



# *Town of Annapolis Royal Land Use By-Law*





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# *Town of Annapolis Royal* ***Land Use By-Law***

## *Table of Contents*

Part 1	Title and Purpose	pg 6
Part 2	Definitions	pg 7
Part 3	Zone and Zoning Map	pg 19
Part 4	General Provisions for All Zones	pg 22
Part 5	General Provisions for All Residential Zones	pg 34
Part 6	Signage Provisions for All Zones	pg 36
Part 7	Residential Single Unit (RSU) Zone	pg 40
Part 8	Residential Two Unit (RTU) Zone	pg 41
Part 9	Residential Medium Density (RMD) Zone	pg 42
Part 10	Residential Mixed Use (RMU) Zone	pg 43
Part 11	Residential Prince William (RPW) Zone	pg 44
Part 12	Commercial General (CG) Zone	pg 45
Part 13	Commercial Highway (CHW) Zone	pg 47
Part 14	Commercial Heritage (CHR) Zone	pg 49
Part 15	Institutional (INS) Zone	pg 50
Part 16	Parks and Open Space (POS) Zone	pg 52
Part 17	Environmentally Sensitive Area 1 (ESA1) Zone	pg 53
Part 18	Environmentally Sensitive Area 2 (ESA2) Zone	pg 54
Part 19	Historic Gardens (HG) Zone	pg 55
Part 20	Heritage Waterfront Comprehensive Development District (HWCDD) Zone	pg 56
Part 21	Fortier Mills Comprehensive Development District (WCDD) Zone	pg 57
Part 22	Causeway Comprehensive Development District (CCDD) Zone	pg 58
Part 23	Administration	pg 59
Schedule "A"	Zoning Map	pg 63
Schedule "B"	Registered Heritage Properties	pg 65
Appendix 1	Section 235, MGA - Variance	pg 67
Appendix 2	Section 238 -242, MGA - Nonconforming Structures or Use	pg 69

# 1

## *Title and Purpose*

### 1.1

#### **Title**

This By-Law is known as the Annapolis Royal Land Use By-Law.

### 1.2

#### **Purpose**

The purpose of this By-Law is to implement the land use and development control provisions of the Annapolis Royal Municipal Planning Strategy.

## 2

## Definitions

For the purposes of this By-Law, “shall” means mandatory and “may” means permissive. All other words shall carry their customary meaning except for those defined below.

1. **ACCESSORY BUILDING** means a subordinate building or structure located on the same lot as a primary building devoted exclusively to an accessory use.
2. **ACCESSORY USE** means any use subordinate, customarily and normally incidental to and exclusively devoted to a primary use of land or building and located on the same lot.
3. **ACCOMMODATION** means a building or part thereof offering temporary lodging, meals and other guest services on a daily rate to the general public,

**In relation to types of ACCOMMODATION:**

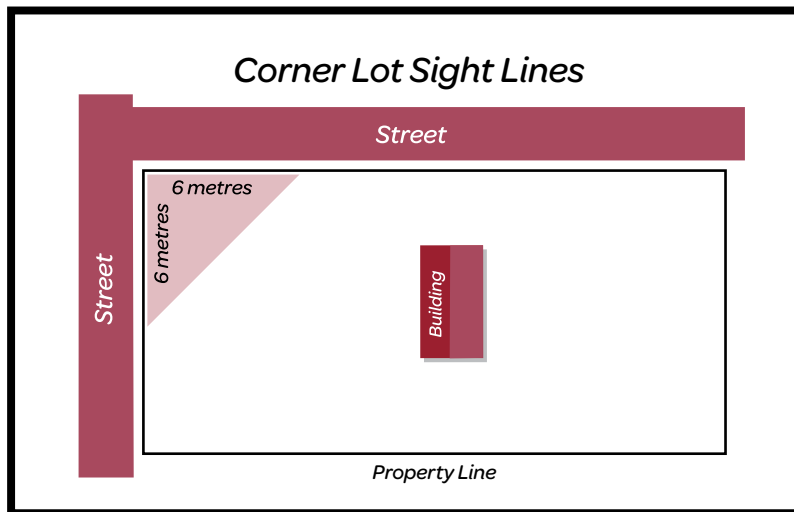
- 3.1 **BED AND BREAKFAST** means a dwelling where the proprietor supplies either room or room and breakfast for monetary gain on a temporary basis, where not more than ten rooms are so used, and which is open to the travelling public.
- 3.2 **BOARDING OR ROOMING HOUSE** means a single unit residential dwelling in which the primary resident/owner supplies either room or room and board for compensation, on a weekly or monthly basis, and which is not open to the general public.
- 3.3 **HOSTEL** means a building operated by an institutional organization or non-profit which offers temporary overnight accommodation for the traveling public, providing common sleeping, kitchen and sanitary facilities.
- 3.4 **HOTEL** means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation with or without meals, but without private cooking facilities.
- 3.5 **INN** means a dwelling where the proprietor supplies either room and board or meals for monetary gain on a temporary basis, where not more than twenty (20) rooms are so used, and which is open to the travelling public. Inns may host private, scheduled events where a limited pre-set menu is offered, and take-out is not permitted.
- 3.6 **HISTORIC VACATION SUITE** means a registered heritage structure that is available for short or long-term accommodation for the travelling public or rental as a dwelling and does not exceed two units of accommodation or two dwelling units.
- 3.7 **MOTEL** means a building or buildings or part thereof on the same site used to accommodate members of the travelling public for gain or profit, by supplying them with sleeping accommodation, with or without meals.
- 3.8 **SHARED ACCOMMODATION** means a residential dwelling where the owner/occupant provides access and use of the dwelling for a fixed term of time without direct commercial compensation for the accommodation activity. Shared accommodation may provide for the provision of goods or service or the sharing of expenses in compensation for the accommodation activity.

3.9 **SHORT TERM RENTAL** means the rental of a room or rooms for overnight accommodation in an owner-occupied dwelling for a period of 30 days or less, excluding the rental of the entire dwelling. For the purposes of this part, an owner-occupied dwelling means the primary residence lived in by the owner on a regular full-time basis.

4. **ALTER** means any change in a structural component of a building or structure or any increase or decrease in the volume of a building or structure or the change of grade or elevation of land.
5. **AMENITY SPACE** means an area situated within the boundaries of a residential development site intended and capable of being used for recreational purposes, and may include private or common landscaped areas, patios, verandahs, balconies, communal lounges, swimming pools, play areas and similar uses, but does not include any area occupied at grade by a building's service area, parking lots, aisles or access driveways.
6. **AMUSEMENT ARCADE** means a wholly enclosed "place of amusement" as defined by the Theatres and Amusement Act, limited to four (4) or more video amusement devices, pool tables and similar amusement machines, but does not include any activity of gambling or any gambling device.
7. **APARTMENT BUILDING** means a building containing three or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use in certain common areas of the building.
8. **AS-OF-RIGHT** means development which is permitted within a specified zone, subject to all relevant provisions of the Land Use By-Law, which can be undertaken pursuant to a Municipal Development Permit issued by the Municipal Development Officer and which is not subject to discretionary approvals by Town Council.
9. **AUTOMOBILE REPAIR SHOP** means the use of a building or property for the repair of automobile body and/or engine components and shall include detailing and painting of automobile bodies.
10. **AUTOMOBILE SERVICE STATION OR SERVICE STATION** means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles other than an automobile washing establishment or an automobile sales establishment.
11. **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 used for any of these purposes is a building or part thereof.
12. **CHANGE OF USE** means the change or alteration of the use of any land or structure from the use present on the effective date of this By-Law.
13. **CHURCH** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall and day care facility operated by the church.
14. **COMMERCIAL SCHOOL** means a building or part of a building used for monetary gain as a place of learning and education for seven or more pupils gathered together at one time and includes, but is not limited to, a business school, information technology school, language school and driving school, but does not include a day care facility.
15. **COMMERCIAL MOTOR VEHICLE** means any motor vehicle which is used for a business activity and which has as its main purpose financial gain and includes but is not limited to ambulances, trucks greater than three-ton payload capacity, tractors, excavators, tractor trailers, buses, refrigerated trucks and transports, commercial delivery vehicles and oil delivery trucks.



16. **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, as long as the control of same is vested in the Town, a local board or designated agent.
17. **CORNER VISION TRIANGLE** means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from this intersection the required distance stated by this By-Law along each street line and joining these 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".



18. **COUNCIL** means the Council of the Town of Annapolis Royal.
19. **DAY CARE FACILITY** means a building or part thereof in which services pertinent to a child's physical, social, emotional and intellectual development are or may be provided apart from the child's parent or guardian, but does not include a hospital, school, home for special care or a building or part thereof in which the services provided are organized recreational or religious activities.
20. **DEVELOPMENT** means the use of any land and any erection, construction, addition, alteration, replacement or relocation of or to any building or structure.
21. **DEVELOPMENT AGREEMENT** means an agreement made between the Town of Annapolis Royal and a property owner for the purposes of regulating the use and development of the property pursuant to policies of this Municipal Planning Strategy. The potential terms, conditions and content of a Development Agreement are identified in Policy 17.5.3 of the Municipal Planning Strategy.
22. **DEVELOPMENT OFFICER** means the officer from time to time charged by the Council with the duty of administering the provisions of the Land Use By-Law.
23. **DEVELOPMENT PERMIT** means a municipal permit issued by the Town's Development Officer following the submission of a completed application which confirms, in accordance with all relevant provisions of the Land Use By-Law, that a proposed development is permitted and identifies the development control standards which apply to the proposed development.
24. **DRY CLEANING OR LAUNDRY ESTABLISHMENT** means a building where dry cleaning, dry or wet dyeing, cleaning or pressing of articles or goods or fabric is carried on and in which only solvents are or can be used which emit no odours or fumes and in which no noise or vibration causes a nuisance or inconvenience outside of the premises, but does not include a Laundromat.

25. **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 but does not include a mobile home, a mini home, a hotel, a motel or apartment hotel.

**In relation to DWELLING types:**

- 25.1 **CONVERTED DWELLING** means a building originally built and designed as a single detached dwelling unit which has been altered to contain two or more dwelling units.
- 25.2 **DUPLEX DWELLING** means a building that is divided horizontally into two dwelling units, each of which has a private entrance either directly or through a common vestibule or from outdoors.
- 25.3 **DOUBLE DUPLEX DWELLING or "4-PLEX"** means a building that consists of two duplexes attached to each other.
- 25.4 **GROUPED DWELLINGS** means two or more architecturally similar and thematically designed residential units which are pre-serviced and contained within two or more buildings located on the same lot.
- 25.5 **MULTIPLE UNIT DWELLING or "APARTMENT BUILDING"** mean a building or structure arranged, intended, and designed to be occupied by three or more families, living independently of each other, and each including its own separate kitchen and bathroom facilities where the units may share a common entrance, common services and utilities.
- 25.6 **ROWHOUSE OR TOWNHOUSE DWELLING** means a building that is divided vertically into three or more dwelling units, each of which has an independent entrance.
- 25.7 **SEMI-DETACHED DWELLING** means a building that is divided vertically into two dwelling units each of which has an independent entrance.
- 25.8 **SINGLE DETACHED DWELLING** means a structure containing only one dwelling unit, but does not include a mini home or mobile home.
- 25.9 **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.
26. **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 bathroom 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.
27. **ENVIRONMENT** means any combination of air, soil and water, plant and animal life, social and cultural conditions, buildings and other structures, or any impacts on the foregoing resulting directly or indirectly from human activities.
28. **ENVIRONMENTALLY SENSITIVE AREA** means lands which are subject to flooding or lands on which, owing to unsatisfactory natural drainage, steep slopes, rock formations or other similar features, the cost of providing adequate water, sewer, sewage disposal and other municipal services and facilities would, in the opinion of Council, be prohibitive.
29. **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, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

**30. ESTABLISHED GRADE LEVEL means:**

- 30.1 in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such buildings; and
- 30.2 in reference to a structure, the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment; and
- 30.3 in reference to a street, road or highway, the elevation of the street, road or highway established by the Town or other designated authority.

**31. EXISTING** means existing as of the effective date of this By-Law.

**32. FLOOR AREA means:**

- 32.1 in reference to a dwelling, the maximum area contained within the outside walls excluding any private garage, porch, veranda, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
- 32.2 in reference to a commercial building, the total usable floor area within a building used for commercial purposes, excluding washrooms, furnace and utility rooms and common malls between stores.

**GROSS FLOOR AREA means:**

- 32.3 the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls or 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.
- 32.4 With reference to a dwelling unit where more than one unit is contained within a building, it 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.

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

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

**34. HOME FOR SPECIAL CARE** means an extended or intermediate care facility licensed under the Homes for Special Care Act or the Children's Services Act to provide full-time care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves; or to provide custodial or supervisory care such as a transition house, or youth assessment centre providing counselling and assessment.

**35. HOME-BASED BUSINESS** means activities, accessory to residential use, carried on wholly within the boundaries of a property, upon which property is located the residence of the operator of the home occupation, and such activities involve the manufacture of goods or the provision of services and marketing of those goods or services and shall include but not be limited to home businesses and offices, dressmaking, tailoring, photography, arts and crafts, ceramics, pottery, upholstery, dealing in antiques, household appliance repair and small motor repair.

Uses and activities considered as a prohibited home-based business shall include retail merchandising operations such as operating a store, restaurant or canteen, or a noisy or potentially disruptive enterprise such as trucking and transport business, taxi services or automotive repair and autobody shops.

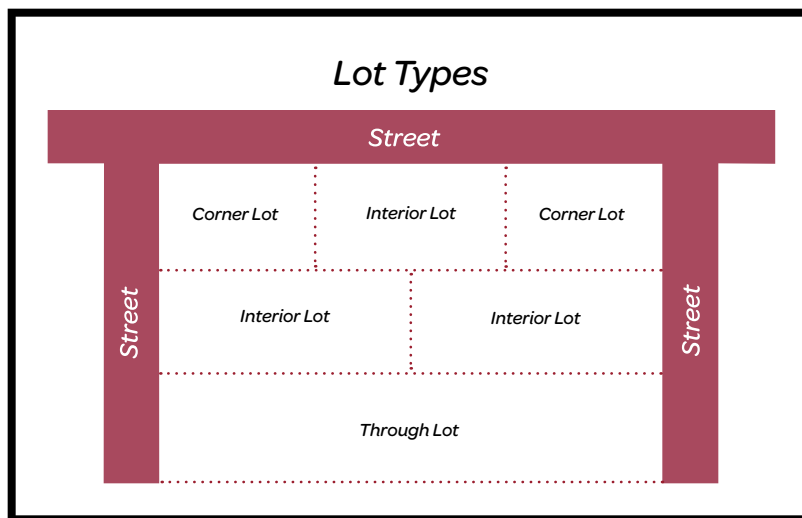
- 36. HOME OFFICE** means a room or rooms, accessory to a residential use, not exceeding a total of 25 m<sup>2</sup> (269 sq. ft.) where business of a quiet and isolated nature may be conducted by residents of the dwelling but shall not include the manufacturing or on-site provision of any goods or services.
- 37. INSTITUTION** means an organized body or society for promoting a particular purpose with no intent of profit but shall not include a private club.
- 38. INSTITUTIONAL USE** means a use which serve a community's social, educational, health, cultural and recreational needs and includes but is not limited to churches, places of worship, and religious institutions, colleges, universities, and non-commercial schools, municipal, provincial, federal buildings and facilities, nursing homes, hospitals, libraries, museums and public art galleries, public or private utilities, facilities for the sale of alcohol and cannabis authorized or licensed by the Province of Nova Scotia and any institutional use which is incorporated under the Societies Act, SNS 1989, c. 435, s. 1, as amended, or any other private statute of incorporation.
- 39. KENNEL** means a building or structure where animals or birds intended or used as domestic household pets are kept or boarded.
- 40. LANDSCAPING** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
- 41. LICENSED PREMISE** means a building or part of a building which is licensed by the Province of Nova Scotia to serve alcohol pursuant to the Liquor Licensing Regulations made under the Liquor Control Act.
- 42. LOADING AND UNLOADING AREA** means a vacant area of land which:
- (a) is suitable for the temporary parking of one commercial vehicle while merchandise or materials are being loaded or unloaded from such vehicle and such parking shall not be for the purpose of sale or display; and
  - (b) is not upon or partly upon any street or highway; and
  - (c) has adequate access and egress by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.

43. **LOT** means any parcel of land described in a deed or as shown in a registered plan of subdivision. In relation to types of Lots:

43.1 **CORNER LOT** means a lot situated at the intersection of and abutting on two or more streets.

43.2 **INTERIOR LOT** means a lot situated between two lots and having access to one street.

43.3 **THROUGH LOT** means a lot bounded on two opposite sides by streets or highways; however, if any lot qualifies as being both a corner lot and a through lot, such lot shall be deemed to be a corner lot for the purpose of this By-Law.



44. **LOT AREA** means the total area of the plane within the lot lines of a lot.

45. **LOT FRONTAGE** means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein equal in distance to the maximum applicable front yard. In the case of a corner lot, the exterior lot lines (street lines) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

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

**In relation to Lot Lines:**

46.1 **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 is the front 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 may be the front lot line.

46.2 **REAR LOT LINE** means the lot line furthest from or opposite to the front lot line.

46.3 **SIDE LOT LINE** means a lot line other than a front or rear lot line.

47. **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.

48. **MAPS** mean the two maps which accompany the Land Use By-Law (LUB) of the Town of Annapolis Royal. In relation to the types of maps:
- REGISTERED HERITAGE PROPERTIES MAP** means the administrative map, "Schedule B", which appears as page 65 of the Land Use By-Law (LUB) and shows the current registered federal, provincial and municipal heritage properties in the Town of Annapolis Royal.
- ZONING MAP** means the administrative map, Schedule "A", which appears as page 63 in the Land Use By-Law and shows the current zones in the Town of Annapolis Royal.
49. **MEDICAL CLINIC** means a building used wholly for the medical, dental, surgical, or therapeutic treatment of human beings and includes pharmacies, medical equipment suppliers, health care offices and other professional and commercial uses related to medical care but does not include a hospital or the sale or distribution of cannabis and/or cannabis products.
50. **MOBILE HOME or MINI HOME** means a structure which is designed for transportation after fabrication, whether or not on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is complete and ready for occupancy, except for minor and incidental unpacking, assembly and service connections.
51. **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.
52. **OBNOXIOUS USE** means a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by refuse matter, waste or other material.
53. **OFFICE** means a room or rooms where business may be transacted, a service performed or consultation given, but shall not include the manufacturing of any product or the retail selling of goods.
54. **OUTDOOR DISPLAY** means the display of retail goods or materials not enclosed within a structure which are intended for the immediate sale to the general public.
55. **OUTDOOR STORAGE** means the storage of goods or materials not enclosed within a structure which are not intended for immediate sale to the general public.
56. **OUTDOOR WOOD BURNING FURNACE** means an accessory building or structure which utilizes wood as fuel to function as a heat source for associated main building(s).
57. **PARKING AREA** means an area other than a street, containing two or more parking spaces, which is available for the use of the public or provided as an accommodation for clients, customers, residents or employees.
58. **PARKING EASEMENT** means a legal easement conveyed in perpetuity by Deed for the purposes of enabling parking not associated with the property subject to the easement.
59. **PARKING SPACE** means an area of not less than 12.5 m<sup>2</sup> (134.5 sq. ft.) measuring 2.5 m (8.2 ft.) by 5 m (16.4 ft.) exclusive of necessary driveway or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or manoeuvring areas.
60. **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 shall include but not be limited to such establishments as barber shops, beauty parlours, laundromats, 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.

61. **PRIMARY BUILDING** means a building in which the principal use of the lot occurs.
62. **PROFESSIONAL USE** means a use carried out by a person or persons registered in Nova Scotia as professionals in connection with practice of that profession and shall include but not be limited to the offices of lawyers, accountants, architects, engineers, doctors and dentists.
63. **PUBLIC AUTHORITY** means any Board, Commission or Committee of the Town of Annapolis Royal established or exercising any power or authority under any general or specific Statute of Nova Scotia with respect to any of the affairs or purposes of the Town or a portion thereof and includes any Committee or local authority established by By-Law of the Town.
64. **RECREATIONAL USE** means the use of land for parks, playgrounds, dog parks, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses, together with necessary and accessory buildings and structures, but does not include the use of land for the racing of animals or any form of motorized vehicles.
65. **RESTAURANT** means a building or part thereof where food and drink are prepared and served to the public for consumption within the building, or for take-out.
66. **RETAIL STORE** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.
67. **ROOMING AND BOARDING 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 that is not open to the general public.
68. **SCRAP AND SALVAGE YARD** means a lot or premises for the storage or handling of scrap material and shall include, but not be limited to, waste paper, rags, bottles, used bicycles, vehicles, tires, metal or other scrap material or salvage.
69. **SELF STORAGE** means a building, buildings or facility which provides secure storage units for individual use and does not include commercial warehousing or bulk commercial or industrial storage.
70. **SERVICE AND UTILITY USES** means public and quasi-public uses which provide the support systems for the built environment. These shall include but not be limited to facilities provided by Government such as sewage treatment plants, rights-of-way, school bus garages, fire stations and facilities provided by companies such as Nova Scotia Power Incorporated, Bell Aliant, Eastlink and EMS Emergency Medical Services Inc.
71. **SIGN** means:
- a) anything used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, and
  - b) which is intended to be seen from off the premises or from a parking lot, and
  - c) which consists of a structure, device, light or natural object, including the ground itself, or any part of these, or any device attached to these, or painted or represented on these, which shall be 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.

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 considered a sign within this By-Law.



### In relation to types of Signs:

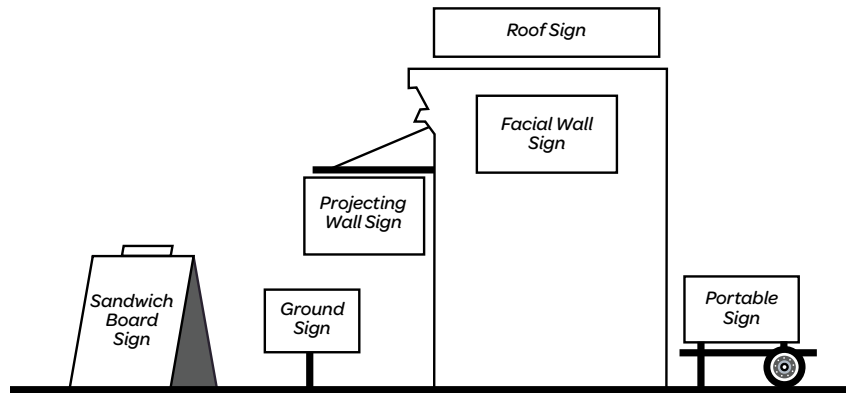
- 71.1 **CANOPY/ AWNING SIGN** means any sign attached to or forming part of a canopy or awning.
- 71.2 **FACIAL WALL SIGN** means a sign which is painted upon a building wall or is attached to and supported by a wall of a building and includes a window sign where the window is used as a component of the wall for the purposes of displaying the sign.
- 71.3 **GROUND SIGN** means a sign supported by one or more up-rights, poles, or braces placed in or upon the ground.
- 71.4 **ILLUMINATED SIGN** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.
- 71.5 **MURAL SIGN** means a picture, drawing, painting or representation applied to an exterior wall of a structure or a wall which does not include any commercial advertising or messaging but does not include graffiti.
- 71.6 **OFF-PREMISES SIGN** means a sign that is related to a business premise that is not located on the building or lot on which the sign is placed.
- 71.7 **PROJECTING WALL SIGN** means a sign which projects from and is supported by a wall of a building.
- 71.8 **READER BOARD SIGN** means:
- a) sign designed with removable letters, marks, symbols, or pictorials, or any combination of these, or
  - b) an electronic display, electronic screen or electronic projection which allow for periodic revisions of the sign message,
  - c) but does not include signs used by theatres, art galleries, arenas, churches, or similar premises for the purpose of identifying a program or event that will take place at the premise.
- An electronic reader board may comprise an element in a ground sign or facia wall sign provided that the electronic image is static.
- 71.9 **ROOF SIGN** means a sign supported by one or more uprights, poles, or braces placed upon the roof of a building.
- 71.10 **SANDWICH BOARD SIGN** means a sign that is composed of two hinged or otherwise joined boards that leans on the ground.

**72. SIGN AREA** means the area of the smallest triangle, rectangle, circle, or semi-circle that can enclose the entire surface area of the sign. All visible faces of a multifaced sign shall be counted separately and then totaled in calculating the sign area. Three dimensional signs shall be treated as dual-faced signs, such that the smallest triangle, rectangle, circle or semi-circle that can totally circumscribe the sign in the plane of its largest dimension is considered the sign area.

**73. NUMBER OF SIGNS** means the total signs determined by the following:

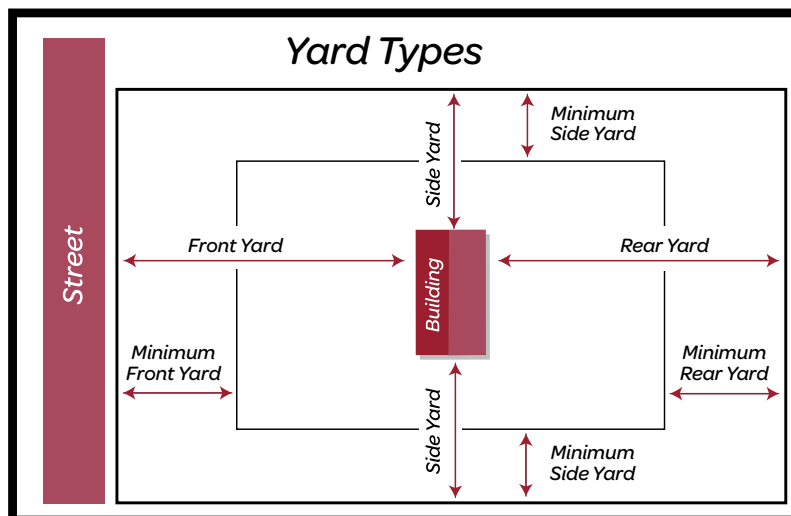
- a) a sign shall be considered to be a single display surface or display device if it contains elements organized, related, and composed to form a unit.
- b) elements displayed in a random manner without an organized relationship, or elements displayed where there is reasonable doubt about the relationship of elements, will each be considered a single sign.





74. **STOCKADE STYLE FENCE** means a fence (and the gates in such fence) constructed of solid boards with edges placed tightly against one another, such that no light or visual images can be seen between the boards.
75. **STREET** means the whole and entire right-of-way of every highway, road or road allowance vested in the Province of Nova Scotia or the Town of Annapolis Royal.
76. **STREET LINE** means the boundary line of a street.
77. **STRUCTURE** means anything that is erected, built, or constructed or any such erection, building or construction fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs and also fences exceeding 2 m (6.56 ft.) in height.
78. **SWIMMING POOL** means an artificial body of water of more than 10 m<sup>2</sup> (107.6 sq. ft.), used for bathing, swimming or diving, but does not include a pond.
79. **TEMPORARY USE** means a use established for a fixed period of time which:
- a) is accessory to a permitted use, and
  - b) is associated with a holiday, a special event or community event, and
  - c) will terminate automatically upon expiration of the fixed time period.
80. **TOWN** means the Municipality of the Town of Annapolis Royal.
81. **VETERINARY ESTABLISHMENT** means the professional premises where animals, birds or other livestock are treated and released or treated and kept until well.
82. **WAREHOUSE** means a building where wares or goods are stored but shall not include a retail store.

- 83. YARD** means an open, uncovered space on a lot as it relates to a building (except a court yard) 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.
- 83.1 **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 of a front yard on a lot between the front lot line and the nearest wall of any main building or structure on the lot.
- 83.2 **REAR YARD** means a yard extending across the full width of a lot between the rear lot line and the nearest wall or any main building or structure on the lot; and “minimum” rear yard means the minimum depth of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
- 83.3 **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 main building or structure on the lot.
- 83.4 **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 wall of any building or structure.



- 84. YARD SALE** means the sale of excess household goods and materials at a residential dwelling by the owner/occupant.
- 85. ZONE** means a designated area of land shown on the Schedule “A” of this By-Law.

# 3

## Zones and Zoning Map

### 3.1

#### Zones

For the purpose of this By-Law, the Town of Annapolis Royal is divided into the following zones, the boundaries of which are shown on the attached schedule. Such zones may be referred to by the appropriate symbols.

<b>RSU</b>	Residential Single Unit
<b>RTU</b>	Residential Two Unit
<b>RMD</b>	Residential Medium Density
<b>RMU</b>	Residential Mixed Use
<b>RPW</b>	Residential Prince William
<b>CG</b>	Commercial General
<b>CHW</b>	Commercial Highway
<b>CHR</b>	Commercial Heritage
<b>INS</b>	Institutional
<b>POS</b>	Parks and Open Space
<b>ESA1</b>	Environmentally Sensitive Area 1
<b>ESA2</b>	Environmentally Sensitive Area 2
<b>HG</b>	Historic Gardens
<b>HWCD</b>	Heritage Waterfront Comprehensive Development District
<b>FMCD</b>	Fortier Mills Comprehensive Development District
<b>CCDD</b>	Causeway Comprehensive Development District

### 3.2

#### Zoning Map

Schedule "A" attached may be cited as the "Zoning Map" and is hereby declared to form part of the By-Law.

### 3.3

#### Interpretation

The symbols used on Schedule "A" attached refer to the appropriate zones established in this By-Law.

### 3.4

#### Application

The extent and boundaries of all zones are shown on Schedule "A" attached and for all such zones the provisions of this By-Law shall respectively apply.

**3.5****Interpretation of Zoning Boundaries****Boundaries between zones shall be determined as follows:**

- 3.5.1 Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway.
- 3.5.2 Where a railroad 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 shall be considered the boundary between zones, unless specifically indicated otherwise.
- 3.5.3 Where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lines.
- 3.5.4 Where a zone boundary is indicated as following the limits of the Town boundary, the limits shall be the boundary.

**3.6****Certain Words**

In this By-Law, certain words have a particular meaning, as follows:

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

**3.7****Development Agreements****Uses Considered by Development Agreement**

Notwithstanding anything else in this By-Law, certain uses which may not be permitted as-of-right in a zone may be considered for development by Development Agreement as provided for in Sections 225-230 of the Municipal Government Act. As provided for in the Municipal Planning Strategy, these are as follows:

- 3.7.1 Development of new residential dwellings containing seven or more units or the conversion of exiting dwellings to seven or more units and group dwellings located on a single lot in the Residential Designation (Policy 1.7.1);
- 3.7.2 New residential dwellings containing three or more units within the Residential Mixed Use RMU Zone (Policy 1.8.2);
- 3.7.3 New residential development within the Residential Prince William (RPW) Zone (Policy 1.9.2);
- 3.7.4 Home-based businesses other than those defined in the By-Law provided that they are not identified as Prohibited Home-based Businesses (Policy 1.10.4);

- 3.7.5 New Bed and Breakfasts, Inns and Historic Vacation Suites in the Residential Single Unit (RSU) Zone (Policy 1.11.1);
- 3.7.6 Redevelopment of PID 05002852 (Policy 2.5.6);
- 3.7.7 Light industrial uses, including manufacturing, fabricating, industrial assembly, warehousing and processing of goods and materials which are wholly contained within a building and which are not obnoxious by means of noise, light, odour, vibration or other emissions in the Commercial Highway (CHW) Zone and the Environmentally Sensitive (ESA) Zone (Policy 3.1.2);
- 3.7.8 Small scale light industrial uses which include a significant retail component and whose goods or products are primarily intended for direct consumption or use by the consumer in the Commercial General (CG) Zone (Policy 3.1.6);
- 3.7.9 New institutional uses on lands zoned residential or the redevelopment of existing institutional properties for residential purposes (Policy 4.1.4);
- 3.7.10 Redevelopment of PID 05000484 (Policy 4.1.5);
- 3.7.11 New service and utility uses (Policy 5.3);
- 3.7.12 All development within the Environmentally Sensitive Area 2 (ESA2) Zone and lands within the "Annapolis 1/100 year flood inundation limits NSPI (Emergency Preparedness Plan 2010) (Policy 7.5);
- 3.7.13 Commercial Highway (CHW) uses, including multiple-retail developments in the Environmentally Sensitive Area 2 (ESA2) Zone west of Prince Albert Road (Highway No. 1) (Policy 7.7);
- 3.7.14 Development in the Heritage Waterfront Comprehensive Development District (HWCDD) Zone, the Fortier Mills Comprehensive Development District (FMCDD) Zone and the Causeway Comprehensive Development District (CCDD) Zone (Policy 12.1, Policy 12.2.3, 12.4.3).

### 3.8

#### **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 of whether or not such zone had previously appeared on any Zoning Map.

# 4

## General Provisions for All Zones

### 4.1

#### Scope

- 4.1.1 No building or structure shall hereafter be erected or the use of any building or the use of land changed, unless a Development Permit has been issued or the proposed work is excluded in Part 4.1.4, and no development permit shall be issued unless all the provisions of this By-Law are satisfied.
- 4.1.2 For the purpose of this By-Law, if a use is not determined to be a permitted use in a zone or it is not an accessory use permitted in a zone, it shall be deemed to be a prohibited use in that zone.
- 4.1.3 Any person who violates a provision of this By-Law shall be subject to the penalties as provided for under Section 505 of the Municipal Government Act.
- 4.1.4 Although an approval by the Planning and Heritage Advisory Committee (PHAC) may be required for exterior alterations to properties registered under the Provincial Heritage Property Act and/or the municipal Heritage By-Law, no Development Permit, or where applicable no Development Agreement shall be required for: shingling of roofs, building of ground level walkways, non-structural replacement/addition/repairs to windows, storm windows, doors or storm doors; installation of siding over an existing exterior finish; insulation; fences, stone walls or brick walls less than 2 m (6.56 ft) in height; or interior/ exterior renovations which do not involve the addition or replacement of structural members of the building.

### 4.2

#### Abutting Zone Requirements

Where an Institutional (INS), Commercial Highway (CHW), a Comprehensive Development District (HWCDD, FMCDD, CCDD) or Parks and Open Space (POS) zone abuts the Residential Single Unit (RSU) or the Residential Two Unit (RTU) zone, the following restrictions shall apply to an abutting yard within the Institutional, Commercial Highway, Comprehensive Development District or Parks and Open Space zone:

- (a) the minimum setback requirements for the abutting side yard shall be 6 m (19.68 ft);
- (b) no open storage or outdoor display shall be permitted within the required abutting yard;
- (c) the 6 m (19.68 ft) setback shall be planted with trees and landscaped upon development of the property;
- (d) no parking or loading space shall be permitted closer than 3 m (9.8 ft) to a side or rear lot line.

**4.3****Accessory Buildings**

- 4.3.1 Accessory buildings and structures shall be permitted in any zone within the Town of Annapolis Royal but shall not:
- (a) be used for human habitation except where a dwelling is a permitted accessory use;
  - (b) be located in the front or flankage yard of a corner lot;
  - (c) exceed 4.5 m (14.76 ft) in height;
  - (d) in case of the main building being 2 storeys or more, exceed 2/3 the height of the main building or 9m (29.5 ft) whichever is less;
  - (e) be built closer than 1 m (3.28 ft) to a lot line in any zone except that:
    - (i) common semi-detached garages may be centered on the mutual side lot line;
    - (ii) accessory buildings with no windows, doors or other perforations on the side of the building which faces the lot line, may be located a minimum of 0.6 m (1.96 ft) from the lot line in any residential zone; and
    - (iii) boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge;
  - (f) be built within 2 m (6.56 ft) of the main building;
  - (g) be built within a watercourse environmental setback.
- 4.3.2 Notwithstanding anything else in this By-Law, wheelchair ramps, drop awnings, clotheslines, flagpoles, fountains, garden trellises, fences, stone walls or brick walls under 2 m (6.56 ft) in height or fences in side or rear yards, and retaining walls shall be exempt from any requirements under Section 4.1.
- 4.3.3 Shipping Containers (TEU) shall not be permitted to be used as accessory structures or buildings.
- 4.3.4 The maximum number of accessory buildings to be permitted on a single lot is three (3).

**4.4****Accessory Uses**

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

**4.5****Building to be Erected on a Lot**

No person shall erect or use any building unless such building is erected upon a single lot except for a semi-detached or townhouse dwelling having a common wall on a property line.

**4.6****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.

#### **4.7 Business or Vending on Town Property**

Any person or organization wishing to conduct any type of business or vending on Town property must first obtain all applicable permits, licenses and permissions from the Town.

Other permits that may be required from any department or agency, as well as other insurances and all liability, shall be the sole responsibility of the business, vendor or authorized agent.

#### **4.8 Conformity with Existing Setbacks**

Notwithstanding anything else in the By-Law, structures built between existing buildings within 60 m (196.8 ft) on the same block in a residential zone or the Institutional Zone may be built with a setback equal to the average setback of the adjacent buildings, as long as this is not less than 3 m (9.84 ft) from the front lot line.

#### **4.9 Corner Vision Triangle**

The property owner of a corner lot, or a lot abutting the entrance or exit to a public parking lot, cannot block the vision of approaching traffic. Therefore, the property owner must not:

- a) erect a fence, sign or any other structure, or
- b) plant or allow to grow a hedge, shrub, bush, tree or any other vegetation that is higher than 0.5 m (1.64 ft) above grade of the streets that abut the lot.

These restrictions only apply to the triangular area included within the street rights-of-way for a distance of 6 m (19.68 ft) from where the rights-of-way intersect.

#### **4.10 Development of Property Abutting a Registered Heritage Property**

Where a property abuts a registered heritage property in the Residential or Commercial Designation, in addition to all relevant provisions contained in this By-Law, the following exterior alterations of the structure (except for routine maintenance or repair with original building materials) or the development or redevelopment of a property shall be subject to review and recommendation of the Town's Planning and Heritage Advisory Committee:

- a) The construction of new dwellings;
- b) Additions to an existing structure located in the front yard, the side yard which abuts the registered heritage property or any abutting yard for development on a corner lot;
- c) Construction of accessory structures (including accessory buildings, exterior porches and decks, antenna, ramps, fences) located in the front yard, the side yard which abuts the registered heritage property or any abutting yard for development on a corner lot.



**4.11****Existing Buildings**

If an existing building were constructed on a lot having less than:

- a) the minimum frontage or area, or
- b) the minimum front or rear or side yard setback

as required by this By-Law, it may be enlarged, reconstructed, repaired or renovated provided that:

- (a) the existing building was erected on or before the effective date of this By-Law, and
- (b) the enlargement, reconstruction, repair or renovation does not further reduce the front or rear or side yard setback required by this By-Law, and
- (c) all other applicable provisions of this By-Law are satisfied.

**4.12****Existing Uses**

Notwithstanding anything else in this By-Law, the existing use of a building can be changed to a permitted use even when the frontage, the lot area, the front, or rear or side yard setback, or any two or all of these, is less than the requirements of this By-Law if:

- (a) the existing building was erected on or before the effective date of this By-Law, and
- (b) all other applicable provisions of this By-Law are satisfied.

**4.13****Existing Undersized Vacant Lots**

Notwithstanding anything else in this By-Law, a vacant lot may be built on and used for the purpose in its zone if:

- (a) it is held in separate ownership from adjoining parcels on the effective date of this By-Law, and
- (b) the width, frontage, depth or area is at least seventy percent (70%) of the minimum required by this By-Law, and
- (c) all other applicable provisions in this By-Law are satisfied.

**4.14****Fences**

4.14.1 A Development Permit shall not be required for a fence that does not exceed 2 m (6.6 ft) in height.

4.14.2 A Development Permit shall be required for a fence exceeding 2 m (6.6 ft) in height.

4.14.3 Fences shall be limited to a maximum height of 2.4 m (8 ft) in any Residential, Institutional and Parks and Open Space Zone and 3.04 m (10 ft) in all other Zones.

- 4.14.4 All fences, regardless of whether a Development Permit is required, shall conform to the following general requirements:
- a) stockade-style fences shall not be permitted;
  - b) electrified fences (except garden fences) or fences containing barbed wire shall not be permitted;
  - c) a fence may be located on a common lot line; and
  - d) corner vision triangle restrictions shall apply for a fence located on a corner lot.

#### **4.15 Front Yard for a Through Lot**

In the case of a through lot, there shall be deemed to be two front yards and the setback requirements for the zone shall be observed.

#### **4.16 Frontage on Street**

No development permit shall be issued unless the lot or parcel of land intended to be used, or upon which the building, development or structure is to be erected, abuts and fronts upon a public street.

#### **4.17 Height Regulations**

The height regulations of this By-Law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae or cell towers, ventilators, skylights, barns, chimneys, clock towers, weather vanes, lightning rods or wind generators.

#### **4.18 Illumination**

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

#### **4.19 Licenses, Permits and Compliance with Other By-Laws**

- 4.19.1 Nothing in this By-Law shall exempt any person from complying with the requirements of the Building By-Law or any other By-Law in force within the Town or from obtaining any license, permission, permit, authority or approval required by any other By-Law of the Town of Annapolis Royal.
- 4.19.2 Where the provisions in this By-Law conflict with those of any other Municipal or Provincial requirements, the higher or more stringent regulations shall prevail.

#### **4.20 Loading and Parking Requirements**

- 4.20.1 In any zone, no person shall erect any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods, unless there is maintained on the same premises with every such building, structure or use one off-street space for standing, loading and unloading for every 1,500 m<sup>2</sup> (16,146 ft<sup>2</sup>) or fraction thereof of building floor area used for any such purpose to a maximum of six loading spaces.
- 4.20.2 Each loading space shall be at least 3.5 m (11.48 ft) by 12 m (39.37 ft) with a minimum of 4.5 m (14.76 ft) height clearance.
- 4.20.3 The provision of a loading space for any building with less than 186 m<sup>2</sup> (2,000 ft<sup>2</sup>) floor area shall not be required.

- 4.20.4 No such loading spaces shall be located within any required front yard or be located within any yard which abuts a Residential Single Unit (RSU), Residential Two Unit (RTU), Parks and Open Space (POS) or Institutional (INS) Zone.
- 4.20.5 Loading space areas, including the driveways leading to them, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- 4.20.6 Ingress and egress to and from the required loading space areas shall be provided by means of unobstructed driveways of a minimum width of 3.5 m (11.48 ft) for one-way traffic and a minimum width of 7 m (22.96 ft) for two-way traffic.

#### 4.21

#### **Mobile Home or Mini Home Structures**

A mobile or mini-home structure is only allowed subject to the temporary uses outlined in Part 4.28.

#### 4.22

#### **Multiple Uses**

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

#### 4.23

#### **Non Conforming Uses**

- 4.23.1 Non-conforming uses shall be subject to Sections 238-241 of the Municipal Government Act of Nova Scotia (see Appendix 2).
- 4.23.2 As enabled by Section 242 of the Municipal Government Act and provided for in Policy 17.14 of the Municipal Planning Strategy, the following relaxation of restrictions on nonconforming structures, nonconforming uses of land, and nonconforming uses in a structure may be considered in any zone by Development Agreement:
- a) the extension, enlargement, alteration or reconstruction of a nonconforming structure;
  - b) the extension of a nonconforming use of land;
  - c) the extension, enlargement or alteration of structures containing nonconforming uses, with or without permitting the expansion of the nonconforming use into an addition;
  - d) the reconstruction of structures containing nonconforming uses, after destruction;
  - e) the recommencement of a nonconforming use of land or a nonconforming use in a structure after it is discontinued for a continuous period in excess of six months;
  - f) the change in use of a nonconforming use of land or a nonconforming use in a structure, to another nonconforming use.

#### 4.24

#### **One Primary Building on a Lot**

No person shall erect more than one primary building on a lot except for:

- a) buildings located in the Historic Gardens (HG) zone, the Historic Waterfront Comprehensive Development District (HWCDD), the Causeway Comprehensive Development District (CCDD) zone or the Commercial Highway (CHW) zone and
- b) grouped dwellings located in the Residential Designation by Development Agreement pursuant to Policy 1.7.1.

4.25.1 For every building or structure to be erected or enlarged, or change of use to any existing structure, except in the Commercial General (CG) Zone and the Residential Mixed Use (RMU) Zone where downtown parking lots will be used, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:

<i>Type of Structure</i>	<i>Minimum Parking Requirements</i>
a) a dwelling containing not more than two dwelling units	1 parking space for each dwelling unit
b) nurses' residences	0.75 parking spaces for each unit
c) all other dwellings	1.5 parking spaces for each dwelling unit
d) church halls, auditoria, restaurants, theatres, arenas, halls, stadia, private clubs and other places of assembly	1 parking space for every 10 fixed seats or for every 10 m <sup>2</sup> (107.6 ft <sup>2</sup> ) devoted to public use where there are no fixed seats
(e) hospitals	0.5 parking spaces for each bed or 1 parking space for each 37 m <sup>2</sup> (398.27 ft <sup>2</sup> ) of floor area, whichever is the greater plus 0.5 for each employee and 1 for each doctor
f) senior citizen apartments	0.5 parking spaces for each dwelling unit
g) nursing, rest or convalescent homes	0.5 parking spaces for each bed
h) hotels, staff houses, motels, tourist cabins	1.0 parking spaces for each suite or rental unit plus 1 additional parking space for each 20 m <sup>2</sup> (215.28 ft <sup>2</sup> ) of floor area devoted to public use exclusive of lobbies and halls
i) offices, clinics	1 parking space for each 20 m <sup>2</sup> (215.28 ft <sup>2</sup> ) of floor area
j) shopping centres	parking area to be three times floor area, exclusive of common malls between stores
k) funeral homes	0.2 parking spaces for each seat of the chapel
l) bowling alleys & curling rinks	0.5 parking spaces for each person in the designed capacity of the establishment (designed capacity shall mean six persons per bowling lane and eight 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 use to which the other parts of the building may be put.
m) elementary schools	1.5 parking spaces for each teaching classroom
n) high schools	2 parking spaces for each teaching classroom
o) nursery schools and day care centres	1 parking space for each employee
p) bed and breakfasts, inns & boarding houses	1.5 spaces for each permanent dwelling unit and 1.0 space for each unit available to transients or boarders
q) highway commercial uses other than those specified above	1 space for every 20 m <sup>2</sup> (215.28 ft <sup>2</sup> ) of interior or exterior retail area
r) manufacturing and industrial uses	1 space for each 75 m <sup>2</sup> (807.31 ft <sup>2</sup> ) of gross floor area, plus parking space as in (i), above, for any offices included in the development
s) all other retail uses, and commercial & office uses in a residential zone, excepting the Residential Mixed Use (RMU) Zone	1 space for each 30 m <sup>2</sup> (322.93 ft <sup>2</sup> ) of floor area

#### 4.25.2 Standards for Parking Areas

Where parking facilities for more than four vehicles are required:

- a) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
- b) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;
- c) the parking area shall be within 90 m (295.27 ft) of the location which it is intended to serve and shall be situated in the same zone;
- d) a structure, not more than 3 m (9.84 ft) in height and not more than 4.5 m<sup>2</sup> (14.76 ft<sup>2</sup>) in area, may be erected in the parking area for the use of attendants;
- e) 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;
- f) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- g) approaches or driveways to any new parking area, other than that required for a single-family dwelling, semi-detached or 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) the location of approaches or driveways shall be no closer than 15 m (49.21 ft) from the limits of the rights-of-way at a street intersection;
- i) entrance and exit ramps to a parking area shall not exceed two in number on any one street;
- j) the width of a driveway leading to a parking area intended primarily for cars, or of a driveway or aisle in such area, shall be a minimum of 3 m (9.84 ft) for one-way traffic and a minimum of 5.5 m (18.04 ft) for two-way traffic and the maximum width of a driveway shall be 7 m (22.96 ft);
- k) the width of a driveway leading to a parking area or loading area intended primarily for trucks, or of a driveway or aisle in such area, shall be a minimum of 3.5 m (11.48 ft) for one-way traffic and a minimum of 7 m (22.96 ft) for two-way traffic and the maximum width of a driveway shall be 13 m (42.65 ft); and
- l) where parking facilities are not provided on the same lot as the main use, the land on which the parking is provided must be subject to a parking easement in favour of the lot on which the main use is situated.

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, that those structures listed in the following table shall be permitted to project for the specified distances into the specified yards indicated as follows. Please see Part 2 for the definition of “flankage” and “side yards”.

<i>Structure</i>	<i>Yard in which projection is permitted</i>	<i>Maximum projection from main wall permitted</i>
Sills, belt courses, cornices, eaves gutters, chimneys, pilasters, or canopies	Any yard	1 m (3.28 ft)
Window bays	Any yard	1 m (3.28 ft) over a maximum width of 3 m (9.84 ft)
Fire escapes and exterior staircases	Rear and side yard only	1.5 m (4.92 ft) over a maximum width of 3 m (9.84 ft)
Balconies or upper decks	Front, rear and flankage yards only for single detached, semi-detached, duplex and triplex dwellings. Any yard for other residential buildings	2 m (6.56 ft)
Open, roofed porches not exceeding one storey in height; uncovered terraces	Front, rear and flankage yards only	2.5 m (8.2 ft) including eaves and cornices

#### **4.27 Permitted Uses**

For the purpose of this By-Law, a use is prohibited in a zone if:

- a) it is not considered by the Development Officer to be essentially similar to and typical of the uses of the zone, or
- b) it is not specifically listed as a permitted use in a zone.

A specific use may be added by amendment to the Land Use Bylaw as long as it does not contradict the intent or policy of the Municipal Planning Strategy.

#### **4.28 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 in the case of a non-conforming use the provisions of Sections 238-242 of the Municipal Government Act of Nova Scotia shall prevail.

#### **4.29 Side Yards on Corner Lots**

Notwithstanding anything else in this By-Law, on a corner lot in any zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than the established front setback for the street.

#### **4.30 Temporary Uses Permitted**

- 4.30.1 Nothing in this By-Law shall prevent uses incidental to construction, such as a construction trailer or other such temporary tool shed, scaffold, or similar building incidental to construction, provided that a development permit has been issued.
- 4.30.2 A development permit issued pursuant to Subsection (1) ceases to have effect sixty days after the construction has been discontinued unless, within that sixty days, the construction has recommenced.
- 4.30.3 Nothing in this By-Law shall prevent uses built or moved on site for festivals, community-based special occasions or civic holidays, provided only that no such use remains in place more than fourteen consecutive days after it was erected.

#### **4.31 Truck, Bus, Trailer and Coach Bodies**

- 4.31.1 No car, truck, trailer, bus, coach, street car, boat or shipping container (TEU) shall be used for human habitation or occupancy within the Town of Annapolis Royal.
- 4.31.2 No car, truck, trailer, bus, coach, street car, boat or shipping contain (TEU) shall be used as a commercial premise, except for provisions noted in 4.30.3.

**Variance**

- 4.32.1 Notwithstanding anything in this By-Law, the Development Officer may grant a variance, subject to provisions of the Municipal Government Act in relation to:
- a) the percentage of land that may be built upon;
  - b) the size or other requirements relating to yards;
  - c) lot frontage; and/or
  - d) lot area.
- 4.32.2 Pursuant to Policy 17.13, the Development Officer may also grant a variance in relation to the following:
- a) the number of parking spaces and loading spaces required;
  - b) ground area and height of a structure;
  - c) floor area occupied by a home-based business; and/or
  - d) the height and area of a sign.

**Watercourse Environment Setback**

No permanent development is allowed within 6 m (19.6 ft) of the mean high-water mark of Allains River or the Annapolis River, with the exception of trails, boardwalks, decks, bridges, boat ramps, marine haul-up and related facilities, boat houses, dykes, bank armouring and docks.

**Yard Exceptions – Lot Environment Setback**

The property owner of a lot where part of its area:

- a) is usually covered by water or marsh, or
- b) is beyond the rim of a river bank or watercourse, or
- c) is between the top and toe of a cliff or embankment having a slope of 30 percent or more from the horizontal, and
- d) where a front, side or rear yard is required by this By-Law,

must measure the required yard from the nearest main wall of the main building or structure on the lot to the edge of the said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of the said cliff or embankment, if such area is closer than the lot lines.

Notwithstanding anything else in this By-Law, where a front, side or rear yard setback is required and where an environment setback is also required from a stream or other watercourse, the greater setback shall prevail, and the lesser setback shall be waived.



4.35.1 Notwithstanding anything else in this By-Law, frequent or ongoing yard sales are not permitted within the Town. Residents may hold a yard sale of their own excess household goods and materials up to two times in any calendar year in any residential zone, as long as:

- a) the yard sale is of a maximum two-day duration, and
- b) no merchandise is left outside after the two days.

The re-sale of general commercial merchandise or second-hand goods acquired for resale is not considered to be the sale of excess household goods and materials for the purposes of this By-Law and is not allowed.

4.35.2 Community groups, service clubs and other non-profit organizations may hold sales and flea markets, with landowner consent, up to two times in any calendar year in any non-residential zone.

# 5

## *General Provisions for All Residential Zones*

### 5.1

#### **Home-Based Businesses**

5.1.1 Within a residential dwelling, or in an accessory building on the same lot within a residential zone, a home occupation and home-based business shall be permitted, subject to the following:

- a) The dwelling unit shall be the principal residence of the business owner/operator;
- b) The business shall be secondary to the residential use and shall alter neither the predominant character of the neighbourhood or its amenities, nor the exterior of the residence;
- c) Each unit in a multiple-unit dwelling shall qualify to have a home occupation;
- d) No more than two (2) people, including the owner, shall be employed by the business;
- e) The use shall comply with the definition of permitted home occupation and home office contained in Part 2 of the Land Use By-Law;
- f) The business shall:
  - i. be wholly included within the dwelling unit or accessory building;
  - ii. occupy no more than twenty-five percent (25%) of the habitable floor area of the dwelling unit up to a maximum of 46.5 m<sup>2</sup> (500 ft<sup>2</sup>) whichever is less;
  - iii. where the dwelling unit and an accessory building are occupied, the combined floor area of the business occupancy shall not exceed 46.5 m<sup>2</sup> (500 ft<sup>2</sup>).
- g) Only the retail sale of goods and materials produced, assembled, refinished, repaired or used on property by the business shall be permitted;
- h) Sales conducted by telephone, internet, mail order or other similar approach are permitted provided that customers do not enter the property to inspect, purchase or take possession of any goods;
- i) One (1) sign shall be permitted for each home occupation in a premise, and signage area shall not exceed 0.2 m<sup>2</sup> (2.15 ft<sup>2</sup>);
- j) Open display of goods and materials shall be allowed during business hours;
- k) Open storage of goods and materials shall be prohibited;
- l) The business use must not create signage, displays, noise, traffic, dust, light, or radiation that would be a nuisance or is not customary in a residential neighbourhood;
- m) Parking for each home occupation in a premise shall be permitted in accordance with Part 4.25 of the Annapolis Royal Land Use By-Law;

- n) Notwithstanding (m), no more than two commercial vehicles associated with the home occupation shall be kept on, or be dispatched from, the residential lot where the home occupation is located.

5.2.2 Notwithstanding Part 4.1 or anything else in this Part, no Municipal Development Permit shall be required for the establishment of a Home Office in a residential zone.

## 5.2

### **Prohibited Home-based Businesses**

For the purposes of greater clarity the following uses shall be prohibited as a home-based business:

- Adult entertainment establishment, body rub parlour or escort service
- Apiary
- Automobile sales establishment
- Contractor's yard
- Commercial storage or warehousing
- Commercial vehicle storage
- Kennel
- Motor vehicle repair, paint and body shop
- Public garage
- Restaurants, food service and eating establishment
- Retail store
- Salvage or scrap yard
- Taxi establishment
- Veterinary clinic

## 5.3

### **Variance on Permitted Floor Area**

Notwithstanding Part 5.1.1(f) the Development Officer may grant a variance up to five (5) percent on the maximum permitted floor area for a home occupation.

## 5.4

### **Keeping of Agricultural Animals**

5.4.1. The keeping of bees shall be prohibited in all zones.

5.4.2. Except for the grazing and pasturing of animals in the Environmentally Sensitive Area 1 (ESA1) Zone, and the Historic Gardens (HG) Zone, the keeping of any agricultural animals shall be prohibited.

## 5.5

### **Museums as a Permitted Use**

In keeping with Part 10 of the Municipal Planning Strategy, notwithstanding anything else in this By-Law, museums shall be considered permitted uses in all residential zones and shall be subject to the requirements for parking.

# 6

## *Signage Provisions for All Zones*

### 6.1

#### **General**

- 6.1.1 No person shall erect a sign without first obtaining a permit and no permit to erect a sign shall be issued unless intention to fulfill all the sign provisions of this By-Law is shown.
- 6.1.2 Where this part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Transportation and Communications, the more restrictive regulations shall apply.

### 6.2

#### **Safety and Maintenance**

- 6.2.1 All signs and all parts thereof shall be kept in a good state of repair and maintenance and shall not be allowed to become unsightly or dangerous.
- 6.2.2 Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the Building, Electrical and Fire Prevention By-Laws.

### 6.3

#### **Limit on Number of Signs**

- 6.3.1 For the purpose of this Part, where a multiple tenancy building is occupied by more than one (1) business, each business area shall be considered as a separate premise.
- 6.3.2 Notwithstanding anything else in this By-Law or elsewhere, not more than four (4) signs may be erected on any building at any one time provided that:
  - a) a double-faced sign shall count as a single sign
  - b) not more than one (1) ground sign shall be permitted on any one lot except in the case of a service station, where a maximum of two ground signs shall be permitted;
  - c) not more than two (2) facial wall sign per wall shall be permitted for each business premises; and
  - d) not more than one (1) projecting wall sign per wall shall be permitted for each business building.
  - e) signs enumerated in Part 6.4 of this Part shall not be counted in calculating the total.

**6.4****Signs Permitted in all Zones**

The following signs are permitted in all zones and a development permit need not be obtained:

- a) signs identifying name and address of resident and of not more than 0.2 m<sup>2</sup> (2.15 ft<sup>2</sup>) in sign area;
- b) "no trespassing" signs or other such signs regulating the use of property and of not more than 0.2 m<sup>2</sup> (2.15 ft<sup>2</sup>);
- c) real estate signs not exceeding 0.5 m<sup>2</sup> (5.38 ft<sup>2</sup>) in sign area in a residential zone and 1.5 m<sup>2</sup> (16.15 ft<sup>2</sup>) in other zones, which advertise the sale, rental or lease of the premises;
- d) signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premise provided that such signs are less than 0.5 m<sup>2</sup> (5.38 ft<sup>2</sup>) in area;
- e) signs erected by a governmental body, or under the direction of such a body;
- f) memorial signs or tablets and signs denoting the date of erection of a structure;
- g) the flag, pennant, banner or insignia of any government, or of any religious, charitable or fraternal organization;
- h) a sign having an area of not more than 4.5 m<sup>2</sup> (48.44 ft<sup>2</sup>) incidental to construction and within the area designated for such purposes;
- i) signs relating to an election, provided they are erected not more than forty-five days preceding the ordinary polling date and are removed within seven days after the ordinary polling date; and
- j) signs relating to a permitted temporary use.

**6.5****Signs Prohibited in all Zones**

The following signs shall not be permitted in any zone:

- a) any signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving part, visible revolving parts or visible mechanical movement achieved by electrical pulsations or by actions of normal wind currents;
- b) any sign or sign structure which constitutes a hazard to public safety or health;
- c) signs which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads;
- d) any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;
- e) 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;

- f) any sign which no longer advertises a bonafide business conducted or a product sold;
- g) signs on or over public property or public right-of-way, unless erected by a government body, or unless directed or permitted to be so located by order of a governmental body;
- h) signs painted on a tree, stone, cliff or other natural object;
- i) any off-premise signs not related to any business or use located on the lot unless located within the public right-of-way as specifically approved by Council;
- j) portable signs on wheels or metal frames not affixed to the ground; and
- k) search lights, pennants, spinners, banners and streamers, provided that on occasions such as grand openings, county fairs, public festivals, exhibitions and similar occasions, the same are permitted for a period not to exceed two weeks;
- l) signs located on the roof of a building or structure.

## 6.6

### Projecting Wall Signs

No projecting wall sign shall:

- a) exceed 2 m<sup>2</sup> (21.53 ft<sup>2</sup>) in sign area;
- b) project more than 2 m (6.56 ft) from the wall upon which it is attached; and
- c) hang lower than 2.5 m (8.2 ft) above grade.

## 6.7

### Ground Signs

No ground sign shall:

- a) extend beyond a property line or project over a right-of-way, other adjoining lands, daylighting triangles or any driveway or parking space;
- b) be set back less than 1 m (3.28 ft) from any street line, common lot boundary, driveway, aisle or parking area;
- c) exceed 10 m<sup>2</sup> (107.64 ft<sup>2</sup>); and
- d) in the case of sandwich board or folding signs, be wider than one half the width of the sidewalk or 1 m (3.28ft) whichever is the lesser, and be without sufficient weight to prevent movement of the sign during periods of wind.

**6.8****Facial Wall Signs**

No facial wall sign shall:

- a) extend above the wall on which it is placed;
- b) extend beyond the extremities of the wall to which it is attached;
- c) project more than 40 cm (15.7 in.) from the wall of the building to which it is attached; and
- d) exceed 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) in sign area.

**6.9****Special Requirement: Business Signs for Uses in Residential Zones**

6.9.1 In the case of a business use permitted in a Residential Single Unit (RSU) Zone or Residential Two Unit (RTU) Zone, one sign which does not exceed 0.5 m<sup>2</sup> (5.38 ft<sup>2</sup>) in sign area, is permitted for each such use unless the use fronts on St. George Street, in which case one business sign which does not exceed 1 m<sup>2</sup> (10.76 ft<sup>2</sup>) in sign area is permitted.

In the case of existing inns or a bed and breakfast in the Residential Single Unit (RSU) Zone, one business sign which does not exceed 2 m<sup>2</sup> (21.52 ft<sup>2</sup>) in sign area is permitted.

Where the lot is in excess of 4,000 m<sup>2</sup> (43,057 ft<sup>2</sup>) and the sign is set back from the property line at least 3 m (9.84 ft), one business sign which does not exceed 4 m<sup>2</sup> (43.04 ft<sup>2</sup>) in sign area is permitted.

6.9.2 Business uses located in the Residential Mixed Use (RMU) Zone, in addition to signage provided for in Part 6.9.1, are permitted a window sign not exceeding an area of 0.18 m<sup>2</sup> (2 ft<sup>2</sup>) and a projecting wall sign not exceeding an area of 0.18 m<sup>2</sup> (2 ft<sup>2</sup>).

6.9.3 Signage relating to Short Term Rental shall be prohibited.

# 7

## Residential Single Unit (RSU) Zone

### 7.1

#### Permitted Uses

No development permit shall be issued in a Residential Single Unit (RSU) zone, except for one or more of the following uses:

- Single Unit Dwellings
- Short Term Rental Accommodation
- Shared Accommodation
- Day Care Facilities
- Existing Two Unit Semi-detached and Duplex Dwellings
- Existing Converted Dwellings containing two (2) units or more
- Existing Townhouse Dwellings
- Existing Multiple Unit Dwellings
- Existing Grouped Dwellings
- Existing Rooming and Boarding Houses
- Existing Homes for Special Care
- Existing Manses and Rectories
- Existing Bed and Breakfast Uses, Historic Vacation Suites and Inns

### 7.2

#### Zone Requirements

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

Minimum Lot Area	700 m <sup>2</sup> (7,535 ft <sup>2</sup> )
Minimum Lot Frontage	23 m (75.5 ft)
Minimum Front Yard	6 m (19.68 ft)
Minimum Rear Yard	8 m (26.24 ft)
Minimum Side Yards	1.5 m (4.9 ft) one side; 3 m (9.8 ft) other side
Maximum Height of Structures	11 m (36 ft)



# 8

## Residential Two Unit (RTU) Zone

### 8.1

#### Permitted Uses

No development permit shall be issued in a Residential Two Unit (RTU) zone, except for one or more of the following uses:

- Two Unit Semi-detached and Duplex Dwellings
- Converted Dwellings to a maximum of two (2) units

### 8.2

#### Zone Requirements

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

Minimum Lot Area	400 m <sup>2</sup> (4,305 ft <sup>2</sup> ) for each dwelling unit
Minimum Lot Frontage	14 m (45.9 ft) for each dwelling unit
Minimum Front Yard	6 m (19.68 ft)
Minimum Rear Yard	8 m (26.24 ft)
Minimum Side Yards	3 m (9.8 ft) one side; 3 m (9.8 ft) other side
Maximum Height of Structures	11 m (36 ft)

### 8.3

#### Minimum Side Yard for Common Boundary

There is no minimum side yard for the common boundary for a semi-detached dwelling. It is 0 ft.

# 9

## Residential Medium Density (RMD) Zone

### 9.1

#### Permitted Uses

No development permit shall be issued in a Residential Medium Density (RMD) zone, except for one or more of the following uses:

- Multiple Unit Dwellings containing between three (3) and six (6) units
- Double Duplex Dwelling
- Converted Dwelling containing between three (3) and six (6) units
- Townhouse Dwelling containing between three (3) and six (6) units

### 9.2

#### Zone Requirements

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

Minimum Lot Area	1,115 m <sup>2</sup> (12,002 ft <sup>2</sup> ) for first 3 units and 140 m <sup>2</sup> (1,506.9 ft <sup>2</sup> ) each additional unit
Minimum Lot Frontage	28 m (91.9 ft)
Minimum Front Yard	10 m (32.8 ft)
Minimum Rear Yard	14 m (45.9 ft)
Minimum Side Yards	3 m (9.8 ft) one side; 3 m (9.8 ft) other side
Maximum Height of Structures	11 m (36 ft)

### 9.3

#### Minimum Side Yard for Common Boundary

There is no minimum side yard for the common boundary for an interior Townhouse unit. It is 0 ft.

# 10

## Residential Mixed Use (RMU) Zone

### 10.1 Permitted Uses

No development permit shall be issued in a Residential Mixed Use (RMU) zone, except for one or more of the following uses:

- Single Unit Dwellings
- Two Unit Semi-detached and Duplex Dwellings
- Converted Dwellings to a maximum of two (2) units
- Short Term Rental Accommodation
- Shared Accommodation
- Existing Converted Dwellings containing three (3) units or more
- Existing Townhouse Dwellings
- Existing Multiple Unit Dwellings
- Existing Grouped Dwellings
- Existing Rooming and Boarding Houses
- Existing Day Care Facilities
- Existing Bed and Breakfast Uses, Historic Vacation Suites and Inns
- Retail Uses located within Existing Structures
- Personal Service Uses located within Existing Structures
- Commercial Service Uses located within Existing Structures
- Business and Professional Offices located within Existing Structures

### 10.2 Zone Requirements

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

Minimum Lot Area	400 m <sup>2</sup> (4,305 ft <sup>2</sup> )
Minimum Lot Frontage	14 m (45.9 ft)
Minimum Front Yard	6 m (19.68 ft)
Minimum Rear Yard	8 m (26.24 ft)
Minimum Side Yards	3 m (9.8 ft) one side; 1.5 m (4.9 ft) other side
Maximum Height of Structures	11 m (36 ft)

### 10.3 Requirements for Commercial Uses

Permitted commercial uses shall be allowed to occupy 49 per cent of the floor area of an existing structure. No addition or expansion of existing structures shall be permitted for the purposes of conversion to and occupancy by a permitted commercial use.

# 11

## Residential Prince William (RPW) Zone

### 11.1 Permitted Uses

No development permit shall be issued in the Residential Prince William (RPW) zone, except for one or more of the following uses:

- Single Unit Dwellings
- Existing Two Unit Semi-detached and Duplex Dwellings
- Existing Converted Dwellings
- Short Term Rental Accommodation
- Shared Accommodation
- Retail Uses located within Residential Structures
- Personal Service Uses located within Residential Structures
- Commercial Service Uses located within Residential Structures
- Business and Professional Offices located within Residential Structures

### 11.2 Zone Requirements

11.2.1 In the Residential Prince William (RPW) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	400 m <sup>2</sup> (4,305 ft <sup>2</sup> )
Minimum Lot Frontage	14 m (45.9 ft)
Minimum Front Yard	6 m (19.68 ft)
Minimum Rear Yard	8 m (26.24 ft)
Minimum Side Yards	3 m (9.8 ft) one side; 1.5 m (4.9 ft) other side
Maximum Height of Structures	11 m (36 ft)

11.2.2 Where dwellings other than single unit dwellings are permitted, the minimum lot frontage shall be 10 meters (35 ft).

### 11.3 Development Agreement

11.3.1 All development in the Residential Prince William (RPW) shall be considered by Development Agreement.

11.3.2 Development on PID 05002852 may include new two-unit (2) dwellings, townhouse dwellings and grouped dwellings on a single lot.

11.3.3 Permitted commercial uses may be developed in new residential structures.

### 11.4 Requirements for Commercial Uses

Permitted commercial uses shall be allowed to occupy 49 per cent (49%) of the floor area of a residential structure. No addition or expansion of residential structures shall be permitted for the purposes of conversion to and occupancy by a permitted commercial use.

# 12

## *Commercial General (CG) Zone*

### 12.1

#### **Permitted Uses**

No development permit shall be issued in a Commercial General (CG) zone, except for one or more of the following uses:

- Retail
- Commercial Services
- Personal Services
- Business and Professional Offices
- Government Offices
- Financial Institutions
- Medical Clinics
- Commercial Schools
- Restaurants
- Licensed Establishments
- Institutional Uses
- Places of Entertainment
- Museums, Libraries, and Cultural Facilities
- Existing Service Stations and Automotive Repair
- Hotels, Motels, and Commercial Accommodations
- Parks and Open Space Uses
- Private Clubs and Fraternal Organizations
- Public and Private Recreation Uses
- Parking Lots
- Residential Dwellings Units located above or to the rear of a commercial use fronting on St. George Street
- Residential Dwellings not fronting on St. George Street
- Residential Dwellings fronting on St. George Street north of Drury Lane
- Existing one (1) and two (2) Unit Residential Dwellings
- Existing Converted Dwellings containing more than two (2) Units
- Existing Multiple Unit Dwellings

**12.2**    **Zone Requirements**

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

Minimum Lot Area	100 m <sup>2</sup> (1,076 ft <sup>2</sup> )
Minimum Lot Frontage	9 m (29.5 ft)
Minimum Front Yard	0 m (0 ft)
Minimum Rear Yard	0 m (0 ft)
Minimum Side Yards	0 m (0 ft)
Maximum Height of Structures	11 m (36 ft)

**12.3**    **Outdoor Storage and Display**

- 12.3.1    No permanent outdoor storage or outdoor display shall be permitted.
- 12.3.2    Temporary outdoor display relating to the commercial use on a lot shall be permitted to a maximum period of 24 hours, as long as the display use does not extend beyond the property boundary.

**12.4**    **Parking**

No development in the Commercial General (CG) Zone, except for a Hotel or Motel, shall be required to provide on-site parking as required by Part 4.24.

# 13

## *Commercial Highway (CHW) Zone*

### 13.1

#### **Permitted Uses**

No development permit shall be issued in a Commercial Highway (CHW) zone, except for one or more of the following uses:

- Retail
- Commercial Services
- Personal Services
- Business and Professional Offices
- Automobile trades, including sales, service, repair, leasing and storage
- Automotive Service Stations and Garages
- Institutional Uses
- Hotels, Motels and Commercial Accommodations
- Restaurants
- Licensed Establishments
- Places of Entertainment
- Private Clubs and Fraternal Organizations
- Public and Private Recreation Uses
- Parking Lots
- Animal hospitals or veterinary establishments
- Any manufacturing, fabricating, industrial, assembly or warehousing operation conducted and wholly contained within an enclosed building and which is not obnoxious by reason of sound, odor, dust, fumes, or smoke, or other obnoxious emission or refuse matter or water carried waste or by reason of unsightly open storage or the detonation of explosives
- Building supply retail and warehouse, but excluding the bulk storage of sand or gravel
- Existing one (1) and two (2) Unit Residential Dwellings
- Existing Converted Dwellings containing more than three (3) Units
- Existing Multiple Unit Dwellings
- Converted Dwellings to a maximum of three (3) Units

**13.2****Zone Requirements**

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

Minimum Lot Area	1,859 m <sup>2</sup> (20,000 ft <sup>2</sup> )
Minimum Lot Frontage	20 m (98.4 ft)
Minimum Front Yard	12 m (39.37 ft)
Minimum Rear Yard	12 m (39.37 ft)
Minimum Side Yard	6 m (19.68 ft)
Maximum Height of Structures	11 m (36.08 ft)

**13.3****Outdoor Storage and Display**

Outdoor storage of goods and equipment and outdoor display of merchandise for sale shall be permitted subject to the following:

- a) no outdoor storage of goods or equipment not for sale shall be permitted within the front yard; and
- b) outdoor storage or outdoor display of explosive, inflammable, poisonous or corrosive materials is prohibited.

**13.4****Special Requirements, Automobile Service Stations**

The following special provisions shall apply to automobile service stations:

- a) the minimum front lot line shall be 46 m (150.9 ft);
- b) no portion of any pump island shall be located closer than 6 m (19.7 ft) from any street line;
- c) the minimum distance between ramps or driveways shall be 10 m (32.8 ft);
- d) the minimum distance from a ramp or driveway to a street intersection shall be 15 m (49.2 ft);
- e) the minimum angle of intersection of a ramp or driveway to a street line shall be forty-five degrees; and
- f) a ramp or driveway shall be at least 6 m (19.7 ft) wide, but no more than 8 m (26.2 ft).



# 14

## Commercial Heritage (CHR) Zone

### 14.1 Permitted Uses

No development permit shall be permitted in a Commercial Heritage (CHR) zone except for one or more of the following uses:

- Antique Shops
- Arts and crafts sales
- Dessert Shops
- Museums
- Professional and Business Offices
- Single Unit Dwellings, Two Unit Dwellings, Converted Dwellings subject to the RSU, RTU or RMD Zone requirements

### 14.2 Zone Requirements

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

Minimum Lot Area	275 m <sup>2</sup> (2960.17 ft <sup>2</sup> )
Minimum Lot Frontage	9 m (29.53 ft)
Minimum Front Yard	0 m (0 ft)
Minimum Side Yard	1 m (3.28 ft)
Minimum Rear Yard	3 m (9.84 ft)
Maximum Height of Structure	11 m (36.08 ft)

### 14.3 Parking Requirements

- a) Commercial and professional uses permitted in the Commercial Heritage (CHR) Zone fronting on St. George Street north of Drury Lane shall be exempt from parking requirements;
- b) Residential uses shall provide parking established by Part 4.25 of this By-Law.

### 14.4 Abutting Another Zone

No outdoor display shall be permitted in an abutting yard.

### 14.5 Outdoor Storage

No outdoor storage shall be permitted in any yard.

# 15

## *Institutional (INS) Zone*

### 15.1

#### **Permitted Uses**

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

- Ambulance services and facilities
- Charitable and non-profit clubs and organizations
- Cemeteries, memorial gardens
- Churches, chapels, religious institutions and places of worship
- Colleges, universities and other educational facilities
- Day care facilities
- Emergency services and facilities
- Fire stations
- Government offices and public works facilities
- Hospitals, medical clinics and associated services
- Hostels
- Jails and lock-ups
- Judicial facilities and related professional and law offices
- Libraries
- Museums
- Parks and playgrounds
- Police facilities and services
- Post offices
- Power and communications facilities
- Private clubs and fraternal organizations
- Public works facilities
- School bus garages
- Sewage treatment plants
- Telephone offices and facilities
- Water utility buildings and facilities
- Residential structures accessory to permitted uses above

15.2

**Zone Requirements**

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

Minimum Lot Area	930 m <sup>2</sup> (10,010.76 ft <sup>2</sup> )
Minimum Lot Frontage	30 m (98.42 ft)
Minimum Front Yard	8 m (26.25 ft)
Minimum Rear Yard	8 m (26.25 ft)
Minimum Side Yard	4.5 m (14.76 ft) or one-half the height of the main building, whichever is greater
Maximum Height of Structures	14 m (45.93 ft)

15.3

**Permitted Accessory Residential Uses**

A dwelling unit located in the same building as a church or as a separate building located on the same lot as a church or a religious institution shall be a permitted use in an Institutional (INS) zone notwithstanding any other provision of this By-Law.

15.4

**Open Storage**

- a) Where any materials are stored outdoors in an Institutional (INS) Zone, the area where the materials are stored shall be fenced in a manner to restrict easy public access.
- b) Outdoor storage shall not be permitted in the front yard in an Institutional (INS) Zone.
- c) Outdoor storage of explosives, inflammable, poisonous or corrosive materials is prohibited.

# 16

## *Parks and Open Space (POS) Zone*

### 16.1

#### **Permitted Uses**

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

- Athletic, sports and recreation fields
- Amphitheatres
- Bandshells and pavilions
- Cemeteries
- Community centres
- Fitness, health & nutrition centres
- Gymnasiums
- Historic sites
- Municipal recreation facilities
- Parks
- Picnic areas
- Public/private commercial recreation
- Swimming pools
- Tennis courts
- Trails, bicycle paths and non-motorized multi-purpose corridors
- Buildings and structures accessory to the foregoing

### 16.2

#### **Zone Requirements**

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

Minimum Lot Area	100 m <sup>2</sup> (1,076 ft <sup>2</sup> )
Minimum Lot Frontage	9 m (29.5 ft)
Minimum Front Yard	0 m (0 ft)
Minimum Rear Yard	0 m (0 ft)
Minimum Side Yards	0 m (0 ft)
Maximum Height of Structures	11 m (36 ft)

# 17

## *Environmentally Sensitive Area 1 (ESA1) Zone*

### 17.1

#### **Permitted Uses**

No development permit shall be issued in an Environmentally Sensitive Area 1 (ESA1) Zone except for one or more of the following uses:

- Interpretation
- Tourism and recreation
- Non-polluting agricultural uses that do not require permanent buildings
- Service or utility uses
- Institutional uses
- Conservation projects and accessory uses and structures
- Garden and landscape projects
- Sewage treatment facilities
- Crop farming, grazing and pasturage

### 17.2

#### **Zone Requirements**

In any Environmentally Sensitive Area 1 (ESA1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	100 m <sup>2</sup> (1,076 ft <sup>2</sup> )
Minimum Lot Frontage	9 m (29.5 ft)
Minimum Front Yard	0 m (0 ft)
Minimum Rear Yard	0 m (0 ft)
Minimum Side Yards	0 m (0 ft)

# 18

## *Environmentally Sensitive Area 2 (ESA2) Zone*

### **18.1 Uses Permitted**

No development permit shall be issued in an Environmentally Sensitive Area 2 (ESA2) Zone except for one or more of the following uses:

- Residential Uses
- Commercial Uses
- Institutional Uses
- Parks and Open Space Uses
- Tourism and recreation Uses

### **18.2 Zone Requirements**

In any Environmentally Sensitive Area 2 (ESA2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	1,859 m <sup>2</sup> (20,000 ft <sup>2</sup> )
Minimum Lot Frontage	20 m (98.4 ft)
Minimum Front Yard	12 m (39.37 ft)
Minimum Rear Yard	12 m (39.37 ft)
Minimum Side Yard	6 m (19.68 ft)
Maximum Height of Structures	11 m (36.08 ft)

### **18.3 Development Agreement**

All development within the Environmentally Sensitive Area 2 (ESA2) Zone shall be considered only by Development Agreement.

# 19

## Historic Gardens (HG) Zone

### 19.1

#### Uses Permitted

No development permit shall be issued in a Historic Gardens (HG) zone except for one or more of the following uses:

- Historic Gardens administration and educational facilities
- Boardwalk
- Courtyard greenhouses
- Dyking and tidal marshland display
- Fountains
- Gift shops
- Maintenance yard and workshops accessory to the Historic Gardens
- Parking lots
- Restaurants and cafes
- Professional offices
- Residential dwellings and Residential Dwelling Units accessory to a permitted use.

### 19.2

#### Zone Requirements

In a Historic Gardens (HG) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	100 m <sup>2</sup> (1,076 ft <sup>2</sup> )
Minimum Lot Frontage	9 m (29.5 ft)
Minimum Front Yard	0 m (0 ft)
Minimum Rear Yard	0 m (0 ft)
Minimum Side Yards	0 m (0 ft)
Maximum Height of Structures	11 m (36 ft)

### 19.3

#### Signage

Notwithstanding Part 6, no development permit shall be required for signage in the Historic Gardens (HG) Zone.

# 20

## *Heritage Waterfront Comprehensive Development District (HWCDD) Zone*

### **20.1 Uses Permitted**

No development permit shall be issued in the Heritage Waterfront Comprehensive Development District (HWCDD) Zone except for one or more of the following uses:

- Uses in the Commercial General (CG) Zone (Part 12.1)
- New or existing boat repair operations
- Residential Dwellings accessory to a permitted commercial use.

### **20.2 Zone Requirements**

In the Heritage Waterfront Comprehensive Development District (HWCDD) Zone no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	100 m <sup>2</sup> (1,076 ft <sup>2</sup> )
Minimum Lot Frontage	9 m (29.5 ft)
Minimum Front Yard	0 m (0 ft)
Minimum Rear Yard	0 m (0 ft)
Minimum Side Yards	0 m (0 ft)
Maximum Height of Structures	11 m (36 ft)

### **20.3 Development Agreement**

All development within the Heritage Waterfront Comprehensive Development District (HWCDD) Zone shall be considered only by Development Agreement.



# 21

## *Fortier Mills Comprehensive Development District (FMCDD) Zone*

### 21.1

#### **Uses Permitted**

No development permit shall be issued in the Fortier Mills Comprehensive Development District (FMCDD) Zone except for one or more of the following uses:

- Single Unit Dwelling
- Two Unit Semi-detached Dwellings

### 21.2

#### **Zone Requirements**

Zone requirements in the Fortier Mills Comprehensive Development District (FMCDD) Zone shall conform with the Fortier Mills Community Development Plan and Development Agreement (2009, as amended).

### 21.3

#### **Development Agreement**

All development within the Fortier Mills Comprehensive Development District (FMCDD) Zone shall be considered only by Development Agreement.

# 22

## Causeway Comprehensive Development District (CCDD) Zone

### 22.1 Uses Permitted

No development permit shall be issued in the Causeway Comprehensive Development District (CCDD) Zone except for one or more of the following or similar uses:

- Tidal power installations and accessory structures
- Tourist and retail establishments
- Restaurants and associated licensed premises
- Marinas
- Boat launching slips
- Boat building and related sales and service
- Industrial and historical interpretation
- Industrial manufacturing, fabricating, processing, assembly, warehousing and related uses
- Institutional Uses

### 22.2 Zone Requirements

In the Causeway Comprehensive Development District (CCDD) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	930 m <sup>2</sup> (10,010.76 ft <sup>2</sup> )
Minimum Lot Frontage	30 m (98.42 ft)
Minimum Front Yard	8 m (26.25 ft)
Minimum Rear Yard	8 m (26.25 ft)
Minimum Side Yard	4.5 m (14.76 ft) or one-half the height of the building, whichever is greater
Maximum Height of Structures	14 m (45.93 ft)

### 22.3 Industrial Uses

Industrial uses shall be required to be wholly contained within a structure and shall not be obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission or refuse matter or water-carried waste. All outdoor storage shall be prohibited.

### 22.4 Development Agreement

All development within the Causeway Comprehensive Development District (CCDD) Zone shall be considered only by Development Agreement.

# 23

## Administration

### 23.1 Uses Permitted

This By-Law shall be administered by the Development Officer.

### 23.2 Scope of Application

23.2.1 Every application for a municipal development permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing:

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

23.2.2 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 23.2.1 be based upon an actual survey by a Provincial Land Surveyor.

### 23.3 Signature for Application

The application shall be signed by the registered owner of the lot or by the owner's agent duly authorized 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.

### 23.4 Penalty

Any person who violates a provision of this By-Law shall be subject to penalties provided for under Section 505 of the Municipal Government Act.

22.5

#### **Date of this By-Law**

This By-Law shall take effect upon notice in a newspaper of its adoption.

22.6

#### **Application Fees for Amendments to the MPS and/or LUB or Development Agreement**

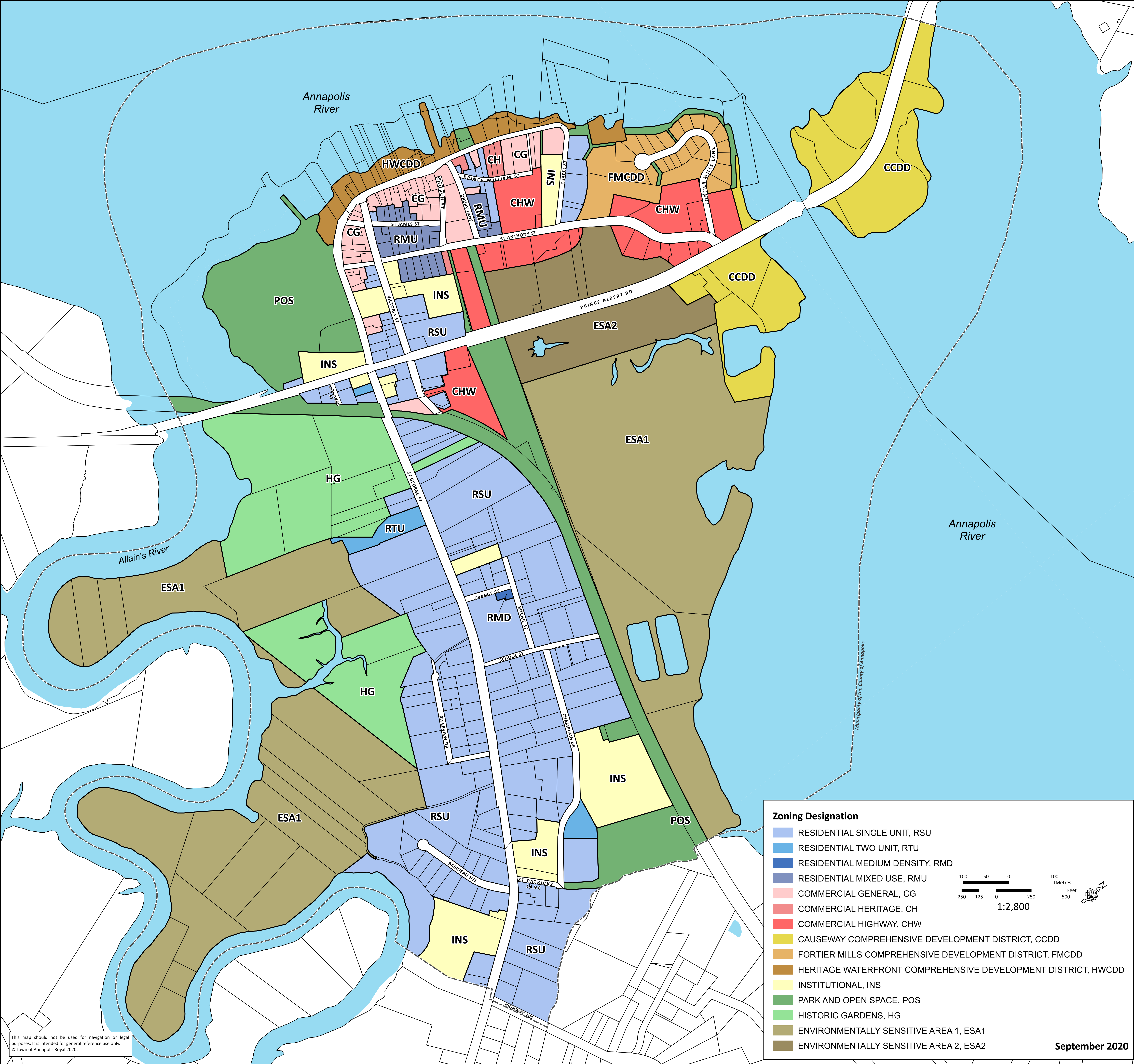
Where an individual, or a representative on behalf of a company or corporation applies to amend the Municipal Planning Strategy or this By-Law, or to enter into a Development Agreement, the applicant shall deposit with the Town an amount estimated by the Town to be sufficient to pay the cost of advertising, fees for processing and other associated costs. If, after advertising has been completed, the amount is insufficient, the applicant shall pay the Town the additional amount. If the actual costs are less than the deposit amount, the Town shall return the amount not required.



*Maps*



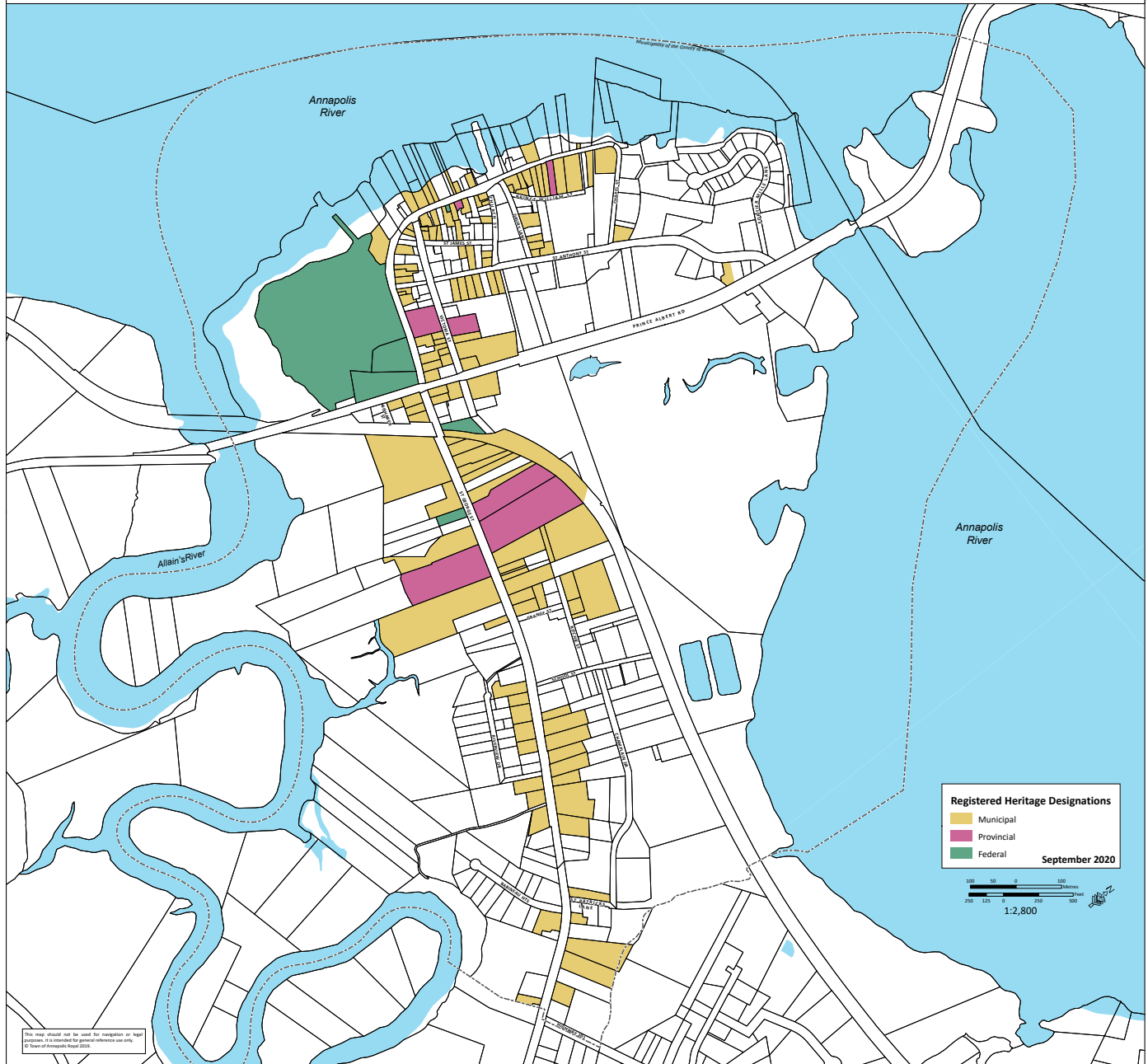














## **Variance**

### **235(1)**

A development officer may grant a variance in one or more of the following terms in a development agreement, if provided for in the development agreement, or land-use By-Law requirements:

- (a) percentage of land that may be built upon;
- (b) size or other requirements relating to yards;
- (c) lot frontage or lot area, or both, if
  - (i) the lot existed on the effective date of the bylaw, or
  - (ii) a variance was granted for the lot at the time of subdivision approval.

### **235(2)**

Where a municipal planning strategy and land-use By-Law so provide, a development officer may grant a variance in one or more of the following terms in a development agreement, if provided for in the development agreement, or land-use By-Law requirements: (a) number of parking spaces and loading spaces required; (b) ground area and height of a structure; (c) floor area occupied by a home-based business; (d) height and area of a sign.

### **235(3)**

A variance may not be granted where the (a) variance violates the intent of the development agreement or land-use By-Law; (b) difficulty experienced is general to properties in the area; or (c) difficulty experienced results from an intentional disregard for the requirements of the development agreement or land-use By-Law. 1998, c. 18, s. 235; 2003, c. 9, s. 63.

## **Variance procedures**

### **236(1)**

Within seven days after granting a variance, the development officer shall give notice in writing of the variance granted to every assessed owner whose property is within the greater of thirty metres and the distance set by the land-use By-Law or by policy of the applicant's property.

### **236(2)**

The notice shall

- (a) describe the variance granted;
- (b) identify the property where the variance is granted; and
- (c) set out the right to appeal the decision of the development officer.

### **236(3)**

Where a variance is granted, a property owner served a notice may appeal the decision to the council within fourteen days after receiving the notice.

### **236(4)**

Where a variance is refused, the applicant may appeal the refusal to council within seven days after receiving notice of the refusal, by giving written notice to the clerk who shall notify the development officer.

### **236(5)**

Where an applicant appeals the refusal to grant a variance, the clerk or development officer shall give seven days written notice of the hearing to every assessed owner whose property is within thirty metres of the applicant's property.

### **236(6)**

The notice shall

- (a) describe the variance applied for and the reasons for its refusal;
- (b) identify the property where the variance is applied for; and
- (c) state the date, time and place when council will hear the appeal. 1998, c. 18, s. 236; 2008, c. 25, s. 7.

## **Variance appeals and costs**

### **237 (1)**

Where a council hears an appeal from the granting or refusal of a variance, the council may make any decision that the development officer could have made.

### **237(2)**

A development officer shall issue a development permit for any development for which a variance has been granted and which otherwise complies with the terms of the development agreement or a land-use By-Law, whichever is applicable, if

- (a) the appeal period has elapsed and no appeal has been commenced; or
- (b) all appeals have been abandoned or disposed of or the variance has been affirmed by the council.

### **237(3)**

A council may by resolution provide that any person applying for a variance shall pay the municipality the cost of

- (a) notifying affected land owners;
- (b) posting a sign. 1998, c. 18, s. 237; 2003, c. 9, s. 64.

## **Nonconforming structure or use**

### **238(1)**

A nonconforming structure, nonconforming use of land or nonconforming use in a structure, may continue if it exists and is lawfully permitted at the date of the first publication of the notice of intention to adopt or amend a land use by-law.

### **238(2)**

A nonconforming structure is deemed to exist at the date of the first publication of the notice of intention to adopt or amend a land-use by-law, if the

- (a) nonconforming structure was lawfully under construction and was completed within a reasonable time; or
- (b) permit for its construction was in force and effect, the construction was commenced within twelve months after the date of the issuance of the permit and the construction was completed in conformity with the permit within a reasonable time.

### **238(3)**

A nonconforming use in a structure is deemed to exist at the date of the first publication of the notice of intention to adopt or amend a land-use by-law if

- (a) the structure containing the nonconforming use was lawfully under construction and was completed within a reasonable time; or
- (b) the permit for its construction or use was in force and effect, the construction was commenced within twelve months after the date of the issuance of the permit and the construction was completed in conformity with the permit within a reasonable time; and
- (c) the use was permitted when the permit for the structure was granted and the use was commenced upon the completion of construction.

### **238(4)**

This Act does not preclude the repair or maintenance of a nonconforming structure or a structure containing a nonconforming use.

### **238(5)**

A change of tenant, occupant or owner of any land or structure does not of itself affect the use of land or a structure. 1998, c. 18, s. 238.

## **Nonconforming structure for residential use**

### **239(1)**

Where a nonconforming structure is located in a zone that permits the use made of it and the structure is used primarily for residential purposes, it may be

- (a) rebuilt, replaced or repaired, if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage and it is occupied by the same use;
- (b) enlarged, reconstructed, repaired or renovated where
  - (i) the enlargement, reconstruction, repair or renovation does not further reduce the minimum required yards or separation distance that do not conform with the land-use bylaw, and
  - (ii) all other applicable provisions of the land-use by-law except minimum frontage and area are satisfied.

## **239(2)**

A nonconforming structure, that is not located in a zone permitting residential uses and not used primarily for residential purposes, may not be rebuilt or repaired, if destroyed or damaged by fire or otherwise to the extent of more than seventy-five percent of the market value of the building above its foundation, except in accordance with the land-use by-law, and after the repair or rebuilding it may only be occupied by a use permitted in the zone. 1998, c. 18, s. 239; 2004, c. 44, s. 2.

## **Nonconforming use of land**

### **240**

A nonconforming use of land may not be

- (a) extended beyond the limits that the use legally occupies;
- (b) changed to any other use except a use permitted in the zone; and
- (c) recommenced, if discontinued for a continuous period of six months. 1998, c. 18, s. 240.

## **Nonconforming use in a structure**

### **241(1)**

Where there is a nonconforming use in a structure, the structure may not be

- (a) expanded or altered so as to increase the volume of the structure capable of being occupied, except as required by another Act of the Legislature;
- (b) repaired or rebuilt, if destroyed or damaged by fire or otherwise to the extent of more than seventy-five percent of the market value of the building above its foundation, except in accordance with the land-use by-law and after the repair or rebuilding it may only be occupied by a use permitted in the zone.

### **241(2)**

Where there is a nonconforming use in a structure, the nonconforming use

- (a) may be extended throughout the structure;
- (b) may not be changed to any other use except a use permitted in the zone;
- (c) may not be recommenced, if discontinued for a continuous period of six months. 1998, c. 18, s. 241.

## **Relaxation of restrictions**

### **242(1)**

A municipal planning strategy may provide for a relaxation of the restrictions contained in this Part respecting nonconforming structures, nonconforming uses of land, and nonconforming uses in a structure and, in particular, may provide for

- (a) the extension, enlargement, alteration or reconstruction of a nonconforming structure;
- (b) the extension of a nonconforming use of land;
- (c) the extension, enlargement or alteration of structures containing nonconforming uses, with or without permitting the expansion of the nonconforming use into an addition;
- (d) the reconstruction of structures containing nonconforming uses, after destruction;
- (e) the recommencement of a nonconforming use of land or a nonconforming use in a structure after it is discontinued for a continuous period in excess of six months;
- (f) the change in use of a nonconforming use of land or a nonconforming use in a structure, to another nonconforming use.

### **242(2)**

The policies adopted in accordance with this Section shall be carried out through the land-use by-law and may require a development agreement. 1998, c. 18, s. 242; 2003, c. 9, s. 65



