



Town of Stewiacke

Consolidated Copy of the Land Use By-law

July, 2025

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Part 1 Title

This By-law shall be known and may be cited as “The Land Use By-law for the Town of Stewiacke”.

Part 2 Definitions

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

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use but does not include a building attached by means of any common wall to the main building.

ACCESSORY USE means a use subordinate and naturally, customarily and normally incidental and exclusively devoted to a main use of land or building and located on the same lot.

AGRICULTURAL USE means the use of land and/or structures for the growing and/or production of farm products.

AMUSEMENT ARCADE means a wholly enclosed "place of amusement" as defined by the Theatres and Amusement Act, limited to four (4) or more video amusement devices, pool tables and similar amusement machines, but does not include any activity of gambling or any gambling device.

APARTMENT BUILDING means a building containing three or more dwelling units which have a common entrance from the street level.

ARTISAN WORKSHOP means a building or part of a building used for the production of, or the production and sale of, works of art or crafts made by hand.

AUTOMOBILE SALES, RENTAL AND REPAIR see Motor Vehicle sales, rental and Repair

BOARDING OR ROOMING HOUSE means a single unit residential dwelling in which the primary resident/owner supplies either room or room and board for compensation, on a weekly or monthly basis, and which is not open to the general public.

BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials, or equipment and includes any tent, awning, bin, bunk, or platform, vessel or vehicles used for said purposes.

CHURCH means an institutional building dedicated to religious worship, and

includes a church hall, church auditorium, Sunday school, or Parish Hall.

CLINIC means a commercial 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/her residence.

COMMERCIAL means any use by which retail or wholesale trade is carried on, and those other uses involving sale of goods, materials, and services.

COMMERCIAL MOTOR VEHICLE means a truck tractor; tow truck or wrecker, 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.

CONVERTED DWELLING means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.

DAY CARE 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.

DEVELOPMENT OFFICER means the officer of the Town of Stewiacke from time to time charged by the Town with the duty of administering the provisions of the Land Use By-law.

DWELLING TYPES:

(a) **DWELLING** means a building or 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 a hotel or motel.

(b) **DWELLING UNIT** means one or more habitable rooms designed, occupied or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.

(c) **DWELLING, DUPLEX** means a building that is divided horizontally or vertically into two dwelling units each of which has an independent entrance either directly from outside the building or through a common vestibule.

- (d) **DWELLINGS, GROUP** 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.
- (e) **DWELLING, MINI-HOME** means a dwelling unit built to a CSA standard which meets or exceeds a length to width ratio of 3:1.
- (f) **DWELLING, MULTI-UNIT** means a dwelling containing three or more dwelling units, other than a townhouse.
- (g) **DWELLING, SEMI-DETACHED** means a building that is divided vertically into two dwelling units each of which has an independent entrance.
- (h) **DWELLING, SINGLE DETACHED** means a completely detached dwelling unit, and does not include a mini home unit.
- (i) **DWELLING, TOWNHOUSE** means a dwelling unit that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

ERECT means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include preliminary physical operation such as excavating, or structurally altering any existing building or structure by an addition, deletion, enlargement, or extension.

EXISTING means in reference to a use or structure, that it existed on the effective date of the 1988 Land Use By-law except for references to existing mini homes in which case **EXISTING** shall mean the effective date of this by-law.

FARM ANIMAL means an animal usually associated with a farming operation and includes horse, cow, pig, or sheep.

FLOOR AREA

- (a) in reference to a structure, the total area contained within the outside walls.
- (b) dwelling floor area means the area within the outside walls of the structure at the level of the main floor area or floors.
- (c) dwelling structure gross floor area means the area within the outside walls of the structure on all floor areas including the basement.
- (d) commercial structure floor area means the area within the outside walls of the structure measured at a level of the main floor or floors.
- (e) commercial structure gross floor area means the area within the outside walls of the structure at all floor levels including the basement.

(f) commercial structure net floor area means the area within the inside finished walls on all floor levels, exclusive of utility, storage, and common wall areas.

(g) gross floor area means the aggregate of the floor area of the 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 exterior walls.

GROUP HOME means a single housekeeping unit in a residential dwelling in which three to ten residents live together under supervision, in accordance with Provincial requirements. The home shall be licensed by the Province. "Residents," for the purpose of this definition shall be deemed as to exclude staff or receiving family.

GUEST HOUSE OR BED AND BREAKFAST means a dwelling where the property supplies either room or room and board for monetary gain, and is open to the travelling public.

HEIGHT means the vertical distance on a building between the established grade, and

(a) the highest point of the roof surface, or the parapet, whichever is greater, of a flat roof; or

(b) the deck line of a mansard roof; or

(c) the mean level between eaves and ridge of a gabled, hip, gambrel roof or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical penthouse, chimney, tower, steeple, solar collector, or satellite receiving dish.

HOME BASED BUSINESS means a business activity carried on wholly within a residential structure or accessory structure. Home occupations do not include the sale, rental, or repair of motor vehicles.

HOME FOR SPECIAL CARE means facilities licensed under *The Homes for Special Care Act*.

HOTEL OR MOTEL 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.

INDUSTRIAL USE means one involving manufacturing, processing, fabrication or outdoor storage.

INSTITUTIONAL USE means a church, school, or hospital or any health care facility, whether public or privately operated, including Homes for Special Care, and any public use.

KENNEL means a building or structure used for the enclosure of dogs, which are kept for the purposes of commercial breeding or showing or for commercial boarding.

LANDSCAPING means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, screening, or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

LOT

(a) means an area of land separated from adjacent areas of land by being described in a deed, or shown on an approved plan of subdivision.

(b) corner lot means a lot situated at the intersection of and abutting on two or more streets. The shorter line shall be deemed the front line of the said lot.

(c) through lot means a lot bounded on two opposite 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 By-law.

(d) lot area means the total horizontal area within the lot lines of a lot.

(e) 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 midpoints of the front and rear lot lines.

(f) lot frontage means the horizontal distance between the side lot lines measured along the front lot line. In the case of irregular shaped lots frontage may be measured perpendicularly to a line joining the mid points of the front and rear lot lines, and at a point equal in distance from the front lot line to the required front yard.

(g) lot line means a boundary line of a lot.

(h) 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 where such lot lines are of equal length the front lot line shall be either of the two lines. In the case of a through lot, each boundary dividing

the lot from a street shall be deemed to be a front lot line.

- (i) rear lot line means the lot line furthest from or opposite to the front lot line.
- (j) side lot line means a lot line other than a front or rear lot line.
- (k) flankage lot line means the lot line which abuts a street on a corner lot other than the front lot line.

MAIN BUILDING means the building in which is conducted the principal purpose for which the lot is used.

MEDICAL CLINIC means a building or structure where 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.

MINI HOME PARK means a lot used for the renting of spaces for mini homes.

MOTOR VEHICLE FUELING STATION means an establishment where the principal business carried on is the retail sale of vehicle fuels, and lubricants.

MOTOR VEHICLE SALES, RENTAL, AND REPAIR means an establishment excluding a private home or garage, where new and / or used vehicles are kept for sale, lease or rent, and where replacement and/or repairs to any component of a motor vehicle may be performed including auto body and/or painting uses. Motor vehicles shall include boats and other recreational vehicles. Lubricants, tires, parts and accessories for motor vehicles may also be sold. Salvage and scrap yards, and motor vehicle fuelling stations are separate uses.

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

OBNOXIOUS USE means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other material.

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.

OUTDOOR FURNACE means a furnace which is located external to a structure, and is intended to provide heat to that structure, via combustion and the heating of water, or otherwise.

OUTDOOR STORAGE means items such as merchandise, goods, inventory materials or equipment which items are not intended for immediate sale and which are not stored within a structure.

PARKING AREA means an area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers, or residents with access for motor vehicles to and from a street or highway by means of driveways, aisles, or maneuvering areas where no parking or storage of motor vehicles is permitted.

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.

PROFESSIONAL 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 selling of goods.

PUBLIC BUILDING is a building owned or used by a Federal, Provincial or Municipal Government.

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

RECYCLING COLLECTION and STORAGE FACILITY means a building in which used material is separated and processed prior to shipment but does not include salvage and scrap yards.

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 well being 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.

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

RETAIL STORE means a building or part thereof in which goods, wares, or merchandise is offered or kept for sale directly to the public at retail.

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.

SETBACK means the distance between the street line and the nearest main wall of any building or structures and extending the full width or length of a lot.

SHOPPING CENTRE OR MALL means a commercial use of land and structures designed, developed, and managed as an interrelated group of commercial uses.

SIGN means any structure or device intended to identify or advertise a business or commercial activity.

(a) **SIGN, GROUND** means a sign supported by the ground directly or by structural members.

(b) **SIGN, WALL** means a sign attached to, or painted on the wall of a structure.

STREET OR ROAD means

(a) any street or highway owned or maintained by the Department of Transportation excluding designated controlled access highways pursuant to Section 21 of The Public Highways Act, or

(b) any street owned and maintained by the Town.

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, not including benches and picnic tables or similar portable structures.

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

WATERCOURSE means as defined by the Department of Environment.

WATER INTENSIVE USE means a use that incorporates water as part of a product, service or process and shall include:

- (a) Garden centers;
- (b) Community greenhouses;
- (c) Plant nurseries;
- (d) Golf courses;
- (e) Laundromats;
- (f) Water attractions;
- (g) Food or beverage processing plants; and
- (h) Any other use identified as water intensive by the Municipal engineer.

YARD, REQUIRED means an open, uncovered, area of land on a lot measured inward and horizontally from a lot line.

- (i) **YARD, REQUIRED FLANKING** means the side yard that abuts a street on a corner lot, and it extends from the front to the rear lot line.
- (j) **YARD, REQUIRED FRONT** means a yard that extends across a lot between the side lot lines, abutting the front lot line.
- (k) **YARD, REQUIRED REAR** means a yard that extends across a lot between the side lot lines, abutting the rear lot lines.
- (l) **YARD, REQUIRED SIDE** means a yard that extends from the front to rear lot lines.

ZONE means an area identified on a zoning map.

Part 3 Zoning and Interpretation

3.1 Zones

For the purposes of this By-law the Town is divided into the following zones, the boundaries of which are shown on the attached **Schedule 'A'**. Such zones may be referred to by the appropriate symbols.

ZONES	SYMBOLS
Single Unit Residential	R-1
General Residential	R-2
Multiple Low Rise Residential	R-3A
Multiple Mid Rise Residential	R-3B
Rural Residential	R-4
Mini Home Park	R-5
Mini Home	R-6
Downtown Commercial	C-1
Highway Commercial	C-2
Park	P
Institutional	I
Protected Water Supply	PWS
Conservation	Con

3.2 Zoning Map

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

3.3 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.

3.4 Permitted Uses

- (a) In this By-law 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 By-law the uses permitted in the zone include any similar uses that satisfy such definition except where a definition specifically excludes any similar use.

3.5 Measurement

All official measurements are in metric. Where imperial measurements are provided they are for information purposes only.

Part 4 Administration

4.1 Development Officer

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

4.2 Development Permit Required

- (a) Unless otherwise stated in this By-law, no development shall be undertaken in the Town of Stewiacke unless a development permit has been granted by the Development Officer.
- (b) The Development Officer shall only issue a development permit in conformance with this By-law 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*.
- (c) Any development permit shall expire twelve (12) months from the date issued if the development has not commenced.
- (d) 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 By-law and any proposed amendments.

4.3 No Development Permit Required

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;
- (d) an accessory building less than 4 m² in area; and
- (e) public and private utilities located within a street right-of-way.

4.4 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 By-law.

(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 By-law.

(c) Where the Development Officer is unable to determine whether the proposed development conforms to this By-law and other By-laws and regulations in force which affect the proposed development, the Development Officer may require that the plans submitted under Section 4.4(a) be based upon a current survey by a Nova Scotia Land Surveyor.

4.5 Amendment of By-law and Fees

(a) Any person who wishes to obtain the amendment, revision, or repeal of this By-law shall submit an application in writing to the Development Officer of the Town of Stewiacke.

(b) The application shall state an address for service.

(c) The applicant shall pay a processing fee of \$200.00, payable at the time of application. The fees shall only be refundable if the application is cancelled before the work related to processing of the application has begun.

- (d) The applicant shall deposit with the Development Officer an amount estimated by the Development Officer to be sufficient to pay the cost of advertising required by the *Municipal Government Act*, Part VIII, Section 205. Where Council decides not to proceed with the application, the deposit shall be returned to the applicant.

- (e) After the notice and advertising required under the *Municipal Government Act*, Part VIII, Section 205, has been completed, the applicant shall pay to the Development Officer any additional amount necessary to defray the cost of advertising, or if there is a surplus the Development Officer shall refund the same to the applicant.

Part 5 General Provisions for all Zones

5.1 Accessory Buildings

- (a) A detached accessory building may be permitted in any zone but shall not:
- (i) be used as a dwelling;
 - (ii) be located within the front yard, in any Residential Zone;
 - (iii) be permitted within the flanking yard on a corner lot;
 - (iv) exceed 5 m in height;
 - (v) be built within 2 m of the main structure;
 - (vi) be considered an accessory building if attached to the main building by a common wall greater than 3 m in length;
 - (vii) be built within 1 m of a lot line; and,
 - (viii) exceed 90 m² in total ground floor area.
- (b) Accessory buildings located in the Highway Commercial (C-2) Zone shall have a minimum required yard of 1.2 m and no maximum floor area.

5.2 Accessory Uses Permitted

Where this By-law 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 By-law.

5.3 Compliance with Other By-laws

- (a) Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- (b) Where the provisions in this By-law conflict with those of any other By-law of the Town or regulation of the Province or the Government of Canada, the higher or more stringent provision shall prevail.

5.4 Conformity with Existing Setbacks

- (a) Notwithstanding anything else in this By-law, 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.

5.5 Connection to Central Services

New plumbed buildings shall be connected to the public drinking water system where such service is available. Where service availability is unclear, the Municipal Engineer shall decide based on site conditions and available system capacity.

5.6 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.

5.7 Existing Buildings

- (a) Where a building has been erected on or before the effective date of this By-law on a lot having less than the minimum frontage or area, or having less than the minimum yard setback required by this By-law 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 By-law; and
- (ii) all other applicable provisions of this By-law are complied with.

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

5.8 Existing Lots without Frontage

Notwithstanding subsection 5.10 of this By-law, a lot which does not have frontage, but which has legal access to a public street, may be used for a purpose permitted by the zone provided that all other requirements of the Land Use By-law are met.

5.9 Existing Undersized Lots

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

5.10 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;
- (ii) if higher than 2.1 m, be closer than 1 m to the nearest property line;
- (iii) be electrified or contain barbed or razor wire 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.

5.11 Frontage 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.

5.12 Illumination

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

5.13 Multiple Uses

Where any land or building is used for more than one purpose, the provisions of this By-law shall be interpreted so that the highest or most restrictive 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.

5.14 One Main Building on a Lot

Not more than one single detached dwelling may be erected on a lot.

5.15 Outdoor Furnaces

Notwithstanding any other provision of this By-law, an outdoor furnace or structure containing an outdoor furnace in any zone shall be located in the rear yard, and at least 30 m from the nearest lot line.

5.16 Outdoor Storage Prohibited

Unless otherwise permitted in other sections of this By-law, 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.

5.17 Permitted Encroachments into Yards

Except for accessory buildings, every yard required by this By-law 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 required yards for the distances that are specified in the table below.

Structure	Yard in which Projection is Permitted	Maximum Permitted Projection into a required yard
Balconies, Decks, Porches	any yard	5 m but at least 1 m from lot line
Carports	Side yards only	Minimum 1 m from lot line
Fire escapes, Exterior staircase	Rear and side yards	only 2.5 m but at least 1 m from lot line
Sills, chimneys, and other architectural features	Any yard	60 cm
Window bays, buttresses	Any yard	1 m

5.18 Prohibited Dwellings

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

5.19 Public Utilities

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

5.20 Restoration to a Safe Condition

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

5.20 Setback from a Watercourse

All main buildings shall be setback from a watercourse of 20 m.

5.21 Water Intensive Uses

Where Water Intensive Uses are permitted in a zone, no development permit will be issued for any Water Intensive Use unless the development is not connected to the public drinking water system or the applicant provides an end use water consumption study, conducted by a qualified professional, indicating that the estimated peak water consumption of the development would not exceed 400 gallons per day.

5.21 Retention of Vegetation

Vegetation shall be retained for a distance of 10 m from a watercourse.

5.22 Domestic Wind Turbines

Wind turbines for converting wind power to produce electricity which has a rated capacity of not more than 100kW and which is intended primarily to produce electricity for on-site consumption are permitted provided they are located a minimum of 5 times height from adjacent properties lines. Height shall be measured from ground level to the tip of the rotor at its maximum height.

5.23 Fencing Required – Multiple Unit Residential Adjacent to the Railway Line

For multiple unit residential development a wooden fence with a minimum height of 2.5 metres is required along the rear or side yard that abuts the railway line.
(Amendment made in 2020)

Part 6 Parking and Loading Requirements

6.1 Parking Requirements

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

TYPE OF STRUCTURE	PARKING REQUIRED
a structure not containing more than three (3) dwelling units	one (1) parking space for each dwelling unit
all other multiple dwelling structures	1.5 parking spaces for each dwelling unit
churches, church halls, auditoria, restaurants, theatres, arenas, halls, stadia, private clubs and other places of assembly	one (1) parking space for each 9.3 m ² of floor devoted to public use
hospitals and nursing homes	one (1) parking space for each 50.2 m ² of floor space
hotels, motels, and tourist cabins	one (1) parking space per suite or rental unit PLUS one (1) additional parking space for each 9.3 m ² of floor area devoted to public use exclusive of lobbies and hallways.
industrial uses	one (1) space per 50.2 m ²
offices and all other commercial uses	one (1) parking space per 29.7 m ² of floor space

6.2 Parking Lot Specifications

Where parking facilities for more than four (4) vehicles are required:

(a) the parking area shall be treated so as to prevent the raising of dust and loose particles; and

(b) lights used for illumination of the parking areas shall be so arranged as to divert

the light away from the streets, adjacent lots and buildings;

- (c) the parking area shall be on the same lot as the use it is intended to serve;
- (d) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- (e) the location of driveways shall be no closer than 15.2 m to the limits of the right-of-way at a street intersection;
- (f) the width of a driveway leading to a parking or loading area, or a driveway or aisle in a parking area, shall be a minimum width of 3 m if for one-way traffic, and a minimum width of 6 m if for two-way traffic, and the maximum width of a driveway at the street shall be 8 m. Driveways or aisles must be provided to permit adequate ingress and egress from the parking area. Two driveways leading to or from the same parking area must be at least 30.5 m apart at the street;
- (g) a parking space shall be 3 m by 6.1 m; and
- (h) where commercial, industrial, or institutional uses abut a residential zone, parking and loading spaces shall not be located within the abutting required yard.

6.3 Loading Space Specifications

- (a) In commercial and institutional zones, one (1) off-street space shall be provided for every 1,000 m² of floor space;
- (b) Each space shall be 3 m by 12.2 m with height clearance of 4.6 m;
- (c) Notwithstanding (a) above, the provision of a loading space shall be optional where the main floor area is less than 92.9 m²; and
- (d) Where commercial or industrial uses abut residential zones, parking and loading spaces shall not be located within the abutting required yard.

6.4 Storing Commercial Motor Vehicles

In all residential zones, no person shall park or store more than three commercial vehicles on a lot.

Part 7 Signage

7.1 General

- (a) No person shall erect a sign without first obtaining a permit from the Development Officer;
- (b) No permit to erect a sign shall be issued unless all sign provisions of this By-law are satisfied.
- (c) A permit for a temporary sign may be issued for a period of seven (7) days, and may be renewed for four (4) consecutive periods during each calendar year.
- (d) Where this By-law may be inconsistent with any statute of the Province of Nova Scotia, or regulations made there under respecting advertising signs on or near public highways, the more stringent regulations shall apply.

7.2 Safety and Maintenance

- (a) All signs shall be erected in a safe and secure manner and shall not be located in such a manner that they reduce visibility at intersections.
- (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 Code.
- (c) All signs and all parts thereof shall be kept in a good state of repair and maintenance.

7.3 Limit on Number of Signs

- (a) Only one (1) ground sign for each business premise located on a lot shall be permitted.
- (b) In the case of a multiple tenancy building, occupied by more than one business, each business shall be considered as a separate premise.
- (c) A double face sign shall count as one (1) sign.
- (d) In the case of a business located on a corner lot, two (2) ground signs shall be permitted.
- (e) Not more than one (1) facial wall sign shall be permitted for each side of the building.
- (f) A sign which advertises a business or use must be located on the same lot as the business or use, except for off site signage designated by Town Policy

respecting Public Signage areas.

7.4 Signage in the Downtown Commercial (C-1) Zone

- (a) No hanging sign shall exceed 2 m² in area or extend more than 1 m from a building.
- (b) No ground sign shall exceed 4.5 m² in area, a maximum surface dimension of 3 m and a height of 6 m.
- (c) No ground sign shall extend beyond a property line or project over a public street or road.
- (d) No sign shall be located more than 5 m from a lot line, or project over a public street or road.
- (e) No surface sign on a building shall exceed 1 m in height or protrude more than 0.5 m from a building.
- (f) No surface sign on a building shall extend over the top of the wall on which it is attached, or extend beyond the extremities of the wall on which it is attached.

7.5 Signage in the Highway Commercial (C-2) Zone

No ground sign shall be located closer than 5 m from a lot line or within the required yard adjacent to a residential designation.

7.6 Signage in Residential Areas

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

- (a) The maximum sign area shall be 0.2 m² 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.

7.7 Signage Permitted in all Zones

In addition to the aforementioned signs the following signs are permitted in all zones, and do not require a development permit.

- (i) Signs identifying the name and address of resident with maximum size of 0.2 m².

- (ii) “No Trespassing” signs or other such signs regulating the use of a property, with a maximum size of 0.2 m².
- (iii) Real Estate Signs advertising the sale, rental or lease of the premises. In residential zones the maximum shall be 0.5 m²; in all other zones, the maximum size shall be 1.5 m².
- (iv) Signs denoting or regulating on-premises traffic, or parking, and other signs denoting the direction or function of various parts of the building or premises, provided such signs are a maximum size of 0.5 m²
- (v) Signs erected by a public authority or under the direction of such authority and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools, or public election lists.
- (vi) Memorial signs or tablets and signs denoting the date of erection of a structure.
- (vii) A flag, pennant, insignia or plaque of any public authority, or of any religious, charitable or fraternal organization.
- (viii) A sign having an area of not more than 5.0 m² incidental to construction and located on the construction site.
- (ix) Electoral Signs

7.8 Signs Prohibited in all Zones

Notwithstanding signs which conform to the provisions of section 3.6, the following signs shall not be permitted in any zones in the Town of Stewiacke.

- (a) Any sign or sign structure which constitutes a hazard to public safety.
- (b) Roof signs which are attached to, or painted on, the roof of any structure.
- (c) Signs which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers, or obstruct or detract from the visibility or effectiveness of any traffic sign or control devices on any public streets and roads.
- (d) Any sign which obstructs free ingress or egress from any fire escape, door, window, or other required exit.
- (e) Signs not erected by a public authority which make use of words such as ‘STOP’, ‘LOOK’, ‘ONE WAY’, ‘DANGER’, ‘YIELD’, or similar words, phrases, symbols, lights or characters.

- (f) Any sign which no longer advertises a bona fide business conducted, or a product sold.
- (g) Signs on public property or a public right of way, unless erected by a public authority.
- (h) Signs painted on, attached to, or supported by a tree, stone, cliff, or other natural object.
- (i) Signs not related to any business or use located on the lot or premises unless erected by a public authority.

Part 8 Residential

8.1 General Provisions for All Residential Zones

8.1.1 Home Based Businesses

A development permit shall be issued for a home based business contained in a dwelling or accessory building in all residential zones except the Single Unit Residential (R-1) Zone, 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; and
 - (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; and
- (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 based business, 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.)

8.1.2 Special Requirements for Bed and Breakfasts

In the R-2 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;
- (c) only breakfast is served solely for registered guests; and
- (d) the bed and breakfast operation is the only accessory use on the lot.

8.1.3 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.

8.1.4 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.

8.1.5 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) 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.

8.1.6 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.

8.1.7 Architectural Requirement

Except for the R-5 and R-6 Zones, dwellings shall not exceed a length to width ratio of 3:1.

8.2 Single Unit Residential (R-1) Zone

8.2.1 Permitted Uses

The following uses are permitted in this zone:

- single detached dwellings

8.2.2 Zone Requirements

The following minimum specifications apply to all lots:

	MINIMUM SPECIFICATIONS
Minimum Lot Area	600 m ²
Minimum Lot Frontage	20 m
Required Yards: Front	8 m
Rear	6 m
Flanking	4.5 m
Sides	3 m on one side, and 1.8 m on the other

8.3 General Residential (R-2) Zone

8.3.1 Permitted Uses

The following uses are permitted in this zone:

- single detached dwellings
- semi-detached dwellings
- duplex dwellings
- converted dwellings (to a maximum of 3 units)
- guest houses
- bed & breakfast homes

- boarding homes
- residential day care centre
- existing mini homes as identified in Schedule B
- the keeping of farm animals subject to Section 8.3.5
- home based businesses subject to Section 8.1.1

8.3.2 Zone Requirements

The following minimum specifications apply to all lots:

	MINIMUM SPECIFICATIONS
Minimum Lot Area	460 m ² (4952 sq. ft.)
Minimum Lot Frontage	15 m (49.2 ft.)
Required Front Yard	6 m (19.7 ft.)
Required Rear Yard	6 m (19.7ft.)
Required Flanking Yard	3.5 m (11.4 ft.)
Required Side Yard	1m (3.3 ft.) on one side and 3 m (9.8 ft) on the other
Maximum Height	11 m (36 ft.)

(Zone requirements amended in 2020)

8.3.3 Subdivision of Semi-Detached Dwellings

Notwithstanding the specifications in 8.3.2, a lot containing a semi-detached structure may be subdivided into two lots along the common wall, with a minimum lot frontage of 9 m, and a minimum lot area of 280 square m.

8.3.4 Converted Dwellings - Special Requirements

In addition to all other regulations, the following provisions shall apply to converted dwellings in the R-2 zone:

- (a) no alterations shall change the roof line or increase the height of the existing dwelling except for the addition of dormers or structures necessary for public safety;
- (b) no alteration shall be undertaken which will extend into the front or side yard of the lot; and
- (c) lot coverage of the entire structure shall be limited to 50 percent.

8.3.5 Keeping of Horses, Chickens, and Bees

1. *The keeping of horses and chickens is permitted subject to the following:*

- (a) Horses – Minimum lot area is 1 acre (.4 hectares) for the first animal plus .5 acres (.2 hectares) for each subsequent animal.*
- (b) Chickens – Minimum lot area is 1 acre (.4 hectares) and the maximum number of chickens is five.*
- (c) A combination of horses and chickens may be kept on the same lot to a maximum of one horse and five chickens and the minimum lot area is 2 acres (.8 hectares).*

2. *The keeping of roosters is not permitted.*

3. *The keeping of bees is permitted with no restrictions.*

4. *The animals shall be kept in fenced area designed for the containment of the animals.*

5. *The use, including buildings and manure storage areas, is not permitted in the front yard.*

6. *Any structure for the housing of the animals shall be a minimum of 3 feet (1 metre) from a property line.*

7. *The storage of manure shall be a minimum of 9 feet (2.7 metres) from a property line and shall not exceed 400 square feet (37 square metres) in area.*

8. *The sale of products associated with farm animals is permitted.”*

8.4 Multiple Low Rise Residential (R-3A) Zone

8.4.1 Permitted Uses

The following uses are permitted in this zone:

- townhouses
- apartment buildings (three or more units)
- converted dwellings (three or more units)
- grouped dwellings
- detached dwellings, semi-detached dwellings, duplex dwellings, and home based businesses subject to the requirements of the General Residential (R-2) Zone. (added in 2020)

8.4.2 Lot Specifications

The following minimum specifications apply to all lots:

	Townhouse Development	Apartment Buildings and Grouped Homes
Minimum Lot Area	660 m ² for the first two units, plus 150 m ² for the third and each additional unit	660 m ² for the first two units, plus 100 m ² for the third and each additional unit
Minimum Lot Frontage	22 m for the first two units, plus 6 m for the third and each additional unit	22 m for the first two units, and 30 m for three or more units
Required Yards: Front	8 m	8 m
Rear	8 m	8 m
Side	3 m	3 m or one-half the height of the building, whichever is greater.
Flanking	5 m	5 m
Maximum Height	12 m	12 m

8.4.3 Townhouse Subdivision

Notwithstanding 8.4.2 above, a lot containing a townhouse structure may be subdivided along common walls, and the following reduced specifications apply:

	END LOTS	INTERNAL LOTS
Area	300 m ²	180 m ²
Frontage	11 m	6 m
Required Side Yard	3 m one side, zero the other	zero

8.4.4 Architecture Feature

All main buildings shall have a roof with a minimum pitch of 4:12.

8.4.5 Buffer Required

Where a R3A Zone abuts an R-1 or R-2 Zone, a continuous landscaped buffer of a minimum width of 3 m shall be required. A hedge or fence of a minimum height of 1.5 m shall be provided within the buffer area.

8.5 Multiple Mid Rise Residential (R-3B) Zone

8.5.1 Permitted Uses

The following uses are permitted in this zone:

- townhouses
- apartment buildings (three or more units)
- converted dwellings (four or more units)
- grouped dwellings
- home based businesses subject to Section 8.1.1

8.5.2 Lot Specifications

The following minimum specifications apply to all lots:

	Townhouse Development	Apartment Buildings and Grouped Homes
Minimum Lot Area	660 m ² for the first two units, plus 150 m ² for the third and each additional unit	660 m ² for the first two units, plus 100 m ² for the third and each additional unit
Minimum Lot Frontage	22 m for the first two units, plus 6 m for the third and each additional unit	22 m for the first two units, and 30 m for three or more units
Required Yards: Front	8 m	8 m
Rear	8 m	8 m

Side	3 m	3 m or one-half the height of the building, whichever is greater.
Flanking	5 m	5 m

8.5.3 Townhouse Subdivision

Notwithstanding 8.4.2 above, a lot containing a townhouse structure may be subdivided along common walls, and the following reduced specifications apply:

	END LOTS	INTERNAL LOTS
Area	300 m ²	180 m ²
Frontage	11 m	6 m
Required Side Yard	3 m one side, zero the other	zero

8.5.4 Buffer Required

Where a R3B Zone abuts an R-1 or R-2 Zone, a continuous landscaped buffer of a minimum width of 3 m shall be required. A hedge or fence of a minimum height of 1.5 m shall be provided within the buffer area.

8.6 Rural Residential (R-4)

8.6.1 Permitted Uses

The following uses are permitted in this zone:

- single detached dwellings
- duplex dwellings
- forestry uses
- agricultural use
- golf courses
- kennels
- converted dwellings
- bed & breakfast homes
- commercial storage
- home based businesses subject to Section 8.1.1

8.6.2 Lot Specifications

The following minimum specifications apply to all lots:

	NO CENTRAL WATER OR SEWER AVAILABLE	CENTRAL WATER SUPPLY ONLY AVAILABLE
Minimum Lot Area	3700 m ²	1100 m
Minimum Frontage	30 m	25 m (amended in 2020)
Required Yards Front	8 m	8 m
Rear	8 m	8 m
Side	3 m	3 m

Please Note: A larger lot size may be required by the Department of Environment for the installation of an on-site sewage disposal system.

8.7 Mini Home Park Zone (R-5)

8.7.1 Permitted Uses

The following uses are permitted in this zone:

- mini home parks
- home based businesses subject to Section 8.1.1

8.7.2 Lot Specifications

The following specifications apply to all lots:

Minimum Lot Area	5000 m ²
Minimum Lot Frontage	20 m
Required Yards:	
Front	8 m
Rear	6 m
Flanking	4.5 m
Side	3 m on one side 2 m on the other
Maximum Units	20 per hectare

8.7.3 Buffer Required

Where a R6 Zone abuts an R-2 Zone, a continuous landscaped buffer of a minimum width of 3 m shall be required. A hedge or fence of a minimum height of 1.5 m shall be provided within the buffer area.

8.8 Mini Home (R-6) Zone

8.8.1 Permitted Uses

The following uses are permitted in this zone:

- mini homes
- home based businesses subject to Section 8.1.1

8.8.2 Lot Specifications

The following specifications apply to all lots:

Minimum Lot Area	580 m ²
Minimum Lot Frontage	15 m
Required Yards: Front	8 m
Rear	6 m
Flanking	4.5 m
Side	3 m on one side 2 m on the other

8.8.3 Special Frontage Requirement

No development in the R-5 zone shall front on Main Street West.

Part 9 Commercial

9.1 Downtown Commercial (C-1) Zone

9.1.1 Permitted Uses

The following uses are permitted in this zone:

- all commercial uses
- residential uses ~~not on the ground floor (deleted in 2020)~~
- existing mini homes as listed in Schedule B
- existing self storage facility
- existing Home Hardware business
- existing B.J. Electric business
- existing Alweather business

9.1.2 Uses Not Permitted

Notwithstanding 9.1.1 above, the following commercial uses are not permitted in the C-1 Zone:

- automobile service stations
- automobile sales, renting, and leasing
- hotels and motels
- farm implement sales
- self storage facility

9.1.3 Lot Specifications

The following minimum specifications apply to all commercial lots:

	COMMERCIAL USES
LOT FRONTAGE	12 m
LOT AREA	372 m ²
REQUIRED YARDS: Side	3 m one side and where a commercial use abuts a residential use, zero on the other

9.1.4 Parking and Loading Requirements

(a) There are no parking requirements for commercial businesses located in the Downtown Commercial zone.

(b) Loading space requirements must be followed as established in Section 6.1.

9.1.5 Architectural Requirements – New Main Buildings

- (a) Buildings of over 15 m in width measured parallel to the street shall have the appearance of two or more buildings by altering the appearance of the façade and/or roof in increments no greater than 15 m.
- (b) Pitched roofs shall have a minimum slope of 10 degrees. Mansard roofs shall not project beyond the face of the wall below, except to permit eaves necessary for ventilation.
- (c) Exterior cladding of all new buildings shall consist of brick, stone, wood shingle, wood siding, wood clapboard, or vinyl siding or a combination thereof. Where vinyl or other synthetic siding is used, it shall have a narrow course width resembling traditional wooden clapboards and windows, doors, and corners shall be trimmed in the traditional manner. Contrasting architectural detailing shall be provided to enhance the appearance of the building. Windows, doors, and corners shall be accentuated by trim or other design details (moldings, decorative lintels, pediments, sills, etc.). In the case of a brick or block building, a contrasting color shall be used.
- (d) Windows, except for commercial storefronts at grade, shall be treated as individual openings in the wall surface; continuous bands of horizontal glazing will not be permitted except for storefronts at grade. For square and rectangular window openings, the height of window sashes shall exceed the width.

9.1.6 Architectural Requirements – Additions to Existing Buildings

Additions to existing buildings shall have the same or similar architectural features as the existing building.

9.2 Highway Commercial (C-2) Zone

9.2.1 Permitted Uses

The following uses are permitted in this zone:

- ambulance and emergency services
- animal hospitals or veterinary establishments
- any manufacturing, fabricating, industrial, assembly or warehousing operation conducted and wholly contained within an enclosed building and which is not obnoxious by reason of sound, odor, dust, fumes, or smoke, or other obnoxious emission or refuse matter or water carried waste or by reason of unsightly open storage or the detonation of explosives
- boat and marine supplies
- building supply equipment depots but excluding the bulk storage of sand or gravel
- business and professional offices
- commercial recreational establishments within wholly enclosed buildings and including such uses as health clubs, billiards, dance clubs, licensed

liquor establishments, music schools and theatres and amusement arcades by development agreement

- commercial uses accessory to a main use permitted in a C2 zone which is conducted in the main building
- display shops using yards including swimming pools, decorative foundations, prefabricated cottages
- farm implements sales and service or repairs
- farm market
- fruit, vegetable and flower sales
- funeral home
- garden nursery sales and supplies
- hotels, motels and other tourist establishments
- laundry or cleaning establishment
- licensed liquor establishments such as taverns or lounges
- modular homes – display and sale
- motor vehicles sales, rental, and repair
- paint shop
- parking lots
- printing establishment
- residential dwelling units located above or behind the ground floor use
- restaurants and drive-in restaurants
- multiple retail developments (plazas with attached C1 uses and structures)
- retail fish outlet
- trailer, motorcycle and snowmobile sales and rentals
- movie rental outlet subsidiary to a main permitted use

9.2.2 Lot Specifications

The following minimum specifications apply to all lots in the Highway Commercial (C2) zone:

LOT AREA	1000 m ²
LOT FRONTAGE	20 m
REQUIRED YARDS: Front	8 m
Rear	8 m
Side	3 m

9.2.3 Architectural Requirements – New Buildings

In the areas shown on the map as Highway Commercial Architectural Control Area the following shall apply:

- (a) Buildings of over 15 m in width measured parallel to the street shall have the appearance of two or more buildings by altering the appearance of the façade and/or roof in increments no greater than 15 m.
- (b) Pitched roofs shall have a minimum slope of 10 degrees. Mansard roofs shall not project beyond the face of the wall below, except to permit eaves necessary for ventilation.
- (c) Exterior cladding of all new buildings shall consist of brick, concrete, stone, wood shingle, wood siding, wood clapboard, or vinyl siding or a combination thereof. Where vinyl or other synthetic siding is used, it shall have a narrow course width resembling traditional wooden clapboards and windows, doors, and corners shall be trimmed in the traditional manner. Contrasting architectural detailing shall be provided to enhance the appearance of the building. Windows, doors, and corners shall be accentuated by trim or other design details (moldings, decorative lintels, pediments, sills, etc.). In the case of a brick or block building, a contrasting color shall be used.
- (d) Windows, except for commercial storefronts at grade, shall be treated as individual openings in the wall surface; continuous bands of horizontal glazing will not be permitted except for storefronts at grade. For square and rectangular window openings, the height of window sashes shall exceed the width.

9.2.4 Architectural Requirements – Additions to Existing Buildings

Additions to existing buildings shall have the same or similar architectural features as the existing building.

9.2.5 Special Requirement for Parking

In the area along Main Street shown as Highway Commercial Architectural Control Area on the Zoning Map, the following shall apply:

- a) Parking within the front yard shall not be permitted. Parking shall be permitted in the rear and side yard.
- b) Where parking is provided in the side yard all parking lots shall be screened with a natural vegetative buffer along the front property line adjacent the street.
- c) Where Commercial parking lots are permitted in the zone all parking lots shall be screened with six (6) feet of natural vegetative buffer along the front property line adjacent the street.

Part 10 Park (P) Zone

10.1 Permitted Uses

The following uses are permitted in this zone:

- public parks
- memorial parks
- picnic parks
- walkways and trails
- such municipal buildings or structures as may be required in connection with tourist and recreational industries
- cultural facilities
- recreational facilities
- sports fields and playgrounds

10.2 Lot Specifications

The following minimum specifications apply to all lots:

	MINIMUM SETBACK
FROM ANY LOT LINE FOR ANY BUILDING OR STRUCTURE	9.1 m

Part 11 Institutional (I) Zone

11.1 Permitted Uses

The following uses are permitted in this zone:

- all institutional uses

11.2 Lot Specifications

The following minimum specifications apply to all lots:

AREA	600 m ²
FRONTAGE	20 m
REQUIRED YARDS:	Front 8 m
	Side 3 m or one-half the height of the building, whichever is greater

11.3 Special Requirement – Parking

Parking is not to be provided between the structure and the street, or in required yards. Driveways may be located in required front and side yards.

Part 12 Protected Water Supply (PWS) Zone

12.1 Permitted Uses

The following uses are permitted in this zone:

- single and two (2) unit residential
- forestry uses

12.2 Lot Specifications

The following minimum specifications apply to all lots:

LOT AREA	2 Hectares
LOT FRONTAGE	100 m
REQUIRED YARDS ALL SIDES:	10 m
REQUIRED SETBACKS FROM ALL WATERCOURSES	30 m

Part 13 Conservation (Con) Zone

13.1 Permitted Uses

- recreational uses that do not involve structures other than open air structures
- agricultural uses and structures directly related to agricultural uses

Note to Reader: A waiver from the Province, pursuant to the Agricultural Marshland Protection Act is required in order to construct permanent structures in this zone.

Part 14 Overlays

14.1 Serviced Water Conservation Overlay

In the Serviced Water Conservation Overlay, permitted uses shall include all uses permitted in the underlying zones with the following exceptions:

- a) Based on the lot delineations of Schedule C (Map of Water Conservation Overlays), a development permit shall not be issued if two or more dwelling units have already been approved on a given lot.
- b) A development shall be exempt from 14.1 (a) if a development permit or tentative approval for subdivision have been approved by the Development Officer, or if the Development Officer determines, at their sole discretion, that a complete application for a Development Permit has been received.

14.2 Rural Reserve Overlay

Within the Rural Reserve Overlay, the number of new lots that may be created from an area of land shall be restricted to three lots per calendar year.

Part 15 Repeal

15.1 Repeal of Land Use By-law

The Town of Stewiacke Land Use By-law as adopted by Town Council on March 28, 2002, and all amendments thereto, are hereby repealed.