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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 the Municipal Government Act, by regulating the use of land and the location, size, spacing, character and use of land uses, buildings and structures within the Municipality of Argyle.

PART 2 - ADMINISTRATION

2.1 EFFECTIVE DATE

This Land Use By-law has been approved by the Minister of Municipal Affairs and came into effect on [REDACTED]. Upon enactment of this By-law, any previous Land Use By-law of the District of the Municipality of Argyle and amendments thereto, is hereby repealed.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 DEVELOPMENT PERMIT 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.
- vi. 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 be based upon an actual survey certified and stamped by a licensed Nova Scotia Land Surveyor.

2.4 CONTENTS OF SITE PLAN APPROVAL APPLICATION

Every application for a site plan approval must have regard for the following matters, which shall constitute criteria, where applicable that the Development Officer will evaluate prior to granting Site Plan Approval:

- i. The location of new structures, signage and parking on the lot shall minimize negative impacts to the surrounding area, including lighting, fumes, or other nuisances to neighbouring lots;
- ii. Where necessary, open storage including refuse containers are buffered with an opaque fence or hedge sufficient to screen the storage area from adjacent properties and the street;
- iii. For residential developments outdoor storage of solid waste shall only be located in side or rear yards and bins shall be screened, so as to not be visible from any street or adjacent property;
- iv. Landscaping or similar visual barriers shall be provided around structures on the site and any parking areas to minimize the visual and environmental impacts on the surrounding area;
- v. Landscaped areas are appropriate and efforts are made to retain mature trees on the lot;
- vi. All proposed driveway accesses are of an appropriate width to allow for the safe and efficient movement of vehicles to and from the site;
- vii. The site design promotes active transportation and all walkways are surfaced with a paving material such as brick, cobblestone, concrete, or any other suitable material to clearly delineate pedestrian walkways from parking, loading and vehicle circulation areas;
- viii. Active transportation infrastructure is integrated with existing sidewalks and pathways;
- ix. Any alteration of land shall include measures to avoid negative impacts on the natural function of any watercourse or wetland including fill, sedimentation and erosion;
- x. Where necessary, the site plan identifies measures for the effective drainage of stormwater;

2.4 DEVELOPMENT THROUGH DEVELOPMENT AGREEMENT

This By-law states the types of land uses that may be permitted by Development Agreement through permitted use tables for each zone.

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Apart from development agreement types specifically mentioned in certain zones, the following development agreements may be considered in any zone except for the Coastal Wetlands (CW) Zone:

- i. Accessory Buildings or Structures larger than what is permitted in the Land Use By-law;
- ii. The expansion of legal nonconforming uses of land, nonconforming structures;
- iii. The development of uses that are permitted within the zone and designation on an abutting property;
- iv. The development of uses that are extensions of development agreements in effect on an abutting property.

The Municipal Planning Strategy shall establish all policies and conditions for development agreements enabled in this Land Use 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:

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

2.9 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

- i. The Municipality, or its authorized representatives, is not required to comply with the requirements of this By-law or need to obtain any license, permission, permit, authority or approval required thereunder.
- ii. Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-laws or regulations within the Municipality or from obtaining any license, permission, permit, authority or approval required thereunder.
- iii. Where the provisions in this By-law conflict with those of any other municipal or provincial requirements, the higher or more stringent provisions shall prevail.

2.10 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.

2.11 VARIANCES

The Development Officer may grant a variance in one or more of the following matters of this By-law, or following terms in a development agreement where the development agreement indicates that a variance may be granted:

- i. Percentage of land that may be built upon;
- ii. Size or other requirements relating to yards;
- iii. Lot frontage or lot area, or both, if
 - a. the lot existed on the effective date of the By-law, or
 - b. a variance was granted for the lot at the time of subdivision approval.
- iv. The number of parking spaces and loading spaces required.
- v. The ground floor area and height of a structure or building, including any accessory building.
- vi. Floor area occupied by a home-based business.
- vii. The ground area of an Accessory Dwelling Unit

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 (A-L). 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
Coastal Community	CC
Coastal Community Industrial	CCI
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	Coastal Community 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:

- i. where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines; and
- ii. where a zone boundary is indicated as following a road, the boundary shall be the centre line of such road; and
- iii. 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
- iv. 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 right-of-way shall be considered the boundary between zones unless specifically indicated otherwise; and
- v. where a zone boundary is shown following the coastal shoreline the boundary shall follow the actual high-water mark level;
- vi. where a zone boundary is indicated as following the limits of the Municipality, the limits shall be the municipal boundary;
- vii. where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Zoning Maps.

3.5 CERTAIN WORDS AND METRICS

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.

Where measurements are provided in both metric and imperial, and a discrepancy exists between them, metric measurements shall take precedence.

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:

- i. be used for human habitation except where a dwelling or tourist cabin is a permitted accessory use;
- ii. be built closer to the front, rear or side lot line than the minimum distance required by this By-law for the main building;
- iii. 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 non-conforming;
- iv. exceed the height of the main building in the Residential Park (RP) Zone;
- v. in a residential zone, have a ground floor area which exceeds the lesser of 140 m² or 10% of the lot area.

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

Notwithstanding Part 4.3.1.(ii), 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 m (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 SOLAR PANELS PERMITTED

Solar panels shall be permitted in all zones as an accessory use and shall not be considered as part of the height calculation for the building in which they are attached.

4.6 LIGHTING, ILLUMINATION & LIGHT POLLUTION

- i. Where lighting fixtures are used to illuminate accesses, parking areas, circulation roads and service areas of any commercial or industrial use, such fixtures shall be installed so as not to reflect light upon roads and adjacent residential, institutional and recreational uses.
- ii. Outside illumination fixtures should be full cut-off fixtures, not emitting any light above a horizontal plane drawn through the bottom of the lighting fixture. Note that properly installed International Dark Sky Association compliant fixtures meets this requirement.
- iii. Outside illumination fixtures shall use a maximum colour temperature of 2700 kelvin.
- iv. The following lighting requirements shall apply to non-residential land uses:
 - a. Outdoor illumination fixtures shall have an automated timer and/or motion sensor to prevent the unnecessary transmission of light during the night-time when a premises is not in use.
 - b. The total installed initial luminaire lumens of all outdoor lighting shall not exceed 250,000 Lumens.

4.7 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.

4.8 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.

4.9 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:

- i. lot frontage, front yard, and lot area are equal to or less than the requirements of this By-law, and
- ii. all other applicable provisions of this By-law are satisfied.

4.10 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

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

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

4.11 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:

- i. any one or all minimum yard requirements may be waived where they cannot otherwise be met; and
- ii. the minimum lot frontage requirement may be waived where it cannot otherwise be met provided that:
 - a. the lot frontage shall not be less than 6 m (20 ft); or
 - b. the lot is served by an existing right-of-way; or
 - c. where a new right-of-way is created, the right-of-way shall have a minimum width of 6 m (20 ft). (Note that Nova Scotia Power may require a wider 12 m (40 ft) right-of-way).
- iii. 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
- iv. 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
- v. provided all other applicable provisions and requirements of this By-law are satisfied.

4.12 EXISTING UNDERSIZED LOT USES

- i. 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.
- ii. Notwithstanding anything else in this By-law, an existing lot occupied by a permitted use having less than the minimum lot area or frontage or both required by this By-law, may be used for a purpose permitted in that zone, provided the new use has lot width and lot

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area requirements that are equal to the requirements of the existing building, and all other applicable requirements under this By-law are met.

- iii. Any existing undersized lot which is increased area or frontage or both, but still remains undersized, shall be considered an existing undersized lot.

4.13 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.

This provision shall not apply in the following cases:

- i. 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);
- ii. New home occupations in existing buildings unless the minimum yard requirements of Part 9.2 of this By-law are satisfied;
- iii. New light industrial uses in existing buildings in the Coastal Community (CC) Zone unless the minimum yard requirements of this By-law are satisfied;
- iv. Automotive repair uses in existing buildings in the Mixed Use (MU) Zone unless the minimum yard requirements of the home occupation requirements of this By-law are satisfied.

4.14 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.).

4.15 MULTIPLE USES

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 more stringent standard shall prevail.

4.16 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.

4.17 LOT FRONTAGE AND ACCESS

- i. 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

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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 dwellings are permitted uses.

- ii. 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).
- iii. 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 a former railroad right-of-way providing said lot is served by an access over the government lands or former railroad 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.
- iv. Additions to or consolidation of lots satisfying the requirements of this section does not alter the ability to develop on the resulting lots.

4.18 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:

- i. 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
- ii. 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
- iii. Provided that all other applicable provisions and requirements of this By-law are satisfied.

4.19 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.

4.20 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.

4.21 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.

4.22 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 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.

4.23 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 m (25 ft) is required to be maintained between the ordinary 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. On any lot subject to these requirements, the required buffer supersedes any minimum yard requirement which may be less than the required buffer.

4.24 GROUP DWELLING DEVELOPMENT REQUIREMENTS

i. GROUP DWELLING USE LOT REQUIREMENTS

Each group dwelling development shall meet the following zone standards:

Minimum Front Yard	7.6 m (25 ft.)
Minimum Rear Yard	7.6 m (25 ft.)
Minimum Side Yard	4.5 m (15 ft.) or ½ the building height for group dwellings
Minimum Lot Area Per Dwelling Unit	Central Sewer: 302 m ² (3,250 sq. ft.) per dwelling unit On-Site Septic: 3,717 m ² (40,000 sq. ft.) per dwelling unit or as Determined by NS Dept. of Environment
Minimum Lot Frontage	18 m (20 ft.)
Minimum Flanking Yard	7.6 m (25 ft.)
Parking	See Part 5.1
Maximum Height	7.6 m (25 ft.)
Minimum Number of Dwelling Units	4
Maximum Number of Dwelling Units	1 unit per 302 m ² of lot area, to a maximum of 6 units per cluster, up to 18 units per lot

ii. GROUP DWELLING DEVELOPMENT SITE DESIGN SPACE REQUIREMENTS

- a) Each cluster of dwellings shall have a common outdoor amenity space to provide a sense of openness and function as a shared backyard for residents.
- b) Each dwelling unit shall be located within 10 m (32.8 ft) of a common amenity space.
- c) A system of interior walkways shall connect each dwelling to each other and to the parking area, to the sidewalks abutting any public streets bordering the development.
- d) Each dwelling shall connect via continuous walkways with a minimum 1.2 m (3.93 ft) width to shared amenity space areas.
- e) No part of any building in the development can be more than 45 m (147.6 ft) from fire department vehicle access, as measured by a clear path along the ground.

iii. GROUP DWELLING DEVELOPMENT ARCHITECTURAL REQUIREMENTS

- a) Units will be designed to have a cottage-like appearance:
 - Each dwelling must have a different appearance than abutting units.
 - Tall, skinny dwellings shall be avoided.
- b) Each unit will have a minimum width-to-length ratio of 1:4.
- c) All detached buildings in the development shall be at least 3 m (9.8 ft.) apart.
- d) Each dwelling unit shall be clustered around a common open space, with a building's entry and covered porch oriented to the common open space.
- e) Each dwelling abutting a public street shall have a facade, secondary entrance, porch, bay window or other architectural enhancement oriented to the public street.

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- f) It is encouraged that dwelling units have covered front porches at least 6 m² in area oriented toward the common open space. Any covered front porch does not contribute to the maximum ground floor area of the unit.

iv. GROUP DWELLINGS - EXISTING DETACHED SINGLE UNIT DWELLINGS PERMITTED

- a) An existing detached single unit dwelling that is incorporated into a group dwelling as a residence shall be permitted to remain on a site used for a group dwelling development. It shall count as one dwelling unit unless the existing dwelling exceeds a ground floor area of 120 m² then it shall count as two dwelling units.

v. GROUP DWELLINGS GARAGE & PARKING DESIGN REQUIREMENTS

- a) Attached garages are not permitted to group dwelling units.
- b) If detached garages are provided they must have a design similar to or compatible with cottages.

vi. GROUP DWELLINGS - COMMUNITY AMENITY BUILDINGS PERMITTED

- a) Community amenity buildings are permitted as an accessory use in group dwelling developments to serve the needs of residents and their guests.
- b) Community amenity buildings shall be clearly incidental in use and size to dwelling units.
- c) Community amenity buildings shall be no more than 6 m in height.

vii. GROUP DWELLINGS - NO SUBDIVISION WITHIN A CLUSTER PERMITTED

- a) A cluster in a group dwelling development may not be subdivided.

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 table:

Land Use	Parking Requirement
Residential Use	
Dwellings containing not more than 4 dwelling units	1 parking space per dwelling unit.
Boarding homes, guest homes:	1 parking space for each bed.
All other residential uses:	1.5 parking spaces per dwelling unit.
Commercial Use	
Auditoriums, theatres, arenas, halls, stadiums, private clubs and other places of assembly	1 parking space per 9.3 m ² (100 sq. ft.) of gross floor area devoted to public use, excluding hallways, aisles, vestibules, washrooms and closets.
Tourist Establishments (Hotels, staff houses, motels, tourist cabins, resorts)	1 parking space per suite or rental unit plus 1 additional parking space for each 4.6 m ² (50 sq. ft.) of floor area devoted to public use (including restaurants, dining rooms and auditoria) exclusive of lobbies and halls.
Restaurants, lounges, cabarets, taverns	1 parking space for each 7 m ² (75 sq. ft.) of gross commercial floor area excluding vestibules, washrooms and closets.
Offices	1 parking space per 28 m ² (300 sq. ft.) of gross floor area.
Funeral homes	1 parking space per 5 seat capacity of the chapel with a minimum of 10 parking spaces.
All other commercial uses:	1 parking space per 28 m ² (300 sq. ft.) of commercial floor area.
Industrial Use	
Any Industrial uses:	1 parking space per 42 m ² (450 sq. ft.) of gross floor area of any structure.
Institutional Use	
Churches, halls, and other places of assembly	1 parking space per 9.3 m ² (100 sq. ft.) of gross floor area used for devotional or community assembly. Where both devotional and community assembly spaces are present, the larger of the two areas shall be used for parking calculations.
Schools	1.5 parking spaces for each teaching classroom for elementary schools, otherwise 4 parking spaces for each teaching classroom
All other institutional uses:	1 parking space per 28 m ² (300 sq. ft.) of floor area.

5.2 PARKING SPACE AND AREA STANDARDS

- i. 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.
- ii. 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.
- iii. 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

- i. 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.
- ii. 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.
- iii. The provision of a loading space for any building with less than 139 sq. m (1,500 sq. ft.) shall be optional.
- iv. 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.
- v. 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 (9.8 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 AND RESIDENTIAL DWELLING USES

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

6.1 ACCESS REQUIREMENTS

The following access requirements shall apply to commercial uses:

- i. 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.
- ii. Access and egress shall be directly onto a public road.
- iii. Notwithstanding Section 6.1.(i) 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.
- iv. 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.).
- v. The following separation distances consisting of a curb, barrier or ditch designed to prevent vehicular access shall be maintained between accesses:
 - ❖ a minimum of 15 m (50 ft.) where 2 one-way accesses are provided;
 - ❖ a minimum of 30 m (98.4 ft.) where 2 two-way accesses are provided;
 - ❖ 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.

6.2 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.

6.3 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:

- i. no open storage or outdoor display shall be permitted in the abutting commercial yard.
- ii. 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.

6.4 ACCESSORY DWELLING UNITS

- i. Accessory dwelling units are only permitted as accessory uses to a Single Detached Dwelling, Semi-Detached or Guest Homes.
- ii. Accessory dwelling units are not permitted if there is a Heavy Industrial Use on the property.
- iii. Accessory dwelling units are not subject to the height requirements of accessory buildings.
- iv. Where permitted in this By-law, accessory dwelling units must comply with the minimum zone requirements, as well requirements shown in the table below:

Type of Accessory Dwelling Unit			
	Secondary Suite	Garage Suite	Garden Suite
Maximum accessory dwelling unit floor area including a habitable basement	80% of the gross floor area of the main dwelling up to 80 m ²	80% of the gross floor area of the main dwelling up to 95 m ²	80% of the gross floor area of the main dwelling up to 95 m ²
Maximum Building Height	As per zone requirements	Equal to the height of the main dwelling up to 9 m	Equal to the height of the main dwelling up to 6.5 m
Minimum Setback from other Buildings	2 m from non-habitable structures on the same lot		
	3 m from all other structures		
Design Requirements			
Accessory Dwelling Unit Exterior	Must match the main dwelling in building material type, cladding colour, roof type, and roof pitch. This requirement is waived when permit drawings are received by a professional architect.		
Accessory Dwelling Unit Entrance, Main Windows, and Entry	Must be designed to integrate into the main dwelling.	Must be oriented towards the main dwelling, flankage yard, or front yard.	

PART 7 - GENERAL PROVISIONS FOR INDUSTRIAL USES

The following General Provisions apply to industrial uses permitted in the LI, HI, BP, CC, CCI, 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 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.

7.5 ADDITIONAL REQUIREMENTS FOR AUTOMOTIVE MECHANICAL REPAIR USES

- i. A minimum of eight (8) parking spaces shall be provided for automotive mechanical repair uses up to 93 m² (1000 sq. ft.) in area. One (1) additional parking space shall be provided for each additional 19 m² (200 sq. ft.) or fraction thereof of additional floor area above 93 m².
- ii. 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.
- iii. 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.

PART 8 - PROVISIONS FOR WIND TURBINE GENERATORS

8.1 LARGE SCALE WIND TURBINE GENERATORS (See Definitions)

- i. A Development Agreement is required for a large-scale Wind Turbine Generator.
- ii. Large Scale Wind Turbine Generators 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 Wind Turbine Generator.

8.2 SMALL SCALE WIND TURBINE GENERATORS (See Definitions)

A site-plan approval is required for Small Scale Wind Turbine Generator development. One small scale wind turbine generator is permitted per lot. The criteria to be considered prior to granting site plan approval for Small Scale Wind Turbine Generators are:

- iii. Small Scale Wind Turbine Generators are required to be not less than 200 m (656 ft.) from all existing dwellings.
- iv. Notification of the site plan approval shall be sent by regular mail to all owners of habitable dwellings within 250 m (820 ft.) of the Wind Turbine Generator.
- v. 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.
- vi. 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.
- vii. No commercial advertising other than the manufacturer's name shall be permitted on any Wind Turbine Generator or accessory structures.
- viii. Small Scale Wind Turbine Generators shall be removed from the site after a period of two years from the date of cessation of electrical power generation of the Wind Turbine Generator.

8.3 MICRO SCALE WIND TURBINE GENERATORS (See Definitions)

A Development Permit is required to be obtained for a single Micro Scale Wind Turbine Generator on a lot in accordance with the following provisions:

- i. Minimum yard requirement:
 - 1.25 times total height of Wind Turbine Generator where free standing
 - 1.25 times total height of Wind Turbine Generator from the base of the supporting structure
- ii. Maximum total height from ground level: 20 m (66 ft.)
- iii. No advertising other than the manufacturer's name is permitted on any Wind Turbine Generator structures.

PART 9 - HOME OCCUPATIONS

9.1 HOME OCCUPATION SIZE REQUIREMENTS

Home Occupations shall be permitted in any dwelling or accessory building in zones where dwellings are permitted uses except as otherwise noted in a particular zone provided:

- i. The dwelling is occupied as a residence and the external appearance of the dwelling is not changed by the home occupation.
- ii. Not more than 25% of the total floor area of the dwelling is used for the home occupation.
- iii. The home occupation uses a floor area of less than 50 m².

9.2 HOME OCCUPATION YARD REQUIREMENTS

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 industrial use home occupations shall be as follows:

- i. Side yard 1.8 m (6 ft.) and
- ii. Rear yard 3 m (9.8 ft.);
- iii. Except tourist cabins as a home occupation shall meet the minimum required side and rear yards for single detached dwellings.

9.3 AUTOMOTIVE MECHANICAL REPAIR HOME OCCUPATION PERMITTED USE REQUIREMENTS

- i. 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.
- ii. 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.
- iii. 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.

PART 10 - SPECIAL USES

Special Uses are uses permitted on all lots, including lots small than the minimum required for the zone, other than lots zoned Coastal Wetland (CW) Zone. Private haulouts and wharfs are permitted as Special uses in the Coastal Wetland (CW) Zone.

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

- Agricultural and forestry uses except fur farms and piggery operations
- Cenotaphs and memorials
- Christmas tree and outdoor horticultural uses
- Outdoor storage of fishing gear and equipment
- Driveway accesses or Parking lots
- Private storage buildings
- Private haulouts and wharfs
- Fire ponds and dry hydrants

PART 11: ZONES – PERMITTED USES AND ZONE PROVISIONS

The table below identifies the land uses permitted within each zone. For conditions associated with the uses, see the specific section referencing that zone. Letters on the table below carry the following meaning:

- • – Permitted as-of-right through development permit
- SP – Permitted by Site Plan Approval
- DA – Permitted to apply to Council for a development agreement; other restrictions may apply

- MU - Mixed Use Zone
- LI Light Industrial
- HI - Heavy Industrial
- RP - Residential Park
- BP - Business Park
- WF - Pubnico Point Wind Farm
- CC - Coastal Community

- CCI - Coastal Community Industrial
- V - Village
- FP - Floodplain
- RD - Rural Development
- MI - Marine Industrial
- CW - Coastal Wetlands
- WP - Wellhead Protection

Residential	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP
	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP
Single-unit dwelling or single-unit dwellings with an accessory dwelling unit	•			•			•		•	•	•			•
Semi-detached dwelling	•			•			•		•		•			•
Duplex	•			•			•		•		•			•
Townhouse dwelling	•			•			DA		•					•
Multi-unit dwelling (Three-to four- unit dwelling building)	•			•					•		•			•
Multi-unit dwelling (5 to 24 dwellings)	DA			DA			DA		DA		DA			
Group dwelling (See Group Dwelling Unit Requirements)	SP			SP			DA		SP		SP			SP
Home for Special Care	•						•		•		•			•
Mini Home Community	DA													
Dwelling units as accessory uses	•	•	•	•			•	•	•	•	•	•		•

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Boarding homes	•			•			•		•	•	•			•
Mobile Home or Mini Home Dwelling	•			•			•		•	•	•			•
Commercial	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP
Automatic car wash establishment	•	•	•		•		•		•		•			•
Automotive service station	•	•	•		•		•		•		•			•
Clinic	•	•	•		•		•		•		•			•
Commercial uses as accessory to main use	•	•	•		•		•	•	•		•	•		•
Drive-throughs	DA	DA	DA		DA		DA		DA		DA			DA
Funeral home	•	•	•		•		•		•		•			•
Kennels		•	•		•			•	•		•			•
Lounge or taverns	•	•	•		•		•		•		•			•
Micro-Brewery Use	•	•	•		•		•		•		•	•		•
Micro-Distillery Use	•	•	•		•		•		•		•	•		•
Motor vehicle sales establishment	•	•	•		•		•		•		•			•
Office	•	•	•		•		•	•	•		•	•		•
Outdoor commercial display	•	•	•		•		•		•		•	•		•
Pet Day Care		•	•		•		•			•	•			•
Personal service shop	•	•	•		•		•		•		•			•
Private storage buildings	•	•	•		•		•		•		•			•
Restaurant	•	•	•		•		•		•		•	•		•
Restaurant, Evening patio	DA	DA	DA		DA		DA		DA		DA	DA		DA
Retail store	•	•	•		•		•		•		•			•
Service shops	•	•	•		•		•		•		•			•
Shopping centres	•	•	•		•		•				•			•
Strip mall or plaza	•	•	•		•		•				•			•
Tourist establishment (guest home)	•	•	•		•		•		•	•	•			•
Tourist establishment (hotels or motels)	•	•	•		•		•		•		•			•
Tourist establishment (tourist cabin)	•	•	•		•		•		•		•			•
Veterinary clinic	•	•	•		•		•		•		•			•

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Industrial (Light)	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP
Automotive mechanical repair	•	•	•		•		DA	•	•		•			
Building & construction contractors		•	•		•		DA	•	•		•			•
Building suppliers & equipment rentals		•	•		•		DA	•	•		•			•
Craft alcohol production facility		•	•		•		DA	•	•		•			
Carpentry shops		•	•		•		DA	•	•		•			•
Cold storage freezers		•	•		•		DA	•	•		•	•		
Bait freezers		•	•		•		DA	•	•		•	•		
Commercial greenhouses	•	•	•		•		DA	•	•		•			•
Fish cooler or freezer		•	•		•		DA	•	•		•	•		
Fish farms		•	•		DA		DA	•	•		•	•		
Heating and/or refrigeration shops		•	•		•		DA	•	•		•			
Heavy equipment storage, maintenance & repair		•	•		•		DA	•	•		•			
Landscaping operations	•	•	•		•		DA	•	•		•			
Lobster holding tanks		•	•		DA		DA	•	•		•	•		•
Lobster pounds		•	•		DA		DA	•	•		•	•		•
Lobster wire trap operations		•	•		•		DA	•	•		•	•		•
Marine plant farms		•	•		•		DA	•			•	•		•
Net manufacturing & repair		•	•		•		DA	•	•		•	•		•
Nurseries	•	•	•		•		DA	•	•		•			•
Plumbing and/or electrical shops		•	•		•		DA	•	•		•			
Recycling depot		•	•		•		DA	•	•		•			
Service industries	•	•	•		•		•	•	•		•	•		•
Sheet metal shops		•	•		•		DA	•	•		•			
Solar Farm	DA	•	•		•	•	DA	•	•	•	•	•	•	•
Small engine repair		•	•		•		•	•	•		•			
Transportation & trucking use	•	•	•		•		DA	•	•		•	•		

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Warehouse distribution & sales		•	•		•		DA	•	•		•	•		•
Wholesale distribution & sales		•	•		•		DA	•	•		•	•		•
Manufactured wood products		•	•		•		DA	•	•		•			
Industrial (Heavy)	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP
Abattoirs			•		DA		DA	•			•			
Aggregate related			•		DA		DA	•			•			
Agricultural related			•		DA		DA	•			•			
Asphalt processing plant					DA		DA	•			•			
Boat building & repair shops			•		DA		DA	•			•	•		
Bulk chemical storage			•		DA		DA	•			•			
Bulk petroleum storage			•		DA		DA	•			•	•		
Cannabis production and/or processing facility, Micro	DA	•	•				DA	•			•			
Cannabis production and/or processing facility, Standard			DA				DA	DA			DA			
Concrete Product fabrication			•		DA		DA	•			•			
Commercial brewery and/or distillery			DA		DA			DA	DA		DA			
Fertilizer production			•		DA		DA	•			•	•		
Fishing and marine related			•		DA		DA	•			•	•		
Fish processing plant			•		DA		DA	•			•	•		
Fish reduction plant					DA							DA		
Fish composting operations					DA			•			DA			
Food waste composting					DA		DA	•			•			
Landfills			•		DA		DA	•			•			
Marine plant processing operations			•		DA		DA	•			•	•		
Pelting operation					DA			DA			DA			
Salvage yards or Scrap Yards	DA		DA		DA		DA	DA	DA		DA			

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Sand, gravel & topsoil operations					DA		DA	•			•			
Sawmills			•		DA		DA	•			•			
Welding and/or machine shops			•		DA		DA	•			•			
Institutional	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP
Auditorium	•						•		•	•	•			•
Camp	•								•	•	•			•
Campground							•				•			
Cemetery	•						•		•	•	•			•
Community centres	•						•		•	•	•			•
Community Colleges & Universities	•				•		•		•	•	•			•
Emergency services	•				•		•		•	•	•	•		•
Government buildings	•				•		•		•	•	•	•		•
Historic village	•						•		•	•	•			•
Hospitals	•				•		•		•		•			•
Libraries	•						•		•	•	•			•
Museums	•						•		•	•	•	•		•
Post offices	•				•		•		•	•	•			•
Public art gallery	•						•		•	•	•			•
Religious institution	•			•			•		•	•	•			•
Schools	•						•		•	•	•			•
Sports complex	•				•		•		•	•	•			•
Agriculture	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP
Agriculture & Forestry use	•						•		•	•	•			•
Fur Farm	•										•			
Packing, storing or treating produce use	•						•		•	•	•			
Piggery							•		•	•	•			
Recreational	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP
Athletic fields	•			•			•		•	•	•			•
Camp	•			•			•		•	•	•			•
Community centres	•			•			•		•	•	•			•
Golf courses	•			•			•		•	•	•			•
Indoor & outdoor Recreation Facilities	•			•			•		•	•	•			•
Motor Vehicle Race Tracks							DA				DA			
Nature trails and conservation uses	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Outdoor Rifle Range							DA				DA			
Public Parks	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Private club	•			•			•		•	•	•			•

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Marine Related	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP
Aquaculture (Indoor and Outdoor)		DA	•		•		DA	•				•		
Boat haul out							DA					•		
Ocean-Oriented Industrial					•		DA					•		
Sea cucumber processing plant					DA							•		
Sport fishing outfitters or tours	•	•	•	•	•		•	•	•		•	•		
Special Uses* (See Part 10)	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP
Agricultural and forestry uses except fur farms and piggery operations	•	•	•	•	•	•	•	•	•	•	•	•		•
Cenotaphs and memorials	•	•	•	•	•	•	•	•	•	•	•	•		•
Christmas tree and outdoor horticultural uses	•	•	•	•	•	•	•	•	•	•	•	•		•
Outdoor storage of fishing gear and equipment	•	•	•	•	•	•	•	•	•	•	•	•		•
Driveway accesses or Parking lots	•	•	•	•	•	•	•	•	•	•	•	•		•
Private storage buildings	•	•	•	•	•	•	•	•	•	•	•	•		•
Private haulouts and wharfs	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Fire ponds and dry hydrants	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Large scale Wind Turbine Generator						DA	DA							DA
Small scale Wind Turbine Generator	SP	SP					SP		SP	SP	SP	SP		SP
Micro scale Wind Turbine Generator	•	•	•	•	•	•	•	•	•	•	•	•		•
Wind Farm						DA								

* indicates uses that is permitted within each zone on small lots (less than 465 sq. m)

PART 12 – MIXED USE ZONE

12.1 MIXED USE (MU) ZONE STANDARDS

In the Mixed Use (MU) Zone, no development permit shall be issued except in conformity with the following requirements, as well as the general requirements of this By-law (see Part 4):

	Single Detached Dwellings or Semi-detached dwellings	For multiple unit residential buildings up to 4 units, including duplexes and townhouses	Homes for Special Care
Min. Front Yard	7.6 m (25 ft.); except 3.0m (9.8 ft.) for unenclosed patios	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios
Min. Rear Yard	7.6 m (25 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)
Min. Side Yard	1.8 m (6 ft.) on one side and 3 m (9.8 ft.) on the other	3 m (9.8 ft.) or ½ the height of the main building, whichever is greater; except 0 m where subdivided along a common wall	4.5 m (15 ft.) or ½ the height of the main building, whichever is greater
Min. Lot Area	Central Sewer: 604 m ² (6,500 sq. ft.) per dwelling unit On-Site Septic: 3,717 m ² (40,000 sq. ft.) per dwelling unit or as Determined by NS Dept. of Environment	Central Sewer: 604 m ² (6,500 sq. ft.) per dwelling unit On-Site Septic: 3,717 m ² (40,000 sq. ft.) per dwelling unit or as Determined by NS Dept. of Environment	Central Sewer: 604 m ² (6,500 sq. ft.) per dwelling unit or three bedrooms On-Site Septic: 3,717 m ² (40,000 sq. ft.) per dwelling unit or three bedrooms or as Determined by NS Dept. of Environment
Min. Lot Frontage	Central Sewer: 6 m (20 ft.) per dwelling On-Site Septic: 30 m (98.4 ft.) per dwelling	Central Sewer: 6 m (20 ft.) per dwelling On-Site Septic: 30 m (98.4 ft.) per dwelling	30.5 m (100 ft.)
Min. Flanking Yard	7.6 m (25 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)
Max. Building Height	11 m (36 ft.)	11 m (36 ft.)	11 m (36 ft.)
Parking	See Part 5.1	See Part 5.1	See Part 5.1

	Commercial uses	Other Permitted Uses
Min. Front Yard	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios
Min. Rear Yard	7.6 m (25 ft.)	7.6 m (25 ft.)
Min. Side Yard	4.5 m (15 ft.) on both sides; except 0 m where subdivided along a common wall	4.5 m (15 ft.) on both sides; except 0 m where subdivided along a common wall
Min. Lot Area	Central Sewer: 929 m ² (10,000 sq. ft.) On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment	Central Sewer: 929 m ² (10,000 sq. ft.) On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Min. Lot Frontage	Central Sewer: 23 m (75.5 ft.) On-Site Septic: 30 m (98.4 ft.)	Central Sewer: 23 m (75.5 ft.) On-Site Septic: 30 m (98.4 ft.)
Min. Flanking Yard	7.6 m (25 ft.)	7.6 m (25 ft.)
Parking	See Part 5.1	See Part 5.1

PART 13 - LIGHT INDUSTRIAL (LI) ZONE

13.1 LIGHT INDUSTRIAL (LI) ZONE STANDARDS

In the Light Industrial (LI) Zone, no development permit shall be issued except in conformity with the following requirements, as well as the general requirements of this By-law (see also Part 4 and Part 7):

	Central sewer	On-Site Septic
Minimum Front Yard	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios
Minimum Rear Yard	7.6 m (25 ft.)	7.6 m (25 ft.)
Minimum Side Yard	6 m (20 ft.) on both sides; except 0 m where subdivided along a common wall	6 m (20 ft.) on both sides; except 0 m where subdivided along a common wall
Minimum Lot Area	929 m ² (10,000 sq. ft.)	3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Minimum Lot Frontage	23 m (75 ft.)	23 m (75 ft.)
Minimum Flanking Yard	7.6 m (25 ft.)	7.6 m (25 ft.)
Parking	See Part 5.1	See Part 5.1

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 Light Industrial (LI) uses where the lot contains an existing single detached dwelling or is intended to contain such new dwelling.

PART 14 - HEAVY INDUSTRIAL (HI) ZONE

14.1 HEAVY INDUSTRIAL (HI) ZONE STANDARDS

In the Heavy Industrial (HI) Zone, no development permit shall be issued except in conformity with the following requirements, as well as the general requirements of this By-law (see also Part 4 and Part 7):

	Central sewer	On-Site Septic
Minimum Front Yard	7.6 m (25 ft.)	23 m (75 ft.)
Minimum Rear Yard	7.6 m (25 ft.) abutting vacant lot 23 m (75 ft.) abutting residential lot	15 m (50 ft.) 23 m (75 ft.) abutting residential lot
Minimum Side Yard	6 m (20 ft.) abutting vacant lot, or non-residentially zoned lot 23 m (75 ft.) abutting residentially zoned lot	6 m (20 ft.) abutting vacant lot, or non-residentially zoned lot 23 m (75 ft.) abutting residentially zoned lot
Minimum Lot Area	929 m ² (10,000 sq. ft.)	3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Minimum Lot Frontage	30 m (98.4 ft.)	37 m (121 ft.)
Minimum Flanking Yard	7.6 m (25 ft.)	7.6 m (25 ft.)
Parking	See Part 5.1	See Part 5.1

14.2 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.

PART 15 - RESIDENTIAL PARK (RP) ZONE

15.1 RESIDENTIAL PARK (RP) ZONE STANDARDS

In the Residential Park (RP) Zone, no development permit shall be issued except in conformity with the following requirements, as well as the general requirements of this By-law:

	All Residential Uses
Min. Front Yard	7.6 m (25 ft.); except 3.0m (9.8 ft.) for unenclosed patios
Min. Rear Yard	7.6 m (25 ft.) abutting vacant lot
Min. Side Yard	1.8 m (6 ft.) on one side and 3 m (9.8 ft.) on the other 3 m (9.8 ft.) on both sides for multi-unit and semi-detached uses; except 0 m where subdivided along a common wall
Min. Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Min. Lot Frontage	6 m (20 ft.)
Min. Flanking Yard	7.6 m (25 ft.)
Parking	See Part 5.1

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 (9.8 ft.).

PART 16 - BUSINESS PARK (BP) ZONE

16.1 Business Park (BP) Zone Standards

In the Business Park (BP) Zone, no development permit shall be issued except in conformity with the following requirements, as well as the general requirements of this By-law:

Minimum Front Yard	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios
Minimum Rear Yard	7.6 m (25 ft.)
Minimum Side Yard	6 m (20 feet) on both sides; except 0 m where subdivided along a common wall
Minimum Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Minimum Lot Frontage	23 m (75 ft.)
Minimum Flanking Yard	7.6 m (25 ft.)
Parking	See Part 5.1

16.2 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.

PART 17 - PUBNICO POINT WIND FARM (WF) ZONE

17.1 Pubnico Point Wind Farm (WF) Zone Standards

In the Pubnico Point Wind Farm (WF) Zone, no development permit shall be issued except in conformity with the following requirements, as well as the general requirements of this By-law:

Minimum Front Yard	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios
Minimum Rear Yard	7.6 m (25 ft.)
Minimum Side Yard	4.5 m (10 ft.) on both sides
Minimum Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Minimum Lot Frontage	6 m (20 ft.)
Minimum Flanking Yard	7.6 m (25 ft.)
Parking	See Part 5.1

17.2 Minimum Separation Distance

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

PART 18 - COASTAL COMMUNITY (CC) ZONE

18.1 Coastal Community (CC) Zone Standards

In the Coastal Community (CC) Zone, no development permit shall be issued except in conformity with the following requirements, as well as the general requirements of this By-law:

	All Residential Uses	Commercial Uses and Industrial Uses	All Other Permitted Uses
Min. Front Yard	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios
Min. Rear Yard	7.6 m (25 ft.) abutting vacant lot	7.6 m (25 ft.)	7.6 m (25 ft.)
Min. Side Yard	Single Detached and Duplex uses: 1.8 m (6 ft.) on one side and 3 m (9.8 ft.) on the other Multi-unit, townhouse and semi-detached uses: 3 m (9.8 ft.) on both sides; except 0 m where subdivided along a common wall	For Commercial Uses: 4.5 m (15 ft.) on both sides; except 0 m where subdivided along a common wall For Light Industrial Uses: 6 m (20 ft.) on both sides; except 0 m along a common wall	4.5 m (10 ft.) on both sides; except 0 m where subdivided along a common wall
Min. Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Min. Lot Frontage	6 m (20 ft.)	23 m (75 ft.)	6 m (20 ft.)
Min. Flanking Yard	7.6 m (25 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)
Parking	See Part 5.1	See Part 5.1	See Part 5.1

18.2 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 CC Zone. This clause shall not apply where the building or structure is demolished.

18.3 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.

PART 19 - COASTAL COMMUNITY INDUSTRIAL (CCI) ZONE

19.1 Coastal Community Industrial (CCI) Zone Standards

In the Coastal Community Industrial (CCI) Zone, no development permit shall be issued except in conformity with the following requirements, as well as the general requirements of this By-law:

	Commercial Uses and Industrial Uses	Any Other Uses
Min. Front Yard	23 m (75 ft.)	As per the requirements of the Coastal Community CC) Zone.
Min. Rear Yard	15 m (50 ft.) 23 m (75 ft.) abutting residential lot	
Min. Side Yard	6 m (20 ft.) abutting vacant or non-residentially zoned lot 23 m (75 ft.) abutting residentially zoned lot	
Min. Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment	
Min. Lot Frontage	23 m (75 ft.)	
Min. Flanking Yard	7.6 m (25 ft.)	
Parking	See Part 5.1	

19.2 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.

19.3 Special Variations for Nonconforming Structures and uses in the CCI Zone

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

- i. Nonconforming buildings or structures containing a use permitted in the CCI Zone are deemed conforming.
- ii. Any alteration, enlargement or extension in the case of 19.3.(i) 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.
- iii. 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.
- iv. 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

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damage and may be used for the same purpose or a use permitted in the CC Zone. This clause shall not apply where the building or structure is demolished.

PART 20 - VILLAGE (V) ZONE

20.1 Village (V) Zone Standards

In the Village (V) Zone, no development permit shall be issued except in conformity with the following requirements:

	Single Unit Dwelling	Semi-Detached Dwellings & Multiple Unit Dwellings
Minimum Front Yard	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios	7.6 m (25 ft.) per dwelling unit; except 3.0 m (9.8 ft.) for unenclosed patios
Minimum Rear Yard	7.6 m (25 ft.)	7.6 m (25 ft.)
Minimum Side Yard	1.8 m (6 ft.) on one side and 3 m (9.8 ft.) on the other	3 m (9.8 ft.) on both sides; except 0 m where subdivided along a common wall
Minimum Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Minimum Lot Frontage	6 m (20 ft.)	12 m (20 ft.), Except that each Semi-Detached Dwellings may be subdivided to have a frontage of 6m.
Minimum Flanking Yard	7.6 m (25 ft.)	7.6 m (25 ft.)
Parking	See Part 5.1	See Part 5.1
Maximum Number of Joined Dwelling Units	1, plus an one accessory dwelling unit	4

	All Commercial and Industrial Uses	Institutional Uses & All Other Uses
Minimum Front Yard	7.6 m (25 f.t); except 3.0m (9.8 ft.) for unenclosed patios	7.6 m (25 ft.)
Minimum Rear Yard	7.6 m (25 ft.)	7.6 m (25 ft.)
Minimum Side Yard	4.5 m (15 ft.) on both sides; except 0 m where subdivided along a common wall	4.5 m (10 ft.) on both sides
Minimum Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Minimum Lot Frontage	23 m (75 ft.)	6 m (20 ft.)
Minimum Flanking Yard	7.6 m (25 ft.)	7.6 m (25 ft.)
Parking	See Part 5.1	See Part 5.1

PART 21 - FLOODPLAIN (FP) ZONE

21.1 Permitted Developments

The Floodplain (FP) Zone is an area within the Village (V) Zone in Quinan which was identified in the Municipality as of March 9, 2010 as an area susceptible to flooding.

In the Floodplain (FP) Zone, no development permit shall be issued except in conformity with the requirements of the zone standards of the Village (V) Zone requirement and the requirements of this part.

21.2 Dangerous Storage or Potential Leachates Prohibited

Any development engaged in the production, wholesale storage, or distribution of dangerous goods or, the storage of goods which would create significant environmental or health risks if exposed to flood waters are prohibited in the FP Zone. Businesses or storage facilities intended to hold liquid or gaseous hydrocarbons are prohibited in the FP Zone.

21.3 Floodproofing Requirements

All new buildings, reconstruction or additions to buildings in the FP Zone used for human habitation must be flood proofed, and the following requirements met:

- i. An Environmental Study has been completed by a qualified Nova Scotia engineer in conformance with the format outlined in Appendix A and clearly shows that there will be no increase in flood elevation affecting other lands or areas;
- ii. The minimum height of the new building slab shall be equal to 0.1 m above the highest established FP Zone elevation on the property;
- iii. Basements shall not be permitted and any proposed buildings shall be built with a slab at grade; and
- iv. After the footing stage of construction, the property owner shall provide the Development Officer with a location certificate prepared by a Professional Surveyor indicating, in addition to the location of the buildings or structures on the lot, the minimum slab level.

21.4 Restrictions on Altering Land Levels

Significant alteration of topography means cutting or filling of more than 10% of the lot area zoned FP or in excess of 93 m² of FP zoned land, whichever is more stringent.

Placing fill or significant alteration of topography shall not be permitted in the FP Zone unless:

- i. Fill material used shall not consist of waste products or refuse, such as auto bodies, garbage, or wood fibre waste.
- ii. An environmental study conforming to the format in Appendix A has been conducted and clearly shows that there will be no increase in flood elevation affecting other lands or

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areas, and no impairment of flood flows, flood water storage or ice passage and no constriction likely to cause ice jamming that will deleteriously affect development on adjacent properties.

- iii. Non-structural agriculture or gardening, non-structural recreation uses, road and utility construction and impoundments for fire fighting purposes are not subject to this requirement

PART 22 - RURAL DEVELOPMENT (RD) ZONE

22.1 Rural Development (RD) Zone Standards

In the Rural Development (RD) Zone, no development permit shall be issued except in conformity with the following requirements:

	Single Unit Dwellings	Semi-Detached Dwellings, Townhouse Multiple Unit Dwellings & Institutional Uses
Minimum Front Yard	7.6 m (25 f.t.); except 3.0m (9.8 ft.) for unenclosed patios	7.6 m (25 ft.) per dwelling unit; except 3.0 m (9.8 ft.) for unenclosed patios
Minimum Rear Yard	7.6 m (25 ft.)	7.6 m (25 ft.)
Minimum Side Yard	1.8 m (6 ft.) on one side and 3 m (9.8 ft.) on the other	3 m (9.8 ft.) on both sides; except 0 m where subdivided along a common wall
Minimum Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Minimum Lot Frontage	6 m (20 ft.)	12 m (20 ft.), Except that each Semi-Detached Dwellings may be subdivided to have a frontage of 6m.
Minimum Flanking Yard	7.6 m (25 ft.)	7.6 m (25 ft.)
Parking	See Part 5.1	See Part 5.1
Maximum Number of Joined Dwelling Units	1, plus an one accessory dwelling unit	4

	All Commercial and Light Industrial Uses	All Heavy Industrial uses
Minimum Front Yard	7.6 m (25 ft.); except 3.0m (9.8 ft.) for unenclosed patios	23 m (75 ft.)
Minimum Rear Yard	7.6 m (25 ft.)	15 m (50 ft.) 23 m (75 ft.) abutting residential lot
Minimum Side Yard	4.5 m (15 ft.) on both sides	6 m (20 ft.) abutting vacant lot 23 m (75 ft.) abutting residential lot
Minimum Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Minimum Lot Frontage	23 m (75 ft.)	37 m (121 ft.)
Minimum Flanking Yard	7.6 m (25 ft.)	7.6 m (25 ft.)
Parking	See Part 5.1	See Part 5.1

PART 23 - MARINE INDUSTRIAL (MI) ZONE

23.1 Marine Industrial Development (RD) Zone Standards

In the Marine Industrial (MI) Zone, no development permit shall be issued except in conformity with the following requirements:

	Requirements for Lots which abut the boundary of a zone other than MI	Requirements for Lots which only abut lots Zoned MI
Minimum Front Yard	23 m (75 ft.)	7.6 m (25 ft.)
Minimum Rear Yard	15 m (50 ft.) 23 m (75 ft.) abutting residential lot	7.6 m (25 ft.)
Minimum Side Yard	6 m (20 ft.) abutting vacant or non-residentially zoned lot 23 m (75 ft.) abutting residentially zoned lot	4.5 m (15 ft.) on both sides
Minimum Lot Area	Using Central Sewer: 2,700 m ² (29,000 sq. ft.) Using On-Site Septic: 3,715 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment	Using Central Sewer: 2,700 m ² (29,000 sq. ft.) Using On-Site Septic: 3,715 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Minimum Lot Frontage	37 m (121 ft.)	23 m (75 ft.)
Minimum Flanking Yard	7.6 m (25 ft.)	7.6 m (25 ft.)
Parking	See Part 5.1	See Part 5.1

23.2 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.

23.3 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.

PART 24 - COASTAL WETLANDS (CW) ZONE

24.1 Coastal Wetlands (CW) Zone Standards

In the Coastal Wetlands (CW) Zone, no development permit shall be issued except in conformity with the following requirements, as well as the general requirements of this By-law:

	All Other Permitted Uses
Min. Front Yard	7.6 m (25 ft.)
Min. Rear Yard	7.6 m (25 ft.)
Min. Side Yard	4.5 m (10 ft.) on both sides
Min. Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Min. Lot Frontage	6 m (20 ft.)
Min. Flanking Yard	7.6 m (25 ft.)
Parking	See Part 5.1

24.2 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 25 - WELLHEAD PROTECTION (WP) ZONE

25.1 Prohibited Developments

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

- All heavy industrial uses
- Automobile service stations
- Agriculture or forestry uses involving the use of herbicides, pesticides, outdoor aquaculture, or the chemical treatment of timber resources.
- Any business development or storage facility intended to hold liquid or gaseous hydrocarbons; except heating fuel used to heat buildings on the site.
- Manure storage facilities or sewage lagoons
- Hazardous waste storage facilities
- Pits and Quarries
- Landfills or recycling facilities
- 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)

25.2 No Leachate Permitted

No use of land is permitted which results in the escape or disposal of a waste product which would constitute a toxic substance harmful to the sustained purity and flow of water in the aquifer or associated wells.

25.3 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 wells.

PART 26- DEFINITIONS

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

Accessory Building means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.

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.

Act means the **Municipal Government Act**, Chapter 18 of the statutes of Nova Scotia, 1998 and amendments thereto.

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.

Alter means any change in the structural component of a building, or any increase in the volume of a building or structure.

Aquaculture, Indoor means the practice of hatching, raising and breeding fish or other aquatic plants or animals for sale, processing or personal use within a building or structure; and that such practices are kept separate from natural systems to avoid the introduction of farmed species into the natural environment.

Aquaculture, Outdoor means the practice of hatching, raising and breeding fish or other aquatic plants or animals for sale, processing or personal use within a controlled area that is not within a building or structure; and that such practices are kept separate from natural systems to avoid the introduction of farmed species into the natural environment.

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.

Basement or Cellar means that portion of a building below the ground floor which is all or partly underground and which has at least ½ its height from ground floor to the first floor joists above established grade.

Bed and Breakfast (see **Guest Home**)

Boarding 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.

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.

Build Height (see **Height**)

Building Line means any line regulating the position of a building or structure on a lot.

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.

Campground means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mini home community.

Cannabis Production and/or Processing Facility, Micro means a facility which is licensed under a micro-cultivation and/or micro-processing license by the Government of Canada where cannabis products are grown and/or produced or processed or stored for medical or recreational use.

Cannabis Production and/or Processing Facility, Standard means a facility which is licensed by a standard cultivation license, nursery licence, or standard process license by the Government of Canada where cannabis products are grown and/or produced or processed or stored for medical or recreational use.

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.

a) **Commercial Alcohol Production Facility** means a **Commercial Brewery** or a **Commercial Distillery**:

a) **Commercial Brewery** means a manufacturer of beer, where the primary business function is to sell packaged product to the NSLC and thence to retail liquor stores or for export, and which manufactures 15,000 hectolitres or more of beer per year.

b) **Commercial Distillery** means a distillery, where the primary business function is to sell packaged product to retail liquor stores or for export, and which manufactures 150,000 litres per year of liquor, spirits or similar products, other than beer, cider, or wine.

Commercial Building means a building from which one or more businesses are carried on.

Craft Alcohol Production Facility means a **Craft Brewery** or a **Craft Distillery**:

- b) **Craft Brewery** means a craft brewery primarily engaged in the production and packaging of less than 15,000 hectoliters per year of speciality or craft beer, ale, wine, cider or similar other non-spirits per year (no distillation). The facility may include accessory uses such as retail sale, wholesale, tours and events/hospitality room, where beverages can be sampled.
- c) **Craft Distillery** means a craft distillery primarily engaged in the production and packaging of less than 150,000 liters per year of liquor, spirits or similar products, other than beer, cider, or wine. The facility may include accessory uses such as retail sale, wholesale, tours and events/hospitality room, where beverages can be sampled.

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

Development Permit is a permit required by this By-law prior to undertaking any development regulated by the By-law.

Development Agreement means an agreement made pursuant to the provisions of the **Act**, the Argyle Municipal Planning Strategy and this By-law.

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.

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.

Drive-Through means premises that include a designated on-site queueing area for motor vehicles that is separated from other vehicle traffic and pedestrian circulation by barriers, markings, or signs, which provide or dispense products or services using an attendant, window, or automated machine to customers in motor vehicles, and excludes a car wash.

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.

Duplex means a building on a single lot that is divided vertically into 2 dwelling units each of which has an independent entrance.

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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Dwelling, Group means 2 or more dwellings units which are contained within 2 or more buildings located on a lot under one ownership but shall not include a mini home community.

Dwelling, Mobile Home or Mini Home means a vehicular portable single detached dwelling means a building designed and manufactured to be transported on its own chassis, certified to comply with the CAN/CSA-Z240 Series regulations and is equipped for year round occupancy but shall not include a travel trailer, recreational vehicle, school bus, motor home or trailer.

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.

Dwelling, Single Detached means a completely detached dwelling unit and shall include a cabin, cottage or seasonal dwelling.

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.

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.

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.

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

Forestry means a use involved in the production of timber, pulp, Christmas trees, and other commercial silviculture operations.

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.

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.

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.

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.

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.

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.

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.

Private Club 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.

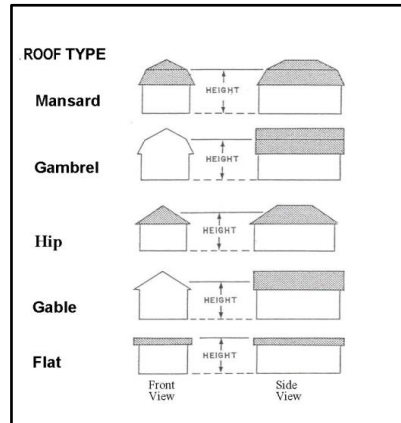
Fur Farm means any operation where one or more males and females of any fur bearing animal species, unless such are neutered or spayed, are confined to an enclosed structure for feeding, breeding or holding for production purposes or for pelts or for future sale. A fur farm may also include any single dwelling directly related to the management and/or operation of a fur farm and and/or designated to accommodate the farm owner and family or any employees of the farm owner and their families.

Guest Home 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.

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 1: Building Height



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

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.

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.

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.

Hotel or Motel means a building or buildings or part thereof used to accommodate the travelling public for compensation by supplying them with sleeping accommodation with or without meals but without private cooking facilities.

Industrial, 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 alcohol production facilities greater than craft alcohol production facilities; abattoirs; aggregate related industries; agricultural related

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industries; asphalt processing plants; bulk chemical storage; bulk fuel storage; Cannabis production and/or processing facilities; 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, scrap yards, salvage yards; landfills, food waste composting, construction and demolition debris operations; welding and/or machine shops; and uses similar to the foregoing.

Industrial, 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 Craft Alcohol Production Facilities; building and construction contractors; building supplies and equipment sales; cold storage facilities, bait freezers; commercial greenhouses, heavy equipment storage and maintenance; recycling depots; sheet metal shops; 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.

Industry, Ocean-Oriented means any industrial uses requiring direct access to the salt water, including the construction, maintenance and repair of marine vessels, marine research, handling and storage of bulk container and general cargo, recreational uses, commercial fishing or tour uses, and any uses accessory to the foregoing.

Initial Luminaire Lumens is calculated as the sum of the initial bulb/tube lumen ratings for all bulbs/tubes within outdoor luminaires. The lumen rating of a luminaire assumes the bulbs/tubes is new and have not depreciated in light output.

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.

Kennel means premises used for:

- (a) the keeping of more than two dogs for the purposes of commercial breeding or sale;
- (b) the overnight boarding of dogs, excluding veterinary clinic purposes;
- (c) the commercial training of dogs; or
- (d) the shelter of stray or abandoned animals.

For the purpose of lot standards, Kennels shall be classified as a light industrial use.

Landscaping Operations means premises used for the exclusive purposes of providing landscape contracting services, including the incidental storage of landscaping equipment, and may include the accessory growing of plants, but shall not include a nursery.

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:

- 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.

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

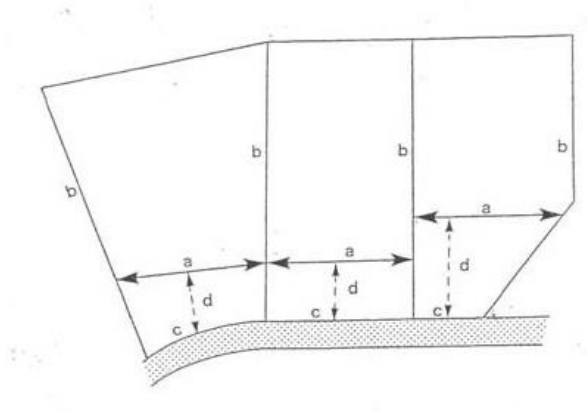
Lot Area means the total horizontal area within the lot lines of a lot.

Lot 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.

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 2 - Lot Frontage



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.

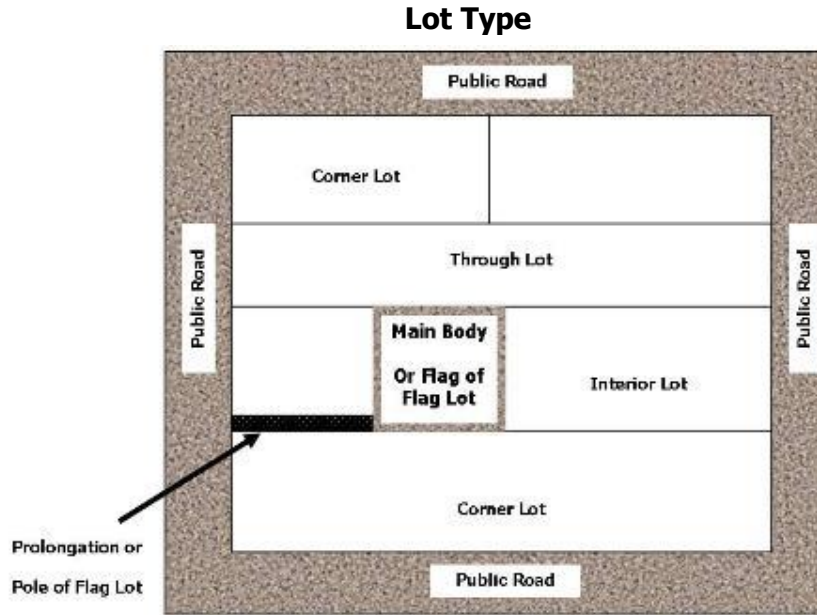
Lot, Flag or **Minimum Lot Frontage** means a lot which generally resembles a flag on a pole where the pole, a narrow prolongation to serve as an access corridor extending from a public road or private road to the flag or main body of the lot which is generally located at the rear of another lot.

Lot, Interior means a lot situated between two lots and having access to one public road, private road, or right-of-way.

Lot, Island or Waterfront means a lot which does not abut or have access to a public road, private road, or right-of-way.

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 3 – Lot Type



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

Lot Line means a boundary line of a lot.

Lot Line, Flanking means a side lot line which abuts the public road, private road on a corner lot.

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.

Lot Line, Rear means the lot line furthest from or opposite to the front lot line.

Lot Line, Side means a lot line other than a front or rear lot line.

Luminaire means the complete lighting unit (fixture), consisting of a bulb(s)/tube(s) and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

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Main Building means any building in which is carried on the principal purpose for which the lot is used.

Main Wall means the exterior front, side or rear wall of a building, and all structural members essential to the support of a full or partially enclosed space or roof.

Micro-Brewery Use means a craft brewery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, or other malt beverages. The facility may include accessory uses such as retail sale, wholesale, tours and events, or hospitality rooms where beverages produced at the facility can be sampled.

Micro-Distillery Use means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine and beer. The facility may include accessory uses such as retail sale, wholesale, tours and events, or hospitality rooms where beverages produced at the facility can be sampled.

Mini Home see **Dwelling, Mobile Home or Mini Home**

Mini Home Community means premises under single ownership, designed, and intended for the use of 3 or more mini homes for residential dwelling purposes. It includes any service building and service uses as part of the equipment of the mini home community but does not include a travel trailer park, campground or group dwellings.

Mobile Home see **Dwelling, Mobile Home or Mini Home**

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.

Municipality shall mean the Municipality of the District of Argyle.

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.

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.

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.

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.

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Parking Lot means an open area of land other than a street or an area within a structure for the parking of motor vehicles.

Parking Space means an area of land for the temporary parking of motor vehicles exclusive of driveways, aisles or manoeuvring areas.

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.

Pet Daycare means the daytime boarding and care of pets, provided that overnight boarding is not permitted, and excluding a kennel use.

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.

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. A piggery may also include any single dwelling directly related to the management and/or operation of the piggery operation and/or designated to accommodate the farm owner and family or any employees of the farm owner and their families.

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.

Premises means the lot or that portion of the lot that contains a use, including a structure or portions of a structure occupied by the use.

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;

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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.

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**.

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 rack for the racing of animals, a motor vehicle race track or drag strip.

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.

Restaurant means a building or part thereof, including accessory premises where food and/or drink is served to the public for consumption within the building, or on the premises between the hours of 9:00AM and 9:00PM local time. This includes establishments licensed by the Alcohol, Gaming, Fuel and Tobacco Division of Service Nova Scotia.

Restaurant, Evening Patio means the accessory use of premises to a restaurant where food and/or drink is served to the public for consumption on the premises between the hours of 9:00PM and 9:00AM local time the following day. This includes establishments licensed by the Alcohol, Gaming, Fuel and Tobacco Division of Service Nova Scotia.

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.

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.

Salvage Yard means premises 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.

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.

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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.

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 preparing 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.

Service Industries includes the processing of milk and dairy products, a bakery, a printing establishment, a laundry or cleaning establishment, a paint shop, plumbing shop and similar uses but does not include a welding and/or machine shop.

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.

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.

Solar Farm means a development of solar panels on an area of land in which a large number of solar panels are set up in order to generate electricity.

Sport Fishing Outfitters or Tours means a building or premises used for boat tours or sport fishing charters, and may include the retail or wholesale of fishing equipment.

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.

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.

Strategy means the Municipal Planning Strategy of the Municipality of the District of Argyle.

Street Line means the boundary line of a public road or private road.

Strip Mall or Plaza means a group of commercial uses which have been designed and

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developed as a continuous unit, and characterized by shared parking and by the absence of a common interior walkway.

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.

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.

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.

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.

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.

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.

Veterinary Clinic means indoor premises designed or used for the care, observation, and treatment of ill or injured animals.

Warehouse means a building used for the storage, wholesaling and distribution of goods and materials but shall not include a retail store.

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.

Watercourse means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water excluding the ocean.

Wind Turbine Generator means a structure designed to convert wind energy into mechanical or electrical energy.

- a) **Large Scale Wind Turbine Generator** means a wind turbine generator greater than 60 metres in total
 - i. height.
- b) **Small Scale Wind Turbine Generator** means a wind turbine generator less than 60 metres in total
 - i. height and greater than 10 kw in nameplate generating capacity.

- c) **Micro Scale Wind Turbine Generator** means a wind turbine generator less than 10 kw in nameplate
- i. generating capacity and less than 20 m in total height.
 - i. **Blade** means an element of a Wind Turbine Generator rotor which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.
 - ii. **Blade Clearance** means, in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.
 - iii. **Horizontal Axis Rotor** means a wind energy conversion system, typical of conventional or traditional windmills.
 - iv. **Rotor's Arc** means the largest circumferential path travelled by a Wind Turbine Generator blade.
 - v. **Total Height** means the height from grade to the highest vertical extension of a Wind Turbine Generator. In the case of Wind Turbine Generator 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.
 - vi. **Tower** means the structure which supports the rotor above grade.
 - vii. **Vertical Axis Rotor** means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.

Wind Farm or Wind Park means more than one Wind Turbine Generator located on a lot.

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.

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.

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.

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

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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.

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.

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

APPENDIX A – FLOOD PLAIN ENVIRONMENTAL STUDY REQUIREMENTS

Copies of the Environmental study must be submitted to the Development Officer.

The study must contain the following information and conform to the following study format.

Introduction

Identification:

- Property owner and abutting owners.
- Zoning.
- Site plan.
- Subdivision plan if available.
- Location of project site on plan.

Project description

- Site plan to scale.
- Distances of project to watercourses, ponds, and drainage channel(s).
- Total land area of project.
- Cubic estimate and types of materials to be added or taken from project site.
- Existing and proposed slope of lands.
- Nearest distance of the project to potable water supplies.

Impact Description Potential project affects upon:

- Stormwater drainage and storage features on property and abutting properties.
- Floodwater flows, increase in flooding, ice passage from flooding.
- Unstable slopes.
- Other development constraints.

Measures to Mitigate Negative Impacts

- A description of mitigation measures and a draft implementation schedule timeline.

Conclusion

- A description if there will there be negative development impacts from the project.

Declaration

- When study was conducted.
- Signature of property owner(s).
- Signature and qualifications of study author(s).
- Date study submitted.
- Contact address and phone numbers to be reached for the study author and property owner(s).