

# **Town of Berwick Land Use By-law**

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## Amendments

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Effective Date	Amendments
May 14, 2013	Amended section 7.2 Delete 4 dwelling unit limit and add subsection 7.2.3 "In a Commercial General (C1) Zone the development of accessory dwelling units within an existing commercial structure shall be permitted provided that no alteration is made to the size, volume or external appearance of the existing structure and that minimum parking requirements identified in Part 5.25 can be met."
February 11, 2014	Amended section 8.1 subsection (b) "Commercial Service and Personal Service Uses to a maximum of 609 sq. meters (2000 sq. ft.)"
February 11, 2014	Amended section 8.2 to include "Maximum Lot Coverage 40%"
January 9, 2018	Amended section 6.2, to add subsection 6.2.4 Lot Requirements, Orchard Street" and renumbered remaining subsections.
April 10, 2018	Amended section 2.5 to add subsection (q) "Redevelopment and reuse of civic 136 Orchard Street (PID 55237150) for the purpose of a plumbing warehouse."
June 12, 2018	Amended section 5.3, to remove subsection (g) "exceed 40 squares meters (430.6 sq. ft.) in total floor area, except that there shall be no maximum floor area for accessory structures in the Commercial or Commercial/Industrial Enterprise Zones" and renumbered remaining subsections.
June 12, 2018	Amended section 5.3, to add subsection 5.3.3 "The maximum building coverage on a lot in the residential zone, inclusive of the main building and all accessory buildings, shall not exceed 30%" and renumbered remaining subsections
July 10, 2018	Amended Part 10.1, Agriculture (A1) Zone Uses Permitted to include the following new use "Agricultural Related Industry" and amended Part 3 Definitions to add the definition of "Agriculture Related Industry."
July 10, 2018	Amended section 7.3, to add subsection "Agriculture Related Industry" in subsection 7.3.1.
July 10, 2018	Amended section 10.1 to include Agricultural Related Industry
July 10, 2018	Amended Part 2.5 to add subsection (r) "New livestock

	feed and new fertilizer manufacturing and packaging uses within the Agriculture (A1) Zone.”
July 10, 2018	Amended section 10.1 to add Abattoir
July 2018	Amended Part 10 to add 10.4 “Uses Considered by Development Agreement”
March 12, 2019	Rezoned PID 55237093 from R1 to R3
March 12, 2019	Rezoned PID 55527832 from R1 to R2
January 4, 2020	Rezoned PID 55538631 from R1 to R2
January 8, 2020	Rezoned PID 55527824 from R1 to R2
August 11, 2020	Rezoned PID 5538623 from R1 to R2

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## Schedule A, Zoning Map

## **Part 1 Title and Purpose**

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### **1.1 Title**

This By-law shall be known and may be cited, as the "Land Use By-law" of the Town of Berwick.

### **1.2 Purpose**

The purpose of this By-law is to implement the land use and development control provisions of policies contained in the Town's Municipal Planning Strategy as enabled through the Municipal Government Act.

## **Part 2 Administration**

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### **2.1 Development Officer**

2.1.1 This By-law shall be administered by the Development Officer, who shall be responsible for the issuance of Development Permits.

2.1.2 In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's stead.

### **2.2. Development Permit**

2.2.1 No person shall use any land or erect, alter or use any building or structure or otherwise undertake any development unless a Development Permit has been issued.

2.2.2 No Development Permit shall be issued unless all the provisions of this By-law or the terms of a variance or development agreement relating to a proposed development are satisfied.

2.2.3 No Development Permit shall be issued by the Development Officer unless the proposed development is in conformance with:

- a) the requirements of the Land Use By-law; or

- b) a development agreement that has been executed pursuant to Section 230 of the Municipal Government Act; or
- c) a variance from the terms of the By-law has been granted by the Development Officer, pursuant to Section 235 of the Municipal Government Act, and the time for appeal has elapsed or the appeal has been disposed of, pursuant to Section 237 of the Municipal Government Act.

2.2.4 A Development Permit shall be valid for a period of twelve (12) months from the date of issuance.

2.2.5 A Development Permit may be renewed for an additional twelve (12) months provided that the Permit has not been previously renewed and the Development Officer is satisfied that the Permit is consistent with the existing Land Use By-law and any proposed amendments.

2.2.6 No deviation shall be made from the description of the proposed development without confirmation being obtained from the Development Officer.

2.2.7 A development permit may be revoked where a permit was issued on mistaken or false information.

## **2.3 Application for Development Permit and Development Agreement**

2.3.1 All applications for development permit and/or entering into of a Development Agreement shall be made using the form prescribed by the Town and shall be signed by the owner of the property or by the owner's agent.

2.3.2 Every application for a Development Permit and/or Development Agreement shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing:

- (a) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
- (b) the proposed location, height and dimensions of the building, structure, or

work in respect of which the permit is applied for;

- (c) the location of every building or structure already erected on or partly on such lot, and the location of every building upon abutting lots;
- (d) the location of all adjacent streets and rights-of-way, existing or proposed driveways and lot access and the proposed location and dimensions of parking spaces, loading spaces, and internal vehicle circulation;
- (e) natural features such as wetlands, watercourses, vegetation and slopes;
- (f) other such information as may be necessary to determine whether or not every such building, development, reconstruction or redevelopment conforms with the requirements of this By-law; and
- (g) the Development Officer may waive the requirement to supply the above noted information if he/she deems it is not pertinent to the application.

2.3.3 Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Municipal Planning Strategy or other by-laws and regulations in force which affect the proposed development he/she may require that the plans submitted under Part 2.3.2 be based upon actual survey by a Nova Scotia Land Surveyor.

## **2.4 Amendment of the By-law**

2.4.1 Any person who wishes to obtain the amendment, revision or repeal of this By-law shall submit an application utilizing the form prescribed by the Town.

2.4.2 The applicant shall deposit with the Town an amount estimated to be sufficient to pay the cost of advertising required by the Municipal Government Act.

2.4.3 After the notice of advertising required by the Municipal Government Act has been completed, the applicant shall pay to the Town any additional amount necessary to defray the cost of advertising or if there is a surplus the Town shall refund the same to the applicant.

## **2.5 Uses Considered by Development Agreement**

The Municipal Planning Strategy provides that the following uses shall be considered, approved and regulated by Development Agreement:

- (a) New Multiple unit residential dwellings containing four (4) or more units in the Residential Designation;
- (b) New Group residential dwellings located on a single lot in the Residential Designation;
- (c) Expansion of existing multiple unit dwellings containing four (4) or more units in the Residential Designation;
- (d) Expansion of existing residential group dwellings on a single lot in the Residential Designation;
- (e) New two (2) and/or three (3) unit residential dwellings on lots which do not meet the minimum lot frontage and/or area requirements for the Residential Two Unit (R2) and Residential Three Unit (R3) Zones respectively;
- (f) Comprehensively planned residential development within the Residential Comprehensive Development District RCDD Zone;
- (g) Single unit dwellings on Infill Lots in the Residential Single Unit (R1) Zone;
- (h) Expansion and/or alteration of existing commercial and/or industrial uses within the Residential Single Unit (R1) Zone;
- (i) Expansion and/or alteration of existing mobile home parks within the Residential Single Unit (R1) Zone;
- (j) New day nurseries licensed for six (6) or more children within the Residential Designation;
- (k) New Rooming and Boarding Houses within the Residential Designation;
- (l) Mixed use commercial/residential development on lands zoned Commercial General (C1) at Mill Street and Front Street which abut



- the former DAR right-of-way;
- (m) Multiple unit residential development within the Commercial General (C1) Zone;
  - (n) Bulk Salt Storage Facilities, Bulk Fuel Storage Facilities, Dry Cleaning Establishments and Fertilizer Manufacturing and Storage Facilities within the Commercial or Commercial/Industrial Enterprise Designation;
  - (o) All development other than Single Unit Residential uses located in the Gateway Mixed Use (GMU1) Zone;
  - (p) Redevelopment and/or reuse of lands zoned Institutional (I1) for non-institutional purposes.
  - (q) Redevelopment and reuse of civic 136 Orchard Street (PID 55237150) for the purposes of a plumbing warehouse.
  - (r) New livestock feed and new fertilizer manufacturing and packaging uses within the Agriculture (A1) Zone.

## **2.6 Registry of Deeds**

Where Council has entered into a Development Agreement, a copy of the agreement shall be registered by the clerk in the Office of the Registrar of Deeds for the County of Kings and thereupon the obligations thereof shall be binding upon the owner and any subsequent owner until discharged by the Town.

## **2.7 Liability for Costs**

- 2.7.1 Where Council does not initiate an amendment to this By-law, the applicant, and where Council is considering entering into a development agreement, the applicant and/or the owner, shall pay an application processing fee and deposit with the Town an amount estimated to be sufficient to pay the cost of advertising as required by the Municipal Government Act. If insufficient, after advertising has been completed, the applicant shall pay to the Town any additional amount relating to the actual costs relating to advertising.

- 2.7.2 Where a variance from the requirements of the By-law has been applied for the Development Officer shall give notice to the persons entitled, and in the manner prescribed by the Municipal Government Act. This notice is to be served by registered mail and the applicant shall pay an application processing fee and be responsible for the cost relating to registered mail service.

## **2.8 Violation**

- 2.8.1 The Council, or any of its duly authorized employees, shall have the right to enter at all reasonable times into or upon any property within the area to which this Land Use By-law applies for the purpose of any inspection necessary in connection with the administration of the Land Use By-law.
- 2.8.2 In the event of any alleged contravention of the provisions of this Land Use By-law, the Town may take action as enabled through the Municipal Government Act.

## **2.9 Effective Date of this By-law**

This By-law shall take effect upon the publication of Notice that this By-law and the accompanying Municipal Planning Strategy have been approved by the Minister of Service Nova Scotia and Municipal Relations.

## **2.10 Certain Words**

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

## Part 3 Definitions

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

**Abut** means where properties, lots or yards share a common lot line or a common point along a lot line.

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

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

**Act** shall mean the Municipal Government Act, R.S. 1998, c.18, s.1, as amended.

**Adult Entertainment** means any form of entertainment or services of which a primary feature or characteristic is the nudity or partial nudity of any person.

**Agricultural Use** means the use of lands for the pasturing and keeping of animals; the cultivation of land, and can also include the raising of crops under artificial conditions. This shall also include necessary storage facilities; however, does not include permanent facilities for the retail sale of these products

**Agricultural Structures** means any use or structure necessary for the cultivation of vegetation and the raising of animals or fowl for sale purposes.

**Agricultural Related Industry** means a use involving the processing of crops and livestock, including sorting, grading, packaging, slaughtering (abattoirs), manufacturing and packaging of food, livestock feed, fertilizer and similar uses.

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

**Amenity Space** means the area situated within the boundaries of a residential development site intended and capable of being used for recreational purposes, and may include landscaped areas, patios, private amenity areas, verandahs, balconies, communal lounges, swimming pools, play areas and similar uses, but does not include any area occupied at grade by a building's service area, parking lots, aisles or access driveways.

**Animal Hospital** means the premises where animals are treated or treated and kept on a temporary basis for monetary gain and shall not include an Animal Shelter which is intended for the care of lost, abandoned or neglected animals .

**Apartment Building** means a building containing three or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use in common certain areas of the building and its property.

**Automobile Repair Shop** means the use of a building or property for the repair of automobile body and/or engine components and shall include detailing and painting of automobile bodies.

**Automobile Service Station or Service Station** means a building or part of a building or a clearly defined space on a lot used for the retail sale of gasoline and lubricating oils and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles other than an automobile washing establishment or an automobile sales establishment.

**Automobile Washing Establishment** means a building or part thereof used for the operation of automobile washing equipment which is automatic, or semi-automatic.

**Basement** means that portion of a building between two floor levels which is partly underground but which has more than one-half of its height from finished floor to underside of floor joists of the storey next above, above the adjacent average finished grade level adjacent to the exterior walls of the building.

**Bed and Breakfast** means a Single Family Dwelling in which there is a resident owner or manager who provides overnight accommodation to the travelling public through the use of a maximum of 6 bedrooms and capable of being licensed as a Bed and Breakfast

by the Province of Nova Scotia.

**Boarding or Rooming House** means a dwelling in which the proprietor supplies either room or room and board for monetary gain, to more than two persons exclusive of the lessee or owner thereof or members of his family and which is not open to the general public.

**Building** means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment. Any awning, bin, bunker, or platform, vessel or vehicle used for any of the said purposes shall be deemed a building.

**Building Area** means the maximum horizontal area of a building at grade

**Building Line** means any line regulating the position of a building or structure on a lot.

**Camp** means a land and building complex designed or used for a group sport, recreational or cultural activities which may have facilities for sleeping and the preparation and serving of food, operated under single ownership on a temporary or seasonal basis.

**Church** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall, and day nursery operated by the church.

**Clinic** means a building or a part of a building used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his residence.

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

**Commercial School** means a school of seven or more pupils gathered at one time conducted for gain, and may include instruction in trades, skills or services such as a secretarial, language, driving, art, modeling, beauty, dancing and music school and does not include day-care, day nursery or nursery schools.

**Commercial Use** means any use by which retail or wholesale trade is carried out, and those other uses providing the sale of goods, materials or services.

**Community Centre** means any tract of land, or building or buildings, or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof.

**Converted Dwelling** - See "Dwelling".

**Corner Vision Triangle** means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection, the distance required by this By-law, along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting lines and the straight line joining the points the required distance along the street lines shall be known as the "corner vision triangle".

**Council** means the Council of the Town of Berwick.

**Day Care and Day Nursery** means a place where three or more preschool children are cared for on a temporary daily basis without overnight accommodation, but does not include a school.

**Development** includes any erection, construction, alteration, replacement or relocation of or addition to any structure and any change or alteration in the use made of land, building or structures.

**Development Agreement** means an agreement made pursuant to policies of the Town of Berwick Municipal Planning Strategy and provisions of the Municipal Government Act.

**Development Officer** means the officer of the Town of Berwick from time to time charged by the Municipality with the duty of administering the provisions of the Land Use By-law.

**Dwelling** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units and shall not include a hotel, a motel or an apartment hotel.

**Converted Dwelling** means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.

**Duplex Dwelling** means a building that is divided horizontally into two dwelling units each of which have an independent entrance either directly from outside the building or through a common vestibule.

**Multiple Unit Dwelling** means a building containing three or more dwelling units.

**Semi-Detached Dwelling** means a building that is divided vertically into two dwelling units each of which has an independent entrance.

**Single Detached Dwelling** means a completely detached dwelling unit.

**Townhouse or Rowhouse Dwelling** means a building that is divided vertically into three or more dwelling units, each of which has an independent entrance, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

**Triplex Dwelling** means a building that is divided horizontally into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.

**Dwelling Unit** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

**Duplex** - see “Dwelling”.

**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, structurally alter any existing building or structure by an addition, deletion, enlargement or extension.

**Established Building Line** means the average distance of the existing building from the

street line of existing buildings in any block where more than half the frontage has been built upon at the effective date of this By-law.

**Established Grade** means, with reference to a building, the elevation of the finished grade 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; and when used with reference to a street, road, or highway means the elevation of the street, road, or highway established by the Town or other designated authority.

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

## **Floor Area**

With reference to a **Dwelling** means the maximum area contained within the outside walls excluding any private garage, porch, verandah, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.

**Commercial Floor Area** means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common malls between stores.

**Gross Floor Area** means the aggregate of the floor areas of building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building, and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

With references to a **Dwelling Unit** where more than one unit is contained within a building, means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit, excluding closets, built-in cabinets and storage areas, and balconies.

**Flanking Yard** – see “Yard”.

**Front Yard** – see “Yard”.



**Golf Course** means a public or private area operated for the purpose of playing golf or a related activity.

**Grade** means the average elevation of the finished level of the ground at the exterior walls of the building.

**Guest House** means a dwelling where the owner/proprietor supplies either room or rooms and where not more than six (6) rooms are so used and which is open to the travelling public.

**Height** means the vertical distance on a building between the established grade and the highest point of the roof surface of the parapet, or a flat roof, whichever is the greater; the decline of a mansard roof; or the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

**Home Occupation** means use of a dwelling for employment involving the provision or sale of goods or services or both goods and services.

**Hospital** means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury.

**Hotel** means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation with or without meals but without private cooking facilities.

**Industrial Use** means the use of any building or land for the purpose of fabricating manufacturing, altering, repairing, processing, breaking up, demolishing, or treating of any article, commodity, or substance whatsoever.

**Intensive Livestock Operation** means the commercial production of swine, cattle or other livestock or rearing of animals for the production of fur including the accessory the storage of animal wastes at levels in excess of limits established in this By-law for Livestock Operations.

**Institution** means a building or part of a building used by an organized body or society

for promoting a particular purpose with no intent of profit but shall not include a private club.

**Institutional Use** means any or all of the following uses

Churches, Places of Worship and Religious Institutions

Colleges, Universities and Non-commercial Schools

Fire Stations

Public Building - municipal, provincial, federal

Nursing Homes subject to the requirements of residential development exceeding four (4) units

Hospitals

Libraries, Museums and Art Galleries

Municipal Public Works Facilities

Police Stations

Public or Private Utility

Any institutional use which is incorporated under the Societies Act, R.S. 1989, c. 435, s. 1, as amended, or any other private statute of incorporation.

Public and private utilities

Wastewater treatment plants.

**Kennel** means a building or structure where animals, birds or other livestock intended or used as domestic household pets are kept or boarded.

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

**Light Warehousing** means the long term storage of goods inside an enclosed building, the goods being neither reactive chemical, nor toxic, nor perishable or odour emitting, including but not necessarily restricted to reusable bottle storage and the long term storage of furniture, household goods, crated used goods, or general merchandise, and not including retail sales and service or delivery of retail goods on the premises.

**Livestock Operation** means the commercial production of swine, cattle, fowl or other livestock, excluding the production of fur and the accessory storage of animal wastes, at activity levels not exceeding the maximum established in this By-law.

**Loading Space** means a vacant area of land provided and maintained upon the same lot upon which the principal use is located and which area:

is suitable for the temporary parking of at least one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking is not for the purpose of sale or display;

is not upon or partly upon any street, or highway.

**Lot** means any parcel of land described in a deed as a lot or as shown as an approved lot on in a registered plan of subdivision.

**Corner Lot** means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.

**Infill Lot** means a new residential lot created from an existing residential lot where both lots meet the minimum lot area and frontage requirements for the zone as established in this By-law.

**Interior Lot** means a lot situated between two lots and having access to one street.

**Through Lot** means a lot bounded on two opposite sides by streets or highway provided, however, that if any lot qualifies as being both a Corner Lot and Through Lot as hereinbefore defined, such lot shall be deemed to be a Corner Lot for the purpose of this By-law.

**Lot Area** means the total horizontal area within the lot lines of a lot.

**Lot Coverage** means that percentage of the lot covered by the building area but excluding that portion of any building that is constructed entirely below grade.

**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.

**Lot Frontage** means the length of a line measured at the front lot line joining the side lot lines and parallel to the front lot line.

**Lot Line** means a boundary line of a lot.

**Front Lot Line** means the line dividing the lot from the street; in the case of a Corner Lot the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length the front lot line shall be either of the lot lines. In the case of a Through Lot, any boundary dividing the lot from a street shall be deemed to be the front lot line.

**Rear Lot Line** means the lot line furthest from or opposite to the front lot line.

**Side Lot Line** means a lot line other than a front or rear lot line.

**Flanking Lot Line** means a side lot line which abuts the street on a corner lot.

**Lounge** means a premise that sells liquor and wine by the glass and beer by the glass or bottle and is licensed under the Nova Scotia Liquor Control Act as a lounge.

**Main Building** means the building in which is carried on the principal purpose for which the building lot is used.

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

**Maximum Lot Coverage** means that percentage of the lot area covered by all building above ground level and shall 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.

**Manufactured Dwelling** means a transportable, single or multiple-section dwelling unit certified by the Canadian Standards Association prior to placement on a site as being

compliant with the CAN/CSA-Z240 Series Standard at the time of manufacture.

**Medical Clinic** means a building used wholly for the medical, dental, surgical, or therapeutic treatment of human beings and includes pharmacies, medical equipment suppliers, health care offices and other professional and commercial uses related to medical care, but does not include a hospital.

**Mobile Home** means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives 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 operations), located on wheels, jacks or permanent foundation, and which may be connected to utilities and sanitary services, and the foregoing shall include mobile homes and modular dwellings having any main walls of less than twenty (20) feet.

**Mobile Home Park** means an establishment comprising land on premises under single ownership designed and intended for residential use where residence is in mobile homes exclusively but does not include public camping grounds maintained by the Municipality or any department of the Provincial or Federal Government for seasonal use or a private campground for seasonal use.

**Motel** means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation, with or without meals.

**Municipality** means the Municipality of the Town of Berwick.

**Non-Commercial School** means a public or private academic, religious or philanthropic school not operated for monetary gain.

**Non-Conforming Use** means any use of land or building or structure constructed, or being constructed, on or before the effective date of this By-law which has a prohibited use when subjected to this By-law.

**Nursing Home** means a building wherein nursing care, room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital or a senior citizen complex.

**Obnoxious Use** shall mean 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 material.

**Office** means a room 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.

**Office and Professional Use** means a building or part thereof in which the principal or main use is the provision of professional services to the public.

**Outdoor Display** means the display of retail goods or materials intended for the immediate sale to the general public which are not enclosed within a structure.

**Outdoor Storage** means the storage of goods or materials not intended for immediate sale to the general public which are not enclosed within a structure.

**Outdoor Wood burning Furnace** means an accessory building or structure which operates as a heat source for associated main buildings.

**Owner** means a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession, or other person having the care or control of any land or building in the event of the absence or disability of the person having the title thereof.

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

**Parking Space** means an area of not less than one hundred and sixty (160) square feet, measuring eight (8) feet by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.

**Personal Service Shop** means a building or part of a building in which persons are

employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.

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

**Private Park** means a park other than a public park which is privately owned and operated.

**Professional Office** means a building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retailing or selling of goods.

**Public Authority** means Her Majesty the Queen in the Right of Canada, the Province of Nova Scotia, the Town of Berwick or any Board, Commission or Committee of the Town of Berwick established by or exercising any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the municipality or a portion thereof and includes any committee or local authority established by the By-law of the Town.

**Public or Private Utility** means a system, works, plant, equipment or service whether owned or operated by or for the Municipality, or by a corporation, or under a federal or provincial statute which furnishes services including but not limited to:

- communication by way of telephone or telegraph;
- public transportation;
- production, transmission, deliver or furnishing of water, gas or electricity to the public at large;
- collection and disposal of sewage, excluding septic tank sludge dumping stations; and
- fire departments.

**Public Park** means a park owned or controlled by a Public Authority.

**Recreational Uses** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.

**Restaurant** means a building or part thereof where food and drink is served to the public for consumption within the building or for takeout but not for consumption in parking areas appurtenant to the building.

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

**Retail Store** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public.

**Road** - see "Street".

**Rowhouse Dwelling** - see "Dwelling".

**Scrap Yard and Salvage Yard** means a lot or premises for the storage or handling of scrap material and without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, vehicles, tires, metal or other scrap material or salvage.

**Semi-Detached Dwelling** - see "Dwelling"

**Service Industries** includes the processing of milk and dairy products, a bakery, a public garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a paint shop, a plumbing shop, sheet metal shop and similar uses.

**Service Shop** means a building or part thereof used for the sale or 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.



**Service Station** - see Automobile Service Station

**Setback** means the distance between the street line and the nearest main wall of any building or structure and extending the full width or length of the lot. Required Setback means the minimum setback as prescribed by the Land Use By-law.

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

**Shopping Mall** - see "Shopping Centre".

**Sign** means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, form, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "sign" shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.

**Canopy / Awning Sign** means any sign attached to or forming part of a canopy or awning.

**Facial Wall Sign** means a sign which is painted upon a building wall, or is attached to and supported by a wall of a building.

**Ground Sign** means a sign supported by one or more up-rights, poles or braces placed in or upon the ground.

**Illuminated Sign** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such

sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.

**Off Premises Sign** means a sign that is related to a business premise that is not located on the building or lot on which the sign is placed.

**Projecting Wall Sign** means a sign which projects from and is supported by a wall of a building.

**Reader Board Sign** means a sign designed with removable letters, marks, symbols, or pictorials or any combination of these to allow for periodic revisions of the sign message, but does not include signs used by theatres, art galleries, arenas, churches or similar premises, for the purpose of identifying a program or event that will take place at the premise.

**Roof Sign** means a sign supported by one or more uprights, poles or braces placed upon the roof of a building.

**Sandwich Board Sign** means a sign which is composed of two hinged or otherwise joined boards which leans on the ground.

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

**Number of Signs** means that for the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

**Single Detached Dwelling** - see "Dwelling".

**Split Level Dwelling** - see “Dwelling”.

**Storey** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

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

**Street Line** means the boundary line of a street.

**Structure** means anything that is erected, built, or constructed of parts joined together or any such section fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs and also fences exceeding six (6) feet in height.

**Telecommunications Tower, Antennas, Buildings and Equipment** means any facilities, apparatus or other structure that is used for telecommunication transmissions purposes.

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

**Tower** means any structure that is designed and constructed primarily for the purposes or supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers and includes personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers and cellular telephone towers.

**Town** shall mean the Town of Berwick.

**Townhouse Dwelling** - see “Dwelling”.

**Travel Trailer or Recreational Vehicle** means any vehicle or similar portable structure not exceeding one-hundred and two (102) inches wide and thirty two (32) feet long supported by wheels designed for travel, recreational and vacation uses, to provide

dwelling accommodation of a temporary nature.

**Triplex Dwelling** - see "Dwelling".

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

**Wind Turbine** means a system of components which converts the kinetic energy of the wind into electrical or mechanical energy and which includes all necessary components for energy storage, control systems and transmission systems.

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

**Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a "minimum" front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.

**Rear Yard** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and "minimum" rear yard means the minimum depth allowed by this By-law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.

**Side Yard** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and "minimum" side yard means the minimum width allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.

**Flanking Yard** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure.

**Yard Sale** means the sale of new or used household goods from a residential property, whether from the yard of a lot, an accessory building or from within the main residence. Each ten-hour period shall be considered a separate yard sale.

**Zone** means a designated area of land shown on the Schedules of this By-law.

## **4. Zones and Zoning Map**

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### **4.1 Zones**

For the purpose of this By-law, the Town of Berwick is divided into the following zones, the boundaries of which are shown on the attached schedule. Such zones may be referred to by the appropriate symbols. The provisions of this By-law shall apply to all such zones.

<u>Zone</u>	<u>Symbol</u>
Residential Single Unit	R1
Residential Two Unit	R2
Residential Three Unit	R3
Residential Comprehensive Development District	RCDD
Commercial General	C1
Commercial/Industrial Enterprise	C2
Gateway Mixed Use	GMU1
Institutional	I1
Agriculture	A1
Recreation and Open Space	OS1
Conservation	OS2

### **4.2 Zoning Map**

Schedule A, attached hereto, is titled the “Zoning Map” and forms part of this By-law.

### **4.3 Zoning Boundaries**

The extent and boundaries of all zones are shown on Schedule A attached.

#### **4.4 Interpretation of Zone Boundaries**

Boundaries between zones, as shown on Schedule A, shall be determined as follows:

- (a) where a zone boundary is indicated as approximately following lot line, the boundary shall follow such lot lines; and
- (b) where a street, highway, railroad or rail right-of-way, electrical transmission line right-of-way, watercourse or other linear feature is included on Schedule A, it shall, unless otherwise indicated, be included in the zone in which it occurs; and
- (c) where a street, highway, railroad or rail right-of-way, electrical transmission line right-of-way, watercourse or other linear feature is included on Schedule A and serves as a boundary between 2 or more zones, a line midway on such right-of-way, watercourse or other linear feature, and extending in the general direction of the long division thereof, shall be considered the boundary between zones unless specifically indicated otherwise; and
- (d) where the zone boundary is indicated as following the shoreline of a river or bay, the boundary shall follow the actual shoreline, including wharves and piers; and
- (e) Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule A.

#### **4.5 Standards of Measurement**

The metric system of measurement is used throughout this By-law and in all cases represents the required standard. Any reference to imperial measurements are approximate and for convenience only.

## **Part 5      General Provisions for all Zones**

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### **5.1 Permitted Uses**

For the purpose of this By-law, if a use is not listed as a permitted or conditional use in any zone, it shall be deemed to be a prohibited use in that zone and no person shall use any land, or erect, alter, or use any building or structure for any such use.

### **5.2 Special Conditions**

For the purpose of this By-law, if a use is listed subject to any special conditions, it shall be permitted subject to fulfilling any special requirements as defined in this By-law.

### **5.3 Accessory Buildings**

5.3.1      Accessory uses, buildings and structures shall be permitted in any zone within the Town of Berwick but shall not:

- (a)      be used for human habitation;
- (b)      be located within the front yard of a lot;
- (c)      where an accessory building is built on a corner lot, it shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;
- (d)      be built closer to a street on which the main building fronts than the main building is to that street;
- (e)      be built closer than .6 meters (2 ft.) to a lot line except that common semi-detached garages may be centered on the mutual side lot line;
- (f)      exceed 6.1 meters (20 ft.) in height, except for accessory buildings in an Industrial Zone which shall be a maximum height of 10 meters (32.8 ft);

(g) be built within 2 meters (6.5 ft.) of the main building.

5.3.2 The maximum number of accessory structures which shall be permitted in any Residential Zone shall not exceed three (3).

5.3.3. The maximum building coverage on a lot in the residential zone, inclusive of the main building and all accessory buildings, shall not exceed 30%.

5.3.4 Notwithstanding anything else in this By-law, drop awnings, clothesline poles, flag poles, garden trellises, fences and retaining walls shall be exempted from any requirements under Part 5.3.1.

5.3.5 Notwithstanding anything else in this By-law Commercial Transportation Containers, "TEU"/ "Twenty-foot Equivalent Units", shall not be considered as accessory structures and shall not be permitted to be located or used in any zone other than the Commercial /Industrial Enterprise Zone.

#### **5.4 Accessory Uses Permitted**

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

#### **5.5 Building to be Erected on a Lot**

No person shall erect or use any building unless such building is erected upon a single lot.

#### **5.6 Building to be Moved**

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

#### **5.7 Calculation of Lot Frontage for Corner Lots or Irregular Shaped Lots**

The following means shall be used for the purposes of determining the lot frontage of corner lots or irregularly shaped lots:

(a) In the case of a corner lot with a corner vision triangle the exterior lot lines



(street lines) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage;

- (b) In the case of other lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines. This distance shall be measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point along this equal to the minimum applicable front yard.

#### **5.8 Change of Use on an Existing Lot**

Notwithstanding anything else in this By-law, the use of a building existing on a lot may be changed to a use permitted on the lot by this By-law where the lot frontage, front yard or area required or any two or all three is less than the requirements and provided that all other requirements in this By-law are satisfied.

#### **5.9 Corner Vision 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 greater than .6 meters (2 ft.) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6.1 meters (20 ft.) from their point of intersection.

#### **5.10 Existing Buildings**

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

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

#### **5.11 Existing Lots**

Notwithstanding anything else in this By-law, the use of a building existing on a lot on the effective date of this By-law may be changed to a use permitted on the lot

where the lot width, front yard, or area required is less than the requirements of this By-law provided that all other requirements of this By-law are satisfied

#### **5.12 Existing Undersized Lots**

Notwithstanding anything else in this By-law, a vacant lot in existence on the effective date of this By-law, having less than the minimum frontage or area required by this By-law, may be used for a purpose permitted in the Zone in which the lot is located, and a building may be erected on the lot provided that all other applicable provisions such as use, side yards, setbacks, and lot coverage in this By-law are satisfied. In addition, such existing undersized lots may undergo an increase in size and/or frontage undersized as a result of subdivision and still be considered as an existing undersized lot under this By-law.

#### **5.13 Existing Uses**

5.13.1 Land uses which were in existence on or before the effective date of this By-law and which are still in existence and which would not be permitted as new uses in the Zone in which they are located shall be regarded as conforming uses for the purposes of this By-law, provided that they are listed in the zone in which they are located or satisfactory documentation can be provided by the property owner to substantiate the existence of the use before the effective date of this By-law.

5.13.2 Land uses which were in existence on or before the effective date of this By-law and which are still existence and which are not included as permitted uses within the zone in which they are located shall be regarded as non-conforming and shall be subject to Parts 238 through 241 of the Municipal Government Act.

#### **5.14 Fences**

5.14.1 A Development Permit shall not be required for fences which do not exceed 2 meters (6.6 ft.) in height.

5.14.2 A Development Permit shall be required for fences exceeding 2 meters (6.6 ft.) in height.

- 5.14.3 Fences shall be limited to a maximum height of 2.4 meters (8 ft.) in all Residential Zones and 3.6 meters (12 ft.) in all other Zones.
- 5.14.4 All fences, regardless of whether a Development Permit and/or a Building Permit is required, shall conform to the following general requirements:
- (a) corner vision triangle restrictions shall apply for all corner lots;
  - (b) fences cannot be electrified;
  - (c) fences cannot contain barbed wire unless erected in conjunction with a permitted industrial use and in such cases barbed wire is prohibited from use in any yard which abuts a residential Zone.

**5.15 Frontage on a Street**

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

**5.16 Front Yard for a Through**

In the case of a through lot, the front yard shall be deemed to be any yard which abuts either of the two opposite public streets.

**5.17 Height Regulations**

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

**5.18 Illumination**

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

## **5.19 Licenses, Permits and Compliance with other By-laws**

- 5.19.1 Nothing in this By-law shall exempt any person from complying with the requirements of other By-laws or regulations in force within the Town or from obtaining any license, permission, permit, authority or approval required thereunder.
- 5.19.2 Where the provisions in this By-law conflict with those of any other municipal or provincial requirements, the higher or more stringent provisions shall prevail.

## **5.20 Loading Spaces**

- 5.20.1 For every building or structure to be erected or enlarged, or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods, there shall be located on the same premises with every such building, structure or use, one off street space for standing, loading, and unloading for every 2787 square meters (30,000 sq. ft.) or fraction thereof of building floor area in excess of 278 square meters (3,000 sq. ft.) to a maximum of six (6) loading spaces.
- 5.20.2 Each loading space shall be at least 3.6 meters (12 ft.) by 12.2 meters (40 ft.) with a minimum of 4.3 meters (14 ft.) height clearance.
- 5.20.3 The provision of a loading space is not required for any building with less than 278 square meters (3,000 sq. ft.)
- 5.20.4 No such loading spaces shall be located within any required front yard or be located with any required yard which abuts a Residential, Recreation and Open Space or Institutional Zone.
- 5.20.5 Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

- 5.20.6 Ingress and egress to and from the required loading space areas shall be provided by means of unobstructed driveways of a minimum width of 3.1 meters (10 ft.) for one-way traffic or a minimum of 6.1 meters (20 ft.) for two-way traffic.

#### **5.21 Maximum Permitted Projection into a Required Yard**

Except for accessory buildings, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky provided, however, that those structures listed in the following table shall be permitted to project into a yard for the specified distances indicated as follows:

Structure	Yard	Maximum Projection
Sills, belt course, cornice, eaves, gutters, chimneys, pilasters or canopies	Any yard	.6 meters (24 in.)
Window Bay	Front, rear and Flanking yards only	1 meter (3 ft.) and a maximum width of 3 meter (9.8 ft.)
Fire Escapes and exterior staircases	Rear and side yards only	2 Meters (6.5 ft.)
Open/roofed porches not exceeding one storey, uncovered terraces	Flanking yards only for single unit, semi-detached, duplex and triplex dwellings, any yard for other residential dwellings	2.4 meters (8 ft.) including eaves and cornices

#### **5.22 Multiple Uses**

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

#### **5.23 One Main Building to a Lot**

No person shall erect more than one (1) main building on a lot except for:

- (a) Buildings located in a Commercial General or Commercial/Industrial Enterprise Zone;
- (b) Non-residential buildings located in Agriculture Zone;
- (c) Grouped dwellings considered by Development Agreement.

#### **5.24 Outdoor Wood Furnaces**

Outdoor wood furnaces shall be prohibited in all zones.

#### **5.25 Parking Requirements**

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 or a private road, shall be provided and maintained in conformity with the following Schedule:

Type of Use	Parking Required
Dwelling containing not more than three (3) dwelling units	One (1) space per unit
All other dwellings containing four (4) or more dwelling units	One and one half (1.5) spaces per unit
Churches, church halls, auditoria, restaurants, private clubs and other places of assembly	Where there are fixed seats one (1) space for every five (5) seats. Where there are no fixed seats one (1) space for each 9.3 square meters (100 sq. ft.) of floor area devoted to public use
Hospitals and Nursing Homes	One (1) space for each two (2) beds or each 122 square meters (400 sq. ft.) of floor area whichever is greater

Senior Citizens Apartment Dwelling Units	One (1) space for every two (2) dwelling units
Hotels, motels and guest houses	One (1) space per rental unit or suite plus one (1) space for each 4.6 square meters (50 sq. ft.) of floor area devoted to public use exclusive of lobbies and hallways
Offices	One (1) parking space per 27.8 square meters (300 sq. ft.) of floor area
Shopping Centre	Total parking area to be three (3) times the total floor area exclusive of common area
Funeral Home	One (1) parking space for each five (5) seats capacity of chapel, with a minimum of ten (10) parking spaces
Bowling Alleys and Curling Rinks	One (1) parking space for each two (2) persons in the designed capacity where design capacity means six (6) persons per bowling lane and eight (8) persons per curling sheet. In other parts of the building additional parking spaces shall be provided in accordance with the requirements set out in this By-law for the use to which the other parts of the building may be put
All other Commercial Uses	One (1) parking space for each 27.8 square meters (300 sq. ft.) of floor

	area
Elementary Schools	One and one half (1 1/2) parking spaces for each teaching classrooms
High School	Four (4) parking spaces for each teaching classrooms
Industrial Uses	One (1) parking space for each 93 square meters (1,000 sq. ft.) of floor area plus additional parking spaces shall be provided in accordance with the requirements set out in this By-law for the use to which the other parts of the building may be put

## 5.26 Parking Area Standards

Where parking facilities for more than four (4) vehicles are required or permitted:

- (a) the parking area 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 parking lot or parking station shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (c) a structure, not more than 4.6 meters (15 ft.) in height and not more than 4.6 square meters (50 sq. ft.) in area may be erected in the parking area for the use of attendants
- (d) the parking area shall be within 91 meters (300 ft.) of the location which it is intended to serve;
- (e) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such:



- (f) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- (g) approaches or driveways to any parking area, other than that required for a single family dwelling, semi-detached, or a duplex dwelling shall be defined by a curb of concrete or rolled asphalt and the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance
- (h) in addition the location of approaches or driveways shall be not closer than 15.2 meters (50 ft.) from the limits of the right-of-way at street intersection;
- (i) entrance and exit ramps to parking areas shall not exceed two (2) in number and each such ramp shall be a width of 7.6 meters (25 ft.) at the street line and edge of pavement;
- (j) the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum of 3.1 (10 ft.) if for one-way traffic, and the maximum width of a driveway shall be 6.1 meters (25 ft.).

#### **5.27 Public Uses**

This By-law does not apply to the use of land or the use, construction or reconstruction of any building or structure by the Town of Berwick or by the Town in cooperation with another government body for the purposes of providing public services or facilities.

#### **5.28 Restoration to a Safe Condition**

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use the provision of Section 241 - 242 of the Municipal Government Act of Nova Scotia shall prevail.

#### **5.29 Side Yards on Corner Lots**

Notwithstanding anything else in this By-law, on a corner lot in any zone, no part of any building other than accessory buildings shall be erected closer to the lot

line of the flanking street than 1.8 meters (6 ft.).

### **5.30 Structure to be Moved**

No person shall move a structure within or into the area covered by this By-law without obtaining a Development Permit from the Development Officer.

### **5.31 Temporary Uses Permitted**

5.31.1 Nothing in this By-law shall prevent uses incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction providing that a development permit has been issued for such construction.

5.31.2 Nothing in this By-law shall prevent structures erected for special occasions and holidays provided only that no such use remains in place more than 14 consecutive days. This shall include outdoor display for special retail promotions.

### **5.32 Truck, Bus and Coach Bodies**

No trucks, bus, coach or street car body, or structure of any kind, other than a mobile home or dwelling unit erected and used in accordance with this and all other By-laws of the Town, shall be used for human habitation within the Town of Berwick whether or not same is mounted on wheels.

### **5.33 Variance**

5.33.1 Notwithstanding anything in this By-law the Development Officer may grant a variance subject to provisions of the Municipal Government Act in relation to:

- (a) The percentage of land that may be built upon;
- (b) The size or other requirements relating to yards;
- (c) Lot frontage; and/or
- (d) Lot ar

5.33.2 The Development Officer may also grant a variance in relation to the following:

- (a) The number of parking spaces and loading spaces required;
- (b) Ground area and height of a structure;
- (c) Floor area occupied by a home-based business; and/or
- (d) The height and area of a sign.

## **5.34 Signs and Signage**

### **5.34.1 Safety and Maintenance of Signs**

- (a) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention by-laws.
- (c) All signs and all parts thereof shall be kept in a good state of repair and maintenance.

### **5.34.2 Signs Prohibited in all Zones**

The following signs shall not be permitted in any zone:

- (a) Signs which by reason of flashing or moving illumination or moving parts may be confused by the motorist with traffic control signs or lights;
- (b) Roof signs;
- (c) Any sign or sign structure which constitutes a hazard to public safety or health;
- (d) Signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers, either when leaving a roadway or effectiveness of any traffic sign or control device on public streets and roads;

- (e) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;
- (f) Signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights, or characters in such manner as to interfere with, mislead, or confuse traffic along a public road;
- (g) Any sign which no longer advertises a bona fide business conducted, or a product sold;
- (h) Signs on public property or public right-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body, but no sign located on public property or a public right-of-way shall bear any commercial advertising;
- (i) Signs not erected by a public authority which are located at or near sharp road curves or below the crest of a steep road grade;
- (j) Signs painted on, attached to, or supported by a tree, stone, cliff or other natural objects;
- (k) String lights, other than temporary holiday decorations which are unshielded from off the property on which they are located;
- (l) Searchlights, pennants, spinners, banners, and streamers except for occasions such as grand openings, county fairs, public festivals, exhibitions and similar occasions; and
- (m) Signs not related to any business or use located on the lot or premises.

### **5.34.3 Signs Permitted in All Zones**

The following additional signs are permitted in all zones and do not require a permit pursuant to this Part.

- (a) Signs identifying name and address of resident and of not more than 0.5 square meters (5 sq. ft.) in sign area.
- (b) “No Trespassing” signs or other such signs regulating the use of a property and of not more than 0.18 square meters (2 sq. ft.) in sign area.
- (c) Real estate signs not exceeding 0.5 square meters (5 sq. ft.) in sign area in a Residential Zone and 1 square meters (10 sq. ft.) in other zones.
- (d) Signs regulating or denoting on-premises traffic, parking or other signs denoting the direction or function of various parts of a building or premise provided that such signs are less than 0.5 square meters (5 sq. ft.) in sign area.
- (e) Signs erected by a public authority or under the direction of such authority and signs located on public streets.
- (f) Memorial signs or tablets and signs denoting the date of erection of a structure.
- (g) The flag, pennant or insignia of any public authority, or of any religious, charitable, or fraternal organization.
- (h) A sign having a sign area of not more than 5 square metres incidental to construction and located on the construction site.
- (i) Electoral signs.
- (j) Unless otherwise provide for through a Development Agreement no sign in a residential zone shall exceed .2 square meters (2 sq. ft.) in area or 1.5 meters (5 ft.) height and in the case of a ground sign be erected within 2 meters (6.5 ft.) of a property line

## **Part 6      Residential Zone Provisions**

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### **6.1      General Provisions for all Residential Zones**

#### **6.1.1   Business Uses Permitted in Residential Zones**

- 6.1.1.1      Nothing in this By-law shall prevent the use of a dwelling in a Residential (R1, R2, R3 or RCDD) Zone for a business including business and personal service, professional service or domestic or household arts provided that:
- (a)      the dwelling is occupied as a residence by the user and the external appearance of the dwelling is not changed by the business or professional use;
  - (b)      there shall not be more than two (2) assistants who are not residents in the dwelling employed within the residential structure;
  - (c)      not more than a total of thirty-five (35) percent of the total floor area of the dwelling or 37.16 sq. meters (400 sq. ft.) of an accessory building is devoted to the professional, business or domestic or household arts;
  - (d)      one off-street parking space, other than that required for the dwelling, is provided for every 18.6 square meters (200 sq. ft.) of floor space occupied by the business or professional use;
  - (e)      there shall be no advertising other than a business identification plate or sign which has a maximum sign area of .9 square meters (10 sq. ft.);
  - (f)      no mechanical equipment is used on the premises which is capable of generating an amount or type of noise not reasonably consistent with the use of a dwelling ; and
  - (g)      no open storage or outdoor display related to the business shall be permitted.

#### 6.1.1.2 Uses Prohibited

For the purposes of this By-law no automobile repair or body shop, manufacturing which by its nature creates noise or emissions which are inconsistent with residential uses, or any use which includes the bulk storage of commercial materials or products shall be considered a permitted home occupation.

#### 6.1.2 Conformity with Existing Setbacks

Notwithstanding anything else in this By-law, in the Residential Single Unit (R1), Residential Two Unit (R2) or Residential Three Unit (R3) Zones, structures built between existing buildings within 61 meters (200 ft.) apart on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than 3.1 meters (10 ft.) from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

#### 6.1.3 Parking of Commercial Motor Vehicles

- 6.1.3.1 For the purpose of this Part "Commercial Motor Vehicles" shall mean any motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, buses and excavators, back hoe and tractors.
- 6.1.3.2 No tractor-trailer combinations or cab (tractor unit) shall be kept or parked over night or longer in a Residential Single Unit (1), Residential Two Unit (R2), Residential Three Unit (R3) Zone or Residential Comprehensive Development District (RCDD) Zone.
- 6.1.3.3 No commercial motor vehicle shall be kept or parked on any vacant lot in a Residential Single Unit (1), Residential Two Unit (R2), Residential Three Unit (R3) Zone or Residential Comprehensive Development District (RCDD) Zone.
- 6.1.3.4 Notwithstanding anything else in this Section Eassons Transport, PID 55236988 and 55243323, shall be considered an existing permitted use

within the Residential Single Unit (R1) Zone and shall be exempt from these provisions.

#### **6.1.4 Yard Sales**

Nothing in the By-law shall prevent yard sales within a residential zone, and no development permit shall be required, provided that:

- (a) no more than four (4) such sales take place from any lot in any calendar year;
- (b) no yard sale operate beyond the hours of 7:00 a.m. and 5:00 p.m.; and
- (c) all signs advertising such yard sale shall be removed within a twenty-four (24) hour period following the sale of goods.



## **6.2. Residential Single Unit (R1) Zone**

### **6.2.1 R1 Uses Permitted**

No development permit shall be issued in a Residential Single Unit (R1) Zone except for the following uses:

Detached Single Unit dwellings  
Day Nurseries licensed to a maximum of 5 children  
Bed and Breakfast and Guest House  
Existing Transportation and Truck Facilities  
Existing Mobile Home Parks  
Existing Residential Care Facilities, Boarding and Rooming Houses

### **6.2.2 General Lot Requirements**

In any Residential Single Unit (R1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	929 sq. meters (10,000 sq. ft.)
Minimum Lot Frontage	24.38 meters (80 ft.)
Minimum Front Yard	7.62 meters (25 ft.)
Minimum Rear Yard	7.62 meters (25 ft.)
Minimum Side Yard	
i) one side	2.43 meters (8 ft.)
ii) other side	3.65 meters (12 ft.)
Maximum Height of Main Building	10.66 meters (35 ft.)

### **6.2.3 Lot Requirements, Infill Lots**

Within the Residential Single Unit Zone an Infill Lot, created pursuant to Policy R14 of the Municipal Planning Strategy shall conform with the following requirements:

Minimum Lot Area	929 sq. meters (10,000 sq. ft.)
Minimum Lot Frontage	18.28 meters (60 ft.)

#### **6.2.4 Lot Requirements, Orchard Street**

The following standards shall apply to lots located on the south side of Orchard Street between Commercial Street and the Western Kings Memorial Health Centre:

Minimum Lot Area	589 sq. meters (6,350 sq. ft.)
Minimum Lot Frontage	19.8 meters (65 feet)

#### **6.2.5 Side Yard, Attached Garage**

An attached garage shall share common wall(s) with the main structure and shall not be considered attached by means of a breezeway, overhang or the extension of a roofline. The minimum side yard of the side where an attached garage of a permitted dwelling is located shall be as follows:

1 storey building:	1.22 meters (4 ft.)
2 or more storeys:	1.82 meters (6 ft.)

#### **6.2.6 Parking Requirements, Guest Homes**

In addition to all other requirements, the following special provision shall apply to guest houses in a Residential Single Unit (R1) Zone:

Parking - One (1) parking space shall be provided for each guest room.

### 6.3. Residential Two Unit (R2) Zone

#### 6.3.1 R2 Uses Permitted

No development permit shall be issued in a Residential Two Unit (R2) Zone except for one or more of the following uses:

All Residential Single Unit (R1) Uses subject to R1 Zone Requirements

Semi-detached Dwelling

Duplex Dwelling

Converted Dwelling to a maximum of two (2) Units

#### 6.3.2 General Lot Requirements

In a Residential Two Unit (R-2) Zone, no development permit shall be issued except in conformity with the following requirements:

	<u>Duplex</u>	<u>Converted Dwelling or Semi-detached Dwelling Per Unit</u>
Minimum Lot Area	1114 sq. meters (12,000 sq. ft.)	557 sq. meters (6,000 sq. ft.)
Minimum Lot Frontage	24.38 meters (80 ft.)	12.19 meters (40 ft.)
Minimum Front Yard	7.62 meters (25 ft.)	7.62 meters (25 ft.)
Minimum Rear Yard	7.62 meters (25 ft.)	7.62 meters (25 ft.)
Minimum Side Yard		
i) one side	3.65 meters (12 ft.)	3.65 meters (12 ft.)
ii) other side	3.65 meters (12 ft.)	3.65 meters (12 ft.)
iii) common lot line		0
Maximum Height of Main Building	10.66 meters (35 ft.)	10.66 meters (35 ft.)

### **6.3.3 Special Requirements: Converted Dwellings**

In addition to all other requirements, the following special provisions shall apply to converted dwellings in a Residential Two Unit (R2) Zone:

- (a) Additions - No addition or alteration may be undertaken which changes the roof line or increases the height (except for the addition of dormers), or extends into the front or side yard of the lot (except for structures necessary for public safety purposes such as fire escapes).
- (b) Parking - Parking shall be provided only in the side or rear yard of the lot.

### **6.3.4 Side Yard, Attached Garage**

An attached garage shall share common wall(s) with the main structure and shall not be considered attached by means of a breezeway, overhang or the extension of a roofline. The minimum side yard of the side where an attached garage of a permitted dwelling is located shall be as follows:

1 storey building:	1.22 meters (4 ft.)
2 or more storeys:	1.82 meters (6 ft.)

## **6.4. Residential Three Unit (R3) Zone**

### **6.4.1 R3 Uses Permitted**

No development permit shall be issued in a Residential Three Unit (R3) Zone except for one or more of the following uses:

All Residential Single Unit Low (R1) Uses subject to R1 Zone Requirements

All Residential Two Unit (R2) Uses subject to R2 Zone Requirements

Triplex Dwellings

Townhouse Dwellings to a maximum of three (3) units

Converted Dwellings to a maximum of three (3) Units

### **6.4.2 General Lot Requirements**

In any Residential Three Unit (R3) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	1114 sq. meters (12,000 sq. ft.) or 371 sq. meters (4000 sq. ft.) per unit
Minimum Lot Frontage	24.38 meters (80 ft.)
Minimum Front Yard	7.62 meters (25 ft.)
Minimum Rear Yard	7.62 meters (25 ft.)
Minimum Side Yard	4.57 meters (15 ft.) or ½ the height whichever is greater
Maximum Height of Main Building	10.66 meters (35 ft.)

### **6.4.3 Zero Lot Line**

Notwithstanding Part 6.4.2 the minimum side yard requirement for the common lot line may be reduced to zero (0) for Townhouse dwellings.

#### **6.4.4 Special Requirements: Converted Dwellings**

In addition to all other requirements, the following special provisions shall apply to converted dwellings in a Residential Three Unit (R3) Zone:

- (a) Additions - No addition or alteration may be undertaken which changes the roof line or increases the height (except for the addition of dormers), or extends into the front or side yard of the lot (except for structures necessary for public safety purposes such as fire escapes).
- (b) Parking - Parking shall be provided only in the side or rear yard of the lot.

## **6.5. Residential Comprehensive Development District (RCDD) Zone**

### **6.5.1 RCDD Uses Permitted**

No development shall be issued in a Residential Comprehensive Development District (RCDD) Zone, except for one or more of the following uses:

Residential Single Unit (R1) Uses

Residential Two Unit (R2) Uses

Residential Three Unit (R3) Uses

Multiple Unit Dwellings containing four (4) or more units

Recreation and Open Space Uses

### **6.5.2 Development by Development Agreement**

No development shall be permitted in the Residential Comprehensive Development District (RCDD) Zone except in conformity with the provisions of a Development Agreement approved pursuant to the Municipal Planning Strategy.

### **6.5.3 Development Standards**

Minimum Lot Requirements as established pursuant to this By-law may be varied of any permitted use within the Residential Comprehensive Development District (RCDD) Zone subject to the terms and conditions of a Development Agreement approved pursuant to the Municipal Planning Strategy.

## **Part 7      Commercial and Commercial/Industrial Enterprise Zone Provisions**

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### **7.1.    General Provisions for all Commercial Zones**

#### **7.1.1   Abutting Zone Provisions**

Where a Commercial General (C1) or Commercial/Industrial Enterprise (C2) Zone abuts a Residential (R1, R2, or R3), Recreation and Open Space (OS1), or an Institutional (I1) Zone the following restrictions shall apply to an abutting yard of a commercial use within the Commercial Zone:

- (a)    The minimum side yard requirement for the abutting side yard shall be 6.1 meters (20 ft.);
- (b)    No open storage or outdoor display shall be permitted in an abutting yard in Commercial General Zone;
- (d)    No parking space shall be permitted in an abutting yard within 6.1 meters (20 ft.) of a side or rear lot line in the Commercial Zone;
- (d)    In addition to the provisions of Part 5.34, signs located in an abutting yard shall be subject to the following requirements:
  - (i)    all signs shall be non-illuminated;
  - (ii)    only directional or business identification signs shall be permitted;
  - (iii)    the maximum sign area shall be 1.4 square meters (15 sq. ft.) with the number of signs limited to two (2) per use; and
  - (iv)    the maximum height of a ground sign from the grade level to the highest part of the sign (including the sign structure) shall be 4 meters (13.1 ft.).



### **7.1.2 Restrictions on Open Space and Outdoor Display**

- (a) Within the Commercial General (C1) Zone open storage or outdoor display shall not be permitted as a main use
- (b) Within the Commercial/Industrial Enterprise (C2) Zone open storage and outdoor display shall be permitted as a main or accessory use subject to the following:
  - (i) no open storage or outdoor display shall be permitted within any required front yard of a lot; and
  - (ii) the area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the total lot area.

## **7.2 Commercial General (C1) Zone**

### **7.2.1 C1 Uses Permitted**

No development permit shall be issued in a Commercial General (C1) Zone except for the following uses:

Auto Sales and Service  
Banks and Financial Institutions  
Building Supply Retail Outlets  
Business and Professional Offices  
Commercial Schools  
Dressmaking and Tailoring Shops  
Existing Gasoline/Service Stations and accessory automobile sales and washing establishments conducted on the same lot  
Funeral Homes  
Hotels and Motels, Tourist Establishments and Inns  
Medical Clinics  
News and Magazine Stands  
Parking Lots and Parking Structures  
Places of Entertainment, Recreation and Assembly which are conducted within wholly enclosed buildings  
Photography Studios  
Printing Establishments  
Repair Shops  
Restaurants  
Retail Stores  
Service and Personal Service Shops  
Animal and Veterinary Clinics  
Taxi and Bus Stations  
Government Offices  
Community Centres  
Institutional Uses  
Existing Residential R1, R2 & R3 Uses (subject to the applicable zones requirements)  
Taverns and Lounges  
Warehousing, Commercial Storage and Self Storage Facilities

Multiple Unit Residential Dwellings containing a minimum of eight (8) subject to approval by Development Agreement  
Accessory Residential Dwelling Units located above or behind any commercial use

### **7.2.2 General Lot Requirements**

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

Minimum Lot Area	557 sq. meters (6,000 sq. ft.)
Minimum Lot Frontage	18.28 meters (60 ft.)
Minimum Rear Yard	4.57 meters (15 ft.)
Minimum Side Yard for Fireproof Construction	0

**7.2.3** In a Commercial General (C1) Zone the development of accessory dwelling units within an existing commercial structure shall be permitted provided that no alteration is made to the size, volume or external appearance of the existing structure and that minimum parking requirements identified in part 5.25 can be met.

### **7.3 Commercial/Industrial Enterprise (C2) Zone**

#### **7.3.1 CG Uses Permitted**

No development permit shall be issued in a Commercial General (CG) Zone except for the following uses:

All Commercial General (C1) Uses excepting Residential uses

Heavy Equipment Sales and Service

Service Industries

Any manufacturing, industrial, assembly or warehousing operation conducted and wholly contained within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes or smoke, or other obnoxious emission or refuse matter or water carried waste or by reason of unsightly premises

Machine Shops

Bulk storage of sand or gravel

Power and Telephone Utility and Telecommunications Facilities

Transportation Depots

Agricultural Related Industry

#### **7.3.2 General Lot Requirements**

In the Commercial/Industrial Enterprise (C2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	929 square meters (10,000 sq. ft.)
Minimum Lot Frontage:	24.38 meters (80 ft.)
Minimum Front Yard:	6.1 meters (20 ft.)
Minimum Rear Yard:	7.6 meters (25 ft.)
Minimum Side Yard:	4.6 meters (15 ft.)

## **Part 8      Gateway Mixed Use (GMU1) Zone**

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### **8.1      GMU1    Uses Permitted**

No development permit shall be issued in a Gateway Mixed Use (GM1) Zone except for the following uses:

- (a)    All Residential Single Unit (R1) Zone uses subject to R1 One Requirements
- (b)    Uses Subject to Development Agreement

All Residential Two Unit (R2) Zone uses

All Residential Three Unit (R3) Zone uses

Multiple Unit Residential Dwellings containing four (4) or more units

General Commercial and Business Offices, Commercial Retail, Commercial Service and Personal Service Uses to a maximum of 609 sq. meters (2000 sq. ft.)

Restaurants

Hotels, Motels, Tourist Establishments and Inns

Institutional Uses

Recreation and Open Space Uses

### **8.2      General Lot Requirements**

In the Gateway Mixed Use (GMU1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	929 square meters (10,000 sq. ft.)
Minimum Lot Frontage:	24.38 meters (80 ft.)
Minimum Front Yard:	6.1 meters (20 ft.)
Minimum Rear Yard:	7.6 meters (25 ft.)
Minimum Side Yard:	4.6 meters (15 ft.)
Maximum Height of Main Building:	10.6 meters (35 ft.)
Maximum Lot Coverage	40%

## **Part 9      Institutional (I1) Zone**

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### **9.1    I1 Uses Permitted**

No development permit shall be issued in an Institutional (I1) Zone except for the following uses:

Cemeteries  
Churches, Religious Institutions and places of worship  
Church Camp Facilities  
Church Halls  
Community centres  
Cultural facilities  
Educational Institutions (public and private)  
Emergency Services Depots  
Fire Stations  
Government Legislative Buildings  
Hospitals  
Institutional Uses  
Libraries  
Medical Clinics  
Museums and Art Galleries  
Nursing Homes  
Police Stations  
Post Offices  
Private non-profit clubs and Fraternal Organizations  
Public Works Building and Facilities  
Rectories, Manses and staff residences associated with uses permitted in this Part  
Wind Turbines

## 9.2 General Lot Requirements

In an Institutional (I1) Zone, no development permit shall be issued except in conformity with the following requirements:

	Churches, Places of Worship and Religious Institutions, College & Non-Commercial Schools, Fire Stations Hospitals, <u>Public Works Uses</u>	<u>All other permitted uses</u>
Minimum Lot Area	1858 sq. meters (20,000 sq. ft.)	929 sq. meters (10,000 sq. ft.)
Minimum Lot Frontage	30.48 meters (100 ft.)	24.38 meters (80 ft.)
Minimum Front Yard	7.62 meters (25 ft.)	7.62 meters (25 ft.)
Minimum Rear Yard	7.62 meters (25 ft.)	7.62 meters (25 ft.)
Minimum Side Yard	4.57 meters (15 ft.) or ½ the height of the main building, whichever is greater	4.57 meters (15 ft.) or ½ the height of the main building, whichever is greater
Maximum Height of Main Building	13.7 meters (45 ft.)	13.7 meters (45 ft.)

## 9.3 Requirements for Wind Turbines

In an Institutional (I1) Zone, no development permit shall be issued for the erection of a wind turbine except in conformity with the following requirements:

- (a) Maximum setback from a property line shall be one times (1X) the height of the turbine as measured from the ground to the highest point of the blade rotation;
- (b) Minimum separation distance between a turbine and any residential dwelling shall three times (3X) the height of the turbine as measured from the ground to the highest point of the blade rotation.

## Part 10 Agriculture (A1) Zone

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### 10.1 A1 Uses Permitted

No development permit shall be issued in an Agriculture (A1) Zone except for the following uses:

Agriculture  
Animal Hospitals  
Animal kennels and stables  
Apiaries  
Commercial Greenhouses  
Dwelling units accessory to the main permitted use  
Existing Dwellings  
Existing Intensive Livestock Operations  
Livestock Operations  
*Agricultural Related Industry*  
*Abattoir*

### 10.2 General Lot Requirements

In an Agriculture (A1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	4.04 Hectares (10 acres)
Minimum Lot Frontage:	121.9 meters (400 ft.)
Minimum Front Yard:	7.6 meters (25 ft.)
Minimum Rear Yard:	7.6 meters (25 ft.)
Minimum Side Yard:	7.6 meters (25 ft.)



### 10.3 Restricted Agricultural Uses

#### (a) Restrictions, New Livestock Operations

Livestock Operations shall not be permitted to exceed a maximum density of 3 animal units per acre as defined in the following schedule:

Type of Livestock	Number of Such Livestock Deemed to Equal 1 Animal Unit	Maximum for 1 acre or less (3 animal units)
Dairy Cow (plus calf)	1	3
Beef Cow (plus calf)	1	3
Bull	1	3
Horse	2	6
Sheep (plus lambs)	4	12
Sows (plus litter to weaning)	2	6
Laying Hens	25	75
Female Rabbits (plus associated males)	25	75

#### (b) Prohibited Agricultural Uses

Notwithstanding Part 10.1 the following agricultural uses shall be prohibited:

Fur Farms  
Feed Lots

### 10.4 Uses Considered by Development Agreement

Notwithstanding Part 10.1, the establishment of new livestock feed and new fertilizer manufacturing and packing uses within the Agriculture (A1) Zone may be considered by Development Agreement.

## **Part 11 Recreation and Open Space (OS1) Zone**

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### **11.1 OS1 Permitted Uses**

No development permit shall be issued in a Recreation and Open Space (OS1) Zone except for the following uses:

Arenas  
Community Centres  
Community Gardens  
Interpretation Centres  
Parks and playgrounds, including associated facilities  
Pavilions and Band Stands  
Recreation Facilities and uses  
Skating Rinks  
Sports Fields  
Swimming Pools  
Tennis Courts

### **11.2 General Lot Requirements**

In a Public Open Space OS Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Setback for any main building from any lot line	7.6 meters (25 ft.)
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## **Part 12      Conservation (OS2) Zone**

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### **12.1            OS2 Permitted Uses**

No development permit shall be issued in a Conservation (OS2) Zone except for the following uses:

- Cemeteries
- Agriculture
- Garden Nurseries
- Public Parks, trails and Passive Recreation Facilities
- Wastewater Treatment facilities
- Flood control facilities
- Market gardens

### **12.2    Permitted Structures**

No permanent building may be erected, added to, or altered in a Conservation (OS2) Zone except for buildings or structures related to sewage treatment or flood control.