

THE TOWN OF LOCKEPORT

LAND USE BY-LAW

Prepared by:
Town of Lockeport
Planning Advisory Committee
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LAND USE BY-LAW

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1986**

PREAMBLE

Persons referring to this By-Law for information on the standards that apply and the uses that are permitted for developments on any particular property should refer:

First, to the provisions respecting the particular zone the property is in. If the zone is not known, consult the Zoning Map which forms part of this by-law.

Second, to the provisions respecting the general requirements for the type of zone concerned; and

Third, to the general provisions affecting all zones (Part 6).

Reference should also be made to the definitions (Part 15) and the Interpretation Section (Part 3). Applications for development permits are governed by Section 76(1) of the Planning Act.

PART 1 TITLE

1. This By-law shall be known and may be cited, as the “Land Use By-law of the Town of Lockeport”.

PART 2 ZONES AND ZONING MAPS

ZONES

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

Residential General	R-1
Residential Multiple Family	R-2
Residential Large Lot	R-3
Commercial General	C-1
Tourist Commercial	C-2
Industrial General	M-1
Open Space and Recreation	OS-1

ZONING MAPS

2. Schedule “A” attached hereto may be cited as the Zoning Map and is hereby declared to form part of the By-law.

ZONES NOT SHOWN ON ZONING MAP

3. In certain instances, one or more of the zones listed in Section 1 of this Part may not appear on the Zoning Map. These zones may be applied to the Zoning Map by amendment to this By-law as required by specific development proposals and in accordance with the policies in The Municipal Planning Strategy (MPS).

PART 3 INTERPRETATION

SYMBOLS

1. The symbols used on the Schedule “A” attached hereto, refer to the appropriate zones established by this By-law.

DEFINED

2. The extent and boundaries of zones are shown on the Schedule “A” attached hereto, and for all such zones, the provisions of this By-law shall respectively apply.

INTERPRETATION OF ZONING BOUNDARIES

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

- e. where a zone boundary is indicated as following the limits of the Town, the limits shall be the boundary;
- f. where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule "A".

CERTAIN WORDS

- 4. In this By-law, unless clearly indicated otherwise, words used in the present tense include future; words in the singular number include the plural, words in the plural include the singular number; and the word "used" includes "arranged", "designed or intended to be used", and the word "shall" is mandatory and not permissive.

PERMITTED USES

- 5. In this By-law, any use not listed under permitted uses in a particular zone is prohibited.

PART 4 DEVELOPMENT AGREEMENTS

USES CONSIDERED BY DEVELOPMENT AGREEMENTS

The Municipal Planning Strategy provides that the following uses shall be dealt with by Development Agreement in accordance with Residential Policies 13, 14 and 15 and Commercial Policies 12, 13, 14 and 15 and Open Space Policies 8, 9 and 10.

- a. office and commercial uses, other than a home occupation, in areas designated Residential General on the Generalized Future land Use Map of the MPS;
- b. amusement arcades in areas designated Commercial General on the Generalized Future Land Use Map of the MPS;
- c. office and commercial uses on the portion of Memorial Park designated Open Space on the Generalized Future Land Use Map of the MPS;
- d. shopping centres in areas designated Commercial General on the Generalized Future Land Use Map of the MPS.

PART 5 ADMINISTRATION

ENFORCEMENT

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

SCOPE OF APPLICATION

2. Every application for a Development Permit shall be accompanied by plans, drawn to an appropriate scale and showing:
 - a. the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
 - b. the proposed location, height and dimensions of the building, structure, or work in respect of which the permit is applied for;
 - c. the location of every building or structure already erected on or partly on such lot, and the location of every building upon abutting lots;
 - d. the proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas; and
 - e. other such information as may be necessary to determine whether or not every such building, development reconstruction or redevelopment conforms with the requirements of this By-law.

3. Where the Development Officer is unable to determine whether the proposed development conforms to this By-law and other by-laws and regulations in force which affect the proposed development, he may require that the plans submitted under Section 2 be based upon a current survey by a Nova Scotia Land Surveyor.

SIGNATURE FOR APPLICATION

4. The application shall be signed by the owner of the lot or by the owner's agent duly authorized thereupon in writing and shall set forth in detail the current and proposed use of the lot and each building or structure or part of each building or structure, together with all information necessary to determine whether or not every such proposed use of land, building or structure conforms with the requirements of this By-law.

EXPIRATION OF DEVELOPMENT PERMIT

5. Any development permit issued shall expire twelve (12) months from the date of issue of such permit should no development begin within the aforementioned time period and may be renewed for a further twelve (12) month period if construction has begun.

AMENDMENT OF BY-LAW

6. a. Any person who wishes to obtain the amendment, revision or repeal of this By-law shall submit an application in writing to the Clerk of the Town of Lockeport.
- b. The application shall state an address for service.
- c. The applicant shall deposit with the Clerk an amount estimated by the Clerk to be sufficient to pay the cost of advertising required by the Planning Act. Where Council decides not to proceed with the application, the deposit shall be returned to the applicant.
- d. After the notice and advertising required under Section 60 and 42 respectively of the Planning Act has been completed, the applicant shall pay to the Clerk any additional amount necessary to defray the cost of advertising or if there is a surplus the Clerk shall refund the same to the applicant.

DATE OF BY-LAW

7. This By-law shall take effect when approved by the Minister of Municipal Affairs.

PART 6 GENERAL PROVISIONS FOR ALL ZONES

These general provisions apply to all uses in all zones except where a specific zone or use is specifically exempted.

SCOPE

1. a. No building or structure shall hereafter be erected or altered, nor the use of any building, structure or lot hereafter be changed unless a development permit has been issued and no development permit shall be issued unless all the provisions of this By-law are satisfied.
- b. Any person who violates a provision of this By-law shall be subject to prosecution as provided for under The Planning Act, Chapter 9, Acts of 1983.

FRONTAGE ON STREET

2. No development permit shall be issued unless the lot or parcel or land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street except if the lot or parcel is on a wharf, Cranberry Island, Bull Island, Firth Island, Benham Island, Carter Island, William Island, or Calf Island.

LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

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

NON-CONFORMING USES

4. Sections 85 and 86 of the Planning Act are varied by permitting:
 - a. A structure containing a non-conforming use to be enlarged or rebuilt if destroyed by fire or otherwise;
 - b. A non-conforming use to be extended over the remainder of the lot;
 - c. A non-conforming use to recommence if discontinued for a continuous period of not more than one year.

VACANT EXISTING UNDERSIZED LOTS

5. Notwithstanding anything else in the By-law, a vacant existing undersized lot held in separate ownership from adjoining parcels on April 25, 1977, the effective date of this By-law, having less than the minimum width or area required by the previous By-law may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied.

EXISTING BUILDINGS WITH NON-CONFORMING YARDS

6. Where a building has been erected on or before April 25, 1977, the effective date of the previous By-law on a lot which has less than the minimum frontage or area, or the minimum setback or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:
 - a. the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this By-law; and
 - b. all other applicable provisions of this By-law are satisfied.

EXISTING BUILDING

7. Notwithstanding anything else in this By-law, the use of a building existing on a lot on April 25, 1977, the effective date of the previous By-law may be changed to a use permitted in the zone where the lot width, front yard or area required, or all of these, is less than the requirements of this By-law provided that all other requirements of this By-law are satisfied.

HEIGHT REQUIREMENTS

8. The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, or clock towers, drive-in theatre screens, water towers and satellite discs.

TEMPORARY USES PERMITTED

9. Nothing in this By-law shall prevent the temporary use of a building or structure incidental to a main construction project provided that a Development permit has been issued for the main construction project and the use is discontinued and removed sixty (60) days following completion of the main construction project.

SPECIAL USES PERMITTED

10. Nothing in this By-law shall prevent uses erected for special occasions and holidays provided only that no such use remains in place for more than fourteen (14) consecutive days.

BUILDING TO BE MOVED

11. No person shall move any building, residential or otherwise within or into the area covered by this By-law without obtaining a development permit from the Development Officer.

RESTORATION TO A SAFE CONDITION

12. Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of non-conforming use that the provisions of The Planning Act shall prevail.

MULTIPLE USES

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

TRUCK, BUS AND COACH BODIES

14. No trucks, bus, coach or street car body, or structure of any kind other than a mobile home or dwelling unit erected and used in accordance with this and all other by-laws of the Town shall be used for human habitation within the Town of Lockeport.

FENCES

15. No development permit shall be required for a fence having a maximum height of less than six feet.

ACCESSORY BUILDINGS AND USES

16. Accessory uses, buildings and structures shall be permitted in any zone within the Town subject to the following:
 - a. shall not be used for human habitation except where a dwelling is a permitted accessory use;
 - b. shall not be located within the front yard of a lot;
 - c. except for seasonal roadside stands, accessory buildings with no windows or perforations on the side of the building which faces the said lot line, shall be located a minimum of two (2) feet from the abutting lot line in any zone.
17. Notwithstanding anything else in this By-law, signs, drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempted from any requirements under Subsection 16 of this Part.

ILLUMINATION

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

STANDARDS FOR PARKING AREAS

19. Where parking facilities for more than four (4) vehicles are required or provided:
- a. the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
 - b. the lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
 - c. the parking area shall be within three hundred (300) feet of the location which it is intended to serve, and shall be situated in the same zone.
 - d. the location of approaches or driveways shall be no closer than fifty (50) feet from the limits of the right-of-way at a street intersection;
 - e. entrance and exit ramps to parking areas shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet at the street line and edge of pavement;
 - f. the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum of ten (10) feet if for one-way traffic, and a minimum of eighteen (18) feet if for two-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet.

FRONT YARD FOR A THROUGH LOT

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

CALCULATIONS OF LOT FRONTAGE FOR IRREGULARLY SHAPED LOTS

21. The following means shall be used for the purposes of determining the lot frontage of irregularly shaped lots:
- a. lot frontage shall be deemed to be the horizontal distance between the side lot lines. This distance shall be measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line at a point along this line equal to the minimum applicable front yard.

PART 7 SIGNS

1. A Development Permit shall not be required to erect a sign described in Section 2 below. The erection of all other signs shall require a development permit.

SIGNS PERMITTED IN ALL ZONES

2.
 - a. Signs of not more than two (2) square feet in area, identifying name and address of resident, or a home occupation or business are allowed within a residential zone;
 - b. “No Trespassing” signs or other such signs regulating the use of a property, have an area of not more than two (2) square feet;
 - c. Real estate signs not exceeding five (5) square feet in sign area which advertise the sale, rental or lease of the premises;
 - d. Signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premises provided that such signs are less than five (5) square feet;
 - e. Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools, and public elections lists;
 - f. Memorial signs or tablets and signs denoting the date of erection of a structure;
 - g. The flag, pennant, or insignia of any government, or of any religious, charitable or fraternal organizations;
 - h. A sign having an area of not more than fifty (50) square feet incidental to construction and within the area designated for such purposes;
 - i. Temporary signs related to an election for public office or labour union election;
 - j. Any sign allowed within the Town road right-of-way.

SIGNS PROHIBITED

3. The following signs shall not be permitted in any zone:
 - a. Signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in color and signs which have any visible moving part, visible revolving parts or visible mechanical movement of any descriptions, or other apparent visible movement achieved by electrical pulsations, or by actions of normal wind currents, except within a Commercial General (C-1) Zone;
 - b. Roof signs;
 - c. Any sign or sign structure which constitutes a hazard to public safety or health;
 - d. Signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads;
 - e. Any sign which obstructs free ingress to or egress from a fire escape door, window or other exit way;
 - f. Signs not erected by a public authority which make use of words such as “STOP”, “YIELD”, “LOOK”, “ONE WAY”, “DANGER”, or any similar words, phrases, symbols, lights, or characters in such manner as to interfere with, mislead, or confuse traffic along a public road.
 - g. Unless otherwise specifically indicated in this By-law, no sign in any Residential Zone shall exceed two (2) square feet in sign area or exceed five (5) feet in height in the case of a ground sign;
 - h. Signs painted on, attached to, or supported by a tree, stone, cliff or other natural object.

FACIAL WALL SIGNS

4. No facial wall sign shall:
 - a. Extend above the top of the wall on which it is placed;
 - b. Extend beyond the extremities of the wall upon which it is attached.

PROJECTING WALL SIGNS

5. No projecting wall sign shall:

- a. Project more than six (6) feet from the wall upon which it is attached;
- b. Project over a public right-of-way;
- c. Project above the eaves, parapet or roof line of a building;
- d. Be permitted to swing freely on its supports;
- e. Be erected below a height of ten (10) feet or above a height of fifteen (15) feet above grade.

GROUND SIGNS

6. No ground sign shall:

- a. Extend beyond a property line or project over public rights-of-way other adjoining lands, driveway or parking space;
- b. Be set back less than five (5) feet from any street line, common lot boundary, driveway or parking area.

PART 8 RESIDENTIAL GENERAL (R-1) ZONE

R-1 USES PERMITTED

1. No development permit shall be issued for a Residential General (R-1) Zone except for one or more of the following uses, in accordance with Section 6:

- Single Detached Dwellings
- Boarding Houses (serviced) and Guest Houses
- Converted Dwellings (to a maximum of 4 units)
- Duplexes
- Hostels (serviced)
- Mobile Homes
- Semi-detached Dwellings
- Nursing Homes and Hospitals (serviced)
- Day Nurseries
- Institutional Uses (churches to be serviced)
- Senior Citizen Apartment (serviced)
- Group Homes
- Recreational Uses
- Bed & Breakfast
- Private Storage Buildings
- Passenger vehicle parking (for employees of a non residential use where these legally exist is permitted and where the employee parking area and the remainder of the property are contiguous. Such parking shall be for employees parking only and shall not include guest or customer parking, or equipment, vehicle or other storage.)

R-1 ZONE REQUIREMENTS

2. No development permit shall be issued for a Residential General (R-1) Zone except in accordance with the requirements set out in Tables 1 and 2 of this By-Law.

PARKING REQUIREMENTS FOR THE R-1 ZONE

3. For every building or structure to be erected or to be enlarged or for a change in use in the R-1 Zone, off-street parking located within the same lot as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:

Table 1**R-1 ZONE REQUIREMENTS^{2,3} - WHERE A CENTRAL SANITARY SEWER IS AVAILABLE**

	Private Storage Bldg. Single Detached Dwellings, Converted Dwellings, Boarding and Guest Houses, Hostels, Mobile Homes, Day Nurseries, Bed and <u>Breakfast, Group Homes</u>	<u>Duplex</u>	<u>Sem- Detached</u>	<u>Nursing Homes and Senior Citizens Apartment</u>	<u>Churches, Schools⁴ and Hospitals</u>	<u>Recreation Uses, Other Institutional Uses and Buildings</u>
1. Minimum Lot Area	7500 sq ft	7500 sq ft	3225 sq ft per unit	15,000 sq ft	20,000 sq ft	~
2. Minimum Lot³ Frontage	60 ft	60 ft	30 ft for each dwelling unit	100 ft	100 ft	~
3. Minimum Front Yard	25 ft ¹	25 ft ¹	25 ft ¹	25 ft	35 ft	25 ft
4. Minimum Rear Yard	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft
5. Minimum Side Yard						
i) one side	4 ft plus 2 ft for each storey above one			15 ft or 1/2 height of the main building whichever is greater	10 ft	
ii) other side	10 ft	10 ft	10 ft		10 ft	
6. Maximum Height of Main Building	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft

Notes

1. On the Mainland along Brighton Road and the East Green Harbour Approach Road the front yard setback starts from the front lot line which is 33 feet from the centre of the road.
2. No development permit shall be required for a fence less than 6 feet in height except for a corner lot where the provisions of Part 8, Section 8 shall prevail.
3. All development shall occur on lots which abut a public street.
4. See Special Provision Section 13 and 15 of this Part.

Table 2**R-1 ZONE REQUIREMENTS** ^{4,5} - **WHERE NO CENTRAL SANITARY SEWER IS AVAILABLE**

	Group Homes, Guest Homes, Private Storage Bldg., Bed and Breakfast, Single Detached Dwellings, Converted Dwellings, Mobile Homes, Day Nursery	<u>Duplex</u>	<u>Sem-Detached</u>	<u>Recreational Uses</u>	<u>Institutional Uses and Buildings</u>
1. Minimum Lot Area ¹	20,000 sq ft ¹	20,000 sq ft	20,000 sq ft ¹ per unit	~	20,000 sq ft ¹
2. Minimum Lot Frontage ^{2,3}	100 ft ³	100 ft	100 ft per unit ³	~	100 ft ³
3. Minimum Front Yard	25 ft	25 ft	25 ft	25 ft	25 ft
4. Minimum Rear Yard	25 ft	25 ft	25 ft	25 ft	25 ft
5. Minimum Side Yard	10 ft	10 ft or one half the height of the main building whichever is greater	10 ft or one half the height of the main building whichever is greater	10 ft	10 ft
6. Maximum Height of Main Building	35 ft	35 ft	35 ft	~	35 ft

Notes

1. A lot, any part of which is within 72 feet of a watercourse requires a minimum lot area of 40,000 square feet and a minimum width of 150 ft.
2. On the mainland along Brighton Road and the East Green Harbour Approach Road the front yard setbacks start from the front lot line which is 33 feet from the centre of the road.
3. Lots bordering on a watercourse will require a Minimum Lot Frontage of 150 feet.
4. No development permit shall be required for a fence less than 6 feet in height except for a corner lot where the provisions of Part 8, Section 8 shall prevail.
5. All development shall occur on lots which abut a public street (See Part 6, Section 2 of this By-Law).

TYPE OF BUILDING

PARKING REQUIRED

- | | |
|--|---|
| a. Residential dwellings | One (1) parking space for each dwelling unit |
| b. Boarding and Guest Houses,
Hostels and Bed & Breakfast | One (1) parking space per suite or rental unit |
| | <u>Plus</u> |
| | One (1) additional parking space for each fifty (50) square feet of floor area devoted to public use exclusive of lobbies and halls. |
| c. Nursing homes, Senior Citizen
Apartment Buildings, Hospitals | One (1) parking space for each two (2) beds or each four hundred (400) square feet of floor area, whichever is greater. |
| d. Churches, Church Halls | Where there are fixed seats one (1) parking space for every ten (10) seats, or twenty (20) feet of bench space. Where there are no fixed seats, one (1) parking space for each two hundred (200) square feet of floor area devoted to public use. |
| e. Elementary School | One and one-half (1 ½) parking spaces for each teaching classroom. |
| f. High School | Four (4) parking spaces for each teach classroom. |

BUSINESS USES PERMITTED IN THE R-1 ZONE

4. Nothing in this By-Law shall prevent the use of a dwelling or an accessory building in a Residential (R-1) Zone for a commercial use, domestic or household arts, or professional purpose provided that:
 - a. the dwelling is occupied as a residence and the external appearance of the dwelling and accessory building is not changed by the business or professional use;
 - b. there shall not be more than two (2) assistants who are not residents in the dwelling employed in the business or profession;

- c. if the dwelling is used not more than twenty-five (25) percent of the total floor area is devoted to the professional or business use;
- d. if an accessory building is used, it shall not have floor area greater than five hundred (500) square feet;
- e. one off-street parking space, other than that required for the dwelling, is provided for every two hundred (200) square feet of floor space occupied by the business or professional use;
- f. there shall be no advertising other than a business identification plate or sign which has a maximum sign area of five (5) square feet provided also that the provisions of Part 7 are satisfied;
- g. no open storage or outdoor display shall be permitted except for fishing gear such as traps, nets, barrels, and boxes (but excluding salt bait); and
- h. the operation shall not be obnoxious by reason of sound, odour, dust, fumes or smoke, or other obnoxious emission or refuse matter or water carried waste.

OPEN STORAGE OF FISHING GEAR AND EQUIPMENT

- 5. Nothing in the By-Law shall prevent the open storage of fishing gear and equipment in a rear or side yard of any residential lot in the Residential General (R-1) Zone.

ONE MAIN BUILDING ON A LOT IN THE R-1 ZONE

- 6. No person shall erect more than one (1) main building on a lot in the R-1 zone, and a private storage building shall be considered an accessory building. Where there is no building on a lot, one private storage building not exceeding 30% of lot area is permitted and considered a main building.

MOBILE HOMES IN THE R-1 ZONE

- 7. For the purpose of this By-law individually sited mobile homes shall be deemed to be single detached dwellings provided that the undercarriage is completely skirted.

CORNER VISION TRIANGLE

8. On a corner lot in the R-1 zone, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than two (2) feet above grade of the roads that abut the lot within the triangular area included within the road lines for a distance of ten (10) feet from their point of intersection.

SIDE YARDS ON CORNER LOTS

9. On a corner lot in the R-1 zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than ten (10) feet.

CONFORMITY WITH EXISTING SETBACKS

10. Notwithstanding anything else in this By-law, in the R-1 Zone, structures built between existing buildings within two hundred (200) feet on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than ten (10) feet from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

SPECIAL SIDE YARDS: ATTACHED GARAGES

11. The minimum side yard on the side where an attached garage of a permitted dwelling is located shall be as follows:

1 storey building	4 feet
2 or more stories	6 feet

SPECIAL EXEMPTION: SEMI-DETACHED DWELLINGS

12. Where a semi-detached dwelling is sited on two lots in separate ownership, the side yard requirements shall be waived for the common wall.

SPECIAL PROVISIONS: REDUCED FRONTAGE REQUIREMENTS

13. Any lot in the Residential General (R-1) Zone created pursuant to General Policy 9 of the MPS and approved on a plan of subdivision is eligible for a development permit provided all other applicable provisions of the By-law apply.

SPECIAL REQUIREMENTS: SERVICING AND PARKING

- 14. A development permit shall only be issued for a boarding house, hostel, nursing home, hospital, churches, or senior citizen apartment building when the building is to be:
 - a. Connected to the Town’s centralized sanitary sewer system; and
 - b. Parking is provided in the side and/or rear yard of the lot.

SPECIAL PROVISION – EXISTING SCHOOLS

- 15. Public schools and fire halls shall be exempt from the lot requirements and parking requirements set out in Table 1 and Section 3 of this Part.

PART 9 RESIDENTIAL MULTIPLE FAMILY (R-2) ZONE

R-2 USES PERMITTED

- 1. No development permit shall be issued for a Residential Multiple Family (R-2) Zone except for one or more of the following uses:

- Townhouses
- Institutional uses
- Apartment building (3 or more units)
- Passenger vehicle parking (for employees of a non residential use where these legally exist is permitted and where the employee parking area and the remainder of the property are contiguous. Such parking shall be for employees parking only and shall not include guest or customer parking, or equipment, vehicle or other storage.)
- R-1 uses subject to the R-1 zone requirements.

R-2 ZONE REQUIREMENTS

- 2. No development permit shall be issued for a Residential Multiple Family (R-2) Zone except in accordance with the requirements set out in Table 3 of this By-law.

PARKING REQUIREMENTS FOR THE R-2 ZONE

- 3. For every building or structure to be erected or to be enlarged, in the R-2 zone, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:

TYPE OF BUILDING	PARKING REQUIREMENT
Residential Dwelling	One (1) parking space for each dwelling unit

Table 3**R-2 ZONE REQUIREMENTS^{2,3}**

	<u>Townhouses</u>	<u>Apartment Buildings</u>	<u>Institutional Uses</u>
1. Minimum Lot Area	3,300 sq ft for each unit	10,000 sq ft for the first 4 dwelling units plus 1,500 sq ft for each additional unit	~
2. Minimum Lot Frontage¹	20 feet for each unit	100 feet	~
3. Minimum Front Yard	25 ft	35 feet	25 ft
4. Minimum Rear Yard	25 ft	35 feet	25 ft
5. Minimum Side Yard	15 ft or 1/2 the height of the main building whichever is greater	20 ft or 10 ft where an opaque fence or other visual or physical barrier six feet in height is provided	15 ft or 1/2 the height of the main building whichever is greater
6. Maximum Height of Main Building	35 ft	35 ft	35 ft

Notes

1. On the mainland along Brighton Road and the East Green Harbour Approach Road the front yard setback starts from the front lot line which is 33 feet from the centre of the road.
2. No development permit shall be required for a fence less than 6 feet in height except for a corner lot where the provisions of part 9 section 9 shall prevail.
3. All development shall occur on lots which abut or front on a public street.

SPECIAL REQUIREMENT – TOWNHOUSES

4. The maximum number of units in a townhouse dwelling shall be four (4) units.

SPECIAL REQUIREMENT – APARTMENT BUILDINGS

5. The maximum number of dwelling units in an apartment building shall be eight (8) units.

BUSINESS USES PERMITTED IN THE R-2 ZONE

6. Nothing in this By-law shall prevent the use of a dwelling or an accessory building in the R-2 Zone for a commercial use, domestic and household arts or professional purpose provided that:
 - a. The dwelling is occupied as a residence and the external appearance of the dwelling and/or accessory building is not changed by the small business or professional use;
 - b. There shall not be more than two (2) assistants who are not residents in the dwelling employed in the business or profession;
 - c. If the dwelling not more than twenty-five (25) percent of the total floor area is devoted to the professional or business use;
 - d. If an accessory building is used, it shall not have floor area greater than five hundred (500) square feet;
 - e. One off-street parking space, other than that required for the dwelling, is provided for every two hundred (200) square feet of floor space occupied by the business or professional use;
 - f. There shall be no advertising other than a business identification plate or sign which has a maximum sign area of five (5) square feet provided also that the provisions of Part 7 are satisfied;
 - g. No open storage or outdoor display shall be permitted except for the storage of fishing gear;
 - h. The operation shall not be obnoxious by reason of sound, odour, dust, fumes or smoke, or other obnoxious emission or refuse matter or water carried waste.

ONE MAIN BUILDING ON A LOT IN THE R-2 ZONE

7. No person shall erect more than one (1) main building on a lot in the R-2 zone.

CORNER VISION TRIANGLE IN THE R-2 ZONE

8. On a corner lot in the R-2 zone, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than two (2) feet above grade of the roads that abut the lot within the triangular area included within the road lines for a distance of ten (10) feet from their point of intersection.

SIDE YARDS ON CORNER LOTS IN THE R-2 ZONE

9. On a corner lot in the R-2 zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than ten (10) feet.

CONFORMITY WITH EXISTING SETBACKS

10. Notwithstanding anything else in this By-law, in the R-2 zone, structures built between existing buildings within two hundred (200) feet on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than ten (10) feet from the front lot line and need be no greater than set-back regulations prescribed in the zone in which it is situated.

ABUTTING REQUIREMENTS – APARTMENT BUILDINGS

11. No development permit shall be issued for an apartment building in the R-2 zone except in conformity with the following provisions:
 - a. The required parking is not in the front yard; and
 - b. There is no outdoor storage except for fishing gear.

PART 10 RESIDENTIAL LARGE LOT (R-3) ZONE

R-3 USES PERMITTED

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

- Single Detached Dwelling
- Agricultural Uses
- Animal Kennels, Stables or Veterinary Establishments
- Forestry Uses
- Institutional Uses
- Guest Homes
- Tourist Cabins
- Mobile Homes
- Private Storage Building in accordance with **PART 8**, Section 6
- Recreational Uses
- Tourist Establishment
- Water Tower
- Tourist Trailer Park
- Campgrounds
- Bed & Breakfast

R-3 ZONE REQUIREMENTS

2. No development permit shall be issued for a Residential Large Lot (R-3) Zone except in accordance with the requirements set out in Table 4 of this By-law.

PARKING REQUIREMENTS FOR THE R-3 ZONE

3. Off-street parking shall be provided and maintained in the R-3 zone according to the following provisions:
 - a. one (1) off-street parking space for each dwelling;
 - b. one (1) off-street parking space per three hundred (300) square feet of floor area for tourist establishments;
 - c. institution uses as per **PART 8**, Section 3 of this By-law.

SPECIAL REQUIREMENT: BUILDINGS INTENDED FOR KEEPING OF ANIMALS

4. No development permit shall be issued for any barn, kennel, stable or other building intended for the keeping of animals within 100 feet of any lot line. This requirement shall not apply to a veterinary office.

BUSINESS USES PERMITTED IN THE R-3 ZONE

5. Nothing in this By-law shall prevent the use of a dwelling or an accessory building in the R-3 Zone for a commercial use, domestic and household arts, or professional purpose provided that:
 - a. the dwelling is occupied as a residence and the external appearance of the dwelling is not changed by the business or professional use;
 - b. there shall not be more than three (3) assistants who are not residents in the dwelling employed in the business or profession;
 - c. if the dwelling not more than twenty-five (25) percent of the total floor area is devoted to the professional or business use;
 - d. if an accessory building is used, it shall not have a floor area greater than one thousand (1000) square feet and shall have a height no greater than thirty-five (35) feet;
 - e. the accessory building so used is not located within forty (40) feet of any lot lines;
 - f. one off-street parking space, other than that required for the dwelling, is provided for every two hundred (200) square feet of floor space occupied by the business or professional use;
 - g. there shall be no advertising other than a business identification plate or sign which has a maximum sign area of five (5) square feet provided also that the provisions of Part 7 are satisfied;
 - h. no open storage or outdoor display shall be permitted except for within the rear yard of any lot and not more than five (5) percent of the lot area may be devoted to such use.
 - i. the operation shall not be obnoxious by reason of sound, odour, dust, fumes or smoke, or other obnoxious emission or refuse matter or water carried waste.

ONE MAIN BUILDING ON A LOT IN THE R-3 ZONE

6. No person shall erect more than one (1) main building on a lot in the R-3 zone except for tourist cabins where all other applicable zone requirements are satisfied.

Table 4
R-3 ZONE REQUIREMENTS^{3,4}

	Private Storage Bldg., Single Detached Dwellings, Mobil Homes, Guest Homes, Bed and Breakfast	<u>Tourist Cabins</u>	<u>Tourist Trailer Park, Campgrounds, Tourist Establishment</u>	Recreational Uses, Water Tower, Institutional Uses	All other non- Residential Uses
1. Minimum Lot Area¹	20,000 sq ft ¹	40,000 sq ft	40,000 sq ft	~	20,000 sq ft ¹
2. Minimum Lot Frontage^{2,3}	100 ft ²	150 ft	150 ft	~	100 ft ²
3. Minimum Front Yard	25 ft	35 ft	40 ft	25 ft	25 ft
4. Minimum Rear Yard	25 ft	25 ft	30 ft	25 ft	25 ft
5. Minimum Side Yards	10 ft	10 ft.	30 ft	15 ft	20 ft on both sides
6. Minimum Height of Main Building	35 ft	35 ft	35 ft	35 ft	35 ft

Notes

1. A lot, any part of which is within 72 feet of a watercourse requires a minimum lot area of 40,000 square feet and a minimum width of 150 ft.
2. Lots bordering on a watercourse will require a Minimum Lot Frontage of 150 feet.
3. No development permit shall be required for a fence less than 6 feet in height except for a corner lot where the provisions of Part 10, Section 7 shall prevail.
4. All development shall occur on lots which abut or front on a public street except for development on the off-shore islands. On an island water frontage shall be deemed to be the lot frontage.
5. See Special Provision Section 14 of this Part.

CORNER VISION TRIANGLE IN THE R-3 ZONE

7. On a corner lot in the R-3 zone, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than two (2) feet above grade of the roads that abut the lot within the triangular area included within the road lines for a distance of ten (10) feet from their point of intersection.

SIDE YARDS ON CORNER LOTS IN THE R-3 ZONE

8. On a corner lot in the R-3 zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than ten (10) feet.

CONFORMITY WITH EXISTING SETBACKS

9. Notwithstanding anything else in this By-law, in the R-3 Zone, structures built between existing buildings within two hundred (200) feet on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than ten (10) feet from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

OPEN STORAGE OF FISHING GEAR AND EQUIPMENT IN THE R-3 ZONE

10. Nothing in the By-law shall prevent the open storage of fishing gear and equipment in a rear or side yard of any residential lot in the R-3 zone.

ABUTTING REQUIREMENTS – TOURIST ESTABLISHMENTS, TOURIST TRAILER PARK AND CAMPGROUNDS

11. Where a Tourist Establishment, Tourist Trailer Park and Campground abuts a residential or institutional use the required side yard and rear yard shall be 30 feet. This provision shall be waived where a fence or other visual or physical barrier 6 feet in height is provided and in this case the required side and rear yard shall be 15 feet respectively.

MOBILE HOMES IN THE R-3 ZONE

12. For the purpose of this By-law, individually sited mobile homes shall be deemed to be single detached dwellings provided that they are placed on permanent foundations and are appropriately skirted.

DEVELOPMENT ON AN ISLAND

13. On an off-shore island water frontage shall be deemed to be the lot frontage.

SPECIAL PROVISIONS: REDUCED FRONTAGE REQUIREMENTS

14. Notwithstanding anything else in this By-law, any lot in the Residential Large Lot (R-3) Zone created pursuant to General Policy 9 of the MPS and approved on a plan of subdivision is eligible for a development permit provided all other applicable provisions of the By-law apply.

PART 11 COMMERCIAL GENERAL (C-1) ZONE

C-1 USES PERMITTED

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

- Automobile Sales Establishments
- Automobile Service Stations including automobile washing establishments as an accessory use conducted on the same lot
- Banks and Financial Institutions
- Bowling Alleys
- Building Supply Dealers
- Business and Professional Offices
- Commercial Schools
- Dressmaking and Tailoring
- Funeral Homes
- Hotels and Motels
- Institutional use
- Medical Clinics
- News and Magazine Stands
- Parking Lots and Parking Structures
- Places of Entertainment (excluding amusement arcades), Recreation and Assembly which are conducted within wholly enclosed buildings
- Private Clubs and Fraternal Organizations
- Photography Studios
- Printing Establishments
- Repair Shops
- Restaurants
- Retail Stores
- Services and Personal Service Shops
- Taxi and Bus Stations
- Utilities
- Parking Lots
- Parks
- Residential dwellings located above or at the rear of any commercial use

C-1 ZONE REQUIREMENTS

2. No development permit shall be issued for a Commercial General (C-1) Zone except in accordance with the requirements set out in Table 5 of this By-law.

PARKING REQUIREMENTS FOR THE C-1 ZONE

3. For every building or structure to be erected or to be enlarged, off street parking located within the C-1 zone and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:

Table 5

C-1 ZONE REQUIREMENTS³

	All Commercial Uses (<u>Outside the Town Centre</u>)	Commercial Uses in The <u>Town Centre Area</u>	<u>Churches²</u>	<u>Parks & Other Institutional Uses</u>
1. Minimum Lot Area	10,000 sq ft	~	20,000 sq ft	~
2. Minimum Lot Frontage ¹	100 ft	~	100 ft	~
3. Minimum Front Yard ¹	20 ft	~	35 ft	~
4. Minimum Rear Yard	20 ft	10 ft	25 ft	10 ft
5. Minimum Side Yard on one Side Only	10 ft	10 ft	15 ft	10 ft
6. Maximum Height of Main Building	35 ft	35 ft	35 ft	35 ft

Notes

1. On the Mainland along Brighton Road and the East Green Harbour Approach Road the front yard setback starts from the front lot line which is 33 feet from the centre of the road.
2. Off street parking shall be provided in accordance with PART 8, Section 3 of this By-law.
3. All development shall occur on lots which abut or front on a public street.

TYPE OF BUILDING

PARKING REQUIREMENT

a. Residential Dwellings

One (1) parking space for each dwelling unit.

b. Hotels and Motels

One (1) parking space per suite or rental unit.

PLUS

One (1) additional parking space for each fifty (50) square feet of floor area devoted to public use (taverns, restaurants and auditoria) exclusive of lobbies and halls.

c. Offices and Commercial Uses

One (1) parking space per three hundred (300) square feet of floor area.

d. Funeral Home

One (1) parking space for each five (5) seat capacity of the chapel with a minimum of ten (10) parking spaces.

e. Restaurants, Arenas, Halls, Public Clubs and other places of assembly

Where there are fixed seats, one (1) parking space for every ten (10) seats, or twenty (20) feet of bench space. Where there are no fixed seats, one (1) parking space for each two hundred (200) square feet of floor area devoted to public use.

f. Bowling Alleys

One (1) parking space for each two (2) persons in the designed capacity of the establishment (designed capacity shall mean six (6) persons per bowling lane). In other parts of the building, additional parking spaces shall be provided in accordance with the requirements set out in the By-law for the use to which the other parts of the building may be used.

SPECIAL REQUIREMENT: PARKING IN THE TOWN CENTRE AREA

4. The parking requirements in Section 3 of this Part shall be waived for commercial uses in the Town Centre Area.

RESTRICTIONS ON OPEN STORAGE OR OUTDOOR DISPLAY

5. 1. Open Storage or outdoor display shall be permitted in a Commercial General (C-1) Zone.
2. Where a lot is to be used for open storage or outdoor display within a Commercial General (C-1) Zone, the following restrictions shall apply:
 - a) the area devoted to open storage or outdoor display shall not exceed thirty (30) percent of the total lot area.
 - b) the area devoted to open storage or outdoor display shall be screened so that it is not visible from abutting properties or from the street, except where new and used automobiles are so displayed, screening from the street shall not be required.

SPECIAL REQUIREMENTS: AUTOMOBILE SERVICE STATIONS

6. Where automobile service stations are permitted in a C-1 Zone, the following special provisions shall apply:
 - a) minimum lot frontage: 150 feet;
 - b) no portion of any pump island shall be located closer than twenty (20) feet from any street line;
 - c) the minimum distance between ramps or driveways shall not be less than thirty (30) feet;
 - d) the minimum distance from a ramp or driveway to a street intersection shall be fifty (50) feet;
 - e) the minimum angle of intersection of a ramp to a street line shall be forty-five (45) degrees;
 - f) the minimum width of a ramp shall be twenty-five (25) feet; and
 - g) where the business operation includes an automobile washing establishment, separate ramps shall be provided for the washing establishment and no cleaning operations of any sort shall be carried on outside the building.

RESIDENTIAL USES WITHIN COMMERCIAL BUILDINGS

7. Residential uses located within a commercial building shall be permitted provided the residential parking requirements are satisfied.

LOADING SPACE REQUIREMENTS IN THE C-1 ZONE

8. In the C-1 zone, no person shall erect or use any building or structure for manufacturing, storage, department store, retail store, market, hotel, mortuary or other uses involving the frequent shipping, loading or unloading of persons or goods, unless there is maintained on the same premises with every such building, structure or use, one off-street space for standing, loading and unloading for every thirty thousand (30,000) square feet or fraction thereof of building floor area used for any such purpose to a maximum of six (6) loading spaces.
 - a) Each loading space shall be at least fourteen (14) feet by forty (40) feet with a minimum of fourteen (14) feet in height clearance.
 - b) The provision of a loading space for any building with less than fifteen hundred (1,500) square feet may be waived by Council.
 - c) A loading space shall not be located in any required front yard or be located within any yard which abuts a residential, open space and recreation (OS-1) zone.
 - d) Ingress and egress to and from the required loading space areas shall be a minimum of ten (10) feet if for one-way traffic and a minimum of eighteen (18) feet if for two-way traffic and a maximum width of a driveway shall be twenty-five feet.

MORE THAN ONE MAIN BUILDING ON A LOT

9. More than one main building may be erected on a lot in the C-1 zone provided all other zone requirements are satisfied.

CORNER VISION TRIANGLE

10. On a corner lot in the C-1 zone, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than two (2) feet above grade of the roads that abut the lot within the triangular area included within the road lines for a distance of ten (10) feet from their point of intersection.

SIDE YARDS ON CORNER LOTS

11. Except in a Commercial (C-1) Zone in the Town Centre and notwithstanding anything else in this By-law on a corner lot in the C-1 zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than ten (10) feet.

PART 12 TOURIST COMMERCIAL (C-2) ZONE

C-2 USES PERMITTED

1. No development permit shall be issued in a Tourist Commercial (C-2) Zone except for one or more of the following uses:
 - Tourist Cabins
 - Tourist Establishments and accessory uses
 - Public and Private Campgrounds and accessory uses
 - Tourist Trailer Parks and accessory uses
 - Institutional Uses
 - Residential Uses
 - Retail sales within wholly enclosed buildings of the following:
 - Antiques
 - Arts and Craft Objects
 - Fish and Seafood
 - Gifts and Souvenirs

C-2 ZONE REQUIREMENTS

2. No development permit shall be issued for a Tourist Commercial (C-2) Zone except in accordance with the requirements set out in Table 6 of this By-law.

PARKING REQUIREMENTS FOR THE C-2 ZONE

3. For every building or structure to be erected or to be enlarged, or a change in use, off street parking located within the C-2 zone and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:

TYPE OF BUILDING

PARKING REQUIREMENT

a. Hotel, motels, tourist cabins

One (1) parking space per suite or rental unit

PLUS

One (1) additional parking space for each fifty (50) square feet of floor area devoted to public use exclusive of lobbies and halls.

b. Retail Establishments

One (1) parking space per three hundred (300) square feet of floor area.

Table 6**C-2 ZONE REQUIREMENTS³**

	<u>Tourist Cabins</u>	Public and Private Campgrounds Tourist Trailer Parks	<u>Other Institutional Uses</u>	Tourist Establishments & all other uses	<u>Churches²</u>
1. Minimum Lot Area	40,000 sq. ft.	40,000 sq ft	~	15,000 sq ft	20,000 sq ft
2. Minimum Lot Frontage¹	150 ft	150 ft	~	150 ft	100 ft
3. Minimum Front Yard	35 ft	35 ft	~	25 ft	25 ft
4. Minimum Rear Yard	25 ft	25 ft	25 ft	25 ft	25 ft
5. Minimum Side Yard	15 ft	25 ft	25 ft	25 ft	15 ft
6. Maximum Height of Main Building	35 ft	35 ft	35 ft	35 ft	35 ft

Notes

1. On the mainland Brighton Road and the East Green Harbour approach road the front yard setback starts from the front lot line which is 33 feet from the centre of the road.
2. Off-street parking shall be provided in accordance with Part 8, Section 3 of this By-law.
3. All development shall occur on lots which abut or front on a public street.

SPECIAL PROVISION – BUSINESS USES IN RESIDENTIAL DWELLINGS

4. Nothing in this By-law shall prevent in the C-2 Zone the use of a residential dwelling or a building accessory to a residential dwelling for a commercial use, businesses involving domestic household arts, or professional purpose subject to the criteria set out in Section 4, Part 8 (Residential General (R-1) Zone) of this By-law.

SPECIAL REQUIREMENTS – USES ADJACENT RESIDENTIAL AND INSTITUTIONAL USES

5. Where a C-2 use abuts a residential or institutional use, the required side and rear yards shall be 25 feet. This provision may be waived where a fence or other visual or physical barrier at least six (6) feet in height has been erected and in this case the required side yards shall be then (10) feet.

OPEN STORAGE IN THE C-2 ZONE

6. No open storage of automobile parts or bodies or parts of other vehicles or machinery or goods, material or equipment shall be placed, stored or kept as outdoor storage in the C-2 zone.

MORE THAN ONE MAIN BUILDING ON A LOT

7. More than one main building may be erected on a lot in the C-2 zone provided all other zone requirements are satisfied.

CORNER VISION TRIANGLE

8. On a corner lot in the C-2 zone, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than two (2) feet above grade of the roads that abut the lot within the triangular area included within the road lines for a distance of ten (10) feet from their point of intersection.

SIDE YARDS ON CORNER LOTS

9. On a corner lot in the C-2 zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than ten (10) feet.

PART 13 INDUSTRIAL GENERAL (M-1) ZONE

M-1 USES PERMITTED

1. No development permit shall be issued in an Industrial General (M-1) Zone except for one or more of the following uses:
 - Any manufacturing, industrial, assembly or warehousing operation conducted and wholly contained within an enclosed building and which is not obnoxious by reason of sound, odor, dust, fumes or smoke, or by reason of unsightly open storage.
 - Any activity connected with the automotive trade.
 - Boat and Marine Supplies and Sales
 - Building Supply and Equipment Depots but excluding the bulk storage of sand or gravel.
 - Commercial Uses accessory to a main use permitted in an M-1 Zone which is conducted in the main building.
 - Fish plants, but not fish reduction plants
 - Utilities
 - Service Industries
 - Storage buildings for fishing equipment or vehicles
 - Institutional uses
 - Scrap yard
 - Salvage yard
 - Auto body shop

M-1 ZONE REQUIREMENTS

2. In an Industrial General (M-1) Zone, no development permit shall be issued except in accordance with the requirements set out in Table 7.

PARKING REQUIREMENTS FOR THE M-1 ZONE

3. Off-street parking shall be provided and maintained in the M-1 zone according to the following provisions:
 - a) One (1) off-street parking space for every 1,000 square feet of gross floor area used for industrial or wholesale purposes, whichever is greater;
 - b) The off-street parking is located in the M-1 zone; and
 - c) The off-street parking has unobstructed access to a public street.

Table 7**M-1 ZONE REQUIREMENTS¹**

	<u>Industrial Uses</u>	<u>Scrap Yards, Salvage Yards, and Auto Body Repair Shops</u>	<u>Institutional Uses</u>
1. Minimum Lot Area	20,000 sq ft	40,000 sq ft	~
2. Minimum Lot Frontage	100 ft	100 feet	~
3. Minimum Front Yard	20 ft	50 feet	50 feet
4. Minimum Rear Yard	40 ft	10 feet	10 feet
5. Minimum Side Yard	20 ft	30 feet	20 feet
6. Maximum Height of Main Building	35 ft	35 ft	35 ft

Notes

1. All development shall abut or front on a public street except for development on a wharf. For development on a Government wharf all lot requirements shall be waived.

ABUTTING ZONE REQUIREMENTS

4. Where a yard or lot located within the Industrial (M-1) Zone abuts a Residential (R-1, R-2 or R-3), Open Space and Recreation (OS-1) Zone, or the community centre, the following restrictions shall apply:
 - a) No open storage or outdoor display shall be permitted in an abutting yard in the Industrial Zone;
 - b) No parking space shall be permitted in an abutting yard within 20 feet of a side or rear lot line; and
 - c) Signs shall be regulated as provided in Part 7.

RESTRICTIONS ON OPEN STORAGE AND OUTDOOR DISPLAY

5. Notwithstanding Clause (a) of Section 4 of this Part, the following restrictions shall apply to open storage or outdoor display in the M-1 zone:
 - a) Open storage or outdoor display shall not be permitted within the required front yard of a lot;
 - b) The area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the lot area;

LOADING SPACE REQUIREMENTS

6. In the M-1 zone, no person shall erect or use any building or structure involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises with every such building, structure or use, one off-street space for standing, loading and unloading for every thirty thousand (30,000) square feet or fraction thereof of building floor area used for any such purpose to a maximum of six (6) loading spaces.
 - a) Each loading space shall be at least fourteen (14) feet by forty (40) feet with a minimum of fourteen (14) feet in height clearance.
 - b) The provision of a loading space for any building with less than fifteen hundred (1,500) square feet shall be waived by Council.
 - c) A loading space shall not be located in any required front yard or be located within any yard which abuts a residential, open space or special use zone.

- d) Ingress and egress to and from the required loading space areas shall be a minimum of ten (10) feet if for one-way traffic and a maximum of eighteen (18) feet if for two-way traffic and the maximum width of a driveway shall be twenty-five (25) feet.

SPECIAL REQUIREMENTS: SCRAP YARD, SALVAGE YARD AND AUTO BODY REPAIR SHOP

- 7. Notwithstanding Section 5 of this Part, no development permit shall be issued for a salvage yard, scrap yard or auto body repair shop except in accordance with the following special requirements:
 - a) That a minimum separation distance of fifty (50) feet is maintained between any part of the salvage yard, scrap yards, or auto body repair shop and any abutting residential, institutional or recreational lot line.
 - b) That areas used for loading and unloading or open storage shall be screened by natural landforms, existing or planted vegetation an opaque fence or a combination of such method of screening so as not to be visible from abutting residential, institutional or recreational uses or from public roads.

SPECIAL EXEMPTION – REDUCED SIDEYARD

- 8. Where industrial uses abut, the abutting side yard requirement for each use shall be reduced to fifteen (15) feet.

SPECIAL EXEMPTION – YARDS ABUTTING COASTAL SHORELINE

- 9. In the M-1 zone the yard requirement shall be waived for any yard which abuts a coastal shoreline.

MORE THAN ONE MAIN BUILDING ON A LOT

- 10. More than one main building may be erected on a lot in the M-1 zone provided all other zone requirements are satisfied.

SIDE YARDS ON CORNER LOTS

- 11. On a corner lot in the M-1 zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than ten (10) feet.

CORNER VISION TRIANGLE

12. On a corner lot in the M-1 zone, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than two (2) feet above grade of the roads that abut the lot within the triangular area included within the road lines for a distance of ten (10) feet from their point of intersection.

SPECIAL REQUIREMENT – DEVELOPMENT ON A GOVERNMENT WHARF

13. The lot requirements in this Part shall be waived for development on Government Wharves.

PART 14 OPEN SPACE AND RECREATION (OS-1) ZONE

OS-1 USES PERMITTED

1. No development permit shall be issued in an Open Space and Recreation (OS-1) Zone except for the following uses:
 - Public parks and Recreation Uses
 - Campgrounds and Tourist Trailer Park
 - Tourist Information Booths
 - Institutional Uses
 - Salt Water Pumping Station
 - Sewage Treatment Plant

OS-1 ZONE REQUIREMENTS

2. No development permit shall be issued in any Open Space and Recreation (OS-1) Zone unless the minimum setback from any lot line for any main building is twenty-five (25) feet.

MORE THAN ONE MAIN BUILDING

3. More than one main building may be erected on a lot in the OS-1 zone.

PART 15 DEFINITIONS

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

1. **ACCESSORY BUILDING** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use, but does not include a building attached in any way to the main building, or a building located completely underground.
2. **ACCESSORY USE** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
3. **ALTER** means any change in the structural component of a building, or any increase in the volume of a building or structure.
4. **AMUSEMENT ARCADE** means a commercially operated facility providing more than two (2) amusement machines.
5. **AMUSEMENT MACHINE** means any mechanical device which is operated by the introduction of a coin or coins, counter or counters, slug or slugs, or is designed or normally intended to be so operated, which does not dispense goods, wares or services, but is used as a source of skill testing, amusement or entertainment, including, but not limited to, television games, driving games, pinball machines, shuffleboards, pool tables, and other similar coin-operated devices.
6. **APARTMENT BUILDING** means a building containing three or more dwelling units which have a common entrance from the street level.
7. **AUTO BODY REPAIR SHOP** means a building or part of a building or a clearly defined space on a lot where motor vehicle bodies are repaired and does not include an auto service station, an automobile washing establishment or an automobile sales establishment.
8. **AUTOMOBILE SERVICE STATIONS OR SERVICE STATION** means a building or part of a building or a clearly defined space on a lot used for the retail sale of gasolines and lubricating oils and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles.
9. **BLOCK** means the smallest unit of land the boundaries of which consist entirely of public streets, rivers, public parks or any combination thereof.
10. **BOARDING HOUSE** means a dwelling in which the proprietor supplies either room or room and board for monetary gain, to more than two persons exclusive of the lessee or owner thereof or members of his family and which is not open to the general public.

11. **BUILDING** means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment. Any awning, bin, bunker, platform, vessel, or vehicle used for any of the said purposes shall be deemed a building.
12. **BUILDING LINE** means any line regulating the position of a building or structure on a lot.
13. **CAMP** means a land and building complex designed or used for group sport, recreational or cultural activities which may have facilities for sleeping and the preparation and serving of food, operated under single ownership on a temporary or seasonal basis.
14. **COMMERCIAL** means any use by which retail or wholesale trade is carried on, and those other uses involving sale of goods, materials and services.
15. **CONVERTED DWELLING** means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.
16. **CORNER VISION TRIANGLE** means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection, the distance required by this By-law, along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting lines and the straight line joining the points the required distance along the street lines shall be known as the “corner vision triangle”.
17. **COUNCIL** means the Council of the Town of Lockeport
18. **DEVELOPMENT AGREEMENT** means an agreement made pursuant to the provisions of Section 55 of the Planning Act.
19. **DEVELOPMENT OFFICER** means the officer of the Town of Lockeport from time to time charged by the Town with the duty of administering the provisions of the Zoning By-law.
20. **DOMESTIC AND HOUSEHOLD ARTS** includes dressmaking, tailoring, hairdressing, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, moulding, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys and including the smoking of meat or fish where such an activity involves a smokehouse of not more than 20 square feet in area.
21. **DWELLING** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units and shall not include a hotel, a motel or an apartment hotel.

22. **DWELLING UNIT** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.
23. **DUPLEX** means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly from outside the building or through a common vestibule.
24. **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.
25. **ESTABLISHED BUILDING LINE** means the average distance of the existing building from the street line of existing buildings in any block where more than half the frontage has been built upon at the effective date of this By-law.
26. **EXISTING** means existing as of April 25, 1977, the date of the previous By-law.
- 27. FLOOR AREA**
- a) **With Reference to a Dwelling** means the maximum floor area contained within the outside walls excluding any private garage, porch, verandah, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
 - b) **Commercial Floor Area** means the total useable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common malls between stores.
28. **GROUP DWELLING** means two or more dwelling units which are contained within two or more buildings located on a lot.
29. **GROUP HOME** means a single housekeeping unit in a residential dwelling in which three to ten residents live together under supervision, in accordance with Provincial requirements. The home shall be licensed or approved by the Province. "Residents" for the purpose of this definition shall be defined as to exclude staff or receiving family.
30. **GUEST HOUSE OR BED AND BREAKFAST** means a dwelling where the property supplies either room or room and board for monetary gain where not more than six rooms are so used and which is open to the travelling public.

31. **HEIGHT** means the vertical distance of a building between the established grade and

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

32. **HOME OCCUPATION** means a use of a dwelling or accessory building for gainful employment for commercial use, domestic and household arts or professional office.

33. **HOSTEL** means a building or buildings or part thereof on the same site used to accommodate the travelling public not for gain or profit, by supplying them with sleeping accommodation with or without meals but without private cooking facilities.

34. **HOTEL OR MOTEL** means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation with or without meals but without private cooking facilities.

35. **INSTITUTION** means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent of profit. It includes such uses as the post office, the senior citizen club, the Royal Canadian Legion, the tourist booth, the library, the museum, the schools and the community centre.

36. **KENNEL** means a building or structure where animals, birds or other livestock intended or used as domestic household pets are kept or boarded for profit.

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

38. **LOT** means any parcel of land described in a deed as a lot or as shown as an approved lot on a registered plan of subdivision.

- a) **CORNER LOT** means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.
- b) **INTERIOR LOT** means a lot situated between two lots and having access to one street.

- c) **THROUGH LOT** means a lot bounded on two opposite sides by streets or highway provided, however, that if any lot qualifies as being both a Corner Lot and Through Lot as hereinbefore defined, such lot shall be deemed to be a Corner Lot for the purpose of this By-law.

39. **LOT AREA** means the total horizontal area within the lot lines of a lot.

40. **LOT DEPTH** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel the lot depth shall be the length of a line joining the midpoints of the front and rear lot lines.

41. **LOT FRONTAGE** means the length of a straight line joining the side lot lines where the side lot lines meet the street. (See calculation of lot frontage for irregular shaped parcels in **PART 6 GENERAL PROVISIONS FOR ALL ZONES.**)

42. **LOT LINE** means a boundary line of a lot.

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

43. **MAIN BUILDING** means the building in which is carried on the principal purpose for which the lot is used.

44. **MOBILE HOME** means a detached dwelling designed to be used as a dwelling and for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, (except for minor and incidental unpacking and assembling operations), located on wheels, jacks or permanent foundation, and which may be connected to utilities and sanitary services, and the foregoing shall include mobile homes and modular dwellings having any main walls with a length of less than twenty (20) feet.

45. **NURSING HOME** means a building wherein nursing care, room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.
46. **OBNOXIOUS USE** shall mean a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odor, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.
47. **OFFICE** means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.
48. **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 maneuvering areas where no parking or storage of motor vehicles is permitted.
49. **PARKING SPACE** means an area of not less than two hundred (200) square feet, measuring ten (10) feet by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
50. **PRIVATE BOATHOUSE** means an enclosed, or partially enclosed structure for the storage of a boat, boats or materials related thereto, in which no business, occupation or service is conducted for profit and which excludes a private garage.
51. **PRIVATE GARAGE** means an enclosed or partially enclosed structure for the storage of one or more vehicles, in which no business, occupation, or service is conducted for profit.
52. **PRIVATE STORAGE BUILDING** means an enclosed or partially enclosed structure for the storage of materials or goods in which no business, occupation or service is conducted for profit and includes a private garage and a private boat house.
53. **PROFESSIONAL OFFICE** means a room or rooms where business may be transacted, a service performed or consultation given, but shall not include the manufacturing of any product or selling of goods.
54. **RECREATIONAL USES** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a tract for the racing of animal or any form of motorized vehicles.

55. **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.
56. **RETAIL STORE** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.
57. **SALVAGE YARD OR SCRAP YARD** means a lot or premises for the storage or handling of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, vehicles, tires, metal or other scrap material or salvage.
58. **SEMI-DETACHED DWELLING** means a building that is divided vertically into two dwelling units each of which has an independent entrance.
59. **SENIOR CITIZEN APARTMENT** means a dwelling unit of one or more rooms together with private lavatory accommodation and kitchen designed and constructed by the Nova Scotia Department of Housing and used for the exclusive occupancy of one or two elderly persons.
60. **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.
61. **SHOPPING CENTRE** means a separate use of land containing a building or building complex on a lot designated, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants containing an interrelated group of more than 3 commercial uses, distinguished from a business area comprising unrelated individual uses and characterized by the sharing of common parking areas and driveways.
62. **SIGN** means a structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "sign" shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this By-law.
- a) **GROUND SIGN** means a sign supported by one or more uprights, poles or braces placed in or upon the ground.

- b) **ILLUMINATED SIGN** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign.
 - c) **PROJECTING WALL SIGN** means a sign which projects from and is supported by a wall of a building.
 - d) **FACIAL WALL SIGN** means a sign which is attached to and supported by a wall of a building.
 - e) **SIGN AREA** means the area of the smallest triangle, rectangle or circle or semi-circle which can wholly enclose the surface area of the sign. All visible faces of a multi-faceted sign shall be counted separately and then totaled in calculating sign area. Three dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle or circle or semi-circle which can totally circumscribe the sign in the plane of its largest dimension.
 - f) **NUMBER OF SIGNS** means a sign shall consist of a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
63. **SINGLE DETACHED DWELLING** means a completely detached dwelling unit.
64. **STREET OR ROAD** means the whole and entire right-of-way of every highway, street or road vested in the Province of Nova Scotia or the Town of Lockeport.
65. **STREET LINE** means the boundary line of a street.
66. **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 and signs and also fences exceeding six (6) feet in height.
67. **TOURIST CABIN** means a dwelling intended for use by not more than one family and designed and built for seasonal or periodic occupancy rather than for permanent year round use by reason of its light frame construction or lack of basement or concrete slab foundation or lack of furnace or other facility suitable for winter heating or lack of plastering or other finish on interior walls or ceilings.

68. **TOURIST ESTABLISHMENT** means a building or buildings which are used to accommodate the travelling public for gain or profit by supplying them with sleeping accommodation, with or without meals, and shall include a guest house, tourist cabins, a motel, an auto court, and a hotel.
69. **TOURIST TRAILER** means a trailer that is used or intended by the manufacturer to be used for short-term or seasonal occupancy and is or is intended to be located or parked on a site for a temporary or seasonal period.
70. **TOURIST TRAILER PARK** means an establishment comprising land or premises under single ownership used or intended to be used for the parking of tourist trailers on a temporary or seasonal basis, such as for a day, a week, or for a season.
71. **TOWN CENTRE AREA** means the area of land on Locke Island designated commercial on the Generalized Future Land Use Map in the Municipal Planning Strategy.
72. **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.
73. **WATER FRONTAGE** means the distance measured as a straight line, between the two points where the side lot lines of a lot meet the navigable watercourse.
74. **YARD** means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.
- a) **FRONT YARD** means a yard extending across the full width of a lot between the front lot lined and the nearest wall of any building or structure on the lot; a “Minimum” front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.
- b) **REAR YARD** means a yard extending across the full width of a lot between the rear lot line on the nearest wall of any main building or structure on the lot; and “Minimum” rear yard means the minimum depth allowed by this By-law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.

- c) **SIDE YARD** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and “minimum” side yard means the minimum width allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall on any main building or structure on the lot.
- d) **FLANKAGE YARD** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure.

75. **ZONE** means a designated area of land shown on the Schedules of this By-law.