



# COUNTY *of* ANNAPOLIS

NATURALLY ROOTED

## Cornwallis Park Plan Review

**DRAFT LAND USE BYLAW**

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PREPARED FOR: MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

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# CORNWALLIS PARK LAND USE BYLAW

## Part 1 TITLE, INTRODUCTION AND PURPOSE

### SECTION 1.1 TITLE

This document and all attachments hereto, including the Schedule A 'Zoning Map', shall be cited as the "Cornwallis Park Land Use Bylaw" for the Municipality of the County of Annapolis.

### SECTION 1.2 PURPOSE

Through the policies of the Secondary Planning Strategy, and in accordance with the *Municipal Government Act (MGA)*, the purpose of the Land Use Bylaw is to regulate the use, density and development of land, buildings and future growth within Cornwallis Park by assigning a series of zoning categories to land throughout the community, and prescribing the permitted and other uses of land, development standards, and development design requirements, where applicable, for each zone.

The intent of the Land Use Bylaw (LUB) is to ensure orderly, efficient, and sustainable development that maintains and enhances local community character and sense of place, while ensuring managed change and economic opportunity through clearly defined rules and regulations.

The County of Annapolis' Subdivision Bylaw administers the subdivision of land within the community. Collectively, the Secondary Planning Strategy, this Land Use Bylaw, and the Subdivision Bylaw provide for the framework for planning and development in Cornwallis Park.

### SECTION 1.3 APPLICATION

The provisions of the Land Use Bylaw shall apply to the whole of the area and all lands located within the Planning Area Boundary of Cornwallis Park, as attached to this Land Use Bylaw, and as defined by the Zoning Map. Unless otherwise provided, no lands or the surface of the water shall be used, and no buildings or structures shall be erected, structurally altered, or enlarged, moved, or used, unless in conformity with the Land Use Bylaw, and the contrary shall be unlawful.

The Land Use Bylaw is to serve as a complementary and companion document to the Secondary Planning Strategy, the land use policy guide for Cornwallis Park. As the Secondary Plan is reviewed and updated, the Land Use Bylaw is also being updated and revised to support the intent of the Plan.

### SECTION 1.4 INTERPRETATION

1. Words used in the present tense shall include the other tenses and derivative forms; words used in the singular include the plural and vice versa; and the word 'person' includes a corporation, firm, partnership, trust, and other similar entities, as well as an individual. Words also have the same meaning whether they are capitalized or not. The word "used" includes "arranged to be used," "designed to be used," and "intended to be used,"
2. Words 'shall' and 'is' require mandatory compliance except where a variance has been granted pursuant to this Bylaw and to the provisions of the *Municipal Government Act*.
3. Words, phrases, and other terms defined in this Bylaw, not in the *Municipal Government Act*, shall be given their usual and customary meaning in the context in which they are used in the Land Use Bylaw.
4. The Development Officer shall administer the Land Use Bylaw, and shall additionally interpret, where necessary, the Land Use Bylaw for Council, residents, property owners, business persons, land developers and other individuals. If ambiguity, or other issues arise, housekeeping amendments may be proposed once a year to add clarity.

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5. In the event of a conflict between the provisions of the Land Use Bylaw, and the provisions of any other standard or requirement for Cornwallis Park, the most restrictive provisions shall apply.
6. Where there is a conflict between the Land Use Bylaw and the *Municipal Government Act*, the *Municipal Government Act* shall apply.
7. If any regulation, provision, or requirement of the Land Use Bylaw is for any reason held to be invalid by a decision of a Court, such decision will not affect the validity of the remaining portions of the Land Use Bylaw.

## SECTION 1.5 GRAPHICS

To assist with the understanding of the concepts and requirements of the Land Use Bylaw, graphic sketches and photos are used in varied regulations within the document.

## SECTION 1.6 UNITS OF MEASUREMENT

Metric units of measurement for the area size of parcels of land, for floor area and similar measurements are used throughout the Land Use Bylaw, with imperial measurements also provided, in parentheses for clarity. Residential densities are expressed as a specified maximum number of dwellings per hectare and acre of land, or portion thereof.

Calculations determining the maximum number of parking spaces shall be rounded up to the nearest whole number.

Where a lot contains more than one zone, each zoned area shall be treated as a separate lot for the purpose of calculating minimum lot area (where applicable), lot width, and maximum lot coverage. All uses that are accessory to a principal use shall be provided within the area zoned for the principal use.

## SECTION 1.7 STANDARD ABBREVIATIONS

Throughout the Land Use Bylaw, the following standard abbreviations may be used to allow for a more concise format:

Abbreviation	Term
Ft	feet
sf / sq ft / ft <sup>2</sup>	square feet
M	meter or metre or meters
sm / sq m / m <sup>2</sup>	square meters
Ha	hectare or hectares (unit of area equal to 10,000 square meters)
LUB	Land Use Bylaw
SPS	Secondary Planning Strategy
NS	Province of Nova Scotia
MGA	Municipal Government Act of Nova Scotia
ABDS	Annapolis Basin Development Society
CSA	Canadian Standards Association
ESA	Environmentally Sensitive Area

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## Part 2 DEFINITIONS

For the purpose of this Bylaw, all words shall carry their customary meaning in the English dictionary except for those defined in this PART.

**ABUTTING** means to share one or more common lot lines or a common point along a lot line.

**ACCESS** means a way or method of approach or entry either utilized or intended to be used by pedestrians, animals, or vehicles to go from a street to adjacent or nearby land, or to go from land to street.

**ACCESSORY BUILDING** means a subordinate building or structure devoted exclusively to an accessory use on the same lot as the main building.

**ACCESSORY EMPLOYEE RESIDENTIAL** means a self-contained residential dwelling use of a maximum floor area size of 148.6 sq m (1,600 sq ft) that is secondary to the principal business use, and is used for a maximum of one dwelling unit for one or more employees of the business operating on the lot, or for industrial uses, as a residential use on an adjacent lot that is housing workers of the industrial business.

**ACCESSORY RESIDENTIAL** means a dwelling unit that is secondary in use and size to a principal residential detached home, and may include a secondary basement suite, an attached granny suite addition to an existing home, a carriage house apartment, a backyard cottage, or a tiny home.

**ACCESSORY RETAIL** means a retail sales floor area space within an Industrial-zoned building that is limited to 10% of the floor area of a building which contains the industrial use, and where the retail product for sale is a product processed, assembled, manufactured, fabricated, or otherwise produced by the principal use facility.

**ACCESSORY USE** means a use subordinate and normally incidental to a use of land or building and located on the same lot.

**ACT** means the Municipal Government Act of Nova Scotia.

**ADJOINING** means having a common boundary or sharing a common wall.

**ADULT CARE** means a premise where individual apartment residential units for senior residents are provided in conjunction with common facilities such as a dining room and recreational/social activities, and where adult care carries the same meaning as congregate care.

**ADULT ENTERTAINMENT USE** means any premises or part thereof where objects and/or services, including entertainment, of a sexual nature, excluding contraceptives, are sold or offered for sale, and includes all adult entertainment products and services, adult entertainment dancing and striptease, body rub parlour, adult movie theatre, adult video store, adult retail store, escort service or similar uses.

**ADVERTISEMENT** means any word, letter, model, sign, placard, board, computerized reader board, billboard, notice, computerized screen, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for promoting, advertising, displaying, directing or announcing, by visible or other means, a product, service, place or event; excluding such activities or announcements utilized as a memorial, and any functional advertisement of the Municipality, or other local authorities, public utilities and public transportation carriers.



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**AGRICULTURAL CULTIVATION** refers to the limited use of land for the seeding and planting, growing and cultivation of varied agricultural crops including fruit growing, grain growing, vegetable and herb crops, hops, and similar field plantings, and nursery trees.

**AGRICULTURAL** means a USE of land and buildings for farming such as but not limited to, dairying, pasturage, agriculture, apiculture, aquaculture, floriculture, horticulture, animal and poultry husbandry, equine farms, and the growing, rearing, producing and harvesting of agricultural products including fruit, grain, and seed growing, and the preliminary grading of such products for shipment, and the breeding or rearing of livestock in accordance with the limitations defined by animal unit, (and in conformance with the NS Department of Agriculture) including any animal kept for the production of food and wool, or for the purpose of its use in the farming of land, the use of land for grazing, meadow land, osier land, market gardens, nursery grounds, and the storage of farm machinery, implements and agricultural supplies and repairs to farm machinery used on that land. Excluded uses consist of all manufacturing, any processing, storage and/or repairs not specifically included in this definition. For the purpose of the Bylaw an “agricultural use” does not mean the use of land, buildings and/or structures for the purpose of housing or raising fur-bearing animals for the purposes of the production of pelts or products from fur-bearing animals.

**AGRICULTURAL, SMALL SCALE** means an accessory use providing for the growing and rearing of agricultural products and animals primarily for the consumption by or use of the principal occupants of the property, where agricultural animals are limited to hens on a basis of 1 hen per 1,100 square meters (11,840.6 square feet) of lot area.

**APPLICANT** means a person who has applied to the Municipality of the County of Annapolis for an approval or permit to carry out a land or building development.

**APPEAL BOARD** refers to the Nova Scotia Utility and Review Board established under the Act.

**APPURTENANCES** refer to architectural features added to the main body of a building, including awnings, canopies, balconies, turrets, cupolas, spires, belfries, dormers, and chimneys.

**ARTERIAL STREET** means a street that serves and functions as a main traffic artery or vehicular route of the community.

**ARTIST LIVE-WORK STUDIOS** refers to a joint residential-business use intended to provide a residential dwelling unit and workspace to artists and serve as a tourism draw to accommodate artists of varied mediums to conduct their profession and have residential dwelling accommodation within one floor space or building area.

**ASSEMBLY** means a use which provides for the gathering of persons for religious, charitable, philanthropic, cultural, recreational, entertainment or educational purposes; includes churches, monasteries, cultural Centres, cultural events, outdoor concerts, auditoriums, youth and senior Centres, social halls, banquet, meeting and reception rooms, group camps, performing arts theatres and similar community functions and events.

**AUTHORITY** refers to the Municipality of the County of Annapolis Council and other authorized administrators such as Province of Nova Scotia or a regional administrative entity.

**AUTO BODY REPAIR** means an industrial use for the repair, painting, fabrication and detailing of the body of auto motor vehicles.

**AUTOMOTIVE REPAIR** means an industrial use for the repair and maintenance of motor vehicles.

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**BACKYARD SUITES** are defined as separate free-standing buildings situated within the rear yard area of single unit residential home compact lot in the form of an accessory residential dwelling as a granny suite cottage or as a tiny home or built over an accessory garage as a carriage house, and where a maximum of one accessory residential dwelling is permitted on a lot.

**BARE LAND CONDOMINIUM** refers to the subdivision of land into lots and common property, where the bare land condominium lots may be sold as individual lots, and where the common property on the subdivision site such as parkland, internal roads, infrastructure services, recreational and amenity facilities are deemed as common assets to all the bare land strata owners and must be maintained by the lot owners.

**BED AND BREAKFAST** means a business operated under the Tourist Accommodation Registration Act and Regulations and conducted by the members of a family as an accessory home based business providing temporary sleeping accommodation and a morning meal, for a prescribed charge on a daily basis, and where such accommodation consists of not more than 3 sleeping rooms within the principal dwelling unit, and where the maximum length of stay for any patron shall not be more than 45 consecutive days in a 12 month period.

**BOARDING** means an accessory use providing for the lodging and for the paid accommodation of persons, other than the immediate family of the homeowner or tenant, and that is contained entirely within a single unit residential dwelling and is limited to not more than 3 bedrooms and a maximum of 3 persons. Meals for boarders are available from the single unit residential dwelling.

**BUFFER STRIP** means a treed or landscaped area intended to separate and screen the view of abutting land uses or properties from each other.

**BUILDING** means every constructed structure used or intended for supporting or sheltering any residential, commercial, industrial, public use and other like uses or occupancies, and also means every erection, alteration or improvement whatsoever placed on, over or under land, or water, or attached to an existing building, and any part of a building as so defined, including any fixtures that form part of a building.

**BUILDING AREA** means that portion of a lot that does not contain an undevelopable environmentally sensitive area or hazardous lands and is available for accommodating a building in accordance with the permitted uses, siting, size, and dimension regulations in this bylaw.

**BUILDING FOOTPRINT** means the ground level, main floor area of a building or structure on a lot or property, and thereby represents the building's footprint on the land.

**BUILDING OFFICIAL** means the person employed by the Municipality to review and approve building permit applications, and to enforce the provisions of the Nova Scotia Building Code Act other related legislation and bylaws.

**BUILDING SUPPLIES STORE** a commercial retail store of hardware, home-ware, equipment and related goods and materials, and providing for the storage and sale of lumber and building materials, where the storage of screened and covered lumber as an accessory enclosed storage use cannot exceed 15% of the floor area size of the building.

**BYLAW** means this Bylaw, which is the Land Use Bylaw for the Cornwallis Park Secondary Planning area of the Municipality of the County of Annapolis

**CABARET** means a commercial business use providing for the sale and consumption of alcoholic beverages, with or without service of food, in which patron dancing to live or recorded music is available on a

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dance floor, and includes a nightclub, but excludes standalone pubs, and lounges and pubs within a hotel, and adult entertainment use.

**CAMPGROUND** means a use providing for the provision of space for temporary overnight accommodation of the travelling public in camper trailers, tents or to park a recreational vehicle that is licensed under the *Tourist Accommodation Registration Act* and Regulations, and may include a campground office for guest registration, accessory dining, convenience store, laundry facilities and indoor amenity space.

**CARRIAGE HOUSE** is a smaller, secondary apartment built over an accessory garage as a separate but accessory residential dwelling unit with a minimum floor area size of 60.4 sq m (650.1 sq ft), and a maximum size of 40% of the total floor area of the principal residential home on the lot.

**CEMETERY** means a facility or land area reserved and dedicated to the burial of the dead and includes a crematorium, mausoleum, mortuary, and related maintenance facility.

**CHILD CARE CENTRE** means a personal care commercial use that includes a building or part of a building with services and regular activities for children for group day care, family day care, pre-school, play school, out-of-school care, specialized day care and emergency day care, all as licensed and regulated by the Province of Nova Scotia. A childcare centre, that is to be operated as a home-based business use, shall be limited to a maximum of 6 children.

**CIVIC USE** means a use providing for public use functions by federal, provincial and municipal governments, and also by a public-school board, college board, or library board; includes municipal, provincial and federal offices, schools, colleges, museums and archives, libraries, community centres, public recreational facilities including arenas and stadiums, correctional facilities, courts of law, exhibition grounds, municipal yards, public swimming pools, and public washrooms. A civic use may also include specific community programs such as a food bank.

**CLUB OR LODGE** means a building or structure, or part thereof, used by a non-profit association or business organization for fraternal, social or recreational purposes. A commercial club refers to the use of a building space for a meeting place operated for gain/profit, and a private club means the use of a building for a meeting place for members of an organization, fraternal centre, lodge, or labour union hall; excludes adult entertainment use.

**CLUSTER RESIDENTIAL DEVELOPMENT** means lots or multi-unit residential dwelling units arranged and sited on a portion of the development property in a manner to preserve areas of environmental sensitivity or wildlife habitat, or to preserve and accentuate open green space, as may be applicable for the design and layout of medium density and multi-unit residential development.

**CLUSTER** allows for up to 6 residential dwelling units per cluster, and multiple detached or attached units on the same lot, where the cluster has frontage on a road but the individual units are not required to meet the lot frontage requirements.

**COMMERCIAL EDUCATIONAL AND LEARNING CENTRE** means a learning or educational Centre whether conducted for monetary compensation or not, and includes a privately operated school, college, or university as well as similar uses such as but not limited to a language training and driving school but does not include daycares.

**COMMERCIAL OUTDOOR RECREATION USE** means a use providing for extensive open-air commercial recreation facilities and the minor retail sales and services customarily associated with such facilities; without

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limiting the generality of the foregoing, includes drive-in theatres, golf courses, driving ranges, sports clubs, kayak rentals and guided trips, water slides, and marinas.

**COMMERCIAL USE** means a use providing for the limited sale or rental of goods and services, for the provision of personal and non-personal services, or for general servicing and repair of goods; without limiting the generality of the foregoing, may include retail shops and sales, small food stores, convenience stores, pharmacy, restaurant uses, cafe, personal service uses, office use, commercial schools, security service, indoor recreation, entertainment and recreation services, household and non-household services and repairs, and similar such uses; excludes a cabaret, industrial use, auto-body repair, automotive repair, self-storage, welding, wholesale use, auctions, and warehousing uses. The floor space area of new commercial developments shall consist of 2 to 12 individual businesses no greater than 2 storeys in height and comprising not more than 2,322.6 sq.m (25,000 sf).

**COMMERCIAL BASIN CENTRE** means a use, with a primarily automobile dependent access character and consisting of a mix of larger square footage and smaller commercial spaces and shops that may provide for the sale or rental of a wide range of goods and services, and businesses for the provision of personal and non-personal services; without limiting the generality of the foregoing may include grocery store, department store, pharmacy, hardware store, office uses, personal service uses, retail uses, restaurant and café uses, licensed lounge, liquor commission outlet, financial services, commercial schools, licensed day care facility, licensed massage services, household services and repairs, beverage container return centre, garden Centre, retail wholesale, indoor recreation including swimming pool and fitness centre, entertainment and recreation services, outdoor display, accessory employee residential, and similar commercial uses; excludes adult entertainment uses, industrial use, pawnshop, payday loans and cheque cashing outlets, service station, auto repair, auto-body repair, self-storage, and warehousing uses.

**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, institution, or a non-profit organization.

**COMMUNITY DEVELOPMENT ZONE** allows for an array of uses that include apartment residential, commercial use, limited manufacturing, technology centre, commercial educational – learning Centre, office, health centre, private school, medical office, medical clinic, as well as a public use, church, child care Centre, civic use, cultural use, community Centre, club or lodge, congregate care, personal care, residential care, public service, public utilities, vendor stand, and similar uses that strengthen the economic and social fabric of the community.

**COMPACT LOT** refers to economically efficient residential low density use parcels of land created through Subdivision at a minimum lot area size of 372 sm (4,004 sq ft) for single detached homes, and at a minimum lot size area of 465 sm (5,005 sf) for compact lot homes with accessory residential dwellings and through an approval process for design management.

**CONDOMINIUM** means a multi-storey high density residential building, bare land strata grouping of buildings such as in a cluster residential or similar multi-unit residential developments that are sited on one parcel of land and are managed as a condominium corporation.

**CONGREGATE CARE** means a facility providing for varied residential apartment uses for elderly citizens in conjunction with a common dining room and appropriately sized individual kitchen facilities, social and recreational areas, and amenity uses such as a hairdressing salon and a gift shop for use by apartment residents and may include a dwelling unit for a resident manager.

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**CONSERVATION** means a use where land is held in reserve, preserved, and/ or protected for highway dedication, for environmentally sensitive area lands designated as parkland open space, and for potential future land development and other uses befitting the community.

**CONVENIENCE STORE** means a commercial establishment that retails grocery and other daily convenience items and services to the immediate residential neighbourhood, and where the total floor area of the store is less than 1,000 sm (10,764.2 sf).

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

**COUNCIL** means the elected members serving on Council for Municipality of the County of Annapolis.

**COUNSELLING OFFICE** means the office use of a building for the provision of counselling or consultation services to the individual and personal needs of human beings such as but not limited to, counselling/consultation in careers, finances, marriage, family, health, or mental health services including the retail sales of products incidental or related to the consultation given.

**COVERED PARKING** means a motor vehicle parking arrangement that has full or partial roof to shield parked vehicles from exposure to weather and may include parking garages or carports.

**CRAFT BREWERY PUB** means a commercial use providing for the brewing of local craft beer, and the sale and consumption of alcoholic beverages and food in an establishment licensed by the Province under the Liquor Control Act, where entertainment may be provided; adult entertainment use is excluded.

**CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)** is a planning review process that involves the local police authority reviewing proposed site and building design plans and to amend such plans, where necessary, in a manner to better ensure site, building and public safety.

**CULTURAL USE** means a local land use or activity that involves heritage, historical, artistic, customary, and social expression of local values for economic, tourism, community and entertainment benefit and enjoyment, and may include a museum, art Centre, music hall and similar uses.

**DAY CARE** means either a non-residential day care Centre where three or more people are cared for on a temporary daily basis for compensation without overnight accommodation but does not include a school, or as a residential day care Centre for that portion of a residential dwelling which is used to accommodate three to seven people who are cared for on a temporary daily basis for compensation without overnight accommodation.

**DENSITY** means a measurement of the intensity of use or development on a lot which shall either be calculated as a building area to site area coverage percent, or as the number of residential dwelling units on the property density calculation.

**DEPARTMENT STORE** refers to a commercial business outlet that is customarily part of a larger regional or national chain of multiple commercial retail stores, and may include clothing apparel sales, house-ware goods, hardware items, general merchandise, automotive accessories, furniture, flooring, sporting goods, pharmacy, office supplies and similar varied retail items.

**DEVELOPABLE AREA** means the area of a lot or property that may be built upon and developed, and does not include any pond, brook or stream, wetland, marsh or other environmentally sensitive area lands, and does not include the area of the property that is characterized by geotechnical limitations, severe slopes in excess of 20%, protected archaeological sites and unstable soils, contaminated soils, and does not include

## CORNWALLIS PARK LAND USE BYLAW

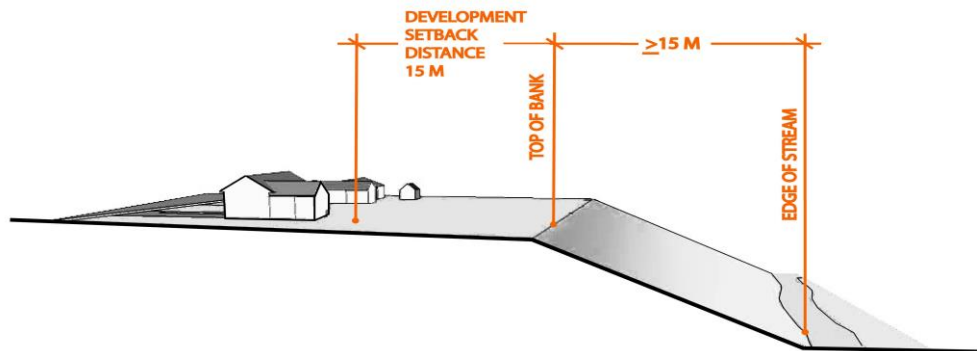
those portions of the property specifically excluded from land development in accordance with the provisions of the land use bylaw.

**DEVELOPMENT** means the making of any material change in the use, or the intensity of use, of any land, building or premise for any purpose, and shall include the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a building or structure and a change or alteration in the use made of land or structures.

**DEVELOPMENT OFFICER** is the individual(s) employed and appointed by the Municipality of the County of Annapolis to administer and interpret the land use bylaw.

**DEVELOPMENT PERMIT** refers to an application to the Municipality of the County of Annapolis where consideration to authorize and allow a land and/or building development to proceed is undertaken by the development officer, and where so authorized, the County outlines identified conditions and requirements for the proponent to adhere to as part of development permit application approval.

**DEVELOPMENT SETBACK DISTANCE** means that portion of a lot that is to be preserved as a natural undisturbed area from an environmentally sensitive area, as illustrated by the following sketch, and as prescribed in the land use bylaw in accordance with the required building setback distance from property lines intended for each type of land use for site development.



**DOG KENNEL** means a use typically accessory to a residential use for the accommodation of not more than six (6) dogs in a building, structure, compound, or pen

**DUPLEX** means a residential building of two attached dwelling units, that are either horizontally connected and share a common party wall at least 4.5 metres (14.76 feet) in length or are vertically connected with one unit above the other, and with each dwelling unit having a separate outside entrance; excludes a self-contained single family residential dwelling unit containing a secondary suite, or another backyard accessory residential form of a dwelling

**DWELLING UNIT** means one or more habitable rooms designed, occupied or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual(s).

**DWELLING, GROUP CARE FACILITY** means a building where accommodation, residence, treatment, special care, and programs are provided to individual who require it due to a physical or mental condition, or

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persons needing physical or emotional rehabilitation and is licensed under the NS Homes for Special Care Act and includes but not limited to residential care facilities, group homes, nursing, or senior home.

**DWELLING, SMALL OPTIONS HOME** means a residential building that is used to provide support for its occupants in a community home and regulated by the NS Homes for Special Care Act. The residents are supported by qualified staff through a combination of live-in and shift models.

**ENCLOSED STORAGE** means an accessory use providing for the storage of goods or things customarily associated with the primary permitted use of the property, and where such storage must be completely enclosed within a building.

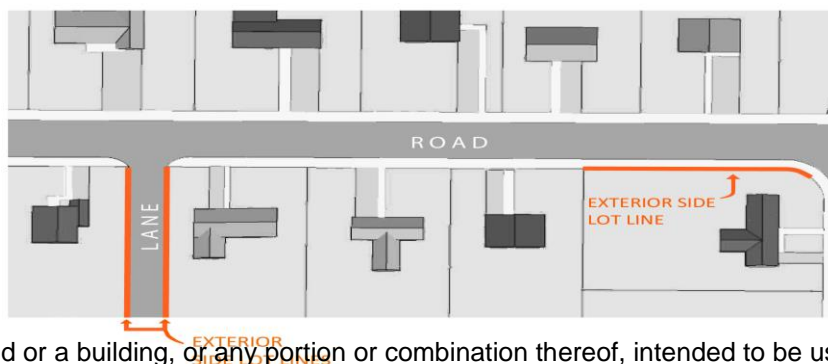
**ENGINEER** means the person employed by the Municipality of the County of Annapolis as the municipal engineer, or a consultant professional engineer retained by an applicant or the authority.

**ENVIRONMENTAL SENSITIVE AREA** means that portion of a lot that is precluded from development because of its ecologically sensitive features of a water body, endangered species, or protected flora, as determined by a qualified and registered professional biologist, or qualified environment representatives of the Province of Nova Scotia or the federal Department of Fisheries and Oceans.

**ESTABLISHED GRADE**, as applying to the determination of height, means the topography on the property after site construction, including the addition of fill material and removal of soil, and is represented by the lowest of the average levels of finished ground adjoining each exterior wall of a building, or the ground immediately surrounding a structure, except that localized depressions such as vehicle or pedestrian entrances need not to be considered in the determination of average levels of finished ground.

**EXISTING** means legally existing as of the effective date of this Bylaw.

**EXTERIOR SIDE LOT LINE** means a property lot line that is neither a front nor rear lot line but is common to a street or lane, as illustrated in the following sketch.



**FACILITY** means land or a building, or any portion or combination thereof, intended to be used for a primary permitted or accessory use of a property.

**FAMILY** means a household unit of one or more persons related by blood or marriage including common-law, legal adoption, foster care, family care or legal guardianship, or not more than four (4) persons not necessarily related by blood or marriage including common-law, legal adoption or legal guardianship, that share one dwelling unit.

**FARMERS MARKET** means an indoor or outdoor use at which local farmers, producers, and growers can sell processed or unprocessed agricultural products directly to customers and may include other local

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vendors selling products such as goods created in an art or craft workshop, home baking and light refreshments.

**FASCIA SIGN** refers to a sign that is placed and adhered to the flat surface of a building, such as a sign on the flat surface above a commercial shop or store window.

**FENCE** is a constructed barrier that divides and separates property, and which may provide privacy, security and protection; a fence is only to be installed and constructed in accordance with maximum height requirements, no fences within residential and other urban areas are to use barbed or razor wire materials.

**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.

**FLOOR AREA** means the total area of all floors in a building measured to the outside face of its exterior walls, but not including exits and vertical spaces that pierce the storey, and excluding any attached garage, porch, veranda, balcony or unfinished attic.

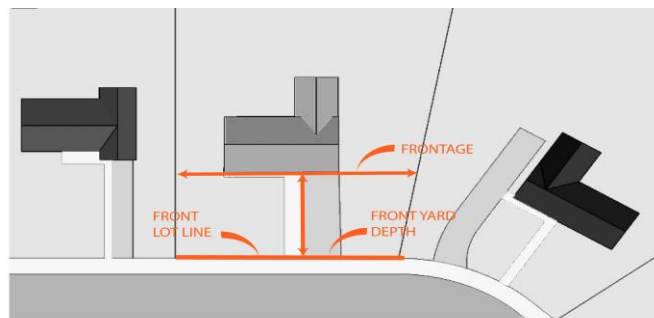
**FORESTRY** means the industrial resource extraction, cutting, grading, commercial harvesting and related processing of trees, and the use of land, buildings and equipment related thereto.

**FORESTRY USE, PRIMARY OPERATION** means the use of land for silviculture, cultivation, harvesting, or gathering of trees for the purpose of fuel wood, construction lumber, pulpwood, or other forest products and any uses associated with it, including accessory structures, but shall not include the manufacturing or processing of such wood products

**FRONT LOT LINE** means a lot line that is common to a street and the lot, and in the case of a corner lot, the shortest lot line facing the street shall be the front lot line, and in the case of double fronting lots or where the lot lines are equal in length, the front lot line shall be determined by the orientation direction of the majority of adjacent neighbourhood buildings.

**FRONTAGE** means the horizontal distance between side lot lines measured at the front lot line, and where the curve of the front lot line is concave or convex, the frontage shall be deemed to be the chord connecting the front corners of the lot.

**FRONT YARD DEPTH** means the distance between the front lot line of a lot and the front wall of the main building on the lot, as indicated by the following diagram.



**GARDEN CENTRE** means a building or outdoor area for the primary retail of gardening equipment and planting materials.



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**GARAGE** means a detached accessory building, or a portion of a principal building used solely for the parking or temporary storage of motor vehicles, and in which there are no commercial facilities for repairing or servicing such vehicles.

**GARAGE SALE** represent an informal display for sale of household goods, clothing and materials on the property where the household family resides; excludes off-site flea market roadside tables.

**GENERAL GARAGE** means land or buildings used exclusively for repair, maintenance, and storage of motor vehicles, and may include the sale of gasoline, diesel and other petroleum products; excludes auto body repair.

**GROCERY STORE** typically refers to a commercial use food store wherein varied packaged and unpackaged food items are displayed and available for sale; may also include a wide range of general merchandise and personal service uses, including the commercial sale of pharmacy items, clothing, house wares, furniture and appliances, photography items and similar varied goods, and services ranging from financial services to restaurants to cosmetic care.

**HAZARD LANDS** refer to property at risk to land development and/ or habitation because of the property characteristics of geotechnical or soil stability concerns, contaminated soils and land, severe slopes in excess of 20%, flood risk lands, forest fire interface high risk category lands, and similar property.

**HEALTH CENTRE** refers to an office setting medical clinic to serve the health needs of residents.

**HEIGHT** means the greatest vertical distance from established grade to the top-most part of the building excluding parapets, cupolas, elevators or stair over-runs, railings, spires, mechanical equipment, solar panels, rooftop amenity space features, or other uninhabitable architectural features.

**HIGHWAY COMMERCIAL** means a mixed use zone with Residential and Commercial buildings, and additionally for mixed uses that provide for stand alone medium density residential buildings, and for commercial only developments. These may include a food store, a pharmacy, a bank, a clothing store, and other retail and personal service businesses, mixed with cafes, restaurants, craft brewery, offices, medical clinics and a wide range of similar commercial uses, as well as more automobile oriented uses including a hotel or motel, funeral homes, private school, assembly and cultural uses, limited manufacturing, research and development, research Centres and technology uses and other employment generating businesses, veterinary hospitals, recreation equipment sales and repair, automobile servicing and repair within completely enclosed buildings, service stations and gas bars, car wash, and similar auto dependent commercial uses; excludes adult entertainment use, cabaret, drive-through commercial, pawnshop, wholesale use, automotive repair, auto-body repair, and industrial use.

**HISTORIC BUILDING** means a building designated as being of historical importance, or of cultural or heritage value.

**HOBBY GREENHOUSE** means an accessory building or structure to a residential use, made primarily of glass or plastic, for household cultivation of plants, including for food production, where the greenhouse structure does not exceed 14 sm (150.7 sf) in total area size; excludes cultivation of mushrooms.

**HOME BASED BUSINESS** means an accessory business use to a residential dwelling unit where a resident conducts a profession or occupation that is clearly incidental to the primary residential use and is in accordance with the provisions defined by the land use bylaw; excludes adult entertainment, automobile repair and servicing, tow truck operations and similar other uses that are not in character with the residential character of the neighbourhood.

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**HOTEL** means a building or buildings which are used to accommodate the traveling public for gain or profit by supplying them with sleeping accommodation, with or without meals, and shall include a guest house, cabins, a motel, a tourist home, a hotel, and an inn but shall not include a campground. May contain accessory uses such as a restaurant, licensed drinking facilities, gift shop and retail sales, internet services, office use, swimming pool and exercise facilities, health spa, car rental outlet, meeting and banquet rooms, and similar ancillary uses.

**IMPERVIOUS SURFACE** means any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to roofs, parking and driveway areas, asphalt, cement or any other hard surface, and resulting in a substantial increased volume of stormwater discharging from the site.

**INDOOR AMENITY SPACE** means an indoor, non-commercial use that is accessory to multi-unit residential use zones for the purpose of providing for social or recreational facilities for use by residents and their guests, and includes meeting rooms, games, crafts and wood-working rooms, common rooms, swimming pools and saunas, and similar amenity facilities.

**INDOOR RECREATION** means recreational facilities and associated commercial uses operated for gain and contained exclusively within a building, and include climbing, health and fitness clubs, racquet clubs, yoga and exercising, spa and other similar recreation and exercise activities.

**INDUSTRIAL CAFÉ** means an eating establishment having a floor area less than 180 square metres (1,937 square feet), a seating capacity of no more than 40 seats.

**INDUSTRIAL** means a use of land or a building that provides for a wide range of research and development, high technology uses, research Centre, manufacturing, processing, assembling, storing, distributing, wholesaling, and fabricating operations, and related office uses, that are primarily wholly enclosed within a building or structure; and additionally includes limited accessory retail uses related thereto, mini-storage, industrial café, automotive repair, auto-body repair, beverage container return Centre, car wash, employee residential use, warehousing, tank storage, bulk storage, unenclosed storage, vehicle and equipment repair services, truck shipping and receiving, recycling depot, and specific personal services businesses such as for auctions, funeral homes, and similar varied industrial uses; excludes salvage, vehicle and equipment repair services, commercial composting.

**INDUSTRIAL RESOURCE** means an accessory use associated with natural resource materials in extraction and preliminary grading, sorting, and processing operations and more extensive manufacturing of the raw materials; includes activities associated with seaweed, forestry, minerals and mineral working, gravel pits and quarries and other resource industries.

**INDUSTRIAL SPECIAL** means a use that is located on a large lot area and either as a serviced or non-serviced site, where the intended industrial business is deemed as incompatible with residential uses and includes activities such as those related to asphalt plants, concrete and cement processing plants, gravel sorting, crushing and processing, heavy vehicle and equipment repair, and similar industrial activity of goods, materials or things.

**INFILL LOT** means a lot which exists, or is created by further subdivision, and represents an efficient use of the limited serviced land base to encourage compatible residential development within an existing built-up area.

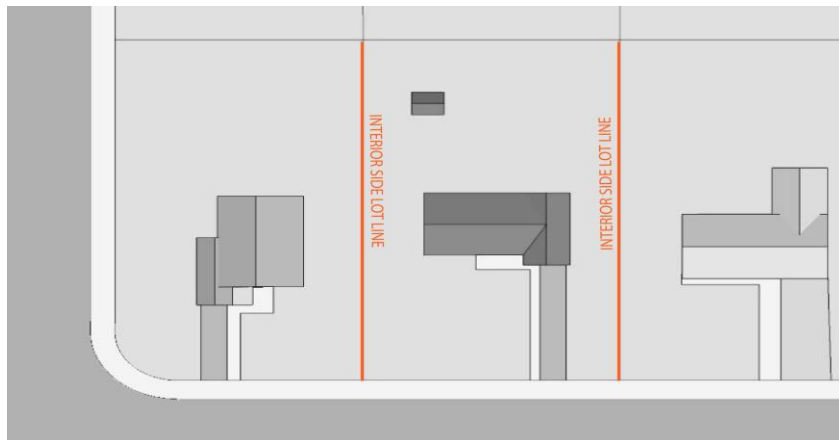
**INSTRUCTION STUDIO** means the use of a building for the purposes of providing instruction in painting, sculpturing, moulding, yoga, dance, or music including instruction in handicraft production, dressmaking/

## CORNWALLIS PARK LAND USE BYLAW

tailoring, leather-working, pottery/ceramic-making, wood-working, quilting, crocheting, knitting, needlepoint, weaving or sewing or computer/electronics operation, or similar forms of artistic expression.

**INTENSIVE RESIDENTIAL** refers to the use of 372 sq m (4,004 sq ft) and 465 sm (5,005 sf) compact residential lots as representing an economically efficient use of the existing serviced residential land area through development of incremental higher density forms of housing in conjunction with design guidelines.

**INTERIOR SIDE LOT LINE** means the lot line that is not the front or rear lot line and that is common to an adjoining lot, lane, or walkway, as indicated by the following sketch.



**KITCHEN** means, at a minimum, a portion of a building containing a fridge, stove or other cooking appliance, sink and lower and upper cabinets.

**LAND** includes land covered and not covered by water, and buildings and structures on, over, or under the soil, and fixtures that form part of these buildings and structures.

**LANDSCAPED AREA** means a portion of a development site which is reserved and used to enhance the visual appearance and rainwater permeability of the property through the planting and required ongoing maintenance of a combination of lawn, shrubs, flowering plants, trees, vegetative ground cover, and other horticultural treatments, and other architectural elements.

**LANDSCAPE SCREEN** means a visual barrier or buffer area on a development site that is planted with trees, shrubs or other landscape vegetation, and which may be combined with a raised landscape berm, a decorative fence or a brick, stone or masonry wall, so as to minimize the view of the use of the property from public view such as to screen a hydro junction box or refuse area, or to obscure vehicle lights from the development site into an adjacent building or property, or to help buffer two adjacent land uses.

**LANE** means a road allowance more than 3.0m (9.8ft) in width but less than 10 m (32.8 ft) in width.

**LEVEL TWO ELECTRIC VEHICLE CHARGING STATION** refers to a higher rate Alternate Current (AC) electric power charging service for electric motor vehicle batteries, and typically provides for an electric vehicle driving range of 10 to 30 miles for every hour of charging.

**LICENSED LOUNGE** means a commercial establishment used for the sale of alcoholic beverages for on-site consumption by patrons, with or without on-site entertainment provided, and if associated with a restaurant, the total size of the licensed lounge shall not exceed 30% of the gross floor area of the restaurant, or if a

## CORNWALLIS PARK LAND USE BYLAW

licensed lounge is to operate as a standalone commercial establishment, the total floor space area shall not exceed 280 sm (3,013.9 sf).

**LIMITED MANUFACTURING** means a small scale manufacturing use which is entirely enclosed within a building, where the total work force is limited to ten persons, and where the discharge of noise, radiation, odorous, toxic or noxious matter, and similar impacts, across a lot line does not occur. Limited manufacturing may include the assembly, processing, production, fabricating and manufacturing of varied goods and materials.

**LOADING SPACE** means an area of land provided for use for the temporary parking of a commercial or industrial truck or van transport motor vehicle where merchandise or materials are loaded to or unloaded from the vehicles.

**LOCAL STREET** means a street that is part of the municipal road network that is intended to serve local residential and other land use areas and connect to the more major municipal collector and arterial streets.

**LOT** means any plot, tract or parcel of land which can be considered as a unit of land for a particular land use or building.

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

**LOT COVERAGE** means the proportion of a lot that is occupied, or may be occupied, by a building use, expressed as a percentage of the total lot area, and determined as the combined area of all buildings on the lot measured at the level of the lowest floor above the established grade.

**LOT DEPTH** means the shortest distance within the lot between the front lot line and the rear lot line.

**LOT GRADING** refers to an information requirement of land development proposals that identifies the proposed extent of cut and fill of native soil on the property, and the extent excavation proposed for a development site, and is to include elevation contours of both the initial property grades and the proposed post-construction grades of the property and how the grade changes to the property interface with adjacent lands and drainage patterns that result.

**LOT LINE** means a line forming a boundary of a property or parcel of land, and may either be a front, rear, exterior or interior lot line.

**LOT WIDTH** means the shortest distance between opposite side lot lines measured at right angles to the lot depth, as conveyed by the diagram that follows.



## CORNWALLIS PARK LAND USE BYLAW

**MAIN BUILDING** means a building in which the principal use or purpose of the lot is located in the building.

**MAIN WALL** means the exterior front, side, or rear wall of a building, and all structural components essential to the support of a fully or partially enclosed space or roof.

**MANUFACTURED HOMES** represent an affordable form of housing, and include modular and mobile homes, that are typically built in a factory off-site, and then delivered and assembled on-site.

**MANUFACTURING** generally refers to the industrial process of making and producing goods and materials on a large scale using human labour and primarily automated machinery.

**MEDICAL CLINIC** means a facility for examining and treating patients on an outpatient basis by a group of physicians, dentists, other health care professionals, or similar professions, and includes walk-in clinics.

**MEDICAL OFFICES** means a facility containing offices providing medical, dental and other health care or similar professions.

**MINERAL WORKING** means land or buildings used for the working or industrial resource extraction, grading and processing of any naturally occurring substance; includes gravel and mining operations.

**MINIMUM LOT SIZE** means the smallest area into which a parcel may be subdivided, or the smallest parcel size that is allowable to pursue a specific density or type of land use.

**MIXED USE** means a land use that contains two or more land use types such as residential and/or commercial, that are compatible to each other through site and building design management.

**MOBILE HOME** means a transportable factory-built and assembled CSA Z240 approved trailer structure, with a minimum floor area of 60.4sm (650.1sf), intended to be used as a single family residential home on a permanent foundation and connection to utility services, as inspected by the local authority, and which is in full compliance to the National Building Code of Canada and applicable provincial and municipal standards and requirements; excludes recreation vehicle.

**MODULAR HOME** means a single unit residential dwelling of a minimum 6.5m (21.3ft.) width, constructed of finished sections of a complete dwelling that are built in a factory in accordance with CSA provisions, and intended for transport to an appropriately zoned residential lot, and after proper installation on foundation supports and connected to utility services, it is for use as a principal residence; excludes mobile home.

**MOTEL** means a commercial guest accommodation facility where all of the units are accessed from the exterior of the building and may include an office for motel administration and amenity areas for guests.

**MOTOR VEHICLE** means a motor vehicle defined by the Provincial Act related to automobiles and other motor vehicles.

**MOVIE THEATRE** refers to a commercial use wherein motion pictures, films, documentaries, live performances, and similar entertainment uses are typically provided to a paid audience; includes a cinema but excludes adult entertainment use.

**MULTI-UNIT RESIDENTIAL** means a use of land for higher density residential development of two, three or more residential units on one lot, and includes duplexes, three and four unit rowhouses, apartments, townhouses, cluster developments, adult care facility, congregate care apartment, and bare land strata land developments; excludes subsidiary apartments.

**MUNICIPALITY** refers to the local government authority of the Municipality of the County of Annapolis.

## CORNWALLIS PARK LAND USE BYLAW

**NATURAL BOUNDARY** means the visible high water mark of any pond, brook or stream, wetland, marsh, ocean or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years as to mark upon the soil of the bed of the pond, brook or stream, marsh, wetland, ocean or other body of water, a character distinct from that of its banks, in respect of vegetation, as well as in respect to the nature of the soil itself.

**NATURAL GRADE** means the normally existing topography, or the topography established as a component of subdivision servicing and site development on the property prior to any construction.

**NON-CONFORMING USE** means a use that existed prior to the adoption of the updated land use bylaw, and is deemed as legally existing use that is not listed in the land use bylaw as a permitted or an accessory use for the zone category in which it is located, or which does not meet the development standards and requirements of the land use bylaw for that use zone; any future proposed additions or expansion of the non-conforming use shall only be considered in accordance with the permitted uses and development standards of the land use bylaw.

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

**OFFICE USE** means a use providing for administrative, governmental, professional services and general office functions, and includes accounting and bookkeeping, advertising, architectural, engineering, geological, planning and design, surveying, attorney, counseling, court reporting, data processing, scientific and research, employment agency, social services, cultural project management, public relations and consulting, realty office and similar such uses; excludes tow truck offices and storage compounds, manufacturing and storage of any product for sale.

**OFF STREET PARKING** means an accessory use for a parking area which is designed to accommodate motor vehicles associated with a permitted use on a lot.

**OPEN SPACE** means an outdoor area of scenic or natural features, a landscaped buffer area, or a reserved passive area, that is located on a portion of a lot that does not include those areas of site development required for a setback, parking area, storage, or circulation, or an outdoor amenity space, environmentally sensitive area or an area of the site that is not otherwise developable.

**ORDINARY HIGH WATER MARK** means that line on the shore adjacent to a body of water, a watercourse or to a wetland area, that is established by the fluctuations of the level of the water on the shore vegetation or bank, and as indicated by physical characteristics such as a clear natural line impressed upon the shore. The environment setback distance for land and building development from a wetland and/or watercourse, where the top-of-bank cannot be readily identified, shall be measured from the Ordinary High Water Mark of the sensitive feature.

**OUTDOOR AMENITY SPACE** means an area, or multiple areas, within a single unit residential lot, a multi-unit residential site, commercial, industrial and other developments, that is intended for convenient use of its occupants for outdoor recreation and leisure activities, and may include decks and patios, shade and bench areas, vegetable garden areas, water features and active use areas for exercise activities such as a playground equipped children's play area, a bocci game area for adults, or similar outdoor recreation amenities.

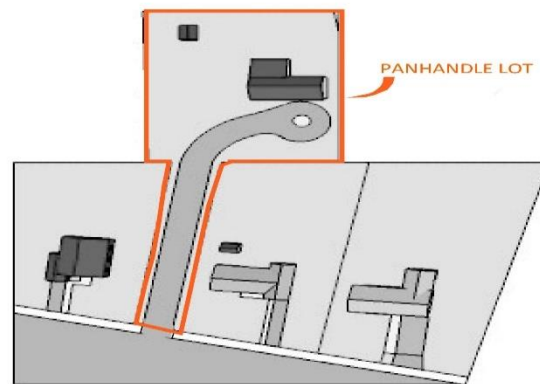
**OUTDOOR DISPLAY** means an area of land, open to the air, where merchandise is displayed and available for sale to the public from a retail outlet located on the same lot.

## CORNWALLIS PARK LAND USE BYLAW

**OWNER** means a person or organization of persons owning or having the legal right to use land or a lot under consideration, where such use and enjoyment of the property shall be in accordance with the land use bylaw.

**PAD** means a paved surface on which blocks, posts, runners, or strip footings are placed for the purpose of supporting a mobile home.

**PANHANDLE LOT** means a parcel of land, often referred to as a 'flag lot' or a 'back lot', created through subdivision where safe access from a street to the building area is gained by way of a narrow width elongated strip of land that forms part of the lot, where such panhandle access dimensions and driveway construction standards are in accordance with the land use bylaw, and as illustrated below.



**PARK** means a land area preserved for the ongoing active and passive recreational needs of residents of the community, and excludes golf courses, outdoor amenity space, and environmentally sensitive areas.

**PARKING LOT** means an open area of a property or site which is designed in accordance with standards established by the land use bylaw to accommodate the parking of motor vehicles of clients, customers, employees, members, residents or tenants, where such vehicles have a gross vehicle weight of 4,500 KILOGRAMS (9,921 pounds) or less.

**PARKING SPACE** means a space within a building or parking area for the parking of one vehicle, where the dimensions of the parking space are defined by the land use bylaw.

**PARKLAND OPEN SPACE** represents a zone use category of this land use bylaw that refers to land reserved and preserved for outdoor activities such as improved or unimproved pedestrian walking trails, parks, athletic playing fields, tennis courts, scenic vista locations and lands such as the former railway corridor through the community and intended for use and enjoyment by local residents and others, as well as lands that contain environmentally sensitive features of watercourses, fish bearing and non-fish bearing, and lands adjacent to the Annapolis Basin waters, and areas with environmental sensitive features such as wetlands, where the intent is to preserve and protect the sensitive lands, but to allow and facilitate the development of low-impact pedestrian walking trails within the natural open space.

**PERMANENT STREAM** means a watercourse, or other water body, that typically contains continuous surface waters or flows for a period more than 6 months in duration.

## CORNWALLIS PARK LAND USE BYLAW

**PERMEABLE SURFACES**, also known as porous surfaces, allow water to percolate into the soil to filter out pollutants, recharge the water table and reduce stormwater runoff from the site.

**PERMITTED USE** means a land use that is listed within the allowable uses of each land use zone category of the land use bylaw, subject to any applicable development standards, and may include principal use or an accessory use.

**PERSONAL CARE** means an accommodation use providing for the care of sick, injured or aged other than in a public hospital; includes convalescent homes, nursing homes, hospice homes and congregate care facilities.

**PERSONAL SERVICE USE** means a commercial business which caters to the personal needs of customers, including such uses as banks, courier service, credit unions, customs broker, custom printing, dry cleaners, barbers, beauty parlour, nail salons, and hair stylists, chiropractors, licensed massage therapists, day spa, shoe repair, dressmaking, tailors and sewing services, small appliance repair, pet grooming, computer services, financial and investment planning, travel agency, and similar such commercial services; excludes adult entertainment uses, cheque cashing outlets, taxi service, tattoo studios and pawnshop use.

**PIER** means a structure consisting of a fixed platform above the water that abuts the shoreline and is used as a landing or wharf place for watercraft, and where development and use of a pier and associated water activity will require approval under the Navigable Waters Act, approval for a lease, and other approvals as required by federal and provincial levels of government.

**PIT AND QUARRY WORKING** carries the same meaning as mineral working.

**PLACE OF WORSHIP** carries the same meaning as a church.

**PLANNING AREA** refers to the defined geographical area of Cornwallis Park wherein the Municipality of the County of Annapolis has land use management authority.

**PRINCIPAL BUILDING** means a building or structure containing the principal use, where all portions of such building or structure share a common foundation, wall and roof structure.

**PRINCIPAL USE** means the primary permitted use and main purpose for which the land, buildings and structures, and occupancy within a single lot are to be used, as defined by the land use zone categories of the land use bylaw.

**PRIVATE OR PUBLIC ROAD/ STREET OR HIGHWAY** as defined by the Annapolis County Subdivision Bylaw.

**PRODUCE SALES** means an accessory use providing for the incidental retail sale of agricultural products, fruits and vegetables that are produced on the same lot or an adjacent lot owned by the same owner, and where the agricultural activity occurs.

**PRODUCE STAND** means a single-story movable structure with a floor area less than 4.65 sq. m. (50 sq. ft.), or wagon-top sales area used for the marketing, retailing or distributing of agricultural products grown or harvested by a primary resident of the property on which the produce stand is located.

**PROFESSIONAL AND BUSINESS OFFICE** means a low impact, commercial office use that takes place entirely within a building and does not involve any outside storage or result in ongoing and significant daily volumes of vehicle traffic visiting the business, and includes accountant, architect, consultant engineer, computer servicing, designer, lawyer and similar professional offices.



## CORNWALLIS PARK LAND USE BYLAW

**PROHIBITED USE** means a use that is not listed in a zone as a principal or accessory use or means an identified use within a zone category of the land use bylaw where such land use activity is specifically not allowed or permitted.

**PUB** means a commercial use providing for the sale and consumption of alcoholic beverages and food in an establishment licensed by the Province under the Liquor Control Act, where entertainment may be provided and includes a craft brew pub; excludes adult entertainment use.

**PUBLIC SERVICE** means a use providing for the utility servicing of the community with water, sewer, storm drainage, electricity, telephone, cable, internet, and similar services where such a use is established and operated by the County, by another government body, or by a utility company; includes traffic controls, transmission substations, pumping and booster stations, and easements and rights-of-way for accommodating the services.

**PUBLIC USE** means a use that primarily provides for a significant government function or service, for public assembly and for educational facilities, and includes public schools, municipal offices, community association halls, museums, churches, police and emergency health service offices, fire departments, public works operations, cemetery, and also includes community care facilities such as for adult care facility, congregate care apartments, personal care, residential care and hospice, and similar uses benefiting the public interest.

**PUBLIC AUTHORITY** means any Commission or Committee of the Municipality of Annapolis County established or exercising any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the Municipality or a portion thereof and includes any committee or local authority established by a Bylaw of the Municipality, and any governmental body.

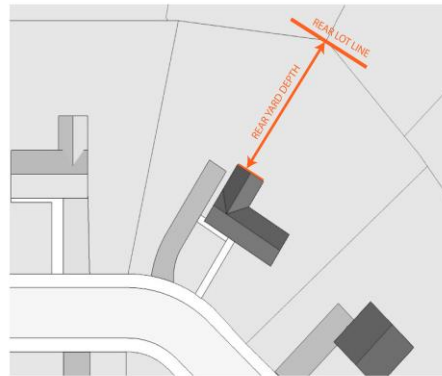
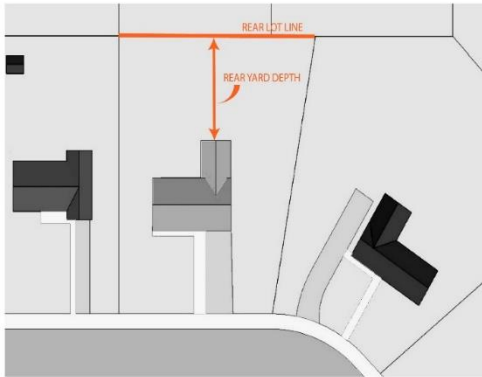
**PUBLIC UTILITY Use** is a Use providing for additional infrastructure services by the County, another authority, or private utility company and includes garbage dumps, refuse disposal site and incineration operations, recycling depot, mortuary/crematorium, animal pound, cellular telephone towers, broadcast transmission facilities, public works yards, and similar facilities.

**QUALIFIED PERSON** refers to an individual with appropriate educational qualifications and experience to be registered as a member in good standing in a professional organization such as for an engineer, a biologist, an architect or similar, and who has the professional ability to certify statements and recommendations for the Authority's consideration of land use, environmental, engineering, building integrity and flood risk matters.

**REAR LOT LINE** means the lot line opposite to and most distant from the front lot line, or, where the rear portion of the lot is bounded by intersecting interior side lot lines, the rear lot line shall be deemed to be the point of such intersection.

**REAR YARD DEPTH** means the distance between the rear lot line and the rear wall of the principal building on the lot, as illustrated by the following two sketches.

## CORNWALLIS PARK LAND USE BYLAW



**RECREATION AND OPEN SPACE** refers to land reserved, preserved and/or used for outdoor activities such as pedestrian walking trails, parks, athletic playing fields, tennis courts, community gardens and scenic vistas and similar outdoor recreation activities and uses. Active open space is for athletic playing fields and similar areas that have physical activity improvements such as level baseball fields with backstop, or soccer fields with goalposts, while passive open space is more aligned to a quiet parkland space with rest benches and shade trees.

**RECREATION VEHICLE** means a vehicle designed as a temporary seasonal dwelling for travel, recreational, and vacation use, and which is either self-propelled or mounted on, or pulled by another vehicle, and includes a travel trailer, camping trailer, truck camper, motor home, fifth wheel trailer, camper van, converted bus and boat. A recreation vehicle is not permitted to be used as a permanent dwelling unit within Cornwallis Park.

**RECYCLING DEPOT** means a facility where recyclable materials are collected and processed, and may include separation, sorting, cleaning and storing for shipment.

**REMAINDER LOT** means the remaining area of a parent parcel that is subdivided into one or more lots.

**REPAIR SERVICES, INDUSTRIAL** means repair of industrial and motor vehicles exceeding a vehicle gross weight of 4500 kilograms (9,921 pounds), truck trailers and heavy equipment.

**REPAIR SERVICES, PERSONAL** means repair to household goods, electrical or electronic appliances and personal items, excludes vehicle and equipment repair services.

**REPAIR SERVICES, VEHICLE AND EQUIPMENT** means repair of motor vehicles with a gross weight of 4500 kilograms (9,921 pounds) or less, utility trailers and light equipment, excludes industrial repair services.

**RESEARCH AND DEVELOPMENT** refers to a business use activity directed toward the innovation and introduction of new and improved products and processes.

**RESEARCH CENTRE** is an establishment or specific building use to conduct specialized research and/or development into a specific field of study, or for a specific industry or business.

**RESIDENTIAL CARE** means a Provincially licensed and authorized facility located within a detached residential dwelling and established by the Province of NS for the group home personal care, supervision,

## CORNWALLIS PARK LAND USE BYLAW

social or educational training, or physical or mental rehabilitative therapy to not more than 5 persons, and may include residential care of children, specialized adult residential care, personal care, intermediate care to seniors, and similar supportive care uses.

**RESIDENTIAL USE** means a dwelling unit use providing for the accommodation and home life of a persons or persons as a family or not.

**RESIDENTIAL, ROW DWELLING** refers to three or more attached side by side dwelling units at ground level in one building (commonly referred to as row-housing), where each dwelling is separately vertically from the others, and historically typically presented a monotonous repetition of façade design that is dominated by building massing and limited architectural detail to individual unit identity; the design parameters for row dwelling residential use is now managed within the land use bylaw.

**RESIDENTIAL, SINGLE UNIT** means a residential use of one dwelling unit on one lot in the form of a typical detached wood frame residential house or modular home, of varied building sizes, and used exclusively by one household for residential purpose, and on residential lots of varying parcel size densities as identified by the land use bylaw; excludes a mobile home.

**RESIDENTIAL, TWO UNITS** carries the same meaning as a duplex.

**RESIDENTIAL USE, TOWNHOUSE** means a highly designed and landscaped residential use consisting of three or more dwelling units on a lot or site that may be either attached or detached residential dwelling units, and if attached, there shall be a maximum of sixteen attached dwelling units; each dwelling unit with a Townhouse Residential Use shall have a private entrance and direct ground level access to the outside and to private open space other than a balcony or sundeck; may include a two unit duplex form and/or a row dwelling form of housing on multi-unit and/or cluster residential development sites on the density basis of 24 dwelling units per acre of developable land.

**RESORT** refers to a destination form of holiday travel for tourists and visitors and includes a hotel and similar accommodation, and related high quality site amenities.

**RESOURCE USE** means a use providing for the conservation, management, and extraction of primary forest materials, and excludes all manufacturing and processing.

**RESTAURANT** means a commercial establishment where meals and/or refreshments are prepared and served for consumption on or off the premises; includes cafes, tea rooms and outdoor cafes, and may include an authorized licensed lounge as part of its floor area space but excludes drive-thru establishments.

**RETAIL** means a commercial use providing for the sale of tangible goods, wares, merchandise and other items where the customer can take away the purchased goods for their household use; includes clothing, footwear and other attire, grocery, department, general merchandise, hardware, pharmacy, convenience, automotive parts, book and liquor stores, smaller commercial businesses and shops, second hand store, and household equipment rental and similar commercial goods stores, and flea markets located within an enclosed building; excludes pawnshops, cheque cashing/payday loan businesses, and adult entertainment use.

**SALVAGE** means an industrial use relating to the stripping and sales of motor vehicle parts, sales of used building materials, and the storing, wrecking, crushing, piling and similar operations of motor vehicles, machinery and other equipment which are considered as no longer usable.

## CORNWALLIS PARK LAND USE BYLAW

**SCREENING** means a continuous view obstructing fence, masonry or brick wall, compact evergreen hedge or combination thereof, which would effectively screen the areas which it encloses, and is broken only by access driveways and walkways.

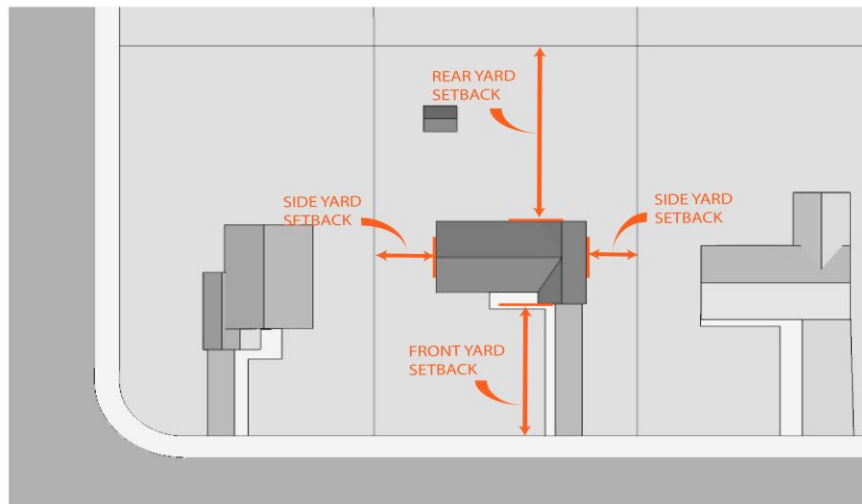
**SECONDARY SUITE RESIDENTIAL APARTMENT** means an accessory use for a secondary residential dwelling unit that is contained entirely within an owner occupied single unit residential dwelling unit, has its own external access to the outside and is separated from the principal dwelling by an approved Canadian Building Code fire wall separation; the size of the secondary suite residential apartment shall not exceed 40% of the habitable floor space of the principal dwelling unit, and shall have a maximum floor area space of 90 sm (968.7 sf).

**SELF-STORAGE FACILITY** means an establishment where goods or personal items are stored inside separate compartments within a building each having separate exterior access or separate access through a common hallway.

**SERVICE STATION** means any land or building used exclusively for the sale of gasoline, diesel, and other petroleum products such as lubrication oils for motor vehicles, and the washing of motor vehicles; may include the sale of automotive parts and accessories, the servicing or repair of motor vehicles, the rental of utility trailers and vehicles, and an ancillary convenience store use.

**SERVICE STREET** means a street constructed parallel to or near another street for the purpose of limiting direct access to that street.

**SETBACK** means the horizontal minimum separation distance between a building or structure on a lot and a front, rear, or interior side lot line, as illustrated by the following sketch, or also meaning the separation distance that is to be maintained for development from the top of bank of an environmentally sensitive area.



**SEWER SPECIFIED AREA** means that geographical area of Cornwallis Park where sanitary sewer service is available or may be extended, as defined Council.

**SHOPPING CENTRE** means a group of a minimum of five retail, personal service, office, restaurant and other commercial use stores and shops, and integrated with a parking area, pedestrian accesses, signage

## CORNWALLIS PARK LAND USE BYLAW

and site landscaping, with or without an internal pedestrian shopper walking mall area, and designed, planned, constructed and managed as a total commercial shopping development entity.

**SHORT TERM RENTAL** means the provision of roofed accommodations, as defined by the NS Tourist Accommodation Registration Act, to a single party or group, for payment or compensation, for a period of 28 days or less.

**SHOWROOM** means a building or part of a building where commercial display items, or photo representations thereof, are available for customer viewing and where purchase orders may be taken for goods, including motor vehicles, residential units, and equipment, for later delivery, includes accessory retail associated with industrial use; excludes pawnshop and adult entertainment uses.

**SIDEWALK COMMERCIAL** means the opportunity for business merchants to enter into lease and liability agreements with the County, following Council creation and adoption of a 'sidewalk commercial' policy, to occupy a small part of the sidewalk area at their store frontage for limited commercial use during the warmer summer months season; uses limited to commercial display items such as rack clothing sales, book sales, and other retail goods, and café and restaurant patio type seating within a railed enclosure.

**SIGN** means a word, letter, model, placard, board, computerized display, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of visual advertisement, announcement or direction; excludes those mediums employed wholly as a memorial, advertisements of local government and provincial highways, utilities and emergency services, realty company signs located on private properties for sale and those structures used for the display of advertisement. Varied types of signs, and related meanings, are noted as follows:

**SIGN, DIRECTORY** means a sign constructed or placed on public property listing the names and locations of local businesses.

**SIGN, FASCIA WALL** means a sign which is attached directly to or painted upon a building wall and where the face is approximately parallel to the wall.

**SIGN, GROUND** means a sign supported by one or more uprights, poles or braces placed in or upon the ground, and shall include temporary or portable signs.

**SIGN, ILLUMINATED** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such a sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.

**SIGN, OFF PREMISE (OFF SITE)** means a sign constructed or placed 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.

**SIGN, PORTABLE OR MOBILE** means a sign designed to be carried, pulled, pushed, or hauled and which is not permanently fixed in one location.

**SIGN, PROJECTED WALL** 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 and can include an awning or canopy structure where such a structure is used as a sign.

**SIGN AREA** means the area of the smallest geometrical figure which can wholly enclose the surface area of the sign. All faces of a multi-faced sign shall be counted separately and totalled in calculating sign area.

## CORNWALLIS PARK LAND USE BYLAW

**SIGNIFICANT TREE** means a living tree, either coniferous or deciduous, that has a diameter of 0.3 m (12 inches) or greater, measured 1.2 m (4 ft) above existing grade.

**SMALL OPTION HOME** means a residential building, or residential dwelling unit, that is used as a community home regulated by the Nova Scotia Homes for Special Care Act, in which no more than four residents are supported by qualified staff through a combination of live-in and shift models.

**SOLAR, GROUND MOUNTED** means a solar power solution that can be easily implemented in a yard or field. The panels are installed directly on the ground.

**SOLAR POWER** means the use of the sun's energy either directly as thermal energy (heat) or through the use of photo-voltaic cells in solar panels and transparent photo-voltaic glass to generate electricity. Two types of solar are referenced as follows:

**SOLAR, ROOF TOP** is a photo-voltaic system that has its electricity generating solar panels mounted on the rooftop of a residential, commercial building or structure.

**STAFF** refer to Municipality of the County of Annapolis employees.

**STORAGE USE** refers to the accumulation of goods and materials, and the area where they are kept; a storage use must be entirely enclosed within a building, unless otherwise allowed within the applicable zone provisions of this Bylaw.

**STOREY** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it; for the purposes of determining height within the land use bylaw, a basement of a building is not considered a storey when the finished floor elevation of the basement is greater than 0.3 meters below the average finished grade.

**STREET** means a street, highway, or other road allowance 10 metres (32.81 feet) or more in width which is intended to provide primary access to parcels of land; excludes a lane, walkway, trails and bridges.

**STREET LINE** means the boundary line of a street or road.

**STRUCTURE** means anything constructed or erected, the use of which requires location on the ground or sunk into water, or attachment in some manner to the ground or water, includes sheds, platforms, decks, gazebos, tanks, poles, towers, wharves, swimming pools, windmills and chimney towers; excludes any fence or wall that are less than the maximum fence height permitted in any zone of the land use bylaw.

**SUBDIVISION** means the dividing of land, whether in single or joint ownership, into two or more parcels of land typically for the purpose of development, and in accordance with the permitted minimum lot area sizes of the applicable Zone where the land is located.

**TANK STORAGE** means the use of one or more propane fuel storage tanks or cylinders having a capacity of more than 900 litres (198.2 gallons), mounted, and used for the storage of fuel products in association with an employment lands industrial use.

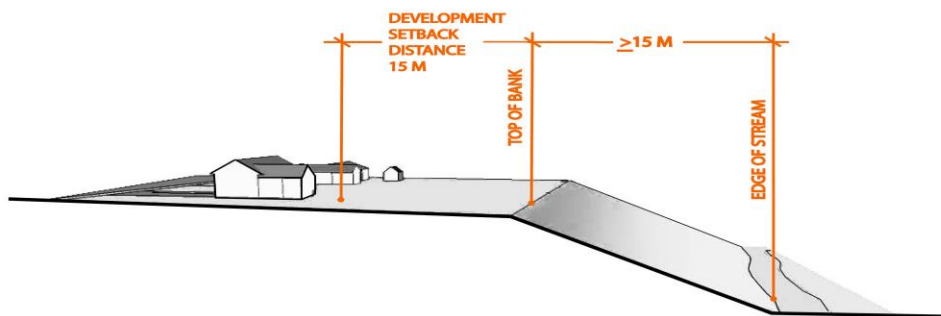
**TECHNOLOGY CENTRE** means a use providing for a higher skill level of potential employment in businesses and enterprises for research and development, laboratory, computer games and media development, call centres, high technology training centres, and similar uses.

**TINY HOMES** are an accessory residential use of a free-standing building situated in the rear yard area of a principal residential single unit home on a compact lot of a 465 sq m (5,005 sq ft) area size, or located within

## CORNWALLIS PARK LAND USE BYLAW

a clustered residential development, and where the minimum and maximum floor area sizes of a tiny home are 27 sq m (290.6 sf) and 37 sq m (398 sf) respectively, as outlined in the Nova Scotia Building Code Regulations.

TOP OF BANK means the point closest to the natural boundary of an environmentally sensitive area, or of the Annapolis Basin, where a break in the slope of land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 m (49.2ft) measured perpendicularly from the break. The setback distance for development from an environmental sensitive area shall be determined by the adjacent land use, and in the least stringent setting, shall be a minimum of 15 m (49.2ft) from top of bank, as indicated by the following sketch.



TRUCK SHIPPING AND RECEIVING refers to a lot area use where trucks and truck trailers transport goods and materials on the regional and provincial highway networks to a commercial and/or industrial use business, and where the intent is for all truck movements of loading and unloading shipping and receiving to occur within the property boundaries of the lot so as not to impede the circulation of motor vehicles on adjacent streets.

TRAIL means the recreational use of land for hiking, walking, cross-country skiing 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 means the recreational use of land for multiple uses including hiking, walking, cycling, cross-country skiing, snowshoeing, horseback riding and other forms of motorized travel, such as all-terrain vehicles, motorcycles and snowmobiles together with any necessary and accessory structures such as barriers, gates, signage and bridges.

UNDERGROUND PARKING GARAGE means a private garage located below grade and associated with a medium and/or high density multi-unit residential development used for the secure parking of residential tenant vehicles.

UNDEVELOPABLE AREA, OR NON-DEVELOPABLE AREA, means any portion of a lot that contains a pond, brook or stream watercourse, wetland or marsh and is deemed as an environmentally sensitive area, or that contains hazard lands of any land area of the lot characterized by geotechnical limitations of unstable soils and slopes in excess of 20%, any portion of the lot with protected archaeological areas of significance, any utility easement and rights of way corridors, required development setback areas and other portions of the lot as determined non-developable by the County, are individually and collectively deemed as not available for land development; property owners seeking to refine the extent of the identified undevelopable

## CORNWALLIS PARK LAND USE BYLAW

area shall provide supportive analysis and recommendations from relevant accredited and registered professionals such as a biologist or geotechnical engineer for consideration and review by the County.

**UNENCLOSED STORAGE** refers to an accessory use for the outdoor storage of goods and materials, including refuse and recyclable containers, associated with the primary permitted use of the property, and limited to a maximum storage area of a 15% percentage of the area size of the principal building(s) on the lot; all unenclosed storage uses are to be completely screened from public view.

**UNLICENSED VEHICLE** means a motor vehicle as defined by the Provincial Motor Vehicle Act which does not have a valid vehicle registration or vehicle license prominently displayed.

**URBAN** means that development and built-up area of Cornwallis Park representing the municipal water and sanitary sewer serviced locale of the community.

**URBAN ANCILLARY USES** are accessory uses and activities that are customarily associated with the residential use and home life and enjoyment of the property.

**USE** means a building, land use activity or form of development that is permitted on a lot.

**UTILITY SERVICES** refers to municipal infrastructure services of water and sanitary sewer, and stormwater where applicable, and water and sewer treatment plants, booster stations, and roads, and private utilities including electrical transmission lines.

**VARIANCE** means a relaxation of an outlined numeric requirement of the land use bylaw approved by Council in accordance with the provisions of the *Municipal Government Act*.

**VEHICLE DEALERSHIP USE** means a commercial business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, snowmobiles, boats or motorcycles, or other similar motorized transportation vehicles. A vehicle dealership may contain an inventory of motor vehicles for sale or lease on-site, may include a showroom, and may provide on-site facilities for the maintenance, repair and service of the vehicles sold or leased by the dealership, and may include a car rental service.

**VENDOR STAND** means a portable and temporary commercial use that is removed each evening, licensed by Nova Scotia Environment & Climate Change officials, and approved by the County, for the sale of the limited food items such as hot dogs and similar convenience foods.

**VETERINARY CLINIC/ ANIMAL HOSPITAL** means a facility 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.

**WALKWAY** means a public access route for pedestrians or non-motorized vehicles, and which provides access connection between two streets.

**WAREHOUSING USE** means a use of buildings for storage, distribution, and wholesaling of large quantities of goods.

**WATERCOURSE** means any natural or man-made depression with well defined banks below the surrounding land area and serving to give direction to a current of water at least six months of the year and shall have the same meaning as a permanent stream.

**WATER SPECIFIED AREA** means that geographical area of Cornwallis Park where municipal water service is available or where it may be extended.



## CORNWALLIS PARK LAND USE BYLAW

**WETLAND** means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions that supports, vegetation typically adapted for life in saturated soil conditions, and includes swamps, marshes, bogs, and estuaries; wetlands are deemed as environmental sensitive areas and are typically non-developable except as approved by the environmental representatives of the Province of NS.

**WHOLESALE USE** means a use providing for selling to the retailer rather than to consumers.

**WIND TURBINE** means a structure or device that produces power by capturing the kinetic energy in surface winds and converting it into energy in the form of electricity and can include a tower, turbine rotor blades, and foundation and as noted as follows:

**WIND TURBINE, LARGE SCALE** means a wind turbine height greater than 47 m. (155 ft.).

**WIND TURBINE, MINI** means a roof mounted turbine or a free-standing turbine with a wind turbine height of 13 m. (42.6 ft.) or less.

**WIND TURBINE, SMALL SCALE** means a wind turbine height greater than 10.6 m. (35 ft.) but less than 47 m. (155 ft.).

**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, and the highest vertical extension of the wind turbine rotor blades, generally expressed as half of the rotor blade sweep or diameter.

**WORKSHOP** means a building, structure, or part of a building or structure used for the creation, manufacturing or repairing of goods, and including an accessory business office and the accessory sales of such products or work. The types of workshops include the following:

- **ARTISAN WORKSHOP** means the use of or part of a building by individuals trained in a trade such as carpentry, wood-working, wood carving, or a smith;
- **ARTISANAL WORKSHOP** means the use of or part of a building by an individual for the production of food and drink in limited quantities, such as but not limited to baker, butcher, and dairy and cheese producers;
- **ARTIST WORKSHOP** means the use of a building for the production of artist's or sculptor's or similar works/products including the exhibition/display and retail sales of such paintings, sculptures or other works of art;
- **CRAFT WORKSHOP** means the use of a building for the production or repair of handicrafts, toys, garden or household ornaments or personal effects from dressmaking/tailoring, leather-working, jewellery-making, pottery/ceramic-making, quilting, crocheting, knitting, needlepoint, weaving or sewing including the exhibition/display and retail sales of such products; and,
- **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 lot, excluding motor vehicles or their parts or accessories.

**YARD** means that area of a Lot created by a setback.

**ZONE** means a defined area, including land and water, to which a uniform set of regulations pertaining to uses, development standards and conditions of use apply.

**ZONING MAP** means the map attached to and forming part of the Land Use Bylaw as Schedule A.

# CORNWALLIS PARK LAND USE BYLAW

## Part 3 ADMINISTRATION

### SECTION 3.1 COMPLIANCE WITH OTHER BYLAWS

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

### SECTION 3.2 INTERPRETATION OF ZONE BOUNDARIES AND SYMBOLS

The symbols used on the Zoning Maps refer to the corresponding zones established in this Bylaw. The requirements of this Bylaw shall apply to all zones and the boundaries between, and extent of the zones shall be determined as follows:

1. Where a zone boundary is indicated as following private or public street, road, or highway the boundary shall be the centre line of such unless otherwise indicated;
2. Where a zone boundary is indicated as approximately following lot lines the boundary shall follow the lot lines;
3. Where a watercourse, railroad, railway or transmission line right-of-way is shown on the Zoning Map as a zone boundary, the centre line of the right-of-way or watercourse shall be considered the boundary between the zones unless otherwise indicated; and
4. Where none of the above apply, and where appropriate, the zone boundary shall be scaled from the Zoning Maps.

### SECTION 3.3 PERMITTED USES

In this Bylaw, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated. Where a permitted use is defined in Part 2 of this Bylaw, the use includes any similar uses that satisfy such definition, except where a definition in Part 2 specifically excludes a similar use.

### SECTION 3.4 DEVELOPMENT PERMIT

Unless otherwise stated in this Bylaw, no person shall undertake a development on a lot within the Planning Area without first obtaining a development permit from the Development Officer subject to the following:

1. The development is in conformance with this Bylaw, an approved development agreement or by site-plan approval, 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 *Municipal Government Act*;
2. A development permit will only be issued for a building/structure that is placed fully within a lot and does not cross a lot line;
3. A development permit issued under this Bylaw 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;
4. The Development Officer may revoke a development permit issued under this Bylaw where the Development Officer is satisfied that the permit was issued under false or mistaken information, if the information provided on the application is found to be inaccurate, or the Development Officer erred in issuing the permit; and
5. Notwithstanding that a development permit may not be required, the development is not exempt from meeting the requirements of this Bylaw.

## CORNWALLIS PARK LAND USE BYLAW

### SECTION 3.5 NO DEVELOPMENT PERMIT REQUIRED

Unless otherwise stated in this Bylaw, no municipal development permit shall be required for:

1. 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, and will not add more dwelling units or otherwise intensify or change the use of the building;
2. An accessory building with a gross floor area of 20 m<sup>2</sup> (215.3 ft<sup>2</sup>) or less, accessibility ramp, bus shelters, children's play structure, clothesline or flag pole, decks and patios less than 0.6 m. (2 ft.) above grade, dog houses, fences, home use sending/receiving antenna or dish, landscaping structures such as a gazebo, garden trellis, pedestrian footbridge, retaining wall, wading, reflecting, or fish ponds, produce stand, outdoor fire pit, fireplace, barbeque, chimney, wood stove or furnace, swimming pools, temporary vehicle tent, supplementary power generators such as an outdoor internal combustion engine, roof mounted mini scale wind turbine, and ground or roof mounted solar panels;
3. Forestry, agricultural, or fishery uses not including any building/structure required with such a use; and
4. A temporary use of land as well as construction or placement of temporary structures for said use, including but not limited to vendor stands, signs, displays, garage sales, flea markets, fairs, concerts, or festivals provided that such uses remain in place no longer than fifteen (15) consecutive days.

### SECTION 3.6 APPLICATION FOR DEVELOPMENT PERMIT

Every application for a development permit submitted to the Development Officer shall be accompanied by a site plan drawn to an appropriate scale, showing:

1. The legal plan related to the property, or similar, that identifies the surveyed area size and dimensions of the property to be used;
2. The location of any and all environmentally sensitive areas and features on the property, and the proposed development setbacks to be utilized, as well as the location and type of all existing significant trees on the property;
3. The location, height, dimensions, and proposed use of the building/structure or land use proposed to be developed on the lot, and with the existing buildings on the lot to be retained with the new development, a calculation of the building lot coverage ratio;
4. The development design information required for specific zones, including where applicable, site, building, landscaping and parking area design detail, proposed signage, and including a signed letter from the development applicant identifying how the development proposal has adhered to, and incorporated, the applicable design guidelines;
5. The location of every building or structure already on the lot, and the approximate location of buildings on abutting lots;
6. The proposed location and dimensions of any parking spaces, loading spaces, driveways, and ingress and egress points to a public street(s);
7. A detailed landscape plan, where applicable, that identifies the location of all areas of the property to be landscaped, including the types of native species plantings of shrubbery, trees and flowering plants that are to be utilized, and a determination and calculation of the area size of the impermeable surfaces on the property;
8. Where applicable, a lot grading, or soil retention plan and/or stormwater management plan.
9. Where applicable, a report from a qualified person that reviews the proposed development, makes recommendation related to the development, and certifies the said report; and
10. Any other information which the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.

## CORNWALLIS PARK LAND USE BYLAW

Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw, the Development Officer may require that the plans submitted be based on a recent actual plan of survey certified and stamped by a licensed Nova Scotia Land Surveyor.

### SECTION 3.7 SIGNATURE FOR APPLICATIONS

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 owners.

### SECTION 3.8 APPLICATION FEE

Every application for a planning strategy amendment, development permit, variance, site plan approval, development agreement or LUB amendment shall be accompanied by a form of payment acceptable to the Municipality in the amount specified by Municipal Council. Where an application to amend this Bylaw or to enter into a development agreement is made, the applicant shall deposit with the Municipal Treasurer for Annapolis County, an amount established by the Treasurer to be sufficient to pay the costs of all advertising and notification required. If the amount paid is not sufficient to cover the costs incurred, then the applicant shall pay to the Treasurer the additional amount required. If the amount paid is more than sufficient, then the Treasurer shall refund the excess amount.

Where Council decides not to proceed with the application, development permit, or variance or it is withdrawn by the applicant, or rejected by the Development Officer, the deposit shall be returned to the applicant, less the cost of any incurred advertising or notification cost to date.

### SECTION 3.9 ENFORCEMENT

Municipality of the County of Annapolis may cause notice in writing to be served to the owner or occupier of property found to be in contravention of the Land Use Bylaw, identifying the details of the contravention and the action required of the party so notified. If the contravention is not remedied within the time period identified by the Municipality, further enforcement measures may be pursued.

### SECTION 3.10 EFFECTIVE DATE OF BYLAW

This Bylaw shall take effect when approved by the Minister of Municipal Affairs and a public notice is issued by the Municipality, informing the public that the Land Use Bylaw is in effect.

## Part 4 GENERAL PROVISIONS

### SECTION 4.1 EXISTING BUILDINGS RE-DEVELOPMENT & SETBACKS

A significant portion of anticipated new land and building development within Cornwallis Park will likely occur within existing vacant and underutilized buildings, and lands, located within an approximate 22.25 ha (55 acre) area within the peninsula area to the south of Highway 1. The Land Use Bylaw respects the current siting of these buildings and requires no additional separation distance requirements to property lines for such buildings. New setbacks, where applicable, shall be outlined for expanded building footprints of these structures, and if demolition or fire destroys existing buildings. Re-development may take place in accordance with the former building envelope siting, or if expanded, in accordance with new setback standards.

### SECTION 4.2 MULTIPLE USES

Where any land or building is used for more than one purpose, the requirements of this Bylaw shall be interpreted so that the highest or most restrictive standard required for a use, is applied to all uses.

### SECTION 4.3 ACCESSORY USES PERMITTED

Where this Bylaw provides that any land, building or structure may be utilized for a permitted use of land within a specified zone, the use is deemed to include any accessory or ancillary use thereto, as identified within the applicable land use zone, and subject to the requirements of this Bylaw.

### SECTION 4.4 SAFE CONDITION

Nothing in this Bylaw shall prevent the restoration to a safe condition of any building or structure as outlined in the *Municipal Government Act (MGA)*.

### SECTION 4.5 TEMPORARY CONSTRUCTION USES

The temporary construction use or placement of a building/structure incidental to construction, is permitted in all zones provided that a development permit has been issued for the main construction project and the temporary building/structure does not remain for more than thirty (30) days after the construction is completed and an occupancy permit is issued. Temporary construction uses include but are not limited to, a work or construction camp or a worker's trailer, sales or rental office, tool or maintenance shed, fencing, and scaffolding.

In the case of an existing mini or mobile home already on a lot prior to the application to develop a new residential dwelling, the applicant may use the existing mini or mobile home as a temporary construction use. The applicant must receive a change of use permit for the existing mini or mobile home to a temporary construction building with the understanding that existing mini or mobile home must be removed from the property within thirty (30) days after receiving an occupancy permit for the new residential building.

### SECTION 4.6 NON-CONFORMING USES & STRUCTURES

Any legal use of land, building, or structure established before the effective date of this Bylaw that does not conform to the requirements of this Bylaw or the uses permitted within the zone the lot is located, shall be subject to the *Municipal Government Act* provisions respecting non-conforming uses and structures, unless otherwise stated in this Bylaw. If said non-conforming land use, building, or structure does not meet the lot area, frontage, or setbacks requirements, it may be enlarged, reconstructed,

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repaired, or renovated provided: the development does not further reduce any non-conforming setback and all other applicable requirements of this Bylaw are satisfied.

The use of a non-conforming building/structure or land may be changed to a use permitted in the zone in which the lot is located at any time, provided all other applicable requirements of this Bylaw are met.

### SECTION 4.7 STREET FRONTAGE

No development permit shall be issued for a lot that does not abut and front on a public or private street, road, or highway, unless the lot was in existence on or before the effective date of this Bylaw.

Lots existing on or before the effective date that do not meet the street frontage requirements of this Bylaw may be developed, provided all other applicable requirements of this Bylaw are met and an approved right-of-way has been granted to allow access to the lot. Where the lot lines of an existing lot that lacks street frontage are altered, but the lot still does not meet the street frontage requirement, this regulation shall still apply.

### SECTION 4.8 EXISTING UNDERSIZED LOTS

Notwithstanding the lot area size requirements of this Bylaw, a lot in existence on or before the effective date of this Bylaw, having less than the minimum lot area size or lot frontage dimensions required by this bylaw, may be used for a use permitted in the zone in which the lot is located, and a building/structure may be developed on the lot provided that all other applicable requirements of this Bylaw are satisfied. Where the lot lines of an existing undersized lot are altered so as to increase the area size of the lot or the frontage of the lot, but still remains an existing undersized lot, the lot shall remain as an existing undersized lot.

Where a building or structure is located on an undersized lot in existence on or before the effective date of this Bylaw and fails to meet the requirements of this Bylaw regarding area, frontage, or setback requirements, the building/structure may be used for any use permitted in the zone in which the lot is located, provided that all other applicable requirements of the Bylaw are met.

### SECTION 4.9 SIDE YARD WAIVER

Notwithstanding the minimum side yard requirements of this Bylaw, where main or accessory buildings or structures on abutting lots share a common wall, the applicable side yard requirement shall be zero.

### SECTION 4.10 REDUCED REQUIREMENTS – LOT FRONTAGE

Notwithstanding the minimum lot area and lot frontage requirements of this Bylaw, development permits shall be issued for lots created pursuant to the Subdivision Bylaw, where:

1. A lot along a public or private street, road, or highway 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 retains a minimum of 6 metres (19.7 feet) of lot frontage and all other applicable requirements of this Bylaw are satisfied;
2. A panhandle (i.e. flag) lot is created that has a minimum of 18.3 m. (60 ft.) of lot frontage and all other applicable requirements of this Bylaw are satisfied;
3. Where a lot is created for a parkland and open space use, in which the control and/or operation is vested in a public authority or agency thereof, that has a minimum road frontage of 12.2 metres (40 ft.)

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4. Two lots are created that have less than the required frontage and/or lot area provided that neither reduction is less than ninety percent (90%) of the required minimums for that zone; or,
5. Where the land being subdivided is to address a development component of a permanent nature, such as mature trees, a driveway, well, or septic tank which is encroaching in or upon an immediately abutting lot, and all other applicable requirements of this Bylaw are satisfied.

### SECTION 4.11 CONFORMITY WITH EXISTING SETBACKS

Where a main building is proposed to be built or expanded that will be located between main buildings on adjacent lots, the building or expansion may be built with a front yard setback equal to the average established front yard setback of main buildings located on all lots within 100 m (328 ft.), but the front yard setback shall not be less than 3 m (10 ft.).

### SECTION 4.12 PERMITTED NUMBER OF MAIN BUILDINGS ON A LOT

No person shall erect more than one (1) main building on a lot within the R1 Zone. In all other zones, where more than one main building is located on a lot, the setback requirements set out in the respective zone shall apply to all main buildings, and a minimum of 3 m. (10 ft.) shall be required between main buildings, unless otherwise provided for in this Bylaw.

### SECTION 4.13 HOMES FOR SPECIAL CARE

Small option homes and group care facility dwellings, licensed under *The Homes for Special Care Act* are considered a permitted use in all residential dwellings.

### SECTION 4.14 ACCESSORY RESIDENTIAL DWELLINGS & SECONDARY SUITES

A single secondary dwelling unit, as an accessory residential use to the principal residential dwelling, is permitted in the form of a backyard suite as a separate cottage, as a carriage house apartment above a garage, as an attached granny suite addition to an existing home or as a basement apartment, on 465 sq m (5,005 sf) lots in the R1 Zone, provided the accessory residential use meets the setback requirements for the zone in which the lot is located and have a maximum floor area size of 60.4 sq. m. (650.1 sq. ft.). Tiny homes are also permitted as an accessory residential use in the backyard of R1 zoned lots, provided that the maximum floor area size is 37 sq m (398 sf), and that the tiny home meets all setback requirements of the zone.

Secondary residential dwellings as basement suites shall comply fully with the requirements of the National Building Code of Canada.

All accessory residential dwellings shall provide for one parking space and shall have a separate dwelling unit entrance and access to the outside, and provision for a minimum of 20 sq m (215.2 sq ft) of private outdoor space.

There shall only be one of either an accessory residential use, a boarding use, a bed and breakfast use, a small options home use, or a residential care use, permitted within any property zoned as Residential Low Density (R1).

### SECTION 4.15 SHORT TERM RENTALS

A residential dwelling unit may be used as a short-term rental if the owner of the short-term rental lives on or abuts the property containing the short-term rental unit.

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### SECTION 4.16 AGRICULTURAL ANIMALS

Agricultural animals are not permitted in any zone within the Planning Area.

### SECTION 4.17 PERMITTED ENCROACHMENTS IN YARDS

The following structures may project from a main wall of a main building into, or be located in, a yard required by this By-law in accordance with the following distances:

1. 1 m (3.2 ft.) for window bays, eaves, cantilevers, gutters and chimneys;
2. 3 m (10 ft.) for balconies, roofed porches, sun decks, terraces, awnings, patios, decks, carport and exterior staircase; and,
3. To the lot line for fire escapes and accessibility access ramp.

### SECTION 4.18 ACCESSORY BUILDINGS & STRUCTURES

An accessory building or structure shall be permitted in any zone in the Planning Area and may be used for an accessory use to an established main use, but shall not:

1. Be used for human habitation, unless otherwise permitted by this Bylaw;
2. Be located in the minimum front or flankage yard(s) of a lot, or closer than 1 m (3.28 ft) to a rear and interior side lot line; 3.96 m (12 ft) from the exterior lot lines and 10 m (32.8 ft) from the front lot line, unless otherwise permitted in this Bylaw;
3. Be built within 2.44 m (8 ft.) of the main building or 1.2 m (4 ft.) of another accessory building or structure on the same lot;
4. Have a maximum building height exceeding 6 m (19.68 ft);
5. Be permitted as the only building or structure on a separate lot; nor,
6. Be considered an accessory building if attached to the main building by a shared structural wall, however, it may be attached to a main building on the same lot by way of an enclosed walkway or a breezeway.

### SECTION 4.19 HOME OCCUPATION REQUIREMENTS

Nothing in this Bylaw shall prevent the use of a residential dwelling or its accessory buildings as a home occupation provided that the residential dwelling or residential dwelling unit is a permitted use in that zone. All home-based businesses shall:

1. Be considered clearly as secondary and accessory uses to the primary residential use of the property;
2. Maintain the privacy and enjoyment of adjacent residences and the character of the neighbourhood;
3. Be entirely enclosed within a building, except a child care centre which can use its rear yard as a play area;
4. Not involve any internal or external structural alterations to the primary residential dwelling unit;
5. Not externally indicate in any manner, other than one permitted sign, that the residential dwelling is being used for any other use than a residential use;



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6. Not involve the unenclosed storage or display of any materials related to the home occupation use;
7. Be subject to potential additional municipal water and sewer user fee as determined by the Authority; and,
8. Be subject to an annual business licensing requirement, as determined by the Authority.

### SECTION 4.20 HOME OCCUPATION PERMITTED USES

Only the following occupations, professions and businesses, and similar uses not specifically listed as follows, may be conducted as a home occupation:

1. Business and professional offices, excluding real estate offices, but including medical and dental offices;
2. Artisan spaces, workshops and other home crafts;
3. Food preparation for catering services and baking;
4. Bed and Breakfasts;
5. Music and dance lessons and educational tutoring;
6. Telephone and mail order business;
7. Art gallery and framing shop;
8. Pet grooming services;
9. Shoe repair, dressmaking, sewing repairs and tailor shop;
10. Furniture repair and upholstery;
11. Sale of bedding plants and trees grown on the same lot; and,
12. Varied personal service uses that do not disrupt the residential character of the neighbourhood such as small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists, and insurance agents.

### SECTION 4.21 HOME OCCUPATION EXCLUDED USES

An accessory home-based occupation shall not include any business activity related to any of the following uses:

1. Occupations that discharge or emit odours, noxious or toxic matter or vapours; heat, glare, noise and/or radiation;
2. Manufacturing, welding or any other industrial use;
3. The salvage, repair, maintenance or sales of motor vehicles, or motor vehicle engines or parts;
4. Tow truck operations and taxi cab operations;
5. The use of mechanical or electrical equipment except as ordinarily utilized in purely domestic, household, recreational hobbies or a home office use;

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6. The use of any motor vehicle exceeding 4,500kg (9,920lbs.) licensed gross vehicle weight, or a commercial vehicle unless such vehicle is completely enclosed within a building;
7. Materials and commodities that involve delivery to and from the home based business residence in such bulk or quantity as to require regular or frequent delivery by a commercial vehicle or trailer;
8. Occupations that result in traffic congestion, on street parking overflow, electrical interference, fire hazards or health hazards;
9. Veterinary clinics, pet breeding and boarding kennels;
10. Orchestra and band training;
11. Tutoring or lessons for more than three classes per day to a maximum of six students per day;
12. Office uses that generate regular daily visits by clients;
13. Public assembly use;
14. Telephone or mail order sales of goods where customers enter the premises to inspect, purchase or take possession of goods;
15. The sale of any commodity not produced on the premises;
16. Warehouse outlet;
17. Contractors yards including storage of equipment and materials; and
18. Any other use that is not complimentary to the quiet enjoyment of a residential neighbourhood.

### SECTION 4.22 GENERAL REGULATIONS FOR HOME OCCUPATIONS

1. No more than two home-based businesses shall be permitted within any one residential dwelling unit or accessory building;
2. A home occupation business shall only be conducted by the residents of the dwelling unit where the business is located;
3. A home occupation business use shall occupy less than 25% of the total floor area space of the principal dwelling unit, to a maximum of 45 sm (484.4 sf), except for a child care centre which may use 50% of the total area space of the dwelling unit and where an accessory building is used for the home based business, the accessory building size shall not exceed 46 sm (495 sf);
4. Home based businesses shall have a maximum of 3 employees per home-based business use, including not more than 2 non-resident employee;
5. Any and all persons intending to conduct a home occupation business shall apply to the Municipality of County of Annapolis for development permit; and,
6. Home occupation development permit approvals may be subject to annual review and evaluation, including an assessment of any neighbourhood complaints received. The Development Officer may revoke a development permit for an operation that is deemed not to be in full compliance with the requirements of the Land Use Bylaw.

### SECTION 4.23 PARKING REQUIREMENTS FOR HOME OCCUPATIONS

1. In addition to the one additional required parking space for a home based business residential zone use, a home occupation shall provide one additional parking space for each non-resident employee working at such facility;
2. A minimum of two additional public parking spaces are required for home occupation uses involving students, patrons, and a child care centre. A bed and breakfast use shall provide one parking space for each room so used;
3. All parking spaces are to be provided on the lot for the home occupation use and are to be paved or constructed in a semi-permeable surface, and otherwise made durable and dust free and the front yard shall not be used to provide the required parking spaces; and,
4. The home occupation applicant shall provide, if applicable, a site plan that indicates the parking space locations and any landscape improvements related thereto at time of development permit application.

### SECTION 4.24 SIGNAGE FOR HOME OCCUPATIONS

A home occupation may have one non-illuminated sign not exceeding 0.66sm (4 sf) which includes the name of the home occupation and/or that of the license holder. The sign shall be placed within or flat against the main front wall of the dwelling unit, on an entry feature such as a gate, fence, steps, or be a ground sign next to driveway, as approved by the Authority.

### SECTION 4.25 BED & BREAKFAST USE

1. Bed & Breakfast uses are only allowed as an accessory use within the principal residential building in the R1 zone, and where such dwelling units are well maintained and attractive to the intended tourism accommodation use;
2. The principal use of the residential dwelling unit shall continue to be the home for the ongoing use by a family unit; no other use such as for a residential care or boarding use shall be permitted at the same time as a bed & breakfast use;
3. The person(s) operating the bed & breakfast shall hold a valid license issued by the agency/agencies having jurisdiction or authority;
4. No more than three bedrooms accommodating not more than six persons at any one time may be used by residential homes for a bed & breakfast use;
5. The maximum stay for any one patron shall be not more than 45 days in a 12-month period;
6. Bed & breakfast amenities shall include a minimum of a sleeping accommodation area with a bedroom containing a minimum of 12 sm (129.1 sf), full bathroom and washroom facilities with potable hot and cold water for each bedroom;
7. A bed & breakfast use is not permitted within a subsidiary apartment, a mobile home or within dwelling units in the R2 and R3 zones.

### SECTION 4.26 CHILD CARE CENTRE AS HOME OCCUPATION

1. A child care centre shall be permitted in the R1 zone;

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2. A child care centre shall be duly licensed and approved, staffed, equipped and operated in accordance with the requirements of the agencies having jurisdiction or authority; and,
3. A child care Centre operating as a home occupation shall be sited a minimum of 300 m (984.2 ft) from another child care centre.

### SECTION 4.27 HOME OCCUPATION DEVELOPMENT PERMIT APPLICATION

A development permit shall be issued for a home occupation where:

1. The home occupation is in compliance with the permitted home occupation business uses of Section 4.20 of this Bylaw;
2. The home occupation is primarily operated by the occupant of the main residential dwelling or dwelling unit located on the same lot;
3. One off-street parking space for every non-resident employee of the home occupation, and the required spaces solely for the use of customers/clients, are provided;
4. There is no accessory outdoor storage or display; and,
5. The home occupation does not make use of equipment that is obnoxious by virtue of dust, odour, smoke, noise, or other emissions.

### SECTION 4.28 SIGNS

Signs and advertisements within Cornwallis Park, include the following types:

Prohibited	Portable
Billboard	Third Party
Business & Special Event Promotion	Business Premises
Election Signs	

Provincial highway corridor signage, specific business displays, and other signage types are exempt from the provisions of this Regulation.

A development permit is required for all signs that exceed 1 sq. m. (10.8 sq. ft.) and no sign within the Planning Area is permitted to have flashing lights, moving parts, project beyond a property line, be placed on public property or a public right-of-way without first receiving permission from the governing public authority, obstruct the line of sight or travel for drivers and cyclist such as being located in a corner sight triangle, or which could interfere, mislead, or confuse traffic by using words, phrases, or designs that resemble governmental authority traffic signs.

Signage shall be complementary to the overall site, building and landscape design for the development project;

Decorative landscape treatment to the base of site signage shall be incorporated with the landscape plan for the development; and,

Multi-tenant use of a mixed use, commercial, or industrial zone site, shall utilize one shared sign.

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### SECTION 4.29 ILLUMINATION

Lights used for illumination shall be arranged in such a manner as to divert the light away from any abutting properties or public and private streets, roads or highways.

### SECTION 4.30 WATERCOURSE PROTECTION

No structure shall be erected within 30 m. (98.425 ft.) of Ditmars Brook, except for existing residential lots within the Dingle and Brook Street neighbourhood areas where the setback shall be 7.5m (24.6 ft), and no new building shall be erected within 30 m (98.425 ft) of the ordinary high water mark of the Annapolis Basin as defined by the Land Surveyors Regulations of Nova Scotia, unless otherwise mentioned in this Bylaw.

A permit may be considered to be issued for a new development within the designated watercourse and water-body setback area if the applicant provides a sealed report from a qualified and registered engineer that certifies that the proposed development will not impact public safety, or negatively affect the watercourse or water-body or contribute to erosion, and the report additionally provides recommendations and site/building development requirements to properly safeguard the property from damage due to storm events, elevated water levels and flooding, and includes a soil and vegetation retention plan.

Wharves, marinas, boat houses, launches, landscaping structures, bridges, 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 outlined in this Bylaw are exempt from all watercourse protection setback requirements, unless otherwise required by federal and provincial levels of government.

### SECTION 4.31 SERVICING

All new and expanded commercial, mixed use, industrial, community development and residential development within the planning area shall be fully serviced by the developer with municipal water, sanitary sewer, storm water management, paved roads, adjacent sidewalks, street trees and street lighting wherever applicable, and other services as required by the Authority. Off-site deficient services to service the development shall be provided and paid by the development proponent at time of subdivision and/or development permit.

### SECTION 4.32 PARKLAND OPEN SPACES, PARKS & TRAILS

Notwithstanding anything else in this Bylaw, parkland, open space, parks, trails and recreation uses, where the ownership control and/or operation 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 their development or their ancillary structures or buildings.

### SECTION 4.33 PUBLIC/PRIVATE UTILITIES & SERVICE FACILITIES

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

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### SECTION 4.34 PROHIBITED USES

Notwithstanding anything else in this By-law, the development of the following uses shall be prohibited within the Planning Area:

1. Commercial or private-use motorized vehicle race tracks, jump tracks, roads, trails, stadiums, arenas and commercial tracks for the racing of animals, or any other such facilities or operations;
2. Non-roof mounted wind turbines; and,
3. Public or private utilities and municipal service facilities such as, waste disposal facilities, landfills, solid waste transfer stations and construction debris disposal sites.

## **Part 5 OFF-STREET PARKING REQUIREMENTS**

### **SECTION 5.1 ACCESSIBILITY AND USE**

1. The following shall apply to all new residential uses within the R1 Zone:

- Vehicle parking shall occupy no more than 20% of the lot area.
- One parking space shall be provided for each residential dwelling unit.
- Parking areas shall be paved or constructed of a durable and/or semi-permeable surface.
- No parking shall be permitted within 1.5 m (4.92 ft) of any rear or side lot line bounded by a street.
- Recreation vehicles, boat trailers or boats exceeding 7.5 m (24.6 ft) in length, and vehicles exceeding 4500 kilograms (9,921 pounds) of weight, shall be completely screened, or enclosed within a building.

2. The following shall apply to all new developments within R2 and R3 zoned sites, and to all new development on commercial, industrial, mixed use, and community development use zoned lands:

- Vehicle parking shall occupy no more than 20% of the lot area.
- Parking spaces shall not be developed within the required building setback areas to property lines.
- One parking space shall be provided for each residential dwelling unit.
- Tandem parking spaces for two vehicles may be provided for parking within the R1 zone, and with accessory residential uses, and for up to 25% of required parking in the R2 zone, provided they are designed for the exclusive use of the same dwelling unit.

### **SECTION 5.2 PARKING SPACE SIZES**

1. The minimum dimensions for a parking space and the associated manoeuvring aisle, where applicable, shall be as follows:

<b>Parking Angle (in degrees)</b>	<b>Width of Space</b>	<b>Length of Space</b>	<b>Width of Aisle</b>	<b>Traffic Direction</b>
90 or 60 or 45	2.6 m (8.5ft)	5.5 m (18 ft)	6.5 m (21.3ft)	Two Way
180 (parallel)	2.6 m (8.5ft)	6.7 m (22 ft)	6.6 m (21.3ft)	Two Way
90 (compact car)	2.5 m (8.2ft)	5 m (8.2ft)	7 m (23 ft)	Two Way
60 (compact car)	2.6 m (8.5ft)	5 m (8.2ft)	6.5 m (21.3ft)	Two Way
45 (compact car)	2.7 m (8.9ft)	5 m (8.2ft)	6.5 m (21.3ft)	Two Way

2. All manoeuvring aisles for one-way traffic shall have a minimum width of 3.5 m (11.48 ft).

3. Where the total number of required parking spaces for a new development exceeds 20 spaces, up to 25% of the total parking spaces may be provided for smaller cars, referred to as 'compact car parking'. All compact car parking spaces shall be clearly marked as 'Small Car Only'.

4. For underground parking, parking areas shall be illuminated and building support columns shall not protrude into the minimum width or length of parking spaces.

5. Parking spaces that abut a wall, a retaining wall, fence or similar structure shall have a minimum width of 3 m (9.8 ft) and shall provide adequate curb or wheel stops.

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6. Parking spaces adjacent to pedestrian walkways and sidewalk areas shall have adequate curb or wheel stops.

### SECTION 5.3 REQUIRED NUMBER OF PARKING SPACES

1. In determining the total number of minimum parking spaces required for new developments within Cornwallis Park, the total shall be calculated on a per dwelling unit, on total floor area size, or on a seating capacity basis of the building so used and provided for on the same lot as the building so used.

2. Level two electric vehicle charging stations are intended to be provided within all new R2 and R3 developments of 15 and more dwelling units and within all new commercial, mixed uses and industrial buildings of 930 sq m (10,010.4 sf) of floor area, and with new Community Development Zone Uses with a floor area greater than 415 sq m (5,005 sf).

3. Off-street parking shall be provided for each category of land use, or each specific listed use, in accordance with the following:

**Accommodation:** One space per sleeping unit, and one space per 20 sm (215.4 sf) of meeting space within hotels/motels.

**Commercial:** For all commercial service uses from offices to barbers, retail shops to spas to recreation facilities and similar uses, the parking requirement shall be 3 spaces per 100 sm (1,076.4 sf) of floor space. Childcare Centres shall provide 1 parking space per employee plus two spaces for drop-off area.

**Cultural:** One space per 4 seats of total capacity of the assembly area, plus 3 spaces for each 100 sm (1,076.4 sf) of other floor area. A gallery or museum, or similar use, shall provide for 1.5 spaces per 100 sm (1,076.4 sf) of floor area.

**Entertainment and Recreation:** For a movie theatre, one space per 20 seats of total capacity is required, and for all other entertainment and recreation uses where occupancy is not determined by seating, one space per 25 sm (269.1 sf) of floor area, is required.

**Food and Beverage:** For coffee shops, pubs, restaurants and licensed lounges, minimum number of required parking spaces shall be one space per 5 seats of total capacity, and where occupancy of a food and beverage use is not determined by seating, one space shall be provided per 10 sm (107.6 sf) of floor area.

**Industrial:** For all new processing, manufacturing, assembly, production, fabrication and similar industrial use buildings, the parking allocation shall be one space for every 150 sm (1,614.6 sf) of floor area. For warehousing and storage uses, the parking requirement shall be one space for every 200 sm (2,152.8 sf) of floor area. Office and similar floor area uses accessory to industrial uses shall be provided on the basis of 3 spaces for every 100 sm (1,076.4 sf) of floor area.

**Community Development Zone Use:** All new public safety, civic, library and similar community uses shall be provided on the basis of one space per every 100 sm (1,076.4 sf) of floor area. Where an assembly use is provided, parking requirements shall be based on one space per 5 seats of total capacity. Residential and commercial use parking requirements shall be determined in accordance with the zone standards for the applicable density and type of use. Other Community Development Uses shall be determined based on one space per 35 sm (376.7 sf) of floor area.

New or expanded elementary schools shall provide for one space per classroom, plus 6 spaces for a drop-off area, and three spaces for bus-loading and drop-off.



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**Residential:** All residential uses shall provide one parking space for every residential dwelling unit except Multiple Unit dwelling in the R3 zone which shall provide for a minimum of 0.75 parking spaces for every residential dwelling unit. All residential care uses, including adult or personal care facility, shall provide one parking space for every 3 beds.

A bed and breakfast use shall provide for one space for every guest bed used.

A boarding use shall provide one space for every room used.

### SECTION 5.4 BICYCLE & E-BIKE PARKING

Larger new commercial development projects, and new commercial, mixed use, and industrial uses in excess of 930 sm (10,010.4 sf) of floor area, new R2 and R3 multi-unit housing developments of 15 or more dwelling units, and new community development zone buildings with 415 sm (5,005 sf) of new floor area, shall provide for both pedal bicycle and e-bike parking rack facilities, on the basis of the following requirements:

1. The bicycle and e-bike parking racks shall be situated near the primary entrance to the new principal building on site, or with recreation centres located near small open space nodes adjacent to pedestrian sidewalks and trail systems.
2. Bicycle and e-bike racks shall be provided for larger new commercial and mixed use development projects, and new industrial uses, in excess of 930 sm (10,010.4 sf) of floor area, on the basis of one space in a bicycle rack for every 250 sm (2,691 sf) of new building floor area.
3. Bicycle and e-bike shall be provided within new R2 and R3 multi-unit residential projects of 15 or more dwelling units at a ratio of one space within an outside bicycle rack for every five dwelling units, and provision for the common area safe storage of residents' bicycles and e-bikes within the building.

### SECTION 5.5 STREET LOADING REGULATIONS

Newly developed and expanded buildings that require shipping and delivery, and loading and unloading, by trucks and service vehicles of goods, materials and merchandise, as part of their operation and site design, shall provide for sufficient dedicated area adjacent to their buildings for loading and unloading spaces, on the following basis:

1. Required off-street loading spaces shall be located entirely within the property boundaries of the new or expanded building and shall not be used for any other use.
2. The minimum dimension for an off-street loading space shall be 4 m (13.1 ft) in width, 12 m (39.4 ft) in length, and 4 m (13.1 ft) in vertical height clearance.
3. Direct vehicular access, a minimum of 6 m (19.68 ft) wide, from the adjacent highway or street, shall be provided to each loading space.
4. For new development sites with new building floor area space greater than 500 sm (5,382.1 sf), one loading space shall be required.
5. Two loading spaces shall be provided with new development sites with a building floor area size increase of 2,000 sm (21,528.5 sf).
6. Off-street loading spaces shall be surfaced with asphalt or concrete, or with a newer semi-permeable durable surface.

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7. Off-street loading spaces shall have adequate curb stops to retain vehicles within the off-street loading space, to prevent vehicles from obstructing pedestrian sidewalks and adjacent streets, and to curtail damage to landscape areas.

### **SECTION 5.6 CASH IN LIEU PARKING**

Where a new building or development site is unable to provide for the required number of parking spaces of this Bylaw, and a Variance for the deficient parking is not considered appropriate or approved, the Municipality of the County of Annapolis will calculate a monetary value for the deficient parking space(s) on the basis of the current market raw land cost and parking space construction cost in accordance with the parking space size requirements of this Bylaw, and the monetary value shall be paid to the Municipality within 30 days of being invoiced for such.

## Part 6 DEVELOPMENT DESIGN GUIDELINES

### SECTION 6.1 PURPOSE

The development design guidelines support the goals of the Secondary Planning Strategy of building livable neighbourhoods, enhancing the visual appearance of new site and building developments, and focusing on the emerging community character of new land and building developments.

The Development Design Guidelines of this Bylaw apply to new land developments within the community. The Guidelines of this Bylaw are established to achieve the following:

1. A high standard of livability in both residential and non-residential areas of the community.
2. A high standard for new building form and character by incorporating basic design elements for site planning, building appearance, energy efficiency and specifically limiting development practices such as building massing.
3. A high quality public realm with new developments through emphasis on site landscaping, planting of trees, creation of open spaces, giving attention to the pedestrian, emphasizing streetscape appearance of buildings, and minimizing the aesthetic impact of large open asphalt parking areas.
4. A more enhanced sense of place with new developments by retaining natural features and vegetation and maintaining local history through the use of architectural design elements.

### SECTION 6.2 SITE PLAN APPLICATION

1. The guidelines identify the general design criteria for specific types of new developments to follow, and thereby form the basis for Municipal staff and/or Council to review and consider approval of new building development before Site Plan approval, before a Development Permit is issued, and prior to site construction commencing.
2. Applicants of new developments are to review the guidelines, and the specific design requirements of the applicable zone category for the development and incorporate the design intent and requirements within their proposed development and provide a statement of rationale to the Development Officer how the guidelines and zone requirements have been adhered to.
3. In event of a conflict between the Development Design Guidelines, and the design requirements outlined within the individual zone categories of this Land Use Bylaw, the latter shall take precedent.

### SECTION 6.3 GENERAL PROVISIONS

All development proposals for higher intensity uses of land, including projects for intensive residential housing of single unit compact lots and two unit duplexes, accessory residential uses, three and four unit attached residential buildings, multi-unit residential townhomes, apartment/condominiums, congregate care building developments, commercial, mixed uses, industrial, community development zone uses, and building additions greater than 111.48 sm (1,200 sf) to existing multi-unit residential, commercial, mixed use, industrial, and community development zone buildings, shall be reviewed through the site plan approval process by the Municipality of the County of Annapolis. The applicant for new development has a responsibility to provide to the Authority for review and evaluation, the proposed property development details as follows:

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1. Development Permit information in accordance with Section 3.8 of this Bylaw, and Site Plan information in accordance with Sections 231 to 233 of the *Municipal Government Act*;
2. Building façade and design appearance, and building elevation drawings;
3. Site landscape plan;
4. Signage detail; and,
5. Applicant letter outlining how the proposed development adheres and meets the applicable design guidelines of the land use zone requirements.

### SECTION 6.4 COMPREHENSIVE SITE LAYOUT INFORMATION

A land development applicant shall provide the following additional information on the proposed site development:

1. Identification of developable area of site;
2. Proposed siting of all new buildings, or additions, including building square footage area size, building height, and setback distances to property lines;
3. Building lot area coverage and lot ratio of permeable surfaces on the site;
4. Total number of proposed R1 zoned lots and housing types, number of R2 and R3 multi-unit residential dwellings, or new commercial, mixed use, community development zone, and/or industrial buildings, or expansions thereto;
5. Layout drawing of proposed parking area, total number and size of parking spaces and maneuvering aisles, provision for handicapped parking spaces, access and egress locations to parking area, loading and receiving areas, provisions for bicycle and e-bike parking, and where applicable, electric vehicle charging stations, landscape screening for parking areas and storm water drainage management for parking areas;
6. Identification of outdoor amenity and open space improvement areas;
7. Identification of unenclosed storage areas and area size; and,
8. Overview of landscaping treatment and approach for the site development.

### SECTION 6.5 INTENSIVE RESIDENTIAL DESIGN GUIDELINES

1. All compact and duplex lot houses shall have their principal façade and entry facing the front lot line and the street;
2. The front façade of the residential house shall not be blank but is encouraged to include prominent and identifiable design articulation building forms and features such as appurtenances, porches, verandas and stoops so as to promote the home's exterior living space and street orientation to enhance social interaction and contribute to the ambiance of the neighbourhood;
3. Blank walls along the side and rear of the home are not encouraged, the side and rear elevations of homes shall have some level of design variation;
4. Windows should be oriented to make best use of passive solar;

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5. All areas of a compact or duplex lot located outside of the building envelope shall be predominately landscaped and maintained with grassed areas, a variety of shrubs, hedges, and flowering plants, and with provision for a minimum of one street tree in the front yard area;
6. All buildings should reflect environmentally responsible design and construction practices, and include consideration of Efficiency Nova Scotia programs;
7. Energy efficiency and conservation shall be considered in the design of landscaped areas and in the selection of plantings through:
  - Retention of existing mature trees and vegetation where feasible;
  - Planting of new trees on every R1 lot for one 50 mm caliper tree and no less than 3 sq m (32.29 sf) of shrub beds to Canadian Nursery Stock Standards (2017 edition);
  - The use of native and/ or drought resistant plant species;
  - Designing the landscaping to moderate the effect of the wind, to provide shade in the summer and to allow daylight into residential dwellings;
8. Where feasible, all roof drains should be recharged into the site; and,
9. Natural drainage and rainwater permeation of the ground is encouraged within the boundaries of each residential lot.

### SECTION 6.6 MULTI-UNIT RESIDENTIAL BUILDING DESIGN GUIDELINES

1. Design and siting of multi-unit residential buildings in Cornwallis Park shall seek to preserve and maximize views of the existing neighbourhood, to enhance privacy and livability of the neighbourhood, to add attractive residential design to the neighbourhood, and to not overwhelm the character of the neighbourhood;
2. Building materials, colour and architectural design of all multi-unit residential projects should complement the existing neighbourhood character and the natural landscape;
3. The livability of all new multi-unit residential dwelling units with regard to views and sunlight shall be considered in the building design through utilization of staggered building elevations, and strategically locating landscaped open spaces;
4. All multi-unit residential developments are encouraged to face the street, or give the appearance of facing the street, so as to provide an attractive street front orientation through attention to the building façade, unique building entrances, landscaping and fence treatment along the street;
5. Multi-unit residential developments adjacent to lower density residential homes shall strive to create a transition in building mass and form, and where feasible, to concentrate density to the centre of the development site, and locate lower density components of the development adjacent to nearby lower density residential homes;
6. Buildings that are more than two storeys in height should be set back further than adjacent single and two storey houses so that the multi-unit residential buildings seem smaller from the street;
7. Clustering of buildings on sites with environmentally sensitive areas or significant natural areas is encouraged;

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8. Townhouse developments should consider variation in building facades such as porch covered and ground level door entries that express strong individual unit identity, and to avoid significant repetition in adjacent dwelling units;
9. Larger apartment buildings and long rows of building frontages that reflect too much building massing, shall avoid large expanses of any one building cladding material, and alternatively, incorporate architectural detail design elements that break up building massing through variation in colour, recesses and articulation such as chimneys, projections and balconies, strategically placed windows and doors, use of varying building materials, and attention to appropriate and compatible roof forms, so as to reduce building massing and provide relief to building monotony;
10. All proposed flat roofs are encouraged to have a prominent articulated cornice treatment;
11. Screening of mechanical equipment, especially mechanical systems sited on rooftops, is encouraged and, wherever possible, integrated into the architecture of the development;
12. Pedestrian pathways, with adequate lighting and landscaping treatment, are encouraged throughout multi-unit developments to connect the residential dwelling units with the site parking areas, and with the sidewalks;
13. Site design elements such as park benches, formal open space courtyards, shade areas and community gardens are encouraged with multi-unit residential sites;
14. Integration of Crime Prevention through Environmental Design (CPTED) principles and design elements into building form and character considerations is to be pursued.

### SECTION 6.7 MULTI-UNIT RESIDENTIAL LANDSCAPE DESIGN GUIDELINES

1. Attractive site landscaping that creates visual interest and identity, a pleasing street image, and a buffer to adjacent land uses, shall be incorporated into the design and development of all multi-unit residential projects in Cornwallis Park;
2. The intent for multi-unit residential sites is to maximize the amount of landscaped areas on the site including retention of stands of mature trees, and to minimize the amount of impervious surfaces so as to increase the natural absorption of rainwater of the site through consideration of innovative practices such as incorporating vegetated swales and rain gardens into the parking lot areas to capture and absorb rainwater runoff;
3. Use of attractive fencing materials, including decorative masonry walls, is encouraged; and,
4. In non-apartment multi-unit development sites, each dwelling unit is to be provided with its own private open space, and landscape attention to the site shall be encouraged to delineate private open space from the more public open space areas;

### SECTION 6.8 MULTI-UNIT RESIDENTIAL DESIGN OF PARKING AREAS

1. For apartment residential developments, wherever feasible, automobile parking is encouraged to be sited underground, and where parking for multi-unit residential projects is not underground, surface paved parking areas are to be considered for design attention;
2. Surface parking areas shall not be located within the building setback areas for the site, and they should be visually screened as much as possible from streetscape and frontage view through the use of

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landscape hedges, raised landscape berms, sloped grassed or flower bed areas, or by design elements such as decorative and brick fences;

3. The number of site access and egress locations to access parking areas are to be minimized to maintain the streetscape appearance of the development, and to minimize disruption to pedestrian movement on the sidewalks adjacent to the street;
4. Townhouse and similar multi-unit residential projects should not create individual driveway access to the street for each dwelling unit but through site design layout, shall coordinate the site parking to provide for a minimum number of accesses to the street;
5. The use of alternative construction materials to asphalt such as paving stones, brick or aggregate concrete is encouraged to improve permeability and to complement the overall landscape design of the site;
6. Pedestrian pathways that are clearly articulated and landscaped are encouraged to be provided to safely connect the multi-unit residential buildings with the site's parking areas, and to the sidewalks of the abutting streets;
7. Bicycle and e-bike parking, shall be provided;
8. Electric vehicle charging stations are encouraged where feasible; and
9. Parking areas shall be designed to support and assist persons with a disability, and all such parking spaces shall be located close to the building entrance.

### SECTION 6.9 MULTI-UNIT RESIDENTIAL SIGNAGE AND OTHER DESIGN CONSIDERATIONS

1. The size, height and design of multi-unit project name signs are to be architecturally integrated into the overall design of the site buildings and landscaping; and,
2. Refuse collection containers and recycling storage areas are encouraged to be sited within buildings, or in the minimum, fully enclosed with attractive fencing and roofing, or screened to an adequate height by similar site design landscape treatment.

### SECTION 6.10 COMMERCIAL AND MIXED USE DEVELOPMENT DESIGN GUIDELINES

1. New commercial and mixed use developments are intended to be coordinated with regard to building siting, form and character by encouraging a more aesthetically attractive and appealing streetscape and site appearance;
2. Building form and character considerations for new projects may include designing new buildings, and retrofitting existing buildings, that have design attention and variation to the storefront façade, to roof lines, exterior finish, colors and materials, and limiting the size and massing of buildings. Flat roof lines, blank expanses of exterior walls, buildings that appear to be temporary structures and asphalt paving that abuts the building face are commercial construction practices that are not encouraged;
3. Where a commercial building or mixed use development is located at a street intersection, the building design appearance shall be orientated to have the building 'front' all the adjacent streets;

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4. Within the Highway Commercial zone, new commercial developments are encouraged to be sited closer to the front lot line and provide for attractive storefront design through façade attention, articulated window design and prominent store entry locations, and for enhanced pedestrian elements such as widened walkways and rest benches and overhead weather protection, and planting of deciduous street trees;
5. Commercial developments within the C2 zone are encouraged to provide for site development of buildings that are coordinated with each other, and are connected by pedestrian sidewalk linkages and incorporation of public spaces for open space amenity areas, public art, and shade areas with rest benches;
6. Within the C1 and C2 zones, site development will involve greater attention to the streetscape and Highway 1 appearance of buildings and site landscaping; superior site landscaping and an attractive storefront façade. Use of murals depicting the community's history, as approved by Council, on exterior building walls is encouraged;
7. Commercial growth through building renovation in the C2 zones will be encouraged to consider the historic elements and character of buildings;
8. All new and renovated commercial and mixed use buildings are to be designed from the perspective of universal access for persons with disabilities and other persons and provide for multiple curb let downs, power assisted door openers, weather protection and other design elements;
9. Screening of mechanical equipment, especially mechanical systems sited on rooftops, is encouraged and, wherever possible, integrated into the architecture of the development; and,
10. Integration of Crime Prevention through Environmental Design (CPTED) principles and design elements into building form and character considerations is encouraged to be pursued in the design of all new and all significantly renovated commercial developments

### SECTION 6.11 COMMERCIAL AND MIXED USE DEVELOPMENT LANDSCAPE GUIDELINES

1. Attractive and substantial site landscaping that creates visual interest and identity, a pleasing street and pedestrian image, buffers adjacent land uses, screens parking and paved areas of the site, and emphasizes the natural and marine environment character of Cornwallis Park, is encouraged to be incorporated into the design and development of all commercial and mixed use development projects;
2. The intent for commercial and mixed use development sites is to maximize the amount of landscaped areas on the site including retention of stands of mature trees, and to minimize the amount of impervious surfaces so as to increase the natural absorption of rainwater of the site through consideration of innovative practices such as incorporating oil-water separators in the catch basins of parking lot drains to cleanse parking lot runoff waters before they enter watercourses;
3. The frontage of new commercial and mixed use developments, and other lot areas adjacent to a street, wherever feasible, should be entirely landscaped with a minimum 3 m (9.8 ft) wide landscape boulevard to serve as the primary buffer area between the adjacent street, sidewalks and the paved area of the site, with specific attention to providing within the landscape boulevard area, deciduous street tree species and a variety of plant materials and treatments, some of which should achieve substantial size at maturity, and in creating visual landmarks of hard and soft landscaping features on significant street corners and at locations of high visibility;



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4. Street trees on a commercial and mixed use site should be a minimum of 1.8 m (5.9 ft) in height at time of planting;
5. Use of hedges, floral displays, lawns with park benches, brickwork fences, shade areas and ornamental lights is also encouraged to be included in the site landscape plan;
6. On C2 zoned sites, landscaping is to also consider the provision of public art or features such as water fountains and outside landscaped amenity, courtyard or plaza areas;
7. Unenclosed storage areas are to be sited to the rear of buildings and screened by landscaping or maintained fencing; and
8. Large parking areas shall incorporate landscape features wherever feasible to create separated clusters of parking spaces and enable safe pedestrian circulation.

### SECTION 6.12 COMMERCIAL AND MIXED USE DEVELOPMENT PARKING AREA DESIGN

1. Surface parking lots shall be screened as much as possible from streetscape view by use of landscape hedges, grassed and raised landscape berms, and in specific locations, by attractive good-quality fencing;
2. New commercial and mixed use buildings are encouraged to be strategically located on development sites to ensure safe pedestrian movement from the surface parking areas by initiatives such as maintaining clear public walking access to the entrance of commercial storefronts;
3. Short term bicycle and e-bike parking facilities such as bike racks, should be sited in well-lit locations close to building entrances, and electric vehicle charging stations at safe locations within the parking area;
4. Loading and service areas are encouraged to be located to the rear and side of commercial and mixed use buildings, removed from the main site parking areas and all pedestrian movements wherever feasible;
5. Parking areas shall be designed to support and assist persons with a disability, and all parking spaces for persons with a disability shall be located close to the building entrance;
6. All surface parking spaces shall be clearly marked and painted with white parking space lines, and where 'compact car parking spaces' are to be used, 'Small Cars Only' shall be clearly denoted on signage;
7. Lighting for commercial and mixed use parking lots shall not 'spill-over' and create glare on adjacent properties.

### SECTION 6.13 COMMERCIAL AND MIXED USE DEVELOPMENT SIGNAGE AND OTHER DESIGN CONSIDERATIONS

1. The size, height and design of commercial and mixed use development name signs shall be architecturally integrated into the overall design of the site, and be generally limited to one free-standing shared sign per site; and,

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2. Waste collection containers and recycling storage areas are encouraged to be sited within buildings, or in the minimum, fully enclosed with attractive fencing and roofing that complements the principal building materials or screened to an adequate height by similar landscape treatment.

### SECTION 6.14 INDUSTRIAL DESIGN GUIDELINES

1. New buildings, structures, and expansions or additions thereto on industrial sites, are encouraged to be designed in a manner to reflect an appealing public appearance, accentuated with an attractive front of building orientation to the street and complemented with well-maintained site landscaping;

2. Overall site planning and development are encouraged to address the entire property, and any environmentally sensitive areas should be identified, and preserved;

3. Open space areas are encouraged to be created wherever possible on the site, particularly within setback areas, and for employee amenity areas;

4. Site landscaping is encouraged to assume a greater role in overall site design and site layout so as to achieve goals of creating permeable areas for site drainage, and to generally 'green' the site to reflect the natural and marine setting of the community;

5. Wherever achievable, new developments are encouraged to consider Low Impact Development (LID) techniques such as increased attention to permeable surfaces, rain gardens, vegetated swales, separation of impervious surfaces, and redirecting water from drain pipes into rain barrels and other systems for watering site landscaping;

6. Lighting of parking and outside work areas shall not illuminate adjacent or nearby properties to an intensity greater than existing street lights adjacent to nearby impacted sites;

7. Exterior site storage is encouraged to be minimized, and where present located away from public view as much as possible, and where deemed necessary enclosed by an opaque or translucent screen, raised landscape berms, trees and/or substantial site landscaping;

8. New refuse collection and recycling areas are to be completely screened by landscaped vegetation or by fencing material that complements the building design;

9. New loading areas are encouraged to be located to the rear or side of a building if viable, where a building façade does not face a street, and designed in keeping with the appearance of the principal building; and,

10. Signage is to be coordinated with the overall design of the site and landscape improvements.

11. Buildings within the Industrial zone are encouraged to be designed to create an appealing visual relationship between buildings and streetscape;

12. New buildings shall continue to plan for the functional design requirements of a site, but also consider the visual design of new and expanded industrial buildings, and complementary open space landscape treatment of the site;

### SECTION 6.15 LANDSCAPING AND PARKING AREA DESIGN GUIDELINES

1. Attractive and substantial site landscaping that creates visual interest and identity, a pleasing street and pedestrian image, buffers adjacent land uses, screens parking and paved areas of the site, and

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emphasizes the natural and marine environment character of Cornwallis Park, is encouraged to be incorporated into the design and development of all new and expanded industrial development projects;

2. The overall landscaping intent for industrial development sites is to maximize the amount of landscaped areas on the site including retention of stands of mature trees, and to minimize the amount of impervious surfaces so as to increase the natural absorption of rainwater on the site through consideration of innovative practices such as incorporating oil-water separators in the catch basins of parking lot drains to cleanse parking lot runoff waters before they enter watercourses;

3. New parking areas and loading bays are not to be located within the setback area between the building and the street;

4. Since site parking areas will be highly visible from adjacent streets, and the development design objective is to 'soften' the hard appearance of parking lot areas, surface parking lots are encouraged to be screened as much as possible from streetscape view by use of landscape hedges, grassed and raised landscape berms, and in specific locations, by attractive good-quality fencing;

5. Parking areas shall be designed to support and assist persons with a disability, and all such parking spaces shall be located close to the building entrance;

6. All surface parking spaces shall be clearly marked and painted with white parking space lines, and where 'compact car parking spaces' are to be used, 'Small Cars Only' shall be clearly signed on the parking spaces; and,

7. Short term bicycle and e-bike parking facilities for employees such as bike racks, and electric vehicle charging stations, should be sited in well-lit locations close to building and workplace entrance.

### SECTION 6.16 COMMUNITY DEVELOPMENT SITE, BUILDING AND LANDSCAPING DESIGN GUIDELINES

1. New buildings, structures, and expansions or additions thereto, on community development use sites, are encouraged to be designed in a manner to reflect an appealing building orientation and appearance to the street, and complemented with well-maintained site landscaping;

2. New community development zone projects should serve as an attractive building design addition to the neighbourhood, and to the community;

3. Small open space parkettes of flowering shrubbery, shade trees and rest benches are encouraged to be created on the site wherever feasible for employee use, and for local residents' and the travelling public's enjoyment;

4. Shade trees are to be provided with new building projects based on one new tree for every three new parking spaces; and

5. All new community development zone buildings and facilities are to have an integral pedestrian focus, as well as provisions for universal accessibility for seniors and persons with a disability.

### **SECTION 6.17 COMMUNITY DEVELOPMENT PARKING AREA AND SIGNAGE DESIGN GUIDELINES**

1. The design of parking areas are encouraged to focus on decreasing the visual impact of paved parking areas through the use of landscape hedges, raised landscape berms and new tree plantings wherever viable.
2. Provision for bicycle, e-bike parking racks and electric vehicle charging stations should be incorporated into the site and building design; and,
3. The size, height and design of community development zone signage are intended to complement building and site design.

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## Part 7 ZONES

### SECTION 7.1 ZONES ESTABLISHED

Cornwallis Park Planning Area is generally divided into the following zones, which are also referred to by the appropriate abbreviations and shown on the Zoning Map (Schedule “A”)

Land Use Category	Abbreviation	Zone
Residential	R1	Residential Low Density
	R2	Residential Medium Density
	R3	Residential Multi-Unit Residential
Commercial	C1	Commercial
	C2	Highway Commercial
Industrial	IND	Light Industrial
Institutional	CD	Community Development
Park and Recreation	POS	Parkland Open Space

### SECTION 7.2 PERMITTED LAND USES

The following land uses are permitted in the zones indicated and are subject to all other requirements of this Bylaw.

Land Use(Main Use)	R1	R2	R3	C1	C2	IND	CD	POS
<b>Residential</b>								
Single Unit Dwelling	R1	R2	R3					
Compact Lot	R1	R2	R3					
Two-Unit Dwelling / Duplex	R1	R2	R3		C2			
Townhouse/Rowhouse		R2	R3		C2			
Multiple Unit Dwelling		R2	R3		C2		CD <sup>1</sup>	
Bare Land Condominium		R2	R3					
Condominium			R3					
Cluster Residential		R2	R3					
Adult Care Facility			R3					
Group Care Facility	R1	R2	R3					
Residential Care	R1	R2	R3					
Small Option Home	R1	R2	R3					
<b>Agricultural</b>								
Agricultural Cultivation						IND	CD	
Primary Forestry Use	R1	R2	R3					
<b>Commercial</b>								

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Art Gallery		R2	R3	C1				
Artist Live-Work Studio		R2	R3		C2			
Building Supplies Store						IND		
Cafe		R2	R3	C1	C2			
Call Centre				C1	C2			
Car Wash				C1	C2	IND		
Club & Lodge			R3		C2			
Commercial Education And Learning Centre		R2	R3	C1	C2	IND		
Commercial Basin Centre				C1				
Commercial Outdoor Recreation Use					C2			
Commercial Use			R3	C1	C2		CD	
Convenience Store		R2	R3	C1	C2			
Craft Brewery Pub			R3	C1	C2			
Farmers Market	R1	R2	R3	C1	C2		CD	
Financial Services				C1	C2			
Garden Centre & Outdoor Display				C1		IND		
Ground Floor Commercial/Retail		R2	R3		C2			
Health Centre			R3	C1	C2		CD	
Hotel, Motel & Tourist Establishments			R3	C1	C2			
Indoor Recreation				C1	C2			
Instruction Studio		R2	R3	C1				
Licensed Lounge Establishment			R3		C2			
Limited Manufacturing				C1	C2	IND		
Liquor Sales				C1				
Medical Clinic & Office		R2	R3	C1	C2		CD	
Mixed Use			R3		C2			
Office		R2	R3	C1	C2			
Outdoor Amenity Space							CD	
Outdoor Display				C1			CD	
Personal Service			R3	C1	C2			
Private School		R2	R3		C2			
Professional & Business Office			R3	C1	C2			
Repair Services, Personal			R3	C1	C2			
Restaurant		R2	R3	C1	C2			
Retail			R3	C1	C2			

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Self Storage				C1	C2	IND		
Workshop			R3	C1	C2	IND		
<b>Institutional</b>								
Assembly			R3		C2		CD	POS
Civic Use				C1	C2		CD	POS
Community Development Uses			R3				CD	
Community Centre					C2			
Cultural Use					C2			
Public Use							CD	
Research And Development Centres			R3		C2	IND		
Technology Centre			R3		C2	IND		
<b>Industrial</b>								
Beverage Container Return Centre				C1	C2	IND	CD	
Industrial Repair Services						IND		
Industrial Uses						IND		
Recycling Depot				C1		IND	CD	
Utility Service						IND		
Vehicle & Equipment Repair						IND		
Warehouse				C1	C2	IND		
<b>Recreational</b>								
Entertainment And Recreation		R2	R3	C1	C2		CD	POS
Environmental Sensitive Area								POS
Garden Centres				C1			CD	
Open Space								POS
Park								POS
Parkland Open Space								POS
Trail								POS

### SECTION 7.3 SECONDARY LAND USES

The following secondary or accessory land uses are permitted in the zones indicated and are subject to all other requirements of this Bylaw.

Land Use (Accessory Use)	R1	R2	R3	C1	C2	IND	CD	POS
Accessory Building, Structure or Use	R1	R2	R3	C1	C2	IND	CD	POS

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Accessory Employee Residential				C1	C2	IND		
Accessory Residential Dwelling	R1	R2	R3					
Bed And Breakfast	R1							
Boarding	R1		R3		C2			
Bulk Storage						IND		
Child Care Centre	R1	R2	R3		C2			
Enclosed Storage	R1	R2	R3		C2	IND	CD	
Hobby Greenhouse	R1	R2	R3					
Home Occupation	R1	R2	R3		C2			
Indoor Amenity Space		R2	R3					
Industrial Cafe						IND		
Industrial Resource						IND		
Loading Space				C1	C2	IND	CD	
Mini and/or Small Scale Wind Turbine						IND		
Movie Theatre		R2	R3					
Office						IND		
Open Space		R2	R3	C1				
Outdoor Amenity Space	R1		R3			IND		
Outdoor Display				C1				
Pier						IND		
Research & Development Centre				C1				
Residential Care	R1	R2	R3					
Retail						IND		
Sidewalk Commercial				C1	C2			
Sign				C1				
Small Option Home	R1							
Solar Power			R3	C1		IND		
Tank Storage						IND		
Technology Centre				C1				
Truck Shipping and Receiving				C1		IND		
Unenclosed Storage	R1	R2	R3	C1		IND	CD	
Underground Parking / Parking Lot		R2	R3	C1	C2			
Urban Ancillary	R1	R2	R3					



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## SECTION 7.4 ZONE PROVISIONS

The following lot and yard requirements shall apply to all proposed building, structures, or land uses in the corresponding zone.

## SECTION 7.5 RESIDENTIAL LOW DENSITY DEVELOPMENT (R1) ZONE DEVELOPMENT STANDARDS

### 7.5.1 Compact and Single Unit

DEVELOPMENT STANDARD	MINIMUM ZONE REQUIREMENT
Minimum Lot Area for Compact Home without Accessory Residential	372 sm (4,004 sf)
Minimum Lot Area for Compact Home with Accessory Residential	465 sm (5,005 sf)
Minimum Lot Frontage	10 m (32.8 ft)
Maximum Lot Frontage	15 m (49.25 ft)
Minimum Lot Depth	32 m (104.98 ft)
Maximum Lot Depth	40 m (131.2 ft)
Minimum Front Yard Setback	5 m (16.4 ft)
Maximum Front Yard Setback	8 m (26.24 ft)
Minimum Side Yard Setback	1.5 m (4.9 ft)
Minimum Rear Yard Setback	6 m (19.68 ft)
Minimum Exterior or Flankage Yard Setback	4 m (13.1 ft)
Maximum Height of Compact Home	11 m (36.09 ft)

### 7.5.2 Two Unit Attached

DEVELOPMENT STANDARD	MINIMUM ZONE REQUIREMENT
Minimum Lot Area for Duplex Buildings	700 sm (7,534.7 sf)
Minimum Lot Frontage for each dwelling unit	10 m (32.8ft)
Maximum Lot Frontage for each dwelling unit	14 m (45.93 ft)
Minimum Lot Depth	32 m (104.98 ft)
Maximum Lot Depth	42 m (137.79 ft)
Minimum Front Yard Setback	6 m (19.68 ft)
Maximum Front Yard Setback	8 m (26.24 ft)
Minimum Side Yard Setback	1.5 m (4.9 ft)
Minimum Rear Yard Setback	6 m (19.68 ft)
Minimum Exterior or Flankage Yard Setback	4 m (13.1 ft)
Maximum Height of Duplex Home	11 m (36.09 ft)

### 7.5.3 Other Provisions in the R1 Zone

Urban Ancillary uses within the R1 zone shall include the following:

- Gardening, social and recreational activities;
- Household enclosed storage and ongoing maintenance of buildings and yards;
- The keeping of household domestic pets, excluding all snakes, and not exceeding 4 in number, provided no more than 3 are of any one species;

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- The off-street parking of licensed vehicles in association with the residential uses of the property and with the offsite recreational pursuits of the residents of the property; and,
- The parking of no more than one unlicensed motor vehicle enclosed within a building.

### SECTION 7.6 RESIDENTIAL MEDIUM DENSITY (R2) ZONE DEVELOPMENT STANDARDS

#### 7.6.1 Residential Medium Density (R2)

DEVELOPMENT STANDARD	MINIMUM ZONE REQUIREMENT
Maximum number of units	24 units per acre
Minimum Lot Area for each ground-oriented dwelling unit	216 sm (2,325 sf)
Minimum Lot Frontage for townhouse ground oriented dwelling unit (except end units)	6 m (19.68 sf)
Minimum Lot Frontage for duplex, triplex and fourplex (for each ground oriented unit)	8 m (26.25 ft)
Maximum Lot Frontage for each ground oriented dwelling unit (except end units)	10 m (32.80 ft)
Minimum Lot Frontage for end unit on development site	9.5 m (31.16 ft)
Minimum Lot Depth for main building on lot	32 m (104.98 ft)
Maximum Lot Depth for main building on lot	45 m (147.6 ft)
Minimum Front Yard Setback for main building on lot	6 m (19.68 ft)
Maximum Front Yard Setback for main building on lot	12 m (39.37 ft)
Minimum Side Yard Setback for main building on lot	5 m (16.4 ft)
Minimum Rear Yard Setback for main building on lot	6 m (19.68 ft)
Minimum Exterior or Flankage Yard Setback for main building on lot	5 m (16.4 ft)
Maximum Height of R2 Main Building	12 m (39.37 ft)
Maximum Main and Accessory Buildings Site Coverage to Lot Area Size	50%
Minimum Front Yard Setback for Accessory Building	10 m (32.8 ft)
Minimum Rear, Side Yard Exterior Yard Setback for Accessory Building	5 m (16.4 ft)
Minimum Separation to Main Building(s)	3 m (9.84 ft)
Maximum Height of Accessory Building	6 m (19.68 ft)
Maximum Site Coverage of Accessory Buildings	10%
Minimum Site Coverage of Permeable Surfaces	25%

#### 7.6.2 Other Provisions in the R2 Zone

1. Multi-unit residential developments that contain 20 dwelling units or more shall provide an Indoor Amenity Space at a rate of at least 2.8 sm (30.1 sf) per dwelling unit.
2. Outdoor Amenity Space shall be provided at a congregate rate of at least 50 sm (538 sf) per dwelling unit;
3. Landscaping and/or screening shall be provided to define the private outdoor space area;
4. Outdoor Amenity Space shall be an useable area on the development site and shall have a slope of 5% or less;

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5. Provision for onsite vegetable gardens for use by residents is encouraged to be provided as a component of the Outdoor Amenity Space; and,
6. For developments that contain 10 or more dwelling units, either a level play area with play equipment shall be additionally provided with a minimum area of 100 sm (1,076.4 sf), or a similar sized finished outdoor area of shade trees, swings, rest benches with other amenities shall be provided.
7. As part of the Development Permit application for re-zoning for a R2 zone use, the applicant shall provide a site plan submission of the proposed development, with specific attention to site layout and design, design appearance of proposed buildings and may also include provision for landscaping and street tree planting, bicycle, e-bike, electric vehicle charging station locations and off street parking;
8. Multi-unit residential sites located mid-block and internally on residential streets, and sites on a corner lot, shall at a minimum provide for a landscaped screen or decorative fence, or a combination of both, as approved by the Authority, of not less than 2 m (6.56 ft) in height on all property lines adjoining adjacent single family residential uses, and such landscaped screen and/or decorative fence shall be maintained to the satisfaction of the Authority;

### SECTION 7.7 RESIDENTIAL MULTI-UNIT (R3) ZONE DEVELOPMENT STANDARDS

#### 7.7.1 Multi Unit Residential (R3)

DEVELOPMENT STANDARD	MINIMUM ZONE REQUIREMENT
Minimum Lot Frontage	30 m (98.4 ft)
Minimum Lot Depth	30 m (98.4 ft)
Minimum Setback from all lot lines	7.5 m (24.6 ft)
Maximum Height of Building	13.8 m (45.3 ft) & 11 m (36.09 feet) north of Haida and Tribal Streets
Maximum site coverage with underground parking	75%
Minimum lot coverage of onsite permeable surfaces	25%

#### 7.7.2 Other Provisions in the R3 zone

1. Apartment residential buildings and condominiums may be 2, 3, or 4 storey structures, the dwelling unit mix shall be comprised of studio suites, one-bedroom units, and as 2 or more bedrooms, and where all ground floor units shall have landscaped patio areas and an accessible doorway.
2. An adult care facility and similar care use buildings may be a one storey form of development, or of more than one storey in height.
3. Accessory buildings on a R3 site, except for a parking use as considered by the Authority through the site development design review, shall be limited to one accessory building on each development site.
4. Accessory buildings shall conform to the development standard requirements for accessory building siting within the R2 zone.
5. Indoor amenity space in R3 zoned buildings, with more than 12 dwelling units, shall provide for a common amenity room of no less than 60 sm (645.8 sf) for the use of residents of the building as a games or crafts room, or as an entertainment or meeting space, or for similar shared activities.

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6. Outdoor amenity space associated with a R3 zone building shall be provided at a rate of 10 sm (107.6 sf) per dwelling unit, where patios and public rooftop spaces are included, as well as outdoor landscaped seating and shade areas.
7. Off street parking for the R3 site should be provided within enclosed parking where feasible, and where a small number of visitor, delivery and accessible parking spaces may be provided within a screened parking area near the building.
8. Parking shall be provided on the basis of one parking space for each dwelling unit.
9. Bicycle and e-bike parking facilities shall be provided to residents within the building or within enclosed parking.
10. For all mixed-use developments in R3 zone, the parking area may include a minimum of one Level Two Electric Vehicle Charging Stations for every 15 residential dwelling units, two electric vehicle charging stations for 16 to 30 dwelling units, and three charging stations for 31 to 45 dwelling units, and where such charging stations, are paid for and installed by the developer;

### SECTION 7.8 HIGHWAY COMMERCIAL (C2) ZONE DEVELOPMENT STANDARDS

#### 7.8.1 Highway Commercial (C2) Zone

DEVELOPMENT STANDARD	ZONE REQUIREMENTS
Minimum Setback from Front and Rear	3 m (9.84ft)
Minimum Setback from Flankage Lot Line	4.5m (14.76ft)
Minimum Setback from Interior Side Lot Line	1.5m (4.92ft)
Maximum Height of Commercial Building	11 m (36.08ft)
Maximum Height of Mixed Use Residential/ Commercial Building	13.8 m (45.3 ft)
Minimum Setback for Accessory Buildings to All Lot Lines	4 m (13.12 ft)

#### 7.8.2 Other provisions in the C2 zone

1. New and expanded site and building design, in a minimum for the C2 zoned site, shall provide for an attractive streetscape and storefront façade appearance through the visual articulation of the front entrance to the building, innovative design features of building facades to Highway 1, limited use of building massing and minimizing blank walls on exterior sides of the building, use of articulated windows and window treatment, attention to rooflines, and use of complementary building materials.
2. Provision of sidewalks in the front of the development site and adjacent to Highway 1, and for portions of property adjacent to Broadway Avenue, is required for all C2 sites so as to provide for a safe and connective pedestrian walking system.
3. Requirements for off-street parking and for loading, and for parking of bicycles and e-bikes, shall be in accordance with the provisions of Part 5 Off Street Parking of this Bylaw.
4. For all mixed-use in C2 zone, the parking area may include a minimum of one Level Two Electric Vehicle Charging Stations for every 15 residential dwelling units, two electric vehicle charging stations for 16 to 30 dwelling units, and three charging stations for 31 to 45 dwelling units, and where such charging stations, are paid for and installed by the developer.

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## SECTION 7.9 COMMERCIAL (C1) ZONE DEVELOPMENT STANDARDS

### 7.9.1 Commercial (C1) Zone

DEVELOPMENT STANDARD	ZONE REQUIREMENTS
Minimum Lot Frontage	25 m (82.02 ft)
Minimum Lot Depth	45 m (147.6 ft)
Minimum Setback from Front Lot Line	12 m (39.37 ft)
Minimum Setback from Rear Lot Line	6 m (19.68 ft)
Minimum Setback from Exterior Side Lot Line	5 m (16.40 ft)
Minimum Setback from Interior Side Lot Line	4 m (13.1 ft)
Maximum Height of Building	12 m (39.37 ft)
Maximum Lot Coverage of all buildings	70% of lot area
AREA OF LOT TO BE LANDSCAPED	MINIMUM LANDSCAPE AREA REQUIREMENTS
Total Lot Area	5% of the total Lot Area
Along front and exterior lot lines	2.1m (7ft) wide landscape treatment
Along front and exterior lot lines	9 m (29.52ft) spacing for required street trees
Adjacent to the main building	No paved parking to abut buildings

### 7.9.2 Commercial (C1) Zone (Accessory Use)

DEVELOPMENT STANDARD	ZONE REQUIREMENTS
Minimum Setback from Front, Rear, and Interior Side Lot Line	3 m (9.84ft)
Minimum Setback from Flankage or Exterior Side Lot Line	4.5m (14.76ft)
Minimum Separation to Main Building	2.5m (8.2ft)
Maximum Height of Accessory Building	6 m (19.68ft)
Maximum Lot Coverage of Accessory Buildings	5% of the lot area

### 7.9.3 Other Provisions in C1 Zone

1. Required site landscaping for new and expanded developments shall be provided within front, rear and side yard setback areas; adjacent to buildings; as landscaped access/egress medians, landscaped islands and on raised pedestrian sidewalks within parking areas; and with site amenity and shade rest areas.
2. For parking areas of 25 or more parking spaces, landscape treatment shall additionally include consideration for provision of internal landscape islands with curbs and installation of raised sidewalks for pedestrian safety and circulation.
3. For new and expanded building developments with floor area space larger than 1858.0sm (20,000sf), the new development shall be encouraged to provide for amenity areas of rest benches with shade areas as part of the landscape planting for the site.
4. New business development and building redevelopment sites shall be encouraged to provide for an external storefront and sidewalk design theme to enable safe circulation and movement of pedestrians. Individual business or storefront unit identity is encouraged, and the entirety of the storefront businesses should incorporate overhead canopies and awnings for weather protection of pedestrian activity.
5. New and expanded site and building design, in a minimum for a Commercial zoned site, shall continue to provide for an attractive streetscape character and appealing building façade appearance that fits with the residential neighbourhood,

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6. Signage for Commercial zone sites shall be encouraged to be limited, and include one shared, ground sign.
7. Requirements for off street parking and for loading, for parking of bicycles and e-bikes, and for electric vehicle charging stations, shall be in accordance with the provisions of Part 5 Off Street Parking of this Bylaw.
8. Lighting for the parking areas shall provide for public safety of customers to the site but shall not cause off-site glare to surrounding neighbourhood residential properties.

### SECTION 7.10 INDUSTRIAL (IND) ZONE DEVELOPMENT STANDARDS

#### 7.10.1 Industrial (IND) Zone

For new land and building developments, and expansion to existing buildings, the following shall apply:

DEVELOPMENT STANDARD	ZONE REQUIREMENTS
Minimum Lot Area Size	2,000 sm (21,528.5sf)
Minimum Lot Frontage	30 m (98.42ft)
Minimum Lot Coverage of Main Buildings	15% of Lot Area
Maximum Lot Coverage	70% of lot area
Minimum Lot Depth	60 m (196.85ft)
Minimum Setback from Any Lot Line	6 m (19.68ft)
Maximum Height of Building	15 m (49.21 ft))

#### 7.10.2 Industrial (IND) Zone (Accessory Use)

DEVELOPMENT STANDARD	ZONE REQUIREMENTS
Minimum Setback from Front, Rear & Interior Lot Line	3 m (9.84ft)
Minimum Setback from Flankage Lot Line	4.5 m (14.76 ft)
Minimum Separation from Main Building	2.5 m (8.2 ft)
Maximum Height of Building	6 m (19.68ft)
Maximum Lot Coverage	5% of Lot Area

#### 7.10.3 Other Provisions in the IND Zone

1. All portions of an IND zoned property not occupied by buildings or structures, off street parking and loading areas, and unenclosed storage, shall be generally landscaped or maintained in good condition.

### SECTION 7.11 COMMUNITY DEVELOPMENT (CD) ZONE DEVELOPMENT STANDARDS

#### 7.11.1 Community Development (CD) Zone

With new land and building developments, and expansion to existing buildings, the following shall apply:

DEVELOPMENT STANDARD	MINIMUM REQUIREMENT
Minimum Lot Area Size	929 sm (10,000.0sf)
Minimum Lot Frontage	25 m (82.02ft)
Minimum Setback from Any Lot Line:	
- Adjoining a Residential Use	7.5m (24.6ft)
- Adjoining a Commercial Use	6 m (19.68ft)
- Adjoining other land uses	6 m (19.68ft)
Maximum Height of Building	11 m (36.08ft)

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Maximum Building Site Coverage	50% of Lot Area
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## 7.11.2 Community Development (CD) Zone Accessory Use

DEVELOPMENT STANDARD	ZONE REQUIREMENTS
Minimum Setback from Rear & Interior Lot Line	3 m (9.84ft)
Minimum Setback from Front & Flankage Lot Line	4.5m (14.76 ft)
Minimum Separation from Main Building	2.5m (8.2 ft)
Maximum Height of Building	6 m (19.68ft)
Maximum Lot Coverage	5% of Lot Area

## 7.11.3 Other Provisions in the CD Zone

1. Site and building development on a CD property shall be encouraged to be designed to provide a high standard of residential livability and to provide functional business development. A visually appealing building facade to adjacent streets is encouraged to be achieved, in conjunction with provision of quality site landscaping. All new and expanded CD buildings shall be designed in a manner to incorporate, retain and enhance existing and proposed public use functions, features and amenities in general conformance with the intent and guidelines of Part 6 and Part 11 of this Bylaw.
2. Safe pedestrian circulation and continued local residents' use of Community Development Zone properties shall be a priority consideration in all development proposals for CD sites.

## SECTION 7.12 PARKLAND OPEN SPACE (POS) DESIGN STANDARDS

1. Within the POS zone, there shall be no regulation provisions for minimum lot area, lot frontage or for lot coverage.
2. All principal buildings, where applicable, shall be sited no closer than 6 m (19.68 ft) from all lot lines.
3. Accessory Buildings shall be permitted within the POS zone without having a principal building on the same lot, and shall be 4.5 m (14.76 ft) from all lot lines.
4. The height of a principal building or structure shall not exceed 18 m (59 ft).
5. The height of an accessory building shall not exceed 6 m (19.68 ft).

## SECTION 7.13 MEASURING STANDARD LOT AND BUILDING DIMENSIONS

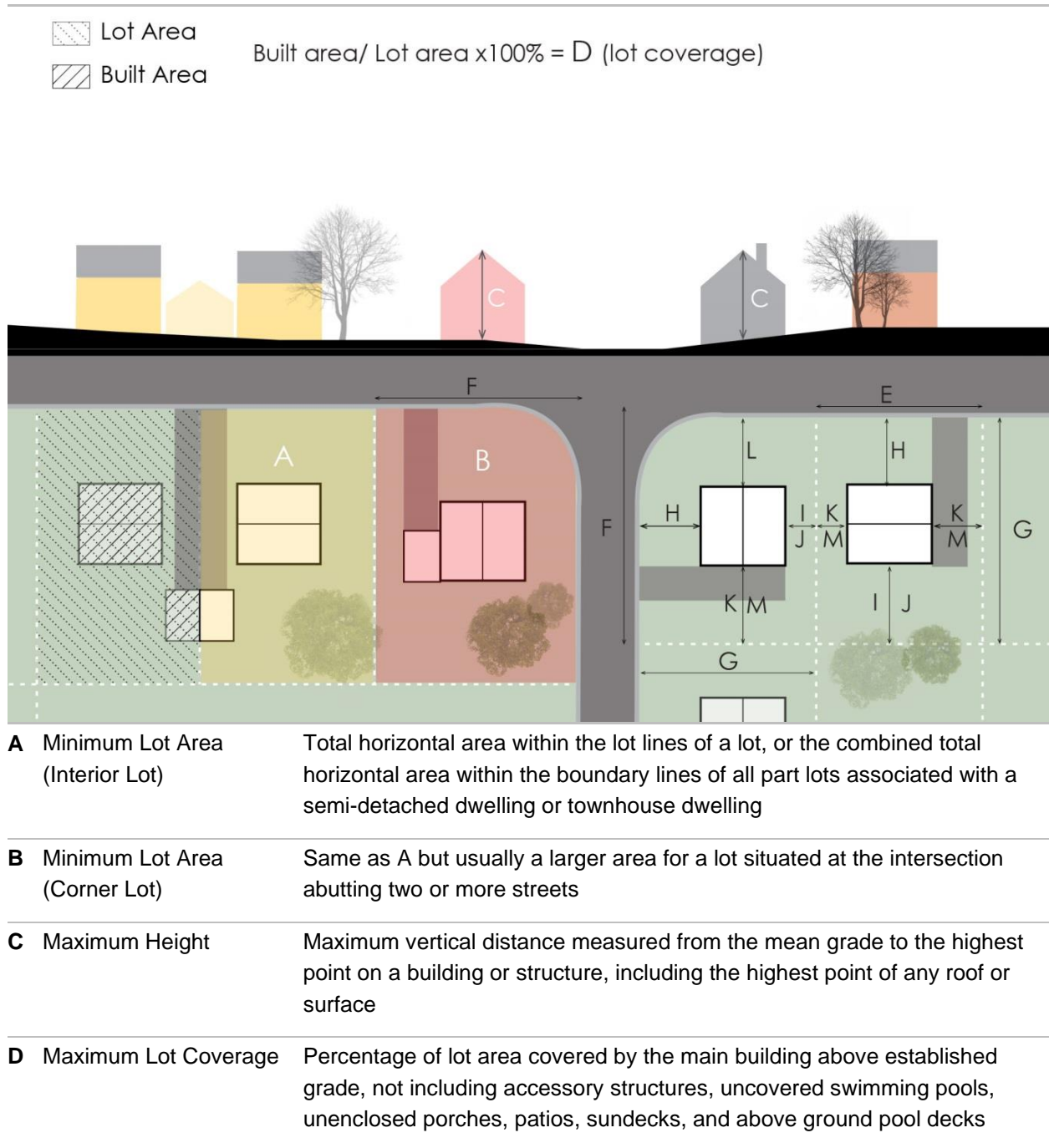
**Figure 1** is provided as a guide to the application of the yard dimensions for each zone in this Bylaw. Users should note the following:

1. **Lot Frontage (E, F)** for regular-shaped lots shall be measured as a straight line between the points where the two side lot lines meet the front lot line. 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.
2. **Height (C)** is measured from the mean grade of the lot on which a structure is erected to the highest point on that structure (excluding architectural features such as, but not limited to, chimneys, skylights, and towers incorporated with places of worship)

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3. **All Yard standards (H, I, J, K, L, and M)** are measured from the pertinent lot line to the nearest main wall of the building or structure. Larger yard setbacks may be required in accordance with the Provincial Building Code.

**Figure 1 Measuring Standard Lot and Building Dimensions**





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<b>E</b> Minimum Lot Frontage (Interior Lot)	Horizontal distance between the side lot lines of an interior lot as measured along the front lot line
<b>F</b> Minimum Lot Frontage (Corner Lot)	Horizontal distance between the side lot line and a hypothetical point of intersection of the front and flankage lot lines of a corner lot determined by extension of a straight line
<b>G</b> Minimum Lot Depth	Horizontal distance between the front and rear lot lines of a lot when these lines are parallel, or the length of a straight line joining the middle of the front lot line with the middle of the rear lot line when the front and rear lot lines are not parallel
<b>H</b> Minimum Front Yard	Minimum distance between the front lot line and the nearest main wall of any main building on the lot
<b>I</b> Minimum Rear Yard	Minimum distance between the rear lot line and nearest main wall of any main building or main structure on the lot
<b>J</b> Minimum Rear Yard abutting Residential	Same as I but usually a greater distance applied to non-residential structures on properties abutting residential zones
<b>K</b> Minimum Side Yard	Minimum distance between the side lot line and nearest main wall of any main building or main structure on the lot. For attached semi or townhome units, the sideyard can be zero
<b>L</b> Minimum Flankage Yard (Corner Lot)	Minimum distance between side yard of a corner lot that abuts a street
<b>M</b> Minimum Side Yard abutting Residential	Same as K but usually a greater distance applied to non-residential structures on properties abutting residential zones

## SCHEDULE A Zoning Map

