

**CONWAY AND AREA LAND USE BY-LAW  
of the  
Municipality of the District of Digby**

**PART 1-1 TITLE**

1. This By-law shall be known and may be cited, as the “Conway and Area Land Use By-law” of the Municipality of the District of Digby.

**PART 1-2 DEFINITIONS**

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

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, or a building located completely underground.

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

3. **ACT** shall mean the Municipal Government Act, Nova Scotia, 1999, and amendments thereto.

4. **AGRICULTURAL USES OR STRUCTURES** means any use or structure necessary for the cultivation of vegetation and the raising of animals or fowl for sale purposes.

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

6. **ANIMAL HOSPITAL** means the premises where animals are treated or treated and kept for monetary gain.

7. **APARTMENT BUILDING** means a building containing three or more dwelling units which have a common entrance from the street level.

8. **AUTOMOBILE AND TRUCK SALES AND SERVICE ESTABLISHMENT** means premises devoted to the sale of new and/or used automobiles and trucks and to the servicing, maintenance and repair of motor vehicles.

9. **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 gasolines and lubricating oils and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles other than an automobile washing establishment or an automobile sales establishment.

10. **AUTOMOBILE WASHING ESTABLISHMENT** means a building or part thereof used for the operation of automobile washing equipment which is automatic, semi-automatic or self serve.
11. **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 under-side of floor joists of the storey next above, below the adjacent average finished grade level adjacent to the exterior walls of the building.
12. **BOARDING OR ROOMING HOUSE** means a dwelling in which the proprietor supplies either room or room and board for monetary gain, to more than two persons exclusive of the lessee or owner thereof or members of his family and which is not open to the general public.
13. **BUILDING** means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment. Any awning, bin, bunker, or platform, vessel or vehicle used for any of the said purposes shall be deemed a building.
14. **BUILDING LINE** means any line regulating the position of a building or structure on a lot.
15. **BUILDING SUPPLY STORE** means premises, land and building, devoted to the sale of construction and building materials, equipment and related tools, and excluding bulk sand and gravel.
16. **BULK STORAGE AND SUPPLY DEPOT** means premises devoted to the bulk storage of solid and liquid materials, but excluding sand and gravel, and may include administration and storage building(s).
17. **CHURCH** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall, and day nursery operated by the church.
18. **CLINIC** means a building or a 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.
19. **COMMERCIAL SCHOOL** means a school of seven or more pupils gathered at one time conducted for gain, and includes a secretarial school, language school, driving school and does not include day-care, day nursery or nursery schools.

20. **COMMERCIAL USE** means any use by which retail or wholesale trade is carried out, and those other uses providing the sale of goods, materials or services, and excludes industrial uses.
21. **COMMUNICATIONS FACILITIES** means premises devoted to the provision of direct or indirect services to the broadcast and telecommunications industry.
22. **COMMUNITY CENTRE** means any tract of land, or building or buildings, or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the municipality, a local board or agent thereof.
23. **CONSTRUCTION STORAGE AND OFFICES** means premises used for the storage of construction materials, excluding sand and gravel, associated construction equipment, and buildings for workshops and administration of a construction company and not including retail sales.
24. **CONVERTED DWELLING** means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion without any increase in floor space.
25. **CORNER VISION TRIANGLE** means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection, the distance required by this By-law, along such street line and joining such points with a straight line. The triangular shaped land between the intersecting lines and the straight line joining the points the required distance along the street lines shall be known as the “corner vision triangle”.
26. **COUNCIL** shall mean the Council of the Municipality of the District of Digby.
27. **DAY CARE** see Day Nursery
28. **DAY NURSERY** means a place where three or more preschool children are cared for on a temporary daily basis for financial consideration, without overnight accommodation, but does not include a school.
29. **DEVELOPMENT** includes any erection, construction, alteration, replacement or relocation of, or addition to, any structure and any change or alteration in the use made of land, or structures.

30. **DEVELOPMENT OFFICER** means the officer of the Municipality of the District of Digby from time to time charged by the municipality with the duty of administering the provisions of the Land Use By-law.

31. **DWELLING** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units and shall not include a hotel, a motel or an apartment hotel.

- (a) **DUPLEX** means a building that is divided horizontally into two dwelling units each of which have an independent entrance either directly from outside the building or through a common vestibule.
- (b) **SEMI-DETACHED DWELLING** means a building that is divided vertically into two dwelling units each of which has an independent entrance.
- (c) **SINGLE FAMILY DETACHED DWELLING** means a completely detached dwelling unit.
- (d) **TOWNHOUSE OR ROW HOUSE DWELLING** means a building that is divided vertically into three or more dwelling units, each of which has an independent entrance, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
- (e) **TRIPLEX DWELLING** means a building that is divided horizontally into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- (f) **SPLIT LEVEL DWELLING** -see SINGLE FAMILY DETACHED DWELLING
- (g) **BI-LEVEL DWELLING** -see SINGLE FAMILY DETACHED DWELLING

32. **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.

33. **DUPLEX** - see Dwelling, Duplex.

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

35. **ESTABLISHED BUILDING LINE** means the average distance of the existing building 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 this By-law.

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

37. **FLOOR AREA**

- (a) With reference to a Dwelling means the maximum area contained within the outside walls and excluding any private garage, porch, verandah, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
- (b) Commercial Floor Area means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common malls between stores.
- (c) Gross Floor Area means the aggregate of the floor areas of building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.
- (d) With references to a Dwelling Unit where more than one unit is contained within a building, means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit, excluding closets, built-in cabinets and storage areas, and balconies.

38. **FRONT YARD** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a “minimum” front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.

39. **GOLF COURSE** means a public or private area operated for the purpose of playing golf.

40. **GOLF DRIVING RANGE** means a commercial activity providing land and facilities for the practice of golf, and including the rental and sale of golf and golf related equipment.

41. **GRADE** means the average elevation of the finished level of the ground at the exterior walls of the building.

42. **GREEN HOUSES AND NURSERY** means land and buildings devoted to horticultural activities, being green houses for the growing of plants for sale, together with the sale of gardening tools, equipment, seeds and landscaping materials.

43. **GUEST HOUSE** means a dwelling where the proprietor supplies either room or rooms and where not more than six (6) rooms are so used and which is open to the traveling public.

44. **HEIGHT** means the vertical distance on a building between the established grade and

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

45. **HOME OCCUPATION** means use of a dwelling for employment involving the provision or sale of goods or services or both goods and services exclusively by the residents of the dwelling.

46. **HOSPITAL** means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury.

47. **HOTEL** means a building or buildings or part thereof on the same site used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation with or without meals but without private cooking facilities.

48. **INDUSTRIAL MALL** means a building or building complex containing 2 or more separate units, designed, developed and managed as a unit by a single owner, to be occupied by unrelated industrial or commercial uses, and sharing common parking areas and driveways.

49. **INDUSTRIAL USE** means the use of any building or land for the purpose of fabricating manufacturing, altering, repairing, processing, breaking up, demolishing, or treating of any article, commodity, or substance whatsoever.

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

51. **INSTITUTIONAL USE** means any or all of the following uses:

Churches, Places of Worship and Religious Institutions  
Colleges, Universities and Non-commercial Schools  
Fire Stations  
Public buildings  
Nursing Homes subject to the Rural Residential(R-1) and Urban Residential (R-2) zone requirements.  
Hospitals  
Libraries, Museums and Art Galleries  
Municipal works yard  
Police Stations  
Any institutional use which is incorporated under the Societies Act Ch. 286, R.S.N.S. 1967, or any other private statute of incorporation.  
Public and private utilities, other than sewage treatment plants.

52. **KENNEL** means a building or structure where animals, birds or other livestock intended or used as domestic household pets are kept or boarded.

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

54. **LIGHT WAREHOUSING** means the long term storage of goods inside an enclosed building, the goods being neither reactive chemical, nor toxic, nor perishable or odour emitting, including but not necessarily restricted to reusable bottle storage and the long term storage of furniture, household goods, crated used goods, or general merchandise, and not including retail sales and service or delivery of retail goods on the premises.

55. **LOADING SPACE** means a vacant area of land provided and maintained upon the same lot 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 is not for the purpose of sale or display;
- (b) is not upon or partly upon any street, or highway

56. **LOT** means any parcel of land described in a deed as a lot or as shown as an approved lot on in a registered plan of subdivision.

- (a) **CORNER LOT** means a lot situated at the intersection of and abutting on two or more streets, or a lot abutting a road or roads in two or more locations. The shorter lot line shall be deemed the front lot line of the said lot.
- (b) **INTERIOR LOT** means a lot situated between two lots and having access to one street.
- (c) **THROUGH LOT** means a lot bounded on two opposite sides by streets or highway provided, however, that if any lot qualifies as being both a Corner Lot and Through Lot as hereinbefore defined, such lot shall be deemed to be a Corner Lot for the purpose of this By-law.

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

58. **LOT DEPTH** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid- points of the front and rear lot lines.

59. **LOT FRONTAGE** means the length of a line measured at the front lot line joining the side lot lines and parallel to the front lot line. (See calculation of lot frontage for irregularly shaped parcels in Part 2. 5. General Provisions for all Zones”).

60. **LOT LINE** means a boundary line of a lot.

- (a) **FRONT LOT LINE** means the line dividing the lot from the street; in the case of a corner lot the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length the front lot line shall be either of the lot lines. In the case of a Through Lot, any boundary dividing the lot from a street shall be deemed to be the front lot line.
- (b) **REAR LOT LINE** means the lot line furthest from or opposite to the front lot line.
- (c) **SIDE LOT LINE** means a lot line other than a front or rear lot line.
- (d) **FLANKING LOT LINE** means a side lot line which abuts the street on a corner lot.

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

62. **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.

63. **MANUFACTURED HOME** means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, (except for minor and incidental unpacking and assembling operations), located on wheels, jacks or permanent foundation, and which may be connected to utilities and sanitary services, and the foregoing shall include mobile homes and modular dwellings having any main walls with a width of less than twenty (20) feet.

64. **MANUFACTURED HOME SALES** means premises devoted to the sale of new and used manufactured homes and associated equipment and services, including administrative offices.

65. **MARKET GARDEN and GARDEN NURSERY** means the growing of plants outdoors or under glass, together with the sale of related gardening needs, equipment and produce.

66. **MASTS & BROADCAST TOWERS** means structure, either self supporting or guyed, on which broadcasting and/or receiving antennae are mounted.

67. **MAXIMUM LOT COVERAGE** means that percentage of the lot area covered by all building above ground level shall include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

68. **MOTEL** means a building or buildings or part thereof on the same site used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation, with or without meals.

69. **MUNICIPALITY** means the Municipality of the District of Digby.

70. **NON-COMMERCIAL SCHOOL** means a public or private academic, religious or philanthropic school not conducted for monetary gain.

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

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

73. **OFFICE** means a room where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

74. **OPEN SPACE AND RECREATION USE** means any or of the following uses

- Cemeteries
- Community Centres
- Golf Courses and Boat Clubs
- Marinas and Boat Clubs
- Pavilions, Band Shells
- Private Parks and Recreation Areas
- Private Recreation Centres
- Public Parks & Recreation Areas
- Public Recreation Structures & Buildings
- Buildings and structures accessory to the foregoing including a refreshment booth or pavilion

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

76. **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 maneuvering areas where no parking or storage of motor vehicles is permitted.

77. **PARKING LOT** - see Parking Area

78. **PARKING SPACE** means an area of not less than two hundred (180) square feet, measuring a minimum eight (8) feet by eighteen (18) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.

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

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

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

82. **PRIVATE PARK** means a park other than a public park which is privately owned and operated.

83. **PROFESSIONAL OFFICE** means a building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retailing or selling of goods.

84. **PUBLIC AUTHORITY** means any Board, Commission or Committee of the Municipality of the District of Digby established by 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 the By-law of the Municipality.

85. **PUBLIC OR PRIVATE UTILITY** means a system, works, plant, equipment or service whether owned or operated by or for the Municipality, or by a corporation, or under a federal or provincial statute which furnishes services including but not limited to:

- (a) communication by way of telephone or telegraph;
- (b) public transportation;
- (c) production, transmission, deliver or furnishing of water, gas or electricity to the public at large;
- (d) collection and disposal of sewage, excluding septic tank sludge dumping stations; and
- (e) fire departments.

86. **PUBLIC PARK** means a park owned or controlled by a Public authority.

87. **RECREATIONAL USES** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, trails for hiking, cycling, snow mobiling, and skiing, 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.

88. **RECREATION VEHICLE SALES AND SERVICE ESTABLISHMENT** means premises devoted to the sale of new and/or used recreation vehicles, including, but not limited to, boats, snowmobiles, travel trailers and the e like, and to the servicing and repair thereof.

89. **REQUIRED SETBACK** - see Setback

90. **RESEARCH AND DEVELOPMENT FACILITIES** means premises used for the research and development of electrical, chemical, clinical or industrial products, providing such activities are not obnoxious by reason of sound, odour, dust, fumes, smoke or other obnoxious or dangerous emissions.

91. **RESTAURANT** means a building or part thereof where food and drink is served to the public for consumption within the building or for takeout but not for consumption in parking areas appurtenant to the building.
92. **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.
93. **RETAIL STORE** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public.
94. **ROAD** - see Street
95. **ROW HOUSE DWELLING** - see Dwelling, Townhouse
96. **SALVAGE YARD** - has the same meaning as SCRAP YARD.
97. **SCRAP YARD** means a lot or premises for the storage or handling of scrap material and without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, vehicles, tires, metal or other scrap material or salvage.
98. **SEMI - DETACHED DWELLING** - see Dwelling, Semi-detached.
99. **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, a plumbing shop, sheet metal shop and similar uses.
100. **SERVICE SHOP** means a building or part 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.
101. **SERVICE STATION** - see Automobile Service Station
102. **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. **REQUIRED SETBACK** means the minimum setback as prescribed by the Land Use By-law.

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

104. **SHOPPING MALL** - see Shopping Centre

105. **SHOPPING PLAZA** - see Shopping Centre

106. **SIDE YARD** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and “minimum” side yard means the minimum depth allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.

107. **SIGN** means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, form, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word “sign” shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.

- (a) **GROUND SIGN** means a sign supported by one or more uprights, poles or braces placed in or upon the ground, having a height less than 35 feet above grade at the base of the sign support.
- (b) **ROOF SIGN** means a sign supported by one or more uprights, poles or braces placed upon the roof of a building.
- (c) **ILLUMINATED SIGN** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focussed upon or chiefly directed at the surface of the sign.
- (d) **PROJECTING WALL SIGN** means a sign which projects from and is supported by a wall of a building.

- (e) **FACIAL WALL SIGN** means a sign which is painted upon a building wall, or is attached to and supported by a wall of a building.
- (f) **SIGN AREA** means the area of the smallest triangle, rectangle of circle or semi-circle which can wholly enclose the surface area of the sign. All visible faces of a multi faced sign shall be counted separately and then totaled in calculating sign area. Three dimensional signs shall be treated as dual-faced signs, such that the smallest triangle, rectangle or circle or semi-circle which can totally circumscribe the sign in the plane of its largest dimension is considered the sign area.
- (g) **NUMBER OF SIGNS** means that for the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- (h) **TEMPORARY SIGN** means a sign designed to accept a changeable advertising message, to be illuminated and mounted on a base design to be moved from location to location.
- (i) **MAST OR PYLON SIGN** means a ground sign having an overall height exceeding 35 feet.
- (j) **POINT OF PURCHASE SIGN** means a sign located at, on or near the product offered for sale

108. **SINGLE FAMILY DETACHED DWELLING** - see Dwelling,

109. **SPLIT LEVEL DWELLING** - see Dwelling,

110. **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 Municipality of the District of Digby.

111. **STREET LINE** means the boundary line of a street.

112. **STRUCTURE** means anything that is erected, built, or constructed of parts joined together or any such section fixed to or supported by the soil or by

any other structure. A structure shall include buildings, walls and signs and also fences exceeding six (6) feet in height.

113. **TECHNOLOGY AND RELATED INDUSTRIES** means the research, development and manufacturing of electronic equipment and related products.

114. **TOURIST ESTABLISHMENT** means a building or buildings which are used to accommodate the traveling public for gain or profit by supplying them with sleeping accommodation, with or without meals, and shall include a guest home, tourist cabins, a motel, an auto court, and a hotel.

115. **TOURIST HOME** means a building used as a single family dwelling in which there are not more than four (4) sleeping rooms intended to be rented to the general public and where the stay of the guests is of a transient nature.

116. **TOWN** shall mean the Town of Digby.

117. **TOWNHOUSE DWELLING** - see Dwelling, Townhouse

118. **TRAILER OR TENTING PARK** means any plot of ground upon which two (2) or more travel trailers or tents providing temporary seasonal dwelling accommodations are located, regardless of whether or not a charge is made for the accommodation.

119. **TRANSPORTATION AND TRUCKING FACILITIES** means premises devoted to the shipping of goods, materials and items, including the temporary storage of such goods and materials, and the servicing, maintenance, repair and fueling of trucks and vehicles used to transport such goods and materials.

120. **TRAVEL TRAILER OR RECREATIONAL VEHICLE** means any vehicle or similar portable structure not exceeding one hundred and two (102) inches wide and thirty two (32) feet long supported by wheels designed for travel, recreational and vacation uses, to provide dwelling accommodation of a temporary nature.

121. **TRIPLEX DWELLING** - see Dwelling, Triplex

122. **WAREHOUSE** means a building where wares or goods are stored but shall not include a retail store.

123. **VETERINARY ESTABLISHMENTS** means a building and associated accessory buildings, including kennels, required for the provision of veterinary services.

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

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

125. **ZONE** means a designated area of land shown on the Schedules of this By-law.

**PART 1-3 ZONES AND ZONING MAPS**

**ZONES**

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

<u>Zone Designations</u>	<u>Symbols</u>
Rural Residential	R -1
Urban Residential	R -2
Highway Commercial	H C
Industrial	M
Open Space	OS

**PART 1-4 ADMINISTRATION**

1. **ENFORCEMENT**

- 2 This by-law shall be administered by the Development Officer, who shall be responsible for the issuance of Development Permits.

2. **DEVELOPMENT PERMIT**

No person shall hereafter use any land or erect, alter or use any building or structure unless a Development Permit has been issued and no development permit shall be issued unless all the provisions of this By-law are satisfied.

3. **PERMIT APPLICATION**

- (a) Every application for a Development Permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing:
  - (i) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
  - (ii) the proposed location, height and dimensions of the building, structure, or work in respect of which the permit is applied for;
  - (iii) the location of every building or structure already erected on or partly on such lot, and the location of every building upon continuous lots;

- (iv) the proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping area; and
  - (v) other such information as may be necessary to determine whether or not every such building, development, reconstruction or redevelopment conforms with the requirements of this By-law.
- (b) Where the Development Officer is unable to determine whether the proposed development conforms to this By-law and other by-laws and regulations in force which affect the proposed development he may require that the plans submitted under Subsection (a) be based upon actual survey by a Provincial Land Surveyor.
- (c) All applications for development permits which are subject to development agreement must be accompanied by plans based upon an actual survey by a Provincial Land Surveyor.

4. **SIGNATURE FOR APPLICATION**

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

5. **EXPIRATION OF DEVELOPMENT PERMIT**

A development permit shall expire one year from the date of issuance of

same.

6. **LIABILITY FOR COSTS**

Where Council does not initiate an amendment to this By-law, the applicant, and where Council is considering entering into a development agreement, the owner, shall deposit with the Clerk an amount estimated by the Clerk to be sufficient to pay the cost of advertising. If insufficient, after advertising has been completed, the applicant shall pay to the Clerk any additional amount.

7. **REGISTRY OF DEEDS**

Where Council has entered into a Development Agreement, a copy of the agreement shall be registered by the clerk in the Office of the Registrar of Deeds for the County of Digby and thereupon the obligations thereof shall

be binding upon the owner and any subsequent owner until discharged by the Municipality.

8. AMENDMENT OF BY-LAW

- (a) Any person who wishes to obtain the amendment, revision or repeal of this By-law shall submit an application in writing to the Clerk of the Municipality;
- (b) The application shall state an address for service;
- (c) The applicant shall deposit with the Clerk an amount estimated by the Clerk to be sufficient to pay the cost of advertising required by the Municipal Government Act, and
- (d) After the notice of advertising required by the Municipal Government Act has been completed, the applicant shall pay to the Clerk any additional amount necessary to defray the cost of advertising or if there is a surplus the Clerk shall refund the same to the applicant.

9. PENALTY

A person who violates any provisions of this By-law is guilty of an offense and liable on summary conviction to a fine as set out in the Municipal Government Act, 1999

10. DATE OF BY-LAW

This By-law shall take effect on the publication date of an advertisement appears advising the public that the Bylaw is in effect.

11. ZONES NOT ON MAPS

The zoning map of this By-law may be amended, in conformance with the Municipal Planning Strategy, to utilize any zone in this By-law, regardless or whether or not such zone had previously appeared on any zoning map.

12. USES CONSIDERED BY DEVELOPMENT AGREEMENT

The Municipal Planning Strategy provides that the following aspects shall be dealt with by Development Agreement:

- (a) Development on the same lot of new or expansion of accessory buildings related to existing commercial uses in residential areas beyond the height and floor area as set out in the Generalized Future Land Use Ma;
- (b) Developments over 35 feet in height, and

(c) Multi-use developments in the Highway Commercial designation.

13. SYMBOLS

The symbols used on the Schedule “A”, included herein, refer to the appropriate zones established by this By-law.

14. INTERPRETATION OF ZONING BOUNDARIES

(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 sizes;

(c) where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps, it shall, unless otherwise indicated be included in the zone of the adjoining property on either side thereof;

(d) where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise, and

(e) where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule “A”.

15. CERTAIN WORDS

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

16. PERMITTED USES

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

17. SPECIAL CONDITIONS

For the purpose of this By-law, if a use is listed subject to any special conditions, it shall be permitted subject to fulfilling any special requirements as defined in this By-law.

## **PART 2 GENERAL PROVISIONS FOR ALL ZONES**

### **1. ACCESSORY BUILDINGS**

(A) Accessory uses, buildings and structures shall be permitted in any zone within the Municipality but shall not:

- (a) be used for human habitation except where a dwelling is a permitted accessory use;
- (b) be located within the front yard of a lot;
- (c) where an accessory building is built on a corner lot, it shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;
- (d) be built closer to a street on which the main building fronts than the main building is to that street;
- (e) be built closer than 4 feet to a lot line in the Residential (R-2) and 10 feet in Open Space (OS) and Highway Commercial (HC) Zones, except for
  - (i) common semi-detached garages may be centered on the mutual side lot line, and
  - (ii) boat houses and boat docks may be built to the lot line when the line corresponds to the mean high water mark;
- (f) be built no closer to the lot line than the required yard requirements for the principal use on lots in a Residential R-1 and R-2 zones having an area in excess of 30,000 square feet, except where the intended use of the accessory building is to house animals, in which case the provisions of Part 3.2.4 shall apply;
- (g) in Residential R-1 and R-2 zones, for lots having a lot area less than 30,000 square feet, exceed 600 square feet in total floor area where the principal use of the lot is residential, open space or institutional and not exceed the gross floor area of the main building for all other uses, and
  - (h) be built within 6 feet of the main building.

(B) Notwithstanding anything else in this By-law, drop awnings, clothesline, poles, flag poles, garden trellises, fences and retaining walls shall be exempted from any requirements under Part 2.1.(A) above.

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.

3. 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. BUILDING TO BE MOVED

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

5. CALCULATION OF LOT FRONTAGE FOR CORNER LOTS OR IRREGULAR SHAPED LOTS

The following means shall be used for the purposes of determining the lot frontage of corner lots or irregularly shaped lots:

- (a) In the case of a corner lot with a corner vision 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.
- (b) In the case of other lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines. This distance shall be measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point along this equal to the minimum applicable front yard.

6. EXISTING BUILDINGS

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

- (a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this By-law; and

(b) all other applicable provisions of this By-law are satisfied.

7. EXISTING LOTS

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

8. EXISTING UNDERSIZED LOTS

Notwithstanding anything else in this By-law, a vacant lot in existence 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, such as use, side yards, set backs, and lot coverage, in this By-law are satisfied. In addition, such existing undersized lots may undergo an increase in size and/or frontage undersized as a result of subdivision and still be considered as an existing undersized lot under this By-law.

9. FRONTAGE ON A STREET

No development permit shall be issued unless the lot or parcel or land intended to be used or upon which the building or structure is to be erected, abuts and fronts upon a public street. Those private roads existing as of the date of this By-law shall be exempted from this requirement.

10. 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 public streets.

11. HEIGHT REGULATIONS

The height regulations of this by-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, ventilators, skylights, chimneys, or clock towers.

12. ILLUMINATION

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

13. LOADING SPACES

- (a) For every building or structure to be erected or enlarged, 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, there shall be located on the same premises with every such building, structure or use, one off-street space for standing, loading, and unloading for every 30,000 square feet or fraction thereof of building floor area in excess of 3000 square feet to a maximum of six (6) loading spaces.
- (b) Each loading space shall be at least 12 feet by 40 feet with a minimum of 14 feet height clearance.
- (c) The provision of a loading space is not required for any building with less than three thousand (3,000) square feet.
- (d) No such loading spaces shall be located within any required front yard or be located within any required yard which abuts a Residential ( R-1), (R-2) or an Open Space (O) 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 ten (10) feet if for one-way traffic or a minimum of twenty (20) feet if for two-way traffic.

14. MAXIMUM PERMITTED PROJECTION INTO A REQUIRED YARD

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

<u>Structure</u>	<u>Yard in which</u>	<u>Maximum Projection</u>
<u>From</u>	<u>projection is Permitted</u>	<u>Main Wall Permitted</u>
Sills, belt courses, cornices, eaves, gutters, chimneys,	Any yard	24 inches

pilasters, or canopies

Window bays	Front, rear, and Flankage	3 feet and a maximum	yards only
Fire Escapes and exterior staircases	Rear and side yards only	6 feet	
Open, roofed porches not exceeding one storey in height; uncovered terraces	Flankage yards only for single family, semi-detached, duplex and triplex dwellings, any yard for other residential buildings	8 feet including eaves and cornices	

15. **MANUFACTURED HOMES OUTSIDE OF PARKS**

For the purpose of this By-law, manufactured homes on individually sited lots shall be deemed to be single family dwellings. Such manufactured homes shall be placed on permanent foundations and where such foundations do not extend the exterior wall of the manufactured home down to the ground level, shall be provided with permanent skirting to screen the underside of the manufactured home.

16. **MULTIPLE USES**

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

17. **NON-CONFORMING USES**

Non-conforming uses shall be subject to the relevant Sections of the Municipal Government Act of Nova Scotia., 1999

18. **ONE MAIN BUILDING ON A LOT**

No person shall erect more than one (1) main building on a lot except for grouped or clustered apartment buildings and townhouses located in a n Urban Residential (R-2) Zone. and for buildings forming part of shopping centre located in a Highway Commercial (HC) zone

19. **PARKING REQUIREMENTS**

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

- (a) A dwelling containing not more than three (3) dwelling units
- (b) All other dwellings except senior citizens apartments

**REQUIREMENT** One (1) space f

**REQUIREMENT** One and a half (1.5) parking spaces for each dwelling unit

(c) Churches, church halls, auditoria, restaurants, private clubs, and other places of assembly

**REQUIREMENT** where there are fixed seats one (1) parking space for every five (5) seats, or ten (10) feet of bench space. Where there are not fixed seats one (1) parking space for each one hundred (100) square feet of net floor area devoted to public use.

(d) Hospitals and nursing homes

**REQUIREMENT** one (1) parking space for each two (2) beds or each four hundred (400) square feet of floor area, whichever is the greater.

(e) Senior Citizen Apartments dwelling Units

**REQUIREMENT** one (1) parking space for every two (2) dwelling units.

(f) Hotels, staff houses

**REQUIREMENT** one (1) parking space per suite or rental unit.

**PLUS**

one (1) additional parking space for each fifty (50)

square feet of floor area within hotels d

(g) Offices

**REQUIREMENT** One (1) parking space per three hundred (300) square feet of floor area.

(h) Shopping Centre

**REQUIREMENT** parking area to be three (3) times floor area, exclusive of common malls between stores.

(i) Funeral Homes

**REQUIREMENT** one (1) parking space for each five (5) seats capacity of

the chapel, with a minimum of ten (10)

(j) Bowling alleys and curling rinks

**REQUIREMENT** 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 this By-law for the uses to which the other parts of the building may be put.

(k) All other commercial uses

**REQUIREMENT** one (1) parking space for each three hundred (300) Square feet of floor area.

(l) Elementary schools  
**REQUIREMENT** one and one-half (1 ½) parking spaces for each teaching classroom.

(m) High schools  
**REQUIREMENT** four (4) parking spaces for each teaching classroom.

(n) Industrial uses  
**REQUIREMENT** one (1) parking space for each one thousand (1,000) square feet of gross floor area, plus parking space as per g” above for any office space included in the development.

20. **PARKING AREA STANDARDS**

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

- (a) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
- (b) the lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (c) a structure, not more than fifteen (15) feet in height and not more than fifty (50) square feet in area may be erected in the parking area for the use of attendants
- (d) the parking area shall be within three hundred (300) feet of the location which it is intended to serve;
- (e) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such:
- (f) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- (g) approaches or driveways to any parking area, other than that required for a single family dwelling, semi-detached, or 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;

- (h) in addition the location of approaches or driveways shall be not closer than fifty (50) feet from the limits of the right-of-way at 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 at the street line and edge of pavement. This ramp width may be reduced to twenty (20) where a one way in/one way out traffic circulation system is employed between the two ramps., and
- (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 if for one-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet.

21. **PUBLIC OFFICES AND BUILDINGS PERMITTED**

Public offices and buildings, meaning offices or buildings of federal, provincial, or municipal government agencies, shall be permitted as institutional uses in any zone, provided that such uses conform with the applicable requirements for Institutional uses in the zone where the public offices and buildings are to be located. All such uses shall be publicly advertised as a matter of policy prior to the issuance of a development permit. See MPS Policy 11.1

22. **RESTORATION TO A SAFE CONDITION**

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use the provision of Section 241 -242 of the Municipal Government Act of Nova Scotia shall prevail.

23. **REQUIREMENTS FOR SITE PLAN APPROVAL**

The Development Officer shall approve a site plan where the following matters have been addressed:

- (a) any new building shall be located in a manner that assists in safe operation and function of the parking areas and access thereto;
- (b) the driveway shall be located and have sufficient width to facilitate the safe movement of traffic into and out of the site;
- (c) a 4 foot high hedge or fence of visually solid appearance shall be provided where necessary to screen the parking area from any abutting residential uses.

- (d) measures including lot grading required to adequately dispose of storm and surface water;
- (e) land area not required for a building, a structure, for storage or vehicular movement shall be grassed or otherwise landscaped; and
- (f) all of the items required in this policy shall be adequately maintained.

Application for site plan approval shall be in the form specified Schedule B and shall be accompanied by a plan or sketch of sufficient detail to address the all the matters identified above .

24. SIDE YARDS ON CORNER LOTS

Notwithstanding anything else in this By-law, on a corner lot in any zone, no part of any building other than accessory buildings shall be erected closer to the lot line of the flanking street than six (6) feet.

25. SIGNS: GENERAL

- (a) Where this part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Nova Scotia Department of Transportation and Public Works, the more restrictive regulations shall apply;
- (b) No person shall erect a sign without first obtaining a Development permit, unless otherwise stated in this bylaw, and
- (c) Signs must be located on the same lot as the product or dealer for the product, service or structure to which the sign relates, unless otherwise permitted in this bylaw.

26. SIGN SAFETY, MAINTENANCE AND REMOVAL OF OBSOLETE SIGNS

- (a) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building code;
- (b) All signs and parts thereof shall be kept in good repair and maintenance, and
- (c) The owner or occupant of a lot upon which there is an obsolete sign shall remove the obsolete sign and all supporting structure within sixty days from the date of the discontinuance of the activity,

business, organization, enterprise, industry or service so advertised.

27. SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted in any zone:

- (a) Signs which by reason of flashing or moving illumination or moving parts may be confused by the motorist with traffic control signs or lights;
- (b) Roof signs, except in Highway Commercial (HC) and Industrial (M) zones.
- (c) Any sign or sign structure which constitutes a hazard to public safety or health;
- (d) Signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers, either when leaving a roadway or effectiveness of any traffic sign or control device on public streets and roads;
- (e) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;
- (f) Signs not erected by a public authority which make use of words such as “STOP”, “LOOK”, “ONE WAY”, “DANGER”, “YIELD”, or any similar words, phrases, symbols, lights, or characters in such manner as to interfere with, mislead, or confuse traffic along a public road;
- (g) Signs on public property or public right-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body, but no sign located on public property or a public right-of-way shall bear any commercial advertising;
- (h) Signs not erected by a public authority which are located at or near sharp road curves or below the crest of a steep road grade or which interferes with traffic sight lines as determined by the Provincial Department of Transportation and Public Works;
- (i) Signs painted on, attached to, or supported by a tree, stone, cliff or other natural objects;

- (j) String lights, other than temporary holiday decorations which are unshielded from off the property on which they are located, and
- (k) Searchlights, pennants, spinners, banners, and streamers except for occasions such as grand openings, county fairs, public festivals, exhibitions and similar occasions.

28. SIGNS PERMITTED IN ALL ZONES

- (a) Signs identifying the name and address of the resident and not exceeding 2.5 sq.ft.. in sign area and not exceeding 5 feet in height;
- (b) 'no trespassing ' signs or other signs regulating the use of property and not more than 2.5 sq.ft.. in sign area;
- (c) real estate signs not exceeding 16 sq.ft.. in sign area which advertises the property upon which they are located as being for immediate sale;
- (d) signs regulating on-premise traffic, parking or other signs denote direction to various parts of a building or premises provided such signs do not exceed 2.5 sq.ft.. in sign area;
- (e) signs erected by a public authority or agency, such as traffic signs, safety signs, public school signs, public election lists, but bearing no commercial advertising;
- (f) memorial signs or tablet denoting or bearing information of a heritage significance;
- (g) the flag, pennant, or insignia of any government, or religious, charitable, or fraternal organization;
- (h) a sign incidental to the construction and within the area designated for such purposes, provided that the sign does not exceed 12 feet in height and 16 feet long and is removed within 30 days of the completion of the building or premises so constructed;
- (i) signs used in a Federal. Provincial or Municipal election, provided that the signs are removed within 14 days following such election, and
- (j) point of purchase signs associated with commercial uses, including but not limited to , farm gate sales and service station forecourt product signs.

29. LIMIT ON NUMBER OF SIGNS IN THE HIGHWAY COMMERCIAL- HC  
AND INDUSTRIAL- M ZONES

- (a) For the purposes of this section, where a multiple tenancy building is occupied by more than one business, each business shall be considered as separate premises;
- (b) Signs identified in this bylaw as being permitted without a development permit shall not be counted when calculating the number of signs permitted on each lot;
- (c) Notwithstanding anything else in this bylaw, no more than two signs may be erected on any premise at any one time, and
- (d) The specific numbers and types of signs that can be erected on a lot are set out below :

Types, numbers and conditions for erection of a sign

Facial Signs shall not :

- (a) cover more than fifteen percent (15%) of the exterior wall upon which it is Affixed;
- (b) extend above the top of the wall to which it is affixed;
- (c) extend beyond the extremities of the wall upon which it is affixed, and
- (d) be painted upon or cover a fence.

Ground Signs shall :

- (a) not exceed 1 per lot;
- (b) not exceed a height of 35 feet from the grade level to the highest part of the sign;
- (c) not exceed 75 square feet in sign area on a single face or 150 square feet of sign area for both faces combined;
- (d) not extend beyond the property line or project over a public right of way, other adjoining lands, driveway or parking area, and
- (e) be set back set back at least 3 feet from any street line, sidewalk, common lot boundary , driveway , aisle or parking area.

Projecting Wall Signs shall

- (a) not exceed 20 square feet in sign area,;
- (b) not project more than 6 feet from the wall upon which it is attached;
- (c) not project above the eaves, parapet or roof line of the building upon which it is attached;

- (d) be erected below a height of 10 feet above grade or extend above a height of 16 feet above grade;
- (e) not be erected in such a manner that enabled the sign to swing more than 45 degrees from the vertical, and
- (f) not project beyond the property line or project over a public right of way, other adjoining lands, driveway or parking area.

30. LIMIT ON NUMBER OF SIGNS IN THE RESIDENTIAL R-1 AND R-2 ZONES

- (a) signs advertising existing commercial uses in the Residential R-1 and R-2 zones, shall not exceed 32 sq. ft in sign area and not exceed 5 feet in height above grade at the sign location;
- (b) all non-residential uses (existing commercial uses, home occupations, bed and breakfasts, guest homes and day nurseries) are limited to one ground sign per lot, and
- (c) signs advertising home occupations, bed and breakfasts, guest homes and day nurseries, shall not exceed 8 sq.ft. in sign area and not exceed 5 feet in height above grade at the sign location.

31. TEMPORARY USES PERMITTED

- (a) 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 providing that a development permit has been issued for such construction;
- (b) 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 14 consecutive days. This shall include outdoor display and advertising, such as tether balloons, for special retail promotions, and
- (c) A use permitted by this Bylaw as being intended to be of limited duration, shall be subject to entering to a development agreement. In considering the conditions it may attach to such an agreement, Council will, in addition to the factors set out in MPS policy 4.3.1 also establish the maximum duration of the use and any reclamation/restitution considered necessary at the cessation of the use.

32. TRUCK, BUS AND COACH BODIES

No trucks, bus, coach or street car body, or structure of any kind, other than a mobile home or dwelling unit erected and used in accordance with this and all other by-laws of the Municipality, shall be used for human habitation within the Municipality whether or not same is mounted on wheels.

## **PART 3 RESIDENTIAL AREA PROVISIONS**

### 3.1 GENERAL PROVISIONS

#### 1. BUSINESS USES PERMITTED IN RESIDENTIAL ZONES

Nothing in this By-law shall prevent the use of a dwelling in a Residential (R-1) or (R-2) Zone for business including service businesses relating to financial-legal transactions such as real estate and insurance, professional purposes, or 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) That only the residents of the dwelling are employed in the business or profession;
- (c) not more than a total of thirty-five (35) percent of the total floor area of the dwelling is devoted to the professional, business or domestic or household arts;
- (d) one off-street parking space, other than that required for the dwelling, is provided for every two hundred (200) square feet of floor space occupied by the business or professional use;
- (e) there shall be no advertising other than a business identification plate or sign which has a maximum sign area of eight (8) square feet and which is attached to the main building and provided also that the provisions of Part 2 s.27 and 31, are satisfied;
- (f) no mechanical equipment is used on the premises which is capable of generating an amount or type of noise not reasonably consistent with the use of a dwelling, and
- (g) no open storage or outdoor display related to the business shall be permitted.

#### 2. DOMESTIC AND HOUSEHOLD ARTS PERMITTED IN RESIDENTIAL ZONE

In this By-law Household and Domestic Arts shall include but be not limited to:

Catering  
Dressmaking and Tailoring  
Hairdressing and Barber Shops

Instruction in music, dancing, arts and crafts  
Weaving, painting, sculpturing, moulding or otherwise making or  
repairing of garden or household ornaments, articles of clothing,  
personal effects or toys.

3. CONFORMITY WITH EXISTING SETBACKS

Notwithstanding anything else in this By-law, in the Residential (R-1 and R-2) Zones, structures built between existing buildings within two hundred (200) feet apart 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 from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

4. PARKING OF COMMERCIAL MOTOR VEHICLES

- (a) For the purpose of this Part, “Commercial Motor Vehicles” shall mean any motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, motor buses and tractors;
- (b) No tractor-trailer combinations or cab (tractor unit) shall be kept or parked over night or longer on a lot in a fully serviced subdivision, and
- (c) No commercial motor vehicle shall be kept or parked on any vacant lot located in a serviced subdivision

5. SPECIAL REQUIREMENTS FOR INSTITUTIONAL, OPEN SPACE AND RECREATION USES

All proponents, other than the Federal, Provincial or Municipal Governments, of institutional, open space and recreation uses shall be required to enter into a development agreement with the Municipality. In considering the application for a development agreement, Council will address the topics set out in MPS Policy 4.3.1

**PART 3.2 RURAL RESIDENTIAL (R-1) ZONE REQUIREMENTS**

**1. PERMITTED USES**

- Agricultural and Forestry Uses
- Animal Kennels or Stables
- Boarding and Rooming houses with up to 3 guest rooms
- Cemeteries
- Churches
- Converted Dwellings
- Day Nurseries
- Detached Dwellings, Including Manufactured Homes on individually sited

lots

- Duplexes
- Existing commercial uses
- Golf Courses or Golf Driving Ranges
- Guest houses with up to 3 guest rooms
- Institutional Uses
- Parks and Open space
- Private Clubs
- Private Parks
- Recreational Uses
- Semi- Detached dwellings
- Tourist Homes
- Trailer or Tenting Park
- Veterinary Establishments

**CONDITIONAL USES**

- Town or Row Houses with up to 3 attached dwelling units
- Apartment buildings containing not more than 3 dwelling units.
- Board or Rooming Houses containing no more than 3 guest rooms

**2. RESTRICTED AGRICULTURAL USES**

No development permit shall be issued for any of the following restricted agricultural uses:

- A fur farm
- A mushroom farm
- A turkey, game bird, or chicken farm or hatchery
- Feed lots for cattle, pigs or other livestock

**3. GENERAL LOT REQUIREMENTS**

In a Rural Residential (R-1) Zone, no development permit shall be issued except in conformity with the following requirements:

**Where Municipality approved central sanitary sewer and water services are not available:**

	Single Family, duplex, Semi detached Dwelling, Row and Town Houses, Boarding, Rooming, Guest and Tourist Houses, Converted dwellings	All non residential uses
Minimum Lot Area	*40,000 sq.ft. for each dwelling and dwelling within a converted dwelling	40,000 sq.ft. plus additional area to be determined by N.S. Dept. of Environment & Health based on intended use and soil capacity.
Minimum Lot Frontage	200 ft.	200 ft.
Minimum Lot Depth	200 ft.	200 ft.
Minimum Front Yard	35 ft.	35 ft.
Minimum Rear Yard	35 ft.	35 ft.
Minimum Side Yards	10 ft.	10 ft.
Maximum Height	35 ft.	35 ft.
NOTE	All individual Lot sizes are subject to N.S. Dept. Environment approval based on intended use and soil capacity.	All individual Lot sizes are subject to N.S. Dept. Environment approval based on intended use and soil capacity

**4. SPECIAL REQUIREMENTS: 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 except in compliance with the following Table

SHELTER FOR	MINIMUM SIDE & REAR YARDS	MINIMUM LOT AREA REQUIRED
DOMESTIC PETS	10 FEET	NONE
OTHER ANIMALS HOUSED IN AN ACCESSORY BUILDING	40 FEET	40,000 SQUARE FEET
OTHER ANIMALS HOUSED IN A MAIN BUILDING	45 FEET	40,000 SQUARE FEET

5. **SPECIAL REQUIREMENTS: BOARDING OR ROOMING HOUSES, AND GUEST HOUSES**

In addition to all other requirements, the following special provisions shall apply to converted dwellings and boarding or rooming houses in a Rural Residential (R-1) Zone:

- (a) Additions - No addition or alteration may be undertaken which changes the roof line or increases the height (except for the addition of dormers), or extends into the front or side yard of the lot (except for structures necessary for public safety purposes such as fire escapes), and
- (b) Parking - Parking shall be provided only in the side or rear yard of the lot.

6. **SPECIAL REQUIREMENTS: EXISTING COMMERCIAL USES**

The following special provisions will apply to those existing commercial uses listed in this part as permitted uses:

- (a) extensions to the main building may extend to within 12 feet of the lot line on one side and on the other side to within 10 feet, and to within 20 feet of the front lot line and 35 feet of the rear lot line;
- (b) open storage or parking is permitted in the rear yard of the lot and may be extended within the rear yard up to a fence which is at least five (5) feet in height and which totally blocks off light transmission. If there is no such fence, open storage and parking must be 20 feet or more from the rear lot line, and

(c) the sign provisions of Part 2 Section 30 are satisfied.

**7. SPECIAL REQUIREMENTS: LIMITATION OF NUMBER OF  
ACCESSORY BUILDINGS FOR EXISTING COMMERCIAL USES**

For existing commercial uses only one (1) accessory building which is in addition to a residential dwelling on the same property is permitted per lot. The provisions of Part 2 Section 1 (A) relating to accessory buildings shall apply.

**PART 3.3 URBAN RESIDENTIAL (R-2) ZONE REQUIREMENTS**

**1. PERMITTED USES**

Cemeteries  
Churches  
Day Nurseries  
Detached Dwellings, Including Manufactured Homes on individually sited  
lots  
Duplexes  
Semi- Detached dwellings  
Converted Dwellings  
Boarding and Rooming houses with up to 3 guest rooms  
Guest houses with up to 3 guest rooms  
Existing commercial uses  
Institutional Uses  
Parks and Open space  
Private Parks  
Recreational Uses  
Tourist Homes

CONDITIONAL USES requiring a fully serviced lot.

Town or Row Houses with 4 or more attached dwelling units  
Apartment buildings containing 4 or more dwelling units.  
Board or Rooming Houses containing 4 or more guest rooms

### 2.3 GENERAL LOT REQUIREMENTS

In an Urban Residential (R-2) Zone, no development permit shall be issued except in conformity with the following requirements: ( on next page)

**(a) Where Municipality Approved Central Sanitary Sewers and  
Piped Water are available:**

	Single family Detached Dwelling, Boarding/Rooming, & Guest Houses , Tourist homes	Duplex Dwelling, Semi detached Dwelling	Row and Town Houses, Converted Dwellings, Apartment Dwellings	All non residential uses
Minimum Lot Area	7,200 sq.ft.	12,000 sq.ft. (two dwelling units)	5,000 sq.ft. for each dwelling unit	15,000 sq.ft.
Minimum Lot Frontage	60 ft.	100 ft	40 ft.	120 ft.
Minimum Lot Depth	120 ft.	120 ft.	120 ft.	120 ft.
Minimum Front Yard	25 ft.	25 ft.	25 ft.	35 ft.
Minimum Rear Yard	35 ft.	35 ft.	35 ft.	35 ft.
Minimum Side Yard One Side:	4 ft plus 2 ft. for each storey over 1 storey	4 ft. plus 2 ft. for each storey over 1 storey, except 0 ft. for semi detached dwellings centre on common lot line	4 ft. plus 2 ft. for each storey in excess of 1 storey.	10 ft.
Minimum Side Yard Other Side	10 ft.	10 ft.	10 ft.	10 ft.
Maximum Height	35 ft.	35 ft.	35 ft.	35 ft.

**(b) Where Municipality Approved Central Sanitary Sewers are available with on-site well water :**

	Single Family Detached Dwelling Guest Houses, Tourist Homes	Duplex & Semi detached Dwellings, Row/Town Houses and Apartment buildings with less than 4 units, Converted Dwellings	Non residential Uses
Minimum Lot Area	14,400 sq.ft.	14,400 sq.ft. for the first dwelling and 7,200 sq.ft. for each additional dwelling	20,000 sq.ft.
Minimum Lot frontage	120 ft.	120 ft.	120 ft.
Minimum Lot depth	120 ft.	120 ft.	120 ft.
Minimum Front Yard	25 ft.	35 ft.	35 ft.
Minimum Rear Yard	35 ft.	35 ft.	35 ft.
Minimum Side Yard One side	4 ft. and 2 ft. for each storey over 1	4 ft. and 2 ft. for each storey over 1 Except 0 ft. for semi detached dwellings adjacent to the common lot line.	10 ft.
Minimum Side Yard Other side	10 ft. Location of all buildings should not prevent future subdivision of the lot , based on future compliance the the above lot and yard requirements.	10 ft.	10 ft.
Maximum Height	35 ft.	35 ft.	35 ft.

**(c) Where Municipality approved central sanitary sewer and water services are not available:**

	Single Family, duplex, Semi detached	All non residential uses
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	Dwelling, Boarding/Rooming and Guest Houses, Converted dwellings	
Minimum Lot Area	*30,000 sq.ft. for each dwelling and dwelling within a converted dwelling	30,000 sq.ft. plus additional area to be determined by N.S. Dept. of Environment & Health based on intended use and soil capacity.
Minimum Lot Frontage	125 ft.	125 ft.
Minimum Lot Depth	120 ft.	120 ft.
Minimum Front Yard	25 ft.	25 ft.
Minimum Rear Yard	35 ft.	35 ft.
Minimum Side Yards	10 ft.	10 ft.
Maximum Height	35 ft.	35 ft.
NOTE	All individual Lot sizes are subject to N.S. Dept. Environment approval based on intended use and soil capacity.	

**4. SPECIAL REQUIREMENTS: SIDE YARDS FOR ATTACHED GARAGES AND GARAGES INCORPORATED INTO THE DWELLING UNIT**

Where a dwelling unit includes an attached garage or a garage incorporated into the unit, and is located on a lot in a fully serviced subdivision, the larger minimum side yard shall be reduced to 4 ft. for a one-storey building and an additional 2 ft. for every additional storey.

**5. SPECIAL REQUIREMENTS: BOARDING OR ROOMING HOUSES, GUEST HOUSES**

In addition to all other requirements, the following special provisions shall apply to converted dwellings and boarding or rooming houses in an Urban Residential (R-2) Zone:

- (a) Additions - No addition or alteration may be undertaken which changes the roof line or increases the height (except for the addition of dormers), or extends into the front or side yard of the lot (except for structures necessary for public safety purposes such as fire escapes), and

- (b) Parking - Parking shall be provided only in the side or rear yard of the lot.

6. SPECIAL REQUIREMENTS: EXISTING COMMERCIAL USES

The following special provisions will apply to those existing commercial uses listed in this part as permitted uses:

- (a) extensions to the main building may extend to within 12 feet of the lot line on one side and on the other side to within 4 feet plus 2 feet for every storey over 1, and to within 20 feet of the front lot line and 35 feet of the rear lot line;
- (b) open storage or parking is permitted in the rear yard of the lot and may be extended within the rear yard up to a fence which is at least five (5) feet in height and which totally blocks off light transmission. If there is no such fence, open storage and parking must be 20 feet or more from the rear lot line, and
- (c) the sign provisions of Part 2 Section 30 (a) are satisfied.

7. SPECIAL REQUIREMENTS: LIMITATION OF NUMBER OF ACCESSORY BUILDINGS FOR EXISTING COMMERCIAL USES

For existing commercial uses only one (1) accessory building which is in addition to a residential dwelling on the same property is permitted per lot. The provisions of Part 2 Section (A) relating to accessory buildings shall apply.

## **PART 4. COMMERCIAL AREA PROVISIONS**

### **PROVISIONS FOR HIGHWAY COMMERCIAL (HC) ZONE**

#### **1. PERMITTED USES**

Animal Hospitals and Veterinary Establishments

Any manufacturing, assembly or warehousing operation conducted or wholly contained within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, or smoke, or other obnoxious emission or refuse matter or water carried waste or by reason or unsightly open storage or the detonation of explosives

Apartments as an accessory use.

Automobile Sales Establishment

Automobile Service Stations including automobile washing establishments as an accessory use conducted on the same lot as the main building (see RESTRICTED USES)

Boats, Trailer and Snowmobile Sales and Rentals

Churches and Religious Institutions

Clinics

Commercial schools

Display Courts, featuring swimming pools, decorative fountains, prefabricated cottage and manufactured homes.

Dry Cleaning and Laundry Distribution Establishments (see RESTRICTED USES)

Existing residential uses are subject to the provisions of the Urban Residential (R-2) Zone

Food and Grocery Stores

Funeral Monument Sales and Displays

Funeral Parlour and Undertaker Establishments

Hotels, Motels and other tourist establishments

Indoor recreational establishments including premises for billiards, bowling, curling, dancing, roller and ice skating, theatre or cinema

Institutional uses

Light warehousing

Lumber and home improvement supplies

Non-Commercial Schools

Open Space use

Private Clubs

Restaurants and Drive-in Restaurants

Retail sales, personal service, entertainment, educational and recreational uses within wholly enclosed buildings, a shopping mall or partially open, a plaza.

Service Industries.

**RESTRICTED USES WITHIN THE WELL FIELD RECHARGE AREA**  
(See Zoning Map)

No development permit shall be issued for any of the following restricted uses:

Automobile Service Stations  
Autobody repair shops  
Dry Cleaning and Laundry Distribution Establishments, and  
Any similar use which, by nature of the use or storage of, chemicals having the potential to contaminate the ground water.

**2. GENERAL LOT REQUIREMENTS**

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

Minimum Lot Area:	<u>20,000</u> sq.ft.
Minimum Lot Frontage:	100 ft.
Minimum Front Yard:	35 ft.
Minimum Rear Yard:	25 ft.
Minimum Side Yard:	15 ft.
Maximum Height of Main Building:	35 ft.

**Comment [BDC1]:** Amendment Approved by Municipal Council March 29<sup>th</sup>, 2005 Reduced Requirement from 40000 square feet to 20000 square feet

**3. DEVELOPMENT REQUIREMENTS FOR OPEN SPACE USE**

No development permit shall be issued for an institutional or open space use except in conformity with the following requirements:

Minimum Lot Area:	none
Minimum Lot Frontage:	none
Minimum Front Yard:	30 ft
Minimum Rear Yard:	30 ft
Minimum Side Yard:	30 ft
Maximum Height of Main Building:	35 ft.

**4. GENERAL REQUIREMENT FOR SITE PLAN APPROVAL**

In a Highway Commercial (HC) Zone, no development permit shall be issued without a site plan for a proposed development having in excess of 5,000 square feet of gross floor area, first being approved by the Development Officer. In reviewing the site plan the Development officer shall consider compliance with Part 2. Section 23. This requirement is waived where the commercial use is being proposed for an existing commercial building, mall or plaza that satisfies the development requirements of the zone.

**5. ABUTTING ZONE PROVISIONS**

Where a Highway Commercial (HC) Zone abuts a Residential (R), Open Space (OS), or Institutional use, the following restrictions shall apply to an abutting yard of a commercial use within the Highway Commercial Zone.

- (a) The minimum side yard requirement for the abutting side yard shall be twenty (25) feet;
- (b) No open storage or outdoor display shall be permitted in an abutting yard without a surrounding 5 feet high visually opaque fence;.
- (c) No parking space shall be permitted in an abutting yard within twenty (20) feet of a side or rear lot line, and
- (d) In addition to the provisions of Part 2 Section 29, 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, and
  - (iii) all signs shall be set back at least ten (10) feet from the abutting property line .

6. RESTRICTIONS ON OPEN STORAGE OR OUTDOOR DISPLAY

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

7. SPECIAL PROVISIONS: AUTOMOBILE SERVICE STATIONS

The following special provisions shall apply:

- (a) minimum lot frontage: 150 ft;
- (b) no portion of any pump island shall be located closer than twenty (20) feet from any street line;
- (c) the minimum distance between ramps or driveways shall not be less than thirty (30) feet;

- (d) the minimum distance from a ramp or driveway to a street intersection shall be fifty (50) feet;
- (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 shall be a minimum of twenty (20) feet; and a maximum of twenty-six (26) feet.

8. **REQUIREMENTS FOR SITE PLAN APPROVAL**

No development permit for developments proposing more than 5,000 square feet of gross floor area, shall be issued without a site plan for the proposed development first being approved by the Development Officer. In reviewing the site plan the Development officer shall consider compliance with Part 2. Section 23

9. **REQUIREMENT TO CONNECT TO THE MUNICIPAL SEWER SYSTEM.**  
All commercial uses in the Highway Commercial (HC) Zone are required to connect to the municipal sewer system and demonstrate the adequate availability of both potable and fire protection water.

PART 5 INDUSTRIAL AREA PROVISIONS

PROVISIONS FOR INDUSTRIAL (M) ZONE

1. PERMITTED USES

Any manufacturing, assembly, and warehousing conducted or wholly contained within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, or smoke, or other obnoxious emission or refuse matter or water carried waste or by reason or unsightly open storage or the detonation of explosives, or involves the use or storage of petrochemicals, fertilizers and chemical compounds of a potentially hazardous nature to the water supply.

Auto and truck sales, service and related business

Building supply store Bulk storage (excluding sand and gravel) and supply depot

Business and professional offices

Car wash

Communications facilities

Construction storage and offices

Day Care centre

Existing uses

Green houses & Nursery

Industrial mall

Institutional uses

Manufactured Home sales

Open Space

Open storage of new goods and materials

Recreation vehicle sales, service and related business.

Research and development facilities

Restaurant

Retail uses

Service Industries.

Technology and related industries

Transportation and trucking facilities without bulk fuel storage and/or vehicle servicing facilities which accessory uses are prohibited.

2. RESTRICTED USES

No development Permit shall be issued for any of the following uses:

Automobile Service Stations

Bulk storage of chemicals and petrochemical products.

Dry Cleaning and Laundry Distribution Establishments.

Auto body repair shop, and

Any similar use which, by nature of the use or storage of, chemicals having the potential to contaminate the ground water .

3 GENERAL LOT REQUIREMENTS

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

Minimum Lot Area:	10,000 sq.ft.,
Minimum Lot Frontage:	100 ft.
Minimum Front Yard:	25 ft.
Minimum Rear Yard:	25 ft.
Minimum Side Yards:	10 ft.
Maximum Height of Main Building:	35 ft.

3. DEVELOPMENT REQUIREMENTS FOR INSTITUTIONAL AND OPEN SPACE USE

No development permit shall be issued for an institutional or open space use except in conformity with the following requirements:

	Institutional Uses	Open Space Uses
Minimum Lot Area:	10,000 sq. Ft.	5000
Minimum Lot Frontage:	75 ft.	75 ft
Minimum Rear Yard:	25 ft.	none
Minimum Side Yard:	15 ft.	none
Maximum Height of Main Building:	35 ft.	20 ft.

Minimum Front Yard:

4. ABUTTING ZONE PROVISIONS

Where an Industrial (M) Zone abuts a Residential(R) or Open Space (OS) zone, or an Institutional use, the following restrictions shall apply to an abutting yard of a commercial use within the Industrial Zone.

- (a) The minimum side yard requirement for the abutting side yard shall be twenty (20) feet;
- (b) No open storage or outdoor display shall be permitted in an abutting yard;
- (c) No parking space shall be permitted in an abutting yard within twenty (20) feet of a side or rear lot line, and
- (d) In addition to the provisions of Part 2. Section 29, 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, and

(iii) all signs shall be set back at least ten (10) feet from the abutting property line .

5. **RESTRICTIONS ON OPEN STORAGE OR OUTDOOR DISPLAY**

Where a lot is to be used primarily for open storage or outdoor display within the Industrial(M) Zone, the following restrictions shall apply:

(a) no open storage or outdoor display shall be permitted within any required front yard of a lot, and

(b) the area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the total lot area.

6. **REQUIREMENT TO CONNECT TO THE MUNICIPAL SEWER SYSTEM.**

All uses in the Industrial (M) Zone are required to connect to the municipal sewer system when available and demonstrate the adequate availability of both drinking and fire protection.

PART 6 OPEN SPACE PROVISIONS

PROVISIONS FOR OPEN SPACE (OS) ZONE

1. PERMITTED USES

Buildings and structures accessory to public parks and recreation areas

Public Parks

Public Recreation area.

2. GENERAL LOT REQUIREMENTS

In the Open Space (OS) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	none
Minimum Lot Frontage:	60 ft.
Minimum Front Yard:	none.
Minimum Rear Yard:	none
Minimum Side Yards:	none
Maximum Height of Main Building:	35 ft.

This is to certify that the foregoing is a true copy of a Municipal Planning Strategy passed at a duly convened meeting of the Council of the Municipality of the District of Digby, held the 26th day of May, 2003.

Given under the hands of the Warden and Chief Administrative Officer and the seal of the Municipality of the District of Digby this 20th day of June, 2003.

\_\_\_\_\_  
James R. Thurber, Warden

Brian Cullen, Chief

**FIRST READING**  
**“NOTICE OF INTENT” PUBLICATION**  
**SECOND ADVERTISEMENT**  
**SECOND READING**  
**MINISTERIAL APPROVAL**  
**FORWARDED TO MINISTER**  
**DATE OF PUBLISHING**

**APRIL 28, 2003**  
**MAY 7, 2003**  
**MAY 14, 2003**  
**MAY 26, 2003**  
**REQUIRED**  
**JUNE 20, 2003**

GENERAL LOT REQUIREMENTS

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

<u>Minimum Lot Area:</u>	<u>20,000 sq.ft.</u>
<u>Minimum Lot Frontage:</u>	<u>100 ft.</u>
<u>Minimum Front Yard:</u>	<u>35 ft.</u>
<u>Minimum Rear Yard:</u>	<u>25 ft.</u>
<u>Minimum Side Yard:</u>	<u>15 ft.</u>
<u>Maximum Height of Main Building:</u>	<u>35 ft.</u>

**Comment [BDC2]:** Amendment Approved by Municipal Council March 29<sup>th</sup>, 2005 Reduced Requirement from 40000 square feet to 20000 square feet

This is to certify that the foregoing is a true copy of an amendment to the Municipal Planning Bylaw passed at a duly convened meeting of the Council of the Municipality of the District of Digby, held the 29th day of March, 2005.

Given under the hands of the Warden, Chief Administrative Officer and the seal of the Municipality of the District of Digby this 5th day of April 2005.

\_\_\_\_\_  
James R. Thurber, Warden

\_\_\_\_\_  
Brian Cullen, Chief  
Administrative Officer

**FIRST READING  
"NOTICE OF INTENT" PUBLICATION  
SECOND ADVERTISEMENT  
SECOND READING  
MINISTERIAL APPROVAL  
FORWARDED TO MINISTER  
DATE OF PUBLISHING**

**OCTOBER 25<sup>TH</sup>, 2004  
MARCH 9<sup>TH</sup>, 2005  
MARCH 16<sup>TH</sup>, 2005  
MARCH 29<sup>TH</sup>, 2005  
REQUIRED  
APRIL 5<sup>TH</sup>, 2005**