



# **TOWN OF WINDSOR LAND USE BY-LAW**

Approved by Council August 23, 2005

Effective September 21, 2005

Amended to January 10, 2023

**Approved by the Minister of Service Nova Scotia & Municipal Relations**

Amended to January 10, 2023

This CONSOLIDATED EDITION is prepared for convenience only. For complete reference, please consult the original documents. This CONSOLIDATED EDITION has the following history:

- 1) WLUB 05-01 Amendment to the Land Use By-Law Zoning Map - Property of Victory Credit Union, Lot 1, PID # 45336781 on the corner of Wentworth Road and Payzant Drive from Highway Commercial (HC) to General Commercial (GC) - effective April 21, 2005
- 2) WLUB 06-01 Amendment to the Land Use By-Law Zoning Map A - Property of Brison Developments, Portion of PID 45358314 from Single Unit Residential (R-1) to Two Unit Residential (R-2) - effective August 18, 2006
- 3) WLUB 06-02 Amendments to Part 6.1 Developments to be considered by Development Agreement effective - September 7, 2006
- 4) WLUB 07-01 Amendment to the Land Use By-Law Zoning Map - Property of Serge and Trudy Menard, 511 Highway 14 (PID 45166956) from Highway Commercial (HC) to Single Unit Residential (R-1) - effective October 11, 2007
- 5) WLUB 07-02 Amendment to Schedule B Wentworth Road Overlay Map to exclude 49 Centennial Drive (PID 45059714) from the Wentworth Road Overlay District - effective September 21, 2007
- 6) WLUB 07-02 Amendments to Sections 5.12 and 7.10 and the Definitions of Height and Open Space - effective September 21, 2007
- 7) WLUB 09-01 Amendment to the Land Use By-Law Zoning Map - Property of Brison Developments Ltd., front portion of a 13 acre parcel of land (PID 45336773) on Payzant Drive from Two Unit Residential (R-2) to General Commercial (GC) - effective June 30, 2009

- 8) WLUB 09-02 Amendments for Wentworth Road Gateway District and Wentworth Road Commercial (WR-C) zone: (1) Part 28.0 Wentworth Road Overlay District is deleted, and a new Part 28.0 Wentworth Road Commercial (WR-C), and Part 29.0 Wentworth Road Gateway District are substituted therefore. Part 29.0 Architectural Control Districts and Part 30.0 Definitions are re-numbered as 30.0 and 31.0 respectively. (2) Schedule B - Wentworth Road Overlay District map is deleted and the attached Schedule B - Wentworth Road Gateway District map is substituted therefor. (3) Schedule A - Zoning Map is amended by rezoning the following properties or portions thereof as shown on the map: (a) PID 45059631 from General Commercial (GC) to Wentworth Road Commercial (WR-C); (b) a portion of PID 45054707 from GC to WR-C; (c) PID 45369923 from GC to WR-C; (d) PID 45336781 from GC to WR-C; (e) PID 45055241 from Agriculture (AG) to WR-C; and (f) a portion of PID 45190386 from AG to WR-C. - effective September 3, 2009
- 9) WLUB 09-02 Supplementary Amendments for Wentworth Road Gateway District and Wentworth Road Commercial (WR-C) zone: Sections 3.1, 3.2, 6.0, 6.1(i), 6.1(j), and also renumbering that section. Sections 7.10, 7.17 and 7.18. - effective September 3, 2009
- 10) WLUB 10-01 Amendments to the Land Use By-Law - to reduce the side yard requirements of the Single Unit (R-1) and Two Unit (R-2) residential zones as they apply to Brison Developments property, Payzant Drive, (PID 45336773) - effective July 16, 2010
- 11) WLUB 10-02 Amendments to the Land Use By-Law to add self storage operations to the list of permitted uses in the Highway Commercial Zone; to amend the definition of “warehouse” to include the use of “self storage operations”; and to add a stand-alone definition of “self storage operations” – effective February 25, 2011
- 12) WLUB 11-01 Amendments to the Land Use By-Law to rezone 3054 sq. ft. of PID 45390358 owned by the Town from I-Institutional to R2 - Two Unit Residential to allow to be transferred to 704 Wiley Avenue (PID 45051414) to allow for residential addition – effective October 21, 2011

- 13) WLUB 12-01 Amendments to Section 5.24 to add (g) in the Wentworth Road Commercial Zone; Amend Schedule A (Zoning Map) by rezoning PID 45055456 from HC-Highway Commercial to WR-C – Wentworth Road Commercial; and amend Schedule B – Wentworth Road Gateway District by including PID 45055456 in the Wentworth Road Gateway District - effective August 23, 2012
- 14) WLUB 13-01 Amendments to Land Use By-Law Section 19.2 “SC Zone General Requirements” to reduce minimum lot frontage required in the SC – Shopping Centre Zone from 150 feet to 100 feet – effective May 17, 2013
- 15) WLUB 14-01 Amendments to Land Use By-Law Schedule A (Zoning Map) to rezone a portion of PID 45051786 College Road from OS-Open Space to R1-Single Unit Residential – effective October 17, 2014
- 16) WLUB 14-02 Amendments to the Land Use By-Law Section 17 by adding 17A Commercial Transition (CT) immediately at the end of Section 17 and adding 17A.1 Permitted Uses in the Commercial Transition (TC) Zone which includes 1) Uses permitted in the R-1 zone subject to R-1 zone requirements; 2) Uses permitted in the GC zone, subject to a development agreement; and 3) Mixed residential/commercial uses, subject to a development agreement approval in accordance with the requirement of section 8.7 of the MPS. Further, amend Schedule A – Zoning, by rezoning a portion of Wentworth Road from R1 – Single Unit Residential to CT - Commercial Transitional - effective May 14, 2015
- 17) WLUB 15-02 Amendments to the Land Use By-Law Section 14.1 bullet 18 - Residential uses (not on the ground floor) to read “Residential uses (not on the ground floor except for the area bounded by King Street, Stannus Street, Gray Street and Victoria Street where ground floor residential is permitted)” – effective August 8, 2016
- 18) WLUB 15-03 Amendments to the Land Use By-Law to rezone 99 Wentworth Road (PID 45055738) from GC - General Commercial to WR-C - Wentworth Road Commercial and amend Schedule A –Zoning Map – effective March 18, 2016

- 19) WLUB 16-01 Amendments to the Land Use By-Law Section 5.0 – General Provisions for All Zones by adding subsection 5.44 – Urban Agricultural Uses and amend Section 31 by adding the definition of Urban Agricultural Uses and amend “Agricultural Use” and “Livestock Operation, Non-Intensive” to include that those definitions do not include “urban agricultural use” - effective April 17, 2017
- 20) WLUB 17-01 Amendments to the Land Use By-Law Policy 6.1 by adding (e) and (g) to allow for development proposals for additional signs other than those outlined in Section 7.18 in Town Centre and Pesaquid Development District zones; amending Policy 7.9 allowing 40 Water Street to use an existing ground sign footing; and 7.18 (i) (a), (h), and (j) allowing for additional signage and increases in height and sign area at 40 Water Street for businesses where no street frontage exists – effective March 6, 2018
- 21) WLUB 18-01 Amendments to the Land Use By-Law sections 14.1, 17.1, 18.1, 19.1 to include the following uses : Microbrewery, Microdistillery, and Winery; Amend Parts 21.1 and 22.1; add (q) to Part 6.1; replace the definition of accessory use in Part 31.0 Definitions and add definitions for brewery, Distillery, Winery, Microbrewery, Microdistillery and Winery – effective January 29, 2019
- 22) WLUB 19-01 Amendments to the Land Use By-Law Section 15 by adding sections 15A.0 -15A.14 regarding new “Waterfront Development District” requirements; addition of definitions under Section 31.0; additions of (q) and (r) under Section 6.0 Development Agreements and a revised Schedule A (Zoning Map) identifying the “Waterfront Development District” – effective October 1, 2019
- 23) Amendments to Section 31 to the Land Use By-law by deleting the existing definition of (dwelling unit) with a new definition to clarify regulations regarding seasonal dwellings and recreational cabins as defined in the Building Code Act – effective November 19, 2019.
- 24) WLUB 21-01 (1) Amend the Zoning Map to rezone 543 O’Brien Street (PID 45055928) from General Commercial (GC) to Highway Commercial (GC); (2) Amend Section 13.1 to refer to uses rather than zones; and (3) Amend Section 13.2 to refer to a residential use rather than zone - effective February 17, 2021.

- 25) WLUB 19-02 Amendments to the Land Use By-law Section 21 and 22 to permit a variety of cannabis licenses in the Joint Industrial Park zones - effective March 9, 2021.
- 26) WLUB WMPS File # 20-29 Amendments to allow secondary suites within single and two-unit dwellings; effective September 14, 2021
- 27) WLUB File # 21-11 Amendments to redefine farm markets and allow them indoors in the Fairground (FG) Zone; effective November 18, 2021
- 28) WLUB File # 21-09 Amendments to reduce the minimum lot specification requirements in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones for specific lots on Payzant Drive; effective November 18, 2021
- 29) WLUB File # 22-01 Amendments to the Wentworth Road Gateway District to allow Council to consider grouped dwellings by development agreement; effective June 7, 2022
- 30) WLUB File # 22-08 Amendments to the text of the Windsor Land Use By-law to ensure that Small Options Homes are permitted in the same locations and manner as any other dwelling. – effective December 13, 2022
- 31) WLUB File # 22-12 Amendments to the text of the Windsor Land Use By-law to allow detached secondary suites accessory to single and two-unit dwellings – effective January 10, 2023

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## **1.0 TITLE AND PURPOSE**

### **Title**

- 1.1 This by-law shall be known as the Town of Windsor Land Use By-law and shall apply to all lands within the Town boundaries.

### **Purpose**

- 1.2 The purpose of this By-law is:
- a) To carry out the land use development policies found in the Municipal Planning Strategy; and
  - b) To establish a fair and systematic means of development control for the Town of Windsor.

## **2.0 ADMINISTRATION**

### **Administration**

2.1 This By-law shall be administered by the Development Officer appointed by Council.

### **Inspection**

2.2 The Council, by any duly authorized officer or servant, shall have the right to enter at all reasonable times into or upon any property within the Town of Windsor for the purpose of an inspection necessary in connection with the administration of this By-law.

### **Licenses, Permits, and Compliance with Other By-laws**

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

### **Development Permit**

- 2.4 (a) Unless otherwise stated in this By-law, no person shall use any land or erect, construct, alter or use any building or structure in the Town of Windsor without first obtaining a development permit from the Development Officer.
- (b) The Development Officer shall only issue a development permit in conformance with this By-law or a duly executed and approved development agreement.
- (c) A development permit, whether issued before or after the coming into force of this By-law, shall expire within 12 months from the date issued if the development has not commenced.
- (d) The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate.

### **No Development Permit Required**

- 2.5 Notwithstanding Section 2.4 and except where required by the Town of Windsor Architectural Design Manual, 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 footprint of the building or increase its volume and/or floor area, will not add more dwelling units, or will not involve a change in use of the building;
  - (b) certain types of signs as specified in Section 7.5;
  - (c) a temporary use as specified in Sections 5.36 and 15.3; or
  - (d) fences less than 6 ft (1.83 m) in height in non-residential zones.

### **Application for a Development Permit**

- 2.6 (a) Every application for a development permit shall be accompanied by a sketch or plan drawn to an appropriate scale and showing:
- (i) the shape and dimensions of the lot to be used;
  - (ii) the dimensions and height of the building or structure proposed to be erected, and its distance from the lot boundaries;
  - (iii) the distance from the lot boundaries and size of every building or structure already erected on the lot;
  - (iv) the proposed location and dimensions of any parking space, loading space, driveway, and landscaped area;
- (b) In addition to the requirements of subsection (a), every application for a development permit shall show:
- (i) the existing and proposed use of the lot and any building or structure; and
  - (ii) any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this By-law.
- (c) Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Development Officer may require that the plans submitted under subsection (a) be based upon a survey certified and stamped by a Nova Scotia Land Surveyor.

### **Signature of Applicant**

- 2.7 The application for a development permit shall be signed by the registered owner of the lot or by the owner's agent duly authorized in writing to act for the owner.

### **Advertising and Notification Costs**

- 2.8 (a) Where an application is made to amend this By-law or to enter into or amend a development agreement, the applicant shall deposit with the Town Administrator at the time of application an amount established by the Town Administrator to be sufficient to pay the costs of any advertising and notification required.
- (b) If the amount paid under subsection (a) is not sufficient to cover the actual costs incurred, the applicant shall pay the additional amount required within 30 days of remittance of an invoice. If the amount paid exceeds the actual costs incurred, the Town Administrator shall refund the excess amount.

### **Notice to Property Owners**

- 2.9 (a) When an application has been received to amend this By-law for a site specific purpose, enter into a development agreement, or amend a development agreement, all assessed property owners within 300 ft (91.44 m) of the subject property shall be notified of the application by the Town Administrator.
- (b) The notification set out in subsection (a) shall be in addition to the advertisement for public hearing required under the Municipal Government Act and shall be delivered, by regular mail prior to the public hearing, to all assessed property owners as shown on the current assessment roll in use by the Town at the time of the notification.

### **Effective Date**

- 2.10 (a) This By-law shall take effect upon the date of publication of the notice advertising the new By-law.
- (b) The adoption of this By-law repeals any previous Land Use By-law adopted by Windsor Council.

## 3.0 ZONES AND ZONING MAP(S)

### Schedules

3.1 The following schedules form a part of this By-law:

*(Amendment WLUB 09-02 Effective November 22, 2018)*

Schedule 'A'	Zoning Map with Environmental Constraints
Schedule 'B'	Wentworth Road Gateway District
Schedule 'C'	Architectural Control Districts
Schedule 'D'	Architectural Design Manual

### Zones

3.2 For the purpose 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 corresponding symbols shown below.

<b>Zones</b>	<b>Symbol</b>
Single Unit Residential	R-1
Two Unit Residential	R-2
Medium Density Residential	R-3
High Density Residential	R-4
College Road Comprehensive Development District	CR-CDD
Town Centre	TC
Pesaquid Comprehensive Development District	P-CDD
Local Commercial	LC
General Commercial	GC
Highway Commercial	HC
Shopping Centre Commercial	SC
Commercial Transitional	CT
Fairground	FG
Light Industrial	LI-1
Joint Industrial Type Two	LI-2
Joint Industrial Type Three	LI-3
Institutional	I
Open Space	OS
Agriculture	AG
Wentworth Road Commercial	WR-C
Special Overlay Zones	
Environmental Constraints	

**Zones Not on the Map**

- 3.3 The Zoning Map may be amended, in conformance with the Municipal Planning Strategy, to use any zone in this By-law.



## **4.0 INTERPRETATION**

### **Symbols**

- 4.1 The symbols used on the Zoning Map refer to the corresponding zones established in the By-law.

### **Interpretation of Zone Boundaries**

- 4.2 (a) The extent and boundaries of zones are shown on the Zoning Map and the appropriate provisions of this By-law shall apply to all zones.
- (b) Boundaries between zones shall be determined as follows:
- (i) where a zone boundary is indicated as following a street the boundary shall be the centre line of the street unless otherwise indicated;
  - (ii) where the zone boundary is indicated as approximately following lot lines the boundary shall follow the lot lines;
  - (iii) where a railway right-of-way, electric transmission line right-of-way or a watercourse shown on a zoning map serves as a zone boundary, the centre line of the right-of-way or watercourse shall be considered the boundary between the zones unless otherwise indicated; and
  - (iv) where none of the above applies, and where appropriate, the zone boundary shall be scaled from the Zoning Map.

### **Interpretation of Certain Words**

- 4.3 In this By-law, words used in the present tense include the future, words in the singular number include the plural, words in the plural include the single number, the word “used” includes “arranged to be used”, “designed to be used” and “intended to be used”, and the word “shall” is mandatory.

### **Permitted Uses**

- 4.4 (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 any 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.

**All Land to be Zoned**

4.5 All lands within the Town shall be zoned except where specifically indicated as unzoned.

**Schedules**

- 4.6 (a) All schedules and figures attached to this By-law form an official part of the By-law.
- (b) Any appendices that may be attached to this By-law are for information purposes only and are not an official part of the By-law.

## 5.0 GENERAL PROVISIONS FOR ALL ZONES

### Accessory Uses and Buildings

*(As amended by file #22-14 effective January 10, 2023)*

- 5.1 (a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:
- (i) be used as a dwelling unit except where a dwelling is a permitted accessory use;
  - (ii) be built in the front yard of any lot;
  - (iii) be built within 6 ft (1.83 m) of the main building;
  - (iv) be built closer to the front and side lot lines than the setback required in the zone for the main building;
  - (v) be built closer than 4 ft (1.22 m) to any lot line, except:
    - in the Agriculture (AG) zone where accessory buildings shall be a minimum of 10 ft (3.05 m) from any lot line;
    - common garages for semi-detached dwellings which may be centred on a mutual side lot line;
    - boat houses and docks which may be built to the lot line where the lot line corresponds to the water's edge;
  - (vi) when built on a corner lot, be located in the rear or side yard which is adjacent to the street.
- (b) Notwithstanding anything else in this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, ramps, and fences shall be exempt from any requirement under subsection (a).
- (c) No accessory building or structure shall be constructed:
- (i) prior to construction of a main building, unless development and building permits have been issued for the main building; or
  - (ii) prior to the establishment of the main use of the land where no main building is to be built.
- (d) Accessory uses shall be located on a lot held in the same ownership and:
- (i) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and

- (ii) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.
- (e) Detached secondary suites shall follow the requirements for accessory uses and buildings except 5.1 (d); the detached secondary suite shall be located on the same lot as the main dwelling.

### **Automobile Service Station Requirements**

- 5.2 Where automobile service stations are permitted, the following special provisions shall apply:
- (a) minimum lot frontage shall be 150 ft (45.72 m);
  - (b) no portion of any pump island (the raised concrete pad on which the gas pumps are situated) shall be located closer than 20 ft (6.10 m) from the street;
  - (c) the minimum angle of intersection of a driveway to a street line shall be forty-five (45) degrees and the maximum angle of intersection shall be ninety (90) degrees;
  - (d) the minimum distance between driveways shall be 30 ft (9.14 m);
  - (e) the minimum distance from any driveway to a street intersection shall be 100 ft (30.48 m); and
  - (f) the width of the driveway shall not be less than 25 ft (7.62 m).

### **Building to be Erected on Single Lot**

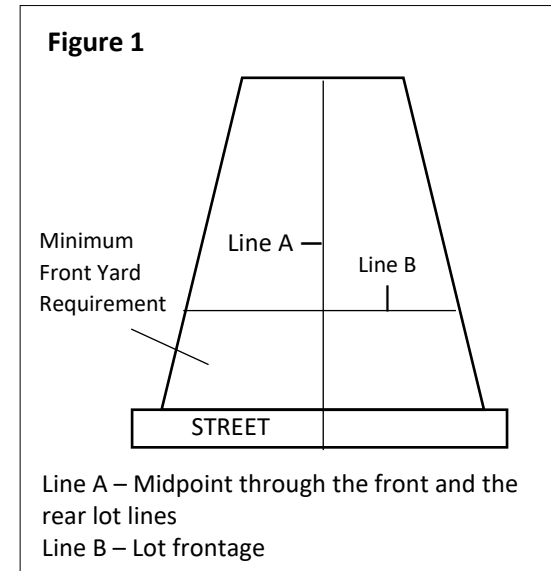
- 5.3 No building shall be erected or used unless it is erected on a single lot.

### **Building to be Moved**

- 5.4 No building shall be moved to a lot within the Town without the owner first obtaining a development permit to locate the building.

### Calculation of Lot Frontage

- 5.5 (a) Lot frontage for a lot with regular shape shall be measured as the distance between the side lot lines where they meet at the front line.
- (b) Lot frontage for a lot with an irregular shape shall be the distance between the side lot lines measured perpendicular to a line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines, at a point equal to the minimum required front yard (see Figure 1).



### Conformity with Existing Front Yards

- 5.6 Notwithstanding anything else in this By-law, in any residential zone, structures between existing buildings within 200 ft (60.96 m) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than 10 ft (3.05 m) from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

### Development by the Town of Windsor

- 5.7 (a) Municipal buildings and facilities shall be permitted in any zone.
- (b) Section 4.3 of the Municipal Planning Strategy shall apply where such development:
- (i) involves the construction of a new main building with a gross floor area greater than 2,000 ft<sup>2</sup> (185.80 m<sup>2</sup>); and
  - (ii) would require a development agreement or rezoning if the development were undertaken by a private landowner rather than the Town of Windsor.

### Driveway Access

- 5.8 (a) Driveway access for a through lot may be provided to either or both streets but in no case shall a driveway continue from one street to the other.
- (b) The minimum distance between a driveway and a street intersection, except for automobile services stations as provided in Section 5.2, shall be:
- (i) 50 ft (15.24 m) where the driveway access is to a local street;
  - (ii) 80 ft (24.38 m) where the driveway access is to a collector street; and

- (iii) 100 ft (30.48 m) where the driveway access is to an arterial street.
- (c) A residential, institutional or agricultural lot shall be limited to two driveways for the first 100 ft (30.48 m) of street frontage plus one driveway for each additional 100 ft (30.48 m) of street frontage.
- (d) A driveway access for:
  - (i) a dwelling with not more than three units shall have a minimum width of 10 ft (3.05 m) and a maximum width of 20 ft (6.10m);
  - (ii) any other use shall have a minimum unobstructed width of 20 ft (6.10 m) where two way traffic is permitted and 10 ft (3.05 m) where only one-way direction of traffic flow is permitted and a maximum of width of 35 ft (10.67 m). The direction of traffic flow shall be clearly indicated by signs, pavement markings, or both.
- (e) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- (f) Where a two-way driveway is divided into two one-way driveways by means of a curb, an area of landscaped open space or any other obstruction, such driveways shall, for the purposes of this section, be considered a single driveway.

### **Drive-Through Businesses**

5.9 (a) Businesses providing drive-through services including, but not limited to, restaurants, banks, automated tellers and automotive uses, shall providing stacking spaces for vehicle queueing in accordance with the following requirements:

<i>Use</i>	<i>Required Stacking Spaces</i>
Restaurants	10 in-bound spaces approaching each service window; one out-bound space after each service window
Banks, automated tellers	5 in-bound spaces approaching each service window
Automatic car washes and other automotive uses	3 in-bound spaces approaching the wash or service bay; one out-bound space after the wash or service bay
Other uses	3 in-bound spaces approaching each service window

(b) A stacking space required under subsection (a) shall be a minimum of 10 ft (3.05m) in width by 20 ft (6.10 m) in length.

### **Encroachments Permitted**

5.10 The following portions of structures may project into a yard required by this By-law to the limit of the specified distance:

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<i>Structure or Feature</i>	<i>Distance</i>
Architectural adornments including, but not limited to, sills, chimneys, cornices, eaves gutters, pilasters and canopies	2 ft (0.61m)
Bay windows, oil tanks and propane tanks	3 ft (0.91 m)
Balconies, verandas, sun decks, uncovered terraces, porches and exterior staircases providing access between finished grade and either the basement or the first storey – front, rear or flanking yards only	5 ft (1.52 m)
Fire escapes – rear and side yards only	5 ft (1.52 m)
Wheelchair ramps	To the lot line

### Existing Buildings

5.11 Where an existing building is on a lot having less than the minimum frontage, area or yards required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:

- (a) the enlargement, reconstruction, repair or renovation does not further reduce the yards that do not conform to this by-law; and
- (b) all other applicable provisions of this By-law are satisfied.

5.12 The use of an existing building may be changed to a use permitted in the zone where the lot area, frontage, or yards, or all of these, is less than the requirements of this By-law, provided that all over provisions of this By-law are satisfied. *(Amendment WLUB 07-02 Effective September 21, 2007)*

### Existing Undersized Lots

5.13 (a) Notwithstanding anything else in this By-law, an existing vacant lot having less than the minimum frontage or area required by this By-law may be used for a purpose permitted in the zone, and a building may be erected on the lot, provided all other application provisions of this By-law are satisfied.

- (b) An existing undersized lot which is increased in area or frontage or both, but remains undersized, is still considered an existing undersized lot for the purposes of this Section.

### Fences in Residential Zones

5.14 Fences shall be permitted in any residential zone provided that:

- (a) opaque fences in a required front yard shall not exceed a height of 3 ft (0.91 m);

- (b) no fence in a rear or side yard shall exceed a height of 8 ft (2.44 m);
- (c) a fence located on a corner lot must conform to Section 5.41; and
- (d) no permanent fence, or part thereof, shall be constructed of sheet metal, corrugated fibreglass or metal panels, chicken wire, snow fencing or rubber tires.

### **Frontage on a Street**

- 5.15 No development permit shall be issued for a new main building unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a street. Lots existing prior to January 7, 1976 (the effective date of Windsor's first Zoning By-law) are exempt from this provision.

### **Height Regulation Exemption**

- 5.16 Any maximum height requirements set out in this By-law shall not apply to a church spire, lightning rod, water tank, monument, flag pole, silo, barn, television or radio antenna, telecommunications tower, ventilator, skylight, drive-in theatre screen, chimney, clock tower, solar collector, power transmission tower or roof top cupola.

### **Home-based Business**

- 5.17 (a) Any dwelling or building accessory thereto may be used for a home-based business provided that:
- (i) the dwelling is occupied as the principal residence of the operator of the home-based business;
  - (ii) the external appearance of the dwelling is not changed by the home-based business;
  - (iii) there are no more than two assistants employed in the home-based business who are not resident of the dwelling;
  - (iv) not more than 25 percent of the total floor area of the dwelling and accessory building is devoted to the home-based business to a maximum of 500 ft<sup>2</sup> (46.45 m<sup>2</sup>);
  - (v) one off-street parking space, other than that required by the dwelling, is provided for every 200 ft<sup>2</sup> (18.58 m<sup>2</sup>) of floor space occupied by the home-based business;
  - (vi) no signage shall be permitted except a non-illuminated business identification sign no larger than 5 ft<sup>2</sup> (0.46 m<sup>2</sup>) in area;



- (vii) no mechanical equipment is used except what is reasonably consistent with the use of a dwelling; and
  - (viii) no open storage or outdoor display shall be permitted.
- (b) A home-based business shall include the following types of uses:
  - (i) offices;
  - (ii) arts and crafts studios with or without a retail sales component;
  - (iii) dressmaking and tailoring shops;
  - (iv) repair shops for garden and household ornaments, personal effects or toys;
  - (v) catering establishments;
  - (vi) hairdressing salons and barbershops;
  - (vii) photographic and picture framing studios;
  - (viii) non-licensed day care centres;
  - (ix) bed and breakfasts;
  - (x) private schools with fewer than 6 students; or
  - (xi) instruction in music, dance or arts and crafts.
- (c) A home-based business shall not include the following types of uses:
  - (i) convenience stores;
  - (ii) grocery stores;
  - (iii) snack bars;
  - (iv) service shops;
  - (v) auto body or automobile repair shops;
  - (vi) veterinary clinics;
  - (vii) restaurants;
  - (viii) transport depots;
  - (ix) salvage yards; or
  - (x) retail sales of any products which cannot fall within the activities in Section 5.17 (b);
- (d) The following special provisions shall apply to bed and breakfasts:
  - (i) bed and breakfasts shall not be subject to the size restrictions specified in Section 5.17 (a) (iv);
  - (ii) in addition to the sign permitted in 5.17 (a) (vi), one ground sign not exceeding 12 ft<sup>2</sup> (1.11 m<sup>2</sup>) in area and 5 ft (1.52 m) in height shall be permitted; and

- (iii) in addition to the normal parking requirements for the dwelling, one parking space shall be provided for each bedroom used for rental purposes.

### **Illumination**

- 5.18 No person shall erect a sign with lights external to the sign itself or illuminate an area outside any building or structure unless the illumination is directed away from adjoining properties and any adjacent street.

### **Landscaping**

- 5.19 Landscaped open space shall be provided in accordance with the zone provisions set out herein and the following general provisions:
- (a) Any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural uses, or permitted outdoor storage areas shall be used as landscaped open space.
  - (b) Except as otherwise specifically provided herein, no part of any required front yard or required flanking yard shall be used for any purpose other than landscaped open space.
  - (c) Where landscaped open space of any kind, including a planting strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways.
  - (d) No part of any driveway, parking area, loading space, roof-top terrace, balcony, swimming pool, or space enclosed within a building shall be considered part of the landscaped open space on a lot.

### **Loading Space Requirements**

- 5.20 (a) For commercial, industrial or institutional uses involving the frequent shipping, loading or unloading of persons, animals, or goods, one loading space shall be provided for every 30,000 ft<sup>2</sup> (2,787.00 m<sup>2</sup>), or fraction thereof, of floor space to a maximum of 6 loading spaces.
- (b) A loading space is not required for any building less than 2,000 ft<sup>2</sup> (185.80 m<sup>2</sup>) in floor area.
- (c) A loading space shall:

- (i) be a minimum of 12 ft (3.66 m) by 40 ft (12.19 m) with a minimum of 14 ft (4.27 m) height clearance;
- (ii) not be located within any required front yard or be located within any yard which abuts a residential zone; and
- (iii) have access to the street by means of a minimum 20 ft (6.10 m) wide driveway.

### **Lots near a Watercourse**

5.21 Notwithstanding anything else in this By-law, an unserviced lot, any part of which is within 75 ft (22.86 m) of a watercourse, shall have a minimum area of 40,000 ft<sup>2</sup> (3,716.00 m<sup>2</sup>).

### **Multiple Uses**

5.22 In any zone, where any land or building is used for more than one purpose, all provisions of the By-law relating to each use shall be satisfied. Where there is a conflict, such as in the case of lot area or frontage, the standards that apply to the most dominant use shall prevail.

### **Non-Conforming Uses**

- 5.23 (a) Any use of land, or building or structure constructed, or being constructed, on or before the effective date of this By-law that does not conform to the requirements of this By-law shall be subject to the provisions of the Municipal Government Act respecting nonconforming uses and structures.
- (b) Notwithstanding subsection (a), a minor extension or enlargement, not exceeding 100 ft<sup>2</sup> (9.29 m<sup>2</sup>) in area, of a structure containing a non-conforming use shall be permitted to allow for an addition of an accessory nature such as an entryway, porch or small storage space.
- (c) Notwithstanding subsection (a), a non-conforming use of land or a structure shall not be recommenced if it has been discontinued for a continuous period of 12 months, and in such an event the land or structure shall not thereafter be used except in conformity with the requirements of this By-law.
- (d) Notwithstanding subsection (a), a nonconforming industrial use shall be permitted to change to a less obnoxious or less intensive industrial use in terms of traffic generated, hours of operation, outdoor storage, noise and fumes.

### One Main Building on a Lot

5.24 No person shall erect more than one main building on a lot except:

- (a) in the Light Industrial (LI-1) zone;
- (b) in the Joint Industrial Type Two (LI-2) zone;
- (c) in the Shopping Centre (SC) zone;
- (d) in the Fairground (FG) zone;
- (e) agricultural uses in the Agriculture (AG) zone;
- (f) grouped dwellings in the High Density Residential (R-4) zone.
- (g) in the Wentworth Road Commercial Zone (*amendment effective August 23, 2012*)

### Parking Requirements

5.25 (a) For every building or structure to be erected or enlarged, off-street parking shall be provide within the same lot as the use, in accordance with the following chart:

<b>Type of Building</b>	<b>Parking Spaces Required</b>
a dwelling containing fewer than 3 dwelling units	1 parking space for each dwelling unit
all other dwellings	1.5 parking spaces for each dwelling unit
boarding and rooming houses	1 parking space for the dwelling unit plus 1 parking space for every room available for rent
churches, halls, auditoria, restaurants, theatres, arenas, stadiums, private clubs and other places of assembly	where there are fixed seats, 1 parking space for every 5 seats, or 10 ft (3.05 m) of bench space; where there are no fixed seats, 1 parking space for every 100 ft <sup>2</sup> (9.29 m <sup>2</sup> ) of floor area
hospitals and nursing homes	1 parking space for every 2 beds or 400 ft <sup>2</sup> (37.16 m <sup>2</sup> ) of floor area, whichever is greater
senior citizen housing	1 parking space for every 2 dwelling units
hotels, motels, country inns and other tourist accommodations	1 parking space for every suite or rental unit plus 1 parking space for every 50 ft <sup>2</sup> (4.64 m <sup>2</sup> ) of floor space devoted to public use exclusive of lobbies or halls
offices and financial institutions	1 parking space for every 300 ft <sup>2</sup> (27.87 m <sup>2</sup> ) of floor area
regional shopping centres	5 parking spaces for every 1,000 ft <sup>2</sup> (92.90 m <sup>2</sup> ) of commercial floor area
funeral homes	1 parking space for every 5 seat capacity of the chapel with a minimum of 10 parking spaces
bowling alleys and curling rinks	4 parking spaces for each bowling lane or curling sheet plus 1 parking space for every 100 ft <sup>2</sup> (9.29 m <sup>2</sup> ) of other public floor space

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drive-through or take-out restaurants	4 parking spaces up to first 200 ft <sup>2</sup> (18.58 m <sup>2</sup> ) of useable floor area plus 1 parking space for each additional 200 ft <sup>2</sup> (18.58 m <sup>2</sup> ) of useable floor area
all other commercial uses	1 parking space for every 300 ft <sup>2</sup> (27.87 m <sup>2</sup> ) of commercial floor area
elementary schools	1.5 parking spaces for each classroom
secondary schools	4 parking spaces for each classroom
wholesale industries and manufacturing	1 parking space for every 1,000 ft <sup>2</sup> (92.90 m <sup>2</sup> ) of warehouse space and 1 parking space for every 700 ft <sup>2</sup> (65.03 m <sup>2</sup> ) of manufacturing space

(b) A parking space shall measure 10 ft by 20 ft (3.05 m by 6.10 m) exclusive of driveways and manoeuvring aisles.

5.26 Notwithstanding the above parking requirements Council may, within the Town Centre (TC) Zone, accept cash in lieu of the owner providing on-site parking. The cash-in-lieu contribution shall be calculated according to the following formula:

$$X (N \times S) + Y (N \times S)$$

Where

X = current assessed value per square foot of land within the TC Zone  
Y = cost per square foot of grading and surfacing parking area

N = number of parking spaces required by this By-law

S = area of one parking space measuring 10 ft x 20 ft (3.05 m by 6.10 m).

5.27 Where a part of a parking space is required in accordance with this By-law, such part shall be considered one parking space for the purpose of calculating the total parking requirements

5.28 Where a building or lot accommodates more than one type of use as set out in this By-law, the total parking space requirement for such building or lot shall be the sum of the requirements for the separate uses thereof.

5.29 Parking spaces required in accordance with this By-law shall not include any parking spaces used or intended to be used primarily for the storage or parking of vehicles for hire or gain, display or sale.

### **Parking for People with Disabilities**

- 5.30 (a) In addition to the parking requirements found in Section 5.25, where off-street parking is to be provided on the same lot as the building, one space dedicated to people with disabilities shall be provided for every 100 spaces provided, or part thereof.
- (b) Such parking spaces shall be 12 ft by 20 ft (3.66 m by 6.10 m) and be no more than 160 ft (48.77 m) away from the entrance designed for use by people with disabilities.

### **Parks and Playgrounds**

- 5.31 Parks and playgrounds shall be permitted in any zone provided:
- (a) any maintenance or storage building accessory to the park or playground does not exceed 200 ft<sup>2</sup> (18.58 m<sup>2</sup>) in floor area; and
- (b) any signage conforms to Section 7.0.

### **Reduced Lot Requirements**

- 5.32 Notwithstanding anything else in this By-law, a lot having less than the minimum frontage or area which has been approved in accordance with the Subdivision By-law may be used for a purpose permitted in the zone in which it is located and a building may be erected provided all other applicable provisions of this By-law are satisfied.

### **Restoration to a Safe Condition**

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

### **Setback or Flanking Yard**

- 5.34 (a) Notwithstanding anything else in this By-law, on a corner lot in any residential zone, the minimum yard requirement for the flanking yard shall be 25 ft (7.62 m).
- (b) No accessory building or structure shall be permitted within the required flanking yard.

### **Side Yard Waiver**

- 5.35 Notwithstanding anything else in this By-law, where buildings on adjacent lots share a common wall, the applicable side yard requirement will be zero along the common lot line.

### **Temporary Uses, Buildings and Structures Permitted**

- 5.36 (a) Nothing in this By-law shall prevent the temporary use of land, buildings or structures incidental to a construction project provided that a development permit has been issued for the construction project and the temporary use is discontinued and removed within 30 days of the completion of the construction project.
- (b) A building or structure may be erected, or an area of land used, for a special occasion or holiday provided that no such building or structure shall remain in place for more than 14 consecutive days after the close of the event.
- (c) No development permit shall be required for a temporary use, except as specified in Section 15.2 (temporary retail sales and food service kiosks in the Pesaquid Comprehensive Development District).

### **Through Lots**

- 5.37 Notwithstanding anything else in this By-law, on a through lot, a building may be erected facing either street.

### **Truck, Bus and Coach Bodies**

- 5.38 No truck, bus, coach or structure of any kind other than a dwelling unit erected and used in accordance with this and all other By laws of the Town shall be used for human habitation in excess of 30 days within the Town of Windsor, whether or not same is mounted on wheels.

### **Utilities**

- 5.39 Notwithstanding anything else in this By-law, public and private utilities less than 100 ft<sup>2</sup> (9.29 m<sup>2</sup>) in floor area shall be permitted in any zone and no yard requirements shall apply.

### **Variance**

- 5.40 (a) Notwithstanding the general requirements set out for each zone in this By-law, the Development Officer may grant a variance from one or more of the following subject to the requirements of the Municipal Government Act:
- (i) minimum lot area and frontage;
  - (ii) minimum yard dimensions;
  - (iii) percentage of land that may be built upon;
  - (iv) number of parking and loading spaces required;
  - (v) height of a structure;

- (vi) floor area occupied by a home-based business; and
  - (vii) height and area of a sign.
- (b) The Development Officer may also grant a variance in a Development Agreement for the items specified in 5.40(a) where the development agreement clearly provides for the granting of a variance.
- (c) Where a variance is granted or refused, the appeal and the notice provisions of the Municipal Government Act shall be complied with and the applicant shall pay to the Town Administrator the cost of notifying affected land owners.

#### **Visibility at Street Intersections**

- 5.41 On a corner lot, within a triangular area 20 ft (6.10 m) back from the intersecting corner lot lines, no building, structure or vegetation of any kind shall be erected or permitted to grow to a height greater than 2 ft (0.61 m) above the grade of the abutting streets.

#### **Watercourse Separation Distance**

- 5.42 With the exception of marine uses, water and sewage treatment uses, and accessory buildings permitted in Section 5.1, no structure shall be located closer than 50 ft (15.24 m) from a watercourse.

#### **Yard Requirements and Natural Hazards**

- 5.43 Where a front, rear, or side yard is required by this By-law and part of the lot is:
- (a) usually covered by water or marsh;
  - (b) beyond the rim of a river bank or watercourse; or
  - (c) between the top and toe of a cliff or embankment having a slope of 15 percent or more from the horizontal;
- the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the area covered by water or marsh, or to the rim of the riverbank or watercourse, or to the top of the cliff if such edge, rim or top of cliff is closer than the lot line.

#### **Urban Agriculture Uses**

*(Amendment WLUB 16-01 Effective April 17, 2017)*

- 5.44 (a) In all Residential zones and the Town Centre zone, up to four (4) chicken laying hens shall be permitted on a property where the primary use is a single detached or 2-unit dwelling. For lots smaller than 465 m<sup>2</sup> (5000 ft<sup>2</sup>), 1 chicken laying hen shall be permitted



per 92 m<sup>2</sup> (1000 ft<sup>2</sup>) of lot area. The following regulations are applicable to the keeping of chickens:

- (i) Chicken laying hens must be contained on the property and kept in a secure coop, constructed to ensure adequate shelter is provided for the animals;
  - (ii) Setbacks for any structure (laying hen coop or run) shall be pursuant to the accessory building requirements outlined in Section 5.1;
  - (iii) Feed for the laying hens shall be properly stored in an enclosed vessel(s), and areas or enclosures intended for the keeping of the laying hens must be properly cleaned and maintained to prevent odours from emanating onto abutting properties;
  - (iv) The keeping of roosters and/or the slaughtering of animals is prohibited;
  - (v) In the case of fractional numbers when calculating animal units, the number of animal units permitted will be rounded down to the nearest whole number.
- (b) Beekeeping is permitted on properties zoned Residential or Town Centre where the property is at least 465m<sup>2</sup> (5000 ft<sup>2</sup>) in lot area and the primary use of the property is a single detached or 2-unit dwelling. 1 beehive/2000 ft<sup>2</sup> of lot area may be permitted. It shall be the responsibility of beekeepers to:
- (i) Obtain a valid Beekeeper & Apiary Registration from the Nova Scotia Department of Agriculture, and conform to all policies pursuant to the Nova Scotia Bee Industry Act;
  - (ii) Adhere to good management practices and maintain bees in a condition that will reasonably prevent swarming and aggressive behaviour, especially in providing adequate water to prevent bees from seeking water on abutting properties;
  - (iii) Requeen bees when necessary to prevent undue swarming or aggressive behavior;
  - (iv) Collect and relocate bee swarms originating from a managed hive to a parcel of land outside of the Town;
  - (v) Ensure the appropriate height of bee flight paths by situating beehives a minimum of 2.15m (7 ft.) above grade; or placing a solid fence that is 2m (6 ft.) in height along any section of abutting property line (s), within 9m (29.5 ft.) of any bee hive;
  - (vi) Beehive entrances are situated away from neighbouring properties, and the beehives are a minimum of 3m (10 ft.) from any and all property lines.

**Secondary Suites**

*(Amendment WLUB File # 20-29 effective September 14, 2021) (As amended by File #22-14 effective January 10, 2023)*

- 5.45 Secondary Suites are permitted within or accessory to single and two-unit dwellings in all zones.
- 5.46 In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:
- (a) no more than one (1) secondary suite shall be permitted on any lot;
  - (b) A secondary suite shall be contained within, attached to or accessory to the main dwelling unit;
  - (c) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
  - (d) no new entrances shall be created on the front façade of the dwelling unit;
  - (e) one (1) parking space shall be required for each secondary suite; and
  - (f) additions shall be limited to the rear yard of the dwelling unit.

## 6.0 DEVELOPMENT AGREEMENTS

### Developments to be considered by Development Agreement

- 6.1 The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:
- (a) parking on a separate lot in accordance with Policy 4.11.3 of the Municipal Planning Strategy;
  - (b) multiple unit residential development consisting of three or more units in a Residential designation in accordance with Policy 5.4.6 of the Municipal Planning Strategy;
  - (c) dwellings in excess of three storeys in a residential zone in accordance with Policy 5.5.1 of the Municipal Planning Strategy;
  - (d) residential, institutional or recreational development in the College Road CDD in accordance with Section 5.7 of the Municipal Planning Strategy;
  - (e) development proposals in the Town Centre zone in accordance with Section 7.2 of the Municipal Planning Strategy for: signs in addition to those outlined in Section 7.18 of the Land Use By-law (*Amendment WLUB 17-01 Effective March 6, 2018*); new main buildings; additions in excess of 1,000 ft<sup>2</sup> (92.90 m<sup>2</sup>) floor area to the front facade of an existing building; or parcels exceeding one acre (0.4 ha);
  - (f) new residential buildings with three or more units or an increase in the number of dwelling units in an existing residential building in the Town Centre zone in accordance with Section 7.4 of the Municipal Planning Strategy;
  - (g) development proposals in the Pesaquid CDD in accordance with Section 7.5 of the Municipal Planning Strategy for: signs in addition to those outlined in Section 7.18 of the Land Use By-law (*Amendment WLUB 17-01 Effective March 6, 2018*); new main buildings; additions in excess of 1,000 ft<sup>2</sup> (92.90 m<sup>2</sup>) floor area; accessory structures in excess of 500 ft<sup>2</sup> (46.45 m<sup>2</sup>) floor area; or a change in use in an existing building to a use not permitted in the TC zone;
  - (h) local commercial uses in any designation in accordance with Policy 8.1.4 of the Municipal Planning Strategy;
  - (i) new large format retail stores in the Joint Industrial Type Three (LI-3) zone in accordance with Policy 8.5.1 of the Municipal Planning Strategy; (*Amendment WLUB 09-02 Effective September 3, 2009*)

- (j) development proposals in the Wentworth Road Gateway District in accordance with Policy 8.6.15 of the Municipal Planning Strategy for: comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, large format retail stores exceeding 50,000 ft<sup>2</sup> (4,645 m<sup>2</sup>) in commercial floor area; regional shopping centres; institutional uses; mixed use; multiple unit residential; or light industrial development; *(Amendment WLUB 09-02 Effective September 3, 2009)*  
*(Amendment WLUB 22-01 Effective June 7, 2022)*
- (k) mixed use multiple residential/commercial uses in the Residential designation in accordance with Policy 9.1.1 of the Municipal Planning Strategy;
- (l) mixed use development in the Commercial designation or the Industrial designation outside the industrial parks in accordance with Policy 9.2.1 of the Municipal Planning Strategy; *(Amendment WLUB 06-02 Effective September 7, 2006)*
- (m) new light industrial uses outside the designated industrial parks in accordance with Policy 10.1.3 of the Municipal Planning Strategy;
- (n) new institutional uses in any designation in accordance with Policy 11.1.4 of the Municipal Planning Strategy;
- (o) new Recreation Commercial uses in any designation in accordance with Policy 11.3.1 of the Municipal Planning Strategy; and
- (p) non-conforming uses or structures in accordance with Policy 16.7.2 of the Municipal Planning Strategy
- (q) Commercial Breweries, Commercial Distilleries and Commercial Wineries in any commercial zone *(Amendment WLUB 18-01 Effective January 29, 2019)*
- (r) new developments in the Waterfront Development District (WDD) zone that do not conform to the WDD zone requirements *(Amendment WMPS-WLUB-19-01)*
- (s) for developments in the Waterfront Development District (WDD) zone seeking bonus height, Council will consider other benefit considerations for the port bonus height (public art, sustainable building design (LEED), or open space investment).  
*(Amendment WMPS-WLUB-19-01)*

## 7.0 SIGNS

### General

- 7.1 (a) Except where otherwise exempted in this By-law, no person shall erect a sign without first obtaining a development permit from the Development Officer and no development permit to erect a sign shall be issued unless all provisions of this By-law are satisfied.
- (b) An indoor sign shall not be considered a sign for the purposes of this By-law unless it is intended to be viewed from outside of the building.
- 7.2 For the purposes of this Section, a sign structure with two or more faces, such as a projecting sign, sandwich board sign or a ground sign, shall count as one sign. Total sign area of such a sign shall be calculated based on the area of one sign face.

### Maintenance

- 7.3 (a) Every sign shall be kept in good repair and working order.
- (b) If the business, service or other enterprise for which a sign is erected is no longer in operation, the sign shall be removed by the owner within 30 days of the date the operations cease. Removal of a sign includes the support structure or apparatus to which it is attached.
- (c) Subsection (b) shall not apply to a seasonal enterprise that normally closes during part of the year or a temporary closure for repairs or renovations.

### Signs Permitted in all Zones

- 7.4 The following signs shall be permitted in all zones and no development permit shall be required:
- (a) signs not more than 2 ft<sup>2</sup> (0.18 m<sup>2</sup>) in area identifying the name and address of a resident;
  - (b) signs not more than 2 ft<sup>2</sup> (0.18 m<sup>2</sup>) in area regulating the use of a property such as "NO TRESPASSING";
  - (c) non-illuminated real estate signs advertising the sale, rental or lease of the premises;
  - (d) on-premise directional or traffic control signs not more than 5 ft<sup>2</sup> (0.46 m<sup>2</sup>) in area;
  - (e) signs erected by a government body or under the direction of a government body and bearing no commercial advertising;

- (f) memorial or commemorative signs or tablets not more than 5 ft<sup>2</sup> (0.46 m<sup>2</sup>) in area;
- (g) plaques or signs identifying donors of structures, trees or other landscaping not more than 1 ft<sup>2</sup> (0.09 m<sup>2</sup>) in area;
- (h) the flag, pennant or insignia of any government, religious (including churches), charitable, or fraternal organization, not more than 40 ft<sup>2</sup> (3.72 m<sup>2</sup>) in area;
- (i) temporary election signs; and
- (j) one temporary sign not more than 50 ft<sup>2</sup> (4.64 m<sup>2</sup>) in area incidental to a construction project taking place on the property.

### **Signs Prohibited in all Zones**

7.5 The following signs are not permitted in any zone:

- (a) signs that incorporate flashing illumination or moving parts;
- (b) roof signs, except those permitted in Section 7.18;
- (c) any signs or sign structures that are or could be a safety hazard;
- (d) any signs that obstruct or detract from the visibility or effectiveness of any traffic sign or control device;
- (e) any signs that obstruct free egress from any fire exit door, window, or other required exit way;
- (f) signs not erected by a public authority that make use of words such as 'STOP', 'LOOK', 'ONE WAY', 'DANGER', 'YIELD', or any similar word, phrase, symbol, light, or character in such a manner as to mislead or confuse the traffic along a street;
- (g) any signs erected upon a public property or a public right-of-way unless erected by a public authority or authorized by a public authority; and
- (h) commercial signs painted on, attached to or supported by a tree, stone, cliff or other natural object.

### **Facial Wall Signs**

7.6 Facial wall signs shall not extend above or beyond the extremities of the wall upon which they are attached.

### **Projecting Wall Signs**

7.7 Projecting wall signs shall not:

- (a) project further than 6 ft (1.83 m) from the wall to which they are affixed;
- (b) project above the eaves, parapet or roof line of the wall to which they are affixed;

- (c) swing freely on their supports; and
- (d) be erected lower than 10 ft (3.05 m) and higher than 15 ft (4.57 m) above the ground.

### **Ground Signs**

- 7.8 Ground signs shall be set back a minimum of 5 ft. (1.52 m) from any street line, common lot boundary, driveway, aisle or parking area, with the exception of 40 Water Street where a ground sign footing that existed prior to 2005 may be used (*Amendment WLUB 17-01 Effective March 6, 2018*).
- 7.9 Where a property in the Shopping Centre (SC), Highway Commercial (HC), Wentworth Road Commercial (WR-C), Fairground (FG) or Light Industrial (LI-1, LI-2 and LI-3) zone is occupied by more than one business, one ground sign permitted under Section 7.18 advertising the different businesses located on the property may exceed the maximum sign area requirements up to a maximum sign area of 125 ft<sup>2</sup> (11.61 m<sup>2</sup>). (*Amendment WLUB 07-02 Effective September 21, 2007 and WLUB 09-02 Effective September 3, 2009*)

### **Roof Signs**

- 7.10 Roof signs shall not:
- (a) extend more than 6 ft (1.83 m) above the highest part of the roof; or
  - (b) extend beyond the extremities of the walls to which the roof connects.

### **Canopies or Awnings**

- 7.11 In addition to the signs permitted in Section 7.18, signs incorporated in a canopy or awning shall be permitted in commercial and industrial zones provided:
- (a) the canopy or awning does not project more than 4 ft (1.22 m) over a public sidewalk; and
  - (b) there is a minimum clearance of 9 ft (2.74 m) between the sidewalk or grade and the lowest edge of the canopy.

### **Sandwich Board Signs**

- 7.12 In addition to the signs permitted in Section 7.18, one sandwich board sign shall be permitted per lot in commercial zones provided it:
- (a) has a maximum sign area of not more than 8 ft<sup>2</sup> (0.74 m<sup>2</sup>);
  - (b) does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way; and

- (c) is authorized by the Town of Windsor where located on publicly owned land.

### **Mobile Signs**

- 7.13 Mobile signs shall be considered ground signs and all provisions of this By-law related to ground signs shall apply except that:
- (a) no mobile signs shall be permitted in the Town Centre (TC), Pesaquid CDD or Local Commercial (LC) zones; and
  - (b) no mobile sign shall exceed 25 ft<sup>2</sup> (2.32 m<sup>2</sup>) in area.

### **Signs in Sports Fields and Outdoor Areas**

- 7.14 Notwithstanding the number limitation in Section 7.18, any number of sponsorship signs may be erected in a sports field or outdoor arena and no development permit shall be required provided the signs are intended for view from within the sports field or outdoor arena.

### **Existing Signs – Institutional (I) Zone**

- 7.15 Nothing in this By-law shall prohibit the repair, reconstruction or continued use of a permanent changeable copy sign for advertising community and commercial events in the Institutional (I) zone which existed on or before the effective date of this By-law.

### **Automobile Service Station Signs**

- 7.16 One ground sign for an automobile service station located in the Highway Commercial (HC), Wentworth Road Commercial (WR-C) or Light Industrial (LI-1, LI-2 and LI-3) zones may exceed the maximum sign area requirement set out in Section 7.18 up to a maximum of 120 ft<sup>2</sup> (11.15 m<sup>2</sup>), provided such sign is set back at least 15 ft (4.57 m) from any property line. *(Amendment WLUB 09-02 Effective September 3, 2009)*

### **Sign Restrictions by Zone**

- 7.17 No development permit shall be issued except in conformity with the following:



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	(i) TC and Pesaquid CDD	(ii) LC	(iii) GC, WR-C, HC and SC	(iv) FG, LI-1, LI-2 and LI-3	(v) I and OS
(a) <b>Maximum Number/Area of Signs</b>	total of 2 signs per business premises with additional by development agreement, excepting businesses with no street frontage at 40 Water Street which are permitted to share a single ground sign ( <i>Amendment WLUB 17-01 Effective March 6, 2018</i> )	1 non-illuminated facial wall sign or 1 projecting sign per business premises	Combined area of all signs shall not exceed 3 ft2 (0.28 m2) for every 1 ft (0.30 m) of lot frontage	Combined area of all signs shall not exceed 3 ft2 (0.28 m2) for every 1 ft (0.30 m) of lot frontage	1 identification sign not more than 3 ft2 (0.28 m2) in area; 1 other sign; and unlimited interpretive signage. On any sign, commercial advertising or sponsorship shall not exceed 1 ft2 (0.09 m2).
<b>Facial Wall Signs</b>					
(b) <b>Maximum Number</b>	1 sign per business premises	See (a)(ii) above	See (a)(iii) above	See (a)(iv) above	See (a)(v) above
(c) <b>Maximum Sign Area</b>	15% of the area of the wall to which it is attached	15% of the area of the wall to which it is attached up to 20ft2 (1.86 m2)	15% of the area of the wall to which it is attached	15% of the area of the wall to which it is attached	20 ft2 (1.86 m2), excluding interpretive signage
<b>Roof Signs</b>					
(d) <b>Maximum Number</b>	N/A	N/A	N/A	1 sign per business premises	N/A
(e) <b>Maximum Sign Area</b>	N/A	N/A	N/A	1 ft2 (0.09 m2) for every 1 ft 90.3 m) of roof length up to 100 ft2 (9.29 m2)	N/A
<b>Projecting Signs</b>					
(f) <b>Maximum Number</b>	1 sign per business	See (a)(ii) above	See (a)(iii) above	See (a)(iv) above	See (a)(v) above
(g) <b>Maximum Sign Area</b>	30 ft2 (2.79m2)	20 ft2 (1.89 m2)	30 ft2 (2.79 m2)	30 ft2 (2.79 m2)	30 ft2 (2.79 m2)
<b>Ground Signs</b>					
(h) <b>Maximum Number</b>	A single ground sign for businesses without street frontage at 40 Water Street. Additional ground signs may be considered by development agreement as per section 6.1 (e) or (g) ( <i>Amendment WLUB 17-01 Effective March 6, 2018</i> )	N/A	1 sign for every 50 ft (15.24m) of road frontage up to 3 signs	1 sign for every 50 ft (15.24 m) of road frontage up to 3 signs	See above
(i) <b>Maximum Height</b>	17 ft (5.18m) for businesses without street frontage at 40 Water Street	N/A	35 ft (10.67 m)	35 ft (10.67 m)	10 ft (3.05 m)
(j) <b>Maximum Sign Area</b>	40 ft2 (3,70m2) for businesses without street frontage at 40 Water Street ( <i>Amendment WLUB 17-01 Effective March 6, 2018</i> )	N/A	50 ft2 (4.64 m2)	50 ft2 (4.64 m2)	25 ft2 (2.32 m2), excluding interpretive signage

## 8.0 SINGLE UNIT RESIDENTIAL (R-1)

### Permitted Uses

8.1 The following uses shall be permitted in the Single Unit Residential (R-1) zone:

- Single unit dwellings

*(Amendment File # 20-29 effective September 2021)*

### R-1 Zone General Requirements

*(Amendment WLUB 10-01 Effective July 16, 2010)*

8.2 (a) In the R-1 zone, no development permit shall be issued except in conformity with the following:

		with town services	with on-site services
Minimum lot area		6,000 ft <sup>2</sup> (557.40 m <sup>2</sup> ) 7,000 ft <sup>2</sup> (650.30 m <sup>2</sup> ) for corner lots	30,000 ft <sup>2</sup> (2,787.00 m <sup>2</sup> )*
Minimum lot frontage		60 ft (18.29 m)	120 ft (36.58 m)
Minimum front yard		25 ft (7.62 m)	
Minimum rear yard		25 ft (7.62 m)	
Minimum side yard	one side	4 ft (1.22 m) for the first storey plus 2 ft (0.61 m) for each additional storey	
	other side	10 ft (3.05 m)	
Maximum height of main building		35 ft (10.67 m)	
Maximum height of accessory building		15 ft (4.57 m)	

\* subject to Nova Scotia Department of Environment & Labour requirements

(b) **Exception for PID 45336773** - Notwithstanding section 8.2(a), the minimum side yard requirement for an approximately 13.6 acre parcel of land owned by Brison Developments Limited, Payzant Drive (PID 45336773) shall be:

- one side: 4 ft (1.22 m) for the first storey plus 2 ft (0.61 m) for each additional storey;  
and
- other side: 8 ft (2.44 m).

(c) **Exception for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775** – Notwithstanding Section 8.2 (a), the lot specifications for the lots owned by Brison Developments (PID 45358314) and 3229190 Nova Scotia Limited (PID 45366986, 45055167, 45276441, 45190493 and 45364775) shall be:

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<b>Minimum lot area</b>	4,000 ft <sup>2</sup> (371.60 m <sup>2</sup> ) 5,000 ft <sup>2</sup> (464.5 m <sup>2</sup> ) for corner lots
<b>Minimum lot frontage</b>	40 ft (12.19 m)
<b>Minimum front yard</b>	15 ft (4.57 m)
<b>Minimum flankage yard</b>	15 ft (4.57 m)
<b>Minimum rear yard</b>	25 ft (7.62 m)
<b>Minimum side yard</b>	4 ft (1.22 m)
<b>Maximum height of main building</b>	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	15 ft (4.57 m)

*(Amendment WLUB 21-09 Effective November 18, 2021)*

### **Accessory Apartments – Special Requirements**

8.3      *(removed by amendment File #20-29 effective September 14, 2021)*

## 9.0 TWO UNIT RESIDENTIAL (R-2)

### Permitted Uses

9.1 The following uses shall be permitted in the Two Unit Residential (R-2) zone:

- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Converted dwellings to a maximum of two dwelling units
- Two unit dwellings

### R-2 Zone General Requirements

(Amendment WLUB 10-01 Effective July 16, 2010)

9.2 (a) In the R-2 zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	3,500 ft <sup>2</sup> /unit (325.15 m <sup>2</sup> /unit)
Minimum lot frontage	35 ft/unit (10.67 m/unit)
Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	10 ft (3.05 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)

(b) **Exception for PID 45336773** - Notwithstanding section 9.2(a), the minimum side yard requirement for an approximately 13.6 acre parcel of land owned by Brison Developments Limited, Payzant Drive (PID 45336773) shall be 8 ft (2.44 m).

(c) **Exception for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775** – Notwithstanding Section 9.2 (a), the lot specifications for the lots owned by Brison Developments (PID 45358314) and 3229190 Nova Scotia Limited (PID 45366986, 45055167, 45276441, 45190493 and 45364775) shall be:

Minimum lot area	2,000 ft <sup>2</sup> (185.80 m <sup>2</sup> ) / unit 3,000 ft <sup>2</sup> (278.7 m <sup>2</sup> ) / unit for corner lots
Minimum lot frontage	20 ft (6.1 m) / unit
Minimum front yard	15 ft (4.57 m)
Minimum flankage yard	15 ft (4.57 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	4 ft (1.22 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)

(Amendment WLUB 21-09 Effective November 18, 2021)

### **Converted Dwellings – Special Requirements**

- 9.3 In addition to all other regulations, the following provisions shall apply to converted dwellings in the R-2 zone:
- (a) all conversions shall be limited to one additional dwelling unit;
  - (b) 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;
  - (c) no alteration shall be undertaken which will extend into the front or side yard of the lot;
  - (d) lot coverage of the entire structure shall be limited to 50 percent; and
  - (e) parking shall be provided as required in Section 5.25 in the side or rear yard of the lot.

### **Services Required**

- 9.4 A development permit shall not be issued for a new residential dwelling of two or more units in the R-2 zone where the proposed development is not serviced with Town water and sewer.

### **Subdivision of Semi-detached Units**

- 9.5 Semi-detached dwelling units located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provisions of the Town of Windsor Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

## 10.0 MEDIUM DENSITY RESIDENTIAL (R-3)

### Permitted Uses

10.1 The following uses shall be permitted in the Medium Density Residential (R-3) zone:

- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Uses permitted in the R-2 zone subject to the R-2 zone requirements
- Dwellings with more than 2 units but not more than 6 units

### R-3 Zone General Requirements

10.2 In the R-3 zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	3,000 ft <sup>2</sup> (278.70 m <sup>2</sup> ) for each dwelling unit
Minimum lot frontage	20 ft (6.10 m) per dwelling unit
Minimum front yard	25 ft (7.62 m)
Minimum rear yard	35 ft (10.67 m)
Minimum side yard	15 ft (4.57 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)

### Services Required

10.3 A development permit shall not be issued for a new residential dwelling of two or more units in R-3 zone where the proposed development is not serviced with Town water and sewer.

### Subdivision of Townhouse Units

10.4 Townhouse dwelling units located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provisions of the Town of Windsor Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a townhouse dwelling.

### **Recreational Space**

10.5 Notwithstanding anything else in this By-law, no development permit shall be issued for a dwelling with three or more units unless useable space for recreational uses is provided on the same lot according to the following schedule:

- (a) bachelor unit - 150 ft<sup>2</sup> (13.94 m<sup>2</sup>) per unit
- (b) 1 bedroom unit - 200 ft<sup>2</sup> (18.58 m<sup>2</sup>) per unit
- (c) 2 bedroom unit - 250 ft<sup>2</sup> (23.22 m<sup>2</sup>) per unit
- (d) 3 bedroom unit - 270 ft<sup>2</sup> (25.08 m<sup>2</sup>) per unit
- (e) 4 bedroom unit - 400 ft<sup>2</sup> (37.16 m<sup>2</sup>) per unit.

## 11.0 HIGH DENSITY RESIDENTIAL (R-4)

### Permitted Uses

11.1 The following uses shall be permitted in the High Density Residential (R-4) zone:

- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Uses permitted in the R-2 zone subject to the R-2 zone requirements
- Uses permitted in the R-3 zone subject to the R-3 zone requirements
- Boarding and rooming houses
- Dwellings with more than 6 units
- Grouped dwellings
- Home for Special Care (*Amendment 22-08 effective December 13, 2022*)

### R-4 Zone General Requirements

11.2 In the R-4 zone, no development permit shall be issued except in conformity with the following:

		Dwellings with more than 6 units, Boarding Houses, Residential Care Facilities	Grouped Dwellings
Minimum lot area		10,000 ft <sup>2</sup> (929.00 m <sup>2</sup> ) for the first 4 dwelling units plus 1,500 ft <sup>2</sup> (139.35 m <sup>2</sup> ) for each additional unit	3,000 ft <sup>2</sup> (278.70 m <sup>2</sup> ) for each dwelling unit
Minimum lot frontage		100 ft (30.48 m)	100 ft (30.48 m)
Minimum front yard		35 ft (10.67 m)	
Minimum rear yard		35 ft (10.67 m)	
Minimum side yard	one side	15 ft (4.57 m) or ½ the height of the main building, whichever is greater	
	other side	5 ft (1.52 m)	
Maximum height of main building		3 storeys	
Maximum height of accessory building		15 ft (4.57 m)	

### Landscaping



- 11.3 In the case of grouped dwellings and buildings with three or more units, outdoor parking and service areas shall be screened from the street and adjacent residential properties through the use of landscaping or opaque fencing.

### **Grouped Dwellings**

- 11.4 In addition to the requirements of Section 11.2, the following special provisions shall apply to grouped dwellings:
- (a) the minimum distance between grouped dwellings shall be 20 ft (6.10 m) or  $\frac{1}{2}$  the height of the higher of any two adjacent buildings, whichever is greater; and
  - (b) the maximum number of units in an attached grouped dwelling shall be eight.

### **Recreational Space**

- 11.5 Recreational space shall be provided as required in Section 10.5.

### **Services Required**

- 11.6 A development permit shall not be issued for a new dwelling of two or more units in the R-4 zone where the proposed development is not serviced with Town water and sewer.

### **Parking**

- 11.7 Required parking may be provided on a lot other than the lot on which the use is located by development agreement subject to Policy 4.11.3 of the Municipal Planning Strategy.

## **12.0 COLLEGE ROAD COMPREHENSIVE DEVELOPMENT DISTRICT**

### **Permitted Uses**

12.1 The following uses shall be permitted in the College Road Comprehensive Development District (CR-CDD) zone only by development agreement and in accordance with Policy 5.7.4 of the Municipal Planning Strategy:

- (a) a mixture of residential, institutional or recreational development with or without convenience and specialty stores, medical offices, personal service shops, and other similar limited services and uses in support of the primary development.

## 13.0 GENERAL PROVISIONS FOR COMMERCIAL ZONES

### **Lots Abutting Residential and Institutional Uses**

13.1 Except in the Local Commercial (LC) zone, where the yard of a lot located in a commercial zone abuts a lot with residential uses or uses permitted in the Institutional (I) zone, the following standards apply:

- (a) the minimum side yard requirement for the commercial use from the abutting lot line shall be 20 ft (6.10 m); and
- (b) no open storage or outdoor display shall be permitted in the abutting yard of the commercial use. *(Amended WLUB 21-01 Effective February 17, 2021)*

### **Planting Strip**

13.2 Where a commercial use in a commercial zone abuts a residential use, the part of the lot directly adjoining the residential use shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to said lot line. *(Amended WLUB 21-01 Effective February 17, 2021)*

### **Screening of Refuse Containers**

13.3 In any commercial zone, where refuse and recycling containers are located outside the building, they shall be screened from the adjacent property and the street through the use of landscaping or opaque fencing.

## 14.0 TOWN CENTRE

### Permitted Uses

14.1 The following uses shall be permitted in the Town Centre (TC) zone:

- Arts and crafts studios including photography
- Banks and financial institutions
- Clubs and community organizations
- Commercial schools
- Day care centres, licensed and non-licensed
- Emergency service facilities (i.e., police, ambulance and fire stations)
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farm markets
- Funeral homes
- Garden and nursery sales and supplies
- Hotels, motels and other tourist accommodations
- Licensed liquor establishments
- Local shopping centres
- Microbrewery, Microdistillery and Winery (*Amended WLUB 18-01 Effective January 29, 2019*)
- Museums, art galleries and libraries
- Offices
- Parking structures
- Repair and rental establishments
- Residential uses (not on the ground floor except for the area bounded by King Street, Stannus Street, Gray Street and Victoria Street (*Amended WLUB 15-02 Effective August 8, 2016*))
- Restaurants
- Retail stores
- Service and personal service shops
- Taxi, train and bus stations
- Veterinary clinics and animal hospitals
- Existing dry cleaning and laundry establishments
- Existing residential uses

### TC Zone General Requirements

14.2 In the TC zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	4,000 ft <sup>2</sup> (371.60 m <sup>2</sup> )
<b>Minimum lot frontage</b>	40 ft (12.19 m)
<b>Minimum rear yard</b>	20 ft (6.10 m)
<b>Minimum side yard</b>	7 ft (2.13 m)*
<b>Maximum height of main building</b>	3 storeys

<b>Maximum height of accessory building</b>	15 ft (4.57 m)
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\* When fire resistant walls are constructed, yard requirements may be reduced to zero.

### **Open Storage**

14.3 No open storage shall be permitted in the TC zone.

### **Canopies**

14.4 In the TC zone, a canopy/awning shall be permitted provided:

- (a) it does not project more than 4 ft (1.22 m) over a public sidewalk; and
- (b) there is a minimum clearance of 9 ft (2.74 m) between the sidewalk and the lowest edge of the canopy.

## **15.0 PESAQUID COMPREHENSIVE DEVELOPMENT DISTRICT**

### **As-of-Right Development**

15.1 The following categories of development shall be permitted in the Pesaquid Comprehensive Development District (P-CDD) zone as-of-right:

- (a) change in use in an existing building, provided the use is permitted in the Town Centre (TC) zone;
- (b) additions not exceeding 1,000 ft<sup>2</sup> (92.90 m<sup>2</sup>) in floor area, alterations, repairs and renovations to existing buildings, subject to Town Centre (TC) zone requirements;
- (c) accessory structures not exceeding 500 ft<sup>2</sup> (46.45 m<sup>2</sup>) in floor area, subject to Town Centre (TC) zone requirements; and
- (d) temporary retail sales and food service kiosks subject to Section 15.2.

### **Special Requirements for Temporary Retail Sales and Food Service Kiosks**

15.2 The following special requirements shall apply to the development of temporary retail sales and food service kiosks in the Pesaquid CDD:

- (a) kiosks shall be permitted only on land owned by the Town of Windsor; provided, however, that no kiosk shall be located on any public street or sidewalk;
- (b) the applicant has entered into a lease or other written agreement with the Town of Windsor authorizing the use of the Town-owned property;
- (c) the total gross floor area of the kiosk shall not exceed 100 ft<sup>2</sup> (9.29 m<sup>2</sup>);
- (d) no kiosk shall remain in place for more than six months;
- (e) retail sales shall be limited to gifts, arts and crafts, souvenirs, farm produce and other similar items;
- (f) signage shall be limited to one facial wall sign not exceeding 5 ft<sup>2</sup> (0.46 m<sup>2</sup>) in sign area; and

- (g) notwithstanding the parking requirement for commercial uses set out in Section 5.25, off-street parking shall not be required for temporary retail sales and food service kiosks in the Pesaquid CDD.

15.3 Temporary retail sales and food service kiosks, mobile canteens, and similar uses erected for a special occasion or holiday and removed within 14 days after the close of the event shall be exempt from the requirements of Section 15.2 and shall be developed in accordance with Section 5.36 (b). Such uses shall not require a development permit.

### **Uses Permitted by Development Agreement**

15.4 (a) The following categories of development shall be permitted in the Pesaquid Comprehensive Development District (P-CDD) zone only by development agreement and in accordance with Policy 7.5.2 of the Municipal Planning Strategy:

- (i) new main buildings;
- (ii) additions in excess of 1,000 ft<sup>2</sup> (92.90 m<sup>2</sup>) in floor area;
- (iii) accessory structures in excess of 500 ft<sup>2</sup> (46.45 m<sup>2</sup>) in floor area; or
- (iv) change in use in an existing building to a use which is not permitted in the Town Centre (TC) zone.

(b) The uses to be considered by development agreement shall be predominantly commercial, recreational, or institutional, with residential uses having a secondary focus, as defined in Policy 7.5.3 of the Municipal Planning Strategy.

## **15A.0 WATERFRONT DEVELOPMENT DISTRICT**

*(Amend October 1, 2019)*

### **As-of-Right Development**

15A.1 The following uses shall be permitted in the Waterfront Development District (WDD) zone as-of-right:

- Change in use in an existing building, provided the use is permitted in the Town Centre (TC) zone

- additions not exceeding 1,000 ft<sup>2</sup> (92.90 m<sup>2</sup>) in floor area, subject to Town Centre (TC) zone requirements
- accessory structures not exceeding 500 ft<sup>2</sup> (46.45 m<sup>2</sup>) in floor area

### **Development Permitted by Site Plan Approval**

15A.2 Development within the WDD boundary, as shown on the Zoning Map, other than listed in 15A.1, shall be subject to Site Plan Approval by the Development Officer.

The following uses shall be permitted in the Waterfront Development District (WDD) zone by Site Plan Approval:

- Commercial Uses as permitted in the Town Centre (TC) zone
- Cultural Uses
- Institutional Uses as permitted in the Institutional (I) zone
- Open Space Uses
- Residential Uses as per 15A.2.2

Notwithstanding subsection 15A.1, ground-floor uses for buildings that front on Upper Water Street and the King Street Extension must include commercial uses that meet the minimum commercial floor area ratios shown on figure 1. (50% and 25% of the building's ground-floor area).

#### **15A2.2 Residential Uses**

Residential uses on the remaining ground floor area are permitted provided that each unit facing the street has a grade connected entrance to the street. 20% of the total number of dwelling units, rounded up to the nearest full number, in a building used as a multiple unit dwelling shall be required to include two or more bedrooms.

### **Site Plan Approval – Application Requirements**

15A.3 All applications for site plan approval shall be accompanied by:

- (a) A topographic survey by a surveying engineer who is a member of Association of Professional Engineers of Nova Scotia (APENS).



- (b) A site plan drawn to an appropriate scale by a landscape architect who is a member of the Atlantic Provinces Association of Landscape Architects (APALA) showing the following:
- The items required to be shown in the application for a building permit under the Building By-law.
  - A construction mitigation plan demonstrating how any new structures will minimize negative impacts on the surrounding properties including noise, dust, fumes, lighting, shadows, stormwater and erosion control, or other nuisances or inconveniences during and after construction.
  - Any additional information related to the site, buildings, or adjoining properties as may be required by the Development Officer to determine if the proposal conforms to the provisions of this By-law.
- (c) Architectural plans prepared by an Architect who is a member of the Nova Scotia Association of Architects (NSAA), indicating compliance with the specific design requirements of the By-law and;
- Streetwall height and setbacks pursuant to section 15A.4 and 15A.5 of the By-law;
  - Streetwall material quality and detail pursuant to section 15A.12 of the By-law;
  - Building articulation pursuant to section 15A.5 of the By-law;
  - The siting of building utilities, vehicle access, parking, lighting and signage.
- (d) A servicing schematic prepared by a civil engineer who is a member of APENS to demonstrate that every building can be properly serviced.
- (e) A Traffic Impact Statement (TIS) by a transportation engineer who is a member of APENS to demonstrate that every building can be properly serviced.

## **Built Form Requirements**

### **15A.4 Building and Streetwall Height**

- (a) No building shall be erected, constructed, altered, reconstructed, or located so that it exceeds the maximum heights specified on figure 3.
- (b) The height requirements shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to rooftop amenity space, flag pole, antenna, heating ventilation, air conditioning equipment or enclosure of such equipment, skylight, chimney, landscape vegetation, clock tower, solar collector, roof top cupola, parapet, cornices, eaves,

penthouses or other similar features, provided that the total of all such features, shall occupy less than 30% of the area of the roof of the building on which they are located.

- (c) features referenced in 15A.4(b) shall be setback no less than 3 metres from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features.
- (d) The maximum streetwall height shall be as specified on figure 2 but shall not exceed 3 storeys.
- (e) Streetwall height should be measured from average grade to the top of the roof slab excluding parapet, railings, or other building features designed for architectural articulation of the façade which do not add to the habitable space.
- (f) Where the adjacent street grades exceed 5%, the streetwall is permitted to exceed the maximum streetwall height by 3 metres for a frontage length not exceeding 20 metres so long as no additional floors are created.
- (b) The minimum building height shall be 3 storeys except those buildings that are existing.

#### **15A.4.1 Bonus Height**

Two additional storeys (max 800sqm. Per floor) of bonus height may be permitted in the area indicated on figure 3. by site plan approval if the developer partners with an affordable housing partner (CMHC, Housing NS, or other approved agency) to create no less than 50% of the additional post-bonus floor area as affordable housing units.

Council will consider other public benefit considers for the port bonus height (public art, sustainable building design (LEED), or open space investment) by development agreement.

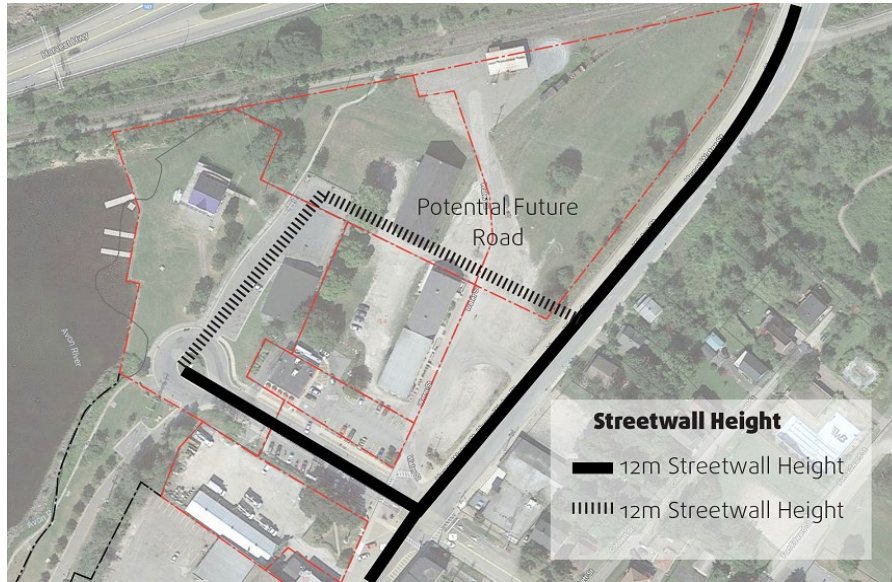


Figure 1. Streetwall Height



Figure 2. Building Height

#### 15A.5 Building and Streetwall Length, Setbacks and Stepbacks

- (a) Streetwalls shall have a streetline setback as specified on figure 4.
- (b) no setback is required from an interior lot line for a streetwall portion of a building.

- (c) with the exception of required streetwall setbacks, a low-rise building or the low-rise portion of a building is permitted to cover 100% of the lot upon which it is situated.
- (d) Above the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 5.5 metres, whichever is less. Where a lot has more than one streetline, the greater lot width shall apply.
- (e) The minimum stepback above the streetwall is 2.5 metres from any street. Stepbacks are not required for rear or side yards.
- (f) A streetwall shall not extend any longer than 60 metres abutting the streetline for any portion of the building.



*Figure 1. Streetwall Setbacks*



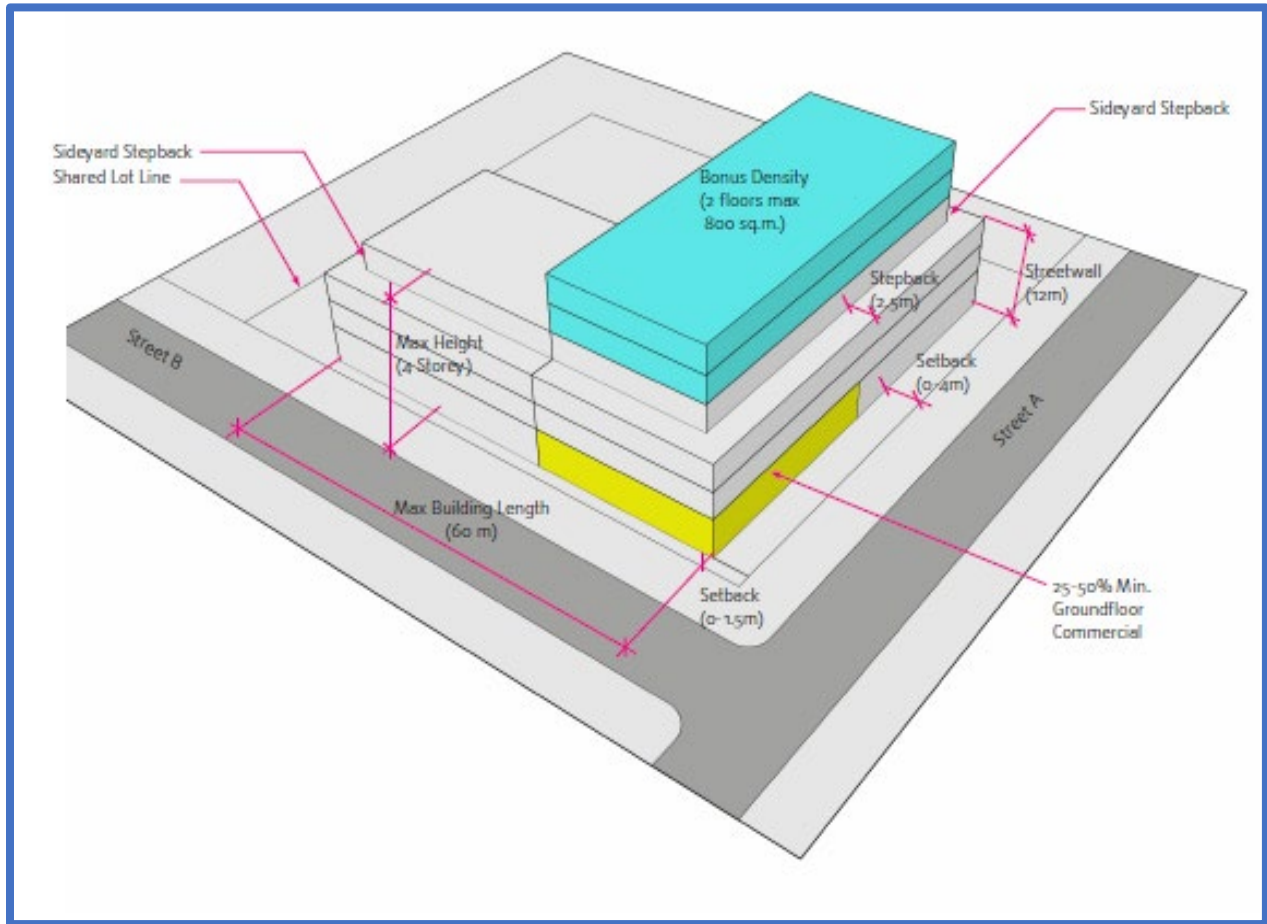


Figure 4. General Requirements

#### 15A.6 Connectivity

- (a) Any new streets must provide a minimum 6 metre public easement and pedestrian connection to the waterfront.
- (b) Paved pedestrian walkways/sidewalks shall link parking areas to entrances of all primary buildings.

#### 15A.7 Drive-Throughs

No new drive-throughs shall be permitted in this zone.

### 15A.8 Land Uses at Grade

The ground floor of a building, excluding a parking garage, that has access at the streetline and has a retail use shall have a floor-to-floor height of no less than 4.0 metres.

Any at grade parking garage entry/exiting onto the street shall not exceed 12m of frontage on the street and must be designed to not present a blank wall along the street

### 15A.9 Open Space and Trails

- (a) A minimum of 5 square metres of landscaped open space shall be provided for each dwelling unit in a building. Flat building rooftops and parking podiums will be considered for this requirement if they are fully accessible by building residents and landscaped. Private decks will also be considered for open space.
- (b) The triangular lands at the corner of Upper Water Street and the King Street Extension (figure 8) shall be reserved for an urban park and plaza. This plaza shall provide the necessary road frontage on Lower Water Street for the adjacent properties.
- (c) The waterfront trail around Lake Pesaquid shall be preserved as a 2 metre minimum wide walking trail connecting the trail at the end of the King Street extension to the rail side trail to the north of the WDD zone (in the approximate location shown on figure 6.)

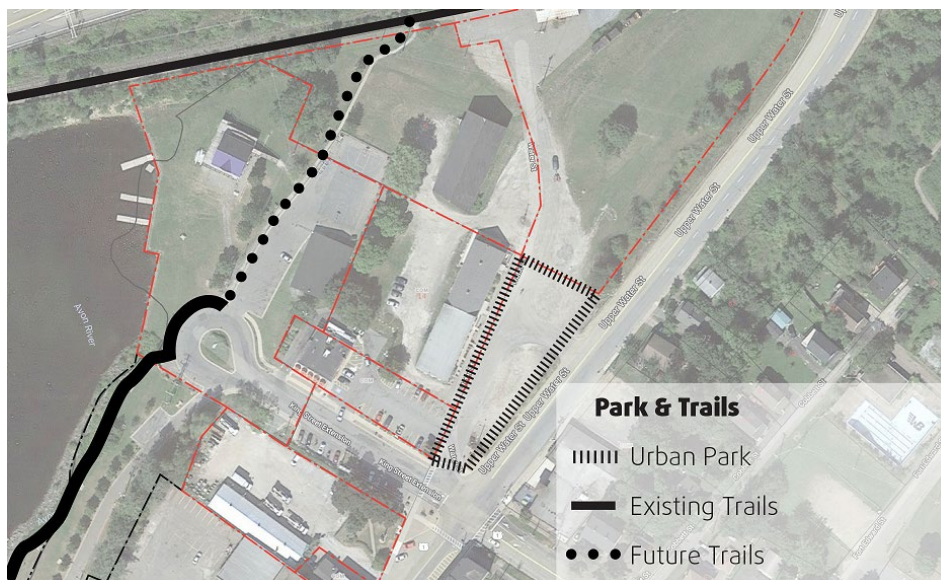


Figure 5. Parks and Trails

### **5A.10 Parking**

Parking requirements in the WDD zone override the general parking requirements in this by-law for the specific requirements below. All other general parking requirements apply.

- (a) There are no minimum commercial or residential parking requirements in the WDD zone except for on-street parking.
- (b) On-street parking must be provided on all streets that front the development where parking is shown by the TIS to be practical and safe.
- (c) Access to parking garages should be screened from any street entrances wherever possible in favour of access from the rear.
- (d) Parking garages should not create blank walls on any street front in the development for more than 12 metres of the building frontage. These areas, if present, should be treated as part of the building architecture and shall be designed for visual interest.
- (e) Parking garages that front on to the waterfront or other public spaces should be landscaped or designed to provide visual interest from the waterfront. Bland parking garage walls are not permitted in these areas.
- (f) No more than 60% of any property may be covered in surface parking.
- (g) Surface parking lots must include one 60mm caliper tree for every 12 surface parking spaces to be planted in end isle islands if present.
- (h) Commercial use storage, delivery bays and garbage receptacles shall be contained within the building unless they can be located on the site so as minimize visibility using high quality fencing and landscaping

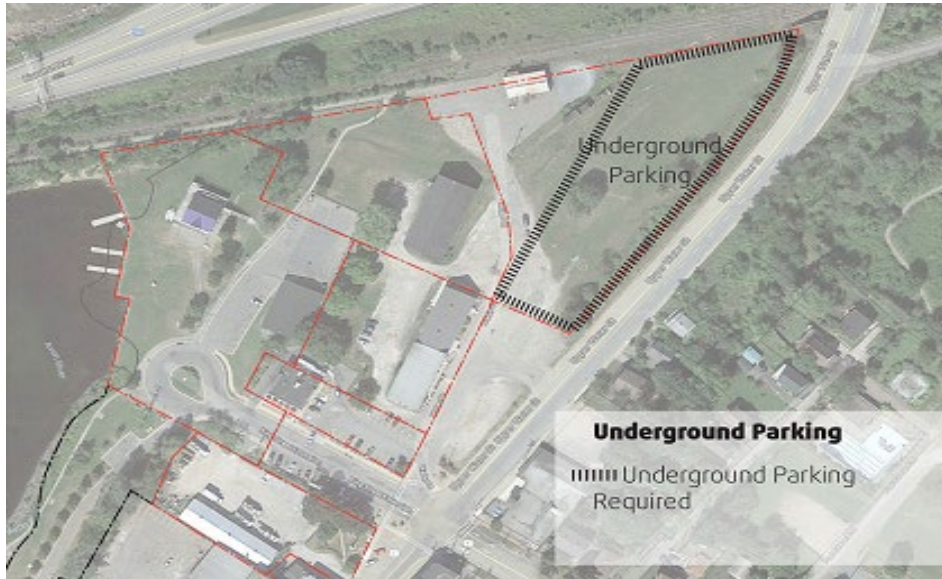


Figure 6. Underground Parking

#### 15A.11 Permitted Encroachments

- (a) Eaves, gutters, down spouts, cornices and other similar features shall be permitted encroachments into a required setback, stepback or separation distance to a maximum of 0.6 metres.
- (b) Balconies shall be permitted encroachments into a setback, stepback or separation distance, at or above the level of the second storey of a building, provided that the protrusion of the balcony is no greater than 2 metres from the building face and the aggregate length of such balconies does not exceed 50% of the horizontal width of that building face.

#### 5A.12 Prohibited External Cladding Materials

The following external cladding materials shall be prohibited:

- Vinyl
- Plastic
- Plywood
- Concrete block
- Exterior insulation and finish systems where stucco is applied to rigid insulation
- Metal siding utilizing exposed fasteners



- Darkly tinted or mirrored glass

#### **5A.13 Solid Waste**

The location of facilities for the storage of solid waste which provides for maximum separation from residential development and public areas. Outdoor facilities must be fenced and gated for multi-unit developments and commercial developments.

#### **5A.14 Variance Through Site Plan Approval**

One or more of the following requirements may be varied by site plan approval where the relaxation is consistent with the Development Officer's interpretation of a variance:

- Streetwall heights;
- Maximum building length;
- Parking requirements;
- Stepbacks and setbacks;
- Frontage requirements;
- Commercial requirements

## 16.0 LOCAL COMMERCIAL (LC)

### Permitted Uses

16.1 The following uses shall be permitted in the Local Commercial (LC) zone:

- Uses permitted in the R-1 zone
- Arts, crafts, gifts and antique shops
- Convenience stores
- Country inns with fewer than 10 rooms
- Florists
- Licensed day care centres
- Offices
- One dwelling unit, located within the commercial use building
- Personal service shops
- Restaurants, excluding drive-through restaurants
- Existing funeral homes

### LC Zone General Requirements

16.2 In the LC zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>		7,000 ft <sup>2</sup> (650.30 m <sup>2</sup> )
<b>Minimum lot frontage</b>		60 ft (18.29 m)
<b>Minimum front yard</b>		25 ft (7.62 m)
<b>Minimum rear yard</b>		25 ft (7.62 m)
<b>Minimum side yard</b>	<b>one side</b>	4 ft (1.22 m) for the first storey plus 2 ft (0.61 m) for each additional storey
	<b>other side</b>	10 ft (3.05 m)
<b>Maximum height of main building</b>		35 ft (10.67 m)
<b>Maximum height of accessory building</b>		15 ft (4.57 m)

### Maximum Commercial Floor Area

16.3 With the exception of country inns and funeral homes, the commercial floor area for a business in the LC zone shall not exceed 1,000 ft<sup>2</sup> (92.90 m<sup>2</sup>).

### Open Storage and Outdoor Display

16.4 No open storage or outdoor display shall be permitted in the LC zone.

## 17.0 GENERAL COMMERCIAL (GC)

### Permitted Uses

17.1 The following uses shall be permitted in the General Commercial (GC) zone:

- Arts and crafts studios including photography
- Banks and financial institutions
- Clubs and community organizations
- Commercial schools
- Country inns
- Day care centres, licensed and non-licensed
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Garden and nursery sales and supplies
- Licensed liquor establishments
- Local shopping centres containing uses permitted in the GC zone
- Microbrewery, Microdistillery, Winery (*Amended WLUB 18-01 Effective January 29, 2019*)
- Offices
- Parking structures
- Repair and rental establishments
- Residential uses (not on the ground floor)
- Restaurants, excluding drive-through restaurants
- Retail stores
- Service and personal service shops
- Taxi, train and bus stations
- Veterinary clinics and animal hospitals
- Existing residential uses

### GC Zone General Requirements

17.2 In the GC zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	10,000 ft <sup>2</sup> (929.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>	100 ft (30.48 m)
<b>Minimum front yard</b>	25 ft (7.62 m)

<b>Minimum rear yard</b>	25 ft (7.62 m)
<b>Minimum side yard</b>	15 ft (4.57 m)
<b>Maximum height of main building</b>	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	15 ft (4.57 m)

### **Open Storage**

17.3 No open storage shall be permitted in the GC zone.

### **Residential Uses**

17.4 Residential uses as part of the same building as a commercial use are permitted provided the total floor area of the residential use does not exceed two-thirds (66 percent) of the total floor area of the building.

### **Access**

17.5 Entrance to and exit from properties zoned GC shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot.

## **17.A COMMERCIAL TRANSITION (CT)**

*(Amendment WLUB 14-02 Effective May 14, 2015)*

### **Permitted Uses**

17.A1 The following uses shall be permitted in the Commercial Transitional (TC) zone:

- Uses permitted in the R-1 zone subject to R-1 zone requirements;
- Uses permitted in the GC zone, subject to a development agreement;
- Mixed residential/commercial uses, subject to a development agreement approval
- in accordance with the requirement of section 8.7 of the MPS

## 18.0 HIGHWAY COMMERCIAL (HC)

### Permitted Uses

18.1 The following uses shall be permitted in the Highway Commercial (HC) zone:

- Arts and crafts studios including photography
- Automobile service stations, car washes and repair centres
- Automobile, truck and motorcycle sales, service, or rental establishments
- Building supply establishments
- Day care centres, licensed and non-licensed
- Dry cleaning and laundry establishments
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farm equipment sales and service
- Farm markets
- Funeral homes
- Garden and nursery sales and supplies
- Hotels and motels
- Kennels
- Licensed liquor establishments
- Manufactured home sales
- Microbrewery, Microdistillery, Winery (*Amended WLUB 18-01 Effective January 29, 2019*)
- Offices (not on the ground floor)
- Recreational vehicle sales, service and rental establishments
- Recycling depots
- Repair and rental establishments
- Residential uses (not on the ground floor)
- Restaurants, including drive-through and take-out establishments
- Retail stores
- Self storage operations (*Amendment WLUB 10-02 Effective February 25, 2011*)
- Service shops
- Taxi, train and bus stations
- Veterinary clinics and animal hospitals
- Wholesaling and wholesale sales
- Existing residential uses

### HC Zone General Requirements

18.2 In the HC zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	10,000 ft <sup>2</sup> (929.00 m <sup>2</sup> )
Minimum lot frontage	100 ft (30.48 m)
Minimum front yard	40 ft (12.19 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	15 ft (4.57 m)
Maximum height of main building	3 storeys
Maximum height of accessory building	15 ft (4.57 m)

### Open Storage and Outdoor Display

18.3 In the HC zone, open storage and outdoor display shall:

- (a) be located at least 10 ft (3.05 m) from any lot line;
- (b) be accessory to a permitted commercial use; and
- (c) not be located in any required parking spaces or loading spaces.

### Residential Uses

18.4 Residential uses as part of the same building as a commercial use are permitted provided the total floor area of the residential use does not exceed two-thirds (66 percent) of the total floor area of the building.

### Access

18.5 Entrance to and exit from properties zoned HC shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot.

## 19.0 SHOPPING CENTRE (SC)

### Permitted Uses

19.1 The following uses shall be permitted in the Shopping Centre (SC) zone:

- Arts and crafts studios including photography
- Automobile service stations, car washes and repair centres
- Automobile, truck and motorcycle sales, service or rental establishments
- Banks and financial institutions
- Building supply establishments
- Clubs and community organizations
- Day care centres, licensed and non-licensed
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farm markets
- Garden and nursery sales and supplies
- Hotels and motels
- Licensed liquor establishments
- Microbrewery, Microdistillery, Winery (*Amended WLUB 18-01 Effective January 29, 2019*)
- Offices
- Parking structures
- Personal service shops
- Recreational vehicle sales, service and rental establishments
- Regional shopping centres containing uses permitted in the Shopping Centre (SC) zone
- Restaurants, including drive-through and take-out establishments
- Retail stores, including large format retail stores

### SC Zone General Requirements

(*Amendment WLUB 13-01 Effective May 17, 2013*)

19.2 In the SC zone, no development permit shall be issued except in conformity with the following:



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<b>Minimum lot area</b>	43,460 ft <sup>2</sup> (4,037.43 m <sup>2</sup> )
<b>Minimum lot frontage</b>	100 ft (30.48 m)
<b>Minimum front yard</b>	30 ft (9.14 m)
<b>Minimum rear yard</b>	30 ft (9.14 m)
<b>Minimum side yard</b>	15 ft (4.57 m)
<b>Minimum distance between buildings or structures</b>	15 ft (4.57 m)*
<b>Maximum height of main building</b>	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	15 ft (4.57 m)

\* When fire resistant walls are constructed, distance requirements may be reduced to zero.

### **Open Storage and Outdoor Display**

19.3 In the SC zone, open storage and outdoor display shall:

- (a) be located at least 10 ft (3.05 m) from any lot line;
- (b) be accessory to a permitted commercial use;
- (c) not be located in any yard abutting a residential or institutional use; and
- (d) not be located in any required parking spaces or loading spaces.

### **Access**

19.4 Entrance to and exit from properties zoned SC shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot.

## 20.0 LIGHT INDUSTRIAL (LI-1)

### Permitted Uses

20.1 The following uses shall be permitted in the Light Industrial (LI-1) zone:

- Any activity connected with the automotive trade other than an automotive scrap yard or automobile-related commercial recreational establishment
- Any manufacturing, industrial, assembly, or warehousing operation conducted and wholly contained within an enclosed building and which is not considered obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission
- Breweries, distilleries, wineries, and accessory brewpubs and restaurants
- Building supply and equipment depots
- Bulk sales establishments
- Commercial uses conducted in the main building accessory to a permitted use
- Display courts
- Dry cleaning and laundry establishments
- Existing amusement rides
- Farm supplies and equipment sales and service
- Fuel storage depots
- Garden and nursery sales and supplies
- Heavy equipment sales and service
- Industrial training facilities
- Manufactured home sales
- Moving and storage depots
- Municipal public works facilities
- Railway uses
- Recreation uses within a wholly enclosed building
- Recreational vehicle sales, service and rental establishments
- Recycling depots
- Research facilities
- Sales and service of manufacturing and processing machinery or equipment
- Sawmills
- Service industries
- Support services

- Telecommunication towers and accessory buildings
- Transport depots
- Utility uses
- Wholesale establishments

### **LI-1 Zone General Requirements**

20.2 In the LI-1 zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	10,000 ft <sup>2</sup> (929.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>	100 ft (30.48 m)
<b>Minimum front yard</b>	30 ft (9.14 m)
<b>Minimum rear yard</b>	30 ft (9.14 m)
<b>Minimum side yard</b>	10 ft (3.05 m)
<b>Minimum distance between buildings or structures</b>	15 ft (4.57 m)*
<b>Maximum building height</b>	40 ft (12.19 m)

\*When fire resistant walls are constructed, distance requirements may be reduced to zero.

### **Lots Abutting A Non-Industrial Zone**

20.3 Where a lot in the LI-1 zone abuts a residential or institutional zone the following provisions shall apply:

- (a) the industrial use shall be set back from the abutting lot line a minimum of 20 ft (6.10m);
- (b) the property shall be landscaped to ensure that no unstable or exposed soils exist;  
and
- (c) the part of the lot directly adjoining the residential or institutional zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to said lot line.

### **Access**

- 20.5 Entrance to and exit from properties zoned LI-1 shall be restricted to not more than two driveways on any street. On a corner lot, access shall be restricted to not more than three driveways to the lot.

### **Telecommunication Towers**

- 20.6 The following requirements shall apply to telecommunications towers in the LI-1 zone:
- (a) the tower and any accessory building shall meet the minimum yard requirements;
  - (b) the tower base, accessory building and any guy wire anchors shall be enclosed by fencing;
  - (c) the lot shall be landscaped to reduce the impact on adjacent uses; and
  - (d) where a tower exceeds 100 ft (30.48 m) in height, the setback for the tower base shall be the height of the tower plus 25 ft (7.62 m) from any lot line or any building.

## 21.0 JOINT INDUSTRIAL TYPE TWO (LI-2)

### Permitted Uses

21.1 The following uses shall be permitted in the Joint Industrial Type Two (LI-2) zone:

- Animal hospitals and veterinarian establishments
- Any manufacturing, industrial, assembly, or warehousing operation conducted and wholly contained within an enclosed building and which is not considered obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission
- Any activity connected with the automotive trade other than an automotive scrap yard or automobile-related commercial recreational establishment
- Brewery – Commercial (*Amended WLUB 18-01 Effective January 29, 2019*)
- Building supply and equipment depots
- Business and professional offices excluding doctor, dentist and lawyer offices, financial institutions, real estate offices, and personal service office uses such as beauty consultants
- Chemical and chemical products
- Commercial uses accessory to a main use permitted which is conducted in the main building
- Courier services
- Display courts
- Distillery – Commercial (*Amended WLUB 18-01 Effective January 29, 2019*)
- Existing donut shop
- Farm implement sales, service and repair
- Fencing and fence erectors
- Fuel storage depots
- Garden and nursery sales and supplies
- Government establishments except retail outlets
- Indoor recreation establishments
- Industrial training facilities
- Laundry and dry cleaning establishments
- Licensed Analytical Testing and Research of cannabis accessory to a permitted licensed cannabis land use (*Amended WLUB 19-02 Effective March 9, 2021*)
- Licensed Micro-Cultivation of cannabis (*Amended WLUB 19-02 Effective March 9, 2021*)

- Licensed Micro-Processing of cannabis (*Amended WLUB 19-02 Effective March 9, 2021*)
- Licensed Cannabis Nurseries (*Amended WLUB 19-02 Effective March 9, 2021*)
- Licensed Standard Cultivation and Processing for cannabis(*Amended WLUB 19-02 Effective March 9, 2021*)
- Manufacturing and processing machinery or equipment, sales and service
- Marine sales, service & repair
- Mircobrewery (*Amended WLUB 18-01 Effective January 29, 2019*)
- Microdistillery (*Amended WLUB 18-01 Effective January 29, 2019*)
- Mobile homes sales and service
- Moving and storage depots
- Railway uses
- Research facilities
- Recreation vehicles sales and service
- Recycling depots
- Service industries
- Support services
- Taxi and bus depots
- Transportation depots
- Winery – Commercial (*Amended WLUB 18-01 Effective January 29, 2019*)
- Winery (*Amended WLUB 18-01 Effective January 29, 2019*)
- Utility facilities
- Wholesaling and wholesale sales
- Ambulance service
- Animal shelters

## **LI-2 Zone General Requirements**

21.2 In the LI-2 zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	10,000 ft <sup>2</sup> (929.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>	100 ft (30.48 m)
<b>Minimum front yard</b>	30 ft (9.14 m)
<b>Minimum rear yard</b>	30 ft (9.14 m)
<b>Minimum side yard</b>	10 ft (3.05 m)
<b>Minimum distance between buildings or structures</b>	15 ft (4.57 m)*

<b>Maximum building height</b>	40 ft (12.19 m)
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\*When fire resistant walls are constructed, distance requirements may be reduced to zero.

### **Lots Abutting a Non-Industrial Zone**

21.3 Where a lot in the LI-2 zone abuts a residential or institutional zone the following provisions shall apply:

(a) the industrial use shall be set back from the abutting lot line a minimum of 20 ft (6.10m);

(b) the property shall be landscaped to ensure that no unstable or exposed soils exist; and

(c) the part of the lot directly adjoining the residential or institutional zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to said lot line.

21.4 Where the yard of a lot within the LI-2 zone abuts a railway line, no setback shall be required from the abutting lot line.

### **Licensed Cannabis Uses** *(Amended WLUB 19-02 Effective March 9, 2021)*

21.5 Require any building or structure used for a licensed cannabis land use to be located a minimum of 250 ft (76.2 m) from an existing residential dwelling, a home for special care and senior citizen housing building unless the building or dwelling is on the same lot as the licensed cannabis land use.

## 22.0 JOINT INDUSTRIAL TYPE THREE (LI-3)

### Permitted Uses

22.1 The following uses shall be permitted in the Joint Industrial Type Three (LI-3) zone:

- Animal hospitals and veterinarian establishments
- Any activity connected with the automobile trade other than an automotive scrap yard, or automobile-related commercial recreational establishment
- Brewery – Commercial (*Amended WLUB 18-01 Effective January 29, 2019*)
- Banks and financial institutions
- Building supply and equipment depots
- Business and professional offices
- Commercial uses accessory to a permitted main use which is conducted in the main building
- Courier services
- Display courts
- Distillery – Commercial (*Amended WLUB 18-01 Effective January 29, 2019*)
- Farm implement sales, service and repair
- Fencing and fence erectors
- Garden nursery sales and supplies
- Government establishments
- Grocery stores
- Hardware stores
- Hotels/motels
- Indoor recreation establishments
- Industrial training classroom facilities
- Laundry and dry cleaning establishments
- Licensed Analytical Testing and Research of cannabis accessory to a permitted licensed cannabis land use (*Amended WLUB 19-02 Effective March 9, 2021*)
- Licensed Cannabis Nurseries (*Amended WLUB 19-02 Effective March 9, 2021*)
- Manufacturing and processing machinery or equipment, sales and service
- Marine sales, service and repair
- Mircobrewery (*Amended WLUB 18-01 Effective January 29, 2019*)
- Microdistillery (*Amended WLUB 18-01 Effective January 29, 2019*)



- Personal service shops
- Recreation vehicles, sales and service
- Restaurants, drive-in restaurants
- Retail stores
- Service industries
- Service shops
- Support services
- Taxi and bus depots
- Wholesaling and wholesale sales
- Winery – Commercial (*Amended WLUB 18-01 Effective January 29, 2019*)
- Winery (*Amended WLUB 18-01 Effective January 29, 2019*)

### LI-3 Zone General Requirements

22.2 In the LI-3 zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	10,000 ft <sup>2</sup> (929.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>	100 ft (30.48 m)
<b>Minimum front yard</b>	25 ft (7.62 m)
<b>Minimum rear yard</b>	25 ft (7.62 m)
<b>Minimum side yard</b>	15 ft (4.57 m)
<b>Minimum distance between buildings or structures</b>	15 ft (4.57 m)*
<b>Maximum height of main building</b>	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	15 ft (4.57 m)

\*When fire resistant walls are constructed, distance requirements may be reduced to zero.

### Abutting Zone Requirements

22.3 Where a lot in the LI-3 zone abuts a residential or institutional zone the following provisions shall apply:

- (a) the industrial use shall be set back from the abutting lot line a minimum of 20 ft (6.10m);
- (b) the property shall be landscaped to ensure that no unstable or exposed soils exist;

(c) the part of the non-residential lot directly adjoining the residential or institutional zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to said lot line; and

(d) no open storage shall be permitted in an abutting side yard.

### **Access**

22.4 Entrance to and exit from properties zoned LI-3 shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot.

### **Licensed Cannabis Uses** *(Amended WLUB 19-02 Effective March 9, 2021)*

22.5 Require any building or structure used for a licensed cannabis land use to be located a minimum of 250 ft (76.2 m) from an existing residential dwelling, a home for special care and senior citizen housing building unless the building or dwelling is on the same lot as the licensed cannabis land use.

## 23.0 FAIRGROUND (FG)

### Permitted Uses

23.1 The following uses shall be permitted in the Fairground (FG) zone:

- Arenas
- Campgrounds
- Exhibition grounds
- Farm markets (*Amendment WLUB 21-11 Effective November 18, 2021*)
- Hotels and motels
- Livestock barns
- Recreation uses

### FG Zone General Requirements

23.2 In the FG zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	3 acres (1.21 hectares)
<b>Minimum front yard</b>	30 ft (9.14 m)
<b>Minimum rear yard</b>	30 ft (9.14 m)
<b>Minimum side yard</b>	20 ft (6.10 m)
<b>Minimum distance between buildings or structures</b>	15 ft (4.57 m)*
<b>Maximum height of main building(s) or any structure(s)</b>	40 ft (12.19 m)

\*When fire resistant walls are constructed, distance requirements may be reduced to zero.

## 24.0 INSTITUTIONAL (I)

### Permitted Uses

24.1 The following uses shall be permitted in the Institutional (I) zone:

- Any institutional use which is incorporated under the Societies Act
- Armouries
- Churches and associated halls
- Colleges, universities and schools, including school dormitories
- Community centres
- Community service clubs and organizations
- Courthouses
- Emergency services facilities (i.e., police, ambulance and fire stations)
- Government offices
- Homes for special care
- Hospitals and medical clinics
- Indoor and outdoor recreation uses
- Libraries, museums and art galleries
- Residences accessory to permitted uses
- Senior citizen housing
- Tourist bureaus

### Institutional (I) Zone General Requirements

24.2 In the Institutional (I) zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	24,000 ft <sup>2</sup> (2,229.60 m <sup>2</sup> )
<b>Minimum lot frontage</b>	120 ft (36.58 m)
<b>Minimum front yard</b>	30 ft (9.14 m)
<b>Minimum rear yard</b>	30 ft (9.14 m)
<b>Minimum side yard</b>	30 ft (9.14 m)
<b>Maximum height of main building</b>	3 storeys
<b>Maximum height of accessory building</b>	15 ft (4.57 m)

## **25.0 OPEN SPACE (OS)**

### **Permitted Uses**

25.1 The following uses shall be permitted in the Open Space (OS) zone:

- Cemeteries
- Historic sites and museums
- Outdoor recreation uses
- Parks and playgrounds
- Uses, buildings and structures necessary for the prevention of floods, soil erosion and other related activities

### **Abutting Zone Requirements**

25.2 Where a lot in the OS zone abuts any other zone, no building shall be erected within 4 ft (1.22 m) of the abutting side or rear lot line.

## 26.0 AGRICULTURE (AG)

### Permitted Uses

26.1 The following uses shall be permitted in the Agriculture (AG) zone:

- Agricultural uses and structures, except new intensive livestock operations
- Commercial riding stables
- Existing intensive livestock operations
- Non-permanent facilities for sale of produce, as an accessory use
- Single unit dwellings
- Single unit dwellings accessory to an ongoing agricultural operation
- Telecommunications towers and accessory buildings

### General Lot Requirements

26.2 In the AG zone, no development permit shall be issued except in conformity with the following:

	<b>Agricultural uses, Riding Stables</b>	<b>All other uses</b>
<b>Minimum lot area</b>	20 acres (8.09 hectares)	5 acres (2.02 hectares)
<b>Minimum lot frontage</b>	100 ft (30.48 m)	100 ft (30.48 m)
<b>Minimum front yard</b>	40 ft (12.19 m)	25 ft (7.62 m)
<b>Minimum rear yard</b>	40 ft (12.19 m)	25 ft (7.62 m)
<b>Minimum side yard</b>	40 ft (12.19 m)	10 ft (3.05 m)
<b>Maximum height of main building</b>	55 ft (16.76 m)	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	55 ft (16.76 m)	15 ft (4.57 m)

### Intensive Livestock Operations

26.3 No building or structure housing an intensive livestock operation, manure storage facility for an intensive livestock operation, or burial site or incinerator for the disposal of dead animals shall be located within:

- (a) 1,000 ft (304.80 m) of a non-farm residential, commercial or institutional building;
- (b) 200 ft (60.96 m) of an adjacent property, other than another livestock farm or another property that is part of the farm under consideration;

- (c) 300 ft (91.44 m) from any water well or watercourse; and
  - (d) 40 ft (12.19 m) from any edge of property on which an intensive livestock operation is located.
- 26.4 Nothing in this By-law shall prevent the expansion of an existing intensive livestock operation, including the construction of new barns or manure storage facilities, provided the yard and separation distance requirements set out in Sections 26.2 and 26.3 are met or such expansion does not further reduce any yards or separation distances that do not conform.
- 26.5 The separation distances set out in Section 26.3 may be waived to allow for the expansion of an existing intensive livestock operation, including the construction of new barns and manure storage facilities, provided that:
- (a) the total number of livestock involved in the operation does not exceed the equivalent of 50 animal units;
  - (b) the applicant has submitted an environmental site assessment and plans, signed and sealed by a qualified professional specializing in agricultural engineering in accordance with the Engineering Profession Act, which show there is no increased pollution risk associated with the project, manure management and storage capacity are adequate for the current and proposed size and type of operation, and contaminated runoff is eliminated or properly contained; and
  - (c) following construction, the applicant provides a certificate from a professional engineer which shows that construction has been completed in accordance with the plans submitted under subsection (b).

### **Dwellings – Separation from Intensive Livestock Operations**

- 26.6 No new dwelling in the AG zone shall be constructed within 500 ft (152.40 m) of an existing intensive livestock operation. This provision shall not apply to accessory farm dwellings.

### **Non-Intensive Livestock Operations**

- 26.7 No building or structure housing a non-intensive livestock operation shall be located within:
- (a) 40 ft (12.19 m) of an adjoining property; and
  - (b) 100 ft (30.48 m) of a water well or watercourse.
- 26.8 Manure storage for a non-intensive livestock operation shall be located a minimum of 100 ft (30.48 m) from an adjoining property unless contained in a concrete enclosure that is a minimum of 5 ft (1.52 m) in height, in which case manure storage shall be located a minimum of 50 ft (15.24 m) from an adjoining property. Manure storage shall not be located within 100 ft (30.48 m) of a water well or watercourse.
- 26.9 For lots 10 acres (4.05 ha) or less in size in the AG zone, the maximum number of animal units permitted for a non-intensive livestock operation shall not exceed one animal unit for the first full acre and an additional one animal unit for each additional full half acre thereafter, to a maximum of 10 animal units.

### **Topsoil Removal**

- 26.10 The removal of topsoil shall be prohibited from lots located in the AG zone except where incidental to sod farming operations, plant nurseries and excavation associated with the construction of buildings or infrastructure.

### **Telecommunication Towers**

- 26.11 The following requirements shall apply to telecommunications towers in the AG zone:
- (a) the tower and any accessory building shall meet the minimum yard requirements;
  - (b) the tower base, accessory building and any guy wire anchors shall be enclosed by fencing;
  - (c) the lot shall be landscaped to reduce the impact on adjacent uses; and
  - (d) where a tower exceeds 100 ft (30.48 m) in height, the setback for the tower base shall be the height of the tower plus 25 ft (7.62 m) from any lot line or any building.



**Dwellings Accessory to an Agricultural Operation**

26.12 More than one dwelling shall be permitted on a lot in the AG zone where such dwellings are accessory to an ongoing agricultural operation. Such dwellings shall be permitted only for the use of a farm employee, an owner of the farm property or a family member directly involved in the farm operation.

## **27.0 ENVIRONMENTAL CONSTRAINTS AREAS**

- 27.1 In areas designated Environmental Constraints on Schedule <A' of this By-law, no development permit shall be issued for any new main building, or any new accessory building larger than 800 ft<sup>2</sup> (74.32 m<sup>2</sup>) in total floor area, for a use permitted in the underlying zone until an environmental study as described in Policy 12.0.2 of the Municipal Planning Strategy has been completed and submitted to the Development Officer.
- 27.2 Where a property shown as an Environmental Constraints Area on Schedule <A' is dykeland designated under the Nova Scotia Agricultural Marshland Conservation Act:
- (a) no development permit shall be issued unless such development is permitted under the Nova Scotia Agricultural Marshland Conservation Act.
  - (b) no development permit shall be issued for:
    - (i) new residential institutions such as hospitals, senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary; and
    - (ii) any new use associated with the warehousing or the production of hazardous materials.
  - (c) infilling, topsoil removal and alteration of topography shall not be permitted, except as necessary for:
    - (i) construction and maintenance of dykes, aboiteaux, ditches, drains, roads and other works necessary for the prevention of flooding and the protection of dykeland;
    - (ii) the maintenance, repair and expansion of public and private roads, highways, driveways and parking areas existing as of March 6, 2002;
    - (iii) the reasonable construction of new driveways, building sites and parking areas where the Development Officer has approved the issuance of a

development permit in accordance with the requirements of Sections 27.1 or 27.4 herein;

- (iv) construction of sports fields, golf courses, boat launches, trails and other recreational uses which require a limited amount of infilling and alteration of topography, but do not require buildings;
- (v) the creation and maintenance of wetlands for the purposes of recreation and wildlife habitat enhancement;
- (vi) farmland improvement including dykeland land forming carried out in accordance with generally accepted farming practices; or
- (vii) the construction of new public streets shown on an approved subdivision plan.

(d) no infilling, topsoil removal or alteration of topography carried out under subsection (c) herein shall impede drainage or flow of flood water or unnecessarily reduce flood water storage capacity.

27.3 Where a building has been constructed using flood proofing measures or other construction methods in accordance with an environmental study required under Section 27.1 herein, any future alterations or additions shall also follow the construction methods set out in the environmental study.

27.4 Where a building or structure was erected in an Environmental Constraints Area on or before March 6, 2002:

- (a) the building may be enlarged, reconstructed, repaired or renovated provided all other applicable requirements of this By-law are satisfied; and
- (b) the use of the building may be changed to a use permitted in the underlying zone, except where such use is:
  - (i) a residential institution such as a hospital, senior citizen home, home for special care or similar facility where flooding could pose a significant threat to the safety of residents if evacuation became necessary; or

- (ii) any use associated with the warehousing or the production of hazardous materials.

## **2.8 WENTWORTH ROAD COMMERCIAL (WR-C)**

*(Amendment WLUB 09-02 Effective September 3, 2009)*

### **Permitted Uses**

28.1 The following uses shall be permitted in the Wentworth Road Commercial (WR-C) zone:

- Arts and crafts studios including photography
- Automobile service stations, car washes and repair centres
- Automobile, truck and motorcycle sales, service, or rental establishments
- Banks and financial institutions
- Building supply establishments
- Clubs and community organizations
- Commercial schools
- Country inns
- Day care centres, licensed and non-licensed
- Dry cleaning and laundry establishments
- Emergency service facilities (i.e., police, ambulance and fire stations)
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farm markets
- Funeral homes
- Garden and nursery sales and supplies
- Hotels and motels
- Licensed liquor establishments
- Local shopping centres containing uses permitted in the WRC zone
- Offices
- Parking structures
- Repair and rental establishments
- Residential uses (not on the ground floor)
- Restaurants, including drive-through and take-out establishments
- Retail stores
- Retail stores, large format (maximum commercial floor area 50,000 ft<sup>2</sup> (4,645 m<sup>2</sup>)  
(subject to site plan approval)
- Service and personal service shops

- Taxi, train and bus stations
- Veterinary clinics and animal hospitals
- Existing residential uses

### **WR-C Zone General Requirements**

28.2 In the WR-C zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	10,000 ft <sup>2</sup> (929.00 m <sup>2</sup> )
<b>Minimum lot frontage</b>	100 ft (30.48 m)
<b>Minimum front yard</b>	25 ft (7.62 m)
<b>Minimum rear yard</b>	25 ft (7.62 m)
<b>Minimum side yard</b>	25 ft (7.62 m)
<b>Maximum height of main building</b>	3 storeys
<b>Maximum height of accessory building</b>	15 ft (4.57 m)

### **Development by Site Plan Approval**

28.3 (a) Where Section 28.1 permits large format retail stores with a commercial floor area not exceeding 50,000 ft<sup>2</sup> (4,645 m<sup>2</sup>) by the site plan approval process, the Development Officer shall approve a site plan where the following matters have been addressed:

- (i) a landscaped area, including trees, shrubs, grass and other vegetative ground cover, is provided along the front property line to act as a buffer between the development and the public street; where parking spaces, travel lanes or stacking lanes are adjacent to the landscaped area, additional low-level screening in the form of shrubs or low walls in combination with shrubs shall be placed in continuous fashion to help screen cars from view while still allowing eye-level visibility into the site;
- (ii) landscaped islands are provided within parking lots containing 24 or more spaces to avoid the appearance of large, unbroken expanses of asphalt; islands may be located at the end of banks of parking stalls or separating banks of stalls;

- (iii) safe, continuous and clearly defined pedestrian walkways are provided from the street to the primary building entrance; the walkways may be a combination of crosswalks, sidewalks and trails;
- (iv) the location, number and width of driveway accesses adequately address any traffic problems identified by the Traffic Authority for the Town of Windsor;
- (v) parking and loading facilities are located so as to minimize congestion within the parking lot and prevent conflicts between pedestrians or passenger vehicles and transport trucks;
- (vi) easements required for services or access are suitably identified on the plan;
- (vii) site grading and storm water management plans adequately address the disposal of surface water on the site; the use of raingardens, permeable paving and other measures to slow, store and filter stormwater is encouraged;
- (viii) facilities for the storage of solid waste shall be located so as to minimize impacts on adjacent properties and the view from the street, or shall be screened from view through landscaping or fencing, and shall comply with the Town of Windsor Solid Waste By-law provisions;
- (ix) gas bars or other structures accessory to the large format retail store may be located in the front yard provided the landscaped area referred to in clause (i) is maintained as a buffer between the structure and the public street;
- (x) the type and location of outdoor lighting provides safety and security for the structure, driveways and any pedestrian access, but is designed to ensure there is no light spilling, glare or light cast over adjacent uses and the street;
- (xi) the location, number and size of signs is appropriate to the scale of the development, contributes to an attractive and pedestrian-friendly environment and does not create visual clutter; ground signs shall not be

located so as to interfere with safe traffic movement or visibility near driveway entrances or intersections; and

- (xii) the above-listed items are adequately maintained.
- (b) The Development Officer may use the landscaping provisions of Section 29.1 of this By law as a guide in determining whether a site plan adequately addresses the criteria of subclauses (a) (i) and (ii).
- (c) Application for site plan approval shall be in the form specified in Appendix 2 and shall be accompanied by a plan or sketch of sufficient detail to address all of the matters identified in clause (a).
- (d) Where the Development Officer approves or refuses to approve a site plan, the process and notification procedures and the rights of appeal are the same as those that apply when a Development Officer grants or refuses to grant a variance, except that notice in writing of the approval of a site plan shall be given to every assessed owner whose property is within 300 ft. (91.44 m) of the applicant's property.

### **Open Storage and Outdoor Display**

28.4 In the WR-C zone, open storage and outdoor display shall:

- (a) be located at least 10 ft (3.05 m) from any lot line;
- (b) be accessory to a permitted commercial use; and
- (c) not be located in any required parking spaces or loading spaces.

### **Residential Uses**

25.5 Residential uses as part of the same building as a commercial use are permitted provided the total floor area of the residential use does not exceed two-thirds (66 percent) of the total floor area of the building.



**Access**

- 28.6 Entrance to and exit from properties zoned WR-C shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot.

## **29.0 WENTWORTH ROAD GATEWAY DISTRICT**

*(Amendment WLUB 09-02 Effective September 3, 2009)*

29.1 For any lot in the Wentworth Road Gateway District, as shown on Schedule B of the Land Use By-law, in addition to the requirements of the underlying zone, the following provisions shall apply to:

- (i) any development involving the construction of a new main building, except where the new main building is an agricultural building; and
- (ii) any addition in excess of 1,000 ft<sup>2</sup> (92.90 m<sup>2</sup>) or 25 percent of the existing structure, whichever is greater, involving a change in use.

### **Landscaping**

- a) There shall be a landscaped area at least 15 ft (4.57 m) deep that runs the length of and directly abuts the front lot line along Wentworth Road, excluding driveway openings and walkways. Where a lot is a corner lot, the landscaped area shall be required along the lot line abutting the street intersecting with Wentworth Road in addition to the lot line abutting Wentworth Road.
- (b) The landscaped area shall be grassed, or other appropriate vegetative ground cover used, and trees shall be planted at intervals no greater than 50 ft. (15.24 m) on centre. New trees shall have a minimum caliper of 2 in (5.08 cm) and a minimum height of 5 ft. (1.52 m). Shrubs with a minimum height of 1.5 ft. (0.46 m) shall be planted in clusters of three plants or more at a minimum rate of one cluster per 50 ft. (15.24 m) of frontage. Where possible, existing trees and shrubs may be retained and included in the calculation of plantings required.
- (c) Where parking areas, travel lanes or stacking lanes are adjacent to the landscaped area, additional shrubs, or low walls in combination with shrubs, shall be required in the landscaped area to screen cars from view while still allowing eye-level visibility into the site from the street. Shrubs and walls shall be maintained at 2-3 ft. (0.61- 0.91 m) in height and shall be placed in continuous fashion to provide a low hedge or screen.

(d) For parking lots containing 24 or more spaces, landscaped islands with a minimum permeable surface area of 100 ft<sup>2</sup> (9.29 m<sup>2</sup>) shall be provided within the parking lot at a rate of one island per 20 parking spaces. Islands may be located at the end of banks of parking stalls or separating banks of parking stalls. Landscaped islands may include shrubs, perennials, annuals or ground cover and shall include at least one tree, having a minimum caliper of 2 in (5.08 cm) and a minimum height of 5 ft (1.52 m), per island.

### **Pedestrian Access**

(e) An unobstructed pedestrian walkway, having a minimum width of 5 ft. (1.52 m), and constructed of concrete, asphalt, brick or other hard surface paver, shall be provided between the public sidewalk and the building entrance.

## **30.0 ARCHITECTURAL CONTROL DISTRICT**

- 30.1 The *Town of Windsor Architectural Design Manual* shall be adopted as Schedule D to this By-law.
- 30.2 In areas designated Architectural Control District on Schedule C of this By-law, no development permit shall be issued except in compliance with the provisions of the *Town of Windsor Architectural Design Manual* and all other applicable requirements of this By-law. Where there is a conflict, the provisions of the *Town of Windsor Architectural Design Manual* shall take precedence.

## 31.0 DEFINITIONS

31.1 In this By-law, all words carry their customary meaning except for those words and phrases defined as follows:

**Abattoir** means a building or structure, or part thereof, used for the slaughtering of animals;

**Accessory Apartment** *(removed by amendment File #20-29 effective September 14, 2021)*

**Accessory Building or Structure** means a subordinate building or structure on the same lot as the main building, devoted exclusively to an accessory use, but does not include a building attached in any way to the main building, a building located completely underground or a motor vehicle, truck body, transport trailer or any part thereof;

**Accessory Use** means a use subordinate in impact and naturally, customarily and normally incidental to a main use of land or building. *(Amendment WLUB 18-01 Effective January 29, 2019); (as amended by file #22-14 effective January 10, 2023);*

**Agricultural Building or Structure** means a building or structure devoted exclusively to an agricultural use, but shall not include an abattoir;

**Agricultural Use** means the use of land, buildings or structures for raising crops, livestock or fowl for gain or reward. This definition does not apply to an “urban agricultural use” as defined herein *(Amendment WLUB 16-01 Effective April 17, 2017);*

**Amusement Arcade** means a building, or part thereof, in which pinball machines, video games or other similar player-operated amusement devices are maintained;

**Amusement Rides** means mechanically or electrically operated devices that carry or convey passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure or excitement;

**Animal Unit** means one or more farm animals as specified in the following table:

Type of Livestock	Number Deemed Equal to One Animal Unit
Dairy Cows	1.5
Dairy Heifers	2
Beef Cows	2
Beef Feeders (150 - 500 kg)	4
Veal Calves	25
Bulls	1

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Horses	1
Sheep	10
Sows Breeding/Gestation	5
Sows (Farrow to Finish)	1
Sows (Farrow to Wean)	4
Weaners	50
Hogs (Feeders)	10
Laying Hens (whole year)	500
Broiler Chickens	1,000
Turkey Broilers (5 kg)	300

**Arena** means a building, location or premises in which to view or participate in sporting or entertainment events including, but not limited to, a rink, floor or ice surface, spectator seating areas, dressing rooms, washrooms, canteen facilities, lobbies and hallways;

**Arts and Crafts Studio** means a building, or part thereof, used for the production of, or the production and sale of, works of art or crafts made by hand;

**Auto Body Repair Shop** means a building used for the repair of body work, detailing and painting of automobile bodies;

**Automobile Sales Establishment** means a building or part of a building or space on a lot used for retail sales or rental of motor vehicles and motor vehicle accessories, and includes a public garage and repair shop;

**Automobile Service Station** means a building or a clearly defined space on a lot used for the sale of lubricating oils and gasoline and may include the sale of automobile accessories, space for the repair of automobiles, a car wash facility and a convenience store;

**Automobile Washing Establishment** means a building or part thereof used for the operation of automobile washing equipment which is automatic or semi automatic;

**Average Grade** means the average of the neighbouring street elevations on the street which the building fronts;

**Bed and Breakfast** means a single unit dwelling in which the resident supplies, for compensation, not more than four rooms for the temporary accommodation of the travelling public;

**Block** means the smallest unit of land which is bound entirely by public streets, rivers, railroads, public parks or any combination thereof;

**Boarding or Rooming House** means a single unit dwelling in which the resident supplies, for compensation, either room or room and board in more than two rooms but not more five rooms, exclusive of those for the resident and family, and which is not open to the travelling public;

**Brewery – Commercial** means a brewery or cidery engaged in the production of more than 15,000 hectolitres per year of beer or other related beverages where the primary business function is to sell packaged product to the Nova Scotia Liquor Commission and thence to the general public through retail liquor stores or for export (*Amendment WLUB 18-01 Effective January 29, 2019*);

**Building** means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment. Any tent, awning, bin, bunker, platform, vessel or vehicle used for any of the said purposes shall be deemed a building;

**Bulk Sales Establishment** means the use of land, a building or structure for the purpose of buying and selling lumber, wood, building materials, feed, fertilizer, ice and similar material;

**By-law** means this By-law which is the Town of Windsor Land Use By-law;

**Catering Establishment** means an establishment primarily involved in the preparation and transfer of finished food products for immediate consumption upon delivery to off-premises destinations only;

**Church** means a building dedicated to any religious worship and includes an associated hall, auditorium, Sunday School, day nursery or residence operated by the church on the same lot or an adjacent lot;

**Clinic** means a building or part of a building used for the medical, dental, surgical or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his/her residence;

**Commercial School** means an establishment which provides instruction for profit or gain including, but not limited to, secretarial schools, dance, music, drama, and arts and crafts schools, and business and trade schools;

**Convenience Store** means a retail store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazines, confectionary items and grocery items and may include a snack bar, dry cleaning drop-off depot and video rentals;

**Commercial Use** means the use of a building for the purpose of buying and selling goods and supplying services;

**Council** means the Council of the Town of Windsor;

**Country Inn** means a building with three or more rooms for the temporary accommodation of the travelling public for gain or profit and may include a public dining room and/or guest house;

**Cultural Use** means the use of land or a building for natural, artistic, historic, educational, or cultural interest and may include archives, libraries, museums, galleries, theatres, studios and botanical gardens;

**Day Care Centre** means a building where children are cared for on a daily basis, for compensation, without overnight accommodation, but does not include a school.

- (a) Non-Licensed Day Care Centre serves fewer than six children;
- (b) Licensed Day Care Centre serves six or more children and is licensed by the Province of Nova Scotia under the Day Care Act;

**Depth** means a specified distance along a horizontal plane towards the interior of a building or a lot from a streetline or lot line;

**Development** includes the erection, construction, alteration, placement, location, replacement, or relocation of, or addition to a structure and a change or alteration in the use made of land or structures;

**Development Officer** means the person or persons appointed by Town of Windsor to administer this By-law;

**Display Court** 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, mobile homes, trailers, boats, snowmobiles, motorcycles, swimming pools, garden ornaments, and prefabricated cottages or homes;

**Distillery - Commercial** means a facility in the production of more than 75,000 litres per year of liquor and spirits, other than wine or beer, where the product is blended or bottled for sale to the Nova Scotia Liquor Commission or for export (*Amendment WLUB 18-01 Effective January 29, 2019*);



**Driveway** means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle;

**Dwelling** means a building, occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel, motel, apartment hotel, recreation vehicle, or travel trailer;

- (a) **Apartment Dwelling** means a building or part thereof, other than a converted dwelling, consisting of three or more dwelling units, which have a common entrance from the street level;
- (b) **Converted Dwelling** means a building originally built and designed as a single unit dwelling which has been converted to two or more dwelling units;
- (c) **Duplex Dwelling** means a building that is divided horizontally into two dwelling units each of which has an independent entrance directly or through a common vestibule;
- (d) **Grouped Dwellings** means two or more dwelling units which are contained in two or more buildings designed to be part of a group of dwellings clustered on a single lot;
- (e) **Semi Detached Duplex Dwelling** means a building that consists of two duplexes attached to each other;
- (f) **Semi Detached Dwelling** means a building that is divided vertically into two dwelling units each of which has an independent entrance;
- (g) **Single Unit Dwelling** means a building consisting of one dwelling unit 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 is freestanding, separate and detached from other main buildings or structures;
- (h) **Townhouse Dwelling** means a building 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;

- (i) **Triplex Dwelling** means a building that is divided horizontally into three dwelling units, each of which has an independent entrance directly or through a common vestibule;
- (j) **Two Unit Dwelling** means a completely detached building containing only two dwelling units;

**Dwelling Unit** means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care; *(Amendment 22-08 effective December 13, 2022)*

**Erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension;

**Exhibition Grounds** means an area used for the temporary display, demonstration and sale of arts, crafts, livestock, commercial or industrial products, recreational vehicles or automobiles, and may include amusement rides, amusement arcades or recreation areas;

**Existing** means legally existing on the effective date of this By-law;

**Farm Market** means a building or lot or part of a building or lot where farm produce comprises the major portion of goods offered or kept for sale directly to the public; *(Amendment WLUB 21-11 Effective November 18, 2021)*

**Fill** means natural earth or gravel material deposited on a lot to alter the land level and contour of the lot;

## **Floor Area**

- (a) With reference to a dwelling means the maximum area contained within the outside walls excluding any private garage, porch, veranda, sunroom, unfinished attic, basement or cellar, or other room not habitable at all seasons of the year;
- (b) **Commercial Floor Area** means the total useable floor area within a building used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage rooms and common malls between stores;
- (c) **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 of an inner court shall be deemed to be exterior walls;
- (d) **Floor Area Ratio** means the gross area of all floors in a building, measured from the outside of external walls, divided by the area of the lot.

**Fuel Storage Depot** means the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid legally and properly kept in a tank for storage;

**Guest House** means a building without kitchen facilities on the same lot as a country inn which is used for the temporary accommodation of the travelling public;

**Hazardous Material** means a material which, by reason of its properties, is a hazard to health or to the environment and which is explosive, gaseous, flammable, poisonous, radioactive, corrosive, oxidizing or leachable, or is designated as a hazardous material under federal or provincial legislation;

**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 the greater, of a flat roof;
- (b) the deckline of a mansard roof; or
- (c) 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 ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple; *(Amendment WLUB 07-02 Effective September 21, 2007)*

**Home-Based Business** means the accessory use of a dwelling by any resident of that dwelling unit for gainful employment involving the production, sale, or provision of goods and services, on a small scale;

**Home for Special Care** means facilities licensed under The Homes for Special Care Act or successor legislation which serve 11 or more people; *(Amendment 22-08 effective December 13, 2022)*

**Hospital** means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury;

**Hotel** means a building with six or more units that are internally accessible with private bathrooms used to accommodate the travelling public, for gain or profit, by supplying them with sleeping accommodation with or without meals;

**Housing Affordability** means all types of housing whereby the provincial government provides some form of subsidy or rent assistance, including public, non-profit and co-operative housing, as well as rent supplements for people living in private market housing;

**Institutional Use** means a publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the Homes for Special Care Act, and any public use;  
*(Amendment 22-08 effective December 13, 2022)*

**Kennel** means a lot, building or structure on or within which four or more domesticated animals are housed, groomed, bred, boarded, trained or sold for monetary gain and which may offer provisions for minor medical treatment;

**Kiosk** means a small structure, open at one or more sides, used for the display and retail sale of goods, merchandise or farm produce, or for the limited preparation and sale of food or beverages, but shall not include a motor vehicle;

**Landscaped Open Space** means the open space which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping including any surfaced walk, patio and similar area and not occupied by a building or used as a driveway or parking space;

**Landscaping** means the use of any combination of horticultural elements, decorative stone work, paving, fencing or other architectural elements to enhance the visual quality of a property or to provide a visual barrier between one property and another;

**Livestock Operation, Intensive** means an agricultural use in which a minimum of 20 animal units are confined to a barn, feedlot or other facility for feeding, breeding, milking, holding for eventual sale, or egg production. Combinations of different types of livestock are allowed provided the maximum number of animal units is not exceeded;

**Livestock Operation, Non-intensive** means an agricultural use consisting of not more than 19 animal units. Combinations of different types of livestock are allowed provided the maximum number of animal units is not exceeded. This definition does not apply to an “urban agricultural use” as defined herein (*Amendment WLUB 16-01 Effective April 17, 2017*) ;

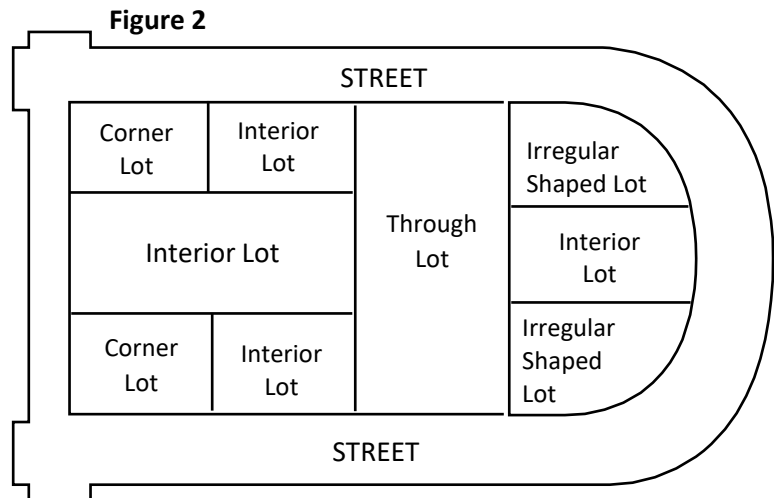
**Loading Space** means an unencumbered area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area:

- (a) is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;
- (b) is not upon or partly upon any street or highway; and
- (c) has adequate access to permit ingress and egress by means of driveways, aisles, manoeuvring area or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles;

**Local Commercial** is a small scale commercial operation that serves a relatively small market area and is of a local nature and, without limiting the generality of the foregoing, may include convenience stores and art/craft/antique and personal service shops. For the purpose of this By-law, local commercial uses may include other uses which have traditionally been considered local commercial even though they may serve an extended market and which are compatible with residential areas such as licensed day care centres, country inns, small restaurants or cafes, offices and video stores;

**Lot** means a parcel of land described in a deed or as shown on a registered plan of subdivision (see Figure 2);

- (a) **Corner lot** means a lot situated at the intersecting corner of two or more streets. The shorter lot line shall be deemed the front line of the said lot;
- (b) **Interior Lot** means a lot abutting only one street the full width of the lot;
- (c) **Through Lot** means a lot that is not a corner lot that abuts two streets;



**Lot Area** means the total horizontal area within the lot lines of a lot; minimum lot area means the smallest allowable area a lot can be created;

**Lot Coverage** means the percentage of the lot that is covered by buildings, also known as the building footprint; maximum lot coverage means the largest allowable area that can be covered by any building or buildings on a lot;

**Lot Frontage** means the length of a line between the two side lot lines measured at the front of the lot; minimum lot frontage means the shortest allowable distance lot frontage can be measure (see Section 5.5 Calculation of Lot Frontage);

**Lot Line** means a boundary line of a lot:

- (a) **Exterior** means a side lot line which abuts the street on a corner lot;
- (b) **Front** means the line dividing the lot from the street; in the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length, the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line;
- (c) **Rear** means the lot line furthest from or opposite to the front lot line;
- (d) **Side** means a lot line other than a front or rear lot line;

**Low-rise Building** means a building or that portion of a building that is less than 11 metres in height;

**Main Building** means the building on a lot in which the principal use of the lot is carried out;

**Main Wall** means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof;

**Microbrewery** means a craft brewery or cidery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, cider or other related beverages. The facility may include accessory uses such as retail sale, wholesale, tours and events or hospitality room where beverages produced at the facility can be sampled  
*(Amendment WLUB 18-01 Effective January 29, 2019);*

**Microdistillery** means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine or beer. The facility may include accessory uses such as retail sale, wholesale, tours and events or hospitality room where beverages produced at the facility can be sampled *(Amendment WLUB 18-01 Effective January 29, 2019);*

**Motel** means a building or a group of buildings with three or more units, each with external access, and private bathrooms, used to accommodate the travelling public, for gain or profit, by supplying them with sleeping accommodation;

**Non-Conforming** means a use, building or structure or part thereof which does not conform or comply with the permitted uses and regulations of this By-law as of the effective date;

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

**Office (Business)** means a building or part thereof in which one or more persons is employed in the management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization including, but not so as to limit the generality of the foregoing, an office accessory to a permitted non-residential use, a bank or other financial institution, the premises of a real estate or insurance agency, a data processing establishment, a newspaper publisher or a radio or television broadcasting station and related studios or theatres, but does not include a retail store or a professional office;

**Office (Professional)** means a building or part thereof in which a legal, medical or other personal professional service is performed or consultation given including, but not necessarily restricted to, a clinic and the offices of a lawyer, an architect, surveyor, engineer or a chartered accountant, but does not include a personal service shop, a business office or a veterinary clinic;

**Open Space** means land that has been reserved for the purpose of formal and informal sport and recreation, leisure, preservation of natural environments, and the provision of green space;

**Open Storage** means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment or other items not intended for immediate sale;

**Outdoor Display** means the display of goods or merchandise in the open air which are available for sale to the general public from a retail store on the same lot;

**Park** means an area reserved for passive recreational uses with limited need for accessory buildings or structures;

**Parking Area** means an open 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 and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted;

**Parking Space** means a space, exclusive of driveways, ramps or aisles, to park one vehicle for purposes other than the display or offering of sale of commodities;

**Person** includes an individual, association, firm, partnership, corporation, organization or group and includes any person legally representing these;

**Personal Service Shop** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing may include the premises of a barber, hairdresser, beautician, masseur, tailor, dressmaker and shoemaker, as well as a sun tanning shop, a formal rental shop and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale. The sale of merchandise shall be permitted only as an accessory use to the personal service provided;



**Pilaster** means a rectangular column that usually projects about a third of its width from the wall to which it is attached;

**Planting Strip** means an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following:

- (a) a continuous row of trees;
- (b) a continuous hedge of evergreens or shrubs;
- (c) a berm;
- (d) a wall; or
- (e) an opaque fence;

arranged in such a way as to form a dense or opaque screen;

**Post Office** means a facility owned and operated by Canada Post Corporation for the purpose of providing postal retail sales and services including counter and delivery services and may include a sorting station.

**Postal Outlet** means an outlet owned and operated by an individual or corporation under a specific agreement with Canada Post Corporation, for the purpose of providing postal retail sales and services and, in some cases, limited delivery services to the general public.

**Public Use** means a use, building or structure of a public authority to provide a service to the public;

**Public Façade** means any façade that fronts a public street including the portion of the roof which is visible from a public street. In the case of a corner lot, both sides of the building that are visible from the public street are considered to be public façades;

**Public Authority** means any Ministry, Department, Authority, Board, Agency, Commission or Committee of the Town of Windsor established or exercising any power or authority under any general or specific statute of Canada and Nova Scotia with respect to any of the affairs or purposes of the Town or a portion thereof and includes any committee or local authority established by the Town and any public utility;

**Recreational Space** means a space provided in common and exclusively for the occupants of a building or part thereof in which or on which recreational uses are carried out;

**Recreation Uses, Indoor** means a wholly enclosed building used for the provision of sports and recreation facilities including bowling alleys, curling rinks, climbing walls, fitness clubs, racquet courts, gymnasia, indoor swimming pools, indoor skating rinks and other similar recreational facilities and may include accessory uses such as pro shops, canteens and offices for fitness professionals;

**Recreation Uses, Outdoor** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, skating rinks, athletic fields, golf courses, driving ranges, picnic areas, swimming pools, day camps, and similar uses to the foregoing together with necessary and accessory buildings and structures but shall not include a track for the racing of animals or any form of motorized vehicles;

**Recreational Vehicle Sales and Service** means a building or lot used for the display, service, sale and/or rental of motor homes, travel trailers, boats, snowmobiles, personal watercraft, all-terrain vehicles or other similar recreational vehicles;

**Recycling Depot** means a collection site for materials in a municipal recycling program but does not include a scrap or salvage yard;

**Repair and Rental Establishment** means a premise engaged in maintaining, repairing, installing, and renting articles and equipment for household and personal use such as radio and television, refrigerator and air conditioning, appliances, watches, clocks, jewellery, and upholstery and furniture repairs;

**Restaurant** means a building or part thereof where food and drink is served to the public for consumption within the building or for take-out, but not for consumption in parking areas appurtenant to the building;

- (a) **Drive-through Restaurant** means an establishment where food is served to the public through a service window and may include an eat-in area;

**Retail Store** means a building or part thereof with a total commercial floor area of 20,000 ft<sup>2</sup> (1858.00 m<sup>2</sup>) or less in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.

**Retail Store, Large Format (Big Box Store)** means a maximum of two retail commercial uses in a single structure with a total commercial floor area greater than 20,000 ft<sup>2</sup> (1858.00 m<sup>2</sup>).

**Self Storage Operation** means A building or buildings consisting of small, self contained units that are leased or owned for the storage of business and household goods or contractors supplies  
*(Amendment WLUB 10-02 Effective February 25, 2011);*

**Scrap Yard** means an area of land used for the storage, handling, processing and sale of scrap materials including, but not limited to, scrap metal, vehicles, tires, and car batteries, but shall not include hazardous waste materials;

**Secondary Suite** means a dwelling unit either within a dwelling unit or within an accessory building on the same lot as the main dwelling unit and limited to a maximum of (1) 80% of the total floor area of the dwelling unit if 80% is less than 862 sq. ft. (80 sq. m.) or (2) 862 sq. ft. (80 sq. m.) or (3) greater as established in the National Building Code. *(Amendment File #20-29 effective September 14, 2021) (as amended by file #22-14 effective January 10, 2023)*

**Service Industry** means any industry involved in the processing of milk and dairy products, a bakery, a garage including engine and body repair shop, a printing establishment, a paint shop, plumbing shop, sheet metal shop and similar service shops;

**Service Shop** means an establishment, other than an automotive use, that provides a non-personal service or craft to the public including, but not necessary restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith shop, a farrier's shop, an upholstery shop, a bakery, a dairy, a catering establishment, a machine shop, or a monument engraving shop;

**Setback** means the distance between the street line and the nearest main wall of any building or structure and extending the full width or length of the lot;

**Shopping Centre, Local** means two or more predominantly retail commercial uses with a total commercial floor area of 20,000 ft<sup>2</sup> (1858.00 m<sup>2</sup>) or less that is designed, developed and managed as a unit with shared parking facilities and which may or may not have enclosed common walkways.

**Shopping Centre, Regional** means a group of three or more predominantly retail commercial uses with a total commercial floor area greater than 20,000 ft<sup>2</sup> (1858.00 m<sup>2</sup>) that is designed, developed and managed as a unit with shared parking facilities and which may or may not have enclosed common walkways. Land uses that meet the definition of "large format retail store" are not deemed to be a "shopping centre" for the purposes of this By-law.

**Sign** means any structure or device, whether illuminated or not, used to advertise or draw attention to any product, place, person, business, institution, organization, or event, including any directional or way finding purpose;

- (a) **Facial Wall Sign** means a sign that is painted on, attached to or erected against a wall of a building, with the face horizontally parallel to the building wall and with no space between the back of the sign face and the building wall;
- (b) **Ground Sign** means a sign supported by one or more posts, poles, or braces placed in or upon the ground;
- (c) **Mobile Sign** means a sign designed and intended to be moved from one site to another and not permanently affixed to the ground or a building, but shall not include a sandwich board sign or the side, body or trailer of a commercial motor vehicle;
- (d) **Projecting Sign** means a sign that projects from and is supported by the wall of a building;
- (e) **Sandwich Board Sign** means a self-supporting, two-sided, A-frame style sign that is not affixed to the ground;

**Sign Face** means the area of a sign upon which the message is placed;

**Stacking Space** means a portion of a parking area or a parking lot, other than a parking aisle or a parking space, which provides standing room for a vehicle in a queue and, without limiting the generality of the foregoing, this may include a queue for a drive-through business such as a drive-through restaurant, a drive-through bank or a drive-through car wash;

**Streetwall** means the wall of a building or portion of a wall facing a streetline that is below the height of a specified stepback or angular plane, which does not include minor recesses for the elements such as doorways or intrusions such as bay windows

- **Streetwall Height** means the vertical distance between the top of the streetwall and the streetwall grade, extending across the width of the streetwall
- **Streetwall Setback** means the distance between the streetwall and streetline

**Storey** means that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 6 ft (1.83 m) above grade. Provided also that any portion of a storey

exceeding 14 ft (4.27 m) in height shall be deemed an additional storey for each 14 ft (4.27 m) or fraction thereof of such excess;

**Strategy** means the Municipal Planning Strategy for the Town of Windsor;

**Street Line** means the boundary line of a street;

Street or Road means the whole and entire right of way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Town of Windsor;

- (a) **Arterial Street or Road** means a street designed to move large volumes of vehicular traffic between major centres;
- (b) **Collector Street or Road** means a street designed to move vehicular traffic from residential neighbourhoods to commercial and institutional areas and to arterial streets;
- (c) **Local Street or Road** means a street designed to serve vehicular traffic in residential neighbourhoods;

**Stepback** means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified;

**Structure** means anything that is erected, built, or constructed or parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, signs and fences;

**Support Service** means a building or part of a building in which the primary function is to provide services to industry or to businesses located in an industrial park and, without limiting the generality of the foregoing, shall include copying, printing, and micro-filming establishments, the offices of an industry or of engineering, architectural, design and similar consultants, business management, marketing and similar firms and manufacturers' agents, and building, equipment and grounds maintenance companies;

**Town** means the incorporated Town of Windsor;

**Town Administrator** means the Chief Administrative Officer for the Town of Windsor;

**Transport Depot** means a premises used for the transfer of goods primarily involving loading and unloading of freight carrying vehicles, and secondarily, involving the storing, parking, servicing and dispatching of freight carrying vehicles;

**Urban Agriculture Use** means the keeping of chickens (laying hens) and beekeeping on a residential property, subject to Section 5.44 of this by-law (*Amendment WLUB 16-01 Effective April 17, 2017*).

**Utility** means a water works or water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telecommunications system, and includes any lands, buildings or equipment required for the administration or operation of any such system;

**Veterinary Clinic** means a building or part thereof with or without related structures, wherein animals of all kinds are treated or kept for treatment by a registered veterinarian;

**Warehouse** means a building where wares or goods are stored but does not include a retail store. Warehouse will also include self storage operations as defined elsewhere in this LUB (*Amendment WLUB 10-02 Effective February 25, 2011*);

**Wholesale Establishment** means a building or part of a building used for the selling of goods in large bulk or quantity for delivery or from the premises to a person other than to the ultimate consumer but does not include a retail store;

**Winery** means an establishment engaged in the production of wine less than 10,000 litres per year and includes facilities on the same lot where wine may be blended, mixed, stored or packaged and may include accessory uses such as retail sale, wholesale, tours and events or hospitality room where beverages produced at the facility can be sampled. (*Amendment WLUB 18-01 Effective January 29, 2019*);

**Winery - Commercial** means a manufacturing plant to which a permit has been issued by the NSLC and where wine is manufactured or blended and bottled for sale to the NSLC or for export (*Amendment WLUB 18-01 Effective January 29, 2019*);

**Yard** means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used;

(a) **Flanking Yard** means the side yard of a corner lot that abuts the street line;

- (b) **Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; minimum front yard means the smallest allowable distance a front yard can be measured;
- (c) **Rear Yard** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any building or structure on the lot; minimum rear yard means the smallest allowable distance a rear yard can be measured;
- (d) **Side Yard** means a yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest wall of any building or structure on the lot; minimum side yard means the smallest distance a side yard can be measured;

**Zone** means a designated area of land shown on the zoning map for which specific development control regulations are applied.

## APPENDIX 1 – EXISTING USES

Use	Owner	Civic Address	PID
<b>Town Centre (TC) Zone</b>			
<b>Existing dry cleaning and laundry establishments</b>			
Laundromat	Hawboldt's Laundromat	69 Cedar Street	45049772
<b>Existing residential uses</b>			
Two Unit Dwelling	Forand, Mary C	32 Albert Street	45049830
Single Unit Dwelling	See, Leong & Nooi, Foong	39 Albert Street	45057361
Single Unit Dwelling	Hopper, Harold & Elsie	47 Albert Street	45057353
Single Unit Dwelling	Boyd, Gertrude	53 Albert Street	45057304
Single Unit Dwelling	Hurshman, Donald & Beverley	33 Cobbett Street	45056280
Single Unit Dwelling	Swinamer, Harley & Lois	51 Cobbett Street	45056256
Single Unit Dwelling	Brown, Hazel	53 Cobbett Street	45056272
Single Unit Dwelling	Smith, Guy & Florence	61 Cobbett Street	45056264
Single Unit Dwelling	Lynch, Cyril & Rhonda	91 Cobbett Street	45056249
Single Unit Dwelling	Fogarty, Michael & Gloria	103 Cobbett Street	45056231
Single Unit Dwellings	Newcombe, Wayne & Christine	1 and 3 Fox's Lane	45057346
Single Unit Dwelling	Newcombe, Wayne & Christine	2 Fox's Lane	45057395
Single Unit Dwelling	Toronto Dominion Bank	161 Gerrish Street	45200011
Single Unit Dwelling	Gould-Thorpe, James & Patricia	163 Gerrish Street	45057973
Single Unit Dwelling	Harvie, George & Karen	169 Gerrish Street	45057940
Single Unit Dwelling	Single Unit Dwelling	173 Gerrish Street	45057932
Single Unit Dwelling	Spence, Ricky & Atwell, Lorraine	183 Gerrish Street	45057924
Two Unit Dwelling	Regan, Natalie	203 Gerrish Street	45057908
Multiple Dwelling (3 units)	Hazel Holdings Ltd	206 Gerrish Street	45058047
Single Unit Dwelling	Stone, Reginald & Castillo, Danny	213 Gerrish Street	45057890
Two Unit Dwelling	MacVicar, James & Rhonda	223 and 225 Gerrish Street	45057882
Single Unit Dwelling	Cook, Robert & Kenley, Cynthia	20 Gray Street	45057775
Multiple Dwelling (3 units)	Levy, Wayne & Janine	83 and 85 Gray Street 151 Stannus	45058120
Multiple Dwelling (3 units)	Pryde, Neil & Darlene	92 Gray Street 127 Stannus Street	45057544
Multiple Dwelling (12 units)	Winburn Holdings Ltd	111 Gray Street	45058476
Two Unit Dwelling	Lowthers, Irvin & Patricia	33 and 35 King Street	45056306
Single Unit Dwelling	Dunn, David & Lisa	47 King Street	45056298
Multiple Dwelling (5 units)	Sanford, Chester & Joan	140 King Street	45057767
Single Unit Dwelling	Galbraith, Barry	164 King Street	45057809
Two Unit Dwelling	Machel, Magdalena & Michal	208 King Street	45057841
Multiple Dwelling (3 units)	Pryde, Neil & Darlene	224 King Street 20 Victoria Street	45057858
Multiple Dwelling (4 units)	Rizzi-Lee, Teresa & Lee, William & Lee, Katrina & Lee, Martin	60 Stannus Street	45057106
Single Unit Dwelling	Zinck, William	84 Stannus Street	45057114
Single Unit Dwelling	Lake, Gabriella	105 Stannus Street	45057551
Two Unit Dwelling	Myles, Elizabeth	201 & 205 Stannus Street	45058104
Single Unit Dwelling	Cleveland, Harold & Dawn	207 Stannus Street	45058096
Single Unit Dwelling	Lyons, William & Joyce	215 Stannus Street	45058088
Two Unit Dwelling	McCall, Glendon	58 and 60 Upper Water Street	45056330
Single Unit Dwelling	MacCumber, Francis	72 Upper Water Street	45056348
Single Unit Dwelling	Parsons, Stella & Wentzell, Rosanne	82 Upper Water Street	45056355
Single Unit Dwelling	Cleveland, Kenneth & Smith, Marsha	24 Victoria Street	45057866
Single Unit Dwelling	Dimock, Mona, Melody, & Richard	30 Victoria Street	45057874
Single Unit Dwelling	Marcelli, Stanislaw & Annunziata	80 Victoria Street	45058062
Multiple Dwelling (4 units)	Sanford, Eric	82, 84, 86, & 88 Victoria Street	45058070



