



COUNTY *of* ANNAPOLIS

NATURALLY ROOTED

Cornwallis Park

Land Use By-law

Effective Date: May 1, 2014

Table of Contents

PART 1 Title, Introduction and Purpose1

PART 2 Definitions2

PART 3 Administration 16

PART 4 Zones, Zoning Map and MPS Designations 19

PART 5 Interpretation20

PART 6 Development Agreement21

PART 7 General Provisions for All Zones21

PART 8 Signs29

PART 9 Residential (CPR-1) Zone32

PART 10 General Residential (CPR-2) Zone33

PART 11 Condominium Residential (CPR-3) Zone34

PART 12 Industrial Park (IND-1) Zone35

PART 13 Business Development (BD) Zone36

PART 14 Highway Commercial (C-1) Zone37

PART 15 Waldeck Industrial (IND-2) Zone38

PART 16 Enviromental Open Space (OS) Zone39

PART 1: TITLE, INTRODUCTION AND PURPOSE

1. This By-law shall be known and may be cited as the "Cornwallis Park Land Use By-law" for the Municipality of the County of Annapolis and this By-law shall apply to all the lands within the community of Cornwallis Park, hereinafter referred to as the Cornwallis Park Planning Area or the Planning Area, as defined by the Zoning Map, Schedule "A".
2. The Cornwallis Park Land Use By-law is adopted in accordance with the Municipal Government Act (MGA). The Cornwallis Park Land Use By-law is intended to implement the policies contained within the Cornwallis Park Municipal Planning Strategy by establishing regulations with respect to the use and development of land. The MGA also enables the Municipality of Annapolis County to adopt a Subdivision By-law to control the division of land. These three documents provide the framework for planning and development in the Planning Area.
3. Regulations and standards that apply to a development of or on a property contained within this By-law as:
 - Zoning Map (Schedule A) to determine which zone the property is located;
 - the requirements respecting the particular zone in which the property is located (Parts 9 through 16);
 - the general provisions section which applies to all zones (Part 7);
 - the commercial signage requirements (Part 8);
 - the definitions section to determine how specific developments or lot conditions are defined or applied to a development (Part 2);
 - the administration section to define permit requirements (Part 3);
 - throughout this Land Use By-law there are a number of "Notes to Readers"; these are for information and clarification purposes only, and do not form part of this By-law; and
 - Property boundaries, shown on the Zoning Map (Schedule "A"); are continuously subject to change due to approvals of applications for subdivision of land and thus are included for information and clarification purposes only, and do not form part of this By-law.

NOTES TO READER: Sections 208 (9) & (10) of the Municipal Government Act sets out that planning documents come into effect upon the date a notification is published in a newspaper circulating in the Municipality informing the public that the municipal planning strategy and its implementing land use by-law is in effect. This date is called the effective date.

The date of publication of the Cornwallis Park Municipal Planning Strategy and the Cornwallis Park Land Use By-law coming into effect is the 1 day of May 2014, hereinafter referred to as the effective date.

PART 2: DEFINITIONS

For the purposes of this By-law, all words shall carry their customary meaning except for those so defined in this Part.

1. ABUT means where a lot shares a common lot line or a common point along a lot line.
 2. ACCESSORY BUILDING means a separate subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.
 3. ACCESSORY USE means a use subordinate and customarily and normally incidental to and exclusively devoted to a main use of land or main building and located on the same lot.
 4. ADDICTIONS REHABILITATION AND COUNSELLING CENTRE means a public or private rehabilitation centre that is used for public purposes, which provides short term, primarily in-patient care, treatment, and/or rehabilitation services for persons recovering from addictions who do not require hospitalization, with or without overnight accommodation facilities.
 5. ADMINISTRATIVE OFFICE means an establishment primarily engaged in overall management and general supervisory functions such as executive, personnel, finance, legal, and sales activities, performed in a building or part of a building for other branches or divisions of the same company, institution or institutional use or public authority.
 6. ADULT BOOKSTORE/VIDEO STORE means the use of a building where sex/adult oriented goods, wares, merchandise, articles or sex/adult printed or video recorded materials, including but not limited to, erotic or pornographic books, magazines, photographs, films or videos, are offered or kept for rent/sale/trade/swap, or any other form of consideration, directly to the public.
 7. ADULT ENTERTAINMENT USE means the use of a building for a nightclub, bar, restaurant, private club, massage parlour, theatre, cinema, store, shop, or similar business/commercial establishment which regularly features, presents, exhibits, displays, screens, shows or provides for the observation, viewing or encounter of/by a patron or patrons therein, the following, whether or not any such business/commercial establishment is licensed to sell alcoholic beverages:
 - a. live performances, exhibitions, viewing or encounters which are characterised by exposure of specific anatomical areas, or specific sexual activities;
 - b. live performances, exhibitions or viewing of which a principal feature or characteristic is nudity or partial nudity of any person or persons or persons who appear in a state of nudity; including topless or bottomless dancers, erotic dancers or strippers;
 - c. video performances, exhibitions or viewing distinguished or characterised by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; and video performances, exhibitions or viewing of which a principal feature or characteristic is nudity or partial nudity of any person or persons; and
 - d. services of which a principal feature or characteristic is nudity or partial nudity of any person or persons; or goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.
 8. ADULT RETAIL STORE/SEX SHOP means the use of a building where sex/adult oriented goods, wares, things, merchandise, substances, articles or printed or video recorded materials, including but limited to, sex toys, pornography, erotic lingerie, erotic or pornographic books, photographs, magazines, films or videos, are offered or kept for sale/rental/trade/swap, or any other form of consideration, directly to the public.
-

9. AGRICULTURAL USE means the use of land, buildings and/or structures for the purpose of the growing, raising and/or the production of agricultural crops, including, but not limited to, mushrooms, seed, turf, honey, maple syrup, greenhouse crops, orchards, and nursery stock, including ornamental plants, trees, flowers and shrubberies. AGRICULTURAL USE shall also mean to include the use of land, buildings and structures to prepare agricultural farm crop products for sale and distribution, including the cleaning, grading, packing, storing or treating of such. AGRICULTURAL USE shall not mean the use of land, buildings and/or structures for the purpose of housing, breeding or raising animals/livestock or birds/poultry for meat, hunting, gaming, hides, or other agricultural products such as eggs, cream and milk. AGRICULTURAL USE shall also not mean the use of land, buildings and/or structures for the purpose of housing, breeding or raising fur-bearing animals for the ultimate purposes of the production of pelts or products from fur-bearing animals. Fur-bearing animals include arctic fox (*Alopex lagopus*), badger (*Taxidea taxus*), beaver (*Castor canadensis*), bobcat (*Felis rufus*), chincilla (), coyote (*Canis latrans*), ermine (*Mustela erminea*), fisher (*Martes pennanti*), lynx (*Felis lynx*), marten (*Martes americana*), mink (*Mustela vison*), muskrat (*Ondatra zibethicus*), raccoon (*Ondatra zibethicus*), red fox (*Vulpes vulpes*), river otter (*Lutra canadensis*), shunk (*Mephitis mephitis*), grey wolf (*Canis lupus*) and wolverine (*Gulo gulo*).
10. AGRICULTURAL RELATED USE means a use involved in the secondary processing of agricultural products to produce or manufacture finished farm products including facilities incidental to business administration, management, product processing, storage, sales and distribution. AGRICULTURAL RELATED USE shall also mean to include a use engaged in the production of livestock feeds and includes facilities for the administration and management of the business, stockpiling of bulk materials used in the production process and the storage, sales and distribution of finished livestock feed products. AGRICULTURAL RELATED USE shall also mean to include a use engaged in the manufacturing and production of soil additives and amenders, fertilizer, herbicide or pesticide products and includes facilities for the administration and management of the business, stockpiling of bulk materials used in the mixing, blending or production process and the storage, sales and distribution of finished soil additives and amenders, fertilizer, herbicide or pesticide products. AGRICULTURAL RELATED USE shall also mean to include agricultural themed uses such as, but not limited to, a winery or cidery, agricultural schools, colleges or universities, agricultural research and extension offices, agricultural exhibitions, farm markets, garden centres, community gardening plots and community garden clubs plots. AGRICULTURAL RELATED USE shall not mean to include a use engaged in the slaughtering, rendering and/or processing of agricultural animal/livestock or birds/poultry and any such facilities incidental to their business administration, management, product processing, storage, sales and distribution. AGRICULTURAL RELATED USE shall also not mean to include an equine farm, involving services such as, but not limited to breeding, studding or sales or a recreational equine farm offering products such as training, boarding or riding lessons.
11. ALTER means any change in the structural component/increase in volume of a building or structure or a change in the use of land, a building or structure.
12. ANIMAL RESCUE AND REHABILITATION CENTRE means the use of land, buildings and structures where attention is provided for the temporary care, treatment and rehabilitation of injured, sick, displaced or orphaned agricultural, domestic or native wildlife with the goal of returning/placing a healthy animal in a permanent off-site placement or back to the wild. Treatment shall not include permanent boarding facilities.
13. ARTISAN WORKSHOP means the use of a building for a workshop for persons trained in a trade such as carpentry, plumbing, electrical or a smith including an accessory business office and the accessory sales of such products or work.
-

14. ARTIST WORKSHOP means the use of a building for the production of artist's works/products including the exhibition/display and retail sales of such paintings, sculptures or other works of art.
 15. ATTACHED means a building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with an adjacent or abutting building.
 16. AUCTION HOUSE means the use of a building where household chattels, motor vehicles and other such materials, goods equipment and tools are kept and to be sold on the premises by public auction or invitational bids.
 17. BATCHING PLANTS means an industrial facility used for the production of asphalt or concrete or asphalt or concrete products, used in building or construction and includes facilities for the administration or management of the business, stockpiling of bulk materials used in the production process of finished products manufactured on the premises and the storage and maintenance of finished products or required equipment.
 18. BED AND BREAKFAST ESTABLISHMENT means a single unit residential dwelling in which the primary resident/owner provides, for compensation, rooms which are rented out to accommodate the travelling public for sleeping purposes and where a kitchen and dining room is provided in the building for the purpose of serving meals only to overnight guests.
 19. 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, but does not include a dwelling-group care facility, nursing home, residential care facility, group home or developmental residence.
 20. BUILDING means any structure, including appurtenant structures such as a carport, garage, deck, balcony or verandah, temporary or permanent, used or built for the accommodation or enclosure of persons, animals, materials or equipment.
 21. BULK STORAGE FACILITY means a lot used for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids (fuel oils), gases, mineral, pipes, fire wood, pulpwood, fertilizers and grain including the use of a building for accessory sales of such products.
 22. BUSINESS OFFICE means the use of a building where business may be transacted, a service performed or consultation given, all of which may be performed either on-site or off-site, including mail order and on-line retailing businesses, computer graphics, data processing and word processing services and web based design services but excluding the offices and associated with veterinary medicine practitioners.
 23. BY-LAW means this By-law, which is the Land Use By-law for the Cornwallis Park Planning Area of the Municipality of Annapolis County.
 24. CALL CENTRE means the use of a building engaged in service transactions electronically or through a communication medium and without limiting the generality of the foregoing, may include such establishments as credit card information centres, virtual banking services, on-line services and telephone solicitations services.
 25. CAMPGROUND means an area of land, managed as a unit, including any accessory buildings/structures related to, associated with and/or fundamental to the operation of the
-

- campground such as administration and check-in offices, laundry facilities and recreational areas, used to accommodate the travelling public for gain or profit by supplying them with short term, temporary facilities or sites to erect a portable and collapsible camp tent on the ground or raised platform or to park a recreational vehicle that is primarily designed as temporary living quarters for recreational, camping or travel use, which has either its own motive power or is mounted on or drawn by another vehicle, and is licensed under the **Tourist Accommodation Act and Regulations**, but does not include a mobile home park.
26. CHURCH means a building dedicated to religious worship and includes a church hall, parish office, rectory, manse, cemetery, Sunday school and day nursery operated by the church.
27. COMMERCIAL CLUB means any club operated for gain and profit but excludes such uses as casinos and adult entertainment uses.
28. COMMERCIAL ENTERTAINMENT USE means the use of a building for commercial entertainment purposes, including but not limited to, theatres, cinemas, amusement arcades, auditoria, art galleries and concert halls, but excludes such uses as casinos and adult entertainment uses.
29. COMMERCIAL RECREATIONAL CENTRE means the use of land or a building for commercial recreation purposes, including but not limited to, bingo halls, pool halls, bowling alleys, miniature golf courses and sporting venues such as hockey and skating rinks, soccer, and baseball fields and running tracks but excludes such uses as rifle ranges and gun clubs.
30. COMMERCIAL SCHOOL means the use of a building for the purposes of providing instruction for compensation, including, but not limited to, a privately operated secretarial school, language school or driving school, but does not include a day-care or university.
31. COMMUNITY CENTRE means the use of a building for community activities, whether used for commercial purposes or not, the control of which is vested in a public authority, private club, fraternal centre, institutional use, church or NS non-profit organization.
32. CONSTRUCTION INDUSTRY means a use primarily involving the construction, development, redevelopment or rehabilitation of residential, commercial, institutional and industrial buildings and real estate and including road building and such uses are often characterized by the outdoor storage of equipment, machines, vehicles and building supplies, but excludes a batching plant.
33. CONTINUUM CARE RESIDENTIAL COMMUNITY means a group of buildings, services and amenity areas that offers multiple levels of care (independent living, assisted living, skilled nursing care, long term care facilities) housed in different areas in the same location and operates as one integrated facility and may include the provision of residential services (meals, housekeeping, laundry), social and recreational services, health services, personal care, and nursing care to individuals or couples who require assistance with daily living.
34. COUNSELLING OFFICE means the use of a building for the provision of counseling or consultation services intended to administer to the individual and personal needs of human beings such as counseling/consultation in career counseling, marriage, family or individual counseling, credit and debit counseling, diet control counseling or mental health services excluding the on-site manufacturing/fabrication of any products/goods but including the retail sales of products/goods incidental or related to the consultation given.
-

35. CRAFT WORKSHOP means the use of a building for the production of handicrafts, toys, garden or household ornaments or personal effects from dressmaking/tailoring, leather-working, jewelry-making, pottery/ceramic-making, wood-working, quilting, crocheting, knitting, needlepoint, weaving or sewing including the exhibition/display and retail sales of such handicrafts, toys, garden or household ornaments or personal effects.
36. CUSTOM WORKSHOP means a building, or part thereof, used by a trade, craft, or guild for the manufacture of small quantities (including repair) of articles and goods, for sale on or off premises, excluding the repair or manufacturing of motor vehicles or their parts or accessories.
37. DATA PROCESSING CENTRE means the use of a building for the input, processing and printing of computerized data and includes a server farm.
38. DEVELOPMENT includes any erection, construction, reconstruction, enlargement, alteration, location, placement, replacement or relocation of, or addition to, a structure and a change conversion, or alteration in the use made of land, buildings or structures.
39. DEVELOPMENT OFFICER is the person appointed to administer this By-law.
40. DOMESTIC AND HOUSEHOLD ARTS SHOP includes dressmaking/tailoring, jewelry-making, and leather working or sewing services for the repair or creation and sale of household/garden ornaments, articles of clothing, personal effects or toys.
41. DWELLING means a building or a portion thereof, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel or a motel or apartment hotel or a travel trailer or other recreation vehicle for travel, recreational or vacation purposes.
- a. DWELLING UNIT means one or more habitable rooms designed, occupied or intended to be used by one or more individuals as a separate and independent housekeeping place in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.
 - b. DWELLING, CONVERTED means a building originally built and designed as a single detached dwelling which has been altered to contain three or more dwelling units.
 - c. DWELLING, DOUBLE/APARTMENT means a building that is divided horizontally into two dwelling units, each of which has independent entrances either directly to the outside or through a common vestibule.
 - d. DWELLING, DUPLEX OR SEMI-DETACHED means a building that is divided vertically into two dwelling units, each of which has independent entrances to a front and/or rear yard, constructed side by side and separated by common vertical walls.
 - e. DWELLING, GROUP CARE FACILITY means a building where accommodation and special care is provided to the physically or mentally ill, disabled or handicapped or persons needing physical or emotional rehabilitation and is licensed under the NS **Homes for Special Care Act** and includes a residential care facility, a group home and a developmental residence.
 - f. DWELLING, TOWNHOUSE / ROWHOUSE means a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and/or rear yard, constructed side by side and separated by common vertical walls.
 - g. DWELLING, SINGLE DETACHED means a building consisting of one dwelling unit which is constructed wholly on the site from basic materials, not intended or designed to be removed from the site, and is free standing, separate and detached from other main buildings or structures; or which is relocated to the site or constructed from components
-

- transported to the site and includes prefabricated homes except mobile homes as herein defined.
- h. DWELLING, SENIOR CITIZEN APARTMENT means a multiple unit housing designed for occupation by senior citizens, and constructed and maintained by a NS public housing authority or a NS non-profit organization.
 - i. DWELLING, MULTIPLE UNIT means a dwelling containing three or more dwelling units, which have individual entrances or a common entrance from the street level.
 - j. DWELLING, MOBILE HOME means a dwelling unit designed for transportation after fabrication on its own wheels, on a flatbed or trailer and which arrives at the site where it is to be occupied as a dwelling complete and ready for generally occupancy and having a width of 6.1 metres (20 ft.) or less and located on the site on wheels, jacks, or similar supports, or on a permanent foundation and which does not meet the standards for single family residential occupancy as described in the National Building Code of Canada as adopted as the Building Bylaw of the Municipality.
 - k. DWELLING, DOUBLE WIDE MOBILE means a dwelling composed of two or more mobile homes that have been joined together side by side, and for the purposes of this by-law is still considered a mobile home.
42. ENCLOSED WALKWAY means a structure with a roof connecting a detached accessory building and the main building on a lot.
43. ERECT means to build, place, locate, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
44. EXISTING means legally existing as of the effective date of this By-law.
45. EXTRACTIVE RELATED FACILITIES means the use of land, buildings and structures related to or associated with a sand, gravel, oil and natural gas, mineral, stone, rock or clay extractive surface, subsurface or underground mine, pit, quarry or drill site, such as, but not limited to storage, washing, crushing, sifting, reducing, leaching, weighing, processing, distribution and/or sale of such extracted materials, but does not include activities fundamental to the activities of extraction.
46. FITNESS CENTRE means the use of a building where athletic equipment is available so that individuals can undertake activity to obtain physical fitness, including any ancillary or related uses such as, but not limited to, relaxation or cool down lounge facilities, office spaces, change rooms, washrooms and shower facilities, sauna, exercise rooms, a refreshment or snack bar and a retail shop.
47. FIXED ROOF ACCOMMODATION ESTABLISHMENT means a use of land or a building to accommodate the travelling public for compensation, gain or profit by, supplying them with short term sleeping accommodation and shall include bed and breakfasts, inns, guest homes or tourist homes, hotels, motels, motor inns, suite hotels, country inns, cottage resorts, camping cabins, hunting and fishing lodges, cottages, cabins and is licensed under the NS **Tourist Accommodation Act and Regulations**, but does not include a mobile home park.
-

48. FLOOR AREA means
- a. WITH REFERENCE TO A DWELLING means the maximum area contained within the outside walls excluding any unenclosed addition such as a carport, deck, balcony or verandah, but including an attached garage, porch, sunroom, or finished basement.
 - b. COMMERCIAL FLOOR AREA means the total usable floor area within a building used for commercial purposes but excludes furnace and utility rooms, washrooms and excluding, in the case of shopping malls, common hallways between stores.
 - c. GROSS FLOOR AREA means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be considered to be exterior walls.
 - d. GROUND FLOOR AREA means the maximum area contained within the outside walls of the ground floor or first floor above the finished grade of a building, excluding any unenclosed addition such as a carport, deck balcony or verandah, but including an attached garage, porch, sunroom or other such room whether habitable at all seasons of the year or not.
49. FORESTRY USE means
- a. PRIMARY FORESTRY OPERATION means the use of land, but not buildings or structures, for commercial silviculture or the cultivation, harvesting or gathering of trees for the purpose of producing wood products such as furniture, fuel wood, construction lumber, pulpwood, or other forest products, but shall not include the manufacturing or processing of such wood products.
 - b. SECONDARY FORESTRY PRODUCT PROCESSING OPERATION means the use of land, buildings or structures for the processing of harvested or gathered of hardwood or softwood trees for the production of wood products such as fuel wood, construction lumber, pulpwood for paper manufacturing or the production of secondary wood products such as pallets, hardwood flooring, wall paneling and other hardboard products such as pegboard or siding.
50. FRATERNAL CENTRE means any tract of land or building operated by a member of a fraternal organization and, without limiting the generality of the foregoing, may include such establishments as a Legion, Lion's Club, Knights of Columbus, Kiwanis or Freemasons.
51. FUNERAL HOME means the use of a building for the purpose of furnishing funeral and internment services and includes facilities intended for the preparation of the dead human body for internment or cremation, a crematorium, a columbarium for the storage of remains or ashes and a chapel for internment services.
52. GARDEN CENTRE means the use of land and buildings for the retail of gardening equipment and planting materials.
53. GASOLINE SERVICE STATION means the use of a building offering service to motor vehicles principally for the sale of gasoline and diesel fuel and may include the accessory sale of lubricating oils and automotive accessories and may also include accessory uses such as a car wash, a dine in or takeout restaurant or a convenience store.
-

-
54. HEIGHT means, when used with reference to a building or structure, the vertical distance between the established grade and the highest point of the building/structure, exclusive of any accessory roof construction such as a chimney, cupola or antenna, but including a turbine blade.
55. HOME OCCUPATION means the accessory use of a residential dwelling by the occupant of the residential dwelling for gainful employment involving the production, sale or provision of goods and/or services, where applicable, by the occupant of the residential dwelling.
56. HOME FOR SPECIAL CARE FACILITY means the use of a building to provide residential, care, accommodation, treatment and programming to adult persons, who are unable to meet their own needs, and licensed under the NS **Homes for Special Care Act**, and includes a residential care facility, an adult residential centre, a regional rehabilitation centre, group homes and developmental residences.
57. HOTELS AND MOTELS means a use of a building to accommodate the travelling public for compensation, gain or profit by, supplying them with short term sleeping accommodation that is licensed under the NS **Tourist Accommodation Act and Regulations**, and shall include hotels, motels, motor inns, suite hotels and country inns, but does not include bed and breakfasts, guest homes or tourist homes, cottage resorts, camping cabins, hunting and fishing lodges, cottages, cabins or campgrounds or mobile home parks.
58. INDUSTRY HEAVY means a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
59. INDUSTRY LIGHT means a use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage/sales/distribution of such, including soil mixing operations and composting operations, machine shops and metal working shops, but excluding basic industrial processing.
60. INSTRUCTION STUDIO means the use of a building for the purposes of providing instruction in painting, sculpturing, moulding, yoga, dance or music including instruction in handicraft production, dressmaking/tailoring, leather-working, pottery/ceramic-making, wood-working, quilting, crocheting, knitting, needlepoint, weaving or sewing or computer/electronics operation.
61. INSTITUTION OR INSTITUTIONAL USE means the use of land, building or structures by, or on behalf of, any governmental body, including a society incorporated under the NS Societies Act, Ch. 435, R.S.N.S., 1989 to promote any benevolent, philanthropic, patriotic, religious, charitable, artistic, literary, educational, social, professional, recreational or sporting or any other useful object, but not for the purpose of carrying on any trade, industry or business or with the intent of making a profit.
62. KENNEL / GROOMING SALON means any facility or operation for the purposes of breeding, sale or grooming of non-agricultural animals and may include provisions for their overnight accommodation including any outdoor facilities such as pens, runs and enclosures.
63. LICENSED LIQUOR ESTABLISHMENT means an establishment licensed by the Nova Scotia Liquor Licensing Board under the **Liquor Control Act**, R.S.N.S., 1989, Chapter 260.
-

64. LOT means any parcel of land described by its boundary lines, with the exception of a street.
- a. CORNER LOT means a lot situated at the intersection of and abutting on two or more streets; or upon two parts of the same street forming an interior angle of less than 130 degrees.
 - b. THROUGH LOT means a lot bounded on two opposite sides by streets, however, if a lot qualifies as being a corner lot and a through lot, such lot shall be deemed to be a corner lot.
 - c. LOT AREA means the total horizontal area within the lot lines of a lot.
 - d. LOT COVERAGE means the percentage of the lot that is covered by buildings excluding projecting eaves, balconies, and similar features.
 - e. LOT FRONTAGE means the length of a line joining the side lot lines and parallel to the front lot line.
 - f. FLAG LOT means a lot characterized by its location of the main body of the lot generally at the rear of another lot, or otherwise separated from the street that provides access by a narrower prolongation extending from the main portion of the lot to the street. A flag lot generally resembles a flag on a pole in the case of a rectangular layout, or the main body of the lot with an umbilical prolongation providing access in the case of such a lot having irregular boundaries.
65. LOT LINE means a boundary line of a lot.
- a. FRONT LOT LINE means the lot line dividing the lot from the street;
 - i. in the case of a corner lot, the shorter lot line abutting the street;
 - ii. in the case of a through lot, the lot line abutting the street providing the primary access; and
 - iii. in the case of a lot with no street frontage, the lot line that most closely parallels the nearest street line where the primary access is provided.
 - b. REAR LOT LINE means the lot line furthest from or opposite the front lot line.
 - c. SIDE LOT LINE means a lot line other than a front or rear lot line.
 - d. FLANKAGE LOT LINE means a side lot line that abuts the street on a corner lot and intersects the front or rear lot line.
66. MAIN BUILDING means the building on a lot within which is carried on the principal purpose for which the lot is used.
67. 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.
68. MEDICAL PRACTITIONER includes, but is not limited to, a doctor, dentist, chiropractor, osteopath, optometrist, oculist, but does not include a veterinary.
69. MEDICAL CLINIC means the use of a building for the medical, dental, surgical, or therapeutic treatment of human patients, excluding facilities for the overnight accommodation of human patients.
70. MUNICIPALITY means the **Municipality of the County of Annapolis**.
71. NURSING HOME means the use of a building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and licensed under the **NS Homes for Special Care Act**.
-

72. OBNOXIOUS use means a use that by 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 or objectionable odour, or by reason of the unsightly storage of wares materials, salvage, refuse, waste or other material.
 73. OUTDOOR DISPLAY means an area on a premise where goods or merchandise are displayed in the open air which is intended for and available for sale to the general public.
 74. OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials, equipment or other items of any kind stored in the open air not intended for immediate sale.
 75. PARK & RECREATIONAL USES means the use of non-commercial land for parks, children's playgrounds, open space, passive recreation uses, conservation uses, memorial parks, tennis courts, lawn bowling greens, athletic fields, band shells, pavilions, and similar uses to the foregoing, together with necessary and accessory buildings and structures, excluding a track for the racing of animals, or a racing or riding track for any form of motorized vehicles.
 76. PASSIVE RECREATION USES means the use of land for day use parks, playgrounds, trails, community gardens, open space and similar uses to the foregoing, together with any necessary and accessory buildings and structures, excluding buildings, structures or facilities for the overnight accommodation or enclosure of persons or animals.
 77. PARKING SPACE means an area of land for the temporary parking or storage of motor vehicles.
 78. PERSON includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee or agent and the heirs, executors or other legal representatives to whom the context applies according to law.
 79. PERSONAL GROOMING SHOP means the use of a building for the purposes of the provision of services intended to administer to the individual and personal grooming needs of human beings such as a barber shop, a beauty parlour or a hairdressing salon, including counseling in respect of such grooming, including the retail sales of products/goods incidental or related to the personal grooming shop.
 80. PERSONAL SERVICE SHOP means the use of a building for the purposes of providing services to administer to the individual and personal needs of human beings, including a carpet or house cleaning establishment, photographic studio, shoe repair shop and a catering service, but excluding an adult entertainment use or any manufacturing or fabrication of goods or products for eventual sale either on-premise or off-premise.
 81. PERSONAL SERVICE CLINIC means the use of a building for the purposes of the provision of services to administer to the personal medical/dental needs of human beings such as a dentist, chiropractor, denturist, chiropodist, optometrist, physician or holistic or homeopathic health services practitioner including the retail sales of products/goods related to the personal service clinic, but excluding an adult entertainment use.
 82. PREMISE means an area of land with or without buildings or structures.
 83. PRIVATE CLUB means a building used as a meeting place for members of an organization, fraternal centre, lodge or labour union hall, excluding casinos and adult entertainment uses.
 84. PRIVATE ROAD as defined by the Annapolis County Subdivision By-law.
-

85. PROFESSIONAL OFFICE means the use of a building where business may be transacted, a service performed or consultation given by lawyers, architects, planners, engineers, accountants, private consultants and similar professions, but shall not include the offices associated with veterinary medicine practitioners and such clinics.
 86. PUBLIC AUTHORITY means any person, or committee of the Municipality appointed or established to exercise any power or authority under any statute of Nova Scotia with respect to any of the affairs or purposes of the Municipality or portion thereof and including any committee or authority established by By-law of the Municipality or any governmental body.
 87. PUBLIC STREET OR ROAD means a public street or public highway owned and maintained by the Municipality or the Province of Nova Scotia.
 88. RECYCLING DEPOT means the use of land or buildings on which recoverable materials such as paper, glass, bottles, metal, metal can or plastic are separated and stored prior to shipment but does not include any processing of the material or a salvage yard or scrap yard.
 89. RENT-ALL SHOP means the use of a building where residential, industrial and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools, but does not include an adult retail store/sex shop or an adult bookstore/video store.
 90. REPAIR SHOP means the use of a building for the installation or repair of office and household articles such as furniture, appliances, computers, electronics and entertainment equipment, including the accessory display and sale of such items repaired.
 91. RESIDENTIAL DAY CARE CENTRE means that portion of a residential dwelling, which is used to accommodate a minimum of three to a maximum of six children or adult seniors who are cared for on a temporary basis for compensation without overnight accommodation.
 92. RESTAURANT means the use of a building where food and drink is served to the public for consumption within the building.
 93. RESTAURANT, DRIVE-IN OR TAKE-OUT means the use of a building where food and drink is served to the public, and which does not necessarily provide facilities for consumption thereof on the premises other than parking areas.
 94. RETAIL STORE means the use of a building where new or used goods, wares, merchandise, or articles are kept and offered for sale directly to the public at retail cost and may include the rental of goods, wares or merchandise, such as video cassettes or video games, provided such rental operations are clearly accessory to the normal operation of a retail store, but does not include an adult retail store/sex shop or an adult bookstore/video store.
 95. SCRAP YARD OR SALVAGE YARD means an area of land or a building used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include waste paper, rags, bones, used bicycles, vehicles, tires, metals or other scrap or salvage material, excluding hazardous waste materials, and shall not include a solid waste disposal, landfill, solid waste transfer station, construction debris disposal site or a recycling depot.
-

96. SCREENING means the method by which a view of one site from another adjacent site is shielded, concealed or hidden.
97. SELF STORAGE FACILITIES means the use of a building consisting of individual, self-contained units that are leased, usually on a monthly basis, for the storage of business and household goods or materials.
98. SEPARATION DISTANCE means a horizontally measured portion of a lot, which is required to physically separate incompatible land uses.
99. SERVICE INDUSTRIES means the use of a building for a dry cleaning shop, laundromat, sheet metal shop, welding shop, metal working shop and machine shop.
100. SERVICE SHOP means the use of a building for a bakery, upholstery shop, print shop, photography studio, high-pressure wash facility or carpet or house cleaning establishment.
101. SERVICE STATION means the use of a building for the servicing and/or repair of motor vehicles and may include the accessory sale of automotive fuels, lubricating oils and automotive accessories and may also include accessory uses such as a car wash, a dine in or takeout restaurant or a convenience store.
102. SETBACK means the distance between the lot line and the nearest main wall of the main building or structure on the lot.
103. SHOPPING CENTRE OR MALL means a building designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants containing a group of commercial uses and distinguished from a business area comprising unrelated individual owned uses and characterized by sharing of common hallways, parking areas and driveways.
104. SIGN means any structure, device or natural object or part thereof, or any device attached thereto, or painted or represented thereon, used to identify, advertise, or attract attention to any object, product, place, activity, institution, organization, commodity, profession, enterprise, industry, or business, on which shall display or include any letter, word, model, number, banner, flag, pennant, insignia or representation used as an announcement, direction, or advertisement, and which is intended to be seen on or off the premise.
- a. DIRECTORY SIGN means a sign listing more than one business name or location.
 - b. GROUND SIGN means a sign supported by one or more uprights, poles or braces placed in or upon the ground, and shall not include temporary or portable signs.
 - c. ILLUMINATED SIGN means a sign that provides artificial light directly, or through any transparent/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.
 - d. PROJECTING WALL SIGN means a sign which projects from and is supported by a wall of a building and on which the face is not approximately parallel to the supporting wall including an awning or canopy where such is used as a sign.
 - e. FACIAL WALL SIGN means a sign that is attached directly to or painted upon a building wall and where the face is approximately parallel to the wall.
 - f. SIGN AREA means the area of the smallest geometrical figure that can wholly enclose the surface area of the sign.
 - g. PORTABLE OR MOBILE SIGN means a sign designed to be carried, pulled or hauled and which is not permanently fixed in one location.
 - h. NUMBER OF SIGNS means a single display surface/device containing elements
-

- organized/related/composed to form a unit; and when matter is displayed in a random manner without organized relationship of elements, or when there is reasonable doubt about the relationship of elements, each element is considered a single sign.
- j. OFF PREMISE SIGNS means a freestanding ground sign or facial wall sign (commonly referred to as a "billboard") erected on a lot, by someone other than the person or company wishing to advertise a product or service, the display of which has no direct relationship to the business or use on the lot.
105. SOLID WASTE TRANSFER STATION means a site or facility that accepts waste for temporary storage or consolidation prior to shipment to a landfill site or recycling facility.
106. STORE FRONT RECYCLING CENTRE means a business enclosed entirely within a building or structure and engaged in receiving glass, bottles, metal, metal cans, paper, cardboard and/or plastic for purposes of reuse and recycling, which involves no processing other than the weighting and packing of received recyclables for transport to a recycling depot or an industrial processing facility and shall not include a scrap yard or recycling depot.
107. STORAGE FACILITIES means the use of a building consisting of dedicated areas that are leased, usually on a monthly basis, for the storage of business and household goods and materials including motorized vehicles, recreational vehicles and travel trailers.
108. STREET LINE means the boundary line of a public street or private road.
109. STRIP MALL means a group of commercial uses, developed as a continuous unit, and characterized by shared parking and by the absence of common, interior walkways.
110. STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.
111. TRAIL / MULTI-USE TRAIL means the recreational use of land for hiking, walking, cycling, cross-country skiing, snowshoeing or horseback riding, or other similar forms of non-motorized travel, together with any necessary and accessory structures such as barriers, boardwalks, gates, signage and bridges. TRAIL / MULTI-USE TRAIL does not include the use of land for any form of motorized travel, such as all-terrain vehicles, motorcycles and snowmobiles.
112. UTILITY means any public or private system, service, works, plant equipment, including broadcasting, telecommunication and cellular towers and antennas, excluding wind turbines, that may furnish services at approved rates to or for the use of the general public and is regulated by the Nova Scotia Utility and Review Board, Industry Canada or the Canadian Radio-television and Telecommunications Commission.
113. VETERINARY CLINIC / ANIMAL HOSPITAL means the use of a building for the medical care and treatment of animals and includes provisions for their overnight accommodation and includes any associated outdoor facilities such as kennels, pens, runs and enclosures.
114. VIDEO STORE means the use of a building where videos, video games, sport and game cards and sport memorabilia are offered or kept for rent/sale/trade/swap, or any other form of consideration, directly to the public, excluding an adult retail store/sex shop or an adult bookstore/video store. VIDEO commonly refers to several storage formats for moving pictures, including, but not limited to, digital video formats such as CD, DVD, QuickTime, MPEG-4 and JPEGs; analog formats/videotapes such as VHS and Betamax; motion pictures films, cable television or any other such visual media.
-

115. WAREHOUSE AND DISTRIBUTION CENTRE means the use of a building for the storage and distribution of goods and materials, including a moving and storage facility, and may include wholesale or retail activities, provided such activity is subordinate to the main warehousing and distribution use.
116. WATERCOURSE means any lake, river, pond, stream, ocean, and wetland area such as a bog, fen, marsh, swamp or any other body of water.
117. WIND TURBINE means a structure or device that produces power by capturing the kinetic energy in surface winds created by the sun and converting it into energy in the form of electricity and includes the wind turbine tower, the wind turbine rotor blades, the wind turbine nacelle and the wind turbine foundation:
- a. MINI SCALE wind turbine means a wind turbine which has a power generation capacity of less than 25 kilowatts, but not less than 1 kilowatt and also refers to a wind turbine which has a nameplate capacity of less than 25 kilowatts, but not less than 1 kilowatt.
 - b. SMALL SCALE wind turbine means a wind turbine which has a power generation capacity equal to or less than 100 kilowatts, but not less than 25 kilowatts and also refers to a wind turbine which has a nameplate capacity equal to or less than 100 kilowatts, but not less than 25 kilowatts.
 - c. LARGE SCALE wind turbine means a wind turbine which has a power generation capacity of greater than 100 kilowatts and also refers to a wind turbine which has a nameplate capacity of greater than 100 kilowatts.
- WIND TURBINE BLADE means the part of the wind turbine that rotates in the wind and extracts kinetic energy from the wind.
- WIND TURBINE HEIGHT means the distance or total vertical height of the entire wind turbine structure being the sum of the height of the support foundation above grade, measured at the base of the tower, the turbine tower itself, the nacelle and the highest vertical extension of the wind turbine rotor blades, generally expressed as half of the rotor blade sweep or diameter.
- WIND TURBINE NACELLE means the frame and housing at the top of the wind turbine tower that encloses the gearbox and generator and protects them from the weather.
- WIND TURBINE NAMEPLATE CAPACITY means the manufacturer's maximum rated output of the electrical generator found in the nacelle of the wind turbine.
- WIND TURBINE TOWER means a freestanding structure supported by a wind turbine foundation that serves to support other parts of the wind turbine, and may also mean a structure attached to guy wires that serve, to support other parts of the wind turbine.
118. WHOLESALE ESTABLISHMENT means the use of a building in which commodities in quantity are offered for sale chiefly to industrial, institutional and commercial uses or to retailers or other merchants mainly for resale or business use.
-

119. YARD means an open space on a lot appurtenant to a building (except a court) unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.
- a. ABUTTING YARD means a yard that is contiguous with or extends across one or more zone boundaries and can extend across all or part of a side, rear or front yard.
 - b. 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 main building or structure.
 - c. FRONT YARD means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot; and a minimum front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest wall of any main building or structure on the lot.
 - d. REAR YARD means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and a minimum rear yard means the minimum depth allowed by this By-law of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
 - e. 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/structure on the lot; a minimum side yard means the minimum width allowed by this By-law of a side yard on a lot between the side lot line and the nearest wall of any main building or structure on the lot.
-

PART 3: ADMINISTRATION

ENFORCEMENT

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

DEVELOPMENT PERMIT

- 3.2
- (a) Unless otherwise stated in this By-law, no person shall undertake a development on a lot within the Planning Area without first obtaining a development permit from the Development Officer.
 - (b) The Development Officer shall only issue a development permit in conformance with this By-law or an approved development agreement except where a variance is granted or in the case of non-conforming use or structure in which case a permit shall be granted in conformance with the *MGA*.
 - (c) A development permit issued under this By-law shall automatically lapse, and become null and void, if the development to which it relates has not commenced within 12 months of the permit approval date.
 - (d) The Development Officer may revoke a development permit issued under this By-law where the Development Officer is satisfied that the development permit was issued under false or mistaken information or if the information provided on the development permit application is found to be inaccurate.
 - (e) Notwithstanding that a development may not require a development permit; the development is not exempt from compliance with all other requirements of this By-law, unless otherwise stated in this By-law.

NO DEVELOPMENT PERMIT REQUIRED

- 3.3 Unless otherwise stated in this By-law, subject to Part 3 (2) (e), no municipal development permit shall be required for:
- (a) A development that involves the interior or exterior renovation that will not change the shape of the building or structure or increase its volume or footprint, will not add more dwelling units or otherwise intensify the use of the building, or will not involve a change in the use or a structural change;
 - (b) a handicap access ramp, decks and patios less than 0.61 m. (2 ft.) above grade, swimming pool, fence, bus shelter, clothesline or flag pole, children's play structures, outdoor fire pit, fireplace, barbeque or chimenea, wood stove or furnace, dog house, retaining wall, temporary (less than 180 days) vehicle tent, landscaping structures such as a fence, gazebo, garden trellis, wading pond, reflecting pool or fish pond, home use satellite receiving dish or communication/receiving antenna, pedestrian footbridge and an outdoor internal combustion engine supplementary power generator or roof mounted mini scale wind turbine or solar power panels.
-

APPLICATION FOR DEVELOPMENT PERMIT

- 3.4 (a) Every application for a development permit shall be accompanied by a sketch or site plan drawn to an appropriate scale, showing:
- (i) the shape, dimensions and area of the lot to be used or upon a development is proposed;
 - (ii) the dimensions of the proposed development to be erected on the lot and the distance of the proposed development from all lot boundaries;
 - (iii) the distance of the proposed development from every existing building or structure erected on the lot and the size, shape and height of every building or structure erected on the lot;
 - (iv) the proposed use of the lot and each building and/or structure existing on the lot or proposed to be erected on the lot;
 - (v) where applicable, the proposed location and dimensions of any parking or loading area, driveway, ingress and egress points and landscaped area;
 - (vi) where applicable, a vegetative cover plan identifying the type and percentage of existing natural living vegetation on the property within the water feature setback;
 - (vii) where applicable, a vegetative cover plan identifying the type and percentage of proposed natural living vegetation to be planted on the property within the water feature setback;
 - (viii) where applicable, a slope analysis plan and/or a site grading and/or drainage plan; and
 - (ix) any other information, which the Development Officer deems necessary to determine whether or not the proposed development conforms with the requirements of this By-law.
- (b) Where the Development Officer is unable to determine if the proposed development conforms to this By-law, the Development Officer may require that the plans submitted under Part 3.4(a) be based upon an actual plan of survey certified and stamped by Nova Scotia Land Surveyor.

SIGNATURE FOR APPLICATIONS

- 3.5 The application for a development permit shall be signed by all registered owners of the property or by the owner's agent, duly authorized in writing by the registered owner of the property to act for or on behalf of the registered owner.

APPLICATION FEE

- 3.6 Every application for a development permit, a land use by-law amendment, a development agreement, an amendment to an existing development agreement, site plan approval or a variance shall be accompanied by a form of payment acceptable to the Municipality in the amount specified by Municipal Council, as amended from time to time.
-

ADVERTISING AND NOTIFICATION COSTS

- 3.7 (a) Where an application is made for a variance or for an amendment to this By-law or to enter into a development agreement or to amend an existing development agreement, the applicant shall deposit to the Municipality, at the time of application, an amount established by the Council to pay the cost of all advertising, notification and registry fees required.
- (b) If the amount paid under clause (a) is not sufficient to cover the costs incurred, the applicant shall pay to the Municipality the additional amount required.
- (c) If the amount paid is more than sufficient, the Municipality shall refund the excess amount.
- (d) Where Council decides not to proceed with the application, the deposit shall be returned to the applicant, less the cost of any incurred advertising or notification cost.
- (e) Where the applicant withdraws the application, the deposit shall be returned to the applicant, less the cost of any incurred advertising or notification cost.

USE OF THE METRIC SYSTEM

- 3.8 Throughout this By-law the metric system of measurement has been used followed by the approximate Imperial equivalents in brackets. Should any case arise in which there appears to be a discrepancy between the two figures, the metric figure shall prevail.

NOTICE TO PROPERTY OWNERS

- 3.9 (a) When an application has been received to amend this By-law for a site-specific purpose, enter into a development agreement, or amend an existing development agreement, if required by Council, residents of developed properties within 61 metres (200 feet) of the subject property shall be notified of the application and the Planning Advisory Committee meeting where the application will be heard.
- (b) The notification set out in Part 3.9 (a) shall be in addition to the newspaper advertisement for the Planning Advisory Committee public meeting, as required by the *MGA*, and the notice shall be delivered to those residents of developed properties, as set out in Part 3.9 (a), by regular mail or personal service prior to the Planning Advisory Committee public meeting.

EFFECTIVE DATE OF BY-LAW

- 3.10 Pursuant to the *Municipal Government Act*, this By-law shall take effect on the date of publication of the notice advertising the new by-law or amendment, hereinafter referred to as the effective date.

SCHEDULES

- 3.11 All Schedules attached hereto or included herein form part of this By-law.
-

PART 4: ZONES, ZONING MAPS AND MUNICIPAL PLANNING STRATEGY DESIGNATIONS

ZONES

- 4.1 For the purpose of this By-law, the Planning Area is divided into the zones indicated in the list below, the boundaries of which are shown on the attached Zoning Map, Schedule "A". Such zones may be referred to by the corresponding symbols indicated opposite the zone name as indicated below.

ZONES	SYMBOL
Residential	CPR-1
General Residential	CPR-2
Condominium Residential	CPR-3
Industrial Park	IND-1
Business Development	BD
Highway Commercial	C-1
Waldeck Industrial	IND-2
Enviro Open Space	OS

ZONING MAP

- 4.2 Schedule "A" is the "Zoning Map" and forms part of this By-law. However, property boundaries shown on the Zoning Map (Schedule A) are continuously subject to change and thus are included for information and clarification purposes only, and do not form part of this By-law.

ZONES NOT ON THE MAP

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

MUNICIPAL PLANNING STRATEGY DESIGNATIONS

- 4.4 References in this By-law to areas designated on the Future Land Use Map in the Municipal Planning Strategy for the Planning Area are indicated by the identifier "MPS Future Land Use Map".

ZONE DEFINED

- 4.5 ZONE means a designated area of land shown the Zoning Map, Schedule "A", of this By-law.
-

PART 5: INTERPRETATION

INTERPRETATION OF ZONE BOUNDARIES AND SYMBOLS

- 5.1 The symbols used on the Zoning Map refer to the corresponding zones established in this By-law. The extent and boundaries of zones are shown on the Zoning Map and the requirements of this By-law shall apply to all zones. The boundaries between zones shall be determined as follows:
- a. where a zone boundary is indicated as following a provincial or municipal public street or highway or a private road the boundary shall be the centre line of such, unless otherwise indicated;
 - b. where a zone boundary is indicated as approximately following lot lines the boundary shall follow the lot lines;
 - c. where a railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse shown on the Zoning Map serves as a zone boundary between two or more different zones, a line midway between the outside limits of the right-of-way or the centre line of the watercourse shall be considered the boundary between the zones, unless otherwise indicated;
 - d. where none of these above provisions apply, and where appropriate, the said zone boundary shall be scaled from the Zoning Map.

CERTAIN WORDS

- 5.2 In this By-law, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular number; and the word "used" includes "arranged, designed or intended to be used", and the word "shall" is mandatory and not permissive. In this By-law, a phrase using the words "a building used for" may also include the meaning "in a part of the building", if so permitted by this By-law.

PERMITTED USES

- 5.3 In this By-law, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated. Where a permitted use within any zone is defined in this By-law, the uses permitted within the zone include *any similar* uses that satisfy such definition except where a definition specifically excludes any similar uses.

NOTES TO READER: It should also be noted that while some uses may be prohibited or not be permitted to be developed in a specific zone or not permitted or prohibited anywhere within the Cornwallis Park Planning Area; this plan and by-law governs the use of land only for a small portion of the Municipality of the County of Annapolis and while land uses are not regulated throughout the majority of the Municipality; those prohibited or non-permitted uses may be permitted elsewhere in the Municipality.

PART 6: DEVELOPMENT AGREEMENTS**DEVELOPMENTS TO BE CONSIDERED BY DEVELOPMENT AGREEMENT**

- 6.1 The following developments may be considered by Development Agreement, in accordance with the Municipal Government Act and with the Cornwallis Park Municipal Planning Strategy.

Type of Development	MPS Policy	LUB Reference
Expansion/replacement of existing nonconforming commercial and industrial uses in the Residential Designation	Policy 1.5.1	Part 10.5 – R-2

PART 7: GENERAL PROVISIONS FOR ALL ZONES**LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS**

- 7.1 Nothing in this By-law shall exempt any person from complying with the requirements of any other Municipal By-law or from obtaining any license, approval or permit required by this or any other By-law of the Municipality or regulation of the Province or the Government of Canada. Where the provisions in this By-law conflict with those of any other by-law of the Municipality or regulation of the Province or the Government of Canada, the higher or more stringent regulations shall prevail.

MULTIPLE USES

- 7.2 Where any land or building is used for more than one purpose, the requirements of this By-law shall be interpreted so that the highest or most restrictive of each standard required for each single use included in the development will be required.

RESTORATION TO A SAFE CONDITION

- 7.3 Nothing in this By-law shall prevent the restoration to a safe condition of any building or structure, except for a non-conforming use, where the *MGA* provisions prevail.

FRONTAGE ON STREET

- 7.4 No development permit shall be issued unless the lot intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street or highway or private road, unless otherwise permitted or provided for in this By-law.

AN EXISTING LOT LACKING STREET FRONTAGE

- 7.5 Notwithstanding frontage requirements of this By-law, a lot in existence on or before the effective date, which does not meet the requirements of this By-law with respect to the provision of frontage on a municipal, provincial public street/highway or private road, may be used for a purpose permitted in the zone in which the lot is located and a building/structure may be erected on the lot provided all other applicable requirements of this By-law are met. Where the lot lines of existing lot that lacks street frontage are altered but still remains an existing lot lacking street frontage, the lot shall remain to be considered an existing lot lacking street frontage.

WATERCOURSE PROTECTION

- 7.6 No building or structure shall be erected within 7.6 m (25 ft.) of the edge (mean high water mark) of any watercourse, except for wharves, marinas, landscaping structures, boardwalks, gazebos, pedestrian or vehicular bridges and buildings and structures related to yacht clubs, ship chandlery offices, marine fuelling stations, fishery and marine related uses, boat construction, building and repair facilities, boat and marine sales, service and rental facilities and any other uses so exempted in this By-law. The watercourse setback distance is defined as being part of any side, rear or front yard.

NON-CONFORMING USES AND STRUCTURES

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

TEMPORARY CONSTRUCTION USES PERMITTED

- 7.8 The temporary erection of a building or structure, incidental to construction, shall be permitted provided that a development permit has been issued for the main construction project and the temporary use, building or structure does not remain in place for more than thirty (30) days after the construction is completed.

TEMPORARY OR SPECIAL USES

- 7.9 Nothing in this By-law shall prevent the temporary use of land or the temporary erection or placement of structures for temporary use, including but not limited to, signs, displays, yard sales, flea markets, fairs, concerts or festivals provided that such uses remain in place no longer than fifteen (15) days. No development permit shall be required for such temporary or special uses.

BUILDING TO BE MOVED

- 7.10 Unless otherwise provided for this By-law, no building or structure shall be moved within or into the Planning Area without first obtaining a development permit.

BUILDING TO BE ERECTED ON A LOT

- 7.11 No person shall erect or use any building unless such building is erected on a lot, nor erect a building so that it crosses a lot line, as defined herein.

SIDE YARDS AND CORNER LOTS

- 7.12 On a corner lot, no main or accessory building/structure shall be erected closer to the flanking street than the minimum required front yard setback applicable to that zone.

ONE MAIN BUILDING ON A LOT

- 7.13 No person shall erect more than one (1) main building on a lot except for buildings in the CPR-2, CPR-3, IND-1, IND-2, C-1 or BD Zones or buildings located on a lot by way of a development agreement. For clarification, the lot setback requirements set out in the respective zone shall apply to all main buildings on the lot, and a minimum of 6 m. (19.7 ft.) shall be required between such main buildings on the lot, unless otherwise provided for in this By-law:
-

CONFORMITY WITH EXISTING SETBACKS

- 7.14 Where a main building is proposed to be built or expanded that is between main buildings on adjacent lots, the proposed or expanded building may be built with a front yard setback equal to the established front yard setback of the main building on either of the adjacent lots.

FLAG LOTS

- 7.15 Where provided for in this By-law, a development permit shall be issued for a purpose permitted in the zone in which a flag lot is located and a building/structure may be erected on the lot provided all other applicable requirements of this By-law are met. Where a lot configuration appears to be a flag lot but its frontage meets the frontage requirement of the zone the lot is located in, such a lot shall not be considered a flag lot regardless of the configuration of the lot and a development permit shall be issued for a purpose permitted in the zone in which such a lot is located and a building/structure may be erected on the lot provided all other applicable requirements of this By-law are met.

CALCULATION OF LOT FRONTAGE

- 7.16 Lot frontage shall be determined by the following:
- a. for regular shaped lots; lot frontage shall be measured as a straight line between the points where the two side lot lines meet the front lot line;
 - b. in the case of irregularly shaped lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point equal to the required front yard.

SIDE YARD WAIVER

- 7.17 Notwithstanding the minimum side yard requirements of this By-law, where main buildings or accessory buildings or structures on adjacent lots share a common wall, the applicable side yard requirement shall be zero.

EXISTING BUILDINGS

- 7.18 Notwithstanding the other lot frontage, area or setback requirements of this By-law, a building which has been erected on or before the effective date of this By-law on a lot which does not meet the requirements of this By-law respecting lot area, frontage (other than such lots defined in Section 7.19 of this Part) or setbacks (front yard, side yard, rear yard) may be enlarged, reconstructed, repaired or renovated provided: the development does not further reduce the setback that does not conform to this By-law; and all other applicable requirements of this By-law are satisfied.

SUBDIVISION AND REDUCED LOT FRONTAGE OR AREA REQUIREMENTS

- 7.19 Notwithstanding the minimum lot area and frontage requirements of this By-law development permits shall be issued for development on lots created pursuant to the Subdivision By-law, where the lot created has less than the required frontage and/or lot area provided that neither reduction is less than ninety percent (90%) of the required minimums for lot area or frontage for that zone and all other applicable requirements of this By-law are satisfied.
-

EXISTING UNDERSIZED LOTS

- 7.20 Notwithstanding the lot frontage or area requirements of this By-law, a lot in existence on or before the effective date of this By-law, having less than the minimum lot frontage or area or both required by this By-law, may be used for a purpose permitted in the zone in which the lot is located and a building/structure may be erected on the lot provided that all other applicable requirements of this By-law are satisfied. Where the lot lines of existing undersized lots are altered so as to increase the area or frontage of the lot, but still remains an existing undersized lot, the lot shall remain to be considered an existing undersized lot.

CHANGE OF USE OF AN EXISTING UNDERSIZED LOT

- 7.21 Notwithstanding the lot frontage, area or setback other requirements of this By-law, the use of a building existing on a lot on or before the effective date of this By-law which does not meet the minimum requirements of the By-law respecting lot area, frontage or setbacks (front yard, side yard, rear yard) may be changed to a use permitted in the zone in which the lot is located provided all other applicable requirements of this By-law are met.

REDUCED REQUIREMENTS - LOTS WITH FRONTAGE AND MAIN BUILDINGS

- 7.22 Notwithstanding the minimum lot area and lot frontage requirements of this By-law, development permits shall be issued for development on lots created pursuant to the Subdivision By-law, where a lot that has frontage along a provincial or municipal street or highway or private road containing two or more main buildings is subdivided such that the normal lot area and frontage requirements cannot be met, provided that each new lot and the remainder lot contains at least one main building or structure and each new lot and remainder lot retains a minimum of 6 metres (19.7 feet) of frontage along a provincial or municipal street or highway or private road and all other applicable requirements of this By-law are satisfied.

ALTERED BOUNDARIES

- 7.23 Development permits shall be issued for development on lots created pursuant to the Subdivision By-law, where a development component of a permanent nature, such as mature trees, a driveway, well or septic tank is encroaching in or upon an immediately adjacent area of land. Such as the case described by altering the boundaries of two or more areas of land, where no additional lots are created and the frontage and/or area has not been reduced.

PARKS, PLAYGROUNDS & TRAILS

- 7.24 Notwithstanding anything else in this By-law, parks, playgrounds, passive recreation uses, trails and multi-use trails, where the control and/or operation of the park, playground, passive recreation use, trail or multi-use trail is vested in a public authority or agency thereof, are considered permitted uses in all zones in the Planning Area or within a watercourse setback and no municipal development permit is required for the development of such parks, playgrounds, passive recreation uses, trails and multi-use trails or their ancillary structures or buildings. Notwithstanding the minimum lot frontage and area requirements of this By-law, where a lot abuts a municipal or provincial public street or highway or a private road that is created for a park, playground, passive recreation use, trail or a multi-use trail, where the control and/or operation of the park, playground, passive recreation use, trail or multi-use trail is vested in a public authority or agency thereof, the minimum road frontage shall be 6 metres (19.7 ft.). Notwithstanding the minimum lot frontage and area requirements of this By-law, a lot that is created for a park, playground, passive recreation use, trail or multi-use trail, where the control and/or operation of
-

the park, playground, passive recreation use, trail or multi-use trail is vested in a public authority or agency thereof, pursuant to Section 27 of the Subdivision By-law may be created and is eligible for development provided all other applicable requirements of this By-law are met.

ACCESSORY USES PERMITTED

7.25 Where this By-law provides that any land may be used or that a building or structure may be erected and used for a purpose, the purpose is deemed to include any use accessory or ancillary thereto, subject to the requirements of that zone, except that home occupations shall be subject to the limitations set out elsewhere in this By-law.

ACCESSORY BUILDINGS AND STRUCTURES

- 7.26 a. An accessory building or structure shall be permitted in any zone in the Cornwallis Park Planning Area and may be used as an accessory use, but shall not:
- i. be used for human habitation, unless otherwise permitted;
 - ii. be located in the front yard of a lot, except for the IND-1, IND-2, C-1 or BD Zone;
 - iii. exceed the height of the main building in the CPR-1, CPR-2 or CPR-3 Zone;
 - iv. exceed seventy-five percent (75%) of the ground floor area of the main building on the lot in the CPR-1, CPR-2 or CPR-3;
 - v. be built closer than 1.2 m (4 ft) to a lot line except for common semi-detached garages, which may cross a mutual side lot line;
 - vi. be built within 1.8 m (6 ft.) of the main building or 1.2 m. (4 ft.) of another accessory building or structure on the same lot;
 - vii. be permitted on a separate lot, except in the IND-1, IND-2, C-1 or BD Zone; and
 - viii. be considered an accessory building if attached to the main building by an enclosed structure or if located completely underground.
- b. As per subsection 26 a. of this Part, a required separation or setback distance shall be measured from the wall of the accessory building or structure.
- c. No development permit is required for an accessory building or structure less than 9.3 sq. m. (100 sq. ft.) in total floor area in the CPR-1, CPR-2 or CPR-3 Zone and no development permit is required for an accessory building or structure less than 19.97 sq. m. (215 sq. ft.) in total floor area in any other zone, however, as per Part 3.2 (e) of this By-law, while a development permit may not be required, the accessory building or structure is not exempt from compliance with all other requirements of this By-law, such as those set out in subsection 26 a. of this Part, unless otherwise stated in this By-law.
- d. Those accessory buildings or structures, as set out in Part 3.3 (b) of this By-law, shall be exempt from any requirements under subsection 26 a. (ii) to (vii).
- f. An accessory building may be attached to the main building on the lot by way of an enclosed walkway or a breezeway; however the accessory building shall remain to be considered a separate, detached building.
- g. Further to 26 a. (i) of this Part, where residential uses may be permitted in a zone, an accessory building may be used for ancillary residential uses such as, but not limited to such residential uses as, a workshop, a washroom, a TV room, a play room, a recreation room or a swimming pool changing room, but an accessory building shall not be permitted to be used for any overnight accommodation of persons, unless specifically provided for in this By-law.
- h. No accessory building or structure shall be constructed prior to the time of construction of the main building to which it is accessory or prior to the establishment of the main use of the land where no main building is required, except in the CPR-3, IND-1, IND-2, C-1 or BD Zone.
-

HOME OCCUPATION REQUIREMENTS

- 7.27 Nothing in this By-law shall prevent the use of a residential dwelling or a residential dwelling unit for a home occupation provided that the residential dwelling or residential dwelling unit is a permitted use in that zone, and:
 - a. home occupations are limited to: an administrative office, artist workshop, business office, craft workshop, counseling office, domestic and household arts, instruction studio, service shop, repair shop (excluding small engine repair shops), personal grooming shop, personal service shop or clinic, professional office or residential day care centre;
 - b. home occupations are operated by the occupant of the main residential dwelling or dwelling unit located on the same lot;
 - c. the home occupation must be wholly contained within the main residential dwelling or dwelling unit located on the lot;
 - d. the home occupation shall not exceed twenty-five (25%) percent of the total ground floor area of the main residential dwelling or dwelling unit located on the lot;
 - e. an accessory building may be used for storage purposes only accessory to the operation of the home occupation and the storage area shall not exceed fifty (50%) percent of the total ground floor area of the accessory building;
 - f. further to Section 27 (e) of the Part, for the CPR-1, CPR-2 or CPR-3 Zones, only one (1) accessory building located on the lot shall be permitted to be used as a storage area accessory to the home occupation;
 - g. that one (1) off-street customer/client parking space, other than required for the residential use, is provided for every 20 sq. m (215 sq. ft.) of commercial floor space occupied by the home occupation;
 - h. for home occupations in the CPR-1, CPR-2 or CPR-3 Zones, only one (1) home occupation related vehicle is permitted to be located on the lot or operated from the lot
 - i. for home occupations in the CPR-1, CPR-2 or CPR-3 Zones, there shall no accessory outdoor storage or display permitted;
 - j. signage provisions for home occupations shall be as per Part 8 of this By-law; and
 - k. that the home occupation does not make use of equipment that is obnoxious by virtue of dust, odour, smoke, noise, or other emissions.

PERMITTED ENCROACHMENTS IN YARDS

7.28 Except for accessory buildings and structures, the following structures may project into or be located in a required yard, required by this By-law in accordance with the distances specified in the following table:

<u>Structure</u>	<u>Minimum Yard in Which Projection is Permitted</u>	<u>Maximum Projection from Main Wall Permitted</u>
Window bays, eaves gutters and chimneys	any required yard	1 m. (3.2 ft.)
Balconies & awnings	any required yard	2 m. (6.6 ft.)
Cantilever	front or rear	1 m. (3.2 ft.)
Fire escapes and exterior staircases	rear or side	2 m. (6.6 ft.)
Carports	side (not flankage)	2.5 m (8 ft.)
Handicap access	any yard	to the lot line

PERMITTED PUBLIC/PRIVATE UTILITIES & MUNICIPAL SERVICE FACILITIES

- 7.29 Unless otherwise prohibited in this By-law, public or private utilities and municipal service facilities may be located in any zone in the Planning Area or within the watercourse setback and no zone standard shall apply. No development permit shall be required for the development or redevelopment of any government owned, operated or maintained utility or municipal service facility.

AGRICULTURAL ANIMALS & FUR FARMING PROHIBITED

- 7.30 Unless otherwise permitted in this By-law:
- a. the housing, breeding, raising or keeping of agricultural animals, including horses, for any purpose is prohibited in all zones in the Cornwallis Park Planning Area.
 - b. the housing, breeding, raising or keeping of fur-bearing animals for the purposes of the production of pelts or products from fur-bearing animals is prohibited in all zones in the Cornwallis Park Planning Area.
 - c. an agricultural related industry does not include a use engaged in the slaughtering, rendering and/or processing of agricultural livestock and any such facilities incidental to their business administration, management, product processing, storage, sales and distribution.
 - d. an agricultural related use does not include an equine farm, involving services such as, but not limited to breeding, studing or sales, recreational equine farms offering products such as training, boarding or riding lessons

ADULT ORIENTED STORES & USES PROHIBITED

- 7.31 Notwithstanding anything else in this By-law, the development of an adult bookstore/video store, an adult retail store/sex shop, an adult entertainment use or a casino is prohibited in all zones in the Planning Area.

PROHIBITED MOTORIZED RACING TRACKS

- 7.32 Commercial or private use motorized vehicle race tracks, jump tracks, roads, trails, stadiums, arenas or any other such facilities or operations for motorized vehicles including, but not limited to, automobiles, motorcycles, snowmobiles or all terrain vehicles, shall be prohibited in all zones in the Planning Area.

PROHIBITED ANIMAL RACING TRACKS

- 7.33 Commercial uses, facilities or operations involving tracks for the racing of animals shall be prohibited in all zones in the Planning Area.

PROHIBITED PUBLIC/PRIVATE UTILITIES & MUNICIPAL SERVICE FACILITIES

- 7.34 Public or private utilities and municipal service facilities such as, waste disposal facilities, landfills, solid waste transfer stations and construction debris disposal sites shall be prohibited in all zones in the Planning Area.

PROHIBITED WIND FARMS AND WIND TURBINES

- 7.35 No large scale wind turbine shall be permitted to be developed in any zone in the Planning Area.
-

HABITATION OF VEHICLES

- 7.36 No automobile, truck, bus, coach, recreational vehicle, camper, or other motor vehicle, with or without wheels, shall be used for human habitation within the Planning Area, except for a recreational vehicle or a camper provided that such use:
- a. is limited to one recreational vehicle or camper on a lot at a time;
 - b. is not directly connected to municipal services;
 - c. does not occur for longer than a ninety (90) day period in a calendar year;
 - d. is not located within the required minimum front yard of the lot;
 - e. occurs only on a property with an established main residential building or occurs only on a property where a development permit has been issued for the construction of a main residential building on the property; and
 - f. for clarification purposes, no development permit is required for such uses as per sections (a) to (e), above.

PERMITTED MINI SCALE WIND TURBINES

- 7.37 Mini scale wind turbines shall be considered an accessory structure and shall be permitted in any zone in the Planning Area, but shall not:
- a. be built closer than one times (1.0) the total height of the wind turbine to any lot line;
 - b. be located within the front yard of a lot, except in a C-1, OS, IND-1, IND-2, or BD Zone;
 - c. exceed 13m (42.6 ft) in total height, except in a BD, OS, C-1, IND-1 or IND-2 Zone where the maximum total height shall not exceed 30 m (98.4 ft.);
 - d. exceed one (1) mini scale wind turbine on a lot, except in a BD, OS, C-1, IND-1 or IND-2 Zone, where no more than three (3) mini scale turbines shall be permitted on a lot; and
 - e. exceed 13m (42.6 ft) in total height in the CPR-1, CPR-3 or CPR-3 Zone;

PERMITTED SMALL SCALE WIND TURBINES

- 7.38 Small scale wind turbines shall be considered an accessory structure and shall be permitted in any zone in the Planning Area, but shall not:
- a. be built closer than one and a half times (1.5) the total height of the wind turbine to any lot line;
 - b. be located within the front yard of a lot, except in a IND-1, IND-2, C-1, OS or BD Zone;
 - c. exceed 13m (42.6 ft) in total height; except in a IND-1, IND-2, C-1, or BD Zone, where the maximum total height shall not exceed 46 m (150.9 ft.) and in the OS Zone where the maximum total height shall not exceed 76.2 m (250 ft.);
 - d. exceed one (1) small scale wind turbine on a lot, except in a IND-1, IND-2, C-1 or BD Zone where no more than three (3) small scale turbines shall be permitted on a lot and for the OS Zone where no maximum limit shall apply; and
 - e. be constructed prior to the time of construction of the main building to which it is accessory, except in the IND-1, IND-2, BD, C-1 or OS Zone.

NOTES TO READER

It should also be noted that while some uses may be prohibited or not be permitted to be developed in a specific zone or not permitted or prohibited anywhere within the Cornwallis Park Planning Area; this plan and by-law governs the use of land only for a small portion of the Municipality of the County of Annapolis and while land uses are not regulated throughout the majority of the Municipality; those prohibited or non-permitted uses may be permitted elsewhere in the Municipality.

PART 8 SIGNS

GENERAL

8.1 Where the provisions in this By-law are inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province, the more restrictive regulations shall apply. For the purposes of this By-law a sign shall mean a commercial sign and no person shall erect a commercial sign without first obtaining a development permit from the Development Officer and no development permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied and all signs and parts thereof, shall be constructed and maintained in compliance with the Building Code By-law.

LIMIT ON THE NUMBER OF SIGNS

8.2 For the purpose of this Part, where a lot or building is occupied by more than one business, each business shall be considered a separate premise. Notwithstanding the other requirements of this By-law there is no maximum limit on the number of signs permitted that may be erected on any premise at any one time.

SIGNS PERMITTED IN ALL ZONES

8.3 Unless otherwise prohibited or regulated in this By-law, the following signs are permitted in all zones and no development permit is required:

- a. Signs identifying the name and address of a property resident, and no more than .4 sq. m. (4 sq. ft.) in sign area.
- b. Real estate, lease or rental signs not exceeding 1 sq. m (10.8 sq. ft.) in sign area in any residential zone, and 3 sq. m (32.3 sq. ft.) in all other zones. "No trespassing" signs, and of not more than 1.2 sq. m (13 sq. ft.) in sign area;
- c. Signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction to or function or use of a building or premises;
- d. Signs erected by a governmental authority or under the direction of such an authority such as but not limited to; traffic signs, public facilities signs, public election lists, directory signs identifying the names and locations of businesses or organizations and community name signs not displaying any form of advertisement;
- e. Signs on mailboxes or newspaper tubes or signs that advertise a form of payment acceptable by the merchant including signs that constitute an integral part of a vending machine or devices that indicate the time, date or weather conditions or similar device whose principal function is not to convey an advertising message;
- f. Signs erected on private property identifying a community name or community facility which do not display any form of commercial advertising;
- g. Signs that do not exceed .4 sq. m (4 sq. ft.) in sign area and that convey the message that a business enterprise is open or closed or that a place of lodging has or does not have a vacancy;
- h. A sign having an area of not more than 10 sq. m (108 sq. ft.) incidental to construction and within the area designated for such purposes and erected only during the period of construction;
- i. Memorial signs or tablets and signs denoting the history and/or date of a site, building or structure; and
- j. The flag, pennant, banner, or banner of any government authority or of any religious, charitable or fraternal or corporate organization.

SIGNS PROHIBITED IN ALL ZONES

8.4 The following signs shall not be permitted in any zone:

- i. Any sign or sign structure which constitutes a hazard to public safety, including signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility/effectiveness of any traffic sign/control device on public streets, or which may be confused with any traffic sign/control device;
- ii. Signs not erected by a governmental authority which make use of words such as "STOP", "LOOK", "ONE WAY", "YIELD", or any similar words, phrases, symbols, lights, characters, or colours such as directional arrows in such a manner or location as to interfere with, mislead, or confuse traffic;
- iii. 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 of any description;
- iv. Any sign which obstruct free ingress to or egress from a fire escape door, window, or other required exit-way; and
- v. Signs on public property or a public right-of-way unless erected by a governmental authority, permission to erect the sign is granted by the public authority or the sign is required to be so located by order of a governmental authority.

FACIAL WALL SIGNS

8.5 No facial wall sign shall:

- a. extend above the top of the wall on which the sign is placed;
- b. extend beyond the extremities of the wall on which the sign is attached to;
- c. project more than 0.3 m (1 ft.) from the wall on which the sign is attached to.

PROJECTING WALL SIGNS

8.6 No projecting wall sign shall:

- a. exceed 0.75 sq. m (8 sq. ft.) in sign area unless the sign, supporting structure and installation method of the sign are designed by a qualified professional;
- b. project beyond a property line, driveway, entrance or exit access or ramp or parking aisle or area;
- c. project into or over any public property or a corner sight triangle; and
- d. project above the top of the wall on which the sign is attached to.

TEMPORARY SIGNS

8.7 Temporary signs used for the advertisement of special events or occasions, sales, relocation's and similar purposes shall be placed not more than fifteen (15) days prior to the occasion and shall be removed within forty-eight (48) hours of the completion of the occasion and shall be limited to no more than three such signs in any premises and shall not be counted in addition to other signs permitted in accordance with the other requirements of this Part.

GROUND SIGNS

8.8 No ground sign shall:

- a. project beyond a property line or into a corner sight triangle;
- b. have more than five (5) signs per business on a supporting structure;
- c. in the case of a ground sign such as a folding or sandwich sign the sign shall not be located on public property or be placed in a corner sight triangle.

ROOF SIGNS

8.9 No roof signs shall be permitted unless the roof sign, supporting structure and installation method of the sign are designed by a qualified professional.

SIGNS IN A CPR-1, CPR-2, or CPR-3 ZONE

8.10 Unless permitted under Section 8.3 of this Part:

- i. Accessory to the home occupation on a lot:
 - a. no sign shall be back-lit illuminated;
 - b. no ground sign shall be erected that is mobile or portable in nature;
 - c. no ground sign shall exceed 0.75 sq. m. (8 sq. ft.) in single face area;
 - d. only one (1) double faced ground sign shall be permitted; and
 - e. only one (1) facial wall sign or projecting wall sign that meets the requirements of Part 8.6 or 8.7 of this Part shall be permitted.
- ii. No off-premise commercial advertising sign shall be permitted.

PART 9 RESIDENTIAL (CPR-1) ZONE

CPR-1 USES PERMITTED

9.1 The following uses shall be permitted in a Residential (CPR-1) Zone:

Single Detached Dwellings	Duplex or Semi-Detached Dwellings
Group Care Facility Dwellings	Double Dwellings
Townhouse / Rowhouse Dwellings	Residential Day Care Centres
Bed and Breakfast Establishments	
Home Occupations, subject to the requirements of Part 7, Section 27	

CPR-1 EXISTING LOT ZONE REQUIREMENTS

9.2 For an existing lot, no development permit shall be issued in a Residential (CPR-1) Zone unless it is served by central sewer and water and is in conformity with the following requirements:

Minimum Lot Frontage	11.0 m (36.09 ft.)	Minimum Lot Area	330.0 sq. m. (3,552.09 sq. ft.)
Minimum Front Yard	3.0 m. (9.84 ft.)	Minimum Side Yard	1.2 m. (3.94 ft.)
Minimum Rear Yard	3.0 m. (9.84 ft.)	Maximum Height of any Building/Structure	13 m. (42.6 ft.)

CPR-1 NEW LOT ZONE REQUIREMENTS

9.3 For a new lot, no development permit shall be issued in a Residential (CPR-1) Zone unless it is served by central sewer and water and is in conformity with the following requirements:

Minimum Lot Frontage	15.24 m (50.0 ft.)	Minimum Lot Area	464.52 sq. m. (5,000.05 sq. ft.)
Minimum Front Yard	3.0 m. (9.84 ft.)	Minimum Side Yard	3.0 m. (9.94 ft.)
Minimum Rear Yard	3.0 m. (9.84 ft.)	Maximum Height of any Building/Structure	13 m. (42.6 ft.)

SPECIAL REQUIREMENT: ARCHITECTURAL DESIGN STANDARDS

9.4 No development permit shall be issued in a Residential (CPR-1) Zone for the development of a single detached residential dwelling structure where the length of which exceeds the width by a ratio of greater than three to one. For the purposes of this Part, the width and length of any such structure of irregular width or length shall be based on the dimensions of the main body of the structure, ignoring the effect of decks, patios, covered porches, attached garages, carports, steps, stairs, landings, minor additions such as small mud rooms, and the like; in the case of very irregular structures, the average width and length shall be calculated in proportion to the occurrence of various dimensions along each side.

PART 10 GENERAL RESIDENTIAL (CPR-2) ZONE

CPR-2 USES PERMITTED

10.1 The following uses shall be permitted in a General Residential (CPR-2) Zone:

Single Detached Dwellings
 Double Dwellings
 Duplex or Semi-Detached Dwellings
 Multiple Unit Dwellings
 Townhouse / Rowhouse Dwellings
 Senior Citizen Apartment Dwellings
 Nursing Homes
 Group Care Facility Dwellings
 Homes for Special Care Facilities
 Continuum Care Residential Community
 Addictions Rehabilitation and Counselling Centres
 Existing 25 Yard Shooting Range on PID No. 05288909
 Home Occupations, subject to the requirements of Part 7, Section 27

CPR-2 ZONE REQUIREMENTS

10.2 No development permit shall be issued in a General Residential (CPR-2) Zone unless it is served by central sewer and water and is in conformity with the following requirements:

Minimum Lot Frontage	15.24 m (50.0 ft.)	Minimum Lot Area	464.52 sq. m. (5,000.05 sq. ft.)
Minimum Front Yard	3.0 m. (9.84 ft.)	Minimum Side Yard	3.0 m. (9.94 ft.)
Minimum Rear Yard	3.0 m. (9.84 ft.)	Maximum Height of any Building/Structure	13 m. (42.6 ft.)

SPECIAL REQUIREMENT: SECOND PERMITTED USE

10.3 A minimum of 6 m. (19.7 ft.) is required between each General Residential (CPR-2) Zone main permitted use developed on a lot in the General Residential (CPR-2) Zone.

SPECIAL REQUIREMENT: ARCHITECTURAL DESIGN STANDARDS

10.4 No development permit shall be issued in a General Residential (CPR-2) Zone for the development of a single detached residential dwelling structure where the length of which exceeds the width by a ratio of greater than three to one. For the purposes of this Part, the width and length of any such structure of irregular width or length shall be based on the dimensions of the main body of the structure, ignoring the effect of decks, patios, covered porches, attached garages, carports, steps, stairs, landings, minor additions such as small mud rooms, and the like; in the case of very irregular structures, the average width and length shall be calculated in proportion to the occurrence of various dimensions along each side.

PART 11 CONDOMINIUM RESIDENTIAL (CPR-3) ZONE**CPR-3 USES PERMITTED**

11.1 The following uses shall be permitted in a Condominium Residential (CPR-3) Zone:

Townhouse / Rowhouse Dwellings
Home Occupations, subject to the requirements of Part 7, Section 27

CPR-3 ZONE REQUIREMENTS

11.2 No development permit shall be issued in a Condominium Residential (CPR-3) Zone unless it is served by central sewer and water and is in conformity with the following requirements:

Minimum Lot Frontage	15.24 m (50.0 ft.)	Minimum Lot Area	464.52 sq. m. (5,000.05 sq. ft.)
Minimum Front Yard	3.0 m. (9.84 ft.)	Minimum Side Yard	3.0 m. (9.94 ft.)
Minimum Rear Yard	3.0 m. (9.84 ft.)	Maximum Height of any Building/Structure	13 m. (42.6 ft.)

SPECIAL REQUIREMENT: ACCESSORY BUILDINGS

11.3 Accessory buildings related to the operation of a condominium corporation, which notwithstanding the definition of an Accessory Building in Part 2 Definitions of this By-law, may be located on a property owned by the condominium corporation, including that property occupied by the condominium project.

PART 12: INDUSTRIAL PARK (IND-1) ZONE**IND-1 USES PERMITTED**

12.1 The following uses shall be permitted in an Industrial Park (IND-1) Zone:

Light and Heavy Industrial Uses such as Manufacturing, Assembling and Processing Operations
Any activity connected with the Motor Vehicle Trade, including sales, service, inspection, maintenance, washing, towing, impounding, repair, and manufacturing of motor vehicles (except for salvage yards and scrap yards)

Artisan Workshops	Custom Workshops	Batching Plants
Bulk Storage Facilities	Storage Facilities	Self Storage Facilities
Machine Shops	Metal Working Shops	Cold Storage Facilities
Auction Houses	Rent-all Shops	Government Offices
Display Courts	Service Industries	Craft workshops
Service Shops	Repair Shops	Maintenance Shops
Administrative Offices	Business Offices	Professional Offices

Wholesale Establishments	Warehouse and Distribution Centres
Secondary Forestry Product Processing	Domestic and Household Arts
Store Front Recycling Centres	Recycling Depots
Construction Industry Uses	Building Supply Stores
Truck Transfer/Transport Operations	

Commercial and Retail Uses Accessory to the Main Industrial Use on the same lot

IND-1 ZONE REQUIREMENTS

12.2 No development permit shall be issued in an Industrial Park (IND-1) Zone unless it is served by central sewer and water and is in conformity with the following requirements:

Minimum Lot Frontage	12.0 m (39.4 ft.)	Minimum Lot Area	460 sq. m. (4,951.4 sq. ft.)
Minimum Front Yard	Nil (0 ft.)	Minimum Side Yard	1.2 m. (3.93 ft.)
Minimum Rear Yard	Nil (0 ft.)	Maximum Height of any Building/Structure	15 m. (49.21 ft.)

SPECIAL REQUIREMENT: FLAG LOTS CREATED AFTER THE ADOPTION OF THIS BYLAW

12.3 Notwithstanding Section 12.2 of this Part, in the Industrial Park (IND-1) Zone a development permit may be issued for a development permitted in the Industrial Park (IND-1) Zone on a "flag" lot provided the following provisions are met:

- a. the minimum lot area shall be 560 sq. m. (6,027.8 sq. ft.);
 - b. the minimum lot frontage shall be 9 m. (29.53 ft.);
 - c. the minimum front and rear yard shall be 9.1 m. (29.9 ft.); and
 - d. the minimum side yards shall be 3.1 m. (10.17 ft.).
-

PART 13: BUSINESS DEVELOPMENT (BD) ZONE**BD USES PERMITTED**

13.1 The following uses shall be permitted in a Business Development (BD) Zone:

Conference and Convention Facilities	Call Centres
Banks and Financial Institutions	Data Processing Centres
Hotels and Motels	Barracks
Storage and Self-storage Facilities	Auction Houses
Restaurants, Drive-In or Take-Out	Instruction Studios
Licensed Liquor Establishments	Display Courts
Funeral Homes	Artisan Workshops

Research Centres, Training and Educational Facilities, Private and Commercial Schools
 Public Schools, Universities, Community Colleges, Libraries, Museums and Concert Halls
 Commercial Recreation Centres, Commercial Entertainment Centres and Commercial Clubs
 Retail / Video Stores, Shopping Centres, Strip Malls and Fitness Centres
 Service and Repair Shops, Artist and Craft Workshops and Domestic and Household Arts Shops
 Personal Service Shops and Clinics, Personal Grooming Shops and Counselling Offices
 Community Centres, Institutional Uses, Fraternal Centres and Private Clubs and Art Galleries
 Medical Practitioner Offices and Clinics and Veterinary Offices and Clinics
 Government Offices, Business Offices, Professional Offices and Administrative Offices
 Marina, Yacht Clubs, Ship Chandlery Facilities, Wharves, Piers and Moorage facilities
 Marine Fueling Stations, Boat and Marine Sales, Service and Rental Facilities
 Boat Construction, Building and Repair Facilities, Fishery and Marine Related Uses

BD ZONE REQUIREMENTS

13.2 No development permit shall be issued in a Business Development (BD) Zone unless it is served by central water and sewer and is in conformity with the following requirements:

Minimum Lot Frontage	12.0 m (39.4 ft.)	Minimum Lot Area	460 sq. m. (4,951.4 sq. ft.)
Minimum Front Yard	Nil (0 ft.)	Minimum Side Yard	1.2 m. (3.93 ft.)
Minimum Rear Yard	Nil (0 ft.)	Maximum Height of any Building/Structure	15 m. (49.21 ft.)

SPECIAL REQUIREMENT: FLAG LOTS CREATED AFTER THE ADOPTION OF THIS BYLAW

13.3 Notwithstanding Section 13.2 of this Part, in the Business Development (BD) Zone a development permit may be issued for a development permitted in the Business Development (BD) Zone on a "flag" lot provided the following provisions are met:

- a. the minimum lot area shall be 560 sq. m. (6,027.8 sq. ft.);
 - b. the minimum lot frontage shall be 9 m. (29.53 ft.);
 - c. the minimum front and rear yard shall be 9.1 m. (29.9 ft.); and
 - d. the minimum side yards shall be 3.1 m. (10.17 ft.).
-

PART 14: HIGHWAY COMMERCIAL (C-1) ZONE**C-1 USES PERMITTED**

14.1 The following uses shall be permitted in a Highway Commercial (C-1) Zone:

Administrative Offices	Business Offices
Professional Offices	Government Offices
Instruction Studios	Research Facilities
Data Processing Centres	Call Centres
Fitness Centres	Taxi and Bus Stations
Restaurants	Retails / Video Stores
Artist and Craft Workshops	Fraternal Centres
Garden Centres	Farm Markets
Auction Houses	Rent-all Shops
Self-storage Facilities	Storage Facilities
Service Shops	Repair Shops
Laundromats	Display Courts
Commercial Clubs	Private Clubs
Commercial School	Private Schools
Artisan Workshops	Personal Service Clinics
Personal Grooming Shops	Personal Service Shops
Shopping Centres and Malls	Strip Malls
Dry Cleaning Establishments	Commercial Recreation Centres
Commercial Entertainment Centres	Wholesale Establishments
Banks and Financial Institutions	Drive-in or Takeout Restaurants
Warehouse and Distribution Centres	Store Front Recycling Centres
Medical Practitioner Offices and Clinics	Veterinary Offices and Clinics
Domestic and Household Arts Shops	Counselling Offices
Truck Transfer and Transport Operations	Licensed Liquor Establishments
Restaurants, Drive In or Take Out	

Gasoline Service Stations, Gas Bars, Motor Vehicle Sales, Service and Wash Establishments
Existing Single Unit Dwelling, 1141 Highway 1, Cornwallis Park, PID No. 05205141

C-1 ZONE REQUIREMENTS

14.2 No development permit shall be issued in a Highway Commercial (C-1) Zone unless it is served by central sewer and water and is in conformity with the following requirements:

Minimum Lot Frontage	12.0 m (39.4 ft.)	Minimum Lot Area	460 sq. m. (4,951.4 sq. ft.)
Minimum Front Yard	Nil (0 ft.)	Minimum Side Yard	1.2 m. (3.93 ft.)
Minimum Rear Yard	Nil (0 ft.)	Maximum Height of any Building/Structure	15 m. (49.21 ft.)

PART 15: WALDECK INDUSTRIAL (IND-2) ZONE**IND-2 USES PERMITTED**

15.1 The following uses shall be permitted in a Waldeck Industrial (IND-2) Zone:

Light and Heavy Industrial Uses such as Manufacturing, Assembling and Processing Operations
Any activity connected with the Motor Vehicle Trade, including sales, service, inspection, maintenance, washing, towing, impounding, repair, and manufacturing of motor vehicles (except for salvage yards and scrap yards)

Artisan Workshops	Custom Workshops	Display Courts
Batching Plants	Bulk Storage Facilities	Service Industries
Storage Facilities	Self Storage Facilities	Craft Workshops
Machine Shops	Metal Working Shops	Data Processing Centres
Auction Houses	Rent-all Shops	Service Shops
Repair Shops	Cold Storage Facilities	Call Centres
Administrative Offices	Business Offices	Professional Offices
Government Offices	Campgrounds	Taxi and Bus Stations
Recycling Depots	Salvage Yards	Scrap Yards
Kennel/Grooming Salons	Hotels and Motels	Store Front Recycling Centres
Veterinary Offices	Veterinary Clinics	Animal Hospitals

Agricultural Related Industries	Agricultural Related Uses
Construction Industry Uses	Building Supply Stores
Wholesale Establishments	Warehouse and Distribution Centres
Primary Forestry Operations	Secondary Forestry Product Processing
Motor Vehicle Impound Facilities	Truck Transfer/Transport Operations
Extractive Related Facilities	Excavation Operations
Animal Rescue and Rehabilitation Centres	
Gas Bars / Gasoline Service Stations and Service Stations	
Electrical Production Industries except large scale wind turbines	
Commercial Composting, Soil Mixing, Blending or Storage Operations or Facilities	
Funeral Homes, Cemeteries, Funeral Monument Sales and Display Outlets	
Commercial and Retail Uses Accessory to the Main Industrial Use on the same lot	

IND-2 ZONE REQUIREMENTS

15.2 No development permit shall be issued in a Waldeck Industrial (IND-2) Zone unless it is served by central sewer and water and is in conformity with the following requirements:

Minimum Lot Frontage	12.0 m (39.4 ft.)	Minimum Lot Area	460 sq. m. (4,951.4 sq. ft.)
Minimum Front / Rear Yard	Nil (0 ft.)	Minimum Side Yard	1.2 m. (3.93 ft.)
Maximum Height of Any Building			16 m. (52.5 ft.)
Maximum Height of any Structure			55 m. (180.5 ft.)

PART 16: ENVIRONMENTAL OPEN SPACE (OS) ZONE**OS USES PERMITTED**

16.1 The following uses shall be permitted in an Environmental Open Space (OS) Zone:

Conservation Related Uses and Structures
 Forestry Uses (excluding buildings and structures accessory to the operation of the forestry use)
 Single Detached Dwellings

OS ZONE REQUIREMENTS

16.2 No development permit shall be issued in the Environmental Open Space (OS) Zone unless in conformity the following requirements:

Minimum Lot Frontage	76.0 m (249.4 ft.)	Minimum Lot Area	2.0 ha. (4.94 acres.)
Minimum Front Yard	10.0 m. (32.8 ft.)	Minimum Side Yard	10.0 m. (32.8 ft.)
Minimum Rear Yard	10.0 m. (32.8 ft.)	Maximum Lot Coverage of Main Building	1.0%
Maximum Height of Any Building			16 m. (52.5 ft.)
Maximum Height of any Structure			55 m. (180.5 ft.)

NOTE: no lot size minimum applies to lots created for a utility purpose.

