

**CORNWALLIS PARK  
LAND USE BY-LAW**

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<b>PART 1</b>	<b>Title, Introduction and Purpose .....</b>	<b>1</b>
<b>PART 2</b>	<b>Definitions .....</b>	<b>2</b>
<b>PART 3</b>	<b>Administration.....</b>	<b>19</b>
<b>PART 4</b>	<b>Zones, Zoning Map and Municipal Planning Strategy Designations .....</b>	<b>21</b>
<b>PART 5</b>	<b>Interpretation.....</b>	<b>22</b>
<b>PART 6</b>	<b>Development Agreements.....</b>	<b>23</b>
<b>PART 7</b>	<b>General Provisions for All Zones .....</b>	<b>24</b>
<b>PART 8</b>	<b>Signs .....</b>	<b>33</b>
<b>PART 9</b>	<b>General Residential (G-1) Zone .....</b>	<b>37</b>
<b>PART 10</b>	<b>Comprehensive Development District (CDD) Zone .....</b>	<b>39</b>
<b>PART 11</b>	<b>Enviro Open Space (OS) Zone.....</b>	<b>40</b>
<b>PART 12</b>	<b>Restricted Business (RB) Zone .....</b>	<b>41</b>
<b>PART 13</b>	<b>Special Uses (SU) Zone.....</b>	<b>42</b>
<b>PART 14</b>	<b>Industrial Park (IND1) Zone.....</b>	<b>43</b>
<b>PART 15</b>	<b>Institutional Business (IB) Zone .....</b>	<b>45</b>
<b>PART 16</b>	<b>General Industrial (GI) Zone.....</b>	<b>47</b>
<b>Schedule A: Zoning Map</b>		<b>Schedule B: List of Heavy Industrial Uses</b>

***PART 1: TITLE, INTRODUCTION AND PURPOSE***

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

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

1. **ABUTTING** means to share one or more common lot lines.
  2. **ACCESSORY BUILDING** 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 attached by means of a common wall to the main building.
  3. **ACCESSORY USE** means a use subordinate and naturally, customarily and normally incidental to a main use of land and located on the same lot.
  4. **AGGREGATE RELATED INDUSTRIES** means asphalt processing, and mineral bulk storage.
  5. **AGRICULTURAL USE** means a use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, animal and poultry husbandry, riding stables, and petting farms and the necessary accessory uses for packing, storing or treating the produce but excludes kennels and grooming salons.
  6. **ALTER** means any change in the structural component of a building or any increase in the volume of a building or structure and may also refer to a change in use.
  7. **APARTMENT BUILDING** means a building containing three or more dwelling units which have a common entrance from the street level.
  8. **ARTISAN WORKSHOP** means a building or part of a building used as a workshop for an individual or individuals trained in a trade such as carpentry, plumbing, electrical or a smith.
  9. **AUTO BODY SHOP** means a building or a clearly defined space on a lot used for the storage, repair, and servicing of motor vehicles including body repair, painting and engine rebuilding but does not include an automobile service station or an automobile sales establishment.
  10. **BONA FIDE FARM** means a farm in operation for at least 2 years immediately prior
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to the application for a permit for a farm dwelling consisting of a minimum of eight (8) hectares (19.77 acres), upon which either agricultural production or livestock operations has taken place during such two year period. A minimum of six (6) hectares (14.82 acres) of the eight (8) hectares (19.77 acres) must be classified for assessment purposes under the Assessment Act as resource- farm property.

11. **BED AND BREAKFAST ESTABLISHMENT** means a single unit residential dwelling in which the primary resident/owner supplies, for compensation, rooms which are rented or hired out to accommodate the travelling public for sleeping purposes and where a general kitchen and dining room are provided within the building for the purpose of serving meals only to overnight guests.
  12. **BOARDING OR ROOMING HOUSE** means a single unit residential dwelling in which the primary resident/owner supplies either room or room and board for compensation, on a weekly or monthly basis, and which is not open to the general public, but does not include a dwelling-group care facility.
  13. **BUFFERING / BUFFER STRIP** means a treed or landscaped area intended to separate and screen the view of abutting land uses or properties from each other.
  14. **BUILDING** means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment.
  15. **BUILDING INSPECTOR** means the building inspector of the Municipality of The County of Annapolis.
  16. **BUILDING LINE** means any line regulating the position of a building on a lot.
  17. **BULK STORAGE FACILITY** means a lot used for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids (fuel oils), gases, mineral, pipes, gravel, fertilizers and grain.
  18. **BUSINESS OR PROFESSIONAL OFFICES** means a building or part of a building where business may be transacted, a service performed or consultation given by lawyers, architects, planners, engineers, accountants, private consultants and similar professions, but shall not include the offices associated with medical practitioners or veterinary clinics and does not include the manufacturing of any product or the on-site retailing or selling of goods.
  19. **BY-LAW** means this By-law which is the Land Use By-law for the Cornwallis Park Planning Area of the Municipality of the County of Annapolis.
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20. CAMPGROUND means an area of land for the temporary accommodation of travel trailers, motorized motor homes, tents and trailers used for travel, recreational or vacation purposes, but does not include a mobile home park.
  21. CARPORT means a building or structure which is without walls on at least two sides and is used for the parking or storage of a motor vehicle and for the purpose of the By-law a carport with an enclosed second story shall be considered a garage.
  22. CEMETERY means a burial place or ground other than a church yard which may include a mausoleum vault for the storage of remains and a chapel used for internment services.
  23. CHURCH means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, rectory, manse, glebe, parsonage, and day nursery operated by the church.
  24. CLINIC means a building or part of a building used for the medical, dental, surgical, or therapeutic treatment of human patients, but does not include an overnight facility and does not include a professional office of a doctor located in his or her residence.
  25. COMMERCIAL CLUB means any club operated for gain other than a private club, as defined herein.
  26. COMMERCIAL ENTERTAINMENT USE means uses such as cinemas, theatres, and auditoria, but excludes such uses as amusement arcades, casinos, and adult entertainment uses.
  27. COMMERCIAL RECREATIONAL CENTRE means a building or lot or part of a building or lot used solely for commercial recreation or entertainment purposes and, without limiting the generality of the foregoing, may include such establishments as dance halls, theatres, cinemas, billiard or pool halls, bowling alleys, miniature golf courses, bingo halls, roller skating rinks and discos, campgrounds, and arcades for pinball and other game machines and amusements.
  28. COMMERCIAL SCHOOL means a school conducted for compensation and includes a privately operated secretarial school, language school, driving school, but does not include a daycare or university.
  29. COMMUNITY CENTRE means any building or part thereof used for community
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activities, whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof, or a non-profit organization.

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30. CONSTRUCTION INDUSTRY means a use primarily involving the construction, development, redevelopment or rehabilitation of residential, commercial, institutional and industrial buildings and real estate and including road building and such uses are often characterized by the outdoor storage of equipment, machines, vehicles and building supplies.
  31. CRAFT SHOP means a building or structure used for the retailing or wholesaling of arts and handicrafts.
  32. COURT means an open uncovered and unoccupied space appurtenant to a building and bounded on two or more sides by walls of a building.
  33. CUSTOM WORKSHOP means a building or part of a building used by a trade, craft, or guild for the manufacture of small quantities (including repair) of articles and goods, for sale on or off premises, excluding the repair or manufacturing of motor vehicles or their parts or accessories.
  34. DAY CARE
    - a. NON-RESIDENTIAL DAY CARE CENTRE means a place where three or more children or adult seniors are cared for on a temporary daily basis for compensation without overnight accommodation, but does not include a school.
    - b. RESIDENTIAL DAY CARE CENTRE means that portion of a residential dwelling which is used to accommodate more than three but fewer than seven children or adult seniors who are cared for on a temporary basis for compensation without overnight accommodation.
  35. 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, buildings or structures.
  36. DEVELOPMENT OFFICER means the Development Officer appointed by the Municipality of Annapolis County in accordance with the Planning Act and charged with the duty of administering the provisions of this By-law.
  37. DOMESTIC AND HOUSEHOLD ARTS includes dressmaking, tailoring, hairdressing, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, moulding, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys.
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38. DRY CLEANING OR LAUNDRY DISTRIBUTION STATION OR DEPOT means a building used for the purpose of receiving articles or goods of fabric to be subjected to dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process.
39. DWELLING means a building or a portion thereof, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel or a motel or apartment hotel or a travel trailer or other recreation vehicle.
- a. DWELLING UNIT means one or more habitable rooms designed, occupied or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.
  - b. DWELLING, CONVERTED means a building converted to contain a greater number of dwelling units than the building contained prior to the conversion.
  - c. DWELLING, DOUBLE means a building that is divided horizontally into two dwelling units, each of which has independent entrances either directly to the outside or through a common vestibule.
  - d. DWELLING, DUPLEX OR SEMI-DETACHED means a building that is divided vertically into two dwelling units, each of which has independent entrances to a front and/or rear yard, constructed side by side and separated by common vertical walls.
  - e. DWELLING, GROUPED means two or more dwelling units which are contained within two or more buildings located on a lot.
  - f. DWELLING, GROUP CARE FACILITY means a building for the accommodation and treatment of persons, and which is licensed by the provincial or federal government and includes a hospital, nursing home, or a place where special care is provided under government sanction to the physically or mentally ill, disabled or handicapped or persons needing physical or emotional rehabilitation.
  - g. DWELLING, TOWNHOUSE means a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and/or rear yard, constructed side by side and separated by common vertical walls.
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- h. DWELLING, SINGLE DETACHED means a building consisting of one dwelling unit which is constructed wholly on the site from basic materials, which building is not intended or designed to be removed from the site, and is free standing, separate and detached from other main buildings or structures; or which building is relocated to the site or constructed from components transported to the site and includes prefabricated homes except mobile homes as herein defined.
  - j. DWELLING, SENIOR CITIZEN APARTMENT means multiple unit housing designed for occupation by senior citizens, and constructed and maintained by a public housing authority or non-profit organization.
  - k. DWELLING, MULTIPLE UNIT a dwelling containing three or more dwelling units, which have individual entrances or a common entrance from the street level.
  - l. DWELLING, MOBILE HOME means a dwelling unit 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) and having a width of 6.1 metres (20 ft.) or less and located on the site on wheels, jacks, or similar supports, or on a permanent foundation. For the purposes of this By-law the removal of the wheels or the permanent or semi-permanent attachment of a foundation shall not change the classification.
  - m. DWELLING, DOUBLE WIDE MOBILE HOME means a dwelling composed of two or more mobile homes which have been joined together side by side.
40. 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 altering any existing building or structure by an addition, deletion, enlargement or extension
41. ESTABLISHED BUILDING LINE means the average distance 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.
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42. ESTABLISHED GRADE means when used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building exclusive of any artificial embankment or entrenchment. When used in reference to a structure which is not a building, it means the average elevation of the finished grade of the ground immediately surrounding such structures exclusive of any artificial embankment or entrenchment.
43. EXISTING means legally existing as of the effective date of this By-law.
44. EXTRACTIVE FACILITIES means all buildings, aggregate plants, material storage areas and weigh scales associated with extractive uses but does not include structures or storage areas which are fundamental to the activities of mining or extraction.
45. FARM MARKET means a building in which farm produce comprises the major portion of goods offered or kept for sale directly to the public at retail value.
46. FIRST STORY means the uppermost story having first floor level not more than 2 m. (6.56 ft.) above grade.
47. FORESTRY USE means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use including accessory structures and uses.
48. FLOOR AREA
- a. WITH REFERENCE TO A DWELLING means the maximum area contained within the outside walls excluding any attached garage, porch, verandah, unfinished attic or basement or other room not habitable at all seasons of the year.
  - b. WITH REFERENCE TO A DWELLING UNIT where more than one unit is contained within a dwelling, 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.
  - c. COMMERCIAL FLOOR AREA means the total usable floor area within a building used for commercial purposes but excludes furnace and utility rooms, washrooms and excluding, in the case of shopping malls, common hallways between stores.
  - d. GROSS FLOOR AREA means the aggregate of the floor areas of a
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building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be considered to be exterior walls.

- e. GROUND FLOOR AREA means the maximum area contained within the outside walls of the ground floor of a building excluding any attached garage, porch, verandah, or other room not habitable at all seasons of the year.
49. FRATERNAL CENTRE means any tract of land or building operated by a member of a fraternal organization and, without limiting the generality of the foregoing, may include such establishments as a Legion, Lion's Club, Knights of Columbus, Kiwanis or Freemasons.
50. GAME OR AMUSEMENT MACHINE means any mechanical device which is operated by the introduction of a coin, or token, or is designed to be so operated, which does not dispense goods, or services, but is used as a source of skill testing, amusement or entertainment, including, but not limited to, a television game, a pinball machine, a shuffleboard, a pool table, and other similar coin-operated devices.
51. GARDEN CENTRE means an outdoor area primarily used for the retail of gardening equipment and planting materials provided it is clearly accessory to a Retail Store.
52. GAS BAR means a facility offering service to automobiles principally limited to the sale of gasoline, diesel fuel and lubricating oil.
53. GROUND FLOOR shall mean the first floor of a building above the established grade.
54. HEIGHT means, when used with reference to a building, the vertical distance between the established grade and the highest point of the building proper, exclusive of any accessory roof construction such as a chimney, tower, cupola or steeple.
55. HOME OCCUPATION means an accessory use of a dwelling for gainful employment involving the provision or sale of goods and/or services and includes a business or professional office, medical practitioners and or clinics, domestic and household art (including retail sales of items), catering establishment (including parking of 1 delivery vehicle), personal service shop, household article repair shop (not including motor vehicle repair), photographic studio, residential day care
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centre, or taxicab dispatch operation (including parking of 1 taxi vehicle).

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56. HOTEL / MOTEL / 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 house, cabins, a motel, a tourist home, a hotel, an inn, and a bed and breakfast operation as defined herein.
  57. HIGHWAY COMMERCIAL USE means any building, structure and/or land used for commercial purposes which need large amounts of retail floor space and/or indoor or outdoor storage or display areas, or serve the travelling public, or cater to the needs of the automobile.
  58. INDUSTRY HEAVY means a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
  59. INDUSTRY LIGHT means a use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
  60. INSTITUTION OR INSTITUTIONAL USE means land, building or use of land by any governmental body or agency to provide service on behalf of government, and shall include an organized body or society promoting a particular purpose with no intent of profit, but shall not include a utility, a private club, commercial community centre, commercial school or church.
  61. KENNEL / GROOMING SALON means any facility or operation for the purposes of breeding, sale or grooming of animals and may include provisions for their overnight accommodation including any outdoor facilities such as pens, runs and enclosures.
  62. 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 between properties in order to mitigate objectionable features between them.
  63. LICENSED LIQUOR ESTABLISHMENT means an establishment licensed by the Nova Scotia Liquor Licensing Board under the **Liquor Control Act**, R.S.N.S., 1989, Chapter 260.
  64. LOADING SPACE means an area of land provided for use for the temporary
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- parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.
65. LOT means any parcel of land described by its boundary lines.
- a. CORNER LOT means a lot situated at the intersection of and abutting on two or more streets; or upon two parts of the same street forming an interior angle of less than 130 degrees.
  - b. INTERIOR LOT means a lot situated between two lots and having access to one street.
  - c. THROUGH LOT means a lot bounded on two opposite sides by streets or a highway provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.
  - d. LOT AREA means the total horizontal area within the lot lines of a lot.
  - e. LOT COVERAGE means the percentage of the lot that is covered by buildings excluding projecting eaves, balconies, and similar features.
  - f. LOT FRONTAGE means the length of a line joining the side lot lines and parallel to the front lot line.
  - g. FLAG LOT means a lot characterized by its location of the main body of the lot generally at the rear of another lot, or otherwise separated from the street or roadway which provides access, and by a narrower prolongation extending from the main portion of the lot to the said street or roadway. A flag lot generally resembles a flag on a pole in the case of a rectangular layout, or the main body of the lot with an umbilical prolongation providing access in the case of such a lot having irregular boundaries.
66. LOT LINE means a boundary line of a lot.
- a. FRONT LOT LINE means
    1. the lot line dividing the lot from the street;
    2. in the case of a corner lot, the shorter lot line abutting the street;
    3. in the case of a through lot, the lot line abutting the street providing the primary access
    4. in the case of a lot with no street frontage, the lot line which most closely parallels the nearest street line where access is provided.
  - b. REAR LOT LINE means the lot line furthest from or opposite the front lot line.
  - c. SIDE LOT LINE means a lot line other than a front or rear lot line.
  - d. FLANKAGE LOT LINE means a side lot line which abuts the street on a corner lot.
67. MAIN BUILDING means the building in which is carried on the principal purpose for which the lot is used.
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68. 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.
  69. MEDICAL PRACTITIONER means a doctor, dentist, chiropractor, osteopath, optometrist, oculist, but does not include a veterinary.
  70. MOBILE HOME PARK means a mobile home development under single ownership managed by a mobile home park operator and a mobile home space means land intended to be used by one mobile home.
  71. MUNICIPALITY means the **Municipality of the County of Annapolis**.
  72. NEIGHBOURHOOD COMMERCIAL USE means any building, structure or land used for commercial, retail, service purpose which is intended to serve the needs of the residential neighbourhood.
  73. NURSING HOME means a building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and licensed under the **Homes for Special Care Act**, R.S.N.S., 1989, Chapter 203.
  74. OBNOXIOUS use means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter waste or other material.
  75. OUTDOOR DISPLAY means an area of land where goods are displayed and which are available for sale to the general public from a retail outlet located on the same lot.
  76. OUTDOOR STORAGE means items such as merchandise, goods, inventory materials or equipment which items are not intended for immediate sale and which are stored by being located on a lot exterior to a building.
  77. PARK & RECREATIONAL USES means the use of land for parks, playgrounds, open space recreation, open space conservation, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, band shells, pavilions, golf courses, and similar uses to the foregoing, together with necessary and accessory buildings and structures, excluding a track for the racing of animals, or any form of motorized vehicles.
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78. PARKING AREA OR PARKING LOT means an open area of land other than a street or an area within a structure for the parking of vehicles.
79. PARKING SPACE means an area of land for the temporary parking or storage of motor vehicles.
80. PAVED means an area whereon the surface has been permanently hardened by application of asphalt, concrete, or by similar means, but shall not include a surface composed solely of gravel, sand, or soil, whether completed or not, and shall not include a surface temporarily hardened by application of a stabilizing agent such as oil, ashes, cinders, or a combination thereof.
81. PERSON includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee or agent and the heirs, executors or other legal representatives to whom the context can apply according to law.
82. 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 human beings, 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 an adult entertainment parlour, a massage parlour or any manufacturing or fabrication of goods for sale, or any retail sales except those incidental or related to the main use.
83. PREMISES means an area of land with or without buildings or structures.
84. PLANNING ACT means the **Nova Scotia Planning Act**.
85. PLANNING AREA means all the lands within Cornwallis Park, as defined by the Zoning Map, Schedule "A".
86. PRIVATE CLUB means a building or part of a building used as a meeting place for members of an organization and may include a lodge or a labour union hall.
87. PRIVATE ROAD means any street which is not public shown on a plan of subdivision approved on or after the first date of August 1987.
88. PUBLIC AUTHORITY means any Commission or Committee of the Municipality of the County of Annapolis established or exercising any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or
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- purposes of the Municipality or a portion thereof and includes any committee or local authority established by a By-law of the Municipality, and any governmental body.
89. RECYCLING DEPOT means a premises on which recoverable materials such as newspaper, glassware, plastic and metal cans are separated and stored prior to shipment but does not include any processing of the material or a salvage yard.
90. RESTAURANT means a building or part thereof where food and drink is served to the public for consumption within the building.
91. RESTAURANT, DRIVE-IN OR TAKE-OUT means a place where food and drink is served to the public, and which does not necessarily provide facilities for consumption thereof on the premises other than parking areas.
92. 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 at retail cost and may include the rental of goods, wares, merchandise, articles or things, such as video cassettes or video games, provided such rental operations are clearly accessory to the normal operation of a retail store.
93. SCRAP YARD OR SALVAGE YARD means an area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include waste paper, rags, bones, used bicycles, vehicles, tires, metals or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site or recycling depot.
94. SCREENING means the method by which a view of one site from another adjacent site is shielded, concealed or hidden.
95. SEPARATION DISTANCE means a horizontally measured portion of a lot which is required to physically separate incompatible land uses.
96. SERVICE INDUSTRIES includes the processing of milk and dairy products, a bakery, a printing establishment, photography studio, a laundry or dry cleaning establishment, a paint shop, equipment rental shop, plumbing shop, sheet metal shop, high pressure wash facilities and carpet or house cleaning establishments.
97. SERVICE OR REPAIR 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, (including welding or machine shops) or manufacturing or motor vehicle repair outlets.
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98. SERVICE STATION means a building or a clearly defined space on a lot used for the servicing and/or repair of motor vehicles or the sale of lubricating oils and diesel fuel and/or gasoline and may include the sale of automobile accessories and may include an automobile car wash and/or convenience store, but excluding an auto body shop.
99. SETBACK means the distance between the lot line and the nearest main wall of the main building or structure on the lot.
100. SHOPPING CENTRE OR MALL means a building on a lot designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants containing a group of commercial uses and distinguished from a business area comprising unrelated individual owned uses and characterized by sharing of common parking area and driveways. NOTE: New shopping centres and certain extensions may be subject to the **Shopping Centre Development Act** in Nova Scotia.
101. STRIP MALL means a group of commercial uses which have been designed and developed as a continuous unit, and characterized by shared parking and by the absence of common, interior walkways.
102. 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, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, 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.
- a. DIRECTORY SIGN means a sign erected or authorized to be erected by Council that may be erected on public property listing the names and locations of local businesses.
  - b. GROUND SIGN means a sign supported by one or more uprights, poles or braces placed in or upon the ground, and shall include temporary or portable signs.
  - c. 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.
  - d. PROJECTING WALL SIGN means a sign which projects from and is supported by a wall of a building and on which the face is not approximately parallel to the supporting wall and can include an awning or canopy structure
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- where such a structure is used as a sign.
- e. FACIAL WALL SIGN means a sign which is attached directly to or painted upon a building wall and where the face is approximately parallel to the wall.
  - f. SIGN AREA means the area of the smallest geometrical figure which can wholly enclose the surface area of the sign. All faces of a multi-faced sign shall be counted separately and totalled in calculating sign area.
  - g. PORTABLE OR MOBILE SIGN means a sign designed to be carried, pulled, pushed, or hauled and which is not permanently fixed in one location.
  - h. NUMBER OF SIGNS means a single display surface or display device containing elements organized, related, and composed to form a unit; and when matter is displayed in a random manner without organized relationship of elements, or when there is reasonable doubt about the relationship of elements, then each element is considered to be a single sign.
  - j. OFF PREMISE SIGNS means a freestanding ground sign or facial wall sign (commonly referred to as a "billboard") erected on a lot, by someone other than the person or company wishing to advertise a product or service, the display of which has no direct relationship to the business or use on the lot.
103. STREET OR ROAD means a public street or public highway owned and maintained by the Municipality or the Province of Nova Scotia.
104. STREET LINE means the boundary line of a street or road.
105. STOREY means that portion of a building which is situated between the top of any floor and the top of the floor above it, and if there is no floor above it that portion between the top of such floor and the ceiling above it.
106. STRATEGY means the **Cornwallis Park Municipal Planning Strategy**.
107. STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.
108. SWIMMING POOL means a water-filled enclosure or structure, permanently constructed or portable, having a depth of more than 0.61 m (2 ft.) below the level of the surrounding land, or having a depth of more than 0.61 m (2 ft.) used and maintained for swimming and bathing. This definition of SWIMMING POOL does not include irrigation ponds, fire protection ponds, fish ponds or fishing ponds, duck ponds or reflecting pools used as part of the landscaping of a property.
109. UTILITY means any public or private system, works, plant equipment or services
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which furnishes services at approved rates to or for the use of the general public.

110. VETERINARY CLINIC / ANIMAL HOSPITAL means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation and includes any associated outdoor facilities such as kennels, pens, runs and enclosures.
111. WAREHOUSE AND DISTRIBUTION CENTRE means a building used primarily for the storage and distribution of goods and materials and may include wholesale or retail activity, provided such activity is subordinate to the main warehousing use.
112. WATERCOURSE means any lake, river, stream, ocean or other body of water.
113. WHOLESALE ESTABLISHMENT means a building in which commodities in quantity are offered for sale chiefly to industrial, institutional and commercial uses or to retailers or other merchants mainly for resale or business use.
114. 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.
- a. ABUTTING YARD means a yard which is contiguous with or extends across one or more zone boundaries and can extend across all or part of a side, rear or front yard.
  - b. FLANKAGE YARD means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the FLANKAGE lot line and the nearest wall of any main building or structure.
  - c. FRONT YARD means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot; and a minimum front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest wall of any main building or structure on the lot.
  - d. REAR YARD means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and a minimum rear yard means the minimum depth allowed by this By-law of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
  - e. SIDE YARD means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any main building or structure on the lot; and a minimum side yard means the minimum width allowed by this By-law of a side yard on a lot between the side lot line and the nearest wall of any main building or structure on the lot.
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115. ZONE means a designated area of land shown on the Zoning Map, Schedules "A", of this By-law.
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## **PART 3: ADMINISTRATION**

### **ENFORCEMENT**

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

### **DEVELOPMENT PERMIT**

- 3.2
- a. Unless otherwise stated in this By-law, no person shall undertake a development on a lot within the Planning Area without first obtaining a development permit from the Development Officer for Annapolis County.
  - b. The Development Officer shall only issue development permits in conformance with this By-law except in the case of non-conforming uses and structures and minor variances.
  - c. The Development Officer shall only issue development permits for non-conforming uses and structures and minor variances in conformance with the Planning Act.

### **APPLICATION FOR DEVELOPMENT PERMIT**

- 3.3
- a. Every application for a development permit submitted to the Development Officer shall be accompanied by a sketch or site plans, in duplicate, drawn to an appropriate scale, showing:
    1. the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
    2. the location, height and dimensions of the building, structure or work proposed to be erected;
    3. the location of every building or structure already erected on the lot, and the approximate location of every building on abutting lots;
    4. the proposed location and dimensions of any parking spaces, loading spaces, driveways, ingress and egress points to public street(s) and landscaped areas;
    5. The proposed use of the lot and each building or structure to be developed; and
    6. any other information which the Development Officer deems necessary to determine whether or not the proposed development conforms with the requirements of this By-law.
  - b. Where the Development Officer is unable to determine whether the proposed development conforms with this By-law, the Development Officer may require that the plans submitted under clause 3.3 (a) be based upon an actual plan of survey certified and stamped by a Nova Scotia Land Surveyor.
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**SIGNATURE FOR APPLICATIONS**

- 3.4 The application for a development permit shall be signed by the registered owner of the lot or by the owner's agent, duly authorized in writing to act for the owner.

**ADVERTISING COSTS FOR LAND USE BY-LAW AMENDMENTS AND DEVELOPMENT AGREEMENTS**

- 3.5 Where an application to amend this By-law or to enter into a development agreement or to amend an existing development agreement is made, the applicant shall deposit with the Municipal Clerk for Annapolis County, at the time of application, an amount established by the Municipal Clerk to be sufficient to pay the costs of all advertising and notification required. If the amount paid is not sufficient to cover the costs incurred, then the applicant shall pay to the Municipal Clerk the additional amount required. If the amount paid is more than sufficient, then the Municipal Clerk shall refund the excess amount. Where Council decides not to proceed with the application, the deposit shall be returned to the applicant, less the cost of any incurred advertising or notification cost. Where an application is withdrawn by the applicant the deposit shall be returned to the applicant, less the cost of any incurred advertising or notification cost.

**EFFECTIVE DATE OF BY-LAW**

- 3.6 This By-law shall take effect when approved by the Minister of Housing and Municipal Affairs.

**USE OF THE METRIC SYSTEM**

- 3.7 Throughout this By-law the metric system of measurement has been used followed by the approximate Imperial equivalents in brackets. Should any case arise in which there appears to be a discrepancy between the two figures, the metric figure shall prevail.
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**PART 4: ZONES, ZONING MAPS AND MUNICIPAL PLANNING****STRATEGY DESIGNATIONS****ZONES**

- 4.1 For the purpose of this By-law, the Planning Area is divided into the zones indicated in the list below, the boundaries of which are shown on the attached Zoning Map, Schedule "A". Interpretation of these boundaries shall be as in Part 5 of this By-law. Such zones may be referred to by the corresponding symbols indicated opposite the zone name as indicated below.

<b>ZONES</b>	<b>SYMBOL</b>
<b>General Residential</b>	<b>GR-1</b>
<b>Comprehensive Development District</b>	<b>CDD</b>
<b>Enviro Open Space</b>	<b>OS</b>
<b>Restricted Business</b>	<b>RB</b>
<b>Special Use</b>	<b>SU</b>
<b>Industrial Park</b>	<b>IND1</b>
<b>Institutional Business</b>	<b>IB</b>
<b>General Industrial</b>	<b>GI</b>

**ZONING MAP**

- 4.2 Schedule "A" is the "Zoning Map" and forms part of this By-law.

**ZONES NOT ON THE MAP**

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

**MUNICIPAL PLANNING STRATEGY DESIGNATIONS**

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

## PART 5: INTERPRETATION

### INTERPRETATION OF ZONE BOUNDARIES AND SYMBOLS

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

### CERTAIN WORDS

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

### PERMITTED USES

- 5.3 In this By-law, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated. Where a permitted use within any zone is defined in **Part 2 DEFINITIONS**, the uses permitted within that zone include ***any similar*** uses which satisfy such definition except where a definition specifically excludes any similar uses.

### SCHEDULES

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

## **PART 6: DEVELOPMENT AGREEMENTS**

### **DEVELOPMENTS TO BE CONSIDERED BY DEVELOPMENT AGREEMENT**

- 6.1 The following developments shall be permitted only by Development Agreement, in accordance with the Planning Act and with the Cornwallis Park Municipal Planning Strategy. A development permit may be issued for these developments, pursuant to the Planning Act, provided the development conforms with the terms of the development agreement and the appeal period has lapsed or any appeals that may have been lodged have been dealt with by the Nova Scotia Utility and Review Board.

#### **Type of Development**

#### **Governing MPS Policy**

A mixture of residential uses and related recreational, home commercial, and open space uses within the area designated as "Future Residential" on the FLUM.

1.2.2

The development of heavy industrial uses and operations (Schedule "B") in the area designated as General Industrial on the Future Land Use Map

3.1.12

## **PART 7: GENERAL PROVISIONS FOR ALL ZONES**

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

- 7.1 Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the Municipality or from obtaining any license, permission, permit, authority or approval required by this or any other By-law of the Municipality or Statute or Regulation of the Province of Nova Scotia. Where the provisions in this By-law conflict with those of any other municipal or provincial requirements, the higher or more stringent regulations shall prevail.

### **FRONTAGE ON STREET**

- 7.2 No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a municipal or provincial public street or highway, except for the special circumstances set out in Sections 7.25 of this By-law.

### **MULTIPLE USES**

- 7.3 Where any land or building is used for more than one purpose the provisions of this By-law shall be interpreted so that the highest or most restrictive of each standard required for each single use included in the development will be required. Standards for the provisions of parking spaces shall be deemed to be cumulative so that the requirement will be the sum of the number of spaces required by each use.

### **RESTORATION TO A SAFE CONDITION**

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

### **WATERCOURSE PROTECTION**

- 7.5 Notwithstanding anything else in this By-law, no structure shall be erected within 100 m (324 ft) of the centreline of any stream where the abutting uses are in the GI Zone or within 25 m (82 ft) of the centreline of any stream or the shoreline of any waterbody where the abutting uses are in any Zone other than the GI Zone, except for wharves, boat houses, fishery related uses and uses provided for in Section 7.7 of this By-law.
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## **HEIGHT REGULATIONS**

- 7.6 The height regulations of this By-law shall not apply to a church spire, lightening rod, water tank, monument, elevator enclosure, silo, flagpole, television or radio antennae, ventilator, skylight, chimney, clock or fire towers, windmill, solar collector, satellite receiving dish, wind powered generator or drive-in theatre screen. The height of a building shall be calculated by determining the vertical distance of a building between the established grade and:
- a. the highest point of a roof or a parapet, whichever is greater, of a flat roof;
  - b. the deckline of a mansard roof; or
  - c. The mean level between the eaves and ridges of a gabled, hip, gambrel or other type of pitched roof.

## **PUBLIC AND PRIVATE UTILITIES**

- 7.7 Utilities shall be permitted in any zone or within the watercourse setback as required in Section 7.5 of this By-law.

## **NON-CONFORMING USES AND STRUCTURES**

- 7.8 Any use of land or building or structure constructed, or where construction has begun on a building or structure on or before the effective date of this By-law, that does not conform to the requirements of this By-law may continue to exist subject to the provisions of the Planning Act respecting non-conforming uses and structures.

## **ILLUMINATION**

- 7.9 Lights used for illumination shall be so arranged as to divert the light away from any adjoining properties and any adjacent municipal or provincial public street or highway.

## **SWIMMING POOLS**

- 7.10 A swimming pool located within the GR-1 Zone and the CDD Zone in the Planning Area shall conform to the Swimming Pool Fencing By-law for the Municipality and a swimming pool shall not be located in a front yard of a lot.
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## **NO DEVELOPMENT PERMITS REQUIRED**

- 7.11 Notwithstanding anything else in this By-law, a development permit shall not be required for the erection of a fence less than 1.2 m. (3.93 ft.) in height, siding, roofing or windows replacement, the development or redevelopment of any public utility, landscaping, retaining walls or temporary or special uses defined under Sections 7.13 and 7.14 of this By-law.

## **TEMPORARY CONSTRUCTION USES PERMITTED**

- 7.12 Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure incidental to construction such as a construction camp or other such temporary work camp, a mobile trailer, construction office, tool shed, scaffold or similar building incidental to construction in progress provided that the building, structure or use does not remain in place for more than thirty (30) days after construction is completed or discontinued for a period of sixty (60) days and provided a development permit has been issued.

## **TEMPORARY SALES OR RENTAL OFFICE PERMITTED**

- 7.13 Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for a sales or rental office incidental to construction in progress in a reasonable and safe manner until such construction has been finished or discontinued for a period of sixty (60) days or unless no development permit is in force.

## **SPECIAL USES**

- 7.14 Nothing in this By-law shall prevent the temporary use of land for such purposes as midways, circuses, fairs, garden parties, rallies, concerts or festivals provided that such uses remain in place no longer than fifteen (15) days. No development permit shall be required for such.

## **CONFORMITY WITH EXISTING SETBACKS**

- 7.15 Notwithstanding the other requirements of this By-law, in any zone, a proposed structure to be built between existing buildings within 61 m. (200 ft.) of the proposed structure and 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 m. (10 ft.) from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.
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## ACCESSORY USES AND BUILDINGS

- 7.16 a. An accessory building or structure shall be permitted in any zone within the Cornwallis Park Planning Area, but shall not:
1. be used for human habitation except where a dwelling is a permitted accessory use;
  2. be located within the front yard of a lot except in the RB, SU, IND1, IB, and G1 Zones.
  3. be built closer than 1.2 m (4 ft) to a lot line except for common semi-detached garages which may cross a mutual side lot line;
  4. be built within 1.8 m (6 ft.) of the main building and be built closer to the street than the main building is to the street;
  3. be permitted on a separate lot, except in the RB, SU, IND1, IB, and GI zones;
  6. be considered an accessory building if attached to the main building in any way or if located completely underground.
- b. Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, satellite receiving dishes, dog houses and wood piles shall be exempt from any requirements under Section 7.16.1, above.
- c. Unless otherwise provided in this Section, no accessory building or structure shall be constructed prior to the time of construction of the main building to which it is accessory or prior to the establishment of the main use of the land where no main building is required.

## ACCESSORY USES PERMITTED

- 7.17 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 thereto, except that home occupations which shall be subject to the limitations set out for home occupations, in Section 7.20 of this By-law.

## BUILDING TO BE MOVED

- 7.18 No building or structure shall be moved within or into the area covered by this By-law without first obtaining a development permit.
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### **ONE MAIN BUILDING ON A LOT**

- 7.19 No person shall erect more than one (1) main building on a lot except for:
- a. buildings located in the RB, SU, IND1, IB, and GI Zones;
  - b. existing and new multiple unit dwellings or grouped dwellings in the General Residential (GR-1) Zone;

### **HOME OCCUPATION REQUIREMENTS**

- 7.20 Nothing in this By-law shall prevent the use of a dwelling for a home occupation provided that the dwelling is a permitted use for that zone, and:
- a. the home occupation must be wholly contained within the residential dwelling except that an accessory building may be used for storage purposes accessory to the operation of the home occupation;
  - b. the home occupation is not to exceed more than twenty-five (25%) percent of the total ground floor area of the dwelling except as noted in sub-section c, below;
  - c. for an Industrial Park (INDI) Zone or an Institutional Business (IB) Zone, no maximum floor space limit shall apply to the use of a residence or accessory building as a home occupation;
  - d. that one (1) off-street customer/client parking space, other than required for the residential use, is provided for every 20 sq. m (215 sq. ft.) of commercial floor occupied by the home occupation; and in the case of a taxi or delivery truck one (1) off-street parking space for each taxi or delivery vehicle;
  - e. that for a General Residential (GR-1) Zone or a Comprehensive Development District (CDD), there is no outdoor storage or display;
  - f. that for a General Residential (GR-1) Zone or a Comprehensive Development District (CDD) Zone there is no advertising sign or display; and
  - g. that the home occupation does not make use of equipment which is obnoxious by virtue of dust, odour, smoke, noise, or other emissions.

### **BUILDING TO BE ERECTED ON A LOT**

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

### **EXISTING BUILDINGS**

- 7.22 Notwithstanding the other requirements of this By-law a building which has been erected on or before the effective date of this By-law on a lot which does not meet the requirements of this By-law respecting lot area, frontage (other than such lots
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defined in Section 7.23 of this Part) or setbacks (front yard, side yard, rear yard) may be enlarged, reconstructed, repaired or renovated provided: the development does not further reduce the setback that does not conform to this By-law; and all other applicable requirements of this By-law are satisfied.

### **EXISTING UNDERSIZED LOTS**

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

### **CHANGE OF USE OF AN EXISTING UNDERSIZED LOT**

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

### **AN EXISTING LOT LACKING STREET FRONTAGE**

7.25 Notwithstanding the other requirements of this By-law, a lot in existence on or before the effective of this By-law, which does not meet the requirements of this By-law with respect to the provision of frontage on a municipal, provincial public street or highway, 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:

- a. that any main building to be erected on any such lot shall be located a minimum of 3 m. (10 ft.) from any lot line;
- b. that the lot is serviced by an easement for right-of-way and access to a municipal or provincial public street or highway or private road, which has a minimum width of 7.6 m. (25 ft.) and the easement has been clearly granted by deed in favour of the owner, registered in the Registry of Deeds;
- c. that all other applicable requirements of this By-law are satisfied.

### **CALCULATION OF LOT FRONTAGE**

7.26 Lot frontage shall be determined by the following:

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- a. in the case of regularly shaped lots, lot frontage shall be measured as a straight line between the points where the two (2) side lot lines meet the front lot line;
- b. in the case of irregularly shaped lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point equal to the minimum applicable front yard.

### **CORNER SIGHT TRIANGLE**

- 7.27 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 60 cm. (24 in.) above the grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 m. (20 ft.) from their point of intersection.

### **SIDE YARD WAIVER AND SIDE YARDS ON CORNER LOTS**

- 7.28 Notwithstanding anything else in the By-law, on a corner lot, no main or accessory building 7.16 shall be erected on the corner lot closer to the flanking street than the minimum front yard applicable to that zone and where buildings on adjacent lots share a common wall, the applicable side yard requirement shall be zero.

### **THROUGH LOTS AND CORNER LOTS**

- 7.29 In the case of a through lot or corner lot in a General Residential (GO-1) Zone and the Comprehensive Development District (CDD) Zone, the front yard shall be any yard which abuts either of the two opposite streets and the driveway access shall be limited to one access.

### **REDUCED LOT REQUIREMENTS**

- 7.30 Notwithstanding the other requirements of this By-law development permits shall be issued for development on lots created pursuant to the Subdivision By-law, where:
- a. the lot area and frontage requirements cannot be met, provided that the originating area of land contained two or more main structures and each new lot contains at least one main structure; or
  - b. the lot created has less than the required frontage and/or lot area provided that neither reduction is less than ninety percent (90%) of the required minimums for lot area and frontage for that zone; and
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- c. all other applicable provisions of this By-law are satisfied.

## ALTERED BOUNDARIES

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

## PARKING SPACES

7.32 A parking space shall be not less than 18 sq. m (194 sq. ft.) measuring 3 m by 6 m (10 ft. x 20 ft.) exclusive of driveways or maneuvering aisles.

## PERMITTED ENCROACHMENTS IN YARDS

7.33 Except for accessory buildings and structures erected pursuant to 7.16 of this Part, the following structures may project into or be located in a yard required by this By-law in accordance with the distances specified in the following table:

<b><u>Structure</u></b>	<b><u>Yard in Which Projection is Permitted</u></b>	<b><u>Maximum Projection from Main Wall Permitted</u></b>
Sills, cornices, eaves gutters, chimneys, pilasters, or canopies	Any required yard	1 m. (3.2 ft.)
Window Bays	Any required yard	1 m. (3.2 ft.) but cannot be within 1.2 m (3.9 ft.) of a lot line
Cantilever	Required front or rear yard	1 m. (3.2 ft.) but cannot be within 1 m. (3.2 ft.) of a lot line
Fire escapes and exterior staircases	Required rear and side yards only	2 m. (6.6 ft.) but cannot be within 1.2 m (3.9 ft.) of a lot line
Balconies, roofed porches, verandah, sun decks, terraces	Required front, rear and flankage yards only	2. m. (6.6 ft.) but cannot be within 1.2 m. (3.9 ft.) of a lot line
Carports	Required rear, side and	2.5 m (8 ft.) but cannot be within

flankage yards

1.2 m. (3.9 ft.) of a lot line



Handicap access                      Any yard                                      To lot line

Notwithstanding the above, with the exception of handicap access, no projection shall be built closer to a flanking street than 2 m (6.6 ft.) and to a front street than 3.7 m (12 ft.).

### **KEEPING OF AGRICULTURAL ANIMALS**

7.34 The keeping of agricultural animals is not permitted in any zone except the Enviro Open Space (OS) Zone.

### **YARD REQUIREMENTS CONCERNING SLOPES**

7.35 Where a front, side or rear yard is required by this By-law and part of the area of the lot is between the top and toe of a cliff or embankment having a slope of 15 percent or more from the horizontal, the required yard shall be measured from the nearest wall of the main building or structure on the lot to the top of the cliff if such edge is closer than the lot line.

### **SEPARATION DISTANCE**

7.36 For the purposes of this By-law a separation distance may include a required front, side or rear yard, landscaping or natural vegetation but excludes accessory structures or uses.

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## **PART 8: SIGNS**

### **GENERAL**

8.1 Where the provisions in this By-law are inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Transportation and Public Works, the more restrictive regulations shall apply. Notwithstanding anything else in this By-law, no person shall erect a sign, including canopies or awnings, without first obtaining a development permit from the Development Officer and no development permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied. For the purposes of this By-law an indoor sign shall not be considered a sign.

### **SAFETY AND MAINTENANCE**

8.2 Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the Building Code By-law.

### **LIMIT ON THE NUMBER OF SIGNS**

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

### **SIGNS PERMITTED IN ALL ZONES**

8.4 The following signs are permitted in all zones, except for the General Residential (GR-1) Zone, and do not require a development permit for their erection:

- a. Signs identifying the name and address of a resident, and of not more than .4 sq. m (4 sq. ft.) in sign area;
- b. "No trespassing" signs or other such signs regulating the use of a property, and of not more than 1.2 sq. m (13 sq. ft.) in sign area;
- c. Real estate signs not exceeding 1 sq. m (10.8 sq. ft.) in sign area in any residential zone, and 3 sq. m (32.3 sq. ft.) in all other zones, which advertise the sale, rental or lease of the premises; and may be in conjunction with subsection (h) below, during construction, but the provisions of this Part regarding sign area shall prevail;
- d. Signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction to or function of various parts of a

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building or premises;

- e. Signs erected by a governmental authority or under the direction of such an authority such as but not limited to; traffic signs crossings signs, signs identifying public facilities, event signs, public election lists and directory signs identifying the names and locations of local businesses, or organizations;
- f. Memorial signs or tablets and signs denoting the history and or date of a site or a structure;
- g. Signs on mail boxes or newspaper tubes;
- h. Signs that advertise a form of payment acceptable by the merchant;
- j. Signs that constitute an integral part of a vending machine, telephone booth, devices that indicate the time, date or weather conditions or similar device whose principal function is not to convey an advertising message;
- k. Signs that do not exceed .4 sq. m (4 sq. ft.) in sign area and that convey the message that a business enterprise is open or closed or that a place of lodging has or does not have a vacancy;
- l. The flag, pennant, banner, or banner of any government authority or of any religious, charitable or fraternal or corporate organization; and
- m. A sign having an area of not more than 10 sq. m (108 sq. ft.) incidental to construction and within the area designated for such purposes and erected only during the period of construction.

## **SIGNS PROHIBITED IN ALL ZONES**

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

- a. Signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving part, visible revolving parts, or visible mechanical movement of any description;
  - b. any sign or sign structure which constitutes a hazard to public safety or health;
  - c. signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets, or which may be confused with any traffic sign or control device;
  - d. any signs which obstruct free ingress to or egress from a fire escape door, window, or other required exit-way;
  - e. signs painted on, or attached to or supported by a tree, stone, cliff, or
-

- other natural object;
- f. any sign which advertises a business no longer in operation, or a product which is no longer sold;
  
- g. signs not erected by a governmental authority which make use of words such as "STOP", "LOOK", "ONE WAY", "YIELD", or any similar words, phrases, symbols, lights, characters, or colours such as directional arrows in such a manner or location as to interfere with, mislead, or confuse traffic;
- h. signs on public property or a public right-of-way unless erected by a governmental authority or unless required to be so located by order of government authority; and
- j. signs not erected by a government body which are located at or near sharp road curves, below the crest of a steep road grade.

### **FACIAL WALL SIGNS**

- 8.6 No facial wall sign shall:
- a. extend above the top of the wall upon which the facial wall sign is placed;
  - b. extend beyond the extremities of the wall upon which the facial wall sign is attached; and
  - c. project more than 0.3 m (1 ft.) from the wall upon which the facial wall sign is attached.

### **PROJECTING WALL SIGNS**

- 8.7 No projecting wall sign shall:
- a. exceed 0.75 sq. m (8 sq. ft.) in sign area unless the projecting sign, supporting structure and installation method of the sign are designed by a qualified professional;
  - b. project beyond a property line, driveway, entrance or exit access or ramp or parking aisle or area
  - c. project into or over any public property or a corner sight triangle; and
  - d. project above the top of the wall upon which the projecting wall sign is attached to.

### **TEMPORARY SIGNS**

- 8.8 Temporary signs used for the advertisement of special events or occasions, sales,
-

relocation's and similar purposes shall be placed not more than two (2) weeks prior to the occasion and shall be removed within forty-eight (48) hours of the completion of the occasion and shall be limited to no more than three such signs in any premises and shall not be counted in addition to other signs permitted in accordance with the other requirements of this Part.

## GROUND SIGNS

- 8.9 No ground sign shall:
- a. project beyond a property line, into a corner sight triangle over any public property, driveway, entrance or exit access or ramp or parking aisle or area;
  - b. have more than one sign on a supporting structure.
  - c. in the case of a ground sign such as a folding or sandwich sign the sign shall not be located on public property or be placed in a corner sight triangle.

## ROOF SIGNS

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

## SIGNS IN A RESIDENTIAL ZONE

- 8.11 Unless permitted under section 8.4 of this Part, in a General Residential (GR-1) or in a Comprehensive Development District (CDD) Zone no sign shall:
- a. be erected that is mobile or portable in nature;
  - b. exceed 0.75 sq. m. (8 sq. ft.) in area;
  - c. be illuminated except by lighting devices accessory to the main use,
  - d. no off premise sign shall be permitted, and
  - e. No advertising sign or display in accordance with section 7.20.
- 8.12 Notwithstanding any other provisions in this section, in the General Residential (GR-1) Zone no signs, billboards, notice or other advertising matter of any kind (except signs of the size and type ordinarily employed by real estate brokers in the area offering the said land or buildings thereon for sale or rent) shall be placed on any part of the said lands or upon or in any building or on any fence, tree or other structure on the said lands without the written consent of the development officer.
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## PART 9: GENERAL RESIDENTIAL (GR-1) ZONE

### GR-1 USES PERMITTED

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

- |   |  |
|---|--|
| . Bed and Breakfast Establishments                                    | . Non-Residential Day Care Centres                     |
| . Boarding Houses or Rooming Houses                                   | . Nursing Homes  |
| . Churches  | . Parking of recreational vehicles in designated areas |
| . Community Centres   | . Public Parks and Playgrounds                         |
| . Double Dwellings  | . Residential Daycare Centre                           |
| . Duplex or Semi-Detached Dwellings                                   | . Schools  |
| . Group Care Facilities Dwelling                                      | . Senior Citizen Apartment Dwellings                   |
| . Home Occupations, subject to the requirements of Part 7, Section 20 | . Single Detached Dwellings                            |
| . Libraries   | . Town Houses or Row Houses                            |
| . Multiple Unit Dwellings   |  |

Accessory Buildings related to the operation of a Condominium Corporation which, notwithstanding the Definition of “Accessory Building” in “PART 2: DEFINITIONS” of this Land Use By-law, may be located on a property owned by the Condominium Corporation other than that occupied by the Condominium Project.

### GR-1 ZONE REQUIREMENTS

9.2 No development permit shall be issued in a General Residential (GR-1) Zone unless the property is served with central water and sewer and is in conformity with the following requirements:

Minimum Lot Frontage	11.28 m. (37.01 ft.)	Minimum Lot Area	330.26 sq. m. (3550.01 sq. ft.)
Minimum Front Yard(s)	3.05 m. (10.0 ft.)	Minimum Side Yard(s)	1.2 m. (4 ft.)
Minimum Rear Yard(s)	3.05 m (10.0 ft.)	Maximum Height of Any Building	13 m (42.6 ft.)

### SPECIAL REQUIREMENT: ARCHITECTURAL DESIGN STANDARDS

9.3 No development permit shall be issued in a General Residential (GR-1) Zone for the development of a single detached residential dwelling structure where the length of which exceeds the width by a ratio of greater than three to one. For the purposes of this Part, the width and length of any such structure of irregular width or length

shall be based on the dimensions of the main body of the structure, ignoring the effect of covered porches, steps, minor additions such as small rooms and the like; in the case of very irregular structures, the average width and length shall be calculated in proportion to the occurrence of various dimensions along each side.

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**PART 10: COMPREHENSIVE DEVELOPMENT DISTRICT (CDD) ZONE**

**CDD USES PERMITTED**

10.1 The following uses shall be permitted in the Comprehensive Development District (CDD) Zone subject to the entering into of a development agreement pursuant to policies 1.2.2, 1.2.3, and 1.24 of the Cornwallis Park Municipal Planning Strategy:

All uses permitted in the GR-1 Zone

**SPECIAL REQUIREMENT: ARCHITECTURAL DESIGN STANDARDS**

10.2 A development agreement entered into in this section shall not include any single detached residential dwelling structure where the length of which exceeds the width by a ratio of greater than three to one. For the purposes of this Part, the width and length of any such structure of irregular width or length shall be based on the dimensions of the main body of the structure, ignoring the effect of covered porches, steps, minor additions such as small rooms, and the like; in the case of very irregular structures, the average width and length shall be calculated in proportion to the occurrence of various dimensions along each side.

**CDD ZONE REQUIREMENTS**

10.3 Notwithstanding any other provision in this By-law no development permit shall be issued except in conformity with a development agreement entered into by the Municipality pursuant to policies 1.2.2, 1.2.3, 6.3.1, 6.3.2, and 6.3.3 of the Cornwallis Park Municipal Planning Strategy.

**CDD ZONE REQUIREMENT**

10.4 All development in a CDD Zone shall be serviced by central water and sewer.

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## PART 11: ENVIRO OPEN SPACE (OS) ZONE

### OS USES PERMITTED

11.1 The following uses shall be permitted in an Enviro Open Space (OS) Zone:

Agricultural Uses (excluding buildings or structures accessory to the operation of the agricultural use)	Park and Passive Recreational Uses
Conservation Related Uses and Structures	Single Detached Dwellings
Forestry Uses (excluding buildings or structures accessory to the operation of the forestry use)	Utilities
	25 Yard Rifle Range
	Wharves, Boathouses, and Fishery Related Uses

### OS ZONE REQUIREMENTS

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

Minimum Lot Frontage	46 m (151 ft.)	Minimum Lot Area	1.6 ha (4 acres)
Minimum Front Yard(s)	10 m (33 ft.)	Minimum Side Yard(s)	3 m (10 ft.)
Minimum Rear Yard(s)	10 m (33 ft.)		

**NOTE:** larger lot sizes may be required in accordance with Provincial Regulations for On-Site Sewage Disposal Systems.

### OS REPAIR AND MAINTENANCE AND CHANGE OF USE OF EXISTING BUILDINGS

11.3 Existing buildings within an OS Zone can be repaired or renovated and small additions will be permitted where they are required in order to meet the requirements of the Building Code By-law or a safety code. Any existing building may be used for any use permitted in the Institutional Business (IB) Zone.

**PART 12: RESTRICTED BUSINESS (RB) ZONE****RB USES PERMITTED**

12.1 The following uses shall be permitted in a Restricted Business (RB) Zone except where these uses are obnoxious in nature or otherwise incompatible with the residential uses in the adjacent General Residential GR-1 Zone:

All General Residential (GR-1) Zone Uses  
 All Institutional Business (IB) Zone Uses  
 Hotels, Motels, and Tourist Accommodations excluding Campgrounds

**RB ZONE REQUIREMENTS**

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

Minimum Lot Frontage	12.1 m (39.7 ft.)	Minimum Lot Frontage	460 sq. m. (4,952 sq.ft.)
Minimum Front Yard(s)	Nil	Minimum Side Yard(s)	4.9 m. & 1.2 m. (16 ft. & 4 ft.)
Minimum Rear Yard(s)	Nil	Maximum Height of Any Building	13 m (42.6 ft.)

**SPECIAL REQUIREMENT: OUTDOOR STORAGE AND DISPLAY**

12.3 Where outdoor storage is permitted the storage area shall be fenced or otherwise screened to minimize visibility from a public street or adjoining property.

**SPECIAL REQUIREMENT: TRAFFIC IMPACTS**

12.4 Vehicular access roads and parking areas shall be designed so as to minimize any negative impact on the residential uses in the adjacent General Residential (GR-1) Zone.

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**PART 13: SPECIAL USES (SU) ZONE****SU USES PERMITTED**

- 13.1 The following uses shall be permitted in a Special Uses (SU) Zone except where these uses are obnoxious in nature or otherwise incompatible with the residential uses in the adjacent General Residential (GR-1) Zone:

All General Residential (GR-1) Zone Uses	Libraries and Museums
Art Galleries	Offices and Financial Institutions
Auditoriums and Concert Halls	Research Facilities
Government Buildings and Uses	Theatres
Hotels, Motels, and Tourist Establishments excluding Campgrounds	Training and Educational Facilities

**SU ZONE REQUIREMENTS**

- 13.2 No development permit shall be issued in a Special Uses (SU) Zone unless it is served by central water and sewer and is in conformity with the following requirements:

Minimum Lot Frontage	12.1 m (39.7 ft.)	Minimum Lot Area	460 sq.m. (4,952 sq.ft.)
Minimum Front Yard(s)	Nil	Minimum Side Yard(s)	4.9 m & 1.2 m. (16 ft. & 4 ft.)
Minimum Rear Yard(s)	Nil	Maximum Height of Any Building	13 m (42.6 ft.)

**SPECIAL REQUIREMENT: OUTDOOR STORAGE AND DISPLAY**

- 13.3 Where outdoor storage is permitted the storage area shall be fenced or otherwise screened to minimize visibility from a public street or adjoining property.

**SPECIAL REQUIREMENT: TRAFFIC IMPACTS**

- 13.4 Vehicular access roads and parking areas shall be designed so as to minimize any negative impact on the residential uses in the adjacent General Residential (GR-1) Zone.
-

## PART 14: INDUSTRIAL PARK (IND1) ZONE

### IND1 USES PERMITTED

14.1 The following uses shall be permitted in an Industrial Park (IND1) Zone:

- |  |  |
|--|--|
| . Agricultural Uses and Structures   | . Existing multiple unit dwelling 402, 406, 410 Conestoga Street, PID No. 05210679   |
| . Any activity connected with the Motor Vehicle Trade  | . Farm Markets   |
| . Artisan Workshops  | . Hotel, Motel, and Tourist Establishments   |
| . Banks and Financial Institutions   | . Kennel or Grooming Salon   |
| . Barracks   | . Licensed Liquor Establishments   |
| . Bulk Storage Facilities (excluding however all those uses listed in Schedule "B" of this By-law) | . Manufacturing, Assembling and Processing Operations (excluding however all those uses listed in Schedule "B" of this By-law) |
| . Business or Professional Offices   | . Medical Practitioner Offices and Clinics   |
| . Commercial and Retail Uses Accessory to the Main Industrial Use                                  | . Park and Recreational Uses   |
| . Commercial Schools   | . Parking Lots and Parking Structures  |
| . Commercial Entertainment Centres   | . Personal Service Shops   |
| . Construction Industry Uses   | . Recycling Depots   |
| . Dry Cleaning or Laundry Uses   | . Service or Repair Shops  |
| . Electrical Production Industries except in accordance with Schedule □ B□                         | . Service Industries   |
| . Existing single unit dwelling 1141 Highway 1, Cornwallis Park, PID No. 05205141                  | . Veterinary Offices and Clinics   |
|  | . Warehouse and Distribution Centres   |
|  | . Wholesale Establishments   |

Highway Commercial Uses where the property on which the use is located has frontage on Route 1. Highway Commercial uses include:

- |   |  |
|---|--|
| . Automobile Sales Establishments                         | . Funeral Monument Sales and Display Outlets |
| . Automobile Rental Outlets                               | . Garden Nursery Establishments              |
| . Boats, Trailer, and Snowmobile Sales and Rental Offices | . Indoor Recreational Establishments         |
| . Building Supply Stores                                  | . Private Clubs                              |
| . Commercial Clubs  | . Recycling Depot                            |

(Highway Commercial Uses permitted)

...continued)

- . Display Courts featuring swimming pools, decorative fountains, prefabricated cottages, and mobile homes for sale
- . Domestic and Household Arts
- . Funeral Homes
- . Restaurants, Drive-In or Take-Out
- . Retail Stores
- . Service or Repair Shop
- . Service Stations or Gas Bars
- . Shopping Centre or Mall
- . Strip Malls
- . Taxi and Bus Stations

**IND1 ZONE REQUIREMENTS**

14.2 No development permit shall be issued in a Industrial Park (IND1) Zone unless it is served by central water and sewer and is in conformity with the following requirements:

Minimum Lot Frontage	12.1 m (39.7 ft.)	Minimum Lot	460 sq. m. (4,952 sq. ft.)
Minimum Front Yard(s)	Nil	Minimum Side	4.9 m. & 1.2 m. (16 ft. & 4 ft.)
Minimum Rear Yard(s)	Nil		

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

- 14.3 Notwithstanding Section 16.2 of this Part, in the Industrial Park (IND1) Zone a development permit may be issued for a development permitted in the Industrial Park (IND1) Zone on a "flag" lot provided the following provisions are met:
- a. the lot was created from an existing lot of land;
  - b. where the lot is to be serviced with on-site water and on-site sewer the minimum lot area shall be 3,000 sq. m. (32,293 sq. ft.);
  - c. where the lot is to be serviced with central sewer and on-site water the minimum lot area shall be 929 sq. m. (10,000 sq. ft.);
  - d. where the lot is to be serviced with central water and on-site sewer the minimum lot area shall be 1,860 sq. m. (20,022 sq. ft.);
  - e. where the lot is to be serviced with central water and central sewer the minimum lot area shall be 560 sq. m. (6,028 sq. ft.);

- f. the minimum lot frontage shall be 9.1 m. (29.9 ft.);
  - g. the minimum front and rear yard shall be 9.1 m. (29.9 ft.); and
  - h. the minimum side yards shall be 4.9 m. (16 ft.) & 1.2 m. (4 ft.).
-

## PART 15: INSTITUTIONAL BUSINESS (IB) ZONE

### IB INSTITUTIONAL BUSINESS ZONE USES PERMITTED

15.1 The following uses shall be permitted in an Institutional Business (IB) Zone:

- |  |  |
|--|--|
| . Art Galleries  | . Medical Practitioner Offices and Clinics                         |
| . Auditoriums and Concert Halls                              | . Nursing Homes  |
| . Cemeteries   | . Offices and Financial Institutions                               |
| . Churches and Residential Dwellings accessory to the Church | . Parks and Recreational Uses                                      |
| . Community Centres  | . Private Clubs  |
| . Crematories  | . Private Schools  |
| . Fraternal Centres  | . Research Facilities  |
| . Funeral Homes  | . Schools, Universities and Community Colleges and Associated Uses |
| . Government Buildings and Uses                              | . Senior Citizen Housing   |
| . Hospitals  | . Theatres   |
| . Institutional Uses   | . Training and Educational Facilities                              |
| . Libraries and Museums                                      |  |

. Industrial Park (IND1) Zone uses that are not obnoxious in nature.

### IB INSTITUTIONAL BUSINESS ZONE REQUIREMENTS

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

Minimum Lot Frontage	12.1 m. (39.7 ft.)	Minimum Lot Area	460 sq. m. (4,952 sq. ft.)
Minimum Front Yard(s)	Nil	Minimum Side Yard(s)	4.9 m. & 1.2 m. (16 ft. & 4 ft.)
Minimum Rear Yard(s)	Nil		

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

- 15.3 Notwithstanding Section 15.2 of this Part, in the Institutional Business (IB) Zone a development permit may be issued for a development permitted in the Institutional Business (IB) Zone on a "flag" lot provided the following provisions are met:
- a. the lot was created from an existing lot of land;
  - b. where the lot is to be serviced with on-site water and on-site sewer the minimum lot area shall be 3,000 sq. m. (32,293 sq. ft.);
  - c. where the lot is to be serviced with central sewer and on-site water the minimum lot area shall be 929 sq. m. (10,000 sq. ft.);
  - d. where the lot is to be serviced with central water and on-site sewer the minimum lot area shall be 1,860 sq. m. (20,022 sq. ft.);
  - e. where the lot is to be serviced with central water and central sewer the minimum lot area shall be 560 sq. m. (6,028 sq. ft.);
  - f. the minimum lot frontage shall be 9.1 m. (29.9 ft.);
  - g. the minimum front and rear yard shall be 9.1 m. (29.9 ft.); and
  - h. the minimum side yards shall be 4.9 m. (16 ft.) & 1.2 m. (4 ft.).
-

**PART 16: GENERAL INDUSTRIAL (GI) ZONE**

**GI USES PERMITTED**

16.1 The following uses shall be permitted in an General Industrial (GI) Zone:

- |  |  |
|--|--|
| Agricultural Uses and Structures         | Farm Market                              |
| All Industrial Park (IP) Uses            | Heavy Industrial Uses subject to         |
| including Highway Commercial Uses        | Section 16.3                             |
| Any activity connected with the Motor    | Kennel or Grooming Salon                 |
| Vehicle Trade                            | Licensed Liquor Establishments           |
| Bulk Storage Facilities (except as noted | Manufacturing, Assembling, and           |
| in Schedule "B")                         | Processing Operations (except as         |
| Business or Professional Offices         | noted in Schedule "B□ ) "                |
| Commercial and Retail Uses Accessory     | Medical Practitioner Offices and Clinics |
| to the Main Industrial Use               | Park and Recreational Uses               |
| Commercial Recreation Uses               | Recycling Depots                         |
| Commercial Schools                       | Restaurants (Drive-in or Take-outs)      |
| Construction Industry Uses               | Service or Repair Shops                  |
| Dry Cleaning or Laundry Uses             | Service Industries                       |
| Enclosed Transfer Station                | 25 Yard Rifle Range                      |
|  | Veterinary Offices and Clinics           |
|  | Warehouse and Distribution Centres       |
|  | Wholesale Establishments                 |

**GI ZONE REQUIREMENTS**

16.2 No development permit shall be issued in a Institutional Business (IB) Zone unless in conformity with the following requirements:

	Central Water and Sewer	Central Sewer On Site Water	Central Water On Site Sewer	On Site Water On Site Sewer
Minimum Lot Area	460 sq. m. (4,952 sq. ft.)	560 sq. m. (6,028 sq. ft.)	1,860 sq. m. (20,022 sq. ft.)	2,700 sq. m (29,064 sq. ft.)
Minimum Lot Frontage	12.1 m. (39.7 ft.)	18.1 m. (59.4 ft.)	30 m. (98.4 ft.)	37 m. (121.4 ft.)
Minimum Front Yard(s)	Nil	7.5 m. (24.6 ft.)	7.5 m. (24.6 ft.)	7.5 m. (24.6 ft.)
Minimum Side Yard(s)	4.9 m. & 1.2 m. (16 ft. & 4 ft.)	4.9 m. & 1.2 m. (16 ft. & 4 ft.)	4.9 m. & 1.2 m. (16 ft. & 4 ft.)	4.9 m. & 1.2 m. (16 ft. & 4 ft.)
Minimum Rear Yard(s)	Nil	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)	7.6 m. (24.9 ft.)

**NOTE RE SECTION 16.2:** Larger lot sizes may be required in accordance with Provincial Regulations for On-Site Sewage Disposal Systems.

### **SPECIAL REQUIREMENT DEVELOPMENT AGREEMENTS**

- 16.3 The development of heavy industrial uses, such as those listed, but not limited to the uses listed in Schedule “B” of this By-law within the General Industrial (GI) Zone shall be permitted by development agreement in accordance with policies 3.1.12, 6.3.1, 6.3.2, and 6.3.3 of the Cornwallis Park Municipal Planning Strategy.

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

- 16.4 Notwithstanding Section 16.2 of this Part, in the General Industrial (GI) Zone a development permit may be issued for a development permitted in the General Industrial (GI) Zone on a "flag" lot provided the following provisions are met:
- a. the lot was created from an existing lot of land;
  - b. where the lot is to be serviced with on-site water and on-site sewer the minimum lot area shall be 3,000 sq. m. (32,293 sq. ft.);
  - c. where the lot is to be serviced with central sewer and on-site water the minimum lot area shall be 929 sq. m. (10,000 sq. ft.);
  - d. where the lot is to be serviced with central water and on-site sewer the minimum lot area shall be 1,860 sq. m. (20,022 sq. ft.);
  - e. where the lot is to be serviced with central water and central sewer the minimum lot area shall be 560 sq. m. (6,028 sq. ft.);
  - f. the minimum lot frontage shall be 9.1 m. (29.9 ft.);
  - g. the minimum front and rear yard shall be 9.1 m. (29.9 ft.); and
  - h. the minimum side yards shall be 4.9 m. (16 ft.) & 1.2 m. (4 ft.).
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**SCHEDULE "B" LIST OF HEAVY INDUSTRIAL USES AND OPERATIONS**

The listed heavy industrial uses are considered obnoxious but may be developed in the area zoned "General Industrial" in accordance with Policy 3.1.12 of the Cornwallis Park Municipal Planning Strategy.

- a. all facilities for the manufacture, processing or reprocessing of radioactive materials or other dangerous goods.
  - b. heavy water plant
  - c. pulp and paper mill
  - d. petrochemical plant
  - e. cement plant
  - f. oil refinery
  - g. metal smelter
  - h. ferro-alloy plant
  - i. non-ferrous metal smelter
  - j. dismembering-rendering plant
  - k. bulk storage facilities with a total capacity of over 5000 cubic metres intended to hold liquid or gaseous substances such as hydrocarbons or chemicals
  - l. facilities for the treatment of timber resources
  - m. facilities engaged in the production of fish meal
  - n. electricity production industries with a production rating of 30 megawatts or more
  - o. extractive and aggregate facilities
  - p. salvage yards
  - q. sand and gravel storage
  - r. cement plants
  - s. sawmills
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**CORNWALLIS PARK  
MUNICIPAL PLANNING STRATEGY  
FUTURE LAND USE MAP (FLUM)**

**CORNWALLIS PARK  
SCHEDULE "A"  
ZONING MAP**

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