

PART 1 - TITLE AND DEFINITIONS

This Bylaw shall be known as and may be cited as the "Land Use Bylaw of the Village of New Minas".

DEFINITIONS

For the purposes of this Bylaw, all words shall have the meaning or meanings that are assigned to them by accepted English dictionaries, except for the words that are defined hereafter:

- 1.1 **Abut** means where properties or lots share a common lot line or a common point along a lot line.
- 1.2 **Accessory Building** means a subordinate building or structure on the same lot as the main building.
- 1.3 **Accessory Use** means a use which is subordinate or incidental to the principal use on a lot and/or in a building and includes the construction of dwellings and other auxiliary buildings for the operation of the principal use.
- 1.4 **Aggregate Related Industries** means asphalt processing, concrete batching and concrete component manufacturing and mineral bulk storage.
- 1.5 **Aggregate Resource Extraction Use** means sand, gravel and mineral extraction including pits and quarries.
- 1.6 **Agricultural Infill Site** means a site in the Agricultural (A1) Zone located between two dwellings, or between a dwelling and a road right-of-way, wherein the adjacent existing side lot line of the dwelling lot on both sides, or of a dwelling lot on one side and the boundary of the road right-of-way on the other side, are no greater than a total of 400 feet apart.
- 1.7 **Agricultural Related Industry** means a use involving the processing of crops and livestock, including sorting, grading, packaging, slaughtering (abattoirs), manufacturing and packaging of food, livestock feed, fertilizer and similar uses.
- 1.8 **Airport Service Facilities** means services which are not provided to airport customers directly, but which are support services necessary for the normal operation of the airport and, without limiting the generality of the foregoing, would include air cargo storage, airplane or related equipment repair service, flying club depot, equipment storage, hangars, crop spraying services, equipment or storage.
- 1.9 **Alteration** means any change in the structural component or style of a building or structure, or any increase in the volume of a building or structure.

- 1.10 **Amenity Area** means on site outdoor space reserved for active and passive recreational uses, which has not been left in its natural state but which has been physically developed for its reserved use by clearing of brush, grading and seeding, and walkways where necessary, or other landscaping features. Essential amenities shall include benches, and/or children's play equipment.
- 1.11 **Amusement Arcade** means a commercially operated facility providing more than three amusement machines such as video games and pinball machines.
- 1.12 **Animal Shelter** means a facility which holds or boards seized, surrendered, abandoned, or lost domestic pets (e.g. dogs, cats, birds) but does not include livestock. Such animals are typically held in such a facility until they are reclaimed, adopted or euthanized.
- 1.13 **Aquifer** means a permeable geological deposit (such as sand, gravel or bedrock) that holds and yields a supply of ground water. A well may draw water from a large portion of the aquifer, or only part of it.
- 1.14 **Arts and Cultural Centre** means any use or combination of uses dedicated to preserving, developing, and educating the public in the visual and performing arts, music, culture and learning, including such uses as art galleries, museums, archives, theatres and libraries, and any uses accessory thereto.
- 1.15 **Automotive/Truck Repair** means activities including but not limited to automotive and light truck repair, the retail sale of goods and services for vehicles, and the cleaning and washing of automotive vehicles, the painting of automobile vehicles, automotive body work, brake, muffler and tire shops, glass repair and replacement, and automotive drive-through car washes. Heavier automotive repair such as transmission and engine repair is not included.
- 1.16 **Bakery** means any building or structure or part of a building or structure where bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, are manufactured for sale *and/or consumption* on or off premises.
- 1.17 **Basement (or Cellar)** means that portion of a building which is partially below the established grade level and which has more than one half of its height from floor to ceiling below established grade level.
- 1.18 **Bed and Breakfast Operation** means a dwelling in which overnight accommodation is provided to the public and in which meals may be provided only to overnight guests, and which is the principal residence of the owner of the bed and breakfast operation.
- 1.19 **Beverage Room** means a liquor establishment licensed as a beverage room by the Nova Scotia Alcohol and Gaming Authority in accordance with the *Liquor Control Act*.

- 1.20 **Boathouse** means an accessory structure designed and constructed to shelter boats and other watercraft; and not permitted for human habitation or other uses unrelated to the storage of boats.
- 1.21 **Bona Fide Farm** means a farm in operation for at least 2 years immediately prior to the application for a permit for a non-farm dwelling consisting of a minimum of twenty (20) acres upon which either agricultural production or livestock operations has taken place during such two year period. A minimum of fifteen (15) acres of the twenty (20) acres must be classified for assessment purposes under the *Assessment Act* as resource property, except for livestock operations where it may be less.
- 1.22 **Building**
- 1.22.1 **Building** means a type of structure, whether temporary or permanent, which is roofed and which is used for the shelter or accommodation of persons, animals, material or equipment.
- 1.22.2 **Attached Building** means a building otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.
- 1.22.3 **Main Building** means a building in which is carried on a principal use for which a building lot is used.
- 1.23 **Building Line** means any line regulating the position of a building or structure on a lot with respect to lot lines.
- 1.24 **Bulk Storage** means the storage of salt and similar de-icing agents, any petroleum fuels (*other than for in situ heating of residential and commercial space*) and solvents, chemicals including chlorinated organic compounds, pesticides and herbicides, natural and synthetic fertilizers, sand, gravel, gypsum and other materials, for use on or off-site, but excluding materials in packages or containers intended for retail sale to the public. Bulk storage may be further defined by prescribed limits to the volumes or weights of material, which may be stored in relation to specific land use regulations.
- 1.25 **Business Office** means a room or rooms where business may be transacted, a service performed or consultation given, and includes, but is not limited to, the following: offices of physicians, surgeons, dentists, lawyers, architects, engineers, planners, accountants, real estate agents, banks, financiers, insurance agents, photographers, optometrists, chiropractors, oculists.
- 1.26 **Cabaret** means an entertainment establishment licensed as a Cabaret by the Nova Scotia Alcohol and Gaming Authority in accordance with the *Liquor Control Act*.
- 1.27 **Central Services** means a municipal or village central sewerage or water utility.

- 1.28 **Centerline** means the imaginary line that is equidistant from the two sides of the highway right-of-way. Where the exact location of right-of-way cannot be determined, the centerline shall be midway between the edges of the travelled surface.
- 1.29 **Commercial Buildings**
- 1.29.1 **Commercial Building** means a building from which a single business is carried on.
- 1.29.2 **Group Commercial Building** means any building with a gross leasable area of less than 50,000 square feet from which several businesses are carried on.
- 1.29.3 **Grouped Commercial Facility** means two or more buildings located on the same lot with a total gross leasable area of less than 50,000 square feet from which several businesses are carried on.
- 1.29.4 **Mini Mall** means any building with a minimum of 12 business offices and/or retail stores, which does not meet the definition of a shopping centre located on a single lot.
- 1.30 **Commercial School** means a school which is conducted with a view toward financial gain by the owner or operator and, without limiting the generality of the foregoing, includes a secretarial school, language school or driving school but which does not include a day care centre.
- 1.31 **Commercial Vehicle** means a vehicle, other than an automobile, which is used for an activity which has as its main purpose financial gain, and which vehicle has a specified load capacity of over one ton.
- 1.32 **Community Centre** means a public building or buildings owned and operated by a village commission, service club, recreation association or other form of local registered community association.
- 1.33 **Community Facility** means any community owned building, structure or land used for public purposes typically including local government offices, fire departments, police departments, libraries, museums, arts and cultural centres and community centres.
- 1.34 **Composting Facility** means a solid waste resource-management facility licensed by the Nova Scotia Department of Environment and Labour pursuant to the *Environment Act* for the biological composting of organic materials, substances or objects including vegetative matter, food processing waste, landscaping, garden and horticultural wastes, kitchen scraps, feed processing wastes and other organic wastes which can be readily composted under controlled circumstances to a condition sufficiently stable for nuisance-free storage.

- 1.35 **Construct** means to build, erect, reconstruct, alter, relocate or place any building or structure, and without limiting the generality of the foregoing, shall include any preliminary physical operation prior to construction such as excavating, grading, piling, cribbing, filling or draining.
- 1.36 **Construction and Demolition Debris Disposal Site** means a site licensed by the Nova Scotia Department of Environment and Labour pursuant to the *Environment Act* for the disposal, stockpiling, storage, separation and processing of materials which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material and includes, but is not limited to, soil, asphalt, brick, mortar, drywall, plaster, cellulose, fiberglass fibers, lumber, wood, asphalt shingles and metals.
- 1.37 **Continuum of Care Residential Community** means a group of buildings, services and amenity areas that offers multiple levels of care (independent living, assisted living, skilled nursing care, long term care facilities) housed in different areas in the same location and operates as one integrated facility. It can provide residential services (meals, housekeeping, laundry), social and recreational services, health services, personal care, and nursing care to individuals or couples who require assistance with daily living, or who expect in the short term to require more intensive daily living assistance.
- 1.38 **Convenience Store** means a building or part of a building used for the retail sale of a limited line of groceries and confectionery items, and limited in retail floor area to a maximum of 2,000 square feet.
- 1.39 **Corner Lot Sight Lines** means the triangular portion of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection the distance required by Section 3.1.21 of this Bylaw along each such street line and so formed by joining such points with a straight line.
- 1.40 **Correctional Centre** means a government operated facility to house youths or adults in the custody of or sentenced by a Court of law.
- 1.41 **Council** means the Municipal Council of the Municipality of the County of Kings.
- 1.42 **Coverage** means the combined area of all buildings on the lot at the level of the floor of the lowest storey above grade.
- 1.43 **Day Care**
- 1.43.1 **Day Care Facility** means a building other than a dwelling or part of a building other than a dwelling where four or more people are cared for on a daily basis without overnight accommodation.

A Day Care Facility may also be known as a day nursery, nursery school, kindergarten, play school, or adult day care.

- 1.43.2 **Home Day Care** means a dwelling where four to fourteen people are cared for on a daily basis without overnight accommodation.
- 1.44 **Density** means the number of dwelling units on a lot expressed in dwelling units per acre.
- 1.45 **Developed Open Space** means land which is reserved for recreational or leisure activities and which has not been left in its natural state but which has been physically developed for its reserved use by clearing of brush, addition of fill and sodding where necessary.
- 1.46 **Developer** means any person, incorporated body, partnership or other legal entity that undertakes a development.
- 1.47 **Development** includes any erection, construction, alteration, replacement or relocation of or addition to any structure and any change or alteration in the use made of land or structures.
- 1.48 **Development Agreement** means a development agreement pursuant to Section 225 or 226 of the *Municipal Government Act*.
- 1.49 **Drawdown Cone** (or **cone depression**) refers to the theoretical shape of groundwater in the immediate area of a well when it is pumping water. Its shape will vary –it is circular only where the geology is uniform and the watertable is level.
- 1.50 **Dwelling**
- 1.50.1 **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, but shall not include a hotel, a motel, a motor home, a travel trailer or other recreational vehicle, or seasonal dwelling designed for seasonal and nonpermanent occupancy only.
- 1.50.2 **Apartment Building** means a building containing three or more dwelling units which have common or separate entrances from the street level and the occupants of which have the right to use in common, certain areas of the building.
- 1.50.3 **Boarding House or Rooming House** means a building in which the proprietor of such building supplies either room or both room and board for monetary gain, and which building is not open to the general public.
- 1.50.4 **Bunkhouse** means a building, accessory to a resource use, which is not a complete dwelling unit but which is intended to serve primarily as sleeping quarters for one or more persons.

- 1.50.5 **Commercially Converted Dwelling** means a residential dwelling part or all of which has been converted to a permitted commercial use in a commercial zone.
- 1.50.6 **Converted Dwelling** means a dwelling originally built and designed as a single detached dwelling which has been converted into three or more dwelling units.
- 1.50.7 **Double Duplex** means a building that consists of two duplexes attached to each other, also known as a fourplex.
- 1.50.8 **Double Wide Mobile Home** means a dwelling composed of two or more mobile home units that have been joined together side by side.
- 1.50.9 **Duplex** means a building consisting of two residential units, located one on top of the other, which building is separated by open space from all other buildings and, without limiting the generality of the foregoing, includes any dwelling which was constructed as a single residential unit but in which the basement or upper storey has been converted to form another separate residential unit, and whether or not access to the second storey is gained internally or externally.
- 1.50.10 **Farm Dwelling** means any dwelling directly related to the management of any bona fide farm operation as herein provided.
- 1.50.11 **Farm Museum** means a facility where farming practices, activities, and artifacts that are of historical and cultural significance are displayed to the general public. Such a facility is part of the Nova Scotia Museum Complex, or a museum that is a member in good standing with the Federation of Nova Scotian Heritage or otherwise recognized by a similar organization.
- 1.50.12 **Farm Tenement Building** means a building consisting of one or two residential units that is an accessory building to a farm operation and is designed to accommodate the family or families of one or more farm employees.
- 1.50.13 **Grouped Dwellings** means two or more residential units which are contained within two or more buildings under one owner and located on the same lot.
- 1.50.14 **Mini Home** means a dwelling designed for transport, after fabrication, whether or not on its own wheels or on a flatbed or other trailer, and which arrives on the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor or incidental unpacking and assembly, and which does meet the standards for single family residential

occupancy as described in the National Building Code of Canada as adopted in the Building Bylaw of the Municipality of the County of Kings.

- 1.50.15 **Mobile Home** means a portable dwelling built on a chassis or undercarriage and designed to be transported from its place of fabrication, or sale to a lot, whether or not placed on a permanent foundation, and which does not meet the standards for single family residential occupancy as described in the National Building Code of Canada as adopted by the Building Bylaw of the Municipality.
- 1.50.16 **Multi-Sectional Modular Home** means a dwelling, consisting of two or more sections each of which is designed to be transported to a site, and which dwelling will require assembly on site and may require electrical and plumbing work on site as well, and which dwelling meets the standards for single family residential occupancy as described in the National Building Code of Canada as adopted by the Building Bylaw of the Municipality; and which dwelling has two adjacent walls having a minimum length of 20 feet each.
- 1.50.17 **Multi-Unit Residential Dwelling** means a dwelling containing three or more residential units.
- 1.50.18 **Residential 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 a kitchen, sleeping and sanitary facilities are provided for the exclusive use of such individual or individuals.
- 1.50.19 **Seasonal Dwelling** means a secondary residence not intended for year-round occupancy nor occupied for greater than 182 days or six months per year.
- 1.50.20 **Semi-Detached Dwelling** means a residential unit which is one side of a two unit building, which building is divided vertically by a wall extending ground to roof and which building is separated by open space from other buildings, and which residential unit has an independent entrance.
- 1.50.21 **Single Detached Dwelling** means a structure which is constructed wholly on the site from basic materials or from components transported to the site; which is not intended or designed to be removed from the site, and which is used exclusively for human habitation completely separate from any other residential unit.
- 1.50.22 **Town House (Row House)** means a building that is divided vertically into three or more residential units, each of which has independent entrances, to

a front and rear yard immediately abutting the front and rear walls of each residential unit.

- 1.50.23 **Triplex** means a building that is divided horizontally into three residential units, each of which has an independent entrance either directly or through a common vestibule.
- 1.51 **Established Grade** with reference to a building, means 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 structures, exclusive in both cases of any artificial embankment or entrenchment; and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Municipality or other designated authority.
- 1.52 **Existing** means in existence at the effective date of this Bylaw, or as provided for in specific Sections of this Bylaw.
- 1.53 **Family Care Group Home** means a facility consisting of a residential dwelling which provides shelter, rehabilitation, room and board, and adult supervision in a family environment to individuals who for various reasons, cannot reside in their natural homes and which family is duly recognized, and licensed if necessary, by the Provincial authority having jurisdiction over its activities.
- 1.54 **Farm Market** means a building or part thereof in which farm produce comprises the major portion of goods offered or kept for sale directly to the public at retail value.
- 1.55 **Farm Market Outlet** means a building located on a farm from which farm produce is sold directly to the general public.
- 1.56 **Feedlot** means an enclosed structure used for feeding, breeding, milking or holding of livestock or poultry for production purposes or for future sale.
- 1.57 **Fish Farm** means a use involving the breeding and maintenance of live fish and shellfish for commercial purposes.
- 1.58 **Fishing Uses** means uses supportive of the inshore fishery, including general storage, docks, boat launches and repair facilities.
- 1.59 **Fixed Roof Overnight Accommodation** means a building or buildings providing overnight accommodation to the travelling public, which may or may not contain an eating establishment, and shall include a motel, a hotel, an auto court, an inn, a lodge, cabins, a guesthouse, a tourist home, and a bed and breakfast operation as defined herein.

- 1.60 **Floor Area**
- 1.60.1 **Commercial Floor Area** means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, storage and kitchen areas, and common malls between stores.
- 1.60.2 **Dwelling Floor Area** means the total 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.
- 1.60.3 **Gross Floor Area** means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building, and for the purpose of this clause, the walls forming a court yard shall be deemed to be exterior walls.
- 1.60.4 **Gross Leasable Floor Area** means the aggregate floor area, usually of a commercial establishment, that may be rented or leased.
- 1.61 **Food Store** means a building or portion of a building other than a restaurant used principally for the retail sale of food, including baked goods, meat, produce and non-perishables.
- 1.62 **Forestry Uses** means forest harvesting, reforestation, tree nurseries, maple sugar operations and similar uses related to the forestry industry including portable sawmills, equipment storage facilities and other temporary uses supportive of land clearing activities.
- 1.63 **Forestry Industry Uses** means any business which is directly involved in, and whose principal purpose is, the harvesting, milling, sawing, processing, storage or transport of lumber, sawdust and Christmas trees.
- 1.64 **Fraternal Organization** means a group of people formally organized for a common interest, usually cultural, religious or entertainment with regular meetings, rituals and formal written membership requirements.
- 1.65 **Garden Centre** means a business engaged primarily in the retail sale of gardening products, equipment and accessories, which may include a nursery or greenhouse as a principal or accessory use.
- 1.66 **Gas-Bar** means a facility offering service to automobiles generally limited to the sale of gasoline or diesel fuel.

- 1.67 **General Merchandise Store** means a building or portion of a building used for the retail sale of a general line of merchandise not including food or household furniture.
- 1.68 **Group Care Facility** means a home for special care as defined in the *Homes for Special Care Act* and includes a home for the aged or disabled, a licensed nursing home, a licensed boarding home, a welfare institution designated as such by the Minister of Social Services, and includes a place where special care is provided to the physically or mentally disabled or handicapped, or to persons needing rehabilitation; but does not include a Family Care Group Home.
- 1.69 **Government Facility** means any government owned building, structure or land used for public purposes typically including research facilities, hospitals, rehabilitation centres, or correctional centres for adults and youths.
- 1.70 **Guidelines** means the Guidelines for Determining Bona Fide Farms and Farm Dwellings as adopted by Council on February 4, 1988, a copy of which is available from the Department of Community Development Services, Municipality of the County of Kings.
- 1.71 **Heavy Equipment, Parts, Sales and Service** means a building or a portion of a building used to sell, lease, rent, service or repair heavy equipment or heavy equipment parts, including trucks, construction machinery and related equipment.
- 1.72 **Height** means the vertical distance of a building between the established grade and
- i. the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof; or
 - ii. the decline of a mansard roof; or
 - iii. the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornamentation or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.
- 1.73 **Home Occupations**
- 1.73.1 **Home Based Business** means an accessory use of a residential dwelling and/or accessory structures, for gainful employment involving the manufacture, provision or sale of goods and/or services, and without limiting the generality of the foregoing, shall include antique shops, dressmaking and tailoring, photography, dental office and laboratories, medical clinics, business and professional offices, arts and crafts, ceramics, pottery, upholstery, restaurants, retail convenience goods, office supplies, personal service shops, printing services, service shops, fixed roof overnight accommodation up to a maximum of eight guest rooms or units,

but excluding wholesale activities other than for goods produced or repaired on the property.

- 1.73.2 **Urban Home Occupation** means an accessory use of a residential dwelling for gainful employment. Uses are limited to an office or studio for a business involving the manufacture, provision or sale of goods and/or services conducted primarily off site.
- 1.74 **Home for Special Care** means an extended or intermediate care facility licensed under the *Homes for Special Care Act* or the *Children and Family Services Act* to provide full time care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves; or to provide custodial or supervisory care such as a transition house, or youth assessment centre providing counselling and assessment.
- 1.75 **Indoor Recreation Uses** means indoor recreational and leisure activities such as bowling alleys, fitness clubs and racquet clubs, curling rinks, arenas and gymnasia.
- 1.76 **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 or community centre as defined herein.
- 1.77 **Kenel** means a building where domestic household animals and birds are kept, boarded and/or bred.
- 1.78 **Landscaping** means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, grading, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen or barrier to mitigate any objectionable aspects that may detrimentally affect adjacent land.
- 1.79 **Licensed Zoo** means a facility containing a collection of living exotic animals for public display and licensed as a zoological garden by the Department of Service Nova Scotia and Municipal Relations.
- 1.80 **Loading Space** means an unobstructed area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area:
- i. is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle; and
 - ii. is not upon or partly upon any street, or highway; and
 - iii. has adequate access to permit entrance and exit by commercial motor vehicles, such access to be kept clear of any parking or storage.

1.81 **Long Term Care Facility** means an institution or a distinct part of an institution which is licensed or approved to provide health care under medical supervision for twenty-four or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood or adoption.

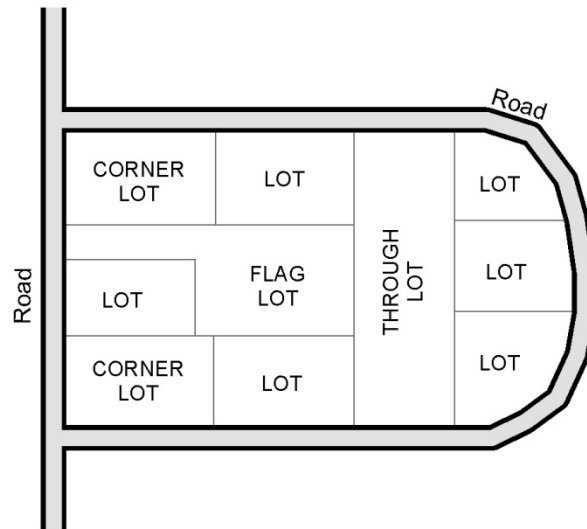
1.82 **Lot**

1.82.1 **Lot** means any parcel of land which is contained as a separate lot description in a deed of land or as shown as an approved lot on an approved plan of subdivision filed in the Registry of Deeds.

1.82.2 **Back-lot** means a lot situated back from and therefore not directly abutting the shore of a lake and separated from the lake by a private or public road or waterfront lot.

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

1.82.4 **Flag Lot** means a lot located on the interior of the block with access provided by a driveway running beside the lot at the front of the block, and is characterized as having a long, narrow strip of land that accesses the rear, developable portion of the lot.

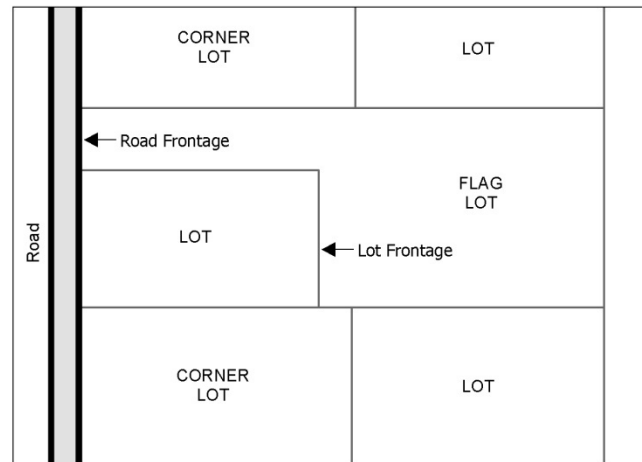


1.82.5 **Through Lot** means a lot bounded on two opposite sides by streets or highway provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this Bylaw.

1.82.6 **Waterfront Lot** means a lot immediately and directly abutting on the shore of a lake.

- 1.83 **Lot Area** means the total horizontal area within the lot lines of a lot.
- 1.84 **Lot Coverage** means the percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and when lot coverage is discussed in a particular zone, the term is deemed to apply to that portion of such lot which is located within said zone.
- 1.85 **Lot Depth** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel the lot depth shall be the length of a line joining the mid points of the front and rear lot lines.
- 1.86 **Lot Frontage** means the horizontal distance between the side lot lines measured at the minimum front building line required in the zone in which the lot is located. (See also 1.23 Building Line).
- 1.87 **Lot Line**
- 1.87.1 **Lot Line** means a boundary or exterior line of a lot.
- 1.87.2 **Flankage Lot Line** means a side lot line that is involved in the special circumstances noted in subsection 1.85.3 i below.
- 1.87.3 **Front Lot Line** means the line dividing the lot from the street; and
- 1.87.3.1 in case of a corner lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed the flankage lot line.
- 1.87.3.2 in the case of a through lot - both of the boundaries dividing the lot from a street shall be deemed to be the front lot line.
- 1.87.3.3 in the case of a lot which has as one of its boundary lines the shoreline of a lake or the bank of a river, the lot line abutting the access road shall be deemed to be the front lot line.
- 1.87.3.4 in the case of flag lot, yard requirements shall apply to the main body of the lot. The lot frontage is the front property line facing the street and does not apply to the boundary line that separate the street from the property.
- 1.87.3.5 in the case of a lot located on a cul-de-sac, the front lot line shall be measured by the distance between the side lot lines

measured at the minimum front building line required in the zone in which the lot is located.



- 1.88 **Lounge** means a liquor establishment licensed as a lounge by the Nova Scotia Alcohol and Gaming Authority in accordance with the *Liquor Control Act*.
- 1.89 **Main Building** means the building in which the principal purpose for which the lot is used is carried on.
- 1.90 **Main Wall** means any exterior wall, or any structural member of a building, which is essential to the support of a full or partially enclosed space or roof.
- 1.91 **Medical Clinic** means a building or portion of a building used for medical, dental, surgical, psychiatric, or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office located in a practitioner’s residence.
- 1.92 **Mini Warehouse** means a building or group of buildings consisting of varying sizes of individual, self-contained stalls or lockers for the storage of business and household and commercial goods. Also referred to as a self-service storage facility.
- 1.93 **Mobile Home Park** means a parcel of land, intended as the location, for residential purposes, of ten or more mobile homes or mini homes and upon which two or more mobile homes or mini homes are located and are occupied for dwelling or sleeping purposes.
- 1.94 **Mobile Home Space** means an area of land in the mobile home park designed to accommodate one mobile home or mini home.
- 1.95 **Motor Home** means a vehicle, having its own motive power, designed to be used as a temporary or seasonal dwelling and designed to be driven on public streets and highways, and which may be placed on a site for a temporary period and may be connected to utilities and sanitary services.

- 1.96 **Municipality** means the Municipality of the County of Kings.
- 1.97 **Net Acre** means the land remaining out of a parcel of land after the required land has been obtained for public purposes such as road rights-of-way and parkland dedications.
- 1.98 **Nonprofit** means buildings or land owned or operated by a nonprofit organization such as a recreational or vacation camp.
- 1.99 **Nonprofit Facility** means a building, structure or land used for public purposes owned and operated by a public or private nonprofit organization, village commission, service club, recreation association or other similar form of community association, typically including camps and recreation facilities.
- 1.100 **Nursery** means a commercial use involving cultivation of plants.
- 1.101 **Office Building** means a building used primarily for conducting the affairs of a business, profession, service, industry or government activity that may include ancillary services for offices workers such as a restaurant, or newspaper stand but shall not include the manufacture of any product or retail sale of goods.
- 1.102 **Outdoor Commercial Display** means a display of goods on a lot for the purpose of encouraging the purchase of the display items, or items similar to the display items, and without limiting the generality of the foregoing, such displays would include displays of cars, trucks, vans, motor homes, mini homes, trailers, boats, all-terrain vehicles, snowmobiles, motorcycles, swimming pools, decorative fountains, prefab cottages or homes.
- 1.103 **Outdoor Storage** means the storage of any items outside a building not primarily for the encouragement of sale of the item or of similar items but principally for storage purposes.
- 1.104 **Owner** means any person, incorporated body, partnership or other legal entity including a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession, or other person having the care or the control of any land or building in the event of the absence or disability of the persons having the title thereof.
- 1.105 **Parking Area (or Parking Lot)** means an open area, other than a public street or highway, containing parking spaces (often designated) for two or more motor vehicles and which area has adequate unencumbered access to permit entrance and exit of motor vehicles to a public street or highway.
- 1.106 **Parking Space** means an area (often designated or marked) of not less than one hundred fifty two square feet, measuring nine feet by eighteen feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate

- unencumbered access to permit entrance and exit of a motor vehicle to and from a public street or highway.
- 1.107 **Personal Service Shop** means a building or part of a building in which personal services are provided to individuals and, without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, automatic laundry shops, and depots for collecting dry cleaning and laundry; but would not include facilities used for the manufacturing or fabrication of goods for sale.
- 1.108 **Pit or Quarry** means a sand pit, gravel pit or quarry as shown on the Nova Scotia Department of Energy map series, Sand and Gravel Occurrences, or for which a permit has been issued by the Nova Scotia Department of Environment and Labour.
- 1.109 **Private Club** means a building or part of a building used as a meeting place of an organization and may include a lodge-type building, fraternity/sorority house and a labour union hall and is not available for public use, control, or participation and does not permit adult entertainment such as but not limited to male/female exotic dancing that involves nudity or partial nudity.
- 1.110 **Processing Industry** means any use involving a mechanical, chemical, thermal or other means of alteration whether through fusion, fission, distillation, fermentation, vulcanization, compression, sorting, mixing or otherwise changing the form and consistency of either organic or inorganic materials, or a combination of both to create, manufacture, fabricate, and/or package (or otherwise containerize) a product for use on site or for distribution or sale off-site, including, but not limited to, agricultural, horticultural, forestry, fisheries, gypsum, mineral/aggregate, and aggregate-based, petrochemical, rubber, or pharmaceutical products or combination of products.
- 1.111 **Professional Trades** includes but is not limited to fabrication, maintenance, repair or restoration involving welding, machining, sheet metal, electrical, electronics, refrigeration, air conditioning, heating, plumbing and carpentry, painting, plastics, acrylic, and fiberglass, glazing shops, residential and commercial cleaning.
- 1.112 **Public Authority** means any board, commission or committee established or exercising any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the Municipality or a portion thereof or of a Town or Village and includes any committee or local authority established by the Municipality.
- 1.113 **Public Service** refers to any service provided by the municipality, village or a provincial department or public utility.
- 1.114 **Public Street (or Public Road or Public Highway)** means street or highway that appears in the official Highway Road List of the Nova Scotia Department of Transportation and Public Works and is actively maintained by the said Department.

- 1.115 **Public Utility** means a building, structure, or facility necessary for providing a municipal or public service, typically including telephone switching centres, electrical substations, sewage treatment plants and water supply facilities.
- 1.116 **Public Water Supply** means a supply system that regularly provides a municipality or village, with piped water for human consumption, throughout all or most of the year.
- 1.117 **Recharge Protection Zone** means the broader water supply protection area (including the well capture zones) that provides water to the wellfield, supplying it with surface water that has infiltrated the saturation zone of an aquifer, and may coincide with the watershed boundary. Time of Travel – 1 to 25 years.
- 1.118 **Recycling Depot** means a building, structure or land used for the deposit, storage, compaction, baling and transportation of recyclable materials limited to paper, cardboard, glass, and metal cans, and limited to a maximum floor area of 10,000 square feet.
- 1.119 **Residential Care Facility** means a residential building or part of a building in which accommodation, together with nursing, supervisory or personal care is provided or is available, for between four to eight persons who live as a single housekeeping unit, and also includes a family crisis centre. Such facility will be licensed under the *Homes for Special Care Act* or the *Children and Family Services Act*.
- 1.120 **Residential Garage** means a structure whether or not attached which is ancillary to a dwelling and which is used for the parking and storage of vehicles owned and operated by the residents of such dwelling.
- 1.121 **Restaurant**
- 1.121.1 **Drive-in** means a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside the building, but may also include off-premises consumption. Such use, normally known as fast food restaurant, is characterized by the customer pick up of food at a counter or drive through car pick up, and does not provide the regular service of delivering or waiting on tables nor licensed sale of alcoholic beverages.
- 1.121.2 **Full Service** means a building or part of a building wherein food as a principal use is prepared and offered for sale to the public primarily for consumption within the building and is characterized by the service of delivering to or waiting on tables or cafeteria style service. However, limited facilities may be permitted to provide for take out food function provided such facility is clearly secondary to the primary restaurant function. A restaurant may also include the licensed sale of alcoholic beverages and a place of assembly as secondary uses.

- 1.121.3 **Take-out** means a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption. However, limited facilities may be provided for consumption within the building provided such facilities are clearly secondary and incidental to the take out function and delivery function. Services of waiting on tables or regular delivery of food to tables are not carried on, nor is the licensed sale of alcoholic beverages.
- 1.121.4 **Tea Garden** means a use where principally tea, coffee and desserts are offered for sale to the public on an open verandah, patio, deck, garden or similar outdoor environment, and customer seating limited to a maximum area of 500 square feet.
- 1.122 **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.
- 1.122.1 **Big Box Stores** means a single retail outlet in excess of 40,000 square feet.
- 1.122.2 **Furniture/Appliance Store** means a building in which furniture and household appliances only are displayed and offered for sale directly to the public at retail value but shall not include a warehouse. Appliance shall include any device or instrument for household work, and without limiting the generality of the foregoing shall include refrigerators, stoves and washers as well as any device for converting fuel into energy including all components required to be part of such a device.
- 1.123 **Retail Warehouse Outlet** means a building or part thereof in which an operator is engaged in the retail distribution of merchandise from a warehouse location wherein the merchandise may also be manufactured and distributed to other retail outlets.
- 1.124 **Roads**
- Categories of roads applicable in New Minas are as follows:
- a. **Arterial Roads** include Commercial Street and the access road to Highway # 101.
 - b. **Collector Roads** include Prospect Road, Cornwallis Avenue, Jones Road, Highbury Road, Cornwallis River Crossing and the developed portions of Milne Avenue, Valley View Drive and Granite Drive.
 - c. **Local Collector Roads** include Lockhart Drive, Highland Avenue, the Southern part of Aalders Avenue and the Aalders Avenue Extension.

- d. **Residential Collector Roads** are those roads that provide movement of traffic from Interior Local Roads to Arterial Roads in New Minas.
- e. **Interior Local Roads** are those public roads that feed traffic to other Interior Local Roads or Collector Roads in New Minas.
- 1.125 **Salvage Yard** means any premises where used bodies or parts of automobiles, or used bodies or parts of other vehicles or machinery are placed or stored or kept; and a salvage yard under this Bylaw is not limited to a salvage yard as defined by the Nova Scotia *Environment Act* and it does not include a scrap operation.
- 1.126 **School**
- 1.126.1 **Commercial School** as defined in 1.30.
- 1.126.2 **Private School** means a place of instruction which is not operated with public funds and which offers courses of study equivalent to those offered in a public school system.
- 1.126.3 **Public School** means a place of instruction operated with public funds and established and maintained under the *Education Act* or the Nova Scotia *Community College Act*.
- 1.127 **Scrap Operation** means a lot or premises used for the storage of or handling of scrap material including, but not limited to, waste paper, rags, bones, bottles, used bicycles, tires or metal but does not include a salvage yard.
- 1.128 **Self-contained Processing Plants** means a processing industry which is completely self-contained with regard to handling of raw and finished processed materials and the storage or emission of any noxious or toxic odours, gases, radiation, fumes, effluents, tailings, waste materials or by products.
- 1.129 **Senior Citizens Housing** means a housing project comprised of several connected apartment units occupied by Senior Citizens and under the control of the Municipal Housing Authority.
- 1.130 **Septic Tank Service** means a business related to the collection and transfer of waste from private septic systems to an approved septic disposal site. It shall not include facilities and equipment related to the actual storage or processing of septic waste.
- 1.131 **Service Shop** means a building or part thereof used for the sale or repair of household articles or for small motor repair; and without limiting the generality of the foregoing, may include radio, television, and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.

- 1.132 **Service Station** 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 repairing essential to the actual operation of motor vehicles other than an automobile sales establishment.
- 1.133 **Service Station Canopy** means a permanent roofed structure open on all sides, except where attached to a service station building, and used to provide shelter for service station fuel pumps.
- 1.134 **Shopping Centre** means a commercial development consisting of more than one business establishment with a total gross leasable area of 40,000 square feet or more that is designed, developed, operated or controlled by a single owner with on site parking to serve jointly all establishments in the centre.
- 1.135 **Shoreline Setback** means on a waterfront lot, the minimum distance back from the ordinary high water mark of a lakeshore that development including buildings, lawns, gardens, parking areas, driveways, etc. is permitted, wherein no significant disturbance of the soil mantle or removal of trees is intended.
- 1.136 **Sign**
- 1.136.1 **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 shall be used to identify, advertise, or attract attention to any object, product, place, activity, enterprise, organization, industry or business, or which shall display or include 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 not include signs that are affixed to the inside of windows and glass doors.
- 1.136.2 **Address Sign** means a sign identifying the civic address or name of residents or occupants of the premises and of not more than four square feet in sign area.
- 1.136.3 **Apartment Building Sign** means a sign identifying an apartment building.
- 1.136.4 **Changeable Copy Sign (Automatic)** means a sign or part thereof on which characters, letters or illustrations can be automatically changed on a lampbank through electron or mechanical means and of not more than ten square feet in sign area.
- 1.136.5 **Changeable Copy Sign (Manual)** means a sign or part thereof, on which characters, letters or illustrations can be manually changed or rearranged without altering the face or surface of the sign.

- 1.136.6 **Commemorative Sign** means a sign denoting the date of erection of a structure as well as signs identifying historic sites on the lot on which it is displayed.
- 1.136.7 **Community Announcement Sign** means a temporary sign announcing a campaign, drive or event of a civic, philanthropic, educational, religious or political nature.
- 1.136.8 **Community Identification Sign** means a ground sign identifying the community in which it is displayed and which may include the insignia of service clubs, religious, charitable or community organizations.
- 1.136.9 **Community Service Sign** means an off-site sign of a non-commercial nature, identifying non-profit community service groups such as service clubs, religious, charitable or fraternal organizations, but shall not include signs identifying private clubs. A sign identifying one group shall not be more than four (4) square feet in sign area and a multi-faced sign identifying four (4) or more groups may be up to a size of 32 sqft of sign area.
- 1.136.10 **Construction Sign** means a temporary sign located on a lot and which identifies the project, owners, architects, engineers, contractors, or financiers or other professional consultants participating in construction on the lot or prospective occupants in the project and may include a graphic rendering of the project.
- 1.136.11 **Corner Directional Sign** means a ground sign located on a corner lot and used to specify the name, address or direction of other uses on side streets.
- 1.136.12 **Directional Sign** means a sign that guides traffic or parking or gives other similar noncommercial directions on the lot on which it is displayed and does not bear any advertising matter or insignia.
- 1.136.13 **Entrance Sign** means a sign that denotes the direction or function of various parts of a building and does not bear any advertising matter or insignia.
- 1.136.14 **Facial Coverage** means the total sign area of all facial signs attached to any one building wall.
- 1.136.15 **Facial Sign** means a sign which is attached directly to or painted upon a building wall, and which does not extend therefrom.
- 1.136.16 **Farm Produce Sign** means a temporary off-site sign that is accessory to a farm market outlet or U-pick operation and of not more than ten square feet in sign area.

- 1.136.17 **Generic Real Estate Directional Sign** means a temporary sign located at an intersection to direct the travelling public to a property for sale, rent, or lease which cannot contain information other than directional and cannot contain information such as company names and logos.
- 1.136.18 **Ground Sign** means a sign supported by one or two uprights or poles placed in or upon the ground and intended for permanent display but shall not include a portable sign which has been permanently or temporarily attached to the ground by its chassis, structure or any poles or uprights therefrom.
- 1.136.19 **Group Sign** means a ground sign on which more than one activity, business, organization, enterprise, industry or service being conducted on that lot is advertised.
- 1.136.20 **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.
- 1.136.21 **Legal Notice Sign** means a sign erected under the direction of the courts, government bodies or legal process.
- 1.136.22 **Number of Signs** means that for the purpose of determining the number of signs, the following principles shall apply:
- i. a single display device containing elements that are organized, related and composed to form a unit but not necessarily physically connected to each other shall be considered to be a single sign;
 - ii. where matter is displayed in a random manner without organized elements or relationship, each element shall be considered to be a single sign;
 - iii. where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign;
 - iv. a multi-faced sign shall be considered to be a single sign;
 - v. a corner directional sign which specifies the name, address or direction of any use located on the lot on which it is displayed shall be considered to be one of the permitted signs for that use.
- 1.136.23 **Obsolete Sign** means a sign that advertises a product or service that is no longer sold.

- 1.136.24 **Point of Purchase Sign** means a sign advertising a retail item and accompanying its display, e.g. advertising on a product dispenser and shall include menu boards for drive-in restaurants which sign shall be located on the same lot as the use.
- 1.136.25 **Portable Sign** means any changeable copy sign designed to be transported from one display location to another, including but not limited to:
- i. signs designed to be transported by trailer or wheels;
 - ii. signs with chassis or support constructed without wheels;
 - iii. signs with wheels removed; and
 - iv. shall include any such signs that have been attached temporarily or permanently to the ground by more than two uprights.
- 1.136.26 **Projecting Sign** means a sign which projects from and is supported by a wall of a building.
- 1.136.27 **Public Utility Sign** means a sign which denotes a plant or equipment for producing or transmitting electrical power; conveying telephone messages; denoting bus service; or for other similar purposes and of not more than six square feet in sign area.
- 1.136.28 **Real Estate Sign** means a temporary sign located on a lot and which advertises the sale, rental or lease of the premises or lot on which it is displayed.
- 1.136.29 **Roof Sign** means any sign erected, painted or applied in any way upon or against a roof.
- 1.136.30 **Sign Area** means the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose the surface area of the sign. Only one side of a multi-faced sign shall be used to determine sign area. The sign area of individual letters or figures which are attached or painted on a surface shall be the smallest triangle, rectangle, circle or semicircle which can wholly enclose all of the letters, numbers or insignia.
- 1.136.31 **Sign Height** means the distance from ground level to the highest part of the sign, including the sign structure.
- 1.136.32 **Subdivision Identification Sign** means a ground sign identifying a residential subdivision and which is located on land presently or formerly included in the subdivision.

- 1.136.33 **Temporary Sign** means a sign that is not permanently installed in the ground or permanently affixed to any structure.
- i. For the purpose of this Bylaw, a temporary sign shall not include a portable sign.
 - ii. **Temporary Portable Sign** means a portable sign which is to be located on a lot for a maximum period of three (3) months from the date of the opening of a business to advertise that business only.
- 1.136.34 **Transit Shelter Sign** means a single or multiple number of flat signs that constitute a portion of a panel within a Transit Shelter and possess a single or combined size of no more than five (5) feet in width and seven (7) feet in length per panel face. Such signs may be illuminated.
- 1.136.35 **Uniform Business Directional Sign** means a standardized sign erected and maintained in accordance with this Bylaw to assist the travelling public in locating businesses, public accommodations, points of scenic, historical, cultural, recreational, educational and religious interests located outside Towns and Growth Centre boundaries as enumerated and described by the Kings County Municipal Planning Strategy.
- 1.136.36 **Vehicle Sign** means a sign attached directly to or painted upon a vehicle or trailer; and
- i. such sign related to the activity, business, organization, enterprise, industry or service being conducted by the owner or lessee of the vehicle or trailer; and
 - ii. such sign does not incorporate in any manner, any flashing or moving illumination which varies in intensity or colour; and
 - iii. the primary use of such vehicle or trailer is for transportation of persons or products or the delivery of services in connection with the use; and
 - iv. such vehicle or trailer is currently licensed and safety inspected for lawful operation on public roads by the Nova Scotia Department of Transportation and Public Works.
- 1.136.37 **Vehicle Sign (Obsolete)** means a sign attached directly to or painted upon a vehicle or trailer; and
- i. such sign is not located on the lot of the activity, business, organization, enterprise, industry or service being conducted by the owner or lessee of the vehicle or trailer; and

- ii. such vehicle or trailer is not currently licensed and safety inspected for lawful operation on public roads by the Nova Scotia Department of Transportation and Public Works.
- 1.136.38 **Warning Sign** means a sign regulating the use of a property by providing information such as safety, danger or no trespassing.
- 1.137 **Sign Area** means the area of the smallest triangle, rectangle or semicircle that can wholly enclose the surface area of the sign. All visible faces of a multi-faced sign shall be counted separately and then totalled 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, or circle or semicircle that can totally circumscribe the sign in the plane of its largest dimension.
- 1.138 **Storefront Recycling Use** means a business enclosed entirely within a structure and engaged in receiving glass, bottles, metal cans, paper, cardboard and plastic for purposes of reuse and recycling, which involves no processing other than for transport to a recycling depot or industrial processing.
- 1.139 **Structure** means anything that is constructed of parts joined together or which is fixed to or supported by the soil or by any other structure and, without limiting the generality of the foregoing, shall include buildings, walls, signs, part of a building, and any fence exceeding six feet in height.
- 1.140 **Swimming Pool** means a tank or body of water maintained or used or which may be used for swimming purposes, whether above or in ground, and which has any depth of water greater than twenty four inches, other than an existing natural body of water or stream and this meaning shall be taken to include a swimming pool belonging to or connected with any type of multiple housing development, motel, hotel, club or similar establishment but it shall not include an irrigation or fire protection pond or a fishing or duck pond.
- 1.141 **Time of Travel** means the time required for a contaminant to move in groundwater from its origin at the ground surface to a well (Acronym T-o-T). Also referred to as 'Delay Time'.
- 1.142 **Tourist Centre** means a building or part of a building used to provide tourists with information about events and attractions in Kings County and Nova Scotia and the operation of which is vested in the Province, the Municipality or a society incorporated under the *Societies Act* or a board of trade or chamber of commerce.
 - 1.142.1 **Tourist Commercial Facilities for Lodging** means the following:
 - i. a tourist inn, lodge or resort facility which primarily provides sleeping accommodation to the vacationing public, in which for the majority of units (a) primary access to the guest rooms is from a

common internal hallway, (b) there is a common area or other internal amenity space for the use of the guests and (c) parking is separated from the guest rooms by a landscaped area, and that this landscaped area between the guest rooms and the parking area include a minimum landscape strip of fifteen (15) feet of grassed area and planting;

- ii. tourist cabins, with or without kitchen facilities.

1.142.2 **Tourist Commercial Facilities for Food Service** means:

- i. a full-service restaurant catering to the general public; or
- ii. a dining room serving food to overnight guests only,

with or without an outdoor eating area.

1.143 **Trailer** means a vehicle without motive power designed to carry property wholly on its own structure and to be drawn by a motor vehicle.

1.144 **Transit Shelter** means a bus shelter of Kings Transit Authority that has dimensions of no greater than thirteen (13) feet in length on the side parallel to the highway, five (5) feet in width, and nine (9) feet in height, installed on a concrete, asphalt, or other solid foundation, and constructed from panels of glass, Plexiglas, vinyl or other similar transparent material of a substantial nature for at least three (3) of its four (4) walls, with a fourth wall that may be comprised of a panel of dimensions of no greater than five (5) feet in width and nine (9) feet in height upon which Transit Shelter Signs may be installed or placed, and a roof.

1.145 **Transportation** means uses involving parking, storage and/or maintenance of trucks, buses, automobiles, aircraft or watercraft, including storage and warehousing associated with trucking, transfer and distribution operations and facilities.

1.146 **Travel Trailer (or Tent Trailer or Tourist Trailer)** means a trailer that is designed to be used for short term or seasonal occupancy and designed to be located or parked on a site for a temporary or seasonal period.

1.147 **Tributary Stream** means any watercourse both natural and artificial that conducts or is capable of conducting water and overland runoff into a body of water.

1.148 **Trophic Status** means the relative biological (algal) productivity of a water body usually assessed by measurement of specific quality parameters including chlorophyll *a* concentration, water clarity and rate of loss of oxygen from profundal waters.

1.149 **Underground Parking Garage** means a structure which is below or partially below the established grade that contains parking spaces for two or more vehicles available for

- public use or as accommodation for clients, customers or residents and which has adequate access to permit ingress or egress of motor vehicles to a street or highway by means of a ramp, driveways, aisles where no parking or storage of motor vehicles is permitted.
- 1.150 **Use**
- 1.150.1 **Use** means the purpose for which any land, building or structure is utilized, and also means the purpose for which any land, building or structure is designed, arranged, or intended or the purpose for which any land, building or structure is occupied or maintained or leased.
- 1.150.2 **Agricultural Use** means the utilizing of land, buildings or structures to raise crops or animals or fowl and includes the harboring or keeping of livestock regardless of its stage of development.
- 1.150.3 **Change in Use** means any alteration in the use made of the whole or any part of a parcel of land, a building or a structure and includes, in the case of a Livestock Operation, a change from one type of livestock to another.
- 1.150.4 **Non-Conforming Use** means a use defined as such according to the *Municipal Government Act* Sections 238 to 242.
- 1.150.5 **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 the emission of gas, radiation, fumes, dust, oil, or objectionable odor, or by reason of unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.
- 1.151 **Veterinary Establishment** means a building or portion of a building used for the medical, surgical or therapeutic treatment of animals, but does not include facilities to dispose of dead animals or a professional office located in a practitioner's residence.
- 1.152 **Visitor Information Centre** means a building or part of a building used to provide tourists with information about events and attractions in Kings County and Nova Scotia and the operation of which is vested in the Province, the Municipality or a society incorporated under the *Societies Act* or a Board of Trade or Chamber of Commerce.
- 1.153 **Warehouse** means a building where wares or goods are stored but shall not include a retail store.
- 1.154 **Water Quality Objective** means the official minimum acceptable trophic state of lake water expressed as a unit concentration of Chlorophyll *a* and representing the mean value over the ice-free season in a given year.

- 1.155 **Water Supply Facilities** means buildings, structures or facilities necessary for providing municipal water services.
- 1.156 **Watercourse** means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water, and the water therein, including ground water, within the jurisdiction of the Province, whether it contains water or not.
- 1.157 **Well Capture Zone** means the land area (within the broader groundwater Recharge Protection Zone) that contributes water to the community well at greatest risk of contamination in terms of time of travel. Time of travel – *2 weeks to 3 months*.
- 1.158 **Well Interference** means the condition whereby the rate of extraction of water from one well has the effect of reducing the yield and/or quality of water from an adjacent well or wells within the same aquifer or hydrogeologic zone.
- 1.159 **Wellfield** means an area of land containing one well or a group of wells that provide drinking water to a public water supply.
- 1.160 **Wellfield Protection Zone** means an expansion of the Well Capture Protection Zone to include areas that have been designated for future water production wells. Time of Travel – *3 months to 1 year*.
- 1.161 **Wellhead Protection Zone** means an area of land containing and immediately surrounding a water production well, to a radius of 250 feet. Time of Travel – *1 day to 2 weeks*.
- 1.162 **Yard**
- 1.162.1 **Yard** means an open, uncovered space on a lot appurtenant to a building and in determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.
- 1.162.2 **Flankage Yard** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building.
- 1.162.3 **Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot; and "minimum" front yard means the required minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any main building.
- 1.162.4 **Rear Yard** means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of any main building or structure on the lot; and "minimum" rear yard means the required minimum depth of

a rear yard on a lot between the rear lot line and the nearest main wall of any main building.

1.162.5 **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 main wall of any building or structure on a lot; and "minimum" side yard means the required minimum width of a side yard on a lot between a side lot line and the nearest main wall of any main building on the lot.

1.163 **Zero Lot Line Development** means a residential subdivision in which building lots may be provided for the erection of detached single unit dwellings having no side yard on one side of the dwelling provided the wall of the dwelling on the side with zero setback contains no windows, doors or other opening.

1.164 **Zone** means a section of land, within the Municipality of the County of Kings, for which the regulations and provisions of this Land Use Bylaw are uniform for each class of use permitted therein.

PART 1	AMENDED DATE	SECTION
	April 26, 2005	1.13 / 1.24 / 1.49 / 1.107 / 1.108 / 1.113 / 1.114 / 1.115 1.138 / 1.142 / 1.152 / 1.153 / 1.154 / 1.155 / 1.156
	May 10, 2005	TITLE AND DEFINITIONS
	September 28, 2005	TITLE AND DEFINITIONS
	February 2, 2007	1.39
	May 31, 2007	1.119.1 / 1.119.2
	April 2, 2009	1.70 / 1.89 / 1.149
	January 14, 2010	1.37 / 1.81 / 1.82.4 / 1.87.3 / 1.162
	August 1, 2013	1.102, 1.152 (File P12-06)

Note: Numbering of Sections within this Bylaw may be different from the Amended Date.