

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

SECONDARY PLANNING STRATEGY

AND

LAND USE BY-LAW

LUNENBURG MUNICIPAL INDUSTRIAL ZONE, OAKHILL

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

1. Adoption Secondary Planning Strategy and Land Use By-law adopted by Municipal Council on May 4, 1999.
2. May 10, 2011 Amendment to the Land Use By-law respecting Fees.
3. April 1, 2015 Amendments to the Secondary Planning Strategy: Addition of new SPS Policy 5.02, in reference to Municipality's Public Participation Program on Planning Manners policy (MDL-66).
4. October 11, 2018 Amendments to the Secondary Planning Strategy and Land Use By-law: SPS Policy 3.0.1 and Policy 3.0.2 amended, LUB section 5.1 and Part 5 (Definitions) amended, regarding the addition of agricultural uses as a permitted use in the Lunenburg Municipal Industrial Zone.
4. July 14, 2021 Amendments to the Secondary Planning Strategy and Land Use By-law: SPS Policies 2.0.3 and 3.0.2 amended, LUB Sections 3.3, 4.1 a), 4.2(1), 5.2, and Part 7 (Definitions) amended, regarding the permitted dwelling uses to include multiple dwellings on a single lot including mobile homes and mobile home parks.

FIRST READING BY COUNCIL – MAY 11, 2021

SECOND READING BY COUNCIL – JUNE 8, 2021

EFFECTIVE DATE: JULY 14, 2021

TABLE OF CONTENTS

SECTION	TITLE	PAGE
1.0	Introduction	2
2.0	Residential	3
3.0	Industrial	4
4.0	Outdoor Storage, Yards Lot Area, Frontage and Fencing	5
5.0	Implementation	6

1.0

INTRODUCTION

On May 25, 1994 in accordance with Section 212 of the Municipal Government Act, Council adopted a Municipal Planning Strategy for all of the Municipality. At that time, there were two Municipal Planning Strategies in place for parts of the Municipality, Oakland, and Hebbville. Upon the adoption of the municipal wide strategy, these became Secondary Planning Strategies. This Secondary Planning Strategy, prepared and adopted in accordance with Section 216 of the Municipal Government Act is the third Secondary Planning Strategy in the Municipality of the District of Lunenburg, (herein after referred to as 'Municipality'). The planning area to which this Planning Strategy applies is a portion of the community of Oakhill, hereinafter referred to in this document as the "Planning Area". The Planning Area is that area of land conveyed by the Municipality to the Lunenburg Municipal Industrial Commission and contains an area of approximately 254 acres and is bounded Southeasterly by portions of public highway No. 103 and the public highway known as Harold Whyntott Road.

Section 212 and 213 of the Municipal Government Act enable Council to adopt a Municipal Planning Strategy for the purpose of providing statements of policy for the management of a portion of the Municipality. Section 214 of the Act enables Council to adopt a Municipal Planning Strategy that contains policies respecting a broad range of matters including: the goals and objectives of the Municipality; the improvement of the physical and social environment; the use, protection, and development of lands; the protection of pits, quarries, and aggregate deposits; the provision of municipal services and facilities; environmental protection; municipal finances; land subdivision; energy; public involvement in planning; and any other matter related to the physical, social, or economic environment to the Municipality. Section 216 authorizes Council to adopt a secondary planning strategy to address issues which may not be adequately addressed in the Municipal Planning Strategy. The Municipal Government Act is, then, the legislative basis for the preparation and adoption of this Secondary Planning Strategy.

The Land Use By-law which has been prepared and adopted in conjunction with this Planning Strategy is the primary regulatory mechanism through which the Planning Strategy is implemented. The Land Use By-law contains standards, requirements, and zoning designations which control the type and characteristics of development.

- 1.01. It shall be the policy of Council that the Municipal Planning Strategy shall apply to a portion of the community of Oakhill shown outlined on Map "A", Generalized Future Land Use, herinafter called the "Planning Area".**
- 1.02 It shall be the policy of Council that the Municipal Planning Strategy shall be the primary policy document through which the future growth and development of the Planning Area shall be encouraged, guided, and controlled.**
- 1.03 It shall be the policy of Council that the Land Use By-law, prepared and adopted by Council in conjunction with the Municipal Planning Strategy shall provide the primary regulatory mechanism for land use and development control, through which the intent of the Planning Strategy shall**

be implemented.

1.04 It shall be the policy of Council that Map “A”, Generalized Future Land Use Map, appended to this Municipal Planning Strategy shall form part of this Municipal Planning Strategy.

1.05 It shall be the policy of Council that sections 5.1(b), 5.4, 5.6, 5.7, 5.9 of the Subdivision By-law shall apply and are operative in the Planning Area, and any lot that has been created through subdivision approval may be used for a development that is permitted in the zone where the lot is located, subject to the applicable requirements of the Land Use By-law.

2.0 RESIDENTIAL

An existing land use survey conducted in the fall of 1998 revealed that the primary land use within the planning area is recreational, being the golf course and related facilities. This type of land use is passive and primarily focused on the exterior living environment. As such the surrounding land uses can have a significant impact on this land use.

The area surrounding the planning area, is dominated by a low-density residential development. Council recognizes the growing residential environment surrounding the planning area, and complimenting character that residential and recreational uses have with each other, and will provide for an exclusively residential zone. In recognition of the changing family structure and housing needs Council will provide for a mix of residential uses within this zone, which will accommodate a variety of housing needs. However, due to the close proximity of this residential zone to the golf course it is Council’s opinion that housing types such as mobile homes would have a negative impact on the existing land uses within the planning area, as well as the surrounding land uses. As such, mobile homes will be prohibited within the planning area.

In recognition of a growing trend towards home based employment and the contributions of a home based business on the sustainability of the Municipality’s economy, Council will make provisions within the residential zone for home occupations.

2.0.1 It shall be Council’s policy to establish a Residential Designation as shown on the Generalized Future Land Use Map, which will provide for residential development.

2.0.2 It shall further be the policy of Council to establish a Mixed Residential (MR) Zone within the Residential Designation, as shown on Schedule A “Zoning Map” of the Land Use By-law. It shall further be the policy of Council to provide for a mix of residential uses within the Mixed Residential (MR) Zone which accommodate a variety of housing types.

2.0.3 Repealed.

- 2.0.4 It shall be the policy of Council, in the Mixed Residential (MR) Zone, and in all other zones that permit residential uses, to permit small-scale home occupations in conjunction with a single-unit dwelling or a structure accessory to a single-unit dwelling. Council within the Land Use By-law shall define the range and scale of uses permitted, and shall limit these home occupations to a type and scale which is compatible with residential uses.**

Council does acknowledge that land within the Residential Designation and corresponding Mixed Residential (MR) Zone contains some of the most fertile soils in all of Lunenburg County. However, Council feels that due to the area of land being less than 30 acres within the Mixed Residential (MR), creating this zone is not sacrificing the agricultural industry within the Planning Area. In addition, it is Council's opinion that existing land use patterns within the Planning Area as well as the surrounding area, being primarily recreational and residential, with some industrial uses, warrant the Residential Designation, as shown on the Future Land Use Map, and the Mixed Residential (MR) Zone, as shown in Schedule "A" Zoning Map, in the Land Use By-law. In keeping with Council's position and the Municipal Government Act's Statement of Provincial Interest Regarding Agricultural Land, Council will establish policy addressing why the lands in the Mixed Residential (MR) Zone are not being preserved for agricultural uses:

- 2.0.5 It shall be Council's policy that due to the existing land use patterns in the planning area and surrounding areas being primarily recreational and residential, as well as the relatively small size of the Mixed Residential (MR) Zone, the area within the Mixed Residential (MR) Zone will not be reserved for agricultural use, but in keeping with the existing land use patterns, will be utilized for residential development**

3.0 INDUSTRIAL

The Municipality wishes to promote the establishment of commercial and industrial activities within the Planning Area.

- 3.0.1 It shall be the policy of Council to establish a Lunenburg Municipal Industrial Designation as shown on the Generalized Future Land Use Map, to accommodate existing and promote future Industrial and Commercial uses.**
- 3.0.1 It shall be the policy of Council to establish a Lunenburg Municipal Industrial Zone, as shown on Map 1, Zoning Map, of the Land Use By-law. It shall further be the policy of Council to permit a range of light industrial, commercial, manufacturing, recreational, agricultural and residential uses within the Lunenburg Municipal Industrial Zone.**
- 3.0.2 It shall be the policy of Council to permit office and public buildings, national defense buildings, ground search and rescue operations, emergency measure operations, warehousing, hotels, motels,**

Amended October 11, 2018

manufacturing uses, residential, recreational, agricultural uses and retail shopping facilities within the Lunenburg Municipal Industrial Zone.

Amended October 11, 2018 and July 14, 2021

- 3.0.3 It shall be the intention of Council to develop and promote the Lunenburg Municipal Industrial Park.**
- 3.0.4 It is the policy of Council to encourage stringent controls over land use and the construction of buildings thereon in the Planning Area through agreements with purchasers of lots within the Planning Area.**
- 3.0.5 It shall be the policy of Council to prohibit certain developments which Council feels are not compatible with the development of the Industrial Park and surrounding properties.**

4.0 OUTDOOR STORAGE, YARDS, LOT AREA, FRONTAGE, AND FENCING

Minimum requirements for lot area, frontage, and setbacks from lot lines will be established for structures and uses. Such requirements will be implemented to ensure and provide for safety, emergency vehicle access to rear of structures, aesthetics, privacy and to reduce nuisances from abutting properties.

Council will furthermore, establish requirements for fencing and outdoor storage, so as to reduce impacts between neighboring properties, to ensure safety and privacy, and enhance aesthetics. Hazardous fencing will be prohibited and fencing high and obtrusive will be regulated as structures, whereby they will be required to be setback the required distance. These requirements will be applied to those zones within the Planning Area as the need for such requirements arise.

Council recognizes the negative impacts that certain signs can have in residential neighborhoods in terms of aesthetics, nuisance and safety. At the same time Council realizes the necessity of signs in various instances, such as the identification of a property or business. This Planning Strategy will therefore provide the policy support for the regulation of signs to ensure that they do not pose a nuisance, safety hazard or negatively impact the aesthetics of the neighborhood in which it is located.

- 4.01 It shall be the policy of Council to establish within the Land Use By-law, minimum lot area, minimum lot frontage and minimum yard requirements and these minimum requirements shall provide for adequate fire separation between structures, on-site parking, maintenance of buildings and land, private outdoor space, solar exposure, air circulation and minimal traffic obstruction.**
- 4.02 It shall be the policy of Council, through the Land Use By-law to regulate the height of structures so as to control the impact on the landscape and skyline, and to ensure that structures are compatible with the existing planning area.**
- 4.0.3 It shall be the policy of Council, through the Land Use By-law, to regulate the type, height and location of fencing so as to minimize the impacts of fencing on abutting properties**

- 4.0.4 It shall be the policy of Council, through the Land Use By-law, to regulate or prohibit signage with respect to the type, size, height, illumination and location of signs within the planning area so as to ensure the signage will not create hazards or nuisances, and to control the impact of signs on the landscape, streetscape of the planning area**
- 4.0.5 Notwithstanding Policy 4.0.1, it shall be the policy of Council that a lot that has less than the minimum required area and/ or frontage and that:**
- a) was created on or before the effective date of this by-law; or**
 - b) was created by an instrument to which the Municipal Government Act does not apply; or**
 - c) pursuant to policy 1.0.5, the lot was created in accordance with a Plan of Subdivision approved in accordance with the Planning Act;**

may be used for any purpose permitted in the zone in which the lot is created, provided that all applicable requirements are satisfied.

IMPLEMENTATION

This Secondary Planning Strategy consists of policies statements and a Future Land Use Map that express Council's intentions with respect to development and land use in the Planning Area. The area within the planning area is relatively small, at approximately 254 acres, and as such Council feels that a review of this document every so many years would be futile. Council does, however, recognize that over time, growth and development patterns will warrant changes to these policies and as such will review the Planning Strategy and accompanying Land Use By-law as growth and development warrant.

- 5.01. It shall be the policy of Council to review this Planning Strategy and accompanying Land Use By-law as growth and development warrants.**
- 5.02 It shall be the policy of Council that, pursuant to the Municipal Government Act, a Public Participation Program (MDL-66) shall be held prior to any proposed amendment to the Secondary Planning Strategy, as well as in conjunction with the review of this Planning Strategy and Land Use By-law. The purpose of the Public Participation Program shall be to hear the opinions of the public. Council shall meet with the Planning Advisory Committee when Council is considering a proposal for a rezoning or Development Agreement, or an amendment to the Planning Strategy or the Land-Use By-law. Public Notice of any Planning Advisory Committee meeting at which the proposal is to be discussed shall comply with the Public Participation Program policy as adopted by Council.**

Amended April 1, 2015

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

LAND USE BY-LAW

LUNENBURG MUNICIPAL INDUSTRIAL ZONE, OAKHILL

**Approved by Municipal Council on
May 4, 1999**

TABLE OF CONTENTS

<u>PART</u>	<u>SUBJECT</u>	<u>PAGE</u>
1	Title and Purpose	2
2	Administration	2
3	General Provisions for All Zones	4
4	Mixed Residential (MR) Zone	9
5	Lunenburg Municipal Industrial (LMI) Zone	11
6	General Requirements For Signs	16
	Definitions	18

PART 1 TITLE AND PURPOSE

1.1 TITLE AND APPLICATIONS

This By-law shall be known as the “Lunenburg Municipal Industrial Zone Land Use By-Law” of the Municipality and shall apply to that area shown on the Map “A”, zoning map, appended to and forming part of this By-Law.

PART 2 ADMINISTRATION

2.1 DEVELOPMENT OFFICER

This By-law shall be administered by a Development Officer appointed by who shall issue Development Permits under this By-law.

2.2 ACTING DEVELOPMENT OFFICER

In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer’s stead.

2.3 REQUIREMENT FOR DEVELOPMENT PERMIT

No person shall undertake, or cause or permit to be undertaken, any development in the area to which this Land Use By-law applies until a Development Permit has been obtained in relation to such development from the Development Officer.

2.4 REQUIREMENT FOR APPLICATION

Every person wishing to obtain a Development Permit must submit an application for such Development Permit to the Development Officer.

2.5 CONTENTS OF APPLICATION

Every application for a Development Permit shall be accompanied by a plan drawn to an appropriate scale and showing:

- (a) the true shape and dimension of the lot to be used or upon which it is proposed to construct or locate any building or structure;
- (b) the proposed location, height and dimensions of any building or structure in respect of which the permit applied for and the location information shall include measurements of the lot frontage, front, side and rear yards;
- (c) the location of every building or structure already constructed, or partly constructed, on such lot, and the location of every building or structure existing upon abutting lots; and
- (e) other such information as may be necessary to determine whether or not the proposed development conforms with the requirements of this By-law.

2.6 SIGNATURES

The application shall be signed by the owner of the lot, or by his agent, and shall set forth in detail the current and proposed use of the lot and each building or structure, or part thereof, together with all information necessary to determine whether or not the proposed development conforms with the requirements of this By-law.

2.7 ISSUANCE OF DEVELOPMENT PERMIT

No Development Permit shall be issued by the Development Officer unless:

- (a) the proposed development is in conformance with this Land Use By-law; or
- (b) the Development Officer has granted a minor variance from the terms of this By-law, pursuant to Section 235 to 237 of the Municipal Government Act and the time for appeal has elapsed or the appeal has been disposed of.

2.8 DEVIATIONS

No person shall deviate, or allow deviations to be made, from the description of the proposed development which is contained in the Development Permit, unless the developer has obtained a new Development Permit from the Development Officer.

2.9 DECISION IN WRITING

Any decision of the Development Officer to refuse the issuance of a Development Permit shall be given by written notice served by ordinary mail.

2.10 VIOLATIONS

In the event of any alleged contravention of the provisions of this Land Use By-law, the Municipality may take action as outlined in Section 266 and 267 of the Municipal Government Act, as amended from time to time.

2.11 FEES [Amended May 10, 2011]

An application for a development permit, a variance, a development agreement, or an amendment to the Land Use Bylaw or an amendment to a Planning Strategy, shall include payment of fees prescribed by Council from time to time, by policy.

PART 3 GENERAL PROVISIONS FOR ALL ZONES

3.1 COMPLIANCE WITH OTHER BY-LAWS AND REGULATIONS

This By-law does not exempt any person from complying with the requirements of other By-laws or Regulations in force within the Municipality or from obtaining any license, permissions, permit, authority, or approval required thereunder.

Where any provisions of this by-law conflict with those of any other municipal, provincial or federal regulation, by-law or code, the more stringent requirement shall prevail.

3.2 LOTS LACKING MINIMUM AREA, FRONTAGE OR BOTH

Notwithstanding minimum lot area and frontage requirements established elsewhere in this By-law, a lot which does not satisfy these minimum requirements for area, frontage, or both, and satisfies one or more of the following requirements, may be used for a purpose permitted in the zone in which the lot is located, and a structure may be erected on the lot provided that all other applicable provisions of the By-law, except for the minimum lot area and frontage, are satisfied:

- (a) the lot has been created before the effective date of this By-law;
- (b) the lot has been created by an instrument to which the Municipal Government Act does not apply; or
- (c) pursuant to Municipal Planning Strategy Policy 1.0.5, the lot has been created in accordance with a Plan of Subdivision approved in accordance with the Municipal Government Act.

3.3 ONE DWELLING PER MINIMUM SIZE LOT OR PARCEL [Amended July 14, 2021]

Repealed.

3.4 PERMITTED USES – PROHIBITED USES

For the purpose of this By-law if a use is not listed as a permitted use in any zone, or if it is not an accessory use to a permitted main use in a particular zone, it shall be deemed to be a prohibited use in that zone, subject to the non-conforming use provisions of the Municipal Government Act.

3.5 STRUCTURE TO BE MOVED

No structure, residential or otherwise shall be moved within or into the area covered by this By-law without obtaining a development permit from the Development Officer

3.6 HABITATION OF VEHICLES

- 3.6.1 Except as otherwise provided for in this Land Use By-law, no motorized vehicle, coach or street car body, recreational vehicle or shipping container, with or without wheels shall be stored upon a lot or used for human habitation within the Mixed Residential (MR) Zone.
- 3.6.2 a) Notwithstanding subsection 3.6.1, recreation vehicles may be stored upon a lot within the Mixed Residential (MR) Zone, with no requirements for a development permit provided:
- i) such use occurs only on a property with an established main use; and
 - ii) such use does not occur within the required minimum front yard;
- b) Notwithstanding subsection 3.6.1, recreation vehicles may be used for human habitation within the Mixed Residential (MR) Zone, with no requirements for a development permit provided:
- i) such use occurs only on a property with an established main use;
 - ii) such use does not occur within the required minimum front yard; and
 - iii) such use does not extend for longer than eight- (8) weeks within a calendar year.

3.7 FARM ANIMALS

No lot in any zone shall be used for the rearing or keeping of any farm animal.

3.8 MULTIPLE LAND USE

In any zone, where any lot is used for more than one purpose, all provisions of this by-law relating to each use shall be satisfied, except as otherwise provided. Where there is any conflict, as in the case of lot size or lot frontage, the more stringent standard shall apply.

3.9 MULTIPLE USES IN A BUILDING

In any zone, where any main building is to be used for more than one purpose and applicable zone requirements are in conflict, the more restrictive zone requirement shall apply.

3.10 TEMPORARY USES PERMITTED

3.10.1 Construction Accessories

Nothing in this By-law shall prevent the use of land or the use or erection of temporary buildings or structures incidental to construction, such as but not limited to, a construction camp, tool shed, or scaffold, and including a sales or rental office incidental to construction and no Development Permit for such temporary uses buildings or structures shall be required, provided that a development permit for the main structure under construction has been issued. Such temporary uses shall be terminated no more than sixty (60) days after the completion of the construction of the main structure.

3.10.2 Special Occasion

Nothing in this By-law shall prevent the use of land or the erection of temporary buildings, structures or signs for special occasions and holidays and no Development Permit shall be required for such temporary uses, provided that such use of land, buildings or structures remains in place for no more than ten (10) days following the termination of the special occasion or holiday.

3.11 ACCESSORY DEVELOPMENTS**3.11.1 Accessory Uses**

No development permit shall be required for any use which is accessory to a residential use, provided, however, that this exemption shall not apply to parking areas where more than two (2) parking spaces are required by this By-law.

3.11.2 Accessory Buildings and Structures

Accessory structures shall be permitted in any zone but shall not:

- a) be used for human habitation except for the temporary accommodation of private guests;
- b) be located within a front yard;
- c) be built closer than 1.2 metres (four feet) to any rear or side lot line except that:
 - i) common semi-detached garages may be centered on the mutual side lot line; and
 - ii) accessory buildings with no windows or perforations on the side of the building which faces the said lot line, may be located a minimum of 0.6 metres (two feet) from the said lot line;
- d) exceed the maximum ground floor area permitted in the zone; nor
- e) be considered an accessory structure if attached to the main building in any way, except that a fence or wall may join an accessory building with a main building.

3.12 PRIVATE STORAGE BUILDINGS

Where there is no other main building on the lot, a private storage building including, but not limited to, a private garage, shall be permitted in the Mixed Residential Zone provided that:

- a) the applicable zone requirements of this By-law are satisfied as if the private storage building were regarded as the main building on the lot.

3.13 USES PERMITTED IN ALL ZONES

Public parks, private parks, and playgrounds shall be permitted in any zone, and structures within them shall be subject to the applicable zone requirements

3.14 EXISTING STRUCTURES

Where a structure has been erected on or before the effective date of this by-law or subsequently in accordance with a Development Permit on a lot having less than the minimum front yard, side yard, or rear yard required by this By-law, the structure may be:

- a) used as permitted in the zone in which the structure is situated;
- b) enlarged, reconstructed, repaired, renovated, or replaced by a new structure, provided that the structure shall not thereby be permitted to extend or increase

any existing encroachment into the minimum front, flankage, side or rear yard required in that zone except by the operation of Section 3.20 and provided that the provisions of Section 3.19 and all other provisions of this By-law are satisfied; and

- c) relocated, provided no encroachment into the minimum front, flankage, side or rear yard required in that zone shall be permitted except by the operation of Section 3.20, and provided the provisions of Section 3.19 and all other applicable provisions of this By-law are satisfied.

3.15 MISCELLANEOUS MINOR STRUCTURES

Subject to Section 3.19, no Development Permit shall be required for miscellaneous structures such as, by way of example but not limited to: fences less than two metres (six feet) in height; retaining walls; children's play structures; cold frames; garden trellises; cloths line poles; pet houses; monuments; interpretive displays; and, accessory buildings of less than 20 square metres (215 square feet) in floor area.

3.16 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of non-conforming uses or structures the provisions of Section 238 to 242 of the Municipal Government Act shall prevail.

3.17 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to water tanks, elevator enclosures, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clocktowers, monuments, wind turbines or solar collection devices.

3.18 HOME OCCUPATIONS

In all zones, any lot used for residential purposes may be used for a home occupation purpose provided that all of the following requirements are satisfied:

- a) the home occupation shall be located in a dwelling unit on the same lot or in an accessory building on the same lot;
- b) the home occupation shall fall within one (1) of the following types of uses:
 - (i) professional offices,
 - (ii) craft workshops, or
 - (iii) studios for the practice or instruction of fine arts or crafts;
- c) retail sales shall be limited to the sale of products made, assembled, refinished or repaired on the premises and the sale of any goods or materials used in any of the processes involved in the primary business use;
- d) the home occupation shall occupy:
 - i) no more than 25 percent , to a maximum of 30 square metres (320 square feet) of the floor area of the dwelling, excluding attached garages;
- e) a minimum of two (2) off-street, customer parking spaces shall be provided on the lot, in addition to the space required for the residence itself;

- f) there shall not be more than one (1) sign on the lot related to the home occupation. The sign shall be non-illuminated and shall not exceed 0.5 square metres (5 square feet);
- g) the home occupation shall not emit noise dust, light or radiation that would be a nuisance or is uncustomary in a residential neighborhood;
- h) there shall be no outdoor display or open storage of materials or products related to the home occupation;
- i) no more than two (2) commercial vehicles related to the home occupation shall be kept upon or operated from the lot on which the business is located; and
- j) the use shall not include an animal shelter, animal kennel or animal hospital

3.19 SIGHT TRIANGLE

Notwithstanding anything else in this by-law, on a corner lot, a building, fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation shall not be erected or permitted to grow to a height more than 1 metre (3.2 feet) above the grade of the streets that abut the lot within the sight triangle included within the street lines for a distance of 4.6 metres (15.09 feet) from their point of intersection.

3.20 VARIANCE FROM MINIMUM REQUIREMENTS

The minimum lot areas, lot frontages, and yards required by this by-law may be varied according to the provisions of Section 235 to 237 of the Municipal Government Act.

4.0 MIXED RESIDENTIAL (MR) ZONE

4.1 Permitted Developments [Amended July 14, 2021]

No development shall be permitted nor shall any land, building or structure be used on a lot within the Mixed Residential (MR) Zone for any other purpose than:

- a) residential uses and facilities; and
- b) One of the following Secondary Uses in conjunction with a single-unit dwelling or a building accessory to a single-unit dwelling:
 - i) subject to Section 3.18, a home occupation use

4.2 MR-Zone Requirements

- (1) Within the MR-Zone, no structure or main building shall be placed, erected or altered except in conformity with the following requirements:

A) Yard Requirements [Amended July 14, 2021]

Yard Requirements	Detached Single-Unit Dwellings	Attached Dwellings on Separate Lots	Two- Unit Dwellings	Multi-Unit Dwellings
Minimum Front Yard	5 m (16.5 ft)	5 m (16.5 ft)	5 m (16.5 ft)	5 m (16.5 ft)
Minimum Flankage Yard	5 m (16.5 ft)	5 m (16.5 ft)	5 m (16.5 ft)	5 m (16.5 ft)
Minimum Side Yard	3 m (9.8 ft) on one side; 1.5 m (5 ft) on the other side	3 m (9.8 ft)	3 m (9.8 ft) or ½ the height of the main building, which ever is greater	3 m (9.8 ft) or ½ the height of the main building, which ever is greater
Minimum Side Yard on side with Common Walls	N/A	0 m	N/A	N/A
Minimum Rear Yard	3 m (9.8 ft)	3m (9.8ft)	3 m (9.8 ft)	3 m (9.8 ft)
Maximum Height of Buildings	10.5 m (34 ft)	10.5 m (34 ft.)	10.5 m (34 ft.)	10.5 m (34 ft.)

B) Lot Requirements [Amended July 14, 2021]

Lot Requirements	Detached Single Unit Dwellings	Attached Dwellings on Separate Lots	Two-Unit Dwellings	Multi-Unit Dwellings
Minimum Area for Lots Serviced by Public Sewer and Central Water	464.5 sq.m. (5,000 sq.ft)	160 sq.m./unit (1,722sq.ft/unit)	232.25 sq.m/unit (2,500 sq.ft/unit)	603 sq.m (6,500 sq.ft), plus an additional 23 sq.m. (250 sq.ft) for each unit over 4
Minimum Area for Lots Serviced by Public Sewer Only	650 sq.m. (7,000 sq.ft). Such that a 21.3 (70 ft) circle could be contained within its boundaries	325 sq.m/unit (3,500 sq.ft)/unit	325 sq.m/unit (3,500 sq.ft/unit), such that a 21.3 m (70 ft) circle could be contained within its boundaries	789 sq.m (8,500 sq.ft), plus an additional 30 sq.m (325 sq.ft) for each additional unit over 4
Minimum Area for Lots Serviced by On-Site Services	Subject to the Approval of the Department of Environment for On-Site Sewage Disposal	Subject to the Approval of the Department of Environment for On-Site Sewage Disposal	Subject to the Approval of the Department of Environment for On-Site Sewage Disposal	Subject to the Approval of the Department of Environment for On-Site Sewage Disposal
Frontage	6 m (20 ft)	6m (20 ft)	6m (20 ft)	15.2 m (50 ft)
Lot Coverage	N/A	N/A	N/A	No more than 50%

4.3 Fences and Walls

- 1) Fences and walls 2 metres (six feet) or greater in height shall be regulated as structures and shall be subject to the applicable setback and yard requirements Section 4.2
- 2) The use of electrified wire or sharp edged materials such as barbed wire, designed to prevent access to a parcel of land is permitted only at the top of fences or walls over 2 metres (six feet) high.

PART 5

THE LUNENBURG MUNICIPAL INDUSTRIAL (LMI) ZONE

5.1

PERMITTED USES

Uses Permitted

No person shall erect, alter, repair, maintain or use any building in whole or in part, or use any land in the Lunenburg Municipal Industrial Zone for any other purpose than for one or more of the following uses, namely;

- (a) office buildings;
- (b) public buildings;
- (c) hotels;
- (d) motels and chalets;
- (e) residential uses and facilities;
- (f) recreational uses including golf courses and related facilities;
- (g) retail shopping facilities;
- (h) national defense buildings including A.E.F. and A.E.S. facilities;
- (i) emergency measure and ground search and rescue organizations;
- (j) warehousing;
- (k) manufacturing uses; and
- (l) use accessory to the above uses.
- (m) agricultural uses

Amended October 11, 2018

5.2

ZONE

REQUIREMENTS

In the Lunenburg Municipal Industrial Zone, no development permit shall be issued for a residential use, except in conformity with the following minimum requirements assigned below.

Yard Requirements	Detached Single-Unit Dwellings	Attached Dwellings on Separate Lots	Two Unit Dwellings	Multiple Unit Dwellings (3 units and over)
Minimum Front Yard	5 m (16.5ft)	5 m (16.5 ft)	5 m (16.5 ft)	5 m (16.5 ft)
Minimum Flankage Yard	5 m (16.5 ft)	5 m (16.5 ft)	5 m (16.5 ft)	5 m (16.5 ft)
Minimum Side Yard	3 m (9.8 ft) on one side; 1.5 m (5 ft) on the other side	3 m (9.8 ft)	3 m (9.8 ft) or ½ the height of the main building, whichever is greater	3 m (9.8 ft) or ½ the height of the main building, whichever is greater
Minimum Side Yard on Side with Common Walls	N/A	0 m	N/A	N/A
Minimum Rear Yard	3 m (9.8 ft)	3 m (9.8 ft)	3 m (9.8 ft)	3 m (9.8 ft)
Maximum Heights of Buildings	10.5 m (34 ft)	10.5 m (34 ft)	10.5 m (34 ft)	10.5 m (34 ft)

5.2.2**YARD REQUIREMENTS FOR ALL OTHER USES**

In the Lunenburg Municipal Industrial Zone, no development permit shall be issued, for all other uses than residential uses, except in conformity with the minimum requirements assigned below.

Minimum Yard Requirements	All Uses Other Than Residential
Minimum Front Yard	6 m (20 ft)
Minimum Flankage Yard	6 m (20 ft)
Minimum Side Yard	4.5 m (15 ft)
Minimum Rear Yard	4.5 m (15 ft)
Maximum Height of Structures	10.5 (34 ft)

5.2.3

LOT SIZES FOR RESIDENTIAL USES

In the Lunenburg Municipal Industrial (L.M.I.), no development permit shall be issued, for a residential use, except in conformity with the following minimum requirements assigned below.

Lot Requirements	Detached Single-Unit Dwelling	Attached Dwellings on Separate Lots	Two-Unit Dwelling	Multiple-Unit Dwelling (3 units and over)
Minimum Area for Lots serviced by Public Sewer and Central Water	464.5 sq.m (5,000 sq.ft)	160 sq.m/unit (1,722 sq.ft/unit)	232.25 sq.m/unit (2,500 sq.ft/unit)	603 sq.m (6,500 sq.ft), plus an additional 23 sq.m (250 sq.ft) for each unit over 4
Minimum Area for Lots Serviced by Public Sewer Only	650 sq.m (7,000 sq.ft). Such that a 21.3 m (70 ft) circle could be contained within its boundaries).	325 sq.m/unit (3,500 sq.ft)/unit	325 sq.m/unit (3,500 sq.ft)/unit, such that a 21.3 m (70 ft) circle could be contained within its boundaries	789 sq.m (8,500 sq.ft), plus an additional 30 sq. m (325 sq.ft) for each additional unit over 4
Minimum Area for Lots Serviced by On-Site Services	Subject to the approval of the Department of the Environment for On-Site Sewage Disposal	Subject to approval of the Department of the Environment for On-Site Sewage Disposal	Subject to the approval of the Department of the Environment for On-Site Sewage Disposal	Subject to the approval of the Department of the Environment for On-Site Sewage Disposal
Minimum Frontage	6 m (20 ft)	6 m (20ft)	6 m (20 ft)	15.2 m (50 feet)
Maximum Lot Coverage*	N/A	N/A	N/A	No more than 50%

*Lot coverage means the percentage of the lot area that is permitted to be covered by all buildings and structures, excluding above ground swimming pools and that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level.

5.2.4

LOT SIZE REQUIREMENTS FOR ALL USES OTHER THAN RESIDENTIAL

In the Lunenburg Municipal Industrial (L.M.I.) Zone, no development permit shall be issued for all uses other than residential, except in conformity with the following minimum requirement assigned below.

Lot Requirement	AI Uses Other Than Residential
Minimum Area for Lots Served by Public Sewer and Central Water	464.5 sq. m (5,000 sq ft)
Minimum Area for Lots Served by Public Sewer Only	650.3 sq. m (7,000 sq. ft) such that a 21.3 m (70 ft) circle could be contained within its boundaries
Minimum Area for Lots Served by On-Site Services (Sewer and Water)	Subject to the approval of the Department of the Environment for On-Site Sewage Disposal
Minimum Frontage	30.4 m (100 ft)

PART 6**GENERAL REQUIREMENTS FOR SIGNS****6.1 General**

- a) No person shall erect a sign without first obtaining a Development Permit.
- b) Signs must be located on the same lot as the product , service or structure to which the sign relates, unless otherwise permitted in this By-law.

6.2 Signs Prohibited in All Zones

Notwithstanding all other provisions of this by-law, the following signs shall not be erected or used in any zone:

- a) signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour, nor signs which have any visible or moving part or visible mechanical movement of any description except for signs which display only time, temperature or humidity;
- b) signs affixed to, applied to, or supported by the roof of any structure;
- c) signs which constitute a hazard to public safety or health;
- d) signs which by reason or size, location, content or manner of illumination obstruct the vision of drivers or obstruct the effectiveness of any traffic sign or traffic control device on public streets;
- e) signs which obstruct the use of a fire escape door, windows, or other required exit;
- f) signs which make use of such words as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any other similar words, phrases, or symbols so as to interfere with or confuse drivers on a public street;
- g) signs which advertise a product, service or business which is discontinued. Such signs are considered to be obsolete signs and shall be removed once the use has discontinued for a period of sixty days; nor
- h) signs painted upon, attached to, or supported by a tree, cliff, or other natural object.

6.3 Signs for Which No Development Permit is Required

The following signs are permitted in all zones, without any requirements for a Development Permit:

- a) signs identifying the name and address of a resident, and not more than 0.5 square metres (5 square feet) in sign area on each side;
- b) "No Trespassing" signs or other such signs regulating the use of a property, and of not more than 0.5 square metres (5 square feet) in sign area;

- c) non-illuminated real estate signs not exceeding 0.5 square metres (5 square feet) in sign area on each side;
- d) signs regulating or denoting on-premise traffic, or parking or other signs denoting the direction or function or various parts of a building or premises provided that such signs are less than 0.5 square metres (5 sq.ft) in sign area on each side;
- e) signs erected by a government body, or under the direction or authority of such a body, and bearing no commercial advertising, including but not limited to, traffic signs, safety signs, signs identify public schools, public election lists, directional signs, signs and banners for special events which bear an incidental commercial component advertising sponsorship or support;
- f) memorial signs or tablets and signs denoting the historical significance and date of erection of a structure;
- g) the flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization;
- h) a sign having an area of not more than 6 square metres (65 sq.ft) incidental to construction and located on the same site as the building under construction. Such sign shall not remain in place for more than sixty (60) days following completion of construction; or
- i) Subject to 6.2, signs located in the Lunenburg Municipal Industrial Zone.

6.4 **Signs in a Residential Zone**

No sign in a Residential Zone shall be erected or used unless:

- a) the sign is permitted by Section 6.3; and
- b) and the case of commercial advertising signs, the sign is located on the same lot as the business which it advertises and the sign satisfies the requirements of Section 3.18

DEFINITIONS

ABUTTING YARD - See YARD, ABUTTING

ACCESSORY BUILDING - See BUILDING

ACCESSORY USE - See USE, ACCESSORY

AGRICULTURAL USE means the utilizing of land, buildings or structures to raise crops. Agricultural use shall include the accessory production, processing, treatment, storage and sale of the products produced on- site, but shall not include industrial uses such as slaughterhouses.

Amended October 11, 2018

ALTER means to make any change in the structural components of a building, or any increase or decrease in the volume of a building or structure.

ANIMAL HOSPITAL means the premises where animals, birds or other household pets are treated or kept during treatment.

ANIMAL SHELTER means a lot and/or building or part thereof used for the treatment and care of lost, abandoned or neglected animals.

ANIMAL KENNEL means any structure or premise in which animals are boarded, groomed, bred or trained for commercial gain.

ATTACHED BUILDING - See Building

BUILDING means a structure, whether permanent or temporary, which is roofed and which is used for the shelter or accommodation of persons, animals, materials or equipment and includes all additions, porches and decks attached thereto, and for greater certainty:

- a) **ACCESSORY BUILDING** means a subordinate building or structure located on the same lot as the main building and devoted exclusively to an accessory use.
- b) **ATTACHED BUILDING** means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

CHANGE IN USE - See USE, CHANGE IN

CORNER LOT - See LOT, CORNER.

COUNCIL means the Council of the Municipality of the District of Lunenburg.

CRAFT

- a) **CRAFT PRODUCTS** means products made by hand or small custom production processes by potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leatherworkers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, sailmakers, and similar skilled craftspersons.
- b) **CRAFT WORKSHOP** means a building or part of a building where craft products are made by hand or small production processes.

COMMERCIAL VEHICLE means any motor vehicle which is used for a business activity and which has as its main vehicle purpose financial gain, and includes taxis, ambulances, trucks, tractors, tractor trailers, buses, delivery vehicles, and oil trucks.

DETACHED SINGLE UNIT DWELLING - See DWELLING, DETACHED SINGLE UNIT

DEVELOPMENT includes any erection, construction, alteration, replacement or relocation of or addition to any structure and any change or alteration in the use made of land or structures.

DEVELOPMENT OFFICER means the person appointed by Council under the authority of the Municipal Government Act to administer the provisions of the Land Use By-law.

DEVELOPMENT PERMIT means the permit issued by the Development Officer certifying that a proposed development complies with the provisions of the Land Use By-law.

DEVELOPER means any person, incorporated body, partnership or other legal entity which undertakes a development.

DWELLING, means a building occupied or capable of being occupied as a home or residence by one or more persons and containing one or more dwelling units and shall not include a hotel, motel or apartment hotel.

DWELLING, DETACHED SINGLE-UNIT means a completely detached dwelling containing only one dwelling unit. [Amended July 14, 2021]

DWELLING, MULTIPLE UNIT, means any dwelling containing three or more dwelling units.

DWELLING, TWO UNIT, means any dwelling containing two dwelling units.

DWELLING UNIT, means one or more habitable rooms designed or intended to be used 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.

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, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

EXISTING means in existence prior to the effective date of this By-law.

FARM ANIMAL means one or more of the following types of animals: horses, cattle, sheep, goats, swine, fowl, mink, fox, rabbits, and bees.

FLANKAGE LOT LINE - See LOT LINE, FLANKAGE

FLANKAGE YARD - See YARD, FLANKAGE.

FLOOR AREA means the floor area within a building, measured between the exterior faces of the exterior walls of the building at ground level.

FRONTAGE - See LOT FRONTAGE.

FRONT LOT LINE - See LOT LINE, FRONT

FRONT YARD - See YARD, FRONT

GRADE means, with reference to a building or structure, the lowest elevation of the finished surface of the ground where it meets the exterior of the foundation of the building or structure and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the municipality or other designated authority.

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

- a) the highest point of the roof surface or parapet, whichever is greater, of a flat roof;
- b) the declivity of a mansard roof; or
- c) the mean level between the eaves and ridges of a gable, hip, gambrel or other type of pitched roof.

HOME OCCUPATION means any activity carried out for gain by a resident and conducted as a customary, incidental and accessory to the main use, in the resident's dwelling unit or accessory building

LOT, means a parcel of land described in a deed or as shown on a registered plan of subdivision.

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

LOT, CORNER, means a lot situated at the intersection of and abutting on two or more streets.

LOT COVERAGE, means the percentage of the lot area that is permitted to be covered by all buildings and structures, excluding above ground swimming pools and that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level.

LOT FRONTAGE, means the horizontal distance between the side lot lines as measured along the front lot line and in the case of a corner lot, the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating frontage.

LOT LINE, means the boundary of a lot line.

LOT LINE, FLANKAGE, means a side lot which abuts the street on a corner lot.

LOT LINE, FRONT, means the line dividing the lot from the street or other means of access; and

- (1) in the case of a corner lot, the shorter boundary line abutting the street shall be deemed

to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line, boundaries dividing the lot from the street shall be deemed to be the front lot line.

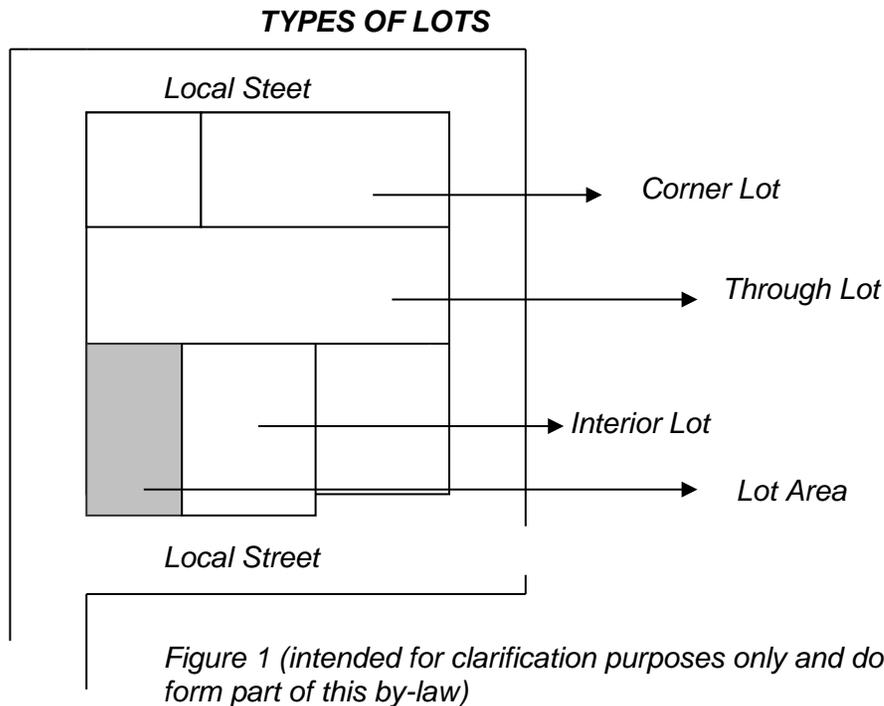
- (2) in the case of a through lot, the lot line abutting the street providing the primary access shall be regarded as the front lot line.

LOT LINE, REAR, means the lot line farthest from or opposite to the front lot line.

LOT LINE SIDE, means the lot line other than a front, flankage, or rear lot line.

LOT, THROUGH, means a lot bounded on two opposite sides by streets or highways provided, that if any lot qualifies as being both a corner lot and a through lot, as defined herein, such lot shall be deemed to be a corner lot for the purposes of this By-law.

FIGURE 1



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

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.

MPS or MUNICIPAL PLANNING STRATEGY means the Municipal Planning Strategy of the Municipality for the Lunenburg Municipal Industrial Zone, Oakhill.

MULTI-UNIT DWELLING - See DWELLING, MULTI-UNIT

MUNICIPALITY, means the Municipality of the District of Lunenburg

NON-CONFORMING USE - See USE, NON-CONFORMING

OFFICE means a room or rooms where business may be transacted, a service performed or consultation given, and includes, but is not limited to the following: physicians, surgeons, dentists, lawyers, architects, engineers, accountants, real estate agents, insurance agents, photographers, optometrists, chiropractors, eye specialists and similar uses, and may include retail sales or dispensing of goods associated with and incidental to the main use.

OPEN STORAGE means the storage of any items outside a building, not primarily for the encouragement of sale of the item or of similar items, but principally for storage purposes.

OUTDOOR DISPLAY means a display of goods on a lot for the purpose of encouraging the purchase of the display items, or items similar to the display items, and without limiting the generality of the foregoing such displays would include displays of cars, trucks, vans, motor homes, mobile homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains, prefab cottages or homes.

PARK means an open area devoted to passive recreational uses or conservation uses and which may include ornamental gardens and lawns, outdoor furniture and accessory structures and which may include a children's playground.

PARK, PRIVATE means a park other than a public park

PARK, PUBLIC means a park owned or controlled by a public authority or by any board, commission or other authority established under any statute of the Province of Nova Scotia or Government of Canada

PARKING LOT means an open area of land, other than a street, for the parking of 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 an area reserved for the temporary parking or storage of motor vehicles, exclusive of driveways or aisles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas

PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

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.

PUBLIC BUILDING means a building of the Public Authority of the Government of Canada, Province of Nova Scotia, Town of Bridgewater or the Municipality, including any agency or commission or corporation of the Municipality.

PUBLIC HIGHWAY, means any street or highway owned and maintained by the Municipality or the Province of Nova Scotia.

PUBLIC SEWER, means a sewage collection system owned and operated by the Town of Bridgewater or the Municipality

REAR LOT LINE - See LOT LINE, REAR

REAR YARD - See YARD, REAR

RECONSTRUCT when used with reference to a building or structure means to build a wholly or substantially new structure in the same location as an existing structure, where the original existing structure has been wholly or partially removed and the resulting structure is of substantially the same dimensions and volume as the original structure as demonstrated by photographs or measured drawings of the original structure.

RECREATION VEHICLE means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.

REPAIR when used with reference to a building or structure means to renovate or mend by replacing or repairing parts without altering the size or volume of the structure.

REPLACE when used with reference to a building or structure, means to build a wholly or substantially new structure on a lot where the original structure has been partially or wholly demolished.

RETAIL SALES means the keeping or offering for sale, rent or lease, directly to the public at retail value, of goods, wares, merchandise, substances, articles or things.

SIDE LOT LINE - See LOT LINE, SIDE

SIDE YARD - See YARD, SIDE

SIGHT TRIANGLE means the triangular shaped area of land formed by measuring from the point of intersection of street lines on a corner lot a minimum of 4.6 metres along each such street line and adjoining such end points with a straight line.

Figure 2

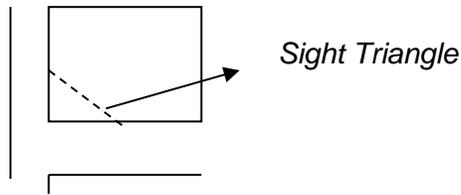


Figure 2 is intended for clarification purposes only and does not form part of this by-law.

SIGN means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, 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.

SIGN, AREA means the area of the smallest triangle, rectangle or circle or semi-circle which can wholly enclose the surface area of one (1) side of the sign. For canopies and awnings sign area is considered to be the area of the smallest triangle, rectangle or circle or semi-circle which can wholly enclose the surface area of the elements which convey information

STUDIO means a building or part thereof used as a workroom for the study, execution or instruction of any fine or commercial art, or craft, including photography, music, visual arts and commercial design.

STREET means the whole or entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Municipality, excluding any controlled access highway designated pursuant to the Public Highways Act, a right-of-way listed in both Schedule "B" of the Subdivision By-law and Schedule "C" of this Land Use By-law or a "Designed Road" as defined in the Subdivision By-law.

STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. "Structure" shall include buildings, walls, signs, and also fences exceeding 2 metres (6 ft) in height.

THROUGH LOT - See LOT, THROUGH

TWO-UNIT DWELLING - See DWELLING, TWO-UNIT

USE means the purpose for which any land, building or structure is utilized, and also means the purpose for which any land, building or structure is designed, arranged, or intended or the

purpose for which any land, building or
and for further certainty:

structure is occupied or maintained or leased,

USE, ACCESSORY 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.

- a) **USE, CHANGE IN**, means a change in the use made of the whole or any part of a parcel of land, a building or a structure.
- b) **USE, NON-CONFORMING** means a use as described in Sections 83-87 of the Municipal Government Act.

YARD, means an open, uncovered space on a lot appurtenant to a building, and in determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

YARD, FRONT, means a yard extending across the full width of a lot between the front lot line and nearest main wall of any building or structure on the lot.

YARD, MINIMUM FRONT, means the minimum depth required by this By-law of a front yard on lot between the front lot line and the nearest main wall of any building or structure on the lot.

YARD, FLANKAGE, means the side yard of a corner lot, which side yard abuts a street

YARD, MINIMUM FLANKAGE, means the minimum side yard required by this by-law where such yard abuts a street.

YARD, SIDE, means a yard extending between the front yard and the rear yard of a lot between a side lot line and the nearest main wall of any building or structure of the lot.

YARD, MINIMUM SIDE, means the minimum width required by this By-law of a side yard on a lot between a side lot line and the nearest main wall of any building or structure on the lot.

YARD, REAR, means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of any building or structure on the lot.

YARD, MINIMUM REAR, means the minimum depth required by this By-law of a rear yard on a lot between a rear lot line and the nearest main wall of any building or structure of the lot.

REQUIRED YARDS

Figure 3

Figure 3 is intended for clarification purposes only and does not form part of this by-law.