

Town of Amherst

Land Use Bylaw

Bylaw P-2

As approved by Amherst Town Council at First Reading July 14, 2005

As approved by Provincial Director of Planning August 11, 2005

Office Consolidation including all Amendments to October 22, 2018

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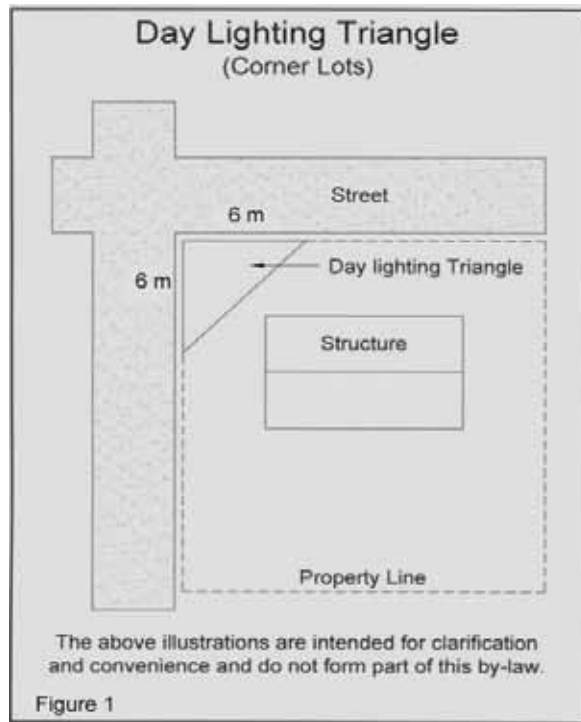
1.0 Definitions

For the purpose of this Bylaw the definitions and interpretations given in this section shall govern. Words used in the present tense include future; words in the singular include the plural; words in the plural include the singular; the word "used" includes "arranged, designed or intended to be used"; the word "shall" is mandatory and not directory.

- 1) **Accessory Building** means a separate building or structure located on the same lot as the main building or principal use, and of a nature customarily and clearly secondary and incidental to the main building or principal use.
- 2) **Accessory Use** means the use or uses which take place on the same lot as the main use, and of a nature customarily and clearly secondary and incidental to the main use.
- 3) **Adjacent** for the purposes of this Bylaw, means the building, or property that shares a common boundary on the same side of the street.
- 4) **Adult Entertainment Use** means any establishment that offers services, or entertainment to the public intended to deliver sexual stimulation or gratification, or is reasonably intended to appeal primarily to erotic appetites. It includes, but is not limited to, entertainment characterized by the display of the nude or semi-nude human body in a manner or context apparently designed to exploit the sexual aspects of the human body and its constituent anatomy. Such entertainment is commonly promoted using adjectives or terms such as "nude", "topless", "adult", "sexy", "exotic", and so on.
- 5) **Alter** means to change the structural component of a building or to increase the volume of a building or structure.
- 6) **Agricultural Use** means an operation involving the keeping of agricultural animals.
- 7) **Agricultural Animal** means an animal kept for the purpose of breeding, milking, egg or meat production, assistance in performing farm chores or recreation and shall include horses, cattle, swine, poultry, sheep, goats, mink, foxes, chinchillas, bees, but shall not include cats, dogs, parakeets, canaries, hamsters, tropical fish, and similar household pets. A rabbit is an agricultural animal if located on a lot on which in excess of ten rabbits are kept; if ten or fewer are involved, the rabbits shall be deemed to be house- hold pets.
- 8) **Animal Hospital** means an establishment providing surgical or medical treatment or examination of domestic pets entirely within a building.
- 9) **Automobile** see Motor Vehicle
- 10) **Bed and Breakfast** means a dwelling where the proprietor supplies rooms, up to a maximum of six, which are rented or hired out to accommodate the travelling public for sleeping purposes and where a general kitchen and dining room are provided within the building or in an accessory building for the purpose of serving meals only to overnight guests.
- 11) **Berm** means an area of land which has been raised to screen a use or activity from abutting uses or activities.
- 12) **Block** means the smallest area of land, the boundaries of which consist entirely of public streets, rivers, railroads, public parks or any combination thereof.

- 13) **Boarding House or Rooming House** means a dwelling in which the proprietor supplies more than two but not more than six rooms or rooms and board to persons exclusive of the owner or members of his family and which is not open to the general public but does not include a group care facility.
- 14) **Building** means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or chattels, and includes any awning, bin, bunker or platform, vessel or vehicle used for any of the said purposes.
- 15) **Building Area** means the maximum horizontal area of a building at grade measured to the centre of party walls or to the outside of exterior main walls including air walls and all other spaces within the building, but excluding porches, steps, chimney breasts, carports or open platforms.
- 16) **Building Line** means any line regulating the position of a building or structure on a lot.
- 17) **Carport** means a building or structure which is without walls on at least two sides and is used for the parking or storage of a motor vehicle and for the purposes of this Bylaw a carport with an enclosed second storey shall be considered a garage.
- 18) **Commercial Motor Vehicle** means a truck tractor; tow truck or wrecker; agricultural, construction or industrial equipment; any vehicle designed, intended, or used for transporting more than 9 people; any vehicle used to transport persons and / or merchandise for profit; or any motor vehicle with a TARE weight in excess of 3,650 kg.
- 19) **Commercial Recreation Centre** means a building or lot or part of a building or lot used solely for commercial recreation or entertainment purposes and without limiting the generality of the foregoing, may include such establishments as dance halls, billiard or pool halls, bowling alleys, miniature golf courses, bingo halls, roller skating rinks and discos, and arcades for pinball and other game machines and amusements, including accessory food service.
- 20) **Commercial School** means a school of seven or more pupils conducted for gain, and includes a secretarial school, language school, driving school, etc.
- 21) **Commercial Use** means the use of land, building or structure for the purpose of buying and selling commodities and / or supplying of services as distinguished from uses such as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.
- 22) **Common Wall** means a vertical separation completely dividing a portion of a structure from the remainder of a structure and creating, in effect, a building which, from its roof to its lowest level, is separate and complete unto itself for the purpose for which it is designed, intended, or used.
- 23) **Community Centre** means a property or building used for non-profit community activities operated by a public authority, church, or fraternal organization, but shall not include a commercial recreational centre.
- 24) **Core Area District** means an overlay zone to the existing Downtown Zone that includes requirements for development that must be met in addition to Downtown Zone requirements.
- 25) **Corner Lot Sight (Day Lighting) Triangle** means that area of a corner lot which is enclosed by a triangle, the apex of which is the intersection of the flanking lot line and the front lot line, two sides of which triangle are 6 m in length measured from said point of intersection along the said lines and the base of which triangle is formed by a straight line joining the said exterior lot lines at the said points 6 m from the intersection. (see figure 1)
- 26) **Council** means the Council of the Town of Amherst.

- 27) **Day Care Centre** means:
- a. **Non-residential Day Care Centre** means a place where 9 or more children are cared for without overnight accommodation, but does not include a school.
 - b. **Residential Day Care Centre** means that portion of a residential dwelling which is used to accommodate more than three but fewer than nine children who are looked after during the daytime hours and who are not provided with overnight accommodation.

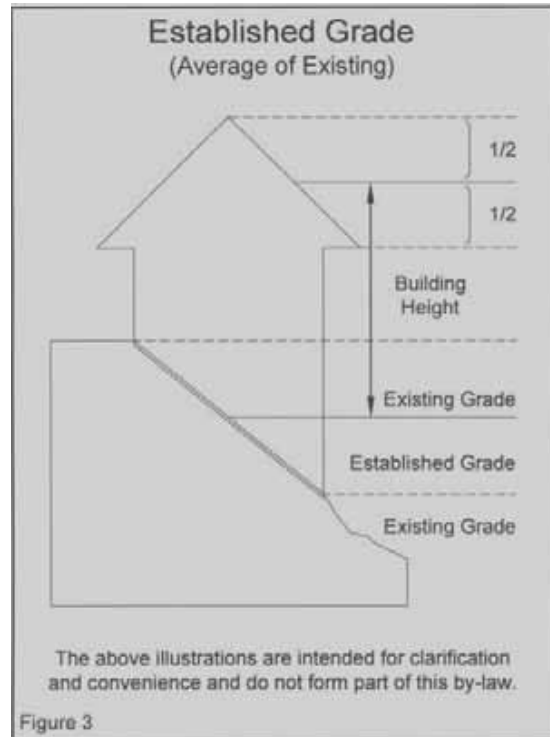


- 28) **Development** includes any erection, construction, addition, alteration, replacement or relocation of to any building or structure and any change or alteration in the use made of land, building or structures.
- 29) **Development Officer** means the officer appointed by the Town of Amherst or his designate and charged with the responsibility of administering the provisions of the *Municipal Government Act* and of this Land Use Bylaw in accordance with the *Municipal Government Act*.
- 30) **Dwelling** means a building or a portion thereof, occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units, and shall not include hotels.
- 31) **Dwelling Unit Types:**
- a) **Apartment Building** means a building or part thereof, consisting of three or more dwelling units, excluding townhouses.
 - b) **Converted Dwelling** means a building originally built and designed as a single detached dwelling unit which contains two to four dwelling units; or a building originally built as a double dwelling renovated to contain three or four dwelling units.
 - b) **Double** means a dwelling containing two dwelling units, other than converted dwellings, and shall include duplexes and semi-detached dwellings
 - c) **Duplex** means a building divided horizontally into two dwelling units.
 - d) **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, sanitary facilities and sleeping room are provided for the exclusive use of such individuals.
 - e) **Garden Suite** means an accessory building to be used as a single detached dwelling unit.

- f) **Grouped buildings** means buildings designed as part of a group of dwellings on the same lot, held and maintained under single ownership, or otherwise provided under the Condominium Act, R.S.N.S. 1989.
- g) **Group Home Facility** means a community based group living arrangement, in a single housekeeping unit, for up to a maximum of seven individuals, exclusive of staff and/or receiving family, with social, emotional, legal, mental and/or physical handicaps or problems, that is developed for the well being of its residents through self-help, professional care, guidance and supervision unavailable in the resident's own family, an institution or in an independent living situation. A group care facility is licensed, funded or approved by the Province of Nova Scotia.
- h) **Mobile/Mini Homes** shall mean dwelling unit with a length to width ratio greater than 3:1, and certified by Canadian Standards Association prior to placement on the site as complying with the CAN/CSA-Z240 Series "Mobile Homes" at the time of manufacture.
- i) **Modular Home** shall mean a finished section or sections of a complete dwelling unit built in a factory for transport to the site for installation certified by Canadian Standards Association prior to placement on the site as complying with the CSA Standard A277-M-1990 "Procedures for Certification of Factory Built Houses".
- j) **Townhouse** means a building that is divided vertically into three or more dwelling units, each of which has an independent ground floor entrance(s).
- k) **Semi-Detached** means a building that is divided vertically into two dwelling units, each of which has its own entrance.
- l) **Senior Citizen Seniors Housing and Housing for the Physically Challenged** means housing specially designed to facilitate persons who are physically challenged or incapacitated by age or some other means.
- m) **Single Detached** means a completely detached dwelling unit.

32) **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

33) **Established Building Line** means a line parallel to the street established by the average distance of main buildings on the same side of a street.



- 34) **Established Grade** means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior main walls of such building; or with reference to a structure means the average elevation of the finished grade of the ground immediately surrounding such structures exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Town or other designated authority. (see figure 3)
- 35) **Existing** means legally existing on the effective date of this Bylaw. If a building permit has been issued for a structure before the effective date of this Land Use Bylaw, the structure shall be deemed an existing use if construction begins within a one (1) year period immediately following issuance of the permit. A lot shall be deemed an existing lot if it was created prior to the effective date of this Bylaw or if it was shown on a plan of subdivision tentatively approved by the Town prior to the effective date of this Bylaw. Proof that the lot was created or was tentatively approved prior to the effective date of this Bylaw is required.
- 36) **Façade** means the exterior parts of a building that face a street or public open space that represents the building, tells people about the building, what it is, how to enter and the nature of the interior uses.
- 37) **Fence** means any barrier of posts, wood, metal, wire, brick or other similar materials or combinations of such materials, which is constructed for the purpose of delineating, screening, safeguarding or enclosing.
- 38) **Flag Lot** means a lot characterized by the location of the main body of the lot generally at the rear of another lot, or otherwise separated from the street or roadway which provides access, and by a narrower area extending from the main body of the lot to the said street or roadway.
- 39) **Floor Area:**
- a) **With Reference to a Dwelling** means the maximum area contained within the outside walls excluding any garage, porch, veranda, sunroom, unfinished attic or basement or other room not habitable at all seasons of the year.
 - b) **With Reference to a Dwelling Unit** where more than one unit is contained within a building means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit.
 - c) **Commercial Floor Area** means the total usable floor area within a building used for commercial purposes but excludes furnace and utility rooms, and common malls between stores.
 - d) **Gross Floor Area** means the aggregate of the floor area 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; and for the purpose of this clause, the walls of an inner court shall be deemed to be the exterior walls.
 - e) **Floor Area, Net** means the total useable floor area within a building exclusive of washrooms, furnace and utility rooms and common halls or malls between individual establishments.
- 40) **Frontage** see "lot frontage".
- 41) **Garage** means a building or structure which is enclosed on three or more sides and is used for the parking or storage of a motor vehicle.
- 42) **Grade Level** means grade prior to any development.

- 43) **Gross Building Area** means the floor area of a main building including the floor area of rooms reasonably convertible, in the opinion of the building inspector, to the main purpose.
- 44) **Habitable Room** means a living room, bedroom, kitchen with or without space for eating, or a dining room.
- 45) **Height, Building** means the highest point of the roof of a building excluding church spires, water tanks, elevator enclosures, flagpoles, ventilators, skylights, chimneys, clock towers, communication towers or statues/works of art on public property.
- 46) **Home for Special Care** means a building wherein nursing care or room and boards are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.
- 47) **Home Occupation** means a business activity accessory to the residence and carried on by the occupant of the residence, and without limiting the generality of the foregoing shall include professional uses such as doctors, lawyers and insurance offices; clothes making and tailoring; catering; hairdressing and barbershops; instruction and private tutoring; sculpturing; contractors' storage and parking; storage of inventory for off-site retail sales; but home occupations do not mean autobody or mechanical motor vehicle repairs, retail stores, canteens or taxi stations.
- 48) **Hotel / Motel** means a building, or buildings, or part thereof on the same lot used to accommodate the traveling public for gain or profit by supplying them with overnight sleeping accommodation with or without meals and including customary ancillary services and amenities but without private cooking facilities.
- 49) **Industrial Use** means any manufacturing, assembly, or warehousing operation.
- 50) **Kenel** means a building, structure or lot where animals are kept or boarded commercially.
- 51) **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, gravelling, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a lot or to provide a screen.
- 52) **Light Manufacturing** means a use engaged in the manufacturing, predominantly from previously prepared/processed materials, of finished products or parts and entirely conducted within an enclosed building. Accessory uses include processing, fabrication, assembly, treatment, packaging, incidental storage, and distribution of such products, but excluding raw industrial processing/manufacturing and Obnoxious Uses as defined in this Bylaw.
- 53) **Loading Space** means an off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which is connected to a public street by an appropriate access.
- 54) **Lot** means any parcel of land described in a deed or as shown on a registered plan of subdivision.
 - a) **Corner Lot** means a lot situated at the intersection of and abutting upon two or more streets.
 - b) **Lot Area** means the total horizontal surface within the lot lines of a lot, excluding the horizontal area of such lot covered by water, or marsh, or beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment of 22 degrees or more from horizontal, provided that only the lot area lying within the zone in which a proposed use is permitted may be used in calculating the minimum lot area under the provisions of this Bylaw for such permitted use.

- c) **Lot Coverage** means that percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.
 - d) **Lot Depth** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.
 - e) **Lot Frontage** means the length of a line joining the side lot lines and parallel to the front lot line. Calculation of Lot Frontage for irregularly shaped lots shall be the horizontal distance between the side lot lines as measured at a point, where a line drawn perpendicular to a line joining the midpoint of the rear lot line and the midpoint of the front lot line at a point equal to the required front yard. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used. Calculation of lot frontage for corner lots shall be the horizontal distance between the side lot line and the flanking lot line. This definition shall not apply in the case of flag lots.
 - f) **Through Lot** means a lot bounded on two opposing sides by streets or highways provided however, that if any lot qualifies as being both a corner lot and a through lot as hereinbefore defined, such lot shall be deemed to be a corner lot for the purpose of this Bylaw.
- 55) **Lot Line** means any boundary of a lot.
- a) **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. In the case of a through lot, any boundary dividing the lot from a street may be the front lot line.
 - b) **Flanking Lot Line** means a side lot line which abuts the street on a corner lot.
 - c) **Rear Lot Line** means the lot line furthest from opposite the front lot line.
 - d) **Side Lot Line** means a lot line other than a front or rear lot line.
- 56) **Main Building** means the building in which the principal use of the property is undertaken.
- 57) **Medical Clinic** means a building or structure where 7 or more members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, coffee shop, consultation rooms, x-ray and minor operating rooms and a dispensary.
- 58) **Medical Practitioner** means a doctor, dentist, chiropractor, osteopath, optometrist, oculist, but does not include a veterinarian.
- 59) **Motor Vehicle Fueling Station** means an establishment where the principal business carried on is the retail sale of vehicle fuels, and lubricants.
- 60) **Motor Vehicle Sales, Rental and Repair** means an establishment excluding a private home or garage, where new and / or used vehicles, lubricants, tires, parts and accessories for motor vehicles are kept for sale, and where replacement and/or repairs to any component of a motor vehicle may be performed including autobody and/or painting uses. Motor vehicles shall include boats and other recreational vehicles. Salvage and scrap yards, and motor vehicle fuelling stations are separate uses.

- 61) **Mini Home Park** means a mini home development, not having a registered subdivision plan of lots, under single ownership and managed by a mini home park operator. (Spaces alone or spaces carrying individual mini homes may be rented).
- 62) **Municipal Government Act** means the provincial legislation which enables municipalities to plan and run their corporate affairs.
- 63) **Net Retail Area** means the gross space leased or leaseable to tenants, exclusive of malls, public washrooms and other common areas.
- 64) **Obnoxious Use** shall mean a use which creates by its nature or operation 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.
- 65) **Office** means a room designed, furnished or used for the purpose of regularly transacting business, a service performed or consultation given but shall not include a manufacturing of any product or the retail selling of goods.
- 66) **Open Space** means the area situated within the boundaries of a residential development site intended for recreational purposes, and may include landscaped areas, patios, private amenity areas, balconies, communal lounges, swimming pools, play areas and similar uses, but does not include any area occupied at grade by a building's service area, parking lots, aisles or access driveways.
- 67) **Outdoor Furnace** means a furnace which is located adjacent to a structure, and is intended to provide heat to that structure, via combustion and the heating of water, or otherwise.
- 68) **Outdoor Patio** means an outdoor area adjoining a restaurant, and consisting of outdoor tables, chairs, plantings, and related decoration and fixtures, and where meals or refreshments are served to the public for consumption on the premises.
- 69) **Outdoor Retail Display** means the display of retail goods or materials intended for the immediate sale to the general public which are not enclosed within a structure.
- 70) **Outdoor Storage** means the storage of goods or materials not intended for immediate sale to the general public which are not enclosed within a structure.
- 71) **Parking Area or Parking Lot** means an open area, other than street, used for the temporary parking of more than two vehicles and available for public use, whether free, for compensation or as an accommodation for clients, customers or residents and which has access to a public street.
- 72) **Parking Space** means an area of not less than 3 m by 6 m, exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas.
- 73) **Personal Service Shop** means a building or part of a building which persons are employed in furnishing services or otherwise administering to the individual and personal needs of persons and may include such establishments as barber shops, beauty parlours, hairdressing shops, shoe repair, and depots for collecting dry-cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.
- 74) **Public Building** is a building owned or used by a Federal, Provincial or Municipal Government.

- 75) **Recreational Use** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor ice skating rinks, athletic fields, swimming pools, golf courses, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including commercial recreation centres or a track for the racing of animals, or any form of motorized vehicles.
- 76) **Recreation, Commercial** see Commercial Recreation Centre.
- 77) **Recycling Collection and Storage Facility** means a building in which used material is separated and processed prior to shipment but does not include salvage and scrap yards.
- 78) **Religious Institution** means a building or buildings dedicated to religious worship, and includes churches, church halls, auditoria, schools, and Parish Halls.
- 79) **Residential Care Facility** means a community-based group living arrangement, in a single housekeeping unit, for eight (8) or more individuals, exclusive of staff and/or receiving family, with social, legal, emotional, mental and/or physical handicaps or problems, that is developed for the well being of its residents through self-help, professional care, guidance and supervision unavailable in the resident's own family, an institution or in an independent living situation. A Residential Care Facility is licensed, funded or approved by the Province of Nova Scotia.
- 80) **Restaurant** means a building or part thereof where food and drink is served to the public for consumption within the building.
- 81) **Retail** means the offering and sale, rent or lease of goods, wares, merchandise, substances, articles, or things whether manufactured by the retailer or purchased at wholesale, to the general public as final consumer for personal or household consumption and not for resale.
- 82) **Retail Store** means a building or part thereof in which goods, wares, merchandise, substances, or articles are offered or kept for sale directly to the public at retail.
- 83) **Salvage and Storage Facility** means a premises used for keeping or storing used bodies or parts of motor vehicles or any other type of used equipment, vehicles, machinery, or materials of any kind.
- 84) **School** means an educational establishment.
- a) **Public School** means an authorized school under the jurisdiction of a Public School Board, a High School Board, a Board of Education or Provincial Government.
- b) **Commercial School** means a school where instruction is given for the purpose of remuneration and shall include dancing schools, music schools, golf schools, trade schools, nursery schools, and any other school conducted for remuneration.
- 85) **Setback** means the horizontal distance between any lot line and the nearest wall of any building or structure and extending the full width or length of the lot
- 86) **Sidewalk Patio** means an area of the public sidewalk immediately adjacent to an eating or drinking establishment and used by that establishment for outdoor seating and the serving of food and / or drinks.
- 87) **Sign** means a structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, industry or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot.

- a) **Banner** means a sign made of fabric or other non-rigid material with no enclosing framework.
 - b) **Facial Wall Sign** means a sign which the back main surface is attached directly to, or is painted upon, a building wall.
 - c) **Ground Sign** means a freestanding sign supported by a supporting structure that is permanently affixed to a foundation
 - d) **Illuminated Sign** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.
 - f) **Portable Sign:** A sign which is self-supporting but not permanently attached to the ground or building and can be moved from one location to another.
 - h) **Projecting Wall Sign** means a sign which; projects from, and is supported by; a wall of a building.
 - i) **Roof Sign** means a sign fixed, placed upon or supported by the roof or non-vertical wall of a building.
 - k) **Sandwich Board Sign** means a sign consisting of two surfaces attached to each other at the top and designed so as to stand temporarily without foundation or other support on a lot or sidewalk without electrical or other service connection.
 - l) **Temporary Sign** means a sign which may be erected for a specified period of time and may include portable signs, banners, portable reader boards, and the like.
- 88) **Street or Road** means the whole and entire right-of-way of every highway, road or road allowance, vested in the Province of Nova Scotia or the Town of Amherst and includes sidewalks. **Street Line** means the boundary of a street or road. (See also Lot Line)
- 89) **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.
- 90) **Swimming Pool** means an artificial body of water above the surface or in ground, constructed of cement, plastic, fibreglass or similar material, having a maximum depth greater than 0.5 m and intended primarily for bathing, swimming and diving, but shall not include natural, dug or dammed ponds or watercourses primarily intended for aesthetic or agricultural purposes.
- 91) **TARE weight** means the weight of an empty motor vehicle including all attached and contained equipment.
- 92) **Telecommunication towers, antennas, buildings and equipment** means any facility, apparatus or other thing that is used or is capable of being used for telecommunications or for any operation directly connected with telecommunications, and includes a transmission facility. Amateur radio, such as shortwave radio, as well as typical television or radio reception equipment, including satellite dishes, which are used for residential or small commercial (e.g., motel or lounge) purposes, are excluded
- 93) **Tower** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures and the like

- 94) **Town** means the Town of Amherst.
- 95) **Warehouse** means a building where wares or goods are stored but does not include a retail store.
- 96) **Yard** means an open space on a lot unoccupied by main buildings 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) **Front Yard** means a yard that extends across the full width of a lot between the front lot line and the nearest main wall of the main building on such lot; and "minimum" front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on a lot.
 - b) **Flanking Yard** means a side yard which abuts a street on a corner lot.
 - c) **Minimum Yard** means the smallest yard permitted by this Bylaw.
 - d) **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 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.
 - e) **Required Yard** means the area between a front, side, rear, or flanking lot line and a line parallel to the respective lot line set back a distance equal to the applicable yard setback.
 - f) **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 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.
- 97) **Zone** means a delineated area of land shown on the schedules of this Bylaw and established and designated for a specific use.

2.0 Zoning and Interpretation

2.1 General

For the purposes of this Bylaw the Town is divided into the following zones, the boundaries of which are shown on the attached **Schedule 'A'**.

Zone

Residential Zones

General Residential Zone
Low Density Residential Zone
Mini Home Zone

Commercial Zones

Highway Commercial Zone
Downtown Zone
Core Area District
Limited Commercial Zone
Neighbourhood Commercial

Industrial Zones

Industrial Zone

Special Use Zones

Comprehensive Development District
Institutional Zone
Parks and Open Space Zone
Flood Plain Zone

2.2 Schedules

- (a) Schedule 'A' is the Zoning Map and forms part of this Bylaw.
- (b) All schedules and figures attached to this Bylaw form an official part of the Bylaw, unless otherwise indicated.
- (c) Any appendices that may be attached to this Bylaw are for information purposes only and are not an official part of the Bylaw.

2.3 All land to be Zoned

All lands within the Town shall be zoned.

2.4 Amendment to the Zoning Map

The Zoning Map may be amended from time to time in accordance with applicable policies of the Municipal Planning Strategy.

2.5 Zoning Boundaries

Zoning boundaries 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 railroad or railway right-of-way, electrical transmission right-of-way, or a watercourse serves as a boundary between two or more different zones, the centre line of such right-of-way or of such watercourse shall be the boundary;
- d) where there is no landmark that indicates the precise location of a boundary, the boundary shall be scaled from the Zoning Map;
- e) where a zone boundary is indicated as following the town boundary, the town limit shall be the boundary.

2.6 Permitted Uses

- (a) In this Bylaw any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.
- (b) Where a permitted use within a zone is defined in this Bylaw the uses permitted in the zone include any similar uses that satisfy such definition except where a definition specifically excludes any similar use.

2.7 Measurement

- (a) All official measurements are in metric. Where imperial measurements are provided they are for information purposes only.

3.0 Administration

3.1 Town Planning Advisory Committee

- (a) Town Planning Advisory Committee is appointed by Town Council in conformity with Section 200 of the *Municipal Government Act* and shall be herein referred to as the Committee.
- (b) Duties of the Committee include:
 - (i) assist Council in the periodic review of the official plans and Land Use Bylaw in conformity with the *Municipal Government Act*
 - (ii) advise the Council as to the intent of the Municipal Planning Strategy; and,
 - (iii) where appropriate, hold public participation opportunities, and advise Council regarding planning and zoning matters.
- (c) The specific function of the Committee is outlined in **Policy A-3** of the Municipal Planning Strategy.

3.2 Development Officer

The Development Officer, or designate(s), shall be appointed by Council to administer this Bylaw.

3.3 Development Permit Required

- (a) Unless otherwise stated in this Bylaw, no development shall be undertaken in the Town of Amherst unless a development permit has been granted by the Development Officer.
- (b) The Development Officer shall only issue a development permit in conformance with this Bylaw, or an approved development agreement, except where a variance is granted or in the case of a nonconforming use or structure, in which case a permit shall be granted in conformance with the Municipal Government Act.
- (c) Any development permit shall expire twelve (12) months from the date issued if the development has not commenced.
- (d) A development permit may be renewed for an additional twelve (12) month period provided:
 - (i) the development permit has not been renewed previously; and
 - (ii) the Development Officer is satisfied that the development permit is consistent with the existing Land Use Bylaw and any proposed amendments.
- (e) In a Core Area District, a development permit shall be required for all new development and exterior renovations that alter the architectural features of a building. The issuance of the permit shall be contingent on the development satisfying the Downtown Zone requirements and District requirements, which shall take precedence over any conflicting requirements of this Bylaw. In the case of renovations, the Core Area District requirements shall apply to the architectural features being altered.

3.4 No Development Permit Required

Except those properties within a Core Area District or unless otherwise specified, no development permit shall be required for:

- (i) a development that involves the interior or exterior renovation of a building that will not change the shape of the building or increase its volume, will not add more dwelling units, or will not involve a change in the use of the building;
- (ii) a fence or wall that does not exceed 2.1 m. in height;
- (iii) a sign less than 0.2 m² in area where signs are permitted (see Section 6);
- (iv) an accessory building less than 4 m² in area;
- (v) public and private utilities located within a street right-of-way;

3.5 Information Required for Development Permit Applications

- (a) Every application for a development permit shall be on an approved form and where necessary, shall be accompanied by a sketch or plan drawn to an appropriate scale and showing the following such as the Development Officer may require:
 - (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 proposed location, height, and dimensions of the building, structure, or work in respect of which the permit is applied for;
 - (iii) the proposed location and dimensions of parking spaces, loading spaces, driveways;
 - (iv) the location of every building or structure already erected on or partly on such lot, and the approximate location of every building on adjacent lots; and,
 - (v) any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.
- (b) The application shall be signed by the owner of the lot or by the owner's duly authorized agent and shall set forth in detail the present and proposed use of the lot and each building or structure, or part of each building or structure, together with all information necessary to determine whether or not every such proposed use of land, building or structure conforms with the requirements of this Bylaw.
- (c) Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw and other Bylaws and regulations in force which affect the proposed development, or where the property lines are in question by the Development Officer, he/she may require that the plans submitted under subsection 3.5(a) be based upon an actual survey by a Nova Scotia Land Surveyor.

3.8 Notice to Lot Owners

- (a) When an application has been received to amend this Bylaw for a site specific purpose, to enter into a development agreement, or to amend a development agreement, all lot owners within 30 m of the subject lot shall be notified in writing of the application, in addition to the notification requirements of the Municipal Government Act.
- (b) In the case of the Development Officer issuing a Variance or Site Plan Approval, notification of affected property owners shall be as specified in the Municipal Government Act.

3.9 Penalty

Any person who violates any provisions of this Bylaw is guilty of an offence and liable on summary conviction to a fine not less than two hundred and fifteen dollars (\$215.00) and not exceeding one thousand dollars (\$1,000.00) and in default of payment to imprisonment for a term not exceeding two months and in the case of a continuing offence to a further fine not exceeding two hundred and fifty dollars for each day during which the offence continues and in default of payment to imprisonment for a term not exceeding ten days.

3.10 Effective Date

This Bylaw shall take effect upon the date of publication of the notice advertising the adoption of the new bylaw or amendment.

3.11 Repeal of Bylaw

The Town of Amherst Land Use Bylaw passed and adopted by Council May 31, 1993 and approved by the Minister of Municipal Affairs on August 17, 1993, is repealed as of the date that this Land Use Bylaw takes effect.

4.0 General Provisions for all Zones

4.1 Accessory Buildings

- (a) Detached accessory buildings may be permitted in any zone but shall not:
 - (i) be used as a dwelling except in the case of garden suites;
 - (ii) be located within the front yard, in any Residential Zone;
 - (iii) be permitted within the flanking yard on a corner lot;
 - (iv) exceed 5 m in height; except, where the main structure is a minimum of two stories, exclusive of the basement and where the proposed location of the accessory structure is not in the required rear or side yard setbacks of the main structure, the height of the accessory structure may be increased to accommodate a second storey, plus roof. In no case may the highest point of the roof of the accessory structure exceed the elevation of the highest point of the roof of the main structure on the lot.
 - (v) be built within 2 m of the main structure;
 - (vi) be considered an accessory building if attached to the main building by a common wall greater than 3 m in length;
 - (vii) in the case of multiple accessory buildings, exceed a combined ground floor area of 80 m² of all such buildings; and
 - (viii) have a combined ground floor area greater than 5% of the lot area, where the lot area is 4,047 m² or greater.
- (b) An accessory building with a floor area of 80 m² or less may be built within a required rear or side yard, provided the building is set back at least 1.2 m from any lot line.
- (c) Accessory buildings located in an Industrial (I) Zone shall have a minimum required yard of 1.2 m and no maximum floor area.

4.2 Accessory Uses Permitted

Where this Bylaw provides that land may be used for a purpose or a building or structure may be erected or used for a purpose, such purpose may include any accessory uses thereof, unless otherwise prohibited by this Bylaw.

4.3 Agricultural Animals

The keeping of agricultural animals is prohibited in Town except for the following lots which have agricultural uses existing at the date of this bylaw:

- i) PID# 25047010
- ii) PID# 25037219
- iii) PID# 25358086

4.4 Compliance with Other Bylaws

- (a) Nothing in this Bylaw shall exempt any person from complying with the requirements of the Building Bylaw or any other Bylaw in force within the Town of Amherst, or from obtaining any license, permission, permit, authority or approval required by any other Bylaw of the Town of Amherst or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- (b) Where the provisions in this Bylaw conflict with those of any other Bylaw of the Town or regulation of the Province or the Government of Canada, the higher or more stringent provision shall prevail.

4.5 Conformity with Existing Setbacks

- (a) Notwithstanding anything else in this Bylaw, in any zone where a proposed building does not comply with the minimum front yard requirements, a building may be erected with a setback equal to the established building line, but shall not be less than 3 m from the street line.
- (b) Only existing buildings within 60 m that front on the same street as the proposed building shall be used to calculate the established building line.

4.6 Corner Lot Triangle or Day Lighting Triangle

On a corner lot, no fence, sign, hedge, shrub, bush or tree or any other structure, vehicle or vegetation shall be erected, placed; or in the case of plants, permitted to grow to a height greater than 0.6 m above grade within a corner lot sight triangle.

4.7 Existing Buildings

- (a) Where a building has been erected on or before the effective date of this Bylaw on a lot having less than the minimum frontage or area, or having less than the minimum yard setback required by this Bylaw the building may be enlarged, reconstructed, repaired or renovated provided that:
 - (i) the enlargement, reconstruction, repair or renovation does not further reduce the required yard that does not conform to this Bylaw;
 - (ii) all other applicable provisions of this Bylaw are complied with.
- (b) Notwithstanding anything else in this Bylaw, the use of a building existing on a lot on the effective date of this Bylaw, may be changed to another use permitted on the lot where the lot frontage, front yard, or area required is less than the requirements of this Bylaw, provided that all other requirements of this Bylaw are satisfied.

4.8 Existing Lots without Frontage

Notwithstanding subsection 4.7 of this Bylaw, an existing building on a lot which does not have frontage, but which has legal access to a public street may be expanded or enlarged, provided that:

- (a) all other requirements of the Land Use Bylaw are met; and,
- (b) no additional dwelling units are created.

4.9 Existing Undersized Lots

Notwithstanding anything in this Bylaw, a vacant lot having less than the minimum frontage or area required by this Bylaw that was in existence at the effective date of this Bylaw, 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 the other applicable provisions of this Bylaw are complied with.

4.10 Fences

- (a) A development permit is not required for fences less than 2.1m in height.
- (b) Fences shall not:
 - (i) exceed 2.1 m in height in residential zones, or 3.6 m in height in all other zones;
 - (ii) if higher than 2.1 m, be closer than 1 metre to the nearest property line.
 - (ii) contain barbed or razor wire in any Residential Zone;
 - (iii) be electrified unless erected in conjunction with an agricultural use; and,
 - (iv) where visible from a street or other public space, be constructed with the supporting apparatus facing the public right-of-way.
- (c) Fencing for swimming pools shall satisfy **Section 4.26** of this Bylaw.

4.11 Flag Lots

- (a) In the case of flag lots, in any zone, the minimum lot frontage requirements indicated in the various sections of this Bylaw shall not apply, provided that the main body of the lot meets the minimum area requirements for the zone, and provided that the width of the prolongation or leg of the flag lot providing access to a street is at least 6 m in width at every point.
- (b) In the case of flag lots, the yard requirements for the zone shall apply to the main body of the lot. The front yard shall be that yard facing the street.

4.12 Fronting on Streets

No development permit shall be issued unless the lot or parcel of land upon which the development is proposed abuts and fronts upon a street. Newly subdivided lots shall be subject to the Subdivision Bylaw.

4.13 Illumination

No person shall illuminate any area of a lot unless all lights are directed away from adjoining properties and any adjacent street.

4.14 Multiple Uses

Where any land or building is used for more than one purpose, the provisions of this Bylaw shall be interpreted so that the highest or most restrictive regulation for each single use included in the development shall be applied. Standards for the provision of parking spaces shall be deemed to be cumulative so that the requirement will be the sum of the number of spaces required by each use.

4.15 Non-Conforming Use Changed by Development Agreement

A development permit may be issued to change a non-conforming use to another use not normally permitted on the property by Development Agreement in accordance with Policy GP-11 of the Municipal Planning Strategy.

4.16 One Main Building on a Lot

Not more than one single detached dwelling may be erected on a lot except for a garden suite as per Policy RP-14 of the Municipal Planning Strategy.

4.17 Outdoor Furnaces

Notwithstanding any other provision of this Bylaw, an outdoor furnace or structure containing an outdoor furnace in any zone shall:

- (i) be located in the rear yard, and at least 61 m from the nearest lot line; and,
- (ii) have a chimney or exhaust at least 1.8 m above the peak of the roof of the structure that the furnace is intended to heat.

4.18 Outdoor Storage Prohibited

Unless otherwise permitted in other sections of this Bylaw, no outdoor storage shall be permitted in any zone other than storage accessory to the residential use of a lot. Such storage may include items such as fuel wood, compost bins and other such items in to be used by the residents of the property.

4.19 Permitted Encroachments into Yards

Except for accessory buildings, every yard required by this Bylaw shall be open and unobstructed by any structure excluding fences and the structures listed in the following table which shall be permitted to project into or over the specified yards for the distances that are specified in the table below.

Structure	Yard in which Projection is Permitted	Maximum Permitted Projection from Main Wall
Balconies, Decks, Porches	any yard	2.5m but at least 1m from lot line
Carports	Side yards only	Minimum 1m from lot line
Fire escapes, Exterior staircase	Rear and side yards only	2.5m but at least 1m from lot line
Sills, chimneys, and other architectural features	Any yard	60cm
Swimming pools	See section 4.26 of this Bylaw	See section 4.26 of this Bylaw
Window bays, buttresses	Any yard	1m

4.20 Prohibited Dwellings

In any zone, no development permit shall be issued for a building consisting of a basement-only dwelling

4.21 Public Utilities

Buildings or structures used for public or private utilities shall be permitted in any zone and must be a minimum of 1 metres from the nearest property line.

4.22 Restoration to a Safe Condition

Nothing in this Bylaw shall prevent the strengthening or restoring to a safe condition, of any building or structure.

4.23 Serviceable Development

No development permit shall be issued in the Town except where municipally approved piped water supply and piped sanitary sewer are available. Except for a use in the Industrial Zone that involves no buildings, or 1 and 2 unit dwellings fronting on the west side of Willow street, south of Robert Angus Drive, provided that such lots have a minimum frontage of 50 m and minimum lot area of 0.35 hectares, and subject to approval by the Department of Environment and Labour.

4.24 Site Plan

- (a) In any zone a development permit may be granted by site plan approval, where the proposed development cannot satisfy all relevant requirements of this Bylaw. The said site plan approval may also incorporate the issuance of variance(s).
- (b) The following matters may be incorporated into the site plan approval:
 - (i) the location of structures on a lot;
 - (ii) the location of off street loading and parking spaces;
 - (iii) the location, number, and width of driveway access to streets;
 - (iv) the type, location and height of walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements necessary to protect and minimize the land use impacts on adjoining lands;
 - (v) the retention of existing vegetation;
 - (vi) the location of walkways, including the type of surfacing material, and all other means of pedestrian access;
 - (vii) the type and location of outdoor lighting;
 - (ix) the location of facilities for the storage of solid waste;
 - (x) the location of easements;
 - (xi) the grading or alteration in elevation or contour of the land and provision for the management of storm and surface water;
 - (xii) the type, location, number and size of signs or sign structures; and,
 - (xiii) the provision for the maintenance of any of the items referred to in this section.
- (c) A site plan, and a legal undertaking signed by the proponent, must be filed with the Town, and shall form part of the development permit.
- (e) The filed site plan has effect on a lot, regardless of a change of ownership, until discharged by the Town.
- (f) A new lot or lots intended to carry out an approved site plan may be approved, where the resulting lot does not meet usual dimensional requirements, but reflects an improvement toward meeting required specifications.
- (g) A plan of subdivision may be approved where the variance from specification is not greater than 10% for not more than two lots.
- (h) A development permit may be issued to carry out a development permitted by a site plan.

4.25 Subdivision of an Existing Lot with Existing Main Buildings

In any case where two or more existing main buildings erected prior to the effective date of this Bylaw share the same lot, a subdivision of land to permit a separate lot to be created for each building is permitted, notwithstanding anything else in this Bylaw, providing that:

- (i) all requirements of the Town of Amherst Subdivision Bylaw are satisfied; or
- (ii) the new lots being created each have a means of sewage disposal and water supply completely independent from the other(s); and,
- (iii) all lots created as a result of any such subdivision have a front lot line of at least 4 m and must be at least 400 m² in area, or meet the lot area requirements of the zone in which they are located, whichever is less.

4.26 Swimming Pool Performance Standards

- (a) In any zone, a development permit for an outdoor swimming pool shall be issued, provided that the swimming pool:

- (i) be located in the rear or side yards only;
 - (ii) be located at least 2 m from the closest property line;
 - (iii) not be located in any required yard that abuts a street;
 - (iv) is not connected to the central sanitary sewer system; and,
 - (v) is fenced.
- (b) All fences enclosing an outdoor swimming pool shall:
- (i) completely enclose the entire swimming pool;
 - (ii) have at least one gate for access which shall be self-closing with a self-latching device;
 - (iii) be a minimum of 1.2 m high from ground to the top of the fence, gate or structure; and,
 - (iv) have no opening greater than 10 cm in any part of the fencing, gates or structures that enclose the swimming pool.

4.27 Temporary and Special Occasion Uses

- (a) Nothing in this Bylaw shall prevent a development permit from being issued for uses incidental to construction such as a construction camp or other such temporary work camp, tool shed, or similar building incidental to construction provided that a development permit has been issued, but does not include basements of the building to be constructed.
- (b) In any zone other than a Residential zone a 12 month temporary development permit may be issued for a building temporarily used for sales, rental offices, or retail stores.
- (c) Development permits for special occasion uses shall not be required provided that the use is not located on the lot for more than 3 days.
- (d) Any temporary or special occasion use shall:
- (i) be a minimum of 3 m from the front lot line;
 - (ii) be a minimum of 1 m from any other lot line; and,
 - (iii) not be located within a corner lot sight triangle.

4.28 Variances

- (a) Notwithstanding anything in this Bylaw, a Development Officer may grant a variance subject to Section 235 of the Municipal Government Act. Specifically, the Development Officer may vary:
- (i) the percentage of land that may be built upon;
 - (ii) the size or other requirements relating to yards;
 - (iii) lot frontage; and/or
 - (iv) lot area.
- (b) Furthermore, **Policy A-6** of the Municipal Planning Strategy permits the Development Officer to grant a variance in one or more of the following Land Use Bylaw requirements:
- (i) number of parking spaces and loading spaces required;
 - (ii) ground area and height of a structure;
 - (iii) floor area occupied by a home-based business.

4.29 Roofs

- (a) In any zone, a development permit is not required for roofs.
- (b) Plain, non-coloured steel roofs are not permitted in any zone.

5.0 Vehicle Controls

5.1 Parking Space Requirements

- (a) For every building or structure to be erected or enlarged, or for which an application for a development permit involving a change of use is made, off-street parking located within the same lot as the use and having unobstructed access to a public street shall be provided and maintained in accordance with the following requirements.

Use	Requirements
Residential Uses	
A dwelling containing not more than three dwelling units	1 parking Space per dwelling
Dwellings containing more than three dwelling units	1.25 parking spaces per dwelling unit
Townhouses	1 parking space per dwelling unit
Boarding houses, Rooming homes, and Bed and breakfast establishments	1 parking space for the dwelling unit, plus 1 space for every room available for rent
Commercial Uses	
Bowling alleys and curling rinks	3 parking spaces per bowling lane and 4 spaces per curling sheet. For other parts of the building, additional spaces shall be provided in accordance with the other parking requirements in this Bylaw and the type of use
Hotels and motels	1 parking space per suite or rental unit, plus 1 additional parking space per 10 m ² of floor area devoted to public use (taverns, restaurants and auditoria) exclusive of lobbies and hallways
Offices, commercial schools, and banks	1 parking space per 30 m ² of floor area
Restaurants, taverns, lounges, night clubs	1 parking space per 10 m ² of floor area
All other commercial uses (including retail)	1 parking space per 30 m ² of retail space or part thereof
Institutional and Community Uses	
Churches, church halls, auditoria, funeral homes, theatres, arenas, halls, stadiums, private clubs, and other places of assembly	Where there are fixed seats, 1 parking space for every 5 seats, or 3 m of bench space. Where there are no fixed seats, 1 parking space per 10 m ² of floor area devoted to public use
Nursing homes and homes for special care	1 parking space per 50 m ²

Kindergarten and daycares	1 parking space per 11.2 m ² of floor area
Medical clinics and health practitioners offices	4 parking spaces per practitioner

Industrial Uses

All industrial uses	1 parking space per 50 m ² of floor area
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- (b) The requirements of this section shall not apply in the Downtown Zone where all parking requirements shall be waived.
- (c) Where there are more than one type of use on the same lot, Section 4.16 regarding Multiple Uses shall apply.

5.2 Minimum Dimensions for Parking and Loading Spaces

- (a) Parking Space - the minimum area required for a parking space shall be 3 m x 6 m.
- (b) Loading space – the minimum area required for a loading space shall be 3 m x 12 m, with a minimum height clearance of 3.5 m.

5.3 Loading Space Requirements

- (a) Any Commercial or Industrial use over 1000² m in area, including motor vehicle sales establishments, shall have at least 1 loading space.
- (b) All such loading spaces shall have adequate access to permit ingress and egress of a commercial motor vehicle from a street or highway by means of driveways, aisles, manoeuvring areas or similar areas.

5.4 Performance Standards for Parking Areas

Where off-street parking facilities for more than 4 vehicles are provided, or required pursuant to the parking requirements set out in subsection 5.1:

- (a) the parking area shall be treated so as to prevent the raising of dust and loose particles and shall be paved if located:
 - (i) in a commercial zone if the number of spaces provided or required exceeds 8 in number.
- (b) the lights used for illumination of the parking area shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (c) a structure, not more than 4.5 m in height and not more than 5 m² in area may be erected in the parking area for the use of attendants;
- (d) the parking area shall be on the same lot as the use it is intended to serve; and,
- (e) when the parking area is paved, each parking space shall be clearly demarcated and maintained as such.

5.5 Performance Standards for Parking Area Driveways and Aisles

In all zones where paved off-street parking facilities for more than 8 vehicles are provided, or required pursuant to the parking requirements set out in Subsection 5.1:

- (a) clearly marked driveways or aisles must be provided to permit adequate ingress and egress from

the parking area;

- (b) the number of driveways per lot shall be limited to 1 two way driveway per lot frontage, except for lots with more than 75 m of frontage where 2 two way driveways are permitted provided there is a minimum 30 m between the centerline of such driveways as measured along the street. In lieu of one permitted two way driveway, 2 one way driveways may be permitted provided there is a minimum of 30 m between the centerline of all driveways on the lot, as measured along the street.
- (c) The location of driveways shall be no closer than 15 m from the limits of the right-of- way at a street intersection.
- (d) The location of driveways shall be at least 3 m from the side or rear lot line, except where adjacent properties share a common driveway.
- (e) Driveways should meet the traveled portion of the street at 90⁰ and in no case shall be at an angle less than 75⁰.
- (f) The width of a driveway or aisle within a parking area shall be a minimum width of 3 m if for one-way traffic, and a minimum width of 6 m for two-way traffic.
- (g) In all zones the width of a driveway leading from a parking or loading area to a public street shall be a minimum of 3 m for one-way traffic, and a minimum of 6 m for two-way traffic. The maximum width of a driveway shall be as follows:
 - (i) in any Residential Zone: one way 5 m ; two way 8 m;
 - (ii) in any zone other than a Residential Zone: one way 5 m ; two way 9 m;
 - (iii) in any zone other than a Residential Zone where a substantial portion of traffic on the lot consists of highway tractors, the maximum width of driveways may be increased to 7 m for one way traffic and 12 m for two way traffic.
- (h) one additional driveway may be permitted that allows direct access to a loading space provided that such driveway is not for public use and shall be signed as such.

5.6 Parking of Commercial Motor Vehicles in Residential Zones

- (a) In any residential zone, no more than one commercial motor vehicle shall be parked or stored on a lot, except:
In the case of a commercial motor vehicle capable of transporting less than 9 persons or vehicles with a TARE weight less than 3,650 kg, of which not more than 2 such vehicles will be permitted.
- (c) In any residential zone, no commercial motor vehicles or tractor trailers with running refrigeration systems shall be permitted to be parked or stored on a lot overnight.

5.7 Front Yard Parking Restrictions in Residential Zones

Not more than 50% of the required front yard may be used for parking / driveway facilities.

5.8 Street Access Required

No development permit shall be issued where required parking does not have access to a public street.

5.9 Vehicle Stacking for Drive-Through Uses

Businesses providing drive-through services including but not limited to banks, automatic car-wash facilities, and restaurants, shall provide, exclusive of driveways or isles, stacking for vehicle queuing in accordance with the following requirements:

- (i) 5 inbound spaces
- (ii) 2 out-bound spaces

5.10 Parking for Persons with Disabilities

Parking for persons with disabilities shall be provided at a ratio of one space per 100 if more than 25 spaces are provided.

5.11 Vehicle Bodies Not to be Used for Human Habitation

No truck, bus, boat, automobile coach or structure of any kind other than a mini home or dwelling unit erected and used in accordance with this and all other bylaws of the Town shall be used for human habitation within the Town, whether or not the same is mounted on wheels.

5.12 Core Area District Parking Standards

In the Core Area District, off-street parking facilities shall satisfy the following, and shall take precedence over any conflicting parking requirement of this Bylaw:

- a) On property that fronts on East Victoria Street, Church Street, or Havelock Street:
 1. No new off-street parking shall abut said streets.
 2. Entries to rear-lot parking will be permitted (no more than 6 m wide) and single loaded parking on these entries will be permitted provided that:
 - i. The street abutting stall is separated by no less than 1.5 m of landscaping between it and the sidewalk, where feasible.
 - ii. The width of the entry road and parking stall does not exceed the width of the building façade fronting on the street
- b) In a Core Area District:
 1. No parking shall be located between the street and the building.
 2. Where parking abuts a street, the parking frontage shall not exceed the building frontage.
 3. For every space which fronts on the street, the developer shall install a 1.5 m wide landscape bed and provide at least one 50 mm caliper street tree. A 1.5 m (minimum) impervious walkway must link the parking to the sidewalk.

6.0 Signage

6.1 General Provisions

- (a) Where this section is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Highways, the more restrictive regulations shall apply.
- (b) Unless otherwise indicated in this section, no sign shall be erected without first obtaining a development permit from the Development Officer and no such permit shall be issued unless all the provisions of this Bylaw are satisfied.

6.2 Maintenance

- (a) Every sign shall be kept in good repair and working order.
- (b) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention Bylaws.
- (c) If the business, service or other enterprise for which a sign is erected is no longer in operation the sign shall be removed, by the owner, within 60 days of the date the operations cease. Removal of a sign includes the support structure or apparatus to which it is attached.
- (d) Subsection (c) shall not apply to a seasonal enterprise that normally closes during part of the year.

6.3 Signs Permitted in all Zones

The following signs are permitted in all zones and no development permit is required for their erection:

- (a) Signs not more than 0.2 m² in sign area, showing the civic number of a building;
- (b) signs of not more than 0.2 m² in sign area, showing the name of a resident or an occupier;
- (c) "No trespassing" signs or other signs regulating the use of a lot, and of not more than 0.2 m² in sign area, unless otherwise directed by a public authority;
- (d) real estate signs not exceeding 0.6 m² in sign area in a residential zone and 1.5 m² in other zones, which advertise the sale, rental or lease of the premises;
- (e) signs regulating or denoting on-premises traffic, or parking, or other signs denoting the direction or function of various parts of a building or premises, provided that such signs are less than 0.5 m² in area;
- (f) signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public institutions or public election lists or other public notices;
- (g) memorial signs or tablets, and signs denoting the history of a site or structure provided that no such sign exceeds 0.5 m² in area;
- (h) the flag, pennant or insignia of any nation, province or state or of any religious, charitable or fraternal organization;

- (i) a sign having an area of not more than 10 m² incidental to construction and within the area of such construction, and erected only during the period of construction;
- (j) a sign painted on a window; and,
- (k) election signs.

6.4 Signs Prohibited in all Zones

Except where permitted under conditions expressly set out in this section, the following signs are prohibited in all zones:

- (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 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 any similar words, phrases, symbols, lights or characters in such manner as to interfere with, mislead, or confuse traffic along a public road;
- (e) signs on utility poles;
- (f) signs on a public lot or a public right-of-way unless erected by a governmental body, or unless specially permitted by Council, and except sandwich boards signs in the Downtown Zone;
- (g) signs painted on, attached to, or supported by a tree, stone, cliff or other natural object;
- (h) portable signs advertising a business not located on the same property as the said sign.

6.5 Number of Signs

- (a) Notwithstanding anything else in this Bylaw, not more than 3 signs may be erected on any one lot at any one time.
- (b) A double-faced sign shall count as a single sign.
- (c) Signs listed in subsection **6.3** "Signs permitted in all Zones" shall not be counted in calculating the total.
- (d) Not more than 2 ground signs shall be permitted on any one lot except in the case of the Highway Commercial Zone where not more than 1 ground sign shall be permitted for each 15 m of frontage of the lot on which they are placed, but in no case shall the total number of signs on the lot exceed 3.
- (e) All facial signs on a building are counted as 1 sign.

- (f) Not more than 1 projecting wall sign shall be permitted for each business premise.
- (g) A sign painted on or displayed within a window shall not be included in the calculation of the total number of signs on a premise.

6.6 Signs in Residential Zones

Unless otherwise specified in this Bylaw, signage in a Residential Zone shall be subject to the following requirements:

- (a) The maximum sign area shall be 0.2 m² per side in the case of a two sided sign.
- (c) The maximum height of the sign shall be 1.5 m.
- (d) Facia signs shall not be located in excess of 3 m above the grade of the wall upon which it is affixed.
- (e) The sign shall be set back a minimum of 1 m from any lot line

6.7 Off-site Signage

A development permit may be issued for the use of a sign which displays a business or a use not located on the lot or premises subject to the following requirements:

- (a) An off-site sign counts towards the maximum number of signs permitted on the lot where the sign is located.
- (b) The proposed signage complies with all other applicable requirements of this Bylaw respecting signage.
- (c) The off-site sign is not a portable sign.

6.8 Sponsorship Signage on Town Owned Recreational Lands

Sponsorship signage on Town owned recreational lands shall be exempt from the provisions of this bylaw, and no development permit is required. All approvals for sponsorship signage on Town owned recreational lands shall be subject to relevant Town policies regarding such.

6.9 Sandwich Board Signs

In all zones except residential zones, sandwich board signs are permitted without a development permit provided that:

- (a) such signs do not exceed 0.92 m in length and 0.61 m in width;
- (b) the number of such signs shall not exceed 1 per business premise;
- (c) the sign does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way; and,
- (d) the sign does not occupy more than one third of the width of the available sidewalk.

6.10 Ground Signs

- (a) In the Highway Commercial Zone, a ground sign shall not exceed 25 m² in sign area for each sign face.
- (b) In the Downtown Zone, a ground sign shall not exceed 10 m² in sign area for each sign face.
- (c) No ground sign shall project over any public property or space including an public park, street, right-of-way, sidewalk, parking lot, loading space, or place of assembly.
- (d) All supporting apparatus of a ground sign shall have a minimum 2 m setback from any lot line.

6.11 Projecting Wall Signs

A projecting wall sign shall not:

- (a) exceed 3 m² in sign area;
- (b) project more than 2 m from the wall upon which it is attached;
- (c) project over a corner sight triangle;
- (d) project above the eaves, parapet or roof line of a building;
- (e) be permitted to swing freely on its supports;
- (f) be less than 3 m off the ground at its lowest point;
- (g) notwithstanding clause 6.4 (f), a projecting wall sign may extend over a public right-of-way in the Downtown Zone, subject to the following requirements:
 - (i) the sign or any portion of the sign structure shall not project into the right-of-way a distance greater than 2/3 the width of the sidewalk; and
 - (ii) the sign requires a building permit issued in accordance with the Town of Amherst Building Bylaw.

6.12 Facial Wall Signs

Facial wall signs shall:

- (a) not cover more than 0.6 m² per lineal meter of the wall on which the sign is affixed;
- (b) not extend more than 0.3 m beyond the wall to which it is affixed; and
- (c) not extend more than 0.3 m above the top of the wall upon which it is located.

6.13 Roof Signs

Roof signs shall:

- (a) not cover more than 0.6 m² per lineal metre of roof upon which the sign is affixed;
- (b) not extend more than 0.3 m beyond the roof to which it is affixed; and
- (c) not extend beyond the peak of the roof to which it is affixed.

6.14 Sign Standards in Core Area District

Signage within a Downtown District shall conform to the following, and shall take precedence over any conflicting signage requirement of this Bylaw:

- a) A sign board for commercial signage or awnings is required above the ground floor windows, and must be integrated into the architecture of the building.
- b) Signs on the top storey are permitted provided they are no greater than 0.3 sq m times the number of storeys (i.e. a 6 storey building can have 1.8 sq m sign).
- c) New Back-Lit or internally illuminated signs are not permitted in the Core Area District, except for backlight raised lettering only, where letters are greater than 200 mm high and no deeper than 150 mm, and electronic signs subject to section 6.14 (i).
- d) Projecting signs are permitted and encouraged. Projecting signs can be no larger than 3 sq metres, and have a minimum clearance of 2.7 m above grade.
- e) Spot lights, gooseneck light fixtures and other decorative light fixtures are permitted and encouraged for illuminating signs.
- f) Directory signs no larger than 2.5 sq m in area are permitted.
- g) Other than sandwich board signs, portable, and free-standing reader board signs are not permitted.
- h) Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;
- i) Electronic signs are permitted as part of a freestanding, fascia, or canopy sign subject to the general provisions and the following standards:
 - (i) the message duration shall not be less than 10 seconds;
 - (ii) the message transition shall be instantaneous;
 - (iii) message transition shall not involve any visible effects including but not limited to scrolling, fading, dissolving, intermittent or flashing light, or the illusion of such effects;
 - (iv) the maximum brightness levels of the electronic sign shall be 5,000 nits during daytime and 500 nits at nighttime;
 - (v) the sign shall use automatic dimming technology which automatically adjusts the sign copy's brightness in direct correlation with ambient light conditions;
 - (vi) the sign shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. (Atlantic time) unless the business is open or in operation during those hours;
 - (vii) the sign shall be turned off in the case of a malfunction; and,
 - (viii) in any case, no electronic sign in the Downtown Zone shall exceed 3 m² (32 sqft) in area.

7.0 Residential

7.1 General Provisions for All Residential Zones

7.1.1 Home Occupations

A development permit shall be issued for a home occupation contained in a dwelling or accessory building, provided that:

- (a) the dwelling is occupied as a residence by the user and the external appearance of the dwelling is not changed by the home occupation;
- (b) there shall not be more than 2 assistants who are not residents in the dwelling employed in the use;
- (c) not more than 25% of the total floor area of the dwelling or 50 m² whichever is less, may be devoted to the home occupation;
 - (i) in calculating the total floor area of a dwelling where a home occupation is being operated in an unfinished basement, attic, porch, sunroom, or attached garage, the total floor area of the basement, attic, porch, sunroom or attached garage shall be included in calculating the total floor area of the dwelling.
 - (ii) in the case of a home occupation operating in an accessory building, the size of the home occupation shall not exceed 25% of the total floor area of the dwelling combined with that of any accessory buildings involved;
- (d) one off-street parking space, in addition to that required for the dwelling, is provided for every 25 m² of floor space occupied by the home occupation;
- (e) no outdoor storage or outdoor display shall be permitted;
- (f) no retail sales of merchandise shall take place on the property, except to the customer already purchasing a service on the property as an accessory to the service being provided.

Note to Readers

Retail sales of merchandise are permitted in a home occupation which are clearly accessory and incidental to the main home occupation use. (Examples include the sale of hairspray by a hairdresser or contact lenses by an optometrist.)

7.1.2 Special Requirements for Bed and Breakfasts

In any Residential Zone, a development permit shall be issued for a bed and breakfast establishment provided that:

- (a) such use is accessory to the main residential use occupied by a resident of the property;
- (b) parking is located in the rear or side yard and complies with the requirements of Section 5.1 of this bylaw;
- (c) only breakfast is served solely for registered guests;
- (d) the bed and breakfast operation is the only accessory use on the lot, and;
- (e) no addition or expansion is made to the footprint or bulk of the building, other than modifications necessary to comply with fire safety standards.

7.1.3 Special Requirements for Converted Dwellings

In addition to all other regulations in this Bylaw, an existing structure in a Residential Zone may be converted to an additional dwelling unit or units subject to the following special requirements:

- (a) The total number of units in the building shall not exceed 4;
- (b) The conversion is undertaken without addition or expansion to the footprint or bulk of the building, except where modifications are necessary to comply with fire safety standards;
- (c) The parking area requirements shall conform to Section 5.1 of this Bylaw;
- (d) The amenity space requirements in Section 7.1.4 shall apply; and,
- (e) Where any or all of the above criteria cannot be satisfied, the development may be considered by Development Agreement as outlined in Policy RP-9.

7.1.4 Amenity Space Requirements

In any zone, a development permit for a building containing 3 or more units shall provide 20 m² per unit of amenity space and is subject to the following requirements:

- (a) Amenity space may include a combination of balconies, indoor recreation rooms, saunas, sundecks, patios, tennis courts, swimming pools as well as any landscaped open area with a finished grade of less than 8%.
- (b) Where a dwelling unit is provided with a balcony at least 6 m² in floor area, the 20 m² amenity space requirement shall be waived.
- (c) Amenity Space shall not include any parking areas, hallways, foyers, utility rooms, or laundry areas.

7.1.5 Special Requirement: Trees

- (a) A development permit issued for any apartment building or townhouse project shall require at least one live tree a minimum of 1.5 m. in height to be planted for every 50 m² of area in the front yard of the structure which is not occupied by a parking area.
- (b) Existing trees on the site which are not destroyed during the construction period may replace some or all of the trees required by this section. New plant materials are required to be installed during the first planting season following the commencement of construction, and to nursery standards.

7.1.6 Special Requirement: Grouped Buildings

- (a) Wherever more than one multi-unit residential building is located on a lot the minimum distance between the buildings shall be 6 m.
- (b) A development permit shall not be issued for more than one single detached dwelling on a single lot, or where there is an existing dwelling on the same lot.

7.1.7 Yard and Garage Sales

- (a) Yard/garage sales may be undertaken on any lot, in any zone provided the sale is conducted by an owner/resident of the subject site, or by a non-profit group, community association, or other similar group or organization.
- (b) No more than 6 yard/garage sales may be conducted from one lot in one calendar year, and any 1 sale may not last more than 3 consecutive days.

7.1.8 Front Yard Setback and Orientation

- (a) The main wall of a new primary building shall be set back from the street a distance no greater than the average front yard setback of neighbouring properties on the same block.
- (b) Encroachments are permitted within the required setback in accordance with subsection 4.19 of this bylaw.
- (c) New main buildings shall be sited so that the façade is parallel to the street it faces.

7.1.9 Corner Lots

- (a) Blank building facades are not permitted along any street frontage. All facades shall be treated with the same quality of materials and similar architectural detailing. Elements such as corner and side windows, wrap-around verandas or decks, bay windows, turrets, areas of decorative brick, or other interesting architectural element shall be incorporated.

7.2 General Residential Zone

7.2.1 General Residential Zone Uses Permitted

In the General Residential Zone, the following uses shall be permitted:

- (a) Single Detached Dwellings
- (b) Double Dwellings
- (c) Apartment Buildings (less than 5 units)
- (d) Converted Dwellings (subject to section 7.1.3)
- (e) Townhouses
- (f) Boarding houses
- (g) Bed and Breakfast Establishments
- (i) Home Occupations
- (j) Residential Day Care Centres
- (k) Parks, Open Spaces, and Public Trails
- (l) Existing trucking operation at 76 East Pleasant Street (PID 25026626)

7.2.2 Permitted Uses by Development Agreement

In a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

- (a) A restaurant as part of bed and breakfast establishment in accordance with Policy RP-16 of the MPS.
- (b) A group home or boarding house in accordance with Policy RP-13 of the MPS.
- (c) A garden suite in accordance with Policy RP-14 of the MPS.
- (d) Apartment buildings greater than 4 units in accordance with Policy RP-9 of the MPS.
- (e) Long Term Care Facilities and Homes for Special Care in accordance with Policy RP-19.

7.2.3 Zone Requirements

In any Residential Zone, all development permits shall be issued in conformity with the following requirements:

(a) Single Detached Dwelling		
Minimum lot area		450 m ²
Minimum lot frontage		15 m
Minimum front yard		6 m
Minimum rear yard		6 m
Minimum side yard	One side	1.3 m
	Other side	3 m
Minimum flanking yard		6m
Maximum height		11 m

(b) Multiple Unit Dwellings		
Minimum lot area	Apartment Building	300 m ² per unit
	Townhouse	300 m ² per unit
	Converted/Duplex/Semi-Detached/Other	560 m ²
Minimum lot frontage	Apartment Building	10 m per unit
	Townhouse	6 m per unit
	Converted/Duplex/Semi-Detached/Other	20 m
Minimum front yard	Townhouse	10 m
	All Other Types	6 m
Minimum rear yard	All Types	8 m
Minimum side yard	Apartment Building	One side 2 m
		Other side 3 m
	Townhouse	Common Wall 0 m
		Outside Wall 3 m
Minimum flanking yard		6 m
Maximum height		11 m

7.2.4 Special Requirement - Existing trucking operation at 76 East Pleasant Street (PID 25026626)

- Any ground surface not covered by vegetation to be treated so as to be dust free;
- No storage aggregate (sand or gravel) be permitted on the property;
- The storage of petroleum products on the site be in compliance with any and all relevant provincial regulations.

For the purposes of this section the existing trucking operation includes: the parking, storage and maintenance of up to four commercial motor vehicles; the parking, storage and maintenance of up to 4 additional passenger vehicles associated with the business; the operation of an office within the existing single detached dwelling on the property used to coordinate the day to day operation of the business as well as usual bookkeeping and business functions; the storage of various hand tools and maintenance equipment; the use of the existing garage on the property for the trucking business; up to six persons employed on the site.

7.3 Low Density Residential Zone

7.3.1 Low Density Residential Zone Uses Permitted

In the Low Density Residential Zone, the following uses shall be permitted:

- (a) Single Detached Dwellings
- (b) Double Dwellings
- (c) Bed and Breakfast Establishments
- (d) Home Occupations
- (e) Residential Day Care Centres
- (f) Parks, Open Spaces, and Public Trails

7.3.2 Permitted Uses by Development Agreement

In a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

- (a) A restaurant as part of bed and breakfast establishment in accordance with Policy RP-16 of the MPS.
- (b) A garden suite in accordance with Policy RP-14 of the MPS.

7.3.3 Zone Requirements

In any Residential Zone, all development permits shall be issued in conformity with the following requirements:

(a) Single Detached Dwelling		
Minimum lot area		450 m ²
Minimum lot frontage		15 m
Minimum front yard		6 m
Minimum rear yard		6 m
Minimum side yard		1.3 m
		3 m
Minimum flanking yard		6m
Maximum height		11 m

(b) Two Unit Dwellings		
Minimum lot area		360 m ² per unit
Minimum lot frontage		24 m
Minimum front yard		6 m
Minimum rear yard		6 m
Minimum side yard		4 m
Minimum flanking yard		6 m
Maximum height		11 m

7.4 Mini Home Park Zone

7.4.1 Mini Home Park Zone Uses Permitted

The following use shall be permitted in the Mini Home Park Zone:

- (a) All uses permitted in the General Residential Zone, subject to General Residential Zone regulations
- (b) Mini Homes
- (c) Mini Home Parks
- (d) Multiple Section Mini Homes

7.4.2 Accessory Uses Permitted

Accessory uses are permitted in the Mini Home Park Zone provided that the accessory use does not exceed 35 m² of floor as per mini home rental pad or space.

7.4.3 Conformance with Mini Home Park Bylaw

Notwithstanding anything in this Bylaw, any development permit issued for a Mini Home Park shall satisfy all relevant provisions of the Mobile Home Park Bylaw.

8.0 Commercial Zones

8.1 General Provisions for Commercial Zones

8.1.1 Residential Uses in Commercial Zones

In any Commercial Zone, any development permit for a residential use shall:

- (i) satisfy all applicable Residential standards in this Bylaw.

8.1.2 Special Requirements for Motor vehicle Fuelling Stations

In any Commercial Zone, a development permit for a Motor vehicle Fuelling Station shall be issued, provided that:

- (i) no portion of any pump island shall be located closer than 6 m to any street line; and,
- (ii) the lot frontage is at least 50 m.

8.1.3 Outdoor Retail Display on Public Sidewalks

No development permit shall be issued for outdoor retail display on a public sidewalk unless:

- (a) The retail display is located in the Downtown Zone.
- (b) The retail display is only set up during the hours of operation for the associated business.
- (c) The retail display is only set up from May 1st to October 31st.
- (d) The retail display is limited to the sidewalk directly abutting the associated business.

8.2 Highway Commercial Zone

8.2.1 Zone Uses Permitted

The following uses shall be permitted in the Highway Commercial Zone:

Animal Hospital and Veterinary Establishments

Banks and Financial Institutions

Business and Professional Offices

Commercial Recreation Centres

Commercial Schools

Community Centres

Display Courts

Funeral Homes

Garden and Nursery Sales & Supplies

Hotels and Motels

Industrial & Agricultural uses existing as of the date of adoption of this bylaw.

Institutional Uses, (schools, government offices, churches, police stations, similar uses.)

Lounges and Beverage Rooms

Light manufacturing

Medical Clinics

Motor Vehicle Fuelling Stations

Motor Vehicle Sales, Rental, and Repair

Parking lots and Parking Structures

Private Clubs and Fraternal Organizations

Photography Studios

Printing Establishments

Outdoor Retail Display

Religious Institutions

Residential uses subject to section 8.1.1 and 8.1.2

Restaurants, Drive-thru or Take-Out, Cabarets

Retail Stores

Self Storage Facilities

Service and Personal Service Shops

Taxi, Bus and Train Stations

8.2.2 Highway Commercial Zone Requirements

In the Highway Commercial Zone, all development permits shall be issued in conformity with the following requirements:

(a) Zone Requirements

Minimum lot area		1000 m ²
Minimum lot frontage		60 m
Minimum front yard		8 m
Minimum rear yard		3 m
	where adjacent to a residential zone	8 m
Minimum side yard		3 m
Maximum height		22 m

- (b) In the Highway Commercial Zone, all developments shall satisfy the applicable parking requirements in **Section 5** of this Bylaw.

8.2.3 Landscaping Requirements

In the Highway Commercial Zone, any development permit for a new building shall satisfy the following landscaping requirements:

- (a) One live tree at least 1.5 m in height shall be planted every 50 m² of area in the front and flanking yards, where not occupied by parking area.
- (b) All developments greater than 900 m² in area shall provide a minimum of 6 m of landscaped open space along the entire street frontage, minus driveways.
- (c) Any development fronting on Robert Angus Drive between Church Street and South Albion Street shall provide a minimum of 6 metres of landscaped open space along the entire street frontage, minus driveways.

8.3 Downtown Zone

8.3.1 Downtown Zone Uses Permitted

The following uses shall be permitted in the Downtown Zone:

Banks and Financial Institutions

Business and Professional Offices

Commercial Recreation Centres

Commercial Schools

Community Centres

Funeral Homes

Garden and Nursery Sales & Supplies

Hotels and Motels

Industrial uses existing as of the date of adoption of this bylaw

Institutional Uses, (schools, government offices, churches, police stations, similar uses.)

Lounges and Beverage Rooms

Light manufacturing

Medical Clinics

Motor Vehicle Fuelling Stations subject to section 8.3.2 and 8.4.1

Motor Vehicle Sales, Rental, and Repair subject to section 8.3.2 and 8.4.1

Parking lots and Parking Structures

Private Clubs and Fraternal Organizations

Photography Studios

Printing Establishments

Outdoor Retail Display

Religious Institutions

Residential uses subject to section 8.1.1, 8.3.2, and 8.4

Restaurants, Drive-thru (subject to section 8.3.2 and 8.4.1) or Take-Outs, Cabarets

Retail Stores

Self Storage Facilities subject to section 8.4.1

Service and Personal Service Shops

Taxi, Bus and Train Stations

8.3.2 Permitted uses by Development Agreement

In the Downtown Zone, a development permit application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policies:

- (a) Where the new development will be located on a lot that is adjacent to a designated heritage property in accordance with Policy CP-10 of the MPS.
- (b) Where the new development will have a ground floor area in excess of 1,500 m² in accordance with Policy CP-11 of the MPS.
- (c) Any use that involves the outdoor display of motor vehicles, vehicle stacking for drive thru purposes, and motor vehicle fueling stations, subject MPS Policy CP-13.
- (d) Ground floor residential uses subject to MPS-Policy CP-15.

8.3.3 Uses Subject to Site Plan Approval

In the Downtown Zone, sidewalk patios shall be subject to Site Plan approval in accordance with MPS Policy CP-14.

8.3.4 Zone Requirements

In the Downtown Zone, all development permits shall be issued in conformity with the following requirements:

a) Downtown Zone Requirements

Minimum lot area	200 m ²
Minimum lot frontage	6 m
Minimum front yard	none
Minimum rear yard	none
Minimum side yard	none
Maximum height	22 m (72 ft)

- (b) All developments shall be exempt from **minimum** parking requirements outlined in Section 5.1

8.3.5 Front Yard Setback on Albion Street

Notwithstanding any other provision of the Bylaw, the front yard setback for a new building fronting on Albion Street within the Downtown Zone shall be 3 metres, and 6 metres from any residential property line where adjacent to a residential zone.

8.4 Core Area District

In addition to section 8.3 Downtown Zone requirements, properties located in the Core Area District shall satisfy the requirements of this section. For the purposes of this section, a principal street shall include: East Victoria Street, Church Street, Havelock Street, Electric Street, King Street, and Ratchford Street. Where a property has frontage on more than one street, the principal street is considered the front of the property. Where a property has frontage on more than one principal street, East Victoria will be considered the front of the property.

8.4.1 Vehicular Oriented Uses in a Downtown District:

In the Core Area District, the following shall not be permitted on Victoria Street, Church Street, Havelock Street, King Street, Electric Street, or Ratchford Street, and may be permitted elsewhere in a Downtown District, subject to any other relevant section of this bylaw:

- a) Motor Vehicle Fueling Stations
- b) Motor Vehicle Sales, Rental, or Repair
- c) Car Washes
- d) Drive-thru's
- e) Self Storage Facilities

8.4.2 Parking

In the Core Area District, parking shall conform to Section 5.4, 5.5, and 5.12 of this Bylaw, and shall:

- a) not be increased where it abuts East Victoria Street, Church Street, and Havelock Street;
- b) be designed and configured so as to minimize its visual dominance from the street;
- c) not be located between the building and the street; and,
- d) include a landscaped strip with a minimum width of 1.5 metres where parking facilities abut a street;

8.4.3 Building Materials

In the Core Area District no building, except residential dwellings located on Prince Arthur, Maple Street, and Crescent Street, shall have vinyl or aluminum cladding along any wall that abuts or otherwise fronts on a street.

8.4.4 Commercial Requirements

In the Core Area District, except Institutional uses, all non-residential uses within new developments and additions to existing buildings that constitute a 10% or more increase in building footprint, shall satisfy the following requirements:

- a) a minimum ground floor ceiling height of 3.2 metres;
- b) a public entrance located on the principle street frontage or the building wall closest the street, or at the corner in the case of a corner lot;
- c) windows that occupy no less than 50% of any street fronting wall below the second floor;
- d) clear windows and doors with at least 88% light transparency and no reflective or tinting treatment on the ground floor;
- e) an awning, overhang, or weather-protecting structure over all public entry ways;
- f) buildings with frontage greater than 12 meters shall be broken down into horizontal compartments with a distinct change in vertical architectural articulation using at least one of the following: different materials, projections, bays, roof changes, or colours.

- g) building setbacks shall align with the established front and flanking yard setbacks along any street frontage. Where no established setback exists a maximum front and flanking yard setback of one (1) metre for at least 60% of the building wall is required;
- h) areas for signage shall be incorporated in the initial building design; and
- i) mechanical or communication appurtenances larger than 0.5 square meters shall not be visible from the street.

8.4.5 Residential Uses

In the Core Area District, residential requirements shall be subject to the relevant sections of this Bylaw, and the following requirements:

- a) upper floor conversions of non-residential uses to a residential use shall be permitted;
- b) detached single and double dwellings are not permitted;
- c) ground floor residential uses may be permitted for developments containing twenty (20) or more dwelling units on principal streets, subject to MPS Policy CP-15;
- d) on any principal street, the first 12.2 m (40 feet) of building ground floor area, measured at 90 degrees from the property line abutting any principal street, or the front of the building facing the street in cases where the front of the building is not located directly on the front property line, shall be restricted to non-residential uses otherwise permitted in the zone;
- e) new residential buildings shall be no less than 2 stories;
- f) buildings shall align with the front and flanking yard setbacks established by existing buildings on the same block.
- g) primary entries to multi-unit buildings shall front on a street;
- h) the primary entry shall be a highly visible architectural feature incorporating elements such as awnings, roof overhangs, lighting, double doors, glazing and/or distinct architectural materials;
- i) buildings with multiple stories shall have an architecturally distinct base, middle, and top;
- j) mechanical or communication appurtenances larger than 0.50 square meters shall not be visible from the street;
- k) all patios shall be recessed into the building at least 1.5 meters, with no patio extending more than 2.0 meters beyond the outer building wall; and,
- l) buildings with frontage greater than 12 meters shall be broken down into horizontal compartments with a distinct change in vertical architectural articulation using at least one of the following: different materials, projections, bays, roof changes, or colours.

8.5 Limited Commercial Zone

8.5.1 Limited Commercial Zone Uses Permitted

The following uses shall be permitted in the Limited Commercial Zone:

Apartment buildings and townhouses subject to Residential zone standards

Banks and financial institutions Business and

professional offices Restaurants, excluding

drive thru restaurants Commercial schools

Community centers

Group care facilities

Institutional uses

Light manufacturing

Medical clinics

Photography Studios

Printing establishments

Retail stores

Service and personal service shops

8.5.2 Limited Commercial Zone Requirements

All developments are subject to the Highway Commercial District lot specifications, in addition to the following specifications:

- (a) The required yard shall be 8 m where immediately adjacent to an area designated Residential.
- (b) A continuous landscaped buffer through the use of plant material, fencing, and the like, shall be required where the zone abuts a residential designation

8.6 Neighbourhood Commercial Zone

8.6.1 Neighbourhood Commercial Zone Uses Permitted

The following uses shall be permitted in the Neighbourhood Commercial Zone:

- (a) Retail stores and accessory residential uses
- (b) Restaurants and take-out restaurants up to a maximum of 50 m² in seating area
- (c) Any uses permitted in the General Residential Zone, subject to the General Residential Zone Requirements

8.6.2 Neighbourhood Commercial Zone Requirements

(a) Neighbourhood Commercial Requirements

Minimum lot area	500 m ²
Minimum lot frontage	15 m
Minimum front yard	6 m
Minimum rear yard	6 m
Minimum side yard	3 m
Maximum height	11 m

- (b) In any Neighbourhood Commercial Zone, all developments shall satisfy the applicable parking requirements in **Section 5** of this Bylaw.

8.6.3 Maximum Floor Area

In a Neighbourhood Commercial Zone, not more than 100 m² of floor area may be devoted to commercial purposes. For the purpose of this Section, Commercial purposes shall exclude any furnace room, utility rooms, and washrooms. In addition, storage space not exceeding twenty percent (20%) of the total floor area of the building shall be excluded.

8.6.4 Directional Parking Signs

Where parking in a Neighbourhood Commercial Zone is provided in any rear or side yard, a directional parking sign shall be provided.

9 Industrial

9.1 Industrial Zone Uses Permitted

The following uses shall be permitted in the Industrial Zone:

Any manufacturing, industrial, assembly or warehousing operation
Any activity connected with the automotive trade, excluding salvage yards
Boat and Marine Supplies and Sales
Building supply and equipment depots including the bulk storage of sand or gravel
Railway uses
Recycling Collection and Storage Facilities, excluding salvage yards
Retail and office uses incidental to the main industrial use

9.2 Industrial Zone Requirements

(a) Industrial Requirements

Minimum lot area		1000 m ²
Minimum lot frontage		40 m
Minimum front yard		6 m
Minimum rear yard		6 m
Minimum side yard		3 m
Minimum Required Yard	Where abutting a residential designation	20 m
Maximum height		unlimited

(b) In the Industrial Zone, any development permit shall satisfy the parking requirements in Section 5 of this Bylaw.

9.3 Outdoor storage and Display

In the Industrial Zone, no outdoor storage or display shall be permitted in the front yard or in a required yard abutting a Residential Zone.

9.4 Motor vehicle Fuelling Stations

Automobile Fuelling stations in the Industrial Zone shall be subject to the requirements for such uses in the Highway Commercial Zone.

9.5 Services Required

No development permit shall be issued for a use involving buildings containing plumbing fixtures in an Industrial (I) Zone in areas not served with municipally approved piped water and sanitary sewer service.

10 Special Use Zones

10.1 Institutional Zone

10.1.1 Institutional Zone Uses Permitted

The following uses shall be permitted in the Institutional Zone:

- (a) Any use permitted in an Open Space Zone
- (b) Religious institutions
- (c) Schools
- (d) Group care facilities
- (e) Libraries, Museums and Art Galleries
- (f) Non-residential day care centres
- (g) Community centres
- (h) Funeral homes
- (i) Recreational Uses
- (j) Public Buildings

10.1.2 Institutional Zone Requirements

Any development permit in the Community Use Zone shall satisfy the following requirements:

(a) Institutional Requirements	
Minimum lot area	1000 m ²
Minimum lot frontage	20 m
Minimum front yard	8 m
Minimum rear yard	8 m
Minimum side yard	4 m or half the height of the building, whichever is greater
Maximum height	15 m

- (b) In a Institutional Zone, all developments shall satisfy any applicable parking requirements in **Section 5** of this Bylaw.

10.1.3 Landscaping Required

All areas not occupied by buildings, structures, parking areas or loading areas shall be landscaped and a minimum of one tree at least 1.5 m in height shall be planted or retained for every 50 m² of landscaped area.

10.1.4 Accessory Uses in the Institutional Zone

The occasional rental of the property to a third party is permitted for the following uses for a period up to 5 consecutive days.

- Bingos
- Meetings
- Dances
- Beer gardens
- Dinners
- Festivals and fairs
- Concerts
- Trade shows
- Private parties
- Retail activities

10.2 Enheat Site: Comprehensive Development District (CDD) Zone

10.2.1 CDD USES PERMITTED

No development permit shall be issued for a development in the CDD Zone except in accordance with a development agreement executed under Policy EN-4 of the Municipal Planning Strategy.

10.3 Open Space Zone

10.3.1 Open Space Zone Uses Permitted

Only the following uses shall be permitted in the Open Space Zone:

Cemeteries

Pavilions, Band Shells

Public and Private Parks, Playgrounds, and Public trails

Sports fields

Buildings and Structures Accessory to the foregoing including canteens and related amenities

10.3.2 Open Space Zone Requirements

A development permit issued in an Open Space Zone shall have a minimum setback of 10 m from any lot line.

10.4 Flood Plain Zone

10.4.1 Flood Plain Zone Uses Permitted

The following uses shall be permitted in a Flood Plain Zone:

- a) Parks and recreational uses involving no buildings
- b) Existing residential uses and associated accessory uses located at the following lots
 - i) PID# 25030636
 - ii) PID# 25017591
 - iii) PID# 25017609

10.4.2 Special requirements for Existing Buildings

Any building or structure existing at the effective date of this Bylaw, and lying within the Flood Plain Zone may be repaired, reconstructed, expanded, or relocated providing that:

- (a) any such work does not reduce the existing distance between Dickey Brook and the said existing building or structure; and,
- (b) all other applicable provisions of this Bylaw are satisfied.

10.4.3 Special Requirements for Accessory Structures

A structure accessory to an existing use may be erected in a Flood Plain Zone if located no closer to Dickey Brook than any existing main or accessory buildings on the lot.

SCHEDULE A - ZONING MAP

Schedule B

List of Fees

Copy of LUB Text	\$20.00
Copy of Zoning Map (11 x 17)	\$5.00
Copy of Zoning Map (big)	\$10.00
Application for Re-zoning / zone amendment	\$200.00
Application for Development Agreement / DA amendment	\$200.00
Application for Municipal Planning Strategy Amendment	\$300.00
Application for Variance and / or Site Plan	\$75.00
Development Permit	\$50.00

Appendix A

List of Amendments to the Land Use Bylaw

Bylaw #	Effective Date	Location	Type*
P-2-1	December 22, 2005	35 Poplar Street	Map Amendment; Institutional to General Residential
P-2-2	August 17, 2006	3 Robie Street	Map Amendment; Residential to Institutional
P-2-3	August 17, 2006	n/a	Text Amendment; Recreation uses in Institutional zone
P-2-4	August 17, 2006	76 East Pleasant St.	Text Amendment Permit Existing Trucking Operation
P-2-5	December 11, 2006	South Albion Street	Map and Text Amendment; applying the DC zone to Albion and 3 metre front yard setback
P-2-6	January 29, 2007	n/a	Various administrative text amendments
P-2-7	May 30, 2007	n/a	Text amendment to permit Long Term Care Facilities in GR zone by DA
P-2-8	May 4, 2007	n/a	Text amendment to permit two story accessory structures
P-2-9	May 30, 2007	n/a	Text amendment to permit ground floor residential uses in the DC zone by DA
P-2-11	March 29, 2010	n/a	Replace Sections 7.2.3 and 7.3 to reduce the required street frontage and side yard setbacks for new residential building lots
P-2-12	November 28, 2011	n/a	Add sections 7.1.8 and 7.1.9 to regulate how residential buildings relate to the street
P-2-13	January 28, 2013	n/a	Add section 4.29 Roofs
P-2-16	May 27, 2013	n/a	Zoning Map amended to apply Institutional Zone to properties
P-2-17	June 24, 2013	n/a	Core Area District and requirements
P-2-18	February 24, 2014	n/a	Accessory Buildings 4.1(a)
P-2-19	May 26, 2014	59 East Pleasant PID # 25491895.	Apply General Residential Zone to the property
P-2-20	December 22, 2014	n/a	Off Site Signage removed (6.7(c))
P-2-21	January 26, 2015		Building Height and Institutional Requirements in Design Guidelines, 8.4
P-2-22	April 18, 2018	n/a	Sign Standards in Core District Area add (h) and (i) to Section 6.14
P-2-23	October 22, 2018	283-295 Church St.	Map Amendment – Industrial to Highway Commercial

*the description is not specific, please refer to document for details