



## **PLANNING SERVICES PUBLIC ADVISORY PANEL**

### ***Municipal Planning Strategy and Land Use Bylaw Plan Review***

**Town Hall – Council Chambers  
Monday, September 12, 2016  
7:00 pm**

### **AGENDA**

1. Call to Order
2. Approval of the Agenda
3. Approval of Minutes
4. Request for LUB Amendment – Orchard Queen Motel & RV Park
5. Public Consultation Process
6. Review: MPS Sector/Land Use Policies (General Provisions & Definitions)
7. Next Meeting – To Be Determined
8. Adjournment

**Middleton MPS/LUB Review**  
**Introduction and Process Overview**  
**Land Use By-law, General Provisions and Definitions, July 11, 2016**

<b>Existing Middleton Land Use By-law – General Provisions</b>		
<b>Part 4</b>		
4.1, Scope	<p>4.1.1 No building or structure shall hereafter be erected or the use of any building changed, unless a development permit has been issued or the proposed work is excluded in subsection 4.1.4, and no development permit shall be issued unless all the provisions of this By-law are satisfied.</p> <p>4.1.2 For the purpose of this By-law, if a use is not described as a permitted use in a zone or it is not an accessory use permitted in a zone, it shall be deemed to be a prohibited use in that zone.</p> <p>4.1.3 Any person who violates a provision of this By-law shall be subject to prosecution as provided for under Section 505 of the <u>Municipal Government Act</u>.</p> <p>4.1.4 Although a Heritage Permit may be required for properties registered under the Heritage Property Act, no development permit is required for: shingling of roofs, ground level walkways, non-structural replacement/addition/repairs to windows,</p>	

	storm windows, doors or storm doors; installation of siding over an existing exterior finish; insulation; fences less than 2 m (6.56 ft.) in height; interior/exterior renovations which do not involve the addition or replacement of structural members of the building.	
4.2 Multiple Uses	Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict, such as in the case of lot size or lot frontage, the higher or more stringent requirement shall prevail.	
4.3, Frontage on a Street	<p>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:</p> <p>(a) abuts and fronts upon a public street; or</p> <p>(b) abuts and fronts upon an existing private street or road.</p>	
4.4, Licenses and other By-laws	4.4.1 Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-law in force within the Town or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Town of Middleton.	

	4.4.2 Where the provisions in this By-law conflict with those of any other Municipal or Provincial requirements, the higher or more stringent regulations shall prevail.	
4.5, Non-conforming Uses	Non-conforming uses shall be subject to Sections 238-242 of the <u>Municipal Government Act</u> .	
4.6, Existing Buildings	<p>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:</p> <p>(a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this By-law; and</p> <p>(b) all other applicable provisions of this By-law are satisfied.</p>	
4.7, Existing Lots	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 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.	

4.8, Existing Undersized Lots	Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels on the effective date of this By-law, having less than the minimum width 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 and also provided that the necessary permits are secured for any private sewage disposal systems.	
4.9, Height Regulations	The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae or towers, ventilators, skylights, barns, chimneys, clock towers, weather vanes, lightning rods, wind generators, etc.	
4.10, Existing Set Backs	Notwithstanding anything else in the By-law, in any Residential zone, structures built between existing buildings within 60 m (196.8 ft.) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than 3 m (9.84 ft.) from the front lot line.	
4.11, Temporary Uses	4.11.1 Nothing in this By-law shall prevent uses incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction provided that a development permit has been issued.	

	<p>4.11.2 A development permit issued pursuant to Subsection (1) ceases to have effect sixty days after the construction has been discontinued unless within that sixty days the construction has recommenced.</p> <p>4.11.3 Nothing in this By-law shall prevent uses erected for special occasions and holidays provided only that no such use remains in place more than fourteen consecutive days after the date of the special occasion.</p>	
4.12, Buildings to be moved	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.	
4.13, Safe Condition	Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of a non-conforming use the provisions of Sections 238-242 of the <u>Municipal Government Act</u> of Nova Scotia shall prevail.	
4.14, Truck Bodies	No truck, trailer, bus, coach, street car or aircraft body shall be used for human habitation or occupancy within the Town of Middleton.	
4.15, Building on a lot	No person shall erect or use any building unless such building is erected upon a single lot.	
4.16, Accessory Uses	Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, the purpose includes any accessory use.	

4.17	<p>4.17.1 Accessory uses, buildings and structures shall be permitted in any zone within the Town of Middleton but shall not:</p> <ul style="list-style-type: none"> <li>(a) be used for human habitation except where a dwelling is a permitted accessory use;</li> <li>(b) be located within the front yard of a lot;</li> <li>(c) be built in the front or flankage yard;</li> <li>(d) exceed 4.5 m (14.76 ft.) in height;</li> <li>(e) be built closer than 1 m (3.28 ft.) to a lot line in any zone except that: <ul style="list-style-type: none"> <li>(i) common semi-detached garages may be centered on the mutual side lot line;</li> <li>(ii) accessory buildings with no windows or perforations on the side of the building which faces the said lot lines, may be located a minimum of 0.6 m (1.96 ft.) from the said lot line in any residential zone; and</li> <li>(iii) boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge;</li> </ul> </li> <li>(f) be built within 2 m (6.56 ft.) of the main building; and</li> <li>(g) be built within an environmental setback.</li> </ul>	
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	4.17.2 Notwithstanding anything else in this By-law, drop awnings, clothes poles, flagpoles, garden trellises, fences under 2 m (6.56 ft.) in height or fences in side or rear yards, and retaining walls shall be exempt from any requirements under Subsection 1.	
4.18, Illumination	No person shall erect any illuminated sign or illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.	
4.19, Daylighting Triangle	On a corner lot or lot abutting the entrance or exit to a public parking lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 0.5 m (1.64 ft.) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 m (19.68 ft.) from their point of intersection.	
4.20, Yard Exceptions	Where in this By-law a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of 30 percent or more from the horizontal, then 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 the said cliff or embankment if such area is closer than the lot	



	<p>lines.</p> <p>Notwithstanding anything else in this By-law, where a front, side or rear yard setback is required and where an environment setback is also required from a stream or other watercourse, the greater setback shall prevail and the lesser setback shall be waived.</p>	
4.21, Yards on Corner Lots	<p>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 the established front setback for the street.</p>	
4.22, Arterial Roads	<p>The following special provisions shall apply to a lot fronting upon an arterial road as designated in the Municipal Planning Strategy of the Town of Middleton.</p> <p>4.22.1 On arterial roads not constructed as of the date this Land Use By-law comes into effect, the minimum setback for a main building shall be 15 m (49.21 ft.) measured from the lot line to the nearest part of the main building.</p> <p>4.22.2 Except for a through lot or an automobile service station located on a corner lot, no lot shall have access to an arterial road, if access to an alternative street is possible.</p>	

4.23, Through Lots	In the case of a through lot, there shall be deemed to be two front yards and the setback requirements for the zone shall be observed.																			
4.24, Encroachments in Yards	<p>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, however, that those structures listed in the following table shall be permitted to project for the specified distances into the specified yards indicated as follows:</p> <table border="1"> <thead> <tr> <th>STRUCTURE</th><th>YARD IN WHICH PROJECTION IS PERMITTED</th><th>MAXIMUM PROJECTION FROM MAIN WALL PERMITTED</th></tr> </thead> <tbody> <tr> <td>Sills, belt courses, cornices, eaves gutters, chimneys, pilasters, or canopies</td><td>Any yard</td><td>1 m (3.28 ft.)</td></tr> <tr> <td>Window bays</td><td>Any yard</td><td>1 m (3.28 ft.) over a maximum width of 3 m (9.84 ft.)</td></tr> <tr> <td>Fire escapes and exterior staircases</td><td>Rear and side yard only</td><td>1.5 m (4.92 ft.) Over a maximum width of 3 m (9.84 ft.)</td></tr> <tr> <td>Balconies</td><td>Front, rear and flankage yards only for single detached, semi-detached, duplex and triplex dwellings, any yard for other residential buildings</td><td>2 m (6.56 ft.)</td></tr> <tr> <td>Open, roofed porches not exceeding one storey in height; uncovered terraces</td><td>Front, rear and flankage yards only</td><td>2.5 m (8.2 ft.) including eaves and cornices</td></tr> </tbody> </table>		STRUCTURE	YARD IN WHICH PROJECTION IS PERMITTED	MAXIMUM PROJECTION FROM MAIN WALL PERMITTED	Sills, belt courses, cornices, eaves gutters, chimneys, pilasters, or canopies	Any yard	1 m (3.28 ft.)	Window bays	Any yard	1 m (3.28 ft.) over a maximum width of 3 m (9.84 ft.)	Fire escapes and exterior staircases	Rear and side yard only	1.5 m (4.92 ft.) Over a maximum width of 3 m (9.84 ft.)	Balconies	Front, rear and flankage yards only for single detached, semi-detached, duplex and triplex dwellings, any yard for other residential buildings	2 m (6.56 ft.)	Open, roofed porches not exceeding one storey in height; uncovered terraces	Front, rear and flankage yards only	2.5 m (8.2 ft.) including eaves and cornices
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4.25, Abutting Zone Requirements	Where an Institutional, Business District, Highway Commercial, Manufacturing & Industry, or Recreation zone abuts a Residential or Restricted Residential zone, the following restrictions shall apply to an abutting yard within the Institutional, Business District, Highway Commercial or Manufacturing & Industry zone:																			

	<ul style="list-style-type: none"> <li>(a) the minimum setback requirements for the abutting side yard shall be 6 m (19.68 ft.);</li> <li>(b) no open storage or outdoor display shall be permitted within the required abutting yard;</li> <li>(c) the 6 m (19.68 ft.) setback shall be planted with trees and landscaped upon development of the property.</li> </ul>	
4.26, One Main Building	<p>No person shall erect more than one main building on a lot except for:</p> <ul style="list-style-type: none"> <li>(a) buildings located in a Manufacturing &amp; Industry (M) zone; and</li> <li>(b) grouped dwellings located in a Residential (R) zone.</li> </ul>	
4.27, Yard Sales	<p>Notwithstanding anything else in this Bylaw, while regular or frequent yard sales are not permitted within the Town, community organization sales and flea markets may be held, with landowner consent, by service clubs and other non-profit organizations in any non-residential zone and no development permit shall be issued unless at least 20 on-site parking spaces are available for the subject sale or flea market.</p>	

4.28, Named Conforming Uses	For greater certainty, conforming uses listed by proper names in all zone descriptions in this Bylaw refer to the use or uses on the property as of the passage of this Bylaw on April 30, 1982	
4.29, Mobile/Mini Homes	A mobile home or mini home structure may only be located in the Residential Mobile Home Zone (MH) subject to Section 4.11.	
<b>Part 5, Loading Requirements</b>		
5.1	In any zone, no person shall erect any building or structure for manufacturing, storage, warehouse, department, store, retail 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 2,500 m <sup>2</sup> (26,910.65 sq. ft.) or fraction thereof of building floor area used for any such purpose to a maximum of six loading spaces.	
5.2	Each loading space shall be at least 3.5 m (11.48 ft.) by 12 m (39.37 ft.) with a minimum of 4.5 m (14.76 ft.) height clearance.	
5.3	The provision of a loading space for any building with less than 1,400 m <sup>2</sup> (15,069.96 sq. ft.) floor area shall be optional.	

5.4	No such loading spaces shall be located within any required front yard or be located within any yard which abuts a Residential Restricted, Residential, Recreation or Institutional zone.	
5.5	Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.	
5.6	Ingress and egress, to and from the required loading space areas shall be provided by means of unobstructed driveways of a minimum width of 3.5 m (11.48 ft.) for one-way traffic and a minimum width of 7 m (22.96 ft.) for two-way traffic.	
Part 6, Parking Requirements		
6.1, Parking Requirements	For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:	
	TYPE OF STRUCTURE	MINIMUM PARKING REQUIREMENTS
	(a) a dwelling containing not more than two dwelling units	1 parking space for each dwelling unit
	(b) nurses residences	0.75 parking spaces for each unit
	(c) all other dwellings	1.5 parking space for dwelling unit
	(d) church halls, auditoria, restaurants,	1 parking space for every 10 fixed seats

	theater, arenas, halls, stadia private clubs and other places of assembly	or for every 10 m <sup>2</sup> (107.6 sq. ft.) devoted to public use where there are no fixed seats	
	(e) hospitals	0.5 parking spaces for each bed or 1 parking space for each 37m <sup>2</sup> (398.27 sq. ft.) of floor area, whichever is the greater plus 0.5 for each employee and 1 for each doctor	
	(f) senior citizen apartment	0.5 parking spaces for each dwelling unit	
	(g) nursing, rest or convalescent home	0.5 parking spaces for each bed	
	(h) hotels, staff houses, motels, tourist cabins	0.5 parking spaces for each suite or rental unit plus 1 additional parking space for each 20 m <sup>2</sup> (215.28 sq. ft.) of floor area devoted to public use exclusive of lobbies and halls	
	(i) offices, clinics	1 parking space for each 20 m <sup>2</sup> (215.28 sq. ft.) of floor area	
	(j) shopping centre	parking area to be three times floor area, exclusive of common malls between stores	
	(k) funeral homes	0.2 parking spaces for each seat of the chapel	
	(l) bowling alleys & curling rinks	0.5 parking spaces for each person in the designed capacity of the establishment (designed capacity shall mean six persons per bowling lane and eight persons per curling sheet.) In	

		other parts of the building, additional parking spaces shall be provided in accordance with the requirements set out in this By-law for the use to which the other parts of the building may be put.	
	(m) elementary schools	1.5 parking spaces for each teaching classroom	
	(n) high schools	2 parking spaces for each teaching classroom	
	(o) nursery schools and day care centres	1 parking space for each employee	
	(p) bed and breakfasts, inns & boarding houses	1.5 spaces for each permanent dwelling unit and 0.5 space for each unit available to transients or boarders	
	(q) highway commercial uses other than those specified above	1 space for every 20 m <sup>2</sup> (215.28 sq ft.) of interior or exterior retail area	
	(r) manufacturing and industrial uses	1 space for each 75 m <sup>2</sup> (807.31 sq. ft.) of gross floor area, plus parking space as in (i), above, for any offices included in the development	
	(s) all other retail uses and commercial & office uses in the Residential zone	1 space for each 30 m <sup>2</sup> (322.93 sq. ft.) of floor area	
	NOTE: Development located:		
	(i) between Main Street and George Street and fronting on Commercial Street;		

	<p>and</p> <p>(ii) between Main Street and Church and fronting on School Street,</p> <p>shall be exempted from all parking requirements.</p>	
6.2, Parking Standards	<p>Where parking facilities for more than four vehicles are required:</p> <ul style="list-style-type: none"> <li>(a) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.</li> <li>(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;</li> <li>(c) a structure, not more than 3 m (9.84 ft.) in height and not more than 4.5 m<sup>2</sup> (14.76 sq. ft.) in area may be erected in the parking area for the use of attendants;</li> <li>(d) the parking area shall be within 90 m (295.27 ft.) of the location which it is intended to serve and shall be situated in the same zone;</li> <li>(e) when the parking area is of a</li> </ul>	



	<p>permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;</p> <p>(f) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;</p> <p>(g) approaches or driveways to any parking area, other than that required for a single family dwelling, semi-detached or 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;</p> <p>(h) the location of approaches or driveways shall be not closer than 15 m (49.21 ft.) from the limits of the rights-of-way at a street intersection;</p> <p>(i) entrance and exit ramps to a parking area shall not exceed two in number on any one street and each such ramp shall be a width of 7 m (22.96 ft.) at the street line and edge of pavement;</p> <p>(j) the width of a driveway leading to a parking area intended primarily for</p>	
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	<p>cars, or of a driveway or aisle in such area, shall be a minimum of 3 m (9.84 ft.) for one-way traffic and a minimum of 5.5 m (18.04 ft.) for two-way traffic and the maximum width of a driveway shall be 7 m (22.96 ft.); and</p> <p>(k) the width of a driveway leading to a parking area or loading area intended primarily for trucks, or of a driveway or aisle in such area, shall be a minimum of 3.5 m (11.48 ft.) for one-way traffic and a minimum of 7 m (22.96 ft.) for two-way traffic and the maximum width of a driveway shall be 13 m (42.65 ft.).</p>	
Part 7, Signs		
7.1, General	<p>7.1.1 Where this part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Transportation, the more restrictive regulations shall apply.</p> <p>7.1.2 No person shall erect a sign without first obtaining a permit and no permit to erect a sign shall be issued unless intention to fulfil all the sign provisions of this By- law is shown.</p>	

7.2, Safety	<p>7.2.1 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 By-laws.</p> <p>7.2.2 All signs and all parts thereof shall be kept in a good state of repair and maintenance and shall not be allowed to become unsightly or dangerous.</p>	
7.3, Limit on Number	<p>7.3.1 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 separate premises.</p> <p>7.3.2 Notwithstanding anything else in this By-law or elsewhere, not more than four signs may be erected on any premises at any one time provided that:</p> <ul style="list-style-type: none"> <li>(a) a double faced sign shall count as a single sign;</li> <li>(b) signs enumerated in Section 4 of this Part shall not be counted in calculating the total;</li> <li>(c) not more than one ground sign shall be permitted on any one lot except in the case of a service station located</li> </ul>	

	<p>on a corner lot where a maximum of two ground signs shall be permitted;</p> <p>(d) not more than one facial wall sign per wall shall be permitted for each business premises; and</p> <p>(e) not more than one projecting wall sign per wall shall be permitted for each business premises.</p>	
7.4, Signs Permitted in all Zones	<p>The following signs are permitted in all zones:</p> <p>(a) signs identifying name and address of resident and of not more than 0.2 m<sup>2</sup> (2.15 sq. ft.) in sign area;</p> <p>(b) "no trespassing" signs or other such signs regulating the use of property and of not more than 0.2 m<sup>2</sup> (2.15 sq. ft.);</p> <p>(c) real estate signs not exceeding 0.5 m<sup>2</sup> (5.38 sq. ft.) in sign area in a residential zone and 1.5 m<sup>2</sup> (16.15 sq. ft.) in other zones, which advertise the sale, rental or lease of the premises;</p> <p>(d) signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building</p>	

	<p>or premise provided that such signs are less than 0.5 m<sup>2</sup> (5.38 sq. ft.) in area;</p> <p>(e) signs erected by a governmental body, or under the direction of such a body;</p> <p>(f) memorial signs or tablets and signs denoting the date of erection of a structure;</p> <p>(g) the flag, pennant, or insignia of any government, or of any religious, charitable or fraternal organization;</p> <p>(h) a sign having an area of not more than 4.5 m<sup>2</sup> (48.44 sq. ft.) incidental to construction and within the area designated for such purposes; and</p> <p>(i) signs relating to an election provided they are erected not more than forty five days preceding the ordinary polling date and are removed within seven days after the ordinary polling date.</p>	
7.5, Signs Prohibited in all Zones	<p>The following signs shall not be permitted in any zone:</p> <p>(a) signs which incorporate in any</p>	

	<p>manner any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving part, visible revolving parts or visible mechanical movement achieved by electrical pulsations or by actions of normal wind currents;</p> <p>(b) any sign or sign structure which constitutes a hazard to public safety or health;</p> <p>(c) signs which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads;</p> <p>(d) any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;</p> <p>(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</p>	
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	<p>as to interfere with, mislead, or confuse traffic along a public road;</p> <p>(f) any sign which no longer advertises a bonafide business conducted or a product sold;</p> <p>(g) signs on public property or public right-of-way, unless erected by a government body, or unless directed to be so located by order of a governmental body, or projecting wall signs or signs as may be permitted by request of a government body;</p> <p>(h) signs painted on a tree, stone, cliff or other natural object;</p> <p>(i) signs not related to any business or use located on the lot or premises;</p> <p>(j) portable signs on wheels or metal frames not affixed to the ground; and</p> <p>(k) search lights, pennants, spinners, banners and streamers, provided that on occasions such as grand openings, county fairs, public festivals, exhibitions and similar occasions, the same are permitted for a period not to exceed two weeks.</p>	
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7.6, Projecting Wall Signs	<p>No projecting wall sign shall:</p> <ul style="list-style-type: none"> <li>(a) exceed 2 m<sup>2</sup> (21.53 sq. ft.) in sign area;</li> <li>(b) project more than 2 m (6.56 ft.) from the wall upon which it is attached; and</li> <li>(c) hang lower than 2.5 m (8.2 ft.) above grade.</li> </ul>	
7.7, Ground Signs	<p>No ground sign shall:</p> <ul style="list-style-type: none"> <li>(a) extend beyond a property line or project over a right- of-way, other adjoining lands, daylighting triangles or any driveway or parking space;</li> <li>(b) be set back less than 1 m (3.28 ft.) from any street line, common lot boundary, driveway, aisle or parking area; and</li> <li>(c) have more than one sign on the support structure.</li> </ul>	
7.8, Roof Signs	<p>Roof signs shall be permitted only in the Middleton Industrial Park and shall be subject to the following conditions:</p>	



	<p>(a) roof signs must be designed and engineered to have no superstructure; and</p> <p>(b) the sign shall not exceed 1.5 m (4.92 ft.) in height and 15 m (49.21 ft.) in length and shall not project beyond any wall of the building.</p>	
7.9, Business Signs in Residential Zone	In the case of a business use permitted in a Residential (R) zone, one sign which does not exceed 0.5 m <sup>2</sup> (5.38 sq. ft.) in sign area, is permitted for each such use unless the use fronts on Main Street, Commercial Street or Bridge Street, in which case one business sign which does not exceed 1 m <sup>2</sup> (10.76 sq. ft.) in sign area is permitted.	
Part 2, Definitions		
1.	ACCESSORY BUILDING means a subordinate building or structure located on the same lot as a main building devoted exclusively to an accessory use.	
2.	ACCESSORY USE means any use subordinate, 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 a structural component of a building or structure or any increase or decrease in the volume of a building or structure.	

<p>4. AMUSEMENT ARCADE means a wholly enclosed "place of amusement" as defined by the Theatres and Amusement Act, limited to four (4) or more video amusement devices, pool tables and similar amusement machines, but does not include any activity of gambling or any gambling device.</p> <p>5. APARTMENT BUILDING means a building containing three or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use in common certain areas of the building.</p> <p>6. AUTOMOBILE SERVICE STATION OR SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of 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 other than an automobile washing establishment or an automobile sales establishment.</p> <p>7. BED AND BREAKFAST means a dwelling where the proprietor supplies either room or room and breakfast for monetary gain on a temporary basis, where not more than ten rooms are so used, and which is open to the travelling public.</p> <p>8. BOARDING OR ROOMING HOUSE means a single unit residential dwelling in which the primary resident/owner supplies either room or room and board for compensation, on a weekly or monthly basis, and which is not open to the general public.</p>	
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<p>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, or vehicle used for any of the said purposes is a building or part thereof.</p> <p>10. CHURCH means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall and day care facility operated by the church.</p> <p>11. COMMERCIAL SCHOOL means a building or part of a building used for monetary gain as a place of learning and education for seven or more pupils gathered together at one time and includes a secretarial school, language school and driving school, but does not include a day-care facility.</p> <p>12. COMMUNITY CENTRE means any tract of land, or building or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Town, a local board or agent thereof.</p> <p>13. CONVERTED DWELLING means a building originally built and designed as a single detached dwelling unit which has been altered to contain three or more dwelling units.</p> <p>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". (see figure on page 7)</p>	
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15.	COUNCIL means the Council of the Town of Middleton.	
16.	DAY-CARE FACILITY means a building or part thereof in which services pertinent to a child's physical, social, emotional and intellectual development are or may be provided apart from the child's parent or guardian, but does not include a hospital, school, home for special care or a building or part thereof in which the services provided are organized recreational or religious activities.	
17.	DEVELOPMENT includes any erection, construction, addition, alteration, replacement or relocation of or to any building or structure.	
18.	DEVELOPMENT OFFICER means the officer from time to time charged by the Council with the duty of administering the provisions of the Land Use By-law.	
19.	DOUBLE DUPLEX means a building that consists of two duplexes attached to each other.	
20.	DRY CLEANING OR LAUNDRY ESTABLISHMENT means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods or fabric is carried on and in which only solvents are or can be used which emit no odours or fumes and in which no noise or vibration causes a nuisance or inconvenience outside of the premises.	
21.	DUPLEX means a building that is divided horizontally into two dwelling units, each of which has a private entrance either directly or through a common vestibule or from outdoors.	

22.	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 does not include, a mobile home, a mini home, a hotel, a motel or apartment hotel.	
23.	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.	
24.	ENVIRONMENT means any combination of air; soil and water; plant and animal life; social and cultural conditions; buildings and other structures; or any impacts on the foregoing resulting directly or indirectly from human activities.	
25.	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.	
26.	ESTABLISHED GRADE LEVEL means in reference to a building the average elevation of the finished surface of the ground where it meets the exterior of the front of such buildings; and when used with reference to a structure shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment; and when used with reference to a street, road or	

highway means the elevation of the street, road or highway established by the Town or other designated authority.

27. EXISTING means existing as of April 30, 1982, the effective date of this By-law.

28. FLOOR AREA means:

- a. With reference to a dwelling means the maximum area contained within the outside walls excluding any private garage, porch, veranda, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
- b. Commercial floor area means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms and common malls between stores.
- 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 or the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.
- d. With reference to a dwelling unit where more than one unit is contained within a building, means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit, excluding closets, built-in cabinets and storage areas and balconies.

29. GROUPED DWELLINGS means two or more architecturally similar and thematically designed residential units which are pre-serviced and contained within two or more buildings located on the same lot.

<p>30. HEIGHT means the vertical distance on a building between the established grade and</p> <ul style="list-style-type: none"> <li>a. the highest point of the roof surface or the parapet of a flat roof, whichever is greater;</li> <li>b. the deckline of a mansard roof; and</li> <li>c. the mean level between eaves and ridges on a gabled, hip, gambrel or other type of pitched roof.;</li> </ul> <p>but shall not include any construction used as an ornament or a mechanical penthouse, chimney, tower, cupola or steeple.</p> <p>31. HOME FOR SPECIAL CARE means an extended or intermediate care facility licensed under the Homes for Special Care Act or the Children=s Services Act to provide full time care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves; or to provide custodial or supervisory care such as a transition house, or youth assessment centre providing counselling and assessment.</p> <p>32. HOME OCCUPATION means activities, accessory to residential use, carried on wholly within the boundaries of a property, upon which property is located the residence of the operator of the home occupation, and such activities involve the manufacture of goods or the provision of services and marketing of those goods or services and, without limiting the generality of the foregoing, shall include home businesses and offices, dressmaking, tailoring, photography, arts and crafts, ceramics, pottery, upholstery, dealing in antiques, household appliance repair and small motor repair, and shall not include retail merchandising operations such as operating a store or canteen, or noisy or potentially disruptive enterprise such as trucking and transport business, taxi services or autobody shops.</p>	
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32.	HOME OFFICE means a room or rooms, accessory to a residential use, not exceeding a total of 25 m <sup>2</sup> (269 sq. ft.) where business of a quiet and isolated nature may be conducted by residents of the dwelling but shall not include the manufacturing or on-site provision of any goods or services.	
34.	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 without private cooking facilities.	
35.	INN means a dwelling where the proprietor supplies either room and board or meals for monetary gain on a temporary basis, where not more than twenty rooms are so used, and which is open to the travelling public.	
36.	INSTITUTION means an organized body or society for promoting a particular purpose with no intent of profit, but shall not include a private club.	
37.	KENNEL means a building or structure where animals, birds or other livestock intended or used as domestic household pets are kept or boarded.	
38.	LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decoration stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.	



39.	LOADING AND UNLOADING AREA means a vacant area of land which: (a.) is suitable for the temporary parking of one commercial vehicle while merchandise or materials are being loaded or unloaded from such vehicle and such parking shall not be for the purpose of sale or display; (b.) is not upon or partly upon any street or highway; and (c.) has adequate access and egress by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.	
40.	LOT means any parcel of land described in a deed or as shown in a registered plan of subdivision.	
41.	CORNER LOT means a lot situated at the intersection of and abutting on two or more streets.	
42.	INTERIOR LOT means a lot situated between two lots and having access to one street.	
43.	THROUGH LOT means a lot bounded on two opposite sides by streets or highways, however, if any lot qualifies as being both a corner lot and a through lot, such lot shall be deemed to be a corner lot for the purpose of this By-law.	
44.	LOT AREA means the total area of the plane within the lot lines of a lot.	
45.	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	

<p>side lot lines and at a point therein equal in distance to the maximum applicable front yard. In the case of a corner lot, the exterior lot lines (street lines) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage. (see figure on page 7)</p>	
<p>46. LOT LINE means a boundary line of a lot.</p>	
<p>47. 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 is the front 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 may be the front lot line.</p>	
<p>48. REAR LOT LINE means the lot line furthest from or opposite to the front lot line.</p>	
<p>49. SIDE LOT LINE means a lot line other than a front or rear lot line.</p>	
<p>50. MAIN BUILDING means a building in which the principal use of the lot occurs.</p>	
<p>51. 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.</p>	
<p>52. MOBILE HOME or MINI HOME means a structure having a width of 6.1 m (20.0 ft.) or less which is designed for transportation after fabrication, whether or not on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is complete and ready for occupancy, except for minor and incidental unpacking, assembly and service connections.</p>	

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| <p>53. MOTEL means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation, with or without meals.</p> <p>54. 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.</p> <p>55. OBNOXIOUS USE means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by refuse matter, waste or other material.</p> <p>56. 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.</p> <p>57. PARKING AREA means an area other than a street containing two or more parking spaces, which is available for the use of the public or provided as an accommodation for clients, customers, residents or employees.</p> <p>58. PARKING SPACE means an area of not less than 12.5 m<sup>2</sup> (134.5 sq. ft.) measuring 2.5 m (8.2 ft.) by 5 m (16.4 ft.) exclusive of necessary driveway or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or manoeuvring areas.</p> |  |
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59.	PROFESSIONAL USE means a use carried out by a person or persons registered in Nova Scotia as professionals in connection with practice of that profession and typically include the offices of lawyers, accountants, architects, engineers, doctors and dentists.	
60.	PROTECTED LANDS means lands which are subject to flooding or lands on which, owing to unsatisfactory natural drainage, steep slopes, rock formations or other similar features, the cost of providing adequate water, sewer, sewage disposal and other municipal services and facilities would, in the opinion of Council, be prohibitive.	
61.	PUBLIC AUTHORITY means any Board, Commission or Committee of the Town of Middleton established or exercising any power or authority under any general or specific Statute of Nova Scotia with respect to any of the affairs or purposes of the Town or a portion thereof and includes any Committee or local authority established by By-law of the Town.	
62.	RECREATIONAL USE means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses, together with necessary and accessory buildings and structures, but does not include the use of land for the racing of animals or any form of motorized vehicles.	
63.	RESTAURANT means a building or part thereof where food and drink are served to the public for consumption within the building or for take-out but not for consumption in parking areas appurtenant to the building.	

64.	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.	
65.	ROWHOUSE OR TOWNHOUSE DWELLING means a building that is divided vertically into three or more dwelling units, each of which has independent entrances.	
66.	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.	
67.	SEMI-DETACHED DWELLING means a building that is divided vertically into two dwelling units each of which has an independent entrance.	
68.	SERVICE AND UTILITY USES means public and quasi-public uses which provide the support systems for the built environment. These shall include facilities provided by Government such as sewage treatment plants, rights-of-way, school bus garages, fire stations and facilities provided by companies such as the Nova Scotia Power Incorporated and Maritime Tel. & Tel., etc.	
69.	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.

70. SINGLE DETACHED DWELLING means a dwelling containing only one dwelling unit, but does not include a mini home or mobile home.
71. 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 1.8 m (5.9 ft.) above grade. Provided also that any portion of a storey exceeding 4.3 m (14.1 ft.) in height shall be deemed an additional storey for each 4.3 m (14.1 ft.) or fraction thereof of such excess.
72. STREET 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 or Middleton.
73. STREET LINE means the boundary line of a street.
74. STRUCTURE means anything that is erected, built, or constructed or any such erection, building or construction fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs and also fences exceeding 2 m (6.56 ft.) in height.

75.	SWIMMING POOL means an artificial body of water, excluding ponds, of more than 10 m <sup>2</sup> (107.6 sq. ft.), used for bathing, swimming or diving.	
76.	TOWN means the Municipality of the Town of Middleton.	
77.	TRIPLEX DWELLING means a building that is divided into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.	
78.	VETERINARY ESTABLISHMENT means the premises where animals, birds or other livestock are treated or treated and kept for monetary gain.	
79.	WAREHOUSE means a building where wares or goods are stored but shall not include a retail store.	
80.	YARD means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.	
	(a) Front Yard means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a "minimum" front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest 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 or any main building or structure on the lot; and "minimum" rear	

<p>yard means the minimum depth of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot.</p> <p>(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 main building or structure on the lot.</p> <p>(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 wall of any building or structure.</p> <p>81. ZONE means a designated area of land shown on the Schedule of this By-law.</p>	
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