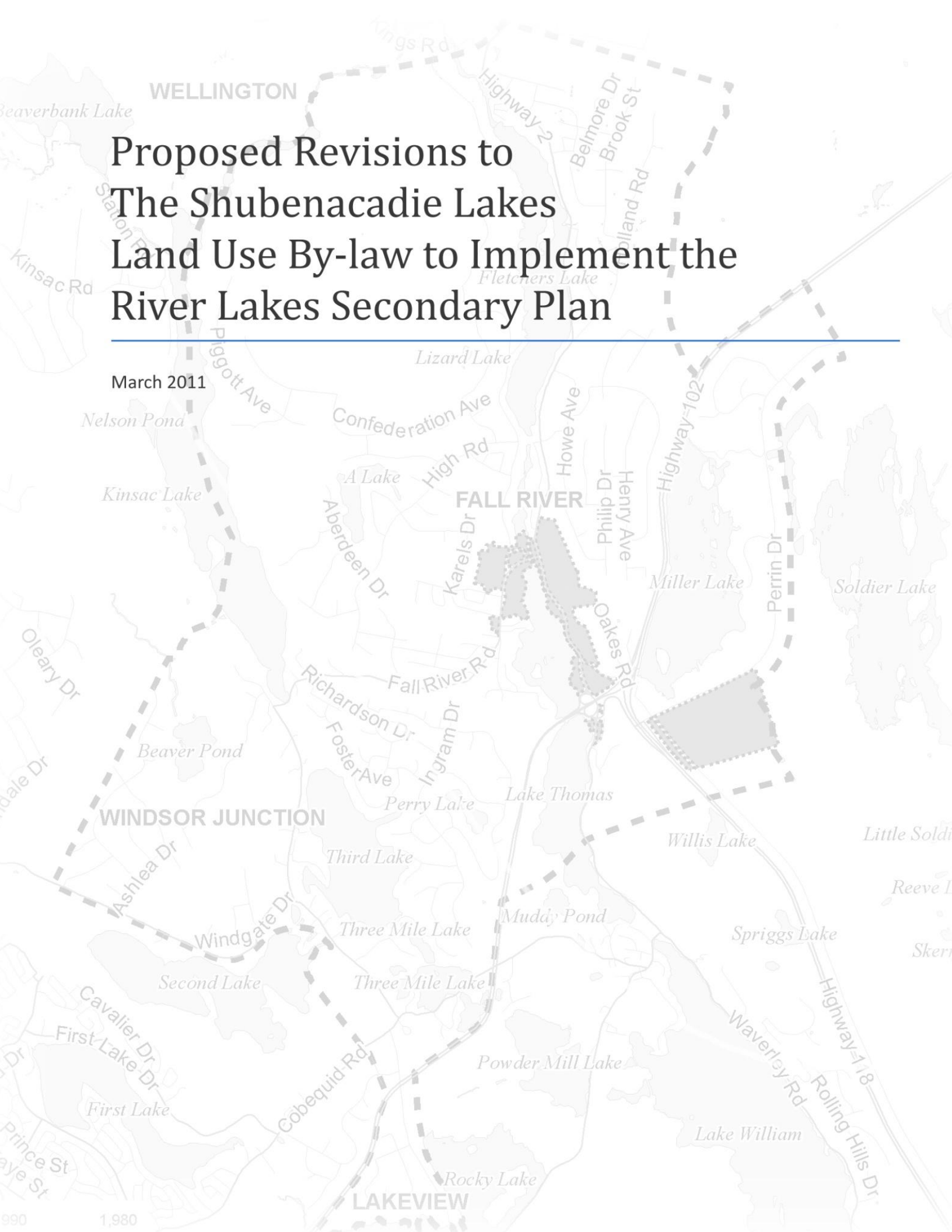


# Proposed Revisions to The Shubenacadie Lakes Land Use By-law to Implement the River Lakes Secondary Plan

---

March 2011



**THIS COPY IS A  
REPRINT OF PLANNING DISTRICTS 14/17  
LAND USE BY-LAW  
WITH AMENDMENTS**

**THE GREEN COLOR TEXT IN THIS DOCUMENT REPRESENTS PROPOSED  
CHANGES TO THE LAND USE BY-LAW FOR PLANNING DISTRICTS 14 AND 17  
(SHUBENACADIE LAKES PLAN AREA) TO IMPLEMENT THE PROPOSED PLAN  
FOR THE  
FALL RIVER VILLAGE CENTRE**

**All other text shown in black represents existing regulations of Halifax Regional Municipality that are not proposed to be amended under this planning process. The majority of these regulations were adopted for Planning Districts 14 and 17 in 1989 and were amended from time to time as indicated by the bold highlighted text.**

PART 1:      TITLE

This By-law shall be cited as the "Land Use By-law for Planning Districts 14 and 17" within Halifax County Municipality.

PART 2:      DEFINITIONS

In this By-law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word "used" shall include "intended to be used", "arranged" and "designed". All other words shall carry their customary meaning except for those defined hereinafter:

- 2.1      **ACCESSORY BUILDING OR STRUCTURE** means a building or structure which is used exclusively for an accessory use and which is not attached in any way to the main building and which conforms with all applicable requirements of this by-law. (MC/SCC-Jun 26/95;E-Jul 22/95)
- 2.2      **ACCESSORY USE** means a use which is subordinate, normally incidental, and exclusively devoted to a main use or building permitted under the provisions of this by-law and, where residential uses are permitted by this by-law, shall include home occupations related to the domestic arts of cooking, sewing, tutoring or repairing household articles, or related to traditional crafts carried on within a dwelling without alteration to the dwelling and without devoting any space within the dwelling exclusively to such occupations. (MC/SCC-Jun 26/95;E-Jul 22/95)
- 2.2A     **ADULT BOOKSTORE** includes any establishment or place for the purpose of retail trade where 20 percent or more of the value of the total stock in trade or 20 percent or more of the area used for display of materials in any such establishment or place comprises books, magazines, or other periodicals relating to, or portrayed as relating to, sexual activities.
- 2.2B     **ADULT CABARET** - means any premises or part thereof, whether public, semi-public, or private, wherein is provided the opportunity to feel, handle, touch, be in the presence of, or be entertained by the nude body of another person, or to observe, or view any such activity. Nothing in the definition of "adult cabaret" shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theatre, concert hall, fine arts academy, school, institution of higher education, or other similar establishment as a form of expression of opinion or the communication of ideas or information.

**2.2C ADULT ENTERTAINMENT USE - means any premises or part thereof which is to provide services appealing to or designed to appeal to erotic or sexual appetites or inclinations, and includes adult cabarets and massage parlours.**

**When used in relation to adult entertainment use, the following shall apply:**

**(i) "Services" means activities that are designed to appeal to erotic or sexual appetites or inclination"and includes:**

**1. Services of which a principal feature or characteristic is the nudity or partial nudity of any person. For the purposes of this clause "partial nudity" shall mean less than completely covered or opaquely covered:**

**(a) human genitals or human pubic region;**

**(b) human buttocks; or**

**(c) female breast below a point immediately above the top of the areola.**

**2. Services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.**

**2.2D ALTER means to make any change in the size, shape, structure or materials of a building or any part thereof.**

2.3 AGRICULTURAL USE means the use of land and buildings for the production of food, fibre or flora or the breeding and handling of animals and includes retail or market outlets for the sale of perishable agricultural goods or for the handling of animals except, for the purpose of this By-law, such shall not include a kennel.

**2.4 AGRICULTURAL USE - INTENSIVE means the use of land and buildings in which the predominant use is for the commercial raising of poultry, turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughterhouse, a broiler plant, or land used as an animal feed lot, managed to maximum production and output in a confined area. (C-Apr 8/91;E-May 3/93)**

2.5 ALTERATION means any change in the structural component or any increase in the volume of a building or structure.

2.6 AMENITY AREA means an area of land set aside for purposes of visual improvement or relaxation except where an amenity area is required for any multiple unit dwelling, in which case the area may also include that portion of the building which is devoted to relaxation such as games rooms and balconies.

- 2.2E AMENITY AREA** means an area(s) of a lot set aside for the purposes of visual improvement or relaxation which is not used for buildings, structures, parking areas or driveways and which includes grass, flower beds, shrubbery, trees and other forms of landscaping or a combination thereof and in the case of multiple unit dwellings may also include balconies and sundecks.
- 2.2F ATTIC** means a habitable Story enclosed within + at least two slopes of a Peaked Roof.
- 2.2G AVERAGE GRADE** means the average finished elevation around the perimeter of the Lot.
- 2.2H AWNING** means a projecting overhead Structure using cloth or other flexible fabric which affords shelter for pedestrians, which may be backlit, may advertise the business or products located on the Premises, and may be either retractable or permanent.
- 2.7 ATTACHED BUILDING** means a building otherwise complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.
- 2.8 AUTOMOBILE RACE TRACK** means the use of land and buildings related to the racing of automobiles, including grandstand facilities, administration buildings, and buildings related to the sale of food and drink during racing activities.
- 2.8A BALCONY** - means a platform open to the outdoors on at least one side, offering private amenity space which is attached to a building and directly accessible by the occupants of a Dwelling Unit.
- 2.8B BASEMENT** means a level of a building that has more than one-half of its floor-to ceiling height below the average grade. Basements shall not be counted for the purpose of calculating the number of Storeys.
- 2.8C BED AND BREAKFAST** - means a home occupation where not more than four sleeping rooms are rented to the traveling and vacationing public, and where breakfast is served only to those who rent the sleeping rooms.
- 2.8D BILLBOARD** - means a sign, hoarding, fence, building or frame, made of any material, which is erected, maintained or used for display of advertising matter which does not relate to the property or use of the property on which said billboard is placed.
- 2.9 BOARDING OR ROOMING HOUSE** means a dwelling in which the proprietor supplies

either room or room and board, for monetary gain, to more than three but not more than six persons, exclusive of the owner of the building or members of the family, and which building is not open to the general public.

**2.9A BOATHOUSE means a building located on a waterfront lot used for the storage of boats and associated marine equipment for private non-commercial use, and specifically excludes human habitation. (RC-Jun 27/06;E-Aug 26/06)**

2.10 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or container used for any of the foregoing purposes.

**2.10A BUILDING FACE means that portion of a building facade which is separated from other portions of the same facade by recesses, projections or offsets a minimum of 0.5m in depth.**

**2.10B BUILDING FRONTAGE - means a Building wall facing a Street.**

**2.10C BUILDING HEIGHT means the taller of either the Flat Roof Height or the Peaked Roof Height, as may be the case:**

(a) **Flat Roof Height means the vertical distance between the *average grade* and a horizontal plane extended between the uppermost eaves or parapets of a Flat Roof, and does not include rooftop utilities, elevator penthouses, spires or masts.**

(b) **Peaked Roof Height means the vertical distance between the *average grade* and the tallest ridge line or pinnacle of a Peaked Roof other than the roof of a spire, and includes any attic or loft.**

**2.10D BUILDING LINE - means any line regulating the position of a building in relation to the street and the side and rear lot lines.**

**2.10E BUILDING WIDTH means the total horizontal distance between the outermost edges of the building wall or walls facing a street or public open space.**

**2.10F CABARET - means any establishment holding a Cabaret Licence issued by the Province of Nova Scotia. (HECC- Dec4/08; E-Dec 27/08)**

**2.10G COLONNADE means a row of columns supporting an entablature - area above an entryway.**

**2.10H CANOPY - means a permanent projecting overhead structure using solid materials,**

**which affords shelter, and which may also advertise the business or products located on the Premises.**

- 2.11 **COMMERCIAL RECREATION USE** means a building or lot or part of a building or lot used solely for commercial recreation, sport or entertainment purposes and without limiting the generality of the foregoing, may include such establishments as dance halls, animal or vehicle racing tracks, rifle ranges, marinas, bowling alleys, golf courses, bingo halls, roller skating rinks, drive-in theatres, and may include a dwelling unit or dwelling units for maintenance or security personnel.
- 2.12 **COMMERCIAL VEHICLE** means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles and with a registered vehicle weight of over three (3) tons.
- 2.12A COMMUNITY COUNCIL** means the council of a community established pursuant to the Halifax Charter.
- 2.13 **COMPOSTING OPERATION** means a public or private solid waste management facility where the waste is processed using composting technology which may include physical turning, windrowing, in-vessel, static pile aeration or other mechanical handling of organic matter and where the annual production of compost material exceeds 60 cubic metres. (MC-Feb 26/96;M-Mar 28/96)
- 2.13A **CONSERVATION USE** means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing. (RC-Jun 27/06;E-Aug 26/06)
- 2.14 **CONSTRUCTION AND DEMOLITION MATERIALS**, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals.
- 2.15 **CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE**, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D materials, approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia.
- 2.16 **CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY**,

hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM C&D License By-law (L-200 and L-201), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes.

- 2.17 **CONSTRUCTION AND DEMOLITION MATERIALS TRANSFER STATION**, hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility. (RC-Sep 10/02;E-Nov 9/02)
- 2.18 **COUNCIL** means the **Regional Council of the Municipality of the County of Halifax Halifax Regional Municipality established as a body corporate pursuant to the Halifax Charter.**
- 2.18A **COVERAGE** - means the combined area of land covered by all buildings on a lot, including land over which the buildings project, but excluding any area below the eaves of a roof. Portions of a building which are not covered by a roof such as unsheltered steps, verandah or deck are excluded from the combined area.
- 2.19 **CRAFT SHOP** means a building or part of a building which is used for the retailing or wholesaling of arts and handicrafts and shall include the fabrication of arts and handicrafts but shall not include an obnoxious use. (MC-Jul 26/93/SCC-Aug 10/93;E-Sep 4/93)
- 2.20 **DAY CARE FACILITY** means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name, with or without stated educational purpose, the operator of which for compensation or otherwise, receives for temporary care or custody, on a daily or hourly basis, during all or part of the day, apart from parents, more than three (3) children not of common parentage and up to and including twelve (12) years of age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII. (RC-Mar 3/09;E-Mar 21/09)
- 2.21 **DAYLIGHTING TRIANGLE** means the triangular shaped land which is that part of and within a corner lot, adjacent to the intersection of the front lot line and the flankage lot

line, and which is measured from such intersection and along each street line the distance required by this By-law and, along a straight line joining the points of the required distance along each street line. In the case of a through lot, a daylighting triangle shall also be adjacent to the intersection of the rear lot line and the flankage lot line and shall be measured from such intersection the distance required by this By-law and along a straight line joining the points of such distance.

**2.21A DECK means an open, unroofed platform offering private or shared amenity space which is attached to a building and directly accessible by its occupants.**

**2.21B DENSITY GROSS means a density calculated on the basis of the total area of the parcel of land including land intended for road development and parkland and environmentally constrained land such as wetland, watercourses and steep slopes.**

**2.21C DENSITY NET means density calculated on the bases of the portion of the parcel of land to be developed excluding land intended for road development and park land, and environmentally constrained land such as watercourses, wetland, steep slopes, etc.**

2.22 DEVELOPMENT OFFICER means the officer of the Municipality of the County of Halifax, from time to time charged by the Municipality with the duty of administering the provisions of this By-law.

2.23 DISPLAY COURT means an area of land where goods are displayed which are, or which are similar to other goods which are, available for sale to the general public from a retail outlet located on the same lot or on another lot. Without limiting the generality of the foregoing, outdoor display includes the display of cars, trucks, vans motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and homes.

2.24 DWELLING

(a) Dwelling means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel, apartment hotel or hostel.

(b) Dwelling Unit means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which a kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.

(c) Dwelling, Single Unit means a building which is a completely detached dwelling unit.

(d) Dwelling, Mobile means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer and at the site where it is to be occupied as a dwelling complete and ready for occupancy, except

for minor and incidental unpacking and assembling, and the foregoing shall include mobile homes and modular dwellings having any main walls with a width of less than twenty (20) feet (6.1 m).

- (e) Dwelling, Two Unit means a building containing two dwelling units.
  - (f) Dwelling, Multiple Unit means a building containing three or more dwelling units.
  - (g) Dwelling, Rowhouse Townhouse means a building that is divided vertically into three or more dwelling units, each of which is **may be** located on a separate lot and each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of the unit.
  - (h) Dwelling, Auxiliary means a self contained dwelling unit within a single unit dwelling, in which access can be gained through the main dwelling, unit and which comprises less than thirty-five (35) per cent of the gross floor area of the dwelling.
- 2.25 ENTERTAINMENT USE means any building or part of a building which is used for commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing includes a tavern, lounge or other beverage room, an arcade or amusement centre and a pool or billiard hall, but specifically excludes a massage parlour or cabaret.
- 2.26 ERECT means to build, construct, reconstruct, alter or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 2.27 ESTABLISHED GRADE means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such 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 designated authority.
- 2.28 EXISTING means in existence on the effective date of this By-law.
- 2.29 EXTRACTIVE FACILITIES means all buildings, aggregate plants, material storage areas and weigh scales associated with extractive uses but does not include structures or storage areas which are fundamental to the activities of mining or extraction.
- 2.30 FIREWOOD MILL means an area of land and/or buildings set aside for the storage and milling of logs for either wholesale or retail sale for domestic heating purposes.
- 2.31 FORESTRY USE means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, vehicle and equipment

storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.

- 2.32 **GOLF COURSE** means a public or private area operated for the purpose of playing golf and related activities including a club house, and administration buildings. The foregoing is specifically limited by excluding permanent residential accommodation of any type except a dwelling unit or dwelling units provided for maintenance or security personnel.
- 2.33 **GROSS FLOOR AREA** means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.
- 2.34 **HARNESS RACING TRACK** means the use of land and buildings related to the racing of horses, including grandstand facilities, administration buildings, stables, and buildings related to the sale of food and drink during racing activities.
- 2.35 HEALTH and WELLNESS CENTRE** means a building or part of a building designed to promote health awareness and maintenance through a variety of programs and services tailored to a range of individual needs, including but not limited to, physical fitness, weight management, nutrition education and paramedical clinics including but not limited to physiotherapists, psychologist, speech therapists, chiropractors, osteopaths, naturopaths and registered massage therapists. (RC-Jun 17/03;E-Jun 20/03)
- 2.36 **HEIGHT** means the vertical distance of a building between the established grade and highest point of the roof surface for flat, hip, or gable roofs, and to the declivity for mansard and gambrel roofs. In the case of multi-unit dwellings, height shall mean the vertical distance of a building between the established grade and the highest point of the roof surface for flat roofs, and to one-quarter the height between the finished ceiling of the uppermost floor and the highest point of any other roof type, and provided that no roof space be used for human habitation.
- 2.36A HOME BUSINESSES** means the use of a dwelling for gainful employment involving the provision or sale of goods or services or both goods and services and without limiting the generality of the foregoing does not include any adult entertainment use, restaurants, take-outs, convenience stores, the keeping of animals, taxi stands, or any use deemed to be obnoxious.
- 2.36A A HUMAN HABITATION** means the act of occupying a structure or part thereof by persons as a dwelling or sleeping place, whether intermittently or as a residence. (HE/MDVCC-Nov 2/06;E-Nov 18/06)

- 2.36B IMPERVIOUS SURFACE means a surface cover of non-porous pavement, concrete or other materials into which surface water cannot penetrate into the subsurface layers of soil.**
- 2.37 INSTITUTIONAL USE means any use listed as an Institutional Use within the P-2 (Community Facility) Zone.
- 2.38 KENNEL means a building or structure used for:**
- a) the keeping of more than two dogs or cats which are kept for the purposes of commercial breeding or showing;
  - b) the boarding, with or without veterinary care, of more than twelve dogs or cats. (HE/MDVCCC-Aug 6/09;E-Aug 22/09)
- 2.38A LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, 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 which may detrimentally affect adjacent land.**
- 2.39 LIVESTOCK means horses, cows, pigs, sheep, goats and fowl, whether or not they are kept for commercial purposes. (C-Aug 27/90;E-Sep 22/90)**
- 2.40 LOADING SPACE means an area of land provided and maintained upon the same lot or lots upon which the main use is located and which has adequate access to permit ingress and egress by means of driveways, aisles or manoeuvring areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.
- 2.41 LOT
- (a) Corner Lot means a lot situated at the intersection of, and abutting on, two or more streets.
  - (b) Through Lot means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.
- 2.42 LOT AREA means the total horizontal area within the lot lines of a lot.
- 2.43 LOT DEPTH means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.
- 2.44 LOT FRONTAGE means the horizontal distance between the side lot lines as measured

along the front lot line. In the case of a corner lot with a daylighting triangle the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

2.45 LOT LINE

- (a) Lot Line means a boundary or exterior line of a lot.
- (b) Front Lot Line means the line dividing the lot from the street or private road, or road listed in Schedule "A" of the Subdivision By-law; and
  - (i) in the case of a corner lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line; or
  - (ii) in the case of a lot which has as one of its boundaries the shore line of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.
- (c) Rear Lot Line means the lot line farthest from or opposite to the front lot line.
- (d) Side Lot Line means a lot line other than a front or rear lot line.
- (e) Flankage Lot Line means a side lot line which abuts the street on a corner lot.

2.46 LRIS means the Land Registration and Information Service whose property identification numbering system is used to identify particular land parcels. The LRIS is an agency of the Council of Maritime Premiers established on the authority of Order in Council of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island under the Council of Maritime Premiers Act in order to produce comprehensive property and ownership mapping for the provinces,

2.47 MAIN BUILDING means the building in which is carried on the principal purpose or purposes for which the building lot is used.

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

2.49 MAXIMUM LOT COVERAGE means that percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

2.50 MUNICIPALITY means the Municipality of the County of Halifax.

2.51 **OBNOXIOUS USE** means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the

**emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials. (MDVCCC-Jul 25/07;E-Aug 11/07)**

- 2.52 OFFICE means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.
- 2.53 OPEN SPACE USE means any use listed as an Open Space Use in the P-2 (Community Facility) Zone
- 2.54 OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them on a lot exterior to a building.
- 2.54A PARAPET is a low wall projecting from the edge of a platform, terrace, or roof. Parapets may rise above the cornice of a building or form the upper portion of a wall.**
- 2.55 PARKING LOT means a building or structure or part of a building or structure or 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 manoeuvre areas where no parking or storage of motor vehicles is permitted.
- 2.56 PARKING SPACE means an area of not less than one hundred sixty (160) square feet (15 m<sup>2</sup>), measuring eight (8) feet (2.4 m) by twenty (20) feet (6.1 m), for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or road by means of driveways, aisles or manoeuvring areas.
- 2.57 PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 2.58 **PERSONAL SERVICE USE means a building or part of a building in which professional or personal services are provided for gain and where the sale of retail of goods, wares, merchandise, articles, or things is only accessory to the provisions of such service, including but without limiting, the generality of the forgoing; barber shops, beauty shops, tailor shops, laundry and dry-cleaning depots, shoe repair, health and wellness centres, tanning salons, and doctors' or dentists' offices. (RC-Jun 17/03;E-Jun 20/03)**

- 2.58A PET CARE FACILITY means a facility for the temporary care or boarding of not more than twelve dogs or cats for gain or profit, but shall not include the breeding or sale of such animals. (HE/MDVCCC-Aug 6/09;E-Aug 22/09)**
- 2.59 PRIVATE ROAD means any street or road which is not public where:
- (a) the right-of-way, alignment, and gradient of the road are approved by the Department of Transportation pursuant to **Section 108 of the Planning Act, R.S., c. 346, s.1; and (MC-Mar 14/94/SCC-Apr 12/94;E-May 7/94)**
  - (b) the road extends to and has access to a public street or highway and where not totally located within the area of land proposed to be subdivided it shall be an easement for access which has been clearly granted to the subdivider by deed, registered in the Office of the Registrar of Deeds for the County of Halifax.
- 2.60 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 or of the Government of Canada.
- 2.61 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses. (RC-Jun 27/06;E-Aug 26/06)**
- 2.62 RECYCLING DEPOT means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials (excluding construction and demolition materials or hazardous materials) which are to be delivered wholesale to other operations for reclamation, processing or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a re-cycling depot. (RC-Sep 10/02;E-Nov 9/02)**
- 2.63 RESIDENTIAL CARE FACILITY means a building or place or part of a building or place having no more than six (6) bedrooms and licensed as a residential care facility under the Homes For Special Care Act where accommodation and supervisory and/or personal care is provided, or is made available for more than three persons, but shall not include a community based residential facility as defined in the Regulations pursuant to Section 22(1) of the Homes For Special Care Act.
- 2.64 RESTAURANT - FULL SERVICE means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building and may include a take-out area which does not exceed 10 percent of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision of table service, including buffet service and any Also**

be licensed to serve alcoholic beverages.

- 2.65 RESTAURANT - DRIVE-IN** means a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside the building. A drive-in restaurant is characterized by the provision of take-out services at a counter or from a drive through car pick up window. It does not provide the service of delivering to or waiting on tables nor is it licensed to sell alcoholic beverages.
- 2.66 RESTAURANT - TAKE-OUT** means a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption and may include a seating area which does not exceed 25 percent of the gross floor area of the take-out restaurant. A take-out restaurant does not provide the service of delivery to or waiting on tables nor is it licensed to sell alcoholic beverages. Take-out restaurants, however, any provide a home delivery service. (C-Feb 10/92;E-Mar 7/92)
- 2.67 **RETAIL STORE** means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value.
- 2.68 **ROAD ENTRANCE RESERVE** means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five acres, and which entrance has been approved by the Department of Transportation for the purposes of a public or private road entrance reserve.
- 2.69 SALVAGE YARD** means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage but excluding construction and demolition materials and hazardous waste material storage or disposal sites. (RC-Sep 10/02;E-Nov 9/02)
- 2.70 **SENIOR CITIZEN HOUSING** means housing designed for occupation by senior citizens and operated by a public housing authority or fraternal organization.
- 2.71 **SERVICE INDUSTRY** means a building or part of a building in which the primary function is to provide services such as maintenance or limited processing, and which may include, as a manor or accessory function, the provision of supplies, merchandise or wares directly related to the services provided, and without limiting the generality of the foregoing, may include a public garage including an engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a wholesale bakery, a paint shop, plumbing shop, sheet metal shop, a truck depot and similar uses.

- 2.72 SERVICE SHOP means a building or part of a building used for the sale and repair of household articles and shall include radio, television and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.
- 2.73 SERVICE STATION means a building or part of a building or a clearly defined apace on a lot used for the retail sale of lubricating oils and gasolines and may Include the sale of automobile accessories and the servicing and general repairing of motorized vehicles any may include washing establishments.
- 2.74 **SIGN means any structure, device, light, painting or other representation or natural object which is 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 display or include any letter, work, model, 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, except any "sign" regulated under HRM By-law S-800 and signs which are affixed to the inside of a window or glass door.**
- (a) **Ground Sign means a sign supported by one or more uprights, poles or braces, placed in or upon the ground.**
- (b) **Projecting Sign means a sign which projects from and is supported by, or which extends beyond, a wall or the roof of a building. (RC-Sep 26/06;E-Nov 18/06)**
- 2.75 STREET LINE means the boundary line of a street.
- 2.76 STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested Ln the Government of Canada, Province of Nova Scotia, or the Municipality of the County of Halifax.
- 2.77 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, and Includes buildings, walls signs, and fences exceeding six (6) feet (1.8 m) in height.
- 2.77A TAVERN means an establishment licensed by the Nova Scotia Liquor Licensing Board as per the Liquor Control Act.**
- 2.78 **USED BUILDING MATERIAL RETAIL OUTLET means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily occurs inside a building. (RC-Sep 10/02;E-Nov 9/02)**
- 2.79 **WATERCOURSE means a lake, river, stream, ocean or other natural body of water. (RC-Jun 27/06;E-Aug 26/06)**

2.80 YARD means an open, uncovered space on a lot appurtenant to a building, except a court bounded on two or more sides by buildings. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

- (a) Front Yard means a yard extending across the full width of a lot and between the front lot line and the nearest wall of any main building or structure on the lot; and "required front yard" or "minimum front yard" means the minimum depth required by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.
- (b) Rear Yard means a yard extending across the full width of a lot and between the rear lot line and the nearest wall of any main building or structure on the lot; and 'required rear yard' or "minimum rear yard means the minimum depth required by this By-law of a rear yard on a lot between a rear lot line and the nearest main wall of any building or structure on the lot.
- (c) Side Yard means a yard extending between the front yard and the rear yard and between a side lot line and the nearest main wall of any building on the lot; and "required sideyard" or "minimum side yard' means the minimum breadth required by this By-law of a side yard on a lot between a side yard line and the nearest main wall of any building or structure on the lot.
- (d) Flankage Yard means the side yard of a corner lot, which side yard abuts a street, and "required flankage yard" or 'minimum flankage yard' means the minimum side yard required by this By-law where such yard abuts a street.

PART 3: ZONES AND ZONING MAPS

3.1 ZONES

For the purpose of this By-law, Planning Districts 14 and 17 Is divided into the following zones, the boundaries of which are shown on the attached zoning schedule. Such zones may be referred to by the appropriate symbols:

	<u>Symbols</u>	<u>Zone</u>
<u>Residential Zones</u>		
	R-1A	Single Unit Dwelling Zone
	R-1B	Suburban Residential Zone
	R-1C	Waterfront Residential Zone
		R-1DAuxiliary Dwelling Zone
		<b>R-1E Residential Estate Zone</b>
		<b>(C-Jun 29/92;M-Aug 6/92)</b>
		R-6 Rural Residential Zone
		R-7 Rural Estate Zone

Commercial Zones

C-1	Local Business Zone
C-2	Community Commercial Zone
C-4	Highway Commercial Zone
AE-3	Aerotech Commercial Zone

Fall River Village Centre Zones

CC	Canal Court Zone
VC - CDD	Village Core Comprehensive Development District Zone
VMS	Village Main street Zone
VG	Village Gateway Zone
FRB	Fall River Business Zone
RCDD	Residential Comprehensive Development District Zone

Industrial Zones

I-3	Light Industrial Zone
AE-1	Aerotech Core Zone
AE-2	General Airport Zone
AE-4	Aerotech Business Zone
AE-H	Holding Zone
H-1	Hazard Zone

Construction & Demolition (C&D) Zones

CD-1	C&D Materials Transfer Stations Zone
CD-2	C&D Materials Processing Facilities Zone
CD-3	C&D Materials Disposal Sites Zone

3.2 ZONING MAPS

- (a) Schedules A1, A2, B1, B2, B3, C1, C2, C3, D1, D2, D3, E1, E2, F1 and F2, attached hereto, may be cited as the "Planning Districts 14 and 17 Zoning Maps" and are hereby declared to form part of this By-law.
- (b) The extent and boundaries of all zones are shown on the Schedules A1 through F-2, inclusive, and for all such zones the provisions of this By-law shall respectively apply.
- (c) The symbols used on Schedules A1 through F-2 inclusive refer to the appropriate zones established in Section 3.1 above.

3.3 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between zones shall be determined as follows:

- (a) where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;

- (b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
- (c) where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps, it shall, unless otherwise indicated, be Included Ln the zone of the adjoining property on either side thereof; and
- (d) where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically Indicated otherwise; or
- (e) where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedules.

### 3.4 ZONES NOT ON MAPS

The zoning maps of this By-law may be amended to utilize any zone in this By-law, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with Sections 60 and 61 of the Planning Act and must be in conformity with the policies of the Municipal Planning Strategy for Districts 14 and 17.

### 3.5 USES PERMITTED

Uses permitted within any zone shall be determined as follows:

- (a) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited Ln that zone.
- (b) If any use Is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements.
- (c) Where a use permitted within any zone is defined Ln Part 2, the uses permitted within that zone shall be deemed to include any similar use which satisfies such definition except where any definition is specifically limited to exclude any use.
- (d) Except where limited by Section 4.1, or specifically prohibited elsewhere in this By-law, any use permitted within any zone may be located in conjunction with, whether contained within the same building or located on the same lot as, any other use permitted within that zone.
- (e) Where any list of uses permitted Is divided by subheadings Into broad functional or characteristic groupings, such subheadings shall be deemed to be provided for the purposes of reference and identification and shall not, in themselves, be deemed to be uses permitted nor to define any uses permitted, whether specifically and in accordance with the purposes of Part 2 or in any other manner.

### 3.6 OTHER USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding Section 3.5 above, certain uses which may not be uses permitted in any zone may be considered in accordance with Sections 55, 66 and 67 of the Planning Act. As provided for by Policy P-150 of the Municipal Planning Strategy for Planning Districts 14 and 17, such uses are as follows:

- (a) Development in the flood danger area according to Policy P-50.
- (b) Multiple unit residential uses utilizing existing oversize on-site sewerage systems or existing private sewerage treatment plants according to Policy P-68.
- (c) Expansion of existing salvage operations according to Policy P-120.  
**As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter:**
  - (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
  - (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy; and
  - (iii) a mix of residential, commercial and institutional uses under the CDD (Comprehensive Development District) Zone, as per policy S-10 of the Regional Municipal Planning Strategy. (RC-Jun 27/06;E-Aug 26/06)
- (d) Special need higher density housing within the Residential, Mixed Residential, and Community Centre Designations according to Policy P-69.
- (e) The expansion of existing mobile home parks within the Residential designation according to Policy P-71.
- (f) The expansion or change of use of existing commercial and industrial uses within the Residential Designation according to Policy P-75.
- (g) Development of a construction yard on the lands of Mr. Webbink according to Policy P-77.
- (h) The expansion of existing dwellings within the waterfront residential zone according to Policy P-82,
- (i) Commercial recreation uses in the Residential and Mixed Residential Designations according to Policy P-91.
- (j) Expansion of existing business uses in the Mixed Residential Designation according to Policy P-93.
- (k) Larger community commercial zone uses, in the Community Centre Designation according to Policy P-97.
- (l) The change of use or expansion of existing heavy commercial or industrial uses within the Community Centre Designation according to Policy P-100.
- (m) Commercial recreation uses within the Airport Industrial Designation according to Policy P-114.
- (n) Extractive facilities within the Resource Designation according to Policy P-136.
- (o) Uses permitted by the zone on the abutting property within the abutting designation according to Policy P-151.
- (p) Commercial uses on the properties of Gordon and Shirley Taylor and Irving Oil Company Ltd., according to Policy P-78.
- (q) Kennels within the Community Centre Designation according to Policy P-98.
- (r) Golf courses on the lands of Brightwood Golf and Country Club, according to Policy P-143.
- (s) Commercial recreation uses within the Watershed Designation according to Policy P-145. (C-Apr 30/90;M-Jun 9/90)

- (t) Bed and breakfast uses in accordance with Policy P-74A. (C-May 27/97;M-Jul 2/97)
- (u) larger scale mixed commercial and residential development may be considered, within the Village Centre Designation, over the portion of the lands shown on Schedule N, according to Policy RL-4.
- (v) large commercial and medium density residential uses, within the Village Centre, the Village Core Comprehensive Development District Zone, according to Policy RL-5.
- (w) low scale multiple unit dwellings, with or without a ground floor commercial component, townhouses, single or two unit dwellings within areas zoned Village Mainstreet, according to Policy RL-11.
- (x) low scale multiple unit dwellings, townhouses, single or two unit dwellings or local commercial use and self storage facility in conjunction with the housing component, within the RCDD- Residential Comprehensive Development District Zone, according to Policy RL-12.
- (y) low scale multiple unit dwellings townhouses, single unit dwellings or two unit dwellings on Site B and townhouses, single unit dwellings or two unit dwellings on Site C, according to Policy RL-13.

### **3.7 VARIANCE OF REQUIREMENTS BY DEVELOPMENT AGREEMENT**

Notwithstanding the provisions of Part 4 and Parts 16, 17, 18, 19 and 20, the specific requirements of the AE-1, AE-2, AE-3, AE-4 and AE-H Zones may be varied in accordance with Sections 55, 66 and 67 of the Planning Act and the provision of Policy P-108A of the Municipal Planning Strategy for Planning Districts 14 and 17. (C-Apr 30/90;M-May 18/90)

## PART 4: GENERAL PROVISIONS FOR ALL ZONES

### 4.1 DEVELOPMENT PERMITS

- (a) No development shall be permitted unless a development permit has been issued and no development permit shall be issued unless the provisions of this By-law are satisfied.
- (b) Any development permit shall be in force for a period of one (1) year from the date of Issue and any permit may be re-issued upon request and subject to review by the Development Officer.
- (c) Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.

#### **4.1A Deleted (RC-Jun 27/06;E-Aug 26/06)**

#### **4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning. (RC-Jun 27/06;E-Aug 26/06)**

### 4.2 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

- (a) 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 Municipality, or to obtain any license, permission, permit, authority or approval required by any other by-law of the Municipality or statute and regulation of the Province of Nova Scotia or the Government of Canada.
- (b) Where the provisions in this By-law conflict with those of any other municipal or provincial regulations, by-laws or codes, the higher or more stringent requirements shall prevail.
- (c) **Deleted - (C-Dec 18/89;E-Jan 13/90)**

### 4.3 SEWAGE DISPOSAL AND WATER SYSTEMS

Where any lot is developed with a septic tank and disposal field, the minimum on-site requirements of this By-law shall apply for the purpose of obtaining a development permit. For the purpose of obtaining a permit for the installation of a septic tank, the regulations of the Department of Health shall prevail.

### 4.4 ONE MAIN BUILDING ON A LOT

**Not more than one (1) main building shall be permitted on a lot within any zone except that, provided the use is permitted by the zone, the following shall be exempt:**

- (a) any building within a C-4, I-3, AE-1, AE-2, AE-3, AE-4 or AE-H Zone;**
- (b) a building for a business use in conjunction with a dwelling;**
- (c) a building for the keeping of animals;**
- (d) a building for resource uses; and**

- (e) **a building for park and conservation uses. (MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)**

#### 4.5 EXISTING UNDERSIZED LOTS

- (a) Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels on the effective date of this By-law, having less than the minimum frontage, depth or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.
- (b) Further to Section 4.5(a) above, the Development Officer may issue a development permit for a lot approved pursuant to Part 14 of the Subdivision By-law, where an undersized lot has had its **boundaries altered. (C-Dec 18/89;E-Jan 13/90).**

#### 4.6 EXISTING USES

Except as may be stated elsewhere In this By-law, the uses listed below shall be permitted as existing uses within any zone, subject to the following:

- (a) Existing mobile dwelling units may be altered or replaced.
- (b) Existing mobile home parks shall be permitted to the extent that they are described within any license issued pursuant to the Mobile dome Park By-law.
- (c) **Existing two unit dwellings may be replaced, altered, or enlarged provided that there is no increase in the number of dwelling units and any change to the dimensions or location of the building conforms with the requirements of Section 7.2 of this by-law. Any accessory building or structure shall conform with the requirements of Section 4.11. (MC-Dec 19/94;SCC-Jan 10/95;E-Feb 4/95)**
- (d) Existing industrial and commercial uses are permitted to the extent that they presently exist and may be rebuilt or altered but no alteration shall be permitted which would increase the area of any building devoted to the use.
- (e) Existing accessory business office, (deletion MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94) and forestry uses may be altered or replaced with a similar use except that no such alteration or replacement shall provide more than a ten (10) percent increase in the area of any building occupied by the use.
- (f) Existing scrap and salvage operations shall be permitted to the extent of the area defined in any licence issued by the Public Utilities Board and any additions, alterations or structures normal and incidental to the operation of the scrap or yard shall be permitted within the area defined by the license.
- (g) **Existing commercial recreation uses are permitted to the extent that they presently exist and no expansion or enlargement to any main building or area of land devoted to the use shall be permitted. New accessory buildings, or the expansion or replacement of existing accessory buildings, shall be permitted subject to the requirements of Section 4.11. (MC-Mar 14/94;SCC-Apr 12/94;E-May 7/94)**
- (h) **Existing agricultural uses are permitted to expand subject to compliance with the requirements for agricultural uses under Part 10. (MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)**

- (i) **Existing multiple unit dwellings may be replaced, altered, renovated, and the number of dwelling units increased, provided that there are is no enlargement, or increase to the gross floor area of the existing building. Any accessory building or structure shall conform with the requirements of Section 4.11. (MC-Dec 19/94;SCC-Jan 10/95;E-Feb 4/95)**

#### 4.6A REDUCED FRONTAGE OR AREA

Any lot created pursuant to Section 98 of the Planning Act and any lot created pursuant to **PART 14 (C-Dec 18/89;E-Jan 13/90)** of the Subdivision By-law may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

#### 4.7 ROAD ENTRANCE RESERVES

Notwithstanding the lot frontage provisions contained in this By-law, a portion of a lot identified as a road entrance reserve shall meet the requirements of the provincial Department of Transportation.

#### 4.8 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, area, or depth, or having less than the minimum setback or side yard or rear yard required by this By-law, the building Day 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 that does not conform to this By-law; and
- (b) all other applicable provisions of this By-law are satisfied.

#### 4.9 NON-CONFORMING USES

Non-conforming uses shall be subject to Sections 83 to 86 of the Planning Act of Nova Scotia, which is included in this By-law as Appendix "A". Additions or structural alterations to non-conforming uses shall be permitted if they do not result in any increase in the value of space devoted to the non-conforming use itself.

#### 4.10 ACCESSORY USES AND BUILDINGS

**Provisions made under this by-law to permit uses, buildings, and structures shall, unless otherwise stated by this by-law, also be deemed to include any accessory uses buildings or structures provided that:**

- (a) **the accessory use, building, or structure is located within the same zone as the principal building or use it is intended to serve or is located within an abutting zone in which the principal use or building is permitted;**
- (b) **the accessory use building or structure is located on a lot which directly abuts or is directly across a public street or highway, private road or private**

- right-of-way from the lot containing the principal building or use it is intended to serve; and**
- (c)all other applicable conditions and requirements of this by-law are satisfied. (MC/SCC-Jun 26/95;E-Jul 22/95)**

#### 4.11 ACCESSORY BUILDINGS

- (a)Accessory uses, buildings and structures shall be permitted in any zone but shall not:
- (i) be used for human habitation except where a dwelling is a permitted accessory use;
  - (ii) be built closer to the front lot line than the minimum distance required for the main building or be built closer than eight (8) feet (2.4 m) to any other lot line except that:
    1. in any Residential Zone, garages which are accessory to dwellings shall be a minimum of four (4) feet (1.2 m) from any side or rear lot line;
    2. common semi-detached garages Day be centred on the mutual side lot line;
    3. boat houses, boat docks and float plane hangars may be built to the lot line when the line corresponds to the high water Dark;
    4. accessory buildings and structures in a P-2 (Community Facility) Zone shall not be built closer to any side or rear lot line than ten (10) feet (3.0 m) or one half (1/2) the height of such building or structure, whichever is the greater; and
    5. accessory structures shall be permitted to be constructed within the front yard of an AE-1 (AeroTech Core) Zone and AE-2 (General Airport) Zone, but shall not be permitted within the minimum required front yard.
  - (iii) Exceed a height of:
    1. **twenty five (25) feet (7.62 m) in any R-1A zone or the height of the main building, whichever is less; (MDVCCC-Dec 6/07;E-Dec 22/07)**
    2. twenty five (25) feet (7.6 m) in any R-1B, R-1C, or R-1D zone;
    3. thirty five (35) feet (10.7 m) in any R-6 or R-7 zone;
  - (iv) Exceed a gross floor area of:
    1. seven hundred and fifty (750) square feet (70 m<sup>2</sup>) in any R-1A, R-1B, R-1C or R-1D zone; or
    2. one thousand (1,000) square feet in any R-6 or **R-1E zone. (C-Jun 29/93;M-Aug 6/92)**
  - (v) **(deletion - MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)**
  - (vi) Be built within eight (8) feet (2.4 m) of the main building within any Residential Zone or twelve (12) feet (3.7 D) in any other zone.
  - (vii) **be used for the keeping of livestock, except where agriculture is a permitted use. (C-Aug 27/90;E-Sep 22/90)**
- (b) Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences end retaining walls shall be exempted from the requirements of Subsection (a).

#### **4.12 TEMPORARY CONSTRUCTION USES PERMITTED**

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.**
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.**
- (c) A development permit may only be issued for the temporary use of a rock crusher.**
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary. No rock crusher shall be located or used within three (3) metres of any property boundary.**
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be located or used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be located or used within three (3) metres of any property boundary.**
- (f) Notwithstanding any other provision of this By-law, a temporary rock crusher accessory to construction in progress shall not be used to process material for export to another site nor to process material imported to the site.**
- (g) A temporary rock crusher may be used as an accessory to demolition in progress to process demolished material for export to another site subject to disposal in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-law.**

**(RC-Jan 20/09;E-Feb 7/09)**

#### **4.13 VEHICLE BODIES**

No truck, bus, coach or streetcar body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality,

shall be used for human habitation, and no vehicle body shall be used as a commercial building.

#### 4.14 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use, the provisions of Sections 83 to 87 of the Planning Act shall prevail.

#### 4.15 BUILDING TO BE MOVED

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

#### 4.16 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, windmills or solar collectors.

#### 4.17 WATERCOURSE SETBACKS AND BUFFERS

- (1)
  - (a) **No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse, except on lots zoned R-1C.**
  - (b) **Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.**
  - (c) **Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.**
  - (d) **Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding 20 m<sup>2</sup>, fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.**
  - (e) **Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.**
  - (f) **Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.**
- (2) **Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting**

other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.

- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements.
- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section. (RC-Jun 27/06;E-Aug 26/06)

#### 4.18 REDUCED FRONTAGE ON A CURVE

Where the front lot line of any lot is curved line, a minimum lot width which is equal to the minimum lot frontage required by this Bylaw shall be required in lieu of such minimum lot frontage. For the purpose of this Section, such minimum lot width shall be measured along a horizontal line between the side lot lines, which line is perpendicular to a line or the extension of a line joining the midpoint of the chord of the curved line with the apex of the triangle formed by the side lot lines and which line is equidistant from the front lot line as is the minimum applicable front yard required by this Bylaw. For the purposed of this Section, the chord of the curved line shall be straight line joining the two points where the side lot lines intersect the front lot line.

#### 4.19 DAYLIGHTING TRIANGLE

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height more than two (2) feet (.6 m) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of twenty (20) feet (6.1 m) from their point of intersection.

#### 4.20 PERMITTED ENCROACHMENTS

Every part of any yard required by this By-law shall be open and unobstructed by any structure except to permit uses or encroachments subject to the following provisions:

- (a) Uncovered patios, walkways or steps may be located in any yard.

- (b) There may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such structure or feature shall project more than two (2) feet (.6 m) into any required yard.
- (c) Window bays and solar collectors may be permitted to project not more than three (3) feet (.9 m) from the main wall into a required front, rear or flankage yard.
- (d) Exterior staircases, balconies, porches, verandas and sundecks shall not be permitted to project into any required yard.
- (e) The provisions of this Section shall not restrict the location of ornamental planting or landscaping in any yard unless otherwise indicated in this By-law.

4.21 YARD EXCEPTION

Where, in this By-law, a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh or is beyond the rim of a river bank or water course, or between the top and toe of a cliff or embankment having a slope of fifteen (15) percent or more from the horizontal, than the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the said area covered by water or marsh, or to the top of the said cliff or embankment if such area is closer than the lot is.

4.22 ZERO LOT LINE

In any zone where two unit dwellings are permitted, the minimum yard from the side being common with another dwelling unit shall be 0.0 feet 0.0 m).

4.23 ILLUMINATION

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.

4.24 COMMERCIAL MOTOR VEHICLES

Not more than one commercial vehicle other than a school bus shall be kept on any lot in any Residential Zone other than the R-6 and R-7 Zones, and no such vehicle shall exceed a registered vehicle weight of five (5) tons nor be kept less than ten (10) feet (3 m) from any front lot line.

4.25 PARKING REQUIREMENTS

- (a) The provisions of Sections 4.25, 4.26 and 4.27 shall not apply within any AE-1 (AeroTech Core), AE-2 (General Airport), AE-3 (AeroTech Commercial) or the AE-H (AeroTech Holding) Zone.
- (b) For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule, except where any parking requirement is specifically included elsewhere in this By-law. Where the total required spaces for any use is not a whole number, the total spaces

required by this Section or by other specific sections shall be the next largest whole number.

<u>USE</u>	<u>PARKING REQUIREMENT</u>
Any dwelling except as specified below	1 space per dwelling unit
Multiple unit dwellings (except for senior citizen apartments)	1.5 spaces per dwelling unit
Senior Citizen Multiple Use Dwelling	1 space per dwelling unit
Boarding and rooming houses	1 space per bedroom
Retail stores, service and personal service shops:	
(a) exceeding 5,000 square feet (464.5 m <sup>2</sup> ) of gross floor area	5.5 spaces per 1,000 square feet (92.9 m <sup>2</sup> ) of gross floor area
<b>(aa) exceeding 5,000 square feet (464.5 m<sup>2</sup>) of gross floor area in the CC, VC CDD, VM, VG and RCDD zones</b>	<b>5.0 spaces per 1,000 square feet (  m<sup>2</sup>) of gross floor area</b>
(b) not exceeding 5,000 square feet (464.5 m <sup>2</sup> ) of gross floor area	3.3 spaces per 1,000 square feet (92.9 m <sup>2</sup> ) of gross floor area
<b>(bb) not exceeding 5,000 square feet (464.5 m<sup>2</sup>) of gross floor area in the CC, VC CDD, VM, VG and RCDD Zones</b>	<b>3.0 spaces per 1,000 square feet (  m<sup>2</sup>) of gross floor area</b>
Banks, financial institutions and general offices	3.3 spaces per 1,000 square feet (92.9 m <sup>2</sup> ) of gross floor area
<b>Banks, financial institutions and general offices in CC, VC CDD, VM, VG and RCDD zones.</b>	<b>3.0 spaces per 1,000 square feet(  m<sup>2</sup>) of gross floor area</b>
Motels and hotels	1 space per sleeping unit plus requirements for restaurants or other facilities contained therein
<b>Restaurants - Drive-In</b>	<b>27 spaces per 1000 square feet (92.9 m<sup>2</sup>) of gross floor area</b>
<b>Restaurants - Full Service</b>	<b>20 spaces per 1000 square feet (92.9 m<sup>2</sup>) of gross floor area</b>
<b>Restaurants - Take-Out:</b>	
(a) exceeding 300 square feet (28 m <sup>2</sup> ) of gross floor area	16 spaces per 1000 square feet (92.9 m <sup>2</sup> ) of gross floor area
(b) not exceeding 300 square feet (28 m <sup>2</sup> ) of gross floor area (C-Feb 10/93;E-Mar 7/92)	5 spaces

Lounges, taverns and beverage rooms	the greater of one space per 3 seats or 1 space per 100 square feet (10 m <sup>2</sup> ) of gross floor area
<b>(Deletion -Feb 10/93;E-Mar 7/92)</b>	<b>m<sup>2</sup>) of gross floor area</b>
Theatres	1 space per 5 seats
Institutional uses except as specified below	the greater of 1 space per 4 seats, where there are fixed seats and 1 space per 100 square feet (9.3 m <sup>2</sup> ) of gross floor area where there are no fixed seats, or 1 space per 4 persons which can be accommodated at any one time
Government offices	4.5 spaces per 1,000 square feet (92.9 m <sup>2</sup> ) of gross floor area
Schools	3 spaces per classroom plus space per 20 high school students
Hospitals	2 spaces per bed
Homes for the aged and nursing homes	2 spaces per 5 beds
Day care facilities	1.5 spaces per 400 square feet (37.2 m <sup>2</sup> ) of gross floor area
Medical clinics and offices of any health practitioner	<b>3 spaces per consulting room (MDVCCC&amp;HECC-Jan 10/08;E-Jan 26/08)</b>
Funeral homes	15 spaces
Warehouses, transport terminals or general industrial uses	the greater of 2 spaces per 1,000 square feet (92.9 m <sup>2</sup> ) of gross floor area or 1 space per 4 employees
<b>Health and wellness centres: (RC-Jun 17/03;E-Jun 20/03)</b>	
<b>(a) exceeding 2,000 square feet (464.5 m<sup>2</sup>) of gross floor area</b>	<b>5 spaces per 1,000 square feet (92.9 m<sup>2</sup>) of gross floor area</b>
<b>(b) not exceeding 2,000 square feet (464.5 m<sup>2</sup>) of gross floor area</b>	<b>3.3 spaces per 1,000 square feet (92.9 m<sup>2</sup>) of gross floor area</b>
Any use not specified above	3.3 spaces per 1,000 square feet (92.9 m <sup>2</sup> ) of gross floor area

(c) Reserved Spaces for the Mobility Disabled

Notwithstanding subsection (a) above, reserved parking spaces for the mobility disabled shall be provided as an addition to the required spaces in conformity with the following schedule:

USE

PARKING REQUIREMENT

Medical Clinics and offices of any health practitioner	1 reserved parking space for the mobility disabled per 5-15 parking spaces required; 1 additional space for each additional 15 required spaces or part thereof to a maximum of 10
Homes for the Aged/Nursing Homes	1 reserved parking space per 20 beds to a maximum of 10
Multiple Dwellings	1 reserved parking space per 30 units to a maximum of 10
Restaurants and Theatres	1 reserved parking space per 50 seats to a maximum of 10
All other uses excluding fire stations, boarding houses and any industrial use which does not have a retail function	1 reserved parking space for the mobility disabled per 15-100 parking spaces required; 1 additional space for each additional 100 required spaces or part thereof, to a maximum of 10

(d) Standards for Mobility Disabled Parking Spaces

- (i) each reserved parking space shall contain an area of not less than two hundred and forty (240) square feet measuring twelve (12) feet by twenty (20) feet;
- (ii) where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall it be further than three hundred (300) feet from the location which it is intended to serve;
- (iii) each reserved parking space shall be located as close as possible to the location it is intended to serve;
- (iv) each reserved parking space shall be clearly identified by a ground sign.

4.26 STANDARDS FOR PARKING LOTS

- (1) Where a parking lot for more than four (4) vehicles is required or permitted:
  - (a) the lot shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
  - (b) the lights used for illumination of the lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings and no lighting standard shall exceed twenty five (25) feet in height
  - (c) a structure, not more than fifteen (15) feet (4.6 m) Ln height and not more than fifty (50) square feet (5 m ) Ln area may be erected Ln the lot for the use of attendants;
  - (d) the lot shall be within three hundred (300) feet (91.4 m) of the location which it is Indented to serve and shall be situated in the same zone;

- (dd) notwithstanding clause (d), within the CC Zone, the lot shall be within four hundred (400) feet (121.9 m) of the location which it is intended to serve and shall be situated in the CC Zone;**
  - (e) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
  - (f) approaches or driveways to the lot shall be defined by a curb of concrete or rolled asphalt and the limits of the lot shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance; in addition, the location of approaches or driveways shall be not closer than fifty (50) feet (15.2 m) from the limits of the right-of-way at a street intersection;
  - (g) where an approach or driveway within a commercial zone is intended to serve a business use, the driveway surface shall be set the same grade as the road within the public road right of way and shall be lower than any side walk;
  - (h) entrance and exit ramps to the lot shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet (7.6 m) at the street line and edge of pavement; and
  - (i) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle Ln a parking lot, shall be a minimum width of ten (10) feet (3 m) if for one-way traffic and a minimum width of twenty (20) feet (6.1 m) if for two-way traffic, and the maximum width of a driveway shall be thirty (30) feet (9.1 m).
- (2) Notwithstanding Section 4.26 (1) (a), all parking areas including driveways and manoeuvring areas shall be maintained with a permanent hard surface and shall be defined by a concrete curb, ornamental brick, planting or other landscaped feature and all parking areas shall provide manoeuvring areas to permit vehicles to leave the property in a forward motion.**
- (3) Where a parking lot for more than ten (10) vehicles is required or permitted in the CC, VMS, VG and FRB zones the following provisions shall apply in addition to the provisions outlined in Sections 4.26A (1) and (2):**
  - (a) curbs or other appropriate methods of delineating a pedestrian right of way shall be provided to ensure safety between pedestrian and vehicular movements in all parking lots, and**
  - (b) curbs or other appropriate methods of delineating landscaping areas shall be provided to prevent damage from vehicles, to separate planting areas from pedestrian pathways, and to prevent soil and other landscape material from spreading over adjacent surfaces.**
- (4) Where a parking lot for more than twenty (20) vehicles is required or permitted in the CC, VMS, VG and FRB zones, in addition to the provisions outlined in Sections 4.26 (1) (2) and (3), the following provisions shall apply:**
  - (a) parking lots shall have ten (10) percent of their area landscaped with vegetation;**

- (b) shrubs and one tree for every five parking spaces trees shall be incorporated within the parking lot in consolidated planting areas such as landscaped islands, medians, and bio-retention areas and vegetated islands;
  - (c) landscaped islands shall be installed at the beginning and end of each parking row to break up longer rows and shall contain at least one (1) high-branching deciduous shade and include non-invasive shrubs, perennials, ornamental grasses and/or groundcover; and
  - (d) where parking rows exceed groups of 20 parking spaces, an additional landscaped island shall be provided at the end of every 20 parking spaces or midway between the row.
- (5) Where a parking lot for more than one hundred (100) vehicles is required or permitted in the VC-CDD, CC, VMS, VG and FRB zones, in addition to the provisions outlined in Sections 4.26 (1),(2) (3) and clauses (b), (c) and (d) of Section (4), a minimum of twenty-five (25) percent of the parking lot shall consist of permeable surfaces such as ornamental brick or porous pavement.

#### 4.27 LOADING SPACE REQUIREMENTS

- (a) In any zone, no person shall erect or use any building or structure for manufacturing, storage or warehousing, or as a recall or wholesale store, or as a freight or passenger terminal, or for any other use involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises with every such use, one off-street space for standing, loading and unloading for every twenty thousand (20,000) square feet (1858 m<sup>2</sup>) or fraction thereof of gross floor area used for such purposes to a maximum of six (6) loading spaces.
- (b) The provisions of a loading space for any building with less than fifteen hundred (1,500) square feet (139.3 m<sup>2</sup>) shall be optional.
- (c) Each loading space shall be at least twelve (12) feet (3.7 m) by twenty-five (25) feet (7.6 m) with a minimum of fourteen (14) feet (4.3 m) height clearance.
- (d) loading space areas, including driveways leading thereunto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

#### 4.28 ACCESS REQUIREMENTS

- (a) Within the C-2 (Community Centre), **CC (Canal Court)**, **VMS (Village Main street)** **VG (Village Gateway)** and **FRB (Fall River Business)** zones no driveway access shall be permitted from any commercial use to any road other than:
  - (i) Fall River Road;
  - (ii) Highway #2;
  - (iii) McPherson Road;
  - (iv) Highway #318;
  - (v) Cobequid Road;

- (vii) Lockview Road;
  - (vii) Miller Lake Road; and
  - ~~(viii) Old School Road; and~~
  - ~~(ix)~~ (viii) Church Street.
- (b) Notwithstanding Subsection (a), where a corner lot is located within the C-2 (Community Centre) Zone, **CC (Canal Court) Zone, VMS (Village Main Street) or VC-CDD (Village Core Comprehensive Development District) Zone** one access may be permitted from the side street and no such access shall be located any closer than fifty (50) feet (15.2 m) from the intersection nor shall the driveway be any wider than twenty-five (25) feet (7.6 m);
  - (c) No commercial access shall be wider than thirty (30) feet (9.1 m) and no more than one driveway shall be permitted for any commercial lot except where there is more than one hundred (100) feet (30.5 m) of frontage, in which case one additional access may be permitted for each additional two hundred (200) feet (61 m) of frontage.

## PART 5: SIGNS

### 5.1 GENERAL

- (a) Where this part is inconsistent with the regulations respecting advertising signs on or near public highways, made or administered by the Department of Transportation, the more restrictive regulations shall apply.
- (b) No person shall erect a sign according to the provisions of Section 5.3 except where a development permit has been issued, and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.
- (c) The provisions of Part 5 shall not apply within any AE-1 (AeroTech Core), AE-3 (AeroTech Commercial) or AE-H (AeroTech Holding) Zone.
- (d) The provisions of Section 5.1AA shall apply, in addition to all other provisions of this Part, within any CC (Canal Court), VMS (Village Main Street), VG (Village Gateway) or FRB (Fall River Business) zones.**

### 5.1A TEMPORARY SIGNAGE

- (a) This By-law shall not apply to any sign regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs); and**
- (b) Any sign provision within this By-law referring to temporary signage, as regulated under HRM By-law S-800, is superceded. (RC-Sep 26/06;E-Nov 18/06)**

### 5.1AA GENERAL REQUIREMENTS - FALL RIVER ZONES

**A signage plan shall be submitted as part of any application within the CC, VMS,**

**VG or FRB zones, and shall should illustrate how each sign has similar elements in terms of colour, form, materials, detailing, lighting, and other design elements with the building(s). The materials used for signs shall have matte or dull finishes, and carved wood signs are encouraged. Gloss finish and backlit signage is prohibited in CC and VMS zones. Multi-tenant signage shall begin with the civic address, followed by building name, if applicable, and then the tenants.**

## 5.2 SAFETY AND MAINTENANCE

Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed in compliance with the Building By-law and any fire prevention and electrical codes.

## 5.3 NUMBER OF SIGNS

- (a) For the purposes of this Section, where a multiple tenancy building is occupied by more than one business, each business shall be considered to be a separate premises.
- (b) For the purposes of determining the number of signs permitted by this Section, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Double-faced and three-faced signs shall be counted as single signs. Where latter is displayed in a random manner, without organized relationships or elements, or where there is reasonable doubt about the relationships of any elements, each element shall be considered to be a single sign.
- (c) No more than two (2) signs shall be erected on any premises at any one time. For the purposes of this Section, signs enumerated in Section 5.5 shall not be counted.

## 5.4 SIGN AREA

The total area permitted of any sign shall be considered to be the area of the smallest rectangle, triangle or circle which can totally circumscribe the sign face or surface of any single, double or three-faced sign in the plane of its largest dimension. Each visible face of a multi-faced sign shall be calculated separately and then totalled in determining the sign area permitted.

## 5.5 SIGNS PERMITTED IN ALL ZONES

The following signs shall be permitted in all zones and in addition to any signs permitted according to Section 5.3:

- (a) Any sign which has an area of no more than four (4) square feet (.8 m<sup>2</sup>) and which identifies the name and address of a resident.

- (b) Any sign which has an area of no more than two (2) square feet (.2 m<sup>2</sup>) and which regulates the use of property, as do "no trespassing" signs.
- (c) Any real estate sign which has an area of no more than eight (8) square feet (.7 m<sup>2</sup>) in any Residential Zone or twenty-four (24) square feet (2.2 m<sup>2</sup>) in any other zone.
- (d) Any sign which has an area of no more than five (5) square feet (.5 m<sup>2</sup>) and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas.
- (e) Any sign which has an area of no more than fifty (50) square feet (4.6 m<sup>2</sup>) and which is incidental to construction.
- (f) Any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety.
- (g) Any flag, insignia, notice or advertising of any charitable, religious or fraternal organization.
- (h) Any memorial sign, plaque or tablet.

#### 5.6 SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted in any zone:

- (a) Any sign or sign structure which constitutes a hazard to public safety or health.
- (b) Any sign which, for any reason, obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on public streets.
- (c) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit.
- (d) Any sign located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body.
- (e) Any sign which is not erected by, or under the direction of, a government body and which makes use of words such as "STOP", "LOOK", "DANGER", "ONE WAY" or "YIELD" or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road.
- (f) Any sign which incorporates any flashing or moving illumination and any sign which has any visible moving part or mechanical movement whether achieved by natural or artificial means.
- (g) Any searchlight, stringlight, spinner or streamer except for occasions such as grand openings, county fairs and public festivals, or used as temporary holiday decorations.
- (h) Any sign painted on a tree, stone, cliff or other natural object.
- (i) Any sign which is not related to any business or use located on the lot or premises, and any sign which no longer advertises a bona fide business conducted or a product sold. Such signs are deemed to be obsolete signs and shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60)

days of the date of discontinuance of the business or product.

## **5.7 FACIAL WALL SIGNS**

- (1) a) No facial wall sign shall cover:**
    - i) more than ten percent of the area of the wall which it is attached; or**
    - ii) more than two (2) square feet (.19 m<sup>2</sup>) per lineal foot of the wall on which the sign is affixed, whichever is greater.**
  - b) The total areas of all facial wall signs shall not exceed fifteen percent of the area of the wall which it is attached or an area of more than two (2) square feet (.19 m<sup>2</sup>) per lineal foot of the wall it is attached, whichever is greater.**
  - c) Notwithstanding Section 5.3, all facial wall signs combined shall count as one sign and sign coverage shall be allocated proportionally for each business premises in the case of multiple occupancy buildings. (MDVCCC-Jul 25/07;E-Aug 11/07)**
- 
- (2) Notwithstanding Section 5.7 (1), within the CC, VMS, VG or FRB Zone, no facial wall sign shall:**
    - (a) extend above the top of the wall on which it is attached; or**
    - (b) project or extend beyond the extremities of the wall on which it is attached.**
    - (c) include more than one message for each business premise in the building on which it is affixed where the building contains multiple occupancies; or**
    - (d) have an area which exceeds five (5) percent of the area of the wall on which it is attached.**
- 
- (3) Notwithstanding Section 5.7 (1), within the CC, VMS, VG or FRB Zone, canopies and awnings attached to walls shall:**
    - (a) not project over a public right-of-way unless permitted pursuant to the Encroachment By-law;**
    - (b) be self supporting; and**
    - (c) be placed a minimum height of 9 feet (2.7m) above a sidewalk or walkway.**
- 
- (4) Any advertising affixed to a canopy or awning shall be limited to a business logo, business name or civic address and shall not exceed fifty (50) percent of the canopy or awning.**

## **5.8 PROJECTING SIGNS**

No projecting sign shall be permitted, except in the CC, VMS, VG or FRB Zone. Within the CC, VMS, VG or FRB Zone, no projecting wall sign shall:

- (a) project over a public right-of-way unless permitted pursuant to the**

**Encroachment By-law;**

- (b) project more than six (6) feet (1.8 metres) from the wall on which it is attached;
- (c) project above the eaves, parapet or roof line of a building;
- (d) be erected below a height of nine (9) feet (2.7 metres) above grade; or
- (e) exceed sixteen (16) square feet (1.5 square metres) per sign area.

**5.8A ROOF SIGNS**

No roof signs shall be permitted.

**5.9 GROUND SIGNS**

- (1) **No ground signs shall be permitted in the CC Zone, except for on the corner lots at the intersection of Fall River Road and MacPherson Road and at the intersection of Fall River Road and Highway 2.**
- (2) (a) No ground sign shall exceed thirty-two (32) square feet (3 m<sup>2</sup>) of sign area on a single face or sixty-four (64) square feet (6 m<sup>2</sup>) of sign area for both faces combined, except for:
  - (i) **signs within the C-4 (Highway Commercial) and AE-4 (AeroTech Business) Zones where such signs shall not exceed two hundred-fifty (250) square feet (23.2 m<sup>2</sup>) square feet of sign area on a single face or five hundred (500) square feet (46.4 m<sup>2</sup>) of sign area of both faces combined; or (MDVCCC-Jul 25/07;E-Aug 11/07)**
  - (ii) signs accessory to existing commercial or industrial uses within the C-2 (Community Commercial) Zone, where such signs shall not exceed one hundred (100) square feet (9.3 m<sup>2</sup>) of sign area on a single face or two hundred (200) square feet (18.6 m<sup>2</sup>) of sign area of both faces combined.
  - (iii) **signs for multi tenant buildings within the VMS Zone, where such signs shall not exceed one hundred (100) square feet (9.3 m<sup>2</sup>) of sign area on a single face or two hundred (200) square feet (18.6 m<sup>2</sup>) of sign area of both faces combined.**
  - (iv) **all signs within the FRB Zone, where such signs shall not exceed one hundred (100) square feet (9.3 m<sup>2</sup>) of sign area on a single face or two hundred (200) square feet (18.6 m<sup>2</sup>) of sign area of both faces combined.**
  - (v) **all signs within the VG Zone, where such sign shall not exceed two hundred and fifty (250) square feet (23.2 m<sup>2</sup>) of sign area on a single sign face or five hundred (500) square feet (46.5 m<sup>2</sup>) of both faces combined.**
  - (vi) **signs where permitted for multi tenant buildings within the CC Zone, shall not exceed one hundred (100) square feet (9.3 m<sup>2</sup>) of sign area on a single face or two hundred (200) square feet (18.6 m<sup>2</sup>) of sign area of both faces combined.**

- (b) No ground sign shall exceed a height of:
    - (i) twenty-five (25) feet (7.6 m) in the C-2 (Community Commercial) Zone;
    - (ii) fifty (50) feet (15.2 m) in the C-4 (Highway Commercial) Zone;
    - (iii) one hundred (100) feet (30.5 m) in the AE-4 (AeroTech Business) Zone,
    - (iv) twelve (12) feet (3.6 m) for a single story building and twenty (20) feet (6 m) for a multi story building in the VMS Zone;**
    - (v) fifty (50) feet (15.2 m) in the VG or FRB Zone; or**
    - (vi) fifteen (15) feet (4.5 m) where permitted in the CC Zone.**
  - (bb) No ground sign shall exceed a width of:**
    - (i) ten (10) feet (3 m) in the CC, VMS, VG and FRB zones.**
  - (c) No ground sign shall extend beyond a property line or project over a public right-of-way, daylighting triangle, driveway or parking space.
  - (d) No ground sign shall share a sign supporting structure with any other sign.
  - (e) No ground sign shall be located within fifteen feet (4.6 m) of any property line.
  - (ee) Notwithstanding clause (e), no ground sign shall be located within five (5) feet (1.5 m) from any street line in the CC, VMS, VG or FRB Zone.**
  - (f) No more than one ground sign shall be permitted on any lot.
- (2) Within the CC, VMS, VG and FRB zones, the following additional conditions to Section 5.9 (1) shall apply:
- (a) Only one ground sign shall be permitted per multiple tenancy building.**
  - (b) Landscaping shall be provided at the base of a ground sign. Landscaping shall consist of either planter boxes, shrubs and/or flower beds or a combination thereof. If landscape planters are used, the planters shall be constructed of a natural material and shall be a minimum of 3 feet (0.9m) wide and 3 feet (0.9m) high;**
  - (c) A ground sign and the required landscaping as described above may be placed within the required landscaping setback as specified in Sections 14A.10 (a), 14C.13 (a), 14D.8 (a) and 14E.5 (a); or**
  - (d) The maximum number of sign areas shall be two, which shall be affixed back to back.**

## 5.10 ARCHITECTURE REQUIREMENTS

The following provisions shall apply to the Canal Court, Village Core Comprehensive Development District, Village Main street, and Village Gateway zones of the Fall River Village Centre. The drawings in this section are presented for illustrative purposes and do not form part of this by-law.

### 5.10.1 Facades

#### 5.10.1.1 Entrances

- (a) Within all zones, buildings shall have at least one clearly defined entrance that is facing a public street and unobstructed for pedestrians. This entrance shall constitute the main entrance to the building.



- (b) Within all zones, all main entrances shall have no less than (3) three of the following architectural elements incorporated:

- (i) canopies or porticos;
- (ii) awnings,
- (iii) open colonnades,
- (iv) overhanging rooflines,
- (v) raised corniced parapets over the door,
- (vi) gabled peaked roof forms,
- (vii) outdoor patios,
- (viii) display windows
- (ix) architectural details such as moldings or stone,
- (x) planters or wing walls that incorporate landscaped areas and seating places; and/or
- (xi) any other similar architectural treatment deemed to be an acceptable equivalent.



- (c) Within all zones, the front facade (the facade facing the street) shall be designed as the front of the building. The front elevation must contain a main entrance door, and windows, and/or display cases. On corner lots, the main entrance shall be situated on the portion of the building

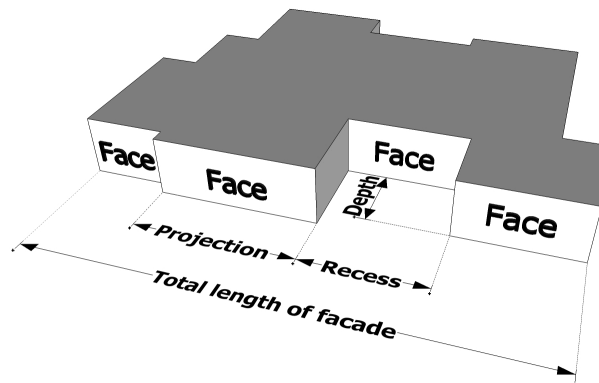


facing the collector or arterial street (Main Street) or situated at the corner of the building, facing the intersecting streets.

- (d) Notwithstanding subsection 5.10.1.1 (a), where the development is situated on a corner lot at the intersection of two local roads, the main entrance may face either one of the local roads or be situated at the corner of the building, facing the intersecting streets.

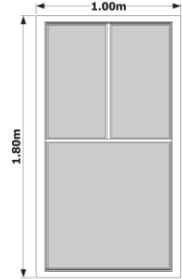
### 5.10.2.1 Reducing Mass and Scale

- (a) Within all zones, architectural elements shall be incorporated into all facades that are visible from any street to prevent the appearance of blank walls. No facade shall extend more than ten (10) feet within the CC Zone, twenty (20) feet within the VC-CDD and VMS zones, or thirty (30) feet within the VG Zone without the incorporation of windows and other architectural elements such as recesses, porches, pilasters, cornices, awnings, open colonnades, overhanging rooflines, multiple rooflines, corners or offsets, canopies or porticos, and/or gabled peaked roof forms or any other acceptable equivalent. Where the plane of a wall is broken, the offset shall be proportional to the building's height and length.
- (b) No uninterrupted length of any facade facing a public street shall exceed 15.2 horizontal metres (50 feet). Wall plane projections or recesses shall be incorporated into all facades greater than 15.2 horizontal metres (50 feet) in length, measured horizontally, having a depth of at least three (3) percent of the length of the facade and extending at least 20 percent of the length of the facade.



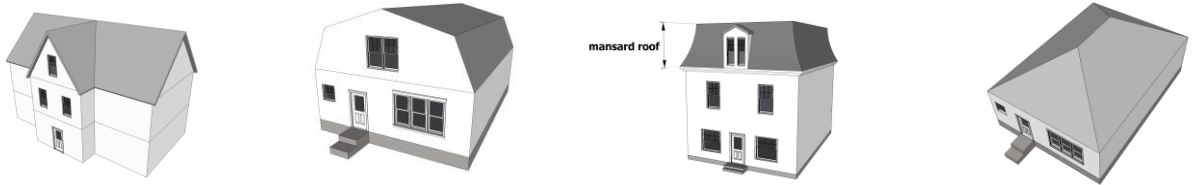
### 5.10.3 Windows

- (a) Windows shall have a maximum height to width ratio of 2 to 1 and a minimum height width ratio of 1.7 to 1. All windows shall be placed vertically in the wall space so building facades are visually well balanced.
- (b) Windows, doors, and corners shall be accentuated by design details such as arches, hoods, moldings, decorative lintels, pediments or sills. In the case of brick or stone buildings a contrasting colour shall be used.
- (d) Notwithstanding clauses (a) and (b), continuous bands of horizontal glazing may be permitted on the first floor of buildings that are permitted as commercial uses with the CC Zone to the maximum extent of 75 percent of the building face. Recessed storefront entries shall be required where these larger storefront windows are constructed. Vertical windows having a height to width ratio of 1.8 to 1, shall be required on the second floor of these buildings.



### 5.10.4 Roof Lines

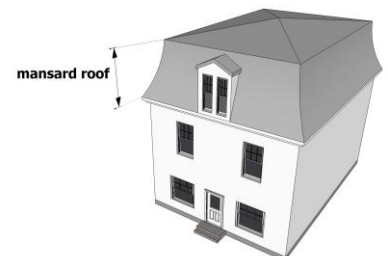
- (a) Within all zones, roof styles shall be limited to gable, gambrel, mansard, and hipped roofs.



- (b) Notwithstanding Section 5.10.4 (a), flat roofs are permitted for small scale buildings with a building footprint of no more than 232.2 square metres (2500 ft.<sup>2</sup>). Flat roofs may be constructed on portions of larger buildings where the flat roof structure is not visible from the street.

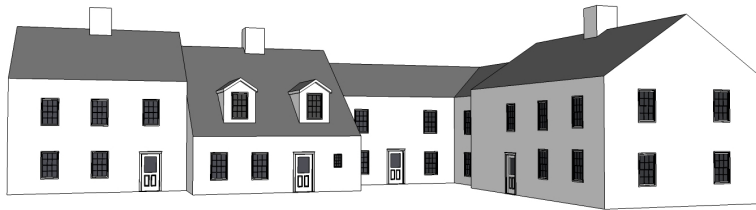
- (c) Mansard or Gambrel Roofs shall meet all the following requirements:

- (i) the upper pitch shall not exceed 3:12;
- (ii) the lower pitch shall not exceed 36:12;
- (iii) the eaves shall not project more than 0.3 m [1 foot];
- (v) all windows within or encroaching upon such roof shall be in form of dormers and shall not be recessed within such roof; and
- (vi) the lower pitch on a mansard roof shall incorporate



at least one dormer on each side of the building.

- (d) Within all zones, the minimum roof pitch on all buildings shall be 4:12, except where flat roofs are permitted and except for gambrel and mansard roofs.
- (e) Within all zones, multiple roof planes and/or cornices, cross gables, cupolas, belvederes, dormers, or other architectural treatment appropriate or complementary to the style of the main building, shall be included to add character, provide visual relief from monolithic roof forms and to reduce the mass and scale. Roof ridgelines and cornice lines shall not be permitted to run unbroken or without a change in elevation for a length of no more than 15.24 metres (50 ft ).



#### 5.10.5 Cladding and Roofing Materials

- (a) Within all zones, exterior cladding for new commercial, institutional, multiple unit and townhouse buildings shall consist of bricks, stone, wood shingles, wood siding, wood clapboard, cement plank, vinyl siding or a combination thereof or other acceptable equivalent. Where vinyl or other synthetic siding is used, it shall have a narrow course width resembling wooden clapboards.
- (b) Within all zones, highly reflective materials such as sheet metal, plastic panels, brushed aluminum, bronzed glass and other materials including adobe, concrete block, T-111 untreated plywood, particle board, tilt-up concrete panels, and painted brick shall be prohibited as exterior cladding for new and renovated commercial, institutional, multiple unit and townhouse buildings. Brightly colored (any color other than earth tones) metal roofs shall be prohibited.
- (c) Notwithstanding, subsections (a) and (b), materials required for solar heating shall be permitted.
- (d) Any exposed foundation in excess of 1.8 square metres (20 ft.<sup>2</sup>) which includes a parking garage and parking entrances shall be architecturally detailed, veneered with stone or brick.

### **5.10.6 Rooftop Equipment**

- (a) Rooftop equipment, including, but not limited to, satellite and other telecommunication equipment for private use, air handling units, elevator equipment, cooling towers and exhaust fans shall to be visually screened from the street by the roof structure.**

### **5.10.7 Additional Requirements for Commercial Uses**

- (a) Within all zones, buildings with multiple stores shall have multiple storefronts with separate entrances and architectural features such as multiple cross gables to function and appear as separate entities. The building shall also have coordinating elements such as covered walkways, or open colonnades along the full length of the facade to provide shelter, encourage pedestrian movement and visually unite the building.**
- (b) Awnings and canopies shall not be made of highly reflective materials.**
- (c) Where canopies are used over gasoline pumps and garden centres, they shall be designed and constructed to match the main structure through consistency in roof pitch, architectural detailing, materials, and color. Pitched roofs and fascia trim are required for canopies. Brightly colored metal roofs that are intended to act as a sign for instant recognition to the driving public are prohibited.**
- (d) Freestanding non-habitable structures such as ATMs, garages, storage units, recycling sheds, trash enclosures, cart corrals, or utility buildings shall be designed and constructed with the same elements as the principal building(s) on the site through repetition of architectural forms, materials, colors, and detailing.**
- (e) No portion of pump island canopy shall be illuminated. Notwithstanding, a pump island canopy may be used as an anchor to direct light immediately beneath the canopy.**

### **5.10.8 Exemptions**

- (a) Notwithstanding Section 5.10, the Architectural provisions of this by-law shall not be required for a change in use or occupancy within an existing building, internal renovations with no external renovation or modifications to an existing building including the replacement of windows, or any signage associated with a change in use or occupancy. The provisions of Section 5.10 shall be required for new buildings and additions to the front or side of existing buildings that are visible from the street.**

## PART 14A: CC (CANAL COURT) ZONE

### 14A.1 USES PERMITTED

No development permit shall be issued in any CC (Canal Court) Zone except for the following:

#### Commercial Uses

Retail Stores  
Service and Personal Service Uses  
Offices  
Banks and Financial Institutions  
Restaurants -Full Service  
Art Galleries  
Museums  
**Existing Service Stations**

#### Residential and Commercial Uses

Single unit dwellings  
Two unit dwellings  
Bed and Breakfast  
Home Businesses

#### Open Space Uses

Public and private parks and playgrounds  
Cemeteries  
Historic sites and monuments

### 14A.2 CC ZONE REQUIREMENTS: RESIDENTIAL USES

In any CC Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	557.4 square metres (6,000 ft <sup>2</sup> ) where sewer services are provided (40,000 ft <sup>2</sup> ) where no sewer services are provided
Minimum Frontage:	18.2 metres (60 ft.) where sewer services are provided (100 ft.) where no sewer services are provided
Maximum Front or Flankage Yard	0.9 metres (3 ft.)

Minimum Side Yard:	2.4 meters (8 ft.) where sewer services are provided 4.5 metres (15 ft.) where no sewer services are provided
Minimum Rear Yard	7.6 metres (25 ft.)
Maximum Lot Coverage (Building)	35 percent
Maximum Impervious Surface Coverage	50 percent
Maximum Height of Main Building	10.7 metres (35 ft.)
Minimum Height of Main Building	7.6 metres (25 ft.)
Maximum Building Width	15.2 metres (50 ft.)
Minimum Landscaped Area	25 percent

#### 14A.3 CC ZONE REQUIREMENTS: COMMERCIAL USES

In any CC Zone, where uses are permitted as Commercial Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	929 square metres (10,000 ft <sup>2</sup> ) where sewer services are provided (40,000 ft <sup>2</sup> ) where no sewer services are provided
Minimum Frontage:	24.3 metres (80 ft.) if parking is provided in a side yard 18.2 metres (60 ft.) if parking is provided off-site
Maximum Front or Flankage Yard:	0.9 metres (3 ft.)
Minimum Side Yard:	2.4 meters (8 ft.) where sewer services are provided 4.5 metres (15 ft.) where no sewer services are provided

Minimum Rear Yard	7.6 metres (25 ft.)
Maximum Lot Coverage (Building)	35 per cent
Maximum Impervious Surface Coverage	50 percent
Maximum Height of Main Building	10.7 metres (35 ft. )
Minimum Height of Main Building	7.6 metres (25 ft.)
Maximum Building Width	15.2 metres (50 ft.)
Minimum Landscaped Area	25 percent

#### 14A.4 OTHER REQUIREMENTS - FLOOR AREA

- (a) The gross floor area of the main building on a lot in any CC Zone, shall not exceed 371.6 square metres (4,000 ft<sup>2</sup>). No main building footprint shall exceed 185.8 square metres (2,000 ft<sup>2</sup>).

#### 14A.5 OTHER REQUIREMENTS - PROMINENT SITES FLOOR AREA

- (a) Notwithstanding Section 14A.4 (a), where uses are permitted as Commercial Uses on prominent sites situated at 1480 Fall River Road, as illustrated in Schedule I, the gross floor area of the building may be increased to 557.4 square metres (6,000 ft<sup>2</sup>). In addition, no main building footprint shall exceed 185.8 square metres (2,000 ft<sup>2</sup>) and all uses permitted as Commercial Uses in any CC Zone can be extended throughout the entirety of the building.
- (b) Notwithstanding Section 14A.4 (a), where uses are permitted as Commercial Uses on prominent sites situated at 1470 Fall River Road, as illustrated on Schedule J, the gross floor area of the main building may be increased to 836.1 square metres (9,000 ft<sup>2</sup>). In addition, no main building footprint shall exceed 464.5 square metres (5,000 ft<sup>2</sup>) and all uses permitted as Commercial Uses in any CC Zone may be extended throughout the entirety of the building.

#### 14A.6 OTHER REQUIREMENTS - BED AND BREAKFAST ESTABLISHMENTS

The following requirements shall apply for all bed and breakfast uses:

- (a) The owner and operator of the bed and breakfast shall reside in the dwelling where the use is carried out.
- (b) Not more than four (4) rooms may be let;
- (c) No more than one (1) sign advertising the bed and breakfast shall be permitted and

- no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area. Only exterior illumination of a low-wattage, shielded design shall be permitted;
- (d) One (1) off-street parking space, in addition to that required for the dwelling, shall be provided for every two rooms to be let or part thereof;
  - (e) Where parking is located in any required yard abutting a residential use, an opaque fence of 1.52 metres (5 ft) in height or a Landscaped buffer, adequate to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use.

#### 14A.7 OTHER REQUIREMENTS - HOME BUSINESSES

The following requirements shall apply for all home businesses:

- (a) Any business shall be wholly contained within the dwelling which is the principal residence of the owner of the business. No more than one employee, not living in the dwelling, shall be permitted.
- (b) No more than five 46.5 square metres (500 ft<sup>2</sup>) of the building or accessory building shall be devoted to any business use.
- (c) Notwithstanding subsection (b), day care services for not more than 7 children may be permitted in conjunction with single unit dwellings subject to the remaining requirements for home business uses.
- (d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which is not Obnoxious.
- (e) Excluding out play areas associated with a daycare facility, no storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted outside on the property.
- (f) No more than one (1) sign shall be permitted advertising any such home business and no such sign shall exceed 0.2 square metres (2 ft<sup>2</sup>) in area. Only exterior illumination of a low-wattage, shielded design shall be permitted.
- (g) One off-street parking space shall be required for every 13.9 square metres (150 ft<sup>2</sup>) of floor space devoted to the Home Business.
- (h) Where parking is located in any required yard abutting a residential use, an opaque fence of 1.52 metres (5 ft) in height or a Landscaped Buffer, adequate to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use.
- (i) No more than one commercial vehicle is permitted to park on a lot in a CC Zone and no such commercial vehicle shall exceed a registered vehicle weight of 4.4 tonnes (5 tons) nor be kept less than 3 metres (10 ft.) from any front lot line.

#### 14A.8 OTHER REQUIREMENT: COMMERCIAL PARKING

Within the CC Zone, parking shall be located at the side and/or in the rear of the building. Where parking is located in any required yard abutting a residential use, an opaque fence of 1.52 metres (5 ft) in height or a Landscaped Buffer, adequate to screen the view from

the adjacent residential property, shall be constructed along all property boundaries abutting the residential use. The Landscaped Buffer may contain evergreen trees, earth berms, fences, or shrubs provided it provided an effective screen of the parking lot from the abutting residential property .

#### 14A.9 OTHER REQUIREMENTS - STORAGE AND UTILITIES

Where uses are permitted as Commercial Uses in any CC Zone, the following requirements shall apply:

- (a) No storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted outside of a building on the property;
- (b) HVAC equipment, trash containers, electrical equipment, propane tanks and other similar features shall not face the street and shall be screened with a fence, berm or Landscaping that creates a visual barrier.

#### 14A.10 OTHER REQUIREMENTS: LANDSCAPING

Where uses are permitted as Commercial Uses in any CC Zone, the following requirements shall apply:

- (a) A 4.6 metre (15 ft) wide landscape strip shall be provided along all street property lines, exclusive of buildings, driveways and walkways. The required landscape strip shall incorporate a minimum of one (1) tree (minimum of 60 mm caliber) and three (3) shrubs per 7.6 metre (25 feet) of street property lines. The required landscape strip, may be installed in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 7.6 metre (25 feet) of street frontage.
- (b) All landscaped areas shall include any one or a combination ground covers of grass, natural ground covers such as water features, washed or flat stone, decorative pavers, mulch, perennials, and annuals.
- (c) Notwithstanding clause (a), existing trees and shrubs may be incorporated into the landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres (15 feet) feet requirement.
- (d) Notwithstanding clauses (a) and (b), existing trees that are in excess of 150 mm, measured 150 mm above grade, shall be retained in the landscaped strip, and shall be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres (15 feet) feet requirement.

- (e) Ground signs, sandwich boards and temporary mobile signs shall be permitted in the required landscape areas as defined in this section.

#### 14A.11 OTHER REQUIREMENTS: LIGHTING

Where uses are permitted as Commercial Uses in any CC Zone, a Comprehensive Exterior Lighting Plan, prepared by a Landscape Architect or Electrical Engineer, shall be submitted as part of any application for development within any Canal Court, Village Main Street or Village Gateway zone to reduce the effects of light spillover on adjacent properties. The Lighting Plan shall be designed in accordance with the following:

- (a) lighting devices shall be designed to direct light to driveways, parking areas, loading area, building entrances and walkways and arranged to divert the light away from streets, adjacent lots and buildings;
- (b) different luminaries that are purpose oriented (e.g. flush mount lighting for building accent, ground-oriented lighting along pathways) shall be selected to provide a coordinated appearance and to light pedestrian pathways, parking spaces, driving aisles, building and site entrances and other relevant site features; and
- © all outdoor lighting equipment shall comprise Full Cut-off Fixtures that are properly shielded and downward directed to reduce the spillover of lighting onto adjacent properties.
- (d) Single source pole mounted sodium or mercury vapour lights shall be prohibited.

**PART 14B: VC -CDD (VILLAGE CORE COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE**

**14B.1 VC -CDD DEVELOPMENT AGREEMENT REQUIREMENTS**

No development permit shall be issued for a development in a VC-CDD Zone unless the proposed development is in conformance with a development agreement which has been approved by Council.

**14B.2 USES PERMITTED**

The following uses may be permitted in a any VC-CDD (Village Core Comprehensive Development District Zone) Zone:

Commercial Uses

Retail Stores,

Food stores,

Service and Personal Service Uses,

Offices,

Health and Wellness Centres,

Banks and Financial Institutions,

Restaurants -Full Service

Funeral Establishments, excluding crematoriums

Greenhouses and Nurseries,

Art Galleries,

Museums,

Medical, Dental and Veterinarian Clinics, outdoor kennels associated with veterinary clinics are prohibited

Garden Centre

Tavern, lounge

Residential Uses

Multiple Unit Dwellings no greater than 15 units per gross acre

**14B.2 OTHER REQUIREMENTS: LANDSCAPING**

Where uses are permitted as Commercial or Community uses in any VC CDD Zone, the following requirements shall apply:

- (a) A 9.1 metre (30 ft) wide landscape strip shall be provided along all street property lines, exclusive of buildings, driveways and walkways and a 4.6 m (15 ft) wide landscape strip shall be provided along all other property lines exclusive of driveways and walkways. The required landscape strip along the street property line shall incorporate a minimum of one (1) tree (minimum of 60 mm caliber) and three (3)

shrubs per 7.6 metre (25 feet) of street frontage. The required landscape strip, may be installed in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 7.6 metre (25 feet) of street frontage.

- (b) A 6 metre (6 ft) wide landscape strip shall be provided along the front of all buildings. The landscape strip shall contain a minimum of three (3) shrubs per 7.6 metre (25 feet) of street frontage and annual and perennials plants.
- (c) All landscaped areas shall include any one or a combination ground covers of grass, natural ground covers such as water features, washed or flat stone, decorative pavers, mulch, perennials, and annuals.
- (d) Notwithstanding clause (a), existing trees and shrubs may be incorporated into the landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres (15 feet) requirement.
- (e) Notwithstanding clauses (a) and (b), existing trees that are in excess of 150 mm, measured 150 mm above grade, shall be retained in the landscaped strip, and shall be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres (15 feet) requirement.
- (f) Ground signs, sandwich boards and temporary mobile signs shall be permitted in the required landscape areas as defined in this section.
- (g) All slopes of 20 percent or more shall be retained as a site non-disturbance area.
- (h) All buildings erected or altered, with a flat roof shall provide a fully landscaped area on those portions of the flat roof not required for architectural features or mechanical equipment.

### 14B.3 OTHER REQUIREMENTS: LIGHTING

Where uses are permitted as Commercial Uses in any VC CDD Zone, a Comprehensive Exterior Lighting Plan, prepared by a Landscape Architect or Electrical Engineer, shall be submitted as part of any application for development within the VC CDD Zone to reduce the effects of light spillover on adjacent properties. The Lighting Plan shall be designed in accordance with the following:

- (a) lighting devices shall be designed to direct light to driveways, parking areas, loading area, building entrances and walkways and arranged to divert the light away from streets, adjacent lots and buildings;
- (b) different luminaries that are purpose oriented (e.g. flush mount lighting for building accent, ground-oriented lighting along pathways) shall be selected to

provide a coordinated appearance and to light pedestrian pathways, parking spaces, driving aisles, building and site entrances and other relevant site features;

- (c) all outdoor lighting equipment shall comprise Full Cut-off Fixtures that are properly shielded and downward directed to reduce the spillover of lighting onto adjacent properties.
- (d) Single source pole mounted sodium or mercury vapour lights shall be prohibited.

## PART 14C:VMS (VILLAGE MAIN STREET) ZONE

### 14C.1 USES PERMITTED

No development permit shall be issued in any VMS (Village Mainstreet) Zone except for the following:

#### Commercial Uses

Retail Stores,  
Service and Personal Service Uses,  
Offices,  
Wellness Centres,  
Banks and Financial Institutions,  
Restaurants -Full Service  
Existing Restaurants- Drive-in  
Funeral Establishments, excluding crematoriums  
Greenhouses and Nurseries,  
Art Galleries,  
Museums,  
Medical, Dental and Veterinarian Clinics, outdoor kennels associated with veterinary clinics are prohibited  
Existing Service Stations  
Garden Centre  
Tavern, lounge

#### Residential Uses

Single unit dwellings  
Two unit dwellings  
Bed and Breakfast  
Home Businesses

#### Community Uses

Open space uses  
Institutional uses  
Fraternal Halls and Centres

### 14C.2 VMS ZONE REQUIREMENTS: RESIDENTIAL USES

In any VMS Zone, where uses are permitted as Residential Uses, except Townhouse Dwellings, no development permit shall be issued except in conformity with the following:

Minimum Lot Area: 557.4 square metres (6,000 ft<sup>2</sup>) where

central sewer services are provided  
3716 square metres (40,000 ft<sup>2</sup>) where  
no central sewer services are provided

Minimum Frontage:	18.2 metres (60 ft.) where central sewer services are provided 30.4 metres (100 ft.) where no central sewer services are provided
Minimum Front or Flankage Yard	9.1 metres (30 ft.)
Minimum Side Yard:	2.4 meters (8 ft.) where central sewer services are provided 4.5 metres (15 ft.) where no central sewer services are provided
Minimum Rear Yard	4.5 metres (15 ft.)
Maximum Lot Coverage	35 per cent
Maximum Impervious Surface Coverage	50 percent
Maximum Height of Main Building	10.7 metres (35 ft. )
Maximum Building Width	15.2 metres (50 ft.)
Minimum Landscaped Area	25 percent

#### 14C.3 OTHER REQUIREMENTS: COMMERCIAL USES

In any VMS Zone, where uses are permitted as Commercial Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	3716 square metres (40,000 ft. <sup>2</sup> ) where no central sewer services are provided 929 square metres (10,000 ft <sup>2</sup> ) where central sewer services are provided
Minimum Frontage:	30.4 metres (100 ft.) 18.2 metres (60 ft.) where no central sewer services are provided

Minimum Front or Flankage Yard	9.1 metres (30 ft.)
Minimum Side Yard	4.5 metres (15 ft.) where no central sewer services are provided 2.4 metres (8 ft.) where central sewer services are provided
Minimum Rear Yard	4.5 metres (15 ft.)
Maximum Lot Coverage	35 per cent
Maximum Impervious Surface Coverage	50 percent
Maximum Height of Main Building	10.7 metres (35 ft. )
Maximum Building Width	15.2 metres (50 ft.)
Minimum Landscaped Area	25 percent

#### 14C.4 OTHER REQUIREMENTS - FLOOR AREA

- (a) The gross floor area of the main building on a lot in any VMS Zone, shall not exceed 743.2 square metres (8,000 ft<sup>2</sup>). In addition, no main building footprint shall exceed 371.6 square metres ( 4,000 ft<sup>2</sup>).

#### 14C.5 OTHER REQUIREMENTS - PROMINENT SITES FLOOR AREA AND WIDTH

- (a) Notwithstanding Section 14C.3 (a), where uses are permitted as Commercial or Community uses on prominent sites situated at 3182 Highway 2, as illustrated on Schedule K, the gross floor area of the main building may be increased to 1858 square metres (20,000 ft<sup>2</sup>) . In addition, no main building footprint shall exceed 929 square metres (10,000 ft<sup>2</sup>) and all uses permitted as Commercial or Community uses in any CC Zone may be extended throughout the entirety of the building.
- (b) Notwithstanding Section 14C.3, where uses are permitted as Commercial or Community uses pursuant to Section 14C.6 (a), the width of the main building maybe increased to a maximum of 36.5 metres (120 ft.) of continuous facade where architectural features are incorporated pursuant to Section 5.10.1 (e) in addition to all other requirements of Section 5.10.1, to break up the mass and scale of the building and to give the appearance of two store bays.

#### 14C.6 OTHER REQUIREMENTS - COMMERCIAL USES BUILDING WIDTH

Notwithstanding Section 14C.2, where uses are permitted as Commercial Uses in any VMS Zone, the width of the main building maybe increased to a maximum of 19.8 metres (65 ft.) of continuous facade, where architectural features are incorporated pursuant to Section 5.10.1 (e), to break up the mass and scale of the building and to give the appearance of two store bays.

#### 14C.7 OTHER REQUIREMENTS - BED AND BREAKFAST ESTABLISHMENTS

The following requirements shall apply for all bed and breakfast uses:

- (a) The owner and operator of the bed and breakfast shall reside in the dwelling where the use is carried out.
- (b) Not more than four (4) rooms may be let;
- (c) No more than one (1) sign advertising the bed and breakfast shall be permitted and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area. Only exterior illumination of a low-wattage, shielded design shall be permitted;
- (d) One (1) off-street parking space, in addition to that required for the dwelling, shall be provided for every two rooms to be let or part thereof;
- (e) Where parking is located in any required yard abutting a residential use, an opaque fence of 1.52 metres (5 ft) in height or a Landscaped buffer, adequate to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use.

#### 14C.8 OTHER REQUIREMENTS - HOME BUSINESSES

The following requirements shall apply for all home businesses:

- (a) Any business shall be wholly contained within the dwelling which is the principal residence of the owner of the business. No more than one employee, not living in the dwelling, shall be permitted.
- (b) No more than five 46.5 square metres (500 ft<sup>2</sup>) of the building or accessory building shall be devoted to any business use.
- (c) Notwithstanding subsection (b), day care services for not more than 7 children may be permitted in conjunction with single unit dwellings subject to the remaining requirements for home business uses.
- (d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which is not Obnoxious.
- (e) Excluding out play areas associated with a daycare facility, no storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted outside on the property.
- (f) No more than one (1) sign shall be permitted advertising any such home business and no such sign shall exceed 0.2 square metres (2 ft<sup>2</sup>) in area. Only exterior illumination of a low-wattage, shielded design shall be permitted.
- (g) One off-street parking space shall be required for every 13.9 square metres (150

- ft<sup>2</sup>) of floor space devoted to the Home Business.
- (h) Where parking is located in any required yard abutting a residential use, an opaque fence of 1.52 metres (5 ft) in height or a Landscaped Buffer, adequate to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use.
  - (i) No more than one commercial vehicle is permitted to park on a lot in a CC Zone and no such commercial vehicle shall exceed a registered vehicle weight of 4.4 tonnes (5 tons) nor be kept less than 3 metres (10 ft.) from any front lot line.

#### 14C.9 OTHER REQUIREMENT: COMMERCIAL PARKING

Within the VMS Zone, parking shall be located at the side and/or in the rear of the building. Where parking is located in any required yard abutting a residential use, an opaque fence of 1.52 metres (5 ft) in height or a landscaped buffer, adequate to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use. The landscaped buffer may contain evergreen trees, earth berms, fences, or shrubs provided it provided an effective screen of the parking lot from the abutting residential property.

#### 14C.10 OTHER REQUIREMENTS - STORAGE

Where uses are permitted as Commercial Uses in any VMS Zone, the following requirements shall apply:

- (a) No storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted outside of a building on the property;
- (b) HVAC equipment, trash containers, electrical equipment, propane tanks and other similar features shall not face the street and shall be screened with a fence, berm or Landscaping that creates a visual barrier.

#### 14C.11 COMMUNITY USES - ZONE REQUIREMENTS

In any VMS Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conforming with Part 22 and Sections (Arch, Lighting, Landscaping and Parking under development).

#### 14C.12 OTHER REQUIREMENTS: LANDSCAPING

Where uses are permitted as Commercial or Community uses in any VMS Zone, the following requirements shall apply:

- (a) A 9.1 metre (30 ft) wide landscape strip shall be provided along all street property lines, exclusive of buildings, driveways and walkways and a 4.6 m (15 ft) wide landscape strip shall be provided along all other property lines exclusive of driveways and walkways. The required landscape strip along the street property line shall incorporate a minimum of one (1) tree (minimum of 60 mm caliber) and three (3) shrubs per 7.6 metre (25 feet) of street frontage. The required landscape strip, may be installed in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 7.6 metre (25 feet) of street frontage.
- (b) All landscaped areas shall include any one or a combination ground covers of grass, natural ground covers such as water features, washed or flat stone, decorative pavers, mulch, perennials, and annuals.
- (c) Notwithstanding clause (a), existing trees and shrubs may be incorporated into the landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres (15 feet) feet requirement.
- (d) Notwithstanding clauses (a) and (b), existing trees that are in excess of 150 mm, measured 150 mm above grade, shall be retained in the landscaped strip, and shall be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres (15 feet) feet requirement.
- (e) Ground signs, sandwich boards and temporary mobile signs shall be permitted in the required landscape areas as defined in this section.
- (f) All slopes of 20 percent or more shall be retained as a site non-disturbance area.

#### 14C.12 OTHER REQUIREMENTS: LIGHTING

Where uses are permitted as Commercial Uses in any VMS Zone, a Comprehensive Exterior Lighting Plan, prepared by a Landscape Architect or Electrical Engineer, shall be submitted as part of any application for development within the VMS Zone to reduce the effects of light spillover on adjacent properties. The Lighting Plan shall be designed in accordance with the following:

- (a) lighting devices shall be designed to direct light to driveways, parking areas, loading area, building entrances and walkways and arranged to divert the light away from streets, adjacent lots and buildings;
- (b) different luminaries that are purpose oriented (e.g. flush mount lighting for building accent, ground-oriented lighting along pathways) shall be selected to provide a coordinated appearance and to light pedestrian pathways, parking spaces, driving aisles, building and site entrances and other relevant site features; and

- (c) all outdoor lighting equipment shall comprise Full Cut-off Fixtures that are properly shielded and downward directed to reduce the spillover of lighting onto adjacent properties.
- (d) Single source pole mounted sodium or mercury vapour lights shall be prohibited.

## PART 14D: VG (VILLAGE GATEWAY) ZONE

### 14D.1 USES PERMITTED

No development permit shall be issued in any VG (Village Gateway) Zone except for the following:

#### Commercial Uses

Retail Stores,  
Service and Personal Service Uses,  
Offices,  
Health and Wellness Centres,  
Banks and Financial Institutions,  
Restaurants Full-Service  
Restaurants Drive-in  
Greenhouses and Nurseries,  
Funeral Establishments, excluding crematoriums,  
Art Galleries,  
Museums,  
Medical, Dental and Veterinarian Clinics  
Existing Service Stations  
Garden Centre  
Tavern, lounge  
Hotels, motels and motor-inns  
Parking lots  
Existing Service Stations

#### Residential Uses

Single unit dwellings accessory to any permitted use

#### Community Uses

Open space uses  
Institutional uses  
Fraternal Halls and Centres  
Park and Ride Facilities

### 14D.2 VG ZONE REQUIREMENTS: ALL PERMITTED USES

In any VG Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	3716 square metres (40,000 ft. <sup>2</sup> )
Minimum Frontage:	30.4 metres (100 ft.)

Minimum Front or Flankage Yard	9.1 metres (30 ft.)
Minimum Side Yard	4.5 metres (15 ft.)
Minimum Rear Yard	4.5 metres (15 ft.)
Maximum Lot Coverage	35 per cent
Maximum Impervious Surface Coverage	50 percent
Maximum Height of Main Building	10.7 metres (35 ft. )

14D.3 VG ZONE REQUIREMENTS - COMMERCIAL FLOOR AREA

The gross floor area of the main buildings on a lot in any VMS Zone, shall not exceed 1858 square metres (20,000 ft<sup>2</sup>). In addition, no main building footprint shall exceed 929 square metres (10,000 ft<sup>2</sup>).

14D.4 OTHER REQUIREMENTS - SCHEDULE L - PROMINENT SITE COMMERCIAL FLOOR AREA

Notwithstanding Section 14D.3 (a), where uses are permitted as Commercial Uses on prominent sites situated at 3009 Highway 2, as illustrated on Schedule L, the gross floor area of the main building may be increased to 2972 square metres (32,000 ft<sup>2</sup>). In addition, no main building footprint shall exceed 1486 square metres (16,000 ft<sup>2</sup>) and all uses permitted as Commercial Uses in any VG Zone may be extended throughout the entirety of the building.

14D.5 OTHER REQUIREMENTS - SCHEDULE M -PROMINENT SITE COMMERCIAL FLOOR AREA

Notwithstanding Section 14D.3 (a), where uses are permitted as Commercial Uses on prominent sites situated at 2998 Highway 2, as illustrated on Schedule M, the gross floor area of the main building may be increased to 2322 square metres (25,000 ft<sup>2</sup>). In addition, no main building footprint shall exceed 1161 square metres (12,500 ft<sup>2</sup>) and all uses permitted as Commercial Uses in any VG Zone may be extended throughout the entirety of the building.

14D.6 OTHER REQUIREMENT: COMMERCIAL PARKING

Within the VG Zone, parking lots shall be located at the side, rear or in a combination of the side and rear of the building.

#### 14D.7 OTHER REQUIREMENTS - STORAGE AND UTILITIES

Where uses are permitted as Commercial Uses in any VG Zone, the following requirements shall apply:

- (a) No storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted outside of a building on the property;
- (b) HVAC equipment, trash containers, electrical equipment, propane tanks and other similar features shall not face the street and shall be screened with a fence, berm or Landscaping that creates a visual barrier.

#### 14D.8 COMMUNITY USES - ZONE REQUIREMENTS

In any VG Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conforming with Part 22 and Sections 5.10, 4.37, 4.38, 4.26A.

#### 14D.9 OTHER REQUIREMENTS: LANDSCAPING

Where uses are permitted as Commercial or Community uses in any VG Zone, the following requirements shall apply:

- (a) A 9.1 metre (30 ft) wide landscape strip shall be provided along all street property lines, exclusive of buildings, driveways and walkways and a 4.6 m (15 ft) wide landscape strip shall be provided along all other property lines exclusive of driveways and walkways. The required landscape strip along the street property line shall incorporate a minimum of one (1) tree (minimum of 60 mm caliber) and three (3) shrubs per 7.6 metre (25 feet) of street frontage. The required landscape strip, may be installed in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 7.6 metre (25 feet) of street frontage.
- (b) All landscaped areas shall include any one or a combination ground covers of grass, natural ground covers such as water features, washed or flat stone, decorative pavers, mulch, perennials, and annuals.
- (c) Notwithstanding clause (a), existing trees and shrubs may be incorporated into the landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres (15 feet) feet requirement.
- (d) Notwithstanding clauses (a) and (b), existing trees that are in excess of 150 mm, measured 150 mm above grade, shall be retained the landscaped strip, and shall be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres (15 feet) feet requirement.

- (e) Ground signs, sandwich boards and temporary mobile signs shall be permitted in the required landscape areas as defined in this section.

#### 14D.10 OTHER REQUIREMENTS: LIGHTING

Where uses are permitted as Commercial Uses in any VG Zone, a Comprehensive Exterior Lighting Plan, prepared by a Landscape Architect or Electrical Engineer, shall be submitted as part of any application for development within the VG Zone to reduce the effects of light spillover on adjacent properties. The Lighting Plan shall be designed in accordance with the following:

- (a) lighting devices shall be designed to direct light to driveways, parking areas, loading area, building entrances and walkways and arranged to divert the light away from streets, adjacent lots and buildings;
- (b) different luminaries that are purpose oriented (e.g. flush mount lighting for building accent, ground-oriented lighting along pathways) shall be selected to provide a coordinated appearance and to light pedestrian pathways, parking spaces, driving aisles, building and site entrances and other relevant site features; and
- (c) all outdoor lighting equipment shall comprise Full Cut-off Fixtures that are properly shielded and downward directed to reduce the spillover of lighting onto adjacent properties.
- (d) Single source pole mounted sodium or mercury vapour lights shall be prohibited.

**PART 14E - FRB (FALL RIVER BUSINESS) ZONE**

**14E.1 USES PERMITTED**

No development permit shall be issued in any FRB (Fall River Business) Zone except for the following:

Commercial Uses

Manufacturing  
Offices,  
Health and Wellness Centres,  
Banks and Financial Institutions,  
Greenhouses and Nurseries,  
Commercial recreation uses  
Funeral Establishments  
Medical, Dental and Veterinarian Clinics  
Existing Service Stations  
Building supply outlets  
Tavern, lounge  
Hotels, motels and motor-inns  
Parking lots  
Transportation terminals  
Construction storage yards  
Warehousing and wholesaling

Residential Uses

Single unit dwellings accessory to any permitted use

Community Uses

Open space uses  
Institutional uses  
Fraternal Halls and Centres  
Park and Ride Facilities

**14E.2 FRB ZONE REQUIREMENTS: ALL PERMITTED USES**

In any FRB Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	3716 square metres (40,000 ft. <sup>2</sup> )
Minimum Frontage:	30.4 metres (100 ft.)

Minimum Front or Flankage Yard	9.1 metres (30 ft.)
Minimum Side Yard	4.5 metres (15 ft.)
Minimum Rear Yard	4.5 metres (15 ft.)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	10.7 metres (35 ft. )

### 14E.3 FRB ZONE REQUIREMENTS - COMMERCIAL FLOOR AREA

The gross floor area of the main buildings on a lot in any FRB Zone, shall not exceed 1858 square metres (20,000 ft<sup>2</sup>). In addition, no main building footprint shall exceed 929 square metres (10,000 ft<sup>2</sup>).

### 14E.4 COMMUNITY USES - ZONE REQUIREMENTS

In any FRB Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conforming with Part 22 and Sections 5.10, 4.37, 4.38, 4.26A.

### 14E.5 OTHER REQUIREMENTS: LANDSCAPING

- (1) Where uses are permitted as Commercial or Community uses in any FRB Zone, the following requirements shall apply:
  - (a) A 9.1 metre (30 ft) wide landscape buffer shall be provided along all street property lines, exclusive of buildings, driveways and walkways and a 4.6 m (15 ft) wide landscape strip shall be provided along all other property lines exclusive of driveways and walkways. The required landscape buffer along the street property line shall consist of either existing vegetation, newly established vegetation or a combination thereof, to provide only a filtered view of the property from the street.
  - (b) All landscaped areas shall include any one or a combination ground covers of grass, natural ground covers such as water features, washed or flat stone, decorative pavers, mulch, perennials, and annuals.
  - (c) Notwithstanding clause (a), existing trees and shrubs may be incorporated into the landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 4.6 metres (15 feet) feet requirement.
  - (d) Notwithstanding clauses (a) and (b), existing trees that are in excess of 150 mm, measured 150 mm above grade, shall be retained the landscaped strip.

- (e) Ground signs, sandwich boards and temporary mobile signs shall be permitted in the required landscape areas as defined in this section.
- (2) Where any FRB Zone abuts any Residential or Community Facility Zone, the abutting yard shall be landscaped so as to provide a visual buffer.

#### 14E.6 OTHER REQUIREMENTS: LIGHTING

Where uses are permitted as Commercial Uses in any FRB Zone, a Comprehensive Exterior Lighting Plan, prepared by a Landscape Architect or Electrical Engineer, shall be submitted as part of any application for development within the FRB Zone to reduce the effects of light spillover on adjacent properties. The Lighting Plan shall be designed in accordance with the following:

- (a) lighting devices shall be designed to direct light to driveways, parking areas, loading area, building entrances and walkways and arranged to divert the light away from streets, adjacent lots and buildings;
- (b) different luminaries that are purpose oriented (e.g. flush mount lighting for building accent, ground-oriented lighting along pathways) shall be selected to provide a coordinated appearance and to light pedestrian pathways, parking spaces, driving aisles, building and site entrances and other relevant site features;
- (c) all outdoor lighting equipment shall comprise Full Cut-off Fixtures that are properly shielded and downward directed to reduce the spillover of lighting onto adjacent properties; and
- (d) Single source pole mounted sodium or mercury vapour lights shall be prohibited.

**PART 14F: RCDD (RESIDENTIAL COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE**

**14F.1 RCDD DEVELOPMENT AGREEMENT REQUIREMENTS**

No development permit shall be issued for a development in a RCDD Zone unless the proposed development is in conformance with a development agreement which has been approved by Council.

**14F.2 USES PERMITTED**

The following uses maybe permitted in a any RCDD (Village Core Comprehensive Development District Zone) Zone:

Local Commercial Uses

Variety Stores  
Take-out  
Food Stores  
Offices  
Medical and dental offices and clinics  
Service and Personal Uses

Commercial Uses

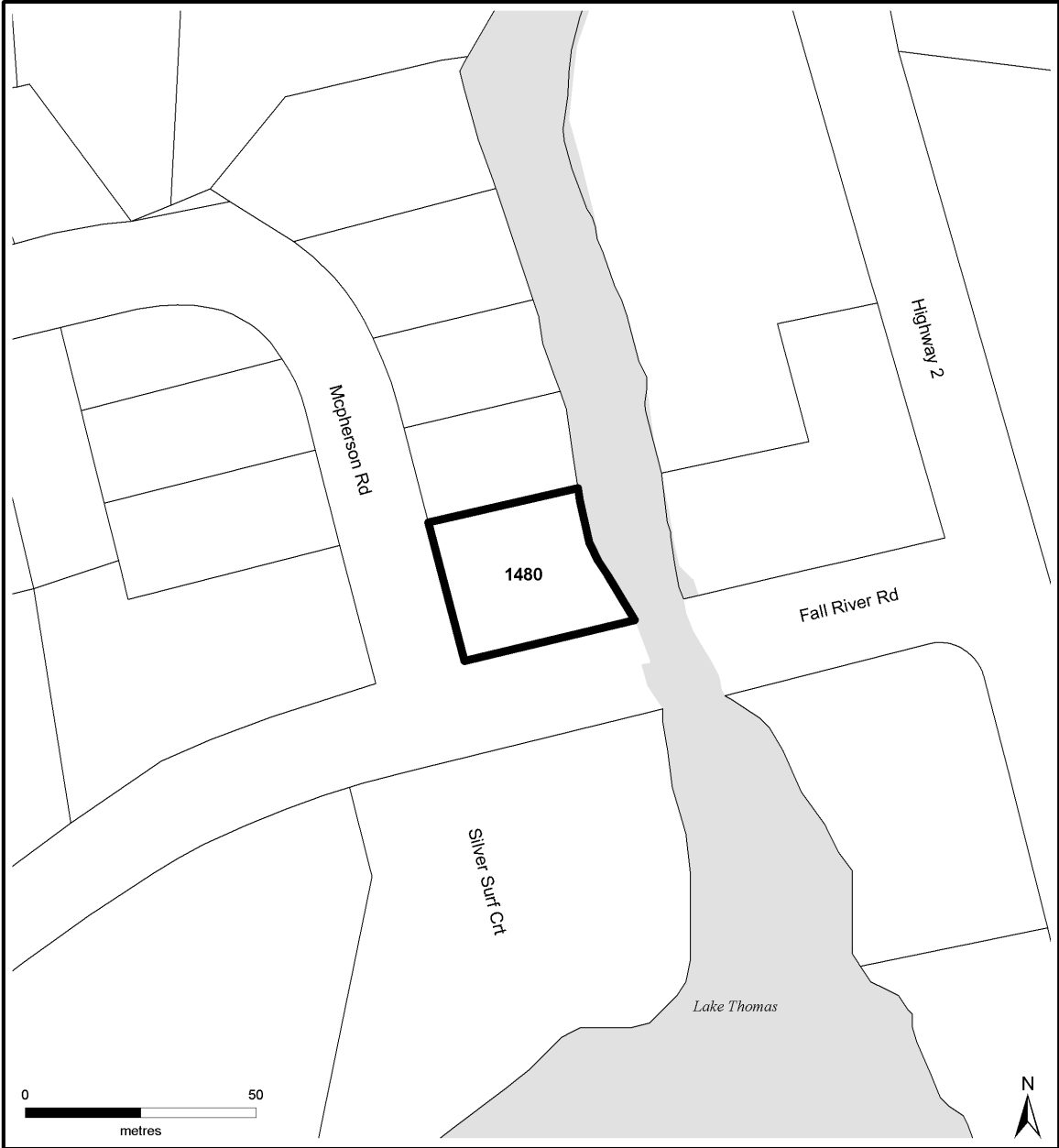
Self Storage Facility

Residential Uses

Multiple Unit Dwellings  
Townhouses  
Single unit dwellings  
Two unit dwellings

**14F.3 RCDD REQUIREMENTS – LOCAL COMMERCIAL FLOOR AREA**

The gross floor area of any local commercial floor space on a lot in any RCDD Zone, shall not exceed 186 square metres (2000 ft<sup>2</sup>).



Planning Districts 14 & 17 (Shubenacadie Lakes) Planning Area



**Schedule I**

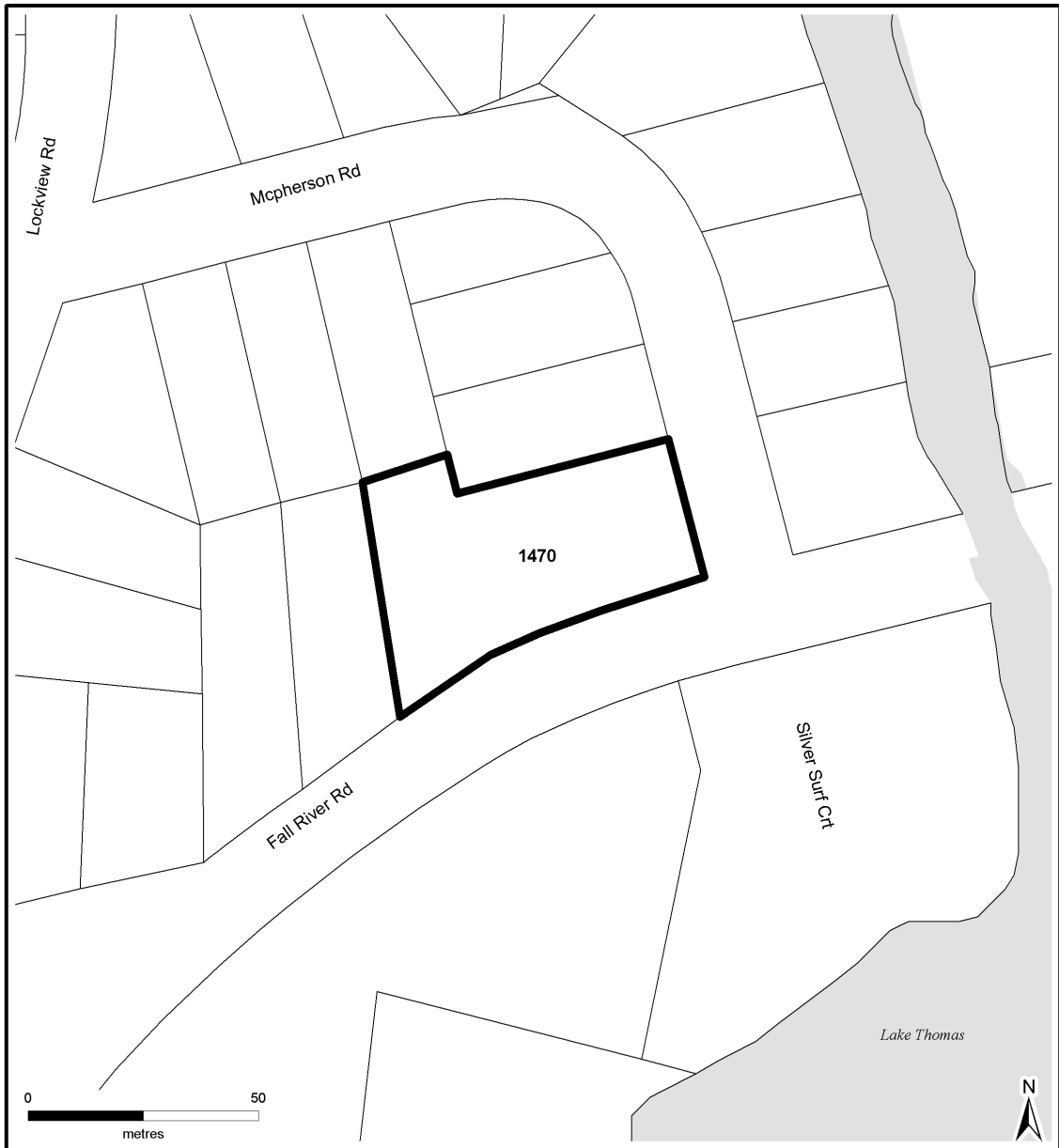
**Prominent Site for Increased Commercial  
Floorspace in the Canal Court Zone: 1480 Fall River Road**

Fall River Land Use By-Law

Effective:

T:\work\planning\Scott\Community Visioning\Fall River\Maps\LUB Schedules\Schedule I.mxd

SML



Planning Districts 14 & 17 (Shubenacadie Lakes) Planning Area



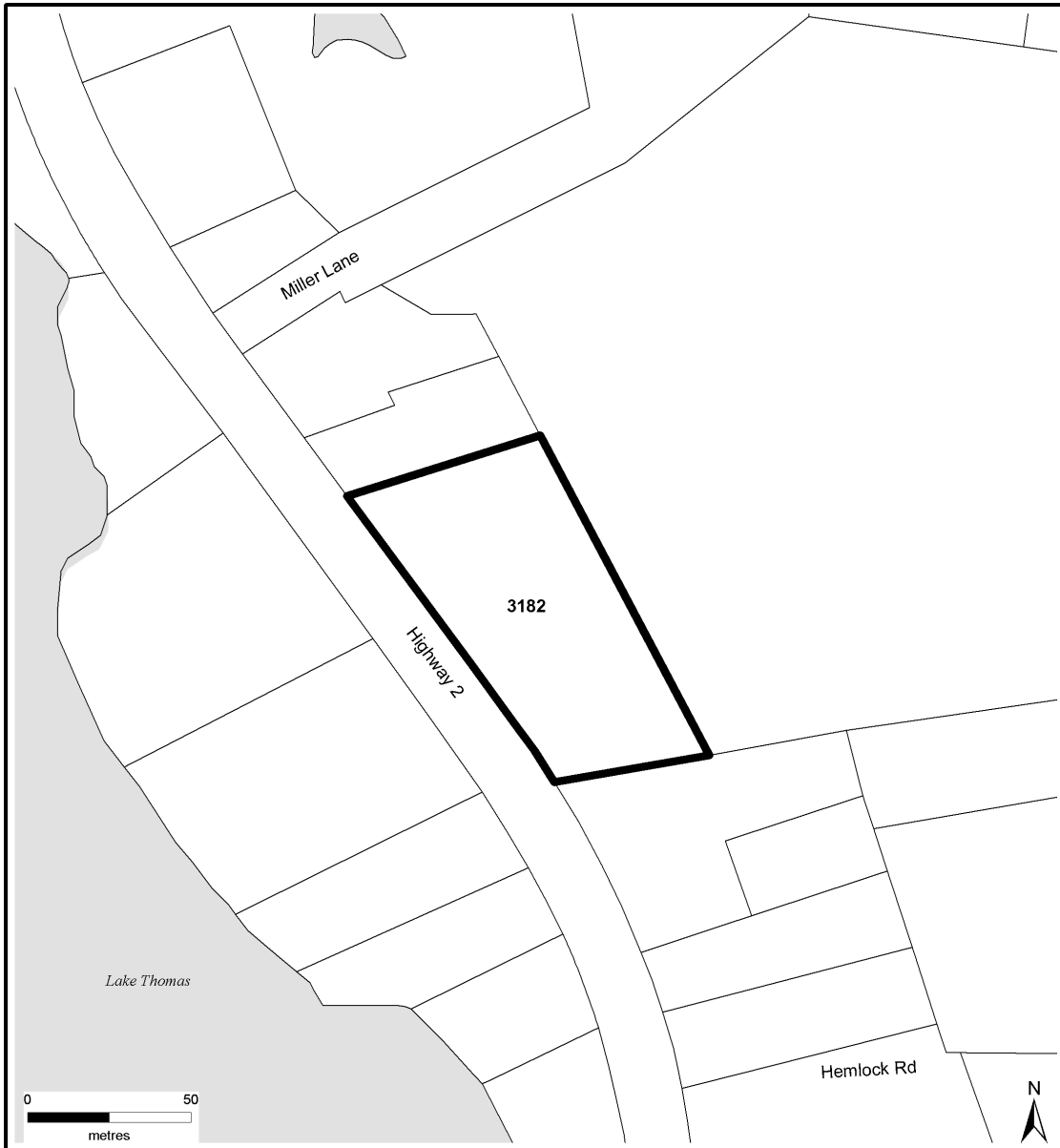
**Schedule J**

**Prominent Site for Increased Commercial  
Floorspace in the Canal Court Zone: 1470 Fall River Road**

Fall River Land Use By-Law

Effective: T:\work\planning\Scott\Community Visioning\Fall River\Maps\LUB Schedules\Schedule J.mxd

SML



Planning Districts 14 & 17 (Shubenacadie Lakes) Planning Area



**Schedule K**

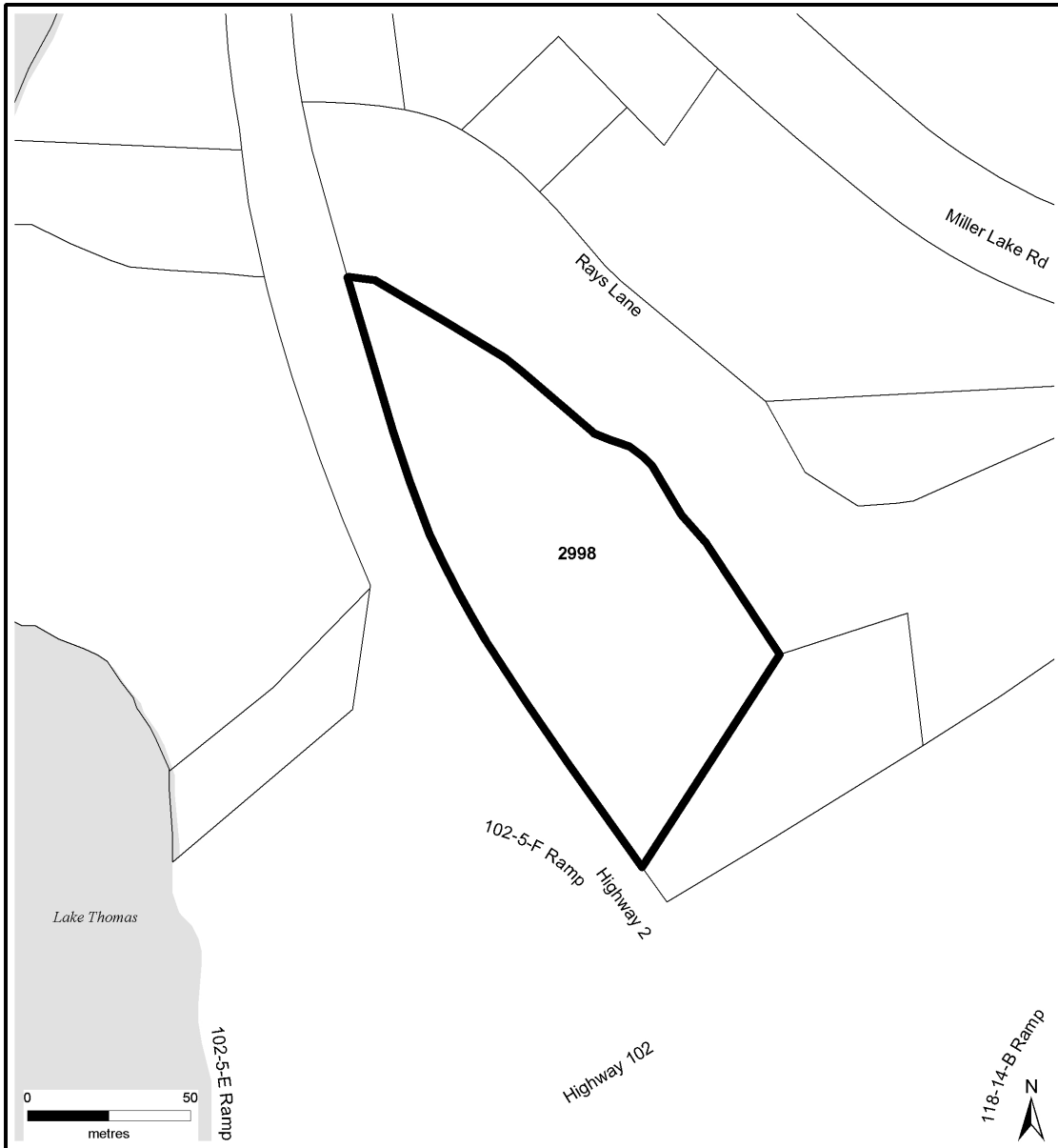
**Prominent Site for Increased Commercial  
Floorspace in the Village Mainstreet Zone: 3182 Highway 2**

Fall River Land Use By-Law

Effective:

T:\work\planning\Scott\Community Visioning\Fall River\Maps\LUB Schedules\Schedule K.mxd

SML



Planning Districts 14 & 17 (Shubenacadie Lakes) Planning Area



**Schedule M**

**Prominent Site for Increased Commercial Floorspace in the Village Gateway Zone: 2998 Highway 2**

Fall River Land Use By-Law

Effective:

T:\work\planning\Scott\Community Visioning\Fall River\Maps\LUB Schedules\Schedule M.mxd

SML

