minimum lot area</b>	0.27 hectares (29,000 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	30.5 m (100 ft.)
<b>Minimum front yard</b>	7.6 m (25 ft.)
<b>Minimum side yard</b>	3 m (10 ft.)
<b>Minimum rear yard</b>	7.6 m (25 ft.)
<b>Maximum height of main building</b>	10.7 m (35 ft.)

**SPECIAL REQUIREMENT - LOTS WITHIN THE WELL HEAD PROTECTION AREA**

5. All lots that lie within both the Commercial General (C-4) zone and the Well Head Protection Area as shown on the Zoning Map shall be subject to all requirements of Part 6, Subsections 72-78 of this By-law related to the Well Head Protection Area.

# PART 16: MARINE INDUSTRIAL (M-1) ZONE

1. No development permit shall be issued in a Marine Industrial 1 (M-1) zone except for one or more of the following uses:
  - Fishery related uses
  - Industrial fabrication and processing, manufacturing and repair uses related to the fishery.
  - Warehousing and storage facilities associated with permitted uses
  - Service industries such as trucking, contracting and wholesale distribution facilities.
  - Tourist commercial uses
  - Park uses

## GENERAL LOT REQUIREMENTS

2. In any Marine Industrial (M-1) zone, no development permit shall be issued except in conformity with the following requirements:

<b>Minimum lot area</b>	0.19 hectares (20,000 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	30.5 m (100 ft.)
<b>Minimum front yard</b>	7.6 m (25 ft.)
<b>Minimum side yard</b>	4.6 m (15 ft.)
<b>Maximum height of main building</b>	10.7 m (35 ft.)

## SPECIAL REQUIREMENTS: ABUTTING YARD REQUIREMENTS

3. Where a yard or lot located within the Marine Industrial (M-1) zone abuts a Residential Urban (R-1), Residential Rural (R-2), or Residential Multiple Family (R-3) zone, the following restrictions shall apply:
4. No open storage or display shall be permitted in an abutting yard within twenty (20) feet of a side or rear lot line.
5. No parking space shall be permitted in an abutting yard within twenty (20) feet of a side or rear lot line.

## **SPECIAL REQUIREMENT - LOTS WITHIN THE WELL HEAD PROTECTION AREA**

6. All lots that lie within both the Marine Industrial (M-1) zone and the Well Head Protection Area as shown on the Zoning Map shall be subject to all requirements of Part 6, Subsections 72-78 of this By-law related to the Well Head Protection Area.

# **PART 18: OPEN SPACE (O-1) ZONE**

1. No development permit shall be issued in an Open Space (O-1) zone except for one or more of the following uses:
  - Recreational uses including a beach
  - Accessory uses to a beach including changing rooms, washrooms, canteens, equipment rental establishments, and boat charter establishments
  - Picnic areas
  - Boardwalks and nature interpretation stands
  - Conservation Projects
  - Multi-Use Trails

## **GENERAL LOT REQUIREMENTS**

2. There are no lot standards for these permitted uses in the Open Space (O-1) zone.

# PART 19: DEFINITIONS

The words and terms listed below shall have the meanings as defined herein.

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. **Act** shall mean the *Municipal Government Act* and amendments thereto.
4. **Agriculture use** means the use of land and buildings for the production of food, fibre or flora, or the breeding and handling of animals including fish stocks in fish ponds and includes retail or market outlets for the sale of perishable agriculture goods or for the handling of animals.
5. **Alter** means to change a structural component of a building, or to increase or decrease the volume of a building or structure.
6. **Automobile service station** means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles and may include an automobile car wash.
7. **Barn** means a building that is part of a farm or other agricultural use used for the storage of animals, equipment, or any other materials necessary for the farm or agricultural use.
8. **Bed and breakfast establishment** means a dwelling in which the resident supplies, for compensation, not more than four (4) bedrooms for the temporary accommodation of travellers.
9. **Boarding or rooming house** means a dwelling in which the proprietor supplies either room or room and board of more than three (3) but not more than six (6) rooms exclusive of those for the lessee or owner thereof or members of his family and which is not open to the general public.
10. **Building** means any on-site constructed or off-site constructed (modular) structure whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment. Any tent, awning, bin, bunker, or platform vessel or vehicle used for any of the said purposes shall be deemed a building.
11. **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.

- 
12. **Community centre** means any tract of land, or building or buildings, or part of any buildings 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, or a non-profit organization.
  13. **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.
  14. **Council** shall mean the Council of the Municipality of the County of Inverness.
  15. **Day care centre** means a place where four or more preschool children are cared for on a temporary daily basis without overnight accommodation but does not include a school.
  16. **Development** includes any erection, construction, alteration, replacement or relocation of or addition to, any structure and any change or alteration in the use made of land, or structures.
  17. **Development officer** means the officer of the Municipality of the County of Inverness from time to time charged by the Municipality with the duty of administering the provisions of the land use by-law in accordance with the *Municipal Government Act*.
  18. **Dwelling** means a building occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units, but shall not include a hotel, a motel, apartment hotel, or a travel trailer.
  19. **Dwelling, duplex** means a building containing not more than two (2) dwelling units placed one above the other.
  20. **Dwelling, converted** means a building converted to contain up to four (4) dwelling units.
  21. **Dwelling, multiple family** means a dwelling which contains four (4) or more dwelling units.
  22. **Dwelling, semi-detached** means a building that is divided vertically into two (2) dwelling units each of which has an independent entrance.
  23. **Dwelling, single detached** means a building containing one (1) dwelling unit including mini and mobile homes.
  24. **Dwelling unit** means one (1) 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.
  25. **Existing** means existing as of the effective date of this By-law.
  26. **Fishery related use** means any use associated with the fishery including changing and rest areas and canteen facilities.
  27. **Floor area**

- With reference to a dwelling means the maximum floor area contained within the outside walls excluding any private garage, porch, verandah, sun room, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
- Commercial floor area means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnaces and utility rooms, and common malls between stores.

28. **Front yard** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a 'minimum' front yard means the minimum depth allowed by this by-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.

29. **Height** means the vertical distance of a building between grade and:

- The highest point of the roof surface or the parapet, whichever is the greater of a flat roof
- The deck line of a mansard roof; or
- The main 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.

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

31. **Institution** means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent or profit such as churches, community centres, hospitals, homes for special care, senior citizen homes and government buildings but shall not include a private club.

32. **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:

- Suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display.
- Is not upon or partly upon any street, or highway; and
- Has adequate access to permit ingress and egress by means of drive-ways, aisles, manoeuvring areas or similar areas, not part of which shall be used for the temporary parking or storage of one or more motor vehicles.

- 
33. **Lot** means parcel of land described in a deed as a lot or as shown as an approved lot on a registered plan of subdivision.
34. **Lot area** means the total horizontal area within the lot lines of a lot.
35. **Lot frontage** means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein equal in distance to the minimum applicable front yard. In the case of a corner lot with a daylighting triangle the exterior lot lines (street line) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.
36. **Main building** means the building in which is carried on the principal purposes for which the lot is used.
37. **Mini home** means a single detached unit, designed for transportation after fabrication and which arrives at a site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling operations, and which is supported on site by wheels, jacks, blocks, or a permanent foundation and which may be connected to utilities and sanitary services. A mobile home used as an addition to another building (whether to increase the number of dwelling units or just increase the floor are) is still a mobile home.
38. **Mobile home** means a single detached unit, designed for transportation after fabrication, on its own wheels, and which arrives at a site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling operations, and which is supported on site by wheels, jacks, blocks, or a permanent foundation and which may be connected to utilities and sanitary services. A mobile home used as an addition to another building (whether to increase the number of dwelling units or just increase the floor are) is still a mobile home.
39. **Motel** shall mean the same as hotel, but may include private cooking facilities.
40. **Municipality** means the Municipality of the County of Inverness.
41. **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.
42. **Office** means a room or rooms, building or structure 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.
43. **Parking space** means an area of not less than 14.9 square metres (160 square feet), measuring 2.4 metres (8 feet) by 6.1 metres (20 feet) exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
44. **Personal service establishment** 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.

45. **Private club** means a building or part of a building used as a meeting place for members or an organization and may include a lodge, a fraternity, or sorority house, and a labour union hall.
46. **Private Road** means a private road shown on an approved plan of subdivision.
47. **Professional office** means a building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retailing or selling of goods.
48. **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.
49. **Recreational uses** means the use of land for parks, playgrounds, tennis courts, 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.
50. **Recycling depot** means the premises on which recoverable materials such as paper, glass and metals are separated prior to shipment, but does not include any processing of the materials and does not include a scrap metal yard. All operations must be conducted within a wholly enclosed building and open display or storage is not permitted. These do not include facilities for the handling of automobiles and automobile parts, batteries, tires or any materials which are defined as waste dangerous goods as defined in the *Nova Scotia Environment Act*.
51. **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.
52. **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.
53. **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.
54. **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.
55. **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 depth 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.

56. **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 represent thereon, which shall be used to justify, 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. No indoor sign shall be deemed a sign for the purposes of this by-law.
57. **Storey** means the 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 story unless its ceiling is at least 1.8 metres (6 feet) above grade and provided also that any portion of a storey exceeding 4.3 metres (14 feet) in height shall be deemed an additional storey for each 4.3 metres (14 feet) or fraction thereof of such excess.
58. **Street** means a public road, accepted and maintained by the department of transportation and communications as a public thoroughfare.
59. **Street line** means the boundary line of a public street.
60. **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, and signs and also fences exceeding 1.8 metres (6 feet) in height.
61. **Tourist cabin establishment** means a tourist establishment comprised of two (2) or more tourist cabins.
62. **Tourist cabin, rental** means a building within a tourist cabin establishment to accommodate one (1) or more guests which contains at least two (2) rooms, which is at least partially furnished and, which provides facilities to permit the guests to prepare and cooks food.
63. **Warehouse** means a building where wares or goods are stored but shall not include a retail store.
64. **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 to the building shall be used.
65. **Zone** means a designated area of land shown on the Zoning Map of this By-law.

