

This document has been prepared for convenience only and includes the Ministerial modifications which accompanied the approval of the Department of Housing and Municipal Affairs in June, 2000. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

Amendments to Part 14 - Mixed Use (MU) Zone were adopted by Council on April 8, 2013 and came into effect May 29, 2013.

Chéticamp

LAND USE BY-LAW

PART 1 - TITLE

This By-law shall be known and may be cited, as the "Land Use By-law" of the Chéticamp Plan Area of the Municipality of the County of Inverness and referred to hereinafter as the Chéticamp Plan Area Land Use By-law and this By-law shall apply to all lands with the Plan Area.

PART 2 - ADMINISTRATION

EFFECTIVE DATE

1. This By-law shall take effect when approved by the Minister of Municipal Affairs for the Province of Nova Scotia.

PROHIBITION

2. Subject to the provisions of the Municipal Government Act, no development shall be carried out within the Plan Area, except in accordance with this By-law.

3. No person shall commence or continue development for which a development permit is required by this By-law unless the owner has obtained a development permit to carry out the development.

4. Except when located in an Industrial or Commercial Zone and unless otherwise stated in this By-law, no development permit shall be issued to erect more than one main building upon a lot.

DEVELOPMENT OFFICER

5. The Council of the Municipality of the County of Inverness, hereinafter referred to as "Council" which has adopted a Land-use By-law shall appoint a municipal development officer who shall be responsible for the administration of the Land Use By-law and the issuing of municipal development permits.

6. The Development Officer shall keep records of all applications received, permits and orders issued, inspection made, and shall retain copies of all papers and documents connected with the administration of this By-law, which shall form part of the public records of the Municipality of the County of Inverness.

ENFORCEMENT

7. The Council, by any duly authorized office or servant, shall have the right to enter at all reasonable times into or upon any property within the Plan Area for the purposes of an inspection necessary in connection with the administration of this Land Use By-law.

PERMITS

8. Unless otherwise stated in this By-law, no person shall undertake a development without first obtaining a development permit from a development officer.

9. Every development permit is valid:

- a) upon the development being commenced within six (6) months from the date of issuing the permit; and
- b) upon a the permit being renewed for another six (6) months if not commenced upon application to the Development Officer.
- c) if not commenced within six months a new application to be made to the Development Officer.

10. An application for a development permit shall:

- a) be made in the form prescribed by the Municipality;
- b) be signed by the owner or his agent;
- c) state the intended use of the proposed development; and
- d) provide any other information required by the Development Officer to determine whether the proposal meets the requirements of this By-law.

11. When deemed necessary to complete the assessment of the proposed development, the Development Officer may require the applicant to submit copies in duplicate of one or more of the following:

- a) a survey plan of the lot showing the dimensions of the lot; said plan to be made and certified by a registered land surveyor licensed to practice in Nova Scotia; and
- b) the position, height, and horizontal dimensions of all structures existing on the lot.

PENALTY

12. Any person in violation of this By-law may be penalized through fines or imprisonment as provided for in the *Municipal Government Act*.

COSTS FOR ADVERTISING

13. Anyone applying for an amendment to this By-law or a development agreement shall deposit with the clerk an amount estimated by the clerk to be sufficient to pay the cost of advertising required by the *Municipal Government Act*. After the advertising has been completed, the applicant shall pay to the clerk any additional amount required to defray the cost of the advertising, or if there is a surplus, the clerk shall refund the same to the applicant where Council decides not to proceed with the application, the deposit shall be returned to the applicant.

PART 3 - ZONES AND ZONING MAP

ZONES

1. For the purpose of this By-law, the Chéticamp Plan Area is divided into the following zones which may be referred to by the appropriate symbols.

Residential General	R-1
Historic Residential	R-2
Residential Multiple Family	R-3
Commercial Business District	C-1

Commercial Highway	C-2
Commercial General	C-3
Waterfront	W
Mixed Use	MU
Residential Rural	RR-1
Mobile Home Park	MHP
Rural Commercial Highway	RC-1
Rural Commercial General	RC-2
Rural Industrial	RI-1

The zone boundaries are shown on Schedule "A" and "B". Schedules "A" and "B" as included may be cited as the "Zoning Maps" and are hereby declared to form part of this By-law.

Schedule A Chéticamp Plan Area Zoning

Schedule B Chéticamp Proper Zoning

ZONES NOT ON MAPS

2. The Zoning Maps of this By-law may be amended, in conformance with the Municipal Planning Strategy, to utilize any zone in this By-law, regardless of whether or not such zone had previously appeared on any zoning map.

PART 4 - INTERPRETATION

SYMBOLS

1. The symbols used on the Schedule "A" and "B", included herein, refer to the appropriate zones established by this By-law.

DEFINED

2. The extent and boundaries of all zones are shown on Schedule "A" and "B", included herein, and for 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 center line of such street or highway;

b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot sizes;

c) where a street, highway, railroad or 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 on the adjoining property on either side thereof;

d) where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning map and serves 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; and

e) where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Zoning Maps Schedule "A" and "B".

CERTAIN WORDS

4. In this By-law, words used in the present tense include future; words in the singular number include the plural except where otherwise clearly indicated; words in the plural include the singular number; and the word "used" includes "arranged", "designed or intended to be used"; the word "shall" is mandatory and the word "may" permissive.

PERMITTED USES

5. For the purposes of this By-law, if a use is not listed as a permitted use in any zone, it shall be deemed to be a prohibited use in that zone.

PART 5 - GENERAL PROVISIONS FOR ALL ZONES

ACCESSORY BUILDINGS

1. Accessory uses, buildings and structures shall be permitted in any zone within the Chéticamp Plan Area but shall not:

a) be used for human habitation except where a dwelling is a permitted accessory use;

b) be located within the required front yard of a lot;

c) be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot. Where an accessory building is built on a corner lot, it shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;

(d) be built closer than 10 feet to any lot line

(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 0.5 meters (2 feet) from the said side or rear lot line in any residential zone.

(f) be built within 6 feet of the main building;

(g) be considered an accessory building if attached to the main building in any way; and

(h) be considered an accessory structure if located completely underground.

ACCESSORY USES PERMITTED

2. Where this By-law provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose includes any use accessory thereto. Accessory buildings shall be permitted in all zones.

BUILDING TO BE ERECTED ON A LOT

3. No person shall erect or use any building unless such building is erected upon a single lot.

BUILDING TO BE MOVED

4. 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.

EXISTING BUILDINGS

5. Where a building has been erected on or before the effective date of this By-law on a lot having less than the minimum frontage or area, or having less than the minimum 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 LOTS

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

EXISTING UNDERSIZED LOTS

7. Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels in existence prior to the effective date of this By-law, having less than the minimum frontage or area or both required by this By-law, may be used for a purpose permitted in the Zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied. In addition, where such lots are increased in size but remain undersized, they are deemed to be existing undersized lots.

FRONTAGE ON STREET

8. No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected, abuts, fronts upon a public street or on a lot shown on an approved plan of subdivision.

HEIGHT REGULATIONS

9. 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, clock towers, power transmissions, lookout towers, satellite discs, windmills, wind turbines, and solar collector devices.

HOME OCCUPATIONS

10. Nothing in this By-law shall prevent the use of a dwelling or accessory building in residential zone, except in the R-3 and MHP zones, for a home occupation including small sales or professional offices, hairstylists, barber shops, artisan workshops, and backyard mechanics in any dwelling or accessory building, provided that:

a) the dwelling is occupied as a residence by the operator of the home occupation;

b) the external appearance of the residence and/or accessory building is not changed by the business use;

c) adequate parking is provided;

d) the home occupation does not use more than twenty-five (25) percent of the total floor area of the residence nor fifty (50) percent of the accessory buildings, but in no case shall each building be solely occupied by a business use;

e) one off-street parking space, other than that required for the dwelling is provided for every (200 ft²) 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 5 ft² and which is attached to the main, or accessory building (but not both buildings) and provided also that the provisions of Part 6 of this By-law are satisfied;

g) no mechanical equipment is used externally except that reasonably consistent with the use of a dwelling or accessory building and;

h) no open storage or outdoor display shall be permitted.

i) except in the RR-1 Zone there are no more than two employees or assistants in addition to the operator of the business use.

11. Notwithstanding Section 10, and in addition to the list of uses permitted, the following additional uses shall be permitted in the Rural Residential (RR-1) zone, namely neighbourhood convenience stores, backyard mechanics where minor repairs are undertaken, offices for technicians such as plumbers, electricians and other construction related trades.

LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

12. Nothing in this By-law shall exempt any person from complying with the requirements of the building By-law or any other By-law in force within the Municipality of the County of Inverness or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Municipality.

LOADING SPACE

13. a) For every building or structure to be erected or enlarged, or structure manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses 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 30,000 ft² or fraction thereof of building floor area used for any such purpose to a maximum of six (6) loading spaces.

b) Each loading space shall be at least 12 feet by 40 feet with a minimum of 14 feet in height clearance.

c) No such loading space(s) shall be located within any required front yard.

d) Notwithstanding anything in the section, an undersized vacant lot which is situated in a commercial zone, which cannot comply with the loading standards shall be allowed to develop and the proposed development shall be exempted from that requirement.

MULTIPLE USES

14. Where any land or building is used for more than one purpose, all provisions 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.

NON-CONFORMING USES

15. Non-conforming uses shall be subject to the provisions of the Municipal Government Act of Nova Scotia

(Sections 238-242).

ONE DWELLING ON A LOT

16. Not more than one dwelling shall be erected on a lot except for the following:

- a) Group dwellings located in any zone where they are permitted;
- b) Mobile Home Parks as permitted in the Mobile Home Park (MHP) Zone; and
- c) within the Residential Rural designation two dwellings may be erected on one lot capable of meeting the subdivision requirements of the Inverness County Subdivision By-law subject to the following conditions:
 - i) a boundary survey showing the proposed location of the dwellings may be required by the development officer. All other applicable provisions of this By-law must be satisfied.

ONE MAIN BUILDING ON A LOT

17. No person shall erect more than one (1) main building on a lot except for:

- a) buildings located in Commercial or Industrial Zones;
- b) accessory buildings; and
- c) Institutional Uses in the Residential General (R-1) Zone.

OUTDOOR STORAGE AND COMMERCIAL VEHICLE PARKING

18. Within the R-1, R-2 and R-3 zones, outdoor storage of building and mechanical material and the overnight parking of commercial vehicles (excluding trucks over three tonnes but including hearses, buses, and tractors) shall be prohibited.

PARKING AREA STANDARDS

19. In any residential, commercial, or industrial zone, where parking facilities for more than four (4) vehicles are required or permitted:

- a) the parking area shall be situated in the same zone;
- b) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated;
- c) approaches or driveways to any parking area, other than that required for a single detached dwelling, semi-detached, or a duplex dwelling shall be defined by a curb of concrete or rolled asphalt and the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
- d) in addition, the location of approaches or driveways shall be no closer than 4.5 meters (15 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 ramp shall be a width of 7.5 meters (25 feet) at the street line and pavement edge;
- 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 3 meters (10 feet) if for one-way traffic, and a minimum of 5.5 meters (18 feet) if for two-way traffic and the maximum width of a driveway shall be 7.5 meters (25 feet); and

g) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles; and

h) if lights are used for illumination of the parking lot, they shall be so arranged as to divert the light away from the street, adjacent lots and buildings.

PARKING REQUIREMENTS

20. For every building or structure to be erected, enlarged, or consisting of a change of use, 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:

Minimum Parking Required	Type of Building
Residential	
a. Single detached, semi-detached, duplex dwellings, residences in commercial buildings and multi-family and converted dwellings up to three (3) dwelling units.	one (1) parking space per dwelling unit
b. Multiple family and converted dwellings containing five or more dwellings units	one and one quarter (1 1/4) parking space per dwelling unit
c. Boarding and Tourist Homes	one (1) parking space per two (2) boarders or overnight guests
d. All other residential dwellings	one (1) parking space per three rooms or dwelling units
Institutional	
d. Hospitals and nursing homes	one (1) per three (3) beds
e. Churches, theatres, auditoria, and other places of assembly	where there are fixed seats, one (1) parking space for every five seats or 10 feet of bench space; where there are no fixed seats, one (1) parking space for each 100 ft ² of floor area devoted to public use
f. Elementary Schools	1.5 parking spaces for each teaching classroom
g. High Schools	four (4) parking spaces for each teaching classroom
Commercial	
h. Restaurants, taverns and lounges	one (1) parking space for each 4.5 m ² (50 ft ²) of floor area devoted to public use

i. Hotels, motels	one (1) parking space per suite or rental unit
j. Offices	one (1) parking space for each 28 m ² (300 ft ²) of floor area but never less than one (1) parking space
k. Medical clinic or doctor's office	one (1) parking space for each 13.9 m ² (150 ft ²) of floor area
l. Funeral Homes	one (1) parking space for each 4.5 m ² (50 ft ²) of floor area in assembly room
m. Bowling alleys and curling rinks	one (1) parking space for each two (2) persons in the designed capacity of the establishment (designed capacity means six (6) persons per bowling lane and eight (8) persons per curling sheet). In other parts of the building, additional parking spaces shall be provided in accordance with the requirements set out in this By-law for the uses to which the outer parts of the building may be put.
n. All other commercial	one (1) parking space for each 28 m ² (300 ft ²) of floor area but never less than one (1) parking space
Parking for people with disabilities	As required by the Building Code

PARKING STANDARDS FOR A CHANGE OF USE

21. Notwithstanding Section 19 of this part where a change of use is to occur and the new use is unable to comply with additional parking spaces, the additional parking requirements will be waived.

PERMITTED ENCROACHMENTS IN YARDS

22. Except for accessory buildings, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky, provided that those structures listed in the following table shall be permitted into yards indicated as follows:

Structure	Yard in Which Projection is Permitted	Maximum Projection from Main Wall Permitted
Sills, belt course, cornices, eaves, gutters, chimneys, pilasters, or canopies	Any Yard	24 inches
Window bays	Front, rear and flankage yards only	3 feet and a maximum width of 10 feet
Fire escapes and exterior staircases	Rear and side yards only	6 feet
Balconies	Front, rear and flankage yards only for single family, semi-detached, duplex and triplex dwellings, any yard for other residential buildings	

Open, roofed porches not exceeding one storey in height; uncovered terraces	Front, rear and flankage yards only	8 feet including eaves and cornices
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PUBLIC AND PRIVATE UTILITIES

23. Public and private utilities shall be permitted in any zone provided that such use conforms with the applicable lot standards of that particular zone.

PUBLIC USES PERMITTED

24. Government offices and buildings shall be permitted in any zone provided that such uses conform with the applicable lot requirements of that particular zone.

RESTORATION TO A SAFE CONDITION

25. 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 a non-conforming use the provision of the Municipal Government Act of Nova Scotia shall prevail.

SCOPE

26. a) No building or structure shall hereafter be erected or altered or the use of any building 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 the By-law shall be subject to prosecution as provided for under the Municipal Government Act of Nova Scotia.

SIDE YARDS ON CORNER LOTS

27. Notwithstanding anything else in this By-law, on a corner lot in any zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than 10 feet.

SPECIAL USES PERMITTED

28. Nothing in the By-law shall prevent structures erected for special occasion and holidays such as signs, banners, display booths and other similar structures in the Plan Area provided only that use remains is removed from the site within fourteen (14) days. Once the special occasion or holiday is concluded. A development permit shall not be required for such use.

SUBDIVISION OF LOTS FOR MONUMENTS, WHARVES, FISH SHEDS AND OTHER SIMILAR USES

29. Notwithstanding anything else in this By-law, lots which are to be utilized for the erection of monuments, wharves, fish sheds, boat houses and other similar uses shall be exempt from minimum lot requirements within each zone. Such lots will not be used for human habitation and will not be eligible for an on-site sewage disposal system. The maximum lot area for such lots shall be 5,000 square feet.

SUBDIVISION OF LOTS WITH REDUCED LOT FRONTAGE AND EASEMENTS

30. Notwithstanding the frontage requirements found elsewhere in this By-law, an area of land existing at the effective date of this By-law shall be eligible for one additional lot where:

a) each lot has a minimum of 20 feet of frontage on a public or private street; or

b) each lot is served by an easement for right-of-way and access which has been clearly granted by deed, registered in the Registry of Deeds for this Municipality, with a minimum width of 20 feet.

In addition to Clauses (a) and (b), any lot which fronts upon a public street or private road shall have no more than one right-of-way easement which passes through said lot.

SUBDIVISION OF AN EXISTING LOT WITH EXISTING MAIN BUILDINGS

31. Notwithstanding the lot frontage requirements of this By-law, where an area of land contains more than one main building, built or placed on the land prior to the effective date of this By-law, the Development Officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings where one lot does not meet this By-law's frontage requirements.

32. Notwithstanding the lot area and frontage requirements of this By-law, where an area of land contained more than one main building, built or placed on the land prior to the effective date of this By-law, the development officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a central sewer and has a minimum frontage of 20 feet.

32. Lots created under this provision are deemed to be existing lots as defined in Section 6 of this Part, and as such are eligible for a development permit.

TEMPORARY USES PERMITTED

33. Nothing in this By-law shall prevent uses incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold, or similar building incidental to construction provided that the use is removed from the site within thirty (30) days upon the completion of the work project. A development permit shall be required.

TRUCK, BUS AND COACH BODIES

34. 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 Municipality, shall be used for human habitation within the Chéticamp Plan Area, whether or not same is mounted on wheels.

PART 6 - SIGNS

GENERAL

1. No person shall erect a sign in the Chéticamp Plan Area without first obtaining a development permit from the Development Officer.

SAFETY AND MAINTENANCE

2. Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical and fire prevention By-laws. All signs and all parts thereof shall be kept in a good state of repair and maintenance.

PART 7 - RESIDENTIAL GENERAL (R-1) ZONE

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

- Single detached dwelling
- Semi-detached and duplex dwellings

- Converted dwelling up to two units
- Multiple family dwellings (both new and conversion) to a maximum of four (4) dwelling units
- Existing Apartment Buildings
- Boarding homes
- Tourist and guest homes
- Day nursery
- Community and Cultural Centres
- Hospital
- Senior Citizen homes
- Nursing home providing special care
- Church and cemetery
- Schools
- Parks, recreational facilities including golf courses, arena and associated uses
- Existing Mobile Homes
- Museums

GENERAL LOT REQUIREMENTS

2. In any Residential General zone, no development permit shall be issued except in conformity with the following:

	Municipal Sewer Services	Municipal Sewer - Multiple Family and Semi-detached Dwellings	On-Site Services	On-Site Services For Semi-Detached Dwellings
Minimum Lot Area	5,000 ft ²	4,000 ft ² /unit	29,000 ft ² *	15,000 ft ² /unit *
Minimum Lot Frontage	50 ft	50 ft	50 ft	100 ft
Minimum Front Yard	25 ft	25 ft	25 ft	25 ft
Minimum Side Yard	10 ft	10 ft	10 ft	10 ft
Minimum Rear Yard	20 ft	25 ft	25 ft	25 ft
Maximum Height of Main Building	35 ft	35 ft	35 ft	35 ft

* subject to Dept. of Environment Requirements

SPECIAL LOT REQUIREMENT

3. Notwithstanding anything else in this part, no development permit shall be issued for a multiple family dwelling, unless the use is located adjacent to a street serviced by the municipal sewer system.

PART 8 - HISTORIC RESIDENTIAL (R-2) ZONE

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

- Single detached dwelling
- Duplex dwelling
- Converted dwelling up to two units through internal conversion
- Boarding homes
- Tourist and guest homes

- Day nursery
- Parks and community centre
- Recreational facilities
- Small sales or professional offices under 1,000 ft²
- Hairstylists and barber shops under 1,000 ft²
- Artisan workshops under 1,000 ft²

GENERAL LOT REQUIREMENTS

2. In any Historic Residential (R-2) zone, no development permit shall be issued except in conformity with the following requirements:

	Municipal Sewer Services	On-Site Services
Minimum Lot Area	5,000 ft ²	29,000 ft ² *
Minimum Lot Frontage	50 ft	50 ft
Minimum Front Yard	25 ft	25 ft
Minimum Side Yard	10 ft	20 ft
Minimum Rear Yard	20 ft	25 ft
Maximum Height of Main Building	35 ft	35 ft

* subject to Dept. of Environment Requirements

SPECIAL REQUIREMENT: DESIGN REQUIREMENTS FOR MAIN BUILDINGS

3. Notwithstanding anything else in this part, no development permit shall be issued which would allow for the alteration of the roofline of the existing building, nor would any exterior alteration be permitted which would extend the bulk of the existing building except those required by the Municipal Building By-law for the safety and maintenance of the proposed use.

4. The following design requirements shall apply to the development of a new main building on a lot in the Historic Residential (R-2) Zone:

- a) the building's roof shall be pitched with a minimum slope of 10 degrees; and
- b) the building's exterior cladding shall be of narrow wood clapboard or wood shingles or a combination thereof.

PART 9 - RESIDENTIAL MULTIPLE FAMILY (R-3) ZONE

1. No development permit shall be issued in a Residential Multiple (R-3) zone except for one or more of the following:

- Multiple family dwellings which exceed four units
- Row or town houses

GENERAL LOT REQUIREMENTS

2. In any Residential Multiple Family (R-3) zone, no development permit shall be issued except in conformity with the following requirements:

	Municipal Servicing Only	
	Multiple Family	Row or Town House
Minimum Lot Area	4,000 ft ² per dwelling unit	10,000 ft ²
Minimum Lot Frontage	50 ft	50 ft
Minimum Front Yard	25 ft	25 ft
Minimum Side Yard	10 ft	10 ft at each end unit
Minimum Rear Yard	25 ft	25 ft
Maximum Height of Main Building	35 ft	35 ft

3. Notwithstanding anything else in this part, no development permit shall be issued for a use in this zone, unless the proposed use is located adjacent to a street serviced by the Municipal Sewer System.

PART 10 - COMMERCIAL BUSINESS DISTRICT (C-1) ZONE

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

- Existing residential dwellings
- Residential dwellings located in the same building as a commercial use
- Retail shops including: pharmacies, grocery stores
- Post Office
- Business and professional offices
- Restaurant and drive-in restaurant
- Banks and financial institutions
- Beverage rooms and lounges
- Hotels, motels and associated uses
- Tourist Cabins
- Tourist and guest homes
- Automobile service station including a car wash
- Laundromat
- Beauty Parlours and other personal service establishments
- Parks
- Construction and marine supply outlets
- Boats, bicycles, snowmobiles, accessory trailer sales, services, rentals and supplies
- Entertainment centres
- Garden and nursery sales and supplies
- Museum
- Library

GENERAL LOT REQUIREMENTS

2. In the Commercial Business District (C-1) zone, no development permit shall be issued except in conformity with the following requirements:

	Municipal Sewer Services	On-Site Services
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Minimum Lot Area	5,000 ft ²	29,000 ft ² *
Minimum Lot Frontage	50 ft	50 ft
Minimum Front Yard	5 ft	5 ft
Minimum Side Yard	5 ft	5 ft
Maximum Height of Main Building	35 ft	35 ft

* subject to Dept. of Environment Requirements

PART 11 - COMMERCIAL HIGHWAY (C-2) ZONE

1. No development permit shall be issued in a Commercial Highway (C-2) zone except for one or more of the following uses:

- Existing residential dwellings
- Residential uses in the same building as the commercial use
- Retail stores
- Restaurants and drive-in restaurants
- Places of entertainment
- Banks and financial institutions
- Personal service facilities
- Professional offices
- Grocery stores
- Beverage rooms or lounges
- Tourist and Guest Homes
- Bowling Alley
- Hotels, motels and associated uses
- Automobile service station including car wash
- Automobile sales and service facilities
- Funeral Home
- Wharves and associated uses
- Animal Hospitals and Clinics

GENERAL LOT REQUIREMENTS

2. In the Commercial Highway (C-2) zone, development permit shall be issued except in conformity with the following requirements:

	Municipal Sewer Services	On-Site Services
Minimum Lot Area	5,000 ft ²	29,000 ft ² *
Minimum Lot Frontage	50 ft	50 ft
Minimum Front Yard	20 ft	20 ft
Minimum Side Yard	10 ft	10 ft
Minimum Rear Yard	20 ft	20 ft
Maximum Height of Main Bldg.	35 ft	35 ft

* subject to Dept. of Environment Requirements

3. Notwithstanding the lot standards of this zone, all proposed new development or expansion to an existing development as permitted in this zone will be exempt from the front and rear yard requirements provided the property is situated on the West side of the Cabot Trail, between the Highway boundary and Chéticamp Harbour.

PART 12 - COMMERCIAL GENERAL (C-3) ZONE

1. No development permit shall be issued in a Commercial General (C-3) zone except for one or more of the following uses:

- Funeral homes
- Restaurants and take-out restaurants
- Insurance and Real Estate offices
- Professional Offices
- Craft and gift shops
- Printing shops
- Motels and associated uses
- Retail stores
- Oil business and servicing outlet
- Electrical service and repair outlet
- Parking lot
- Rental Cottages

GENERAL LOT REQUIREMENTS

2. In any Commercial General (C-3) zone, no development permit shall be issued except in conformity with the following requirements:

	Municipal Sewer Services	On-Site Services
Minimum Lot Area	5,000 ft ²	29,000 ft ² *
Minimum Lot Frontage	50 ft	50 ft
Minimum Front Yard	25 ft	25 ft
Minimum Side Yard	10 ft	10 ft
Minimum Rear Yard	20 ft	20 ft
Maximum Height of Main Building	35 ft	35 ft

* subject to Dept. of Environment Requirements

PART 13 - WATERFRONT (W) ZONE

1. No development permit shall be issued in a Waterfront (W) Zone except for one or more of the following uses:

- Parks/ Playgrounds
- Public Facilities
- Existing Residential Dwellings
- Existing Commercial/Industrial Uses including fishery related uses
- Existing Business/Professional Offices

- Restaurants/Fast Food Outlets under 1,000 ft²
- Retail Stores under 1,000 ft²
- Tourist Services under 1,000 ft²
- Boat, Bicycle, Motorcycle, Other Rental Equipment Shop under 1,000 ft²
- Government Wharves and Associated Uses
- Amphitheatres
- Existing Marinas and Marina Facilities
- Expansions to Existing Residential Uses

2. As provided for in the Waterfront section of the Municipal Planning Strategy, the following uses shall be allowed in an area zoned Waterfront (W) only by development agreement:

- Restaurants/Fast Food Outlets over 1,000 ft²
- Retail Stores over 1,000 ft²
- Tourist Services over 1,000 ft²
- Boat, Bicycle, Motorcycle, Other Rental Equipment Shops over 1,000 ft²
- Hotels, Motels, Inns, Other Tourist Lodging Facilities
- Multiple Use Structures (Ground Floor must be entirely devoted to commercial Uses)
- Industrial Uses including fishery related uses
- Offices
- Ferry Terminals
- Museums
- Beverage Rooms/Lounges
- Entertainment Centres
- Community and Cultural Centres
- Marinas and Marina Facilities
- Expansions to Existing Uses Except Residential Uses

GENERAL LOT REQUIREMENTS

3. In any Waterfront Zone, no development permit shall be issued except in conformity with the following:

Minimum High Tide Setback	6 ft
Maximum Height of Main Building	35 ft
Minimum Separation Distance Between Buildings	Subject to Building Code

SPECIAL REQUIREMENT: OUTDOOR STORAGE

4. In the Waterfront (W) Zone no outdoor storage shall be permitted except for storage directly related to marine or fishery uses.

SPECIAL REQUIREMENT: ONE MAIN BUILDING ON A LOT

5. Notwithstanding Part 5.16 of this By-law, in the Waterfront (W) Zone, more than one main building shall be permitted on a lot provided that all other applicable provisions in this By-law are satisfied.

SPECIAL REQUIREMENT: LOADING SPACE REQUIREMENT

6. Notwithstanding Part 5.13 of this By-law, in the Waterfront (W) Zone, the loading space requirement shall be waived for uses permitted as of right.

SPECIAL REQUIREMENT: PARKING REQUIREMENT

7. Notwithstanding Part 5.19 of this By-law, in the Waterfront (W) Zone, the parking requirements shall be waived for uses permitted as of right.

SPECIAL REQUIREMENT: DESIGN REQUIREMENTS FOR MAIN BUILDINGS

8. In the Waterfront (W) Zone the following design requirements shall apply to the development of a new main building on a lot:

- a) the building’s roof shall be pitched with a minimum slope of 10 degrees; and
- b) the building’s exterior cladding shall be of narrow wood clapboard or wood shingles or a combination thereof.

PART 14 - MIXED USE (MU) ZONE

1. No development permit shall be issued in a Mixed Use (MU) Zone except for one or more of the following uses:

- Single detached dwellings
- Semi-detached and duplex dwellings
- Converted dwellings up to two units
- Multiple unit dwellings up to and including four (4) units
- Motels, hotels, rental cabins and campgrounds
- Institutional uses
- Community and cultural centres
- Professional offices
- Recreational uses
- Marinas and marina facilities
- Boat storage and servicing facilities
- Research facilities related to the fishery or marine industry

GENERAL LOT REQUIREMENTS

2. In any Mixed Use Zone, no development permit shall be issued except in conformity with the following:

	Municipal Sewer Services	Municipal Sewer - Multiple Unit and Semi-Detached Dwellings	On-Site Services
Minimum Lot Area	7,500 ft ²	4,000 ft ² /unit	29,000 ft ² *
Minimum Lot Frontage	50 ft	50 ft	50 ft
Minimum Front Yard	25 ft	25 ft	25 ft
Minimum Side Yard	10 ft	10ft	10 ft
Minimum Rear Yard	20 ft	25 ft	25 ft
Maximum Height of Main Building	35 ft	35 ft	35 ft
Minimum High Tide Setback	6 ft	6 ft	6 ft

* subject to Dept. of Environment Requirements

SPECIAL REQUIREMENT - SERVICING

3. Notwithstanding anything else in this part, no development permit shall be issued for multiple unit dwellings containing three (3) or four (4) dwelling units unless the proposed use is to be serviced by a central sewer system.

SPECIAL REQUIREMENT - ABUTTING YARD REQUIREMENTS

4. In the Mixed Use (MU) Zone, where a residential use abuts a lot with a non-residential use, the following requirements shall apply to the non-residential use:

- a) No outdoor storage or display shall be permitted in an abutting yard within 20 feet of a side or rear lot line.
- b) No outdoor storage shall be permitted within the front yard.
- c) No parking space shall be permitted in an abutting yard within 20 feet of a residential lot line.
- d) A landscaped strip or an opaque fence of a minimum height of 4 feet shall be provided to visually screen any open storage from abutting lots and streets.

SPECIAL REQUIREMENT - LANDSCAPING

5. In the Mixed Use (MU) Zone, where a residential use abuts a lot with a non-residential use, there shall be on the lot containing the non-residential use a landscaped strip or an opaque fence of a minimum height of 4 feet that abuts the lot line and runs the full length of the lot line excluding any driveway accesses shall be provided along any side or rear lot line adjacent to the residential use.

PART 15 - RESIDENTIAL RURAL (RR-1) ZONE

1. No development permit shall be issued in a Rural Residential (RR-1) zone except for one or more of the following uses:

- Single detached dwelling
- Duplex and Semi-detached dwellings
- Converted dwelling up to two units
- Mobile homes subject to setback requirements
- Cottages and other seasonal dwellings
- Tourist and guest homes
- Agricultural uses including barns and stables
- Forestry uses
- Post offices
- Community centres
- School, churches, cemeteries and other similar institutional uses
- Recreational uses such as parks and playgrounds, golf courses, beaches and associated buildings and uses
- Campgrounds and associated uses
- Existing Mobile Homes which are located within the 300 foot setback requirement from the Cabot Trail

GENERAL LOT REQUIREMENTS

2. In any Rural Residential (RR-1) zone, no development permit shall be issued except in conformity with the following requirements:

	Municipal Sewer Services	On-Site Services
Minimum Lot Area	7,500 ft ²	29,000 ft ² *
Minimum Lot Frontage	20 ft	20 ft
Minimum Front Yard	25 ft	25 ft
Minimum Side Yard	10 ft	10 ft
Minimum Rear Yard	25 ft	25 ft
Maximum Height of Main Building	35 ft	35 ft

* subject to Dept. of Environment Requirements

SPECIAL REQUIREMENT - LAKES, STREAMS OR OTHER WATERBODIES

3. Notwithstanding Section 2 of this part, and in addition to all other requirements of this By-law, all development shall be set back a minimum of 200 feet from Lac à Dominique.

4. Notwithstanding Section 2 of this part and in addition to all other requirements of this By-law all development shall be set back a minimum of 100 feet from Redman Basin.

5. Notwithstanding Section 2 of this part, and in addition to all other requirements of this By-law all development shall be set back a minimum of 50 feet from the water along the Chéticamp River and Etang à Johnny à Eusebe, near the mouth of the Chéticamp River.

SPECIAL REQUIREMENT – MOBILE HOMES

6. Notwithstanding Section 2 of this part, and in addition to all other requirements of this By-law, new mobile homes shall be set back a minimum of 300 feet from the official road boundary on both sides of the Cabot Trail commencing at Chéticamp Proper and extending northward and southward to the boundaries of the Plan Area.

PART 16 - MOBILE HOME PARK (MHP) ZONE

1. No development permit shall be issued in a Mobile Home Park MPH zone except for one or more of the following:

- Mobile Home Parks
- Mobile Homes
- Recreational uses including parks and playgrounds
- Mobile Home Park offices
- Maintenance equipment and storage facility related and incidental to the operation of the park

GENERAL LOT REQUIREMENTS

2. In any Mobile Home Park (MHP) zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	40,000 ft ²
Minimum Lot Frontage	200 ft
Minimum Front Yard	20 ft

Minimum Side Yard	10 ft
Minimum Rear Yard	20 ft

CONFORMITY WITH THE MUNICIPALITY OF THE COUNTY OF INVERNESS MOBILE HOME PARK BY-LAW

3. Nothing in this Land Use By-law shall exempt any person from complying with the provision of the Municipality of the County of Inverness Mobile Home Park By-law.

SPECIAL REQUIREMENT – MOBILE HOME SETBACK

4. Notwithstanding Section 2 and in addition to all other requirements of this By-law, mobile home parks shall be set back a minimum of 300 feet from the official road boundary of the Cabot Trail commencing at the boundaries of Chéticamp Proper and extending northward and southward to the boundaries of the Plan Area.

PART 17 - RURAL COMMERCIAL HIGHWAY (RC-1) ZONE

1. No development permit shall be issued in a Rural Commercial Highway (RC-1) zone except for one or more of the following uses:

- Single family dwellings
- Motels
- Restaurants and take-out restaurants
- Tourist and guest homes
- Craft and gift shops
- Retail outlets including servicing and repair depots
- Automobile sales and service facilities; including car washes
- Post Office
- Video or music stores
- Business offices
- Grocery stores
- Clubs
- Oil storage facilities
- Neighbourhood Convenience Stores
- Daycare Centres
- Veterinary Clinics

GENERAL LOT REQUIREMENTS

2. In any Rural Commercial Highway (RC-1) zone, no development permit shall be issued except in conformity with the following requirements:

	Municipal Sewer Services	On-Site Services
Minimum Lot Area	7,500 ft ²	29,000 ft ² *
Minimum Lot Frontage	20 ft	20 ft
Minimum Front Yard	25 ft	25 ft
Minimum Side Yard	10 ft	10 ft
Minimum Rear Yard	25 ft	25 ft

Maximum Height of Main Building	35 ft	35 ft
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* subject to Dept. of Environment Requirements

PART 18 - RURAL COMMERCIAL GENERAL (RC-2) ZONE

1. No development permit shall be issued in a Rural Commercial General (RC-2) zone except for one or more of the following uses:

- Motels, Hotels and Rental Cottages
- Restaurants and Take-out Restaurants
- Bakery
- Retail stores
- Neighbourhood convenience stores
- Video or music stores
- Craft and gift shops
- Building Supply and Storage outlets
- Electronic sales and repair depots
- Auto body shops
- Post Offices
- Business Offices
- Clubs

GENERAL LOT REQUIREMENTS

2. In any Rural Commercial General (RC-2) zone, no development permit shall be issued except in conformity with the following requirements:

	Municipal Sewer Services	On-Site Services
Minimum Lot Area	7,500 ft ²	29,000 ft ² *
Minimum Lot Frontage	20 ft	20 ft
Minimum Front Yard	25 ft	25 ft
Minimum Side Yard	10 ft	10 ft
Minimum Rear Yard	25 ft	25 ft
Maximum Height of Main Building	35 ft	35 ft

* subject to Dept. of Environment Requirements

PART 19 - RURAL INDUSTRIAL (RI-1) ZONE

1. No development permit shall be issued in a Rural Industrial (RI-1) zone except for one or more of the following uses:

- Fish processing plant and associated retail sales outlets
- Boat fabrication and repair facility
- Fishery related uses including wharves, and gear storage facilities
- Auto salvage yards
- Sawmills

- Building supply storage and fabrication facility
- Trucking firm including repair facility
- Concrete manufacturing and storage facility
- Quarry or Paving Operations

GENERAL LOT REQUIREMENTS

2. In any Rural Industrial (RI-1) zone, no development permits shall be issued except in conformity with the following requirements:

	Municipal Sewer Services	On-Site Services
Minimum Lot Area	7,500 ft ²	29,000 ft ² *
Minimum Lot Frontage	20 ft	20 ft
Minimum Front Yard	25 ft	25 ft
Minimum Side Yard	10 ft	10 ft
Minimum Rear Yard	25 ft	25 ft
Maximum Height of Main Building	35 ft	35 ft

* subject to Dept. of Environment Requirements

PART 20 - DEVELOPMENT AGREEMENTS

Pursuant to Section 225(2) of the *Municipal Government Act* the following developments shall be subject to a Development Agreement.

- Expansion of existing uses in the **Waterfront (W) zone** as provided for in Policies 2-3 and 2-4 of the Municipal Planning Strategy.
- Restaurants and Fast Food Outlets over 1,000 square feet, Retail Stores over 1,000 square feet, Tourist Services over 1,000 square feet, Boat, Bicycle, Motorcycle, Other Rental Equipment Shops over 1,000 square feet, Hotels, Motels, Inns, Other Tourist Lodging Facilities, Multiple Use Structures including multiple unit dwellings with more than two units (Ground Floor must be entirely devoted to commercial uses), Industrial Uses, Offices, Ferry Terminals, Museums, Beverage Rooms/Lounges, Places of Entertainment, Community and Cultural Centres, and Marinas and Marina Facilities in the **Waterfront (W) zone** as provided for in Policies 2-3 and 2-4 of the Municipal Planning Strategy.
- Light industrial fabrication facilities 10,000 square feet or less in floor area within the **Urban Residential** designation by development agreement as provided for by the Policies 1-15 and 1-16 of the Municipal Planning Strategy.
- Light industrial fabrication facilities 10,000 square feet or less in floor area within Chéticamp Proper and in the **Mixed Use** designation as provided in Policies 4-3 and 4-4 of the Municipal Planning Strategy.
- Expansion of existing **Rural Commercial General (RC-2)** uses beyond the areas zoned RC-2 and new **Rural Commercial General (RC-2)** uses will be permitted in the Rural Residential designation as provided in Policies 6-6 and 6-7 of the Municipal Planning Strategy.
- Expansion of existing **Industrial (RI-1)** uses beyond the areas zoned RI-1 and new **Industrial (RI-1)** uses as provided in Policies 7-3 and 7-4 of the Municipal Planning Strategy.

PART 21 - DEFINITIONS

The words and terms listed below shall have the meanings as defined herein.

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.

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.

ACT shall mean the *Municipal Government Act*, being Chapter 18 of the Statutes of Nova Scotia, 1998, and amendments thereto.

ALTER means to change a structural component of a building, or to increase or decrease the volume of a building or structure.

AUTOMOBILE SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles and may include an automobile car wash.

BOARDING OR ROOMING HOUSE means a dwelling in which the proprietor supplies either room or room and board for monetary gain, to more than three but not more than six rooms exclusive of those of the lessee or owner thereof or members of his family and which is not open to the general public.

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

CHURCH means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall, and day nursery operated by the church.

CLUB means a building or part of a building used as a meeting place for members or an organization and may include a lodge, a fraternity, or sorority house, and a labour union hall.

COMMUNITY CENTRE means any tract of land, or building or buildings, or part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the municipality, a local board or agent thereof, or a non-profit organization.

COUNCIL shall mean the Council of the Municipality of the County of Inverness.

DAY NURSERY means a place where four or more preschool children are cared for on a temporary daily basis without overnight accommodation but does not include a school.

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 officer of the Municipality of the County of Inverness from time to time charged by the Municipality with the duty of administering the provisions of the Land Use By-law in accordance with the *Municipal Government Act*.

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, but shall not include a hotel, a motel, apartment hotel or a travel trailer.

DWELLING, SINGLE DETACHED means a building containing not more than one (1) dwelling unit but does not include a mobile home.

DWELLING MULTI-FAMILY means a dwelling which contains 5 or more dwelling units.

DWELLING, DUPLEX means a building containing not more than two (2) dwelling units placed one above the other.

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.

EXISTING means existing as of the effective date of this By-law.

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 usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common malls between stores.

With reference to an Industrial means the total usable floor area within a building for industrial purposes but excludes washrooms, furnace and utility rooms.

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

HEIGHT means the vertical distance of a building between grade and:

- a. the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- b. the declivity of a mansard roof; or
- c. the main 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.

HOME for SPECIAL CARE means a building or part of a building wherein care, supervision and programs are provided to person who are physically, mentally or socially handicapped and without limiting the generality of the foregoing shall include homes for the aged, residential care facilities, licensed nursing homes, regional rehabilitation centres, adult residential centres, community-based residential facilities or facilities of a similar nature.

HOME OCCUPATION means an accessory use of a dwelling for a business involving the provision or sale of goods or services or both goods and services on a scale suitable to the residential environment in which it is found.

HOTEL 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 generally without private cooking facilities.

INSTITUTION means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent or profit such as churches, community centers, hospitals, homes for special care, senior citizen homes and government buildings but shall not include a private club.

LIGHT INDUSTRIAL FABRICATION means the use of land, buildings or structures for manufacturing, processing or repair of goods which is not offensive or dangerous by reason of emission of odour, smoke, dust, soot, dirt, noise, gas fumes, vibration, water carried waste, or other obnoxious emission or refuse, and shall not include scrap yards. Retail stores associated and secondary to the facility shall be permitted.

LOADING SPACE means a vacant area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area:

- a. suitable for the temporary parking of one commercial motor vehicle while merchandise or materials

are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display.

b. is not upon or partly upon any street, or highway; and

c. has adequate access to permit ingress and egress by means of drive-ways, aisles, maneuvering areas or similar areas, not part of which shall be used for the temporary parking or storage of one or more motor vehicles.

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

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

LOT FRONTAGE means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein equal in distance to the minimum applicable front yard. In the case of a corner lot with a daylighting triangle the exterior lot lines (street line) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

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.

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

MOBILE HOME means a single detached unit, designed for transportation after fabrication, on its own wheels, and which arrives at a site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling operations, and which is supported on site by wheels, jacks, blocks, or a permanent foundation and which may be connected to utilities and sanitary services.

MOTEL shall mean the same as Hotel but may include private cooking facilities.

MUNICIPALITY shall mean the Municipality of the County of Inverness.

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.

OFFICE means a room or rooms, building or structure 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.

PARKING SPACE means an area of not less than one hundred and sixty (160) ft², measuring eight (8) feet by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.

PERSONAL SERVICE ESTABLISHMENT means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.

PROFESSIONAL OFFICE means a building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retailing or selling of goods.

PUBLIC FACILITIES means a building or structure in which restroom facilities, showers, rest areas, or other similar facilities intended for public use are located.

REAR YARD means a yard extending across the full width of a lot between the rear lot line and 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.

RECREATIONAL USES means the use of land for parks, playgrounds, tennis courts, 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 track for the racing of animals, or any form of motorized vehicles.

RESTAURANT means a building or part thereof where food and drink is served to the public for consumption within the building or for takeout but not for consumption in parking areas appurtenant to the building.

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.

SEMI-DETACHED DWELLING means a building that is divided vertically into two dwelling units each of which has an independent entrance.

SERVICE SHOP means a building or part thereof used for the sale or repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.

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.

SIDEYARD 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 depth allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.

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 justify, 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 wall of a building.

e. Number of Signs means a sign shall be considered to be 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.

f. 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 multifaced sign shall be counted separately and then totalled in calculating sign area. Three dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle, or circle or semi-circle which can totally circumscribe the sign in the plan of its largest dimension.

STOREY means the portion of a building between any floor and the floor, ceiling or roof next above, provided that any

portion of a building partly below grade level shall not be deemed a story unless its ceiling is at least six (6) feet above grade and provided also that any portion of a storey exceeding fourteen (14) feet in height shall be deemed an additional storey for each fourteen (14) feet or fraction thereof of such excess.

STREET means road, accepted and maintained by the Department of Transportation as a public thoroughfare.

STREET LINE means the boundary line of a street.

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. A structure shall include buildings, walls, and signs and also fences exceeding six (6) feet in height.

TOURIST HOME means a building used as a single family dwelling in which there are not more than eight (8) sleeping rooms intended to be rented to the general public and where the stay of the guest is of a transient nature.

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

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 to the building shall be used.

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