



## **PLANNING SERVICES PUBLIC ADVISORY PANEL**

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

**Town Hall – Council Chambers  
Monday, September 26, 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. Part 4.5 – Non-Conforming Uses
7. Review: MPS Sector/Land Use Policies (General Provisions & Definitions)
8. Next Meeting – To Be Determined
9. Adjournment



131 Commercial Street  
PO Box 340  
Middleton, NS B0S 1P0  
www.discovermiddleton.ca

FOR OFFICE USE ONLY  
Fee Paid ☐

Date Application Received \_\_\_\_\_  
Receipt # \_\_\_\_\_

APPLICATION FOR:

Land Use By-Law Text Amendment	_____
Land Use By-Law Map Amendment	<input checked="" type="checkbox"/>
Municipal Planning Strategy Text Amendment	_____
Municipal Planning Strategy Map Amendment	_____
Development Agreement	_____
Development Agreement Amendment	_____

1. Applicant is: Registered Owner(s) \_\_\_\_\_ complete 2  
Agent \_\_\_\_\_ complete 2 and 3  
Lessee \_\_\_\_\_ complete 2 and 4, 3 if  
Prospective Owner ☒ complete 2 and 4, 3 if applicable  
Other (please specify) \_\_\_\_\_

2. Name of Applicant(s): Steven Dow  
Mailing Address: 425 Main PO 482 Postal Code: B0S 1R0  
Telephone (Home): 902 825 4801 (Business): 902 825 4801

3. Name of Agent(s): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
Telephone: (Home): \_\_\_\_\_ (Business): \_\_\_\_\_

Registered Owner(s) signature(s) authorizing the agent to act on their behalf:

Signature

Print Name

Date

4. Where the applicant is not the registered owner(s) or an authorized agent acting on behalf of the registered owner(s), written authorization from the registered owner(s) must accompany this application.

ALL APPLICANTS MUST COMPLETE THIS SECTION:

5. Lot Description:

a) Street Address: 421 Main St

b) Existing Use: Residential

c) Water Services: \_\_\_\_\_ Existing \_\_\_\_\_ Central System \_\_\_\_\_ Sand Point  
\_\_\_\_\_ Proposed \_\_\_\_\_ Drilled/Artesian \_\_\_\_\_ Dug Well  
\_\_\_\_\_ N/A ☒ Municipal \_\_\_\_\_ Private

d) Sewer Services: \_\_\_\_\_ Existing ☒ Municipal \_\_\_\_\_ Central System  
\_\_\_\_\_ Proposed \_\_\_\_\_ On-Site \_\_\_\_\_ N/A

e) Access: Is there direct access to the lot(s) from an existing public street of highway?  
☒ Yes \_\_\_\_\_ No: Street name: Main St

Is access provided by a private road?

\_\_\_\_\_ Yes ☒ No: Street name: \_\_\_\_\_

Is access provided by water? \_\_\_\_\_ Yes ☒ No

Is access provided by a private right of way? \_\_\_\_\_ Yes ☒ No

f) Proposed Development: Add 10 new RU/Trailer  
Seasonal Camp sites

g) Other Relevant Information: Maintain existing house  
as rental unit. Change use of property  
to commercial & add to Orchard Queen Model RU.

NOTE: A sketch map and a copy of the deed description of the lot(s) may be required to be attached to this application.

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**DEVELOPMENT AGREEMENT:**

6. Applicants applying for a development agreement shall provide additional information regarding:

1. The location of the buildings or structures on the site;
  2. Access and egress to and from the site considered in terms of pedestrian/vehicular conflicts and the development of a more pedestrian oriented ambience in the downtown;
  3. Parking and loading requirements and standards;
  4. Business advertisement and parking area and directional signage;
  5. Accessory buildings, accessory structures and accessory uses;
  6. Abutting zone requirements, where applicable;
  7. Illumination; and
  8. A detailed site plan including:
    - a) Property dimensions and area;
    - b) The location, height, setback and dimensions of existing and proposed buildings or structures;
    - c) The location and dimensions of parking and loading spaces, driveways and parking and loading areas;
    - d) Lighting and signage locations, dimensions and illumination; and
    - e) Other applicable details relevant to the development.
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**PLEASE NOTE**

*Completed applications can be dropped off at Town Hall - 131 Commercial Street, Middleton, NS.*

*Mailing address: Town of Middleton, PO Box 340, Middleton, B0S 1P0.*

*FEE MUST ACCOMPANY THIS APPLICATION. FOR INFORMATION ON OUR SCHEDULE OF FEES, PLEASE CALL THE PLANNING SERVICES AT 825-4843 OR CONSULT OUR WEBSITE*

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7. Legal Declaration:

I, Steven Dow (applicant's/agent's name) of,  
425 Main St Middleton (Address) do solemnly declare that all  
of the statements and attachments are true and accurate

Dated at \_\_\_\_\_ this 20 day of September 2016

Applicant's Signature: \_\_\_\_\_

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**FOR OFFICE USE ONLY**

8. a) Parcel Identifier Number: \_\_\_\_\_  
b) Map Sheet Reference Number: \_\_\_\_\_  
c) Area: \_\_\_\_\_ Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_  
d) Corner Lot: \_\_\_\_\_ Frontage: \_\_\_\_\_ Street Name: \_\_\_\_\_  
e) Current Zoning: \_\_\_\_\_  
f) Proposed Zoning: \_\_\_\_\_  
g) Site Visit(s): Date: \_\_\_\_\_

h) Checklist:

___ Applicant's Signature	___ Agent's Signature
___ Agent's Authorization	___ Registered Owner's Authorization
___ Lot Description Information	___ Sketch Map (if required)
___ Legal Declaration	___ Deed Description (if required)
___ Site Plan Re: Development Agreement	___ Additional Attachment
Comments: _____	

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Existing Woods

EASEMENT



EASEMENT

Lane way

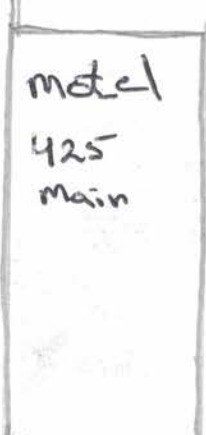
Lane way

wood fence



421  
Main

Resident  
Driveway



Parking lot  
Park Entrance  
425 Main St

MAIN ST.

**Middleton MPS/LUB Review**  
**Introduction and Process Overview**  
**Land Use By-law, General Provisions and Definitions, September 26, 2016**

<b>Existing Middleton Land Use By-law – General Provisions</b>		
<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:	
	<b>TYPE OF STRUCTURE</b>	<b>MINIMUM PARKING REQUIREMENTS</b>
	(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, theater, arenas, halls, stadia private clubs and other places of assembly	1 parking space for every 10 fixed seats 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; and		



	<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 permanent hard surfacing, each parking space shall be clearly</li> </ul>	

	<p>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 cars, or of a driveway or aisle in such area, shall be a minimum of 3</p>	
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	<p>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	7.2.1 Every sign and all parts thereof, including framework, supports, background, anchors	

	<p>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 on a corner lot where a maximum of two ground signs shall be permitted;</li> </ul>	

	<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 or premise provided that such signs are less than 0.5 m<sup>2</sup> (5.38 sq. ft.) in</p>	

	<p>area;</p> <ul style="list-style-type: none"> <li>(e) signs erected by a governmental body, or under the direction of such a body;</li> <li>(f) memorial signs or tablets and signs denoting the date of erection of a structure;</li> <li>(g) the flag, pennant, or insignia of any government, or of any religious, charitable or fraternal organization;</li> <li>(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</li> <li>(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.</li> </ul>	
7.5, Signs Prohibited in all Zones	<p>The following signs shall not be permitted in any zone:</p> <ul style="list-style-type: none"> <li>(a) signs which incorporate in any manner any flashing or moving illumination which varies in intensity</li> </ul>	

	<p>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 as to interfere with, mislead, or confuse traffic along a public road;</p>	
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	<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>	
7.6, Projecting Wall	No projecting wall sign shall:	

Signs	<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> <ul style="list-style-type: none"> <li>(a) roof signs must be designed and engineered to have no</li> </ul>	

	superstructure; and  (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.	
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.	
4.	AMUSEMENT ARCADE means a wholly enclosed "place of amusement" as defined by the Theatres and Amusement Act,	

	<p>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>	
5.	<p><b>APARTMENT BUILDING</b> 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>	
6.	<p><b>AUTOMOBILE SERVICE STATION OR SERVICE STATION</b> 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>	
7.	<p><b>BED AND BREAKFAST</b> 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>	
8.	<p><b>BOARDING OR ROOMING HOUSE</b> 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>	
9.	<p><b>BUILDING</b> means any structure whether temporary or permanent, used, or built for the shelter, accommodation or enclosure of</p>	

	<p>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>	
10.	<p>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>	
11.	<p>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>	
12.	<p>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>	
13.	<p>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>	
14.	<p>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>	
15.	<p>COUNCIL means the Council of the Town of Middleton.</p>	

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	

	<p>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>	
23.	<p>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>	
24.	<p>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>	
25.	<p>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>	
26.	<p>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>	



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.

30. HEIGHT means the vertical distance on a building between the established grade and

<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>	
<p>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</p>	

	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:	

<p>(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;</p> <p>(b.) is not upon or partly upon any street or highway; and</p> <p>(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.</p>	
<p>40. LOT means any parcel of land described in a deed or as shown in a registered plan of subdivision.</p>	
<p>41. CORNER LOT means a lot situated at the intersection of and abutting on two or more streets.</p>	
<p>42. INTERIOR LOT means a lot situated between two lots and having access to one street.</p>	
<p>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.</p>	
<p>44. LOT AREA means the total area of the plane within the lot lines of a lot.</p>	
<p>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</p>	

	<p>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>	
46.	<p>LOT LINE means a boundary line of a lot.</p>	
47.	<p>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>	
48.	<p>REAR LOT LINE means the lot line furthest from or opposite to the front lot line.</p>	
49.	<p>SIDE LOT LINE means a lot line other than a front or rear lot line.</p>	
50.	<p>MAIN BUILDING means a building in which the principal use of the lot occurs.</p>	
51.	<p>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>	
52.	<p>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>	
53.	<p>MOTEL means a building or buildings or part thereof on the same</p>	

	<p>site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation, with or without meals.</p>	
54.	<p>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>	
55.	<p>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>	
56.	<p>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>	
57.	<p>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>	
58.	<p>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>	
59.	<p>PROFESSIONAL USE means a use carried out by a person or persons registered in Nova Scotia as professionals in connection</p>	

	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	



<p>kept for sale directly to the public at retail value.</p> <p>65. ROWHOUSE OR TOWNHOUSE DWELLING means a building that is divided vertically into three or more dwelling units, each of which has independent entrances.</p> <p>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.</p> <p>67. SEMI-DETACHED DWELLING means a building that is divided vertically into two dwelling units each of which has an independent entrance.</p> <p>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. &amp; Tel., etc.</p> <p>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</p>	
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<p>"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.</p>	
<p>70. SINGLE DETACHED DWELLING means a dwelling containing only one dwelling unit, but does not include a mini home or mobile home.</p>	
<p>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.</p>	
<p>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.</p>	
<p>73. STREET LINE means the boundary line of a street.</p>	
<p>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.</p>	
<p>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,</p>	

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 yard means the minimum depth of a rear yard on a lot between the rear lot line and the nearest wall of any main

<p>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>	