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**Appendix 1**

**DEFINITIONS**

A-1

**DECLARATORY, INTERPRETATIVE AND ADMINISTRATIVE PROVISIONS**

**1.1 Title and Coming into Force**

- a) The present By-Law is entitled "Subdivision By-Law of the Town of Kirkland".
- b) The present By-Law will come into force according to Law.

**1.2 Adoption in Parts**

Council hereby declares that it adopts this By-Law part by part, such that any judgment rendered by a court to the effect that any part hereof is null and void shall have no effect on any other parts contained herein.

**1.3 Repeals**

This By-Law repeals By-Law Number 178, entitled "SUBDIVISION BY-LAW", together with all its amendments. These By-Laws shall nevertheless remain in force and shall be applied in full with respect to any case in which any natural or legal person is in violation, on the date the present By-Law comes into force, of one or more of the provisions of these By-laws; furthermore, the repeal of these By-Laws shall not have effect with respect to permits legally issued under its provisions, nor shall the repeal affect acquired rights existing prior to the present By-Law coming into force.

**1.4 Area of Application**

The present By-Law applies to any person or party and to entire Town of Kirkland.

**1.5 Violations, Penalties and Recourse**

- a) Without prejudice to other recourses available to the Town, any natural or legal person, owner, tenant or occupant who contravenes any of the provisions contained in this By-Law shall be in violation hereof and liable for a fine with or without costs, and in default of immediate payment of said fine or said fine and costs as the case may be, shall be liable for imprisonment to be set by the Court entertaining jurisdiction and at its discretion; but such fine shall not exceed three hundred dollars (\$300) in any case, and the term of imprisonment shall not exceed a period of two (2) months in any case, such imprisonment shall, however, to cease at any time before the expiry of the term set by the said Court, on payment of the said fine or the said fine and costs as the case may be.
- b) In addition to obtaining recourse by imposing penalties, the Town may, before the Courts entertaining jurisdiction, exercise any legal recourse against any natural or legal person, owner, tenant or occupant, to enforce compliance with the provisions of this By-Law, including, among others, for purposes of canceling any cadastral operation executed in contravention of the provisions of this By-Law.

## **1.6 Interpretation**

- a) Unless specifically stated otherwise, or unless the context indicates a different interpretation, the expressions, terms and words defined in Appendix "1" of this By-Law shall be given the meaning and application assigned to them in the aid Appendix "1".
- b) Irrespective of the tenses employed in any of the provisions contained in this By-Law, such provisions shall be considered to have effect during any periods or under any circumstances in which they may apply.
- c) In this By-Law, use of the masculine shall include the feminine and vice-versa, unless otherwise indicated by the context in which it is used.
- d) In this By-Law, use of the singular shall include the plural and vice-versa, unless the context indicates otherwise.
- e) All dimensions and measures employed herein are given in the international (metric) system, accompanied at times with their equivalents in English dimensions and measures given between parentheses; equivalences in English dimensions and measures are given for purposes of information only; dimensions or measures of the metric system shall prevail in the event of any contradiction between the two systems.
- f) All plans, appendices, tables, charts, diagrams, graphs, symbols and all forms of expression other than the text proper and contained herein, with the exception of the Table of Contents, shall form an integral part hereof.

## **1.7 Activities Covered**

Anywhere within the limits of the Town of Kirkland, no one can proceed with a cadastral operation which does not comply with this By-Law.

## **1.8 Application of the By-Law**

- a) Administration of this By-Law is entrusted to the Building Inspector of the Town of Kirkland.
- b) For the purposes of this By-Law, the Building Inspector may be represented by an assistant or by any other person so designated by Council.
- c) Unless expressly indicated otherwise, the persons contemplated by the preceding paragraph are referred to in this By-Law by the terms "Building Inspector" or "Inspector".
- d) The duties and role of the Inspector are defined in the Permits and Certificates By-Law of the Town of Kirkland.

## **1.9 Requirement of a Subdivision Permit and Condition of Issue**

- a) Anywhere within the limits of the Town of Kirkland, no one can proceed with a cadastral operation, including streets or not, without submitting beforehand, to the approval of the Inspector, a plan for the projected cadastral operation and without obtaining a subdivision permit.

- b) The conditions of issue of the subdivision permits are defined in the permits and certificates By-Laws of Town of Kirkland.

#### **1.10 Zoning Plan**

The Zoning Plan, described in Article 1.12 of the Zoning By-Law of the Town of Kirkland and appended thereto as Appendix "2" forming an integral part thereof, also forms an integral part of this By-Law.

#### **1.11 Tables of Specific Provisions**

The section concerning lot sizes, in the Particular Provisions Tables described in article 1.13 of the Zoning By-Law of the Town of Kirkland, forms an integral part of this By-Law.



## **PRECONDITIONS FOR THE APPROVAL OF ANY CADASTRAL OPERATION**

### **2.1 Conformity to the By-Laws and Planning Programme**

No cadastral operation may be approved if the application contravenes a provision of the present By-Law or any other applicable By-Law or does not conform to the Planning Programme for the Town of Kirkland.

### **2.2 Conveying of the rights-of-way of thoroughfares**

No cadastral operations involving the creation of new thoroughfares may be approved if the owner has not undertaken to convey to the Town of Kirkland the rights-of-ways of the said thoroughfares.

### **2.3 Conveying of landsites for parks and playgrounds**

- a) No cadastral operation relating to a subdivision other than a cancellation, a correction or a renumbering of lots, whether it provides for streets or not, may be approved, unless the property owner conveys to the Town, for parks or playgrounds, an area of land equal to ten percent (10%) of the land comprised in the plan and situated in a place which, in the opinion of the Council, is suitable for the establishment of parks or playgrounds, or, if the Council sees fit, that the property owner pay instead a sum equal to ten percent (10%) of the value listed on the valuation roll for the land comprised in the plan, notwithstanding the application of Article 214 or 217 of the Act respecting municipal taxation and amending certain legislative provisions (1979, L.Q., C. 72), multiplied by the factor determined for the said valuation role by the Minister, as provided for in the said Act, or again, if the Council sees fit, that the landowner make this contribution partly in land and partly in money.
- b) The amount determined by the payment procedure established in the preceding paragraph shall be deposited in a special account, which shall be used only to buy equipment for parks and playgrounds or to acquire land for the establishment of parks and playgrounds.
- c) In the case of land conveying, such land shall only be used for park or playground purposes.
- d) Notwithstanding the provisions of the preceding paragraph, in the case where the dimensions of the conveyed land do not allow for the establishment of a park or a playground, such land can be sold according to paragraph 2 of Article 26 of the Cities and Towns' Act, in which case the amount obtained from the sale shall be deposited in the account described in paragraph a) of the present Article.

### **2.4 Servitudes for the Passage of Installations for Energy Transport or the Transmission of Communications**

No cadastral operation may be approved if the applicant does not submit, with the plan of the projected cadastral operation, an annexed plan showing the existing or required servitudes of right-of-way for power supply and communications transmission, if needed.

## **2.5 Master plan**

No cadastral operation relating to a subdivision aimed only at a part of the properties of the applicant may be approved if the applicant does not present, with his application, a parcelling plan for all of his properties surrounding the area covered by his application, indicating the route of the projected thoroughfares, the approximate dimensions of each of the lots and the type of use for which each is destined.

## **2.6 Tax arrears**

No cadastral operation may be approved if the owner has not paid the municipal taxes which are exigible and unpaid in respect of the immoveables comprised in the plan for the projected cadastral operation.

## **2.7 Registration of Non-Approved Plans**

It is prohibited to register with the proper Ministry or with the Registration Office any subdivision plan or plan of any cadastral operation, which has not been approved by the Town under the provisions of this By-Law.



Chapter 3  
**TECHNICAL PROVISIONS**

**3.1 Minimum dimensions of lots**

- a) Except for pumping, metering or distribution facilities within water, sewer, gas or telephone networks, serving only the area within the limits of the Town, and except for public zones, no cadastral operation may be approved if it creates, directly or indirectly, one or several lots or landsites not in conformity with the provisions of this Chapter.
- b) For convenience purposes, the minimum dimensions of lots are specified, by category of structure or use indicated by zone, in the Particular Provisions Tables of Zoning by-law No. 90-58: the minimum dimensions of lots shown in said Tables are however an integral part of the present by-law.

*Amendment 90-59-12K (December 10, 2006)*

- c) Moreover, the minimum dimensions of lots intended for residential uses are shown in the Particular Provisions Table by either dimensions specified in metres, or by assignment of codes A, B, C or D, which have the following meaning:

	Minimum Surface Area	Minimum Frontage Width	Minimum Width	Minimum Depth
<b>Code A</b>				
<b>Single-family Detached</b>				
- Standard lot	743 m <sup>2</sup> 7,997.8 sf	19.8 m 65.0'	19.8 m 65.0'	-
- Corner lot	830 m <sup>2</sup> 8,994.3 sf	21.3 m 69.9'	21.3 m 69.9'	-
<b>Code B</b>				
<b>Single-family detached</b>				
- Standard lot	557 m <sup>2</sup> 5,995.7 sf	13.7 m 44.9'	18.25 m 59.9'	-
- Corner lot	650 m <sup>2</sup> 6,996.8 sf	16.75 m 55.0'	21.33 m 70.0'	-

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	Minimum Surface Area	Minimum Frontage Width	Minimum Width	Minimum Depth
<b>Code C</b>				
<b>Single-family semi-detached</b>				
- Standard lot	464 m <sup>2</sup> 4,994.6 sf	12.2 m 40.0'	15.24 m 50.0'	-
- Corner lot	557 m <sup>2</sup> 5,995.7 sf	15.24 m 50.0'	18.25 m 59.9'	-

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**Code D**  
**Any type of single family row-houses (1)**

- Standard lot	278 m <sup>2</sup> 2,992.5 sf	7.3 m 24.0'	7.3 m 24.0'	36.5 m 119.8'
- Corner lot	498 m <sup>2</sup> 5,360.6 sf	15.0 m 49.2'	15.0 m 49.2'	36.5 m 119.8'
- Row-end lot	405 m <sup>2</sup> 4,359.6 sf	11.8 m 38.7'	11.8 m 38.7'	36.5 m 119.8'

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**Any type of dwellings other than single-family**

- Detached	1,390 m <sup>2</sup> 14,962.3 sf	30.0 m 98.4'	30.0 m 98.4'	-
- Semi-detached or row	1,100 m <sup>2</sup> 11,840.7 sf	23.0 m 75.5'	23.0 m 75.5'	-

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Note (1): Per dwelling unit

- d) In the case of lots intended for industrial uses, the minimum dimensions of lots are shown in the Particular Provisions Table by either dimensions specified in metres, or by assignment of codes A or B, which have the following meaning:

Code	Minimum Surface Area	Minimum Frontage Width	Minimum Width
A	13,935 m <sup>2</sup> 150,000 sf	90.0m 295.3'	- -
B	4,180 m <sup>2</sup> 44,994.6 sf	45.7 m 149.9'	- -
<b>Zone 320M :</b>	14,000 sf	90,0m	90,0m -

*Amendment 90-59-3 (June 17, 1998)*

<b>Zone 305M:</b>	125m	125m
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*Amendment 90-59-6 (April 15, 2001)*

	Minimum Surface Area	Minimum Frontage Width	Minimum Width	Minimum depth
<b>Zone 321M</b>	9,290 m <sup>2</sup> 100,000 sf	90.0m 295.3'	90,0 295.3'	- -
<b>Zone 322M</b>	9,290 m <sup>2</sup> 100,000 sf	90.0m 295.3'	90,0 295.3'	- -
<b>Zone 323M</b>	9,290 m <sup>2</sup> 100,000 sf	90.0m 295.3'	90,0 295.3'	- -

*Amendment 90-59-11K (July 9, 2006)*

e) In zone **236C**, the minimum superficial area of a lot is 8,000 square metres (86,114 square feet).

*Amendment 90-59-9 (February 25, 2003)*

### 3.1.1 Minimum lot sizes: zone 149R

The minimum lot sizes in zone 149R shall be as follows:

	Minimum Surface Area	Minimum Frontage Width	Minimum Width	Minimum Depth
<b>Single-family detached</b>				
- Standard lot	420 m <sup>2</sup> 4,521.0 sf	12.0 m 39.4'	13.5 m 44.3'	-
- Corner lot	580 m <sup>2</sup> 6,243.3 sf	15.0 m 49.2'	19.5 m 64.0'	-

### Single-family semi-detached

- Standard lot	325 m <sup>2</sup> 3,498.4 sf	11.0 m 36.1'	11.0 m 36.1'	-
- Corner lot	450 m <sup>2</sup> 4,843.9 sf	12.0 m 39.4'	14.0 m 45.9'	-

*Amendment 90-59-4 (May 16, 1999)*

### 3.1.2 Minimum lot sizes: zone 150R

	Minimum Surface Area	Minimum Frontage Width	Minimum Width	Minimum Depth
<b>Single-family semi-detached</b>				
- Standard lot	275 m <sup>2</sup> 2,960.2 sf	6.0 m 19.7'	10.0 m 32.8'	-
- Corner lot	320 m <sup>2</sup> 3,444.6 sf	10.0 m 32.8'	12.5 m 41.0'	-

*Amendment: 90-59-5 (May 16, 1999)*

### 3.1.3 Minimum lot sizes: zone 151R

	Minimum Surface Area	Minimum Frontage Width	Minimum Width	Minimum Depth
<b>Single-family (row)</b>				
- Standard lot	180 m <sup>2</sup> 1,937.6 sf	6.0 m 19.7'	6.0 m 19.7'	-
- Corner lot	325 m <sup>2</sup> 3,948.4 sf	11.0 m 36.1'	11.0 m 36.1'	-

*Amendment: 90-59-5 (May 16, 1999)*

### 3.1.4 Minimum lot sizes: zone 152R

	Minimum Surface Area	Minimum Frontage Width	Minimum Width	Minimum Depth
<b>Single-family detached</b>				
- Standard lot	420 m <sup>2</sup> 4,521.0 sf	8.0 m 26.2'	15.0 m 49.2'	-
- Corner lot	550 m <sup>2</sup> 5,920.3 sf	12.0 m 39.4'	18.0 m 59.1'	-

*Amendment 90-59-5 (May 16, 1999)*

### 3.1.5 Minimum lot sizes: zone 155R

	Minimum Surface Area	Minimum Frontage Width	Minimum Width	Minimum Depth
<b>Single-family detached</b>				
- Standard lot	525 m <sup>2</sup>	10.50 m	17.50 m	-
- Corner lot	624 m <sup>2</sup>	15.60 m	20.80 m	-

*Amendment 90-59-7 (October 31, 2001)*

### 3.1.6 Minimum lot sizes in zones 157R, 158R, 159R, 160R, 161R and 162R

	Minimum Surface Area	Minimum Frontage Width	Minimum Width	Minimum Depth
<b>Single-family detached</b>				
Zone 157R	200 m <sup>2</sup>	6.5 m	6.5 m	-
Zone 158R	400 m <sup>2</sup>	11.5 m	11.5 m	-
Zone 159R	200 m <sup>2</sup>	6.5 m	6.5 m	-
Zone 160R	4 500 m <sup>2</sup>	25.0 m	25.0 m	-
Zone 161R	B	B	B	-

*Amendment 90-59-8 (October 3, 2002)*

#### Single-family Row

Zone 162R	275 m <sup>2</sup>	9,0 m	9,0m	30,0 m
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*Amendment 90-59-10K (July 9, 2006)*

### 3.2 Acquired Rights

Notwithstanding the provisions of Article 3.1, one shall not refuse the authorization for a cadastral operation in respect of a tract of land which, on December 20, 1983, did not form one or several separate lots on the official cadastral plans and the metes and bounds of which are described in one or several acts registered to that date, on the sole ground that the area or the dimensions of the land do not allow it to satisfy the applicable requirements of this By-Law, if the following conditions are observed:

- i) on December 20, 1983, the area and the dimensions of the property allowed it to satisfy the applicable requirements of By-Laws Number 178 and 225, notwithstanding the fact that they are being repealed by this By-Law and;
  - ii) a single lot results from the cadastral operation, except where the tract of land is comprised within several original lots, in which case a single lot for each original lot results from the cadastral operation.
- b) Notwithstanding the provisions of paragraph a), in the case of a property where, on December 20, 1983, existed a structure made of two or more buildings separated by party walls, such property can be subdivided into as many distinct lots as the number of buildings thereon; the limits of the lots thus created shall however obligatorily coincide with the axis of the party wall(s).

### **3.3 Cadastral operation relating to a subdivision**

#### *a) Compliance with the Planning Programme*

Any cadastral operation relating to a subdivision must be comply with the Planning Programme in force for the entire Municipality or for the part of the municipal territory concerned.

#### *b) Width of streets*

Any local street shall have a right-of-way of at least 15.0m (49.2') in width. Any street identified as collector, distributor or artery in the Planning Programme shall have a right-of-way of at least the minimum width set in the Planning Programme for such street.

#### *c) Gradient of streets*

- i) The longitudinal gradient of any street or section thereof, whatever its length, shall not exceed 12%.
- ii) Notwithstanding the provisions of paragraph a), the longitudinal gradient of any section of a street within a radius of 30.0m (98.4') from any intersection, shall not exceed 3%.

#### *d) Dead-end streets*

Any dead-end street shall be completed with a roundabout. The diameter of the right-of-way of the roundabout must not be less than 38 m (124.7').

#### *e) Intersections*

- i) Any intersection of any two streets shall be at right angle, with a maximum variance of ten (10) degrees.
- ii) Any intersection of any two right-of-way boundaries shall be rounded with a curved radius of a least 6 m (19.7').
- iii) The minimum distance between any two intersections of any two streets is 55m (180.5'); such distance shall be measured between the closest right-of-way boundaries of the said streets.
- iv) Notwithstanding the provisions of paragraph iii), in the case of opposite "T" shape intersections of local streets with another local street, or a collector or distributor, the minimum distance shall be 30.0m (98.4')

#### *f) Pathways and easements*

The Town may require pathways for pedestrians or cyclists anywhere that it sees fit, especially to facilitate access to schools or to community facilities.

The Town may require easements, anywhere that it sees fit, for public utilities (sewage, water, power supply, communications transmission, or other).





**PRECONDITIONS FOR THE ISSUANCE OF BUILDING PERMITS**

**4.1 Obligation to Register as a Separate lot**

Anywhere within the area of the Town of Kirkland, no building permit shall be issued unless the landsite on which the planned construction, including its dependencies, is to be built, forms one or several distinct lots on the official cadastral plan or on a cadastral plan made and filed in conformity with the applicable articles of the Civil Code.

**4.2 Landsite Adjacent to a Street**

Anywhere within the area of the Town of Kirkland, no building permit may be issued unless the landsite on which the construction is to be built is adjacent to a public street.

**4.3 Water and Sewage Services**

Anywhere within the area of the Town of Kirkland, no building permit may be issued unless the waterworks and sewer services for which an authorization has been received or a permit issued under the law are installed in the street on which the structure is planned, or unless the By-Law ordering their installation is in force.



## **APPENDIX 1 DEFINITIONS**

Unless the context implies otherwise, the words or expressions defined hereunder shall be given the meaning attributed by the said definition.

### **BUILDING INSPECTOR or INSPECTOR:**

Officer appointed by the Town Council of Kirkland to represent it in the application of this By-Law, or his authorized representative.

### **CADASTRAL OPERATION:**

A division, subdivision, a new subdivision, a redivision, a cancellation, a correction (including a replacement of the number of a lot), an addition, a cadastral regroupment made in accordance with the Cadastre Law (L.R.Q. C.C-1) or article 2174 and 2174 a) of the Civil Code.

### **CADASTRAL OPERATION RELATING TO A SUBDIVISION:**

Cadastral operation aimed at creating one or several new lots or landsites aimed at accomodating one or several new uses.

### **FRONTAGE:**

Continuous line (straight, interrupted or curved) which separates the lot or the property from the adjacent thoroughfare;

### **LOT:**

Basic land division identified and delimited on a cadastral plan drawn and registered in compliance with the provisions of the Civil Code. The word "lot" shall mean "property" where the text lends itself to this interpretation.

### **LOT (OR PROPERTY) DEPTH:**

Length of the depth line of the said lot or property.

### **LOT (OR PROPERTY) DEPTH LINE:**

Straight line joining the mid-point of the front lot or property line with the mid-point of the rear lot or property line or, where there is no rear boundary, with the point at which the side lot or property lines intersect.

#### LOT (OR PROPERTY) FRONTAGE WIDTH:

Length of a continuous line (straight, interrupted or curved) which separates the lot or the property from the adjacent thoroughfare; where a lot or property is adjacent to more than one thoroughfare, only one of these frontage lines shall be considered for purposes of provisions pertaining to minimum frontage width; furthermore, it is the same frontage line which shall be used to establish the depth line; consequently in the case of a lot adjacent to two thoroughfares which do not intersect (called a "transversal" lot), one of the frontage lines may have to be used as the rear lot line for purposes of establishing the depth line.

#### LOT (OR PROPERTY) WIDTH:

Distance between the points at which the lot or property width line intersects with the two side lot or property lines.

#### LOT (OR PROPERTY) WIDTH LINE:

Straight line perpendicular to the lot or property depth line and intersecting with the latter at 6.5 m (21.3') from the point at which the latter intersects with the front lot or property line.

#### MUNICIPALITY:

The municipality of the Town of Kirkland. Where the text lends itself to either interpretation, the word "municipality" shall mean "municipal corporation" or "municipal territory".

#### PROPERTY:

A lot or a grouping of contiguous lots, making up a single unit of land area eligible for a single principal use.

#### STANDARD LOT (OR PROPERTY):

Lot or property located between two other lots or properties, contrary to a corner lot (or property) which is located between another lot or property and a street.

#### STREET:

Street or road opened up by means of a municipal By-Law, resolution or minutes, or a road maintained by the Department of Transport under the Law Respecting Roads (Revised Statutes 1964, chap. 133) or by the Office des autoroutes, provided there is a right of access to it from adjacent properties.

**STREET RIGHT-OF-WAY:**

Area of land which is owned by the municipality or another public entity for the purpose of establishing a street or other thoroughfare; also refers to the limits or perimeter of this land area.

**SURFACE AREA (OF A LOT):**

Net area of a lot, excluding any park or thoroughfare right-of-way.

**THOROUGHFARE:**

Any area or structure used for vehicular and pedestrian circulation including roads, streets or lanes, sidewalks or foot paths, public spaces and public parking areas.

**WIDTH OF A THOROUGHFARE:**

Width of the right-of-way of the thoroughfare.

**USE:**

Purpose for which a building, structure, premises, property or part thereof is used or occupied, intended or prepared for such, and, by extension, the said building, structure, premises, property or part thereof.