



**Town Of Mulgrave**

**By-Law #02**

**Land-Use By-Law**

*To Dec 5, 2016*

**Town of Mulgrave  
Land-Use By-Law**

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## **TOWN OF MULGRAVE**

### **NOTICE OF AMENDMENT TO THE LAND USE BY-LAW FOR THE TOWN OF MULGRAVE**

**TAKE NOTICE THAT** a meeting of the Town Council of the Town of Mulgrave was held at the Town Office, Mulgrave, Nova Scotia on the 5<sup>th</sup> day of December, A.D., 2016 and the following amendment to the Town of Mulgrave Land Use By-Law was passed:

**THAT** the Town of Mulgrave approve an amendment to the Land Use By-law to allow accessory buildings up to 1,500 ft<sup>2</sup> in the R-1, R-2, R-3, C-1, C-2 and O-1 Zone.

Any aggrieved person(s), the Director of Planning or the Council of any adjoining Municipality may appeal this decision by writing to the Nova Scotia Utility and Review Board within fourteen (14) days of the publishing of this notice. All information pertaining to this amendment may be made available at the Town Office, 457 MacLeod Street, Mulgrave.

Dated at Mulgrave this 6<sup>th</sup> day of December, A.D., 2016.

Signed:  
Kevin Matheson CPA CA  
Interim Chief Administrative Officer

**Town of Mulgrave  
Land Use By-Law**

**A By-Law to regulate the use of land and the erection or use of buildings and structures, and to regulate the height, bulk, location, size, spacing, character and use of buildings and structures, within the Town of Mulgrave.**

The Municipal Government Act defines “development” in:

Part VIII, Section 191 as,

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

## **PART 1 - TITLE**

This By-law shall be known and may be cited as the Land Use By-Law of the Town of Mulgrave and shall apply to all lands within the boundaries of the Town of Mulgrave.

## **PART 2 - DEFINITION**

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

1. **Accessory Building** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use but does not include a building attached in any way to the main building, or a building located completely underground.
2. **Accessory Use** means a use subordinate and incidental to and exclusively devoted to a main use of land or building and located on the same lot.
3. **Act** shall mean the Municipal Government Act, SNS 1998, Chapter 18 and amendments thereto.
4. **Alter** means any change in the structural component of a building, or any increase in the volume of a building or structure.
5. **Animal Hospital** means the premises where animals, birds, or other livestock are treated or treated and kept for monetary gain but shall not include a kennel.
6. **Apartment Building** means a building containing three or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use in common certain areas of the building.
7. **Automobile Service Station and Car Wash** means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles and shall include automobile washing equipment which is automatic or semi-automatic.
8. **Bed and Breakfast Establishment** means a single unit dwelling in which the resident provides up to six rooms for overnight accommodations, for monetary gain.
9. **Boarding or Rooming House** means a dwelling in which the proprietor supplies either room or room and board for monetary gain, with more than two but not more than six rooms exclusive of the proprietor.
10. **Building** means any structure whether temporary or permanent intended for sheltering or supporting any use or occupancy.

11. **Church** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, and rectory or manse.
12. **Clinic (Medical)** means a building or part of a building used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his residence.
13. **Community Centre** means any tract of land, or building or buildings, or any part of any building used for community activities whether used for commercial purposes or not, the control of which is vested in the municipality, a local board or agent thereof.
14. **Council** shall mean the Council of the Town of Mulgrave.
15. **Day Nursery** means a place where three or more pre-school children are cared for on a temporary daily basis without overnight accommodation, but does not include a school.
16. **Development Officer** means the Development Officer appointed by the Town of Mulgrave in accordance with the Act and charged by the Town with the duty of administering the provisions of this Land Use By-Law.
17. **Dwelling** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units and shall not include a hotel, a motel or apartment hotel, or travel trailer;
  - a. **Single Detached Dwelling** means a completely detached dwelling unit excluding a mobile home.
  - b. **Duplex** means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule.
  - c. **Triplex Dwelling** means a building that is divided horizontally into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.
  - d. **Semi-detached Dwelling** means a building that is divided vertically into two dwelling units each of which has an independent entrance.
  - e. **Multi-unit Dwelling** means a building that is divided vertically into three or more dwelling units, each of which have independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
  - f. **Factory Built and Manufactured Dwellings** shall mean a single unit dwelling certified to CAN/CSA-Z240.0.0.1-M86 or CAN/CSA-A277-90 and having the main walls of the building a minimum width of eighteen (18) feet. This prefabricated, factory built dwelling must meet all requirements of the current National Building Code in order to be considered a single unit dwelling in accordance with this By-Law.

18. **Dwelling Unit** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.
19. **Erect** means to build, construct, reconstruct, alter or relocate and without limiting generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally alter any existing building or structurally alter any existing building or structure by an addition, deletion, enlargement or extension.
20. **Established Grade** means, with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building and when used with reference to a structure shall mean the average elevation of the finished grade of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment or entrenchment and when with reference to a street, road or highway means the elevation of the street, road or highway established by the municipality or other designated authority.
21. **Existing** means existing as of June 9, 1980.
22. **Floor Area**
- a. With Reference to a Dwelling means the maximum area contained within the outside walls excluding any private garage, porch, verandah, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
  - b. Commercial Floor Area means the total useable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common malls between stores.
23. **Height** means the vertical distance of a building between the established grade and:
- a. The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
  - b. The decline of a mansard roof; or
  - c. The mean level between eaves and ridges or a gabled, hip, gambrel or other type of pitched roof.
24. **Home Occupation** means an accessory use of a dwelling or accessory building for gainful employment involving the provision or sale of goods or services of both goods and services and may include: professional offices, convenience stores, fast food take-outs, personal service shops, clothing shops, collectors shops, bed & breakfast dwellings, home and office equipment sales, woodworking shops, sporting goods shops (excluding firearms & ammunition), tailoring and dress

making, instruction, instruction in music, dancing and arts and crafts, making of household or garden ornaments, or antique shops.

25. **Hotel** means a building or buildings or part thereof on the same site used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation with or without meals but without private cooking facilities.
26. **Institution** means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent of profit but shall not include a private club.
27. **Loading Space** means a vacant area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area:
  - a. Is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display; and
  - b. Is not upon or partly upon any street, or highway.
28. **Lot** means any parcel of land described in a deed or as shown in a registered plan of subdivision.
  - a. **Corner Lot** means a lot situated at the intersection of and abutting on two or more streets.
  - b. **Through Lot** means a lot bounded on two opposite sides by streets or highways; provided however, that if any lot qualifies as being 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 By-Law.
  - c. **Lot Area** means a total horizontal area within the lot lines of a lot.
  - d. **Lot Depth** means the horizontal distance between the front and rear lot lines. Where the lot lines are not parallel the lot depth shall be the length joining the mid-points of the front and rear lot lines.
  - e. **Lot Frontage** means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein equal in distance to the minimum applicable front yard. In the case of a corner lot with a day-lighting triangle the exterior lot lines (street lines) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.
29. **Lot Line** means a boundary line 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 and where such lot lines are of equal length the front lot line shall be either of the lot lines. In the case of

- a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line.
- b. **Rear Lot Line** means the lot line farthest from or opposite to the front lot line.
- c. **Side Lot Line** means a lot line other than a front or rear lot line.
30. **Main Building** means the building in which is carried on the principal purpose for which the building lot is used.
31. **Main Wall** means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof.
32. **Mini Home** means a pre-manufactured home, transportable as a single unit to the site and containing CSA-Z240 MH Series-09 stamps; and has a length to width ratio of 3:1 or greater.
33. **Mini Home Lot or Space** means a parcel of land intended to be used by one mini home within a mini home park.
34. **Mini Home Park** means a parcel of land which has been designed and intended for residential use where the residences will be mini homes exclusively but does not include public or private campgrounds intended for seasonal use.
35. **Motel** means the same as Hotel, but may include private cooking facilities.
36. **Nursing Home** means a building wherein nursing care room and board are provided to individuals incapacitated in some manner for medical reasons and licensed under the Homes for Special Care Act, RS Chapter 203 as amended.
37. **Obnoxious Use** shall mean a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil, or objectionable odour, or by reason of the unsightly storage of goods, wares merchandise, salvage, refuse matter, waste or other material.
38. **Office** means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.
39. **Parking Lot** means an open area other than a street, available for temporary parking of two or more motor vehicles.
40. **Parking Space** means an area of not less than one hundred and sixty (160) square feet, measuring not less than eight (8) feet by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
41. **Personal Service Establishment** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing may include such establishments as barber shops, hairdressing

shops, shoe repair, and shoe shining shops, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.

42. **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 fraternity or sorority house, and a labour union hall.
43. **Private Park** means a park other than a public park.
44. **Public Park** means a park owned or controlled by a Public Authority or by any Board, Commission or other Authority established under any statute of the Province of Nova Scotia.
45. **Recreational Uses** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses to the foregoing, together with necessary accessory buildings and structures but not including a track for the racing of animals, or any form of motorized vehicles.
46. **Restaurant** means a building or part thereof where food and drink is served to the public for consumption within the building.
47. **Retail Store** means a building or part thereof in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the public at retail value.
48. **Service Shop** means a building or part thereof used for the sale or repair of household articles and shall include radio, television and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.
49. **Setback** means the distance between the street line and the nearest main wall of any building or structure and extending the full width or length of the lot. (Required setback means the minimum setback as prescribed by the Land Use By-Law).
50. **Shopping Centre or Mini Mall** means a separate use of land containing a building or building complex on a lot designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants containing an interrelated group of commercial uses, distinguished from a business area comprising unrelated individual uses and characterized by the sharing of common parking areas and driveways.
51. **Sign** means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which is used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business or which displays or includes any letter, work, model, number, banner, flag, pennant, insignia,

device, or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "sign" shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other sign shall be deemed a sign within this By-Law.

- a. **Ground Sign** means a sign supported by one or more uprights, poles or braces placed in or upon the ground.
  - b. **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.
  - c. **Projecting Wall Sign** means a sign which projects from and is supported by a wall of a building.
  - d. **Facial Wall Sign** means a sign which is attached directly to or painted upon a building wall, and which does not extend therefrom, nor extend above the roof line.
  - e. **Sign Area** means the area of the smallest triangle, rectangle, circle or semi-circle which can wholly enclose the surface area of the sign. All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area. Three dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle, circle or semi-circle which can totally circumscribe the sign in the plan of its largest dimension.
  - f. **Number of Signs** means that for the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
52. **Street or Road** means the whole and entire right-of-way of every highway, road, or allowance vested in the Province of Nova Scotia or Town of Mulgrave.
  53. **Street Line** means the boundary line of a street.
  54. **Structure** means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs and also fences exceeding six (6) feet in height.
  55. **Swimming Pool** means an artificial body of water, excluding ponds, of more than one hundred (100) square feet in area, used for bathing, swimming, or diving.
  56. **Tourist Establishment** means a building or buildings which are used to accommodate the traveling public for gain or profit by supplying them with

sleeping accommodations, with or without meals, and shall include a guest house, tourists cabins, a motel or a hotel.

57. **Town** shall mean the Town of Mulgrave.
58. **Warehouse** means a building where wares or goods are stored but shall not include a retail store.
59. **Yard** means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-Law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.
- a. **Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a “minimum” front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.
  - b. **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.
  - c. **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.
60. **Zone** means a designated area of land shown on the Schedule “A” of this By-Law.

### **PART 3 – ZONES AND ZONING MAP**

#### **Zones**

1. For the purpose of this By-Law the Town of Mulgrave is divided into the following zones, the boundaries of which are shown on the attached schedules. Such zones may be referred to by the appropriate symbols.

<u>Zones</u>	<u>Symbol</u>
Residential First Density	R-1
Residential Multiple Family	R-2
Residential Mobile Home Park	R-3
Residential Rural	RR-1
Commercial Central Business	C-1
Commercial Highway	C-2
Industrial General	M-1
Industrial Heavy	M-2
Open Space Recreation	O-1

2. The Appendix "A" attached hereto may be cited as the "zoning map" and is hereby declared to form part of the By-Law.

#### Zones not on Map

The zoning map of this By-Law may be amended in conformance with the Municipal Planning Strategy to utilize any zone in this By-Law, regardless of whether or not such zone has previously appeared on any zoning map.

### **PART 4 - INTERPRETATION**

#### Symbols

1. The symbols used in Appendix "A" attached hereto refer to the appropriate zones established by this By-Law.

#### Defined

2. The extent and boundaries of all zones are shown on Appendix "A" attached hereto, and for all such zones the provisions of this By-Law shall apply respectively.

#### Interpretation of Zoning Boundaries

3. Boundaries between zones shall be determined as follows:
  - a. Where a zone boundary is indicated as following a street or highway the boundary shall be the centre line of such street or highway;
  - b. Where a zone boundary is indicated as approximately following lot lines the boundary shall follow such lot lines.
  - c. Where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the zoning maps, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof.
  - d. Where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise.

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

#### Scope

1.
  - a. No person shall hereafter use any land or erect, alter or use any building or structure unless a development permit has been issued and no development permit shall be issued unless all the provisions of this By-Law are satisfied.
  - b. Any person who violates a provision of this By-Law shall be subject to a penalty provided for under the Act.

### Frontage on Street

2. No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street or on an approved private road that is shown on an approved plan of subdivision. Notwithstanding anything else in this By-law, an approved lot existing at the time of this By-law may be granted a development permit provided the lot has a 6 metre (20 foot) right of way easement clearly granted by deed and other provisions of the Land Use By-law are complied with.

### Licenses, Permits And Compliance with Other By-Laws

3. Nothing in this By-Law shall exempt any person from complying with the requirements of By-Law in force within the Town to obtain any license, permission, permit, authority or approval required by this or any other By-Law of the Town. Where the provisions in this By-Law conflict with those of any other municipal or provincial requirements, the higher or more stringent regulations shall prevail.

### Accessory Uses Permitted

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

### Non-Conforming Uses

5. Non-conforming uses shall be subject to the applicable provisions of the Act of Nova Scotia.

### Existing Undersized Lots

6. Notwithstanding anything else in this By-Law, a vacant lot held in separate ownership from adjoining parcels in existence prior to the effective date of the original Land Use By-Law, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this By-Law are satisfied. In addition, where such lots are increased in size but remain undersized, they are deemed to be existing undersized lots.

### Existing Buildings

7. Where a building has been erected on or before June 9, 1980 on a lot having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this By-Law the building may be enlarged, reconstructed, repaired or renovated provided that:
  - a. The enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this By-Law; and
  - b. All other applicable provisions of this By-Law are satisfied.

### Existing Lots

8. Notwithstanding anything else in this By-Law, the use of a building existing on a lot on or before June 9, 1980 may be changed to a use permitted on the lot where the lot width, front yard, or area required or any two or all of these is less than required of this By-Law, provided that all other requirements of this By-Law are satisfied.

### Height Regulations

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

### Conformity with Existing Setbacks

10. Notwithstanding anything else in this By-Law, structures built between existing buildings within two hundred (200) feet on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than ten (10) feet from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

### Temporary Construction Uses Permitted

11. Nothing in this By-Law shall prevent a use incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction provided that a development permit has been issued.

### Building to be Moved

12. No building, residential or otherwise shall be moved into the area covered by this By-Law without obtaining a development permit from the Development Officer.

### Restoration to a Safe Condition

13. Nothing in this By-Law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of a nonconforming use the provisions of the Act shall prevail.

### Special Uses Permitted

14. Nothing in this By-Law shall prevent the use of land or the use or erection of a building or structure, provided in the case of a non-conforming use the provisions of the Act shall prevail.

### Special Uses Permitted

15. Municipal offices or buildings shall be permitted in any zone provided that conformance with the applicable requirements of this By-law is satisfied.

### Multiple Uses

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

### Truck, Bus And Coach Bodies

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

### Building to be Erected On Lot

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

### One Main Building on a Lot

19. No person shall erect more than one (1) main building on a lot except in a industrial or commercial zone or in the case of non-residential building located in a Residential Rural (RR-1) zone or grouped dwellings located in a Residential Multiple (R-2) zone, or mini homes in a mini home park (R-3) zone.

### Accessory Buildings

20. a. Accessory uses, buildings and structures shall be permitted in any Zone within the Town of Mulgrave but shall not:
- (i) be used for human habitation except where a dwelling is a permitted accessory use;
  - (ii) be located within the front yard of a lot
  - (iii) be built closer to the front line or side yard line than the minimum distance required by this By-Law for the main building on the lot. Where an accessory building is built on a corner lot, it shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;
  - (iv) be built closer to a street than the main building is to that street, private garages excepted;
  - (v) be built closer than ten (10) feet to a lot line in a Residential Rural (RR-1) zone and four (4) feet in any other zone except that:
    - (a) common semi-detached garages may be centered on the mutual side lot line and
    - (b) accessory buildings with no windows or perforations on the side of the building which faces the said lot line, may be located a minimum of two (2) feet from the said lot line in any residential zone, except a Residential Rural (RR-1) Zone

- (c) boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge
  - (vi) except for non-residential accessory building in a Residential Rural (RR-1) Zone or accessory buildings in an Industrial General Zone exceed fifteen (15) feet in height
  - (vii) except in a Residential Rural (RR-1) or Industrial General (M-1) Zone exceeding 1,500 square feet in total floor area;
  - (viii) be built within six (6) feet of the main building
  - (ix) be considered an accessory building if attached to the main building in any way
  - (x) be considered an accessory structure if located completely underground.
- b. Notwithstanding anything else in this By-Law, drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempted from any requirements of this section.

#### Illumination

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

#### Yard and Density Exception

22. Where in this By-Law a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of 30 per cent or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot lines.

#### Loading Spaces

- a. In any zone, no person shall erect or use any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent shipping, loading or unloading persons, animals or goods, unless there is maintained on the same premises with every such building structure or use, one off-street space for standing loading and unloading for every thirty thousand (30,000) square feet or fraction thereof of building floor area used for any such purpose to a maximum of six (6) loading spaces.
- b. Each loading space shall be at least twelve (12) feet by forty (40) feet with a minimum of fourteen (14) feet height clearance.

- c. The provision of a loading space for any building with less than fifteen hundred (1,500) square feet shall be optional.
- d. No such loading spaces shall be located within any required front yard or be located within any yard which abuts a Residential or Open Space Zone.
- e. Loading spaces areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- f. Ingress and egress, to and from the required loading space areas shall be provided by means of unobstructed driveways of a minimum width of ten (10) feet if for one-way traffic or a minimum width of twenty (20) feet if for two-way traffic.

Swimming Pools

- 23. Where a swimming pool is an accessory use in a residential or commercial zone it shall:
  - a. Be enclosed by a fence having a minimum height of 5 feet from the established grade and located a minimum of 5 feet from the water surface perimeter.
  - b. Not be located within a required yard that abuts a street or right-of-way.

Parking Requirements

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

	<u>Type Of Building</u>	<u>Parking Required</u>
a.	A dwelling containing not more than 3 dwelling units	1 parking space for each dwelling unit
b.	All other dwellings	1.5 spaces for each dwelling unit
c.	Churches, church halls, arenas auditoria, restaurants, theatres halls, stadia, private clubs, and other places of assembly	Where there are fixed seats, 1 parking space for every 5 seats or 10 ft. of bench space. Where there are no fixed seats, 1 parking space for each 100 sq. ft. of floor area devoted to public use
d.	Hospitals and nursing homes	1 space for each 2 beds or each 400 sq. ft. of floor area whichever is the greater
e.	Senior Citizen Apartment dwelling	1.5 parking spaces for every 2 units

- |    |  |   |
|----|--|---|
| f. | Hotels, staff houses, motels, tourist cabins | 1 parking space per suite or rental unit plus 1 additional parking space for each 50 sq. ft. of floor area devoted to public use (taverns, restaurants, etc.)   |
| g. | Offices                                      | 1 parking space per 300 sq. ft. of floor area   |
| h. | Shopping Centre                              | Parking area to be 3 times floor area, exclusive of common malls between stores   |
| i. | Funeral Homes                                | 1 parking space for each 5 seats of capacity of the chapel with a minimum of 10 parking spaces  |
| j. | Bowling Alleys & Curling Rinks               | 1 parking space for each 2 persons in the designed capacity of the establishment (designed capacity shall mean 6 persons per bowling lane and 8 persons per curling sheet).<br>In other parts of the building additional parking spaces shall be provided in accordance with the requirements set out in this bylaw for the use to which the other parts of the building may be used. |
| k. | All other commercial uses                    | 1 parking space for each 300 sq. ft. of floor area.   |
| l. | Schools                                      | 2.5 parking spaces for each teaching classroom  |

Standards for Parking Areas & Lots

25. Where parking facilities for more than four (4) vehicles are required or permitted:
- a. The parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
  - b. The lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from streets, adjacent lots and buildings;

- c. A structure, not more than fifteen (15) feet in height and not more than fifty (50) sq. ft. in area may be erected in the parking area for the use of attendants;
- d. The parking area shall be within three hundred (300) feet of the location which it is intended to serve, and shall be situated in the same zone;
- e. When the parking area is of permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;
- f. No gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- g. Approaches or driveways to any parking area, other than that required for a single family dwelling, semi-detached, or a duplex dwelling shall be defined by a curb of concrete or rolled asphalt and the limits of the parking areas shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
- h. In addition the location of approaches or driveways shall be not closer than fifty (50) feet from the limits of the right-of-way at a street intersection
- i. Entrance and exit ramps to parking areas shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet at the street line edge of pavement
- j. The width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum width of ten(10) feet if for one-way traffic, and a minimum width of twenty (20) feet if for two-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet.

#### Side Yards on Corner Lots

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

#### Front Yard for a Through Lot

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

#### Set Back from Water body

28. Notwithstanding anything else in this By-Law, all development shall be set back a minimum distance of fifty (50) feet from any watercourse or shoreline; provided however, that wharves and boathouses will be permitted within this set back requirement where a property is adjacent to the shoreline. A "minor variance" from this setback requirement may be considered for lots which predate this By-Law.

### Cash-In-Lieu of Parking

29. Notwithstanding the parking requirements of Section 23, council may within the Central Business zone, accept cash-in-lieu of the proponent providing on-site parking. The cash-in-lieu contribution shall be calculated according to the following formula:

$$C = ( A * X + A * Y ) * 1.6 + Z$$

Where:

- C = cash-in-lieu contribution  
A = number of parking spaces required by the Land Use By-Law, times the area of a unit parking space (i.e. 10 ft x 20 ft)  
X = assessed value / square foot of the proponents land  
Y = actual current cost / square foot, to be determined by the proponent and the Development Officer, for grading and surfacing the parking area according to the standards set out in the By-Law.  
1.6 = area factor to allow for vehicle turn around and access corridor.  
Z = cost of landscaping parking area and maintenance costs for a five-year period to be calculated at a rate of 5% of the assessed value of the parking area.

### Lot Size Adjacent to a Watercourse

30. Notwithstanding any smaller requirement, where an un-serviced lot is located within 75 feet of a watercourse the minimum lot area requirement shall be 40,000 square feet

## **PART 6 - SIGNS**

### General

1. a. Where this part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the province of Nova Scotia, the more restrictive regulations shall apply.
- b. No person shall erect a sign without first obtaining a permit from the Development Officer and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.

### Safety and Maintenance

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

### Limit on Number of Signs

3. a. For the purpose of this section, where a multiple tenancy building is occupied by more than one business, each business area shall be considered as separate premises.
- b. Notwithstanding anything else in this By-Law or elsewhere, not more than two (2) signs may be erected on any premises at any one time provided that:
  - (i) a double-faced sign shall count as a single sign
  - (ii) signs enumerated in Section 4 clauses "a" to "h" inclusive. Signs permitted in all zones shall not be counted in calculating the total
  - (iii) not more than one (1) ground sign shall be permitted on any one lot except in the case of a service station located on a corner where a maximum of two (2) ground signs shall be permitted and a limit of three (3) signs in total may be erected on a corner service station lot.
  - (iv) not more than one (1) facial wall sign shall be permitted for each business premise
  - (v) not more than one (1) projecting wall sign shall be permitted for each business premise; and
  - (vi) each business premise shall not have both a projecting wall sign and facial wall sign.

### Signs Permitted in All Zones

4. Notwithstanding the provisions of Section 6, 7, 8, and 9 of this part, the following additional signs are permitted in all zones:
  - a. Signs identifying name and address of resident, and of no more than two (2) square feet in sign area.
  - b. "No trespassing" signs or other such signs regulating the use of a property, and of not more than two (2) square feet in sign area
  - c. Real estate signs not exceeding five (5) square feet in sign area in a residential zone and fifteen (15) square feet in other zones, which advertise the sale, rental or lease of the premises.
  - d. Signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premise provided that such signs are less than five (5) square feet in area
  - e. Signs erected by a government body, or under the direction of such a body, and bearing non-commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists.
  - f. Memorial signs or tablets and signs denoting the date of erection of a structure.

- g. The flag, pennant, or insignia of any government, or of any religious, charitable or fraternal organization.
- h. A sign having an area of not more than fifty (50) square feet incidental to construction and within the area designated for such purposes.

Signs Prohibited in All Zones

- 5. Notwithstanding signs which do not conform with the provisions of sections 6, 7, 8, and 9 of this part, the following signs shall be prohibited in any zone:
  - a. signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving part, visible revolving parts or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsations or by actions of normal wind current.
  - b. Any sign or sign structure which constitutes a hazard to public safety or health
  - c. Signs which by reason of size, location, content, coloring or manner of illumination obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
  - d. Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way.
  - e. 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.
  - f. Any sign which no longer advertises a bona fide business conducted, or a product sold.
  - g. Signs on public property or public right-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body but no sign located on public property or a public right-of-way shall bear any commercial advertising.
  - h. Signs not erected by a public authority which are located at or near sharp road curves or below the crest of a steep road grade.
  - i. String lights, other than temporary holiday decorations which are unshielded from off the property on which they are located.
  - j. Signs not related to any business or use on the lot or premises.

Facial Wall Signs

- 6. Notwithstanding section 9 of this Part, no facial wall sign shall:
  - a. Cover more than one (1) square foot per lineal foot of the wall on which the sign is affixed with proportional allocation for each premise in case of

multiple occupancy buildings. In no case, premises exceed one hundred (100) square feet;

- b. Extend above the top of the wall upon which it is placed;
- c. Extend beyond the extremities of the wall upon which it is attached

#### Roof Top Signs

- 7. Notwithstanding Section 9 of this Part. Roof top signs shall be prohibited, except for properties located in the C-1, C-2, M-1 or M-2 Central Business or Industrial zone, where such properties are located on the shore side of Highway 344 (Main street)

#### Projecting Wall Signs

- 8. Notwithstanding Section 9 of this Part, no projecting wall sign shall:
  - a. exceed twenty (20) square feet in sign area
  - b. project more than six (6) feet from the wall upon which it is attached.
  - c. project over a public right-of-way
  - d. project above the eaves, parapet or roof line of a building
  - e. be permitted to swing freely on its supports
  - f. be erected below a height of ten (10) feet or above a height of fifteen (15) feet above grade
  - g. have a sign face dimension which exceeds five (5) feet.

#### Ground Signs

- 9. Notwithstanding Section 9 of this Part, no ground sign shall;
  - a. exceed twenty-five (25) square feet in sign area on a single face sign or fifty (50) square feet of sign area for both faces combined;
  - b. exceed a height of twenty (20) feet from the grade level to the highest part of the sign;
  - c. extend beyond a property line or project over public right-of-ways, other adjoining lands, day lighting triangles or any driveway or parking space;
  - d. be set back less than five (5) feet from any street line, common lot boundary, driveway, aisle parking area;
  - e. have more than one sign on the supporting structures
  - f. exceed ten (10) feet for any sign face dimension.

#### Signs in a Residential Zone

- 10. Unless otherwise specifically indicated in this By-Law, no identification sign in any Residential Zone shall exceed two (2) square feet in sign area or be employed for commercial advertising or exceed four (4) feet in height in case of a ground sign.

## **PART 7 – GENERAL REQUIREMENTS FOR ALL RESIDENTIAL ZONES**

### **Business Uses Permitted for All Residential Zones**

1. Nothing in this By-Law shall prevent the use of a dwelling in a Residential Zone for business or professional purposes provided that:
  - a. the dwelling is occupied as a residence by the operator and the external appearance of the dwelling is not changed by the business or professional use;
  - b. there shall be not more than two (2) assistants who are not residents in the dwelling employed in the business or profession;
  - c. not more than an area equal to thirty (30) percent of the main floor area of a dwelling or an area equal to not more than seventy-five (75) percent of the main floor area of an accessory building is used. (In no case can a business be operated in both the dwelling and an accessory building on the same lot.)
  - d. one off-street parking space, other than that required for the dwelling, is provided for every two hundred (200) square feet of floor space occupied by the business or professional use;
  - e. there shall be no advertising other than a business identification plate or sign which has a maximum sign area of two (2) square feet and which is attached to the main building and provided also that the provisions of Part 6 are satisfied;
  - f. no mechanical equipment is used except that reasonably consistent with the use of a dwelling;
  - g. no open storage or outdoor display shall be permitted, except in the RR-1 Zone
2. An automobile sales office and associated display area shall not be considered a business use which is permitted in any Residential Zone.

### **Business Use, Professional Offices and Home Occupations**

3. In this By-Law a Business Use shall mean: professional offices, convenience stores, fast food take-outs, personal service shops, arts & crafts shops, bakery shops, florist shops, clothing shops, collectors shops, bed and breakfast, dwellings, home and office equipment sales, woodworking shops, goods shops (excluding firearms & ammunition), tailoring and dress making, instruction in music, dancing and arts and crafts, making of household or garden ornaments, and antique shops.
4. Nothing in this By-Law shall prevent the carrying on of business uses in a Residential Zone provided that all the conditions as specified in clauses "a" to "g" of Section 1 are satisfied.

### Parking of Commercial Motor Vehicles

5. a. For the purpose of this Part, "Commercial Motor Vehicles" shall mean any motor vehicle exceeding three-quarter (3/4) ton capacity which is intended for a business use.
- b. Not more than one "Commercial Motor Vehicle" shall be parked or stored on any particular lot within any Residential Zone. This section applies to both developed and undeveloped lots.
- c. In no case shall a "Commercial Motor Vehicle" be parked or kept on an undeveloped lot within a Residential Zone without authorization of the lot owner.

### Special Requirements – Mini Homes

6. Building Requirements  
In addition to the lot, yard, and height requirements set out in Section 2 and, where applicable, Section 6 of this Part, no development permit shall be issued for a mini-home in the Residential (R-1) Zone except in conformity with the following requirements:
  - a. a mini-home shall be placed on a fixed masonry or cement foundation and in no instance shall the undercarriage of the mini home be visible;
  - b. a mini-home shall be oriented parallel to its frontage on an abutting street;
  - c. a mini-home shall meet its definition in Part 2 of this Land Use By-law;
  - d. a mini-home shall not be allowed on that portion of Main Street (Route 344) between Mill Street and MacLeod Street.

## **PART 8 – RESIDENTIAL FIRST DENSITY (R-1) ZONE**

### R-1 Uses Permitted

1. No development permit shall be issued for a Residential First Density (R-1) Zone except for one or more of the following issues:
  - Single detached and dwellings
  - Factory Built and Manufactured Homes
  - Converted dwelling (two dwelling units maximum)
  - Semi-detached dwellings
  - Duplex dwellings
  - Mini Homes as defined by this By-Law
  - Boarding houses
  - Bed & Breakfast Establishments
  - Day nurseries
  - Public Parks and community centres subject to the Open Space Recreation (01) Zone standards
  - Medical Clinic
  - Libraries, Museums and Art Galleries
  - Schools

Churches  
 Cemeteries  
 Government Offices

R-1 Zone Requirements

2. In any Residential First Density (R-1) Zone, no development permit shall be issued except in conformity with the following requirements:

	Single Detached Dwelling, Factory Built and Manufactured Homes, Mini-Homes, Day Nursery	Duplex Dwelling	Semi-Detached Dwelling	Converted Dwellings, Boarding Houses, Bed & Breakfasts
Minimum Lot Area	6000 sq. ft.	6000 sq. ft.	3000 sq. ft. for each dwelling	6000 sq. ft.
Minimum Lot Frontage	20 ft.	60 ft.	30 ft. for each dwelling	60 ft.
Minimum Front Yard	25 ft.	25 ft.	25 ft.	25 ft.
Minimum Rear Yard	25 ft.	25 ft.	25 ft.	25 ft.
Minimum Side Yard				
i one yard	4 ft.	10 ft.	10 ft.	4 ft.
ii other side	10 ft.	10 ft.		10 ft.
Maximum Height of Building	35 ft.	35 ft.	35 ft.	35 ft.

- a. Where Town Approved Central Sanitary Sewers are not available, but Piped Water is Available:

	Single, Factory Built & Manufactured Homes, Mini Home, <u>Detached Dwelling</u>	<u>All Other Uses</u>
Minimum Lot Area:	12,000 sq. ft	Not permitted
Minimum Lot Frontage:	100 ft.	
Minimum Front Yard	25 ft.	
Minimum Rear Yard	35 ft.	
Minimum Side Yard		
i. one side	4 ft.	
ii other side	12 ft.	
Maximum Height of Main Building:	35 ft.	

- b. Where neither Sanitary Sewers nor Piped Water are available:

	Single, Factory Built & Manufactured Homes, Mini Home, <u>Detached Dwelling</u>	<u>All Other Uses</u>
Minimum Lot Area	20,000 sq. ft.	Not permitted
Minimum Lot Frontage	100 ft.	
Minimum front Yard	25 ft.	
Minimum Rear Yard	35 ft.	
Minimum Side Yard		
i. one side	4 ft.	
ii. other side	12 ft.	

The Department of Health standards regarding on-site disposal may require larger lot standards than required by this By-Law.

Special Side Yard: Attached Garages

3. The minimum side yard on the side where an attached garage of a permitted dwelling is located shall be as follows:
- |                    |       |
|--------------------|-------|
| 1 storey building: | 4 ft. |
| 2 or more stories: | 6 ft. |

**PART 9 - RESIDENTIAL MULTIPLE UNIT (R-2) ZONE**

**R-2 Uses Permitted**

1. No development permit shall be issued in a Residential Multiple Unit (R-2) Zone except for one or more of the following uses:  
 All uses permitted in the R-1 Zone, subject to the R-1 Zone requirements:  
 Town houses and maisonette dwelling  
 Multi-unit dwellings  
 Double Duplex Dwellings  
 Triplex Dwellings  
 Nursing Homes, providing special care  
 Senior Citizens' Homes  
 Homes for the Aged  
 Converted dwellings of more than two units

**R-2 Zone Requirements**

2. In a residential Multiple Unit (R-2) zone, no development permit shall be issued except in conformity with the following requirements:

	<u>Triple Dwellings</u>	<u>Multi-unit Dwellings</u>	<u>Double Duplexes, Nursing Homes, Homes for Aged, Senior Citizen Homes</u>
Minimum Lot Area	2000 sq ft. per unit	2000 sq ft. per unit	2000 sq ft. per unit
Minimum Lot Frontage	20 ft. per unit	20 ft. per unit	100 ft.
Minimum Front Yard	25 ft.	25 ft.	35 ft.
Minimum Rear Yard	25 ft.	25 ft.	35 ft.
Minimum Side Yard	10 feet or ½ height of main building, the greater		
Maximum Height of Main Building:	35 ft.	35 ft.	35 ft.

**Special Requirements: Grouped Dwellings**

3. Notwithstanding the R-2 Zone requirements or anything else in this By-Law, the following special provisions shall apply to double duplex and Multi-unit dwellings:
  - a. The minimum lot area shall be 12,000 square feet;
  - b. The minimum distance between grouped dwellings shall be 20 ft.
  - c. The minimum setback from any street line except as provided for in section 29 Part 5 shall be twenty-five (25) feet, for any main building;
  - d. The maximum number of units in a Multi-unit dwelling shall be six (6);
4. In addition to all other requirements, the following special provisions shall apply to converted dwellings in a Residential Multiple Unit R-2 Zone:

Additions - No additions or alterations may be undertaken which:

  - a. Change the roof line or increase the height except for the addition of dormers
  - b. Extends into the front or side yard of the lot except for structures necessary for public safety purposes such as fire escapes.
  - c.. Parking for converted dwellings shall be provided as required in Section 24 or Part 5, only in the side or rear yard of the lot.

**PART 10 - RESIDENTIAL MINI HOME PARK (R-3) ZONE**

**R-3 Zone Requirements**

1. No development permit shall be issued in a Residential Mini Home Park (R-3) Zone except for one or more of the following uses:

Mini Home Parks  
Recreational Uses  
Parks and Playgrounds  
Mini Home Parks Offices  
Maintenance equipment and a storage facility related and incidental to the operation of the Park.

**R-3 Zone Uses Permitted**

2. In a residential Mini Home Park Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area:	40,000 sq. ft.
Minimum Lot Frontage:	200 ft
Minimum Front Yard	20 ft
Minimum Side Yard	10 ft
Minimum Rear Yard	20 ft

## **PART 11 - RESIDENTIAL RURAL (RR-1) ZONE**

### **RR-1 Uses Permitted**

1. No development permit shall be issued in a Residential Rural (RR-1) Zone except for one or more of the following uses:

Single Detached, Factory Built and Manufactured Homes, and Mini Homes

Agricultural uses

Uses permitted in Open Space Recreation (01) Zone subject to requirements of that Zone.

Forestry Uses

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

Minimum Lot Area: 20,000 sq ft

Minimum Lot Frontage: 100 ft

Minimum Front Yard 25 ft

Minimum Rear Yard 25 ft

Minimum Side Yard 10 ft

Maximum Height of Main Building 35 ft

## **PART 12 - GENERAL REQUIREMENTS FOR ALL COMMERCIAL ZONES**

### **Abutting Zone Requirements**

1. Where a Commercial Zone abuts a Residential (R-1, R-2, R-3, RR-1) or Open Space Recreation Zone, the following restrictions shall apply to an abutting yard within the Commercial Zone.
  - a. The minimum side yard requirement for the abutting side yard shall be twenty (20) feet.
  - b. No open storage or outdoor display shall be permitted in an abutting yard in the commercial Zone except within Section 2 of this Part.
  - c. No parking space shall be permitted in an abutting yard within twenty (20) feet of a side or rear lot line in the Commercial Zone.
  - d. In addition to the provisions of Part 6, signs located in an abutting yard shall be subject to the following requirements:
    - i. All signs shall be non-illuminated;
    - ii. Only directional or business identification signs shall be permitted
    - iii. The maximum sign area shall be fifteen (15) square feet
    - iv. The maximum height of a ground sign from the grade level to the highest part of the sign (including the sign structure) shall be twelve (12) feet;
    - v. All signs shall be set back at least (10) feet from the abutting property line.

### Restrictions of Open Storage or Outdoor Display

2. a. Except for a Commercial Highway (C-2) Zone no open storage or outdoor display shall be permitted.
- b. Where a lot is to be used primarily for open storage or outdoor display within a Commercial Highway (C-2) zone, the following restrictions shall apply:
  - i. No open storage or outdoor display shall be permitted within any required front yard of a lot; and
  - ii. The area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the total lot area.

### Special Requirements Automobile Service Stations

3. Where automobile service stations are permitted in a Commercial Zone, the following special provisions shall apply:
  - a. Minimum lot frontage: 150 ft
  - b. No portion of any pump island shall be located closer than twenty feet from any street line;
  - c. The minimum distance between ramps or driveways shall not be less than thirty (30) feet;
  - d. The minimum distance from a ramp or driveway to a street intersection shall fifty (50) feet;

### Location of Shopping Centres or Mini Malls

4. For the purpose of this By-Law, a shopping centre or mini-mall shall be deemed to be separate land use and shall be permitted only within a Commercial Highway (C-2) Zone.

### Roof Signs

5. Notwithstanding anything else in this By-Law Roof signs shall be permitted on Commercial buildings located in the C-1 Central Business District Zone provided that such building is located below the elevation of Highway 344 (Main Street) and that the property is located between the Highway and the waterfront.

## **PART 13 - COMMERCIAL CENTRAL BUSINESS (C-1) ZONE**

### C-1 Uses Permitted

1. No development permit shall be issued in a Commercial Central Business (C-1) Zone except for one or more of the following uses:  
Arts and Crafts and Antique Shops, Bakery Shops  
Banks and Financial Institutions  
Business and Professional Offices

Commercial Recreational Establishments conducted within enclosed buildings and including such uses as health clubs, billiards, dance clubs, music schools and theatres

Commercial Schools

Confectionary, or Candy Stores

Delicatessens, Restaurants and Snack Bars provided all dining facilities are within enclosed building

Dressmaking and Tailoring, Drug stores

Dwelling Units located within the same building

Florist Shops, Food or Grocery Stores

Funeral Homes

Gift Shops

Hardware Stores

Hotels and Motels

Ice Cream Shops, Jewellery Stores

Medical Clinics

News and Magazine Stands

Parking Lots and Parking Structures

Places of Entertainment, Recreation and Assembly which are conducted within enclosed buildings

Private clubs and Fraternal Organizations

Photography Studios

Printing Shops, Restaurants

Retail Shops, Repair Shops

Service and Personal Service Shops

Taxi and Bus Stations

Tobacco Shops

Private Clubs, Private Parks, and Fraternal Organizations

Existing residential uses located on individual lots, as noted in Appendix "B" of this By-Law

### C-1 Zone Requirements

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

Minimum Lot Area:	4000 sq ft
Minimum Lot Frontage:	40 ft
Minimum Side Yard	
i. One side	10 ft
ii. Other side	4 ft
Minimum Rear Yard:	20 ft
Maximum Height of Main Building	35 ft

## **PART 14 - COMMERCIAL HIGHWAY (C-2) ZONE**

### **C-2 Uses Permitted**

1. No development permit shall be issued in a Commercial Highway (C-2) Zone except for one or more of the following uses:

- Animal Hospital and Veterinary Establishments
- Automobile Sales Establishments
- Automobile Service Stations
- Banks and Financial Institutions
- Boats, Trailer, Snowmobile, and Bicycle Sales and Rentals
- Business and Professional Offices
- Clubs whether Fraternal or operated for profit
- Funeral Home
- Garden and nursery Sales and Supplies
- Hotels, Motels and other tourist establishments
- Indoor recreational establishment
- Restaurants and Drive-in Restaurants
- Retail sales within enclosed building
- Shopping centre or mini mall
- Private Parks

### **C-2 Zone Requirements**

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

Minimum Lot Area:	20000 sq.ft
Minimum Lot Frontage:	100 ft.
Minimum Front Yards:	40 ft
Minimum Rear Yards:	20 ft
Minimum Side Yards:	15 ft
Maximum Height of Main Building	35 ft

### **Special Provision: Shopping Centre or Mini Mall**

3. Notwithstanding Section 2 of this part, the minimum lot frontage and area for shopping centres or mini malls shall be 200 feet and 30,000 square feet respectively.

## **PART 15 - GENERAL PROVISIONS FOR INDUSTRIAL ZONES**

### **Abutting Zone Requirements**

1. Where a yard or lot located within an Industrial Zone abuts a Residential (R-1, R-2, R-3, or RR-1) or Open Space Recreation Zone, the following restrictions shall apply:
  - a. The Minimum Yards for the abutting lot in the Industrial Zone shall be as follows:

Minimum Front Yard:	30 ft.
Minimum Side Yard:	30 ft.
Minimum Rear Yard:	60 ft.
  - b. No open storage or outdoor display be permitted in an abutting yard in the Industrial Zone;
  - c. No parking area shall be permitted in an abutting yard within 20 feet of a side or rear lot line; and
  - d. Signs shall be regulated as provided in Part 6 of this By-Law.

### **Automobile Service Stations**

2. Where automobile service stations are permitted in an Industrial Zone, they shall conform to the requirements as provided in section 3 of Part 13.
3. Notwithstanding anything else in this By-Law Roof Signs shall be permitted on Industrial Buildings located in the M-1 Industrial Zone provided that such building is located below the elevation of Highway 344 (Main Street) and that the property is located between the highway and the Waterfront.

## **PART 16 - INDUSTRIAL GENERAL (M-1) ZONE**

### **M-1 Uses Permitted**

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

Any manufacturing, industrial, assembly or warehousing operation conducted and contained within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes or smoke, or refuse matter or water carried waste or by reason of unsightly open storage or the detonation of explosives.

Any activity connected with the automotive trade other than scrap yard or race track.

Boat and Marine Supplies and Sales

Breweries

Building Supply and Equipment Depots but excluding the bulk storage or sand or gravel.

Business and Professional Offices related to the industrial use

Commercial uses accessory to a main use permitted in an M-1 Zone conducted in the main building.

Service Industries

Port Related Industries

Utilities

#### M-1 Zone Requirements

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

Minimum Lot Area:	40,000 sq. ft.
Minimum Lot Frontage:	150 ft.
Minimum Front Yard:	40 ft.
Minimum Rear Yard:	40 ft.
Minimum Side Yard:	20 ft.
Maximum Height of Main Building	35 ft.

#### PART 17 - INDUSTRIAL HEAVY (M-2) ZONE

##### M-2 Uses Permitted

1. No development permits shall be issued in an Industrial Heavy M-2 zone except for fines storage and storage of crushed rock.

##### M-2 Zone Requirements

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

Minimum Lot Area:	40,000 sq. ft.
Minimum Lot Frontage:	150 ft.
Minimum Front Yard:	40 ft.
Minimum Rear Yard:	40 ft.
Minimum Side Yard:	20 ft.

#### PART 18 - OPEN SPACE RECREATION (O-1) ZONE

##### O1 Uses Permitted

1. No development permit shall be issued in an Open Space Recreation (O-1) Zone except for one or more of the following uses:

Community Centres

Golf Courses

Market Garden and Garden Nurseries

Pavilions and Band Shells

Public Parks and Recreation Centres

Buildings and Structures accessory to the foregoing including a refreshment booth.

Tourist Bureau

### 01 Zone Requirements

2. No development permit shall be issued in an Open Space Recreation (0-1) Zone unless the minimum setback from any lot line for any main building is thirty (30) feet.

## **PART 19 - ADMINISTRATION**

### Enforcement

1. This By-Law shall be administered by the Development Officer.

### Scope of Application

2. a. Every application for a Development Permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing:
  - 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 location of every building or structure already erected on or partly on such lot, and the location of every building upon contiguous lots;
  - iv. The proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas, and;
  - v. Other such information as may be necessary to determine whether or not every such building, development, reconstruction or redevelopment conforms with the requirements of this By-law.
- b. Where the Development Officer is unable to determine whether the proposed developed conforms to this By-Law and other By-Laws and regulations in force which affects the proposed development, he may require that the plans submitted under Subsection 1 be based upon an actual survey by a Provincial Land Surveyor.

### Signature for Application

3. The application shall be signed by the registered owner of the lot or by the owner's agent duly authorized thereunto in writing and shall set forth in detail the current 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 By-Law.

### Amendment of By-Law

4. a. Any person who wishes to obtain the amendment, revision or repeal of this By-Law shall submit an application in writing to the CAO of the Town of Mulgrave.

- b. The application shall state an address for service.
- c. The applicant shall deposit with the CAO an amount of money estimated by the CAO to be sufficient to pay the cost of advertising required by the Municipal Government Act.
- d. After the notice and advertising required under the Municipal Government Act has been completed, the applicant shall pay to the CAO any additional amount necessary to defray the cost of advertising or if there is a surplus the CAO shall refund the same to the applicant. Where Council decides not to proceed with the application, the deposit shall be returned to the applicant.

Repeal of By-Law

- 5. The Mulgrave Land Use By-Law as adopted by Council on July 20, 1987, and approved by the Minister of Municipal Affairs on November 25, 1987 and all amendments thereto is hereby repealed.

Date of By-Law

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

**APPENDIX "A"**

Appendix "A" is the Zoning Map attached.

**APPENDIX "B"**

In accordance with Policy B-2, Part 4 of the Town of Mulgrave Municipal Planning Strategy, the following single unit dwellings in a commercial zone are deemed to be permitted uses, will be allowed to remain or be replaced if destroyed and can be expanded in the Central Business District C-1 zone, to the extent to which they are in existence on the effective date of the coming into force of this By-Law.

USE	LOCATION	PID #
1. Single unit dwelling	441 Main Street	35028752
2. Single unit dwelling	435 Main Street	35028786
3. Single unit dwelling	425 Main Street	35039114

<b>Date of First Reading:</b>	November 7, 2016
<b>Date of Public Hearing:</b>	December 5, 2016
<b>Date of Second Reading:</b>	December 5, 2016
<b>Date of mailing to Minister a certified copy of By-Law:</b>	January 4, 2017

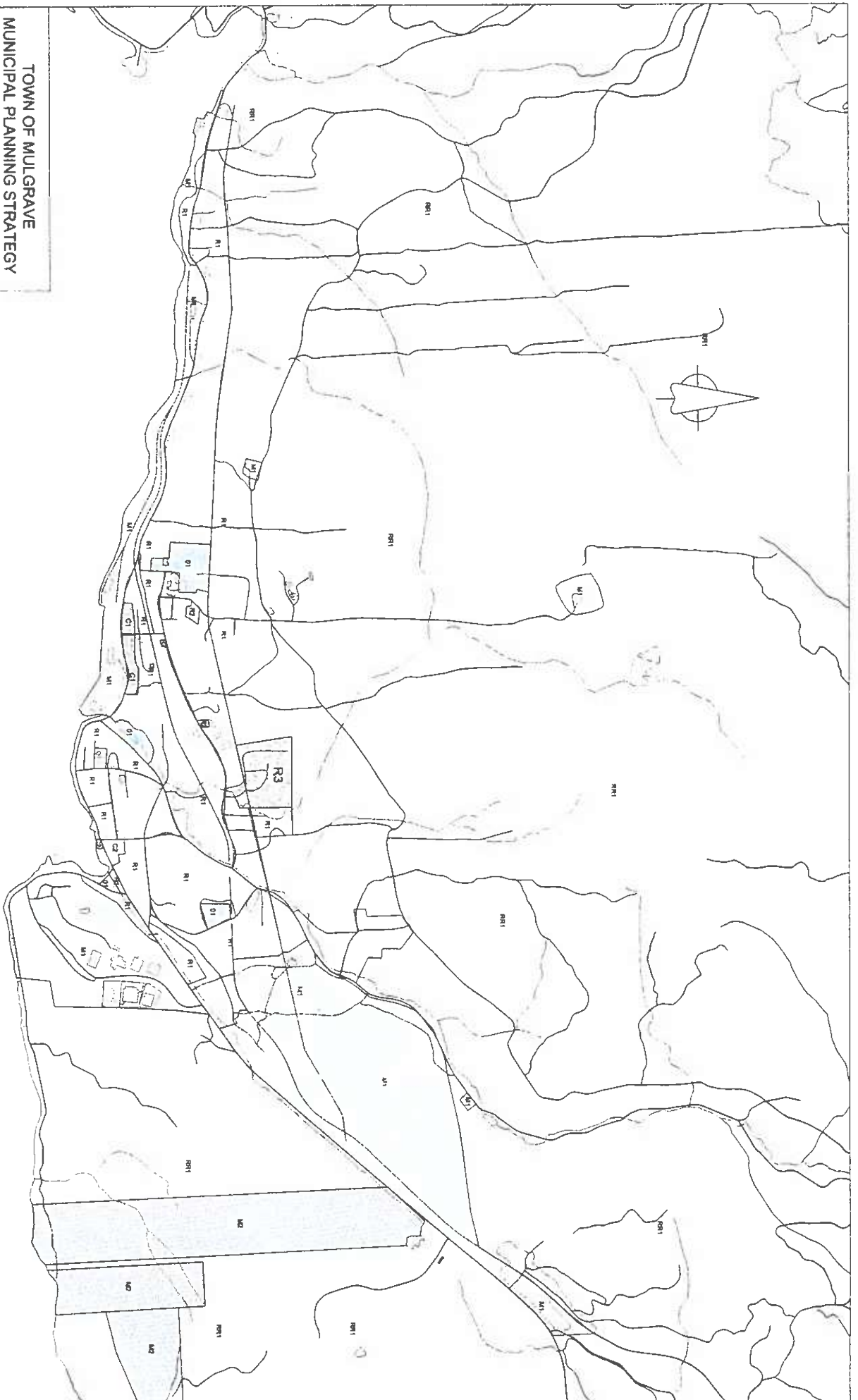
I, Kevin Matheson, Interim Chief Administrative Officer of the Town of Mulgrave do hereby certify that the foregoing is a true copy of the Land-Use Bylaw, passed by the full Council of the Town of Mulgrave at a meeting duly held and convened on the 5th day of December, 2016.

\_\_\_\_\_  
Chief Administrative Officer/ Municipal Clerk

\_\_\_\_\_  
DATED at Mulgrave, in the County  
of Guysborough, Nova Scotia, this  
4<sup>th</sup> day of January, A.D., 2017

**TOWN OF MULGRAVE  
MUNICIPAL PLANNING STRATEGY  
ZONING MAP, SCHEDULE A**

R1	RESIDENTIAL FIRST DENSITY
R2	RESIDENTIAL SECOND DENSITY
R3	RESIDENTIAL MOBILE HOME PARK
M1	INDUSTRIAL GENERAL
M2	HEAVY INDUSTRIAL
M3	INDUSTRIAL HEAVY
C1	COMMERCIAL CENTRAL BUSINESS
C2	COMMERCIAL HIGHWAY



CLERK OF THE TOWN OF MULGRAVE HEREBY CERTIFY THAT THIS MAP  
 LABELED SCHEDULE "A" IS THE MAP REFERRED TO IN THE LAND USE BYLAW PASSED BY THE  
 COUNCIL OF THE TOWN OF MULGRAVE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ AD

CLERK