TOWN OF LUNENBURG

LAND-USE BY-LAW

2012
Town of Lunenburg Land-Use By-Law
2012

1) Amended by adding 26G.3(c), re volume of additions in the architectural control area. (October 2, 2012)

2) Amended by changing zoning of MI on Montague Street etc. to GC. (February 26, 2013)
   (Map change only).

3) Amended by changing 26J (deleting 26J.3 and 26J.4). (June 11, 2013)

4) Amended by changing 3.1 (1), deleting 3.4 (d), renumbering 3.4 (e) to 3.4 (d) - small scale business parking space amendments. (September 30, 2015)
TOWN OF LUNENBURG
LAND-USE BY-LAW

Contents

Part 1 Title and Purpose ................................................. 1
Part 2 Basic Principles ................................................... 2

Division 1: Zones ......................................................... 3
Part 3 Common Requirements for all Residential Zones .......... 4 - 7
Part 4 OTR - Old Town Residential .................................. 8 - 9
Part 5 R - Residential .................................................... 10 - 12
Part 6 MDR - Medium Density Residential ......................... 13 - 14
Part 7 RR - Rural Residential .......................................... 15 - 16
Part 8 Common Requirements in all Commercial Zones ......... 17 - 19
Part 9 GC - General Commercial ....................................... 20 - 22
Part 10 RC - Restricted Commercial .................................. 23
Part 11 HC - Highway Commercial .................................... 24 - 25
Part 12 CS - Commercial Shoreline ................................... 26
Part 13 TM - Tourism Marine ........................................... 27
Part 14 Common Requirements in all Industrial Zones .......... 28
Part 15 I - Industrial ...................................................... 29 - 30
Part 16 MI - Marine Industrial ......................................... 31 - 32
Part 17 RI - Rural Industrial ............................................ 33
Part 18 INS - Institutional ............................................... 34 - 35
Part 19  REC - Recreation .................................................... 36

Part 20  OS - Open Shoreline ............................................. 37

**Division 2 General Requirements** ........................................ 38

Part 21  Exclusions ............................................................ 39 - 40

Part 22  Parking ................................................................. 41 - 44

Part 23  Loading Spaces ..................................................... 45 - 46

Part 24  Signs ................................................................. 47 - 53

Part 25  Uses
A. Specific Uses ......................................................... 54 - 62
B. Outdoor Uses ............................................................ 63

Part 26  General Requirements
A. Corner Vision Triangle ................................................. 64
B. Accessory Uses and Buildings ....................................... 65
C. Building Extensions .................................................... 66
D. Fences, Walls and Miscellaneous Minor Structures .......... 67
E. Illumination ............................................................... 68
F. Length to Width Ratio of New Structures ....................... 69
G. Architectural Control Area .............................................. 70 - 71
H. Uses Permitted in All Zones ........................................... 72 - 73
I. Vending ................................................................. 74
J. One Main Building ....................................................... 75
K. Residential Storage Buildings ....................................... 76
L. Habitation of Vehicles ................................................ 77
M. Converted Buildings ................................................... 78
N. Keeping of Animals ..................................................... 79
O. Existing Buildings and Lots ......................................... 80
P. Frontage on a Street ................................................... 81
Q. Setback Exemption ..................................................... 82

Part 27  Applying the By-law .................................................... 83
A. Yards ................................................................. 84 - 85
B. Lots ................................................................. 86
C. Height ................................................................. 87
D. Dictionary ............................................................. 88 - 89
PART 1  TITLE AND PURPOSE

1.1. This by-law is the Land-Use By-Law of the Town of Lunenburg, and may be cited as the Land-Use By-Law or LUB.

1.2 The purpose of this by-law is to carry out the intent of the Municipal Planning Strategy of the Town of Lunenburg by regulating the use of land and the erection or use of buildings and structures and by regulating the height, bulk, location, size, spacing and character of buildings and structures within the Town of Lunenburg.

1.3 This by-law is passed under the authority of the Municipal Government Act.
PART 2  BASIC PRINCIPLES

2.1 For purposes of this by-law the Town of Lunenburg is divided into zones.

2.2 In each zone, the permitted uses are the only uses allowed.

2.3 Development permits for other than permitted uses must not be issued.

2.4 Developments must not take place on lots that do not meet the minimum requirements set for each zone.

2.5 Developments must comply with all requirements that apply to the zone they are in.

2.6 Zones are areas of the Town defined by the boundaries that appear on Schedule “A”, the Zoning Map.

2.7 Where a zone boundary appears to follow a lot line, the lot line is the zone boundary.

2.8 Where a zone boundary appears to follow a street or watercourse, the centre line of the street or watercourse is the zone boundary.

2.9 No person shall use any land or erect, alter or use any building or structure unless a development permit has been issued.

2.10 No development permit shall be issued unless all provisions of this By-law are satisfied.

2.11 For the purposes of this By-law, if a use is not listed as a permitted use in a zone or if it is not accessory to a permitted use within the particular zone, it is a prohibited use in that zone, except where the use is a non-conforming use.

2.12 Nothing in this By-law exempts any person from complying with the requirements of other by-laws or regulations in force within the Town of Lunenburg or from obtaining any licence, permission, permit, authority or approval required.

2.13 Where the provisions of this By-law conflict with any other municipal or provincial requirements, the higher or more stringent provisions prevail.

2.14 Where any lot is to be used for more than one purpose, all provisions of this By-law relating to each use must be satisfied; where there is any conflict, the higher standard prevails.

2.15 Where any main building is to be used for more than one purpose and applicable zone requirements conflict, the more restrictive zone requirements apply.

2.16 No person shall move a structure within or into the area covered by this By-law without obtaining a development permit from the development officer.
DIVISION 1: ZONES
3.1 Business Uses Permitted in Residential Zones

In any residential zone, a single unit dwelling or buildings accessory to a single unit dwelling may be used for small scale business purposes provided that all of the following requirements are met:

(a) the dwelling must be the place of primary residence of the owner of the business;

(b) the business may not employ more than two (2) persons whose primary residence is not the dwelling on the lot;

(c) the business must be located in the dwelling or in an accessory building;

(d) the business must fall within one (1) of the following types of uses:

(i) business offices or professional offices;
(ii) craft workshops and craft shops;
(iii) guest houses;
(iv) personal services;
(v) tailoring and/or dressmaking;
(vi) studios for the practice or instruction of fine arts, commercial arts or crafts;
(vii) repair shops, excluding vehicle or small engine repair shops;
(viii) day care centres and nursery schools;
(ix) taxicab operations;
(x) catering establishments.

(e) retail sales of products shall be limited to the sale of products made, refinished, or repaired on the premises and products associated with the business;

(f) the business may not occupy

(i) for uses other than guest houses, an area equivalent to no more than twenty-five percent (25%), to a maximum of 47 square metres (506 square feet), of the floor area of the dwelling (see section 3.8);

(ii) for guest houses, the maximum size of the business is three (3) rental units; and

(iii) for a combination of guest house and other small business use permitted under this Section, the maximum size of the combined businesses shall be:

(1) three (3) rental units; plus
(2) an area equivalent to no more than 25%, to a maximum of 47 square metres (506 square feet) of the floor area of the dwelling.
(g) there may not be more than two (2) signs on the lot related to the business. The signs shall be non-illuminated and shall not exceed 0.45 square metres (5 square feet) in this area;

(h) the use shall not emit noise, odour, dust, light, or radiation that would be a nuisance or is uncustomary in a residential neighbourhood;

(i) there shall be no open storage or outdoor display of materials or products related to the business use;

(j) no more than two (2) commercial vehicles, including taxicabs, related to the business use may be kept upon or operated from the lot on which the business is located;

(k) the use may not include a funeral home, an animal shelter, animal hospital or kennels;

(l) no additional parking spaces for any small business uses listed in 3.1 (d)

3.2 **Personal Offices Permitted in Residential Zones**
Nothing in this By-law prevents the use of any dwelling unit or building accessory to a dwelling unit in any residential zone for personal office purposes, provided the requirements of Subsections 5.1(a) to 5.1(j) inclusive, above, are met. Parking is not required.

3.3 **Special Requirements: Existing Commercial Uses in Residential Zones**
In any residential zone, commercial uses listed as existing commercial uses in the zone may expand the building or the use, replace the building, move the use to a different location within the building or change the use to any use allowed in the Restricted Commercial (RC) Zone provided the following requirements are met:

(a) any expansion in the volume of a building in which an existing commercial use is located may not exceed ten percent (10%) of the floor area of the building prior to expansion;

(b) the area of outdoor storage or open display uses that are located on the lot may not be increased;
(c) no new nuisances will be created as a result of the proposed change; and

(d) any new buildings and any alterations, or additions made to existing buildings with respect to the development are compatible in terms of architectural features, height and bulk with other buildings in the neighbourhood.

3.4 **Special Requirements: Rooming and Boarding Houses**  
In any residential zone, a dwelling may be used as a rooming or boarding house, provided that all of the following requirements are met:

(a) the proprietor of the business must reside in the dwelling;

(b) the equivalent of no more than six (6) single rooms may be available for rent;

(c) driveways and parking, if any, shall be screened from neighbouring properties by means of a fence or hedge;

(d) rooms must be rented for periods of 30 days or more.

3.5 **Parking of Commercial Motor Vehicles**  
No more than two (2) commercial motor vehicles may be kept on a lot in a residential zone.

3.6 **Special Requirements: Tourist Homes**  
In any residential zone, a single, two or three-unit dwelling may be used as a tourist home provided that all of the following requirements are met:

(a) there may not be more than one (1) sign on the lot related to the business. The sign shall be non-illuminated and shall not exceed 0.45 square metres (5 square feet) in area; and

(b) no tourist home may be located on a lot any part of which is within:
   (i) 180 feet of the lot on which a tourist home listed as a permitted use in the Old Town Residential (OTR) Zone, or operating with a development permit in the Old Town Residential (OTR) Zone is located; or
   (ii) 300 feet of the lot on which a tourist home listed as a permitted use in the Residential (R) Zone, or operating with a development permit in the Residential (R) or Rural Residential (RR) Zone is located.
3.7 **Determining Floor Area**
For the purposes of clause 3.1(f),

“floor area” means the maximum area contained within the outside walls, excluding garage, porch, verandah, sunroom, unfinished attic or basement, any detached building and any other dwelling unit, any room not habitable at all seasons of the year.

“business floor area” means the total useable floor area within a building used for commercial purposes, excluding washrooms, furnace and utility rooms.

3.8 **Sign Area**
For purposes of clauses 3.1(g) and 3.7(b), where the two sides of a ground sign are at 180 degrees to each other, the area of the sign is the area of one side of the sign.
PART 4  OLD TOWN RESIDENTIAL (OTR) ZONE

4.1  Permitted Developments

(a)  Developments Permitted
existing commercial storage buildings as follow:

**Civic Address**
11 York Street

existing commercial uses as follow:

**Civic Address**  **Use**
78 Lawrence Street  retail shoe store

existing multi-unit dwellings containing four (4) or more units as follow:

**Civic Address**  **Number of Units**
62 Duke Street  4
186 Fox Street  4
74 York Street  6

existing residential storage buildings as follow:

**Civic Address**
162 Townsend Street
166 Townsend Street

existing tourist homes as follow:

**Civic Address**  **Number of Units**
220 Montague Street  3

guest houses up to 3 units subject to Section 3.1

single unit dwellings

two-unit dwellings

(b)  Developments Permitted by Development Agreement

(i)  institutional developments in accordance with Municipal Planning Strategy policy 5.3

(ii) multi-unit dwellings in accordance with Municipal Planning Strategy policy 5.9

(iii) expansion of existing multi-unit dwellings listed above in accordance with Municipal Planning Strategy policy 5.9

(iv) guest houses over 3 units in accordance with Municipal Planning Strategy policy 5.10

(v) dining rooms in conjunction with guest houses in accordance with Municipal Planning Strategy Policy 5.10A

4.2  Old Town Residential (OTR) Zone Standards

- Minimum Front Yard  nil
- Minimum Rear Yard  3.5 metres (12 feet)
- Minimum Side Yard  1.2 metres (4 feet)
- Minimum Flankage Yard  nil
Maximum Height of Buildings  10.5 metres (35 feet)
Minimum Lot Area  223 square metres (2400 square feet)
Minimum Lot Frontage  12 metres (40 feet)

**Note:** Department of Environment requirements for unserviced lots may require larger lot sizes where public sewer is not available.

4.3 **Special Requirements: Parking Lot Location**
Parking lots are permitted as the main use of a lot in the Old Town Residential (OTR) Zone only on lots:
(a) vacant prior to the coming into effect of the former Land Use By-law (June 13, 1996);
(b) where there are buildings that warrant, in the opinion of a civil engineer qualified in structural design, removal due to their structural condition; or
(c) where the only structures on the lot are 70 square metres (753 square feet) or less in area.
PART 5 RESIDENTIAL (R) ZONE

5.1 Permitted Developments

(a) Developments Permitted

existing commercial uses as follow:

<table>
<thead>
<tr>
<th>Civic Address</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 Dufferin Street</td>
<td>part-time upholstery business in accessory building</td>
</tr>
<tr>
<td>195 Green Street</td>
<td>retail florist</td>
</tr>
</tbody>
</table>

e-existing multi-unit dwellings as follow:

<table>
<thead>
<tr>
<th>Civic Address</th>
<th>Number of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>37 Blockhouse Hill Road</td>
<td>15</td>
</tr>
<tr>
<td>30-36 Broad Street</td>
<td>8</td>
</tr>
<tr>
<td>138-146 Centennial Avenue</td>
<td>5</td>
</tr>
<tr>
<td>119 Cornwallis Street</td>
<td>15</td>
</tr>
<tr>
<td>23 James Road</td>
<td>14</td>
</tr>
<tr>
<td>41 James Road</td>
<td>14</td>
</tr>
<tr>
<td>28 Sawpit Road</td>
<td>12</td>
</tr>
<tr>
<td>36 Sawpit Road</td>
<td>12</td>
</tr>
</tbody>
</table>

existing visitor-oriented commercial uses as follow:

<table>
<thead>
<tr>
<th>Civic Address</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 Lower Street</td>
<td>(1) use of 528 square feet of the basement level floor of the dwelling for the creation, painting and retail sale of wooden toys</td>
</tr>
<tr>
<td></td>
<td>(2) use of 450 square feet of the property for outdoor sales and display</td>
</tr>
<tr>
<td></td>
<td>(3) use of two signs, each a maximum of 5 square feet in area</td>
</tr>
<tr>
<td>34 Linden Avenue</td>
<td>(1) use of 518 square feet of the ground floor of the dwelling for the retail sale of quilts, quilt-related craft and art goods, and handmade hooked rugs</td>
</tr>
<tr>
<td></td>
<td>(2) use of 100 square feet of the property for outdoor sales and display</td>
</tr>
<tr>
<td></td>
<td>(3) use of three signs:</td>
</tr>
<tr>
<td></td>
<td>• one 25 square foot quilt hung on the dwelling</td>
</tr>
<tr>
<td></td>
<td>• one 13.6 square foot ground sign; and</td>
</tr>
<tr>
<td></td>
<td>• one 3.5 square foot flat fixed wall sign</td>
</tr>
</tbody>
</table>
guest houses up to 3 units subject to Section 3.1
parking lots associated with uses permitted in the Residential (R) Zone
single-unit dwelling
two-unit dwellings

(b) Developments Permitted by Development Agreement
(i) institutional developments in accordance with Municipal Planning Strategy policy 5.5
(ii) multi-unit dwellings in accordance with Municipal Planning Strategy policy 5.9
(iii) expansion of existing multi-unit dwellings listed above in accordance with Municipal Planning Strategy policy 5.9
(iv) guest houses over 3 units in accordance with Municipal Planning Strategy policy 5.10
(v) Dining Rooms in conjunction with guest houses in accordance with Municipal Planning Strategy Policy 5.10A.

5.2 Residential (R) Zone Standards

<table>
<thead>
<tr>
<th>Minimum Front Yard</th>
<th>6 metres (20 feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Rear Yard</td>
<td>6 metres (20 feet)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>2.4 metres (8 feet)</td>
</tr>
<tr>
<td>Minimum Side Yard on Side with Common Wall</td>
<td>0 metres (0 feet)</td>
</tr>
<tr>
<td>Minimum Flankage Yard</td>
<td>6 metres (20 feet)</td>
</tr>
<tr>
<td>Maximum Height of Buildings</td>
<td>10.5 metres (35 feet)</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>558 square metres (6000 square feet)</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>18.2 metres (60 feet)</td>
</tr>
</tbody>
</table>

5.3 Attached Dwellings on Separate Lots
Where two lots are created for the development of an attached two-unit dwelling to be located on the common lot line, the total area, added together, of both lots must be 558 square metres (6000 square feet) and the total frontage of both lots must be 18.2 metres (60 feet) and each lot must have a minimum frontage of 20 feet.

5.4 Special Requirements: Existing Visitor-Oriented Commercial Uses in the Residential (R) Zone
In the Residential (R) Zone visitor-oriented commercial uses listed in the zone may:
(a) continue the use;
(b) expand the building for residential purposes in accordance with the requirements of the Residential (R) Zone;
(c) replace the building;
(d) move the use to a different location within the building, provided that
   (i) there is no increase in the size of the use beyond that listed in the
Residential (R) Zone;
(ii) there is no increase in the area of outdoor display and sales beyond that listed in the Residential (R) Zone;
(iii) there is no change in the type of item available for retail sale from those items listed in the Residential (R) Zone; and
(iv) all other activity related to the business use, such as parking, is in accordance with the requirements of Section 5.1 of the Land Use By-law.
6.1 **Permitted Developments**

(a) **Developments Permitted**
- four-unit dwellings
- guest houses up to 3 units subject to Section 3.1
- parking lots associated with uses permitted in the Medium density Residential (MDR) Zone
- single-unit dwellings
- three-unit dwellings
- townhouses with a maximum of four dwelling units
- two-unit dwellings

(b) **Developments Permitted by Development Agreement**
- (i) institutional developments in accordance with Municipal Planning Strategy policy 5.5
- (ii) multi-unit dwellings in accordance with Municipal Planning Strategy policy 5.9
- (iii) guest houses over 3 units in accordance with Municipal Planning Strategy policy 5.10
- (iv) Dining Rooms in conjunction with guest house in accordance with Municipal Planning Strategy Policy 5.10A.

6.2 **Medium Density Residential (MDR) Zone Standards**

<table>
<thead>
<tr>
<th><strong>Minimum Front Yard</strong></th>
<th>6 metres (20 feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Rear Yard</strong></td>
<td>6 metres (20 feet)</td>
</tr>
<tr>
<td><strong>Minimum Side Yard</strong></td>
<td>2.4 metres (8 feet)</td>
</tr>
<tr>
<td><strong>Minimum Side Yard on Side with Common Wall</strong></td>
<td>0 metres (0 feet)</td>
</tr>
<tr>
<td><strong>Minimum Flankage Yard</strong></td>
<td>6 metres (20 feet)</td>
</tr>
<tr>
<td><strong>Maximum Height of Buildings</strong></td>
<td>10.5 metres (35 feet)</td>
</tr>
</tbody>
</table>

**Single Unit Dwellings Two Unit Dwellings**

<table>
<thead>
<tr>
<th><strong>Minimum Lot Area</strong></th>
<th>558 square metres (6000 square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Frontage</strong></td>
<td>18.2 metres (60 feet)</td>
</tr>
</tbody>
</table>

**Three and Four-Unit Attached Dwellings on Separate Lots**

<table>
<thead>
<tr>
<th><strong>Minimum Lot Area</strong></th>
<th>167.2 square metres (1800 square feet/unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Frontage</strong></td>
<td>6 metres (20 feet)</td>
</tr>
</tbody>
</table>

**Note:** Department of Environment requirements for unserviced lots may require larger lot sizes where public sewer is not available.
6.3 **Two-Unit Attached Dwellings on Separate Lots**
Where two lots are created for the development of an attached two-unit dwelling to be located on the common lot line, the total area, added together, of both lots must be 558 square metres (6000 square feet) and the total frontage of both lots must be 18.2 metres (60 feet) and each lot must have a minimum frontage of 20 feet.
PART 7  RURAL RESIDENTIAL (RR) ZONE

7.1 Permitted Developments
(a) Developments Permitted
   agriculture and forestry
   guest houses up to 3 units subject to Section 3.1
   residential storage buildings
   recreation developments
   institutional developments
   parking lots associated with uses permitted in the Rural Residential (RR) Zone
   single-unit dwellings
   two-unit dwellings

(b) Developments Permitted by Development Agreement
   (i) multi-unit dwellings in accordance with Municipal Planning Strategy policy 6.4
   (ii) tourist accommodations in accordance with Municipal Planning Strategy policy 6.5
   (iii) guest houses over 3 units in accordance with Municipal Planning Strategy policy 6.6
   (iv) Dining Rooms in conjunction with guest houses in accordance with Municipal Planning Strategy Policy 5.10A
   (v) Mobile home parks in accordance with Municipal Planning Strategy policy 6.6A
   (vi) craft workshops in accordance with Municipal Planning Strategy 6.6AA.

7.2 Rural Residential (RR) Zone Standards
   Minimum Front Yard 6 metres (20 feet)
   Minimum Rear Yard 6 metres (20 feet)
   Minimum Side Yard 2.4 metres (8 feet)
   Minimum Flankage Yard 6 metres (20 feet)
   Maximum Height of Buildings 10.5 metres (35 feet)
   Minimum Lot Area 558 square metres (6000 square feet)
   Minimum Lot Frontage 18.2 metres (60 feet)

Note: Department of Environment requirements for unserviced lots may require larger lot sizes where public sewer is not available.

7.3 Special Requirements: Livestock and Feedlots
(a) no development permit shall be issued for any structure to be used for the shelter or confinement of any farm animal units within 30 metres (100 feet) of a residential dwelling or institutional building located on an abutting property;
(b) Feedlots holdings in excess of the number of farm animal units used in the following table may not be located within 305 metres (1000 feet) of any residential or institutional building on another lot.

<table>
<thead>
<tr>
<th>Type of Livestock</th>
<th>Number of Farm Animal Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horses</td>
<td>25</td>
</tr>
<tr>
<td>Cattle (plus calf)</td>
<td>25</td>
</tr>
<tr>
<td>Swine (plus litter to weaning)</td>
<td>25</td>
</tr>
<tr>
<td>Sheep (plus lambs)</td>
<td>25</td>
</tr>
<tr>
<td>Fowl</td>
<td>50</td>
</tr>
<tr>
<td>Female mink (plus kits and males)</td>
<td>50</td>
</tr>
<tr>
<td>Female rabbits (plus mates)</td>
<td>50</td>
</tr>
</tbody>
</table>
PART 8 COMMON REQUIREMENTS IN ALL COMMERCIAL ZONES

8.1 The requirements of this Part apply to the General Commercial (GC), Restricted Commercial (RC) and Highway Commercial (HC) zones.

8.2 Abutting Zone Requirements
Where any Commercial Zone abuts any residential, institutional or recreation zone the following restrictions shall apply to the abutting yard within the commercial zone;

(a) the minimum yard requirement for the abutting yard is 6 metres (20 feet);
(b) the required abutting yard shall be planted with a mix of coniferous and deciduous trees;
(c) no open storage, outdoor display, or garbage containers are permitted in the abutting yard in the commercial zone;
(d) in the Highway Commercial (HC) and Restricted Commercial (RC) Zones, no parking space is permitted in an abutting yard within 3 metres (10 feet) of the side or rear lot lines; and
(e) in the General Commercial (GC) Zone, no parking space is permitted in an abutting yard within 1.5 metres (5 feet) of the side or rear lot lines.

8.3 Open Storage in Commercial Zones
The following restrictions apply to open storage:

(a) open storage is not permitted within the required minimum front or side yard of a lot;
(b) all storage in the side yards shall be screened or be within a solid enclosure;
(c) the area devoted to open storage shall not exceed fifty percent (50%) of the lot area.

8.4 Outdoor Sales of Fresh Fruit and Vegetables and Fresh, Salted or Smoked Fish from a Stand or Parked Motor Vehicle
Outdoor sales of fresh fruit and vegetables and fresh, salted or smoked fish from a stand or parked motor vehicle is allowed in all commercial zones without the requirement for a development permit, subject to the Vending By-law.
8.5 **Take-Out Windows**

(a) Any restaurant may incorporate a service or “take-out” window opening either onto private property or the public sidewalk.

(b) A restaurant with a “take-out” window shall provide outdoor receptacles for waste.

8.6 **Waste Receptacles**

(a) Any premises that offer prepared food to be taken and eaten outside the main building shall provide outdoor receptacles for waste.

(b) All waste receptacles on public property are subject to the following special provisions:

(i) no development permit is required;

(ii) a waste receptacle may not be placed on a sidewalk in a way that leaves less than 1.22 metres (4 feet) between the receptacle and the curb or that otherwise impedes the flow of pedestrian traffic or restricts the visibility of drivers;

(iii) no waste receptacle may be placed on a sidewalk or other public property unless the owner provides an agreement of indemnity in favour of, and in a form satisfactory to, the Town of Lunenburg, for the defence and indemnification of any claims arising out of or in any way related to the receptacle placed on public property;

(iv) no waste receptacle shall remain on the sidewalk at any time when it may interfere with winter maintenance;

(vi) a waste receptacle shall be a minimum of 17 inches in height and shall not pose a safety hazard to pedestrians by virtue of the materials from which it is made or its form.

8.6 **Special Requirements: Outdoor Display and Sales on Public Property**

Outdoor display of retail goods and of street furniture on public property directly in front of a commercial use the owner of the commercial use is permitted subject to the following special provisions:

(a) no development permit is required;

(b) any goods which are displayed and offered for sale must be goods which are also
displayed and offered for sale in the retail store by the same retailer;

(c) any sale of goods shall occur only within the building;

(d) any outdoor display or street furniture shall not be placed on a sidewalk in a way which leaves less than 1.22 metres (4 feet) between the display and the curb or that otherwise impedes the flow of pedestrian traffic or restricts the visibility of drivers;

(e) no outdoor display or street furniture shall be placed on a sidewalk or other public property unless the owner provides an agreement of indemnity in favour of, and in a form satisfactory to, the Town of Lunenburg, for the defense and indemnification of any claims arising out of or in any way related to the outdoor display or street furniture placed on public property;

(f) no outdoor display or street furniture shall remain on the sidewalk at any time when it may interfere with winter maintenance;

(g) any outdoor display or street furniture shall be a minimum of 17 inches in height and shall not pose a safety hazard to pedestrians by virtue of the materials from which it is made or the form of the display or furniture; and

(h) no service of food shall occur on the sidewalk.

8.7 Special Requirements: Outdoor Display and Sales on Private Property
Outdoor display and offering for sale of goods which are also displayed and offered for sale in a retail store, on the same lot as the retail store, by the same retailer, are permitted.

8.8 Special Requirements: Mobile Canteens
Mobile canteens do not require a development permit but are subject to the Vending Bylaw.
PART 9 GENERAL COMMERCIAL (GC) ZONE

9.1 Permitted Developments
(a) Developments Permitted:
bakeries
banks and other financial uses
catering establishments
commercial clubs
commercial schools
converted buildings (subject to Section 26M.1)
craft workshops
dressmaking and tailoring
drycleaning or laundry establishments and depots
funeral homes
guest houses
hotels and motels
institutional uses
medical clinics
meeting halls
multi-unit dwellings where the ground floor is wholly or partially used for a commercial purpose
offices
outdoor sales of prepared foods
parking lots
parks
personal services
photography studios
places of entertainment, recreation and assembly
printing establishments
private clubs and organizations
public buildings and uses
repair shops, excluding the sale or servicing of power and chain saws, marine and industrial engines and auto body shops
restaurants
retail stores
rooming and boarding houses
single unit dwellings
taxi stands and bus terminals
temporary indoor markets, indoor bake sales and indoor sales of vegetables and produce
tourist information centres
two-unit dwellings
veterinary clinics
warehouses and enclosed distribution centres

(b) Developments Permitted by Development Agreement
(i) Multi-unit residential development in accordance with Municipal Planning Strategy policy 7.4.
(ii) new lounges and beverage rooms, additions to or extensions of established lounges and beverage rooms and outdoor facilities associated with these uses, in accordance with Municipal Planning Strategy policy 7.5.

(c) Pre-existing Uses Zoned In
pre-existing automobile service station as follows:

<table>
<thead>
<tr>
<th>Civic Address</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Falkland Street</td>
<td>Greek’s Esso</td>
</tr>
</tbody>
</table>

pre-existing beverage rooms and lounges as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Civic Address</th>
<th>License Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Knot Beverage Room</td>
<td>4 Dufferin Street</td>
<td>88</td>
</tr>
<tr>
<td>The Lunenburg Arms</td>
<td>90-100 Pelham Street</td>
<td>156</td>
</tr>
<tr>
<td>Flying Bridge Lounge</td>
<td>84 Montague Street</td>
<td>122</td>
</tr>
</tbody>
</table>

pre-existing mobile canteens as follows:

<table>
<thead>
<tr>
<th>Civic Address</th>
<th>Name</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>53 Falkland Street</td>
<td>Nellie’s Take Out</td>
<td>E.B. Stevens Real Estate Limited</td>
</tr>
</tbody>
</table>

pre-existing multi-unit dwellings as follows:

<table>
<thead>
<tr>
<th>Civic Address</th>
<th>Owner</th>
<th>Number of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>138-162 Lincoln Street</td>
<td>E. &amp; R Saunders</td>
<td>5</td>
</tr>
<tr>
<td>168-172 Lincoln Street</td>
<td>Donald Lohnes</td>
<td>4</td>
</tr>
<tr>
<td>135 Montague Street</td>
<td>Powers Bros.</td>
<td>4</td>
</tr>
<tr>
<td>11 King Street</td>
<td>Dorothy Dorey</td>
<td>4</td>
</tr>
</tbody>
</table>

(d) Where a pre-existing use permitted by clause (c) is changed to another use permitted in this zone, it may not be changed back to the use permitted by clause (c).

9.2 General Commercial (GC) Zone Standards
All developments in the General Commercial (GC) zone must meet the following standards:

<table>
<thead>
<tr>
<th>Minimum Front Yard</th>
<th>Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Rear Yard</td>
<td>1.5 metres (5 feet)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>1.5 metres (5 feet)</td>
</tr>
<tr>
<td>Minimum Flankage Yard</td>
<td>Nil</td>
</tr>
<tr>
<td>Maximum Height of Main Building</td>
<td>10.5 metres (35 feet)</td>
</tr>
</tbody>
</table>
Minimum Lot Area 112 square metres (1200 square feet)
Minimum Lot Frontage 6 metres (20 feet)

9.3 **Special Requirements: Automobile Service Stations**
Where automobile service stations are permitted in the General Commercial (C) Zone, the following special provisions shall apply in addition to the applicable General Commercial (GC) Zone requirements:

(a) minimum lot frontage shall be 45 metres (150 feet);

(b) no portion of any fuel pump island shall be closer than 3 metres (10 feet) from any street line;

(c) there shall be at least 9 metres (30 feet) between ramps or driveways;

(d) there shall be at least 2.75 metres (9 feet) between a ramp or driveway and a street intersection;

(e) the angle of intersection between a ramp or driveway and a street line shall be no less than 45 degrees and no more than 90 degrees;

(f) the minimum width of a ramp or driveway shall be 7.5 metres (25 feet);

(g) any automobile washing establishment on an automobile service station lot shall include a separate ramp or driveway for the washing establishment.
10.1 **Permitted Developments**

animal hospital

catering establishments

craft workshops

craft shops

day care centres and nursery schools

guest houses

hotels

institutional uses

motels

offices

parking lots

personal services

repair shops, excluding small engine repair shops such as, but not limited to, auto,

chainsaw, outboard motor, and lawn mower repair shops

residential developments subject to the Residential (R) zone requirements

retail stores not exceeding 400 square metres (4,300 square feet) in gross floor area,

excluding service stations

studios for the practice or instruction of fine arts, commercial arts or crafts

tailoring and dressmaking

taxi stands

10.2 **Restricted Commercial (RC) Zone Standards**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Front Yard</td>
<td>nil</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>6 metres (20 feet)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>3 metres (10 feet)</td>
</tr>
<tr>
<td>Minimum Flankage Yard</td>
<td>6 metres (20 feet)</td>
</tr>
<tr>
<td>Maximum Height of Main and Accessory Building</td>
<td>10.5 metres (35 feet)</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>223 square metres (2,400 square ft)</td>
</tr>
<tr>
<td>Minimum Frontage</td>
<td>12 metres (40 feet)</td>
</tr>
</tbody>
</table>
PART 11  HIGHWAY COMMERCIAL (HC) ZONE

11.1  **Permitted Developments**

(a) any use permitted in the general commercial (GC) Zone, with the exception of
   single and two-unit dwellings
   animal hospitals and veterinary establishments
   auto body shops
   automobile sales establishments
   automobile service stations
   automobile repair shops
   bowling lanes
   converted buildings subject to Section 26M.1
   drive-in restaurants
   existing single unit residential uses as follows:

<table>
<thead>
<tr>
<th>Address</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>181 Victoria Street</td>
<td>Gordon Crouse</td>
</tr>
<tr>
<td>191 Victoria Street</td>
<td>Gregory Demone</td>
</tr>
<tr>
<td>209 Victoria Street</td>
<td>Nona Crouse</td>
</tr>
<tr>
<td>219 Victoria Street</td>
<td>Michael and Rachel Bailey</td>
</tr>
<tr>
<td>222 Victoria Street</td>
<td>Theresa Beck and Leo Lamb</td>
</tr>
</tbody>
</table>

   industrial workshops
   institutional uses
   mobile canteens
   multi-unit dwellings
   outdoor display and sales of funeral monuments
   outdoor display and sales of garden and nursery goods
   outdoor display and sales of Christmas trees
   outdoor sales of prepared food
   paramedic/ambulance base
   parking lots
   public buildings and uses

(b)  **Developments Permitted by Development Agreement**

   (i) Industrial developments and auto body shops in accordance with Municipal Planning Strategy policy 7.12.

   (ii) lounges and beverage rooms in accordance with Municipal Planning Strategy policy 7.13.
11.2 **Highway Commercial (HC) Zone Standards**

- Minimum Front Yard: 12 metres (40 feet)
- Minimum Rear Yard: 12 metres (40 feet)
- Minimum Side Yard: 3 metres (10 feet)
- Minimum Flankage Side Yard: 12 metres (40 feet)
- Maximum Height of Main and Accessory Building: 10.5 metres (35 feet)

- Minimum Lot Area: 1860 sq. metres (20,000 sq. ft)
- Minimum Lot Frontage: 30.5 metres (100 feet)

11.3 **Special Requirements: Mobile Canteens**

Mobile canteens do not require a development permit, but shall be subject to the Town of Lunenburg Vending By-law.

11.4 **Special Requirements: Outdoor Display and Sales**

A retail store in a Highway Commercial (HC) Zone may display and offer for sale goods which are not also displayed and offered for sale inside the retail store.
PART 12  COMMERCIAL SHORELINE (CS) ZONE

12.1  Permitted Developments
   (a) commercial fishing supply storage sheds
        parks
        playgrounds
        open spaces and sports fields
        parking lots
        wharves, piers, slipways, launching ramps and similar water access uses for both
        commercial and recreation use
   (b) Developments Permitted by Development Agreement
        marinas in accordance with Municipal Planning Strategy policy 12.8
PART 13  TOURISM MARINE (TM) ZONE

13.1  Permitted Developments
   (a) Developments Permitted
       any use permitted in the Industrial (I) Zone
       marine uses
       marine related commercial uses
       parking lots
       sale of fish and other seafood
       tourism related commercial uses
       museums

   (b) Developments Permitted by Development Agreement
       new lounges and beverage rooms, additions to or extensions of established
       lounges and beverage rooms and outdoor facilities associated with these
       developments, in accordance with Municipal Planning Strategy policy 8.4.

13.2  Tourism Marine (TM) Zone Standards

       Minimum Front Yard       nil
       Minimum Side Yard        nil
       Minimum Rear Yard        nil
       Maximum Height of Main Building  13.5 metres (45 feet)
       Minimum Lot Area         223 square metres (2,400 square feet)
       Minimum frontage         nil
PART 14  COMMON REQUIREMENTS FOR INDUSTRIAL ZONES

14.1  Abutting Zone Requirements
Where a yard or lot located within the Industrial (I) or Rural Industrial (RI) Zone abuts any zones other than a commercial zone, the following restrictions apply to the abutting yard within the industrial zone:
(a) the minimum yard required for the abutting yard must be 6 metres (20 feet);
(b) the required abutting yard must be planted with a mix of coniferous and deciduous trees;
(c) no open storage or permanent outdoor display is permitted in the abutting yard in the industrial zone; and
(d) no parking space is permitted in an abutting yard within 3 metres (10 feet) of a side or rear lot line.

14.2  Open Storage in Industrial Zones
The following restrictions apply to open storage in the Industrial (I) or Rural Industrial (RI) Zone:
(a) open storage is not permitted within the required minimum front or side yard of a lot;
(b) all storage in the side yards must be screened or enclosed; and
(c) the area devoted to open storage must not exceed 50 percent of the lot area.

14.3  Yards Adjacent to Harbour Shoreline
In any industrial zone, the minimum yard requirement is waived for any yard which directly abuts a harbour shoreline.
PART 15  INDUSTRIAL (I) ZONE

15.1  Permitted Developments
(a)  Developments Permitted
any activity connected with the automotive trade including service stations, motor vehicle dealers, motor vehicle repair and auto body repair
any manufacturing, industrial, assembly, or warehousing operation which is not considered to create land use conflicts by reason of noise, pollution or hours of operation
building supply and equipment depots
bus and taxi garages
taxi stands
bus terminals
commercial uses which are accessory to a permitted main industrial use
fuel storage depots
industrial workshops
laundries and drycleaning establishments
machinery and motor vehicle repairs
paramedic / ambulance bases
parking lots
repair shops
restaurants
scrap yards
warehouses
wholesale uses

(b)  Developments Permitted by Development Agreement
(i)  industrial developments which may create land use conflicts in accordance with Municipal Planning Strategy policy 8.10.

15.2  Industrial (I) Zone Standards
All developments in the Industrial (I) zone must meet the following standards:

Minimum Front Yard 12 metres (40 feet)
Minimum Rear Yard 12 metres (40 feet)
Minimum Side Yard 6 metres (20 feet)
Minimum Flankage Yard 6 metres (20 feet)
Maximum Height of Main Building 13.5 metres (45 feet)
Maximum Lot Coverage entire lot aside from yard setbacks and required parking and loading areas

Minimum Lot Area 1860 square metres (20,000 square feet)
Minimum Frontage 12 metres (40 feet)
15.3 **Additional Accessory Buildings Permitted**

In addition to those uses which would usually be considered accessory uses, accessory buildings may be permitted for the following accessory uses:

(a) one (1) dwelling unit per main building for use of janitor or guard;
(b) canteens and kitchens for use of employees; and
(c) areas for employees’ recreation and welfare.
PART 16 MARINE INDUSTRIAL (MI) ZONE

16.1 Permitted Developments

Developments Permitted

any use permitted in the Industrial (I) Zone
any use permitted in the General Commercial (GC) Zone, with the exception of residential uses
dry cleaning or laundry establishments or depots
funeral homes
medical clinics
places of entertainment, recreation and assembly
boatyards, including boat storage
existing residential uses as follow:

<table>
<thead>
<tr>
<th>Civic Address</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>29 Falkland Street</td>
<td>Cynthia and Adam Dial</td>
</tr>
<tr>
<td>49 Falkland Street</td>
<td>Lunenburg Foundry &amp; Engineering</td>
</tr>
<tr>
<td>175 Montague Street</td>
<td>Adams and Knickle</td>
</tr>
<tr>
<td>43 Tannery Street</td>
<td>Clarence Dauphinee</td>
</tr>
<tr>
<td>49 Tannery Road</td>
<td>ABCO</td>
</tr>
<tr>
<td>57 Tannery Road</td>
<td>ABCO</td>
</tr>
<tr>
<td>61 Tannery Road</td>
<td>ABCO</td>
</tr>
</tbody>
</table>

fish uses, including fish processing
marinas, including boat rentals and charters, fuel sales, and pump-out facilities
marine railways
marine uses
marine-related commercial uses
parking lots
parks
public uses and buildings
sale of fish and other seafood
shipbuilding and repair
ship chandlering and provisioning
storage buildings for commercial fishing gear
wharves and docks
wholesale fish establishments
outdoor yacht and boat sales and displays, including yachting and boating merchandise

16.2 Developments Permitted by Development Agreement

(i) industrial development which may create land use conflicts in accordance with Municipal Planning Strategy policy 8.7
(ii) Places of entertainment, recreation or assembly in accordance with Municipal Planning Policy 8.7A.
16.3 **Marine Industrial (MI) Zone Standards**

- Minimum Front Yard: nil
- Minimum Side Yard: nil
- Minimum Rear Yard: nil
- Maximum Height of: 13.5 metres (45 feet)
- Minimum Lot Area: 37 square metres (400 square feet)
- Minimum Frontage: nil

16.4 Notwithstanding section 16.3, a boathouse may be erected on a lot that is at least 37 square metres (400 square feet).
PART 17  RURAL INDUSTRIAL (RI) ZONE

17.1  Permitted Developments

(a) Developments Permitted

agriculture uses
forestry uses
institutional uses
light industries
parking lots
recreation uses

(b) Developments Permitted by Development Agreement

(i) industrial developments which may create land use conflicts in accordance with Municipal Planning Strategy policy 8.13.

17.2  Rural Industrial (RI) Zone Standards

All developments in the Rural Industrial (RI) zone must meet the following standards:

Minimum Front Yard 12 metres (40 feet)
Minimum Rear Yard 12 metres (40 feet)
Minimum Side Yard 6 metres (20 feet)
Minimum Flankage Yard 6 metres (20 feet)
Maximum Height of Main Building 13.5 metres (45 feet)
Maximum Lot Coverage entire lot aside from yard setbacks and required parking and loading areas

Minimum Lot Area 1860 square metres (20,000 square feet)
Minimum Frontage 12 metres (40 feet)

The lot sizes required may not be sufficient to meet the requirements of the Department of Environment for unserviced building lots.
Development of an unserviced lot must meet the requirements of the Department of Environment, Environmental Health, Western Region.
PART 18 INSTITUTIONAL (INS) ZONE

18.1 Permitted Developments

Developments Permitted
cemeteries
churches, religious institutions and places of worship, including associated halls
day care centres and nursery schools
community centres
converted buildings (subject to Section 26M.1)
educational facilities
exhibitions, fairs and associated facilities
fire halls and fire stations
health and fitness clubs
hospitals
libraries, museums and public art galleries
medical clinics
museums
nursing homes
parking lots
private clubs and organizations
public buildings and uses
rectories, manses and staff residences associated with uses permitted in this zone
single unit dwellings
two-unit dwellings
temporary outdoor or indoor markets, bake sales, flea markets, and vegetable and produce
markets

18.2 Institutional (INS) Zone Standards
All developments in the Institutional (INS) Zone must meet the following standards:

Minimum Front Yard 6 metres (20 feet)
Minimum Rear Yard 7.5 metres (25 feet)
Minimum Side Yard 4.5 metres (15 feet)
Maximum Height of Building 10.5 metres (35 feet)

Minimum Lot Area 892 square metres (9600 square feet)
Minimum lot Frontage 12 metres (40 feet)

18.3 Residential dwellings in the Institutional (INS) Zone
Single family and two-unit dwellings must also meet the standards for the Residential (R) Zone.
18.4 **Parking Lots in the Institutional (INS) Zone**
Parking areas in the Institutional (INS) Zone must be visually screened from neighbouring properties by means of a fence or hedge or combination of at least five feet in height, planted or constructed so as to provide a visual barrier between existing residential uses and the new parking area.
PART 19 RECREATION (REC) ZONE

19.1 Permitted Developments
Developments Permitted
existing Fire Hall
recreation uses and associated buildings, excluding race tracks for motorized vehicles
community centres
exhibitions, trade shows and fairs, including associated temporary midway entertainment facilities
parks and children’s playgrounds
parking lots
public buildings and uses
tourist trailer parks
temporary indoor markets, indoor bake sales and indoor sales of vegetables and produce

19.2 Recreation (REC) Zone Standards
All developments in the Recreation (REC) Zone must meet the following standards:

Minimum Front Yard 6 metres (20 feet)
Minimum Rear Yard 7.5 metres (25 feet)
Minimum Side Yard 4.5 metres (15 feet)
Maximum Height of Building 10.5 metres (35 feet)

Minimum Lot Area 223 square metres (2,400 square feet)
Minimum Lot Frontage 6 metres (20 feet)
PART 20 OPEN SHORELINE (OS) ZONE

20.1 Permitted Developments
   (a) Developments Permitted
       parks
       playgrounds
       open spaces
       sport fields
       parking lots
       wharves
       piers
       slipways
       launching ramps and similar water-access uses

   (b) Developments Permitted by Development Agreement
       marinas in accordance with Municipal Planning Strategy policy 12.8

20.2 There are no zone standards.
DIVISION 2: GENERAL REQUIREMENTS
PART 21 EXCLUSIONS

21.1 Temporary Uses incidental to constructions
(a) This by-law does not apply to the use of land or the erection of temporary buildings or structures incidental to construction.

(b) A development permit is not required for land uses or temporary buildings or structures incidental to construction if a development permit has been issued for the building being constructed.

(c) Any land uses or temporary buildings or structures incidental to construction must be terminated or removed after the completion of the building being constructed, or such earlier date, not less than two years after the construction commenced, as is directed by the Council.

21.2 Temporary Uses for special occasions and holidays
(a) This by-law does not apply to the use of land or the erection of temporary buildings or structures for special occasions and holidays.

(b) A development permit is not required for the use of land or the erection of temporary buildings or structures for special occasions and holidays.

(c) Any land uses or temporary buildings or structures for special occasions and holidays must be terminated or removed within 2 days after the end of the special occasion or holiday.

21.3 Restoration to a safe condition
This by-law does not prevent strengthening a structure or restoring it to a safe condition provided:

(i) all provisions of this by-law that it is possible to comply with are observed, and

(ii) the requirements of the non-conforming use provisions of the Municipal Government Act are observed.

21.4 Miscellaneous Structures
(a) No development permit is required for miscellaneous structures such as retaining walls, flag poles, children’s play structures, cold frames, garden trellises, clothesline poles and dog houses;
(b) No development permit is required for, and no yard requirements apply, to the installation of propane cylinders or the screening of propane cylinders required by either the Heritage Conservation District By-Law or the *Heritage Property Act*. 
PART 22   PARKING

22.1 Every commercial, institutional and industrial use shall provide one parking space for every 325 square feet of floor area, except as provided in 22.2.

22.2 Parking requirements for specific developments:

<table>
<thead>
<tr>
<th>Development</th>
<th>Number of Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>residential buildings</td>
<td>where there are more than three (3) dwelling units one and one-quarter (1.25) spaces for each dwelling over three (3) dwelling units</td>
</tr>
<tr>
<td>rooming and boarding houses</td>
<td>where there are more than three (3) rooms for rent, one (1) space</td>
</tr>
<tr>
<td>hotels and motels, tourist</td>
<td>where there are more than three (3) units for rent, one (1) space per suite or rental unit over three (3) units</td>
</tr>
<tr>
<td>cabins and guest houses</td>
<td>where there are more than three (3) units for rent, one (1) space for every three (3) units</td>
</tr>
<tr>
<td>senior citizens housing</td>
<td>one (1) space for every 27.8 square metres (300 square feet) of retail space</td>
</tr>
<tr>
<td>retail shops and stores</td>
<td>where there are fixed seats, one (1) space for every five (5) seats or ten (10) feet of bench space; where there are not fixed seats, one (1) space for each 9.25 square metres (100 square feet) of floor area devoted to public use</td>
</tr>
<tr>
<td>churches, theatres, auditoria, halls, private clubs, and other places of assembly</td>
<td>one (1) space for every 37 square metres (400 square feet) of floor area</td>
</tr>
<tr>
<td>nursing homes</td>
<td>one (1) space for every 27.75 square metres (300 square feet) of floor area</td>
</tr>
<tr>
<td>offices</td>
<td>one (1) space for every 93 square (1,000 square feet) of floor area</td>
</tr>
</tbody>
</table>
warehouses one (1) space for every 278 square metres (3,000 square feet) of floor area

restaurants and all other retail and commercial uses one (1) space for every 18.5 square metres (200 square feet) of floor area

schools one and one-half (1.5) spaces for each teaching classroom

marinas one (1) space for every two (2) boat slips

funeral homes one (1) space for every five (5) seats capacity of the chapel with a minimum ten (10) spaces

bowling alleys and curling rinks three (3) spaces per bowling lane or curling sheet. In other parts of the building not devoted to lanes or sheets, additional spaces are required at the rate of one (1) space per 18.5 square metres (200 square feet) of commercial floor area.

22.3 Standards for parking spaces
(a) a parking space must be at least 18 square metres (200 square feet) measuring at least 3 metres (10 feet) by 6 metres (20 feet), exclusive of driveways or aisles.

(b) exception: where more than ten parking spaces are required, up to ten per cent of the required parking spaces may be not less than 10.5 square metres (112.5 square feet) measuring at least 2.3 metres (7.5 feet) by 4.6 metres (15 feet).

– special condition: any undersized parking space permitted by this clause must be visibly designated as reserved for small or compact cars.

(c) the parking space shall be provided with a stable surface that provides adequate traction and reduces dust or loose particles.

22.4 Standards for parking areas
In any area where more than four parking spaces are provided:

(a) the parking area must be provided with a stable surface treated to prevent the raising of dust or loose particles;

(b) any lights must be located so that light is directed away from streets, nearby lots and buildings;
(c) a structure of no more than 4.5 metres (15 feet) in height and no more than 4.6 square metres (50 square feet) in floor area may be provided;

(d) if the parking area is paved, each parking space and the direction of travel in each moving lane must be clearly marked on the pavement and the markings must be maintained;

(e) gasoline pumps and other service station equipment are prohibited;

(f) the limits of the parking lot and its approaches or driveways must be defined by a permanent curb, fence or other suitable obstruction;

(g) no part of any approach or driveway may be closer than 50 feet to an intersection, measuring from the boundary of the street, not the travelled way;

(h) no more than two driveways providing vehicular access to a street are permitted;

(i) a driveway must be at least 7.5 metres (25 feet) wide at the street line;

(j) driveways or aisles shall be at least 3 metres (10 feet) wide if designated for one way traffic and 6 metres (20 feet) wide otherwise.

22.5 Parking Location
Parking spaces need not be located on the same lots as the use with which they are associated, provided

(a) the parking space is not more than 100 metres (328 feet) from the building which it serves;

(b) the parking space is committed to the use of the building which it serves by a permanent easement or 20-year lease; and

(c) no parking space in a residential zone is associated with a use not permitted in that zone.

22.6 Exceptions
Parking requirements in this by-law do not apply to commercial uses or to dwelling units contained in buildings that also include commercial uses:

(a) in that part of the General Commercial (GC) zone within the Heritage Conservation District:
(b) in that part of the General Commercial (GC) zone bounded south by Medway Street, and including those properties on the north side of Lincoln Street; and

(c) in that part of the Marine Industrial (MI) zone consisting of all properties that have frontage on the Front Harbour waterfront between Kaulback Street on the west and the Town boundary on the east.
PART 23  LOADING SPACES

23.1 Loading Space Requirement
Where a person constructs or uses any building or structure for any of the following uses:

- manufacturing
- storage
- warehousing
- department store
- retail store
- wholesale store
- wholesale or factory outlet
- market
- freight or passenger terminal
- hotel
- hospital
- mortuary
- funeral home
- any other development involving frequent shipping or frequent loading or unloading of persons, animals or goods

the person must maintain one loading space on the same lot for every 2790 square metres (30,000 square feet) used for any of those purposes.

23.2 Loading Space Standards
(a) A loading space must be at least 3.5 metres (12 feet) wide by 12 metres (40 feet) long.

(b) A loading space must have a minimum height clearance of 4.25 metres (14 feet).

(c) A loading space must be located in a rear or side yard.

(d) A loading space may not be located in a side yard that abuts a residential zone.

(e) Loading spaces and the driveways leading to them must be constructed and maintained with a stable surface that is regularly treated for the prevention of dust and loose particles.

(f) Entries and exits must be at least 3 metres (10 feet) wide for one-way traffic and 7.5 metres (25 feet) for two-way traffic.
23.3 Exemptions

(a) The loading space requirement does not apply for any building or use less than 140 square metres (1500 square feet) in area.

(b) The loading space requirement does not apply in that part of the General Commercial (GC) zone that is situate in the Heritage Conservation District.
PART 24  SIGNS

24.1  Permits Required for Signs
Except as specifically exempted in this part, the erection or placement of a sign requires a development permit.
Signs require heritage approval if the property is municipal heritage property or if it is in the Heritage Conservation District.

24.2  Signs Defined
A sign is any structure, device, light or natural object, including the ground, and any device attached to, painted or represented on it, that is intended to communicate a visual message to identify, advertise or attract attention to anything, capable of being viewed from off the premises. For clarification: signs in windows or doors intended to be seen from outside the premises, including writing directly on the window or door or etched in the glass are signs subject to the requirements of this by-law.

exclusion: signs located in a premises and not intended to be viewed outside the premises are not signs regulated by this by-law.

exclusion: objects on display showing a logo or brand name of the object are not signs regulated by this by-law.

24.3  Types of Sign Defined
(a)  a billboard is a ground sign more than 21 square metres (70 square feet) in area;

(b)  a changeable copy sign is a sign on which half or more of the information intended to be conveyed may be changed by changing individual pre-fabricated letters or words;

(c)  a ground sign is a sign permanently affixed in or to the ground;

(d)  an illuminated sign is any sign that provides artificial light from within the sign structure or that incorporates a light focused upon or chiefly directed at the surface of the sign;

(e)  a portable sign is a ground sign that is not permanently affixed, and includes signs such as sandwich board signs;

(f)  a projecting sign is a sign projecting outward from a wall, supported by a bracket or other structure attached to the wall
A sign mounted on or that forms part of a canopy or awning is a projecting sign;
(g) a roof sign is a sign affixed to or supported by the roof of any structure;

(h) a wall sign is a sign attached directly to or painted on a window or wall, and includes flags and banners and signs indicating whether the premises are open for business.

(i) a community bulletin board is a sign where all or part of the sign is intended for the posting of notices by the general public.

24.4 Calculating Sign Area
(a) In the case of a sign affixed to or forming part of a canopy or awning, the surface area of the sign is the area of the canopy or awning containing elements conveying information.

(b) In the case of an irregularly shaped sign, the area of the sign is equal to the smallest rectangle that can enclose the sign.

(c) In the case of a double faced sign, the area of the sign is the area of one side of the sign.

24.5 Counting Signs
A sign is a single display surface or device, but a series of related elements organized to convey a single message counts as one sign.

24.6 Prohibited Signs
None of the following signs is permitted:

(a) signs that incorporate any flashing or moving illumination;

(b) signs that incorporate illumination that varies in intensity or colour, including flashing lights;

(c) billboards;

(d) roof signs;

(e) signs that are a hazard to public health or safety;

(f) signs that obstruct drivers’ vision or any traffic sign or traffic control device;

(g) signs that obstruct the use of a fire escape door, windows, or other required exit;

(h) signs that make use of such words as “STOP”, “LOOK”, “ONE WAY”,

48
“DANGER”, “YIELD”, or any other similar words, phrases, or symbols so as to interfere with or confuse traffic;

(i) signs that advertise a product, service or business that is not available at that location;

(j) signs on public property or public right-of-way, unless

(i) erected by a public authority;

(ii) erected with the permission of the owner of the property; or

(iii) the sign is a portable sign in compliance with this by-law;

(k) signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object; and

(l) signs that have more than two faces.

24.7 **Changeable copy signs**
Changeable copy signs are not permitted in the General Commercial (GC) zone.

24.8 **Ground Signs**
(a) except in the Highway Commercial (HC) or Industrial (I) zone, no ground sign may exceed 3.5 square metres (40 square feet);

(b) in the Highway Commercial (HC) or Industrial (I) zone, no ground sign may exceed 11.6 square metres (125 square feet);

(c) no ground sign may exceed 27.5 metres (25 feet) in height;

(d) no ground sign may extend into:

(i) an adjacent property
(ii) a driveway
(iii) a parking space
(iv) a corner vision triangle, or
(v) a street or other public right-of-way.

(e) there may only be one ground sign on a property.

(f) a ground sign with two faces adjoining at an angle or that bears a message on each
side counts as one ground sign, but the area of the sign is calculated by adding the areas of each face.

24.9 **Projecting Signs**

No projecting sign shall:

(a) exceed 2 square metres (20 square feet) in sign area;

(b) project over a public street beyond the curb line;

(c) project into any corner vision triangle;

(d) project above the eaves, parapet or roof line of a building;

(e) be erected at less than a height of 3 metres (10 feet) above grade, measured from the lowest point on the sign; or

(f) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device.

24.10 **Wall Signs**

(a) No wall sign may extend above the wall on which it is placed.

(b) No wall sign may extend beyond the extremities of the wall on which it is placed.

(c) A wall sign may not be located closer than one metre (3 feet) to another sign on the same wall.

(d) In all zones except the Highway Commercial (HC) zone

   (i) no wall sign may cover more than 0.1 square metre (one square foot) of wall space per lineal foot of the wall on which it is placed;

   (ii) no wall sign may cover more than 5% of the area of the wall on which it is placed;

   (iii) the total area of a wall covered by wall signs may not exceed 9 square metres (100 square feet).

(e) In the Highway Commercial (HC) zone
(i) no wall sign may cover more than 10% of the area of the wall on which it is placed; and

(ii) the total area of a wall covered by wall signs may not exceed 37 square metres (400 square feet).

(f) In this Section, the length of a wall is measured from the extremities of the building.

(g) In this Section, the area of a wall is measured by multiplying the length of the wall by the height of the wall, measured from ground level at the centre of the wall to a line level with the eaves, the lowest point of a mansard roof or the base of the parapet.

24.11 **Portable Signs**

(a) Portable signs are only permitted in the Institutional, General Commercial, Highway Commercial and Restricted Commercial zones.

(b) A portable sign must be located in front of the premises in which the business the sign is intended to advertise is located.

(c) A portable sign may not be located on a sidewalk or other property of the Town unless the owner of the sign executes an indemnity agreement with the Town undertaking to indemnify the Town, its employees, officers and agents and the Mayor and councillors against any claim of any kind made against any of them and relating in any way to the sign, and agreeing that any portable sign may be removed by the Town if any provision of this Section is violated.

(d) A portable sign on a sidewalk must not interfere with pedestrian traffic or drivers’ vision.

(e) A portable sign on a sidewalk must be positioned so as to leave at least 1.22 metres (4 feet) between the sign and the curb.

(f) There may not be more than one portable sign per business.

(g) In the General Commercial (GC) zone a portable sign may not exceed 0.93 square metres (10 square feet) in sign area (one side only), be more than 0.77 metres (2.5 feet) wide, or be more than 1.37 metres (4.5 feet) high.

(h) In the Highway Commercial (HC) and Restricted Commercial (RC) zones, a portable sign may not exceed 1.12 square metres (12 square feet) in sign area (one side only), be more than 0.92 metres (3 feet) wide, or be more than 1.37 metres (4.5 feet) high.
24.12 **Window Signs**
No more than 25% of the glass area of any window may be covered by anything affixed directly to the glass, whether inside or out.

24.13 **Community Bulletin Board**
That portion of a community bulletin board intended for the posting of notices by the general public may not exceed 2.0 square metres (20 square feet).

24.14 **Exemptions**
The following signs are permitted in all zones and a development permit is not required:

(a) signs identifying the name and address of a private residence or the name of the resident, and not more than 0.2 square metres (2 square feet) in sign area;

(b) “no trespassing” signs or other such signs regulating the use of a property, and not more than 0.2 square metres (2 square feet) in sign area;

(c) real estate signs, not exceeding 0.5 square metres (5 square feet) in sign area in any residential zone and 1.5 square metres (15 square feet) in other zones, which advertise the sale, rental or lease of the premises;

(d) signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premise provided that the signs are less than 0.5 square metres (5 square feet) in area;

(e) signs erected by a government body, or under the direction or authority of such a body, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists and signs, and commercial direction signs which form part of a direction sign program for the Town;

(f) memorial signs or tablets and signs denoting the historical significance and date of erection of a structure;

(g) the flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization;

(h) a sign having an area of not more than 4.5 square metres (50 square feet) incidental to construction and located on the same site as the building under construction;

(i) signs associated with a Federal, Provincial or Municipal election;

(j) one sign for each street frontage of a parcel to be subdivided, each with a
maximum area of 3 square metres (32 square feet) and a maximum height of 4.9 metres (16 feet) advertising a subdivision of six or more lots, and located within the area of the plan of subdivision;

(k) one sign for each street frontage of a parcel to be developed, each with a maximum area of 3 square metres (32 square feet) and a maximum height of 4.9 metres (16 feet), advertising a multi-unit development of more than six (6) dwelling units, and located on the parcel to be developed;

(l) signs (including banners) indicating “open”, “closed”, “sale” or similar terms for any business;

(m) temporary signs in windows advertising sales and bargains that are displayed for two weeks or less;

(n) temporary community special event signs that are displayed for two weeks or less;

(o) notices attached to a community bulletin board if a development permit has been issued for the community bulletin board; and

(p) advertising signs on Town-owned recreation lands which reflect a significant support of the recreation facility by the advertiser if approved by both the Town Council and any operator of the facility.
PART 25A  USES

25A.1 The list in this Part defines certain uses, lists any additional uses permitted to accompany the principal use, lists any uses that are excluded, and lists any restrictions or special conditions that apply to a specific use.

25A.2 Uses listed in this Part are allowed only where specifically permitted in a particular zone.

25A.3 Uses

“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.

“Agricultural Use” means the utilizing of land, buildings or structures to raise crops or animals or fowl, and including the harbouring or keeping of any one or more of the following livestock regardless of its stage of development: horse, pony, pig, cow, bull, goose, duck, hen, rooster, sheep, goat or similar livestock and includes the sale of agricultural products produced on the land (August 12, 2014 Council.)

“Animal Hospital” means a place where animals are given treatment by a veterinarian

– permitted additional uses: short-term boarding of animals (under seven days)

– excluded uses: long-term boarding of animals (over seven days), outdoor kennels or runs, animal shelter

– special condition: must be in a wholly enclosed building, including accessory uses, that meets a sound transmission class of at least 50 as prescribed in the National Building Code

“Animal Shelter” means a place used for the care of lost, abandoned, abused or neglected animals;

“Auto Body Repair” means the painting or repairing of motor vehicle bodies;

– excluded uses: motor vehicle repair, engine repair, service station, car wash, car dealer

“Boarding House” means a dwelling in which the proprietor supplies room and board for monetary gain

– special condition: no more than six boarders are permitted
“Car Wash” means a place for the operation of automobile washing equipment, which may be automatic, semi-automatic or manual;

“Casino” means a place used for gambling and includes any place where more than four gambling machines or devices are located

– special condition: must be in a wholly enclosed building

“Catering Establishment” means a place where food and drink are prepared for delivery to an off-site location

– excluded use: restaurant

“Change In Use” means any alteration in the use made of the whole or any part of a parcel of land, a building or a structure

“Church” means a place dedicated to religious worship

– permitted additional uses: church hall, church auditorium, Sunday school, parish hall, day care operated by a religious organization

“Clinic” means a place used for medical, dental, surgical, therapeutic or other health care treatment of people on an out-patient basis

– excluded uses: hospital

“Commercial Club” means a facility the use of which is restricted to members and their guests, operated for gain

“Commercial School” means an educational facility operated for gain

– excluded use: day care centre

“Community Centre” means land or buildings used for community activities, whether on a commercial basis or not

– special condition: control must be vested in the Town, an agency of the Town, or an intermunicipal agency of which the Town is a member

“Converted Building” means a building that contains, or is intended to contain, more than one dwelling unit;
“Converted Dwelling” means a building originally intended as a single-family home that has been converted to contain three or more dwelling units

“Craft Market” means an outdoor gathering of five or more vendors at which the goods for sale are craft products produced by the vendors or members of their immediate families approved under the Vending By-law

– craft products are those products assembled or made by hand or by small custom production processes including (but not limited to) potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers, clothesmakers, shoemakers, antique refinishers, glass workers, stained glass workers and sailmakers

“Craft Workshop” means a place where craft products (see craft market) are produced

– additional use: retain sale of craft products

– special condition: may not exceed 465 square metres (5.005 square feet) in floor area

“Day Care (commercial)” means a facility other than a residential day care where children are accommodated and cared for, for financial remuneration

“Day Care (residential)” means a facility located in a dwelling unit where children are accommodated and cared for, for financial remuneration

– excluded use: overnight accommodation

– special condition: the owner or occupier of the dwelling must be the person providing the care

– special condition: maximum of ten children

– special condition: accommodation and care for fewer then five children is a residential use, not day care (residential)

“Drive-in Restaurant” means a building or part thereof where food and drink are served to the public, which does not necessarily provide facilities for consumption on the premises other than parking areas

– special conditions: waste receptacles for public use must be maintained on the exterior of the premises
“Dry Cleaner or Laundry” means a building where dry cleaning, cleaning or pressing of articles or goods of fabric is carried on

– special conditions:
  (i) no solvents or cleaners may be used that emit odours or fumes
  (ii) no noise or vibration that causes a nuisance or convenience to any person outside the premises is permitted

“Dry Cleaning or Laundry Depot” means a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning at another location and for the pressing and distribution of any articles or goods which have been subjected to that process;

“Dwelling” means a building that contains one or more dwelling units

“Farmers’ Market” means an outdoor gathering of five or more vendors where the greater part of the goods for sale are products of the farm, the forest and the sea, whether in their natural form or processed by the vendor, and the remainder of the goods are craft products (see “Craft Market”) produced by the vendors or their immediate families.

“Feedlot” means a place used for feeding, breeding, milking or holding livestock or poultry for production purposes or for future sale.

“Flea Market” means an outdoor gathering of vendors selling new or used goods to the public that is neither a craft market nor a farmers’ market.

“Forestry Use” the use of land, buildings, or structures to raise trees

“Guest House” means a dwelling where the resident owner or occupier provides accommodation, with or without meals, to the travelling public, also sometimes called a bed and breakfast;

  – special conditions:
    cannot include facilities open to those not accommodated within the guest house
    operator must reside in the guest house

“Home for Special Care” means a nursing home or residential care facility within the meaning of the Home for Special Care Act

“Hotel” means an establishment that provides accommodation to the travelling public

  – permitted additional uses:
facilities such as meeting rooms, restaurants and entertainment facilities that are open to the general public

– clarification: includes a motel

– special condition: must have at least four rooms for public accommodation

“Industrial Workshop” means a place in which occupations including, but not limited to, skilled trades, sheet metal work, auto body and auto body repair, welding, boat building, machine work and baking, are practised

– special condition: must be located in a wholly enclosed building

“Institution” means a place used by a non-profit organized body including, but not limited to, churches, community centres, hospitals and homes for special care

– exclusion: private clubs

– permitted additional use: accessory commercial use

“Light Industry” means a manufacturing, assembling or processing plant

– special condition: must be located in a wholly enclosed building

– exclusions: salvage yard; explosives, petrochemical, coke or paint plant; rendering or poultry plant; tannery; abattoir; refinery; industrial cleaners manufacturing facility

“Lounge” means any premises licensed as a lounge

“Marina” means a facility where boats may be docked or moored and where fuel and other marine supplies are sold to the boating public

“Mini Home” means a prefabricated detached dwelling with long, narrow proportions of 3:1 or greater, designed for transportation on a trailer to a site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking or assembling operations also known as a single section manufactured home

“Mobile Home” means a prefabricated detached dwelling with long, narrow proportions of 3:1 or greater, designed for transportation on its own chassis and wheels to a site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking or assembling operations). A mobile home is a mobile home whether or not the chassis or wheels are removed. also known as a manufactured home
“Mobile Home Park” means land under single ownership designed and intended for residential use where resident is in mobile homes and mini homes (and may include multi-section manufactured homes). A mobile home park may be intersected by public streets.

also known as a land lease community

– exclusion: public camping grounds maintained for seasonal use by the Town or the provincial or federal governments

“Motor Vehicle Dealer” means offering new or used motor vehicles for sale to the public

– permitted additional uses: auto body repair, motor vehicle repair, service station

“Motor Vehicle Repair” means the repair of engines, transmission or other mechanical components of motor vehicles

– excluded uses: auto body repair, engine repair, service station, car wash, car dealer

“Multi-section Manufactured Home” means a modular type of prefabricated dwelling where separate sections are joined together side by side to form a complete dwelling unit.

“Multi-unit Dwelling” means a building that contains three or more dwelling units

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

“Office” means a room or rooms where business may be transacted, a service performed or consultation given, and includes but is not limited to the following: physicians, surgeons, dentists, lawyers, architects, engineers, accountants, real estate agents, insurance agents, photographers, optometrists, chiropractors and eye specialists.

“Open Storage” means the storage of any items outside a building

“Outdoor Display” means a display of goods outside a building for the purpose of encouraging the purchase of like items

“Outdoor Furnace” means a furnace located outside of the structure that it is intended to heat
“Park” means an open area devoted to passive recreational uses or conservation uses

– additional permitted uses: ornamental gardens, lawns, outdoor furniture, accessory structures, children’s playground

“Personal Services” means a building or part of a building in which people are employed in furnishing services and otherwise administering to individual and personal needs, and without limiting the generality of the foregoing may include such establishments are barber shops, beauty parlours, hairdressing shops, shoe repair and shoe shining shops

– excludes the retail sale of any product other than products made on the premises or used in the production or presentation of products made on the premises, any manufacturing or fabrication of goods for sale, and any massage parlour

“Private Club” means a building or part of a building used as a meeting place for members of an organization including but not limited to a lodge, a fraternity or sorority house, and a labour union hall

“Private Garage” means an enclosed or partially enclosed structure for the storage of one or more vehicles, in which no business, occupation or service is conducted for profit

“Public Building or Use” means a building or area used by a public authority

“Public Garage” means a building or place where motor vehicles are kept or stored for remuneration or repair, or a building or place used as a motor vehicle repair shop

– excludes: private garage, automotive washing establishment, motor

“Recreation” means the use of land for developments, including but not limited to parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps and community centres, together with necessary and accessory buildings and structures

– excludes: tracks for the racing of animals or any form of motorized vehicles, a shooting range

“Repair Shop” means any building or part thereof used for the repair of household articles including but not limited to radio, television, and appliance repair shops, plumbing repair shops, electrical repair shops, furniture repair shops, and shoe repair shops

– excludes: industrial or manufacturing uses, motor vehicle repair shops and
auto body repair shops

“Restaurant” means a building or part thereof where food and drink are served to the public for consumption within the building or on an attached patio or deck by the operator of the restaurant.

“Retail Store” means a building or part thereof in which goods are offered or kept for sale directly to the public.

– excludes: a service station, motor vehicle dealer restaurant and a restaurant, drive-in restaurant and take-out.

“Rooming House” means a dwelling in which the proprietor supplies room for monetary gain.

– special condition: no more than six roomers are permitted.

“Service Station” means a place for the retail sale of gasoline and other motor vehicle fuels and related products.

– permitted additional uses: sale of lubricating and engine oils, servicing and minor repair of motor vehicles.

– excluded uses: car wash, motor vehicle dealer vehicle sales lot and service station.

“Salvage Yard” means a place for the storage, handling or recycling of scrap material, including but not limited to waste paper, rages, bones, bottles, used bicycles, tires, metal or other salvage.

“Studio” means building or part thereof used as a workroom for the study, execution or instruction of any fine or commercial art, or draft, and includes but is not limited to photography, music visual arts and commercial design.

“Take-Out Restaurant” means a building or part thereof where food and drink are served to the public, which does not provide facilities for consumption on the premises.

“Tourist Home” means a single, two or three-unit dwelling where individual units are rented for periods of thirty (30) days or less.

“Tourist Information Centre” means a building or booth where tourist information is provided to the travelling public.
“Tourist Trailer” means a trailer that is used or intended to be used for short term or seasonal occupancy, and is or intended to be located or parked on a site for a temporary or seasonal period.

“Tourist Trailer Park” means an establishment comprising land or premises, under single ownership, used for the parking of tourist trailers on a temporary or seasonal basis.

“Transient Vending” means transient vending activities where the vendor or the vendor’s agent goes door-to-door for the purpose of soliciting the sale of goods or services whether by appointment or otherwise.

- excluded uses:
  (i) persons selling goods or services by appointment where they do not go door-to-door;
  (ii) persons selling goods or services outside a building from a stand or otherwise where they do not go door-to-door;
  (iii) street-side sales from a mobile stand

“Vend, or Vending” means the sale, or offering for sale, not in an enclosed building, whether on public property or private property, of

(i) food, beverages or other goods; and
(ii) services provided outside a building,

- excludes: construction on or maintenance of real property

“Veterinary Clinic” means an animal hospital in which the use is confined to outpatients and which does not include overnight lodging of animals

“Video Arcade” means a building or part thereof where the main purpose is the use of video game machines, or where more than four (4) video machines are installed.

“Warehouse” means a building where wares or goods are stored, excluding a retail store.

“Yard Sale” means an outdoor sale of surplus household goods by the occupants or neighbours of the residential property at which the sale is carried on, not including the sale of goods acquired for resale.
PART 25B  OUTDOOR USES

25B.1 Limitation on Display
Unless specifically authorized in this by-law, all display of goods for sale must be in a building.

25B.2 Outdoor Furnaces
An outdoor furnace must be located a minimum of 61 metres (200 feet) from any property line on the lot on which it is located.

25B.3 Outdoor Vending
Outdoor vending activities are prohibited in all zones except those in which they are specifically permitted.
PART 26A  CORNER VISION TRIANGLE

26A.1  Limitation
Notwithstanding any other provision of this by-law, including those provisions respecting exclusions and exceptions, fences, walls, hedges or other structures or vegetation, are not permitted to exceed one metre (3 feet) in height above the grade of the abutting streets in a corner vision triangle.

26A.2  Exception
Section 26A.1 does not apply in the General Commercial (GC) Zone.

26A.3  Definition
A corner vision triangle is that part of a corner lot adjacent to the intersection of the streets forming the corner, bounded by the streets and a line joining the points on each street line 6 metres (19.68 feet) from the intersection.
PART 26B   ACCESSORY USES AND BUILDINGS

26B.1 An accessory use is any use subordinate to the main use made of a lot or of a main building on the lot, and customarily incidental to the main use.

26B.2 An accessory building or structure is a building or structure devoted exclusively to an accessory use.

26B.3 Any use permitted by this by-law includes any accessory use.

26B.4 Accessory buildings and structures are permitted in any zone subject to the following conditions:

(a) they may not be used for human habitation except for the temporary accommodation of private guests;

(b) they may not be located within the minimum requirement front yard or flankage yard;

(c) except as specifically permitted in this part, they must be at least 1.2 metres (4 feet) from any side or rear lot line;

(d) except as specifically permitted in this part, they must be located on the same lot as the main use;

(e) they may not exceed 37 square metres (400 square feet) in gross floor area in the Old Town Residential (OTF), Residential (R) and Residential Rural (RR) zones;

(f) they may not exceed 6.7 metres (22 feet) in height in the Old Town Residential (OTR) and Residential (R) zones; and

(g) they may not be attached to the main building in any way, provided that it is permitted to connect a main building to an accessory building by a fence or wall.

26B.5 Common semi-detached garages may be centred on a mutual side lot line.

26B.6 Boat houses and docks, wharves or piers may be built across the lot line corresponding to the water’s edge.

26B.7 Accessory buildings in the architectural control area are subject to the same design requirements as new main buildings.
PART 26C    BUILDING EXTENSIONS

26C.1  **Canopies and Covered Ways**
       The lowest part of any canopy or covered way must be at least 2.5 metres (8 feet) above grade.

26C.2  **Balconies, Dormers, Exterior Staircases and Fire Escapes**
       (a)  A balcony, extended dormer, exterior staircase and fire escape may project over the abutting property if the minimum yard requirement for the yard into which it extends is “nil”.

       (b)  Any encroachment permitted by clause (a) must have the written consent of the owner of the property in which the encroachment is made and a copy of the consent must be filed with the application for the development permit.
PART 26D  FENCES, WALLS AND MISCELLANEOUS MINOR STRUCTURES

26D.1 Fences and walls 1.8 metres (6 feet) or less in height may be erected along property lines, provided the provisions respecting the Corner Vision Triangle are satisfied.

26D.2 No fences or walls greater than 1.8 metres (6 feet) in height are permitted within the Old Town Residential (OTR) Zone, Residential (R) Zone, and General Commercial (GC) Zone.

26D.3 In all other zones, fences or walls greater than 1.8 metres (6 feet) in height are regulated as accessory structures and are subject to the applicable setback and yard requirements.

26D.4 The use of barbed wire or other sharp edged materials designed to prevent access to a parcel of land is prohibited, except at the top of fences or walls over 2 metres (6.5 feet) high, or fences or walls associated with agricultural uses in the Rural Residential (RR) and Rural Industrial (RI) Zones.
PART 26E   ILLUMINATION

26E.1  (a) No person shall illuminate an area outside a building unless the illumination is directed away from neighbouring properties and any adjacent streets.

(b) The illumination of any sign must be directed away from neighbouring properties and any adjacent streets.
PART 26F LENGTH TO WIDTH RATIO OF NEW STRUCTURES

26F.1 The maximum length to width ratio for any new structure is 3:1 except in a mobile home park.

26F.2 In an architectural control area or heritage conservation district, other limits on building proportions may apply, in which case this part does not apply.
PART 26G  ARCHITECTURAL CONTROL AREA

26G.1 New Main Buildings
In addition to all requirements governing land use, new main buildings within the Architectural Control Area, as shown on Map 2, the Future Land Use Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:

(a) architectural style; and
(b) building length to width ratio; and
(c) height; and
(d) roof shape; and
(e) appearance of exterior cladding and roof materials; and
(f) architectural details and trim; and
(g) shape and size of porches, doors and windows; and
(h) window area to wall area ratio; and
(i) location, type, bulk and appearance of chimneys.

New main buildings located on corner lots may use either street as the street on which they front.

26G.2 Additions and Alterations to Existing Buildings
In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building with respect to the considerations set out in Section 26G.1.

26G.3 (a) The total ground floor area (footprint) of all additions shall not exceed 25% of the ground floor area (footprint) of the building existing prior to 13 June 1996.

(b) For the purposes of this section, the calculation of ground floor area (footprint) does not include decks or verandas which do not enclose interior space.

(c) An addition, less than ten per cent of which (by volume) is visible from the street directly in front of the main building, or from any other street abutting the property, in the case of a corner lot, and which is not higher than the main building, is permitted provided it does not exceed 100% of the footprint of the existing structure.  Adopted October 2, 2012

26G.4 Renovations and Replacements
Any renovation or replacement of any part of an existing building in the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building as it existed prior to the renovation or replacement in terms of the considerations
set out in Section 26G.1.
PART 26H  USES PERMITTED IN ALL ZONES

26H.1 Parks and Playgrounds
Parks, conservation uses and playgrounds are permitted in all zones.

26H.2 Public Buildings and Uses
Public buildings and uses are permitted in all zones subject to the setback and yard requirements of the zone in which they are located.

26H.3 Yard Sales
(a) Yard sales are permitted in any zone provided that
   (i) articles for sale may include only the tangible personal property of the residents conducting the sale and may not include goods acquired for resale;
   (ii) only two yard sales may take place on any property during each calendar year; and
   (iii) yard sales may be conducted only on Saturdays from 8 am to 10 pm and on Sundays from 12 noon to 10 pm.

(b) No development permit is required for yard sales permitted under clause (a).

26H.4 Transient Vending
Transient Vending is permitted in any zone and does not require a development permit, but is subject to the Town of Lunenburg Vending By-law.

26H.5 Vending at Group Fund Raising Events by Community or Religious Not-for-Profit Groups
No development permit is required for vending activities associated with fund raising by community or religious not-for-profit groups from the Town of Lunenburg.

26H.6 Outdoor Sales of Prepared Food
Outdoor sales of prepared food shall be prohibited except for:
   (i) those uses specifically authorized by this by-law;
   (ii) outdoor food sales in a restaurant;
   (iii) outdoor food sales by Transient Vendors authorized under the Town of Lunenburg Vending By-law;
   (iv) outdoor food sales in the General Commercial (GC) or Highway Commercial (HC) Zones;
   (v) outdoor food sales at Craft Markets and Farmers’ Markets.
26H.7 **Walking Tours**

Walking Tours shall be permitted in all zones and shall not require a development permit but shall be subject to the Town of Lunenburg Vending By-law.
PART 26I VENDING

26I.1 Flea Markets
   (1) Flea markets are prohibited in all zones.
   (2) Flea markets organized and operated by community or religious not-for-profit groups from the Town of Lunenburg for the purposes of fund raising are permitted in any zone other than a residential zone.
   (3) A development permit is not required any flea market permitted by subsection (2).

26I.2 General Limitation on Vending, Outdoor Display and Outdoor Sales
   (1) Unless specifically authorized or excepted elsewhere in this By-law, all display of goods for sale shall be in a building.
   (2) For greater certainty, outdoor vending activities are prohibited except where the use is specifically permitted as an outdoor use in any given zone and except for those activities authorized by this By-law.
26J.1 A development permit may not be issued for a main building on a lot unless the lot has sufficient area and frontage to meet the minimum requirements of the zone in which it is located.

26J.2 Only one main building may be built on a lot.

Amended June 11, 2013
PART 26K \hspace{1cm} **RESIDENTIAL STORAGE BUILDINGS**

26K.1 Storage buildings ancillary to residential uses, including but not limited to garages and boathouses, where there is no main building on the lot, are permitted in the Old Town Residential, Residential and Rural Residential Zones as follows:

(a) in the Old Town Residential (OTR) Zone: within 30 metres (100 feet) of a lot with a dwelling on it held in the same ownership; and

(b) in the Residential (R) and Rural Residential (RR) Zones: on a lot abutting a lot with a dwelling on it held in the same ownership.

26K.2 The applicable zone requirements of this By-law must be satisfied as if the storage building were regarded as the main building on the lot.

26K.3 The storage building may not exceed:

(i) in the Old Town Residential Zone (OTR): 37 square metres (400 square feet) in gross floor area;

(ii) in the Residential (R) and Rural Residential (RR) Zones: 37 square metres (400 square feet) in the footprint of the building; and

(iii) in the Old Town Residential Zone (OTR) and the Residential (R) Zone: 6.7 meters (22 feet) in height.
PART 26L  HABITATION OF VEHICLES

26L.1 No automobile, truck, bus, coach or street car body, or shipping container, with or without wheels, may be used for human habitation.

26L.2 Notwithstanding Section 26L.1, recreational vehicles or campers may be used for human habitation provided:
   (a) the vehicle is not directly connected to Town services (i.e. sewer, water or power);
   (b) the use does not extend for longer than a four (4) month period within any calendar year; and
   (c) the use occurs only on a property with an established main building.
PART 26M  CONVERTED BUILDINGS

26M.1 Conversion of buildings to an increased number of dwelling units is subject to the following requirements:
   (a) the maximum number of dwelling units per lot is three (3); and
   (b) one (1) off-street parking space must be provided for each dwelling unit.
26N.1 No lot in any zone, except a lot in a Rural Residential (RR) or Rural Industrial (RI) Zone, shall be used for the keeping or rearing of farm animals.
PART 26O EXISTING BUILDINGS AND LOTS

26O.1 Where a building, erected prior to June 13, 1996, is on a lot with less than the minimum area or frontage required by this by-law, or any yard is less than the minimum required by this by-law, the building
(a) may be used for any use permitted in the zone in which it is located, and
(b) may be enlarged, reconstructed, repaired, renovated or replaced

provided
(c) the non-conforming yard is not further reduced,
(d) the corner vision triangle is not further encroached upon, and
(e) all other requirements of this by-law are met.

26O.2 Where a building is being reconstructed, renovated or replaced by a similar building, it may be reconstructed, renovated or replaced to a height not exceeding the height of the original building notwithstanding any height limits set out in this by-law.

26O.3 (1) A lot that has been rezoned, and as a result has less than the minimum frontage, area or a minimum yard, may be used for any use permitted in the new zone.

(2) Any addition to a structure in the rezoned lot must meet the minimum yard requirements of the zone.

26O.4 A lot which does not satisfy the minimum requirements for lot area, lot frontage, or both, and:
(a) was in existence on or before April 16, 1987; or
(b) was created by the consolidation of two (2) or more lots; or
(c) having been expanded or made larger, is nonetheless below the minimum requirements; or
(d) was created by a variance

may be used for a purpose permitted in the zone in which the lot is located, and a structure may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
26.1 No development permit shall be issued in any zone, with the exception of the Marine Industrial (MI) Zone and the Tourism Marine (TM) Zone, unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected:

(a) abuts and fronts upon a street; or

(b) has access by means of a deeded right-of-way at least 6 metres (20 feet) in width, provided:

(i) it is not feasible to lay out or construct a new street or to extend an existing street to serve the lot; and

(ii) the lot can be developed without creating a future demand on the Town for street development or delivery of services to the lot; or

(iii) the lot existed on or before the date of this By-law.
PART 26Q  SETBACK EXEMPTION

26Q.1 Structures may be built with less than the minimum required front yard if
(a) the front yard is not less than the least front yard of any existing building in the same zone;
(b) the front yard is not less than 1.5 metres (5 feet); and
(c) there is no encroachment into a corner vision triangle.
PART 27  APPLYING THE BY-LAW

27.1  The purpose of this part is to set out the rules for applying the zone standards.
PART 27A  YARDS

27A.1  A **yard** is the area between a main wall of a building and the nearest property boundary.

27A.2  A **minimum yard** is a yard entirely within the boundaries of a lot that has the minimum depth (distance from lot line to main wall) specified in the applicable zone standards.

27A.3  The **main wall** of a building is an exterior wall supporting a roof or a fully or partially enclosed space.

27A.4  A minimum yard as specified in the zone standards must be an open, uncovered space unoccupied by buildings or structures except as specifically permitted in this by-law.

27A.5  The minimum horizontal distance between the main wall of the building and the nearest property boundary is used to measure the depth of a minimum yard.

27A.6  If part of the lot
  (a)  is usually covered by water or marsh,
  (b)  lies beyond the edge of a lake, stream or the ocean,
  (c)  is between the top and the toe of a slope with a grade of 30 per cent or more from the horizontal
any minimum yard must be measured from the edge of the water or marsh, the rim of the watercourse or ocean, or the top of the slope, as the case may be, and not from the lot line.

27A.7  The **front yard** is the yard, extending across the full width of the lot between the side lot lines, extending from the front lot line to the nearest main wall of any building or structure on the lot.

27A.8  The **side yard** is the yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest main wall of a building on the lot.

27A.9  The **rear yard** is the yard extending across the full width of the lot between the side lot lines and extending from the rear lot line to the nearest main wall of any building.

27A.10  The **flankage yard** is the side lot on a corner lot that abuts the side street.

27A.11  In determining which is the front yard and which is the flankage yard, the choice is up to the developer in cases of lots that have not been built upon or where the
main pedestrian entry faces the corner provided that all yard requirements of the applicable zone can be met without variance. In all other cases, the front yard is that yard which extends from the main pedestrian entry to an abutting street.
PART 27B   LOTS

27B.1 A lot is a parcel of land described in a deed or shown on a plan of subdivision.

27B.2 A corner lot is a lot located at the intersection of two or more streets and abuts two or more streets.

27B.3 A through lot is a lot that is bounded by streets on two opposite sides.

27B.4 A through lot that is also a corner lot is deemed to be a corner lot for the purposes of this by-law.

27B.5 The front lot line is the boundary dividing the lot from the street; in the case of a corner lot or a through lot that has not been built upon, it may be any boundary dividing the lot from a street, but where the lot has been built upon, it is the boundary dividing the lot from the street that is faced by the main pedestrian entry to the building on the lot.

27B.6 Lot frontage is the length of the front lot line where that line is straight and approximately at right angles to the adjoining side lines.

   Rule: Where the front lot line is not straight or where it meets one or more side lot lines at an angle of less than 80 degrees or more than 100 degrees,

   (1) establish a line joining the midpoint of the front lot line with the midpoint of the rear lot line or, in the case of a triangular lot, with the apex of the triangle formed by the side lot lines;

   (2) establish the point on the line established in (1) that is the distance of the minimum front yard required in the applicable zone from the street; and

   (3) measure the distance between the side lot lines along the line perpendicular to the line established in (1) at the point established in (2).

27B.7 The rear lot line is the lot boundary farthest from, or opposite, the front lot line.

27B.8 A side lot line is any boundary of a lot other than the front lot line and the rear lot line.
PART 27C  HEIGHT

27C.1 The height of a main building, an accessory building or a structure is determined:

(a) in the case of a building, by establishing the vertical distance from

(i) the ground, which is the average elevation of the finished surface of the ground, excluding any artificial embankment or entrenchment, where it meets the exterior at the front of the building; to

(ii) the roof, which is the highest of

A. the highest point of the roof surface, in the case of a flat roof without parapet;

B. the highest point of the parapet around a flat roof, if there is one;

C. the deckline of a mansard roof, which is the bottom edge of the top gable; and

D. the midpoint between the eaves and ridges of other roof types, measured to the highest gable.

(b) in the case of a structure other than a building, by establishing the vertical distance from the average elevation of the finished surface of the ground immediately surrounding the structure, excluding any artificial embankment or entrenchment, to the highest point on the structure.

27C.2 In determining the height of a building, the height of any ornament, chimney, antenna, steeple or other addition not used for eating, sleeping or commerce, where the floor area is less than twenty per cent of the ground floor area of the building, is excluded.

27C.3 The front of a building is the side of the building on which the main pedestrian access to the building is located; if there is more than one primary pedestrian access, the front is determined using that access farthest down grade.

27C.4 Exclusions
The height regulations of this By-law do not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, wind turbines or solar collective devices.
PART 27D  DICTIONARY

27D.1 The definitions in this part govern the interpretation of this by-law unless the meaning is clearly contradicted by the context.

27D.2 In this by-law, any word of phrase defined in the Municipal Government Act has the same meaning as in that Act.

27D.3 In this by-law,

- **“Alteration”** means any change in the structural components of a building or any increase or decrease in its volume
- **“Basement”** means that floor of a building that is below or partially below grade
- **“Building”** means a roofed structure that can be used to provide shelter or accommodation for people, animals, materials or equipment
- **“Carport”** means a building or structure, not wholly enclosed, that provides shelter for a private motor vehicle
- **“Council”** means the town council of the Town of Lunenburg
- **“Development Permit”** means the permit issued by the development officer to the effect that a particular proposed development complies with this by-law
- **“Duplex”** means a residential building divided horizontally into two dwelling units
- **“Erect”** means to build, construct, reconstruct, alter or relocate, including but not limited to any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any established building or structure by an addition, deletion, enlargement or extension
- **“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
- **“Existing”** means in existence June 13, 1996
- **“Farm animal”** means any of the following types of animals: horses, cattle, sheep, goats, swine, fowl, mink, fox and rabbits
“Farm animal unit” means any one of cattle, goats, horses, sheep or swine, and any three of fowl, foxes, mink, rabbits or any combination of them.

“Ground Floor” means the first floor of a building above grade.

“Main Building” means that building on a lot in which the main use takes place.

“Propane cylinder” means a propane fuel tank installed with the longest dimension vertical, with a diameter of 30 inches or less, and a height of five feet or less, containing a maximum of 378.5 litres of propane.

“Public Authority” means any board, commission or committee of the Town of Lunenburg established or exercising any power or authority under any general or specific statute of the Province of Nova Scotia with respect to any of the affairs or purposes of the municipality or a portion thereof and includes any committee or local authority established by by-laws of the Town.

“Stand” means an outdoor table, showcase, bench, rack, pushcart, wagon, or wheeled vehicle or device that can be moved with the assistance of a motor, and is used for the display, storage, transportation or sale of food, beverages or other goods by a vendor.

“Street furniture” means any decorative or functional item placed on the sidewalk by an abutting owner, including but not limited to flower pots, benches, and animated figures.

“Substantially intact” means, with reference to a building, that the major design elements of the building, such as building length to width ratio, height, roof shape, appearance of exterior cladding and roof materials, architectural details and trim, the shape and size of porches, doors and windows, the window area to wall area ratio and the location, type, bulk and appearance of chimneys have not been changed in appearance, except in the course of normal wear and maintenance, since 1920.
PART 28 ADMINISTRATION

28.1 Development Officer
(a) This by-law is administered by the development officer appointed by the Town of Lunenburg.

(b) The development officer issues development permits under this by-law and the Municipal Government Act.

28.2 Acting Development Officer
In the absence or incapacity of the development officer, the acting, alternate or interim development officer appointed by Council shall act in the place of the development officer.

28.3 Development Permit Required
(a) No one may undertake, or cause or permit to be undertaken, any development, including development of an accessory use or structure in the Town of Lunenburg unless a development permit has been obtained for the development, or this by-law specifically states that a development permit is not required.

(b) For greater certainty, developments that require permits include all fences, signs that are not excepted, and changes in use.

28.4 Application Required
Every person wishing to obtain a development permit must submit an application for the development permit to the development officer.

28.5 Contents of Application
Every application for a development permit must be signed by the owner of the lot or, with the written authorization of the owner, the agent of the owner of the lot. Every application for a development permit must be accompanied by a plan drawn to an appropriate scale and showing:

(a) the shape and dimension of the lot to be used or upon which it is proposed to construct or locate any structure;
(b) the proposed location, height and dimensions of any proposed structure, including measurements of lot frontage, front, side and rear yards;
(c) the location of every building or structure already constructed, or partly constructed, on the lot;
(d) the proposed location and dimensions of parking areas, parking spaces, loading spaces, driveway accesses, curbs, landscaping and fencing; and
(e) any other information needed to determine whether or not the proposed development conforms with the requirements of this by-law.
28.6 **Development Permits**
No development permit shall be issued by the development officer unless:

(a) the proposed development conforms with the requirements of this Land-Use By-Law; or

(b) the development officer has granted a variance from the terms of this by-law, and the time for appeal has elapsed or the appeal has been disposed of.

28.7 **Heritage Certificates**
No development permit may be issued until any approval for heritage or design aspects required under this by-law, the Heritage Conservation By-law or the *Heritage Property Act* has been obtained.

28.8 **Deviations**
(a) No person shall deviate, or allow deviations to be made, from the description of the proposed development which is contained in the development permit and in the application for the development permit.

(b) Where a change is to be made in the development described in the application, an application for an amended development permit is required.

28.9 **Right of Entry**
The development officer, the building inspector or any person delegated by them may enter at all reasonable time into or upon any property within the area to which this Land Use By-Law applies for the purpose of any inspection necessary in connection with the administration of the Land-Use By-law, pursuant to subsection 503(3) of the *Municipal Government Act*.

28.10 **Lapse of Permits**
Every development permit issued under this Land Use By-Law and every development permit issued under any previous Land Use By-Law automatically lapses if the development to which it relates has not been commenced within one year after the permit was issued.

28.11 **Cancellation of Permit**
Where a development has taken place in contravention of the application, any restrictions on the permit or any provision of this by-law, the development officer may give ten days’ notice to cure the default, and if the default is not cured within that time, the development officer may cancel the development permit.
28.12 **Amend or Reissue**
The development officer may amend or reissue a development permit which has not lapsed.

28.13 **Decision in Writing**
Any decision of the development officer to refuse to issue a development permit must be given by written notice served by ordinary mail and include reasons for the refusal.

28.14 **Notice of Amendment or Agreement**
Where the Council has given notice of its intention to adopt an amendment to the Zoning Map, which is not general in scope, but which is in direct response to a site-specific development proposal, or has given notice of its intention either to enter into a development agreement or to amend a development agreement, the Council shall serve notice of the proposed amendment or development agreement upon affected property owners whose property lies within 30 metres (98 feet) of the property which is the subject of the proposed amendment or development agreement. The notice must

(a) set forth a synopsis of the proposed amendment or development agreement;
(b) state the date, time, and place set for the public hearing on the amendment or development agreement; and
(c) be served by ordinary mail or be hand delivered to the property.

28.15 **Cost of Advertising and Notice for Amendments or Development Agreements**
An applicant for an amendment to this by-law or for a development agreement or an amendment thereto shall deposit with the Clerk an amount estimated by the Clerk to be sufficient to pay the cost of advertising and notices required and, after the advertising has been completed, the applicant shall pay to the Clerk any additional amount required to defray the cost of advertising and notices or, if there is a surplus, the Clerk shall refund it to the applicant. The applicant must also pay the application fee set by the Council.

28.16 **Cost of Notice for Variance**
Where a variance from the requirements of this by-law has been granted, the development officer must serve notice as required by the *Municipal Government Act*. The notice is to be served by ordinary mail, and the applicant must pay the cost of serving the notice.
NOTE: Terms defined in the Municipal Government Act have the same meaning in by-laws passed under that Act (Interpretation Act, s.13). The following definitions apply to this by-law:

“development” includes the erection, construction, alteration, placement, location replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures; s.191(c)

“development officer” means the person or persons appointed by a council to administer a land-use or subdivision by-law; s.191(d)

“dwelling unit” means living quarters that

(i) are accessible from a private entrance, either outside the building or in a common area within the building;

(ii) are occupied or, if unoccupied, are reasonably fit for occupancy,

(iii) contain kitchen facilities within the unit, and

(iv) have toilet facilities that are not shared with the occupants of other dwelling units; s.3(aa)

“mobile canteen” means a vehicle used for the display, storage, transportation or sale of food or beverages by a mobile vendor; s.3(ap)

“mobile vendor” means a person who vends from a mobile canteen or a stand; s.3(aq)

“stand” includes a table, showcase, bench, rack, pushcart, wagon or wheeled vehicle or device that can be moved without the assistance of a motor and is used for the display, storage, transportation or sale of food, beverages or other merchandise by a mobile vendor; s.3(bu)
“vending” means the sale, or offering for sale, of

(i) food, beverages or other merchandise, unless they are immediately delivered to a residence or shop by the person selling them

(ii) services, unless they are provided in a building; s.3(cd)