
LAND USE BY-LAW

TOWN OF MIDDLETON

MAY 1998, with amendments to June 7, 2007, December 2, 2010, May 29, 2014

Prepared for TOWN OF MIDDLETON
by the Annapolis District Planning Commission

Table of Contents

	<u>Page</u>
PART 1 - TITLE.....	1
PART 2 - DEFINITIONS	2
PART 3 - ZONES AND ZONING MAP.....	11
PART 4 - GENERAL PROVISIONS FOR ALL ZONES	13
PART 5 - LOADING REQUIREMENTS FOR ALL ZONES	19
PART 6 - PARKING REQUIREMENTS FOR ALL ZONES.....	20
PART 7 - SIGNS.....	23
PART 8 - PROTECTED LANDS (PL) ZONE.....	27
PART 9 - RESTRICTED DEVELOPMENT (RD) ZONE	28
PART 10 - RESIDENTIAL (R) ZONE	30
PART 11 - RESTRICTED RESIDENTIAL (RR) ZONE.....	34
PART 12 - BUSINESS DISTRICT (BD) ZONE.....	35
PART 13 - HIGHWAY COMMERCIAL (HC) ZONE	37
PART 14 - MANUFACTURING & INDUSTRY (M) ZONE	39
PART 15 - RECREATION (REC) ZONE.....	41
PART 16 - INSTITUTIONAL (I) ZONE	42
PART 17 - RESIDENTIAL MOBILE HOME (MH) ZONE.....	43
PART 18 - ADMINISTRATION.....	44

LIST OF FIGURES

	<u>Page</u>
Lot Frontage.....	7
Permitted Encroachments in Yards	17
Parking Requirements for All Zones	20
Zone Requirements for Lots with Municipal Services	32
Zone Requirements for Lots without Municipal Services	33

The following is the text of the Land Use By-law of the Town of Middleton as approved by
the Minister of Municipal Affairs on June 29, 1998

PART 1 - TITLE

This By-law shall be known and may be cited as the "Land Use By- law of the Town of Middleton".

PART 2 - DEFINITIONS

For the purpose of this By-law, all words shall carry their customary meaning except for those defined hereafter.

1. ACCESSORY BUILDING means a subordinate building or structure 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.

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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.
 19. **DOUBLE DUPLEX** means a building that consists of two duplexes attached to each other.
 20. **DRY CLEANING OR LAUNDRY ESTABLISHMENT** means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods or fabric is carried on and in which only solvents are or can be used which emit no odours or fumes and in which no noise or vibration causes a nuisance or inconvenience outside of the premises.
 21. **DUPLEX** means a building that is divided horizontally into two dwelling units, each of which has a private entrance either directly or through a common vestibule or from outdoors.
 22. **DWELLING** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but does not include, a mobile home, a mini home, a hotel, a motel or apartment hotel.
 23. **DWELLING UNIT** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.
 24. **ENVIRONMENT** means any combination of air; soil and water; plant and animal life; social and cultural conditions; buildings and other structures; or any impacts on the foregoing resulting directly or indirectly from human activities.

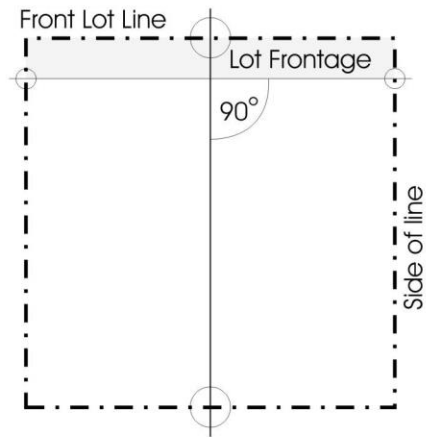
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25. ERECT means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
26. ESTABLISHED GRADE LEVEL means in reference to a building the average elevation of the finished surface of the ground where it meets the exterior of the front of such buildings; and when used with reference to a structure shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment; and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Town or other designated authority.
27. EXISTING means existing as of April 30, 1982, the effective date of this By-law.
28. FLOOR AREA means:
- a. With reference to a dwelling means the maximum area contained within the outside walls excluding any private garage, porch, veranda, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
 - b. Commercial floor area means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms and common malls between stores.
 - c. Gross floor area means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls or the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.
 - d. With reference to a dwelling unit where more than one unit is contained within a building, means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit, excluding closets, built-in cabinets and storage areas and balconies.
29. GROUPED DWELLINGS means two or more architecturally similar and thematically designed residential units which are pre-serviced and contained within two or more buildings located on the same lot.
30. HEIGHT means the vertical distance on a building between the established grade and
- a. the highest point of the roof surface or the parapet of a flat roof, whichever is greater;
 - b. the deckline of a mansard roof; and
 - c. the mean level between eaves and ridges on a gabled, hip, gambrel or other type of pitched roof.;
- but shall not include any construction used as an ornament or a mechanical penthouse, chimney, tower, cupola or steeple.
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.

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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.
33. 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.
34. HOTEL means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation with or without meals, but without private cooking facilities.
35. INN means a dwelling where the proprietor supplies either room and board or meals for monetary gain on a temporary basis, where not more than twenty rooms are so used, and which is open to the travelling public.
36. INSTITUTION means an organized body or society for promoting a particular purpose with no intent of profit, but shall not include a private club.
37. KENNEL means a building or structure where animals, birds or other livestock intended or used as domestic household pets are kept or boarded.
38. LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decoration stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
39. LOADING AND UNLOADING AREA means a vacant area of land which:
- (a.) is suitable for the temporary parking of one commercial vehicle while merchandise or materials are being loaded or unloaded from such vehicle and such parking shall not be for the purpose of sale or display;
 - (b.) is not upon or partly upon any street or highway; and
 - (c.) has adequate access and egress by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.
40. LOT means any parcel of land described in a deed or as shown in a registered plan of subdivision.
41. CORNER LOT means a lot situated at the intersection of and abutting on two or more streets.
42. INTERIOR LOT means a lot situated between two lots and having access to one street.

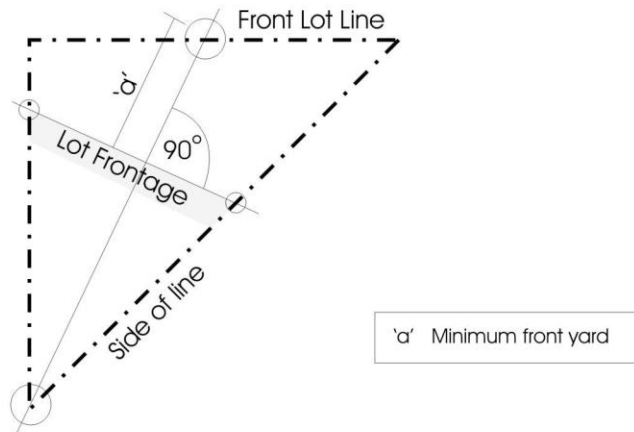
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43. THROUGH LOT means a lot bounded on two opposite sides by streets or highways, however, if any lot qualifies as being both a corner lot and a through lot, such lot shall be deemed to be a corner lot for the purpose of this By-law.
 44. LOT AREA means the total area of the plane within the lot lines of a lot.
 45. LOT FRONTAGE means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the 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.

Lot Frontage

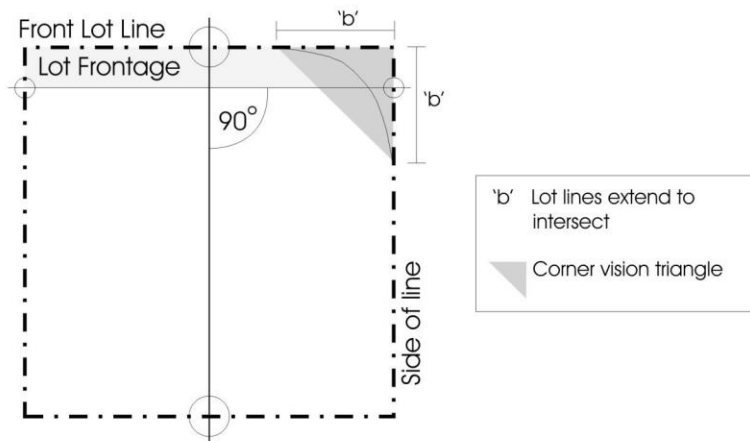
CONDITION 1 Standard Lot



CONDITION 2 Triangular Lot



CONDITION 3 Corner Lot



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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.

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69. **SIGN** means a structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon which shall be used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "sign" shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.
70. **SINGLE DETACHED DWELLING** means a dwelling containing only one dwelling unit, but does not include a mini home or mobile home.
71. **STOREY** means that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 m (5.9 ft.) above grade. Provided also that any portion of a storey exceeding 4.3 m (14.1 ft.) in height shall be deemed an additional storey for each 4.3 m (14.1 ft.) or fraction thereof of such excess.
72. **STREET** means the whole and entire right-of-way of every highway, road or road allowance vested in the Province of Nova Scotia or the Town or Middleton.
73. **STREET LINE** means the boundary line of a street.
74. **STRUCTURE** means anything that is erected, built, or constructed or any such erection, building or construction fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs and also fences exceeding 2 m (6.56 ft.) in height.
75. **SWIMMING POOL** means an artificial body of water, excluding ponds, of more than 10 m² (107.6 sq. ft.), used for bathing, swimming or diving.
76. **TOWN** means the Municipality of the Town of Middleton.
77. **TRIPLEX DWELLING** means a building that is divided into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.
78. **VETERINARY ESTABLISHMENT** means the premises where animals, birds or other livestock are treated or treated and kept for monetary gain.
79. **WAREHOUSE** means a building where wares or goods are stored but shall not include a retail store.
80. **YARD** means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.
- (a) **Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a "minimum" front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest wall of any main building or structure on the lot.

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- (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.
 - (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.
 - (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.

81. ZONE means a designated area of land shown on the Schedule of this By-law.

PART 3 - ZONES AND ZONING MAP

3.1 Zones

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

<u>Zone</u>	<u>Symbol</u>
Protected Lands	PL
Residential	R
Residential Restricted	RR
Restricted Development	RD
Business District	BD
Highway Commercial	HC
Manufacturing & Industry	M
Recreation	REC
Institution	I
Mobile Home	MH

3.2 Zoning Map

Schedule "A" attached hereto may be cited as the "Zoning Map" and is hereby declared to form part of the By-law.

3.3 Interpretation

The symbols used on Schedule "A" attached hereto refer to the appropriate zones established in this By-law.

3.4 Application

The extent and boundaries of all zones are shown on Schedule "A" attached hereto and for all such zones the provisions of this By-law shall respectively apply.

3.5 Interpretation of Zoning Boundaries

Boundaries between zones shall be determined as follows:

- 3.5.1 Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway.
- 3.5.2 Where a railroad right-of-way, electrical transmission line right-of-way or watercourse is included on the Zoning Map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise.

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- 3.5.3 Where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lines.
 - 3.5.4 Where a zone boundary is indicated as following the limits of the Town boundary, the limits shall be the boundary.

3.6 Certain Words

In this By-law, words used in the present tense include future; words in the singular include the plural; words in the plural include the singular; the word "used" includes "arranged", "designed" or "intended to be used"; the word "shall" is mandatory and not permissive.

3.7 Development Agreements

USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding anything else in this By-law, certain uses which may not be permitted as of right in any zone may be considered for development by development agreement as provided for in Sections 225-230 of the Municipal Government Act. As provided for in the Municipal Planning Strategy, these are as follows:

- 3.7.1 Home occupation conditions for dwellings located on parcels abutting Main Street, Commercial Street or Bridge Street (MPS Policy H12).
- 3.7.2 Business District uses having a floor area of greater than 465 m² (5,005 sq. ft.) Allowed in Manufacturing and Industry Zone (MPS Policy C3 and M2).
- 3.7.3 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 (MPS Policy C19).
- 3.7.4 Multiple unit dwellings and rowhousing containing more than three (3) units, rooming and boarding houses and grouped dwellings in the Residential (R) Zone by Development Agreement (Policy H8, H10, H13).
- 3.7.5 Professional Offices, accessory residential dwelling units within existing buildings and new multiple unit residential structures at 474 Main Street (PID 05267836) pursuant to Policy C20.

PART 4 - GENERAL PROVISIONS FOR ALL ZONES

4.1 Scope

- 4.1.1 No building or structure shall hereafter be erected or the use of any building changed, unless a development permit has been issued or the proposed work is excluded in subsection 4.1.4, and no development permit shall be issued unless all the provisions of this By-law are satisfied.
- 4.1.2 For the purpose of this By-law, if a use is not described as a permitted use in a zone or it is not an accessory use permitted in a zone, it shall be deemed to be a prohibited use in that zone.
- 4.1.3 Any person who violates a provision of this By-law shall be subject to prosecution as provided for under Section 505 of the Municipal Government Act.
- 4.1.4 Although a Heritage Permit may be required for properties registered under the Heritage Property Act, no development permit is required for: shingling of roofs, ground level walkways, non-structural replacement/addition/repairs to windows, storm windows, doors or storm doors; installation of siding over an existing exterior finish; insulation; fences less than 2 m (6.56 ft.) in height; interior/exterior renovations which do not involve the addition or replacement of structural members of the building.

4.2 Multiple Uses

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

4.3 Frontage on Street

No development permit shall be issued unless the lot or parcel of land intended to be used, or upon which the building or structure is to be erected:

- (a) abuts and fronts upon a public street; or
- (b) abuts and fronts upon an existing private street or road.

4.4 Licenses, Permits and Compliance with Other By-laws

- 4.4.1 Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-law in force within the Town or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Town of Middleton.
- 4.4.2 Where the provisions in this By-law conflict with those of any other Municipal or Provincial requirements, the higher or more stringent regulations shall prevail.

4.5 Non-Conforming Uses

Non-conforming uses shall be subject to Sections 238-242 of the Municipal Government Act.

4.6 Existing Buildings

Where a building has been erected on or before the effective date of this By-law on a lot having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this By-law the building may be enlarged, reconstructed, repaired or renovated provided that:

- (a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this By-law; and
- (b) all other applicable provisions of this By-law are satisfied.

4.7 Existing Lots

Notwithstanding anything else in this By-law, the use of a building existing on a lot on the effective date of this By-law may be changed to a use permitted on the lot where the lot width, front yard, or area required or any two or all of these is less than the requirements of this By-law, provided that all other requirements of this By-law are satisfied.

4.8 Existing Undersized Lots

Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels on the effective date of this By-law, having less than the minimum width or area required by this By-law, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied and also provided that the necessary permits are secured for any private sewage disposal systems.

4.9 Height Regulations

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae or towers, ventilators, skylights, barns, chimneys, clock towers, weather vanes, lightning rods, wind generators, etc.

4.10 Conformity with Existing Setbacks

Notwithstanding anything else in the By-law, in any Residential zone, structures built between existing buildings within 60 m (196.8 ft.) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than 3 m (9.84 ft.) from the front lot line.

4.11 Temporary Uses Permitted

- 4.11.1 Nothing in this By-law shall prevent uses incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction provided that a development permit has been issued.
- 4.11.2 A development permit issued pursuant to Subsection (1) ceases to have effect sixty days after the construction has been discontinued unless within that sixty days the construction has recommenced.
- 4.11.3 Nothing in this By-law shall prevent uses erected for special occasions and holidays provided only that no such use remains in place more than fourteen consecutive days after the date of the special occasion.

4.12 Building to be Moved

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

4.13 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of a non-conforming use the provisions of Sections 238-242 of the Municipal Government Act of Nova Scotia shall prevail.

4.14 Truck, Bus and Coach Bodies

No truck, trailer, bus, coach, street car or aircraft body shall be used for human habitation or occupancy within the Town of Middleton

4.15 Building to be Erected on a Lot

No person shall erect or use any building unless such building is erected upon a single lot.

4.16 Accessory Uses

Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, the purpose includes any accessory use.

4.17 Accessory Buildings

- 4.17.1 Accessory uses, buildings and structures shall be permitted in any zone within the Town of Middleton but shall not:
 - (a) be used for human habitation except where a dwelling is a permitted accessory use;
 - (b) be located within the front yard of a lot;

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- (c) be built in the front or flankage yard;
 - (d) exceed 4.5 m (14.76 ft.) in height;
 - (e) be built closer than 1 m (3.28 ft.) to a lot line in any zone except that:
 - (i) common semi-detached garages may be centered on the mutual side lot line;
 - (ii) accessory buildings with no windows or perforations on the side of the building which faces the said lot lines, may be located a minimum of 0.6 m (1.96 ft.) from the said lot line in any residential zone; and
 - (iii) boat houses and boat docks may be built to the lot line when the line corresponds to the water=s edge;
 - (f) be built within 2 m (6.56 ft.) of the main building; and
 - (g) be built within an environmental setback.

4.17.2 Notwithstanding anything else in this By-law, drop awnings, clothes poles, flagpoles, garden trellises, fences under 2 m (6.56 ft.) in height or fences in side or rear yards, and retaining walls shall be exempt from any requirements under Subsection 1.

4.18 Illumination

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

4.19 Daylighting Triangle

On a corner lot or lot abutting the entrance or exit to a public parking lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 0.5 m (1.64 ft.) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 m (19.68 ft.) from their point of intersection.

4.20 Yard Exceptions

Where in this By-law a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of 30 percent or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot lines.

Notwithstanding anything else in this By-law, where a front, side or rear yard setback is required and where an environment setback is also required from a stream or other watercourse, the greater setback shall prevail and the lesser setback shall be waived.

4.21 Side Yards on Corner Lots

Notwithstanding anything else in this By-law, on a corner lot in any zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than the established front setback for the street.

4.22 Special Provisions: Arterial Roads

The following special provisions shall apply to a lot fronting upon an arterial road as designated in the Municipal Planning Strategy of the Town of Middleton.

4.22.1 On arterial roads not constructed as of the date this Land Use By-law comes into effect, the minimum setback for a main building shall be 15 m (49.21 ft.) measured from the lot line to the nearest part of the main building.

4.22.2 Except for a through lot or an automobile service station located on a corner lot, no lot shall have access to an arterial road, if access to an alternative street is possible.

4.23 Front Yard for a Through Lot

In the case of a through lot, there shall be deemed to be two front yards and the setback requirements for the zone shall be observed.

4.24 Permitted Encroachments in Yards

Except for accessory buildings, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky provided, however, that those structures listed in the following table shall be permitted to project for the specified distances into the specified yards indicated as follows:

STRUCTURE	YARD IN WHICH PROJECTION IS PERMITTED	MAXIMUM PROJECTION FROM MAIN WALL PERMITTED
Sills, belt courses, cornices, eaves gutters, chimneys, pilasters, or canopies	Any yard	1 m (3.28 ft.)
Window bays	Any yard	1 m (3.28 ft.) over a maximum width of 3 m (9.84 ft.)
Fire escapes and exterior staircases	Rear and side yard only	1.5 m (4.92 ft.) Over a maximum width of 3 m (9.84 ft.)
Balconies	Front, rear and flankage yards only for single detached, semi-detached, duplex and triplex dwellings, any yard for other residential buildings	2 m (6.56 ft.)
Open, roofed porches not exceeding one storey in height; uncovered terraces	Front, rear and flankage yards only	2.5 m (8.2 ft.) including eaves and cornices

4.25 Abutting Zone Requirements

Where an Institutional, Business District, Highway Commercial, Manufacturing & Industry, or Recreation zone abuts a Residential or Restricted Residential zone, the following restrictions shall apply to an abutting yard within the Institutional, Business District, Highway Commercial or Manufacturing & Industry zone:

- (a) the minimum setback requirements for the abutting side yard shall be 6 m (19.68 ft.);
- (b) no open storage or outdoor display shall be permitted within the required abutting yard;
- (c) the 6 m (19.68 ft.) setback shall be planted with trees and landscaped upon development of the property.

4.26 One Main Building on a Lot

No person shall erect more than one main building on a lot except for:

- (a) buildings located in a Manufacturing & Industry (M) zone; and
- (b) grouped dwellings located in a Residential (R) zone.

4.27 Yard Sales, Community Organization Sales, Flea Markets

Notwithstanding anything else in this Bylaw, while regular or frequent yard sales are not permitted within the Town, community organization sales and flea markets may be held, with landowner consent, by service clubs and other non-profit organizations in any non-residential zone and no development permit shall be issued unless at least 20 on-site parking spaces are available for the subject sale or flea market.

4.28 Named Conforming Uses

For greater certainty, conforming uses listed by proper names in all zone descriptions in this Bylaw refer to the use or uses on the property as of the passage of this Bylaw on April 30, 1982.

4.29 Mobile Home or Mini Home Structures

A mobile home or mini home structure may only be located in the Residential Mobile Home Zone (MH) subject to Section 4.11.

PART 5 - LOADING REQUIREMENTS FOR ALL ZONES

- 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 m² (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 m² (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 FOR ALL ZONES

6.1 Parking Requirements

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

TYPE OF STRUCTURE	MINIMUM PARKING REQUIREMENTS
(a) a dwelling containing not more than two dwelling units	1 parking space for each dwelling unit
(b) nurses residences	0.75 parking spaces for each unit
(c) all other dwellings	1.5 parking space for dwelling unit
(d) church halls, auditoria, restaurants, theater, arenas, halls, stadia private clubs and other places of assembly	1 parking space for every 10 fixed seats or for every 10 m ² (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 ² (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 ² (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 ² (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 ² (215.28 sq ft.) of interior or exterior retail area
(r) manufacturing and industrial uses	1 space for each 75 m ² (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 ² (322.93 sq. ft.) of floor area

NOTE: Development located:

- (i) between Main Street and George Street and fronting on Commercial Street; and
 - (ii) between Main Street and Church and fronting on School Street,
- shall be exempted from all parking requirements.

6.2 Standards for Parking Areas

Where parking facilities for more than four vehicles are required:

- (a) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.
- (b) the lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (c) a structure, not more than 3 m (9.84 ft.) in height and not more than 4.5 m² (14.76 sq. ft.) in area may be erected in the parking area for the use of attendants;
- (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;
- (e) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;
- (f) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- (g) approaches or driveways to any parking area, other than that required for a single 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;
- (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;
- (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;
- (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 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

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- (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.).

PART 7 - SIGNS

7.1 General

- 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.
- 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.

7.2 Safety and Maintenance

- 7.2.1 Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the Building, Electrical and Fire Prevention By-laws.
- 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.

7.3 Limit on Number of Signs

- 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.
- 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:
 - (a) a double faced sign shall count as a single sign;
 - (b) signs enumerated in Section 4 of this Part shall not be counted in calculating the total;
 - (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;
 - (d) not more than one facial wall sign per wall shall be permitted for each business premises; and
 - (e) not more than one projecting wall sign per wall shall be permitted for each business premises.

7.4 Signs Permitted in all Zones

The following signs are permitted in all zones:

- (a) signs identifying name and address of resident and of not more than 0.2 m² (2.15 sq. ft.) in sign area;
- (b) "no trespassing" signs or other such signs regulating the use of property and of not more than 0.2 m² (2.15 sq. ft.);
- (c) real estate signs not exceeding 0.5 m² (5.38 sq. ft.) in sign area in a residential zone and 1.5 m² (16.15 sq. ft.) in other zones, which advertise the sale, rental or lease of the premises;
- (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 m² (5.38 sq. ft.) in area;
- (e) signs erected by a governmental body, or under the direction of such a body;
- (f) memorial signs or tablets and signs denoting the date of erection of a structure;
- (g) the flag, pennant, or insignia of any government, or of any religious, charitable or fraternal organization;
- (h) a sign having an area of not more than 4.5 m² (48.44 sq. ft.) incidental to construction and within the area designated for such purposes; and
- (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.

7.5 Signs Prohibited in all Zones

The following signs shall not be permitted in any zone:

- (a) signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving part, visible revolving parts or visible mechanical movement achieved by electrical pulsations or by actions of normal wind currents;
- (b) any sign or sign structure which constitutes a hazard to public safety or health;
- (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;
- (d) any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;

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- (e) signs not erected by a public authority which make use of words such as "STOP" "LOOK", "ONE-WAY", "DANGER", "YIELD" or any similar words, phrases, symbols, lights, or characters in such manner as to interfere with, mislead, or confuse traffic along a public road;
 - (f) any sign which no longer advertises a bonafide business conducted or a product sold;
 - (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;
 - (h) signs painted on a tree, stone, cliff or other natural object;
 - (i) signs not related to any business or use located on the lot or premises;
 - (j) portable signs on wheels or metal frames not affixed to the ground; and
 - (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.

7.6 Projecting Wall Signs

No projecting wall sign shall:

- (a) exceed 2 m² (21.53 sq. ft.) in sign area;
- (b) project more than 2 m (6.56 ft.) from the wall upon which it is attached; and
- (c) hang lower than 2.5 m (8.2 ft.) above grade.

7.7 Ground Signs

No ground sign shall:

- (a) extend beyond a property line or project over a right- of-way, other adjoining lands, daylighting triangles or any driveway or parking space;
- (b) be set back less than 1 m (3.28 ft.) from any street line, common lot boundary, driveway, aisle or parking area; and
- (c) have more than one sign on the support structure.

7.8 Special Requirement: Roof Signs

Roof signs shall be permitted only in the Middleton Industrial Park and shall be subject to the following conditions:

- (a) roof signs must be designed and engineered to have no 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 Special Requirement: Business Signs for Uses in Residential Zone

In the case of a business use permitted in a Residential (R) zone, one sign which does not exceed 0.5 m² (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 m² (10.76 sq. ft.) in sign area is permitted.

PART 8 - PROTECTED LANDS (PL) ZONE

8.1 Uses Permitted

No development permit shall be issued in the Protected Lands (PL) zone except for one or more of the following uses:

- (a) agricultural uses not requiring permanent structures;
- (b) existing residential uses (1998 Civic Addressing Map #'s 34,37,40,44,46,48 & 50 Bridge Street)

8.2 Zone Requirements

Expansion of existing residential uses or the 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

9.1 Structures and Uses Permitted:

Agricultural
Recreational
Water-related
Residential
Institutional

9.2 Zone Requirements

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	2 building height or 3 m (9.84 ft.) whichever is greater
Maximum Height of Structures	10 m (32.80 ft.)

NOTE: 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.

9.3 Special Criteria for Residential or Institutional Development Within Restricted Development Zone

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:

- (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:
 - (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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- (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;
 - (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.

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 down stream impacts, and referral is made to the Nova Scotia Department of the Environment for comment.

PART 10 - RESIDENTIAL (R) ZONE

10.1 Uses Permitted

No development permit shall be issued in a Residential (R) zone except for one or more of the following uses:

Agriculture
Art Gallery and Picture Framing Studio (1998 Civic Addressing Map, 393 Main Street)
Converted Dwelling containing to a maximum of four (4) units
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

10.2.1 Converted Dwellings, to a maximum of four dwelling units, provided that Municipal services are available in the area.

10.2.2 Bed and breakfasts, inns and boarding houses provided the following criteria are met:

- (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 more than three persons including the residential tenant, are employed;
- (e) when only one home occupation use is operated within any dwelling unit, it must be owned or operated by the residential tenant;
- (f) the exterior appearance of the residence is not substantially altered;
- (g) adequate parking is provided as set out in the Land Use By-law; and
- (h) no outdoor storage or display is permitted.

10.3 Alternate requirements for properties abutting Main Street, Commercial Street or Bridge Street

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.

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 ENVIRONMENT 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

11.1 Uses Permitted

No development permit shall be issued in a Restricted Residential (RR) zone except for one or more of the following uses:

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 m² (269 sq. ft.).

11.3 Zone Requirements

Minimum Lot Area	525 m ² (5,651.24 sq. ft.)
Minimum Lot Frontage	22 m (72.17 ft.)
Minimum Lot Depth	23 m (75.45 ft.)
Minimum Front Yard Setback	8 m (26.25 ft.)
Minimum Rear Yard	6 m (19.68 ft.)
Minimum Side Yards	1.5 m (4.92 ft.) one side; 3 m (9.84 ft.) other side
Maximum Height of Structures	10 m (32.80 ft.)

PART 12 - BUSINESS DISTRICT (BD) ZONE

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:

- 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
- 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:
 - appliance and equipment rentals
 - bakeries
 - bicycles and sports equipment stores
 - booksellers and stationers
 - boutique and craftshops
 - catering establishments
 - clothing and footwear shops
 - confectioners
 - dairy, meat, fish, fruit and vegetable markets
 - delicatessen shops

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- department store
 - drug stores
 - florists
 - furniture and furnishing shops
 - gas, electric and telephone showrooms
 - grocery stores and supermarkets
 - hairdressers, barber shops and beauty salons
 - 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
 - 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 centres
 - town hall

12.2 Special Requirements and Restrictions

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.

Maximum height of structure: 7 stories

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.

PART 13 - HIGHWAY COMMERCIAL (HC) ZONE

13.1 Uses Permitted

No development permit shall be issued in a Highway Commercial (HC) zone except for one or more of the following uses:

- Amusement Arcades
- Animal kennels and grooming
- Automobile trade activities including, but not restricted to the following:
 - Automobile dealership
 - Carwashes
 - Department of Transportation Depot
 - 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
- 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.), which ever is greater
Maximum Height of Structures	10 m (32.80 ft.)

13.3 Special Requirements

Where required, uses shall provide on-site loading and unloading facilities (see Part 5, page).

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.

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.

Outdoor storage areas shall be fenced and screened from the view of the public. This requirement shall not apply to outdoor display areas.

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.

Abutting zone requirements shall apply (see Part 4.25)

PART 14 - MANUFACTURING & INDUSTRY (M) ZONE

14.1 Uses Permitted

No development permit shall be issued in a Manufacturing & Industry zone except for one or more of the following uses:

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
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

14.2 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.)

14.3 Special Requirements

All uses shall provide on-site loading unloading facilities.

All uses shall provide one parking space for every 75 m² (807.31 sq. ft.) of floor area.

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.

Outdoor storage areas shall be fenced and screened from the view of the public. This requirement shall not apply to outdoor display areas.

Permitted uses shall not be obnoxious by reason of sound, odour, dust, fumes, smoke or other emission or refuse matter or water carried waste.

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 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.

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.

PART 15 - RECREATION (REC) ZONE

15.1 Uses Permitted

No development permit shall be issued in a Recreation (Rec) zone except of one or more of the following uses:

Community centres, recreation centres and facilities

Pavilions, bandshells and public schools co-ordinated with existing recreational facilities

Public and private parks and open space/recreation centres and facilities

PART 16 - INSTITUTIONAL (I) ZONE

16.1 Uses Permitted

No development permit shall be issued in an Institution (I) zone except for one or more of the following uses:

- cemeteries, 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

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

Minimum lot area	930 m ² (10,010.76 sq. ft.)
Minimum lot frontage	30 m (98.42 ft.)
Minimum front yard	8 m (26.25 ft.)
Minimum rear yard	8 m (26.25 ft.)
Minimum side yard	4.5 m (14.76 ft.) or 2 the height of the main building, whichever is greater
Maximum height of main building	14 m (45.93 ft.)

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

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 m ² (4,951.56 sq. ft.)
Minimum lot frontage	20 m (65.62 ft.)
Minimum front yard	8 m (26.25 ft.)
Minimum rear yard	6 m (19.68 ft.)
Minimum side yard	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.

17.45 Conversion Requirements

All mobile home developments shall be designed to be easily converted to single detached dwelling subdivisions.

PART 18 - ADMINISTRATION

18.1 Administration

This By-law shall be administered by the Development Officer.

18.2 Scope of Application

18.2.1 Every application for a development permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing:

- (a) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
- (b) the proposed location, height and dimensions of the building, structure, or work in respect of which the permit is applied for;
- (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;
- (d) the proposed location and dimensions of parking spaces, loading spaces, driveways; and
- (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.

18.2.2 Where the Development Officer is unable to determine whether the proposed development conforms to this By-law and other by-laws 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.

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 By-law shall be subject to prosecution as provided for under Sections 505 of the Municipal Government Act.

18.5 Date of this By-law

This By-law 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 By-law or development agreement pertaining to this By-law, 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.