



# CENTRAL ANTIGONISH INTERIM PLAN

Land Use By-Law



MUNICIPALITY OF THE COUNTY OF ANTIGONISH

Land Use By-law  
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## **PART 1 – TITLE**

This By-law shall be known and may be cited as the “Land Use By-law” of the Central Antigonish Interim planning area of the Municipality of the County of Antigonish. Hereafter referred to in this document as the “Central Antigonish Planning Area Land Use By-law” or “this By-law”. This By-law shall apply to all lands within the Planning Area.

## **PART 2 – ADMINISTRATION**

### **Scope**

This By-law applies to all development within the planning area and without restricting the generality of the foregoing shall apply to any erection, construction, addition, material alteration, replacement, or relocation of or to any building or structure, and any change or alteration in the use made of land, buildings, or structure.

### **Effective Date**

This By-law shall take effect when approved by the Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia.

### **Prohibition**

Subject to the provisions of the Municipal Government Act, no development shall be carried out within the planning area, except in accordance with this By-law.

No person shall commence or continue development for which a development permit is required by this By-law unless the owner has obtained a development permit to carry out the development.

No development permit shall be issued to erect more than one main building upon a lot, except in accordance with Part 5 (One Main Building per Lot) of this By-law.

### **Development Officer**

The Council of the Municipality of the County of Antigonish (hereinafter referred to as “Council”) which has adopted this By-law shall appoint a development officer who shall be responsible for the administration of the By-law and issuing of the municipal development permits.

The Development Officer shall keep records of all applications received, permits and orders issued, inspections made, and shall retain copies of all papers and documents connected with the administration of the By-law, which shall form part of the public records of the Municipality of the County of Antigonish.

### **Enforcement**

The Council, by any duly authorized officer or servant, shall have the right to enter at all reasonable times into or upon any property within the planning area for the purposes of an inspection necessary in connection with the administration of this By-law.

## **Permits**

Unless otherwise stated in this By-law, no person shall undertake a development without first obtaining a development permit from the Development Officer.

Every development permit is valid:

- upon the development being commenced within twelve (12) months from the date of issuing the permit;
- upon the permit being renewed for another twelve (12) months if construction has begun; or
- if not commenced within twelve (12) months and is still proposed, a new application is to be made.

An application for a development permit shall:

- be made in the form prescribed by the Municipality
- be signed by the owner or his/her agent;
- state the intended use of the proposed development; and
- provide any other information required by the Development Officer to determine whether the proposal meets the requirements of this By-law.

When necessary to complete the assessment of a proposed development, the Development Officer may require the applicant to submit copies in duplicate of one or more of the following:

- a survey plan of the lot showing the dimensions of the lot; said plan to be made and certified by a registered land surveyor licensed to practice in Nova Scotia; and
- the position, height, and horizontal dimensions of all structures existing on the lot.

## **Penalty**

Any person in violation of this By-law may be penalized through fines or imprisonment as provided for in the Municipal Government Act.

## **Costs for Advertising**

Applications for an amendment to this By-law or a development agreement shall be accompanied by a deposit to the Eastern District Planning Commission an amount estimated by the Commission to be sufficient to pay the cost of advertising required by the Municipal Government Act. After the advertising has been complete, the applicant shall pay to the Commission any additional amount required to defray the cost of the advertising, or if there is a surplus, the Commission shall refund the excess.

### **PART 3 – ZONES**

#### **Zones**

For the purpose of this By-law the Central Antigonish Planning Area is divided into the following zones, the boundaries of which are shown on the attached Schedule "A". Such zones may be referred to by the appropriate symbols.

Rural Development	RD - 1
Mobile Home Park	MHP
Highway Commercial	HC-1
Industrial	I-1

## **PART 4 – INTERPRETATION**

### **Symbols**

The symbols used on the Zoning Map attached hereto, refer to the appropriate zones established by this By-law.

### **Interpretation of Zoning Boundaries**

The extent and boundaries of all zones are shown on the Zoning Map, attached hereto, and for all such zones the provisions of this By-law shall respectively apply.

Boundaries between zones shall be determined as follows:

- where a zone boundary is indicated as following a street or highway, the boundary shall be the center line of such street or highway;
- where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
- where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the zoning map, unless otherwise indicated, it shall be included in the zone of the adjoining property on either side thereof;
- where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the zoning map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in to general direction of the long division thereof shall be considered the boundary between the zones unless specifically indicated otherwise;
- where a zone boundary is indicated as approximately following a physical feature including a watershed, the zone boundary shall follow such physical features as determined by field survey; and
- where none of the above provisions applies, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map.

### **Certain Words**

In this By-law, words used in the present tense include future; words in the singular number include the plural except where otherwise clearly stated; words in the plural include the singular number; and the word “used” includes “arranged”, “designed or intended to be used”; the word “shall” is mandatory and the word “may” is permissive.

### **Permitted Uses**

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

### **Use of Metric System**

Throughout this By-law, the metric system has been used followed by the approximate imperial system equivalent in brackets. Should any case arise where there appears to be a discrepancy between the two figures, the metric figure shall prevail.

## **PART 5 – GENERAL PROVISIONS FOR ALL ZONES**

These general provisions apply to all uses in all zones except where a specific zone or use is otherwise exempt.

### **Accessory Buildings**

Accessory uses, buildings and structures shall be permitted in any zone within the Central Antigonish Planning Area but shall not:

- be used for human habitation;
- be located within the required front or side yard of a lot;
- be built closer than 3 metres (10 feet) to any lot line
- common semi-detached garages may be centered on the mutual side lot line; and
- accessory buildings with no windows or perforations on the side of the building which faces the said lot line, may be located a minimum of 0.6 metres (2 feet) from the said side or rear lot line in any residential zone.
- boathouses and boat docks may be built to the lot line when the line corresponds to the water's edge or is in the water;
- be built within 1.8 metres (6 feet) of the main building;
- be considered an accessory building if attached to the main building in any way; and
- be considered an accessory structure if located completely underground.

Notwithstanding anything else in this By-law, drop awnings, clothesline poles, flag poles, garden trellises, fences and retaining walls shall be exempted from any requirements under Subsection 1 of this section.

### **Accessory Uses Permitted**

Where this By-law provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose includes any use accessory thereto. Accessory buildings shall be permitted in all zones.

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

No building shall be erected or used unless such building is erected upon a single lot.

### **Building to be Moved**

No person shall move any building over 26.47 square metres (285 square feet), residential or otherwise, within or into the area covered by this By-law without obtaining a development permit from the Development Officer.

### **Calculation of Lot Frontage**

The following means shall be used for the purposes of determining lot frontage:

- 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;
- 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.

### **Existing Buildings**

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

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

### **Existing Lots**

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

### **Existing Undersized Lots**

Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels in existence prior to the effective date of this By-law, having less than the minimum 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 provisions in this By-law are satisfied. In addition, where such lots are increased in size but remain undersized, they are deemed to be existing undersized lots.

### **Height Regulations**

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, chairlifts, television or radio antennae, skylights, barns, chimneys, clock towers, power transmissions, lookout towers, satellite discs, and solar collector devices.

### **Home Occupations**

Nothing in this By-law shall prevent the use of a dwelling or accessory building in any residential zone for a home occupation including: personal service shops such as barber shops and beauty parlours; artisan workshops; artists' studios; woodworking; small scale agricultural produce sales operations; bed and breakfast establishments; neighbourhood convenience stores or professional offices; office for technicians such as plumbers and electricians and back yard mechanics who undertake minor repairs to motor vehicles and machines with small engines, i.e. lawnmowers, chain saws, outboard motors, provided that:

- (a) the dwelling is owned or occupied as a residence by the operator of the home occupation or business/professional use and the external appearance of the dwelling is not changed by the home occupation or business/professional use;

- (b) there shall not be more than one (1) assistant who is not a resident in the dwelling employed in the business or profession;
- (c) no more than twenty-five (25) percent of the total floor area of the dwelling or fifty (50) percent of an accessory building is devoted to the use, to a maximum of 37.5 m<sup>2</sup> (404 ft<sup>2</sup>);
- (d) one (1) off-street parking space, other than that required for the dwelling is provided for every 18.5 m<sup>2</sup> (199 ft<sup>2</sup>) of floor space occupied by the business or professional use;
- (e) there shall be no advertising other than one (1) of either a business identification plate, a facial wall sign or a ground sign which has a maximum sign area of 5 square feet;
- (f) the home occupation shall not be obnoxious or dangerous by reason of emission of odour, smoke, dust, soot, dirt, noise, gas fumes, vibration, water carried waste or other offensive emission or refuse;
- (g) no mechanical equipment is used externally except that reasonably consistent with the use of a dwelling or accessory building;
- (h) there is no outdoor storage or outdoor display except that reasonably consistent with the use of a dwelling or accessory building; and
- (i) a development permit for the home occupation has been issued by the Development Officer.

### **Illumination**

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

### **Licenses, Permits and Compliance with Other By-laws**

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

### **Loading Space**

All Loading spaces for developments located in the Rural Development (RD-1), Highway Commercial (HC-1) or Industrial (I-1) Zones shall be located onsite, and shall not be dependent upon streets or neighbouring properties. In addition:

- Each loading space shall be at least 3.6 metres (12 feet) by 12 metres (40 feet) with a minimum of 4 metres (14 feet) in height clearance.
- No such loading space(s) shall be located within any required front yard.
- Notwithstanding anything in this section, an undersized vacant lot which is situated in the above zones, which cannot comply with these loading standards, shall be allowed to be developed and the proposed development shall be exempted from this requirement.

### Multiple Uses

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

### One Main Building on a Lot

No more than one main building shall be erected on a lot except for:

- buildings located in Commercial or Industrial Zones;
- non-residential buildings for agricultural purposes located in a Rural Development Zone;
- mobile homes located in a Mobile Home Park Zone.

### Parking Area Standards

In any zone where parking facilities for more than four (4) vehicles are required or permitted:

- the parking area shall be situated in the same zone;
- when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated;
- the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
- in addition, the location of driveway approaches shall be no closer than 4.5 metres (15 feet) from the nearest limits of the right-of-way at a street intersection;
- entrance and exit accesses to parking areas shall not exceed two (2) in number and each access shall be a width of 7.7 metres (25 feet) at the street line and pavement edge;
- the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum of 3 metres (10 feet) if for one-way traffic, and a minimum of 5.5 metres (18 feet) if for two-way traffic and the maximum width of a driveway shall be 7.6 metres (25 feet);
- the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles; and
- if lights are used for illumination of the parking lot, they shall be arranged so as to divert the light away from the street, adjacent lots of buildings.

### Parking Requirements

For every building or structure to be erected, enlarged, or changed in use off-street parking located within the same lot as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following Schedule:

Type of Building	Parking Required
a. A dwelling containing two (2) or fewer dwelling units	One (1) parking space for each dwelling unit
b. Boarding and Bed and Breakfast establishments	One (1) parking space per two (2) boarders or overnight guests

c. Senior Citizen and Nursing homes	One (1) parking space for every three (3) beds
d. Places of worship and their halls, community halls, private clubs, sports fields and other places of assembly	Where there are fixed seats, one (1) parking space for every five (5) seats, or 3 metres (10 feet) of bench space. Where there are no fixed seats, one (1) parking space for each 30 square metres (100 square feet) of floor area devoted to public use
e. Elementary schools	One (1) and one-half (1.5) parking spaces for each teaching classroom
f. High schools	Four (4) parking spaces for each teaching classroom
g. Offices	One (1) parking space per 90 square metres (300 square feet) of gross floor area, but never less than one (1) parking space
h. Medical clinics or doctor's offices	One (1) parking space for each 45 square metres (150 square feet) of floor area
i. Hotels and Motels	One (1) parking space per suite or rental unit plus one (1) additional parking space for each 4.7 square meters (51 square feet) of floor area devoted to public use exclusive of lobbies and halls
j. Restaurants	One (1) parking space for each 15 metres (50 square feet) of floor area devoted to public use
k. Retail stores	One (1) parking space per 45 square metres (150 square feet) of floor area
l. All other non-residential uses permitted by this By-law but not mentioned elsewhere	One (1) parking space for each 91 square metres (300 square feet) of floor area but never less than one (1) parking space

### **Permitted Encroachments in Yards**

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

Structure	Yard in which Projection is Permitted	Maximum Permitted Projection from Main Wall
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters or canopies	Any yard	0.6 metres (2 feet)
Window bays	Front, rear and side yards only	0.9 metres (3 feet) and a maximum width of 3 metres (10 feet)
Fire escapes and exterior staircases	Rear and side yards only	1.8 metres (6 feet)
Balconies on single family, semi - detached, and duplex dwellings	Front, rear and flankage yards only	1.8 metres (6 feet)
Balconies on other residential buildings	Any yard	(1.8 metres) 6 feet
Roofed porches not exceeding one storey, uncovered terraces	Front, rear and flankage yards only	(2.5 metres) (8 feet) including eaves and cornices
Disabled access	Any yard	To the lot line, provided any required access is not obstructed

### **Public Uses Permitted**

Government buildings and facilities (including fire and police stations) shall be permitted in any zone provided that such uses conform to the applicable lot standards of that particular zone.

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

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

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

Notwithstanding anything else in this By-law, on a corner lot in any zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than 7.6 metres (25 feet).

**Street Frontage**

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, fronts upon a street or the lot is shown on an approved plan of subdivision.

**Truck, Bus and Coach Bodies**

No trucks, bus, coach or structure of any kind, other than a mobile home or dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation within the Central Antigonish Planning Area, whether or not it is mounted on wheels.

**Variance**

Variance may be granted from the higher side yard requirement for a tourism commercial use abutting a residential use if abutting land owners are notified and are in agreement with the proposal, and provided it can be shown that there will be no negative effect on surrounding land or waterways, and provided further that all other requirements of this By-law are satisfied.

## **PART 6 – RURAL DEVELOPMENT (RD-1) ZONE**

### **RD-1 Zone Permitted Uses**

1. The following uses shall be permitted in the Rural Development (RD-1) Zone:
  - Single unit detached dwellings
  - Mobile homes
  - Semi-detached dwellings
  - Duplex dwellings
  - Bed and breakfast establishments
  - Home occupations
  - Personal service establishments
  - Open space and park uses
  - Recreational uses
  - Institutional uses
  - Agricultural uses
  - Forestry uses
  - Fishing uses
  - Existing auto body shops
  - Convenience stores
  - Existing salvage yards

### **RD-1 Zone Lot Requirements**

2. In any Rural Development (RD-1) zone, no development permit shall be issued except in conformity with the following requirements:

Standard	On-site Sewer or Water Services
Minimum Lot Area	29 000ft <sup>2</sup> *
Minimum Lot Frontage	20ft
Minimum Front Yard	25 ft
Minimum Side Yard	10 ft
Minimum Rear Yard	25 ft
Maximum Height of Main Building	35.1 ft
* Subject to the Nova Scotia Department of Environment and Labour standards, if applicable	

## **PART 7 - MOBILE HOME PARK (MHP) ZONE**

### **MHP Zone Permitted Uses**

1. The following uses shall be permitted in the Mobile Home Park (MPH) zone:
  - Mobile home park
  - Public recreational uses including parks and playgrounds
  - Mobile home park administration offices
  - Maintenance equipment and storage facilities related and incidental to the operation of the park
  - Home occupations

### **MPH Zone Lot Requirements**

2. In any Mini Home Park (MHP) Zone, no development permit shall be issued except in conformity with the following requirements:

Standard	On-site Sewer or Water Services
Minimum Lot Area	40,000 ft <sup>2</sup>
Minimum Lot Frontage	100 ft.
Minimum Front Yard	20 ft.
Minimum Side Yard	15 ft.
Minimum Rear Yard	25 ft.
Minimum distance between mobile home units	30 ft

3. In the Mobile Home Park (MHP) zone, the entire undercarriage of a mobile home shall be skirted with an opaque material.

## **PART 8 – HIGHWAY COMMERCIAL (HC-1) ZONE**

### **HC-1 Zone Permitted Uses**

1. No development permit shall be issued in a Highway Commercial (HC-1) Zone except for the following uses:

- Automobile sales establishment
- Automobile servicing garages including car washes
- Financial institutions
- Business and professional offices
- Coffee shops
- Construction supply yards
- Distribution centres
- Electronic and communication sales offices
- Food and grocery stores
- Garden and nursery supplies and sales
- Gasoline stations
- Hotels and motels
- Tourist establishments
- Restaurants

### **HC-1 Zone Lot Requirements**

2. In a Highway Commercial (HC-1) Zone, no development permit shall be issued except in conformity with the following requirements:

Standard	On-site Sewer or Water Services
Minimum Lot Area	30139 ft <sup>2</sup>
Minimum Lot Frontage	200.1 ft
Minimum Front Yard	25 ft
Minimum Side Yard	20 ft
Minimum Rear Yard	40 ft
Maximum Height of Main Building	45.9 ft

## **PART 9 – INDUSTRIAL (I-1) ZONE**

### **I-1 Zone Permitted Uses**

1. No development permit shall be issued in the Industrial (I-1) Zone except for one or more of the following uses:

- Light industrial
- Warehousing
- Retail stores
- Trucking and construction
- Distribution facilities
- Building supplies and lumber outlets
- Manufacturing
- Offices necessary to the administration of permitted uses

### **I-1 Zone Lot Requirements**

2. In an Industrial (I-1) Zone, no development permit shall be issued except in conformity with the following requirements:

Standard	On-site Sewer or Water Services
Minimum Lot Area	7,500 sq. ft
Minimum Lot Frontage	50 ft
Minimum Front Yard	20 ft
Minimum Side Yard	10 ft
Minimum Rear Yard	35 ft
Maximum Height of Main Building	7,500 sq. ft

## **PART 10 – DEFINITIONS**

The words and terms listed below shall have the meanings as defined herein.

1. **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 in any way to the main building, or a building located completely underground.
2. **ACCESSORY USE** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
3. **ACT** shall mean The Municipal Government Act, being Chapter 18 of the Statutes of Nova Scotia, 1989, and amendments thereto.
4. **ALTER** means to change a structural component of a building, or to increase or decrease the volume of a building or structure.
5. **AUTOMOBILE SERVICE CENTRE** means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles and may include an automobile car wash.
6. **BED and BREAKFAST:** an establishment providing accommodation for the use of the traveling or vacationing public, containing up to 4 bedrooms available in a private home, ensuite, private or shared bathrooms, common living room, full or continental breakfast included in room rate.
7. **BEVERAGE ROOM:** A premises licensed as a beverage room by the Liquor License Board of Nova Scotia.
8. **BOARDING OR ROOMING HOUSE** means a dwelling in which the proprietor supplies either room or room and board for monetary gain, with more than three but not more than six rooms and which is open to the general public.
9. **BOATHOUSE** means a building or structure or part thereof not over one storey in height, used for the storage of private boats and equipment accessory to their use, as an accessory use to a residential use, no part of which shall be used for residential or commercial purposes.
10. **BUILDING** means any on-site constructed or off-site constructed (modular) structure whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment. Any tent, awning, bin, bunker, or platform vessel or vehicle used for any of the said purposes shall be deemed a building.
11. **CAMPGROUND** means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes, but campground does not include a mobile home park.
12. **COMMUNITY CENTRE** means any tract of land, or building or buildings, or part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof, or a non-profit organization.

13. CORNER LOT means a lot situated at the intersection of and abutting on two or more streets. The lot line facing the main entrance of the building shall be deemed the front lot line of the said lot.
14. COUNCIL shall mean the Council of the Municipality of the County of Antigonish.
15. DAY CARE CENTRE means a place where four or more preschool children are cared for on a temporary daily basis without overnight accommodation but does not include a school.
16. 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, or structures.
17. DEVELOPMENT OFFICER shall mean the Development Officer appointed by the Municipality of the County of Antigonish in accordance with The Municipal Government Act.
18. DWELLING means a building occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units, but shall not include a hotel, a motel, apartment hotel or a travel trailer.
19. DWELLING, SINGLE DETACHED means a building containing not more than one (1) dwelling unit.
20. DWELLING, CONVERTED means a building converted to three (3) dwelling units.
21. DWELLING, MULTIPLE UNIT means a dwelling which contains 3 or more dwelling units.
22. DWELLING, DUPLEX means a building containing not more than two (2) dwelling units placed one above the other.
23. DWELLING, SEMI-DETACHED means a dwelling unit which is one side of a building, which building is divided vertically by a wall extending ground to roof and which building is separated by open space from other buildings, and which dwelling unit has an independent entrance.
24. DWELLING UNIT means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.
25. EXISTING means existing as of the effective date of this By-law.
26. FLOOR AREA
  - a. With Reference to a Dwelling means the maximum floor area contained within the outside walls excluding any private garage, porch, verandah, sun room, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
  - b. Commercial Floor Area means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common halls between stores.
27. FRONT YARD means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a “minimum” front yard means the minimum depth allowed by this By-law of a front yard on a lot

between the front lot line and the nearest main wall of any main building or structure on the lot.

28. HEIGHT means the vertical distance of a building between grade and:

- a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- b) the deck line of a mansard roof; or
- c) the main level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof;
- d) but shall not include any construction used as an ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola, or steeple.

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

30. HOME OCCUPATION means an accessory use of a dwelling or secondary building for gainful employment involving the provision or sale of goods or services or both goods and services and includes a domestic or household art, a day care center, a personal service shop, a catering establishment an artisan work shop, a photographic studio, a professional office and an office for technicians such as plumbers, carpenters, electricians and other trade profession.

31. INSTITUTION means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent or profit such as schools, churches, community centers, hospitals, homes for special care, senior citizen homes and government buildings but shall not include a private club.

32. LOADING SPACE means a vacant area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area

- a. is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display.
- b. is not upon or partly upon any street, or highway; and
- c. has adequate access to permit ingress and egress by means of drive-ways, aisles, maneuvering areas or similar areas, not part of which shall be used for the temporary parking or storage of one or more motor vehicles.

33. LOT means any parcel of land described in a deed or as shown in a registered plan of subdivision.

a. Corner lot means a lot situated at the intersection of and abutting on two or more streets.

b. The shorter lot line shall be deemed the front lot line of the said lot. 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 highway provided, however, that if any lot qualifies as being both a Corner Lot and Through Lot as herein before defined, such lot shall be deemed to be a Corner Lot for the purpose of this By-law.

34. LOT AREA means the total horizontal area within the lot lines of a lot.

35. LOT FRONTAGE means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot

lines and at a point therein equal in distance to the minimum applicable front yard. In the case of a corner lot with a day lighting triangle the exterior lot lines (street line) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

36. **MAIN BUILDING** means the building in which is carried on the principal purpose for which the lot is intended.

37. **MOBILE HOME** means any structure, not including a travel trailer, containing one or more dwelling units, having no permanent foundation and supported by wheels, jacks or other similar supports, and used and designed or so constructed for occupancy, as a dwelling unit. For the purpose of this By-law, the removal of the wheels or the permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification. A mobile home can also mean for the purposed of this by-law a building originally pre-fabricated elsewhere, designed for transportation on public roads after fabrication with primarily one main modular part, arriving at the site ready for occupancy as a residence except for: unpacking; assembly; the typical site work; foundation connections; water and sanitary sewer connections; and utility connections.

38. **MOBILE HOME PARK** means a lot on which spaces are provided for more than one mobile home but does not include a campground.

39. **MOTEL** shall mean the same as Hotel, but may include private cooking facilities.

40. **MUNICIPALITY** means the Municipality of the County of Antigonish.

41. **NURSING HOME** means a building wherein nursing care room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.

42. **OFFICE** means a room or rooms, building or structure where business may be transacted, a service performed or consultation given.

43. **OUTDOOR STORAGE** means the storage of any item located outside of a building not primarily for the encouragement of sale of the item or of similar items but principally for storage purposes.

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

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

46. **PLACE OF WORSHIP** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, and day nursery operated by the church.

47. **PRIVATE CLUB** means a building or part of a building used as a meeting place for members or an organization and may include a lodge, a fraternity, or sonority house, and a labour union hall.

48. **PROFESSIONAL OFFICE** means a building or structure where business may be transacted, a service performed or consultation given.

49. PUBLIC PARK means a park owned or controlled by a Public Authority or by any Board, Commission or other Authority established under any statute of the Province of Nova Scotia.
50. REAR YARD means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and “minimum” rear yard means the minimum depth allowed by this By-law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.
51. RECREATIONAL USES means the use of land for parks, playgrounds, tennis courts, indoor or outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centers, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.
52. RESTAURANT OR TAKE-OUT RESTAURANT means a building or part thereof where food and drink is served to the public for consumption within the building or for takeout.
53. 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.
54. SALVAGE YARD OR SCRAP YARD means a lot or premises for the storage or handling of scrap material and without limiting the generality of the foregoing, includes waste paper, rags, bones, bottles, used bicycles, vehicles, tires, metal or other scrap material or salvage.
55. SEMI-DETACHED DWELLING means a building that is divided vertically into two dwelling units each of which has an independent entrance.
56. SERVICE SHOP means a building or part thereof used for the sale or repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.
57. SETBACK means the distance between the street line and the nearest main wall of any building or structure and extending the full width or length of the lot.
58. SIDE YARD means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and “minimum” side yard means the minimum depth allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.
59. STOREY means the portion of a building between any floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least six (6) feet above grade and provided also that any portion of a storey exceeding fourteen (14) feet in height shall be deemed an additional storey for each fourteen (14) feet or fraction thereof of such excess.
60. STREET means a public road, accepted and maintained by the Department of Transportation and Public Works as a public thoroughfare.
61. STREET LINE means the boundary line of a public street.
62. STRUCTURE means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.

A structure shall include buildings, walls, and signs and also fences exceeding six (6) feet in height.

63. TOWNHOUSE DWELLING means a building that is divided vertically into three or more dwelling units, each of which has an independent entrance or entrances to the outdoors.

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

65. 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 to the building shall be used.

66. ZONE means a designated area of land shown on Schedule “A” of this By-law.