



PLANNING SERVICES PUBLIC ADVISORY PANEL

Municipal Planning Strategy and Land Use Bylaw Plan Review

**Town Hall – Council Chambers
Monday, March 13, 2017
7:00 pm**

AGENDA

1. Call to Order
2. Approval of the Agenda
3. Approval of Minutes
4. Review: MPS Sector/Land Use Policies (Definitions, Parts 8-17)
5. Next Meeting – March 27, 2017
6. Adjournment

Middleton MPS/LUB Review
Introduction and Process Overview
Land Use By-law, Definitions & Zoning, March 13, 2017

Existing Middleton Land Use By-law – General Provisions		
Part 2, Definitions		
		Comments
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.	
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.	
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.	

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.	
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.	
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.	
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.	
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.	
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.	

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.	
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.	
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)	
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.	

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| <p>19. DOUBLE DUPLEX means a building that consists of two duplexes attached to each other.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> | |
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| <p>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.</p> <p>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.</p> <p>27. EXISTING means existing as of April 30, 1982, the effective date of this By-law.</p> <p>28. FLOOR AREA means:</p> <ul style="list-style-type: none">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 | |
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	<p>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.</p> <p>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.</p>	
29.	<p>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.	<p>HEIGHT means the vertical distance on a building between the established grade and</p> <ul style="list-style-type: none"> a. the highest point of the roof surface or the parapet of a flat roof, whichever is greater; b. the deck line of a mansard roof; and c. the mean level between eaves and ridges on a gabled, hip, gambrel or other type of pitched roof.; <p>but shall not include any construction used as an ornament or a mechanical penthouse, chimney, tower, cupola or steeple.</p>	
31.	<p>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>	
32.	<p>HOME OCCUPATION means activities, accessory to residential</p>	

	<p>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>	
32.	<p>HOME OFFICE means a room or rooms, accessory to a residential use, not exceeding a total of 25 m² (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.</p>	
34.	<p>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.</p>	
35.	<p>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.</p>	
36.	<p>INSTITUTION means an organized body or society for promoting a particular purpose with no intent of profit, but shall not include a private club.</p>	
37.	<p>KENNEL means a building or structure where animals, birds or</p>	

	<p>other livestock intended or used as domestic household pets are kept or boarded.</p>	
38.	<p>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.</p>	
39.	<p>LOADING AND UNLOADING AREA means a vacant area of land which:</p> <ul style="list-style-type: none"> (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, maneuvering areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles. 	
40.	<p>LOT means any parcel of land described in a deed or as shown in a registered plan of subdivision.</p>	
41.	<p>CORNER LOT means a lot situated at the intersection of and abutting on two or more streets.</p>	
42.	<p>INTERIOR LOT means a lot situated between two lots and having access to one street.</p>	
43.	<p>THROUGH LOT means a lot bounded on two opposite sides by streets or highways, however, if any lot qualifies as being both a</p>	

	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 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)	
46.	LOT LINE means a boundary line of a lot.	
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.	
48.	REAR LOT LINE means the lot line furthest from or opposite to the front lot line.	
49.	SIDE LOT LINE means a lot line other than a front or rear lot line.	
50.	MAIN BUILDING means a building in which the principal use of the lot occurs.	

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.	
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.	
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.	
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.	
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.	
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.	
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.

58. PARKING SPACE means an area of not less than 12.5 m² (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.
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

<p>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.</p> <p>75. SWIMMING POOL means an artificial body of water, excluding ponds, of more than 10 m² (107.6 sq. ft.), used for bathing, swimming or diving.</p> <p>76. TOWN means the Municipality of the Town of Middleton.</p> <p>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.</p> <p>78. VETERINARY ESTABLISHMENT means the premises where animals, birds or other livestock are treated or treated and kept for monetary gain.</p> <p>79. WAREHOUSE means a building where wares or goods are stored but shall not include a retail store.</p> <p>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.</p> <p>(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.</p>	
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<p>(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 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>		
Part 8 - Protected Lands (PL) Zone		
		Comments
<p>8.1 Uses Permitted</p>	<p>No development permit shall be issued in the Protected Lands (PL) zone except for one or more of the following uses:</p> <p>(a) agricultural uses not requiring permanent structures;</p> <p>(b) existing residential uses (1998 Civic Addressing Map #'s 34,37,40,44,46,48 & 50 Bridge Street)</p>	
8.2	Expansion of existing residential uses or the	

Zone Requirements	replacement of residential structures to accommodate existing residential uses shall be subject to the requirements set out in the Residential (R) zone.	
Part 9 - Restricted Development (RD) Zone		
		Comments
9.1 Structures & Uses Permitted	Agricultural Recreational Water-related Residential Institutional	
9.2 Zone Requirements	<p>Minimum Lot Frontage 30 m (98.42 ft.) Minimum Front Yard Setback 8 m (26.25 ft.) Minimum Rear Yard Setback 6 m (19.68 ft.) Minimum Side Yards 1/2 building height or 3 m (9.84 ft.) whichever is greater Maximum Height of Structures 10 m (32.80 ft.)</p> <p>NOTE:</p> <ul style="list-style-type: none"> Those uses abutting the Annapolis River or tributary are exempted from the setback requirement for the area which abuts the Annapolis River or tributary. Residential and Institutional uses must be developed in accordance with all requirements set out in the Residential (R) and Institutional (I) zones and in the case of a discrepancy to standards in the Restricted Development zone, the more restrictive standards shall apply. 	

<p>9.3 Special Criteria for Residential/Institutional Development within RD Zone</p>	<p>No development permit shall be issued on any parcel or portion thereof that is in the area as flood plain (Protected Lands) on the Zoning Map, unless the following special requirements are met:</p> <ul style="list-style-type: none"> (a) any portion of any main building (door, window, drain, vent, etc.) shall be above 45 feet (13.72 m) of elevation; (b) fill shall be permitted to be placed on lots only when: <ul style="list-style-type: none"> (i) the amount of fill is restricted to that area over which the main building and services are located, as well as within 5 m (16.4 ft.) of the perimeter of the foundation of said building and services; (ii) such fill when placed, has adequately stabilized slopes using materials such as rip-rap, gabions, retaining walls or other suitable materials which will protect property and structure from flood damage; (iii) elevation at top of fill be a minimum of 45 feet (13.72 m); (c) residential and institutional development in the flood plain area identified on the Zoning Map shall only be allowed adjacent to existing similar development; 	
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	<p>(d) no more than 5 ft. (1.52 m) of fill shall be permitted on any point of elevation of the lot and no development shall be constructed on land as shown on the Zoning Map to be below the forty (40) foot contour (12.19 m) or within any potential flood channel;</p> <p>(e) all developments proposed within the flood plain zone as shown on the Zoning Map must be accompanied by drawings, signed and stamped by a qualified Nova Scotia engineer, attesting to the proposal's meeting or exceeding these minimum development criteria.</p> <p>Notwithstanding b (i), the area of fill around the structures may be increased if it is determined by a properly qualified professional engineer to be reasonable and affords adequate protection from increased downstream impacts, and referral is made to the Nova Scotia Department of the Environment for comment.</p>	
Part 10 – Residential (R) Zone		
		Comments
10.1 Uses Permitted	<p>No development permit shall be issued in a Residential (R) zone except for one or more of the following uses:</p> <ul style="list-style-type: none"> • Agriculture • Art Gallery and Picture Framing Studio (1998 Civic Addressing Map, 393 Main Street) • Converted Dwelling containing to a maximum 	

	<p>of four (4) units</p> <ul style="list-style-type: none"> • Homes for Special Care • Horticultural uses • Manses and rectories • Multiple Unit Dwellings containing less than four (4) Units • Nurseries and day care centre • Nurses' residences • Nursing, rest and convalescent homes • Parks and recreation areas • Professional Offices (1998 Civic Addressing Map, 7-9 Bridge Street) • Rowhousing containing less than four (4) units • Thompsons Transfer Salvage and Sales (1998 Civic Addressing Map, 47 Victoria Street) • Valley Veterinarians Ltd. (1998 Civic Addressing Map, 26 Main Street) • Semi-detached and single detached dwellings • Sewage treatment plant (1998 Civic Addressing Map, 194 Main Street) • Warren T. Roop Funeral Home (1998 Civic Addressing Map, 398 Main Street) 	
10.2 Uses Permitted with Conditions	<p>10.2.1 Converted Dwellings, to a maximum of four dwelling units, provided that Municipal services are available in the area.</p> <p>10.2.2 Bed and breakfasts, inns and boarding houses provided the following criteria are met:</p>	

(a) parking space, in accordance with Part 6 of this By-law, shall be provided at the side or rear of the building; and

(b) the owner, owners or manager of the bed and breakfast, inn or boarding house shall live on or adjacent to the property

10.2.3 Home Occupations

Within a residential dwelling; or in an accessory building on the same lot within the Residential zone, provided that the following criteria are met;

(a) home occupation uses occupy less than twenty-five percent of the total floor area of the dwelling unit, to a maximum of 65 m² (699.7 sq. ft.);

(b) no more than three persons, including the residential tenant, are employed;

(c) home occupation uses do not produce excessive noise, odour or hazard to the public;

(d) two home occupation uses shall be permitted in a single dwelling unit provided that at least one use is owned or operated by the residential tenant, the total floor area of both uses is less than twenty-five percent of the total floor area of the dwelling unit and no

	<p>more than three persons including the residential tenant, are employed;</p> <p>(e) when only one home occupation use is operated within any dwelling unit, it must be owned or operated by the residential tenant;</p> <p>(f) the exterior appearance of the residence is not substantially altered;</p> <p>(g) adequate parking is provided as set out in the Land Use By-law; and</p> <p>(h) no outdoor storage or display is permitted.</p>	
<p>10.3 Alternate requirements for properties abutting Main, Commercial or Bridge Streets</p>	<p>The requirements for home occupations may be waived or varied for residential dwellings abutting Main Street, Commercial Street or Bridge Street provided that a Development Agreement is entered into.</p>	

ZONE REQUIREMENTS FOR LOTS WITH MUNICIPAL SERVICES

NOTE: REQUIREMENTS ARE SET OUT FOR THE STRUCTURE, RATHER THAN FOR EACH DWELLING UNIT.

	SINGLE DETACHED DWELLINGS; BOARDING HOUSES; CONVERTED DWELLINGS; NURSING, REST AND CONVALESCENT HOMES; TOURIST HOMES	DUPLEX	SEMI-DETACHED	TRIPLEX; DOUBLE DUPLEX	ROW HOUSING	APARTMENTS
MINIMUM LOT AREA	460 sq. Metres (4,951 sq. Feet)	570 sq. Metres (6,136 sq. Feet)	625 sq. Metres (6,728 sq. Feet)	650 sq. Metres (6,997 sq. Feet)	1,400 sq. Metres (15,069.96 sq. Feet)	1,185 sq. Metres (12,756 sq. Feet)
MINIMUM LOT FRONTAGE	20 Metres (65.6 Feet)	22 Metres (72 Feet)	24 Metres (78.8 Feet)	22 Metres (72 Feet)	FIRST UNIT 20 Metres (65.6 Feet) PLUS EACH ADDITIONAL UNIT 6 Metres (19.68 Feet)	26 Metres (85.3 Feet)
MINIMUM LOT DEPTH	23 Metres (75.4 Feet)	26 Metres (85.3 Feet)	26 Metres (85.3 Feet)	30 Metres (98.42 Feet)	26 Metres (85.3 Feet)	45 Metres (147.64 Feet)
MINIMUM FRONT YARD SETBACK	8 Metres (26.25 Feet)	8 Metres (26.25 Feet)	8 Metres (26.25 Feet)	8 Metres (26.25 Feet)	8 Metres (26.25 Feet)	8 Metres (26.25 Feet)
MINIMUM REAR YARD SETBACK	6 Metres (19.68 Feet)	6 Metres (19.68 Feet)	9 Metres (29.5 Feet)	10.6 Metres (34.7 Feet)	9 Metres (29.5 Feet)	10.6 Metres (34.7 Feet)
MAXIMUM HEIGHT OF STRUCTURES	10 Metres (32.80 Feet)	10 Metres (32.80 Feet)	10 Metres (32.80 Feet)	10 Metres (32.80 Feet)	10 Metres (32.80 Feet)	10 Metres (32.80 Feet)

NOTE: MINIMUM SIDE YARDS FOR ALL DWELLING TYPES EXCEPT SINGLE DETACHED DWELLINGS OR SEMI-DETACHED UNITS LOCATED ON A COMMON SIDE LOT LINE: 1/2 BUILDING HEIGHT OR 3 METRES (9.84 Feet), WHICHEVER IS GREATER. SINGLE DETACHED DWELLINGS 1.5 METRES (4.92 Feet) ON ONE SIDE AND 3 METRES (9.84 Feet) ON THE OTHER.

ALL RESIDENCIES CONTAINING MORE THAN FOUR DWELLING UNITS SHALL PROVIDE AT LEAST 10% OF THE LOT AS USEABLE OPEN SPACE, OTHER THAN PARKING, LOADING AND UNLOADING AREAS, AT THE SIDE OR REAR OF THE BUILDING FOR USE BY THE RESIDENTS.

ZONE REQUIREMENTS FOR LOTS WITHOUT MUNICIPAL SERVICES

	SINGLE DETACHED DWELLINGS; BOARDING HOUSES; CONVERTED DWELLINGS; NURSING, REST AND CONVALESCENT HOMES; BED & BREAKFASTS	DUPLEX SEMI-DETACHED	DOUBLE DUPLEX TRIPLEX	ROW HOUSING APARTMENTS
MINIMUM LOT AREA	2,787 sq Metres (30, 000 sq. Feet)	5,574 sq Metres (60, 000 sq. Feet)	5,574 sq. Metres (60, 000 sq. Feet)	929 sq Metres (10, 000 sq. Feet)
MINIMUM LOT FRONTAGE	46 Metres (150.9 Feet)	46 Metres (150.9 Feet)	46 Metres (150.9 Feet)	60 Metres (198.85 Feet)
MINIMUM FRONT YARD SETBACK	8 Metres (26.25 Feet)	8 Metres (26.25 Feet)	8 Metres (26.25 Feet)	8 Metres (26.25 Feet)
MINIMUM SIDE YARDS	One Side: 1/2 Building Height or 3 Metres (9.84 Feet), WHICHEVER is GREATER Second Side: 26 Metres (85.3 Feet)	One Side: 1/2 Building Height or 3 Metres (9.84 Feet), WHICHEVER is GREATER Second Side: 26 Metres (85.3 Feet)	One Side: 1/2 Building Height or 3 Metres (9.84 Feet), WHICHEVER is GREATER Second Side: 26 Metres (85.3 Feet)	One Side: 1/2 Building Height or 3 Metres (9.84 Feet), WHICHEVER is GREATER Second Side: 26 Metres (85.3 Feet)
MAXIMUM HEIGHT OF STRUCTURES	10 Metres (32.80 Feet)	10 Metres (32.80 Feet)	10 Metres (32.80 Feet)	10 Metres (32.80 Feet)

NOTE: ALL UNSERVICED LOTS REQUIRE APPROVAL FOR SEWAGE DISPOSAL BY THE PROVINCIAL DEPARTMENT OF ENVIRONMET BEFORE A DEVELOPMENT PERMIT CAN BE ISSUED. THE MINIMUM LOT AREA SHOWN ABOVE MAY NOT BE ADEQUATE TO MEET PROVINCIAL DEPARTMENT OF ENVIRONMENT STANDARDS.

Part 11 – Restricted Residential (RR) Zone		
		Comments
11.1 Uses Permitted	<p>No development permit shall be issued in a Restricted Residential (RR) zone except for one or more of the following uses:</p> <ul style="list-style-type: none"> • Manses and rectories • Neighborhood parks and playgrounds • Single detached dwellings 	
11.2 Conditional Uses Permitted	Home offices not exceeding 25% of the ground floor area of the dwelling to a maximum of 25 m ² (269 sq. ft.).	
11.3 Zone Requirements	<p>Minimum Lot Area 525 m² (5,651.24 sq. ft.)</p> <p>Minimum Lot Frontage 22 m (72.17 ft.)</p> <p>Minimum Lot Depth 23 m (75.45 ft.)</p> <p>Minimum Front Yard Setback 8 m (26.25 ft.)</p> <p>Minimum Rear Yard 6 m (19.68 ft.)</p> <p>Minimum Side Yards</p> <p>1.5 m (4.92 ft.) one side; 3 m (9.84 ft.) other side</p> <p>Maximum Height of Structures 10m (32.80 ft.)</p>	
Part 12 – Business District (BD) Zone		
		Comments
12.1 Uses Permitted	No development permit shall be issued in a Business District (BD) zone except for one or more of the following uses:	

	<ul style="list-style-type: none"> • amusement arcades • apartment buildings (1998 Civic Addressing Map, 357 Main Street, 135 Commercial Street, 8/10 School Street, 12 School Street, 14 School Street, 72 Marshall Street, 261/263 Marshall Street) • A.W. Allen Building Supply & Mill (1998 Civic Addressing Map, 166 Commercial Street) • banks and financial institutions • Bruce's Imperial service station (1998 Civic Addressing Map, 259 Main Street) • bus or coach stations or depots • cinemas, theatres and concert halls • commercial schools • courthouse uses • dry cleaning retail outlets and associated plants • fire stations • hotels • laundromats • Maritime Tel. & Tel. facilities • medical clinics • museums and art galleries • news and magazine stands • N.S.P. garage (1998 Civic Addressing Map, 259 Marshall Street) • offices • parking lots and structures • photography studios • police station • post offices • printing establishments 	
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	<ul style="list-style-type: none"> • professional offices • public libraries • public washrooms • public works facilities • railway structures including rail passenger stations and rail freight terminals • repair shops • residential dwelling units located above the ground floor level of a commercial structure • residential dwelling units not fronting on Commercial Street, Main Street or School Street • retail establishments including, but not restricted to the following: <ul style="list-style-type: none"> • appliance and equipment rentals • bakeries • bicycles and sports equipment stores • booksellers and stationers • boutique and craft shops • catering establishments • clothing and footwear shops • confectioners • dairy, meat, fish, fruit and vegetable markets • delicatessen shops • department store • drug stores • florists • furniture and furnishing shops • gas, electric and telephone showrooms • grocery stores and supermarkets • hairdressers, barber shops and beauty 	
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	<p>salons</p> <ul style="list-style-type: none"> • hardware shops • jewellery shops • mail-order establishments • manpower centres • Nova Scotia liquor stores • Opticians • pet and pet food shops • photographic, radio and electrical goods shops • restaurants • sundry and variety stores • take-out food outlets • taverns, beverage rooms and lounges • tobacconists • travel and ticket agencies <ul style="list-style-type: none"> • single detached dwellings (1998 Civic Addressing Map, 336 Main Street, 352 Main Street, 8 Maple Street, 12 Maple Street, 303/305 Marshall Street, 299 Marshall Street, 5 George Street, 7 George Street, 9 George Street, 11 George Street, 60 Commercial Street, 84 Commercial Street, 149 Commercial Street, 147 Commercial Street, 145 Commercial Street, 141 Commercial Street, 18 School Street, 20 School Street, 22 School Street, 17 School Street) • taxi stands • Thompsons Moving Storage Depot (1998 Civic Addressing Map, 54-56 School Street) • tourist bureau • tourist establishments, including interpretative 	
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	centres • town hall	
12.2 Special Requirements and Restrictions	<p>No permanent outdoor storage or outdoor display shall be permitted within 6m (19.68ft.) of a street right-of-way. Outdoor storage areas shall be fenced and screened from public view. Temporary (less than a 24 hour period) outdoor display may be permitted. No display shall be permitted or continued if it is considered by Council to be unsightly, dangerous or noxious or it interferes with vehicle or pedestrian traffic.</p> <p>Maximum height of structure: 7 stories</p> <p>Existing single detached dwellings may expand but not convert to any other residential use provided they meet the requirements set out in the Residential (R) Zone.</p>	
Part 13 – Highway Commercial (HC) Zone		
		Comments
13.1 Uses Permitted	<p>No development permit shall be issued in a Highway Commercial (HC) zone except for one or more of the following uses:</p> <ul style="list-style-type: none"> • Amusement Arcades • Animal kennels and grooming • Automobile trade activities including, but not restricted to the following: <ul style="list-style-type: none"> • Automobile dealership • Carwashes • Department of Transportation Depot 	

	<ul style="list-style-type: none"> • Gasoline stations • Motorcycle and accessory dealers • Motor vehicle registry • Repair garages • School bus depot • Service stations • Transport garages • Vehicle weigh scales • Bowling alleys • Driver training schools • Existing motels converted to apartment use • Funeral parlours • Grocery stores and supermarkets • High density residential developments (greater than 10 dwelling units/gross acre) in the Highway Commercial designation on properties abutting the west side of Brooklyn Street by Development Agreement • Hobby shops and craft stores • Hotels, motels, youth hostels • Laundromats • Marine craft and accessories • Mobile home and travel-trailer sales and service • Non-motorized commercial recreation uses • Professional Offices, accessory residential dwelling units within existing buildings and new multiple unit residential structures at 474 Main Street (PID 05267836). • Public and private halls • Recreational-trailer parks and laundromats and variety stores accessory thereto 	
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	<ul style="list-style-type: none"> • Restaurants • Seed and agricultural merchants • Service and utilities uses • Single detached dwellings (1998 Civic Addressing Map, 157 Main Street, 151 Main Street, 147 Main Street, 145 Main Street, 139/141 Main Street, 115 Main Street, 111 Main Street, 43 Brooklyn Street, 33 Brooklyn Street, 9 Brooklyn Street, 16 Brooklyn Street) • Take-out food outlets • Taverns, beverage rooms and lounges • Theatres • Veterinary clinics 	
13.2 Zone Requirements	Minimum Lot Frontage 30 m (98.42 ft.) Minimum Front Yard Setback 9 m (29.53 ft.) Minimum Rear Yard Setback 6 m (19.68 ft.) Minimum Side Yards 2 building height or 3 m (9.84 ft.), whichever is greater Maximum Height of Structures 10 m (32.80 ft.)	
13.3 Special Requirements	<p>Where required, uses shall provide on-site loading and unloading facilities (see Part 5, page).</p> <p>All uses shall provide parking at a rate of one parking space for every 20 m² (215.28 sq. ft.) of interior or exterior retail area.</p> <p>Uses shall not be permitted to have continuous access along the street line(s) of the property, but shall be restricted to one access and one egress each of "13 m (42.65 ft.)" or less in width from the property per 100 m (328.08 ft.) frontage along each street frontage.</p>	

	<p>Outdoor storage areas shall be fenced and screened from the view of the public. This requirement shall not apply to outdoor display areas.</p> <p>Existing single detached dwellings may expand, but not convert to any other residential use provided the expansion meets the requirements of the Residential zone for that use.</p> <p>Abutting zone requirements shall apply (see Part 4.25)</p>	
Part 14 – Manufacturing & Industry (M) Zone		
		Comments
14.1 Uses Permitted	<p>No development permit shall be issued in a Manufacturing & Industry (M) zone except for one or more of the following uses:</p> <ul style="list-style-type: none"> • Agricultural machinery and supply dealer • All Business District (BD) zone uses having a minimum floor area of 465 m² (5,005 sq. ft.) by Development Agreement • Any manufacturing, processing, industrial or assembly operation excepting those connected with primary petroleum, metal or chemical industries and motorized transportation equipment • Bulk plants and fuel storage • Builders and contractors yards and depots • Commercial uses accessory to a main permitted use and carried on in the main building • Electronics manufacturing and industrial communications • Food catering 	

	<ul style="list-style-type: none"> • General building supplies • Government establishments excepting retail outlets • Industrial, mechanical and hand laundries and dry cleaning plants • Industrial catering • Laboratories • Marine craft and accessory sales and service • Mobile home, mini home and travel trailer sales and service • Motel, hotel, youth hostels • Motor vehicle sales, service, repair and washes • Moving and storage depots • Machine shops • Municipal maintenance depots • Recycling depots (totally enclosed) • Research and development establishments • Seed and agricultural merchants • Service stations • Service & utility uses • Single detached dwelling (1998 Civic Addressing Map, 50 Brooklyn Street, 51 Victoria Street) • Trucking depots • Utility facilities • Vocational training centres • Warehousing establishments • Wholesale storage, distribution and sales • Business offices and commercial uses accessory to the above 	

<p>14.2 Zone Requirements</p>	<p>Minimum Lot Frontage 30 m (98.42 ft.) Minimum Front Yard Setback 9 m (29.53 ft.) Minimum Rear Yard Setback 6 m (19.68 ft.) Minimum Side Yards 1 / 2 building height or 3 m (9.84 ft.), whichever is greater Maximum Height of Structures 10 m (32.80 ft.)</p>	
<p>14.3 Special Requirements</p>	<p>All uses shall provide on-site loading unloading facilities.</p> <p>All uses shall provide one parking space for every 75 m² (807.31 sq. ft.) of floor area.</p> <p>Uses shall not be permitted to have continuous access along the street line(s) of the property, but shall be restricted to one access and one egress of 13 m (42.65 ft.) or less in width from the property per 100 m (328.08 ft.) frontage, along each street frontage.</p> <p>Outdoor storage areas shall be fenced and screened from the view of the public. This requirement shall not apply to outdoor display areas.</p> <p>Permitted uses shall not be obnoxious by reason of sound, odour, dust, fumes, smoke or other emission or refuse matter or water carried waste.</p> <p>All Business District (BD) Zone uses locating in this zone shall require a minimum site area of 4,100 m² (44,133.48 sq. ft.) and shall meet the parking requirements established for shopping malls. Such uses may exist in combination with</p>	

	<p>uses permitted in the Manufacturing & Industry (M) Zone without increase to the minimum site area, providing that parking is provided at the rate for shopping malls on the total floor area of all uses.</p> <p>For greater clarity, it is the intention to maintain two zones, Manufacturing & Industry (M) zone and Highway Commercial (HC) zone along the east frontage side of Brooklyn Road and the south side frontage of West Street. Should uses from both zones be established on the same site, the requirements of the respective zone shall apply, except where the use is permitted in both zones, in which case the least restrictive zone requirements shall apply.</p>	
Part 15 – Recreation (REC) Zone		
		Comments
15.1 Uses Permitted	<p>No development permit shall be issued in an Recreation (REC) zone except for one or more of the following uses:</p> <ul style="list-style-type: none"> • Community centres, recreation centres and facilities • Pavilions, band shells and public schools coordinated with existing recreational facilities • Public and private parks and open space/recreation centres and facilities 	
Part 16 - Institutional (I) Zone		
		Comments
16.1	No development permit shall be issued in an	

Uses Permitted	<p>Institution (I) zone except for one or more of the following uses:</p> <ul style="list-style-type: none"> • , memorial gardens and places of worship • churches, chapels and religious institutions • clinics • clubs and judicial facilities • government offices and public works facilities • hospitals • institutions • jails • judicial facilities and related professional and law offices • libraries • museums • private clubs and fraternal organizations • public health and rehabilitation centres • residential structures accessory to permitted uses the above • schools and educational establishments 	
16.2 Zone Requirements	<p>In an Institutional (I) Zone, no development permit shall be issued except in conformity with the following requirements:</p> <p>Minimum lot area 930 m² (10,010.76 sq. ft.)</p> <p>Minimum Lot Frontage 30 m (98.42 ft.)</p> <p>Minimum Front Yard Setback 8 m (26.25 ft.)</p> <p>Minimum Rear Yard Setback 8 m (26.25 ft.)</p> <p>Minimum Side Yards 4.5 m (14.76 ft.)</p> <p>or 1/2 the height of the main building, whichever is greater</p> <p>Maximum Height of Main Building 14 m (45.93 ft.)</p>	

16.3 Special Requirements	Where an Institutional Zone use abuts a Residential Zone, a 2 m (6.56 ft.) buffer strip planted with a hedge of not less than 1.8 m (5.9 ft.) in height or other equivalent vegetative or opaque screening shall be provided abutting the lot line.	
Part 17 – Residential Mobile Home (MH) Zone		
		Comments
17.1 MH Zone Permitted Uses	The following uses shall be permitted in the Residential Mobile Home (MH) Zone: • mobile home dwelling units • mini home dwelling units	
17.2 MH Zone General Requirements	The following requirements shall apply to all uses permitted in the Residential Mobile Home (MH) Zone: Minimum lot area 460 m² (4,951.56 sq. ft.) Minimum Lot Frontage 20 m (65.62 ft.) Minimum Front Yard Setback 8 m (26.25 ft.) Minimum Rear Yard Setback 6 m (19.68 ft.) Minimum Side Yards 3 m (9.84 ft.)	
17.3 Special Requirement - Skirting	In the Residential Mobile Home (MH) Zone the entire undercarriage of a mobile home dwelling unit shall be skirted with an opaque material.	
17.4 Servicing and Phasing Requirements	All mobile and mini home developments shall be fully serviced with municipal water and sewer services and no mobile home subdivision shall be permitted in phases of less than 10 lots.	

	All mobile home developments shall be developed with all lots fronting on at least one public road.	
17.5 Conversion Requirements	All mobile home developments shall be designed to be easily converted to single detached dwelling subdivisions.	
Part 18 – Administration		
		Comments
18.1 Administration	This Bylaw shall be administered by the Development Officer.	
18.2 Scope of Application	<p>18.2.1 Every application for a development permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing:</p> <p>(a) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;</p> <p>(b) the proposed location, height and dimensions of the building, structure, or work in respect of which the permit is applied for;</p> <p>(c) the location of every building or structure already erected on or partly on such lots, and the location of every building upon contiguous lots;</p>	

	<p>(d) the proposed location and dimensions of parking spaces, loading spaces, driveways; and</p> <p>(e) such other information as may be necessary to determine whether or not every such building, development, reconstruction or redevelopment conforms with the requirements of this By-law.</p> <p>18.2.2 Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw and other bylaws and regulations in force which affect the proposed development he may require that the plans submitted under Subsection 1 be based upon an actual survey by a Provincial Land Surveyor.</p>	
18.3 Signature for Application	The application shall be signed by the registered owner of the lot or by the owner's agent duly authorized thereunto in writing and shall set forth in detail the current and proposed use of the lot and each building or structure, or part of each building or structure, together with all information necessary to determine whether or not every such proposed use of land, building or structure conforms with the requirements of this By-law.	
18.4 Penalty	Any person who violates a provision of this Bylaw shall be subject to prosecution as	

	provided for under Sections 505 of the Municipal Government Act.	
18.5 Date of this Bylaw	This Bylaw shall take effect when approved by the Minister of Municipal Affairs.	
18.6 Liability for Costs	Where Council does not initiate an amendment to this Bylaw or development agreement pertaining to this Bylaw, any other applicant shall deposit with the Clerk an amount estimated by the Clerk to be sufficient to pay the cost of advertising and other associated costs. If insufficient, after advertising has been completed, the applicant shall pay to the Clerk any additional amount.	