



Region of Queens Municipality

LAND USE BYLAW

July 20th, 2009



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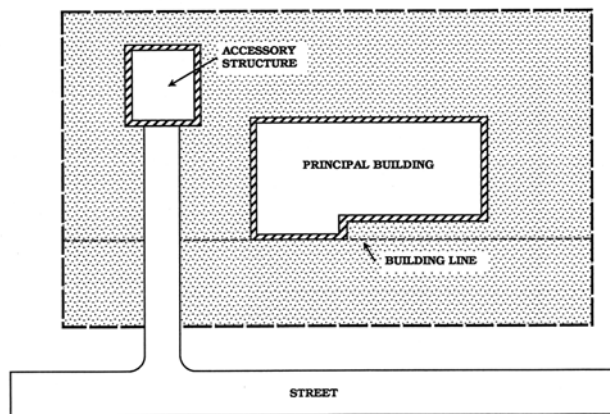
PART 1 – TITLE

This Bylaw shall be known and may be cited, as the Land Use Bylaw for the Region of Queens Municipality, referred to hereinafter as the Region and this Bylaw shall apply to all the lands within the Region.

PART 2 – DEFINITIONS

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use, but does not include a building attached in any way to the main building, or a building located completely underground.

ACCESSORY STRUCTURE AND PRINCIPAL BUILDING DEFINITION



ACCESSORY USE means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.

ADULT ENTERTAINMENT means any premises or part thereof that provides services of which a principal feature or characteristic is the nudity or partial nudity of any person.

AGGREGATE means gravel, sand, clay, earth, shale, limestone, sandstone, marble, granite, rock, or other metallic ores.

AGRICULTURAL USE means the growing of crops for monetary gain, including all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, grain drying, irrigation, harvesting, storage and sale of the crops and also includes the use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

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ALTER means any change in the structural component of a building, or any increase in the volume of a building or structure.

AMENITY AREA means an on-site outdoor space reserved for activities and passive recreational uses, which has been physically developed for its reserved use by the clearing of brush, grading and seeding and other landscaping features. Essential amenities shall include benches and / or children's playground equipment.

AMUSEMENT CENTRE means land or one or more buildings or structures used for amusement oriented activities which may include, but not limited to, indoor laser tag and paintball arenas, billiard halls, miniature golf, batting cages, go-carts, bumper cars, accessory arcades, accessory restaurants, and accessory retail sales."

ANIMAL SHELTER means a facility which holds or boards seized, surrendered, abandoned or lost domestic pets (e.g. dogs, cats, birds), but does not include livestock.

ART GALLERY / STUDIO means a building, place or area where paintings, sculptures or other works of art are produced, exhibited or sold.

AUTOMOBILE BODY SHOP means a building or premises used primarily for the commercial repair of damage to the chassis of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing and similar activity.

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 gasoline and lubricating oils 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, automobile sales establishment or automobile body shop.

AUTOMOBILE WASHING ESTABLISHMENT means a building, part of a building or clearly defined space on a lot, which is used for the washing of motor vehicles.

AWNING means an overhead structure supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework, used to shelter a window or doorway.

BED & BREAKFAST ESTABLISHMENT means a single detached dwelling in which there is a resident owner or resident manager who provides overnight accommodation and meals (usually breakfast, but occasionally other meals as well) for the travelling public, notably tourists.

BOARDING HOUSE means a dwelling in which the proprietor supplies either room or room and board for monetary gain and which is not open to the public.

BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment. Any awning, bin, bunker, or platform, vessel or vehicle used for any of the said purposes.

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BUILDING LINE means any line regulating the position of a building or structure on a lot.

BUSINESS / PROFESSIONAL OFFICE means a room or rooms where business may be transacted, a service performed or consultation given, and includes but is not limited to offices of physicians, surgeons, dentists, lawyers, architects, engineers, planners, accountants, real estate agents, photographers, optometrists and chiropractors, but shall not include any place where manufacturing of any product or selling of goods is carried on.

CAMPGROUND means an area of land managed as a unit, providing short term accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers.

COASTLINE means the land that directly abuts the Atlantic Ocean including all bays, inlets and harbours and lies above the ordinary high water mark.

COMMERCIAL MARINE USE means a commercial business, which due to its nature of the use, relies on the sea or ocean as an integral part of its operation, including but not limited to boat tours, canoe and kayak rentals, jet ski rentals, but does not include uses related to the commercial fishing industry.

COMMERCIAL MOTOR VEHICLE means a motor vehicle exceeding 5,000 pounds gross weight, used for commercial purposes with or without an attached or permanently attached delivery body and includes, but not limited to, such vehicles as catering or canteen trucks, buses, cube vans, tow trucks, dump trucks, semi-trailers, tractor trailers, and any vehicle which has an exterior fixture or fixtures for the purpose of carrying equipment, materials, or supplies for commercial purposes.

COMMERCIAL STORAGE means the storage of bulk material for the purpose of reselling as part of a commercial retail or wholesale operation.

COMMERCIAL USE means any retail, office or service activity that provides goods and services to the general public for monetary gain but it does not include a home business.

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 Municipality, a local board, service club, recreation association, or registered community association.

CONDOMINIUM means a building or buildings in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants, are owned, administered and maintained by a corporation created pursuant to the **Condominium Act R.S.N.S. 1989**.

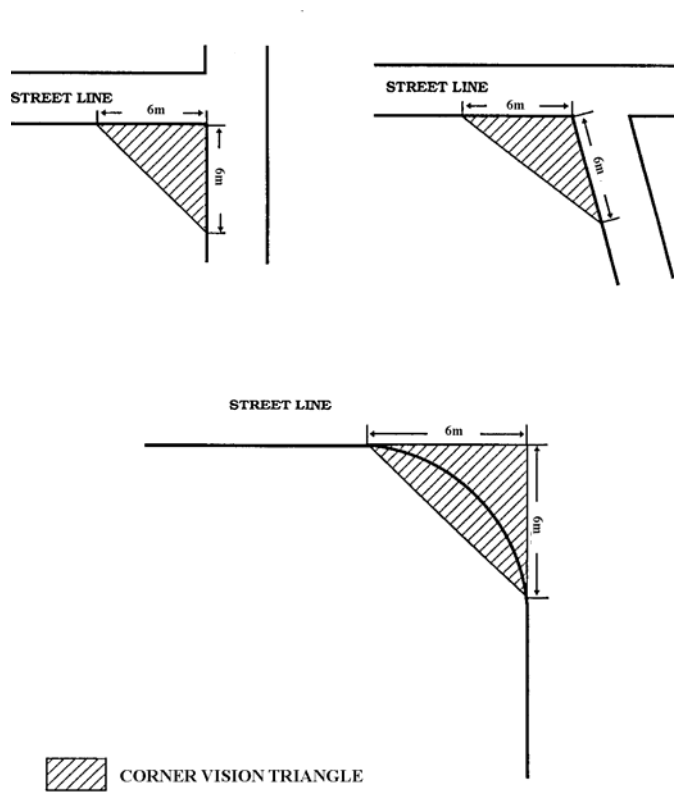
CONSTRUCTION INDUSTRY means a use primarily engaged in the construction, development, redevelopment or rehabilitation of residential, commercial, institutional, and industrial buildings, real estate and road building, and such uses are often characterized by the outdoor storage of equipment, machines, vehicles and building supplies.

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CONVENIENCE STORE means a building or part of a building used for the retail sale of a limited line of grocery and confectionary items, which serve the needs of the local neighbourhood, and does not exceed 2,500 square feet in floor area.

CONVERTED DWELLING means a building originally constructed as a single detached dwelling which has been converted into more than one dwelling unit.

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 Bylaw, along 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”.



COUNCIL means the Council of the Region of Queens Municipality.

CRAFT SHOP means a building or part of a building where products made by hand or by small custom processes; including products such as pottery, jewellery, leatherwork, hand woven goods and similar articles; are offered for sale to the general public.

CULTURAL FACILITIES means the building and land used for the purposes of educational entertainment including museums, theatres for the performing arts art galleries, and exhibits of cultural, academic and scientific material.

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CUSTOM WORKSHOP means a building or part of a building used by a trade, craft or guild for the manufacturing in small quantities of made-to-measure clothes or articles and shall include upholstering, repair, refinishing of antiques, and other art objects but shall not include metal spinning, woodworking or furniture manufacturing.

DAY NURSERY / KINDERGARTEN means a place where four or more pre-school children are cared for on a daily basis without overnight accommodation, but does not include a school.

DEVELOPMENT means any erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land, buildings or structures.

DEVELOPMENT AGREEMENT means a legal agreement between Council and a property owner, where Council can consider a proposal that would otherwise not be allowed because the development proposal is not a permitted use in the zone in which the property is located, or cannot meet the requirements of the zone.

DEVELOPMENT OFFICER means a person or persons appointed by the Council of the Region of Queens Municipality to administer the provisions of this Bylaw.

DEVELOPMENT PERMIT means a permit issued by the Development Officer certifying that a proposed development complies with the provisions of the Land Use Bylaw.

DOMESTIC OR HOUSEHOLD ARTS means a dressmaking, tailoring, hairdressing, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, wood working or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys.

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 and shall not include a hotel, a motel or travel trailer.

- a. **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.
- b. **DWELLING, APARTMENT** means a building containing three or more dwelling units, which have a common entrance from the street level.



APARTMENT DWELLINGS

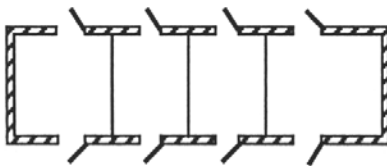
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- c. **DWELLING, CONVERTED** means a single detached dwelling converted to contain a greater number of dwelling units than the dwelling contained prior to that conversion.
- d. **DWELLING, DUPLEX** means a building that is divided horizontally into two dwelling units each of which have an independent entrance either directly from outside the building or through a common vestibule.



**DUPLEX DWELLING
(2 UNITS)**

- e. **DWELLING, GROUP** means two or more dwelling units, which are contained within two or more buildings located on a lot.
- f. **DWELLING, ROW HOUSE** means a building which contains four (4) or more dwelling units, each unit with a separate entrance, constructed side by side and separated by common vertical walls.



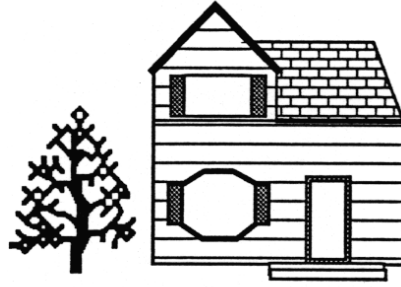
TOP VIEW



SIDE VIEW

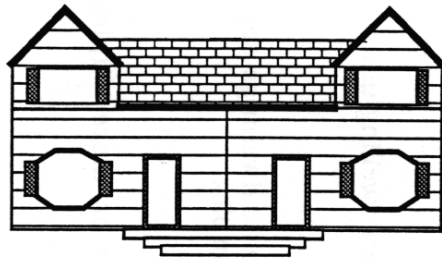
ROW HOUSE DWELLINGS

- g. **DWELLING, SINGLE DETACHED** means a completely detached dwelling containing one dwelling unit and includes a mini home on a permanent concrete foundation.



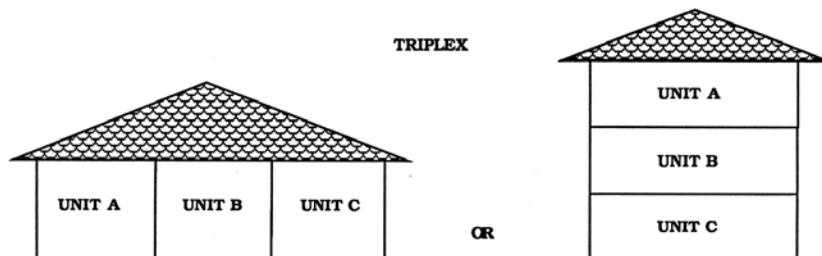
**SINGLE DETACHED DWELLING
(1 UNIT)**

- h. **DWELLING, SEMI-DETACHED** means a building that is divided vertically into two dwelling units by a solid common wall, each of which has an independent entrance either directly or through a common vestibule.



**SEMI DETACHED DWELLING
(2 UNITS)**

- i. **DWELLING, TRIPLEX** means a building that is divided horizontally or vertically into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.



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EQUESTRIAN FACILITIES means the land, buildings or structures used for the boarding or training of horses, ponies or riders, and the staging of equestrian events.

ERECT means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall 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;

ERECTED for the purposes of signs means attached, altered, built, constructed, reconstructed, enlarged and includes the painting of wall signs, but does not include copy changes on any sign.

EXISTING means in existence as of the effective date of this Bylaw.

EXTENDED CARE FACILITY means a medical institution that provides prolonged care (as in cases of prolonged illness or rehabilitation from acute illness).

FACADE means the front exterior wall of a building from ground level to the roofline.

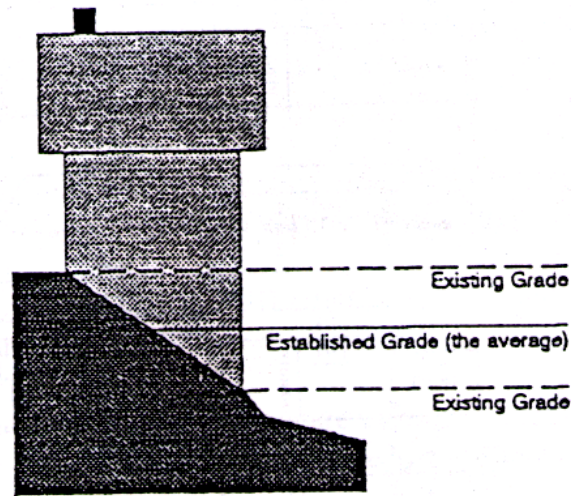
FISHING USES means uses supportive of the inshore and offshore fisheries, including processing plants, wharves, docks, general storage and repair facilities, but does not include fishmeal processing plants.

FORESTRY USE means commercial silviculture and the production of timber or pulp and uses associated with the forestry industry, including saw mills, shingle mills, vehicle and equipment storage, maintenance buildings and yards and retail and wholesale outlets for wood and wood products.

GARDEN CENTRE / GREENHOUSE / NURSERY means a building or structure and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such buildings or lot to the general public.

GRADE (“ESTABLISHED”) means:

- a. when used 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 building, exclusive of any artificial embankment or entrenchment; or
- b. when used in reference to a structure which is not a building, the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive of any artificial embankment or entrenchment.



GROCERY STORE means a building or portion of a building, other than a restaurant, which is used primarily for the retail sale of food, including baked goods, meats, produce and non-perishables.

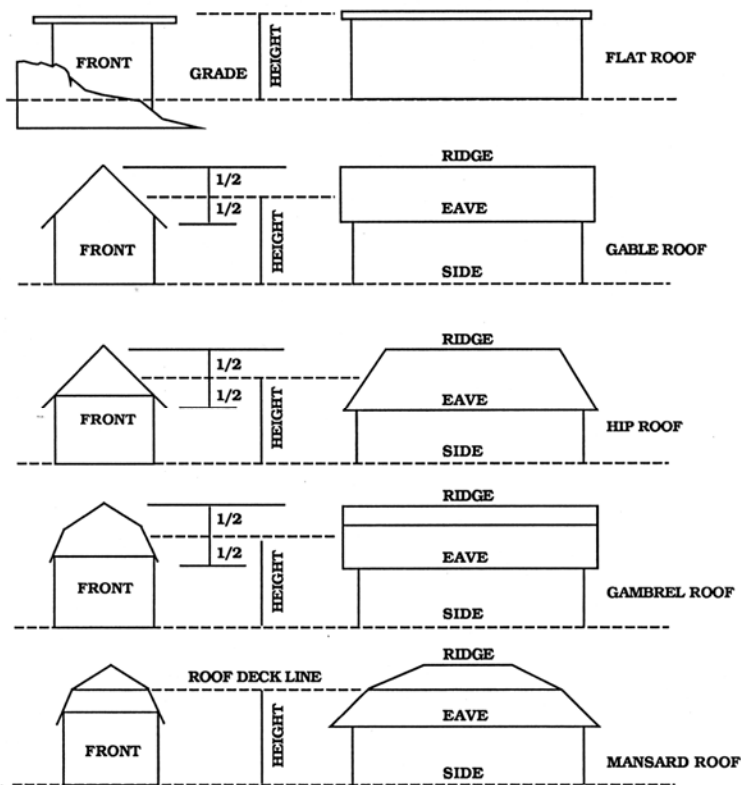
GROSS FLOOR AREA means the floor area of a building or structure measured between the exterior faces of the exterior walls of the building or structure at the level of each story below, at, and above grade, excluding the area used for off-street unloading and parking, mechanical equipment, stairwells, elevator shafts, porches and verandas.

HAZARD LANDS means lands which are or may be inappropriate for development by reason of having inherent or natural environmental hazards such as susceptibility to flooding or erosion, poor drainage, organic soils, steep slopes, or any physical condition or limitation, which if developed, may lead to the deterioration or degradation of the environment or cause property damage or loss of life.

HEAVY EQUIPMENT SALES AND RENTALS means a building or part of a building or structure in which heavy equipment and machinery are offered or kept for sale, rent, lease or hire under agreement for compensation.

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

- a. the highest point of the roof structure or the parapet, or a flat roof, whichever is greater;
- b. the deck line of a mansard roof; or
- c. the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof.



HOME BUSINESS means the use of part of a dwelling, by at least one of the permanent residents of the dwelling and which is clearly secondary to main use of the dwelling unit, for any professional/business office, general office such as surveying, engineering, architecture, planning, accounting, dental, doctor's office, optometry, chiropractor, real estate, bookkeeper, photography services, domestic and household arts (this includes dressmaking, tailoring, hair dressing, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, moulding, wood working or otherwise making or repairing of garden or household ornaments, articles of clothing, personal effects or toys) food preparation services, repair services (including small engine repairs but not automotive repairs or sales), greenhouses and gardening products.

HOSPITAL means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury and may or may not include a medical clinic.

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 private cooking facilities.

INSTITUTION means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent of profit.

KENNEL a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised and sold or kept for sale or boarding.

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LAND LEASE COMMUNITY means a lot on which three or more manufactured homes are located and is designed and intended for residential use.

LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all which is designed to enhance the man-made environment.

LIVESTOCK OPERATION

- a. **INTENSIVE LIVESTOCK OPERATION** means a commercial operation where more than 10 animals units are confined to feed lots or structure for feeding, breeding, boarding, fur harvesting, milking, egg production for eventual sale.
- b. **HOUSEHOLD LIVESTOCK OPERATION** means a livestock operation limited to one (1) animal unit for every 0.405 hectares (1 acre) of lot area, to a maximum of ten (10) animal units.

Calculation of the number of animal units shall be determined using the following chart:

Type of livestock	Number of livestock deemed to equal one animal unit
Cattle	1
Horse	1
Llama	1
Emu	1
Sheep	4
Goats	4
Hogs	2
Mink	10
Rabbits	25
Poultry	25

LOADING SPACE means a vacant area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area:

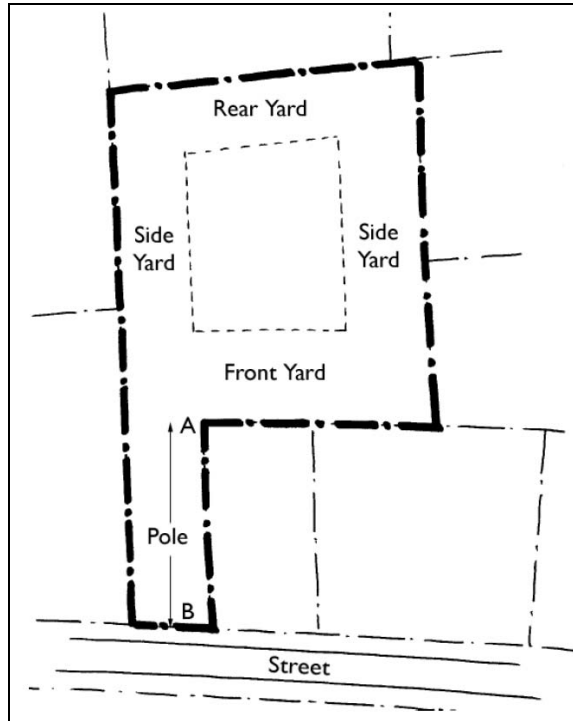
- a. is suitable for the temporary parking of at least one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be used for the purpose of sale or display;
- b. is not upon or partly upon any street or highway.

LOT means any parcel of land described in a deed or as shown on a registered plan of subdivision and includes the following:

- a. **CORNER LOT** means a lot situated at the inter-section of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.

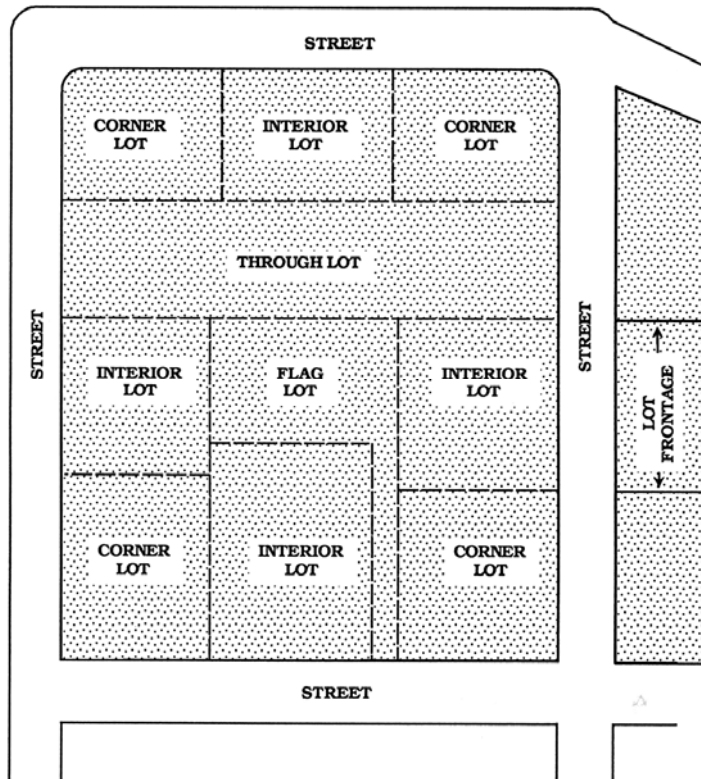
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- b. **FLAG LOT** means a lot shown on an approved plan of subdivision, the configuration of which resembles the sketch below. The lot abuts a street by means of a strip of land (A ↔ B); referred to as the “Pole”; that does not comply with the minimum lot frontage requirements of this Bylaw.



- c. **INTERIOR LOT** means a lot situated between two lots and having access to one street.
- d. **THROUGH LOT** means a lot bounded on two opposite sides by streets or highway provided, however, that if any lot qualifies as being both a Corner Lot and Through Lot as herein before defined, such lot shall be deemed to be a Corner Lot for the purpose of this Bylaw.
- e. **WATERFRONT LOT** means a lot which immediately and directly abuts the shore of a watercourse.

LOT TYPES



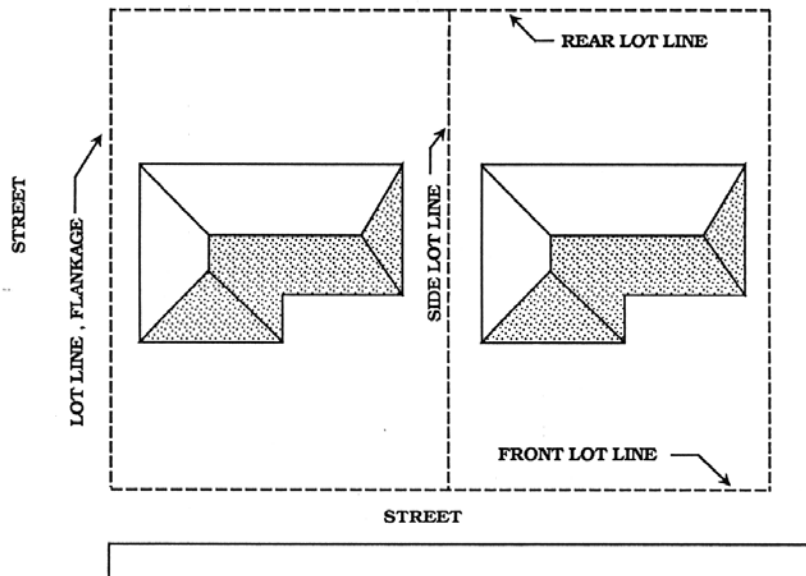
LOT AREA means the total horizontal area within the lot lines of a lot.

LOT FRONTAGE means the length of a line joining the side lot lines and parallel to the front lot line. This definition shall not apply in the case of flag lots.

LOT LINE means a boundary line of a lot and includes the following:

- a. **FLANKING LOT LINE** means a side lot line that abuts the street on a corner lot.
- b. **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 shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side 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 shall be deemed to be the front lot line.
- c. **REAR LOT LINE** means the lot line furthest from or opposite to the front lot line.

- d. **SIDE LOT LINE** means a lot line other than a front or rear lot line.
LOT LINES



LOUNGE means a building or part thereof where, in consideration of payments therefore, liquor, beer, or wine or any combination thereof are served for consumption on the premises, licensed by the Nova Scotia Alcohol & Gaming Authority in accordance with the Nova Scotia Liquor Control Act.

MAIN BUILDING means the building designed or used for the principal use on the lot.

MAIN WALL means any exterior wall or any structural member of a building, which is essential to the support of a full or partially enclosed space or roof.

MARINA means a commercial establishment or premises, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired or kept for sale or rent and may include the sale of fuel and incidental supplies for the boat owners, crews and guests.

MEDICAL CLINIC means a building or part of a building where two or more members of the medical, dental, surgical, psychiatric or therapeutic professions provide diagnosis and treatment to the general public, but does not include a public or private hospital or a professional office located in the practitioner's home.

MINI (MOBILE) HOME means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, (except for minor and incidental unpacking and assembling operations), located on wheels, jacks or permanent foundation, and which may be connected to utilities and a septic disposal system. The foregoing shall not include modular homes, which are built by National Building Standards for permanent buildings and are placed upon a permanent concrete foundation.

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MODULAR HOME means any dwelling unit that is constructed in accordance with the standards set out in the National Building Code, and is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

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.

NATURAL VEGETATION means the plant life of a region or area; including trees, shrubs and ground vegetation; which grows without active and frequent intervention by people. Natural vegetation includes both native and introduced species.

NUMBER OF SIGNS means that for the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements, organized, related, and composed to form a unit. Where a sign is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship or elements, each element shall be considered to be a single sign.

NURSING HOME means an extended or immediate care facility licensed under the *Homes for Special Care Act* to provide full time skilled nursing care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves.

OBNOXIOUS USE shall mean a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration, by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

ORDINARY HIGH WATER MARK means the highest level reached by a body of water that has been maintained for a sufficient period of time to leave evidence on the landscape. It may be indicated by the destruction of dry-land vegetation, the presence of marks on trees or debris deposits. It is usually the point at which natural vegetation shifts from predominantly water-dependent species to dry-land species.

OUTDOOR COMMERCIAL DISPLAY means the display of goods on a lot for the purpose of encouraging the purchase of the display item(s), or items similar to the display items, and shall include but is not limited to displays of automobiles, recreational vehicles, heavy equipment, boats, all terrain vehicles, swimming pools and prefab homes.

OUTDOOR FURNACE means a furnace which is located adjacent to a structure, and is intended to provide heat to that structure through combustion and the heating of water, or otherwise.

OWNER means a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession, or other person having the care or control of any land or building in the event of the absence or disability of the person having the title thereof.

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PARAPET means that portion of a building wall that rises above the roof level.

PARKING AREA means an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted.

PARKING SPACE means an area of not less than 15.1 square metres (162 square feet), measuring 2.74 metres (9 feet) by 5.49 metres (18 feet) exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.

PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, or other legal representatives of a person to whom the context can apply according to law.

PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limit the generality of the foregoing may include such establishments as barber shops, beauty parlours, shoe shining shops, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.

PLACE OF ENTERTAINMENT means a motion picture or other theatre, arena, auditorium, public hall, billiard or pool hall, bowling alley, ice or roller skating rink.

PREMISES means an area of land with its appurtenances and building which may be conveyed or leased.

PRIMARY USE means the use for which the zone has been created.

PRIVATE CLUB means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a fraternity or sorority house, and a labour union hall.

PRIVATE ROAD means any road which is not owned and maintained by the Region of Queens Municipality or the N.S. Department of Transportation and Infrastructure Renewal.

PUBLIC AUTHORITY means any Board, Commission or Committee of the Region of Queens Municipality established by or exercising any power of authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the Municipality or a portion thereof and includes any committee or local authority established by Bylaw of the Region of Queens Municipality.

PUBLIC ROAD means any road which is owned and maintained by the Region of Queens Municipality or the N.S. Department of Transportation and Infrastructure Renewal.

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PUBLIC UTILITY means any building, structure or facility necessary for providing a municipal or public service, typically including telephone switching centres, electrical substations, sewage treatment facilities and water supply facilities.

QUALIFIED PERSON means a person who can demonstrate, through certification or other documentation, his or her competency in the area in which they are providing technical expertise or special knowledge.

RECREATIONAL USES 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 to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals or any form of motorized vehicles.

RECREATIONAL VEHICLE means a vehicle which provides sleeping and other facilities for short periods of time while travelling or vacationing, designed to be towed behind a motor vehicle, or self propelled, and includes such vehicles as travel trailers, camper trailers, motorized campers, motor homes and other similar vehicles.

RECYCLING FACILITY means a facility that is not a salvage yard, in which recoverable resources such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed or bundled to be taken to another site for processing.

RESIDENTIAL CARE FACILITY means a family home, group care facility, or similar facility for the non-medical care of four or more persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

RESIDENTIAL GARAGE means a structure, whether attached or not, which is ancillary to a dwelling and which is used for the parking and storage of vehicles owned and operated by the residents of such dwelling.

RESTAURANT means a building where food and beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot. As an accessory use, take-out service of food and beverages for off-site consumption may be provided.

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).

RIGHT OF WAY EASEMENT means an interest in one or more parcels of land intended to provide vehicular and / or pedestrian access to another parcel of land from a street. The right of way easement must be clearly granted by deed and recorded in the Registry of Deeds.

ROADSIDE STAND means a structure temporarily operated for the purpose of selling produce primarily raised or produced on the premises where the structure is situated and is a maximum of 2.97 square metres (32 square feet) in size.

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SALT MARSHES are found along the coastline in areas lying above and below the ordinary high water mark. Salt marshes are largely defined by grassy vegetation such as cord grass.

SALVAGE YARD means any premises where used bodies or parts of automobiles, machinery or other vehicles are placed or stored or kept, but does not include a scrap operation.

SAND DUNES are exposed sections of shoreline that are comprised primarily of sand or fine materials that are transported by wind or wave action.

SCRAP OPERATION 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, tires, old metal or other scrap material, but does not include salvage yards.

SENIOR CITIZEN HOUSING means a building designed for occupation by senior citizens, and constructed and maintained by a public housing authority or non-profit housing organization.

SERVICE INDUSTRIES includes the processing of milk and dairy products, a bakery, a public garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a paint shop, plumbing shop and a sheet metal shop.

SERVICE OR REPAIR SHOP means a shop for servicing, repairing, installing, or renting things and equipment, including but not limiting the generality of the foregoing, the following: radio or television service or repair shops, locksmith shops, small appliance service or repair shops, small engine repair shops, household and carpenter tool service and repair shops, but shall not include industrial, manufacturing, or motor vehicle repair shops.

SERVICED LOT means a lot which is serviced by a municipal sewer system, or has the ability to be connected to the municipal sewer system, and may or may not include municipal water services.

SHOPPING CENTRE means a separate use of land containing a building or building complex on a lot designed, developed and managed as a unit by a single owner or tenant, or a group of commercial uses distinguished from a business area comprising unrelated individual uses and characterized by the sharing of common parking areas and driveways.

SIGN means any identification, description, illustration or device illuminated or non-illuminated which is visible from a public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify or convey information, with the exception of window displays. For the purpose of removal, signs shall also include all sign structures.

- a. **“A” FRAME SIGN** means a freestanding sign designed so as to be mutually supported by its two (2) faces and intended to be movable.

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- b. **ANIMATED SIGN** means a sign which is animated by means of flashing, scintillating, blinking or travelling lights, or any other means not providing constant illumination, but does not include a “changeable copy sign”.
- c. **AREA OF COPY** means the entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message, announcement or decoration on a sign.
- d. **BANNER SIGN** means a temporary sign composed of lightweight material, enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign, caused by movement of the atmosphere.
- e. **CANOPY SIGN** means a sign attached to or constructed in or on a canopy.
- f. **CHANGEABLE COPY SIGN** means a sign on which copy can be changed.
- g. **COPY** means the wording, lettering or art-work on a sign surface, either in permanent or removable form.
- h. **DIRECTIONAL SIGN** means a sign on which indicates the direction or distance, or both, to a place of business or other premises indicated on the sign.
- i. **DIRECTLY ILLUMINATED SIGN** means any sign designed to provide artificial light, either through exposed lighting of the sign face or through transparent or translucent material from a light source within the sign.
- j. **ELECTRICAL SIGN** means any sign containing electrical wiring, which is attached or intended to be attached to an electrical energy source.
- k. **FACE OF SIGN** means the entire area of a sign on which copy could be placed.
- l. **FACIAL SIGN** means a sign attached to, painted on, or erected against a wall of a building, with the face horizontally parallel to the building wall.
- m. **GROUND SIGN** means a sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.
- n. **HEIGHT OF SIGN** means the vertical distance measured from the nearest street grade or upper surface of the street curb to the highest point of said sign.
- o. **MOVING SIGN** means a sign or portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition, a “changeable copy sign”.

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- p. **NAMEPLATE** means a non-electric sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. If any premises include more than one occupant, nameplate refers to all names and occupations or professions, as well as, the name of the building and directional information.
- q. **OFF-PREMISE SIGN** means a sign that advertises goods, products, services or facilities, or directs persons to a different location, from where the sign is installed.
- r. **PROJECTING SIGN** means a sign that is attached to and projects from a structure or building face. The area of double-faced projecting signs is calculated on one face of the sign only.
- s. **REAL ESTATE** or property for sale, rent or lease sign means any sign pertaining to the sale, lease or rental of land or buildings.
- t. **ROOF SIGN** means any sign erected upon, against, or directly above a roof, or on top of, or above the parapet of a building.
- u. **SEASONAL SIGN** means signs such as Christmas decorations, those used for a historic or commemorative holiday, festival or event, and installed for a limited period of time.
- v. **SIGN AREA** means the area of the largest single face of the sign within a perimeter which forms the outside shape, including the frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one (1) section or module, all areas will be totalled.
- w. **SIGN STRUCTURE** means any structure that supports, has supported, or is capable of supporting a sign.
- x. **SPONSORSHIP SIGN** means a sign that advertises the name and services provided by a company or organization which provided sponsorship toward the operation of a sports field or arena, or sponsors a team or individual who uses the sports field or arena.
- y. **TEMPORARY SIGN** means a sign that is not permanently affixed to the ground or any structure.
- z. **UNDER-CANOPY SIGN** means a sign suspended below the ceiling or roof a canopy.

SMALL OPTIONS HOME means a family home, group care facility, or similar facility for the non-medical care for up to three persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

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STOREY means that portion of a building between the surface of a floor and the surface of the floor next above, and any portion of a building party below grade level shall not be deemed a storey unless its ceiling is at least 1.83 metres (6 feet) above grade.

STREET LINE means the boundary line of the street, road or highway.

STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested in the Region of Queens Municipality or the Province of Nova Scotia.

STRIP MALL means a building containing three (3) or more commercial uses which has been designed and developed as continuous units, and characterized by shared parking and by the absence of a common interior walkway.

STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs and also fences exceeding 1.83 metres (6 feet) in height

SWIMMING POOL means an artificial body of water, excluding ponds, of more than 30.5 square metres (100 square feet) in area and a depth greater than 0.61 metres (2 feet); used for bathing, swimming or diving.

TELECOMMUNICATION TOWER means a structure designed and constructed primarily for the purpose of emission, transmission, or reception of communications by way of wire, cable, radio, optical, or other electromagnetic system.

TOURIST ESTABLISHMENT means any premises operated to provide sleeping accommodations for the travelling public or sleeping accommodations for the use of the public engaging in recreational activities and includes the services and facilities associated with providing said accommodations.

TRAIL SYSTEM means an area for hiking, horseback riding, cross country skiing, or other similar forms of non-motorized recreational travel.

TRAVEL TRAILER means a trailer that is used or is intended to be used for short term or seasonal occupancy and is or intended to be located or parked on a site for a temporary or seasonal period.

VEGETATIVE BUFFER means an area of land set aside for preservation in its natural vegetative state.

WAREHOUSE means a building where goods or wares are stored, which allows for non-mechanical preparation of goods or wares for shipping, but shall not include a retail store.

WATERCOURSE means the bed and shore of a lake, river, stream, pond, ocean or other natural body of water, and the water therein.

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WATERCOURSE SETBACK means the minimum distance back from the ordinary high water mark of a watercourse that any development, including buildings, structures, lawns, parking areas, driveways, etc., is permitted, wherein no significant disturbance of the soil mantle or removal of natural vegetation is intended.

WATERSHED means the area of land within which all water drains into common outlet into a larger body of water. Sub-watersheds are smaller portions of a watershed each of which drain to a common point within the larger watershed.

WETLAND means land commonly referred to as a marsh, swamp, bog, fen that either periodically or permanently has a water table at, near or above the land surface or that is saturated with water and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.

WIND FARM means two or more wind turbine generators (large scale) on a lot.

WIND TURBINE GENERATOR (LARGE SCALE) means a device which utilizes the wind's kinetic energy to produce electrical power or mechanical energy, which has a manufacturer's maximum rated output of greater than 100 kilowatts (kW). The power generated from a large scale wind turbine generator is intended to supply the Nova Scotia Power grid system.

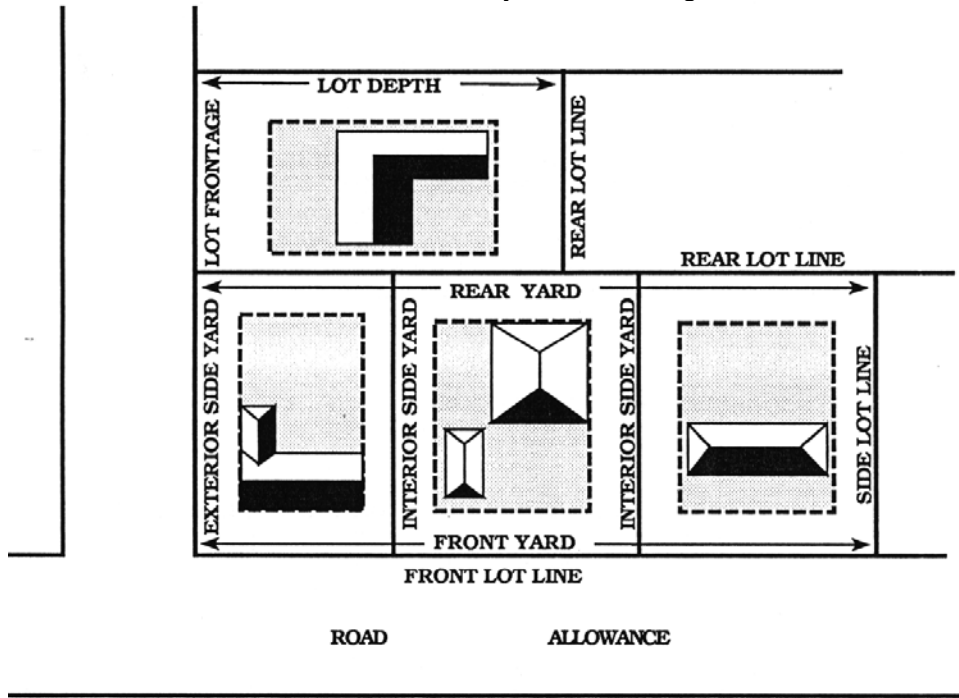
WIND TURBINE GENERATOR (SMALL SCALE) means a device which utilizes the wind's kinetic energy to produce electrical power or mechanical energy, which has a manufacturer's maximum rated output which is not greater than 100 kilowatts (kW). The power generated from a small scale wind turbine generator is intended for on-site usage.

YARD means an open, uncovered space (except a court) on the same lot as the main building or structure and unoccupied by buildings or structures except as specifically permitted elsewhere in this Bylaw. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.

- a. **EXTERIOR SIDE YARD** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flanking lot line and the nearest main wall of any building or structure.
- b. **FRONT YARD** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a "minimum" front yard means the minimum depth allowed by this Bylaw of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.
- c. **REAR YARD** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and "minimum" rear yard means the minimum depth allowed by this Bylaw of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.
- d. **SIDE YARD** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or

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structure on the lot; and “minimum” side yard means the minimum width allowed by this Bylaw of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.



ZONE means a designated area of land shown on the Schedule “A” (the Zoning Map) of this Bylaw.

PART 3 – ZONING AND ZONING MAPS

Zones

- 3.1 For the purposes of this Bylaw, the Region of Queens Municipality is divided into the following zones, the boundaries of which are shown on the attached Schedule “A”. Such zones may be referred to by the appropriate symbols.

ZONES	SYMBOL
Restricted Residential	R1
General Residential	R2
Multiple Unit Residential	R3
Land Lease Residential	R4
Mixed Use Rural Residential	R5
Mixed Use Coastal Residential	R6
Seasonal Residential	R7
Downtown Commercial	C1
Highway Commercial	C2
Neighbourhood Commercial	C3
Liverpool Waterfront	C4
Coastal Commercial	C5
Light Industrial	M1
Heavy Industrial	M2
Fishing & Marine	M3
Recreation / Open Space	P1
Institutional	I1
Conservation	O1
Watershed	W1

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Zoning Maps

- 3.2 Schedule “A” attached hereto may be cited as the “Zoning Maps” and are hereby declared to form part of this Bylaw.

Zones Not On the Maps

- 3.3 The Zoning Maps of this Bylaw may be amended, in conformance with the Municipal Planning Strategy, to utilize any zone in this Bylaw, regardless of whether or not such zone had previously appeared on the Zoning Maps.

PART 4 – INTERPRETATION

Symbols

- 4.1 The symbols used on Schedule “A” herein attached, refer to the appropriate zones established by the Bylaw.

Defined

- 4.2 The extent and boundaries of all zones are shown on Schedule “A” included herein and for all such zones, the provisions of this Bylaw shall respectively apply.

Interpretation of Zoning Boundaries

- 4.3 Boundaries between zones shall be determined as follows:
- a. where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;
 - b. where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
 - c. where a street, highway, railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning map, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;
 - d. where a railway 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 thereof shall be considered the boundary between zones unless specifically indicated as otherwise;
 - e. where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule “A”;
 - f. where a zone boundary is indicated as following the shoreline of an ocean or harbour, the zone boundary shall follow the actual “mean high water line”.

Certain Words

- 4.4 In this Bylaw, words used in the present tense include the future, words in the singular number include the plural, words in the plural include the singular number, the word “uses” includes “arranged”, “designed” or “intended to be used”, and the word “shall” is mandatory and not permissive.

PART 5 – ADMINISTRATION

Enforcement

- 5.1 This Bylaw shall be administered by the Development Officer(s) of the Region of Queens Municipality.

Scope of Application

- 5.2 No person shall hereafter use or change the use of any land or erect, alter, use or change the use of any building or structure unless a Development Permit has been issued for the specific use intended, and no Development Permit shall be issued unless all provisions of this Bylaw are satisfied.
- a. Applications for a development permit may be obtained at the Region of Queens Municipality Administration Building, located at 249 White Point Road in Liverpool.
 - b. Every application for a Development Permit shall be accompanied by a plan of the proposed development, drawn to an appropriate scale and showing:
 - 1. the true shape and dimensions of the lot to be used;
 - 2. the proposed location, height and dimensions of the building, structure, or work for which the permit is applied for;
 - 3. the proposed location, and dimensions of parking spaces, loading spaces, driveways, and landscaping areas where applicable;
 - 4. other such information as may be necessary to determine whether or not every such building, development, reconstruction or redevelopment conforms to the requirements of this Bylaw.
 - c. Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw or other Bylaws and regulations in force, which affect the proposed development, he/she may require that the plan submitted under Section b. of this Part shows:
 - 1. the location of every building or structure already erected on or partly erected on such lot;
 - 2. the location of every building erected upon any abutting lot;
 - 3. a plan which is based upon an actual survey by a Provincial Land Surveyor.

Developments Not Requiring a Development Permit

- 5.3 A Development Permit shall not be required where:
- a. the development undertaken involves an interior or exterior renovation which will not change the shape of the building, add more units to the building, or involve a change in use of the building;
 - b. a fence is proposed which does not exceed 1.8 metres (6 feet) in height except for a fence enclosing a swimming pool, which is regulated by Section 6.31 of this Part;
 - c. a temporary building or structure is to be erected for a period not exceeding sixty (60) days.

Signature of Applicant

- 5.4 The application for a Development Permit shall be signed by the registered owner of the lot or by the owner's agent duly authorized in writing to act for the owner.

Expiration of Development Permit

- 5.5 Any Development Permit issued pursuant to this Bylaw shall be in force for a period of one year from the date of issue. If no development has commenced within that time period, the Permit shall expire. However, if the development had commenced, but has not been completed, a Development Permit may be renewed.

No Exemption from Requirements

- 5.6 Every development shall be subject to the requirements of this Bylaw regardless whether or not a Development Permit is required to be issued.

Notice of Land-Use Bylaw Amendment or Development Agreement

- 5.7 Where Council has given notice of its intention to adopt an amendment to this Bylaw, which is not general in nature but is in direct response to a specific development proposal, or Council has given notice of its intention to adopt a development agreement, notification of the amendment or development agreement shall be served upon all assessed property owners as follows:
- within the Urban Development Area, all properties which lie within 30.5 metres (100 feet) of the property which is subject to the proposed amendment or development agreement; or

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- within the Rural Development Area, all properties which lie within 60.9 metres (200 feet) of the property which is subject to the proposed amendment or development agreement;

Notification shall:

- a. outline the proposed amendment or development agreement;
- b. identify the property(s) which is subject to the proposed amendment or development agreement; and
- c. state the time, date and place of a public hearing regarding the proposed amendment or development agreement.

A sign containing the above information shall also be posted on the property which is subject to the proposed amendment or development agreement.

Advertising Costs for Land Use Bylaw Amendments and Development Agreements

- 5.8 Where a proposed amendment to this Bylaw or a development agreement is requested by an individual, said individual shall deposit with the Clerk at the time of application, an amount established by Council sufficient to pay the costs of all advertising required. If the amount paid is not sufficient to cover the costs incurred, the applicant shall pay to the Clerk any shortfall. If the amount paid is more than sufficient, then the Clerk shall refund the excess amount. Where Council decides not to proceed with the application, the deposit shall be returned to the applicant.

Notice of Variance

- 5.9 Where the Development Officer has granted a variance in the requirements of this Bylaw, notification of the variance shall be served upon all assessed property owners as follows:

- within the Urban Development Area, all properties which lie within 30.5 metres (100 feet) of the property which is subject to the variance; or
- within the Rural Development Area, all properties which lie within 60.9 metres (200 feet) of the property which is subject to the variance.

Notification shall:

1. describe the variance granted;
2. identify the property(s) which is subject to the variance; and
3. set out the right to appeal the decision of the Development Officer to Council.

A sign containing the above information shall also be posted on the property which subject to the variance.

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Cost of Notices for Variances

- 5.10 Where a variance is requested by an individual, the individual shall deposit with the Clerk, at the time of application, an amount established by Council sufficient to pay the costs associated with giving notice of variances as required by Provincial Statute. If the amount paid is not sufficient to cover the costs incurred then the applicant shall pay to the Clerk the additional amount required. If the amount paid is more than sufficient, then the Clerk shall refund the excess amount.

Penalty

- 5.11 In the event of any contravention of the provisions of this Bylaw, the Region of Queens Municipality may take action as provided for in Section 266 of the **Municipal Government Act**, being Chapter 18 of the Statutes of Nova Scotia, 1998.

Effective Date

- 5.12 Upon adoption by the Council of the Region of Queens Municipality and approved by the Minister of Service Nova Scotia & Municipal Relations, this Bylaw shall take effect on the date a notice is published in a newspaper, circulating in the Municipality, informing the public that the Land Use Bylaw is in effect.

PART 6 – GENERAL PROVISIONS

Scope

- 6.1 The following provisions shall apply to all zones; except as specified otherwise; set out in this Bylaw, and shall prevail over all zone requirements except where expressly stated otherwise.

Accessory Buildings and Structures

- 6.2 Accessory buildings and structures shall be permitted in any zone within the Region, but shall not:
- a. be used for human habitation except where a dwelling is a permitted accessory use;
 - b. be located within the minimum required front yard of a lot;
 - c. where an accessory building is built on a corner lot, be built closer to the lot line of the flanking street than 6.1 metres (20 feet);
 - d. be built closer to a side or rear lot line than half the height of the structure, except that:
 1. common semi-detached garages may be centred on the mutual side lot line;
 2. where approval has been granted by appropriate provincial and / or federal authorities, boat houses, docks, and fishing gear sheds may be built across a lot line when said lot line corresponds to the waters edge;
 - e. cover more than forty (40) percent of the lot area;
 - f. be built within 3.05 meters (10 feet) of the main building;
 - g. be considered an accessory building if attached to the main building in any way;
 - h. be considered an accessory structure if located completely underground; and
 - i. notwithstanding anything else in this Bylaw, bus shelters, roadside stands, awnings, children's play structures, playground equipment, pet houses, clothes poles, garden trellises, refuse receptacles and retaining walls shall be exempt from the requirements of this Section. These structures shall be permitted to be located in any part of any yard except within the corner vision triangle of a corner lot.

Accessory Uses Permitted

- 6.3 Where this Bylaw provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose shall include any accessory use thereof.

Buildings to be Erected on a Lot

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

Buildings to be Moved

- 6.5 No person shall move any building on to a lot without first obtaining a Development Permit from the Development Officer.

Compliance with Other Regulations

- 6.6 Nothing in this Bylaw shall exempt any person from complying with the requirements of any other Bylaw in force of the Region of Queens Municipality or from obtaining any license, permission, permit, authority or approval required in any other Bylaw of the Region of Queens Municipality. Where the provisions of this Bylaw conflict with those of any other municipal or provincial requirements, the higher or more stringent requirements shall prevail.

Conformity with Existing Setbacks

- 6.7 Notwithstanding anything else in this Bylaw, in any Residential Zone structures built between existing buildings, within 61 metres (200 feet) of each other and on the same block, may be built with a setback equal to the average setback of the adjacent buildings. However, this depth shall not be less than 3.05 metres (10 feet) from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

Encroachments

- 6.8 Notwithstanding anything else in this Bylaw, a development permit may be issued for development on an undersized lot, created as a result of an encroachment of a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system, provided that all other applicable provisions of this Bylaw are met.

Existing Buildings

- 6.9 Where a building has been erected on a lot on or before the effective date of this Bylaw, the use of the building, may be changed to a use permitted on the lot even though the lot frontage, front yard or lot area or all of these, is less than the requirements established in this Bylaw, provided that all other applicable provisions of this Bylaw are satisfied.

Existing Buildings with Non-Conforming Yards

- 6.10 Any building erected on or before the effective date of this Bylaw on a lot having less than the required minimum frontage, area, front yard, side yard, rear yard, or separation distance established by this Bylaw, may be enlarged, reconstructed, repaired or renovated provided that:
- a. the enlargement, reconstruction, repair or renovation does not further reduce the front yard, side yard, rear yard, or separation distance that does not conform to this Bylaw; and
 - b. all other applicable provisions of this Bylaw are satisfied.

Existing Lots

- 6.11 Any lot in existence on or before the effective date of this Bylaw, having less than the required minimum lot frontage or area, may be:
- a. used for a purpose permitted in the zone on the lot and a building may be erected on such lot, provided that all other applicable provisions of this Bylaw are satisfied; and
 - b. increased in area and/or frontage as a result of an approved plan of subdivision and still be considered an undersized lot under this Bylaw.

Fences

- 6.12 Fences which are greater than 2 metres (6 feet) in height shall be considered a structure and shall be set back from a property line a minimum of half the height of the structure.

Flag Lots

- 6.13 In the case of flag lots, in any zone:
- a. the minimum lot frontage requirements indicated in the various sections of this Bylaw shall not apply, provided the main body of the lot meets the minimum area requirements of the zone. As well, the pole of the flag lot providing access to a road is at least 6.1 metres (20 feet) in width at every point;

- b. the maximum length of the “pole” section (A ↔ B) shall not exceed 76.22 metres (250 feet) for a serviced lot or 228.66 metres (750 feet) for an unserviced lot; and
- c. the yard setback requirements shall apply to the main body of the lot. The front yard shall be the yard facing the road.

Height Requirements

- 6.14 The height requirements of this Bylaw shall not apply to church spires, water tanks, elevator enclosures, flag poles, television or radio antennae, ventilators, skylights, chimneys or clock towers, telecommunication towers, and wind turbine generators.

Illumination

- 6.15 No person shall illuminate an area outside any building or structure, unless such illumination is directed away from adjoining properties or adjacent streets.

Loading Spaces

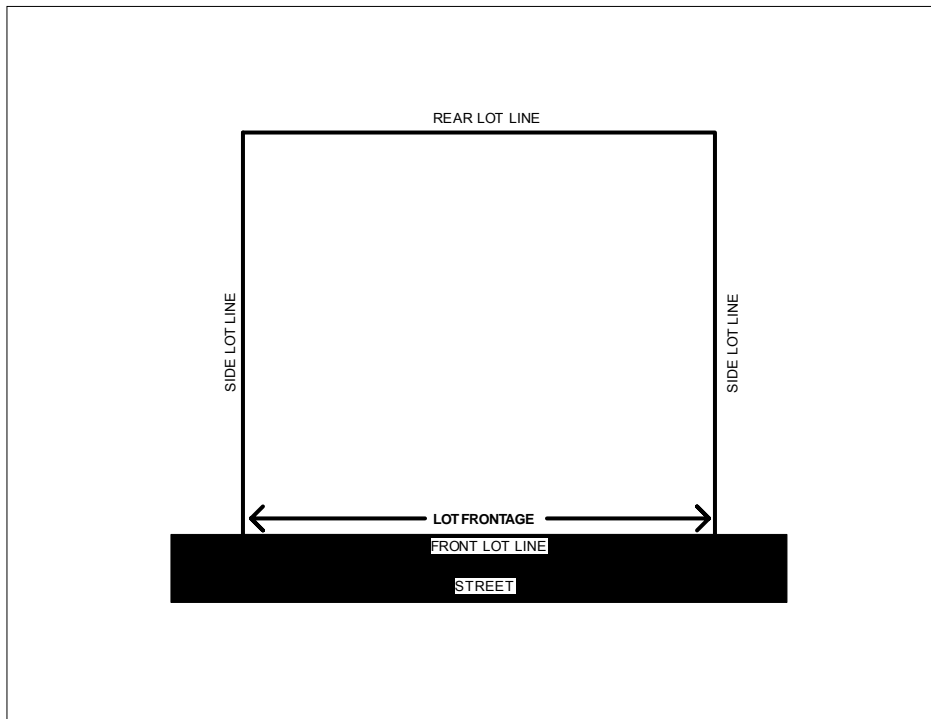
- 6.16 In any zone, no person shall erect or use any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary, or other uses involving the frequent shipping, loading or unloading of person, animals or goods, unless:
- a. there is maintained on the same premises with every such building, structure, or use one off-street space of standing loading and unloading for every 2,788 square metres (30,000 square feet) or fraction thereof of building floor area used for any such purpose.
 - b. Each loading space shall be at least 3.65 metres (12 feet) by 12.2 metres (40 feet) with a minimum of 4.3 metres (14 feet) height clearance.
 - c. The provision of a loading space for any building with less than 139.4 square metres (1,500 square feet) shall be optional.
 - d. No such loading spaces shall be located within any required front yard or be located within any yard that abuts a Residential, Natural Environment, Institutional or Recreation Zone.
 - e. Loading space areas, including driveways leading thereto, shall be constructed and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

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- f. Access and egress, to and from the required loading space areas shall be provided by means of unobstructed driveways of a minimum width of 3.05 metres (10 feet) if for one-way traffic or a minimum width of 6.1 metres (20 feet) if for two-way traffic.

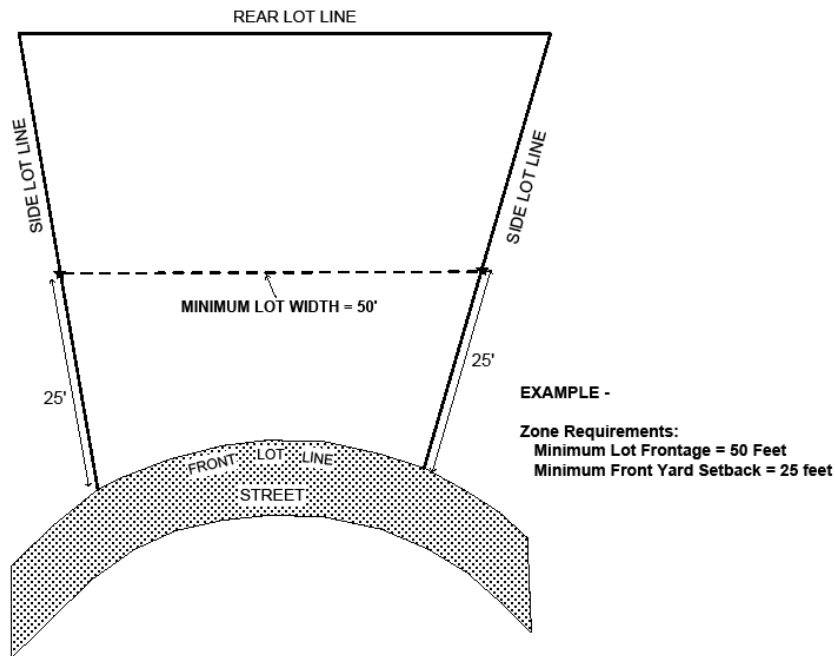
Lot Frontage Calculation

- 6.17 Lot frontage shall be calculated as the minimum straight line distance between the points where the side lot lines intersect the front lot line. This section shall not apply to flag lots.



Lot Frontage on a Curve

- 6.18 Notwithstanding anything else in this Bylaw, where the front lot line of any lot is a curved line, a minimum lot width which is equal to the minimum lot frontage required by this Bylaw shall be required in lieu of the minimum lot frontage. For the purposes of this Section, the minimum lot width shall be measured along a straight line between the side lot lines at points equal to the minimum front yard setback of the zone in which the lot is located.



Multiple Uses

6.19 In any zone, where any land or building is used for more than one purpose, all the provisions of this Bylaw relating to each use shall be satisfied. Where there is a conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

Non-Conforming Uses or Structures

6.20 Any use of land, or a building or structure constructed or of which construction had begun on or before the effective date of this Bylaw, and which does not conform to the requirements of this Bylaw, shall be subject to the provisions laid out in Sections 238 – 242 of the Municipal Government Act (See Appendix “A” in the MPS).

One Main Building on a Lot

6.21 No person shall erect more than one (1) main building on a lot except:

- a. in a Restricted Residential (R1), General Residential (R2), Mixed Use Rural Residential (R5), Mixed Use Coastal Residential (R6), and Seasonal Residential (R7) Zones where there is sufficient lot area and frontage to subdivide into separate building lots;

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- b. in a Multiple Unit Residential (R3), Mixed Use Rural Residential (R5), Mixed Use Coastal Residential (R6) Zone in the case of grouped dwellings or condominium developments;
- c. in a Land Lease Residential (R4) Zone,
- d. in a Highway Commercial (C2) Zone in the case of a motel and associated buildings;
- e. in a Liverpool Waterfront (C4) Zone;
- f. in a Coastal Commercial (C5) Zone; and
- g. in all Industrial Zones.

Parking Requirements

- 6.22 a. These requirements shall not apply to any land use that was in existence on the effective date of this Land Use Bylaw.
- b. No development permit shall be issued for any development unless off-street parking, located within the same zone, and within 91.5 metres (300 feet) of the location that it is intended to serve, is provided. The required parking must have unobstructed access to a public street, shall be provided and maintained in conformity with the following schedule:

Type of Use	Parking Spaces Required
A dwelling containing not more than three units	One parking space for each dwelling unit
Boarding House	One (1) parking space for proprietor and one (1) space for every two rooms available for rent.
All other dwellings	One and one-half (1.5) spaces for each dwelling unit
Auditorium, restaurant, theatres. Arenas, halls, stadium, private clubs and other places of assembly	Where there are fixed seats, one (1) parking space for every five (5) seats, or 3.05 metres (10 feet) of bench space. Where there are no fixed seats, one (1) parking space for each 9.3 square metres (100 square feet) floor area devoted to public use.
Churches and church halls, institutional uses, courthouse, government buildings.	One Parking space for each 69.7 square metres (750 square feet) of gross floor area.
Hospitals and nursing homes	One (1) parking space for each two (2) beds or each 37.2 square metres (400 square feet) of floor area, whichever is greater.
Senior citizen apartments	One (1) parking space for every two (2) dwelling units.

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Hotels, staff houses, motels and tourist cabins	One (1) parking space per suite or rental unit plus one (1) additional parking space for 4.65 square metres (50 square feet) of floor area devoted to public use (taverns, restaurant and auditorium) exclusive of lobbies and halls.
Offices	One (1) parking space per 27.88 square metres (300 square feet) of floor area.
Funeral homes	One (1) parking space for five (5) seats capacity of the chapel with a minimum of ten (10) spaces.
Bowling alleys and curling rinks	Three (3) parking spaces for each bowling lane and four (4) parking spaces per curling sheet. In other parts of the building additional parking spaces shall be provided in accordance with the requirements set out in this Bylaw for the use to which the other parts of the building may be used.
All other commercial uses	One (1) parking space for each 27.88 square metres (300 square feet) of floor area.
Elementary and junior high schools	One and one half (1.5) parking spaces for each teaching classroom.
High schools	Four (4) parking spaces for each teaching classroom.
Industrial uses	One (1) parking space for each 41.82 square metres (450 square feet) of gross floor area.
Home Business	In addition to the required parking for the residential dwelling unit, for every 18.59 square metres (200 square feet) of floor area devoted to the home business one (1) additional parking space shall be required.

- c. Notwithstanding Subsection b., all parking provisions shall be waived in the Downtown Commercial (C1) Zone.

Parking Area Standards

- 6.23 Where parking facilities for more than four (4) vehicles are required or permitted:
- 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 4.6 metres (15 feet) in height and not more than 4.65 square metres (50 square feet) in area may be erected in the parking area for the use of attendants;
 - d. the parking area shall be within 91.46 metres (300 feet) of the location that it is intended to serve, and shall be situated in the same zone;
 - e. when the parking area is of a permanent hard surface, each parking space shall be clearly demarcated and maintained as such;

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- f. approaches or driveways to any parking area, other than that required for a single detached dwelling, semi-detached, or a duplex dwelling shall be defined by the 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;
- g. in addition, the location of approaches or driveways shall be not closer than 15.2 metres (50 feet) from the limits of the right-of-way at a street intersection;
- h. exit and entrance ramps to parking areas shall not exceed two (2) in number on any one street and each ramp shall be at least 6.1 metres (20 feet) in width and not greater than 9.15 metres (30 feet) at the street line. Where frontage exceeds 152.44 metres (500 feet) on one street, three (3) ramps may be permitted on that street;
- i. the width of a driveway leading to parking or loading areas, or of a driveway or aisle in a parking area, shall be a minimum of 3.05 metres (10 feet) if for one-way traffic, and a minimum of 6.1 metres (20 feet) if for two-way traffic, and the maximum width of a driveway shall be 9.15 metres (30 feet).

Permitted Encroachments in Required Yards

6.24 Except for accessory buildings, every part of any required yard required by this Bylaw shall be open and unobstructed by any structure from the ground to the sky provided; however, the following structures may project into or be located in a required yard, established by this Bylaw, in accordance with the distances set out in the following table:

<u>Structure</u>	<u>Yard in Which Projection is Permitted</u>	<u>Maximum Encroachment into Required Yard</u>
Sills, belt courses cornices, eaves, gutters, chimneys, or pilasters	Any yard	0.61 metres (2 feet)
Window bays	Any yard	0.91 metres (3 feet)
Fire escapes and exterior staircases	Rear and side yards only	1.5 metres (5 feet)
Barrier free access structures	Any yard	To lot line.
Balconies, decks, patios, steps, veranda's, porches (open) not exceeding one storey in height, terraces (uncovered)	Any yard	1.83 metres (6 feet), but shall not be permitted within 1.22 metres (4 feet) of a lot line.

Carports	Rear and side yards only	Within 1.22 metres (4 feet) of a lot line.
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Personal Storage Buildings

- 6.25 Personal storage buildings, including but not limited to personal garages and boat houses, where there is no other main building on the lot, shall be permitted in any zone provided that:
- a. the applicable zone requirements for a main building in this Bylaw are satisfied;
 - b. the personal storage building does not exceed 74.35 square metres (800 square feet); and
 - c. where approval has been granted by appropriate provincial and / or federal authorities, personal boat houses may be built across a lot line when said lot line corresponds to the waters edge;

Public Utilities

- 6.26 Unless otherwise stated, any public utility that is essential for the actual provision of a service, not including wind turbines and telecommunication towers, shall be permitted in any zone and shall be exempt from Section 6.36 and 6.37 of this Part. These utilities include but are not limited to telephone switching centres, electrical substations, sewage treatment facilities and water supply facilities.

Reduced Lot Requirements

- 6.27 Notwithstanding the minimum requirements for lot frontage and lot area found elsewhere in this Bylaw, new lots may be created in accordance with Sections 4.4 or 4.8 of the Region of Queens Municipality Subdivision Bylaw and may be used for a purpose permitted in the zone in which it is located and a building may be erected provided all other applicable provisions of this Bylaw are met;

Restoration to a Safe Condition

- 6.28 Nothing in this Bylaw shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of non-conforming use, the provisions of the **Municipal Government Act** shall govern (See Appendix “A” in the Municipal Planning Strategy).

Side Yard Requirements - Exceptions

- 6.29 Notwithstanding anything else in the Bylaw, where buildings on adjacent lots share a common wall, the applicable side yard requirements shall be waived.

Special Uses Permitted

- 6.30 Nothing in this Bylaw shall prohibit uses erected for special occasions and holiday provided only that no such use remains in place for more than fourteen (14) consecutive days.

Swimming Pools

- 6.31 All outdoor swimming pools situated below grade, shall be completely enclosed by a fence. All fence and gates shall be a minimum of 1.5 metres (5 feet) in height above the grade level.

Truck, Bus and Coach Bodies

- 6.32 No truck, trailer, bus or coach body or similar structure not originally designed for permanent housing purposes, shall be used for human habitation.

Variance

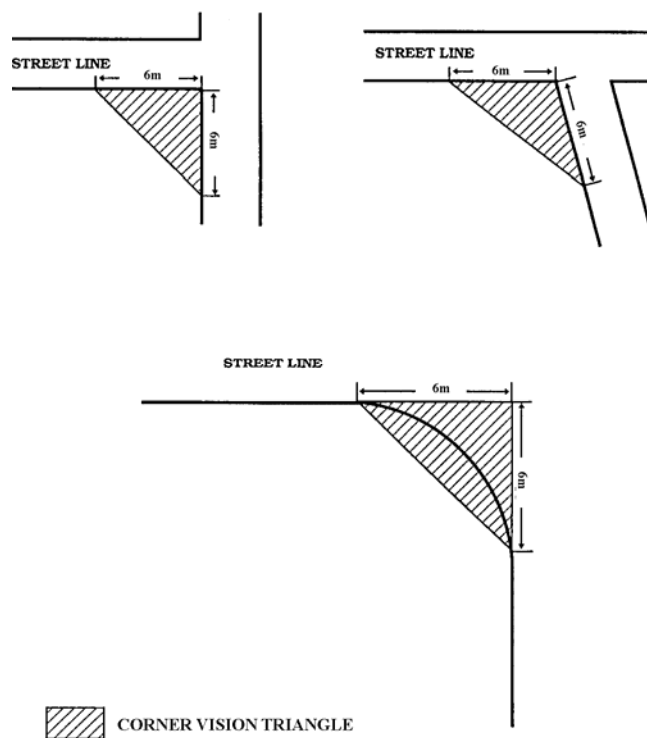
- 6.33 a. Notwithstanding the general requirements for each zone set out in this Bylaw, the development officer may grant a variance in the minimum lot area, lot frontage or yard requirements, provided that the variance does not violate the intent of the Bylaw, there is no intentional disregard for the requirements of this Bylaw, or the difficulty experienced is not general to properties in the area;
- b. The development officer shall not grant a variance that exceeds 50 percent of the minimum zone requirements set out in this Bylaw.

Vehicle Stacking for Drive-Through Uses

- 6.34 Businesses which provide drive-through services including but not limited to restaurants, automobile washing establishments, and banks shall provide, exclusive of driveways or isles, 5 inbound spaces and two outbound spaces for vehicle queuing.

Visibility at Intersections

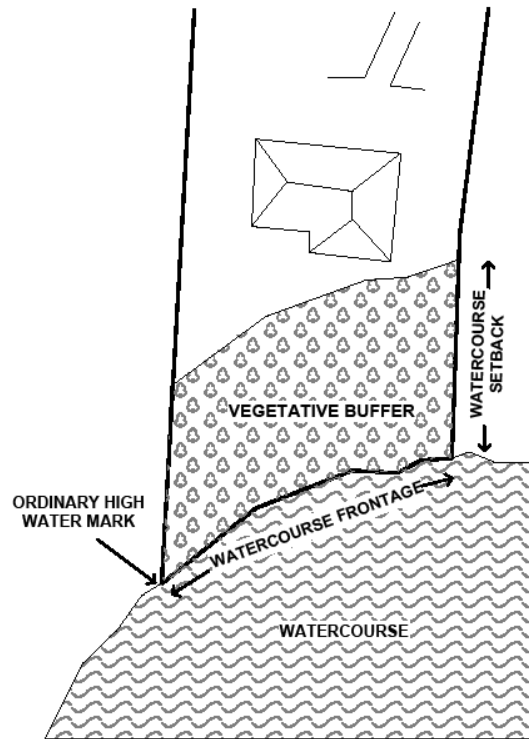
- 6.35 Notwithstanding anything else in this Bylaw, on a corner lot, no building, structure, fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall be erected or permitted to grow to a height greater than 0.61 metres (2 feet) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6.1 metres (20 feet) from their point of intersection unless the structure or vegetation is of such construction that it will permit ready vision across the triangle of the intersection.



Watercourse Setback and Vegetative Buffer

6.36 Within the **R1, R2, R3, R4, R5, R6, R7, C1, C2, C3, C5, M1, M2, M3, P1, I1** and **O1 Zones** the following provisions shall apply:

- a. Where a lot abuts a significant watercourse as shown on "Schedule B", no development shall be permitted within 15.24 metres (50 feet) of the ordinary high water mark of a watercourse.
- b. In relation to a development, where a lot abuts a significant watercourse as shown on "Schedule B", the removal of natural vegetation within 15.24 metres (50 feet) of the ordinary high water mark shall be limited to a maximum of 25% of the watercourse frontage to facilitate a view plane.



- c. Notwithstanding Subsection b., there shall be no excavation, infilling, stump removal or removal of low lying vegetation within the vegetative buffer area.
- d. Notwithstanding Subsection a., b. and c., boat houses, fishing gear sheds, docks, wharves, piers and slipways will be permitted within the development setback and vegetative buffer area.
- e. Notwithstanding Subsections a., b. and c., boardwalks, walkways and trails which have a maximum width of 3.05 m (10 feet) will be permitted within the development setback and vegetative buffer area.
- f. Notwithstanding Subsections a., b. and c., the removal of vegetation and alterations to grade necessary to erect erosion control and flood control measures above the ordinary high water mark shall be permitted. Where excess vegetation has been removed within the vegetative buffer area, natural vegetation shall be reinstated.

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- g. Notwithstanding Subsection b., nothing in this Bylaw shall prohibit the removal of windblown, diseased, or dead trees deemed to be hazardous or unsafe.
- h. Notwithstanding Subsection b., nothing in this Bylaw shall prohibit the limbing of tree branches for improved view plane and ventilation.
- i. Notwithstanding Subsections a. and b., where the size and configuration of a lot which was created prior to the effective date of the Municipal Planning Strategy is such that no main building could be located on the lot, the setback and buffer distances shall be reduced in such a manner as to allow the greatest possible separation distance from a watercourse, provided all other requirements of the Land Use Bylaw are met.

Watercourse Setback and Vegetative Buffer - Variance

- 6.37 Council shall consider reducing the development setback and vegetative buffer along a significant watercourse in the **R1, R2, R3, R4, R5, R6, R7, C1, C2, C3, C5, M1, M2, M3, P1, I1 and O1 Zones**, subject to a detailed study being prepared by a qualified person, including a site plan, which clearly demonstrates that:
- a. the proposed development is 2.44 metres (8 feet) in elevation above the ordinary high water mark;
 - b. the proposed development is setback a minimum of 7.62 metres (25 feet) from the ordinary high water mark;
 - c. the reduction of the development setback and vegetative buffer area does not increase the hazard posed by shoreline erosion;
 - d. the land being developed is not subject to seasonal flooding.

Wind Turbine Generators

- 6.38 Wind turbine generators which are less than 6.1 metres (20 feet) in height shall be permitted as accessory structures in any zone and may be mounted or attached to any other building or structure.

Wind Turbine Generators (Small Scale)

- 6.39 Wind turbine generators (small scale) shall be permitted in the **R5, R6, R7, C2, C5, M1, M2, M3, P1 and I1 Zones**, subject to the following criteria:
- a. Notwithstanding the height requirements of the particular zone, the total wind turbine height shall not exceed 60.98 metres (200 feet).

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- b. Wind turbines shall be limited in number to one (1) per lot;
- c. The minimum distance between the bottom tip of the rotor blades and the ground shall be 7.6 metres (25 feet);
- d. The wind turbine shall be setback not less than 1.5 times the total height of the turbine from all property lines;
- e. The wind turbine shall be setback not less than 1.5 times the total height of the turbine from a watercourse;
- f. Any climbing apparatus associated with the wind turbine shall be a minimum of 2.44 metres (8 feet) above grade;
- g. All structures associated with the wind turbine including guy wire anchors shall be setback a minimum of 3.05 metres (10 feet) from property lines;
- h. Wind turbines which are greater than 6.1 metres (20 feet) in height shall not be permitted as accessory structures and shall not be mounted or attached to any other building or structure;
- i. The mean value of sound pressure level from a wind turbine shall not exceed 40 dBA or 5 dBA above the background noise levels, whichever is greater, at adjacent property lines;
- j. The developer shall notify all property owners within a 182.93 metre (600 foot) radius of the lot of the proposed wind turbine development; and
- k. In addition to the development permit application, the following information shall be required:
 - 1. Wind turbine specifications, including the manufacturer and model number of the turbine, height, rotor blade diameter, maximum rated output capacity, and noise emission rating, and proof of safety certification by recognized organizations such as Underwriters Laboratories (UL) and Canadian Standards Association (CSA).
 - 2. Copies of approval documents from Transport Canada for turbines 20 metres (65.6 feet) or over in height; and
 - 3. Copies of notification of Nav Canada for turbine 30.5 metres (100 feet) or over in height.

PART 7 – SIGNS

Signage Provisions for All Zones

- 7.1 a. For the purpose of appearance, safety and maintenance, all signs and all parts thereof, including copy, framework, supports, background, and anchors, shall be kept in a good state of repair.
- b. any sign which no longer advertises a bona fide business conducted or a product sold are deemed to be obsolete, and shall be removed once the use has been discontinued for a period exceeding sixty (60) days;

Signage Provisions for the Urban Development Area

- 7.2 The signage provisions hereinafter listed shall apply to those lands which are located within the Urban Development Area, as shown on Map 3 of the Municipal Planning Strategy.

General

- 7.2.1 a. Where this part is inconsistent with the regulations made or administered by the Province of Nova Scotia Department of Transportation, respecting advertising signs on or near public highways, the more restrictive regulations shall apply.
- b. No person shall erect or relocate any signs, except those permitted under Section 7.2.4 of this Part, without first obtaining a development permit from the Development Officer, and no development permit shall be issued to erect a sign unless all the sign provisions of this Bylaw are satisfied.
- c. A development permit is not required for a change of copy on any sign, or for the repainting, cleaning or repairing of a sign or sign structure for which a development permit has previously been issued, so long as the sign or sign structure is not modified in any other way.

Application for a Development Permit

- 7.2.2 In addition to the Provisions of Sections 5.2 and 5.4 of this Bylaw, the following information shall be provided by the applicant for a development permit for a sign:
- a. name and address of the owner of the sign;
- b. name and address of owner or person in possession of the premises where the sign is to be located;

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- c. clear and legible drawings showing the exact location of the sign which is the subject of the permit and all other existing signs on the same premises;
- d. drawings showing the dimensions, supports, sizes, materials of sign and the method of attachment and the character of structural members to which attachments are to be made.

Limit on Number of Signs

- 7.2.3
- a. For the purpose of this section, where a multiple tenancy building is occupied by more than one (1) business, each business area shall be considered as separate premises.
 - b. Notwithstanding anything else in this Bylaw, not more than two (2) signs may be erected on any wall of any premises provided that:
 - 1. a double-faced sign shall count as a single sign;
 - 2. signs enumerated in Section 7.2.4, Signs Permitted in All Zones, Clauses “a” to “g” inclusive, shall not be counted in calculating the total;

Signs Permitted in All Zones

- 7.2.4 Notwithstanding any other provisions of this Bylaw, the following signs are permitted in all zones without requirement for a development permit:
- a. signs identifying name and address of resident, and not more than 0.19 square metres (2 square feet) in sign area;
 - b. “No Trespassing” signs or other such signs regulating the use of a property, and of not more than 0.19 square metres (2 square feet) in area;
 - c. real estate signs not exceeding 0.46 square metres (5 square feet) in sign area in a Residential Zone and 1.39 square metres (15 square feet) in other zones, which advertise the sale, rental or lease of the premises;
 - d. signs regulating or denoting on-premise 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 0.46 square metres (5 square feet) in area;
 - e. signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, safety signs, signs identifying public schools, public election lists, signs giving legal notice, and public identification and information signs;

- f. memorial signs or tablets and signs denoting the date of erection of a structure, not exceeding 1.86 square metres (20 square feet);
- g. signs incidental to construction and having an area not more than 4.65 square metres (50 square feet) and within the area designated for such purposes.

Signs Prohibited in All Zones

7.2.5 Notwithstanding any other provisions of this Bylaw, the following signs shall not be permitted in any Zone:

- a. any sign or sign structure which constitutes a hazard to public safety or health;
- b. 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 or roads;
- c. any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;
- d. signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD" or other similar words, phrases, symbols, lights or characters displayed in such manner as to interfere with, mislead or confuse traffic along a public road;
- e. signs on public property or a public right-of-way, unless erected by a government body or unless written permission to do so has been obtained from the governmental body;
- f. signs not erected by a public authority which are located at or near sharp road curves or below the crest of a steep road grade;
- g. signs painted on, attached to, or supported by a tree, stone, cliff or other natural object; excluding civic number signs.

Signs Permitted in Residential, Recreation / Open Space, and Institutional Zones

7.2.6 a. Notwithstanding anything else in this Bylaw, the following signs are permitted in all the Residential (R1), (R2), (R3), and (R4) Zones; Recreation / Open Space (P1), and Institutional (I1) Zones:

- 1. nameplates;
- 2. ground signs; and
- 3. facial wall signs

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- b. In the Residential (R1), (R2), (R3) and (R4) Zones:
 - 1. nameplates, ground signs and facial wall signs shall not exceed 0.19 square metres (2 square feet) in area;
 - 2. notwithstanding subsection b.1., name plates, ground signs or facial wall signs which identify a home business and have a maximum sign area of 0.74 square metres (8 square feet), shall be permitted;
 - 3. no ground sign shall exceed a height of 1.52 metres (5 feet).

- c. Ground signs and facial wall signs erected in Recreation / Open Space (P1), and Institutional (I1) Zone shall:
 - 1. not exceed 2.97 square metres (32 square feet) in sign area; and
 - 2. comply with Section 7.9 c., d., & e. (ground signs) or 7.10 b., c., d., e., & f. (facial wall signs) of this Part.

- d. Notwithstanding anything else in this Bylaw, sponsorship signage shall be permitted at all public and private outdoor sports fields and arenas within the Recreation / Open Space (P1) Zone, and all signs shall:
 - 1. have a maximum sign area of 2.97 square metres (32 square feet);
 - 2. face inward toward the playing field / arena; and
 - 3. be removed from the facilities during the off-season.

Signs Permitted in Commercial and Industrial Zones

- 7.2.7 a. Subject to Sections 7.2.8 through 7.2.12, the following signs are permitted in all Commercial and Industrial Zones:
 - 1. ground signs;
 - 2. projecting signs;
 - 3. facial wall signs;
 - 4. under canopy sign;
 - 5. nameplates;
 - 6. "A" frame signs;
 - 7. awning and canopy signs.

- b. In the Downtown Commercial (C1) Zone the provisions of Sections 7.2.9 and 7.2.10 shall be waived and all signs shall conform to the following requirements:
 - 1. either the top or bottom of the sign structure shall be aligned with a horizontal element in the building's facade;

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2. a maximum of two faces and three sizes of type per sign are permitted on a sign;
3. illumination of signs may be permitted but only if the source of illumination is shielded from the eyes of the viewers; and
4. no more than one (1) business or brand name may be identified on any one sign.

Ground Signs

7.2.8 A ground sign shall not:

- a. exceed 3.07 square metres (33 square feet) in sign area on a single face sign or 6.04 square metres (65 square feet) of sign area for both faces combined except in a Highway Commercial (C2) Zone;
- b. exceed 7 square metres (75 square feet) in sign area on a single face or 13.9 square metres (150 square feet) of sign area for both faces combined, in a Highway Commercial (C2) Zone;
- c. exceed a height of 7.62 metres (25 feet) from the grade level to the highest part of the sign;
- d. extend beyond a property line or project over public right-of-way, other adjoining lands, sight triangles, or any driveway or parking area;
- e. be set back less than 0.3 metres (1 foot) from any street line, sidewalk, common lot boundary, driveway, aisle or parking area.

Projecting Wall Signs

7.2.9 A projecting wall sign shall not:

- a. exceed 1.86 square metres (20 square feet) in sign area;
- b. project more than 1.83 metres (6 feet) from the wall upon which it is attached;
- c. extend beyond the curb line or edge of travelled way where the sign projects over a municipal public right of way;
- d. project above the eaves, parapet, or roof line of the building upon which it is attached;
- e. be erected below a height of 3.05 metres (10 feet) above grade or above a height of 4.57 metres (15 feet) above grade;

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- f. be erected in such a manner that enables the sign to swing more than forty-five (45) degrees from the verticals on its supports;
- g. exceed 0.74 square metres (8 square feet) in sign area where such signs project over a public right-of-way.

Facial Wall Signs

7.2.10 A facial wall sign shall not:

- a. cover more than 0.19 square metres (2 square feet) in combined total sign area per lineal foot of the wall on which the sign(s) is affixed with proportional allocations for each business premise;
- b. extend above the top of the wall upon which it is placed; or
- c. extend beyond the extremities of the wall upon which it is attached.

“A” Frame Signs

- 7.2.11 a. “A” Frame signs may be located within the C1 Zone and are restricted to a maximum of one (1) per business, and such signs shall be located on or adjacent to the lot line of the lot on which the business is located.
- b. “A” Frame signs shall not exceed 0.56 square metres (6 square feet) per face or a total of 1.12 square metres (12 square feet) for all faces combined nor exceed 1.52 metres (5 feet) in height.
 - c. “A” Frame signs are not to be located so as to obstruct pedestrians or vehicular traffic.

Neighbourhood Identification Signs

7.2.12 In any zone, a sign, masonry wall, landscaping and other similar features may be combined to form a display for neighbourhood or subdivision identification, provided that the legend of such sign or display shall consist only of the neighbourhood or subdivision name.

PART 8 - USES TO BE CONSIDERED BY DEVELOPMENT AGREEMENT

8.1 In accordance with the **Municipal Government Act**, the types of development that may be considered by a development agreement must be clearly identified in the Municipal Planning Strategy. The circumstances under which a development proposal may be considered by development agreement are as follows:

Policy Reference	Description	Applicable Zones
3.3.29	Bed & Breakfasts (< 5 Units)	R1 and R7
3.3.31	Bed & Breakfasts (> 5 Units)	R2, R3, R5 and R6
3.3.32	Apartments and Condominiums (<15 Units)	R5 and R6
3.3.34	Boarding Houses (Max. of 5 Rooms)	R1
3.3.35	Boarding Houses (More Than 5 Rooms)	R2, R5 and R6
3.3.48	Expansion of existing non-conforming commercial and industrial uses	All Residential Zones
3.3.40	Highway Commercial (C2) and Light Industrial (M1) Uses	R5 and R6
3.3.41	Funeral Homes	R2
3.3.42	Dog Kennels	R2, R5 and R6
3.3.43	Auto body Shops	R2, R5 and R6
3.3.44	Motor Vehicle Racing Facilities	R5 and R6
3.3.47	Intensive Livestock Operations	R6
3.3.48	Telecommunication Towers	R5 and R6
4.4.14	Auto body Shops	C2
4.4.15	Light Industrial (M1) Uses	C2
4.4.25	Shopping Centres	C1 and C2
4.4.28	Residential Dwelling Units not Associated with a Permitted Commercial Use	C1 and C2
4.6.8	Shopping Centres	M1
4.6.9	Salvage Yards	M2
11.2.2	Wind Turbine Generators (Large-Scale)	R5, R6, C5, M2, M3, P1 and O2

PART 9 – GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES

Home Business

- 9.1 Nothing in this Bylaw shall prevent the use of a portion of a dwelling in a Residential Zone as a home business, provided that:
- a. not more than twenty-five percent (25%) of the gross floor area of the residential dwelling is devoted to the home business; and in no case shall it exceed 46.47 square meters (500 square feet);
 - b. not more than two (2) assistant employees are employed in the home business;
 - c. an accessory building, when used for the home business:
 - i) shall have a maximum floor area of 92.94 square metres (1,000 square feet) where the lot area is equal to or greater than 929.4 square metres (10,000 square feet);
 - ii) shall have a maximum floor area of 46.47 square metres (500 square feet) where the lot area is less than 929.37 square metres (10,000 square feet);
 - iii). shall comply with any other requirements of Part 6 - General Provisions for all Zones, Section 6.2 - Accessory Buildings of this Bylaw;
 - d. parking standards comply with Part 6 Sections 6.22 and 6.23 of this Bylaw;
 - e. no mechanical equipment is used which would be obnoxious to adjacent residents by reason of noise, smoke, odour, vibration or interference with electrical equipment.
 - f. no outdoor storage or outdoor display shall be permitted.
 - g. no advertising other than a business identification plate or sign which has a maximum sign area of 0.74 square meters (8 square feet) and meets the criteria set out in Part 7 – Signs, of this Bylaw.
 - h. on site retail sales shall be limited to products directly related to the primary service being provided under the home business. Examples include the sale of shampoo by a hair dresser or eye glasses by an optometrist. The area devoted to retail sales shall be limited to 10% of the total floor area devoted to a home business.

PART 10 – RESTRICTED RESIDENTIAL (R1) ZONE

Zone Intention

10.1 This zone provides primarily for one and two unit residential development within the Urban Development Area.

R1 Uses Permitted

10.2 Within the Restricted Residential (R1) Zone a development permit shall only be issued for one or more of the following uses:

➤	Bed and breakfast establishments with not more than three (3) rooms to let and subject to Section 10.5;
➤	Converted dwellings to a maximum of three (3) dwelling units subject to Section 10.4;
➤	Day nurseries and kindergartens;
➤	Duplex dwellings;
➤	Home business subject to the requirements of Section 9.1;
➤	Parks and playgrounds;
➤	Semi-detached dwellings;
➤	Single detached dwellings;
➤	Small options homes

R1 Zone Requirements

10.3 In a Restricted Residential (R1) Zone, all new development shall comply with the following requirements:

a. Serviced Lot:

Minimum Lot Area	465 square metres (5,000 square feet)
Minimum Lot Frontage	15.2 metres (50 feet)
Minimum Front Yard Setback	3.05 metres (10 feet)
Minimum Rear Yard Setback	7.6 metres (25 feet)
Minimum Side Yard Setback	
i) one side	2.4 meters (8 feet)
ii) other side	3.66 metres (12 feet)
Maximum Height of Main Building	12.2 metres (40 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

b. Unserviced Lot

Minimum Lot Area	2,700 square metres (29,063 square feet)
Minimum Lot Frontage	30.5 metres (100 feet)

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Minimum Front Yard Setback	3.05 metres (10 feet)
Minimum Rear Yard Setback	7.6 metres (25 feet)
Minimum Side Yard Setback i) one side ii) other side	2.4 meters (8 feet) 3.66 metres (12 feet)
Maximum Height of Main Building	12.2 metres (40 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

Special Requirements:

Additions to Converted Dwellings

10.4 A development permit shall not be issued for an addition to a converted dwelling or to a dwelling that is being converted which extends into the front or side yard of a corner lot; however, this restriction will not apply to fire escapes located in the side yard.

Bed & Breakfast Establishment

- 10.5 Bed and Breakfast establishments with up to a maximum of three (3) rooms to let shall be permitted within the Restricted Residential (R1) Zone provided that:
- a. in addition to the required parking for the dwelling, one parking space shall be provided for each rental unit;
 - b. the required parking shall be provided in either the side or rear yard of the lot and shall be screened or fenced from abutting residential properties;
 - c. no structural alterations are made which extend into the front or side yard of the lot;
 - d. no structural alterations are made to increase the number of entrances in the front or sides of the dwelling (except for those required by the Building Code).

PART 11 – GENERAL RESIDENTIAL (R2) ZONE

Zone Intention

11.1 This zone provides for a broader mix of low density residential development within the Urban Development Area.

R2 Uses Permitted

11.2 Within the General Residential (R2) Zone a development permit shall only be issued for one or more of the following uses:

➤	Bed and breakfast establishments with not more than five (5) rooms to let and subject section 10.5;
➤	Boarding houses to a maximum of five (5) units;
➤	Churches subject to the I1 Zone requirements;
➤	Converted dwellings to a maximum of five (5) dwelling units subject to Section 10.4;
➤	Day nurseries and kindergartens;
➤	Duplex dwellings;
➤	Elementary and secondary schools subject to the I1 Zone requirements;
➤	Home Business, subject Section 9.1;
➤	Household livestock operations;
➤	Mini (Mobile) homes subject to Section 11.4 and the Region's Mobile Home Bylaw;
➤	Parks and playgrounds;
➤	Row houses to a maximum of five (5) units;
➤	Semi-detached dwellings;
➤	Single detached dwellings;
➤	Small options homes;
➤	Triplex dwellings

R2 Zone Requirements

11.3 In a General Residential (R2) Zone, all new development shall comply with the following requirements:

a. Serviced Lot

	Single Detached Dwelling	Other
Minimum Lot Area	464.68 square metres (5,000 square feet)	232.34 square metres (2,500 square feet) per unit
Minimum Lot Frontage	15.2 metres (50 feet)	7.6 metres (25 feet) per unit.

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Minimum Front Yard Setback	3.05 metres (10 feet)	7.6 metres (25 feet)
Minimum Rear Yard Setback	7.6 metres (25 feet)	7.6 metres (25 feet)
Minimum Side Yard Setback i) one side ii) other side	2.4 metres (8 feet) 3.66 metres (12 feet)	2.4 metres (8 feet) 3.66 metres (12 feet)
Maximum Height of Main Building	12.2 metres (40 feet)	12.2 metres (40 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.		

b. Unserviced Lot

	Single Detached Dwelling;	Other
Minimum Lot Area	2,700 square metres (29,052 square feet)	2,700 square metres (29,052 square feet)
Minimum Lot Frontage	30.5 metres (100 feet)	15.2 metres (50 feet) per unit.
Minimum Front Yard Setback	3.05 metre (10 feet)	7.6 metres (25 feet)
Minimum Rear Yard Setback	7.6 metres (25 feet)	7.6 metres (25 feet)
Minimum Side Yard Setback i) one side ii) other side	2.4 metres (8 feet) 3.66 metres (12 feet)	2.4 metres (8 feet) 3.66 metres (12 feet)
Maximum Height of Main Building	12.2 metres (40 feet)	12.2 metres (40 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.		

Special Requirements:

Mini (Mobile) Homes

11.4 Mini (Mobile) homes located in a General Residential (R2) Zone shall:

- a. be placed on a permanent concrete foundation; and
- b. be oriented on the lot so that the long side of the structure faces the front lot line.

PART 12 – MULTIPLE UNIT RESIDENTIAL (R3) ZONE

Zone Intention

12.1 This zone provides primarily for higher density residential development within the Urban Development Area.

R3 Uses Permitted

12.2 Within the Multi Unit Residential (R3) Zone a development permit shall only be issued for one or more of the following uses:

➤	Apartments, subject to Section 12.4;
➤	Boarding houses;
➤	Condominiums, subject to Section 12.5
➤	Converted dwellings;
➤	Day nurseries and kindergartens;
➤	Group dwellings subject to Section 12.7;
➤	Nursing homes, subject to Section 12.6;
➤	Residential care facilities, subject to Section 12.6;
➤	Row house dwellings;
➤	Triplexes;

R3 Zone Requirements

12.3 In a Multi Unit Residential (R3) Zone, all new development shall comply with the following requirements:

a. Serviced

Minimum Lot Area	929.37 square metres (10,000 square feet) for first 4 dwelling units and 139.41 square metres (1,500 square feet) for each additional unit.
Minimum Lot Frontage	30.5 metres (100 feet)
Minimum Front Yard Setback	7.6 metres (25 feet)
Minimum Rear Yard Setback	7.6 metres (25 feet)
Minimum Side Yard Setback	4.6 metre (15 feet) or 1/2 of the height of the main building, whichever is greater (including the end units in a row house dwelling).
Maximum Height of Main Building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

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b. Unserviced

Minimum Lot Area	4,646.84 square metres (50,000 square feet)
Minimum Lot Frontage	30.5 metres (100 feet)
Minimum Front Yard Setback	7.6 metres (25 feet)
Minimum Rear Yard Setback	7.6 metres (25 feet)
Minimum Side Yard Setback	4.6 metre (15 feet) or 1/2 of the height of the main building, whichever is greater (including the end units in a row house dwelling).
Maximum Height of Main Building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

Special Requirements:

Apartments

- 12.4 No development permit shall be issued for an apartment dwelling unless the following provisions are met:
- a. 4.65 square metres (50 square feet) of amenity area are provided for each dwelling unit;
 - b. outdoor storage of refuse shall be setback 7.6 metres (25 feet) from a property line.
 - c. outdoor storage of refuse shall be screened by an opaque fence or otherwise be enclosed by a structure which is a minimum of 1.83 metres (6 feet) in height, so as not to be visible from any street or adjacent residential property.

Condominiums

- 12.5 In the case of a condominium development where there is more than one main building on a lot, the minimum distance between buildings shall be 6.1 metres (20 feet) or ½ the height of the buildings, whichever is greater.

Nursing Homes and Residential Care Facilities

- 12.6 The following special provisions shall apply to all nursing homes and residential care facilities:
- a. the minimum lot frontage shall be 30.5 metres (100 feet);

- b. the minimum front and rear yards shall be 7.6 metres (25 feet);

Group Dwellings

- 12.7 The following special provisions shall apply to all grouped dwellings where two or more dwelling units are contained in two or more buildings on a single lot:
- a. the minimum distance between grouped dwellings shall be 6.1 metres (20 feet) or 1/2 of the height of the buildings, whichever is greater;
 - b. the minimum front and rear yards for grouped dwellings shall be 7.6 (25 feet);
 - c. the minimum side yard shall be 4.6 metres (15 feet) or 1/2 of the height of the buildings, whichever is greater;
 - d. amenity area for any grouped dwelling shall be provided on the same lot at the standard of 4.65 square metres (50 square feet) for each dwelling unit;

PART 13 – LAND LEASE RESIDENTIAL (R4) ZONE

Zone Intention

13.1 This zone provides for mini (mobile) home residential development and related uses within the Urban and Rural Development Areas.

R4 Uses Permitted

13.2 Within the Land Lease Residential (R4) Zone a development permit shall only be issued for one or more of the following uses:

➤	Land lease communities;
➤	Land lease communities management office, maintenance equipment storage related and incidental to the operation of the park;
➤	Mini (Mobile) homes;
➤	Parks and playgrounds

R4 Zone Requirements

13.3 In a Land Lease Residential (R4) Zone, all new development shall comply with the following requirements:

Minimum Lot Area	5,576.21 square metres (60,000 square feet)
Minimum Lot Frontage	91.46 metres (300 feet)
Minimum Distance of a Mini Home from an External Property Line or Public Road	7.6 metres (25 feet)
Minimum Distance between Mini Homes	6.1 meters (20 feet)
Maximum Building Height	7.6 metres (25 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

Region of Queens Municipality Mobile Home Bylaw

13.4 Nothing in this Bylaw shall exempt any person from complying with the provisions of the Region of Queens Municipality Mobile Home Bylaw.

PART 14 – MIXED USE RURAL RESIDENTIAL (R5) ZONE

Zone Intention

- 14.1 This zone provides primarily for a broad mixture of residential, commercial and natural resource based development within the Rural Development Area.

R5 Uses Permitted

- 14.2 Within the Mixed Use Rural Residential (R5) Zone a development permit shall only be issued for one or more of the following uses:

➤	Agricultural uses;
➤	Apartments up to a maximum of 15 units, subject Section 12.4;
➤	Art galleries / studios;
➤	Bed and breakfast;
➤	Boarding houses to a maximum of five (5) units;
➤	Campgrounds, subject to Section 14.7;
➤	Condominiums up to a maximum of 15 units, subject Section 12.5;
➤	Convenience stores
➤	Converted dwellings;
➤	Craft shops;
➤	Day nurseries and kindergartens;
➤	Duplex Dwellings;
➤	Equestrian Facilities;
➤	Farmers markets, subject to Section 14.6;
➤	Forestry uses, subject to Section 14.8;
➤	Funeral home;
➤	Garden centres / Greenhouses / Nurseries, subject to Section 14.6;
➤	Gift shops;
➤	Grocery stores, subject to Section 14.6;
➤	Group dwellings, subject to Section 12.7;
➤	Home businesses, subject Section 9.1;
➤	Household livestock operations;
➤	Institutional uses, subject to I1 Zone requirements;
➤	Intensive livestock operations, subject to Section 14.5;
➤	Mini (Mobile) homes, subject to Section 14.4;
➤	Medical clinics, subject Section 14.6;
➤	Movie rental shops;
➤	Nursing homes, subject to Section 12.6;
➤	Personal service shops, subject to Section 14.6;
➤	Recreation / Open Space (P1) uses, subject to P1 Zone requirements;
➤	Residential care facilities, subject to Section 12.6;
➤	Restaurants (including drive in and take out), subject to Section 14.6;
➤	Self storage businesses;
➤	Semi detached dwellings;
➤	Single detached dwellings;
➤	Small options homes;

➤	Storage of commercial fishing equipment and supplies;
➤	Tourist establishments;
➤	Triplex Dwellings;
➤	Wind turbine generators (small scale), subject to Section 6.39

R5 Zone Requirements

14.3 In a Mixed Use Rural Residential (R5) Zone, all new development shall comply with the following requirements:

Minimum Lot Area	2,700 square metres (29,052 square feet)
Minimum Lot Frontage	30.5 metres (100 feet)
Minimum Front Yard Setback	7.6 metres (25 feet)
Minimum Rear Yard Setback	7.6 metres (25 feet)
Minimum Side Yard Setback	4.6 metres (15 feet)
Maximum Height of Main building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

Special Requirements:

Skirting for Mini (Mobile) Homes

14.4 Mini (Mobile) homes located in a Mixed Use Rural Residential (R5) Zone shall install visual skirting around the base of the dwelling, so as to screen the area located from grade to the base of the structure.

Intensive Livestock Operations

14.5 Intensive livestock operations shall be subject to the following special requirements:

- a. An intensive livestock operation must have a minimum lot area of 4.05 ha (10 acres).
- b. An intensive livestock building shall be setback a minimum of 100 metres (328 feet) from an existing off-farm dwelling, off-farm well or institutional use.
- c. An intensive livestock building shall be setback from a property line a minimum of 50.3 metres (165 feet).
- d. An intensive livestock building shall be setback a minimum of 100 metres (328 feet) of a watercourse or water body.
- e. Storage of waste from an intensive livestock operation shall not be located within 100 metres (328 feet) from a watercourse, well or an adjacent residential or institutional use.

Permitted Commercial Uses

- 14.6 Unless otherwise specified, the following special provisions shall apply to all permitted commercial uses:
- a. the commercial operation shall be setback 12.2 metres (40 feet) from a lot line;
 - b. outdoor storage shall be setback 12.2 metres (40 feet) from a side or rear lot line and shall be screened by the use of an evergreen vegetation buffer or a 1.8 metre (6 foot) fence or a combination of both.
 - c. outdoor refuse bins shall be located in the rear or side yard of the main building and be set back 7.6 metres (25 feet) from any abutting lot line;
 - d. outdoor refuse bins shall be screened by a 1.83 metre (6 feet) high opaque fence or otherwise be enclosed by a structure so as not to be visible from any street or adjacent residential property.

Campgrounds

- 14.7 Campgrounds shall be permitted in the Mixed Use Rural Residential (R5) Zone and shall have a minimum lot area of 2.03 hectares (5 acres);

Forestry Uses

- 14.8 Forestry uses shall be subject to the following special requirements:
- a. a separation distance of 152 metres (500 feet) shall be required between any saw mill, shingle mill or wood finishing mill which is adjacent to residential or institutional uses;
 - b. outdoor storage relating to saw mills, shingle mills or wood finishing mills shall be screened from view by a 1.52 metres (5 feet) fence or vegetative screen, where the yard used for storage abuts a residential or institutional use.

PART 15 – MIXED USE COASTAL RESIDENTIAL (R6) ZONE

Zone Intention

15.1 This zone provides primarily for a broad mixture of residential, commercial and natural resource based development within the Rural Development Area.

R6 Uses Permitted

15.2 Within the Mixed Use Coastal Residential (R6) Zone a development permit shall only be issued for one or more of the following uses:

➤ Agricultural uses;
➤ Apartments up to a maximum of 15 units subject to Section 12.4;
➤ Art galleries / studios;
➤ Bed and breakfast establishments;
➤ Boarding houses to a maximum of five (5) units;
➤ Campgrounds, subject to Section 14.7;
➤ Commercial marine uses;
➤ Condominiums up to a maximum of 15 units, subject to Section 12.5;
➤ Convenience store;
➤ Converted dwellings;
➤ Craft shops;
➤ Day nurseries and kindergartens;
➤ Duplex dwelling;
➤ Equestrian Facilities;
➤ Farmers markets;
➤ Forestry uses, subject to Section 14.8;
➤ Funeral home;
➤ Garden centres / Greenhouses / Nurseries, subject to Section 14.6;
➤ Gift shop;
➤ Grocery stores, subject to Section 14.6;
➤ Group dwellings, subject to Section 12.7;
➤ Home business uses, subject to Section 9.1;
➤ Household livestock operations;
➤ Institutional uses, subject to I1 Zone requirements;
➤ Mini (Mobile) homes, subject to Section 14.4;
➤ Medical clinics, subject to Section 14.6;
➤ Movie rental shops;
➤ Nursing homes, subject to Section 12.6;
➤ Personal service shops, subject to Section 14.6;
➤ Recreation / Open Space (P1) uses, subject to P1 Zone requirements;
➤ Residential care facilities, subject to Section 12.6;
➤ Restaurants (including drive in and take out), subject to Section 14.6;
➤ Self storage businesses;
➤ Semi detached dwellings;
➤ Single detached dwelling;
➤ Small options homes;
➤ Storage of commercial fishing equipment and supplies;

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➤	Tourist establishments;
➤	Triplex dwellings;
➤	Wind turbine generators (small scale), subject to Section 6.39

R6 Zone Requirements

15.3 In a Mixed Use Coastal Residential (R6) Zone, all new development shall comply with the following requirements:

Minimum Lot Area	2,700 square metres (29,052 square feet)
Minimum Lot Frontage	30.5 metres (100 feet)
Minimum Front Yard Setback	7.6 metres (25 feet)
Minimum Rear Yard Setback	7.6 metres (25 feet)
Minimum Side Yard Setback	4.6 metres (15 feet)
Maximum Height of Main Building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

PART 16 – SEASONAL RESIDENTIAL (R7) ZONE

Zone Intention

- 16.1 This zone provides for primarily single unit residential development of a seasonal in nature within the Rural Development Area.

R7 Uses Permitted

- 16.2 Within the Seasonal Residential (R7) Zone a development permit shall only be issued for one or more of the following uses:

➤ Duplex dwellings;
➤ Mini (Mobile) homes subject to Section 14.4;
➤ Parks and playgrounds;
➤ Single detached dwellings;
➤ Wind turbine generators (small scale), subject to Section 6.39

R7 Zone Requirements

- 16.3 In a Seasonal Residential (R7) Zone, all new development shall comply with the following requirements:

Minimum Lot Area	2,700 square metres (29,052 square feet)
Minimum Lot Frontage	30.5 metres (100 feet)
Minimum Front Yard Setback	7.6 metres (25 feet)
Minimum Rear Yard Setback	7.6 metres (25 feet)
Minimum Side Yard Setback	4.6 metres (15 feet)
Maximum Height of Main Building	12.2 metres (40 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

PART 17 – GENERAL PROVISIONS FOR ALL COMMERCIAL ZONES

Abutting Zone Requirements

17.1 Where a Commercial Zone abuts a Residential Zone, Conservation (O1) Zone, Water Shed (W1) Zone, Institutional (I1) Zone or a Recreation / Open Space (P1) Zone, the following restrictions shall apply to an abutting yard within the Commercial Zone:

- a. the minimum side and rear yard setbacks for an abutting yard shall be 12.2 metres (40 feet);
- b. outdoor storage and outdoor display shall not be permitted in an abutting yard within 7.62 metres (25 feet) of a side or rear lot line;
- c. parking spaces, driveways and travel surfaces shall not be permitted in an abutting yard within 7.62 metres (25 feet) of a side or rear lot line;
- d. where open storage and outdoor display, parking spaces, driveways and travel surfaces are located within the minimum side and rear yards, such uses shall be screened from view by an opaque wooden fence which is a minimum of 1.83 metres (6 feet) in height;
- e. in addition to the provisions of Part 7, signs located in an abutting yard shall be subject to the following requirements:
 - i. signs permitted in accordance with Part 7, Section 7.2.7 shall be non-illuminated except in cases where signage denoting the direction or function of various parts of a building, or premise may be internally illuminated;
 - ii. only directional or business identification signs shall be permitted;
 - iii. the maximum sign area shall be 1.39 square metres (15 square feet);
 - iv. the maximum height of a ground sign from the grade level to the highest part of the sign (including the sign structure) shall be 3.66 metres (12 feet);
 - v. all signs shall be set back at least 3.05 metres (10 feet) from the abutting property line.

Warehousing Uses

17.2 Notwithstanding the general loading space requirements, no development permit shall be issued for a warehousing use unless a minimum of one (1) off street space for loading and unloading is provided.

Existing Residential Uses

17.3 The following properties shall be recognized as existing residential uses located in a commercially zoned area and shall be considered fully conforming uses:

<u>PID #</u>	<u>Civic Address</u>
70024997	313 Main Street
70081781	4176 Highway #3
70081799	4172 Highway #3
70081807	4175 Highway #3
70081815	4169 Highway #3
70081823	4166 Highway #3
70081880	4159 Highway #3
70081906	4153 Highway #3
70081914	4150 Highway #3
70081922	4146 Highway #3
70082011	4143 - 4141 Highway #3
70082060	4111 Highway #3
70082078	4109 Highway #3
70082086	4106 Highway #3
70161617	4103 Highway #3
70082102	4102 Highway #3
70082136	4101 Highway #3
70082144	4099 Highway #3
70082151	4100 Highway #3
70082169	4087 Highway #3
70082177	4084 Highway #3
70082235	4082 Highway #3
70082243	4078 Highway #3
70082268	4072 Highway #3
70082276	4052 Highway #3
70082284	4043 Highway #3
70082292	4041 Highway #3
70082441	4037 Highway #3
70082458	4034 Highway #3
70082466	4029 Highway #3
70082474	4032 Highway #3
70082482	4028 Highway #3
70082490	4017 Highway #3
70083811	3987 Highway #3
70083829	3979 Highway #3
70083852	3972 Highway #3
70083928	3957 Highway #3
70083944	3953 Highway #3
70083951	3943 Highway #3
70083969	3930 - 3932 Highway #3
70083977	3929 Highway #3
70083985	3926 Highway #3
70083993	3921 Highway #3

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70082003	4149 Highway #3
70082300	2 Poplar Street
70082318	3 Poplar Street
70082334	13 Poplar Street
70082367	19 Poplar Street
70082391	20 Poplar Street
70082383	21 Poplar Street
70082417	25 Poplar Street
70082409	26 Poplar Street
70082193	9 Gould Lane
70082201	10 Gould Lane
70082219	11 Gould Lane
70082227	17 Gould Lane
70082516	7 Great Hill Road
70082524	16 Great Hill Road
70082532	17 Great Hill Road
70082540	24 Great Hill Road
70082581	32 Great Hill Road
70082599	38 Great Hill Road
70083803	15 Elm Street
70083795	21 Elm Street
70083787	27 Elm Street
70083720	37 Elm Street
70075122	7 Highway #8
70075130	11 Highway #8
70075148	15 Highway #8

PART 18 - DOWNTOWN COMMERCIAL (C1) ZONE

Zone Intention

18.1 This zone provides for a broad range of commercial development within the Urban Development Area, emphasizing a more compact and pedestrian oriented form of development.

C1 Uses Permitted

18.2 Within the Downtown Commercial (C1) Zone a development permit shall only be issued for one or more of the following uses:

➤ Art galleries / studios;
➤ Banks and financial institutions;
➤ Bed and breakfasts;
➤ Bowling alleys;
➤ Business and professional offices;
➤ Convenience stores;
➤ Day nurseries and kindergartens;
➤ Existing residential uses (Refer to Section 17.3);
➤ Farmers market;
➤ Funeral homes;
➤ Grocery stores;
➤ Institutional (I1) uses, subject to the I1 Zone requirements;
➤ Lounges;
➤ Medical clinics;
➤ Motel and hotels;
➤ Parks;
➤ Parking lots and parking structures;
➤ Personal service shops;
➤ Places of entertainment;
➤ Public information booths;
➤ Radio and television stations;
➤ Recreational uses;
➤ Residential dwelling units located on the floor above any permitted commercial use;
➤ Restaurants;
➤ Retail stores;
➤ Service and repair shops;
➤ Taxi and bus stations;
➤ Theatres;
➤ Tourist establishments;
➤ Utilities;
➤ Warehousing uses, which are located entirely within an enclosed building

C1 Zone Requirements

18.3 In a Downtown Commercial (C1) Zone, all new development shall comply with the following requirement(s):

Maximum Height of Main Building	15.2 metres (50 feet)
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Special Requirements:

Awnings and Canopies

18.4 Notwithstanding any other provisions of this Bylaw, in a Downtown Commercial (C1) Zone awnings and canopies shall be permitted to project over a Municipal public right of way, provided; however, that they:

- a. do not extend beyond the curb line or edge of travelled way; and
- b. are not erected below a height of 3.05 metres (10 feet) from grade level.

PART 19 – HIGHWAY COMMERCIAL (C2) ZONE

Zone Intention

19.1 This zone provides for a broad range of commercial development within the Urban Development Area, emphasizing a more large-scale form of development servicing the travelling public.

C2 Uses Permitted

19.2 Within the Highway Commercial (C2) Zone a development permit shall only be issued for one or more of the following uses:

➤ Amusement centres;
➤ Animal hospitals and veterinary establishments;
➤ Automobile sales establishments;
➤ Automobile service stations, subject to Section 19.5;
➤ Automobile washing establishments subject to Section 19.4;
➤ Boats, trailers, snowmobile and ATV sales and rental;
➤ Convention facilities;
➤ Day nurseries and kindergartens;
➤ Downtown Commercial (C1) uses;
➤ Funeral home;
➤ Garden centres;
➤ Heavy equipment sales and rentals;
➤ Hotels and motels (including bed and breakfast operations);
➤ Outdoor commercial display;
➤ Public and private parks;
➤ Recreation / Open Space (P1) uses;
➤ Recreational vehicle park;
➤ Retail lumber and home improvement supplies;
➤ Shopping centres;
➤ Strip malls;
➤ Wind turbine generators (small scale), subject to Section 6.39

C2 Zone Requirements

19.3 In a Highway Commercial (C2) Zone, all new development shall comply with the following requirements:

a. Serviced

Minimum Lot Area	929.37 square metres (10,000 square feet)
Minimum Lot Frontage	30.5 metres (100 feet)
Minimum Front Yard Setback	3.05 metres (10 feet)
Minimum Rear Yard Setback	6.1 metres (20 feet)
Minimum Side Yard Setback	3.05 metres (10 feet)

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Maximum Height of Main Building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

b. Unserviced

Minimum Lot Area	2,700 square metres (29,052 square feet)
Minimum Lot Frontage	45.73 metres (150 feet)
Minimum Front Yard	7.6 metres (25 feet)
Minimum Rear Yard	7.6 metres (25 feet)
Minimum Side Yard	4.6 metres (15 feet)
Maximum Height of Main building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

Special Requirements:

Automobile Washing Establishments

19.4 A person applying to develop an automobile washing establishment shall comply with the following provisions:

- a. the minimum lot area shall be 929.37 square metres (10,000 square feet), containing a stopping / queue area, prior to the entry of vehicles into any part of the cleaning process, for not less than 6 automobiles;
- b. the owner, tenant, or person in charge of an automobile washing establishment shall at all times be responsible for the proper, safe and orderly operation of the business and of the foregoing, shall ensure that the operators of motor vehicles do not obstruct the sidewalk, street or lands adjacent to the site;
- c. any outdoor storage shall be screened by the use of a fence, vegetation or any combination of both;
- d. due to the nature of the operation, on-site drainage shall be provided so as to prevent waste-water from flowing beyond the boundaries of subject property.

Automobile Service Stations

19.5 Where automobile service stations are permitted in a Commercial Zone, the following special provisions shall apply;

- a. the lot frontage shall be a minimum of 45.73 metres (150 feet);
- b. no portion of any pump island shall be located closer than 6.1 metres (20 feet) from any street line;

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- c. the minimum distance between ramps or driveways shall not be less than 9.15 metres (30 feet);
- d. the minimum distance from a ramp or driveway to a street intersection shall be 15.2 metres (50 feet);
- e. the minimum angle of intersection of a ramp to a street line shall be forty-five (45) degrees and the maximum angle of intersection shall be ninety (90) degrees;
- f. the minimum width of a ramp shall be 7.6 metres (25 feet).

PART 20 – NEIGHBOURHOOD COMMERCIAL (C3) ZONE

Zone Intention

20.1 This zone provides for a limited range of small-scale commercial development within a primarily residential area, intended to service the basic needs of the local area.

C3 Uses Permitted

20.2 Within the Neighbourhood Commercial (C3) Zone a development permit shall only be issued for one or more of the following uses:

➤	Arts and crafts shops;
➤	Convenience stores;
➤	Dwelling units in association with a commercial use with a maximum of one such unit;
➤	Personal service shops;
➤	Movie rental shops

C3 Zone Requirements

20.3 In a Neighbourhood Commercial (C3) Zone, all new development shall comply with the following requirements:

a. Serviced

Minimum Lot Area	929.37 square metres (10,000 square feet)
Minimum Lot Frontage	15.2 metres (50 feet)
Minimum Front Yard Setback	3.05 metres (10 feet)
Minimum Rear Yard Setback	6.1 metres (20 feet)
Minimum Side Yard Setback	3.05 metres (10 feet)
Maximum Height of Main Building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

b. Unserviced

Minimum Lot Area	2,700 square metres (29,052 square feet)
Minimum Lot Frontage	30.5 metres (100 feet)
Minimum Front Yard Setback	7.6 metres (25 feet)
Minimum Rear Yard Setback	7.6 metres (25 feet)
Minimum Side Yard Setback	4.6 metres (15 feet)
Maximum Height of Main building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

Special Requirements:

Maximum Floor Area

- 20.4 Due to the 'neighbourhood' nature of C3 commercial uses, the maximum allowable floor space for permitted non-residential uses in this C3 Zone shall be 232.34 square metres (2,500 square feet) exclusive of utilities and washrooms.

PART 21 – LIVERPOOL WATERFRONT (C4) ZONE

Zone Intention

21.1 This zone provides for a broad range of commercial and multi unit residential development on the Liverpool Waterfront, designed to highlight the historic character of this area.

C4 Uses Permitted

21.2 Within the Liverpool Waterfront (C4) Zone a development permit shall only be issued for one or more of the following uses:

➤	Apartment, subject to Section 12.4;
➤	Art galleries / studios;
➤	Business and professional offices;
➤	Commercial marine uses;
➤	Condominiums, subject to Section 12.5;
➤	Cultural facilities;
➤	Institutional uses, subject to the I1 Zone requirements;
➤	Lounges;
➤	Parking lots;
➤	Parks and playgrounds;
➤	Public information booths;
➤	Residential dwelling units located on the floor above any permitted commercial use;
➤	Restaurants;
➤	Retail stores

C4 Zone Requirements

21.3 In a Liverpool Waterfront (C4) Zone, all new development shall comply with the following requirements:

Minimum Lot Area	929.37 square metres (10,000 square feet)
Minimum Lot Frontage	30.5 metres (100 feet)
Minimum Front Yard Setback	3.05 metres (10 feet)
Minimum Rear Yard Setback	6.1 metres (20 feet)
Minimum Side Yard Setback	3.05 metres (10 feet)
Maximum Height of Main Building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

PART 22 – COASTAL COMMERCIAL (C5) ZONE

Note: Within the Coastal Commercial (C5) Zone, Council has utilized an exclusionary zoning format, which pertains to the types of uses that will not be considered in the Zone.

Zone Intention

22.1 This zone will be applied to an area or areas of land which is owned or operated primarily as a unit, and is intended to provide a very broad range of uses as determined by the owner(s) / operator(s).

C5 Uses Not Permitted

22.2 A development permit shall be issued in a Coastal Commercial (C5) Zone for all uses except for following:

➤	Adult entertainment;
➤	Industrial uses;
➤	Obnoxious uses

C5 Zone Requirements

22.3 In a Coastal Commercial (C5) Zone, all new development shall comply with the following requirements:

a. Serviced

Minimum Lot Area	929.37 square metres (10,000 square feet)
Minimum Lot Frontage	30.5 metres (100 feet)
Minimum Front Yard Setback	3.05 metres (10 feet)
Minimum Rear Yard Setback	6.1 metres (20 feet)
Minimum Side Yard Setback	3.05 metres (10 feet)
Maximum Height of Main Building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

b. Unserviced

Minimum Lot Area	2,700 square metres (29,052 square feet)
Minimum Lot Frontage	37 metres (121.4 feet)
Minimum Front Yard Setback	7.6 metres (25 feet)
Minimum Rear Yard Setback	7.6 metres (25 feet)
Minimum Side Yard Setback	4.6 metres (15 feet)
Maximum Height of Main building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

PART 23 – GENERAL PROVISIONS FOR ALL INDUSTRIAL ZONES

Abutting Zone Requirements

23.1 Where an Industrial Zone abuts a Residential Zone, Conservation (O1) Zone, Water Shed (W1) Zone, Institutional (I1) Zone or a Recreation / Open Space (P1) Zone, the following restrictions shall apply to an abutting yard within the Industrial Zone:

- a. the minimum side and rear yard setbacks for an abutting yard shall be 12.2 metres (40 feet);
- b. outdoor storage and outdoor display shall not be permitted in an abutting yard within 7.62 metres (25 feet) of a side or rear lot line;
- c. parking spaces, driveways and travel surfaces shall not be permitted in an abutting yard within 7.62 metres (25 feet) of a side or rear lot line;
- d. where open storage and outdoor display, parking spaces, driveways and travel surfaces are located within the minimum side and rear yards, such uses shall be screened from view by an opaque wooden fence which is a minimum of 1.83 metres (6 feet) in height;
- e. in addition to the provisions of Part 7, signs located in an abutting yard shall be subject to the following requirements:
 1. signs permitted in accordance with Part 7, Section 7.2.7 shall be non-illuminated except in cases where signage denoting the direction or function of various parts of a building, or premise may be internally illuminated;
 2. only directional or business identification signs shall be permitted;
 3. the maximum sign area shall be 1.39 square metres (15 square feet);
 4. the maximum height of a ground sign from the grade level to the highest part of the sign (including the sign structure) shall be 3.66 metres (12 feet);
 5. all signs shall be set back at least 3.05 metres (10 feet) from the abutting property line.

Open Storage and Outdoor Display

23.2 The following restrictions shall apply to open storage and outdoor display in an Industrial Zone:

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- a. open storage or outdoor display shall not be permitted within the required front yard of a lot; except where a 2.44 metre (8 foot) high opaque fence has been erected to screen the outdoor storage or display from abutting properties; in which case, the front yard setback can be reduced 1.52 metres (5 feet);
- b. where fencing is provided, the height of open storage and outdoor display shall be limited to 2.44 metres (8 feet) within 7.62 metres (25 feet) of the property line;
- c. the area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the lot area.

PART 24 – LIGHT INDUSTRIAL (M1) ZONE

Zone Intention

24.1 This zone provides primarily for light manufacturing, service industry and retail development.

M1 Uses Permitted

24.2 Within the Light Industrial (M1) Zone a development permit shall only be issued for one or more of the following uses:

➤	Automobile body shops;
➤	Automobile sales establishments;
➤	Automobile service stations subject to Section 17.4;
➤	Automobile washing establishments subject to Section 19.4;
➤	Building supply and equipment depots;
➤	Business / professional offices;
➤	Commercial uses accessory to main use permitted in an M1 Zone, which is conducted in the main building;
➤	Custom workshop;
➤	Manufacturing, industrial, assembly, or warehousing operations which are conducted and wholly contained within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, smoke or other emission, refuse matter, water-carried waste, by reason of unsightly open storage, or the detonation of explosives;
➤	P1 Zone permitted uses, subject to the P1 Zone requirements;
➤	Radio and television stations;
➤	Recycling depots and processing;
➤	Restaurants;
➤	Retail stores;
➤	Service industries;
➤	Service or repair shops;
➤	Wind turbine generators (small scale), subject to Section 6.39

M1 Zone Requirements

24.3 In a Light Industrial (M1) Zone, all new development shall comply with the following requirements:

a. Serviced

Minimum Lot area	929.37 square metres (10,000 square feet)
Minimum Lot Frontage	30.5 metres (100 feet)
Minimum Front Yard Setback	3.05 metres (10 feet)
Minimum Rear Yard Setback	6.1 metres (20 feet)
Minimum Side Yard Setback	3.05 metres (10 feet)
Maximum Height of Main Building	15.2 metres (50 feet)

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Parking - As per Sections 6.22 and 6.23 of this Bylaw.
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b. Unserviced

Minimum Lot Area	2,700 square metres (29,052 square feet)
Minimum Lot Frontage	45.73 metres (150 feet)
Minimum Front Yard Setback	7.6 metres (25 feet)
Minimum Rear Yard Setback	7.6 metres (25 feet)
Minimum Side Yard Setback	4.6 metres (15 feet)
Maximum Height of Main Building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

PART 25 – HEAVY INDUSTRIAL (M2) ZONE

Zone Intention

25.1 This zone provided primarily for more intensive industrial uses, which due to the nature of the operations necessitate larger lot sizes and increased setback requirements.

M2 Uses Permitted

25.2 Within the Heavy Industrial (M2) Zone a development permit shall only be issued for one or more of the following uses:

➤	Bulk aggregate storage facilities;
➤	Construction facilities;
➤	Electricity production industries;
➤	M1 Zone permitted uses;
➤	Manufacturing, assembly and processing plants;
➤	Wind turbine generators (small scale), subject to Section 6.39

M2 Zone Requirements

25.3 In a Heavy Industrial (M2) Zone, all new development shall comply with the following requirements:

Minimum Lot Area	5,576.21 square metres (60,000 square feet)
Minimum Lot Frontage	45.73 metres (150 feet)
Minimum Front Yard Setback	12.2 metres (40 feet)
Minimum Rear Yard Setback	12.2 metres (40 feet)
Minimum Side Yard Setback	12.2 metres (40 feet)
Maximum Height of Main Building	30.5 metres (100 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

Special Requirements:

Abutting Zone Requirements

25.4 Notwithstanding Sections 23.1 and 23.2 of this Bylaw, where a property located in a Heavy Industrial (M2) Zone abuts a Residential, Commercial, Recreation, Conservation, or Institutional Designation, the following restrictions shall apply:

- a. the minimum yard requirement in an Heavy Industrial (M2) Zone for any yard which so abuts shall be 18.29 metres (60 feet);
- b. no open storage or outdoor display shall be permitted in a required abutting yard;

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- c. no required parking space shall be permitted in a required abutting yard within 6.1 metres (20 feet) of a lot line;
- d. no vehicle exceeding one (1) ton capacity, shall be parked within the required abutting yard; and,
- e. signs shall be regulated as provided for in Part 7 of this Bylaw.

PART 26 – FISHING AND MARINE (M3) ZONE

Zone Intention

26.1 This zone provides for operations related to marine based industries and uses.

M3 Uses Permitted

26.2 Within the Fishing and Marine (M3) Zone a development permit shall only be issued for one or more of the following uses:

➤	Commercial marine uses;
➤	Marinas;
➤	Uses relating to the fishing industry, excluding fish-meal processing plants;
➤	Wind turbine generators (small scale), subject to Section 6.39

M3 Zone Requirements

26.3 In a Fishing and Marine (M3) Zone, all new development shall comply with the following requirements:

Minimum Lot Area	3,717.47 square metres (40,000 square feet)
Minimum Lot Frontage	45.73 metres (150 feet)
Minimum Front Yard Setback	12.2 metres (40 feet)
Minimum Rear Yard Setback	12.2 metres (40 feet)
Minimum Side Yard Setback	6.1 metres (20 feet)
Maximum Height of Main Building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

PART 27 – RECREATION / OPEN SPACE (P1) ZONE

Zone Intention

27.1 The Recreation / Open Space (P1) Zone is intended to guide the development of existing and future recreational uses which are of both an active and passive nature.

P1 Uses Permitted

27.2 Within the Recreation Open Space (P1) Zone a development permit shall only be issued for one or more of the following uses:

➤	Arenas;
➤	Athletic fields;
➤	Boat Launches;
➤	Curling clubs;
➤	Golf courses;
➤	Indoor and outdoor skating rinks;
➤	Lawn bowling greens;
➤	Parks and playgrounds;
➤	Picnic areas;
➤	Pavilions and band stands;
➤	Skateboard and / or bicycle motocross parks;
➤	Swimming pools;
➤	Tennis courts;
➤	Trail systems;
➤	Wind turbine generators (small scale), subject to Section 6.39

P1 Zone Requirements

27.3 In a Recreation / Open Space (P1) Zone, all new development shall comply with the following requirements:

Minimum Lot Area	3,717.47 square metres (40,000 square feet)
Minimum Lot Frontage	30.5 metres (100 feet)
Minimum Front Yard Setback	6.1 metres (20 feet)
Minimum Rear Yard Setback	6.1 metres (20 feet)
Minimum Side Yard Setback	6.1 metres (20 feet)
Parking	- As per Sections 6.22 and 6.23 of this Bylaw.

PART 28 – INSTITUTIONAL (I1) ZONE

Zone Intention

28.1 This zone provided primarily for uses related to education, religion, culture, public health and government.

I1 Uses Permitted

28.2 Within the Institutional (I1) Zone a development permit shall only be issued for one or more of the following uses:

➤	Cemeteries;
➤	Churches, church halls, places of worship and religious institutions;
➤	Community centres;
➤	Extended care facilities;
➤	Hospitals;
➤	Legions;
➤	Libraries;
➤	Municipal buildings and uses;
➤	Museums;
➤	Private clubs and fraternal organizations;
➤	Provincial and federal government buildings and uses;
➤	Public schools and accessory playgrounds and educational institutional uses;
➤	Tourism information uses;
➤	Wind turbine generators (small scale), subject to Section 6.39

I1 Zone Requirements

28.3 In an Institutional (I1) Zone, all new development shall comply with the following requirements:

a. Serviced

Minimum Lot Area	929.37 square metres (10,000 square feet)
Minimum Lot Frontage	30.5 metres (100 feet)
Minimum Front Yard Setback	3.05 metres (10 feet)
Minimum Rear Yard Setback	6.1 metres (20 feet)
Minimum Side Yard Setback	3.05 metres (10 feet)
Maximum Height of Main Building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

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b. Unserviced

Minimum Lot Area	3,717.47 square metres (40,000 square feet)
Minimum Lot Frontage	45.73 metres (150 feet)
Minimum Front Yard	6.1 metres (20 feet)
Minimum Rear Yard	6.1 metres (20 feet)
Minimum Side Yard	6.1 metres (20 feet)
Maximum Height of Main Building	15.2 metres (50 feet)
Parking - As per Sections 6.22 and 6.23 of this Bylaw.	

PART 29 - CONSERVATION (O1) ZONE

Zone Intention

29.1 This zone will be applied to areas of the Municipality that are considered environmentally sensitive, and uses permitted will be limited in order to protect these lands.

O1 Uses Permitted

29.2 Within the Conservation (O1) Zone a development permit shall only be issued for one or more of the following uses:

➤	Boardwalks;
➤	Interpretive kiosks;
➤	Public and private parks involving no buildings other than small accessory buildings;
➤	Trail systems;

PART 30 – WATERSHED (W1) ZONE

Zone Intention

30.1 This zone will be applied to the Municipal watershed area(s), allowing for limited permitted uses in an effort to protect the quality of water within the watershed.

W1 Uses Permitted

30.2 Within the Watershed (W1) Zone a development permit shall only be issued for one or more of the following uses:

➤ Municipal water treatment facilities;
