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PART 1- TITLE AND PURPOSE

This By-law shall be known and may be cited as the "Land Use By-law" of the Municipality of the District of Argyle (Municipality of Argyle) and shall apply to all lands located within the municipal boundaries.

The purpose of this by-law is to carry out the intent of the land *development* policies found in the Municipal Planning Strategy and to establish a fair and systematic means of *development* control for the *Municipality*. This land use by-law is established in accordance with the provisions of Section 219 of the Municipal Government Act, by regulating the use of land and the location, size, spacing, character and use of *buildings* and *structures* within the Municipality of Argyle.

PART 2 - ADMINISTRATION

2.1 EFFECTIVE DATE

This Land Use By-Law came into effect on _____ acknowledged by the Minister of Municipal Affairs, whereupon any previous land use by-law is repealed.

2.2 DEVELOPMENT OFFICER

This By-law shall be administered by the *Development Officer* of the Municipality of Argyle and the *Development Officer* shall issue *development permits* under this By-law.

2.3 DEVELOPMENT PERMIT REQUIRED

No *building* or *structure* shall hereafter be erected or altered, nor the use of any *building, structure* or *lot* hereafter be changed unless a *development permit* has been issued and no *development permit* shall be issued unless all the provisions and requirements of this By-law are satisfied.

2.4 CONTENTS OF APPLICATION

Every application for a *development permit* shall be accompanied by plans drawn to an appropriate scale and showing:

- i) the true shape and dimensions of the *lot* to be used and upon which it is proposed to construct or locate any *building* or *structure*; and
- ii) the proposed use, location, *height* and dimensions of any *building* or *structure* in respect of which the permit is applied for; and this information shall include measurements of the *lot frontage*, front, side and *rear yards*; and
- iii) 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

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- iv) the proposed location and dimensions of parking areas, *parking spaces*, *loading spaces*, *driveways*, curbs, landscaping and fencing; and
- v) other such information as may be necessary to determine whether or not the proposed *development* conforms with the requirements of this By-law.

2.5 SIGNATURE FOR APPLICATION

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

2.6 DECISION IN WRITING

Any decision of the *Development Officer* to refuse to issue a *development permit* shall be given by written notice served by ordinary mail.

2.7 LAPSE OF DEVELOPMENT PERMIT

Any *development permit* issued under this or any previous Land Use By-Law automatically lapses and becomes null and void if the development to which it relates has not commenced and one year has elapsed since its issuance.

2.8 REVOCATION OF PERMITS

The *Development Officer* may revoke any *development permit* issued under this Land Use By-Law or any previous Land Use By-Law where:

- the requirements of the permit are not met
- the issuance of the permit was based on incorrect information or
- the permit was issued in error

2.9 SURVEY OF LANDS

Where the *Development Officer* is unable to determine whether the proposed *development* conforms with this By-law, the *Development Officer* may require that the plan submitted under clause 2.4 be based upon an actual survey certified and stamped by a Nova Scotia Land Surveyor.

2.10 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

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* or from obtaining any license, permission, permit, authority or approval required by any other By-law of the *Municipality* or statute and regulation of the Province of Nova Scotia.

2.11 VIOLATIONS

In the event of an offence or failure to comply with a requirement of this Land Use By-Law the provisions of Section 266 of the *Municipal Government Act* apply.

PART 3 - INTERPRETATION OF MAPS AND TEXT

3.1 ZONES

For the purpose of this By-law, the Municipality of Argyle is divided into the following zones, the boundaries of which are shown on the attached Schedules. Such zones are also referred to by the symbols as follows:

Mixed Use	MU
Light Industrial	LI
Heavy Industrial	HI
Residential Park	RP
Business Park	BP
Pubnico Point Wind Farm	WF
General Use	GU
General Use Industrial	GUI
Village	V
Floodplain	FP
Rural Development	RD
Marine Industrial	MI
Coastal Wetlands	CW
Wellhead Protection	WP

3.2 ZONING MAPS

Schedules A through L attached hereto are the Zoning Maps which form part of this By-law.

Schedule A	- Municipality of the District of Argyle
Schedule B	- West Pubnico Rural Centre
Schedule C	- Wedgeport Rural Centre
Schedule D	- Tusket Rural Centre
Schedule E	- Coastal Community
Schedule F	- East Kemptville Village
Schedule G	- Springhaven – Quinan Village
Schedule H	- Marine Industrial
Schedule I	- Marine Industrial
Schedule J	- Floodplain
Schedule K	- Wellhead Protection
Schedule L	- General Use Industrial

The symbols used on the Zoning Maps refer to the corresponding zones established by this By-law.

3.3 ZONING BOUNDARIES

The extent and boundaries of all zones are shown on the Zoning Maps attached hereto and the provisions of this By-law shall apply to all zones.

3.4 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between *zones* as shown on the noted schedules shall be determined as follows:

- a) where a *zone* boundary is indicated as approximately following *lot lines*, the boundary shall follow such *lot lines*; and
- b) where a *zone* boundary is indicated as following a road, the boundary shall be the centre line of such road; and
- c) where a road, abandoned railway *right-of-way*, electrical transmission line *right-of-way* or watercourse is included on the Zoning Maps, it shall, unless otherwise indicated, be included in the *zone* of the adjoining property on either side thereof; and
- d) where an abandoned railway *right-of-way*, electrical transmission line *right-of-way* or watercourse is included on the Zoning Maps and serves as a boundary between two or more different *zones*, a line midway on such *right-of-way* or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between *zones* unless specifically indicated otherwise; and
- e) where a *zone* boundary is shown following the coastal shoreline the boundary shall follow the actual high water level.
- f) where a *zone* boundary is indicated as following the limits of the *Municipality*, the limits shall be the municipal boundary;
- g) where none of the above provisions apply, and where appropriate, the *zone* boundary shall be scaled from the attached Zoning Maps.

3.5 ZONES NOT ON ZONING MAP

Schedules of this By-law may be amended in conformity with the Municipal Planning *Strategy* to utilize any *zone* in this By-law regardless of whether or not such *zone* had previously appeared on the schedules.

3.6 WORDS DEFINED

In this By-law words in *italics* are defined in the definitions section. All other words shall have their standard meaning as defined in a standard dictionary.

3.7 CERTAIN WORDS

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

PART 4 - GENERAL PROVISIONS FOR ALL ZONES

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

4.1 PERMITTED AND PROHIBITED USES

For the purposes of this By-law if a use is not listed as a permitted use in a *zone*, or if it is not accessory to a permitted use within the *zone* it shall be deemed to be a prohibited use in that *zone*, except where the use is a nonconforming use under Section 238 of the *Municipal Government Act*.

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

4.2 OPEN STORAGE OF FISHING GEAR AND EQUIPMENT

Nothing in this by-law shall prevent the open storage of fishing gear and equipment in any *yard* of any residential use in the *Municipality*.

4.3 ACCESSORY BUILDINGS AND STRUCTURES

4.3.1 *Accessory buildings and structures* shall be permitted in any *zone*, but shall not:

- 4.3.1.1** be used for human habitation except where a *dwelling* or *tourist cabin* is a permitted *accessory use*.
- 4.3.1.2** be built closer to the *front, rear* or *side lot line* than the minimum distance required by this By-law for the *main building*.
- 4.3.1.3** except for seasonal roadside stands, be built closer to the *front, rear* or *side lot line* than the *existing building* is to the said line in cases where the *front, rear* or *side yard* is nonconforming.
- 4.3.1.4** be used for *home occupations* in the Residential Park (RP) Zone.

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4.3.2 Reduction of Side and *Rear Yards* for *Buildings* Accessory to Residential Uses:

Notwithstanding Part 4.3.1.2, the minimum *side* and *rear yard* requirements for *buildings* accessory to residential uses in all zones except those *accessory buildings* used for *home occupations* referred to in Part 9.2 of this By-law may be reduced to a minimum of 0.6 metres (2 ft.) provided there are no windows or perforations on the side of the *building* which faces the said *lot line*.

4.4 ACCESSORY USES PERMITTED

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 *accessory use*.

4.5 AUTOMOBILE, TRUCK, BUS, COACH BODY AND BEACHED VESSEL

No automobile, truck, bus or coach body, whether or not same is mounted on wheels, or beached vessel shall be used for human habitation within the *Municipality* except for recreational *motor homes* and *travel trailers* located on a *lot* for not more than 90 days.

4.6 BUILDING TO BE MOVED

No *building* shall be moved within or into the area covered by this By-law without first obtaining a *development permit*.

4.7 EXISTING BUILDINGS USES

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 in the *zone* in which the *lot* is located where the *lot frontage*, *front yard*, *lot area* or all of these are less than the requirements of this By-law, provided all other applicable provisions of this By-law are satisfied. (See 4.11)

4.8 EXISTING BUILDINGS WITH NON-CONFORMING YARDS

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 *front* or *side yard* or *rear yard* required by this By-law, the *building* may be enlarged, reconstructed, repaired or renovated provided that:

4.8.1 the enlargement, reconstruction, repair or renovation does not further reduce the *front*, *side yard* or *rear yard* that does not conform to this By-law; and

4.8.2 all other applicable provisions of this By-law are satisfied.

4.9 EXISTING MAIN BUILDINGS - SUBDIVISION LOTS

Notwithstanding anything else in this By-law, in any zone, where *lots* containing at least one *existing* main *building* are to be created from an *existing* area of land containing two or more such *buildings*, the following requirements for the *existing* or proposed use of the *building* may apply:

- 4.9.1** any one or all minimum yard requirements may be waived where they cannot otherwise be met; and
- 4.9.2** the minimum *lot frontage* requirement may be waived where it cannot otherwise be met provided that the *lot frontage* shall not be less than 6 m (20 ft); or the *lot* is served by an *existing right-of-way* or where a new *right-of-way* is created, it shall have a minimum width of 6 m (20 ft); and
- 4.9.3** where it cannot be met, the minimum *lot area* requirement may be waived where the *lot* is to be served by central sanitary sewer service; and
- 4.9.4** where it cannot be met, the minimum *lot area* requirement may be waived where *lots* are to be served by on-site sewage disposal systems provided that an authorized person in accordance with the Department of the Environment has assessed the *lots* shown on a final plan or instrument of subdivision and approved the *lots* for the installation of on-site sewage disposal systems; and
- 4.9.5** provided all other applicable provisions and requirements of this By-law are satisfied.

4.10 EXISTING VACANT LOTS USES

- 4.10.1** Notwithstanding anything else in this By-law, an *existing* vacant *lot* having less than the minimum *lot area* or *frontage* 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* or *structure* may be *erected* on the *lot* provided that all other applicable provisions in this By-law are satisfied. The *lot* may also be rezoned subject to meeting all other applicable provisions of the *Strategy* and By-law.
- 4.10.2** Any *existing* undersized *lot* which is increased in area or frontage or both, but still remains undersized, shall be considered an *existing* undersized *lot*.

4.11 EXISTING BUILDING USES

Notwithstanding anything else in this By-law, the use of a *building* or *structure* existing on a *lot* on the effective date of this By-law may be changed to a use permitted in the *zone* in which the *lot* is located where the *lot area*, *frontage* or *front yard*, *rear yard* or *side yards*, or all of these are less than that required by this By-law provided all other applicable provisions of this By-law are satisfied. *Lots* containing *existing buildings* or vacant *lots* may also be rezoned subject to meeting all other applicable provisions of the *Strategy* and By-law.

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However, this provision shall not apply in the following cases:

- 4.11.1** No *lot* shall be considered for rezoning to the LI or HI Zone unless the *lot* is a minimum of 0.81 hectares (2 acres) in accordance with *Strategy* Policy 7.3.1.10.
- 4.11.2** New *light and heavy industrial home occupations* in *existing buildings* unless the minimum yard requirements of Part 9.2 of this by-law are satisfied.
- 4.11.3** New *light industrial* uses in *existing buildings* in the General Use (GU) Zone unless the minimum yard requirements of Part 17.7.3 of this by-law are satisfied.
- 4.11.4** Automotive repair uses in *existing buildings* in the MU Zone unless the minimum yard requirements of Section 9.2.2 of this by-law are satisfied.

4.12 MINIMUM FRONT LOT LINE

Except for *existing lots*, the minimum length of a *front lot line* in any zone shall be 6 m (20 ft.).

4.13 MULTIPLE USE

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 a conflict such as in the case of *lot size* or *lot frontage*, the higher or more stringent standard shall prevail.

4.14 NON-CONFORMING USES

Non-conforming uses shall be subject to Sections 238 through 242 inclusive of the Municipal Government *Act* unless otherwise provided for in the *Strategy* and By-law.

4.15 LOT FRONTAGE AND ACCESS

- 4.15.1** Except as otherwise permitted in a particular *zone* a *development permit* shall be issued only where the *lot* or parcel of land intended to be used or upon which a *building* or *structure* is intended to be *erected* abuts and fronts on a *public road* which is maintained by the Department of Transportation and Infrastructure Renewal. Notwithstanding this provision, single unit residential uses are permitted uses on *lots* served by *private roads* and on *lots* served by *right-of-way* easements in all zones where *dwelling*s are permitted uses.
- 4.15.2** Where a new *lot* is created with a new *right-of-way*, the *right-of way* shall be a minimum width of 6 m (20 ft).
- 4.15.3** A *development permit* shall be issued for a development on an *existing vacant lot* or a new *lot* created by subdivision where the *lot* is landlocked by government property or the abandoned C.N.R. *right-of-way* providing said *lot* is served by an access over the government lands or C.N.R. *right-of way* as provided for in a license or other agreement. This waiver only applies to *development* on the *lot* subject to the license or agreement.

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Additions to or consolidation of *lots* satisfying the requirements of this section does not *alter* the ability to develop on the resulting *lots*.

4.16 REDUCTION IN LOT AREA AND FRONTAGE

Notwithstanding minimum *lot area* and *frontage* requirements of this By-law, where a maximum of two *lots* are created pursuant to the Subdivision By-law, a *development permit* may be issued where:

- 4.16.1** the *lot area* and *frontage* or both are not less than 90% of the minimum required by this By-law where the *lots* are served by a municipal sewer system; or
- 4.16.2** the *lot area* and *frontage* or both are not less than 90% of the minimum required by this By-law where the *lots* are served by on-site sewage disposal systems provided that an authorized person of the Department of the Environment has assessed the *lots* as shown on a final plan or instrument of subdivision and approved the *lots* for the installation of on-site sewage disposal systems; and
- 4.16.3** provided that all other applicable provisions and requirements of this By-law are satisfied.

4.17 REMOVAL OF ENCROACHMENTS

Notwithstanding anything else in this By-law, where a permanent *development* component such as a *building*, *structure*, well, on-site sewage disposal system or *driveway* encroaching in or upon one or more immediately adjacent *lots* is removed as a result of subdivision, any one or more minimum *lot* requirements may be waived where they cannot otherwise be met and a *development permit* may be issued for the *lots* affected by the subdivision provided that all other applicable provisions and requirements of this By-law are satisfied.

4.18 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 a non-conforming use that the provisions of the *Act* shall prevail.

4.19 WAIVER FOR COMMERCIAL BUILDINGS

Where multi-unit *commercial buildings* in any zone are separated by party walls in accordance with the Provincial Building Code Act provisions into separate *buildings* on separate parcels of land capable of being separate real estate entities, the *side yard* requirements of the By-law between *commercial buildings* separated by the party wall shall be waived.

4.20 YARD REQUIREMENTS MEASURED FROM WATERCOURSES, SWAMPS AND SLOPES

Where in the by-law, a *front*, *side* or *rear yard* is required and part of the area of the *lot* is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse or is between the top and toe of a cliff or embankment having a slope of thirty percent (30%) or more from the

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horizontal, the required *yard* shall be measured from the nearest *main wall* of the *main building* or *structure* on the *lot* to the edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of said cliff or embankment.

4.21 NATURAL SHORELINE PROTECTION – RIPARIAN BUFFERS

In all *zones* where *development* is undertaken on a *lot* which borders a watercourse an undisturbed buffer of 7.6 metres (25 ft) is required to be maintained between the high water mark on either side of a watercourse and any *structure* or developed portion of the *lot*. Infilling or removal of material is not permitted within the buffer except for minimal disturbance incidental to a permitted undertaking. In the watercourse buffer area the natural flora and fauna is to remain substantially undisturbed except for penetrations for wharves and boat launches. Moderate thinning of tree cover in the buffer area to enable views is permitted and good ecological practices designed to minimize disturbance of natural shoreline areas are encouraged when undertaking all activities and *developments* within the buffer and all *developments* on properties abutting watercourses in the *Municipality*. (see MPS Part 3 and Policy 3.1.1.4) On any *lot* subject to the requirements of Section 4.21 of this by-law the required buffer supersedes any minimum *yard* requirement which may be less than the required buffer.

PART 5 - PARKING AND LOADING SPACES

5.1 Parking Requirements

For every *building* or *structure* to be *erected* or enlarged, used or where there is a change in use to a *building* or *structure*, off-road parking located in the same *zone* and on the same *lot* as the use and having unobstructed access to a *public road* or *private road* shall be provided and maintained in conformity with the following Schedule:

- 5.1.1 Dwellings containing not more than 3 dwelling units:** 1 *parking space* per *dwelling unit*.
- 5.1.2 All other dwellings:** 1.5 *parking spaces* per *dwelling unit*.
- 5.1.3 Boarding homes, *guest homes*:** 1 *parking space* for each bed.
- 5.1.4 Auditoriums, theatres, arenas, halls, stadiums, private clubs and other places of assembly:** 1 *parking space* per 9.3 sq m (100 sq. ft.) of gross floor area devoted to public use, excluding hallways, aisles, vestibules, washrooms and closets.
- 5.1.5 Churches, church halls:** 1 *parking space* per 9.3 sq. m (100 sq. ft.) of gross floor area used for devotional purposes.

- 5.1.6 Homes for Special Care:** 1 *parking space* for each 2 beds or each 11.3 sq. m (400 sq. ft.) of gross floor area, whichever is greater.
- 5.1.7 Hotels, staff houses, motels, tourist cabins, resorts:** 1 *parking space* per suite or rental unit plus 1 additional *parking space* for each 4.6 sq. m (50 sq. ft.) of floor area devoted to public use (including *restaurants*, dining rooms and auditoria) exclusive of lobbies and halls.
- 5.1.8 Restaurants, lounges, cabarets, taverns:** 1 *parking space* for each 7 sq. m (75 sq. ft.) of gross commercial floor area excluding vestibules, washrooms and closets.
- 5.1.9 Senior citizen apartments:** 1 *parking space* for every 2 *dwelling units*.
- 5.1.10 Offices:** 1 *parking space* per 28 sq. m (300 sq. ft.) of gross floor area.
- 5.1.11 Funeral homes:** 1 *parking space* per 5 seat capacity of the chapel with a minimum of 10 *parking spaces*.
- 5.1.12 All other commercial uses:** 1 *parking space* per 28 sq. m (300 sq. ft.) of commercial floor area.
- 5.1.13 Industrial uses:** 1 *parking space* per 42 sq. m (450 sq. ft.) of gross floor area.

5.2 Parking Space and Area Standards

- 5.2.1** A *parking space* shall be a minimum of 15 sq. m (160 sq. ft.) in area measuring 2.4 m by 6 m (8 ft. by 20 ft.) exclusive of *driveways* or manoeuvring aisles.
- 5.2.2** Where parking facilities for more than 4 vehicles are required or permitted, the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.
- 5.2.3** Notwithstanding the requirement of Section 5.1 that off-road parking be provided in the same *zone*, where an *existing* developed *lot* in any *zone* is not capable of providing some or all the required number of *parking spaces* for the intended use of the *building*, such spaces shall be permitted in another *zone* provided the nearest portion be within 91.4 m (300 ft.) of the location which it is intended to serve and provided that all other parking requirements applicable to the *existing* developed *lot zone* category are satisfied. In cases where the parking area is immediately adjacent the *existing* developed *lot*, the applicable side or *rear yard* separation distance for parking is waived.

5.3 Loading Space Standards

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- 5.3.1** In any *zone* where commercial or industrial uses are permitted, no person shall *erect* or use any *building* or *structure* for commercial or industrial purposes 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-road space for standing, loading and unloading for every 2,787 sq. m (30,000 sq. ft.) or fraction thereof of *building* floor area used for any such purpose to a maximum of 6 *loading spaces*.
- 5.3.2** A *loading space* or spaces shall be located on the same *lot* and in the same *zone* as the use and have unobstructed access to a *public road* or *private road*.
- 5.3.3** The provision of a *loading space* for any *building* with less than 139 sq. m (1,500 sq. ft.) shall be optional.
- 5.3.4** *Loading space* areas, including *driveways* leading thereto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- 5.3.5** Ingress and egress to and from a required *loading space* shall be provided by means of unobstructed *driveways* with a minimum width of 3 m (10 ft.) for one-way traffic and a minimum width of 6 m (20 ft.) for two-way traffic.

PART 6 - GENERAL PROVISIONS FOR COMMERCIAL USES

These general provisions shall apply to commercial uses permitted in the MU and GU Zones.

6.1 Access requirements

The following access requirements shall apply to commercial uses:

6.1.1 *Public Road* Requirement

A *development permit* for commercial uses shall be issued only where the *lot* or parcel of land intended to be used or upon which the *building* or *structure* is to be *erected* abuts and fronts upon a public listed and maintained road except where otherwise provided for in the By-law.

6.1.2 Access and egress shall be directly onto a *public road*.

6.1.3 Notwithstanding Section 6.1.1 where the *lot* abuts and fronts upon a *public road* and a *private road*, access and egress may be provided onto the *private road* provided that written consent for alternate access and egress onto the *public road* has been given by the authority having jurisdiction over the *public road*.

6.1.4 A minimum of 2 one-way accesses each having a minimum width of 4.25 m (14 ft.) to a maximum of 6 m (20 ft.) or 1 two-way access to a maximum of 12 m (40 ft.) shall be provided where the *street line* is 49 m (160 ft.) or less and a minimum of 2 two-way accesses each having a minimum width of 8.5 m (28 ft.) to a maximum of 12 m (40 ft.) where the *street line* is greater than 49 m (160 ft.).

6.1.5 The following separation distances consisting of a curb, barrier or ditch designed to prevent vehicular access shall be maintained between accesses:

6.1.5.1 a minimum of 15 m (50 ft.) where 2 one-way accesses are provided;

6.1.5.2 a minimum of 30 m (100 ft.) where 2 two-way accesses are provided;

6.1.5.3 where 1 two-way access is provided a curb, barrier or ditch designed to prevent vehicular access shall be provided on either side of the access.

6.1.6 Illumination

Where lighting fixtures are used to illuminate accesses, parking areas, circulation roads and service areas of any commercial use such fixtures shall be installed so as not to reflect light upon roads and adjacent residential, *institutional* and *recreational uses*.

6.1.7 More Than One Main Building on a Lot

More than one main *commercial building* may be *erected* on a *lot* provided all other provisions and requirements of this By-law for each *building* are satisfied.

6.1.8 Yards for Commercial Uses Abutting Residential and Institutional Uses

The following requirements shall apply where any yard of any commercial use abuts a residential or *institutional* use in any *zone*:

6.1.8.1 no open storage or outdoor display shall be permitted in the abutting commercial yard.

6.1.8.2 no *parking lot* or *loading space* shall be permitted in the abutting Commercial yard within 6 m (20 ft.) of a *side* or *rear lot line*.

PART 7 - GENERAL PROVISIONS FOR INDUSTRIAL USES

The following General Provisions apply to industrial uses permitted in the LI, HI, BP, GU, GUI, V, and MI *Zones*.

7.1 More than one main building on a lot

More than one main industrial *building* may be *erected* on a *lot* providing all other provisions of the By-law are satisfied.

7.2 Waiver of lot requirements

Where an industrial use or an *accessory building* thereto is located on a wharf, the *lot* requirements shall be waived providing that parking or *loading spaces* are provided within 90 m (300 ft.) of the wharf.

7.3 Screening

Parking lots, loading spaces, and areas of open storage on lots used for any industrial Use shall be screened by *buildings, natural landforms, existing or planted vegetation, an opaque fence or combination of any such method of screening* so as not to be visible from abutting residential or *institutional* uses in any *zone*.

7.4 Illumination

Where lighting fixtures are used to illuminate accesses, parking areas, circulation roads and service areas of any industrial use such fixtures shall be installed so as not to reflect light upon roads and adjacent residential, *institutional* and *recreational uses*.

7.5 Yards Abutting Residential and Institutional Uses

No exhaust or freezer fan or any other outdoor machinery directly related to any fish or food processing, freezing, lobster tank shop, manufacturing, assembly or warehousing operation whether or not such machinery is attached to any *building* or *structure* shall be permitted in the abutting industrial *yard*.

PART 8 - PROVISIONS FOR WIND TURBINE GENERATORS (WTG)

8.1 Large Scale WTG (See Definition 111.1)

Municipality of the District of Argyle Land Use By-law

8.1.1 In accordance with Municipal Planning *Strategy* Policy 17.4.4 a *Development Agreement* is required for *large scale WTG development*. *Large Scale WTG developments* are required by *development agreement* to adhere to the criteria established by Policy 17.4.8, 18.2.8 and 18.3 in the Municipal Planning *Strategy*.

8.1.2 *Large Scale WTG* are required to be removed from the site after a period of two years from the date of cessation of electrical power generation of the WTG.

8.2 Small Scale WTG (See Definition 111.2)

8.2.1 In accordance with Municipal Planning *Strategy* Policy 17.4.5 a *site-plan approval* is required for *Small Scale WTG development*. *Small scale WTG developments* shall adhere to *Site Plan Approval* criteria in Policies 17.4.9 in the Municipal Planning *Strategy*.

8.2.2 The criteria to be considered prior to granting *site plan approval* for *Small Scale WTG* are:

8.2.2.1 *Small Scale WTG* are required to be not less than 200 metres (656 ft.) from all *existing dwellings*.

8.2.2.2 Notification of the *site plan approval* shall be sent by regular mail to all owners of habitable *dwellings* within 250 metres (820 ft.) of the *WTG*.

8.2.2.3 Mitigation of noise, visual impacts, shadow effects, and environment impacts of wind turbines shall be undertaken to minimize any potential negative effects of the *development* on adjacent uses.

8.2.2.4 All documentation required by the Department of National Defence, Environment Canada, Navigation Canada, Transport Canada, Canadian Coast Guard, and Nova Scotia Department of Natural Resources shall be included in the documentation submitted by the proponent.

8.2.2.5 No commercial advertising other than the manufacturer's name shall be permitted on any *WTG* or *accessory structures*.

8.2.2.6 *Small Scale WTG* shall be removed from the site after a period of two years from the date of cessation of electrical power generation of the *WTG*.

8.3 Micro Scale WTG (See Definition 111.3)

Municipality of the District of Argyle Land Use By-law

- 8.3.1** In accordance with Municipal Planning *Strategy* Policy 17.4.5 a *Development Permit* is required to be obtained for *Micro Scale WTG* in accordance with the following provisions:
- 8.3.2** Minimum yard requirement: 1.25 times total *height* of *WTG* where free standing
- 1.25 times total *height* of *WTG* from the base of the supporting *structure*
- 8.3.3** Maximum total *height* from ground level: 20 m (66 ft.)
- 8.3.4** No advertising other than the manufacturer's name is permitted on any *WTG structures*.

PART 9 - HOME OCCUPATIONS

- 9.1** *Home Occupations* shall be permitted in any *dwelling* or *accessory building* thereof in *zones* where *dwellings* are permitted uses except as otherwise noted in a particular *zone* provided:
- 9.1.1** The *dwelling* is occupied as a residence and the external appearance of the *dwelling* is not changed by the *home occupation*.
- 9.1.2** Not more than 25% of the total *floor area* of the *dwelling* is used for the *home occupation*.
- 9.1.3** The combined *floor area* of the *dwelling* and *dwelling* of any *accessory building* used for a *home occupation* shall be 93 sq. m (1,000 sq. ft.) where the *lot* size is 2,787 sq. m (30,000 sq. ft.) or more in area and 46 sq. m (500 sq. ft.) where the *lot* size is less than 2,787 sq. m (30,000 sq. ft.) in area.
- 9.1.4** Notwithstanding any other yard setbacks required by this By-law, the minimum required *side* and *rear yards* for an *accessory building* used for *home occupations* excluding light and *heavy industrial home occupations* shall be as follows:
- 1.8 m (6 ft.) *side yard* and 3 m (10 ft.) *rear yard*
 - *Tourist cabins* as a *home occupation* shall meet the minimum required *side* and *rear yards* for *single detached dwellings*.

9.2 Light and Heavy Industrial Home Occupations

Light and *heavy industrial home occupation* uses require larger setbacks from residential properties, screening requirements, noise restriction requirements, special parking requirements and requirements for any site lighting to be directed away from adjacent residential uses.

The following permitted industrial *home occupation* uses require the following setbacks:

9.2.1

Light Industrial Uses Permitted

Greenhouses
Landscaping operations
Nurseries

Setbacks

Front Yard – 7.6 m (25 ft.)
Rear Yard – 4.6 m (15 ft.) where
abutting vacant *lot*
- 7.6 m (25 ft.) where

abutting residential *lot*
Side Yard – 4.6 m (15 ft.) where
abutting vacant *lot*
- 7.6 m (25 ft.) where
abutting residential *lot*

9.2.2 Light Industrial Uses Permitted Setbacks

Automotive Mechanical Repair	<i>Front Yard</i> - 14 m (45 ft.)
Auto Body Repair	<i>Rear Yard</i> - 7.6 m (25 ft.)
Bait Freezers	where abutting vacant lot
Carpentry Shops	- 13.7 m (45 ft.)
Fish Cooler; freezers	where abutting residential lot
Heating and/or refrigeration shops	<i>Side Yard</i> - 7.6 m (25 ft.)
Heavy equipment repair	
Lobster holding tanks	
Lobster wire trap operations	
Plumbing and/or electrical shops	
Net manufacturing and repair	
Rubber products manufactured from used tires	
Sheet metal shops	
Small engine repair	
Wood products such as furniture, cabinets, vanities, windows, doors	
Warehousing distribution and sales	

9.2.3 Heavy Industrial Uses Permitted Setbacks

Boat building and repair	<i>Front Yard</i> - 23 m (75 ft.)
Cheese manufacturing	<i>Rear Yard</i> - 15.2 m (50 ft.)
Concrete Product fabrication	where abutting vacant lot
<i>Fish processing</i>	<i>Rear Yard</i> - 30 m (100 ft.)
Welding and/or machine shops	where abutting residential lot

9.2.4 Outdoor work areas shall not be permitted within 7.6 m (25 ft.) of any *lot line*.

9.2.5 Outdoor storage and work areas shall be screened by the *dwelling*, the *accessory building*, and opaque fence, natural landform, *existing* or planted vegetation or combination thereof so as to not be visible from abutting residential uses or from the nearest *public* or *private road*.

9.2.6

Outdoor display shall be screened by the *dwelling*, the *accessory building*, an opaque fence, natural landform, *existing* or planted vegetation, or a combination thereof so as not to be visible from abutting residential uses.

9.2.7

Notwithstanding Section 9.2.11.3 automotive mechanical repair *home occupations* require a minimum of 4 *parking spaces* to be provided other than that required for the *dwelling* for *buildings* up to 46 sq. m (500 sq. ft.) of total building floor area plus 1 additional *parking space* for each additional 18.6 sq. m (200 sq. ft.) of net commercial floor area up to a maximum of 8 spaces for a 93 sq. m (1,000 sq. ft.) *building*.

9.2.8

Where parking or outdoor storage for an automotive mechanical repair *home occupation* is provided in *side yards* which abut a residential, *institutional* or recreational *lot*, screening shall be provided by natural landforms, *existing* or planted vegetation; an opaque fence or a combination of such method of screening so as not to be visible from abutting residential, *institutional* or *recreational uses*.

9.2.9

All *building* and *lot* lighting used by an automotive repair use shall be directed away from all abutting and adjacent residential, *institutional* and *recreational uses* to prevent any nuisance effects from the lighting.

9.2.10

Home occupations which include machinery or processes which generate noise shall mitigate noise levels in the operation and restrict the hours of operation to reduce or eliminate excessive noise effects on adjacent residential uses.

9.2.11

Home occupations shall be permitted only within *dwellings* in the Residential Park (RP) Zone provided:

- 9.2.11.1** the dwelling is occupied as a residence and the external appearance of the dwelling is not changed by the *home occupation*.

9.2.11.2 not more than 25% of the total floor area of the *dwelling* is devoted to the *home occupation*

9.2.11.3 off-street *parking spaces*, other than that required for the *dwelling* shall be provided for *home occupations* in accordance with the following schedule:

- 1 *parking space* for *home occupations* contained within residences
- 1 *parking space* for *home occupations* contained within *accessory buildings* not more than 46.5 sq. m (500 sq. ft.) in area
- 2 *parking spaces* for *home occupations* contained within *accessory buildings* greater than 46.5 sq. m (500 sq. ft.) in area

PART 10 - SPECIAL USES

Special Uses are uses permitted on small *lots* less than 465 sq. m (5,005 sq. ft.) in area, either *existing* or created by subdivision in accordance with Municipal Planning *Strategy* Policies 13.1.1.14 and 13.1.1.15.

Notwithstanding the listed permitted uses in each *zone*, the following special uses are permitted on the above described small *lots*:

- ❖ Agricultural and forestry uses except fox, mink and *piggery* operations
- ❖ Cenotaphs and memorials
- ❖ Christmas tree and outdoor horticultural uses
- ❖ Outdoor storage of fishing gear and equipment
- ❖ *Parking lots*
- ❖ *Private storage buildings*
- ❖ Private haulouts and wharfs
- ❖ Fire ponds and dry hydrants

ZONES – PERMITTED USES AND ZONE PROVISIONS

PART 11 – MIXED USE ZONE

11.1 Permitted Developments

The following shall be permitted uses in the Mixed Use (MU) Zone:

- ❖ All *agricultural uses* excluding light and *heavy industrial uses*, fox, mink and piggeries
- ❖ All commercial uses excluding motor vehicle race tracks and drag strips
- ❖ All *institutional uses*
- ❖ All *recreational uses* excluding outdoor rifle ranges
- ❖ All residential uses
- ❖ Automotive mechanical repair uses excluding auto body repair (see Section 11.3)
- ❖ Bakeries
- ❖ *Dwelling units as accessory uses* within any main commercial use permitted in the MU Zone
- ❖ *Fraternal Centres*
- ❖ *Historic Villages*
- ❖ *Micro Scale WTG*
- ❖ Private clubs excluding outdoor rifle ranges
- ❖ *Private storage buildings*, haul outs and wharves
- ❖ *Small Scale WTG*
- ❖ Special Uses on small lots (see Part 10)
- ❖ *Utility* and communication *buildings* and *structures*

11.2 Prohibited Uses

The following uses shall be prohibited in the Mixed Use (MU) Zone:

- ❖ Drive-in theaters
- ❖ *Kennels*
- ❖ Motor vehicle race tracks
- ❖ *Wind farms*

11.3 Developments permitted subject to other requirements of this By-law:

- ❖ Automotive mechanical repair uses
- ❖ *Small Scale WTG by Site Plan Approval*

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11.3.1 A minimum of eight (8) *parking spaces* shall be provided for automotive mechanical repair uses up to 93 sq. m (1000 sq. ft.) in area. One (1) additional *parking space* shall be provided for each additional 19 sq. m (200 sq. ft.) or fraction thereof of additional *floor area* above 93 sq. m.

11.3.2 Where parking for an automotive mechanical repair use is provided in *side yards* which abut a residential *lot*, screening shall be provided by natural landforms, *existing* or planted vegetation; an opaque fence or a combination of such method of screening so as not to be visible from abutting residential or *institutional* uses in any *zone*.

11.3.3 Where lighting fixtures are used to illuminate accesses, parking areas, circulation roads and service areas such fixtures shall be installed so as not to reflect light upon roads and adjacent residential, *institutional* and *recreational uses*.

11.4 Developments permitted in the MU Zone by Development Agreement:

- ❖ Automobile *salvage yards* as *accessory uses* to automotive mechanical repair uses
- ❖ *Land lease communities*
- ❖ Residential uses containing more than four (4) *dwelling units*

11.4.1 Automobile *salvage yard* uses as *accessory uses* to automotive Mechanical repair uses shall satisfy the criteria in Municipal Planning *Strategy* Policy 7.3.1.9

11.4.2 *Land lease communities* subject to the *Strategy* policies in Section 2.5.5.1 and Policy 7.3.1.10

11.5 Mixed Use (MU) Zone Standards (see also Part 4)

11.5.1 Residential uses where permitted in the MU Zone connected to central Sewer services.

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11.5.1.1 *Single detached dwellings, boarding homes, converted dwellings, guest home or bed and breakfast establishments*

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	1.8 m (6 feet) on one side and 3 m (10 ft.) on the other
Minimum <i>Lot Area</i>	929 sq. m (10,000 sq. ft.)
<i>Minimum Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

11.5.1.2 *Semi-detached dwellings*

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	1.8 m (6 ft.) on one side and 3 m (10 ft.) on the other
Minimum <i>Lot Area</i>	604 sq. m (6,500 sq. ft.) per <i>dwelling unit</i>
<i>Minimum Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

11.5.1.3 Residential uses containing a minimum of two *dwelling units* to a maximum of four *dwelling units* excluding Land Leased homes and townhouses

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	3 m (10 ft.) or ½ the <i>height</i> of the <i>dwelling</i> whichever is greater
Minimum <i>Lot Area</i>	604 sq. m (6,500 sq. ft.) per <i>dwelling unit</i>
<i>Minimum Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

11.5.1.4 Townhouses containing not more than four (4) units

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	3 m (10 ft.) or ½ the <i>height</i> of the <i>dwelling</i> whichever is greater
Minimum <i>Lot Area</i>	604 sq. m (6,500 sq. ft.) per <i>dwelling unit</i>
<i>Minimum Lot Frontage</i>	6 m (20 ft.)

Municipality of the District of Argyle Land Use By-law

Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Maximum <i>Height</i>	10.7 m (35 ft.)
Parking	See Part 5.1

11.5.2 Residential uses where permitted in the MU Zone connected to On-site services.

11.5.2.1 All residential uses, boarding homes, converted *dwelling*s, *guest home* or *building line* establishments, *homes for special care* and *group dwelling*s excluding *semi-detached dwelling*s, *land lease communities* and townhouses

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	1.8 m (6 ft.) on one side and 3 m (10 ft.) on the other side for <i>single detached dwelling</i> s, <i>converted dwelling</i> s and <i>guest home</i> or <i>bed and breakfast establishments</i> 3 m (10 ft.) or ½ the <i>height</i> for <i>dwelling</i> s containing a minimum of 2 <i>dwelling units</i> to a maximum of 4 <i>dwelling units</i> 4.5 m (15 ft.) or ½ the <i>height</i> for <i>group dwelling</i> s, <i>homes for special care</i> and <i>dwelling</i> s containing more than 4 <i>dwelling units</i> whichever is greater
Minimum <i>Lot Area</i>	Determined by Department of Environment
Minimum <i>Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

11.5.2.2 *Semi-detached dwelling*s and townhouses

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	1.8 m (6 ft.) on one side and 3 m (10 ft.) other side for semi – detached <i>dwelling</i> s 4.5 m (15 ft.) or ½ the <i>height</i> of the <i>townhouse</i> whichever is greater
Minimum <i>Lot Area</i>	Determined by Department of Environment
Minimum <i>Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

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11.5.3 Commercial Uses (see also Part 6 General Provisions for Commercial Uses)

11.5.3.1 Commercial uses connecting to central sewer

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	4.5 m (15 ft.) on both sides
Minimum <i>Lot Area</i>	929 sq. m (10,000 sq. ft.)
Minimum <i>Lot Frontage</i>	23 m (75 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

11.5.3.2 Commercial uses connecting to on-site services

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	4.5 m (15 ft.) on both sides
Minimum <i>Lot Area</i>	Determined by Dept. of Environment
Minimum <i>Lot Frontage</i>	23 m (75 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

11.5.4 All other uses permitted in the Mixed Use (MU) Zone

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	4.5 m (10 ft.) on both sides
Minimum <i>Lot Area</i>	Determined by Dept. of Environment
Minimum <i>Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

PART 12 - LIGHT INDUSTRIAL (LI) ZONE

(see also Part 7 General Provisions for Industrial Uses)

12.2 Permitted Developments

The following uses shall be permitted in the Light Industrial (LI) Zone:

- ❖ All *light industrial* uses
- ❖ Any commercial use permitted in the MU Zone
- ❖ Business *offices* accessory to any main use permitted in the LI Zone
- ❖ *Dwelling units* (one only) as *accessory uses* within any main or *accessory building* permitted in the LI Zone
- ❖ Indoor and outdoor aquaculture
- ❖ *Micro Scale WTG*
- ❖ *Single detached dwellings* (one only) as main or *accessory use* subject to MU Zone requirements for *dwellings*
- ❖ *Service industries*
- ❖ *Small Scale WTG*
- ❖ Warehousing

12.3 Minimum Lot Area Requirement

Notwithstanding any other requirements of this By-law a minimum *lot area* of two (2) acres is required for *Light Industrial* (LI) uses where the *lot* contains an *existing single detached dwelling* or is intended to contain such new dwelling.

12.4 Automotive Mechanical Repair “Uses

The special requirements for automotive mechanical repair uses in the MU Zone In Part 11.3 of this By-law apply to automotive mechanical repair uses in the LI Zone.

12.5 Light Industrial (LI) Zone Standards (see also Part 4 and Part 7)

12.5.1 *Light Industrial* uses connecting to central sewer

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	6 m (20 ft.) on both sides
Minimum <i>Lot Area</i>	929 sq. m (10,000 sq. ft.)
Minimum <i>Lot Frontage</i>	23 m (75 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

12.5.2 *Light Industrial* uses connecting to on-site sewage systems

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	6 m (20 ft.) on both sides
Minimum <i>Lot Area</i>	Determined by Dept. of Environment
<i>Minimum Lot Frontage</i>	23 m (75 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

PART 13 - HEAVY INDUSTRIAL (HI) ZONE

(see also Part 4 and Part 7)

13.1 Permitted Developments

The following uses shall be permitted in the Heavy Industrial (HI) Zone:

- ❖ All *heavy industrial* uses excluding *fish reduction* plants, *fish composting operations*, asphalt processing plants, landfill, food waste composting and demolition debris operations, *scrap yards* and *salvage yards*, sand, gravel, topsoil operations
- ❖ All *light industrial* uses
- ❖ Any commercial use permitted in the MU Zone subject to the requirements of Part 6 and Section 11.5.3 of this By-law.
- ❖ Business *offices* accessory to any main use in the HI Zone
- ❖ Commercial uses accessory to any main use in the HI Zone subject to the requirements of Part 6 and Section 11.5.3 of this By-law.
- ❖ *Dwelling units* (1 only) as an *accessory use* within any main or *accessory building* permitted in the HI Zone, or as a *single detached dwelling*.
- ❖ Indoor and outdoor aquaculture
- ❖ *Service industries*
- ❖ *Warehousing*

13.2 Minimum Lot Area Requirement

Notwithstanding any other requirements of this by-law a minimum *lot area* of two (2) acres is required for *Heavy Industrial* (HI) uses where the *lot* contains an *existing single detached dwelling* or is intended to contain such new *dwelling*.

13.3 Heavy Industrial (LI) Zone Standards

13.3.1 Heavy Industrial uses connecting to central sewer

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.) abutting vacant <i>lot</i> 23 m (75 ft.) abutting residential <i>lot</i>
Minimum <i>Side Yard</i>	6 m (20 ft.) abutting vacant lot 23 m (75 ft.) abutting residential <i>lot</i>
Minimum <i>Lot Area</i>	929 sq. m (10,000 sq. ft.)
Minimum <i>Lot Frontage</i>	30 m (100 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

13.3.2 Heavy Industrial uses connecting to on site sewage systems

Minimum <i>Front Yard</i>	23 m (75 ft.)
Minimum <i>Rear Yard</i>	15 m (50 ft.) 23 m (75 ft.) abutting residential <i>lot</i>
Minimum <i>Side Yard</i>	6 m (20 ft.) abutting vacant <i>lot</i> 23 m (75 ft.) abutting residential <i>lot</i>
Minimum <i>Lot Area</i>	Determined by Dept. of Environment
Minimum <i>Lot Frontage</i>	37 m (121 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

PART 14 - RESIDENTIAL PARK (RP) ZONE

14.1 Permitted Developments

The following uses shall be permitted in the Residential Park (RP) Zone:

- ❖ All residential uses except *land lease communities*
- ❖ All *recreational uses* excluding outdoor rifle ranges
- ❖ *Home occupations* within *dwelling*s (See Section 9.2.11)
- ❖ *Micro Scale WTG*
- ❖ Special Uses

14.2 Reduction of Yards for Buildings Accessory to Residences

Notwithstanding any other *yard* requirements in this By-law, *yard* requirements for *buildings* accessory to residential uses in the RP Zone may be reduced to a minimum of 0.6 m (2 ft.) provided there are no windows or perforations on the side of the *building* which faces the said *lot line* and the minimum rear *yard* may be reduced to a minimum of 3 m (10 ft.).

14.3 Residential Park (RP) Zone Standards

14.3.1 Residential Park uses connecting to Central Sewer Services:

14.3.1.1 Residential uses except *semi-detached dwellings*:

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.) abutting vacant <i>lot</i>
Minimum <i>Side Yard</i>	1.8 m (6 ft.) on one side and 3 m (10 ft.) on the other
Minimum <i>Lot Area</i>	929 sq. m (10,000 sq. ft.)
Minimum <i>Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

14.3.1.2 *Semi-detached dwellings*:

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.) abutting vacant <i>lot</i>
Minimum <i>Side Yard</i>	1.8 m (6 feet) on one side and 3 m (10 ft.) on the other
Minimum <i>Lot Area</i>	929 sq. m (10,000 sq. ft.) per dwelling unit
Minimum <i>Lot Frontage</i>	23 m (75 ft.) per <i>dwelling unit</i>
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

14.3.1.3 Residential Park uses containing three or more *dwelling units*:

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.) abutting vacant <i>lot</i>
Minimum <i>Side Yard</i>	1.8 m (6 feet) on one side and 3 m (10 ft.) on the other
Minimum <i>Lot Area</i>	929 sq. m (10,000 sq. ft.) for the first three <i>dwelling units</i> plus 1,000 sq. ft. for each additional <i>dwelling unit</i>
Minimum <i>Lot Frontage</i>	30 m (100 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

14.3.2 Residential Park uses where connected to on-site sewer services

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	1.8 m (6 ft.) on one side and 3 m (10 ft.) on the other
Minimum <i>Lot Area</i>	Determined by Department of Environment
Minimum <i>Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

PART 15 - BUSINESS PARK (BP) ZONE

15.1 Permitted Developments

The following uses shall be permitted in the Business Park (BP) Zone:

- ❖ All commercial uses
- ❖ All *heavy industrial* uses excluding *fish reduction* plants, *fish composting operations*, asphalt paving plants, landfill, food waste composting, *scrap yards*, and construction and demolition debris operations
- ❖ All *light industrial* uses
- ❖ Business *offices* accessory to any main use permitted in the BP Zone
- ❖ Commercial uses to any main use permitted in the BP Zone
- ❖ Community colleges
- ❖ Emergency services
- ❖ Government *buildings*
- ❖ *Micro Scale WTG*
- ❖ Special Uses on small lots (see Part 10)
- ❖ *Utility* and communication *buildings* and *structures*

15.2 Development Agreements

Development Agreements are required for all *heavy industrial* uses in the Business Park (BP) Zone.

15.3 Public Road Frontage Requirement

A *development permit* shall be issued only where the *lot* or parcel of land intended to be used or upon which the *building* or *structure* is to be *erected* abuts and fronts upon a *public road*.

15.4 Business Park (BP) Zone Standards

Business Park Uses connecting to Central Sewer Services:

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	6 m (20 feet) on both sides
Minimum <i>Lot Area</i>	929 sq. m (10,000 sq. ft.)
Minimum <i>Lot Frontage</i>	23 m (75 ft.)

Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

PART 16 - PUBNICO POINT WIND FARM (WF) ZONE

16.1 Permitted Developments

The following uses shall be permitted in the Pubnico Point Wind Farm (WF) Zone:

- ❖ *Accessory buildings and structures* related to electrical power generation
- ❖ *Large Scale WTG* not exceeding 121 metres in total *height*
- ❖ *Utility* and communication *buildings and structures*
- ❖ Nature trails and conservation related projects
- ❖ Special uses on small lots (see Part 10)

16.2 Pubnico Point Wind Farm (WF) Zone Standards

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 f.t)
Minimum <i>Side Yard</i>	4.5 m (10 ft.) on both sides
Minimum <i>Lot Area</i>	Determined by Dept. of Environment
Minimum <i>Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

16.3 Minimum Separation Distance

Notwithstanding any other requirements in this By-law the minimum separation distance between *WTG* in the Pubnico Point Wind Farm (WF) Zone and any *existing dwelling* in any *zone* shall be 285 m (935 ft.).

PART 17 - GENERAL USE (GU) ZONE

17.1 Permitted Developments

The following uses shall be permitted in the General Use (GU) Zone:

- ❖ All *agricultural* and forestry uses (*agricultural* and forestry *heavy industrial* uses - See Section 17.2) *fur farms* are excluded from GU Zone
- ❖ All residential, *institutional*, recreational, *light industrial* and commercial uses.
- ❖ All *heavy industrial* uses locating on islands not connected to the mainland excluding *fish reduction* plants and *fish composting operations*
- ❖ All *institutional* uses
- ❖ Automobile salvage and salvage uses by *development agreement* subject to the criteria of MPS policy 7.3.1.9
- ❖ Business *offices* accessory to any main industrial use permitted in the GU Zone
- ❖ Commercial uses *accessory* to any main industrial use permitted in the GU Zone
- ❖ *Fraternal centres* and private clubs
- ❖ *Historic Villages*
- ❖ *Large Scale WTG*
- ❖ *Micro Scale WTG*
- ❖ *Private storage buildings*, haul outs and wharfs
- ❖ *Small Scale WTG*
- ❖ Special Uses on small lots (see Part 10)
- ❖ *Utility* and communications *buildings* and *structures*

17.2 Development Agreement Requirements

The following uses shall be permitted in the General Use (GU) Zone by Development Agreement:

Cannabis production and/or processing facilities, all new *heavy industrial* uses, motor vehicle race tracks and drag strips, *Large Scale WTG developments*, automobile *salvage yards* and *scrap yards*.

17.3 Site Plan Approval Requirements

Site Plan Approval is required for *Small Scale WTG* developments.

17.4 Automotive Mechanical Repair Use Requirements

The special requirements of Part 11.3 of this By-law shall apply to automotive mechanical repair uses in the GU Zone.

17.5 Special Variations for Nonconforming Structures related to Light Industrial Uses

Pursuant to the Municipal Government Act the following special variations shall apply:

Any alteration, enlargement or expansion of use in the case of an *existing* nonconforming use or nonconforming *structure* shall be permitted provided said alterations don't further reduce any *yard* which doesn't conform to this By-law, and providing all other provisions of this By-law are satisfied.

Where a nonconforming *building* or *structure* is destroyed by fire or otherwise to the extent of more than 75% of its market value above its foundation, said *building* or *structure* may be reconstructed substantially the same as it was before destruction or damage and may be used for the same purpose or a use permitted in the GU Zone. This clause shall not apply where the *building* or *structure* is demolished.

17.6 Historic Villages - More than One Main Building

More than one *main building* or *structure* shall be permitted on a *lot* used for a *Historic Village* use provided all other provisions of the By-law are satisfied.

17.7 General Use (GU) Zone Standards

17.7.1 All Residential Uses

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.) abutting vacant <i>lot</i>
Minimum <i>Side Yard</i>	1.8 m (6 ft.) on one side and 3 m (10 ft.) on the other 3 m (10 ft.) on both sides for multi-unit and <i>semi-detached</i> uses
Minimum <i>Lot Area</i>	Determined by Department of Environment
Minimum <i>Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

17.7.2 Commercial Uses (See also Part 6)

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	4.5 m (15 ft.) on both sides
Minimum <i>Lot Area</i>	Determined by Dept. of Environment
Minimum <i>Lot Frontage</i>	23 m (75 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

17.7.3 Light Industrial Uses (See also Part 7)

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	6 m (20 ft.) on both sides
Minimum <i>Lot Area</i>	Determined by Dept. of Environment
Minimum <i>Lot Frontage</i>	23 m (75 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

17.7.4 All other uses permitted in the General Use (GU) Zone

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	4.5 m (10 ft.) on both sides
Minimum <i>Lot Area</i>	Determined by Dept. of Environment
Minimum <i>Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

PART 18 - GENERAL USE INDUSTRIAL (GUI) ZONE

(See also Part 7)

18.1 Permitted Developments

The following uses shall be permitted in the General Use Industrial (GUI) Zone:

- ❖ All *heavy industrial* uses excluding *fish reduction* and *fish composting operations*
- ❖ Any commercial use permitted in the GUI Zone subject to the Part 6 and Part 17.7.2 of this By-law
- ❖ Business *offices* accessory to any main use permitted in the GUI Zone
- ❖ Commercial uses accessory to any main uses permitted in the GUI Zone
- ❖ *Dwelling units* as an *accessory use* within any main use permitted in the GUI Zone
- ❖ *Existing dwellings* on the same *lot* as *existing heavy industrial* uses in the GUI Zone
- ❖ Indoor and outdoor aquaculture
- ❖ *Light industrial* uses
- ❖ Special Uses on small lots (see Part 10)

18.2 Screening Requirements for Outdoor Heavy Industrial Uses

Outdoor *heavy industrial* uses including landfill, food waste composting, construction and demolition debris operations, *scrap yards* and *salvage yards*, and sand, gravel, topsoil operations shall be screened by natural landforms, existing or planted vegetation, an opaque fence or a combination of such screening so as not to be visible from the travelling public or abutting residential, *institutional*, commercial or *recreational uses* in any *zone*.

18.3 Special Variations for Nonconforming Structures and uses in the GUI Zone.

Pursuant to the Municipal Government Act the following special variations shall apply:

18.3.1 Nonconforming *buildings* or *structures* containing a use permitted in the GUI Zone are deemed conforming.

18.3.2 Any alteration, enlargement or extension in the case of 18.3.1 shall be permitted provided said changes do not further reduce any *yard* that does not conform to this By-law, and all other provisions of the By-law are satisfied.

18.3.3 Any alteration, enlargement or expansion of use in the case of an *existing* nonconforming use or nonconforming *structure* shall be permitted provided said alterations do not further reduce any *yard* which does not conform to this By-law, and providing all other provisions of this By-law are satisfied. Where a nonconforming *building* or *structure* is destroyed by fire or otherwise to the extent of more than 75% of its market value above its foundation, said *building* or *structure* may be reconstructed substantially the same as it was before destruction or damage and may be used for the same purpose or a use permitted in the GU Zone. This clause shall not apply where the *building* or *structure* is demolished.

18.4 General Use Industrial (GUI) Zone Standards

Minimum <i>Front Yard</i>	23 m (75 ft.)
Minimum <i>Rear Yard</i>	15 m (50 ft.)
	23 m (75 ft.) abutting residential <i>lot</i>
Minimum <i>Side Yard</i>	6 m (20 ft.) abutting vacant <i>lot</i>
	23 m (75 ft.) abutting residential <i>lot</i>

PART 19 - VILLAGE (V) ZONE

19.1 Permitted Developments

The following uses shall be permitted in the Village (V) Zone:

- ❖ All *agricultural* and forestry *uses* (agricultural and forestry *heavy industrial* uses - See Section 19.2) *fur farms* are excluded from V Zone
- ❖ All residential, *institutional*, recreational, commercial and *light industrial* uses
- ❖ Automobile *salvage yards* by *development agreement* subject to the criteria in *Strategy* policy 7.3.1.8
- ❖ *Dwelling units* as *accessory uses* within any main commercial or *light industrial* use permitted in the V Zone.
- ❖ *Fraternal Centres* and private clubs
- ❖ *Historic Villages*
- ❖ *Micro Scale WTG*
- ❖ *Private storage buildings*, haulouts and wharfs
- ❖ *Small Scale WTG*
- ❖ Special Uses on small lots (see Part 10)
- ❖ *Utility* and communication *buildings* and *structures*

19.2 Heavy Industrial Uses Requirements

All *heavy industrial* uses in the V Zone shall require a *development agreement* and shall be subject to the requirements of Part 7 of this By-law and policies 18.2.8 and 18.3 of the Municipal Planning Strategy.

19.2 Automobile Salvage Yard Requirement

Automobile *salvage yards* shall be permitted in the V Zone by *development agreement* subject to the criteria of policies 7.3.1.9, 18.2.8 and 18.3 of the Municipal Planning Strategy.

19.3 Automotive Mechanical Repair Use Requirements

The special requirements of Part 11.3 of this By-law shall apply to automotive mechanical repair uses in the V Zone.

19.4 Village (V) Zone Standards

19.4.1 All Residential Uses

Minimum <i>Front Yard</i>	7.6 m (25 f.t)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.) abutting vacant <i>lot</i>
Minimum <i>Side Yard</i>	1.8 m (6 ft.) on one side and 3 m (10 ft.) on the other 3 m (10 ft.) on both sides for multi-unit and semi-detached uses
Minimum <i>Lot Area</i>	Determined by Department of Environment
Minimum <i>Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

19.4.2 All Commercial and *Light Industrial* Uses

Minimum <i>Front Yard</i>	7.6 m (25 f.t)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	4.5 m (15 ft.) on both sides
Minimum <i>Lot Area</i>	Determined by Dept. of Environment
Minimum <i>Lot Frontage</i>	23 m (75 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

19.4.3 All other uses permitted in the Village (V) Zone

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	4.5 m (10 ft.) on both sides
Minimum <i>Lot Area</i>	Determined by Dept. of Environment
<i>Minimum Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

PART 20 - FLOODPLAIN (FP) ZONE

In accordance with Municipal Planning *Strategy* Policies 11.1.6 and 11.1.7 the Floodplain (FP) Zone is an area within the Village (V) Zone in Quinan which was identified in the Municipality of Argyle Integrated Community Sustainability Plan of March 9, 2010 as an area susceptible to flooding. Within the FP Zone multiple unit dwelling will not be a permitted use.

20.1 Permitted Developments

The following uses shall be permitted in the Floodplain (FP) Zone:

- ❖ All uses permitted in the V Zone subject to the V Zone standards excepting multiple unit *dwelling*s

PART 21 - RURAL DEVELOPMENT (RD) ZONE

21.1 Permitted Uses

The following uses shall be permitted in the Rural Development (RD) Zone:

- ❖ All *agricultural* and forestry *uses* (See Section 21.2)
- ❖ All residential, *institutional*, recreational, *historic villages*, commercial, industrial, agricultural, forestry uses excluding motor vehicle race tracks and drag strips
- ❖ *Dwelling units* as an *accessory use* within any main commercial or industrial use permitted in the RD Zone
- ❖ *Fraternal centres* and private clubs
- ❖ *Micro Scale WTG*
- ❖ *Private storage buildings*, haulouts and wharfs
- ❖ *Small Scale WTG*

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- ❖ Special Uses on small lots (see Part 10)
- ❖ *Utility* and communications *buildings* and *structures*

21.2 Development Agreement Requirements

The following uses in the Rural Development (RD) Zone require *Development Agreements* in accordance with MPS policies 6.3.4, 18.2.8 and 18.3

- ❖ *Cannabis production and/or processing facilities*
- ❖ *New fur farms*
- ❖ Motor vehicle race tracks and drag strips
- ❖ *Fish composting operations*
- ❖ *Fish reduction operations*
- ❖ *Large Scale WTG and Wind Farms*

21.3 Rural Development (RD) Zone Standards

21.3.1 All residential uses

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	1.8 m (6 ft.) on one side and 3 m (10 ft.) on the other 3 m (10 ft.) on both sides for multi-unit and semi-detached uses
Minimum <i>Lot Area</i>	Determined by Department of Environment
Minimum <i>Lot Frontage</i>	6 m (20 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

21.3.2 All Commercial and *Light Industrial* Uses (See also Part 6 and Part 7)

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	4.5 m (15 ft.) on both sides
Minimum <i>Lot Area</i>	Determined by Dept. of Environment
Minimum <i>Lot Frontage</i>	23 m (75 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

21.3.3 All *Heavy Industrial* uses (See also Part 7)

Minimum <i>Front Yard</i>	23 m (75 ft.)
Minimum <i>Rear Yard</i>	15 m (50 ft.) 23 m (75 ft.) abutting residential lot
Minimum <i>Side Yard</i>	6 m (20 ft.) abutting vacant lot 23 m (75 ft.) abutting residential lot
Minimum <i>Lot Area</i>	Determined by Dept. of Environment

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<i>Minimum Lot Frontage</i>	37 m (121 ft.)
<i>Minimum Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

21.3.4 All other uses

<i>Minimum Front Yard</i>	7.6 m (25 ft.)
<i>Minimum Rear Yard</i>	7.6 m (25 ft.)
<i>Minimum Side Yard</i>	4.5 m (10 ft.) on both sides
<i>Minimum Lot Area</i>	Determined by Dept. of Environment
<i>Minimum Lot Frontage</i>	6 m (20 ft.)
<i>Minimum Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

21.4 Small Scale Wind Turbine Generation development requirements

Small Scale WTG development shall be by *Site Plan Approval* in accordance with Municipal Planning *Strategy* policies 17.4.5 and 17.4.9.

21.5 Special Requirements for New Fur Farm Operations

In addition to the requirements for *development agreements* in accordance with Municipal Planning *Strategy* policies 18.2.8 and 18.3, *development agreements* for new *fur farms* shall also adhere to the provisions outlined in Municipal Planning *Strategy* policy 16.1.

PART 22 - MARINE INDUSTRIAL (MI) ZONE

22.1 Permitted Developments

The following uses shall be permitted in the Marine Industrial (MI) Zone:

- ❖ Any *fish processing*, freezing, weighing and grading or *warehousing* operation excluding *fish composting* and *fish reduction* operations
- ❖ Boat building and repair shops
- ❖ Boat haulouts and wharfs
- ❖ Boat tour operations
- ❖ Bulk petroleum storage
- ❖ Business *offices* accessory to any main use permitted in the MI Zone
- ❖ Commercial uses accessory to any main use permitted in the MI Zone
- ❖ *Dwelling units* as an *accessory use* within any main use permitted in the MI Zone
- ❖ Fishery and marine related equipment storage *buildings*, museums and *service industries*
- ❖ Fishers clubs
- ❖ Federal and Provincial government fisheries *buildings* and *structures*
- ❖ Indoor and outdoor aquaculture operations
- ❖ Lobster pounds and lobster tank operations
- ❖ Marinas
- ❖ Marine railway facilities
- ❖ Marine Transportation facilities
- ❖ *Micro Scale WTG*
- ❖ Outdoor storage of fishing gear and equipment
- ❖ *Parking lots*
- ❖ Recreational boat sales, service and rentals
- ❖ Restaurants
- ❖ Retail and wholesale sport fishing equipment and supplies
- ❖ *Sea cucumber processing plants*
- ❖ *Small Scale WTG*
- ❖ Special Uses on small lots (see Part 10)
- ❖ Sport fishing outfitters
- ❖ *Utility* and communications *buildings* and *structures*

22.2 Coastal Flooding - Environmental Safety - MCCAP

Owners and operators of Marine Industrial properties and Harbour Authorities can reference Schedule A and Schedule B in the Municipal Climate Change Action Plan (MCCAP) which provide mapping showing those areas in the *Municipality* which have been or could be susceptible to coastal flooding during storm surge weather events. Potential risks to infrastructure and the coastal environment, especially where petroleum products and/or chemical products are present could warrant removal of vulnerable infrastructure in advance of storm events.

22.3 Marine Industrial (MI) Zone Standards

22.3.1 Zone Standards respecting MI Uses on Leased Land

Where permitted uses are developed on leased land within the MI Zone, and where the leased subject land abuts similar leased lands the following applies: all *building* setbacks, *yard* areas and other building *structure* standards shall not be determined by this By-law, however all other Provincial and Federal statutes and regulations which address *building* and *structure* positions relative to property lines and other *buildings* and *structures* shall prevail. This waiver from By-law requirements also includes areas of open storage on the subject *lot*.

22.3.2 Zone Standards respecting other MI Uses

Where permitted *heavy industrial* uses are developed on lands in the MI Zone where the subject lands abut privately owned land and/or the boundary of a *zone* other than MI, the following Zone Standards shall apply:

Minimum <i>Front Yard</i>	23 m (75 ft.)
Minimum <i>Rear Yard</i>	15 m (50 ft.) 23 m (75 ft.) abutting residential <i>lot</i>
Minimum <i>Side Yard</i>	6 m (20 ft.) abutting vacant lot 23 m (75 ft.) abutting residential <i>lot</i>
Minimum <i>Lot Area</i>	Determined by Dept. of Environment
Minimum <i>Lot Frontage</i>	37 m (121 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

22.3.3 Zone Standards respecting all other MI Uses

Where all other permitted uses excluding *heavy industrial* uses are developed on lands in the MI Zone where the subject lands abut the boundary of a *zone* other than MI, the following Zone Standards shall apply:

Minimum <i>Front Yard</i>	7.6 m (25 ft.)
Minimum <i>Rear Yard</i>	7.6 m (25 ft.)
Minimum <i>Side Yard</i>	4.5 m (15 ft.) on both sides
Minimum <i>Lot Area</i>	Determined by Dept. of Environment
Minimum <i>Lot Frontage</i>	23 m (75 ft.)
Minimum <i>Flanking Yard</i>	7.6 m (25 ft.)
Parking	See Part 5.1

PART 23 - COASTAL WETLANDS (CW) ZONE

23.1 Permitted Developments

The following uses shall be permitted in the Coastal Wetlands (CW) Zone:

- ❖ Conservation related projects
- ❖ Private haulouts and wharfs
- ❖ Public parks and nature trails

PART 24 - WELLHEAD PROTECTION (WP) ZONE

24.1 Permitted Developments

The following uses shall be permitted in the Wellhead Protection (WP) Zone:

- ❖ Any permitted use in the GU Zone subject to the GU Zone provisions excepting:
 - *Agriculture* or forestry *uses* involving the use of herbicides or pesticides
 - Manure storage facilities
 - Bulk petroleum storage facilities
 - Hazardous waste storage facilities
 - Sewage lagoons
 - Pits and Quarries

- Landfills
- Commercial or industrial uses involving processes or storage or use of equipment using petroleum products or hazardous chemicals (e.g. dry cleaners, photo labs, machine shops, furniture strippers)

24.2 Excavation and Construction in WP Zone

During any excavation or construction project undertaken within the WP Zone the owners or contractors shall employ adequate sedimentation retention measures to prevent any contamination of the wells.

PART 25 - DEFINITIONS

In this By-law, all words shall carry their customary meaning except for those defined in this Part.

1. **Accessory Building** means a subordinate *building* or *structure* on the same *lot* as the *main building* devoted exclusively to an *accessory use*.
2. **Accessory Use** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or *buildings* and located on the same *lot*.
3. **Act** means the **Municipal Government Act**, Chapter 18 of the statutes of Nova Scotia, 1998 and amendments thereto.
4. **Agricultural Use** means the use of land and *buildings* for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture and animal and poultry husbandry and the necessary *accessory uses* for packing, storing or treating the produce, including the marketing of agricultural products on the farm property at an accessory farm sales outlet. *Cannabis Production and/or Processing Facilities* for cannabis are not included in the definition of Agricultural Use.
5. **Alter** means any change in the structural component of a *building*, or any increase in the volume of a *building* or *structure*.
6. **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 of motor vehicles and may include an automobile carwash or convenience store, or both.
7. **Basement or Cellar** means that portion of a *building* below the ground floor which is all or partly underground and which has at least 1/2 its *height* from ground floor to the first floor joists above *established grade*.
- Bed and Breakfast** [see # 39 **Guest Home**)]
8. **Boarding or Rooming House** means a *dwelling* in which the proprietor supplies either room or room and board for compensation for more than 2 but not more than 10 residents inclusive of the lessee or owner and family and which is not open to the general public.
9. **Building** means any *structure* whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment and includes any awning, bin, bunk, platform, vessel or vehicle used for any of the said purposes.
10. **Building Line** means any line regulating the position of a *building* or *structure* on a *lot*.

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11. **Camp** means a land and *building* complex designed or used for group sport, recreational or cultural activities which may have facilities for sleeping and the preparation and serving of food, operated on a temporary or seasonal basis by a church, service club, YMCA, youth club such as the Girl Guides and Scouts and organizations of a similar nature.
12. **Cannabis Production and/or Processing Facility** means a facility which is licensed by the Government of Canada where cannabis products are grown and/or produced or processed or stored for medical or recreational use.
13. **Clinic** means a *building* or part of a *building* used for the medical, dental, surgical or medical treatment of human beings, but does not include a public or private hospital or a professional *office* of a doctor located in his/her residence.
14. **Commercial Building** means a *building* from which one or more businesses are carried on.
15. **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*.
16. **Development Permit** is a permit required by this by-law prior to undertaking any *development* regulated by the By-law.
17. **Development Agreement** means an agreement made pursuant to the provisions of the **Act**, the Argyle Municipal Planning *Strategy* and this By-law.
18. **Development Officer** means the Municipal employee appointed by the *Municipality* in accordance with the **Act** and charged with the duty of administering the provisions of this By-law.
19. **Domestic and Household Arts** includes arts and crafts, dressmaking, tailoring, hairdressing and barbershop, beauty salon, catering service, instruction in music, dancing, fitness, art, craft, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects, toys and similar uses to the foregoing.
20. **Driveway** means a vehicular passageway having at least one end thereof connected to a *public* or *private road*, and providing ingress to and/or egress from a *lot* that abuts and fronts upon such roads or is landlocked.
21. **Duplex** means a *building* on a single *lot* that is divided vertically into 2 *dwelling units* each of which has an independent entrance.
22. **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 *travel trailer*, recreational vehicle, *motor home*, school bus or trailer otherwise designed.

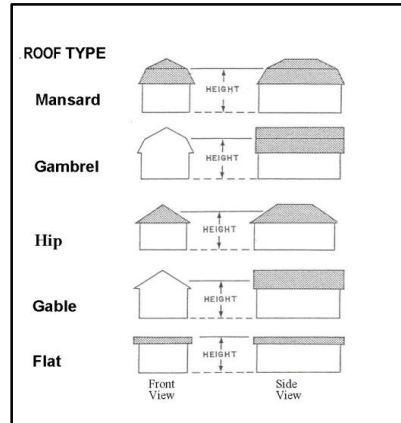
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23. **Dwelling, Group** means 2 or more *dwelling units* which are contained within 2 or more *buildings* located on a *lot* under one ownership but shall not include a *land lease community*.
24. **Dwelling, Mobile Home or Mini Home** means a vehicular portable *single detached dwelling* build in compliance to the Canadian Standards Association (CSA) Z240 set of standards and for the purpose of this By-law shall include any *mobile home* which was not built to the aforementioned standards but shall not include a *travel trailer*, recreational vehicle, school bus, *motor home* or trailer otherwise designed.
25. **Dwelling, Semi-Detached** means a *building* that is divided vertically into 2 *dwelling units* each of which has an independent entrance. Individual *dwelling units* within *semi-detached dwellings* are divided by a property line between the units and are separate real estate entities.
26. **Dwelling, Single Detached** means a completely detached *dwelling unit* and shall include a cabin, cottage or seasonal *dwelling*.
27. **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*.
28. **Erect** means to build, construct, reconstruct, *alter* or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining, or structurally altering any *existing building* or *structure* by any addition, deletion, enlargement or extension.
29. **Established Grade** means with reference to a *building*, the average elevation of the finished surface of the ground where it meets the exterior of the front of such *building* exclusive of any artificial embankment or entrenchment or when used with reference to a *structure* which is not a *building* shall mean the average elevation of the finished grade of the ground immediately surrounding such *structures* exclusive of any artificial embankment or entrenchment.
30. **Existing** means legally existing as of the effective date of this By-law.
31. **Fish Composting Operation** means any operation conducted in a *building* or part of a *building* or the use of land where fish offal, whole or parts of fish, fish by-products or any combination thereof is mixed with other organic material to produce a compost but does not include a *fish reduction* plant.
32. **Fish Processing** means any operation where fish or shellfish or fish or shellfish products are used or stored on a site in any manner or function.

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33. **Fish Reduction Plant** means a *building* or part of a *building* where fish offal, whole or parts of fish or any combination thereof is rendered into fish meal, fertilizers, a slurry or other by-product but does not include a *fish composting operation*.
34. **Floor Area, Net Commercial** means the total *floor area* within a *building* used for commercial purposes but excludes washrooms, furnace and utility rooms and common malls between stores.
35. **Floor Area, Dwelling** means the total *floor area* contained within the outside walls of a *building* excluding any private garage, porch, verandah, sunroom, unfinished attic or *basement* and *cellar* or other room not habitable at all seasons of the year.
36. **Floor Area, Dwelling Unit** where more than one *dwelling unit* is contained within a *building*, means the maximum *floor area* contained within the finished wall surfaces of an individual *dwelling unit*, excluding closets, built-in cabinets and storage areas, and balconies.
37. **Floor Area, Home Occupation** means the total *floor area* above or below grade within the outside walls of a *dwelling* and/or an *accessory building* used for said purpose.
38. **Fraternal Centre** means a *building* or part of a *building* used as a meeting place for members of an organization and, without limiting the generality of the foregoing, may include the Legion, Lions Club, Kiwanis, Knights of Columbus, Independent Order of Odd Fellows, Women's Institute, Freemasons, Imperial Order Daughters of the Empire, a labour union hall and fishers clubs.
39. **Fur Farm** means any operation where one or more males and females of any fur bearing animal species, unless such are neutered or spayed, are confined to an enclosed *structure* for feeding, breeding or holding for production purposes or for pelts or for future sale.
40. **Guest Home or Bed and Breakfast Establishment** means a *dwelling* in where the proprietor supplies either room or room and board for compensation on a temporary basis and which is open to the travelling public.
41. **Height** means the vertical distance of a *building* or *structure* between the *established grade* and
- a) the highest point of any part of the *structure* or the roof surface or the parapet, whichever is the greater, of a flat roof;
 - b) the deck line of a mansard roof; or
 - c) the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical operation of the *building*, a mechanical penthouse, chimney, tower, cupola or steeple.

Figure 2 Building Height



This illustration is for reference only, and does not form part of this By-Law

42. **Historic Village** means the use of lands, *buildings* and *structures* arranged and developed as a village setting for the purpose of promoting, preserving and displaying culture and heritage and may include a visitor centre; historic *buildings* and *structures* or their reproductions; commercial uses; historic agricultural and fishery uses and activities; places of indoor or outdoor entertainment, recreation and assembly, arts and crafts production and demonstration, walkways; guided tours; and uses and activities of a similar nature which is open to the general public and which is owned and operated by a society registered pursuant to the Society's Act of Nova Scotia.
43. **Homes for Special Care** means a *building* or part of a *building* wherein care, supervision and programs are provided to persons who are physically, mentally or socially handicapped and without limiting the generality of the foregoing, shall include homes for the aged, licensed nursing homes, residential care facilities, regional rehabilitation centres, adult residential centres, community based residential facilities or facilities of a similar nature as may be defined by the Nova Scotia Homes for Special Care Act or other Provincial statute.
44. **Home Occupation** means an *accessory use* of a *dwelling* or an *accessory building* thereof for gainful employment and shall include either any commercial use, business or professional *offices*, *domestic and household arts* or those light and *heavy industrial* uses listed in Part 9 of this By-law.
45. **Hotel or Motel** means a *building* or *buildings* or part thereof used to accommodate the

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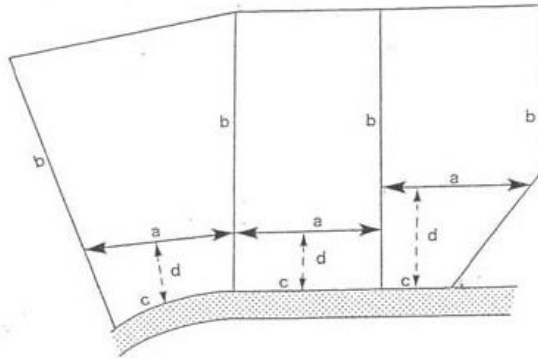
travelling public for compensation by supplying them with sleeping accommodation with or without meals but without private cooking facilities.

46. **Industry, Heavy** means a use engaged in the basic process and manufacture of material or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions and includes but not necessarily limited to abattoirs; aggregate related industries; agricultural related industries; asphalt processing plants; bulk chemical storage; bulk fuel storage; concrete component manufacturing; fertilizer production, mixing and blending; fishing and marine related industries such as *fish processing plants, fish reduction plants, fish composting operations*, marine plant processing operations, boat building and repair shops; sawmills, planer mills, *scrap yards, salvage yards*; landfill, food waste composting, construction and demolition debris operations; welding and/or machine shops; and uses similar to the foregoing.
47. **Industry, Light** means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products and includes but not necessarily limited to *building* and construction contractors; building supplies and equipment sales; cold storage facilities, bait freezers; commercial greenhouses, heavy equipment storage and maintenance; *recycling depots, service industries*; transportation and trucking; warehousing; wholesale distribution and sales; lobster pounds; fish farms; marine plant farms; and uses similar to the foregoing but does not include a welding and/or machine shop.
48. **Institutional Use** means a *building* or part of a building used as an auditorium, church and other religious institution including cemeteries; public art galleries, community centres, government *buildings* (federal, provincial and municipal excluding provincial liquor stores), hospitals, libraries, museums, *homes for special care*, schools, sports complex, post offices, emergency services and uses of a similar nature.
49. **Kennel** means a *building or structure* where four or more dogs over the age of six months are kept, bred, boarded or trained, and may also include breeding and boarding facilities for cats, and pet grooming, but shall not include a veterinary *clinic* or the retail sale of pet supplies.
50. **Land Lease Community** means a *lot* or area of land on which spaces are provided for 2 or more *dwellings* and includes any service *building* and service uses as part of the equipment of the *mobile home* parks but does not include a *travel trailer* park, campground or *group dwellings*.
51. **Loading Space** means an area of land provided and maintained upon the same *lot* or *lots* upon which the main use is located and which area:

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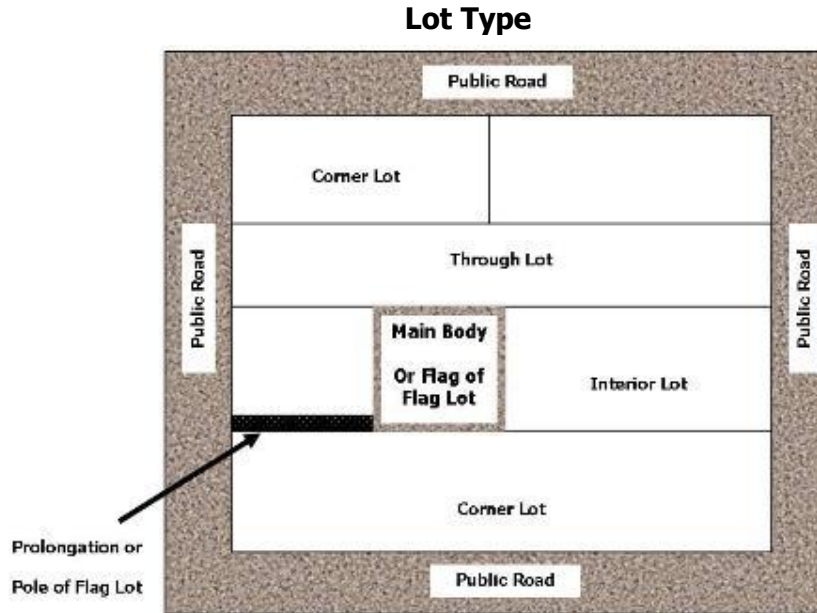
- a) is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;
 - b) does not include any portion of a *public or private road right-of-way*;
 - c) has adequate access to permit ingress and egress by means of *driveways*, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.
52. **Lot** means a parcel of land described in a deed or as shown on a registered plan of subdivision.
53. **Lot Area** means the total horizontal area within the *lot* lines of a *lot*.
54. **Lot Depth** means the horizontal distance between the *front* and *rear lot lines*, where these *lot lines* are not parallel, the *lot* depth shall be the length of a line joining the mid-points of the front and *rear lot lines*.
55. **Lot Frontage** means:
- a) the length of a straight line (a) measured between the *side lot lines* (b) which is, as close as practicable, parallel to the *front lot line* (c) and which is at a depth equal to or greater than the minimum required *front yard* (d); and
 - b) where there is a curve in the road, straight line (a) shall be measured between points on the *side lot lines* (b) which points are at a depth equal to or greater than the minimum required *front yard* (d) and, in no case, shall any point along line (a) be less than the minimum required *front yard* (d).
 - c) in the case of an *existing* undersized *lot*, the length of straight line (a) shall be measured, as close as practicable, to the minimum required *lot frontage* as determined by clause (a) or (b) except:
 - i) where straight line (a) is equal in length at every point between the *lot*, the depth of straight line (a) need be no greater than the minimum required *front yard* (d); or
 - ii) where the depth of the *front yard* as determined by straight line (a) would not permit *development*, the depth of straight line (a) may be reduced to the extent necessary and practical to permit the *development*. In no case shall the depth be less than the minimum required *front yard*.

Figure 3 - Lot Frontage



56. **Lot, Corner** means a *lot* situated at the intersection of and abutting on two or more public roads, *private roads*, or any combination thereof. The shorter *lot* line shall be deemed the *front lot line* of the said *lot*.
57. **Lot, Flag or Minimum Lot Frontage** means a *lot* which generally resembles a flag on a pole where the pole, a narrow prolongation to serve as an access corridor extending from a *public road* or *private road* to the flag or main body of the *lot* which is generally located at the rear of another *lot*.
58. **Lot, Interior** means a *lot* situated between two *lots* and having access to one *public road, private road, or right-of-way*.
59. **Lot, Island or Waterfront** means a *lot* which does not abut or have access to a *public road, private road, or right-of-way*.
60. **Lot, Through** means a *lot* bounded on two opposite sides by a *public road* or *private road* provided, however, that if any *lot* qualifies as being both *corner lot* and a *through lot* as herein before defined, such *lot* shall be deemed to be a *corner lot* for the purpose of this By-law.

Figure 4



This illustration is for reference only, and does not form part of

61. **Lot Line** means a boundary line of a *lot*.
62. **Lot Line, Flanking** means a *side lot line* which abuts the *public road, private road* on a *corner lot*.
63. **Lot Line, Front** means the line dividing the *lot* from a *public road, private road* measured between the *side lot lines*. Where a *lot* is landlocked and served by a *right-of-way* or *driveway*, any one boundary line may serve as a *front lot line*.
 - a) in the case of a *corner lot*, the shorter boundary line abutting a *public road, private road* shall be deemed the *front lot line* and the longer boundary line shall be deemed the *flanking lot line* and where such *lot lines* are of equal length, the *front lot line* shall be either of the *lot lines*.
 - b) in the case of a *through lot*, any boundary line dividing the *lot* from a *public road, private road* shall be deemed the *front lot line*.
64. **Lot Line, Rear** means the *lot line* furthest from or opposite to the *front lot line*.
65. **Lot Line, Side** means a *lot line* other than a *front* or *rear lot line*.
66. **Main Building** means any *building* in which is carried on the principal purpose for which the *lot* is used.

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67. **Main Wall** means the exterior front, side or rear wall of a *building*, and all structural members essential to the support of a full or partially enclosed space or roof.
68. **Motor Home** means a recreational vehicle, having its own motive power, and designed to be driven on public streets and highways and which may be placed on a site for a temporary period.
69. **Municipality** shall mean the Municipality of the District of Argyle.
70. **Nursery, Commercial Day** means a *building* or part of a *building*, where preschool-aged children are cared for, without providing overnight accommodation, operated with a view toward financial profit and possibly employing persons; but does not include a *day nursery*.
71. **Nursery, Day** means that portion of a residence wherein the owner or occupier of the residence or an *institutional use* such as a church, church hall or community hall provides accommodation to 3 or more preschool-aged children, without providing overnight accommodation, but does not include a *commercial day nursery*.
72. **Office** means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.
73. **Outdoor Commercial Display** means an area of land where goods are displayed and which are available for sale to the general public from a retail outlet located on the same *lot*.
74. **Parking Lot** means an open area of land other than a street or an area within a *structure* for the parking of motor vehicles.
75. **Parking Space** means an area of land for the temporary parking of motor vehicles exclusive of *driveways*, aisles or manoeuvring areas.
76. **Pelting Operation** means the use of a *building* or part of a *building* where fur bearing animal carcasses from off-site locations are delivered and processed by skinning the pelts from the carcasses and the fleshing, degreasing, stretching, drying, sizing, grading, and storing the pelts for shipment but does not include a *pelting operation* on a *fur farm*.
77. **Personal Service Shop** means a *building* or part of a *building* in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and includes barber shops, beauty salons, automatic laundry shops, hairdressing shops, shoe repair shops and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.
78. **Piggery** means an operation where 12 or more pigs are confined within an enclosed *structure* for feeding, breeding or holding for production purposes or for future sale.

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79. **Private Recreational Club** means a *building* or part of a *building* or an area of land used as a meeting place for members of an organization and, without limiting the generality of the foregoing, may include a curling club, golf club, tennis club, yacht club, lawn bowling club, rod and gun club, antique automobile club and a health fitness club and uses of a similar nature.
80. **Private Road** means any road which is not public shown on a plan of subdivision which:
- a) extends to and has access to a *public road* and where not totally located within the area of land being subdivided, the *private road* shall have an easement for *right-of-way* and access which has been clearly granted by deed, registered in the Registry of Deeds for the County of Yarmouth; and
 - b) includes any *private road* shown on an approved plan of subdivision prior to the first day of August, 1987 and filed in the Registry of Deeds;
81. **Private Storage Building** means an enclosed or partially enclosed *structure* for the storage of boats, vehicles, other equipment and materials in which no business, occupation or service is conducted for profit.
82. **Public Garage** means a *building* or place other than a private garage where motor vehicles are kept or stored for remuneration or repair, or a *building* or place used as a motor vehicle repair shop which does not include any automatic car washing establishment, a motor vehicle sales establishment or an *automobile service station*.
83. **Public Road** includes any road owned and maintained by the *Municipality* or the Province; and
- a) municipal *public road* means any road owned and maintained by the *Municipality*;
 - b) provincial *public road* means any road owned and maintained by the Department of Transportation and Infrastructure Renewal excluding designated controlled access highways pursuant to Section 20 of the **Public Highways Act**.
84. **Recreational Use** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day *camps*, community centres and similar uses but does not include a track for the racing of animals, a motor vehicle race track or drag strip.
85. **Recycling Depot** means premises on which recoverable materials such as newspaper, glassware, metal cans and plastics are separated prior to shipment but does not include any processing of the material or a *salvage yard*.
86. **Restaurant** means a *building* or part thereof where food and/or drink is served to the public for consumption entirely within the *building*. This includes establishments licensed by the Alcohol, Gaming, Fuel and Tobacco Division of Service Nova Scotia.

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87. **Restaurant, Drive-In** means a *building* where food and drink is served to the public for consumption in parking areas appurtenant to the *building* whether or not facilities are provided for consumption within the *building*.
88. **Retail Store** means a *building* or part thereof in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value.
89. **Right-of-way** means an easement for access extending to and having access to a *public or private road* or *water frontage* but does not include a *driveway* outside a *right-of-way*.
90. **Salvage Yard** means an area of land or *lot* including any *building* or *structure* used for the receipt, storage, sale, resale and processing of waste or surplus automobiles, transportation vehicles or industrial equipment, including any parts or pieces that have been removed but does not include a *scrap yard* or *recycling depot*.
91. **Sand, Gravel, Topsoil Operation** means a use engaged in the processing and storage of sand, gravel, and topsoil for a period greater than 6 consecutive months and which sand, gravel and topsoil is obtained on-site or brought to the site from an off-site location.
92. **Scrap Yard** means a *lot* or premises for the storage or handling of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, tires, metal or other scrap material but does not include a *salvage yard* or *recycling depot*.
93. **Sea Cucumber Processing Plant** means a *building* or part thereof wherein sea cucumbers are processed in any one or more ways including skinning and cleaning; the ing and/or drying of their skins; the preparation for the freezing of their raw meats and; the weighing, packaging and storing of said products for future sale to the wholesale or retail markets but does not include any method of processing sea cucumber for any other products which includes but not limited to their oil or proteins.
94. **Service Industries** includes the processing of milk and dairy products, a bakery, a *public garage* including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a paint shop, plumbing shop, sheet metal shop and similar uses but does not include a welding and/or machine shop.
95. **Service Shop** means a *building* or part thereof used for the sale or repair of household articles and may include radio, television and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.
96. **Shopping Centre** means a *development* used or intended to be used primarily for the purpose of retail trade and resulting or intended to result in a total of 50,000 square feet or more of:
- a) new retail floor space, or

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- b) new and *existing* related floor space where the new floor space exceeds 10,000 square feet, including common areas and related *office* and *warehouse* space, but excluding parking areas.
97. **Site-Plan Approval** means an approval issued by the *Development Officer* authorizing *development* in accordance with the provisions for *site-plan approvals* in the Municipal Planning Strategy, Land Use By-law and Municipal Government Act.
98. **Specialized Farm Residential Dwelling** means any *dwelling* directly related to the management and/or operation of a *fur farm* and/or *piggery* operation and/or designated to accommodate the farm owner and family or any employees of the farm owner and their families.
99. **Storey** means that portion of a *building* between any floor and the floor, ceiling, or roof next above, provided that any portion of a *building* partly below grade level shall not be deemed a *storey* unless its ceiling is at least 6 feet above grade. Any portion of a *storey* exceeding 14 feet in *height* shall be deemed an additional *storey* for each 14 feet or fraction thereof.
100. **Storey, Half** means the portion of a *building* located wholly or partly within a sloping roof having a floor area of not less than one-third or more than two-thirds of the floor area of the *storey* next below, sidewalls not less than 4 feet in *height* and a ceiling with a minimum *height* of 7 ½ feet over an area equal to at least 50 percent of its floor area.
101. **Strategy** means the Municipal Planning Strategy of the Municipality of the District of Argyle.
102. **Street Line** means the boundary line of a *public road* or *private road*.
103. **Strip Mall or Plaza** means a group of commercial uses which have been designed and developed as a continuous unit, and characterized by shared parking and by the absence of a common interior walkway.
104. **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*.
105. **Tourist Cabin** means a *building* used to accommodate the travelling public for gain or profit with or without separate kitchen facilities and having separate entrance from outside the *building* but does not include a *travel trailer*.
106. **Tourist Establishment** means a *building* or *buildings*, *structures* or use of land which is used to accommodate the travelling public for gain or profit and shall include a *hotel*, *motel*, *guest home*, resort, *tourist cabin*, hostel, campground, inn and *travel trailer park*.

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107. **Travel Trailer** means a trailer that is used or intended to be used for short term or seasonal occupancy and is or is intended to be located or parked on a site for a temporary or seasonal period.
108. **Travel Trailer Park** means an establishment comprising land or premises under single ownership used or intended to be used for the parking of *travel trailers* on a temporary or seasonal basis, such as for a day, a week or for a season.
109. **Utility** means any public or private system, work, plant, equipment or services which furnishes services at approved rates to or for the use of the general public.
110. **Warehouse** means a *building* used for the storage, wholesaling and distribution of goods and materials but shall not include a *retail store*.
111. **Water Frontage** means the distance measured as a straight line, between the two points where the *side lot lines* of a *lot* meet a watercourse.
112. **Wind turbine generator (WTG)** means a *structure* designed to convert wind energy into mechanical or electrical energy.
- 112.1 **Large Scale WTG** means a *wind turbine generator* greater than 60 metres in *total height*.
- 112.2 **Small Scale WTG** means a *wind turbine generator* less than 60 metres in *total height* and greater than 10 kw in nameplate generating capacity.
- 112.3 **Micro Scale WTG** means a *wind turbine generator* less than 10 kw in nameplate generating capacity and less than 20 metres in *total height*.
- 112.4 **Blade** means an element of a *WTG rotor* which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.
- 112.5 **Blade Clearance** means, in reference to a *horizontal axis rotor*, the distance from grade to the bottom of the *rotor's arc*.
- 112.6 **Horizontal Axis Rotor** means a wind energy conversion system, typical of conventional or traditional windmills.
- 112.7 **Rotor's Arc** means the largest circumferential path travelled by a *WTG blade*.
- 112.8 **Total Height** means the *height* from grade to the highest vertical extension of a *WTG*. In the case of *WTG* with a *horizontal axis rotor*, *total height* includes the distance from grade to the top of the *tower*, plus the distance from the top of the *tower* to the highest point of the *rotor's arc*.
- 112.9 **Tower** means the *structure* which supports the rotor above grade.
- 112.10 **Vertical Axis Rotor** means a wind energy conversion system where the rotor is

mounted on an axis perpendicular to the earth's surface.

- 112.11 **Wind Farm or Wind Park** means more than one *WTG* located on a *lot*.
113. **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.
114. **Yard, Flanking** means the *side yard* of a *corner lot* which *side yard* extends from the *front yard* to the *rear yard* between the *flanking lot line* and the nearest *main wall* of any *main building* or *structure*.
115. **Yard, Front** means a *yard* extending across the full width of a *lot* between the *front lot line* and the nearest wall of any *main building* or structure on the *lot*; and "minimum" *front yard* means the minimum depth or such greater depth required by this By-law of a *front yard* on a *lot* at which the minimum *lot frontage* requirement is met between the *front lot line* and the nearest *main wall* of any *main building* or *structure* on the *lot*. Any one boundary line of a *lot* which is landlocked and served by a *right-of-way* or *driveway* may serve as a *front lot line* for the purpose of calculating the minimum *front yard* and other applicable *yard* requirements (Refer to Figures 3 and 4 Definitions #54 and #62).
116. **Yard, Rear** 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 required 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*.
117. **Yard, Side** means a *yard* extending from the *front yard* to the *rear yard* of a *lot* between the *side lot line* and the nearest wall of any *main building* or *structure* on the *lot*; and "minimum" *side yard* 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 *main building* or *structure* on the *lot*.
118. **Zone** means a designated area of land shown on the Schedules of this By-law.