

**THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH
LAND USE BY-LAW
EASTERN ANTIGONISH COUNTY PLANNING AREA
(Districts #7 (Bayfield, Afton) #8 and #9)**

Approved by the Minister of Municipal Affairs
October 13, 1994

With Amendments to : March 24, 2026

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PART 1 TITLE

- 1 This By-law shall be known and cited as the "Land use By-law for the Eastern Antigonish County Planning Area" of the Municipality of the County of Antigonish, and shall apply to all lands identified on Schedule A, hereafter referred to as the Planning Area.

PART 2 ADMINISTRATION

EFFECTIVE DATE OF BY-LAW

1. This By-law shall take effect when approved by the Minister of Municipal Affairs for the Province of Nova Scotia.

ENFORCEMENT

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

DEVELOPMENT PERMIT

3.
 - (a) Unless otherwise stated in this By-law, no person shall undertake a development on a lot within the Planning Area without first obtaining a development permit from the development officer.
 - (b) The development officer shall only issue development permits in conformance with this By-law except in the case of non-conforming structure, use of land and use in a structure and variances.
 - (c) The development officer shall issue development permits for non-conforming structure, use of land and use in a structure and variances in conformance with the *Municipal Government Act*.

APPLICATION FOR A DEVELOPMENT PERMIT

4.
 - (a) Every application for a Development Permit shall be accompanied by plans, drawn to an appropriate scale and showing the following:
 - (i) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
 - (ii) the location, height and dimensions of the building, structure, or work proposed to be erected;
 - (iii) the location of every building or structure already erected on, or partly on, the lot and the location of every building on abutting lots;
 - (iv) the proposed use of the lot and each building or structure to be developed;

- (v) if required by this By-law, the provisions of adequate fencing, screening, landscaping or buffering; and
 - (vi) other such information as may be necessary to determine whether or not every such building, development, reconstruction or redevelopment conforms with the requirements of this By-law.
- (b) Where the Development Officer is unable to determine whether the proposed development conforms to this By-law and other by-laws and regulations in force which affect the proposed development, the development officer may require that the plans submitted under clause (a) be based upon a current survey by a Nova Scotia Land Surveyor.

SIGNATURE FOR APPLICATION

5. (a) The application shall be signed by the owner of the lot or by the owner's agent, duly authorized thereupon in writing.

ISSUANCE OF A DEVELOPMENT PERMIT

6. (a) A development permit shall expire twelve (12) months from the date of issue of such permit should no development begin within the aforementioned time period.
- (b) A development permit may be renewed for a further twelve (12) month period if construction has begun.

AMENDMENT OF BY-LAW

7. The following procedure shall apply when amending the By-law:
- (a) Any person who wishes to obtain an amendment to this By-law shall submit an application in writing to the Clerk of the Municipality of the County of Antigonish.
 - (b) The application shall state an address for service.
 - (c) The applicant shall deposit with the Clerk an amount estimated by the Clerk to be sufficient to pay the cost of advertising required by the *Municipal Government Act* and where Council decides not to proceed with the application, the deposit shall be returned to the applicant.

- (d) After the notice and advertising required by the *Municipal Government Act* has been completed, the applicant shall pay to the Clerk any additional amount necessary to defray the cost of advertising or, if there is a surplus, the Clerk shall refund the same to the applicant.

NOTICE TO PROPERTY OWNERS

- 8.
 - (a) When an application has been received to amend the By-law, all affected property owners on abutting lots to the subject property shall be notified by the clerk.
 - (b) This notification of affected property owners set out in clause (a) shall be in addition to the advertisements for the public hearing, and shall be delivered to all affected property owners by mail prior to the hearing.
 - (c) The applicant shall deposit with the clerk at the time of the application or request an amount set out by the clerk to be sufficient to pay the costs of notifying affected property owners as set out in clause (a).
 - (d) If the amount paid by the applicant as set out in clause (c) is not sufficient to cover the costs of notifying affected property owners, the applicant shall pay to the clerk the additional amount required; or, if the amount paid is more than sufficient, the clerk shall refund the excess amount.

PART 3 ZONES AND ZONING MAPS

ZONES

1. For the purpose of this By-law, the Planning Area is divided into the following zones, the boundaries of which are shown on Schedule A. Such zones may be referred to by the appropriate symbols.

Rural Zone	R-1
Rural Settlement Zone	RS-1
Residential Multi-Unit Zone	R-2
Mobile Home Park Zone	MH-1
Commercial Zone	C-1
Industrial Zone	I-1
Conservation Zone	CN-1
Island Zone	IS-1

ZONING MAPS

2. Schedule "A" attached hereto may be cited as the Zoning Maps and are hereby declared to form part of this By-law.

ZONES NOT ON THE MAP

3. The Zoning Maps of this By-law may be amended, in conformance with the Municipal Planning Strategy for the Planning Area, to use any zone in this By-law, regardless of whether or not such zone had previously appeared on any Zoning Maps.

PART 4 INTERPRETATION

SYMBOLS

1. The symbols used on the Zoning Maps refer to the appropriate zones established by this By-law.

INTERPRETATION OF ZONING BOUNDARIES

2. (a) The extent and boundaries of zones are shown on the Zoning Maps and for all such zones, the provisions of this By-law shall respectively apply.
- (b) Boundaries between zones shall be determined as follows:
 - (i) where a zone boundary is indicated as following a road or highway, the boundary shall be the centre line of such road or highway;
 - (ii) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
 - (iii) where a road, highway, railway right-of-way, electrical transmission line right-of way or watercourse is included on the zoning maps, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;
 - (iv) where a railroad right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise;
 - (v) where a zone boundary is indicated as following the limits of the Planning Area, the limits shall be the boundary;
 - (vi) where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Zoning Maps.

CERTAIN WORDS

3. In this By-law, unless clearly indicated otherwise, 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; words of the masculine gender include the feminine; and the word "used" includes "arranged", "designed" or "intended to be used", and the word "shall" is mandatory and not permissive.

UNITS OF MEASUREMENT

4. In this By-law, distances and areas are expressed in both imperial and metric measure. The imperial measures shall govern interpretation of this By-law. Metric equivalents are provided for convenience only.

PERMITTED USES

5. (a) In this By-law, any use not listed under permitted uses in a particular zone is prohibited. An application to amend the By-law may be submitted to the Clerk of the Municipality to alter the permitted uses in a particular zone provided there is policy support in the Strategy for the Planning Area.
- (b) Where a permitted use within any zone is defined in Part 16 Definitions, the uses permitted within that zone include any similar uses which satisfy such definition except where a definition specifically excludes any similar uses.

SCHEDULES

6. The Schedule and Figures attached hereto or included form part of this By-law.

PART 5 GENERAL DEVELOPMENT PROVISIONS

These general provisions apply to all uses in all zones except where a specific zone or use is specifically exempted.

ACCESSORY USES AND BUILDINGS

1. In any zone within the Planning Area, accessory uses, buildings and structures shall be permitted subject to the following criteria:
 - (a) they shall not be used for human habitation except where a dwelling is a permitted accessory use;
 - (b) they shall not be located within the front yard of a lot, with the exception of seasonal roadside stands, parking area booths and school bus shelters;
 - (c) they shall not be built closer to the front lot line than the minimum distance required for the main building, except for seasonal roadside stands, parking area booths and school bus shelters;
 - (d) except for seasonal roadside stands, accessory buildings with no windows or perforations on the side of the building which faces a lot line shall be located a minimum of two (2) feet [0.6 m] from the abutting lot line in any zone; and
2. Notwithstanding anything else in this By-law, signs, drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempted from any requirements under Section 1 of this Part.

ACCESSORY USES PERMITTED

3. Where this By-law 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.

ACCESSORY DWELLINGS

- 3A. A single accessory dwelling per lot shall be permitted accessory to a single detached dwelling, two-unit dwelling, or multi-unit building (up to three units) where the main dwelling use is permitted in the applicable land use zone and subject to the following requirements:

	Secondary Suite	Garden Suite
Yard Setbacks	As per zone requirements for the main dwelling.	As per zone requirements for single-detached dwellings. Additionally garden suites shall not be

		built closer to the front lot line than the main dwelling.
Maximum accessory dwelling unit floor area including a habitable basement	50% of the gross floor area of the main dwelling.	80% of the gross floor area of the main dwelling. The floor area of any garage attached to or below the accessory dwelling unit does not count towards accessory dwelling unit floor area.
Maximum Building Height	As per zone requirements for the main dwelling.	

BUILDING TO BE ERECTED ON A LOT

4. No building shall be erected or used unless it is erected on a single lot.

BUILDING TO BE MOVED

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

CALCULATION OF LOT FRONTAGE FOR CORNER LOTS AND IRREGULARLY SHAPED LOTS

6. (a) Lot frontage for a corner lot shall be the horizontal distance between the side lot line and the flanking lot line.
- (b) Lot frontage for an irregularly shaped lot shall be the horizontal distance between the side lot lines as measured at a point, where a line (i.e. line a in Figure 1) drawn perpendicular to a line joining the mid-point of the rear lot line and the mid-point of the front lot line (i.e. line b in Figure 1), at a point equal to the required front yard.

CALCULATION OF YARD MEASUREMENTS

7. In determining yard measurements the minimum horizontal distance from the respective lot lines to the building shall be used.

CONVERTED DWELLINGS

8. Notwithstanding anything else in this By-law, an existing single detached dwelling in the Rural (R-1), Rural Settlement (RS-1), Residential Multi-Unit (R-2), Commercial (C-1), Industrial (I-1) and Island (IS-1) Zones may be converted to a maximum of two (2) units provided no exterior alteration is made to the dwelling that would increase the overall size of the building.

ENCROACHMENTS

9. Notwithstanding anything else in this By-law, 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 By-law are met.

EXISTING BUILDINGS WITH NON-CONFORMING YARDS

10. Where a building has been erected on or before the effective date of this By-law which has less than the minimum yard or yards required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided the following:
 - (a) the enlargement, reconstruction, repair or renovation does not further reduce any yard that does not conform to this By-law; and
 - (b) all other applicable provisions of this By-law are satisfied.

EXISTING LOTS

11.
 - (a) Notwithstanding anything else in this By-law, the use of a building existing on a lot on the effective date of this By-law may be changed to a use permitted on the lot where the lot area or frontage or both is less than that required by this By-law provided that all other applicable provisions of this By-law are satisfied.
 - (b) Notwithstanding anything else in this By-law, an existing vacant lot having less than the minimum frontage or area or both required by this By-law, may be used for a purpose permitted in the zone in which the lot is located, and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.

- (c) An existing undersized lot may be increased in area or frontage, or both, and still remain an existing undersized lot if after the increase the lot still remains undersized.

FRONTAGE ON A ROAD AND ACCESS BY RIGHT-OF-WAY

- 12. (a) No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon the following:
 - (i) a public road;
 - (ii) a private road;
 - (iii) in the case of islands with no roads, a water or shore line;
 - (iv) a right-of-way serving a lot created pursuant to Section 8 of the Provincial Subdivision Regulations and where this new right-of-way is created it is clearly granted by deed and has a minimum width of twenty (20) feet [6.1 m].

HEIGHT REGULATION EXEMPTIONS

- 13. (a) The maximum height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, drive-in theatre screens, water towers, telecommunications towers, lightning rods and satellite dishes.
- (b) The height of a building shall be determined by calculating the vertical distance of a building between the established grade and
 - (i) the highest point of the roof or the parapet, whichever is the greater, of a flat roof;
 - (ii) the deckline of a mansard roof; or
 - (iii) the main level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof.

ILLUMINATION

- 14. No person shall erect any sign or illuminate an area outside any building unless such illumination is directed away from adjoining properties and has a minimum effect on the motoring public.

INTENSIVE LIVESTOCK OPERATION

- 15. (a) An intensive livestock operation (which is permitted in the Rural (R-1), Industrial (I-1), and Island (IS-1) Zones), shall be an operation consisting of only one type of livestock in which a minimum of thirty (30) animal units are confined to feedlots, structures or poultry facilities for feeding, breeding, milking or holding for eventual sale or egg production.
- (b) The following chart shall be used for calculation of total animal units:

ANIMAL UNITS OF PRODUCTION

Column I		Column II	
On Farm for Complete Year	Marketing During Year	Marketing During Year	On Farm for Complete Year
Type of <u>Livestock</u>	Number Equal to one Animal <u>Unit</u>	Type of <u>Livestock</u>	Number Equal to one Animal <u>Unit</u>
Dairy Cow (plus calf)	1	Beef Cows (400 - 1000 lbs. [181.4 - 453.6 kg])	2
Beef Cow (plus calf)	1		
Bull			3

Horse	1	Beef Feeders (gain 400 - 750 lbs. [181.4 - 340.2 kg])	
Sheep (plus lambs)	1		2
Sows (plus litter to weaning)	4	Beef Feeders (gain 750 to 1100 lbs. [340.2 - 499.0 kg])	
Laying Hens	4		
Female Mink (plus associated males and kits)	125	Hogs (gain 40 to 200 lbs. [18.1 - 90.7 kg])	15
Female Rabbit (plus associated males)	100	Broiler Chickens or Roasters (4 to 5 lbs. [1.8 to 2.3 kg])	1000
	40	Turkey Broilers (11 to 12 lbs. [5.0 to 5.4 kg])	
		Heavy Turkey Hens (19 to 20 lbs. [8.6 to 9.1 kg])	300
		Heavy Turkey Toms (30 to 32 lbs. [13.6 - 14.5 kg])	150
		Veal Calves (gain 90 to 300 lbs. [40.8 - 136.1 kg])	100
		Pullets	
			40
			300

- (c) Notwithstanding anything else in this By-law, the minimum side yard for an intensive livestock operation shall be five hundred (500) feet [153 m] except where the lot abuts a lot zoned Rural Settlement (RS-1) in which case the minimum side yard shall be nineteen hundred (1900) feet [580 m] and the minimum front yard shall be one hundred and fifty (150) feet [46 m].

LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

16. (a) Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the Planning Area or from

obtaining any license, permission, permit, authority or approval required by any other By-law of the Municipality or statute and regulation of the Province of Nova Scotia.

- (b) Where the provisions of this By-law conflict with those of any other municipal or provincial requirements, the higher or more stringent regulations shall prevail.

LOADING SPACES

- 17. (a) Any commercial or industrial use in the Rural (R-1), Rural Settlement (RS-1), Commercial (C-1) and Industrial (I-1) Zones with a gross floor area greater than five thousand (5000) square feet [465 m²] shall have one off-road loading space for every thirty thousand (30 000) square feet [2 790 sq m] of gross floor area or fraction thereof, to a maximum of 6 spaces.
- (b) Such loading space shall be located at the side or rear of the building and shall be suitable for the temporary parking of one (1) commercial motor vehicle while merchandise or material is being loaded or unloaded from such vehicle and such parking shall not be for the purpose of sale or display.
- (c) Where a loading space abuts a residential or institutional use, it shall be screened from such uses through the use of a fence or vegetation which shall be a minimum of six (6) feet [1.8 m] in height.
- (d) All loading spaces shall have adequate access to permit ingress and egress of a commercial motor vehicle from a road or highway by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one (1) or more motor vehicles.

MULTIPLE USES

- 18. (a) In any zone, where any land or building is used for more than one use, all provisions of this By-law relating to each use shall be satisfied.
- (b) Where there is conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.
- (c) Notwithstanding clauses (a) and (b) of this Section, dwelling units to a maximum of two (2) units shall be permitted within a building devoted to a ground level commercial use and shall be subject to the zone requirements in which the commercial use is located.

NON-CONFORMING USES

- 19. Any use of land or a building or structure constructed or where construction has begun on a building or structure on or before the effective date of this By-law that does not conform to the requirements of this By-law shall be subject to the

provisions of the *Municipal Government Act* respecting non-conforming structure, use in a structure and use of land.

ONE MAIN BUILDING ON A LOT

20. No person shall erect more than one (1) main building on a lot except for the following:
- (a) buildings located in the Commercial (C-1), Industrial (I-1) and Mobile Home Park (MH-1) Zones and grouped dwellings located in the Residential Multi-Unit (R-2) Zone;
 - (b) buildings associated with agricultural and related uses, forestry and related uses, fishery and related uses in the Rural (R-1), Rural Settlement (RS-1), Industrial (I-1) and Island (IS-1) Zones;
 - (c) commercial buildings of a residential nature in the Island (IS-1) Zone.

OPEN STORAGE SCREENING REQUIREMENTS

21. (a) All commercial or industrial open storage in any Zone shall require screening within five (5) feet [1.5 m] of the outside perimeter of the open storage.
- (b) Commercial and industrial open storage shall be limited to fifty (50) percent of the lot coverage and located in the rear yard of a main building located on the same lot.
- (c) Notwithstanding clause (a) of this Section, screening shall be required for all repair shops and it shall be within five (5) feet [1.5 m] of the outside perimeter of the open storage and a minimum of five (5) feet [1.5 m] above grade.
- (d) Notwithstanding clause (a) of this Section, screening for open storage shall not be required for the following uses in the Commercial (C-1) Zone: automobile sales establishments, boat, trailer and snowmobile establishments, building supply dealers, greenhouses (including garden and nursery sales and supplies) and mobile home sales establishments.

Parking Requirements

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

Type of Building

- (i) A dwelling containing up to two (2) dwelling units.
- (ii) All other dwellings.
- (iii) Churches, church halls, auditoriums, theatres, arenas, halls, stadia, private clubs, and other places of assembly.

Parking Spaces Required

- | | | |
|------|---|---|
| (iv) | Hospitals and nursing homes. | <p>One (1) parking space for each dwelling unit.</p> <p>One and one-half (1.5) spaces for each dwelling unit.</p> |
| (v) | Senior Citizen apartment. | <p>Where there are fixed seats, one (1) parking space for every five (5) seats, or ten (10) feet [3 m] of bench space. Where there are no fixed seats, one (1) parking space for each one hundred (100) square feet [9.3 sq. metres] of floor area devoted to public use.</p> |
| (vi) | Hotels, staff houses, motels, tourist cabins or boarding house. | <p>One (1) parking space for each two (2) beds or each four hundred (400) square feet [37.2 sq. metres] of floor area, whichever is greater.</p> <p>One (1) parking space for every two (2) dwelling units.</p> <p>One (1) parking space per suite available for occupancy.</p> |

- (vii) Funeral homes. One (1) parking space for every 50 ft² [4.6 m²] of floor area in an assembly room.
 - (viii) 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 By-law for the use to which the other parts of the building may be used.
 - (ix) Elementary schools. One and one-half (1.5) parking space for each teaching classroom.
 - (x) High Schools. Four (4) parking spaces for each teaching classroom.
 - (xi) All other Commercial uses. One (1) parking space for each two hundred (200) ft² [28 m²] of floor area (Unless specified).
 - (xii) Industrial Uses. One parking space for each 450 ft² [41.8 m²] of gross floor area.
- (b) Where a building or structure is being enlarged, the parking requirements shall be based only on the enlargement and not the entire building.

PARKING AREA STANDARDS

23. Where a parking area for more than four (4) vehicles is required or permitted:
- (a) the parking area shall be constructed 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 shall be so arranged as to divert the light away from roads, adjacent lots and buildings;
 - (c) the parking area shall be within three hundred (300) feet [91.5 m] of the location which it is intended to serve, and shall be situated in the same zone;

- (d) where the parking area is of permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;
- (e) no gasoline pumps or other service station equipment shall be located or maintained in the parking area;
- (f) entrance and exit ramps to the parking area shall not exceed two (2) in number for an interior lot and shall not exceed four (4) in number for a corner lot and each ramp shall be at least twenty (20) feet [6 m] at the road line and edge of pavement;
- (g) the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum width of ten (10) feet [3 m] for one-way traffic, and a minimum width of twenty (20) feet [6.1 m] for two-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet [7.6 m];
- (h) dimensions of parking space shall be nine (9) feet [2.8 m] by eighteen (18) feet [5.5 m].

REDUCED LOT REQUIREMENTS

- 24. (a) Notwithstanding anything else in this By-law, a lot approved in accordance with Section 279 of the *Municipal Government Act* may be issued a development permit with less than the required frontage or area or both.
- (b) The lot may be used for any purpose permitted in the zone in which the lot is located provided that all other applicable provisions in this By-law are satisfied.

RESTORATION TO A SAFE CONDITION

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

SUBDIVISION: MINIMUM YARDS WAIVER

- 26. Notwithstanding anything else in this By-law, in any Zone where lots containing at least one existing main building are to be created from an existing area of land containing two (2) or more such buildings, the following requirements shall apply:

- (a) any one or all minimum yard requirements may be waived where they cannot otherwise be met; and
- (b) a development permit shall be granted provided that all other applicable provisions, including minimum lot area, of this By-law are satisfied.

THROUGH LOTS

27. In the case of a through lot, the front yard shall be any yard which abuts either of the two opposite roads.

VISIBILITY AT ROAD INTERSECTIONS

28. (a) On a corner lot, no 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 two (2) feet [0.6 m] above grade.
- (b) For the purposes of clause (a) the sight triangle area shall be the triangular area formed on a corner lot by the two (2) lot lines that abut a road and a straight line which intersects them at a distance of twenty feet [6 m] from the corner where the two (2) lot lines meet.

WATERCOURSES - LOT AND STRUCTURE SEPARATION DISTANCES

29. (a) Notwithstanding anything else in this By-law, if an unserviced lot is within seventy five (75) feet [22.9 m] of a watercourse, the lot shall have a minimum area of forty thousand (40 000) square feet [3716 m²].
- (b) No structure shall be located within fifty (50) feet [15.2 m] of any watercourse except for structures related to water treatment and distribution uses, fishery related uses and boat building (including the repair and storage of boats).

YARD REQUIREMENTS CONCERNING NATURAL HAZARDS

30. Where a front, side or rear yard is required by this By-law and part of the area of the lot:
- (a) is usually covered by water or marsh,
 - (b) is beyond the rim of a river bank or watercourse, or
 - (c) is between the top and toe of a cliff or embankment having a slope of 15 percent or more from the horizontal;

the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the area covered by water or marsh, or to the rim of the riverbank or watercourse, or to the top of the cliff if such 'edge' is closer than the lot line.

PART 6 USES ALLOWED IN ALL ZONES

GOVERNMENT BUILDINGS AND FACILITIES

1. Government (Federal, Provincial or Municipal) buildings and facilities shall be permitted in all zones except the Conservation (CN-1) and Island (IS-1) Zones, subject to the requirements of that particular zone.

USES ASSOCIATED WITH GRAVEL PITS

2. (a) Uses associated with gravel pits shall be permitted in all zones provided they are located on the same lot as a gravel pit.

(b) Uses associated with gravel pits shall be subject to the requirements of the Industrial (I-1) zone.

PUBLIC AND PRIVATE UTILITIES

3. Notwithstanding Section 1 Government Buildings and Facilities of this Part, a utility that is essential for the actual provision of a service, including but not limited to a sewer collection and treatment facility, a water supply and distribution facility, a transportation facility, an electrical power, telephone, cable television, and natural gas transmission and distribution facility, shall be permitted in any zone.

RAILWAY FACILITIES

4. Railway facilities shall be permitted in all Zones subject to the requirements of that particular Zone.

SPECIAL USES PERMITTED

5. (a) Notwithstanding anything else in this By-law, uses erected for special occasions and holidays are permitted provided that no such use remains in place for more than fourteen (14) consecutive days.

(b) A development permit shall not be required for the special use.

TEMPORARY USES PERMITTED

6. (a) Nothing in this By-law shall prevent the temporary use of a building or structure incidental to a main construction project provided that a development permit has been issued for the main construction and the temporary use is discontinued and removed sixty (60) days following completion of the main construction project.

(b) A development permit shall not be required for the temporary use of a building.

PART 7 GENERAL PROVISIONS - HOME OCCUPATIONS IN RESIDENTIAL DWELLINGS

HOME OCCUPATIONS

1. Home Occupations shall be permitted in all Zones where residential dwellings are a permitted use provided that:
 - (a) the dwelling is occupied as a residence by the operator of the home occupation;
 - (b) any alteration to the external appearance of the dwelling or accessory building:
 - (i) is of the same architectural style of the existing structure in terms of siding, window type, roof material and type, or any building material thereof, so as to be indistinguishable from the existing structure; and
 - (ii) does not add more than three hundred (300) square feet [27.9 m²] to the existing dwelling or accessory building;
 - (c) there shall not be more than the equivalent of two (2) full time assistants who are not residents in the dwelling employed in the home occupation;
 - (d) if the dwelling is used for the home occupation, not more than twenty-five (25) percent of the total floor area is devoted to the home occupation;
 - (e) the home occupation is not obnoxious by reason of traffic, sound, odour, dust, fumes or smoke, or other obnoxious emission or refuse matter or water carried waste;
 - (f) notwithstanding anything else in this By-law, where an accessory building is used for a home occupation involving manufacturing, industrial processing or assembly, auto body and engine repair or small engine repair, that it is located twenty (20) feet [6 m] from any side or rear lot line;
 - (f) outdoor storage is screened by the dwelling, the accessory building, an opaque fence, natural landform, existing or planted vegetation or combination thereof so as not to be visible from abutting residential uses or from the nearest public or private road;
 - (g) outdoor display is screened by the dwelling, the accessory building, an opaque fence, natural landform, existing or planted vegetation or combination thereof and is not within ten (10) feet [3 m] of the boundary line of the nearest public or private road;

- (h) one off road parking space, other than that required for the dwelling, is provided for each two hundred fifty (250) square feet [23.2 m²] of floor space occupied by the home occupation;
 - (i) there is not more than one non-illuminous business identification sign advertising the business attached to the building and of not more than six (6) square feet [.56 m²] in area;
 - (j) the maximum combined commercial floor area of the dwelling and the accessory building used for home occupation uses does not exceed one thousand (1,000) square feet [93 m²] where the lot size is thirty thousand (30,000) square feet [2787m²] or more in area and five hundred (500) square feet [46.5 m²] where the lot size is less than thirty thousand (30,000) square feet in area.
2. Notwithstanding anything else in this By-law, a home occupation shall be permitted in the Mobile Home Park (MH-1) Zone provided that:
- (a) it is wholly contained within the mobile home dwelling unit;
 - (b) an accessory building is not used; and
 - (c) there is no outdoor storage or display associated with the home occupation.

PART 8 RURAL (R-1) ZONE

R-1 USES PERMITTED

1. No development permit shall be issued for a Rural (R-1) Zone except for the following:

Residential uses:

Single Detached Dwellings

Mobile Homes on individual lots

Two-unit Dwellings

Converted Dwellings to a maximum of two (2) units

Senior Citizens' Housing

Residential dwelling units within a building devoted to a commercial use to a maximum of two (2) units

Institutional uses

Recreational uses

Commercial uses:

Apiaries

Automobile service stations including automobile washing establishments as an accessory use, conducted on the same lot

Aviaries

Banks and Financial Institutions

Bed and Breakfast Establishments

Boarding Houses and Guest Homes

Brewpubs, Taproom Breweries and Micro-distilleries

Business and Professional Offices

Campgrounds

Commercial Schools

Funeral Homes

Greenhouses (including garden and nursery sales and supplies)

Hotels and Motels

Kennels

Outdoor tracks for the racing of animals or motorized vehicles

Parking Lots

Places of assembly Repair Shops

Restaurants **and Licensed Establishments**

Retail Stores

Service Shops

Taxi and Bus Stations

Veterinary Establishments

Agricultural and related uses (including roadside stands, intensive livestock operations and fur farms)

Forestry and related uses

Fishery and related uses

R-1 ZONE LOT REQUIREMENTS

2. No development permit shall be issued for a Rural (R-1) Zone except in accordance with the following requirements:

(a) For all uses except: Senior Citizens' Housing of more than three (3) dwelling units; Institutional uses; outdoor tracks for the racing of animals or motorized vehicles; Agricultural and related uses; Forestry and related uses; and Fishery and related uses:

Minimum Lot Frontage	100 ft. [30.5 m] (semi-detached 50ft. [15.2 m]/ unit)
Minimum Lot Area	20 000 sq. ft. [1858.1 m ²]
Minimum Front Yard	25 ft. [7.6 m]
Minimum Rear Yard	25 ft. [7.6 m]
Minimum Side Yard	8 ft. [2.4 m] (semi-detached 8 ft [2.4 m] one side; 0 ft.[0 m] other)
Maximum Height	35 ft. [10.7 m]

(b) For Senior Citizens' Housing of greater than three (3) dwelling units, Institutional uses, Outdoor tracks for the racing of animals or motorized vehicles, Agricultural and related uses and Fishery and related uses:

Minimum Lot Frontage	100 ft. [30.5 m]
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Minimum Lot Area	20 000 sq. ft. [1858.1 m ²]
Minimum Front Yard	40 ft. [12.1 m]
Minimum Rear Yard	40 ft. [12.1 m]
Minimum Side Yard	25 ft. [7.6 m]
Maximum Height	35 ft. [10.7 m]

SPECIAL SETBACK FOR FUR FARMS

3. Notwithstanding Section 2(b) of this Part, the minimum side yard for a fur farm in the R-1 Zone shall be two hundred (200) feet [61.0 m] and the minimum front yard shall be fifty (50) feet [15.2 m].

SPECIAL SETBACK FOR OUTDOOR RECREATIONAL USES

4. Notwithstanding anything else in this By-law, the minimum side yard for an outdoor recreational use in the R-1 Zone shall be twenty (20) feet [6.1 m] and the minimum front yard shall be twenty-five (25) feet [7.6 m].

SPECIAL SETBACK FOR USES RELATED TO FORESTRY

5. The minimum side yard for a forestry use in the R-1 Zone shall be twenty (20) feet [6.1 m] and the minimum front yard shall be twenty-five (25) feet [7.6 m].

PART 9 RURAL SETTLEMENT (RS-1) ZONE

RS-1 USES PERMITTED

- 1. No development permit shall be issued for a Rural Settlement (RS-1) Zone except for the following:

Residential Uses:

- Single Detached Dwellings
- Mobile Homes on individual lots
- Two-unit Dwellings
- Converted Dwellings to a maximum of two (2) units
- Senior Citizens' Housing
- Residential dwelling units within a building devoted to a commercial use to a maximum of two (2) units

Institutional uses

Recreational uses

All Commercial uses allowed in the Rural (R-1) Zone subject to the requirements of that zone except: apiaries, aviaries, kennels, and outdoor tracks for the racing of animals or motorized vehicles

Agricultural and related uses including roadside stands but excluding intensive livestock operations and fur farms

Forestry and related Uses

Fishery and related uses

RS-1 ZONE LOT REQUIREMENTS

- 2. No development permit shall be issued for a Rural Settlement (RS-1) Zone except in accordance with the following requirements:

- (a) For all uses except: Senior Citizens' Housing of more than three (3) dwelling units; Institutional uses; Restaurants, Retail Stores and Service Shops; Agricultural and related uses; Forestry and related uses and Fishery and related uses:

SERVICED

ONE SERVICE

UNSERVICED

	(Water & Sewer)		
Minimum Lot Frontage	50 ft. [15.3m] (semi-detached 25 ft. [7.6 m]/ unit)	72 ft. [22 m] (semi-detached 36 ft. [11.0 m]/ unit)	100 ft. [30.5 m] (semi-detached 50 ft. [15.2 m]/ unit)
Minimum Lot Area	5 000 sq. ft. [465 m ²]	12 000 sq. ft. [1114.8 m ²]	20 000 sq. ft. [1858 m ²]
Minimum Front Yard	25 ft. [7.6 m]	25 ft. [7.6 m]	25 ft. [7.6 m]
Minimum Rear Yard	25 ft. [7.6 m]	25 ft. [7.6 m]	25 ft. [7.6 m]
Minimum Side Yard	4 ft. [1.2 m] (semi-detached 4 ft. [1.2 m] one side; 0 ft. [0 m] other)	4 ft. [1.2 m] (semi-detached 4 ft. [1.2 m] one side; 0 ft. [0 m] other)	8 ft. [2.4 m] (semi-detached 8 ft. [2.4 m] one side; 0 ft. [0 m] other)
Maximum Height	35 ft. [10.7 m]	35 ft. [10.7 m]	35 ft. [10.7 m]

(b) For Senior Citizens' Housing of more than three (3) dwelling units, Institutional uses, Agricultural and related uses and Fishery and related uses:

Minimum Lot Frontage	100 ft. [30.5 m]
Minimum Lot Area	20 000 sq. ft. [1858.1 m ²]
Minimum Front Yard	25 ft. [7.6 m]
Minimum Rear Yard	25 ft. [7.6 m]
Minimum Side Yard	10 ft. [3.0 m]
Maximum Height	35 ft. [10.7 m]

(c) For restaurants, retail stores and service shops:

	<u>SERVICED</u> (Water & Sewer)	<u>ONE SERVICE</u>	<u>UNSERVICED</u>
Minimum Lot Frontage	50 ft. [18.3 m] (semi-detached 25 ft. [7.6 m]/ unit)	72 ft. [22 m] (semi-detached 36 ft. [11.0 m]/ unit)	100 ft. [30.5 m] (semi-detached 50 ft. [15.2 m]/ unit)
Minimum Lot Area	5 000 sq. ft. [557.4 m ²]	12 000 sq. ft. [1114.8 m ²]	20 000 sq. ft. [1858 m ²]
Minimum Front Yard	-	25 ft. [7.6 m]	25 ft. [7.6 m]
Minimum Rear Yard	25 ft. [7.6 m]	25 ft. [7.6 m]	25 ft. [7.6 m]
Minimum Side Yard	4 ft. [1.2 m] (semi-detached 4 ft. [1.2 m] one side; 0 ft. [0 m] other)	4 ft. [1.2 m] (semi-detached 4 ft. [1.2 m] one side; 0 ft. [0 m] other)	8 ft. [2.4 m] (semi-detached 8 ft. [2.4 m] one side; 0 ft. [0 m] other)
Maximum Height	35 ft. [10.7 m]	35 ft. [10.7 m]	35 ft. [10.7 m]

SPECIAL SETBACK FOR USES RELATED TO FORESTRY

- The minimum side yard for a forestry use in the RS-1 Zone shall be twenty (20) feet [6.1 m] and the minimum front yard shall be twenty-five (25) feet [7.6 m].

SPECIAL SETBACK FOR OUTDOOR RECREATIONAL USES

- The minimum side yard for an outdoor recreational use in the RS-1 Zone shall be twenty (20) feet [6.1 m] and the minimum front yard shall be twenty-five (25) feet [7.6 m].

PART 10 RESIDENTIAL MULTI-UNIT (R-2) ZONER-2 USES PERMITTED

1. No development permit shall be issued for a Residential Multi-Unit (R-2) Zone except for the following:

Residential use:

Multi-Unit Buildings

Grouped Dwellings

Converted Dwellings to a maximum of two (2) units

All non-agricultural, non-forestry and non-fishery uses permitted in the Rural Settlement (RS-1) Zone subject to the requirements of the RS-1 Zone

R-2 ZONE LOT REQUIREMENTS

2. No development permit shall be issued for a Residential Multi-Unit (R-2) Zone except in accordance with the following requirements:

	<u>On-Site Sewage Disposal System</u>	<u>Central Sanitary Sewer System</u>
Minimum Lot Frontage	100 ft. [30.5 m]	100 ft. [30.5 m]
Minimum Lot Area	20,000 sq. ft. [1858 m ²]	10,000 sq. ft. [929 m ²] for first three units and 1,000 sq. ft. [92.9m ²] per additional unit.
Minimum Front Yard	30 ft. [9.1 m]	30 ft. [9.1 m]
Minimum Rear Yard	30 ft. [9.1 m]	30 ft. [9.1 m]
Minimum Side Yard	10 ft. [3.0 m]	10 ft. [3.0 m]
Maximum Height	35 ft. [10.7 m]	35 ft. [10.7 m]

PART 11 MOBILE HOME PARK (MH-1) ZONE**MH-1 USES PERMITTED**

1. No development permit shall be issued in a Mobile Home Park (MH-1) Zone except for the following:

Residential uses:

Mobile Home Parks

Institutional uses:

Daycare centres, subject to R-1 Zone requirements

Recreational uses subject to R-1 Zone requirements

Commercial uses:

convenience Store, Laundromat

MH-1 ZONE LOT REQUIREMENTS

2. No development permit shall be issued for a Mobile Home Park (MH-1) Zone except in accordance with the following requirements:

Minimum Lot Frontage	100 ft. [30.5 m]
Minimum Lot Area	40 000 sq. ft. [3716 m ²]
Minimum Front Yard	25 ft. [7.6 m]
Minimum Rear Yard	20 ft. [6.1 m]
Minimum Side Yard	20 ft. [3.0 m]

ABUTTING YARD REQUIREMENT

3. (a) Landscaping shall be maintained as a screen within fifteen (15) feet [4.6 m] of the front, side and rear lot lines of the Mobile Home Park in the MH-1 Zone.
- (b) This landscaping shall be at least five (5) feet [1.5 m] in height.
4. Notwithstanding Section 3 of this Part, for a Mobile Home Park which is a corner lot, the visibility at road intersections provision shall prevail.

PART 12 COMMERCIAL (C-1) ZONE

C-1 PERMITTED USES

1. No development permit shall be issued in a Commercial (C-1) Zone except for the following:

Automobile Sales Establishments
 Automobile Service Stations including automobile washing establishments as a
 accessory use conducted on the same lot
 Banks and Financial Institutions
 Bed and Breakfast Establishments
 Boarding Houses and Guest Homes
 Boat, Trailer and Snowmobile Sales and Rentals
 Building Supply Dealers
 Business and Professional Offices
 Campgrounds
 Commercial Schools
 Funeral Homes
 Greenhouses (including Garden and Nursery Sales and Supplies)
 Hotels, Motels and other tourist establishments
 Mobile Home Sales establishments
 Outdoor tracks for the racing of animals or motorized vehicles
Parking Lots
 Places of Assembly
 Repair Shops
 Restaurants
 Retail Stores
 Service Shops
 Taverns or Lounges
 Taxi and Bus Stations
 Veterinary Establishments

Institutional uses

Recreational uses subject to R-1 requirements

Uses permitted in the Rural (R-1) Zone, except agricultural and related uses and
 forestry and related uses, subject to the requirements of the R-1 Zone.

C-1 ZONE LOT REQUIREMENTS

2. No development permit shall be issued for a Commercial (C-1) Zone except in accordance with the following requirements:

	<u>SERVICED</u> (Water & Sewer)	<u>ONE SERVICE</u>	<u>UNSERVICED</u>
Minimum Lot Frontage	50 ft. [15.2 m] (semi-detached 25 ft. [7.6 m]/ unit)	72 ft. [22 m] (semi-detached 36 ft. [11.0 m]/ unit)	100 ft. [30.5 m] (semi-detached 50 ft. [15.2 m]/ unit)
Minimum Lot Area	5 000 sq. ft. [465 m ²]	12 000 sq. ft. [1114.8 m ²]	20 000 sq. ft. [1858 m ²]
Minimum Front Yard	-	25 ft. [7.6 m]	25 ft. [7.6 m]
Minimum Rear Yard	20 ft. [6.1 m]	25 ft. [7.6 m]	25 ft. [7.6 m]
Minimum Side Yard	4 ft. [1.2 m] (semi-detached 4 ft. [1.2 m] one side; 0 ft. [0 m] other)	4 ft. [1.2 m] (semi-detached 4 ft. [1.2 m] one side; 0 ft. [0 m] other)	10 ft. [3.0 m] (semi-detached 10 ft. [3.0 m] one side; 0 ft. [0 m] other)
Maximum Height	35 ft. [10.7 m]	35 ft. [10.7 m]	35 ft. [10.7 m]

ABUTTING YARD REQUIREMENT

3. Notwithstanding anything else in this By-law, where a commercial use in the C-1 Zone abuts a residential use in a R-1, RS-1, R-2 or MH-1 zone, buildings, parking or open storage shall not be permitted within twenty (20) feet [6.0 m] of any abutting lot lines.

OPEN STORAGE

4. All commercial open storage in the C-1 Zone shall require a screen within five (5) feet [1.5 m] of the outside perimeter of the open storage except for open storage in association with the following uses:

- Automobile Sales Establishments
- Boat, trailer and snowmobile establishments
- Building Supply Dealers
- Greenhouses (including garden and Nursery Sales and Supplies)
- Mobile Home Sales establishments

PART 13 INDUSTRIAL (I-1) ZONE

I-1 USES PERMITTED

1. No development permit shall be issued in an Industrial (I-1) Zone except for the following:

Recycling Facilities
 Salvage yards and scrap yards
 Industries related to road construction
 Manufacturing, assembly, processing and warehousing operations conducted and wholly contained within an enclosed building and which are not considered obnoxious by reason of sound, odour, dust, fumes or smoke

Agricultural and related uses including roadside stalls, intensive livestock operations and fur farms

Forestry and related uses subject to I-1 requirements

Fishery and related uses subject to I-1 requirements

Uses permitted in the R-1 Zone subject to the requirements of the R-1 Zone

Uses permitted in the RS-1 Zone subject to the requirements of the RS-1 Zone

Uses permitted in the C-1 Zone subject to the requirements of the C-1 Zone

I-1 ZONE LOT REQUIREMENTS

2. No development permit shall be issued for an Industrial (I-1) Zone except in accordance with the following requirements:

Minimum Lot Frontage	100 ft. [30.5 m]
Minimum Lot Area	20 000 sq. ft. [1858 m ²]
Minimum Front Yard	30 ft. [9.1 m]
Minimum Rear Yard	30 ft. [9.1 m]
Minimum Side Yard	20 ft. [6.1 m]

Maximum Height
of Main Building 45 ft. [13.7 m]

SPECIAL ABUTTING YARD REQUIREMENT

3. Where an Industrial (I-1) use abuts a residential, institutional or recreational use in any Zone, the minimum side yard shall be thirty (30) feet [9.2 m].

ABUTTING YARD REQUIREMENT

4. (a) Notwithstanding anything else in this By-law, industrial uses including any buildings, structures or areas for loading and unloading or open storage in the Industrial (I-1) Zone shall be screened by natural landforms, existing or planted vegetation, an opaque fence or a combination of such method of screening so as not to be visible from abutting residential, institutional or recreational uses.

(b) These industrial uses shall be completely enclosed and screened from the view of any adjacent lots or roads except where the development abuts another industrial use.
5. Notwithstanding Section 4 of this part, salvage yards and scrap yards in the I-1 Zone shall meet the following requirements:
 - (a) be completely enclosed and screened from the view of any adjacent lots or roads;
 - (b) be screened by an opaque fence of at least six (6) feet [1.8 m] in height, and the fencing shall be set back a minimum of twenty (20) feet [6.1 m] from the lot line on any side abutting a road;
 - (c) in addition to clause (b), may be screened also by natural landforms, existing or planted vegetation;
6. Notwithstanding Sections 4 and 5 of this Part, for an industrial use in the I-1 Zone that is on a corner lot, the provisions for visibility at road intersections shall prevail.

SPECIAL REQUIREMENT - DEVELOPMENT ON A GOVERNMENT WHARF

7. All the I-1 Zone lot requirements shall be waived for development on Government wharves.

SPECIAL SETBACK FOR USES RELATED TO FORESTRY

8. The minimum side yard for a forestry use in the I-1 Zone shall be twenty (20) feet [6.1 m] and the minimum front yard shall be twenty-five feet (25) feet [7.6 m].

PART 14 CONSERVATION (CN-1) ZONE

CN-1 USES PERMITTED

1. No development permit shall be issued in a Conservation (CN-1) Zone except for the following:

Conservation uses:
Conservation related uses

Agricultural uses limited to grazing and pasturage

Boat slipways and wharves

PERMITTED BUILDINGS

2. No building or structure may be erected or altered in a Conservation (CN-1) Zone except for buildings and structures directly related to any permitted uses listed in Section 1 of this Part.

PROHIBITION OF FILL AND CHANGING OF GRADE

3. Alterations to the ground, including filling and changes to the grade or land levels in association with development shall be prohibited in a Conservation (CN-1) Zone.

PART 15 ISLAND (IS-1) ZONE

IS-1 USES PERMITTED

1. No development permit shall be issued in an Island (IS-1) Zone except for the following:

Residential Uses:

Single Detached Dwellings
Mobile Homes on individual lots
Two-unit Dwellings
Converted Dwellings to a maximum of two (2) units

Recreational Uses:

Parks subject to R-1 requirements
Picnic Areas subject to R-1 requirements

Commercial Uses:

Bed and Breakfast Establishments
Boarding Houses and Guest Homes
Campgrounds
Hotels and Motels to a maximum of five (5) dwelling units
Tourist Cabins

Agricultural and related uses including roadside stalls, intensive livestock operations and fur farms

Forestry and related uses

Fishery and related uses

Boat slipways and wharves associated with the above uses

IS-1 Zone Requirements

2. No development permit shall be issued for an Island (IS-1) Zone except in accordance to the following requirements:

Minimum Water or Lot Frontage 100 ft. [30.5 m]
(semi-detached 50 ft.
[15.2 m]/unit)

Minimum Lot Area 40 000 sq. ft.
[3716 m²]

Minimum Front Yard	25 ft. [7.6 m]
Minimum Rear Yard	25 ft. [7.6 m]
Minimum Side Yard	8 ft. [2.4 m] (semi-detached 8 ft. [2.4 m] one side; 0 ft [0 m] other side)
Maximum Height	35 ft. [10.7 m]

SPECIAL SETBACK FOR USES RELATED TO FORESTRY

3. The minimum side yard for a forestry use in the IS-1 Zone shall be twenty (20) feet [6.1 m] and the minimum front yard shall be twenty-five (25) feet [7.6 m].

PART 16 DEFINITIONS

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

ABUT means to border or to have a common boundary.

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 DWELLING means one dwelling unit accessory to a single detached dwelling; semi-detached dwelling; duplex; or townhouse, row house, or multiple unit dwelling with up to three units as an independent and separate unit which contains its own sleeping, living, cooking and sanitary facilities, and its own independent entrance.

- i. Garden Suite Accessory Dwelling means one free-standing accessory dwelling unit subordinate to a single detached dwelling; semi-detached dwelling; duplex; or townhouse, row house, or multiple unit dwelling with up to three units on the same lot.
- ii. Secondary Suite Accessory Dwelling means one self-contained accessory dwelling unit fully contained within and subordinate to a single detached dwelling; semi-detached dwelling; duplex; or townhouse, row house, or multiple unit dwelling with up to three units.

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.

ACT means the *Municipal Government Act*, S.N.S. 1998, Chapter 18 and amendments thereto.

AGRICULTURAL USE means the use of land, building or structures for crops, animals or fowl and includes the harbouring or keeping of animals but does not include a kennel.

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

AUTOMOBILE SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles including an automobile washing establishment.

BED AND BREAKFAST ESTABLISHMENT means a single detached dwelling in which resident supplies no more than five (5) rooms for overnight accommodation with breakfast to the public for monetary gain and does not include facilities open to the general public such as meeting rooms, restaurants and entertainment facilities.

BOARDING HOUSE means a dwelling in which the proprietor supplies either room or

room and board for monetary gain for not more than two (2) bedrooms exclusive of the lessee or owner thereof or members of his family and which is not open to the general public.

BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment and does not include an awning, bin, bunker, platform, vessel or vehicle used for any of the said purposes.

BUSINESS AND PROFESSIONAL OFFICE means any building or part of a building where business may be transacted, a service performed or consultation given but does not include any place where the manufacturing of any product or the retail selling of goods is conducted and includes, but is not limited to the following uses: medical clinics and doctors' offices, professional services, and small businesses.

CAMPGROUND means an area of land designed for the temporary overnight accommodation of people in tents, trailers or cabins for recreational activities on a seasonal or permanent basis including facilities such as running water, electricity and washroom facilities and includes all accessory uses.

COMMERCIAL BUILDING OF A RESIDENTIAL NATURE means a building used for overnight accommodation available to the general public and includes a bed and breakfast, guest home and tourist cabin but does not include a hotel or motel.

COMMERCIAL SCHOOL means a school conducted for compensation and includes a secretarial school, language school and driving school but does not include a daycare centre or university.

COMMERCIAL USE means any retail, office or service enterprise that provides goods and/or services to the general public for monetary gain.

CONSERVATION RELATED USES means any active or passive use, with or without a related structure, which enhances, promotes and educates the public concerning the natural environment and includes parks and nature trails, but does not include campgrounds.

CONVERTED DWELLING means a building originally built and designed as a single detached dwelling unit which has been converted to contain two (2) dwelling units.

COUNCIL shall mean the Council of the Municipality of the County of Antigonish.

DAY CAMP means a land and building complex designed or used for group sport, recreational or cultural activities which may have facilities for the preparation and serving of food on a temporary or seasonal basis but does not include facilities for overnight accommodation.

DAYCARE CENTRE means a place where three (3) or more children are cared for on a temporary basis without overnight accommodation, but does not include a school.

DESIGNATION means a specified area of land as identified in the Generalized Future Land Use Map (Map 1).

DEVELOPMENT OFFICER means the officer of the Municipality of the County of Antigonish from time to time charged by the Municipality with the duty of administering the provisions of the By-law.

DOMESTIC AND HOUSEHOLD ARTS includes the following and similar types of uses: dressmaking, tailoring, hairdressing, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, moulding 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, containing one (1) or more dwelling units and does not include a hotel, motel or travel trailer.

DWELLING UNIT means one (1) or more habitable rooms designed or intended for use by one (1) 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.

ERECT means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

EXISTING means existing as of the effective date of this By-law.

FISHERY AND RELATED USES means any docks, boat launches, repair facilities, warehousing or processing operation related to the fisheries, conducted and wholly contained within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes or smoke or by reason of unsightly open storage and does not include fish reduction plants.

FLOOR AREA

- (a) With reference to a dwelling means the maximum area contained within the outside walls excluding any private garage, porch, verandah, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
- (b) Commercial floor area means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms and common **mall**s between stores.

- (c) Institutional floor area means the total usable floor area within a building used for institutional purposes but excludes washrooms, furnace and utility rooms and common areas.
- (d) Gross floor area means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building.

FORESTRY AND RELATED USES means any use related to the commercial harvesting of trees. This includes, but is not limited to the following: sawmills, planer mills, storage sheds for wood and accessory buildings but does not include a pulp and paper mill.

FUR FARM means an operation consisting of only one type of livestock in which a minimum of thirty (30) animal units are confined to feedlots or structures for the eventual sale of their fur. The following chart shall be used for calculation of total animal units:

ANIMAL UNITS OF PRODUCTION
On Farm for Complete Year

Type of <u>Livestock</u>	Number Equal to one Animal <u>Unit</u>
Female Mink (plus associated males and kits)	100
Foxes	40

GRADE means the level of the natural ground surface without artificial embankment or entrenchment.

GROUPED DWELLING means two or more dwelling units which are contained within two (2) or more buildings located on a lot.

GUEST HOME means a dwelling with no more than five (5) guest rooms in which the proprietor supplies either room, or room and board on a temporary basis for monetary gain, and which is open to the general public.

HOME OCCUPATION means the use of a dwelling or accessory building for gainful employment including but not limited to a small business, an office and a domestic and household arts.

HOTEL means a building or buildings or part thereof on the same site used to accommodate the public for monetary gain, by supplying it with sleeping accommodation, with or without meals and with or without private cooking facilities and access to each unit is gained through a common area from inside the building.

INDUSTRIAL USE means the use of a building or lot for manufacturing, assembly, warehousing or storage including, but not limited to the following: salvage and scrap yards, recycling facilities, pulp and paper mills, fish reduction plants and industries relating to road construction.

INSTITUTION means a building or part of a building used by an organized body or society for the promotion of public welfare and includes, but is not limited to such uses as post offices, senior citizens' clubs, Royal Canadian Legions, tourist booths, libraries, museums and galleries, non-commercial schools, community centres, churches and religious institutions, cemeteries, hospitals, nursing homes, day care centres and group homes.

ISLAND means a landform that is completely surrounded by water and not naturally accessible by a motor vehicle at any point in time during the year and includes islands that have been linked to other landforms by causeways, bridges or similar structures as the only means of access other than by water or air.

KENNEL means a building or structure where domestic household animals or birds are kept or boarded for profit.

LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or provide a screen between properties in order to mitigate objectionable features between them.

LICENSED ESTABLISHMENT means an establishment which has been issued a liquor license by the Nova Scotia Liquor Commission, but does not include an establishment which has been issued a special occasion liquor license.

LOADING SPACE means an unencumbered area of land provided for use for the temporary parking of commercial vehicles for loading and unloading upon the same lot or lots upon which the principal use is located.

LOT means any parcel of land described in a deed as a lot or as shown in a registered plan of subdivision (See Figure 5).

- (a) CORNER LOT means a lot situated at the intersection of and abutting on two (2) or more roads and the shorter lot line is the front lot line of the said lot.

- (b) INTERIOR LOT means a lot situated between two (2) lots and having access to one road.
- (c) THROUGH LOT means a lot bounded on two (2) opposite sides by roads or highway. If any lot qualifies as being both a Corner Lot and Through Lot as defined above, such lot will be considered to be a Corner Lot for the purpose of this By-law.

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

LOT FRONTAGE means the distance between the side lot lines measured along a public road, an existing private road, a private road shown on a plan of subdivision, an existing right-of-way or a right-of-way created pursuant to Section 12 of the Provincial subdivision Regulations.

LOT LINE means a boundary line of a lot (See Figure 6).

- (a) FRONT LOT LINE means: (i) the line dividing the lot from the road; (ii) in the case of a corner lot the shorter boundary line abutting the road or where such lot lines are of equal length the front lot line may be either of the lot lines; or (iii) in the case of a through lot, any boundary dividing the lot from the road may be the front lot line.
- (b) REAR LOT LINE means the lot line furthest from or opposite to the front lot line.
- (c) SIDE LOT LINE means a lot line other than a front or rear lot line.
- (d) FLANKING LOT LINE means a side lot line which abuts the road on a corner lot other than the front lot line.

LOUNGE means a licensed room in a hotel, motel or club.

MAIN BUILDING means a building in which is carried on the principal purpose for which the lot is used.

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 sanitary services, and includes mobile homes and modular dwellings having any main walls of less than twenty (20) feet [6.1 m].

MOBILE HOME PARK LOT means the entire parcel of land devoted to the mobile home park as identified in a plan of subdivision.

MOBILE HOME PARK means an establishment comprising land or premises under single ownership designed and intended for residential use where residence is in mobile homes exclusively but does not include public camping grounds maintained by the Municipality of the County of Antigonish or any department of the Provincial Government for seasonal use.

MOTEL means a building or buildings or part thereof on the same site used to accommodate the public for monetary gain, by supplying it with sleeping accommodations with or without meals and each unit has an independent entrance from the outside of the building.

MULTI-UNIT BUILDING means any residential building with more than two (2) dwelling units.

MUNICIPALITY means the Municipality of the County of Antigonish.

NURSING HOME means a building wherein nursing care, room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.

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

OUTDOOR DISPLAY means an area of land where goods are displayed and which are available for sale to the general public from a retail outlet located on the same lot.

OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.

PARKING AREA means an open area containing parking spaces, other than a road, for four (4) or more motor vehicles, available for public use or as an accommodation for clients, customer or residents and which has access to permit ingress or egress of motor vehicles to a road or highway by means of driveways, aisles or manoeuvring areas which are not used for parking or storage of motor vehicles.

PARKING LOT means an open area or structure containing parking spaces, for four (4) or more motor vehicles, for monetary gain, and which has access to permit ingress or

egress of motor vehicles to a road or highway by means of driveways, aisles or manoeuvring areas which are not used for parking or storage of motor vehicles.

PARKING SPACE means an area of not less than one hundred sixty-two (162) square feet [15 m²], measuring nine (9) feet [2.8 m] by eighteen (18) feet [5.5 m] 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, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to the law.

PLACES OF ASSEMBLY means any unlicensed structure or lot used for the gathering of people for uses such as social, recreational, entertainment, religious or community purposes.

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, curling rinks and bowling alleys 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.

RECYCLING FACILITIES means facilities for solid waste reduction, re-use, recovery or reprocessing of such materials as paper, glass, metal cans, certain forms of rubber, plastics, clothes and other items into useable products and does not include salvage yards or scrap yards.

REPAIR SHOP means a building used for the repair and servicing of household articles, industrial equipment, machinery, automobiles or similar items for monetary gain.

RESIDENTIAL USE means a building used for human habitation and includes, but is not limited to single detached dwellings, mobile homes on individual lots, senior citizens' housing and multi-unit buildings.

RETAIL SHOP OR STORE means a building or part thereof in which goods, wares, merchandise, or products are sold to the general public for monetary gain.

ROAD means a strip of cleared land for the passage from place to place of vehicles, riders and pedestrians.

- (a) PRIVATE ROAD means any street or road which is not public, shown on a plan of subdivision approved on or after the first day of August, 1987 and

- (i) extends to and has access to a public street or highway and where not totally located within the area of land proposed to be subdivided, it shall be an easement for right-of-way and access which has been clearly granted by deed, registered in the Registry of Deeds for this Municipality;
- (ii) has a minimum width of sixty-six (66) feet [20 m]; and
- (iii) has had the intersection with the public street or highway approved by the Department of Transportation and Public Works;

and includes any private road approved by the Department of Transportation and Public Works and shown on an approved plan of subdivision prior to the first day of August, 1987 and filed in the Registry of Deeds for this Municipality.

- (b) PUBLIC ROAD means any road owned and maintained by the Department of Transportation and Public Works or Municipality of the County of Antigonish but does not include designated controlled access highways pursuant to Section 20 of the Public Highways Act.

ROAD LINE means the boundary line of the public road.

SALVAGE YARD OR SCRAP YARD means a lot or premises for the storage or handling of scrap material and without limiting the generality of the foregoing, includes waste paper, rags, bones, bottles, used bicycles, vehicles, tires, metal or other scrap material or salvage.

SCREENING means the manner by which a view of one site from another site is shielded, concealed or hidden by the building, the accessory building, an opaque fence, natural landform, existing or planted vegetation or combination thereof so as not to be visible from abutting uses or from the nearest public or private road.

SEASONAL ROADSIDE STAND means a temporary structure located on the same lot as an agricultural use for the retail sale of produce and/or prepared food related to the agricultural use.

SEMI-DETACHED DWELLING means a building which is divided vertically into two (2) dwelling units, each of which has an independent entrance.

SENIOR CITIZENS' HOUSING means multiple unit housing with a private lavatory and kitchen designed, constructed and maintained by a public housing authority or non profit organization and used for the exclusive occupancy of two (2) or more elderly persons.

SERVICED means a lot which receives central water and sewer services via lines owned and maintained by the Municipality of the County of Antigonish or a private developer.

SERVICE SHOP means a building used for the provision of a personal service including but not limited to a repair shop, machine shop for household articles, barber shop, or a dry cleaning, hairdressing, dressmaking or tailoring establishment to the general public for monetary gain.

SETBACK means the distance between the road line and the nearest main wall of any building or structure and extending the full width or length of the lot.

SINGLE DETACHED DWELLING means a completely detached dwelling containing one dwelling unit and includes a mobile home.

STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such section fixed to or supported by the soil or any other structure, and includes buildings, walls, signs and fences exceeding six (6) feet [1.8 m] in height.

TAVERN means a licensed establishment, such as a bar or pub not associated with a hotel or motel.

TWO-UNIT DWELLING means a building consisting of two (2) dwelling units with or without a common entrance.

UTILITY means any public or private system, works, plant, equipment or services which furnishes services at approved rates to or for the use of the general public.

WAREHOUSE means a building where wares or goods are stored, but does not include a retail store.

WATERCOURSE means a flowing body of water, such as a river, brook, stream, lake, harbour or canal, and includes the bed of such a body and can be natural or artificial and may flow permanently or seasonally.

WATER FRONTAGE means the distance between the side lot lines measured along the shore, where a lot is located on an island.

WIDTH means the minimum distance between the side lot lines of the lot.

YARD means an open, uncovered space on a lot adjacent to a building and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law (See Figure 7) and in determining yard measurements, the minimum horizontal distance from the respective lot lines is used.

- (a) FRONT YARD means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a 'minimum' front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.
- (b) REAR YARD means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and 'minimum' rear yard means the minimum depth allowed by this By-law 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.
- (c) SIDE YARD means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and 'minimum' side yard means the minimum width allowed by this By-law 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.
- (d) FLANKAGE YARD means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure; and the 'minimum' flankage yard means the minimum width allowed by this By-law of a flankage yard on a lot between the road line and the nearest main wall of any main building or structure on the lot.

ZONE means a specified area of land shown on Schedule A of this By-law.