



Land Use By-law 2019

PLANNING &
DEVELOPMENT
Kentville

Amendments

Effective Date	Description
July 20, 2020	Map Amendment to Rezone PID 55290241, Lot SPR-1 from One and Two Unit Dwelling (R2) to Medium Density Residential (R3)
August 19, 2020	Changes to Part 1 and Part 5 to allow schools within the One and Two Unit Dwelling (R2) Zone
October 5, 2021	General housekeeping amendments. Repealed section 5.1.10 Urban Chickens. Additional permitted uses added to the Highway Commercial (C2) Zone. Changes to Part 1, Part 4 and Part 6 to allow Assisted Living/Retirement Homes and Multi-Unit Residential Dwellings in the Highway Commercial (C2) Zone.
March 22, 2022	Changes to Part 1 and Part 5 to increase the permitted size of an Ancillary Dwelling Unit.

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PART 1 Definitions

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

A

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

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

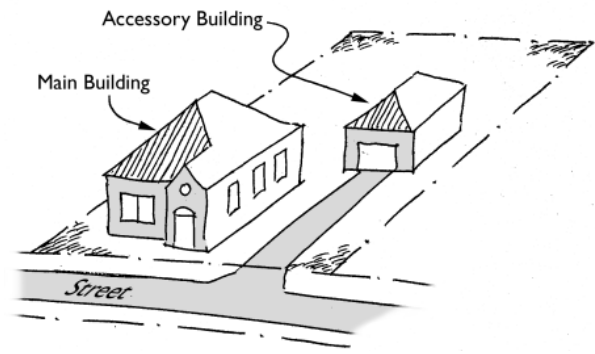


Figure 1.1 - Accessory Building Example

Accommodations means a building or portion thereof in which rooms are regularly provided for compensation for use as a tourist establishment and not used as a dwelling for the owner and members of the owner's family. Hotels and motels are examples of accommodations, however accommodations shall not include a multiple unit dwelling, bed and breakfast, boarding or rooming houses, apartment building, community home or home for special care.

Adult Entertainment Use means any establishment or retail business that offers goods, services, or entertainment to the public intended to deliver sexual stimulation or gratification, or is reasonably intended to appeal primarily to erotic appetites. It includes, but is not limited to, entertainment characterized by the display of the nude or semi-nude human body in a manner or context apparently designed to exploit the sexual aspects of the human body and its constituent anatomy. Such entertainment is commonly promoted using adjectives or terms such as "nude", "topless", "adult", "sexy", "exotic", and so on. It also includes, but is not limited to, "massage parlours", video stores which predominantly feature for sale adult movie titles, adult book stores, and stores that predominantly feature for sale goods and supplies that purport to aid or enhance the sexual experience.

Affordable Housing means housing costs less than 30% of before-tax household income. Shelter costs include the following:

- **For renters:** rent and any payments for electricity, fuel, water and other municipal services;
- **For owners:** mortgage payments (principal and interest), property taxes, and any condominium fees, along with payments for electricity, fuel, water and other municipal services.

Aggregate Related Industries means a building, structure or land, or part thereof, used for aggregate processing, storage, and related uses including, but not limited to asphalt processing, concrete batching, and component manufacturing, sand pit operations and mineral bulk storage.

Agricultural uses or structure means the utilization of land, a building or structure to raise crops or domesticated animals or fowl and includes the harbouring or keeping of any one or more of the following

livestock regardless of its stage of development: horse, pony, pig, cow, bull, goose, duck, hen, rooster, sheep, goat, or similar livestock.

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

Amenity Space means any yard space capable of being used for recreational purposes, and may include landscaped areas, patios, verandas, balconies, communal lounges, swimming pools, play areas and similar uses.

Ancillary Dwelling Unit See “Dwelling Types”.

Animal Hospital means an establishment providing surgical or medical treatment or examination of domestic pets entirely within a building. Pets are not boarded at a hospital and any outdoor runs for any animals shall be enclosed and opaque from abutting residential properties.

Animal Kennel means a building or structure where domestic animals are kept, boarded or offered day care for financial remuneration. Outdoor runs for animals, whether or not it is attached to a main building, shall be fenced and shall not be located any closer than 50 ft (15.24 m) to any lot line.

Animal Shelter means a lot and/or building or part thereof used for the care of lost, abandoned or neglected animals.

Arena means a facility designed to host sporting events, theatre, musical performances, and other special events. Arenas typically provides associated amenities, such as floor or ice surfaces, spectator seating, dressing rooms, washrooms, retail, canteen facilities, and areas for the consumption of food and drink.

Assisted Living/Retirement Homes means any part of a building containing suites designed for and principally occupied by senior citizens, in which such facilities contain congregate meal programs in a common dining room with housekeeping, maintenance, laundry, transportation, utilities, common amenity spaces and usually medical assistance as well.

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

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

Automobile Repair Shop means a building or part of a building used for the mechanical repair or rebuilding of engines, body repair, detailing, and painting of motor vehicles.

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

Automobile Service Station or Service Station means a building, or part of a building, or a clearly defined space on a lot, used for the retail sale of lubricating oils and gasoline's and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles.

Automobile Wash Establishment means a building, structure, land, or part thereof, used to clean the exterior and/or interior of vehicles, including washing by hand, automated equipment, and automobile detailing.

B

Bakery means an establishment which produces and/or sells baked goods from an oven.

Bed and Breakfast means a dwelling used as a tourist establishment in which the owner resides and provides for the travelling or vacationing public only to overnight guests. Bed and Breakfasts shall not include a multiple unit dwelling, community home or home for special care.

Beverage Room means a commercial liquor establishment that operates a pub style facility serving beer and wine only and licensed by the Nova Scotia Alcohol and Gaming Authority in accordance with the Liquor Control Act.

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

Brewery a facility where large quantities of beer are produced for commercial purposes.

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

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

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

C

Cabaret means a commercial establishment that sells liquor by the glass and beer and wine by the glass, open bottle or together container while featuring high-quality live entertainment, and licensed by the Nova Scotia Alcohol and Gaming Authority in accordance with the Liquor Control Act R.S.N.S. 1989, c. 260

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

Catering Establishment means a building where food is prepared for distribution and consumption outside the premises and does not include a restaurant or drive in restaurant.

Cemetery means land, and any associated buildings and structures, used for the permanent burial of human and pet remains.

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

Cluster or Clustering means a site planning technique that concentrates buildings and structures in specific areas on a lot, site, or parcel, to allow the remaining land to be used for recreation, open space, and/or preservation of features and or structures with environmental, historical, cultural or other

significance. The technique used to concentrate buildings may include, but shall not be limited to, reduction of lot areas, setbacks requirements and/or bulk requirements.

Cluster Development, residential means a land development project in which the site plan technique of clustering dwelling units is employed.

Climate Change means a long-term shift or alteration in the climate of a specific location, a region or the entire planet. The shift is measured by changes in some or all of the features associated with average weather, such as temperature, wind patterns and precipitation. A change in the variability of climate is also considered climate change even if average weather conditions remain unchanged.

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

Commercial Motor Vehicle means any motor vehicle which is used for a business activity and which has as its main purpose financial gain and includes, a truck, taxis, tractors, ambulance, tractor trailers, buses, oil truck, delivery vehicles which as three or more axels.

Commercial Recreation means recreational uses provided for profit or gain.

Commercial School means a school operated by an individual or company for gain, or profit, providing instruction in a primary or secondary educational use within the curricula of the Province of Nova Scotia. It may also include instruction in a specific trade, skill, or service such as, but not limited to, language school, driving school, hairdressing, or music skills.

Community Centre means a facility used for recreation, social, educational and cultural activities.

Community Garden means a piece of land utilized by a non-profit society or group for the purpose of producing food, flowers for the personal use of the society or group members, or for the purpose of a community education program that encourages the involvement of schools, youth groups and citizens.

Concrete Production Facility a building or part of a building where either asphaltic concrete or ready-mix concrete is produced. Asphaltic concrete is a composite material consisting of asphalt and mineral aggregate that is commonly used for road surfaces and parking lots. Ready mix concrete is a mixture of cement, aggregate and water that is created in a factory or plant according to a defined recipe.

Convenience Store is a store which serves primarily the needs of the adjacent neighbourhood and includes the sale of a limited line of groceries, confectionary items, and magazines.

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

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

Craft-Distillery means a place where alcoholic drinks, etc., are made by distillation

Craft Products means products made by hand or small custom production processes including but not limited to potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leatherworkers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained-glass workers, sailmakers, and similar skilled craftspeople.

Craft Workshop means a building or part of a building where craft products are produced and offered for sale, and/or where craft instruction may be offered.

Crematorium means a building used to cremate human or animal remains.

Cultural Facility means a facility that documents the social and religious structures, and the intellectual and artistic manifestations that characterize a society, including archives, museums, galleries, theatres, studios, botanical and zoological gardens of a natural, artistic, historic, educational, or cultural interest.

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

D

Day-Care and Nursery Schools means a place that provides the care, supervision, and protection of children provided on a daily basis without overnight accommodations.

- **Day Care Centres** means a building other than a dwelling or part of a building other than a dwelling where four or more children are cared for on a daily basis without overnight accommodations.
- **Home Day Care** means a dwelling where six (6) fewer people are cared for on a daily basis without overnight accommodations and shall be subject to the Home Based Business Section 5.1.2 and 5.1.3.

Day Lighting Triangle means that part of a corner lot which is enclosed in a triangle, the three corners of which are determined as follows: the area established by measuring along the exterior corner lot lines, to a distance of 10 ft (3.05 m) from the point of intersection, and joining those points with a straight line, to form a triangle.

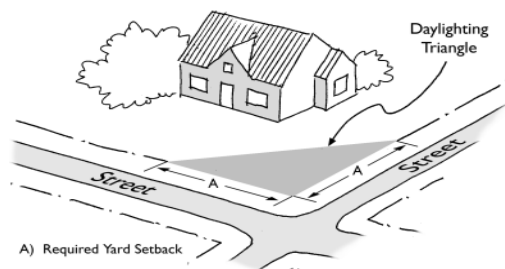


Figure 1.2 - Day Lighting Triangle Example

Development includes the erection, construction, alteration, placement, location replacement, or relocation of or addition to any structure and any change or alteration in the use of land, buildings or structures.

Development Agreement means an agreement made pursuant to the *Municipal Government Act*.

Development Officer means the officer appointed by Town Council to administer the Land Use By-law.

Distribution Centre means a facility where goods are received, assembled, and/or stored, for the purpose of being shipped to retailers, wholesalers, or directly to consumers.

Dog Grooming means an establishment where hygienic care services, such as cleaning and hair cutting, are delivered to dogs for the purpose of enhancing their physical appearance or well-being.

Drive-Thru Facility means any business which provides automobile line up space and which enables transactions to be conducted with a client while the client remains in the car.

Dry Cleaning means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and which only chemical solvents other than water are used.

Dwelling means a building, occupied or capable of being occupied as a home, containing one or more dwelling units, and shall not include a motel, hotel, recreation vehicle or travel trailer.

- **Dwelling, Ancillary** means a self-contained dwelling unit that is wholly contained within a single unit detached dwelling in which independent, and separate unrestricted access from the main dwelling unit can be gained and results in no external modifications to the front of the structure or to the height exempting the addition of dormers; or a self-contained unit within an accessory building including a Garage Suite which means an accessory dwelling unit built above a detached garage and a Garden Suite which means a free-standing, single story accessory dwelling unit located behind the primary single unit dwelling.
- **Dwelling, Converted** means a building originally built and designed as a single detached dwelling unit that has been converted into two or more dwelling units to a maximum of four dwelling units.
- **Dwelling, Duplex** means a building that that is divided horizontally into two dwelling units, but does not include a semi-detached dwelling
- **Dwelling, Linked** means a building that is divided vertically into two or more dwelling units but has the appearance of two or more detached dwelling units as a result of their connection to each other being located at the footing.
- **Dwelling, Mini Home** means a transportable, single or multiple section dwelling unit certified by the Canadian Standards Association prior to placement on the site as complying with the CAN/CSA-Z240 Series “Mobile Homes” at the time of manufacturing.
- **Dwelling, Modular Home** means a single structure composed of separate prefabricated units individually transported or towed to a site to be coupled together mechanically and electrically to form a single structure.
- **Dwelling, Multi-Unit** means a building which contains three (3) or more dwelling units within a single structure, including but not limited to row houses townhouse and apartments.
- **Dwelling, Semi-Detached** means a building that is divided vertically into two dwelling units, each of has its own dedicated exterior entrance oriented towards the street, and each which is designed to, if subdivided, exist as on independently owned dwelling unit on its own.

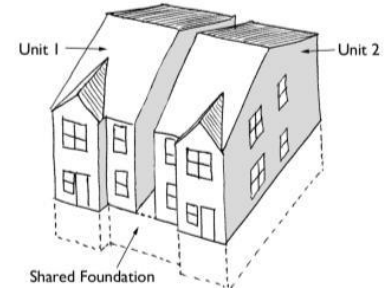


Figure 1.3 - Dwelling, Linked Example

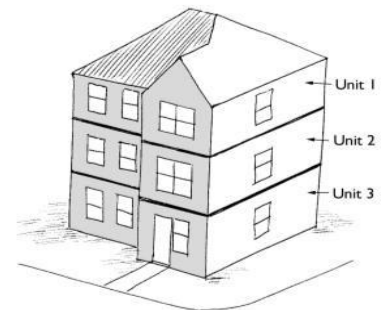


Figure 1.4 - Dwelling, Multiple Unit Example

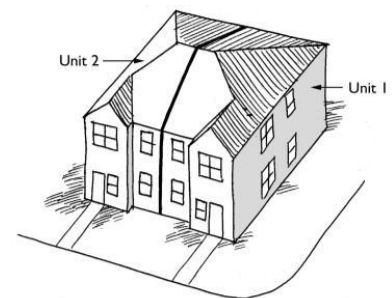


Figure 1.5 - Dwelling, Semi-Detached Example

- **Dwelling, Single Unit Detached** means a completely detached dwelling unit.
- **Dwelling, Townhouse** means a building that is divided vertically into four or more dwelling units, each of which has its own dedicated exterior entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
- **Dwelling, Triplex** means a building divided vertically into three dwelling units each of which has an independent entrance.
- **Dwelling, Two Unit** means a dwelling containing two dwelling units, including linked dwellings.
- **Dwelling, Unit** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

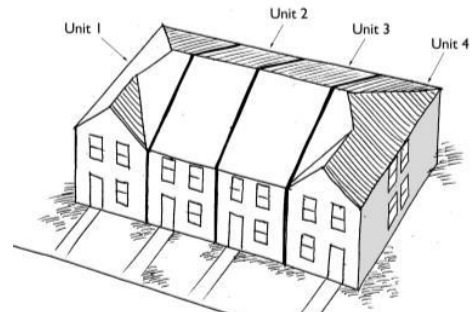


Figure 1.6 - Dwelling, Townhouse Example

E

Emergency Services are organizations which ensure public health and safety by, and include, but are not limited to, police, fire and ambulatory services.

Engineer, Professional means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia.

Equipment Storage means a commercial business that rents construction and property maintenance equipment and may include outdoor storage and display.

Erect means to build, construct, reconstruct, alter, or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling and draining or to structurally alter any existing building or structure by an addition, demolition, enlargement or extension.

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

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

F

Façade means the face of a building.

Farm Animal means one or more of the following types of animals: horses, cattle, sheep, goats, swine, fowl, and rabbits.

Farmers Market means an indoor or outdoor market or group of stalls and booths where farmers and other vendors sell their products directly to consumers.

Fence means any barrier of posts, wood, metal, wire, brick, stone, or other similar materials or combinations of such materials, which is constructed for the purpose of delineating, screening, safeguarding or enclosing.

Flood Proofing means a measure or combination of structural and non-structural measures incorporated into the design of a structure which reduces or eliminates the risk of flood damage, usually to a defined elevation. The prescribed method of flood proofing is through the permanent placing of fill, or elevation of the structure, or having the sills of all windows and doors through the foundation walls above the specified level.

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

Floor Area

- **Commercial Floor Area** means the total useable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common halls between stores.
- **Dwelling Floor Area** means the aggregate floor area contained within the outside walls excluding any garage, porch, veranda, sun room, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.

Footings means the foundation of a wall, usually with a course brickwork wider than the base of the wall.

Funeral Home means a business that provides burial and funeral services for the deceased and their families. These services may include embalming, preparing a wake and funeral, and the provision of a chapel for a wake or funeral and cremation.

G

Gallery means a building where artwork is produced, displayed and/or sold.

Garden Centre means a business engaged primarily in the retail sale of gardening products, flowers and plants, and equipment and accessories.

Gas Bar means a building, or a clearly defined space on a lot for the retail sale of lubricating and fuel oils, gasoline, and related products but does not include facilities for vehicle repairs. May also include a car wash or convenience store.

Golf Courses and Driving Ranges means land used for outdoor golfing, including, but not limited to outdoor driving ranges, club houses and maintenance facilities.

Grade with reference to a building, is the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions including but not limited to those for vehicles or pedestrian entrances need not to be considered in the determination of average levels of finished ground.

Greenhouses means a building or structure for the growing of flowers, plants, shrubs, trees and other similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouses, but may be sold directly from such lot at wholesale or retail. For greater clarity a greenhouse may be considered a part of a Garden Centre.

Grocery Store means a building, other than a restaurant, used primarily for the retail sale of food.

H

Habitable Room means space in a structure used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, utility spaces, and similar areas, are not considered habitable space.

Habitation means occupying a place as a residence or sleeping place on a scheduled or permanent basis.

Heavy Equipment Facility means land, a building or portion of a building used to sell, lease, rent, service or repair heavy equipment or heavy equipment parts, including trucks, construction machinery and related equipment.

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

- the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof; or
- the decline of a mansard roof; or
- the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof;

but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola, or steeple.

Home Based Business means a business, commercial or professional use operating on a small scale and as an accessory use within a residential dwelling by the dwellings occupant(s).

Hotel means a building or establishment which provides accommodation for the travelling public for financial remuneration and may include other facilities such as meeting rooms, restaurants, beverage rooms, lounges and entertainment facilities and have rooms that open to the interior of the building.

I

Industrial Use means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw material or goods, warehousing or bulk storage of goods and related accessory uses.

Inn means a building or part of a building which provides overnight accommodations for the travelling public for financial remuneration, and may include a dining room which is open to guests and the general public, but shall not include entertainment facilities, a lounge, or a beverage room.

Institution means the use put to a building or land used for a non-commercial purpose by an organized body or society for promoting a particular purpose or providing a service, including but not limited to hospitals, schools, nursing homes, residential care facilities, treatment and rehabilitation centres, homes for special care, group homes, detoxification centres, community living arrangements for persons with legal, emotional or mental problems, community centres and private non-profit clubs.

L

Land Leased Community means an establishment comprising of land or premises under single ownership, design and intended for residential use, where residences are primarily in manufactured homes, but does not include public campgrounds. A land leased community may contain mobile homes, mini homes, two unit mini homes, manufactured homes and administrative offices necessary for the operation of a land leased community.

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

Laundry Establishments means an establishment with coin-operated washing machines and dryers for public use.

Leash Free Dog Park means a designated area where a person(s) owning or in the care and control of a licensed dog(s) are permitted to allow such animals to remain unleashed.

Library means a building or part of a building that houses an organized collection of information resources, such as books, periodicals, newspapers, maps, prints music, video, etc., that are accessible to a community for reference or borrowing. A library may also provide internet access, and contain facilities that can be used for lectures, exhibits, meetings, social events, and youth programming, etc.

Licensed Liquor Establishment means a lounge, beverage room, and/or bar licenced under the Nova Scotia *Liquor Control Act*. For greater clarity, for the purposes of this By-law, does not include a cabaret.

Loading Space means an unencumbered off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

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

- **Lot, Area** means the total area within the lot lines of a lot.
- **Lot, Corner** means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front line of the said lot.

- **Lot, Depth** means the horizontal distance between the front and rear lot lines. Where the side lot lines are not equal in length, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.
- **Lot, Flag** means a lot shaped like a flag, with a narrow strip providing access to a public street, and the bulk of the property containing no frontage.
- **Lot, Frontage** means the horizontal distance between the side lot lines measured along the line dividing the lot from the street.
- **Lot, Interior** means a lot situated between two lots and having access to a street.
- **Lot, Through** means a lot bounded on two opposite sides by a street provide. If any lot is both a corner lot and a though lot, such lot shall be deemed a corner lot for the purpose of this bylaw.

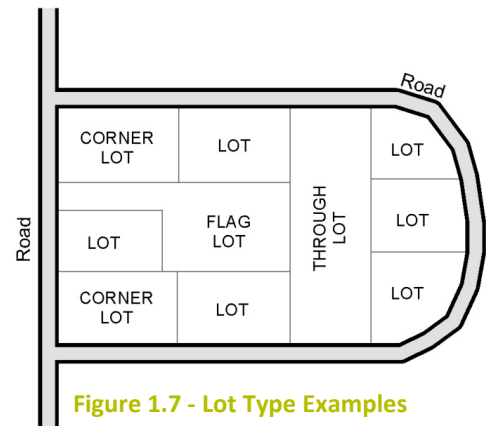


Figure 1.7 - Lot Type Examples

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

- **Lot Line, Flanking** means a side lot line which abuts the street on a corner lot.
- **Lot Line, Front** means the line dividing the lot from the street. In the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the flankage lot line, and where such lot lines are equal length, the front lot line shall be either of the lot lines.
- **Lot Line, Rear** means a lot line furthest from or opposite to the front lot line.
- **Lot Line, Side** means a side lot line which abuts the street on a corner lot.

M

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

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

Manufacturing, Processing & Assembly means a building used for the purpose of manufacturing, processing, making and assembly of goods.

Medical Clinic means a building or structure where members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation and may include such uses as reception areas, offices, coffee shop, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses have access only from the interior of the building or structure, and does not include a public or private hospital or a professional office of a doctor located in his residence.

Micro-brewery means a small-scale brewery which typically produces limited quantities of specialty beers, and may sell beverages and food made on site to the public.

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

Motel means a building of not more than two stories in height above ground level used to accommodate the travelling public for gain or profit by supply such persons with sleeping accommodation, with or without meals and has exterior entrances.

Multi-Unit Residential Development means a development consisting of one or more multi-unit dwellings.

Multiple Purpose Recreational Facilities means facilities having more than one purpose including, but not limited to miniature golf, driving ranges, batting cages, water slides, gyms, rinks and similar facilities

Municipal Government Act means the provincial legislation which enable municipalities to plan and run their corporate affairs.

N

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

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

Nursing Home means a building which is licensed under the Homes for Special Care Act, R.S.N.S. 1989, Chapter 203 to provide nursing care under medical supervision but shall not include a hospital.

O

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

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

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

Outdoor Commercial Display means an area of land where goods are displayed and which are available for sale to the general public from a retail outlet located on the same lot.

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

Outdoor Wood Burning Furnace means any hand fed furnace designed to burn wood and used for the purpose of heating accessory buildings or structures.

P

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

Pawn Shop means a building where the relinquishment of ownership of an item in exchange for immediate payment.

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

Personal Service Shop means a building or part of a building in which personal services are provided to individuals, and, without limiting the generality of the foregoing may include such establishments as barber shops, beauty/hair salons, automatic laundry shops, tailoring, and depots for collecting dry cleaning and laundry.

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

Place of Assembly is a premise where members of the public gather indoors or outdoors, for recreational, educational, political or social purposes, and may include the consumption of food and/or drink.

Place of Worship is a specially designed structure or consecrated space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study, and may include a Sunday School, Parish Hall, meeting hall, church hall or auditorium, and day nursery operated by the place of worship. Without limiting the generality of the foregoing, a place of worship may include a church, synagogue, or temple.

Printing Establishment means an establishment that provides publishing, printing, and other print media services to the public.

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

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

Private Park means a park other than a public park.

Private Recreational Clubs means uses such as a curling club, a tennis club, a lawn bowling club, soccer club that are privately run and owned.

Processing Industry means any use involving a mechanical, chemical, thermal or other means of alteration whether through fusion, fission, distillation, fermentation, vulcanization, compression, sorting, mixing or

otherwise changing the form and consistency of either organic or inorganic materials, or a combination of both to create, manufacture, fabricate, and/or package (or otherwise containerize) a product for use on site or for distribution or sale off-site, including, but not limited to, agricultural, horticultural, forestry, fisheries, gypsum, mineral/aggregate, and aggregate-based, petrochemical, rubber, or pharmaceutical products or combination of products.

Professional Trades includes but is not limited to fabrication, maintenance, repair or restoration involving welding, machining, sheet metal, electrical, electronics, refrigeration, air conditioning, heating, plumbing and carpentry, painting, plastics, acrylic, and fiberglass, glazing shops, residential and commercial cleaning.

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

Public Event means any event open to the general public which is hosted or sponsored by the Town.

Public Garage means a building or place where motor vehicles are kept or stored for remuneration.

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

Public and Private Schools means a publicly or privately funded educational institution designed to provide learning spaces and learning environments for the teaching of students.

Public Utility means a building, structure, or facility necessary for providing a municipal or public service, typically including telephone switching centres, electrical substations, sewage treatment plans and water supply facilities.

R

Rebuild or Reconstruct means to build a wholly or substantially new structure in the same location as a structure, where a structure has been wholly or partially removed and the resulting structure is of substantially the same dimensions and volume as the original structure as demonstrated by photographs or measured drawings of the original structure.

Recharge Protection Zone means the broader water supply protection area (including the well capture zones) that provides water to the wellfield, supplying it with surface water that has infiltrated the saturation zone of an aquifer.

Recreation Services and Facilities means a facility, either publically or privately owned primarily engaged in operating health clubs, gymnasiums, bowling centers, curling rinks, swimming pools, recreational sports such as tennis or squash clubs, physical fitness centers for profit or gain, but does not include arenas, ice skating rinks, or facilities for spectator sports.

Recreational Uses means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, skating rinks, athletic fields, golf courses, picnic areas, swimming pools, beach areas, day camps, community centre's, and similar uses to the foregoing, together with the necessary and accessory

buildings and structures, but not including a track for the racing of animals nor any form of motorized vehicles.

Recycling Depots means a building, structure or land for the deposit, storage, compaction, baling and transportation of recyclable materials limited to paper, cardboard, glass, and metal cans.

Recycling Facilities means solid waste reduction, re-use, recovery, or processing of such materials as paper, ferrous and non-ferrous metals (excluding motor vehicles), glass, certain forms of plastic, rubber, building materials, oil, food wastes, yard wastes, clothing, and white goods into useable products.

Residential Care Facility, Home for Special Care or Group Home means a community-based group living arrangement, in a single-unit where accommodations are provided, and which may include additional services, for residents with physical and or intellectual disabilities, or are marginally disadvantaged, including but not limited to, medical care, supervisory or personal care and counselling, but does not include a hospital or a facility licensed by or under contract to Corrections Canada or Nova Scotia Corrections.

Residential Conversion means the alteration of, but not the demolition of, a residential building to increase the number of principle dwelling units.

Restaurant means a building or part thereof where food and drink is served to the public for consumption within the building or for take-out.

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

Retail, Big Box means a single retail outlet in excess of 40 000 ft² (3 716.12 m²).

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

Retail, Warehouse Outlet means a building or part thereof in which an operator is engaged in the retail distribution of merchandise from a warehouse location wherein the merchandise may also be manufactured and distributed to other retail outlets.

S

Salvage Yard means any premises where used bodies of automobiles, or used bodies or parts of other vehicles or machinery are placed or stored, or kept; and salvage yard under this By-law does not include a scrap operation.

Scrap Operation means a building, structure, land, or part thereof, where goods and materials that are used, worn out or discarded are stored or handled for reclamation, recycling, reuse or remanufactured but does not include a salvage yard, waste transfer station, or storefront recycling use as defined in this By-law.

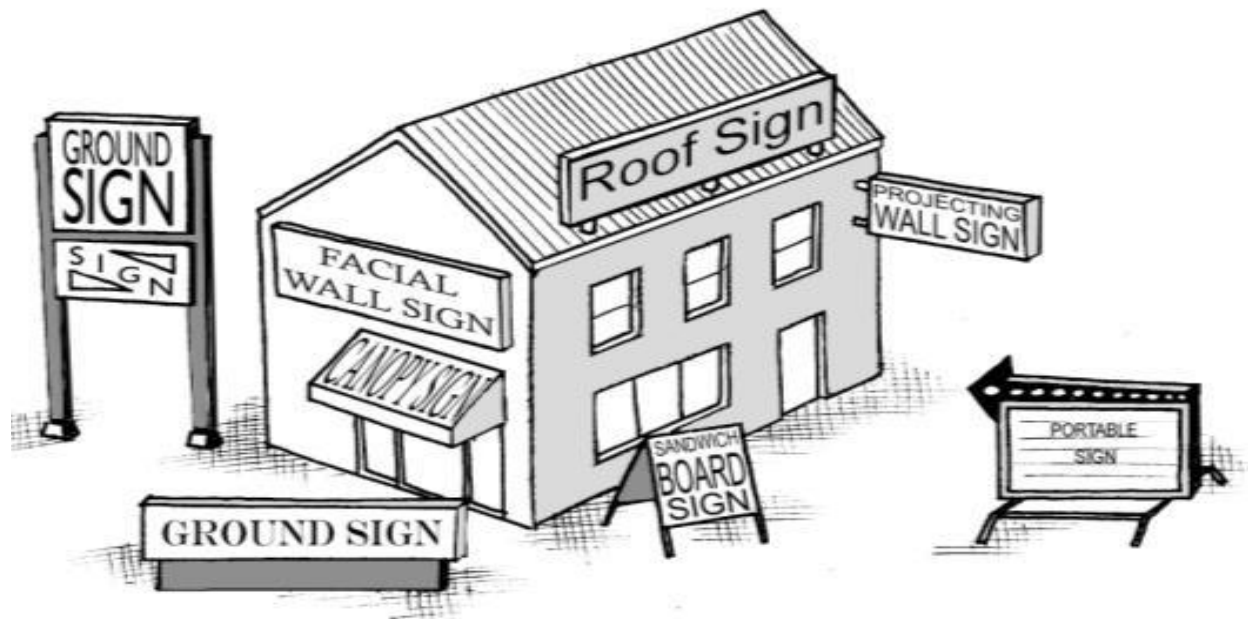
Self-Storage Facility means a building or group of buildings consisting of a varying sizes of individual, self-contained stalls or lockers for the storage of business and household and commercial goods.

Service Industries means a building for uses including the sale or repair or rental of household related articles, bakeries, public garages, engine and body repair shops, printing establishments, laundry or cleaning establishments, paint shops, plumbing shops, sheet metal shops and similar uses.

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

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

Sign means any structure, vehicle or truck trailer, device, light, or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented therein, which shall be used to identify, advertise, or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, work, model, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. This definition shall not include signs which are affixed to the inside of windows and glass doors except for illuminated indoor signs which can be seen from roadways or parking lots. No other indoor sign shall be deemed to be a sign within this By-law.



- **Address Sign** means a sign identifying the civic address or name of residents or occupants of the premises and of not more than 4 ft² (0.37 m²) in sign area.
- **Banner Sign** means a temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign, caused by movement of the atmosphere.
- **Blade Sign** means any sign that is perpendicular to the façade of a building in which it is attached.

- **Building Identification Sign** means a sign that identifies the name of the building and/or year that it was constructed.
- **Canopy Sign** means a sign on a canopy, awning or marquee.
- **Changeable Copy Sign (Manual)** means a sign or part thereof, on which characters, letters or illustrations can be manually changed or rearranged without altering the face or surface of the sign.
- **Commemorative Sign** means a sign denoting the date of erection of a structure as well as signs identifying historic sites on the lot on which it is displayed.
- **Community Announcement Sign** means a temporary sign announcing a campaign, drive or event of a civic, philanthropic, educational, religious or political nature.
- **Community Service Sign** means an off-site sign of a non-commercial nature, identifying non-profit community service groups such as service clubs, religious, charitable or fraternal organizations, but shall not include signs identifying private clubs. A sign identifying one group shall not be more than 4 ft² (0.37 m²) in sign area and a multi-faced sign identifying 4 or more groups may be up to a size of 32 ft² (2.97 m²) of sign area.
- **Construction Sign** means a temporary sign located on a lot and which identifies the project, owners, architects, engineers, contractors, or financiers or other professional consultants participating in construction on the lot or prospective occupants in the project and may include a graphic rendering of the project.
- **Digital Signage** is a sub-segment of electronic signage. Digital displays use technologies such as LCD, LED, projection and e-paper to display digital images, video, web pages, weather data, restaurant menus, or text.
- **Directional Sign** means a sign that guides traffic or parking or gives other similar noncommercial directions on the lot on which it is displayed and does not bear any advertising matter or insignia.
- **Entrance Sign** means a sign that denotes the direction or function of various parts of a building and does not bear any advertising matter or insignia.
- **Ground Sign** means a sign supported by one or two uprights or poles placed in or upon the ground and intended for permanent display but shall not include a portable sign which has been permanently or temporarily attached to the ground by its chassis, structure or any poles or uprights there from.
- **Group Sign** means a ground sign on which more than one activity, business, organization, enterprise, industry or service being conducted on that lot is advertised.
- **Illuminated Sign** means a sign that is made up of lights (ie. neon signs) but does not include backlit signs.
- **Multi-Unit Dwelling Sign** means a sign identifying an apartment, condo building, or other type of multi-unit dwelling development to a maximum of 20 ft².
- **Off-premise Sign** means a sign that advertised goods, products, services or facilities, or directs persons to a different location, from where the sign is installed.
- **Portable Sign** means any sign not permanently attached to the ground or a building and is intended to be moved and displayed at other locations.
- **Projecting Sign** means a sign which projects from and is supported by a wall of a building.

- **Public Utility Sign** means a sign which denotes a plant or equipment for producing or transmitting electrical power; conveying telephone messages; denoting bus service; or for other similar purposes and of not more than 6 ft² (0.56 m²) in sign area.
- **Real Estate Sign** means a temporary sign located on a lot and which advertises the sale, rental or lease of the premises or lot on which it is displayed.
- **Roof Sign** means any sign erected, painted or applied in any way upon or against a roof.
- **Sandwich Sign**, means a type of sign which is composed of two hinged or otherwise joined boards which leans on the ground.
- **Sign Area** means the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose the surface area of the sign. Only one side of a multi-faced sign shall be used to determine sign area. The sign area of individual letters or figures which are attached or painted on a surface shall be the smallest triangle, rectangle, circle or semicircle which can wholly enclose all of the letters, numbers or insignia.
- **Sign Height** means the distance from ground level to the highest part of the sign, including the sign structure.
- **Subdivision Identification Sign** means a ground sign identifying a residential subdivision and which is located on land presently or formerly included in the subdivision.
- **Temporary Sign** means a sign that is not permanently installed in the ground or permanently affixed to any structure for more than 90 consecutive days within a calendar year, and may not exceed 6ft² in area or 3ft in height.
- **Uniform Business Directional Sign** means a standardized sign erected and maintained in accordance with this By-law to assist the travelling public in locating businesses, public accommodations, and points of scenic, historical, cultural, recreational, educational and religious interests.
- **Wall Sign** means a sign attached directly to or painted on a buildings wall, canopy or awning and that does not extend beyond the wall, canopy or awning

Skilled Trades means those occupations pursued as a business or calling, usually learned by apprenticeship, and distinguished from mercantile, professional or agricultural occupations or unskilled labour, including but not limited to plumbers, electricians, and carpenters and, for the purposes of this By-law, excluding sheet metal workers, blacksmiths, auto repair persons and welders.

Small Option Home means a home licensed under the *Homes for Special Care Act* that provide support for up to four persons with disabilities in community homes. The residents are supported by qualified staff through a combination of live-in and shift models.

Solar Collector System means a structure or array of structures on one lot whose main purpose is to collect solar radiation and convert it to usable forms of energy.

- **On-Building Solar Collection System** means a solar collection system mounted on, attached to, or integrated with a building where the buildings main purpose is something other than the collection and conversion of solar radiation.

Special Event Facility means a building or portion of a building, outdoor areas, and related parking which is rented by individuals or groups to accommodate private functions including but not limited to, banquets, weddings, anniversaries and other similar events. Such use may or may not include:

- a) kitchen facilities for the preparation or catering of food,
- b) the sale and/or serving of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public, and
- c) entertainment.

Storefront Recycling Use means a building, structure, or land used for receiving and sorting glass, bottles, metal cans, paper, cardboard, and plastic for purposes of reuse and recycling, and that involves no processing other than for transport to a waste transfer station.

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

Street or Road means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Town of Kentville.

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

Structure means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs, and also fences exceeding 8 ft (2.43m).

Swimming Pool means a tank or body of water maintained and used for swimming purposes, whether above or in ground and has any depth of water greater than 24 in (60.96 cm). This definition excludes an existing natural body of water, stream, or well and irrigation, fire protection, fishing, or duck ponds.

T

Telecommunication Towers, Antennas, Buildings and Equipment means any facility, apparatus or other thing that is used or is capable of being used for telecommunications or for any operation directly connected with telecommunications, and includes a transmission facility. Amateur radios, such as shortwave radios, as well as typical television or radio reception equipment, including satellite dishes, which are used for residential or small commercial (e.g., motel or lounge) purposes, are excluded.

Time of Travel means the time required for a contaminant to move in groundwater from its origin at the ground surface to a well (Acronym T-o-T). Also referred to as 'Delay Time'.

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

Town shall mean the Town of Kentville.

Transportation Services means a building, structure, or land used for the purpose of transporting any kind of item or thing by trucks or other vehicle, including, but not limited to, loading facilities, storage, and maintenance facilities, but does not include the transport of people, including bus and taxi stations.

W

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

Wellhead Protection Zone, Zone A means those lands which contain or are immediately adjacent to the wellhead, the limits of this zone are determined by a less than a 2-week time of travel for a contaminant to reach the wellhead through the groundwater system.

Well Capture Zone, Zone B means lands which provide and support the short and medium-term groundwater production at the wellheads, the limits of this zone are delineated by a 2-week to 2-year time of travel for a contaminant to reach the wellhead through the groundwater system.

Wellfield Protection Zone, Zone C means lands which provide and support the short and medium-term groundwater recharge process, the limits of this zone are determined by a 2-year to 5-year time of travel for a contaminant to reach the wellhead through the groundwater system.

Wellfield Recharge Zone, Zone D means lands which provide and support the long-term recharge to the wellfield protection, well capture and wellhead areas, the limits of this zone are delineated by a 5-year to 25-year time of travel rating.

Wind Turbine Generator means a system of components which converts the kinetic energy of the wind into electrical or mechanical energy and which comprises all necessary components including energy storage, control systems, transmission systems, and structural support systems.

Wind Turbines, Small Scale converts the winds kinetic energy into either electrical power or mechanical energy. The turbine comprises the tower, rotor blade and nacelle. It shall have a maximum rated output capacity of no greater than 50 kilowatts, a maximum total height of 150 ft (45.72 m) and a minimum rotor clearance of no less than 20 ft (6.10 m) above grade.

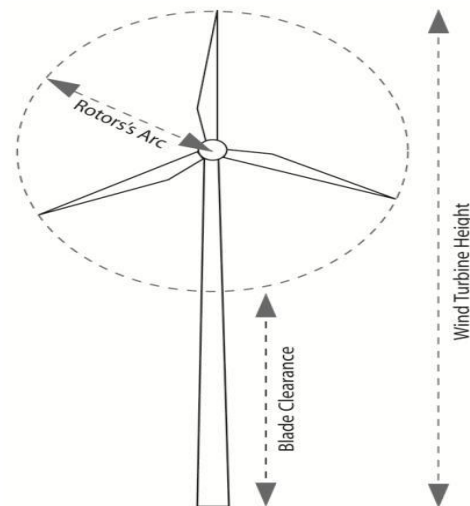


Figure 1.8 - Wind Turbine Example

Y

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

- **Yard, Flankage** means the side yard of a corner lot which extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building.
- **Yard, Front** means a yard extending across the full width of a lot between the lot line and the nearest wall of any building structure on the lot; a minimum front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.
- **Yard, Minimum** means the smallest yard permitted by this by-law.

- **Yard, Rear** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; a minimum rear yard means the minimum depth of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.
- **Yard, Side** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; a minimum side yard means the minimum width of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.

Z

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

PART 2 Interpretation

2.1 Zones

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

Zones	Acronym
Single Unit Dwelling Residential	R1
One and Two Unit Dwelling Residential	R2
Medium Density Residential	R3
High Density Residential	R4
Large Lot Residential	R5
General Commercial	C1
Highway Commercial	C2
Limited Commercial	C3
Neighbourhood Commercial	C4
Industrial	M1
Institutional	I
Park and Open Space	P
Commercial Recreation	CR
Conservation	O1
Floodway Overlay	FP
Floodway Fringe Overlay	FS
Steep Slope >25% Overlay	SS

2.2 Overlay and Zoning Boundaries

Overlay and Zoning boundaries shall be determined as follows:

- where a zone boundary is indicated as following a street or highway the boundary shall be the centre line of such street or highway;
- where a zone boundary is indicated as approximately following the lot lines, such lot lines shall be the boundary;
- where a railroad or railway right-of-way, an electrical transmission right-of-way, or a watercourse serves as a boundary between two or more different zones, the centre line of such right-of-way or of such watercourse shall be the boundary;
- where there is no landmark that indicates the precise location of a boundary the boundary shall be scaled from the Zoning Map;
- where a zone boundary is indicated as following the town boundary, the town limit shall be the boundary;
- where a zone boundary is indicated as a topographic contour line, the limits of the zone shall be the contour line; and
- The Town has, to the best of its abilities, identified areas at risk of flooding, erosion, and steep slopes based on the best information available to the Town. The Town does not make any representations about the accuracy of this information or provide any assurances that the

risk(s) will not exceed these predictions or occur in other areas. Property owners are responsible for all risks associated with development, including the effectiveness of flood resistant measures, and the impacts of development on neighbouring properties.

2.3 Certain Words

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

2.4 Permitted and Prohibited Uses

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

2.5 Zoning Map and Appendixes

Appendix "A" attached hereto shall be cited as the Zoning Map. The Zoning Map and all other Appendixes attached hereto are hereby declared to form a part of this By-law.

PART 3

Administration

3.1 Development Officer

- a) Council shall appoint a Development Officer pursuant to the provisions of the Municipal Government Act who shall issue development permits and carry out such duties as are prescribed by the Municipal Government Act or by this by-law and shall perform such other duties as Council may direct.
- b) Council may appoint an Assistant Development Officer who, when the Development Officer is unable to do so by reason of absence or other cause, shall carry out the duties of the Development Officer and may make any decision he/she could have made.
- c) The Development Officer is authorized to enter, at all reasonable times, into or upon any property within the Town of Kentville for the purpose of any inspections necessary to administer the Land Use By-law.

3.2 Development Permit

- a) No development shall be undertaken unless a development permit has been granted by the Development Officer.
- b) No development permit shall be issued unless the provisions of this by-law have been complied with.
- c) Every development permit is valid for 12 months from the date of being issued.
- d) A development permit may be renewed for an additional 12 month period provided: the development permit has not been renewed previously; and the Development Officer is satisfied that the development permit is consistent with the existing Land Use By-law and any proposed amendments.

3.3 Application for Development Permits

- a) Every application for a development permit shall be in duplicate and shall be accompanied by such plans and copies drawn to an appropriate scale and showing the following such as the Development Officer may require:
 - i. the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
 - ii. the proposed location, height, and dimensions of the building, structure, or work in respect of which the permit is applied for;
 - iii. the proposed location and dimensions of parking spaces, loading spaces, driveways;
 - iv. the location of every existing building or structure located on the lot;
 - v. natural land features such as wetlands, watercourses, slope by topography; and
 - vi. such other information as may be necessary to determine whether or not such development, reconstruction or redevelopment conforms with the requirements of this by-law.
- b) The application shall be signed by the owner of the lot or by the owner's duly authorized agent and shall set forth in detail the present and proposed use of the lot and each building or structure, or part of each building or structure, together with all information necessary to determine whether or not every such proposed use of land, building or structure conforms with the requirements of this by-law.

- c) Where the Development Officer is unable to determine whether the proposed development conforms to this by-law and other by-laws and regulations in force which affect the proposed development, he/she may require that the plans submitted under section 3.3(a) be based upon an actual survey by a Nova Scotia Land Surveyor.

3.4 No Development Permit Required

No development permit shall be required for:

- a) A development that involves the interior or exterior renovation of a building that will not change the shape of the building or increase its volume; will not add more dwelling units; or will not change the use of the building;
- b) Temporary buildings or structures incidental to construction provided that a development permit for the main building has been issued. Such temporary uses shall be terminated within a maximum of 30 days after the occupancy permit has been issued;
- c) Temporary buildings, structure, or signs for special occasions, public events, or holidays provided that such building, structure or sign remains in place no more than 10 days following the end of the special occasion, public event or holiday; and
- d) Minor accessory structures such as clothes poles, flag poles, garden trellises, arbors, playground equipment, monuments, interpretative displays, and other similar structures. These miscellaneous structures shall be permitted to be located in any part of any yard except within the corner vision triangle of any corner.

3.5 Costs for Advertising

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

3.6 Violation

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

PART 4 General Provisions

4.1 General Provisions for All Zones

4.1.1 Accessory Buildings and Structures

- a) Accessory buildings and structures shall only support a use which is subordinate or incidental to the main use or building that is located on the same lot;
- b) Accessory buildings shall not be used for human habitation, except in accordance with Section 5.1.1 (g);
- c) Accessory buildings shall not be located within the required front yard or flankage yard of the lot;
- d) Accessory buildings shall not be built closer to the side lot line or rear lot line than 4 ft (1.22 m) except that:
 - i. Common semi-detached garages may be erected on the mutual side lot line
- e) Accessory buildings shall not be built within 6 ft (1.82 m) of the main building or any other accessory building;
- f) Accessory buildings shall not exceed 21 ft (6.40 m) in height;
- g) No more than 2 accessory buildings shall be permitted on any one lot in any residential zone;
- h) Accessory buildings shall not exceed 15% of the total lot area, up to a maximum gross floor area of 1000 ft² in any residential zone; and
- i) Accessory buildings shall not be an automobile, trailer, shipping container or similar type of vehicle or structure or portion thereof whether or not same is mounted on wheels or a foundation.

4.1.2 Accessory Uses Permitted

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

4.1.3 Amenity Space

- a) All new Multi-Unit Developments containing four or more dwelling units shall provide On-Site Amenity Space in accordance with the following requirements:

Bachelor and One Bedroom	200 ft ² per unit	18.58 m ² per unit
Two bedroom	225 ft ² per unit	20.90 m ² per unit
Three or more bedrooms	255 ft ² per unit	23.69 m ² per unit

- b) Amenity space may include decks, balconies, gardens, landscaped open space, gyms, pools and other
- c) Useable outdoor recreation amenity space shall be located in the side or rear yards and the recreation space must be usable space, meaning it shall be cleared, levelled, and grassed or otherwise landscaped to create an attractive outdoor recreation space for the amenity of the residents on the lot.
- d) Amenity space shall be waived for all residential conversions.

4.1.4 Alteration of Land

Alteration to the level of land resulting from any excavation or filling activity, for purpose of the preparation of the land for development or in conjunction with any permitted development which involves the removal or addition of more than 20 yd² (15.3 m²) of material from the site shall require a Development Permit prior to commencement and shall comply with the following:

- a) All excavation and filling activities for which a Development Permit is required be wholly contained within the property affected;
- b) No alteration in the level of land resulting from any excavation or filling for the purpose of preparation of land for development for which a Development Permit is required shall cause water to shed to an adjacent property;
 - i. Notwithstanding 4.1.4(b) water may be shed to any existing ditch, culvert, watercourse, or stormwater drainage system upon approval from the Town Engineer. and
- c) An approved site drainage plan may be required by the Development Officer and approved by the Town Engineer prior to the granting of a Development Permit.

4.1.5 Building to be Moved

No building shall be moved within or into the Town of Kentville until a development permit has been issued.

4.1.6 Compliance with Other By-laws

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

4.1.7 Conformity with Existing Setbacks

Notwithstanding anything else in this By-law, in any zone, structures built between existing buildings within 200 ft (60.96 m) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than 10 ft (3.05 m) from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

4.1.8 Day Lighting Triangle

On a corner lot where yards are required, no fence, sign, hedge, shrub, bush or tree or any other structure, vehicle or vegetation shall be erected, placed or permitted to grow to a height greater than 3 ft (0.91 m) above grade within a day lighting triangle.

4.1.9 Development Agreements

The following developments shall be considered only by development agreements in accordance with Policies IM-10 and IM-11 of the Municipal Planning Strategy:

- a) Mini-Home Parks/Land Leased Communities in the Large Lot Residential (R5) Zone;
- b) The change in use of a non-conforming use of land or a non-conforming use in a structure, to another non-conforming use; and
- c) The expansion, enlargement or alteration of a nonconforming structure.

4.1.10 Existing Buildings

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

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

4.1.11 Existing Lots without Frontage

Notwithstanding anything else in this By-law an existing lot which does not have frontage, but which otherwise has legal access to a public street, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other requirements of this By-law are satisfied.

4.1.12 Existing Undersized Lots

- a) Notwithstanding minimum lot area and frontage requirements established elsewhere in this By-law, a lot having less than the minimum lot frontage lot area or both, and:
 - i. Was in existence on or before April 16, 1987 the date of validation of real property transactions under the Municipal Government Act;
 - ii. Having been expanded or made larger, is nonetheless below the minimum requirements; or
 - iii. Was created by the action of the variance provisions of Section 235 of the Municipal Government Act

may be used for a purpose permitted in the zone in which the lot is located, and a structure may be erected on the lot provided that all other applicable provisions of this By-law are satisfied.

4.1.13 Fencing

- a) Fences shall be limited to a maximum height of 12 ft (3.66 m) except in a Residential Zone where the maximum height shall be 8 ft (2.43 m)
- b) All fences shall conform to the following general requirements:
 - i. where there is no required front yard, fences in the first 20 feet of the front yard shall not be more than 4 ft (1.21 m) in height except within the Industrial Zone;
 - ii. on corner lots, day lighting triangle height restrictions shall apply;
 - iii. fences cannot be electrified;
 - iv. fences with supporting structures shall be constructed so that the structural members face inward, away from all abutting properties and public streets; and
 - v. fences shall not contain barbed wire unless erected in conjunction with a permitted industrial or commercial use.

4.1.14 Frontage on a Street

All new lots to be approved on a final plan of subdivision shall abut a public street.

4.1.15 Habitation of Vehicles

- a) No automobile, transportation truck, bus, coach or shipping container shall be used for human habitation.
- b) Notwithstanding 4.1.15(a), a recreational vehicle or campers may be used for human habitation, and no development permit shall be required provided:
 - i. such vehicle is not connected to town services;
 - ii. such use does not extend longer than 60 days within a 12-month period; and
 - iii. such use does not occur within the required minimum front yard, side yard or flankage yard of the lot.

4.1.16 Illumination

- a) No person shall erect any illuminated sign or illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.
- b) Commercial signage within or abutting a Residential Zone or designation shall only be illuminated during regular business hours.

4.1.17 Multiple Uses in a Building

Where any land or building is used for more than one purpose, all provisions for this By-law relating to each use shall be satisfied with the exception of residential development in the General Commercial (C1) Zone. Where there is conflict, such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

4.1.18 Non-Conforming Uses and Structures

- a) A non-conforming structure, a non-conforming use of land, or a non-conforming use in a structure may continue if it exists and is lawfully permitted at the effective date of this By-law, subject to the provisions of Sections 238 to 242 of the *Municipal Government Act*.
- b) A non-conforming development shall not recommence if it has been discontinued for one year or more.

4.1.19 One Main Building on a Lot

More than one main building may be permitted on a lot within the:

- a) General Commercial (C1) Zone;
- b) Highway Commercial (C2) Zone;
- c) Industrial (M) Zone;
- d) Medium Density Residential (R3) Zone; and
- e) High Density Residential (R4) Zone subject to the following requirement:

The minimum distance between the buildings shall be 20 ft (6.10 m), or one-half the height of the highest abutting wall, whichever is greater.

4.1.20 Parks and Open Space

Parks, Playgrounds, Open Spaces and Community Gardens shall be permitted in any zone.

4.1.21 Permitted and Prohibited Uses

- a) No person shall hereafter use any land, or erect, alter, or use any building or structure unless a development permit has been issued, and no development permit shall be issued unless all provisions of this By-Law are satisfied; and
- b) For the purpose of this By-law, if a use is not listed as a permitted use in a zone, or it is not accessory to a permitted use within the zone, it shall be deemed to be a prohibited use in that zone, except where the use is a non-conforming use under Section 238 of the *Municipal Government Act*.

4.1.22 Permitted Encroachments into Yards

Except for accessory buildings, every part of any yard required by the By-Law shall be open and unobstructed by any structure excluding fences and the structures listed in Table 4.1:

Table 4.1 *Permitted Encroachments into Yards*

Structure	Impacted Yard	Maximum Encroachment
Sills, belt courses, cornices, eaves, gutters, or chimneys	Any yard	2 ft 0.61 m
Window Bays	Front and Rear	3 ft 0.91 m
Fire Escapes and Exterior Staircases	Rear and Side	3 ft 0.91 m
Balconies	Any yard for residential buildings	3 ft 0.91 m
Wheelchair Ramps	Any yard	3 ft 0.91 m

4.1.23 Public Utilities

Public and private utilities shall be permitted in any zone provided that such use conform to the applicable lot standards of that particular zone.

4.1.24 Refuse Storage

All development except for Single Unit Detached Dwelling and Two Unit Dwelling must provide space for the storage of recycling, compost, and garbage receptacles that shall:

- a) not be situated within the required front yard unless it is situated within a wholly enclosed structure; and
- b) not occupy any space that is required for parking or amenity space in relation to a development.

4.1.25 Side Yards on Corner Lots

Notwithstanding anything else in this By-law, on a corner lot in any zone, except the General Commercial (C1) Zone, no part of any building or accessory building shall be erected closer to the flankage lot line than 10 ft (3.05 m).

4.1.26 Special Criteria for Development within Areas Subject to Flooding

No Development Permit shall be issued in any zone that is in the area shown as Floodway Overlay or Floodway Fringe Overlay on the Environmental Constraints Overlay Map, Map 3 of the Municipal Planning Strategy, unless the requirements of Part 10 of this By-law are met.

4.1.27 Site Plan Approval

Site Plan Approval is a tool permitted under the Municipal Government Act that relies entirely upon the development officer to evaluate development proposals based on their compliance with a predetermined set of objectives that are written out in the planning documents. The benefit of site plan approval is that it does not require a public hearing or a lengthy approval process compared to the Development Agreement process which can be lengthy and expensive to process, resulting in a legal contract between the developer and the Town. The Town has opted to allow certain development by Site Plan approval as provided for within this Bylaw.

The following developments shall be considered by Site Plan Approval in accordance with Sections 231-233 of the Municipal Government Act, and Section 5.1.12 of this Bylaw.

- a) New structures or additions in a (R3), (R4), (C1), (C2), (C3), (M1), and (CR) Zone, when such developments abuts a Single Unit Dwelling (R1) Zone or a One and Two Unit Dwelling (R2) Zone;
- b) Day Care Centers to a maximum of 14 persons in the (R1), (R2) and (R3) zones; and
- c) Multi-Unit Residential Development over 50 units per acre in the (C1) zone.

4.1.28 Special Occasion Uses

Nothing in the By-law shall prevent structures erected for special occasions or holidays such as, concerts, open-air seasonal markets, midways, circuses, fairs or festivals provided that no such use remains in place more than 14 consecutive days and such building, structure or sign remains in place no more than 10 days following the end of the special occasion.

4.1.29 Telecommunication Facilities

The Town of Kentville recognizes that Industry Canada has the ultimate authority over the placement of radio communication facilities but it has been Industry Canada's practice to work with municipal governments to ensure that local concerns are addressed in the approval process. Council therefore shall:

- a) Strongly discourage Telecommunication Towers in all Residential Zones and the General Commercial (C1) Zone; and
- b) Encourage the co-location of telecommunication infrastructure;

4.1.30 Temporary Construction Uses

Nothing in this By-law shall prevent the erection of temporary buildings or scaffolds or other structures incidental to any construction in progress until such construction has been finished or has been discontinued for a period of 60 days.

4.1.31 Transit Shelters

Transit Shelters shall be permitted in every zone, subject to obtaining a development permit. The Development Officer shall only issue a development permit for a Transit Shelter upon being satisfied of the following:

- a) The Applicant has in writing, consent of Kings Transit Authority, on whose regularly scheduled route the Transit Shelter is to be located; and
- b) The Traffic Authority of the Town, has certified that the proposed location of the Transit Shelter does not constitute a hazard to public safety.

4.1.32 Variances

- a) Notwithstanding anything in this By-law, a Development Officer may grant a variance subject to Section 235 of the Municipal Government Act. Specifically, the Development Officer may vary:
 - i. the percentage of land that may be built upon;
 - ii. the size or other requirements relating to yards;
 - iii. the lot frontage; and/or
 - iv. the lot area.
- b) A Development Officer may grant a variance in one or more of the following Land Use By-law requirements:
 - i. number of parking spaces and loading spaces required;
 - ii. The ground area and height of a structure;
 - iii. The floor area occupied by a home based business; and/or
 - iv. The height and area of a sign.

4.2 Parking and Loading

4.2.1 General Requirements

- a) For every building or structure to be erected or enlarged, or for which application for a development permit involving a change of use is made, off-street parking having unobstructed access to a public street shall be provided and maintained in accordance with Table 4.2;
- b) Notwithstanding Section 4.2.1(a) minimum parking requirements shall be waived in the General Commercial (C1) Zone for all new development, excluding any residential component. In this instance, only the minimum off-street vehicular parking spaces for the residential component of the development shall be required;
- c) All off-street parking shall be provided on the same lot as the use of building for which it is required;
- d) Notwithstanding Section 4.2.1(c), in any Commercial/Industrial zone, off-street parking for Commercial purposes may be located on a different lot than the use or building in question provided that the parking area is not located more than 300 ft (91.44 m) away from the subject building, and the land owner provides written notice of a shared parking arrangement to the Development Officer; and
- e) Minimum off-street parking requirements shall not apply to any use which was established before the effective date of this By-law.

4.2.2 Calculating Parking Requirements

- a) When calculating parking requirements:
 - i. the parking requirement for development consisting of multiple uses shall be determined by totaling the calculated parking requirement for each individual land use;
 - ii. only the new usable floor area or new seating capacity shall be included in the parking calculations for a development proposal that includes the expansion of an existing use;
 - iii. for the purposes of this section, floor area shall not include washrooms, stairs, utility rooms, common hallways, or elevators;
 - iv. where a parking calculation results in a fraction of a space, the final number of required parking spaces shall be rounded up to the next whole number; and
 - v. where a development contains a use(s) that is missing from Table 4.2, the Development Officer shall identify the most comparable use and parking ratio to determine the minimum parking requirements.

Table 4.2 *Parking Requirements*

Land Use	Parking Requirement
<i>Residential Land Use</i>	
Dwelling Units (<4 dwelling units)	1 parking space per dwelling unit
Multi-Unit Dwellings (>4 dwelling units)	1.25 parking spaces per dwelling unit
Multi-Unit Dwellings in the (C1) Zone	0.5 per dwelling unit
Home Based Business	1 space in addition to the space required by the dwelling unit
Bed and Breakfast	1 space per rental units in addition to the space required by the dwelling unit.

Senior Citizen Apartment	1 parking space for every 2 dwelling units
Community Home/Residential Care Facility	2 spaces + 0.5 spaces per resident
Assisted Living Facility	1 space per every 2 bed plus 1 space per staff OR 1 space per 700 ft ² (65.03 m ²), whichever is greater
Commercial Land Use	
Animal Hospital/Veterinary	1 space per 200 ft ² (18.58 m ²)
Art Gallery/Museum	1 space per every 300 ft ² (27.87 m ²) of floor area
Automotive Repair/Service/Retail	1 space per 500 ft ² (46.45 m ²) of floor area
Banks/Financial Institutions	1 space per every 350 ft ² (32.52 m ²) of floor area
Breweries	1 space for every 3 employees
Day Care Centre	1 space per 3 children.
Funeral Homes	1 space per every 200 ft ² (18.58 m ²) of assembly area with a minimum of 10 spaces
Gas Station	1 space per 550 ft ² (51.10 m ²) of floor area
Garden and Nursery Sales	1 space for every 500 ft ² (46.45 m ²) of floor area
Hotels/Motels/Inns	1 space per rental unit, plus 1 space per every 200 ft ² (18.58 m ²) of additional floor area
Medical/Dental	1 space per every 300 ft ² (27.87 m ²) of floor area
Micro-Breweries/Wineries	1 space per every 350 ft ² (32.52 m ²) of floor area
Office Space	1 space per every 300 ft ² (27.87 m ²) of floor area
Personal Services	1 space per every 350 ft ² (32.52 m ²) of floor area
Restaurants/Beverage Rooms/Taverns	1 space per every 200 ft ² (18.58 m ²) of floor area
Retail Space	1 space per every 350 ft ² (32.52 m ²) of floor area
Service Shops	1 space for every 350 ft ² (32.52 m ²) of floor area
Visitor Information Centers	1 space for every 350 ft ² (32.52 m ²) of floor area
Other Commercial Uses	1 space per every 350 ft ² (32.52 m ²) of floor area
Institutional or Community Use	
Bowling Alley	3 spaces per bowling lane; and 1 per every 100 ft ² (9.29 m ²) of assembly area
Curling Rinks	4 spaces per curling sheet; and 1 per every 100 ft ² (9.29 m ²) of assembly area
Place of Worship/Halls/Theaters/ Arenas/Rinks/Private Clubs/and other Places of Assembly	Fixed seating 1 space/5 seats
	Bench Seating 1 space/10 ft (3.05 m) of bench
	No Fixed Seating 1 space/100 ft ² (9.29 m ²) of assembly area
Elementary/Nursery Schools	1.5 spaces per teaching classroom
Other Schools	4 spaces per teaching classroom
Hospitals	1 space for every 2 beds or for every 400 ft ² (37.16 m ²) of floor area, whichever is greater
Libraries	1 space per every 300 ft ² (27.87 m ²) of floor area

Industrial Land Uses

Distribution/Wholesale	1 space per every 1 000 ft ² (92.90 m ²) of floor area; plus 1 space for every 350 ft ² (32.52 m ²) of office space
Manufacturing/Processing/Assembly	1 space per every 2 000 ft ² (185.81 m ²) of floor area; plus 1 space per every 350 ft ² (32.52 m ²) of office space
Recycling Depots	1 space per every 1 000 ft ² (92.90 m ²) of floor area
Self-Storage/Warehousing	1 space per every 2 000 ft ² (185.81 m ²) of floor area
Transport and Trucking	1 space per every 350 ft ² (32.52 m ²) of associated office space

4.2.3 Standard for Parking Areas

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

a) Surfacing:

- i. The parking shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles, except in the General Commercial (C1) Zone where a parking area shall have a permanent hard surface;
- ii. Where a permanent hard surface is provided:
 - a. Individual parking spaces and circulation routes for vehicles, bicycles and pedestrians shall be clearly marked and maintain; and
 - b. A storm water management plan shall be required and approved by the Town Engineer

b) Site Layout

- i. Where a driveway provides access to a parking area the approaches and driveways shall be defined by a curb of concrete or rolled asphalt;
- ii. The lights used for the illumination of the parking lot or parking station shall be so arranged as to divert the light away from the streets, adjacent lots and buildings;
- iii. The location of approaches or driveways shall not be closer than 50 ft (15.24 m), from the limits of a right-of-way of a street intersection unless approved by the Towns Traffic Authority;
- iv. The width of a driveway leading to a parking area or aisle in a parking area, shall be a minimum of 10 ft (3.05 m), if for one way traffic, and a minimum of 18 ft (5.49 m), if for two way traffic, and the maximum width of a driveway shall be 25 ft (7.62 m);
- v. Accessible parking spaces are provided in a convenient location, as close to the building primary entrance as possible and in accordance with the National Building Code;
- vi. Accessible parking space shall be a minimum width of 13 ft (3.96 m) by a length of 18 ft (5.49 m), however a parallel accessible parking space shall be 23 ft (7.01 m) in length;
- vii. All parking areas must make provision for access to permit ingress and egress of motor vehicles to the street or highway by means of driveways, aisles or manoeuvring areas;
- viii. Where a commercial or industrial parking area abuts an existing residential use, such commercial or industrial parking areas shall be screened by an opaque fence that is at least 8 ft (2.44 m) high or an evergreen hedge that will form a solid visual barrier at least 8 ft (2.44 m) high following one growing season; and
- ix. The Traffic Authority may require a traffic impact study for large developments to determine location and design elements of parking areas

c) Landscaping

- i. Landscaped strip at least 5 ft (1.52 m) wide shall be provided and maintained between the parking area and any abutting public right-of-way excepting any driveways or pedestrian walkways;

d) Abutting Zones

- i. A parking area in a Residential Zone shall be situated in a side or rear yard;
- ii. A parking area on a property within or abutting a Residential or Park Zone shall be:
 - a) separated from an abutting property by a landscaped buffer that is at least 10 ft (3.05 m) wide; or
 - b) separated from an abutting property by a landscaped buffer that is at least 6 ft (1.83 m) wide provided the parking area is also screened by an opaque fence that is at least 5 ft (1.52 m) high or an evergreen hedge that will form a solid visual barrier at least 5 ft (1.52 m) high following one growing season.

e) Miscellaneous

- i. Snow storage is not permitted to occupy any area required for parking or loading;
- ii. A structure, not more than 15 ft (4.57m) in height and not more than 50 ft² (4.65 m²) in area, may be erected in a parking area for the use or parking lot attendants.

4.2.4 Parking Space Specification

All vehicular parking spaces shall be designed and maintained in according to the following specifications:

Table 4.3 *Parking Space Specifications*

Standard Parking Angle	Minimum Space Width	9 ft	2.74 m
	Minimum Space Length	18 ft	5.49 m
	Minimum Space Depth	18 ft	5.49 m
75° Parking Angle	Minimum Space Width	9 ft	2.74 m
	Minimum Space Length	18 ft	5.49 m
	Minimum Space Depth	19 ft	5.79 m
60° Parking Angle	Minimum Space Width	9 ft	2.74 m
	Minimum Space Length	18 ft	5.49 m
	Minimum Space Depth	20 ft	6.10 m
45° Parking Angle	Minimum Space Width	9 ft	2.74 m
	Minimum Space Length	18 ft	5.49 m
	Minimum Space Depth	18 ft	5.49 m
Parallel Parking Angle	Minimum Space Width	9 ft	2.74 m
	Minimum Space Length	22 ft	6.71 m
	Minimum Space Depth	9 ft	2.74 m

4.2.5 Standards for Loading Spaces

- a) Any manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other similar use that involves the frequent shipping, loading or unloading of persons, animals or goods that occupies a floor area in

excess of 2 500 ft² (232.26 m²) shall be required to provide one off-street loading space for every 30 000 ft² (2 787.09 m²) or fraction thereof of building floor area;

- b) Each loading space shall be at least 12 ft (3.66 m), by 30 ft (9.14 m) with a minimum of 15 ft (4.57 m) height clearance;
- c) The provision of a loading space for any building with less than 2 500 ft² (232.26 m²), shall be optional;
- d) No such loading spaces shall be located within any yard which abuts a Residential, Park and Open Space, or Institutional Zone;
- e) Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles; and
- f) Ingress and egress, to and from the required loading space areas shall be provided by means of unobstructed driveways of a minimum width of 12 ft (3.66 m), if for one-way traffic or a minimum width of 24 ft (7.32 m), if for two-way traffic.

4.2.6 Bicycle Parking Spaces

When off-street bicycle parking spaces are provided, they shall be provided and maintain in accordance with the following requirements:

- a) Bicycle parking spaces shall be located at the same grade as the sidewalk or parking area, or at a location that can be accessibly reached;
- b) Bicycle parking spaces shall be permitted in any yard; and
- c) Bicycle parking spaces shall not obstruct pedestrian or vehicular traffic.

4.2.7 Vehicle Stacking for Drive-Thru Uses

- a) Businesses providing Drive-Thru services including but not limited to banks, automatic car-wash facilities, and restaurants, shall provide stacking for vehicle queuing in accordance with the requirements set out in Table 4.4 or as otherwise required by the Traffic Authority; and
- b) All vehicle queuing shall be solely dedicated to queued vehicles and shall not interfere with any other vehicle movement on site including parking stalls, aisles, access and egress to and from the site.

Table 4.4 *Vehicle Stacking Requirements*

Use	Stacking Requirement
Fast Food Restaurant Drive-Thru	Stacking for 4 cars between the order board and the pick-up window and stacking for 6 cars behind the order board. Total queuing length shall not be less than 200 ft (60.96 m)
Bank Drive-Thru and Other Dispensaries	Stacking for 5 cars
Coffee Shop Drive Thru	Stacking for 4 cars between the order board and the pick-up window and stacking for 10 cars behind the order board. The Traffic Authority may require a traffic impact statement
Car Wash	Stacking for 3 cars free and clear of the service bay/stall

4.2.8 Parking Requirements in Commercial General (C1) Zone

Notwithstanding the provisions of Part 4.2.2, Table 4.2, parking in the Commercial General (C1) Zone shall be provided according to the following schedule:

Table 4.5 *Commercial General (C1) Zone Parking Requirements*

Residential Uses	0.5 spaces per unit
All Other Uses	1 space per 400 ft ² (37.16 m ²) of floor area

4.2.9 Cash-In-Lieu of Required Parking

Notwithstanding the provisions of Part 4.2.2, Table 4.2 of this Land Use By-law, and in accordance with Policy GD-27 the Development Officer may within the Commercial General (C1) Zone, accept cash-in-lieu of the required onsite parking, or a combination of parking spaces and cash for the balance of the required parking from the developer. The cash-in-lieu contribution shall be calculated in accordance with the following formula:

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

where:

C	=	developer's contribution
S	=	structural cost of a single parking space to be set by Council by resolution on an annual basis
L	=	current assessed value of land per square foot within the zone in which the land falls
280	=	number of square feet allotted to one parking space
R	=	number of parking spaces for which payment in lieu is required by the developer

4.3 Signage

4.3.1 General Requirements

- a) No person shall erect or enlarge a sign without first obtaining a development permit, except for those signs listed in Section 4.3.3;
- b) In the case of a conflict between the provisions of this By-law and the requirements of the Nova Scotia Department of Transportation and Infrastructure Renewal, the more stringent requirements shall prevail;
- c) In the case of the applicant not being the legal property owner, the applicant shall provide a signed letter from the property owner approving the signage request;
- d) For Signage purposes, businesses and the buildings they're contained within will fall under one of the two categories below:
 - i. A building that wholly contains businesses that share a common entrance and/or corridor will here on out be considered a **Commercial Centre**; and
 - ii. Businesses that have their own, independent entrance on a road or parking lot shall be considered an **Independent Business** from here on out.

4.3.2 Sign Maintenance

- a) All sign shall be kept in a good state of repair so they do not pose a threat to public safety or health, and do not become unsightly;
- b) Changing the sign copy and normal sign maintenance, including the refurbishing of existing signs, the replacement of sign elements, and the repair of structural members or lighting shall not require a development permit, but all maintenance shall comply with the requirements of this bylaw; and
- c) Signs which advertise a business or service that is no longer available at that location shall be removed once the business or service has been discontinued for 30 days.

4.3.3 Signs Which Do Not Require a Development Permit

The following signs are permitted without any requirement for a development permit:

- a) A-Frame signs, provided said signs are a maximum of 6 ft² (0.56 m²) per face and not exceeding 5 ft (1.52 m) in height. A-Frame signs must be located on or adjacent to the property in which they advertise;
- b) Window signs, subject to Section 4.3.9;
- c) "No Trespassing" signs or other such signs regulating the use of a property, provided said signs are a maximum 2 ft² (0.19 m²) in sign area;
- d) Real Estate signs not exceeding 5 ft² (0.46 m²) in sign area in any Residential Zone and 15 ft² (1.39 m²) in other zones, which advertise the sale, rental or lease of the premises;
- e) Signs regulating or denoting on-premises traffic, or parking or those signs denoting the direction or function of various parts of a building or premises provided that such are a maximum of 5 ft² (0.46 m²) in sign area;
- f) Any signs that are deemed necessary by the Traffic Authority or a Governmental body;
- g) The flag, pennant, or insignia of any government, charitable, religious, or fraternal organization;

- h) Signs associated with a Federal, Provincial or Municipal election. Such signs shall not remain in place for more than 14 days following the election for which the sign was erected;
- i) Memorial signs or tablets and signs denoting the historical significance and date of erection of a structure;
- j) One sign that has a sign area of not more than 65 ft² (6.04 m²), which is incidental to construction and located on the same site as the building under construction. Such signs shall not remain in place for more than 30 days following completion of construction;

4.3.4 Prohibited Signs

- a) Digital signs;
- b) Vehicle wraps solely for the purpose of advertising, not for daily commute;
- c) Signs which incorporate in any manner any flashing or scrolling/moving illumination which varies in intensity or colour;
- d) Signs which by reason of location, content, colouring, or manner of illumination obstruct the vision of drivers, or obstruct the effectiveness of any traffic sign or traffic control device on public streets; and
- e) Signs which make use of such words as "stop", "look", "one way", "danger", "yield", or any other similar words, phrases, or symbols so as to interfere with or confuse traffic along a public street;
- f) Off premise signs

4.3.5 Wall Sign Requirements

- a) Wall signs shall indicate only the name, nature and civic address of the occupancy;
- b) The area of wall signs shall be calculated as followed:
 - i. Where a wall sign is constructed on one solid piece of material, the area shall be calculated based on the width and height of the entire sign; and
 - ii. Where independent lettering is used the area of the Fascia sign shall be calculated based on the width and height of the letters as a whole (see figure 9)



Figure 9 Wall Sign Area Calculation

- c) Wall signs shall not extend above the façade the building in which they are attached to;
- d) Where possible, wall signs shall be erected over the main entryway to direct customers into the entrance.
- e) The frontage factor for calculating the area of the façade is related to each tenant's building frontage facing on each street or parking lot;

4.3.6 Ground Sign Requirements

- a) Ground signs shall indicate only the name, nature and civic address of the occupancy;
- b) No Ground sign shall be located any closer than 5 ft (1.52 m) to the front or side property line;

4.3.7 Blade Sign Requirements

- a) Blade signs shall have a maximum of two (2) sign faces,

- b) No Blade sign shall be erected less than 7 ft (2.13 m) from grade; and
- c) The total area of the Blade sign shall not exceed 9 ft² (0.84 m²)

4.3.8 Public Event Signs

Notwithstanding anything else in this bylaw, the following signage relating to Public Events may be erected:

- a) Banner Sign; and
- b) Ground Sign, to a maximum size of 4 ft x 4 ft (1.22 m x 1.22 m)

Provided that they:

- a) Do not obstruct the vision of drivers;
- b) Are erected on the property that the event is located on or in an area approved by the Town;
- c) Do not exceed the maximum of 3 signs total; and
- d) Are not erected more than 2 weeks before the Event and are removed within 4 days of the event ending.

4.3.9 Window Signs Requirements

Window Signs shall adhere to the following requirements:

- a) Signs may be placed or painted on the interior of a glass window or door provided that they not cover more than 40% of the door or window in which it is placed

4.3.10 Permitted Signs

- a) The following signs are permitted for **Independent Businesses**:

Table 5.1 *Independent Business Signs Permitted by Zone*

	C1, C3, C4, CR	C2, I, M1	HOME BASED BUSINESSES
Wall Sign	1 per business Area, max. 15% of façade	Area, max. 15% of façade	Area, max. 3 ft ² (0.28 m ²) Limit 1 per property, must be affixed to the building
Blade Sign	1 per business See section 4.3.7 above	1 per business See section 4.3.7 above	N/A
Ground Sign	Area, max. 25 ft ² (2.32 m ²) Height, max. 10 ft (3.05 m)	Area, max. 200 ft ² (18.58 m ²) Height, max. 25 ft (7.62 m)	N/A

Exceptions:

- *Where a building is located on a lot having frontage on two streets, one wall sign and one projecting sign will be permitted for each face of the building. However, premises fronting on more than one street shall not combine total permissible signs on one façade.*
- b) The following signs are permitted for Multi-Unit Commercial Buildings:
 - i. One Building Identification Sign;
 - ii. One Business Directory, maximum area of 16 ft² (1.49 m²); and
 - iii. Ground Sign, see Table 5.1 for size and height requirements.

4.4 Telecommunication Towers

- a) Telecommunication Towers will be discouraged from locating in all residential zones; and
- b) The co-location of telecommunication infrastructure on existing towers shall be encouraged.

4.5 Water Protection

4.5.1 Wellfield Protection Areas

Notwithstanding any other provisions contained in this By-law the following land use control provisions shall apply to the lands within the Wellfield Protection Area as delineated on the Wellfield Protection Map, Map 4 of the Municipal Planning Strategy.

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

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

- i. Uses relating to the operation of the Kentville Water Commission
- ii. Existing residential uses
- iii. Public parkland

b) Permitted Uses, Well Capture (Zone B), Wellfield Protection (Zone C) and Wellfield Recharge (Zone D)

Table 4.8 Permitted and Not Permitted Uses in Wellfield Zones B, C and D

Land Use	Zone B	Zone C	Zone D
Aggregate and Related Industries	Not permitted	Not Permitted	Not Permitted
Agricultural Uses	Not Permitted	Permitted	Permitted
Automotive Painting/Auto Body	Not Permitted	Not Permitted	Not Permitted
Automobile Repair	Permitted	Permitted	Permitted
Bulk Storage of Chlorinated Solvents	> 23 litres	> 91 litres	> 455 litres
	Not Permitted	Not Permitted	Not Permitted
Bulk Storage of Fertilizers	> 100 kg	> 2,000 kg	Permitted
	Not Permitted	Not Permitted	
Bulk Storage of Pesticides and Herbicides	Not Permitted	Not Permitted	> 455 litres
			Not Permitted
Bulk Storage of Petroleum Solvents	> 23 litres	> 91 litres	>909 litres
	Not Permitted	Not Permitted	Not Permitted
Bulk Storage of Petroleum	> 909 litres	> 10,000 litres	> 45,460 litres
	Not Permitted	Not Permitted	Not Permitted
Bulk Storage of Salt	Not Permitted	> 10,000 kg	>100,000 kg
		Not Permitted	Not Permitted
Campgrounds	Not Permitted	Permitted	Permitted
Car Wash Facilities	Not Permitted	Permitted	Permitted
Cemeteries	Not Permitted	Permitted	Permitted
Dry Cleaners	Not Permitted	Not Permitted	Not Permitted
Forestry Uses	Not Permitted	Not Permitted	Not Permitted

Land Use	Zone B	Zone C	Zone D
Gas Bars	Not Permitted	Not Permitted	Not Permitted
Golf Courses and Driving Ranges	Not Permitted	Permitted	Permitted
Greenhouses	Not Permitted	Not Permitted	Permitted
Heavy Equipment	Not Permitted	Permitted	Permitted
Large Scale Livestock Operations	Not Permitted	Permitted	Permitted
Manufacturing	Not Permitted	Permitted	Permitted
Outdoor Storage	Not Permitted	Permitted	Permitted
Recycling Depots	Not Permitted	Permitted	Permitted
Salvage Yards	Not Permitted	Not Permitted	Not Permitted
Sanitary Service	Not Permitted	Not Permitted	Not Permitted
Scrap Operations	Not Permitted	Not Permitted	Not Permitted
Transportation Services	Not Permitted	Permitted	Permitted
Warehousing	Not Permitted	Permitted	Permitted
Waste Transfer Stations	Not Permitted	Permitted	Permitted
Zoos	Not Permitted	Permitted	Permitted

4.6 Wind Energy Development

4.6.1 Mini Wind Turbine

A mini wind turbine with a maximum capacity of 1 kilowatts per turbine shall be permitted in all zones subject to the following requirements:

- a) Only 1 mini wind turbine shall be permitted per lot;
- b) All development permit application for a mini wind turbine shall be accompanied by the manufactures specifications;
- c) Mini turbines shall be attached to a building and no portion of the structure shall encroach into the minimum required yard setbacks;
- d) The height of a mini wind turbine shall not exceed 8 ft (2.44 m) above the roofline of the subject building.

4.6.2 Small Scale Wind Turbines

Small Scale Wind Turbines shall be permitted within the Industrial (M1) Zone subject to the following criteria:

- a) 1 turbine per lot;
- b) Total height shall not exceed 150 ft (45.72 m);
- c) The rotor clearance shall be a minimum of 20 ft (6.10 m) above grade;
- d) The setback shall be, at a minimum, be equal to the turbines total height from all property lines, buildings and public right-of-way's;
- e) All climbing apparatuses shall be a minimum of 10 ft (3.05 m) above grade;
- f) There shall be no commercial advertising or signage on the turbine other than the manufacturers, operators or owners name or logo on the nacelle;
- g) Any security lighting shall be directed so that they do not reflect or intrude upon adjoining properties
- h) The Development Officer shall notify all residents within 500 ft (152.40 m) of the turbine upon issuance of a development permit for the turbine;
- i) In addition to the application for a development permit, the following items are required:
 - i. Provide the manufacture's information including type of turbine, total height, rotor diameter, and maximum rated output capacity;
 - ii. Site plans showing the location of the proposed site and proposed tower and equipment, dimensions of the proposed site and setbacks from property lines, topography, location and proximity of roadways and proposed access to the site, distance to residential areas and/or other structures, existing and proposed vegetation, fencing and other security measures
 - iii. Written confirmation that the proposed wind turbine has been reviewed by Transport Canada or that the proposed structure does not require approvals from Transport Canada;
 - iv. Turbine base and tower designs certified by an Engineer licensed to practice in Nova Scotia ad applicable letters of undertaking;
 - v. Written confirmation that the proposed wind turbine or wind farm will not affect television, telephone, or other forms of electronic equipment in the surrounding area;

- vi. Any other information deemed necessary by the Development Officer to evaluate the application.

PART 5 Residential Zones

5.1 General Provisions for All Residential Zones

5.1.1 Ancillary Dwelling Units

A Development Permit may be issued to permit an Ancillary Dwelling Unit within a Single Unit Detached Dwelling or an Accessory Building provided the following requirements are met:

- a) An Ancillary Dwelling Unit shall not occupy more than 80% of a Single Unit Detached Dwelling, up to a maximum of 861 ft² (80 m²);
- b) An Ancillary Dwelling Unit shall contain independent kitchen and bathroom facilities;
- c) An Ancillary Dwelling Unit shall have an independent entrance;
- d) There is no increase in the number of entrances in the front of the existing principle dwelling;
- e) There is no alteration to the roof line or height of the existing dwelling except the possible addition of dormers;
- f) An Ancillary Dwelling Unit shall require at least one off-street parking spot in addition to any parking requirements for the primary Single Unit Detached Dwelling; and
- g) An Ancillary Dwelling unit within an accessory structure shall be subject to applicable provisions of Section 4.1.1.

5.1.2 Home Based Businesses

In all Residential Zones, Home Based Business are permitted in any dwelling unit or a building accessory to the dwelling unit, subject to the following requirements:

- a) The dwelling is occupied as a residence by the owner of the Home Based Business;
- b) The appearance of the dwelling is consistent with a residential use and is not changed by the business or professional use;
- c) Not more than 25% of the total floor area of the dwelling up to a maximum of 500 ft² (46.45 m²) is devoted to the professional or business use;
- d) 1 off-street parking space, other than that required for the dwelling, is required;
- e) 1 non-illuminated business identification sign, being a maximum of 3ft² (0.27 m²) affixed to the building;
- f) No open storage or outdoor display associated with the business shall be permitted;
- g) It shall be conducted within the dwelling or accessory building;
- h) There shall be no exterior evidence of the conduct of the business or professional use;
- i) It shall not be an obnoxious one;
- j) No change in the roofline or bulk of the building as a result of the home occupation;
- k) No mechanical equipment is used except that reasonably consistent with a dwelling; and
- l) There shall be not more than 1 assistant who is not a resident in the dwelling employed by the use.

5.1.3 Home Based Businesses Permitted

- a) Under this By-law, Office and Professional uses permitted as a home based business shall include, but not be limited to, the following:
 - i. Health care professional, lawyer, business management consultant, accountant, public engineer, architect, business broker, marketing or sales agents, real-estate agent, skilled trades, technology or arts professionals, insurance or property appraisal practitioners, administrative and consulting services, and other business or professional services;
- b) Daycare/Nursery School, up to a maximum of 6 children;
- c) Under this By-law, Goods and Service uses permitted as a home based business shall include, but not be limited to, the following:
 - i. Dressmaking and tailoring; hairdressing and barber shops; private one on one instruction or tutoring in the arts, sciences or technologies; the crafting or repair of household goods, small engines and motors, appliances, computers, personal affects or upholstery; pet grooming; and
- d) Only the sale of goods and materials produced, assembled, refinished, repaired or used on site shall be permitted

5.1.4 Special Requirements for Bed and Breakfasts

In addition to all other requirements under this By-law, the following special provisions shall apply to a Bed and Breakfasts:

- a) Parking for a Bed and Breakfast shall be 1 space per rental room, and shall be located at the side or rear of the property. Where it is not practicable to do so as a result of existing building or lot configuration, parking may be permitted at the front of the property;
- b) 1 business identification sign subject to 5.1.2 (e), being a maximum of 3 ft² (0.28 m²) affixed to the building and and 1 ground sign not exceeding 4 ft (1.21 m) in height may be permitted. The sign shall have a minimum front and side yard setback of 5 ft (1.52 m);
- c) Operates within a single detached dwelling unit that is occupied as a residence by the proprietor of the bed and breakfast;
- d) Consists of a maximum of 4 guest rooms; and
- e) The property does not front on a local road, as defined by the Transportation Map, Map#2 of the Municipal Planning Strategy.

5.1.5 Special Requirements for Inns

In addition to all other requirements under this By-law, the following special provisions shall apply to an Inn:

- a) Parking for Inns shall be 1 space per rental room and 1 space for 200 ft² (18.58 m²) of additional gross floor area; and shall be located at the side or rear of the property. Where it is not practicable to do so as a result of existing building or lot configuration, parking may be permitted at the front of the property;
- b) 1 business identification sign subject to 5.1.2 (e), being a maximum of 3 ft² (0.28 m²) affixed to the building and and 1 ground sign not exceeding 4 ft (1.21 m) in height may be permitted. The sign shall have a minimum front and side yard setback of 5 ft (1.52 m);

- c) Operates within a single unit detached dwelling unit that is occupied as a residence by the proprietor of the Inn;
- d) The dining room shall be accessory to the main use;
- e) Consists of a maximum of 4 guest rooms; and
- f) The property does not front on a local road, as defined by the Transportation Map, Map #2 of the Municipal Planning Strategy.

5.1.6 Parking of Commercial Motor Vehicles

- a) For the purpose of this Section, “Commercial Motor Vehicles” shall mean any motor vehicle not exceeding three-quarter ton capacity which is used for a commercial purpose including, but not limited to, ambulances, police cars, hearses, motor buses, tractors, panel vans, transport, and dump trucks whether or not it displays commercial licenses or signage.
- b) Not more than 1 commercial vehicle shall be kept on a developed Residential (R1), (R2), (R3) Zone, and such vehicle shall be owned or operated by the registered owner of the lot and shall be parked on such lot.
- c) No commercial motor vehicle shall be kept or parked on any vacant lot in an (R1), (R2) or (R3) Zone.

5.1.7 Special Events

In the Large Lot Residential (R5) Zone, Special Events are permitted subject to the following requirements:

- a) The use shall only be permitted upon a lot where a dwelling existed on or before November 3, 2015;
- b) Have a minimum lot area of 6 acres (2.43 ha);
- c) The external appearance of the dwelling is consistent with a residential use;
- d) There shall be no advertising displayed;
- e) No open storage or display shall be permitted; and
- f) Shall be subject to the Special Event By-law.

5.1.8 Accessory Neighbourhood Commercial Uses

In the High Density Residential (R4) Zone, cafes, neighborhood grocery and convenience stores are permitted subject to the following requirements:

- a) the maximum commercial floor area within the residential structure used for display and sales does not exceed 1 000 ft² (92.90 m²)
- b) the primary service area for the use is the immediate residential area in which the neighbourhood commercial use is located;
- c) parking shall be required in accordance with Table 4.2 herein; and
- d) one ground sign not to exceed 4 ft (1.219m) in height and not to exceed 10 ft² (0.93 m²).

5.1.9 Affordable Housing Units

In the Medium Density (R3) and High Density (R4) Residential Zones, Multi-Unit Developments may exceed the maximum permitted density by 20% where a minimum of 50% of those additional units are affordable housing units.

5.1.11 Residential Conversions

Residential Conversions shall be permitted within the One and Two Unit Dwelling (R2) Zone, Highway Commercial (C2) and General Commercial (C1) in accordance with the following requirements:

- a) the dwelling in question was constructed prior to December 5th 1980;
- b) the dwelling must have frontage on a major or minor collector road as shown on Map #2, Transportation Map of the Municipal Planning Strategy;
- c) a maximum of 4 units; and
- d) one on-site parking space shall be required for each dwelling unit.

5.1.12 Site Plan Criteria for Development in Residential Zones

The following site plan criteria shall apply to all new development that is permitted through the site plan approval process. No development permit shall be issued for development that is inconsistent with these criteria, in addition to all applicable zone standards and other requirements of this Bylaw:

- a) the location of new structures (or an addition to an existing structure) is located on the lot so as to minimize any adverse impacts on the surrounding neighbourhood, including, but not limited to noise, dust, or lighting;
- b) the location of off-street parking and loading facilities are located and designed as to minimize any adverse impact on the surrounding neighbourhood;
- c) the location, number and width of ingress and egress points are designed to prevent traffic congestion, nuisance and inconvenience in the area and minimize any adverse impact on the surrounding neighbourhood;
- d) the type, location and height of walls, hedges, fences, trees, shrubs, groundcover or other landscaping elements are designed and built so as to protect and minimize any adverse impact on neighbouring properties;
- e) the existing vegetation, where possible and deemed practical, be retained so as to lessen or reduce any adverse impact on abutting properties or the surrounding neighbourhood;
- f) the location of pedestrian walkways, and/or related infrastructure, shall be provided to link public walkways and parking areas to the entrance of the primary building;
- g) the type and location of outdoor lighting is designed to light the structure, driveways and any pedestrian walkways, but shall not be directed onto neighbouring properties;
- h) the location of facilities for the storage of solid waste provides for a maximum separation for residential development, public areas, and adjacent properties;
- i) the location of existing easements shall be identified;
- j) the management of storm and surface water is addressed, and associated plans are approved by the Town Engineer;
- k) the type, location, number and size of signs or sign structures do not negatively alter the appearance of the neighbourhood; and
- l) the above listed items are maintained in a manner suitable and complementary to the surrounding neighbourhood.

5.1.13 Special Requirements for Public and Private Schools

In addition to all other requirements under this Bylaw, the following provisions shall apply to Public and Private Schools:

- a) All exterior lighting within the Property shall not be directed upon streets or neighbouring properties and shall be full cut-off fixtures approved by the International Dark Sky Association;
- b) The property owner shall at all times maintain the Property in a neat and presentable condition including the structures, driveways, landscaping and parking areas;
- c) One (1) wall sign with a maximum area of 15% of the façade; and one (1) ground sign maximum 16 square feet and 10 feet in height;
- d) The property does not front on a local road, as defined by the Transportation Map, Map #2 of the Municipal Planning Strategy;
- e) No dormitories shall be permitted;
- f) All setbacks shall meet the minimum requirements of the Institutional (I) Zone;
- g) All school properties must be within 1000 feet of public transit.

5.2 Single Unit Dwelling (R1) Zone

5.2.1 Permitted Uses

The following uses shall be permitted as-of-right in the Single Unit Dwelling (R1) Zone subject to the requirements of the Bylaw:

- Single Unit Detached Dwelling (but shall not include a mobile home)
- Residential Care Facility, Home for Special Care, Small Option Home or Group Home to a maximum of 4 bedrooms devoted to residential care use

5.2.2 Permitted Uses with Conditions

The following uses shall be permitted in the Single Unit Dwelling (R1) Zone subject to the requirements of this By-law:

- a) Ancillary Dwelling Units subject to Section 5.1.1 of this By-law
- b) Home Based Businesses, in accordance with Section 5.1.2 and 5.1.3 of this By-law

5.2.3 Permitted Uses by Site Plan Approval

The following uses shall be permitted in the Single Unit Dwelling (R1) Zone subject to the requirements of this By-law:

- a) Day Care Centres to a maximum of 14 persons.

5.2.4 Single Unit Dwelling (R1) Zone Requirements

In a Single Unit Dwelling (R1) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 5.1 R1 Zone Requirements

Minimum Lot Area	5 000 ft ²	464.52 m ²
Minimum Lot Frontage	50 ft	15.24 m
Minimum Front Yard	20 ft	6.10 m
Minimum Rear Yard	15 ft	4.57 m
Minimum Flankage Yard	10 ft	3.05 m
Minimum Side Yard	4 ft	1.22 m

5.3 One and Two Unit Dwelling (R2) Zone

5.3.1 Permitted Uses

The following uses shall be permitted as-of-right in the One and Two Unit Dwelling (R2) Zone subject to the requirements of the Bylaw:

- Single Unit Detached Dwelling
- Two Unit Dwelling
- Residential Care Facility, Home for Special Care, Small Option Home or Group Homes to a maximum of 4 bedrooms devoted to residential care use

5.3.2 Permitted Uses with Conditions

The following uses shall be permitted in the One and Two Unit Dwelling (R2) Zone subject to the requirements of this By-law:

- a) Ancillary Dwelling Units subject to Section 5.1.1 of this By-law.
- b) Home Based Businesses, in accordance with Section 5.1.2 and 5.1.3 of this By-law.
- c) Bed and Breakfast, in accordance with Section 5.1.4 of this By-law
- d) Inns, in accordance with Section 5.1.5 of this By-law.
- e) Converted dwellings subject to 5.1.11 of this By-law
- f) Public and Private Schools subject to 5.1.13 of this By-law

5.3.3 Permitted Uses by Site Plan Approval

The following uses shall be permitted in the One and Two Unit Dwelling (R2) Zone subject to the requirements of this By-law:

- a) Day Care Centres to a maximum of 14 persons.

5.3.4 One and Two Unit Dwelling (R2) Zone Requirements

In a One and Two Unit Dwelling (R2) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 5.2 R2 Zone Requirements

Minimum Lot Area	Single Unit Detached		5000 ft ²	462.52 m ²
	Semi-Detached (on same lot)		5000 ft ²	462.52 m ²
	Semi-Detached (on separate lots)		2 500 ft ² /unit	232.26 m ² /unit
	All Other Uses		5 000 ft ²	464.52 m ²
Minimum Lot Frontage	Single Unit Detached		50 ft	15.24 m
	Semi-Detached (on the same lot)		50 ft	15.24 m
	Semi-Detached (on separate lots)		25 ft/unit	7.62 m/unit
	All Other Uses		50 ft	15.24 m
Minimum Front Yard			20 ft	6.10 m
Minimum Rear Yard			15 ft	4.57 m
Minimum Flankage Yard			10 ft	3.05 m
Minimum Side Yard	Semi-Detached	One Side	4 ft	1.22 m
		Other Side	0 ft	0 m
	All Other Uses	One Side	4 ft	1.22 m

5.4 Medium Density Residential (R3) Zone

5.4.1 Permitted Uses

The following uses shall be permitted as-of-right in the Medium Density Residential (R3) Zone subject to the requirements of the Bylaw:

- Single Unit Detached Dwelling
- Two Unit Dwelling
- Converted Dwellings up to a maximum of 6 units
- Residential Care Facility, Home for Special Care or Group Homes to a maximum of 6 bedrooms devoted to residential care use
- Multi-Unit Dwellings up to a maximum of 8 units, including Townhouses

5.4.2 Permitted Uses with Conditions

The following uses shall be permitted in the Medium Density Residential (R3) Zone subject to the requirements of this By-law:

- a) Ancillary Dwelling Units subject to Section 5.1.1 of this By-law
- b) Home Based Businesses in accordance with Section 5.1.2 and 5.1.3 of this By-law
- c) Bed and Breakfast, in accordance with Section 5.1.4 of this By-law
- d) Inns, in accordance with Section 5.1.5 of this By-law

5.4.3 Permitted Uses by Site Plan Approval

The following uses shall be permitted by Site Plan Approval subject to the requirements of this Bylaw:

- a) Day Care Centres to a maximum of 14 persons.

5.4.4 Medium Density Residential (R3) Zone Requirements

In a Medium Density Residential (R3) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 5.3 R3 Zone Requirements

Minimum Lot Area	Single Unit/Two Unit Dwelling	5 000 ft ²	464.52 m ²
	Semi-Detached (on same lot)	5000 ft ²	462.52 m ²
	Two Unit Dwelling (on separate lots)	2 500 ft ² /unit	232.26 m ² /unit
	Two Unit Dwelling (on the same lot)	5 000 ft ²	464.52 m ²
	Townhouse (separate lot)	2 000 ft ²	185.81 m ²
	Townhouse (same lot)	2 000 ft ² /unit	185.81 m ² /unit
	Multi-Unit Dwelling (three to four units)	6 000 ft ²	557.42 m ²
	Multi-Unit Dwelling (five to eight units)	10 000 ft ²	929.03 m ²
Minimum Lot Frontage	Single Unit/Two Unit Dwelling	50 ft	15.24 m
	Semi-Detached (on separate lots)	25 ft/unit	7.62 m/unit
	Townhouse	20 ft/unit	6.10 m/unit
	Multi-Unit Dwelling (three or more units)	60 ft	18.29 m
	Multi-Unit Dwelling (five to eight units)	100 ft	30.48 m
Minimum Front Yard		20 ft	6.10 m

Minimum Rear Yard	Single Unit/Two Unit/Townhouse	15 ft	4.57 m
	Multi-Unit Dwelling	15 ft or ½ the height of the main building, whichever is greater	4.57 m
Minimum Flankage Yard	Single Unit/Two Unit/Townhouse	10 ft	3.05 m
	Multi-Unit Dwelling	20 ft	6.10 m
Minimum Side Yard	Single Unit/Two Unit/Townhouse	4 ft	1.22 m
	Multi-Unit Dwelling	15 ft or ½ the height of the main building, whichever is greater	4.57 m

5.4.5 On-Site Amenity Space

Useable amenity space shall be required for Multiple Unit dwellings containing four or more dwelling units in accordance with Section 4.1.3 of this By-law.

5.4.6 Additional Requirements for Row Housing, Townhouse and Linked Units

- a) Row Housing, Townhouse, and Link Dwelling Units located on a lot serviced by Municipal water and sewer may be subdivided into individual lots provided:
 - i. each lot to be created contains no more than 1 dwelling unit;
 - ii. each dwelling unit has separate service connections;
 - iii. all applicable provisions of the Land Use By-law and Subdivision By-law are satisfied;
- b) Individual Row House, Townhouse, and Link Dwelling Units contained in the same structure shall maintain a front yard setback that is equal to the front yard setback of the adjacent unit(s) or varies no more than 2 ft (0.61 m) from the front yard setback of the adjacent unit(s).

5.5 High Density Residential (R4) Zone

5.5.1 Permitted Uses

The following uses shall be permitted as-of-right in the High Density Residential (R4) Zone subject to the requirements of the Bylaw:

- Single Unit Detached Dwelling
- Two Unit Dwelling
- Day Care Centres and Nursery Schools
- Residential Care Facilities, Home for Special Care or Group Homes
- Multi-Unit Dwellings

5.5.2 Permitted Uses with Conditions

The following uses shall be permitted in the High Density Residential (R4) Zone subject to the requirements of this By-law:

- Home Based Businesses, in accordance with Section 5.1.2 and 5.1.3 of this By-law
- Bed and Breakfast, in accordance Section 5.1.4 of this By-law
- Inns, in accordance with Section 5.1.5 of this By-law
- Accessory Neighbourhood Commercial Uses in accordance with Section 5.1.8 of this Bylaw.

5.5.3 High Density Residential (R4) Zone Requirements

In a High Density Residential (R4) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 5.4 R4 Zone Requirements

Minimum Lot Area	Single Unit/Two Unit Dwelling	5 000 ft ²	464.52 m ²
	Two Unit Dwelling (on separate lots)	2 500 ft ² /unit	232.26 m ² /unit
	Townhouse	2 000 ft ² /unit	185.81 m ² /unit
	Multi-Unit Dwelling (three to four units)	6 000 ft ²	557.42 m ²
	Multi-Unit Dwelling (five or more units)	7 000 ft ² first	650.32 m ² first
		five units + 1 000 ft ² /unit	five units + 92.90 m ² /unit
Minimum Lot Frontage	Single Unit/Two Unit Dwelling	50 ft	15.24 m
	Two Unit Dwelling	25 ft/unit	7.62 m/unit
	Townhouse	20 ft/unit	6.10 m/unit
	Multi-Unit Dwelling (three to four units)	60 ft	18.29 m
	Multi-unit Dwelling (five or more units)	100 ft	30.48 m
Minimum Front Yard		20 ft	6.10 m
Minimum Rear Yard	Single Unit/Two Unit/Townhouse	15 ft	4.57 m
	Multi-Unit Dwelling	15 ft or ½ the height of the main building, whichever is greater	4.57 m
Minimum Flankage Yard	Single Unit/Two Unit/Townhouse	10 ft	3.05 m
	Multi-Unit Dwelling	20 ft	6.10 m

	Single Unit/Two Unit/Townhouse	4 ft	1.22 m
Minimum Side Yard		15 ft	4.57 m
	Multi-Unit Dwelling	or ½ the height of the main building, whichever is greater	

5.5.4 On-Site Amenity Space

Useable Amenity Space shall be required for the development of Multiple Unit Apartment Buildings containing four or more dwelling units in accordance with Section 4.1.3 of this By-law.

5.5.5 Additional Requirements for Row Housing, Townhouse and Link Units

- c) Row Housing, Townhouse, and Link Dwelling Units located on a lot serviced by Municipal water and sewer may be subdivided into individual lots provided:
 - iv. each lot to be created contains no more than 1 dwelling unit;
 - v. each dwelling unit has separate service connections;
 - vi. all applicable provisions of the Land Use By-law and Subdivision By-law are satisfied;
- d) Individual Row House, Townhouse, and Link Dwelling Units contained in the same structure shall maintain a front yard setback that is equal to the front yard setback of the adjacent unit(s) or varies no more than 2 ft (0.61 m) from the front yard setback of the adjacent unit(s).

5.5.6 Landscaping Requirements

- a) Where a parking area abuts a lower density Residential Zone, a landscaped buffer that is at least 8 ft (2.44 m) wide shall be provided.
- b) Notwithstanding Section 5.5.7(a), the landscaped strip may be reduced by 50% where;
 - i. a minimum 6 ft (1.83 m) opaque wooden fence is provided; or,
 - ii. an earth berm a minimum of 6 ft (1.83 m) above grade at its crest and trees, a minimum of 5 ft (1.52 m) in height, with an average maximum spacing not to exceed 6 ft (1.83 m), is provided.

5.5.7 Refuse Storage

Outdoor refuse storage and bins shall be screened by a 6 ft (1.83 m) high opaque fence or otherwise be enclosed by a structure so as not to be visible from any street or adjacent property.

5.6 Large Lot Residential (R5) Zone

5.6.1 Permitted Uses

The following uses shall be permitted as-of-right in the Large Lot Residential (R5) Zone subject to the requirements of the Bylaw:

- Single Unit Detached Dwelling
- Homes for Special, Group Homes or Small Option Homes to a maximum of 4 bedrooms devoted to the use
- Animal Kennels
- R-1 uses as herein set out.

5.6.2 Permitted Uses with Conditions

The following uses shall be permitted in the Large Lot Residential (R5) Zone subject to the requirements of this By-law:

- a) Ancillary Dwelling Units subject to Section 5.1.1 of this By-law
- b) Home Based Businesses, in accordance with Section 5.1.2 and 5.1.3 of this By-law
- c) Bed and Breakfast, in accordance Section 5.1.4 of this By-law
- d) Special Events, in accordance with Section 5.1.7 of this By-law

5.6.3 Permitted Uses by Development Agreement

The following developments shall be considered only by development agreements in accordance with Policies IM-10 and IM-11 of the Municipal Planning Strategy

- a) Manufactured Home Parks/Land Lease Communities.

5.6.4 Large Lot Residential (R5) Zone Requirements

In a Large Lot Residential (R5) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 5.5 R5 Zone Requirements

Minimum Lot Area	Single Unit Detached Dwelling	60 000 ft ²	5 574.18 m ²
	Homes for Special and Group Homes	60 000 ft ²	5 574.18 m ²
	Animal Kennels	60 000 ft ²	5 574.18 m ²
	Land Lease Community	5 acres	2.02 hectares
Minimum Lot Frontage	Single Unit Detached Dwelling	200 ft	60.96 m
	Animal Kennels	200 ft	60.96 m
	Homes for Special and Group Homes	200 ft	60.96 m
	Land Leased Community	200 ft	60.69 m
Minimum Front Yard	Single Unit Detached Dwelling	25 ft	7.62 m
	Homes for Special Care	25 ft	7.62m
	Land Leased Community	25 ft	7.62 m
	Animal Kennels	40 ft	12.19 m
Minimum Rear Yard	Single Unit Detached Dwelling	20 ft	6.10 m
	Homes for Special Care	20 ft	6.10 m

Minimum Rear Yard	Land Leased Community	20 ft	
	Animal Kennels	40 ft	12.19 m
Minimum Flankage Yard	Single Unit Detached Dwelling	10 ft	3.05 m
	Homes for Special Care	10 ft	3.05
	Land Leased Community	25ft	7.62m
	Animal Kennels	25 ft	7.62 m
	Single Family Detached Dwelling	15 ft	4.57 m
Minimum Side Yard	Homes for Special Care	15 ft	4.57m
	Land Leased Community	15ft	4.57m
	Animal Kennels	40 ft	12.19 m

PART 6 Commercial Zones

6.1 General Provisions for All Commercial Zones

6.1.1 Abutting Zone Requirements

Where a yard in the General Commercial (C1) or Highway Commercial (C2) Zone abuts any Residential, Park and Open Space or Institutional Zone, the following restrictions shall apply:

- a) The minimum yard requirement for the abutting side yard shall be 20 ft (6.10 m).
- b) No open storage or outdoor display shall be permitted in an abutting yard in the Commercial Zones.
- c) No parking space shall be permitted in an abutting yard within 20 ft (6.10 m) of a side or rear lot line in the Commercial Zone.
- d) In addition to the provisions of Part 4.3, signs located in an abutting yard shall be subject to the following requirements:
 - i. The maximum sign area shall be 15 ft² (1.39 m²);
 - ii. The maximum height of a ground sign from the grade level to the highest part of the sign shall be 12 ft (3.66 m); and
 - iii. All signs shall be set back at least 10 ft (3.05 m) from the abutting property line.

6.1.2 Restrictions of Open Storage or Outdoor Display

- a) Except for a Highway Commercial (C2) and Industrial (M1) Zone, no open storage or outdoor display shall be permitted.

6.1.3 Automobile Service Stations

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

- a) Minimum lot frontage shall be 150 ft (45.72 m);
- b) No portion of any pump island shall be located closer than 20 ft (6.10 m) from any street line;
- c) The minimum distance between ramps or driveways shall not be less than 30 ft (9.14 m);
- d) The minimum distance from a ramp or driveway to a street intersection shall be 50 ft (15.24 m);
- e) The minimum angle of intersection of a ramp to a street line shall be 45 degrees; and,
- f) The width of a ramp or driveway shall be a minimum of 22 ft (6.71 m) and a maximum of 26 ft (7.92 m).

6.1.4 Automobile Wash Establishments

- a) Where listed as a permitted use in a Commercial Zone an Automobile Car Wash may be permitted, subject to the following requirements:
 - i. in the General Commercial (C1) Zone, the Car Wash must be accessory to an Automobile Service use;
 - ii. the Car Wash must be situated within a wholly enclosed, permanent structure except in the Highway Commercial (C2); and
 - iii. all Car Wash bays or Automated Car Washes must include an oil water separator.

6.1.5 Drive-Thru's

When a Drive-Thru facility is permitted in a Commercial Zone the development shall adhere to the following design requirements, in addition to all other requirements of this By-law, before a Development Permit is issued by the Development Officer:

- a) Main structures associated with drive-thru facilities shall be located near and oriented towards a public street;
- b) Stacking Lanes shall not be located within the front yard and shall adhere to the provisions of Section 4.2.7;
- c) Vehicular access points leading onto a lot containing a Drive-Thru shall be located as far from an intersection as possible to minimize disruption of traffic;
- d) The Drive-Thru Stacking Lane shall be designed so as to be completely separate from parking areas, access points and pedestrian traffic; and
- e) Each space within a Stacking Lane shall have a minimum dimension of 20 ft (6.10 m) in length and 10 ft (3.05 m) wide.

6.1.6 Accessory Buildings in the Highway Commercial (C2) Zone

Notwithstanding Part 4.1.1 of this Bylaw, nothing shall prohibit the construction of two (2) accessory buildings, for a single-occupancy building to a maximum of one (1) accessory building per business premise in a multi-occupancy building with the Highway Commercial (C2) Zone provided the accessory building(s) subject to the following Part 4.1.1 of this Bylaw.

6.1.7 Site Plan Criteria for Development in Commercial Zones

The following site plan criteria shall apply to all new development that is permitted through the site plan approval process in all applicable Commercial Zones. No development permit shall be issued for development that is inconsistent with these criteria, in addition to all applicable zone standards and other requirements of this Bylaw:

- a) the location of new structures (or an addition to an existing structure) is located on the lot so as to minimize any adverse impacts on the surrounding neighbourhood, including, but not limited to noise, dust, or lighting;
- b) the location of off-street parking and loading facilities are located and designed as to minimize any adverse impact on the surrounding neighbourhood;
- c) the location, number and width of ingress and egress points are designed to prevent traffic congestion, nuisance and inconvenience in the area and minimize any adverse impact on the surrounding neighbourhood;
- d) the type, location and height of walls, hedges, fences, trees, shrubs, groundcover or other landscaping elements are designed and built so as to protect and minimize any adverse impact on neighbouring properties;
- e) the existing vegetation, where possible and deemed practical, be retained so as to lessen or reduce any adverse impact on abutting properties or the surrounding neighbourhood;
- f) the location of pedestrian walkways, and/or related infrastructure, shall be provided to link public walkways and parking areas to the entrance of the primary building;
- g) the type and location of outdoor lighting is designed to light the structure, driveways and any pedestrian walkways, but shall not directed onto neighbouring properties;

- h) the location of facilities for the storage of solid waste provides for a maximum separation for residential development, public areas, and adjacent properties;
- i) the location of existing easements shall be identified;
- j) the management of storm and surface water is addressed, and associated plans are approved by the Town Engineer;
- k) the type, location, number and size of signs or sign structures do not negatively alter the appearance of the neighbourhood; and
- l) the above listed items are maintained in a manner suitable and complementary to the surrounding neighbourhood.

6.2 General Commercial (C1) Zone

6.2.1 Permitted Uses

The following uses shall be permitted as-of-right in the Commercial (C1) Zone subject to the requirements of the Bylaw:

- Existing Automobile Service Stations
- Bakery Shops
- Beverage Rooms/Lounges
- Bank and Financial Institutions
- Business and Professional Offices
- Clubs
- Convenience Stores
- Day Care & Nursery Centres
- Craft-Distilleries
- Dress Making and Tailoring
- Dry-Cleaning and Laundry
- Emergency Services
- Existing Single Unit and Two Unit Dwellings
- Existing Places of Worship
- Farmers Markets
- Gyms and Fitness Centres
- Motels
- Hotels
- Homes for Special Care
- Libraries
- Medical Clinics
- Micro-Brewery/Cidery/Winery with an accessory retail use
- Multi-Unit Residential Development, where the ground floor building frontage is occupied by a commercial use, subject to Section 6.2.4 of this Bylaw
- Parking Garages/Structures
- Parks and Playgrounds
- Personal Service Shops
- Photography Studios
- Places of Assembly
- Printing Establishments
- Restaurants
- Retail
- Service Shops
- Taxis and Bus Station

6.2.2 Permitted Uses with Conditions

The following uses shall be permitted within the General Commercial (C1) Zone subject to the requirements of this By-law:

- a) Ancillary Dwelling Units subject to Section 5.1.1 of this By-law
- b) Home Based Businesses, in accordance with Section 5.1.2 and 5.1.3 of this By-law
- c) Bed and Breakfast, in accordance Section 5.1.4 of this By-law
- d) Inns, in accordance with Section 5.1.5 of this By-law

6.2.3 Permitted Uses by Site Plan Approval

The following uses shall be permitted by Site Plan Approval subject to the requirements of this Bylaw:

- a) Multi-Unit Residential Development over 50 units per acre.

6.2.4 Special Provisions for Residential Uses

An existing building, or parcel of land, at the time of the adoption of this Bylaw, in the General Commercial (C1) Zone may be converted to permit Multi-Unit Residential and may, except for properties having frontage on portions of Main Street, Aberdeen Ave, Cornwallis Street, Webster Court, Webster Street, River Street, Station Lane and Justice Way and more specifically shown on Appendix “B”, include ground floor Residential Dwelling Units.

6.2.5 Residential Open Space Requirements

Amenity space shall be in accordance with Section 4.1.4 of this By-law.

6.2.6 General Commercial (C1) Zone Requirements

In a General Commercial (C1) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 6.1 C1 Zone Requirements

Minimum Lot Area		5 000 ft ²	464.52 m ²
Minimum Lot Frontage		50 ft	15.24 m
Minimum Front Yard		0 ft	0 m
Minimum Flankage Yard		5 ft	1.52m
Minimum Rear Yard	Abutting Commercial Zone	0 ft	0 m
	Abutting Residential Zone	10 ft	3.05 m
Minimum Side Yard	Abutting Commercial Zone	0 ft	0 m
	Abutting Residential Zone	10 ft	3.05 m

6.3 Highway Commercial (C2) Zone

6.3.1 Permitted Uses

The following uses shall be permitted as-of-right in the Highway Commercial (C2) Zone subject to the requirements of the Bylaw:

- Animal Hospitals and Veterinary Establishments
- Assisted Living/Retirement Homes where 100% of the ground floor building frontage is occupied by a commercial use and at least 50% of the total ground floor area is used for a commercial purpose
- Automobile Sales Establishments
- Automobile Service Stations
- Automobile Wash Establishments
- Banks and Financial Institutions
- Bakery Shops
- Beverage Rooms
- Business and Professional Offices
- Boat, Trailer, Off-Road Recreational Vehicle, Snowmobile Sales and Rentals
- Convenience Stores
- Existing Religious Institutions
- Clubs, Commercial and Private
- Craft Distilleries
- Day Care and Nursery's
- Dry Cleaning and Laundry
- Emergency Services
- Existing Residential Uses
- Existing Places of Worship
- Farmers Markets
- Funeral Homes
- Garden and Nursery Sales, Greenhouses and Supplies
- Gyms and Fitness Centres
- Hotels and Motels
- Medical Clinics
- Micro-brewery/Cidery/Winery with an accessory retail use
- Moving and Storage Depots
- Multi-Unit Dwellings where 100% of the ground floor building frontage is occupied by a commercial use and at least 50% of the total ground floor area is used for a commercial purpose
- Libraries
- Lounges
- Parks and Playgrounds
- Personal Service Shops
- Photography Studios

- Places of Assembly
- Printing Establishments
- Retail
- Service Industries
- Television and Radio Studios
- Restaurants and Drive-In Restaurants

6.3.2 Highway Commercial (C2) Zone Requirements

In a Highway Commercial (C2) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 6.3 C2 Zone Requirements

Minimum Lot Area	15 000 ft ²	1 393.55 m ²
Minimum Lot Frontage	75 ft	22.86 m
Minimum Front Yard	30 ft	9.14 m
Minimum Rear Yard	30 ft	9.14 m
Minimum Side Yard	10 ft	3.05 m

6.4 Limited Commercial (C3) Zone

6.4.1 Permitted Uses

The following uses shall be permitted as-of-right in the Limited Commercial (C3) Zone subject to the requirements of the Bylaw:

- a) Existing Residential Dwellings
- b) Business and Professional Offices
- c) Clinics
- d) Convenience Stores
- e) Hospitals
- f) Pharmacies
- g) Restaurants

6.4.2 Permitted Uses with Conditions

The following uses shall be permitted within Residential Dwellings, subject to the requirements of this By-law:

- a) Ancillary Dwelling Units subject to Section 5.1.1 of this By-law
- b) Home Based Businesses, in accordance with Section 5.1.2 and 5.1.3 of this By-law

6.4.3 Limited Commercial (C3) Zone Requirements

In a Limited Commercial (C3) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 6.4 C3 Zone Requirements

Minimum Lot Area	5 000 ft ²	464.52 m ²
Minimum Lot Frontage	50 ft	15.24 m
Minimum Front Yard	10 ft	3.05 m
Minimum Rear Yard	10 ft	3.05 m
Minimum Side Yard	8 ft	2.44 m

6.5 Neighbourhood Commercial (C4) Zone

6.5.1 Permitted Uses

The following uses shall be permitted as-of-right in the Neighbourhood Commercial (C4) Zone subject to the requirements of the Bylaw:

- a) Single Unit Detached Dwelling
- b) Two Unit Dwelling
- c) Arts and Crafts, and Antique Shops
- d) Bakery
- e) Business and Professional Offices
- f) Grocery Stores
- g) Convenience Store
- h) Florists
- i) Laundromats
- j) Dwelling Units located within the Commercial Use

6.5.2 Permitted Uses with Conditions

The following uses shall be permitted within Residential Dwellings, subject to the requirements of this By-law:

- a) Ancillary Dwelling Units subject to Section 5.1.1 of this By-law
- b) Home Based Businesses, in accordance with Section 5.1.2 and 5.1.3 of this By-law
- c) Bed and Breakfast, in accordance with Section 5.1.4 of this By-law
- d) Inns, in accordance with Section 5.1.5 of this By-law

6.5.3 Neighbourhood Commercial (C4) Zone Requirements

In a Neighbourhood Commercial (C4) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 6.5 C4 Zone Requirements

Minimum Lot Area	6 500 ft ²	603.87 m ²
Minimum Lot Frontage	65 ft	19.81 m
Minimum Front Yard	25 ft	7.62 m
Minimum Rear Yard	20 ft	6.10 m
Minimum Side Yard	8 ft	2.44 m

6.5.4 Maximum Floor Area

The Commercial Floor Area for a business in the Neighbourhood Commercial (C4) Zone shall not exceed 3500 ft² (325.16 m²).

PART 7 Industrial Zone

7.1 Industrial (M1) Zone

7.1.1 Permitted Uses

The following uses shall be permitted as-of-right in the Industrial (M1) Zone subject to the requirements of the Bylaw:

- Animal Hospitals and Shelters
- Animal Kennels
- Automobile Repair
- Automobile Sales and Rentals
- Breweries, Distilleries, Wineries and Accessory Brewpubs and Restaurants
- Building Supply and Equipment Depots
- Bulk Storage
- Business and Professional Offices
- Concrete Plant
- Construction Industries
- Day Care Centres
- Distribution Centres
- Equipment Sales and Rentals
- Funeral Homes
- Garden and Nursery Sales and Supplies
- Gyms and Fitness Centres
- Industrial Equipment Sales and Service
- Manufacturing, Processing and Assembly
- Moving and Storage Depots
- Offices
- Open Storage and Display of Goods, excluding Scrap Materials
- Personal Service Shops
- Recreational Vehicle Sales and Service
- Recycling Depots
- Research and Development Facilities
- Restaurants
- Retail
- Self-Storage Facilities
- Service Industries
- Transport and Trucking
- Warehouse Establishments
- Wholesale Uses
- Existing Residential Uses

7.1.2 Industrial (M1) Zone Requirements

In an Industrial (M1) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 7.1 *M1 Zone Requirements*

Minimum Lot Area		10 000 ft ²	929.03 m ²
Minimum Lot Frontage		100 ft	30.48 m
Minimum Front Yard		25 ft	7.62 m
Minimum Rear Yard	Abutting Commercial or Industrial Zone	15 ft	4.57 m
	Abutting Residential or Park Zone	60 ft	18.29 m
Minimum Side Yard	Abutting Commercial or Industrial Zone	10 ft	3.05 m
	Abutting Residential/ Park or Institutional Zone	60 ft	18.29 m

7.1.3 Abutting Zone Requirements

Where a yard or lot within an Industrial (M1) Zone abuts any Residential, Park and Open Space (P), or Institutional (I) Zone, the following restrictions shall apply:

- a) No open storage or outdoor display shall be permitted in an abutting yard;
- b) No parking shall be permitted in an abutting yard within 20 ft (6.10 m) of a side or rear lot line;
- c) The industrial property shall have a vegetative buffer that is a minimum of 25 ft (7.62 m) wide;
- d) The vegetative buffer:
 - i. Shall be designed to provide a continuous screen that is equally effective during all seasons;
 - ii. Shall consist of existing trees and vegetation, where possible; and
 - iii. May incorporate additional landscaping features such as fencing, where necessary, to provide appropriate screening

7.1.4 Screening Refuse Containers

Outdoor refuse containers shall be screened by a 6 ft (1.83 m) high opaque fence or otherwise be enclosed by a structure so as not to be visible from any street or adjacent residential property.

PART 8 Institutional Zone

8.1 Institutional (I) Zone

8.1.1 Permitted Uses

The following uses shall be permitted as-of-right in the Institutional (I) Zone subject to the requirements of the Bylaw:

- Any Institutional Use which is incorporated under the Societies Act
- Cemeteries
- Colleges, Universities and Schools, including School Dormitories
- Community Centers
- Daycares & Nursery Schools
- Emergency Services
- Government Buildings
- Homes for the Special Care, Group Homes and Nursing Homes
- Hospitals
- Libraries
- Museums
- Places of Worship

8.1.2 Institutional (I) Zone Requirements

In an Institutional (M1) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 8.1 I Zone Requirements

Minimum Lot Area		10 000 ft ²	929.03 m ²
Minimum Lot Frontage		100 ft	30.48 m
Minimum Front Yard		35 ft	10.67 m
Minimum Rear Yard		40 ft	12.19 m
	Abutting Residential or Park Zone	60 ft	18.29 m
Minimum Side Yard		15 ft	4.57 m
	Abutting Residential or Park Zone	30 ft	9.14 m

8.1.3 Abutting Zone Requirements

Where a yard or lot within an Institutional (I) Zone abuts any Residential or Park and Open Space (P) Zone the following restrictions shall apply:

- a) No open storage or outdoor display shall be permitted in an abutting yard; and
- b) No parking shall be permitted in an abutting yard within 20 ft (6.10 m) of a side or rear lot line.

PART 9 Park and Open Space Zone

9.1 Park and Open Space (P) Zone

9.1.1 Permitted Uses

The following uses shall be permitted as-of-right in the Parks and Open Space (P) Zone subject to the requirements of the Bylaw:

- a) Community Gardens
- b) Indoor and Outdoor Public Recreational Facilities
- c) Leash Free Dog Parks
- d) Parks and Playgrounds
- e) Trails
- f) Water Related Recreational Facilities
- g) Buildings and Structures Accessory to the foregoing

9.1.2 Park and Open Space (P) Zone Requirements

In a Park and Open Space (P) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 9.1 P Zone Requirements

Minimum Lot Area	0 ft ²	0 m ²
Minimum Lot Frontage	20 ft	6.10 m
Minimum Front Yard	15 ft	4.57 m
Minimum Side Yard	15 ft	4.57 m
Minimum Rear Yard	10 ft	4.57 m
Minimum Flankage Yard	10 ft	4.57 m

9.1.3 Special Requirements

- a) Where a lot in the Park and Open Space (P) Zone abuts any other zone, no building shall be erected within 30 ft (9.14 m) of the abutting side or rear lot line;
- b) Sections 9.1.2 and 9.1.3(a) shall not apply to any water related recreational development and associated structure; and
- c) Notwithstanding Section 9.1.2, Leash free dog parks shall not be located within 80 ft (24.38 m) of residential properties, schools, sports fields, or playgrounds, and shall not be located within parks less than two (2) acres in area. Regulatory signage shall be posted at the primary entrance of the designated area.

9.2 Commercial Recreation (CR) Zone

9.2.1 Permitted Uses

The following uses shall be permitted as-of-right in the Commercial Recreation (CR) Zone subject to the requirements of the Bylaw:

- Golf Courses
- Campgrounds
- Driving Ranges
- Mini-Golf Courses
- Private Parks
- Multiple Purpose Recreational Facilities
- Private Recreational Clubs

9.2.2 Commercial Recreation (CR) Zone Requirements

In a Commercial Recreation (CR) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 10.1 CR Zone Requirements

Minimum Lot Area	20 000 ft ²	1 858.06 m ²
Minimum Lot Frontage	100 ft	30.48 m
Minimum Front Yard	30 ft	9.14 m
Minimum Rear Yard	30 ft	9.14 m
Minimum Side Yard	20 ft	6.10 m

9.3 Conservation (O1) Zone

9.3.1 Permitted Uses

The following uses shall be permitted as-of-right in the Conservation (O1) Zone subject to the requirements of the Bylaw:

- Conservation and Related Projects
- Crop Farming, Grazing, and Pasturage
- Leash Free Dog Parks
- Open Space
- Public or Private Parks
- Structures Accessory to the foregoing

9.3.2 Conservation (O1) Zone Requirements

In a Conservation (O1) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 11.1 O1 Zone Requirements

Minimum Lot Area	0 ft ²	0 m ²
Minimum Lot Frontage	0 ft	0 m
Minimum Front Yard	30 ft	9.14 m
Minimum Rear Yard	30 ft	9.14 m
Minimum Side Yard	30 ft	9.14 m

PART 10 Environmental Constraints Overlays

10.1 Overlay Purpose

The purpose of the Environmental Constraint Overlays is to restrict land uses and development in areas which have an increased risk of flooding, erosion, slope failure or other unique features which cause them to be environmentally sensitive to development pressures. The Environmental Constraint Overlay Map, Map 3 of the Municipal Planning Strategy, identify lands at risk of flooding and/or erosion due to steep slopes based on the best information available to the Town. The Town does not make any representations about the accuracy of this information or provide any assurances that flooding or erosion risks will not exceed these predictions or occur in other areas. Property owners are responsible for all risks associated with development, the effectiveness of flood resistant measures, and the impacts of development on neighbouring properties.

10.2 Steep Slopes > 25 % (SS) Overlay

10.2.1 Permitted Uses

- a) Conservation and Related Projects
- b) Passive Recreation
- c) Walkways and Trails
- d) Public Works and Utilities

10.2.2 Steep Slope (SS) Overlay Requirements

Table 1.1 (SS) Overlay Requirements

Minimum Lot Area	0 ft ²	0 m ²
Minimum Lot Frontage	0 ft	0 m

10.2.3 Permitted Structures

- a) No development permit shall be issued in the Steep Slope (SS) Overlay for the construction of any permanent structures except those associated with Public Works or Utilities constructed by the Town of Kentville.
- b) Notwithstanding 10.2.3(a) a development permit may be issued for a use permitted within the underlying zone subject to Part 4.1.4

10.3 Floodway (FW) Overlay

10.3.1 Permitted Uses

- a) All existing structures and uses
- b) Walking Trails
- c) Passive Recreation

10.3.2 Permitted Structures

No development permit shall be issued in the Floodway (FW) Overlay for the construction of any new permanent structures except for the following:

- a) accessory structures with a floor area of 215 ft² (19.97 m²) or less in conjunction with any use permitted by the underlying zone provided the applicant agrees to accept all risks and not hold the Town of Kentville responsible for any damages incurred in the event of a flood; or
- b) expansion or rebuilding of existing structures, subject to the underlying zone, shall:
 - i. where there is an increased risk of flooding, implement adequate flood resistant techniques as designed by an engineer licensed to practice in Nova Scotia; and
- c) Notwithstanding Section 10.3.2(a), accessory structures with a maximum building footprint of 215 ft² shall be exempt from flood resistant requirements if not serviced with electricity.

10.4 Floodway Fringe (FF) Overlay

With new technology that is available, the Floodway Fringe (FF) Overlay was created and applied to lands that were not previously identified as Flood Risk Areas. In 2017 the Applied Geomatics Research Group (AGRG) generated this Floodway Fringe (FF) Overlay by using a one dimensional hydrodynamic model of the Cornwallis River to simulate flooding under 1 in 100 year return period flood scenarios. Flooding was simulated using rainfall intensity, Cornwallis River flow rates, Digital Elevation Models and storm surge levels from a previous report (CBCL Limited, 2015). This overlay is intended to provide flexibility regarding development in recognition of the pre-existing development patterns and the hardship that strict limitations would place on property owners.

10.4.1 Permitted Uses

Permitted uses in the Floodway Fringe (FF) Overlay shall include all uses permitted in the underlying zones and applicable zone requirements with the following exceptions:

- a) residential institutions such as hospitals, senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary; and
- b) any use associated with the production of hazardous materials.

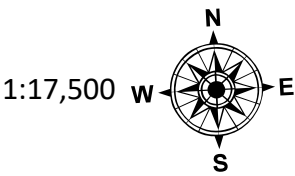
10.4.2 Floodway Fringe (FF) Overlay Requirements

In the Floodway Fringe (FF) Overlay, the zone requirements of the underlying zones shall apply.



LAND USE BYLAW

Zoning Map, Appendix A

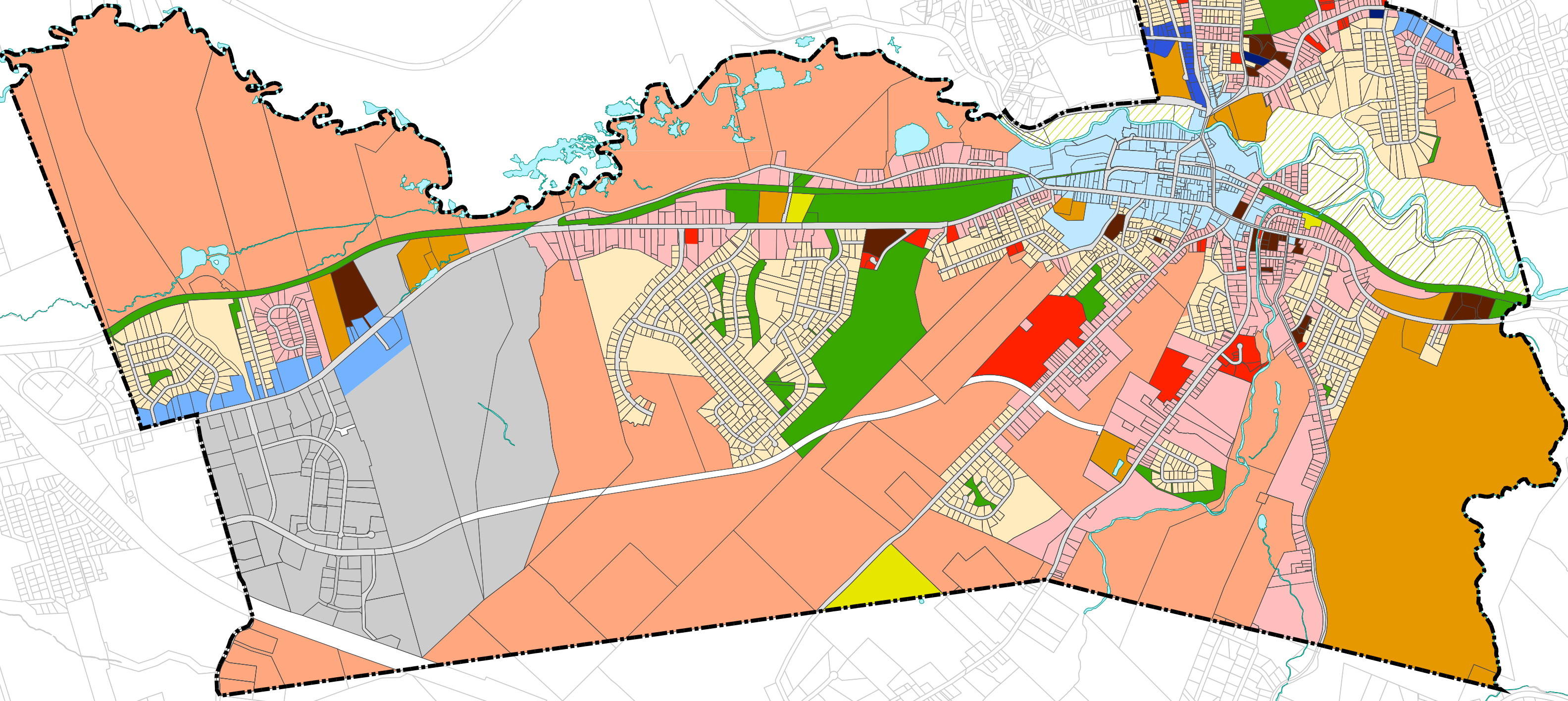


Amendments:
July 20, 2020

- | | | |
|---|------------------------------|------------------------|
| R1- Residential Single Unit Dwelling | C1- General Commercial | P- Park and Open Space |
| R2- Residential One and Two Unit Dwelling | C2- Highway Commercial | M1- Industrial |
| R3- Residential Medium Density | C3- Limited Commercial | I- Institutional |
| R4- Residential High Density | C4- Neighbourhood Commercial | O1 - Conservation |
| R5 - Residential Large Lot | CR- Commerical Recreation | |

This map is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Any interpretation of this map must be confirmed with the Municipality in which the property is situated. To receive further clarification about the use of this Planning Document inquiries may be made to the Town of Kentville's Planning and Development Department.

Property & Base Map Source: Nova Scotia Topographic Database (NSTDB)
1:10000 Enhanced Topographic Data Base
Compliments of the Nova Scotia Geomatics Centre (NSGC)
Service Nova Scotia and Municipal Relations
160 Willow Street, Amherst, N.S.



LAND USE BYLAW

Appendix B

--- Streets affected by Section 6.2.4 of the LUB

This map is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Any interpretation of this map must be confirmed with the Municipality in which the property is situated. To receive further clarification about the use of this Planning Document inquiries may be made to the Town of Kentville's Planning and Development Department.

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