



Land Use Bylaw

Bylaw P-2

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1.0 Definitions

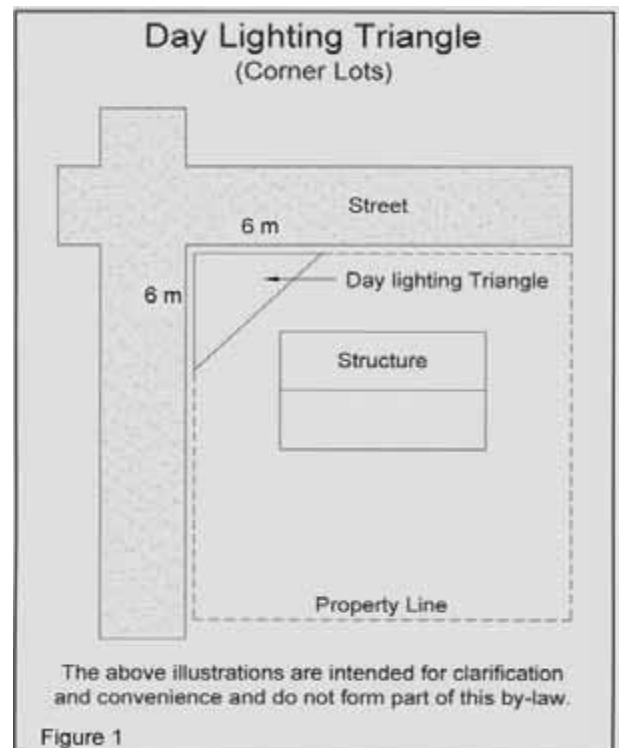
For the purpose of this Bylaw the definitions and interpretations given in this section shall govern. Words used in the present tense include future; words in the singular include the plural; words in the plural include the singular; the word "used" includes "arranged, designed or intended to be used"; the word "shall" is mandatory and not directory.

1. **Accessory Building** means a separate building or structure located on the same lot as the main building or principal use, and of a nature customarily and clearly secondary and incidental to the main building or principal use.
2. **Accessory Use** means the use or uses which take place on the same lot as the main use, and of a nature customarily and clearly secondary and incidental to the main use.
3. **Accommodations** means a building, or buildings, or part thereof on the same lot used to accommodate the traveling public for gain or profit by supplying them with overnight sleeping accommodation with or without meals and including customary ancillary services and amenities but without private cooking facilities but shall not include a bed a breakfast
4. **Adjacent** for the purposes of this Bylaw, means the building, or property that shares a common boundary on the same side of the street.
5. **Adult Entertainment Use** means any establishment that offers services, or entertainment to the public intended to deliver sexual stimulation or gratification, or is reasonably intended to appeal primarily to erotic appetites. It includes, but is not limited to, entertainment characterized by the display of the nude or semi-nude human body in a manner or context apparently designed to exploit the sexual aspects of the human body and its constituent anatomy. Such entertainment is commonly promoted using adjectives or terms such as "nude", "topless", "adult", "sexy", "exotic", and so on.
6. **Alter** means to change the structural component of a building or to increase the volume of a building or structure.
7. **Agricultural Use** means an operation involving the keeping of agricultural animals.
8. **Agricultural Animal** means an animal kept for the purpose of breeding, milking, egg or meat production, assistance in performing farm chores or recreation and shall include horses, cattle, swine, poultry, sheep, goats, mink, foxes, chinchillas, bees, but shall not include cats, dogs, parakeets, canaries, hamsters, tropical fish, and similar household pets. A rabbit is an agricultural animal if located on a lot on which in excess of ten rabbits are kept; if ten or fewer are involved, the rabbits shall be deemed to be house-hold pets.

9. **Animal Hospital** means an establishment providing surgical or medical treatment or examination of domestic pets entirely within a building.
10. **Medical treatment** or examination of domestic pets entirely within a building, but does not include the breeding of animals or overnight boarding.
11. **Automobile** see Motor Vehicle
12. **Bed and Breakfast** means a dwelling where the proprietor supplies rooms, up to a maximum of six, which are rented or hired out to accommodate the travelling public for sleeping purposes and where a general kitchen and dining room are provided within the building or in an accessory building for the purpose of serving meals only to overnight guests.
13. **Berm** means an area of land which has been raised to screen a use or activity from abutting uses or activities.
14. **Block** means the smallest area of land, the boundaries of which consist entirely of public streets, rivers, railroads, public parks or any combination thereof.
15. **Boarding House or (Rooming) House** means a dwelling in which the proprietor supplies more than two rooms and board to persons exclusive of the owner or members of his family and which is not open to the general public but does not include a group care facility.
16. **Building** means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or chattels, and includes any awning, bin, bunker or platform, vessel or vehicle used for any of the said purposes.
17. **Building Area** means the maximum horizontal area of a building at grade measured to the centre of party walls or to the outside of exterior main walls including air walls and all other spaces within the building, but excluding porches, steps, chimney breasts, carports or open platforms.
18. **Building Line** means any line regulating the position of a building or structure on a lot.
19. **Business or Professional Office** means a building or part thereof, furnished or used for the purpose of regularly transacting business such as a service performed or consultation given but shall not include a manufacturing of any product or the retail selling of goods.
20. **Cannabis Lounge** means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales.

21. **Cannabis Production Facility** means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products
(a) Including:
i. where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and
ii. associated activities permitted by the federal license, such as research and development, storage, and destruction, and
(b) excluding:
i. industrial hemp, and
ii. premises used for personal production permitted by federal legislation.
22. **Cannabis Retail Sales** means premises used for the retail sale of cannabis, cannabis products or any of its derivatives, such as oils or edible products, to the general public.
23. **Carport** means a building or structure which is without walls on at least two sides and is used for the parking or storage of a motor vehicle and for the purposes of this Bylaw a carport with an enclosed second storey shall be considered a garage.
24. **Cemetery** means the use of land for the burial of the dead and related purposes, such as a columbaria and mausoleums, and excludes a crematorium use, which is included in the definition of funeral home.
25. **Character-defining Element** means the materials, forms, location, spatial configurations, uses, and cultural associations or meanings that contribute to the heritage value of an historic place, which must be retained to preserve its heritage value.
26. **Commercial Motor Vehicle** means a truck tractor; tow truck or wrecker; agricultural, construction or industrial equipment; any vehicle designed, intended, or used for transporting more than 9 people; any vehicle used to transport persons and / or merchandise for profit; or any motor vehicle with a TARE weight in excess of 3,650 kg.
27. **Commercial Recreation Centre** means a building or lot or part of a building or lot used solely for commercial recreation or entertainment purposes and without limiting the generality of the foregoing, may include such establishments as dance halls, billiard or pool halls, bowling alleys, miniature golf courses, bingo halls, roller skating rinks and discos, and arcades for pinball and other game machines and amusements, including accessory food service.
28. **Commercial School** means a school of seven or more pupils conducted for gain, and includes a secretarial school, language school, driving school, etc.

29. **Commercial Use** means the use of land, building or structure for the purpose of buying and selling commodities and / or supplying of services as distinguished from uses such as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.
30. **Common Wall** means a vertical separation completely dividing a portion of a structure from the remainder of a structure and creating, in effect, a building which, from its roof to its lowest level, is separate and complete unto itself for the purpose for which it is designed, intended, or used.
31. **Community Centre** means a property or building used for non-profit community activities operated by a public authority, church, or fraternal organization, but shall not include a commercial recreational centre.
32. **Convenience Store** means a building or part of a building used for the retail sale of a limited line of grocery and confectionary items, which serve the needs of the local neighbourhood.
33. **Corner Lot Sight (Day Lighting) Triangle** means that area of a corner lot which is enclosed by a triangle, the apex of which is the intersection of the flanking lot line and the front lot line, two sides of which triangle are 6 m in length measured from said point of intersection along the said lines and the base of which triangle is formed by a straight line joining the said exterior lot lines at the said points 6 m from the intersection. (see figure 1)
34. **Council** means the Council of the Town of Amherst.
35. **Day Care Centre** means:
- (a) Non-residential Day Care Centre means a place where 9 or more children are cared for without overnight accommodation, but does not include a school.
 - (b) Residential Day Care Centre means that portion of a residential dwelling which is used to accommodate more than three but fewer than nine children who are looked after during the daytime hours and who are not provided with overnight accommodation.
36. **Development** includes any erection, construction, addition, alteration, replacement or relocation of to any building or structure and any change or alteration in the use made of land, building or structures.



37. **Development Officer** means the officer appointed by the Town of Amherst or his designate and charged with the responsibility of administering the provisions of the Municipal Government Act and of this Land Use Bylaw in accordance with the Municipal Government Act.
38. **Display Court** means the use of land for the outdoor display and sale of large household or recreational items such as, but not limited to, all-terrain vehicles, hot tubs, swimming pools, and recreational vehicles. This definition shall include the display and sale of prefabricated homes but shall not include heavy equipment sales and rentals or boat and marine sales.
39. **Dwelling** means a building or a portion thereof, occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units, and shall not include hotels.
40. **Dwelling Unit Types:**
- (a) **Accessory** means a subservient dwelling either located within a single dwelling or in a building on a lot with a single dwelling.
 - (b) **Apartment Building** means a building or part thereof, consisting of three or more dwelling units, excluding townhouses.
 - (c) **Basement-only** means a structure containing one (1) or more dwelling units constructed wholly below the established grade without any main walls or habitable rooms above the established grade but does not include accessory dwellings in the basement of a single dwelling.
 - (d) **Converted Dwelling** means a building originally built and designed as a single detached dwelling unit which contains two to four dwelling units; or a building originally built as a double dwelling renovated to contain three or four dwelling units.
 - (e) **Double** means a dwelling containing two dwelling units, other than converted dwellings, and shall include duplexes and semi-detached dwellings
 - (f) **Duplex** means a building divided horizontally into two dwelling units.
 - (g) **Dwelling Unit** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen, sanitary facilities and sleeping room are provided for the exclusive use of such individuals.
 - (h) **Garden Suite** means an accessory building to be used as a single detached dwelling unit.
 - (i) **Grouped buildings (Small option Homes)** means buildings designed as part of a group of dwellings on the same lot, held and maintained under

single ownership, or otherwise provided under the Condominium Act, R.S.N.S. 1989.

- (j) **Group Home Facility** means a community-based group living arrangement, in a single housekeeping unit, for up to a maximum of seven individuals, exclusive of staff and/or receiving family, with social, emotional, legal, mental and/or physical handicaps or problems, that is developed for the wellbeing of its residents through self-help, professional care, guidance and supervision unavailable in the resident's own family, an institution or in an independent living situation. A group care facility is licensed, funded or approved by the Province of Nova Scotia.
- (k) **Mobile/Mini Homes** shall mean single or multiple dwelling units with a length to width ratio greater than 3:1.
 - (l) **Modular Home** shall mean a finished section or sections of a complete dwelling unit built in a factory for transport to the site for installation certified by Canadian Standards Association prior to placement on the site as complying with the CSA Standard A277-M-1990
 - I. "Procedures for Certification of Factory Built Houses".
 - (m) **Multi-unit** means a building or part thereof, consisting of three (3) or more dwelling units, excluding townhouses.
 - (n) **Townhouse** means a building that is divided vertically into three or more dwelling units, each of which has an independent ground floor entrance(s).
 - (o) **Semi-Detached** means a building that is divided vertically into two dwelling units, each of which has its own entrance.
 - (p) **Single Detached** means a completely detached dwelling unit.
- 41. **Dwelling Unit ("DU")** means one (1) or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen, sanitary facilities, and sleeping room are provided for the exclusive use of such individuals.
- 42. **Electric Vehicle Charging** means infrastructure that supplies energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles.
- 43. **Erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension
- 44. **Established Building Line** means a line parallel to the street established by the average distance of main buildings on the same side of a street.

45. **Established Grade** means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior main walls of such building; or with reference to a structure means the average elevation of the finished grade of the ground immediately surrounding such structures exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Town or other designated authority. (see figure 3)
46. **Existing** means legally existing on the effective date of this Bylaw. If a building permit has been issued for a structure before the effective date of this Land Use Bylaw, the structure shall be deemed an existing use if construction begins within a one (1) year period immediately following issuance of the permit. A lot shall be deemed an existing lot if it was created prior to the effective date of this Bylaw or if it was shown on a plan of subdivision tentatively approved by the Town prior to the effective date of this Bylaw. Proof that the lot was created or was tentatively approved prior to the effective date of this Bylaw is required.
47. **Façade** means the exterior parts of a building that face a street or public open space that represents the building, tells people about the building, what it is, how to enter and the nature of the interior uses.
48. **Fence** means any barrier of posts, wood, metal, wire, brick or other similar materials or combinations of such materials, which is constructed for the purpose of delineating, screening, safeguarding or enclosing.
49. **Footprint** means the total ground floor area of a building enclosed within the exterior faces of the exterior walls, and for the purpose of this definition the walls forming a courtyard shall be deemed to be exterior walls.
50. **Flag Lot** means a lot characterized by the location of the main body of the lot generally at the rear of another lot, or otherwise separated from the street or roadway which provides access, and by a narrower area extending from the main body of the lot to the said street or roadway.
51. **Floor Area:**
- (a) **With Reference to a Dwelling** means the maximum area contained within the outside walls excluding any garage, porch, veranda, sunroom, unfinished attic or basement or other room not habitable at all seasons of the year.
 - (b) **With Reference to a Dwelling Unit** where more than one unit is contained within a building means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit.

- (c) **Commercial Floor Area** means the total usable floor area within a building used for commercial purposes but excludes furnace and utility rooms, and common malls between stores.
 - (d) **Gross Floor Area** means the aggregate of the floor area of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be the exterior walls.
 - (e) **Floor Area, Net** means the total useable floor area within a building exclusive of washrooms, furnace and utility rooms and common halls or malls between individual establishments.
52. **Frontage** see "lot frontage".
53. **Garden Centre** means a building or structure and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees, or similar vegetation together with gardening tools and implements that are sold at retail from such buildings or lot to the general public.
54. **Garage** means a building or structure which is enclosed on three or more sides and is used for the parking or storage of a motor vehicle.
55. **Grade Level** means grade prior to any development.
56. **Gross Building Area** means the floor area of a main building including the floor area of rooms reasonably convertible, in the opinion of the building inspector, to the main purpose.
57. **Habitable Room** means a living room, bedroom, kitchen with or without space for eating, or a dining room.
58. **Height, Building** means the highest point of the roof of a building excluding church spires, water tanks, elevator enclosures, flagpoles, ventilators, skylights, chimneys, clock towers, communication towers or statues/works of art on public property.
59. **Height, Building** means the highest point of the roof of a building excluding church spires, water tanks, elevator enclosures, flagpoles, ventilators, skylights, chimneys, clock towers, communication towers or statues/works of art on public property.
- (a) **Height** means the vertical distance between the established grade and:
 - (b) the highest point of the roof structure or the parapet, whichever is greater, of a flat roof;

- (c) the deck line of a mansard roof;
 - (d) the mean level between eaves and ridges of a gabled, hip, gambrel, or other type of pitched roof; or
 - (e) the highest point on a structure with no roof
60. **Heritage Landscape** means a landscape that is valued by the community, has functional continuity and/or physically reflects the past, and is associated with the history of the area, has design value, and/or has contextual value.
 61. **Home for Special Care** means a building wherein nursing care or room and boards are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.
 62. **Home-based Business** means a business activity accessory to the residence and carried on by the occupant of the residence, and without limiting the generality of the foregoing shall include professional personal services, instruction and private tutoring, artist studios, contractor's storage and parking, storage of inventory for off-site retail sales; but shall not mean autobody or mechanical motor vehicle repairs, retail stores, canteens or taxi stands.
 63. **Hotel / Motel** means a building, or buildings, or part thereof on the same lot used to accommodate the traveling public for gain or profit by supplying them with overnight sleeping accommodation with or without meals and including customary ancillary services and amenities but without private cooking facilities.
 64. **Industrial Use** means any manufacturing, assembly, or warehousing operation.
 65. **Kenel** means a building, structure or lot where animals are kept or boarded commercially.
 66. **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, gravelling, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a lot or to provide a screen.
 67. **Licensed Liquor Establishment** means a cabaret, lounge, beverage room, and/or bar licensed under the Nova Scotia Liquor Control Act or successor legislation.
 68. **Light Manufacturing** means a use engaged in the manufacturing, predominantly from previously prepared/processed materials, of finished products or parts and entirely conducted within an enclosed building. Accessory uses include processing, fabrication, assembly, treatment, packaging, incidental storage, and distribution of such products, but

excluding raw industrial processing/manufacturing and Obnoxious Uses as defined in this Bylaw.

69. **Loading Space** means an off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which is connected to a public street by an appropriate access.
70. **Lot means** any parcel of land described in a deed or as shown on a registered plan of subdivision.
- (a) **Corner Lot** means a lot situated at the intersection of and abutting upon two or more streets. Lot Area means the total horizontal surface within the lot lines of a lot, excluding the horizontal area of such lot covered by water, or marsh, or beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment of 22 degrees or more from horizontal, provided that only the lot area lying within the zone in which a proposed use is permitted may be used in calculating the minimum lot area under the provisions of this Bylaw for such permitted use.
- (b) **Lot Coverage** means that percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.
- (c) **Lot Depth** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.
- (d) **Lot Frontage** means the length of a line joining the side lot lines and parallel to the front lot line. Calculation of Lot Frontage for irregularly shaped lots shall be the horizontal distance between the side lot lines as measured at a point, where a line drawn perpendicular to a line joining the midpoint of the rear lot line and the midpoint of the front lot line at a point equal to the required front yard. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used. Calculation of lot frontage for corner lots shall be the horizontal distance between the side lot line and the flanking lot line. This definition shall not apply in the case of flag lots.
- (e) **Through Lot** means a lot bounded on two opposing sides by streets or highways provided however, that if any lot qualifies as being both a corner lot and a through lot as hereinbefore defined, such lot shall be deemed to be a corner lot for the purpose of this Bylaw.

71. **Lot Line** means any boundary of a lot.
- (a) **Front Lot Line** means the line dividing the lot from the street; in the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line. In the case of a through lot, any boundary dividing the lot from a street may be the front lot line.
 - (b) **Flanking Lot Line** means a side lot line which abuts the street on a corner lot.
 - (c) **Rear Lot Line** means the lot line furthest from opposite the front lot line.
 - (d) **Side Lot Line** means a lot line other than a front or rear lot line.
72. **Main Building** means the building in which the principal use of the property is undertaken.
73. **Medical Clinic** means a building or structure where 7 or more members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, coffee shop, consultation rooms, x-ray and minor operating rooms and a dispensary.
74. **Medical Practitioner** means a doctor, dentist, chiropractor, osteopath, optometrist, oculist, but does not include a veterinarian.
75. **Motor Vehicle Fueling/Service Station** means an establishment where the principal business carried on is the retail sale of vehicle fuels, propane and lubricants.
76. **Motor Vehicle Sales, Rental and Repair** means an establishment excluding a private home or garage, where new and / or used vehicles, lubricants, tires, parts and accessories for motor vehicles are kept for sale, and where replacement and/or repairs to any component of a motor vehicle may be performed including autobody and/or painting uses. Motor vehicles shall include boats and other recreational vehicles. Salvage and scrap yards, and motor vehicle fueling stations are separate uses.
77. **Land Leased Community** means a development that contains mobile homes and other residential uses, not having a registered subdivision plan individual lots, under single ownership and managed by a Land Leased Community operator. Within the Land Leased Community, individual dwelling lots may be subdivided.
78. **Municipal Government Act** means the provincial legislation which enables municipalities to plan and run their corporate affairs.

79. **Municipal Planning Strategy** means the Municipal Planning Strategy of the Town of Amherst
80. **Nursing Home** means an extended or immediate care facility licensed under the Homes for Special Care Act, or successor legislation, to provide full time skilled nursing care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves.
81. **Net Retail Area** means the gross space leased or leaseable to tenants, exclusive of malls, public washrooms and other common areas.
82. **Obnoxious Use** shall mean a use which creates by its nature or operation a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.
83. **Office** means a room designed, furnished or used for the purpose of regularly transacting business, a service performed or consultation given but shall not include a manufacturing of any product or the retail selling of goods.
84. **Open Space** means the area situated within the boundaries of a residential development site intended for recreational purposes, and may include landscaped areas, patios, private amenity areas, balconies, communal lounges, swimming pools, play areas and similar uses, but does not include any area occupied at grade by a building's service area, parking lots, aisles or access driveways.
85. **Outdoor Furnace or Waterstove** means a furnace which is located adjacent to a structure, and is intended to provide heat to that structure, via combustion and the heating of water, or otherwise.
86. **Outdoor Patio** means an outdoor area adjoining a restaurant, and consisting of outdoor tables, chairs, plantings, and related decoration and fixtures, and where meals or refreshments are served to the public for consumption on the premises.
87. **Outdoor Retail Display** means the display of retail goods or materials intended for the immediate sale to the general public which are not enclosed within a structure.
88. **Outdoor Storage** means the storage of goods or materials not intended for immediate sale to the general public which are not enclosed within a structure.
89. **Parking Area or Parking Lot** means an open area, other than street, used for the temporary parking of more than two vehicles and available for public use, whether free, for compensation or as an accommodation for clients, customers or residents and which has access to a public street.

90. **Parking Space** means an area of not less than 3 m by 6 m, exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas.
91. **Pedestrian Clearway** means an unobstructed, clear, straight, and continuous path of sidewalk which provides unobstructed passage, or pedestrian flow, for the entire length of the sidewalk and which is adjacent to the street line of the premises, as well as providing unobstructed access to any Town- approved installation located on the sidewalk.
92. **Park or Playground** means an area of land used for recreation with features including, but not limited to, greens, community gardens, walking paths, play structures, ponds, fountains, and dog parks.
93. **Personal Service Shop** means a building or part of a building which persons are employed in furnishing services or otherwise administering to the individual and personal needs of persons and may include such establishments as barber shops, beauty parlours, hairdressing shops, shoe repair, and depots for collecting dry-cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.
94. **Private Club** means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a legion, a fraternity or sorority house, and a labour union hall.
95. **Principal Street** means a street that is either East Victoria Street, Church Street, Havelock Street, Electric Street, King Street, or Ratchford Street.
96. **Public Building** is a building owned or used by a Federal, Provincial or Municipal Government.
97. **Recreational Use** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor ice skating rinks, athletic fields, swimming pools, golf courses, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including commercial recreation centres or a track for the racing of animals, or any form of motorized vehicles.
98. **Recreation, Commercial** see Commercial Recreation Centre.
99. **Religious Institution** means a building or buildings dedicated to religious worship, and includes churches, church halls, auditoria, schools, and Parish Halls.
100. **Residential Care Facility** means a community-based group living arrangement, in a single housekeeping unit, for eight (8) or more individuals, exclusive of staff and/or receiving family, with social, legal, emotional, mental

and/or physical handicaps or problems, that is developed for the wellbeing of its residents through self-help, professional care, guidance and supervision unavailable in the resident's own family, an institution or in an independent living situation. A Residential Care Facility is licensed, funded or approved by the Province of Nova Scotia.

101. **Restaurant** means a building or part thereof where food and drink is served to the public for consumption within the building.

(a) **Restaurant, Drive-Through** means a restaurant or part thereof where the intent is to provide food and/or drink to customers while they remain in their motor vehicles.

(b) **Restaurant, Eat-In** means a restaurant or part thereof where food and/or drink may be consumed within the building or on an attached, formalized outdoor space.

(c) **Restaurant, Take-Out** means a restaurant or part thereof that does not provide facilities for consumption of food or drink on the premises, or only provides informal eating facilities such as picnic tables.

102. **Retail** means the offering and sale, rent or lease of goods, wares, merchandise, substances, articles, or things whether manufactured by the retailer or purchased at wholesale, to the general public as final consumer for personal or household consumption and not for resale.

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

104. **Salvage and Storage Facility** means a premises used for keeping or storing used bodies or parts of motor vehicles or any other type of used equipment, vehicles, machinery, or materials of any kind.

105. **School** means an educational establishment.

(a) **Public School** means an authorized school under the jurisdiction of a Public School Board, a High School Board, a Board of Education or Provincial Government.

(b) **Commercial School** means a school where instruction is given for the purpose of remuneration and shall include dancing schools, music schools, golf schools, trade schools, nursery schools, and any other school conducted for remuneration.

106. **Service and Repair Shop** means a shop for servicing, repairing, installing, or renting things and equipment, including, but not limited to, the following: radio or television service or repair shops, locksmith shops, small appliance

service or repair shops, small engine repair shops, household and carpenter tool service and repair shops, but shall not include industrial, manufacturing, or motor vehicle repair shops.

107. **Setback** means the horizontal distance between any lot line and the nearest wall of any building or structure and extending the full width or length of the lot
108. **Shipping Container or Sea Can** means an article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation, whether or not it is actually being used for such a purpose, and includes, but is not limited to, intermodal freight containers (sea containers) and the body of transport trailers or straight truck boxes, but does not include a motor vehicle.
109. **Sidewalk Patio** means an area of the public sidewalk immediately adjacent to an eating or drinking establishment and used by that establishment for outdoor seating and the serving of food and / or drinks.
110. **Sign** means a structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, industry or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot.
- (a) **Banner** means a sign made of fabric or other non-rigid material with no enclosing framework.
- (b) **Electronic Message Board Sign** means a section of an otherwise permanent sign that allows the message to be amended, updated, or otherwise modified using digital means including, but not limited to, light-emitting diode (LED) displays, liquid crystal diode (LCD) displays, and plasma displays.
- (c) **Facial Wall Sign** means a sign which the back main surface is attached directly to, or is painted upon, a building wall.
- (d) **Ground or Freestanding Sign** means a sign supported by a supporting structure that is permanently affixed to a foundation
- (e) **Illuminated Sign** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.

- (f) **Portable Sign:** A sign which is self-supporting but not permanently attached to the ground or building and can be moved from one location to another.
 - (g) **Projecting Wall Sign** means a sign which; projects from, and is supported by; a wall of a building.
 - (h) **Roof Sign** means a sign fixed, placed upon or supported by the roof or non-vertical wall of a building.
 - (i) **Sandwich Board Sign** means a sign consisting of two surfaces attached to each other at the top and designed so as to stand temporarily without foundation or other support on a lot or sidewalk without electrical or other service connection.
 - (j) **Temporary Sign** means a sign which may be erected for a specified period of time and may include portable signs, banners, portable reader boards, and the like.
111. **Sleeping Unit** means one or more connected habitable rooms used for sleeping and living purposes, and does not contain cooking facilities.
112. **Small Options Home** means a family home or group care or similar facility for the non-medical care of up to seven (7) persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.
113. **Solar Collector Area** means the area of the largest parallel projection of a solar collector onto a flat plane. When calculating the total solar collector area for a solar collector system the solar collector area of each individual structure will first be calculated and then added to obtain the total solar collector area.
114. **Solar Collector System** means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.
- (a) **Solar Collector System, Accessory** means a solar collector system designed and sized with a primary purpose to offset or meet the energy needs of other uses on the site. While such systems may generate, on an annual basis, a small monetary profit through programs such as net metering, such profits shall be secondary and incidental to the purpose of offsetting on-site energy needs.

- (b) **Solar Collector System, Commercial** means a solar collector system designed and sized with a primary purpose to provide electricity or other forms of energy to the grid or other off-site uses.
115. **Street or Road** means the whole and entire right-of-way of every highway, road or road allowance, vested in the Province of Nova Scotia or the Town of Amherst and includes sidewalks.
116. **Street Line** means the boundary of a street or road. (See also Lot Line)
117. **Structure** means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.
118. **Swimming Pool** means an artificial body of water above the surface or in ground, constructed of cement, plastic, fibreglass or similar material, having a maximum depth greater than 0.5 m and intended primarily for bathing, swimming and diving, but shall not include natural, dug or dammed ponds or watercourses primarily intended for aesthetic or agricultural purposes.
119. **TARE weight** means the weight of an empty motor vehicle including all attached and contained equipment.
120. **Telecommunication towers, antennas, buildings and equipment** means any facility, apparatus or other thing that is used or is capable of being used for telecommunications or for any operation directly connected with telecommunications, and includes a transmission facility. Amateur radio, such as shortwave radio, as well as typical television or radio reception equipment, including satellite dishes, which are used for residential or small commercial (e.g., motel or lounge) purposes, are excluded
121. **Tower** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures and the like
122. **Town** means the Town of Amherst.
123. **Utility** means an organization supplying the town with electricity, gas, telecommunications, water, or waste water services.
124. **Vacant Lot** means a lot on which no building or structure is located.
125. **Warehouse** means a building where wares or goods are stored but does not include a retail store.

126. **Windmill or Wind Turbine** means a machine and supporting structure designed to convert wind energy into mechanical or electrical energy.
- (a) **Domestic-Scale Wind Turbine** means a wind turbine that has a height of not more than 50 metres and has a nameplate generation capacity of not more than 15 kilowatts.
- (b) **Small-Scale Wind Turbine** means a wind turbine that:
- a. has a height of more than 50 metres but not more than 75 metres;
or
 - b. has a nameplate generation capacity of more than 15 kilowatts but not more than 100 kilowatts.
127. **Yard** means an open space on a lot unoccupied by main buildings except as specifically permitted elsewhere in this Bylaw. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.
- (a) **Front Yard** means a yard that extends across the full width of a lot between the front lot line and the nearest main wall of the main building on such lot; and "minimum" front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on a lot.
- (b) **Flanking Yard** means a side yard which abuts a street on a corner lot.
- (c) **Minimum Yard** means the smallest yard permitted by this Bylaw.
- (d) **Rear Yard** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and "minimum" rear yard means the minimum depth of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.
- (e) **Required Yard** means the area between a front, side, rear, or flanking lot line and a line parallel to the respective lot line set back a distance equal to the applicable yard setback.
- (f) **Side Yard** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and "minimum" side yard means the minimum width of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.
128. **Zone** means a delineated area of land shown on the schedules of this Bylaw and established and designated for a specific use.

2.0 Zoning and Interpretation

2.1 General

For the purposes of this Bylaw the Town is divided into the following zones, the boundaries of which are shown on the attached Schedule 'A'.

Zone

Residential Zones

General Residential Zone
Leased Land Community Zone

Commercial Zones

Highway Commercial Zone
Downtown Zone
Mixed Use Zone
Neighbourhood
Commercial Zone

Industrial Zones

Industrial Zone

Special Use Zones

Comprehensive Development District
Institutional Zone
Parks and Open Space Zone
Flood Plain Zone

2.2 Schedules

- (a) Schedule 'A' is the Zoning Map and forms part of this Bylaw.
- (b) All schedules and figures attached to this Bylaw form an official part of the Bylaw, unless otherwise indicated.
- (c) Any appendices that may be attached to this Bylaw are for information purposes only and are not an official part of the Bylaw.

2.3 All land to be Zoned

All lands within the Town shall be zoned.

2.4 Amendment to the Zoning Map

The Zoning Map may be amended from time to time in accordance with applicable policies of the Municipal Planning Strategy.

2.5 Zoning Boundaries

Zoning boundaries shall be determined as follows:

- (a) where a zone boundary is indicated as following a street, or highway, the boundary shall be the centre line of such street or highway;
- (b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
- (c) where a railroad or railway right-of-way, electrical transmission right-of-way, or a watercourse serves as a boundary between two or more different zones, the centre line of such right-of-way or of such watercourse shall be the boundary;
- (d) where there is no landmark that indicates the precise location of a boundary, the boundary shall be scaled from the Zoning Map;
- (e) where a zone boundary is indicated as following the town boundary, the town limit shall be the boundary.
- (f) where a zone boundary is indicated as following the shoreline of a watercourse, lake, or salt water body, the ordinary high watermark shall be the boundary.
- (g) where none of the above provisions apply, the Development Officer shall scale the zone boundary from the zoning map.

2.6 Permitted Uses

- (a) In this Bylaw any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.
- (b) Where a permitted use within a zone is defined in this Bylaw the uses permitted in the zone include any similar uses that satisfy such definition except where a definition specifically excludes any similar use.

2.7 Measurements

- (a) All official measurements are in metric. Where imperial measurements are provided, they are for information purposes only.

2.8 Certain Words

In this Bylaw:

- (a) the word “shall” means mandatory compliance;
- (b) the word “may” means discretionary compliance or a choice in applying a policy or regulation;
- (c) words used in the plural include the singular, and words used in the singular include the plural; and
- (d) gendered words shall be interpreted to mean any gender.

Words not otherwise defined in this Bylaw shall have the meaning assigned to them in the Act.

2.9 Conflict

In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall prevail.

- (a) Colour coding throughout this Bylaw and the zoning maps is for ease of reference only and the text of this Bylaw shall take priority.
- (b) In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall prevail.
- (c) In the case of conflict between a written zone name and a zone symbol, the written zone name shall prevail.

2.10 Definitions

For the purposes of this Bylaw, words shall have the meaning or meanings assigned to them in Part 1 - Definitions. Where a word is not defined in Part 1 or the Act, the word shall have the meaning or meanings assigned by accepted Canadian English dictionaries.

3.0 Administration

3.1 Town Planning Advisory Committee

- (a) Town Planning Advisory Committee is appointed by Town Council in conformity with Section 200 of the Municipal Government Act and shall be herein referred to as the Committee.
- (b) Duties of the Committee include:
 - i. assist Council in the periodic review of the official plans and Land Use Bylaw in conformity with the Municipal Government Act
 - ii. advise the Council as to the intent of the Municipal Planning Strategy; and,
 - iii. where appropriate, hold public participation opportunities, and advise Council regarding planning and zoning matters.

3.2 Authority

This Bylaw is made under the authority of, and shall be applied in a manner consistent with, the Town of Amherst's Municipal Planning Strategy and the Municipal Government Act ("Act"), as amended from time to time.

3.3 Development Officer

The Development Officer, or designate(s), shall be appointed by Council to administer this Bylaw.

3.4 Development Permit Required

- (a) Unless otherwise stated in this Bylaw, no development shall be undertaken in the Town of Amherst unless a development permit has been granted by the Development Officer.
- (b) No person shall move any building onto a lot without first obtaining a development permit from the Development Officer.
- (c) The Development Officer shall only issue a development permit in conformance with this Bylaw, or an approved development agreement, except where a variance is granted or in the case of a nonconforming use or structure, in which case a permit shall be granted in conformance with the Municipal Government Act.
- (d) Any development permit shall expire twelve (12) months from the date issued if the development has not commenced.
- (e) The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate or the permit was issued in error.
- (f) A development permit may be renewed for an additional twelve (12) month period provided:
 - (i) the development permit has not been renewed previously; and

(ii) the Development Officer is satisfied that the development permit is consistent with the existing Land Use Bylaw and any proposed amendments.

(g) In a Core Area District, a development permit shall be required for all new development and exterior renovations that alter the architectural features of a building. The issuance of the permit shall be contingent on the development satisfying the Downtown Zone requirements and District requirements, which shall take precedence over any conflicting requirements of this Bylaw. In the case of renovations, the Core Area District requirements shall apply to the architectural features being altered.

3.5 No Development Permit Required

Except those properties within a Downtown Zone or unless otherwise specified, no development permit shall be required for:

- (a) a development that involves the interior or exterior renovation of a building that will not change the shape of the building or increase its volume, will not add more dwelling units, or will not involve a change in the use of the building;
- (b) a fence or wall that does not exceed 2.1 m. in height;
- (c) a sign less than 0.2 m² in area where signs are permitted (see Section 6);
- (d) an accessory building less than 4 m² in area;
- (e) the teaching of one (1) student at a time;
- (f) the use of a dwelling as a personal office;
- (g) roofing;
- (h) accessory electric vehicle charging stations; and
- (i) public and private utilities located within a street right-of-way.

3.6 Information Required for Development Permit Applications

- (a) Every application for a development permit shall be on an approved form and where necessary, shall be accompanied by a sketch or plan drawn to an appropriate scale and showing the following such as the Development Officer may require:
 - (i) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
 - (ii) the proposed location, height, and dimensions of the building, structure, or work in respect of which the permit is applied for;
 - (iii) the proposed location and dimensions of parking spaces, loading spaces, driveways;
 - (iv) the location of every building or structure already erected on or partly on such lot, and the approximate location of every building on adjacent lots; and,
 - (v) any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.
- (b) The application shall be signed by the owner of the lot or by the owner's duly authorized agent and shall set forth in detail the present and proposed use of the lot and each building or structure, or part of each building or structure, together with all information necessary to determine whether or not every such proposed use of land, building or structure conforms with the requirements of this Bylaw.
- (c) Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw and other Bylaws and regulations in force which affect the proposed development, or where the property lines are in question by the Development Officer, may require that the plans submitted under subsection 3.5(a) be based upon an actual survey by a Nova Scotia Land Surveyor.

3.7 Site Plan Approval

- (a) Where provided for in this Bylaw, certain classes of development may be permitted by site plan approval, administered in accordance with Sections 231 and 234 of the Municipal Government Act.
- (b) All other applicable criteria of this Land Use Bylaw shall still apply to any development proposed and undertaken through site plan approval.
- (c) In addition to any other requirement for a development application, an application for a site plan approval shall be accompanied by a written request, including any necessary supporting illustrations necessary to address each of the applicable criteria outlined in Section **3.8**
- (d) A site plan, and a legal undertaking signed by the proponent, must be filed with the Town, and shall form part of the development permit.

- (e) The recorded site plan has effect on a lot, regardless of a change of ownership, until discharged by the Town.
- (f) A development permit may be issued to carry out a development permitted by a site plan.

3.8 Site Plan Approval Application Content and Criteria

- (a) All applications for site plan approval must be submitted in writing to the Town's Development Officer and include any information, materials, or professionally prepared plans required by the Development Officer in order to effectively evaluate the submission and may include, but not necessarily be limited to, the following items:
 - (i) a written description of the proposal that provides the following information:
 1. the location of the subject property;
 2. the name and address of the property owner or designated representative of the property owner;
 3. existing use(s) of the property including a description of any existing structures or improvements;
 4. the proposed use(s) including floor areas;
 5. the height and number of storeys of any proposed structure;
 6. ground floor area and total floor area of the structure;
 7. the proposed number of dwelling units including the number of bedrooms in each unit; and,
 8. the proposed number of parking spaces.
 - (b) Where a zone permits a use by site plan approval, the Development Officer shall approve a site plan where the requirements of this Bylaw and the criteria have been addressed:

Easements

- (i) the location of all easements shall be identified on the site plan;

Emergency Services

- (ii) adequate emergency service access;

Location of New Buildings

- (iii) new buildings and additions to existing buildings shall be located so as to minimize any adverse impacts on adjacent lots;
- (iv) the main building(s) which is/are closest to the front lot line shall have its/their primary facade and public entrance located facing the street;
- (v) no building shall be permitted within 10.0 metres of any lot line on any side of the building that has decks or balconies above a height of 2.0 metres and is adjacent to a single dwelling, double dwelling, or townhouse dwelling existing at the time of the site plan approval application.

Parking, Access and Outdoor Storage

- (vi) required parking areas shall be located at the side or rear of any new building, unless, in the opinion of the Development Officer, the side or rear yard are not adequate for parking by reason of lot size, lot configuration, or the scale of the proposed development;
- (vii) parking areas, driveways, shall be surfaced with asphalt, concrete, bricks, decorative pavers, permeable pavers, or a combination of these, and individual parking spaces shall be delineated with painted lines or through the varying of surface materials;
- (viii) In the case of development adjacent to a residential use, parking and outdoor storage areas shall be screened from adjacent properties and from public streets by a buffer consisting of continuous fencing at least 1.2 metres high, landscaped berms, vegetation, or some combination of these.
- (ix) Outdoor storage, if permitted in the zone, shall not be located in the front or flankage yards.
- (x) In the case of residential uses, the primary entrance(s) of all dwelling units shall be connected to the nearest street right-of-way by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres in width and paved with asphalt, concrete, bricks, or interlocking pavers.
- (xi) Enclosed facilities for solid waste shall be provided for the use of residents. These facilities shall accommodate the number of waste stream collection services (e.g., garbage, compost, recycling) provided in the town at the time of permitting. These facilities may be provided at a central collection point or, where appropriate, individual facilities for each dwelling unit may be provided. Adequate access shall be provided to the solid waste collection facilities.

Landscaping and Open Space

- (xii) Where possible, vegetation on site shall be retained and incorporated into the site landscaping.
- (xiii) Not less than 50 percent of the front yard shall be landscaped and shall not include any impermeable surfaces. Porches and verandas are not considered front yard area for the purpose of determining front yard landscaping.

Stormwater

- (xiv) Stormwater management shall be designed such that stormwater runoff managed onsite or is directed to a public street and shall not increase flow onto adjacent properties.

3.9 Site Plan Approval Notification Area

- (a) Once the Development Officer approves a site plan approval application, all assessed property owners within 30.0 m (98.4 ft) of the subject property will receive written notification of the approval by mail.

- (b) Written notification of the site plan approval is deemed to have been received on the third day after being mailed.

3.10 Appeal Procedures

- (a) A property owner served the notice of approval has 14 days from the date of they receive the notice to appeal the Development Officer's decision to the Town's Chief Administrative Officer.
- (b) Where the Development Officer refuses the requested site plan approval, a notice is sent to the applicant by mail.
- (c) Written notification of the refusal to grant site plan approval is deemed to have been received on the third day after being mailed.
- (d) The applicant may, within seven days of receipt of the notice, appeal the Development Officer's decision to the Town's Chief Administrative Officer.
- (e) The Chief Administrative Officer will refer the appeal to Town Council for consideration.
- (f) Property owners within 30.0 m (98.4 ft) of the subject property will receive written notification of the appeal hearing.
- (g) Property owners within 30.0 m (98.4 ft) of the subject property may speak at the hearing.

3.11 Notice to Lot Owners

- (a) When an application has been received to amend this Bylaw for a site-specific purpose, to enter into a development agreement, to amend a development agreement, or a Site Plan Approval has been issued, all lot owners within 30 m of the subject lot shall be notified in writing of the application, in addition to the notification requirements of the Municipal Government Act.
- (b) In the case of the Development Officer issuing a Variance or Site Plan Approval, notification of affected property owners shall be as specified in the Municipal Government Act.

3.12 Variances

- (a) Notwithstanding anything in this Bylaw, a Development Officer may grant a variance subject to Section 235 of the Municipal Government Act. Specifically, the Development Officer may vary:
 - (i) the percentage of land that may be built upon;
 - (ii) the size or other requirements relating to yards;
 - (iii) lot frontage; and/or
 - (iv) lot area.

- (b) Furthermore, Policy 6-14 of the Municipal Planning Strategy permits the Development Officer to grant a variance in one or more of the following Land Use Bylaw requirements:
 - (i) number of parking spaces and loading spaces required;
 - (ii) ground area and height of a structure;
 - (iii) floor area occupied by a home-based business.

3.13 Enforcement and Penalty

In the event of any contravention of the provisions of this Bylaw, the Town may act as provided for in Section 266 of the Municipal Government Act.

3.14 Effective Date

This Bylaw shall take effect upon the date of publication of the notice advertising the adoption of the new bylaw or amendment.

3.15 Repeal of Bylaw

The Town of Amherst Land Use Bylaw passed and adopted by Council July 14, 2005 and approved by the Provincial Director of Planning August 11, 2005, is repealed as of the date that this Land Use Bylaw takes effect.

3.16 Existing Structures and Use

A structure or use of land shall be deemed to exist on the effective date of this Bylaw if:

- (a) it has lawfully been constructed;
- (b) it is lawfully under construction; or,
- (c) Within 12 months after all required permits for its construction or uses have been issued.

3.17 Compliance with Other Bylaws

- (a) Nothing in this Bylaw shall exempt any person from complying with the requirements of the Building Bylaw or any other Bylaw in force within the Town of Amherst, or from obtaining any license, permission, permit, authority or approval required by any other Bylaw of the Town of Amherst or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- (b) Where the provisions in this Bylaw conflict with those of any other Bylaw of the Town or regulation of the Province or the Government of Canada, the higher or more stringent provision shall prevail.

4.0 General Provisions for all Zones

4.1 Accessory Buildings

- (a) Detached accessory buildings may be permitted in any zone but shall not:
 - (i) be used for human habitation except where an accessory dwelling is a permitted accessory use, and a permit has been acquired for such use;
 - (ii) be located within the front yard, in any Residential Zone;
 - (iii) be permitted within the flanking yard on a corner lot;
 - (iv) be built within 2 m of any main building on the lot;
 - (v) be considered an accessory building if attached to the main building by a common wall greater than 3 metres in length;
- (b) Except in the Industrial Zone, the gross floor area of an accessory building shall not exceed 80 square metres and the combined ground floor area for all accessory buildings on a lot shall not exceed:
 - (i) 80 square metres on a lot with an area less than 4,000 square metres; or,
 - (ii) 5 percent of the total lot area where the lot is 4,000 square metres or greater.
- (c) Accessory buildings shall not exceed 5 metres in height except where the height of the accessory building may be increased to accommodate a second storey, plus roof where:
 - (i) the main structure is a minimum of two storeys, exclusive of the basement;
 - (ii) the proposed location of the accessory building is not in the required rear or side yard setback of the main structure; and,
 - (iii) the highest point of the roof of the accessory building does not exceed the elevation of the roof of the main building on the lot.
- (d) Accessory buildings shall be set back by a minimum of 1.2 metres from all Rear and Side Lot Lines.
- (e) Accessory buildings shall be located on the same lot as the main building.
- (f) Accessory buildings shall comply with any other applicable requirements of this Bylaw.

4.2 Accessory Uses Permitted

Where this Bylaw provides that land may be used for a purpose or a building or structure may be erected or used for a purpose, such purpose may include any accessory uses thereof, unless otherwise prohibited by this Bylaw.

4.3 Agricultural Animals

The keeping of agricultural animals is prohibited in Town except for the following lots which have agricultural uses existing at the date of this bylaw:

- (i) PID# 25047010
- (ii) PID# 25037219
- (iii) PID# 25358086

4.4 Conformity with Existing Setbacks

- (a) Notwithstanding anything else in this Bylaw, in any zone where a proposed building does not comply with the minimum front yard requirements, a building may be erected with a setback equal to the established building line, but shall not be less than 3 m from the street line.
- (b) Only existing buildings within 60 m that front on the same street as the proposed building shall be used to calculate the established building line.

4.5 Corner lot Triangle or Day Lighting Triangle

On a corner lot, no fence, sign, hedge, shrub, bush or tree or any other structure, vehicle or vegetation shall be erected, placed; or in the case of plants, permitted to grow to a height greater than 0.6 m above grade within a corner lot sight triangle.

4.6 Display Courts

- (a) Under 900 square metres of gross floor area shall be permitted subject to all requirements of this Bylaw.
- (b) 900 square metres or more of gross floor area shall be permitted by site plan approval and subject to Part 4.19 of this Bylaw.

4.7 Existing Buildings

- (a) Where a building has been erected on or before the effective date of this Bylaw on a lot having less than the minimum frontage or area, or having less than the minimum yard setback required by this Bylaw the building may be enlarged, reconstructed, repaired or renovated provided that:
 - (i) the enlargement, reconstruction, repair or renovation does not further reduce the required yard that does not conform to this Bylaw;
 - (ii) all other applicable provisions of this Bylaw are complied with.
- (b) Notwithstanding anything else in this Bylaw, the use of a building existing on a lot on the effective date of this Bylaw, may be changed to another use permitted on the lot where the lot frontage, front yard, or area required is less than the requirements of this Bylaw, provided that all other requirements of this Bylaw are satisfied.

4.8 Existing Lots without Frontage

- (a) Notwithstanding subsection 4.7 of this Bylaw, an existing building on a lot which does not have frontage, but which has legal access to a public street may be expanded or enlarged, provided that:
- (b) all other requirements of the Land Use Bylaw are met; and, (b) no additional dwelling units are created.

4.9 Existing Undersize Lots

Notwithstanding anything in this Bylaw, a vacant lot having less than the minimum frontage or area required by this Bylaw that was in existence at the effective date of this Bylaw, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that the other applicable provisions of this Bylaw are complied with.

4.10 Fences

- (a) A development permit is not required for fences less than 2.1m in height.
- (b) Fences shall not:
 - (i) exceed 2.1 m in height in residential zones, or 3.6 m in height in all other zones; if higher than 2.1 m, be closer than 1 metre to the nearest property line.
 - (ii) contain barbed or razor wire in any Residential Zone;
 - (iii) be electrified unless erected in conjunction with an agricultural use; and,
 - (iv) where visible from a street or other public space, be constructed with the supporting apparatus facing the public right-of-way.
- (c) Fencing for swimming pools shall satisfy Section 4.27 of this Bylaw.

4.11 Flag Lots

- (a) In the case of flag lots, in any zone, the minimum lot frontage requirements indicated in the various sections of this Bylaw shall not apply, provided that the main body of the lot meets the minimum area requirements for the zone, and provided that the width of the prolongation or leg of the flag lot providing access to a street is at least 6 m in width at every point.
- (b) In the case of flag lots, the yard requirements for the zone shall apply to the main body of the lot and the front yard shall be that yard closest to parallel with the street on which the flag lot fronts.

4.12 Fronting on Streets

No development permit shall be issued unless the lot or parcel of land upon which the development is proposed abuts and fronts upon a street. Newly subdivided lots shall be subject to the Subdivision Bylaw.

4.13 Illumination

No person shall illuminate any area of a lot unless all lights are directed away from adjoining properties and any adjacent street.

4.14 Multiple Uses

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

4.15 Non-Conforming Use Changed by Development Agreement

A development permit may be issued to change a non-conforming use to another use not normally permitted on the property by Development Agreement in accordance with Policy GP-11 of the Municipal Planning Strategy.

4.16 One Main Building on a Lot

Except as otherwise permitted in this Bylaw, no more than one main building shall be erected on a lot.

4.17 Outdoor Furnaces

Notwithstanding any other provision of this Bylaw, an outdoor furnace or structure containing an outdoor furnace in any zone shall:

- (i) be located in the rear yard, and at least 61 m from the nearest lot line; and,
- (ii) have a chimney or exhaust at least 1.8 m above the peak of the roof of the structure that the furnace is intended to heat.

4.18 Outdoor Storage Prohibited

Unless otherwise permitted in other sections of this Bylaw, no outdoor storage shall be permitted in any zone other than storage accessory to the residential use of a lot. Such storage may include items such as fuel wood, compost bins and other such items in to be used by the residents of the property.

4.19 Permitted Encroachments into Yards

Except for accessory buildings, every yard required by this Bylaw shall be open and unobstructed by any structure excluding fences and the structures listed in the following table which shall be permitted to project into or over the specified yards for the distances that are specified in the table below.

Structure	Yard in which projection is permitted	Maximum Permitted Projected into a required Yard
Balconies, Decks, Porches	Any Yard	2.5m but least 1 m from lot line
Carports	Side Yards Only	Minimum 1m from lot line
Fire escapes, exterior staircase	Rear and Side Yards Only	2.5m but at least 1m from lot line
Sills, chimneys, and other architectural features	Any Yard	0.6m
Swimming Pools	See section 4.27	See section 4.27
Windows Bays	Any Yard	1m

4.20 Prohibited Dwellings

In any zone, no development permit shall be issued for a building consisting of a basement-only dwelling.

4.21 Public Utilities

Buildings or structures used for public or private utilities shall be permitted in any zone and must be a minimum of 1 metres from the nearest property line.

4.22 Restoration to a Safe Condition

Nothing in this Bylaw shall prevent the strengthening or restoring to a safe condition, of any building or structure.

4.23 Serviceable Development

No development permit shall be issued in the Town except where municipally approved piped water supply and piped sanitary sewer are available.

4.24 Shipping Containers

- (a) Shipping containers shall not be used as accessory buildings, except for the following: Any combination of shipping containers may be used for temporary storage for a period not exceeding 90 days in a calendar year, for which a temporary development permit has been issued by the Development Officer.
- (b) One (1) 6.1-metre-long shipping container may be used as an accessory building on a lot in the General Residential (RG) Zone or Land Lease Community (LLC) Zone provided the shipping container is altered so the exterior finish and roofline and pitch match, in the opinion of the Development Officer, the main building on the lot, and provided the shipping container meets all other requirements for accessory buildings.

- (c) Any combination of shipping containers with a combined length not exceeding 12.2 metres (e.g., one 12.2-metre-long container, two 6.1-metre-long containers, etc.) may be used as an accessory building on a lot in a Commercial Zone provided the shipping container(s) meets all other requirements for accessory buildings.
- (d) Any combination of shipping containers may be used as an accessory building in the Industrial (H) Zone, subject to all requirements for accessory buildings.

4.25 Solar Collector Systems – Accessory

In any zone, On-building solar collector systems shall be permitted as an accessory use provided that:

- (a) On-building accessory solar collector systems shall not exceed the maximum building height in the zone by more than 2.0 metres.
- (b) Free-standing accessory solar collector systems shall be permitted as an accessory use in any zone, provided that the solar collector system:
 - (i) does not exceed a height of 2.0 metres in any Residential Zone;
 - (ii) does not exceed a total solar collector area of 25.0 square metres on a lot with a lot area less than 4,047.0 square metres; and
 - (iii) meets all other requirements for accessory buildings in this Bylaw.

4.26 Subdivision of an Existing Lot with Existing Main Buildings

In any case where two or more existing main buildings erected prior to the effective date of this Bylaw share the same lot, a subdivision of land to permit a separate lot to be created for each building is permitted, notwithstanding anything else in this Bylaw, providing that:

- (i) all requirements of the Town of Amherst Subdivision Bylaw are satisfied; or
- (ii) the new lots being created each have a means of sewage disposal and water supply completely independent from the other(s); and,
- (iii) all lots created as a result of any such subdivision have a front lot line of at least 4 m and must be at least 400 m² in area, or meet the lot area requirements of the zone in which they are located, whichever is less.

4.27 Swimming Pool Performance Standards

- (a) In any zone, a development permit for an outdoor swimming pool shall be issued, provided that the swimming pool:
 - (i) be located in the rear or side yards only;
 - (ii) be located at least 2 m from the closest property line;
 - (iii) not be located in any required yard that abuts a street;
 - (iv) is not connected to the central sanitary sewer system; and,
 - (v) is fenced.
- (b) All fences enclosing an outdoor swimming pool shall:
 - (i) completely enclose the entire swimming pool;
 - (ii) have at least one gate for access which shall be self-closing with a self-latching device;
 - (iii) be a minimum of 1.2 m high from ground to the top of the fence, gate or structure; and,
 - (iv) have no opening greater than 10 cm in any part of the fencing, gates or structures that
 - (v) enclose the swimming pool.

4.28 Temporary and Special Occasion Uses

- (a) Nothing in this Bylaw shall prevent a development permit from being issued for uses incidental to construction such as a construction camp or other such temporary work camp, tool shed, or similar building incidental to construction provided that a development permit has been issued, but does not include basements of the building to be constructed.
- (b) In any zone other than a Residential zone a 12-month temporary development permit may be issued for a building temporarily used for sales, rental offices, or retail stores.
- (c) Development permits for special occasion uses shall not be required provided that the use is not located on the lot for more than 3 days.
- (d) Any temporary or special occasion use shall:
 - (i) be a minimum of 3 m from the front lot line;
 - (ii) be a minimum of 1 m from any other lot line; and,
 - (iii) not be located within a corner lot sight triangle.

4.29 Wind Turbines

Wind turbines with a production capacity of 0.01 megawatts (10.0 kilowatts) or greater shall be prohibited.

Wind turbines with a production capacity less than 0.01 megawatts (10.0 kilowatts) shall be permitted as an accessory use in the General Residential (RG) Zone, Highway Commercial (CH) Zone, and Industrial (H) Zone subject to the following requirements:

- (a) the wind turbine height shall not exceed 10.0 metres or the height of the main structure on the lot, whichever is less;
- (b) wind turbines shall be limited to one (1) per lot; and
- (c) the wind turbine shall be located a distance equal to or greater than three (3) times the height of the wind turbine from any adjacent property lines or structures on the lot.

5.0 Vehicles Controls

5.1 Parking Space Requirements

- (a) For every building or structure to be erected or enlarged, or for which an application for a development permit involving a change of use is made, off-street parking located within the same lot as the use and having unobstructed access to a public street shall be provided and maintained in accordance with the requirements in the chart below.

Use	Requirements
Residential Uses	
A dwelling containing not more than four dwelling units	1 parking space per dwelling
Dwellings containing more than four dwelling units	1.25 parking spaces per dwelling unit
Townhouses	1 parking space per dwelling unit
Boarding houses, Rooming homes	1 parking space for every 2 sleeping units
Bed and Breakfast Establishments	1 parking space, plus 1 parking space per room for rent
Commercial Uses	
Business or Professional Office	1 parking space per 50 m ² of GFA
Restaurant – Eat in	1 parking space per 100 m ² of GFA
Hotels and motels	1 parking space per sleeping unit
Offices, commercial schools, and banks	1 parking space per 50 m ² of GFA
Restaurants, taverns, lounges, night clubs	1 parking space per 50 m ² of GFA
Funeral Homes	1 parking space per 30 m ² of GFA
Institutional and Community Uses	
Churches, church halls, auditoria, funeral homes, theatres, arenas, halls, stadiums, private clubs, and other places of assembly	Where there are fixed seats, 1 parking space for every 5 seats, or 3 m of bench space. Where there are no fixed seats, 1 parking space per 10 m ² of floor area devoted to public use
Nursing homes and homes for special care	1 parking space per 50 m ²
Medical clinics and health practitioners' offices	4 parking spaces per practitioner
Kindergarten and daycares	1 parking space per 11.2 m ² of floor area
Industrial Uses	
Industrial Uses	1 parking space per 100 m ² of GFA

- (b) The requirements of this section shall not apply in the Downtown Zone where all parking requirements shall be waived.
- (c) Where there are more than one type of use on the same lot, Section 4.16 regarding Multiple Uses shall apply.

5.2 Minimum Dimensions for Parking and Loading Spaces

- (a) Parking Space - the minimum area required for a parking space shall be 3 m x 6 m.
- (b) Loading space – the minimum area required for a loading space shall be 3 m x 12 m, with a minimum height clearance of 3.5 m.

5.3 Loading Space Requirements

- (a) Any Commercial or Industrial use over 10002 m in area, including motor vehicle sales establishments, shall have at least 1 loading space, except in the Downtown Zone.
- (b) All such loading spaces shall have adequate access to permit ingress and egress of a commercial motor vehicle from a street or highway by means of driveways, aisles, maneuvering areas or similar areas.

5.4 Performance Standards for Parking Areas

- (a) Where off-street parking facilities for more than 4 vehicles are provided, or required pursuant to his Bylaw:
- (b) the parking area shall be treated so as to prevent the raising of dust and loose particles and shall be paved if located in a commercial zone if the number of spaces provided or required exceeds 8 in number.
- (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (d) a structure, not more than 4.5 m in height and not more than 5 m² in area may be erected in the parking area for the use of attendants;
- (e) the parking area shall be on the same lot as the use it is intended to serve; and,
- (f) when the parking area is paved, each parking space shall be clearly demarcated and maintained as such.

5.5 Performance Standards for Parking Area Driveways and Aisles

In all zones where paved off-street parking facilities for more than 8 vehicles are provided, or required pursuant to the parking requirements set out in Subsection 5.1:

- (a) clearly marked driveways or aisles must be provided to permit adequate ingress and egress from the parking area;
- (b) the number of driveways per lot shall be limited to 1 two-way driveway per lot frontage, except for lots with more than 75 m of frontage where 2 two way driveways are permitted provided there is a minimum 30 m between the centerline of such driveways as measured along the street. In lieu of one permitted two-way driveway, 2 one-way driveways may be permitted provided there is a minimum of 30 m between the centerline of all driveways on the lot, as measured along the street.
- (c) The location of driveways shall be no closer than 15 m from the limits of the right-of-way at a street intersection.
- (d) The location of driveways shall be at least 3 m from the side or rear lot line, except where adjacent properties share a common driveway.
- (e) Driveways should meet the traveled portion of the street at 90° and in no case shall be at an angle less than 75°.
- (f) The width of a driveway or aisle within a parking area shall be a minimum width of 3 m if for one-way traffic, and a minimum width of 6 m for two-way traffic.
- (g) In all zones the width of a driveway leading from a parking or loading area to a public street shall be a minimum of 3 m for one-way traffic, and a minimum of 6 m for two-way traffic. The maximum width of a driveway shall be as follows:
 - (i) in any Residential Zone: one way 5 m; two-way 8 m;
 - (ii) in any zone other than a Residential Zone: one way 5 m; two-way 9 m;
 - (iii) in any zone other than a Residential Zone where a substantial portion of traffic on the lot consists of highway tractors, the maximum width of driveways may be increased to 7 m for one way traffic and 12 m for two-way traffic.
- (h) one additional driveway may be permitted that allows direct access to a loading space provided that such driveway is not for public use and shall be signed as such.

5.6 Parking of Commercial Motor Vehicles in Residential Zones

- (a) In any residential zone, no more than one commercial motor vehicle shall be parked or stored on a lot, except:
 - (i) In the case of a commercial motor vehicle capable of transporting less than 9 persons or vehicles with a TARE weight less than 3,650 kg, of which not more than 2 such vehicles will be permitted.
- (b) In any residential zone, no commercial motor vehicles or tractor trailers with running refrigeration systems shall be permitted to be parked or stored on a lot overnight.

5.7 Front Yard Parking Restrictions in Residential Zones

Not more than 50% of the required front yard may be used for parking / driveway facilities.

5.8 Street Access Required

No development permit shall be issued where required parking does not have access to a public street.

5.9 Vehicle Stacking for Through Uses

Businesses providing drive-through services including but not limited to banks, automatic car-wash facilities, and restaurants, shall provide, exclusive of driveways or isles, stacking for vehicle queuing in accordance with the following requirements:

- (i) 5 inbound spaces
- (ii) 2 out-bound spaces

5.10 Parking for Persons with Disabilities

Parking for persons with disabilities shall be provided at a ratio of one space per 100 if more than 25 spaces are provided or as required by the Building Code, whichever is greater.

5.11 Vehicle Bodies Not to be Used for Human Habitation

No truck, bus, boat, automobile coach or structure of any kind other than a mini home or dwelling unit erected and used in accordance with this and all other bylaws of the Town shall be used for human habitation within the Town, whether or not the same is mounted on wheels.

5.12 Downtown Zone Parking Standards

In the Downtown Zone, off-street parking facilities shall satisfy the following, and shall take precedence over any conflicting parking requirement of this Bylaw:

- (a) On property that fronts on East Victoria Street, Church Street, or Havelock Street:
 - 1. No new off-street parking shall abut said streets.
 - 2. Entries to rear-lot parking will be permitted (no more than 6 m wide) and single loaded parking on these entries will be permitted provided that:
 - (i) The street abutting stall is separated by no less than 1.5 m of landscaping between it and the sidewalk, where feasible.
 - (ii) The width of the entry road and parking stall does not exceed the width of the building façade fronting on the street
- (b) In the Downtown Zone:
 - (i) parking shall be located between the street and the building.
 - (ii) Where parking abuts a street, the parking frontage shall not exceed the building frontage.
 - (iii) For every space which fronts on the street, the developer shall install a 1.5 m wide landscape bed and provide at least one 50 mm caliper street tree. A 1.5 m (minimum) impervious walkway must link the parking to the sidewalk.

6.0 Signage

6.1 General Provisions

- (a) Where this section is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Highways, the more restrictive regulations shall apply.
- (b) Unless otherwise indicated in this section, no sign shall be erected without first obtaining a development permit from the Development Officer and no such permit shall be issued unless all the provisions of this Bylaw are satisfied.

6.2 Maintenance

- (a) Every sign shall be kept in good repair and working order.
- (b) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention Bylaws.
- (c) If the business, service or other enterprise for which a sign is erected is no longer in operation the sign shall be removed, by the owner, within 60 days of the date the operations cease. Removal of a sign includes the support structure or apparatus to which it is attached.
- (d) Subsection (c) shall not apply to a seasonal enterprise that normally closes during part of the year.

6.3 Signs Permitted in all Zones

The following signs are permitted in all zones and no development permit is required for their erection:

- (a) Signs not more than 0.2 m² in sign area, showing the civic number of a building;
- (b) signs of not more than 0.2 m² in sign area, showing the name of a resident or an occupier;
- (c) "No trespassing" signs or other signs regulating the use of a lot, and of not more than 0.2 m² in sign area, unless otherwise directed by a public authority;
- (d) real estate signs not exceeding 0.6 m² in sign area in a residential zone and 1.5 m² in other zones, which advertise the sale, rental or lease of the premises;

- (e) signs regulating or denoting on-premises traffic, or parking, or other signs denoting the direction or function of various parts of a building or premises, provided that such signs are less than 0.5 m² in area;
- (f) signs erected by a governmental body, or under the direction of such a body, such as tourism-oriented signs, such as traffic signs, railroad crossing signs, safety signs, signs identifying public institutions or public election lists or other public notices;
- (g) memorial signs or tablets, and signs denoting the history of a site or structure provided that no such sign exceeds 0.5 m² in area;
- (h) the flag, pennant or insignia of any nation, province or state or of any religious, charitable or fraternal organization;
- (i) a sign having an area of not more than 10 m² incidental to construction and within the area of such construction, and erected only during the period of construction;
- (j) a sign painted on a window; and,
- (k) election signs.

6.4 Signs Prohibited in all Zones

Except where permitted under conditions expressly set out in this section, the following signs are prohibited in all zones:

- (a) any sign or sign structure which constitutes a hazard to public safety or health;
- (b) signs which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets or roads;
- (c) any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;
- (d) signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights or characters in such manner as to interfere with, mislead, or confuse traffic along a public road;
- (e) signs on utility poles;
- (f) signs, including election signs, located on a public lot or a public right-of-way unless erected by a governmental body, or unless specially permitted by Council, and except sandwich boards signs in the Downtown Zone;

- (g) signs painted on, attached to, or supported by a tree, stone, cliff or other natural object
- (h) portable signs advertising a business not located on the same property as the said sign.

6.5 Number of Signs

- (a) Notwithstanding anything else in this Bylaw, not more than 3 signs may be erected on any one lot at any one time.
- (b) A double-faced sign shall count as a single sign.
- (c) Signs listed in subsection 6.3 "Signs permitted in all Zones" shall not be counted in calculating the total.
- (d) Not more than 2 ground signs shall be permitted on any one lot except in the case of the Highway Commercial Zone where not more than 1 ground sign shall be permitted for each 15 m of frontage of the lot on which they are placed, but in no case shall the total number of signs on the lot exceed 3.
- (e) All facial signs on a building are counted as 1 sign.
- (f) Not more than 1 projecting wall sign shall be permitted for each business premise.
- (g) A sign painted on or displayed within a window shall not be included in the calculation of the total number of signs on a premise.

6.6 Signs in Residential Zones

Unless otherwise specified in this Bylaw, signage in a Residential Zone shall be subject to the following requirements:

- (a) The maximum sign area shall be 0.6m² per side in the case of a two-sided sign.
- (b) The maximum height of the sign shall be 1.5 m.
- (c) Facia signs shall not be located in excess of 3 m above the grade of the wall upon which it is affixed.
- (d) The sign shall be set back a minimum of 1 m from any lot line.
- (e) Off-site signs are not permitted.

6.7 Off-site Signage

A development permit may be issued for the use of a sign which displays a business or a use not located on the lot or premises subject to the following requirements:

- (a) A development permit may be issued for the use of a sign which displays a business or a use not located on the lot or premises subject to the following requirements:
- (b) An off-site sign counts towards the maximum number of signs permitted on the lot where the sign is located.
- (c) The proposed signage complies with all other applicable requirements of this Bylaw respecting signage.
- (d) The off-site sign is not a portable sign.

6.8 Sponsorship Signage on Town Owned Recreational Lands

Sponsorship signage on Town owned recreational lands shall be exempt from the provisions of this bylaw, and no development permit is required. All approvals for sponsorship signage on Town owned recreational lands shall be subject to relevant Town policies regarding such.

6.9 Sandwich Board Signs

In all zones except residential zones, sandwich board signs are permitted without a development permit provided that:

- (a) such signs do not exceed 0.92 m in length and 0.61 m in width;
- (b) the number of such signs shall not exceed 1 per business premise;
- (c) the sign does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way; and,
- (d) the sign does not occupy more than one third of the width of the available sidewalk.

6.10 Ground Signs

- (a) In the Highway Commercial Zone, a ground sign shall not exceed 25 m² in sign area for each sign face.
- (b) In the Downtown Zone, a ground sign shall not exceed 10 m² in sign area for each sign face.
- (c) No ground sign shall project over any public property or space including a public park, street, right-of-way, sidewalk, parking lot, loading space, or place of assembly.
- (d) All supporting apparatus of a ground sign shall have a minimum 2 m setback from any lot line.

6.11 Projecting Wall Signs

A projecting wall sign shall not:

- (a) exceed 3 m² in sign area;
- (b) project more than 2 m from the wall upon which it is attached;
- (c) project over a corner sight triangle;
- (d) project above the eaves, parapet or roof line of a building;
- (e) be permitted to swing freely on its supports;
- (f) be less than 3 m off the ground at its lowest point;
- (g) notwithstanding clause 6.14 (d), a projecting wall sign may extend over a public right-of-way in the Downtown Zone, subject to the following requirements:
 - (i) the sign or any portion of the sign structure shall not project into the right-of-way a distance greater than 2/3 the width of the sidewalk; and
 - (ii) the sign requires a building permit issued in accordance with the Town of Amherst Building Bylaw.
 - (iii) Bylaw.

6.12 Facial Wall Signs

- (a) not cover more than 0.6 m² per lineal meter of the wall on which the sign is affixed;
- (b) not extend more than 0.3 m beyond the wall to which it is affixed; and
- (c) not extend more than 0.3 m above the top of the wall upon which it is located.

6.13 Roof Signs

Roof signs shall:

- (a) not cover more than 0.6 m² per lineal metre of roof upon which the sign is affixed;
- (b) not extend more than 0.3 m beyond the roof to which it is affixed; and
- (c) not extent beyond the peak of the roof to which it is affixed.

6.14 Sign Standards in the Downtown Zone

Signage within a Downtown Zone shall conform to the following, and shall take precedence over any conflicting signage requirement of this Bylaw:

- (a) A sign board for commercial signage or awnings is required above the ground floor windows, and must be integrated into the architecture of the building.
- (b) Signs on the top storey are permitted provided they are no greater than 0.3 sq m times the number of storeys (i.e. a 6 storey building can have 1.8 sq m sign).
- (c) New Back-Lit or internally illuminated signs are not permitted in the Core Area District, except for backlight raised lettering only, where letters are greater than 200 mm high and no deeper than 150 mm, and electronic signs subject to section 6.14 (i).
- (d) Projecting signs are permitted and encouraged. Projecting signs can be no larger than 3 sq metres, and have a minimum clearance of 2.7 m above grade.
- (e) Spot lights, gooseneck light fixtures and other decorative light fixtures are permitted and encouraged for illuminating signs.
- (f) Directory signs no larger than 2.5 sq m in area are permitted.
- (g) Other than sandwich board signs, portable, and free-standing reader board signs are not permitted.

- (h) Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;
- (i) Electronic signs are permitted as part of a freestanding, fascia, or canopy sign subject to the general provisions and the following standards:
 - (i) the message duration shall not be less than 10 seconds;
 - (ii) the message transition shall be instantaneous;
 - (iii) message transition shall not involve any visible effects including but not limited to scrolling, fading, dissolving, intermittent or flashing light, or the illusion of such effects;
 - (iv) the maximum brightness levels of the electronic sign shall be 5,000 nits during daytime and 500 nits at nighttime;
 - (v) the sign shall use automatic dimming technology which automatically adjusts the sign copy's brightness in direct correlation with ambient light conditions;
 - (vi) the sign shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. (Atlantic time) unless the business is open or in operation during those hours;
 - (vii) the sign shall be turned off in the case of a malfunction; and,
 - (viii) in any case, no electronic sign in the Downtown Zone shall exceed 3 m² (32 sqft) in area.

7.0 Residential

7.1 General Provisions for All Residential Zones

7.1.1 Home Based Business

A development permit shall be issued for a home occupation contained in a dwelling or accessory building, provided that:

- (a) the dwelling is occupied as a residence by the user and the external appearance of the dwelling is not changed by the home occupation;
- (b) there shall not be more than 2 assistants who are not residents in the dwelling employed in the use;
- (c) not more than 25% of the total floor area of the dwelling or 50 m² whichever is less, may be devoted to the home occupation;
 - (i) in calculating the total floor area of a dwelling where a home occupation is being operated in an unfinished basement, attic, porch, sunroom, or attached garage, the total floor area of the basement, attic, porch, sunroom or attached garage shall be included in calculating the total floor area of the dwelling.
 - (ii) in the case of a home occupation operating in an accessory building, the size of the home occupation shall not exceed 25% of the total floor area of the dwelling combined with that of any accessory buildings involved;
- (d) one off-street parking space, in addition to that required for the dwelling, is provided for every 25 m² of floor space occupied by the home occupation;
- (e) no outdoor storage or outdoor display shall be permitted;
- (f) no retail sales of merchandise shall take place on the property, except to the customer already purchasing a service on the property as an accessory to the service being provided.

Note to Readers

Retail sales of merchandise are permitted in a home occupation which are clearly accessory and incidental to the main home occupation use. (Examples include the sale of hairspray by a hairdresser or contact lenses by an optometrist.)

7.1.2 Bed and Breakfast – Special Requirements

In any Residential Zone, a development permit shall be issued for a bed and breakfast establishment provided that:

- (a) such use is accessory to the main residential use occupied by a resident of the property;
- (b) parking is located in the rear or side yard and complies with the requirements of **Section 5.1** of this bylaw;
- (c) only breakfast is served solely for registered guests;
- (d) the bed and breakfast operation is the only accessory use on the lot, and;
- (e) no addition or expansion is made to the footprint or bulk of the building, other than modifications necessary to comply with fire safety standards.

7.1.3 Converted Dwellings – Special Requirements

In addition to all other regulations in this Bylaw, an existing structure in a Residential Zone may be converted to an additional dwelling unit or units subject to the following special requirements:

- (a) The total number of units in the building shall not exceed 5 dwelling units;
- (b) The conversion is undertaken without addition or expansion to the footprint or bulk of the building, except where modifications are necessary to comply with fire safety standards;
- (c) The parking area requirements shall conform to **Section 5.1** of this Bylaw;
- (d) The amenity space requirements in **Section 7.1.4** shall apply; and,
- (e) Where any or all of the above criteria cannot be satisfied, the development may be considered by Development Agreement in accordance with **Policy 6-22** of the Municipal Planning Strategy.

7.1.4 Amenity Space Requirements

In any zone, a development permit for a building containing 3 or more units shall provide 20 m² per unit of amenity space and is subject to the following requirements:

- (a) Amenity space may include a combination of balconies, indoor recreation rooms, saunas, sundecks, patios, tennis courts, swimming pools as well as any landscaped open area with a finished grade of less than 8%.
- (b) Where a dwelling unit is provided with a balcony at least 6 m² in floor area, the 20 m² amenity space requirement shall be waived.
- (c) Amenity Space shall not include any parking areas, hallways, foyers, utility rooms, or laundry areas.

7.1.5 Special Requirement: Trees

- (a) A development permit issued for any apartment building or townhouse project shall require at least one live tree a minimum of 1.5 m. in height to be planted for every 50 m² of area in the front yard of the structure which is not occupied by a parking area.
- (b) Existing trees on the site which are not destroyed during the construction period may replace some or all of the trees required by this section. New plant materials are required to be installed during the first planting season following the commencement of construction, and to nursery standards.

7.1.6 Special Requirement: Grouped Buildings

- (a) Wherever more than one multi-unit residential building is located on a lot the minimum distance between the buildings shall be 6 m.
- (b) Except where permitted in this Bylaw, a development permit shall not be issued for more than one single detached dwelling on a single lot, or where there is an existing dwelling on the same lot.

7.1.7 Yard and Garage Sales

- (a) Yard/garage sales may be undertaken on any lot, in any zone provided the sale is conducted by an owner/resident of the subject site, or by a non-profit group, community association, or other similar group or organization.
- (b) No more than 6 yard/garage sales may be conducted from one lot in one calendar year, and any 1 sale may not last more than 3 consecutive days.

7.1.8 Front Yard Setback and Orientation

- (a) The main wall of a new primary building shall be set back from the street a distance no greater than the average front yard setback of neighbouring properties on the same block.
- (b) Encroachments are permitted within the required setback in accordance with subsection 4.19 of this bylaw.
- (c) New main buildings shall be sited so that the façade is parallel to the street it faces.

7.1.9 Corner Lots

- (a) Blank building facades are not permitted along any street frontage. All facades shall be treated with the same quality of materials and similar architectural detailing. Elements such as corner and side windows, wrap-around verandas or decks, bay windows, turrets, areas of decorative brick, or other interesting architectural element shall be incorporated.

7.1.10 Accessory Dwelling – Special Requirements

Accessory dwellings shall be subject to the following special requirements in addition to all other applicable regulations in this Bylaw:

- (a) Only one (1) accessory dwelling shall be permitted on a lot.
- (b) If the accessory dwelling is located in a building separate from the main dwelling:
 - (i) the accessory dwelling shall be subject to the height requirements for accessory buildings;
 - (ii) notwithstanding rear yard requirements for accessory buildings, the accessory dwelling shall be located at least 3.0 metres from the rear lot line; and
 - (iii) the accessory dwelling shall not be permitted to be subdivided from the main building on the lot.
- (c) An accessory dwelling shall not be considered a separate main dwelling but shall have its own entrance separate from the main dwelling.
- (d) An accessory dwelling shall not be counted towards the lot's dwelling unit total.
- (e) The gross floor area of the accessory dwelling shall not exceed 80.0 square metres.

7.2 General Residential Zone

7.2.1 General Residential Zone Uses Permitted

In the General Residential Zone, the following uses shall be permitted:

- (a) Single Detached Dwellings
- (b) Accessory Dwellings
- (c) Double Dwellings
- (d) Townhouses up to 6 units
- (e) Apartment Buildings up to 6 units
- (f) Converted Dwellings (subject to **section 7.1.3**)
- (g) Boarding Houses up to 6 sleeping units
- (h) Small Options Homes
- (i) Bed and Breakfast Establishments
- (j) Home Based Business
- (k) Residential Day Care Centres
- (l) Parks, Open Spaces, and Public Trails
- (m) Nursing Homes and Homes for Special Care with up to 6 beds or sleeping units

7.2.2 Permitted Uses by Site Plan Approval

In the General Residential Zone, the following uses shall be permitted by site plan approval:

- (a) Townhouses with 7 to 12 dwelling units;
- (b) Apartment Building with 7 to 12 dwelling units;
- (c) Boarding Houses with 7 to 12 sleeping units;
- (d) Grouped Dwellings with up to 5 dwelling units;
- (e) Nursing Homes and Homes for Special Care with between 6 and 12 beds or sleeping units

7.2.3 Permitted Uses by Development Agreement

In a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

- (a) A restaurant as part of bed and breakfast establishments in accordance with **Policy 4-20** of the MPS.
- (b) Boarding houses with 13 or more sleeping units in accordance with **Policy 4-19** of the MPS.
- (c) Nursing Homes and Homes for Special Care with more than 12 beds or sleeping units in accordance with **Policy 5-7** of the MPS.
- (d) Multiple Unit buildings with greater than 12 units in accordance with **Policy 4-19** of the MPS.

7.2.4 Zone Requirements

In any Residential Zone, all development permits shall be issued in conformity with the following requirements:

(a) Single Detached Dwelling		
Minimum lot area		450 m ²
Minimum lot frontage		15 m
Minimum front yard		6 m
Minimum rear yard		6 m
Minimum side yard	One side	1.3 m
	Other side	3 m
Minimum flanking yard		6 m
Maximum height		11 m
(b) Multiple Unit Dwellings		
Minimum lot area	Apartment Building	250 m ² per ground floor unit 150 m ² per upper floor unit
	Townhouse	300 m ² per unit
	Converted/Duplex/Semi-Detached/Other	560 m ²
Minimum lot frontage	Apartment Buildings	20m
	Townhouse	6 m per unit
	Converted/Duplex/Semi-Detached/Other	18 m
Minimum front yard	Townhouse	10 m
	All Other Types	6 m
Minimum rear yard	All Types	6 m
Minimum side yard	Apartment Building	One side 2 m
		Other side 3m
	Townhouse	Common Wall 0 m
		Outside Wall 3 m
Minimum flanking yard		4 m
Maximum height		12 m
Maximum Lot Coverage	All Types	35%

7.3 Leased Land Community Zone

7.3.1 Leased Land Community Zone Uses Permitted

The following use shall be permitted in the Land Leased Community Park Zone:

- (a) all uses permitted in the General Residential Zone, subject to General Residential Zone regulations;
- (b) Mobile Homes
- (c) Land Leased Communities
- (d) Multiple Section Mini Homes – *see Mini Homes*

7.3.2 Accessory Uses Permitted

Accessory uses are permitted in the Land Leased Community Zone provided that the accessory use does not exceed 35 m² of floor as per mini home rental pad or space.

7.3.3 Conformance with Leased Land Community Bylaw

Notwithstanding anything in this Bylaw, any development permit issued in the Leased Land Community Zone shall satisfy all relevant provisions of the Leased Land Community Bylaw.

8.0 Commercial Zones

8.1 General Provisions for Commercial Zones

8.1.1 Residential Uses in Commercial Zones

In any Commercial Zone, any development permit for a residential use shall satisfy all applicable Residential standards in this Bylaw.

- (i) no portion of any pump island shall be located closer than 6 m to any street line; and,
- (ii) the lot frontage is at least 50 m.

8.1.2 Special Requirements for Motor vehicle Fueling Stations

In any Commercial Zone, a development permit for a Motor vehicle Fueling Station shall be issued, provided that:

8.1.3 Outdoor Retail Display on Public Sidewalks

No development permit shall be issued for outdoor retail display on a public sidewalk unless:

- (a) The retail display is located in the Downtown Zone.
- (b) The retail display is only set up during the hours of operation for the associated business.
- (c) The retail display is only set up from May 1st to October 31st.
- (d) The retail display is limited to the sidewalk directly abutting the associated business.

8.1.4 Cannabis Related Uses

Notwithstanding any other provision in this Bylaw, cannabis retail sales and cannabis lounges are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC).

8.2 Highway Commercial Zone

8.2.1 Zone Uses Permitted

The following uses shall be permitted in the Highway Commercial Zone:

Animal Hospital and Veterinary Establishments

Banks and Financial Institutions

Business and Professional Offices

Cannabis Lounges and Cannabis Retail Sales subject to section 8.1.4

Commercial Recreation Centres Commercial Schools

Community Centres Display Courts Funeral Homes

Garden and Nursery Sales & Supplies

Hotels and Motels

Industrial & Agricultural uses existing as of the date of adoption of this bylaw

Institutional Uses, (schools, government offices, churches, police stations, similar uses.)

Licensed liquor establishments

Light manufacturing

Medical Clinics

Motor Vehicle Fueling Stations

Motor Vehicle Sales, Rental, and Repair

Parking lots and Parking Structures

Private Clubs and Fraternal Organizations

Photography Studios

Printing Establishments

Propane Refill Stations

Outdoor Retail Display Religious Institutions

Residential uses, except single detached dwellings, subject to General Residential Zone Standards and section 8.2.2

Restaurants, Take-Outs, drive throughs

Retail Stores

Self Storage Facilities

Service and Personal Service Shops

Taxi, Bus and Train Stations

8.2.2 Permitted Uses by Site Plan Approval

In the Highway Commercial Zone, Multiple unit dwellings, including townhouses, with more than 12 dwelling units that are located on 200 metres or more from any other zone except the Industrial Zone shall be permitted by site plan approval and shall not be subject to minimum lot area, coverage and height requirements.

8.2.3 Highway Commercial Zone Requirements

In the Highway Commercial Zone, all development permits shall be issued in conformity with the following requirements:

(a) Zone Requirements

Minimum lot area	1000 m ²
Minimum lot frontage	60 m
Minimum front yard	8 m
Minimum rear yard	3 m
Minimum rear yard Where adjacent to a residential zone	8 m
Minimum side yard	3 m
Maximum Height	22 m

(b) In the Highway Commercial Zone, all developments shall satisfy the applicable parking requirements in Section 5 of this Bylaw.

8.2.4 Landscaping Requirements

In the Highway Commercial Zone, any development permit for a new building shall satisfy the following landscaping requirements:

- (a) One live tree at least 1.5 m in height shall be planted every 50 m² of area in the front and flanking yards, where not occupied by parking area.
- (b) All developments greater than 900 m² in area shall provide a minimum of 6 m of landscaped open space along the entire street frontage, minus driveways.
- (c) Any development fronting on Robert Angus Drive between Church Street and South Albion Street shall provide a minimum of 6 metres of landscaped open space along the entire street frontage, minus driveways.

8.3 Downtown Zone

8.3.1 Downtown Zone Permitted

The following uses shall be permitted in the Downtown Zone:

Banks and Financial Institutions

Business and Professional Offices

Cannabis Lounges and Cannabis Retail Sales subject to section 8.1.4

Commercial Recreation Centres

Commercial Schools

Community Centres

Funeral Homes

Garden and Nursery Sales & Supplies

Hotels and Motels

Industrial uses existing as of the date of adoption of this bylaw

Institutional Uses, (schools, government offices, churches, police stations, similar uses.)

Licensed liquor establishments

Light manufacturing

Medical Clinics

Motor Vehicle Fueling Stations subject to section 8.3.2 and 8.3.5

Motor Vehicle Sales, Rental, and Repair subject to section 8.3.2 and 8.3.5

Parking lots and Parking Structures

Private Clubs and Fraternal Organizations

Photography Studios

Printing Establishments

Outdoor Retail Display

Religious Institutions

Residential uses above the ground floor, subject to section 8.3.9

and ground floor residential uses, subject to section 8.3.9

Restaurants, or Take-Outs, Cabarets

Retail Stores

Self Storage Facilities subject to section 8.4.1

Service and Personal Service Shops

Taxi, Bus and Train Stations

8.3.2 Permitted uses by Development Agreement

In the Downtown Zone, a development permit application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policies:

- (a) Where the new development will have a ground floor area in excess of 1,500 m² in accordance with Policy 4-39 of the MPS.
- (b) Any use that involves the outdoor display of motor vehicles, vehicle stacking for drive thru purposes, and motor vehicle fueling stations, subject MPS Policy 4-42.
- (c) Ground floor residential uses subject to MPS Policy 4-40.

8.3.3 Zone Requirements

In the Downtown Zone, all development permits shall be issued in conformity with the following requirements:

(a) Down Zone Requirements:

Minimum lot area	200 m ²
Minimum lot frontage	6 m
Minimum front yard	none
Minimum rear yard	none
Minimum side yard	none
Maximum height	22 (77 ft)

- (b) All developments shall be exempt from minimum parking requirements outlined in Section 5.1

8.3.4 Principal Streets in the Downtown Zone

In the Downtown Zone, properties located deemed to be located on a principal street shall include: East Victoria Street, Church Street, Havelock Street, Electric Street, King Street, and Ratchford Street. Where a property has frontage on more than one street, the principal street is considered the front of the property. Where a property has frontage on more than one principal street, East Victoria will be considered the front of the property.

8.3.5 Vehicular Oriented Uses in a Downtown District

In the Core Area District, the following shall not be permitted on Victoria Street, Church Street, Havelock Street, King Street, Electric Street, or Ratchford Street, and may be permitted elsewhere in a Downtown District, subject to any other relevant section of this bylaw:

- (a) Motor Vehicle Fueling Stations
- (b) Motor Vehicle Sales, Rental, or Repair
- (c) Car Washes
- (d) Drive-thru's
- (e) Self Storage Facilities

8.3.6 Parking

In the Downtown Zone, parking shall conform to Section 5 of this Bylaw, and shall:

- (a) not be increased where it abuts East Victoria Street, Church Street, and Havelock Street;
- (b) be designed and configured so as to minimize its visual dominance from the street;
- (c) not be located between the building and the street; and,
- (d) include a landscaped strip with a minimum width of 1.5 metres where parking facilities abut a street;

8.3.7 Building Materials

In the Downtown Zone no building, except residential dwellings located on Prince Arthur, Maple Street, and Crescent Street, shall have vinyl or aluminum cladding along any wall that abuts or otherwise fronts on a street.

8.3.8 Commercial Requirements

In the Downtown Zone, except Institutional uses, all non-residential uses within new developments and additions to existing buildings that constitute a 10% or more increase in building footprint, shall satisfy the following requirements:

- (a) a minimum ground floor ceiling height of 3.2 metres;
- (b) a public entrance located on the principal street frontage or the building wall closest the street, or at the corner in the case of a corner lot;
- (c) windows that occupy no less than 50% of any street fronting wall below the second floor;
- (d) clear windows and doors with at least 88% light transparency and no reflective or tinting treatment on the ground floor;
- (e) an awning, overhang, or weather-protecting structure over all public entry ways;
- (f) buildings with frontage greater than 12 meters shall be broken down into horizontal compartments with a distinct change in vertical architectural articulation using at least one of the following: different materials, projections, bays, roof changes, or colours.
- (g) building setbacks shall align with the established front and flanking yard setbacks along any street frontage. Where no established setback exists a maximum front and flanking yard setback of one (1) metre for at least 60% of the building wall is required;
- (h) areas for signage shall be incorporated in the initial building design; and
- (i) mechanical or communication appurtenances larger than 0.5 square meters shall not be visible from the street.

8.3.9 Residential Uses

In the Downtown Zone, residential requirements shall be subject to the relevant sections of this Bylaw, and the following requirements:

- (a) upper floor conversions of non-residential uses to a residential use shall be permitted, subject to the existing building envelope not increasing by more than 30 %;
- (b) detached single and double dwellings are not permitted;
- (c) ground floor residential uses may be permitted for developments containing twenty (20) or more dwelling units on principal streets, subject to MPS **Policy 4-39**;
- (d) on any principal street, the first 12.2 m (40 feet) of building ground floor area, measured at 90 degrees from the property line abutting any principal street, or the front of the building facing the street in cases where the front of the building is not located directly on the front property line, shall be restricted to non-residential uses otherwise permitted in the zone;
- (e) new residential buildings shall be no less than 2 stories;
- (f) buildings shall align with the front and flanking yard setbacks established by existing buildings on the same block.
- (g) primary entries to multi-unit buildings shall front on a street;
- (h) the primary entry shall be a highly visible architectural feature incorporating elements such as awnings, roof overhangs, lighting, double doors, glazing and/or distinct architectural materials;
- (i) buildings with multiple stories shall have an architecturally distinct base, middle, and top;
- (j) mechanical or communication appurtenances larger than 0.50 square meters shall not be visible from the street;
- (k) all patios shall be recessed into the building at least 1.5 meters, with no patio extending more than 2.0 meters beyond the outer building wall; and,
- (l) buildings with frontage greater than 12 meters shall be broken down into horizontal compartments with a distinct change in vertical architectural articulation using at least one of the following: different materials, projections, bays, roof changes, or colours.

8.4 Mixed Use Zone

8.4.1 Mixed Use Zone Uses Permitted

The following uses shall be permitted in the Mixed-Use Zone:

Animal Hospital and Veterinary Establishments

Banks and Financial Institutions Business and Professional Offices

Cannabis Lounges and Cannabis Retail Sales subject to section 8.1.4

Commercial Recreation Centres Commercial Schools

Community Centres Display Courts Funeral Homes

Garden and Nursery Sales & Supplies

Hotels and Motels

Industrial

Institutional Uses

Licensed liquor establishments

Light manufacturing

Medical Clinics

Motor Vehicle Sales, Rental, and Repair

Parking lots and Parking Structures

Private Clubs and Fraternal Organizations

Photography Studios

Printing Establishments

Outdoor Retail Display Religious Institutions

Residential uses, subject to General Residential Zone Standards

Restaurants, Take-Outs, drive throughs

Retail Stores

Self Storage Facilities

Service and Personal Service Shops

Taxi, Bus and Train Stations

8.4.2 Mixed Use Zone Requirements

In the Mixed Use Zone, all development permits shall be issued in conformity with the following requirements:

(a) Mixed Use Requirements

Minimum lot area	200 m ²
Minimum lot frontage	6 m
Minimum lot frontage	6 m or average of established front yard
Minimum rear yard	6 m
Minimum side yard	1.2 m
Maximum height	22 m (72ft)

- (b) The required yard shall be 6 m where immediately adjacent to an area designated Residential.

8.4.3 Landscaping Requirements

In the Mixed Use Zone, any development permit for a new building shall satisfy the following landscaping requirements:

- (a) All developments greater than 900 m² in area shall provide a minimum of 6 m of landscaped open space along the entire street frontage, minus driveways.
- (b) Any development fronting on Albion Street shall provide a minimum of 6 metres of landscaped open space along the entire street frontage, minus driveways.
- (c) A continuous landscaped buffer through the use of plant material, fencing, and the like, shall be required where the zone abuts a residential designation

8.5 Neighbourhood Commercial Zone

8.5.1 Neighbourhood Commercial Zone Uses Permitted

The following uses shall be permitted in the Neighbourhood Commercial Zone:

- (a) Retail stores and accessory residential uses
- (b) Restaurants and take-out restaurants up to a maximum of 50 m² in seating area
- (c) Any uses permitted in the General Residential Zone, subject to the General Residential Zone standards.

Requirements

8.5.2 Neighbourhood Commercial Zone Requirements

(a) Neighbourhood Commercial Requirements:

Minimum lot area	500 m ²
Minimum lot frontage	15 m
Minimum front yard	6 m
Minimum rear yard	6 m
Minimum side yard	3 m
Maximum height	11

- (b) In any Neighbourhood Commercial Zone, all developments shall satisfy the applicable parking requirements in Section 5 of this Bylaw.

8.5.3 Maximum Floor Area

In a Neighbourhood Commercial Zone, not more than 100 m² of floor area may be devoted to commercial purposes. For the purpose of this Section, Commercial purposes shall exclude any furnace room, utility rooms, and washrooms. In addition, storage space not exceeding twenty percent (20%) of the total floor area of the building shall be excluded.

8.5.4 Directional Parking Signs

Where parking in a Neighbourhood Commercial Zone is provided in any rear or side yard, a directional parking sign shall be provided.

9.0 Industrial Zone

9.1 Industrial Zone

The following uses shall be permitted in the Industrial Zone:

Any manufacturing, industrial, assembly or warehousing operation

Any activity connected with the automotive trade, excluding salvage yards

Boat and Marine Supplies and Sales

Building supply and equipment depots including the bulk storage of sand or gravel

Railway uses

Recycling Collection and Storage Facilities, excluding salvage yards

Retail and office uses incidental to the main industrial use

Cannabis Production Facility, subject to section 9.6

9.2 Industrial Zone Requirements

(a) Industrial Requirements:

Minimum lot area	1000 m ²
Minimum lot frontage	40 m
Minimum front yard	6 m
Minimum rear yard	6 m
Minimum side yard	3 m
<i>Where abutting a residential designation</i>	20 m
Maximum height	Unlimited

(b) In the Industrial Zone, any development permit shall satisfy the parking requirements in Section 5 of this Bylaw.

9.3 Outdoor Storage and Display

In the Industrial Zone, no outdoor storage or display shall be permitted in the front yard or in a required yard abutting a Residential Zone.

9.4 Motor Vehicle Fueling Stations

Automobile Fueling Stations in the Industrial Zone shall be subject to the requirements for such uses in the Highway Commercial Zone.

9.5 Services Required

No development permit shall be issued for a use involving buildings containing plumbing fixtures in an Industrial (I) Zone in areas not served with municipally approved piped water and sanitary sewer service.

9.6 Cannabis Production Facilities

Where a lot containing a cannabis production facility abuts a lot

- (i) zoned or used for residential purposes, or
- (ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

10.0 Special Use Zones

10.1 Institutional Zone

10.1.1 Institutional Zone Uses Permitted

The following uses shall be permitted in the Institutional Zone:

Any use permitted in an Open Space Zone

Religious institutions

Schools

Group care facilities

Libraries, Museums and Art Galleries

Non-residential day care centres

Community centres

Funeral homes

Recreational Uses

Public Buildings

10.1.2 Institutional Zone Requirements

Any development permit in the Community Use Zone shall satisfy the following requirements:

(a) **Institutional Requirements:**

Minimum lot area	1000 m ²
Minimum lot frontage	20 m
Minimum front yard	8 m
Minimum rear yard	8 m
Minimum side yard	4 m or half the height of the building, whichever is greater
Maximum height	15 m

(b) In a Institutional Zone, all developments shall satisfy any applicable parking requirements in **Section 5** of this Bylaw.

10.1.3 Landscaping Required

All areas not occupied by buildings, structures, parking areas or loading areas shall be landscaped and a minimum of one tree at least 1.5 m in height shall be planted or retained for every 50 m² of landscaped area.

10.1.4 Accessory Uses in the Industrial Zone

The occasional rental of the property to a third party is permitted for the following uses for a period up to 5 consecutive days.

- Bingos
- Meetings
- Dances
- Beer gardens
- Dinners
- Festivals and fairs
- Concerts
- Trade shows
- Private parties
- Retail activities

10.2 Comprehensive Development District (CDD) Zone

10.2.1 CDD Uses Permitted

No development permit shall be issued for a development in the CDD Zone except in accordance with a development agreement executed under **Policy 4-62** of the Municipal Planning Strategy.

10.3 Open Spaces Zone

10.3.1 Open Space Zone Uses Permitted

Only the following uses shall be permitted in the Open Space Zone:

Cemeteries

Pavilions, Band Shells

Public and Private Parks, Playgrounds, and public trails

Sports fields

Buildings and Structures Accessory to the foregoing including canteens and related amenities

10.3.2 Open Space Zone Requirements

A development permit issued in an Open Space Zone shall have a minimum setback of 10 m from any lot line.

10.3.3 Trails and Conservation Uses

Notwithstanding zone requirements, trails and conservation uses shall:

- (a) have no minimum lot area; and
- (b) have no minimum lot frontage.

10.3.4 Parks and Playgrounds

Notwithstanding zone requirements, parks and playgrounds shall:

- (a) have no minimum lot area; and
- (b) have a minimum lot frontage of 6.0 metres

10.4 Flood Plain Zone

10.4.1 Flood Plain Zone Uses Permitted

The following uses shall be permitted in a Flood Plain Zone:

- (a) Parks and recreational uses involving no buildings
- (b) Trails and Conservation Uses, without buildings
- (c) Existing residential uses and associated accessory uses located at the following lots
 - (i) PID# 25030636
 - (ii) PID# 25017591
 - (iii) PID# 25017609

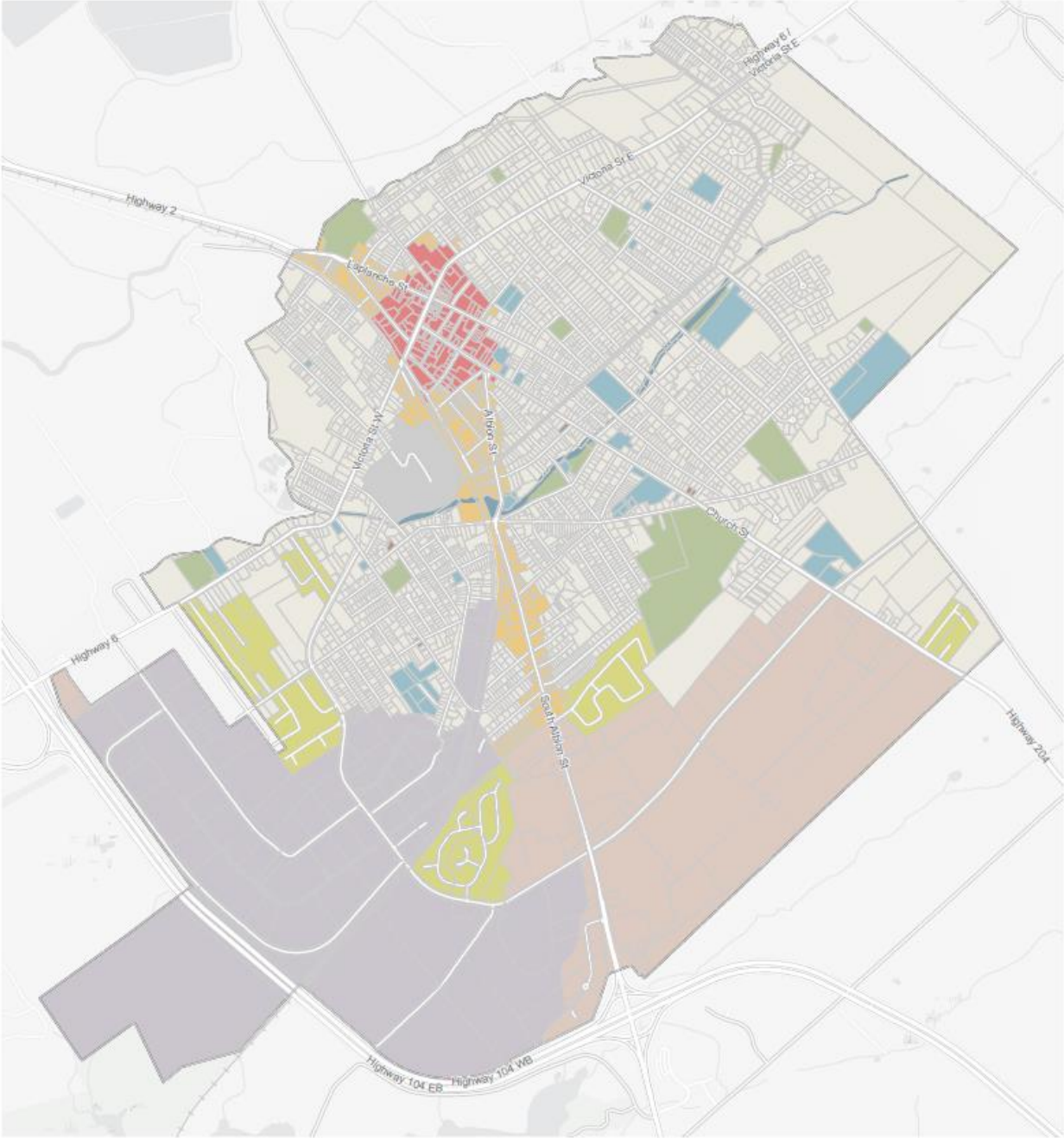
10.4.2 Special Requirements for Existing Buildings

- (a) Any building or structure existing at the effective date of this Bylaw, and lying within the Flood Plain Zone may be repaired, reconstructed, expanded, or relocated providing that:
- (b) any such work does not reduce the existing distance between Dickey Brook and the said existing building or structure; and, all other applicable provisions of this Bylaw are satisfied.

10.4.3 Special Requirements for Accessory Structures

A structure accessory to an existing use may be erected in a Flood Plain Zone if located no closer to Dickey Brook than any existing main or accessory buildings on the lot.

SCHEDULE A – ZONING MAP



MAP

Amherst Zoning (DRAFT)

SCHEDULE	LAST UPDATED	DATA SOURCE
A	2025-02-25	Prov. of NS

NORTH + SCALE

0 25 50 100 m

N

PROJ.

NAD83 CSRS
UTM 20 N

LEGEND

CDD	Institutional
Downtown Commercial	Mixed Use
Flood Plain	Land Lease Community
General Residential	Neighbourhood Commercial
Highway Commercial	Open Space
Industrial	

SCHEDULE B

List of Amendments to the Land Use Bylaw

Bylaw #	Effective Date	Location	Type

*the description is not specific, please refer to document for details