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TOWN OF KENTVILLE LAND USE BY-LAW

PART 1

TITLE

This By-law shall be known and may be cited, as the **Land Use By-law** of the Town of Kentville.

DEFINITIONS

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

1.1 Accessory Building means a subordinate building or structure on the same lot as the main building, devoted exclusively to an accessory use but does not include a building located completely underground.

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

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

1.4 Amenity Space means any yard space, as required by this Bylaw, which is usable and not occupied by a building or used as a driveway or parking space.

1.5 Agricultural uses or structure means any use or structure necessary for the cultivation of vegetation and the raising of animals or fowl.

1.6 Animal Hospital means the premises where animals, birds or other livestock are treated and kept for monetary gain.

1.7 Apartment Building means a building, other than a converted dwelling, containing three or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use in common, certain areas of the building.

1.8 Attached Building means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

1.9 Attic means the portion of a building situated wholly or in part within the roof.

1.10 Automobile Repair Shop means a building or part of a building used for the mechanical repair of motor vehicles and includes an auto-body shop.

1.11 Auxiliary Dwelling Unit See Dwelling Types

1.12 Automobile Sales Establishment means a building or part of a building or space on a lot used for retail sales or rental of motor vehicles, vehicle accessories, and includes a public garage and repair shop.

1.13 Automobile Service Station or Service Station means a building, or part of a building, or a clearly defined space on a lot, used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles other than an automobile washing establishment or an automobile sales establishment.

1.14 Automobile Washing Establishment means a building, or part thereof, used for the operation of automobile washing equipment which is automatic, or semi-automatic.

1.15 Bachelor Apartment means a dwelling unit designed for occupancy by one or two persons and consisting of a bed-living room, a kitchen or kitchenette, and a bathroom.

1.16 Basement Apartment means an apartment located in the basement of a building.

1.17 Basement means that portion of a building between two floor levels which is partly underground but which has more than one half of its height from finished floor to underside of floor joists of the storey next above, above the adjacent average finished grade level adjacent to the exterior walls of the building.

1.18 Bed and Breakfast means a dwelling in which there is a resident owner or resident manager who provides overnight accommodation and meals (usually breakfast, but occasionally other meals as well) for the travelling public, notably tourists.

1.19 Block means the smallest unit of land the boundaries of which consist entirely of public streets, rivers, public parks or any combination thereof.

1.20 Boarding or Rooming House means a dwelling in which the proprietor supplies either room or room and board for monetary gain, to a maximum of five bedrooms excluding those used by the lessee or owner thereof or family members and which is not open to the general public and does not include a nursing home, special care facility, or group home.

1.21 Building means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment, and any external chimney, staircase, porch or other structure used in connection with such building.

1.22 Building Line means any line regulating the position of a building or structure in relationship to the street and the side and rear lot lines.

1.23 Bulk Storage Facility means a place for the outdoor storage or tank storage of large quantities or raw material or industrial related goods such as liquids (fuel oil), gasses, minerals, pipes, gravel, fertilizers, and grain.

1.24 Business Office means a room where business may be transacted, a serviced performed or consultation given but does not include the manufacturing of any product or the on-site retailing or selling of goods.

1.25 By-law means this By-law which is the Land Use By-law for the Town of Kentville

1.26 Carport means a building or structure which is not wholly enclosed and is used for the parking or storage of a private passenger vehicle or vehicles.

1.27 Church means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, a day nursery operated by the church.

1.28 Clinic means a building or part of a building used for the medical, dental, surgical or therapeutical treatment of human beings but does not include a public or private hospital or a professional office of a doctor located in his residence.

1.29 Commercial Club means any club operated for gain other than a private club, as defined herein.

1.30 Commercial Motor Vehicle means any motor vehicle having permanently attached thereto, a truck or delivery body and includes ambulances, hearses, motor buses, tractors, and taxis.

1.31 Commercial School means a school of seven or more pupils gathered at one time, conducted for gain, and includes a secretarial school, language school, or a driving school.

1.32 Community Centre means any tract of land, or building or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Town, a local board or agent thereof, or a charitable organization.

1.33 Convenience Store means a building which is used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazines, confectionary items, grocery items and a snack bar provided that any eating facility is within a wholly enclosed building.

1.34 Converted Dwelling means a dwelling house that has been converted to provide therein two or more dwelling units.

1.35 Corner Lot means a lot situated at the junction of two or more streets, which, at their point of junction, form an angle of not more than 135 degrees adjacent to such corner lot.

1.36 Court means an open, uncovered and unoccupied space appurtenant to a building and bounded on two or more sides by walls of a building.

- i) **Depth of Court** means the greatest average horizontal dimensions of such court.
- ii) **Outer Court** means a court which extends to or opens upon a yard, street or highway.
- iii) **Width of Court** shall mean the least horizontal dimension between the opposite sides measured at right angles to the longest side of such court.

1.37 Council or Town Council shall mean the Council of the Town of Kentville.

1.38 Coverage means the combined area of all buildings on the lot at the level of the floor of the lowest storey above grade.

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

1.40 Day-care Centre means a place where fourteen or fewer persons are cared for on a temporary daily basis without overnight accommodations but does not include a school.

(Amended July, 2003)

1.41 Daylighting Triangle means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection the distance required by this bylaw along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting lines and the straight line joining the points between the required distance along the street lines shall be known as the daylighting triangle.

1.42 Development Agreement means an agreement made pursuant to the provisions of the Municipal Government Act.

1.43 Development Officer means the officer of the Town of Kentville, who from time to time is charged by the municipality with the duty of administering the provisions of the Zoning By-law.

1.44 Domestic and Household Arts includes dressmaking, tailoring, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys.

1.45 Dry Cleaning or Laundry Distribution Station or Depot means a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process.

1.46 Dry Cleaning or Laundry Establishments means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and which only solvents are or can be used which emit no odours or fumes and which no noise or vibration causes a nuisance or inconvenience outside of the premises.

1.47 Dwelling means a building, occupied or capable of being occupied as a home of a residence containing one or more dwelling units and shall not include a motel.

1.48 Dwelling Types

- i) **Single Unit** means a dwelling designed as one dwelling unit
- ii) **Single Unit Detached** means a completely detached dwelling unit.
- iii) **Semi-detached** means a building that is divided vertically into two dwelling units.
- iv) **Converted Dwelling** means a building converted to contain a greater number of dwelling units than the building prior to that conversion.
- v) **Duplex** means a separate building divided horizontally into two dwelling units.
- vi) **Triplex** means a separate building divided into three dwelling units.

- vii) **Rowhouse or Townhouse** means a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
- viii) **Multiple Unit Dwelling** means a building which contains three or more dwelling units which have a common entrance from the street.
- ix) **Grouped Dwellings** means two or more dwelling units which are contained within two or more buildings located on a lot.
- x) **Linked Dwelling** means a building that is divided vertically into two dwelling units but has the appearance of two detached dwelling units as a result of their connection to each other being located at the footing.
- xi) **Mobile Home** means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on trailer, and which arrives the site ready for occupancy (except minor and incidental utility hook-ups and unpacking) and having a width of 17 feet, (5.18 m) or less and located on the site on wheels, jacks or similar supports, or on a permanent foundation. The removal of the wheels or the permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification.
- xii) **Auxiliary Dwelling Unit** means a self contained dwelling unit that is wholly contained within a single unit detached dwelling in which unrestricted access can be gained and results in no external modifications to the front of the structure or to the height exempting the addition of dormers.

1.49 Duplex see Dwelling Types

1.50 Dwelling Unit means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

1.51 Engineer means the engineer for the Town of Kentville.

1.52 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 and draining or to structurally alter any existing building or structure by an addition, deletion, enlargement or extension.

1.53 Established Building Line means the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon at the effective date of the by-law.

1.54 Established Grade means the average elevation of the finished surface of the ground where it meets the exterior of the front of a building and when used with reference to a structure shall mean the average elevation of the finished grade of the ground immediately surrounding such structures exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Municipality or other designed authority.

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

1.56 Floodplain means the area adjoining a river or stream which has been or may be hereafter covered by flood water.

1.57 Floor Area

- (a) With reference to a dwelling means the maximum area contained within the outside walls excluding any garage, porch, veranda, sun room, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
- (b) Commercial Floor Area means the total useable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common halls between stores.
- (c) Gross Floor Area means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purposes of this clause, the walls of an inner court shall be deemed to be exterior walls.

1.58 Floor Area Ratio means the maximum gross floor area of all buildings on a lot expressed as a percentage of the lot area and for the purpose of this definition the maximum floor area ratio in each zone shall apply only to the portion of such lot which is located within said zone.

1.59 Grouped Dwellings see Dwelling Types

1.60 Golf Course means a public or private area operated for the purpose of playing golf or related activity.

1.61 Habitable Room means a living room, bedroom, or kitchen with or without space for eating, or a dining room.

1.62 Height means the vertical distance on a building between the established grade and;

- a. the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- b. the deck line of a mansard roof; or
- c. the main level between eaves and ridges or a gables, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola, or steeple.

1.63 Home Occupation means certain commercial uses permitted in residential zones, such uses must be strictly accessory to the main use of the structure as a dwelling. (See 6.2 of this Bylaw for permitted uses.)

1.64 Home for Special Care or Group Homes means a building where nursing or supervisory care and room and board to a maximum of three (3) bedrooms is provided to individuals and licensed under the Homes for Special Care Act, T.S.N.S. 1989, Chapter 203., but does not include a hospital.

1.65 Inn means a dwelling which provides for overnight accommodations, wherein food may be served to the general public, but shall not include a motel, a guest house, or a tourist home.

1.66 Inspector or Building Inspector means the building inspector of the County of Kings.

1.67 Institutional means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent of profit but shall not include a private club.

1.68 Kennel means a building or premise where domestic household animals and birds are commercially boarded for breeding, showing, or otherwise with or without veterinary care.

1.69 Landscaping means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

1.70 Loading Space means an unencumbered area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area:

- (a) is suitable for the temporary parking of at least one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;
- (b) is not upon or partly upon any street, or highway;
- (c) has adequate access thereto to permit ingress and egress by means of a driveway, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles;
- (d) is not less than 475 square feet, (44.12 sq. m).

1.71 Lot or Property means any parcel of land whether or not occupied by a building, described in a deed or as shown in a registered plan of subdivision.

1.72 Lot Types and Characteristics

- i) **Corner Lot** means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front line of the said lot.
- ii) **Interior Lot** means a lot situated between two lots and having access to one street.
- iii) **Through Lot** means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being 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 By-law.
- iv) **Lot Area** means the total horizontal area within the lot lines of a lot.
- v) **Lot Depth** means the horizontal distance between the front and rear lot lines. Where the side lot lines are not equal in length, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.
- vi) **Lot Frontage** means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the

triangle formed by the side lot lines and at a point therein equal in distance to the minimum applicable front yard. In the case of a corner lot with a daylighting triangle, the exterior lot lines (street lines) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

1.73 Lot line means a division line between two or more lots or between any lot and the street, watercourse, or a railway.

- i) **Front Lot Line** means the line dividing the lot from the street. In the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line, and the longer boundary line abutting the street shall be deemed the side lot line, and where such lot lines are equal length, the front lot line shall be either of the lot lines.
- ii) **Rear Lot Line** means a lot line other than a front or rear lot line.
- iii) **Side Lot Line** means a side lot line which abuts the street on a corner lot.
- iv) **Flankage Lot Line** means a side lot line which abuts the street on a corner lot.

1.74 Main Building means a building in which the principal use is that for which the building lot was intended.

1.75 Main Wall means the exterior front, side or rear wall of a building and all structural members essential to the support of a fully or partially enclosed space or roof.

1.76 Minimum Opening means any opening which would allow water to enter a building.

1.77 Modular Home means a single structure composed of separate prefabricated units individually transported or towed to a site to be coupled together mechanically and electrically to form a single structure.

1.78 Mobile Home see Dwelling Types

1.79 Mobile Home Park means a lot on which spaces are provided for more than ten mobile home dwelling units but does not include a campground.

1.80 Mobile Home Lot or Space means a parcel of land intended to be used by one mobile home.

1.81 Motel means a building, or buildings, or part thereof, on the same site not more than two stories in height above ground level used to accommodate the travelling public for gain or profit by supply such persons with sleeping accommodation, with or without meals.

1.82 Municipal Government Act means The *Municipal Government Act* (MGA) is a collection of much of the relevant municipal legislation generally modernized, updated and in a number of instances substantially revised. A general familiarity with the MGA is essential for anyone working in or with municipal government in Nova Scotia.

The Act incorporates the substance of the *Municipal Act*, the *Towns Act* and the regional municipality Acts. These were often referred to as the constitutions of the different municipal units. In addition, the MGA incorporates the *Municipal Affairs Act*, the *Municipal Boundaries and Representation Act*, the *Deed Transfer Tax Act* and the tax collection provisions of the *Assessment Act*. Also included is a revised *Planning Act*. Villages are now covered by the MGA rather than by the *Village Service Act*.

1.83 Non-Conforming means a building or use of land lawfully existing on the date of the coming into effect of this bylaw which does not conform to the regulations of the zone in which it is now situated.

1.84 Nursing Home means a building wherein room and board with some nursing care is provided to individuals incapacitated in some manner and licensed under the Homes for Special Care Act, R.S.N.S. 1989, Chapter 203 and for the purpose of this By-law shall mean any such use greater than three (3) bedrooms devoted to the use.

1.85 Nuisance means any use which emits obnoxious odours or is excessively noisy and because of these reasons would be a detriment to the area in which the use is proposed to be located.

1.86 Obnoxious Use shall mean a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise, light or vibration, or by reason of 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.

1.87 Office means a room or rooms where business may be transacted; a service performed or consultation given but shall not include the manufacturing of any product or the retail selling goods.

1.88 Open Space means an area of land used for parks, playgrounds, ball fields, outdoor skating rinks, tennis courts, athletic fields, picnic areas and similar uses but excluding enclosed structures.

1.89 One Unit Dwelling House or Single Unit Dwelling House see Dwelling Types.

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

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

1.92 Parking Lot means the same as Parking Area, defined in this By-law.

1.93 Parking Space means an area of not less than 160 square feet (14.86 sq. m) measuring 8.0 feet (2.43 m) by 20 feet, (6.09 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 manoeuvring areas.

1.94 Person includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives or a person to whom the context can apply according to law.

1.95 Personal Services means administering the individual and personal needs of persons, and without limiting the generality of the foregoing may include such establishments as hair dressing, laundry services, and personal hygiene and grooming services excluding any manufacturing or fabrication of goods for sale.

1.96 Pit means an opening or excavation in or working of the ground for the purposes of searching for and removal of mineral, soil, rock, quartz, limestone, earth, clay, sand or gravel and includes any roastery, smelter furnace, mill work or place, used for or in connection with crushing, reducing, smelting, refining, or treating any of the substances listed in this definition and all ways, works, plant, buildings and premises either below or above the ground and belonging to or used in connection with any activities listed in this definition, and includes a quarry.

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

1.98 Private Garage means an enclosed or partially enclosed structure for the storage of one or more vehicles, in which no business is conducted or services performed for profit.

1.99 Private Park means a park other than a public park.

1.100 Professional Office means a building, or a portion thereof, in which the principal or main use is the provision of professional services to the public.

1.101 Public Authority means any Board, Commission or Committee of the Town of Kentville established or exercising any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the municipality, or a portion thereof, and includes any committee or local authority established by by-law to the Town.

1.102 Public Garage means a building or place where motor vehicles are kept or stored for re-numeration, or a building or place used as a motor vehicle repair shop.

1.103 Public Park means a park owned or controlled by a Public Authority or by any Board, Commission or other Authority established under any statute of the Province of Nova Scotia.

1.104 Recreational Uses means the use of lands for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses to the foregoing, together with necessary and accessory buildings and structures but not including a track for the racing of animals, or any form of motorized vehicles.

1.105 Recreation Commercial means recreational uses provided for profit or gain.

1.106 Recreation Passive means recreational use which is not an obnoxious use, or in any way detrimental to the environment, or in any way land intensive with regards to use or its structures and may be a use similar to hiking, horseback riding, bicycling, picnicking, bird watching, walking, fishing, etc. but does not include motorized vehicles of any sort.

1.107 Registered Deed means a deed recorded at the Registry of Deeds at Kentville, Nova Scotia.

1.108 Registered Plan means a plan on file at the Registry of Deeds at Kentville, Nova Scotia.

1.109 Restaurant means a building or part thereof where food and drink is served to the public for consumption within the building or for take out but not for consumption in parking areas appurtenant to the building.

1.10 Restaurant (Drive In) means a building or part thereof where food and drink is served to the public for consumption in parking areas appurtenant to the building whether or not facilities are provided for consumption within the building.

1.111 Retail Space means a building or part thereof where goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.

1.112 Rowhouse or Townhouse Dwelling see Dwelling Types

1.113 Semi-detached Dwelling see Dwelling Types

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

1.115 Service Shop means a building or shop thereof used for the sale or repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.

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

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

1.118 Storey means that portion of a building between any floor and the floor or roof next above, provided any portion of a building partly below grade level not be deemed as a

storey unless its ceiling is at least one point six (6) feet, (1.82 m) above grade. Provided also that any portion of a storey exceeding fifteen (15) feet (4.5 m) in height shall be deemed an additional storey for each fifteen (15) feet (4.5 m) or fraction thereof of such excess.

1.119 Half Storey means the portion of a building located wholly or partly within a sloping roof having a floor area of not less than one-third or more than two-thirds of the floor area of the storey next below, side walls not less than five (5) feet, (1.52 m) in height and ceiling with a minimum height of seven and one half (7.5) feet, (2.28 m), over an area equal to at least fifty (50) per cent of its floor area above grade. Provided also that any portion of a storey exceeding fifteen (15) feet, (4.57 m) in height shall be deemed an additional storey for each fifteen (15) feet, (4.57 m), or fraction thereof of such excess.

1.120 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 Kentville.

1.121 Street Line means the division line between any street and abutting property.

1.122 Strategy means the Municipal Planning Strategy of the Town of Kentville

1.123 Structure means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs, and also fences exceeding 6 feet (1.82 m) in height.

1.124 Swimming Pool means an artificial body of water, excluding ponds, of more than 100 square feet, (30.48 m), in area, and 2 feet (0.61 m) used for bathing, swimming or diving.

1.125 Tourist Establishment means a building or buildings which are used to accommodate the travelling public for gain or profit by supplying them with sleeping accommodations with or without meals and shall include a guest home, tourist cabins, a motel, an auto court, and a hotel.

1.126 Town shall mean the Town of Kentville.

1.127 Triplex Dwelling see Dwelling Types

1.128 Two Unit Dwelling see Dwelling Types

1.129 Warehouse means a building where wares or goods are stored but shall not include a retail store.

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

- i) **Front Yard** means a yard extending across the full width of a lot between the lot line and the nearest wall of any building structure on the lot; a minimum front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.
- ii) **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; a 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.
- iii) **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; a 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.

1.131 Zone means an area of land in the Town of Kentville described by words or plan in this by-law or in an appendix hereto.

PART 2

ZONES AND ZONING MAPS

2-1 Zones:

For the purpose of this By-law, the Town of Kentville is divided into the following zones, the boundaries of which are shown on the attached schedules. Such zones as indicated on the Zoning Map may be referred to by the appropriate symbols.

Zones	Symbol
Residential Single Unit Dwelling	R-1
Residential Two Unit Dwelling	R-2
Residential Multiple Unit Dwelling	R-3
Residential Converted Multiple Unit Dwelling	R-3A
Residential Townhouse	TH
Residential Future	RF
Residential Comprehensive Development District July, 2003	RCDD (Repealed)
Commercial General	C-1
Commercial Highway	C-2
Commercial Local	C-3
Industrial	M-1
Institutional	I
Special Use	SU
Park and Open Space	P
Conservation	O-1

Notwithstanding the Zones as indicated on the Zoning Map, those areas as shown on the Environmental Constraints Map shall comply with Part 23 "Special Criteria for Development within areas subject to Flooding" of this By-law.

PART 3

INTERPRETATION

3-1 Certain Words

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

3-2 Defined

The extent and boundaries of all zones as shown on the Zoning Map, the Environmental Constraints Map, and the Wellfield Protection Map attached hereto, and for all such zones the provisions of this By-law respectively apply. **(Amended April, 2006)**

3-3 Interpretation of Zoning Boundaries

With the exception of boundaries shown on the Wellfield Protection Area Map, Map 3, boundaries between zones shall be determined as follows: **(Amended April 2006)**

- (a) where a zone boundary is indicated as following a street or highway the boundary shall be the centre line of such street or highway;
- (b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
- (c) where a street, highway, electrical transmission line right-of-way, or watercourse is included on the zoning map it shall be included in the zone of the adjoining property on either side thereof;
- (d) where, electrical transmission line right-of-way or watercourse is included on the zoning map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse shall be considered the boundary between zones unless specifically indicated otherwise;

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- (e) where a zone boundary is indicated as following the limits of the Town of Kentville, the zone limits shall be the Town Boundary;
- (f) where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map; and,
- (g) where a zone boundary is indicated as a topographic contour line, the limits of the zone shall be the contour line.

3-4 Permitted Uses

For the purpose of this By-law, if a use is not listed as a permitted use in any zone, it shall be deemed to be a prohibited use in the zone.

3-5 Symbols

The symbols used on the Zoning Map, and Wellfield Protection Map attached hereto, refer to the appropriate zones established by this By-law.
(Amended April, 2006)

PART 4

GENERAL PROVISIONS FOR ALL ZONES

4-1 Accessory Buildings

Accessory uses, buildings and structures shall be permitted in any zone within the Town of Kentville, but shall not:

- (a) be used for human habitation except where a dwelling is a permitted accessory use;
- (b) be located within the required front yard of the lot;
- (c) be built closer to the side lot line or rear lot line than four (4) feet (1.21 m) except for non residential accessory buildings in a Residential Rural (R-F) zone in which case, the front, side, and rear yard setbacks contained in part 12 sub-sections 5 and 6 shall apply;
- (d) be built closer to a street on which the main building fronts, than the main building is to that street;
- (e) be built within six (6) feet, (1.82 m), of the main building;
- (f) be used for the keeping of horses, cattle, sheep, swine, and domestic fowl, except in the Residential Rural (RF) zone;

4-2 Accessory Uses Permitted

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

4-3 Administration of the Land Use By-law

The development officer of the Town pursuant of Section 267 (2) of the Municipal Government Act may enter at all reasonable times, into or upon, any property within the Town for the purpose of any inspection necessary in connection with the administration of this Land Use By-law.

4-4 Building to be Erected on a Lot

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

4-5 Conflicts

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

4-6 Conformity with Existing Setbacks

Notwithstanding anything else in this By-law, in any zone, structures built between existing buildings within two-hundred (200) feet (60.96 metres) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than ten (10) feet (3.04) metres from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

4-7 Daylighting Triangle

Exempting lots within the Commercial General (C-1) Zone, on a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than two (2) feet, (0.609 meters) above the level of the centre line of the streets that abut the lot within the triangular area included within the street lines, for a distance of twenty (20) feet, (6.096 meters) from their point of intersection.

4-8 Development Agreements

Pursuant to Section 225 of the Municipal Government Act, the Town may permit, through Development Agreement,

- (a) mobile home parks pursuant to Policies R-39, R-40, and R-41 of the Municipal Planning Strategy.
- (b) permit Inns in residential areas pursuant to Policies R-48 and R-49 of the Municipal Planning Strategy.

- (c) development within the 100 foot setback requirement from a watercourse on lands located within the Wellfield Protection Area pursuant to Policy ES-15 of this Municipal Planning Strategy. (Amended April, 2006)

4-9 Development Permit

No building or structure shall hereafter be erected or altered, or the use of any building change, unless a Development Permit has been issued, and no Development Permit shall be issued unless all the provisions of this By-law are satisfied.

4-10 Development Officer

- (i) Pursuant to Section 243 (1) of the Municipal Government Act, the Town shall appoint a Development Officer. The Development Officer of the Town shall administer the Land Use By-law and shall grant Development Permits.
- (ii) Pursuant to Section 243 (1) of the Municipal Government Act, the Development Officer of the Town shall administer the Subdivision By-law.

4-11 Existing Buildings

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

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

4-12 Existing Uses

Notwithstanding anything else in this By-law, the use of a building existing on a lot on the effective date of this By-law may be changed to a use

permitted on the lot where the lot frontage, front yard, or area required for any two or all of these is less than the requirements of this By-law, provided that all other requirements of this By-law are satisfied.

4-13 Existing Undersized Lot

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

4-14 Frontage on a Street

No development permit shall be issued unless the lot or parcel of land intended to be used, or upon which the building or structure is to be erected, abuts and fronts upon a street. A building shall be deemed to front on the street opposite its principle entrance or if such entrance is not opposite to street, then upon the street from which it gains its principle access.

4-15 Front Yard for a Through Lot

In the case of a through lot, the front yard shall be deemed to be any yard which abuts either of the two opposite streets.

4-16 Illumination

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

4-17 Licenses, Permits and Compliance with Other Bylaws

Nothing in this By-Law shall exempt any person from complying with the requirements of the Building By-law or any other By-law in force within the Town from obtaining any license, permission, permit, authority or approval required by any other By-law of the Town of Kentville.

4-18 Loading Spaces

- (a) In any zone, no person shall erect or use any building or structure for manufacturing storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises with every such building, structure or use one off-street space for standing loading and unloading for every thirty thousand square feet 30,000 sq. feet, (9,144 sq. m) or fraction thereof of building floor area used for any such purpose to a maximum of six (6) loading spaces.
- (b) Each loading space shall be at least twelve (12) feet, (3.65 m), by 30 feet, (9.14 m) with a minimum of fifteen (15) feet, (4.57 m) height clearance.
- (c) The provision of a loading space for any building with less than fifteen-hundred (1,500) square feet, (139.35 sq. metres), shall be optional.
- (d) No such loading spaces shall be located within any yard which abuts a Residential, Park and Open Space, or Institutional Zone.
- (e) Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- (f) Ingress and egress, to and from the required loading space areas shall be provided by means of unobstructed driveways of a minimum width of twelve (12) feet, (3.65 metres), if for one-way traffic or a minimum width of twenty four (24) feet, (7.31 m) if for two-way traffic.

4-19 Moving a Building

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

4-20 Multiple Uses

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

4-21 Non-Conforming Uses

Pursuant to Section 242 (1) of the Municipal Government Act, the Town may consider a variation, pursuant to Sections 238-241 of the Municipal Government Act, dealing with Non-Conforming Uses, pursuant to Policies Z-24 and Z-25 of the Town of Kentville Municipal Planning Strategy.

4-22 Obnoxious Use

Nothing in this By-law shall permit the use of any land, or building in any zone, for a use deemed obnoxious or a nuisance to the general public.

4-24 Off-Street Parking Automobiles

Every new building or change of use of any existing building shall be provided with off-street automobile parking as specified in Part 4-29. Notwithstanding the above, parking requirements, as specified in Part 4-29, shall only apply to that portion of an existing building that is enlarged, or in the case of change of use, the difference in the use requirement.

4-25 One Main Building on a Lot

No person shall erect more than one (1) main building on a lot except for lots within the Commercial General (C-1) Zone, Highway Commercial (C-2) Zone, Industrial (M-1) Zone, or Residential Multiple Unit Dwelling (R-3) Zone.

4-26 Parking Requirements

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

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Type of Building	Parking Required
a) A dwelling containing up to two (2) dwelling units	One (1) parking space for each dwelling unit.
b) All other dwellings	One point two five (1.25) parking spaces for each dwelling unit.
c) Churches, church halls, auditoriums, restaurants, theatres, arenas, halls, stadia, private clubs, and other places of assembly.	Where there are fixed seats one (1) parking space for every five (5) seats, or 12 feet (3.65 m) of bench space. Where there are no fixed seats, one (1) parking space for every 100 square feet, (9.29 sq. metres), of floor devoted to public use.
d) Hospitals and nursing homes	One (1) parking space for each two beds or every 400 square feet, (37.16 sq. metres) of floor area, whichever is the greater.
e) Senior Citizen Apartment	One (1) parking space for every two dwelling units.
f) Hotels, staff houses, motels, tourist cabins	One (1) parking space per suite or rental unit.
	** Plus One (1) additional parking space for each 100 square feet (9.29 sq. metres) of floor area devoted to public use (taverns, restaurants and auditoriums) exclusive of lobbies and halls.
g) Offices	One (1) parking space per 300 square feet (27.87 sq.metres) of floor area.
h) Shopping Centre	Customers Parking shall be

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- provided at the ratio of 5.5 spaces per 1000 square feet of gross leasable floor area, exclusive of common mall between stores.
- i) Funeral Homes One (1) parking space for each three (3) seat capacity of the chapel with a minimum of ten (10) parking spaces.
 - j) Bowling Alleys and Curling Rinks One (1) parking space for each two (2) persons in the designed capacity of the establishment (designed capacity shall mean six (6) persons per bowling lane and eight (8) persons per curling sheet). In other parts of the building additional parking spaces shall be provided in accordance with the requirements set out in the Bylaw.
 - k) All other Commercial Uses One (1) parking space for each 300 square feet (27.87 sq. metres) of floor area.
 - l) Elementary Schools One point five (1.5) parking spaces for each teaching classroom.
 - m) High Schools Four (4) parking spaces for each teaching classroom.
 - n) Industrial Uses One (1) parking space for each 2000 square feet, (185.8 sq. metres), of gross floor area, plus parking space as per "g" above for any office space included in the development.

4-27 Permitted Encroachments in Yards

Except for accessory buildings, every part of any yard required by the By-law shall be open and unobstructed by any structure from the ground to the sky,

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provided however, that those structures listed in the following table shall be permitted to project for the specified distances indicated as follows.

Structure	Yard in which Projection is Permitted	Maximum Projection from Main Wall which is Permitted
Sills, belt courses, cornices, eaves, gutters, or chimneys.	Any yard	24 inches (60.96 cm)
Window Bays	Any yard	3.5 feet (1.06 metres) and a maximum width 10 feet (3.04 metres)
Fire Escapes and Exterior Staircases	Rear and Side yards only	4 feet (1.21 metres) over a maximum width of 10 feet (3.04 metres)
Balconies	Any yard for residential buildings	4 feet (1.21 metres)
Open, roofed porches not exceeding one storey in height, uncovered terraces	Any yard	4 feet (1.21 metres) including eaves and cornices

4-28 Previous Zoning By-laws

All previous Land Use By-laws of the Town are hereby repealed.

4-29 Public Uses Permitted

Municipal offices and buildings shall be permitted in any zone provided that such uses conform with applicable requirements of the Institutional (I) Zone.

4-30 Restoration to Safe Condition

Nothing in this By-law shall prevent the strengthening or restoring to safe condition of any building or structure, provided in the case of a non-conforming use, the provision of Section 241 (1) of the Municipal Government Act shall prevail.

4-31 Restriction of Development on Slopes in Excess of 25%

No development permit shall be issued for any building on a slope in excess of 25% as determined by site analysis.

4-32 Side Yards on Corner Lots

Notwithstanding anything else in this By-law, on a corner lot in any zone, except the TH-Zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than twenty-five (25) feet, (7.62 metres). In the TH-Zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than 20 feet, (6.1 metres), if a local street, or 30 feet, (9.14 metres), if an arterial or collector road.

4-33 Special Criteria for Development within Areas Subject to Flooding

See Part 23

4-34 Special Criteria for Site Plans

See Part 24

4-35 Special Uses Permitted

Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for a scaffold or other temporary buildings or structures including a sales or rental office, incidental to construction in progress until such construction has been finished or discontinued for a period of sixty days (60) or unless no development permit is in force.

4-36 Special Provisions: Arterial Roads

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

- (a) Except for buildings fronting upon Main Street, Webster Street, Aberdeen Street, and Cornwallis Street (from the intersection of Main Street to the Cornwallis Bridge) in the Commercial General (C-1)

Zone, the minimum setback shall be thirty (30) feet, (9.14 m) from the street line to the nearest part of the main building.

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

4-37 Standard for Parking Areas

Where parking facilities for more than four (4) vehicles are required or permitted:

- (a) the parking shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
- (b) the lights used for the illumination of the parking lot or parking station shall be so arranged as to divert the light away from the streets, adjacent lots and buildings;
- (c) a structure, not more than fifteen (15) feet in height (4.57 m) and not more than fifty (50) square feet (15.24 sq. m.) in area may be erected in a parking area for the use of attendants;
- (d) the parking area shall be within seven-hundred and fifty (750) feet, (228.6 m) of the location which it is intended to serve, and shall be situated in the same zone;
- (e) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;
- (f) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- (g) approaches of driveways to any parking area, other than that required for a single family dwelling, semi-detached, or a duplex dwelling shall be defined by a curb of concrete or rolled asphalt and the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;

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- (h) in addition the location of approaches or driveways shall not be closer than fifty (50) feet, (15.24 m), from the limits of the right-of-way at the street intersection;
- (i) entrance and exit ramps to parking areas shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet, (7.65 m), at the street line and edge of pavement;
- (j) the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum of ten (10) feet, (3.04 m), if for one way traffic, and a minimum of eighteen (18) feet, (5.48 m), if for two way traffic, and the maximum width of a driveway shall be twenty-five (25) feet, (7.62 m);
- (k) individual parking spaces shall be eight feet by twenty feet (8' X 20'), (2.43 m X 6.09 m), except in the case of curb parking parallel to the driveway in which case the length of the parking stall shall be increased to twenty-three (23) feet, (7.01 m);
- (l) all parking areas must make provision for access to permit ingress and egress of motor vehicles to the street or highway by means of driveways, aisles or manoeuvring areas;
- (m) where windows exist on the ground floor, no parking shall be located within twenty (20) feet (6.09 m) of such windows;
- (n) where commercial and industrial parking areas abut existing or proposed residential uses, such commercial or industrial parking areas shall be screened by landscape buffers, fences or a combination thereof;
- (o) all parking lay-outs shall make provisions for the stockpiling of snow in a manner which will not reduce the amount of required parking spaces available;
- (p) all parking areas shall be so arranged as to cause the least amount of interference with through traffic and all manoeuvring areas must occur within the lot area to permit vehicles to leave the property in a forward motion;

- (q) no parking space shall be immediately adjacent to doors or passageways from buildings;

4-38 Temporary Uses Permitted

Nothing in this By-law shall prevent uses incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction provided that a development permit has been issued.

4-39 Temporary Uses Permitted (Special Occasions and Holidays)

Nothing in this By-law shall prevent structures erected for special occasions and holidays provided only that no such structure remains in place more than ten consecutive days.

4-40 Truck, Bus, and Coach Bodies

No truck, bus, coach or street car bodies, or structure of any kind erected and used accordance with this and all other by-laws of the municipality shall be used for habitation within the Town of Kentville, whether or not same is mounted on wheels.

4-41 Violation

Any person who violates a provision of this By-law shall be subject to prosecution as provided for under Section 266 of the Municipal Government Act of Nova Scotia.

4-42 Yard Exception

Where in this By-law, a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of twenty five percent (25%) or more from the horizontal then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot line.

The area mentioned above shall be excluded for purposes of calculating minimum lot size for town houses and apartments. Reference may be made to the above mentioned areas on the Environmental Constraint Map of the Municipal Planning Strategy.

4-43 Costs for Advertising

- a) Any person who wishes to obtain the amendment or revision to this Bylaw or who wishes to make application to enter into a development agreement or amend a development agreement shall submit an application in writing to the Clerk of the Town of Kentville.
- b) The application shall state an address for service.
- c) The applicant shall deposit with the Clerk an amount estimated by the Clerk to be sufficient to pay the cost of advertising. Where Council decides not to proceed with the application, the deposit shall be returned to the applicant.
- d) After the advertising required has been completed, the applicant shall pay to the Clerk any additional amount necessary to defray the cost of advertising or if there is a surplus, the Clerk shall refund the same to the applicant.

4-44 Wellfield Protection Area (Adopted April 2006)

Notwithstanding any other provisions contained in this By-law the following land use control provisions shall apply to the lands within the Wellfield Protection Area as delineated on the Wellfield Protection Map, Map 3 of this By-law.

(A) Permitted Uses, Wellhead Protection Zone (Zone A)

Notwithstanding any other provisions contained in this By-law, no Development Permit shall be issued within the Wellhead Protection Zone except for one of the following uses:

- (a) Uses relating to the operation of the Kentville Water Commission
- (b) Existing residential uses
- (c) Public parkland

(B) Prohibited Uses within the Well Capture Protection Zone (Zone B)

Notwithstanding any other provisions contained in this By-law, the following uses shall be prohibited within the Well Capture Protection Zone:

- (a) Any manufacturing, industrial, assembly, processing, or warehousing operation.
- (b) Automobile scrap yard
- (c) Cement Plant
- (d) Open storage of new goods and materials
- (e) Light manufacturing, fabrication, welding, etc
- (f) Bulk storage, excluding sand and gravel, and supply depots
- (g) Power utility sub-stations
- (h) Recycling depots
- (i) Transport and trucking
- (j) Agricultural uses
- (k) Commercial Livestock Operations
- (l) Licensed Zoos
- (m) Commercial Storage and/or Distribution of Petroleum
- (n) Commercial Storage and/or Distribution of Petroleum Solvents
- (o) Commercial Storage and/or Distribution of Chlorinated Solvents
- (p) Bulk Storage of Salt
- (q) Commercial Storage and/or Distribution of Pesticides and Herbicides
- (r) Commercial Storage and/or Distribution of Fertilizers
- (s) Bulk Chemical Storage
- (t) Dry Cleaners
- (u) Scrap metal and Salvage Yards and/or processing
- (v) Gas Stations or Accessory Gas Bars
- (w) Automobile Washing Establishments
- (x) Automotive Painting, Engine and Auto Body Repair Shops
- (y) Cemeteries
- (aa) Golf Courses
- (bb) Campgrounds
- (cc) Driving Ranges
- (dd) Private Parks
- (ee) Commercial Nurseries

(C) Prohibited Uses within the Wellhead Protection Zone (Zone C)

Notwithstanding any other provisions contained in this By-law, the following uses shall be prohibited within the Wellfield Protection Zone:

- (a) Commercial Storage and/or Distribution of Petroleum Fuel
- (b) Commercial Storage and/or Distribution of Petroleum Solvents
- (c) Commercial Storage and/or Distribution of Chlorinated Solvents
- (d) Bulk Storage of Salt
- (e) Commercial Storage and/or Distribution of Pesticides and Herbicides
- (f) Commercial Storage and/or Distribution of Fertilizers
- (g) Dry Cleaners
- (h) Scrap Metal and Salvage Yards and/or processing
- (i) Gas station or accessory Gas Bars
- (j) Automotive Painting, Engine and Auto Body Repair Shops
- (k) Commercial Nurseries

(D) Prohibited Uses within the Wellfield Recharge Zone (Zone D)

Notwithstanding any other provisions contained in this By-law, the following uses shall be prohibited within the Wellfield Recharge Zone:

- (a) Commercial Storage and Distribution of Petroleum Fuel
- (b) Commercial Storage and Distribution of Petroleum Solvents
- (c) Commercial Storage and Distribution of Chlorinated Solvents
- (d) Bulk Storage of Salt, in excess of 100 tonnes
- (e) Commercial Storage and Distribution of Pesticides and Herbicides
- (f) Dry Cleaners
- (g) Scrap metal and Salvage Yards and/or processing
- (h) Gas stations or Accessory Gas Bars
- (i) Automotive Painting, Engine and Auto Body Repair Shops

PART 5

SIGNS

SIGN BYLAW

1. Part 5 of the Land Use By-law shall be referred to as the Sign By-law.

PART 5A:

DEFINITIONS

2. In this By-law, unless the context otherwise requires:
 - (a) **abandoned sign** means a sign which no longer correctly directs or exhorts any person; or no longer advertises a bona fide business, lessor, owner, products or activities conducted, or products available on the premises where such a sign is displayed; or is no longer relevant to the apparent purpose for which it was originally erected;
 - (b) **'A' Frame sign** means a free standing sign designed so as to be mutually supported by its two faces and intended to be movable;
 - (c) **animated sign** means a sign which is animated by means of flashing, scintillating, blinking or travelling lights, or any other means not providing constant illumination but does not include a "changing sign";
 - (d) **area of copy** means the entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message, announcement or decoration on a facia sign;
 - (e) **awning** means a temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework;
 - (f) **banner sign** means a temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign, caused by movement of the atmosphere;
 - (g) **canopy sign** means a sign attached to or constructed in or on a canopy or marquee;

- (h) **changeable copy sign** means a sign on which copy is changed; (Amended July, 2003)
- (i) **copy** means the wording, lettering or art-work on a sign surface, either in permanent or removable form;
- (j) **directional sign** means any sign which serves to designate the location or direction of any place, area, or premise;
- (k) **directly illuminated sign** means any sign designed to provide artificial light, either through exposed lighting of the sign face or through transparent or translucent material from a light source within the sign;
- (l) **electrical sign** means any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source;
- (m) **erected** means attached, altered, built, constructed, reconstructed, enlarged or removed, and includes the painting of wall signs, but does not include copy changes on any sign;
- (n) **facade** means from the ground to the top of the parapet on a one storey building, or between the floor levels on a multi-storey building;
- (o) **face of sign** means the entire area of a sign on which copy could be placed and includes the back of a sign;
- (p) **facia sign** means a sign attached to or erected against a wall of a building, with the face horizontally parallel to the building wall;
- (q) **ground sign** means a sign not attached to any building;
- (r) **height of sign** means the vertical distance measured for the nearest street grade or upper surface of the street curb to the highest point of said sign;
- (s) **lintel** means the line above the display windows and below transom windows (if any) on a store front;
- (t) **message** means the wording or copy on a sign;

- (u) **moving sign** means a sign or portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition but does not include a "changing sign";
- (v) **nameplate** means a non-electric sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. If any premises include more than one occupant, name-plate refers to all names and occupations or professions, as well as the name of the building and directional information.
- (w) **off-premise sign** means a sign that advertised goods, products, services or facilities, or directs persons to a different location, from where the sign is installed;
- (x) **parapet** means that portion of a building wall that rises above the roof level;
- (y) **portable sign** means any sign not permanently attached to the ground or a building and is intended to be moved and displayed at other locations;
- (z) **premises** means an area of land with its appurtenances and building which may be conveyed or leased;
- (aa) **projecting signs** means a sign which is attached to and projects from a structure or building face. The area of double-faced projecting signs are calculated on one face of the sign only.
- (ab) **real estate or property for sale, rent or lease sign** means any sign pertaining to the sale, lease or rental of land or buildings;
- (ac) **roof sign** means any sign erected upon, against, or directly above a roof, or on top of, or above the parapet of a building;
- (ad) **seasonal signs** means signs such as Christmas decorations, those used for an historic or commemorative holiday, festival or event, and installed for a limited period of time;
- (ae) **sign** means any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation,

including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays. For the purpose of removal, signs shall also include all sign structures.

- (af) **sign area** means the area of the largest single face of the sign within a perimeter which forms the outside shape, including the frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totalled;
- (ag) **sign structure** means any structure which supports, has supported, or is capable of supporting a sign, including decorative cover;
- (ah) **swinging sign** means a sign installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole;
- (ai) **temporary sign** means a sign which is not permanently affixed to the ground or any structure;
- (aj) **Town** means the Town of Kentville;
- (ak) **under-canopy sign** means a sign suspended below the ceiling or roof of a canopy;
- (al) **window sign** means a sign installed inside a window for the purpose of viewing from outside the premises but does not include a sign designated to draw attention to merchandise located in a show-window.

PART 5B:

PERMITS

Permits Required

- 3. (a) Except as otherwise provided in this By-law, or where this part is inconsistent with the regulations made or administered by the Province of Nova Scotia Department of Transportation, no person shall erect, construct, enlarge or convert any sign in the Town, or cause the same to be done without first obtaining a Sign Permit for each such sign from the Development Officer for the Town of Kentville.

- (b) A sign permit is not required for a change of copy on any sign, nor for the repainting, cleaning, or otherwise normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any other way.
- (c) A permit is not required for a sign, for which a prior permit has been issued, and which conforms with the requirements of this By-law on the date of its adoption, unless and until the sign is altered or relocated.
- (d) Every sign permit issued by the Development Officer shall be void if the sign is not erected within one hundred and eighty (180) days from the date of such permit.

Permission to Install

- 4. No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner, or person entitled to possession of the property or building, if any, or their authorized person.

Development Permit

- 5. Application for a development Permit shall be made to the Development Officer upon a form provided by the Development Officer, and shall be accompanied by such information as may be required by the Building Inspector, to assure compliance with all appropriate laws and regulations of the Town, including:
 - (a) Name and address of the owner of the sign;
 - (b) Name and address of owner or person in possession of the premises where the sign is to be located;
 - (c) Clear and legible drawings with description definitely showing the locations of the sign which is the subject of the permit and all other existing signs on the same premises;
 - (d) Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, materials of sign and the method of attachment and character of structural members to which attachments are to be made.

Issuance-Denial

6. (a) The Development Officer shall issue a permit for the erection, alteration, or relocation of a sign within the Town when an application therefore, has been properly made, and the sign complies with all appropriate laws and regulations of the Town.
- (b) The Development Officer may, in writing, suspend or revoke a permit issued under provisions of this Section, whenever a permit is issued on the basis of a misstatement of fact or fraud.
- (c) When a sign permit is denied by the Development Officer, he shall give written notice of the denial to the applicant, a brief written statement of the reasons for the denial.

Effect of Issuance

7. No permit for a sign issued hereunder, shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder, constitute a defence in an action to abate an unlawful sign.

Permit Fees

8. An application for a Development Permit shall be filed with the Development Officer, together with a permit fee as specified by the Building By-law for the Town of Kentville.

Maintenance

9. (a) Every sign in the Town shall be maintained in good structural condition at all times and shall be kept neatly painted or finished, including all metal parts and supports;
- (b) The Building Inspector shall inspect and have the authority to order the painting, refinishing, repair, alteration or removal of signs which become dilapidated, or are abandoned, or which constitute a physical hazard to the public safety, within a specified time.
- (c) Any order for painting, repair, alteration or removal of signs by the Building Inspector shall be in writing, with reasons for the making of the order, and shall specify the period which the owner of the sign shall have to comply with the order.

PART 5C: SIGNS PERMITTED IN ZONING DISTRICTS

Residential Zones R-1, R-2, R-3, R-3A, RF, TH and Institutional Zone I

- 10. Subject to S. 11 and 12, the following signs are permitted in Residential R-1, R-2, R-3, R-3A, RF, TH, and I zones:**
- (a) Nameplates.
 - (b) Subject to S.11 and 12, the following signs are permitted in Institutional I zones:
 - (i) Nameplates;
 - (ii) ground signs.
- 11.**
- (a) In R-1, R-2, and T zones, nameplates shall not exceed 2 square feet (0.186 square metres) for each occupancy;
 - (b) In an R-3 and R-3A zone, only one nameplate shall be permitted which shall not exceed twelve (12) square feet (1.115 square metres) in area.
 - (c) Subject to the Land Use By-law, Part 6, Section 9(e), nameplates shall be placed flat against a building or designed as part of an architectural feature thereof.
- 12. Ground signs erected in an Institutional I Zone shall:**
- (a) not exceed fifty square feet (4.645 square metres) in sign area;
 - (b) contain only the name, address and identification of the institution described therein; and
 - (c) comply with S. 15 of this Part,
- 13. Commercial Zones C-1, C-2, and C-3 and Industrial Zone M-1**
- (a) Subject to the S. 15 to 21, the following signs are permitted in the Commercial C-1 and C-2 zones and the Industrial M-1 zone, provided such signs indicate the business, commodities, services, or other activities sold, offered or conducted on the premises, either:

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- (i) One ground sign, one changeable copy sign, and one facia sign only; ~~(Amended July, 2003)~~
 - (ii) One projecting sign, one changeable copy sign, and one facia sign only; ~~(Amended July, 2003)~~
 - (iii) One under canopy sign, one changeable copy sign, and one facia sign only; or ~~(Amended July, 2003)~~
 - (iv) One under canopy sign, one changeable copy sign, and one ground sign only. ~~(Amended July, 2003)~~
- (b) The following signs are permitted in C-1, C-2, and M-1 zone in addition to those signs referred to in subsection (1), subject to S. 15 to 21 hereof:
- (i) Nameplates;
 - (ii) "A" Frame signs;
 - (iii) Signs on awnings;
 - (iv) Canopy signs;
 - (v) Portable signs;
 - (vi) Under canopy signs;
 - (vii) Window signs;
 - (viii) Projecting Signs.
- (c) The following signs are permitted in a C-3 Zone; subject to S. 15 to 21 hereof:
- (i) Nameplates;
 - (ii) Facia signs;
 - (iii) Projecting Signs;
 - (iv) Canopy Signs;
 - (v) Under canopy signs;
 - (vi) Window signs;

- (vii) "A" frame signs.
- (d) There shall be no signs permitted in the Conservation (O-1) Zone.

PART 5D: REGULATIONS AND LIMITATIONS OF SIGNS

14. All signs shall comply with the provisions of S. 15 to 21 of this By-law.

Ground Signs

15. (a) Ground signs shall indicate only the name and nature of the occupancy for each lot and shall not exceed one (1) square foot (0.093 square metres) of sign area for each linear foot of street frontage abutting the lot to a maximum established in Table 1, provided that:
- (i) Where a lot has in excess of 200 feet (60.96 metres) of street frontage, one additional ground sign may be erected for each additional 200 feet (60.96 metres) of street frontage in excess of the first 200 feet (60.96 metres) of street frontage abutting the lot;
 - (ii) Where a lot is permitted to have more than one ground sign under this By-law, the distance between ground signs on the lot shall be not less than 200 feet (60.96 metres);
 - (iii) The allowable area of two or more ground signs, as permitted by subsection (1)(b), may be combined into one ground sign, with an area not to exceed the maximum established in Table 1. If a sign has more than one face, the total permitted area shall not exceed twice the area permitted for one face.
- (b) (i) No ground sign shall exceed the height established by Table 1;
- (ii) No ground sign shall be located nearer than 5 feet (1.524 metres) to the front lot line or an interior property line.
- (iii) Subject to subsection (a), one ground sign is permitted for each lot having frontage on a public street;

- (iv) Where a lot fronts on more than one street, the provisions of Section 15(a)(i) and Table 1, shall apply to each frontage;
- (v) No ground sign shall exceed in height, the distance measured from any portion of the sign to the centre of the adjoining street, provided the maximum height of any portion of any ground sign or sign structure shall be in accordance with Table 1;

Area

- (vi) The sign area of any ground sign shall not exceed the allowable sign areas shown in Table 1.

Residential Proximity

- (vii) Where a lot zoned for a commercial or industrial use is within 100 feet (30.48 metres) of the nearest boundary of any lot zoned R-1, R-2, R-3, R-3A, or TH on the same side of the street, ground signs erected and maintained on such a commercial or industrial lot shall not exceed 25 feet (7.62 metres) in height above the level of the centre line of the street and shall be set back the same distance as the required front yard setback of the abutting residential zone.
- (viii) Subsection (g) hereof affects only signs on commercially and industrially zoned lots on the same block and on the same side of the street as residential premises.

Minimum Clearance

- (ix) Where a ground sign projects over a vehicular traffic area, including a driveway or parking lot the minimum clearance between the bottom of the sign and the ground shall be 14.5 feet (4.419 metres).

Decorative Embellishments

- (x) The sign structure of ground signs may extend above the maximum allowable height of the sign for embellishment purposes provided such extensions shall not exceed 20% of the maximum allowable height for the sign and such extensions shall not include therein any form of advertising message.

Projecting Signs

16. (a) Projecting signs shall comply with the following conditions:
- (i) Any one tenant with frontage on a public street is permitted to have one projecting sign along that public street;
 - (ii) A projecting sign shall not be erected so as to extend more than 3 feet (0.914 metres) from the face of the building in which it is placed;
 - (iii) A projecting sign shall not exceed 9 square feet (0.836 square metres) in total area;
 - (iv) No projecting sign shall rise above the top of a parapet;
 - (v) Projecting signs shall have a minimum clearance of 10 feet (3.048 metres) between the bottom of the sign and the ground;
 - (vi) All projecting signs shall be installed or erected in such a manner that any visible support structures shall become part of the architectural design of the sign;
 - (vii) All projecting signs shall be non-illuminated;
 - (viii) Projecting signs may be indirectly illuminated;
 - (ix) No projecting signs shall be constructed of glass, plastic or metal;
 - (x) All projecting signs shall be installed or erected in such a manner as to prevent the sign from swinging.

Canopy Signs and Under Canopy Signs

17. (a) Canopy signs shall comply with the following conditions:
- (i) The maximum copy area shall be 1 square foot (0.093 square metres) per linear foot (0.304 metres) of canopy front and sides;
 - (ii) Copy area or any part of copy area allowed for one facing cannot be added to that allowed for other facings for purposes of this subsection;

- (iii) Subject to a minimum height limit of 10 feet (3.048 metres) from the sidewalk, copy may be installed above, on the face of, or below the canopy, provided that where such sign is installed above or below, area of copy will be computed on the total of the sign face and the canopy apron;
- (b) (i) Under canopy signs shall have an area of copy no greater than 6 square feet (0.557 square metres), subject to a minimum clearance of 10 feet (3.049 feet) from the sidewalk, and shall be mounted as nearly as possible at right angles to the building face.
- (ii) Notwithstanding S.13, only one under canopy sign is permitted for each tenant of any premises.

Facia Signs

- 18. (a) (i) Facia signs shall indicate only the name and nature of the occupancy, for each premise within the lot;
- (ii) Facia signs shall not exceed a sign area of 15% of the facade to which it is attached to a maximum of 100 square feet (9.29 square metres);
- (iii) Where a building is located on a lot having frontage on two streets, one facia sign will be permitted for each face of the building.
- (b) Facia signs shall comply with the following conditions:
 - (i) Where individually mounted letters are used, the sign area shall be calculated to be the area of each individual letter;
 - (ii) The frontage factor for calculating the area of the facade is related to each tenant's building frontage facing on each street;
 - (iii) Premises fronting on more than one street shall not combine permissible signs for one frontage with another frontage for the purposes of placing the combined area of signs on one frontage;

- (iv) Any fascia signs with non-illuminated letters up to, but not exceeding 3 inches (7.62 cm) in height, nor 4 square feet (0.3716 square metres) in area, are not restricted and may be permitted in addition to regulated signs.

Signs on Awnings

- 19.** (i) Signs consisting of one line of letters not exceeding 9 inches (22.86 cm) in height may be painted, placed, or installed on the surface of the border of any awning erected and maintained in accordance with this By-law;
- (ii) An identification emblem, insignia, initial or other similar feature not exceeding an area of 8 square feet (0.7432 square metres) may be painted, placed or installed elsewhere on any awning provided that any signs, emblem, insignia or other such similar item shall comply with all other provisions of the By-law;
- (iii) Signs on awnings may be back lighted.

Changeable Copy Signs

- 19A** (a) Changeable copy signs may include, in addition to the space set aside for changeable copy, the name and nature of the occupancy for each lot. Changeable copy signs shall be permanently attached to the ground or to the façade of a building.
- (b) The regulations and limitations for a changeable copy sign shall be as follows:
 - (i) A changeable copy sign, for changeable text only, shall be permitted to be located on existing supports of any ground sign, provided all setback requirements of the Land Use Bylaw are satisfied;
 - (ii) A changeable copy sign, for changeable text only, shall be permitted to be located on the façade of a building;
 - (iii) Maximum sign area for a changeable copy sign, for changeable text only, shall be 24 square feet for a single face sign or a total of 48 square feet for all facades combined.

- (c) Changeable copy signs having both changeable and occupancy information shall conform to the following:
 - (i) A changeable copy sign having both changeable text and the name and nature of occupancy shall be permanently attached to the ground;
 - (ii) No changeable sign shall exceed 12 feet in total height from the ground to the top of the sign;
 - (iii) No changeable copy sign shall be located nearer than 5 feet to the front lot line or an exterior property line;
 - (iv) Subject to Section 19A (a) one changeable sign shall be permitted for each lot having frontage on a public street;
 - (v) The maximum sign area for a changeable copy sign shall be:
 - (a) for the changeable text portion of the sign only, 24 square feet for a single face sign or a total of 48 square feet for all faces combined; and
 - (b) for the name and nature of occupancy portion of the sign, 24 square feet for a single face sign or a total of 48 square feet for all faces combined.
 - (vi) For façade mounted changeable copy signs, the total sign area for the changeable text portion of the sign only, shall not exceed 24 square feet. The total area of the name and nature of occupancy portion (if included in the overall design of the sign) shall not exceed 24 square feet. **(Adopted July, 2003)**

Other Signs

"A" Frame Signs

- 20. (a) (i) "A" frame signs may be located within the C-1 Zone and are restricted to a maximum of one per business. Such signs shall be located on or adjacent to the lot line of the lot on which the business is located, provided that the owner of the lands on which the sign is to be located has no objection.

- (ii) "A" frame signs shall not exceed six (6) square feet (0.5574 square metres) per face or a total of twelve (12) square feet (1.115 square metres) for all faces combined nor exceed five (5) feet (1.524 metres) in height;
- (iii) "A" frame signs are not to be located so as to obstruct pedestrians or vehicular traffic.

Portable Signs

- (b) Portable signs shall be permitted in accordance with the following:
 - (i) the sign area shall not exceed forty-eight (48) square feet; (Amended July, 2003)
 - (ii) the sign shall be set back a minimum of five (5) feet (1.524 metres) from any lot line;
 - (iii) the sign shall be placed on the same lot as the premises for which the sign relates;
 - (iv) the sign is located on the same lot not more than 30 days within any calendar year. (Amended July, 2003)

Window Signs

- (c) Window signs which are intended to be permanent shall not exceed in area 25% of the area of the window in which it is erected.

Neighbourhood Identification Signs

- (d) In any zone, a sign, masonry wall, landscaping and other similar features may be combined to form a display for neighbourhood or subdivision identification, provided that the legend of such sign or display shall consist only of the neighbourhood or subdivision name. This type of sign shall require a Development permit to be approved by the Development Officer.

General Provisions

- 21. (a) (i) With the exception of a ground sign, a sign may be located so that it projects into a required front or

sideyard setback area, if the setback area exceeds 5 feet (1.524 metres);

- (ii) No sign shall project into or over an abutting street or public right-of-way except as otherwise provided in this By-law.

Manual or Automatic Changeable Copy Signs

- (b) Any of the types of signs permitted in this By-law may be permitted as manual or automatic changeable copy signs.

PART 5E: PROHIBITED SIGNS

- 22. (a) The following signs are prohibited in all zones, except as otherwise provided in this By-law:
 - (i) abandoned signs;
 - (ii) balloons or other gas filled figures;
 - (iii) flags other than those of any nation, state, province, political group or municipality;
 - (iv) off-premise sign;
 - (v) swinging signs;
 - (vi) roof signs.
- (b) Signs described in subsection (a) (ii) and (iii) hereof may be permitted at the opening of a new business, or anniversary of any existing business, in a commercial or industrial zoning district for a total period not to exceed 60 days and will be allowed in residential districts in conjunction with an open house or model home demonstration conducted by a realtor for two days before the opening or such a demonstration to two days after and not to exceed a total of 30 days.

Parking of Advertising Vehicles Prohibited

- (c) No person shall park any vehicle or trailer on a street or public property or on private property so as to be visible from a street, which has attached thereto or located therein any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or

activity located on the same or nearby property or any other premises.

Public Areas

- (d) No sign shall be permitted which is placed on any curb, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any street, sidewalk or public thoroughfare except as authorized by this By-law.

Visible Frames

- (e) Visible frames or structure to support projecting signs are prohibited.

Unclassified Signs

- (f) The following signs are also prohibited, which:
 - (i) Ministerial approval withheld;
 - (ii) are painted on or attached to any fence or any wall which is not structurally part of a building, except to identify the residence or residence structure by means of posting the name of the occupant or structure, and the street address;
 - (iii) operate or employ a stereopticon or motion picture projection or media in conjunction with any advertisements;
 - (iv) emits sound, odour, or visible matter;
 - (v) purport to be, or are an imitation of, or resemble an official traffic sign or signal, or which bear the words, "Stop", "Go Slow", "Caution", "Danger", "Warning", or similar words;
 - (vi) by reason of their size, location, movement, content, colouring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.

PART 5F: EXCEPTIONS AND EXEMPTIONS

Permit Exceptions

23. (a) The following operations shall not be considered as creating a sign insofar as requiring the issuance of a sign permit, but the signs must be in conformance with all building, structural and electrical laws and regulations of the Town:
- (i) Changing of the advertising copy or message of an existing approved painted or printed sign, marquee, changeable copy sign or a similarly approved sign whether electrical, illuminated, electronic changing message centre or non-illuminated painted message which are all specifically designed for the use of replaceable copy;
 - (ii) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of the plastic face will be included as an exempt operation provided that it is due to a change caused by breakage and/or deterioration of the face, but not for the substitution of a new different advertiser; or
 - (iii) Changes in the content of show window displays and permitted temporary signs.

Town Owned Lands

- (b) Except for lands owned by the Town of Kentville, off-premise advertising will not be permitted in any zone.

Signs Exempt from Permit Requirements

- (c) The following signs are exempt from permit requirements:

Construction Signs

- (i) One construction sign per construction project, not exceeding 32 square feet (2.973 square metres) in sign area in residential districts or 64 square feet (5.946 square metres) in commercial or industrial districts, provided that such signs shall be erected not more than five days prior to the beginning of construction, for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed five days after completion of construction and prior to occupancy.

Directional or Instructional Signs

- (ii) Directional signs located entirely on the property to which they pertain, which do not in any way advertise a business and do not exceed 4 square feet (0.3716 square metres) in area, or a height of 12 feet (3.658 metres) including signs identifying rest rooms, public telephones, walkways, parking lot entrances and exits.

Flags

- (iii) The flags, emblems, or insignia of any nation, state, provincial, political group or municipality.

Government Signs

- (iv) Government signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies, indicating danger, and aids to service or safety which are erected by or on the order of a public officer, in the performance of his public duty.

Seasonal Decorations

- (v) Seasonal signs, provided that such signs shall be displayed for a period of not more than 60 consecutive days.

Civic Numbers and Name Plates or Plaques

- (vi) Civic numbers, plaques or nameplates not exceeding 2 square feet (0.186 square metres) in area for each occupancy.

Interior Signs

- (vii) Signs located within the interior of any building or stadium or within an enclosed lobby or court of any building, and signs for and located within, the inner or outer lobby, court or entrance of any theatre, that are not visible from a street or public right-of-way.

Memorial Signs

- (viii) Memorial signs or tablets, names of building and date of erection, when cut into any masonry surface or inlaid, so as to be part of the building, or when constructed of bronze or other non-combustible material.

Notice Bulletin Boards

- (ix) Notice bulletin boards not over 22 square feet (2.044 square metres) in area for medical, institutional,

charitable or religious institutions where the same are located on the premises of said institution.

No Trespassing or No Dumping Signs

- (x) No trespassing or no dumping signs not to exceed 1 square foot (0.093 square metres) in area per sign and not exceeding four in number per lot, except that special permission may be obtained from the Development Officer for additional signs under proven special circumstances.

Occupant Signs

- (xi) One sign for each dwelling unit not to exceed two (2) square feet (0.1858 square metres) in area indicating the name of the occupant, location or identification of the home professional office.

Political and Campaign Signs

- (xii) Political or campaign signs on behalf of candidates for public office provided that said signs are subject to the following regulations:
 - (a) Said signs may be erected not earlier than 30 days prior to said election and shall be removed within 5 days following said election;
 - (b) No sign shall be located within or over the public right-of-way.

Public Notices

- (xiii) Official notices posted by public officers or employees in the performance of their duties.

Real Estate Signs

- (xiv) One real estate sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed 6 square feet (0.557 square metres) in area per face, and is removed within seven days after the sale, rental or lease has been accomplished.

Temporary Window Signs

- (xv) Window signs which are intended to be temporary.

Symbols or Insignia

- (xvi) Religious symbols, commemorative plaques provided that no such symbol, plaque, or identification emblem

shall exceed 4 square feet (0.372 square metres) in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.

Temporary Signs

- (xvii) Temporary signs not exceeding 4 square feet (0.3716 square metres) in area pertaining to drives or community events, such as civic, philanthropic, educational or religious organizations, provided that said signs are posted only during said drive or not more than 30 days before said event and are removed 5 days after such event.

Warning Signs

- (xviii) Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.

Special Municipal Events

- (xix) Signs erected with the permission of the Town on Town owned property announcing special events.

"A" Frame Signs

- (xx) "A" Frame signs not exceeding six (6) square feet (0.5574 square metres) per face or a total of twelve (12) square feet (1.115 square metres) for all faces combined and not exceeding five (5) feet (1.524) in height.

Subdivision Development Signs

- 24. Notwithstanding any other provisions of this By-law, but subject to Parts 5E and 5F, the Development Officer may issue a special permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following conditions:

- (a) Time Limit:
 - (i) Such permits may be issued for a period not to exceed one year;
 - (ii) The Development Officer may renew such permits for additional period of up to one year for each permit upon written application at least 30 days prior to its expiration.

- (b) Type of Sign: Signs as used in this Section refer to all types of signs except signs exempted under Part 5F of this By-law and those prohibited under Part 5E of this By-law.
- (c) Legend: The Subdivision Development Sign may contain advertising in connection with the name of the subdivision, development firm, building contractor, real estate sales firms, and may refer to material, appliances, supplies and building trades used in construction of the dwelling units, or services provided by the developer.
- (d) Location:
 - (i) Any Subdivision Development Sign shall comply with all applicable setback requirements for the zoning district in which the property is located.
 - (ii) No such sign shall be permitted to remain in one subdivision or in one phase of subdivision for the purpose of advertising the sale of lots or structures in another subdivision without the expressed permission of the Development Officer.

Signs for Direction or Instruction

- 25. (a) Signs in excess of 4 square feet (0.3716 square metres) in area which provide traffic directions or instruction to the public shall be allowed in any zone, provided such signs are located entirely on the property to which they pertain, and do not contain any advertising message.
- (b) The Development Officer, with the approval of the Town Traffic Authority, may authorize the placing of directional signs at appropriate street intersections or other locations for the convenience of the motoring public.
- (c) Such signs shall pertain to places of general interest such as schools, hospitals, public buildings, ball parks and other similar public service facilities.

PART 5G:**OTHER****Compliance with Other Bylaws**

26. Notwithstanding any provision of this By-law, all signs erected in the Town must comply with all structural, electrical or material specifications of this By-law and all other By-laws of the Town.

Effective Date

27. This By-law shall come into effect on the date the same is approved by the Minister of Municipal Affairs.

- Table 1 -**Maximum Permitted Heights and Area of Ground Signs**

Public R.O.W. Width (feet)	Traffic Speed Allowed (kph)	Area of Each Face (square feet)	Maximum Height from Grade (feet)
66 (20.1 metres) or less	0-50 (0-30 mph)	75 (6.968 sq. metres)	25 (7.62 metres)
	51-70 (31-45 mph)	150 (13.935 sq. metres)	30 (9.14 metres)
more than 66 (20.1 metres)	0-50 (0-30 mph)	75 (6.968 sq. metres)	30 (9.14 metres)
	51-70 (31-45 mph)	200 (18.58 sq. metres)	40 (12.192 metres)

PART 6 GENERAL REQUIREMENTS FOR ALL RESIDENTIAL ZONES

6-1 Business Uses Permitted in Residential Zones

Nothing in this By-law shall prevent the use of a dwelling in a Residential (R-1, R-2, R-3, R-3A, TH, RF) Zone for uses normally associated and consistent with a residence or for domestic or household arts, 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 business or professional use;
- (b) not more than twenty-five (25) per cent of the total floor area of the dwelling (excluding the basement) up to a maximum of six hundred (600) square feet (55.74 square metres) is devoted to the professional or business use;
- (c) one off-street parking space, other than that required for the dwelling, is required for every 200 sq. feet, (18.58 sq. m), or part thereof, of floor space occupied by the business or professional use;
- (d) no open storage or outdoor display shall be permitted;
- (e) it shall be conducted within the dwelling or accessory building;
- (f) there shall be no exterior evidence of the conduct of the business or professional use;
- (g) it shall not be an obnoxious one;
- (h) no change in the roofline or bulk of the building as a result of the home occupation;
- (i) no mechanical equipment is used except that reasonably consistent with a dwelling; and,
- (j) there shall be not more than one (1) assistant who is not a resident in the dwelling employed by the use.

6-2 Home Occupations

In this By-law, home occupations shall be deemed as the following:

- (a) a business office;
- (b) photography;
- (c) arts and crafts;
- (d) dressmaking, tailoring, music instruction, dancing, weaving, painting, sculpturing, moulding, or otherwise making or repairing of garden or household ornaments, articles of clothing, personal goods, or toys;
- (e) catering;
- (f) pet grooming (does not include a kennel or pet boarding);
- (g) broadcasting and dispatch;
- (h) hairdressing;
- (i) personal services; and,
- (j) other uses consistent with a residence.

6-3 Parking of Commercial Motor Vehicles

- (a) No commercial motor vehicle shall be kept in an R-1, R-2, R-3, R-3A, and TH Zone except for one commercial vehicle not exceeding three-quarter ton capacity and used by the owner or occupant of the lot. (Amended April 2006)
- (b) Notwithstanding subsection (a), no commercial motor vehicle shall be kept or parked on any vacant lot in an R-1, R-2, R-3, R-3A, or TH Zone. (Amended April 2006)

6-4 Reduced Setback

Notwithstanding anything else in this By-law, in any residential zone, structures built between existing buildings within two-hundred (200) feet, (60.96 metres) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than ten (10) feet, (3.04 metres), from the lot line and need be no greater than the setback regulations prescribed in the zone in which it is situated.

6-5 Standards for Parking Areas

Except for developments containing less than three dwelling units, off-street parking shall be provided according to the following minimum standards:

- (a) All parking areas including individual parking spaces, visitors and service spaces shall be clearly marked.
- (b) One point two five (1.25) parking spaces shall be provided for each unit. Parking areas located between the minimum setback and the building or within twenty (20) feet, (6.09 metres), of the street line shall be screened from the street by trees, landscape features, fences or a combination thereof.

6-6 Special Requirement: Flood Plain. See part 23.

6-7 Signs Indicating Home Occupations

There shall be no exterior evidence of the conduct of the home occupation, except for a non-illuminated business identification plate or sign, being a maximum size of two (2) square feet, (0.609 square metres), in area, affixed to the building.

6-8 Special Criteria for the Establishment of Bed and Breakfasts in an R-1 Zone (Repealed July, 2003)

6-9 Special Criteria for the Establishment of Bed and Breakfasts in R-2, and RF Zones

Nothing in this By-law shall prevent the use of a dwelling in a Residential R-2 or RF Zone as a Bed and Breakfast, provided that:

- (a) the dwelling be occupied as a residence by the operator of the Bed and Breakfast;
- (b) the external appearance of the dwelling not be changed by the business use;
- (c) there not be more than two (2) assistants employed in the business who are not normally residents of the dwelling;
- (d) one off-street parking space, in addition to the space required for the dwelling, shall be provided for each room devoted to the Bed and Breakfast business;

- (e) in addition to Section 6-7, one ground sign not exceeding four (4) feet (1.21 m) in height measured from the ground to the top of the sign shall be permitted. The said sign shall be set back from the adjacent street a minimum of five (5) feet, (1.52 m) and shall have a side yard setback of not less than five (5) feet (1.52 m);

The operator or operators of a Bed and Breakfast lawfully established under the foregoing provisions, in addition to providing lodging, may service meals to their guests.

6-10 Boarders and Lodgers

In any residential zone, there may be a maximum of two rooms used for boarders or lodgers, provided off-street parking is provided at a rate of one parking space per room, exclusive of dwelling requirements as laid out in this By-law.

6-11 Special Requirement: Hairdressing as a Home Occupation.

In any residential zone, a hairdressing service may operate provided that there is not more than one individual employed by the use who is a normal resident of the dwelling containing the use.

PART 7

RESIDENTIAL SINGLE UNIT DWELLING (R-1) ZONE

7-1 R-1 Uses Permitted

No development permit shall be issued in a Residential Single Unit Dwelling (R-1) Zone, except for one or more of the following uses:

- (a) Single unit detached dwellings (but shall not include a mobile home)
- (b) Auxiliary Dwelling Units subject to Section 7-6 of this By-law
- (c) Public parks and playgrounds
- (d) Day care centres to a maximum of fourteen (14) persons
- (e) ~~(Repealed July, 2003)~~
- (f) Homes for Special Care and/or Group Homes to a maximum of three (3) bedrooms devoted to resident use.
- (g) Uses accessory to any of the foregoing uses

7-2 R-1 Zone Requirements

In any Residential Single Unit Dwelling (R-1) Zone, no development permit shall be issued except in conformity with the following requirements:

- (a) where municipal sanitary sewer and water are available.

	Detached Dwelling
Minimum Lot Area	6,500 square feet (603.85 square metres)
Minimum Lot Frontage	65 feet (19.81 metres)
Minimum Front Yard	25 feet (7.62 metres)
Minimum Rear Yard	20 feet (6.096 metres)

Minimum Side Yard 8 feet (2.43 metres)

- (b) where either municipal sanitary sewers or water are not available.

Detached Dwelling

Minimum Lot Area 65340 sq. feet (6,078 sq. m)

Minimum Lot Frontage 250 feet (76.2 m)

Minimum Front Yard 25 feet (7.62 m)

Minimum Rear Yard 80 feet (24.38 m)

Minimum Side Yard 8 feet (2.43 m)

7-3 Special Side Yards: Attached Garages and Carports

Where a dwelling unit includes an attached garage or a carport, the minimum other side yard shall be reduced to four (4) feet (1.21 m), provided that no habitable room or living space exists above the garage or carport.

7-4 Frontage on Corner Lots

On a corner lot, the minimum lot frontage shall be seventy-five (75) feet, (23.86 m).

7-5 Special Requirement: Flood Plain. See Part 23.

7-6 Special Requirement: Auxiliary Dwelling Unit Within Single Unit Detached Dwellings

Nothing in this By-law shall prevent one auxiliary dwelling unit in any single unit detached dwelling in a R-1, R-2 and RF zone provided that;

- (a) there is no increase in the number of entrances in the front of the existing principle dwelling;
- (b) there is no alteration to the roof line or height of the existing dwelling except the possible addition of dormers;
- (c) parking shall be provided according to Section 6-5 of this By-law and parking spaces for the dwelling units are provided within the required side or rear yards or both.

PART 8

RESIDENTIAL TWO UNIT DWELLING (R-2) ZONE

8-1 R-2 Uses Permitted

No development permit shall be issued in a Residential Two Unit Dwelling (R-2) Zone, except for one or more of the following uses:

- (a) All residential Single Unit Dwelling (R-1) Zone uses
- (b) A semi-detached dwelling
- (c) A duplex dwelling
- (d) Linked Dwellings
- (e) Converted dwellings - two units
- (f) Day Care Centres to a maximum of fourteen (14) persons
- (g) Public Parks and Playgrounds
- (h) Homes for Special Care or Group Homes to a maximum of three (3) bedrooms devoted to resident use.
- (i) (Repealed July, 2003)
- (j) Bed and Breakfasts
- (k) Any uses accessory to any of the foregoing uses

8-2 R-2 Zone Requirements

In a Residential Two-Unit Dwelling (R-2) Zone, no development permit shall be issued except in conformity with the following requirements:

- (a) Where municipal sanitary sewer and water are available.

	Duplex Dwelling Converted Two Units	Semi-Detached Dwelling
Minimum Lot Area	6,500 square feet (603.85 square metres)	3,250 square feet per unit (301.93 sq.metres)
Minimum lot Frontage	65 feet (19.81 metres)	32.5 feet per unit (9.90 metres)
Minimum Front Yard	25 feet (7.62 metres)	25 feet (7.62 metres)
Minimum Rear Yard	20 feet (6.09 metres)	20 feet (6.09 metres)
Minimum One Side Yard	8 feet (2.43 metres)	8 feet (2.43 metres)
Minimum Other Side Yard	8 feet (2.43 metres)	no requirement

8-3 Special Requirements: Churches and Church Halls (Repealed July, 2003)

8-4 Special Requirement: Flood Plain. See Part 23.

8-5 Frontage on Corner Lots

On a corner lot, the minimum frontage shall be seventy-five (75) feet, (22.86 m).

8-6 Special Side Yards: Attached Garages and Carports

Where a dwelling unit includes an attached garage or a carport, the minimum other side yard shall be reduced to four (4) feet (1.21 m), provided that no habitable room or living space exists above the garage or carport.

8-7 Special Requirement: Auxiliary Dwelling Units (Repealed July, 2003)

PART 9

RESIDENTIAL MULTIPLE UNIT DWELLING (R-3) ZONE

9-1 R-3 Uses Permitted

No development permit shall be issued in a Residential Multiple Unit Dwelling (R-3) Zone except for one or more of the following uses:

- (a) Residential multiple unit structures but shall not include a rowhouse or townhouse.
- (b) Day Care Centres to a maximum of fourteen (14) persons.
- (c) Nursing Homes, Homes for Special Care, and Group Homes.
- (d) Public Parks and Playgrounds.

9-2 R-3 Zone Requirements

In any Residential Multiple (R-3) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	15,000 square feet (1393.5 sq. m)
Minimum Lot Frontage	100 feet (9.29 m)
Minimum Front Yard	30 feet (2.78 m)
Minimum Rear Yard	40 feet (3.71 m)
Minimum Side Yard	15 feet (4.57 m) minimum or 1/2 the height of the building, whichever is greater.
Lot Coverage	35%

Density

Type of Dwelling Unit	Lot Area Required per Dwelling Unit
Bachelor, Bedsitting and One Bedroom	1500 square feet (139.3 sq. m)
Two or more bedrooms	2000 square feet (185.8 sq. m)

9-3 Special Requirement: Recreation Space

Type of Dwelling Unit	Lot Area Required per Dwelling Unit
Bachelor, Bedsitting and One Bedroom	200 square feet (18.58 sq. m)
Two Bedroom	600 square feet (55.74 sq. m)
Three Bedroom	1000 square feet (92.9 sq. m)
Four or more Bedrooms	1400 square feet (130.06 sq. m)

A recreation space shall be set aside for recreational purposes, such as common recreational areas, play areas, recreational rooms, roof decks, swimming pools, and tennis courts. A recreational space shall have no dimension less than thirty (30) feet, (9.14 m) and a minimum of fifty (50) percent of the required recreational space shall have grades between 0-8 percent.

In addition to the above, balcony space shall be permitted to be included in the allocation of recreation and amenity space requirements.

9-4 Special Requirement: Flood Plain. See Part 23.

9-5 Special Requirement: Grouped Dwellings

Notwithstanding anything else in the By-law, in the Residential Multiple Unit Dwelling (R-3) Zone, more than one (1) main building shall be permitted on a lot provided that the minimum distance between grouped dwellings is thirty six (36) feet (10.97 m) and provided that all other requirements of the Residential Multiple Unit Dwelling (R-3) Zone are met.

9-6 Special Requirement: Landscaping

- a) In the Residential Multiple Unit Dwelling (R-3) Zone there shall be a six (6) foot (1.82 m) landscaped strip, consisting of existing or newly planted trees or shrubs spaced a maximum of six (6) feet, (1.82 m) apart. This strip shall abut and run the full length of the rear and side lot lines excluding driveway accesses and pedestrian accesses.
- b) In the Residential Multiple Unit Dwelling (R-3) Zone a parking area may be located in a required yard when abutting a lower density residential zone, if a landscaped strip a minimum of eight (8) feet (2.43 m) wide consisting of existing trees or shrubs or newly planted trees which are a minimum of five (5) feet (1.52 m) in height with a maximum spacing not to exceed six (6) feet (1.82 m) is provided. This landscaped strip may be reduced by 50% where;
 - (I) a six (6) foot (1.82 m) opaque wooden fence is provided; or,
 - (II) an earth berm a minimum of six (6) feet (1.82 m) above grade at its crest and trees a minimum of five (5) feet (1.52 m) in height with an average maximum spacing not to exceed six (6) feet (1.82 m) is provided.

9-7 Parking Requirements

Parking shall be provided as per Section 6-5 of this By-law

9-8 Special Requirement: Screening of Refuse Containers

In the Residential Multiple Unit Dwelling (R-3) Zone outdoor garbage bins shall be screened by a six (6) foot (1.82 m) high opaque fence or otherwise be enclosed by a structure so as not to be visible from any street or adjacent residential property.

9-9 Special Requirement: Site Plan. See Part 24.

PART 10

RESIDENTIAL CONVERTED MULTIPLE UNIT DWELLING (R-3A) ZONE

10-1 R-3A Uses Permitted

No development permit shall be issued in a Residential Converted Multiple Unit Dwelling (R-3A) Zone, except for one of more of the following uses;

- (a) A converted dwelling to a maximum of four (4) units.
- (b) Public and Private Parks.
- (c) Boarding/Lodging Houses (to a maximum of six boarders or lodgers).
- (d) Uses accessory to any of the foregoing.

10-2 Residential Converted Multiple Unit Dwelling (R-3A) Zone Requirements

In any Residential Converted Multiple Unit Dwelling (R-3A) zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	2,000 sq. ft. per unit (185.8 sq. m)
Minimum Lot Frontage	50 ft.
Minimum Front Yard	25 ft. if located on a Local street, or 30 ft. if located upon an Arterial or Collector road.
Maximum Lot Coverage	50%

Not more than four individual dwelling units shall be included in any one converted building.

10-3 Parking Requirements

Parking shall be provided as per Section 6-5 of this By-law.

10-4 Special Requirement: Flood Plain. See Part 23.

10-5 Special Requirement: Recreation Space. See Part 9-3.

10-6 Special Requirement: Screening of Refuse Containers. See Part 9-8

10-7 Special Requirement: Site Plan. See Part 24.

PART 11

RESIDENTIAL TOWNHOUSE (TH) ZONE

11-1 TH Uses Permitted

No development permit shall be issued in a Residential Townhouse (TH) Zone, except for one or more of the following uses:

- (a) Townhouse or rowhouse dwelling to a maximum of eight (8) units per structure
- (b) Public and Private Parks
- (c) Day Care Centres to a maximum of fourteen (14) persons
- (c) Uses accessory to any of the foregoing

11-2 Townhouse (TH) Zone Requirements

In any Residential Townhouse (TH) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	2,000 square feet per unit (185.8 sq. m)
Minimum Lot Frontage	20 feet per unit (6.10 m)
Minimum Front Yard	20 feet, (6.10 m), (local street) 30 feet (9.14m),(arterial or collector street)
Minimum Rear Yard	20 feet (6.09 m)
Minimum Side Yard	10 feet (3.04m) for end units
Minimum Other Side Yard	No requirement
Lot Coverage	35%

Not more than eight individual dwelling units shall be included in any one structure. The maximum density of Townhouse or Rowhouse units permitted in this zone shall be 15 units per acre.

- 11-3 Special Requirement: Flood Plain. See Part 23.**
- 11-4 Special Requirement: Landscaping. See Part 9-6**
- 11-5 Special Requirement: Recreational Space. See Part 9-3**
- 11-6 Special Requirement: Screening of Refuse Containers. See Part 9-8**
- 11-7 Special Requirement: Site Plan. See Part 24.**

PART 12

RESIDENTIAL FUTURE (RF) ZONE

12-1 Residential Future (RF) Zone Uses Permitted

No development permit shall be issued in a Residential Future (RF) Zone, except for one or more of the following uses:

- (a) A Single Unit Detached Dwelling
- (b) Auxiliary Dwelling Units subject to 7-6
- (c) Homes for Special Care and Group Homes to a maximum of three (3) bedrooms devoted to the use.
- (d) Agricultural and Forestry Uses
- (e) Apiaries
- (f) Animal Kennels or Stables
- (g) Aviaries
- (h) Day Care Facilities to a maximum of fourteen (14) persons
- (i) Public Parks and Playgrounds
- (j) Bed and Breakfasts

12-2 RF Zone Requirements

In a Residential Future (RF) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	65,340 sq. feet (6,070.09 sq. m)
Minimum Lot Frontage	225 feet (68.58 m)
Minimum Front Yard	25 feet (7.62 m)
Minimum Rear Yard	20 feet (6.10 m)
Minimum Side Yard	8 feet (2.43 m)

12-3 Residential Future (RF) Zone Existing Uses and Lots

Nothing in this By-law shall prevent an existing lot located in an Residential Future (RF) Zone to be developed provided that the provisions of Sections 4-12 and 4-13 of this By-law are satisfied.

12-4 Restricted Agricultural Uses

The following shall be deemed as restricted agricultural uses:

- (a) A fur farm
- (b) A mushroom farm
- (c) A turkey, game bird, or chick farm or hatchery
- (d) Feed lots for cattle, pigs or other livestock

No development permit shall be issued for any restricted agricultural use.

12-5 Accessory Buildings

Nothing in this By-law shall prevent the use of an accessory building in a Residential Future (RF) Zone for business or professional purposes as described in Section 6-1, and in addition to the following:

- (a) the accessory building, so-used is not more than 1600 square feet (487 square metres) in floor area.
- (b) no open storage or outdoor display shall be permitted except within the rear yard of any lot, and not more than 25% of the lot area may be devoted to such use, provided said open storage or outdoor display area is effectively screened or fenced from abutting property lines.

12-6 Special Requirement: Buildings Intended for the Keeping of Animals

No development permit shall be issued for any barn, kennel, stable, or other building intended for the keeping of animals within 40 feet, (12.19 m) of any side or rear lot line and 120 feet (36.57 m) from the front lot line.

12-7 Special Requirement: Flood Plain. See Part 23.

PART 13

Residential Comprehensive Development District
(Repealed April, 2006)

PART 14

GENERAL REQUIREMENTS FOR ALL COMMERCIAL ZONES

14-1 Abutting Zone Requirements

Where a Commercial Zone abuts a Residential (R-1, R-2, R-3, R-3A, or TH), Open Space or Institutional Zone, the following restrictions shall apply to an abutting yard within the Commercial Zone: **(Amended April, 2006)**

- (a) the minimum side yard requirement for the abutting side yard shall be 20 feet (6.10 m).
- (b) no open storage or outdoor display shall be permitted in an abutting yard in the Commercial Zone.
- (c) no parking space shall be permitted in an abutting yard within 20 feet (6.10 m) of a side or rear lot line in the Commercial Zone.
- (d) in addition to the provisions of Part 5, signs located in an abutting yard shall be subject to the following requirements:
 - (i) all signs shall be non-illuminated;
 - (ii) only directional or business identification signs shall be permitted;
 - (iii) the maximum sign area shall be 15 square feet (4.57 sq. m);
 - (iv) the maximum height of a ground sign from the grade level to the highest part of the sign (including the sign structure) shall be 12 feet (3.65 m); and,
 - (v) all signs shall be set back at least 10 feet (3.04 m) from the abutting property line.

14-2 Commercial Motor Vehicles

Commercial motor vehicles shall mean any motor vehicle having permanently attached thereto, a truck or delivery body and includes ambulances, hearse, motor buses, tractors, and taxis.

- (a) No commercial motor vehicle shall be kept in an R-1, R-2, R-3, R-3A, or TH Zone, except for one commercial vehicle not exceeding 3/4 of a ton capacity, and used by the owner or occupant of the lot. (Amended April, 2006)
- (b) Notwithstanding Section 14-2(a), no commercial motor vehicle shall be kept or parked on any vacant lot in an R-1, R-2, R-3, R-3A, or TH Zone. (Amended April, 2006)
- (c) No vehicle carrying hazardous materials shall be permitted in a R-1, R-2, R-3, R-3A, or TH Zone. (Amended April, 2006)

14-3 Restrictions of Open Storage or Outdoor Display

- (a) Except for a Commercial Highway (C-2) Zone, no open storage or outdoor display shall be permitted.
- (b) Where a lot is to be used primarily for open storage or outdoor display within a Commercial Highway (C-2) Zone, the following restrictions shall apply:
 - (i) no open storage or outdoor display shall be permitted within any required front yard of a lot; and,
 - (ii) the area devoted to open storage or outdoor display shall not exceed fifty (50%) percent of the total lot area.

14-4 Travel Trailers and Recreation Vehicles for Commercial Purposes

- (a) No travel trailer or recreational vehicle shall be used for business purposes.
- (b) Notwithstanding Section 14-4(a), travel trailers and recreational vehicles may be used in a licensed camping establishment.

14-5 Special Requirements: Automobile Service Stations

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

- (a) minimum lot frontage shall be 150 feet (45.72 m);
- (b) no portion of any pump island shall be located closer than 22 feet, (6.70 m) from any street line;
- (c) the minimum distance between ramps or driveways shall not be less than 30 feet, (9.14 m);
- (d) the minimum distance from a ramp or driveway to a street intersection shall be 50 feet (15.24 m);
- (e) the minimum angle of intersection of a ramp to a street line shall be forty-five (45) degrees; and,
- (f) the width of a ramp or driveway shall be a minimum of 22 feet (6.70 m) and a maximum of 26 feet (7.92 m).

14-6 Special Requirement: Flood Plain. See Part 23.

14-7 Special Requirement: Site Plan. See Part 24.

PART 15

COMMERCIAL GENERAL (C-1) ZONE

15-1 C-1 Uses Permitted

No development permit shall be issued in Commercial General (C-1) Zone except for one or more of the following uses:

- (a) R-1, R-2, R-3, R-3A, and TH uses as herein set out
- (b) Arenas and Auditoriums
- (c) Automobile Service Stations (including automobile washing establishments)
- (d) Bakery shops
- (e) Bank and Financial Institutions
- (f) Business and Professional Offices
- (ff) Churches and Church Halls (Adopted July, 2003)
- (g) Commercial Schools
- (h) Dressmaking and Tailoring
- (i) Funeral Homes
- (j) Hotels and Motels
- (k) Institutional Uses
- (l) Medical Clinics
- (m) News and Magazine Stands
- (n) Parking lots and Parking structures
- (o) Places of Entertainment, Recreation and Assembly (which are conducted within wholly enclosed buildings)
- (p) Private Clubs and Fraternal Organizations

- (q) Photography Studios
- (r) Printing Establishments
- (s) Repair Shops
- (t) Restaurants
- (u) Retail Stores
- (v) Service and Personal Service Shops
- (w) Taxi and Bus Stations
- (x) Parks and Community Centres
- (y) Residential dwellings in the same building as any commercial use
- (z) Any uses accessory to any of the foregoing uses

15-2 C-1 Zone Requirements

In a Commercial General (C-1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	5,000 square feet (464.5 sq. m)
Minimum Lot Frontage	50 feet (15.24 m)
Minimum Front Yard	30 ft. notwithstanding Section 4-36
Minimum Side Yard	no regulation if building is fireproof construction <u>or</u> 10 feet (3.04 m) if building is not of fireproof construction.
Minimum Rear Yard	no regulation if building is of fireproof construction <u>or</u> 20 feet (6.10 m) if building is not of fireproof construction.

15-3 Special Exemption: News Stands

For the purpose of this By-law, news stands and magazine stands shall be exempted from the requirements of Section 2 of this Part.

15-4 Parking Requirements

Notwithstanding the provisions of Part 4(26), parking in the C-1 Zone shall be provided according to the following schedule:

Residential Uses	1.25 spaces per unit
All other Uses	1 space per 380 square feet (35.30 sq. m) of floor area

15-5 Cash-In-Lieu of Parking Requirements

Notwithstanding the provisions of Section 15-4 of the Land Use By-law, Council may within the Commercial General (C-1) Zone, accept cash-in-lieu of the required onsite parking, or a combination of parking spaces and cash for the balance of the required parking from the developer. The cash-in-lieu contribution shall be calculated in accordance with the following formula:

$$C=[S + (L \times 280)] \times R \times 0.20$$

where:

C= developer's contribution

S= structural cost of a single parking space to be set by Council by resolution on an annual basis

L= current assessed value of land per square foot within the zone in which the land falls

280= number of square feet allotted to one parking space

R= number of parking spaces for which payment in lieu is required by the developer

0.20= developer's percentage of the actual cost of parking spaces for which cash-in-lieu is desired

15-6 Special Requirement: Restricted Access to Blair Avenue

Vehicular access to all Commercial General (C-1) uses located on the western side of Cornwallis Street from Brooklyn Street to Exhibition Street be restricted to Blair Avenue. Existing residential structures in the C-1 zone shall be permitted to continue direct access to Cornwallis Street.

15-7 Special Requirement: Flood Plain. See Part 23.

15-8 Special Requirement: Churches (Repealed July, 2003)

15-9 Special Requirement: Outdoor Storage

No outdoor storage shall be permitted in the Commercial General (C-1) zone.

15-10 Special Requirement: Site Plan. See Part 24.

PART 16

COMMERCIAL HIGHWAY (C-2) ZONE

16-1 C-2 Uses Permitted

No development permit shall be issued in a Commercial Highway (C-2) Zone except for one or more of the following uses:

- (a) Animal Hospitals and Veterinary establishments
- (b) Automobile sales establishments
- (c) Automobile service stations including automobile washing establishments.
- (d) Banks and Financial Institutions
- (e) Business and Professional Offices
- (f) Boat, trailer, and snowmobile sales and rentals
- (g) Churches and religious institutions
- (h) Clubs, whether fraternal or operated for profit
- (i) Display courts, featuring swimming pools, prefabricated cottages and mobile homes
- (j) Drive-in theatres and similar places of outdoor recreation and amusement, but excluding motor vehicle racing tracks
- (k) Dry cleaning and laundry distribution
- (l) Existing residential uses.
- (m) Funeral parlour, monument, and undertaker establishments
- (n) Garden and nursery sales, greenhouses and supplies
- (o) Hotels, motels, and other tourist establishments

- (p) Indoor recreational establishments, including premises for billiards, bowling, curling, dancing, roller and ice skating, theatre or cinema
- (q) Medical Clinics
- (r) Television and Radio Studios
- (s) Restaurants and drive-in restaurants
- (t) Retail sales within wholly enclosed buildings including:
 - Appliances
 - Arts and craft objects and antiques
 - Marina and camping accessories
 - Broadloom and draperies
 - Equipment and machinery for business, professionals, hospitals, schools and educational institutions
 - Furniture and lighting fixtures
 - Home Furnishings
 - Gifts and souvenirs
 - Gymnasium equipment and sporting goods
 - Musical instruments and equipment
 - Personal effects
 - Retail lumber and home improvement supplies with open storage, and a location in the rear yard of the main building located on the same lot.
- (u) Institutional Uses

16-2 C-2 Zone Requirements

In a Commercial Highway (C-2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	15,000 square feet (1393.5 sq. m)
Minimum Lot Frontage	100 feet (30.48 m)
Minimum Front Yard	30 feet (9.14 m)
Minimum Rear Yard	30 feet (9.14 m)

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Minimum Side Yard 10 feet (3.04 m)

Parking As provided in Part 4(26)

16-3 Special Requirement: Flood Plain. See Part 23.

16-4 Special Requirement: Site Plan. See Part 24.

PART 17

COMMERCIAL LOCAL (C-3) ZONE

17-1 C-3 Uses Permitted

No development permit shall be issued in a Commercial Local (C-3) Zone except for one or more of the following uses:

- (a) Any use permitted in the R-1 Zone, subject to the R-1 Zone requirements
- (b) Arts and Crafts and Antique shops
- (b) Bakery
- (d) Business and Professional offices
- (e) Communications Facilities
- (f) Convenience Stores
- (g) Dwelling units accessory to the retail use
- (h) Food and Grocery Stores

17-2 C-3 Zone Requirements

In a Commercial Local (C-3) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	6,500 square feet (603.85 sq. m)
Minimum Lot Frontage	65 feet (19.81 m)
Minimum Front Yard	25 feet (7.62 m)
Minimum Rear Yard	20 feet (6.10 m)
Minimum Side Yard	8 feet (2.43 m)

17-3 Maximum Floor Area

In a Commercial Local (C-3) Zone, the maximum amount of floor area that can be used for non-residential purposes shall be 2,000 square feet, exclusive of utility rooms and washrooms.

17-4 Exemptions from Part 14

Uses located within a Commercial Local (C-3) Zone shall be exempted from Section 14-1(a) of Part 14. (Amended July, 2003)

17-5 Special Requirements: Flood Plain. See Part 23.

17-6 Special Requirement: Site Plan. See Part 24.

PART 18

INDUSTRIAL (M-1) ZONE

18-1 M-1 Uses Permitted

No development permit shall be issued in an Industrial (M-1) Zone, except for one or more of the following:

- (a) Any manufacturing, industrial, assembly, processing, or warehousing operation conducted and wholly contained within an enclosed building.
- (b) Any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreational establishment.
- (c) Boat and marine supplies and sales
- (d) Breweries
- (e) Building supply and equipment depots
- (f) Business and professional offices
- (g) Concrete Plant
- (h) Commercial uses accessory to a main permitted use in an M-1 Zone which is conducted in the main building.
- (i) Communication Facilities
- (j) Construction Industries
- (k) Day care centres
- (l) Greenhouses and nurseries
- (m) Industrial Malls
- (n) Restaurants
- (o) Research and Development Facilities
- (p) Service industries
- (q) Open storage of new goods and materials

- (r) Light manufacturing, fabrication, welding, etc
- (s) Bulk storage, excluding sand and gravel, and supply depots
- (t) Power utility sub-stations
- (u) Recycling depots
- (v) Commercial uses accessory to the main use
- (w) Transport and trucking
- (x) Dairy Warehousing and Distribution
- (y) Wholesale and warehouse operations
- (z) Existing residential uses
- (aa) Any uses accessory to any of the foregoing uses

18-2 M-1 Zone Requirements

In an Industrial (M-1) Zone, no development permit shall be issued except in conformity with the following requirements:

	Serviced Lot	Unserviced Lot
Minimum Lot Area	10,000 sq. feet (929 sq. m)	63, 340 sq. ft. (5,884.28 sq.m)
Minimum Lot Frontage	100 feet (30.48 m)	225ft (68.58 m)
Minimum Front Yard	25 feet (7.62 m)	25 feet (7.62 m)
Minimum Rear Yard	35 feet (10.67 m)	35 ft (10.67 m)
Minimum Side Yard	10 feet (3.04 m)	10 ft (3.04 m)

18-3 Abutting Zone Requirements

Where a yard or lot within an Industrial (M-1) Zone abuts a Residential (R-1, R-2, R-3, R-3A, RF, or TH), Park and Open Space, an Institutional Zone, the following restrictions shall apply: (Amended April, 2006)

- (a) **Minimum Yards:** The minimum yards for the abutting lot in the Industrial (M-1) Zone shall be as follows, but only for the yard which so abuts:
Minimum Side Yard 30 feet (9.14 m)
Minimum Rear Yard 60 feet (18.28 m)
- (b) No open storage or outdoor display shall be permitted in an abutting yard in the Industrial (M-1) Zone;
- (c) No parking shall be permitted in an abutting yard within 20 feet, (6.09 m) of a side or rear lot line; and
- (d) Signs shall be regulated as provided in Part 5.

18-4 Restrictions on Open Storage and Outdoor Display

In an Industrial (M-1) Zone, open storage or outdoor display shall not be permitted within the required front yard of a lot; and in addition, the area devoted to open storage or outdoor display shall not exceed fifty (50) per cent of the lot area.

18-5 Special Requirement: Flood Plain. See Part 23.

18-6 Special Requirement: Screening Refuse Containers.

In the Industrial (M-1) Zone outdoor garbage bins shall be screened by a six (6) foot (1.82 m) high opaque fence or otherwise be enclosed by a structure so as not to be visible from any street or adjacent residential property.

18-7 Special Requirement: Site Plan. See Part 24.

PART 19

INSTITUTIONAL (I) ZONE

19-1 Institutional (I) Uses Permitted

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

- (a) Any uses permitted in a Park (P) Zone, subject to the (P) Zone requirements
- (b) Churches, places of worship and religious institutions
- (c) ~~(Repealed July, 2003)~~
- (d) ~~(Repealed July, 2003)~~
- (e) Government buildings
- (f) Homes for the Special Care, Group Homes and Nursing Homes
- (g) Hospitals
- (h) Cemeteries
- (i) Libraries, museums, and art galleries
- (j) ~~(Repealed July, 2003)~~
- (k) Fire and Police Stations
- (l) ~~(Repealed July, 2003)~~
- (m) Any uses accessory to any of the foregoing uses.

19-2 Institutional (I) Zone Requirements

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

Minimum Lot Area	10,000 square feet (3,048 sq. m)
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Minimum Lot Frontage	100 feet (30.48 m)
Minimum Front Yard	35 feet (10.67 m)
Minimum Rear Yard	40 feet (12.19 m)
Minimum Side Yard	15 feet (4.57 m)

19-3 Special Requirement: Abutting Zone Requirements

Where a yard or lot within an Institutional (I) Zone abuts a Residential (R-1, R-2, R-3, R-3A, RF, or TH), Park and Open Space, an Industrial Zone, the following restrictions shall apply: **(Amended April, 2006)**

- (a) **Minimum Yards:** The minimum yards for the abutting lot in the Institutional (I) Zone shall be as follows, but only for the yard which so abuts:

Minimum Side Yard 30 feet (9.14 m)

Minimum Rear Yard 60 feet (18.28 m)

- (b) No open storage or outdoor display shall be permitted in an abutting yard in the Institutional (I) Zone;
- (c) No parking shall be permitted in an abutting yard within 20 feet, (6.09 m) of a side or rear lot line; and,
- (d) Signs shall be regulated as provided in Part 5.

19-4 Special Requirement: Flood Plain. See Part 23.

19-5 Special Requirements of Site Plans. See Part 24. **(Adopted July, 2003)**

PART 20

PARK AND OPEN SPACE (P) ZONE

20-1 Park and Open Space (P) Zone Uses Permitted

No development permit shall be issued in a Park and Open Space (P) Zone except for one or more of the following uses:

- (a) Playgrounds and public recreational uses and facilities
- (b) Community centres
- (c) Public Parks
- (e) Buildings and structures accessory to the foregoing,

20-2 Park and Open Space (P) Zone Requirements

No development permit shall be issued in a Park and Open Space (P) Zone unless the minimum setback from any lot line for a building is 30 feet (9.14 m).

20-3 Special Requirement: Flood Plain. See Part 23.

20-4 Special Requirement: Site Plan. See Part 24.

PART 21

SPECIAL USE (SU) ZONE

21-1 Special Use (SU) Permitted Uses

The following uses shall be permitted in the Special Use (SU) zone:

- (a) Golf Courses
- (b) Campgrounds
- (c) Driving Ranges
- (d) Private Parks
- (e) Miniature Golf Courses
- (f) Multiple purpose recreational facilities (comprising or miniature golf, driving ranges, batting cages, water slides, and similar facilities)
- (g) Private recreational clubs (such as a curling club, a tennis club, a lawn bowling club, soccer club)
- (h) Structures accessory to any of the foregoing as provided in Part 21-2 and includes existing residential dwellings.

21-2 Special Use (SU) General Requirements

The following requirements shall apply to all uses permitted in the Special Use (SU) zone;

minimum lot area	43,560 sq. ft. (4046.72 sq. m)
minimum lot frontage	100 ft. (30.48 m)
minimum front yard	30 ft. (9.14 m)
minimum side yard	20 ft. (6.09 m)
minimum rear yard	30 ft. (9.14 m)

21-3 Special Requirement: Abutting Zone Requirement

Where a yard or lot within an Special Use (SU) Zone abuts a Residential (R-1, R-2, R-3, R-3A, RF, or TH), Park and Open Space, Institutional, or an Industrial Zone, the following restrictions shall apply: **(Amended April, 2006)**

- (a) Minimum Yards: The minimum yards for the abutting lot in the Special Use (SU) Zone shall be as follows, but only for the yard which so abuts:

Minimum Side Yard 30 feet (9.14 m)

Minimum Rear Yard 60 feet (18.28 m)

- (b) No open storage or outdoor display shall be permitted in an abutting yard in the Special Use (SU) Zone;
- (c) No parking shall be permitted in an abutting yard within 20 feet, (6.09 m) of a side or rear lot line; and
- (d) Signs shall be regulated as provided in Part 5.

21-4 Special Requirement: Flood Plain. See Part 23.

21-5 Special Requirement: Site Plan. See Part 24.

PART 22

CONSERVATION (O-1) ZONE

22-1 Conservation (O-1) Zone Uses Permitted

No development permit shall be issued in a Conservation (O-1) Zone except for one or more of the following uses:

- (a) Conservation and related projects
- (b) Crop farming, grazing, and pasturage
- (c) Open space
- (d) Passive Recreational Activities, such as fishing, bird watching, and similar ecologically oriented educational activities
- (e) Public or private parks
- (f) Uses accessory to any of the foregoing uses
- (g) Structures accessory to the foregoing.

22-2 Conservation (O-1) Zone Requirements

No development permit shall be issued in a Conservation (O-1) Zone unless the minimum setback from any lot line for a building is 30 feet (9.14 m).

22-3 Special Requirement: Flood Plain. See Part 23.

PART 23

SPECIAL CRITERIA FOR DEVELOPMENT WITHIN AREAS SUBJECT TO FLOODING AS SHOWN ON THE ENVIRONMENTAL CONSTRAINTS MAP AND THE DOWNTOWN FLOODPLAIN MAP.

23-1 Conditions of Permit Approval

No development permit shall be issued in any zone that is in the area shown as flood plain on the *Environmental Constraints Map* and *Downtown Floodplain Map*, unless the following special requirements are met:

- (a) the minimum opening for any structure shall be above the nine (9) metre contour line;
- (b) fill shall be permitted to be placed on lots only when:
 - (i) the amount of fill is restricted to that area over which the main structure is located and shall extend ten (10) feet (3.04 m) from the perimeter of the foundation of said building;
 - (ii) such fill when placed around the perimeter shall have a minimum slope of three (3) to one (1) ratio;
 - (iii) the elevation at the top of the fill shall be a minimum of nine metres.
- (c) foundation walls, floors, and footings shall be waterproofed as per requirement contained in the National Building Code.

Notwithstanding 23 (b) (i), the area of fill around the main structure may be increased in width if it is determined by a qualified engineer that such increase is required to prevent hydraulic loading on the foundation.

PART 24

SPECIAL CRITERIA FOR SITE PLAN APPROVALS

24-1 Conditions of Permit Approval

No development permit for new structures or additions shall be issued in a (R-3), (R-3A), (TH), (C-1), (C-2), (C-3), (M-1), (P) and (SU) Zone, when such developments abuts a Residential Single Unit Dwelling (R-1) Zone or a Residential Two Unit Dwelling Unit (R-2) Zone, unless a Site Plan has been approved by the Development Officer for the Town of Kentville. **Amended July, 2003**

24-2 Evaluation Criteria for Site Plan Approval

The following evaluation criteria shall apply to any development undertaken pursuant to Section 21-1:

- (a) that the new structure (or an addition to an existing structure) is located on the lot, so as to minimize any adverse impact of driveway entrances and exits on the surrounding neighbourhood;
- (b) that the location, number and width of such driveways are designed so as to prevent congestion, nuisance and inconvenience in the area and minimize any adverse impact on the surrounding neighbourhood;
- (c) that the parking and loading facilities are located and designed so as to minimize any adverse impact on the surrounding neighbourhood;
- (d) that the type, location and height of walls, fences, hedges, trees, shrubs, groundcover or other landscaping elements, are designed and built so as to protect and minimize any adverse impact on neighbouring properties;
- (e) that the existing vegetation, where possible and deemed practical, be retained so as to lesson or reduce any adverse impact on abutting properties or the surrounding neighbourhood;

- (f) that the location of the proposed walkways and other pedestrian access be located and designed so as to minimize any adverse impact on the surrounding neighbourhood;
- (g) that the type and location of outdoor lighting is designed to light the structure, driveways and any pedestrian access with minimum light directed at or spilled onto neighbouring properties;
- (h) that the location and design of facilities for the storage of solid waste provides for maximum separation from adjoining properties;
- (i) that storm and surface water management plans are provided;
- (j) that the type, location, number and size of signs or sign structures do not significantly alter the appearance of the neighborhood; and
- (k) that the above listed items are maintained in a manner suitable to a residential neighborhood. (Amended July, 2003)

24-3 Site Plan Application

A Site Plan prepared in accordance with 24-1 and 24-2 shall indicate: (Amended July, 2003)

- i. the location of existing or proposed structures on the site;
- ii. the location of existing or proposed off-street parking or loading facilities;
- iii. the location, number and width of existing and proposed driveway accesses to streets; (Amended July, 2003)
- iv. the type, location and height of walls, fences, hedges, trees, shrubs, ground cover or landscaping elements; (Amended July, 2003)
- v. the retention of existing vegetation;
- vi. the location of existing and proposed walkways, including the type of surfacing material; (Amended July, 2003)
- vii. the type and location of existing and proposed outdoor lighting; (Amended July, 2003)
- viii. the location of existing and proposed facilities for storage of solid waste; (Amended July, 2003)
- ix. the location of existing and proposed easements; (Amended July, 2003)

- x. any existing and proposed grade alteration and/or any storm or surface water control infrastructure; (Amended July, 2003)
- xi. the type, location, number and size of existing and proposed signs and sign structures; (Amended July, 2003)
- xii. (Repealed July, 2003)

24-4 Site Plan Process

The process for granting Site Plan Approval follows the same process as the Variance procedure subject to Section 236 of the Municipal Government Act. (Amended July, 2003)

PART 25

ADMINISTRATION

25-1 Date of Bylaw

This By-law shall take effect when the clerk places a notice in the newspaper circulating the municipality advising that the document is in effect as of the date of the notice (Section 208 of the Municipal Government Act)

25-2 Enforcement

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

25-3 Penalty

A person who violates any provisions of this By-law is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand (1000) dollars, and in default of payment to imprisonment for a term not exceeding two (2) months, and in the case of a continuing offence, to a further fine not exceeding two hundred and fifty (250) dollars for each day during which the offence continues, and in default of payment, to imprisonment for a term not exceeding (10) days pursuant to Part 21 section 505, and 506 of the Municipal Government Act.

25-4 Scope of Application

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

- (a) The true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
- (b) The proposed location, height and dimensions of the building, structure, or work in respect of which the permit is applied for;
- (c) The location of every building or structure already erected on or partly on such lot, and the location of every building upon contiguous lots;
- (d) The proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas; and

- (e) Other such information as may be deemed necessary to determine whether or not every such building, development, reconstruction, or redevelopment conforms with the requirements of this By-law.

Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, and other By-laws and regulations in force which affects the proposed development, he may require that the plans submitted under Section 25-4(a) to (e) of Part 25 be based upon an actual survey by a Provincial Land Surveyor.

25-5 Signature for Application

The application shall be signed by the registered owner of the lot or by the owner's agent duly authorized thereinto in writing, and shall set forth in detail the current and proposed use of the lot and each building or structure, or part of each building or structure, together with all information necessary to determine whether or not every such proposed use of land, building or structure conforms with the requirements of this By-law.